


**2MISCELLANEOUS PLANNING ITEM  
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
 FEE WAIVER REQUEST  
 November 13, 2024**

<b>APPLICATION INFORMATION</b>		<b>File No. 24R023</b>
	<b>LEGAL DESCRIPTION:</b> Ptn. N 32-19-03 W5M; Plan 2210609, Block 1, Lot 1	
	<b>LANDOWNERS:</b> RL7 Ranch Inc - Paul & Kelly Unger	
	<b>AREA OF SUBJECT LANDS:</b> 250.19 acres	
	<b>CURRENT LAND USES:</b> Agricultural District (A)	
<b>PROPOSAL:</b> Request to Council to consider waiving the outstanding fees associated with the Land Use Conditions of Approval.		
<b>LOCATION:</b> The subject parcel is located directly west and adjacent to the intersection of Highway 546 and 264 St W, and approximately 6.3km west of the Town of Diamond Valley.		
<b>DIVISION NO:</b> 3		<b>COUNCILLOR:</b> Barb Castell
<b>FILE MANAGER:</b> Brittany Smith		

**EXECUTIVE SUMMARY:**

**Purpose of Request:**

The landowners are requesting Council to consider waiving the fee requirements as outlined in the Land Use Amendment conditions of approval as follows:

- Final Redesignation Fees - \$1,000
- Community Sustainability Fee - \$11,300
- Initial Subdivision Fees - \$1,100
- Subdivision Appeal & Final Subdivision Endorsement Fees - \$2,000

Total Fees requested to be waived: **\$15,400**

*The landowners have provided a letter outlining their request, which has been provided within Appendix A of this staff report.*

Please note the area Councillor has approved this request to be brought in front of Council.

**BACKGROUND:**

**September 4, 2024:** Council granted first reading to Bylaw 45/2024 authorizing an amendment to the Agricultural District land use rules to allow for the future subdivision of one 87.45 +/- acre Agricultural District parcel with a 162.74 +/- acre Agricultural District balance parcel.

*A history of the subject parcel has been provided within Appendix B of this staff report.*

**LAND USE APPROVAL CONDITIONS:**

The following conditions were set by Council on September 4, 2024. To date, no conditions have been completed.

1. Landowners are to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for 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.
3. Submission of an executed subdivision application and the necessary fees.

#### **REQUEST TO COUNCIL:**

##### **OPTION 1 APPROVAL:**

Should Council have no concerns regarding the fee waiver request, the following motion has been provided for consideration:

*Council has no objection to the fee waiver request and the landowners will therefore not be required to pay the associated fees as outlined in the conditions of approval for Bylaw 45/2024.*

**OR**

##### **OPTION 2 REFUSAL:**

Should Council have concerns regarding the fee waiver request, the following motion has been provided for consideration:

*Council has objections to the fee waiver request and deem the required associated fees as outlined in the conditions of approval for Bylaw 45/2024 be upheld.*

#### **APPENDICES:**

##### **APPENDIX A: LANDOWNER LETTER OF REQUEST**

##### **APPENDIX B: HISTORY**

##### **APPENDIX C: LOCATION MAP**

##### **APPENDIX D: BYLAW 45/2024**

## APPENDIX A: LANDOWNER LETTER OF REQUEST

To Foothills County Council and Administration,

In order to complete our purchase of a larger block of contiguous parcels totalling 604 acres in 2021, three parcels that remained part of lands separated by the Highway 546 re-alignment, were consolidated into a single 250 acre parcel (N32-19-03 W5M). The consolidation into one parcel was done in order to expedite the land purchase, and avoid the more lengthy process of seeking division of three parcels separately.

On September 4, 2024, RL7 Ranch received approval by Council for the subdivision approval of two separate parcels for the purpose of having the conventional quarter section boundary line restored. Council's approval appears to be consistent with the precedent of recognizing separate titles for parcels when divided by highway re-alignments, which in fact occurred with a 26 acre parcel (NE30-19-03/W5M) that was also part of our 604 acre acquisition.

What has been attained by the approval of our application is to only restore a conventional property line and not create a distinct or unique parcel. It is our request that Council and Administration kindly give consideration to the waiver of additional expenses related to "Conditions of Approval".

