


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

SECOND AND THIRD READING TO BYLAW 22/2023		
APPLICATION INFORMATION	FILE NO. 22R066	
	LEGAL DESCRIPTIONS: 1. NW 21-21-29-W4M 2. NE 21-21-29-W4M	
	LANDOWNER: 1651993 Alberta Ltd.	
	AGENT: Township Planning and Design Inc. / Kristi Beunder	
	AREA OF SUBJECT LANDS: 1. 1.04 acres 2. 85.43 acres	
	CURRENT LAND USES: 1. Country Residential District 2. Agricultural District	
	PROPOSED LAND USES: Country Residential District, Agricultural District, Environmental Reserve Easement and Road Plan	
PROPOSAL: 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.		
DIVISION NO: 7	COUNCILLOR: R.D. McHugh	FILE MANAGER: 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 32nd 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 19th, 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.

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APPENDICES

APPENDIX A - MAP SET:

LOCATION MAP

HALF MILE MAP - LAND USES

HALF MILE MAP – PARCEL SIZES

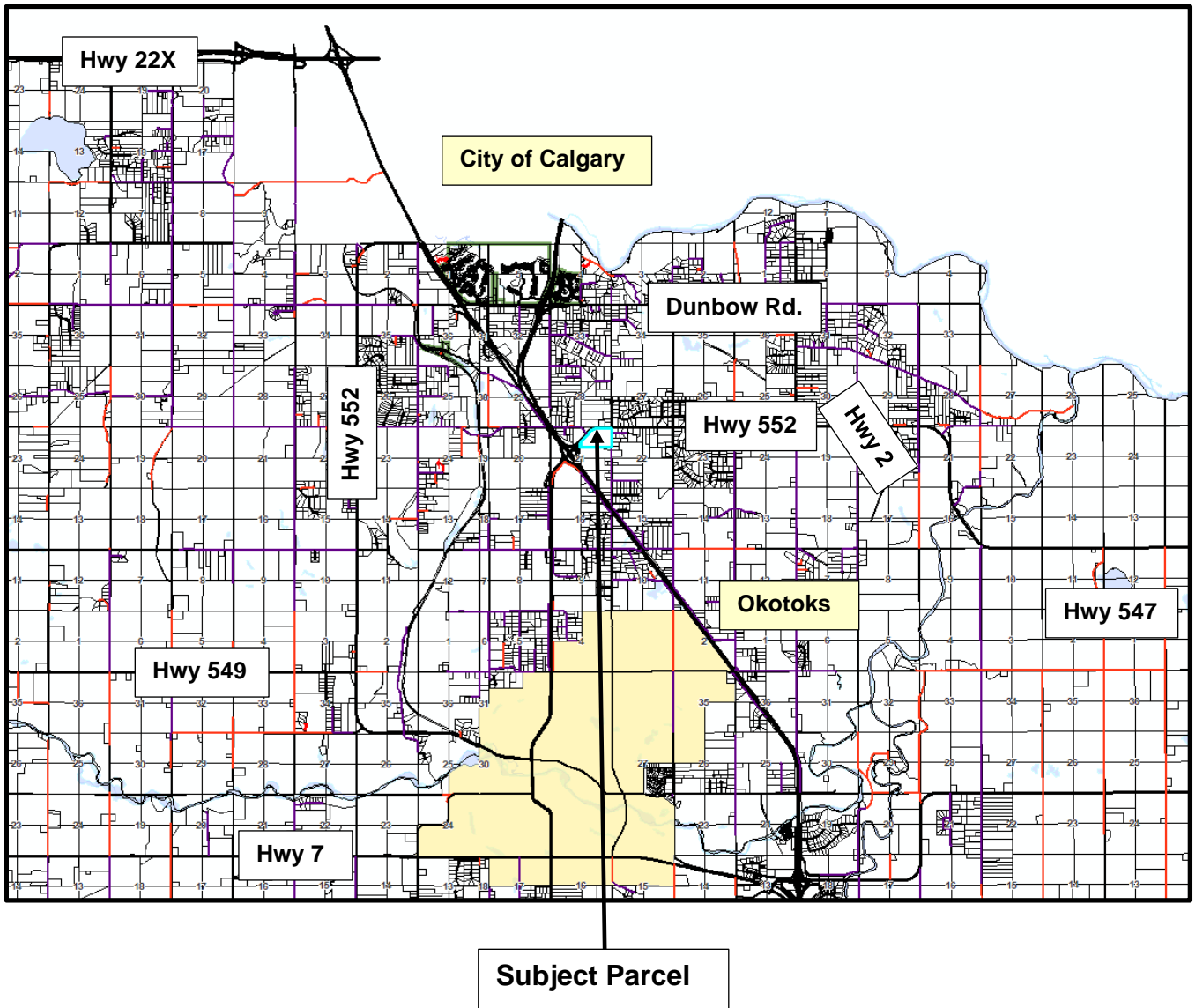
SITE PLAN

ORTHO PHOTO

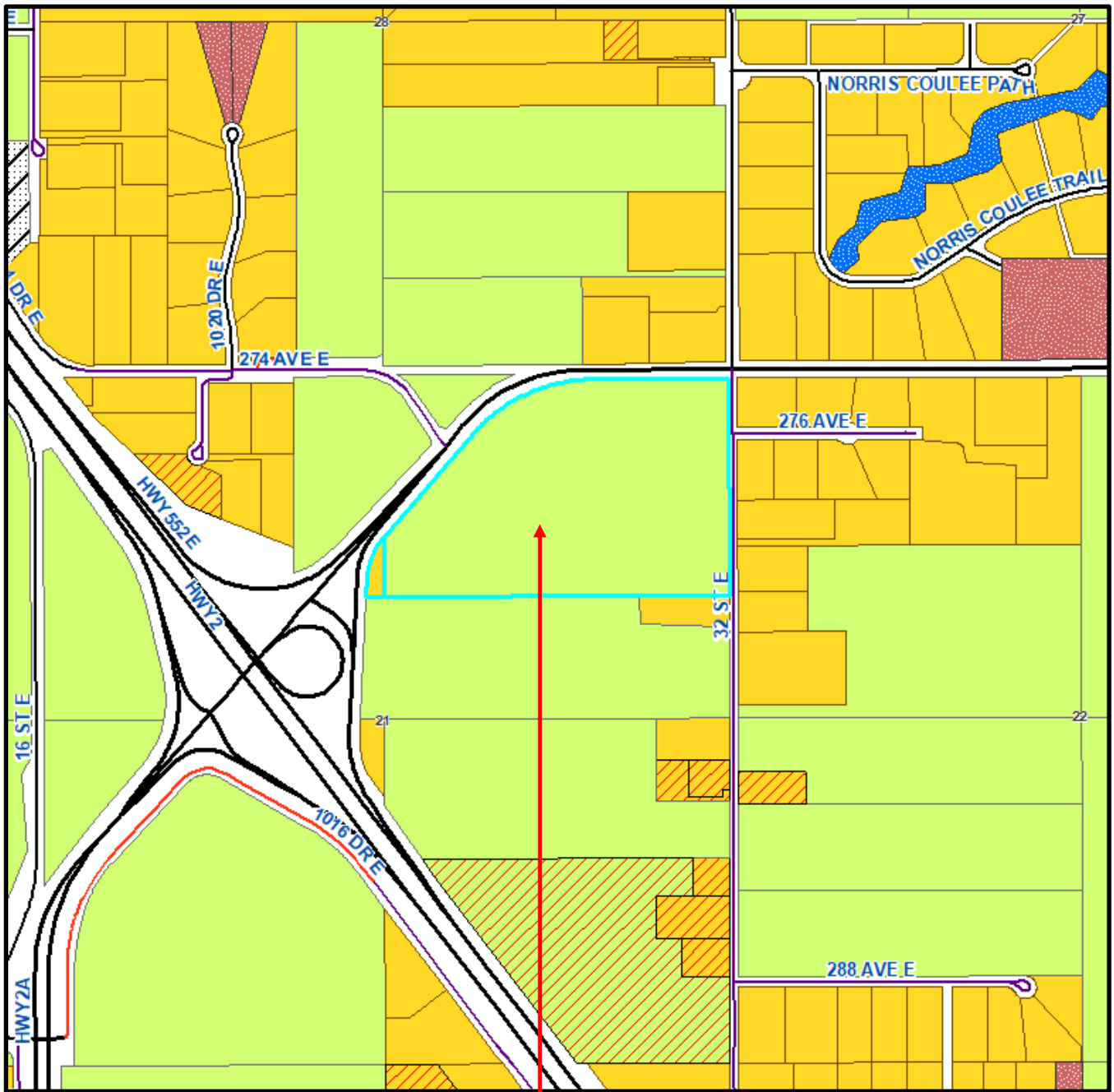
APPENDIX B:

