

**FOOTHILLS COUNTY
COUNCIL AGENDA**




Wednesday, February 8, 2023, 9:00 a.m.
Foothills County Administration Office
309 Macleod Trail South – High River

	Pages
A. GENERAL MATTERS	
A.1 Call Meeting to Order	
A.2 Approval of the Agenda	
B. PUBLIC WORKS / ENGINEERING / PARKS & RECREATION	
C. PUBLIC HEARINGS & MEETINGS	
C.1 10:00 a.m. - Wambeke/Fergie - SE 14-20-01 W5M - Amend CR Presented by: Theresa Chipchase	3
C.2 2:00 p.m. - Osman - S 08-22-04 W5M - Site Specific Amendment Presented by: Brittany Hornsby	19
(Adjourned from February 1, 2023 Council meeting)	
D. MISCELLANEOUS PLANNING ITEMS	
D.1 Silvester - NW 02-21-04 W5M - Bylaw 48/2022 (2nd & 3rd Reading)	33
E. SUBDIVISION APPROVING AUTHORITY ITEMS	
E.1 Silvester - NW 02-21-04 W5M - Request for Subdivision Approval	39
F. MISCELLANEOUS MUNICIPAL ITEMS	
F.1 Installation of ~465kW Rooftop Solar PV System at the Scott Seaman Sports Rink Presented by: Adeniyi Adeaga	45
G. CONFIDENTIAL CLOSED SESSION	
G.1 Association Legal Agreements - FOIP s. 16 Presented by: Jeff Porter	
G.2 Advice from Officials - FOIP s. 24	
H. MOTIONS ARISING FROM CONFIDENTIAL CLOSED SESSION	
I. OTHER MATTERS	
I.1 Lunch	
I.2 Accounts – February 8, 2023 Councillors Alger, Oel, and Siewert	

- I.3 Minutes – February 1, 2023
- I.4 Committee Reports
- I.5 Next Meeting – February 15, 2023
- I.6 Adjourn

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.

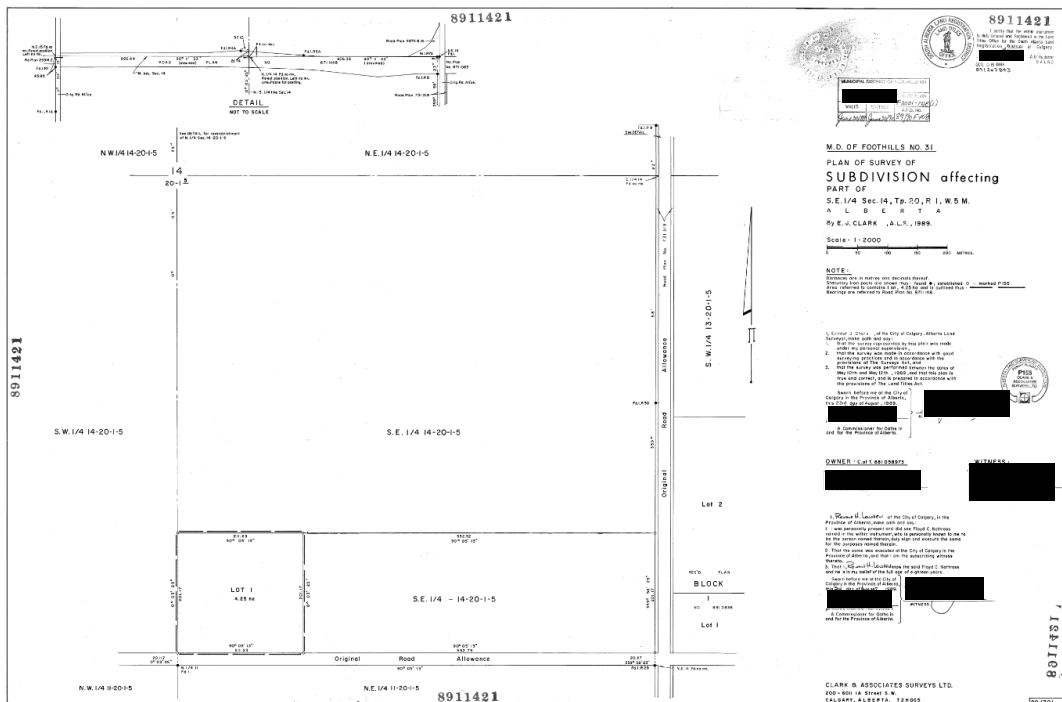
PURPOSE OF APPLICATION

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.

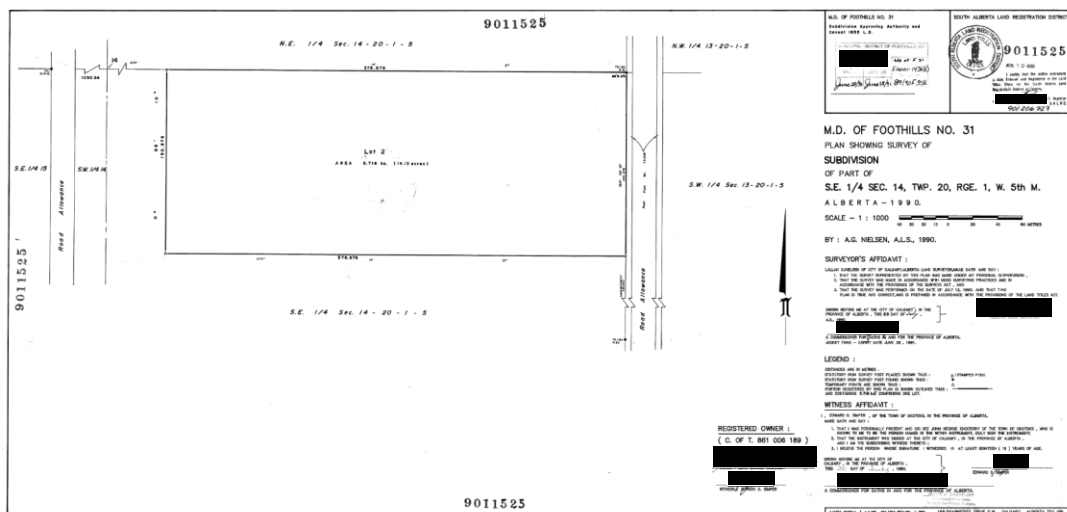
QUARTER SECTION BACKGROUND

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

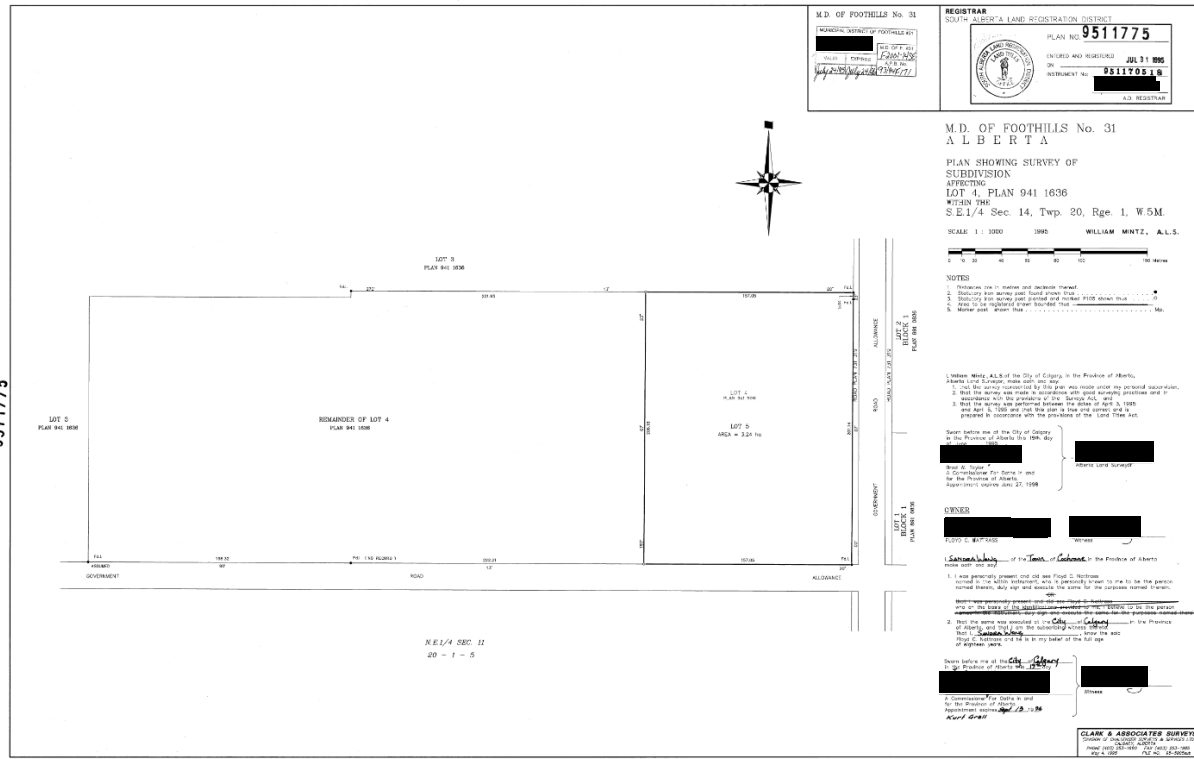
1989 – 10.50 acre parcel subdivided and registered from within the 40 acre first parcel out of the quarter in the south west corner. As shown below:



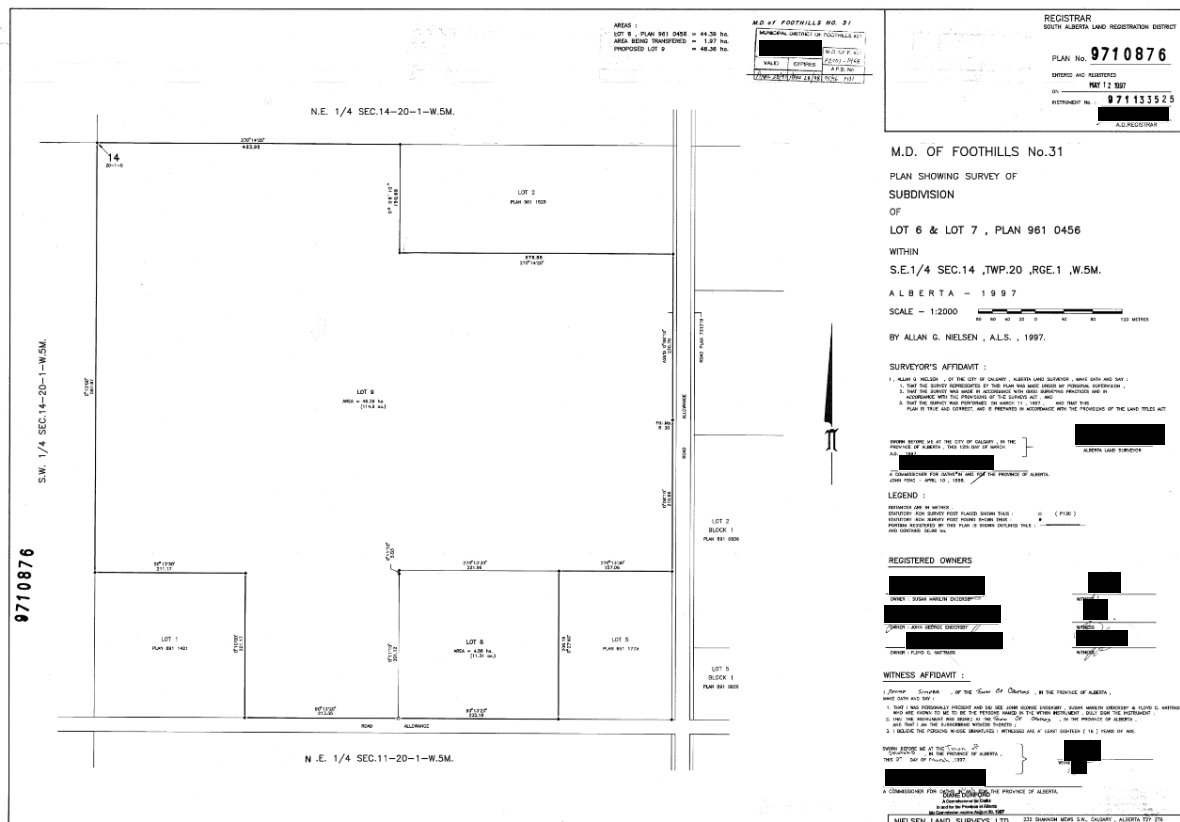
1990 – 14.13 acre parcel subdivided and registered from the north east corner of the quarter



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.



LOT 9
 Plan 971 0876

LOT 1
 Block 2
 Area 1 Sub.

LOT 8
 Plan 971 0876

LOT 6
 Plan 971 1775

LOT 7
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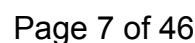
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 Plan 971 1775

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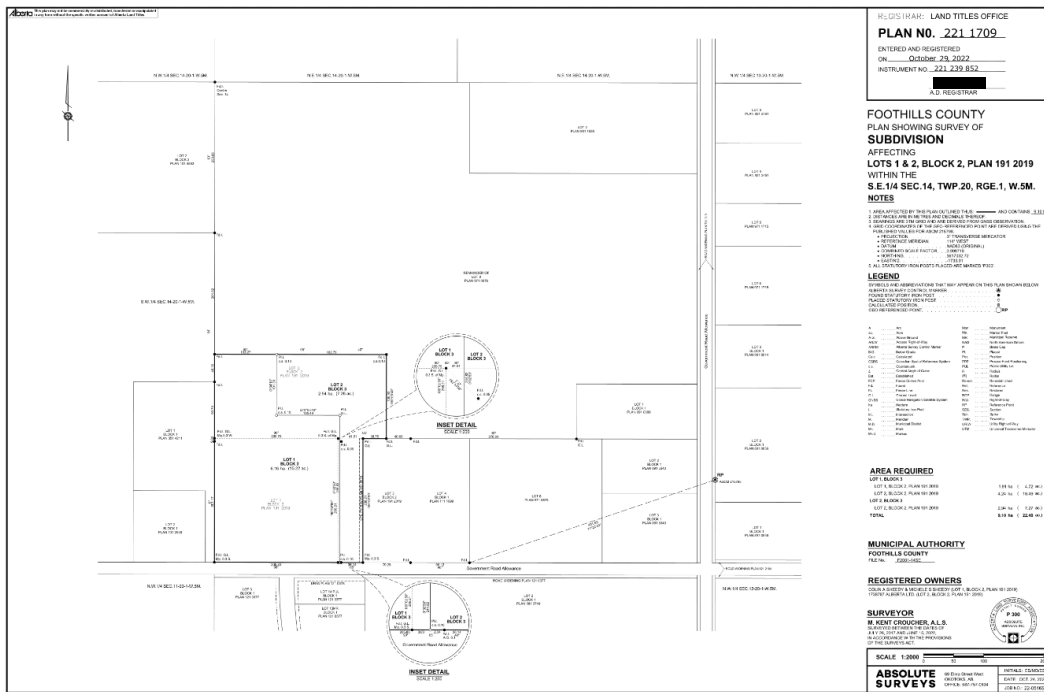
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2019 – The Montecristo Ranch ASP was adopted by Council which allowed the balance of the quarter to subdivide two phases of development, the first which approved a 12.01 acre Country Residential lot to be registered along with a boundary adjustment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



2022 – Boundary adjustment between Block 3, Lots 1 and 2



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.



