


**PUBLIC HEARINGS AND MEETINGS
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 REDESIGNATION
 May 15, 2024
 To be heard at: 1:30 PM**

| APPLICATION INFORMATION | FILE NO. 24R017 |
|--|--|
|  | LEGAL DESCRIPTION: NE 01-22-01 W5M; Plan 0611735, Block 25, Lot 16 |
| | LANDOWNER: Lake at Heritage Pointe Owners Association (LAHPOA) |
| | APPLICANT: Rick Gallant / President, LAHPOA |
| | CURRENT LAND USE: Residential Community District |
| | PROPOSED LAND USE: Open Space District |
| AREA OF SUBJECT LANDS: 2.46 acres | |
| PROPOSAL: Application proposing the redesignation of the subject parcel being, portion of NE 01-22-01 W5M; Plan 0611735, Block 25, Lot 16 from Residential Community District to Open Space District, to bring the non-conforming parcel into compliance with the Land Use Bylaw and to allow for the replacement and upgrade/expansion of the existing play structure. | |
| DIVISION NO: 6 | DEPUTY REEVE: Don Waldorf |
| FILE MANAGER: Brittany Domenjoz | |

EXECUTIVE SUMMARY

Summary of Proposal:

Redesignation of the 2.46 acre subject parcel to Open Space District to bring the subject parcel into compliance with the current Land Use Bylaw and allow for the replacement and upgrading/expansion of the existing play structure.

Location:

The subject property is located adjacent to Heritage Isle within the Hamlet of Heritage Pointe. It is approximately 475 metres northeast of Highway 2, 2 kilometres north of Dunbow Road, and 1 kilometre south of the current Foothills County / City of Calgary municipal boundary.

Policy Evaluation Summary

Heritage Pointe is located in the Interface Policy Area of the Foothills County / City of Calgary Intermunicipal Development Plan and within the Heritage Point Area Structure Plan area. Therefore, the application has been reviewed within the terms of the MDP2010, Heritage Pointe ASP, Foothills County / City of Calgary Intermunicipal Plan, and the Land Use Bylaw.

Public Consultation and Community Engagement:

Prior to formal submission, the agent and landowner undertook public and community engagement with stakeholders and members of the community in the forms of developing a playground committee, survey, newsletters, presentations at the AGM and publishing the board meeting minutes on the website.

A playground committee was created in 2021 which developed a survey seeking input on the community playground design, 144 survey responses were received. From 2021 to 2023, a number of updates were provided through newsletters attached to the annual HOA invoices and presentations prepared for the AGM's. The Community Engagement Summary was provided with the submission of this application and has been included as Appendix C of this staff report.

Referral Considerations Summary:

This application was circulated to internal and external agencies. The City of Calgary and the County’s Public Works department have no concerns and Alberta Transportation and Economic Corridors (ATEC) provided that the proposed development is exempt from the requirements of a permit.

HISTORY OF HERITAGE POINTE AREA STRUCTURE PLAN

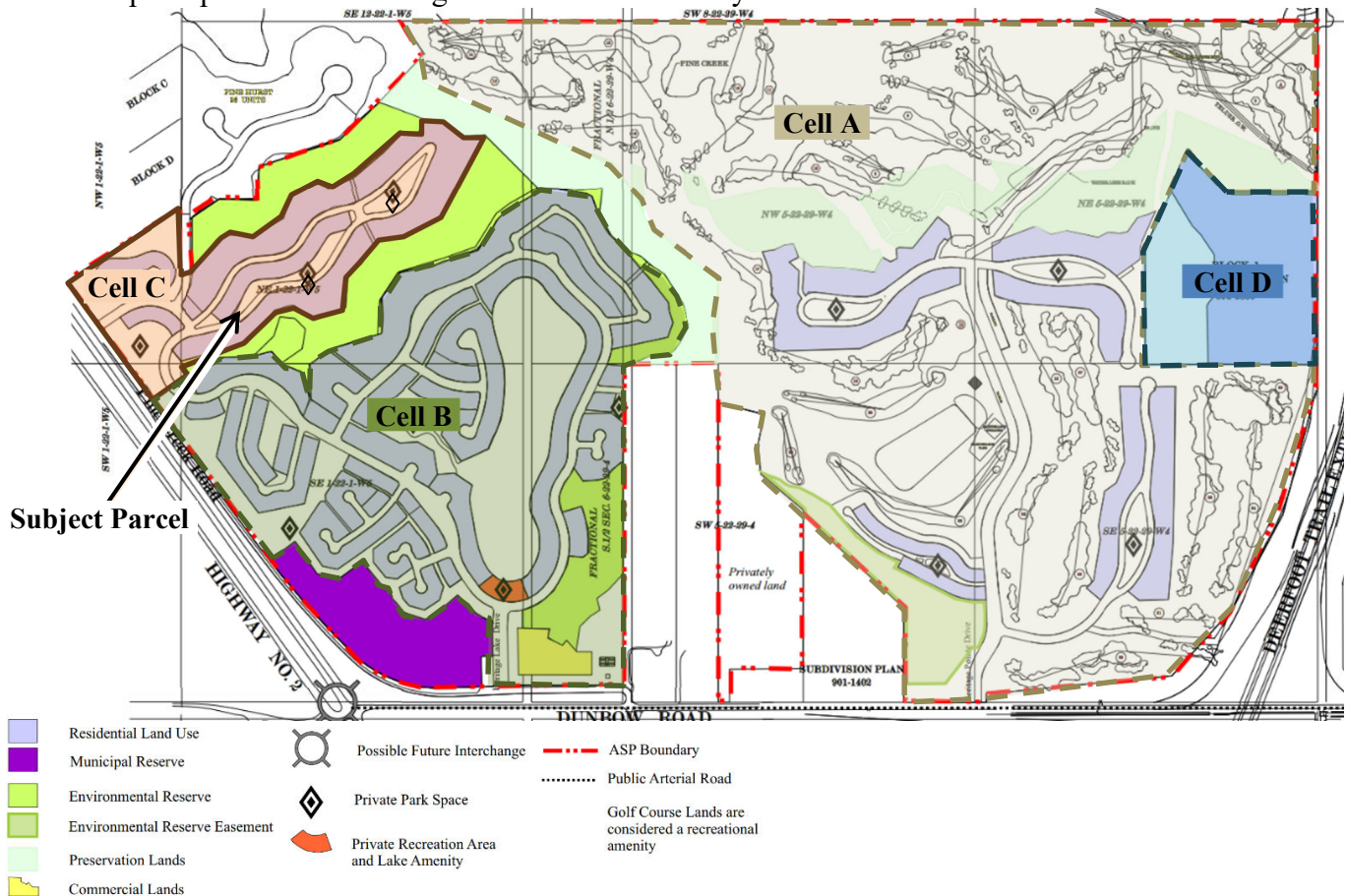
Development within Heritage Pointe began in 1991 with the Heritage Pointe Golf Course & Clubhouse and four residential development areas. The original ASP was adopted in 1995 and was amended 2004 to allow for a revision to the plan area boundary.

The ASP allocates lands for various uses such as residential, golf course, lake and lake amenity, retail/commercial, park land and natural green space. The Recreation section of the ASP outlines a number of objectives which includes that other forms of active and passive recreational uses, outside the golf course are to be developed along with recreational trails that link parks and open spaces. Further, this section provides that the development of private parks with pathways, sitting areas, landscaping and children’s play areas should be communally created and maintained. The Private Park Area section provides that private park spaces are to be established and maintained by the Homeowner’s Association.

Private Park Spaces have been identified in the ASP and shown throughout the plan area on the below map. A private park area is identified within the subject parcel, as shown by this symbol ◊.

