

**FOOTHILLS COUNTY  
COUNCIL AGENDA**




Wednesday, June 26, 2024, 9:00 a.m.  
Foothills County Administration Office  
309 Macleod Trail South – High River

	Pages
<b>A. GENERAL MATTERS</b>	
A.1 Call Meeting to Order	
A.2 Approval of the Agenda	
<b>B. PUBLIC WORKS / ENGINEERING / PARKS &amp; RECREATION</b>	
<b>C. PUBLIC HEARINGS &amp; MEETINGS</b>	
C.1 10:00 a.m. - Murray - SE 34-20-01 W5M - Redesignation (A to CR) Presented by: Planning Officer Brittany Domenjoz	3
C.2 1:30 p.m. - Waddell - N 09-18-28 W4M - Proposed Road Closure for Purchase Presented by: Municipal Lands Administrator Donna Fowler	17
C.3 2:00 p.m. - Land Use Bylaw Amendments Presented by: Planning Officer Coreena Carr	25
<b>D. MISCELLANEOUS PLANNING ITEMS</b>	
D.1 Lake at Heritage Pointe Owners Association - NE 01-22-01 W5M - Bylaw 29/2024 (2nd & 3rd Reading)	58
D.2 West View Hutterian Brethren - SW 06-18-28 W4M - Bylaw 27/2024 (2nd & 3rd Reading)	62
D.3 Green Haven Development - Request to Proceed with REF Application to CMRB	67
<b>E. SUBDIVISION APPROVING AUTHORITY ITEMS</b>	
E.1 Wiegele - NE 18-21-28 W4M - Request for Time Extension	69
<b>F. MISCELLANEOUS MUNICIPAL ITEMS</b>	
F.1 Cemeteries Bylaw Presented by: Community and Recreation Coordinator Johanna Kortenschyl-Allan	76
<b>G. CONFIDENTIAL CLOSED SESSION</b>	
G.1 Advice from Officials - FOIP s. 24	
<b>H. MOTIONS ARISING FROM CONFIDENTIAL CLOSED SESSION</b>	
<b>I. OTHER MATTERS</b>	

- I.1    **Lunch**
- I.2    **Accounts – June 26, 2024**  
Deputy Reeve Waldorf; Councillors Castell and Alger
- I.3    **Minutes – June 19, 2024**
- I.4    **Committee Reports**
- I.5    **Next Meeting – July 3, 2024**
- I.6    **Adjourn**

**PUBLIC HEARINGS AND MEETINGS**  
**PLANNING AND DEVELOPMENT REPORT TO COUNCIL**  
**REDESIGNATION**  
**June 26, 2024**  
**To be heard at: 10:00 AM**

<b>APPLICATION INFORMATION</b>		<b>FILE NO. 24R022</b>
	<b>LEGAL DESCRIPTION:</b> Ptn. SE 34-20-01 W5M	
	<b>LANDOWNER:</b> Dwight Murray	
	<b>APPLICANT:</b> Township Planning + Design Inc. / Kristi Beunder	
	<b>CURRENT LAND USE:</b> Agricultural District	
	<b>PROPOSED LAND USE:</b> Country Residential District	
<b>AREA OF SUBJECT LANDS:</b> 37.84 acres		
<b>PROPOSAL:</b> Redesignation of the subject parcel from Agricultural District (A) to Country Residential District (CR) to allow for the future subdivision of 5 CR lots and Environmental Reserve Easement. This application includes a Site Specific Amendment to allow for a Secondary Suite, Detached in advance of a principal dwelling and for consideration of the total cumulative accessory building size.		
<b>DIVISION NO:</b> 5		<b>COUNCILLOR:</b> Alan Alger
<b>FILE MANAGER:</b> Brittany Domenjoz		

### EXECUTIVE SUMMARY

#### **Proposal**

Application proposing the redesignation of the subject parcel being, portion of SE 34-20-01 W5M from Agricultural District (A) to Country Residential District (CR) to allow for the future subdivision of 5 CR lots, ranging in size from +/-3.52 acres to +/-6.47 acres and +/-3.71 acres of Environmental Reserve Easement, leaving a +/-13.88 acre CR Balance. The application proposes a new internal road network to provide access to the development. In addition, this application includes a Site Specific Amendment to allow for a Secondary Suite, Detached in advance of a principal dwelling on proposed Lot 5 and for consideration of the total cumulative accessory building size on the balance parcel.

#### **Location**

The subject property is currently accessed from Highway 549 and is located directly west of Highway 549, north of 354<sup>th</sup> Avenue W and approximately 3.2 kilometres west of the Town of Okotoks.

#### **Policy Evaluation Summary**

The subject parcel does not fall within any Intermunicipal Development Plan, or Area Structure Plan and has therefore been reviewed within the terms of the Municipal Development Plan 2010, Growth Management Strategy, and the Land Use Bylaw.

#### **Referral Considerations Summary:**

This application was circulated to internal and external agencies. Public Works recommends that 5 m along 354<sup>th</sup> Avenue W be surveyed out concurrent with the plan of survey and a paved internal subdivision road is required along with engineered road design, cost estimates and insurance. Alberta Transportation and Economic Corridors (ATEC) provides that the existing highway access may remain on a temporary basis and is to be used as residential, or agricultural use only. Further, the department provides that Sections 18 and 19 of the Regulation are not met however, the department is prepared to grant approval for the subdivision authority to vary the requirements of Section 18 and 19 at the time of subdivision if they choose to do so.

## BACKGROUND

In the 1970's, the subject quarter was subdivided into four 40 acre parcels by the Calgary Regional Planning Commission, one of which is the subject parcel.

1992 Two separate subdivision applications were approved on the two westerly 40 acre parcels creating 8 CR lots ranging in size from 4.59 acres to 4.87 acres (highlighted in blue), leaving two balance parcels (17.8 acres and 18.06 acres) along the south boundary of the quarter. An internal road was constructed at this time to provide access to the new lots.

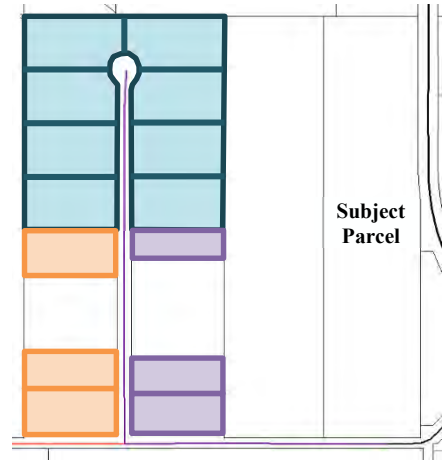
Three separate subdivision applications were approved in 1998, 2007, and 2009, creating 3 additional lots in the westerly 20 acre balance parcel, highlighted in orange.

1993 A Development Permit application was approved by the Development Appeal Board (Board Order 46/1993) allowing the construction of a second residence on the subject parcel. The second residence was originally approved for compassionate reasons.

**Note:** The current land use application is requesting consideration of a Site Specific Amendment to allow the existing second dwelling as a Secondary Suite, Detached on proposed Lot 5, in advance of the primary residence.

2012 A Development Permit application was approved by the Development Appeal Board (Board Order D02/13) allowing the relaxation of setbacks from the existing horse shelter and both dwellings to the east property line (adjacent to Highway 549).

2017 A subdivision application was approved allowing the creation of 3 additional lots from the other 20 acre balance parcel, highlighted in purple.

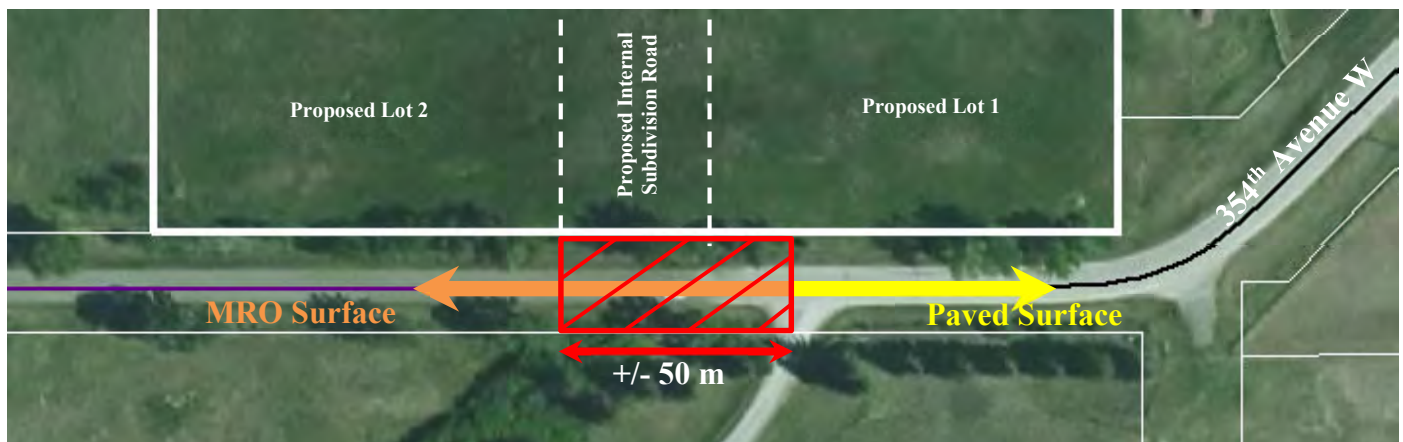


## SITE CONSIDERATIONS

### Access / Transportation

Access is proposed via a new Internal Subdivision Road. The proposed internal road network would contain one point of egress from the north side of 354<sup>th</sup> Avenue W. Approaches to 4 of the new CR lots and the balance will be located along the proposed 30 metre wide, internal subdivision road, that is to be constructed to the satisfaction of the County. Access to the proposed lot 5 is achieved via an existing approach located on Highway 549.

354<sup>th</sup> Avenue W is paved from the intersection of Highway 549 for approximately 300 m to the west which converts to an MRO surface that continues along the frontage of the subject parcel and is located within a 20 metre wide right-of-way. Public Works recommends that the +/- 50 m portion of MRO, shown below in red, between the new internal subdivision road and where the pavement starts, be upgraded and paved.



In addition, Public Works is recommending that 5 metres along the south side of the subject parcel, parallel to 354<sup>th</sup> Avenue W be surveyed out for future road widening, concurrent with the plan of survey.

The location of the proposed internal subdivision road does not comply with the sightline standards. 354<sup>th</sup> Avenue W is an 80 km/hr road which requires a 180 m sight line. Due to the curve and trees along the north ditch, the sightline to the east from the proposed intersection is reduced to approximately 125 m. Should Council support this application, Public Works recommends that a hidden intersection sign be installed and the trees in the ditch along the north boundary be removed to increase the sight lines.

### **Physiography**

The subject parcel consists of generally flat terrain with a low lying intermittent drainage area towards the south end of the parcel. The application proposes a total of +/- 3.71 acres be registered as Environmental Reserve Easement; these easements areas are located in proposed lots 1 to 4 as shown on MAP 3 – SITE PLAN.

### **Site Improvements**

Most of the existing development is to remain within the +/- 13.88 acre balance parcel which includes the primary residence, horse shelter (+/- 414 sq. ft.), barn (+/- 3,399 sq. ft.), shed (+/- 108 sq. ft.), garage (+/- 1,650 sq. ft.), accessory building (+/- 960 sq. ft.), well house (+/- 62 sq. ft.) and 2 structures that are to be removed. The existing accessory buildings have a total cumulative size of +/-6,593 sq. ft.

**Note:** Table 4.2.1.7A of the Land Use Bylaw 60/2014 provides that parcels between 10.0 – 14.99 acres in size are permitted a maximum of 5 accessory buildings with a total cumulative size not to exceed 4,100 sq. ft. In addition, permanent dwellings are permitted up to two private garages (attached or detached) up to a maximum of 1,200 sq. ft. As the cumulative size and number of accessory buildings exceeds what is permitted on a parcel of this size, the application is requesting consideration of a Site Specific Amendment to allow for consideration of the total cumulative accessory building size on the balance parcel.

Proposed lots 1 through 4 will not contain any existing development whereas proposed lot 5 will contain the second residence (+/-966 sq. ft.) which is to be used as a secondary suite, greenhouse (+/- 84 sq. ft.) and gazebo (+/- 72 sq. ft.).

**Note:** The application is requesting consideration of a Site Specific Amendment to allow for a Secondary Suite, Detached in advance of the primary residence on proposed lot 5.

Should the current redesignation application be approved and finalized, the applicants would be required to submit subsequent development permit applications for the Secondary Suite, Detached and Oversized Accessory Buildings, as conditions of the subdivision.

### **Servicing Considerations**

**Water Supply:** The application proposes to service the proposed CR lots by individual ground water wells drilled in accordance with the Provincial Water Act.

**Wastewater:** The application proposes to service the proposed CR lots by individual on site wastewater systems.

### **Reserve Dedication**

**Municipal Reserve (MR):** In accordance with the Municipal Reserve Policy, Council may require that reserves be provided for Lots 1 - 5 (total of +/- 19.8 acres) and continue to be deferred by caveat on the +/- 13.88 acre balance parcel.

**Environmental Reserve Easement (ERE):** The proposal identifies +/-3.71 acres of ERE within the boundaries of proposed lots 1 through 4, which is inclusive of lands to accommodate for the low-lying intermittent drainage areas.

Sections 664(1) and 664(1.1) of the Municipal Government Act allow the subdivision authority the ability to request environmental reserve or environmental reserve easement if lands, consist of swamps, gully's, ravines, coulees, natural drainage, and/or are subject to flooding or abutting the bed and shore of any body of water,

in order to preserve the natural features of the land, to prevent pollution of the land, ensure public access to a body of water or prevent development of land where there is a significant risk of personal injury or property damage.

Environmental Reserve Easement can be provided as an alternative to Environmental Reserve. With an Easement, the lands are retained by the landowner, are identified as ERE, and provide that the lands are to be maintained and protected by the landowner in their natural state. Environmental Reserve is provided as a separate parcel identified as ER, to be owned by the County, and maintained in its natural state or used as a park space.

## REFERRAL COMMENTS

CIRCULATION REFERRALS	
REFEREE	COMMENTS
<b>INTERNAL</b>	
Public Works	<p>The following is recommended as <b>conditions of Subdivision</b>:</p> <ul style="list-style-type: none"> <li>• Septic Disposal Evaluation (PSTS); and</li> <li>• Building Envelopes.</li> </ul> <p>Public Works provided the following additional comments:</p> <ul style="list-style-type: none"> <li>• 5 meters for future road widening along the north side of 354<sup>th</sup> Avenue W, to be surveyed out concurrent with the plan of survey.</li> <li>• Sight lines to the east from the proposed intersection are roughly 125 m. 354 Ave W is an 80 km/hr road which requires 180 m sight distance. The curve to the east that reduces sight distance does have a cautionary 45 km/hr speed and curve sign. If Council allows the intersection as proposed, a hidden intersection sign could be installed. Trees can also be removed from the north ditch within the road allowance along 354 Ave W which would increase sight distance.</li> <li>• A paved internal subdivision road is required along with engineered road design, cost estimates and insurance.</li> <li>• The proposed internal subdivision road connects to an MRO surface road. 354 Ave W is paved +/- 50 m east of the proposed road intersection. PW recommends that this portion from the new intersection to where the pavement starts, be upgraded and paved.</li> </ul>
<b>EXTERNAL</b>	
Alberta Transportation & Economic Corridors	<p>This will acknowledge receipt of your circulation regarding the above noted proposal.</p> <p>Transportation and Economic Corridors has no concerns with the proposed redesignation and offers the following comments and observations with respect to this application:</p> <p>The requirements of Section 18 of the Regulation would not be met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors is prepared to grant approval to the subdivision authority to vary the requirements of Section 18 of the Regulation, at the time of future subdivision.</p>

## CIRCULATION REFERRALS

	<p>Since there is direct highway access to proposed Lot 5, the requirements of Section 19 would not be met. However, Transportation and Economic Corridors is prepared to grant approval to the subdivision authority to vary the requirements of Section 19 of the Regulation, at the time of future subdivision.</p> <p><u>Transportation and Economic Corridors offers the following additional comments:</u></p> <p>The existing highway access may remain on a temporary basis and is to be used as residential, or agricultural use only. Removal and relocation via the municipal road network may be required in the future.</p> <p>If there are any changes to the proposed subdivision that was submitted with this land use referral, a separate referral pursuant to Section 7(6)(d) of the Matters Related to Subdivision and Development Regulation is required and the comments in respect of Sections 18 and 19 of the Regulation contained in this decision are no longer valid.</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Pursuant to 618.4(1) of the Municipal Government Act, the department expects that the Municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, in accordance with Policy 7 of the Provincial Land Use Policies.</li> </ol> <p>Please contact Transportation and Economic Corridors through the RPATH Portal if you have any questions, or require additional information.</p>
Alberta Arts, Culture and Status of Women	<p>We have reviewed the captioned Redesignation application and determined that the proposed project area has an HRV value of 5a.</p> <p>Alberta Arts, Culture and Status of Women has no objection to the proposed Redesignation, but the applicant should be informed that Historical Resources Act approval must be obtained prior to proceeding with any land surface disturbance associated with subdivision development by submitting a Historic Resources Application through Alberta Culture's Online Permitting and Clearance (OPaC) system – <a href="http://www.opac.alberta.ca">www.opac.alberta.ca</a>.</p> <p>For more information, please refer to our website: <a href="https://www.alberta.ca/apply-historical-resources-act-approval-development-project.aspx">https://www.alberta.ca/apply-historical-resources-act-approval-development-project.aspx</a>.</p>
Alberta Environment and Protected Areas	No comments were received.
<b>PUBLIC</b>	
Western Wheel	June 12, 2024, and June 19, 2024
Landowners (half mile)	This application was mailed to area landowners on June 5, 2024. No letters were received prior to the submission of this report.

## **POLICY EVALUATION**

### **Municipal Development Plan (MDP2010)**

The Residential section of the MDP2010 provides that residential parcels should be developed to be compatible with the surrounding area and existing uses. Consideration should be given to the efficient use of land, environmental significance and impact, conservation of water, cumulative effects of development, and the suitability of the lands for residential use. Further, Country Residential District subdivisions shall comply with density, parcel size and servicing requirements as outlined in the County's Land Use Bylaw.

### **Land Use Bylaw 60/2014**

The application generally meets the density requirements and lot size restrictions as set out in Section 13.1.6.2 of the Country Residential District (CR) within the County's Land Use Bylaw.

The request for a Site Specific Amendment to the +/- 13.88 acre CR balance parcel has been included to allow for consideration of the total cumulative accessory buildings size on the parcel. An additional request for a Site Specific Amendment to the +/- 6.47 acre CR parcel (proposed lot 5) has been included to allow for a Secondary Suite, Detached in advance of the principal dwelling on the parcel.

### **2.5 Definitions:**

SECONDARY SUITE, DETACHED means a Dwelling, Secondary Suite, which is detached from and subordinate to, the principal dwelling located on the same parcel. A Secondary Suite, Detached may be a stand-alone suite or a suite within or attached to, an accessory building or detached garage on the same parcel as the principal dwelling and shall be constructed in accordance with all provisions under Section 10.26.

SITE SPECIFIC USE BYLAW means a bylaw which amends this Bylaw to make provision for a site specific permitted or discretionary use to be carried out on a specified lot subject to any limitations contained in the bylaw.

DISCRETIONARY USE means the use of land, or a building provided for in this Bylaw for which the Approving Authority may issue a Development Permit with or without conditions as provided for in this Bylaw.

**Table 4.2.1.7A – ACCESSORY BUILDING**

PARCEL SIZE	SIZE OF ACCESSORY BUILDING
10.0 - 14.99 acres in size:	Maximum of five (5) buildings with a total cumulative size not to exceed 380.9_sq. m. (4,100 sq. ft.) accessory to the residence

### **10.26 – SECONDARY SUITE**

10.26.13 A Secondary Suite, Detached shall meet the following maximum size requirements:

- a) on parcels 1 acre and larger in size, the Secondary Suite shall be smaller than the habitable area of the principal dwelling up to a maximum of 1,400 sq. ft. in size, so long as all other requirements under the appropriate land use district are met (including but not limited to minimum building setbacks, maximum height requirements, maximum dwelling unit density, and maximum lot coverage) and the Secondary Suite meets all requirements of Section 10.26.

### **Growth Management Strategy**

The subject parcel is located within the Central District of the Growth Management Strategy. The vision for the Central District identifies that the lands are expected to be the growth engine for the County and are to see intensified and significant development while carefully considering riparian and wetland areas as well as aspirations of our Municipal neighbours.

## **SUMMARY**

Bylaw XX/2024 – Application proposing the redesignation of the subject parcel being Ptn. SE 34-20-01 W5M from Agricultural District (A) to Country Residential District (CR) to allow for the future subdivision of 5 CR lots, ranging in size from +/-3.52 acres to +/-6.47 acres and +/-3.71 acres of Environmental Reserve Easement, leaving a +/-13.88 acre CR Balance with a Site Specific Amendment to allow for a Secondary Suite, Detached in advance of a principal dwelling on proposed lot 5 and for consideration of the total cumulative accessory building size on the balance parcel.

## **OPTIONS FOR COUNCIL CONSIDERATION**

### **OPTION #1 – APPROVAL**

Council may choose to grant 1<sup>st</sup> reading to the application for the redesignation of the subject parcel being Ptn. SE 34-20-01 W5M from Agricultural District (A) to Country Residential District (CR) to allow for the future subdivision of 5 CR lots, ranging in size from +/-3.52 acres to +/-6.47 acres and +/-3.71 acres of Environmental Reserve Easement, leaving a +/-13.88 acre CR Balance with a Site Specific Amendment to allow for a Secondary Suite, Detached in advance of a principal dwelling on proposed lot 5 and for consideration of the total cumulative accessory building size on the balance parcel, for the following reasons:

*In consideration of the criteria noted within the Residential Section of the MDP2010, Council is of the opinion the lands are suitable for residential use and are compatible with the surrounding area and the existing land uses. Further, the application falls within the density provisions and lot size restrictions of the Country Residential District within the County's Land Use Bylaw.*

*Staff suggests that the 5 CR lots be designated as Country Residential Sub-District 'A' to ensure that the recommendations and restrictions as outlined in the Septic Disposal Evaluation (PSTS) and Building Envelopes (conditions of Subdivision) are complied with, to the satisfaction of the Public Works Department. A completion certificate by a Professional Engineer verifying that all aspects of the noted reports have been met, may be required and Council may also wish to require a \$5000 deposit as a pre-release condition to ensure compliance with all conditions of the development permit.*

#### **Recommended Conditions for Option #1:**

1. Applicant to fully execute and comply with all requirements as outlined within a Development Agreement for the purposes of construction of all external and internal transportation infrastructure, payment of community sustainability fee (for all proposed lots) and any other necessary municipal and on-site improvements as required by Council and/or the Public Works department;
2. Proof of adequate water supply is to be provided for all proposed lots, in accordance with the Provincial Water Act, to the satisfaction of the County;
3. Final Redesignation application fees to be submitted;
4. Submission of an executed subdivision application and the necessary fees.

