


**PUBLIC HEARINGS AND MEETINGS
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 REDESIGNATION
 November 13, 2024
 To be heard at: 1:30 PM**

APPLICATION INFORMATION		File No. 24R034
	LEGAL DESCRIPTION: Ptn. NW 22-21-29 W4M; Plan 0311704, Block 5, Lot 3	
	LANDOWNERS: Bahlsen Developments Ltd – Pia Fortmuller	
	AGENT: Township Planning + Design Inc – Brayden Libawski	
	AREA OF SUBJECT LANDS: 60.98	
	CURRENT LAND USE: Agricultural District	
	PROPOSED LAND USE: Country Residential District (CR)	
NUMBER & SIZE OF PROPOSED NEW PARCELS: 11 CR lots (between +/-3.47 – 4.90 acres) 1 x +/- 6.07 acre Municipal Reserve parcel and 1 x 0.30 acre Environmental Reserve Easement		
PROPOSAL: Application for the redesignation of the subject 60.98 +/- acre parcel from Agricultural District to Country Residential District to allow the future subdivision of eleven (11) 3.0 +/- acre to 4.78 +/- acre Country Residential lots with 6.07 +/- acres of Municipal Reserve parcel and 0.30 +/- acres of Environmental Reserve Easement on Lot 4 with an approximate 4.78 +/- acre Country Residential balance parcel.		
DIVISION NO: 7		REEVE: R.D. McHugh
FILE MANAGER: Brittany Smith		

EXECUTIVE SUMMARY:

Purpose of Application:

Bylaw XX/2024 – Application for the redesignation of the subject 60.98 +/- acre parcel from Agricultural District to Country Residential District to allow the future subdivision of eleven (11) 3.0 +/- acre to 4.78 +/- acre Country Residential lots with 6.07 +/- acres of Municipal Reserve parcel and 0.30 +/- acres of Environmental Reserve Easement on Lot 4 with an approximate 4.78 +/- acre Country Residential balance parcel.

Location:

The subject parcel is located directly east of 32 St E, approximately 4.1km north of the Town of Okotoks, 0.8km south Highway 552 E and 1.0km east of Highway 2.

Policy Evaluation:

Reviewed within the terms of the:

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

Referral Considerations:

- Referred to required Provincial and Municipal bodies, as well as Utilities.

SITE CONSIDERATIONS:

Existing Access:

The subject parcel is currently accessed from an existing approach and 30m panhandle off 32 St E. There are two Caveats registered on title as 021 324 224 for a road dedication along the full north boundary of the subject parcel and 021 324 225 for a road dedication along the full east boundary of the subject parcel.

Proposed Access:

The application is proposing to continue to use and extend the existing approach from 32 St E with the construction of an internal road ending in a cul-de-sac that meets municipal standards with all lots accessing from the internal roadway.

A future 30.0m wide road dedication is also proposed to provide the opportunity for extending the community easterly should those lands be considered for future subdivision.

Public Works has advised that this future road dedication would provide access to the adjacent lands and if the proposal is approved by Council, Public Works would support Caveats 021 324 224 and 021 324 225 being discharged from title at time of subdivision endorsement.

Water and Wastewater:

The application identifies that the balance lot will be serviced by an existing water well and private septic treatment system, and the proposed 11 lot Country Residential District lots will be serviced by new, individual water wells and private septic treatment systems.

Physiography:

The subject parcel is a mix of flat grassland and rolling terrain that slopes from south to north with some slopes exceeding 15%.

A minor drainage course flows from adjacent lands to the northeast and flows southwest through proposed lot 5 where it settles into an existing dugout area within proposed lot 4.



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 (ERE) can be provided as an alternative to Environmental Reserve subject to agreement by the landowner. 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.

The application proposes an ERE for the pond area that will be located wholly within proposed lot #4.

Municipal Reserve Dedication:

The application proposes a 6.07-acre Municipal Reserve parcel along the west side of the subject parcel which satisfies the 10% Municipal Reserve dedication for this parcel.

Please note that the landscaping shown on the Municipal Reserve is conceptual and no proposal has been provided, nor is it a common practice for the County to provide landscaping on Municipal Reserve parcels.

Existing Development:

There is no existing development on the proposed MR lot nor within lots 1-6.

An existing residence, a 1,400 sq. ft. detached garage and a large storage shed are located and proposed to remain within the balance lands.

An existing barn, mobile home, and multiple animal shelters located within lots 9-11 are proposed to be removed.

Please note that the size of the 1,400 square foot detached garage will exceed the 1,200 square feet permitted without a development permit within the Country Residential District of Land Use Bylaw 60/2014.

