

PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
LAND USE AMENDMENT
February 8, 2023
To be heard at: 10:00 AM

APPLICATION INFORMATION

**LEGAL DESCRIPTION:**

Plan 9710876, Lot 8, PTN: SE 14-20-01-W5M

LANDOWNER: William Fergie and Margaret Wambeke

AREA OF SUBJECT LANDS: 11.32 acres

CURRENT LAND USE: Country Residential District

PROPOSED LAND USE: Country Residential District

PROPOSAL: Amendment to the Country Residential Land Use District to allow the future subdivision of one 2.99 +/- acre Country Residential District parcel with an 8.33 +/- acre Country Residential District balance from Plan 9710876, Lot 8, PTN: SE 14-20-01-W5M.

DIVISION NO: 2

REEVE: Delilah Miller

FILE MANAGER: Theresa Chipchase

EXECUTIVE SUMMARY

Summary of Proposal

Request to Council to provide first reading to an application for an amendment to the Country Residential District to allow the future subdivision of one new 2.99 +/- acre Country Residential District parcel with an 8.33 +/- acre Country Residential District balance, within Plan 9710876, Lot 8, PTN: SE 14-20-01-W5M.

Location

The parcel is located three quarters of a mile south of the Town of Okotoks, outside of the Intermunicipal Development Plan area between the Town and the County and is also three quarters of a mile south of Highway 7, 200 meters west of 16th Street West and directly north of 402nd Avenue.

Access

The existing approach is to remain as access to the 8.33 +/- acre balance, where the residence is located, from 402nd Avenue on the south side of the property, with access to the new 2.99 +/- acre also proposed lot to be constructed from 402nd Avenue on the south side of the property.

Policy Evaluation

Reviewed within the terms of the Municipal Development Plan 2010, Growth Management Strategy, and the Land Use Bylaw.

Referral Considerations

Referred to required Provincial and Municipal bodies as well as all utilities.

RESERVE DEDICATION

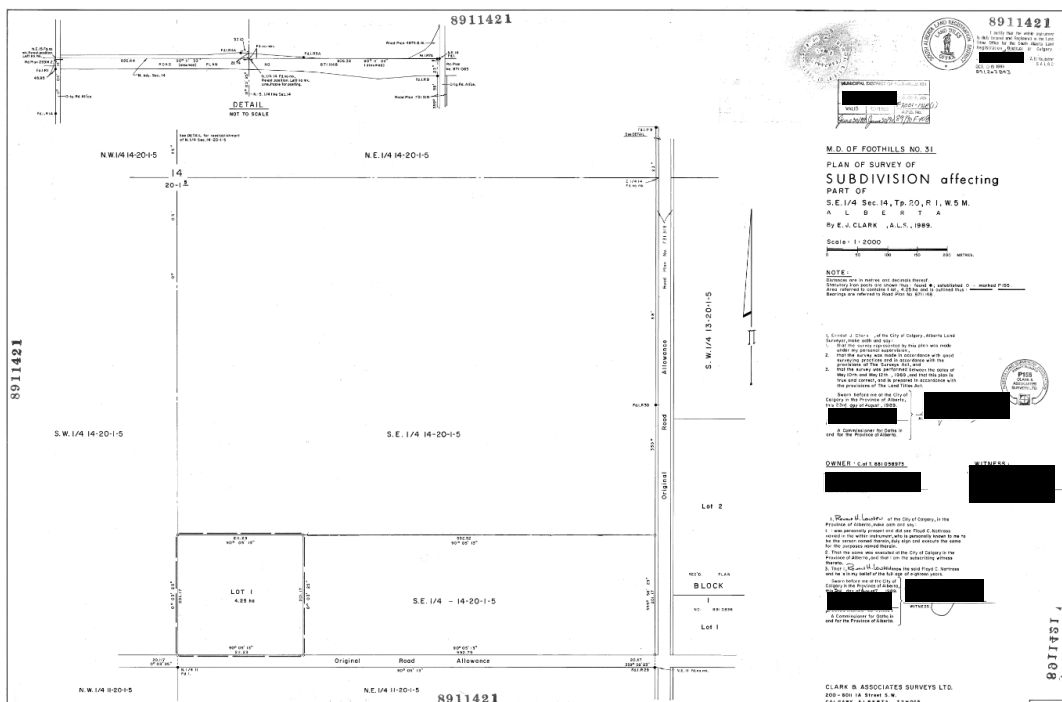
Municipal Reserve

A deferred reserve caveat was registered on the property in 1973 by the Calgary Regional Planning Commission.

