

**FOOTHILLS COUNTY  
COUNCIL AGENDA**



Wednesday, November 22, 2023, 9:00 a.m.  
Foothills County Administration Office  
309 Macleod Trail South – High River

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	<b>Pages</b>
<b>A. GENERAL MATTERS</b>	
A.1 Call Meeting to Order	
A.2 Approval of the Agenda	
<b>B. PUBLIC WORKS / ENGINEERING / PARKS &amp; RECREATION</b>	
B.1 2023 Capital Equipment Purchase - Brush Chipper	3
Presented by: Assistant Agricultural Fieldman Bree Webb	
<b>C. PUBLIC HEARINGS &amp; MEETINGS</b>	
C.1 10:00 a.m. - Misura - SW 32-22-03 W5M - Amend (A)	9
Presented by: Planning Officer Theresa Chipchase	
C.2 1:30 p.m. - Anderson - SE 27-19-29 W4M - Redesignation (A to DC#29)	30
Presented by: Planning Officer Brittany Domenjoz	
<b>D. MISCELLANEOUS PLANNING ITEMS</b>	
D.1 1651993 Alberta Ltd. - NW/NE 21-21-29 W4M - Bylaw 22/2023 (2nd & 3rd Reading)	47
D.2 Limpert - W 34-20-01 W5M - Bylaw 03/2023 (2nd & 3rd Reading)	57
D.3 Kleinsasser - SW 01-21-29 W4M - Development Permit 23D 142 - Home Based Business, Type III	66
<b>E. SUBDIVISION APPROVING AUTHORITY ITEMS</b>	
E.1 1651993 Alberta Ltd. - NW/NE 21-21-29 W4M - Request for Subdivision	89
E.2 Limpert - W 34-20-01 W5M - Request for Subdivision	98
<b>F. MISCELLANEOUS MUNICIPAL ITEMS</b>	
<b>G. CONFIDENTIAL CLOSED SESSION</b>	
G.1 Advice from Officials - FOIP s. 24	
<b>H. MOTIONS ARISING FROM CONFIDENTIAL CLOSED SESSION</b>	
<b>I. OTHER MATTERS</b>	
I.1 Lunch	
I.2 Accounts – November 22, 2023	
Councillors McHugh, Waldorf, Castell	

- I.3 Minutes – November 15, 2023
- I.4 Committee Reports
- I.5 Next Meeting – November 29, 2023
- I.6 Adjourn

<b>AGRICULTURAL SERVICES DEPARTMENT</b>	
	<b>TOPIC: Capital Equipment Purchase 2023 - Brush Chipper</b>
<b>REPORT PREPARED BY:</b> Bree Webb <b>REPORT PRESENTED BY:</b> Bree Webb	

**PURPOSE OF REQUEST**

For Council to review and authorize Administration to proceed with the purchase of a new Brush Chipper to replace Agricultural Services current Brush Chipper.

**BACKGROUND**

Agricultural Services current Brush Chipper is a 2013 Vermeer BC1000XL with over 2000 hours of operation. In the last two years we have had to replace the injectors and the hydraulic pump on this unit as it is worn out and would like to replace it before any other issues arise.

**REQUEST OF COUNCIL**

To approve the Vermeer quote due to ease of maintenance as Vermeer Canada Inc. has a service department in Calgary whereas the Bandit suppliers do not. Agricultural Services has previously owned 2 Vermeer brush chippers in the past and found the units to be dependable and reliable.

**APPENDICES**

**APPENDIX A:**

**ARBORIST SUPPLY CO. INC. – BANDIT 12XPC QUOTE - \$67 000.00**

**EDGE EQUIPMENT – BANDIT 12XP QUOTE - \$66 872.00**

**VERMEER CANADA INC. – VERMEER BC1000XL QUOTE - \$69 872.00**



FREE CANADA WIDE SHIPPING ON ORDERS OVER \$300 \*



**ARBORIST**  
SUPPLY CO. INC. EST. 1992



altText

## 12XPC Bandit Brush Chipper 2023

**CAD\$67,000.00**

- 1 +

### How to get it

**Required**



Store pickup

Arborist Supply Co. Inc.

141 Commercial Drive #8 Calgary AB

### Description



#### 12XPC Bandit Brush Chipper 2023

- 84hp Gas Ford Engine
- height and swivel
- auto-feed with reverse
- hydraulic lift and crush
- mud flaps

The Intimidator™ 12XPC is a simplified version of the 12XP, yet still rugged enough to chip material up to 12" in diameter. The 12XPC



Add to Cart CAD\$67,000.00

economical. Engine options are limited up to 84 horsepower and the unit features a channel frame, lighter infeed, and smaller axle and tires when compared to the 12XP.

The 12XPC is a popular machine for a variety of tree care professionals due to its weight and size. To keep this model simple and compact no hydraulic winch is offered on this unit. A Single 6,000 pound axle with 15" tires provides more than enough capacity for the approximate machine weight of 4,900 pounds.

Featuring Bandit's proven slide box feed system with dual feed wheels, this machine easily pulls and compresses material into the chipper. An optional hydraulic lift cylinder is recommended to further enhance down pressure as needed reducing chainsaw work and making the unit easier to feed.

- 24" diameter x 18 3/4" wide drum with four knives
- (2) 7 1/2" diameter x 16 3/8" wide feed wheels with bottom clean out door
- 30 3/4" high x 54" infeed with folding tray
- Single 6,000 pound axle with 225/75R 15" tires
- 360 degree manual discharge chute with end chip deflector
- Bandit control panel with reversing auto feed

Please Contact Rob at 403-607-6276 for more information

[video](#)

**Shipping & Returns**



Add to Cart CAD\$67,000.00



**Prepared By:**  
 Brandon Olsen  
 Edmonton AB T5V 1B3 Canada  
 Edge Equipment  
 12704 - 149 street  
 (780) 455-3343

**Prepared For:**  
 Caleb Scott  
 High River Alberta T1V 1M7  
 Canada  
 Foothills County  
 309 Macleod Trail

**Created On:** 10-17-2023

**Quoted Price:**

**\$ 66,872.00**

ITEM	Quantity	Item Price	List Price	Shipping Price	Line Item Total
2023 Bandit 12XP	1	\$ 66,872.00	\$ 0.00	\$ 0.00	\$ 66,872.00

Equipped with:

- 2.5L Ford (84hp)
- Rear bump bar
- Cone holders
- Wheel chocks
- Battery disconnect
- 2 1/2" pintle hitch

List Price	\$ 0.00
Quoted Price	\$ 66,872.00
Shipping	\$ 0.00
<b>Total</b>	<b>\$ 66,872.00</b>



BC1000XL – Brush Chipper  
November 6, 2023

The following is a detailed quotation on the BC1000XL Gas Engine Brush Chipper Unit.

**New Vermeer 2023 BC1000XL Gas Engine Brush Chipper complete with the following features:**

- 12" Capacity Drum Style Brush Chipper, 12" X 17" Opening
- 72 Horse Power Gas Engine
- Ecolde Engine Control System - Automatically Lowers Engine RPM when Material is not being Chipped.
- Air Cleaner 2 Stage Dry with Safety Element
- 20 Gallon Fuel Tank
- Vermeer Smartfeed System-Monitors Engine RPM
- 5200 lbs. Rubber Torsion Axle
- Tires ST 225/75/R15 Load Range D
- Clutchless PTO with Belt Tensioner
- Chute Rotation Angle 270 Degrees
- **Upper and Lower Feed Stop Bar for Safety**
- 1 Year/1,000 Hour Parts and Labour Standard Vermeer Limited Warranty

<b>Sell Price</b>	<b>\$69,872.00</b>
All taxes extra FOB Calgary, AB Quote valid for 14 days.	

## Vermeer Canada Promise

Our promise consists of the following commitments for all new Vermeer equipment sold through a standard sales or rental purchase agreement in the Vermeer Canada Area of Responsibility (AOR). This promise covers all new Vermeer equipment during the standard warranty period and for any added extended warranty period from the date of delivery:


1. Complete walk around and new ownership startup training.
2. Dealer subsidized Equipment Loaner Program
3. Dealer subsidized travel time program
4. One complementary after sales service and in shop service inspection
5. Guaranteed field service response program
6. No charge parts freight delivery for warranty related failures.
7. Customized finance options to be provided for all sales.
8. Hard copies of warranty related work orders will be provided for customer records.
9. Automatic notification for any warranty related recalls during warranty period.
10. Extended warranty options will be offered and presented.

Thank you for the opportunity to present this quote. We look forward to partnering with you in your equipment, parts and service needs.

Sincerely,

Brian Moore  
**Territory Manager**  
**Vermeer Canada Inc.**



<b>APPLICATION INFORMATION</b>		
	<b>LEGAL DESCRIPTION:</b>	Plan 9111702, Block 1, PTN: SW 32-22-03-W5M
	<b>LANDOWNERS:</b>	Nicolas and Lee Misura
	<b>AREA OF SUBJECT LANDS:</b>	99.09 acres
	<b>CURRENT LAND USE:</b>	Agricultural District
	<b>PROPOSED LAND USE:</b>	Agricultural District
<b>PROPOSAL:</b> Amendment to the Agricultural District to allow the future subdivision of one 25.0 +/- acre Agricultural District lot, with a 74.09 +/- acre Agricultural District balance parcel.		
<b>DIVISION NO:</b> 4	<b>COUNCILLOR:</b> Suzanne Oel	<b>FILE MANAGER:</b> Theresa Chipchase

**EXECUTIVE SUMMARY**

**Summary of Proposal**

Amendment to the Agricultural District in order to provide the future subdivision of one new 25.0 +/- acre Agricultural District lot from Plan 9111702, Block 1, PTN: SW 32-22-03-W5M, with a 74.09 +/- acre Agricultural District balance parcel remaining.

**Location**

The property is located approximately 5.5 kilometres northwest of the Hamlet of Priddis, north of Highway 22, directly north of 162<sup>nd</sup> Avenue, between 272<sup>nd</sup> Street West and 264<sup>th</sup> Street West. The parcel is also directly adjacent to a 0.49-acre parcel located between the applicant's lands and the road right of way for 162<sup>nd</sup> Avenue West, which is in title to Alberta Environment and Protected Areas.

**Access**

Access to both the new lot and the balance are proposed to be provided from the widening of the existing approach from a single to a common approach standard, to the satisfaction of the County's public works department.

**Pertinent Site Considerations**

The lands consist of a high flat plateau to the west, with a steep valley just east of the existing yard site which slopes to low flat terrain along the east boundary. The property is extensively covered in dense spruce and aspen tree cover, outside small sections of open grassland and contains an unnamed creek traversing through the northeast corner of the property.

**Policy Evaluation**

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

## Reserve Dedication

### Municipal Reserve

The property currently has a deferred reserve caveat registered on the existing title.

The **Subdivision Approving Authority** may wish to consider the following with regards to the provision of reserves:

Pursuant to Section 663(b) of the Municipal Government Act reserves to continue to be deferred on the balance parcel, with a deferred reserve caveat also to be registered on the proposed 25.0 +/- acre lot.

### Referral Considerations

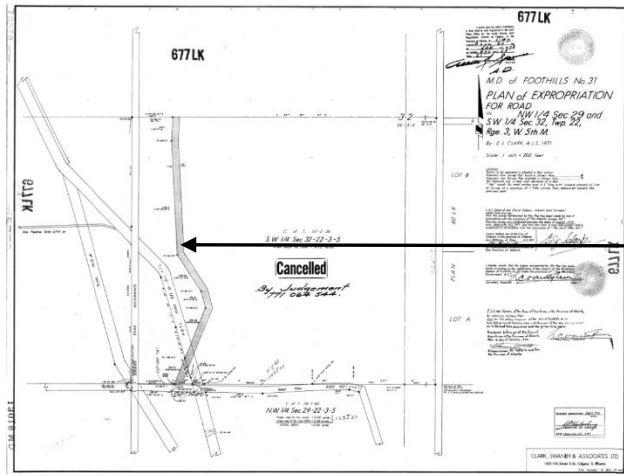
Referred to required Provincial and Municipal bodies as well as all utilities.

## **PURPOSE OF APPLICATION**

**Bylaw XX/2023** – Council has received an application to further amend the Land Use Bylaw by authorizing the amendment to the Agricultural Land Use District land to allow for the future subdivision of one 25.0 +/- acre Agricultural District parcel, leaving a 74.09 +/- acre Agricultural District balance parcel on Plan 9111702, Block 1; Ptn. SW 32-22-03-W5M.

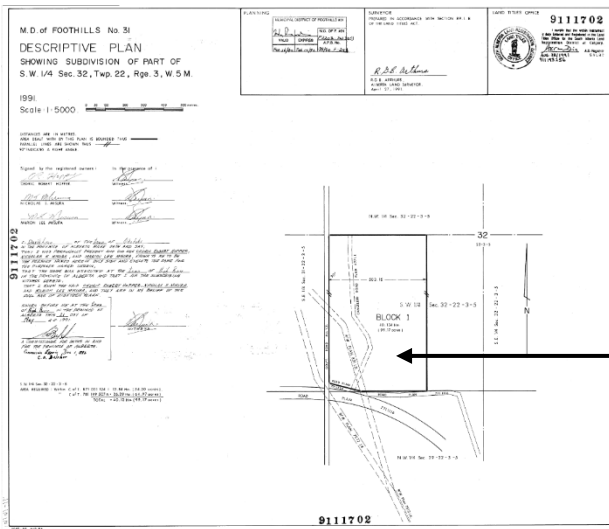
## **BACKGROUND**

**1956** – 162<sup>nd</sup> Avenue West was developed, prior to the construction of Highway 22 as a Provincial Right of Way in 1977. The construction of 162<sup>nd</sup> Avenue West stranded a small portion of the NW 29-22-03-W5, north of the new road, and south of the applicant's property, which at some point became entitled to Alberta Environment and Protected Areas.



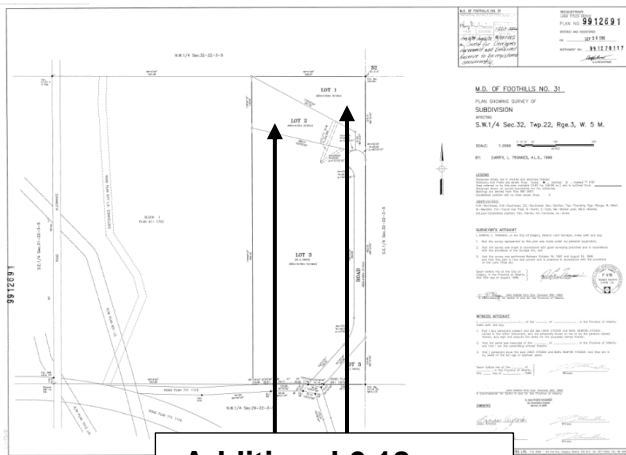
**1972** – land acquired by the Municipality for a sixty six foot wide road right of way through the applicants parcel which was later cancelled

Right of Way



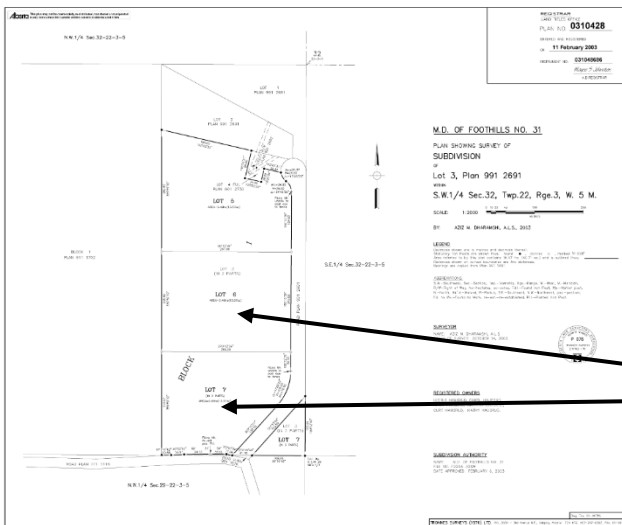
**1991** – 99.17 acre first parcel out approved along west boundary of the quarter, which is the applicant's parcel today.

**First parcel out of quarter section**



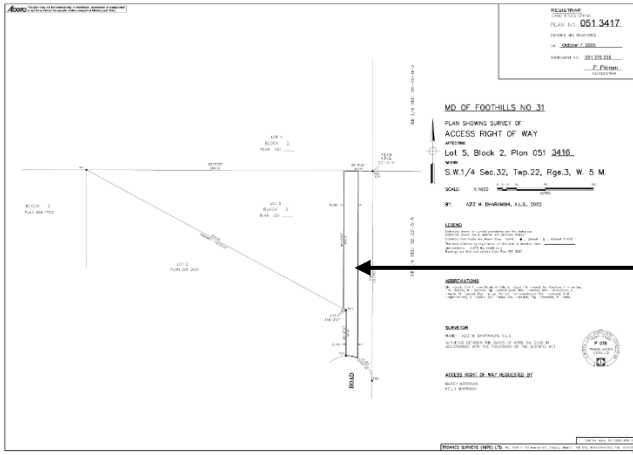
**1999** – One 6.18 acre and one 6.25 acre parcel were subdivided from the northern portion of the quarter. (Plan 9110083, Block 2, Lot 2), which required the development of 5.10 acres of internal road as access to the two new lots. The new road development also left the balance parcel in two parts. A right of way was registered over Lot 2 and a portion of the balance close to the cul de sac location, in order to protect a utility which provides water to the two lots and the balance.

**Additional 6.18 acre and 6.25 acre lots**



**2003** – Two additional lots were subdivided from the remaining balance on the east side of the, west of the developed road. The two new lots are 13.57 acres in size with a balance of 13.57 acres in two parts. A PUL was later registered over the utility right of way in 2015. The existing water utility extended service to Lot 5 with Lot 6 drilling a new well.

**Additional 13.57 acre lots**



**2005** – Access Right of Way registered over the most northern lot, north of the internal road, providing additional access to the quarter north of the subdivision.

**Access ROW**

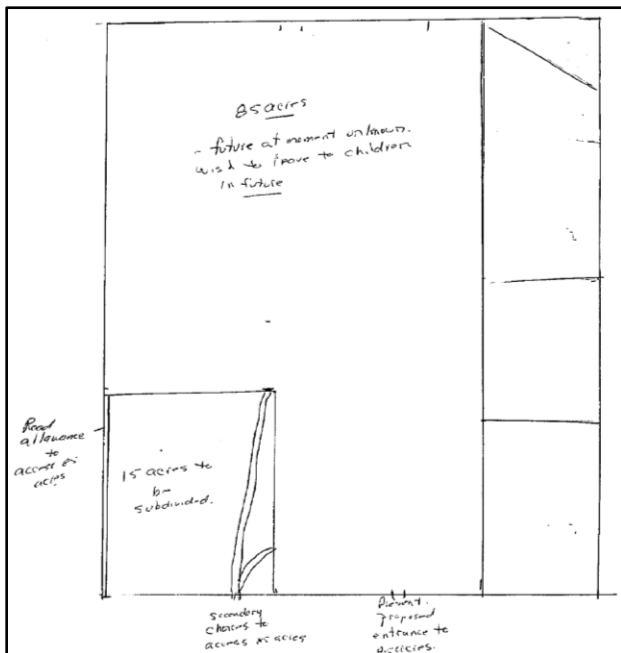
**2009** – land use amendment application to allow the future subdivision of one 6.15 +/- acre lot from the 13.57 acres within Lot 6 was granted first reading by Council. The application expired in February of 2011.

**RECENT REFUSAL**

**2022** - The most recent application relevant to this proposal, was a request to Council by the applicant to consider the future subdivision of one 15.0 +/- acre lot with an 84.17 +/- acre balance remaining on the subject lands. The application was refused under the following motion:

*“Council is of the opinion that the proposed development is beyond the scope of development suitable on the subject property and does not adequately address the intent of the Residential policy within the MDP2010 with respect to the cumulative effects of the development, the suitability of the land for residential purposes, and the need for access by easement.”*

The applicant’s site plan and the County’s corresponding aerial imagery are shown below:



## CURRENT LAND USE

### Subject Parcel

Agricultural District

### Adjacent Lands

Extensive Country Residential and Residential development to the south and east of the application with Agricultural lands present to the direct west and north.

### Area Character

The lands are in close proximity to the Hawks Landing and Rancher's Hill Area Structure Plans and the Priddis Greens Golf Course and development. With Highway access to the Hamlet of Priddis and the City of Calgary to the east and Bragg Creek and the Kananaskis to the west.

### Existing Development

#### **Proposed Parcel**

The proposed parcel area is undeveloped.

#### **Balance Parcel**

The balance parcel would include the following structures:

- 2675 square foot residence
- 672 square foot attached garage
- 120 square foot shed

## POLICY EVALUATION

### Municipal Development Plan

Policy 2 and 4 of the Agricultural section of the MDP2010 discourage 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.

### Land Use Bylaw

The application, if approved, would meet the lot size restrictions and density provisions as set out in Section 12.1.6.2 of the Agricultural District within the municipality's Land Use Bylaw.

### Growth Management Strategy

The subject parcel is located within the North West District. The vision for the North West District identifies that lands which fall within this District are expected to see minimal to moderate growth in the form of Country Residential and Cluster Residential development with careful consideration of the potential impacts on wildlife habitat and watershed areas.

## CIRCULATION REFERRALS

REFEREE	COMMENTS
<b>EXTERNAL</b>	
Meota Gas	No concerns with the application
Alberta Environment and Protected Areas	No comments received
Alberta Transportation	Please see letter from Alberta Transportation attached as part of Appendix C, granting a variance to Section 18 of the Subdivision and Development Regulations.

## CIRCULATION REFERRALS

TC Energy	<p>Please see letter from TC Energy attached as part of Appendix C, with concerns.</p> <p>In follow-up to the attached letter, TC Energy also provided the following email comments:</p> <p>Hi Theresa,</p> <p>Thank you reaching out to confirm comments on this application. Essentially the road crossing will have to be sorted with TC, which is done by applying for written consent. TC will have to complete an analysis if there is a requirement to upgrade or protect their lines with the additional driveway. Usually, driveways are not an issue but there can be specific instances where it is an issue.</p> <p>In summary the applicant will need to apply for written consent to build their driveway across the pipelines. If (unlikely) there is any cost with the protection of the lines that entire cost will be placed on the applicant. Once they apply for written consent TC will provide an estimate for cost if there is any at all. Hope that clears everything up with this application.</p> <p>Written consent can be applied for with TC Energy through TC’s Canadian Third Party Crossing Application Portal at <a href="https://writtenconsent.tcenergy.com">writtenconsent.tcenergy.com</a> or by calling 1-877-872-5177. This can be sought up to 2 years in advance of construction.</p> <p>Some other points to make clear are:</p> <ul style="list-style-type: none"> <li>• If pipeline mitigation is required as a result of the crossing, the cost of this mitigation will be 100% at the cost of the proponent / landowner.</li> <li>• Road crossings shall be designed to cross the pipeline(s) and right of way as close to 90° as possible.</li> <li>• Early engagement on road construction with TC Energy is required as pipeline mitigation could take 3+ years</li> </ul> <p>Thanks again for reaching out to confirm, we look forward to working with you in the future.</p> <p>Oliver</p>
<b>INTERNAL</b>	
Public Works	<p>Public Works has requested the following be completed as condition of a <b>subdivision</b> approval:</p> <p>The approach is to be upgraded to common approach construction standards. A culvert will be required within the low spot in the existing driveway portion.</p>
GIS/Mapping	No concerns
<b>PUBLIC</b>	
Western Wheel	November 8 <sup>th</sup> and November 15 <sup>th</sup> , 2023
Land Owners (Half Mile)	No correspondence received prior to submission of this staff report.

## **SUMMARY**

**Bylaw XX/2023** – Council has received an application to further amend the Land Use Bylaw by authorizing the amendment to the Agricultural Land Use District land to allow for the future subdivision of one 25.0 +/- acre Agricultural District parcel, leaving a 74.09 +/- acre Agricultural District balance parcel on Plan 9111702, Block 1; Ptn. SW 32-22-03-W5M.

## **OPTIONS FOR COUNCIL CONSIDERATION**

### **OPTION #1 – APPROVAL**

Council may choose to grant 1<sup>st</sup> reading to the application for amendment to the Agricultural Land Use District in order to allow the future subdivision of one 25.0 +/- acre Agricultural District parcel, leaving a 74.09 +/- acre Agricultural District balance parcel on Plan 9111702, Block 1; Ptn. SW 32-22-03-W5M for the following reasons:

*In their consideration of the criteria noted in Agriculture Policy 4 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 Agricultural District of Land Use Bylaw 60/2014.*

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 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 is to be provided in accordance with the Provincial Water Act, to the satisfaction of the County;
3. Final amendment application fees to be submitted;
4. Submission of an executed subdivision application and the necessary fees.

### **OPTION #2 - REFUSAL**

Council may choose to refuse the application for amendment to the Agricultural Land Use District in order to allow the future subdivision of one 25.0 +/- acre Agricultural District parcel, leaving a 74.09 +/- acre Agricultural District balance parcel on Plan 9111702, Block 1; Ptn. SW 32-22-03-W5M 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

