

**FOOTHILLS COUNTY
COUNCIL AGENDA**



Wednesday, December 6, 2023, 9:00 a.m.
Foothills County Administration Office
309 Macleod Trail South – High River

	Pages
A. GENERAL MATTERS	
A.1 Call Meeting to Order	
A.2 Approval of the Agenda	
B. PUBLIC WORKS / ENGINEERING / PARKS & RECREATION	
C. PUBLIC HEARINGS & MEETINGS	
C.1 10:00 a.m. - Fisher - SE 07-21-03 W5M - Redesignation (A to CR) Presented by: Development Officer Elizabeth Elen	3
C.2 11:00 a.m. - Unger - NE 19-21-01 W5M - Amend (A) Presented by: Development Officer Stacey Kotlar	20
C.3 1:30 p.m. - Special Events Bylaw and Land Use Bylaw 60/2014 Amendments - Special Events Presented by: Senior Planner Coreena Carr	33
D. MISCELLANEOUS PLANNING ITEMS	
D.1 Joint Planning Area 3 - Boundary Adjustment	72
D.2 Retail Cannabis Sales - Bylaw 67/2023 (2nd and 3rd Reading)	80
E. SUBDIVISION APPROVING AUTHORITY ITEMS	
E.1 Carma Ltd. - SW 04-22-29 W4M - Request for Subdivision	85
F. MISCELLANEOUS MUNICIPAL ITEMS	
F.1 Blackie Community Association - Request to Relocate Exercise Equipment Presented by: Councillor Siewert	94
F.2 2023 Capital Equipment - Desk Phone Replacement Presented by: Manager of Information Technology Hollis Jacobsen	96
F.3 Marigold Library System - Request for Freedom to Read Week Proclamation Presented by: Manager of Legislative Services Sherri Barrett	98
G. CONFIDENTIAL CLOSED SESSION	
G.1 Advice from Officials - FOIP s. 24	
H. MOTIONS ARISING FROM CONFIDENTIAL CLOSED SESSION	

I. OTHER MATTERS

I.1 Lunch

I.2 Accounts – December 6, 2023

Deputy Reeve Waldorf; Councillors Castell and Alger


I.3 Minutes – November 29, 2023

I.4 Committee Reports

I.5 Next Meeting – December 13, 2023

I.6 Adjourn

**PUBLIC HEARINGS AND MEETINGS
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 REDESIGNATION
 December 6, 2023
 To be heard at 10:00 AM**

APPLICATION INFORMATION	
	LEGAL DESCRIPTION: SE 07-21-03 W5M
	LANDOWNER: DELAINE FISHER
	AGENT: BADKE CONSULTING LTD. – JEFF BADKE
	AREA OF SUBJECT LANDS: 158.69 ACRES
	CURRENT LAND USE: AGRICULTURAL DISTRICT
	PROPOSED LAND USE: COUNTRY RESIDENTIAL DISTRICT
NUMBER & SIZE OF PROPOSED NEW PARCELS: 1 X 9.89 +/- acre first parcel out	
PROPOSAL: Application for the redesignation of a 9.89 +/- acre portion of SE-07-21-03 W5M from Agricultural District to Country Residential District to allow for the future subdivision of one 9.89 +/- acre Country Residential District first parcel out, leaving a 148.8 +/- acre Agricultural District balance	
DIVISION NO: 3	COUNCILLOR: BARB CASTELL
FILE MANAGER: ELIZABETH ELEN	

EXECUTIVE SUMMARY:

Purpose of Application:

Bylaw XX/2023 – Application for the redesignation of a 9.89 +/- acre portion of SE 07-21-03 W5M from Agricultural District to Country Residential District to allow for the future subdivision of one 9.89 +/- acre Country Residential District first parcel out, leaving a 148.8 +/- acre Agricultural District balance.

Please Note: The agent has provided a summary of the proposal, which can be found under Appendix B of this staff report.

Location:

The subject parcel is located approximately 11.5km northwest of Diamond Valley, 4km west of Millarville, northwest of the intersection of Hwy 549 and 272 St W.

Policy Evaluation:

Reviewed within the terms of the:

- Municipal Development Plan 2010 (MDP2010);
- Land Use Bylaw 60/2014;
- Growth Management Strategy;

Referral Considerations:

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

SITE CONSIDERATIONS:

Access:

The subject parcel is currently accessed from an existing paved approach from Highway 549 along the south boundary of the parcel, this approach would provide access to the proposed balance parcel. There is also an existing field approach on the east side of the parcel from 272 Street West, which would propose access to the 9.89 +/- acre proposed parcel.

Physiography:

Topography within the subject parcel is of high relief, consisting of gently rolling hayfield towards the easterly portions of the parcel with moderate to steeply sloped grazing land making up the rest. From the lowest point of the parcel, roughly in the center of the south property line, the lands rise some 95m to a high point located in the northwest corner. Vegetation within the parcel consists of mixed coniferous and deciduous forest with interspersed grazing lands. A hayfield is located along the easterly portion of the lands.

Please Note: The agent has provided a Lot Grading & Site Drainage Plan as well as a Building Envelope Plan for the proposed 9.89 +/- acre parcel. These plans have been reviewed and accepted by Public Works.

Existing Development:

The proposed 9.89 +/- acre parcel has no existing development. The proposed 148.8 +/- acre balance parcel would contain the existing yard site, which includes a residence, garage and four agricultural buildings.

Please Note: The two agricultural buildings located in the southernmost portion of the subject parcel do not meet the required front yard setback of 70 meters from the centreline of the highway, as per the Agricultural District of Land Use Bylaw 60/2014. The existing agricultural building which is located approximately 66 meters from the centreline of Highway 549 is an old building that pre-dated the current landowner's ownership of the lands. The landowner would like to retain this building. The other agricultural building located west of the driveway nearest to Highway 549 is proposed by the landowner to be removed. These structures are shown on Appendix A - Site Plan.

Area Characteristic:

The lands surrounding the subject parcel are predominately Agricultural District parcels with a few clusters of Country Residential District parcels ranging in size from 4 – 21 acres to the southeast, southwest and north of the subject parcel.

HISTORY:

May 10, 2023: For the quarter section directly south of the subject parcel being NE 6-21-3 W5, Council refused an application for an amendment to the Agricultural District land use rules to allow for the future subdivision of one new 29.76 +/- acre Agricultural District first parcel out, leaving a 120.21 +/- acre Agricultural District balance parcel on NE 06-21-03 W5M for the following reasons:

In consideration of Policy 2 of the Agriculture section of the MDP2010, Council did not find sufficient merit in the proposal to consider removing the subject lands from the Agricultural Land Use District. In addition, Council was not supportive of the proposed access and feels that the application is contrary to MDP Agriculture Policy regarding access and the County's Land Use Bylaw Sec 9.1 regarding access to the proposed balance parcel.

REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<p>The following is recommended for the proposed 9.89 +/- acre parcel, as a condition of land use:</p> <ul style="list-style-type: none"> • Septic Disposal Evaluation (PSTS) <p>Public Works provided the following additional comments:</p> <ul style="list-style-type: none"> • The provided Lot Grading & Site Drainage Plan as well as the Building Envelope Plan for the proposed 9.89 +/- acre parcel have been reviewed and accepted; • Alberta Transportation and Economic Corridors will need to review and comment on the existing approach proposed to provide access to the balance parcel as it is from Highway 549; • The existing field approach from 272nd Street East proposed to provide access to the proposed 9.89 +/- acre parcel will need to be updated to current County Approach Standards as a condition of subdivision; • 5m of land along the full East boundary of the subject parcel be provide via caveat for future road widening as a condition of subdivision
EXTERNAL	
Alberta Transportation and Economic Corridors (ATEC)	<p>Alberta Transportation and Economic Corridors provided the following comments:</p> <ul style="list-style-type: none"> • 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; • 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; • No additional highway access to Highway 549 will be permitted for the proposed, or remainder parcels. The proposed and remainder parcels must use the existing highway access, or access the parcels using local roads; • The proposed development falls within the permit area of a provincial highway as outlined in the Highways Development and Protection Act / Regulation, and will require a permit from the Ministry of Transportation and Economic Corridors. <p>Please Note: The full Response from ATEC is included under Appendix C of this report</p>
ATCO Gas	No objection

CIRCULATION REFERRALS	
PUBLIC	
Western Wheel	November 22, 2023 and November 29, 2023
Landowners (half mile)	No submissions received prior to submission of this staff report

POLICY EVALUATION:

Municipal Development Plan 2010 (MDP2010):

The application meets the intent of Policy 5 of the Agriculture section of the MDP2010, which supports the subdivision of one parcel out an un-subdivided quarter section.

Further, the application does not generally meet the intent of Policy 2 of the Agricultural section of the MDP2010, which supports maintaining the integrity of the agricultural land base and discourage the fragmentation of agricultural lands within the County.

Land Use Bylaw 60/2014:

The application meets the density requirements and lot size restrictions as set out in Sections 12.1.6.2 of the Agricultural District and 13.1.6.2 of the Country Residential District within the County’s Land Use Bylaw.

Growth Management Strategy:

The subject parcel is located within the North-West District. The vision for the North-West District is supportive of minimal to moderate growth with careful consideration of the potential impacts on wildlife habitat and watershed areas.

SUMMARY:

Agricultural District to Country Residential District to allow the future subdivision of one 9.89 +/- acre Country Residential District first parcel out, leaving a 148.8 +/- acre Agricultural District balance.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – FIRST READING APPROVAL

Council may choose to grant 1st reading to the application for the redesignation of a 9.89 +/- acre portion of SE 07-21-03 W5M from Agricultural District to Country Residential District to allow the future subdivision of one 9.89 +/- acre Country Residential District first parcel out, leaving a 148.8 +/- acre Agricultural District for the following reasons:

In their consideration of the criteria noted in Agriculture Policy 5 of the MDP2010, Council is of the opinion that allowing the first parcel out 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 Country Residential District within the County’s Land Use Bylaw.

Staff suggests that the proposed 9.89 +/-acre parcel be designated as Country Residential Sub-district “A” to ensure that the recommendations and restrictions as outlined in the Lot Grading & Site Drainage Plan, Building Envelope Plan and Septic Disposal Evaluation (PSTS) are complied with to the satisfaction of the Public Works Department. A completion certificate by a Professional Engineer verifying that all aspects of the noted reports have been met, may be required. Council may also wish to require a \$5000 deposit as a pre-release condition to ensure compliance with all conditions of the development permit.

Recommended Conditions for Option #1:

1. Landowners are to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for the purposes of payment of the community sustainability fee and any other necessary municipal and on-site improvements as required by Council and the Public Works department;
2. Proof of adequate water supply to be provided for the proposed 9.89 +/- acre parcel in accordance with the Municipal Water Policy to the satisfaction of the County;
3. Septic Disposal Evaluation to be provided for the proposed 9.89 +/- acre parcel to the satisfaction of the Public Works department;
4. Landowners are to submit a complete Development Permit application for a relaxation of setbacks in order to bring the existing structure(s) that do not currently meet required setbacks into compliance with the Land Use Bylaw 60/2014;
5. Final redesignation application fees to be submitted;
6. Submission of an executed subdivision application and the necessary fees.

OPTION #2 REFUSAL

Council may choose to refuse the application for the redesignation of a 9.89 +/- of SE 07-21-03 W5M from Agricultural District to Country Residential District to allow the future subdivision of one 9.89 +/- acre Country Residential District first parcel out, leaving a 148.8 +/- acre Agricultural District 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
LAND USE MAP
HALF MILE MAP – PARCEL SIZES
SITE PLAN
ORTHO PHOTO

APPENDIX B:

WRITTEN SUBMISSION FROM THE AGENT

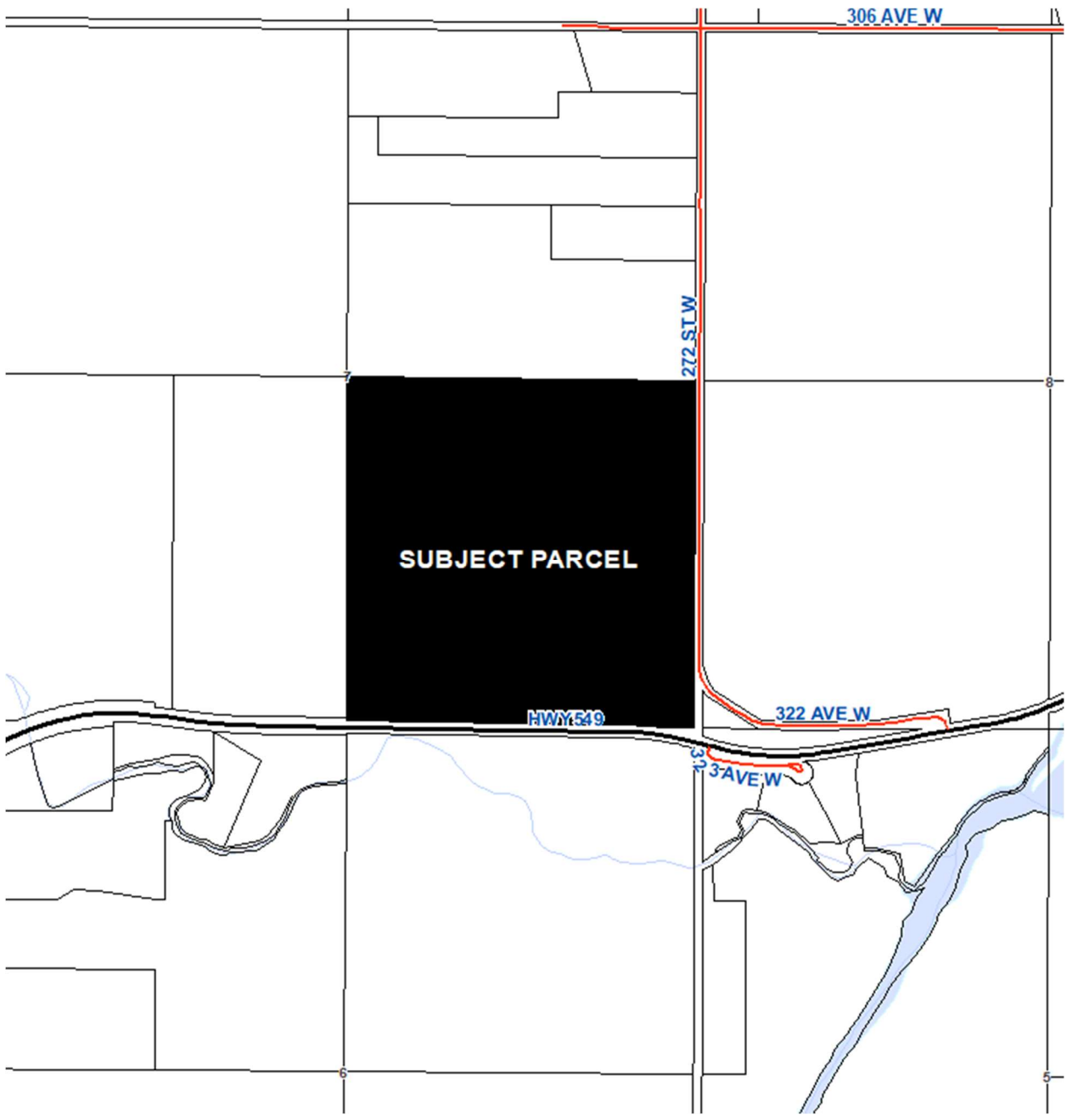
APPENDIX C:

ALBERTA TRANSPORTATION AND ECONOMIC CORRIDORS RESPONSE

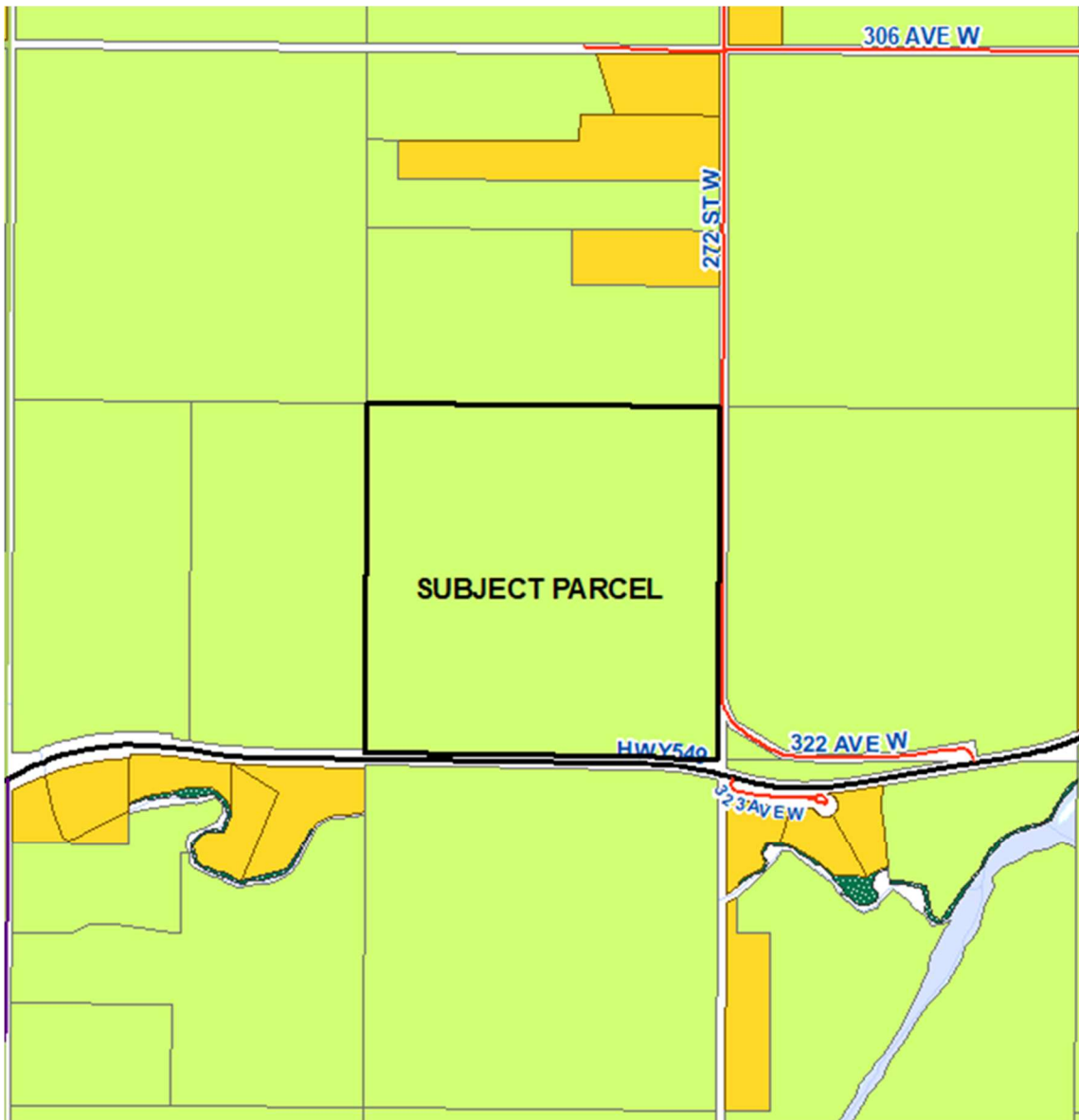
APPENDIX D:

PROPOSED BYLAW

APPENDIX A: LOCATION MAP



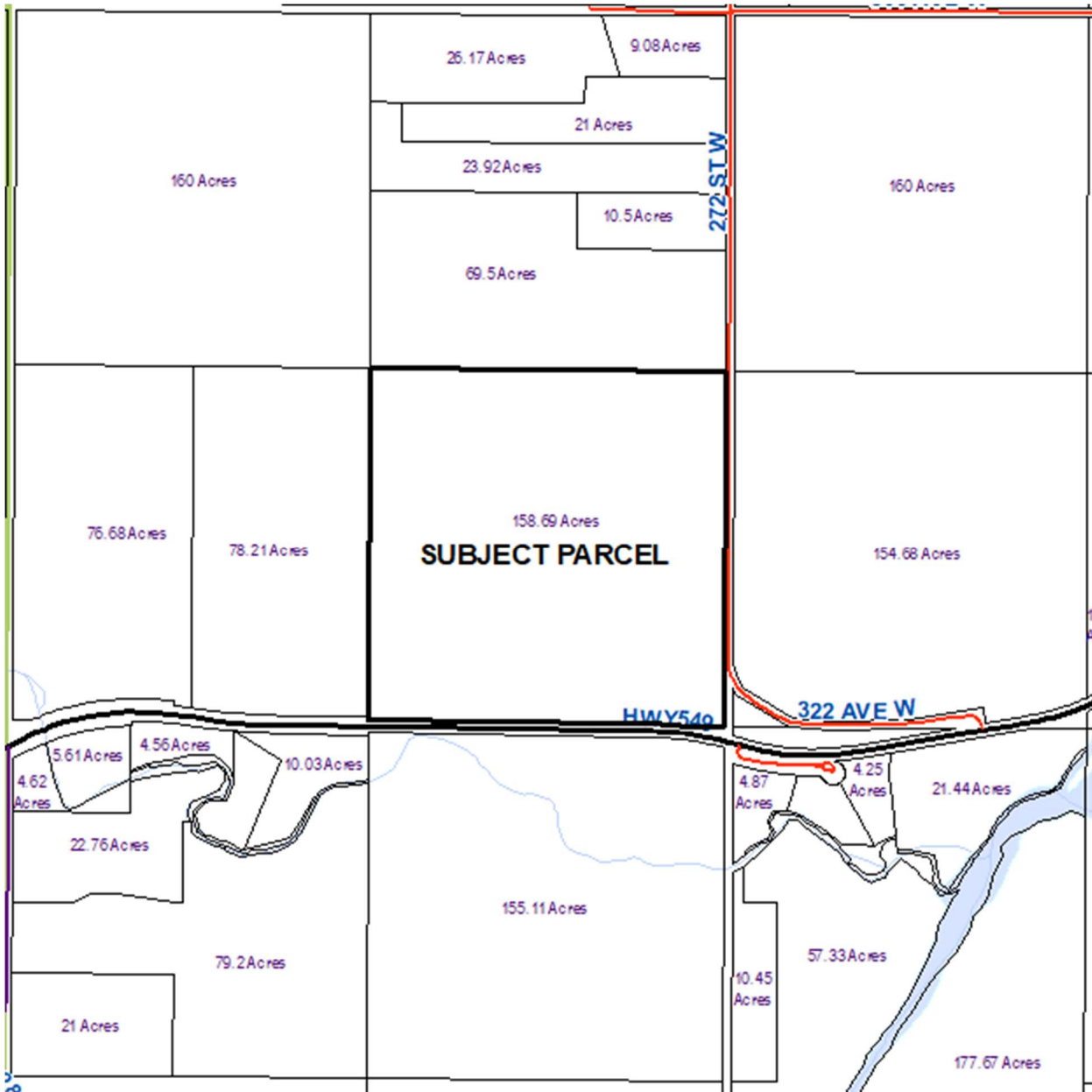
APPENDIX A: LAND USE MAP



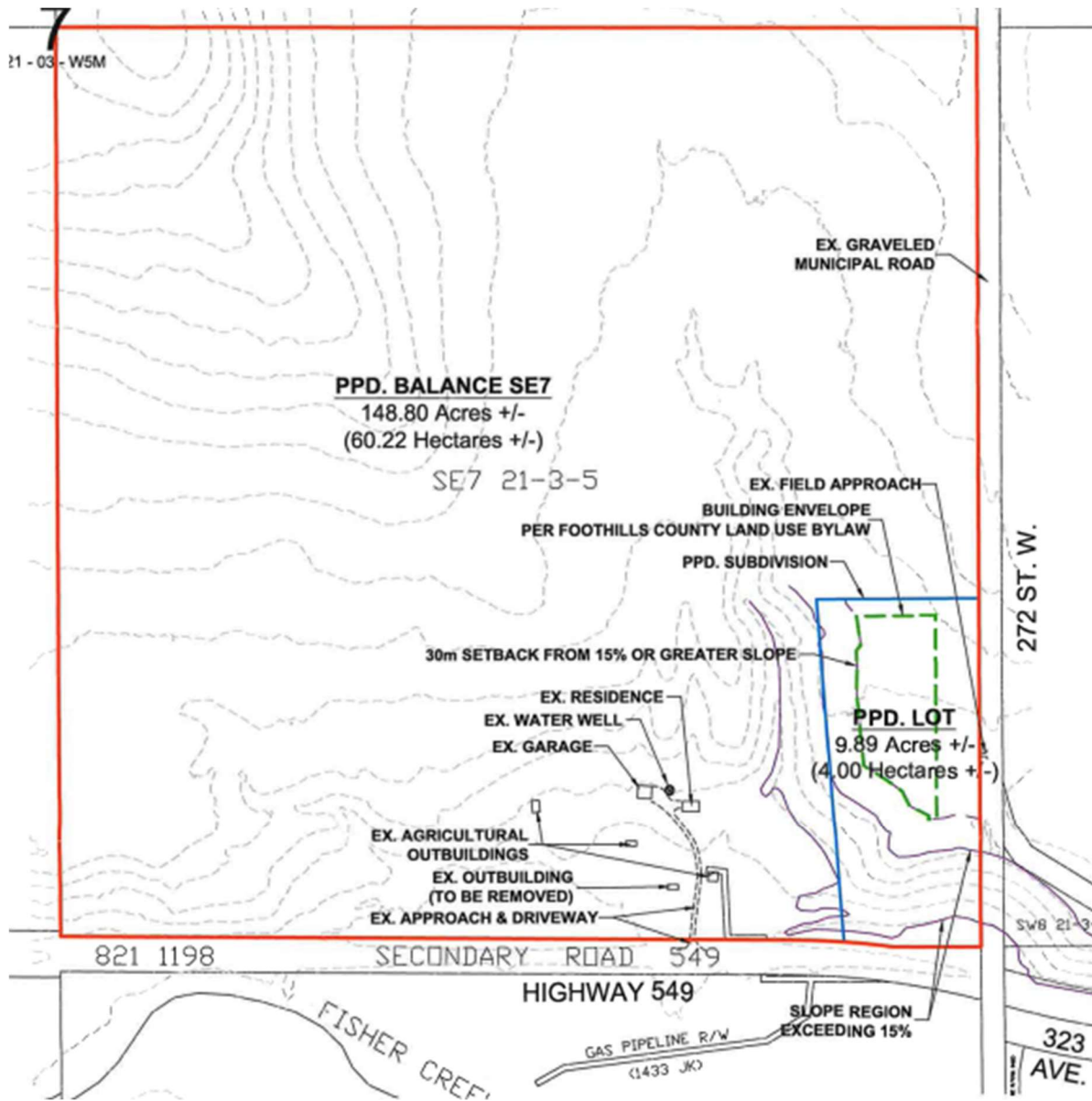
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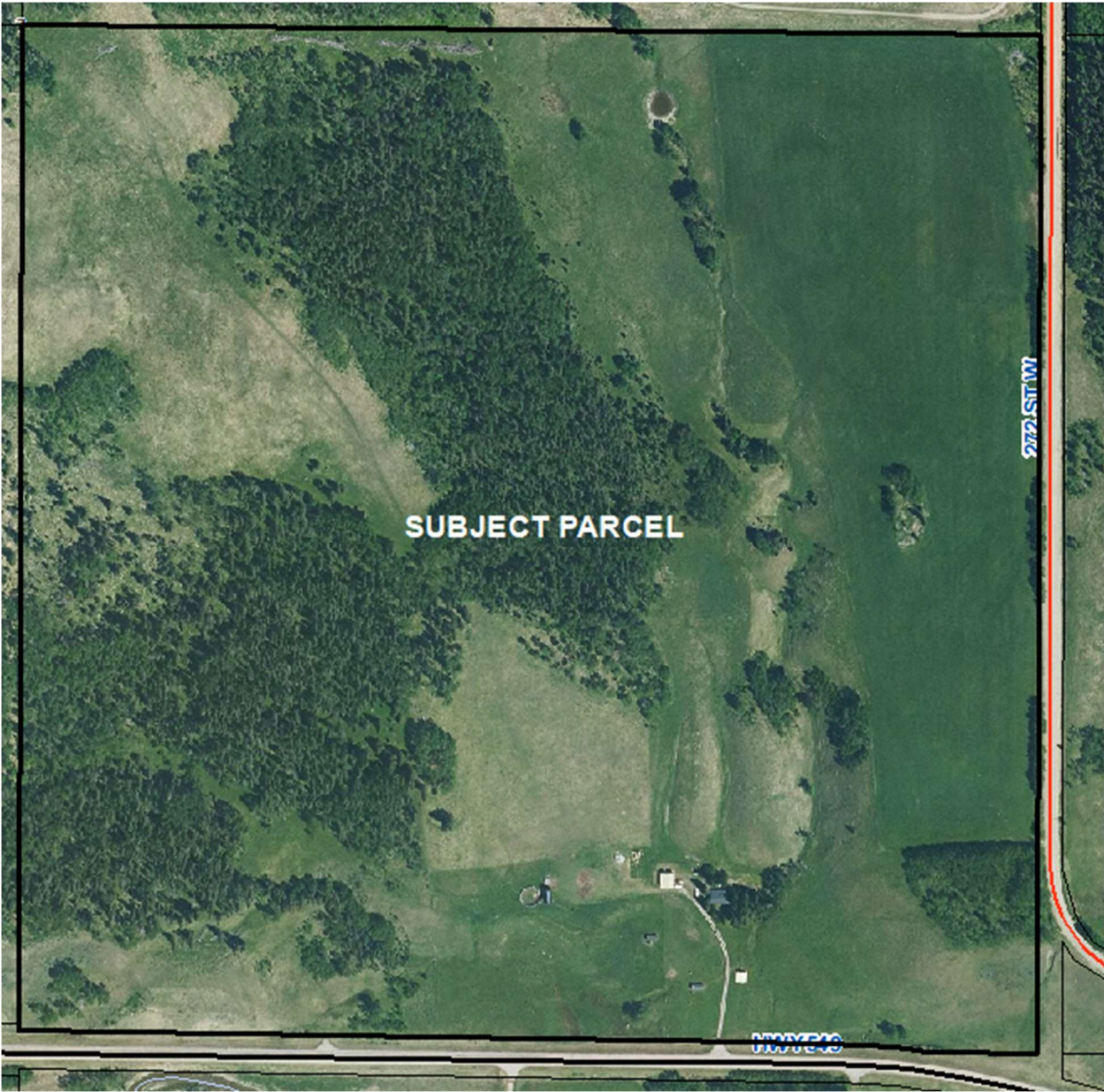
- | | | |
|----------------------------------|----------------------------------|-----------------------|
| — Hard Surface (Chip/oil) | DC - Direct Control | MR- Municipal Reserve |
| ... Developer Gravel | HR- Hamlet Residential | |
| — Gravel | HRA-Hamlet Residential Sub A | |
| — Pavement | CMC- Community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

APPENDIX A: HALF MILE MAP – PARCEL SIZES



APPENDIX A: SITE PLAN





FISHER LANDS

1-LOT SUBDIVISION

The proposed first parcel out subdivision is described as follows:

Location of Subject Lands

The Subject Lands, on which the Country Residential District subdivision is proposed, is located within Division 3 in the westerly region of Foothills County. These lands are located approximately 5km west of the Hamlet of Millarville.

Legal Description

The subject lands are legally described as

THE SOUTH EAST QUARTER OF SECTION SEVEN (7)
TOWNSHIP TWENTY ONE (21)
RANGE THREE (3)
WEST OF THE FIFTH MERIDIAN
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS,
EXCEPTING ROAD PLAN 8211198 0.530 HECTARES (1.31 ACRES)
EXCEPTING THEREOUT ALL MINES AND MINERALS AND THE RIGHT TO WORK THE
SAME

These lands are identified on the attached plans and stand in the name of Delaine Fisher.

Zoning

The subject lands are currently zoned Agriculture District (A) and we are proposing to redesignate a portion of the subject lands to Country Residential District (CR) to allow for the future subdivision of a new 9.89-acre parcel. The balance lands are to remain zoned as Agricultural District.

Area Description

The region of Foothills County in which the subject lands are located primarily contain agricultural parcels, with some farmstead isolations and Country Residential development. Topography in the area is of high relief, consisting of v-shaped valleys, with moderate to steep sloped terrain. Vegetation in the region consists of mixed coniferous and deciduous forest with interspersed hay/grazing lands. Primary regional access is by way of Highway 549, which bounds the lands to the south.

Description of the Subject Lands

The Subject Lands are an unsubdivided quarter section located west of 272 Street West and north of Highway 549. Topography within the quarter is of high relief, comprising of gently rolling hayfield towards the easterly portions of the quarter, with moderate to steeply sloped grazing land making up the rest. From the lowest point of the quarter, roughly in the center of the south property line, the lands rise some

95m to a high point located in the north-west corner. Vegetation within the lands consist of mixed coniferous and deciduous forest with interspersed grazing lands. A hayfield is located along the easterly portion of the lands.

An existing building site is located along the southerly portion of the lands, accessed from Highway 549. This building site is comprised of a residence, shop and several agricultural outbuildings. The building site, accessory buildings and access are shown on the included drawings.

Proposed Subdivision

The proposed 9.89-acre parcel is located in the south-east corner of the parent quarter section. It encompasses a portion of steep slope and isolated lowland at the slope toe adjacent to Highway 549. The slope and lowland portion comprise approximately 1/3rd of the proposed parcel's area. North and east of the slope, the lands contain a treed area, approximately 1.5-acre in size, and an approximate 4.8-acre portion of hayfield.

Access

Access to the existing building site within the balance parcel is by way of an existing paved approach from Highway 549. Sightlines along Highway 549 are good in both directions.

An existing field approach located along 272 Street West is proposed to be used for accessing the proposed 9.89-acre parcel. Sightlines north and south-east along 272 Street West from the existing approach meet the required County standards.

Access is proposed to remain as-is for both the proposed parcel and balance lands.

Water

The land use requirements under the CR zoning stipulate utilizing "Individual wells and individual wastewater disposal systems; Communal water and communal wastewater disposal systems; or A combination of a. and b. as determined by Bylaw amending this section". With this application, we propose a new water well to be drilled on the proposed 9.89-acre parcel. The existing building site is currently serviced by an existing well, which is proposed to remain as-is.

A review of existing wells in the Alberta Water Well Information Database, within the surrounding area, indicate yields consistently adequate for Country Residential uses.

Wastewater Disposal

The land use requirements under the CR zoning stipulate utilizing "Individual wells and individual wastewater disposal systems; Communal water and communal wastewater disposal systems; or A combination of a. and b. as determined by Bylaw amending this section". With this application we propose a Private Sewage Treatment System (PSTS) on the new 9.89-acre parcel. The existing building site is currently serviced by an existing PSTS, which is proposed to remain as-is.

The topography of the proposed 9.89-acre parcel contains areas that are well suited for septic field or septic mound based systems. Soils found in the general region are typically of texture and structure capable of supporting on-site PSTS. In addition, the proposed 9.89-acre lot and balance lands contain ample room necessary to accommodate these types of systems.

Suitable Building Site

In preparation for this application, elevation points were obtained from LIDAR from which the attached contour plan (Dwg. 2) with half metre interval contours was prepared. The proposed 9.89-acre parcel is confirmed to contain a suitable building site which would satisfy Foothills County Municipal Development Plan 2010, Policy 9 as outlined below:

9. *All residential parcels shall have a developable area of land which:*
 - 9.1. *Is not subject to the development restrictions such as those created by sour gas or other natural resource extraction, flooding, hazardous lands, landfills, transfer stations, sewage lagoons or other restrictions as indicated by the MGA and the Provincial Planning Regulation.*
 - 9.2. *Contains a water table and soils suitable for the construction of a residence and the wastewater disposal system to be utilized.*
 - 9.3. *Does not exceed 15% in slope unless a report has been submitted to the satisfaction of the MD, prepared by a qualified Professional which indicates that the developable area is suitable for residential construction.*
 - 9.4. *Meets the setback requirements of the appropriate district in the Land Use Bylaw.*
 - 9.5. *Is considered developable by the Subdivision Authority.*

Based on review of the proposed development area, we make the following observations and conclusions relating to the MDP Residential Policy 9:

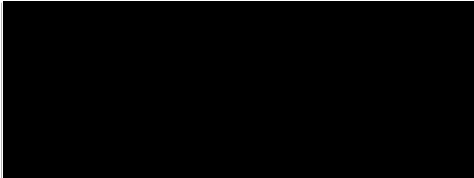
- The proposed parcel is not subject to the development restrictions created by sour gas or other natural resource extraction, flooding, hazardous lands, landfills, transfer stations, sewage lagoons;
- The proposed parcel is well drained and, as such, not likely to contain a high-water table or highly restrictive soil types. This will require confirmation by testing after approval of this application;
- Adequate building sites are available set back 30 meters or greater from the top of slopes exceeding 15%;
- The allowable building envelope meeting appropriate setback requirements per the Land Use Bylaw are shown on the attached drawings as the green dashed line.
- No significant constraints or concerns have been identified on the subject lands that negatively impact developability.

Closure

We trust we have provided sufficient information for Council's approval of this application. Please feel free to contact us if you require any additional information.

Sincerely,

Badke Consulting Ltd.



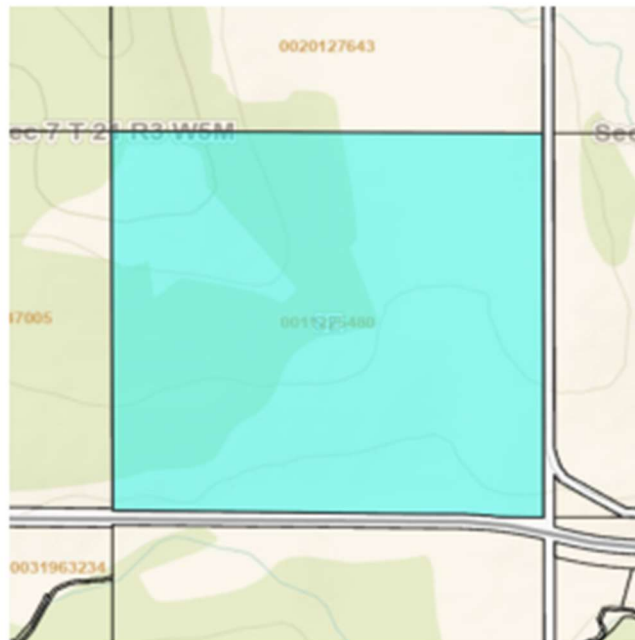
Jeff Badke, Principal Consultant

cc. Delaine Fisher, Landowner

Alberta Transportation and Economic Corridors Notice of Referral Decision

Land Use Bylaw amendment in proximity of a provincial highway

Municipality File Number:	23R043	Highway(s):	549
Legal Land Location:	QS-SE SEC-07 TWP-021 RGE-03 MER-5	Municipality:	Foothills County
Decision By:	Evan Neilsen	Issuing Office:	Southern Region / Calgary
Issued Date:	2023-10-31 14:13:52	AT Reference #:	RPATH0038575
Description of Development:	redesignate +/- 9.89 acre ptn from Agricultural District to Country Residential District to allow for a first parcel out subdivision		



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.
3. No additional highway access to Highway 549 will be permitted for the proposed, or remainder parcels. The proposed and remainder parcels must use the existing highway access, or access the parcels using local roads.
4. In reviewing the application, the proposed development falls within the permit area of a provincial highway as outlined in the Highways Development and Protection Act / Regulation, and will require a permit from the Ministry of Transportation and Economic Corridors. The application can be submitted through the RPATH portal at <https://roadsideplanning.alberta.ca> and may be subject to additional requirements.

This will acknowledge receipt of your circulation regarding the above noted proposal. The subsequent subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 549


Transportation and Economic Corridors offers the following comments with respect to this application:

The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.

The requirements of Section 19 of the Regulation are not met. 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.

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 **Evan Neilsen, Development and Planning Tech**, on **2023-10-31 14:13:52** on behalf of the Minister of Transportation and Economic Corridors pursuant to *Ministerial Order 52/20 – Department of Transportation Delegation of Authority*

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 a 9.89 +/- acre portion of SE 07-21-03 W5M from Agricultural District to Country Residential District, in order to allow for the future subdivision of one new 9.89 +/- acre Country Residential parcel with an approximate 148.8 +/- acre Agricultural District balance parcel.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Land Use Map No. 2103 is amended by *redesignating a 9.89 +/- acre portion from SE 07-21-03 W5M as Country Residential District.*
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 , 2023.

**PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
LAND USE AMENDMENT
December 6, 2023
To be heard at: 11:00 am**

APPLICATION INFORMATION		
	LEGAL DESCRIPTION: PTN. NE 19-21-01 W5M; EAST OF ROAD	
	LANDOWNERS: DAVID & PRISCILLA UNGER	
	AGENT: HUNTER UNGER	
	AREA OF SUBJECT LANDS: 46.5 ACRES	
	CURRENT LAND USE: AGRICULTURAL DISTRICT	
	PROPOSED LAND USE: AGRICULTURAL DISTRICT	
NUMBER & SIZE OF PROPOSED NEW PARCELS: 1 X 23.25 +/- ACRES		
PROPOSAL: Amendment to the Agricultural District land use rules to allow for the future subdivision of one 23.25 +/- acre Agricultural District parcel with a 23.25 +/- acre Agricultural District balance.		
DIVISION NO: 5	COUNCILLOR: Alan Alger	FILE MANAGER: Stacey Kotlar

EXECUTIVE SUMMARY:

Location:

- The subject parcel is located:
- Directly southeast of 1080 Dr W;
 - Directly south of 274 Ave W;
 - 10 km northwest of the Town of Okotoks.

Policy Evaluation:

- Reviewed within the terms of the:
- Municipal Development Plan 2010 (MDP2010);
 - Growth Management Strategy; and
 - Land Use Bylaw 60/2014.

Referral Considerations:

The application submission was referred to required internal departments and external agencies.

PURPOSE OF APPLICATION:

Bylaw XX/2023 – Application to further amend the Land Use Bylaw by authorizing an amendment to the Agricultural District land use rules to allow for the future subdivision of one 23.25 +/- acre Agricultural District parcel from Ptn. NE 19-21-01 W5M.

HISTORY:

The subject quarter was fragmented by road plan 4548L in 1905 with the creation of 1080 Dr W.

SW 29-21-1 W5, 1974: Subdivision approved for 2 x 40-acre parcels with an 80 acre balance (shown in pink).

SW 30-21-1 W5

1976: Subdivision of a full quarter into 2 x 80-acre parcel (shown outlined in red).

1988: Further subdivision of the above southern 80 acres into 2 x 40 acre parcels (shown in brown).

1991: Subdivision of 1 x 5 acre parcel (shown in orange).

1995: Subdivision of 1 x 5 acre parcel (shown in green) with 75 acre balance.

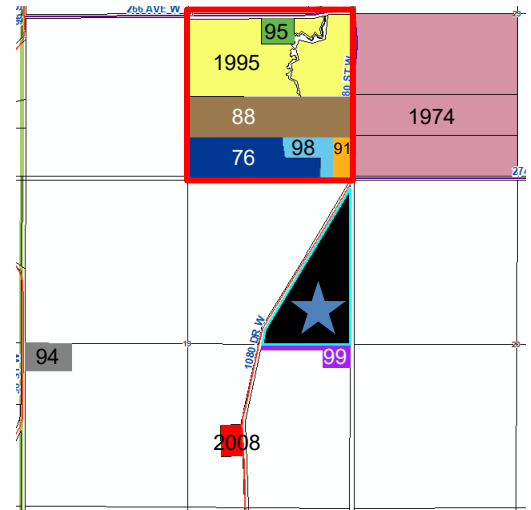
1995: Subdivision of 1 x 44 acre, 1 x 22 acre, 1 x 2.67 and 2.85 ER (shown in yellow).

1998: Subdivision of 1 x 5 acre parcel and 2.25 ER (shown in light blue).

SW 19-21-1 W5, 1994: Subdivision of 1 x 7.76 acre first parcel out (shown in dark grey).

SE 19-21-1 W5, 1999: Subdivision of 1 x 6.16 acre parcel (shown in purple)

SE 19-21-1 W5, 2008: Subdivision of 1 x 4 acre parcel (shown in red).



SITE CONSIDERATIONS:

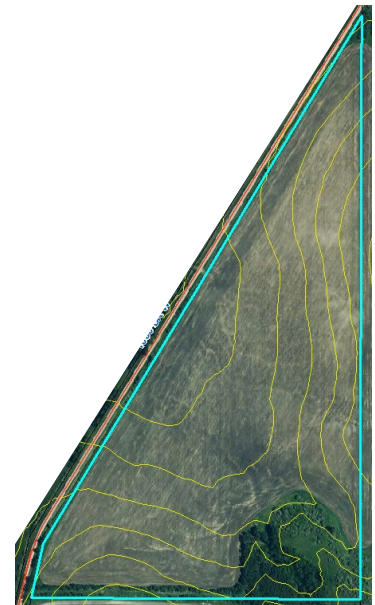
Physiography: The subject parcel is currently used as hay lands and has rolling terrain. The lowest point is the center of 1080 Dr E along the northwest property line and slopes up to the southeast corner, this including slopes that exceed 15% throughout the property.

Access:

Access to the northern lot is proposed to be provided from 1080 Dr E, by way of an existing approach. A new approach is proposed to be constructed from 1080 Dr E in order to provide access to the proposed southern lot.

Existing Development:

There is currently no development on this parcel.



CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<p>The following are recommended for both lots:</p> <ul style="list-style-type: none"> • Building Envelopes • If the building envelope shows slopes greater than 15% we would require Geotechnical Report for Slope Stability • Septic Disposal Evaluation (PSTS) <p>Public Works provided the following additional comments:</p> <ul style="list-style-type: none"> • 5m road widening required by way of caveat along 1080 Dr W; • Existing approach requires upgrades; vegetation clearing, a gravel surface, and culvert clearing/upgrades as required. • Proposed approach to be installed to County Standards with gravel surface and culvert; • Hidden driveway sign could be installed to the north and south. • There are slopes exceeding 15% throughout the property. Building envelopes are recommended and is to show a building envelope that is a minimum of 30m setback from slopes exceeding 15%. If a building envelope cannot be achieved without slopes exceeding 15%, Geotechnical Engineering Report for Slope Stability Testing will be required. • The entire property has natural drainage toward 1080 Dr W. Given the amount of permeable surface and natural drainage towards a municipal road ditch and not neighbouring properties, PW has no concerns with lot grading for the purpose of house and driveway construction.
EXTERNAL	
ATCO Gas	No concerns
ATCO Pipelines	No objections
PUBLIC	
Western Wheel	November 22 nd and 29 th , 2023.
Landowners (half mile)	1 written submission has been received and is included under Appendix C.

POLICY EVALUATION:

Municipal Development Plan (MDP2010):

The application does not generally meet the intent of Policy 2 of the Agricultural section of the MDP2010, which supports maintaining the integrity of the agricultural land base and discourages the fragmentation of agricultural lands within the County.

Land Use Bylaw 60/2014:

The application meets the density requirements and lot size restrictions as set out in Section 12.1.6.2 of the Agricultural District within the County's Land Use Bylaw.

Growth Management Strategy:

The subject parcel is located within the North West District. The vision for the North West District is supportive of minimal to moderate growth with careful consideration of the potential impacts on wildlife habitat and watershed areas.

SUMMARY:

Bylaw XX/2023 – Application to further amend the Land Use Bylaw by authorizing an amendment to the Agricultural District land use rules to allow for the future subdivision of one 23.25 +/- acre Agricultural District parcel from Ptn. NE 19-21-01 W5M.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – FIRST READING APPROVAL

Council may choose to grant 1st reading to the application for an amendment to the Agricultural District land rules in order to allow the future subdivision of one 23.25 +/- acre Agricultural District parcel, leaving a 23.25 +/- acre Agricultural District balance from Ptn. NE 19-21-01 W5M; East of Road for the following reasons:

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

Recommended Conditions for Option #1

1. Landowners are to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for the purposes of payment of the community sustainability fee and any other necessary municipal and on-site improvements as required by Council and the Public Works department;
2. Site plan to be provided which identifies a building envelope for both parcels that meets the requirements as outlined in Policy 9 under the Residential section of the MDP2010, to the satisfaction of the Public Works department;
3. Should the submitted site plan show the building envelopes are within the minimum setback of 30 m from slopes greater than 15%, the applicant is to submit a Geotechnical Report completed in accordance with Municipal Standards to be provided for Slope Stability, to the satisfaction of the Public Works Department.
4. Septic Disposal Evaluation to be provided for both lots, to satisfaction of the Public Works Department;
5. Final amendment application fees to be submitted;
6. Submission of an executed subdivision application and the necessary fees.

OPTION #2 REFUSE APPLICATION

Council may choose to refuse the application for the redesignation of a portion of NE 19-21-01 W5M in order to allow the future subdivision of one 23.25 +/- acre Agricultural District for the following reasons:

In consideration of the criteria noted in the Agriculture section of the MDP2010, Council did not find sufficient merit in the proposal to consider allowing the fragmentation of the subject lands into smaller agricultural parcel, as it is Council's intent to maintain the agricultural land base.

