


PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
REDESIGNATION
September 27, 2023
To be heard at: 1:30 pm

APPLICATION INFORMATION		
	LEGAL DESCRIPTION: Ptn. NE 21-20-2 W5M; Plan 9110446, Block 1	
	LANDOWNERS: Alex & Lauren Maynard	
	AREA OF SUBJECT LANDS: 78.09 acres	
	CURRENT LAND USE: Agricultural District	
	PROPOSED LAND USE: Country Residential District	
NUMBER & SIZE OF PROPOSED NEW PARCELS: 1 x 9.2 +/- acre parcel		
PROPOSAL: Application for the redesignation of a portion of NE 21-20-2 W5M; Plan 9110446, Block 1 from Agricultural District to Country Residential District in order to allow the future subdivision of one 9.2 +/- acre Country Residential District parcel, leaving a 68.89 +/- acre Agricultural District balance.		
DIVISION NO: 3	COUNCILLOR: Barb Castell	FILE MANAGER: Stacey Kotlar

EXECUTIVE SUMMARY:

Location:

The subject parcel is located adjacent to and south of 370 Ave W, 825 m east of 160 St W and 1.2 km north of the Town of Diamond Valley.

Policy Evaluation:

Reviewed within the terms of the:

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

Referral Considerations:

The application submission was referred to required internal departments and external agencies.

PURPOSE OF APPLICATION:

Bylaw XX/2023 – Application for the redesignation of a portion of NE 21-20-2 W5M; Plan 9110446, Block 1 from Agricultural District to Country Residential District in order to allow the future subdivision of one 9.2 +/- acre Country Residential District parcel, leaving a 68.89 +/- acre Agricultural District balance.

HISTORY:

1990- Council granted approval to create two 80 acre parcels with a 20 m panhandle through the north parcel to gain access from the developed road to the south parcel (shown in pink).

Jan 1994 – A Development Permit was approved to build a second residence on a parcel less than 80 acres. This application was approved based on the fact that the parcel is less than 80 acres due to the 20m panhandle needed for access to the south 80 acre parcel. They considered it a nominal 80.

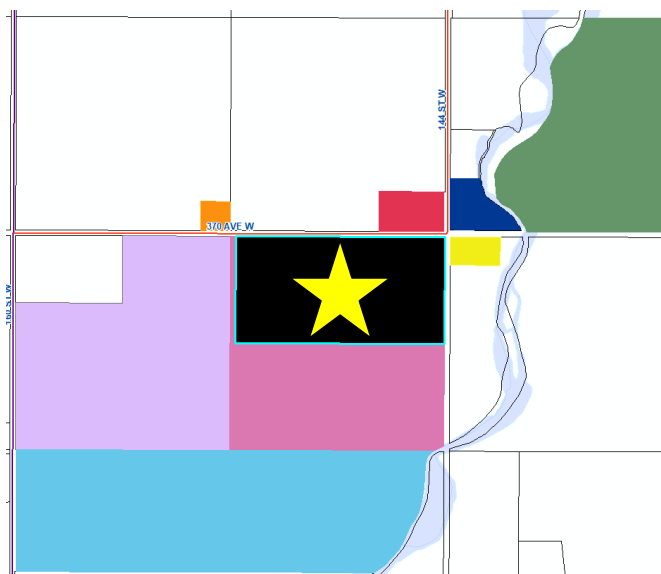
May 1996 - An application was before Council to redesignate a portion of the subject lands from Agricultural Conservation to Country Residential District to allow for the creation of four new lots ranging in size from 2.75 to 3 acres. Council refused this application because it was felt that the subject land is not conducive to Country Residential development due to the agriculturally productive land and the development was inappropriate due to the reduced municipal standards of the road allowance providing access to the property. The applicant then proceeded to apply for subdivision of identical nature and was refused as the zoning of the land did not permit the subdivision.

Dec 1996 – An application was before Council to redesignate 10.5 +/- acres in the north west corner of the subject lands from Agricultural Conservation to Country Residential District. Council denied this application because the road allowance providing access is not built to municipal standards; no demonstrated agricultural use to warrant further subdivision; and proposal is contrary to the Land Use Bylaw.