In 2005, Council granted third and final reading to Bylaw 56/2005 authorizing the redesignation of Plan 795JK Block E in W. 1-22-1 W5M and Plan 0110933 Block 5 in E. 1-22-1-W5M (Cell C) from Agricultural District to Residential District. The subject parcel is located within development area Cell C and has since been developed.

When the land use application was originally submitted in 2005, the subject parcel was intended and proposed as a Private Park Space. These lands were designated as residential district as this was the most appropriate land use district available at that time. Since then, other land use districts have been created that are more suitable for the intended use; therefore, the applicants are proposing to redesignate the subject lands to Open Space District to align with the Land Use Bylaw.



PURPOSE OF APPLICATION

The application before Council is proposing the redesignation to Open Space District to bring the subject parcel into compliance with the current Land Use Bylaw and allow for the replacement and upgrading/expansion of the existing play structure. The application identifies:

- A Life Cycle Assessment was conducted by Morrison Herschfield in 2018 which provided that the community playground required replacement by 2025.
- The current land use does not support the replacement and upgrade/expansion of the park, or the existing use; therefore, an application was made to bring the non-conforming parcel into compliance with the current Land Use Bylaw.
- The Play Structure is proposed to have a total footprint of +/-5,892 sq. ft. and includes a zip line, 2 cup saucers, swings, climbing web, tower and slides, small slide, and 2 swing saucers with a picnic table.
- The maximum height of the tower (with large slide) is 28 ft., and the maximum height of the small slide is 14' 8".

The layout and renderings of the proposed play structure is included as Appendix B of this staff report.

SITE CONSIDERATIONS:

Access:

Access to the existing park can be achieved from an existing pathway system that runs through the parcel or from the internal subdivision road, Heritage Isle which runs adjacent to the property. No changes are proposed to access within this application.

Physiography:

The lands within the subject parcel are flat with mature trees surrounding the existing park, throughout the subject parcel and along the internal subdivision road, Heritage Isle.

REFERRAL COMMENTS

| CIRCULATION REFERRALS | |
|---|---|
| REFEREE | COMMENTS |
| INTERNAL | |
| Public Works | Public Works has no concerns. Please be advised that no parking is permitted on the roadway at any time. |
| EXTERNAL | |
| Alberta Transportation & Economic Corridors | 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 amendments(s). Transportation and Economic Corridors offers the following comments and observations with respect to the proposed development(s): <ol style="list-style-type: none">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 |

| CIRCULATION REFERRALS | |
|------------------------|--|
| | <p>connections to the highway system, in accordance with Policy 7 of the Provincial Land Use Policies.</p> <p>3. The proposed development is exempted from the requirement of a permit pursuant to Section 25 of the Highways Development and Protection Regulation. This exemption is subject to the provisions of Sections 11- 23 and Sections 55-59 of the Highways Development and Protection Act (Chapter H-8.5, RSA, 2004) and amendments thereto, and Sections 8-15, Sections 24-25, and Sections 35-36 of the Highways Development and Protection Regulation (Alberta Regulation 326/2009) and amendments thereto.</p> <p>4. Alberta Transportation and Economic Corridors has no other comments with respect to this proposal.</p> |
| City of Calgary | The City of Calgary has reviewed the application with respect to the Intermunicipal Development Plan and other applicable policies and provided no comments. |
| PUBLIC | |
| Western Wheel | May 1, 2024 and May 8, 2024 |
| Landowners (half mile) | This application was mailed to area landowners on April 24, 2024. Four letters from area landowner were received prior to the submission of this report. These letters have been included as Appendix F of this report. |

POLICY EVALUATION

Foothills County / City of Calgary Intermunicipal Development Plan:

Heritage Pointe is located in the Interface Policy Area, which is an area within the IDP immediately adjacent to the municipal boundary. In the Interface Area, it is recognized that cross boundary land use impact must be considered. The City of Calgary provided that they have no comment with the proposed redesignation.

Municipal Development Plan (MDP2010):

This application generally aligns with the objectives and policy contained in the Recreation section of the Foothills County’s Municipal Development Plan (MDP2010).

Heritage Pointe ASP:

The subject parcel has been identified as a Private Park Space within ASP and was originally intended for this use.

Land Use Bylaw 60/2014:

The purpose and intent of the Open Space District is to preserve the lands for conservation, passive recreation or education uses that may be owned or managed by the County, an individual landowner, or condominium association. *Private Amenity Space* is listed as a Permitted Use under the Open Space District.

PRIVATE AMENITY SPACE means development of private open space reserved for private uses, for active or passive recreational use and includes all natural and manmade landscaping, facilities, playing fields, buildings, and other structures that are consistent with the general purpose of private amenity space, the open space and associated recreational facilities are privately owned, operated, and maintained by a landowner, a homeowner’s association, or a community association.

The Open Space District has been included as Appendix D and the Residential Community District has been included as Appendix E of this staff report.

SUMMARY

Bylaw XX/2024 – Application for the redesignation of the subject parcel being, portion of NE 01-22-01 W5M; Plan 0611735, Block 25, Lot 16 from Residential Community District to Open Space District, to bring the non-conforming parcel into compliance with the Land Use Bylaw and to allow for the replacement and upgrade/expansion of the existing play structure.

OPTIONS FOR COUNCIL CONSIDERATION

OPTION #1 – APPROVAL

Council may choose to grant 1st reading to the application for the redesignation of the subject parcel being, portion of NE 01-22-01 W5M; Plan 0611735, Block 25, Lot 16 from Residential Community District to Open Space District, to bring the non-conforming parcel into compliance with the Land Use Bylaw and to allow for the replacement and upgrade/expansion of the existing play structure, for the following reasons:

Council is of the opinion that the proposed redesignation and use of the subject lands aligns with the Heritage Pointe Area Structure Plan, Municipal Development Plan (MDP2010) and Land Use Bylaw. Further, Council acknowledges the front yard setback exemption, as approved in the previous non-conforming land use district.

Recommended Conditions for Option #1:

1. Submission of a complete Development Permit Application package and the necessary fees.

OPTION #2 – REFUSAL

Council may choose to refuse the application for the redesignation of the subject parcel being, portion of NE 01-22-01 W5M; Plan 0611735, Block 25, Lot 16 from Residential Community District to Open Space District, to bring the non-conforming parcel into compliance with the Land Use Bylaw and to allow for the replacement and upgrade/expansion of the existing play structure.

Should there be concerns brought forward through the public hearing process that Council does not feel can be mitigated, Council may choose to refuse the application.

APPENDICES

APPENDIX A: MAP SET

- MAP 1 – LOCATION
- MAP 2 – LAND USE MAP
- MAP 3 – SITE PLAN
- MAP 4 – ORTHO PHOTO

APPENDIX B:

PLAY STRUCTURE RENDERINGS

APPENDIX C:

PUBLIC ENGAGEMENT SUMMARY

APPENDIX D:

OPEN SPACE DISTRICT

APPENDIX E:

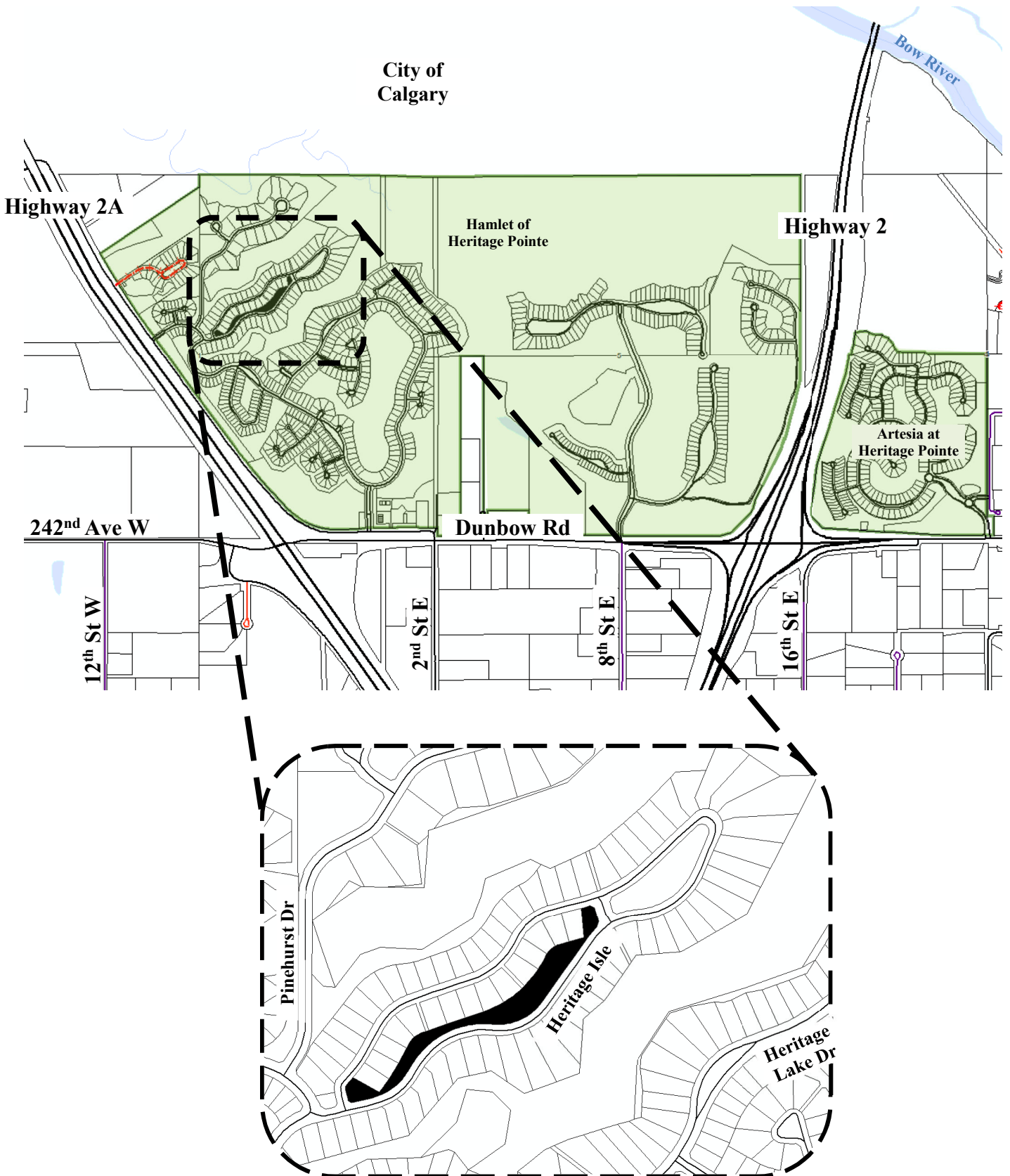
RESIDENTIAL COMMUNITY DISTRICT

APPENDIX F:

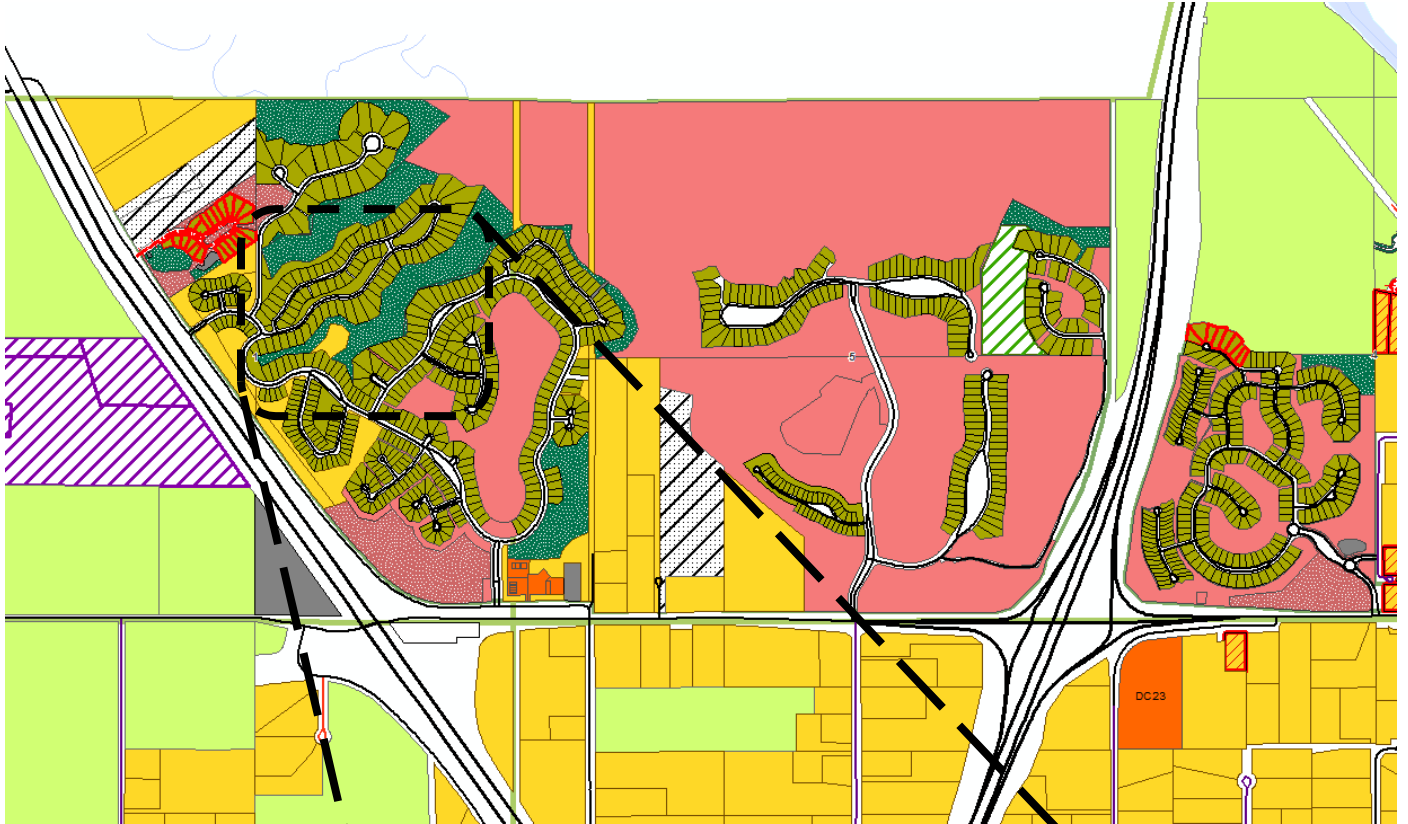
AREA LANDOWNER LETTERS

APPENDIX G:

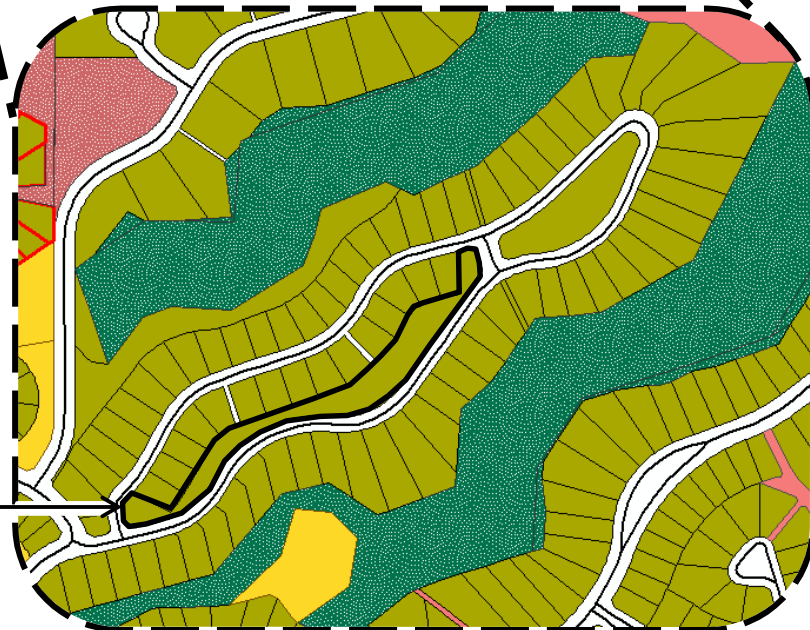
PROPOSED BYLAW



MAP 2 – LAND USE MAP



Subject Parcel



Legend

- | | | |
|------------------------------------|---|-------------------------|
| — Hard Surface (Chip/oil) | ▨ CRA- Country Residential Sub A | ▨ MR- Municipal Reserve |
| — Gravel | ▨ DC - Direct Control | |
| ... Developer Pavement | ▨ RC- Residential Community District | |
| — Pavement | ▨ RCA- Residential Community Sub-district "A" | |
| ▨ Flood Hazard Protection District | ▨ INR- Natural Resource Extraction | |
| ▨ In Transition | ▨ REC- Recreation | |
| ▨ A- Agricultural | ▨ OS- Open Space | |
| ▨ AA- Agricultural Sub A | ▨ PUL- Public Utility | |
| ▨ CR- Country Residential | ▨ ER- Environmental Reserve | |