APPENDICES:

APPENDIX A: MAP SET:

LOCATION MAP

HALF MILE MAP – LAND USE

HALF MILE MAP – PARCEL SIZES

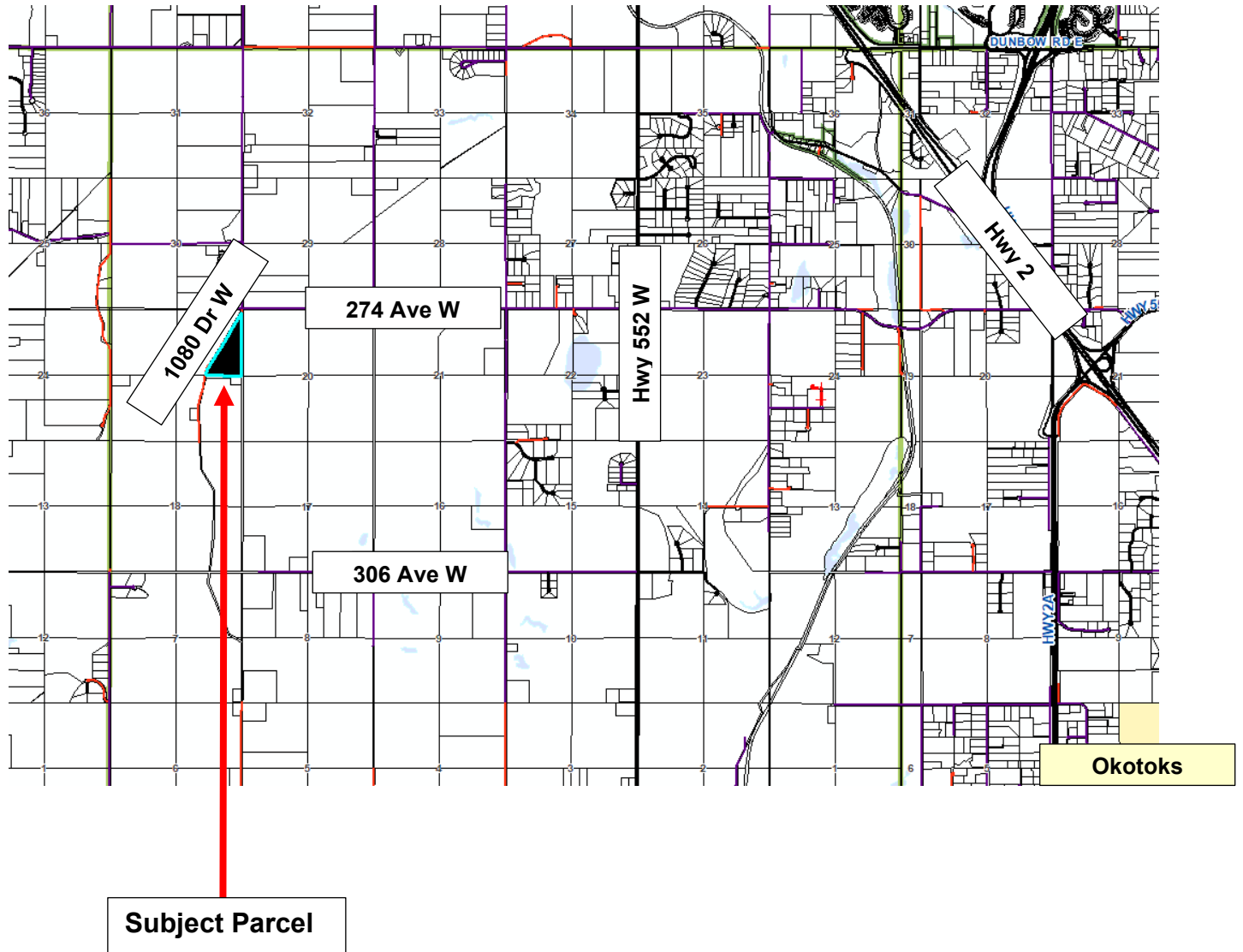
SITE PLAN

SITE PLAN WITH ORTHO PHOTO

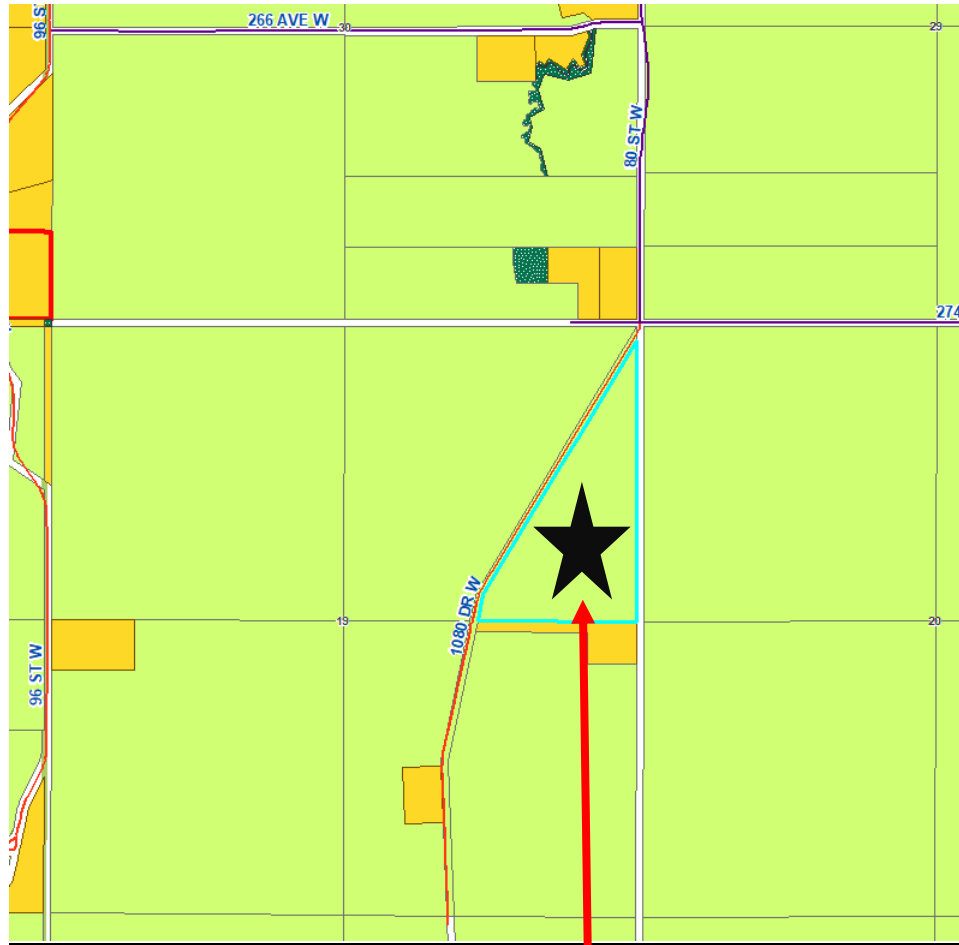
APPENDIX B: PROPOSED BYLAW

APPENDIX C: WRITTEN SUBMISSION

APPENDIX A: LOCATION MAP



APPENDIX A: HALF MILE LAND USE MAP

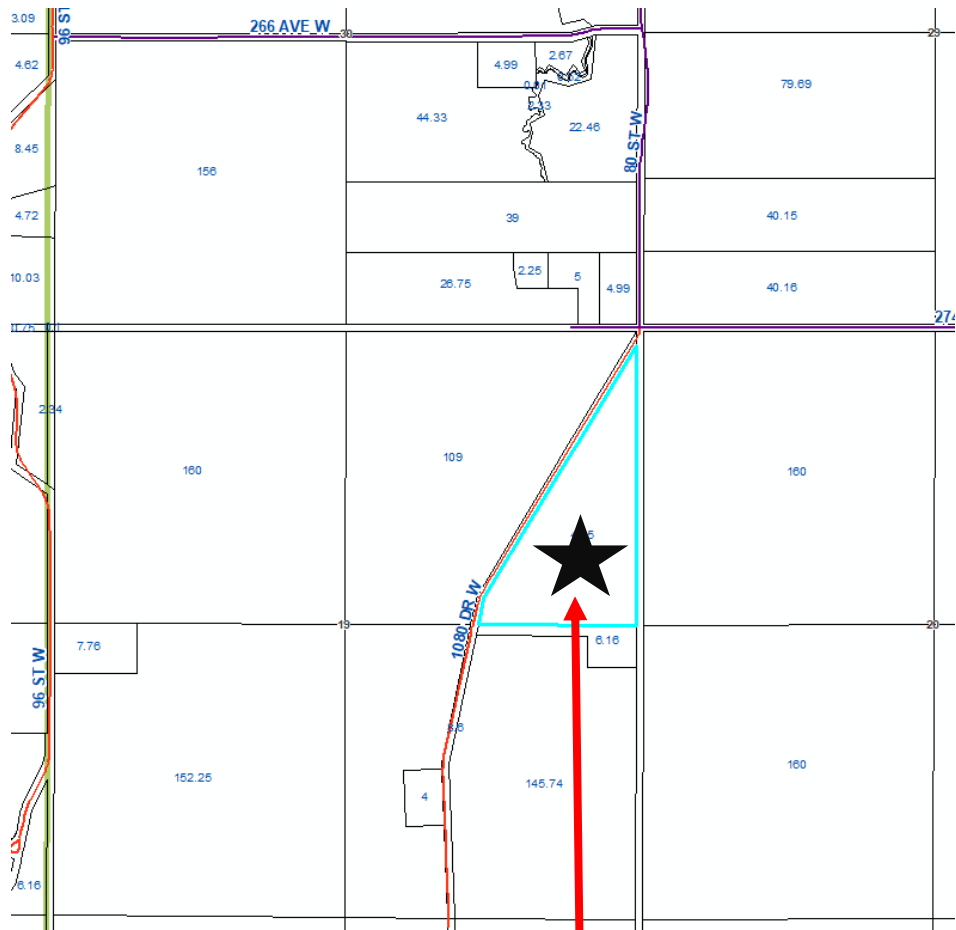


Legend

-  A- Agricultural
-  CR- Country Residential
-  CRA- Country Residential Sub A
-  ER- Environmental Reserve

Subject Parcel

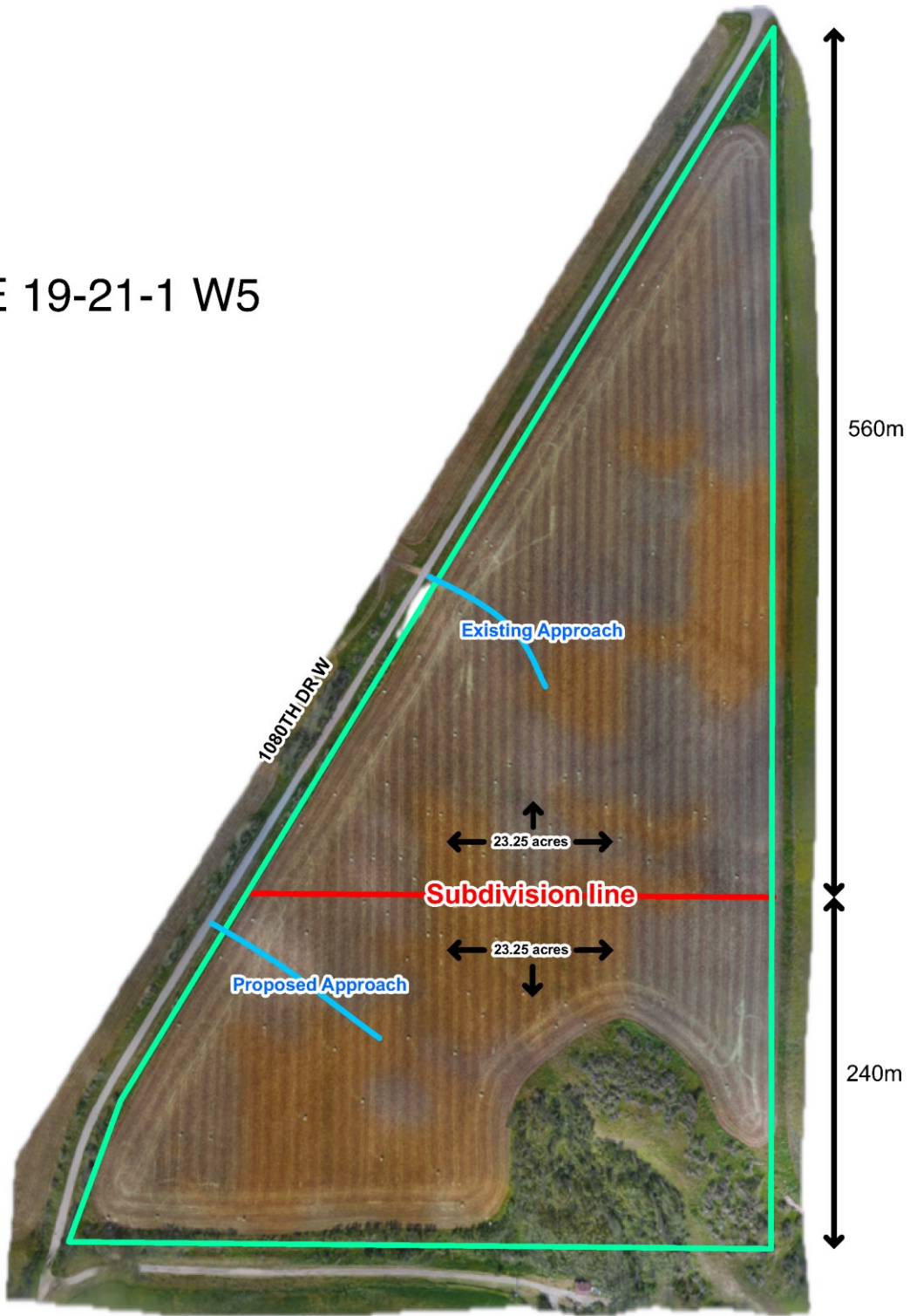
APPENDIX A: HALF MILE LOT SIZES (IN ACRES) MAP



Subject Parcel



NE 19-21-1 W5



APPENDIX B: PROPOSED BYLAW

BYLAW XX/2023

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

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

AND WHEREAS the Council has received an application to further amend the Land Use Bylaw by authorizing the amendment to the Agricultural Land Use District to allow for the future subdivision of one 23.25 +/- acre Agricultural District parcel, leaving a 23.25 +/- acre Agricultural District balance parcel on Ptn. NE 19-21-01 W5M; East of Road.

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:

Ptn. NE 19-21-01 W5M; East of Road within which shall allow for the future subdivision of one new 23.25 +/- acre Agricultural District parcel, with an approximate 23.25 +/- 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 .

RECEIVED

NOV 23 2023

Nov 21/2023

RE: MEETING WEDNESDAY DECEMBER 6, 2023 @ 11:00 AM
FROM: EDWIN + SHEILA HILDEBRAND



REGARDING LAND DESCRIPTION NE 19-21-01 W 5 M
AND DAVID + PRICILLA UNGER, WE DO NOT FEEL SUB DIVIDING
THIS PARCEL OF LAND IS A GOOD THING FOR THE COMMUNITY MAINLY
DUE TO WATER ISSUE'S, WATER IS LIMITED OUT HERE AND
DIGGING 2 MORE WAYS WILL NOT HELP ESPECIALLY ~~IF~~ IF
THE NEW RESIDENTS WANT TO RAISE LIVESTOCK OR ANY TYPE
OF AGRICULTURE, INCLUDING GARDENS.

KIND REGARDS,
ED + SHEILA HILDEBRAND

From: [Tracy Perri](#)
To: [Public Hearings](#)
Cc: [Carlo Perri](#)
Subject: Land Description of Subject Parcel: NE 19-21-01 W5M
Date: November 28, 2023 5:01:21 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

Response to public hearing:

Date: December 6, 2023 at 11:00 AM

Name: Tracy and Carlo Perri

Mailing Address: [REDACTED]

Email Address: [REDACTED]

Good Afternoon,

I am writing in response to the Public hearing regarding parcel NE 19-21-01 W5M owned by David & Pricilla Unger proposing an Amendment to the Agricultural District land use rules to allow for the future subdivision of a one +/- 23.25 acre parcel.

This subdivision causes a concern for us in regards to water usage, extra vehicle traffic I am and migratory animal impact.

Firstly, since the movement of the mailboxes traffic on 266 has become unbearable. Walking on 266 is like walking along a street in Okotoks without the speed regulations. The noise is excessive especially during the agricultural months where bylaws are exempt. The added traffic also adds to the degradation of the road which was not intended for the level of traffic that uses it, sadly the county can not keep up with the current damage, how will they manage with an increase in traffic that could have been prevented?

With the development of the Equestrian center on 265, 266 and 80th in the summer are very steady with traffic. We moved to the rural foothills for the peace and quiet which is getting harder and harder to achieve, we should be able to walk along our roads with a sense of safety. Now the potential of another agricultural business (new owners of subdivision could add to the burden of traffic significantly depending on how they choose to develop it) further threatens our chosen way of living.

Secondly, water is a cherished commodity that we should not take lightly as once it is gone its gone. As everyone is aware the snow packs are not what they used to be leading to a further drain on water supplies, as the drought continues so does the demand on our water, further wells will add to this strain. The area in question is already heavily populated for a rural area, with each residence having their own wells utilizing the aquifer below ground. Once that water vein is used up, everyone around is taxed with either having to drill new wells and hope

that water is found, or have to convert to a cistern that requires water to be trucked in (trucking in water also adds to environmental pollution), all which are extremely expensive and could be avoided if we protect the valuable resource we have in our water.


Thirdly, the environmental impact that this subdivision could create, as the Elk herd uses this area as part of their migratory path. We should be protecting our land instead of dividing it up into smaller pieces, which I was under the impression that the Md of Foothills was against further degradation of land in order to protect agricultural land (grain, hay, canola and grazing land) as well as the species that call the area home.

In closing we are not in favor of this proposed subdivision for reasons of excessive traffic, potential harm to water source for ~14 homes and migratory animal impact. Please do not make this decision lightly as there are no second chances when it comes to our natural resources.

Sincerely,
Tracy and Carlo Perri

[EXTERNAL EMAIL] This email has originated from outside of the Foothills County organization. Do not click on any links or open any attachments unless you recognize the senders Name and Email address.

**PUBLIC HEARINGS AND MEETINGS
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 BYLAW FOR THE REGULATION OF SPECIAL EVENTS IN FOOTHILLS COUNTY
 & AMENDMENTS TO THE LAND USE BYLAW FOR SPECIAL EVENTS
 DECEMBER 6, 2023
 TO BE HEARD AT 1:30 P.M.**

APPLICATION INFORMATION	
	PROPOSAL: DRAFT NEW BYLAW FOR THE REGULATION OF SPECIAL EVENTS IN FOOTHILLS COUNTY & PROPOSED AMENDMENTS TO THE LAND USE BYLAW PERTAINING TO SPECIAL EVENTS
PROPOSAL: Staff has drafted a new Special Event Bylaw for the regulation of Special Events in Foothills County and subsequent amendments to the Land Use Bylaw pertaining to Special Events for Council's consideration.	
FILE MANAGER: Coreena Carr, Planner	

BACKGROUND

In September 1992, Council passed Bylaw 106/92 for the licensing and regulation of Concerts to deal with the regulation and permitting of large concerts being held in the County.

This bylaw has been amended a number of times as follows:

- February 8, 1996 - Bylaw 18/96 Licensing and Regulation of Concerts
- February 5, 1997 - Bylaw 11/97 Licensing and Regulation of Concerts
- June 12, 1997 - Bylaw 66/97 Licensing and Regulation of Special Events.(Current)

In 2010 an updated version of the document was created and later added as Appendix H under the updated Land Use Bylaw 60/2014.

This draft new bylaw is proposed to replace the repealed Bylaw 66/97 and replace Appendix H of the Land Use Bylaw for the regulation of Special Events in Foothills County.

PROPOSAL:

This public hearing is for consideration on two separate bylaws as follows:

- Part 1 – Proposed new Special Event Bylaw for the Regulation of Special Events in Foothills County.
- Part 2 – Bylaw to enable proposed amendments to the Land Use Bylaw pertaining to Special Events.

These two bylaws are being considered concurrently and should not proceed independently of each other.

PART 1 – DRAFT NEW SPECIAL EVENTS BYLAW

WHY ARE WE PROPOSING A NEW SPECIAL EVENTS BYLAW?

We are proposing amendments to the existing Special Event Bylaw for the following reasons:

- The Special Events Bylaw has not been updated since 1997 and requires updating.
- There has been an increasing demand for temporary and seasonal uses in the County such as garden markets, Christmas tree sales sites, and uses that may just occur over a period of a few days or weeks of the year. The proposed amendments will allow these types of temporary uses to fall under the Special Event Bylaw.
- Staff is proposing to streamline and eliminate duplication in the process where possible.
- We have an increasing number of events proceed without approvals and wanted to review our process, ensure adequate information is available to the public regarding requirements, and strengthen the ability to proceed with enforcement when events go ahead without approvals when necessary.
- Our goals are to provide more clarity and transparency regarding when approvals are necessary, and to give applicants an understanding of items or information that may be required either as part of an application or as a condition of an approval.

WHAT ARE THE PROPOSED CHANGES?

1. Defining Subcategories of Special Events.

Current Definition under Bylaw 66/97:

Special Event shall mean any event or activity, whether indoors or outdoors, which is held at any place within the municipality and to which members of the public are invited or admitted, whether or not an admission fee is charged, but shall not include family gatherings, community-sponsored events such as Christmas parties, breakfasts, card parties, or other similar social functions.

Staff is proposing two categories of special events based on size, intensity, and type of special event – minor and major. This will allow the County to differentiate between those special events requiring a Development Permit, those that require a Special Event License, or those exempt from County approvals.

The new draft bylaw has redefined Special Event as follows:

Special Event is an event, which depending on the event type, location, and size, is subcategorized either a minor or major special event as follows:

Major Special Event means a private or public event expected to have an attendance of 500 or more people. Due to the size and/or nature of the event, it may have a potential for higher degree of impact on neighboring properties by way of noise, traffic, and/or light pollution.

Minor Special Event means an event which meets the following parameters:

- a. a public event expected to have an attendance of less than 500 people,
- b. a private event expected to have an attendance of more than 150 people but less than 500 people.
- c. private events, expected to have an attendance of more than 50 but less than 150 people, held on a site more than twice annually.

Due to the size and the nature of these events, they are expected to cause minimal nuisance or impact on neighboring properties by way of noise, traffic, and/or light pollution. An otherwise minor special event may be “upgraded” to a major special event if the nature of the event may cause additional impact or nuisance (for example a high intensity of animals or dogs are included as part of the event, noise, light pollution, or other potential impact on neighboring properties).

For the purposes of these definitions, private and public events have also been defined as follows:

Event, Private means an event or gathering, intended for guests by invitation only such as, but not limited to, birthday parties, family reunions, family weddings, barbecues, or holiday celebrations and may include private corporate functions.

Event, Public means an event or gathering open to the general public, including but not limited to, exhibitions, expositions, fairs, markets, temporary sales venues, festivals, entertainment, cause-related awareness, fundraising, and leisure events.

2. New Approval Process

The current bylaw process requires a Special Event to go through both a Development Permit and then a subsequent licensing process. This process has proven to be time consuming, unclear, and somewhat repetitive.

Staff has proposed to amend the approval process under the new Special Events Bylaw, whereby Special Events will require either a Development Permit or a Special Event License, but not both. We have also provided consideration to when a Special Event will be exempt from County approvals for clarity. These changes have been proposed in an attempt to reduce red tape and make the approval process easier to understand and more efficient.

Special event approval processes are broken into three scenarios:

1. Special events that require a Development Permit - only the larger events requiring approval from external governing bodies and those events that may have greater potential for impact on neighbouring properties would require Development Permit approval.
 - a. All Major Special Events, require a Development Permit, **except where**:
 - i. The Event is held at a site that has been specifically approved under Development Permit for hosting such events and the Special Event falls within the parameters of the existing approval.
 - ii. Any Special Event hosted by the County or Authorized by the County on lands owned or controlled by the County.
 - iii. Any Special Event hosted by school official or affiliate group, held on lands owned or controlled by the local school board.
 - b. Minor Special Events recurring on a property more times annually than allowed under the definition (for example more than one private event of 150-500 in attendance or more than one public event of less than 500 attendance)
2. Special events that only require a Special Event License - smaller special events with minimal impact on neighbouring properties go through a licensing process which is a shorter and simpler process, while still allowing the County to ensure the safety of the public.
 - a. All Minor Special Events require a Special Event License except where they exceed the allowable number of recurring events on a property annually, in which case they require a Development Permit.

3. Events that are exempt from County approvals.

The following events held within Foothills County are exempt from Special Event approvals:

- a. A public or private event that is held at a site that has been specifically designed, built, and approved under an existing valid Development Permit for hosting such events and the said event is in compliance with the permitting conditions (for example an event venue, agricultural society, or community halls).
- b. A public or private event that has been issued a Development Permit for such special event in accordance with the Land Use Bylaw.
- c. Any number of private events held on a site annually with an expected attendance of 50 or less.
- d. Up to a maximum of two (2) Private Events on a site annually with an expected attendance of more than 50 but less than 150 people.
- e. A public or private event hosted by the County or authorized by the County pursuant to the terms of a lease, licence, or facility rental agreement, on lands owned or controlled by the County.
- f. A public or private event hosted by school officials or affiliated group, held on lands owned or controlled by a local school board.

The County may require a Special Event Licence or Development Permit, where it is determined by the Licensing Officer that any special event, due to the size and nature of the event, may have significant impact on neighboring properties. (for example, where animals or dogs involved with the event are brought to the site, or the event involves nuisance outside of what is expected under the defined level of special event.

Note: Other approvals may be required outside of the Special Event Bylaw or County approvals, even where events are exempt from approval under the County’s Special Event Bylaw and Land Use Bylaw. (For example, AGLC approvals if liquor or cannabis is on site, approvals for signage, personal liability insurance requirements, etc.). Landowners are encouraged to look into what other authorities may have requirements for events.

3. **Updated Requirements and Conditions – Schedule A to Special Event Bylaw**

Staff has also outlined a list of application requirements and conditions that may be imposed when making application for a Special Event through both the Development Permit process or Special Event License. These requirements and conditions are intended to provide clarity and transparency for applicants regarding what they may have to provide to the County when making an application.

Schedule A to the Special Event Bylaw includes a list of those requirements and conditions and can be found as part of the draft Special Event Bylaw in **Appendix A** to this report.

A new Special Event Application Form has been developed to help both staff and applicants ensure that the appropriate information is included for a completed application.

4. Other Special Event Bylaw Details

The draft bylaw for the regulation of Special Events in Foothills County includes new and updated information on the following:

- a. Application fees have been removed from the bylaw itself and will be included within the Foothills County Fee Bylaw that is reviewed on an annual basis.
- b. A list of circulation agencies both internal and external are identified under Section 7.
- c. Decision, inspections, and appeal information is provided for clarity under Section 8 -10.
- d. A list of applicant and County responsibilities, as part of special event applications, is provided for transparency under Section 11.
- e. Information regarding offences, violations, and penalties, etc. as part of enforcement on special events is outlined under Sections 12 – 18.

A complete copy of the draft Special Event Bylaw is attached as **Appendix A** to this report for Council review and discussion. The current Bylaw 11/97 for Special Events has been included as **Appendix C** for comparison with what is currently in place.

PART 2 – PROPOSED LAND USE BYLAW AMENDMENTS

Concurrent with the proposal for a new bylaw for the regulation of Special Events in Foothills County, staff has proposed subsequent amendments to the Land Use Bylaw to align with provisions under the Special Events Bylaw.

Proposed amendments to the Land Use Bylaw include:

- Updated definitions to align with the Special Events Bylaw.
- Additional provisions under Section 4.2.1 “No Development Permit Required” to outline where a Development Permit is not required for a Special Event.
- An additional provision under Section 4.2.1 “No Development Permit Required” to identify when a Development Permit is not required for temporary signage, including for special events (no more than 14 days).
- New provisions are added to Section 9.26 Special Events under the Land Use Bylaw to align with the Special Event Bylaw.
- Provisions have been added to clarify that the applicable Special Event category – minor or major, must be listed as a use under the current land use district in order for a Development Permit application to be made, or a bylaw amendment must be enacted to redesignate the lands to an appropriate land use district prior to the Development Authority considering the development permit.
- Amendments have been made to the permitted and discretionary uses within land use districts under the Land Use Bylaw to identify where applications can be made for Secondary Suites.

A copy of the draft Land Use Bylaw amendments to correspond with the Special Event Bylaw has been included as **Appendix B** for Council’s information.

PUBLIC HEARING NOTICE

Notice of the public hearing was provided in the following manners:

- Advertised in the November 22, 2023, and November 29, 2023, issues of the Western Wheel.
- Notice of the hearing was posted on the County website starting November 22, 2023, through to the date of the public hearing.
- Social media notices were posted on both Facebook and Twitter November 28, 2023.