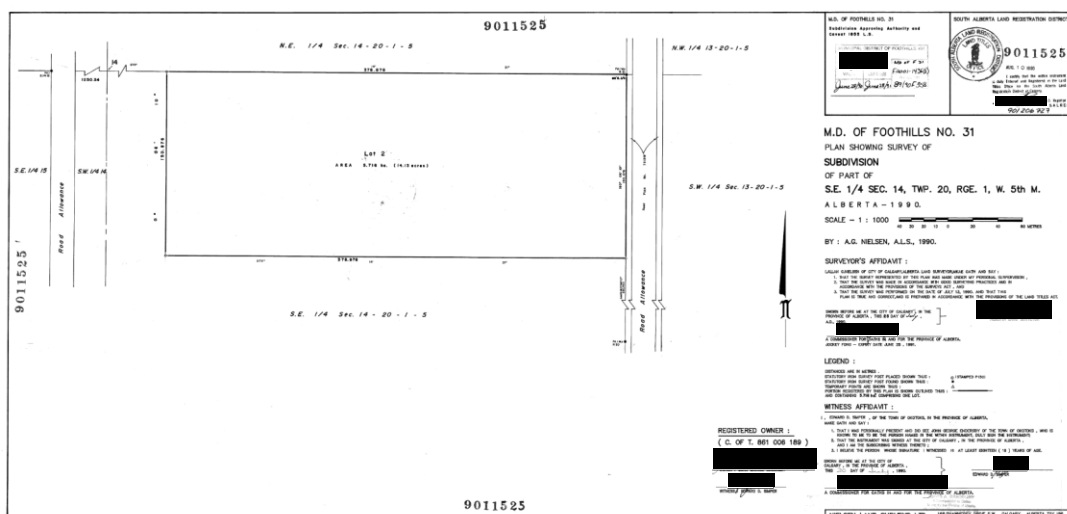
Bylaw XX/2023 – Council has received an application to further amend the Land Use Bylaw by authorizing the amendment of Plan 9710876, Lot 8, PTN: SE 14-20-01-W5M from the Country Residential Land Use District land use rules in order to allow for the future subdivision of one 2.99 +/- acre Country Residential District lot with an approximate 8.33 +/- acre Country Residential balance parcel.

1972 - The first parcel out was a 40 acre parcel along the full south boundary of the quarter completed prior to 1989.

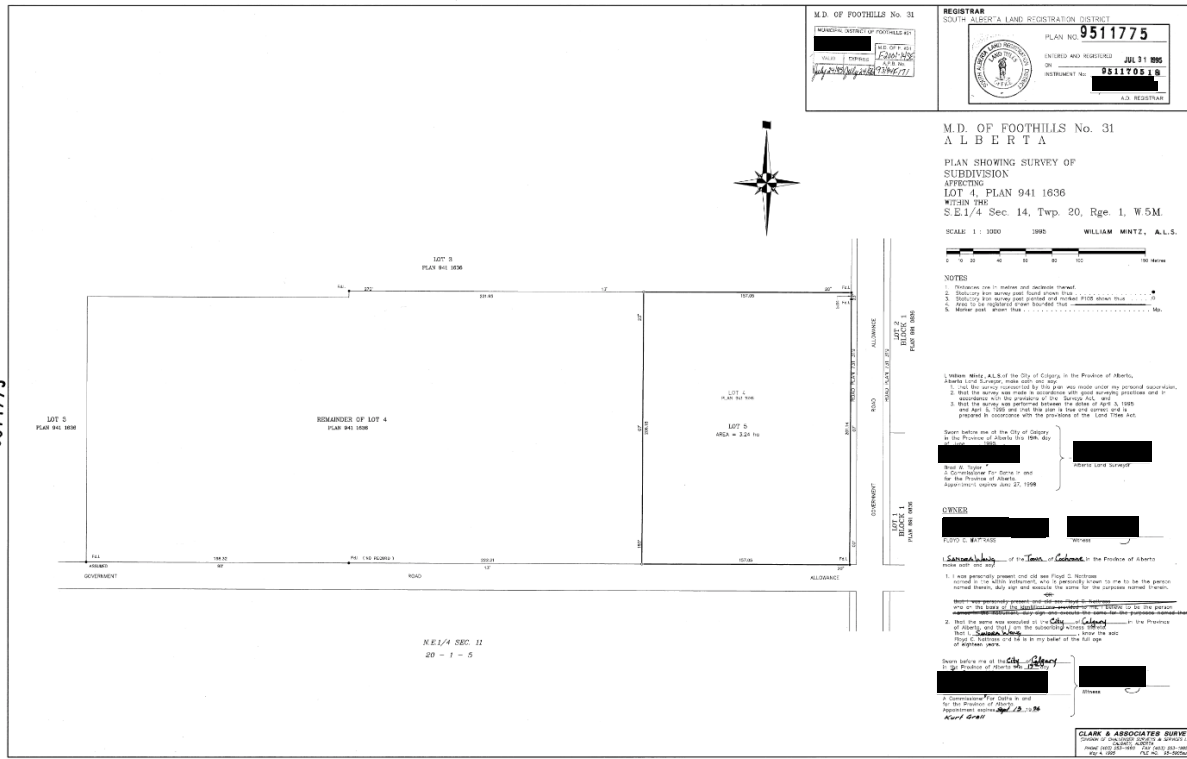
1989 – 10.50 acre parcel subdivided and registered from within the 40 acre first parcel out of the quarter in the south west corner. As shown below:



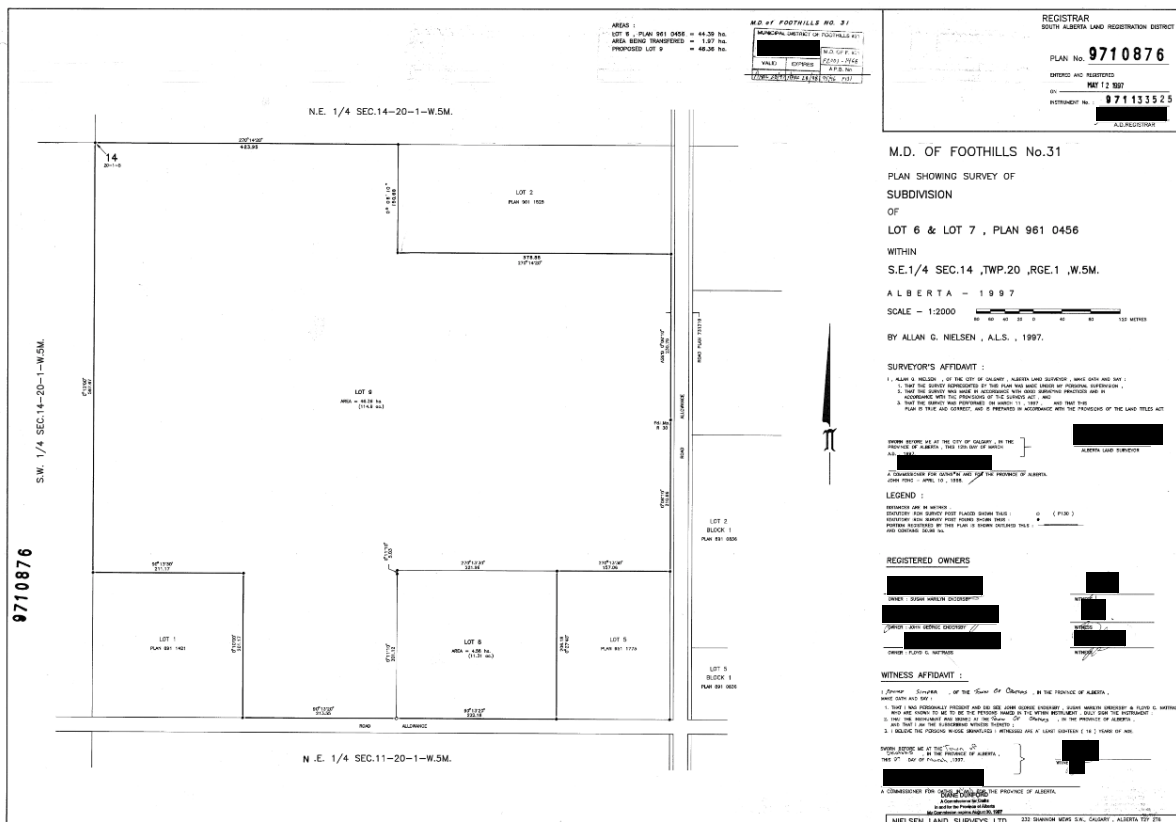
1990 – 14.13 acre parcel subdivided and registered from the north east corner of the quarter



1995 – 8.03 acre parcel subdivided and registered from the east end of the first parcel out of the quarter located along the south boundary of the quarter section.

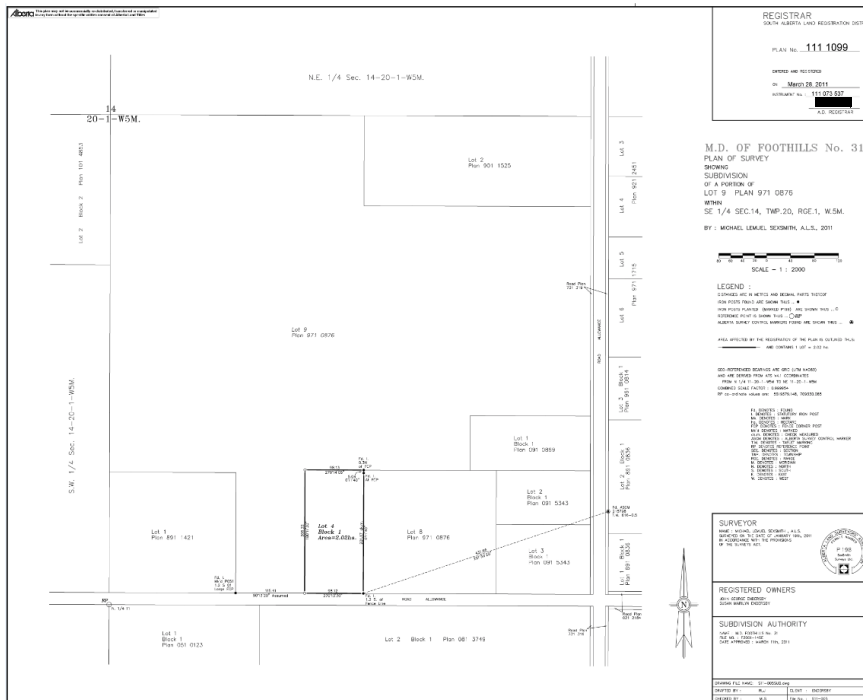


1997 – 11.31 acre lot subdivided out of the first parcel out along the south boundary of the quarter, this parcel is the applicant's parcel.



