


**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.

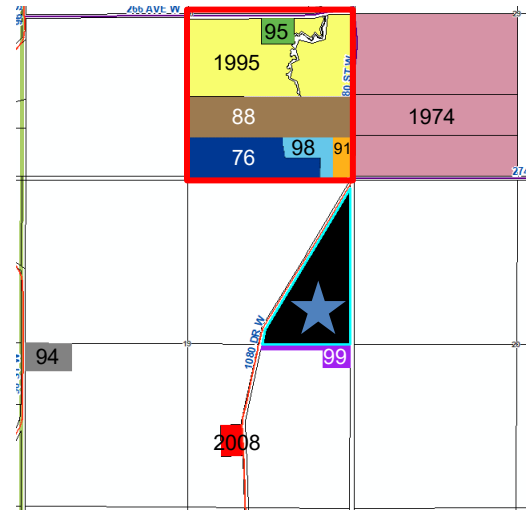
1995: Subdivision of 1 x 44 acre, 1 x 22 acre, 1 x 2.67 and 2.85 ER (shown in yellow).

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:

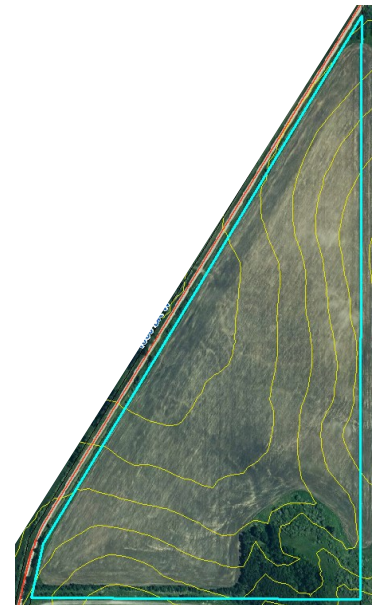
Physiography: The subject parcel is currently used as hay lands and has rolling terrain. The lowest point is the center of 1080 Dr E along the northwest property line and slopes up to the southeast corner, this including slopes that exceed 15% throughout the property.

