

**PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
LAND USE AMENDMENT
February 26, 2025
To be heard at: 1:30 PM**

APPLICATION INFORMATION	FILE NO. 24R057
	LEGAL DESCRIPTION: Ptn. SW 20-19-02 W5M
	LANDOWNERS: Richard and Beverly Graham
	AREA OF SUBJECT LANDS: 78.67 Acres
	CURRENT LAND USE: Agricultural (A)
	PROPOSED LAND USE: Country Residential District (CR)
NUMBER & SIZE OF PROPOSED NEW PARCELS: 1 x 12.0 +/- acre CR parcel	
PROPOSAL: Redesignation of a portion of SW 20-19-02 W5 to Country Residential District to allow for the future subdivision of one +/- 12.0 acre CR parcel, leaving a +/- 66.67 acre Agricultural balance.	
DIVISION NO: 2	COUNCILLOR: Reeve Delilah Miller
FILE MANAGER: Melanie Michaud	

EXECUTIVE SUMMARY:

Location:

The subject parcel is located adjacent to and west of 172nd Street W, adjacent to and northwest of 482nd Avenue W, approximately 850 m south of 466th Avenue W, approximately 800 m west of Highway 22 and approximately 4.0 km south of the Town of Diamond Valley.

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 for the redesignation of a portion of SW 20-19-02 W5M from Agricultural District to Country Residential District in order to allow for the future

subdivision of one +/- 12 acre Country Residential District parcel, leaving a +/- 66.67 acre Agricultural District balance.

HISTORY:

1932 The subject quarter section was intact until the creation of 172nd Street in 1932, which divided the quarter section into +/- 78.67 acres on the west side and +/- 71.48 acres on the east side.

SITE CONSIDERATIONS:

Access:

The subject parcel is currently accessed from three existing approaches on 172nd Street W, two that provide access the parcel, and one that provides access to an oil well. The northernmost approach is proposed to continue to provide access to the balance parcel. The southernmost approach would provide access to the proposed parcel. There is a third approach just south of the center of the parcel, which would continue to provide access to the oil well.

Physiography:

The topography of the subject lands is predominantly flat. There is some tree cover concentrated around the residence and other development in the southwest portion of the property. A small portion of the lands along the northwest portion of the property have been developed for personal recreational use. There is a small manmade pond in the northeast portion of the property.

Existing Development:

At this time, the existing development on the subject property as per the submitted site plan includes a residence with an attached garage, a detached garage, a shop, a barn and two horse shelters. These structures are identified in the southwest portion of the subject lands and are to remain on the proposed parcel. There is an oil well that is accessed through an approach just south of the center of the parcel. In the northwest portion of the subject lands there is a small manmade pond and a cabin. These would remain on the balance parcel.

Additionally, there are two wells on the subject property – one to the west of the residence, to remain on the proposed parcel, and the other in the northwest portion of the property, to remain on the balance parcel.

Note: If approved, the proposed parcel would be permitted up to five accessory buildings with a cumulative size not to exceed 380.9 sq. m. The existing accessory buildings will be in excess of the allowable cumulative size at +/- 445.93 sq. m. Thus, Council may wish to formally acknowledge either the barn or shop as legally non-conforming or require the applicant to apply for a Development Permit to bring the structures fully into compliance, as a condition of subdivision.

REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<u>Access:</u> Public Works has no concerns with the application, but recommended approaches to both the balance and proposed parcels be built to current standards.
EXTERNAL	
Alberta Transportation And Economic Corridors (ATEC)	ATEC had no concerns with the proposed redesignation and noted the following: <ul style="list-style-type: none"> • 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 is prepared to grant approval for the Subdivision Authority to vary the requirements of Section 18 of the Regulation, at the time of future subdivision. • The requirements of Section 19 are met. Therefore, no variance of Section 19 of the Regulation would be required at the future subdivision stage.
PUBLIC	
Western Wheel	February 12, 2025 and February 19, 2025
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 with 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.

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.

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 60/2014. The structures that are to be kept appear to meet setbacks from the proposed property line. The only apparent Land Use Bylaw non-compliance would be an excess in the cumulative size of accessory buildings on the proposed Country Residential District parcel.

Growth Management Strategy:

The subject parcel is located within the Southwest District. The vision for this District is supportive only of minimal growth and development undertaken in a manner that is very sensitive to the importance of this area for scenic value, wildlife habitat and agricultural production.

