

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

<b>APPLICATION INFORMATION</b>	
	<b>LEGAL DESCRIPTION:</b> SE 07-21-03 W5M
	<b>LANDOWNER:</b> DELAINE FISHER
	<b>AGENT:</b> BADKE CONSULTING LTD. – JEFF BADKE
	<b>AREA OF SUBJECT LANDS:</b> 158.69 ACRES
	<b>CURRENT LAND USE:</b> AGRICULTURAL DISTRICT
	<b>PROPOSED LAND USE:</b> COUNTRY RESIDENTIAL DISTRICT
<b>NUMBER &amp; SIZE OF PROPOSED NEW PARCELS:</b> 1 X 9.89 +/- acre first parcel out	
<b>PROPOSAL:</b> 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	
<b>DIVISION NO:</b> 3	<b>COUNCILLOR:</b> BARB CASTELL
<b>FILE MANAGER:</b> 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:**

<b>CIRCULATION REFERRALS</b>	
<b>REFEREE</b>	<b>COMMENTS</b>
<b>INTERNAL</b>	
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"> <li>• Septic Disposal Evaluation (PSTS)</li> </ul> <p>Public Works provided the following additional comments:</p> <ul style="list-style-type: none"> <li>• The provided Lot Grading &amp; Site Drainage Plan as well as the Building Envelope Plan for the proposed 9.89 +/- acre parcel have been reviewed and accepted;</li> <li>• 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;</li> <li>• The existing field approach from 272<sup>nd</sup> 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;</li> <li>• 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</li> </ul>
<b>EXTERNAL</b>	
Alberta Transportation and Economic Corridors (ATEC)	<p>Alberta Transportation and Economic Corridors provided the following comments:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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;</li> <li>• 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;</li> <li>• 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.</li> </ul> <p><b>Please Note:</b> The full Response from ATEC is included under Appendix C of this report</p>
ATCO Gas	No objection

<b>CIRCULATION REFERRALS</b>	
<b>PUBLIC</b>	
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 1<sup>st</sup> 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

