


**PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
REDESIGNATION
November 13, 2024
To be heard at: 10:00 am**

APPLICATION INFORMATION		File No. 24R 024
	LEGAL DESCRIPTION: SE 13-20-28 W4M	
	LANDOWNER(S): LAURA REAGAN	
	AREA OF SUBJECT LANDS: 143.1 ACRES	
	CURRENT LAND USE: AGRICULTURAL DISTRICT	
	PROPOSED LAND USE: COUNTRY RESIDENTIAL DISTRICT	
NUMBER & SIZE OF PROPOSED NEW PARCELS: 1 x 4.5 +/- ACRES		
PROPOSAL: Application for the redesignation of a portion of SE 13-20-28 W4M from Agricultural District to Country Residential District in order to allow the future subdivision of one 4.5 +/- acre Country Residential District parcel, leaving 138.6 +/- acre Agricultural District balance.		
DIVISION NO: 1	COUNCILLOR: Rob Siewert	FILE MANAGER: Stacey Kotlar

EXECUTIVE SUMMARY:

Location:

The subject parcel is located:

- Directly north of 402 Ave E
- Directly west of 176 St E
- 2.4 km south of Highway 547

Policy Evaluation:

Reviewed within the terms of the:

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

Referral Considerations:

The application submission was referred to required internal departments and external agencies.

PURPOSE OF APPLICATION:

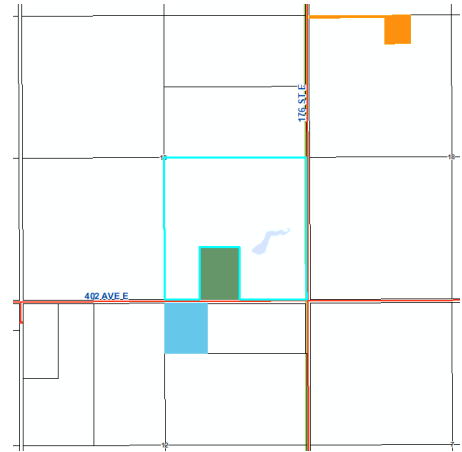
Bylaw XX/2024 – Application for the redesignation of a portion of SE 13-20-28 W4M from Agricultural District to Country Residential District in order to allow the future subdivision of one 4.5 +/- acre Country Residential District parcel with an approximate 138.6 +/- acre Agricultural District balance.

HISTORY:

1990 A subdivision application was approved within the southern half of the subject parcel, SE 13-20-28 W4M, allowing the creation of one 16.88 acre parcel, as the first parcel out (shown in green).

1999 A subdivision application was approved within the quarter section directly south of the subject parcel, NE 12-20-28 W4, allowing the creation of one 17.07 acre Country Residential District parcel (shown in blue).

2018 A subdivision application was approved within the quarter section to the northeast, NW 18-20-27 W4, allowing the creation of one 7.5 acre Country Residential Sub-district "A" parcel, as the first parcel out (shown in orange).



SITE CONSIDERATIONS:

Access:

The subject parcel currently has 3 existing approaches. The application is proposing retaining the existing approach from 402 Ave E to the dwelling as the access for the new Country Residential parcel (denoted with the green arrow). The application proposes retaining the existing agricultural approaches for the balance Agricultural District parcel (denoted with the red and orange arrows).

Physiography:

The subject parcel is flat to rolling terrain, largely used as farmland. There is a recurring seasonal drainage course/stream that runs from north to south on the east side of the subject parcel. The balance parcel will contain the small waterbody. The seasonal drainage course/stream runs through the center of the proposed Country Residential District parcel.

Note: Public Works is recommending that an Environmental Reserve Easement (ERE) be registered by caveat over the naturally defined drainage course within the proposed parcel. The approximate location of the recommended ERE area is shown on this map outlined in orange.

Existing Development:

The proposed parcel contains all of the existing development, which includes a dwelling, detached garage, barn, 2 wooden sheds and an animal shelter.