SITE CONSIDERATIONS

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

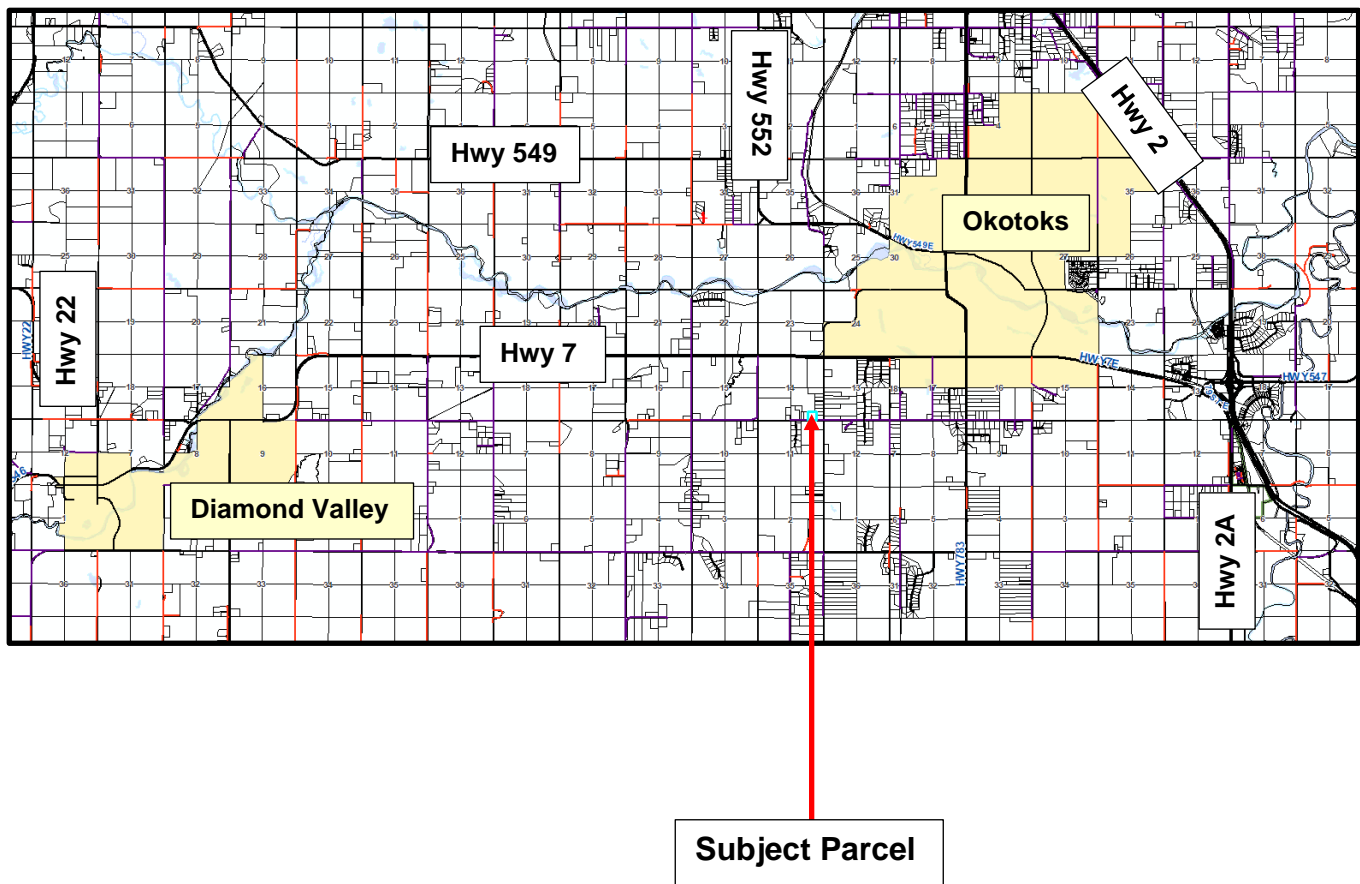
SITE PLAN

ORTHO PHOTO

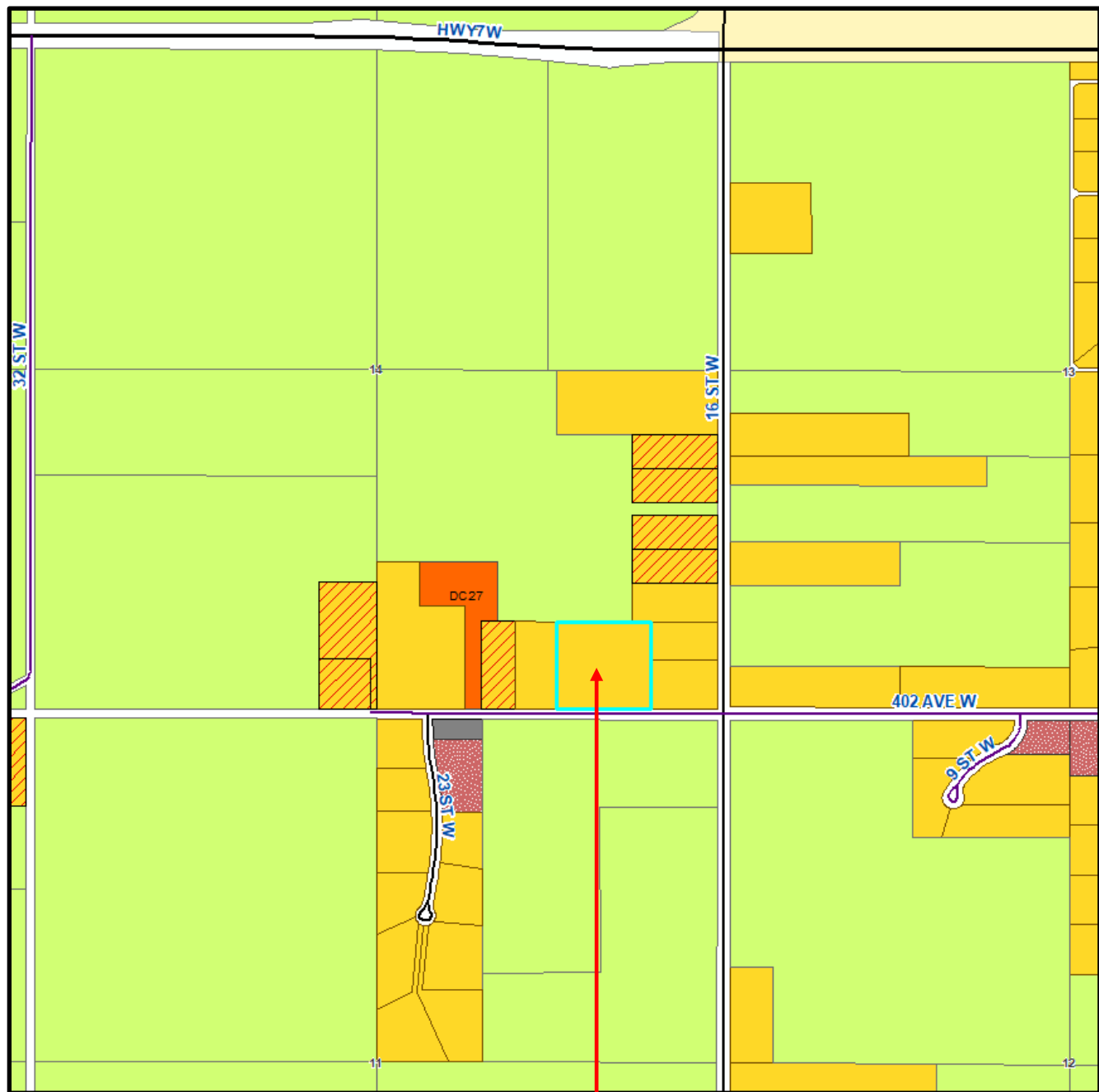
APPENDIX B:

PROPOSED BYLAW

APPENDIX A: LOCATION MAP



APPENDIX A: HALF MILE MAP – LAND USE

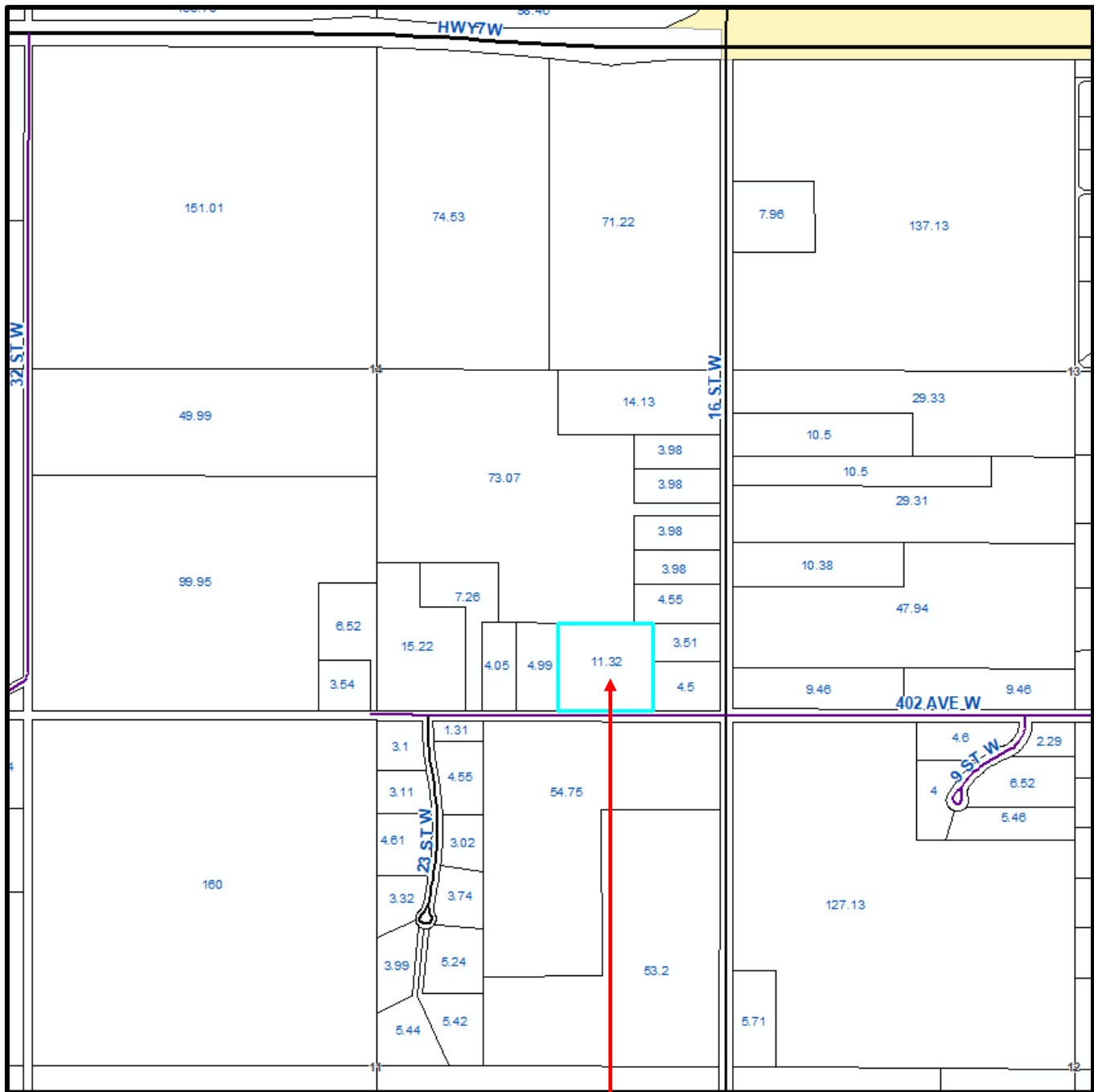


Subject Parcel

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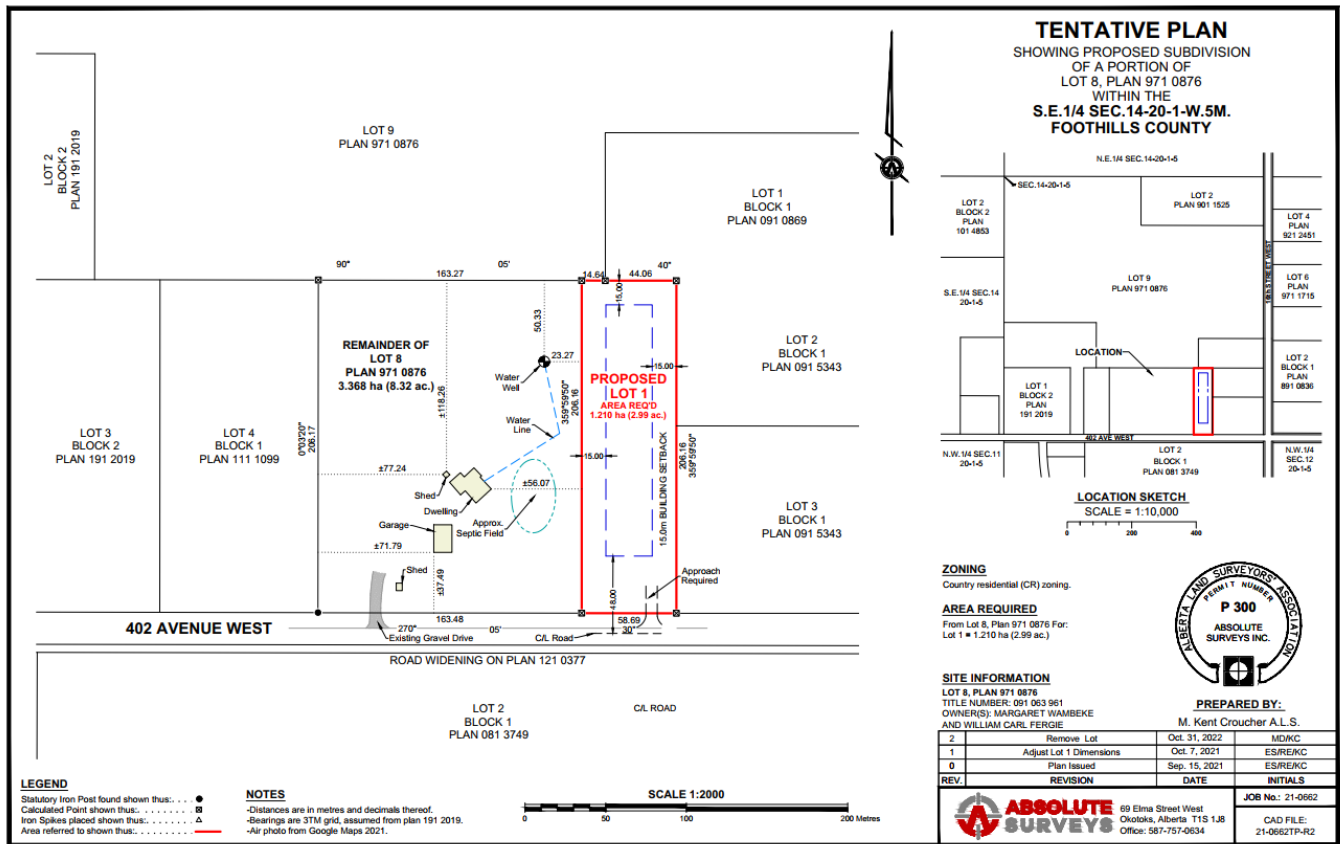
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|------------------------------------|----------------------------------|--------------------------------------|
| — Hard Surface (Chip/oil) | CR- Country Residential | MR- Municipal Reserve |
| — Gravel | CRA- Country Residential Sub A | MLR- Municipal 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 | |