HALF MILE MAP – LAND USE

HALF MILE - PARCEL SIZES

SITE PLAN

ORTHO PHOTO

**APPENDIX B:**

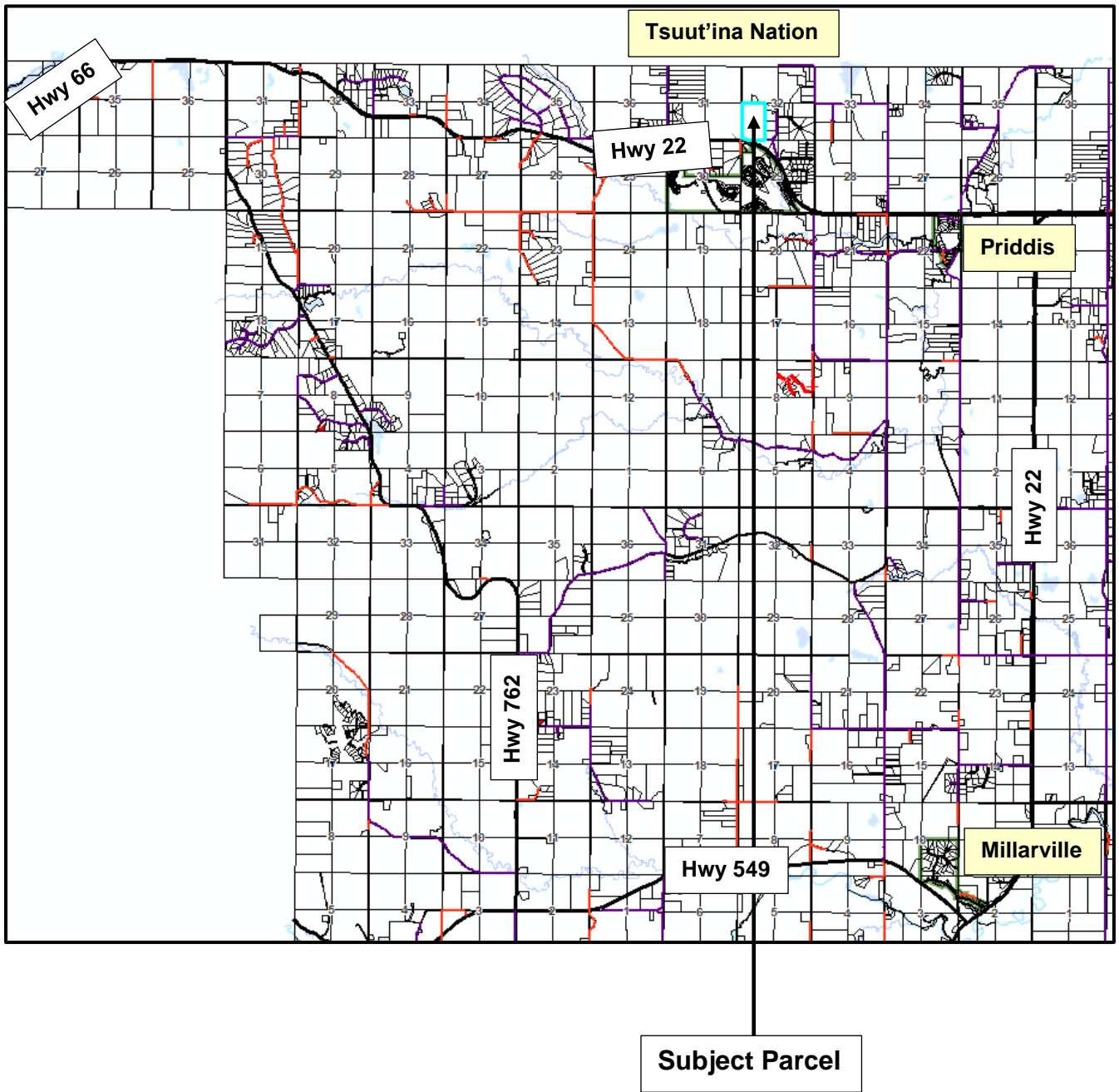
PROPOSED BYLAW

**APPENDIX C:**

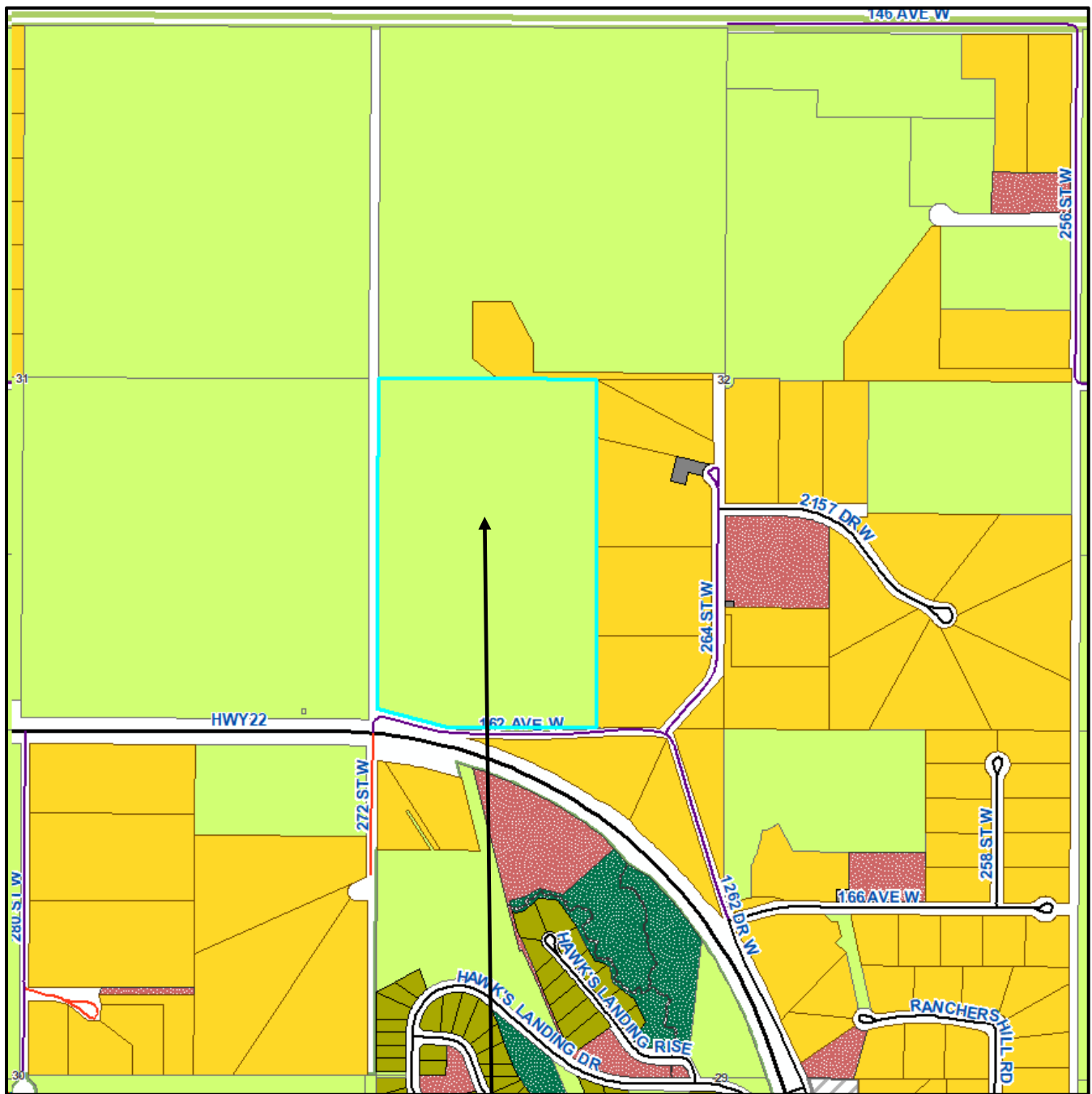
EXTERNAL CIRCULATION RESPONSES – TC ENERGY AND ATEC



**APPENDIX A: LOCATION MAP**



**APPENDIX A: HALF MILE MAP – LAND USE**



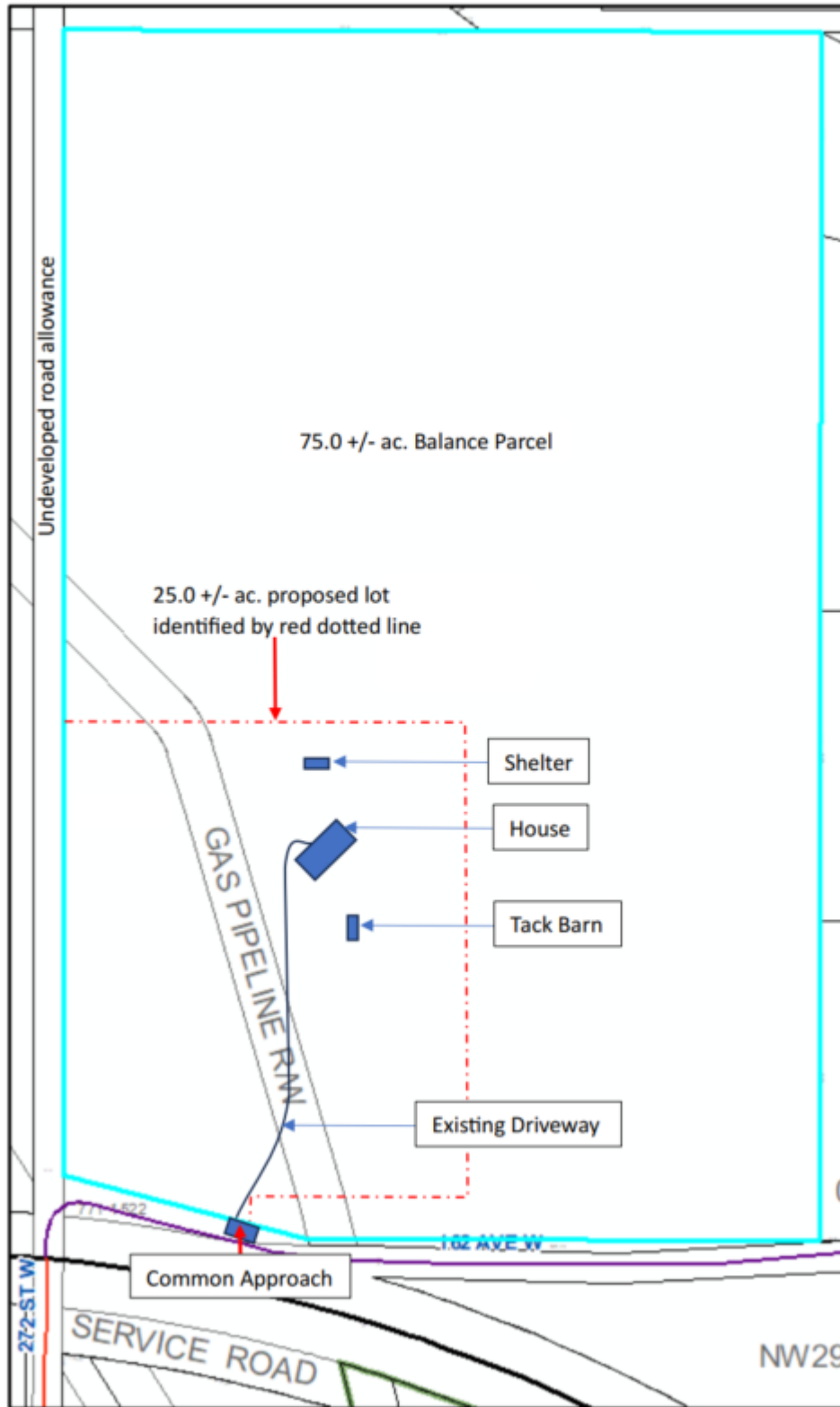
**Subject Parcel**

**Legend**

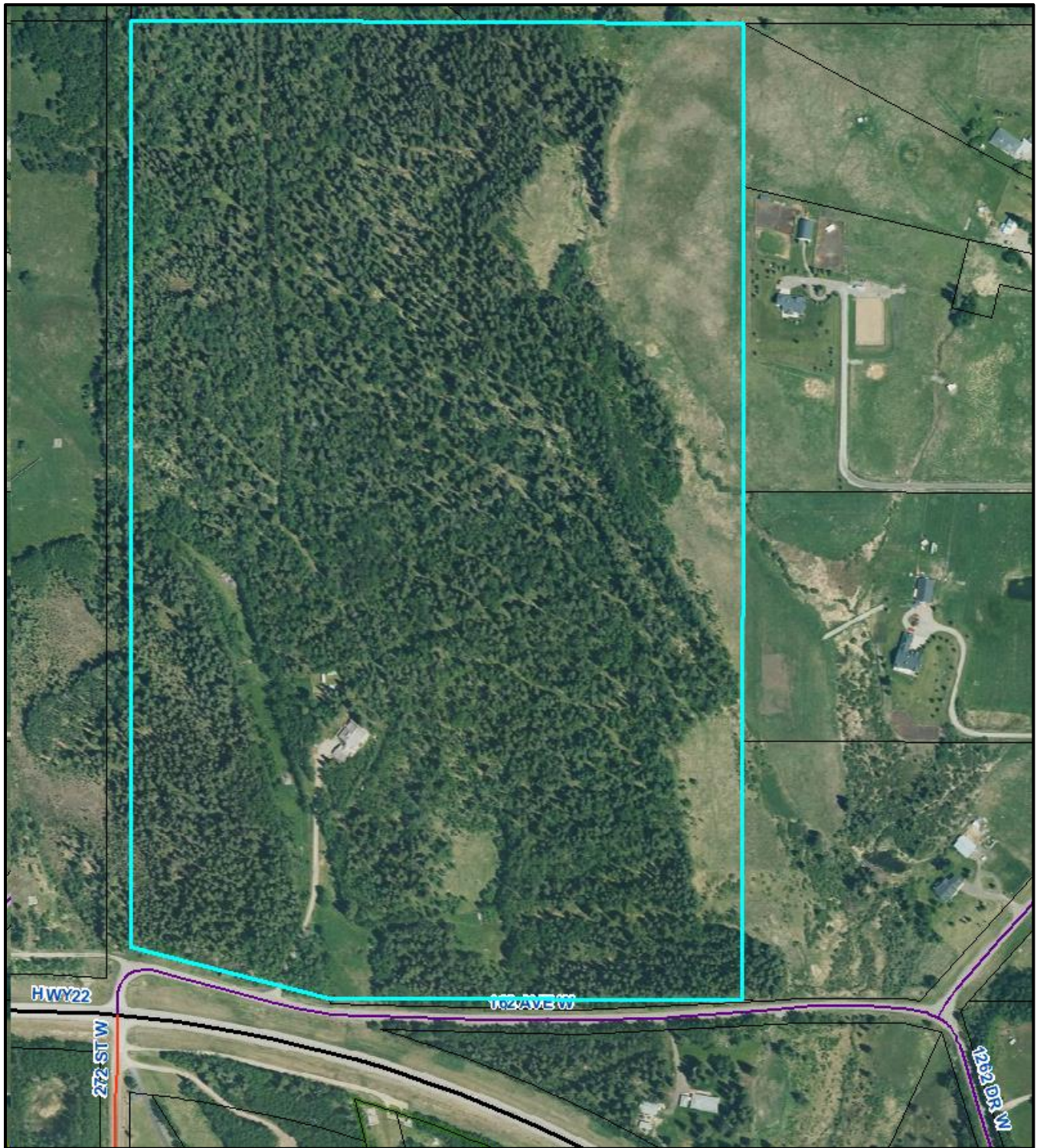
- |                                  |                                  |                                      |
|----------------------------------|----------------------------------|--------------------------------------|
| Hard Surface (Chip/oil)          | CR- Country Residential          | MR- Municipal 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        |                                      |



Misura 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 the amendment to the Agricultural Land Use District to allow for the future subdivision of one 25.0 +/- acre Agricultural District parcel, leaving a 74.09 +/- acre Agricultural District balance parcel on Plan 9111702, Block 1; Ptn. SW 32-22-03 W5M.

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

1. Under SECTION 12.0.0, AGRICULTURAL DISTRICT, the following shall be added under Part 8 Bylaw Amendments:

*Plan 9111702, Block 1; Ptn. SW 32-22-03 W5M within which shall allow for the future subdivision of one new 25.0 +/- acre Agricultural District parcel, with an approximate 74.09 +/- acre Agricultural District 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 20 .



October 4, 2023

Foothills County  
309 Macleod Trail S. Box 5605  
High River, AB T1V 1M7

Sent via email to: [FC\\_Planning@foothillscountryab.ca](mailto:FC_Planning@foothillscountryab.ca)

**ATTN: Theresa Chipchase**

**RE:** This referral is for a Land Use Amendment and the subsequent subdivision to remove 25 acres of land from an agricultural parcel. The new lot contains an existing home along with some accessory buildings. No new crossing will be required, however the home is located 20 meters outside of prescribed area.

**Your File #:** 23R040

**Our Reference #:** TCE\_R230922-004AB\_FoothillsCounty\_SubdLUA

Thank you for sending B&A notice of this project on September 20, 2023. B&A is the land use planning consultant for TC Energy in Western Canada. On behalf of TC Energy, we work with municipalities and stakeholders regarding land use and development surrounding their pipeline infrastructure to ensure that it occurs in a safe and successful manner.

As per the requirements of the Canada Energy Regulator, development in proximity to TC Energy's pipelines with potential new residents, employees, structures, ground disturbance, and crossings could warrant pipeline remediation. Consultation between TC Energy and the applicant prior to development assists both parties in determining the best course of action to proceed with potential remediation and development. This is to help prevent pipeline damage, unwarranted crossings, and identify development within proximity to the pipeline that may trigger a pipeline Class upgrade.

**Description of Proposed Development**

Application is for a land use amendment along with a subdivision request. The TC pipelines cross the through the centre of the proposed 25-acre property. Applicant wishes to have the 25 acres removed from the original 99.17-acre parcel for the purpose of separating the two parcels. Applicant is aware of pipeline infrastructure and understands the regional density constraints for subdivision in Foothills County. Applicant indicated they understand the maximum permitted density is a single home on the 25-acre parcel (Existing) and one more additional home on the remaining 75-acre parcel. This is reiterated by the label on the site map showing "common approach". The driveway approach will remain the same from 162 Ave SW.

Please refer to [Attachment 01 Pipeline Assessment Area and Prescribed Area](#) for maps that show the proposal in relation to the TC Energy pipeline assessment area and prescribed area, which the following recommendations apply to.



### Assessment of Proposed Development

As demonstrated in [Attachment 01 Pipeline Assessment Area and Prescribed Area](#), the new subdivided parcel will be interested by TC infrastructure in two locations.

Based on a review of the information provided, **TC Energy has expressed some concerns with this project as proposed, provided the recommendations and requirements outlined below are adhered to:**

Although TC Energy has expressed no objections to the proposed Land Use amendment and Subdivision at this time, TC does have some concerns.

- It appears that the subdivision is proposing to subdivide TC Energy's right-of-way, it would be preferable if the subdivision boundary could be adjusted to be maintained on a continuous parcel. TC would like to request this adjustment of smaller parcel boundaries to be extended to include the entirety of the ROWs.
- It appears that access to the remaining parcel might require the current road to be extended within 30m of the pipeline, therefore written consent will be required. This written consent may be avoided if the proposed ground disturbance is moved further than 30m from the pipeline.
- If access to the remaining parcel requires new road TC Energy would prefer for the road to be from 162 Ave with access starting east of the current common approach. Any new roads on the west side of the common approach will require a future crossing of pipeline infrastructure. If the applicant wishes to have a road access west of the common approach written consent from TC Energy will be required and may be obtained online through TC's Canadian Third Party Crossing Application Portal at [writtenconsent.tcenergy.com](http://writtenconsent.tcenergy.com) or by calling 1-877-872-5177

In addition to the above items identified, the following requirements must also be adhered to for future development within the vicinity of TC Energy infrastructure. The following list is not exhaustive, and additional requirements may be identified during the written consent approvals process (see details below). If additional work is being considered, we recommend that the details be sent to [tcenergy@bastudios.ca](mailto:tcenergy@bastudios.ca) for preliminary review and feedback.



### Site Planning & Development Requirements

The following requirements must be adhered to for all projects in proximity to TC Energy pipeline infrastructure and should be enforced by the municipality as conditions of approval on land use / zoning, subdivision or development applications. The owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the following requirements.

1. To identify the precise alignment of the pipeline on the subject lands, a locate request must be made prior to any ground disturbance taking place. Locate requests can be made online at [www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com) or by calling your local One-Call Centre. Locate requests require 72 hours notice to be completed.
2. Written consent from TC Energy must be obtained before any of the following:
  - a) Constructing or installing a facility across, on, along or under a TC Energy pipeline right-of-way. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts;
  - b) Conducting ground disturbance (excavation or digging) on TC Energy's right-of-way or within 30 metres of the centreline of TC Energy's pipeline (the "Prescribed Area");
  - c) Driving a vehicle, mobile equipment or machinery across a TC Energy pipeline right-of-way outside the travelled portion of a highway or public road;
  - d) Using any explosives within 300 metres TC Energy's right-of-way; and
  - e) Use of TC Energy's Prescribed Area for storage purposes.

Written consent may be obtained online through TC's Canadian Third Party Crossing Application Portal at [writtenconsent.tcenergy.com](http://writtenconsent.tcenergy.com) or by calling 1-877-872-5177.

3. Additional requirements for safe planning and development in proximity to the pipeline(s) may be identified based on the site-specific conditions and the proposed project. These requirements can be provided through early collaboration when additional details are sent to [TCEnergy@bastudios.ca](mailto:TCEnergy@bastudios.ca) or when applying through the written consent process identified above. These requirements may include but are not limited to:
  - a) Requirements for temporary or permanent fencing along the right-of-way.
  - b) Requirements regarding planting and vegetation over the right of way or within 30m of the pipeline (the "prescribed area").
  - c) Requirements regarding pathways, sidewalks or roads proposed to cross the right of way or be constructed within 30m of the pipeline (the "prescribed area").
  - d) Requirements to maintain the depth of cover over the pipeline which may relate to excavation practices, stormwater management and/or erosion mitigation.
  - e) Requirements regarding excavation best practices, for example, areas where hand or hydrovac excavation are mandatory.



- f) Requirements regarding pipeline protection measures resulting from the proposed development project.
4. TC Energy requires the following setbacks be adhered to by landowners, and enforced by the approving authority when considering site plan applications:
- a) No buildings or structures shall be installed anywhere on TC Energy's right-of-way.
  - b) Storage of materials and/or equipment on TC Energy's right-of-way is not permitted.
  - c) Permanent buildings and structures (i.e. with a foundation or anchored to the ground) shall be located a minimum of seven (7) metres from the edge of the right-of-way, or twelve (12) metres from the edge of the pipeline, whichever is greater.
  - d) Temporary buildings and structures (i.e. without a foundation and not anchored to the ground) shall be located a minimum of three (3) metres from the edge of the right-of-way.
  - e) A minimum setback of seven (7) metres from the nearest portion of a TC Energy pipeline right-of-way shall also apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated drive aisle or driveway.
5. Owners of properties on which TC Energy's right of way exists or abuts shall include notice of the following in all offers of purchase and sale:
- a) Notice of the easement agreement registered against the property which may affect development activities on the property;
  - b) Notice of the 30 metre "Prescribed Area" as regulated by the Canada Energy regulator Act (or the "Controlled Area" as regulated by the Alberta Pipeline Rules);
  - c) The number of high-pressure natural gas pipelines within the easement and the location of the easement in relation to development;
  - d) The setback for all permanent structures and excavations from the limits of the right-of-way; and,
  - e) The local One Call number or [www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com).
6. As per the requirements of the Canada Energy Regulator, TC Energy is required to monitor all new development that results in an increase in population or employment within the "Pipeline Assessment Area" for their pipelines. Therefore, please keep us informed regarding any additional development within the Pipeline Assessment Area indicated in [Attachment 01 Pipeline Assessment Area and Prescribed Area](#).

Additional requirements and guidelines for development on or near TC Energy's pipelines and infrastructure are included within [Attachment 02 TC Energy Living and Working Near Pipelines](#).

### Conclusion

Please continue to keep us informed about this project and any future policy, land use, subdivision, and development activities in proximity to TC Energy's pipelines and facilities. Referrals and any questions regarding land use planning and development around pipelines should be sent to [tcenergy@bastudios.ca](mailto:tcenergy@bastudios.ca). Thanks again for providing us with the opportunity to provide comments on this project and we look forward to working with you in the future.

Sincerely,

**Oliver Prcic**

**Community Planner | BA, MPlan**

(403) 692 4535 | [oprcic@bastudios.ca](mailto:oprcic@bastudios.ca)

**B&A** | 600, 215 - 9 Avenue SW | Calgary, AB T2P 1K3 | [www.bastudios.ca](http://www.bastudios.ca)



# Alberta Transportation and Economic Corridors Notice of Referral Decision

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

Municipality File Number:	23R040	Highway(s):	22
Legal Land Location:	QS-SW SEC-32 TWP-022 RGE-03 MER-5	Municipality:	Foothills County
Decision By:	Trevor Richelhof	Issuing Office:	Southern Region / Calgary
Issued Date:	2023-10-04 14:51:33	AT Reference #:	RPATH0038050
Description of Development:	Amend to Agricultural District (A) to allow future subdivision of one 25 acre A parcel		



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) 22

**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 are met, therefore no variance is required.


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



Issued by **Trevor Richelhof, Development & Planning Tech**, on **2023-10-04 14:51:33** on behalf of the Minister of Transportation and Economic Corridors pursuant to *Ministerial Order 52/20 – Department of Transportation Delegation of Authority*

**PUBLIC HEARINGS AND MEETINGS  
PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
REDESIGNATION  
November 22, 2023  
To be heard at: 1:30 PM**

<b>APPLICATION INFORMATION</b>		<b>FILE NO. 23R041</b>
	<b>LEGAL DESCRIPTION:</b> SE 27-19-29 W4M; Plan 0013143, Block 1, Lot 1	
	<b>LANDOWNER:</b> Rhonda Anderson	
	<b>AREA OF SUBJECT LANDS:</b> 40.01 acres	
	<b>CURRENT LAND USE:</b> Agricultural District	
	<b>PROPOSED LAND USE:</b> Direct Control #29	
<b>LOCATION:</b> the subject parcel is located north of and adjacent to 466 Avenue E, approximately 2.4 kilometres east of Highway 783 and 3.8 kilometres northwest of the Town of High River.		
<b>PROPOSAL:</b> Application for the land use redesignation of a +/- 19 acre portion of SE 27-19-29 W4M; Plan 0013143, Block 1, Lot 1 from Agricultural District to Direct Control District #29 (Limited Public or Commercial Riding Arena), to allow for use of the existing Arena as a Limited Public Arena, leaving the remaining +/- 21 acres as Agricultural District.		
<b>DIVISION NO:</b> 2	<b>REEVE:</b> Delilah Miller	
<b>FILE MANAGER:</b> Brittany Domenjoz		

**EXECUTIVE SUMMARY:**

**Summary of Proposal:**

Application to redesignate a +/- 19 acre portion of the subject property to Direct Control District #29 to allow for use of the existing arena as a Limited Public Arena. The remaining +/- 21 acres surrounding the existing dwelling and yard site is to remain as Agricultural District.

**Policy Evaluation:**

The application was reviewed within the terms of the Municipal development Plan 2010 (MDP2010) and the Land Use Bylaw 60/2014.

**Referral Considerations:**

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

**PURPOSE OF APPLICATION:**

Application to redesignation of a +/- 19 acre portion of the subject property to Direct Control District #29 to allow for use of the existing arena as a Limited Public Arena on the subject property. The application identifies:

- A 19 +/- acre area of the subject 40 acre parcel is proposed to be rezoned to Direct Control #29. The intent and purpose of this district is to allow for the development of and operations of Limited Public and Commercial riding arenas on lot with or without a single-family residence.
- The remaining 21 +/- acre area of the subject 40 acre parcel, surrounding the existing yard site and driveway is to remain zoned as Agricultural District to accommodate for the private residence that is not included with the equestrian facility operations.
- Use of the existing +/- 13,008 sq. ft. arena and barn as a Limited Public Arena to create a facility offering a specialized service for riding, lessons, clinics, retreats, and learning horsemanship and small animal husbandry;
- Proposed Hours of operation are 7 am to 10 pm, Monday to Saturday;

- Max 21 – 25 horses on site;
- Other animals on site include 25 chickens, one mini donkey and possibly 2 mini goats;

**Note:** On a property of 40 acres, a maximum of 13 animal units are permitted without the benefit of a development permit. Should Council choose to approve the current redesignation application, the subsequent development permit application will need include consideration to an Intensive Livestock Operation to allow for the additional animal units on site.

- No non-resident employees are anticipated at this time;
- 4 to 6 non-resident users are anticipated per week;
- Events / Clinics: Monthly clinics are anticipated throughout the year with 1 to 2 instructors and 6 to 8 attendees. Monthly kid’s camps are anticipated throughout the year with a maximum of 6 kids. The kid’s camps would include learning to care for and feed animals, teaching animal husbandry, encourage to appreciate animals and learn chores.
- Parking: the application proposes a parking area of approximately 1.5 to 2 acres in size along the east side of the property, this parking area has been identified on the site plan.

### **HISTORY:**

In 1988 a subdivision application was approved by the Calgary Regional Planning Commission proposing the creation of one +/- 37 acre lot, this application was not finalized and expired in 1989. Later in 2000, the landowners reapplied for a similar subdivision application and were granted approval allowing the creation of one 40 acre lot (subject parcel), as the first parcel out.

**2010** Development Permit 10D 134 was approved for the horse boarding with a maximum of 13 horses on the subject property.

**2010** Development Permit 10D 179 was approved to allow for a private riding arena and boarding of a maximum of 13 horses. This application included the construction of a +/-10,560 sq. ft. addition to the existing barn having a total square footage of +/-13,008 sq. ft.

**Note:** Should Council choose to approve the current redesignation application and upon approval of the subsequent development permit, the existing development permits (10D 134 and 10D 179) would be wholly replaced.

### **SITE CONSIDERATIONS:**

#### **Access:**

The parcel is accesses via an existing approach located on 466<sup>th</sup> Avenue E. No access changes are proposed within this application. The County’s Public Works Department provided that the approach appears to meet the Commercial Standards and no upgrading is required.

#### **Physiography:**

The lands within the subject parcel are primarily flat grasslands with a defined drainage course through the west portion of the lands and a low-lying area towards the south.

#### **Site Improvements:**

Site improvements within the +/- 19 acre area proposed for redesignation include the Arena/Barn (+/- 13,008 sq. ft.), Quonset (+/- 3,245 sq. ft.), Shop (+/- 3,004 sq. ft.), Shed (+/- 375 sq. ft.), and 9 horse shelters (approximately +/- 162 sq. ft. each). No development is proposed to support the proposed Limited Public Arena.

Site improvements within the +/- 21 acre area to remain zoned as Agricultural District include a residence and playhouse.

#### **Servicing Considerations:**

Water wells used in conjunction with the facility would be required to obtain a licence from Alberta Environment or provide water from a licensed off site source for potable uses. The application indicates that there are two existing water wells on site which have both been registered.

Due to the size and the proposed occupancy of the arena structure, the landowner will be required to provide a sufficient water source for fire suppression.

**REFERRAL CIRCULATION:**

<b>CIRCULATION REFERRALS</b>	
<b>REFEREE</b>	<b>COMMENTS</b>
<b>INTERNAL</b>	
Public Works	<p>Public Work provided:</p> <ul style="list-style-type: none"> <li>• Approach appears to meet Commercial standards, no upgrading required.</li> <li>• No comments or concerns.</li> </ul>
Municipal Fire	<p>Municipal Fire provided:</p> <ul style="list-style-type: none"> <li>• Address of the property is to be posted.</li> <li>• Ensure access for Fire department apparatus as per the National Fire Code 2019 Div. B Sec. 2.1.5.</li> <li>• Fire extinguishers are to be installed as per the National Fire Code 2019 Div. B Sec. 2.1.5 and NFPA 10.</li> <li>• Fire Safety Plan is to be posted as per the National Fire Code 2019 Div. B Sec. 2.8.2.</li> <li>• Doors and means of egress as per the National Fire Code 2019 Div. B Sec. 2.7.1.</li> <li>• If National Building Code requires adequate water for firefighting, the water source including the dry hydrant must meet NFPA 1142.</li> <li>• Fire inspection of building required once complete.</li> </ul>
<b>EXTERNAL</b>	
Alberta Health Services	<p>Albert Health Services provided:</p> <ul style="list-style-type: none"> <li>• AHS-EPH notes that the source water for the site is an existing water well. AHS-EPH would like to remind the applicant that any water wells on the subject lands should be completely contained within the proposed property boundaries. A drinking water source must conform to the most recent Canadian Drinking Water Quality Guidelines and the Alberta Public Health Act, Nuisance and General Sanitation Guideline (AR 243/2003), which states: <ul style="list-style-type: none"> <li>a. A person shall not locate a water well that supplies water that is intended or used for human consumption within <ul style="list-style-type: none"> <li>i. 10 metres of any watertight septic tank, pump out tank or other watertight compartment of a sewage or wastewater system,</li> <li>ii. 15 metres of a weeping tile field, an evaporative treatment mound or an outdoor toilet facility with a pit,</li> <li>iii. 30 metres of a leaching cesspool,</li> <li>iv. 50 metres of sewage effluent on the ground surface,</li> <li>v. 100 metres of a sewage lagoon, or</li> <li>vi. 450 metres of any area where waste is or may be disposed of at a landfill within the meaning of the Waste Control Regulation (AR 192/96)</li> </ul> </li> </ul> </li> <li>• Any existing or future private sewage disposal systems must be completely contained within the property boundaries and must comply with the most recent Alberta Private Sewage Systems Standard of Practice. Prior to installation of any new sewage disposal system, a proper geotechnical assessment should be conducted by a qualified professional engineer.</li> <li>• AHS-EPH would like an opportunity to review and comment on any building permit applications to construct any public facilities on the subject lands</li> </ul>



<b>CIRCULATION REFERRALS</b>	
	(e.g. food establishments). Forwarding building plans for these facilities to our department for approval before the building permit is granted helps to ensure that the proposed facilities will meet the requirements of the Public Health Act and its regulations.
<b>PUBLIC</b>	
Western Wheel	November 8, 2023, and November 15, 2023
Landowners (half mile)	No letters were received prior to the submission of this report.

**POLICY EVALUATION:**

**Municipal Development Plan 2010 (MDP2010)**

The application generally aligns with the intent of the Recreation Section of the MDP2010, which provides that commercial recreational development shall be compatible with the surrounding area and minimize land use conflicts.

**Land Use Bylaw 60/2014:**

The application generally aligns with the discretionary uses and intent of the Direct Control District #29 which has been included as Appendix C.

