


**PUBLIC HEARINGS AND MEETINGS**  
**PLANNING AND DEVELOPMENT REPORT TO COUNCIL**  
**REDESIGNATION**  
**September 27, 2023**  
**To be heard at: 10:00 am**

<b>APPLICATION INFORMATION</b>		
	<b>LEGAL DESCRIPTION:</b> PTN. NW 04-21-02 W5M; NE of Rd	
	<b>LANDOWNERS:</b> JASON & STACIE AKINS	
	<b>AREA OF SUBJECT LANDS:</b> 58.43 ACRES	
	<b>CURRENT LAND USE:</b> AGRICULTURAL DISTRICT (A)	
	<b>PROPOSED LAND USE:</b> COUNTRY RESIDENTIAL DISTRICT (CR)	
<b>NUMBER &amp; SIZE OF PROPOSED NEW PARCELS:</b> 2 X 5.07 +/- ACRES		
<b>PROPOSAL:</b> Application for the redesignation of a portion of NW 04-21-02 W5M from Agricultural District to Country Residential District, in order to allow for the future subdivision of two 5.07 +/- acre Country Residential District parcels, leaving 48.29 +/- acre Agricultural District balance.		
<b>DIVISION NO:</b> 3	<b>COUNCILLOR:</b> Barb Castell	<b>FILE MANAGER:</b> Stacey Kotlar

**EXECUTIVE SUMMARY:**

**CHANGES MADE TO APPLICATION TO ADDRESS REFERRAL RESPONSES:**  
 Access to the proposed parcels was initially proposed via a new common approach to be constructed off of Highway 549 and access to the balance parcel was proposed to be provided via 2 existing approaches off of Highway 549. Following the formal application submission and referral circulation, Alberta Transportation and Economic Corridors (ATEC) provided that they would not be open to increasing the net number of highway accesses that currently service the subject parcel but would be willing to discuss other options with the landowner. ATEC also provided a sketch illustrating their preferred access option, which suggest that access be provided to the proposed parcels from the most northerly existing approach via an access easement over the balance lands and service road dedication by caveat. This sketch as well as ATEC’s referral comments are included under Appendix C of this staff report,

Upon discussion with the landowner, they would like to proceed with the amended access option as provided by Alberta Transportation and Economic Corridors.

**Location:**

The subject parcel is located adjacent to and north of Hwy 549 W, 800 m west of 144 St W, approximately 1 km north of 338 Ave W and approximately 5 km east of Highway 22.

**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 NW 04-21-02 W5M from Agricultural District to County Residential District in order to allow the future subdivision of two 5.07 +/- acre Country Residential District parcel, leaving a 48.29 +/- acre Agricultural District balance

## **HISTORY:**

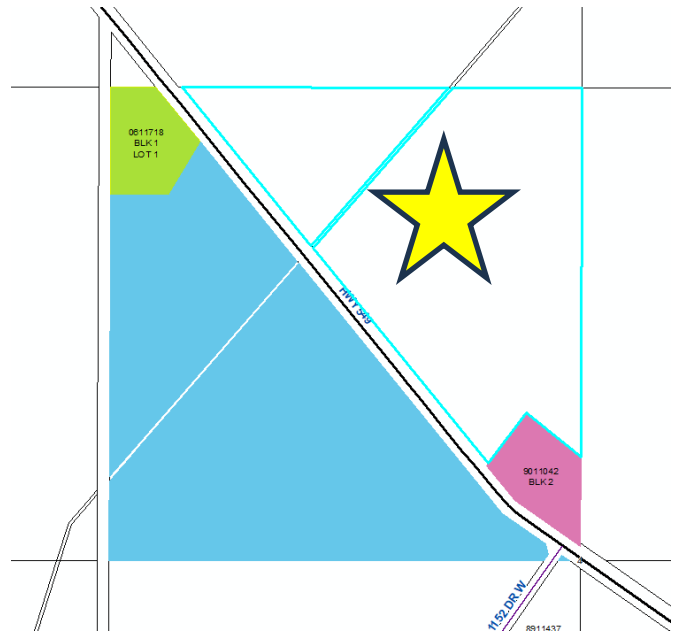
### **NW 04-21-02 W5M**

**1975** – A subdivision application was approved to subdivide the full quarter section along the road (i.e. Hwy 549) dividing the quarter into one 85 acre Agricultural parcel (shown in blue) and one 75 acre Agricultural parcel (shown in white outlined with blue).