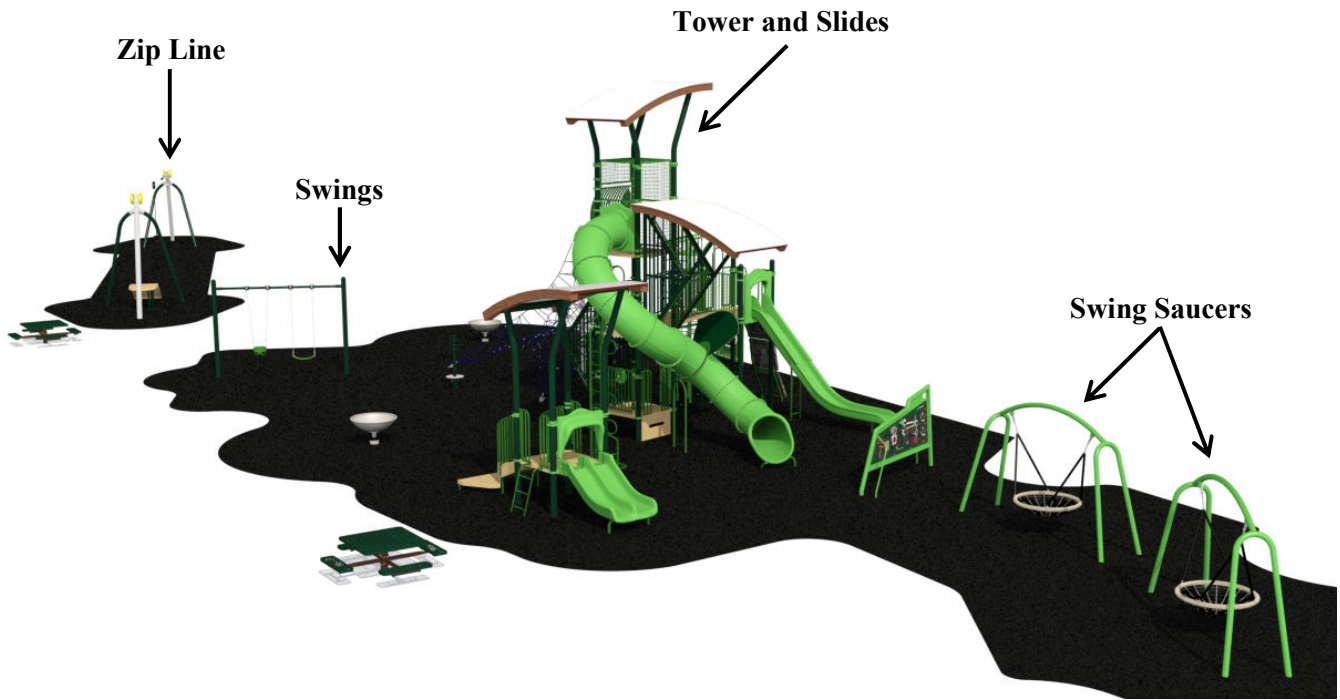
MAP 3 – SITE PLAN

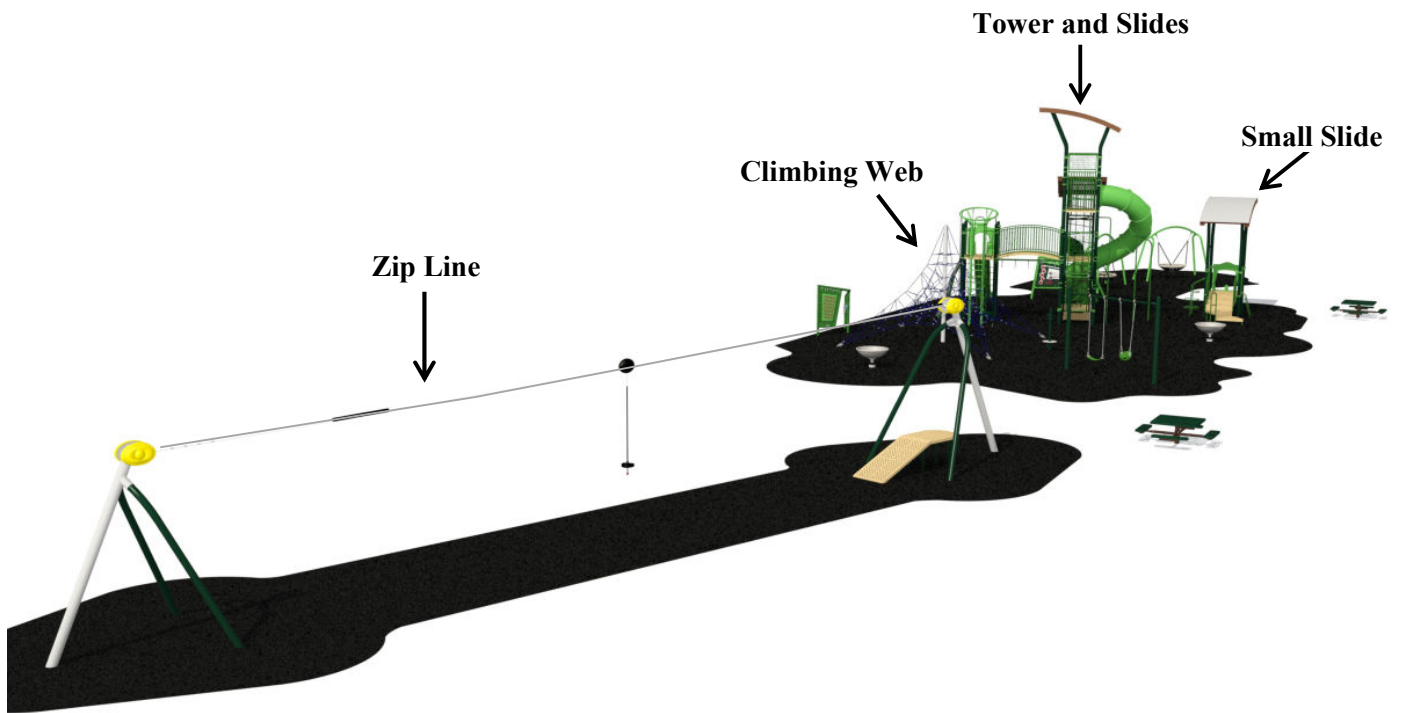
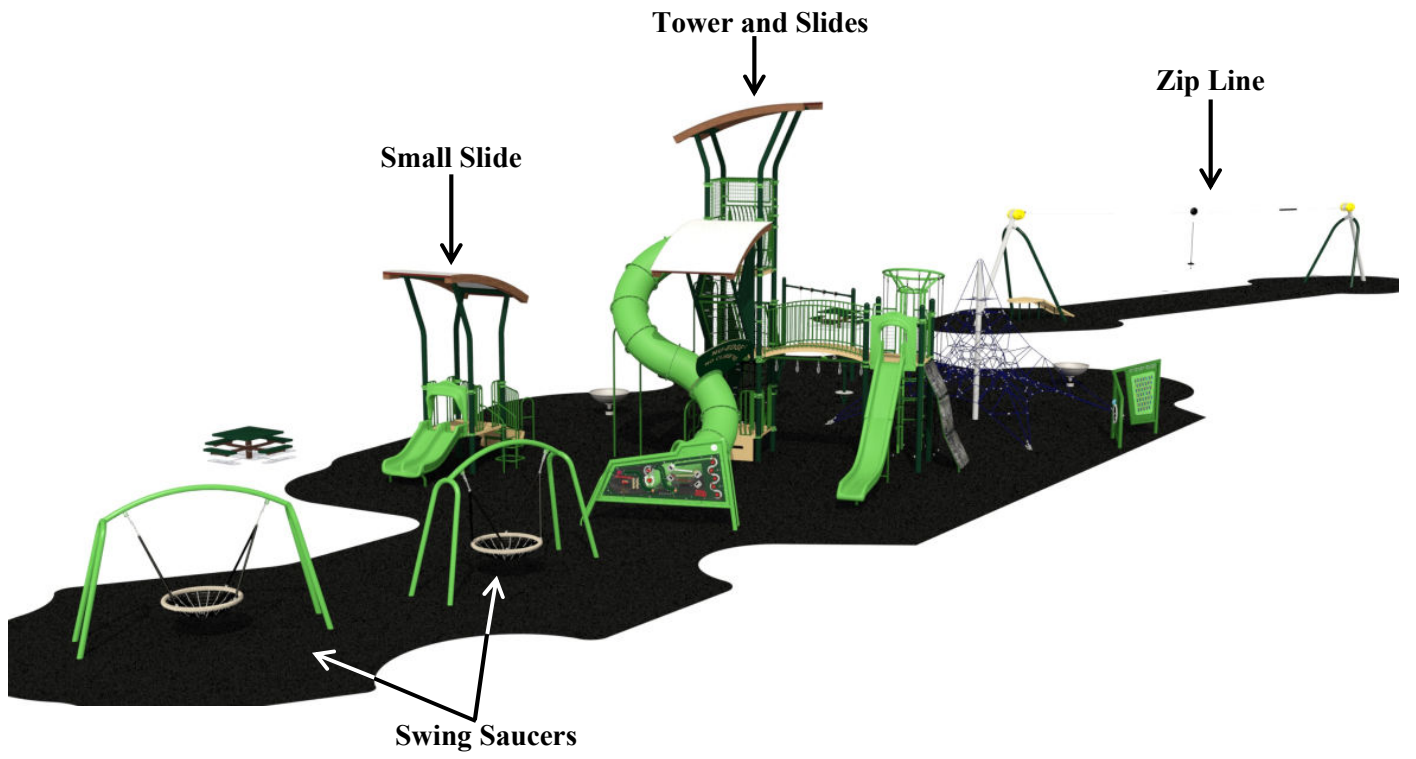


MAP 4 – ORTHO PHOTO



APPENDIX B: PLAY STRUCTURE RENDERINGS







March 13, 2024

Community Engagement Summary for Heritage Isle Playground

- June 2018 – community Life Cycle Assessment conducted by Morrison Herschfield indicates community playgrounds will require replacement by 2025. Board begins deliberations on how best to advance the replacement/upgrade of the existing community palygrounds.
- September 2021 – community canvassed for volunteers for a committee to explore upgrading the Heritage Isle playground. Six community members put their names forward.
- October 2021 – the playground committee developed a comprehensive survey seeking input on the new playground design. Survey distributed through email and Facebook to most community residents (note: not all residents have an email on file). 144 survey responses provided detailed input on what residents would like to see in the new playground upgrade.
- February 2022 – an RFP was developed and sent to 5 playground suppliers who subsequently submitted 10 different playground proposals. Committee recommended the preferred supplier and worked to finalize the design details based on survey feedback.
- January 2022, 2023 and 2024 – community provided with a brief update on the playground progress through a newsletter included with their annual HOA fee invoices.
- June 2022 and 2023 – an update on the playground was included in the respective AGM presentations complete with pictures. AGM presentations and speaking notes are posted to the community website. No questions or issues with the playground plan.
- September 2023 – playground equipment purchased and put into storage to avoid further escalation in costs.
- Board meeting minutes are also posted to the community website and include a standing agenda item on the playground upgrade every month from October 2021 through to February 2024.

- March 2024 – several Isle residents raised concerns about the new playground (see attached email correspondence). Board met with concerned residents to try to address their concerns as this was the first the Board had heard that anyone had an issue with the playground upgrade. The Board agreed to reconsider an alternate location for the playground but upon consulting with affected residents concluded this was not an appropriate solution.
- Prior to the meeting with the Board, a concerned resident posted their concerns to a community Facebook page seeking additional support against the playground. In response, there were 50 comments posted in favour of the playground with 202 “likes” for the favourable comments. There were 4 opposing comments which garnered 6 “likes”.

Concerned Residents



Names and Addresses Redacted
for the Public File (7 lots)

16.2 OPEN SPACE DISTRICT

OS

16.2.1 PURPOSE AND INTENT

To preserve lands that have natural capability for conservation, passive recreation and education. These lands may be owned or managed by the County, an individual landowner, public land trust, or condominium association.

16.2.2 GENERAL REQUIREMENTS:

- 16.2.2.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.
- 16.2.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

| 16.2.3 PERMITTED USES | 16.2.4 DISCRETIONARY USES |
|--|--|
| Accessory buildings not requiring a development permit Natural science exhibits Park Private amenity space Public works Recreation, passive Signs not requiring a development permit Solar Power System, Private (Not requiring a Development Permit) | Accessory buildings requiring a development permit Community services Dwelling, single family dwelling Dwelling, temporary Lot grading Private lake Signs requiring a development permit Solar Power System, Private (Requiring a Development Permit) Special event Utility services, minor |

16.2.5 LAND USE REQUIREMENTS

- 16.2.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 16.2.5.2 In order to facilitate the purpose and intent of this district and ensure the sustainable development of open space uses within the District, the following applies to applications for subdivision:
 - a. Parcel Density:
 - i. Parcel density requirements shall be determined by the Approving Authority, and in accordance with an approved area structure plan or outline plan, if applicable.
 - b. Minimum Parcel Size:
 - i. The area on title at the time of passage of this Bylaw, whichever is greater; or
 - ii. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan, if applicable.

- c. Maximum Parcel size:
 - i. The area on title at the time of passage of this Bylaw, whichever is lesser; or
 - ii. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan, if applicable.

16.2.5.3 Utility Servicing Criteria

- a. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan if applicable.

16.2.6 DEVELOPMENT REQUIREMENTS

16.2.6.1 Management Plan:

- a. A management plan may be required by the Approving Authority to outline the use of the land, how the land will be maintained, who is responsible for ongoing maintenance, and any other items deemed appropriate by the Approving Authority. All development permit applications must conform to the management plan on lands where a management plan has been approved.