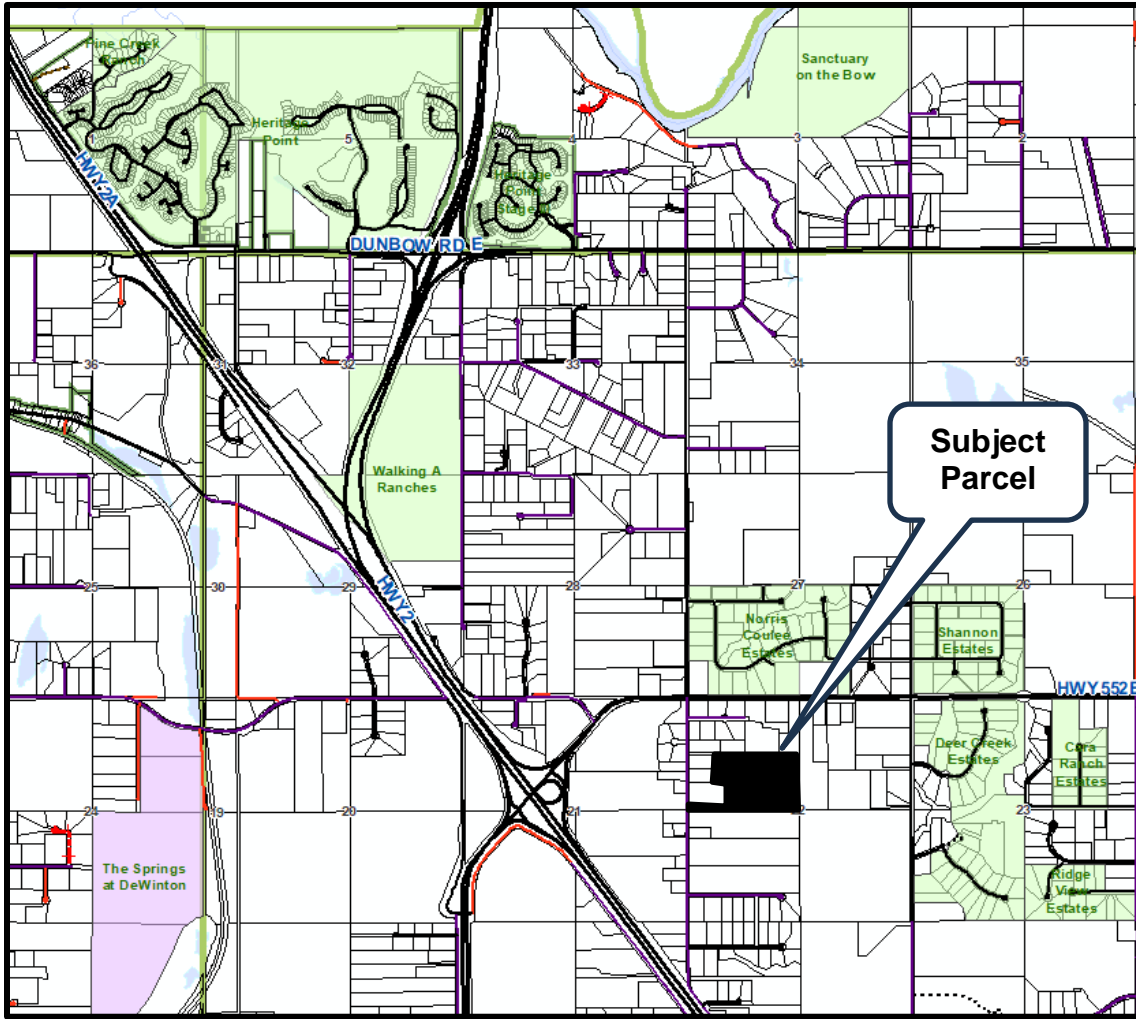
Council may request any of the following as conditions regarding the existing garage if the application is granted approval.

1. Council may acknowledge and deem the building non-conforming, which mean the structure is able to remain, but cannot be renovated, added to, moved, or replaced.
2. Council may require a development permit be submitted to bring the structure into compliance with the current land use bylaw 60/2014.

AREA CHARACTER & HISTORY:

The lands surrounding the subject parcel are a mix of Agricultural and Country Residential District parcels ranging in size from 2.0 – 19.42 acres.

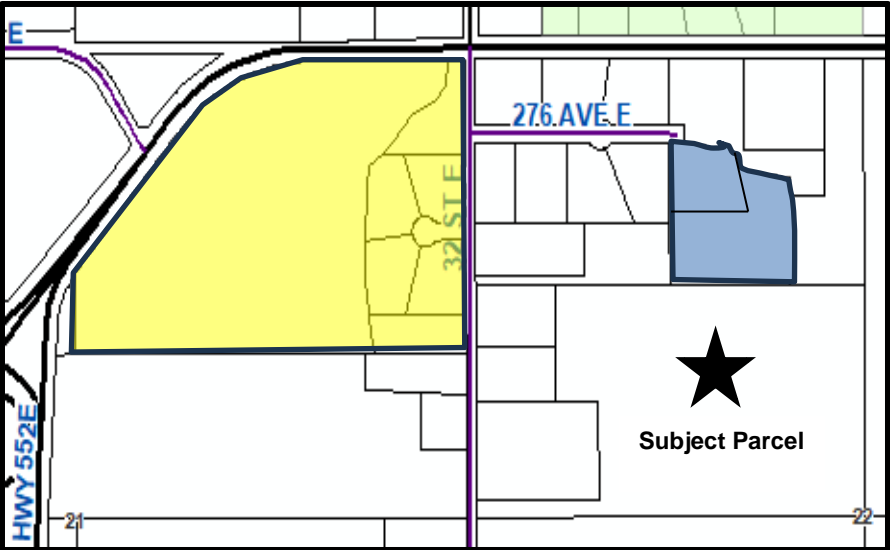
The area is positioned between the Town of Okotoks and the City of Calgary. It is south of the Norris Coulee Estates Area Structure Plan and west of the Shannon Estates, Deer Creek Estates, Cara Ranch Estates, and Ridgeview Estates Area Structure Plans. It is also approximately 3.4km east of the Springs at DeWinton Area Concept Plan and is 3.8km southeast of the Hamlet of Heritage Pointe.



