

**PUBLIC HEARINGS AND MEETINGS  
PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
LAND USE AMENDMENT  
February 26, 2025  
To be heard at: 10:00 AM**

<b>APPLICATION INFORMATION</b>	<b>FILE NO. 24R040</b>
 <p><b>FOOTHILLS COUNTY</b></p>	<b>LEGAL DESCRIPTION:</b> Ptn. SE 33-19-29 W4M; Plan 7911201, Block 12
	<b>LANDOWNERS:</b> Sean and Dawn Farrell
	<b>AREA OF SUBJECT LANDS:</b> 20.02 acres
	<b>CURRENT LAND USE:</b> Country Residential District (CR)
	<b>PROPOSED LAND USE:</b> Country Residential District (CR)
<b>NUMBER &amp; SIZE OF PROPOSED NEW PARCELS:</b> 1 x 4.25 +/- acre parcel	
<b>PROPOSAL:</b> Amendment to the Country Residential District land use rules to allow for the future subdivision of one +/- 4.25 acre CR parcel, leaving a +/- 15.77 acre CR balance.	
<b>DIVISION NO:</b> 2	<b>COUNCILLOR:</b> Reeve Delilah Miller
<b>FILE MANAGER:</b> Melanie Michaud	

**EXECUTIVE SUMMARY:**

**Location:**

The subject parcel is located on 32<sup>nd</sup> Street E, approximately 820 m east of Highway 783 and the Foothills Regional Landfill, approximately 1.2 km south of 434 Ave E and approximately 5.5 km south of the Town of Okotoks.

**Policy Evaluation:**

The application was reviewed within the terms of the:

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

**Referral Considerations:**

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

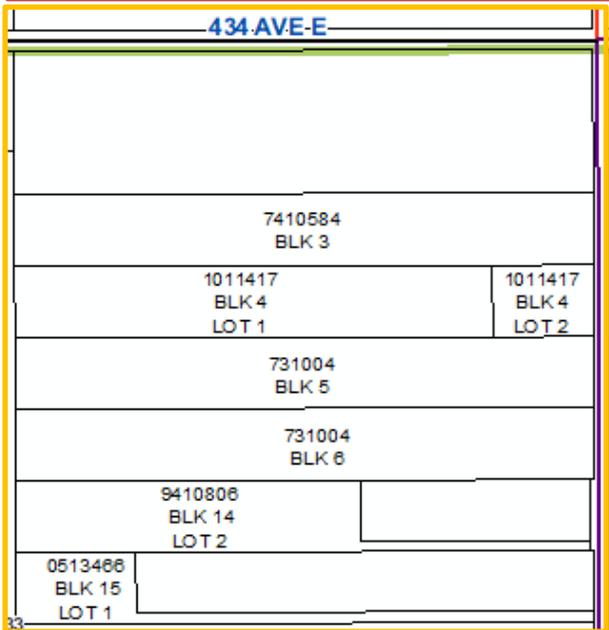
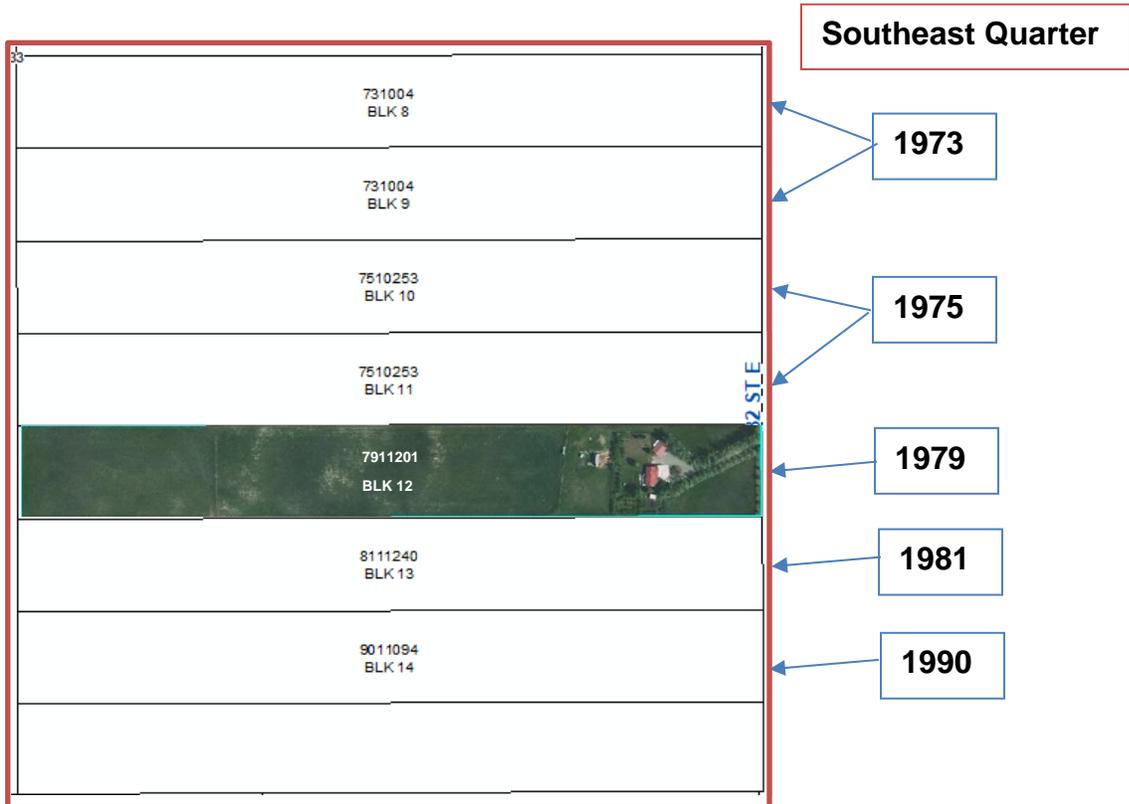
**PURPOSE OF APPLICATION:**

