


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

SECOND AND THIRD READING TO BYLAW 03/2023		
APPLICATION INFORMATION	FILE NO. 22R052	
	LEGAL DESCRIPTION: Plan 0614719, Block 2, Lot 2; PTN: W 34-20-01 W5M	
	LANDOWNERS: David and Elsie Limpert	
	AGENT: Township Planning and Design Inc. / Kristi Beunder	
	AREA OF SUBJECT LANDS: 170.75 Acres	
	CURRENT LAND USE: Agricultural District	
	PROPOSED LAND USE: Country Residential Sub District "A"	
PROPOSAL: 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.		
DIVISION NO: 5	COUNCILLOR: Alan Alger	FILE MANAGER: 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 40th Street West, directly east of 48th 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 11th, 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

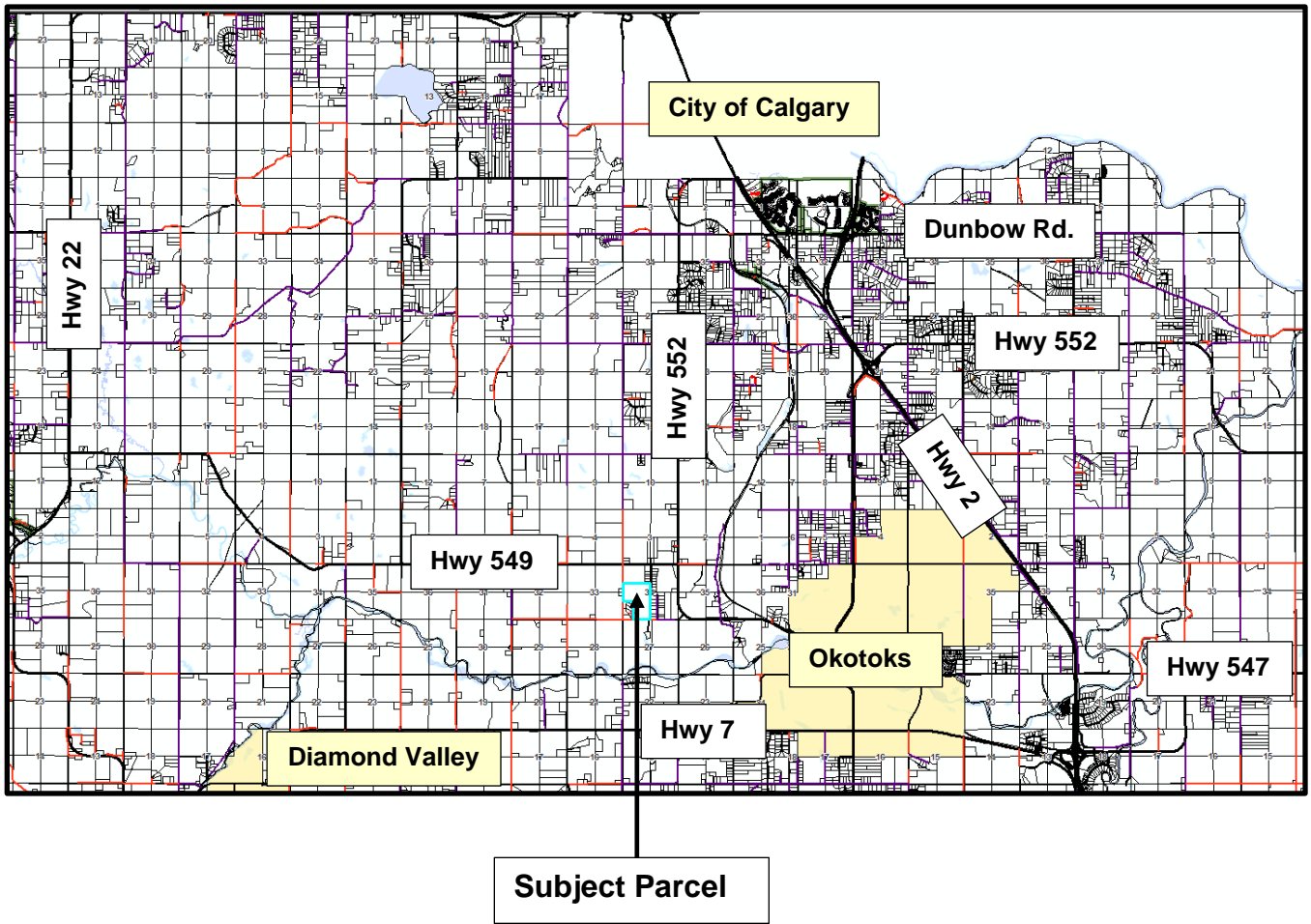
APPENDIX A - MAP SET:

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

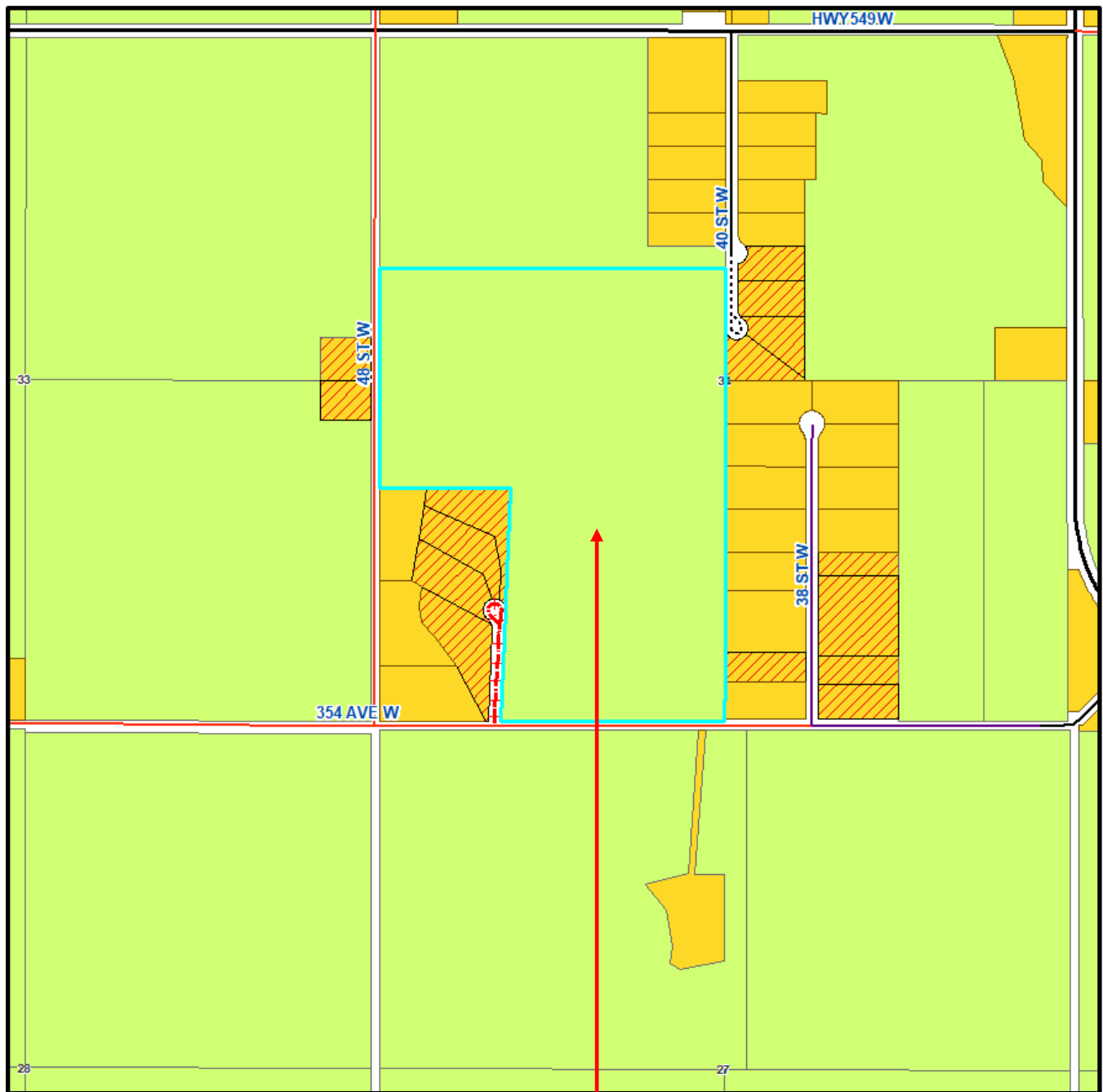
APPENDIX B:

BYLAW

APPENDIX A: LOCATION MAP



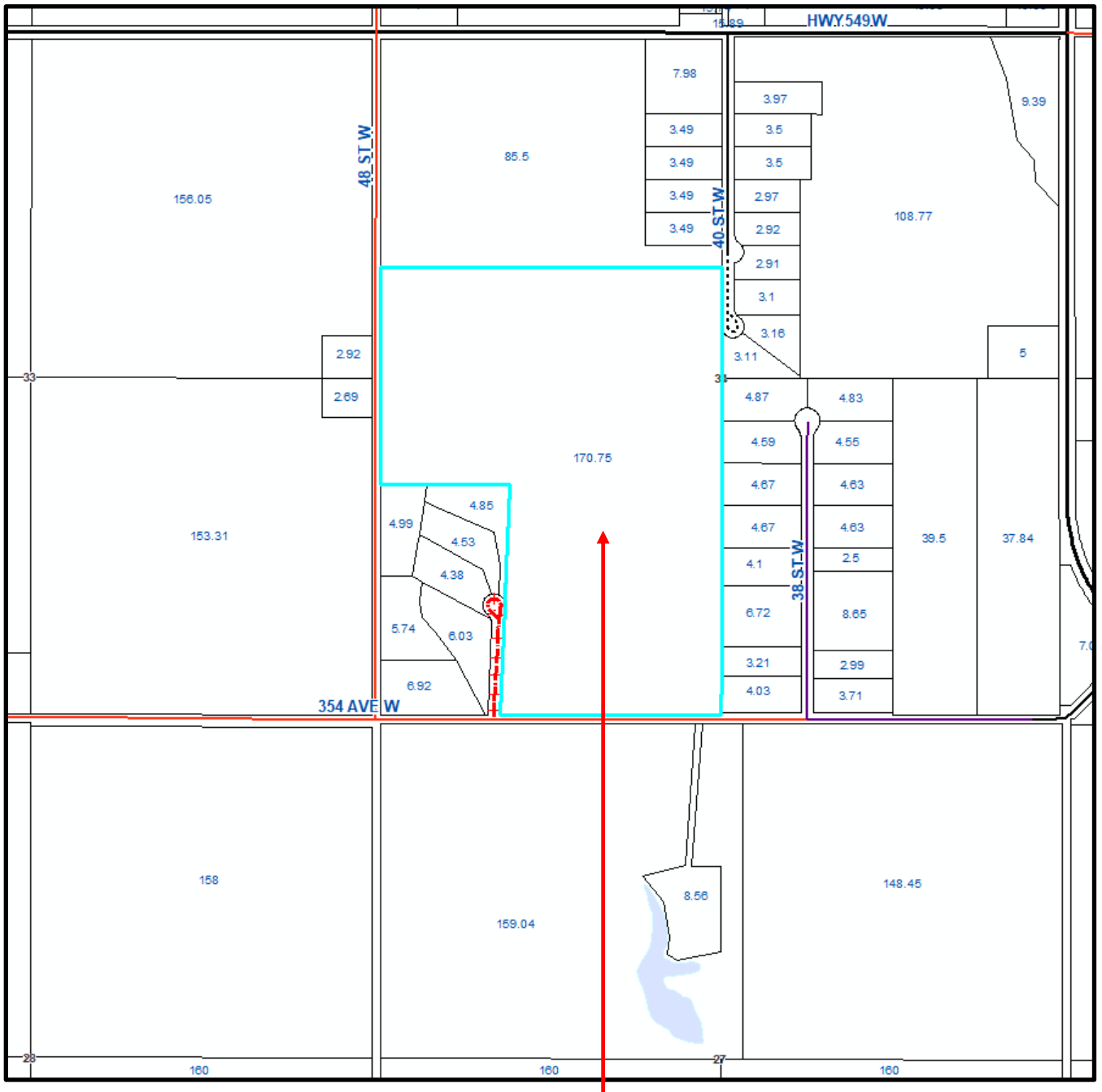
APPENDIX A: HALF MILE MAP – LAND USE



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