Historical subdivisions within the subject quarter section occurred between 1990 & 2007 resulting in Country Residential parcels between 2.89 – 13.36 acres.

Most recently, Council provided the following approvals:

April 19, 2023 – Bylaw 22/2023 was passed to authorize the redesignation of Ptn. NE 21-21-29 W4M from Agricultural District to Country Residential District for future subdivision of six (6) 3.27 +/- to 3.28 +/- acre Country Residential District lots with a 65.58 +/- Agricultural District balance. This subdivision application was approved on November 23, 2024 and registered July 2024 as shown (shown highlighted in yellow).



November 1, 2023 – Bylaw 66/2023 was passed for first reading to authorize an amendment to the Country Residential District land use rules to allow for one 3.0 +/- acre Country Residential lot (shown highlighted in blue).

REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<p>The following is recommended for all lots as conditions of subdivision:</p> <ul style="list-style-type: none"> • Building Envelopes to show areas exceeding 15% slope. • Geotechnical slope stability report will be required if Building Envelope has slopes equal to or exceeding 15%, or are within 30m of such slopes • Septic Disposal Evaluation (PSTS) • Stormwater Management Plan <p>Public Works provided the following additional comments:</p> <ul style="list-style-type: none"> • Lot Grading and Overland Drainage Plans will be required for all proposed lots at time of Development • An approach will be required for the Municipal Reserve lot • Road is to be paved to current County Internal Subdivision Road Standards. • Engineering, Cost Estimates, insurance and 125% is required • Road widening Caveat is registered on title for 5m along 32 St E, however, with the plan to dedicate the existing approach as an internal road, this Caveat can be discharged if the application is approved.
EXTERNAL	
Alberta Transportation & Economic Corridors (ATEC)	<p>Sept 5, 2024 – ATEC has advised that a Transportation Impact Assessment (TIA) shall be prepared by a qualified transportation professional to identify any necessary upgrades to the Highway intersection, specifically at the intersection of Highway 552 and 32 St E. If upgrades are required, a geometric assessment must be prepared for the Highway intersection with comprehensive design report, including pavement design and intersection design to allow a permit to be issued for construction.</p> <p>Oct 3, 2024 - The applicant has submitted a TIA completed by Bunt & Associates to ATEC with conclusions that the operations at the intersection of 32 ST E and Highway 552 are not expected to be appreciably impacted by the subdivision. The intersection would not require any geometric changes and would require delineation lighting in the 2034 horizon, triggered by the increase in background traffic and not tied to the Bahlsen Development subdivision.</p> <p>ATEC has responded to advise they have completed a preliminary review of the TIA submitted and will provide further comments or requirements at time of subdivision.</p>

CIRCULATION REFERRALS	
	The TIA has been provided to Public Works and is currently under review.
Atco Gas & Atco Pipelines	No objections
PUBLIC	
Western Wheel	October 30 & November 6, 2024
Landowners (half mile)	Notification sent out to area landowners on October 23, 2024.

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. The development must also consider the suitability of the lands for residential uses and the efficient use of land.

Further, the application does not generally meet the intent of Policy 2 of the Agricultural section of the MDP2010, which supports maintaining the integrity of the agricultural land base and discouraging the fragmentation of agricultural lands within the County.

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 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.

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.

SUMMARY:

Bylaw XX/2024 – Application for the redesignation of a portion of a 60.98 +/- acre portion of Plan 0311704, Block 5, Lot 3; Ptn. NW 22-21-29 W4M from Agricultural District to Country Residential District to allow the future subdivision of eleven (11) 3.0 to 4.78 +/- acre Country Residential lots with 6.07 +/- acres of Municipal Reserve parcel and 0.30 +/- acres of Environmental Reserve Easement on Lot 4 with an approximate 4.78 +/- acre Country Residential balance parcel.

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 a 60.98 +/- acre portion of Plan 0311704, Block 5, Lot 3; Ptn. NW 22-21-29 W4M from Agricultural District to Country Residential District to allow the future subdivision of eleven (11) 3.0 +/- acre to 4.78 +/- acre Country Residential lots with 6.07 +/- acres of Municipal Reserve parcel and 0.30 +/- acres of Environmental Reserve Easement on Lot 4 with an approximate 4.78 +/- acre Country Residential balance parcel for the following reasons:

In their 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 the Country Residential District within the County’s Land Use Bylaw.