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 +/- 4.25 acre Country Residential District lot with an approximate +/- 15.77 acre Country Residential District balance.

**HISTORY:**

**1973 - 1990** Between 1973 and 1990, the subject quarter section was divided into eight +/- 20.0 acre parcels.

Since 1990, none of these approximately 20 acre parcels have been further subdivided. In 1993, an application was made to subdivide Block 14 into two equal 10 acre parcels. Council requested a new plan for proposed subdivision showing a 6 acre parcel instead. The file was never finalized.



**1973-2010** In the NE quarter section, a similar pattern of subdivision occurred between 1973 and 2010, however three smaller parcels were also created on three of the 20 acre parcels.

## SITE CONSIDERATIONS:

### **Access:**

The subject parcel is currently accessed from an existing approach on 32<sup>nd</sup> Street E, which is intended to remain as access to the proposed parcel. A new approach is proposed to be constructed along the north property line to provide access to the balance parcel through a panhandle.

### **Physiography:**

The topography of the subject lands is primarily flat. The lands at the eastern portion of the property have been developed for residential use. The area toward the west is a generally flat area of land. There is a gentle slope that runs east to west through the center of the parcel. There are no significant environmental features on the property.

### **Existing Development / Site Improvements:**

At this time, the existing development on the subject parcel includes a single family dwelling with an attached garage, a detached garage, a barn, a shelter and a garden shed, all of which would remain on the proposed parcel.

**Note:** If approved, the detached garage will not meet the setback to the new north property line. Thus, Council may wish to formally acknowledge the detached garage as legally non-conforming or require the applicant to apply for a Development Permit to bring this structure fully into compliance, as a condition of subdivision.

### **Water and Wastewater Considerations:**

The subject parcel is currently serviced with an existing water well that is located to the northwest of the residence. There is another existing water well in approximately the centre of the subject lands, and would fall within the balance parcel. There is a septic field located west of the residence.

## REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<p><u>Access:</u> Public Works has commented that the proposed approach requires a 15 m setback from the existing approach, centerline to centerline. If the setback cannot be achieved, a common approach is recommended. This would require removal and re-alignment of the current approach. A culvert is required for the proposed approach.</p> <p>Additional comments included that the balance parcel is surrounded by absorbent landscaping and natural drainage towards the southeast. There are no additional requirements at this time, as the development is less than 10% of the land and will be managed by the surrounding landscaping and setbacks as per the Land Use Bylaw.</p>

<b>CIRCULATION REFERRALS</b>	
GIS/Mapping	GIS/Mapping had no concerns about the application.
FH Regional Waste Management Facility	The Foothills Regional Landfill did not comment on the application.
<b>EXTERNAL</b>	
Alberta Transportation And Economic Corridors (ATEC)	<p>ATEC noted the following:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>
ATCO Gas	ATCO Gas and Pipelines have no objection to the proposal.
FORTIS Alberta	Fortis Alberta Inc. has no concerns regarding the proposal.
<b>PUBLIC</b>	
Western Wheel	February 12, 2025 and February 19, 2025
Landowners (Half Mile)	One letter was 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.

### **Growth Management Strategy:**

The subject parcel is located within the South Central District. The vision for this District is supportive of moderate growth and development, particularly in areas where there is infrastructure nearby and where agricultural operations are less likely to be affected.

## **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. If approved, the detached garage would no longer meet the required minimum setback of 15 m to the new property line.

## **SUMMARY:**

Bylaw XX/2025 – Application for amendment to the Land Use Bylaw to allow for the future subdivision of one +/- 4.25 acre Country Residential District parcel, leaving a +/- 15.77 acre Country Residential District balance.

## **OPTIONS FOR COUNCIL CONSIDERATION:**

### **OPTION #1 – APPROVAL**

Council may choose to grant 1<sup>st</sup> reading to the application for an amendment to the Country Residential District land use rules to allow for the future subdivision of one +/- 4.25 acre Country Residential District parcel, leaving a +/- 15.77 acre Country Residential District balance from Ptn. SE 33-19-29 W5M; Plan 7911201, Block 12 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. The 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;
2. The landowners are to submit a development permit application(s) to bring the existing detached garage into compliance with the Land Use Bylaw, as a condition of subdivision.
3. Proof of water in accordance with the Provincial Water Act to the satisfaction of the County;
4. Final amendment 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 an amendment to the Country Residential District land use rules to allow for the future subdivision of one +/- 4.25 acre Country Residential District parcel, leaving a +/- 15.77 acre Country Residential District balance from Ptn. SE 33-19-29 W5M; Plan 7911201, Block 12 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 the policy with respect to cumulative effects of the development and the suitability of the lands for further development.*