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

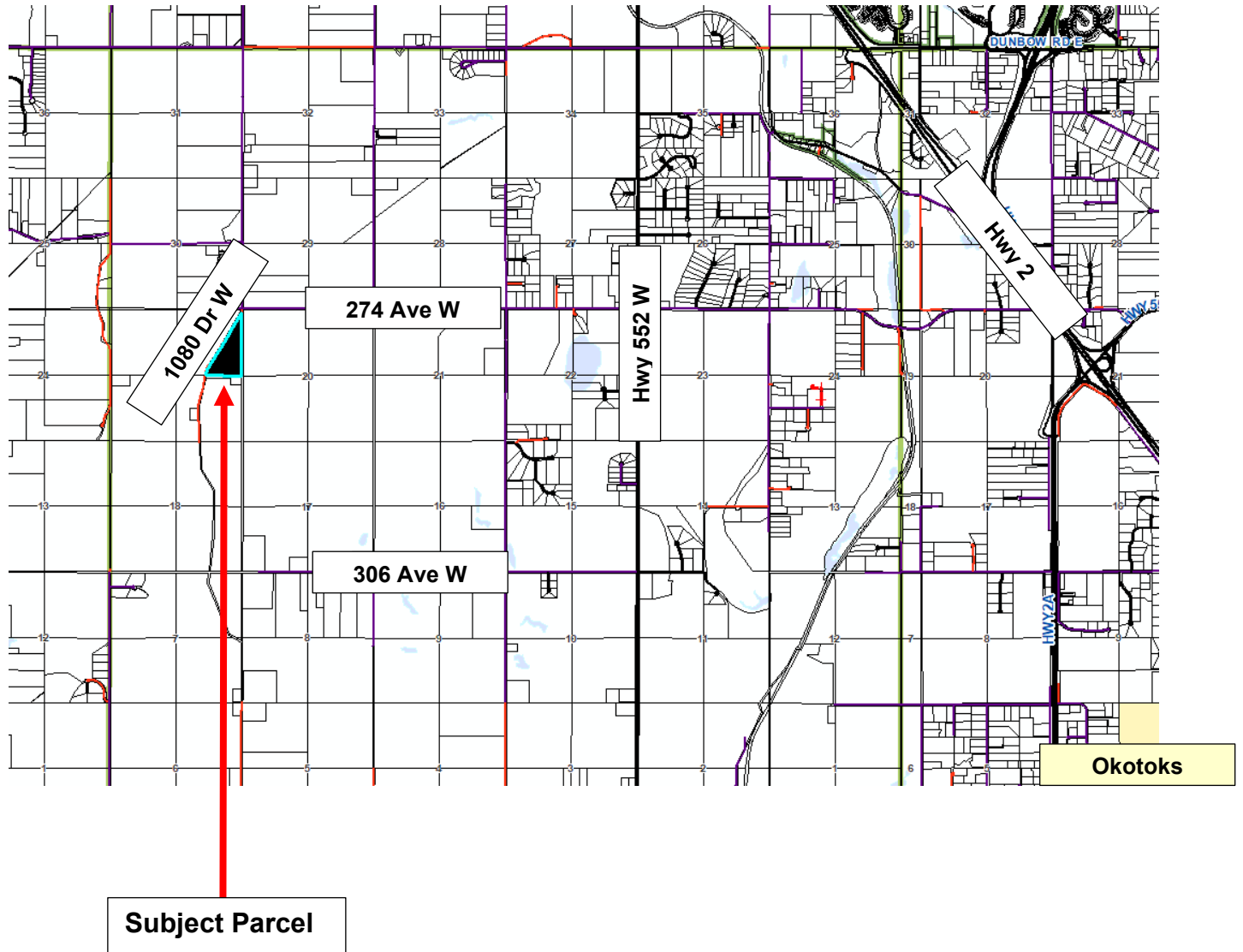
SITE PLAN

SITE PLAN WITH ORTHO PHOTO

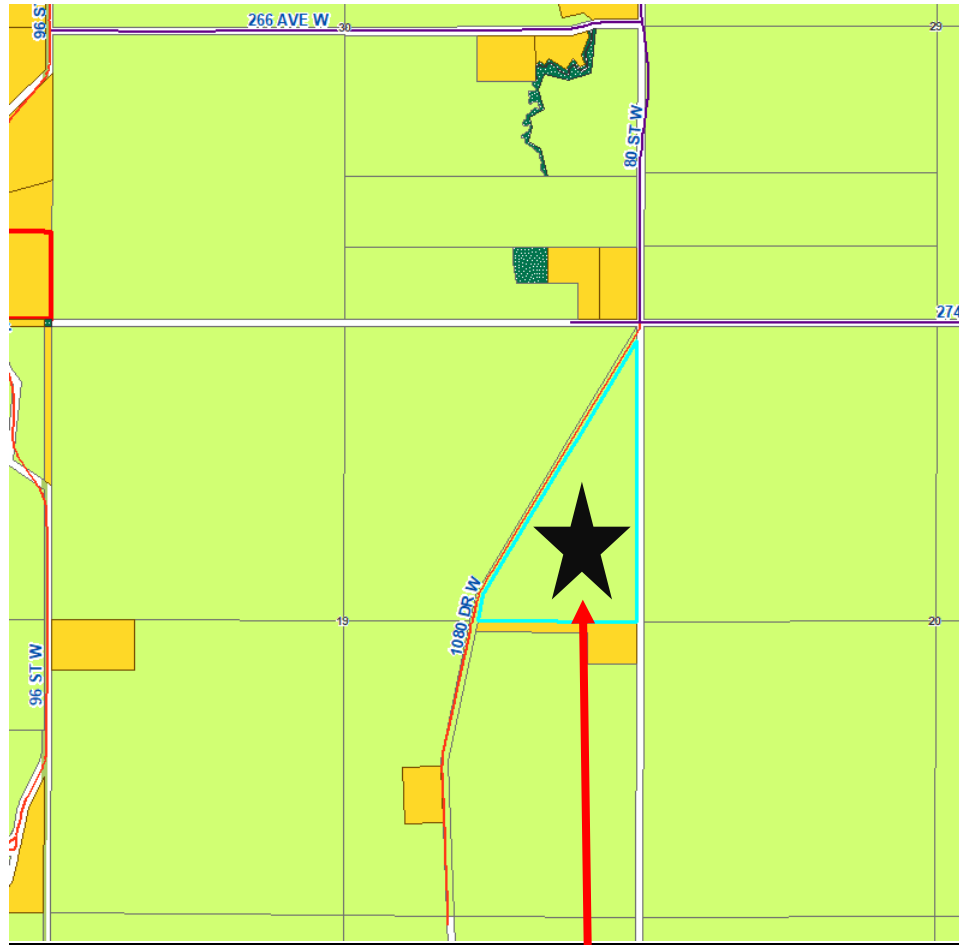
APPENDIX B: PROPOSED BYLAW

APPENDIX C: WRITTEN SUBMISSION

APPENDIX A: LOCATION MAP



APPENDIX A: HALF MILE LAND USE MAP