SUMMARY

Staff has provided a report for Council's consideration for the following two separate bylaws:

- Part 1 A draft new Special Event Bylaw for the regulation of Special Events in Foothills as attached in **Appendix A**; and
- Part 2 A bylaw to enable proposed amendments to the Land Use Bylaw pertaining to Special Events as attached in **Appendix B**.

OPTIONS FOR COUNCIL CONSIDERATION:

These two bylaws are being considered concurrently and should not proceed independently of each other. If Part 1 is not approved, or if any changes are made to Part 1, consideration will be required on Part 2 for consistency.

PART 1 – NEW BYLAW FOR THE REGULATION OF SPECIAL EVENTS IN FoothILLS COUNTY

OPTION #1 –1st READING APPROVAL

Should Council be of the opinion that the draft new bylaw for the "Regulation of Special Events in Foothills County" is consistent with the existing regional and municipal policy frameworks, and no significant planning considerations have been brought forward through the public hearing that cannot be resolved through the planning process; Council may wish to move first reading of Bylaw XX/2023 to authorize approval of the draft bylaw as outlined in the attached **Appendix A**.

Council shall direct staff on any additional information or changes they wish to see prior to second and third reading.

OPTION #2 POSTPONE APPLICATION

Should Council be of the opinion that additional information is required prior to rendering a decision, Council may choose to move to postpone approval on the draft new bylaw for the "Regulation of Special Events in Foothills County". Council shall direct staff to provide any additional information deemed necessary.

OPTION #3 - REFUSE APPLICATION

Should Council be of the opinion that the draft new bylaw for the "Regulation of Special Events in Foothills County" is not suitable, Council may choose to refuse the bylaw and should provide reasons for refusal.

PART 2 – AMENDMENTS TO LAND USE BYLAW PERTAINING TO SPECIAL EVENTS

OPTION #1 –1st READING APPROVAL

Should Council be of the opinion that the proposed Land Use Bylaw amendments are consistent with the existing regional and municipal policy frameworks, and no significant planning considerations have been brought forward through the public hearing that cannot be resolved through the planning process; Council may wish to move first reading of Bylaw XX/2023 to authorize amendments to the Land Use Bylaw as outlined in the attached **Appendix B**.

Council shall direct staff on any additional information or changes they wish to see prior to second and third reading.

OPTION #2 POSTPONE APPLICATION

Should Council be of the opinion that additional information is required prior to rendering a decision, Council may choose to move to postpone approval on the bylaw for proposed Land Use Bylaw amendments. Council shall direct staff to provide any additional information deemed necessary.

OPTION #3 - REFUSE APPLICATION

Should Council be of the opinion that the proposed Land Use Bylaw amendments are not suitable, Council may choose to refuse the bylaw for proposed Land Use Bylaw Amendments and should provide reasons for refusal.

APPENDICES

Appendix A – Proposed bylaw for the “Regulation of Special Events in Foothills County”.

Appendix B – Proposed bylaw including draft Land Use Bylaw amendments for Special Events.

Appendix C – Current Special Event Bylaw 66/97 (for reference).

APPENDIX A - PROPOSED BYLAW FOR THE REGULATION OF SPECIAL EVENTS IN Foothills County

Foothills County



BYLAW XXXX

BEING A BYLAW OF Foothills County, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION OF SPECIAL EVENTS HELD IN Foothills County.

WHEREAS the *Municipal Government Act* allows municipalities to pass bylaws respecting the safety, health, and welfare of people, and the protection of people and property.

AND WHEREAS the *Municipal Government Act* allows municipalities to pass bylaws respecting people, activities, and things in, on, or near a public place, or a place that is open to the public.

AND WHEREAS the Council of Foothills County recognizes that Special Events are essential in our communities as they provide opportunities for social connection, which contributes to a sense of identity, place, and community vibrancy.

NOW THEREFORE the Council of Foothills County, in the Province of Alberta, enacts as follows:

1.0 SHORT TITLE

1.1 This bylaw may be cited as the "Special Events Bylaw".

2.0 PURPOSE

2.1 The purpose of this bylaw is to provide for permitting and regulation of Special Events held within the boundaries of the Foothills County.

3.0 DEFINITIONS

3.1 In this Bylaw, the following definitions shall apply:

"Approving Authority" means the authority authorized to exercise approving powers and duties on behalf of the County in accordance with the Municipal government Act and Land Use Bylaw.

"Applicant" means a person, who applies for a Special Event Licence or Development Permit pursuant to this Bylaw and shall also mean a Person who is appealing the refusal, revocation or suspension of a license or Development Permit.

"Application" means an application for a Special Event Licence.

"Bylaw Enforcement Officer" means a person who has been appointed by the County for the purposes of enforcing County Bylaws. A Bylaw Enforcement Officer is, in the execution of their enforcement duties, a person responsible for the maintenance and preservation of the public peace and as such, is deemed to be a Peace Officer.

Chief Administrative Officer (CAO) means the Person appointed by Council to the position of Chief Administrative Officer which is established by bylaw under Section 205 of the Municipal Government Act.

"Council" means the duly elected Council of Foothills County.

"County" means Foothills County.

"Development Permit" means a document issued under the Land Use Bylaw that approves a development.

“Event, Private” – means an event or gathering, intended for guests by invitation only such as, but not limited to birthday parties, family reunions, family weddings, barbeques, or holiday celebrations and may include private corporate functions.

“Event, Public” means an event or gathering open to the general public, including but not limited to, exhibitions, expositions, fairs, markets, temporary sales venues, festivals, entertainment, cause-related awareness, fundraising, and leisure events.

“Expected Attendance” means the number of people reasonably expected to attend the Special Event including the event promoters, staff, personnel, and entertainers.

“Fee Bylaw” means Foothills County’s current Fee Bylaw, as amended, or replaced from time to time.

“Land Use Bylaw” means Foothills County Bylaw 60/2014, being the *Land Use Bylaw*, as amended or replaced from time to time.

“Landowner” means the person or persons who own title to the land.

“Licensee” means a Person or entity that holds a current Special Event Licence issued pursuant to the provisions of this Bylaw.

“Licensing Officer” means the person or persons appointed by the Chief Administration Officer to issue licences and assist in the administration and enforcement of this bylaw.

“Non-Profit Organization” means:

- a. a society, credit union, or cooperative established under federal or provincial legislation.
- b. a corporation that is prohibited from paying dividends to its members and distributing the assets to its members on a winding up; or
- c. any other entity established under a law of Canada or Alberta for a purpose other than to make a profit.

“Primary Contact Person” means the one primary point of contact for the special event and associate application and permitting/licensing process.

“Municipal Government Act” means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time.

“Peace Officer” means

- a. a Bylaw Enforcement Officer as appointed by the Foothills County Council to enforce the County Bylaws,
- b. a Community Peace Officer as appointed by the Solicitor General of Alberta,
- c. a member of the Royal Canadian Mounted Police, or
- d. person authorized as a Designated Officer by Council or the CAO to enforce the provisions of this Bylaw.

“Person” means a natural person, firm, corporation, association, partnership, society or legal entity.

“Private Corporate Function” means a event, held by a corporation or business for their staff, clients, or stakeholders, by invitation only, for the purposes of holiday parties, team building, etc.

“Remedial Order” means an order written pursuant to Section 545 of the Municipal Government Act.

“Site” means the property, properties, or portion of a property designated on a site plan included with the application form, showing the designated area utilized for the Special Event.

“Special Event” is an event, which depending on the event type, location, and size, is subcategorized either a minor or major special event as follows:

“Major Special Event” a private or public event expected to have an attendance of 500 or more people. Due to the size and/or nature of the event, it may have a potential for higher degree of impact on neighboring properties by way of noise, traffic, and/or light pollution.

“Minor Special Event” an event which meets the following parameters:

- a. a public event expected to have an attendance of less than 500 people,
- b. a private event expected to have an attendance of more than 150 people but less than 500 people.
- c. private events, expected to have an attendance of more than 50 but less than 150 people, held on a site more than twice annually.

Due to the size and the nature of these events, they are expected to cause minimal nuisance or impact on neighboring properties by way of noise, traffic, and/or light pollution. An otherwise minor special event may be “upgraded” to a major special event if the nature of the event may cause additional impact or nuisance (i.e. a high intensity of animals or dogs are included as part of the event, noise, light pollution, or other potential impact on neighboring properties).

“Special Event Licence” shall mean a licence for a special event in accordance with this bylaw.

“Special Event Reference Guide” means Foothills County’s Special Event Reference Guide, as amended, or replaced from time to time, which is supplemental to this bylaw.

“Subsequent Offence” means any offence under this Bylaw committed by a Person after that Person has already been convicted of an offence under this Bylaw or has voluntarily paid a fine for such an offence.

“Violation Ticket” means a notice or ticket in a form approved by the Council issued by the County allowing voluntary payment of a fine established under this bylaw.

4.0 GENERAL PROHIBITION

- 4.1 No person shall operate, maintain, hold, conduct, promote, advertise, or sell tickets for a special event within the County without first having obtained a Development Permit or Special Event License for the event unless exempt under this Bylaw or the Land Use Bylaw.

5.0 SPECIAL EVENT PERMITS & LICENCES

- 5.1 Persons wishing to hold, conduct, organize, manage, promote, or sell tickets for a Special Event in Foothills County must first obtain a Special Event Licence or have an approved Development Permit from Foothills County in respect of such activity in accordance with this Bylaw and Land Use Bylaw 60/2014 prior to holding the event, except where exempt under Section 4.2.1 of the Land Use Bylaw or Section 5.6 of this bylaw..
- 5.2 A Development Permit is required for all Special Events held in Foothills County not exempt under Section 4.2.1 of the Land Use Bylaw.
- 5.3 Development Permits shall be applied for and processed in accordance with the Foothills County Land Use Bylaw 60/2014.
- 5.4 A Special Event Licence is required for all Special Events not requiring a Development Permit except for events which are listed as exempt from a Special Event Licence under Section 5.6 of this Special Events Bylaw.

- 5.5 Notwithstanding Section 5.2 - 5.4, the County may require a Special Event Licence or Development Permit, where it is determined by the Licensing Officer that any special event, due to the size and nature of the event, may have significant impact on neighboring properties. (for example where animals or dogs involved with the event are brought to the site, or the event involves nuisance outside of what is expected under the defined level of special event).

Special Event Licence Exemptions

- 5.6 The following special events are exempt from the requirement of a Special Event Licence in Foothills County:
- a. A public or private event that is held at a site that has been specifically designed, built, and approved under an existing valid Development Permit for hosting such events and the said event is in compliance with the permitting conditions (For example Event Venue, Agricultural Society, Community Halls).
 - b. A public or private event that has been issued a Development Permit for such Special Event in accordance with the Land Use Bylaw.
 - c. Any number of Private Events held on a site annually with an expected attendance of 50 or less
 - d. Up to a maximum of two (2) Private Events on a site annually with an expected attendance of more than 50 but less than 150 people.
 - e. A public or private event hosted by the County or authorized by the County pursuant to the terms of a lease, licence, or facility rental agreement, on lands owned or controlled by the County.
 - f. A public or private event hosted by school officials or affiliated group, held on lands owned or controlled by a local school board.
- 5.7 Charitable or non-profit organizations and schools may be exempt from all required licence fees under this bylaw at the discretion of Council.

6.0 SPECIAL EVENT APPLICATION

- 6.1 Application for a Special Event must be made to the Approving Authority/Licensing Officer on the form prescribed, with the information required by the County, in writing in the following timelines:
- a. A complete Special Event Licence application for a Minor Special Event shall be submitted to the County a minimum of forty-five (45) days prior to the proposed date of the event.
 - b. A complete Development Permit application for a Major Special Event shall be submitted to the County a minimum of ninety (90) days prior to the proposed date of the Event.
- 6.2 The applicant shall submit a signed Declaration of Understanding concurrent with the application in which they declare their understanding that in making the application:
- a. they grant permission to Foothills County to enter the site for inspection, and
 - b. they indemnify Foothills County from any claims arising or any liability for damage to persons or property caused by way of issuance of the Special Event Licence or from the Special Event itself.
- 6.3 Applications shall be accompanied by a filing fee and application fee in the amount established in the Foothills County Fee Bylaw at the time of the application. The filing fee shall be non-refundable. The application fee may be refunded if the Special Event permit is not issued but is otherwise non-refundable.

- 6.4 In addition to the non-refundable filing fee and application fee required under Section 6.3 of this bylaw, the applicants or event organizers may be required to provide payment for the following:
- a. any fees associated with, but not limited to, policing, and other expenses the County may incur as a result of damage to its infrastructure, and
 - b. any fees associated with additional requirements specified in Schedule A of the Special Event Bylaw xx/23, which are required to be paid at least fourteen (14) days prior to the event.
- 6.5 The Approving Authority, may in their discretion, require a refundable security deposit, in a form acceptable to the County, in an amount deemed appropriate for the nature of the proposed event. The security deposit may be used to rectify damage to a road or property, to pay for maintenance, clean up, fire response or other charges related to the event, and/or to compensate the County for unpaid accounts accrued by the applicant or event organizer. Security deposits required shall be paid at least fourteen (14) days prior to the event. Such surety will be refunded further to the completion of the event, once it has been confirmed that all responsibilities of the applicant have been fulfilled.

7.0 APPLICATION CIRCULATION

- 7.1 Upon receipt of a complete application, the Licensing Officer may provide the complete application to any or all of the following individuals and agencies for their review and comments:
- a. Area Councillor
 - b. Manager of Foothills Patrol
 - c. Foothills County Fire Chief
 - d. Foothills County Director of Emergency Management
 - e. Foothills County Director of Corporate Services
 - f. Foothills County Manager of Parks and Recreation
 - g. Director of Public Works – Transportation & Servicing
 - h. Manager of Safety Codes
 - i. Other municipalities (where application may impact other municipalities)
 - j. Alberta Transportation – If involving Highways
 - k. Alberta Health Services – food vendors and personal services.
 - l. Alberta Gaming, Liquor & Cannabis Commission –if serving or selling liquor/cannabis is proposed.
 - m. Government of Alberta, Policing Standards Branch – if enhanced policing is likely to be required.
 - n. Medical Services – ambulance/first aid
 - o. Any other agency or person which in the opinion of the Licensing officer may assist in determining whether or not issuing the Special Event Licence is appropriate under the circumstance.

8.0 DECISIONS ON SPECIAL EVENT APPLICATIONS

Special Event Permit

- 8.1 Upon receipt of a Development Permit application for a Special Event, the application shall be processed in accordance with Section 5 of the Land Use Bylaw.

Special Event Licence

- 8.2 Upon receipt of a Licence application for a Special Event and in consideration of the application information and comments received by individuals and agencies for review and comment, the Licensing Officer shall within twenty (20) days after receipt of a complete application:
- a. Issue the licence either without conditions or with the conditions that the County considers appropriate; or
 - b. Have the applicant apply for a Development Permit where the event meets the criteria for a Special Event requiring a Development Permit. or
 - c. Refuse to issue the licence if:
 - i. the applicant or event organizer has previously operated a special event in breach of a condition of a licence, permit, or County bylaw.
 - ii. any of the individuals or agencies consulted recommends against the licence.
 - iii. in the opinion of the Licensing Officer, the noise or nuisance created by the special event could cause an unreasonable nuisance for persons in the area of the special event.
 - iv. in the opinion of the Licensing Officer, issuing the Special Event License may harm the health, safety, welfare and property of the special event attendees, County residents and/or members of the public; and/or
 - v. the complete application was not submitted to the satisfaction of the Licensing Officer
- 8.3 In accordance with Section 8.2, the Licensing Officer must make a decision on the Special Event Licence within twenty (20) days after receipt of a complete Special Event application unless a time extension agreement has been entered into with the applicant.
- 8.4 The Licensing Officer shall not issue a Licence, if:
- a. the application is not complete and/or the application fee has not been paid;
 - b. the proposed safety or security procedures are inadequate; and/or
 - c. the proposed site is inadequate for the Special Event.
- 8.5 The Licensing Officer may impose such conditions on the Special Event Licence that they, in their discretion, reasonably determine as being necessary to protect the health, safety, welfare and property of the Special Event attendees, County residents and members of the public. Schedule A includes a list of conditions that may be required on a special event depending on the size and nature of the event.
- 8.6 The ability of the Licensing Officer to grant relief from the requirements of this Bylaw shall be limited to those items within the authority of the Licensing Officer under this Bylaw. Being granted relief from requirements under this bylaw does not relieve the applicant or event organizer from any conditions or requirements imposed by other Federal, Provincial or Municipal, regulations, bylaws, contracts etc.
- 8.7 The Licensing Officer may grant a time extension to the timelines required for compliance of said conditions imposed on approval of an application where a time extension agreement has been entered into with the applicant.
- 8.8 All costs and expenses incurred in meeting the requirements of this Bylaw and any conditions of the Special Event Licence shall be borne solely by the applicant.
- 8.9 The Licensing Officer may revoke or suspend a Special Event Licence where the applicant:
- a. Fails, neglects, or otherwise refuses to pay to the County the fee prescribed by a provision of this Bylaw.
 - b. Fails, neglects, or otherwise refuses to fulfill any or all of the Development Permit conditions, or Special Event Licence conditions imposed pursuant to the provisions of this Bylaw or the Land Use Bylaw.
 - c. Allows the Special Event to be conducted in a manner contrary to the terms of this Bylaw or contrary to the terms and conditions of the Development Permit or Special Event Licence.

- 8.10 Where the application is denied, suspended, or revoked, the Licensing Officer shall mail and/or email a written notice to the applicant or event organizer. The notice shall include a statement of the reasons the application was denied, suspended, or revoked. After service of the notice, the event shall not be carried on until such time as a new Special Event Licence is issued, or the revoked or suspended licence is reinstated.
- 8.11 A notice of denial or revocation of a Special Event Licence shall be deemed to be served on the date of service unless it is sent by mail in which case it shall be deemed to be served seven (7) working days after the date it is mailed.

9.0 RIGHT OF APPEAL

- 9.1 Appeals on Development Permits for Special Events shall be done in accordance with Land use Bylaw 60/2014.

Special Event Licence

- 9.2 An applicant who has had an application for a Special Event Licence refused or a licence holder who has had a Special Event Licence revoked or suspended may appeal the Licencing Officer's decision to the Subdivision and Development Appeal Board.
- 9.3 To be considered valid, an appeal shall be made in writing on the appropriate form and be received by the County's Legislative Services Department within fourteen (14) days after service of notice under Section 8.2.
- 9.4 Upon hearing an appeal under Section 8.2, the Subdivision and Development Appeal Board may:
- confirm the refusal, revocation or suspension,
 - direct that the Special Event Licence be issued with or without conditions,
 - reinstate the revoked licence, or
 - remove or vary the suspension.

Decisions of the Subdivision and Development Appeal shall be final, and binding. No further appeal is available.

10.0 INSPECTIONS

- 10.1 Where an applicant has made an application for a Special Event Licence or is licensed or permitted under a Development Permit for a special event, the site may be inspected by the Licensing Officer and/or a Peace Officer.
- 10.2 Where a Licensing Officer and/or Peace Officer reasonably believes a Special Event requiring a Special Event Licence or a Development Permit is taking place, being organized, or tickets are being sold for such without the appropriate approvals, the applicant shall:
- Permit and assist in all inspections requested by the Licensing Officer and/or Peace Officer.
 - Furnish upon demand to the Licensing Officer and/or Peace Officer, all information or documentation related to the inspection or the County's licensing requirements.
- 10.3 When undertaking inspections under Section 10.2, the County shall provide notice pursuant to the provisions of Section 542 of the Municipal Government Act as may be amended or replaced from time to time.
- 10.4 During an inspection the Licensing Officer and/or Peace Officer may examine any records or documents for the purpose of enforcing this Bylaw and remove any relevant record or document from the site for the purpose of copying it. A receipt will be provided for any document or record so removed.

11.0- RESPONSIBILITIES

11.1 Responsibility of Foothills County

- a. Provide a one point of contact for the County, preferably the Licensing Officer, through the application and permit approval process, so the applicant is only needing to contact one County staff person for all information and questions.
- b. Respond to an applicant within seven (7) days of receiving a complete application for a Special Event Licence.
- c. Work with the applicant to ensure they understand the legislative and safety requirements to assist the applicant in completing and submitting required information.
- d. Attend pre- and post-event meetings as requested by the applicant and as deemed reasonable by the Licensing Officer.
- e. Provide a decision within twenty (20) days of receipt of a complete application.
- f. Liaise with internal technical experts to assist the applicant in meeting all required municipal legislative and safety requirements prior to the scheduled event.
- g. Issue a Special Event Licence when all requirements under the bylaw have been met.

11.2 Responsibilities of Applicant:

- a. The Applicant must ensure that a Development Permit or Special Event Licence has been obtained and all conditions met before the special event is to take place at that site. Advertising, promotion of, and ticket sales for an event shall not occur prior to the special event permit or license being issued. Any advertising, promotion or ticket sales conducted prior to all conditions of approval being met, will be at risk of the event not going ahead due to terms or conditions of the license, permit or this bylaw not being met.
- b. Complete the *Special Event Application* form and *Declaration of Understanding* fully and accurately.
- c. Pay all appropriate fees as required by the County's Fee Bylaw.
- d. Provide the County with one point of contact through the application and licence approval process, preferably the applicant.
- e. Ensure the parcel address (Foothills County Blue Sign) is posted during the event to allow for emergency response to the property.
- f. Notify the County within a minimum of seven (7) days of any changes or additions to the event once the application has been submitted to the County.
- g. Attend required pre- and post-event meetings, as requested by the County.
- h. Meet all requirements of a conditional approval of the licence and submit proof of such to the Licensing Officer in a timely manner in accordance with the decision.
- i. Comply with all relevant Federal, Provincial or Municipal laws in existence at the time of the Special Event.
- j. Ensure that all costs and expenses incurred in meeting the requirements of the *County's Special Events Bylaw xx/23* or any conditions attached to the Special Event Licence are paid, as these are the responsibility of the applicant.

12.0. OBSTRUCTION

- 12.1 No Person shall interfere with or obstruct the Licensing Officer or Peace Officer conducting an investigation or taking any action under the authority of this Bylaw or the Municipal Government Act.
- 12.2 The Municipality may, in addition to issuing violation ticket(s), make application to the Court of King's Bench to seek an Order pursuant to Section 543 of the Municipal Government Act, should a Person obstruct a Peace Officer lawfully exercising their authorities pursuant to the Municipal Government Act, the Land Use Bylaw, or this Bylaw.

13.0 GENERAL OFFENCES AND PENALTY PROVISIONS

- 13.1 No person shall operate, maintain, hold, conduct, promote, advertise, or sell tickets for a special event within the County without first having obtained a Development Permit or Special Event License for the event unless exempt under this Bylaw or the Land Use Bylaw.
- 13.2 No person shall operate, hold, conduct, promote, advertise or sell tickets for a special event within the County after a Special Event License or Development Permit has been revoked under Section 8.8 of the Bylaw.
- 13.3 Any Person who provides false or misleading information in an application is guilty of an offence and is liable on conviction to imposition of a penalty as prescribed by this bylaw.
- 13.4 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty as prescribed by the Bylaw.
- 13.5 Any person who :
- a. operates, maintains, holds, conducts, promotes, advertises or sells tickets for a Special Event in the County without having first obtained a valid Development Permit or Special Event Licence, unless the event is exempt under this Bylaw or the Land Use Bylaw; or
 - b. having obtained a Development Permit or Special Event Licence, fails to comply with any term or condition set out in this Bylaw or specified on the Development Permit or Special Event Licence; or
 - c. contravenes any provision of this Bylaw by doing any act or thing which the applicant is required to do or fails to do any act or thing the applicant is required to do; or
 - d. who obstructs or hinders any other person in the exercise or performance of that person's powers or duties pursuant to this Bylaw.
- is guilty of an offence.
- 13.6 No person shall willfully obstruct, hinder or interfere with a Peace Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of the bylaw.
- 13.7 Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed, to imprisonment for not more than one (1) year.
- 13.8 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation other bylaw, or any requirement of any lawful permit, order or licence.

14.0 VIOLATION TICKETS AND PENALTIES

- 14.1 Where a Peace Officer has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, they may commence proceedings by issuing a violation ticket in accordance with the Provincial Offences Procedure Act.
- 14.2 The specified penalty payable in respect of a contravention of any provision of this Bylaw is the amount shown in Schedule 'B' of this Bylaw in respect of that provision.
- 14.3 Notwithstanding Section 14.2:
- a. where any Person has been in contravention of the same provision of this Bylaw twice within one (1) twelve (12) month period the specified penalty payable in respect of the second offence is double the amount shown in Schedule 'B' of this Bylaw in respect of that provision; and

- b. where any Person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the specified penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'B' of this Bylaw in respect of that provision.

14.4 The **minimum penalty** payable in respect of a contravention of any provision of this Bylaw is the amount shown in Schedule 'B' of this Bylaw in respect of that provision.

14.5 Notwithstanding Section 14.4:

- a. where any Person has been in contravention of the same provision of this Bylaw twice within one (1) twelve (12) month period, the minimum penalty payable in respect of the second offence is double the amount shown in Schedule 'B' of this Bylaw in respect of that provision; and
- b. where any Person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the minimum penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'B' of this Bylaw in respect of that provision.

15.0 CONTINUING OFFENCES

15.1 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues.

16.0 MANDATORY COURT OR INFORMATION

16.1 No provision of this Bylaw shall prevent any Peace Officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act, or from laying an information instead of issuing a violation ticket.

17.0 LIABILITY FOR COSTS

17.1 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw or the Municipal Government Act.

18.0 CERTIFIED COPY OF RECORDS

18.1 A copy of a record of the County, certified by the Person duly appointed as the Licensing Officer for the same as a true copy of the original, shall be admitted evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the Person signing it.

19.0 VALIDITY OF SPECIAL EVENT LICENCE OR PERMIT

19.1 A Special Event Licence or Development Permit for an event is only valid for the special event held on the date(s) specified on the decision. Any alternative dates should be noted in the application and acknowledged in the Special Event Licence or Development Permit decision.