### **OPTION #2 – REFUSAL**

Council may choose to refuse the application for the redesignation of the subject parcel being Ptn. SE 34-20-01 W5M from Agricultural District (A) to Country Residential District (CR) to allow for the future subdivision of 5 CR lots, ranging in size from +/-3.52 acres to +/-6.47 acres and +/-3.71 acres of Environmental Reserve Easement, leaving a +/-13.88 acre CR Balance with a Site Specific Amendment to allow for a Secondary Suite, Detached in advance of a principal dwelling and for consideration of the total cumulative accessory building size on the balance parcel, for the following reasons:

*In consideration of the criteria noted within the Residential Section of the MDP2010, Council is of the opinion that the application does not adequately address the intent of the policy with respect to the cumulative effects of development, the environmental impact of the development on the lands, the efficient use of the land, and the suitability of the lands for future development.*

## **APPENDICES**

### **APPENDIX A: MAP SET**

**MAP 1 – LOCATION**

**MAP 2 – LAND USE MAP & PARCEL SIZES**

**MAP 3 – SITE PLAN**

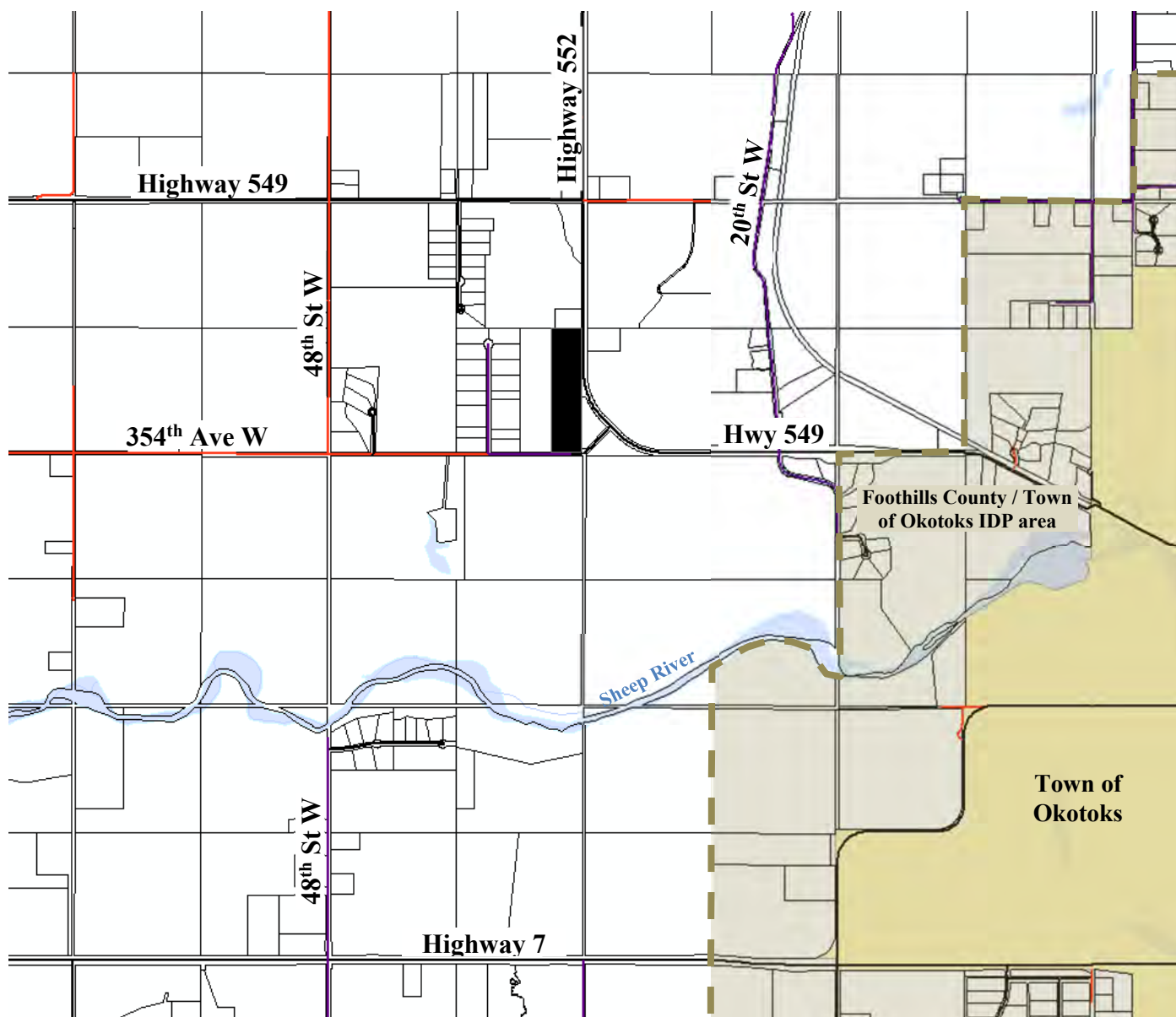
**MAP 4 – ORTHO PHOTO**

### **APPENDIX B: APPLICANTS SUBMISSION**

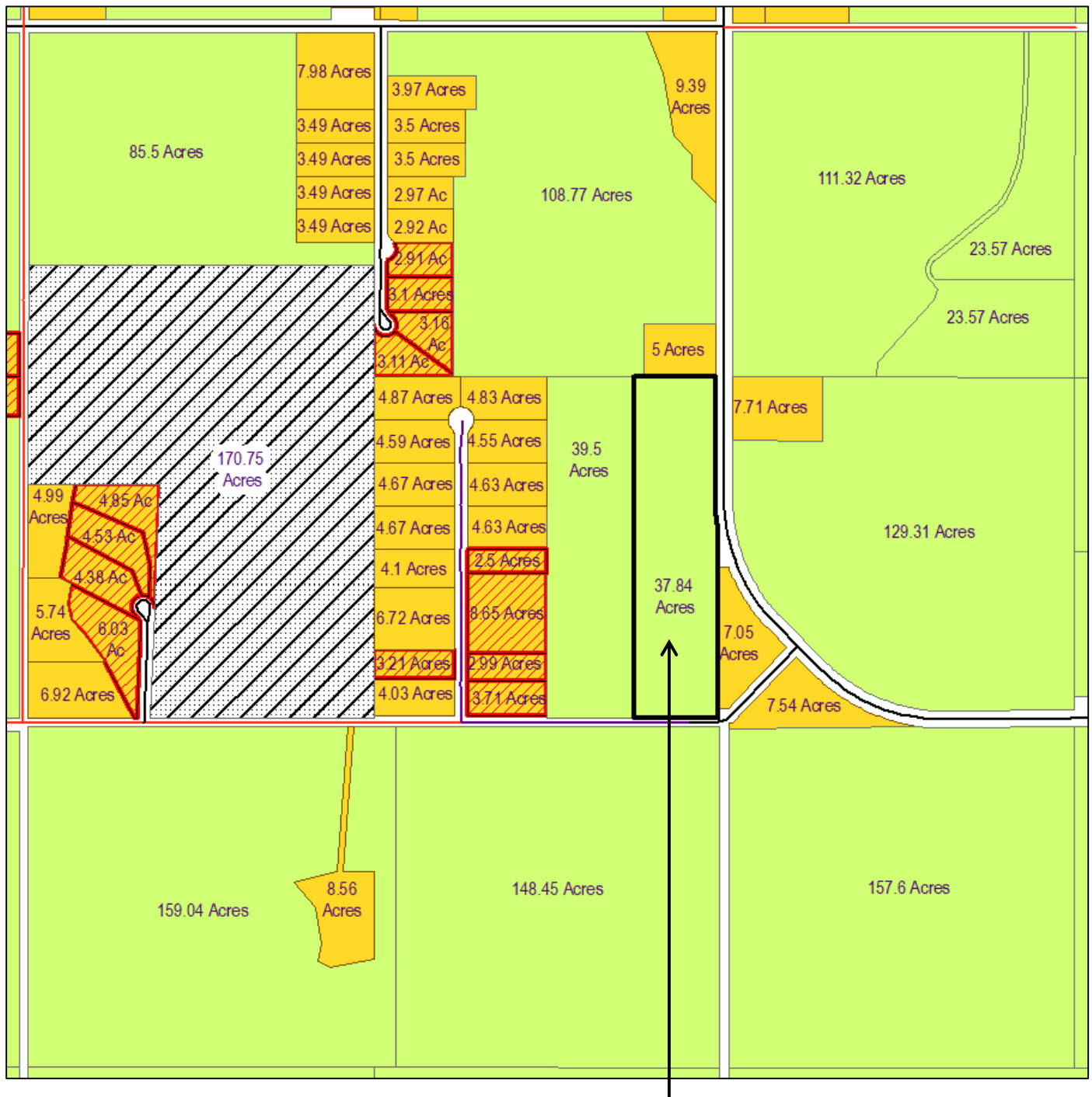
### **APPENDIX C: PROPOSED BYLAW**

## **APPENDIX A: MAP SET**

### **MAP 1 – LOCATION**



## MAP 2 – LAND USE MAP & PARCEL SIZES

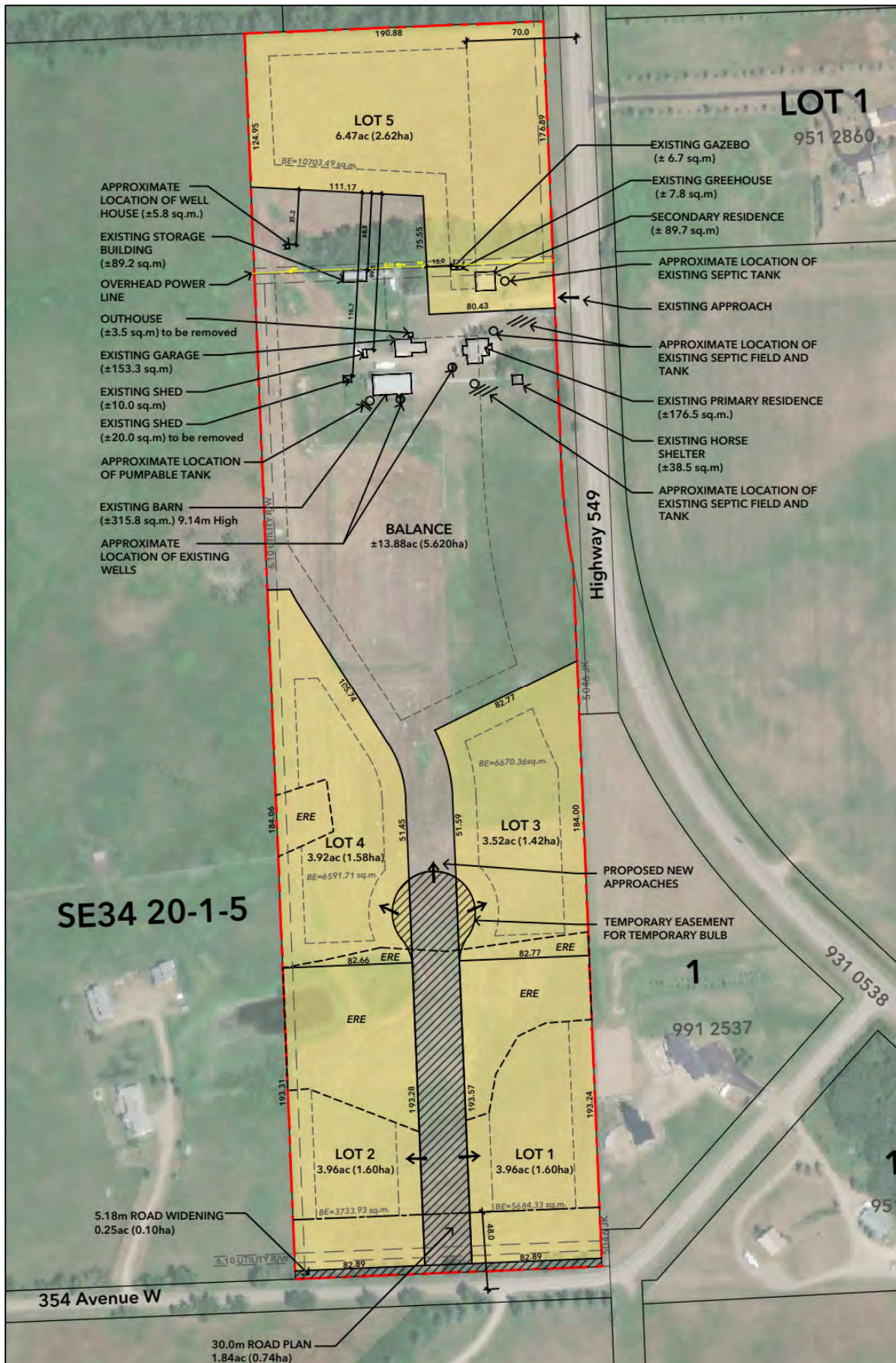


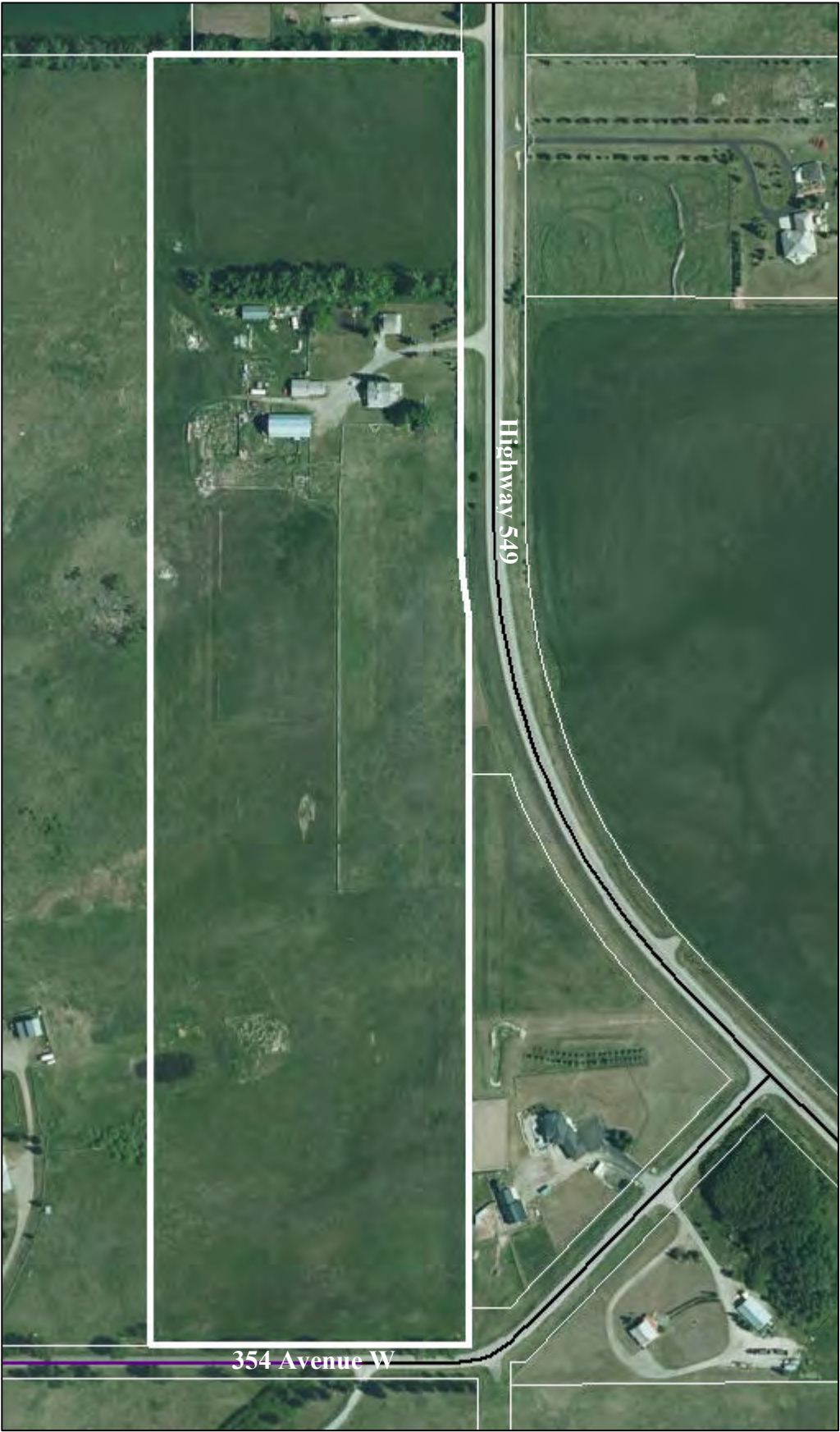
Subject Parcel

### Legend

- |                                    |   |                       |
|------------------------------------|---|-----------------------|
| — Hard Surface (Chip/oil)          | CR- Country Residential                     | 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                         |                       |
|                                    | ER- Environmental Reserve                   |                       |

# MAP 3 – SITE PLAN





## APPENDIX B: APPLICANTS SUBMISSION

110-259 Midpark Way SE | Phone: 403.880.8921  
Calgary, AB T2X 1M2 | TWPplanning.com

TOWNSHIP

planning + design inc.

Foothills County  
Box 5605  
High River, AB  
T1V 1M7

RECEIVED

FEB 23 2024

15/02/24

ATTN: Samantha Payne, Planning Coordinator

RE: Application for Land Use Redesignation from the Agricultural District to Country Residential District and Concurrent Development Permits to allow for the creation of five (5) new parcels (+/- 3.52 ac, +/- 3.92 ac, +/- 3.96 ac, +/- 3.96 ac, +/- 6.47 ac) with a +/- 13.88 ac (+/- 5.63 ha) balance for land legally described as SE 34-20-01 W5M (+/- 38.09 ac / +/- 15.42 ha) within Foothills County.  
Landowner: Dwight Murray

Dear Mrs. Payne,

Please find enclosed the following in support of the above-mentioned application for amendment to Land Use Bylaw:

- o The formal application for Land Use Redesignation from Agricultural to Country Residential District to allow for the creation of five (5) (+/- 3.52 ac, +/- 3.92 ac, +/- 3.96 ac, +/- 3.96 ac, +/- 6.47 ac) new parcels;
- o Two Development Permit Applications: (1) Oversized Accessory Buildings (2) Secondary Suite in absence of Principal Residence;
- o The Letter of Authorization allowing Township Planning + Design Inc. to Act as agent for the landowner;
- o A Credit Card Authorization for processing of the applicable Land Use fee of \$5,100.00 (\$100 filing fee + \$1,000/new lot initial application fee) and Development Permit fees of \$500.00 (\$100 filing fee + Dwelling Unit \$400 application fee) and \$300.00 (\$100 filing fee + Legal non-conforming use Accessory Structures \$200 application fee), totaling \$5,900.00;
- o A copy of The Abandoned Well Map and Statement, showing no abandoned wells in the immediate vicinity;
- o Alberta Transportation and Economic Corridors Permit No. 2024-0040221 issued on February 12<sup>th</sup>, 2024, for the secondary suite; and
- o Two (2) copies of the site plan, one with, and one without air photo.

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

**Approaches** – A Municipal 30.0 metre road dedication, consisting of +/- 2.03 ac, is proposed in order to facilitate access to the four (4) new parcels on the south portion of the site and the balance containing the existing residence. This road will be constructed to County standards with access to 354 Avenue W. A 5.18 metre road widening, consisting of +/- 0.25 ac, will be accommodated along the south boundary of the site along 354 Avenue W. Sight lines from this road are uninterrupted to the west, and there is sufficient distance (~100m) between access and the road curvature to provide visibility to the east. The existing approach for the subject site will be utilized for proposed lot 5 to avoid adding another access point off Highway 549. It is understood that Alberta Transportation and Economic Corridors wants to minimize approaches off the highway. The home on the balance would gain access from the south internal road.

**Development Permit Oversize Accessory Structures** – The balance lands contain the existing residence, barn, horse shelter, garage, and shed which will all remain. An existing out building and shed (west of barn) will be removed to ensure the total of accessory buildings does not exceed the maximum of five (5) per table 4.2.1.7A in the Land Use Bylaw. The approximate total cumulative size of these five (5) accessory buildings is 606.80 sq.m. It is understood that this exceeds the allowable cumulative size of 380.90 sq.m. A relaxation is requested and accompanying Development Permit is included. It is requested that these structures be compliant with a Development Permit submission. *SSA to consider the total cumulative size of Accessory Buildings.*

**Development Permit Secondary Suite** – Lot 5 contains an existing residence that the landowner will retain on proposed lot 5. This secondary suite, as it sits today, would be secondary to nothing as there is not a principal residence currently constructed on lot 5. The current landowner wishes to include the secondary suite on lot 5 and have the potential to build a newly constructed principal residence. We have included a DP application for the secondary suite and council may have to consider this request at the Land Use stage in order for the D.O. to consider the DP submission as there is no principal residence on proposed lot 5. The attached RSDP acknowledges the permitting of the existing residence as a secondary suite on proposed lot 5, and no concerns were noted with this. *SSA to allow for Suite before principal residence.*

**Rationale** – The subject site does not fall within the Okotoks/Foothills County Intermunicipal Development Plan 2010 or Area Structure Plan, governing policy for the area is limited to the Municipal Development Plan, the Land Use Bylaw, and Growth Management Strategy. The site and surrounding areas present as fragmented land, which is where newly constructed Country Residential developments should be directed, as per the Foothills County Municipal Development Plan. The intent is to accommodate a single detached dwelling on each of the newly created parcels. The lots will have a traditional rural envelope with private onsite services, are consistent in size, and adhere to the minimum parcel size rules in the Land Use Bylaw (Section 13.1.6.2 (b)). Additionally, the subject site is adjacent to the approved Bar None Ranches Area Structure Plan that proposed four Country Residential lots similar in size to this application (2.91 ac, 3.07 ac, 3.08 ac, 3.08 ac). This proposed redesignation is consistent with the surrounding context. Soft densification has taken place directly west of the subject site along 38 Street W and 40 Street W, as evidenced by the existence of smaller, intentional lots. Moderate intensification on the subject site provides a transition of density, along the Highway 549 transportation corridor, between Okotoks and the Central District of Foothills County.

The parcel designs were purposeful to capture the best building envelopes that lend to natural walkouts and avoid the lower elevation areas that are in the central section of the parcel. Environmental Reserve Easement designations were provided in lots 1-4 to protect the low-lying intermittent drainage areas and maintain the natural channel. The parcel alignment of lots 1-4 allows for future development of the balance lands, giving viable building envelopes adjacent the highway setback distances.

Should you have any questions or concerns please do not hesitate to contact us.

Sincerely,  
Township Planning + Design Inc.



Kristi Beunder, B.A., M.E.Des.  
RPP MCIP  
Senior Planner / Principal  
Urban + Regional Planning  
Cc: Dwight Murray - Landowner

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 redesignation of a 37.84 acre portion of SE 34-20-01 W5M from Agricultural District to Country Residential District in order to allow for a future subdivision of five (5) Country Residential lots, ranging in size from 3.52 +/- to 6.47 +/- acres with 3.71 +/- acres of an Environmental Reserve Easement and a 13.88 +/- acre Country Residential District balance parcel with a Site Specific Amendment to allow for:

- a) a Secondary Suite, Detached in advance of a principal dwelling; and
- b) consideration of the total cumulative accessory building size on the balance parcel.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

- 1. Land Use Map No. 2001 is amended by redesignation of a 37.84 acre portion of SE 34-20-01 W5M from Agricultural District to Country Residential District with a portion of the lands to be conserved under Environmental Reserve Easement.
- 2. Under Section 13.1 COUNTRY RESIDENTIAL DISTRICT, a Site Specific Amendment to the Country Residential District land use rules to allow for a Secondary Suite, Detached in advance of a principal residence on proposed Lot 5 (+/- 6.47 acre) and consideration of the total cumulative accessory building size on the +/-13.88 acre balance parcel.
- 3. 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       , 20   .



**Miscellaneous Municipal Item**  
**REPORT TO COUNCIL**  
**Request to Purchase an Undeveloped Road Allowance**  
June 26, 2024

<b>Letter of Request information</b>		<b>File: PL1828-09N</b>
<b>LEGAL DESCRIPTION:</b> Undeveloped road allowance between N ½ 9-18-28 W4M and S ½ 16-18-28 W4M containing ~ 7.97 acres		
<b>LANDOWNER:</b> Foothills County		
<b>LICENCE APPLICANT:</b> Roscoe and Janessa Waddell		
<b>PROPOSAL:</b> Request to Purchase an Undeveloped Road Allowance		
<b>DIVISION NO:</b> 1		<b>COUNCILLOR:</b> Rob Siewert
<b>FILE MANAGER:</b> Donna Fowler, Municipal Lands Administrator		
<b>LOCATION</b>		

The undeveloped road allowance is located approximately 1.6km East of Highway 2 and 6km Southeast of the Town of High River, within an undeveloped portion of 594 Ave East.

#### **BACKGROUND**

**February 28, 2024:**

Staff provided a brief presentation to Council for the consideration of the request of Roscoe and Janessa Waddell for the closure and purchase of the undeveloped road allowance adjacent to their property.

Council directed administration to proceed with a public hearing in order to consider the road closure of the undeveloped road allowance between N ½ 9-18-28 W4M and S ½ 16-18-28 W4M for purchase.

**CIRCULATION:**

The Application File was circulated internally and externally with responses as indicated:

Foothills County Website – Application file posted on June 12, 2024

Western Wheel Advertisement – June 12<sup>th</sup> and June 19<sup>th</sup>, 2024

Adjacent Landowner Circulation – No concerns to June 18, 2024

External Agencies Circulated with two concerns identified

- One concern from ATCO Gas (see Appendix B)
- One concern from Altalink (see Appendix B)

Internal Circulation – No Concerns although Public Works provided the following comments:

- Public Works has no concerns with the request. There are steep grades and bridges required if this road was ever to be built. All quarters (SW & SE 16, NW & NE 9) have access to developed County roads (136 ST E & 152 ST E)

## **REQUEST OF COUNCIL**

### **OPTION 1 – APPROVAL**

That Council grants first reading to bylaw ##/2024 to authorize the closure for purchase of the undeveloped statutory road allowance located adjacent to the north boundary the NW and NE quarters of Section 9, Township 18 Range 28 W4M, to be consolidated into the applicants adjacent parcels within the North half of Section 9, Township 10 Range 28 W4M.

Subject to ministerial approval and the applicant entering into Utility Right of Way Agreements with both Telus and Altalink, prior to second and third reading of the Bylaw.

