


**PUBLIC HEARINGS AND MEETINGS**  
**PLANNING AND DEVELOPMENT REPORT TO COUNCIL**  
**REDESIGNATION & SITE SPECIFIC AMENDMENT**  
**April 16, 2025**  
**To be heard at: 1:30 P.M.**

<b>APPLICATION INFORMATION</b>		<b>FILE NO. 25R001</b>
	<b>LEGAL DESCRIPTION:</b> SW 28-18-01 W5M	
	<b>AREA OF SUBJECT LANDS:</b> 149.48 acres	
	<b>CURRENT LAND USE:</b> Agricultural District	
	<b>PROPOSED LAND USE:</b> Agricultural Business District including a Site Specific Amendment	
	<b>LANDOWNERS:</b> Dale Barrett and Margaret Barrett Mark Barrett and Sunny Barrett	
<b>APPLICANT:</b> Mark Barrett		
<b>PROPOSAL:</b> Application to Redesignate the subject property from Agricultural District (A) to Agricultural Business District (AB); and including a Site Specific Amendment to allow for the following Uses: Assembly Use; Corporate Function; Drinking Establishment; Food Service, Accessory; Liquor Sales; Retreat		
<b>DIVISION NO:</b> 2	<b>REEVE:</b> Delilah Miller	
<b>FILE MANAGER:</b> Brenda Bartnik		

**EXECUTIVE SUMMARY:**

**Location of Subject Lands**

This property is located on the northeast corner of the intersection at 562<sup>nd</sup> Avenue and 64<sup>th</sup> Street west; one-half mile to the South of Coal Trail and three and one-half mile south of Highway #543 west.

Archie and Janet Hogg Park is just over two and one-half mile to the south of this location.

**Policy Evaluation**

The lands are not located within any Area Structure Plan or Area Concept Plan area, nor are they influenced by an Intermunicipal Development Plan.

Standard policy and guiding documents apply ie: the County's Municipal Development Plan 2010, Foothills County's Land Use Bylaw and the Growth Management Strategy.

**Summary of Proposal**

This application is intended to address land use requirements and allow for subsequent consideration of the issuance of a Development Permit under the Agricultural Business District and additionally approved site specific uses for the operation of a garden to glass facility that is proposed to include an apple orchard and cidery as well as events and services facilities.

## **Background**

This parcel was a bareland quarter-section until approximately 2019 when the farm site was developed.

Subdivision of one 9.54 acre Country Residential District Sub-District 'A' first parcel out from the northwest corner of the lot was finalized in 2020.

## **PURPOSE OF THE APPLICATION:**

Application to Redesignate the subject parcel from Agricultural District to Agricultural Business District, including a Site Specific Amendment on Ptn. SW 28-18-01 W5M (149.48 acres).

To assist in evaluating the application for redesignation, the application includes the following information respecting proposed future operations/the purpose for this request:

### **Agricultural (Intensive Use) / Agricultural Processing and Distribution**

- An area of approximately 10.0 acres is proposed to be used in support of an apple orchard.
- The 2,700 sq. ft. shop that exists on the property is to provide for general business operations and administrative functions, and is to include areas for fruit processing, juicing, and small batch seasonal hard cider production.
- A new additional building is proposed to be constructed for storage purposes.
- Product offerings may include apple cider vinegar, concentrate syrups, non-alcoholic sippers and seasonal hard ciders.
- Vegetative waste will be composted and stored for personal use.
- Water re-use is planned, with top-up trucked in from a licensed source.

### **Events and Services Facilities**

- Products will be available through an online shop as well as out of a seasonal tasting room that is to be developed on the property.
- A small retail shop is proposed to sell locally made goods and ready-to-go bevies and bites for campers, road trippers, and mountain adventurers that pass by the area.
- The tasting room (in a proposed greenhouse building), retail sales area, and an alfresco picnic/outdoor gathering space are proposed to be located in the southwest corner of the quarter-section.
- Seasonal farm-to-table ticketed events (ie: tastings, picnics and farm harvest markets) and bespoke gatherings are proposed to occur from June through to Thanksgiving weekend.
- By reservation only celebration offerings ie: community fire pits; farm-to-table meals; intimate weddings and holiday family-friendly markets, are also proposed.
- The landowners have noted their interest in becoming part of Alberta Open Farm Days.
- Water for events and services is to be trucked in and stored in a cistern.