**APPENDICES:**

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**APPENDIX A: MAP SET**

LOCATION MAP

LAND USE MAP

HALF MILE – PARCEL SIZES

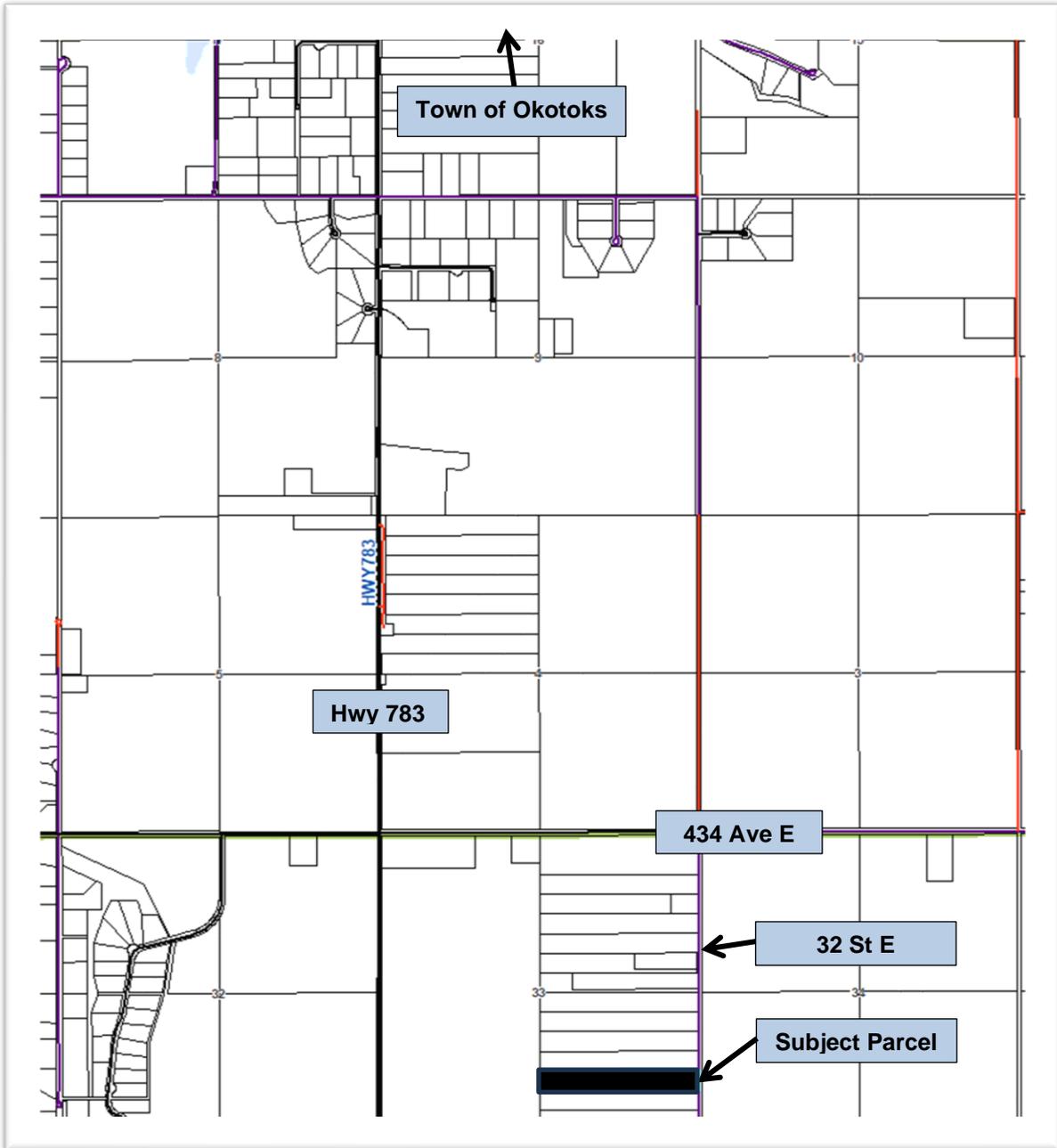
SITE PLAN

ORTHO PHOTO

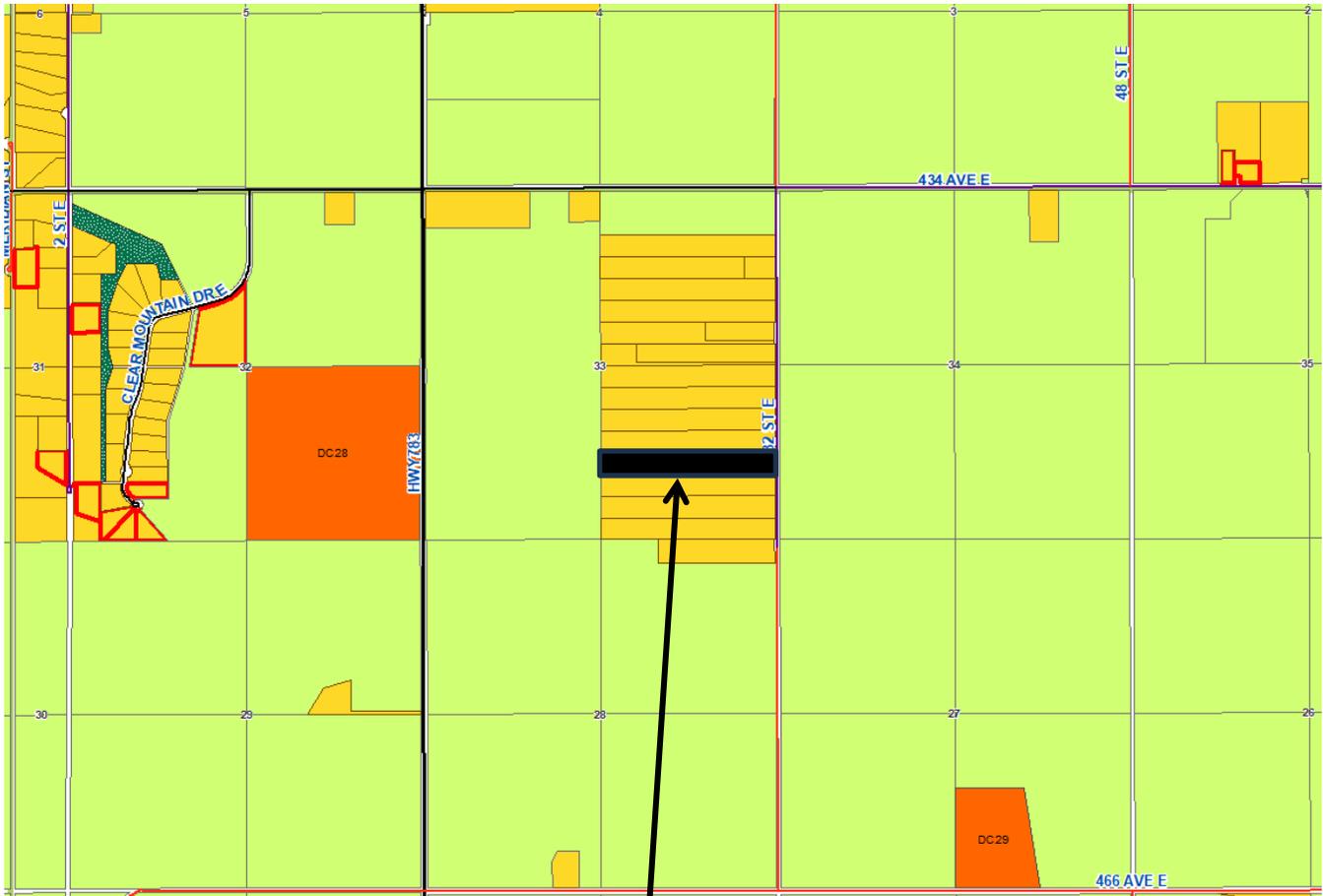
**APPENDIX B: PROPOSED BYLAW**

**APPENDIX C: SUBMITTED LETTER**

**APPENDIX A: LOCATION MAP**