Staff suggests that the proposed parcels be designated as Country Residential Sub-district 'A' to ensure that the recommendations and restrictions as outlined in the Geotechnical Report for Slope Stability, Septic Disposal Evaluation (PSTS), Stormwater Management Plan and Building Envelopes, (conditions of subdivision) along with Lot Grading and Drainage Plans (at time 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(s) for the purposes of construction of all external and internal road infrastructure including approaches for all Country Residential District lots and Municipal Reserve parcel, stormwater infrastructure, utility infrastructure, log grading, and 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 adequate water supply to be provided for all proposed Country Residential parcels in accordance with the Provincial Water Act, to the satisfaction of the County;
3. **Option a.** The existing detached garage is acknowledged as non-conforming and may continue being used but cannot be added to, renovated, moved, or removed prior to bringing it into compliance with the current Land Use Bylaw 60/2014.
OR
Option b. Landowners shall submit a Development Permit application to bring the existing oversized detached garage into compliance with the current Land Use Bylaw 60/2014
4. Final redesignation application fees to be submitted;
5. Submission of an executed subdivision application and the necessary fees.

OPTION #2 REFUSAL

Council may choose to refuse the application for the redesignation of the subject 60.98 +/- acre parcel of Plan 0311704, Block 5, Lot 3; Ptn. NW 22-21-29 W4M from Agricultural District to Country Residential District to allow the future subdivision of eleven (11) 3.0 +/- acre to 4.78 +/- acre Country Residential lots with 6.07 +/- acres of Municipal Reserve parcel and 0.30 +/- acres of Environmental Reserve Easement on Lot 4 with an approximate 4.78 +/- acre Country Residential balance parcel for the following reasons:

In consideration of the criteria noted within the Agricultural section of the MDP2010, Council did not find sufficient merit in the proposal to consider removing the subject lands from the Agricultural District at this time.

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 intent of the policy with respect to the cumulative effects of development, the efficient use of the land, and the suitability of the lands for future development.

APPENDICES:

APPENDIX A: MAP SET

LOCATION MAP

LAND USE MAP

HALF MILE MAP – PARCEL SIZES

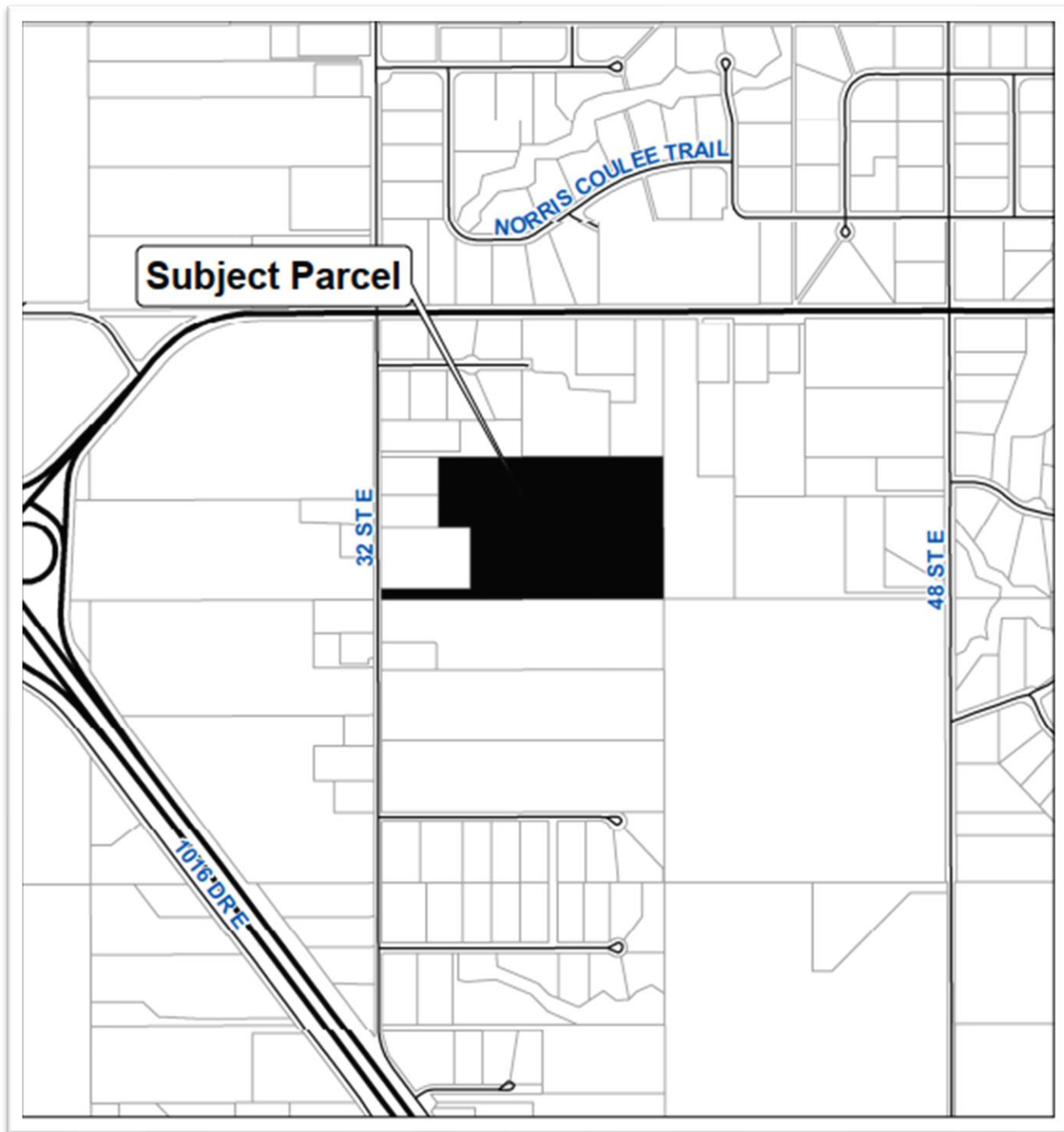
SITE PLAN

ORTHO PHOTO

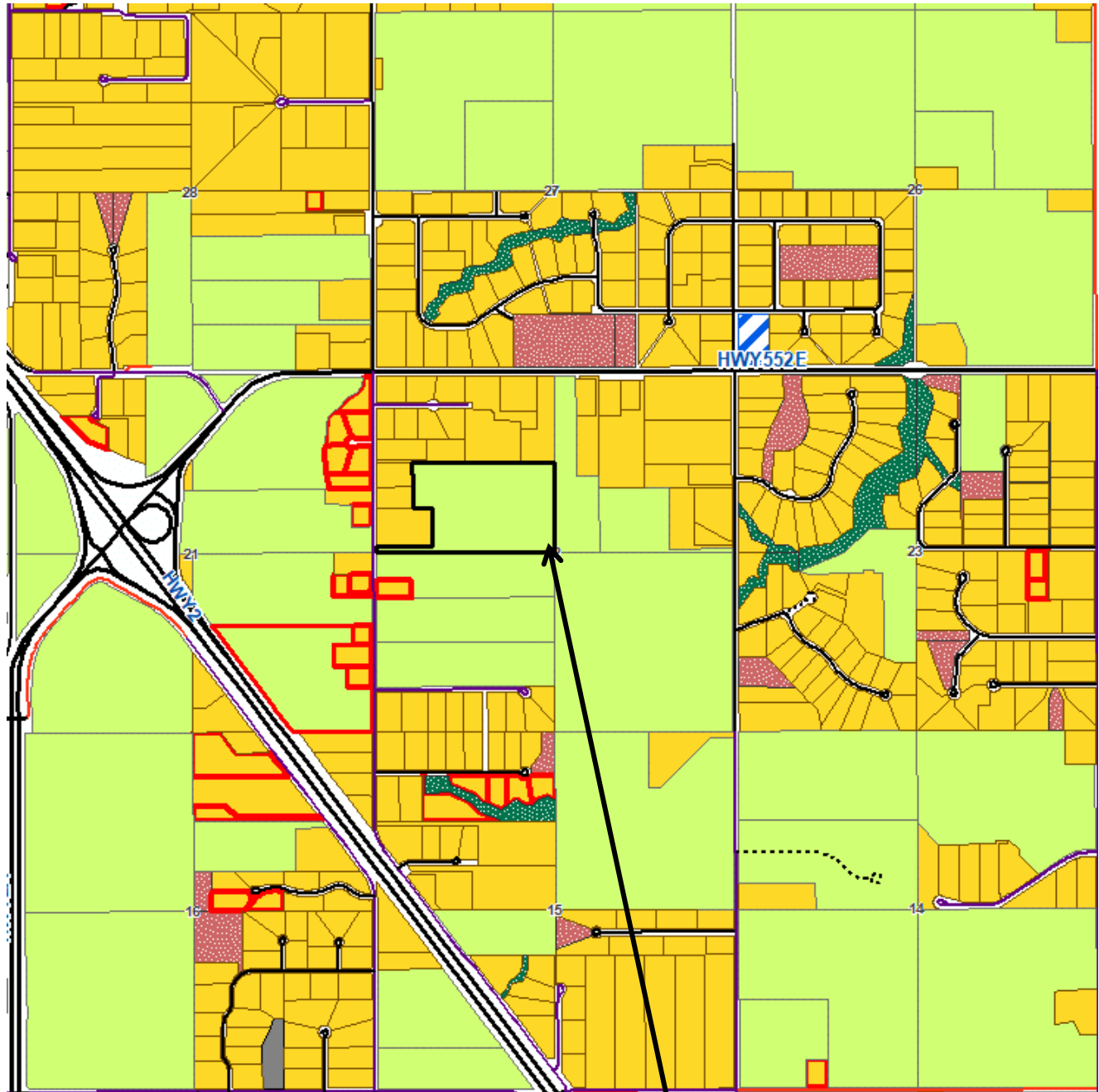
APPENDIX B: COVER LETTER SUBMITTED BY AGENT

APPENDIX C: PROPOSED BYLAW

APPENDIX A: LOCATION MAP



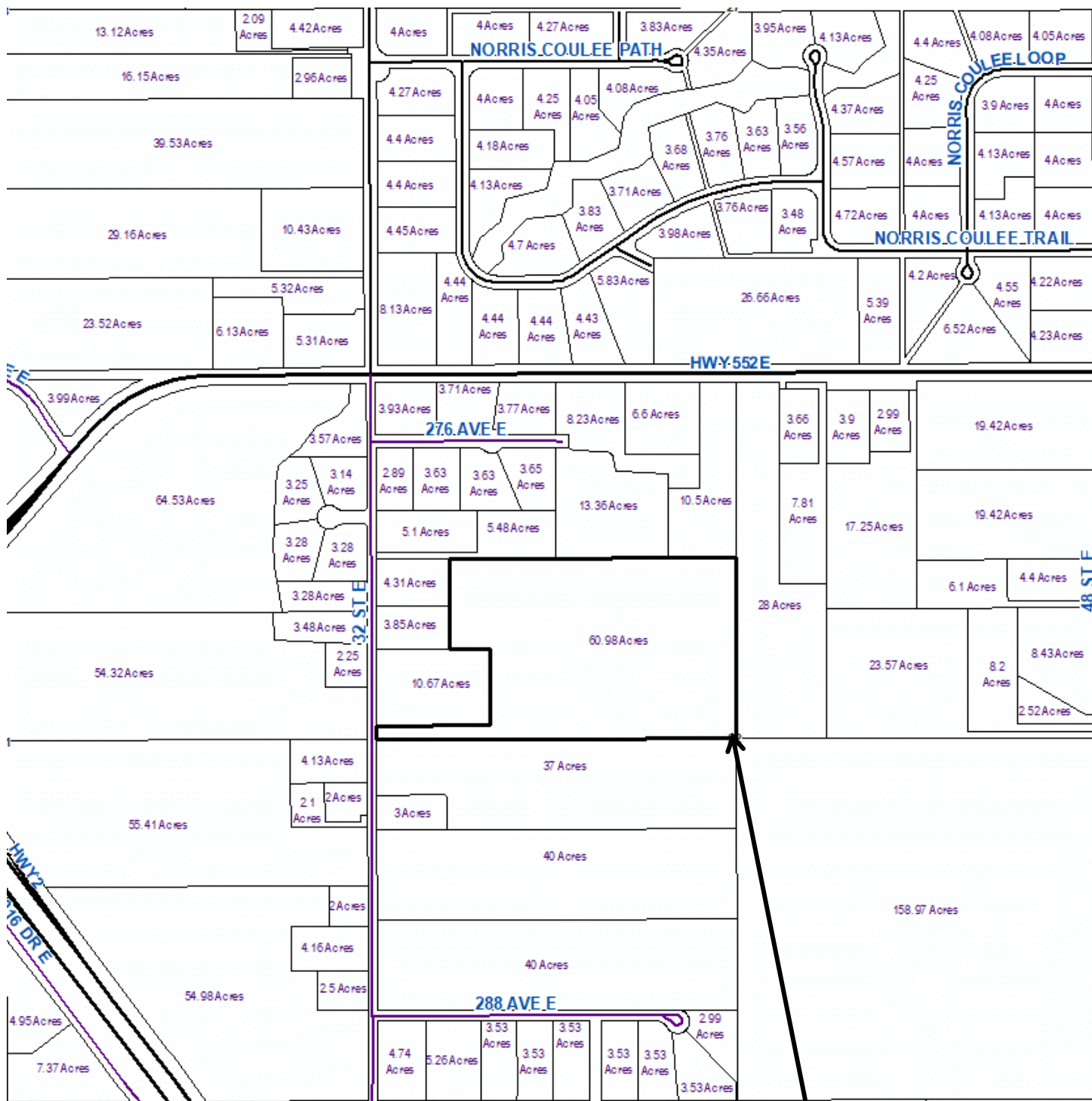
APPENDIX A: LAND USE MAP



Subject Parcel

- | | |
|-------------------------------------|---|
| In Transition | OS- Open Space |
| NA - Not Applicable | IE- Industrial Edge |
| A- Agricultural | INR- Natural Resource Extraction |
| AA- Agricultural Sub A | FPI- Federal/ Provincial District |
| AB- Agriculture Business | GI- General Industry |
| BP- Business Park | HMI- Hamlet Industry |
| CMC- Community Commercial | LIID- Low Intensity Industry District |
| HC- Highway Commercial | MLR- Municipal Land/Reserve District |
| RB- Rural Business | MR- Municipal Reserve |
| CR- Country Residential | REC- Recreation |
| CRA- Country Residential Sub A | PUL- Public Utility |
| DC - Direct Control | RC- Residential Community District |
| EPA- Environmental Protection Sub A | RCA- Residential Community Sub-district "A" |
| ER- Environmental Reserve | SD- Service District |
| EP- Environmental Protection | SR- School Reserve |

APPENDIX A: HALF MILE MAP – PARCEL SIZES



Subject Parcel

APPENDIX A: SITE PLAN



CLIENT
Bahlsen Developments Ltd.

