


**PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
REDESIGNATION
May 15, 2024
To be heard at: 10:00 AM**

APPLICATION INFORMATION		File No. 24R010
	LEGAL DESCRIPTION: Ptn. SW 06-18-28 W4M	
	LANDOWNERS: WESTVIEW HUTTERIAN BRETHERN	
	AGENT: SEXSMITH SURVEYS – KELLY ERICK	
	AREA OF SUBJECT LANDS: 158.03	
	CURRENT LAND USE: Agricultural District (A)	
	PROPOSED LAND USE: Country Residential District (CR)	
NUMBER & SIZE OF PROPOSED NEW PARCELS: 1 x 4.94 +/- acre CR parcel		
PROPOSAL: Application for the redesignation of a portion of SW 06-18-28 W4M from Agricultural District to Country Residential District to allow the future subdivision of one 4.94 +/- acre Country Residential District first parcel out, leaving a 153.09 +/- acre Agricultural District balance.		
DIVISION NO: 1	COUNCILLOR: Rob Siewert	
FILE MANAGER: Brittany Smith		

EXECUTIVE SUMMARY:

Location:

The subject parcel is located directly north of Highway 540 E and directly east of 104 St E, approximately 760m west of Highway 2 and 3.2km north of the Hamlet of Cayley.

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:

Both the proposed and balance parcels are to be accessed from existing approaches located on Highway 540 E. Alberta Transportation provided that the existing westernmost approach may be required to be removed with preference of a new approach coming off 104 St E and advised to either remove or consolidate the easternmost approach to create a common approach with the adjacent parcel to the east. Full comments from Alberta Transportation are provided in the referral section.

Physiography:

The subject parcel consists of mostly farmland with a minor recurring drainage course that runs southeast through the southwest corner of the parcel and through a large dugout just north of the proposed 4.94-acre parcel.

Existing Development:

The proposed balance has no development other than a water hydrant located 1.71m east of the proposed 4.94-acre lot boundary, whereas the proposed 4.94-acre parcel contains the following development:

- 1,500 sq. ft. Residence
- 503 sq. ft, Garage
- 947sq. ft, Garage
- 247 sq. ft Garage
- 4, 357 sq. ft. Barn
- 1,339 sq. ft Barn
- 718 sq. ft pole shelter
- 501 sq ft shed
- 179 sq. ft shed
- 62.5 sq. ft shed
- 52 sq.ft shed
- 341 sq.ft. lean-to
- water well

Accessory buildings on the property have a cumulative size of 9,246.5 square feet.

As per Table 4.2.1.7A of the Land Use Bylaw 60/2014 – parcels between 3.0 and 4.99 acres in size are allowed a maximum of four (4) buildings with a total cumulative size not to exceed 285.77 sq. m. (3,075 sq. ft.).

Please Note: The residence, garage, shed, barn, shed and pole shelter along the south side of the property do not meet the required front yard setback of 70m to the centerline of a provincial highway within the Country Residential District of Land Use Bylaw 60/2014. Currently, these structures are considered non-conforming or require the landowner to make application for a development permit for a relaxation of setbacks to bring the structures into compliance with the current Land Use Bylaw. The locations of these structures are shown highlighted on Appendix A – Site Plan.

Council may request any of the following as conditions regarding the existing structures if the application is granted approval.

1. Council may ask for the removal of some of the structures to bring the number and cumulative size into compliance with the current land use bylaw.
2. Council may acknowledge and deem the buildings non-conforming, which mean the structures are able to remain, but cannot be renovated, added to, moved, or replaced.
3. Council may require a development permit be submitted to request a to relaxation of setbacks and the number and cumulative size of the excess buildings.

Area Characteristic:

The lands surrounding the subject parcel are predominately Agricultural District parcels with three Country Residential District parcels ranging in size from 5.6 – 19.7 acres located directly east, west and northeast of the subject parcel.

REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	Public Works provided no comments or concerns.
EXTERNAL	
Alberta Transportation	<ul style="list-style-type: none"> • Pursuant to Section 618.3(1) of the Municipal Government Act, the department expects that the municipality will comply with any applicable items related to provincial highways in an ALSA Plan if applicable • Pursuant to Section 618.4(1) of the MGA, the department expects 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 • The proponent is advised that the existing westernmost main highway access from the subject parcel onto Highway 540 does not align with the department’s current guidelines for direct access from a parcel on to a minor two-lane highway. This section of Highway 540 is a minor two-lane highway and as such our current policy advised that “access to private lands is not permitted within 400m of a public road intersection”. The current main access is only approximately 70m from the intersection of Highway 540 and Range Road 290 and so the removal of this access may be a requirement of any future subdivision or development permit application. The departments preference would be for the parcel to obtain access from a local road (Range Road 290) in lieu of direct highway access. • Furthermore, the department may also request the removal or consolidation of the existing easternmost field access as our access guidelines identify that “the distance between approaches should be at least 200m” and that “utilizing a joint access should be considered”.
PUBLIC	
Western Wheel	May 1 st & May 8 th , 2024.
Landowners (half mile)	Notified on April 24 th , 2024. No submissions received to date.

POLICY EVALUATION:**Municipal Development Plan 2010 (MDP2010):**

The application meets the intent of Policy 5 of the Agricultural section of the MDP2010, which supports the subdivision of one parcel out of 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 discouraging 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 South Central District. The vision for the South Central District is supportive of moderate growth on the east side of the district close to the towns of High River and Okotoks with careful consideration to avoid land use conflicts with long established agriculture operations.

SUMMARY:

Bylaw XX/2024 – Application for the redesignation of a portion of SW 06-18-28 W4M from Agricultural District to Country Residential District to allow for the future subdivision of one 4.94 +/- acre Country Residential District first parcel out, leaving a 153.09 +/- acre Agricultural District balance.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – FIRST READING APPROVAL

Council may choose to grant 1st reading to the application for the redesignation of a portion of SW 06-18-28 W4M, from Agricultural District to Country Residential District to allow for the future subdivision of one 4.94 +/- acre Country Residential District first parcel out, leaving a 153.09 +/- acre Agricultural District balance parcel 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 of 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.

Recommended Conditions for Option #1:

1. **Option a.** Landowners shall submit a Development Permit application for a Relaxation to bring the number and size of existing structures and structures that do not meet the required setbacks to the south property line into compliance with the current Land Use Bylaw 60/2014.

OR

Option b. The excess buildings and existing structures that do not meet current setbacks are acknowledged as non-conforming.

- 2. 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.
- 3. All approach locations to comply with Alberta Transportation and Economic Corridors recommendations and/or Foothills County Standards, at time of subdivision.
- 4. Final redesignation application fees to be submitted.
- 5. 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 portion of SW 06-18-28 W4M from Agricultural District to Country Residential District to allow the future subdivision of one 4.94 +/- acre Country Residential District first parcel out, leaving a 153.09 +/- acre Agricultural District balance parcel 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