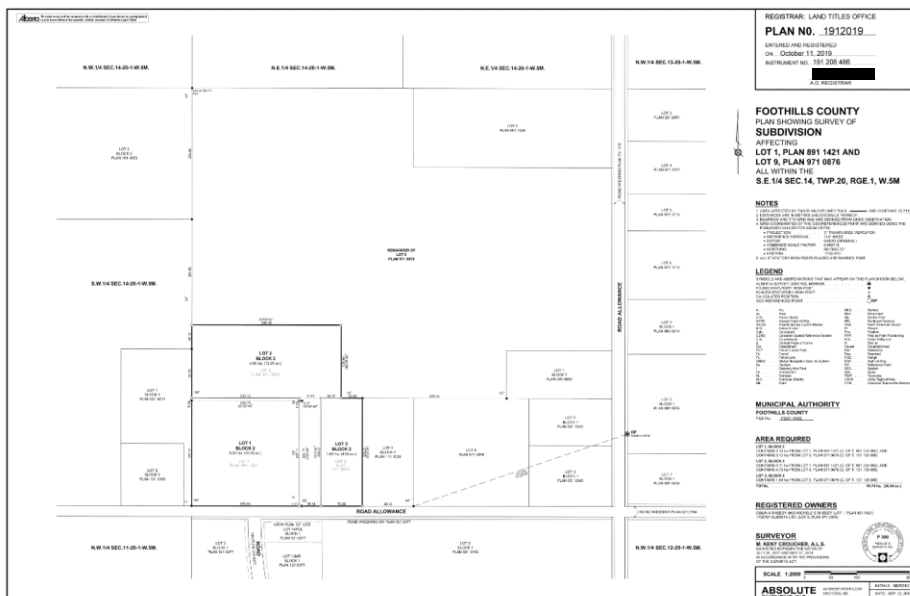
[illegible][illegible]

2011 – 4.99 acre lot subdivided from the remainder of the quarter section adjacent to the west boundary of the applicant's property. At this time Council provided in their land use approval that any further development of the balance of this quarter would require the benefit of an Area Structure Plan.



2015 – Redesignation of 105.02 acres remaining in the quarter from Agricultural District to Direct Control District #27 to allow a major home occupation for a small contracting business to continue to operate from the parcel with storage of business related equipment and materials within the shop and lean to on the property.

2019 – The Montecristo Ranch ASP was adopted by Council which allowed the balance of the quarter to subdivide two phases of development, the first which approved a 12.01 acre Country Residential lot to be registered along with a boundary adjustment and redesignation of the Direct Control District quarter balance to Agricultural District, as seen below.



2022 – Phase 2 of the Montecristo Ranch ASP was approved by Council whereby four additional Country Residential District lots were approved adjacent to 16th Street West, along the east side of the quarter section as shown below.



Physiography

The parcel rolls gently from the southwest to the northeast. The yard site contains a residence, shop, shed and shelters, along with a small outdoor riding arena, outside of the yard site there are a number of small paddocks, with the northern half of the parcel being hay land.

MUNICIPAL RESERVE DEDICATION

In accordance with Sections 666(1) of the Municipal Government Act and the County's Municipal Reserve Policy adopted April 18/96, the Subdivision Approving Authority may wish to consider the following options with regards to the provision of reserves for the 11.32 +/- acre parcel:

- a) Reserves to be provided in accordance with the County's Municipal Reserve Policy whereby on lots 21 acres or less, reserves will be required as 10% cash in lieu on the full original parcel where the land is being subdivided to the maximum density allowed under the Land Use Bylaw.

LAND ACQUISITIONS

The applicants have a land acquisition document registered by caveat on their title for road widening along the south boundary of the existing title. 402nd Avenue West is a 25 meter wide right of way with widening taken on the lands south of the road but not on the applicants parcel, north of the road.

CURRENT LAND USE

Subject Parcel

Country Residential District

Adjacent Lands

Country Residential District, Agricultural District (Montecristo Ranch ASP)

Existing Development

Subject Parcel:

The subject parcel includes the following structures:

- 1524 square foot house with 802 square foot attached garage
- 1664 square foot barn
- Shelter
- Shelter
- Shed

Area Character

The applicant's parcel is seven and one half miles east of the amenities within Diamond Valley, one mile west of the amenities within the Town of Okotoks, with Highway 2, six and one half miles to the east giving access to the City of Calgary. It is also three miles southeast of the Big Rock erratic and one-half mile south of the Chinook Honey Farm.

POLICY EVALUATION

Municipal Development Plan

Policy 3 and 9 of the Residential section of the MDP2010 provides that residential parcels should be developed to be compatible with the surrounding area and existing uses. Further recognizing that the design and infrastructure of residential development should consider the efficient use of land, the environmental impact and the cumulative effects of development, along with the suitability of the lands for residential use.

Land Use Bylaw

Should Council approve the application, the proposal would meet 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.

Further, all buildings that are to remain with the 8.33 acre balance parcel are in compliance with the accessory building allowances and the setback requirements within the Country Residential District.

The proposed 2.99 +/- acre parcel also provides a 1.08 acre building envelope based on the setback requirements of the County Residential District.

Growth Management Strategy

The subject parcel is located within the South Central District. The vision for the South Central District identifies those lands which fall within this District could accommodate moderate growth with the majority of growth taking place on the east side of the district close to Highway 2 and the Towns of Okotoks and High River. Land use redesignation is to be carefully considered to avoid creating land use conflicts particularly with respect to long established agricultural operations.

