


**SUBDIVISION APPROVING AUTHORITY ITEM
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 SUBDIVISION APPROVAL
 May 15th, 2024**

REQUEST FOR SUBDIVISION APPROVAL		
APPLICATION INFORMATION	FILE NO. F2129-36SE	
	LEGAL DESCRIPTION: PTN: SE 36-21-29-W4M	
	LANDOWNERS: Olajumoke and Mofoluwaso Abolarin	
	AGENT: Township Planning and Design Inc. / Kristi Beunder	
	AREA OF SUBJECT LANDS: 18.88 acres	
	CURRENT LAND USE: Agricultural District	
	PROPOSED LAND USE: Country Residential District with ERE.	
PROPOSAL: Subdivision of two 4.15 and 5.60 +/- acre Country Residential Sub-District "A" lots with an approximate 7.71 +/- Country Residential District balance parcel with Environmental Reserve Easement dedication.		
DIVISION NO: 6	COUNCILLOR: Don Waldorf	FILE MANAGER: Theresa Chipchase

PURPOSE OF REQUEST

Requesting approval from the Subdivision Approving Authority for the application which proposes the subdivision of two 4.15 and 5.60 +/- acre Country Residential Sub-District "A" lots with an approximate 7.71 +/- Country Residential District balance parcel with Environmental Reserve Easement dedication.

PREVIOUS COUNCIL DIRECTION

May 10th, 2023, Bylaw 27/2023 – application approved by Council granting first reading to Bylaw 27/2023, under the following motion:

“Council gave first reading to Bylaw 27/2023 authorizing the redesignation of 18.88 +/- acres from Ptn. SE 36-21-29-W4M from Agricultural District to Country Residential District to allow the future subdivision of two Country Residential District lots with a Country Residential District Balance and Environmental Reserve Easement registered over a portion of the subject property. In their consideration of the criteria noted in Agriculture Policy 4 of the MDP 2010, Council is of the opinion that fragmentation of the subject lands would not be detrimental to the agricultural nature of the area, Additionally, the application falls within the density provisions and lot size restrictions of the Country Residential District within the County’s Land Use Bylaw.


The new parcels shall be designated as Country Residential Sub-District "A" to ensure that the recommendations and restrictions as outlined in the building envelopes and environmental site assessment (provided as conditions of land use) and septic disposal evaluations, high water table testing, lot grading plans and comprehensive site drainage, (provided as conditions of subdivision) are complied with to the satisfaction of the Public Works department. A completion certificate by a Professional engineer verifying the at all aspects of the noted reports have been met and a \$5,000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.

May 15th, 2024, Bylaw 27/2023 - Council gave third and final reading to Bylaw 27/2023 authorizing the redesignation of 18.88 +/- acres from Ptn. SE 36-21-29-W4M from Agricultural District to Country Residential District to allow the future subdivision of two Country Residential District lots with a Country Residential District Balance and Environmental Reserve Easement registered over a portion of the subject property. In their consideration of the criteria noted in Agriculture Policy 4 of the MDP 2010, Council is of the opinion that fragmentation of the subject lands would not be detrimental to the agricultural nature of the area, Additionally, the application falls within the density provisions and lot size restrictions of the Country Residential District within the County's Land Use Bylaw.

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CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<p>Public Works is requesting the following for both proposed Country Residential Sub-District "A" lots, as conditions of subdivision:</p> <ol style="list-style-type: none"> 1. Septic Disposal Evaluation (PSTS) Testing; 2. Building Envelopes; 3. Comprehensive Site Drainage Plan; 4. Lot Grading Plans; 5. High Water Table Testing. <p>Additional recommendations as provided by Public Works to be applied to a subdivision approval:</p> <ul style="list-style-type: none"> • The proposed common approach location on the revised site plan is acceptable and favorable over 2 separate approaches within a short distance from an intersection. The current field approach, across from the intersection to Lot 2 will have to be permanently closed off. <p>NOTE: The ESA provided to the County has been reviewed by the Public Works department and has been reviewed and accepted by Alberta Environment and Protected Areas.</p> <p>With regards to the stockpiles on the site public works also accepts the landowner's statement within their attached cover letter that the stockpiles will be removed from the lands to be designated as ERE and will be levelled on site (outside of the ERE) to match the existing grading. (Please see the landowners agents cover letter attached to this staff report as part of Appendix A)</p>
GIS/Mapping	No concerns with application.

CIRCULATION REFERRALS

EXTERNAL	
<p>Alberta Environment and Protected Areas</p>	<p>As far as the soil assessment goes, this does not appear to be an activity regulated by EPA if it is not a hazardous material. Thus, the usage or disposal of the material is up to the landowner and/or county but must remain outside of the waterbody.</p> <p>Regards,</p> <p>Luis Fossi, M.Sc., P. Ag. Environmental Protection Officer, Wetlands Specialist Calgary, Regulatory Assurance Division South Alberta Environment and Protected Areas Government of Alberta</p> <p>2nd Floor, Deerfoot Square 2938 11 Street NE Calgary, AB T2E 7L7</p> <p>Office 403 297 3837 Cell 403 899 3168 Luis.Fossi@gov.ab.ca Environmental Emergencies 1 800 222 6514</p> 
<p>TELUS</p>	<p>Telus Communications Inc. will require a utility right of way in order to provide service to the proposed Lot 1. Please have TELUS' requirements added as a condition of approval and have the applicant contact rightofwayAB@telus.com to initiate a TELUS Utility Right of Way agreement.</p>
<p>ATCOGas</p>	<p>ATCO Gas has no objection. ATCO Gas' existing and future lines are protected by an existing Utility Right of Way</p>
<p>ATCO Transmission</p>	<p>ATCO Transmission high pressure pipelines has no objections</p>
PUBLIC	
<p>Landowners (Adjacent)</p>	<p>No letters received prior to the filing of this staff report.</p>