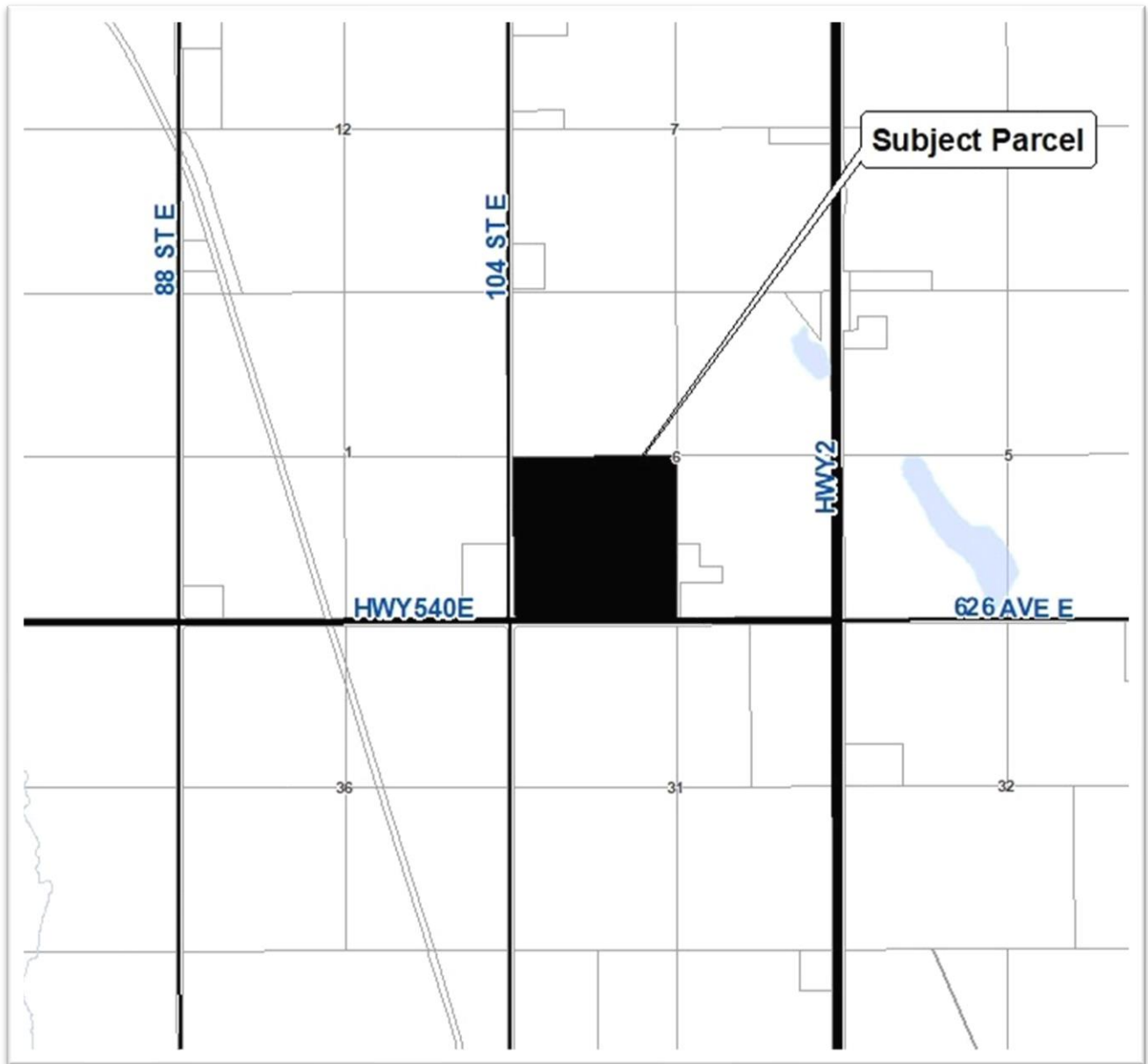
HALF MILE MAP – PARCEL SIZES

SITE PLAN

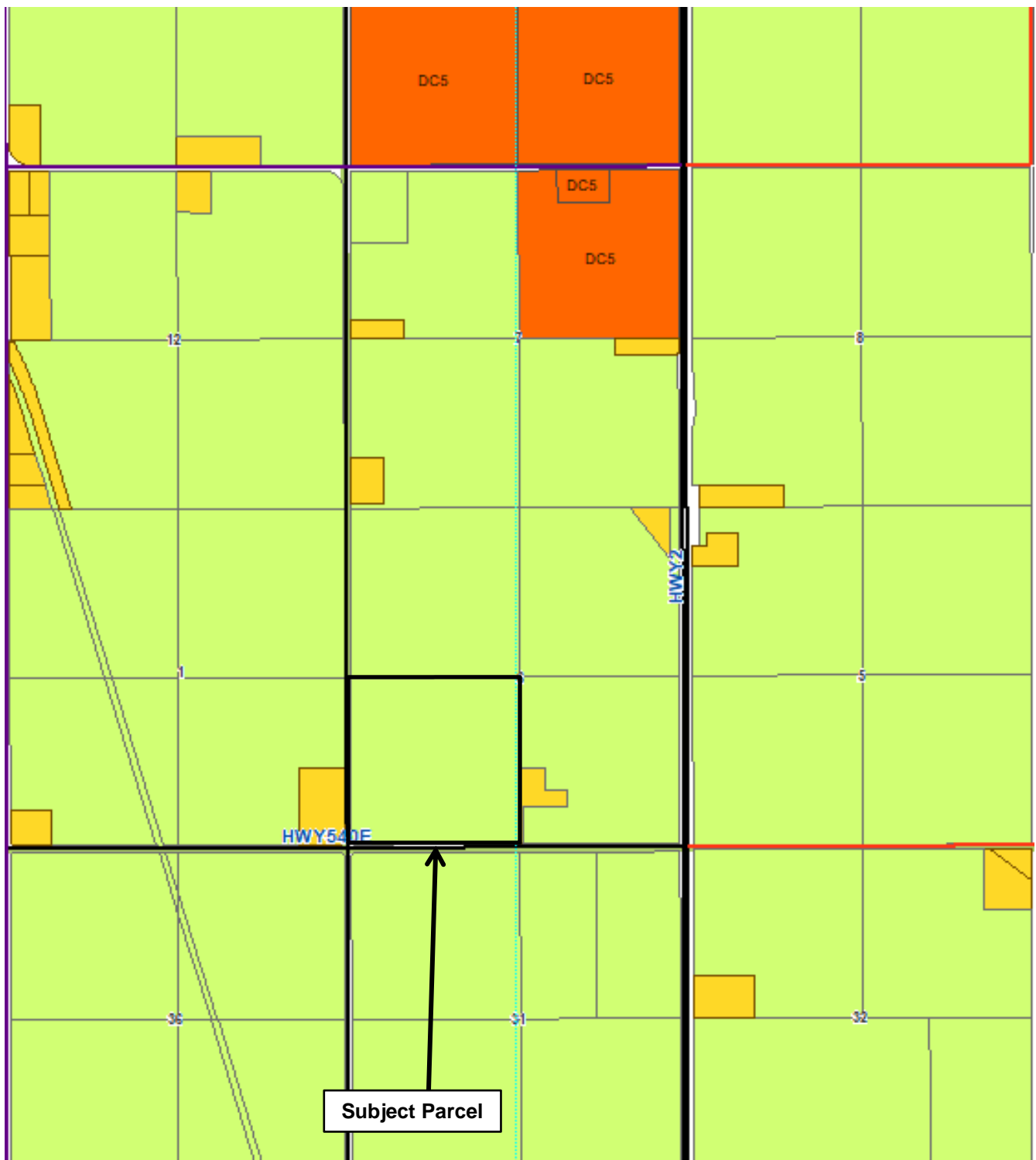
ORTHO PHOTO

APPENDIX B: PROPOSED BYLAW

APPENDIX A: LOCATION MAP



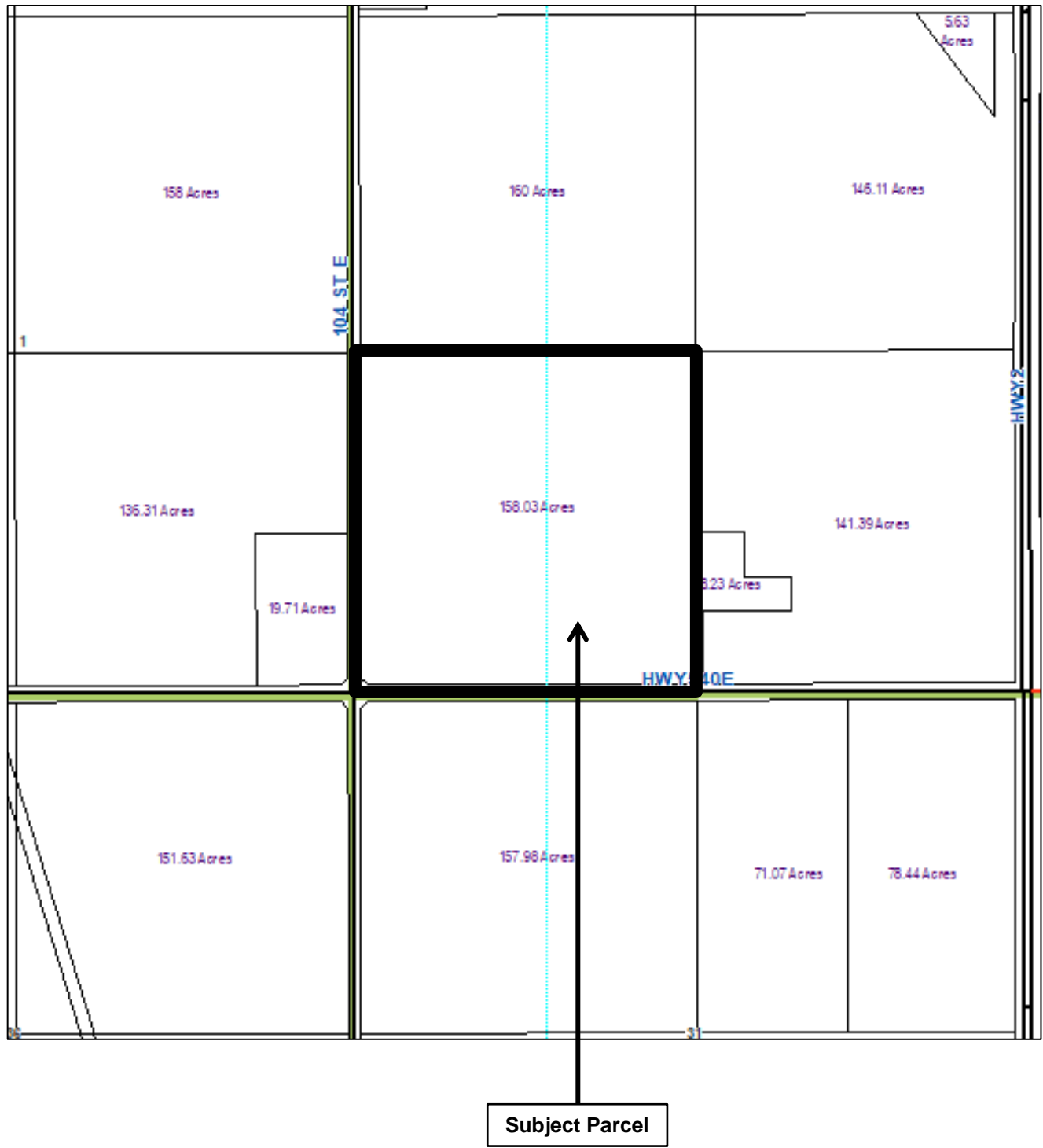
APPENDIX A: LAND USE MAP