20.0 EFFECTIVE DATE

- 20.1 Bylaw 66/97 being the Special Events Bylaw, and all amendments thereto are hereby repealed upon this bylaw passing and coming into full force and effect.
- 20.2 This Bylaw is passed and comes into full force and effect when it receives third reading and is signed in accordance with the Municipal Government Act.

FIRST READING: XXX

Reeve

Municipal Manager

SECOND READING: XXX

Reeve

Municipal Manager

THIRD READING: XXX

Reeve

Municipal Manager

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this
day of 2023.

CONDITIONS AND REQUIREMENTS:

Applications for Development Permit or Special Event Licence for any Special Event in Foothills County shall be subject to the following requirements and conditions at the Approving Authority's/Licensing Officer's discretion dependent on the size, complexity, and nature of the event:

1) Information to be submitted with applications for Special Events:

(a) Applicant /Landowner

The name, mailing address and telephone number(s) of the applicant and the landowner. If the applicant is a corporation or society, the application must have a certified copy of the Certificate of Incorporation attached and the application form must be signed by a least two directors of the corporation or society and the application shall contain the addresses of both directors.

The applicant shall include a copy of the current land title(s), proof of ownership of the property(s), and a written statement signed by the owner of the property indicating consent to use the property for the purposes of the Special Event.

(b) Special Event Location:

The legal description of the property(s) and 911 addresses (Foothills County blue sign) of the property where the event is to be held.

(c) Details of Special Event

Include a detailed description of the event(s) and associated activities and supporting functions of the event to be held on the property. Details must include items such as:

- Type of event (for example concert, rodeo, seasonal market, etc).
- Method of water and sanitation on site.
- Food supplied/food vendors or sale vendors on site.
- Proposed liquor consumption/sales on site.
- Proposed camping on site.
- Temporary structures or use of structures on site for the event.
- Illumination proposed on site.
- Temporary signage required.
- Fireworks or pyrotechnics proposed.
- Anticipated sound equipment/amplification/noise as a result of the event

(d) Date & Hours of Operation:

Include the date(s) the event is to occur on the property and the proposed hours of operation for the event.

All events and associated activities and supporting functions of the event, including setup and takedown, shall be subject to defined dated and restricted hours based on the nature of the event at the discretion of the Approving Authority/Licensing Officer.

(e) Special Event Attendees:

The maximum number of attendees on site during the event and/or any associated activities and supporting functions of the event. including spectators, customers, participants, and other persons expected to attend the site.

(f) Contingency Plan:

A contingency plan identifying alternate plans in the case of weather or unforeseen impediments that may preclude the event from occurring on the approved date, where applicable.

(g) Parking Plan:

A parking plan identifying adequate parking spaces for persons attending the event by motor vehicle. Such parking areas shall be clearly marked, and the parking plan shall include restrictions to off-site parking and how they will be enforced.

(h) Emergency Response Plan

An Emergency Response Plan shall be submitted for review and approval by the Director of Emergency Management and Foothills Fire Department. The Emergency Response Plan may vary based on the size and scope of the event.

This plan will help to identify risk or potential risks, identify what measures need to be put in place for the protection and well-being of the public and participants attending the event, and identify roles and responsibilities. The plan shall be adhered to at all times.

(i) Traffic Management Plan:

A Traffic Management Plan submitted to the Approving Authority/Licensing Officer for review and approval identifying adequate ingress and egress to the event site and parking areas.

All necessary roads, driveways and entrance ways shall be provided to ensure the orderly flow of traffic into the site from a highway or road which is part of the provincial or municipal road system.

An emergency access way for fire equipment, ambulance and other emergency vehicles may be required in accordance with the Emergency Response Plan approved for the site. Any traffic control personnel required to manage traffic flow for the event will be at the expense of the applicant.

See Events held on County or Provincial Roads for events held on roadways.

(j) Fire Safety Plan:

A fire safety plan may be required for review and approval by Foothills Fire Department, depending on the nature of the event, to ensure that access for fire apparatus is maintained, and fire extinguishers are installed, and fire codes are met where applicable. The Applicant shall submit the Fire Safety Plan to the Approving Authority/Licensing Officer upon requests or the application may be deemed incomplete.

(k) Waste Management Plan:

A waste management plan, outlining the proposed plan for waste management, disposal and recycling on the property shall be submitted to the Approving Authority/Licensing Officer for review and approval.

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 at the applicant's expense. There shall be no long-term storage of waste material on the property, nor burning of waste materials on the property.

(l) Water and Sanitation Facilities:

Information outlining details pertaining to the water and sanitation facilities proposed for the site, including a site plan showing the location, shall be submitted to the Approving Authority or Licensing Officer for review and approval.

Every applicant shall provide at their own expense, an ample supply of potable water for drinking and adequate sanitation facilities at the site of the event.

All water and sanitation facilities shall comply with the requirements of the Public Health Act pertaining to potable water and sanitation facilities for events of this nature.

(m) Camping:

Any camping in conjunction with an event requires approval by the Approving Authority/Licensing Officer. Details on the location of camping on the site, provisions for egress, and ingress to the site for emergency vehicles or quick evacuation, provisions for washrooms and washing stations shall be submitted as part of the complete application.

(n) Signage:

Temporary signage, whether directional or for advertising purposes, required for the event, must be submitted for review and must comply with the County's Land Use Bylaw and any regulations through Alberta Infrastructure and Transportation for signage on Provincial Highways if applicable.

Approvals from the Approving Authority/Licensing Officer and/or Alberta Transportation in accordance with the Land Use Bylaw are required and proof of such submitted prior to the event. No signage is permitted beyond the boundary of the lot without applicable approvals.

(o) Noise Control:

Applicants shall specifically identify if sound equipment and/or amplification are to be used as part of the special event. A detailed plan is required to be submitted for approval by the Approving Authority/Licensing Office, outlining the times it will be used including any testing of such equipment and detailing steps to be taken to ensure noise disturbance outside the site is minimized and noise is controlled within the site of the event.

The final approval will outline specific parameters for noise control as it relates to the permit on a case-by-case basis.

The Foothills County Community Standards Bylaw 45/2013 should be reviewed and acknowledged by the applicant.

(p) Illumination:

Applicants shall specifically identify the placement and type of lighting proposed for the special event.

The final approval will outline specific parameters for lighting and the placement of lighting as it relates to the permit on a case-by-case basis.

Every applicant planning to conduct a Special Event after dark or planning to allow persons who attend the Special Event to remain at the site after dark, shall provide electrical illumination to ensure that those areas which are occupied are appropriately lighted.

Consideration should be given to the type of lighting and placement of lighting to minimize any impact to adjoining lands or roadways.

(q) Temporary Structures/Use of Structures

Any temporary structures that are to be used in conjunction with the event shall be identified in the application and are subject to the appropriate permits and inspections prior to occupancy, at the discretion of the *County Safety Codes Officer* and *Foothills Fire Department*.

Requirements may include, but are not limited to, provision of specifications for the involved structures, plans for anchorage, and accessibility. All temporary structures shall be removed from the parcel within a prescribed time following completion of the event.

Temporary Structures/Use of Structures will require a fire inspection from the *Foothills Fire Department* prior to the date of the Special Event. It is the applicant's responsibility to ensure that the use, occupancy, supply of any buildings used in support of the event meets with the requirements of the Alberta Building, Safety Codes, and Fire Codes at all times.

(r) Food Concessions:

Information pertaining to any proposed food services on site shall be submitted as part of the application.

The applicant shall comply with the requirement of the **Public Health Act** pertaining to food regulations for event organizers and shall ensure any business or community group operating food service establishments by invitation and/or contract of the applicant comply with the requirements of the **Public Health Act** pertaining to food regulations for temporary food establishment operators, at their own expense.

Food trucks used on site do require a current (yearly) Fire Inspection Report from one of the Foothills Regional partners. The Foothills Fire Department will require an inspection of any concessions situated on the site prior to the Special Event.

Proof of the completed inspection by the Foothills Regional Food Truck Inspection Group, Alberta Health Services inspection, and a copy of the current annual Fire Inspection Report from one of the Foothills Regional partners for food trucks used on site shall all be submitted prior to the event.

(s) Alcoholic Beverages/Liquor Licences:

Details on any proposed service or sales of alcohol on site shall be included with the application.

All events involving Alcohol require an approved licence from the **Alberta Gaming Liquor & Cannabis Commission (AGLC)**. Applicants/event organizers wishing to sell or serve alcohol at an event will need to adhere to both provincial and municipal requirements and are responsible for applying and obtaining the appropriate liquor licence from AGLC.

A copy of such licences shall be provided to the County at least seven (7) days prior to the date of the event. The applicant will be required to provide the occupancy load to the Foothills Fire Department prior to the date of the Special Event. Where liquor is part of an event, Special Event Liability Insurance with host liquor liability rider will be required and shall be provided to the County at least fourteen (14) days prior to the date of the event.

(t) Consumption of Cannabis

This consumption of Cannabis is restricted in Foothills County in public places including on privately or publicly owned property which the public reasonably has or is permitted to have access to. Bylaw 43/2018 To Restrict the Consumption of Cannabis in Public Places within Foothills County (as amended from time to time) adopted in 2018 also pertains to Special Events requiring County approval.

(u) Fireworks/Pyrotechnics:

Details with respect to any proposed fireworks/pyrotechnics shall be submitted with the Special Event application.

Any proposal for fireworks/pyrotechnics in conjunction with an event will require a *Fireworks Permit from Foothills Fire Department*. An on-line Fireworks Permit, approved by a Fire Safety Code Officer is required and proof of such permit shall be submitted to the Approving Authority/Licensing Officer a minimum of 24 hours prior to the event.

(v) Inflatable and Amusement Devices

Applicants must indicate if they propose to have any inflatable amusement devices on site during the Special Event.

The applicants are required to ensure such devices meet or exceed applicable legislated requirements including, but not limited to, Alberta Elevating Devices & Amusement Ride requirements and are responsible for the safe setup, operation, supervision, and take-down of any/all inflatable and amusement devices.

(w) Drones

Any applicants wishing to fly drones as part of their Special event, either for entertainment or to take aerial photos during the event must include details with the application. Drone use is solely managed through **Transport Canada**. Transport Canada requires you to register your drone and apply for a Special Flight Operations Certificate prior to flying your drone. Proof of such approvals for the Special Event shall be submitted prior to the event.

(x) Events Held on Municipal Roads or Highways

A separate application and approval process is required for holding an event on County roads or highways. A completed "Application to Hold an Event on Highways and/or Municipal Roads in Foothills County" including maps and details of the event, rules and regulation provided to participants, spectators, and volunteers (if applicable), a traffic control plan and an emergency response plan for the event, must be submitted to the Foothills County Legislative Services department for review and approval at least 90 days prior to an event being held.

If your event takes place on provincial roads, approval from **Alberta Transportation** is also required prior to you receiving your special events permit from the County. Approval from Alberta Transportation takes 30 to 45 days. Alberta Transportation requires applicants to submit a separate "Special Events on Highways" application form.

(y) Neighborhood Consultation Report

Applicants are encouraged to communicate details of any special event with adjacent neighbors (at a minimum) when holding a special event. Where there may be a wider spread impact, such as impact to a portion of roadway by increased traffic/interruption of use of a roadway, or a greater area impacted by noise/nuisance, a larger area of notice/consultation may be requested by the Approving Authority/Licensing Officer. This consultation is intended to resolve any concerns that the community may have prior to the event taking place.

A report outlining details of the landowner consultation that includes, but is not limited to, a list of residents/landowners, and interested parties that were notified, an outline of the impacts and benefits relayed by interested parties, and how the proponent intends on addressing the matters, shall be provided to the County as part of the Development Permit Application or Special Event Licence application.

- 1) The following are required standards for notification/consultation with neighboring property owners/residents for Special Events:
 - (a) For special events with an expected attendance of 250 people or more, the County requires the applicant to inform and review the proposal with residents and landowners of parcels adjacent to the property(s) where the Special Event is held, and at the discretion of the Approving Authority /Licensing Officer, to those landowners who are situated along any County or Provincial roadways they feel are impacted by increased traffic or restricted use of the roadway caused by the event.
 - (b) For Special events with an expected attendance of 500 people or more, a larger area of notification/consultation may be required at the discretion of the Approving Authority/Licensing Officer.
 - (c) For any Special events where, in the opinion of the Approving Authority or Licensing Officer it is anticipated by the nature of the Special Event, that there may be a wider spread impact than adjacent lands by way of noise, traffic generation, or other nuisance, the County may require the applicant undertake notification/consultation with a larger area of landowners/residents.

Applicants may use their discretion on the method of consultation/notification used to consult with neighboring residents (for example but not limited to face-to-face discussions, organized meetings, mailouts). Please ensure that a method allowing feedback is made available to ensure that the consultation is deemed adequate by the County. A request may be made to have the County do a mail out to required area landowners, in which case pre-stuffed envelopes, sealed, and affixed with the applicable postage amount and a copy of the circulation letter and any attachments can be sent to the County for mailout for a fee in accordance with the Planning Services Fees.

The Licensing officer may require, at their discretion, the applicant to hold a public meeting to address the concerns of the adjacent landowners.

The Approving Authority/Licensing Officer may waive the above notification/consultation requirements if, in their discretion, they feel that notification/consultation is not required in a particular case due to the size, nature, or location of the Special Event.

2) Additional Requirements:

(a) Liability Insurance:

The applicant shall maintain acceptable Special Event Liability Insurance from the date of commencement of set up or assembly for the event until the date of completion of all related activities including event take down. The applicable Certificate of insurance must be provided to the Approving Authority/Licensing Officer at least fourteen (14) days prior to the start of the event.

Liability Insurance coverage shall include protection for the County against claims for all damages or injury, including death to any persons and provide coverage for damage to any property of the County or any other public or private property resulting from any act or omission on the part of the applicant or any of his or her servants or agents. Such insurance shall name the County as an additional insured. Special Event Liability Insurance shall be a minimum of:

- \$2 million Special Event Liability Insurance or
- \$5 million Special Event Liability Insurance in instances where there is higher degree of risk.

(b) Security Deposit:

The Approving Authority, may in their discretion, require the applicant pay a refundable security deposit, in a form acceptable to the County, in an amount deemed given the nature of the proposed event.

The security deposit may be used to rectify damage to a road or property, pay for maintenance, clean up, fire response or other charges related to the event, and/or to compensate the County for unpaid accounts accrued by the applicant or event organizer.

Security deposits required shall be paid at least fourteen (14) days prior to the event. Such surety will be refunded further to the completion of the event, once it has been confirmed that all responsibilities of the applicant have been fulfilled.

(c) Enhanced Policing:

The Approving Authority/Licensing Officer, Foothills Patrol, Foothills Emergency Management, or the Fire Chief may require the presence of enhanced police as a condition of the approval of a license or development permit should a need for additional policing be identified.

Should the event require policing resources to ensure order, protection of properties, traffic and/or crowd control or any other need that a police presence may be most appropriate to deal with, the applicant will be advised of the number of policing resources required.

A minimum of 90 days is required to process a request for enhanced policing for an event.

The applicant shall cover all expenses associated with enhanced policing at rates approved by Government of Alberta. The approved rates shall be deposited to the County a minimum fourteen (14) days prior to the specified date the Special Event is to occur.

(d) Peace Officers

The Approving Authority/Licensing Officer, Manager of Foothills Patrol, Foothills County Director of Emergency Management, or the Foothills County Fire Chief may require the presence of Peace Officers as part of the approvals process, should an identified need for additional policing be identified.

Should the event require Peace Officer resources to ensure order, protection of properties, traffic control or any other need that a Peace Officer presence may be most appropriate to deal with, the applicant will be advised of the number of Peace Officer resources required.

A minimum of 45 days is required to process a request for Peace Officers for an event. The cost associated for enhanced Community Peace Officer services is found in the Foothills County Rates and Fees Bylaw, as amended from time to time.

This applicant shall cover all expenses associated with the use of Community Peace Officers. The funds required as per approved rates shall be deposited to the County a minimum fourteen (14) days prior to the specified date the Special Event is to occur.

(e) Consultation/Addressing Concerns

Further to a review of the consultation report by the Approving Authority/Licensing Officer, additional consultation may be required, or conditions imposed to alleviate any concerns brought forward in the consultation, at the discretion of the Approving Authority/Licensing Officer.

(f) Communications:

The applicant may be required to establish a communication system for public use where ordinary communications are not available. The Approving Authority/Licensing Officer may require provision of proof of reliable mobile communications at the site of the event._

(g) Miscellaneous

The Approving Authority/Licensing Officer may impose such additional conditions as are reasonably required in order to protect the health, welfare and property of local residents and persons attending any event.

An applicant is responsible for complying with all relevant federal, provincial, and municipal legislation, policies, bylaws, regulations, safety requirements, and approvals applicable to any aspect of a Special Event.

The Licensing Officer may grant relief from any of the above requirements where it appears that such an action is in the best public interest. This ability to gain relief shall be limited to those items within the control of the Licensing Officer under the Special Events Bylaw xxxx and does not relieve the Applicant or Event Organizer from any conditions or requirements imposed by law, contract, or otherwise.

OFFENCE PENALTIES

Section	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
13.1	Carrying-on a Special Event without a Special Event Licence or Development Permit when said event is required to obtain a licence or development permit approval.	\$300.00	\$500.00
13.1	Carrying-on an additional Special Event without obtaining an additional Special Event Licence or Development Permit when said event is required to obtain a licence or development permit approval.	\$300.00	\$500.00
13.2	Carrying-on a Special Event for which a Special Event Licence is required when the Licence has been revoked or suspended and has not been reinstated and for which an appeal has not been received by the County.	\$500.00	\$1000.00
13.3	Provide false or misleading information on an application	\$300.00	\$500.00
13.4 (b)	Carrying-on a Special Event without meeting all requirements and conditions of the approval on the Special Event Licence or Development Permit.	\$300.00	\$500;00
13.4 (d)	Failing to allow or obstructing a Licencing Officer or Peace Officer's inspection of a Special Event site where a Special Event that is Licenced or is the subject of an application for a Special Event is being Carried on.	\$300.00	\$500.00
13.8	Interfering or obstructing the Licensing Officer or a Peace Officer while they are conducting an investigation or taking any action under the authority of this Bylaw or the Municipal Government Act	\$500.00	\$1000.00

**APPENDIX B - PROPOSED BYLAW INCLUDING DRAFT AMENDMENTS TO THE
LAND USE BYLAW FOR SPECIAL EVENTS**

BYLAW XX/2023

BEING A BYLAW OF FOOTHILLS COUNTY TO AUTHORIZE
AMENDMENTS TO LAND USE BYLAW NO. 60/2014

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 up to and including those passed on December 17, 2014.

AND WHEREAS pursuant to Section 191(1) of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, the power to pass a bylaw under this or any other enactment includes a power to amend or repeal the bylaw.

AND WHEREAS Bylaw XX/2023 was introduced to Council to further amend the Land Use Bylaw by authorizing text amendments to Land Use Bylaw 60/2014 pertaining to Special Events as described within the attached Schedule 'A'.

1. This Bylaw shall have effect on the date of third reading.

FIRST READING: XXX

Mayor

Municipal Manager

SECOND READING: XXX

Mayor

Municipal Manager

THIRD READING: XXX

Mayor

Municipal Manager

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this day of _____, 2023.

PROPOSED AMENDMENTS TO THE LAND USE BYLAW PERTAINING TO SPECIAL EVENTS

DEFINITIONS:

The following definition shall be deleted:

SPECIAL EVENT shall mean any event or activity, whether indoors or outdoors, which is held at any place within the County and to which members of the public are invited or admitted, whether or not an admission fee is charged, but shall not include family gatherings, community-sponsored events such as Christmas parties, breakfasts, card parties, or other similar social functions. More information on special events can be found in the Special Events Bylaw 66/97” attached as Appendix H of this bylaw.

The following definitions included in the Special Events Bylaw shall be included in the Land Use Bylaw for consistency and clarity:

EVENT, PRIVATE – means an event or gathering, intended for guests by invitation only such as, but not limited to birthday parties, family reunions, family weddings, barbeques, or holiday celebrations and may include private corporate functions.

EVENT, PUBLIC means an event or gathering open to the general public, including but not limited to: Exhibitions, expositions, fairs, festivals, entertainment, cause-related awareness, fundraising, and leisure events.

NON-PROFIT ORGANIZATION means:

- a. a society, credit union, or cooperative established under federal or provincial legislation.
- b. a corporation that is prohibited from paying dividends to its members and distributing the assets to its members on a winding up; or
- c. any other entity established under a law of Canada or Alberta for a purpose other than to make a profit.

PRIVATE CORPORATE FUNCTION means an event, held by a corporation or business for their staff, clients, or stakeholders, by invitation only, for the purposes of holiday parties, team building, etc.

REMEDIAL ORDER means an order written pursuant to Section 545 of the Municipal Government Act.

SPECIAL EVENT – an event, which, depending on the event type, location, and size, is sub-categorized either a minor or major special event as per the Special Events Bylaw as identified below:

MAJOR SPECIAL EVENT means a private or public event expected to have an attendance of 500 or more people. Due to the size and/or nature of the event, it may have a potential for higher degree of impact on neighboring properties by way of noise, traffic, and/or light pollution.

MINOR SPECIAL EVENT means an event which meets the following parameters:

- a. a public event expected to have an attendance of less than 500 people,
- b. a private event expected to have an attendance of more than 150 people but less than 500 people.
- c. private events, expected to have an attendance of more than 50 but less than 150 people, held on a site more than twice annually.

Due to the size and the nature of these events, they are expected to cause minimal nuisance or impact on neighboring properties by way of noise, traffic, and/or light pollution. An otherwise minor special event may be “upgraded” to a major special event if the nature of the event may cause additional impact or nuisance (i.e. a high intensity of animals or dogs are included as part of the event, noise, light pollution, or other potential impact on neighboring properties).

SPECIAL EVENT BYLAW means Bylaw xx/2023 for the regulation of Special Events in Foothills County as amended or replaced from time to time.

SPECIAL EVENT LICENCE means a licence for a special event in accordance with the Special Event Bylaw xx/2023.

VIOLATION TICKET means a notice or ticket in a form approved by the Council issued by the County allowing voluntary payment of a fine established under this bylaw or other County bylaws.

The definitions are amended as follows:

BYLAW ENFORCEMENT OFFICER means a person who has been appointed by the County for the purposes of enforcing County Bylaws. ~~under the provisions of the Foothills County Bylaw Enforcement Officer Bylaw number 23/2013, and as amended from time to time.~~ A Bylaw Enforcement Officer is, in the execution of their enforcement duties, a person responsible for the maintenance and preservation of the public peace and as such, is deemed to be a Peace Officer.

SECTION 4.2.1 NO DEVELOPMENT PERMIT REQUIRED

The following shall be added to Section 4.2.1 No Development Permit Required:

- 4.2.1.62 No Development Permit is required for any Special Event that is held at a site that has been specifically designed, built, and approved under an existing valid Development Permit, for hosting such events (for example Event Venue, Agricultural Society), and the said event is in compliance with the conditions of the permit. Any special events that exceed the approvals for the site, shall require additional Development Permit or Special Event License approvals in accordance with the Special Event Bylaw.
- 4.2.1.63 Where listed as a permitted use, no Development Permit is required for a Special Event, Minor, unless the Approving Authority determines that the event may have undue impact on neighboring properties. A Special Event License is required for all Special Events, Minor in accordance with the Special Events Bylaw XX/23.
- 4.2.1.64 No Development Permit is required for a Special Event that has been issued a Special Event License except for:
 - a. a Minor Special Event, with an expected attendance of more than 150 people, held on a property more than twice annually.
 - b. Where development ancillary to the Special Event itself requires a Development Permit under the Land Use Bylaw.
- 4.2.1.65 No Development Permit is required for a Special Event exempt from a Special Event License in accordance with Bylaw XX/23.

- 4.2.1.66 No Development Permit is required for any Special Event hosted by the County or authorized by the County pursuant to the terms of a lease, license, or facility rental agreement, on lands owned or controlled by the County.
- 4.2.1.67 Any Special Event hosted by school officials or affiliated group, held on lands owned or controlled by a local school board.

Where Special Events are exempt from the requirement of a Development Permit, the County may rely on the Special Events License process to ensure that the event meets the requirements of the County in accordance with the Special Events Bylaw xx/23.

The following section of 4.2.1 pertaining to signage shall be amended to read as follows:

- 4.2.1.45 Temporary signs (no more than 14 days) with an area of less than 1.0 sq. m. (11 sq. ft.) intended to advertise any local event being held for charitable purposes, **or for a special event that has been approved by Development Permit or Special Event Licence or is exempt from requiring a Development Permit or Special Event License. which may be religious, education, cultural, political, social or recreation, but** (not for commercial purposes).

SECTION 9.26 OF THE LAND USE BYLAW AMENDED TO READ AS FOLLOWS:

- 9.26.1 No person shall operate, maintain, hold, conduct, promote or advertise a Special Event in the County unless they have first obtained **a the applicable Development Permit and or Special Event Permit License** from the County in respect of such **activity event**.
- 9.26.2. Special Events must be **conducted** in accordance with Bylaw ~~11/97~~ **XX/23** for the regulation of “Special Events” included as Appendix H of this bylaw.
- 9.26.3 A Development Permit is required for all Special Events not exempt under Section 4.2.1 “No Development Permit Required” of this Bylaw. It is the landowner’s/applicant’s responsibility to ensure they have obtained all necessary permits and Special Event Licenses.

Where special events are exempt from the requirement of a Development Permit, the County shall rely on the special events license to ensure that the event meets the requirements of the County.

- 9.26.4 A Special Event Licence is required for all Special Events not requiring a Development Permit unless listed as exempt from a Special Event Licence in accordance with the Special Events Bylaw XX/23.
- 9.26.5 Notwithstanding Section 9.26.3 to 9.26.4, the County may require a Special Event Licence or Development Permit, where it is determined by the Licensing Officer that any special event, due to the size and nature of the event, may have undue impact on neighboring properties. (for example where animals or dogs involved with the event are brought to the site, or the event involves nuisance outside of what is expected under the defined level of special event).
- 9.26.6. Special Events held on County or Provincial Road rights of ways must apply for approval through the County’s Legislative Services Department by submitting a completed “Application to hold an event on Highways and/or Municipal Roads in Foothills County” at least 90 days before the event. A Traffic Safety Plan may also be required for approval by Public Works. Where events are held on or impacting Provincial Highways, you may require an additional approval from Alberta Transportation and Economic Corridors.

