


**PUBLIC HEARINGS AND MEETINGS
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 LAND USE AMENDMENT
 September 11, 2024
 To be heard at: 10:00 AM**

APPLICATION INFORMATION		FILE NO. 23R026
	LEGAL DESCRIPTION: Ptn. SW 35-20-03 W5M; Plan 0912022, Block 1, Lot 1	
	LANDOWNERS: Lukasz & Monika Lokietko	
	AREA OF SUBJECT LANDS: 9.14 acres	
	CURRENT LAND USE: Country Residential District	
	PROPOSED LAND USE: Country Residential District	
NUMBER & SIZE OF PROPOSED NEW PARCELS: 1 x 3.73 +/- acre parcel		
PROPOSAL: Amendment to the Country Residential District land use rules to allow for the future subdivision of one +/- 3.73 acre Country Residential District parcel, leaving a +/- 5.41 acre Country Residential District balance		
DIVISION NO: 3	DIVISION COUNCILLOR: Barb Castell	
FILE MANAGER: Melanie Michaud		

EXECUTIVE SUMMARY:

Location:

The subject parcel is located on 224th Street W, adjacent to Highway 22 and approximately 1.5 km southeast of the Hamlet of Millarville.

Policy Evaluation:

The application was reviewed within the terms of the:

- Municipal Development Plan 2010 (MDP2010);
- Land Use Bylaw 60/2014; and
- Growth Management Strategy.

Referral Considerations:

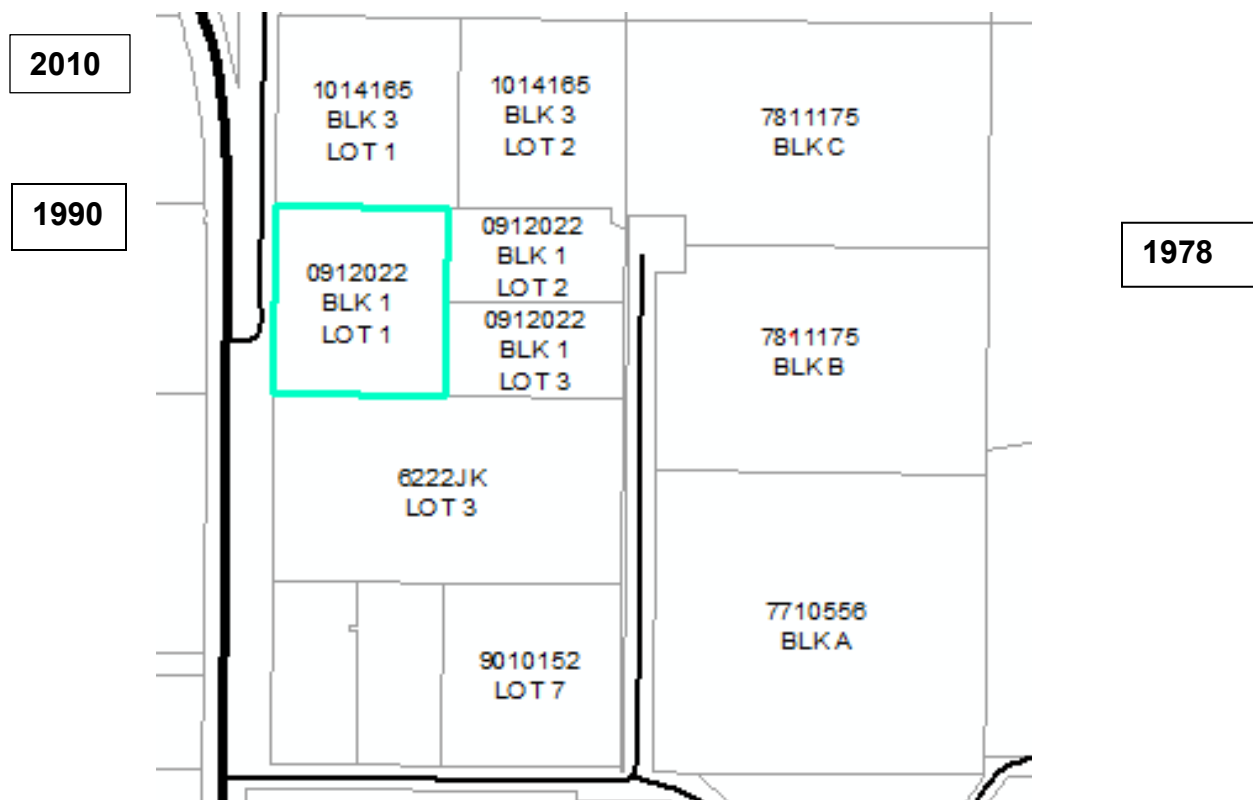
- The application was referred to required Provincial and Municipal bodies, as well as Utilities.