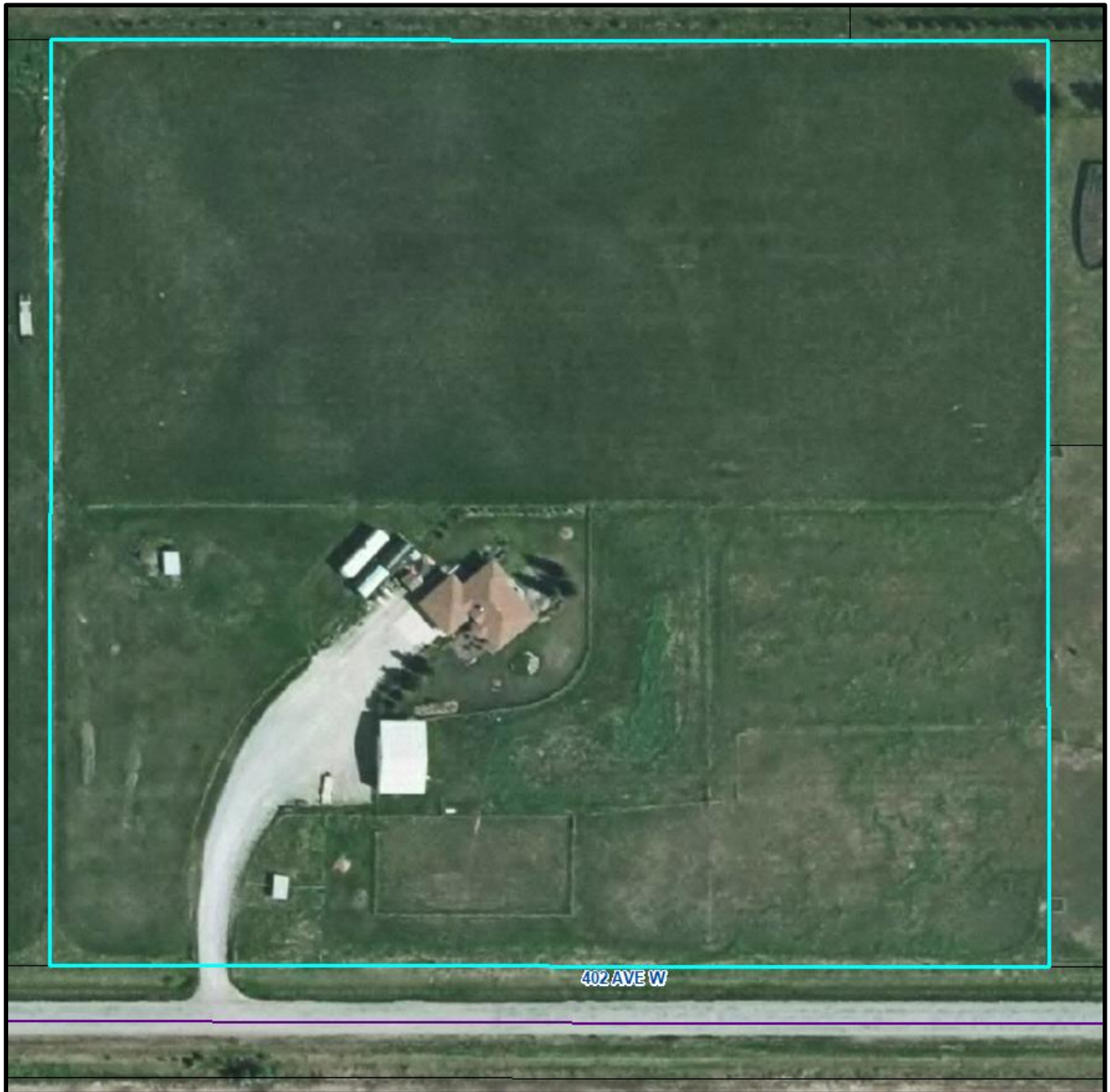
APPENDIX A: HALF MILE MAP – LOT SIZES



Subject Parcel

APPENDIX A: SITE PLAN





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.

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

APPLICATION INFORMATION		FILE NO. 22R057
	LEGAL DESCRIPTION: S 08-22-04 W5M; Plan 8311642, Block 1, Lot 5	
	LANDOWNERS: Film Alberta Studios Inc. / Sam Osman	
	AREA OF SUBJECT LANDS: 59.51 acres	
	CURRENT LAND USE: Agricultural District	
PROPOSAL: 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.		
DIVISION NO: 4		COUNCILLOR: Suzanne Oel
FILE MANAGER: 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
INTERNAL	
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.
EXTERNAL	
Alberta Transportation	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. 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.
PUBLIC	
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 1st 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

