


**SUBDIVISION APPROVING AUTHORITY ITEM
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
THIRD TIME EXTENSION REQUEST
January 29, 2025**

REQUEST FROM APPLICANT FOR THIRD TIME EXTENSION	
APPLICATION INFORMATION	FILE NO. F2202-20NW
	<p>LEGAL DESCRIPTION: NW 20-22-02-W5M</p> <p>LANDOWNERS:</p> <ol style="list-style-type: none"> 1. Canadian Online Services Corp. 2. Holly Electronics and Controls Ltd. 3. 1326964 Alberta Ltd. 4. Q and Q Airtech Engineering Inc. 5. Wei Yip <p>AGENT: Guoliang Qu and IBI Group – Ben Lee</p> <p>AREA OF SUBJECT LANDS: 57.97 acres</p> <p>CURRENT LAND USES:</p> <ol style="list-style-type: none"> 1. Country Residential Sub-District “A” 2. Municipal Reserve District 3. Environmental Reserve Easement
<p>PROPOSAL: Request for third time extension to allow completion of the subdivision which approved 10 new Country Residential Sub-District “A” lots between 2.00 +/- and 6.17 +/- acres, one 3.03 +/- acre Municipal Reserve District parcel, with 0.27 +/- acres of additional Municipal Reserve, dedicated as cash in lieu of land, one 1.59 +/- acre Public Utility lot and 20.28 +/- acres of Environmental Reserve Easement, along with a 12.10 +/- acre Country Residential Sub-District “A” balance.</p>	
DIVISION NO: 4	COUNCILLOR: Suzanne Oel
FILE MANAGER: Theresa Chipchase	

PURPOSE OF REQUEST

Request to the Subdivision Approving Authority for consideration of a third one-year time extension, for the subdivision which granted approval to 10 new Country Residential Sub-District “A” lots between 2.00 +/- and 6.17 +/- acres, one 3.03 +/- acre Municipal Reserve District parcel, with 0.27 +/- acres of additional Municipal Reserve, dedicate as cash in lieu of land, one 1.59 +/- acre Public Utility lot and 20.28 +/- acres of Environmental Reserve Easement along with a 12.10 +/- acre Country Residential Sub-District “A” balance. The subdivision approval originally expired on December 1st, 2022. The extension if granted would allow the applicant until December 1st, 2025, for completion of their subdivision conditions.

BACKGROUND

December 1st, 2021 – Subdivision was conditionally approved by the Subdivision Approving Authority under the following motion:

“Council moved that the subdivision of 10 new parcels between 2.07 +/- acres and 6.16 +/- acres and one 3.35 +/- acre Municipal Reserve District parcel, leaving a balance of 11.92 +/- acres has been evaluated in terms of Section 654 of the Municipal Government Act and Sections 1 and 16

of the Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan and that a variance be granted to Section 14 of the Regulation for the following reasons:

- The application is consistent with Section 7 of the Regulation;*
- The application is consistent with section 15 of the Regulation;*
- The subject lands have the appropriate land use designation; and*
- Pursuant to Section 16 of the Regulation, written approval was received from the Minister of Transportation allowing the Subdivision Authority to grant a variance to Section 14 and of the Regulation.*

In consideration of the criteria noted in Residential Policy 3 of the MDP2010, the Subdivision Authority is of the opinion that the application is compatible with the surrounding area and will not unduly interfere with neighboring land uses or affect the use, enjoyment, or value of the neighboring properties.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application is approved subject to the following conditions:

- 1. Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means satisfactory to the Registrar of the South Alberta Land Titles District;*
- 2. It is the applicant's responsibility to provide a Real Property Report or an 'as built' drawing signed and sealed by an Alberta Land Surveyor, certifying the location of the adjacent municipal road(s) and water well(s) within the boundaries of the appropriate properties and that the site plan is surveyed according to municipal setback requirements;*
- 3. Compliance with all requirements as set forth by Alberta Transportation, to the satisfaction of Alberta Transportation, Council and Municipal Public Works Department;*
- 4. 5.07 metres of land in perpendicular width along the entire west boundary of the subject property, for the purposes of future road widening of 176th Street West, to be surveyed out concurrent with the Plan of Survey;*
- 5. Submission of a Septic Disposal Evaluations, Stormwater Management Plan, Comprehensive Site Drainage Plan, and Lot Grading Plan completed in accordance with MD standards to be provided for all parcels to the satisfaction of the Public Works Department;*
- 6. Submission of a Geotechnical Report for Slope Stability and Engineered Driveways for proposed lots 6 through 11, to the satisfaction of the Public Works Department;*
- 7. Site plan to be provided which identifies suitable building envelopes on each of the proposed lots that meet the requirements outlined in Policy 9 under the Residential Section of the MDP2010 to the satisfaction of the Public Works Department;*
- 8. Completion of all pre-release conditions as noted in the executed Municipal Development Agreement to the satisfaction of the County and where applicable the appropriate external agencies. These conditions include:*
 - a. Payment of the \$11,300 per new lot Community Sustainability Fee;*
 - b. Submission of all necessary engineered drawings, cost estimates and engineering review fees for all required municipal and external improvements, which includes the internal subdivision road(s) and grading, drainage and stormwater infrastructure, for review and approval by the Public Works department;*

- c. *Submission of all necessary Letters of Credit to the Municipality to the satisfaction of the Public Works Department, in accordance with the Municipal Development Agreement, for all required municipal and external improvements;*
- d. *Submission of Liability Insurance requirements as noted in the Municipal Development Agreement;*
- e. *The Developer shall submit proof of all Licenses and Approvals of Alberta Environment pertaining to all stormwater facilities to the satisfaction of the Public Works Department;*
- f. *All accesses to be located and culverts and approaches to be installed to current Municipal subdivision road standards to the satisfaction of the Public Works department;*
- g. *Existing approach off of the east side of 176th Street West to be removed and ditch remediated to the satisfaction of the Public Works Department;*
- h. *Landowners shall obtain and install proper 911 addressing for each parcel, and any affected neighboring properties, to the satisfaction of the Foothills Fire Department and Mapping Department;*
- i. *All utility right of way agreements, easements, licenses and installation requirements to be provided to the satisfaction of the Public Works department and applicable external agencies;*
- 9. *The executed Municipal Development Agreement will be required to be registered concurrently with the Plan of Survey;*
- 10. *5.07 metres of land in perpendicular width along the entire west boundary of the subject property, for the purposes of future road widening of 176th Street West, to be surveyed out concurrent with the Plan of Survey;*
- 11. *Road acquisition Agreement to be executed by the landowner and registered by caveat on proposed Lot 6 and Lot 7 concurrently with the Plan of Subdivision for the provision of the future road dedication of 30 metres width extending east of the cul-de-sac to the east boundary of the parent parcel;*
- 12. *Landowners shall pay all arrears of taxes on existing parcel prior to finalization of the subdivision;*
- 13. *The landowners shall ensure proper 911 addressing for the proposed parcels*
- 14. *A road naming request is to be submitted to the County subsequent to the registration of the subdivision, to the satisfaction of the Municipal GIS Department;*
- 15. *Applicant is to provide all required engineering review fees to the satisfaction of the Public Works Department;*
- 16. *Submission of subdivision endorsement fees.*

May 10th, 2022 - The first time extension request was approved under the following motion:

“Moved that the Subdivision Approving Authority has no objection to the time extension as requested and the landowner therefore has until December 1, 2023, to complete all conditions of subdivision approval as originally set forth on December 1, 2021.”

February 21st, 2024 – The second time extension request was approved under the following motion:

“Moved that the Subdivision Approving Authority has no objection to the time extension as requested, and the landowners therefore have until December 1, 2024, to complete the conditions of subdivision originally set forth on December 1, 2021.”

December 11th, 2024 – The applicant requested revisions to their site plan to allow the addition of a Public Utility lot (PUL), in order to construct a pond within the development for stormwater management purposes. The addition of the PUL reduced the Environmental Reserve Easement to be provided, by 0.27 +/- acres. The additional Municipal Reserve dedication is to be provided in cash.

The site plan revisions and reserve requirements were approved under the following motion:

Moved that Council accept the revised site plan as submitted which amends the conditions of the subdivision approved on December 14th, 2021, which not reads as follows:

The subdivision of 10 new Country Residential Sub-District “A” parcels between 2.0 acres and 6.17 +/- acres, one 3.03 +/- acre Municipal Reserve District parcel, with 0.27 +/- acres of additional Municipal Reserve, dedicated as cash in lieu of land, one 1.59 +/- acre Public Utility lot and 20.28 +/- acres of Environmental Reserve Easement, leaving a Country Residential Sub-District “A” balance parcel of 12.10 +/- acres and excluding the proposed Access Right of Way, as provided on the applicant’s site plan on Ptn. NW 20-22-02 W5M, has been evaluated in terms of Section 654 of the Municipal Government Act and Sections 7 and 16 of the Subdivision and Development Regulation and that the application be approved as per the tentative plan and that a variance be granted to Section 14 of the Regulation for the following reasons:

- *The application is consistent with Section 7 of the Regulation;*
- *The application is consistent with Section 15 of the Regulation;*
- *The subject lands have the appropriate land use designation; and*
- *Pursuant to Section 16 of the Regulation, written approval was received from the Minister of Transportation allowing the Subdivision Authority to grant a variance to Section 14 of the Regulation.*

Public Reserve: to be provided by way of a 3.03 +/- acre Municipal Reserve lot, and to be further provided by cash in lieu of land based on \$17,376.00 per acre on account of 10% of the additional 0.27 +/- acres of the subject parcel.

In consideration of the criteria noted in Residential Policy 3 of the MDP2010, the Subdivision Authority is of the opinion that the application is compatible with the surrounding area and will not unduly interfere with neighboring land uses or affect the use, enjoyment, or value of the neighboring properties.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application is approved subject to the following conditions:

1. *Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means satisfactory to the Registrar of the South Alberta Land Titles District;*
2. *It is the applicant’s responsibility to provide a Real Property Report or an ‘as built’ drawing signed and sealed by an Alberta Land Surveyor, certifying the location of the adjacent municipal road(s) and water well(s) within the boundaries of the appropriate properties and that the site plan is surveyed according to municipal setback requirements;*
3. *Compliance with all requirements as set forth by Alberta Transportation, to the satisfaction of Alberta Transportation, Council and Municipal Public Works Department;*
4. *5.07 metres of land in perpendicular width along the entire west boundary of the subject property, for the purposes of future road widening of 176th Street West, to be surveyed out concurrent with the Plan of Survey;*

5. *Submission of a Septic Disposal Evaluations, Stormwater Management Plan, Comprehensive Site Drainage Plan, and Lot Grading Plan completed in accordance with MD standards to be provided for all parcels to the satisfaction of the Public Works Department;*
6. *Submission of a Geotechnical Report for Slope Stability and Engineered Driveways for proposed lots 7 through 12, to the satisfaction of the Public Works Department;*
7. *Site plan to be provided which identifies suitable building envelopes on each of the proposed lots that meet the requirements outlined in Policy 9 under the Residential Section of the MDP2010 to the satisfaction of the Public Works Department;*
8. *Completion of all pre-release conditions as noted in the executed Municipal Development Agreement to the satisfaction of the County and where applicable the appropriate external agencies. These conditions include:*
 - a. *Payment of the \$11,300 per new lot Community Sustainability Fee;*
 - b. *Submission of all necessary engineered drawings, cost estimates and engineering review fees for all required municipal and external improvements, which includes the internal subdivision road(s) and grading, drainage and stormwater infrastructure, for review and approval by the Public Works department;*
 - c. *Submission of all necessary Letters of Credit to the Municipality to the satisfaction of the Public Works Department, in accordance with the Municipal Development Agreement, for all required municipal and external improvements;*
 - d. *Submission of Liability Insurance requirements as noted in the Municipal Development Agreement;*
 - e. *The Developer shall submit proof of all Licenses and Approvals of Alberta Environment pertaining to all stormwater facilities to the satisfaction of the Public Works Department;*
 - f. *All accesses to be located and culverts and approaches to be installed to current Municipal subdivision road standards to the satisfaction of the Public Works department;*
 - g. *Existing approach off of the east side of 176th Street West to be removed and ditch remediated to the satisfaction of the Public Works Department;*
 - h. *Landowners shall obtain and install proper 911 addressing for each parcel, and any affected neighboring properties, to the satisfaction of the Foothills Fire Department and Mapping Department;*
 - i. *All utility right of way agreements, easements, licenses and installation requirements to be provided to the satisfaction of the Public Works department and applicable external agencies;*
9. *The executed Municipal Development Agreement will be required to be registered concurrently with the Plan of Survey;*
10. *5.07 metres of land in perpendicular width along the entire west boundary of the subject property, for the purposes of future road widening of 176th Street West, to be surveyed out concurrent with the Plan of Survey;*
11. *Road acquisition agreement to be executed by the landowner and registered by caveat on proposed Lot 7 and Lot 8 concurrently with the Plan of Subdivision for the provision of the future road dedication of 30 metres width extending east of the cul-de-sac to the east boundary of the parent parcel;*
12. *Landowners shall pay all arrears of taxes on existing parcel prior to finalization of the subdivision;*
13. *The landowners shall ensure proper 911 addressing for the proposed parcels;*
14. *A road naming request is to be submitted to the County subsequent to the registration of the subdivision, to the satisfaction of the Municipal GIS Department;*

15. *Applicant is to provide all required engineering review fees to the satisfaction of the Public Works Department; and*
16. *Submission of subdivision endorsement fees.*

NOTE: To date none of the Subdivision conditions as listed on the previous page have been met. The applicant has provided the fee required for the third time extension request along with a letter. The time extension letter of request has been attached as Appendix B, to this staff report.

REQUEST OF THE SUBDIVISION APPROVING AUTHORITY

The Subdivision Approving Authority is respectfully requested to consider a third one-year time extension for the subdivision originally approved on December 1st, 2021, for PTN: NW 20-22-02-W5M. which expired on December 1st, 2022. The first time extension approval expired December 1st, 2023. The second time extension expired December 1st, 2024. Approval of the third time extension would provide the landowners until December 1st, 2025, to complete all outstanding conditions.

APPENDICES

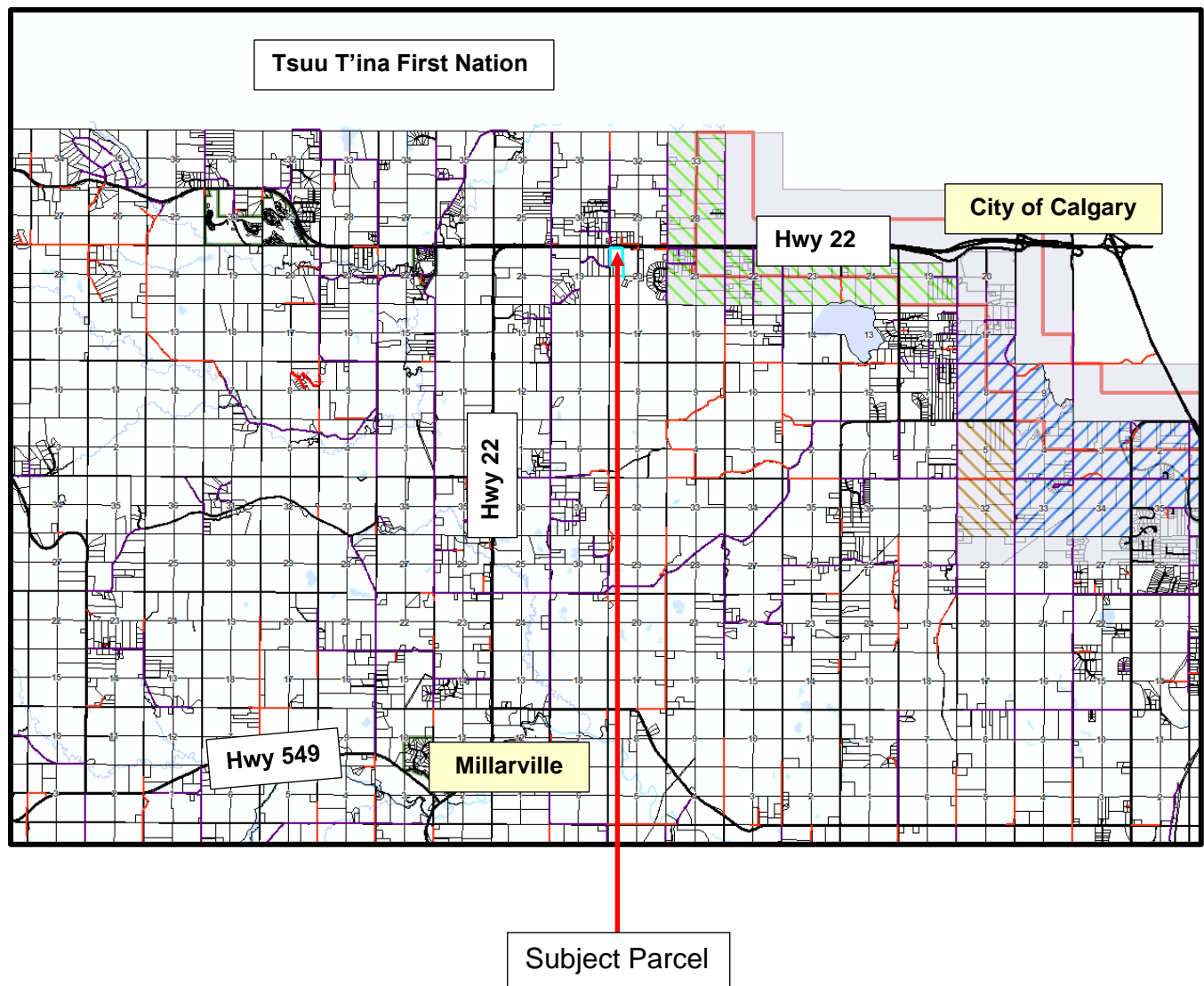
APPENDIX A - MAP SET:

LOCATION MAP
LAND USE AND LOT SIZES MAP
SITE PLAN
ORTHO PHOTO

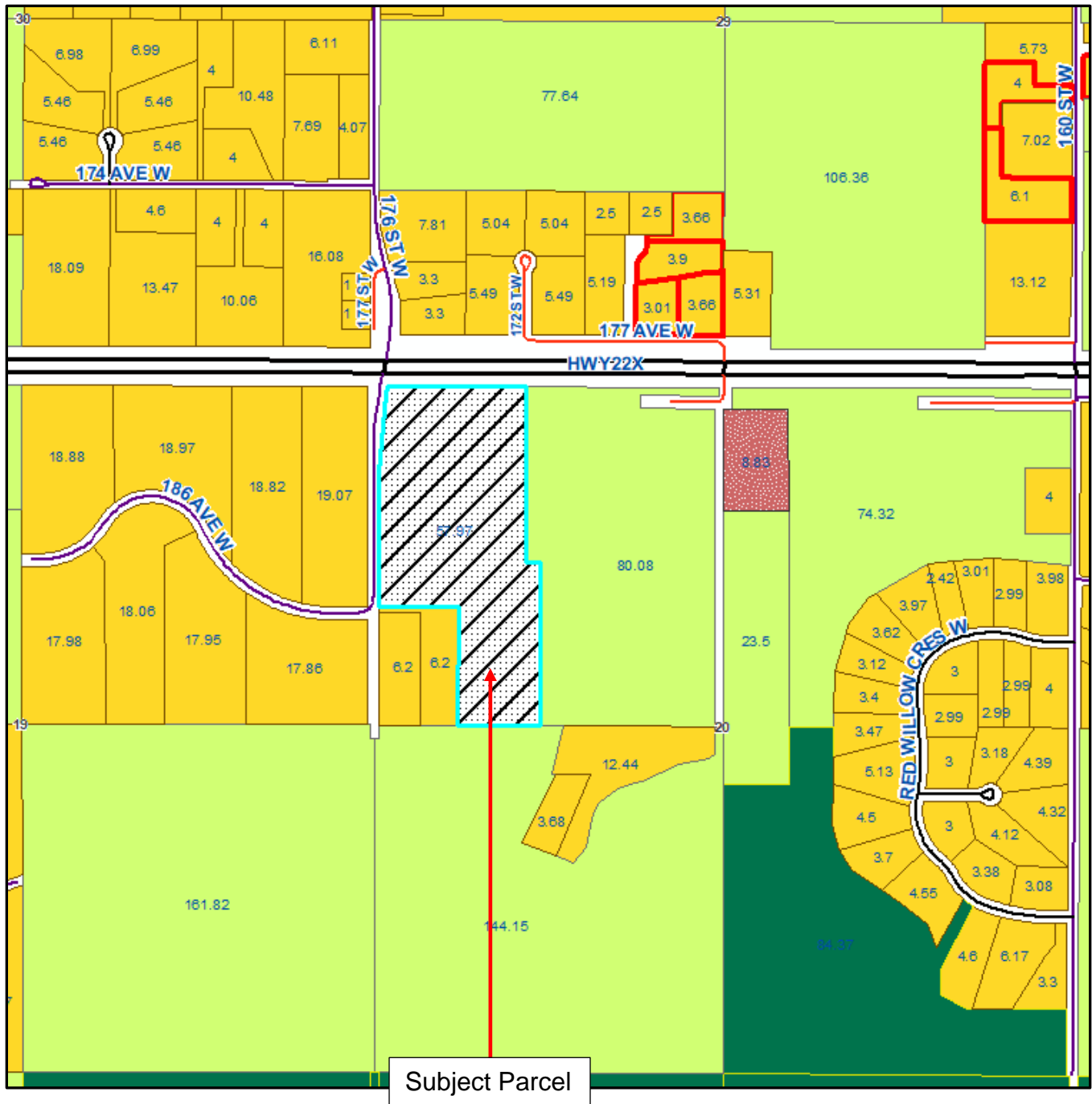
APPENDIX B:

LETTER OF REQUEST FROM APPLICANT

APPENDIX A: LOCATION MAP



APPENDIX A: LAND USE AND LOT SIZES



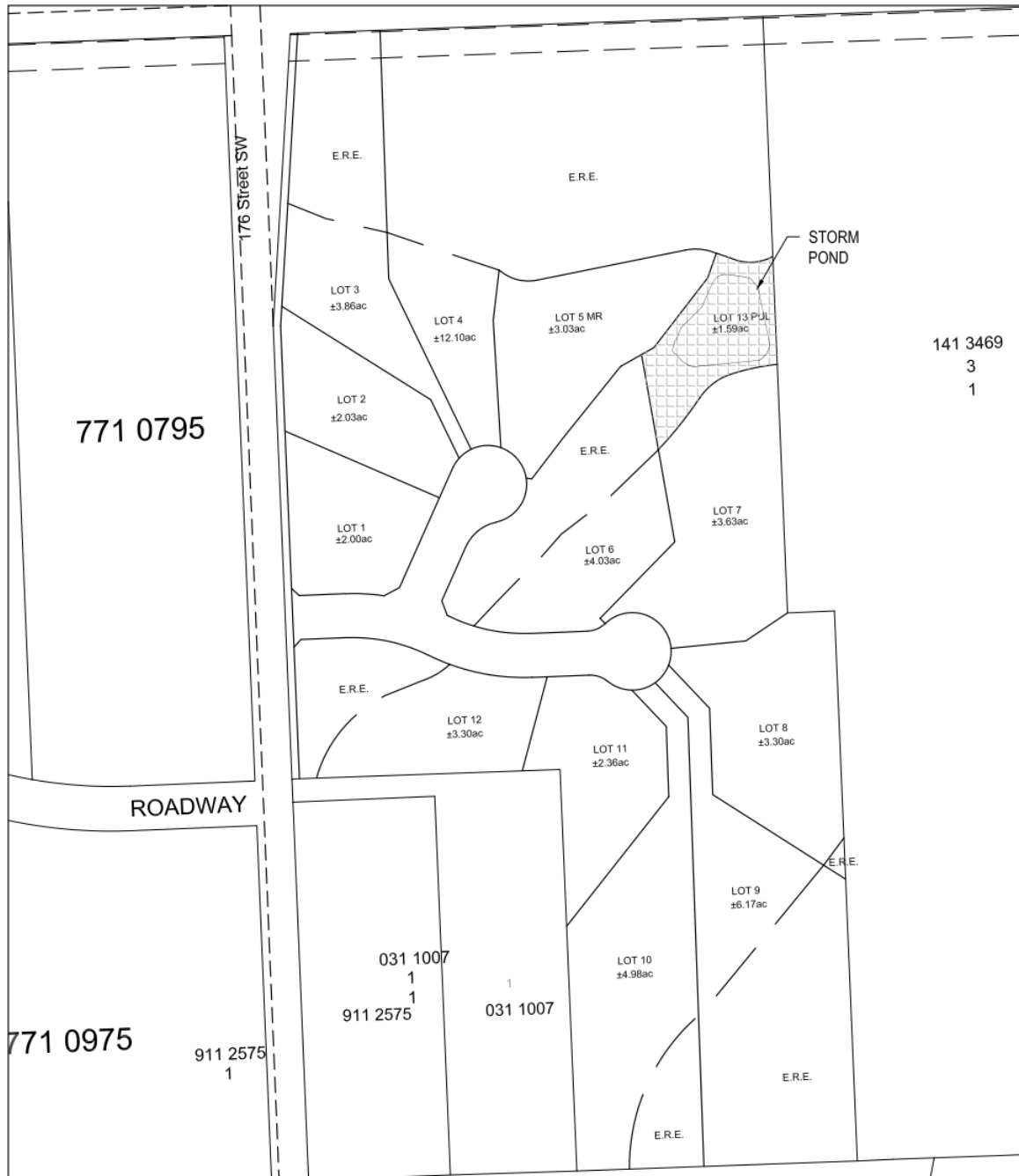
Legend

- | | | |
|------------------------------------|----------------------------------|--------------------------------------|
| — Hard Surface (Chip/oil) | CR- Country Residential | MR- Municipal Reserve |
| — Gravel | CRA- Country Residential Sub A | MLR- Municipal Land/Reserve District |
| ... Developer Pavement | DC - Direct Control | |
| — Pavement | BP- Bussiness Park | |
| ▨ Flood Hazard Protection District | RB- Rural Business | |
| ▨ In Transition | INR- Natural Resource Extraction | |
| ▨ A- Agricultural | EP- Environmental Protection | |
| ▨ AA- Agricultural Sub A | ER- Environmental Reserve | |

