


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

APPLICATION INFORMATION		FILE NO. 23R041
	LEGAL DESCRIPTION: SE 27-19-29 W4M; Plan 0013143, Block 1, Lot 1	
	LANDOWNER: Rhonda Anderson	
	AREA OF SUBJECT LANDS: 40.01 acres	
	CURRENT LAND USE: Agricultural District	
	PROPOSED LAND USE: Direct Control #29	
LOCATION: 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.		
PROPOSAL: 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.		
DIVISION NO: 2	REEVE: Delilah Miller	
FILE MANAGER: 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 accessed via an existing approach located on 466th 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:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<p>Public Work provided:</p> <ul style="list-style-type: none"> • Approach appears to meet Commercial standards, no upgrading required. • No comments or concerns.
Municipal Fire	<p>Municipal Fire provided:</p> <ul style="list-style-type: none"> • Address of the property is to be posted. • Ensure access for Fire department apparatus as per the National Fire Code 2019 Div. B Sec. 2.1.5. • Fire extinguishers are to be installed as per the National Fire Code 2019 Div. B Sec. 2.1.5 and NFPA 10. • Fire Safety Plan is to be posted as per the National Fire Code 2019 Div. B Sec. 2.8.2. • Doors and means of egress as per the National Fire Code 2019 Div. B Sec. 2.7.1. • If National Building Code requires adequate water for firefighting, the water source including the dry hydrant must meet NFPA 1142. • Fire inspection of building required once complete.
EXTERNAL	
Alberta Health Services	<p>Albert Health Services provided:</p> <ul style="list-style-type: none"> • 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"> 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"> i. 10 metres of any watertight septic tank, pump out tank or other watertight compartment of a sewage or wastewater system, ii. 15 metres of a weeping tile field, an evaporative treatment mound or an outdoor toilet facility with a pit, iii. 30 metres of a leaching cesspool, iv. 50 metres of sewage effluent on the ground surface, v. 100 metres of a sewage lagoon, or 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) • 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. • AHS-EPH would like an opportunity to review and comment on any building permit applications to construct any public facilities on the subject lands

CIRCULATION REFERRALS	
	(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.
PUBLIC	
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:

Limited Public Use Arena	
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 1st 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 1st 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

