


**PUBLIC HEARINGS AND MEETINGS**  
**PLANNING AND DEVELOPMENT REPORT TO COUNCIL**  
**SITE SPECIFIC AMENDMENT**  
**February 8, 2023**  
**To be heard at: 2:00 PM**

<b>APPLICATION INFORMATION</b>		<b>FILE NO. 22R057</b>
	<b>LEGAL DESCRIPTION:</b> S 08-22-04 W5M; Plan 8311642, Block 1, Lot 5	
	<b>LANDOWNERS:</b> Film Alberta Studios Inc. / Sam Osman	
	<b>AREA OF SUBJECT LANDS:</b> 59.51 acres	
	<b>CURRENT LAND USE:</b> Agricultural District	
<b>PROPOSAL:</b> Site Specific Amendment to the Agricultural District land use rules to allow for the construction of an oversized private arena with attached barn, having a total cumulative size of +/- 19,872 sq. ft., as a permitted use on the subject parcel, being portion of S 08-22-04 W5M; Plan 8311642, Block 1, Lot 5.		
<b>DIVISION NO:</b> 4		<b>COUNCILLOR:</b> Suzanne Oel
<b>FILE MANAGER:</b> Brittany Hornsby		

**PREVIOUS COUNCIL DIRECTION:**

On February 1, 2023, Council passed the following resolution:

*That the public hearing to consider a Site Specific Amendment to the Agricultural District land use rules to allow for the construction of an oversized private arena with attached barn, having a total cumulative size of 19,872 +/- sq. ft., as a permitted use on the subject parcel, being portion of S 08-22-04 W5M; Plan 8311642, Block 1, Lot 5 be adjourned to 2:00 p.m. on Wednesday February 8, 2023.*

**EXECUTIVE SUMMARY:**

**Location:**

The subject parcel is located on Pine Ridge Road, approximately 300 m west of Highway 762 and 1.6 kilometres east of the current Foothills County and Kananaskis municipal boundary.

**Policy Evaluation:**

The application was reviewed within the terms of the:

- Land Use Bylaw 60/2014.

**Referral Considerations:**

- Referred to all required Provincial and Municipal bodies, as well as Utilities.

**PURPOSE OF APPLICATION:**

The applicants have applied for a Site Specific Amendment to allow for the construction of an oversized arena, private on the subject property. The application identifies:

- The construction of a +/- 16,000 sq. ft. personal use riding arena with an attached +/- 3,872 sq. ft. barn, having a total cumulative size of **+/- 19,872 sq. ft.**;

## HISTORY:

- 2007** A Site Specific Amendment and development permit (07D 259) were approved allowing the construction of a second permanent residence on the subject parcel.
- 2022** Development Permit 22D 072 was approved by the Subdivision and Development Appeal Board allowing the construction and use of a private riding arena, having a total square footage not to exceed 16,000 sq.ft., in accordance with the Land Use Bylaw and associated Lot Grading, as identified within the submitted reports.

**Please note:** Should Council choose to approve the current Site Specific Amendment application and upon approval of the subsequent development permit, the existing development permit (22D 072) would be replaced in its entirety.

## SITE CONSIDERATIONS:

### Access:

Two existing approaches provide access to the property from Pine Ridge Road W. One approach is located in the south corner and the second approach is located further north. No access changes are proposed within this application.

### Physiography / Site Improvements:

The lands within the subject parcel are mostly tree covered and have a mixture of rolling to steep terrain. The highest point is located in the southeast corner sloping down towards the north / northeast with 3 ponds located on the property.

All existing site improvements are located within the northwest portion of the parcel and the proposed development is towards the south.

## REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
<b>INTERNAL</b>	
Public Works	Public Works recommends that an engineer review be submitted to confirm that the Lot Grading and Drainage reports (submitted with the previous development permit 22D 072) remain accurate and that no changes are required due to the added barn. If changes are required, Public Works recommended the that the Lot Grading and Drainage reports be updated to reflect the new proposal.
<b>EXTERNAL</b>	
Alberta Transportation	<p>In reviewing the referral circulation, Alberta Transportation has no concerns. In addition, future proposed development does not fall within the permit area of a provincial highway as outlined in the Highways Development and Protection Act / Regulation. Therefore, a highway roadside development application and subsequent permit is not required from Alberta Transportation for the proposed future development.</p> <p>Alberta Transportation expects that the municipality will litigate the impacts of traffic generated by developments approved on the local road connection to the highway system pursuant to the Provincial Land Use Policies and/or Regional Land Use plan that may be in effect.</p>
<b>PUBLIC</b>	
Western Wheel	January 18, 2023, and January 25, 2023
Landowners (half mile)	One letter was received prior to the submission of this report and is attached in Appendix C.