PROJECT NUMBER
22-044

LEGAL ADDRESS
Plan 031 1706, Block 5, Lot 3
NW 22-21-29-4 MRM
Parcel # 40,98ac (24,67ha)

DATE
July 17, 2024

STATISTICS

- County Residential District (CR)
- Municipal Reserve District (MR)

Total Size	Ac	ha	%
CR	46.84	18.99	76.97
MR	6.07	2.46	10.00
Roads	7.97	3.22	13.03

SUBMISSION - 12 LOTS

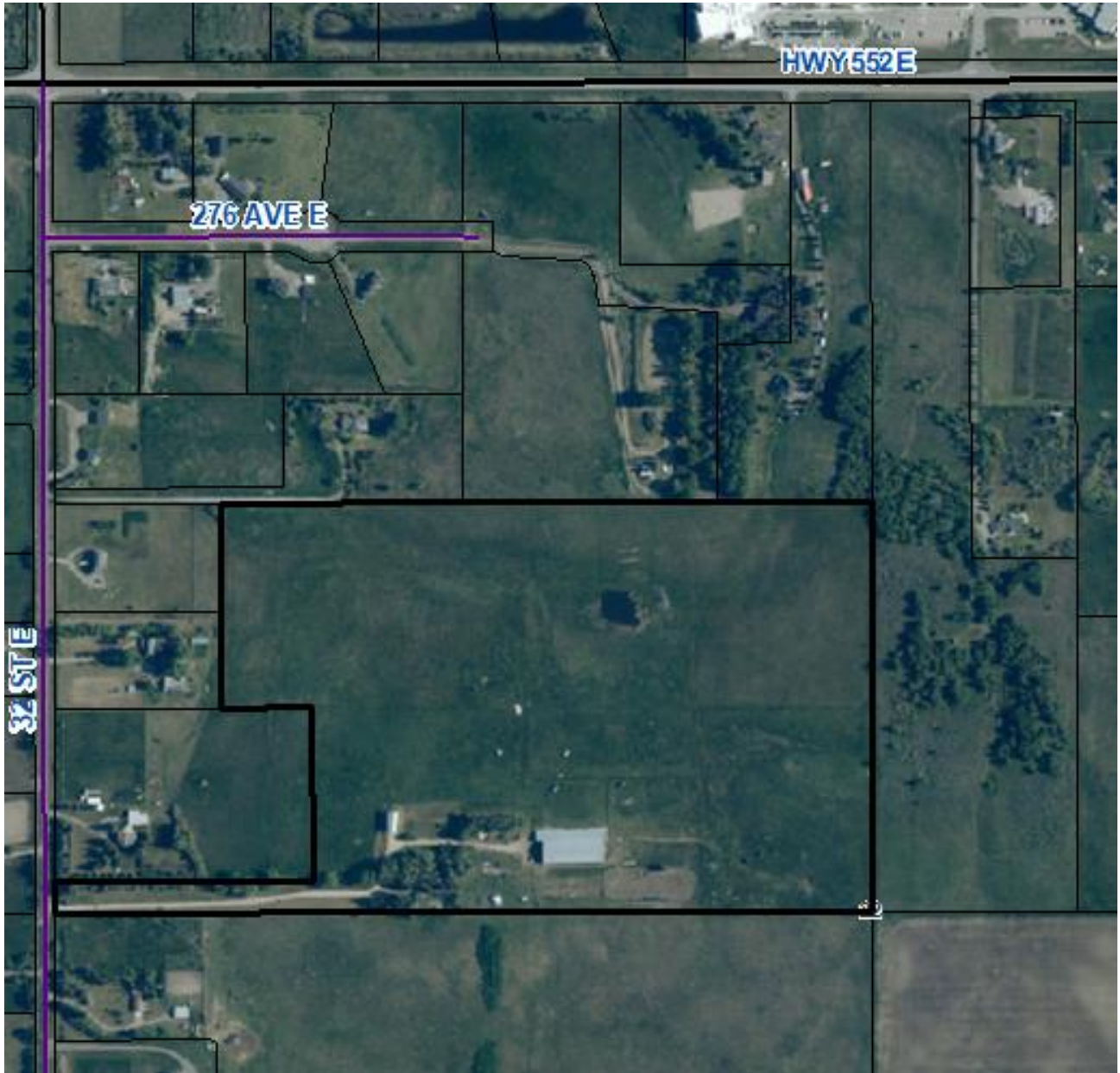
SCALE
1:3000

SHEET
S1

SITE PLAN



APPENDIX A: ORTHO PHOTO



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



Foothills County
Box 5605
High River, AB
T1V 1M7

August 1st, 2024

ATTN: Brittany Smith, Planning & Development Officer

RE: Application for Land Use Redesignation from Agricultural (A) Land Use District to Country Residential (CR) to allow for the creation of 11 CR parcels, one (1) Balance CR parcel, one (1) Environmental Reserve (ER) parcel, and one (1) MR parcel on the lands legally described as Plan O311704, Block 5, Lot 3, NW 22-21-29 W4M +/- 24.678 ha (60.98 ac) in Foothills County.