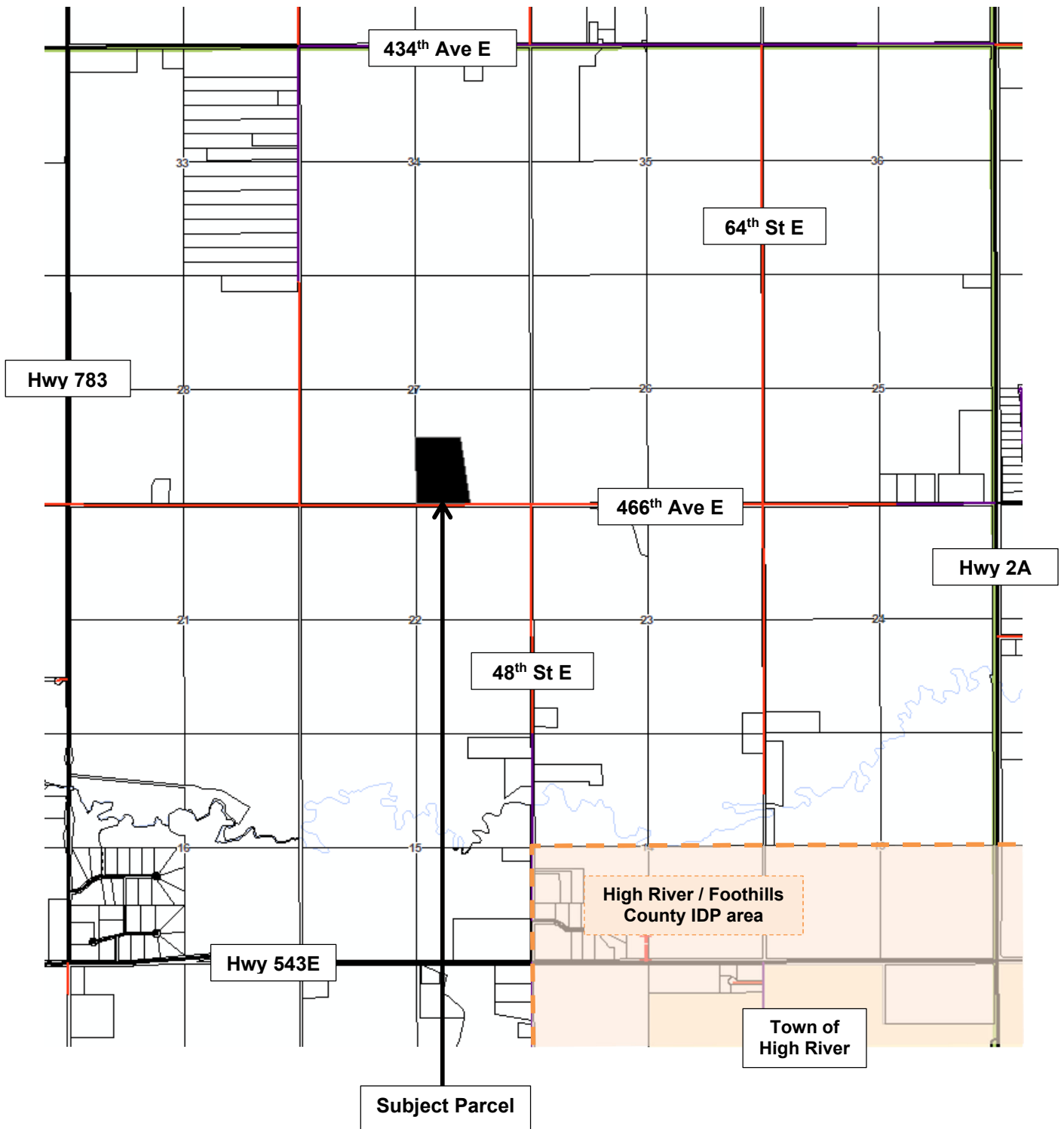
SITE PLAN ENLARGED

ORTHO PHOTO

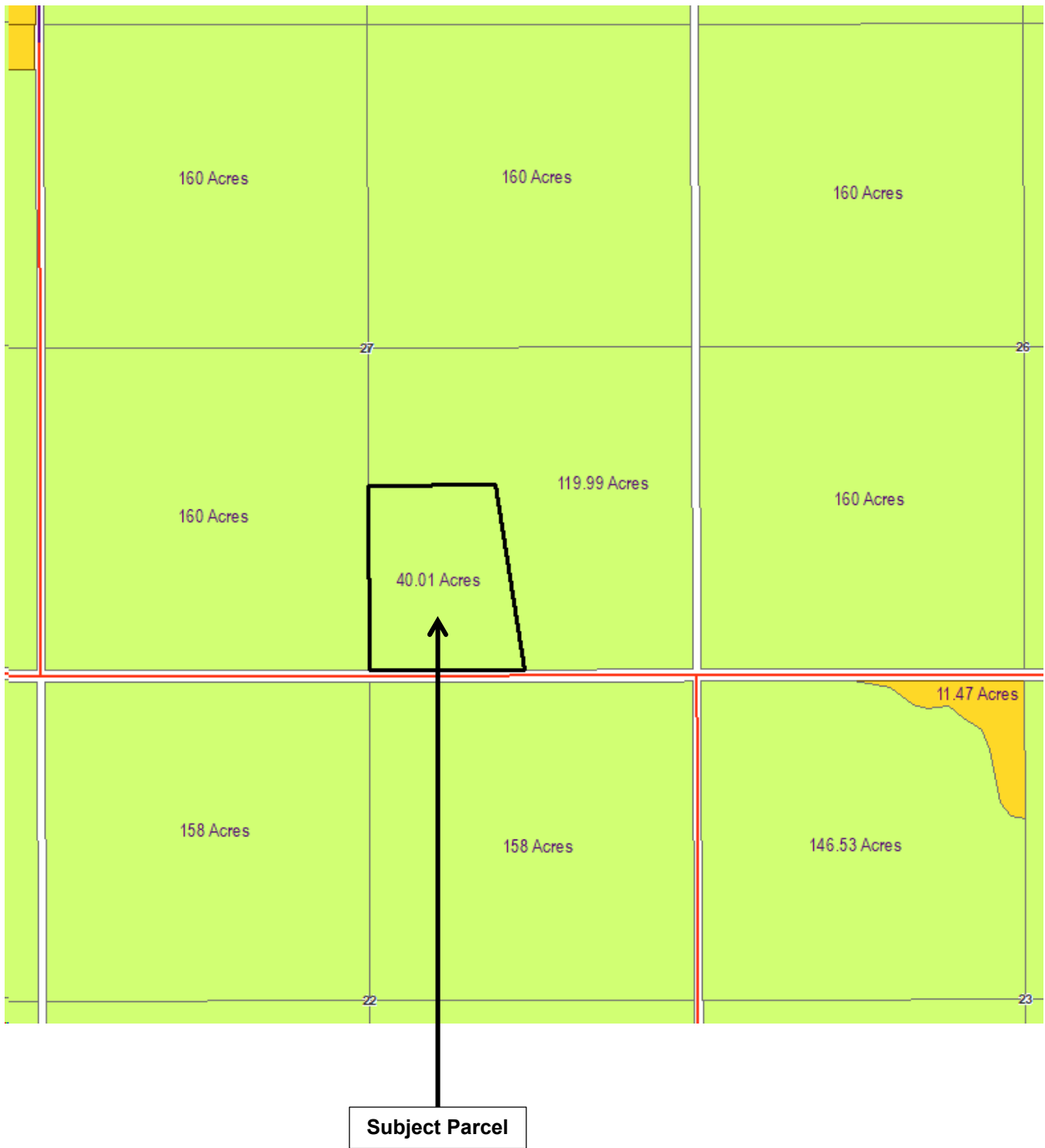
APPENDIX B: PROPOSED BYLAW

APPENDIX C: DIRECT CONTROL DISTRICT #29