PURPOSE OF APPLICATION:

Bylaw XX/2024 – An application has been made to amend the Land Use Bylaw by authorizing an amendment to the Country Residential Land Use District to allow for the future subdivision of one +/- 3.73 acre Country Residential District parcel, leaving a +/- 5.41 acre Country Residential District balance. A new access point is proposed on service road 224th St W.

HISTORY:

- 1966** Prior to 1966, four parcels of approximately 20 acres each were subdivided from the quarter. Access was to be obtained from the service road along the west side of these parcels.
- 1990** In 1990, Council approved the subdivision of two 4.42 acre lots from the parent parcel – Plan 9010152. These two parcels are accessed from 220 St W.
- 2002** In April of 2002, Council gave one reading for an amendment to Country Residential District Land Use Rules on Plan 6222JK, Lot 3 (18.62 acres) to allow for the creation of one 9.3 acre lot. The applicant later withdrew the application.
- 2009** In February of 2009, Council approved the subdivision of two 5 acre lots from Plan 5000JK, Lot 2 (18.64 acres); being Plan 0912022, Block 1, Lots 2 and 3. These parcels were zoned Country Residential Sub-district “A” due to specific septic requirements to do with a requirement for treatment mounds only.
- 2010** In April of 2010, Council approved the subdivision of one 9 acre parcel from Plan 5000JK, Lot 1 (18.76 acres) and a boundary adjustment to consolidate 0.05 acres from the property to the south into the proposed 9 acre lot for a means of access to the internal subdivision road.



SITE CONSIDERATIONS:

Access:

The subject parcel is currently accessed from an existing approach on service road 224th Street W, which is to remain as access to the balance parcel. The application is proposing to construct a new approach on service road 224th Street W to provide access to the proposed parcel.

Physiography:

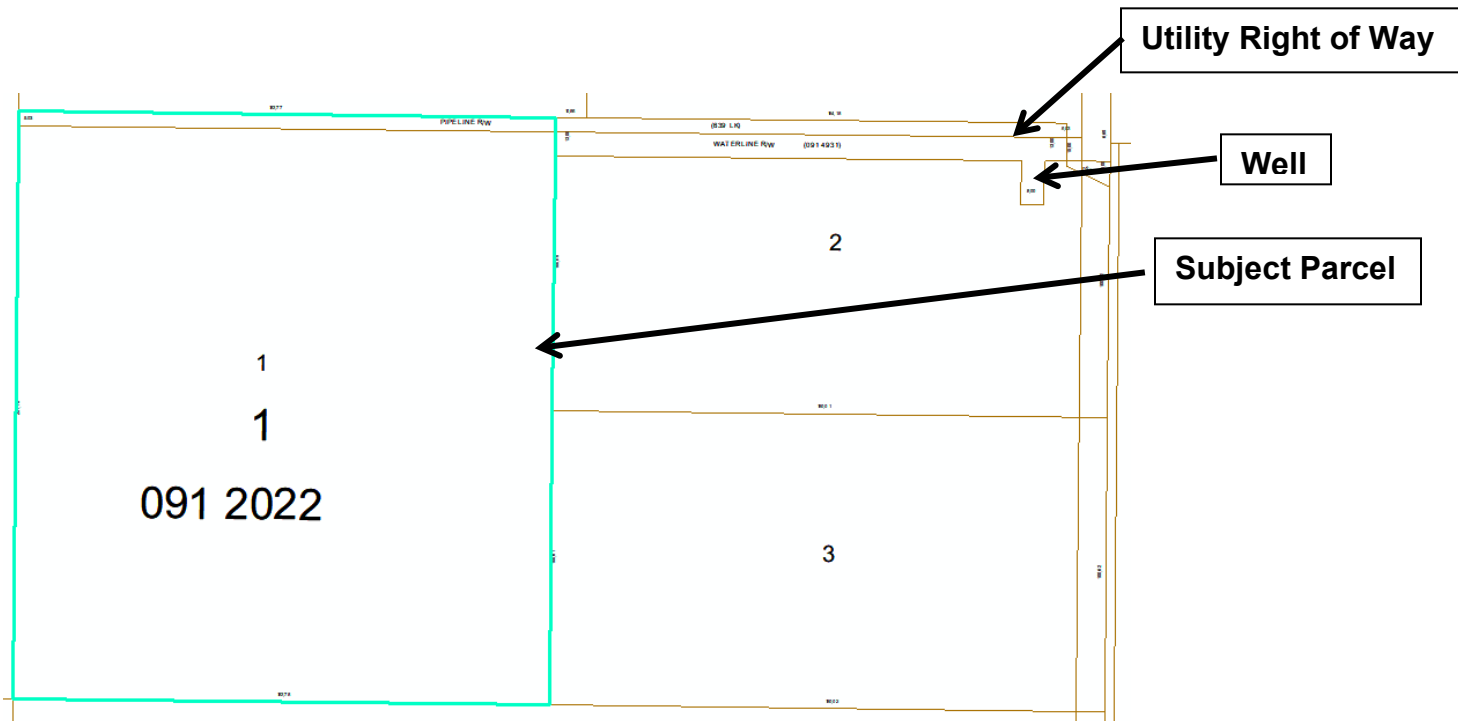
The topography of the subject lands is primarily flat with heavily treed areas. There is a flat area of land along the east portion of the parcel which has been developed for residential use. There is a slope that runs north/ south through the center of the parcel. There is a naturally occurring pond that lies just south of the existing driveway, in approximately the center of the parcel.

Existing Development / Site Improvements:

At this time, the subject parcel has existing development including a single family dwelling with an attached garage, as well as a shop, all of which would be located within the proposed +/- 5.21 acre balance parcel.

Water Considerations:

The subject parcel is currently serviced via an existing water well located on a parcel adjacent to the east. The water well and connection to the pipeline that services the subject parcel is currently protected by a utility right of way agreement which is registered with a utility right of way plan. Foothills County is not party to this agreement. The location of the water well and utility right of way is depicted below.



There is also a Municipal water line to the west of the property that could potentially service both the balance and the proposed parcels.

The landowners are proposing to drill a new well to provide water for the proposed parcel and continue to utilize the existing, as described above for the balance parcel.

RESERVE DEDICATION:

Municipal Reserve:

As the parent parcel of the subject property can be considered a nominal 20 acres, Council could allow one additional lot to be subdivided, however, with regard to the Municipal Reserve, there is no deferred reserve caveat on title and the full amount for the nominal 20 acres was originally paid as a condition of subdivision in 2009 by way of cash in lieu of land.

REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<p><u>Access:</u> Public Works has commented that the approach for the proposed parcel does not meet setback requirements to the intersection of Highway 22 and 224th Street West. However, there have been approaches approved in similar locations on service roads within the County with no concerns. The proposed approach location has good sight distance to the north and towards the intersection. If ATEC requires the approach to meet setbacks, the approach could be moved to the north creating a common approach for the proposed and balance parcels.</p> <p><u>Water Servicing:</u></p> <ul style="list-style-type: none">- If the Municipal waterline is to be used for proof of water for the proposed parcel, a \$15,000 connection fee and the cost of the water meter and installation would need to be paid by the developer.- A curb stop would need to be installed to the property line at the developer's cost. <p><u>The following are recommended to be provided for the proposed +/- 3.73 acre parcel as conditions of subdivision:</u></p> <ul style="list-style-type: none">• High Water Table Testing for Foundation Design• Septic Disposal Evaluation (PSTS) and• Building Envelopes at Subdivision <p>The following is recommended to be provided for the proposed +/- 3.73 acre parcel as a condition of the Development Permit:</p> <ul style="list-style-type: none">• Lot Grading/ Overland Drainage Plan
GIS/Mapping	<p>GIS/Mapping provided the following:</p> <ul style="list-style-type: none">• No concerns.
EXTERNAL	