Landowners: Bahlsen Developments Ltd.

Dear Mrs. Payne,

Please find enclosed the following in support of the above-mentioned Land Use Application:

- The formal Application for Land Use Amendment;
- The Letter of Authorization allowing Township Planning + Design Inc. to Act as agent for the landowner(s);
- The cheque in the amount of \$11,100.00 for the Land Use Amendment application (\$100 filing fee + Initial Application Fee of \$1,000/new lot (11 new lots));
- A copy of the Abandoned Well Map and Statement;
- A copy of the Preliminary Groundwater Feasibility Assessment;
- A copy of the current Certificate of Title; and
- A copy of the Subdivision Plan.

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

The proposed development includes redesignating the Subject Site from Agricultural (A) to Country Residential (CR) to allow for the creation of 11 new CR parcels, one (1) Environmental Reserve (ER) parcel, and one (1) MR parcel. The CR parcels will be between 3.47 ac (1.46 ha) and 4.78 ac (1.94 ha) in size, the ER parcel will be 0.30 ac (0.12 ha) in size, and the one (1) MR parcel will be 6.07 ac (2.46 ha) in size. The Subject Site is located south of Highway 552, north of Highway 2, and has a small connection to 32nd Street East. The Subject Site is surrounded by a mixture of country residential parcels of land and agricultural land uses. The future Country Residential district community will maintain rural character by providing parcels of a similar size as to what is around them.

The existing dwelling, large storage shed and structure adjacent to the house on the west side of the driveway will be kept. All other buildings/structures will be demolished (inclusive of the barn and the trailer adjacent to it, and remaining animal shelters). The proposed CR parcels will be considered for the future construction of single-detached residential dwellings. All lots will be accessed from 32 Street SE, by an internal road ending in a cul-de-sac, constructed to the Municipal standard. A future 30.0-metre-wide road allowance is proposed to provide the opportunity for extending the community easterly, should those lands move forward with CR development. The Balance lot will be serviced by the existing water well and private septic treatment system on site. The proposed 11-lot Country Residential District subdivision will be serviced by new, individual water wells and private septic treatment systems. The groundwater wells will be drilling in accordance with the Water Act. The proposed density for this Country Residential District community would be 12 lots on the 60.98 ac (24.67 ha) parcel, which is in keeping with the allowable density of 1 lot for every 5 acres in title. Given recent subdivision in the area and surrounding existing development, the subdivision is contextually appropriate and maintains the character of the neighbouring community.

While Foothills County Administration has confirmed that a Traffic Brief/TIA is not required for the proposed CR district community, a roadside development permit will be submitted to ATEC to confirm that ATEC does not require a Traffic Brief/TIA. Should ATEC require one, it will be completed and provided under separate cover.

The proposed Land Use Redesignation application meets the objectives, aligns with development considerations, and follows the guiding principles of the Foothills County Municipal Development Plan and Foothills County Land Use Bylaw. The subdivision design maintains the overall intent and vision of the development strategy and warrants support from Foothills County Council.

Should you have any further questions, please do not hesitate to contact the undersigned.

Sincerely,
Township Planning + Design Inc.

A handwritten signature in black ink, appearing to read "Brayden Libawski". The signature is fluid and cursive, with the first name being the most prominent.

Brayden Libawski, MSc.Pl.
Senior Planner
Urban + Regional Planning

Cc: Pia Fortmueller, Bahlsen Developments Ltd.

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 60.98 +/- acre portion of Plan 0311704, Block 5, Lot 3; Ptn. NW 22-21-29 W4M from Agricultural District to Country Residential District in order to allow for a future subdivision of eleven (11) 3.0 +/- acre to 4.78 +/- acre Country Residential lots with 6.07 +/- acres of Municipal Reserve parcel and 0.30 +/- acres of an Environmental Reserve Easement on Lot 4 with an approximate 4.78 +/- acre Country Residential balance parcel.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Land Use Map No. 2129 is amended by redesignation of a 60.98 +/- acre portion of Plan 0311704, Block 5, Lot 3; Ptn. NW 22-21-29 W4M from Agricultural District to Country Residential District in order to allow for a future subdivision of eleven (11) 3.0 +/- acre to 4.78 +/- acre Country Residential lots with 6.07 +/- acres of Municipal Reserve parcel and 0.30 +/- acres of an Environmental Reserve Easement on Lot 4 with an approximate 4.78 +/- 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 .