### **OPTION 2 – POSTPONE**

That Council postpones their decision to allow administration to gather more information

### **OPTION 3 – REFUSAL**

That Council denies the application, at this time

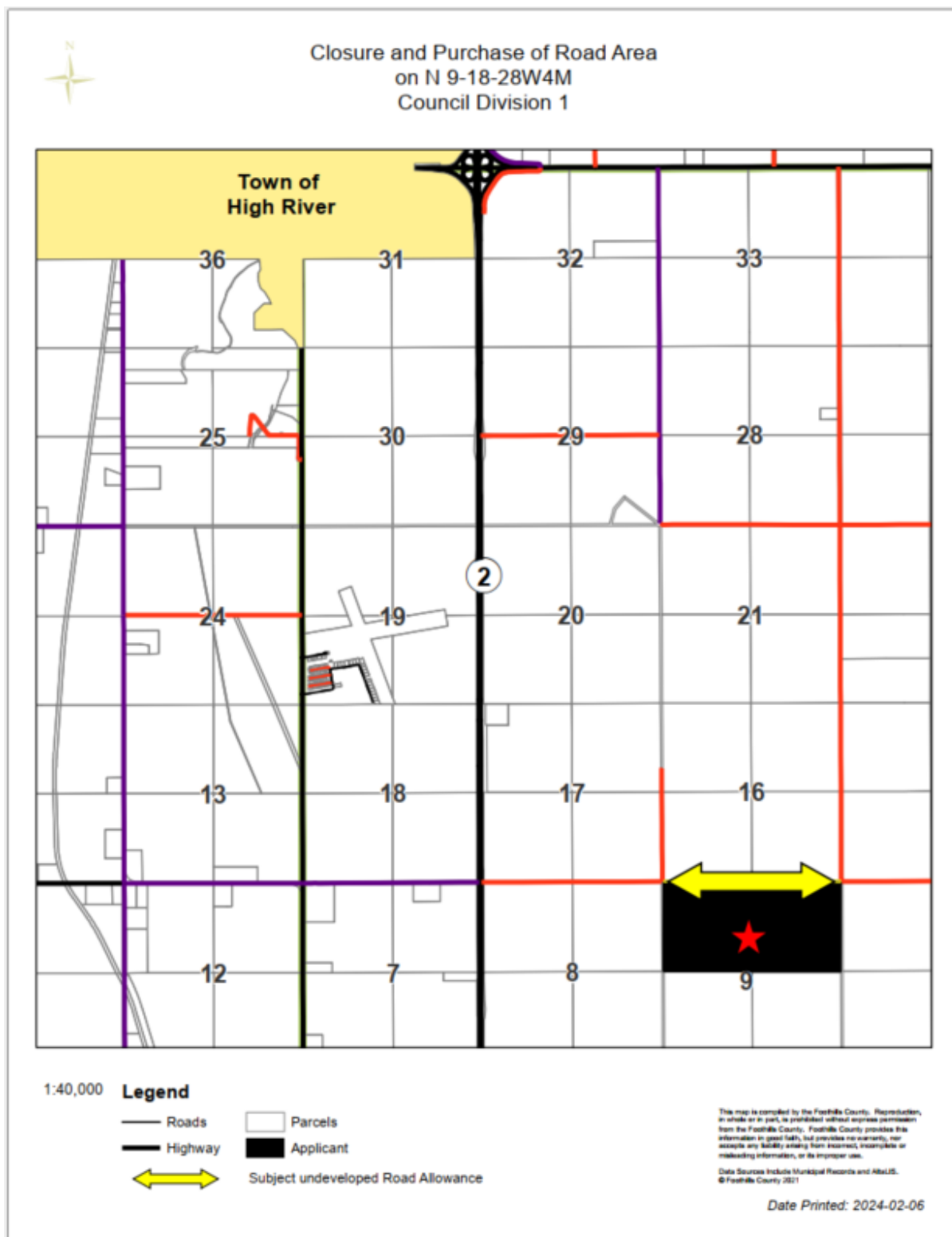
## **APPENDICES**

### **APPENDIX A – Location Maps**

### **APPENDIX B –ATCO and Altalink response to circulation**

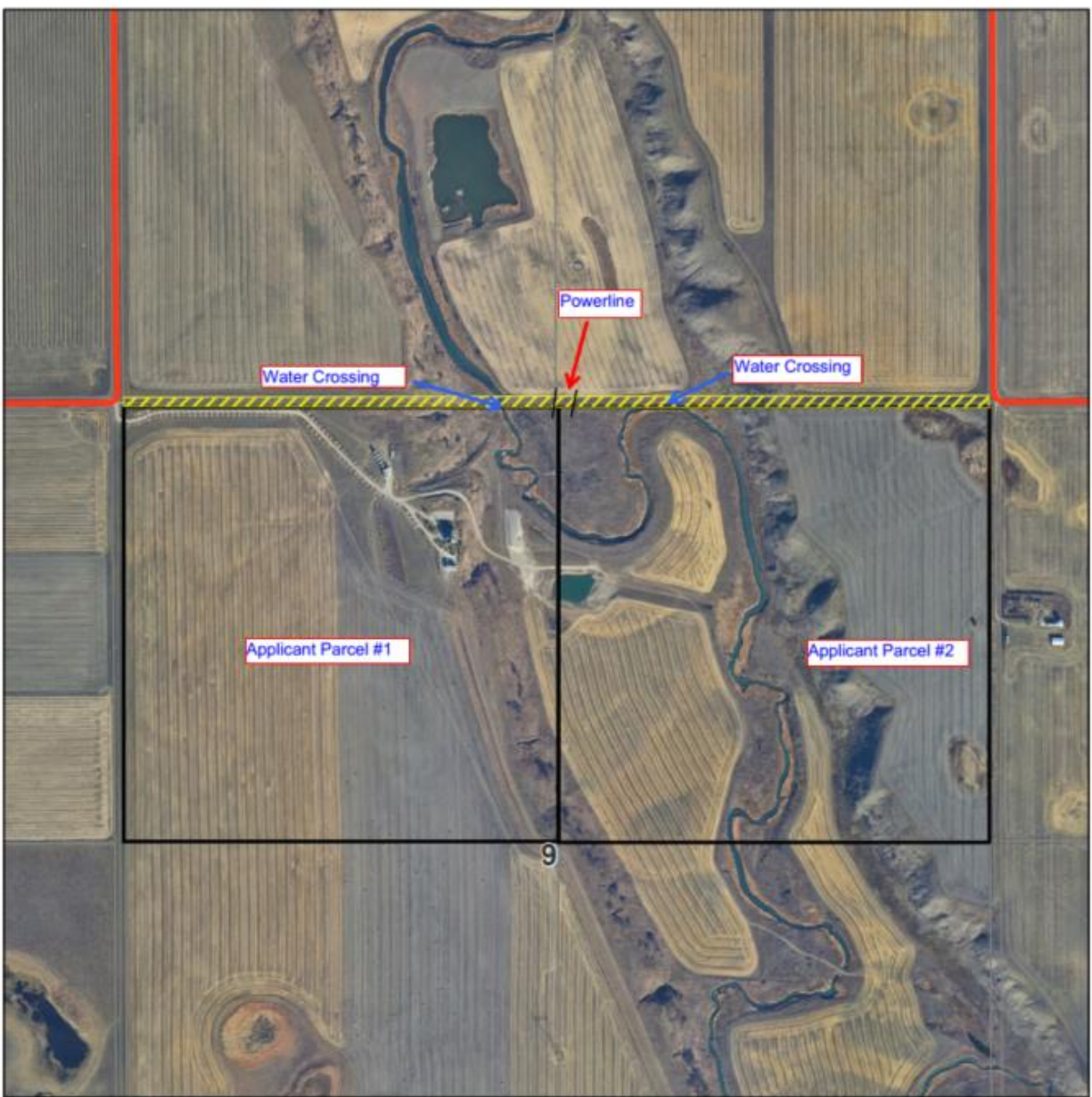
### **APPENDIX C – Draft Bylaw XX/2024**

# APPENDIX A: LOCATION MAP





Closure and Purchase of Road Area  
on N 9-18-28W4M  
Council Division 1



1:9,889

This map is compiled by the Foothills County. Reproduction, in whole or in part, is prohibited without express permission from the Foothills County. Foothills County provides this information in good faith, but provides no warranty, nor accepts any liability arising from incorrect, incomplete or misleading information, or its improper use.

Data Sources Include Municipal Records and Aerials.  
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Date Printed: 2024-02-06

## APPENDIX B: Telus and Altalink Circulation Response

**Donna Fowler**

---

**From:** circulations . <circulations@telus.com>  
**Sent:** June 3, 2024 9:33 AM  
**To:** FCLands  
**Subject:** Re: Circulation for Public Lands File PL 1828-09N, Please Reply by June 10, 2024 - TELUS  
FILE: ABROW-296  
**Attachments:** PL1828-09N\_Waddell\_File.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Day,

Thank you for including TELUS in your circulation (attached).

Please be advised that we have reviewed the proposed closure - kindly note that we will require a ROW Agreement for the portion of road that will be closed.

We kindly request the name of the Grantor and a description of the area to be closed be forwarded to [rightofwayab@telus.com](mailto:rightofwayab@telus.com) so that we can proceed with creating a Right of Way Agreement, for same.

We will send you the Right of Way Agreement, pre-executed, for your final execution and registration.

RIGHTS OF WAY FILE: **ABROW-296**

We kindly request that, if possible, our Rights of Way file number be quoted on upcoming agreements and related correspondence for this file.

Please correspond directly with [rightofwayAB@telus.com](mailto:rightofwayAB@telus.com) further on this circulation regarding the required ROW Agreement.

Thanks

**Jaylene Perkins** (*she/her*)

Real Estate Specialist | TELUS Land Solutions Team  
Customer Network Planning (CNP)  
18811 107 Avenue NW, Edmonton, AB T5S 2L9

The future is friendly®

[circulations@telus.com](mailto:circulations@telus.com)

## Donna Fowler

**From:** Whitford, Paul (AltaLink) <Paul.Whitford@AltaLink.ca>  
**Sent:** May 9, 2024 12:16 PM  
**To:** Donna Fowler; FCLands  
**Subject:** FW: EXT Δ - Circulation for Public Lands File PL 1828-09N, Please Reply by June 10, 2024  
**Attachments:** PL1828-09N\_Waddell\_File.pdf; 8510006.pdf; N 9-18-28 NW4.PNG; SPIN MAP.PNG  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from paul.whitford@altalink.ca. [Learn why this is important](#)

Hi Donna,

Further to our call today.

Please note that should this road be closed and transferred to a landowner AltaLink Management Ltd. will require a Utility Right of Way / Easement Agreement for our existing 1201L as it cross's the road allowance going North / South.

Should you have any questions please do not hesitate to call me.

Thank you,

Paul

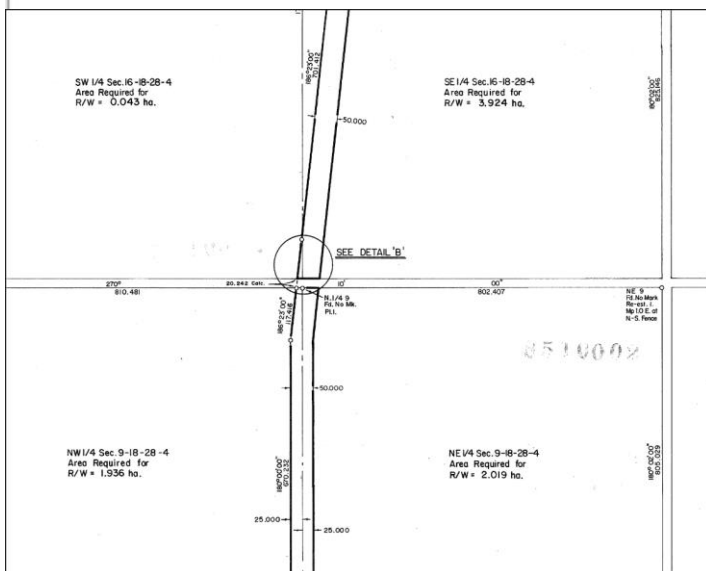
**Paul Whitford, SR/WA, Surface Land Coordinator**

T (403) 267-4422 C (403) 512-5704 E [paul.whitford@altalink.ca](mailto:paul.whitford@altalink.ca)

**AltaLink** A Berkshire Hathaway Energy Company

2611 – 3<sup>rd</sup> Avenue SE, Calgary, AB, T2A 7W7

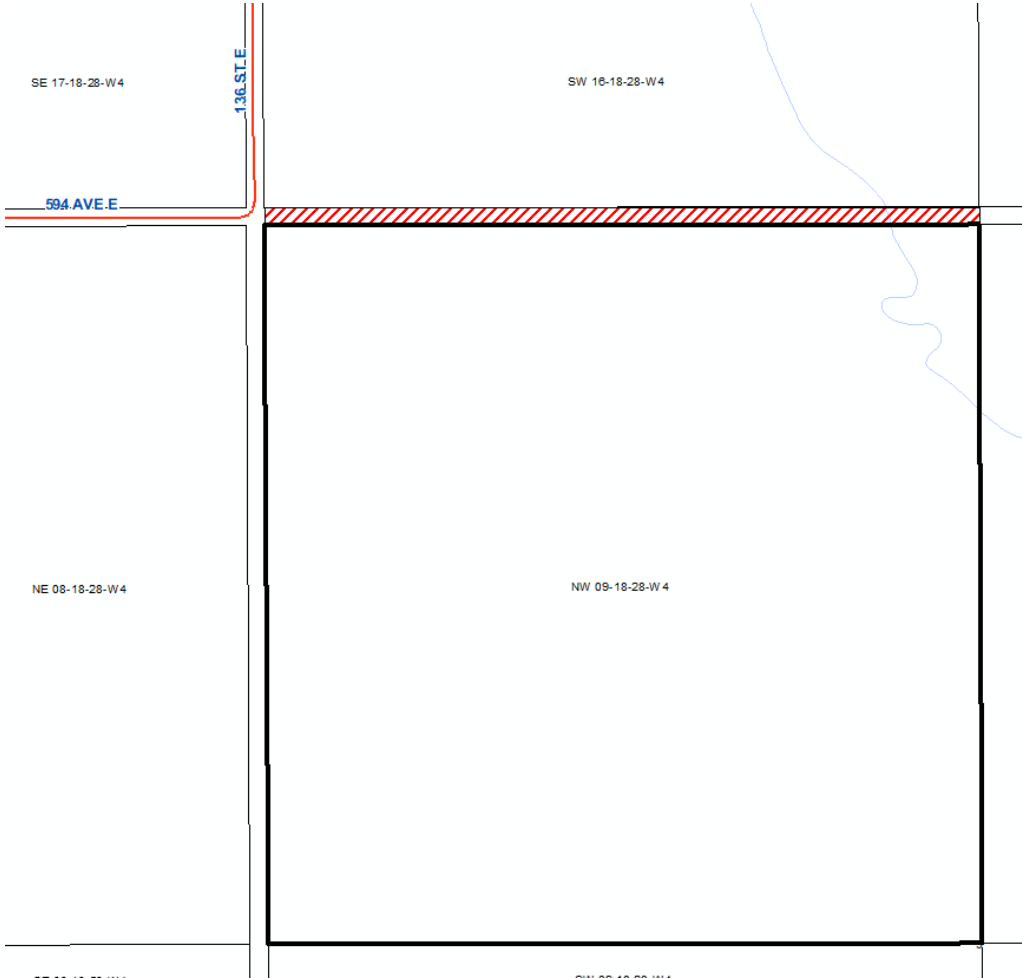
[www.altalink.ca](http://www.altalink.ca)



## Page 23 of 95

SCHEDULE "A"  
(Site Plan)


Parcel A



Parcel B



**PUBLIC HEARINGS AND MEETINGS  
PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
JUNE 26, 2024  
TO BE HEARD AT 2:00 P.M.**

APPLICATION INFORMATION	
	<b>PROPOSAL: LAND USE BYLAW AMENDMENTS</b>
<b>PROPOSAL:</b> Staff has proposed amendments to the Land Use Bylaw for Council's consideration.	
<b>FILE MANAGER:</b> Coreena Carr	

#### BACKGROUND

As part of the ongoing implementation of the Land Use Bylaw, staff continues to make amendments to the Land Use Bylaw to ensure that it remains current and that provisions are as clear as possible.

In 2023 – 2024, separate Land Use Bylaw amendments were adopted on individual topics pertaining to the following:

- Solar Power Amendments – June 28, 2023, 2023
- Secondary Suite Amendments – January 31, 2024
- Cannabis Retail Amendments – December 6, 2023
- Airport Amendments – May 29, 2024

The most recent update of general Land Use Bylaw amendments not specific to only one topic was November 16, 2022.

#### PROPOSAL:

This application is to allow for several general amendments within the land use bylaw. Most of the changes are minor in nature, allowing for clarification and/or updates to existing provisions or to provide for more efficient implementation on existing development.

The following is a summary of topics for the amendments proposed:

- *A New Municipal Road Classification* and associated setbacks.
- Updates to *Section 5.11 Reapplication Of Development Permits*.
- Amendments to *Section 6.12 Resubmission Interval* provisions.
- Changes to provisions on *Manmade Water Bodies*.
- Changes to *Child Care Facility* and *Family Day Home* definitions and provisions.
- Clarifications on requirements for *Dwelling, Manufactured Homes, Dwelling, Mobile Homes, And Dwelling, Move On* under Section 10.10.
- Amendments under the *Recreation District* land use district for exceptions on setbacks for a portion of Square Butte development under Section 16.1.8

- Added provisions for clarification on *Home Office/Home Based Business* pertaining to more than one business use on a site.
- *Home Office* and *Home Based Business* added to permitted or discretionary uses in more land use districts.
- Amendments pertaining to *The Placing Of Topsoil On Lands*.
- Amendments to Section 4.2.1 pertaining to *Signage Not Requiring A Development Permit*.
- Amendments to provisions pertaining to *Legal Access To A Parcel Of Land*.
- Amendments to *Setback Provisions Under DC#34* from commercial solar installations to adjacent residences.
- Clarification on *Habitable Area* for *Secondary Suites*.
- Clarification under *Section 5.6 For Setback Variances*.
- Amendment to *Section 3.1. Development Authority* to allow the Development Authority to decide on time extensions to Development Permits approved by the DAB.
- Amendment to *Section 9.27 For Special Setbacks* to align with the provisions under Residential Community District land use rules.

Details and precise wording for the proposed Land Use Bylaw Amendments are attached as **Appendix A** for Council's review.

## **PUBLIC HEARING NOTICE**

The public hearing was advertised in the June 12, 2024, and June 19, 2024, issues of the Western Wheel and notice of the hearing was posted on the newsfeed on the County website starting June 12, 2024.

## **SUMMARY**

Staff has proposed several amendments to the Land Use Bylaw for Council's consideration only as attached in **Appendix A**.

## **APPLICATION - OPTIONS FOR COUNCIL CONSIDERATION:**

### **OPTION #1 – APPROVAL – 1<sup>st</sup> READING**

Should Council feel that the proposed land use bylaw amendments are consistent with the existing regional and municipal policy frameworks, and no significant planning considerations have been brought forward through the public hearing that cannot be resolved through the planning process; Council may wish to move first reading of Bylaw XX/2024 to authorize amendments to the Land Use Bylaw as outlined in the attached *Appendix A*.

Council shall direct staff on any additional information or changes they wish to see prior to second and third reading.

### **OPTION #2 POSTPONE APPLICATION**

Moved that a decision on Bylaw XX/2024 be postponed for further direction from Council, as they feel additional information is required prior to rendering a decision.

## **APPENDICES**

### **APPENDIX A – PROPOSED BYLAW INCLUDING LAND USE BYLAW AMENDMENTS**

**APPENDIX A— PROPOSED BYLAW INCLUDING LAND USE BYLAW AMENDMENTS**

**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 up to and including those passed on December 17, 2014.

**AND WHEREAS** pursuant to Section 191(1) of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, the power to pass a bylaw under this or any other enactment includes a power to amend or repeal the bylaw.

**AND WHEREAS** Bylaw XX/2024 was introduced to Council to further amend the Land Use Bylaw by authorizing text amendments to Land Use Bylaw 60/2014 as described within the attached Schedule 'A'.

1. This Bylaw shall have effect on the date of third reading.

FIRST READING: XXX

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Municipal Manager

SECOND READING: XXX

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Municipal Manager

THIRD READING: XXX

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Municipal Manager

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this  
day of \_\_\_\_\_, 2024.

NEW MUNICIPAL ROADS CLASSIFICATION AND SETBACKS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>NEW</b></p> <p><i>For reference purposes only current definitions:</i></p> <p><i>MUNICIPAL ROAD means a public road, street, or undeveloped road allowance that is subject to the direction, control, and management of the County.</i></p> <p><i>INTERNAL SUBDIVISION ROAD means a municipal road, subject to the direction, control, and management of the County, providing access to lots within a registered subdivision. This definition does not include roads belonging to a condominium association as common property.</i></p>	<p><b>NEW</b></p> <p><b>MUNICIPAL ROAD, MAJOR</b> means a municipal road, subject to the direction, control, and management of the County, designed for higher traffic volumes providing access to local and regional areas.</p>	<p>Created a new road classification called Municipal Road, Major for more significant County Roads such as Dunbow road that require a larger setback to the right of way, similar to that of what a Secondary Road previously had.</p>
<p><b>NEW</b></p>	<p>Add the following to all land use districts, under Minimum Yard Setbacks:</p> <p>a. Front Yard Setbacks (in each district)</p> <p>64m (209.97 ft.) from the centreline of a Municipal Road, Major.</p> <p><u>Example: Front Yard Setbacks:</u></p> <p>a. 40m (131.23 ft.) from the ultimate right of way or (70 meters from the centreline of a Provincial highway, whichever is greater.</p> <p>b. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.</p> <p>c. 48m (157.48 ft) from the centreline of a Municipal Road.</p> <p>d. 15m (49.21 ft.) from the right of way of an internal subdivision road.</p>	<p>Request is being made for a larger setback to Dunbow road similar to that of Secondary Highways previously. We have chosen to call them <b>Municipal Road, Major</b>. Later with the County is required to take over portions of Highway 2A, it can also be designated a Municipal Road Major.</p> <p>The map will highlight roads with this new designation accordingly.</p>

REAPPLICATION AND RESUBMISSION OF APPLICATION PROVISIONS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>SECTION 5.11 RE-APPLICATION</b></p> <p>5.1.1.1. When an application for a Development Permit or a change in land designation is refused, another application with respect to the same parcel of land, may not be made by the same or any other applicant until the expiration of at least six months from the date of the last refusal:</p> <p>a. For a Development Permit for the same or a similar use, or</p> <p>b. For a change in land use designation;</p>	<p><b>SECTION 5.11 RE-APPLICATION OF DEVELOPMENT PERMITS</b></p> <p><b>Section 5.11 shall be amended as follows:</b></p> <p>5.1.1.1 When an application for a Development Permit, <del>or a change in land designation</del> is refused by either the Development Authority, Council, or by a decision of the Subdivision and Development Appeal Board or Land and Property Rights Tribunal, another application with respect to the same parcel(s) of land, <del>for the same or similar use of the land</del>, may not be made by the same or any other applicant until the expiration of at least six (6) months from the date of the last refusal or appeal decision, unless a resolution is passed by Council to waive the waiting period:-</p> <p>a. <del>For a Development Permit for the same or a similar use, or</del></p> <p>b. <del>For a change in land use designation.</del></p> <p>5.1.1.2 Notwithstanding Section 5.1.1.1, the Development Authority may at its discretion receive a new or revised development permit application for the same or similar use of the parcel before the six (6) months has elapsed from the date of the decision, when, in the opinion of the Development Authority, the application has been significantly modified.</p>	<p>Clarification on the 6-month waiting period to reapply for a Development Permit.</p>
<p><b>6.12 RESUBMISSION INTERVAL</b></p> <p>6.12.1 Where an application for an amendment to this Bylaw has been refused by Council, another application for the same or substantially the same amendment shall not be considered within six (6) months of the date of the refusal unless Council otherwise directs.</p>	<p><b>6.12 RESUBMISSION INTERVAL</b></p> <p>6.12.1 When an application for an amendment to this Bylaw, <del>redesignation or change in land use designation</del>, a <del>site specific amendment, statutory plan or amendment to a statutory plan</del>, has been refused by Council, another application <del>with respect to the same parcel(s) of land</del>, for the same or substantially the same <del>amendment application</del>, shall not be considered within six (6) months of the date of the refusal, unless <del>Council otherwise directs</del> a resolution is <del>passed by Council to waive the waiting period.</del></p>	<p>Clarification on timeline to reapply for redesignation, ASP, and land use bylaw amendments.</p>

MAN MADE WATER BODIES		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>Current definition under Section 2.5:</b></p> <p><b>PRIVATE LAKE</b> means development of a private lake or water body for private uses, for active or passive recreational use and includes all natural and man-made landscaping, facilities, buildings, and other structures that are consistent with the general purpose of a private lake, the lake or water body and associated recreational facilities are privately owned, operated, and maintained by a landowner, a homeowners association, or a community association and is appropriately designed and licensed.</p>	<p><i>Private Lake is removed from the bylaw and replaced with the following new definition:</i></p> <p><b>MANMADE WATER BODIES, PRIVATE</b> means a man-made water body created for landscaping purposes, or private, active, or passive recreational use, having a depth of 1m (3.28 ft.) or greater but does not include a dugout or storm water management facility.</p>	<p>We are adding a definition for Manmade water bodes, private to replace Private Lake.</p> <p>Manmade water bodies were a use listed under several land use districts but not defined and both are not required.</p>
<p><b>Current definitions under Section 2.5:</b></p> <p><b>DUGOUT</b> means the excavation of land that results in manmade features that entrap water and includes a private dam and/or excavation for general agricultural purposes, but does not include ornamental ponds, storm water ponds, or private lakes or lagoons for the purposes of processing wastewater.</p> <p><b>ORNAMENTAL POND</b> means a water feature created for landscaping purposes having a depth shallower than 1m (3.28 ft.) but does not include storm water management facilities.</p> <p><b>LANDSCAPING</b> means the modification and enhancement of a property through the use of any or all of the following elements:</p> <ul style="list-style-type: none"><li>• soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass, and ground cover; and</li><li>• hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, but including monolithic concrete and asphalt in the form of patios, walkways, paths but excluding parking lots.</li></ul>	<p><i>The following existing definitions shall be amended as follows:</i></p> <p><b>DUGOUT</b> means the excavation of land that results in manmade features that entrap water and includes a private dam and/or excavation for general agricultural purposes, but does not include ornamental ponds, storm water ponds, <b>man-made waterbodies, private or private-lakes-or</b> lagoons for the purposes of processing wastewater.</p> <p><b>ORNAMENTAL POND</b> means a <b>man-made</b> water feature created for landscaping purposes having a depth shallower than 1m (3.28 ft.) but does not include storm water management facilities.</p> <p><b>LANDSCAPING</b> means the modification and enhancement of a property through the use of any or all of the following elements:</p> <ul style="list-style-type: none"><li>• soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass, and ground cover; and</li><li>• hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, but including monolithic concrete and asphalt in the form of patios, walkways, paths but excluding parking lots.</li></ul> <p><b>Landscaping does not include berming, grading, land leveling or recontouring that are considered under the definition of Lot Grading.</b></p>	<p>For consistency, we are amending these definitions in accordance with the removal of private lake and replacement with a new definition of <i>Manmade Water Body, Private</i>.</p> <p>We currently have Private Lake (defined) and manmade water feature/dugout (Section 9.18)</p>

MAN MADE WATER BODIES		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>LOT GRADING</b> means any work, operation or activity that results in a disturbance of the earth including the removal of top soil or borrow, borrow pits, berming, excavating, trenching, backfilling, filling, land leveling, re-contouring and, grading other than for building purposes but does not include aggregate extraction, commercial logging, tree clearing, dugouts/private dams, ornamental ponds, storm water ponds, lagoons for the purpose of processing wastewater or landscaping as defined by this Bylaw.</p>	<p><b>LOT GRADING</b> means any work, operation or activity that results in a disturbance of the earth including the removal of top soil or borrow, borrow pits, berming, excavating, trenching, backfilling, filling, land leveling, re-contouring and, grading other than for building purposes but does not include aggregate extraction, commercial logging, tree clearing, <b>landscaping</b>, dugouts/private dams, ornamental ponds, <b>man-made water bodies</b>, <b>private</b>, storm water ponds, <b>or</b> lagoons for the purpose of processing wastewater <del>or landscaping</del> as defined by this Bylaw.</p>	
<p>Private Lake was listed as a use under the following land use districts:</p> <ul style="list-style-type: none"><li>• Recreation District – Permitted Use</li><li>• Open Space District – Discretionary Use</li><li>• DC#33 – Permitted Use</li></ul>	<p><b><i>Private Lake is deleted under all current land use districts and replaced with Manmade Water bodies, private:</i></b></p> <ul style="list-style-type: none"><li>• Recreation District – Permitted Use</li><li>• Open Space District – Discretionary Use</li><li>• DC#33 – Permitted Use</li></ul>	<p>Replacing Private Lake Manmade water bodes, private below for consistency.</p>
<p>Dugout is listed as a use under the following land use districts:</p> <ul style="list-style-type: none"><li>• Recreation District – Discretionary Use</li><li>• DC #14 – Permitted Use</li></ul>	<p><b><i>Add Dugout as a use under land use districts noted as follows:</i></b></p> <ul style="list-style-type: none"><li>• Agricultural District – Permitted Use</li><li>• Agricultural Business District – Permitted Use</li><li>• Rural Business District – Discretionary Use</li><li>• County Residential District (for general ag use) - Discretionary Use</li></ul>	<p>Adding Dugout as a use under land uses for general agricultural land uses.</p> <p><i>4.2.1.22 and 4.2.1.38 identifies no permit required when used for agriculture general in Agricultural Districts.</i></p>

MAN MADE WATER BODIES		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
NEW	<p><b>Manmade water bodies, private is added to land use districts as a Discretionary use as follows:</b></p> <ul style="list-style-type: none"><li>County Residential District</li><li>Direct Control District #1 (Spruce Meadows)</li><li>Direct Control District #25 (Rocky Mountain Show Jumping)</li></ul>	Land Use Districts that may already have or may apply for this use.
<p>Manmade Water Features currently under the following land use districts as a Discretionary use:</p> <ul style="list-style-type: none"><li>Agricultural District</li><li>Agricultural Business District</li><li>The following Direct Control Districts:<ul style="list-style-type: none"><li>Direct Control District #3,</li><li>Direct Control District #26,</li><li>Direct Control District #27,</li><li>Direct Control District #29,</li><li>Direct Control District #30,</li><li>Direct Control District #31,</li><li>Direct Control District #32</li><li>Direct Control District #36</li></ul></li></ul>	<p><b><del>Manmade Water Feature</del> is deleted from all current land use districts and replaced with Manmade water bodies, private as a Discretionary use as follows:</b></p> <ul style="list-style-type: none"><li>Agricultural District</li><li>Agricultural Business District</li><li>Direct Control District #3,</li><li>Direct Control District #26,</li><li>Direct Control District #27,</li><li>Direct Control District #29,</li><li>Direct Control District #30,</li><li>Direct Control District #31,</li><li>Direct Control District #32,</li><li>Direct Control District #36</li></ul>	For consistency.