**2.5 DEFINITIONS:**

*ARENA, LIMITED PUBLIC* means a building or structure within which equestrian, athletic, recreational activities or contests are carried on and intended to be used by persons other than occupants of the residence, if any, located on the lot upon which the arena is located, which will result in the generation of no more than sixteen (16) additional vehicle trips on any single day to or from the site of the arena or use of the arena for any purpose on any single day by no more than sixteen (16) persons other than occupants of the residence.

**10.3 RIDING ARENAS:**

A redesignation to DC #29 and subsequent Development Permit is required for all Limited Public riding arenas. Further provisions for a Limited Public Arena are identified within Table 10.3B:

Table 10.3 B Criteria for Limited Public Use Arenas:

<b>Limited Public Use Arena</b>	
Facility or structure intended for equestrian related activities to be used by primarily by the occupants of residence on the property and/or with limited public use of no more than sixteen (16) non-resident users per day which result in the generation of no more than sixteen (16) additional vehicle trips to the site on any single day.	
Animal Units	1 animal unit per 3 acres of land or as determined by the Council
Non-resident vehicle trips per day	To a maximum of 16 vehicle trips to the site per day in addition to those by the occupants of the residence on the property.
Arena structure size	As determined by the Council;
Overnight camping	As determined by Council;
Engineering Requirements	Professionally Engineered stamped plans (structural, mechanical, and fire) Must meet Alberta Building Code and Fire Code provisions for public buildings Other requirements as deemed necessary by Council
Other Requirements	Manure Management Plan to the satisfaction of the Approving Authority any others as determined by the County

**10.1 LIVESTOCK REGULATIONS:**

The keeping of more than three (3) animal units on parcels between three (3) and nine (9) acres and/or the keeping of more than one animal unit per three (3) acres in excess of nine (9) acres will require a Development Permit.

**SUMMARY:**

Bylaw XX/2023 – Application for the redesignation of a +/- 19 acre portion of SE 27-19-29 W4M; Plan 0013143, Block 1, Lot 1 from Agricultural District to Direct Control District #29 (Limited Public or Commercial Riding Arena), to allow for a Limited Public Arena, horse boarding, training, lessons and clinics, leaving the remaining +/- 21 acres as Agricultural District.

**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 +/- 19 acre portion of SE 27-19-29 W4M; Plan 0013143, Block 1, Lot 1 from Agricultural District to Direct Control District #29 (Limited Public or Commercial Riding Arena), to allow for a Limited Public Arena, horse boarding, training, lessons and clinics, leaving the remaining +/- 21 acres as Agricultural District, for the following reasons:

*In their consideration of the application, Council is of the opinion that the proposed redesignation, 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. The applicants are to provide a surveyed Right-of-Way plan or adequate documents for the purpose of identifying the +/- 19 acre portion of the subject lands that are to be redesignated to District Control District #29, to the satisfaction of the County’s GIS department;

**Council may choose to require a stamped review from a designated professional as a condition of 1<sup>st</sup> reading or Development Permit.**

2. The applicants are to submit an Architect’s and Engineer’s stamped review stating that the proposed use and occupancy of the existing arena is acceptable, as a condition of Land Use OR Development Permit. Any uses exceeding the private arena shall not proceed until the development permit is signed and issued.
3. Final redesignation application fees to be submitted;
4. Submission of a complete Development Permit application and the necessary fees.

**OPTION #2 REFUSAL**

Council may choose to refuse the application for the redesignation of a +/- 19 acre portion of SE 27-19-29 W4M; Plan 0013143, Block 1, Lot 1 from Agricultural District to Direct Control District #29 (Limited Public or Commercial Riding Arena), to allow for a Limited Public Arena, horse boarding, training, lessons and clinics, leaving the remaining +/- 21 acres as Agricultural District, 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 redesignation 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:**

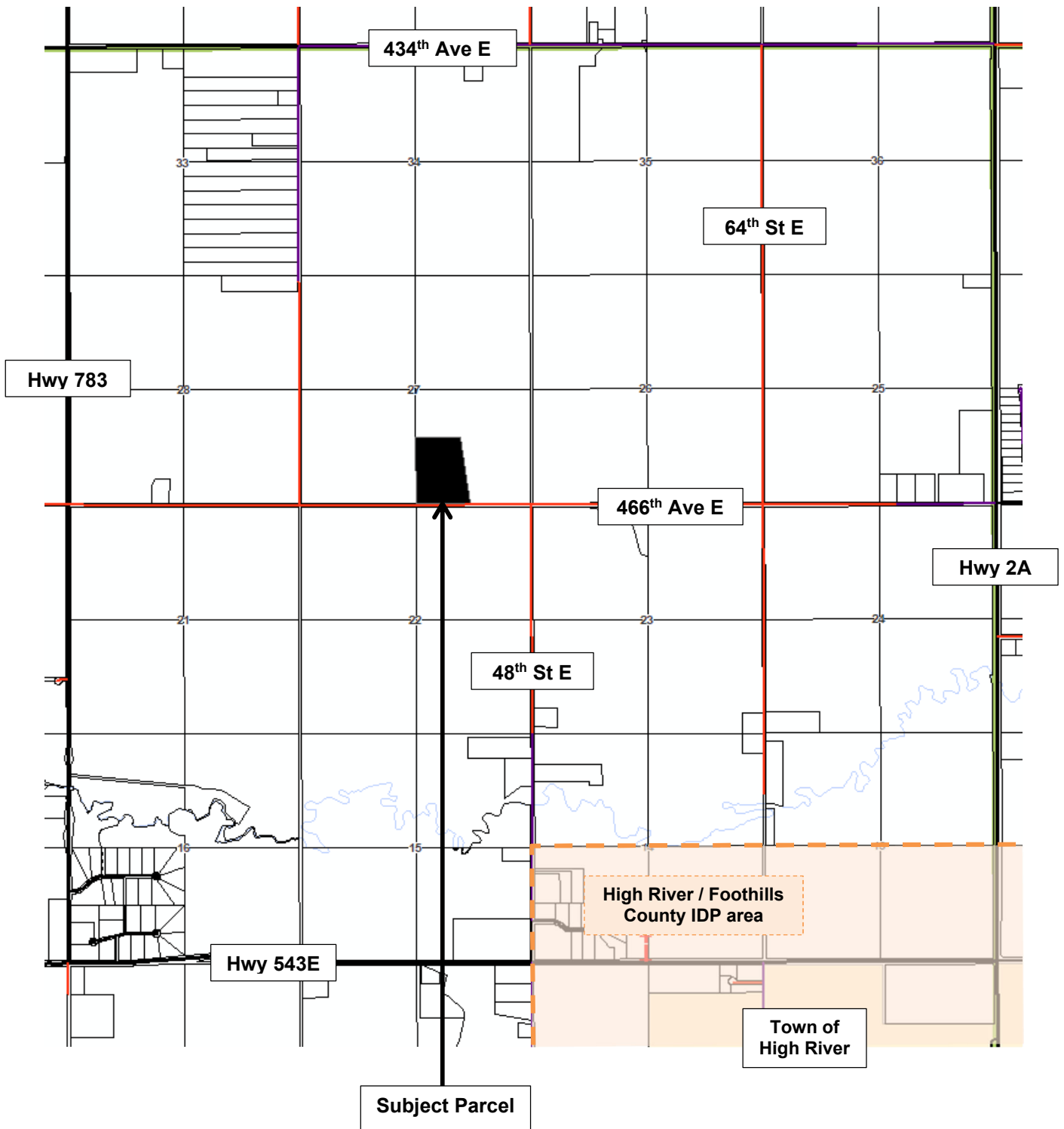
**APPENDIX A: MAP SET**

- LOCATION MAP
- LAND USE & PARCEL SIZES
- SITE PLAN
- SITE PLAN ENLARGED
- ORTHO PHOTO

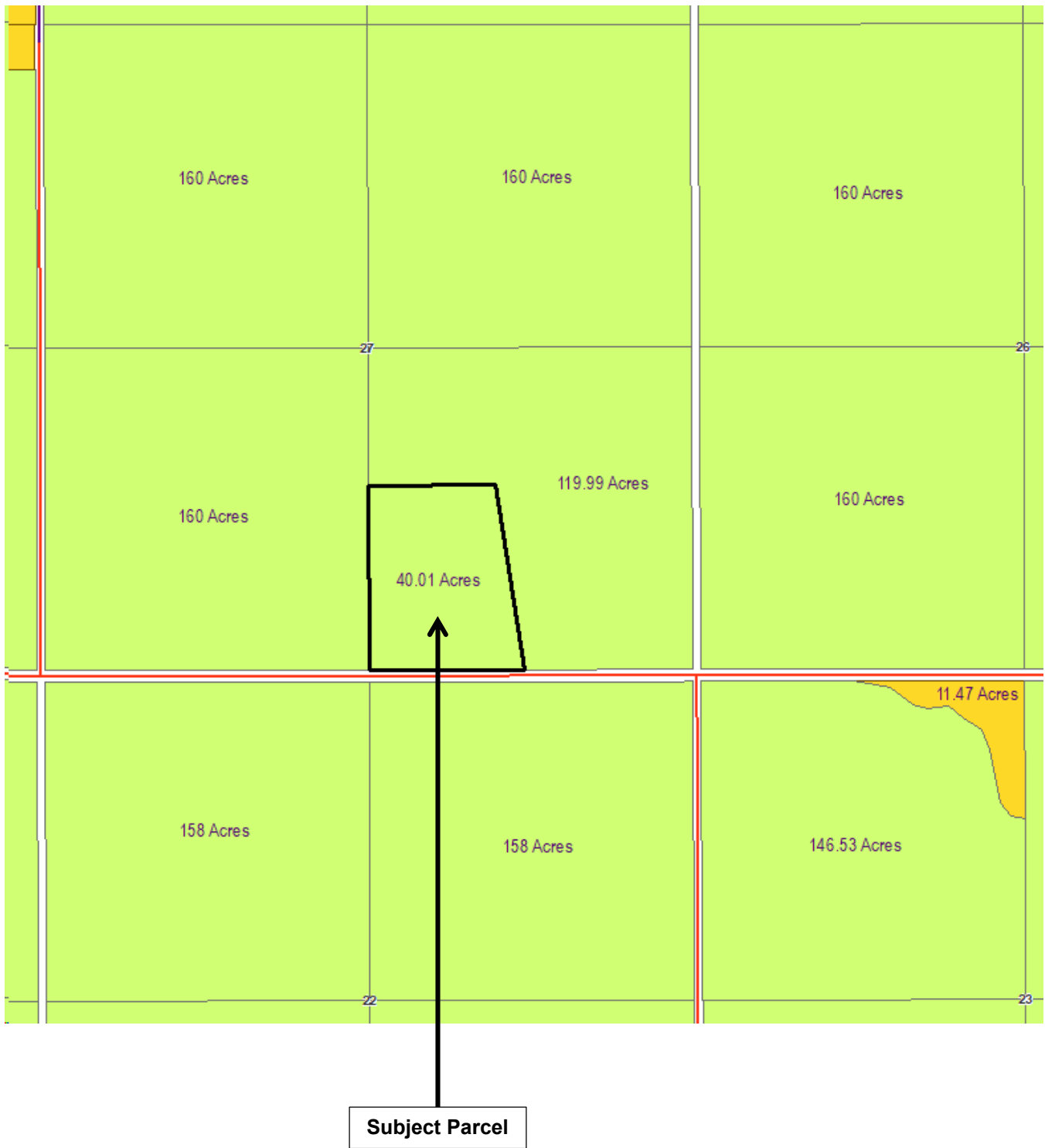
**APPENDIX B: PROPOSED BYLAW**

**APPENDIX C: DIRECT CONTROL DISTRICT #29**

**APPENDIX A: LOCATION MAP**



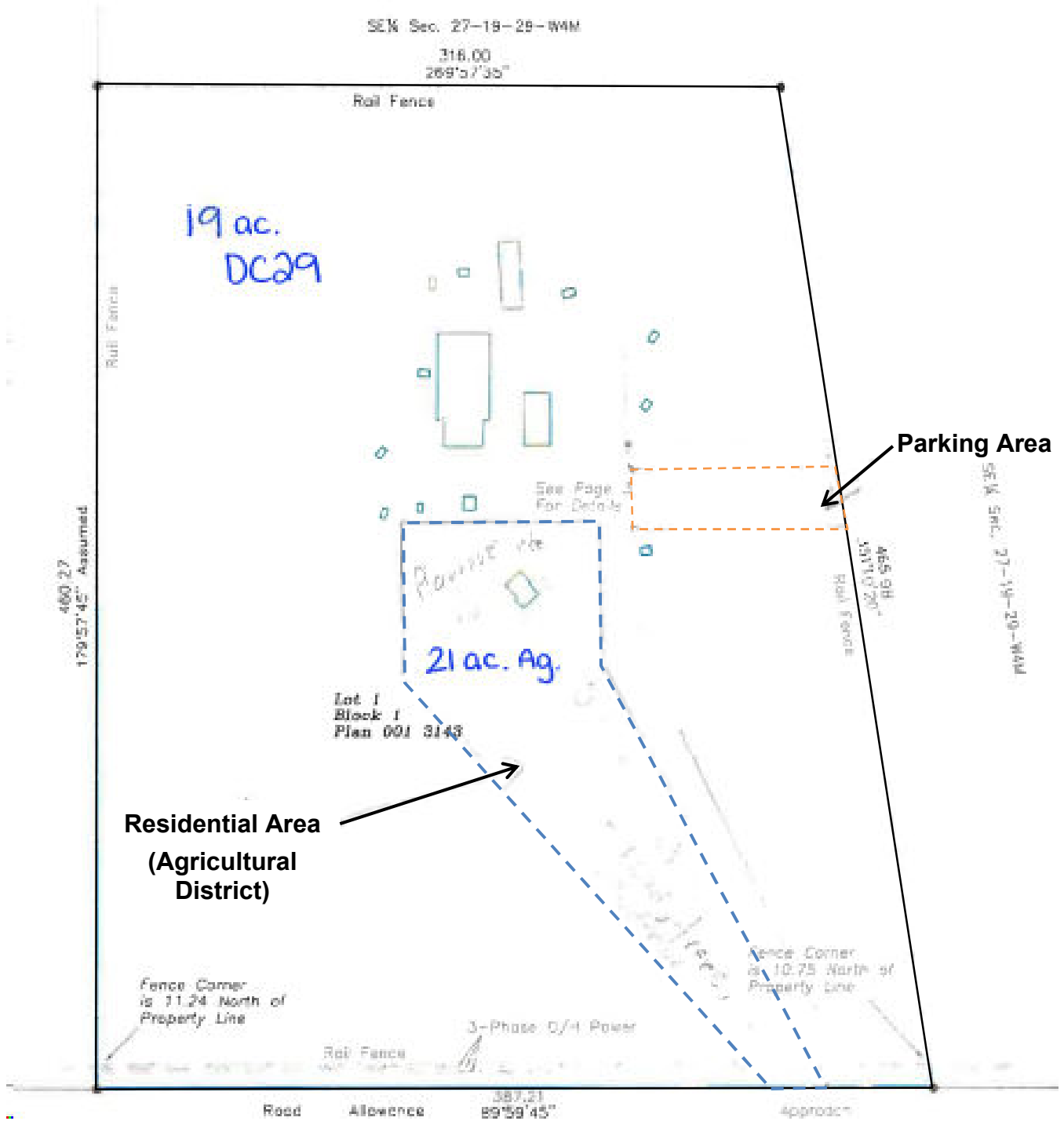
**APPENDIX A: LAND USE & PARCEL SIZES**



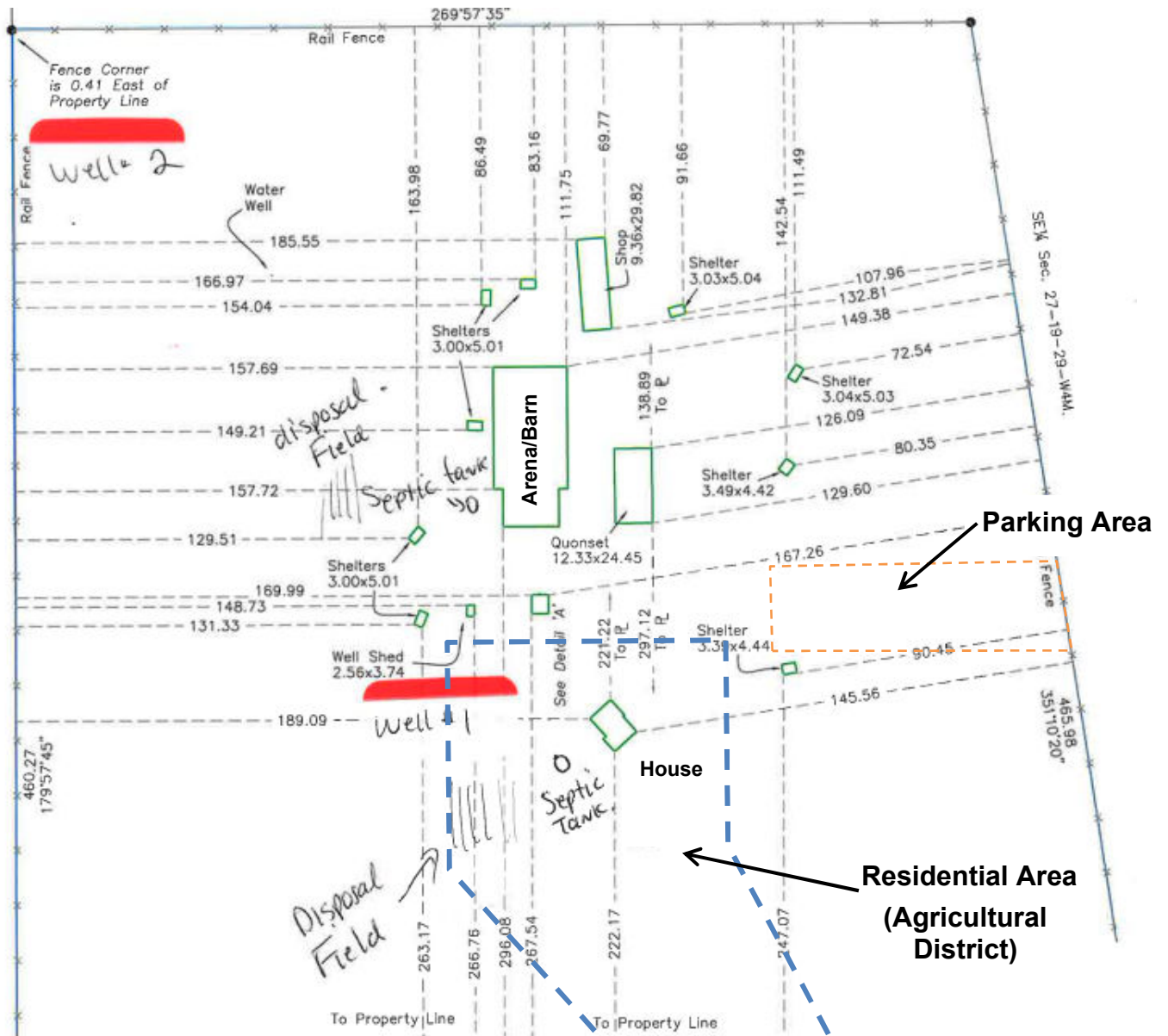
**Legend**

- Hard Surface (Chip/oil)
- ... Developer Gravel
- Gravel
- Pavement
- ▨ In Transition
- A- Agricultural
- CR- Country Residential
- CRA- Country Residential Sub A
- DC - Direct Control
- HR- Hamlet Residential
- HRA- Hamlet Residential Sub A
- CMC- Community Commercial
- PUL- Public Utility
- FPJ- Federal/ Provincial District
- SD- Service District
- ER- Environmental Reserve
- MR- Municipal Reserve

APPENDIX A: SITE PLAN



**APPENDIX A: SITE PLAN ENLARGED**





**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 the redesignation of 19.0 +/- acre portion of Plan 0013143, Block 1, Lot 1; Ptn. SE 27-19-29 W4M from Agricultural District to Direct Control District #29 to allow for a Limited Public Arena.

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

1. Land Use Map No.1929 is amended by *redesignating 19.0 +/- acre portion of Plan 0013143, Block 1, Lot 1; Ptn. SE 27-19-29 W4M from Agricultural District to Direct Control District #29 to allow for a Limited Public Arena.*
2. That Schedule 'A' attached hereto and forming part of this Bylaw identifies the 19 +/- acre Direct Control #29 portion.
3. 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        .



Foothills County Land Use Bylaw |

**18.29 DIRECT CONTROL DISTRICT #29 (DC 29)  
LIMITED PUBLIC OR COMMERCIAL RIDING ARENA**

**DC#29**

**18.29.1 PURPOSE AND INTENT**

To allow for the development of a Limited Public or Commercial Arena, as defined in Section 2.5 of this bylaw, to operate on lots, with or without a single family residence, and to allow for the Direct Control by Council over development on the following lots:

- NW 12-20-02-W5M, PLAN 0810029, LOT 5 (87.7 ACRES)
- NW 12-20-02-W5, PLAN 0810029, BLOCK 1, LOT 5 (87.70 ACRES)
- NW 08-21-28-W4 (40.0 ACRES)
- NE 35-20-29-W4 (23 +/- ACRES)
- NW 21-20-02-W5 (134.85 ACRES)
- SE 22-20-02-W5, PLAN 1012174, BLOCK 1, LOT 3 (74.06 ACRES)
- SW 07-22-01-W5, PLAN 0212015, BLOCK 2, LOT 16 (92.67 ACRES)
- SW 34-21-29-W4, PLAN 9913092, BLOCK 1, LOT 6
- S ½ NE 35-19-01-W5, PLAN 731046, BLOCK 3 (19.82 ACRE PTN.)
- SE 35-21-02-W5 (119 ACRES)
- SW 24-21-02-W5 (64.43 ACRES)
- PLAN 0716214, BLOCK 1, LOT 2, NE 34-19-01-W5 (81.52 ACRES)
- SW 13-20-01-W5, PLAN 9711715, LOT 6 (29.31 ACRES)

**18.29.2 PERMITTED USES**

- Accessory Buildings not requiring a development permit (accessory to the Dwelling)
- Agricultural, General
- Accessory Uses to the Dwelling
- Dwellings, Single Family
- Dwelling, Manufactured Home
- Dwelling, Mobile home on lots 80 acres or greater in size
- Home Office
- Public Works
- Signs not requiring a development permit
- Solar Power System, Private (Not requiring a Development Permit)
- Temporary storage of up to 5 unoccupied recreation vehicles

**18.29.3 DISCRETIONARY USES**

- Accessory Use
- Accessory Building
- Animal Boarding Services
- Arena, Commercial
- Arena, Limited Public
- Campground, Minor - Accessory to the Arena on parcels 8.49 ha (21 acres) or greater in size
- Dwelling, Mobile Home on lots less than 80 acres in size
- Dwelling, Moved On
- Dwelling Temporary
- Home Based Business Type I - only on parcels with a residence
- Home Based Business Type II - only on parcels with a residence
- Home Based Business Type III - only on parcels with a residence

Intensive Livestock Operation  
Lot Grading  
Manmade water features requiring a permit  
Public Quasi Public Installations and Facilities  
Secondary Suite, Accessory (outside of Hamlet Boundaries)  
Secondary Suite, Principal (outside of Hamlet Boundaries)  
Special Event (accessory to the Arena or Business use)

- Discretionary use only on parcels 8.49 ha (21 acres) or greater in size

Signs requiring a Development Permit  
Solar Power System, Private (Requiring a Development Permit)  
Temporary (short-term) Manure Storage  
Utility Services, Minor

#### 18.29.4 LAND USE REQUIREMENTS

18.29.4.1 Standards of the development shall be at the discretion of Council.

#### 18.29.5 DEVELOPMENT REQUIREMENTS

18.29.5.1 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.);
- d. Or as determined by Council.

18.29.5.2 Maximum Floor Area of Arena Building:

- a. The maximum allowable size of the Arena Building for an Arena, Limited Public or Arena, Commercial shall be at the discretion of Council.

18.29.5.3 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.

18.29.5.4 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, where the use is listed as a permitted or discretionary use in the specific district 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, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 Dwellings.

18.29.5.5 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
  - ii. 48m (157.48ft.) from the centre line 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;
  - iv. Or as determined by Council.
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council.
- c. Rear Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council.
- d. 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.
- e. Corner Parcel Restrictions:
  - i. In accordance with Sections 9.27.9 - 9.27.12.

18.29.5.6 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of Land use bylaw for additional setback requirements that may apply;
- b. The Approving Authority may require a greater building setback for any industrial use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

18.29.5.7 Minimum habitable area per Dwelling:

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

**18.29.6 SPECIAL PROVISIONS**

- 18.29.6.1 Home Based Business (Major) does not include Cannabis Production.
- 18.29.6.2 No more than five (5) non-resident employees shall be working on site for an Arena, Limited Public.
- 18.29.6.3 The number of non-resident employees working on site for an Arena, Commercial shall be at the discretion of Council.
- 18.29.6.4 Maximum of sixteen (16) Business Visits permitted per day, or as determined by Council for Arena, Limited Public.

- 18.29.6.5 The maximum number of Business Visits per day for Arena, Commercial shall be at the discretion of Council.
- 18.29.6.6 Any minor or major home business or occupation must be conducted within a dwelling and/or accessory building(s) or on a parcel on which a dwelling is located and where one or more residents of the parcel is/are involved in the occupation or business.
- 18.29.6.7 Any minor or major home business shall not occupy more than 50% of the gross floor area of the principle dwelling plus the area of accessory structures.
- 18.29.6.8 Material Storage:
- a. On parcels 10 acres and larger, exterior storage may be allowed if, in the opinion of the Approving Authority, the exterior storage is adequately screened, a maximum of 5 vehicles or equipment may be stored outdoors.
- 18.29.6.9 Manure Management:
- Applicants for Arena, Commercial or Arena, Limited Public shall provide a manure management plan to the satisfaction of Council as a part of the development permit application for their facility unless requested to do so by Council as part of the Land Use Bylaw amendment application.
- 18.29.6.10 Safety and Fire Code Requirements:
- Applicants shall be required to provide proof of compliance or the ability to become compliant with all Provincial Safety Code and Fire Code requirements as part of the development permit application for their facility unless requested to do so by Council as part of the Land Use Bylaw amendment application.
- 18.29.6.11 Landscaping and Screening:
- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
  - b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.
- 18.29.6.12 Nuisance:
- a. No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot.
- 18.29.6.13 Camping:
- a. Whether camping is permitted in support of special events at an Arena, Commercial or Arena, Limited Public, shall be at the discretion of Council and will be outlined in the Development Permit. Council may also specify:
    - i. The maximum number of camping units permitted per event;
    - ii. The maximum length of stay; and
    - iii. Number of events where camping shall be permitted annually.

18.29.6.14 The Approving Authority, may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Location and maximum size of Arena building to be constructed;
- b. Development setbacks;
- c. Hours of operation;
- d. Number of non-resident employees;
- e. Number of vehicle visits per day;
- f. Number of Animal units permitted on the property;
- g. Size and number of structures permitted on site;
- h. Number of events or contests permitted annually;
- i. Requirements for evacuation and emergency response plans;
- j. Upgrades on municipal roads;
- k. Mitigation of impacts on municipal roads;
- l. Compliance reporting requirements;
- m. Noise;
- n. Buffering;
- o. Lighting;
- p. Outdoor storage;
- q. Parking requirements;
- r. Screening of facilities;
- s. Proof of compliance with fire and safety codes inspections of the facility;
- t. Manure Storage provisions;
- u. Any other condition that Council deems necessary.

18.29.6.15 Design Guidelines:

- a. All development located within the Highway 2A Industrial Area structure plan (H2AI Area Structure Plan) area shall comply with the Highway 2A Corridor Design Guidelines (2021), as may be amended, or replaced by Council from time to time.

18.29.6.16 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.


18.29.6.17 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

**18.29.7 PROCEDURE**

- 18.29.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.29.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.29.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.29.1. The council may approve a development permit application with or without conditions or may refuse an application for development permit.
- 18.29.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.29.1.

**MISCELLANEOUS PLANNING ITEM  
PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
SECOND AND THIRD READING TO BYLAW 22/2023  
November 22<sup>nd</sup>, 2023**

<b>SECOND AND THIRD READING TO BYLAW 22/2023</b>		
<b>APPLICATION INFORMATION</b>	<b>FILE NO. 22R066</b>	
	<b>LEGAL DESCRIPTIONS:</b>	
	1. NW 21-21-29-W4M	
	2. NE 21-21-29-W4M	
	<b>LANDOWNER:</b> 1651993 Alberta Ltd.	
	<b>AGENT:</b> Township Planning and Design Inc. / Kristi Beunder	
	<b>AREA OF SUBJECT LANDS:</b>	
1. 1.04 acres		
2. 85.43 acres		
<b>CURRENT LAND USES:</b>		
1. Country Residential District		
2. Agricultural District		
<b>PROPOSED LAND USES:</b> Country Residential District, Agricultural District, Environmental Reserve Easement and Road Plan		
<b>PROPOSAL:</b> Request for second and third reading to Bylaw 22/2023 for redesignation for a portion of the parcel from the Agricultural District, to allow the future subdivision of six (6), 3.27 +/- acre to 3.28 +/- acre Country Residential lots, with approximately 2.43 +/- acres of Environmental Reserve Easement registered over portions of Lots 1, 3, 4, and 6, and a 65.58 +/- acre Agricultural District balance remaining.		
<b>DIVISION NO:</b> 7	<b>COUNCILLOR:</b> R.D. McHugh	<b>FILE MANAGER:</b> Theresa Chipchase

**PURPOSE OF REQUEST**

Request to Council to provide second and third reading to Bylaw 22/2023, **as all conditions put forth with first reading of this bylaw have been complied with.**

**BACKGROUND**

**Location**  
The parcels are located directly south and east of Highway 552 and directly west of 32<sup>nd</sup> Street East, approximately 300 meters northeast of the Highway 552/Highway 2 overpass.