BYLAW

APPENDIX A: LOCATION MAP



APPENDIX A: HALF MILE MAP – LAND USE

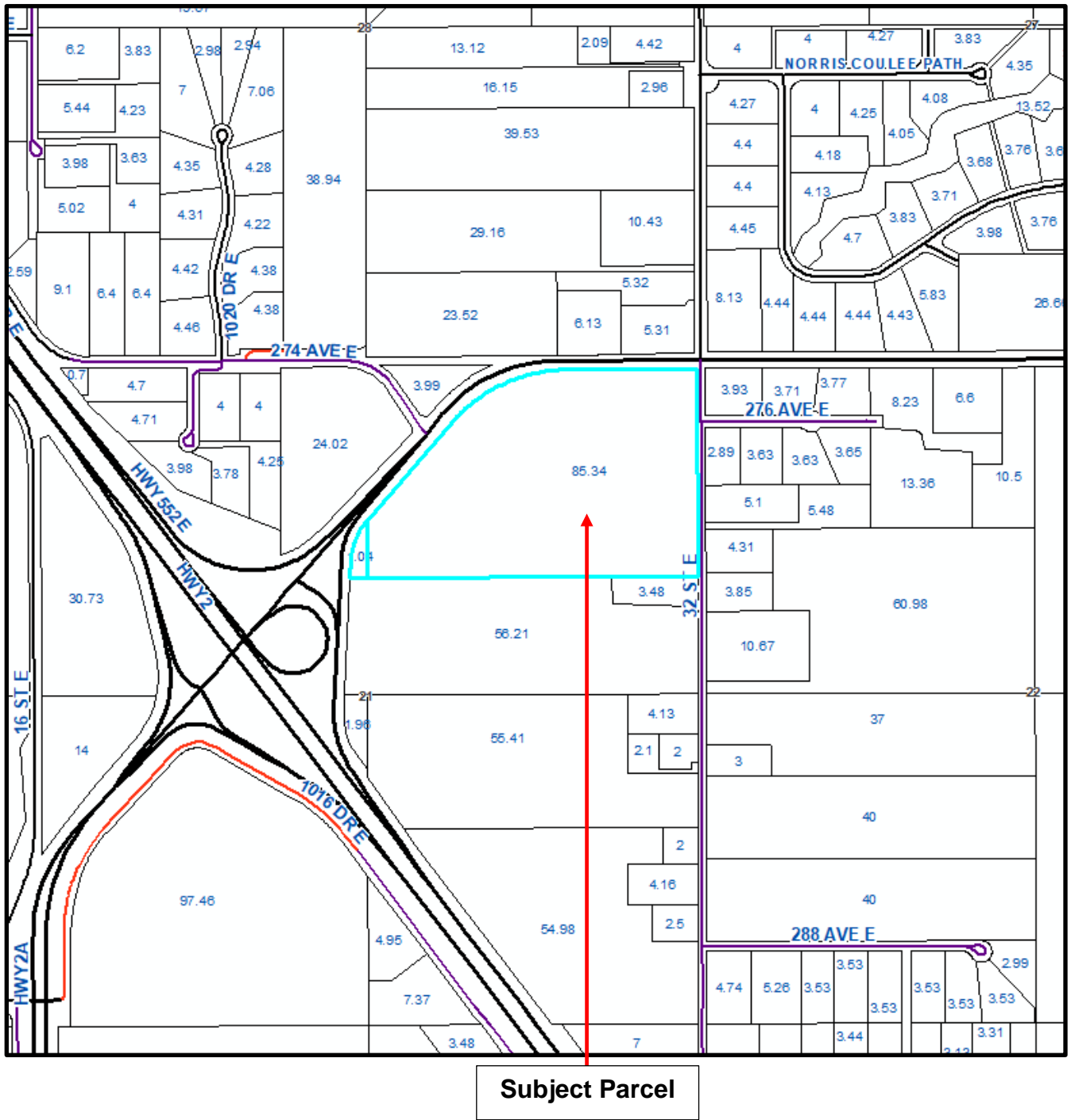


Subject Parcel

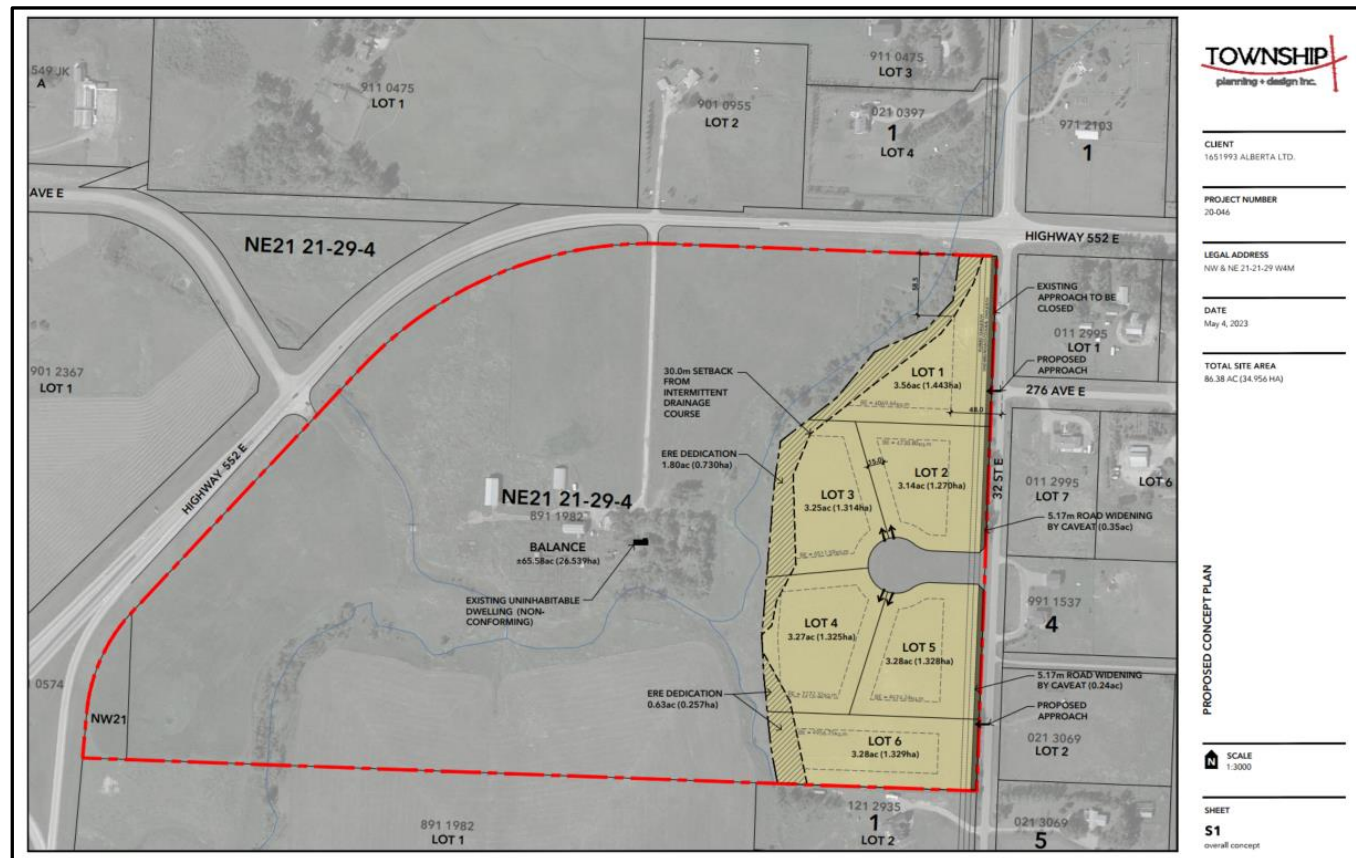
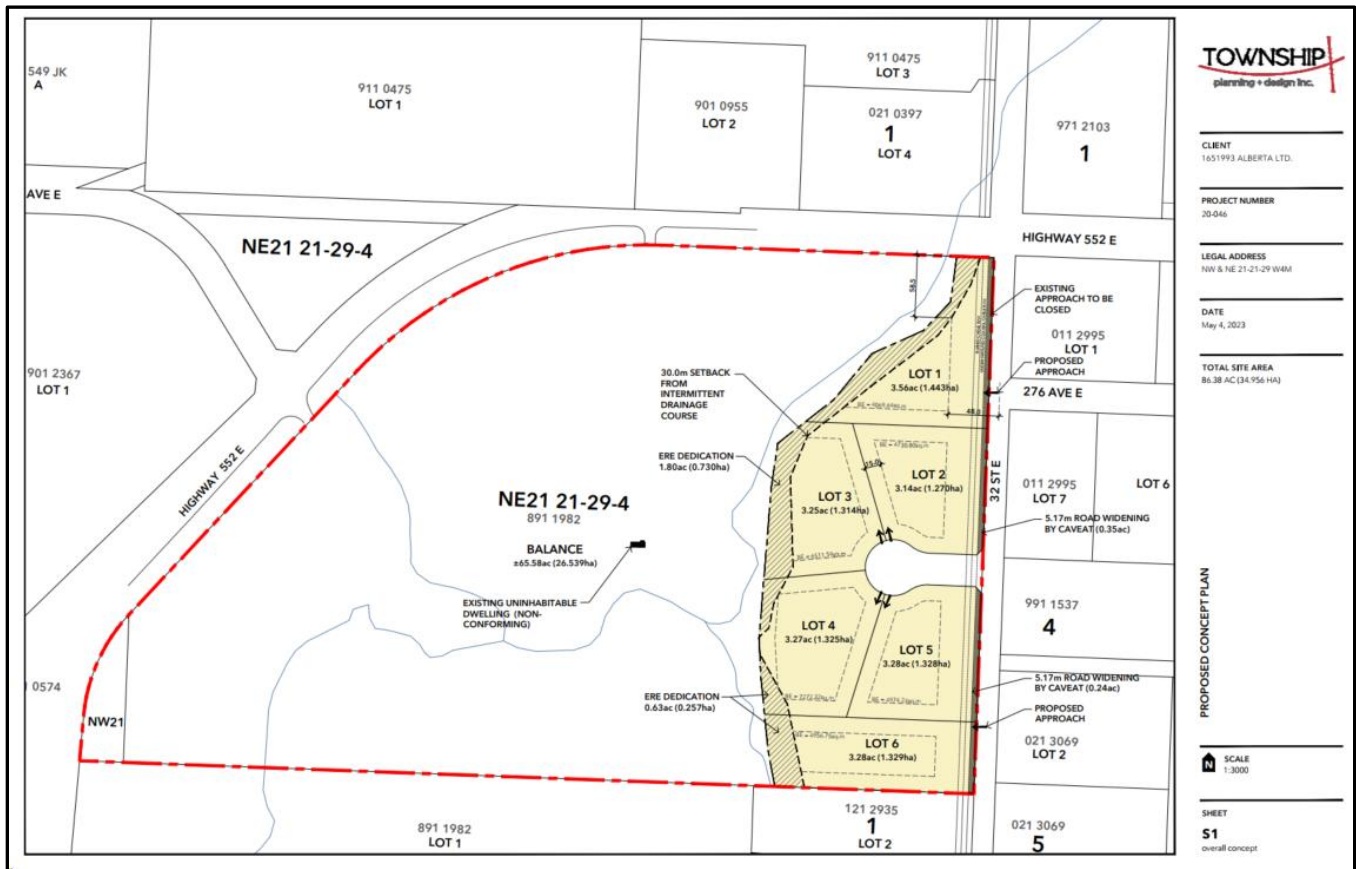
Legend

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|----------------------------------|----------------------------------|--------------------------------------|
| Hard Surface (Chip/oil) | CR- Country Residential | MR- Municipal Reserve |
| Gravel | CRA- Country Residential Sub A | MLR- Municipal Land/Reserve District |
| Developer Pavement | DC - Direct Control | |
| Pavement | BP- Bussiness Park | |
| Flood Hazard Protection District | RB- Rural Business | |
| In Transition | INR- Natural Resource Extraction | |
| A- Agricultural | EP- Environmental Protection | |
| AA- Agricultural Sub A | ER- Environmental Reserve | |

APPENDIX A: HALF MILE MAP – LOT SIZES



APPENDIX A: SITE PLAN



APPENDIX A: ORTHO PHOTO

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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.

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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__ .