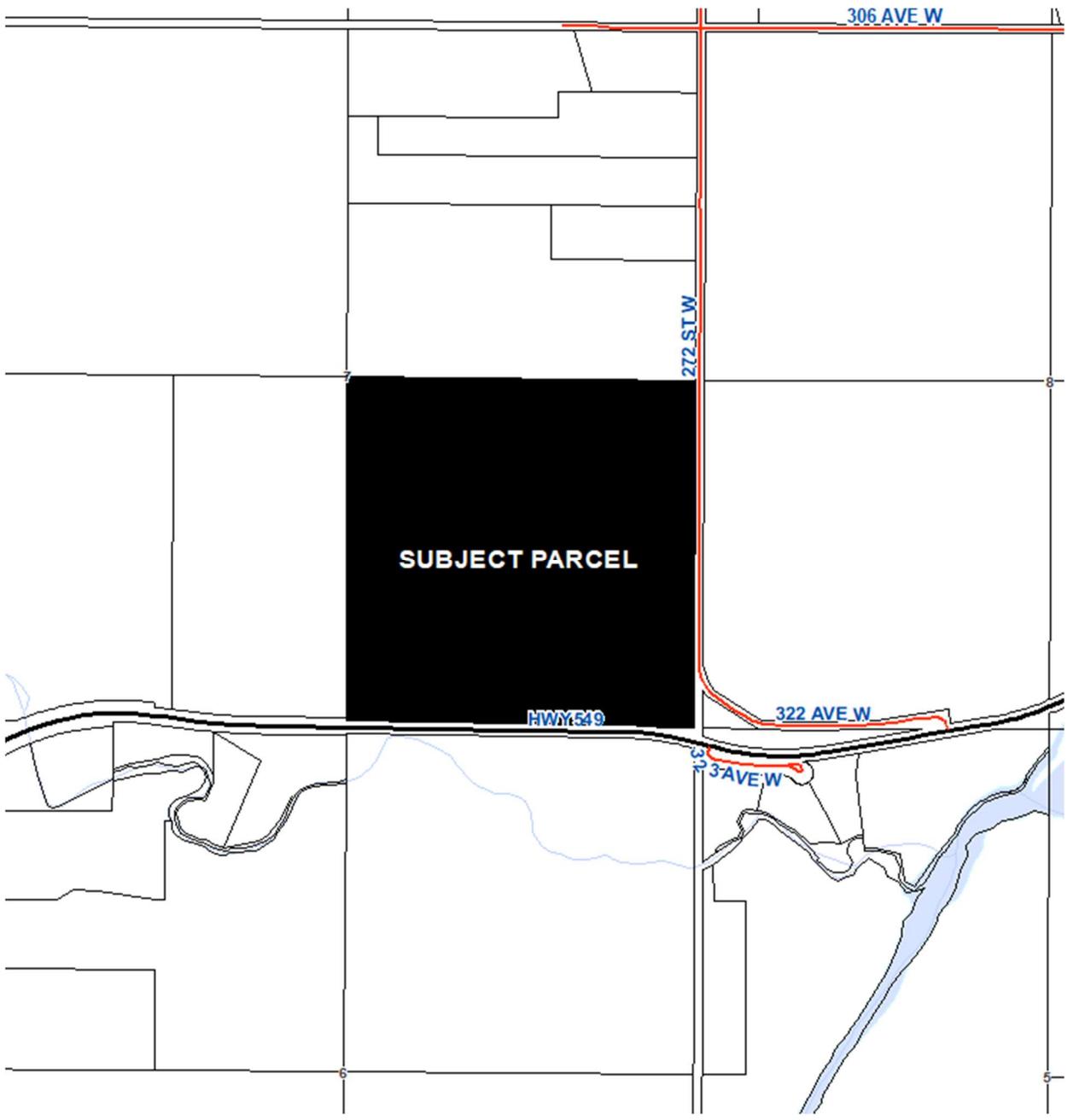
#### **APPENDIX C:**

ALBERTA TRANSPORTATION AND ECONOMIC CORRIDORS RESPONSE

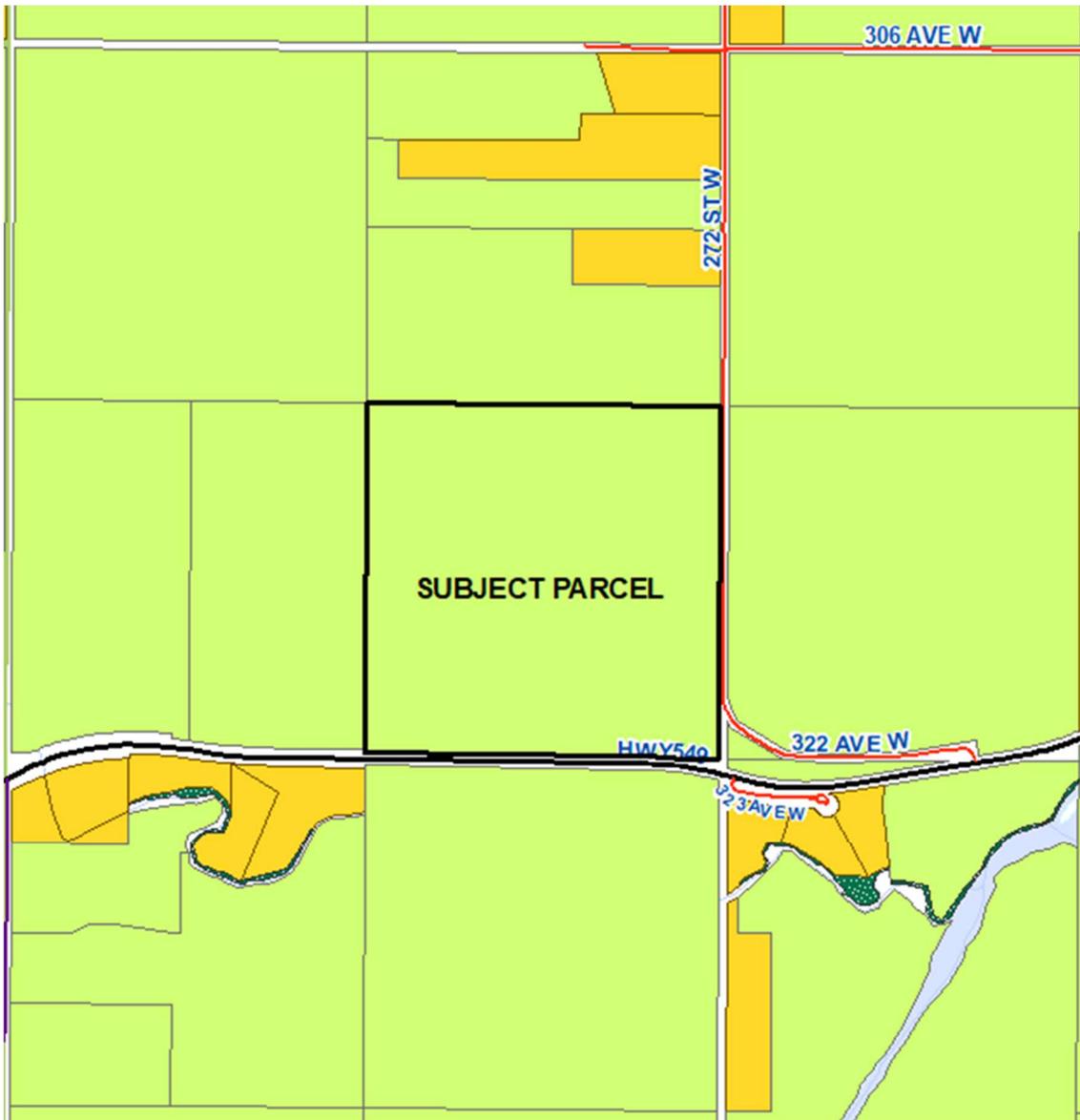