# APPENDIX A: LAND USE MAP

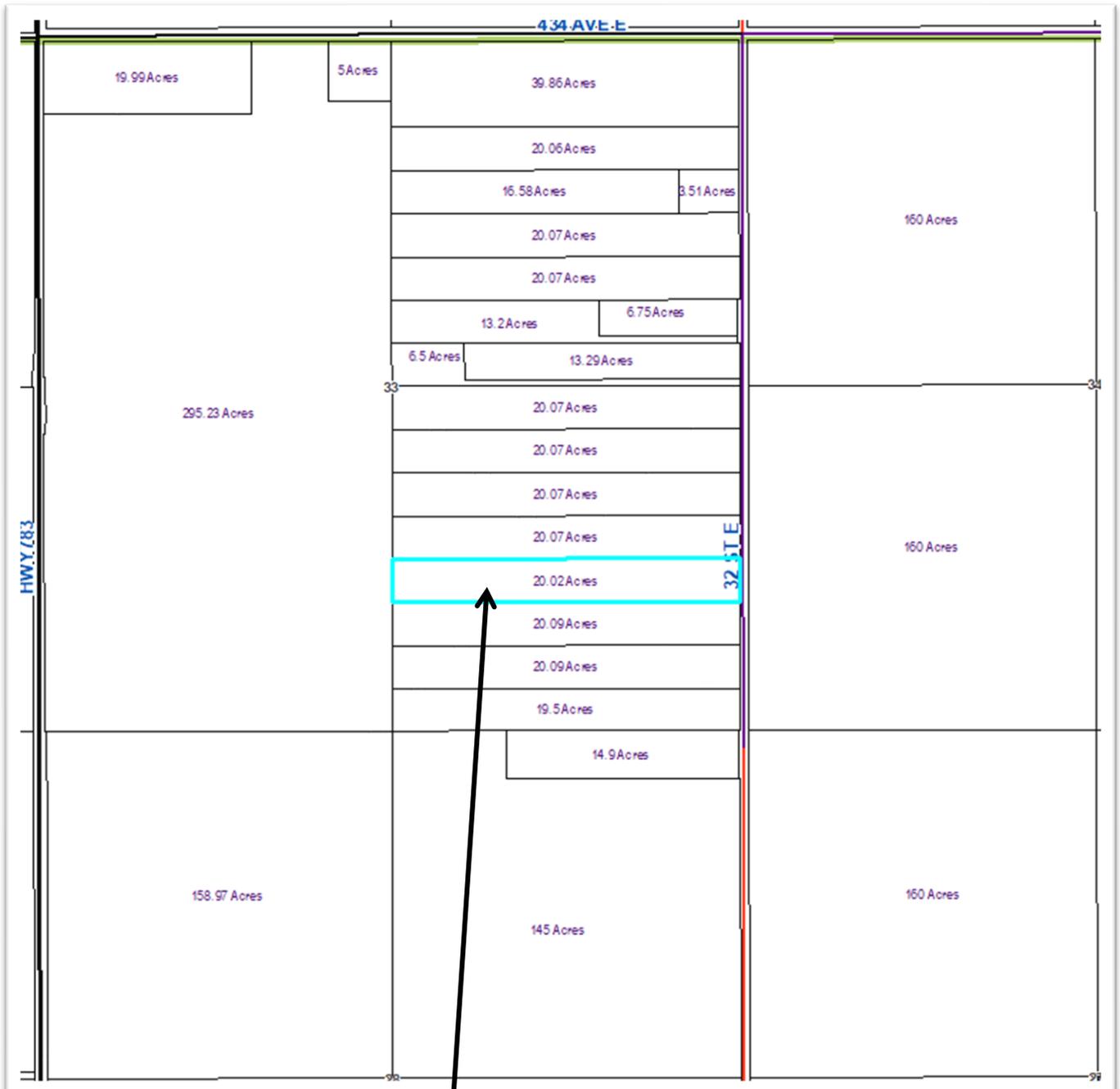


Subject Parcel

## Legend

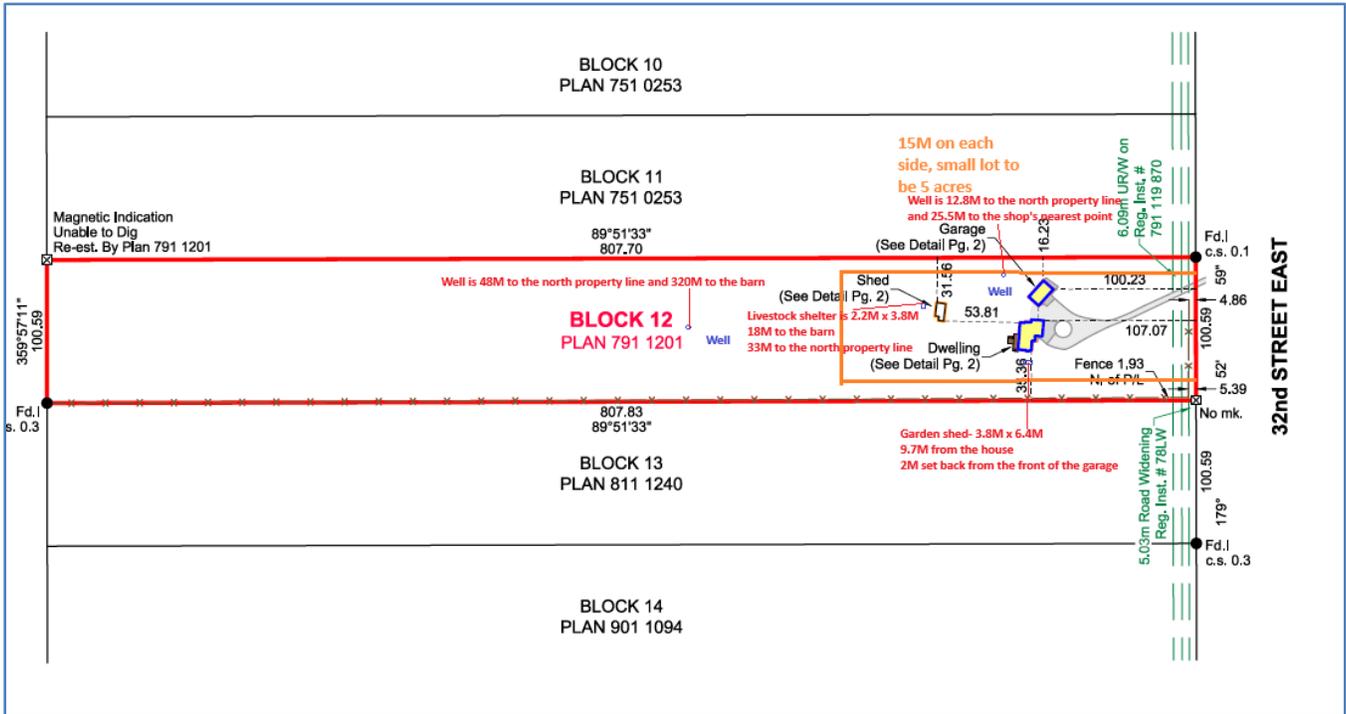
- |                                |                                  |                           |
|--------------------------------|----------------------------------|---------------------------|
| Multiple Land Uses             | HR- Hamlet Residential           | ER- Environmental Reserve |
| A- 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



Subject Parcel

**APPENDIX A: SITE PLAN**



**APPENDIX A: ORTHO PHOTO**



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 4.25 +/- acre Country Residential lot, with a 15.77 +/- acre Country Residential balance parcel on Plan 7911201, Block 12; Ptn. SE 33-19-29 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 7911201, Block 12; Ptn. SE 33-19-29 W4M within which shall allow for the future subdivision of one new 4.25 +/- acre Country Residential lot, with a 15.77 +/- 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      .