SUMMARY:

Bylaw XX/2025 – Application for the redesignation of a portion of SW 20-19-02 W5M from Agricultural District to Country Residential District to allow for the future subdivision of one +/- 12 acre Country Residential District parcel, leaving a +/- 66.67 acre Agricultural District balance.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – APPROVAL

Council may choose to grant 1st reading to Bylaw XX/2025 to authorize the redesignation of a +/- 12 acre portion of SW 20-19-02 W5M from Agricultural District to Country Residential District in order to allow for the future subdivision of one +/- 12 acre Country Residential District parcel with a +/- 66.67 acre Agricultural District balance parcel for the following reasons:

In their consideration of the criteria noted in Agriculture Section of the MDP2010, Council is of the opinion that the lands are suitable for the intended use and would not be detrimental to the agricultural 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.

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 accessory buildings into compliance with the Land Use Bylaw, as a condition of subdivision.
3. Proof of adequate water supply to be provided in accordance with the Municipal 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 the redesignation of a +/- 12 acre portion of SW 20-19-02 W5M from Agricultural District to Country Residential District in order to allow for the future subdivision of one +/- 12 acre Country Residential District parcel with a +/- 66.67 acre Agricultural District 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.

APPENDICES:

APPENDIX A: MAP SET

LOCATION MAP

LAND USE MAP

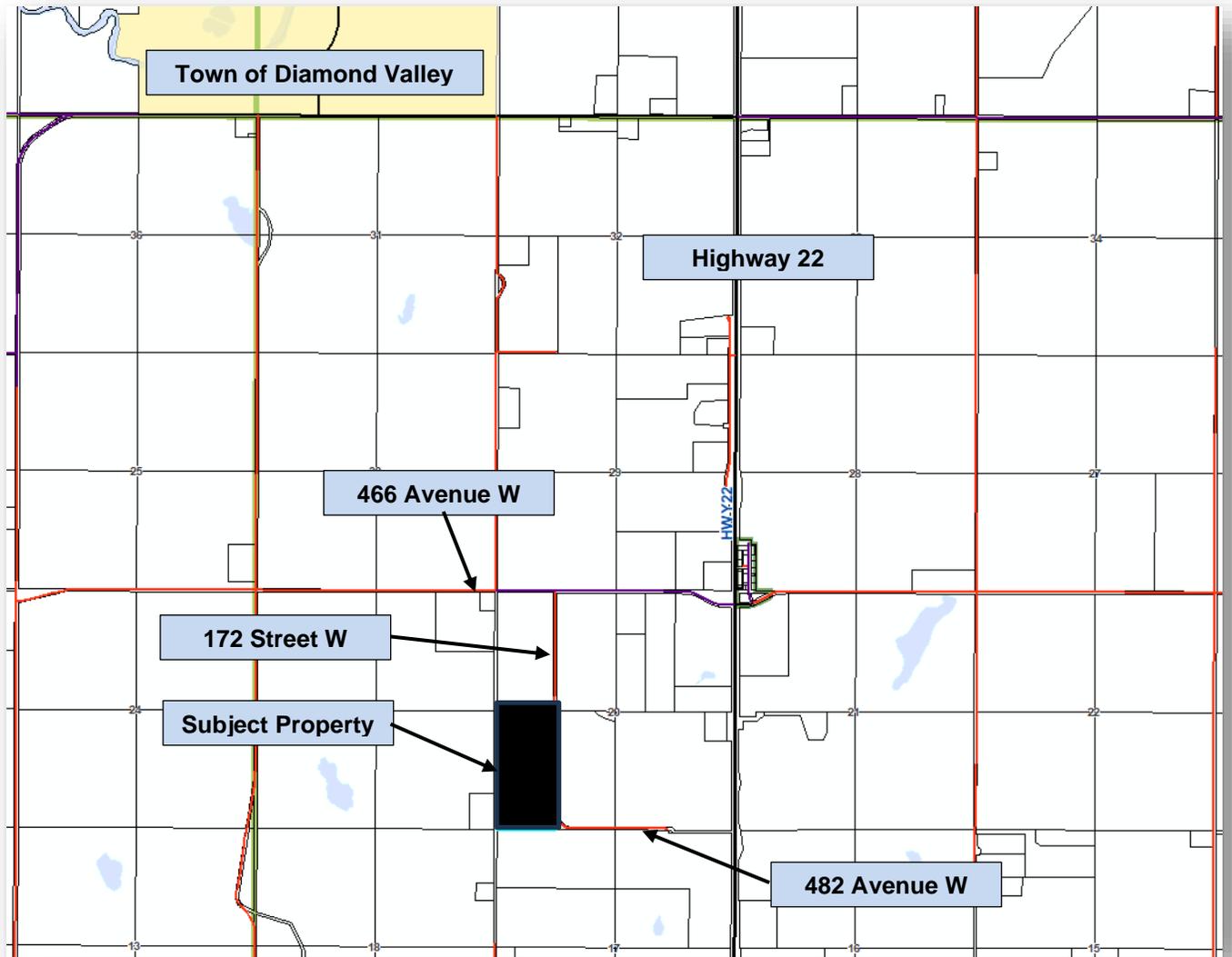
HALF MILE – PARCEL SIZES

SITE PLAN

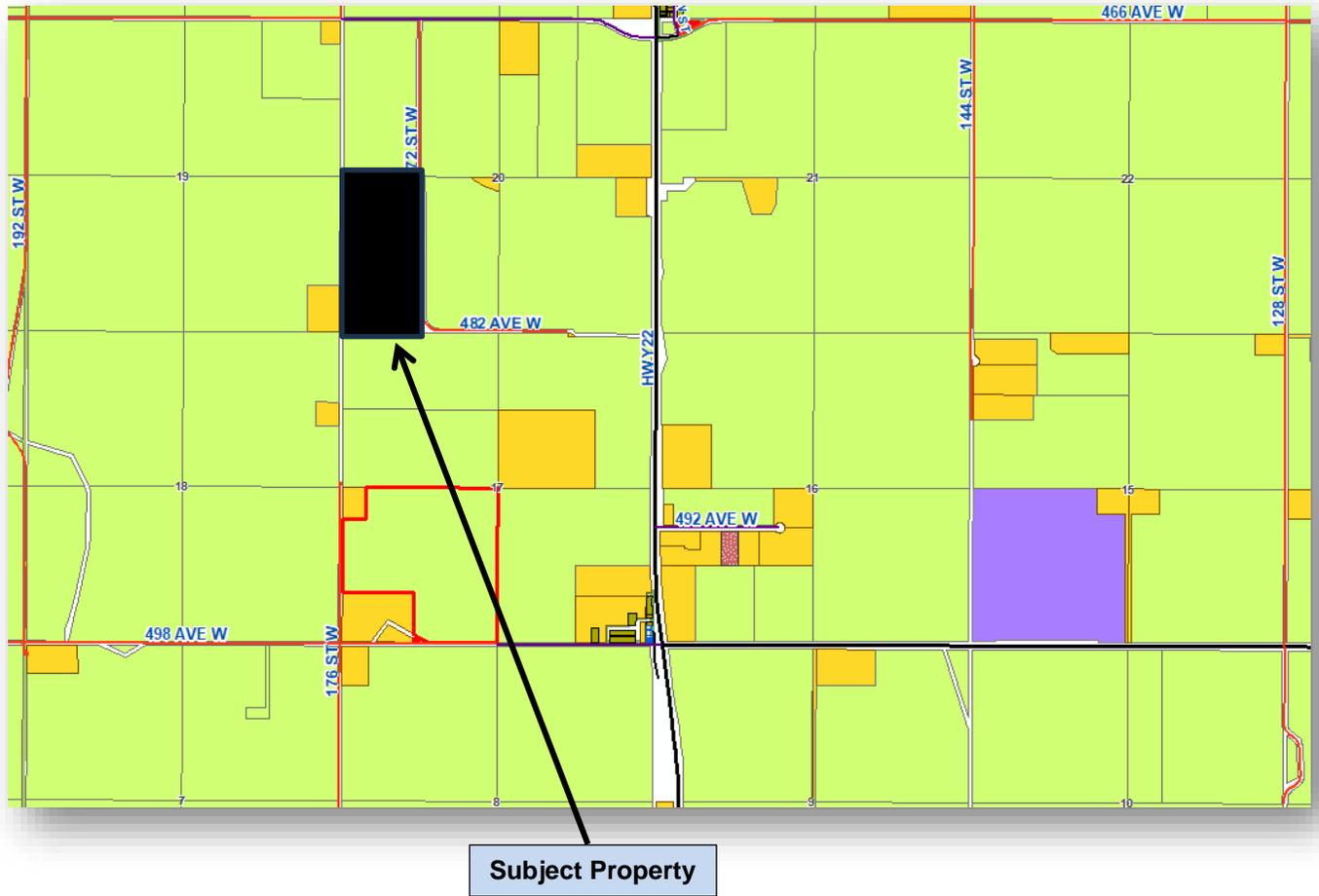
ORTHO PHOTO

APPENDIX B: PROPOSED BYLAW

APPENDIX A: LOCATION MAP



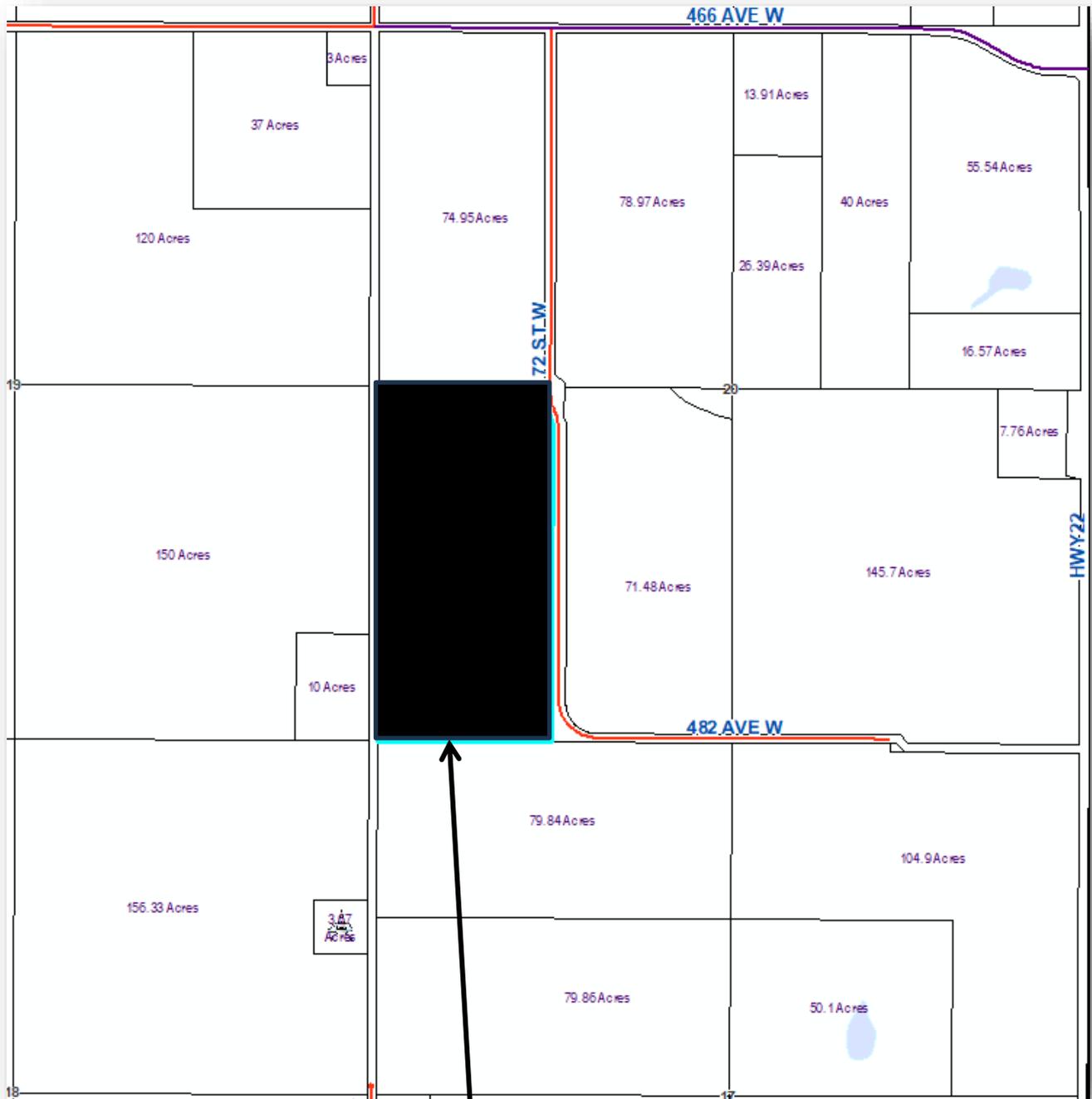
APPENDIX A: LAND USE MAP



Legend

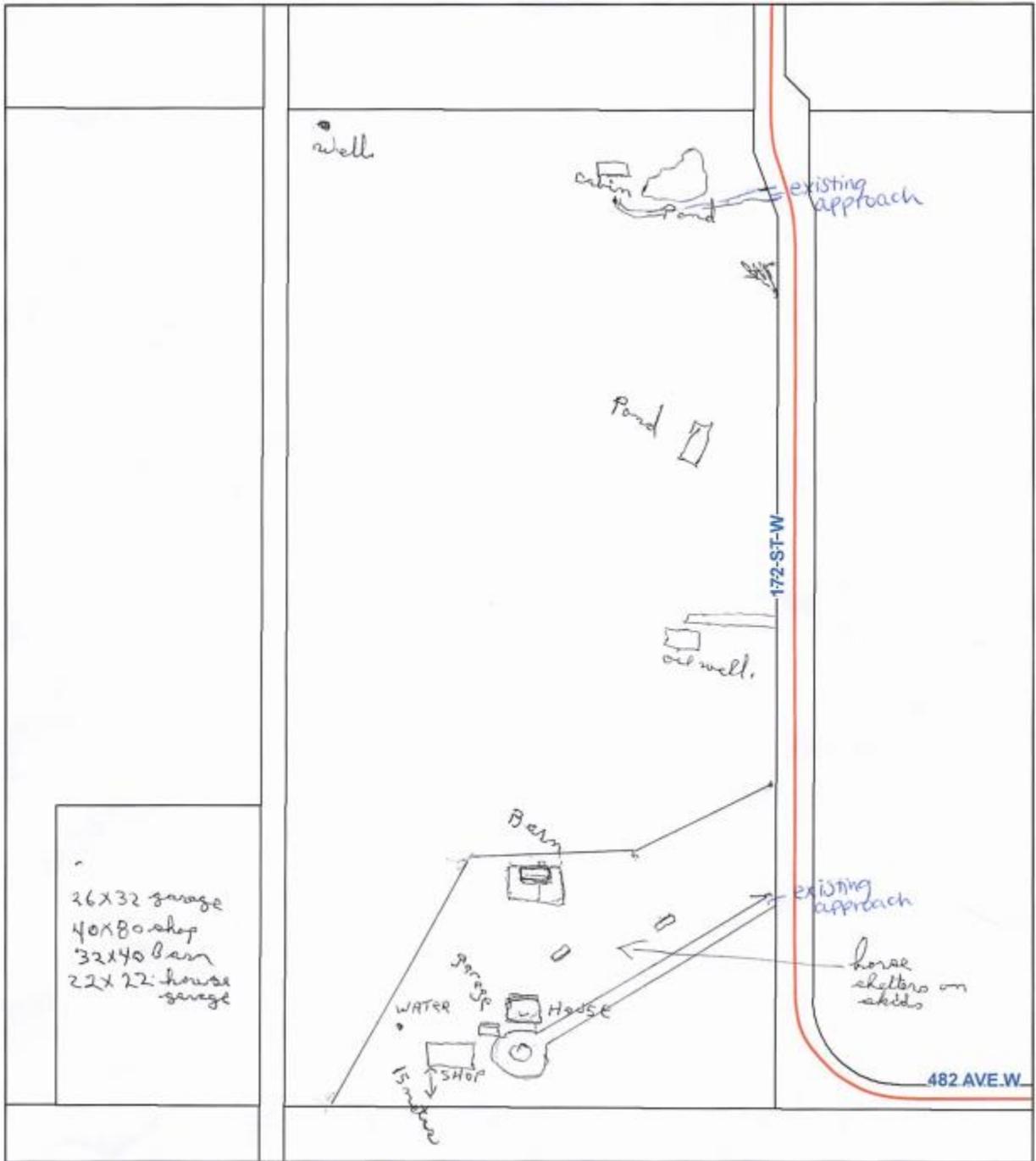
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|--------------------------------|----------------------------------|---------------------------|
| Multiple Land Uses | HR- Hamlet Residential | ER- Environmental Reserve |
| A- Agricultural | CMC- Community Commercial | MR- Municipal Reserve |
| 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 Property

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 the redesignation of a 12.0 +/- acre portion on Ptn. SW 20-19-02 W5M from Agricultural District to Country Residential District, in order to allow for the future subdivision of one new 12.0 +/- acre Country Residential parcel with an approximate 66.67 +/- acre Agricultural District balance parcel.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Land Use Map No. 1902 is amended by *redesignating one 12.0 +/- acre parcel on Ptn. SW 20-19-02 W5M as Country Residential District.*
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 .