


**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:

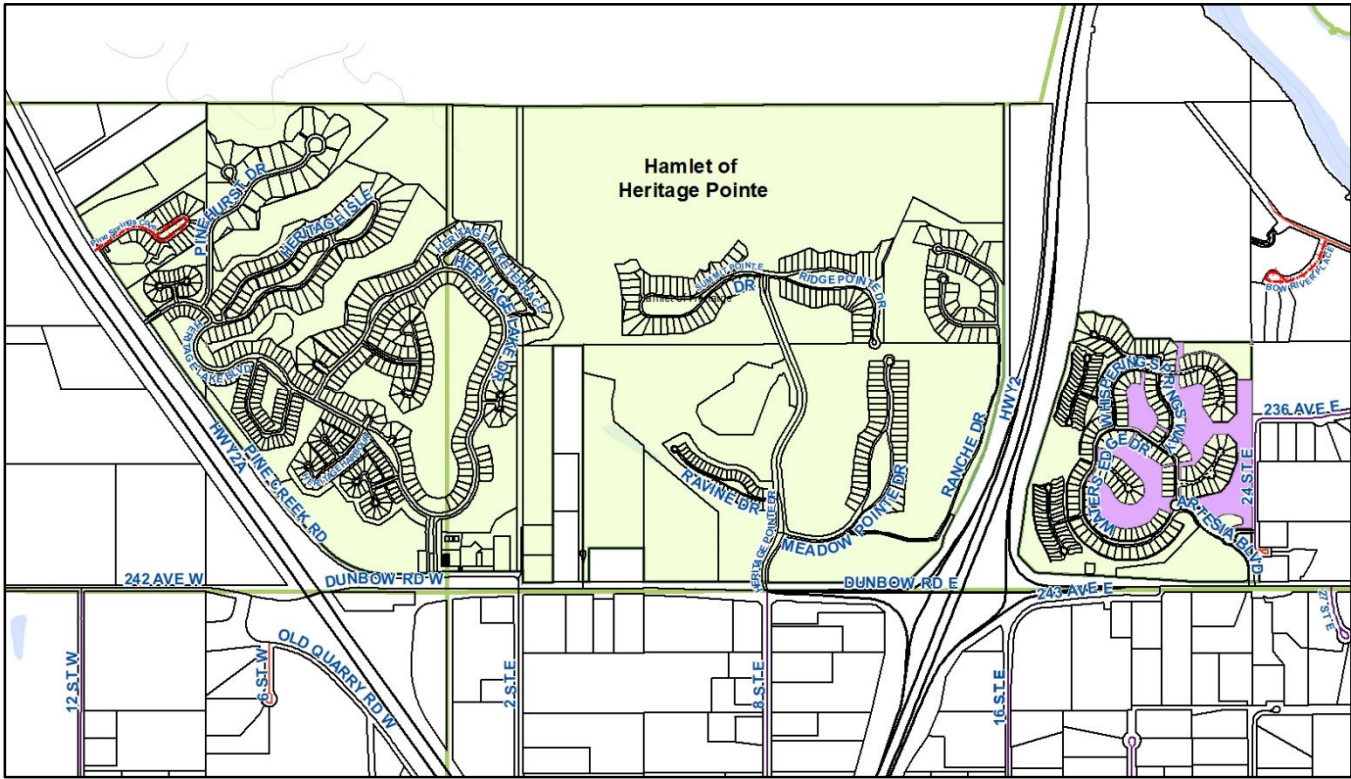
APPENDIX A- MAP SET:

Location Map
Ortho Map
Site Plan

APPENDIX B:

History and Artesia Overall Phasing Map

APPENDIX A: LOCATION MAP

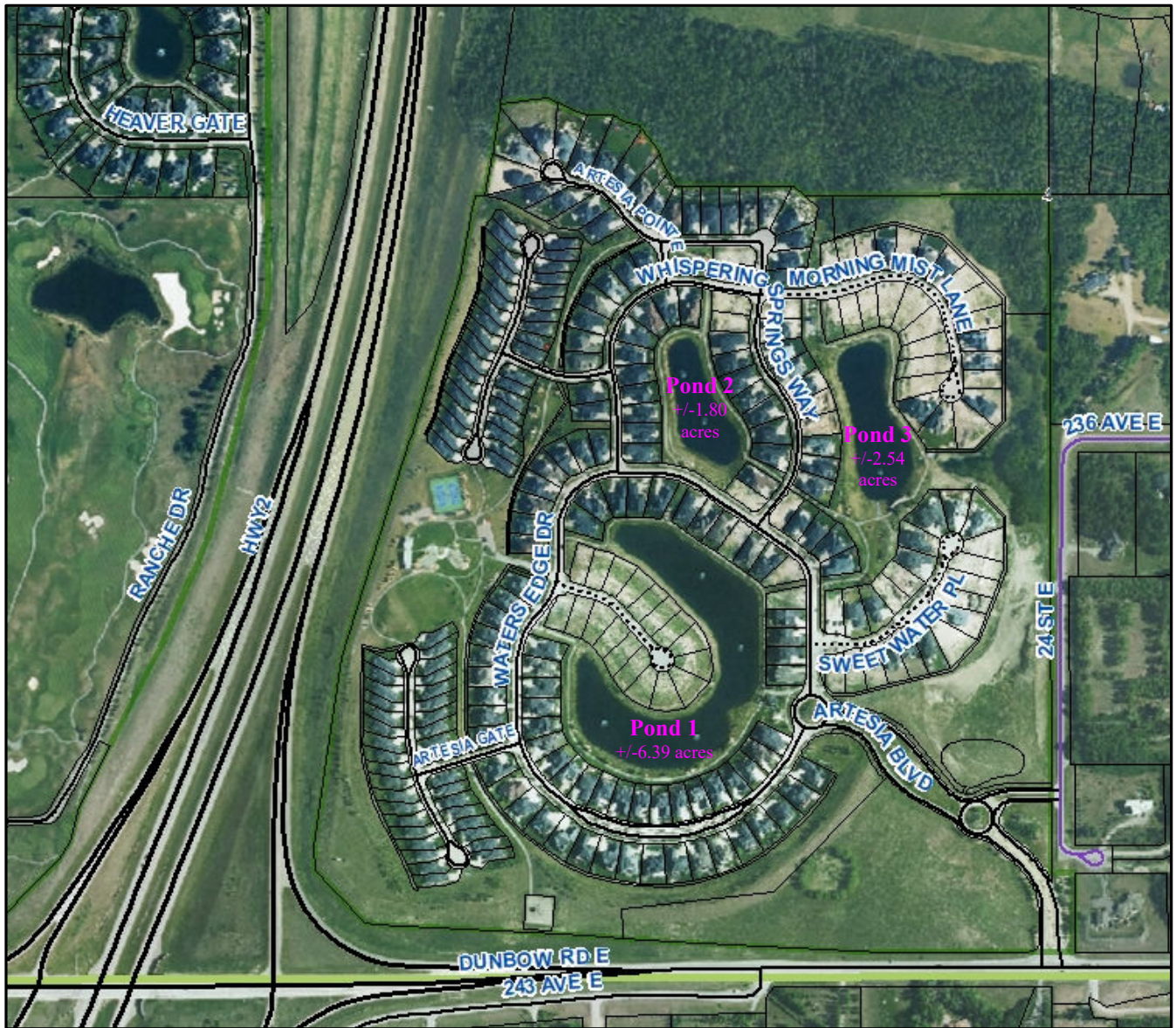


Hamlet of Heritage Pointe



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



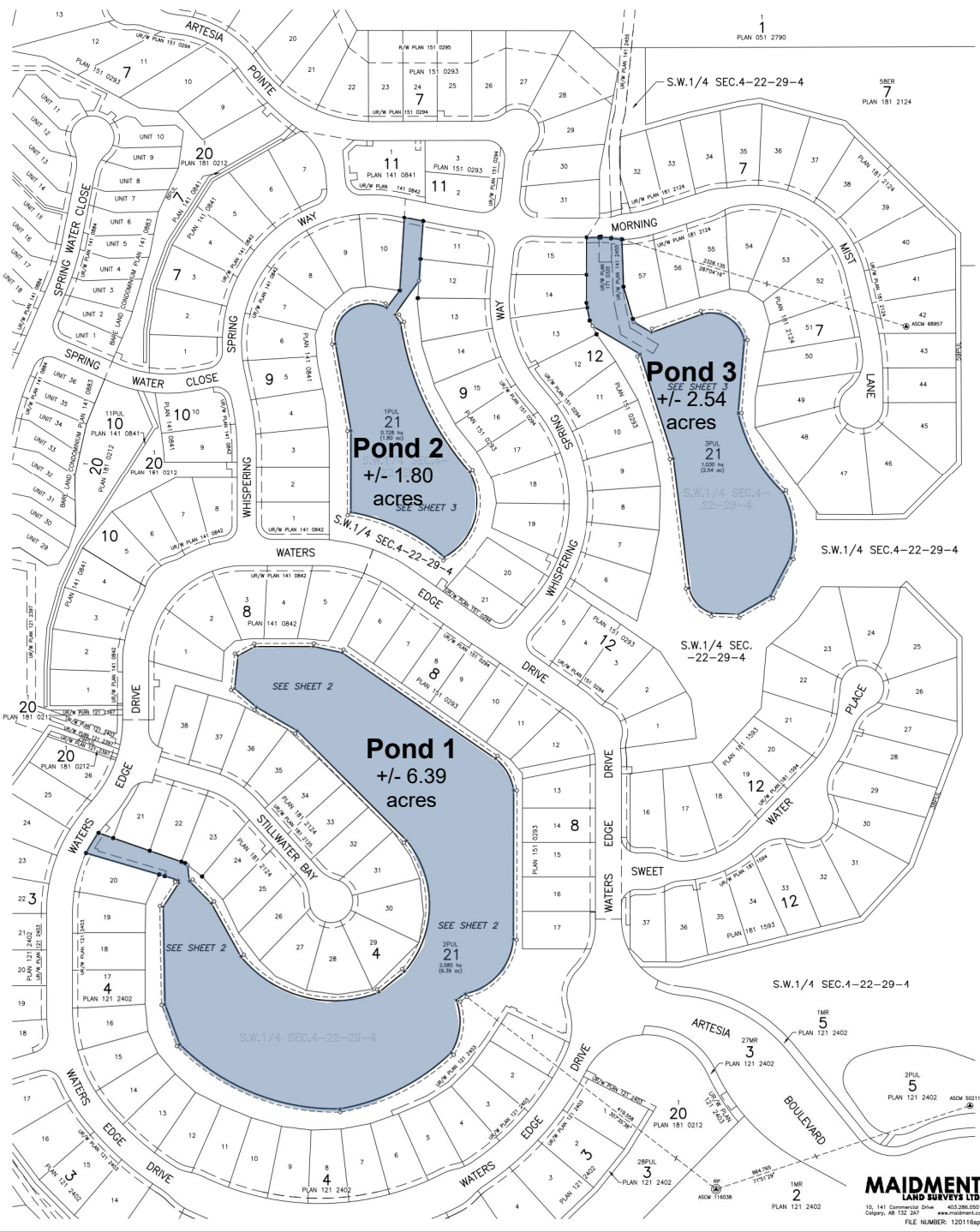
REGISTRAR
 ALBERTA LAND TITLES OFFICE

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 ha (5.811 ACRES).
 - STANDARD BOUNDARY SHOWN THUS (P) PLACED (MARKED TRIPPLE).
 - 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 AND FIGURES INDICATES THAT THE LINE IS RADIAL TO THE ADJACENT CURVE.
 - BEARINGS ARE QUAD AND DERIVED FROM THE LINE BETWEEN ACORN 116038 AND ACORN 00211.
 - THE PROJECTION IS 3 TRANSVERSE MERIDIAN; THE DATUM IS NAD83 (ORIGINAL); THE REFERENCE MERIDIAN IS 114° WEST LONGITUDE; AND THE COMBINED SCALE FACTOR IS 0.999928.
 - 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	M/P	MARKER POST
TWP	TOWNSHIP	ACORN	ALBERTA SURVEY CONTROL MARKER
RANGE	RANGE	NAD83	NORTH AMERICAN DATUM OF 1983
M	MERIDIAN	RP	REFERENCE POINT
MET	METRE	MP/FP	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	L/R/W	LEFT RIGHT OF WAY
W	WEST	MR	MUNICIPAL RESERVE
		ER	ENVIRONMENTAL RESERVE
		PUL	PUBLIC UTILITY LOT



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

3 Proposed Public Utility Lots

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.