NW 22-20-2 W5 – 1999 – Subdivision of 5 acre Country Residential District parcel (shown in yellow) from fragmented quarter leaving a 49.12 acre Agricultural District balance.

SW 27-20-2 W5 – 2003 – Subdivision of 8.75 acre Country Residential District parcel (shown in navy) leaving a 5.78 acre Country Residential District balance.

S 21-20-02 W5 – 2013 – Redesignation of 80 acres to Natural Resource Extraction, Sand and Gravel Pit (shown in light blue). This Gravel Pit has an active Development Permit with an expiration date of April 2024.



SW 28-20-2 W5 – 2013 – Subdivision of a 3 acre Country Residential Sub-district "A" first parcel out (shown in orange), leaving a 157 acre Agricultural Sub-district "A" balance approved.

NW 21-20-02 W5 – 2017 – Redesignation to DC #29, Limited Public Riding Arena and Development permit approved. 27,200 sq ft area with attached barn, supporting one event per year and boarding no more than 26 horses (shown in purple).

SE 28-20-2 W5 – 2021 – Subdivision of 9 acre Country Residential Sub-district "A" first parcel out (shown in red), leaving a 150.82 acre Agricultural Sub-district "A" balance approved.

SW 27-20-2 W5 – 2015 – Bylaw expired on the Natural Resource Extraction of Mining & Removal of Gravel. The landowner did not want to continue with the Development Permit (shown in green)

SITE CONSIDERATIONS:

Physiography:

The subject parcel is lightly undulating, sloping upward to the apex of the small hill at the existing residences in the south east corner. The east side of the parcel begins the slope downward toward the Sheep River located in the adjacent quarter to the east.

Access:

The subject parcel is currently accessed from an existing approach on 370 Ave W. Public Works has advised that this approach does not meet current standards. The application is proposing to construct two new approaches on 370 Ave W. One is to provide access to the proposed 9.2 +/- acre parcel. The second proposed approach is for the balance parcel, also on 370 Ave W.

Existing Development:

The proposed 9.2 +/- acre parcel does not have any existing structures but does have the existing driveway.

The 68.89 +/- acre balance parcel contains all existing development, which includes two residences, detached garage, barn, Quonset, and two garden sheds. The applicants propose to relocate one of the 2 residences from the current location to the proposed parcel.

MUNICIPAL RESERVE:

To date, no municipal reserves have been provided. As per the County's Municipal Reserve Policy, as a condition of Subdivision, Council may require that reserves be provided by way of cash-in-lieu of land for the 9.2 +/- acre Country Residential District parcel.

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<p>The following are recommended for the proposed 9.2 +/- acre parcel, as a condition of subdivision:</p> <ul style="list-style-type: none">• Septic Disposal Evaluation (PSTS) <p>Public Works provided the following comments regarding the approaches:</p> <ul style="list-style-type: none">• Current approach to be removed and relocated 60m west to provide access to the proposed lot.• New approach to the balance to be built to meet County Standards. <p>Public Works provided the following additional comments:</p> <ul style="list-style-type: none">• Road widening of 5m along the north side of the parcel (south side of 370 Ave W) by Caveat.• Road widening of 5m along the east side of the parcel (west of 144 St W) by Caveat.
Mapping	<p>The mapping department has noted that with the proposed new approaches there will be an address change for the balance parcel.</p>

EXTERNAL	
Alberta Transportation and Economic Corridors (ATEC)	<p>Alberta Transportation provided the following comments:</p> <ul style="list-style-type: none"> • The proposal does not meet Section 18 of the Regulation. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18. • 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, transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19. <p>Note: The full response from Alberta Transportation is included under Appendix C of this staff report.</p>
ATCO Gas	Has no objections
Fortis	Has no concerns
Telus	Has no objections
PUBLIC	
Western Wheel	Dates of Publication: Sept 13 & 20, 2023
Land Owners (half mile)	No submissions prior to public hearing

POLICY EVALUATION:

Municipal Development Plan (MDP2010):

Policies 2 and 4 of the Agriculture section of the MDP2010 discourages the subdivision of agricultural lands without thoughtful consideration of the impact the proposed use will have on the existing agricultural users and the uses surrounding the application.