REQUEST OF THE SUBDIVISION APPROVING AUTHORITY

The Subdivision Approving Authority may choose to approve the two 4.15 and 5.60 +/- acre Country Residential Sub-District "A" lots with an approximate 4.65 +/- Country Residential District balance parcel with Environmental Reserve Easement dedication over portions of the two new lots.

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 Regulation and;

- The subject lands have the appropriate land use designations.

In consideration of the criteria noted in Residential 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 is approved subject to the following conditions:

1. Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means satisfactory to the Registrar of the South Alberta Land Titles District;
2. Environmental Reserve Easement agreement to be fully executed and registered by Right of Way Plan, concurrently with the Plan of Survey, to the satisfaction of the County;
3. It is the applicant's 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) within the boundaries of the appropriate properties and that the site plan is surveyed according to municipal setback requirements;
4. Completion of all pre-release conditions as noted in the executed Municipal Development Agreement to the satisfaction of the County and where applicable the appropriate external agencies. These conditions include:
 - a. Payment of the \$11,300 per new lot Community Sustainability Fee;
 - b. Submission of all necessary engineering review fees;
 - c. All utility right of way agreements, easements, licenses and installation.
5. Septic Disposal Evaluation, to be provided for the 4.15 +/- ac and 5.60 +/- acre Country Residential Sub-District "A" lots, in accordance with Part 2 Section 6(4)(b) of the Matters Related to Subdivision and Development Regulation, to the satisfaction of the Public Works department;
6. Site plan to be provided, which identifies building envelopes for the 4.15 +/- ac and 5.60 +/- acre Country Residential Sub-District "A" lots, which meet the requirements as outlined in Policy 9 under the Residential section of the MDP2010, to be provided to the satisfaction of the Public Works department;
7. Lot Grading Plans, to be provided for the 4.15 +/- acre and 5.60 +/- acre Country Residential Sub-District "A" lots, to the satisfaction of the Public Works department;
8. Comprehensive Site Drainage Plan, to be provided for the subject parcel, to the satisfaction of the Public Works department;
9. Geotechnical Report, completed in accordance with Municipal standards, to be provided for high water table testing, for foundation design, for the 4.15 +/- acre and the 5.60 +/- acre Country Residential Sub-District "A" lots, to the satisfaction of the Public Works department;
10. Reserves: to be provided by cash in lieu of land based on \$31,307.00 per acre on account of 10% of the 18.88 acre parent parcel, subtracting the proposed Environmental Reserve Easement, as per Subsections 666(1), 666(2) and 666(3) of the Municipal and School Reserves section of the Municipal Government Act and the County's Public Reserve Policy (adopted April 18/96);
11. All accesses to be located and culverts and approaches to be installed to current Municipal subdivision road construction standards, to the satisfaction of the Public Works department;

12. Landowners are to pay all arrears of taxes on the existing parcels prior to finalization of the subdivision; and
13. Submission of subdivision endorsement fees.