DAYCARE/CHILD CARE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>Current Definitions:</b></p> <p><b>DAY CARE FACILITY</b> means the use of a building or portion thereof for the provision of care, instruction, maintenance, or supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all daycare centers, early childhood services, nurseries and after-school or baby-sitting programs which meet this definition. More information on Child Care Facilities can be found in Section 10.7 of this bylaw.</p> <p><b>DAY HOME SERVICES</b> means when a dwelling unit is used to provide for the care and supervision of six or fewer children under the age of 13 years for a fee, by a person who resides in the dwelling unit, for periods of less than twenty-four (24) consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare. More information on Child Care Facilities can be found in Section 10.7 of this bylaw.</p>	<p><b>The definitions of “Day Care Facility” and Day Home Services” are deleted and replaced by the following definitions:</b></p> <p><b>CHILD CARE FACILITY</b> means a child care program offered or provided for under a facility-based license, to provide child care to <u>more than 6 children</u>, not including the person’s own children, in accordance with the Early Learning and Child Care Act. (For example, day care, preschool care, out of school care)</p> <p><b>FAMILY DAY HOME</b> means a <u>licensed</u> child care program providing child care to <u>no more than 6 children</u>, not including the person’s own children, that is offered or provided by an individual in the individual’s private residence, and under the oversight of a licensed family day home agency in accordance with the Early Learning and Child Care Act</p> <p><b>FAMILY DAY HOME, PRIVATE</b> means unlicensed child care provided for up to <u>6 children</u>, not including their own, that is offered or provided by an individual in the individual’s private residence and is not monitored by the Alberta government or by a licensed agency. (For example, a private day home, nanny, or care under informal arrangements with friends, neighbors, or family).</p>	<p>Amendments to better align with Provincial agencies and with the Early Learning Child Care Act.</p>
<p><b>Current Provisions under Section 10.7:</b></p> <p>10.7.1 In accordance with Section 2.5 “Definitions”, Child care facilities have been separated into categories as per the following:</p> <p>a. Day Care Facility means the use of a building or portion thereof for the provision of care, instruction, maintenance, or supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all daycare centres, early childhood services, nurseries and after-school or baby-sitting programs which meet this definition.</p>	<p><b>Section 10. 7 should be amended as follow:</b></p> <p><b>10.7 CHILD CARE FACILITY/FAMILY DAY HOMES</b></p> <p>10.7.1 Licensed Child care establishments include the following categories:</p> <p>a. <b>CHILD CARE FACILITY</b> means a child care program offered or provided for under a facility-based license, to provide child care to <u>more than 6 children</u>, not including the person’s own children, in accordance with the Early Learning and Child Care Act and Regulation. (For example, day care, preschool care, out of school care)</p>	<p>The provisions under Section 10.7 are amended in accordance with definitions and Provincial regulations.</p>

DAYCARE/CHILD CARE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>b. Day Home Services means when a dwelling unit is used to provide for the care and supervision of six or fewer children under the age of 13 years for a fee, by a person who resides in the dwelling unit, for periods of less than twenty-four (24) consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare.</p>	<p>b. <b>FAMILY DAY HOME</b> means a licensed child care service providing child care to no more than 6 children, not including the person's own children, that is offered or provided by an individual in the individual's private residence, and under the oversight of a licensed family day home agency in accordance with the Early Learning and Child Care Act and Regulation.</p> <p>10.7.2 Unlicensed child care establishments include the following:</p> <p>a. <b>FAMILY DAY HOME, PRIVATE</b> means unlicensed child care provided <u>for up to 6 children</u>, not including their own, that is offered or provided by an individual in the individual's private residence and is not monitored by the Alberta government or by a licensed agency. (For example, a private day home, nanny, or care under informal arrangements with friends, neighbors, or family).</p> <p>10.7.3 Child Care Facilities and Family Day Homes shall be operated in accordance with the Provincial regulations and Early Learning and child Care Act and Regulation.</p> <p>10.7.4 When considering an application for the development of <i>Child Care Facility and Family Day Home</i>, the Development Authority may take into account the size, <del>configuration and</del> <b>quality of the site and associated buildings</b>, size of operation, potential traffic generation, available parking, adjacent land uses, <del>proximity to parks, open spaces or recreation areas and</del> potential impacts on other development in the surrounding area.</p> <p>10.7.3 <del>The Development Authority shall establish the maximum number of children for whom care may be provided, having regard for the above noted definitions, provincial regulations, the nature of the operation and the density of development in the district in which it is located.</del></p>	

DAYCARE/CHILD CARE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>10.7.4 The Development Authority may consult with provincial and municipal child service agencies prior to making a decision on a development Permit for a Child care facility.</p>	<p>10.7.5The Development Authority may consult with provincial and municipal child service agencies prior to making a decision on a Development Permit for a Child Care Facility and/or a Family Day Home.</p> <p>10.7.6. Staff member to child ratio for the appropriate type of Child Care Facility/Family Day Home establishment shall be in accordance with the Early Learning and Child Care Regulation where applicable. Where not governed for private family day homes, the Development Authority may use their discretion.</p>	
<p>10.7.5 Parking facilities for approved Child care facilities shall meet the requirements of Section 9.19.</p>	<p>10.7.7Parking facilities for approved Child Care Facilities and Family Day Homes shall meet the requirements of Section 9.19.</p>	
<p>Day Care Facility is listed as a Permitted Use under the following land use districts:</p> <ul style="list-style-type: none"><li>• Direct Control District #1 (Spruce Meadows)</li></ul> <p>Day Care Facility is listed as a Discretionary Use under the following land use districts:</p> <ul style="list-style-type: none"><li>• Community Commercial District</li><li>• Service District</li><li>• Direct Control District #11 (Heritage Point Commercial)</li><li>• Direct Control District #23 (Church NW 33-21-29-W4))</li></ul> <p>Day Home Services is listed as a Permitted use under the following land use districts:</p> <ul style="list-style-type: none"><li>• Rural Business District</li></ul> <p>Day Home Services is listed as a Discretionary use under the following land use districts:</p> <ul style="list-style-type: none"><li>• Agricultural District</li><li>• Agricultural Business District</li><li>• Country Residential District</li><li>• Cluster Residential District</li><li>• Country Estate District</li><li>• Residential Community District</li><li>• Residential Multi-Family District</li><li>• Residential Manufactured Home District</li><li>• Direct Control District #36 (Equine Rehab)</li></ul>	<p>The following amendments are proposed in the respective land use districts:</p> <ul style="list-style-type: none"><li>• Day Care Facility is removed and replaced with <b>Child Care Facility</b> where listed as a corresponding use under a land use district.</li><li>• Day Home Services is removed as a use and replaced<u>d</u> where listed under a land use district with both uses as a discretionary use follows:<ul style="list-style-type: none"><li>○ <b>Family Day Home</b></li><li>○ <b>Family Day Home, Private</b></li></ul></li></ul> <p>• <b>Note: Day Home Services is moved from a permitted use to discretionary use under Rural Business District under the two new defined Day Home uses.</b></p>	<p>Updating the land use district accordingly with new definitions for consistency.</p>

DAYCARE/CHILD CARE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
NEW – Section 9.19, Table 9.19C	<p>The following shall be added to Section 9.19, Table 9.19C Parking Requirements for residential and residential related I land uses:</p> <p>Family Day Home, Private    1 parking stall per employee; and 1 pick-up and drop-off stall per 3 children, unless lawful on-street parking is available.</p> <p><i>**Parking requirements for a Family Day Home, Private may be altered at the discretion of the <del>Approved</del> Approving Authority as part of the conditional approval <del>on</del> of the Development Permit based on the maximum number of children in attendance, proposed special events/activities held in conjunction with use, and location.</i></p>	Adding for Private Family Day home.
Section 9.19, Table 9.19D Parking Requirements for commercial land uses	<p>Section 9.19, Table 9.19D Parking Requirements for commercial land uses shall be amended by removing Day Care Services and replacing it with the following:</p> <p>Child Care Facility                      1 parking stall per employee; and 1 pick-up and drop-off stall per 3 children, unless lawful on-street parking is available.</p> <p><i>**Parking requirements for a Child Care Facility may be altered at the discretion of the Approving Authority as part of the conditional approval of the Development Permit based on the maximum number of children in attendance, proposed special events/activities held in conjunction with use, and location.</i></p> <p>Family Day Home                      1 parking stall per employee; and 1 pick-up and drop-off stall per 3 children, unless lawful on-street parking is available.</p> <p><i>**Parking requirements for Family Day Homes may be altered at the discretion of the Approving Authority as part of the conditional approval of the Development Permit based on the maximum number of children in attendance, proposed special events/activities held in conjunction with use, and location.</i></p>	Amendment to the parking in accordance with updated provisions
Day Care Services                      1 parking stall per employee		

DWELLING PROVISIONS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>Current Dwelling, Manufactured and Mobile Home Provisions:</b></p> <p>10.10.13 A Dwelling, Manufactured Home and Dwelling, Mobile Home shall be prefabricated, built, or factory constructed later than September 2, 2007, have C.S.A. certification, or an equivalent to the satisfaction of the Safety Codes Officer and such shall be submitted with the required building permit application. Dwelling, Manufactured Homes and Dwelling, Mobile Homes that do not have CSA approval, regardless of age, shall require an engineer's report prior to being approved to be moved on to a parcel of land that is sized appropriately in accordance with the provisions of this Bylaw.</p>	<p><b>Section 10.10 shall be amended as follows:</b></p> <p>10.10.13 <del>Installation of a</del> Dwelling, Manufactured Home <del>and</del> <del>or</del> Dwelling, Mobile Home, <del>will require a building permit prior to moving the structure onto the parcel where it is to be installed. The parcel shall be sized appropriately in accordance with the provisions of this bylaw and the structure shall be prefabricated, built, or factory constructed later than September 2, 2007, and have C.S.A. certification, or an equivalent to the satisfaction of the Safety Codes Officer, and such shall be submitted with the required building permit application. Applications for Dwelling, Manufactured Homes and Dwelling, Mobile Homes that do not have CSA approval, regardless of age, shall require an be accompanied by a current, up to date engineer's report, prior to being approved to be moved on to a parcel of land that is sized appropriately in accordance with the provisions of this Bylaw.</del></p>	<p>Section 10.10.13 stipulates requirements for a Dwelling, Manufactured Home and Dwelling, Mobile Home prior to being approved to be moved onto a parcel.</p> <p>For clarification, we are amending <u>the provisions</u> to read that a professional engineer report that is current and up to date at the time the unit is being move on a new parcel is required....</p> <p><u>We have also rearranged the provisions so they read more clearly.</u></p>
<p><b>Current: Dwelling, Move on provisions:</b></p> <p>10.10.20 A Dwelling, Moved On shall meet the following criteria:</p> <ol style="list-style-type: none"><li>must have an approved building permit and necessary Safety Codes Permits (Plumbing, Gas, Septic and Electrical) prior to moving the dwelling onto the lands or constructing the foundation.</li><li>the dwelling must be moved on to an approved foundation within 60 days of arrival onto the lot.</li><li>the Development Permit application must be accompanied by an APEGGA certified Professional Engineer's report stating that the dwelling meets the requirements of the applicable Building Code, that it is structurally capable of being moved, and is of the minimum square footage required under the applicable land use district, provided to the County prior to the dwelling being placed on the foundation.</li></ol>	<p><b>Section 10.10.20 "c". and "h" shall be amended as follows:</b></p> <p>10.10.20 A Dwelling, Moved On shall meet the following criteria:</p> <ol style="list-style-type: none"><li>must have an approved building permit and necessary Safety Codes Permits (Plumbing, Gas, Septic and Electrical) prior to moving the dwelling onto the lands or constructing the foundation.</li><li>the dwelling must be moved on to an approved foundation within 60 days of arrival onto the lot.</li><li>the Development Permit application must be accompanied by <del>an</del> <b>a current, up to date</b> APEGGA certified Professional Engineer's report stating that the dwelling meets the requirements of the applicable Building Code, that it is structurally capable of being moved, and is of the minimum square footage required under the applicable land use district, provided to the County prior to the dwelling being placed on the foundation.</li></ol>	<p>Section 10.10.20 lists criteria for Dwelling Move on.</p> <p>Clarification is being added that an up-to-date engineer report is required for Dwelling, Move on applications under "c".</p>

DWELLING PROVISIONS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>d. the Dwelling Unit shall conform to the Development Requirements for the applicable land use district for the lot, including but not limited to maximum dwelling density, habitable area per dwelling, minimum setback requirements, and maximum height requirements.</p> <p>e. The dwelling shall have a high standard of exterior finish and be compatible with the adjacent development.</p> <p>f. The applicant shall include photos of the dwelling to be moved, showing the exterior appearance with the Development Permit application.</p> <p>g. The applicant shall include a copy of work required to complete the dwelling including the exterior finish, renderings or artistic drawings of how the dwelling is to look when completed and detailed cost estimates for the work to be completed with the Development Permit application.</p> <p>h. The applicant shall submit a security or deposit in an amount equal to the value of construction of the foundation and all other work required to complete the exterior of the dwelling to a high standard of appearance. The amount will be confirmed by the Approving Authority based on cost estimates submitted with the application. Notwithstanding these estimated costs, the deposit shall be no less than the minimum set out in the Fee Schedule, as approved by Council. The security or deposit may be released upon inspection of the structure confirming that the exterior of the dwelling is complete as per the conditions of Development Permit.</p> <p>i. the applicant is responsible to ensure that all road bans issued for municipal road surfaces, pertaining to the relocation of the dwelling, are adhered to.</p>	<p>d. the Dwelling Unit shall conform to the Development Requirements for the applicable land use district for the lot, including but not limited to maximum dwelling density, habitable area per dwelling, minimum setback requirements, and maximum height requirements.</p> <p>e. The dwelling shall have a high standard of exterior finish and be compatible with the adjacent development.</p> <p>f. The applicant shall include photos of the dwelling to be moved, showing the exterior appearance with the Development Permit application.</p> <p>g. The applicant shall include a copy of work required to complete the dwelling including the exterior finish, renderings or artistic drawings of how the dwelling is to look when completed and detailed cost estimates for the work to be completed with the Development Permit application.</p> <p>h. The applicant shall submit a security or deposit in an amount equal to the value of <del>construction of the foundation and all other</del> work required to complete the exterior of the dwelling to a high standard of appearance, <del>which may include a portion of the exterior of the foundation that is above grade</del>. The amount will be confirmed by the Approving Authority based on cost estimates submitted with the application. Notwithstanding these estimated costs, the deposit shall be no less than the minimum set out in the Fee Schedule, as approved by Council. The security or deposit may be released upon inspection of the structure confirming that the exterior of the dwelling is complete as per the conditions of Development Permit.</p> <p>i. the applicant is responsible to ensure that all road bans issued for municipal road surfaces, pertaining to the relocation of the dwelling, are adhered to.</p>	<p>Amendments to “h” clarify that the security or deposit does not include the value of the foundation construction but may include the exterior of the foundation that is above grade for appearance.</p>

DWELLING PROVISIONS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>j. the applicant may be required to enter into a development agreement or road use agreement to reimburse the County for costs incurred with respect to any damage or repair required to the municipal road as a result of the relocation of the dwelling.</p>	<p>j. the applicant may be required to enter into a development agreement or road use agreement to reimburse the County for costs incurred with respect to any damage or repair required to the municipal road as a result of the relocation of the dwelling.</p>	
<p><b>Current provisions under 9.12</b></p> <p>9.21.6 An application for a Development Permit must be accompanied with the following:</p> <p>a. A completed checklist declaration for the relocation of a building/dwelling, moved on.</p> <p>b. An APEGGA certified Professional Engineer's report for the building or structure to be moved, stating that the building or structure meets the requirements of the applicable Building Code and that it is structurally capable of being moved.</p> <p><i>Other provisions continue c through e</i></p>	<p><b>Section 9.21.6 b. shall be amended as follows:</b></p> <p>9.21.6 An application for a Development Permit must be accompanied with the following:</p> <p>a. A completed checklist declaration for the relocation of a building/dwelling, moved on.</p> <p>b. <b>A current (up to date)</b> An APEGGA certified Professional Engineer's report for the building or structure to be moved, stating that the building or structure meets the requirements of the applicable Building Code and that it is structurally capable of being moved.</p> <p><i>Other provisions c through e are unchanged.</i></p>	<p>Section 9.21.6 list what must be accompanied with a Development Permit Application.</p> <p>Amendments are proposed to clarify that engineer reports must be current.</p>

EXCEPTIONS FOR SQUARE BUTTE UNDER RECREATION DISTRICT		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>16.1.8 Exceptions - Square Butte:</b></p> <p>16.1.8.1 For Plan 9913474, units 51 through 56 and Plan 0010101, Units 58 through 63, allow for 0 setback to property lines, excepting the rear yard of the dwelling units which shall be 15m (49.21 ft.).</p> <p>16.1.8.2 For Plan 9910270, units 32 through 41 and Plan 9710379, units 1 through 26, allow for the use of setbacks as defined under the Residential Community District.</p>	<p><b>16.1.8 Exceptions - Square Butte:</b></p> <p>16.1.8.1 For Plan 9913474, units 51 through 56 and Plan 0010101, Units 58 through 63, allow for 0 setback to property lines, excepting the rear yard of the dwelling units which shall be 15m (49.21 ft.).</p> <p>16.1.8.2 For Plan 9910270, units 32 through 41 and Plan 9710379, units 1 through 26, allow for the following setbacks: use of setbacks as defined under the Residential Community District.</p> <p>a. Front Yard Setbacks:</p> <p>i. 48m (157.48 ft.) from the centreline of a Municipal Road.</p> <p>ii. 5m (16.40 ft) from the property line for internal subdivision roads and internal laneways.</p> <p>b. Side Yard Setbacks:</p> <p>i. 1.5m (4.92 ft.) from the property line.</p> <p>c. Rear Yard Setbacks:</p> <p>i. Principal Building – 8m (26.25 ft.) from the property line.</p> <p>ii. Accessory Building – 1m (3.28 ft) from the property line.</p> <p>iii. Decks and associated staircases (steps) may project into the rear yard setback to a maximum of 1.5m (4.92 ft.).</p>	<p>Amendment to the exception for Square Butte setbacks, for consistency and clarification in accordance with the development itself, as the previous setback at the time of the exception was put in place, was less.</p> <p>Including these setbacks in the exception allows the setback to remain over time and does not change as the Residential Community setbacks are amended.</p>

HOME OFFICE/HOME BASED BUSINESS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>Current provisions under Section 10.12</b></p> <p><b>Home Office:</b></p> <p>10.12.1. No Development Permit is required for a <i>Home Office</i> where it is listed as a permitted use under the applicable land use district in accordance with Section 4.2.1 of this bylaw.</p> <p>10.12.2. Notwithstanding Section 10.12.1, an annual Foothills County business license shall be obtained for any <i>Home Office</i> operating in the County.</p> <p>10.12.3. There is no limit to the number of employees for a <i>Home Office</i> where a portion of the dwelling and/or accessory building is the office for a business that operates off site (construction, landscaping, etc.), provided all interaction with the employees is off the property and employee vehicles are not on the premises and all other provisions of the <i>Home Office</i> are met.</p>	<p><b>The following as added to Section 10.12 pertaining to Home Office:</b></p> <p><b>Home Office:</b></p> <p>10.12.1. No Development Permit is required for a <i>Home Office</i> where it is listed as a permitted use under the applicable land use district in accordance with Section 4.2.1 of this bylaw.</p> <p>10.12.2. Notwithstanding Section 10.12.1, an annual Foothills County business license shall be obtained for any <i>Home Office</i> operating in the County.</p> <p>10.12.3. There is no limit to the number of employees for a <i>Home Office</i> where a portion of the dwelling and/or accessory building is the office for a business that operates off site (construction, landscaping, etc.), provided all interaction with the employees is off the property and employee vehicles are not on the premises and all other provisions of the <i>Home Office</i> are met.</p> <p>10.12.4. When a Home office is situated on a property in support of another business use approved for the site (for example uses such as event venue or dog kennel), the home office should be incorporated as part of the Development Permit approval and appropriate provisions included under the Development Permit for office in conjunction with the approved business use.</p>	<p>Clarification for Home Offices that are in support of other business uses approved for the site.</p> <p>We encourage the office being incorporated into the Development Permit for the overall business.</p>
<p><b>Current Provisions for Home Based Businesses:</b></p> <p><u>Home Based Businesses:</u></p> <p>10.12.4. A Development Permit is required for all Home Based Businesses that are not exempt from obtaining a Development Permit under Section 4.2.1 of this Bylaw.</p> <p>10.12.5. Upon issuance of a Development Permit for any home based business, the applicant shall obtain a Foothills County Business Licence from the County. If the business licence is not obtained or is revoked or suspended, the Development Permit shall be and remain suspended until the business licence is obtained or re- instated.</p>	<p><b>The following provision is added to Section 10.12:</b></p> <p><u>Home Based Businesses:</u></p> <p>10.12.5. A Development Permit is required for all Home Based Businesses that are not exempt from obtaining a Development Permit under Section 4.2.1 of this Bylaw.</p> <p>10.12.6. Upon issuance of a Development Permit for any home based business, the applicant shall obtain a Foothills County Business Licence from the County. If the business licence is not obtained or is revoked or suspended, the Development Permit shall be and remain suspended until the business licence is obtained or re- instated.</p>	<p>One additional provision (10.12.13) added to Home Based Business to ensure that the cumulative impact of all businesses on a single property are acknowledged under A Development Permit.</p> <p>Provisions renumbered accordingly.</p>

HOME OFFICE/HOME BASED BUSINESS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>10.12.6 All <i>Home Based Business</i> shall provide parking in accordance with Section 9.19 of this bylaw.</p> <p>10.12.7 Large commercial vehicles to be used in conjunction with a Type II and Type III Home Based Business, may be permitted at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, site screening, etc.</p> <p>10.12.8 Home Based Businesses must comply with the criteria in the corresponding Home Based Business Tables as follows:</p> <p>a. Home Based Business Type I - Table 10.12A.</p> <p>b. Home Based Business Type II – Table 10.12B</p> <p>c. Home Based Business Type III – Table 10.12C</p> <p>If more than one Home Based Business is operating on a parcel, the cumulative numbers of employees, business visits and vehicles stored on site shall be utilized to determine the level of Home-Based Business that is applicable.</p> <p>10.12.9 A Home Based Business Type I, II, or III shall not be operated from a <i>Dwelling temporary</i> on a parcel.</p> <p>10.12.10 A Home Based Business Type I, II, or III, listed as a permitted use in a land use district shall be considered a Discretionary Use, and require a Development Permit where situated in a Secondary Suite on a parcel.</p> <p>10.12.11 Home based businesses do not include Cannabis Production or Cannabis Sales.</p>	<p>10.12.7 All <i>Home Based Business</i> shall provide parking in accordance with Section 9.19 of this bylaw.</p> <p>10.12.8 Large commercial vehicles to be used in conjunction with a Type II and Type III Home Based Business, may be permitted at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, site screening, etc.</p> <p>10.12.9 Home Based Businesses must comply with the criteria in the corresponding Home Based Business Tables as follows:</p> <p>a. Home Based Business Type I - Table 10.12A.</p> <p>b. Home Based Business Type II – Table 10.12B</p> <p>c. Home Based Business Type III – Table 10.12C</p> <p>If more than one Home Based Business is operating on a parcel, the cumulative numbers of employees, business visits and vehicles stored on site shall be utilized to determine the level of Home-Based Business that is applicable.</p> <p>10.12.10 A Home Based Business Type I, II, or III shall not be operated from a <i>Dwelling temporary</i> on a parcel.</p> <p>10.12.11 A Home Based Business Type I, II, or III, listed as a permitted use in a land use district shall be considered a Discretionary Use, and require a Development Permit, where situated in a Secondary Suite on a parcel.</p> <p>10.12.12 Home based businesses do not include Cannabis Production or Cannabis Sales.</p> <p>10.12.13 The cumulative impact of things such as business visits to the site, number of employees, vehicles or equipment stored on site, <del>ef</del><u>for all businesses or uses</u> outside of the principal use on the site (for example Kennels, Event venue) shall be taken into consideration when Development Permits are being considered.</p>	

HOME OFFICE/HOME BASED BUSINESS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>LAND USE DISTRICTS - USES</b></p> <p>Home office is currently listed as a permitted use under the following land use districts:</p> <ul style="list-style-type: none"><li>• Agricultural District -,</li><li>• Agricultural Business District</li><li>• Country Residential District</li><li>• Cluster Residential District</li><li>• Country Estate Residential District</li><li>• Residential Community District</li><li>• Residential Multi-Family District</li><li>• Residential Manufactured Home District</li><li>• Recreation District</li><li>• Rural Business District</li><li>• DC#22 (Priddis Meadows)</li><li>• DC#26 (Dog Kennels)</li><li>• DC#27 (Home Based Business)</li><li>• DC#29 (Riding Arenas)</li><li>• DC#32 (Ag Societies)</li><li>• DC#35 (Event Venue)</li><li>• DC#36 (Equine Rehab Centre)</li></ul>	<p><b>AMENDMENTS TO LAND USE DISTRICTS:</b></p> <p><b>Home Office</b> is added to the following land use districts as a <u>permitted use</u>:</p> <ul style="list-style-type: none"><li>• DC#1 (Spruce Meadows)</li><li>• DC#3 (Retreat Facilities)</li></ul> <p><b>Home Office</b> is added to the following land use districts as a <u>discretionary use as Dwelling</u> is discretionary:</p> <ul style="list-style-type: none"><li>• Natural Resource Extraction District</li><li>• Service District</li></ul>	<p>We are reviewing existing land use districts and considering inclusion of Home.</p> <p>Office/Home Based Business I in some other land use districts where dwelling units are listed as a use.</p> <p>Office/Home Based Businesses do not require a Development permit if listed as a permitted use but does require a Development Permit where listed as a discretionary use.</p> <ul style="list-style-type: none"><li>• Where Dwelling is a discretionary use, HBB are listed as discretionary.</li><li>• Home Office and HBB I are normally Permitted uses.</li></ul>