**Site Considerations**

The parcel contains an extensive drainage course which directs water from two locations along the south boundary of the property directing water flow through these locations to the northeast corner of the parcel. The drainage has been significantly impacted with the construction of the farmyard buildings and a field access road which was developed south of the most westerly shop. The field access road fractured the drainage course which has created an additional drainage run through the property from the south boundary in the southeast corner, to the northwest corner of the parcel. The drainage areas contain scrub brush, willows and other aquatic vegetation within established riparian areas adjacent to the drainage boundaries. Outside of the yard site structures and the drainage the lands have traditionally been used as

hay lands, and more recently, approximately 12 to 14 acres of the lands along the east boundary have been utilized for hemp production.

## **PREVIOUS COUNCIL DIRECTION**

**April 19<sup>th</sup>, 2023 Bylaw 22/2023** – application approved by Council granting first reading to Bylaw 03/2023, under the following motion:

Bylaw 22/2023 was introduced into the meeting to authorize the redesignation of a portion of NE 21-21-29 W4M from Agricultural District to Country Residential District to allow for the future subdivision of six (6) 3.27 +/- acre to 3.28 +/- acre Country Residential District lots leaving a 65.58 +/- acre Agricultural District balance parcel with an Environmental Reserve Easement over a 2.43 +/- acres of the west boundary of Country Residential lots 1, 3, 4, and 6.

In their consideration of the criteria noted in Residential Policy 3 of the MDP2010, Council is of the opinion the lands are suitable for residential uses and are compatible with the surrounding area and the existing land uses. Further the application falls within the density provisions and lot size restrictions of the municipalities Land Use Bylaw.

The six (6) 3.27 to 3.28 +/- acre lots shall be designated as Country Residential Sub-District "A" to ensure that the recommendations and restrictions as outlined in the building envelopes, septic disposal evaluations, comprehensive site drainage plans, and lot grading plans (provided as 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 and a \$5000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.

Prior to further consideration of the bylaw the applicant will be required to submit the following:

1. Applicant to fully execute and comply with all requirements as outlined within a Development Agreement for the purposes of construction of all internal transportation infrastructure, grading, drainage and payment of community sustainability fee (for all lots proposed) and any other necessary municipal and on-site improvements as required by Council and/or the Public Works department;
2. Council requests that the applicant provide a revised site plan that provides for a one acre building envelope meeting all setbacks requirements of the County and Alberta Transportation on the proposed new lots;
3. The proposed planted boulevard is not supported by Foothills County council;
4. Council acknowledges the existing approved development permit which will remain on the balance parcel of 65.58 +/- acres. The applicant is required to request that the existing development permit be amended to remove the approved use of Industrial hemp biomass processing;
5. Proof of adequate water supply to be provided for the six (6) 3.27 +/- to 3.28 +/- acre lots, in accordance with the Provincial Water Act, to the satisfaction of the County;
6. Site plan to be provided which identifies building envelopes, for all six (6) 3.27 +/- to 3.28 +/- acre proposed parcels, which meet the requirements as outlined in Policy 9 under the Residential section of the MDP2010, to the satisfaction of the Public Works department, as a condition of subdivision;



7. Council acknowledges the approximate 879 square foot single family dwelling with 108 square foot attached solarium, as shown on the applicants site plan, as a non-conforming uninhabitable structure (accessory building) on the 65.58 +/- acre balance parcel;
8. Septic Disposal Evaluations (PSTS), to be provided for all six 3.27 +/- to 3.28 +/- acre proposed lots, to the satisfaction of the Public Works department, as a condition of subdivision;
9. Comprehensive Site Drainage Plan, to be provided for the subject lands, to the satisfaction of the Public Works department, as a condition of subdivision;
10. Lot Grading Plans to be provided for all lots proposed, to the satisfaction of the Public Works department, as a condition of subdivision;
11. Road Acquisition Agreement to be executed by the landowner and registered by caveat, for the provision of 5.17 meters of road dedication along the east boundary of the applicant's lands (west boundary of 32nd Street East), to the satisfaction of the Public Works Department, as a condition of subdivision;
12. Submission of all necessary engineered drawings, cost estimates, and engineering infrastructure for all required internal improvements, site drainage and grading, as a condition of subdivision;
13. Applicant to provide a road naming proposal and addressing requirements, to the satisfaction of the County's GIS department. The County's GIS department is to further provide the proposal, to the Subdivision Approving Authority, for their approval;
14. Final redesignation application fees to be submitted;
15. Submission of an executed subdivision application and the necessary fees.

THE BYLAW PASSED FOR ONE READING

### **COUNCIL ACTION REQUESTED**

Request to Council to consider second and third reading to Bylaw 22/2023 authorizing the redesignation of a portion of NE 21-21-29 W4M from Agricultural District to Country Residential District to allow for the future subdivision of six (6) 3.27 +/- acre to 3.28 +/- acre Country Residential District lots leaving a 65.58 +/- acre Agricultural District balance parcel with an Environmental Reserve Easement over a 2.43 +/- acres of the west boundary of Country Residential lots 1, 3, 4, and 6.

*In their consideration of the criteria noted in Residential Policy 3 of the MDP2010, Council is of the opinion the lands are suitable for residential uses and are compatible with the surrounding area and the existing land uses. Further the application falls within the density provisions and lot size restrictions of the municipalities Land Use Bylaw.*

*The six (6) 3.27 to 3.28 +/- acre lots shall be designated as Country Residential Sub-District "A" to ensure that the recommendations and restrictions as outlined in the building envelopes, septic disposal evaluations, comprehensive site drainage plans, and lot grading plans (provided as 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 and a \$5000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.*

## **APPENDICES**

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

LOCATION MAP

HALF MILE MAP - LAND USES

HALF MILE MAP – PARCEL SIZES

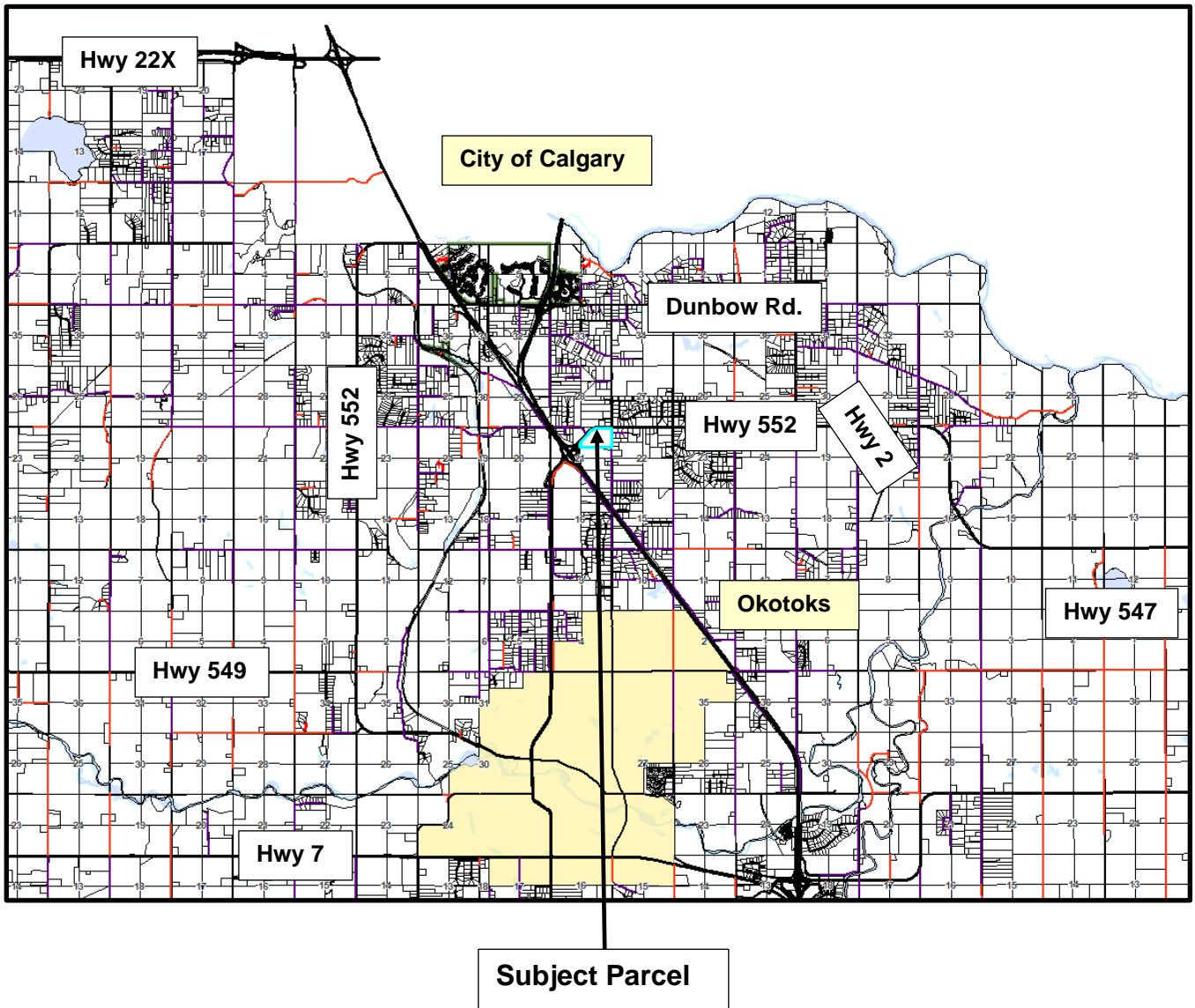
SITE PLAN

ORTHO PHOTO

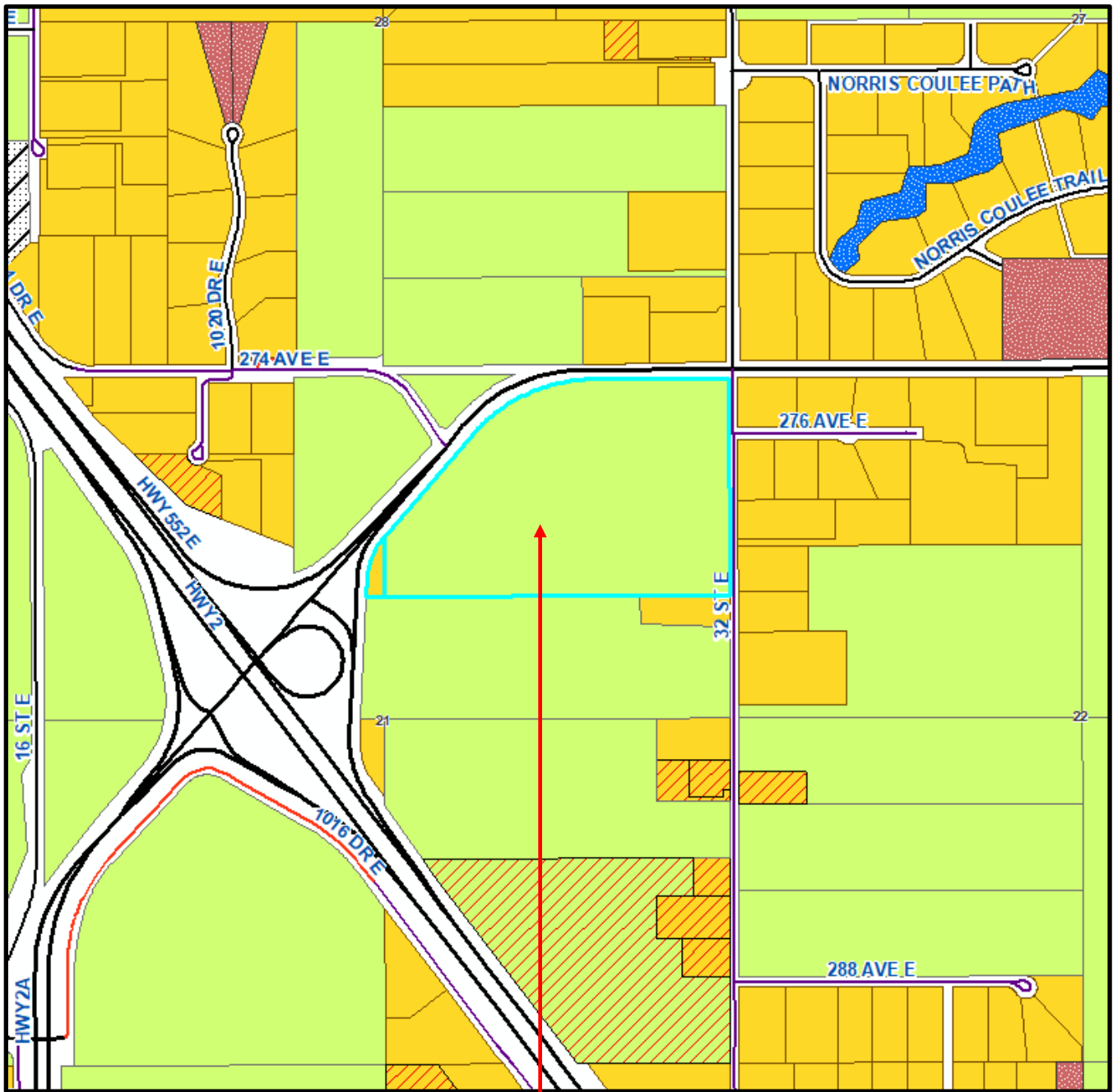
### **APPENDIX B:**

BYLAW

**APPENDIX A: LOCATION MAP**



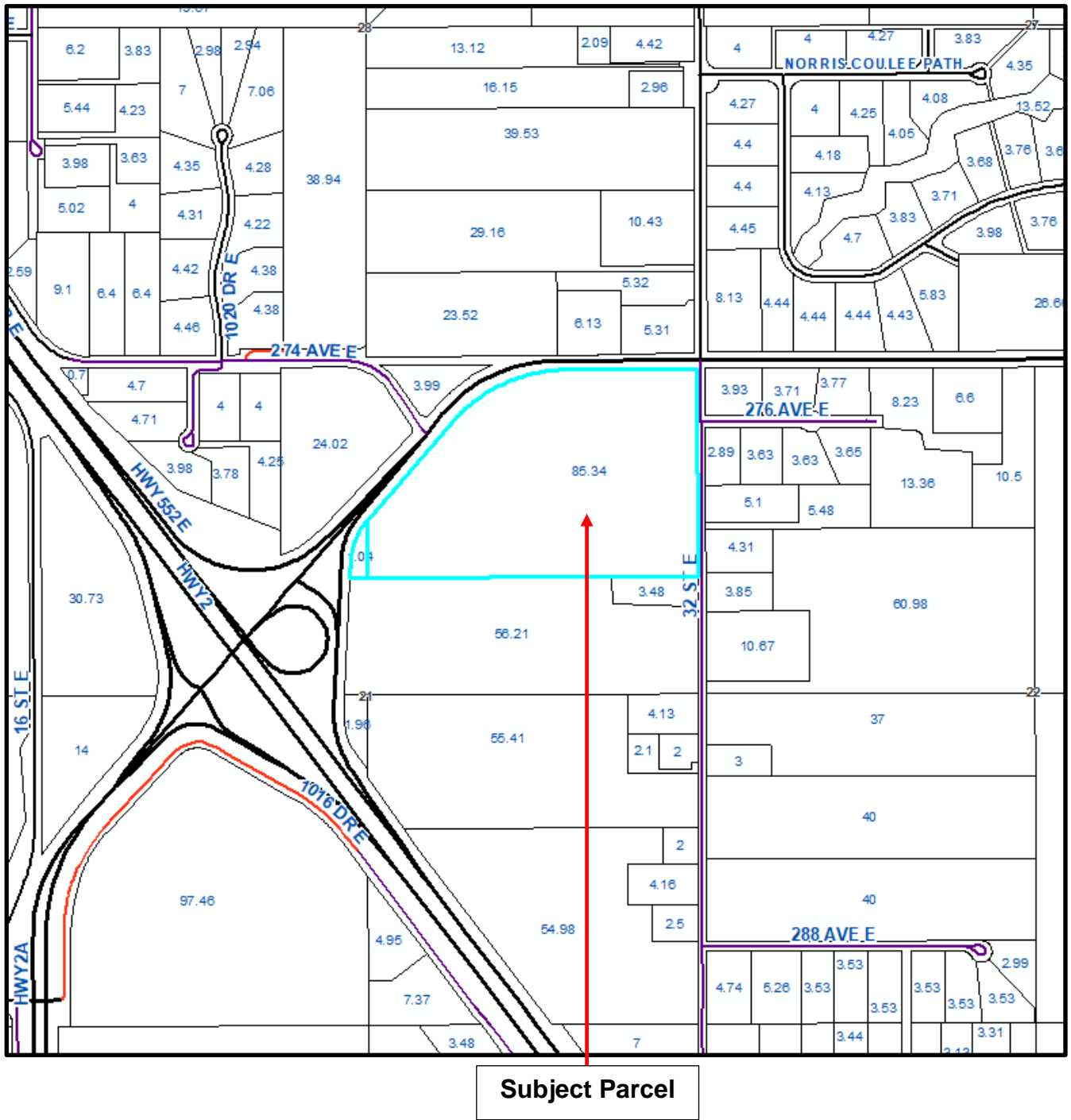
**APPENDIX A: HALF MILE MAP – LAND USE**



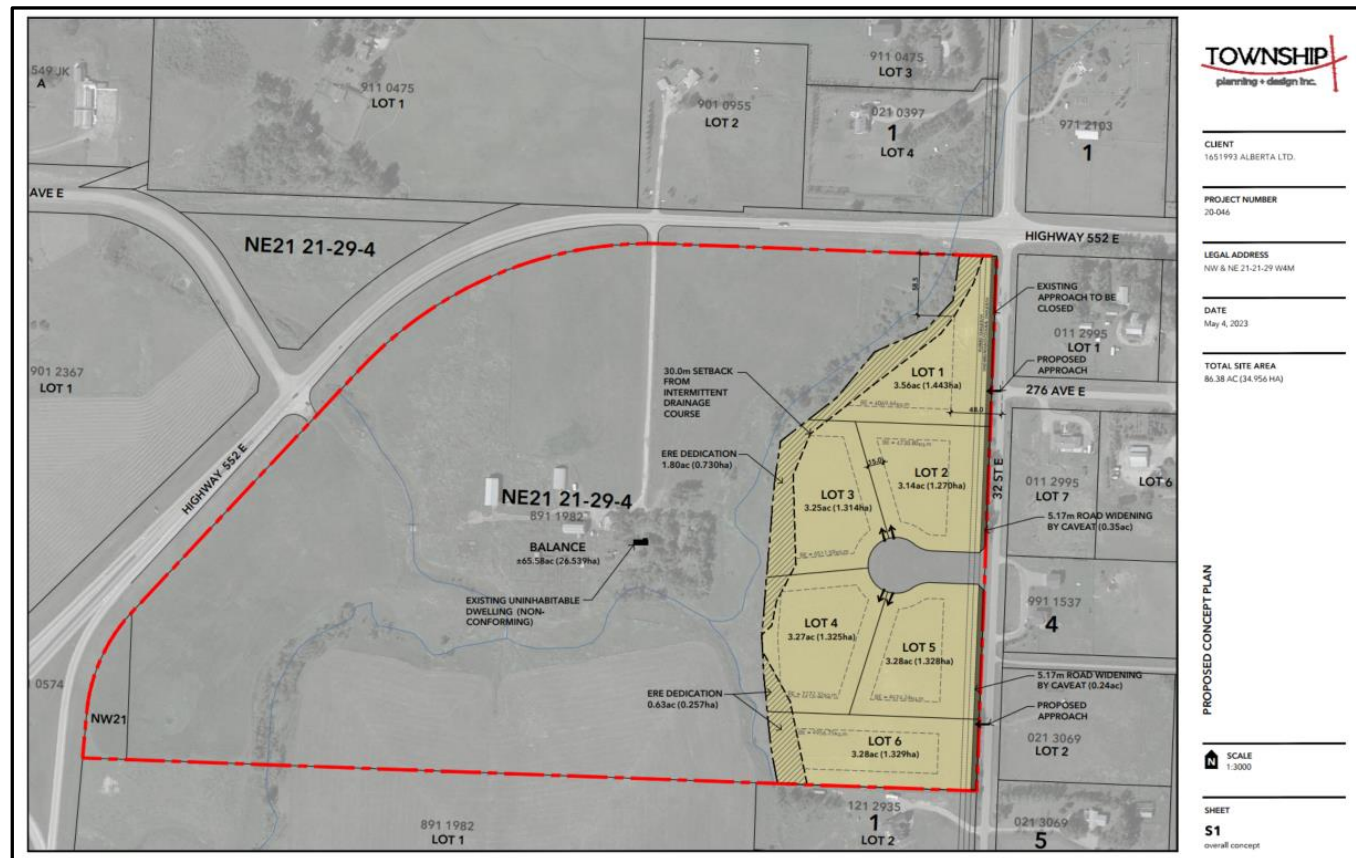
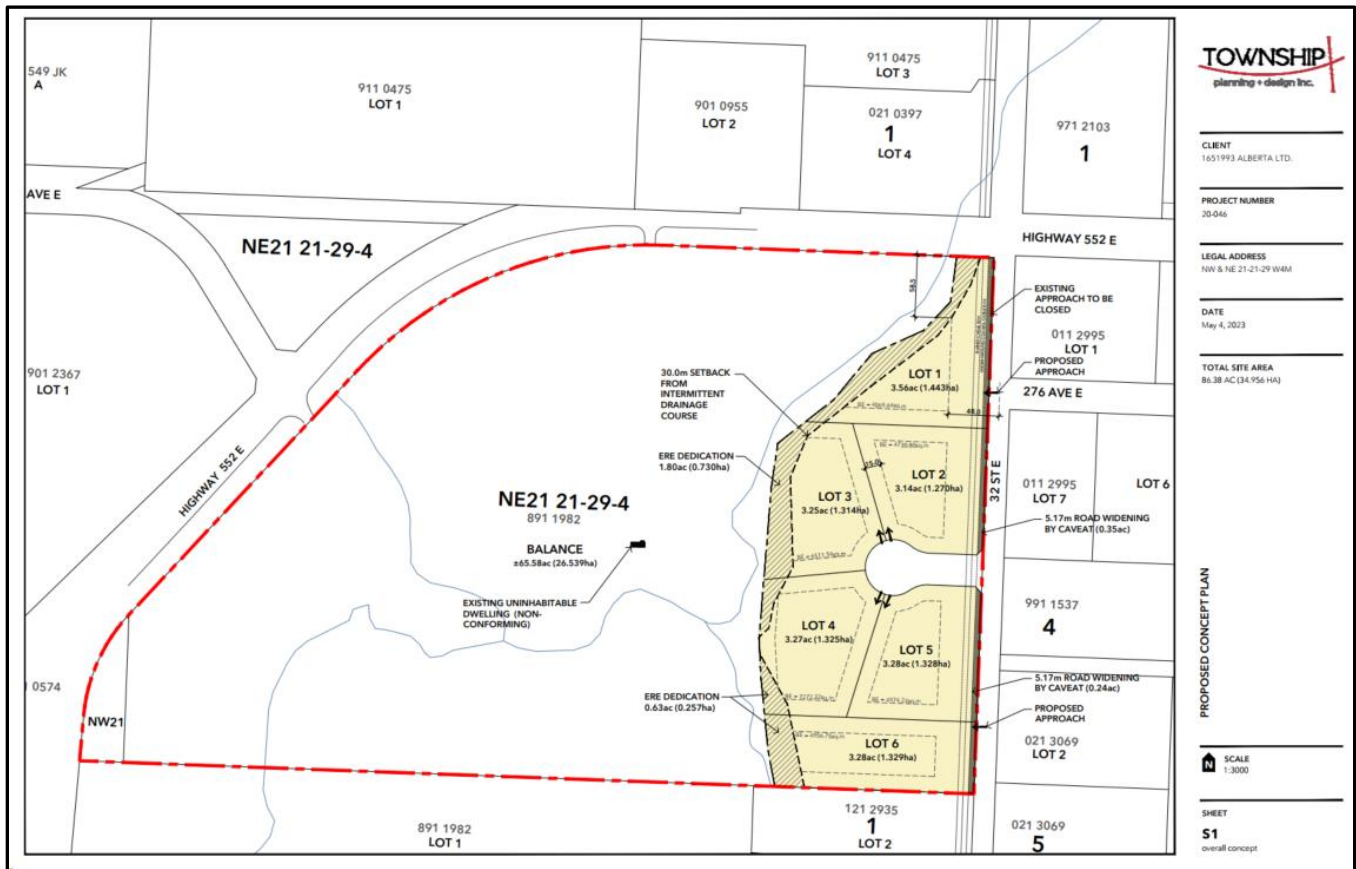
**Subject Parcel**

Legend		
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



# APPENDIX A: SITE PLAN



N



**BYLAW 22/2023**

**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 portion of NE 21-21-29 W4M from Agricultural District to Country Residential District to allow for the future subdivision of six (6) 3.27 +/- acre to 3.28 +/- acre Country Residential District lots leaving a 65.58 +/- acre Agricultural District balance parcel with an Environmental Reserve Easement over a 2.43 +/- acres of the west boundary of Country Residential lots 1, 3, 4, and 6.

The six (6) 3.27 to 3.28 +/- acre lots shall be designated as Country Residential Sub-District "A" to ensure that the recommendations and restrictions as outlined in the building envelopes, septic disposal evaluations, comprehensive site drainage plans, and lot grading plans (provided as 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 and a \$5000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.

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

1. Land Use Map No. 2129 is amended by redesignating a 19.65 +/- acre portion of NE 21-21-29 W4M as Country Residential District.
2. This Bylaw shall have effect on the date of its third reading and upon being signed.

FIRST READING: April 19, 2023

\_\_\_\_\_  
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\_\_ .



**MISCELLANEOUS PLANNING ITEM  
PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
SECOND AND THIRD READING TO BYLAW 03/2023  
November 22<sup>nd</sup>, 2023**

<b>SECOND AND THIRD READING TO BYLAW 03/2023</b>		
<b>APPLICATION INFORMATION</b>	<b>FILE NO. 22R052</b>	
	<b>LEGAL DESCRIPTION:</b> Plan 0614719, Block 2, Lot 2; PTN: W 34-20-01 W5M	
	<b>LANDOWNERS:</b> David and Elsie Limpert	
	<b>AGENT:</b> Township Planning and Design Inc. / Kristi Beunder	
	<b>AREA OF SUBJECT LANDS:</b> 170.75 Acres	
	<b>CURRENT LAND USE:</b> Agricultural District	
	<b>PROPOSED LAND USE:</b> Country Residential Sub District "A"	
<b>PROPOSAL:</b> Request for second and third reading to Bylaw 03/2023 for redesignation of a portion of Plan 0614719, Block 2, Lot 2, PTN: W 34-20-01-W5M from Agricultural District to Country Residential Sub-District "A", in order to allow the future subdivision of three 3.89 to 3.92 +/- acre Country Residential Sub-District "A" lots, with an approximate 159.03 +/- Agricultural District balance parcel.		
<b>DIVISION NO:</b> 5	<b>COUNCILLOR:</b> Alan Alger	<b>FILE MANAGER:</b> Theresa Chipchase

**PURPOSE OF REQUEST**

Request to Council to provide second and third reading to Bylaw 03/2023, **as all conditions put forth with first reading of this bylaw have been complied with.**

**BACKGROUND**

**Location**

The parcel is located 2.7 miles northwest of the Town of Okotoks, one half mile west of Highway 552, 0.3 miles south of Highway 549, and is directly west of 40<sup>th</sup> Street West, directly east of 48<sup>th</sup> Street West and directly east of Panima Close West.

**Site Considerations**

The lands are diverse, sloping from a high point within the northwest corner of the parcel near the farm site to the lowest point within the southeast corner of the parcel. There is a large dugout east of the yard site which impounds water which runs through a drainage channel entering the parcel along the north boundary and exiting through the southwest boundary into adjacent lands. The drainage channel forms a natural boundary between the west portion of the property, which is predominantly hay and grass lands outside of the yard site, to crop lands east of the drainage.

**PREVIOUS COUNCIL DIRECTION**

**January 11<sup>th</sup>, 2023, Bylaw 03/2023** – application approved by Council granting first reading to Bylaw 03/2023, under the following motion:

*“Bylaw 03/2023 was introduced into the meeting to authorize the redesignation of a 11.72 +/- acre portion of Plan 0614719, Block 2, Lot 2, PTN: W 34-20-01-W5M from Agricultural District*

to Country Residential District to allow for a future subdivision of three new Country Residential parcels (3.92 +/- acres, 3.91 +/- acres, and 3.89 +/- acres) with an approximate 159.03 +/- acre Agricultural District balance parcel.