16.2.6.2 Maximum Lot Coverage

- a. As determined by the Approving Authority, in accordance with an approved area structure plan or outline plan if applicable.

16.2.6.3 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
 - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
 - ii. 48m (157.48 ft) from the centreline of the Municipal Road.
 - iii. 15m (49.21 ft) from the property line from an Internal Road.
 - iv. As determined by the Approving Authority in conformance with an approved Area Structure Plan.
- b. Side Yard Setbacks:
 - i. 15m (49.21 ft) from the property line.
- c. Rear Yard Setbacks:
 - i. 15m (49.21 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

16.2.6.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

16.2.6.5 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.

16.2.6.6 Maximum Height of Structure:

Foothills County Land Use Bylaw |

- a. Buildings - 10.67m (35 ft);
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft).

16.2.7 SPECIAL REQUIREMENTS

16.2.7.1 Management Plan:

- a. All development permit applications must conform to a management plan if required by the Approving Authority. Such management plan shall be prepared by the applicant and approved by the Approving Authority prior to the time that an application for a development permit is made.

16.2.7.2 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky bylaw.

16.2.7.3 Lot Drainage:

- a. Lot grading and drainage shall be in accordance with Section 9.17 of this Land use bylaw.

16.2.7.4 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mentioned uses listed for this district and each use shall be considered as a separate use, and each use shall obtain a separate development permit.

16.2.8 EXCEPTIONS:

Foothills County Land Use Bylaw |

13.4 RESIDENTIAL COMMUNITY DISTRICT

RC

13.4.1 PURPOSE AND INTENT

To provide for municipally or communally serviced residential development located within Hamlet boundaries and/or in comprehensively planned developments outside of Hamlet boundaries, where supported by an adopted area structure plan and/or outline plan, consistent with the policies outlined in the Municipal Development Plan. This District was formerly named Hamlet Residential District and Residential District and includes all lands previously zoned as such in the County.

13.4.2 SUB-DISTRICT

13.4.2.1 Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

13.4.3 GENERAL REQUIREMENTS:

- 13.4.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.
- 13.4.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

| 13.4.4 PERMITTED USES | 13.4.5 DISCRETIONARY USES |
|---|--|
| Accessory buildings not requiring a development permit Accessory uses Dwelling, Attached (where contemplated in an approved ASP) Dwelling single family Home office Public works Signs not requiring a development permit Solar Power System, Private (Not requiring a Development Permit) Temporary storage of one (1) recreational vehicle Utility services, minor | Accessory buildings requiring a development permit Antenna structures, private Bed and Breakfast Day home services Dwelling, Attached Dwelling, moved on Home based business Type I Home based business Type II Kennels, private Lot grading Manmade water bodies, private Secondary Suite, Principal Secondary Suite, Detached Signs requiring a development permit Solar Power System, Private (Requiring a Development Permit) Temporary storage of up to 2 unoccupied recreation vehicles |

Foothills County Land Use Bylaw |

13.4.6 LAND USE REQUIREMENTS

- 13.4.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 13.4.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of Residential Community uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
 - i. Minimum 3 gross units per acre (3 gross upa);
 - ii. Maximum 10 gross units per acre (10 gross upa).
 - b. Minimum Parcel Size:
 - i. 464m² (0.11 acres);
 - ii. The area in title at the time of passage of this Bylaw.
 - c. Maximum Parcel size:
 - i. 0.32 ha (0.80 ac) unless the lot forms part of a condominium plan; or
 - ii. The area in title at the time of passage of this Bylaw.
- 13.4.6.3 Required Developable Area:
- a. In accordance with Section 9.8 of this Bylaw.
- 13.4.6.4 Utility Servicing Criteria
- a. Communal water and communal wastewater disposal systems;

13.4.7 DEVELOPMENT REQUIREMENTS

- 13.4.7.1 Maximum Lot Coverage:
- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than 50 percent of the lot area.
- 13.4.7.2 Maximum Dwelling Unit Density
- a. Maximum dwelling unit density for a parcel is one Dwelling, Single Family in accordance with Section 10.10, and one Dwelling, Secondary Suite in accordance with Section 10.26.
 - b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.
- 13.4.7.3 Minimum Yard Setbacks Requirements
- a. Front Yard Setbacks:
 - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
 - ii. 48m (157.48 ft) from the centreline of a Municipal road;
 - iii. 15m (49.21 ft) from internal subdivision road outside of a hamlet boundary;
 - iv. 4m (13.12 ft) from the right of way of a municipal road or internal subdivision road located within a hamlet boundary.

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- b. Side Yard Setbacks:
 - i. 1.5m (4.92 ft) from the property line.
 - ii. Notwithstanding sub-section 13.4.7.3 (b)(i), the side yard setbacks do not apply to the common wall side of a structure where a common wall exists
- c. Rear Yard Setbacks:
 - i. Principal Building – 8m (26.25 ft) from the property line;
 - ii. Accessory Building – 1m (3.28 ft.) from the property line; and
 - iii. Decks and associated staircases (steps) may project into the rear yard setback to a maximum of 1.5m (4.92 ft.);
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.
- e. See Section 13.4.8 “Exceptions” for any setbacks exemptions that have been approved by Bylaw for particular developments.

See Section 9.27.9 through 9.27.12 for additional provisions regarding setbacks pertaining to parcels with two frontages.

13.4.7.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.;

13.4.7.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

13.4.7.6 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
 - i. 12m (39.37 ft.)
- b. Accessory Buildings:
 - i. 10.67m (35 ft.)
- c. Radio antennas, internet towers and wind turbines
 - i. 16m (52.49 ft.);

13.4.7.7 Minimum habitable area per dwelling

- i. 84 sq. m. (904.20 sq. ft.)

13.4.8 EXCEPTIONS:

- 13.4.8.1 Secondary Suites are not permitted on any lot with the hamlets of Heritage Pointe or Priddis Greens.

Heritage Pointe Development:

- 13.4.8.2 Front yard setbacks: 4m (13.12 ft.) from the property line adjacent to the internal road for all residential properties under the Heritage Pointe Area Structure Plan;

Foothills County Land Use Bylaw |

- 13.4.8.3 Rear yard setbacks: 3m (9.84 ft.) from the property line, only on those lots located on "Ravine Drive" in Heritage Pointe in accordance with Bylaw 805 including the CRR49 District amendments from 1986;
- 13.4.8.2.i Bareland Condominium Units on "Ravine Drive" in Heritage Pointe shall be no less than 3.048m (10 ft.) between buildings;
- 13.4.8.4 Front Yard setbacks: relaxation of up to 90% on front yard setbacks for corner lots for those properties under the Heritage Pointe Area Structure Plan;
- 13.4.8.5 Dwelling, attached is a Discretionary Use only on parcels along "Ravine Drive" in Heritage Pointe;
- 13.4.8.6 Rear yard setbacks: 1.5 meter encroachment into regular rear yard setbacks requirements for above grade decks; for those properties within Heritage Pointe Area Structure Plan area;
- 13.4.8.7 A garage up to 50% of the dwelling size (provided that the garage does not exceed a maximum of 2,400 sq. ft.) split into two different structures, either attached or detached from the residence is permitted on parcels that are located on lands within the Heritage Pointe Area Structure Plan.

See Section 13.4.8.1 - Secondary Suites are not permitted on any lot with the Hamlet of Heritage Pointe.