HOME OFFICE/HOME BASED BUSINESS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>LAND USE DISTRICTS - USES</b></p> <p><b>Home Based Business I (HBB I)</b> is currently listed as uses under the following land use districts:</p> <p><u>Permitted Use:</u></p> <ul style="list-style-type: none"><li>• Agricultural District</li><li>• Agricultural Business District</li><li>• Country Residential District</li><li>• Cluster Residential District</li><li>• Country Estate Residential District</li><li>• Rural Business District</li><li>• DC27 (Home Based Business)</li><li>• DC#36 (Equine Rehab Centre)</li></ul> <p><u>Discretionary Use:</u></p> <ul style="list-style-type: none"><li>• Residential Community District</li><li>• Residential Multi-Family District</li><li>• Residential Manufactured Home District</li><li>• Recreation District</li><li>• DC#22 (Priddis Meadows)</li><li>• DC#29 (Riding Arenas)</li><li>• DC#32 (Ag Societies)</li><li>• </li></ul>	<p><b>AMENDMENTS TO LAND USE DISTRICTS:</b></p> <p><b>Home Based Business I (HBB I)</b> shall be added to the following land use districts as a <b>discretionary use</b>:</p> <ul style="list-style-type: none"><li>• Natural Resource Extraction District</li><li>• Service District</li><li>• DC#1 (Spruce Meadows)</li><li>• DC#3 (Retreat Facilities)</li><li>• DC#26 (Dog Kennels)</li><li>• DC#35 (Event Venue)</li></ul>	<p>These land use districts must apply for a Development Permit for a Home Based Business I, but the use is provided as an option as they have dwellings as a use allowed.</p>

LOT GRADING AND PLACING OF TOPSOIL		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>SECTION 4.2.1 NO DEVELOPMENT PERMIT REQUIRED:</b></p> <p>4.2.1.6 On Agricultural District, Agricultural Business District, and Direct Control District parcels, any construction, excavation, or other activity necessary in order to enable the land to be used for Agricultural, General purposes, except where:</p> <p>a. The site of the development is within the minimum setback distance required to a Municipal Road or Provincial Highway.</p> <p><i>(Please note, although you may not require a Development Permit by the Foothills County, a roadside development permit may be required from Alberta Transportation for any development within 300m (984.25 ft.) of a Provincial Highway.)</i></p> <p>b. The construction, excavation or other activity is to construct or accommodate the construction of a building to be used as a Dwelling, Moved On, a Dwelling, Secondary Suite, or Dwelling, Temporary.</p> <p>c. the construction involves a building to be used as an “arena, private”, “arena, limited public” or “arena, commercial” as defined under Section 2.5 Definitions of this Bylaw in which case a Development Permit is required; or</p> <p>d. For lot grading that may adversely impact the natural drainage direction or volume into, out of, or through a property or the natural drainage storage capacity of the property.</p>	<p><b>SECTION 4.2.1 NO DEVELOPMENT PERMIT REQUIRED:</b></p> <p><b>The following provision shall be added to section 4.2.1.6:</b></p> <p>4.2.1.6 On Agricultural District, Agricultural Business District, and Direct Control District parcels, any construction, excavation, or other activity necessary in order to enable the land to be used for Agricultural, General purposes, <b>except:</b></p> <p>a. Where the site of the development is within the minimum setback distance required to a Municipal Road or Provincial Highway.</p> <p><i>(Please note, although you may not require a Development Permit by the Foothills County, a roadside development permit may be required from Alberta Transportation for any development within 300m (984.25 ft.) of a Provincial Highway.)</i></p> <p>b. The construction, excavation or other activity is to construct or accommodate the construction of a building to be used as a Dwelling, Moved On, a Dwelling, Secondary Suite, or Dwelling, Temporary.</p> <p><del>the</del><b>C</b>onstruction involves <b>in</b> a building to be used as an “arena, private”, “arena, limited public” or “arena, commercial” as defined under Section 2.5 Definitions of this Bylaw in which case a Development Permit is required; or</p> <p>d. For lot grading that may adversely impact the natural drainage direction or volume into, out of, or through a property or the natural drainage storage capacity of the property.</p> <p>e. <b>The placement of fill or topsoil on any site in excess of the limits identified under 4.2.1.37 or where the placement of fill or topsoil on a site is not in accordance with an already approved Development Permit, Subdivision Approval, Or Development Agreement.</b></p>	<p>Added a clause that ensures that placing of topsoil or fill on a property, even for agricultural purposes, must be within the limits of Section 4.2.1.37 or be in accordance with an already approved Development Permit, Subdivision Approval, or Development Agreement or it requires a DP and does not fall within Section 4.2.1.</p> <p><b>Minor wording / formatting changes for clarity.</b></p> <p>We have a number of increased incidents where topsoil is being brought into the County and dumped on land with the “agricultural purposes” notation to avoid requiring a DP or allowing the County to require road use agreements.</p>

LOT GRADING AND PLACING OF TOPSOIL		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>4.2.1.37 The placing of topsoil or fill on a property for the purposes of:</p> <ul style="list-style-type: none"><li>a. Development of less than 1 acre where the placing of clean topsoil is for landscaping purposes as defined by this Bylaw.</li><li>b. Development of less than 1 acre where the placing of up to 1.0m (3.28 ft.) of fill adjacent to or within 15m of a building under construction that has a valid Building Permit.</li><li>c. The placing of clean topsoil for agricultural purposes.</li><li>d. The placing of up to 1m (3.28 ft.) of fill including topsoil providing topsoil is stripped and stockpiled prior to placing of fill, and then replaced.</li><li>e. The placing or replacing of sand and fill for the purposes of an indoor or outdoor riding arena; and</li><li>f. The placing of up to 15 – 20 cubic yards of topsoil for the purposes of landscaping.</li></ul> <p>Provided there is no adverse impact on the natural drainage direction or volume into, out of, or through the property or adjacent land or adverse impact on the natural drainage storage capacity of the property in accordance with provisions under Section 9.17.</p> <p><i>Provisions on lot grading and drainage can be found under Section 9.17 of this Bylaw.</i></p>	<p><b>The following amendments shall be made to Section 4.2.1.37:</b></p> <p>4.2.1.37 <u>Provided</u> <del>there is no adverse impact on the natural drainage direction or volume into, out of, or through the property or adjacent land, or adverse impact on the natural drainage storage capacity of the property in accordance with provisions under Section 9.17</del>, the placing of topsoil or fill on a property for the purposes of:</p> <ul style="list-style-type: none"><li>a. Development of less than 1 acre where the placing of clean topsoil is for landscaping purposes as defined by this Bylaw; <del>or</del></li><li>b. Development of less than 1 acre where the placing of up to 1.0m (3.28 ft.) of fill adjacent to or within 15m of a building under construction that has a valid Building Permit; <del>or</del></li><li>c. <del>The placing of clean topsoil for agricultural purposes.</del></li><li>c. The placing of up to 1m (3.28 ft.) of fill including topsoil <del>on an area of less than 1 acre</del>, providing topsoil is stripped and stockpiled prior to placing of fill, and then replaced; <del>or</del></li><li>d. The placing or replacing of sand and fill for the purposes of an indoor or outdoor riding arena; <del>and</del> <del>or</del></li><li>e. The placing of up to <del>15</del> – 20 cubic yards of topsoil for the purposes of landscaping; <del>or</del></li><li>f. <del>The placement of fill or topsoil on any site in accordance with an already approved Development Permit, Subdivision Approval, or Development Agreement.</del></li></ul> <p><del>Provided there is no adverse impact on the natural drainage direction or volume into, out of, or through the property or adjacent land or adverse impact on the natural drainage storage capacity of the property in accordance with provisions under Section 9.17.</del></p> <p><i>Provisions on lot grading and drainage can be found under Section 9.17 of this Bylaw.</i></p>	<p>Section 4.2.1.37 has been amended to exclude general placing of clean topsoil on land for agricultural purposes and restricting the placing of up to 1m of fill including topsoil to an area of less than acre without a Development Permit.</p> <p>Development Permits for such can ensure that development agreements, road use agreements, and engineered drainage plans approvals.</p> <p>We had added a provision to clarify that no additional Development Permit is required. where placement of topsoil or fill on a site in accordance with an already approved development permit, subdivision approval, or development agreement,</p>

LOT GRADING AND PLACING OF TOPSOIL		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<b>SECTION 9.17 LOT GRADING</b>  9.17.10 Topsoil may only be relocated from one property to another in accordance with a Development Permit, subdivision approval, or development agreement unless it is exempted by Section 4.2.1. of this bylaw.	<b>SECTION 9.17 LOT GRADING</b>  <b>The following amendments shall be made to Section 9.17:</b> <del>9.17.10 Topsoil may only be located from one property to another in accordance with a Development Permit, subdivision approval, or development agreement unless it is exempted by Section 4.2.1. of this bylaw.</del> <b>9.17.10 A Development Permit shall be required for relocating topsoil from one property to another in the County or from lands outside of the County except where it is in accordance with an executed Development Agreement or exempted under Section 4.2.1 of this Bylaw.</b> <b>9.17.11 On applications for Development Permit for the placing of topsoil on a property in accordance with Section 9.17.10, the Development Authority, may require the following:</b> <div><b>a. an executed Development Agreement, and/or</b> <b>b. a Road Use Agreement to the satisfaction of the County's Public Works department or written confirmation from the County that a Road Use Agreement is not required; and</b> <b>c. An approved engineered Lot Drainage Plan to the satisfaction of the County's Public Works Department.</b></div>	Provisions added noting the requirement for a Development Permit to relocate topsoil to a property in the County except where exempt under Section 4.2.1.  Added provisions that may be required as part of the Development Permit for placing topsoil on a property.

KENNELS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
10.13.12 A Commercial Kennel a discretionary use under Direct Control District #26. A redesignation to Direct Control District#26 is required for all commercial kennels in the County. If approved by Council, a Development Permit approval is also required. More information on the keeping of dogs can be found in Section 9.12.	10.13.12 A Commercial Kennel is a Discretionary Use under General Industry District and Direct Control District #26. A redesignation to Direct Control District#26 is required for all Commercial Kennels in the County outside of these land use districts in advance of a Development Permit application. <del>If approved by Council,</del> A Development Permit approval is <del>also</del> required for all Kennels. More information on the keeping of dogs can be found in Section 9.12.	Commercial Kennel is also a use under General Industry District and so that was updated.  Wording clarification about the redesignation and Development Permit.

SIGNAGE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>Current provision under Section 4.2.1.</b></p> <p>4.2.1.40 Signs relating to the sale, lease or rental of a building or land to which they are attached, provided that:</p> <p>a. The sign is not illuminated; and</p> <p>b. Each sign shall not exceed 1.0 sq. m. (11 sq. Ft.) in area, in a Residential Community District.</p> <p>c. Each sign shall not exceed 2.32 sq. m. (25 sq. ft.) in area, in any other District; and</p> <p>d. Each sign is removed within 14 days of the sale, lease, or rental.</p>	<p><b>Section 4.2.1.40 shall be amended to read as follows:</b></p> <p>4.2.1.40 <b>One</b> sign <b>per parcel</b>, relating to the sale, lease or rental of a building or land provided that:</p> <p>a. The sign is not illuminated; and</p> <p>b. <b>The</b> sign shall not exceed <b>1.5 sq. m. (16 sq. Ft.)</b> in area, in a Residential Community District.</p> <p>c. <del>Each</del><b>The</b> sign shall not exceed <b>3 sq. m. (32 sq. ft.)</b> in area, in any other District; and</p> <p>d. <b>The sign shall not be greater than eight (8) ft. in height.</b></p> <p>e. <b>The sign must be located entirely within the subject lands relating to the sale, lease, or rental.</b></p> <p>f. <del>Each</del><b>The</b> sign is removed within 14 days of the sale, lease, or rental.</p>	<p>For clarity, we are noting that only one sign per parcel is permitted without a permit.</p> <p>Also updating the size of the sign allowances in accordance with sign companies and identifying height and location for clarity.</p>
NEW	<p><b>The following new provision is added to Section 4.2.1 pertaining to signage:</b></p> <p><b>4.2.1.47</b></p> <p>One temporary sign, for the purposes of identification of and/or public engagement for a proposed development, redesignation, subdivision, or statutory plan proposal where:</p> <p>a. The sign does not exceed 3.0 sq. m. (32 sq. ft.) in area.</p> <p>b. The sign does not exceed 2.5m. (8 ft.) in height; and</p> <p>c. There shall be a limit of one (1) sign per lot.</p> <p>d. The landowner must receive permission, through internal review by the County, prior to this sign being installed on the subject lands. (Review submissions must contain the location, dimensions, date of installation <u>and removal</u>, and content of the proposed sign).</p> <p>e. The sign must be located entirely within the subject lands and shall include contact information (website and/or valid phone number) for enquiries/questions.</p> <p><del>f. The sign shall remain on site for a period of no more than 6 months.</del></p>	<p>Allowance for signage that is temporary for up to six months, for identification of proposed development, statutory plan, redesignation, or subdivision and/or public consultation on such.</p>

PROPOSED AMENDMENTS ARE SHOWN IN RED

SIGNAGE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
	f.	

ACCESS TO PROPERTY		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>4.2.1. NO DEVELOPMENT PERMIT REQUIRED</b></p> <p>4.2.1.1 A private driveway developed on privately owned property for the purpose of vehicular access.</p>	<p><b>4.2.1. NO DEVELOPMENT PERMIT REQUIRED</b></p> <p><b>The following provision shall be amended as follows:</b></p> <p>4.2.1.1 A private driveway developed on privately owned property for the purpose of vehicular access. <b>This does not include the approach to a property for any development requiring a building permit or use other than agricultural use, where there is no fully constructed legal approach to the lands. See Section 9.1 for more details.</b></p>	<p>Amendment to clarify that a development permit is required when parcels do not have developed access and are wanting a building permit.</p>
<p><b>9.1 ACCESS TO PROPERTY</b></p> <p>9.1.1 All newly created parcels must have a direct legal, physical access. The Director of Public Works and engineering, in consultation with the Approving Authority where applicable, may determine the most suitable access and egress point(s) onto a Municipal road with regard to any new accesses in the County.</p>	<p><b>SECTION 9.1 ACCESS TO PROPERTY</b></p> <p><b>The following provision shall be added to Section 9.1 as follows:</b></p> <p>9.1.1 All newly created parcels must have a direct legal, physical access. The Director of Public Works and engineering, in consultation with the Approving Authority where applicable, may determine the most suitable access and egress point(s) onto a Municipal Road with regard to any new accesses in the County.</p> <p><b>9.1.2 Legal access to a parcel of land, for any use other than agricultural use, must exist prior to a Development Permit and/or Building Permit being issued.</b></p> <p><b>9.1.3 Notwithstanding Section 9.1.4, A Development Permit or Building Permit cannot be obtained until the Director of Public Works has signed off on an approved access. Sign off by the Director of Public Works may involve the landowners to fully executing and complying with all requirements of a Municipal Development Agreement for the purposes of development of legal access to the lands, including submission of appropriate engineered drawings, cost estimates, liability insurance and a letter of credit to the satisfaction of the Director of Public Works.</b></p> <p><b>9.1.4</b> Section 4.2.1 of this bylaw outlines where no Development Permit is required for development of an access to property. It is the landowner's responsibility to ensure that they have obtained all necessary permits in all other instances.</p>	<p>This section is amended to clarify that a Development Permit is required for construction of roads providing access to the lands prior to any development on a property requiring a building permit (other than agricultural use) where there is no fully constructed legal access to the property.</p> <p>In place of Section 9.1.7, the following are added for clarification that both a Development Permit and a Development Agreement, as a prerelease condition of the Development Permit, will be required to develop legal access to a parcel where one wishes to build/develop except for agricultural purposes.</p> <p>Provisions <a href="#">renumbered accordingly</a>.</p>
<p>9.1.2 Section 4.2.1 of this bylaw outlines where no Development Permit is required for development of an access to property. It is the landowner's responsibility to ensure that they have obtained all necessary permits in all other instances.</p>		

ACCESS TO PROPERTY		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>9.1.3 For purposes of this Bylaw, an easement agreement or easement does not constitute legal access unless a future road dedication or utility right of way has been registered over the easement area and the County has become a party to the easement to ensure that it cannot be removed without Council resolution.</p> <p>9.1.4 All site access from roads shall be to the satisfaction of the Director of Public Works and Engineering with respect to location and design.</p> <p>9.1.5 As a condition of development, the Approving Authority may require the construction of new approaches, upgrading to existing approaches and/or the removal of approaches to achieve desired access management objectives.</p> <p>9.1.6 All approaches shall be constructed or upgraded to the satisfaction of the Director of Public Works and Engineering in accordance with the “Rural Approach Standards Policy” which can be found in Appendix I. Where required, adjustments to approaches shall be at the cost of the applicant.</p> <p>9.1.7 No use or development shall be permitted without provision for physical road access unless the Approving Authority imposes a condition requiring the applicant to enter into a development agreement with the County to construct or pay for the construction or upgrading of public roads or walks necessary to serve the development.</p> <p>9.1.8 The Council may allow access by way of easement in special circumstances if deemed appropriate. In such case, the County will be party to the easement agreement and the agreement shall be registered on title. A road acquisition agreement and Caveat may be required over the easement area registered on title of the subject lands.</p> <p>9.1.9 Upgrading and surfacing of private driveways within the Municipal right of way will require approval by the Director of Public Works and Engineering and shall be in accordance with the “Rural Approach Standards” included as Appendix I of this bylaw.</p>	<p>9.1.5 For purposes of this Bylaw, an easement agreement or easement does not constitute legal access unless a future road dedication or utility right of way has been registered over the easement area and the County has become a party to the easement to ensure that it cannot be removed without Council resolution.</p> <p>9.1.6 All site access from roads shall be to the satisfaction of the Director of Public Works and Engineering with respect to location and design.</p> <p>9.1.7 As a condition of <u>a</u> development <b>permit, redesignation or land use amendment</b>, or subdivision approval, the Approving Authority may require the construction of new approaches, upgrading to existing approaches and/or the removal of approaches to achieve desired access management objectives.</p> <p>9.1.8 All approaches shall be constructed or upgraded to the satisfaction of the Director of Public Works and Engineering in accordance with the “Rural Approach Standards Policy” which can be found in Appendix I. Where required, adjustments to approaches shall be at the cost of the applicant.</p> <p><del>9.1.7 No use or development shall be permitted without provision for physical road access unless the Approving Authority imposes a condition requiring the applicant to enter into a development agreement with the County to construct or pay for the construction or upgrading of public roads or walks necessary to serve the development.</del></p> <p>9.1.9 The Council may allow access by way of easement in special circumstances if deemed appropriate. In such case, the County will be party to the easement agreement and the agreement shall be registered on title. A road acquisition agreement and Caveat may be required over the easement area registered on title of the subject lands.</p> <p>9.1.10 Upgrading and surfacing of private driveways within the Municipal right of way will require approval by the Director of Public Works and Engineering and shall be in accordance with the “Rural Approach Standards” included as Appendix I of this bylaw.</p>	

PROVISIONS UNDER DIRECT CONTROL #34 – COMMERCIAL SOLAR POWER SYSTEMS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>Current provisions under Development Requirements in DC#34:</b></p> <p><b>18.34.5.5 Other Minimum Setback Requirements:</b></p> <p>a. See Section 9.27 “Special Setback Requirements” of Land use bylaw for additional setback requirements that may apply.</p> <p>b. The Approving Authority may require a greater minimum setback for any use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses having regard for the location of the development, potential environmental impacts, adjacent land uses, and any determined natural, scenic, or ecologically significant feature of the landscape.</p>	<p><b>Section 18.34.5.5 is amended as follows:</b></p> <p><b>18.24.5.5 Other Minimum Setback Requirements:</b></p> <p>a. See Section 9.27 “Special Setback Requirements” of Land use bylaw for additional setback requirements that may apply.</p> <p>b. <b>The Approving Authority may require a setback of 300 metres from the solar installation to all adjacent residences, or a distance that minimizes the visual impact of the solar installation from the adjacent residences to the satisfaction of the Approving Authority.</b></p> <p>c. The Approving Authority may require a greater minimum setback for any use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses having regard for the location of the development, potential environmental impacts, adjacent land uses, and any determined natural, scenic, or ecologically significant feature of the landscape.</p>	<p>Addition to the minimum setback requirements under Direct Control District #34 for Commercial Solar Power Systems from the solar installation to all adjacent residences.</p>


SECONDARY SUITES		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>Current definition under Section 2.5:</b></p> <p><b>HABITABLE AREA</b> means the sum of all floors of all livable space contained within the exterior walls of the structure above grade (this does not include any basement area except in the case of walk-out basements in which case the walk-out basement is considered the first floor), designated for human occupancy including areas for living, sleeping, eating or food preparation, or recreational purposes , but does not include the garage, or areas used exclusively for storage, or areas devoted exclusively to mechanical or electrical equipment servicing the development.</p>	<p><b>The following definition shall be amended to read:</b></p> <p><b>HABITABLE AREA</b> means the sum of all floors of all livable space contained within the exterior walls of the structure above grade (this does not include any basement area except in the case of walk-out basements in which case the walk-out basement is considered the first floor), designated for human occupancy including areas for living, sleeping, eating or food preparation, or recreational purposes , but does not include the garage, <del>or areas used exclusively for storage</del>, or areas devoted exclusively to mechanical or electrical equipment servicing the development. <b>When determining the habitable area of a Secondary Suite, the basement is included and considered habitable area (whether the basement is finished or unfinished). Please see Section 10.26 for details.</b></p>	<p>Removing the exclusion of areas used exclusively for storage. Storage area not included within a mechanical room or garage can be considered living space as it is easily converted to living space.</p> <p>Clarification is added for the Habitable area when looking at Secondary Suites, a basement is included.</p>
<p><b>Currently Under Section 10.26.11Secondary Suites – For Information:</b></p> <p>For the purpose of determining Secondary Suite size, the habitable area is the sum of all floors of all livable space contained within the exterior walls of the structure, including the basement designated for human occupancy including areas for living, sleeping, eating or food preparation, or recreational purposes, but does not include the garage, or areas used exclusively for storage, or areas devoted exclusively to mechanical or electrical equipment servicing the development.</p>	<p><b>The following provision shall be removed under from below Section 10.26.11 and replaced under Section 10.26.12 as amended to read:</b></p> <p>For the purpose of determining Secondary Suite size, the habitable area of a <b>Secondary Suite</b> is the sum of all floors of all livable space contained within the exterior walls of the structure, <u>including the basement</u>, <b>which is</b> designated for human occupancy. <b>This includes</b> areas for living, sleeping, eating or food preparation, or recreational purposes, but does not include the garage, <del>or areas used exclusively for storage</del>, or areas devoted exclusively to mechanical or electrical equipment servicing the development.</p>	<p>Amended for clarity.</p>

SECTION 5.6 VARIANCES		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>Current provisions under Section 5.6 Variances:</b></p> <p>5.6.2 The Development Authority may allow with respect to existing development, a variance of any yard setback to a maximum of 90% of the setback required by this Bylaw, with the exception of side yard setbacks within Residential Community District lands.</p> <p>5.6.12 Notwithstanding Section 5.6.2, where the variance is for a yard setback to a Municipal road, the variance may be a maximum of 90% of the setback required by this Bylaw only where the variance would result in development being no closer than 5m to the ultimate right of way of the Municipal road.</p>	<p><b>Section 5.6.2 is amended to read as follows and the provisions under this section renumbered accordingly:</b></p> <p>5.6.2 The Development Authority may allow <del>with respect to existing development</del>, a variance <del>on existing development</del>, on any yard setback to a maximum of 90% of the setback required by this Bylaw, with the exception of: <del>the side yard setbacks within Residential Community District lands</del>.</p> <p class="list-item-l1">a. a side yard setback on lands zoned Residential Community District.</p> <p class="list-item-l1">b. a setback to a Municipal road that would result in development being less than 5m from the ultimate right of way of the Municipal road, Municipal Road, Major, or Internal Subdivision road.</p> <p><del>5.6.12 Notwithstanding Section 5.6.2, where the variance is for a yard setback to a Municipal road, the variance may be a maximum of 90% of the setback required by this Bylaw only where the variance would result in development being no closer than 5m to the ultimate right of way of the Municipal road.</del></p>	<p>For clarity we combined these two provisions into one as provision 5.6.12 was located at the end but relevant to 5.6.2..</p>

SECTION 3.1 DEVELOPMENT AUTHORITY		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>Current provisions under Section 3.1 Development Authority</b></p> <p>3.1.1. Pursuant to Section 623 of the Municipal Government Act, the office of Development Authority is hereby established and shall be filled by a person or persons to be appointed by the Chief Administrative Officer of the Foothills County as appointed by Council and shall perform such duties as specified in this Bylaw and the Municipal Government Act. The Development Authority shall:</p> <p>a. keep and maintain for the inspection of the public during office hours a copy of this Bylaw and all amendments thereto and ensure that copies of the same are made available to the public at a reasonable charge.</p> <p>b. keep and maintain for the inspection of the public during office hours, a register of all applications for Development Permits including the decisions thereon and the reasons therefore and all orders issued by the Approving Authority while the development is active and for a period of seven years thereafter.</p> <p>c. receive, consider, and decide on all applications for Development Permits, except in Direct Control Districts, where Council will be the Approving Authority pursuant to Section 64.1 of the Municipal Government Act.</p> <p>d. advise applicants for Development Permits whereby the uses are neither permitted uses or discretionary uses in the district in which the use is proposed to be carried on, the option of applying to Council for an amendment to this Bylaw.</p> <p>e. sign and issue all Development Permits, notices and orders approved, given, or issued by the Approving Authority.</p> <p>f. Receive, consider, and decide on requests for time extensions to Development Permits other than decisions made by the Development Appeal Board.</p> <p>g. Receive, consider, and decide on applications for renewals of temporary Development Permits provided that the applications are identical;</p>	<p><b>Section 3.1.1 (f). shall be amended as follows:</b></p> <p>3.1.1. Pursuant to Section 623 of the Municipal Government Act, the office of Development Authority is hereby established and shall be filled by a person or persons to be appointed by the Chief Administrative Officer of the Foothills County as appointed by Council and shall perform such duties as specified in this Bylaw and the Municipal Government Act. The Development Authority shall:</p> <p>a. keep and maintain for the inspection of the public during office hours a copy of this Bylaw and all amendments thereto and ensure that copies of the same are made available to the public at a reasonable charge.</p> <p>b. keep and maintain for the inspection of the public during office hours, a register of all applications for Development Permits including the decisions thereon and the reasons therefore and all orders issued by the Approving Authority while the development is active and for a period of seven years thereafter.</p> <p>c. receive, consider, and decide on all applications for Development Permits, except in Direct Control Districts, where Council will be the Approving Authority pursuant to Section 64.1 of the Municipal Government Act.</p> <p>d. advise applicants for Development Permits whereby the uses are neither permitted uses or discretionary uses in the district in which the use is proposed to be carried on, the option of applying to Council for an amendment to this Bylaw.</p> <p>e. sign and issue all Development Permits, notices and orders approved, given, or issued by the Approving Authority.</p> <p>f. Receive, consider, and decide on requests for time extensions to Development Permits <del>other than decisions made by the Development Appeal Board</del>.</p> <p>g. Receive, consider, and decide on applications for renewals of temporary Development Permits provided that the applications are identical.<sup>5</sup></p>	<p>Minor amendment to Section 3.1.1.(f) to allow the Development Officers the ability to accept time extensions on applications that the DAB has approved.</p> <p>Currently practice when the DAB authorizes them to have the ability for a time extension.</p>