**1976** – A subdivision application was approved to subdivide the pre-existing church and cemetery from the northeast Agricultural parcel (shown in pink).

**1988** – A boundary adjustment application was approved to expand the church cemetery by 1 acre north.

**2006** – A subdivision application was approved within the southwest parcel to allow the creation of one 5.5 acre Country Residential District parcel (shown in green).



## **SITE CONSIDERATIONS:**

### **Physiography:**

The subject parcel is currently used as farmland and has rolling terrain with a slope from the south west property line up to the north.

### **Access:**

The subject parcel currently has two existing approaches located on Highway 549. The south approach will be retained as the access for the balance parcel.

The application proposed that the new Country Residential parcels have a shared approach off of Highway 549. Alberta Transportation does not support the proposal of any additional approaches. Further to the referral circulation, the landowner wishes to proceed with the amended access strategy as proposed by ATEC. This strategy proposes the northern approach as continued agricultural access for the balance with an easement and service road dedication by caveat to allow access for the new parcels. Public Works is not in favour of an easement and have provided suggestion options to move the existing approach or to construct a service road to provide access from the existing approach.

### **Existing Development:**

The balance parcel contains all existing development, which includes an abandoned house, quonset, barn, machine shed, 3 livestock sheds and granaries. The parcel also includes an Atco Pipeline running through the property from southwest to northeast. This pipeline is depicted on the Half Mile Maps in Appendix A of this document.

**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 two 5.07 +/- acre Country Residential District parcels.

CIRCULATION REFERRALS	
REFEREE	COMMENTS
<b>INTERNAL</b>	
Public Works	<p>The following are recommended for the two proposed 5.07 +/- acre parcels <b>as condition of subdivision</b>:</p> <ul style="list-style-type: none"> <li>• Septic Disposal Evaluation (PSTS);</li> <li>• Comprehensive Site Drainage Plan;</li> <li>• Lot Grading Plan;</li> <li>• Building Envelopes.</li> </ul> <p>Public Works provided the following additional comments:</p> <ul style="list-style-type: none"> <li>• ATEC to provide comment on the proposed approaches;</li> <li>• Grading and drainage plans to show existing contours and drainage as well as any proposed changes if applicable;</li> </ul> <p><b>Updated comments:</b></p> <p>Public Works provided the following additional comments with respect to the amended access strategy:</p> <ul style="list-style-type: none"> <li>• Public Works is not in favour of an easement, suggested options <ul style="list-style-type: none"> <li>• relocation of the existing approach to a shared approach for the new lots</li> <li>• service road surveyed out and built to provide access from the existing approach to the new lots and agricultural lands</li> </ul> </li> </ul>
Mapping	No Concerns
<b>EXTERNAL</b>	
Alberta Transportation & Economic Corridors (ATEC)	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The requirements of Section 19 of the Regulation are not met. To ensure future access management requirements are met a service road is required. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors does not</li> </ul>