*In their consideration of the criteria noted in Agricultural Policy 4 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. Additionally, the application falls within the density provisions and lot size restrictions of the Country Residential District within the County's Land Use Bylaw.*

*The three 3.89 to 3.92 +/- acre parcels shall be designated as Country Residential Sub-District 'A' to ensure that the recommendations and restrictions as outlined in the comprehensive site drainage plan, lot grading plan, building envelopes and septic disposal evaluation, (all provided as 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 and a \$5,000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.*

*Prior to further consideration of the bylaw the applicant will be required to submit the following:*

- 1. Applicant to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for the purpose of comprehensive site drainage, lot grading and 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 provided for the proposed 3.89 +/- acre, 3.91 +/- acre, and 3.92 +/- acre lots, in accordance with the Provincial Water Act, to the satisfaction of the County;*
- 3. Site plan to be provided which identifies building envelopes for the 3.89 +/- acre, 3.91 +/- acre, and 3.92 +/- acre lots, which meets the requirements as outlined in Policy 9 under the Residential section of the MDP2010, to be provided to the satisfaction of the Public Works department;*
- 4. Septic Disposal Evaluation, provided for the proposed 3.89 +/- acre, 3.91 +/- acre, and 3.92 +/- acre proposed lots, to the satisfaction of the Public Works department, as a condition of subdivision;*
- 5. Lot Grading Plans to be provided for the subject parcel, to the satisfaction of the Public Works department, as a condition of subdivision;*
- 6. Comprehensive Site Drainage Plan to be provided for the subject lands, to the satisfaction of the Public Works Department, as a condition of the subdivision approval;*
- 7. Final redesignation application fees to be submitted;*
- 8. Submission of an executed subdivision application and the necessary fees.*

**THE BYLAW WAS PASSED FOR ONE READING**

### **COUNCIL ACTION REQUESTED**

Request to Council to consider second and third reading to Bylaw 03/2023 authorizing the redesignation of a 11.72 +/- acre portion of Plan 0614719, Block 2, Lot 2, PTN: W 34-20-01-W5M from Agricultural District to Country Residential District to allow for a future subdivision of three new Country Residential parcels (3.92 +/- acres, 3.91 +/- acres, and 3.89 +/- acres) with an approximate 159.03 +/- acre Agricultural District balance parcel. for the following reasons:

*In their consideration of the criteria noted in Agricultural Policy 4 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. Additionally, the application falls within the density provisions and lot size restrictions of the Country Residential District within the County's Land Use Bylaw. The three 3.89 to 3.92 +/- acre parcels shall be designated as Country Residential Sub-District 'A' to ensure that the recommendations and restrictions as outlined in the comprehensive site drainage plan, lot grading plan, building envelopes and septic disposal evaluation, (all provided as 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 and a \$5,000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.*

## **APPENDICES**

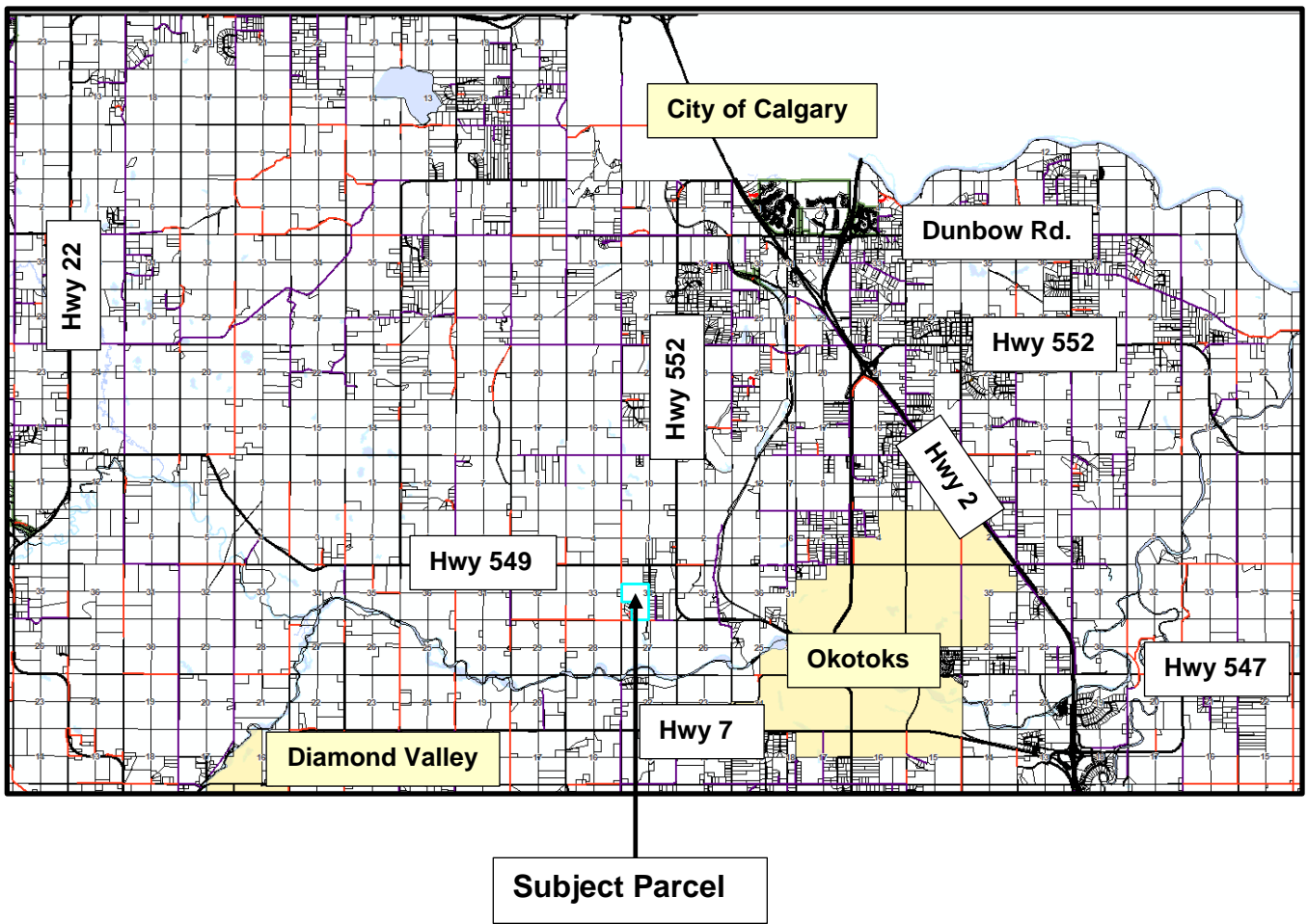
### **APPENDIX A - MAP SET:**

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

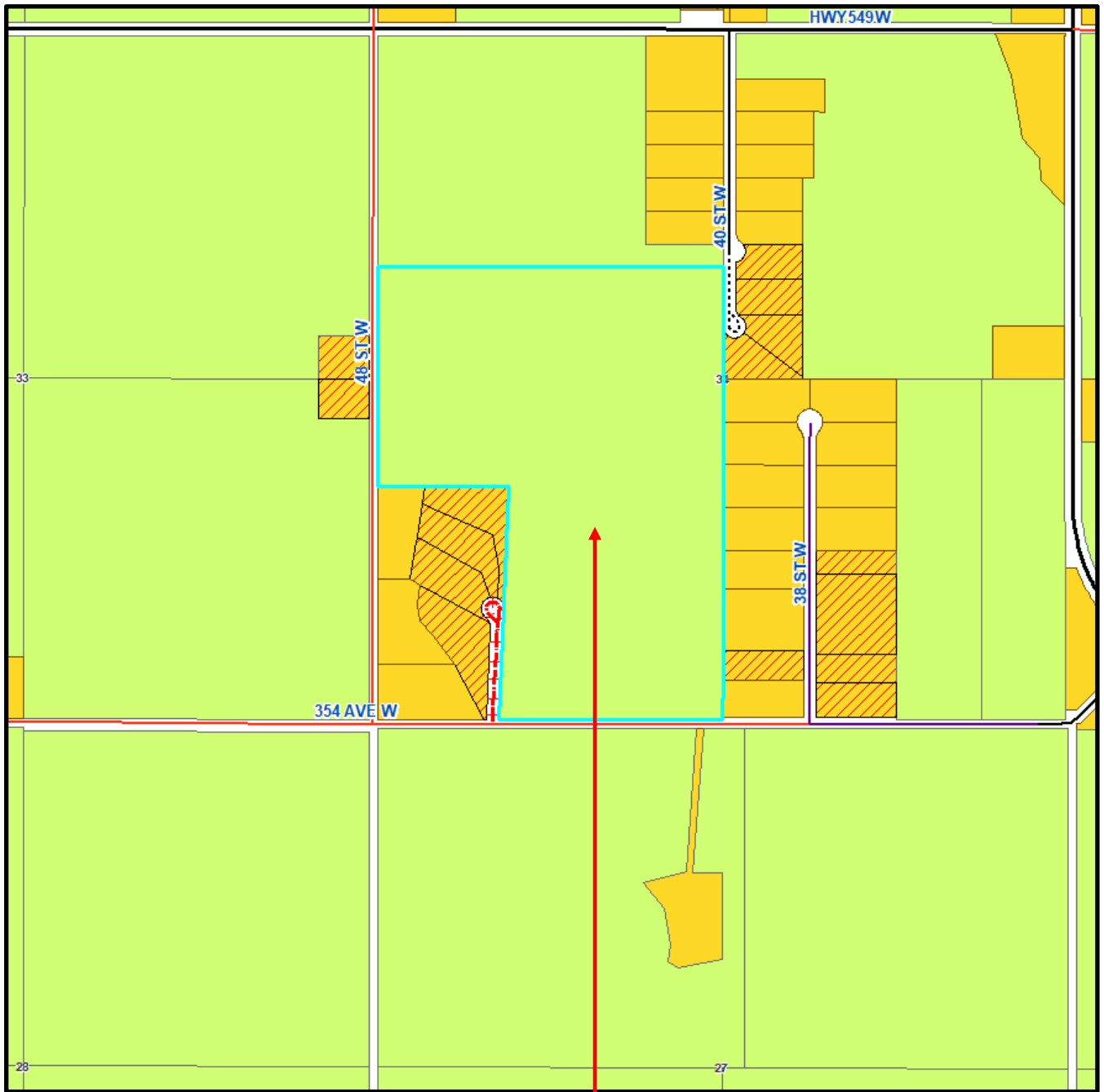
### **APPENDIX B:**

BYLAW

**APPENDIX A: LOCATION MAP**



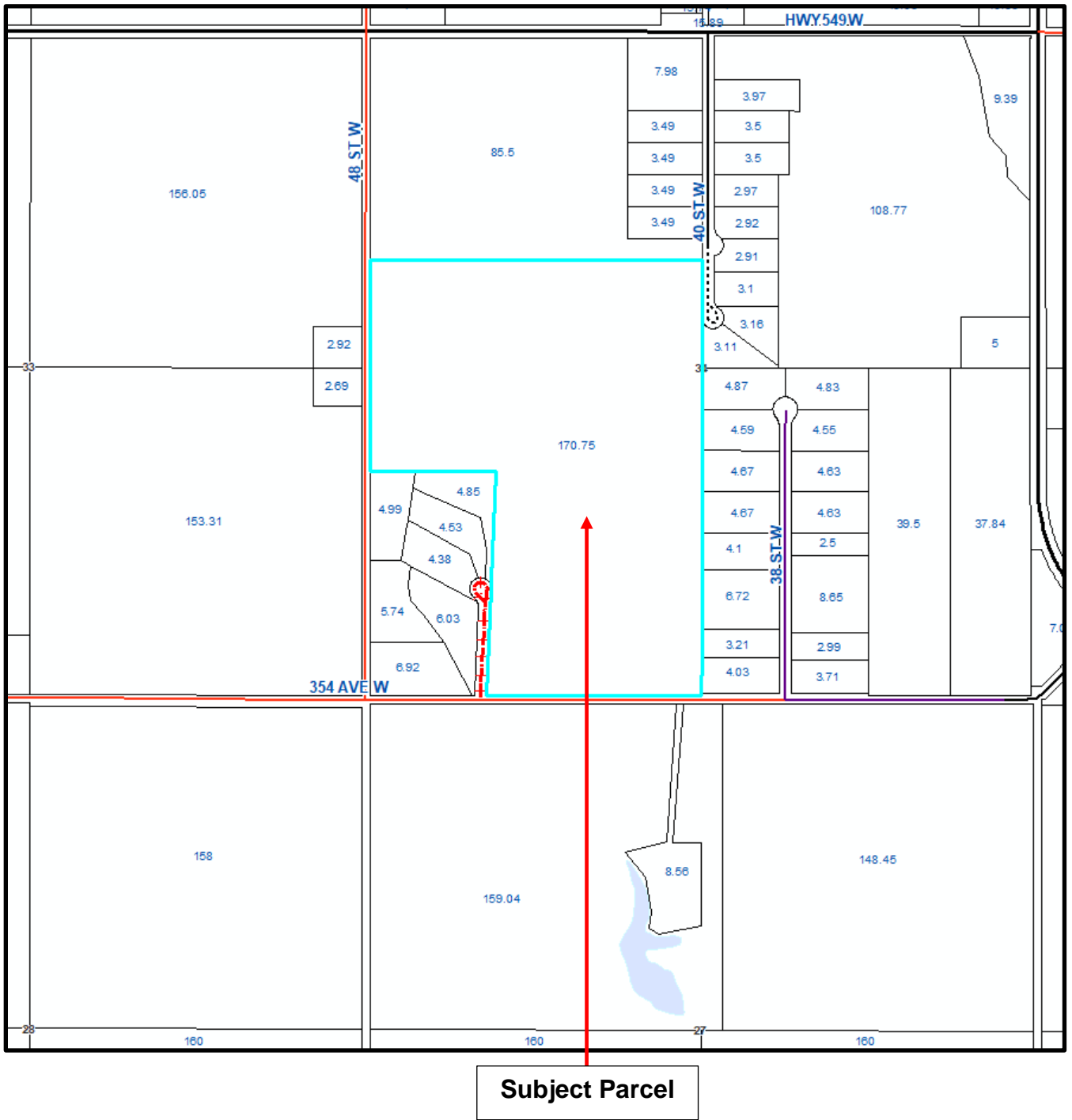
**APPENDIX A: HALF MILE MAP – LAND USE**



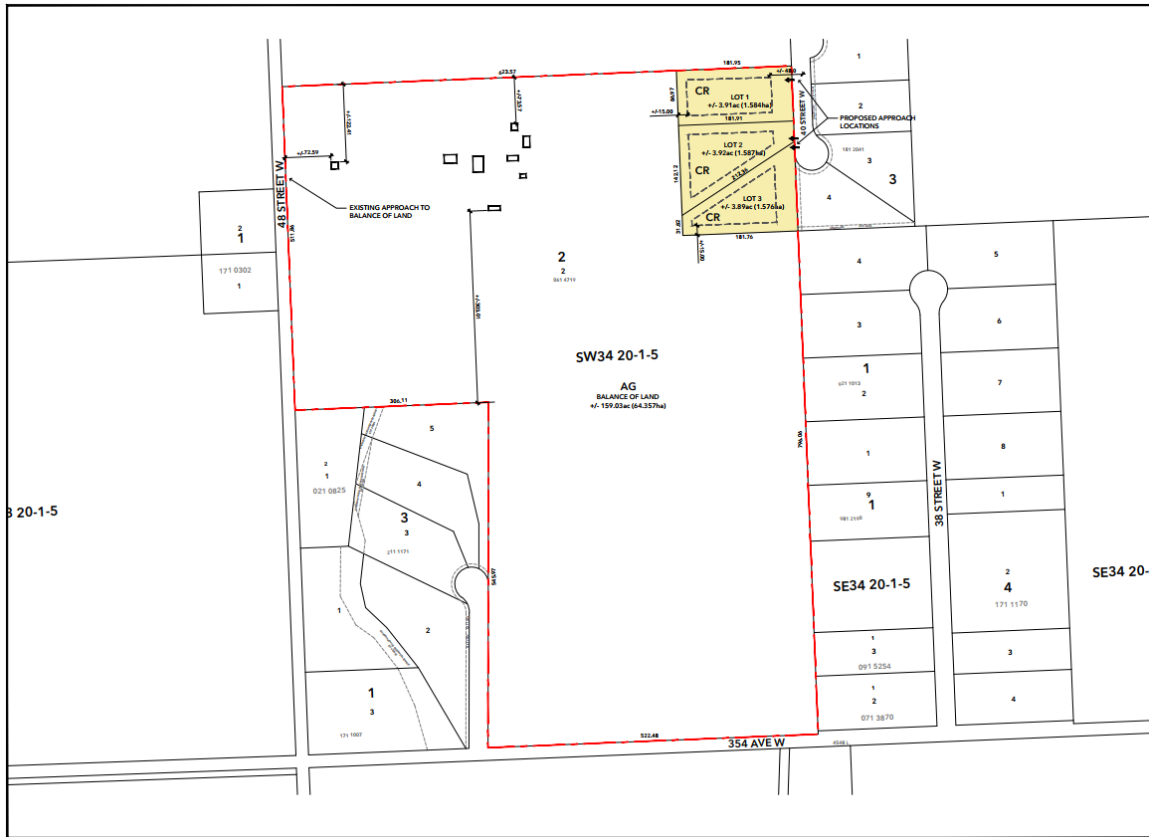
**Subject Parcel**

Legend		
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**



# APPENDIX A: SITE PLAN



CLIENT  
LIMPERT PROPERTIES

PROJECT NUMBER  
22-025

LEGAL ADDRESS  
SW 34-20-01 W5M  
LOT 2, BLOCK 2, PLAN 061 4719

DATE  
July 15, 2022

Total Site Area +A: 170.75ac (69.10ha)  
AG to CR: 11.72ac (4.74ha)

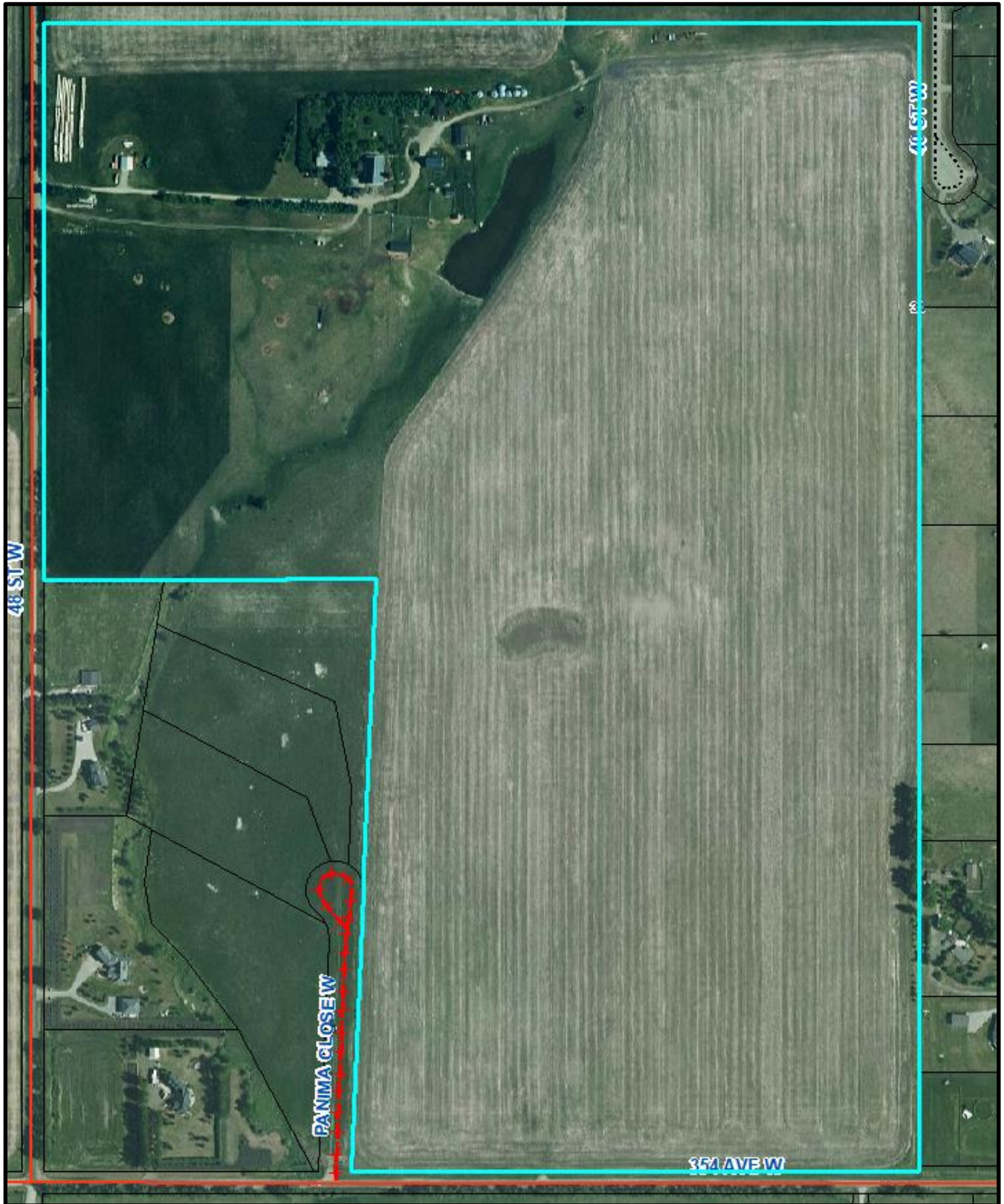
LANDUSE REZONING  
SITE PLAN

SCALE  
1:5000

SHEET  
S1  
SITE PLAN



APPENDIX A: ORTHO PHOTO





**BYLAW 03/2023**

**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 11.72 +/- acre portion of Plan 0614719, Block 2, Lot 2, Ptn. W 34-20-01 W5M from Agricultural District to Country Residential District to allow for a future subdivision of three new Country Residential Parcels (3.92 +/- acres, 3.91 +/- acres, and 3.89 +/- acres) with an approximate 159.03 +/- acre Agricultural District balance parcel.

The three 3.89 to 3.92 +/- acre parcels will be designated as Country Residential Sub-District "A" to ensure that the recommendations and restrictions as outlined in the comprehensive site drainage plan, lot grading plans, building envelopes, and septic disposal evaluation, (all provided as 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 and a \$5000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.

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

1. Land Use Map No. 2001 *is amended by redesignating one 3.92 +/- acre parcel, one 3.91 +/- acre parcel, and one 3.89 +/- acre parcel on Plan 0614719, Block 2, Lot 2, Ptn. W 34-20-01 W5M as Country Residential District.*
2. This Bylaw shall have effect on the date of its third reading and upon being signed.

FIRST READING: January 11, 2023

\_\_\_\_\_  
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\_\_ .

**MISCELLANEOUS PLANNING ITEM  
APPLICATION AND DEVELOPMENT REPORT TO COUNCIL  
DIRECT CONTROL #27 – DEVELOPMENT PERMIT APPLICATION  
November 22, 2023**

<b>APPLICATION INFORMATION</b>		<b>File No. 23D 142</b>
	<b>LEGAL DESCRIPTION:</b> Plan 0813661, Block 4, Lot 7; Ptn. SW 01-21-29 W4M	
	<b>LANDOWNERS:</b> Jerome & Glenda Kleinsasser	
	<b>AGENT:</b> Township Planning + Design Inc.	
	<b>AREA OF SUBJECT LANDS:</b> 7.42 acres	
	<b>CURRENT LAND USES:</b> Direct Control #27 (Home Based Business, Type III)	
<b>LOCATION:</b> The subject property is located on the north side of 338 <sup>th</sup> Avenue East, approximately 420 metres east of Highway 2 and the Town of Okotoks municipal boundary.		
<b>PROPOSAL:</b> Request for Development Permit approval under Direct Control #27 to allow for the operation of a Home Based Business, Type III being a wellness studio including yoga, meditation and sound bath instructional sessions on the subject property.		
<b>DIVISION NUMBER:</b> 7		<b>COUNCILLOR:</b> R.D. McHugh
<b>FILE MANAGER:</b> Brittany Domenjoz		

**EXECUTIVE SUMMARY:**

**Summary of Proposal:**

An application for Development Permit has been submitted for:

- a) The operation of a Home Based Business, Type III to allow wellness instruction sessions, including yoga, meditation and sound bath;
- b) Replacement of the previously approved Major Home Based Business (20D 057) to allow for a specialty plant sales business;
- c) Acknowledgement of total cumulative size of accessory buildings; and
- d) Acknowledgement of existing sea-cans including a relaxation of setbacks.

**Policy Evaluation:**

The application was reviewed in terms of the County's Land Use Bylaw 60/2014.

**Referral Considerations:**

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

**BACKGROUND:**

**June 24, 2020** – Council granted 3<sup>rd</sup> and final reading to bylaw 42/2020 authorizing the redesignation of the 7.42 +/- acre portion of Plan 0813661, Block 4, Lot 7; Ptn. SW 01-21-29 W4M from Country Residential District to Direct Control District #27 – Major Home Based Business to allow for a Greenhouse Sales Business, and a Site Specific Amendment to the Direct Control District #27 land use rules to allow for up to 16 business related trips per day.

**July 8, 2020** – Council granted approval to Development permit 20D 057 to allow for a Major Home Based Business – specialty plants and horticultural lessons and sales, the use of two sea-cans, and oversized cumulate accessory buildings on Plan 0813661, Block 4, Lot 7; Ptn. SW 01-21-29 W4M.

## PURPOSE OF APPLICATION:

Request of the Development Authority to approve Development Permit 23D 142 to allow for the operation of a Home Based business, Type III on the subject parcel. The application identifies:

- Operation of:
    - Wellness Sessions including yoga, meditation and sound bath instructional sessions.
      - 3 sessions are anticipated per day with a maximum of 16 people per session.
    - Specialty Plant business to operate in association with the proposed wellness sessions.
      - This business will no longer open to the public, customer visits are to be by appointment only.
  - Construction of a 720 sq. ft. addition to the existing accessory building.
    - The proposed addition would accommodate for a reception area and waiting room.
  - Acknowledgement of the existing accessory buildings, having a total area of +/- 6,376 sq. ft. which include:
    - Shop & Lean-to (3,600 sq. ft.);
    - two sea-cans (320 sq. ft. each)
    - Greenhouse (128 sq. ft.);
    - Garden Shed (64 sq. ft.);
    - Horse shelter (840 sq. ft.)
    - Horse shelter (384 sq. ft.)
  - Acknowledgment of the previously approved Relaxation of Setbacks; the existing sea-cans are to remain in the location as identified on the site plan and are to be located no closer than 7 metres from the west property line.
  - Vehicle trips:
    - Wellness Sessions: 16 trips, 3 times per day (Maximum of 48 vehicle trips per day).
- Note:** the total vehicle trips are listed as the highest potential trips per day, assuming all three classes are scheduled each day at full capacity with each individual driving.
- Specialty Plant Business: by appointment only to ensure trips to site are monitored.
  - 1 non-resident employee is anticipated.
  - Hours of operation:
    - Wednesday, Thursday, Friday: By appointment only between 12:00 pm - 4:00 pm
    - Saturday, Sunday, Monday: By appointment only between 12:00 pm - 5:00pm
  - One 40" x 60" sign is proposed to replace the existing sign near the entrance of the property as well as one fascia sign is to remain as previously approved.
  - 23 parking stalls are provided along the west side of the property and on the east side of the accessory building. The parking layout has been reconfigured to accommodate the proposed accessory building addition with an additional 7 stalls.
  - No changes to water: potable water is to be provided to clients by utilization of bottled water and/or stand-up water cooler.
  - No changes to wastewater: existing conventional septic systems and field.
  - No changes to access: the property is currently accessed from an existing approach on 338<sup>th</sup> Avenue E. Public Works has provided that the approach meets the commercial approach standards. In addition, Alberta Transportation and Economic Corridors provided that the applicants should be aware that all existing "at grade" public and private intersections will be removed resulting in more circuitous and less convenient access to this site.

Should Council choose to support this application, the previously approved Major Home Based Business (20D 057) shall be replaced in its entirety. The key differences between the approved Development Permit 20D 057 and the current application for the Home Based Business, Type III are as follows:

- The plant business will remain operational however this business will no longer be open to the public. All access will be by appointment only to ensure vehicle trips are not exceeded in association with the wellness sessions.
- Increase the cumulative size of the existing structures having a total of +/- 6,376 sq.ft.
- Increase vehicle trips per day from 16 to a maximum of 48 trips per day. **Note:** the total vehicle trips are listed as the highest potential trips per day, assuming all three classes are scheduled each day at full capacity with each individual driving.

A copy of Development Permit 20D 057 (Major Home Based Business) is included as Appendix C.

**REFERRAL CIRCULATION:**

<b>CIRCULATION REFERRALS</b>	
<b>REFEREE</b>	<b>COMMENTS</b>
<b>INTERNAL</b>	
Public Works	Public Works provided the following comments: <ul style="list-style-type: none"> <li>• No concerns with additional traffic as the plant business is being moved to appointment only.</li> <li>• Area of addition is already a graded, impermeable surface, no concerns.</li> <li>• Approach meets commercial standards.</li> </ul>
Municipal Fire	Municipal Fire provided the following comments: <ul style="list-style-type: none"> <li>• Fire inspection of building required once completed.</li> <li>• Address of property is to be posted.</li> <li>• Fire extinguishers are to be installed as per the National Fire Code 2019 Div. B Sec. 2.1.5 and NFPA 10.</li> <li>• Fire Safety Plan is to be posted as per the National Fire Code 2019 Div. B Sec. 2.8.2.</li> </ul>
<b>EXTERNAL</b>	
Alberta Transportation and Economic Corridors	Transportation and Economic Corridors offers the following comments and observations with respect to the proposed development(s): <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <p>Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:</p>

## CIRCULATION REFERRALS

	<ol style="list-style-type: none"> <li>1. The proposed development is exempted from the requirement of a permit pursuant to Section 25 of the Highways Development and Protection Regulation. This exemption is subject to the provisions of Sections 11-23 and Sections 55-59 of the Highways Development and Protection Act (Chapter H-8.5, RSA, 2004) and amendments thereto, and Sections 8-15, Sections 24-25, and Sections 35-36 of the Highways Development and Protection Regulation (Alberta Regulation 326/2009) and amendments thereto.</li> <li>2. This exemption, and associated terms and conditions, apply to the development referenced herein at the location shown, and any new or additional development activity must obtain approval from Alberta Transportation.</li> <li>3. The landowner shall indemnify and hold harmless the Minister and his employees and agents from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly, from anything done or omitted to be done in the construction, maintenance, operation, or alteration of the work described.</li> <li>4. The landowner (or a designated representative) is responsible for obtaining any other necessary municipal, provincial, or federal approvals.</li> <li>5. Alberta Transportation accepts no responsibility for the noise or other impacts of highway traffic upon any development or occupants thereof. Noise impacts and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation and/or visual screening are the sole responsibility of the landowner.</li> <li>6. Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.</li> <li>7. The municipality and the applicant should be aware that this Highway is classified as a freeway. With this ultimate condition, all existing "at-grade" public and private intersections will be removed. The only access to and from the Highway will be via grade separated interchanges, resulting in more circuitous and less convenient access to this site. The attached plan shows the future interchange and access management plan for this area.</li> </ol>
<b>PUBLIC</b>	
	Development Permit applications on Direct Control District properties are not advertised in the Western Wheel or circulated to neighbouring landowners unless a Public Meeting is held.