APPENDICES

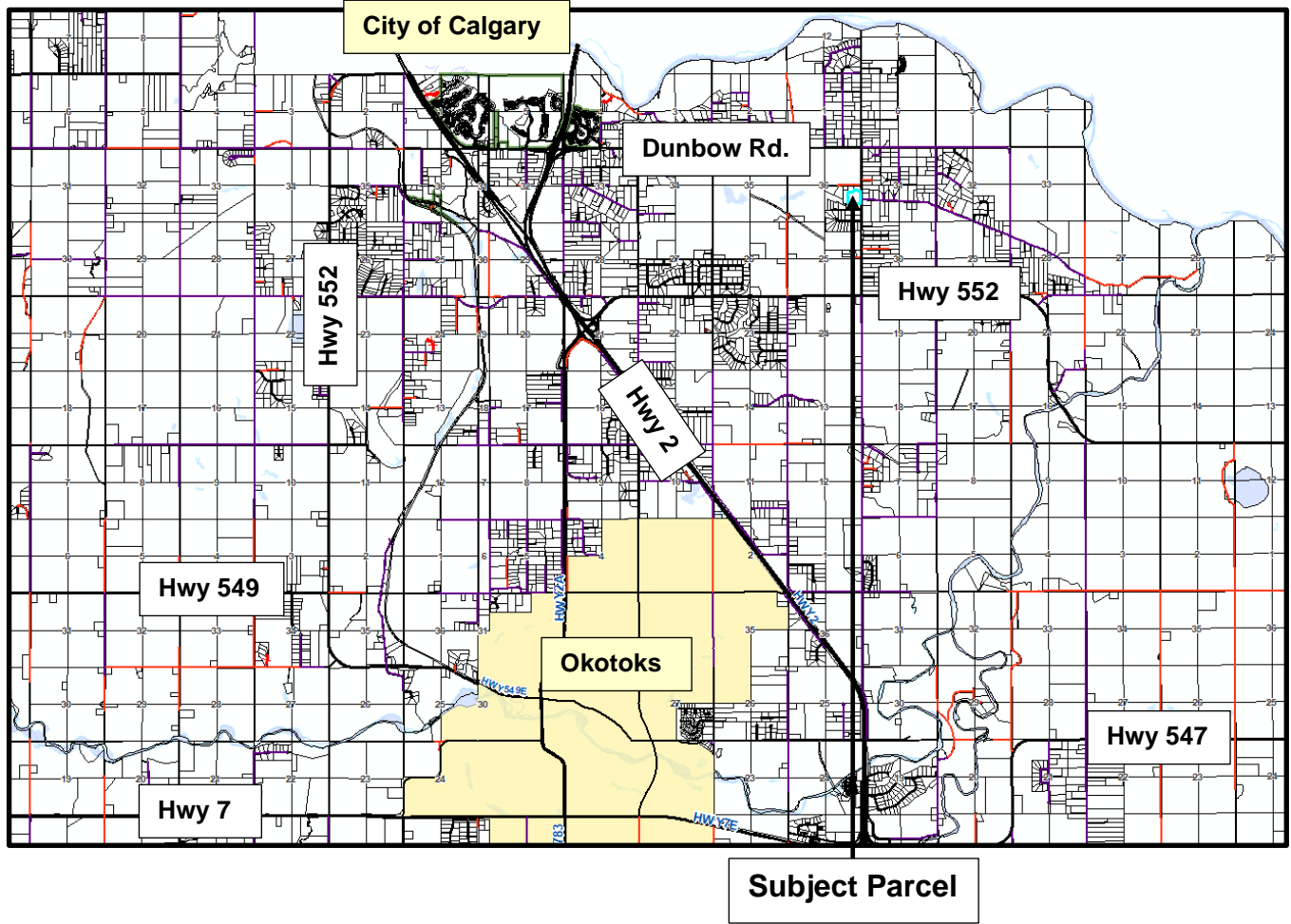
APPENDIX A - MAP SET:

LOCATION MAP
LAND USE MAP
LOT SIZES MAP
SITE PLAN
ORTHO PHOTO
LANDOWNERS AGENT'S LETTER

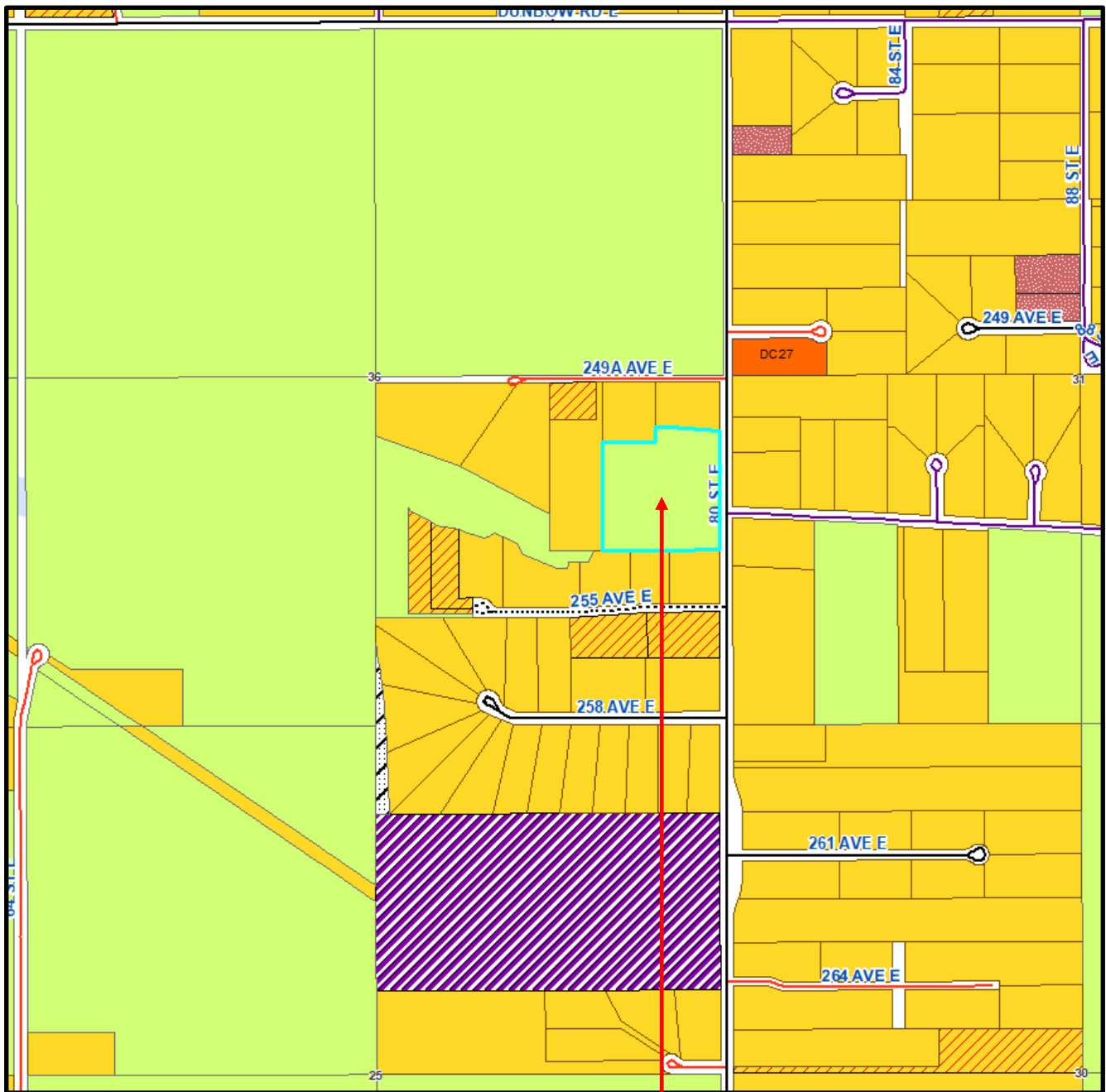
APPENDIX B:

ASSESSMENT SPREADSHEET – PUBLIC RESERVE AMOUNT FOR SUBDIVISION

APPENDIX A: LOCATION MAP



APPENDIX A: LAND USE MAP

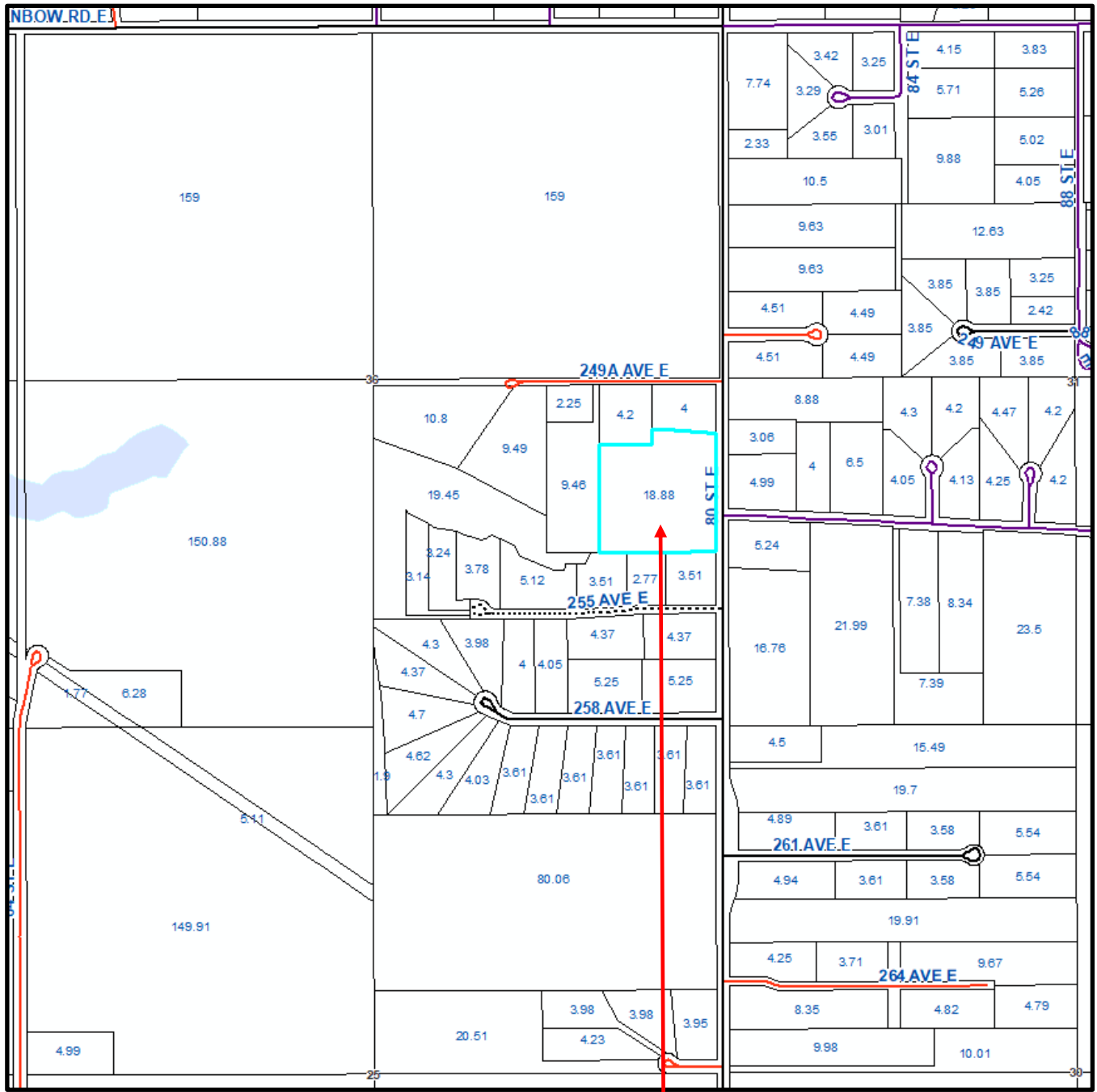


Subject Parcel

Legend

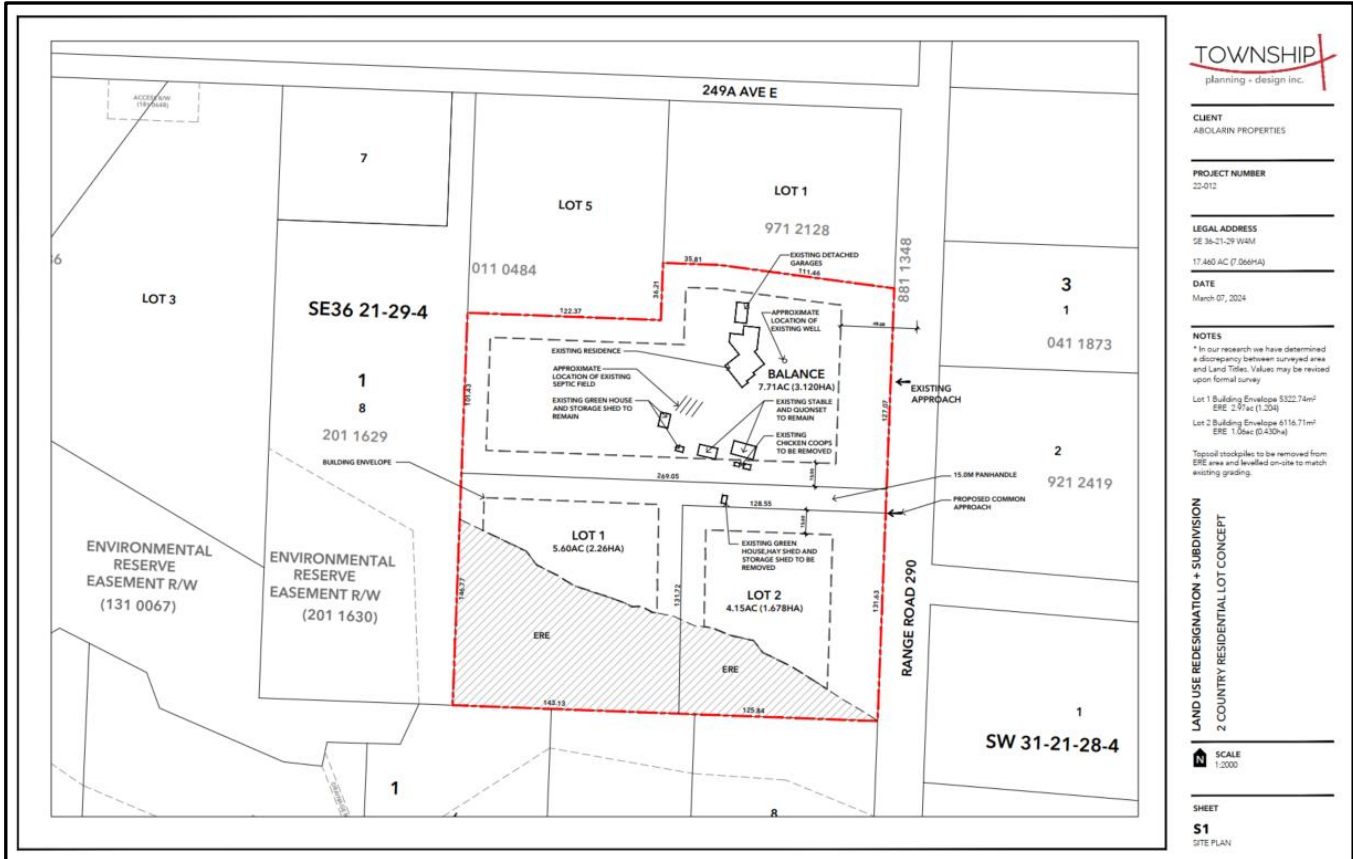
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|----------------------------------|----------------------------------|--------------------------------------|
| Hard Surface (Chip/oil) | CR- Country Residential | MR- Municipal Reserve |
| Gravel | CRA- Country Residential Sub A | MLR- Municipal Land/Reserve District |
| Developer Pavement | DC - Direct Control | |
| Pavement | BP- Bussiness Park | |
| Flood Hazard Protection District | RB- Rural Business | |
| In Transition | INR- Natural Resource Extraction | |
| A- Agricultural | EP- Environmental Protection | |
| AA- Agricultural Sub A | ER- Environmental Reserve | |

APPENDIX A: LOT SIZES MAP



Subject Parcel

APPENDIX A: SITE PLAN



TOWNSHIP
planning + design inc.