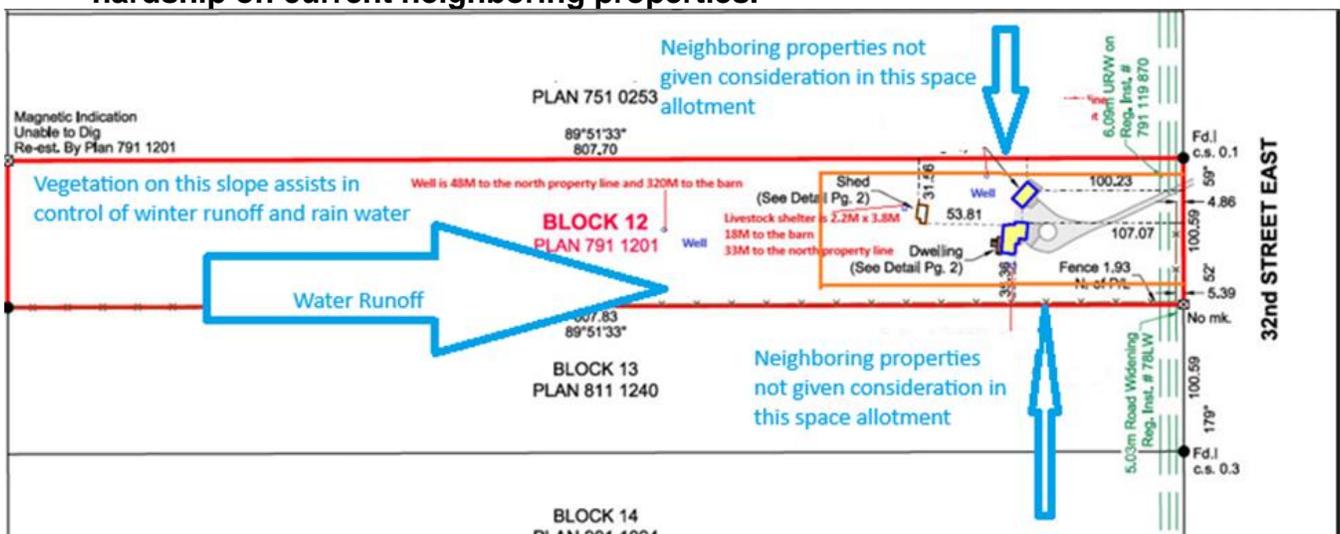
## APPENDIX C: SUBMITTED LETTER

This E-mail is written in response to the below subdivision proposal  
February 26, 2025 - 10:00 a.m.  
Farrell - SE 33-19-29 W4M - Amend Country Residential District

Good Morning.

We are the neighboring property directly beside this acreage. We are writing to contest the current application. I will be out of town so I cannot appear at the hearing but I wish to provide my input. There are several key areas I wish to be taken into consideration on this application due to the proximity of the neighboring properties. They are as follows.

- **Noise.** Due to the proximity of the current properties the access road to the upper 15 acres to would create extra noise pollution near the living area of our homes
- **Dust and air pollution.** Due to the proximity of current properties, if a gravel access road is utilized unnecessary dust and air pollution would be introduced into our yards and homes from vehicles accessing the upper property.
- **Water Runoff, flooding.** The current property has vegetation on it which helps slow runoff and rainwater. The sloped portion of these properties has a natural flow of rainwater and runoff. If a road access is placed on the slope the natural path will be disrupted and could lead to possibly flooding neighboring properties. A proper storm drain, or drainage system would need to be placed on the sides of the access road to avoid flooding of neighboring properties.
- **Privacy.** The current properties have Mature vegetation between them that act as a privacy barrier. With an access to the upper property going down either side this location, this would remove the privacy barriers with no consideration for other parties.
- **Fencing.** Currently the property has suitable fencing between the properties. This would likely be removed if access an access road is placed along this lot and the neighboring lots would be adversely affected.
- **Utilities –** This needs to be a consideration as well as the back sides of out properties on 32 E street have a “view” If power poles were to be placed up the sides of the proposed access to a new home the views of the current homeowners could be obstructed decreasing current home values and again placing undue hardship on current neighboring properties.



**In conclusion, Due to the size and layout of the current 20 acre lots surrounding the Farrells, I do not believe there is space to properly access the upper portion of the proposed 15-acre lot without causing undue hardship to the neighboring properties. I do not believe that the current proposition Leaving a small access on either side of the 5-acre property is beneficial to the properties on either side. The spacing is way too close to our homes to allow an access to be properly constructed between the properties with proper drainage and maintaining the current standard of privacy with mature vegetation already in place. This subdivision does not consider the neighbors on either side.**

**We would ask that you consider all of the above when making this decision as the neighboring properties will be Adversely affected by the proposed changes.**

**Thank you very much for you time in this matter**

**Best Regards: Steve And Robyn Bowling**