Policies 3 and 9 of the Residential section of the MDP2010 provide that residential parcels should consider their compatibility with the surrounding area and their impact on the agricultural industry. Further, the development must consider the suitability of the lands for residential uses and the efficient use of land.

Policy 2 of the Agricultural section of the MDP2010 supports maintaining the integrity of the agricultural land base and discourages the fragmentation of agricultural lands within the County.

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 North West District. The vision for the North West District is supportive of minimal to moderate growth with careful consideration of the potential impacts on wildlife habitat and water shed areas.

SUMMARY:

Bylaw XX/2023 – Application for the redesignation of a portion of NE 21-20-2 W5M; Plan 9110446, Block 1 from Agricultural District to Country Residential District in order to allow the future subdivision of one 9.2 +/- acre Country Residential District parcel, leaving a 68.89 +/- acre Agricultural District balance.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – APPROVAL

Council may choose to grant 1st reading to the application for redesignation of a portion of NE 21-20-2 W5M; Plan 9110446, Block 1 from Agricultural District to Country Residential District in order to allow for the future subdivision of one 9.2 +/- acre Country Residential District lot, with an approximate 68.89 +/- acre Agricultural District balance parcel for the following reasons:

In their consideration of the criteria noted in the Agriculture Policy of the MDP2010, Council is of the opinion that fragmentation 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 with respect to Country Residential development.

Staff suggests Country Residential Sub-district "A" for the proposed 9.2 +/- acre parcels to ensure that the recommendations and restrictions as outlined in the septic disposal evaluation (provided as a condition of subdivision) are complied with to the satisfaction of the Public Works department.

Council may choose to impose the following suggested conditions:

Recommended Conditions for Option #1:

1. Landowners are to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for the purposes 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;
2. Proof of adequate water supply to be provided for the proposed parcel in accordance with the Municipal Water Policy, to the satisfaction of the County;
3. Septic Disposal Evaluation, provided for the proposed ±9.2 acre lot, to the satisfaction of the Public Works department, **as a condition of subdivision**;
4. Final redesignation application fees to be submitted;
5. Submission of an executed subdivision application and the necessary fees.

OPTION #2 REFUSAL

Council may choose to refuse the application for redesignation of a portion of NE 21-20-2 W5M; Plan 9110446, Block 1 from Agricultural District to Country Residential District for the future subdivision of one 9.2 +/- acre Country Residential District lot, leaving a 68.89 +/- acre Agricultural District balance for the following reasons:

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

APPENDICES:

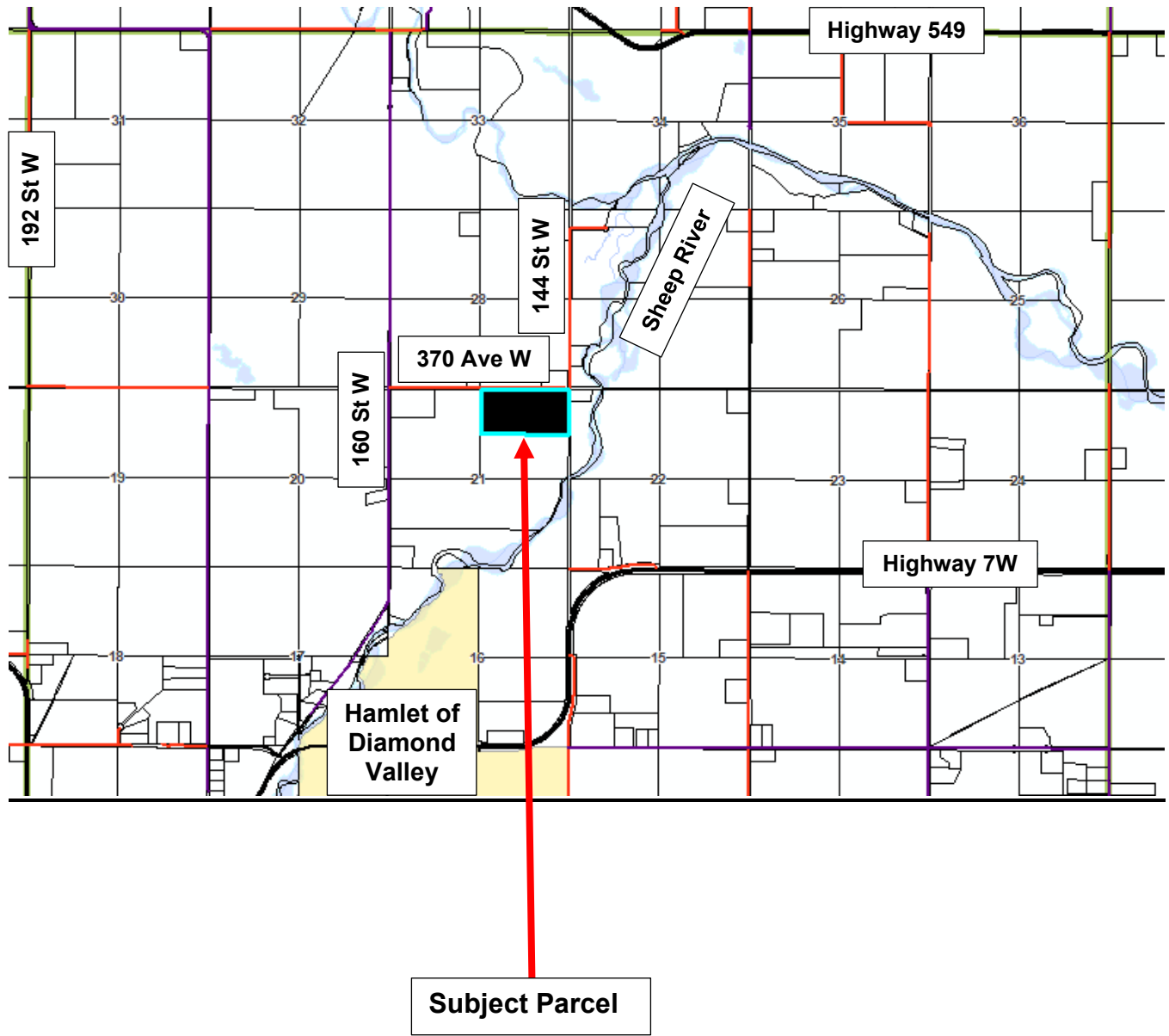
APPENDIX A: MAP SET:

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

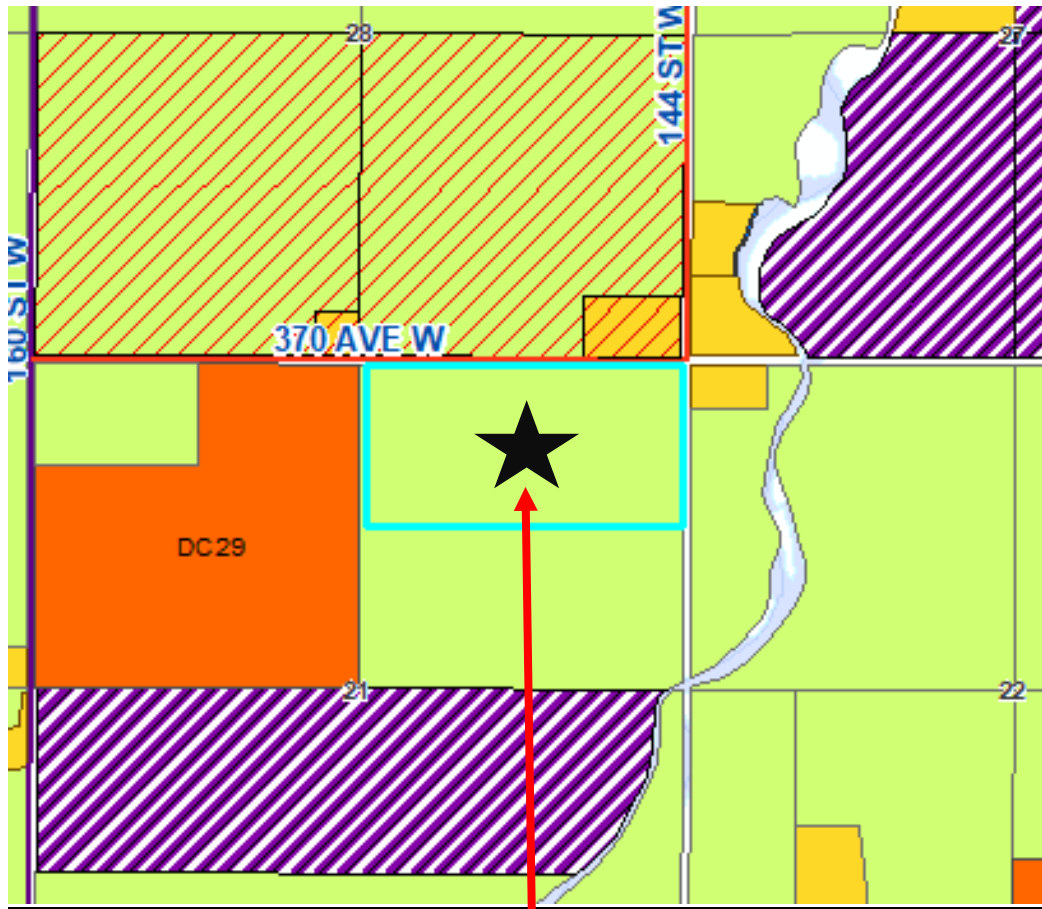
APPENDIX B: PROPOSED BYLAW

APPENDIX C: REFERRAL RESPONSE SUBMISSIONS

APPENDIX A: LOCATION MAP








APPENDIX A: LAND USE

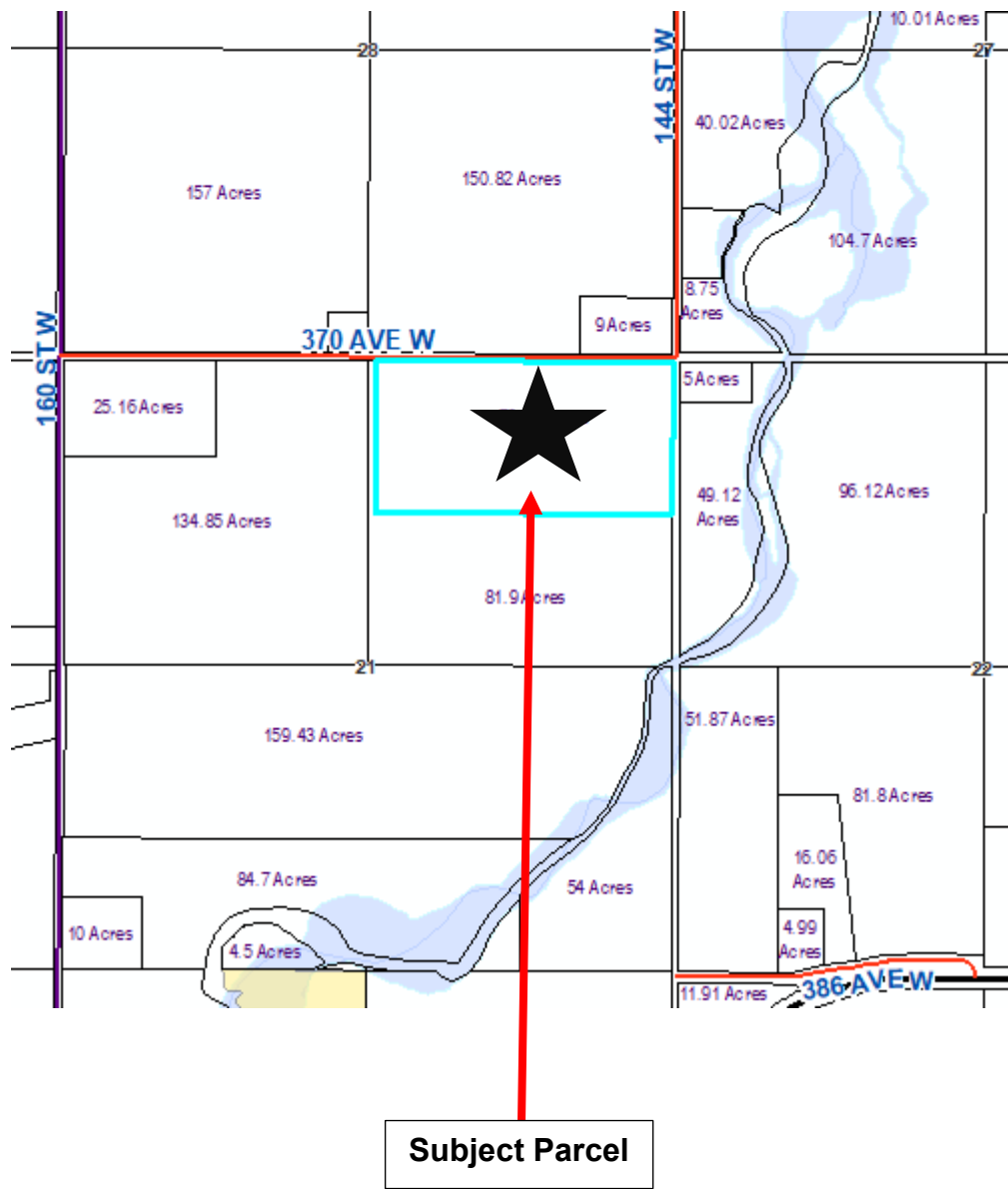


