

**MISCELLANEOUS PLANNING ITEM
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 SECOND AND THIRD READING TO BYLAW 42/2023
 February 26th, 2025**

SECOND AND THIRD READING TO BYLAW 42/2023 – LAND USE REDESIGNATION	
APPLICATION INFORMATION	FILE NO. 23R012
	<p>LEGAL DESCRIPTIONS:</p> <ol style="list-style-type: none"> 1. Plan 9912114, Lot 1, PTN: SE 27-20-29-W4M 2. Plan 2310060, Block 8, Lot 22, PTN: SE 27-20-29-W4M <p>LANDOWNERS: Timber Star Inc.</p> <p>AGENTS: Township Planning and Design (Kristi Beunder) / Blair Hann</p> <p>AREA OF SUBJECT LANDS:</p> <ol style="list-style-type: none"> 1. 10.36 acres 2. 22.16 acres <p>CURRENT LAND USES:</p> <ol style="list-style-type: none"> 1. Country Residential District 2. Agricultural District <p>PROPOSED LAND USES: Country Estate Residential Sub-District "A" (CERA), Public Utility Lot (PUL), Environmental Reserve (ER) and Municipal Reserve (MR).</p>
<p>PROPOSAL:</p> <p>Phase 4: Second and third reading for redesignation of Plan 9912114, Lot 1, within the SE 27-20-29-W4M from Country Residential District to Country Estate Residential Sub-District "A", and PUL in order to allow the future subdivision of nine Country Estate Residential Sub-District "A" (CERA) lots and one 0.23 +/- acre Public Utility (PUL) lot.</p> <p>Phase 5: Second and third reading for redesignation of Plan 2310060, Block 8, Lot 22; PTN: SE 27-20-29-W4M from Agricultural District to Country Estates Residential Sub-District "A", Municipal Reserve and Environmental Reserve in order to allow the future subdivision of fourteen Country Estate Residential Sub-District "A" lots, one 0.185 +/- acre Municipal Reserve lot, one 1.326 acre Municipal Reserve lot, one 0.078 +/- acre Municipal Reserve lot (pathway), and one 1.326 +/- acre Environmental Reserve parcel, along with internal road development.</p> <p>Site Specific Amendment: Site-Specific Amendment to the Country Estates Residential District to allow a front yard setback of 8m (26.25 ft) from the property line for those lots fronting 48th Street E (Phase 4); and a front yard setback of 4m (13.12 ft) from the property line for those lots fronting an internal subdivision road, for properties registered in both Phases 4 and 5.</p>	
DIVISION NO: 7	COUNCILLOR: R.D. McHugh
FILE MANAGER: Theresa Chipchase	

PURPOSE OF REQUEST

Request to Council to provide second and third reading to the redesignation of a 10.36 +/- acre portion of Plan 9912114, Lot 1; Ptn. SE 27-20-29 W4M from Country Residential District to Country Estates Residential District and a 0.08 +/- acre portion of Plan 9912114, Lot 1; Ptn. SE 27-20-29 W4M from Country Residential District to Public Utility Lot, to allow for the future subdivision of nine 1.13 to 1.15 +/- acre Country Estate Residential District lots and one 0.08 +/- acre Public Utility Lot and a Site-Specific Amendment to Country Estates Residential District to allow for a front yard setback of 8m (26.25 ft) from the property line to for those lots fronting 48th Street E; and a front yard setback of 4m (13.12 ft) from the property line for those lots fronting an internal subdivision road both for properties registered in Phase 4.

AND

Request to Council to provide second and third reading to the redesignation of a 22.16 +/- acre portion of Plan 2310060, Block 8, Lot 22; Ptn. SE 27-20-29 W4M from Agricultural District to Country Estates Residential District, a 6.23 +/- acre portion of Plan 1210671, Lot 1, Block 2; Ptn. SE 27-20-29 W4M from Agricultural District to Municipal Reserve and a 1.33 +/- acre portion of Plan 2310060, Block 8, Lot 22; Ptn. SE 27-20-29 W4M from Agricultural District to Environmental Reserve to allow for the future subdivision of fourteen 0.8 to 1.13 +/- acre Country Estate Residential District lots, two Municipal Reserve lots and one Environmental Reserve lot and a Site-Specific Amendment to the Country Estate Residential District to allow for a front yard setback of 4m (13.12 ft) from the property line for those lots fronting an internal subdivision road for properties registered in Phase 5.