CIRCULATION REFERRALS

<p>Alberta Transportation</p>	<p>Alberta Transportation noted the following:</p> <ul style="list-style-type: none"> • 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. • 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. • The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the Subdivision Authority to vary the requirements of Section 18 of the Regulation. • The requirements of Section 19 are not met, therefore no variance is required.
<p>PUBLIC</p>	
<p>Western Wheel</p>	<p>August 28, 2024 and September 4, 2024</p>

POLICY EVALUATION:

Municipal Development Plan 2010 (MDP2010):

The application generally meets the intent of Policies 3 and 9 of the Residential section of the MDP2010, which provides that residential parcels should consider their compatibility with the surrounding area and their impact on the agricultural industry. Further, the development must consider the suitability of the lands for residential uses and the efficient use of land.

Land Use Bylaw 60/2014:

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

Growth Management Strategy:

The subject parcel is located within the Northwest District. The vision for this District is supportive of minimal to moderate growth and development, particularly in areas where fragmentation and development has already occurred.

SUMMARY:

Bylaw XX/2024 – Application to amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one +/- 3.73 acre Country Residential District parcel, leaving a +/- 5.41 acre Country Residential District balance.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – APPROVAL

Council may choose to grant 1st reading to the application for an amendment to the Country Residential District land use rules to allow for the future subdivision of one +/- 3.73 acre Country

Residential District parcel, leaving a +/- 5.41 acre Country Residential District balance from Ptn. SW 35-20-03 W5M; Plan 0912022, Block 1, Lot 1 for the following reasons:

In their consideration of the criteria noted within the Residential section of the MDP2010, Council is of the opinion that the lands are suitable for the intended use. 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 proposed 3.73 +/- acre parcel be designated as Country Residential Sub-district 'A' to ensure that the recommendations and restrictions as outlined in the Septic Disposal Evaluation (PSTS), High Water Table Testing for Foundation Design, and Building Envelope (provided as conditions of subdivision), as well as Lot Grading and Overland Drainage Plan (provided as a condition of development) 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. 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. 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. Proof of water in accordance with the Provincial Water Act to the satisfaction of the County;
3. Final amendment 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 an amendment to the Country Residential District land use rules to allow for the future subdivision of one +/- 3.73 acre Country Residential District parcel, leaving a +/- 5.41 acre Country Residential District balance from Ptn. NE 35-20-03 W5M; Plan 0912022, Block 1, Lot 1 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 cumulative effects of the development and the suitability of the lands for further development.

APPENDICES:

APPENDIX A: MAP SET

LOCATION MAP

LAND USE MAP

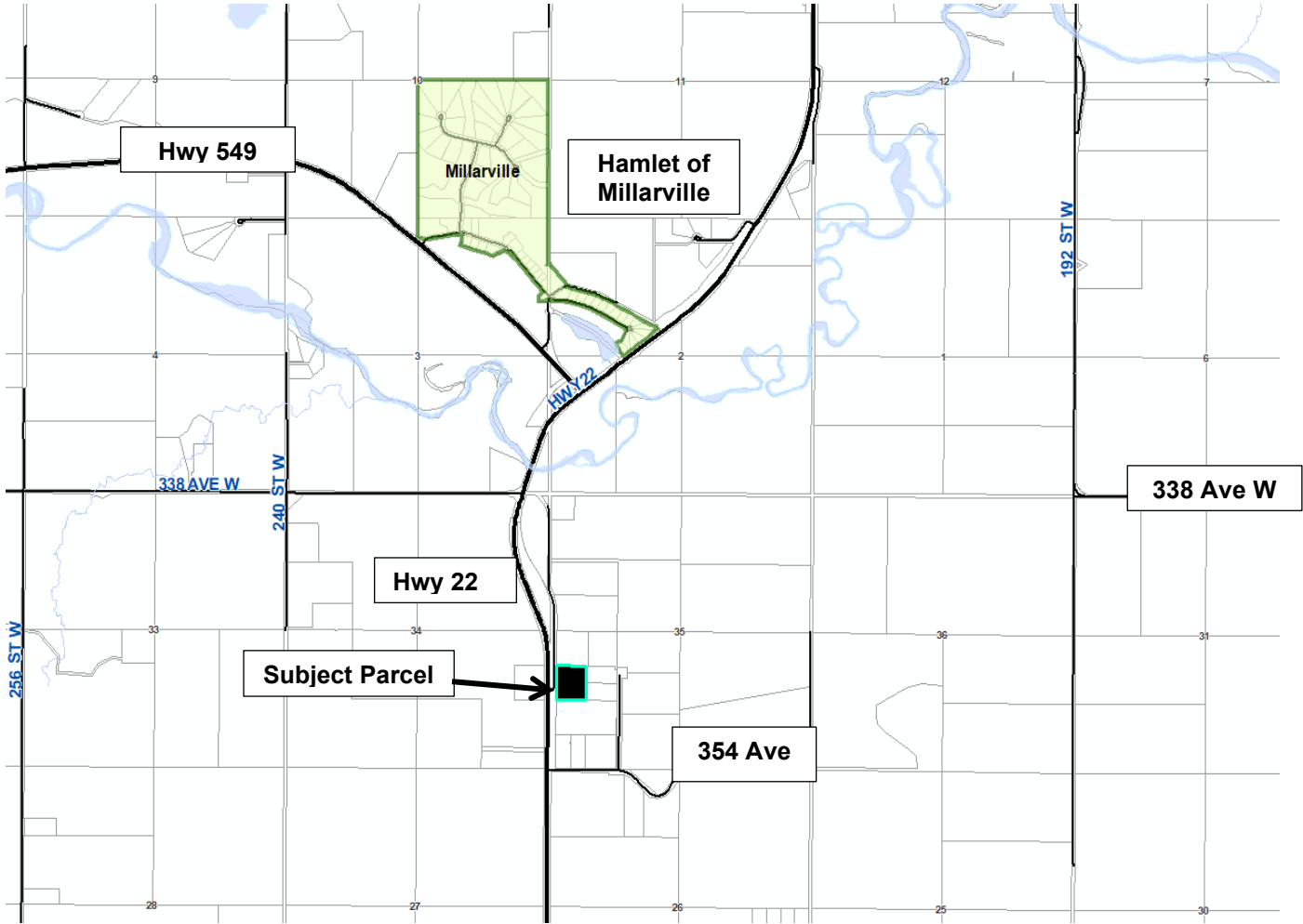
HALF MILE – PARCEL SIZES

SITE PLAN

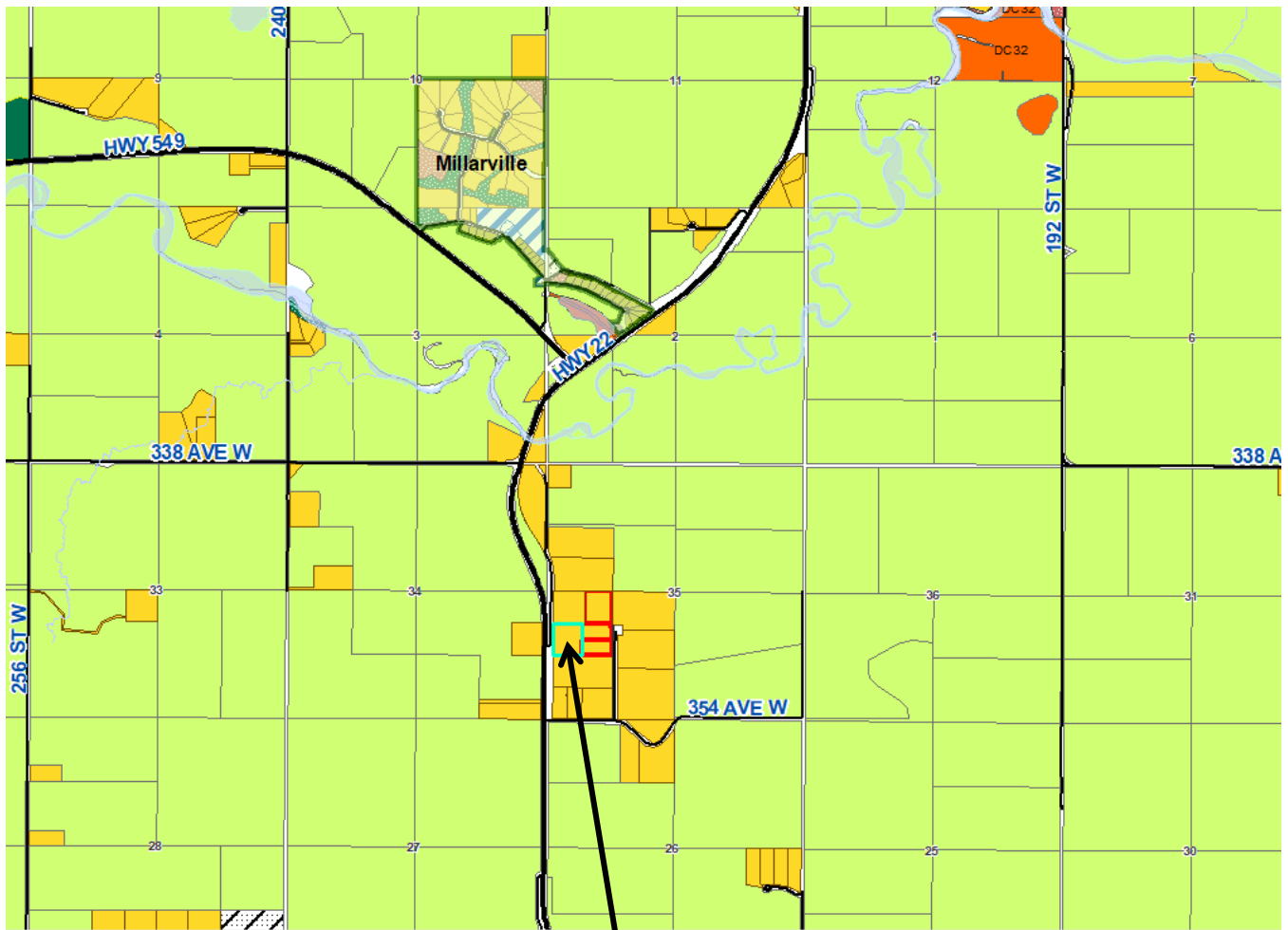
ORTHO PHOTO

APPENDIX B: PROPOSED BYLAW

APPENDIX A: LOCATION MAP



APPENDIX A: LAND USE MAP

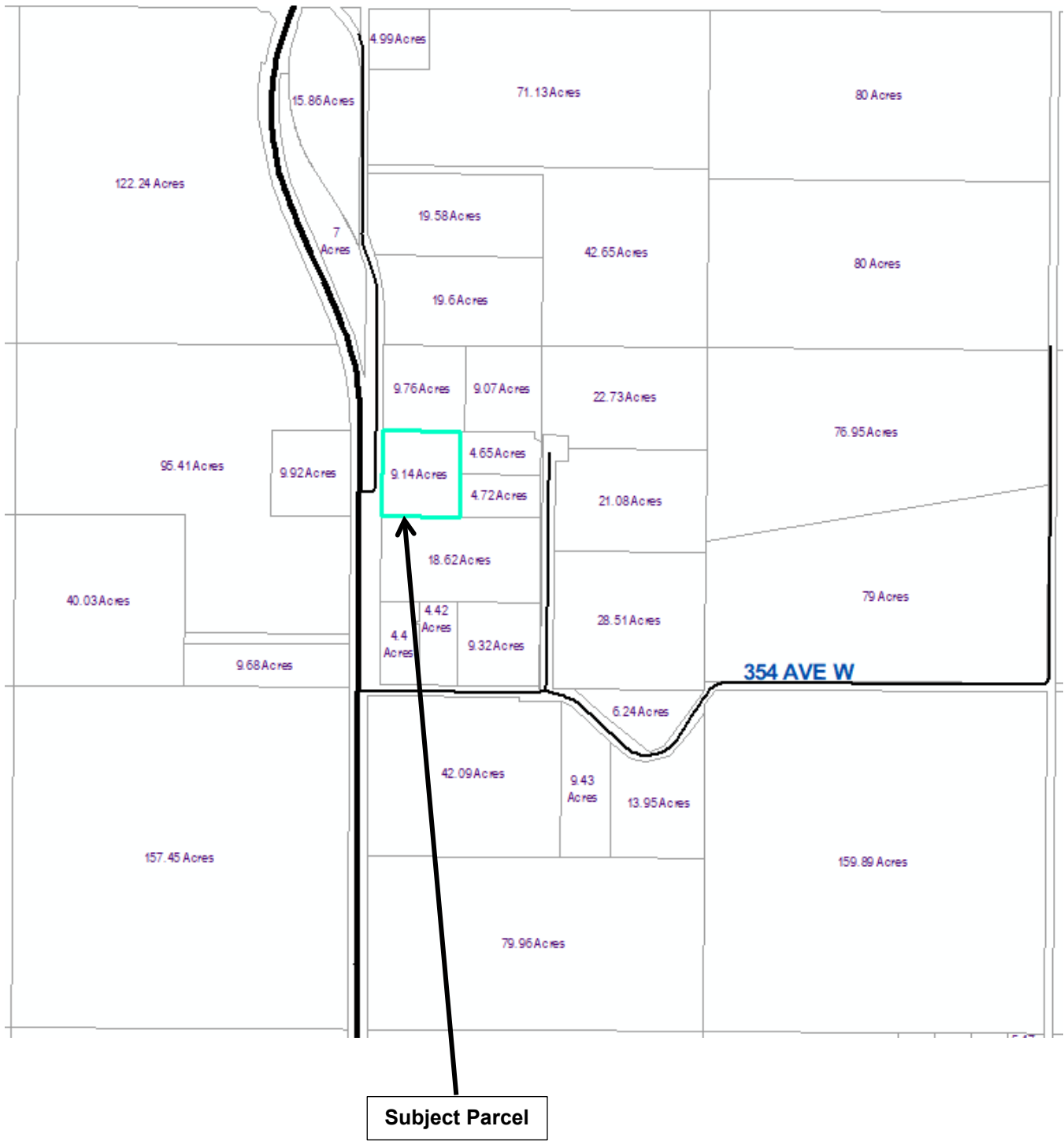


Subject Parcel

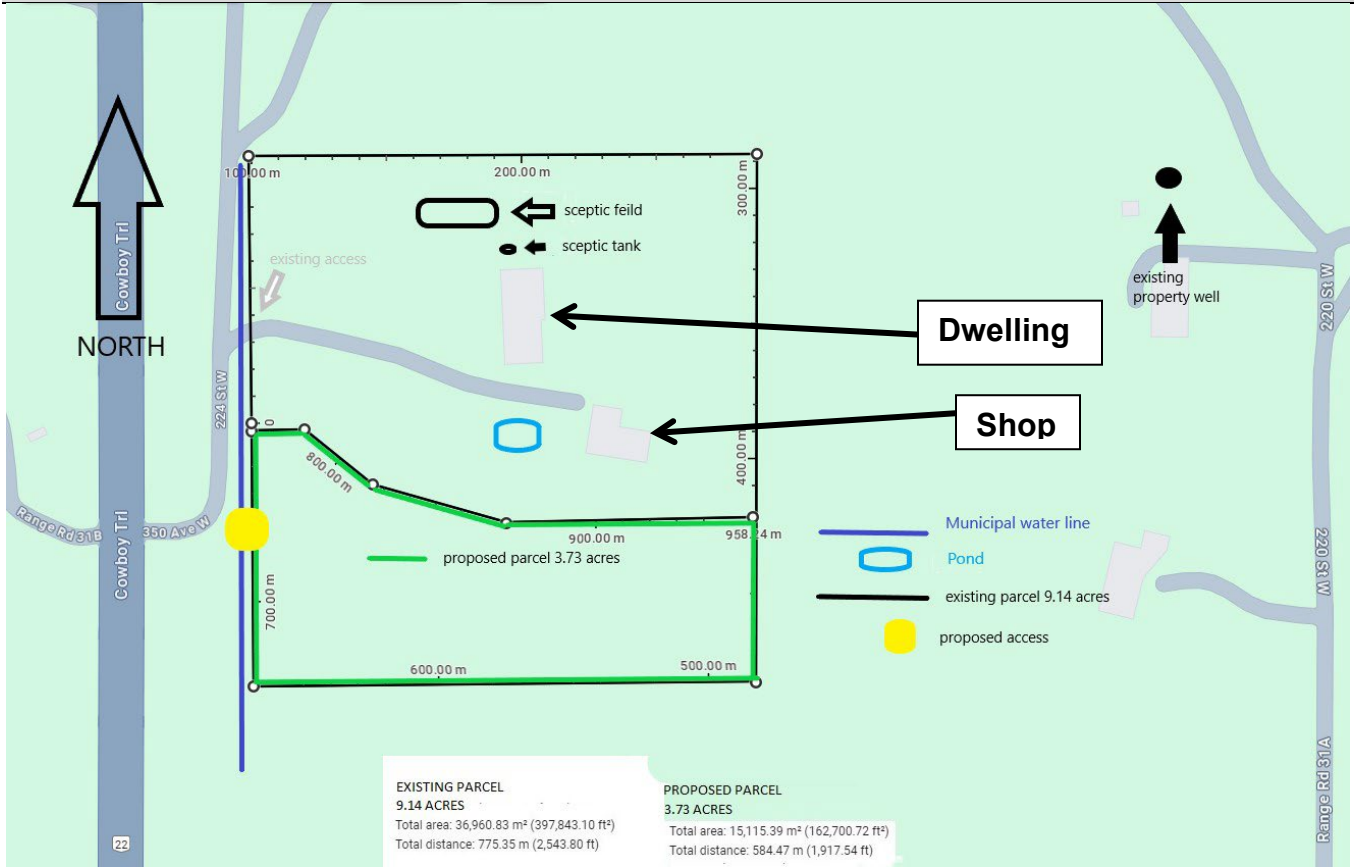
Legend

- | | | |
|--------------------------------|----------------------------------|---------------------------|
