


**SUBDIVISION APPROVING AUTHORITY ITEM
PLANNING AND DEVELOPMENT REPORT
SUBDIVISION APPROVAL (BOUNDARY ADJUSTMENT)
May 8, 2024**

REQUEST FOR SUBDIVISION APPROVAL (BOUNDARY ADJUSTMENT)		
APPLICATION INFORMATION	FILE NO. F2103-23NW	
	LEGAL DESCRIPTIONS: 1. NW 23-21-03-W5M 2. SW 23-21-03-W5M	
	LANDOWNERS: 1. William and Sharon Bieber 2. Audrey Lynne Goddard	
	AREA OF SUBJECT LANDS: 1. 155.50 acres 2. 156.00 acres	
	CURRENT LAND USES: 1. Agricultural District 2. Agricultural District	
	PROPOSED LAND USES: 1. Agricultural District 2. Agricultural District	
	MUNICIPAL ADDRESSES: 1. 210169 274 Ave W 2. No address	
PROPOSAL: Boundary adjustment which proposes to subtract 4.0 +/- acres from NW 23-21-03-W5M (155.50 acres) and add 4.0 +/- acres to SW 23-21-03-W5M (156.0 acres)		
DIVISION NO: 3	COUNCILLOR: Barb Castell	FILE MANAGER: Theresa Chipchase

EXECUTIVE SUMMARY

Summary of Proposal

Subdivision application for the purposes of a boundary adjustment which proposes to subtract 4.0 +/- acres from NW 23-21-03-W5M (155.50 acres) and add 4.0 +/- acres to SW 23-21-03-W5M (156.00 acres).

The boundary adjustment will result in the following changes to the existing parcel sizes:

- **PTN: NW 23-21-03-W5M** – 155.50 acres to 151.50 +/- acres
- **PTN: SW 23-21-03-W5M** – 156.00 acres to 160.00 +/- acres

NOTE: The owner of the SW 23-21-03-W5M (Audrey Lynne Goddard) has provided a letter that outlines the intent of the adjustment, which is to consolidate an approximately 20 metre wide strip of land on the east side of the NW 23-21-03-W5M (Bieber) into the SW 23-21-03-W5M (Goddard), allowing access from the SW 23-21-03-W5M (Goddard) to Plan 2111150 Blk 2 Lot 3, NE 23-21-03-W5, adjacent to the adjustment which is also owned by Ms. Goddard. The strip

of land is to provide access for Ms. Goddards livestock to pass from one property to the other. Please see the applicant's letter attached to this staff report as Appendix C.

Location

The NW 23-21-03-W5M (Bieber) is bound by 274th Avenue on the north boundary and 224th Street West on the west boundary with the SW 23-21-03-W5M (Goddard) bound by 224th Street West on the west boundary. 224th Street West is partially developed along the north boundary of the NW 23-21-03-W5M and partially developed along the south boundary of the SW 23-21-03-W5M (Goddard). Both properties are 0.7 kilometres west of Highway 22 and 5 kilometres north of the Hamlet of Millarville.

Access

NW 23-21-03-W5M – Access is obtained from an existing approach to the yard site on the property, from 274th Avenue West.

SW 23-21-03-W5M – Access is obtained from the extreme southwest corner of the quarter from an existing approach off 224th Street West.

NOTE: Both quarters include caveats for road widening, to the adjacent road surfaces.

SITE CONSIDERATIONS

Physiography

NW 23-21-03-W5M – the quarter consists of varied topography with a hilltop within the middle, sloping steeply towards the east boundary of the parcel and extending out to the west with moderate elevation changes outside a small drainage area in the northwest corner. There are deep overland drainage runs off the hillside to the east with roughly 53 acres of hay land in the southwest corner, with another 18 acres of hay land in the northeast corner. Outside of the landowner's yard site and the hay lands, the remainder of the quarter consists of heavy spruce and aspen tree groves along with an open area of native grass pasture along the northern boundary. There is also a satellite tower on this quarter along the south boundary. The property also has a 4.50 acre first parcel out of the quarter that was registered in 2011.

SW 23-21-03-W5M – the quarter consists of varied topography with the continuation of the steep hill in the far northeast corner which slopes to the northeast and the southwest from this location. A deep ravine persists along the west boundary approximately 220 metres east of the undeveloped road allowance, there is a creek which runs through the ravine with a dugout located in the middle of the parcel. The valley levels out to the south along the south boundary. Open grasslands and groves of aspens and spruce tree groves make up the vegetation on this parcel. The property also has a 4.0 acre first parcel out of the quarter registered in 1998.

NOTE: the SW 23-21-03-W5M also includes a registered Conservation Easement with the Nature Conservancy of Canada. The Nature Conservancy was circulated on the application with no response received.

POLICY EVALUATION

Reviewed within the terms of the Municipal Development Plan 2010, Growth Management Strategy, and the Land Use Bylaw.

Referral Considerations

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

PURPOSE OF APPLICATION


Requesting approval from the Subdivision Approving Authority for the application which proposes a boundary adjustment, whereby 4.00 +/- acres is to be subtracted from NW 23-21-03-W5M and 4.00 +/- acres is to be added to SW 23-21-03-W5M, resulting in one 151.50 +/- acre Agricultural District parcel (NW 23-21-03-W5M) and one 160.00 +/- acre Agricultural District parcel (SW 23-21-03-W5M).

CIRCULATION REFERRALS

REFEREE	COMMENTS
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EXTERNAL	
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Nature Conservancy of Canada	No response
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Alberta Transportation and Economic Corridors	<p>Transportation and Economic Corridors Notification of Referral Decision Subdivision in Proximity of a Provincial Highway</p> <table border="1"> <tr> <td>Municipality File Number:</td> <td>F2103-23NW</td> <td>Highway(s):</td> <td>22</td> </tr> <tr> <td>Legal Land Location:</td> <td>QS-NW SEC-23 TWP-021 RGE-03 MER-5</td> <td>Municipality:</td> <td>Foothills County</td> </tr> <tr> <td>Decision By:</td> <td>Trevor Richelhof</td> <td>Issuing Office:</td> <td>Southern Region / Calgary</td> </tr> <tr> <td>Issued Date:</td> <td>2024-04-18 09:00:02</td> <td>Appeal Authority:</td> <td>Subdivision and Development Appeal Board</td> </tr> <tr> <td>RPATH Number:</td> <td colspan="3">RPATH0041556</td> </tr> <tr> <td>Description of Development:</td> <td colspan="3">Boundary Adjustment prosing to remove +/- 4.0 acres from Ptn. NW 23-21-3 W5 and consolidate it with Ptn. SW 23-21-3 W5</td> </tr> </table>  <p>This will acknowledge receipt of your circulation regarding the above noted proposal. The subdivision application is 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 22.</p>	Municipality File Number:	F2103-23NW	Highway(s):	22	Legal Land Location:	QS-NW SEC-23 TWP-021 RGE-03 MER-5	Municipality:	Foothills County	Decision By:	Trevor Richelhof	Issuing Office:	Southern Region / Calgary	Issued Date:	2024-04-18 09:00:02	Appeal Authority:	Subdivision and Development Appeal Board	RPATH Number:	RPATH0041556			Description of Development:	Boundary Adjustment prosing to remove +/- 4.0 acres from Ptn. NW 23-21-3 W5 and consolidate it with Ptn. SW 23-21-3 W5		
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CIRCULATION REFERRALS

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

The requirements of Section 18 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.

Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:

1. 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, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act.



FortisAlberta

We have reviewed the plan and determined that no easement is required by FortisAlberta.

INTERNAL

Public Works

Public Works offers the following comments:

With regards to the approach location for the SW 23-21-03-W5M:

The approach to the SW 23-21-03-W5M does not meet standard as it is 13 meters from the intersection of 224th Street West and 290th Avenue West.

This is the only approach for the SW 23, and as per the standard, a 60-meter setback from the intersection is required.

There is a location 290 metres to the north, across from the property located at 274225 224 St W that would be an option for the construction of a new approach.

Given that the existing approach is a farm approach Council could allow the existing approach to stay in its current location or require a new approach to be built to the County's rural approach construction standards.

REQUEST OF THE SUBDIVISION APPROVING AUTHORITY

The Subdivision Approving Authority is respectfully requested to approve the Subdivision application for the purpose of a boundary adjustment which proposes to subtract 4.00 +/- acres from NW 23-21-03-W5M and add 4.00 +/- acres to SW 23-21-03-W5M. Resulting in one 151.50 +/- acre Agricultural District parcel (NW 23-21-03-W5M) and one 160.00 +/- acre Agricultural District parcel (SW 23-21-03-W5M).

The Subdivision has been evaluated in terms of Section 654 of the Municipal Government Act and Section 9 of the Matters Related to Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan for the following reasons:

- The application is consistent with Section 9 of the Matters Related to Subdivision and Development;
- The subject lands have the appropriate land use designations; 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 Section 18 and 19 of the Regulation.

In consideration of the criteria noted within the Agricultural Policy of the MDP2010, the Subdivision Authority is of the opinion that the lands are suitable for the intended use and further that the application falls within the density provisions and lot size restrictions within the County's Land Use Bylaw.

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

1. Boundary adjustment and consolidation to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means satisfactory to the Registrar of the South Alberta Land Titles District;
2. It is the landowners responsibility to provide a Real Property Report or an 'as built' drawing signed and sealed by an Alberta Land Surveyor, certifying the location of the adjacent municipal road(s), septic tank and field and water well(s) are within the boundaries of the appropriate properties and that the site plan is surveyed according to municipal setback requirements;
3. Public Reserve: Reserves would not be required for the either the proposed 155.50 +/- acre parcel or the 160.0 +/- acre parcels, as per Section 663 (b) of the Municipal Government, as both parcels would be larger than 16.0 hectares and would solely be used for agricultural purposes;
4. Landowners are to provide all utility easements and agreements, to the satisfaction of the County and the utility companies;
5. All accesses are to be located and culverts and approaches installed to current Municipal Subdivision Road Construction standards, to the satisfaction of the County's Public Works department;
6. Landowners are to pay all arrears of taxes on the existing parcels prior to finalization of the subdivision;
7. Submission of subdivision endorsement fees.

APPENDICES

APPENDIX A - MAP SET:

LOCATION MAP

HALF MILE MAP – LAND USE

HALF MILE MAP - PARCEL SIZES

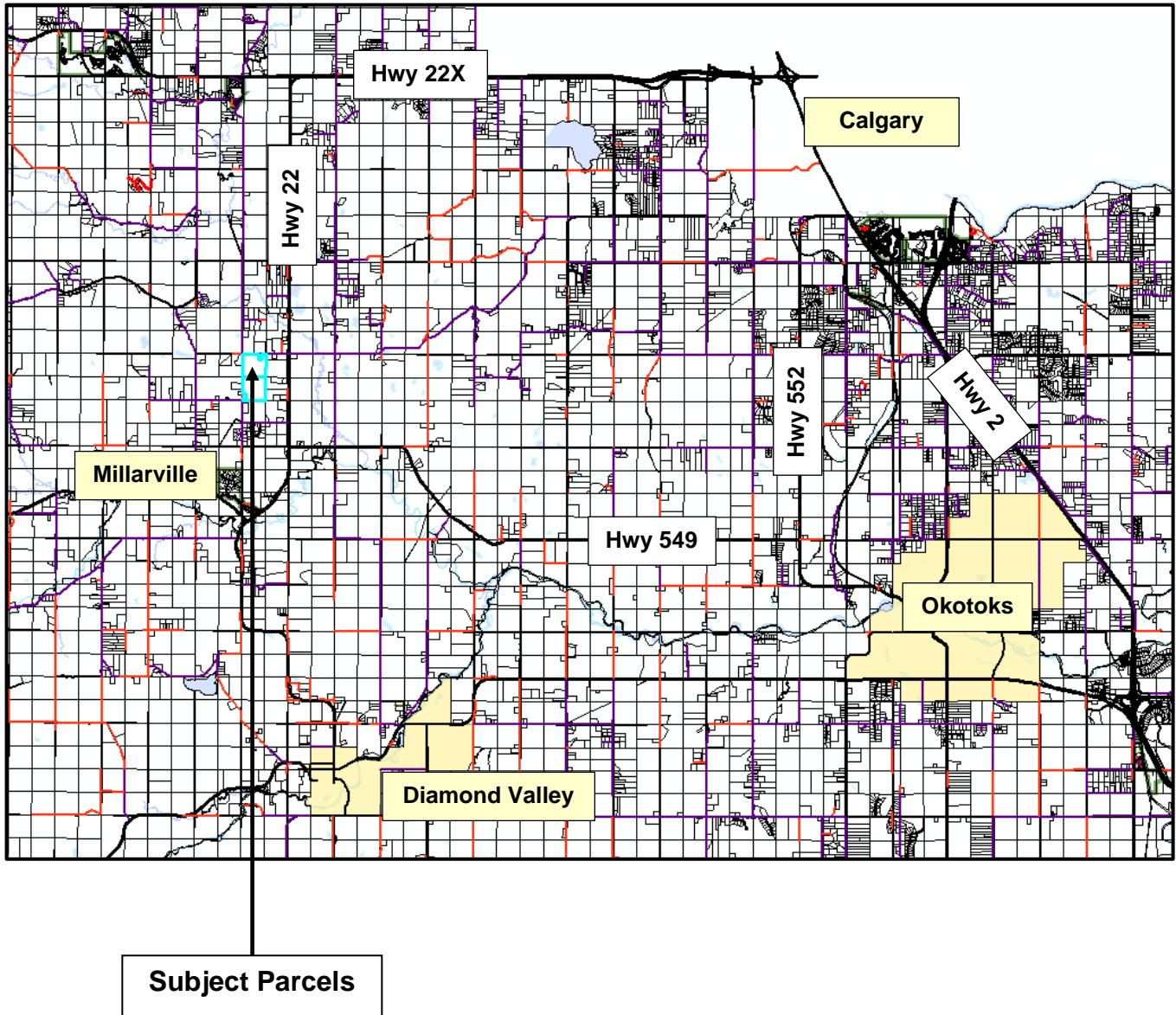
SITE PLAN

ORTHO PHOTO

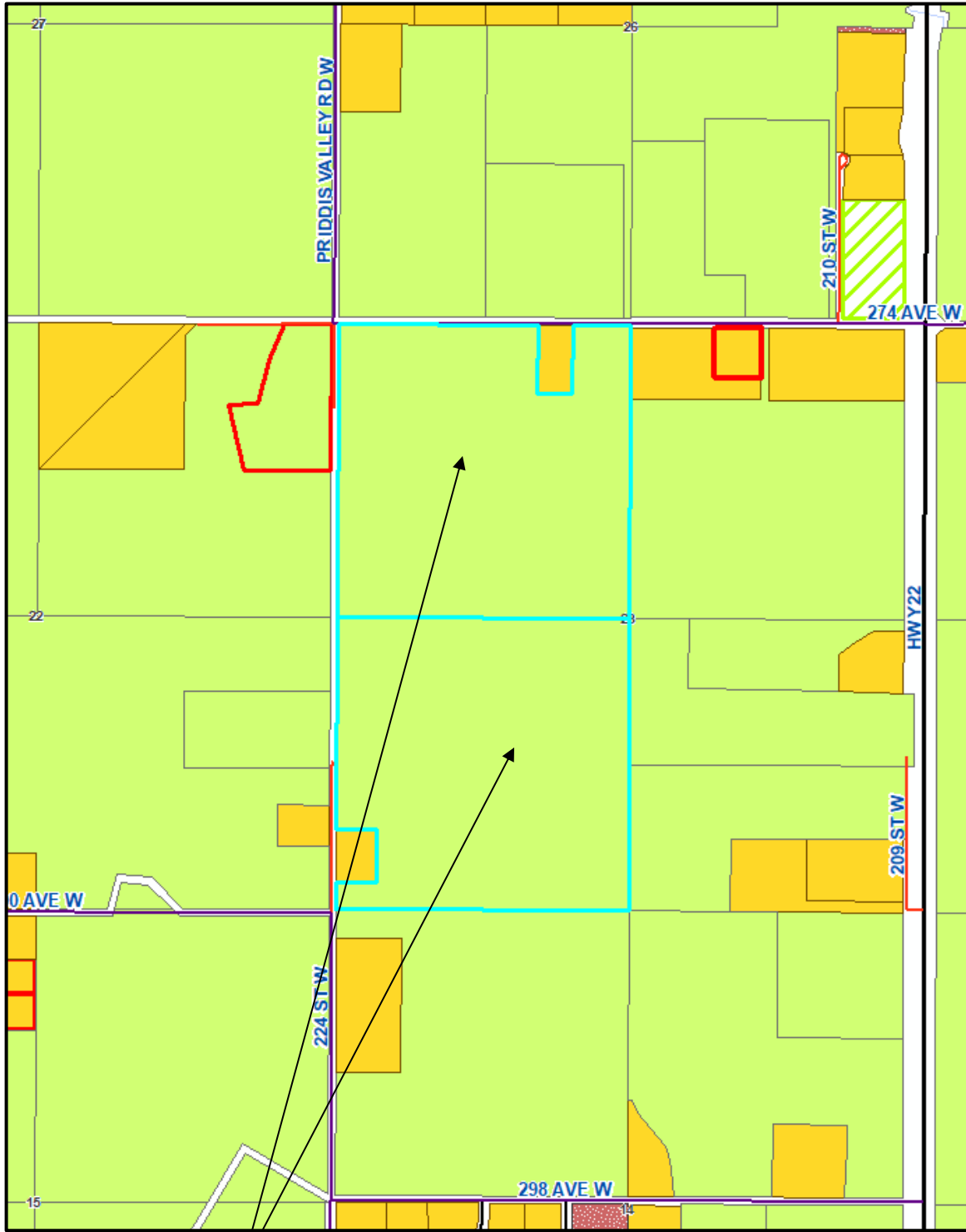
APPENDIX B:

LANDOWNERS SUPPORTING DOCUMENTATION

APPENDIX A: LOCATION MAP



APPENDIX A: HALF MILE MAP – LAND USE

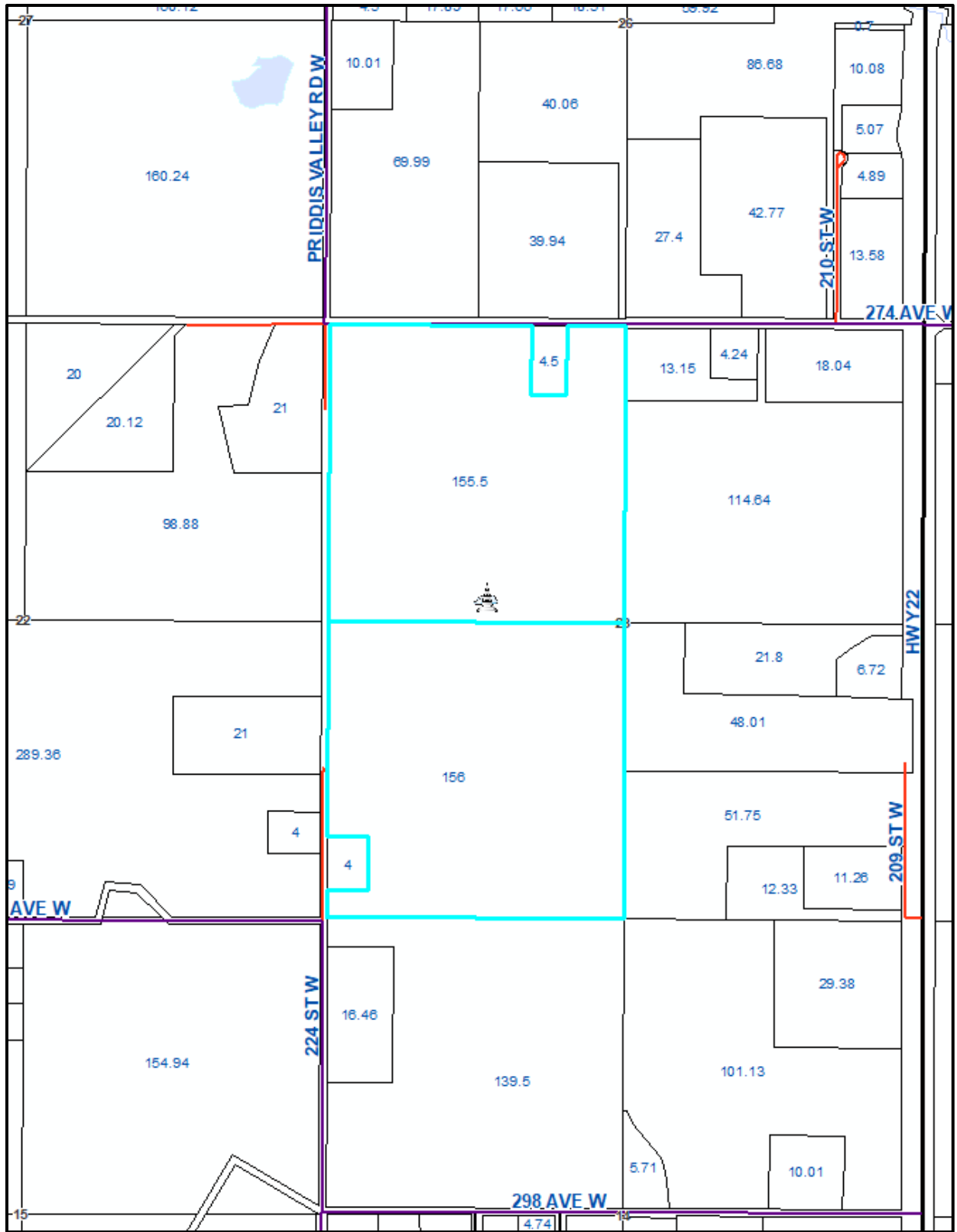


Subject Parcels

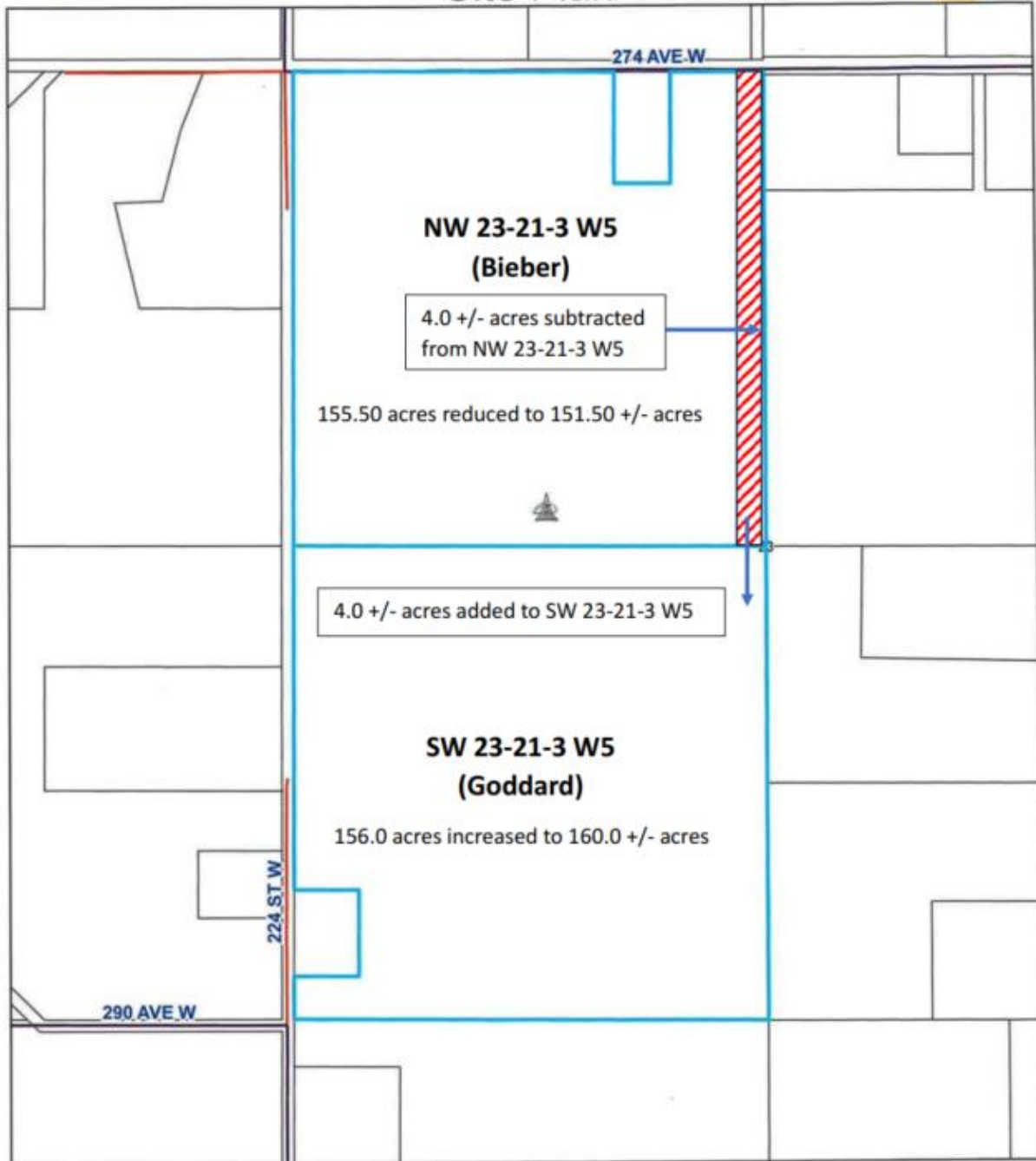
Legend

- | | |
|--------------------------------|----------------------------------|
| Hard Surface (Chip/oil) | DC - Direct Control |
| Gravel | INR- Natural Resource Extraction |
| Pavement | EP- Environmental Protection |
| A- Agricultural | PUL- Public Utility |
| AA- Agricultural Sub A | ER- Environmental Reserve |
| AB- Agriculture Business | MR- Municipal Reserve |
| CR- Country Residential | |
| CRA- Country Residential Sub A | |

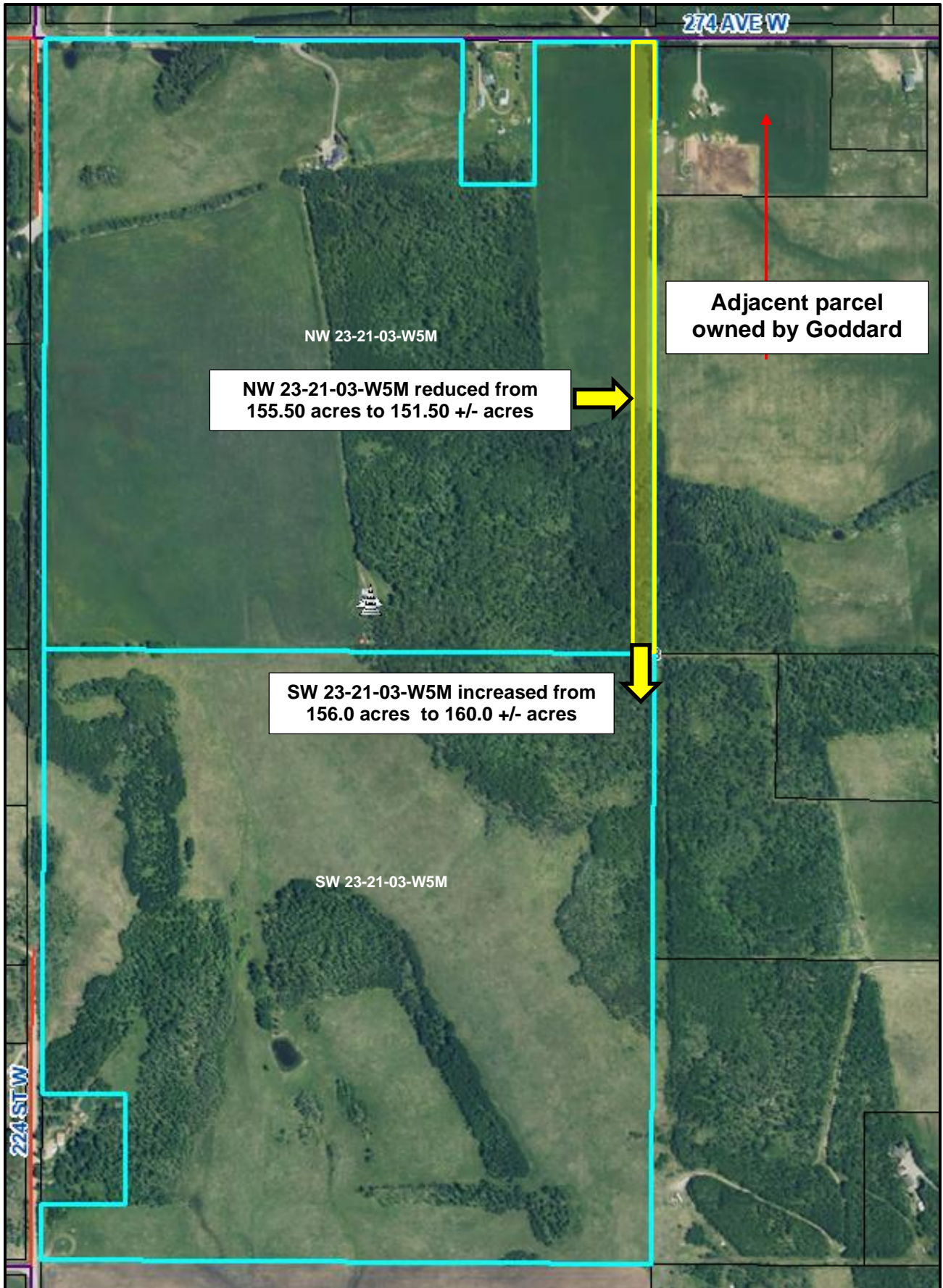
APPENDIX A: HALF MILE MAP – LOT SIZES



Bieber/Goddard Boundary Adjustment Site Plan



APPENDIX A: ORTHO PHOTO



APPENDIX B: LANDOWNERS SUPPORTING DOCUMENTATION

Ms Theresa Chipchase,
Planning and Development Officer,
Foothills County

Request for boundary redesignation.

We are requesting the boundary redesignation to create a formal legal recognition of an existing stock access corridor.

I own the 13 acre parcel in NE 1/4 of 23 21 3 W of 5.

This is the home farm, and is where the livestock from my quarter section, SW 1/4 of 23 21 3 W of 5 come for water.

The quarter (SW 1/4 of 23 21 3 W of 5) is under a Nature Conservancy of Canada restriction, and the livestock have no access to water there.

The Bieber family allowed the creation of a stock corridor from the SW quarter to my home farm when I bought the quarter and it has been used in this way ever since.

We are requesting this boundary redesignation to ensure that this corridor is a legally protected connection going forward.

We are proposing that the corridor be taken from Biebers NW 1/4 (M/L) and added to my SW 1/4 (M/L), because both quarters are zoned agricultural, and there will be no change of designation required.

Thank you very much for your patience in this matter

Audrey Lynne "Radar" Goddard

[REDACTED]