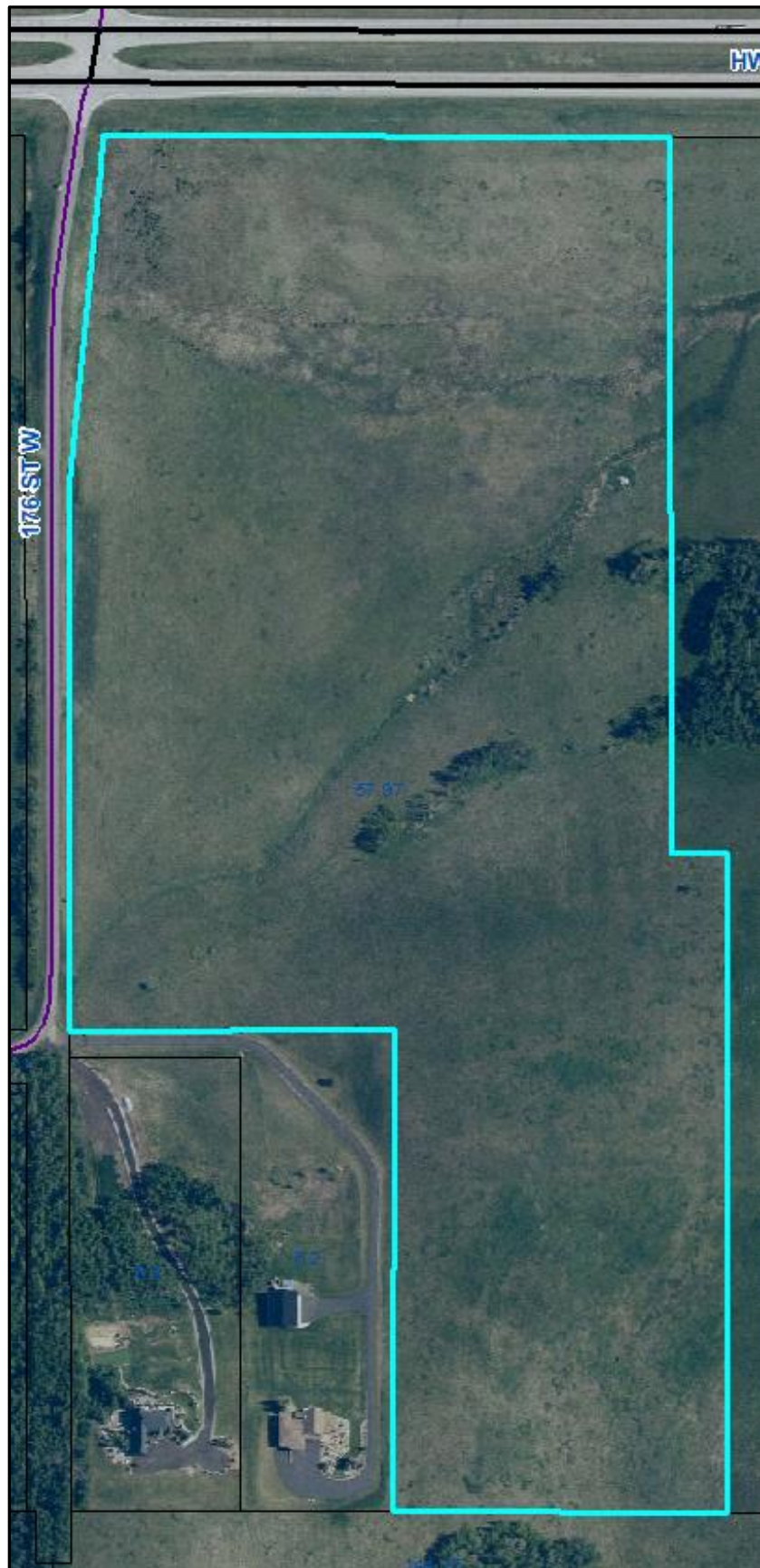
APPENDIX A: REVISED SITE PLAN ACCEPTED BY COUNCIL DECEMBER 11TH, 2024

AUGUST 26, 2024

ASPEN SPRINGS ESTATES -
REVISED LOT LAYOUT



APPENDIX A: ORTHO PHOTO



APPENDIX B: LETTER OF REQUEST FROM APPLICANT

George (Guoliang) QU

December 13, 2024

The Council of the Foothills County
309 Macleod Trail
Box 5605
High River, Alberta T1V 1M7

Subject: Request for Third Extension for Aspen Spring Project

Dear Council Members,

I hope this letter finds you well. I am writing on behalf of the Aspen Spring Project to formally request a third extension for our project timeline. This request arises due to the environmental assessments, the design changes, and consequently the site plan changes.

We are committed to ensuring the project's compliance with all County standards and requirements. To facilitate this extension, a cheque for \$1,000 will be submitted directly to the County by our account.

We appreciate your understanding and support in accommodating this request. If any additional information or documentation is needed, please feel free to contact me at 780-667-4261 or gqu2013@gmail.com.

Thank you for your attention to this matter.

Sincerely,



George (Guoliang) Qu
Director
2194265 Alberta Ltd