RESERVE DEDICATION:

Municipal Reserve:

To date, no municipal reserves have been provided. As per the County's Municipal Reserve Policy, as a condition of Subdivision, Council may require that reserves be provided by way of cash-in-lieu of land for the 4.5 +/- acre Country Residential District parcel.

Environmental Reserve or Environmental Reserve Easement:

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 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.

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.

Further to this, Section 663(a),(b) and (c), provides that should the subdivision be the first parcel out of a quarter section, be larger than 16 hectares, smaller than 0.8 hectares, or reserves have already been provided, that Environmental Reserve or Environmental Reserve Easement “may” not be required.

POLICY EVALUATION:

Municipal Development Plan 2010 (MDP2010):

The application generally meets with 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 East District. Outside the Blackie ASP plan area, little growth is anticipated for this district and Agriculture will continue to be the dominant land use.

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<p>The following are recommended for the proposed 4.5 +/- acre parcel:</p> <ul style="list-style-type: none"> • Public Works is requesting an Environmental Reserve Easement over the naturally defined drainage course that runs north to south through the proposed parcel. <p>Public Works has also provided the following comments:</p> <ul style="list-style-type: none"> • Road widening by caveat 5m along 402 Ave E and 176 St E • Road widening surveyed out 5m along 402 Ave E for the proposed parcel

CIRCULATION REFERRALS	
GIS Mapping	No concerns
EXTERNAL	
ATCO Gas	No objections
PUBLIC	
Western Wheel	October 30, and November 6, 2024
Landowners (half mile)	No submissions received prior to submission of this staff report.

SUMMARY

Bylaw XX/2024 – Application for the redesignation of a portion of SE 13-20-28 W4M from Agricultural District to Country Residential District in order to allow the future subdivision of one 4.5 +/- acre Country Residential District parcel with an approximate 138.6 +/- acre Agricultural District balance.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – FIRST READING APPROVAL

Council may choose to grant 1st reading to the application for the redesignation of a portion of SE 13-20-28 W4M from Agricultural District to Country Residential District in order to allow the future subdivision of one 4.5 +/- acre Country Residential District parcel with an approximate 138.6 +/- acre Agricultural District balance for the following reasons:

In their consideration of the criteria noted within the Agricultural section of the MDP2010, Council is of the opinion that fragmentation of the subject lands would not be detrimental to the agricultural nature of the area. Further the application falls within the density provisions and lot size restrictions of the Country Residential District within the County’s Land Use Bylaw.

Recommended Conditions for Option #1:

1. Should Council wish to support this application and Public Works recommendation for an Environmental Reserve Easement (ERE), a revised site plan to be provided which identifies the ERE area over the full extents of the naturally defined drainage course and any associated riparian lands located within the proposed boundaries of the 4.5 +/- acre parcel, to be provided to the satisfaction of the County’s Public Works department;
2. Landowners are to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for the purposes of payment of the community sustainability fee and any other necessary municipal and on-site improvements as required by Council and the Public Works department;
3. 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 the redesignation of a portion of SE 13-20-28 W4M from Agricultural District to Country Residential District in order to allow the future subdivision of one 4.5 +/-

acre Country Residential District parcel with an approximate 138.6 +/- acre Agricultural District balance for the following reasons:

In consideration of the criteria noted within the Agricultural section of the MDP2010, Council did not find sufficient merit in the proposal to consider removing the subject lands from the Agricultural District. Further, 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 cumulative effects of the development, the environmental impact, and the suitability of the lands for further development.