<b>CIRCULATION REFERRALS</b>	
	grant approval for the subdivision authority to vary the requirements of Section 19 of the Regulation, Transportation and Economic Corridors will accept service road dedication as described: The department shall accept a caveat granting access to both parcels. The caveat shall be 30 m in width and shall run parallel to Highway 549 from the easternmost property line of the westernmost parcel, to the existing access to Highway 549, through the remnant parcel as required. This existing access is approximately 340m from the northernmost point of the current parcel as measured along Highway 549. No new direct access to Highway 549 shall be permitted.
ATGO Gas	No objections
ATCO Pipelines	No objections subject to the following conditions: <ul style="list-style-type: none"> <li>• Any existing land rights shall be carried forward in kind and registered on any newly created lots, public utility lots, or other properties.</li> <li>• Ground disturbances and surface works within 30 m require prior written approval from ATCO Transmissions before commencing</li> <li>• Parking and/or storage is not permitted on ATCO right-of-way.</li> <li>• Encroachments are not permitted on ATCO right-of-way.</li> <li>• Any revisions or amendments to the proposed plans must be re-circulated to ATCO for further review.</li> </ul>
<b>PUBLIC</b>	
Western Wheel	Dates of Publication: September 13 & 20, 2023
Land Owners (half mile)	No submissions prior to submission of this staff report

## **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 surrounding uses.

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:**

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 NW 04-21-02 W5M from Agricultural District to Country Residential District in order to allow the future subdivision of two 5.07 +/- acre Country Residential District parcels, leaving a 48.29 +/- acre Agricultural District balance.

**OPTIONS FOR COUNCIL CONSIDERATION:**

**OPTION #1 – APPROVAL**

Council may choose to grant 1<sup>st</sup> reading to the application for the redesignation of a portion of NW 04-21-02 W5M from Agricultural District to Country Residential District in order to allow for the future subdivision of two 5.07 +/- acre Country Residential District parcels, leaving a 48.29 +/- acre Agricultural District balance for the following reasons:

*In their consideration of the criteria noted within the Agricultural section of the MDP2010, Council is of the opinion that the lands are suitable for the intended use and that fragmentation of the subject lands would not be detrimental to the overall nature of the area. Further, the application falls within the density provisions and lot size restrictions of the Country Residential District within the County's Land Use Bylaw.*

*Staff suggests that the two proposed 5.07 +/- acre parcels be designated as Country Residential Sub-district "A" to ensure that the recommendations and restrictions as outlined in the Septic Disposal Evaluation (PSTS), Comprehensive Site Drainage Plan, Lot Grading plan, and Building Envelopes (all conditions of subdivision) are complied with, to the satisfaction of the Public Works Department. A completion certificate by a Professional Engineer verifying that all aspects of the noted reports have been met, may be required. Council may also wish to require a \$5000 deposit as a pre-release condition to ensure compliance with all conditions of the development permit.*

Council may choose to impose the following suggested conditions:

**Recommended Conditions for Option #1:**

**Option A** regarding access for Council Consideration:

1. Landowner is to provide a revised site plan illustrating removal of illustrated common approach and future service road dedication as required by ATEC to the satisfaction of ATEC and the County
2. 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;
3. Landowners are to fully execute an Easement and Access right-of-way Agreement with the County as a third party to the agreement. The Agreement is required to be registered

with an access right-of-way plan over the full extent of the private road required to provide access to the two +/- 5.07 acre Country Residential District lots, concurrently with the plan of survey, to the satisfaction of the County and Alberta Transportation and Economic Corridors, as a condition of subdivision;

**Option B** regarding access for Council Consideration:

1. Landowner is to provide a revised site plan illustrating removal of illustrated common approach and future service road to be surveyed out to the satisfaction of ATEC and the County
2. Landowners are to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for the purposes of construction of external transportation infrastructure, payment of the community sustainability fee and any other necessary municipal and on-site improvements as required by Council and the Public Works department;
3. Proof of adequate water supply to be provided in accordance with the Provincial Water Act for the two proposed 5.07 +/- acre parcels and the balance parcel to the satisfaction of the County;
4. Final redesignation application fees to be submitted;
5. Submission of an executed subdivision application and the necessary fees.