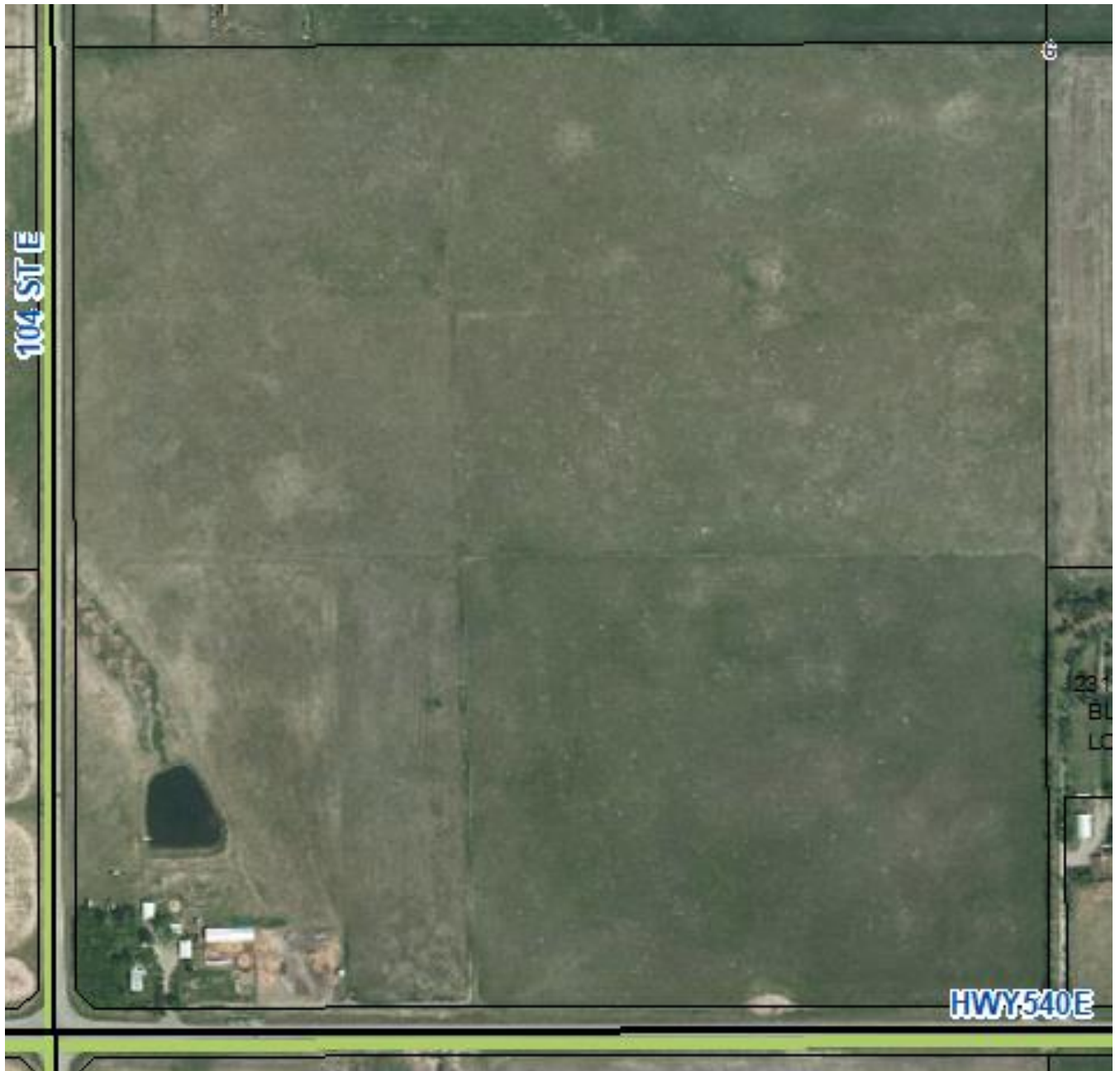
Legend

- | | | |
|----------------------------------|----------------------------------|-----------------------|
| — 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: ORTHO PHOTO



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 a 4.94 +/- acre portion of SW 06-18-28 W4M from Agricultural District to Country Residential District, in order to allow for the future subdivision of a 4.94 +/- acre Country Residential parcel with an approximate 153.09 +/- balance parcel.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Land Use Map No. 1828 is amended by *redesignating a 4.94 +/- acre portion from SW 06-18-28 W4M 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 ⇒ 2024.