#### **APPENDIX D:**

PROPOSED BYLAW

**APPENDIX A: LOCATION MAP**



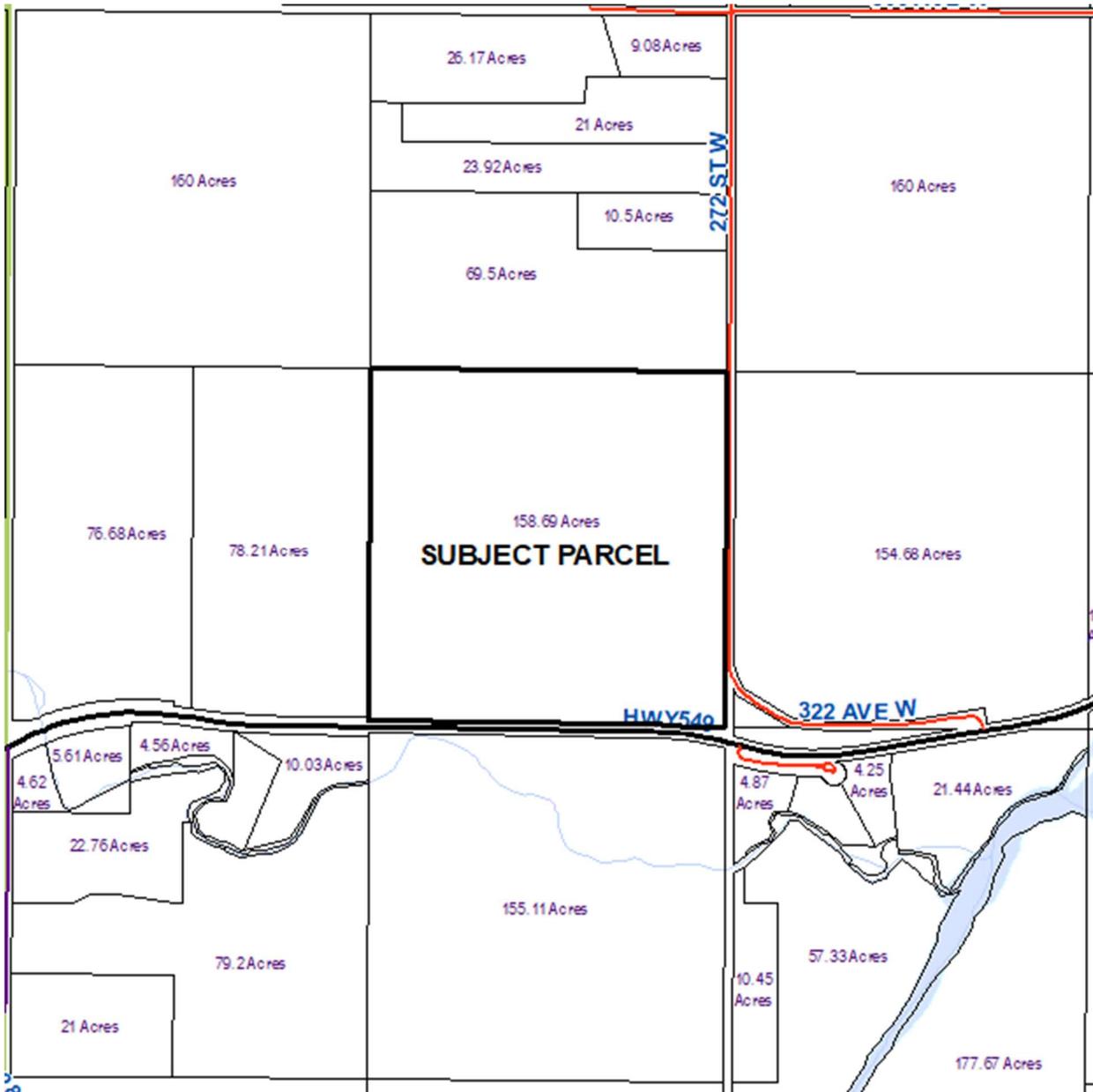
# APPENDIX A: LAND USE MAP



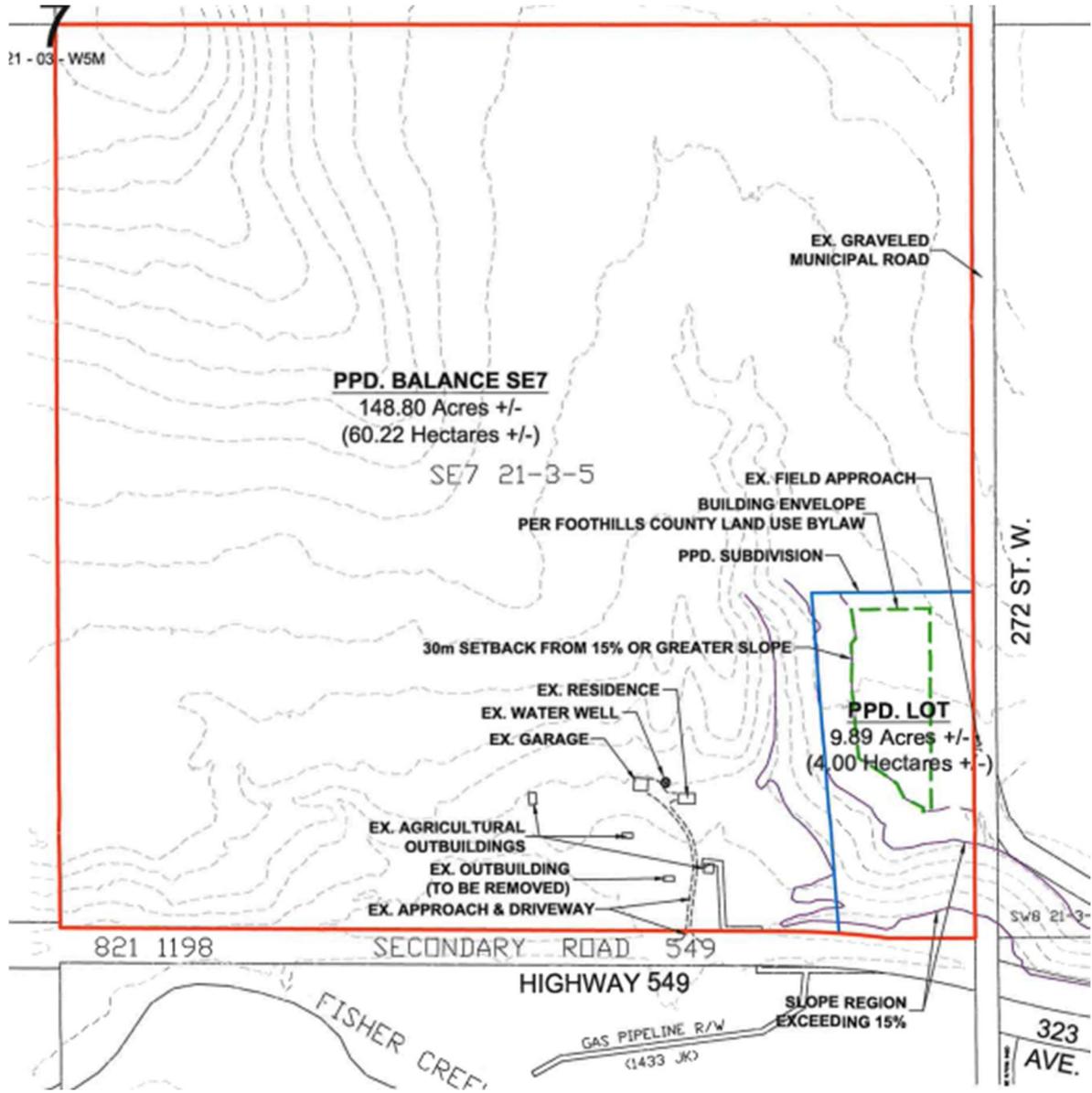
## Legend

- |                                  |                                  |                       |
|----------------------------------|----------------------------------|-----------------------|
| — 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        |                       |