**OPTION #2 – POSTPONEMENT**

Council may choose to postpone their decision on the application for the redesignation of a portion of NW 04-21-02 W5M from Agricultural District to Country Residential District in order to allow for the future subdivision of two 5.07 +/- acre Country Residential District parcels, leaving a 48.29 +/- acre Agricultural District balance in order for the landowner to provide a revised site plan that illustrates an access management strategy acceptable to both Alberta Transportation and Economic Corridors and the Public Works Department. The revised site plan is to be brought back to Council for their review and consideration prior to a decision being rendered on the application.

**OPTION #3 REFUSAL**

Council may choose to refuse the application for the redesignation of a portion of NW 04-21-02 W5M from Agricultural District to Country Residential District in order to allow the future subdivision of two 5.07 +/- acre Country Residential District parcels, leaving a +/- 48.29 acre Agricultural District balance for the following reasons:

*In consideration of Policy 2 and 4 of the Agriculture section of the MDP2010, Council did not find sufficient merit in the proposal to consider removing the subject lands from the Agricultural District.*

*Additionally, in consideration of the criteria noted within Residential Policies 3, 9 and 11 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, the efficient use of the land and the suitability of the lands for future development.*

**APPENDICES**

**APPENDIX A: MAP SET:**

LOCATION MAP

HALF MILE MAP – LAND USE

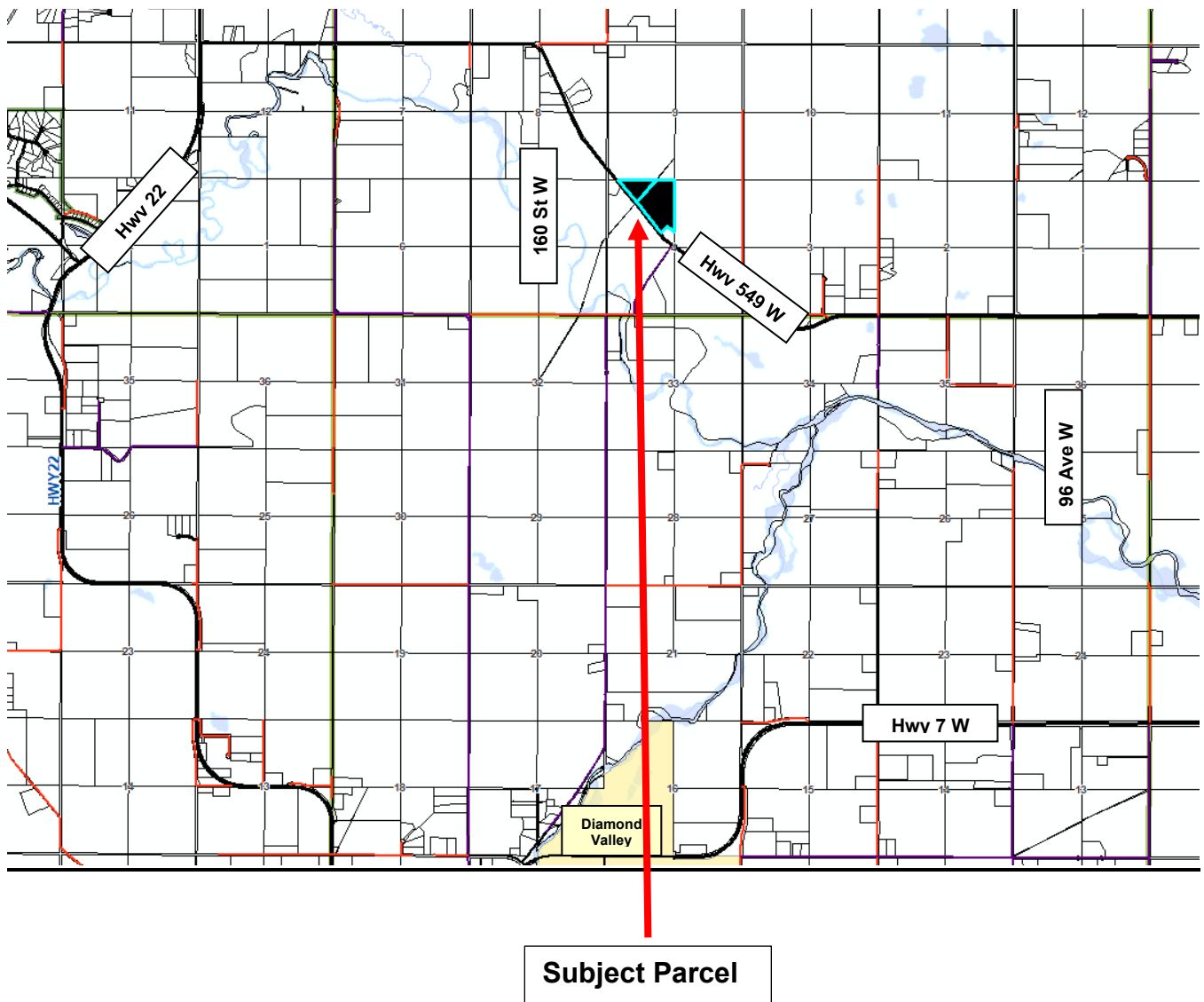
HALF MILE MAP – PARCEL SIZES

SITE PLAN SUBMITTED WITH FORMAL SUBMISSION ORTHO PHOTO

**APPENDIX B: PROPOSED BYLAW:**

**APPENDIX C: REFERRAL RESPONSE SUBMISSIONS**

**APPENDIX A: LOCATION MAP**



**APPENDIX A: LAND USE**

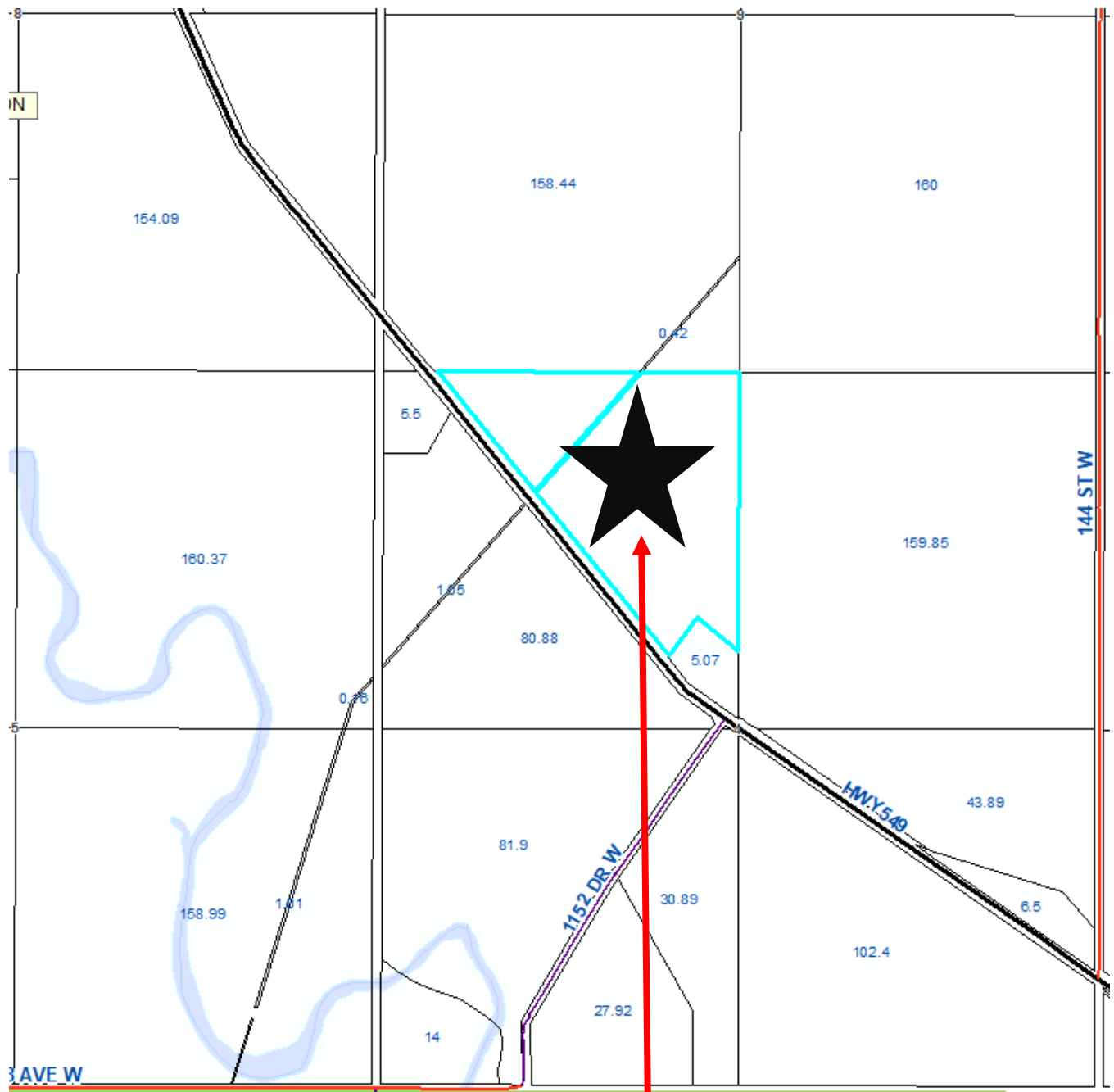


**Legend**

-  A- Agricultural
-  CR- Country Residential
-  SD- Service District
-  ER- Environmental Reserve