- 9.26.7 Special Events may require approval by other municipal, provincial or federal jurisdictions depending on the nature of the event. The landowner/applicant is responsible for complying with all relevant municipal, provincial, or federal legislation, policies, bylaws, regulations, safety requirements, and approvals applicable to any aspect of a Special Event.
- 9.26.8 The Approving Authority may impose such conditions on the Special Event that he/she in his/her discretion, reasonably determine as being necessary to protect the health, safety, welfare and property of the Special Event Attendees, County residents and/or member of the public. Schedule A of the Special Event License Bylaw, attached as Appendix H of this Bylaw, includes a list of conditions that may be required on a Special Event depending on the scale and nature of the event.

Major Special Events

- 9.26.9 Where Special Event, Major is not listed as a use under the current land use district, for a parcel where such an event is proposed, a bylaw must be enacted to redesignate the lands to an appropriate land use district prior to the development authority considering the development permit.
- 9.26.10 Development permit applications for Special Event, Major shall be made to the Approving Authority on the prescribed Development Permit Application form with accompanied Declaration of Understanding and the necessary application fee outlined in the Foothills County Fee Bylaw a minimum of ninety (90) days prior to the proposed date of the event.

Minor Special Events

- 9.26.11 Applications for Special Event Licenses for a Special Event, Minor shall be made to the Licensing Officer on the prescribed Special Event Application form with accompanied Declaration of Understanding and the necessary application fee outlined in the Foothills County Fee Bylaw a minimum of forty-five (45) days prior to the proposed date of the event in accordance with the Special Event Bylaw XX/23.
- 9.26.12 Application for Special Event Licenses will be processed in accordance with the Special Event Bylaw XX/23 (Appendix H to this Bylaw)

APPENDIX H

Appendix H will be replaced with the updated Bylaw XX/23 for Special Events

The following chart will be added to Section 9.26 for information:

MAJOR SPECIAL EVENT	
Development Permit	<ul style="list-style-type: none"> • Development Permit required where Special Event is listed as a use • Redesignation to Direct Control District #35 – Event Venue may be required in advance of a Development Permit where a special event is not listed as a use in existing land use district.
Special Event License	No Special Event License is required where a Development Approval for the Special Event (s) has been approved, unless the Special Event is in excess of the events allowed under the Development Approval.
Attendance	Public or Private Event with expected attendance of 500 or more people.
Nuisance	Due to the size and/or nature of the event, it may have potential to cause a higher degree of nuisance or impact on neighbouring properties by way of noise, traffic and or light pollution during the event.
Camping	Camping may be permitted subject to approval by the Approving Authority.
Parking	Parking plan to be approved by Approving Authority.
Signage	Temporary signage is permitted subject to approval by the Approving Authority prior to the event in accordance with the Land Use Bylaw.
MINOR SPECIAL EVENT	
Development Permit	No Development Permit required (in accordance with Section 4.2.1. of the Land Use Bylaw and Special Event Bylaw XX/32.)
Special Event License	Special Event License required in accordance with the Special Event Bylaw.
Attendance	<ul style="list-style-type: none"> • <u>Public Event</u> expected to have an attendance of less than 500 people. • <u>Private event</u> expected to have an attendance of more than 150 people but less than 500 people. • More than two (2) <u>private events</u> on a property annually with expected attendance of more than 50 people but less than 150 people.
Nuisance	Due to the size and/or nature of the event, it is expected to cause minimal nuisance or impact on neighbouring properties by way of noise, traffic and or light pollution during the event.
Camping	Camping may be permitted subject to approval by the Licensing Officer.
Parking	Parking plan to be approved by Licensing Officer.
Signage	Temporary signage is permitted subject to approval by the Licensing Officer prior to the event in accordance with the Land Use Bylaw.
See Bylaw XX/23 for further details on requirements and conditions for Special Events.	

The following highlights the uses included within land use districts within the Land Use Bylaw:

Red – Added Special Event as a use

Black – Already exist as a use

SPECIAL EVENT AS A USE IDENTIFIED UNDER LAND USE DISTRICTS		
LAND USE DISTRICT	PERMITTED	DISCRETIONARY
Agricultural Agricultural Business	Special Event, Minor	Special Event Special Event, Major
County Residential	Special Event, Minor	Special Event, Major
Cluster Residential Country Estate Residential District Residential Community Residential Multi-Family Residential Manufactured Home	Special Event, Minor	
Highway Commercial Industrial Edge Recreation District Service District Municipal Land/Reserve	Special Event, Minor	Special Event Special Event, Major
Business Park Community Commercial Rural Business	Special Event, Minor	Special Event, Major
Hamlet Industry General Industry Natural Resource Extraction Low Intensity Industry	Special Event, Minor	Special Event, Major
Open Space District Environmental Protection	Special Event, Minor	Special Event, Major
Public Utility Federal/Provincial Jurisdiction	Special Event, Minor	Special Event, Major
All DC District not noted below	Special Event, Minor	Special Event, Major
DC#35 Event Venue	Special Event, Minor Special Event, Major	Special Event
DC#1 Spruce Meadows	Special Event, Special Event, Minor Special Event, Major	
DC#8 Telecommunication facilities DC#12 NE 29-18-02 – Gas Plant DC#28 Waste Management	None	None
All other DC Districts	Special Event, Minor	Special Event, Major

BYLAW NO. 66 /97

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31 TO AUTHORIZE AMENDMENTS TO BYLAW 11/97 FOR THE LICENSING AND REGULATION OF SPECIAL EVENTS

WHEREAS pursuant to the provisions of the Municipal Government Act, Chapter M-26.1, 1994, and amendments thereto, the Council of the Municipal District of Foothills No. 31 in the Province of Alberta, has adopted Bylaw 11/97,

AND WHEREAS the Council of the Municipal District of Foothills No. 31 now deems it desirable to amend Bylaw 11/97;

NOW THEREFORE THE COUNCIL ANACTS AS FOLLOWS:

1. Bylaw No. 11/97 is amended by this Bylaw.
2. Bylaw No. 11/97 is amended to read as follows:

" BYLAW NO. 66/97

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31 FOR THE LICENSING AND REGULATION OF SPECIAL EVENTS

Pursuant to the Municipal Government Act, being Chapter M26-1, R.S.A. 1994 and amendments thereto, the Council of the Municipal District of Foothills No. 31 in the Province of Alberta, duly assembled, hereby enacts as follows:

1. Purpose:
The purpose of this Bylaw is to license and regulate Special Events in the Municipal District of Foothills No. 31.
2. Definition In this Bylaw:
 - (1) "Special Event" shall mean any event or activity, whether indoors or outdoors, which is held at any place within the municipality and to which members of the public are invited or admitted, whether or not an admission fee is charged, but shall not include family gatherings, community-sponsored events such as Christmas parties, breakfasts, card parties, or other similar social functions.
 - (2) "Special Event License" shall mean a license issued pursuant to this bylaw in respect of a Special Event.
 - (3) "Council" means the Council of the M.D. of Foothills No. 31;
 - (4) "Health Officer" means the Medical Officer of Health appointed by the local Board of health or by the Board of a Health Unit as the case may be, or a person designated by the Medical Officer of health, or where no Medical Officer of Health has been appointed the local Board of Health or the Board of a Health Unit as the case may be or such person as is designated by the local Board of Health or the Board of a Health Unit,
 - (5) "Licensee" means a person who has applied for an obtained a license to operate a Special Event pursuant to this Bylaw;
 - (6) "Licensing Officer" means the Council or such person as Council may designate;
 - (7) "Municipality" means the Municipal District of Foothills No. 31.
 - (8) "R.C.M.P." means the Royal Canadian Mounted Police.
 - (9) "Supervisor of Medical Services" means the Supervisor appointed by the local hospital Board designated to oversee Ambulance Services for the area;

3. No person shall operate, maintain, hold, conduct, promote or advertise a Special Event in the municipality unless he or she has first obtained a Special Event License from the Licensing Officer in respect of such Special Event.

The Licensing Officer shall not issue a Special Event License in respect of a proposed Special Event unless a development permit has been issued pursuant to the Land Use Bylaw covering the proposed Special Event.

4. Applications for a Special Event License shall be made to the Licensing Officer in writing **a minimum of** 120 days prior to the proposed date of the Special Event and shall be accompanied by filing and application fees as follows:

	Filing Fee	Application Fee
Up to 500 people	\$35.00	\$ 200.00
501 - 2,500 people	\$35.00	\$ 500.00
2,501 - 10,000 people	\$35.00	\$1,000.00
10,001 plus	\$35.00	\$2,500.00"

The filing fee shall be non-refundable. The application fee will be refunded if the Special Event License is not issued but is otherwise non-refundable:

and shall contain the following information:

- (a) The name, age, residence, and mailing address and telephone number or numbers of the person making such application. If the application is made by a partnership, the names and addresses of the partners shall appear. Where the applicant is an incorporated company, the application shall be signed by at least two Directors of the incorporated Company and shall contain the addresses of such corporate Directors and shall have attached a certified copy of the Certificate of Incorporation.
- (b) A written statement of the kind, character, or type of Special Event which the applicant proposes to conduct, operate, or carry on.
- (c) The address or legal description of property where the proposed Special Event is to be conducted, operated, or carried on. Additionally the applicant shall submit proof of ownership of the place where the Special Event is to be conducted or a statement signed by the owner of the premises indicating his or her consent that the site be used for the proposed Special Event.
- (d) The date or dates and the hours during which the Special Event is to be conducted.
- (e) An estimate of the number of customers, spectators, participants, and other persons expected to attend the Special Event for each day it is conducted.
- (f) The names and addresses of anyone contributing, investigating, or having financial interest greater than \$500.00 in producing the Special Event.
- (g) A financial statement to give assurance of the ability of the applicant to meet the conditions of the licence being applied for.
- (h) A detailed written explanation of the applicant's plans to provide security and fire protection, water supplies and facilities, sewage and drainage facilities, food supplies and facilities, sanitation facilities, First Aid facilities and service, vehicle parking space , vehicle access, policing and on site traffic control and, if it is proposed or expected that the spectators or participants will remain at night or overnight , the arrangements for illuminating the premises and for camping or similar facilities. The applicant's plan shall include what provisions shall be made for the numbers of spectators in excess of the estimated, provisions for the clean up of the premises and provisions for the removal of rubbish after the Special Event has concluded. A plot plan showing the arrangement of the facilities, including those for parking, egress, ingress, shall be submitted with such application.

5. Every applicant for licence shall be accompanied by a surety, in a form acceptable to the municipality, in amount not less than Ten Thousand Dollars (\$10,000.00) to cover any claims which might be brought against the municipality for any reason as a result of the Special Event being held within the municipality; such surety to return to the applicant(s) when the municipality deems there will be no such claim forthcoming.
6. Every person applying for a licence pursuant to this Bylaw shall satisfy the Licensing Officer and Health Officer that he or she is able to meet the conditions and requirements set out of this Bylaw.
7. Every Special Event Licence shall be subject to the following conditions and requirements which shall be complied with at all times by the Licensee:
 - (a) Security protection: Every licence shall provide at his own expense security protection. This shall include the provisions of a minimum of one security officer for every 100 persons expected to be in attendance.
 - (b) Water and sanitation facilities: Every licence shall provide an ample supply of portable water for drinking and sanitation purposes at the site of the Special Event. The minimum supply of water to outdoor Special Events shall be 68 litres of water for each person in attendance per day. All water shall meet Canadian Drinking Water Standards. Public and private flush-type water closes, lavatories and drinking facilities and sewage and drainage systems and items incidental to the operation of the foregoing shall be required as determined by the Health Officer.

This condition shall only be deemed to have been met where the Health Officer has accepted such arrangements as satisfactory.

- (c) Food Concessions: Where the site of the proposed Special Event is more than 200 metres distant from public eating places, food handling places or like establishments, the applicant shall provide such food facilities as may be required by the Health Officer to adequately provide food services to those persons attending the Special Event.
- (d) Every Licence shall be required to furnish such trash cans and garbage receptacles as may be required by the Health Officer. An adequate supply of plastic bag liners to fit the trash cans shall be provided and each container shall at all times have a plastic bag liner inserted. The pickup and removal of trash, refuse, garbage and rubbish shall be at least once a day or more often as required by the Health Officer. A signed contract with a licensed refuse collector shall be submitted and filed with the Health Officer. The removal of all trash and refuse shall be at the licensee's expense.
- (e) First Aid facilities: The licensee shall consult directly with the Supervisor of Medical Services to address their specific Medical Service needs and shall provide such First Aid facilities at the site of the Special Event as may be required by the Supervisor of Medical Services.
- (f) Policing: The licensee shall consult directly with the local Royal Canadian Mounted Police when planning special events and shall provide necessary policing for the event as required by them. Once an agreement and budget have been established for a special event, a Letter of Agreement between the Municipal District of Foothills No. 31 and the Province of Alberta will be drafted to cover the "recovery" of overtime costs incurred by members of the R.C.M.P. whilst providing Police services for the event. These monies from the licensee shall be deposited with the M.D. of Foothills No. 31, no later than three weeks prior to the event being held.

- (g) **Parking areas:** Every licensee shall provide adequate parking spaces for persons attending the Special Event by motor vehicle. The licensee may be called upon to provide a separate parking space for every two persons expected to attend the Special Event by motor vehicle. Such parking areas shall be clearly marked. The Licensing Officer shall approve an applicant's "parking plan" before a license shall be issued.
 - (h) **Access and parking control:** The Licensee shall provide adequate ingress and egress to the Special Event site and parking areas. All necessary roads, driveways and entrance ways shall exist to ensure the orderly flow of traffic into the premises from a highway or road which is part of the highway system or which is a highway maintained by the municipality. A special access way for fire equipment, ambulances and other emergency vehicles may be required. The Licensing Officer shall approve the licensee's plan for ingress and egress before a license shall be issued. Additionally, any licensee may be required to show that traffic guards are under his or her employ to insure orderly traffic movement and relieve traffic congestion in the vicinity of the Special Event area.
 - (i) **Hours of operation:** All Special Events which are subject to a licence pursuant to the provisions of this Bylaw shall close and cease operation continuously between the hours of 2:00 A.M. and 6:30 A.M. of each and every day.
 - (j) **Communications:** The applicant shall be required to establish a communication system for public use where ordinary communications are not available. The Licensing Officer may require a provision of a mobile phone at the site of the Special Event.
 - (k) **Miscellaneous:** The Licensing Officer may impose such additional conditions as are reasonably required in order to protect the health, welfare and property of local residents and persons attending Special Events.
8. A licence shall comply with all relevant federal, provincial or municipal laws existence.
9. The Licensing Officer may grant relief from any of the above requirements where it appears that such an action is in the best public interest. This ability to grant relief shall be limited to those items within the control of the Licensing Officer under this Bylaw and does not relieve the licensee from any conditions or requirements imposed by law, contract, or otherwise.
10. Any person who:
- (a) operates, maintains, holds, conducts, promotes or advertises a Special Event within the municipality without first having obtained a Special Event Licence; or
 - (b) having obtained a Special Event Licence fails to comply with the conditions set out in this Bylaw or attached to the Licence;

is guilty of an Offence and is liable on conviction to a fine of no more than \$2,500.00 and not less than \$1,500.00 and in addition, to a fine of no more than \$2,500.00 for every Offence that continues, and in default of payment, to imprisonment for a term not exceeding 30 days."

11. This Bylaw shall have effect on the date of its third reading.

FIRST READING: June 12, 1997



Reeve

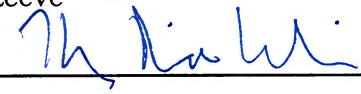


Municipal Manager

SECOND READING: June 12, 1997



Reeve

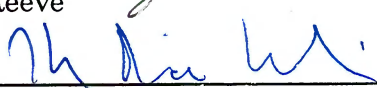


Municipal Manager

THIRD READING: June 12, 1997




Reeve



Municipal Manager

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this 12th day of June, 1997.

REPORT TO COUNCIL
JPA3 (OKOTOKS) BOUNDARY CHANGE DISCUSSION
December 6, 2023

COUNCIL DISCUSSION	
	TOPIC: Council direction sought regarding Joint Planning Area 3 Boundary discussions with the Town of Okotoks.
Prepared by: Julie McLean	

BACKGROUND:

The Calgary Metropolitan Region Board (CMRB) Growth Plan identifies four Joint Planning Areas (JPAs), that contain lands from two or more municipalities where it was deemed that a more collaborative approach to planning was warranted.

Joint Planning Area 3 (JPA3) as identified in the approved Growth Plan contains approximately 1,580 acres of land in the Town of Okotoks (Town) and 12,979 acres in Foothills County (County) as shown on the Study Area map in Appendix A. It should be noted that the consultants who were developing the growth plan had originally identified JPA3 as an area on the north side of the Town of Okotoks along Highway 2A, but the Town had objected to this location so it was eventually proposed south and east of the Town as currently delineated with the understanding that Foothills would have the ability to propose refinements to the JPA3 area subsequent to the approval of the Growth Plan. There was essentially no analysis undertaken by the consultants in determining the boundaries of the JPA as part of the development of the Growth Plan.

Under the provisions of the Growth Plan, the Town and the County are required to work together to create a Context Study for JPA3 by August 2025 and were required to approve a Terms of Reference (TOR) prior to February 15, 2023. In accordance with this requirement, in January 2023, the County and the Town approved a TOR. Among other things, the TOR outlines a Dispute Resolution Process for the Context Study project.

Work on the Context Study project has proceeded since the TOR was approved. Staff have developed an engagement strategy which was endorsed by both Councils in July 2023. Landowners and the public have been engaged and in September a proposed draft vision for the area and nine draft objectives for the Context Study project were endorsed by the IMC and then presented at a public open house on November 2, 2023.

The public open house was very well attended with over 170 visitors. Results from the survey that was part of the engagement will not be available until after the survey closes on December 1st, but based on conversations at the open house, there was concern expressed by a number of County landowners on the level of control that the City of

Calgary and other urban municipalities were able to exert over land use in Foothills County through the CMRB and the Growth Plan. There were also several landowners from within the JPA3 area who were concerned about the extent of the JPA and the restrictions it placed on future development, in particular the inability to create country residential development in the area. Some also articulated concerns regarding the density requirements that are imposed for residential development in the JPA.

Additional work on the Context Study project that has been ongoing includes, staff from both municipalities undertaking a review of existing plans and studies and starting work on the analysis of opportunities, constraints and planning considerations in the different areas of the JPA.

We have now encountered a roadblock to continued progress on the project, as administration from Foothills County has requested an amendment to the boundary of the JPA (as previously discussed with Foothills County Council) and Okotoks has expressed reluctance to change the boundary at this time. It is worth noting that in Joint Planning Area 4 (JPA4) where we are working with the Town of High River, there is an area of land subject to flooding east of the Highwood River that Foothills County administration have requested be removed from the JPA4 study area and Town of High River administration have readily indicated support on several occasions indicating that they concur that lands that are not suitable for fully serviced development should be removed from the JPA.

GROWTH PLAN GUIDANCE ON JOINT PLANNING AREA BOUNDARY:

Policy in the Growth Plan clearly indicates that amendments may be proposed to a JPA and that the Board may change the boundaries at their discretion. The pertinent policies from the Growth Plan are as follows:

3.1.9.2 The Board may adopt additional Joint Planning Areas, repeal them, or modify their boundaries. The area encompassed by any new Joint Planning Area shall be added to the Growth Structure Map. Municipal Development Plans must reflect such amendments upon their next periodic review.

3.1.9.8 A Context Study may propose amendments to the boundaries of a Joint Planning Area to the Board, which would be updated in the next periodic review of the Growth Plan.

3.1.9.9 Joint Planning Areas are to be treated as study areas for planning purposes where appropriate locations for growth are to be determined.

Because JPAs are deemed Preferred Growth Areas in the Growth Plan the expectation is that new development in a JPA will be fully serviced or provide access to existing or planned infrastructure and community services. There are also **density requirements** for new residential development specifically that 75% of new residential units shall achieve a density of 8 units per acre with the balance (25%) at 5 units per acre. The Rural and Country Cluster Placetype (i.e. Country Residential Development) is not permitted to be located in a Preferred Growth Area. In addition, policy 3.1.6.2 of the Growth Plan

indicates that Rural Employment Areas shall not be located within 2km of an urban municipality or JPA. As such, if lands in a JPA are not practical to service to enable high density residential development or employment uses, then they are essentially frozen. It is for this reason that Foothills County would like to remove some of the lands currently identified within JPA3.

JPA3 CONTEXT STUDY TERMS OF REFERENCE GUIDANCE ON JPA BOUNDARY:

Section 8 of the JPA 3 Context Study TOR describes the Context Study Area (JPA3) as outlined in the Growth Plan. It also indicates that the boundaries of the study area may change:

“Through the process of developing the Context Study the two municipalities may determine that the boundaries of the study area should be adjusted. If this occurs, it will be articulated in the final Context Study document.”

FOOTHILLS COUNTY PROPOSED CHANGES:

County administration previously brought some proposed changes to the JPA3 boundary to Council for discussion and Council was generally in agreement with what was proposed and indicated staff should proceed with discussions with the Town regarding the removal of the lands. The lands that are proposed to be removed from JPA3 are shown in yellow on the map in Appendix B.

Please note: there is a small isolated triangle at the northern tip of the JPA (see yellow arrow) that is included in JPA3. Staff had not previously identified this area for removal, but it was brought to our attention by area landowners through the public engagement process. County administration believe that it makes no sense to include these three isolated parcels in Foothills County within the JPA as they could only be developed through extension of transportation and servicing infrastructure from the Town.

OKOTOKS RESPONSE TO REQUEST:

The Town of Okotoks has expressed a reluctance to discuss the removal of lands from the JPA3 study area prior to completion of the context study work. Foothills County administration met with Town administration to discuss this matter on August 31, 2023. The item was subsequently discussed by Town Council on September 11, 2023 and their direction to administration was that the boundary was not to be amended at this time. This was communicated to Reeve Miller in a letter dated September 14, 2023 that is attached to this staff report as Appendix C.

County administration have since expressed concern to Town administration that should a dispute resolution process that may include mediation and / or arbitration be required to resolve this issue, we will not likely be able to meet the CMRB deadline of August 2025 for completion of the Context Study project.

In recent conversations with Town administration, it would appear that the area of primary concern is the area north of the Sheep River between the Town and Highway 2 (often referred to as the “donut hole”). The Town has concerns about un-serviced country residential development occurring in this area and hampering potential future growth of the Town. This area has never been identified as a future growth area for the Town (although it was suggested to them when they undertook the last annexation in 2016-2017 that they should consider annexing it, but they refused) and they likely have significantly more than 60 years’ worth of growth within their current boundaries.

TOR GUIDANCE REGARDING CONFLICT RESOLUTION:

With respect to decision making regarding the development of the JPA3 Context Study, Section 7.1 of the TOR indicates the following:

“Every effort will be made to achieve consensus among administrations when developing recommendations for consideration by the IMC regarding the Context Study. Where consensus cannot be achieved, administration may refer the item to the IMC for discussion or may initiate the Dispute Resolution Process as outlined in Section 10.”

Further, Section 7.2 of the TOR speaks to the actions to be taken should IMC be unable to achieve consensus regarding a decision related to the Context Study as follows:

“As with administrations, the goal with respect to decisions related to the Context Study made by the IMC will be to achieve consensus. When consensus cannot be reached the Dispute Resolution Process should be initiated.”

The dispute resolution process outlined in the TOR is as follows:

1. Administration Committee - The two administrations (*likely the CAOs*) appoint an informal committee comprised of administration from both municipalities to meet and work towards a resolution.
2. IMC negotiations - After consideration, the IMC has the following options:
 - a. provide suggestions and send the matter back to the Administration Committee for further discussion;
 - b. agree on a consensus position; or
 - c. conclude that no initial agreement on a consensus position can be reached. In this instance, if considered necessary and agreed to by both municipalities a facilitator may be engaged to assist.
3. Municipal Council Negotiations – Each Council will establish a position and communicate it to the other. If they agree, work on the project may proceed, if they cannot come to an agreement then they may proceed to the next step of the dispute resolution process.
4. Formal Mediation – If agreed to by both Councils, a formal mediation process may be undertaken. Each Council will appoint the same number of members to a

mediation committee which is to be comprised of members of administration from both municipalities, and where deemed appropriate, elected officials.

5. Voluntary Binding Arbitration - If a mediated agreement is not reached or if a mediated agreement fails to receive approval from both Councils, an arbitration process may be initiated with agreement from both Councils.
6. Further Study - If agreed to by both Councils, the Context Study could be structured such that the unresolved issue will continue to be studied after CMRB approval of the Context Study. *(For this particular issue, this option will likely not be acceptable to the County)*

OPTIONS FOR ACTIONS TO BE TAKEN:

Based on the guidance provided in the JPA3 TOR, there are two options that could be considered at this time:

1. The boundary issue may be referred to IMC for discussion.
2. Foothills County may request that the Dispute Resolution Process as outlined in the TOR be initiated to attempt to find resolution on the boundary issue.

REQUEST OF COUNCIL:

Council is asked to review and discuss the proposed boundary amendments for JPA3 and provide direction to administration on actions to be taken. Following are some questions for consideration:

- Is Council still in agreement with the proposed changes to the JPA 3 boundary?
- Are there additions to the JPA 3 area that we want to propose?
 - In the County?
 - In the Town?
- Does Council wish to pursue one of the actions contemplated in the TOR as above?
- Does Council wish to direct staff to cease additional work on the Context Study project until this issue is resolved? (If Council wishes to direct that work ceases, staff suggest that the What We Heard report should still be finalized as this work is mostly complete and we have made a commitment to our landowners that the report would be completed and made available).
- Is there another course of action (not contemplated in the TOR) that Council wishes to pursue?