APPENDICES

APPENDIX A: MAP SET:

LOCATION MAP

LAND USE MAP - HALF MILE

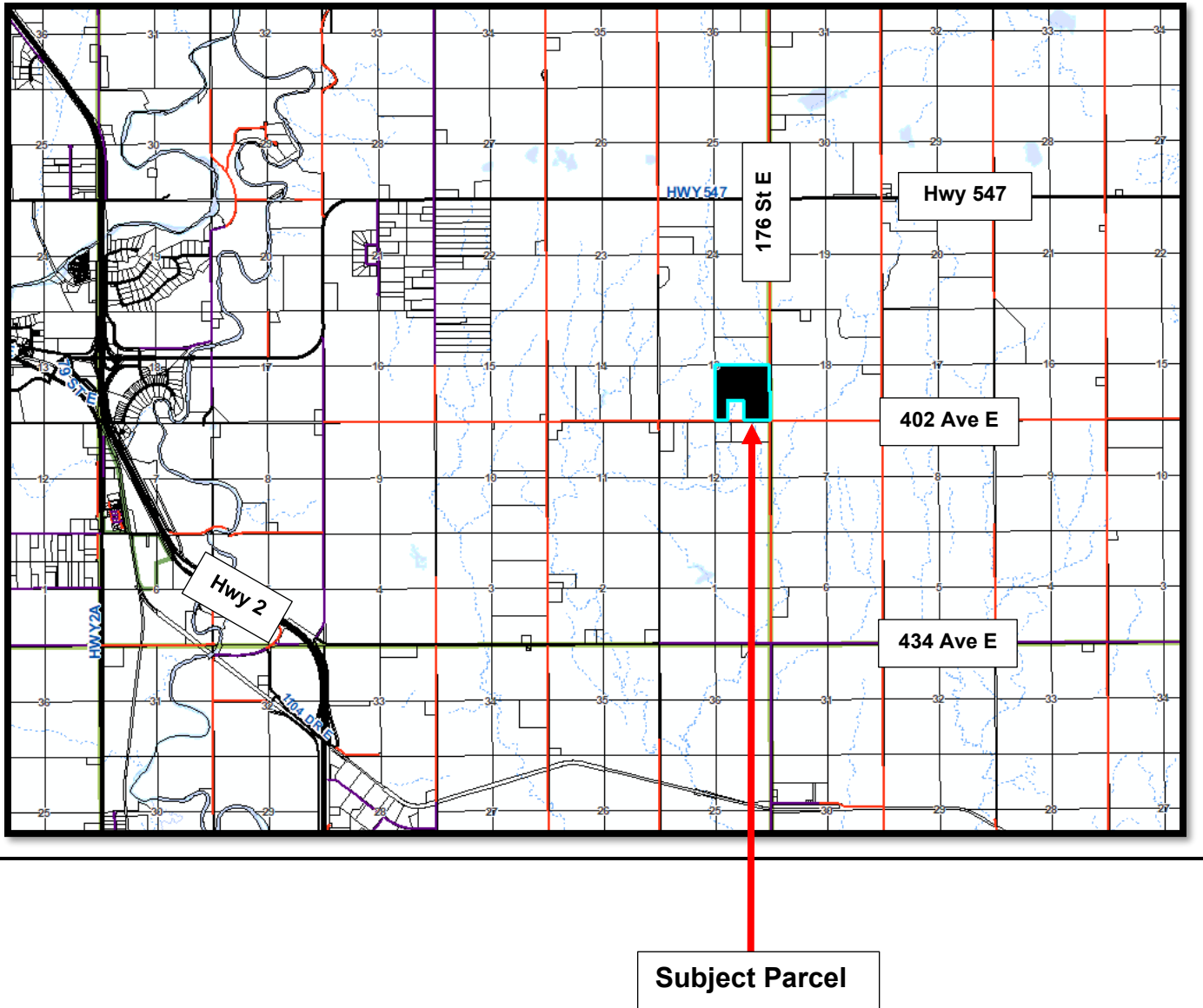
PARCEL SIZED - HALF MILE

SITE PLAN

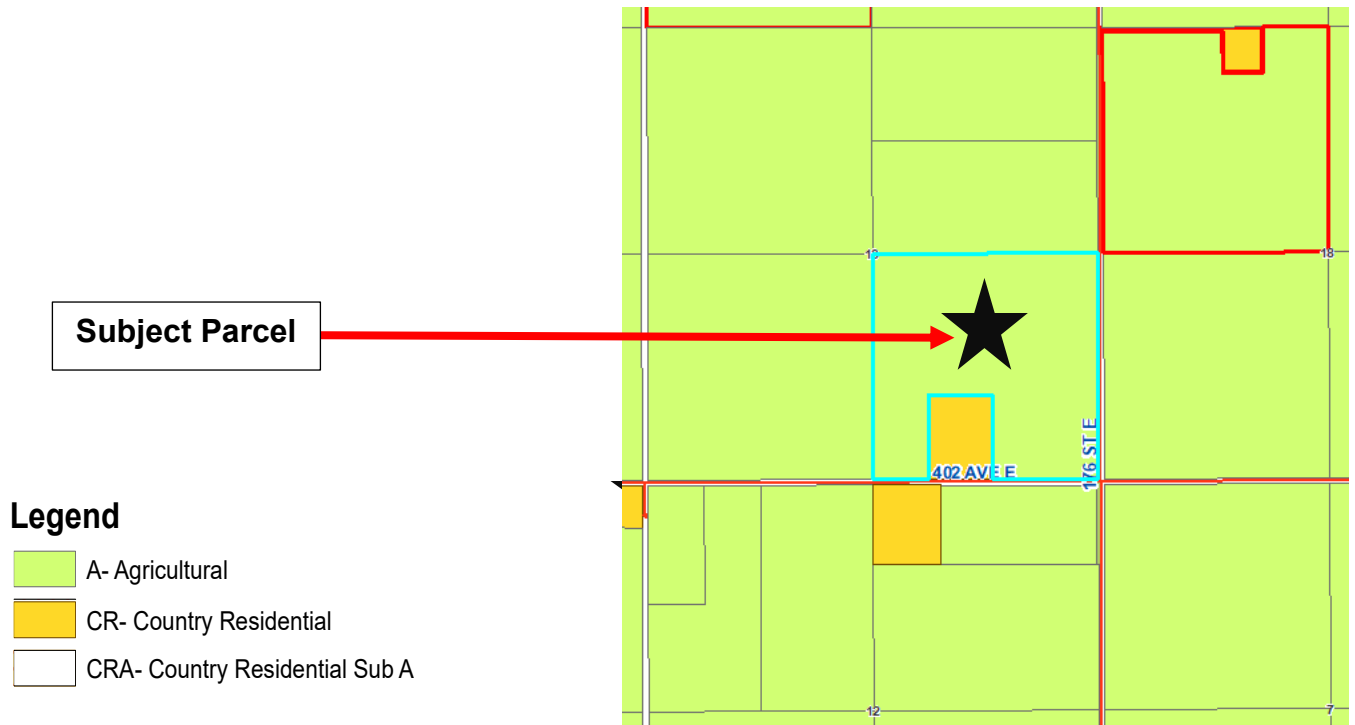
ORTHO PHOTO

APPENDIX B: PROPOSED BYLAW

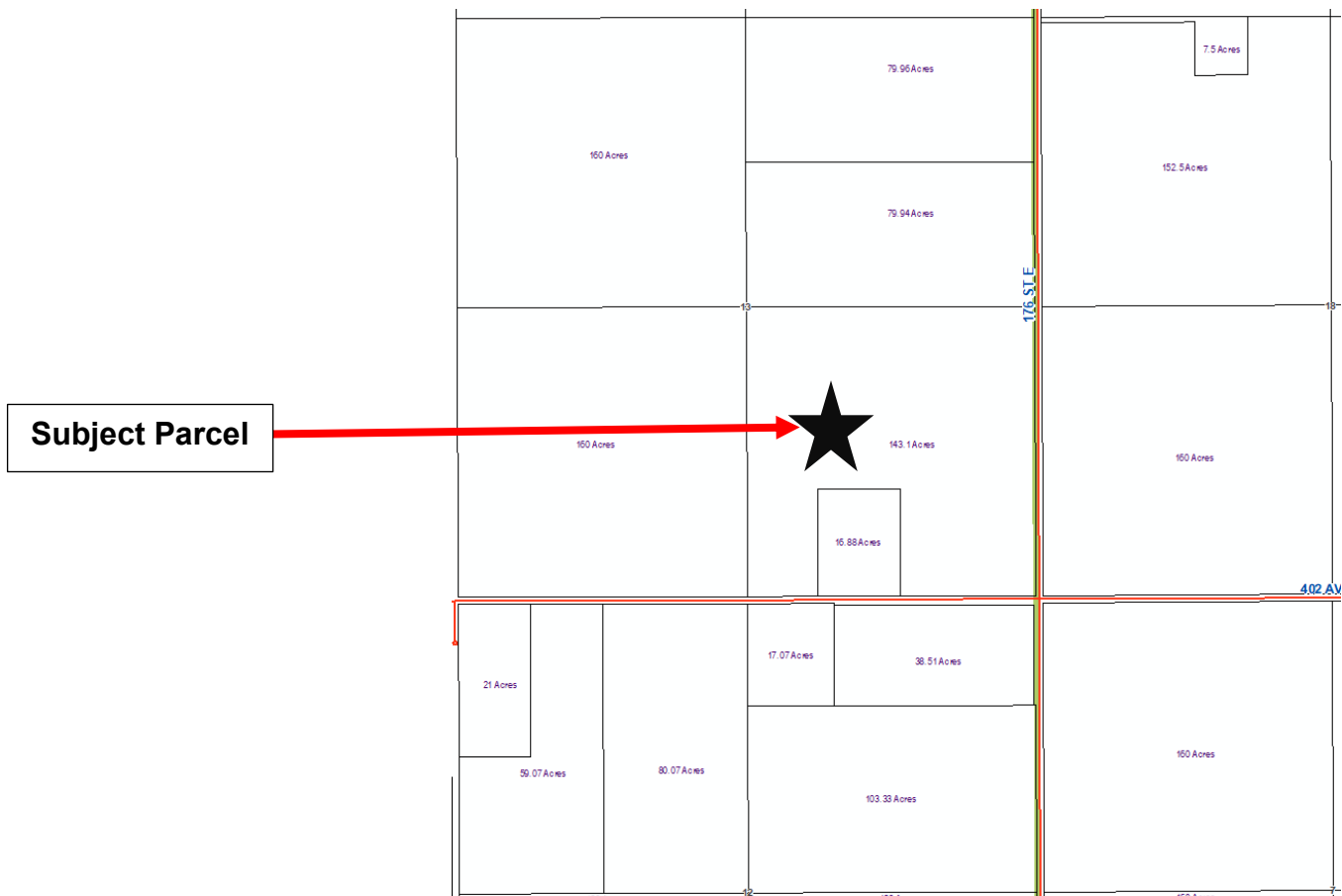
APPENDIX A: LOCATION MAP