## POLICY EVALUATION:

### Land Use Bylaw 60/2014:

The application does not generally meet the intent of the Land Use Bylaw 60/2014, specifically noting the maximum size of private arenas being 16,146 sq. ft., as identified under Table 10.3 A Criteria for Private Arenas.

### 2.5 DEFINITIONS:

*SITE SPECIFIC USE BYLAW* means a bylaw which amends this Bylaw to make provision for a site specific permitted or discretionary use to be carried out on a specified lot subject to any limitations contained in the bylaw.

*PERMITTED USE – SITE SPECIFIC* means a use provided for in a Site Specific Use Bylaw for which, the Approving Authority must, if the application otherwise conforms to this Bylaw, issue a Development Permit subject to the limitations outlined in the Site Specific Use Bylaw.

*ARENA, PRIVATE* means a building or structure, no more than 1,500 square meters (16,146 square feet) in size, in which equestrian, athletic or recreational activities are carried on and intended to be used solely by the occupants of the residence and/or by no more than four (4) non-resident users per day other than the occupants of the residence located on the lot upon which the arena is located.

### 10.3 RIDING ARENAS:

A Development Permit is required for all riding arenas. *Arena, Private* is considered a Discretionary Use under the Agricultural District, the facility or structure having a maximum size of 16,146 sq. ft. is intended for equestrian related activities, used solely by the occupants of the residence on the property. The provisions for Private Arenas are identified within Table 10.3A:

Table 10.3 A Criteria for Private Arenas:

Private Arena	
Facility or structure intended for equestrian related activities intended to be used solely by the occupants of the residence on the property and/or by no more than four (4) non-resident guests per day other than the occupants of the property upon which the facility is located.	
Animal Units	1 animal unit per 3 acres of land
Non-resident vehicle trips per day	To a maximum of 4 vehicle trips per day
Arena structure size	Maximum 1500 sq. m (16,146 sq. ft.) *Site-specific bylaw amendment or redesignation to Direct Control #29 District required for private arena larger than 16, 146 sq. ft. in size
Overnight camping	Not Permitted
Engineering Requirements	Other requirements as determined by the Approving Authority
Other Requirements	Manure management plan to the satisfaction of the Approving Authority

## SUMMARY:

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

## **OPTIONS FOR COUNCIL CONSIDERATION:**

### **OPTION #1 – APPROVAL**

Council may choose to grant 1<sup>st</sup> reading to the application for a Site Specific Amendment to the Agricultural District land use rules to allow for the construction of an oversized private arena with attached barn, having a total cumulative size of +/- 19,872 sq. ft., as a permitted use on the subject parcel, being portion of S 08-22-04 W5M; Plan 8311642, Block 1, Lot 5, for the following reasons:

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

#### **Recommended Conditions for Option #1:**

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

### **OPTION #2 REFUSAL**

Council may choose to refuse the application for a Site Specific Amendment to the Agricultural District land use rules to allow for the construction of an oversized private arena with attached barn, having a total cumulative size of +/- 19,872 sq. ft., as a permitted use on the subject parcel, being portion of S 08-22-04 W5M; Plan 8311642, Block 1, Lot 5, for the following reasons:

*In consideration of the application and the criteria noted within the Land Use Bylaw 60/2014, Council is of the opinion that the amendment to the land use district, and subsequent intended use of the subject lands does not conform with the requirements outlined within the Land Use Bylaw 60/2014. Further, Council is of the opinion the application would interfere with the neighbouring parcels and nature of the area.*