Subject Parcel

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

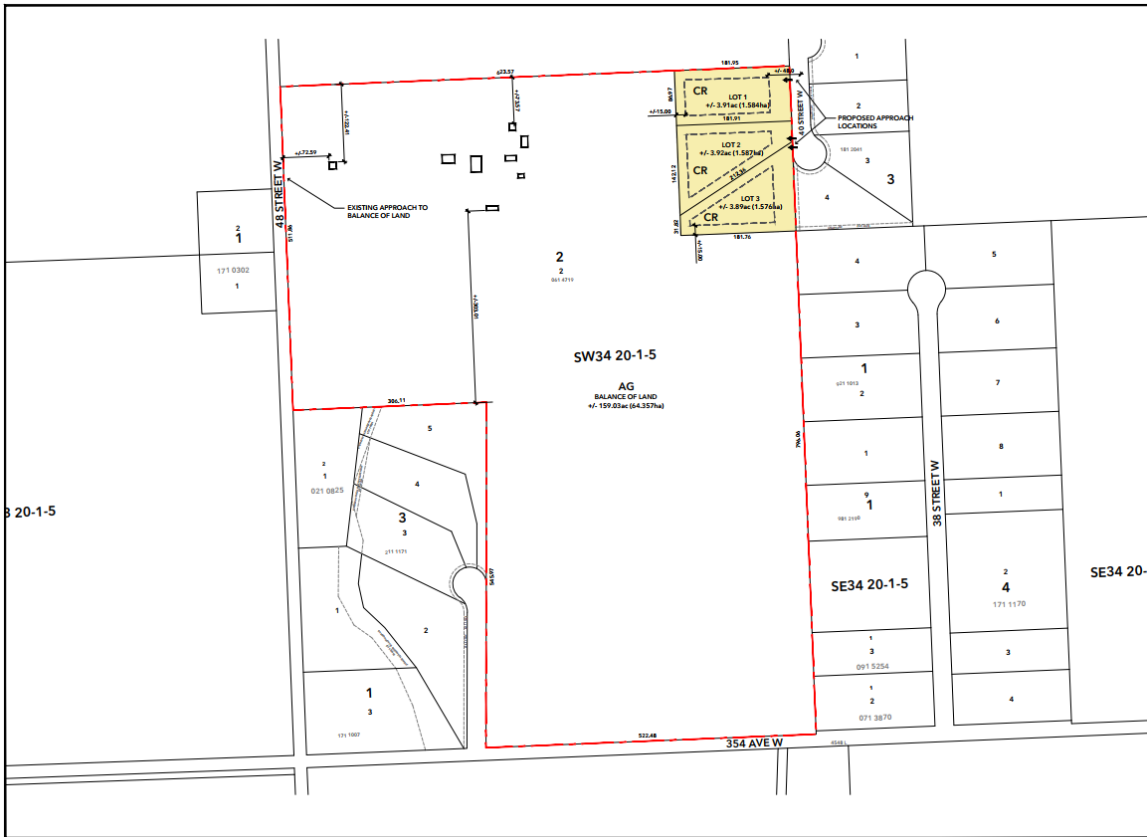
DATE
July 15, 2022