### POLICY EVALUATION:

#### **Land Use Bylaw 60/2014:**

##### 2.5 Definitions

*BUSINESS VISITS* means round trips to and from the site by individuals for the purpose of doing business on site of a home based business. This includes materials and/or equipment, travelling to

and from a job site. Business visits do not include vehicle trips to the property by residents or employees, nor is it intended that the occupants of the vehicle be counted each as a business visit. A load of individuals transported by way of a vehicle exceeding seating capacity of fourteen (14) passengers, are excluded from this definition under regular business visits as this implies a larger scale operation than a home based business and would require site-specific amendment and/or land use redesignation prior to a Development Permit.

*HOME BASED BUSINESS TYPE III* means a business or occupation conducted within a dwelling and/or accessory building(s) or on a parcel on which a dwelling is located and where one or more residents of the parcel is the primary owner of the occupation or business and the following requirements apply:

- A maximum of twelve (12) business visits per day; or as determined by the Approving Authority in Direct Control Districts;
- No More than six (6) non-resident employees working on the property; or as determined by the Approving Authority in Direct Control Districts;
- A maximum of twelve (12) business vehicles on the property per day; or as determined by the Approving Authority in Direct Control Districts;
- Parking is provided in accordance with the requirements set out in Section 9.19 of this bylaw;
- Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening;
- Outdoor storage of business-related goods and materials, large commercial vehicles, trailers, and equipment may be allowed if, in the opinion of the Approving Authority, the outdoor storage is adequately screened from adjacent lands.
- Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Approving Authority.
- At all times, the privacy of the adjacent residential dwellings shall be preserved, and the homebased business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with live ability or enjoyment of the neighboring properties;

all in accordance with Section 10.12 of this bylaw.

Table 4.2.1.7A – Size of Accessory Building

5.0 – 9.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 325.2 sq. m. (3,500 sq. ft.) accessory to the residence.
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Table 9.19 C – Parking requirements for residential related land uses.

Home Based Business - 1 parking stall per non-resident employee on the property, plus 1 additional parking space for each business visitor on the property at the same time, all in addition to the required residential parking OR as determined by the Development Authority as a condition of Development Permit.

18.27 Direct Control District #27

- Attached as Appendix D of this report.

**SUMMARY:**

Requesting approval of Development Permit 23D 142 to allow for:

- a) The operation of a Home Based Business, Type III to allow wellness instruction sessions, including yoga, meditation and sound bath;
- b) The operation of a specialty plant sales business, as amended;
- c) Acknowledgement of total cumulative size of accessory buildings; and
- d) Acknowledgement of existing sea-cans including a relaxation of setbacks.

**OPTIONS FOR COUNCIL CONSIDERATION:**

**OPTION #1 – APPROVAL**

Should Council choose to approve Development Permit 23D 142 to allow for the operation of a Home Based Business, Type III on the subject parcel being Ptn. SW 01-21-29 W4M; Plan 0813661, Block 4, Lot 7, the following motion has been provided for Council’s consideration:

*Council moved that Development Permit 23D 142 to allow for an operation of a Home Based Business, Type III for the operation of wellness sessions and a specialty plant sales business, as amended, with acknowledgement of two sea-cans and total cumulative size of accessory buildings; be approved, subject to the following conditions:*

**APPROVAL DESCRIPTION:**

Upon completion of the Pre-Release Condition, this approval allows for the development and use of Ptn: SW 01-21-29 W4M; Plan 0813661, Block 4, Lot 7, in accordance with the submitted application, and as accepted by the Foothills County Council as the Development Authority, as follows:

- Operation of a Home Based Business, Type III - wellness instruction sessions, including yoga, meditation and sound bath;
- Operation of a specialty plant sales business;
- Construction of a 720 sq. ft. accessory building addition;
- Acknowledgement of total cumulative size of accessory buildings;
- Acknowledgement of two (2) existing sea-cans and relaxation of setbacks;
- A maximum of six (6) non-resident employees, as per the Land Use Bylaw;
- Hours of operation:
  - o Wednesday, Thursday, Friday: By appointment only between 12:00 pm - 4:00 pm
  - o Saturday, Sunday, Monday: By appointment only between 12:00 pm - 5:00 pm

**CONDITIONS OF APPROVAL FOR COUNCIL’S CONSIDERATION:**

Council may wish to provide any of the following conditions, or any additional conditions, as pre-release condition(s) should they be of the opinion that the requirement be addressed prior to the Development Permit being signed and issued.

**PRE-RELEASE CONDITIONS:**

Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before April 22, 2024, will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).

1. The applicant is required to submit a refundable security deposit in the amount of \$1,000 in order to ensure compliance with the applicable Building, Safety and Fire Codes for the proposed use and occupancy of the development. This security will be refunded at such time that all required permits and inspections have been obtained meets the intent of the Codes for use and occupancy, is provided by the Safety Codes Officer and the Foothills Fire Department Fire Inspector.

**CONDITIONS OF APPROVAL:**

Please note that the following requirements must be completed within the twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved under agreement between the Development Authority and the Applicant(s). Failure to complete the conditions of approval will see the Development Permit deemed null and void.

1. The applicant shall obtain all necessary building and safety code permits and inspections from the County, prior to construction of the proposed development, to the satisfaction of the Safety Codes Officer;
2. The applicant shall obtain a passing Fire Inspection from the Foothills Fire Department and shall submit proof of such to the Development Authority, prior to the operation of the business;

3. It is the landowner's responsibility to obtain and maintain an annual Business License(s) from Foothills County. Failure to obtain this each year will result in this permit being considered null and void;
4. In addition to permitted signage as identified within Section 4.2 of the Land Use Bylaw, this approval allows for one additional identification sign having an area of 16.7 sq.ft. (40" x 60") or 1.55 sq. m. to be located wholly within the boundary of the subject property, as illustrated within the accepted site plan. No additional signage is permitted without first obtaining appropriate approvals through the Foothills County;
5. The existing Sea-Cans shall be located as identified within the accepted site plan and shall be a minimum of 7.0 meters (23 ft.) from the west property line at their closest points. All other developments on the property shall adhere to applicable setback requirements as identified within the Land Use Bylaw;
6. This approval acknowledges the existing accessory buildings on the subject property, being +/- 3,600 sq.ft. Accessory Building (Shop & Lean-To), +/- 720 sq. ft. addition, two(2) Sea-Cans of 320 sq.ft. each, two (2) Horse Shelters of +/- 840 sq.ft. and +/- 384 sq.ft., +/- 128 sq. ft., Greenhouse, and +/- 64 sq. ft. Garden Shed, having a total cumulative size of +/- 6,376 sq.ft.
7. It is the applicant's responsibility to provide written notification to the Development Authority upon completion of the development, as approved herein.

**ADVISORY COMMENTS:**

The following requirements are provided by Foothills County to inform the applicant(s) and landowner(s) of their necessity and do not form part of the approval description or conditions of approval. It is the sole responsibility and liability of the applicant(s) and landowner(s) to ensure adherence with these requirements.

1. This approval wholly replaces Development Permit 20D 057, which shall be considered null and void upon approval of this permit;
2. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. Any revisions and/or additions to use of this land shall not proceed except under benefit of appropriate approvals;
3. The development is required to illustrate compliance with the requirements of the Alberta Building, Plumbing, Electrical, Safety, and Fire Codes, at all times;
4. The proposed building shall not exceed a maximum height, from grade to peak, of 10.67 meters (35 ft.) which is the maximum permitted within the Direct Control #27 Land Use district;
5. All signage must conform to the dimensions and design as submitted within the application for Development Permit and shall at all times be kept in a safe and clean state of repair. This approval does not allow for any illumination of the proposed signs;
6. Providing variance for the Oversized Accessory Buildings exhausts the area of permitted accessory buildings on a property of this size. As such, absolutely no additional accessory buildings or additional garage space is permitted on the subject property without first obtaining the necessary approvals through Foothills County. This includes any structure with a roof; such as, any tent, shelter, lean-to, shed, greenhouse, and/or any buildings with temporary foundations;
7. No portion of any accessory buildings or sea-cans are permitted to be used as a secondary residence, or for the purpose of overnight accommodations at any given time, unless prior appropriate approvals of such are obtained from Foothills County;
8. No outdoor storage of business related materials is permitted on the subject property;
9. It is the landowner's responsibility to ensure existing visual screening of the Sea-Cans and outdoor parking areas is maintained and is responsible for the maintenance and replacement of existing landscaping materials for the purpose of screening from adjacent properties and roadways;



10. Should either or both Sea-Can(s) be removed from the subject property for greater than 60 consecutive days, for any reason, the Sea-Can(s) will not be permitted to return to the subject property without first obtaining appropriate approvals from Foothills County;
11. It is the landowner's responsibility to maintain the exterior finish of the Sea-Cans in a consistent manner and to ensure they aesthetically complement the primary structure(s) on the property. The Sea-Cans shall not be structurally altered unless appropriate permits for such have been obtained from the Building and Safety Codes Department;
12. The Sea-Cans shall be used exclusively for the landowner's personal storage and/or approved business related storage purposes on the subject property, and shall not be rented out or leased at any time;
13. Emergency address signage it to be installed and maintained to the satisfaction of the Foothills Emergency Services Departments;
14. It is the applicant's responsibility to ensure sufficient on-site parking is available for all business related vehicles in attendance to the subject property;
15. Natural drainage of the property must be maintained. Alteration to natural drainage may only proceed only under the authorization of an approved Development Permit for Lot Grading permit;
16. The applicant shall comply with all applicable requirements of Alberta Environment with respect to water use and shall obtain all required licenses and approvals from that Provincial authority, or waiver of such, prior to any use of well water. The applicant is advised that the use of well water for business related purposed without appropriate licensing is prohibited. Failure to obtain appropriate licensing from Alberta Environment shall require the use of water from a licensed off-site source;
17. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
18. No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical, and/or radio disturbance is to be detectable beyond the boundary of the lot. Should the applicant fail to mitigate any odour nuisance caused by the painting and/or staining of business related materials on the subject property, the approval of this use shall be considered null and void and the applicant would be required to cease all painting and/or staining on the subject property;
19. The applicant shall ensure compliance with any requirement provided by the registered documents listed on the certificate of title;
20. The landowners indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the owner, arising from soils being relocated to/on this property;
21. The issuance of a development permit by the County does not relieve the applicant of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
22. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit;

## **APPENDICES:**

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

LOCATION MAP

LAND USE MAP

HALF MILE MAP – PARCEL SIZES

SITE PLAN

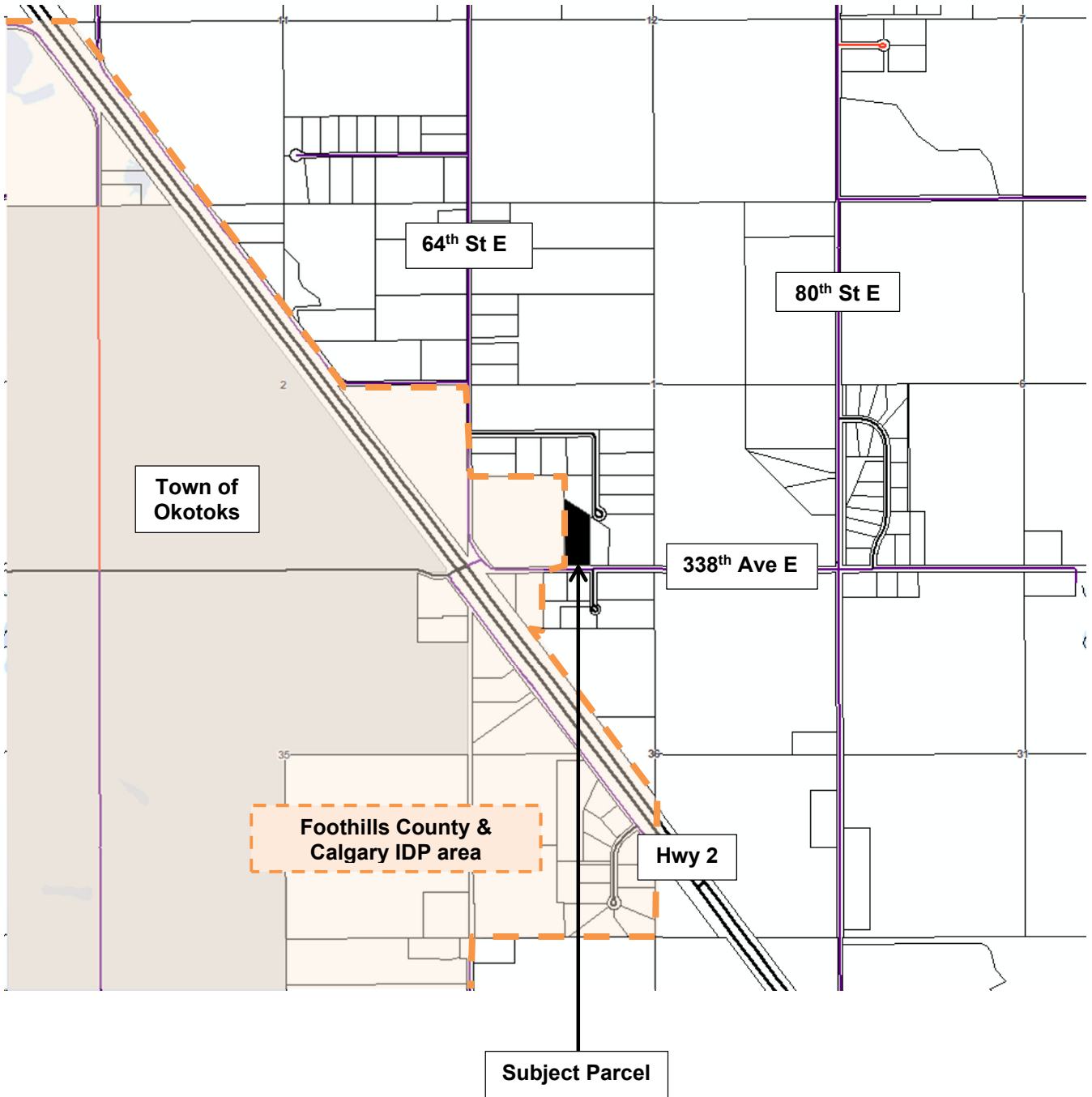
ORTHO PHOTO

### **APPENDIX B: APPLICATION COVER LETTER**

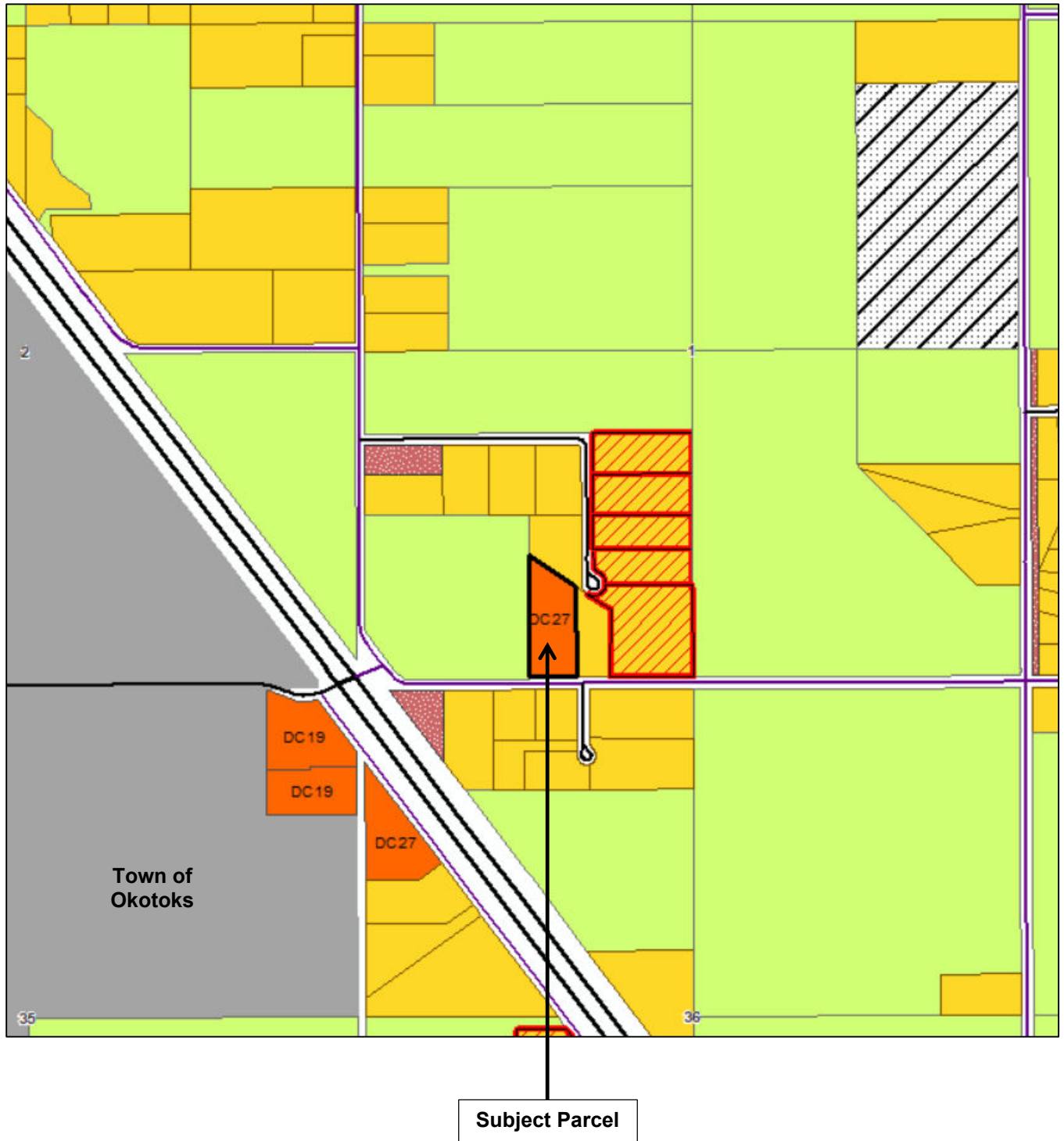
### **APPENDIX C: DEVELOPMENT PERMIT 20D 057**

### **APPENDIX D: DIRECT CONTROL DISTRICT #27**

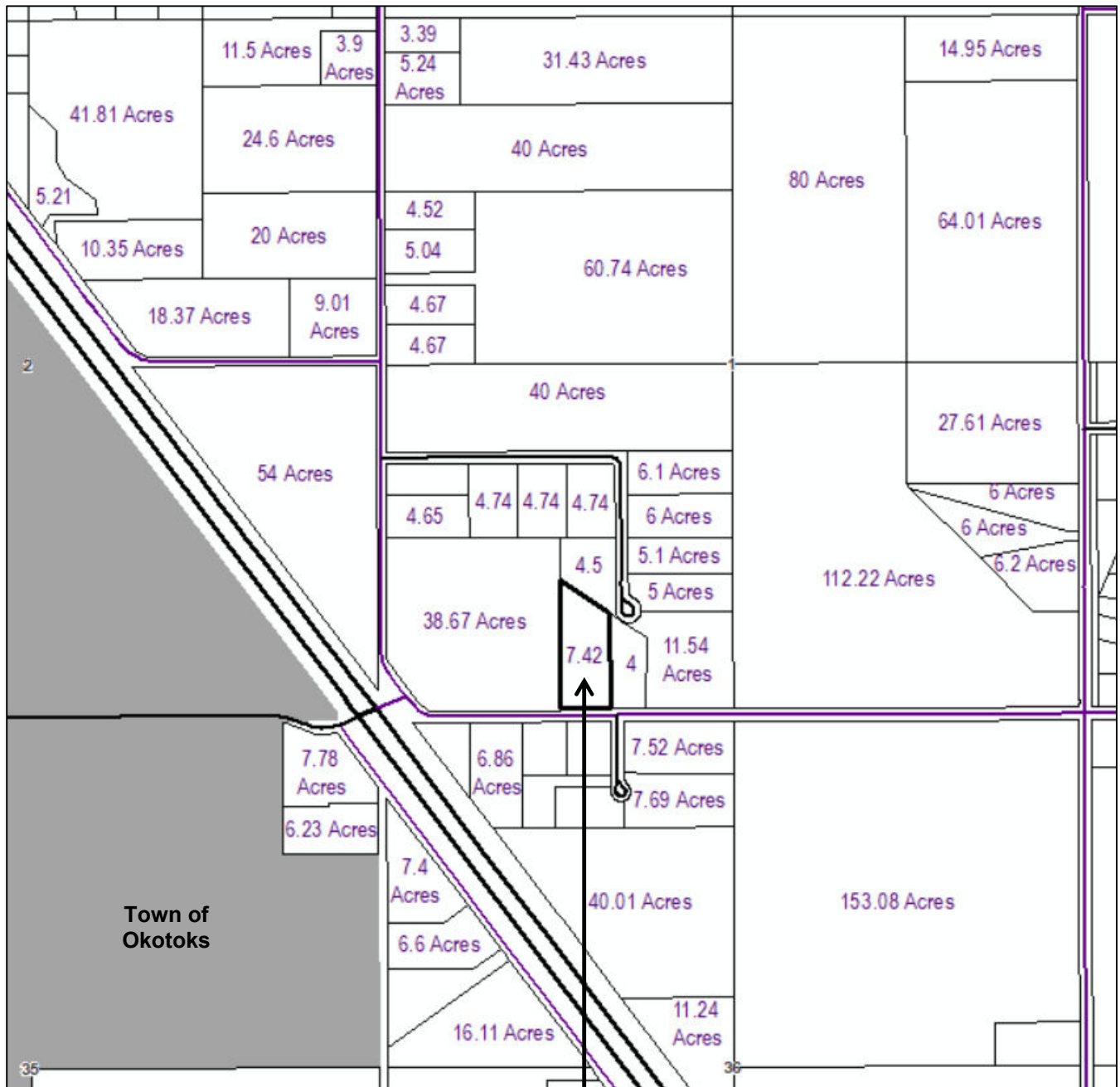
**APPENDIX A: LOCATION MAP**



APPENDIX A: LAND USE MAP

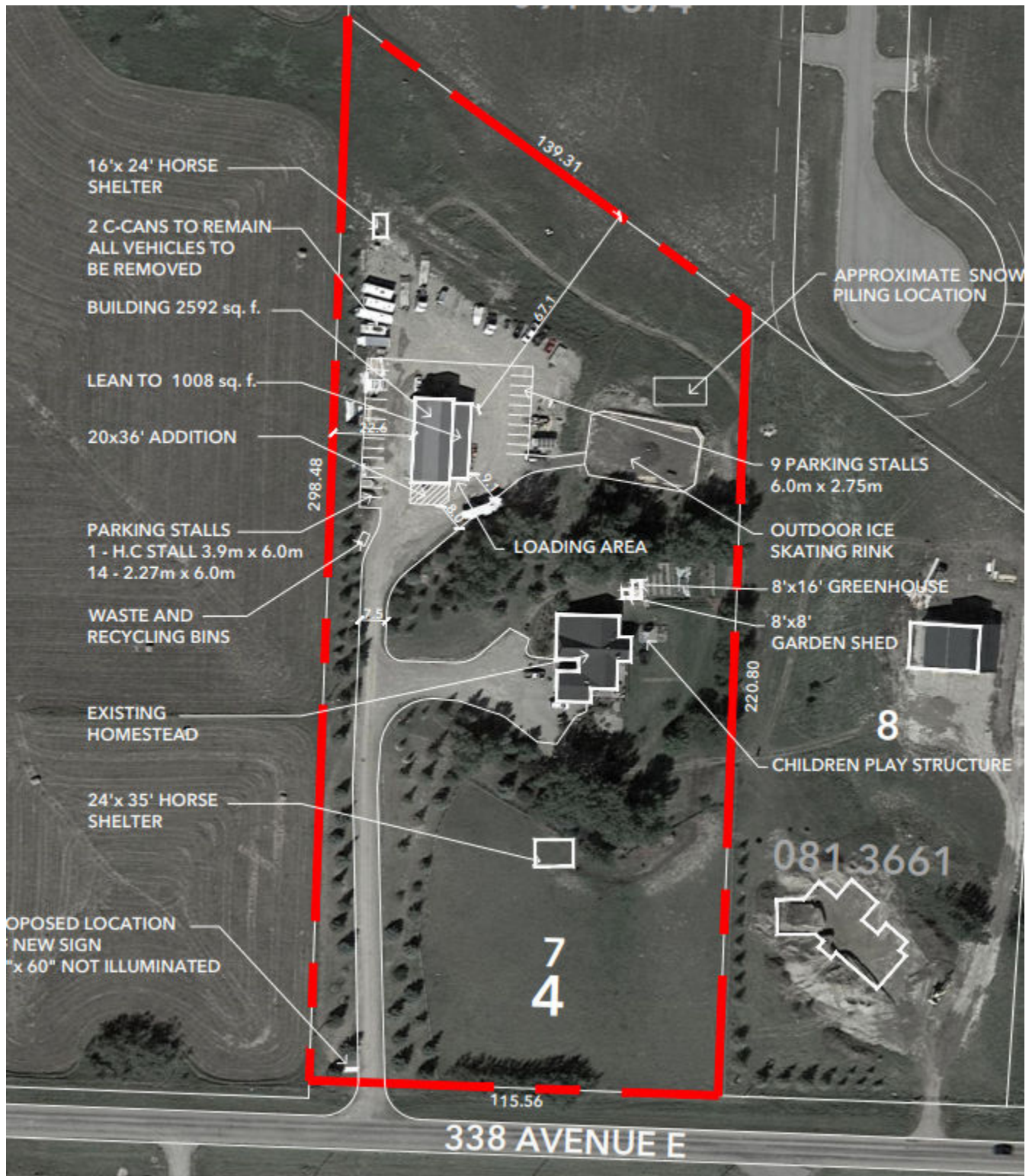


**APPENDIX A: HALF MILE MAP – PARCEL SIZES**



**Subject Parcel**

**APPENDIX A: SITE PLAN**







321-259 Midpark Way SE  
Calgary, Alberta T2X 1M2

Phone: 403.880.8921  
TWPplanning.com

Foothills County  
Box 5605  
High River, Alberta  
T1V 1M7

June 23, 2023

ATTN: Mrs. Samantha Payne, Planning Applications Supervisor

RE: Development Permit for a Home-Based Business Type 3 use to allow wellness instruction sessions on behalf of Jerome and Glenda Kliensasser located on lands legally described as SW 1-21-29 W4M, Plan 0813661, Block 4, Lot 7 (3.001 ha) +/- 7.42 acres within Foothills County.

Dear Mrs. Payne,

Please find enclosed the following:

- A completed Development Permit Application form;
- A Credit Card Authorization for the Development Permit Application Fee in the amount of \$900.00 and the Processing Fee in the amount of \$100.00, totaling \$1,000.00;
- An Agency Agreement allowing Township Planning + Design (TWP) to represent the landowner;
- An Abandoned Well Statement Map; and
- Site plan showing the location of the existing buildings, the proposed office addition, snow clearing details, and parking.

To assist the Planning and Development Department with the evaluation of this application we offer the following additional information:

**Application Summary:**

The enclosed Development Permit (DP) application seeks to allow for a Type 3 Home-Based Business to accommodate wellness instruction, which includes yoga, meditation, and sound bath instructional sessions. This application proposes a 720 sq. ft. (66.89 sq. m) addition to the existing accessory building to serve as a reception area and waiting room.

The subject parcel is +/- 7.42 acres and within the Direct Control #27 (DC#27) land use district. A previous DP to allow for a Major Home-Based Business was approved by Council on July 8, 2020 (Development Permit 20D 057). The previous DP approval acknowledged that the Accessory Buildings on the property exceeded the permitted square footage of 3,500 sq. ft. allowed on a 5.0 to 9.99-acre parcel and approved a relaxation for the approximate 1,964 sq. ft. excess. We are requesting another relaxation to accommodate the 720 sq.ft addition to the existing Accessory Building.

The site is 435 meters directly east of Highway 2; therefore, we expect a Roadside Development Permit will be required from Alberta Transportation and we have filed an application with them.

**Proposed Business Operations:**

We are requesting that the Planning and Development Department acknowledge the following components of this application:

- The proposed office addition will add 720 sq. ft. to the total accessory building area and we recognize a relaxation will be required to accommodate it; however, it is an addition to an existing building and does not represent a new structure unit on site.
- We are requesting that the vehicle trips per day be acknowledged at 16 trips, three (3) times a day during business hours (discussed below), given there will be a maximum of three (3), 16-person instructional sessions per day.
- ~~Business days and hours of operations are proposed to be Monday-Saturday by appointment only and closed on Sundays.~~ **Updated hours noted in Purpose of Application Section.**
- There is one resident employee, Glenda Kliensasser who is the owner and operator of the business. She will be assisted by one off-site employee during the regular business hours. The business has a website and utilizes social media platforms to advertise and market their services.

It is also worth noting that the business owner intends to operate the existing plant business that was previously approved under DP20D 057. The plant business will no longer be open to the general public and all access will be appointment only in association with the proposed wellness instruction operation.

#### Parking and Servicing Considerations:

We are proposing a new site sign (40' x 60") at the entry to the property as identified on the enclosed site plan. This exterior signage will not be illuminated. There is also an existing fascia sign on the building that meets the requirements as outlined in the Foothills County Land Use Bylaw. All exterior lighting on-site is compliant with Bylaw 27/2009 regarding Dark Skies.

No lot grading is required to accommodate the Type 3 Home-Based Building and extension to the Accessory Building. There is significant existing site landscaping on the south side of the property at the entrance and along the drive aisle to the store front. The landscaping is mature and screens the subject site from both 338<sup>th</sup> and adjacent County Residential parcels.

We have reconfigured the existing parking layout on-site to accommodate the proposed Accessory Building extension; please refer to our enclosed site plan. Employee and client parking are located on the west and east of the building. We are proposing 23 parking stalls total inclusive of one (1) barrier free stall. We have also identified a loading space to the south of the building. The site is supplied by a groundwater well; however, potable water is provided to clients by utilization of bottled water and/or a stand-up water cooler. The washroom is tied to a conventional septic field and tile septic system.

The existing Accessory Building itself is a fully constructed tin building comprised of non-combustible materials and the proposed addition will be consistent with existing materials. A fire extinguisher is available within the building in a well identified location. Emergency exits to for the building are also identified on the site plan. Existing waste and recycling bins are enclosed within the building and located to the southwest of the building.