CIRCULATION REFERRALS	
REFEREE	COMMENTS
EXTERNAL	
ATCO Gas	
Alberta Transportation and Economic Corridors	<p>The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Alberta Transportation grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation. The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Alberta Transportation grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.</p> <p>If there are any changes to the proposed subdivision that was 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.</p>
INTERNAL	
Public Works	<p>Public works offers the following, as recommended conditions for subdivision, for the proposed 2.99 +/- acre lot:</p> <ul style="list-style-type: none"> • Septic Disposal Evaluation (PSTS) • Lot Grading Plan • Comprehensive Site Drainage Plan <p>Public Works also provides the following general comments:</p> <p>New approach to be constructed to current residential (standard approach specifications)</p> <p>A drainage plan is recommended to ensure drainage pre and post construction remains the same. The building envelope, in this case, would be the same as the setbacks as provided in the survey.</p>
GIS/Mapping	No concerns

CIRCULATION REFERRALS

PUBLIC	
Western Wheel	January 25 th and February 1st, 2023.
Landowners (Half Mile)	No letters submitted prior to the submission of this staff report.

SUMMARY

Bylaw XX/2022 – Council has received an application to further amend the Land Use Bylaw by authorizing the amendment of Plan 9710876, Lot 8, PTN: SE 14-20-01-W5M from the Country Residential Land Use District land use rules in order to allow for the future subdivision of one 2.99 +/- acre Country Residential District lot with an approximate 8.33 +/- acre Country Residential balance parcel.

OPTIONS FOR COUNCIL CONSIDERATION

OPTION #1 – APPROVAL

Council may choose to grant 1st reading to the application for amendment to the Country Residential Land Use District in order to allow the future subdivision of one 2.99 +/- acre Country Residential District parcel leaving an 8.33 +/- acre Country Residential District balance parcel on Plan 9710876, Lot 8, PTN: SE 14-20-01-W5M for the following reasons:

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

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

Council may choose to impose the following suggested conditions:

Recommended Conditions for Option #1:

1. Applicant to fully execute and comply with all requirements as outlined within a Development Agreement for the purposes of grading, drainage and payment of the community sustainability fee and any other necessary municipal and on-site improvements as required by Council and/or the Public Works department;
2. Proof of adequate water supply to be provided for the new 2.99 +/- acre lot in accordance with the Municipal Water Policy, to the satisfaction of the County;
3. Comprehensive site drainage plan to be provided for the subject lands, to the satisfaction of the Public Works department, **as a condition of subdivision**;
4. Lot grading plan to be provided, for the new 2.99 +/- acre lot, to the satisfaction of the Public Works department, **as a condition of subdivision**;

5. Septic disposal evaluation to be provided for the new 2.99 +/- acre lot, to the satisfaction of the Public Works department, **as a condition of subdivision**;
6. Final amendment application fees to be submitted;
7. Submission of an executed subdivision application and the necessary fees.

OPTION #2 REFUSAL

Council may choose to refuse the application for amendment to the Country Residential Land Use District in order to allow the future subdivision of one 2.99 +/- acre Country Residential District parcel leaving an 8.33 +/- acre Country Residential District balance parcel on Plan 9710876, Lot 8, PTN: SE 14-20-01-W5M for the following reasons:

In consideration of the criteria noted within Residential Policies 3 and 9 of the MDP2010, Council is of the opinion that the application does not adequately address the intent of the policy with respect to the cumulative effects of the development and the suitability of the lands for further development.