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

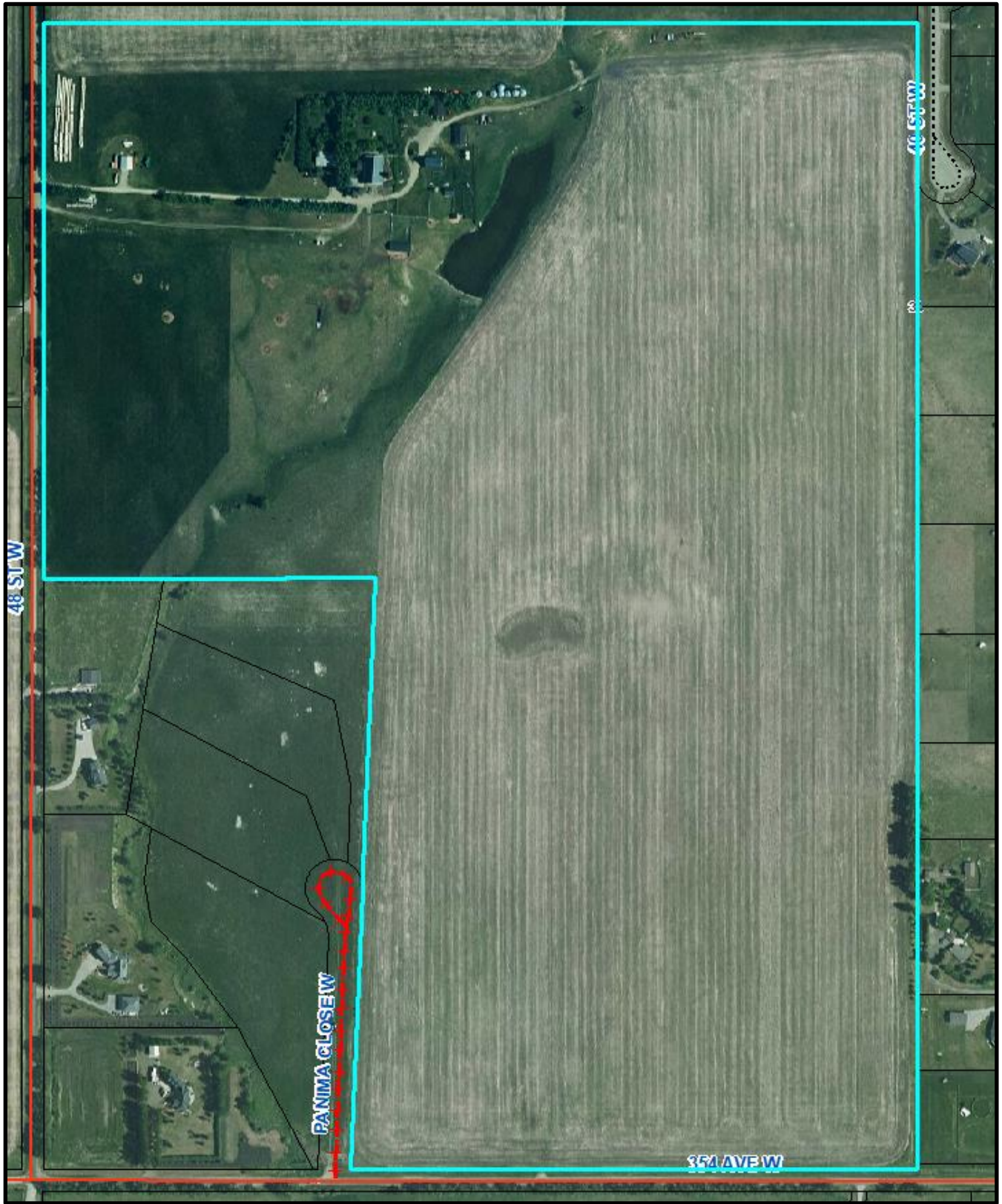
LANDUSE REZONING
SITE PLAN

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__ .