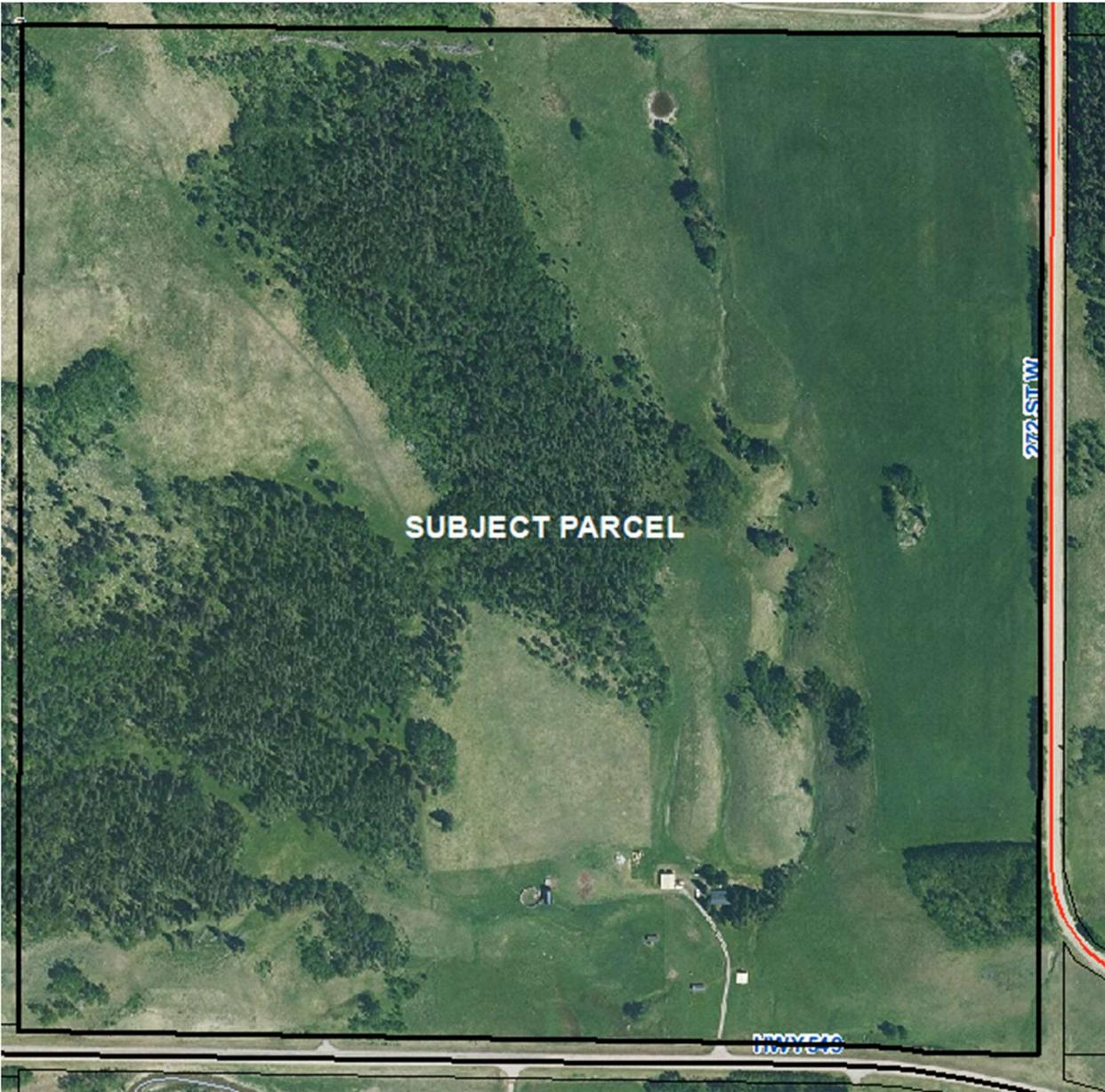
**APPENDIX A: HALF MILE MAP – PARCEL SIZES**



**APPENDIX A: SITE PLAN**



APPENDIX A: ORTHO PHOTO



## 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 1/3<sup>rd</sup> 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.**



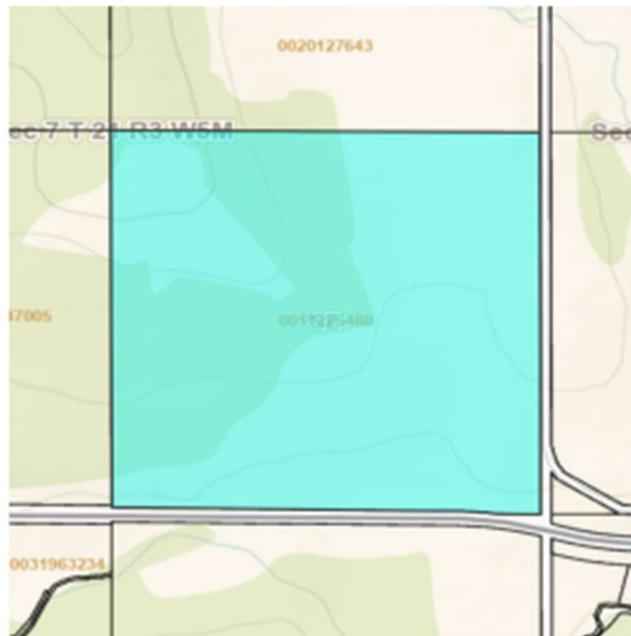
Jeff Badke, Principal Consultant

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*

**APPENDIX D: 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 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.