Respectfully,

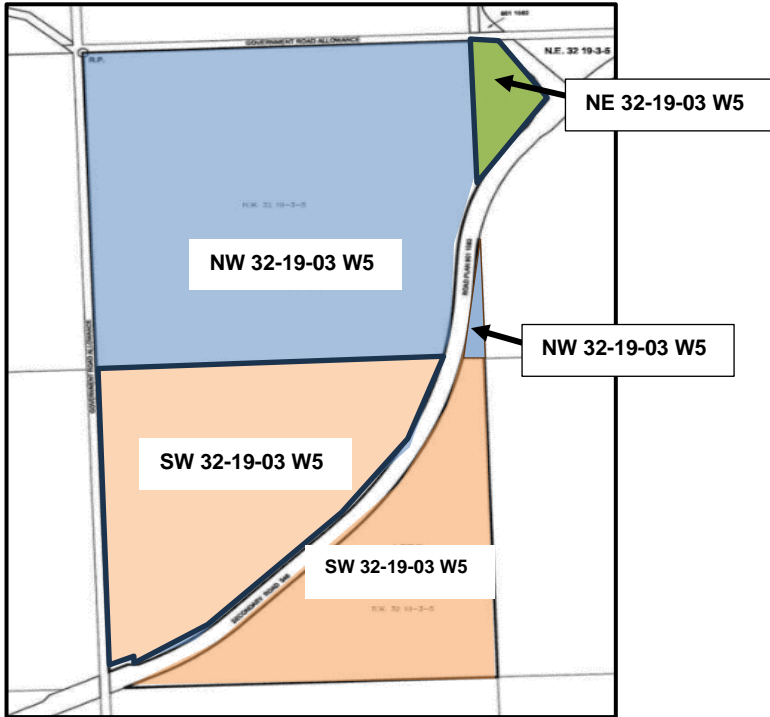
Paul and Kelly Unger  
RL7 Ranch Inc.  
Foothills County

## APPENDIX B: SUBJECT PARCEL HISTORY

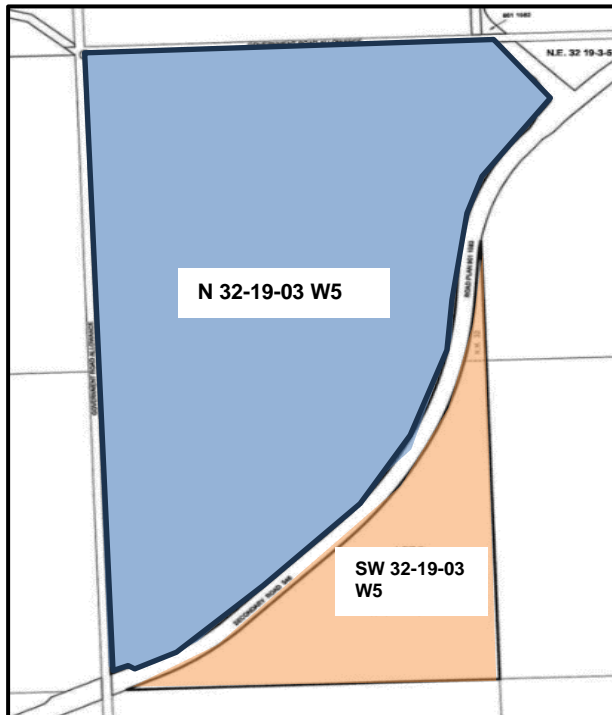
**June 2021** – Approval was granted for a Boundary Adjustment whereby 8.0 +/- acres was taken from NE 32-19-03 W5 and 87.0 +/- acres was taken from a portion of SW 32-19-03 W5 and consolidated with NW 32-10-03 W5, resulting in a 250.19 +/- acre subject Agricultural parcel.

Additionally, a 1.45 +/- acre portion was taken from NW 32-19-03 W5 and consolidated with the remainder of SW 32-19-03 W5M.