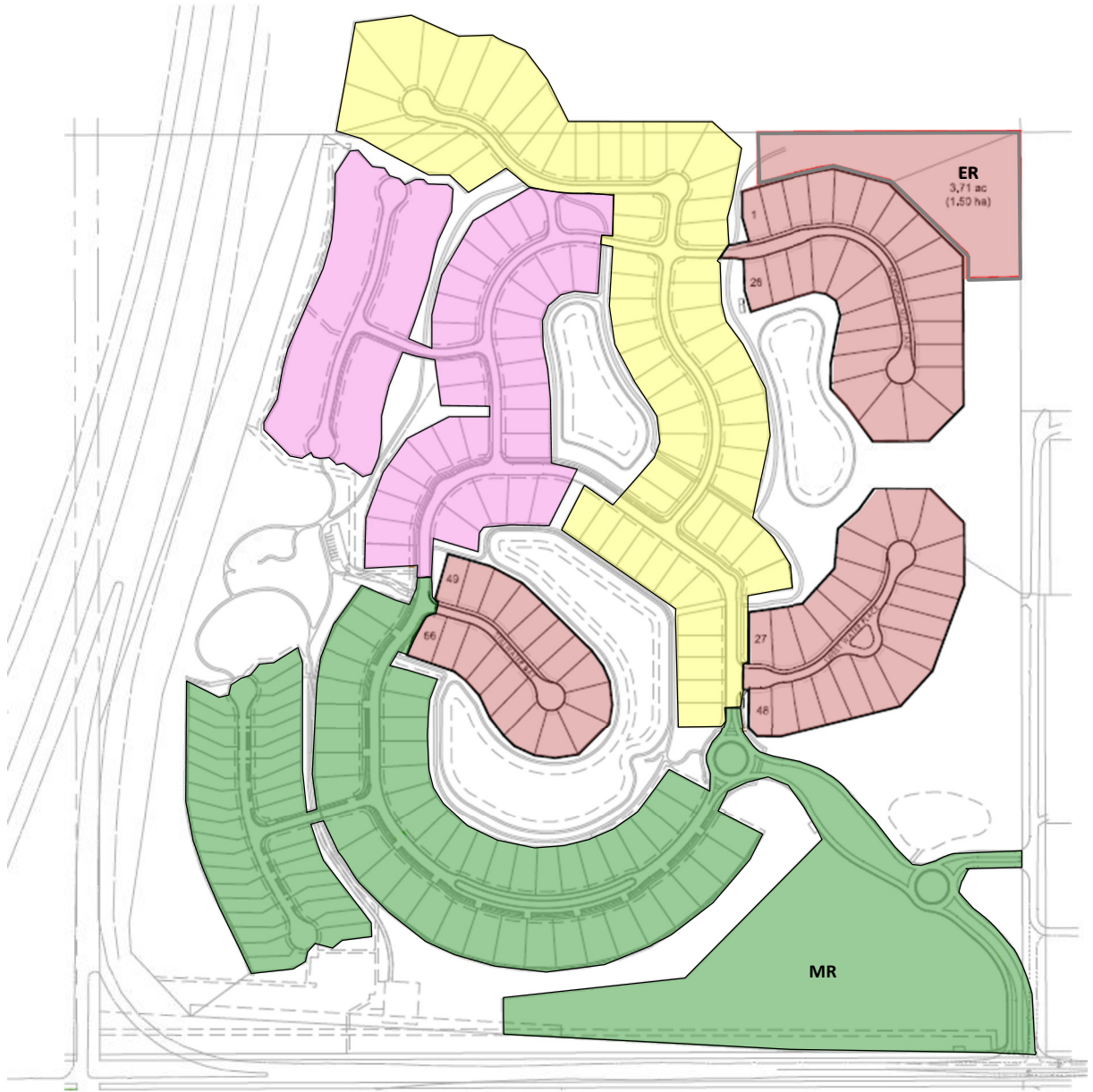
July 5, 2011: The Subdivision Approving Authority approved the subdivision of the Phase 1 development of the Heritage Pointe Stage 3 Area Structure Plan. Phase 1 consisted of a total of 82 Residential Community District lots and Municipal Reserve parcels. The Phase 1 subdivision has been completed.





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