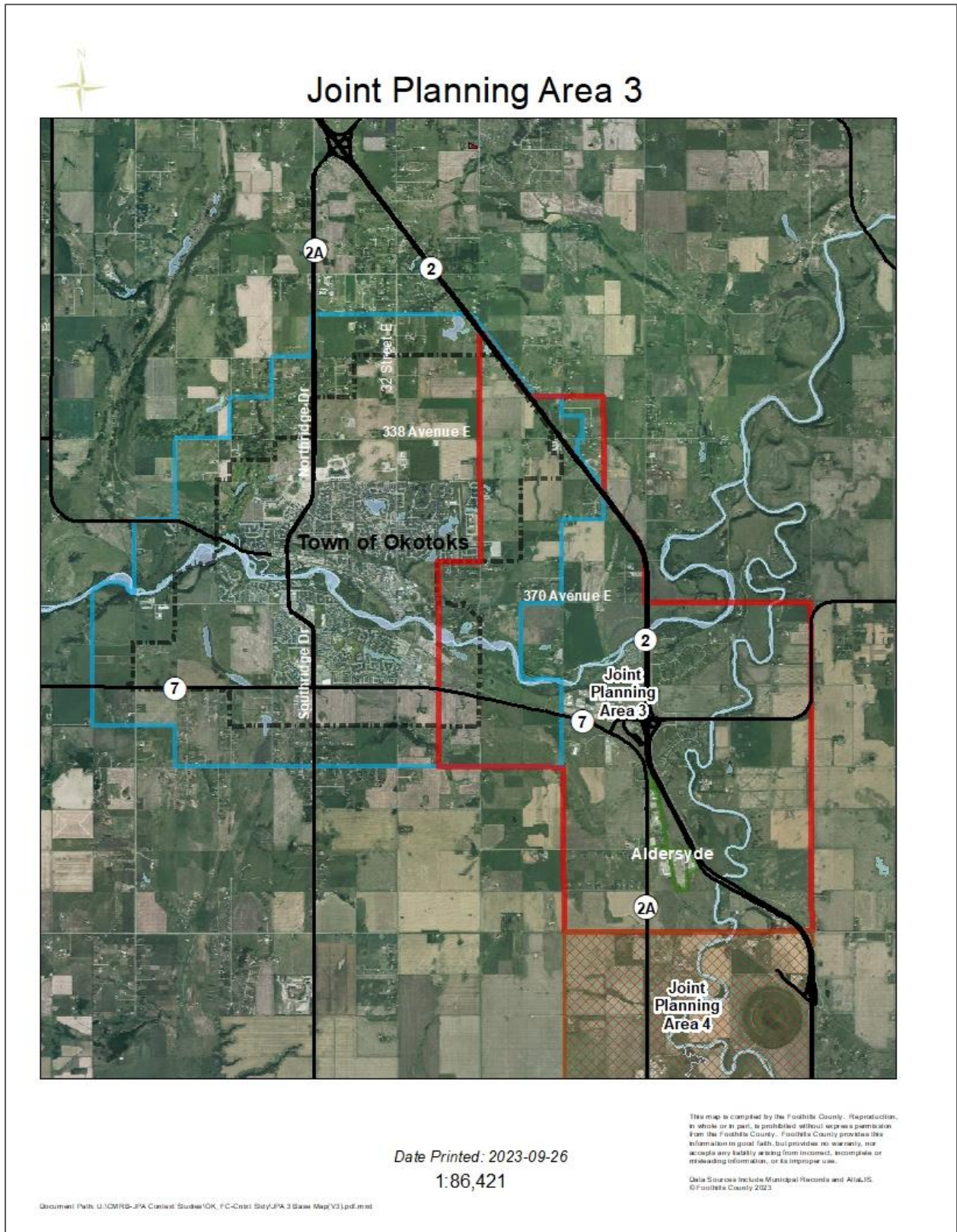
APPENDICES:

APPENDIX A: JPA3 Study Area Map

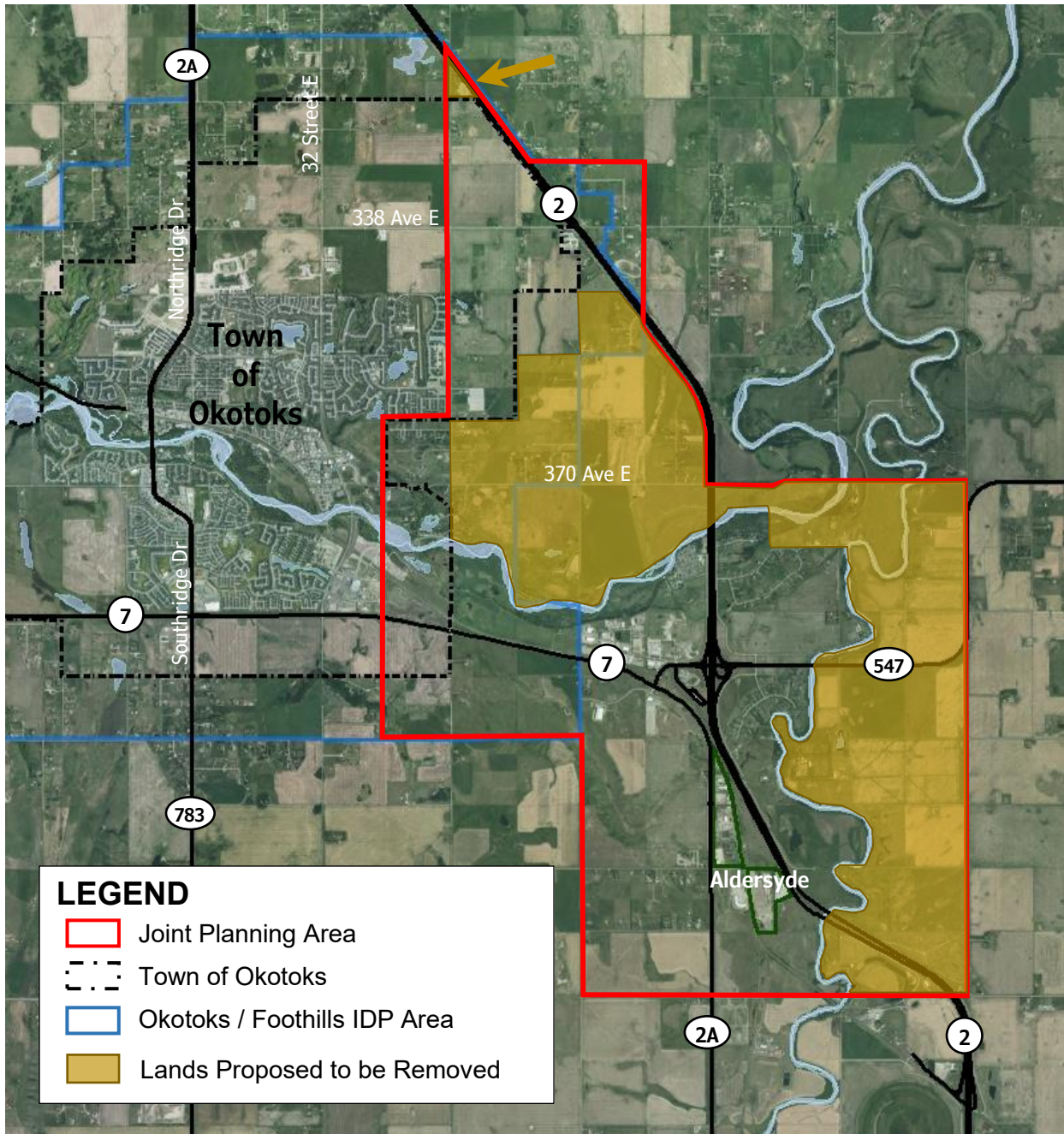
APPENDIX B: Lands Foothills Proposes to Remove from JPA Study Area

APPENDIX C: Town of Okotoks Sept. 14, 2023 letter to Reeve Miller

APPENDIX A – JPA3 Study Area Map



APPENDIX B - Lands Foothills Proposes to Remove from JPA Study Area



September 14, 2023

Delilah Miller, Reeve
Foothills County
309 Macleod Trail, Box 5605
High River, Alberta T1V 1M7
Sent via email: Delilah.Miller@FoothillsCountyAB.ca

Dear Reeve Miller:

Re: Joint Planning Area #3 Boundaries

On September 11th, 2023, the Town of Okotoks Council reviewed Foothills County's request to amend the boundaries of the Joint Planning Area #3 as outlined in the Calgary Metropolitan Board (CMRB) Growth Plan.

Town of Okotoks Council does not support changes to Joint Planning Area #3 at this time. Once the review work for the Joint Planning Area has been completed, the Town would use that information to inform any boundary changes and believes changes contemplated in advance of the joint planning initiative are premature.

Okotoks Council would note that the Terms of Reference with the associated mapping for this project were only adopted in January of this year. The Growth Plan and associated JPA boundaries were discussed in detail and only approved in August of 2021. From an infrastructure and transportation standpoint, there have been no significant changes in the area to warrant a decrease in the Joint Planning Area's size or a change in the overall boundaries from when they were initially determined with the Growth Plan adoption or the Terms of Reference completion.


If you have any further questions or would like to discuss the rationale behind the Town's position on this matter, please do not hesitate to reach out to me directly. We look forward to continued collaboration on this project.

Sincerely,



Tanya Thorn, B.A, ICD.D
Mayor

MISCELLANEOUS PLANNING ITEM
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
SECOND AND THIRD READINGS TO BYLAW 67/2023
December 6, 2023

APPLICATION INFORMATION	
	Land Use Bylaw Amendments for Retail Cannabis Sales
PROPOSAL: Requesting second and third readings to Bylaw 67/2023 for amendments to the Land Use Bylaw pertaining to the retail sales of cannabis, for Council’s consideration.	
FILE MANAGER: Drew Granson	

BACKGROUND:

On November 15th, 2023, Council granted 1st reading to Bylaw 67/2023 to authorize amendments to the Land Use Bylaw as outlined within the attached Appendix A.

COUNCIL ACTION REQUESTED:

Council is respectfully requested to consider granting 2nd and 3rd readings to Bylaw 67/2023 further amending the Land Use Bylaw by authorizing text amendments pertaining to retail cannabis as described within the enclosed Schedule ‘A’ of Appendix A.

APPENDICES

APPENDIX A: PROPOSED BYLAW

- **Bylaw 67/2023: Amendments for Retail Cannabis Sales**
- **Schedule ‘A’: Proposed Amendments to Land Use Bylaw for Retail Cannabis**

APPENDIX A: PROPOSED BYLAW

BYLAW 67/2023: Amendment for Retail Cannabis Sales

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 up to and including those passed on December 17, 2014.

AND WHEREAS pursuant to Section 191(1) of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, the power to pass a bylaw under this or any other enactment includes a power to amend or repeal the bylaw.

AND WHEREAS Bylaw 67/2023 was introduced to Council to further amend the Land Use Bylaw by authorizing text amendments to Land Use Bylaw 60/2014 pertaining to Retail Cannabis as described within the attached Schedule 'A'.

- 1. This Bylaw shall have effect on the date of third reading.

FIRST READING: November 15th, 2023

*Signatures for 1st reading
omitted from staff report.* _____
Reeve

CAO

SECOND READING: _____, 20xx

Reeve

CAO

THIRD READING: _____, 20xx

Reeve

CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this ____day of _____, 20____.

SCHEDULE A – PROPOSED AMENDMENTS TO LAND USE BYLAW FOR RETAIL CANNABIS

DEFINITIONS

The definitions are amended as follows:

New Definitions:

CANNABIS means a cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

CANNABIS ACCESSORY means a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis; or as defined in the Cannabis Act (Canada) and its regulations as amended from time to time.

CANNABIS RETAIL STORE means a building or portion thereof that is licensed by the Province of Alberta for the legal sale of cannabis and cannabis accessories for off-site consumption. This use does not include Cannabis Production.

CANNABIS SALES means for the wholesale or retail sale or distribution to the public of any and all types of Cannabis as defined by the Cannabis Act (Canada).

Existing Definitions requiring Amending:

AGRICULTURAL PROCESSING AND DISTRIBUTION means the use of land or a building for the upgrading of a product, for distribution or for sale that was originally produced in an agricultural operation but does not include an abattoir or Cannabis production **or sales**.

CONVENIENCE STORE means a retail store in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to complement such items may include the limited sale of magazines, books and records, house wares, toiletries, stationary, and tobacco products. **This use does not include cannabis sales.**

FARMERS ~~MARTKET~~ MARKET see *Public Market*.

RETAIL GARDEN CENTRE means a development providing for the retail sale of bedding, household and ornamental plants, and associated merchandise, and may include display gardens, but does not include on-site outdoor and indoor cultivation or propagations of plants. **This use does not include cannabis production or cannabis sales.**

RETAIL STORE means the use of a building or a portion thereof for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment but does not include a grocery store, ~~or~~ liquor sales, **or cannabis sales**.

PUBLIC MARKET means the use of a building, structure, or lot for the purpose of selling any or all of **the following**: produce, **meat**, fish, seafood, flowers, and crafts and may include retail stores and restaurants. **This use does not include cannabis sales.**

10.12 HOME BASED BUSINESSES

Section 10 .12 is amended to read as follows:

Home Based Businesses:

10.12.11 Home based businesses do not include Cannabis Production **or Cannabis Sales**.

10.15 CANNABIS PRODUCTION

Section 10 .15 is amended to read as follows:

10.15 Cannabis ~~Production~~ Cannabis, Production

~~No approvals for licensed retail establishments for the retail sale of Cannabis are contemplated in the County until appropriate review can be completed further to federal and provincial legislation and regulations being implemented.~~

Approvals for a Cannabis Retail Store for the retail sales of Cannabis are only contemplated under the Direct Control District #11 (DC11). All Cannabis Retail Stores must adhere to all applicable requirements of the Alberta Gaming, Liquor and Cannabis (AGLC) and other applicable federal and provincial legislation and regulations. This use is not contemplated elsewhere in the County.

Cannabis, Retail

- 10.15.17 Cannabis, Cannabis Sales, Cannabis Retail Store, and Cannabis Accessory are defined in Section 2.5 of this bylaw.
- 10.15.18 All Cannabis Sales and Cannabis Retail Stores require an approved Development Permit prior to operation.
- 10.15.19 The landowner is responsible to ensure any required safety code permits are obtained from the County and to ensure compliance with all Provincial or Federal regulatory bodies having jurisdiction with respect to such facilities.
- 10.15.20 Where Cannabis Retail Store is not listed as a use under the current land use district, a bylaw must be enacted to redesignate the lands to the appropriate land use district or amendment of the existing district to allow for the use, prior to the development authority considering the development permit application complete.
- 10.15.21 All Cannabis Retail Stores shall adhere to the requirements as identified within the AGLC's Retail Cannabis Store Handbook, including but not limited to:
- a. A retail cannabis license will not be issued if the premises is located within 100 metres of:
 - a) a provincial health care facility, or boundary of the parcel of land on which the facility is located, or
 - b) a building containing a school or a boundary of the parcel of land which the facility is located, or
 - c) a boundary of a parcel of land that is designated as a school reserve or municipal and school reserve in the *Municipal Government Act*.
 - b. The retail cannabis store may set its hours of operation between the maximum allowable hours of 10:00am and 2:00am, Monday through Sunday, unless otherwise set by the Development Authority.
- 10.15.22 Development permit applications for Cannabis Retail Stores shall be accompanied by the following information:
- a. Written proof of submission to the AGLC for the Retail Cannabis Store (providing proof of approved AGLC License will be a condition of the Development Permit approval).
 - b. A detailed site plan with North at the top of the page showing:
 - i. the entire parcel and any other land that may be used in conjunction with the parcel for the proposed use. If additional lands are owned by others, must include names and signed consent for the proposed development;
 - ii. The legal land description;
 - iii. Dimensions of the parcel and building(s);

- iv. Locations of all existing and proposed buildings and distances from all property lines;
 - v. Distances from any neighbouring Healthcare Facilities, Schools, and/or school reserve/municipal and school reserve properties;
 - vi. All roads and routes used for any construction, and access/egress of the subject property;
- c. Statements to fully describe the proposed development, including but not limited to:
- i. Full description of proposed business, including how it operates, and the number of individuals to be employed;
 - ii. Products and services proposed;
 - iii. Types and frequency of deliveries to and from the site;
 - iv. Proposed days and hours of operation (noting maximum allowable hours of 10am to 2am, as per the *Alberta Gaming, Liquor and Cannabis Regulation 121*);
 - v. Proposed maximum number of occupants of any building involved in the development at any given time;
 - vi. Description of provisions for construction/renovations/alterations to any proposed and/or existing building(s) in support of the proposed operation, and in alignment with the Gaming, Liquor and Cannabis Act (GLCA) and Gaming, Liquor and Cannabis Regulation (GLCR).
 - vii. Provisions for parking and loading;
 - viii. Methods of controlling noise, dust, odors or drainage from the lot, both during construction and regular operations of the business;
 - ix. Description of any proposed signage and/or business identification including illustrations/renderings and dimensions;
- d. Any additional or supplementary details deemed appropriate or necessary by the development authority and/or applicant in order to thoroughly consider the application.
- e. A Fire Safety Plan submitted with the application for review and approval by the Safety Codes Officer prior to project commencement.
- f. An Emergency Response Plan prepared by a qualified professional and approved by the County's Emergency Management Department prior to the submission of the development permit.
- 10.15.23 The Approving Authority may impose as a condition, any reasonable measure to ensure suitability, compatibility and to mitigate potential impacts, consistent with and giving consideration to the terms and conditions of the AGLC approval.
- 10.15.24 In evaluating the appropriateness of a development permit application for Cannabis Retail Sales, the Approving Authority shall consider:
- a. compatibility with adjacent and neighboring land uses;
 - b. impact on existing traffic volumes and patterns of flow;
 - c. appropriate vehicle parking and site access/egress requirements;
 - d. lighting and signage;
 - e. appropriate site security/fencing requirements; and
 - f. any other matters considered appropriate by the development authority.

LAND USE DISTRICTS:


Direct Control #11 shall be amended as follows:

- *Cannabis Retail Store* to be added as a discretionary use.

Direct Control #27 shall be amended as follows:

- 18.27.6.1 Home based businesses do not include Cannabis Production or Cannabis Sales.

**SUBDIVISION APPROVING AUTHORITY ITEM
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 SUBDIVISION APPROVAL
 December 6, 2023**

REQUEST FOR SUBDIVISION APPROVAL	
APPLICATION INFORMATION	FILE NO. F2229-04SW
	LEGAL DESCRIPTION: Ptn. SW 4-22-29 W4
	LANDOWNER: Carma Ltd.
	AGENT: Maidment Land Surveys Ltd. – Brent Wilson
	AREA OF SUBJECT LANDS: 27.66 acres
	CURRENT LAND USE: Recreation District
PROPOSAL: Subdivision to create one 1.80 +/- acre, one 2.54 +/- acre and one 6.39 +/- acre Public Utility Lot, leaving a 16.93 +/- acre balance parcel.	
FILE MANAGER: Samantha Payne	DEPUTY REEVE: Don Waldorff

PURPOSE OF REQUEST:

Request of the Subdivision Approving Authority to approve the subdivision application proposing the creation of one 1.80 +/- acre, one 2.54 +/- acre and one 6.39 +/- acre Public Utility Lot (PUL), leaving a 16.93 +/- acre balance parcel. All parcels would retain the Recreation District land use.

The subject lands are located within the Hamlet of Heritage Pointe, within the development referred to today as Artesia. The subject lands currently contain 3 stormwater retention ponds that were constructed to manage stormwater for the Artesia development. Each proposed PUL would encompass an existing stormwater retention pond.

The County currently owns, maintains and operates all stormwater infrastructure within the Artesia development with the exception of the 3 stormwater retention ponds. The County assumed maintenance responsibilities of the ponds in August 2021, however ownership of the ponds is still under the developer (Carma Ltd.).

The purpose of this subdivision application is to create separate certificates of title for each of the 3 existing stormwater retention ponds and add the PUL suffix to the legal descriptions/titles for each pond, in order to transfer the ownership of the ponds from the current landowner to the County. This subdivision would result in the County owning all stormwater related infrastructure in the Artesia development.

BACKGROUND:

The subject 27.66 acre parcel is located within the plan area for the Heritage Pointe Stage 3 Area Structure Plan (ASP), known today as Artesia, which was adopted by Council on September 13, 2007. The ASP comprises a total plan area of 137.44 acres and contemplated the development of a total of 272 dwelling units, which were subdivided in four phases. To date, all four phases of subdivision have been approved and registered with land titles.

Please Note: A detailed history of the past approvals for this development and a map illustrating the four phases are included under Appendix B of this staff report.

SITE IMPROVEMENTS:

Proposed 6.39 +/- acre PUL:
Would contain stormwater retention Pond #1 to the highwater mark of the pond and a small portion of the pathway system.

Proposed 2.54 +/- acre PUL:
Would contain stormwater retention Pond #3 to the highwater mark of the pond, one pump station and a small portion of the pathway system. This pump station is designed to pump water from Pond #3 to Pond #1 as part of the overall stormwater management system. The approximate location of this pump station is shown on the image to the right by the yellow star. The County currently operates and maintains this pump station, and should this subdivision be approved would then also own it.

Proposed 1.80 +/- acre PUL:
Would contain stormwater retention Pond #2 to the highwater mark of the pond and a small portion of the pathway system.

Proposed 16.93 +/- acre Balance:
Would contain all remaining lands from the highwater mark of each of the 3 Ponds to property line. These lands include landscaped open space, majority of the pathway system, and a pump station. This pump station is for Artesia's irrigation system and its approximate location is shown on the above image by the red star. The balance lands and all improvements would be owned and maintained by the Artesia Homeowners Association.



CIRCULATION REFERRALS:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
EXTENRAL	
Alberta Transportation and Economic Corridors (ATEC)	The subdivision proposal does not meet Sections 18 or 19 of the Regulation. The department anticipates minimal impact on the highway from this proposal. Additionally, there is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Therefore, Pursuant to Section 20 of the Regulation, the department grants approval for the subdivision authority to grant a variance of Sections 18 and 19 of the Regulation should they choose to do so.
FortisAlberta, TELUS, ATCO Gas & ATCO Pipelines	No concerns/objections
INTERNAL	
Public Works	<p>Public works requested the subdivision application to create separate certificates of title for each of the 3 existing Stormwater Retention Ponds, in order to transfer the ownership of the ponds from the landowner to the County.</p> <p>The County currently operates and maintains the ponds, including the Pump Station at pond 3, and also owns, maintains and operates all other Stormwater Infrastructure within Artesia. This subdivision would result in the County owning all stormwater infrastructure.</p> <p>Please note that this only applies to the Stormwater Infrastructure and does not include the County taking over any ownership, maintenance or operation of the Irrigation Infrastructure including:</p> <ul style="list-style-type: none"> • The irrigation pumping system and piping on pond 1 including its building.
PUBLIC	
Landowners (adjacent)	No Submissions

REQUEST OF THE SUBDIVISION APPROVING AUTHORITY:

Council, as the Subdivision Authority is respectfully requested to approve the subdivision of one 1.80 +/- acre, one 2.54 +/- acre and one 6.39+/- acre Public Utility Lot. Should Council choose to approve the proposed subdivision, the following motion has been provided for consideration:

The subdivision of one 1.80 +/- acre, one 2.54 +/- acre and one 6.39+/- acre Public Utility Lot has been evaluated in terms of Section 654 of the Municipal Government Act and Sections 9 and 20 of the Matters Related to Subdivision and Development Regulation and is approved as per the tentative plan and a variance is granted to Sections 18 and 19 of the Regulation for the following reasons:

- The application is consistent with Section 9 of the Regulation;

- The subject lands have the appropriate land use designation; 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.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application is approved subject to the following conditions:

Recommended 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 Register of the South Alberta Land Titles District;
2. Landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision;
3. Landowners are to provide all utility easements and agreements, to the satisfaction of the County;
4. Submission of subdivision endorsement fees.