APPENDIX A: LOCATION MAP



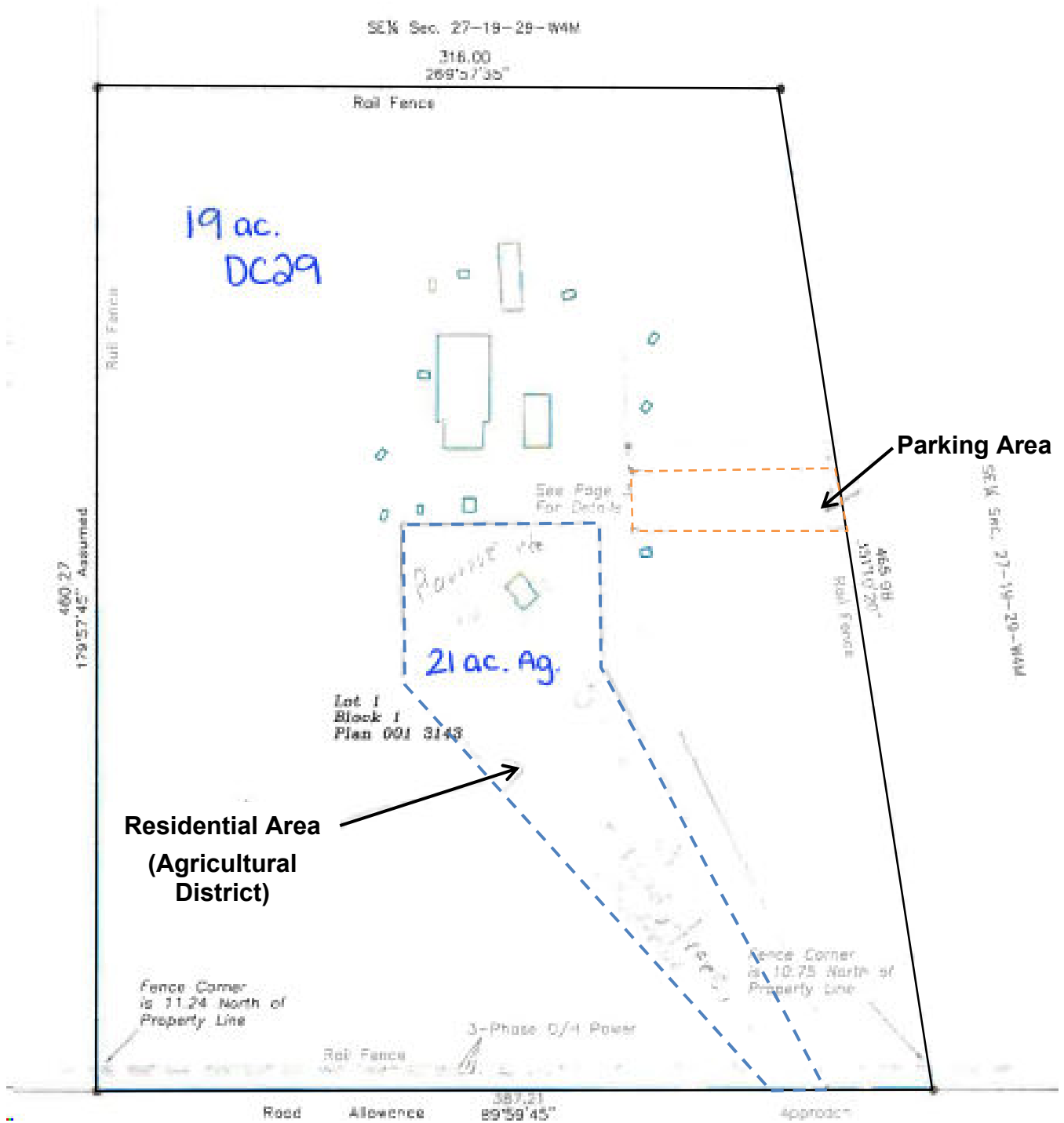
APPENDIX A: LAND USE & PARCEL SIZES



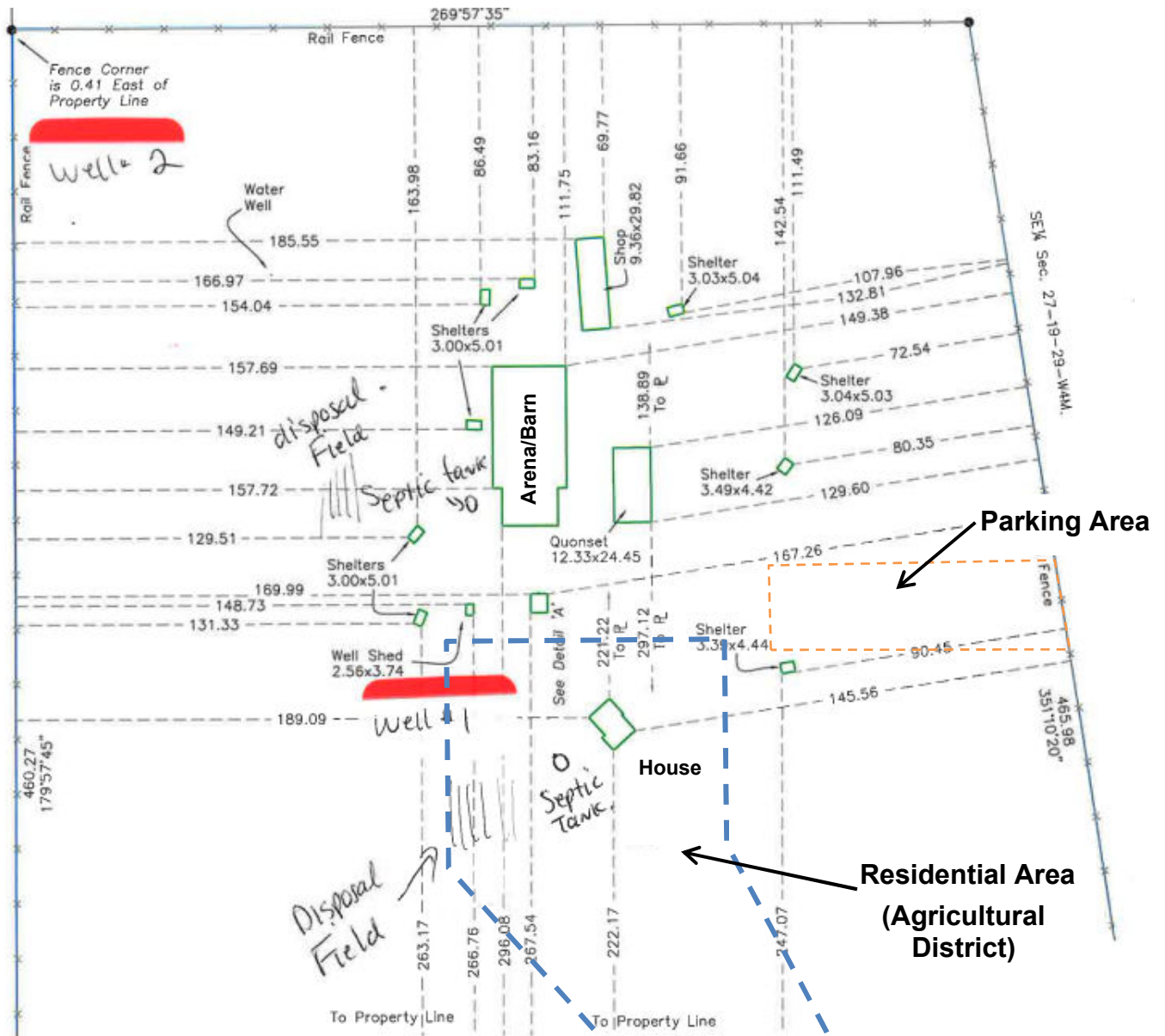
Legend

- 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



APPENDIX A: ORTHO PHOTO



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 m² (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.