SECTION 9.27 SPECIAL SETBACKS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p><b>Current provision under Section 9.27:</b></p> <p>9.27.5 Balconies, eaves, fireplaces, sills, canopies, and cornices may project into the minimum front or side yard setback to a maximum of 600mm (1.97 ft.) or into the minimum rear yard setback to a maximum of 1.5m (4.92 ft.) on Agricultural, Country Residential, Cluster Residential parcels, and may project into the minimum rear yard setback, of a Estate Residential, Residential Community District, and Residential Manufactured Home district to a maximum of 0.8m (2.62 ft.) for the principal building and 0.1m (0.33 ft.) for an accessory building.</p>	<p><b>Section 9.27.5 shall be amended as follows:</b></p> <p>9.27.5 Balconies, eaves, fireplaces, sills, canopies, <u>window wells</u>, and cornices may project into the minimum front or side yard setback to a maximum of 600mm (1.97 ft.) or into the minimum rear yard setback to a maximum of 1.5m (4.92 ft.) on Agricultural, Country Residential, Cluster Residential parcels, and may project into the minimum rear yard setback, of a Estate Residential, <del>Residential Community District</del>, and Residential Manufactured Home district to a maximum of 0.8m (2.62 ft.) for the principal building and 0.1m (0.33 ft.) for an accessory building</p> <p>9.27 5.1 Balconies, eaves, fireplaces, sills, canopies, <u>window wells</u>, and cornices may project into the minimum rear yard setback to a maximum of 1.5m (4.92 ft.) on Residential Community District for the principal building and 0.1m (0.33 ft.) for an accessory building.</p>	<p>To be consistent with the Residential Community District Minimum Yard Setback Requirements under Section 13.4.7.3 c. iii.</p> <p>13.4.3.3 c. Rear Yard Setbacks:</p> <p>i. Principal Building – 8m (26.25 ft) from the property line.</p> <p>ii. Accessory Building – 1m (3.28 ft.) from the property line; and</p> <p>iii. Decks and associated staircases (steps) may project into the rear yard setback to a maximum of 1.5m (4.92 ft.).</p>

**MISCELLANEOUS PLANNING ITEM**  
**PLANNING AND DEVELOPMENT REPORT TO COUNCIL**  
**2<sup>ND</sup> AND 3<sup>RD</sup> READING TO BYLAW 29/2024**  
**June 26, 2024**

<b>APPLICATION INFORMATION</b>		<b>File No. 24R017</b>
	<b>LEGAL DESCRIPTION:</b>	NE 01-22-01 W5M; Plan 0611735, Block 25, Lot 16
	<b>LANDOWNERS:</b>	Lake at Heritage Pointe Owners Association (LAHPOA)
	<b>APPLICANT:</b>	Rick Gallant / President, LAHPOA
	<b>AREA OF SUBJECT LANDS:</b>	2.46 acres
	<b>CURRENT LAND USE:</b>	Residential Community District
	<b>PROPOSED LAND USE:</b>	Open Space District
<b>PROPOSAL:</b> 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.		
<b>LOCATION:</b> 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.		
<b>DIVISION NO:</b> 6		<b>DEPUTY REEVE:</b> Don Waldorf
<b>FILE MANAGER:</b> Brittany Domenjoz		

**PURPOSE OF REQUEST:**

Request to Council to provide 2<sup>nd</sup> and 3<sup>rd</sup> reading to Bylaw 29/2024.

**BACKGROUND:**

**May 15, 2024:** Council granted first reading to Bylaw 29/2024 authorizing 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.

Council is of the opinion that the proposed redesignation aligns with the Heritage Pointe Area Structure Plan, Municipal Development Plan (MDP2010) and Land Use Bylaw.

**CONDITIONS TO BE MET AT REDESIGNATION:**

No conditions.

**COUNCIL ACTION REQUESTED:**

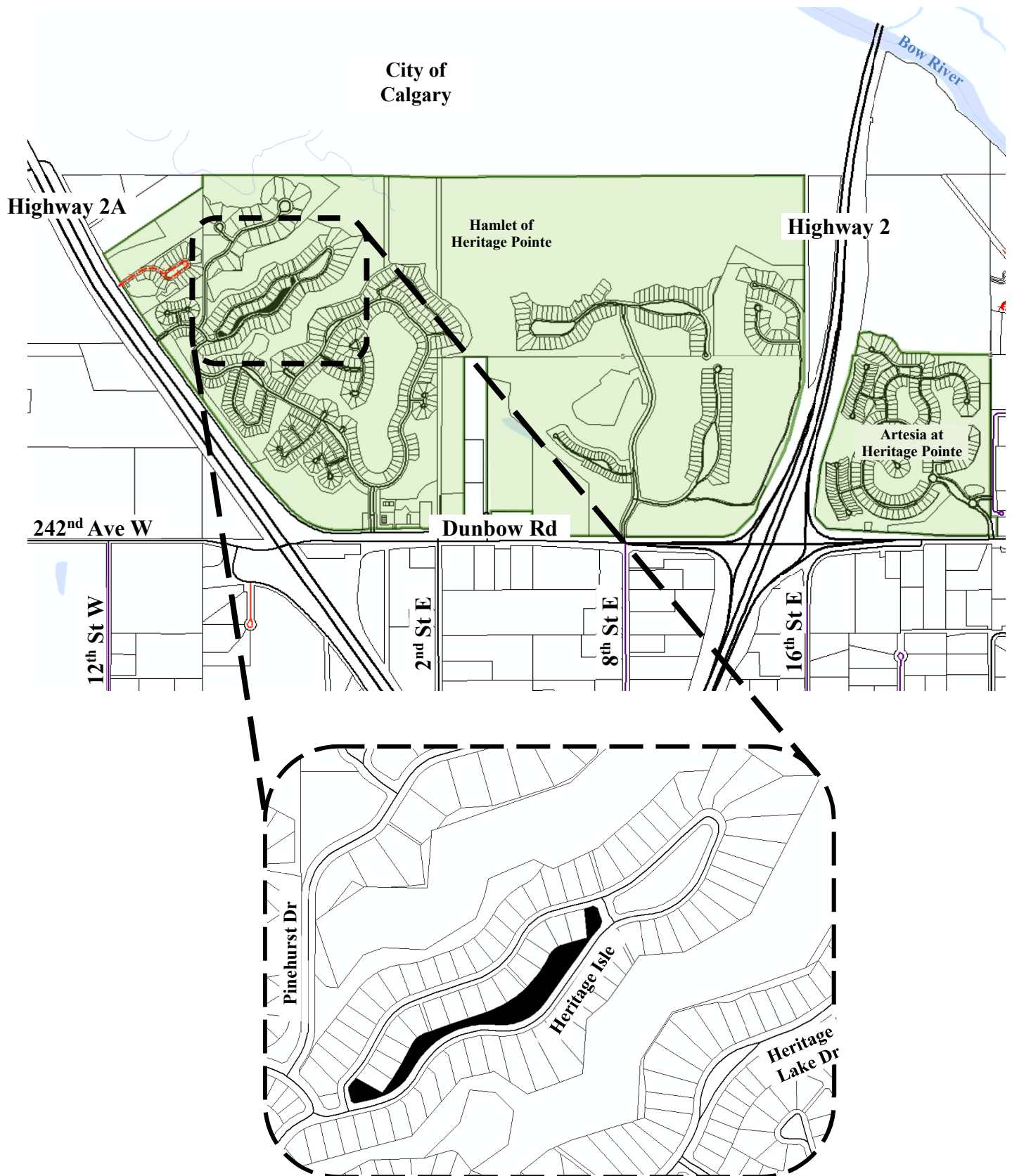
Council is respectfully requested to consider granting 2<sup>nd</sup> and 3<sup>rd</sup> reading to Bylaw 29/2024 authorizing the redesignation of the subject parcel being, portion of NE 01-22-01 W5M; Plan 0611735, Block 25, Lot 16 from Residential Community District to Open Space District.

**APPENDICES:**

**APPENDIX A: MAP SET**

- MAP 1 – LOCATION MAP
- MAP 2 – ORTHO PHOTO

**APPENDIX B: PROPOSED BYLAW**





**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.

**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: May 15, 2024

\_\_\_\_\_  
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 \_\_\_\_\_.

**MISCELLANEOUS PLANNING ITEM  
PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
SECOND & THIRD READING TO BYLAW 27/2024  
June 26, 2024**

<b>APPLICATION INFORMATION</b>		<b>FILE NO. 24R010</b>
	<b>LEGAL DESCRIPTION:</b> Ptn. SW 06-18-28 W4M	
	<b>LANDOWNER:</b> West View Hutterian Brethren	
	<b>AGENT:</b> Ben Waldner	
	<b>AREA OF SUBJECT LANDS:</b> 158.03	
	<b>CURRENT LAND USE:</b> Agricultural District	
	<b>PROPOSED LAND USE:</b> Country Residential District	
<b>NUMBER &amp; SIZE OF PROPOSED NEW PARCELS:</b> 1 x +/- 4.94 acre parcel		
<b>PROPOSAL:</b> Application for the redesignation of a 4.94 +/- acre 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 first parcel out, leaving a 153.09 +/- acre Agricultural District balance		
<b>LOCATION:</b> 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.		
<b>DIVISION NO:</b> 1		<b>COUNCILLOR:</b> Rob Siewert
<b>FILE MANAGER:</b> Brittany Smith		

**PURPOSE OF REQUEST:**

Request for Council to provide second and third reading to Bylaw 27/2024.

**BACKGROUND:**

**May 15, 2024:** Council granted 1<sup>st</sup> reading to Bylaw 27/2024 authorizing the redesignation of a portion of SW 06-18-28 W4M from Agriculture District to Country Residential District to allow for the future subdivision of one +/- 4.94-acre Country Residential first parcel out with a +/- 153.09 acre Agricultural District balance parcel.

**Note:** an excerpt from the May 15, 2024 council meeting minutes outlining this decision is included under Appendix B of this staff report.

**CONDITIONS TO BE MET AT REDESIGNATION:**

All conditions of 1<sup>st</sup> reading have been completed.

**COUNCIL ACTION REQUESTED:**

Council is respectfully requested to consider granting 2<sup>nd</sup> and 3<sup>rd</sup> reading to Bylaw 27/2024 authorizing the redesignation of a portion of SW 06-18-28 W4M from Agriculture District to Country Residential District to allow for the future subdivision of one +/- 4.94 acre Country Residential District first parcel out with an approximate +/- 153.09 acre Agriculture District balance parcel.

## **APPENDICES:**

### **APPENDIX A:**

LOCATION MAP

SITE PLAN

ORTHO PHOTO

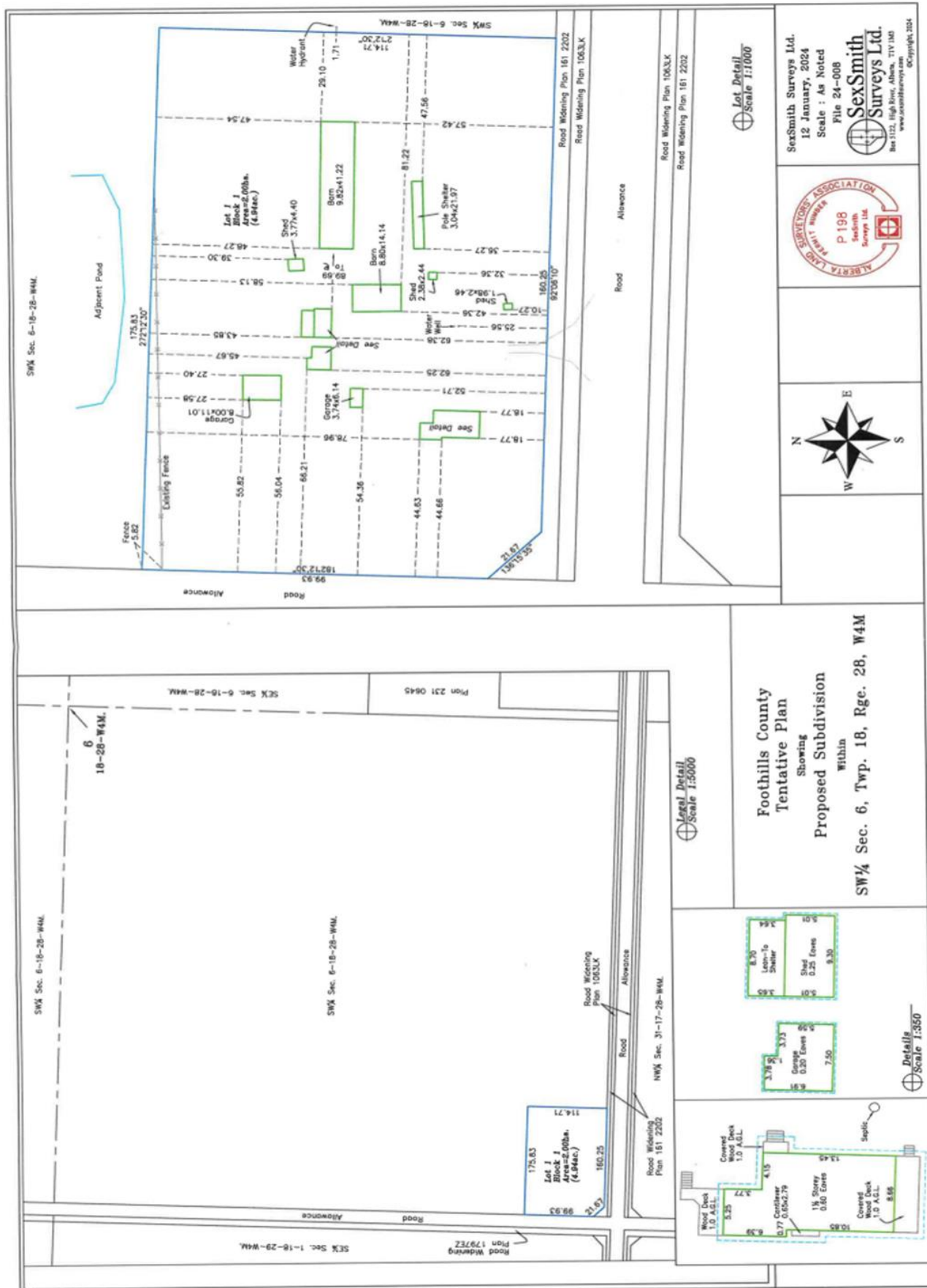
### **APPENDIX B:**

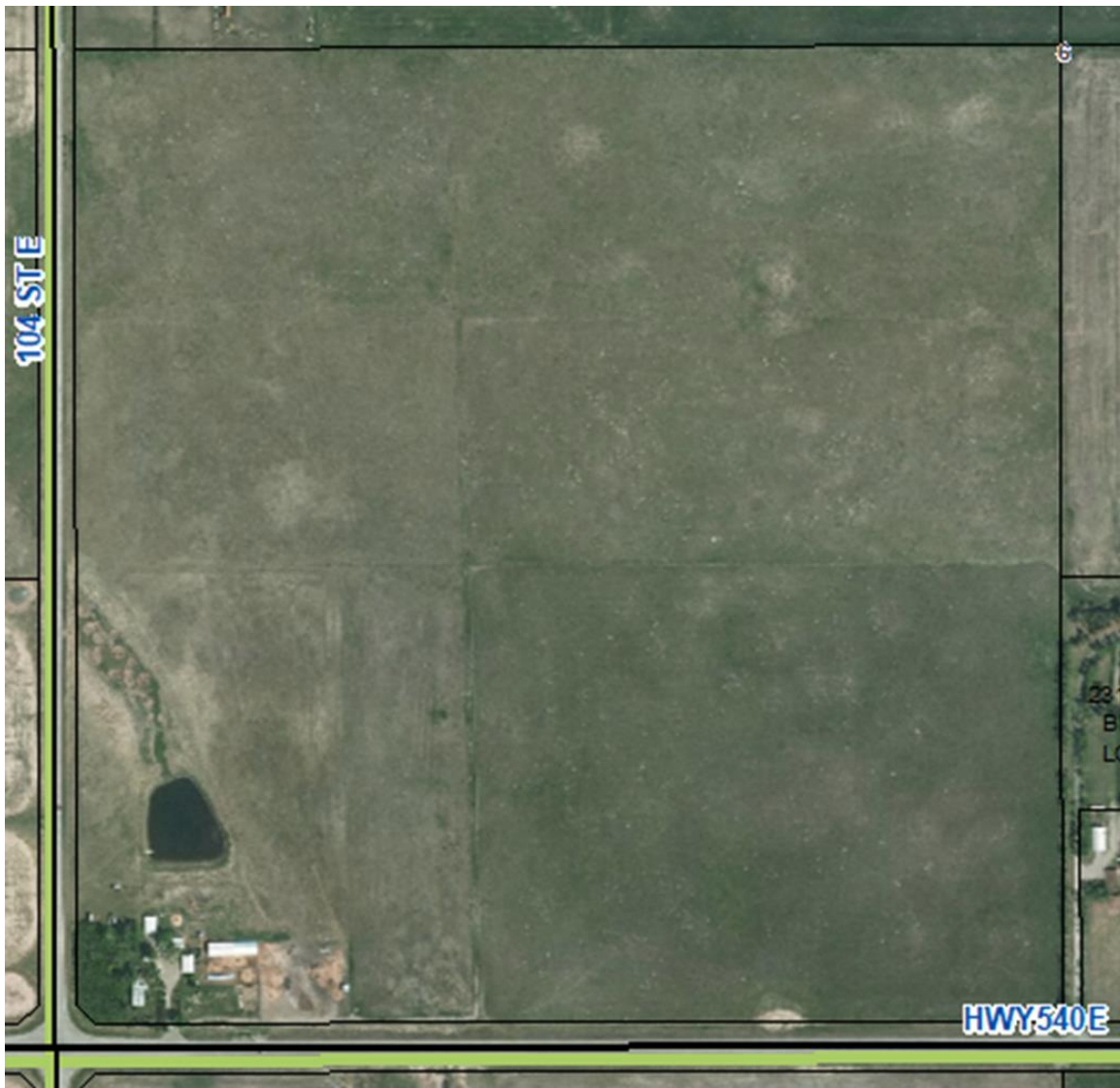
Excerpt from the May 15, 2024, Council meeting minutes

## **APPENDIX A: LOCATION MAP**



## APPENDIX A: SITE PLAN






Bylaw 27/2024 was introduced into the meeting to authorize 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. The excess buildings and existing structures that do not meet current setbacks are acknowledged as non-conforming;

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.

Prior to further consideration of the bylaw, the applicant will be required to submit the following:

1. Landowners are to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for the purposes of payment of the community sustainability fee and any other necessary municipal and on-site improvements as required by Council and the Public Works department;
2. Final redesignation application fees to be submitted; and
3. Submission of an executed subdivision application and the necessary fees.

DEPARTMENT: Public Works	
	<b>TOPIC: Green Haven Development – Request to Proceed with REF Application to CMRB</b>
<b>REPORT PREPARED BY:</b> Legislative Assistant Nicole Poffenroth <b>REPORT PRESENTED BY:</b> Director of Planning Heather Hemingway	

### PURPOSE OF REQUEST

For Council to acknowledge the letter of request.

### BACKGROUND

On June 14, 2024, Foothills County received a letter of request from B. Hann, Green Haven Developments, requesting that Foothills County proceed with submitting proposed amendments to the Green Haven Estates Area Structure Plan (ASP) to the Calgary Metropolitan Region Board (CMRB) for review under the Regional Evaluation Framework (REF) application review process.

### REQUEST OF COUNCIL

Proposed Motion:

That Council acknowledge the letter from B. Hann, Green Haven Developments, requesting that Foothills County initiate the Calgary Metropolitan Region Board's Regional Evaluation Framework (REF) application review process for proposed amendments to the Green Haven Estates Area Structure Plan.

OR

That Council direct administration to initiate the Calgary Metropolitan Region Board's Regional Evaluation Framework (REF) application review process for proposed amendments to the Green Haven Estates Area Structure Plan.

### APPENDICES:

**Appendix A** - Letter of Request

Foothills County Council  
C/O Heather Hemmingway  
309 Macleod Trail  
Box 5605  
High River, AB  
T1V 1M7

**Re: Green Haven ASP Amendment for Phases 4 and 5**

Dear Members of Council,

For the last year our ASP amendment has been stalled within the CMRB process because the Town of Okotoks and Foothills County have been in negotiations regarding the JPA boundaries and how our development would be affected by it. In February of 2024, the CMRB instructed both Municipalities to reach an agreement on how to deal with our ASP amendment or proceed with a REF application to the CMRB. It is our understanding that there have been continued discussion between both municipalities however, we have not been able to reach any resolution to date.

We have already made a significant investment in the Green Haven project and we have received overwhelming interest from the market. The stall of our ASP puts pressure on the development and it's ultimate completion. It's crucial for us to collectively find a way forward so we can complete the critical water line loop and the roadway connection, as currently there is only one way in and one way out for all of the residents living in Green Haven.

I formally request Council to instruct County staff to proceed with a REF application to the CMRB, such that we can continue along with the process that will help us get our ASP approved and the overall development completed. I truly appreciate all of the efforts that Council and County staff have made thus far related to our Green Haven project and I look forward to continue working together as we complete this amazing project.

Please feel free to contact me anytime should you have any questions or if you would like to discuss this matter any further.


Regards,



**Blair Hann**  
Green Haven Development



**SUBDIVISION APPROVING AUTHORITY ITEM  
PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
Time Extension Request  
June 26, 2024**

<b>REQUEST FOR TIME EXTENSION</b>		
<b>APPLICATION INFORMATION</b>	<b>FILE NO. F2128-18NE</b>	
	<b>LEGAL DESCRIPTION:</b> NE 18-21-28-W4M	
	<b>LANDOWNERS:</b> Harald and Martina Wiegele	
	<b>AGENT:</b> Brendon Bird	
	<b>AGENT:</b> Tronnes Geomatics / Kim Wiens	
	<b>AREA OF SUBJECT LANDS:</b> 86.90 acres	
	<b>CURRENT LAND USE:</b> Agricultural District/Country Residential District	
<b>PROPOSAL:</b> Time Extension for Registration of Subdivision		
<b>DIVISION NO:</b> 7	<b>COUNCILLOR:</b> R.D. McHugh	<b>FILE MANAGER:</b> Theresa Chipchase

### PURPOSE OF REQUEST

Request to the Subdivision Approving Authority for consideration of an additional one-year extension, with respect to Section 657 of the Municipal Government Act, in order to allow registration of the subdivision approval, for one 7.0 +/- acre Country Residential Sub-District "A" parcel from the NE 18-21-28-W4M with a 79.90 +/- acre Agricultural District balance parcel. The extension, if approved, would allow the applicant one year to register their subdivision, from the signing date of the Subdivision Authority Approval form.

### BACKGROUND

**December 16<sup>th</sup>, 2020** - Council gave third and final reading to Bylaw 2/2019 authorizing the redesignation of a portion of the NE 18-21-28-W4M from the Agricultural District to Country Residential Sub-District "A" in order to allow the future subdivision of one new 7.0 +/- acre lot.

**March 3<sup>rd</sup>, 2021** – Subdivision was conditionally approved by the Subdivision Approving Authority (SAA), for one 7.0 +/- acre Country Residential Sub-District "A" parcel from NE 18-21-28-W4M, with a 79.90 +/- acre Agricultural District balance parcel.

**NOTE:** The subdivision was released to the landowner's surveyor, upon the County's execution of the Subdivision Authority Approval (SAA) form on January 21<sup>st</sup>, 2022. The SAA provided a one year expiry date for registration of the subdivision approval, as set out in Section 657 of the Municipal Government Act, which expired on January 21<sup>st</sup>, 2023.

**January 18<sup>th</sup>, 2023** - the Subdivision Authority granted approval to a one-year time extension of the Subdivision Authority Approval expiry date as per Section 657(6) of the Municipal Government Act. The extension was to provide the landowners time to discharge interests that had been registered on their title. Discharge of the specific interests from the landowner's title needed to be completed by the landowners and accepted by the South Alberta Land Titles office before the Plan of Survey for the subdivision could be registered. The extension granted to the

Subdivision Authority Approval that was granted on March 23<sup>rd</sup>, 2023, and expired on March 23<sup>rd</sup>, 2024.

**June 14<sup>th</sup>, 2024** - the landowner's surveyor along with the agent acting on behalf of the landowners, reached out to the County in order to request consideration of a second extension to the Subdivision Authority's approval. The surveyor's letter along with a letter from the agent are attached to this staff report as Appendix B.

**REQUEST OF THE SUBDIVISION APPROVING AUTHORITY**

The Subdivision Approving Authority is respectfully requested to consider a second one-year extension to the Subdivision Authority Approval originally approved for NE 18-21-28-W4M on January 21<sup>st</sup>, 2021, with the first extension expiring on March 23<sup>rd</sup>, 2024. The extension, should it be provided, would allow the applicant one year from the signing of the SAA form, to complete the registration of their Plan of Survey with the South Alberta Land Titles office.