The twenty-three new lots will be designated as Country Estates Residential Sub-District 'A' to ensure that considerations, recommendations, and restrictions within the Stormwater Management Plan, Comprehensive Site Drainage Plan, Lot Grading Plans, Building Envelopes and requirements for installation of high efficiency tertiary wastewater treatment systems and adherence to the 100 meter setback requirement of a wastewater system to a production water well, 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, and a \$5,000.00 deposit as a pre-release condition to ensure compliance with all conditions of the development permit will also be required.

EXECUTIVE SUMMARY

Summary of Proposal

Along with the accompanying staff report for the consideration of second and third reading to Bylaw 41/2023, amending Bylaw 36/2006 for the adoption of the Green Haven Estates Area Structure Plan, Council within this staff report is requested to approve second and third reading to Bylaw 42/2023 for the associated Land Use and Site Specific Amendment applications.

First reading to the land use redesignation, under Bylaw 42/2023, was granted approval by Council on June 28th, 2023, to facilitate redesignation of the appropriate parcels from the Country Residential and Agricultural Districts to Country Estate Residential Sub-District A, Municipal Reserve, Environmental Reserve and Public Utility.

First reading to Site Specific Amendments were also proposed under Bylaw 42/2023, and were granted approval in order to facilitate a relaxation of the front yard setback for lots fronting a collector rural road (48th Street East (Phase 4) reducing it from 48 metres to the center line of the road, to 8 metres from property line, and further to allow a relaxation to the front yard setbacks, for those lots fronting an internal subdivision road (Green Haven Drive (Phase 4) and the new internal road development (Phase 5) reducing both setbacks from 5 metres to

property line to 4 metres to property line, all within the Country Estates Residential District of the County's Land Use Bylaw. The relaxations are consistent with the existing exceptions granted for previous phases of the Green Haven development, as listed within the Residential Community District.

The new development phases are proposed to facilitate the future development of a total of 23 Country Estate Residential Sub-District "A" lots.

All lots are to be serviced with piped water from the County's existing water system and wastewater is to be provided by individual high efficiency tertiary treatment systems, with each lot to provide a primary and secondary location for wastewater systems to be installed.

Pertinent Site Considerations

The subject parcel is located within a portion of the County that falls within the Intermunicipal Development Plan with the Town of Okotoks.

PREVIOUS COUNCIL DIRECTION

June 28th, 2023, Bylaw 42/2023 – application approved by Council granting first reading to Bylaw 42/2023, under the following motion:

Bylaw 42/2023 was introduced into the meeting to authorize the redesignation of a 10.36 +/- acre portion of Plan 9912114, Lot 1; Ptn. SE 27-20-29 W4M from Country Residential District to Country Estates Residential District and a 0.08 +/- acre portion of Plan 9912114, Lot 1; Ptn. SE 27-20-29 W4M from Country Residential District to Public Utility Lot to allow for the future subdivision of nine 1.13 to 1.15 +/- acre Country Estate Residential District lots and one 0.08 +/- acre Public Utility Lot and a Site-Specific Amendment to Country Estates Residential District to allow for a front yard setback of 8m (26.25 ft) from the property line to for those lots fronting 48th Street E; and a front yard setback of 4m (13.12 ft) from the property line for those lots fronting an internal subdivision road both for properties registered in Phase 4.