Subject Parcel

Legend

-  A- Agricultural
-  CR- Country Residential
-  CRA- Country Residential Sub A
-  DC29 - Limited Public Commerc Arena
-  INR - Natural Resource Extraction

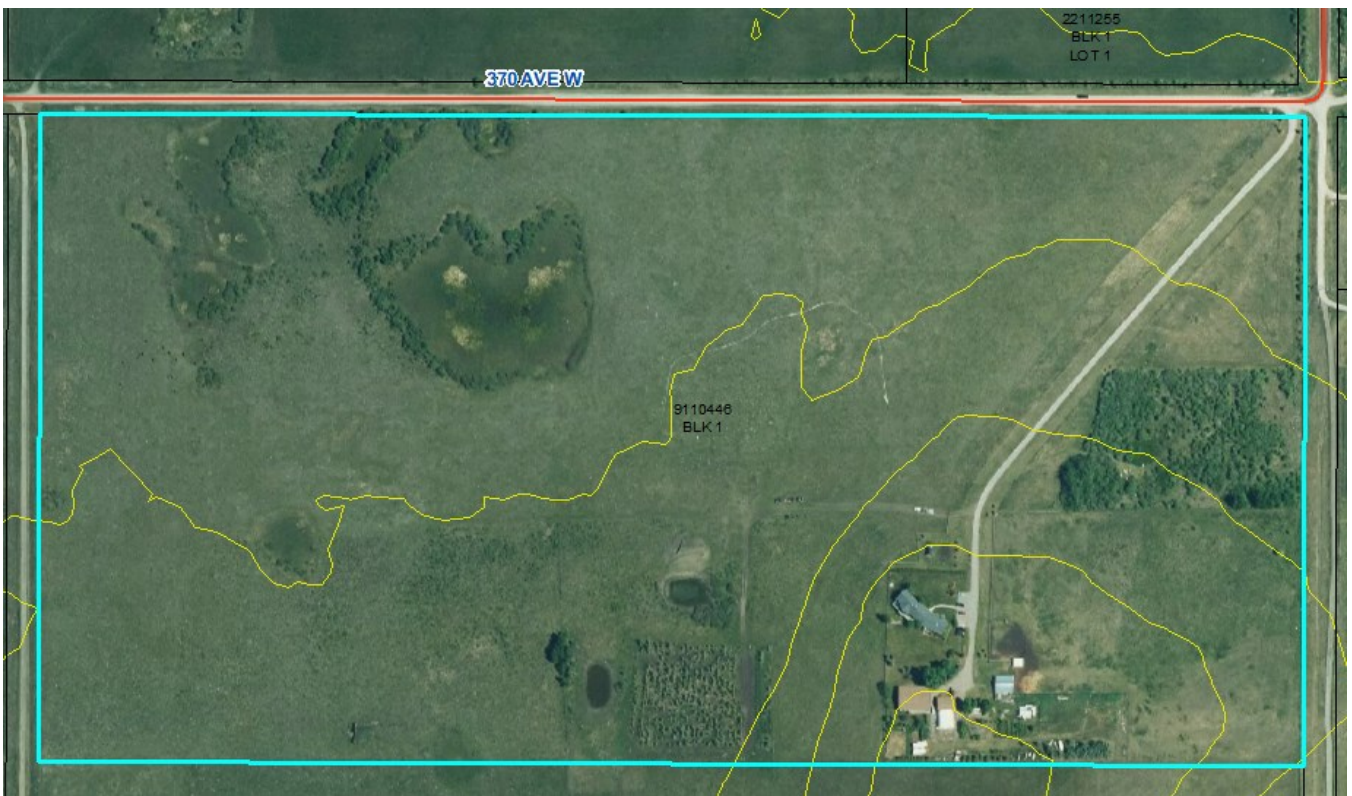
APPENDIX A: LOT SIZES (IN ACRES)