**APPENDICES**

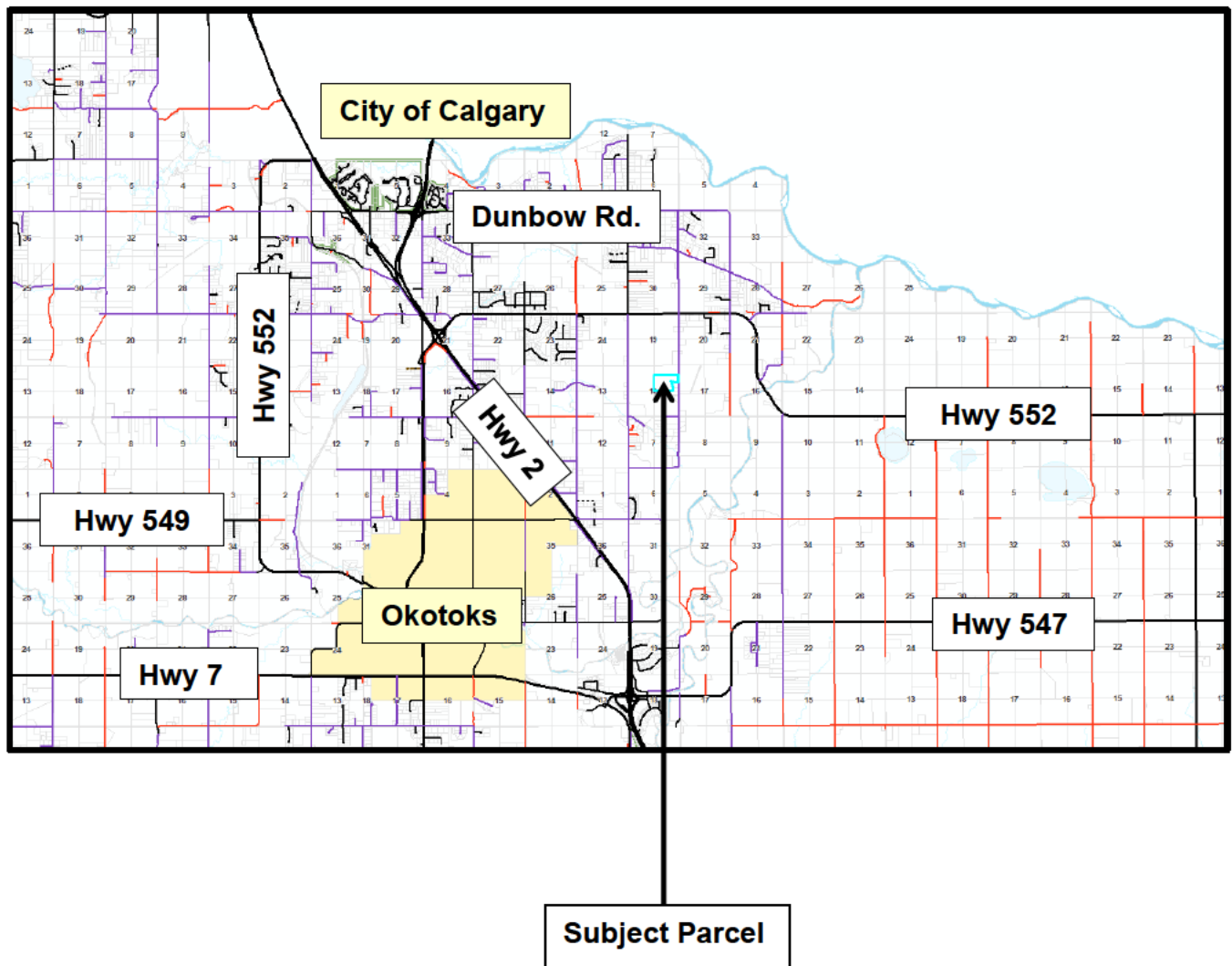
**APPENDIX A - MAP SET:**

- LOCATION MAP
- SITE PLAN
- ORTHO PHOTO

**APPENDIX B:**

- EMAIL REQUEST FOR EXTENSION - APPLICANT'S SURVEYOR
- LETTER OF REQUEST FOR EXTENSION – APPLI

## APPENDIX A: LOCATION MAP

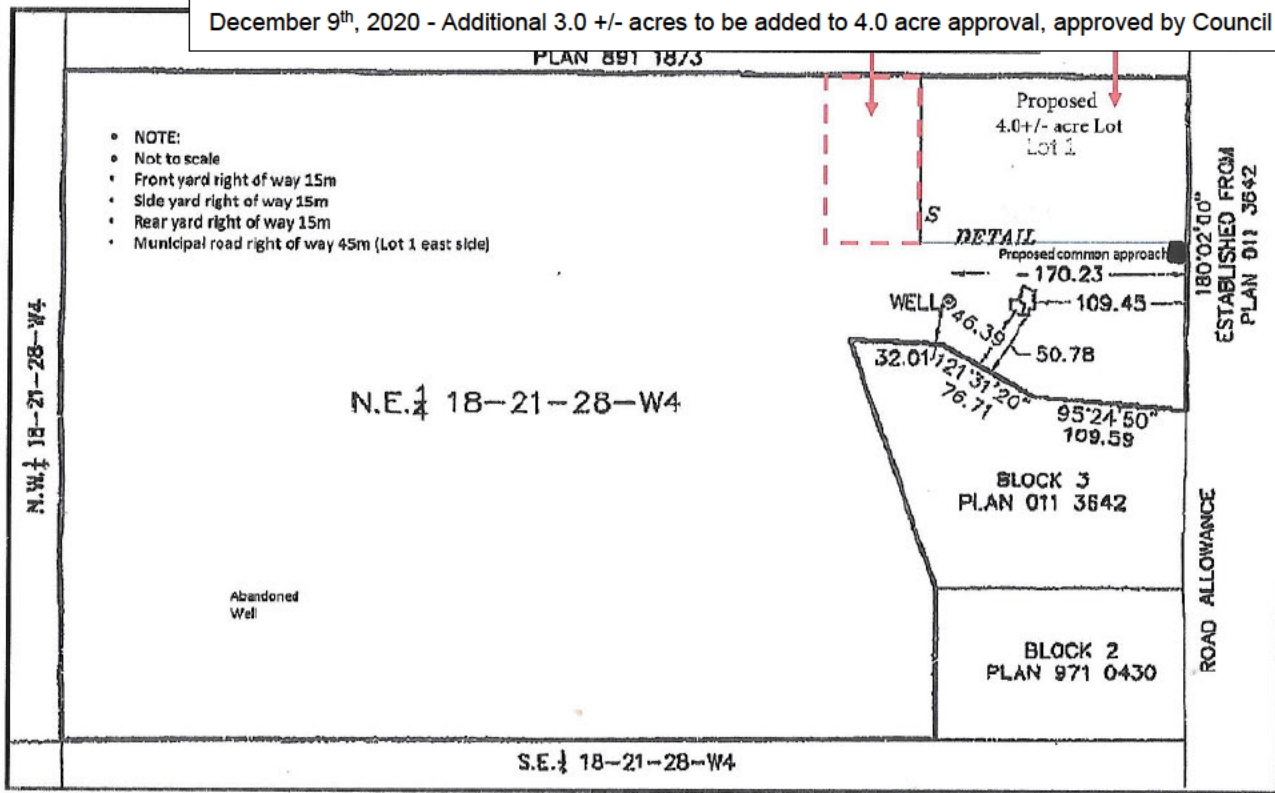


# APPENDIX A: SITE PLAN

WIEGELE PROPOSED SITE PLAN REVISION FOR COUNCIL'S CONSIDERATION

Jan. 19<sup>th</sup>, 2019 - 4.0 +/- acres approved by Council

December 9<sup>th</sup>, 2020 - Additional 3.0 +/- acres to be added to 4.0 acre approval, approved by Council





Dotted line represents the combined overall 7 acre parcel

## APPENDIX B: EMAIL REQUEST FROM APPLICANT'S SURVEYOR

Good morning, Theresa, hope all is well.

Reaching out to request another extension on the SAA for F2128-18NE, the current SAA expired March 23, 2024, attached for reference. I've attached a letter received from the landowner's representative, Brendon Bird, also cc'd here, requesting the extension with the reasoning behind the request. I've also attached title as of today's date, showing the pending discharges regarding the CRA writs. After review, kindly advise if any further information is needed, or if the county would be willing to extent the SAA further.

Thank you in advance, have a great weekend.

### Kim Wiens

Office Manager | **Tronnes Geomatics Inc.**

6135 – 10<sup>th</sup> Street S.E., Calgary, Alberta, T2H 2Z9

Tel: 403-569-5488 | Fax: 403-248-0466

Email: [kwiens@tronnes.ca](mailto:kwiens@tronnes.ca) | Web: [tronnes.ca](http://tronnes.ca)



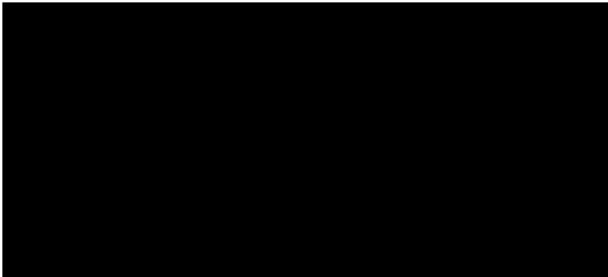
The information contained in this message is confidential information intended only for the addressee(s). If you have received this communication in error, please immediately notify us by telephone (collect if necessary) and delete or destroy any copies of it. Thank you.


## APPENDIX B: REQUEST FROM LANDOWNERS AGENT

I am Brendon Bird, and I am representing the Wiegele's for subdivision of 7 acres in foothills county. We have already had an approved SAA but it has expired as of this march.

The title had some caveats on it that needed to be taken off before we could proceed to land titles. The caveats were removed, and all work was done at Dixon legal but not sent to Tronnes when completed. The delay resulted in CRA appearing on the title which added another major delay. We are currently waiting for the discharge of CRA on the title which looks to be approximately 2-3 weeks from now.

I am asking for an extension to finally complete this subdivision



Community Services - Cemeteries	
	TOPIC: Cemeteries Bylaw 8/2011 Repeal and Replacement
REPORT PREPARED and PRESENTED BY: Johanna Kortenschyl-Allan	

## PURPOSE OF REQUEST

For Council to consider the repealing and replacement of the current Cemeteries Bylaw 8/2011.

## BACKGROUND

There have been many discussions regarding the need to amend the Cemeteries bylaw to better address the longevity of the County owned and or managed cemeteries; and to provide greater accessibility to emerging end of life trends/options for families. Both the County Cemeteries Committee and the Foothills Cemetery Board supported the amendments that included increasing the number of eligible urns to be interred in a plot from two (2) to a number that relates to the allowable space of a plot. An amending bylaw has not been brought forth for Bylaw 8/2011 due to the number of amendments and corrections. A replacement bylaw is better suited for clarity.

Amendments include clerical corrections (numbering and spelling), references, and new municipality names. Substantive changes are:

### Section 6 (5):

Increase from two (2) full working days' notice to three (3) full business days for interment request as per current procedure.

### Section 8 (1) (c):

Clarifies the minimum size of a plot for the interment of one (1) person's cremated remains.

### Section 8 (1) (d):

Provides the opportunity for additional interment(s) of cremated human remains subject to plot size and available cemetery records specifying locations of previously interred urns.

### Section 8 (3):

Provides that double depth interment of cremated human remains will not be permitted.

### Section 10(1) (b)(c):

Include niches in the return, exchange, and transfer of interment rights.

### Section 10(3):

Clarity regarding additional cost to the niche rightsholder for the return or exchange of a niche.

## REQUEST OF COUNCIL

### Option 1 – First Reading Approval

Council may choose to grant first reading to Bylaw XX/2024 and request the bylaw be reintroduced for second and third readings on \_\_\_\_\_.

### Option 2 – First Reading Approval and Referral

Council may choose to grant first reading to Bylaw XX/2024 and refer to the Intermunicipal Committee for discussion with the Town of Diamond Valley.

## **APPENDICES**

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1. Bylaw 8/2011 with changes in redline for Bylaw XX/2024
2. Bylaw XX/2024

BYLAW NUMBER {Insert Bylaw No.}

BEING A BYLAW OF ~~THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31~~ **FOOTHILLS COUNTY**, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE IMPROVEMENT, MAINTENANCE, MANAGEMENT, CONTROL AND OPERATION OF PUBLIC CEMETERIES.

PURSUANT to and under the authority of the Municipal Government Act, Chapter M26.1, R.S.A. 2000 and amendments thereto, the Municipal Council of ~~the Municipal District of Foothills No. 31~~ **Foothills County**, in the Province of Alberta, duly assembled, enacts as follows:

**1. THIS BYLAW MAY BE CITED AS THE “CEMETERIES BYLAW”.**

**2. APPLICATION**

- (1) This Bylaw applies to any land defined as a “Public Cemetery” as set out in subsection 3(~~vv~~).

**3. DEFINITIONS**

- (1) For the purposes of this Bylaw:
- (a) “**Act**” means the **Cemeteries Act**, RSA 2000, c. C-3 as amended from time to time and any regulations enacted thereunder.
  - ~~(b) “**Black Diamond**” means the Town of Black Diamond.~~
  - ~~(c)~~**(b)** “**Bylaw Enforcement Officer**” means a person appointed as a Bylaw Enforcement officer pursuant to the Bylaws of ~~the Municipal District of Foothills No. 31~~ **Foothills County** and includes any peace officer, police officer or special constable employed by ~~the Municipal District of Foothills No. 31~~ **Foothills County**.
  - ~~(cd)~~ “**Councils**” means the councils of ~~the Municipal District of Foothills No. 31, the Town of Turner Valley and the Town of Black Diamond~~ **Foothills County and the Town of Diamond Valley**.
  - ~~(d)~~ “**County**” means **Foothills County**.
  - (e) “**Columbarium**” means a structure designed for storing the ashes of dead human bodies or other human remains that have been cremated.
  - (f) “**Disinterment**” means the removal of human remains or cremated human remains from a grave site or columbarium niche.
  - (g) “**Grave site**” means the portion of land in a cemetery that is ~~sold~~ licensed or provided as a unit for one or more graves.
  - (h) “**Grave liner**” means a structural enclosure intended to cover a burial casket on top, ends and sides which is manufactured of a strengthened, light weight material and does not require mechanical equipment for installation.
  - (i) “**Indigent person**” means any unclaimed body, or body of a destitute or indigent person as set out in the **Act**.
  - (j) “**Interment**” means the burial or placement of human remains or cremated human remains in a grave site or columbarium niche.
  - (k) “**Interment Rights**” means leave and license granted by the ~~MD~~ **County** to a person to allow the interment of human remains or cremated human remains in a designated grave site or columbarium niche in accordance with this Bylaw.
  - (l) “**Legal Representative**” means an executor, an administrator or a judicial trustee of the estate of a deceased person.
  - (m) “**Licensee**” means a person who has been granted the Interment Rights for one or more plots or niches within a Public Cemetery by the ~~MD~~ **County**.

- (n) **"~~License~~ License Fees"** means fees paid for Interment Rights in accordance with this Bylaw.
- (o) **"Manager"** means the MD County or designate.
- ~~(p) "MD" means the Municipal District of Foothills No. 31.~~
- ~~(q)~~ **"Monument"** means a memorial structure of granite, marble, bronze or such other material as approved by the Manager inscribed with such lettering and/or artwork as may be desired by the Licensee of the Interment Rights of the plot or niche.
- ~~(r)~~ **"Municipalities"** means ~~The Municipal District of Foothills and The Town of Black Diamond and The Town of Turner Valley~~ Foothills County and the Town of Diamond Valley.
- ~~(s)~~ **"Niche"** means a single compartment of a columbarium used for the interment of cremated human remains.
- ~~(t)~~ **"Non-Resident"** is a person who has not resided in ~~the MD, Black Diamond or Turner Valley~~ Foothills County or Town of Diamond Valley, immediately preceding their death or their application to purchase a plot.
- ~~(u)~~ **"Perpetual Care"** means the preservation, improvement, embellishment and maintenance, in perpetuity and in a proper manner, of grave stones, grave markers, monuments, lots, plot compartments, crypts or other space in the cemetery, or other compartments in a columbarium, as set out in section 13 of this Bylaw.
- ~~(v)~~ **"Plot"** means land in a Public Cemetery shown on a plan on record with ~~the MD~~ Foothills County which has been designated for interment of human remains or cremated human remains and is to be used as a single or double grave site.
- ~~(w)~~ **"Public Cemetery"** means Blackie Cemetery, land used by ~~the MD~~ Foothills County as a cemetery, as a parcel legally described as the East 264 feet of the North 330 feet of the SE 14;19;27 W4, Cayley Cemetery, land used as a cemetery, by ~~the MD~~ Foothills County as a parcel legally described as NE 24;17;29 W4, Foothills Cemetery, land used as a cemetery by the Municipalities, legally described as Subdivision Plan 7410743, Cemetery Site Parcel A located in Section 18, Township 20, Range 2, West of the Fifth Meridian or any other Cemetery within the boundaries of ~~the Municipal District of Foothills No. 31~~ Foothills County operated by and under the control of ~~the MD~~ Foothills County.
- ~~(x)~~ **"Resident"** is a person whose principal residence is located in ~~the MD, Black Diamond or Turner Valley~~ Foothills County or the Town of Diamond Valley, immediately preceding his death or his application to purchase a plot.
- ~~(y)~~ **"Scattering Gardens"** means an area of a Public Cemetery designated by ~~the MD~~ Foothills County for the disbursement of cremated human remains over the ground.
- ~~(z) "Turner Valley" means the Town of Turner Valley.~~
- ~~(aa)~~ **"Urn"** means a container used for storing cremated human remains.
- ~~(bb)~~ **"Vault"** means a lined and sealed interment receptacle that performs all the functions of a concrete grave liner, and in addition is designed and constructed using one or more lining and sealing materials to increase the overall tensile strength of the finished unit and to reduce the risk of the intrusion of exterior elements.
- ~~(ccc)~~ **"Veteran"** means a former member of Her Majesty's armed forces as determined by the Department of Veterans Affairs Canada.

**4. SUBDIVISION OF PLOTS**

- (1) The lands within Public Cemeteries may be subdivided into plots for interment purposes as required from time to time under the supervision of the Manager.

**5. POWERS AND AUTHORITY OF THE MANAGER**

- (1) The Manager
  - (a) is responsible for general supervision, control, management and operation of the Public Cemeteries;
  - (b) is responsible for ensuring that a register is established and maintained in accordance with the requirements of the **Act**;
  - (c) has charge of the Public Cemeteries and of all works of whatsoever nature carried out therein;
  - (d) has charge of all persons employed by the MD-County in relation to the Public Cemeteries;
  - (e) is delegated the authority to approve and execute agreements in relation to the sale and transfer of Interment Rights and the provision of cemetery services by the MD-County;
  - (f) may establish standards, guidelines and procedures in relation to monuments, memorial structures, columbaria and other similar interment structures in Public Cemeteries; and
  - (g) has other powers, functions and duties as set out in this Bylaw;
- (2) The Manager may further delegate any of their powers, functions and duties set out in this Bylaw to an employee or employees of the MD-County.
- (3) The Manager has the right to refuse to ~~sell-license~~ the use of more than four (4) single plots or niches to any one individual or estate.

**6. INTERMENT RIGHTS**

- (1) Human remains or cremated human remains of a deceased person may be interred in a plot, columbarium niche, or scattered on any scattering grounds if;
  - (a) The deceased person is registered as the Licensee of the Interment Rights; or
  - (b) a written request from the Licensee of the Interment Rights or Legal Representative of the Licensee if the Licensee is deceased in a form satisfactory to the Manager has been registered with the Manager designating that the human remains or cremated human remains of that deceased person may be interred in that particular plot, columbarium niche, or the cremated human remains may be dispersed over a scattering garden.
- (2) Only human remains or cremated human remains may be interred in a Public Cemetery.
- (3) Prior to any interment, a Contract for Cemetery Services must be completed and the person executing the Contract shall be responsible for all costs and expenses for the cemetery services set out therein.
- (4) The fees and charges for Interment Rights and cemetery services shall be as approved by the MD-County from time to time.
- (5) If a grave site is required to be prepared, a minimum of ~~two (2)~~three (3) full ~~working~~ business days prior notice must be given to the Manager prior to the time set for the interment. An exception may be made for certain faiths.

- (6) Interments may be permitted in the Public Cemeteries on a Saturday, Sunday and statutory holidays, subject to the payment of the applicable fees as approved by the ~~MD's Municipal County's~~ Council from time to time.
- (7) The Manager may refuse to allow any interment that does not comply with the requirements set out in this Bylaw.

**7. INTERMENT OF CREMATED HUMAN REMAINS**

- (1) Cremated human remains may only be interred in a grave site, columbarium niche, or a designated scattering garden.
- (2) The interment or scattering of cremated human remains in accordance with subsection (1) will not be permitted unless a valid burial permit, cremation certificate and all applicable fees as approved by the ~~MD's Municipal County's~~ Council from time to time have been received by the Manager.

**8. MULTIPLE INTERMENTS**

- (1) The human remains of up to two (2) deceased persons and the cremated human remains of up to two (2) deceased persons may be interred in a standard single grave site in the Public Cemeteries provided that:
  - (a) Only the human remains of one deceased person shall be in any one casket, except that the human remains of a deceased parent and his or her deceased infant may be interred in the same casket;
  - (b) The human remains of two (2) deceased persons may only be permitted in grave site that has been set aside for double depth interments, as set out in subsection (2); and
  - (c) the cremated human remains of ~~two (2)~~one (1) deceased persons ~~may be~~permitted to be interred in a grave site, which is no smaller than ~~40-20~~ inches, by 20 inches.
  - (d) Additional interment(s) of cremated human remains in a plot may exceed section 8(1) and subject to 8(1)(c) only if the cemetery records provide detailed information regarding previous full burial and human cremated remains location(s) in the plot.
- (2) Double depth interments may be permitted in those grave sites constructed to a depth which will accommodate the human remains of two (2) deceased persons in separate caskets at the same time or at different times in such a manner that one casket is placed above the other and the lot has been purchased specifically for this purpose on the opening for the first casket.
- (3) Double depth interments of cremated human remains will not be permitted.

**9. DISINTERMENTS**

- (1) The ~~MD-County~~ will only be responsible for opening grave sites for disinterments to the top of the casket or urn and the funeral director shall be responsible for the removal of the human remains or cremated human remains. All disinterment's are subject to the provisions of the **Act**, any other applicable legislation and the payment of the applicable fees as approved by the ~~MD's Municipal County's~~ Council from time to time.

**10. TRANSFER, RETURN AND EXCHANGE OF INTERMENT RIGHTS**

- (1) Subject to subsections 10 (2), (3), (4), (5) ~~and~~ (6) and (7), upon the written request of the Licensee or the Legal Representative of the Licensee (if the Licensee is deceased) in a form satisfactory to the Manager, the ~~MD-County~~ may:

- (a) Register the transfer of Interment Rights from the Licensee to another person or Legal Representative of a deceased person, provided that the transfer of the Interment Rights is not for remuneration;
- (b) accept the return of unused Interment Rights for a plot or niche, cancel the Interment Rights of the Licensee and refund an amount equal to 85% of the current market value for the Interment Rights for the lot without interest; or
- (c) accept an exchange of the Interment Rights for a plot, or niche, cancel the existing Interment Rights of the Licensee and register new Interment Rights for another plot or niche.

(2) The MD-County will not permit the return or exchange of Interment Rights for any plot where there has been an interment and the human remains or cremated human remains are contained in the grave site.

(2)(3) The County may permit the return or exchange of Interment Rights for a niche where the current Licensee is subject to the cost of a new niche door if the existing is inscribed.

(3)(4) Subject to subsection 6(2) Section 6 and any order of a Court, a Licensee may bequeath his or her Interment Rights to a person through a valid will. Upon a person or the Legal Representative of the deceased person who held the Interment Rights providing proof satisfactory to the Manager that the Licensee is deceased and has bequeathed the Licensee's Interment Rights to a person, the MD-County may register a transfer of the Interment Rights to that person.

(4)(5) When a Licensee dies without designated beneficiaries for Interment Rights, those Interment Rights may be transferred by the MD-County to another person in the order of priority set out in Section 11 of Regulation No. AR 249/98 of the Act (as amended or replaced from time to time) for the disposition of remains, subject to any order of a Court.

(5)(6) All transfers, returns or exchanges of Interment Rights are subject to payment of the applicable administrative fees as approved by the MD's Municipal County's Council from time to time.

(6)(7) Interment Rights may only be transferred, exchanged or returned in accordance with this section. The Manager may refuse to allow any interment where the transfer, exchange or return of the Interment Rights does not comply with the requirements set out in this section.

## **11. BURIAL PERMITS**

- (1) An interment will not be permitted in a Public Cemetery unless copies of the following documents have been received by the Manager prior to the interment:
  - (a) A Burial Permit, issued by a district registrar appointed under the Vital Statistics Act, R.S.A. 49802007, c. V-4.1 or such other written authority as may be required from time to time under the laws of the Province of Alberta.
  - (b) A completed and executed Contract for Cemetery Services and confirmation of the payment of fees and charges or approval of credit by the MD-County for any cemetery services to be provided by the MD-County or their contractors.
  - (c) any other approvals, forms and receipts as may be required by the MD County or the Government of the Province of Alberta for opening of grave sites or interments.
- (2) Grave sites and niches may only be opened for interments by persons authorized by the Manager.

## **12. RECOVERY OF UNUSED LOTS**

- (1) The Municipality may recover unused lots in accordance with the provisions of the Act.

**13. PERPETUAL CARE**

- (1) Perpetual Care to be provided by the ~~MD-County~~ for the Public Cemeteries includes maintenance of roads, buildings, other infrastructure, turf, trees and gardens which have been planted by the ~~MDCounty~~, keeping ~~p~~lots and grave sites in a neat condition and of good appearance, and maintenance of columbaria to the standards and specifications as funds allow.
- (2) Notwithstanding subsection (1), Perpetual Care does not include the care, maintenance, upkeep, repair or replacement of any monument or any other memorial structure or object or any personal property or chattel which has been constructed or placed in a Public Cemetery, or the maintenance of any flower beds or vegetation planted by any person, or the repair or replacement of any damage to anything caused by vandalism, regardless of whether any such construction, placing or planting has been approved by the Manager.
- (3) The following sums shall be placed in a trust fund for use by the ~~MD-County~~ for the perpetual care of the Public Cemeteries:
  - (a) The amount paid for perpetual care in accordance with the fees as approved by the ~~MD's Municipal County's~~ Council from time to time;
  - (b) all the sums which have been received for the upkeep of ~~p~~lots and grave sites under the provisions of any other Bylaw; and
  - (c) any monies donated or bequeathed for the purpose of perpetual care.