CLIENT
ABOLARIN PROPERTIES

PROJECT NUMBER
22-012

LEGAL ADDRESS
SE 36-21-29 W4M
17.40 AC (7.066 HA)

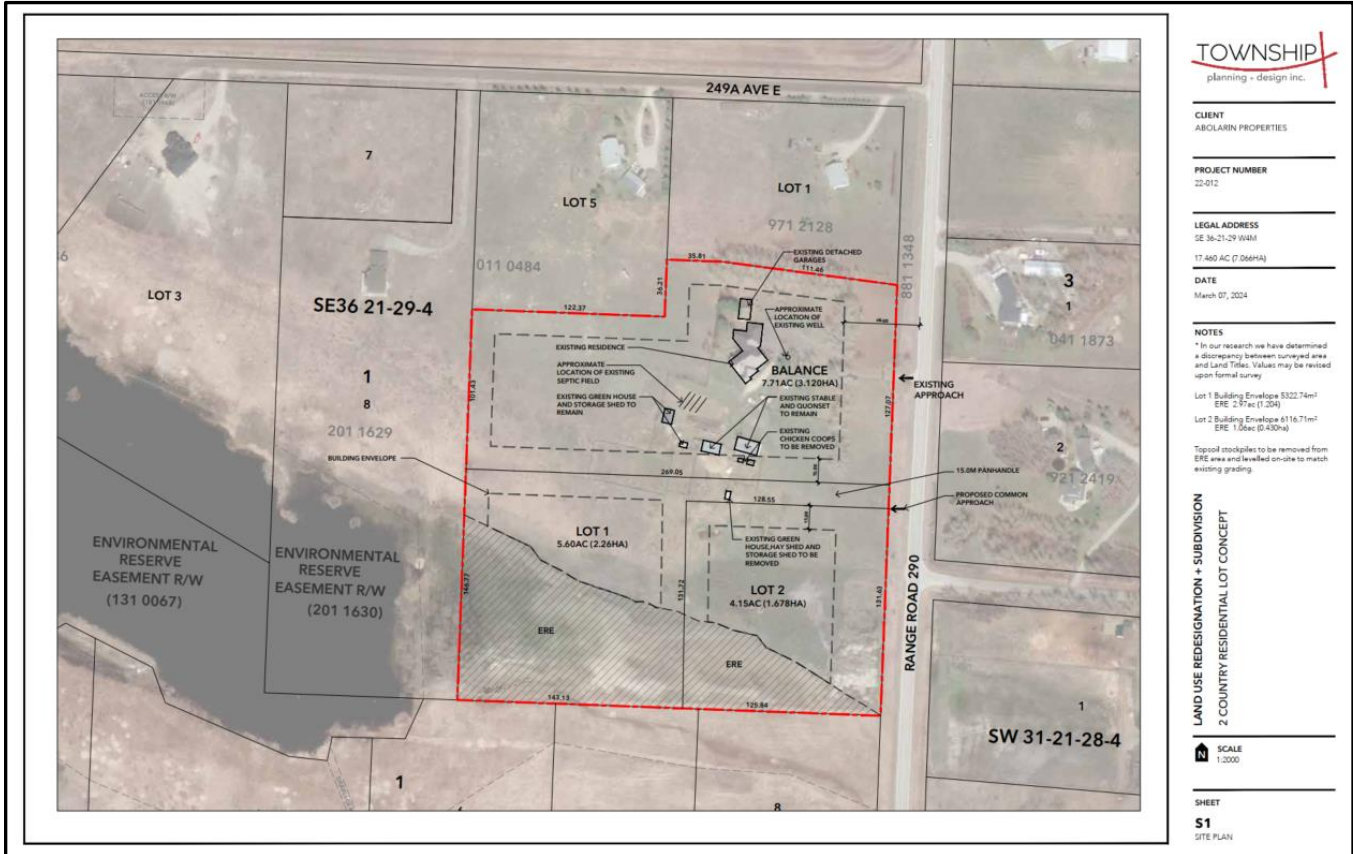
DATE
March 07, 2024

NOTES
* In our research we have determined a discrepancy between surveyed area and Land Titles. Values may be revised upon formal survey.
Lot 1 Building Envelope 5322.74m² ERE 2.97ac (1.20ha)
Lot 2 Building Envelope 6116.71m² ERE 1.06ac (0.430ha)
Topsoil stockpiles to be removed from ERE area and levelled on-site to match existing grading.

LAND USE REDESIGNATION + SUBDIVISION
2 COUNTRY RESIDENTIAL LOT CONCEPT

SCALE
1:2000

SHEET
S1
SITE PLAN



TOWNSHIP
planning + design inc.