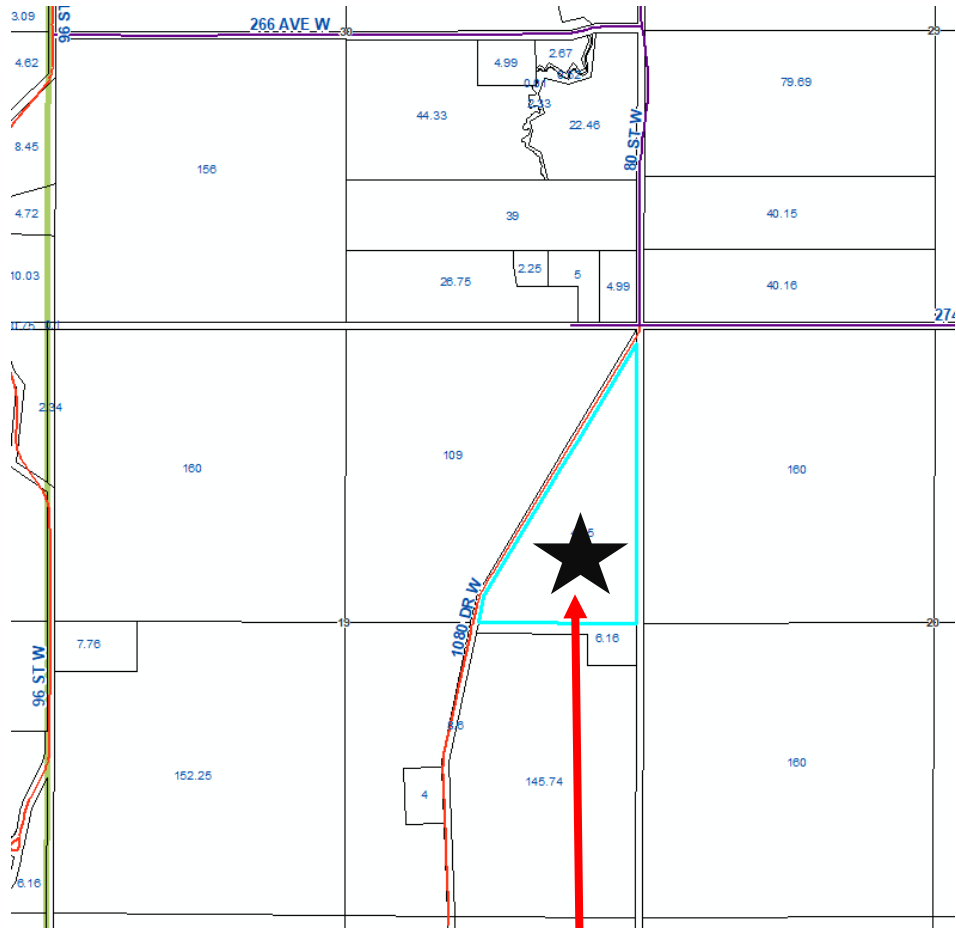


Legend

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

Subject Parcel

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

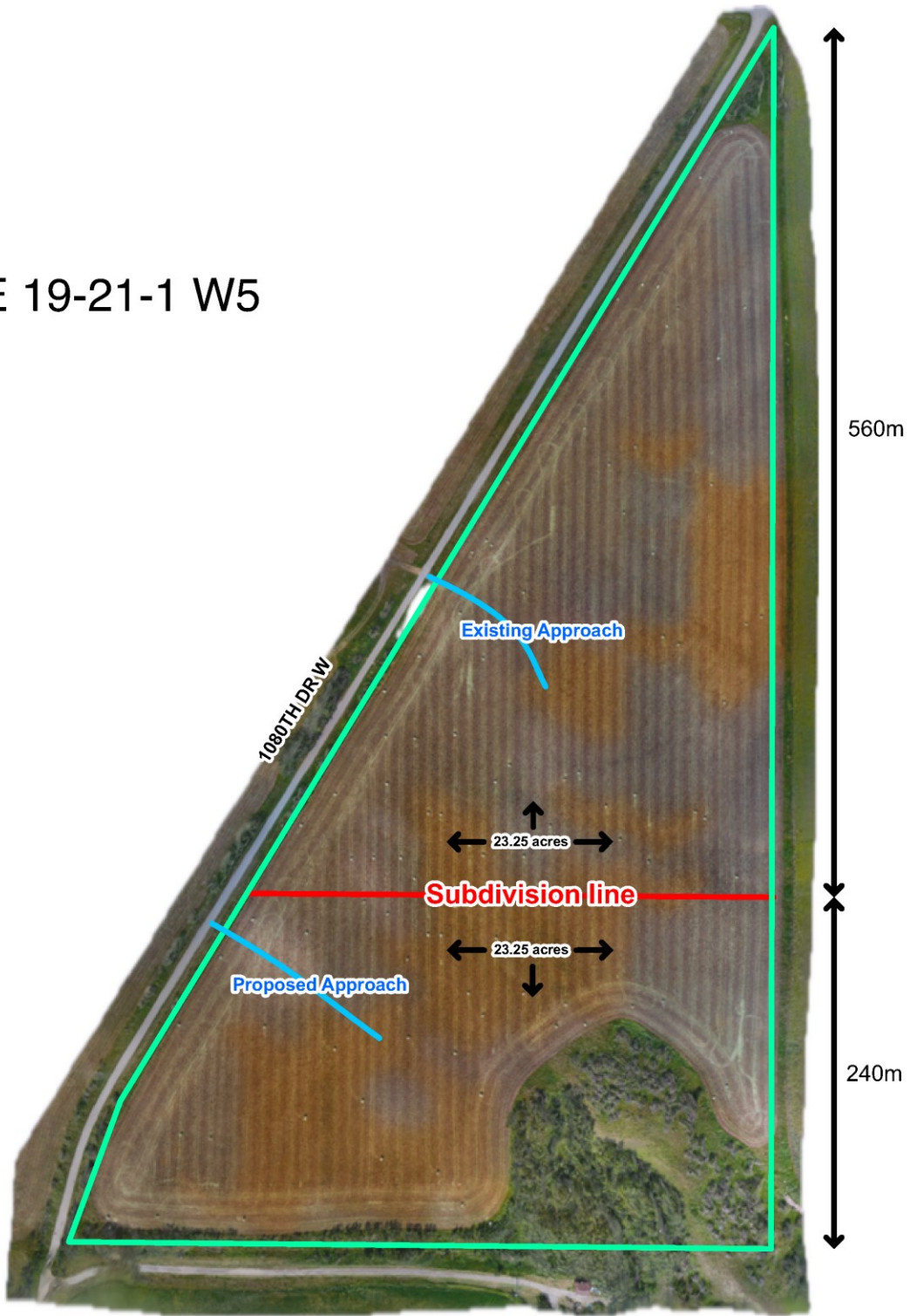


Subject Parcel

APPENDIX A: Site Plan



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 .

APPENDIX C: WRITTEN SUBMISSION

RECEIVED

NOV 23 2023

Nov 21/2023

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



REGARDING LAND DESCRIPTION NE 19-21-01W5M
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 HILDEBRANT