**14. GRAVE LINERS AND VAULTS**

- (1) Grave liners and vaults are permitted for casket and cremation burials. All grave liners and vaults must have the approval of the manager.

**15. INTERMENTS FOR INDIGENT PERSONS**

- (1) Interments for indigent persons are subject to the approval of the applicable department of the Province of Alberta and the requirements of the **Act**. Fees for Interment Rights for indigent persons will be charged in accordance with rates as approved by the ~~MD's MunicipalCounty's~~ Council from time to time.
- (2) No monuments or other memorial structures may be constructed or placed on any grave site used for the interment of the human remains of an indigent person unless all fees for the Interments Rights and cemetery services have been paid in full to the ~~MD-County~~.

**16. FIELD OF HONOUR**

- (1) The ~~MD-County~~ shall set aside lots in the Public Cemeteries as a Field of Honour in accordance with the **Act** for the interment of veterans.
- (2) Proof that a deceased person is eligible for interment in the Field of Honour will be as required from time to time by the Manager but in all cases a Certificate from the Department of Veterans Affairs or the Department of National Defense, shall be prima facie evidence of such eligibility.
- (3) Only one interment will be permitted in each lot in the Field of Honour, excepting that the interment of the cremated human remains of the spouse of a veteran may be allowed after the interment of the veteran.

**17. PLACEMENT AND REMOVAL OF VEGETATION, MEMORIALS AND OTHER OBJECTS**

- (1) All monuments and other memorial structures intended to be located in the Public Cemeteries are subject to any standards, guidelines and procedures established by the Manager from time to time.
- (2) No person shall place a monument, gravestone or other structure on a grave site or elsewhere in a Public Cemetery unless he or she has first obtained the prior

written approval of the Manager; and paid the fee as approved by the ~~MD's~~  
~~MunicipalCounty's~~ Council from time to time, if applicable.

- (3) No person shall plant, seed, grow or maintain flowers or other vegetation on a grave site or elsewhere in a Public Cemetery unless he or she has first obtained the prior written approval of the Manager; and paid the fee as approved by the ~~MD's~~  
~~MunicipalCounty's~~ Council from time to time, if applicable.
- (4) The Manager shall not approve the following structures on a grave site or elsewhere in a Public Cemetery:
  - (a) A full or partial grave cover or curbing;
  - (b) a fence or railing;
  - (c) any other structure that in the opinion of the Manager is likely to interfere with maintenance of the Public Cemetery; or
  - (d) any other structure that in the opinion of the Manager is hazardous, unsightly, or otherwise unsuitable for placement on a grave site or elsewhere in a Public Cemetery.
- (5) Subject to the Act, the Manager may restrict the placement of or remove and dispose of any structure, object or thing placed on a grave site or elsewhere in a Public Cemetery:
  - (a) That is placed on a grave site or elsewhere in a Public Cemetery in contravention of this section; or
  - (b) that in the opinion of the Manager, and regardless of whether approval has been obtained under subsection (1) or (2), is or becomes hazardous, unsightly or otherwise unsuitable for placement on a grave site or elsewhere in a Public Cemetery or that interferes with maintenance of the Public Cemetery.
- (6) All earth, debris, litter and rubbish arising or resulting from work performed on any ~~plot~~ or grave site must be carefully cleaned up and removed from the Public Cemetery at the expense of the person requesting such work, to the satisfaction of the Manager.
- (7) Temporary grave markers will be removed after 12 months from the date of the interment.
- (8) No person shall move or remove any monument, gravestone, fence, railing or other work for the protection or ornamentation of a Public Cemetery or grave site except in accordance with this Bylaw or the **Act**.

**18. MOTOR VEHICLES IN PUBLIC CEMETERIES**

- (1) The Manager may specify times and conditions under which motor vehicles may be in the Cemetery.
  - (a) No person shall operate a motor vehicle in a Public Cemetery at a speed in excess of fifteen (15) kilometers per hour.

**19. LIMIT OF LIABILITY**

- (1) The Municipalities, ~~its~~~~their~~ officers, employees, servants, contractors, agents and elected officials shall not be liable for any personal injury to any persons, including death, or any loss or damage whatsoever to any monument, other memorial structure, building, fence or other structure, or any vegetation, or any chattel, personal property or other objects or things in or about the Public Cemeteries from any cause whatsoever, excepting any loss or damage directly caused by the sole negligence of the Municipalities, ~~its~~~~their~~ officers, employees, servants, contractors, agents or elected officials.
- (2) Without limiting the generality of subsection (1), the liability of the Municipalities, ~~its~~~~their~~ officers, employees, servants, contractors, agents and elected officials for

any claims, actions, causes of actions, damages, costs (including solicitor and client costs), or expenses arising whatsoever from or in relation to any error or misdescription of any plots, grave sites, columbarium niches, other interment structures or Interment Rights shall be limited to the licence fees paid to the MD-County

**20. OFFENCES AND PENALTIES and-AND GOVERNANCES**

- (1) Regulations and Guidelines for each cemetery shall be established by the MD-County Council; excepting Foothills Cemetery that shall be governed by Foothills Cemetery Board Bylaw 34/2010 and any agreement ratified between the Municipal District of Foothills No. 31, the Town of Turner Valley and the Town of Black Diamond County and the Town of Diamond Valley concerning the operation of Foothills Cemetery.
- (2) A firearm may be discharged in a Public Cemetery with the consent of the Manager, provided that the firearm is discharged only for the purposes of a military funeral.
- (3) Any person who:
  - (a) Without legal authorization, willfully destroys, mutilates, defaces, damages or removes any property, including but not limited to any structure, object or thing set out in section 20 of this Bylaw, which has been constructed or placed on or about any plot, niche, grave site or anywhere within a Public Cemetery;
  - (b) Willfully disturbs persons assembled for the purpose of the interment of a deceased person in a Public Cemetery; or
  - (c) Otherwise contravenes a provision of this Bylaw; is guilty of an offence and is liable upon conviction for a fine not exceeding Ten Thousand Dollars (\$10,000.00) and in default of payment to imprisonment for a period not exceeding 1 year, or both.
- (4) Where a Bylaw Enforcement Officer of the MD-County believes that a person has contravened subsection (3), he or she may commence proceedings by issuing a summons in accordance with Part 2 of the Provincial Offences Procedures Act, RSA 2000, c. P-34 and amendments thereto.
- (5) Officers, employees, servants, agents and contractors of the MD-County are exempt from the provisions of subsection (3) while acting in the ordinary course of their employment.
- (6) Nothing in this Bylaw shall be construed to curtail or abridge the right of the MD-County to pursue any other rights or remedies the MD-County may have at law or equity resulting from the contravention of any of the provisions of this Bylaw.

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**21. REPEAL**

Bylaw No. 428/2010 8/2011 of ~~the Municipal District of Foothills No. 31~~Foothills County is hereby repealed.

**22. COMING INTO FORCE**

**THIS** Bylaw shall come into force upon receiving third and final reading.

FIRST READING: XXXXX, 20XX

Reeve

\_\_\_\_\_  
Municipal Manager

SECOND READING:

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Municipal Manager

THIRD READING:

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Municipal Manager

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this  
day of                      , 20     .

## BYLAW NUMBER XX/2024

BEING A BYLAW OF - FOOTHILLS COUNTY, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE IMPROVEMENT, MAINTENANCE, MANAGEMENT, CONTROL AND OPERATION OF PUBLIC CEMETERIES.

PURSUANT to and under the authority of the Municipal Government Act, Chapter M26.1, R.S.A. 2000 and amendments thereto, the Municipal Council of Foothills County, in the Province of Alberta, duly assembled, enacts as follows:

### 1. THIS BYLAW MAY BE CITED AS THE “CEMETERIES BYLAW”.

### 2. APPLICATION

- (1) This Bylaw applies to any land defined as a “Public Cemetery” as set out in subsection 3(v).

### 3. DEFINITIONS

- (1) For the purposes of this Bylaw:
- (a) “**Act**” means the **Cemeteries Act**, RSA 2000, c. C-3 as amended from time to time and any regulations enacted thereunder.
  - (b) “**Bylaw Enforcement Officer**” means a person appointed as a Bylaw Enforcement officer pursuant to the Bylaws of Foothills County and includes any peace officer, police officer or special constable employed by Foothills County
  - (c) “**Councils**” means the council of Foothills County and the Town of Diamond Valley.
  - (d) “**County**” means Foothills County.
  - (e) “**Columbarium**” means a structure designed for storing the ashes of dead human bodies or other human remains that have been cremated.
  - (f) “**Disinterment**” means the removal of human remains or cremated human remains from a grave site or columbarium niche.
  - (g) “**Grave site**” means the portion of land in a cemetery that is licensed or provided as a unit for one or more graves.
  - (h) “**Grave liner**” means a structural enclosure intended to cover a burial casket on top, ends and sides which is manufactured of a strengthened, light weight material and does not require mechanical equipment for installation.
  - (i) “**Indigent person**” means any unclaimed body, or body of a destitute or indigent person as set out in the **Act**.
  - (j) “**Interment**” means the burial or placement of human remains or cremated human remains in a grave site or columbarium niche.
  - (k) “**Interment Rights**” means leave and license granted by the County to a person to allow the interment of human remains or cremated human remains in a designated grave site or columbarium niche in accordance with this Bylaw.
  - (l) “**Legal Representative**” means an executor, an administrator or a judicial trustee of the estate of a deceased person.
  - (m) “**Licensee**” means a person who has been granted the Interment Rights for one or more plots or niches within a Public Cemetery by the County.
  - (n) “**Licence Fees**” means fees paid for Interment Rights in accordance with this Bylaw.

- (o) **"Manager"** means the County or designate.
- (p) **"Monument"** means a memorial structure of granite, marble, bronze or such other material as approved by the Manager inscribed with such lettering and/or artwork as may be desired by the Licensee of the Interment Rights of the plot or niche.
- (q) **"Municipalities"** means Foothills County and the Town of Diamond Valley.
- (r) **"Niche"** means a single compartment of a columbarium used for the interment of cremated human remains.
- (s) **"Non-Resident"** is a person who has not resided in Foothills County or Town of Diamond Valley, immediately preceding their death or their application to purchase a plot.
- (t) **"Perpetual Care"** means the preservation, improvement, embellishment and maintenance, in perpetuity and in a proper manner, of gravestones, grave markers, monuments, lots, plot compartments, crypts or other space in the cemetery, or other compartments in a columbarium, as set out in section 13 of this Bylaw.
- (u) **"Plot"** means land in a Public Cemetery shown on a plan on record with Foothills County which has been designated for interment of human remains or cremated human remains and is to be used as a single or double grave site.
- (v) **"Public Cemetery"** means Blackie Cemetery, land used by Foothills County as a cemetery, as a parcel legally described as the East 264 feet of the North 330 feet of the SE 14;19;27 W4, Cayley Cemetery, land used as a cemetery, by Foothills County as a parcel legally described as NE 24;17;29 W4, Foothills Cemetery, land used as a cemetery by the Municipalities, legally described as Subdivision Plan 7410743, Cemetery Site Parcel A located in Section 18, Township 20, Range 2, West of the Fifth Meridian or any other Cemetery within the boundaries of Foothills County operated by and under the control of Foothills County.
- (w) **"Resident"** is a person whose principal residence is located in Foothills County or the Town of Diamond Valley, immediately preceding his death or his application to purchase a plot.
- (x) **"Scattering Gardens"** means an area of a Public Cemetery designated by Foothills County for the disbursement of cremated human remains over the ground.
- (y) **"Urn"** means a container used for storing cremated human remains.
- (z) **"Vault"** means a lined and sealed interment receptacle that performs all the functions of a concrete grave liner, and in addition is designed and constructed using one or more lining and sealing materials to increase the overall tensile strength of the finished unit and to reduce the risk of the intrusion of exterior elements.
- (aa) **"Veteran"** means a former member of Her Majesty's armed forces as determined by the Department of Veterans Affairs Canada.

#### **4. SUBDIVISION OF PLOTS**

- (1) The lands within Public Cemeteries may be subdivided into plots for interment purposes as required from time to time under the supervision of the Manager.

#### **5. POWERS AND AUTHORITY OF THE MANAGER**

- (1) The Manager
  - (a) is responsible for general supervision, control, management and operation of the Public Cemeteries;

- (b) is responsible for ensuring that a register is established and maintained in accordance with the requirements of the **Act**;
  - (c) has charge of the Public Cemeteries and of all works of whatsoever nature carried out therein;
  - (d) has charge of all persons employed by the County in relation to the Public Cemeteries;
  - (e) is delegated the authority to approve and execute agreements in relation to the sale and transfer of Interment Rights and the provision of cemetery services by the County;
  - (f) may establish standards, guidelines and procedures in relation to monuments, memorial structures, columbaria and other similar interment structures in Public Cemeteries; and
  - (g) has other powers, functions and duties as set out in this Bylaw;
- (2) The Manager may further delegate any of their powers, functions and duties set out in this Bylaw to an employee or employees of the County.
  - (3) The Manager has the right to refuse to license the use of more than four (4) single plots or niches to any one individual or estate.

## **6. INTERMENT RIGHTS**

- (1) Human remains or cremated human remains of a deceased person may be interred in a plot, columbarium niche, or scattered on any scattering grounds if;
  - (a) The deceased person is registered as the Licensee of the Interment Rights; or
  - (b) a written request from the Licensee of the Interment Rights or Legal Representative of the Licensee if the Licensee is deceased in a form satisfactory to the Manager has been registered with the Manager designating that the human remains or cremated human remains of that deceased person may be interred in that particular plot, columbarium niche, or the cremated human remains may be dispersed over a scattering garden.
- (2) Only human remains or cremated human remains may be interred in a Public Cemetery.
- (3) Prior to any interment, a Contract for Cemetery Services must be completed and the person executing the Contract shall be responsible for all costs and expenses for the cemetery services set out therein.
- (4) The fees and charges for Interment Rights and cemetery services shall be as approved by the County from time to time.
- (5) If a grave site is required to be prepared, a minimum of three (3) full business days prior notice must be given to the Manager prior to the time set for the interment. An exception may be made for certain faiths.
- (6) Interments may be permitted in the Public Cemeteries on a Saturday, Sunday and statutory holidays, subject to the payment of the applicable fees as approved by the County's Council from time to time.
- (7) The Manager may refuse to allow any interment that does not comply with the requirements set out in this Bylaw.

## **7. INTERMENT OF CREMATED HUMAN REMAINS**

- (1) Cremated human remains may only be interred in a grave site, columbarium niche, or a designated scattering garden.

- (2) The interment or scattering of cremated human remains in accordance with subsection (1) will not be permitted unless a valid burial permit, cremation certificate and all applicable fees as approved by the County's Council from time to time have been received by the Manager.

## **8. MULTIPLE INTERMENTS**

- (1) The human remains of up to two (2) deceased persons and the cremated human remains of up to two (2) deceased persons may be interred in a standard single grave site in the Public Cemeteries provided that:
  - (a) Only the human remains of one deceased person shall be in any one casket, except that the human remains of a deceased parent and his or her deceased infant may be interred in the same casket.
  - (b) The human remains of two (2) deceased persons may only be permitted in grave site that has been set aside for double depth interments, as set out in subsection (2).
  - (c) The cremated human remains of one (1) deceased person are permitted to be interred in a grave site, which is no smaller than 20 inches, by 20 inches.
  - (d) Additional interment(s) of cremated human remains in a plot may exceed section 8(1) and subject to 8(1)(c) only if the cemetery records provide detailed information regarding previous full burial and human cremated remains location(s) in the plot.
- (2) Double depth interments may be permitted in those grave sites constructed to a depth which will accommodate the human remains of two (2) deceased persons in separate caskets at the same time or at different times in such a manner that one casket is placed above the other and the lot has been purchased specifically for this purpose on the opening for the first casket.
- (3) Double depth interments of cremated human remains will not be permitted.

## **9. DISINTERMENT**

- (1) The County will only be responsible for opening grave sites for disinterment to the top of the casket or urn and the funeral director shall be responsible for the removal of the human remains or cremated human remains. All disinterment's are subject to the provisions of the **Act**, any other applicable legislation and the payment of the applicable fees as approved by the County's Council from time to time.

## **10. TRANSFER, RETURN AND EXCHANGE OF INTERMENT RIGHTS**

- (1) Subject to subsections 10 (2), (3), (4), (5), (6), and (7) upon the written request of the Licensee or the Legal Representative of the Licensee (if the Licensee is deceased) in a form satisfactory to the Manager, the County may:
  - (a) Register the transfer of Interment Rights from the Licensee to another person or Legal Representative of a deceased person, provided that the transfer of the Interment Rights is not for remuneration;
  - (b) accept the return of unused Interment Rights for a plot or niche, cancel the Interment Rights of the Licensee and refund an amount equal to 85% of the current market value for the Interment Rights for the lot without interest; or
  - (c) accept an exchange of the Interment Rights for a plot, or niche, cancel the existing Interment Rights of the Licensee and register new Interment Rights for another plot or niche.
- (2) The County will not permit the return or exchange of Interment Rights for any plot where there has been an interment and the human remains or cremated human remains are contained in the grave site.

- (3) The County may permit the return or exchange of Interment Rights for a niche where the current Licensee is subject to the cost of a new niche door if the existing is inscribed.
- (4) Subject to subsection 6 and any order of a Court, a Licensee may bequeath his or her Interment Rights to a person through a valid will. Upon a person or the Legal Representative of the deceased person who held the Interment Rights providing proof satisfactory to the Manager that the Licensee is deceased and has bequeathed the Licensee's Interment Rights to a person, the County may register a transfer of the Interment Rights to that person.
- (5) When a Licensee dies without designated beneficiaries for Interment Rights, those Interment Rights may be transferred by the County to another person in the order of priority set out in Section 11 of Regulation No. AR 249/98 of the Act (as amended or replaced from time to time) for the disposition of remains, subject to any order of a Court.
- (6) All transfers, returns or exchanges of Interment Rights are subject to payment of the applicable administrative fees as approved by the County's Council from time to time.
- (7) Interment Rights may only be transferred, exchanged or returned in accordance with this section. The Manager may refuse to allow any interment where the transfer, exchange or return of the Interment Rights does not comply with the requirements set out in this section.

## **11. BURIAL PERMITS**

- (1) An interment will not be permitted in a Public Cemetery unless copies of the following documents have been received by the Manager prior to the interment:
  - (a) A Burial Permit, issued by a district registrar appointed under the Vital Statistics Act, R.S.A. 2007, c. V-4.1 or such other written authority as may be required from time to time under the laws of the Province of Alberta.
  - (b) A completed and executed Contract for Cemetery Services and confirmation of the payment of fees and charges or approval of credit by the County for any cemetery services to be provided by the County or their contractors.
  - (c) any other approvals, forms and receipts as may be required by the County or the Government of the Province of Alberta for opening of grave sites or interments.
- (2) Grave sites and niches may only be opened for interments by persons authorized by the Manager.

## **12. RECOVERY OF UNUSED LOTS**

- (1) The Municipality may recover unused lots in accordance with the provisions of the *Act*.

## **13. PERPETUAL CARE**

- (1) Perpetual Care to be provided by the County for the Public Cemeteries includes maintenance of roads, buildings, other infrastructure, turf, trees and gardens which have been planted by the County, keeping plots and grave sites in a neat condition and of good appearance, and maintenance of columbaria to the standards and specifications as funds allow.
- (2) Notwithstanding subsection (1), Perpetual Care does not include the care, maintenance, upkeep, repair or replacement of any monument or any other memorial structure or object or any personal property or chattel which has been constructed or placed in a Public Cemetery, or the maintenance of any flower beds or vegetation planted by any person, or the repair or replacement of any damage to anything caused by vandalism, regardless of whether any such construction, placing or planting has been approved by the Manager.

- (3) The following sums shall be placed in a trust fund for use by the County for the perpetual care of the Public Cemeteries:
  - (a) The amount paid for perpetual care in accordance with the fees as approved by the County's Council from time to time;
  - (b) all the sums which have been received for the upkeep of plots and grave sites under the provisions of any other Bylaw; and
  - (c) any monies donated or bequeathed for the purpose of perpetual care.

#### **14. GRAVE LINERS AND VAULTS**

- (1) Grave liners and vaults are permitted for casket and cremation burials. All grave liners and vaults must have the approval of the manager.

#### **15. INTERMENTS FOR INDIGENT PERSONS**

- (1) Interments for indigent persons are subject to the approval of the applicable department of the Province of Alberta and the requirements of the **Act**. Fees for Interment Rights for indigent persons will be charged in accordance with rates as approved by the County's Council from time to time.
- (2) No monuments or other memorial structures may be constructed or placed on any grave site used for the interment of the human remains of an indigent person unless all fees for the Interments Rights and cemetery services have been paid in full to the County.

#### **16. FIELD OF HONOUR**

- (1) The County shall set aside lots in the Public Cemeteries as a Field of Honour in accordance with the **Act** for the interment of veterans.
- (2) Proof that a deceased person is eligible for interment in the Field of Honour will be as required from time to time by the Manager but in all cases a Certificate from the Department of Veterans Affairs or the Department of National Defense, shall be prima facie evidence of such eligibility.
- (3) Only one interment will be permitted in each lot in the Field of Honour, excepting that the interment of the cremated human remains of the spouse of a veteran may be allowed after the interment of the veteran.

#### **17. PLACEMENT AND REMOVAL OF VEGETATION, MEMORIALS AND OTHER OBJECTS**

- (1) All monuments and other memorial structures intended to be located in the Public Cemeteries are subject to any standards, guidelines and procedures established by the Manager from time to time.
- (2) No person shall place a monument, gravestone, or other structure on a grave site or elsewhere in a Public Cemetery unless he or she has first obtained the prior written approval of the Manager; and paid the fee as approved by the County's Council from time to time, if applicable.
- (3) No person shall plant, seed, grow or maintain flowers or other vegetation on a grave site or elsewhere in a Public Cemetery unless he or she has first obtained the prior written approval of the Manager; and paid the fee as approved by the County's Council from time to time, if applicable.
- (4) The Manager shall not approve the following structures on a grave site or elsewhere in a Public Cemetery:
  - (a) A full or partial grave cover or curbing;
  - (b) a fence or railing;
  - (c) any other structure that in the opinion of the Manager is likely to interfere with maintenance of the Public Cemetery; or

- (d) any other structure that in the opinion of the Manager is hazardous, unsightly, or otherwise unsuitable for placement on a grave site or elsewhere in a Public Cemetery.
- (5) Subject to the Act, the Manager may restrict the placement of or remove and dispose of any structure, object or thing placed on a grave site or elsewhere in a Public Cemetery:
  - (a) That is placed on a grave site or elsewhere in a Public Cemetery in contravention of this section; or
  - (b) that in the opinion of the Manager, and regardless of whether approval has been obtained under subsection (1) or (2), is or becomes hazardous, unsightly or otherwise unsuitable for placement on a grave site or elsewhere in a Public Cemetery or that interferes with maintenance of the Public Cemetery.
- (6) All earth, debris, litter and rubbish arising or resulting from work performed on any plot or grave site must be carefully cleaned up and removed from the Public Cemetery at the expense of the person requesting such work, to the satisfaction of the Manager.
- (7) Temporary grave markers will be removed after 12 months from the date of the interment.
- (8) No person shall move or remove any monument, gravestone, fence, railing or other work for the protection or ornamentation of a Public Cemetery or grave site except in accordance with this Bylaw or the **Act**.

## **18. MOTOR VEHICLES IN PUBLIC CEMETERIES**

- (1) The Manager may specify times and conditions under which motor vehicles may be in the Cemetery.
  - (a) No person shall operate a motor vehicle in a Public Cemetery at a speed in excess of fifteen (15) kilometers per hour.

## **19. LIMIT OF LIABILITY**

- (1) The Municipalities, their officers, employees, servants, contractors, agents and elected officials shall not be liable for any personal injury to any persons, including death, or any loss or damage whatsoever to any monument, other memorial structure, building, fence or other structure, or any vegetation, or any chattel, personal property or other objects or things in or about the Public Cemeteries from any cause whatsoever, excepting any loss or damage directly caused by the sole negligence of the Municipalities, their officers, employees, servants, contractors, agents or elected officials.
- (2) Without limiting the generality of subsection (1), the liability of the Municipalities, their officers, employees, servants, contractors, agents and elected officials for any claims, actions, causes of actions, damages, costs (including solicitor and client costs), or expenses arising whatsoever from or in relation to any error or misdescription of any plots, grave sites, columbarium niches, other interment structures or Interment Rights shall be limited to the licence fees paid to the County

## **20. OFFENCES AND PENALTIES AND GOVERNANCES**

- (1) Regulations and Guidelines for each cemetery shall be established by the County Council; excepting Foothills Cemetery that shall be governed by Foothills Cemetery Board Bylaw 34/2010 and any agreement ratified between the County and the Town of Diamond Valley concerning the operation of Foothills Cemetery.
- (2) A firearm may be discharged in a Public Cemetery with the consent of the Manager, provided that the firearm is discharged only for the purposes of a military funeral.

- (3) Any person who:
- (a) Without legal authorization, willfully destroys, mutilates, defaces, damages or removes any property, including but not limited to any structure, object or thing set out in section 20 of this Bylaw, which has been constructed or placed on or about any plot, niche, grave site or anywhere within a Public Cemetery;
  - (b) Willfully disturbs persons assembled for the purpose of the interment of a deceased person in a Public Cemetery; or
  - (c) Otherwise contravenes a provision of this Bylaw; is guilty of an offence and is liable upon conviction for a fine not exceeding Ten Thousand Dollars (\$10,000.00) and in default of payment to imprisonment for a period not exceeding 1 year, or both.
- (4) Where a Bylaw Enforcement Officer of the County believes that a person has contravened subsection (3), he or she may commence proceedings by issuing a summons in accordance with Part 2 of the Provincial Offences Procedures Act, RSA 2000, c. P-34 and amendments thereto.
- (5) Officers, employees, servants, agents and contractors of the County are exempt from the provisions of subsection (3) while acting in the ordinary course of their employment.
- (6) Nothing in this Bylaw shall be construed to curtail or abridge the right of the County to pursue any other rights or remedies the County may have at law or equity resulting from the contravention of any of the provisions of this Bylaw.

## **21. REPEAL**

Bylaw No. 8/2011 of Foothills County is hereby repealed.

## **22. COMING INTO FORCE**

**THIS** Bylaw shall come into force upon receiving third and final reading.

FIRST READING: XXXXX, 20XX

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Municipal Manager

SECOND READING:

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Municipal Manager

THIRD READING:

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Municipal Manager

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this  
day of \_\_\_\_\_, 20\_\_.