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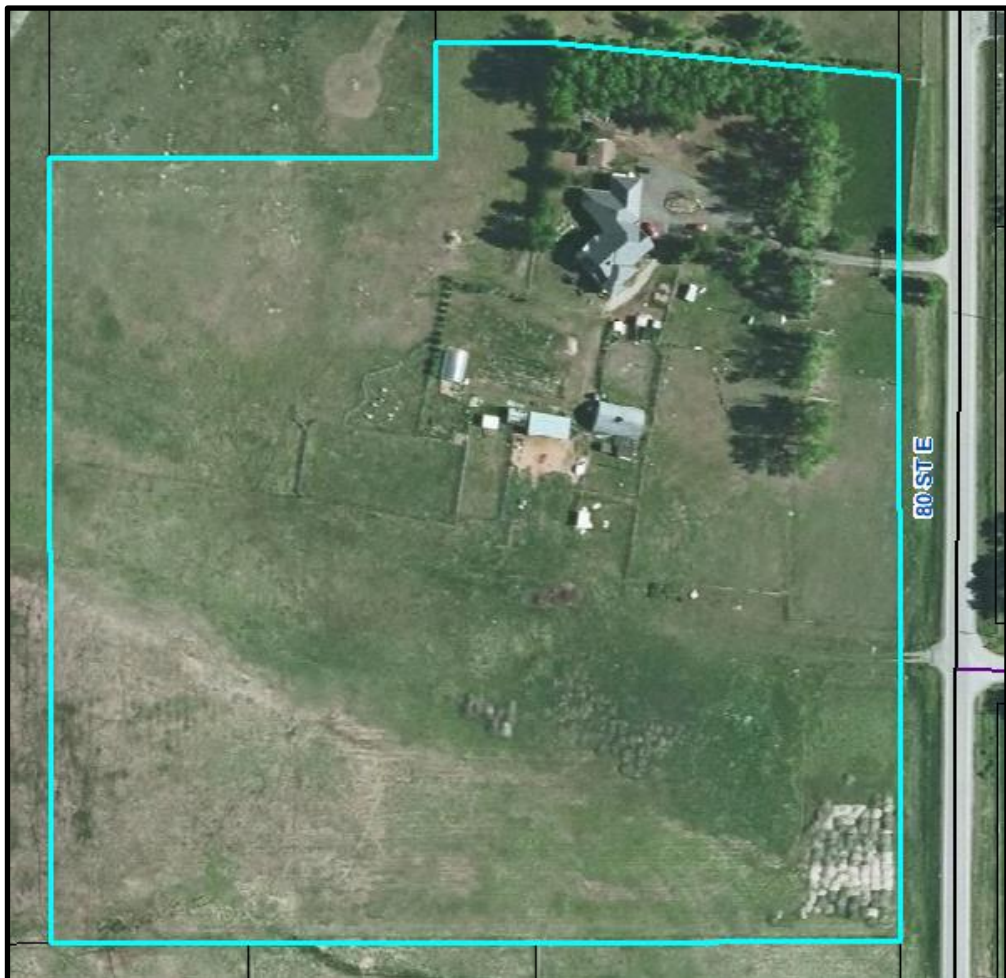
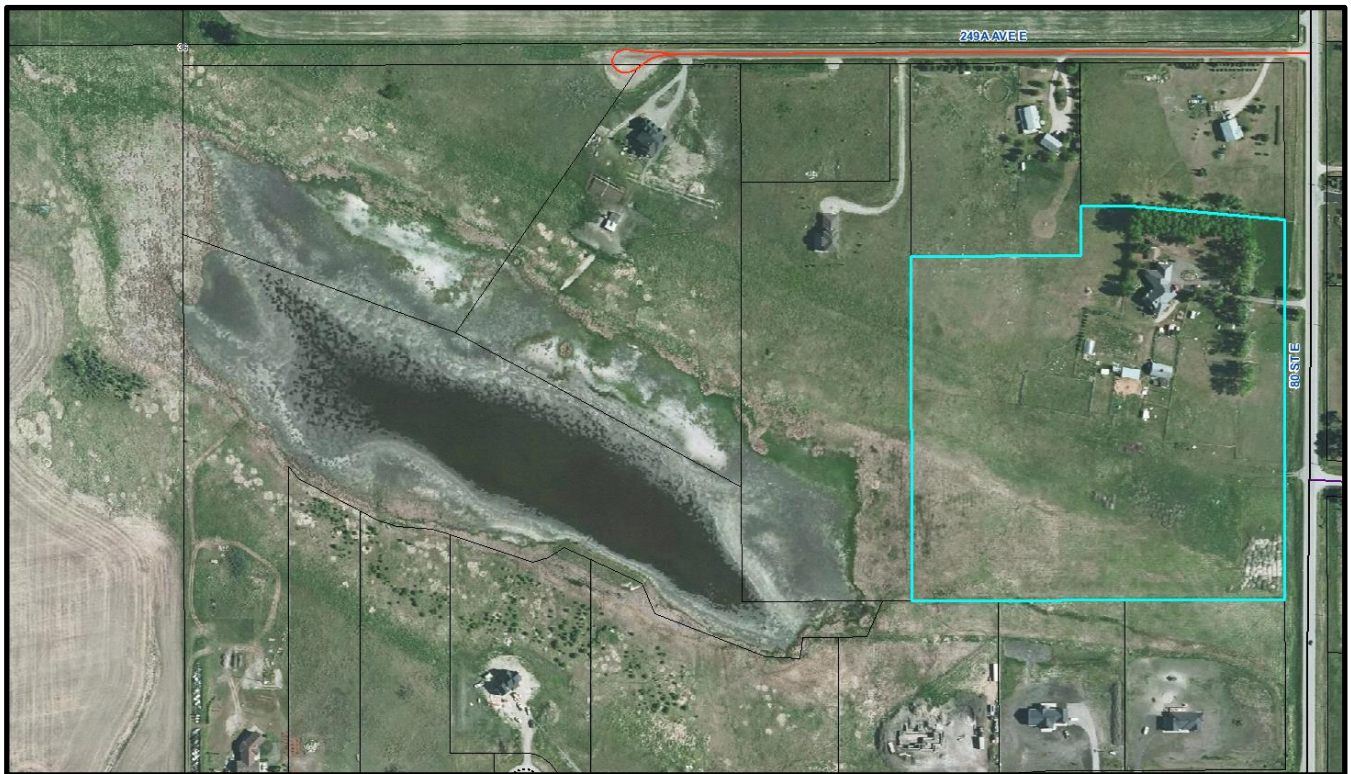
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LAND USE REDESIGNATION + SUBDIVISION
2 COUNTRY RESIDENTIAL LOT CONCEPT