**APPENDIX A: LOT SIZES (IN ACRES)**

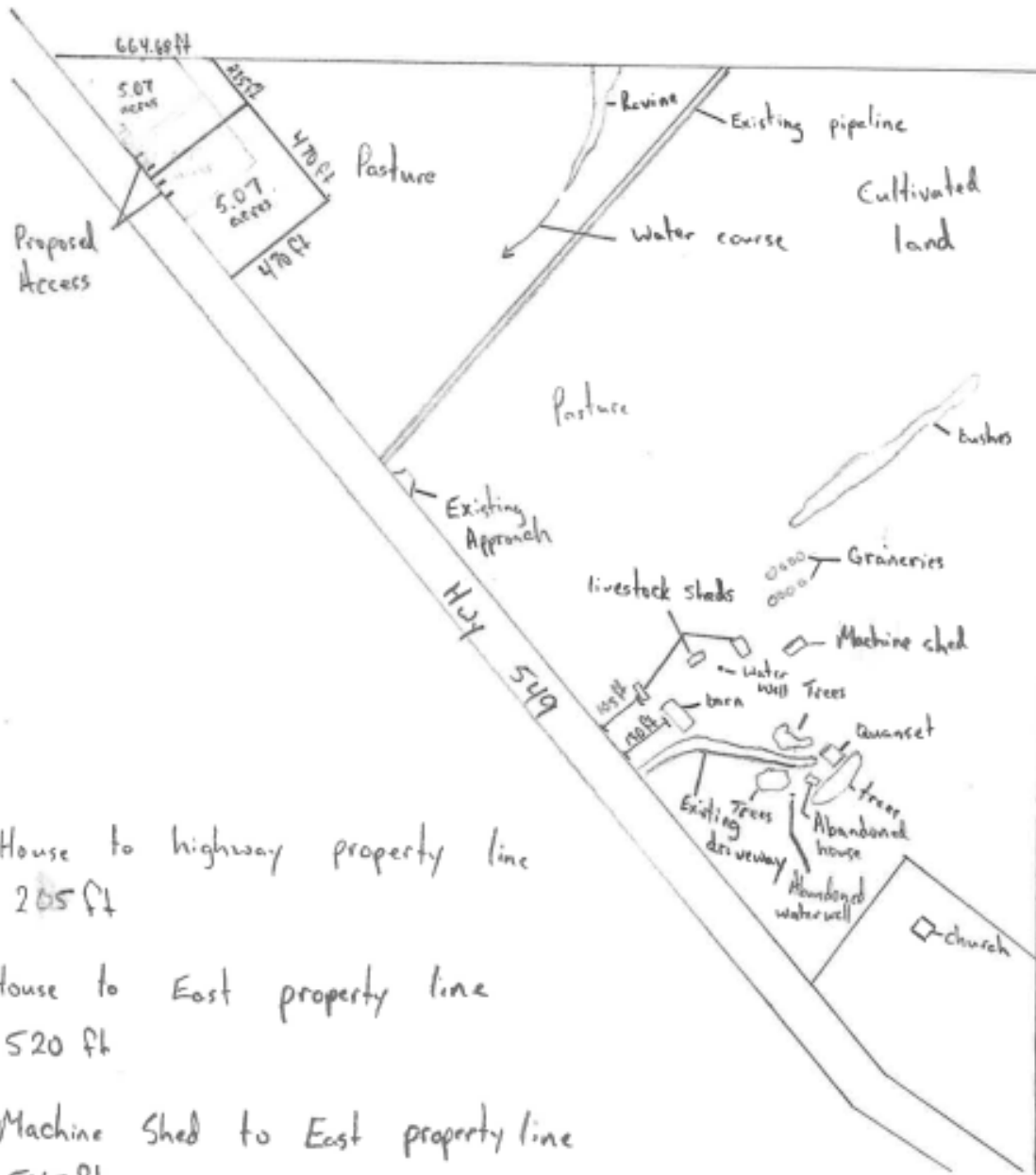


**Subject Parcel**

**APPENDIX A: SITE PLAN SUBMITTED WITH FORMAL SUBMISSION**

Site Plan

NW 1/4 04-21-02 WSM



House to highway property line  
205 ft

House to East property line  
520 ft

Machine Shed to East property line  
545 ft

Quanset to East property line  
450 ft



APPENDIX A: ORTHO PHOTO



**APPENDIX B: PROPOSED BYLAW**

**BYLAW XX/2023**

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

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

**AND WHEREAS** the Council has received an application to further amend the Land Use Bylaw by authorizing redesignation of a 10.14 +/- acre portion of NW 04-21-02 W5M from Agricultural District to Country Residential District, in order to allow for a future subdivision of two 5.7 +/- acre Country Residential District parcels with an approximate 48.29 +/- acre Agricultural District balance parcel.

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

1. Land Use Map No. 2102 is amended by *redesignating a 10.14 +/- acre portion from NW 04-21-02 W5M as Country Residential.*
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      .

**APPENDIX C: REFERRAL RESPONSE SUBMISSIONS:**



**Alberta Transportation and Economic Corridors Notice of Referral Decision**

**Land Use Bylaw amendment in proximity of a provincial highway**

Municipality File Number:	23R026	Highway(s):	549
Legal Land Location:	QS-NW SEC-04 TWP-021 RGE-02 MER-5	Municipality:	Foothills County
Decision By:	Evan Neilsen	Issuing Office:	Southern Region / Calgary
Issued Date:	2023-09-19 10:54:10	AT Reference #:	RPATH0036006
Description of Development:	Redesignate a +/- 10.14 ac ptn of the subject parcel from A to CR to allow a future subdivision of two X +/-5.7 ac CR lots		



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) 549

**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. To ensure future access management requirements are met a service road is required. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors does not grant approval for the subdivision authority to vary the requirements of Section 19 of the Regulation, Transportation and Economic Corridors will accept service road dedication as described below:

The department shall accept a caveat granting access to both parcels. The caveat shall be 30 m in width and shall run parallel to Highway 549 from the easternmost property line of the westernmost parcel, to the existing access to Highway 549, through the remnant parcel as required. This existing access is approximately 340 m from the northernmost point of the current parcel as measured along Highway 549. No new direct access to Highway 549 shall be permitted.

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