### Property Lines Prior to Boundary Adjustment

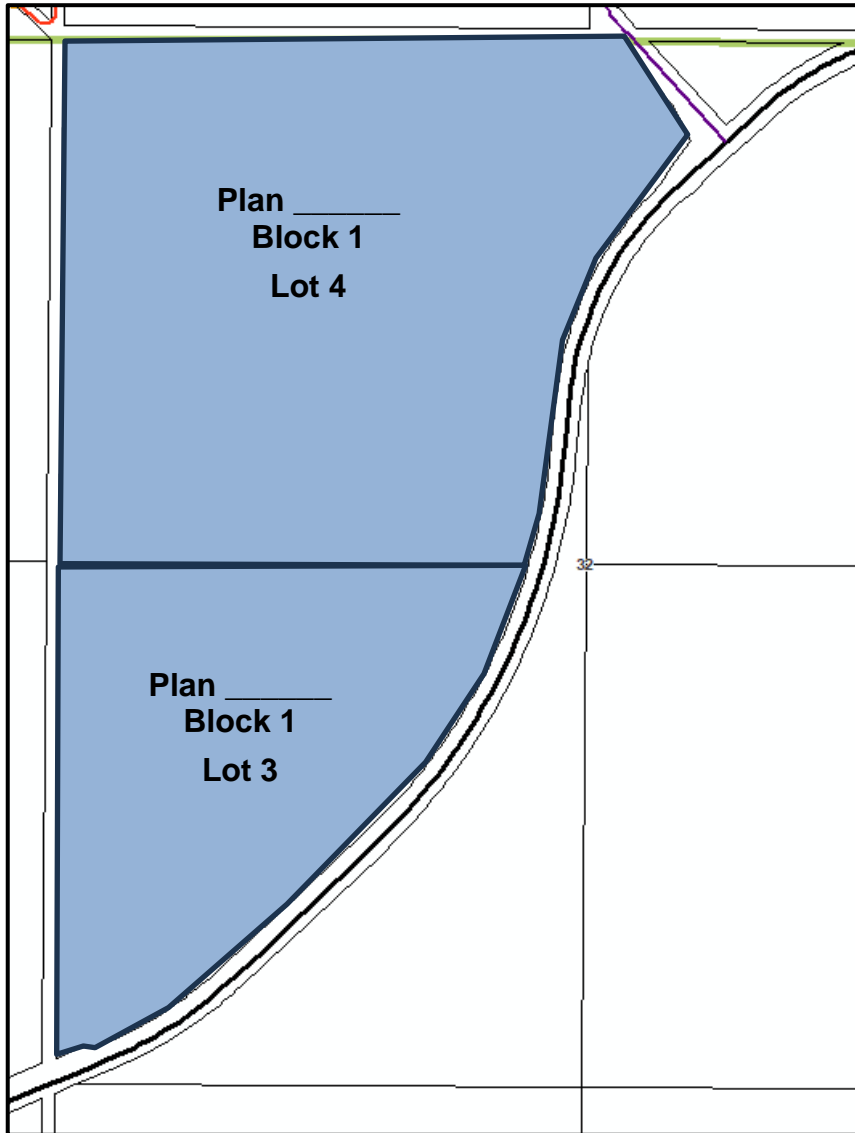


### Property Lines After Boundary Adjustment in 2021

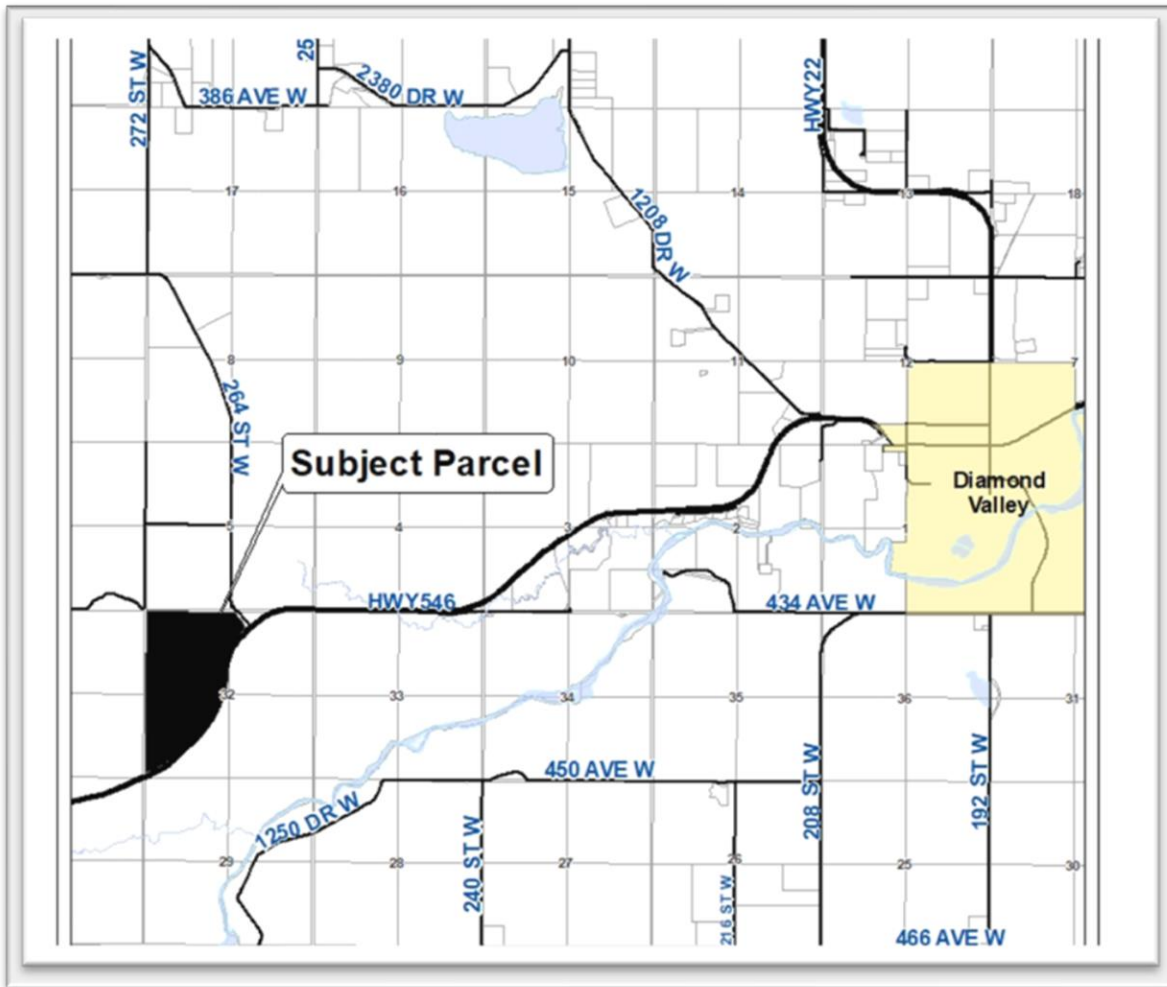


**Proposed Property Lines After September 2024 Land Use Amendment**

Below is a plan of the approval granted by Council at the September 4, 2024 Land Use Public Hearing.



**APPENDIX C: LOCATION MAP**



C.1.1 RL7 Ranch Inc./Unger - N 32-19-03 W5M - Amend A - Decision

**Bylaw 45/2024**

Bylaw 45/2024 was introduced into the meeting to authorize an amendment to the Agricultural District land use rules to allow for the future subdivision of one 87.45 +/- acre Agricultural District parcel with a 162.74 +/- acre Agricultural District balance parcel on Plan 2210609, Block 1, Lot 1; Ptn. N 32-19-03 W5M for the following reasons:

In consideration of the criteria noted within the Agricultural section of the MDP2010, Council is of the opinion that the lands are suitable for the intended use and that fragmentation of the subject lands would not be detrimental to the overall nature of the area. Further, the application falls within the density provisions and lot size restrictions of Agricultural District within the County's Land Use Bylaw.

**Conditions of Approval:**

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;
3. Submission of an executed subdivision application and the necessary fees.

**Resolution 652**

**Moved by:** Councillor Castell

That Bylaw 45/2024 be given first reading.

**THE BYLAW WAS PASSED FOR ONE READING**