APPENDICES

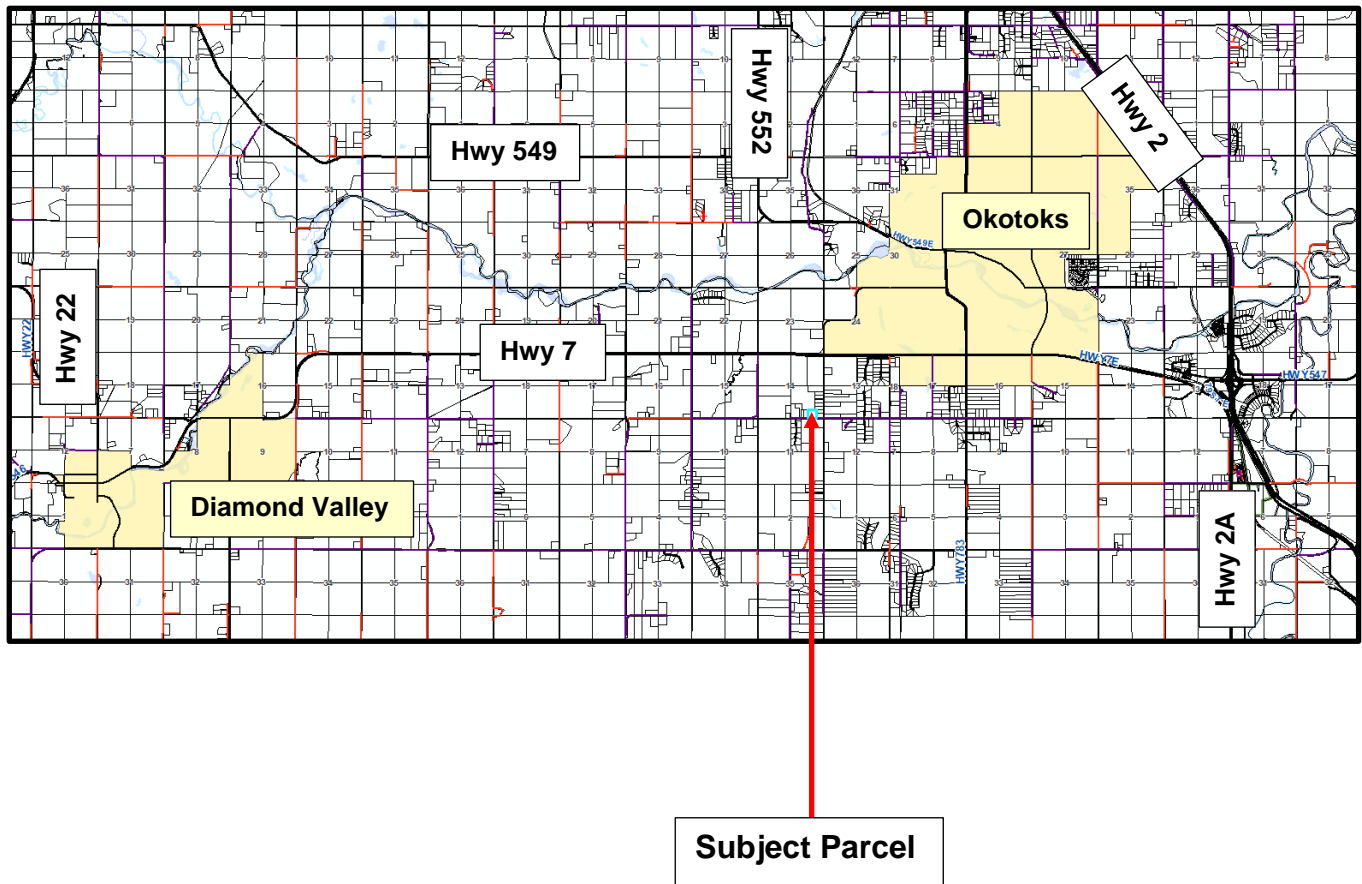
APPENDIX A: MAP SET:

LOCATION MAP
HALF MILE MAP – LAND USE
HALF MILE MAP – PARCEL SIZES
SITE PLAN
ORTHO PHOTO

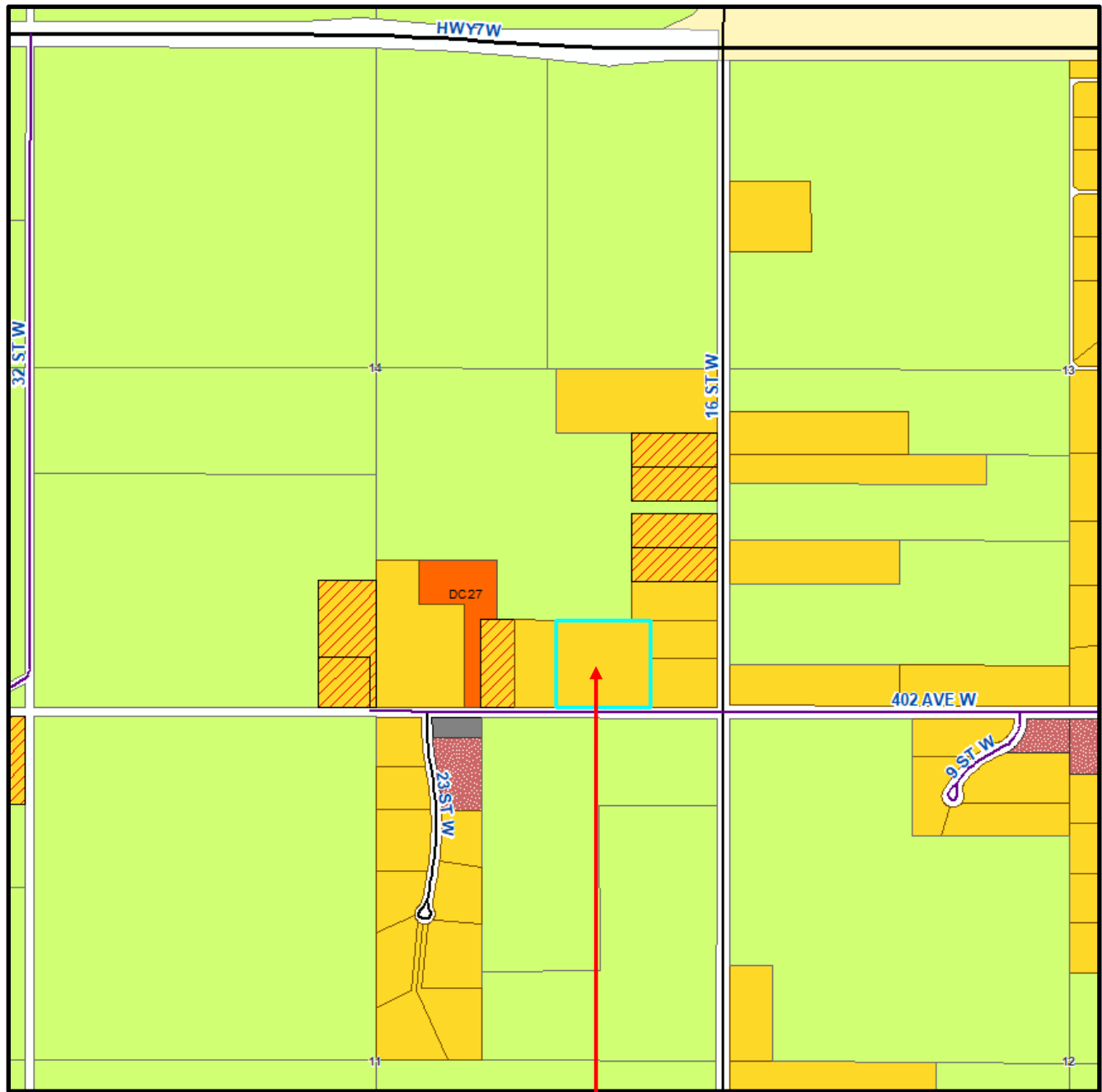
APPENDIX B:

PROPOSED BYLAW

APPENDIX A: LOCATION MAP



APPENDIX A: HALF MILE MAP – LAND USE

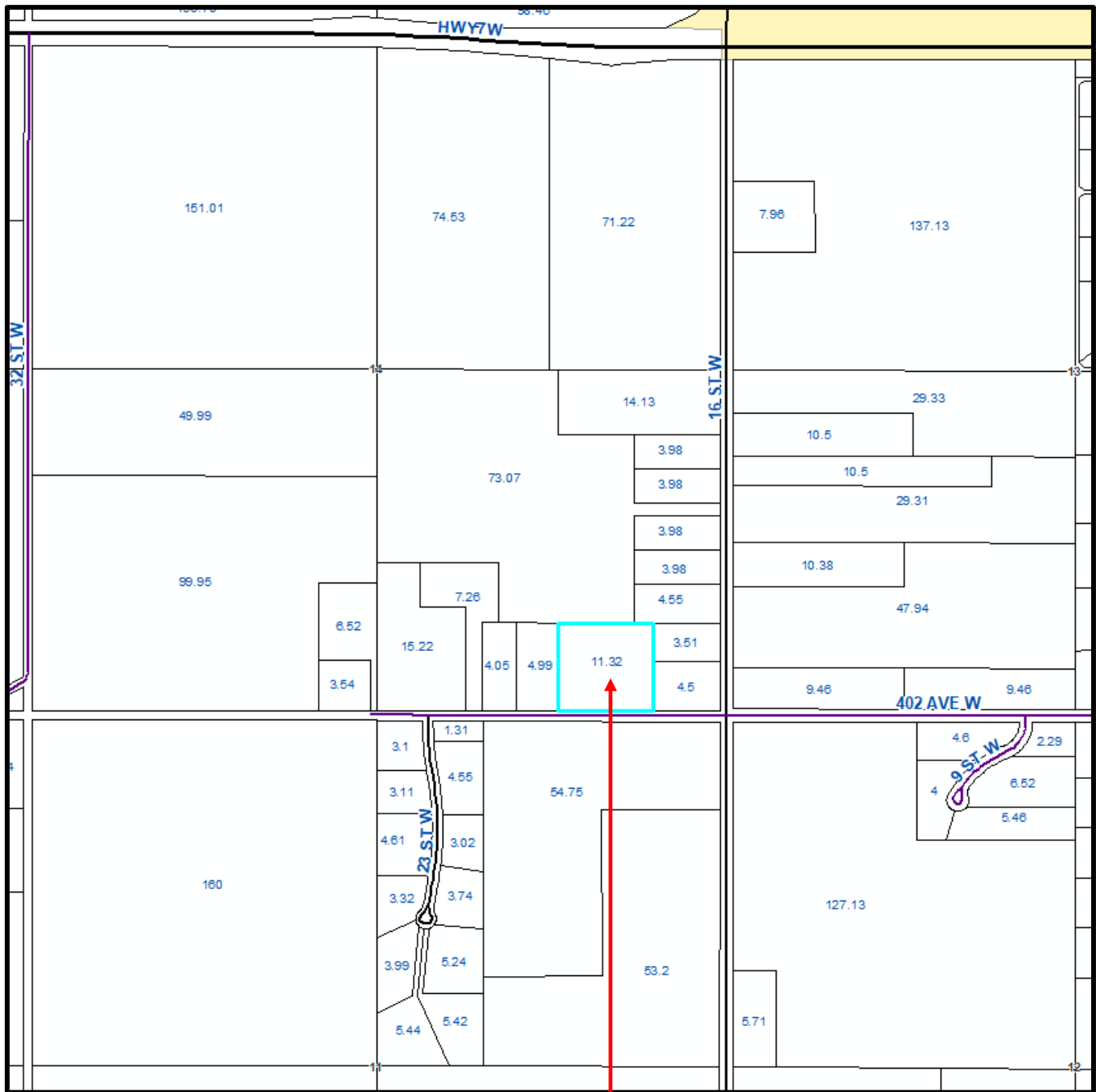


Subject Parcel

Legend

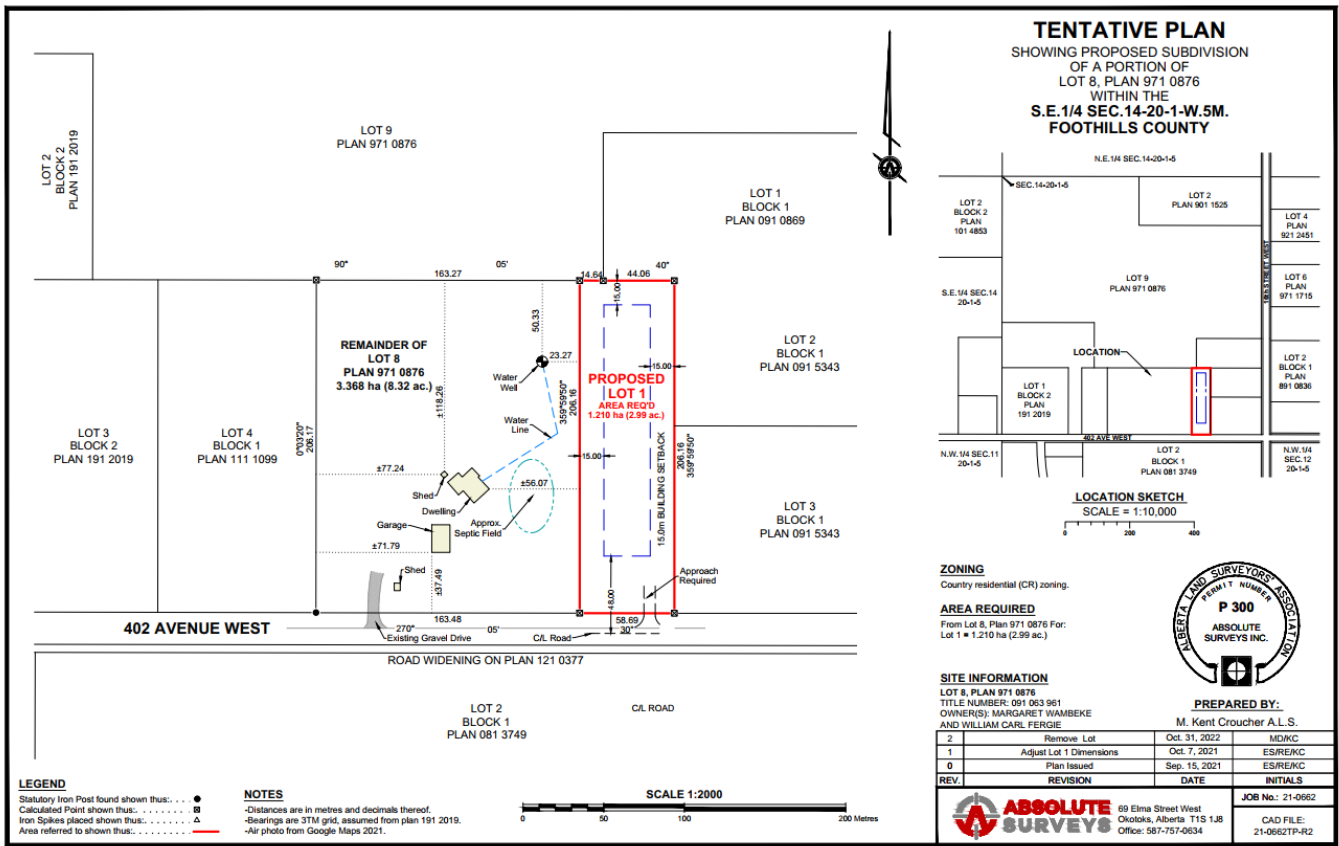
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|------------------------------------|----------------------------------|--------------------------------------|
| — Hard Surface (Chip/oil) | CR- Country Residential | MR- Municipal Reserve |
| — Gravel | CRA- Country Residential Sub A | MLR- Municipal Land/Reserve District |
| ... Developer Pavement | DC - Direct Control | |
| — Pavement | BP- Bussiness Park | |
| — Flood Hazard Protection District | RB- Rural Business | |
| — In Transition | INR- Natural Resource Extraction | |
| A- Agricultural | EP- Environmental Protection | |
| AA- Agricultural Sub A | ER- Environmental Reserve | |

APPENDIX A: HALF MILE MAP – LOT SIZES



Subject Parcel

APPENDIX A: SITE PLAN



APPENDIX A: ORTHO PHOTO



APPENDIX B: PROPOSED BYLAW

BYLAW XX/2021

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 the amendment of Plan 9710876, Lot 8; Ptn. SE 14-20-01 W5M from the Country Residential Land Use District land use rules in order to allow for the future subdivision of one 2.99 +/- acre Country Residential District lot with an approximate 8.33 +/- acre Country Residential balance parcel.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Under SECTION 13.0.0 COUNTRY RESIDENTIAL DISTRICT, the following shall be added under Part 8 Bylaw Amendments:

Plan 9710876, Lot 8; Ptn. SE 14-20-01 W5M within which shall allow for the future subdivision of one 2.99 +/- acre Country Residential District lot with an approximate 8.33 +/- acre Country Residential balance parcel.

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.