#### Alignment with Foothills County Goals:

Although TWP recognizes that we are asking for a relaxation to accommodate the proposed Type 3 Home Based Business, based on our review of County policies we content this application generally aligns with broader County economic development goals. Not only does the Municipal Development Plan emphasize the importance of economic diversification by providing different types of jobs and services within the community, but it also highlights the importance of minimizing conflicts between Home-Based Businesses and other residential uses. Specifically, the MDP notes that home-based businesses must be compatible with the area it is in and must have minimal impact on the environment, agriculture, water, and municipal infrastructure. The proposed Home-Base Business provides a unique business offering within the community and, given the relatively small nature of the proposed change on the site, will have minimal negative impacts to surrounding parcels, existing industry and operations, the municipality, or the environment.

We trust the above provides you with the information necessary to review the application. Please do not hesitate to contact us should you have any questions or concerns.

Sincerely,  
Township Planning + Design Inc.



Jenn Chesworth, B.A (Hons.), M.A., RPP, MCIP  
Senior Planner

Cc: Glenda Kliensasser, Business Owner



**Re: Development Permit 20D 057 - Ptn. SW 01-21-29 W4M; Plan 0813661, Block 4, Lot 7**

Please be advised that at its July 8, 2020 meeting, Council passed the following resolution:

MOVED that Development Permit 20D 057 to allow for a Major Home Based Business – specialty plants and horticulture lessons and sales, the use of two Sea-cans, and oversized cumulate accessory buildings on Plan 0813661, Block 4, Lot 7; portion of SW 01-21-29 W4M be approved subject to the following conditions:

**PRE-RELEASE CONDITION:** (Pre-release Conditions must be fulfilled before the Development Permit will be signed and released. Unless a time extension is issued under agreement between the Development Authority and the Applicant, failure to complete these Pre-Release Conditions on or before September 15, 2020 will see this approval be deemed null and void).

1. The applicant shall submit a refundable compliance deposit in the amount of \$5,000.00. This deposit will be refunded at such time that the involved professional(s) provide written verification that all aspects of the *Letter of Required Building Alterations to Achieve Compliance* have been satisfied, all applicable requirements of the Building, Safety, and Fire Codes have been satisfied, and the project has been completed as approved herein;

**ADDITIONAL CONDITIONS:**

1. Upon satisfaction of the Pre-Release Condition, this approval will allow for a Major Home Based Business of a specialty plants and horticulture lessons and sales business to be located on the subject property, as proposed within the submitted application, and as accepted by the Foothills County Council as the Development Authority. Revisions and/or additions to this approval shall be acknowledged and accepted by the Development Authority prior to implementation;
2. The applicant shall obtain all applicable Building and Safety Codes Permits and provide proof of satisfying all necessary requirements of the Building, Safety, and Fire Codes prior to any occupancy of the business facility by any non-resident employees or members of the public;
3. This approval allows for the placement and use of two Sea-Cans for the purpose of personal and/or business related storage on the subject property;
4. The Sea-Cans shall be located as identified within the accepted site plan, and shall be a minimum of 7.0 meters (23 ft.) from the west property line at their closest points. All other developments on the property shall adhere to applicable setback requirements as identified within the Land Use Bylaw;
5. Should either or both Sea-Can(s) be removed from the subject property for greater than 60 consecutive days, for any reason, the Sea-Can(s) will not be permitted to return to the subject property without first obtaining appropriate approvals from Foothills County;
6. It is the landowner's responsibility to maintain the exterior finish of the Sea-Cans in a consistent manner and to ensure they aesthetically complement the primary structure(s) on the property. The Sea-Cans shall not be structurally altered unless appropriate permits for such have been obtained from the Building and Safety Codes Department;
7. It is the landowner's responsibility to ensure existing visual screening of the Sea-Cans and outdoor parking areas is maintained and is responsible for the maintenance and replacement of existing landscaping materials for the purpose of screening from adjacent properties and roadways;

8. The Sea-Cans shall be used exclusively for the landowner's personal storage and/or approved business related storage purposes on the subject property, and shall not be rented out or leased at any time;
9. This approval allows for the hosting of a maximum of two group classes per month for the purpose of horticultural related educational lessons. These classes shall host the lesser of a maximum of 10 individuals or the approved occupancy load of the accessory building as determined by the Building, Safety, and Fire Codes. These classes may occur outside of regular business hours provided they adhere to the permitted business related vehicle trips approved herein;
10. A maximum of sixteen (16) business related vehicle trips to the subject property are permitted on any given day. This includes but is not limited to any non-resident employees, customers, and/or business related deliveries;
11. A maximum of five (5) non-resident employees are permitted to attend the property at any given time;
12. Hours of operation are approved as follows:
  - a) Wednesday, Thursday, Friday: 12:00pm to 4:00pm
  - b) Saturday: 12:00pm to 5:00pm
  - c) Sunday, Monday, Tuesday: by appointment between 12:00pm and 5:00pm
13. It is the landowner's responsibility to obtain and maintain an annual Business License from Foothills County. Failure to obtain this each year will result in this permit being considered null and void;
14. No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical, and/or radio disturbance is to be detectable beyond the boundary of the lot;
15. In addition to permitted signage as identified within Section 4.2 of the Land Use Bylaw, this approval allows for one additional identification sign having an area of 16.7 sq.ft. (40"x60") or 1.55 sq.m. to be located wholly within the boundary of the subject property, as illustrated within the accepted site plan. No additional signage is permitted without first obtaining appropriate approvals through the Foothills County;
16. All signage must conform to the dimensions and design as submitted within the application for Development Permit, and shall at all times be kept in a safe and clean state of repair. This approval does not allow for any illumination of the proposed signs;
17. Road Bans issued for municipal road surfaces are to be adhered to at all times. Vehicles entering or exiting the property shall travel only at the permitted legal weights;
18. All loading areas and laneways must be kept free of all debris, materials and/or equipment, and access for fire department apparatus is provided for at all times;
19. This approval acknowledges the existing accessory buildings on the subject property, being the 3,600+/- sq.ft. Accessory Building (Shop & Lean-To), and Two Horse Shelters of 840+/- sq.ft. and 384+/- sq.ft., as well as the two approved Sea-Cans of a maximum of 320 sq.ft. each, totaling approximately 5,464 sq.ft.;
20. Providing variance for the Oversized Accessory Buildings exhausts the area of permitted accessory buildings on a property of this size. As such, absolutely no additional accessory buildings or additional garage space is permitted on the subject property without first obtaining the necessary approvals through Foothills County. This includes any structure with a roof; such as, any tent, shelter, lean-to, shed, greenhouse, and/or any buildings with temporary foundations;
21. No portion of any accessory buildings or sea-cans are permitted to be used as a secondary residence, or for the purpose of overnight accommodations at any given time, unless prior appropriate approvals of such are obtained from Foothills County;
22. No outdoor storage of business related materials is permitted on the subject property;
23. It is the applicant's responsibility to ensure all outdoor parking and loading areas, are generally screened from adjacent lands and roadways, as illustrated within the accepted site plan;
24. All loading spaces shall be designed and located so that all vehicles using that space can be parked and maneuvered entirely within the bounds of the subject property without backing to or from adjacent public roadways;
25. Natural drainage of the property must be maintained. Alteration to natural drainage may proceed as recommended within the accepted Stormwater Management Plan;
26. No topsoil is permitted to be removed from the subject property;

27. All waste materials are to be handled and disposed of under guidelines provided by governing Provincial regulatory bodies, at an approved waste disposal and/ or recycling site. There shall be no long term storage of waste materials on the property, nor burning of waste materials on the property. Garbage and waste must be stored in weatherproof and animal proof containers that are required to be fully screened from neighbouring lands, as illustrated within the accepted application;
28. It is the landowner's responsibility to contact Foothills Fire Department and obtain all necessary approvals and inspections and provide proof of the same to the Development Authority;
29. It is the landowner's responsibility to contact Foothills County Mapping Department to obtain individual addresses for the dwelling and main business structure. Assigned addresses shall be posted as per the recommendations of the Foothills Fire Department;
30. The applicants indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the Owner(s) arising from the use of the subject property;
31. It is the landowner's responsibility to provide notification to the Development Authority upon completion of the development;
32. Prior to the County acknowledging completion of the development, it is the responsibility of the applicant to submit as-built drawings and/or completion certificate, executed by the designated professional(s), confirming that all improvements are consistent recommendations with the submitted *Letter of Required Building Alterations to Achieve Compliance, dated April 30, 2020, signed by Branden Kidd P.Eng.*, and any revisions of such, as accepted by the County;
33. The issuance of a development permit from the County does not relieve the applicant of the responsibility of complying with all other relevant municipal bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
34. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the Municipal District with respect to the development approved on this permit.

Foothills County Land Use Bylaw |

**18.27 DIRECT CONTROL DISTRICT #27 (DC 27)  
HOME BASED BUSINESS TYPE III DISTRICT**

**DC#27**

**18.27.1 PURPOSE AND INTENT**

To allow for the development of Type III home based businesses to operate, on lots with a single family residence and to allow for the Direct Control by Council over development on the following lots:

- NW 36-20-29-W4M, PLAN 0012098, BLOCK 1
- SE 32-19-02-W5, PLAN 0910606, BLOCK 2, LOT 1
- SE 24-21-29-W4, PLAN 1113203, BLOCK 1, LOT 1
- NW 31-21-28-W4, PLAN 0112113, BLOCK 7, LOT 1
- SE 26-21-01-W5, PLAN 0413714, BLOCK 2, LOT 3
- SW 20-20-01-W5, PLAN 9412786, LOT 1
- NW 21-20-28-W4, PLAN 9211875, BLOCK C
- SW21-20-03-W5, PLAN 9112603, BLOCK 3
- NE 05-21-29-W4, PLAN 0312952, BLOCK 1, LOT 1
- SE 14-20-01-W5, PLAN 1912019, BLOCK 2, LOT 2
- SW 25-21.01-W5, PLAN 0010571, BLOCK 1, LOT 3
- SW 01-21-29-W4, PLAN 0813661, BLOCK 4, LOT 7 (7.42 ACRE PTN. OF SITE)
- NW 33-18-02-W5 (2.5 ACRE PTN OF SITE)
- NE 01-20-29-W4 PLAN 9010611, BLOCK 13, LOT 2, (8.97 ACRES)
- SW 30-20-27-W4, PLAN 1411521, BLOCK 1, LOT 1, (8.30 ACRES PTN.)

**18.27.2 PERMITTED USES**

- Accessory Buildings not requiring a development permit (accessory to the Dwelling)
- Agricultural, General
- Accessory Uses to the dwelling
- Dwellings, 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 (80 ac) or greater in size
- Dwelling, Mobile Home
  - Permitted use only on lots 32.4 (80 acres) or greater in size
- Home based business Type I
- Home based business Type II
- Home Office
- Public Works
- Signs not requiring a development permit
- Solar Power System, Private (Not requiring a Development Permit)
- Temporary storage of up to 5 unoccupied recreation vehicles
- Utility services, minor

### 18.27.3 DISCRETIONARY USES

- Accessory Uses to the major home based business
- Accessory Building to the major home based business
- Dwelling, Mobile Home - one only
  - Discretionary use on lots less than 80 acres in size
- Dwelling, moved on,
- Home based business Type III
  - Kennel (Private)
- Lot Grading
- Manmade water features requiring a permit
- Signs requiring a Development Permit
- Solar Power System, Private (Requiring a Development Permit)
- Special Event (accessory to the business use)
  - Discretionary use only on parcels over 21 acres in size
- Temporary storage of between 6-10 unoccupied recreation vehicles
- Public Quasi Public Installations and Facilities

### 18.27.4 LAND USE REQUIREMENTS

18.27.4.1 Standards of the development shall be at the discretion of Council.

### 18.27.5 DEVELOPMENT REQUIREMENTS

18.27.5.1 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.);
- d. Or as determined by Council

18.27.5.2 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;

18.27.5.3 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, where the use is listed as a permitted or discretionary use in the specific district 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, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 Dwellings.

18.27.5.4 Minimum Yard Setback Requirements

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
  - ii. 48m (157.48ft.) from the centre line 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;
  - iv. Or as determined by Council.
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line
  - ii. Or as determined by Council
- c. Rear Yard Setback
  - i. 15m (49.21 ft.) from property line
  - ii. Or as determined by Council
- d. 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.

18.27.5.5 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

18.27.5.6 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of Land use bylaw for additional setback requirements that may apply.
- b. The Approving Authority may require a greater building setback for any industrial use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

18.27.5.7 Minimum habitable area per dwelling;

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

**18.27.6 SPECIAL PROVISIONS**

- 18.27.6.1 Home based businesses do not include Cannabis Production.
- 18.27.6.2 No more than six (6) non-resident employees working on the property; OR as determined by the Approving Authority in Direct Control Districts;
- 18.27.6.3 Maximum of twelve (12) Business Visits per day; OR as determined by Approving Authority in Direct Control Districts;
- 18.27.6.4 A maximum of Twelve (12) business vehicles on the property per day; OR as determine by the Approving Authority in Direct Control Districts;
- 18.27.6.5 The business or occupation must be conducted within a dwelling and/or accessory building(s) or on a parcel on which a dwelling is located and where one or more residents of the parcel is/are involved in the occupation or business;

- 18.27.6.6 Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening;
- 18.27.6.7 Material Storage:
- a. Outdoor storage of business-related goods and materials, large commercial vehicles, trailers, and equipment may be allowed if, in the opinion of the Approving Authority, the outdoor storage is adequately screened from adjacent lands.
- 18.27.6.8 Landscaping and Screening:
- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
  - b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards;
- 18.27.6.9 Nuisance:
- a. Home business shall not generate noise, smoke, odour, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Approving Authority.
  - b. At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with liveability or enjoyment of the neighbouring properties;
- 18.27.6.10 The Approving Authority, may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:
- a. Location and maximum size of facilities to be constructed;
  - b. Development setbacks;
  - c. Hours of operation;
  - d. Number of non-resident employees;
  - e. Number of vehicle visits per day;
  - f. Noise;
  - g. Buffering;
  - h. Lighting;
  - i. Outdoor storage;
  - j. Parking requirements;
  - k. Screening of facilities.

**18.27.6.11 Design Guidelines:**

- a. All development located within the Highway 2A Industrial Area structure plan (H2AI Area Structure Plan) area shall comply with the Highway 2A Corridor Design Guidelines (2021), as may be amended, or replaced by Council from time to time.

**18.27.6.12 Lighting:**

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

**18.27.6.13 Lot Drainage:**

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

**18.27.7 PROCEDURE**


**18.27.7.1** Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.27.1 shall be referred by the Development Officer to the Council for its approval or refusal.

**18.27.7.2** Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.27.1. The council may approve a development permit application with or without conditions or may refuse an application for development permit.

**18.27.7.3** There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.27.1.



**SUBDIVISION APPROVING AUTHORITY ITEM  
PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
SUBDIVISION APPROVAL  
November 22<sup>nd</sup>, 2023**

<b>REQUEST FOR SUBDIVISION APPROVAL</b>		
<b>APPLICATION INFORMATION</b>	<b>FILE NO. F2129-21NW</b>	
	<b>LEGAL DESCRIPTIONS:</b>	
	<ol style="list-style-type: none"> <li>1. NW 21-21-29-W4M</li> <li>2. NE 21-21-29-W4M</li> </ol>	
	<b>LANDOWNER:</b> 1651993 Alberta Ltd.	
	<b>AGENT:</b> Township Planning and Design Inc. / Kristi Beunder	
	<b>AREA OF SUBJECT LANDS:</b>	
	<ol style="list-style-type: none"> <li>1. 1.04 acres</li> <li>2. 85.43 acres</li> </ol>	
<b>CURRENT LAND USES:</b>		
<ol style="list-style-type: none"> <li>1. Country Residential District</li> <li>2. Agricultural District</li> </ol>		
<b>PROPOSED LAND USE:</b> Country Residential District, Agricultural District, Environmental Reserve Easement and Road Plan.		
<b>PROPOSAL:</b> Subdivision of six (6), 3.27 +/- acre to 3.28 +/- acre Country Residential Sub-District "A" lots, with approximately 2.43 +/- acres of Environmental Reserve Easement registered over portions of Lots 1, 3, 4, and 6, and a 65.58 +/- acre Agricultural District balance remaining.		
<b>DIVISION NO:</b> 7	<b>COUNCILLOR:</b> R.D. McHugh	<b>FILE MANAGER:</b> Theresa Chipchase

**PURPOSE OF REQUEST**

Requesting approval from the Subdivision Approving Authority for the application which proposes the subdivision of six (6), 3.27 +/- acre to 3.28 +/- acre Country Residential Sub-District "A" lots, with approximately 2.43 +/- acres of Environmental Reserve Easement registered over portions of Lots 1, 3, 4, and 6, and a 65.58 +/- acre Agricultural District balance remaining.

**PREVIOUS COUNCIL DIRECTION**

**April 19<sup>th</sup>, 2023, Bylaw 22/2023** – application approved by Council granting first reading to Bylaw 22/2023, under the following motion:

Bylaw 22/2023 was introduced into the meeting to authorize the redesignation of a portion of NE 21-21-29 W4M from Agricultural District to Country Residential District to allow for the future subdivision of six (6) 3.27 +/- acre to 3.28 +/- acre Country Residential District lots leaving a 65.58 +/- acre Agricultural District balance parcel with an Environmental Reserve Easement over a 2.43 +/- acres of the west boundary of Country Residential lots 1, 3, 4, and 6.

In their consideration of the criteria noted in Residential Policy 3 of the MDP2010, Council is of the opinion the lands are suitable for residential uses and are compatible with the surrounding

area and the existing land uses. Further the application falls within the density provisions and lot size restrictions of the municipalities Land Use Bylaw.

The six (6) 3.27 to 3.28 +/- acre lots shall be designated as Country Residential Sub-District "A" to ensure that the recommendations and restrictions as outlined in the building envelopes, septic disposal evaluations, comprehensive site drainage plans, and lot grading plans (provided as 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 and a \$5000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.

**November 22<sup>nd</sup>, 2023, Bylaw 22/2023** - Council gave third and final reading to Bylaw 22/2023 authorizing the redesignation of a portion of NE 21-21-29 W4M from Agricultural District to Country Residential District to allow for the future subdivision of six (6) 3.27 +/- acre to 3.28 +/- acre Country Residential District lots leaving a 65.58 +/- acre Agricultural District balance parcel with an Environmental Reserve Easement over a 2.43 +/- acres of the west boundary of Country Residential lots 1, 3, 4, and 6.

*In their consideration of the criteria noted in Residential Policy 3 of the MDP2010, Council is of the opinion the lands are suitable for residential uses and are compatible with the surrounding area and the existing land uses. Further the application falls within the density provisions and lot size restrictions of the municipalities Land Use Bylaw.*

*The six (6) 3.27 to 3.28 +/- acre lots shall be designated as Country Residential Sub-District "A" to ensure that the recommendations and restrictions as outlined in the building envelopes, septic disposal evaluations, comprehensive site drainage plans, and lot grading plans (provided as 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 and a \$5000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.*

<b>CIRCULATION REFERRALS</b>	
<b>REFEREE</b>	<b>COMMENTS</b>
<b>INTERNAL</b>	
Public Works	<p>Public Works is requesting the following for all proposed Country Residential District lots (Lots 1-6), as conditions of <b>subdivision</b>:</p> <ol style="list-style-type: none"> <li>1. Septic Disposal Evaluation (PSTS) Testing;</li> <li>2. Building Envelopes;</li> <li>3. Comprehensive Site Drainage Plan;</li> <li>4. Lot Grading Plan;</li> </ol> <p>Additional recommendations as provided by Public Works to be applied to a <b>subdivision</b> approval:</p> <ul style="list-style-type: none"> <li>• Public Works recommends an acquisition of land be provided for 5 meters of road widening adjacent to the east boundary of the existing title. (32<sup>nd</sup> Street East)</li> <li>• Public Works recommends an engineered, paved road with a 30-meter wide right of way meeting the County's Internal Subdivision Road standards including cost estimates, liability insurance and a 125% letter of credit.</li> </ul>

## CIRCULATION REFERRALS

	<ul style="list-style-type: none"> <li>Public Works recommends that the cul de sac be fully paved without a planted boulevard. Planted boulevards increase maintenance costs with respect to mowing and tree/shrub maintenance, as well as potential damages caused by snowplows.</li> <li>The County's current approach construction standards requires approaches to be no closer than 60 meters to mailboxes, therefore Public Works recommends that a new approach be constructed to proposed Lot 1 that is 60 meters south of the location of the mailboxes.</li> <li>The current approach is to remain as a safe turn around for residents who stop to pick up mail. This approach is to be fenced off and is not to be used.</li> </ul> <p>The proposed approach for Lot 1 will require tree/brush clearing in the ditch, 20 meters to the north and south of the approach.</p> <p><b>NOTE:</b> The applicant has submitted all required engineering in advance of the subdivision approval. Public works has reviewed the lot grading, site drainage, building envelopes, groundwater for foundation design reports, PSTS and road design and all have been accepted as provided.</p>
GIS/Mapping	No concerns with application.
<b>EXTERNAL</b>	
TELUS	TELUS communications Inc. has no objections however a Utility Right of Way will be required should a General Utility Right of Way not be registered to include telecommunications facilities.
FortisAlberta	We have reviewed the plan and determined that no easement is required by FortisAlberta.
ATCOGas	Landowner is required to contact ATCO Gas to facilitate execution of a Utility Right of Way to the satisfaction of ATCO Gas
ATCO Transmission	ATCO Transmission high pressure pipelines has no objections
Alberta Transportation	<p>The requirements of Section 18 of the Regulation are not met. Based on review of the proposal, the department is satisfied that the Highway has sufficient capacity to accommodate the proposal. Pursuant to Section 20(1) of the Regulation. Transportation and Economic Corridors grants approval for the subdivision authority to vary there requirements of Section 18 of the Regulation.</p> <p>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.</p>
<b>PUBLIC</b>	
Landowners (Adjacent)	No letters received prior to the filing of this staff report.

## REQUEST OF THE SUBDIVISION APPROVING AUTHORITY

The Subdivision Approving Authority may choose to approve the subdivision of six (6) 3.27 +/- acre to 3.28 +/- acre Country Residential District Sub-District "A" lots leaving a 65.58 +/- acre Agricultural District balance parcel with an Environmental Reserve Easement over a 2.43 +/- acres of the west boundary of Country Residential Sub District "A" lots 1, 3, 4, and 6.

The Subdivision has been evaluated in terms of Section 654 of the Municipal Government Act and Section 9 of the Matters Related to Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan for the following reasons:

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

In consideration of the criteria noted in Residential Policy of the MDP2010, the Subdivision Authority is of the opinion that the lands are suitable for the intended use and further that the application falls within the density provisions and lot size restrictions within the County's Land Use Bylaw.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application is approved subject to the following 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 Registrar 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 location of the adjacent municipal road(s), septic tank and field and water well(s) within the boundaries of the appropriate properties 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 County and where applicable the appropriate external agencies. These conditions include:
  - a. Payment of the \$11,300 per new lot Community Sustainability Fee;
  - b. Submission of all necessary engineering drawings, liability insurance, letters of credit, cost estimates and engineering review fees for all required transportation infrastructure, site drainage and grading;
  - c. All utility right of way agreements, easements, licenses and installation.
4. Septic Disposal Evaluation, to be provided for all six proposed 3.27 +/- ac to 3.28 +/- acre Country Residential Sub-District "A" lots, in accordance with Part 2 Section 6(4)(b) of the Matters Related to Subdivision and Development Regulation, to the satisfaction of the Public Works department;
5. Site plan to be provided, which identifies building envelopes for all six proposed 3.27 +/- ac to 3.28 +/- acre Country Residential Sub-District "A" lots, which meet the requirements as outlined in Policy 9 under the Residential section of the MDP2010, to be provided to the satisfaction of the Public Works department;

6. Lot Grading Plans, to be provided for all lots proposed, to the satisfaction of the Public Works department;
7. Comprehensive Site Drainage Plan, to be provided for the subject parcel, to the satisfaction of the Public Works department;
8. Road Acquisition Agreement to be executed by the landowner and registered by caveat, for the provision of 5.17 meters of road dedication along the east boundary of the applicant's lands (west boundary of 32nd Street East), to the satisfaction of the Public Works Department;
9. Reserves: to be provided by cash in lieu of land based on \$23,925.00 per acre on account of 10% of the six proposed 3.27 +/- ac to 3.28 +/- acre Country Residential Sub-District "A" lots. Pursuant to Section 663(b) of the Municipal Government Act, reserves would not be required for the 65.58 +/- acre Agricultural District balance parcel which is solely used for agricultural purposes;
10. Applicant to provide a road naming proposal and addressing requirements, to the satisfaction of the County's GIS department. The County's GIS department is to further provide the proposal, to the Subdivision Approving Authority, for their approval;
11. All accesses to be located and culverts and approaches to be installed to current Municipal subdivision road construction standards, to the satisfaction of the Public Works department;
12. Landowners are to pay all arrears of taxes on the existing parcels prior to finalization of the subdivision; and
13. Submission of subdivision endorsement fees.

## **APPENDICES**

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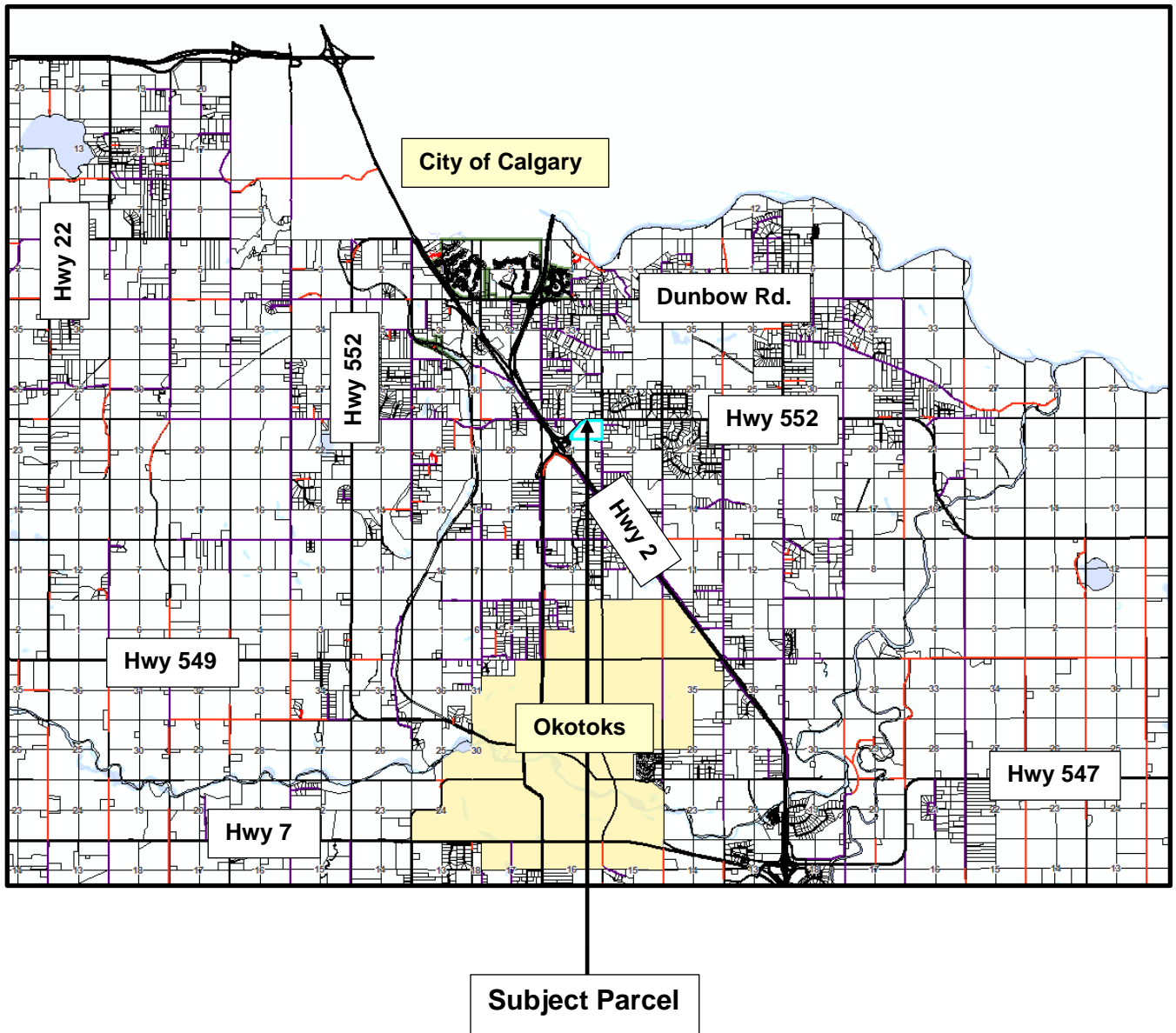
### **APPENDIX A - MAP SET:**