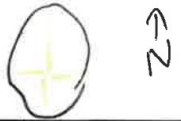
APPENDIX A: LAND USE



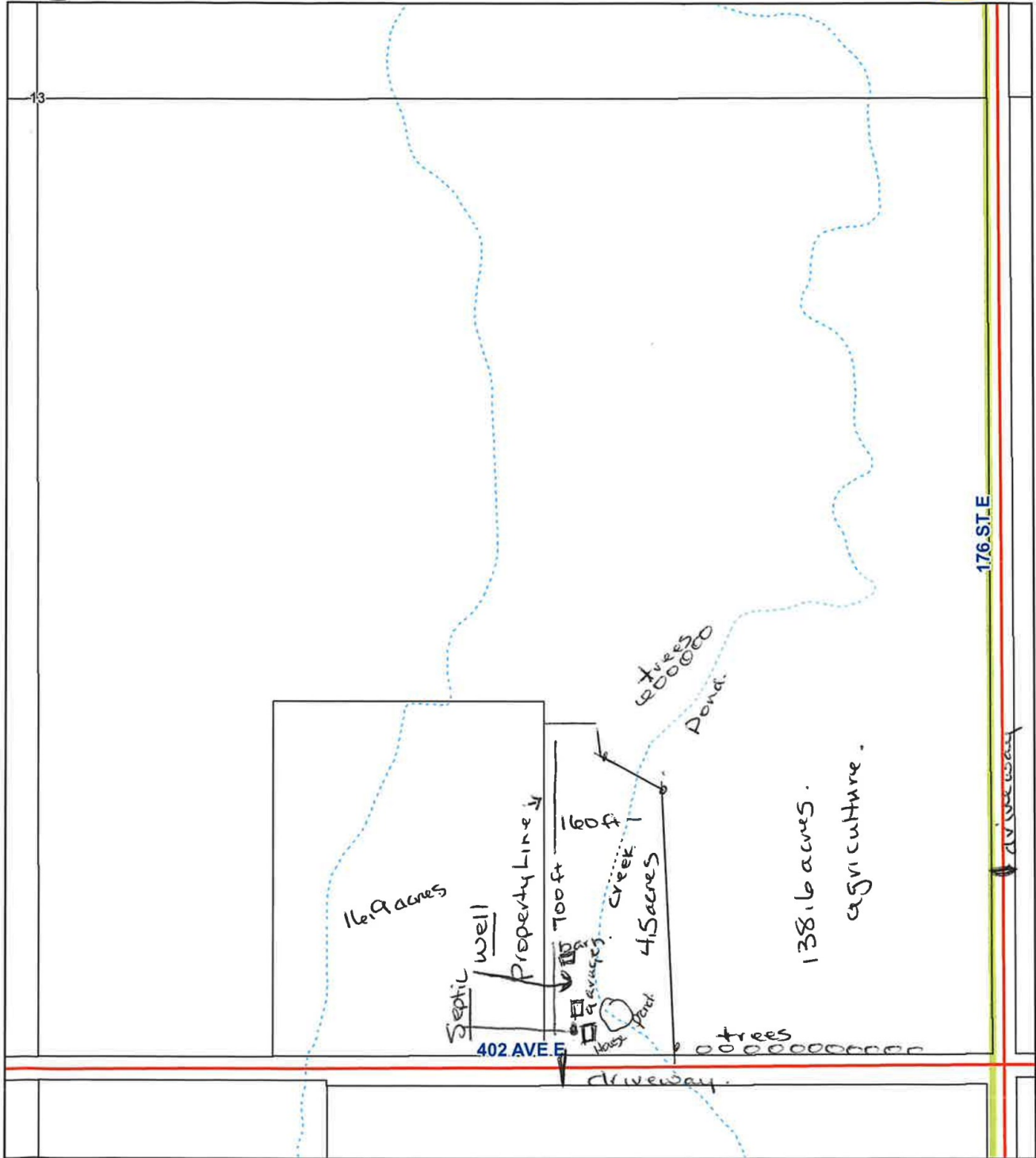
APPENDIX A: LOT SIZES (IN ACRES)



APPENDIX A: SITE PLAN



SE 13-20-28 W4



APPENDIX A: ORTHO



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 redesignation of a 4.5 +/- acre portion of SE 13-20-28 W4M from Agricultural District to Country Residential District in order to allow for a future subdivision of one 4.5 +/- acre Country Residential lot with an approximate 138.6 +/- acre Agricultural District balance parcel.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Land Use Map No. 2028 is amended by redesignation of a 4.5 +/- acre portion of SE 13-20-28 W4M as Country Residential District.
2. This Bylaw shall have effect on the date of its third reading and upon being signed.

FIRST READING:

Reeve

CAO

SECOND READING:

Reeve

CAO

THIRD READING:

Reeve

CAO

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