Heritage Pointe Stage 3 - Artesia Development:

- 13.4.8.8 Front yard setbacks: 4m (13.12 ft.) from the property line adjacent to the internal road; for those properties within the Heritage Pointe Stage 3 Area Structure Plan area - Artesia;
- 13.4.8.9 Side Yard setbacks: relaxation of up to 90% on side yard setbacks on corner lots provided the front yard is designated by the developer for those properties within Heritage Pointe Stage 3 Area Structure Plan area - Artesia;
- 13.4.8.10 Rear yard setbacks: 1.5m encroachment into regular rear yard setbacks requirements for above grade decks; for those properties within Heritage Pointe Stage 3 Area Structure Plan area - Artesia;
- 13.4.8.11 Maximum Height Requirement: relaxation of the maximum height requirements for all buildings to 12m within Heritage Pointe Stage 3 Area Structure Plan area - Artesia;
- 13.4.8.12 Dwelling, attached is a discretionary use on parcels along "Artesia Gate" "Spring Water Bay, and "Spring Water Close" in Heritage Pointe Stage 3 - Artesia
- 13.4.8.13 A garage up to 50% of the dwelling size (provided that the garage does not exceed a maximum of 2,400 sq. ft.) split into two different structures, either attached or detached from the residence is permitted on parcels that are located on lands within the Heritage Pointe Stage 3 - Artesia Area Structure Plan.

See Section 13.4.8.1 - Secondary Suites are not permitted on any lot with the Hamlet of Heritage Pointe which includes Artesia Development.

Greenhaven Development:

- 13.4.8.14 Front yard setbacks: 8m (26.25 ft.) from property line adjacent to 48th St. E; for those properties registered as Plan 1210671, Block 3, Lots 3 - 5;
- 13.4.8.15 Front yard setbacks: 4m (13.12 ft.) from the property line adjacent to Green Haven Drive and 100 Green Haven Court; for those properties registered as Plan 1210671, Block 3, Lots 3 - 5;

Foothills County Land Use Bylaw |

- 13.4.8.16 Front yard setbacks: 8m (26.25 ft.) from the property line adjacent to 48th St. E. to; for those properties included in Phase 2 & Phase 3 of the Green Haven Estates Area Structure Plan;
- 13.4.8.17 Front yard setbacks: 4m (13.12 ft.) from the property line adjacent to the internal road; for those properties registered in Phase 2 & Phase 3 of the Green Haven Estates Area Structure Plan;
- 13.4.8.18 Lots within Green Haven Estates may range in size from 0.81 acres (0.33 ha) to 2.54 acres (1.03 ha.), in accordance with the Green Haven Estates Area Structure Plan;

Priddis Greens Development:

- 13.4.8.19 Dwelling, attached is a Discretionary Use only on parcels Priddis Greens in SE 30-22-03-W5 consisting of the following plans:

Located on Sunset Way: Units 1 - 4 in the following plan numbers:

9010223, 8910127, 8910128, 8910356, 8910538, 8911028, 9010222, 9011301, 9011856, 9012391, 9110935, 9012392, 9011855, 9010650, 9010780, 89114631, 8910665.

Located on Sunrise Way: Units 1 - 4 in the following plan numbers:

8810478, 8811193, 8810198, 8711262, 8810237, 8810019, 8711609, 8810236, 8811193.

- 13.4.8.20 A garage up to 50% of the dwelling size (provided that the garage does not exceed a maximum of 2,400 sq. ft.) split into two different structures, either attached or detached from the residence is permitted on parcels that are located on lands within Priddis Greens.

See Section 13.4.8.1 - Secondary Suites are not permitted on any lot with the Hamlet of Priddis Greens.

Hawks Landing:

- 13.4.8.21 A garage up to 50% of the dwelling size (provided that the garage does not exceed a maximum of 2,400 sq. ft.) split into two different structures, either attached or detached from the residence is permitted on parcels that are located on lands within the Hawks Landing Area Structure Plan.
- 13.4.8.22 Setback: 8m (26.25 ft.) from the undeveloped road allowance right of way on the west side³ of the development located on Plan 0713569, Block 4, Lots 59-62 & Plan 0410490, Block 4, Lot 1

See Section 13.4.8.1 - Secondary Suites are not permitted on any lot with the Hamlet of Priddis Greens which includes the Hawks Landing development.

Cottonwood Development:

- 13.4.8.23 Dwelling, attached is a Discretionary Use only on parcels in S.E. 07-22-28-W4 along "Cottonwood Boulevard" in Cottonwood, consisting of Plan 0112316, Units 1-4, Plan 9212354, Units 1-4, and Plan 9410836, Units 1-4.

Hamlet of Naphtha

- 13.4.8.24 Front yard setbacks on lots within the boundaries of the Hamlet of Naphtha are reduced to 15m from the right of way of Highway #22.

APPENDIX F: AREA LANDOWNER LETTERS

April 30, 2024

Foothills County
Planning & Development Department
Attn: Brittany Domenjoz

Dear Brittany,

This letter is in response to the letter we received regarding the Proposed Redesignation of:

Legal Description of Subject Parcel:
NE 1-22-1 W5M; Plan 0611735, Block 25, Lot 16

Rick Gallant of Lake at Heritage Pointe Homeowners Association (HOA) is proposing the redesignation of the green space along Heritage Isle. Our address is 193 Heritage Isle, which backs onto the proposed redesignated green space.

If this Redesignation of this Subject Parcel entitles the HOA to implement further structures as they seem fit, then we are NOT in favor of this proposal.

As you are now aware, the HOA was planning to construct a new and much larger playground on this parcel without directly contacting any of the homeowners who either back or face onto the greenspace. As far as we know, very few residents, including ourselves, were not aware of the plans for a larger playground. We understood that only the Tot Lot was being upgraded. The HOA was also going to attempt this without a Development Permit until it was brought to their attention just recently.

1. The HOA Board is speaking on behalf of the community who, once again, had no knowledge of this Application. The Board has not communicated clearly or specifically to any of the homeowners directly impacted by their decision for application. Doesn't the HOA Board need prior approval by the community to apply for rezoning on the community's behalf... specifically the homes directly impacted?
2. The existing playground on this parcel has always been designated as a Tot Lot and from the plans we only recently saw, the new playground will be geared towards older kids.
3. If the plan is that the Tot Lot be amalgamated with the playground, we feel the two playgrounds should not become one. Larger equipment and older kids would likely be intimidating to small children. Keep the playgrounds separate so both can be enjoyed to their fullest would be more beneficial.

4. The current Tot Lot is approximately 29m in length. The new playground will be approximately 65m in length – over two times larger.
5. We were the first house on the Isle and one of the reasons that we purchased our lot was that it was close to the Tot Lot where we could sit and watch our grandchildren play from our deck. Changing the Tot Lot to a large playground is not conducive to what was proposed by the Developer when lots were sold and the Isle was built. We may have not selected our lot initially if we had known there would be a large playground with a zip line in close proximity.
6. The HOA is now proposing a playground with a zip line only 19m from the backyard and decks of our neighbors which could cause a higher noise factor. As well, the new tower structure is 3 times the height of the current tower now... right at deck height which could cause privacy issues.
7. The Isle is a very quiet and desirable neighborhood within a great community. Property values along the greenspace of Heritage Isle will certainly be negatively affected by the construction of such a large and undeniably well used and loud playground
8. The added traffic may essentially affect the other homes. Heritage Isle is a quiet street far removed from the core of the community on the narrowest street in Heritage Pointe with only one way in and out. The increased traffic due to the park's location itself would turn our street into a parking lot with very little room to maneuver vehicles. There are not any sidewalks on either side of the street. Currently the school buses and garbage trucks have trouble maneuvering through the streets on the Isle. This is not a safe or logical location for the community's main playground. We feel it belongs closer to the Lake House, in a larger green space in the subdivision or over by the berm with the ball diamond and soccer field. We are very concerned for the safety of our neighbors and potential pedestrians, drivers and small children wanting to play at the park.
9. This big, beautiful playground will become a sore spot for many homeowners along the greenspace. It is just too large and too big of a change in such a small quiet area. It will be too intrusive and belongs elsewhere where it can be an asset to the entire community. This is not the right spot for this playground.
10. To be clear, we are in favor of the larger playground as well as upgrading the existing Tot Lot; both would be a wonderful asset to the community. We just feel the two parks should not become one large park. Both parks belong in their own appropriate settings and non-intrusive settings.