APPENDIX A: SITE PLAN



APPENDIX A: ORTHO



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 9.2 +/- acre portion on Ptn. NE 21-20-02 W5M from Agricultural District to Country Residential District to allow for a future subdivision of one 9.2 +/- acre Country Residential Parcel with an approximate 69.89 +/- acre Agricultural District balance parcel.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Land Use Map No. 2002 *is amended by redesignating one 9.20 +/- acre parcel on Ptn. NE 21-20-02 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

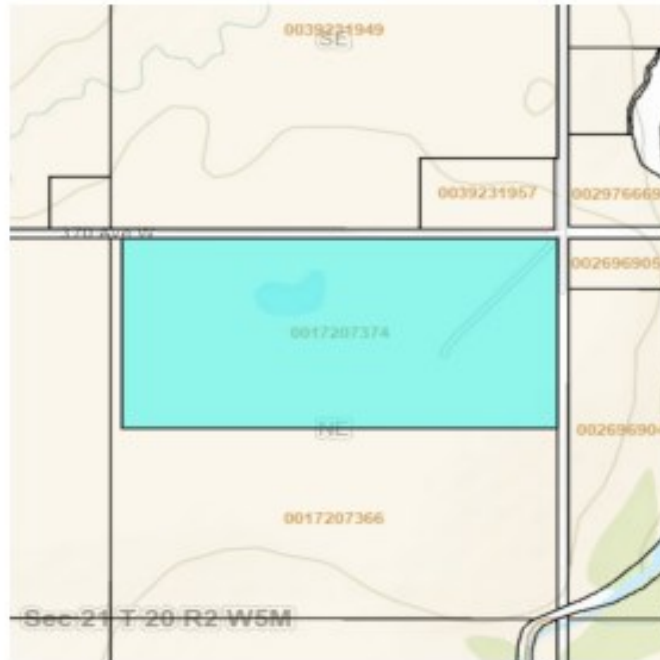
PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this day of _____, 20__.



Alberta Transportation and Economic Corridors Notice of Referral Decision

Land Use Bylaw amendment in proximity of a provincial highway

Municipality File Number:	23R024	Highway(s):	7
Legal Land Location:	QS-NE SEC-21 TWP-020 RGE-02 MER-5	Municipality:	Foothills County
Decision By:	Trevor Richelhof	Issuing Office:	Southern Region / Calgary
Issued Date:	2023-06-08 08:33:43	AT Reference #:	RPATH0035699
Description of Development:	Redesignation of +/-9.2 acre ptn of the subject parcel to Country Residential District (CR) for future subdivision of 1 new +/-9.2 acre CR lot		



This will acknowledge receipt of your circulation regarding the above noted proposal. Alberta Transportation

and Economic Corridors primary concern is protecting the safe and effective operation of provincial highway infrastructure, and planning for the future needs of the highway network in proximity to the proposed land use amendment(s).

Alberta Transportation and Economic Corridors offers the following comments and observations with respect to the proposed land use amendment (s):

1. Pursuant to Section 618.3(1) of the Municipal Government Act (MGA), the department expects that the municipality will comply with any applicable items related to provincial highways in an ALSA plan if applicable
2. Pursuant to 618.4(1) of the Municipal Government Act, 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, in accordance with Policy 7 of the Provincial Land Use Policies.

This will acknowledge receipt of your circulation regarding the above noted proposal. 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(s) 7

Transportation and Economic Corridors offers the following comments with respect to this application:

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, Transportation and Economic Corridors 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, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

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.

Please contact Alberta Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information