Additionally, to authorize the redesignation of a 22.16 +/- acre portion of Plan 2310060, Block 8, Lot 22; Ptn. SE 27-20-29 W4M from Agricultural District to Country Estates Residential District, a 6.23 +/- acre portion of Plan 1210671, Lot 1, Block 2; Ptn. SE 27-20-29 W4M from Agricultural District to Municipal Reserve and a 1.33 +/- acre portion of Plan 2310060, Block 8, Lot 22; Ptn. SE 27-20-29 W4M from Agricultural District to Environmental Reserve to allow for the future subdivision of fourteen 0.8 to 1.13 +/- acre Country Estate Residential District lots, two Municipal Reserve lots and one Environmental Reserve lot and a Site-Specific Amendment to the Country Estate Residential District to allow for a front yard setback of 4m (13.12 ft) from the property line for those lots fronting an internal subdivision road for properties registered in Phase 4 and 5.

The twenty-three new lots will be designated as Country Estates Residential Sub-District 'A' to ensure that considerations, recommendations, and restrictions within Stormwater Management Plan, Comprehensive Site Drainage Plan, Lot Grading Plans, Building Envelopes and requirements for installation of high efficiency tertiary wastewater treatment systems and adherence to the 100 meter setback requirement of a wastewater system to a production water well, 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, and a \$5,000.00 deposit as a pre-release condition to ensure compliance with all conditions of the development permit will be required.

Foothills Council is expecting that the developer and the homeowner's association (HOA) will continue to work together to solve challenges in the community. The County will also

participate in that work to support the community development. Throughout the Land Use and Subdivision process, administration will check in on the progress of cooperation between the developer and the HOA and to review what solutions have been identified and actioned.

Prior to further consideration of the bylaw the applicant will be required to submit the following:

1. Applicant is to fully execute and comply with all of the requirements as outlined within the Municipal Development Agreement(s) for the purposes of construction of all internal road infrastructure, utility infrastructure, water systems, landscaping, storm water management and grading plans, water connection fees, payment of the \$11,300.00 per new lot Community Sustainability Fee, and for the provision of a \$5,000.00 per new lot contribution to the water treatment and distribution facilities in accordance with the County's current Fee Schedule (58/2022);

Note: Condition #1 as listed above has not yet been completed, a requirement for the execution of the Development Agreement, will be recommended to be imposed as a condition of the subdivision approval.

2. Restrictive Covenant to be executed and registered for the Country Estate Residential Sub-District 'A' lots indicating the requirement for high efficiency tertiary treatment septic systems, outdoor watering restrictions and lighting restrictions, provided to the satisfaction of the County, as a condition of subdivision;
3. Registration of a Restrictive Covenant with respect to the Homeowner's Association's Encumbrance to Secure Annual Rent Charge, as a condition of subdivision;
4. Storm Water Management Plan to be provided for the subject lands, to the satisfaction of the Public Works department, as a condition of subdivision;
5. Lot Grading Plans to be provided for all new lots proposed, to the satisfaction of the County's Public Works department, as a condition of subdivision;
6. Comprehensive Site Drainage Plan, to be provided for the subject lands, to the satisfaction of the County's Public Works department, as a condition of subdivision;
7. Site Plan to be provided which identifies building envelopes, for all new lots proposed, which meet the requirements as outlined in Policy 9, under the Residential section of the MDP2010 and the enhanced setback requirements for the proposed septic systems to the existing production wells, to the satisfaction of the Public Works department, as a condition of subdivision;
8. Submission of Level IV Private Septic Treatment System (PSTS) evaluations for the suitability and location of a septic field in accordance with Part 2 Section 6(4)(b)(c) of the Matters Related to Subdivision and Development Regulation, for those lots effected by the 100 meter PSTS setback. The evaluation is to be prepared by a certified septic designer, to the satisfaction of the Municipality. Further, the evaluation must identify a primary location and a secondary location for a septic disposal field for each lot, and shall identify how the two locations will be protected from disturbances that would affect the ability to construct an onsite septic disposal field;
9. Submission of PSTS evaluations for the suitability and location of a septic field for the remaining lots outside of those provided in condition #8, in accordance with Part 2 Section 6(4)(b)(c) of the Matters Related to Subdivision and Development Regulation, to the satisfaction of the Public Works department, as a condition of subdivision;