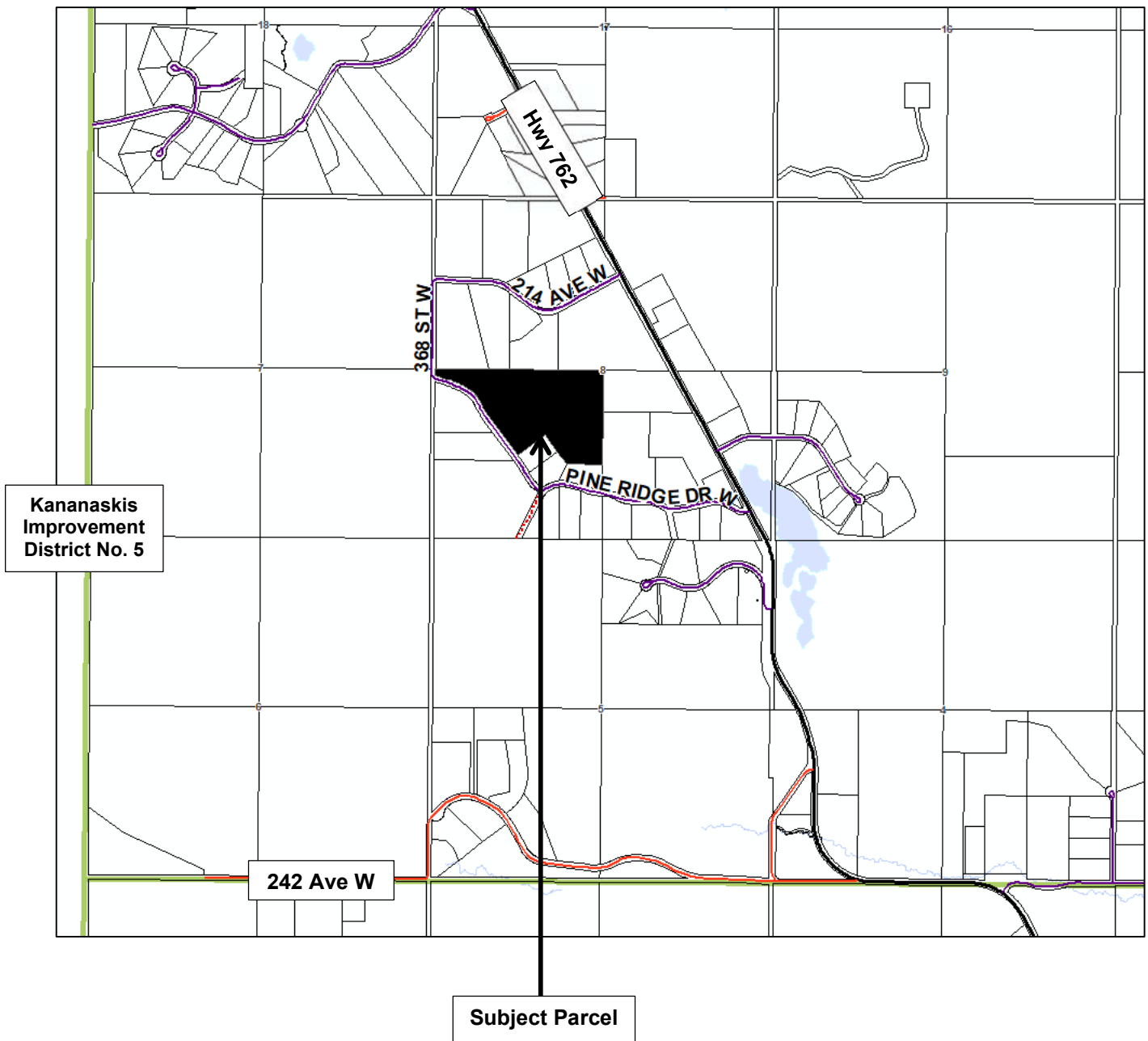
ORTHO PHOTO

APPENDIX B: PROPOSED BYLAW

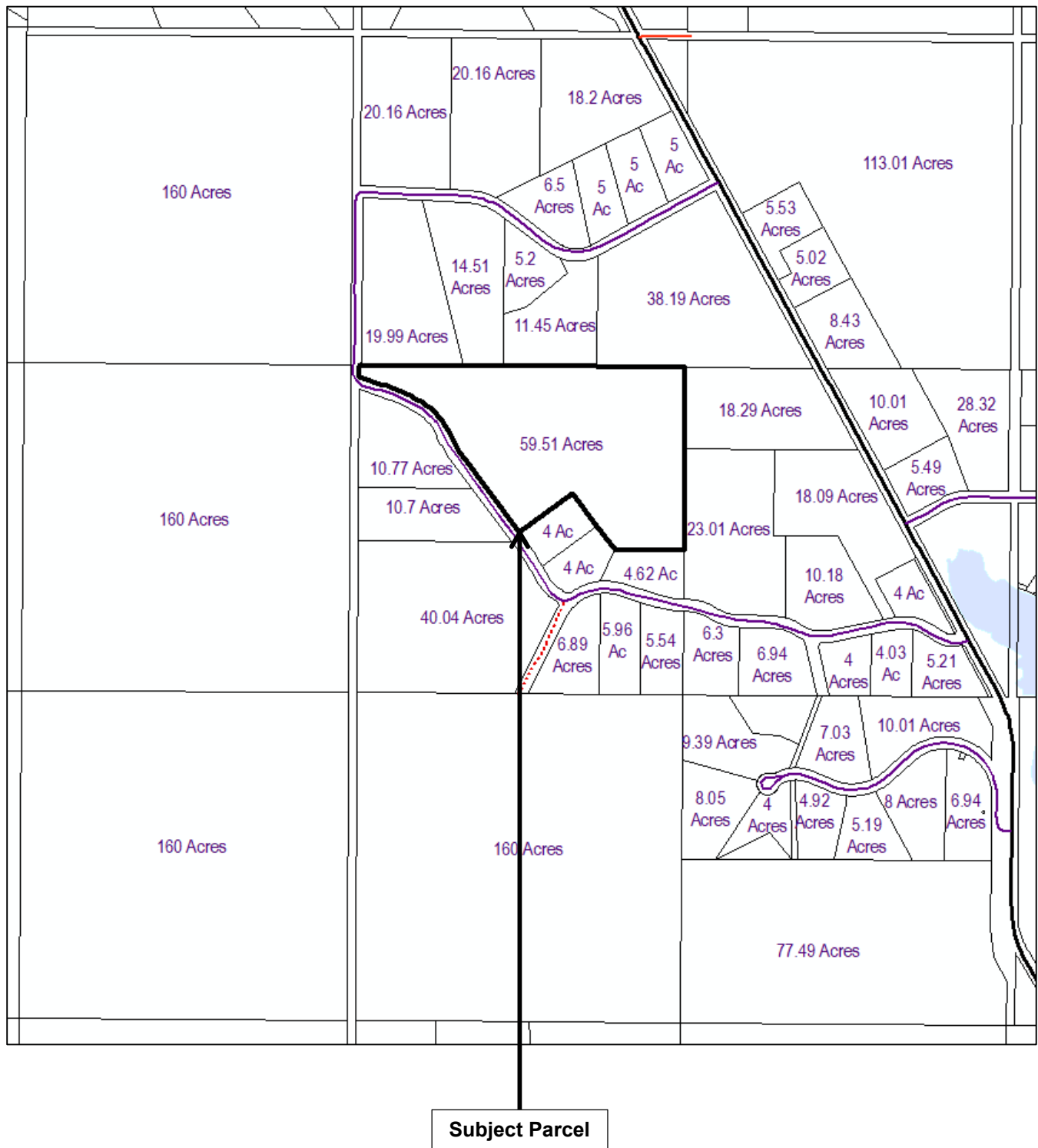
APPENDIX C: AREA LANDOWNER SUBMISSION

APPENDIX D: AGRICULTURAL DISTRICT

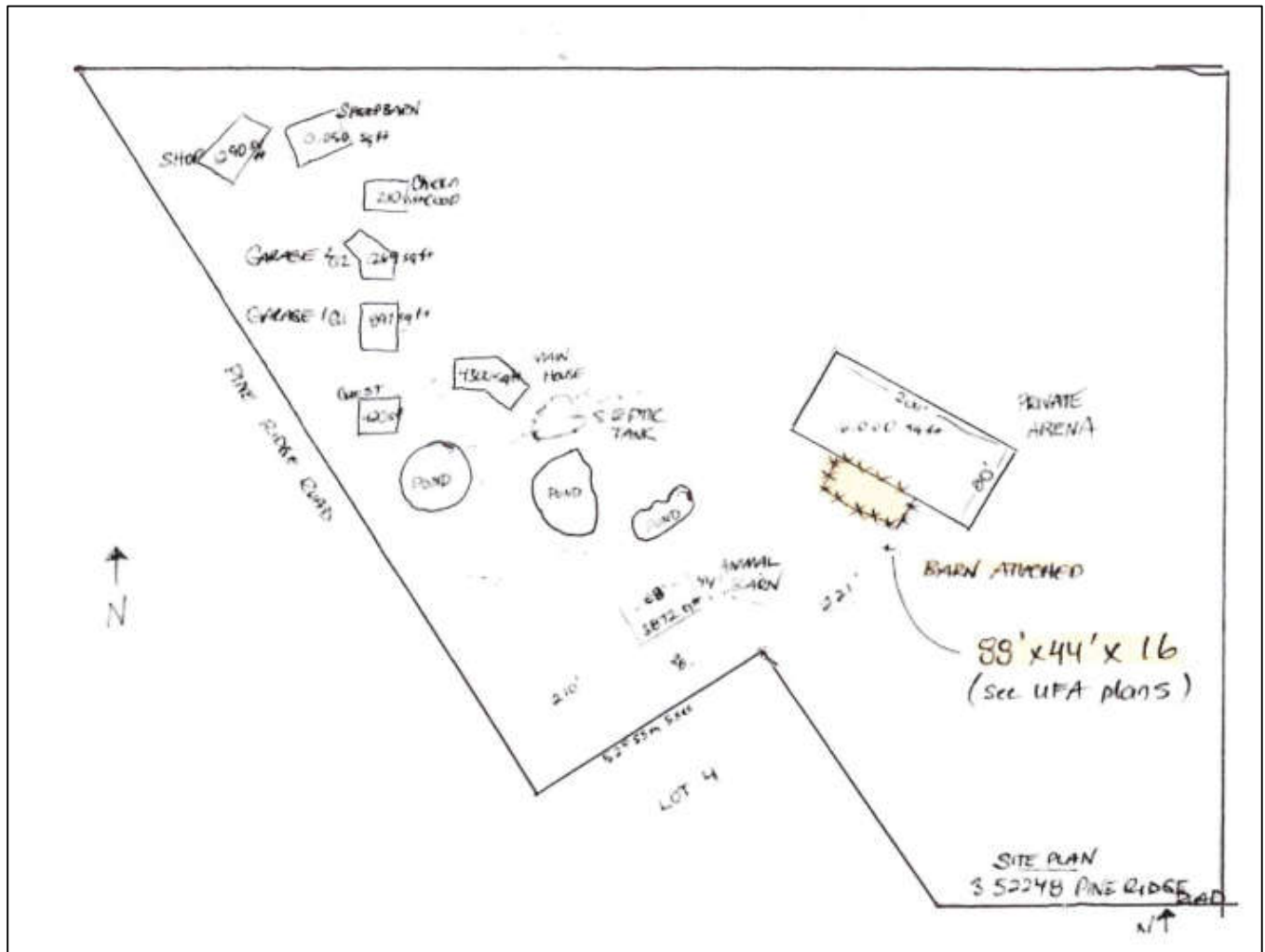
APPENDIX A: LOCATION MAP

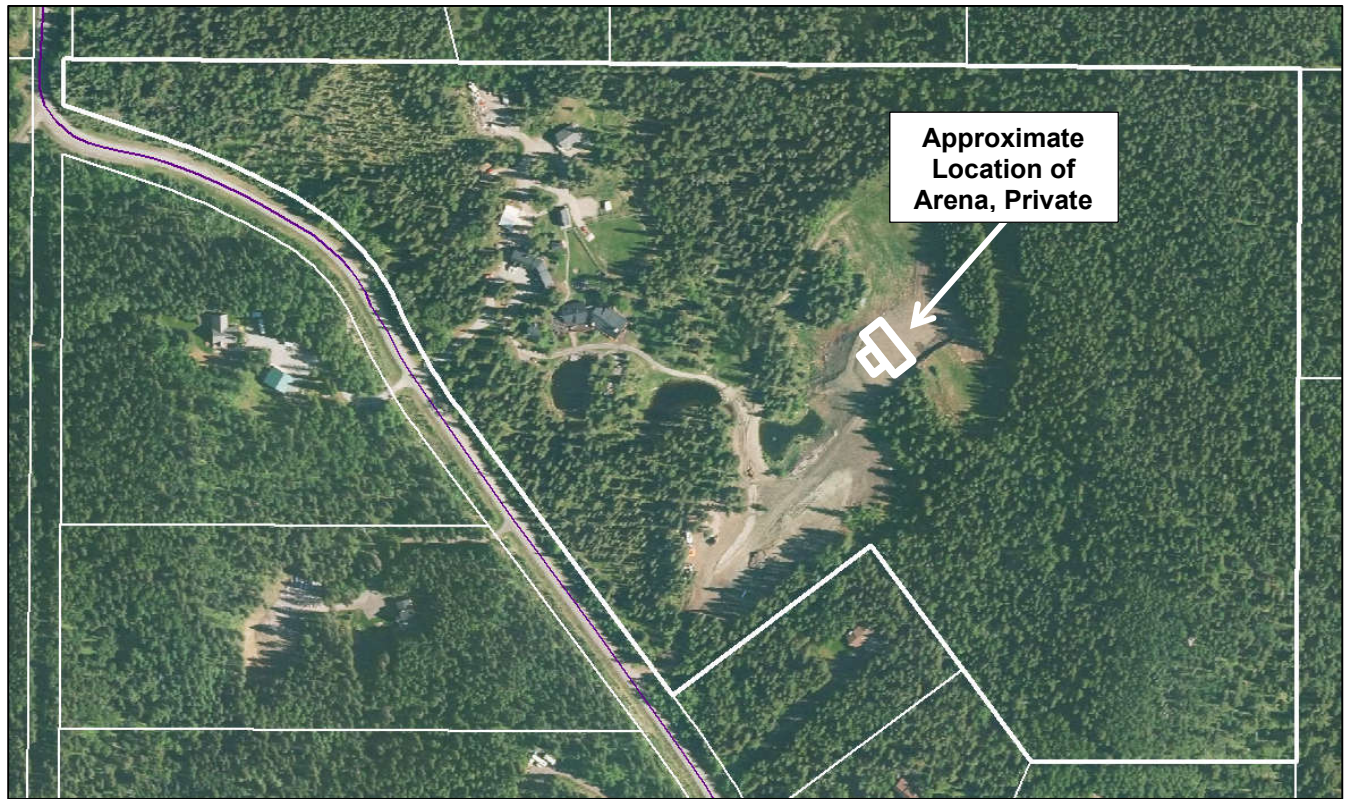


APPENDIX A: LAND USE & PARCEL SIZES



APPENDIX A: SITE PLAN





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>
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.