LOCATION MAP  
SITE PLAN  
AERIAL PHOTO

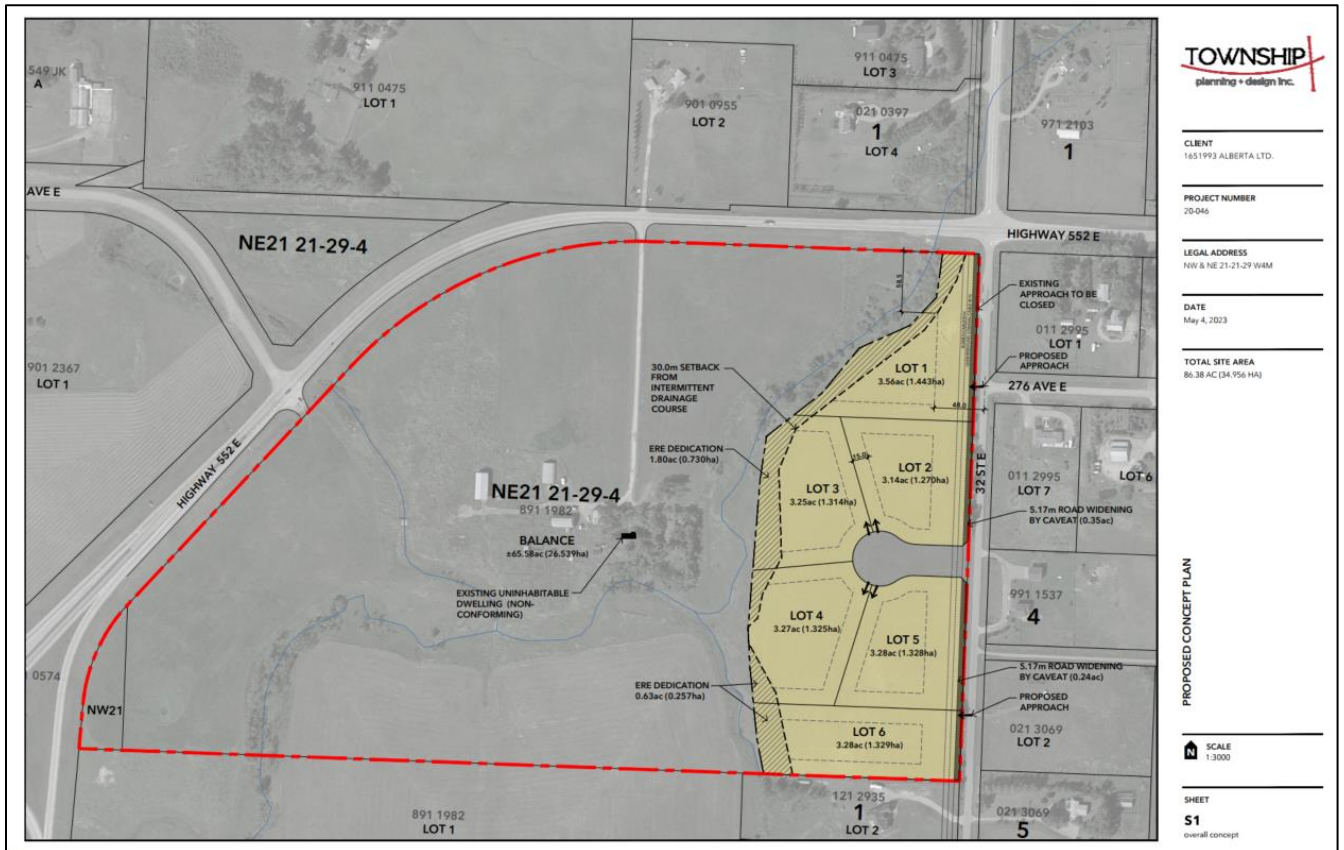
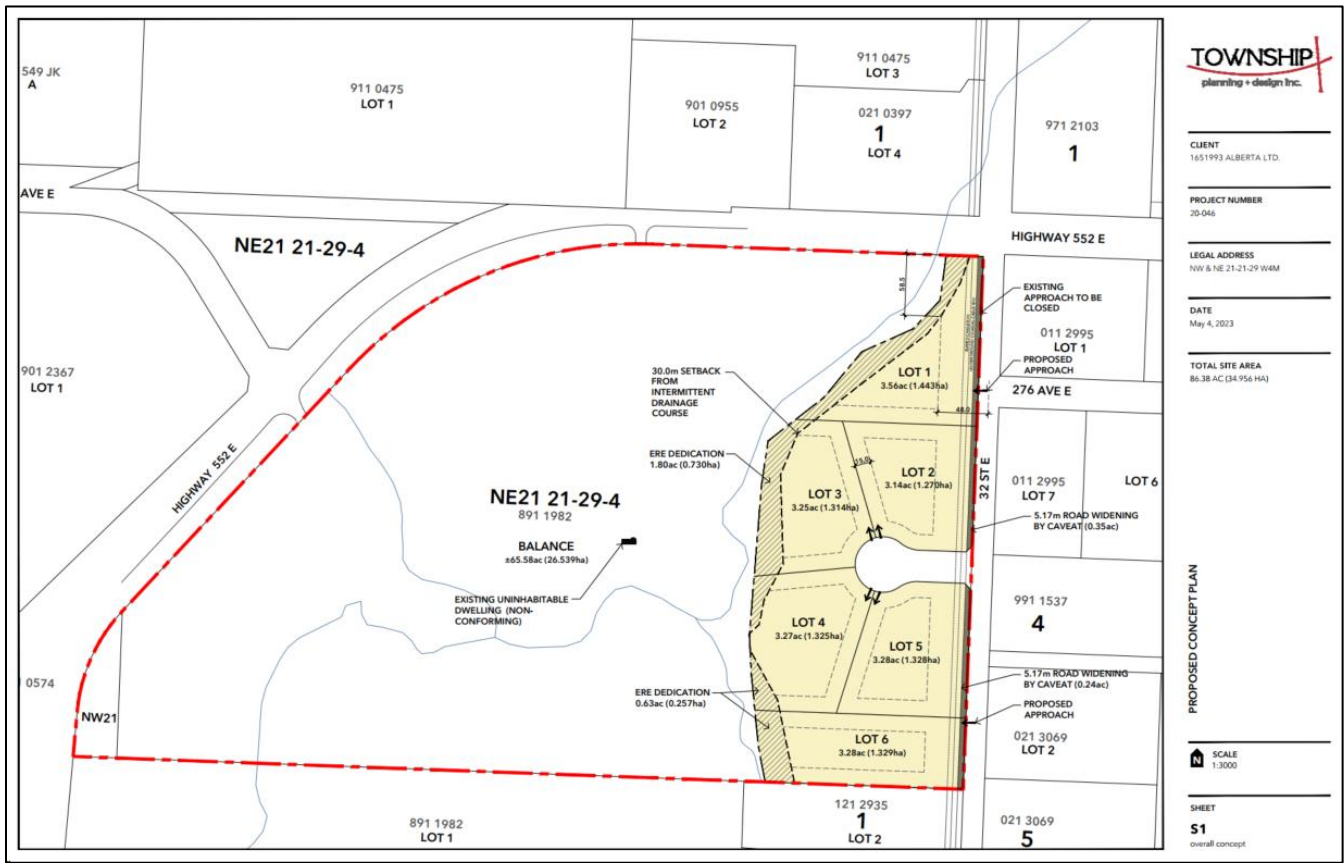
### **APPENDIX B:**

ASSESSMENT SPREADSHEET – PUBLIC RESERVE AMOUNT FOR SUBDIVISION

**APPENDIX A: LOCATION MAP**



# APPENDIX A: SITE PLANS



APPENDIX A: ORTHO PHOTO





**APPENDIX B:  
ASSESSMENT SPREADSHEET – PUBLIC RESERVE AMOUNT FOR SUBDIVISION**

**INTEROFFICE MEMORANDUM**

DATE: July 23 2023

TO: Planning Department


FROM: Julie Sills

3.00 Public Reserve Amount For Subdivision  
 File No: F2129-21 NW  
 Legal: NE 21-21-29 W4 (South of Rdway on PL 7410574)  
 Subject: 1651993 AB Ltd.  
 Parcel Size: 85.34 acres  
 Mkt Zone: 3  
 Trees: Lots mature  
 Views:  
 River/Creek: Creek

CONCLUSION  
 Based on the following sales, the fair market value for a 85.34 acre parcel in this area is : \$23,925 per acre.

Sale	Mz	Qr	Sec	Twp	Rge	M	Sale Date	Acres	Sale Price	Time Adj	Time Adj Sale Price	Loc Adj	Size Adj	Trees Adj	View Adj	River/Creek Adj	Final Adjusted Sale Price	Indicated Price Per Acre For 85.34 Acs
1	11	SE	01	19	02	5	Aug-23	82.53	\$800,000	1.00	\$800,000	2.26	1.02	10000	135843	135843	\$2,125,846	\$24,910
2	11	SE	08	19	01	5	Apr-23	80.00	\$650,000	1.02	\$663,000	2.26	1.03	60000	135843	135843	\$1,875,017	\$21,971
3	13	SW	25	20	03	5	Jul-22	80.06	\$840,000	1.08	\$907,200	2.09	1.03	60000	4352	135843	\$2,153,124	\$25,230
4	13	E	35	19	04	5	Nov-21	80.06	\$570,000	1.16	\$661,200	2.09	1.03	60000	135843	135843	\$1,755,051	\$20,565
5	23	NE	04	20	02	5	Jul-22	79.49	\$750,000	1.08	\$810,000	2.03	1.04	60000	135843	135843	\$2,041,758	\$23,925
6	23	W	04	20	29	4	Apr-21	79.96	\$560,000	1.21	\$677,600	2.03	1.03	60000	4435	135843	\$1,617,072	\$18,949
7	23	SW	35	19	01	5	May-22	78.00	\$725,000	1.11	\$804,750	2.03	1.05	60000	135843	135843	\$2,047,011	\$23,987

**SUBDIVISION APPROVING AUTHORITY ITEM  
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
 SUBDIVISION APPROVAL  
 November 22<sup>nd</sup>, 2023**

<b>REQUEST FOR SUBDIVISION APPROVAL</b>		
<b>APPLICATION INFORMATION</b>	<b>FILE NO. F2001-34W</b>	
	<b>LEGAL DESCRIPTION:</b> Plan 0614719, Block 2, Lot 2; PTN: W 34-20-01 W5M	
	<b>LANDOWNERS:</b> David and Elsie Limpert	
	<b>AGENT:</b> Township Planning and Design Inc. / Kristi Beunder	
	<b>AREA OF SUBJECT LANDS:</b> 170.75 Acres	
	<b>CURRENT LAND USE:</b> Agricultural District	
	<b>PROPOSED LAND USE:</b> Country Residential District	
<b>PROPOSAL:</b> Subdivision of three 3.89 to 3.92 +/- acre Country Residential Sub-District "A" lots with an approximate 159.03 +/- acre Agricultural District balance parcel from Plan 0614719, Block 2, Lot 2, PTN: W-34-20-01-W5M.		
<b>DIVISION NO:</b> 5	<b>COUNCILLOR:</b> Alan Alger	<b>FILE MANAGER:</b> Theresa Chipchase

**PURPOSE OF REQUEST**

Requesting approval from the Subdivision Approving Authority for the application which proposes the subdivision of three 3.89 to 3.92 +/- acre Country Residential Sub-District "A" lots with an approximate 159.03 +/- acre Agricultural District balance parcel.

**PREVIOUS COUNCIL DIRECTION**

**January 11<sup>th</sup>, 2023, Bylaw 03/2023** – application approved by Council granting first reading to Bylaw 03/2023, under the following motion:

*"Bylaw 03/2023 was introduced into the meeting to authorize the redesignation of a 11.72 +/- acre portion of Plan 0614719, Block 2, Lot 2, PTN: W 34-20-01-W5M from Agricultural District to Country Residential District to allow for a future subdivision of three new Country Residential parcels (3.92 +/- acres, 3.91 +/- acres, and 3.89 +/- acres) with an approximate 159.03 +/- acre Agricultural District balance parcel.*

*In their consideration of the criteria noted in Agricultural Policy 4 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. Additionally, the application falls within the density provisions and lot size restrictions of the Country Residential District within the County's Land Use Bylaw.*

*The three 3.89 to 3.92 +/- acre parcels shall be designated as Country Residential Sub-District 'A' to ensure that the recommendations and restrictions as outlined in the comprehensive site drainage plan, lot grading plan, building envelopes and septic disposal evaluation, (all provided as 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 and a \$5,000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.

Council moved first reading.”

**November 22<sup>nd</sup>, 2023, Bylaw 03/2023** - Council gave third and final reading to Bylaw 03/2023 authorizing the redesignation of a 11.72 +/- acre portion of Plan 0614719, Block 2, Lot 2, PTN: W 34-20-01-W5M from Agricultural District to Country Residential District to allow for a future subdivision of three new Country Residential parcels (3.92 +/- acres, 3.91 +/- acres, and 3.89 +/- acres) with an approximate 159.03 +/- acre Agricultural District balance parcel for the following reasons:

*In their consideration of the criteria noted in Agricultural Policy 4 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. Additionally, the application falls within the density provisions and lot size restrictions of the Country Residential District within the County’s Land Use Bylaw.*

<b>CIRCULATION REFERRALS</b>	
<b>REFEREE</b>	<b>COMMENTS</b>
<b>INTERNAL</b>	
Public Works	<p>Public Works requested the following for the proposed 3.89, 3.91 and 3.92 +/- acre parcels:</p> <ol style="list-style-type: none"> <li>1. Septic Disposal Evaluation (PSTS);</li> <li>2. Building Envelopes;</li> <li>3. Comprehensive Site Drainage;</li> <li>4. Lot Grading Plans.</li> </ol> <p><b>NOTE:</b> The applicant has submitted all required engineering in advance of the subdivision approval. Public works has reviewed the lot grading, site drainage, building envelopes, and groundwater for foundation design reports, and all have been accepted as provided.</p> <p>Additional comments provided by Public Works:</p> <ul style="list-style-type: none"> <li>• 40<sup>th</sup> Street West is no longer a private road and was taken over by the County in August of 2022.</li> <li>• The landowner may choose to approach Bar None Ranches with an endeavor to assist, but it is not required by the County;</li> </ul> <p>Upgrades to the existing approaches are not required, new approaches are to be constructed to current standards.</p>
GIS/Mapping	No concerns with application.
<b>EXTERNAL</b>	
TELUS	TELUS communications Inc. has no objection to the notification.
FortisAlberta	We have reviewed the plan and determined that no easement is required by FortisAlberta.
ATCOGas	ATCO Gas’ has no need for a Utility Right of Way currently
ATCO Transmission	ATCO Transmission high pressure pipelines has no objections

## CIRCULATION REFERRALS

Alberta Transportation	<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, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.</p> <p>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.</p>
<b>PUBLIC</b>	
Landowners (Adjacent)	No letters received prior to the filing of this staff report.

### REQUEST OF THE SUBDIVISION APPROVING AUTHORITY

The Subdivision Approving Authority may choose to approve the subdivision of three new Country Residential parcels (3.92 +/- acres, 3.91 +/- acres, and 3.89 +/- acres) with an approximate 159.03 +/- acre Agricultural District balance parcel.

The Subdivision has been evaluated in terms of Section 654 of the Municipal Government Act and Section 9 of the Matters Related to Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan for the following reasons:

- The application is consistent with Section 9 of the Matters Related to Subdivision and Development Regulation and;
- Pursuant to Section 20 of the Regulation, written approval was received by the Minister of Transportation allowing the Subdivision Authority to grant a variance to Section 18 and Section 19 of the Regulation, and;
- The subject lands have the appropriate land use designations.

In consideration of the criteria noted in Residential Policy of the MDP2010, the Subdivision Authority is of the opinion that the lands are suitable for the intended use and further that the application falls within the density provisions and lot size restrictions within the County's Land Use Bylaw.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application is approved subject to the following 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 Registrar 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 location of the adjacent municipal road(s), septic tank and field and water well(s) within the boundaries of the appropriate properties 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 County and where applicable the appropriate external agencies. These conditions include:
  - a. Payment of the \$11,300 per new lot Community Sustainability Fee;
  - b. Submission of all necessary engineering review fees;
  - c. All utility right of way agreements, easements, licenses and installation.
4. Septic Disposal Evaluation, to be provided for the proposed 3.89 +/- acre, 3.91 +/- acre, and 3.92 +/- acre Country Residential Sub-District "A" lots, in accordance with Part 2 Section 6(4)(b) of the Matters Related to Subdivision and Development Regulation, to the satisfaction of the Public Works department;
5. Site plan to be provided, which identifies building envelopes for the proposed 3.89 +/- acre, 3.91 +/- acre and 3.92 +/- acre lots, which meet the requirements as outlined in Policy 9 under the Residential section of the MDP2010, to be provided to the satisfaction of the Public Works department;
6. Lot Grading Plans, to be provided for the subject parcel, to the satisfaction of the Public Works department;
7. Comprehensive Site Drainage Plan, to be provided for the subject parcel, to the satisfaction of the Public Works department;
8. Reserves: to be provided by cash in lieu of land based on \$14,566.00 per acre on account of 10% of the proposed 3.89 +/- acre, 3.91 +/- acre and 3.92 +/- acre Country Residential Sub-District "A" lots. Pursuant to Section 663(b) of the Municipal Government Act, reserves would not be required for the 159.03 +/- acre Agricultural District balance parcel which is solely used for agricultural purposes;
9. All accesses to be located and culverts and approaches to be installed to current Municipal subdivision road construction standards, to the satisfaction of the Public Works department;
10. Landowners are to pay all arrears of taxes on the existing parcels prior to finalization of the subdivision; and
11. Submission of subdivision endorsement fees.

## **APPENDICES**

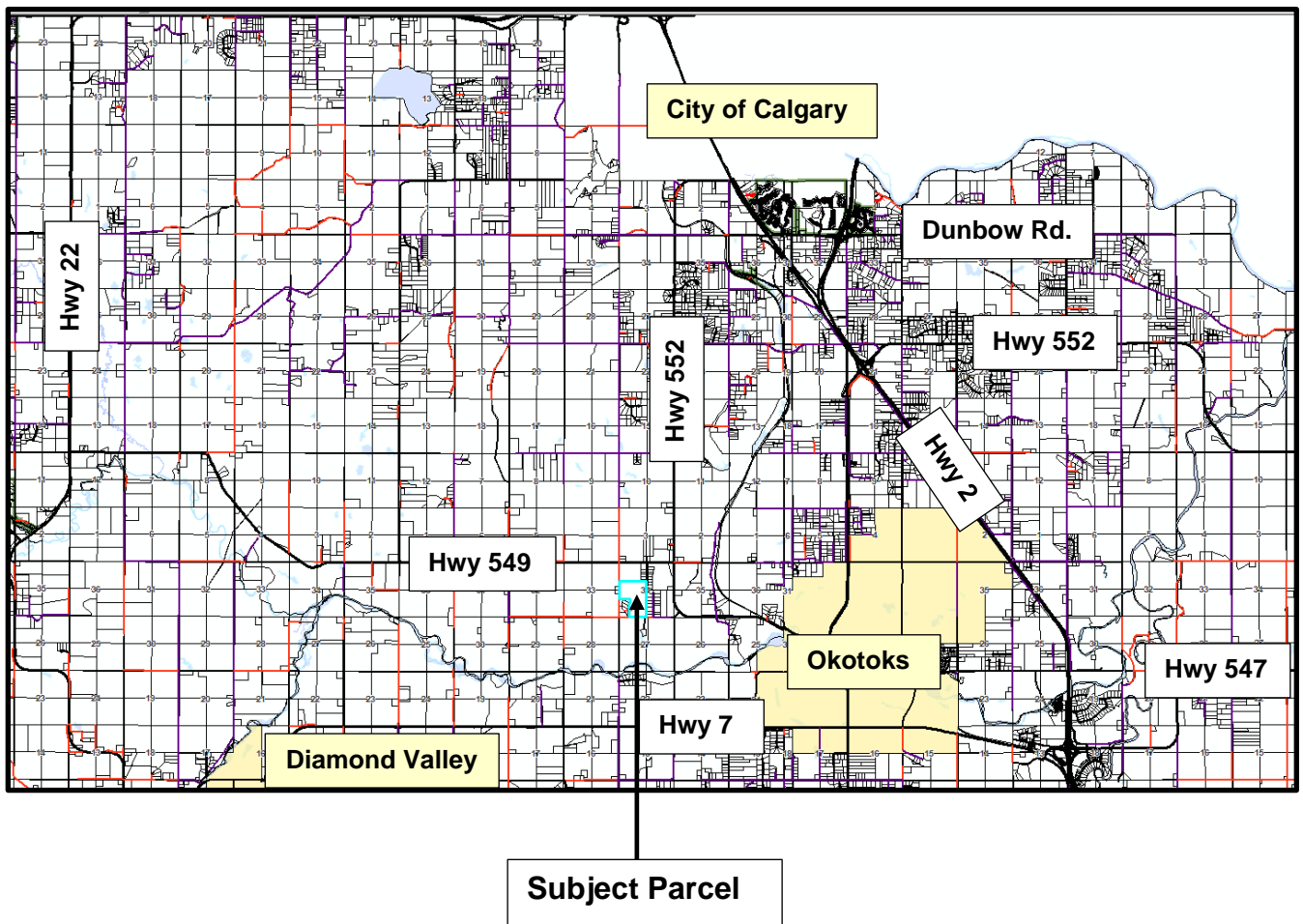
### **APPENDIX A - MAP SET:**

LOCATION MAP  
SITE PLAN  
AERIAL PHOTO

### **APPENDIX B:**

ASSESSMENT SPREADSHEET – PUBLIC RESERVE AMOUNT FOR SUBDIVISION

**APPENDIX A: LOCATION MAP**



# APPENDIX A: SITE PLAN



CLIENT  
LIMPERT PROPERTIES

PROJECT NUMBER  
22-025

LEGAL ADDRESS  
SW 34-20-01 W5M  
LOT 2, BLOCK 2, PLAN 061 4719

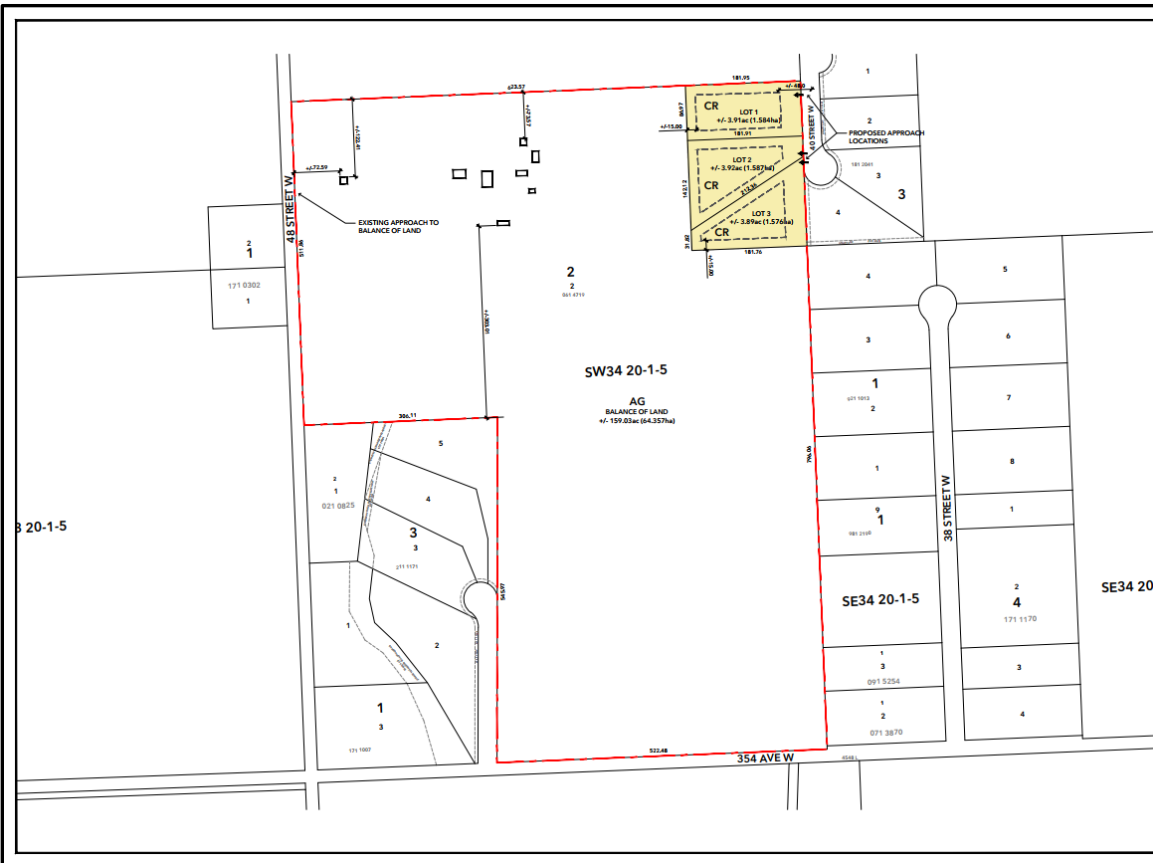
DATE  
July 15, 2022

Total Site Area = 1.17075ac (69.10ha)  
AG to CR 11.72ac (4.74ha)

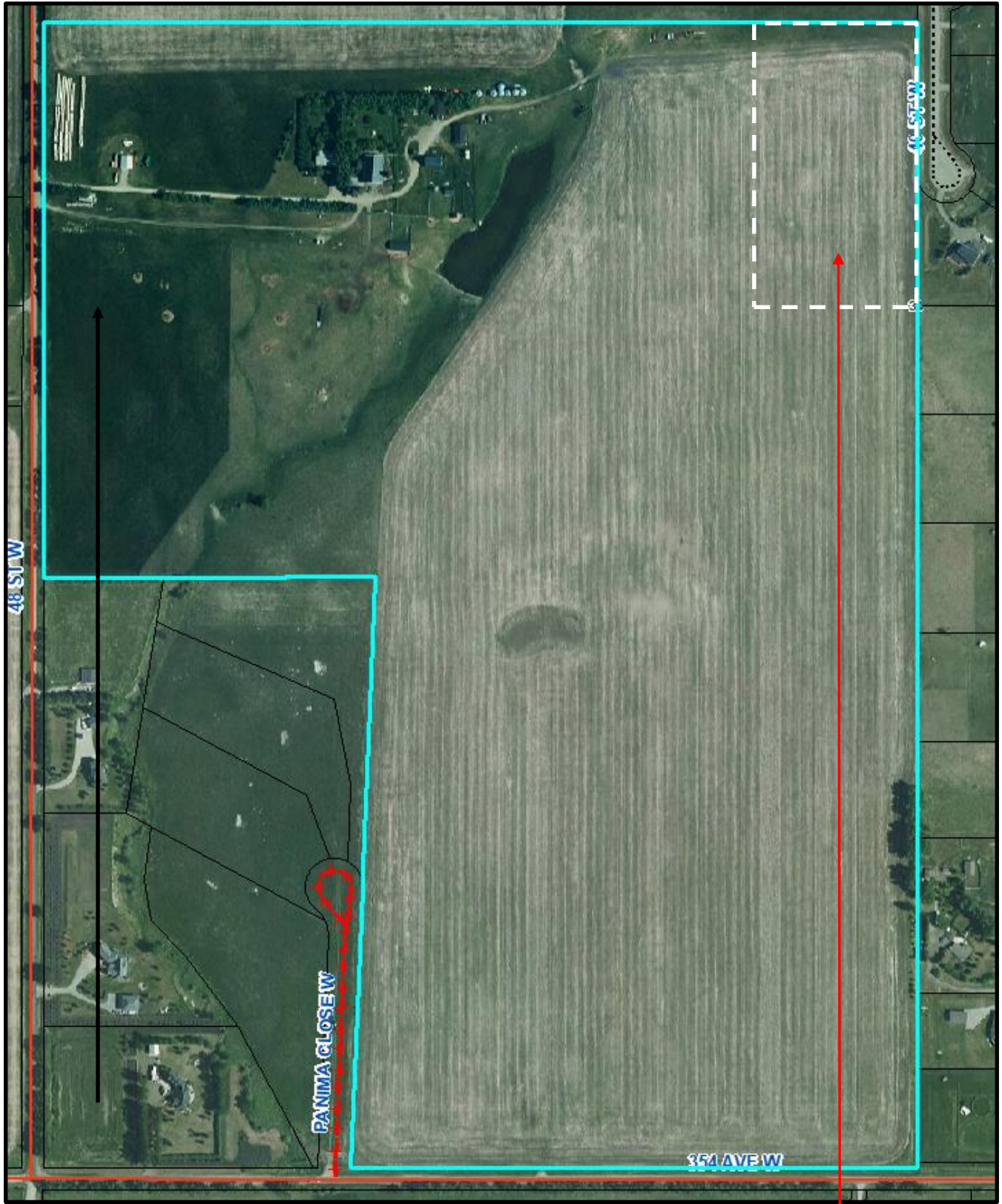
LANDUSE REZONING  
SITE PLAN

SCALE  
1:5000

SHEET  
**S1**  
SITE PLAN



APPENDIX A: ORTHO PHOTO



Subdivision area



**APPENDIX B:  
ASSESSMENT SPREADSHEET – PUBLIC RESERVE AMOUNT FOR SUBDIVISION**

**INTEROFFICE MEMORANDUM**

DATE: May 10 2023

TO: Planning Department

FROM: Julie Sills

3.00 **Public Reserve Amount For Subdivision**  
 File No: F2001-34W  
 Legal: W 34-20-1-5  
 Subject: David and Elsie Limpert  
 Parcel Size: 170.75 acres  
 Mkt Zone: 2  
 Trees: Few mature trees  
 Views: Full country and part mountain view  
 River/Creek:

CONCLUSION

Based on the following sales, the fair market value for a 170.75 acre parcel in this area is : **\$14,556** per acre.

Sale	Mz	Qr	Sec	Twp	Rge	M	Sale Date	Acres	Sale Price	Time Adj	Time Adj Sale Price	Loc Adj	Size Adj	Trees Adj	View Adj	River/Creek Adj	Final Adjusted Sale Price	Indicated Price Per Acre For 170.75 Acs
1	2	SE	13	21	02	5	Jan-23	160.00	\$2,500,000	1.00	\$2,500,000	1.00	1.04	40000			\$2,640,000	\$15,461
2	2	SE	32	21	02	5	Sep-22	160.00	\$2,400,000	1.06	\$2,544,000	1.00	1.04	40000			\$2,685,760	\$15,729
3	2	SE	33	21	02	5	Nov-22	158.75	\$2,329,000	1.00	\$2,329,000	1.00	1.05	40000			\$2,485,450	\$14,556
4	16	NW	05	22	04	5	Aug-21	160.00	\$1,295,000	1.16	\$1,502,200	1.26	1.04	-20000	-582425		\$1,366,058	\$8,000
5	16	NW	07	22	04	5	Mar-21	164.10	\$1,270,000	1.22	\$1,549,400	1.26	1.03	-10000	-177528		\$1,823,283	\$10,678