10. *Geotechnical Report, to be provided for slope stability, with respect to those lots adjacent to the Environmental Reserve, to be provided to the satisfaction of the Public Works department, as a condition of subdivision;*
11. *2nd and 3rd Reading being granted to Bylaw 41/2023, adopting an amendment to the Green Haven Estates Area Structure Plan;*
12. *Final redesignation application fees to be submitted;*
13. *Council is to review and to accept Municipal drainage report for the subject lands currently commissioned by Foothills County.*

Note: *With respect to condition #13 as listed above, Council has reviewed and acknowledged the draft Green Haven Drainage Review as provided by MPE Engineering.*

COUNCIL ACTION REQUESTED – SECOND AND THIRD READING TO BYLAW 42/2023

Request to Council to provide second and third reading to Bylaw 42/2023 which reads as follows:

WHEREAS the Council has received an application to further amend the Land Use Bylaw by authorizing the redesignation of a 10.36 +/- acre portion of Plan 9912114, Lot 1; Ptn. SE 27-20-29 W4M from Country Residential District to Country Estates Residential District and a 0.08 +/- acre portion of Plan 9912114, Lot 1; Ptn. SE 27-20-29 W4M from Country Residential District to Public Utility Lot, to allow for the future subdivision of nine 1.12 to 1.13 +/- acre Country Estate Residential District lots and one 0.23 +/- acre Public Utility Lot and a Site-Specific Amendment to Country Estates Residential District to allow for a front yard setback of 8m (26.25 ft) from the property line to for those lots fronting 48th Street E; and a front yard setback of 4m (13.12 ft) from the property line for those lots fronting an internal subdivision road, for properties registered in Phase 4.

AND WHEREAS the Council has received an application to further amend the Land Use Bylaw by authorizing the redesignation of a 22.16 +/- acre portion of Plan 2310060, Block 8, Lot 22; Ptn. SE 27-20-29 W4M from Agricultural District to Country Estates Residential District, a 6.23 +/- acre portion of Plan 1210671, Lot 1, Block 2; Ptn. SE 27-20-29 W4M from Agricultural District to Municipal Reserve, and a 1.33 +/- acre portion of Plan 2310060, Block 8, Lot 22; Ptn. SE 27-20-29 W4M from Agricultural District to Environmental Reserve in order to allow the future subdivision of fourteen 0.8 to 1.13 +/- acre Country Estate Residential District lots, two Municipal Reserve lots and one Environmental Reserve lot and a Site-Specific Amendment to the Country Estate Residential District to allow for a front yard setback of 4m (13.12 ft) from the property line for those lots fronting an internal subdivision road for properties registered in Phase 5.

The twenty-three new lots will be designated as Country Estates Residential Sub-District 'A' to ensure that considerations, recommendations, and restrictions within Stormwater Management Plan, Comprehensive Site Drainage Plan, Lot Grading Plans, Building Envelopes and requirements for installation of high efficiency tertiary wastewater treatment systems and adherence to the 100 meter setback requirement of a wastewater system to a production water well, 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, and a \$5,000.00 deposit as a pre-release condition to ensure compliance with all conditions of the development permit will be required.