## **APPENDICES:**

### **APPENDIX A: MAP SET**

**LOCATION MAP**

**LAND USE & PARCEL SIZES**

**SITE PLAN**

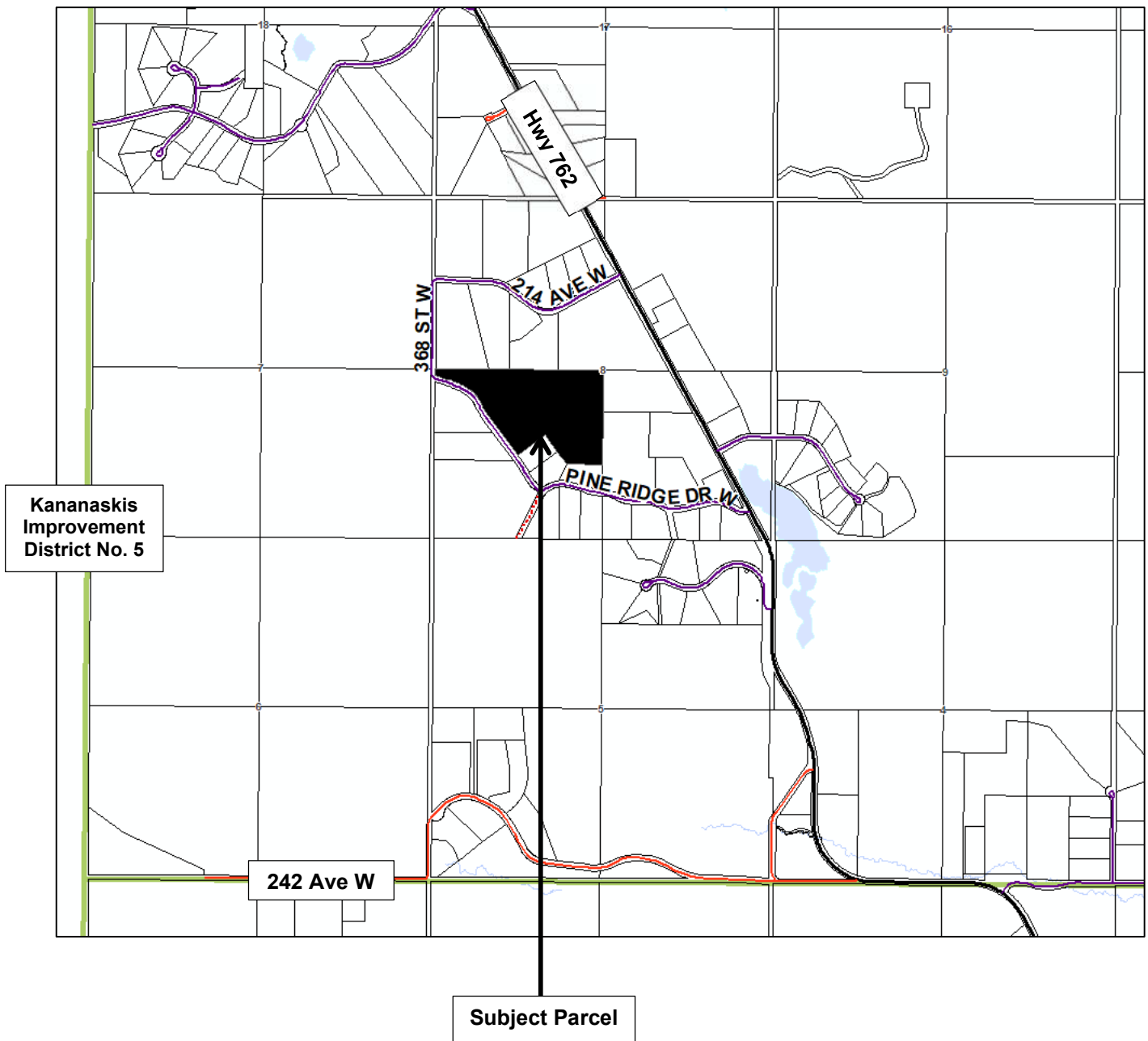
**ORTHO PHOTO**

### **APPENDIX B: PROPOSED BYLAW**

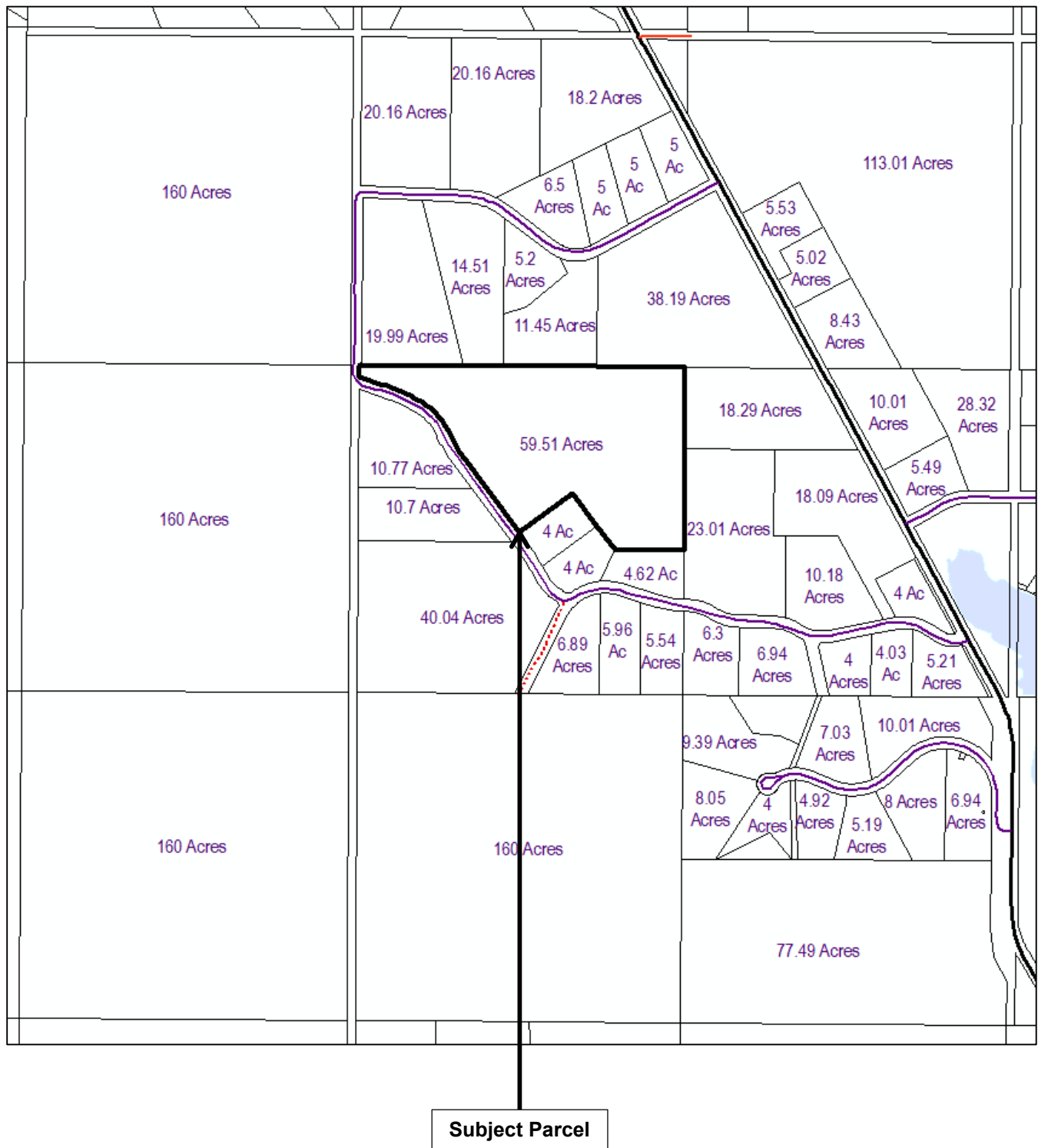
### **APPENDIX C: AREA LANDOWNER SUBMISSION**

### **APPENDIX D: AGRICULTURAL DISTRICT**

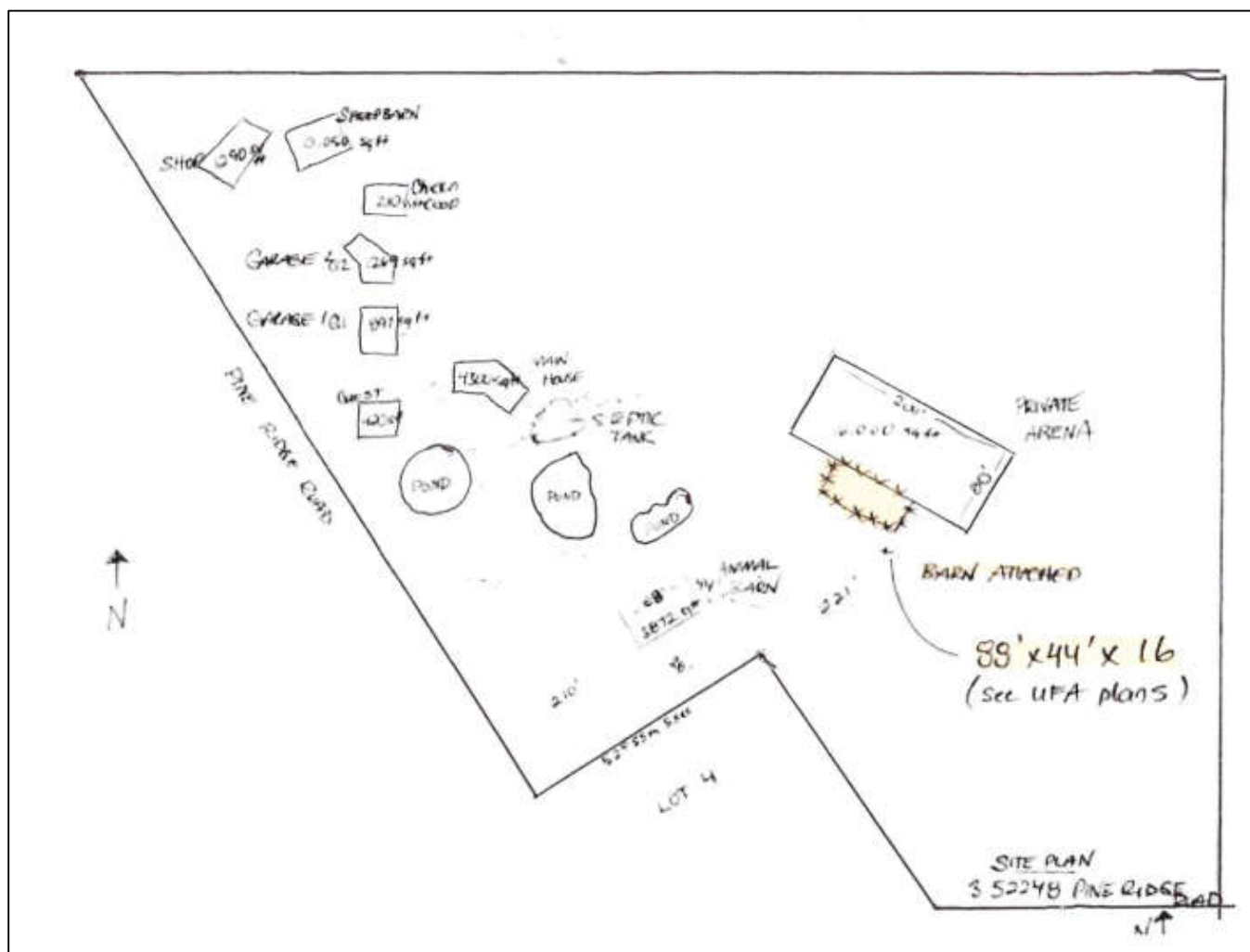
## APPENDIX A: LOCATION MAP



## APPENDIX A: LAND USE & PARCEL SIZES

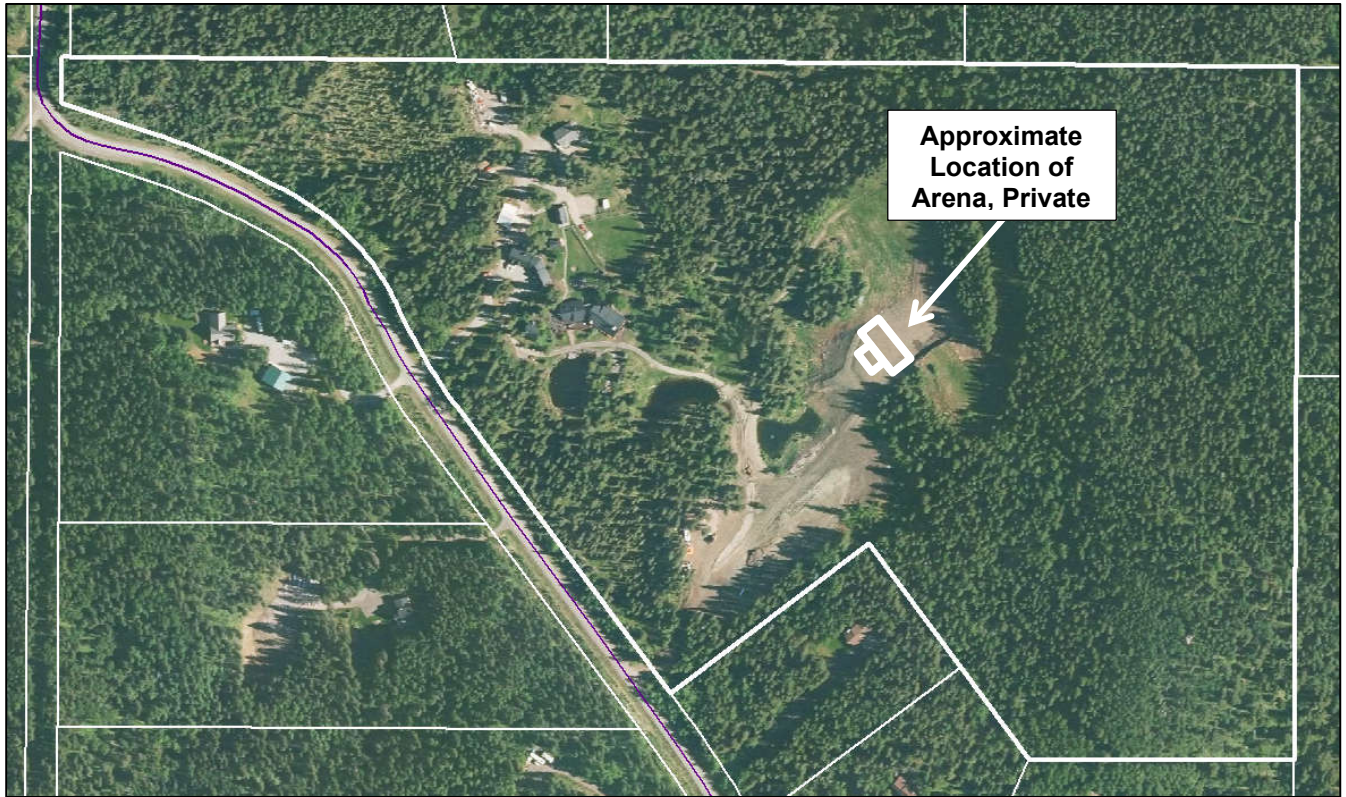