12.1.4 PERMITTED USES	12.1.5 DISCRETIONARY USES
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 m² (1,077 sq. ft.)

12.1.8 EXCEPTIONS:

**MISCELLANEOUS PLANNING ITEM
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
SECOND AND THIRD READING TO BYLAW 48/2022
February 8, 2023**

REQUEST FOR SECOND AND THIRD READING TO BYLAW 48/2022		
APPLICATION INFORMATION		File No. 22R033
	LEGAL DESCRIPTION: NW 02-21-04 W5M	
	LANDOWNERS: Richard & Lauren Silvester	
	AREA OF SUBJECT PARCEL: 154.99 Acres	
	CURRENT LAND USE: Agricultural District	
	PROPOSED LAND USE: Country Residential District	
LOCATION: The subject parcel is located approximately 4.5 miles west of Millarville, adjacent to the northeast of the intersection of Highway 549 West and Highway 762.		
PROPOSAL: To redesignate a 6.78 +/- acre portion of the subject 154.99 acre Agricultural District parcel to Country Residential District (CR) to allow for the future subdivision of one new 6.78 +/- acre CR first parcel out.		
DIVISION NO: 3	DEPUTY COUNCILLOR: Barb Castell	FILE MANAGER: Martine Callum

PURPOSE OF REQUEST

Request to Council to provide second and third reading to Bylaw 48/2022.

PREVIOUS COUNCIL DIRECTION

September 28th, 2022 – Council granted first reading to Bylaw 48/2022 to authorize the redesignation of a 6.78 +/- acre portion of NW 02-21-04 W5M from Agricultural District to Country Residential District to allow for the future subdivision of one 6.78 +/- acre Country Residential lot with an approximate 148.21 +/- acre balance parcel.

CONDITIONS TO BE MET AT REDESIGNATION

All conditions of first reading have been met.

COUNCIL ACTION REQUESTED

Request to Council to provide second and third reading to Bylaw 48/2022 authorizing the redesignation of a portion of NW 02-21-04 W5M from Agricultural District to Country Residential District in order to allow for the future subdivision of one 6.78 +/- acre Country Residential District parcel leaving a 148.21 +/- acre Agricultural District balance.

APPENDICES

APPENDIX A - MAP SET:

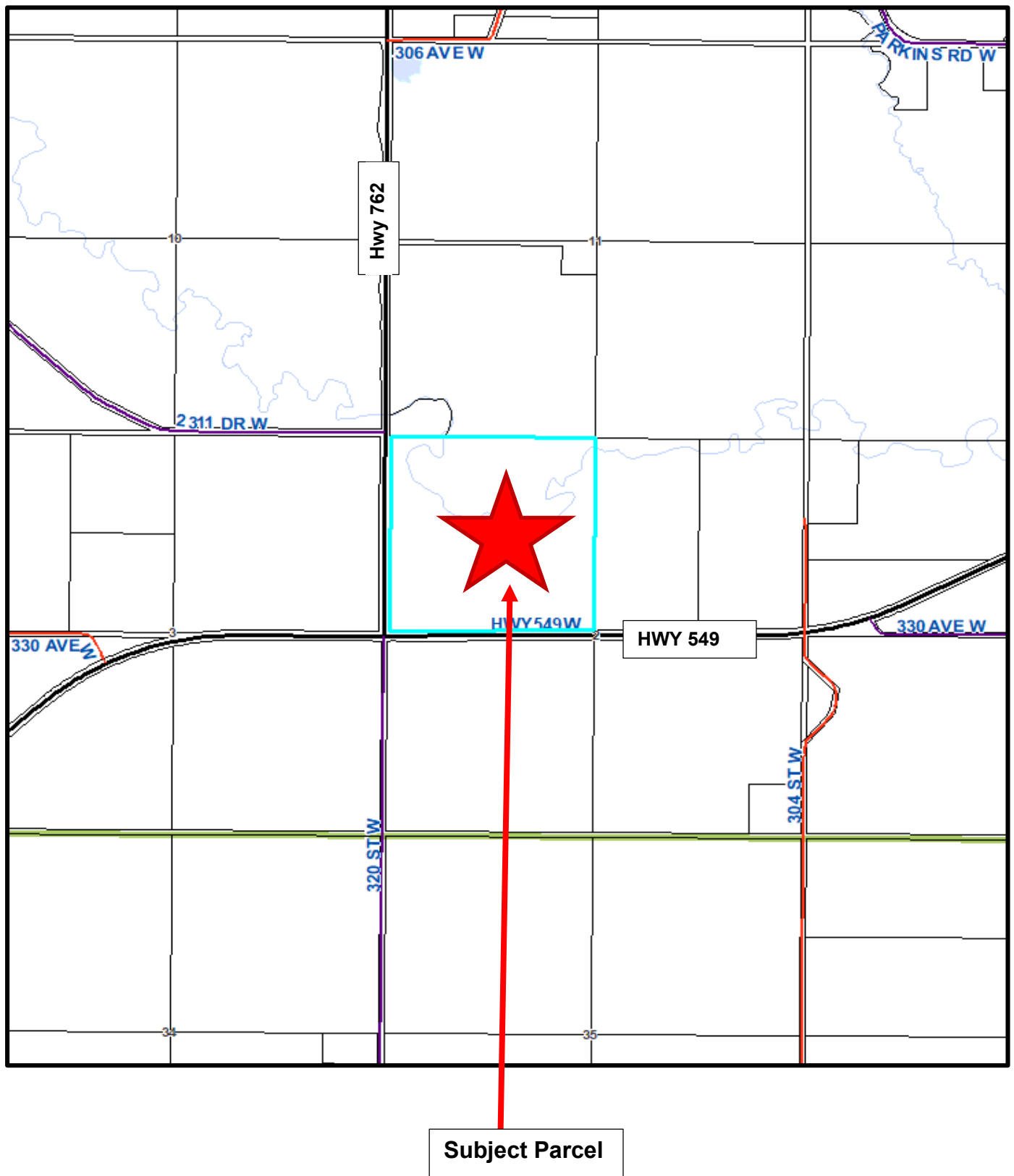
LOCATION MAP

SITE PLAN

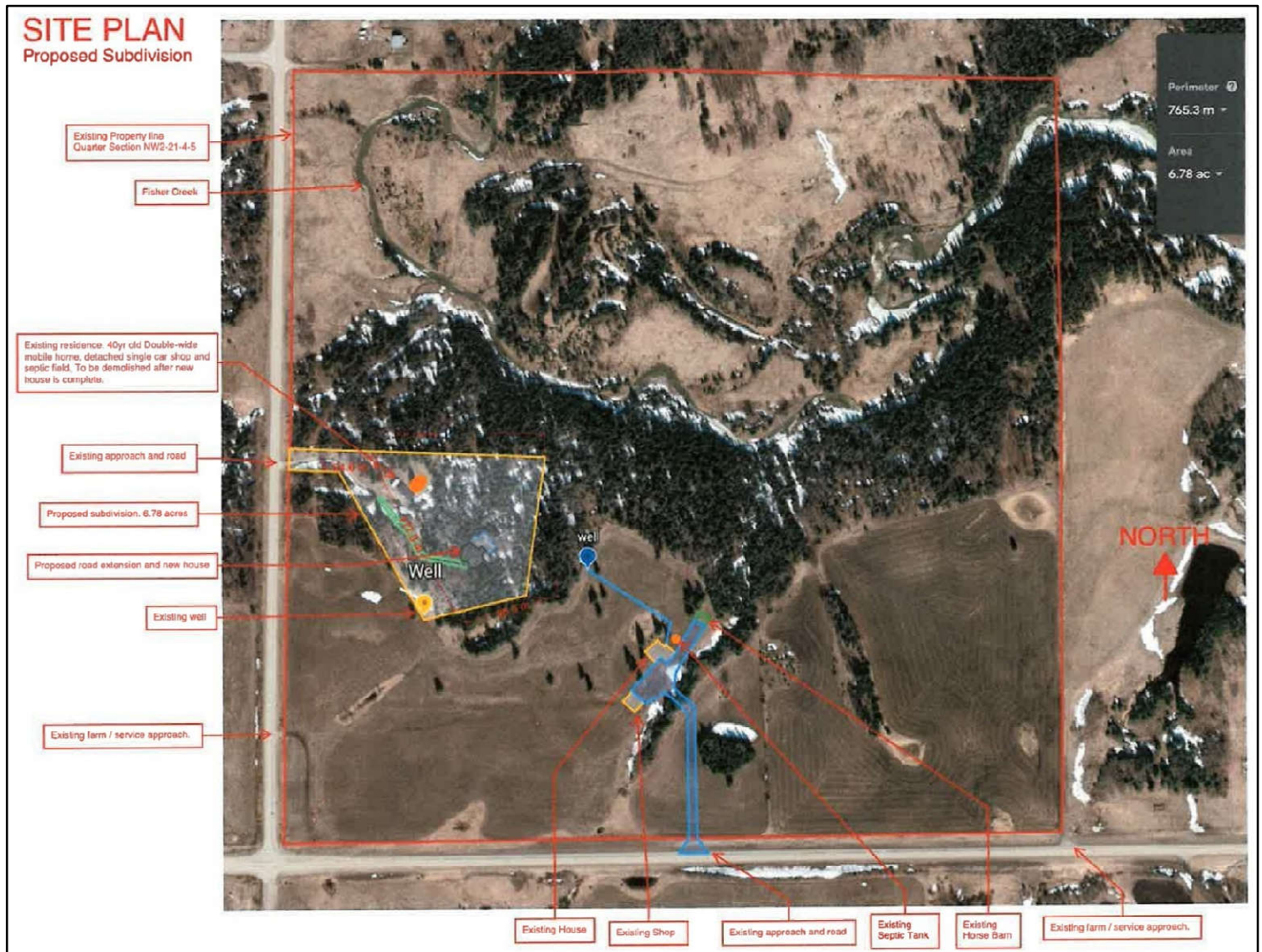
SITE PLAN – CLOSE UP OF THE +/-6.78 ACRE CR LOT