APPENDICES

APPENDIX A - MAP SET

LOCATION MAP

LAND USE MAP

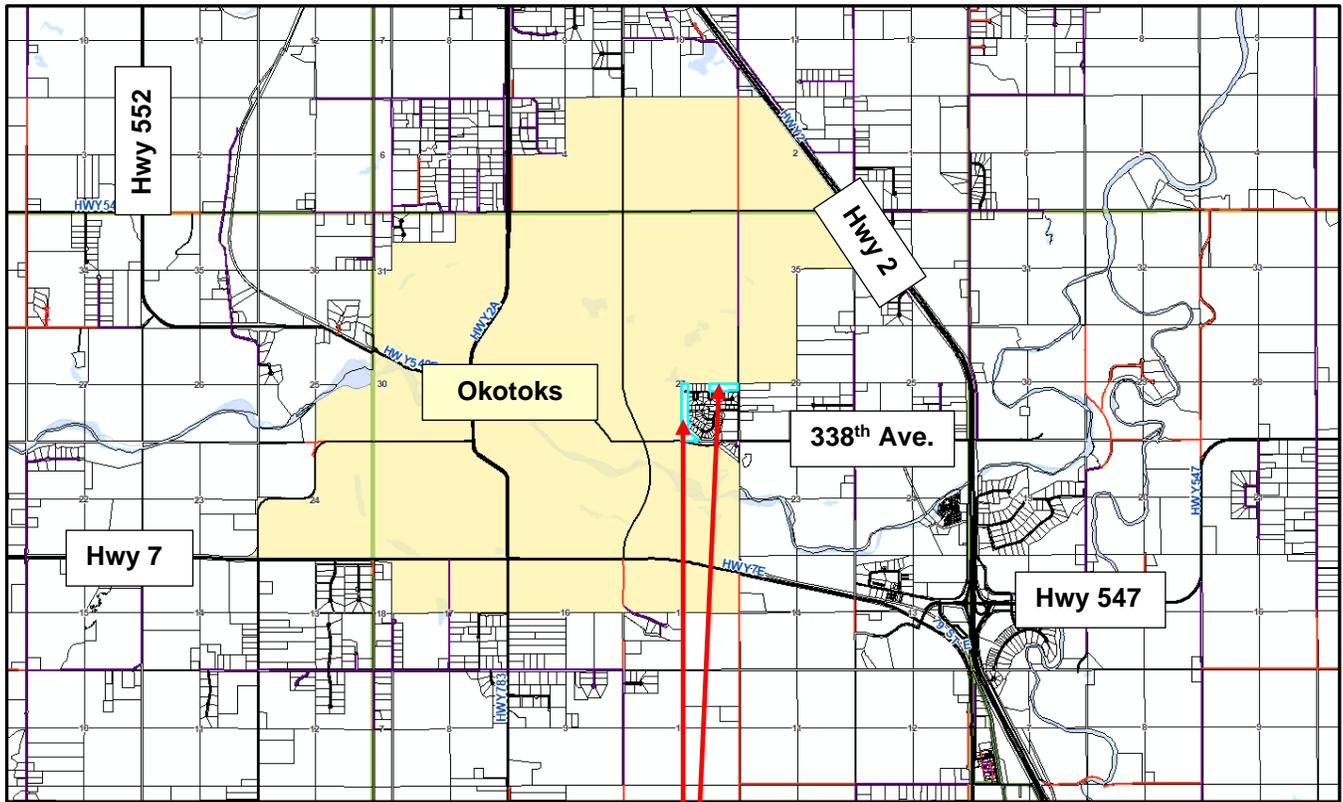
SITE PLAN

ORTHO PHOTO

APPENDIX B

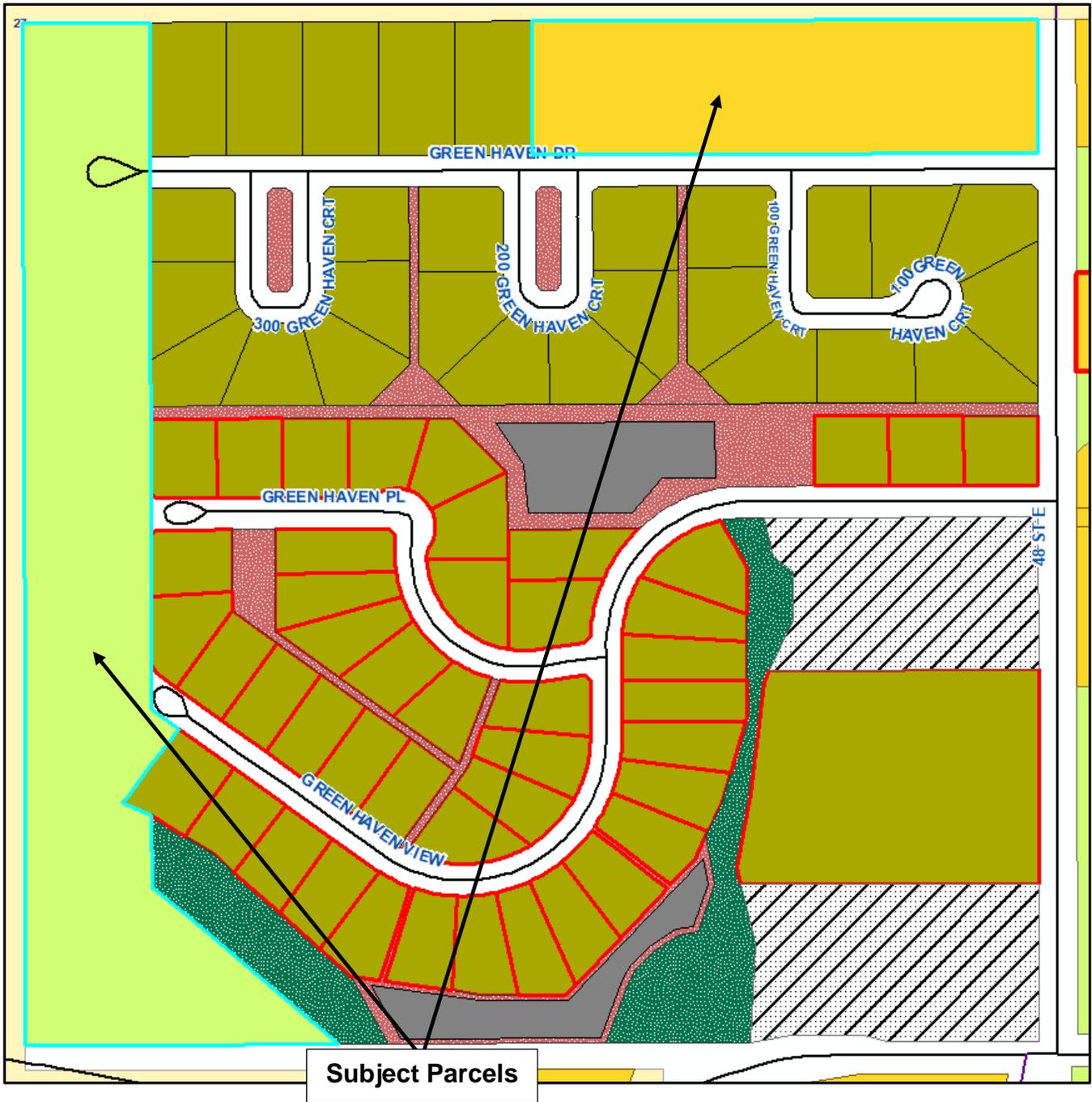
BYLAW 42/2023 - FIRST READING

APPENDIX A: LOCATION MAP



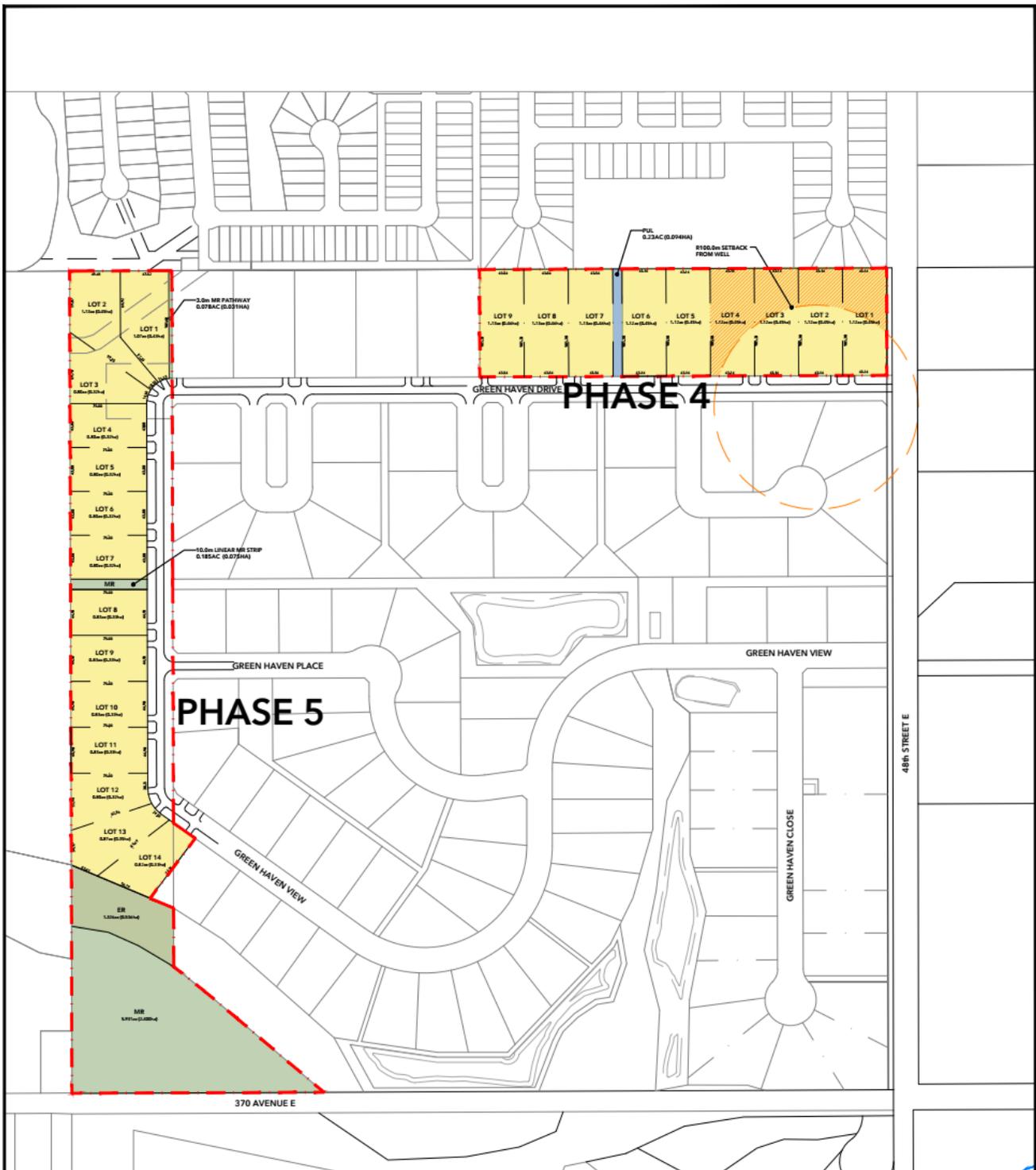
Subject Parcels

APPENDIX A: EXISTING LAND USE



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: SITE PLAN

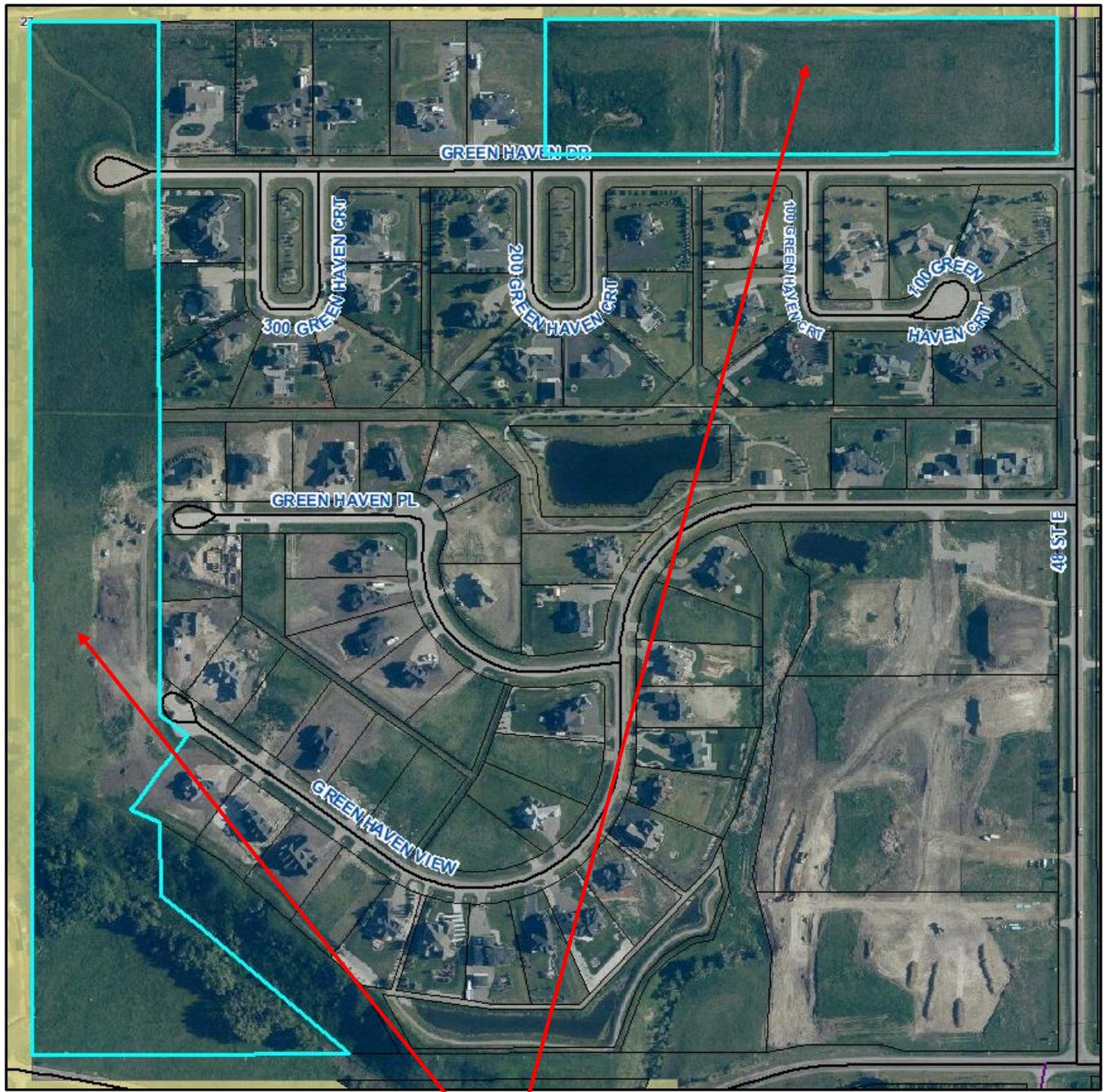


LEGEND

- CER-A - Country Estate Residential sub-district "A"
- PUL - Public Utility Lot