## APPENDIX A: SITE PLAN





## APPENDIX A: ORTHO PHOTO





**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 a Site-Specific Amendment to the Agricultural land use rules to allow for an Oversized Private Arena as a permitted use on the property legally described as Plan 8311642, Block 1, Lot 5; S 08-22-04 W5M.

**NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:**

1. Under SECTION 12.0.0 AGRICULTURAL DISTRICT, the following shall be added under Section 12.1.4 PERMITTED USES:

*Plan 8311642, Block 1, Lot 5; S 08-22-04 W5M shall allow for an Oversized Private Arena.*

2. This Bylaw shall have effect on the date of its third reading and upon signing.

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       20   .

## APPENDIX C: AREA LANDOWNER SUBMISSION

**From:** Robert Godfrey [REDACTED]  
**Sent:** January 23, 2023 9:03 AM  
**To:** Public Hearings <[PublicHearings@foothillscountyab.ca](mailto:PublicHearings@foothillscountyab.ca)>  
**Cc:** dawn Godfrey [REDACTED]  
**Subject:** Objection to attached site-specific amendment for oversized private arena

You don't often get email from [REDACTED] [Learn why this is important](#)

The purpose of this email is to oppose the enlargement of the private arena from 16,000 sq.ft to approximately 20,000 sq.ft by including a barn (see attachment).

In my opinion, a 16,000 sq. ft private arena is sufficient to accommodate the proposed 4 horses plus hay etc. that Film Alberta Studios Inc plans to erect. I see no need for an extra 4000 sq.ft.