ORTHO PHOTO

APPENDIX A: LOCATION MAP



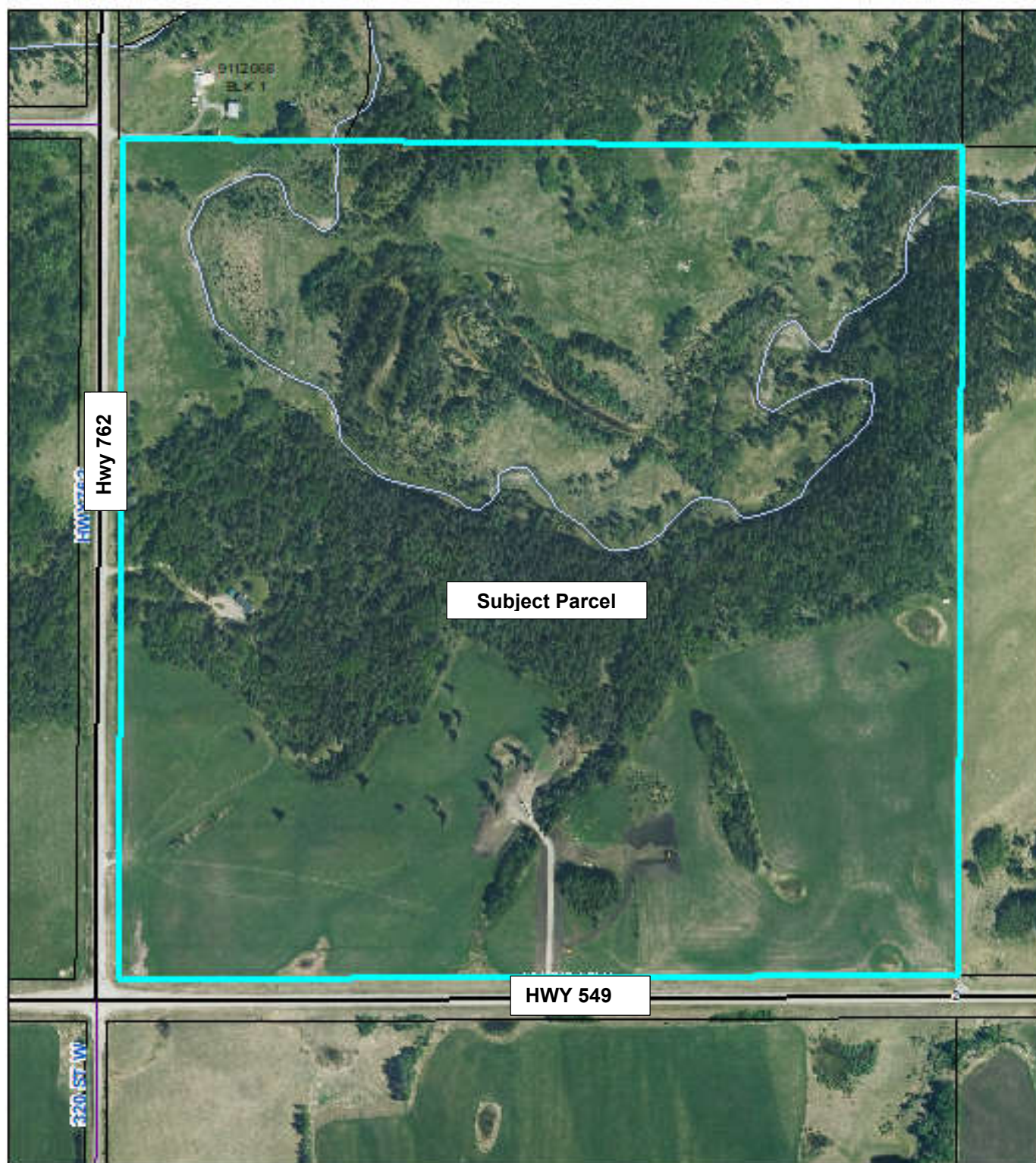
APPENDIX A: SITE PLAN




APPENDIX A: SITE PLAN – CLOSE UP OF THE +/- 6.78 ACRE CR LOT



APPENDIX A: ORTHO PHOTO



**SUBDIVISION APPROVING AUTHORITY ITEM
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
SUBDIVISION APPROVAL
February 8, 2023**

REQUEST FOR SUBDIVISION APPROVAL	
APPLICATION INFORMATION	FILE NO. F2104-02NW
	LEGAL DESCRIPTION: NW 2-21-4 W5M LANDOWNERS: Richard & Lauren Silvester AREA OF SUBJECT LANDS: 154.99 acres CURRENT LAND USES: 6.78 +/- acre new lot: Country Residential District (CR) 148.21 +/- acre balance: Agricultural District (A)
LOCATION: The subject parcel is adjacent to and on the east side of Highway 762, and adjacent to and on the north side of Highway 549 West.	
PROPOSAL: Subdivision to create one new 6.78 +/- acre Country Residential District parcel, leaving a 148.21 +/- acre Agricultural District Balance parcel.	
DIVISION NO: 3	COUNCILLOR: Barb Castell
FILE MANAGER: Martine Callum	

PURPOSE OF REQUEST:

Request of the Subdivision Approving Authority to approve the subdivision application proposing the creation of one 6.78 +/- acre Country Residential District lot as the first parcel out of the quarter section being NW 2-21-4 W5M, leaving a 148.21 +/- acre Agricultural District balance.

BACKGROUND:

February 8, 2023: Council granted 2nd and 3rd reading to Bylaw 48/2022 authorizing the redesignation of a 6.78 +/- acre portion of NW 2-21-4 W5M from Agricultural District to Country Residential District in order to allow for the future subdivision of one new 6.78 +/- acre Country Residential District with a 148.21 +/- acre Agricultural District balance parcel.

REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	No comments or concerns.
EXTERNAL	
Alberta Transportation	Alberta Transportation had the following comments: <ul style="list-style-type: none"> The requirements of Section 18 of the Regulation are not met. The department anticipate minimal impact on the highway from this

CIRCULATION REFERRALS	
and Economic Corridors	<p>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.</p> <ul style="list-style-type: none"> The requirements of Section 19 of the Regulation are not met. 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>Alberta Transportation also provided the additional comments:</p> <ul style="list-style-type: none"> The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act.
Fortis Alberta	No easement required
ATCO Gas	No objections
ATCO Pipelines	No objections
TELUS Communications	No objections
PUBLIC	
Landowners (adjacent)	No submissions received.

REQUEST OF THE SUBDIVISION APPROVING AUTHORITY:

Council, as the Subdivision Approving Authority is respectfully requested to consider approval of the subdivision of one 6.78 +/- acre Country Residential District parcel, as the first parcel out of the quarter section being NW 2-21-4 W5M, leaving a balance of 148.21 +/- acres to remain designated as Agricultural District. Should Council choose to approve the proposed subdivision, the following motion has been provided for consideration:

The subdivision of one 6.78 +/- acre Country Residential District parcel has been evaluated in terms of Section 654 of the Municipal Government Act and Sections 9 and 20 of the Matters Related to Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan and that a variance be granted to Sections 18 and 19 of the Regulation for the following reasons:

- The application is consistent with Section 9 of the Regulation;
- The subject lands have the appropriate land use designation; and
- Pursuant to Section 20 of the Regulation, written approval was received from the Minister of Transportation and Economic Corridors allowing the Subdivision Authority to grant a variance to Sections 18 and 19 of the Regulation.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application is approved subject to the following conditions:

Recommended Conditions:

1. Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means satisfactory to the Register of the South Alberta Land Titles District;
2. It is the applicant's responsibility to provide a Real Property Report or an 'as built' drawing signed and sealed by an Alberta Land Surveyor, certifying the locations of the adjacent municipal road(s), water well(s) within the boundaries of the appropriate parcels and that the site plan is surveyed according to municipal setback requirements;
3. Completion of all pre-release conditions as noted in the executed Municipal Development Agreement to the satisfaction of the Municipality and where applicable the appropriate external agencies. These conditions include:
 - a. Payment of the \$11,300.00 per new lot Community Sustainability Fee;
4. All accesses to be located and culverts and approaches to be installed to the satisfaction of Alberta Transportation;
5. Landowners are to provide all utility easements and agreements, to the satisfaction of the County and the utility companies;
6. Public reserve: As per section 663(a) of the Municipal Government Act and the County's Municipal Reserve Policy, reserve is not required to be provided when one lot is to be created from a quarter section;
7. Landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision;
8. Submission of subdivision endorsement fees.