To reiterate we are very concerned for the safety of the children and the neighborhood.

Thank you for your time and consideration.

Yours sincerely,
Linda and Kevin Middlemiss
193 Heritage Isle

Brittany Domenjoz

From: Sandy Parhar [REDACTED]
Sent: April 30, 2024 8:39 PM
To: Brittany Domenjoz
Subject: Heritage Lake land re designation

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

April 30, 2024

Foothills County
Planning & Development Department
Attn: Brittany Domenjoz

Dear Brittany,

This letter is in response to the letter we received regarding the Proposed Redesignation of Legal Description of Subject Parcel:
NE 1-22-1 W5M; Plan 0611735, Block 25, Lot 16

Rick Gallant of Lake at Heritage Pointe Homeowners Association is proposing the redesignation of the green space along Heritage Isle which our home backs onto.
Our address is 177 Heritage Isle.

First and foremost... I'm not sure why this particular green space needs to be redesignated. From what we understand... We were told the tot lot was being improved, not redesignated. This particular parcel is a very narrow piece of green space with a tot lot on it.... There are some other wonderful spaces... within Heritage Lake... that are away from high traffic areas and the narrow streetwhich is where this proposed new playground is slated to be built. Yes ,the new playground will bring an increase in car traffic and foot traffic... Which we find alarming... given the narrow roadway. A solution suggested was they could make it a one-way street... But that still doesn't factor in children playing in a narrow green space and running out into traffic... No matter which way the traffic is going.

We received a notice quite recently... That many cars are not stopping at the three-way stop... Which is the only way in and out of the isle. Not only will this increase traffic potentially cause a problem ...This particular lot is not well lit ... and could be the backdrop for individuals participating in unwanted behaviour. We have been told by Rick and his committee... That if problems should arise... We should be phoning the RCMP. This is not a solution...We believe there should be a more proactive approach.

Also.... We not sure how many houses are located At Heritage Lake, and out of those.....how many of those households voted... And of those who voted... How many were in favour of this redesignation?? That number or percentage would be great to know!

Thanks for your consideration to our concerns.

Sat and Sandy Parhar

April 30, 2024

Foothills County
Planning & Development Department
Attn: Brittany Domenjoz

Dear Brittany,

This letter is in response to the letter we received regarding the Proposed Redesignation of Legal Description of Subject Parcel:
NE 1-22-1 W5M; Plan 0611735, Block 25, Lot 16

Rick Gallant of Lake at Heritage Pointe Homeowners Association is proposing the redesignation of the green space along Heritage Isle which our home backs onto. Our address is 201 Heritage Isle.

If this Redesignation of this Subject Parcel entitles the HOA to implement further structures as they seem fit, then we are NOT in favor of this proposal.

As you are now aware, the HOA was planning to construct, this Spring, a new and much larger playground on this parcel without directly contacting any of the homeowners who either back or face onto the greenspace. I went door to door myself... no one was aware of the plans for a larger playground and that only the Tot Lot was to be upgraded. The HOA was also going to attempt this without a Development Permit until it was brought to their attention just recently.

1. The HOA Board is speaking on behalf of the community who, once again, had no knowledge of this application. The Board has not communicated clearly or specifically to any of the homeowners directly impacted by their decision for application. Doesn't the HOA Board need prior approval by the community to apply for rezoning on the community's behalf... specifically the homes directly impacted?
2. The existing playground on this parcel has always been designated as a Tot Lot.
3. The new playground will be geared towards older kids.
4. The two playgrounds should not become one. Larger equipment and older kids would likely be intimidating to small children. Keep the playgrounds separate so both can be enjoyed to their fullest.
5. The current Tot Lot is approximately 29m in length.
6. The new playground will be approximately 65m in length – over two times larger.
7. Our home currently and never has had a playground behind it, but if the larger playground goes through here, then there will be a zip line behind our home – only 19m from our backyard and deck... our outdoor living will no longer be peaceful.
8. If the County is considerate of the impact to neighboring homes, why isn't the HOA?

9. The 2.46 acres of greenspace the HOA says the playground is going on is very narrow as indicated on the County map. The site plan is not indicated on the map and does not show itself to be in the narrowest part of the greenspace, where the HOA intends to construct the playground and where homes are most impacted.
10. The distance between our back property line and the front property line of the home across the greenspace is only 37m. Within this 37m space consists of a street, a public walking path and a few trees. This does not seem like a logical place to squeeze in a zipline as well.
11. We purchased our home because there wasn't a playground directly behind. We certainly would not have purchased our home if a zip line was outside our back door.
12. Heritage Isle is a very quiet and desirable neighborhood within a great community; property values along the greenspace of Heritage Isle will certainly be negatively affected by the construction of such a large and undeniably well used and loud playground. The added traffic may essentially affect the other homes.
13. The new tower structure is 3 times the height of the current tower now... right at deck height. Privacy would then be an issue. At such a close proximity to the home closest to it, they may as well all have meals together lol!!
14. This big, beautiful playground will become a sore spot for many homeowners along the greenspace. It is just too large and too big of a change in such a small quiet area. It'll be too intrusive. It belongs elsewhere where it can be an asset to the entire community.
15. Heritage Isle is a quiet street far removed from the core of the community on the narrowest street in Heritage Pointe with only one way in and out. The increased traffic due to the park's location itself would turn our street into a parking lot with very little room to maneuver vehicles. There aren't even any sidewalks on this part of the street. The school buses and garbage trucks have enough trouble as it is. This is not a safe or logical location for the community's main playground – it belongs closer to the Lake House, in a larger greenspace.... Or over the berm with the ball diamond and soccer field.
16. To be clear.... We are in favor of the larger playground as well as upgrading the existing Tot Lot; both would be a wonderful asset to the community. We just feel the two parks should not become one large park. Both parks belong in their own appropriate settings and non-intrusive settings.

Thank you for your time and consideration.

Yours sincerely,
Leslie and Larry Stadnick
201 Heritage Isle

From: [Dave Robertson](#)
To: [Public Hearings](#)
Subject: Written Submission
Date: May 5, 2024 9:57:57 PM

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

Hello,

I am writing to comment on the proposed redesignation and expansion of the children's play area.

The meeting is being held on May 15 at 1:30 PM.

My name is Dave Robertson

92 Heritage Lake Shores, Heritage Pointe [REDACTED]
[REDACTED]

My comments are as follows:

This is the only play structure in the community.

This is exactly what we want kids to be doing; not sitting in front of tv, games and phones.

This is for young kids, therefore the noise will not be early or late at night.

Besides, it is a happy noise; who does not enjoy watching kids have fun.

While it is true someone could get hurt, I am a believer in exposing kids to minor risks so they learn how to manage real life.

So I am in favour of expanding the structure.

Dr. Dave Robertson

BYLAW XX/2024

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 the 2.46 +/- acre being Plan 0611735, Block 25, Lot 16; Ptn. NE 01-22-01 W5M from Residential Community District to Open Space District to bring the non-conforming parcel into compliance with the current Land Use Bylaw and to allow for the replacement and upgrade / expansion of the existing play structure. Further, Council acknowledges the front yard setback exemption, as approved in the previous non-conforming land use district (Residential Community).

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Land Use Map No. 2201 is amended by redesignating 2.46 +/- acre being Plan 0611735, Block 25, Lot 16; Ptn. NE 01-22-01 W5M from Residential Community District to Open Space District;
2. This Bylaw shall have effect on the date of its third reading and upon signing.

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 _____.