## **PART 6 LAND USE DISTRICTS**

### **SECTION 12 AGRICULTURAL DISTRICTS**

#### **12.1 AGRICULTURAL DISTRICT**

**A**

##### **12.1.1 PURPOSE AND INTENT**

To promote a wide range of agricultural land uses that encourage growth, diversification and development of the agricultural industry while having regard for the agricultural value and rural character of the area consistent with the policies outlined in the Municipal Development Plan.

##### **12.1.2 SUB-DISTRICT**

**12.1.2.1** Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

##### **12.1.3 GENERAL REQUIREMENTS:**

- 12.1.3.1** Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.
- 12.1.3.2** Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

<b>12.1.4 PERMITTED USES</b>	<b>12.1.5 DISCRETIONARY USES</b>
Accessory buildings not requiring a development permit Accessory uses Agricultural, general Agricultural specialty Dwelling, single family *no more than 1 such dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size. *no more than 2 such dwellings are permitted on a single lot 32.4 ha (80 ac) or greater in size. Dwelling, Mobile Home *permitted use only on lots 32.4 ha (80 acres) or greater in size. Home Based Business Type I	Abattoir, Minor Accessory buildings requiring a development permit Aerodrome/airstrip (private use) Agricultural intensive use Agricultural processing and distribution *does not includes retail sales on the site. Agricultural support services *does not includes retail sales on the site. Animal boarding services Antenna structures, private Arena, private Bed & breakfast

12.1.4 PERMITTED USES	12.1.5 DISCRETIONARY USES
Home Based Business Type II Home Office Public Works Secondary Suite, accessory Secondary suite, principal Signs not requiring a Development Permit Temporary storage of up to 5 unoccupied recreation vehicles	Day home services  Dwelling, Mobile Home *discretionary use on lots less than 80 acres in size. Dwelling, moved on Dwelling, temporary Home based business III Intensive vegetation operation Kennel, private Lot Grading Manmade water bodies requiring a permit Signs requiring a development permit Special Event Temporary storage of between 6 and 10 unoccupied recreation vehicles Utility service, minor

#### **12.1.6 LAND USE REQUIREMENTS**

- 12.1.6.1** A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 12.1.6.2** In order to facilitate the purpose and intent of this district and ensure the sustainability of agricultural uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Number of lots per quarter section or area of land in certificate of title existing when this bylaw was adopted; or
    - ii. The number of lots allowed by bylaw amending this section.
  - b. Minimum Parcel Size:
    - i. A parcel of land no less than 8.49 Ha (21 acres) in size;
    - ii. That portion of a parcel remaining after approval of a re-designation which facilitates a subdivision and after the subsequent registration of said subdivision reduces the area of the parent parcel to a size of 21 acres or greater in size; or
    - iii. The area in title at the time of passage of this Bylaw.
  - c. Maximum Parcel size:
    - i. None.
- 12.1.6.3** Required Developable Area:
- a. In accordance with Section 9.8 of this Bylaw.
- 12.1.6.4** Utility Servicing Criteria
- a. Individual wells and individual wastewater disposal systems;
  - b. Communal water and communal wastewater disposal systems;



- c. A combination of a. and b. as determined by Bylaw amending this section.

#### **12.1.7 DEVELOPMENT REQUIREMENTS**

##### **12.1.7.1 Maximum Lot Coverage**

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

##### **12.1.7.2 Maximum Dwelling Unit Density**

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.

##### **12.1.7.3 Minimum Yard Setback Requirements**

- a. Front Yard Setbacks:
  - i. 15m (49.21 ft.) from the right of way of an internal subdivision road;
  - ii. 48m (157.48 ft.) from the centreline of a Municipal road;
  - iii. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
- b. Side Yard Setbacks:
  - i. 15m (49.21 ft.) from the property line.
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft.) from the property line.
- d. In addition, if the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

##### **12.1.7.4 Corner Parcel Restrictions:**

- a. In accordance with Section 9.27.9 - 9.27.12.

##### **12.1.7.5 Other Minimum Setback Requirements:**

- a. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.

##### **12.1.7.6 Maximum Height of Structures:**

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.)
- b. Accessory Buildings and Arenas:
  - i. 10.67m (35 ft.)
- c. Radio antennas, internet towers and wind turbines:

- i. 16m (52.49 ft.);

**12.1.7.7** Minimum habitable area per dwelling

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

**12.1.8** EXCEPTIONS: