


PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
LAND USE AMENDMENT
January 29, 2025
To be heard at: 10:00 AM

APPLICATION INFORMATION		FILE NO. 24R044
	LEGAL DESCRIPTION: Ptn. NE 21-20-28 W4M; Plan 1528LK, Block 1	
	LANDOWNERS: Jamea MacLean Minue & Braydon Minue	
	AGENT: Township Planning + Design	
	AREA OF SUBJECT LANDS: 19.99 Acres	
	CURRENT LAND USE: Country Residential District (CR)	
	PROPOSED LAND USE: Country Residential District (CR)	
NUMBER & SIZE OF PROPOSED NEW PARCELS: 1 x 5.60 +/- acre CR parcel		
PROPOSAL: Amendment to the Country Residential District land use rules to allow for the future subdivision of one +/- 5.60 acre CR parcel, leaving a +/- 14.13 acre CR balance.		
DIVISION NO: 1		COUNCILLOR: Rob Siewert
FILE MANAGER: Melanie Michaud		

EXECUTIVE SUMMARY:

Location:

The subject parcel is located on 128th Street E, approximately 400 m east of 120th Street E, approximately 400 m south of Highway 547 and approximately 4.5 km east of Highway 2 and 7.7 km east of the Town of Okotoks.

Policy Evaluation:

The application was reviewed within the terms of the:

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

Referral Considerations:

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

PURPOSE OF APPLICATION:

Bylaw XX/2025 – An application has been made 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 5.60 +/- acre Country Residential District lot with an approximate +/- 14.13 Country Residential District balance.

HISTORY:

1970s The subject quarter section was subdivided into 8 x +/- 20.0 acre parcels.

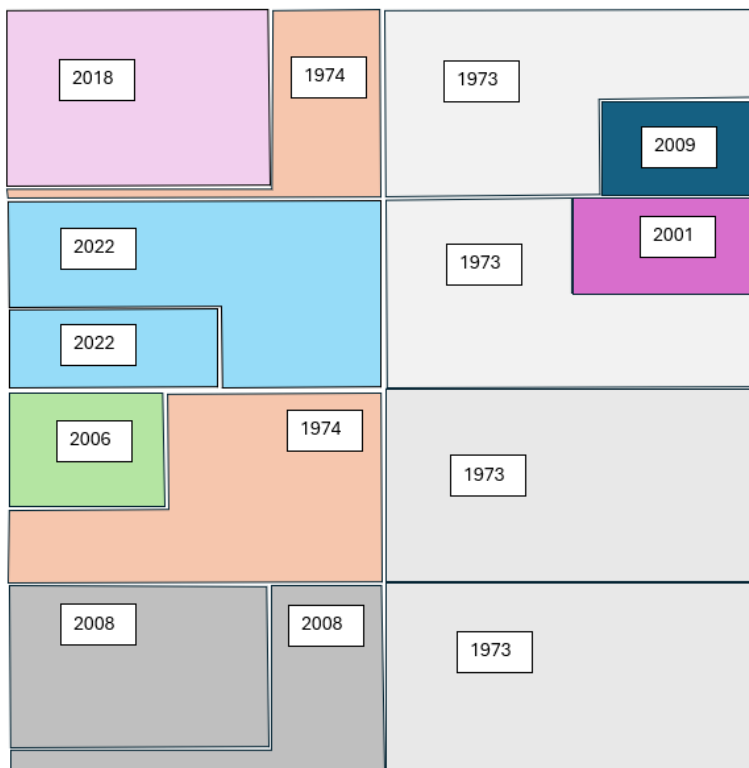
2000s One additional parcel was subdivided from 6 of the 8 +/-20.0 acre parcels that were creating in the 1970s.

2003 A land use application proposing a second parcel out of the parent +/-20.0 acre parcel was refused for the following reasons:

This application, if approved, would be precedent setting in that only one additional parcel has been created from the parent 20+/-acre parcels and it is Council's opinion that an Area Concept Plan would be beneficial prior to any further subdivision approvals in this area.

2007 – A second land use application was applied for on this same parcel again proposing a second parcel out of the parent +/-20.0 acre parcel. This application was also refused by Council for the following reasons:

The previous decision of Council outlined an opportunity to allow for the consideration for one parcel out of each parent parcel and because there are only three parcels out of eight parent parcels that have created an additional parcel to this point in time, Council is of the opinion there is an unknown impact at this time in terms of water supply for the quarter-section. The application for a 'second parcel out' is therefore considered to be premature at this time.



SITE CONSIDERATIONS:

Access:

The subject parcel is currently accessed from two existing approaches on 128th Street E. These two approaches are intended to continue to provide access to the proposed +/- 14.13 acre balance parcel.

A third approach is proposed to be constructed from 128th Street E, with a 15 m wide panhandle to serve as access to the proposed parcel. The applicants are also proposing an access right of way/ future road dedication over a portion of the panhandle, as depicted on the site plan.

Physiography:

The topography of the subject lands is relatively flat with gentle sloping from west to east. There is some tree cover concentrated around the residence and other development. The lands along the northeast portion of the property have been developed for residential use. The area toward the west that is proposed to be subdivided is a relatively flat area of land.

Existing Development / Site Improvements:

At this time, the existing development on the subject parcel as per the submitted site plan, includes a residence with an attached garage, two sheds, a barn, a chicken coop and four horse shelters. In addition, there is a water well located northeast of the residence and two existing septic fields, one located northwest of the residence and one to the west and slightly south of the residence.

On site inspection, three other structures were identified: a sea can near the north property line, a small shed directly adjacent to the residence on the south side and a small shed just south of the residence and fenced portion of the yard.

There are 12 existing accessory buildings on the property with a total cumulative size of 339.5 sq. m., or 3654.35 sq. ft. This is in excess of the allowable, as per Section 4.2.1.7a of the Land Use Bylaw, which states that a property of this size may have a maximum of 5 buildings with a total cumulative size not to exceed 422.7 sq. m. or 4,550 sq. ft. accessory to the residence. If approved, the allowable number of buildings would be the same, however, the cumulative size would decrease to a maximum of 380.9 sq m or 4,100 sq. ft.

All of the existing development is proposed to remain on the balance parcel. The landowners are to submit a development permit application(s) to bring the existing accessory buildings and sea can into compliance with the Land Use Bylaw.

REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<p><u>Access:</u></p> <p>Public Works has no concerns with the proposed approach location and recommend that it is to be built to current standards with a beveled culvert. There are no concerns with the Access Right of Way, however Council may wish the Access Right of Way or future road dedication to be the entire length of the panhandle.</p> <p>Future 5 m road widening on the entire east side of the parcel.</p> <p><u>Other Comments Provided:</u></p> <p>The proposed parcel has large amounts of absorbent landscape and no topographical features which would reduce the required building setbacks.</p>
EXTERNAL	
Alberta Transportation And Economic Corridors (ATEC)	<p>ATEC 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. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the Subdivision Authority to vary the requirements of Section 19 of the Regulation.
PUBLIC	
Western Wheel	January 15, 2025 and January 22, 2025

CIRCULATION REFERRALS

Landowners
(Half Mile)

No letters were submitted prior to the submission of this staff report.

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 as well as the cumulative effects of development.

Growth Management Strategy:

The subject parcel is located within the East District. The vision for this District is supportive of minimal growth and development with careful consideration of the potential impacts on agriculture.

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/2025 – Application for an amendment to the Land Use Bylaw to allow for the future subdivision of one 5.60 acre Country Residential District parcel, leaving a +/- 14.13 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 5.60 acre Country Residential District parcel, leaving a +/- 14.13 acre Country Residential District balance from Ptn. NE 21-20-28 W4M; Plan 1528LK, Block 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.

Recommended Conditions for Option #1:

1. Staff is seeking Council's direction regarding the proposed future access right-of-way/ road dedication area, and if Council is agreeable to the area as proposed, or if Council would prefer to see the entire length of the panhandle included;
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. Landowners are to submit a development permit application(s) to bring the existing accessory buildings and sea can into compliance with the Land Use Bylaw, as a condition of subdivision.
4. Proof of adequate water supply to be provided in accordance with the Provincial Water Act to the satisfaction of the County;
5. Final amendment application fees to be submitted;
6. 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 +/- 5.60 acre Country Residential District parcel, leaving a +/- 14.13 acre Country Residential District balance from Ptn. NE 21-20-28 W4M; Plan 1528LK, Block 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 this section with respect to the cumulative effects of development and suitability of the lands for further development.

APPENDICES:

APPENDIX A: MAP SET

LOCATION MAP

LAND USE MAP

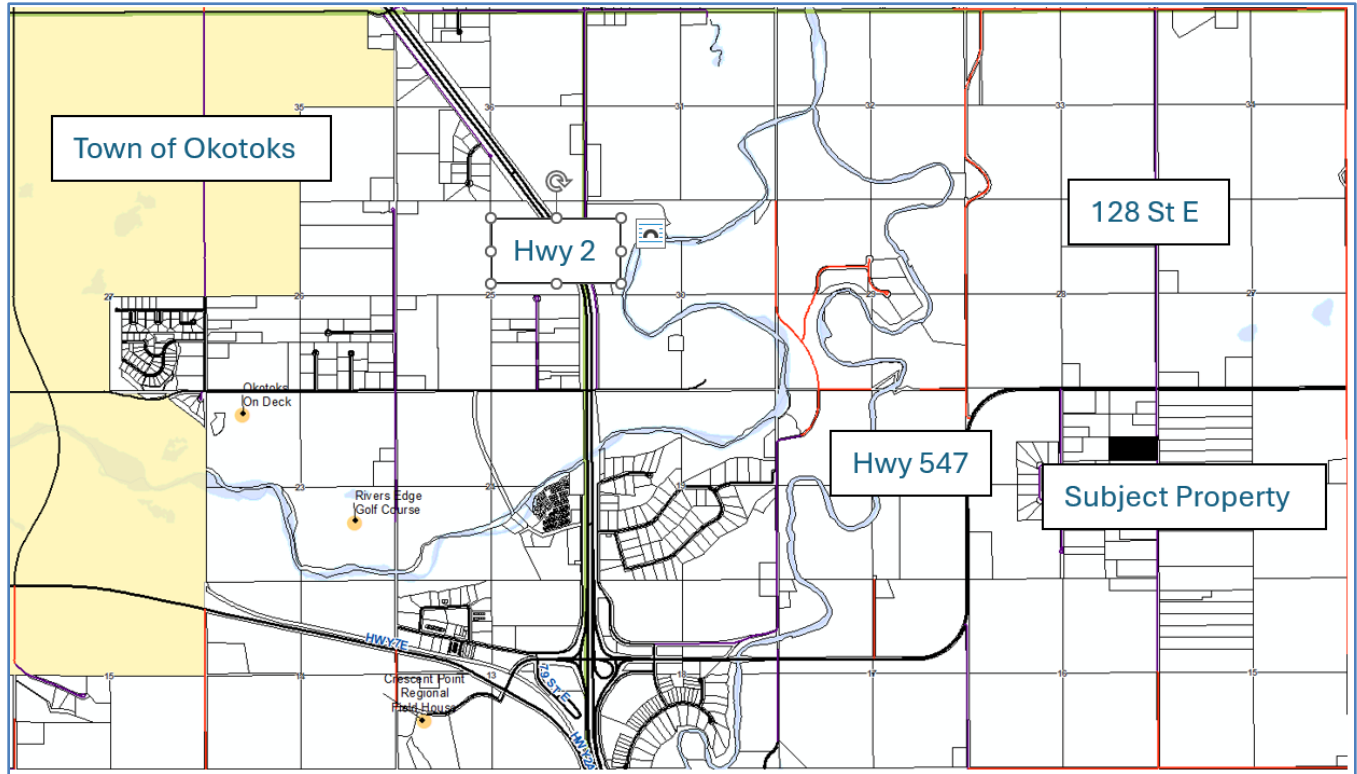
HALF MILE – PARCEL SIZES

SITE PLAN

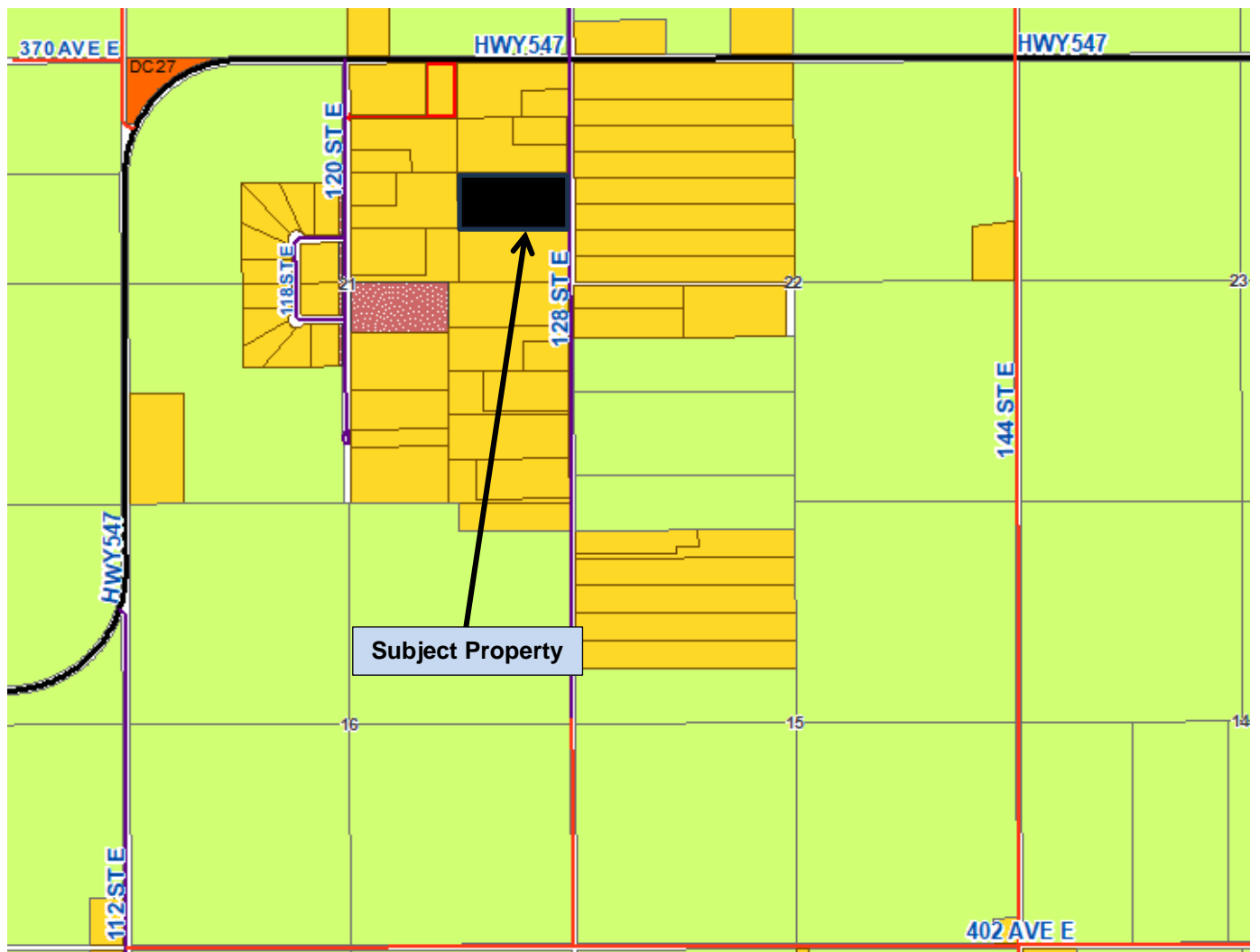
ORTHO PHOTO

APPENDIX B: PROPOSED BYLAW

APPENDIX A: LOCATION MAP



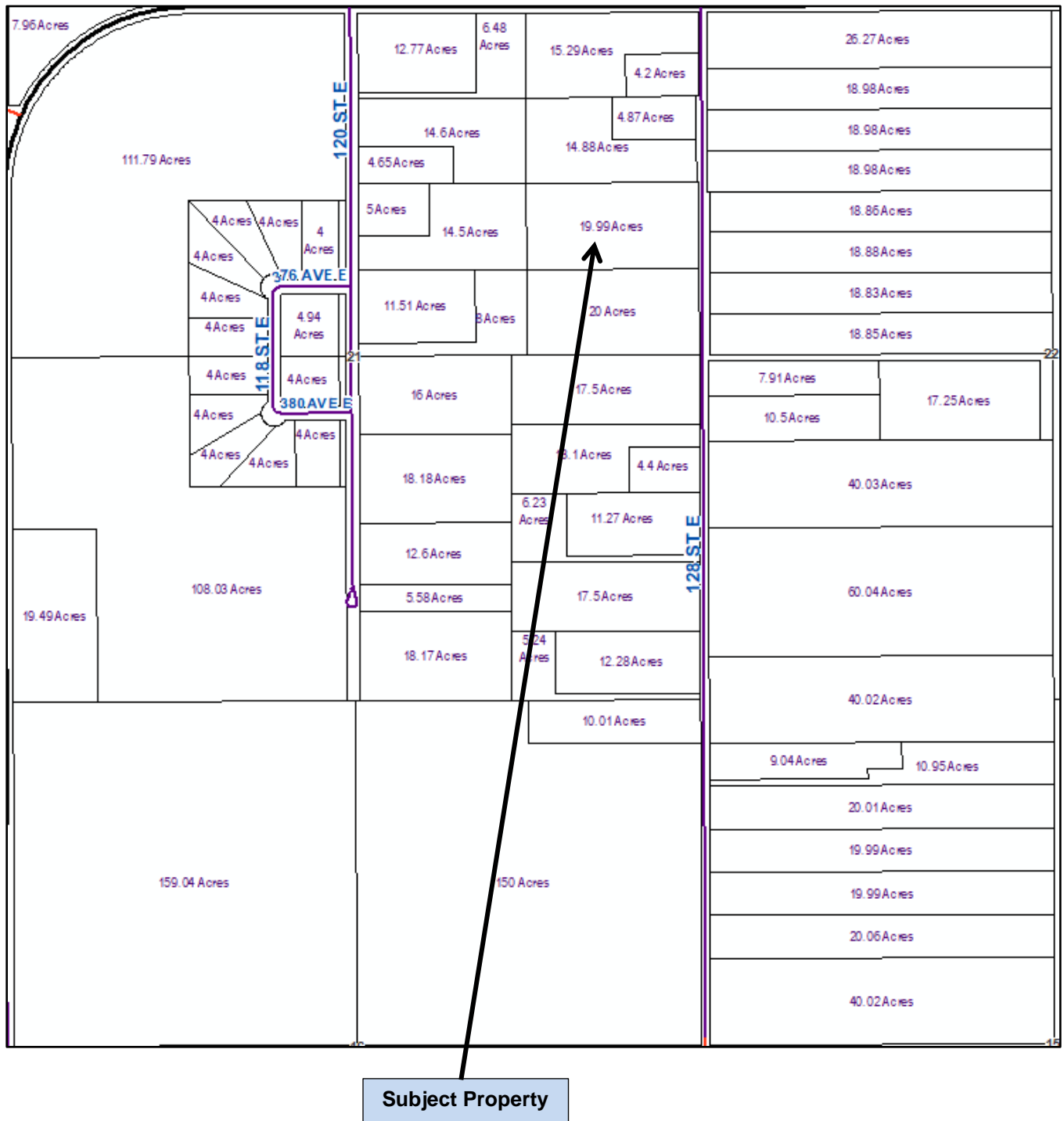
APPENDIX A: LAND USE MAP



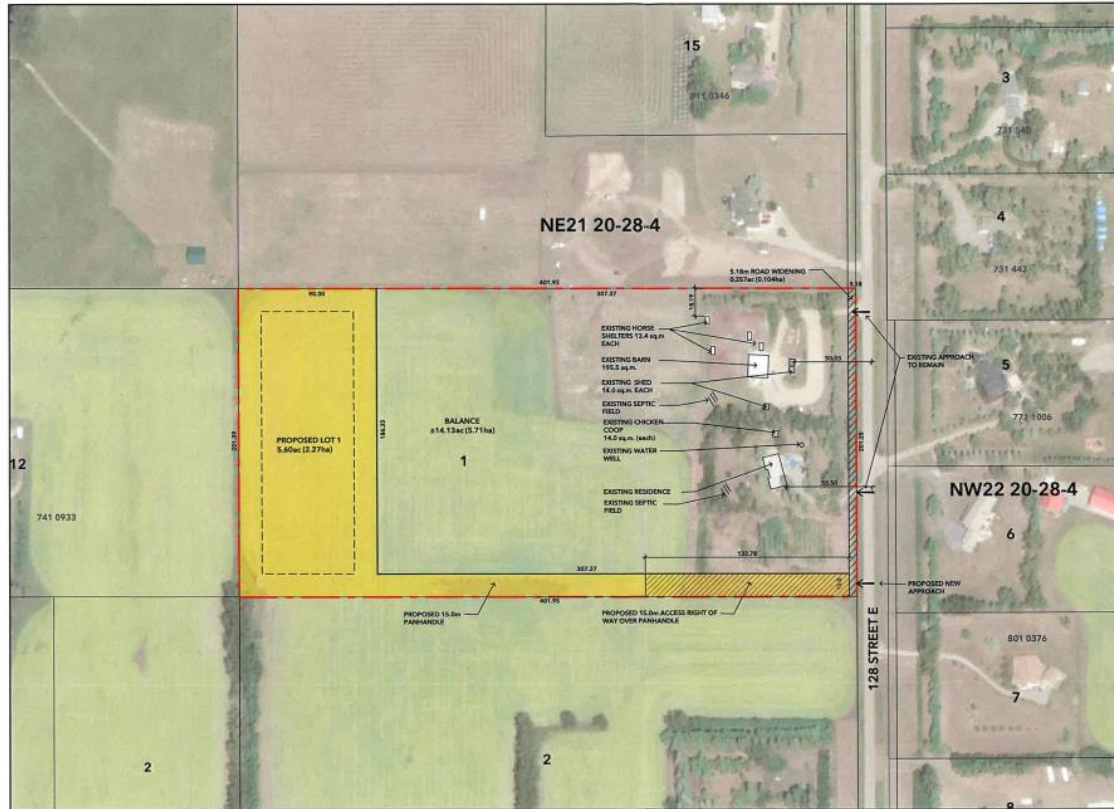
Legend

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



TOWNSHIP
planning • design inc.