- MR - Municipal Reserve
- ER - Environmental Reserve
- Possible Septic Location



APPENDIX A: ORTHO PHOTO



Subject Parcels

BYLAW 42/2023

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 the redesignation of a 10.36 +/- acre portion of Plan 9912114, Lot 1; Ptn. SE 27-20-29 W4M from Country Residential District to Country Estates Residential District and a 0.08 +/- acre portion of Plan 9912114, Lot 1; Ptn. SE 27-20-29 W4M from Country Residential District to Public Utility Lot, to allow for the future subdivision of nine 1.13 to 1.15 +/- acre Country Estate Residential District lots and one 0.08 +/- acre Public Utility Lot and a Site-Specific Amendment to Country Estates Residential District to allow for a front yard setback of 8m (26.25 ft) from the property line to for those lots fronting 48th Street E; and a front yard setback of 4m (13.12 ft) from the property line for those lots fronting an internal subdivision road both for properties registered in Phase 4.

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NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Land Use Map No. 2029 is amended by *redesignating the following:*
 - a. *10.36+/- acre portion of Plan 9912114, Lot 1, Ptn. SE 27-20-29 W4M from Country Residential District to Country Estate Residential District.*
 - b. *0.08 +/- acre portion of Plan 9912114, Lot 1, Ptn. SE 27-20-29 W4M from Country Residential District to Public Utility District.*
 - c. *22.16+/- acre portion of Plan 1210671, Lot 1, Block 2 Ptn. SE 27-20-29 W4M from Agricultural District to Country Estates Residential District.*