SCALE
1:2000

SHEET
S1
SITE PLAN

APPENDIX A: ORTHO PHOTO



APPENDIX A: LANDOWNERS AGENT'S LETTER

321-259 Midpark Way SE | Phone: 403.880.8921
Calgary, AB T2X 1M2 | TWPplanning.com



Foothills County
Box 5605
High River, AB
T1V 1M7

March 6th, 2024

ATTN: Samantha Payne, Planning Coordinator

RE: Application for Subdivision to allow for the creation of two (2) new Country Residential Lots (± 5.60 , ± 4.15 ac) within SE 36-21-29 W4M (± 17.460 ac) in Foothills County.

Landowners: Mofoluwaso & Olajumoke Abolarin

Dear Mrs. Payne,

Please find enclosed the following in support of the above-mentioned Land Use Application:

- The formal application for subdivision to allow for the creation of two (2) CR- Country Residential parcels (± 5.60 , ± 4.15 ac);
- The Letter of Authorization allowing Township Planning + Design Inc. to Act as agent for the landowner(s);
- Credit Card Authorization Form for the applicable fee of \$900.00 per lot (\$1,800.00) + \$100.00 filing fee + \$2,000.00 appeal fee, totaling \$3,900.00;
- A copy of the Abandoned Well Map and Statement;
- A copy of the current Certificate of Title; and
- A copy of the site plan with and without air photo.

To assist Planning and Development with the evaluation of this application we offer the following additional information;

Foothills County Council granted first reading for the Land Use Redesignation at the, May 10, 2023 Council Meeting. The first reading of Bylaw 27/2023 decision supports the redesignation of an +/- 17.46 acre portion of the subject parcel on SE 36-21-29 W4M from Agricultural District to Country Residential District to allow for the future subdivision of two (2) Country Residential District lots (± 5.60 , ± 4.15 ac), with a ± 7.71 acre Country Residential District Balance and Environmental Reserve Easement registered over a portion of the two new lots.

In addition, to satisfy the County's Public Works and Compliance departments, and based on the response received from AEPA, the topsoil stockpiles that are currently on site will be removed from the ERE area and levelled on-site to match the existing grading. This will occur outside of the designated wetland area so as not to affect the drainage course within the ERE. This has been annotated in the attached site plan.

Should you have any further questions, please do not hesitate to contact the undersigned.

Sincerely,
Township Planning + Design Inc.

A handwritten signature in black ink, consisting of a series of overlapping, slightly curved strokes that form a cursive name.

Kristi Beunder, B.A., M.E.Des.
RPP MCIP
Senior Planner / Principal
Urban + Regional Planning

Cc: *Mofoluwaso & Ojalumoke - Landowners*



**APPENDIX B:
ASSESSMENT SPREADSHEET – PUBLIC RESERVE AMOUNT FOR SUBDIVISION**

INTEROFFICE MEMORANDUM

DATE: April 4, 2024

TO: Planning Department

FROM: Julie Sills

Public Reserve Amount For Subdivision

File No: F2129-36SE
 Legal: SE 36-21-29; LSD 8
 Subject: Abolarin, Olajumoke & Mofoluw
 Parcel Size: 18.88 acres
 Mkt Zone: 4
 Trees: Lots of Mature Trees
 Views: Full Mountain View
 River/Creek:

CONCLUSION

Based on the following sales, the fair market value for a 18.88 acre parcel in this area is : **\$31,307** per acre.

Sale	Mz	Qr	Sec	Twp	Rge	M	Sale Date	Acres	Sale Price	Time Adj	Time Adj Sale Price	Loc Adj	Size Adj	Trees Adj	View Adj	River/Creek Adj	Final Adjusted Sale Price	Indicated Price Per Acre For 18.88 Acs
1	3	NW	02	22	29	4	Aug-23	6.05	\$523,950	1.00	\$523,950	0.75	1.30	10000	49241		\$570,092	\$30,196
2	4	NW	15	21	29	4	Jun-22	7.79	\$410,000	1.09	\$446,900	1.05	1.23	60000	9129		\$646,300	\$34,232
3	5	N	10	21	29	4	May-22	6.55	\$358,000	1.09	\$390,220	0.97	1.28	60000	49241		\$593,738	\$31,448
4	3	SW	33	21	29	4	May-23	11.10	\$750,000	1.01	\$757,500	0.63	1.14	60000	-15642		\$588,395	\$31,165
5	3	SW	02	22	29	4	Jul-22	14.21	\$635,000	1.07	\$679,450	0.59	1.08	60000	49241		\$542,187	\$28,718
6	4	SW	31	21	28	4	Jul-22	7.39	\$348,500	1.07	\$372,895	1.05	1.24	60000	49241		\$594,750	\$31,502