| Multiple Land Uses | HR- Hamlet Residential | ER- Environmental Reserve |
| A- Agricultural | CMC- Community Commercial | MR- Municipal Reserve |
| AA- Agricultural Sub A | INR- Natural Resource Extraction | |
| AB- Agriculture Business | DC- Direct Control | |
| CR- Country Residential | EP- Environmental Protection | |
| CRA- Country Residential Sub A | PUL- Public Utility | |

APPENDIX A: HALF MILE – PARCEL SIZES



APPENDIX A: SITE PLAN



APPENDIX A: ORTHO PHOTO



**Proposed
+/- 3.73 Acre Parcel**

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 an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 3.73 +/- acre Country Residential lot, with a 5.41 +/- acre Country Residential balance parcel on Plan 0912022, Block 1, Lot 1; Ptn. SW 35-20-03 W5M.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

- 1. Under SECTION 13.0.0 COUNTRY RESIDENTIAL DISTRICT, the following shall be added under Part 8 Bylaw Amendments:

Plan 0912022, Block 1, Lot 1; Ptn. SW 35-20-03 W5M within which shall allow for the future subdivision of one new 3.73 +/- acre Country Residential lot, with a 5.41 +/- acre Country Residential balance parcel.

- 2. This Bylaw shall have effect on the date of its third reading and upon being signed.

FIRST READING:

Reeve

CAO _____

SECOND READING:

Reeve

CAO _____

THIRD READING:

Reeve

CAO _____

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