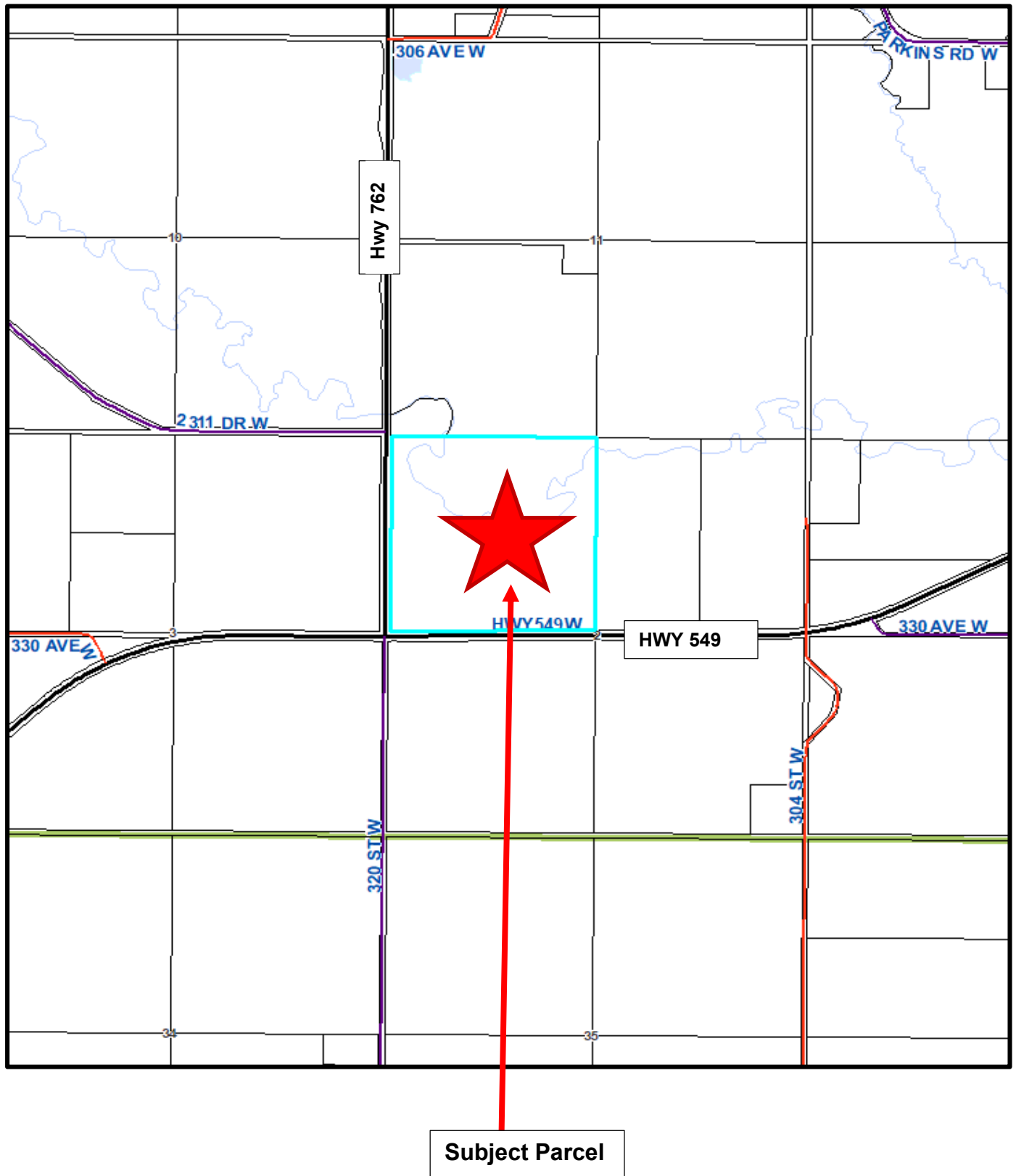
APPENDICES:**APPENDIX A: MAP SET**

LOCATION MAP

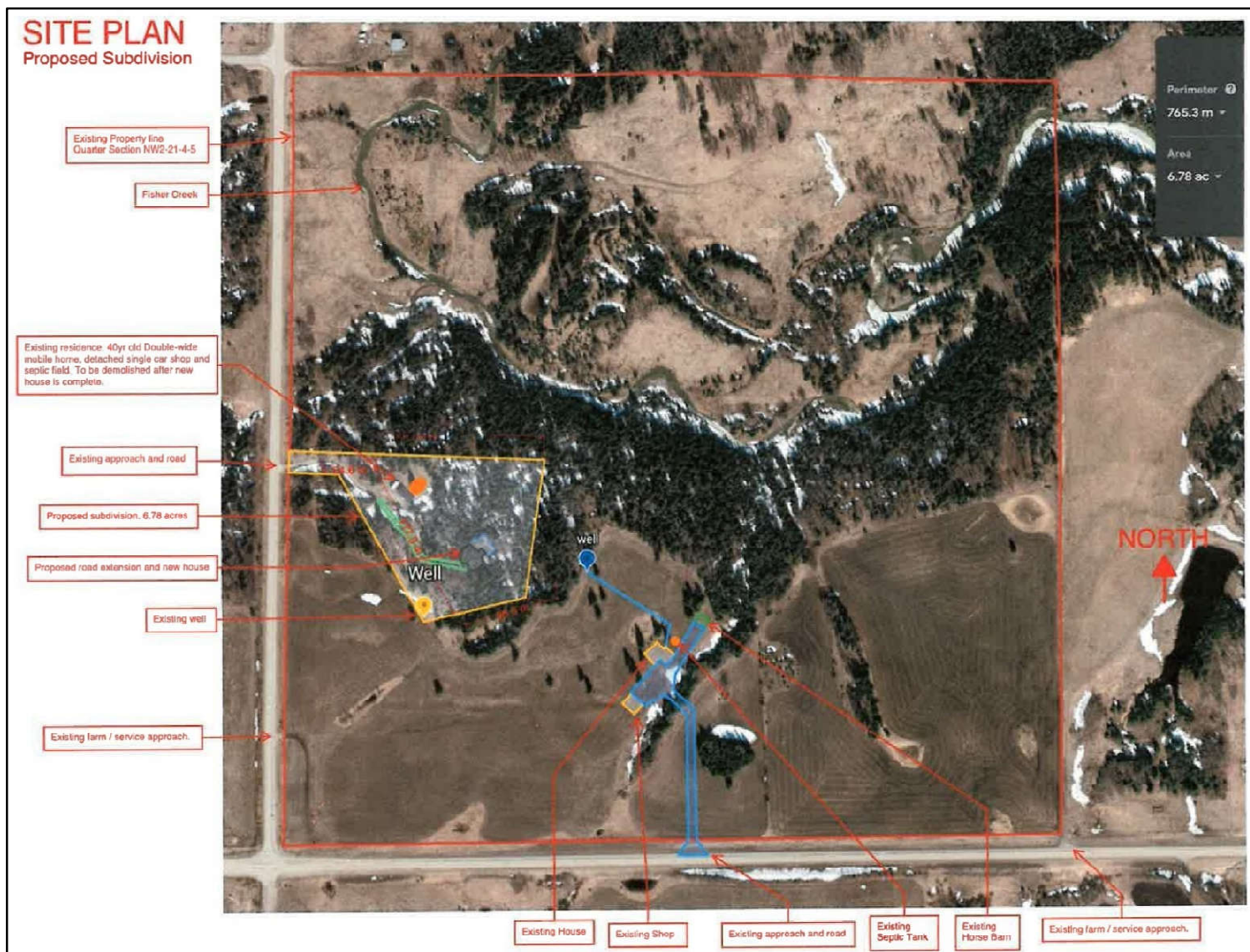
SITE PLAN

SITE PLAN – CLOSE UP OF THE +/-6.78 ACRE CR LOT

APPENDIX A: LOCATION MAP



APPENDIX A: SITE PLAN



APPENDIX A: SITE PLAN – CLOSE UP OF THE 6.78+/- ACRE CR LOT (outlined in yellow)



COUNCIL ADMINISTRATIVE REPORT
Department: Community Services – Energy Management



TITLE: Council Authorization for the Installation of ~465kW Rooftop Solar PV System at SSSR.

Author: Adeniyi Adeaga, Municipal Energy Manager.

DATE: 08 Feb. 2023

PURPOSE: Seek Council's authorization to proceed with the implementation of a proposed ~465kW grid-tied rooftop solar PV project at SSSR.

BACKGROUND: During 25th May 2022 Council meeting, Council gave support to this project as part of the County's energy management plan presented by the Energy Manager. Council also authorized submission of the funding application to the GICB program through Infrastructure Canada. In December 2022, Infrastructure Canada approved the funding application to cover 80% of total project costs and has requested a signed resolution of Council as part of conditions to execute the funding agreement.

Project Estimate Summary:

<u>Estimated Cost</u> <u>(\$)</u>	<u>GICB Portion 80%</u> <u>(\$)</u>	<u>Foothills County</u> <u>Portion 20% (\$)</u>	<u>Estimated</u> <u>Annual Energy</u> <u>Savings (kWh)</u>	<u>Estimated</u> <u>Annual Savings</u> <u>(\$)</u>	<u>Estimated</u> <u>Payback Period</u> <u>(yrs.)</u>
\$1,300,000	\$1,040,000	\$260,000	577,910 kWh	\$63,570	4.1 years

Possible Options for Foothills County Portion 20%:

	County's Portion 20% (\$)	FCM Grant (\$)	Amount Financed by FCM (\$)	5-Year Term Monthly Loan Repayment (\$)	5-Year Term Total Cost of Borrowing (\$)	Overall 5- Year Payment from County	Overall Payback Period (yrs.)
Option 1-Scenario 1- MSI	0	0	0	0	0	0	0
Option 1-Scenario 2 - Out of Pocket	\$260,000	0	0	0	0	\$260,000	4.1
Option 2-Scenario 1 - FCM Grant & Loan at 3%	\$260,000	\$65,000	\$195,000	\$3,504	\$15,234	\$210,234	3.3
Option 2-Scenario 5 - FCM Grant & Loan at 7%	\$260,000	\$65,000	\$195,000	\$3,861	\$36,674	\$231,674	3.6

Other Potential Project Life-cycle Maintenance Costs

- 1) Insurance: \$1270 increase in annual premium. Coverage will include repairs/replacement of damaged solar panels and roof.

- 2) End of Life Disposal: ARMA piloted a project for solar panels recycling. Solar panel recycling and refurbishing industry expected to grow as supply of end-of-life panels increases.
- 3) Solar PV Panels Removal and Re-install in case of Roof Repairs: Estimate of this cost is \$100k-\$150k. This situation is unlikely since the panels will completely cover the existing aluminum roof, thereby shielding it from direct sunlight and extending its lifespan.

RECOMMENDATION:

That Council consider this project for Implementation and provide administration with direction on its preferred method of financing. If support is provided by council, the Energy Manager would proceed with releasing an RFP to seek proposals from qualified solar PV contractors. Council will then make final decision based on the proposals/quotes received.