CLIENT
Braydon & James Minnie

PROJECT NUMBER
24-025

LEGAL ADDRESS
Plan 15281 K, Block 1, NE 21-20-28 W4M
±19.99 ac (8.09 ha)

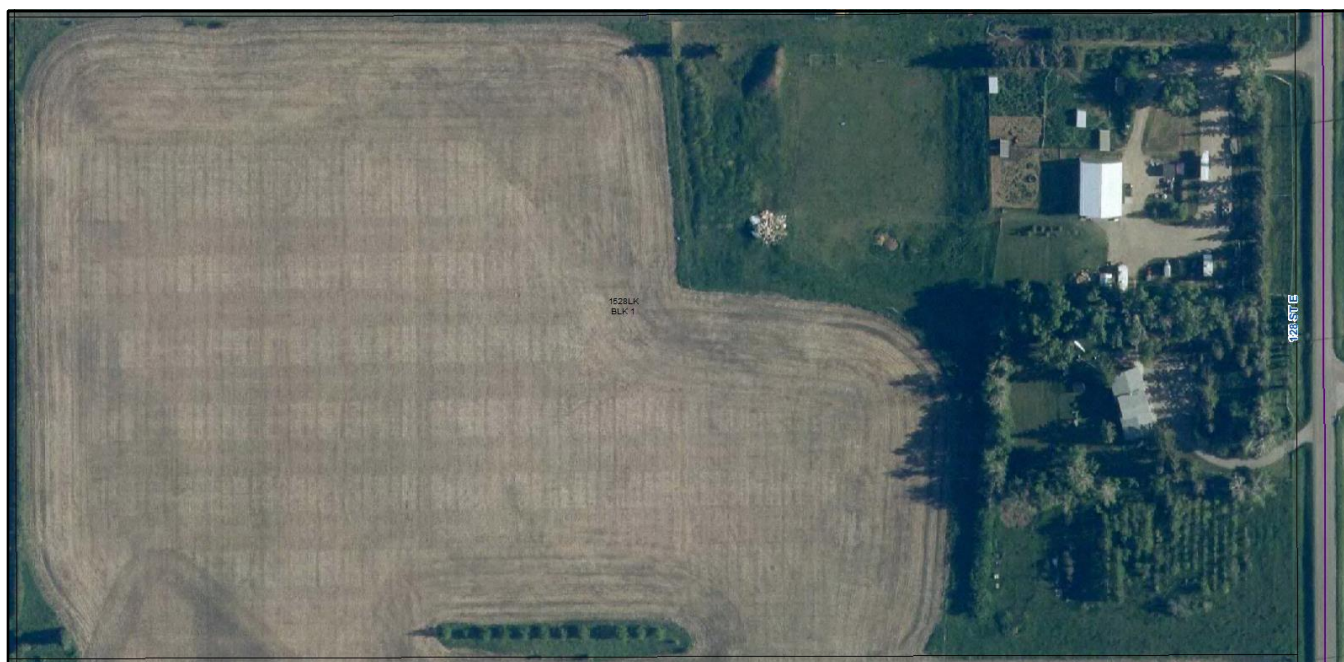
DATE
January 8, 2025

CONCEPTUAL SUBDIVISION PLAN
SITE PLAN - 1 New Country Residential Lot

SCALE
1:2000

SHEET
S1
SITE PLAN

APPENDIX A: ORTHO PHOTO



APPENDIX B: PROPOSED BYLAW

BYLAW XX/2025

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 5.60 +/- acre Country Residential lot, with a 14.13 +/- acre Country Residential District balance parcel on Plan 1528LK, Block 1; Ptn. NE 21-20-28 W4M.

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 1528LK, Block 1; Ptn. NE 21-20-28 W4M within which shall allow for the future subdivision of one new 5.60 +/- acre Country Residential District lot, with a 14.13 +/- acre Country Residential District 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__.