APPENDICES:

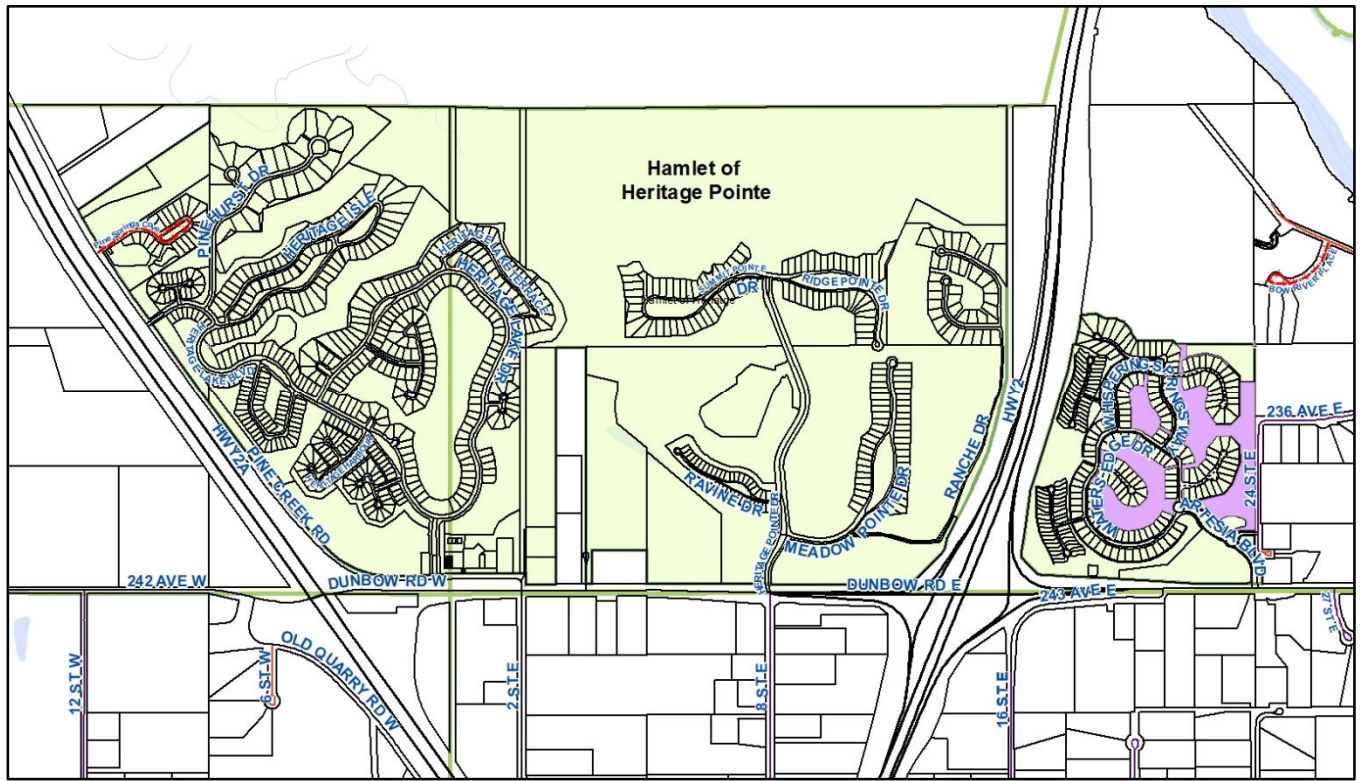
APPENDIX A- MAP SET:


Location Map
Ortho Map
Site Plan


APPENDIX B:

History and Artesia Overall Phasing Map

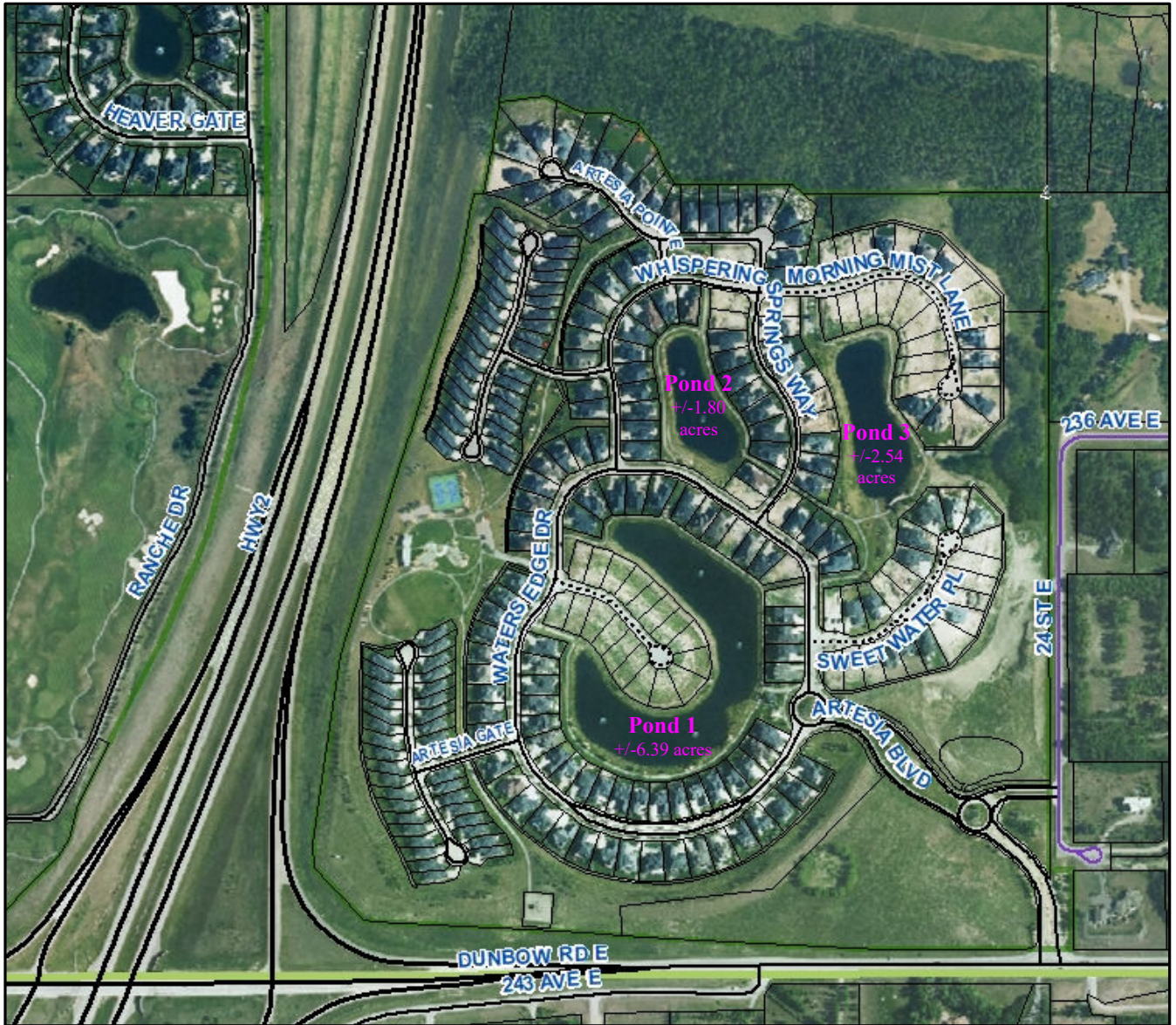
APPENDIX A: LOCATION MAP



 Hamlet of Heritage Point

 27.66 acre Subject Parcel

APPENDIX A: ORTHO MAP (2021)



APPENDIX A: SITE PLAN

FOOTHILLS COUNTY
 PLAN SHOWING SURVEY OF
 SUBDIVISION
 AFFECTING PORTION OF
 S.W.1/4 SEC.4, TWP.22, RGE.29, W.4M.
 SCALE: 1:1000
 B.M. WILSON, ALS 2020



SURVEYOR
 BRENT M. WILSON, ALS 2020
 SURVEYED BETWEEN THE DATES OF MAY 3, 2011 AND _____ 2020
 IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYS ACT.

REGISTERED OWNER
 CROWN LTD.

SUBDIVISION AUTHORITY
 FOOTHILLS COUNTY
 FILE NO: F2229-045W

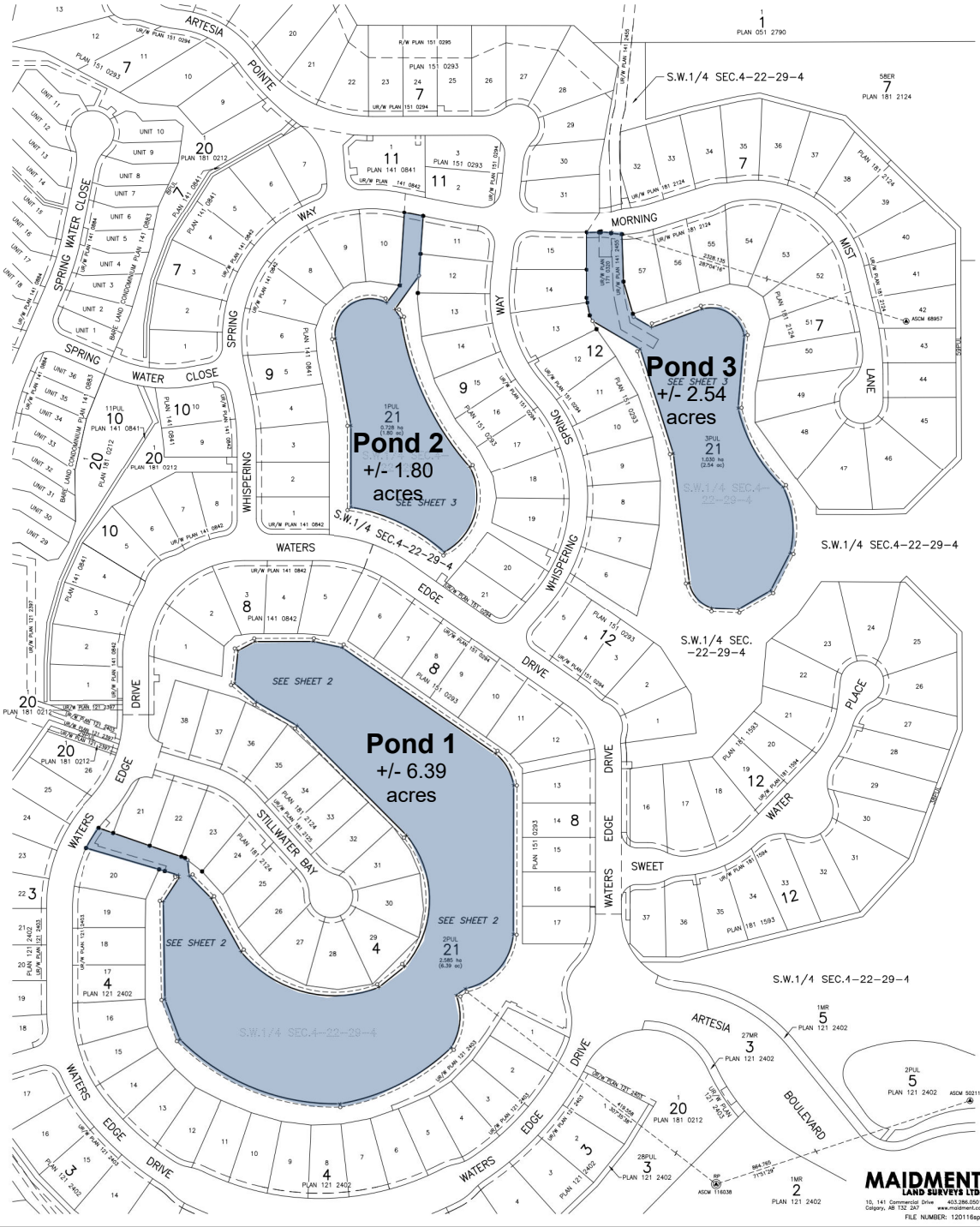
REGISTRAR
 ALBERTA LAND TITLES OFFICE

PLAN NO. _____
 ENTERED AND REGISTERED _____
 ON _____
 INSTRUMENT NO. _____
 A.D. REGISTRAR _____

SHEET 1 OF 3

- LEGEND**
- AREA AFFECTED BY THIS PLAN OUTLINED THUS AND CONTAINS 2,342 sq. ft. LOTS.
 - STANDARD HIGH WATERS SHOWN THUS (FOUND) (PAVED) (MARKED) (TRIM)
 - TEMPORARY POINT ESTABLISHED, LEFT NO MARK, SHOWN THUS
 - ALBERTA SURVEY CONTROL MARKER SHOWN THUS
 - ALBERTA SURVEY CONTROL MARKER USED AS REFERENCE POINT SHOWN THUS
 - DISTANCES ARE IN METRES.
 - DISTANCES ALONG CURVED BOUNDARIES ARE ARC DISTANCES.
 - THE DESIGNATION BY LETTERS & NUMBERS INDICATES THAT THE LINE IS NORMAL TO THE ADJACENT CURVE.
 - BEARINGS ARE QUAD AND DERIVED FROM THE LINE BETWEEN ACORN 116038 AND ACORN 00211.
 - THE PROJECTION IS 3 TRANSVERSE MERCATOR, THE DATUM IS NAD83 (ORIGINAL), THE REFERENCE MERIDIAN IS 114° WEST LONGITUDE, AND THE COMBINED SCALE FACTOR IS 0.999728.
 - GRID COORDINATES ARE DERIVED USING THE PUBLISHED VALUES FOR ACORN 116038: NORTHING = 5633072.000, EASTING = 2558.121.

ALS	ALBERTA LAND SURVEYOR	M/C	MARKED
SEC	SECTION	NO	NUMBER POST
TWP	TOWNSHIP	ACORN	ALBERTA SURVEY CONTROL MARKER
RANGE	RANGE	NAD83	NORTH AMERICAN DATUM OF 1983
M	MERIDIAN	RP	REFERENCE POINT
MEASURE	METRE	MP	MARKER/POINT
AC	ACRE	A	CENTRAL ANGLE OF CURVE
N	NORTH	R/W	RIGHT OF WAY
S	SOUTH	A/R/W	ADJACENT RIGHT OF WAY
E	EAST	U/R/W	UTILITY RIGHT OF WAY
W	WEST	MR	MUNICIPAL RESERVE
		ER	ENVIRONMENTAL RESERVE
		PUL	PUBLIC UTILITY LOT



3 Proposed Public Utility Lots

MAIDMENT LAND SURVEYS LTD.
 10, 141 Commercial Drive 403.286.0501
 Calgary, AB T2C 2A7 www.maidment.ca
 FILE NUMBER: 120118sp

APPENDIX B: HISTORY

September 13, 2007: The Heritage Pointe Stage 3 Area Structure Plan, known today as 'Artesia' was adopted by Council under Bylaw 55/2007. The ASP comprises a total plan area of 137.44 acres and contemplates the development of a total of 272 dwelling units to be subdivided in four phases.

September 3, 2009: Council gave third and final reading to Bylaw 201/2007 authorizing the redesignation of the 137.44 acre parcel (SW 04-22-29 W4M) from Agricultural District to Residential District in order to permit the future subdivision of 272 dwelling units with a site specific amendment to allow for a relaxation of the height restriction to 12 metres, a minimum 4-metre front yard setback and a relaxation of up to 90% on front yard corner lots as outlined in the Area Structure Plan. Lands within this parcel were also redesignated to Recreational District, Environmental Reserve and Municipal Reserve.

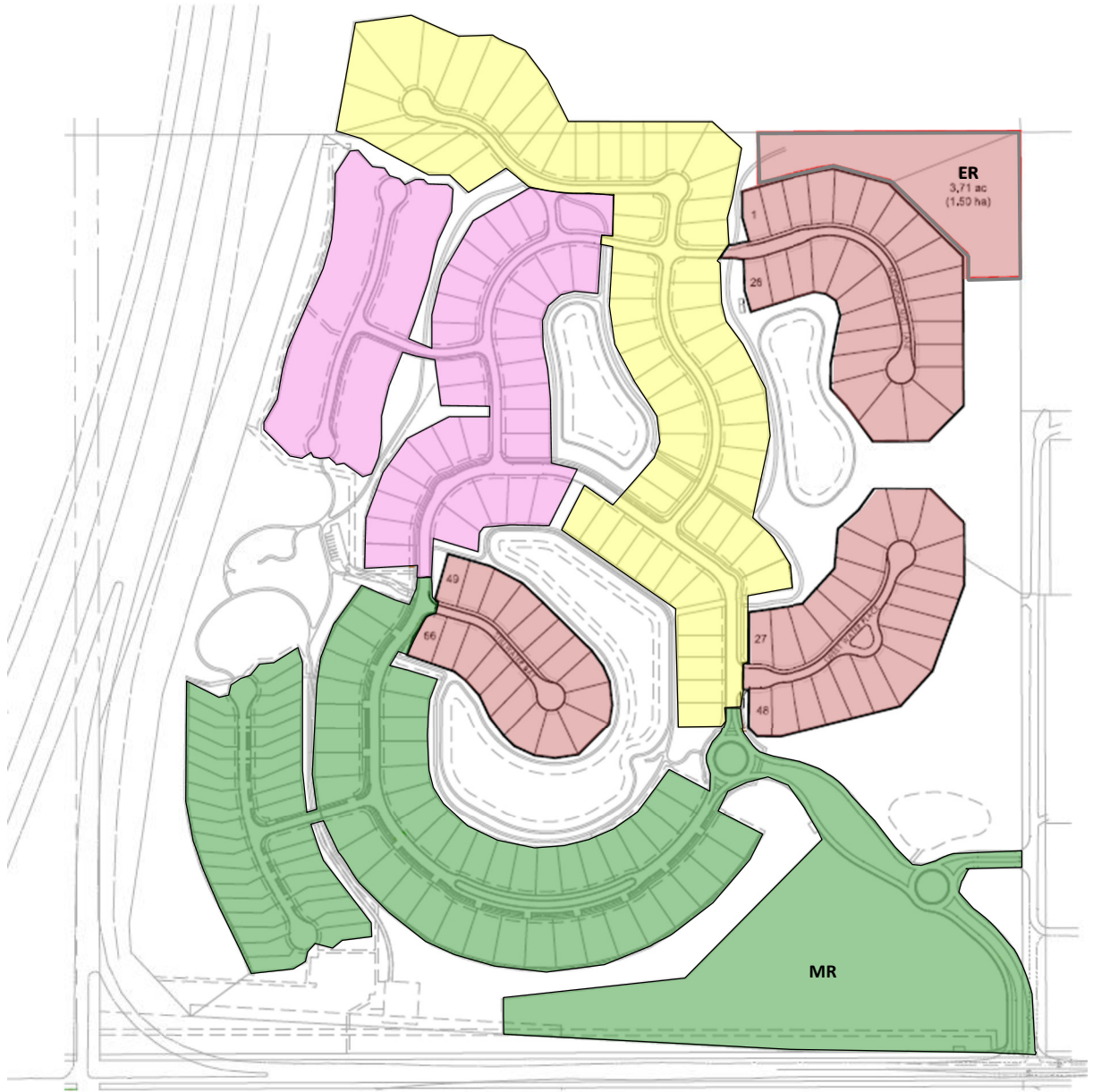
July 5, 2011: The Subdivision Approving Authority approved the subdivision of the Phase 1 development of the Heritage Pointe Stage 3 Area Structure Plan. Phase 1 consisted of a total of 82 Residential Community District lots and Municipal Reserve parcels. The Phase 1 subdivision has been completed.

July 17, 2013: The Subdivision Approving Authority approved the subdivision of the Phase 2 development of the Heritage Pointe Stage 3 Area Structure Plan. Phase 2 consisted of a total of 68 Residential Community District lots. The Phase 2 subdivision has been completed.


July 2, 2014: The Subdivision Approving Authority approved the subdivision of 55 Residential Community District lots and 8 Residential Community Sub-district 'A' lots within SW and NW 04-22-29 W4M, as a part of the Phase 3 development of the Heritage Pointe Stage 3 Area Structure Plan. The Phase 3 subdivision has been completed.

April 1, 2015: The Subdivision Approving Authority approved the subdivision of the Phase 4 development of the Heritage Pointe Stage 3 Area Structure Plan. Phase 4 consisted of a total of 66 Residential Community District lots and one 3.71 acre Environmental Reserve (ER) parcel. The Phase 4 subdivision has been completed.

APPENDIX B: ARTESIA OVERALL PHASING MAP



	Phase 1 Artesia - Finalized
	Phase 2 Artesia - Finalized
	Phase 3 Artesia - Finalized
	Phase 4 Artesia - Finalized

LEGISLATIVE SERVICES DEPARTMENT	
	TOPIC: Blackie Community Association – Request to Relocate Exercise Equipment
REPORT PREPARED BY: Krista Conrad REPORT PRESENTED BY: Councillor Siewert	

PURPOSE OF REQUEST

To consider the request from the Blackie Community Association to relocate exercise equipment currently located at Blackie School to Hill Park.

BACKGROUND

The Blackie Community Association has been approached by Blackie school and Blackie School Council regarding the current exercise equipment on the school grounds. Blackie School would like it removed from its property and has offered it to the Blackie Community Association.

Blackie Community Association is requesting Foothills County remove the exercise equipment from Blackie School and install it at Hill Park in Blackie for community use.

REQUEST OF COUNCIL

Proposed Motion:

That Council acknowledge the letter of request from Blackie Community Association and direct administration to relocate the exercise equipment from Blackie School to Hill Park.

APPENDICES

Email Request

Blackie Community Association

PO Box 84

Blackie, AB

T0L 0J0

Nov. 22, 2023

Re: Exercise Equipment for Hill Park from the Blackie School

Dear Foothills County,

The Blackie Community Association has been approached by the Blackie school and Blackie School council regarding the current exercise equipment that is set up at the school grounds. Blackie school would like it removed from their property and have offered it to the Blackie Community Association, as they do not want to see it going to waste.


We would like to put in a request to have this exercise equipment removed from the school and set up and installed at hill park by Foothills County for the community to use please. This would be a great addition to the playground area and would allow parents and older teens access to some physical activity while their littles play. We would like to have it set up just north of the tire swing possibly please.

If you require any more information, please reach me via email [REDACTED]

Respectfully yours,

Stacey Groeneveld,

Blackie Community Association

CORPORATE SERVICES DEPARTMENT	
	TOPIC: Desk Phone replacement
REPORT PREPARED BY: MANAGER HOLLIS JACOBSEN REPORT PRESENTED BY: MANAGER HOLLIS JACOBSEN	

PURPOSE OF REQUEST

That Council Authorize Administration to purchase replacement Desk phones from Allstream.

BACKGROUND

Our current Desk Phones are over 10 years old and need to be replaced, they are well passed their End of Life. Allstream is our VOIP Telecom provider, and we must purchase our phones through them for support and warranty.

REQUEST OF COUNCIL

Proposed Motion:
 Moved that Council Authorize Administration to purchase 60 Desk Phones from Allstream for \$34,630.

APPENDICES

Allstream Quote

Quantity	Description	Unit \$	Total \$
60	Mitel IP6930 phone	\$575.00	\$34,500.00
1	courier fee	\$130.00	\$130.00
		Total	\$34,630.00

MAC CUSTOMER ORDER

Date: October 23, 2023

Customer Name ("Customer")

Customer number:

BILLING ADDRESS:	LOCATION ADDRESS:
Foothills County 309 Macleod Trail High River, AB. T1V 1Z5	Foothills County 309 Macleod Trail High River, AB. T1V 1Z5
Telephone: 403-652-2341 Fax: email: Contact:	Telephone: 403-652-2110 Fax: email: hollis.jacobsen@foothillscountyab.ca Contact: Hollis Jacobsen

Quantity	Description	Unit \$	Total \$
	Please ship by courier		
60.00	Mitel IP6930 phone	\$575.00	\$34,500.00
1.00	courier fee	\$130.00	\$130.00
EQUIPMENT TOTAL			\$34,630.00
hrs ESTIMATED LABOUR			(\$150.00 / hour)

TOTAL ESTIMATED QUOTE	\$34,630.00
(taxes not included)	

Sales Representative
 Charles Broster
 Toll-free: 1-855-752-6368
charles.broster@allstream.com

Purchase order number

Payment Terms 30 days from invoice

The Customer acknowledges that Customer is ordering the Equipment and/or Offering(s) described below from Zayo Group, LLC, successor in interest to Allstream Business US, LLC or from Zayo Canada Inc., successor in interest to Allstream Business Inc. (each "Zayo," depending on location). This Customer Order shall be governed by and subject to the applicable Master Service Agreement or Master Customer Agreement between Customer and Zayo ("MCA") as well as any applicable Schedule(s). If the Customer has not executed a MCA, this Customer Order shall be governed by the terms and conditions of Zayo's standard Master Customer Agreement and applicable Schedule(s) which are available upon request. The Offerings described herein will also be subject to any additional terms and conditions below and/or incorporated herein by reference.

Unless otherwise defined in this Customer Order capitalized terms shall have the meaning as defined in the MCA pricing is valid for 30 days from the date below and excludes taxes unless otherwise specified. Zayo will begin to invoice Customer for Services or Products delivered/provisioned at the location above once work is completed and accepted at that location.


Currency: Some manufacturers' products are priced exclusively in US Dollars. For components sold in Canada, the price in Canadian currency for such components is based on an estimated conversion rate prevalent on the date of the quote. Customer agrees and acknowledges that the Canadian dollar equivalent may vary from time to time due to fluctuations in the exchange rate, which may result in a price revision.

CUSTOMER

Signature _____
 Name _____
 Title _____
 Date _____

ZAYO

Signature _____
 Name _____
 Title _____
 Date _____

DEPARTMENT: Legislative Services	
	TOPIC: Freedom to Read Week
REPORT PREPARED BY: Krista Conrad REPORT PRESENTED BY: Sherri Barrett	

PURPOSE OF REQUEST

To consider acknowledging February 18 – February 24, 2024 as Freedom to Read Week.

BACKGROUND

See the attached poster.

REQUEST OF COUNCIL

Proposed Motion:

That Council acknowledge February 18 – February 24, 2024 as Freedom to Read Week.

APPENDICES

Appendix A: Freedom to Read Week Poster

From: Jessie Bach <jessie@marigold.ab.ca>

Subject: Freedom to Read Week 2024

Date: November 21, 2023 at 10:35:20 AM MST

Cc: Lynne Price <lynne@marigold.ab.ca>, Laura Taylor <laura@marigold.ab.ca>

You don't often get email from jessie@marigold.ab.ca. [Learn why this is important](#)

Dear CAOs and Marigold Library System members,

The Marigold Library System Board has declared February 18 – 24, 2024, as **Freedom to Read Week**. We encourage all member municipalities to consider supporting intellectual freedom in Canada by joining Marigold in declaring your support for [Freedom to Read Week](#).

Attached is a memo that contains a proclamation that can be customized for your municipality.

All the best,



MARIGOLD
LIBRARY SYSTEM

Jessie Bach (she/her)

Communications & Engagement Manager

jessie@marigold.ab.ca

PHONE: 403.934.5334 EXT.258

Unit B, 1000 Pine Street

Strathmore AB, T1P 1C1

www.marigold.ab.ca

FREEDOM TO READ PROCLAMATION



FREEDOM TO READ WEEK
SEMAINE DE LA LIBERTÉ D'EXPRESSION

CENSURE
LIBERTÉ D'EXPRESSION
ACCÈS À L'INFORMATION

CENSORSHIP
FREEDOM OF EXPRESSION
ACCESS TO INFORMATION

WHEREAS *Freedom to Read Week* is an initiative to promote literacy, tolerance, knowledge, and a love of reading among all Canadians;

AND WHEREAS the right to pursue the truth through free inquiry is essential to democratic decision-making;

AND WHEREAS the freedom to read print on paper or online, is the essence of free inquiry;

AND WHEREAS the freedom to read can never be taken for granted;

AND WHEREAS the freedom to read is under attack;

NOW THEREFORE BE IT RESOLVED that:

the Council of _____ endorses the objectives of *Freedom to Read Week*, and recognizes, reaffirms, and defends the rights of the citizens of _____ individually to decide what they will or will not read; and calls on all residents to actively work to achieve these objectives, and in so doing ensure _____ continues to be a Freedom to Read zone in which the freedom to read and the right to seek information will not be violated.

NOW, THEREFORE I, _____

DO HEREBY PROCLAIM the week of February 18 – February 24, 2024, as

FREEDOM TO READ WEEK

in _____