### **Operational Considerations**

- It is expected that the cidery will employ four staff members on-site and an additional two to four off-site.
- Estimated hours and days of operation vary, dependent upon the involved activity.

- It is anticipated that a maximum of 100 to 150 people may attend the property per day for reserved tastings, picnics, smores & ciders, and/or gatherings such as celebrations and farm-to-table events.

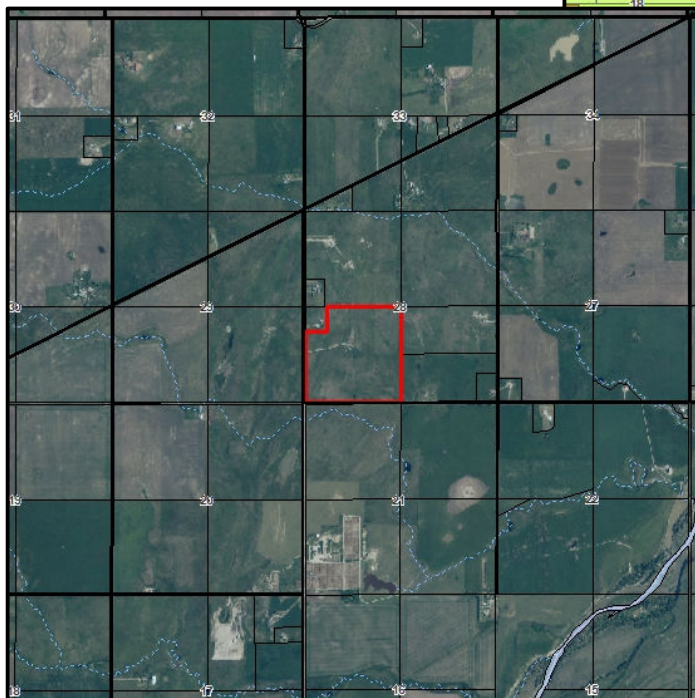
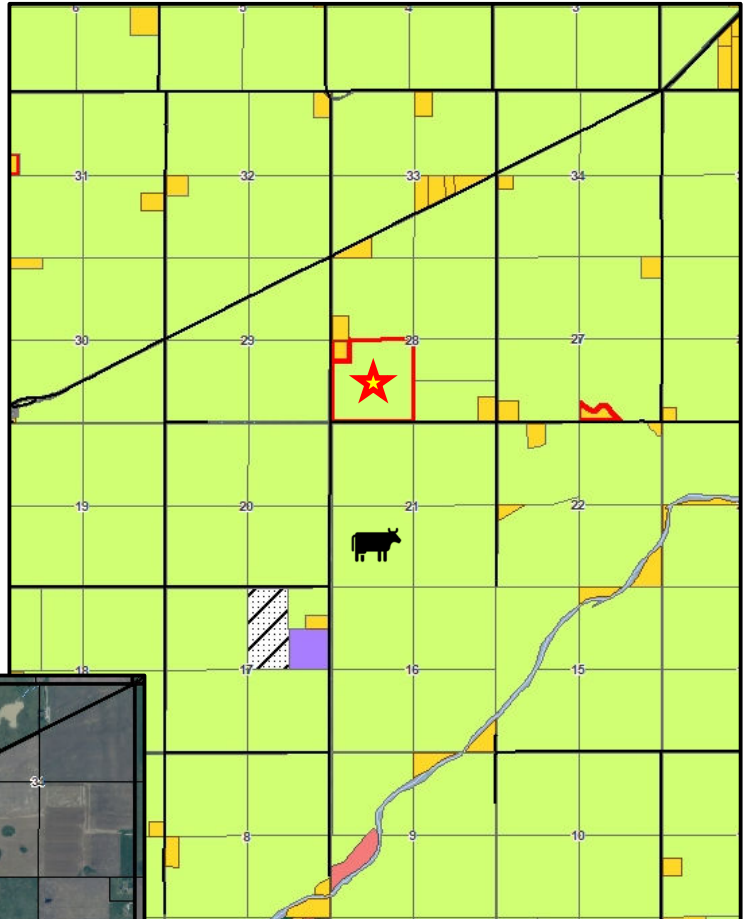
## **SITE CONSIDERATIONS:**

### **Surrounding Area:**

Lands in this area are mostly Agricultural District quarter-sections, some with first parcels out.

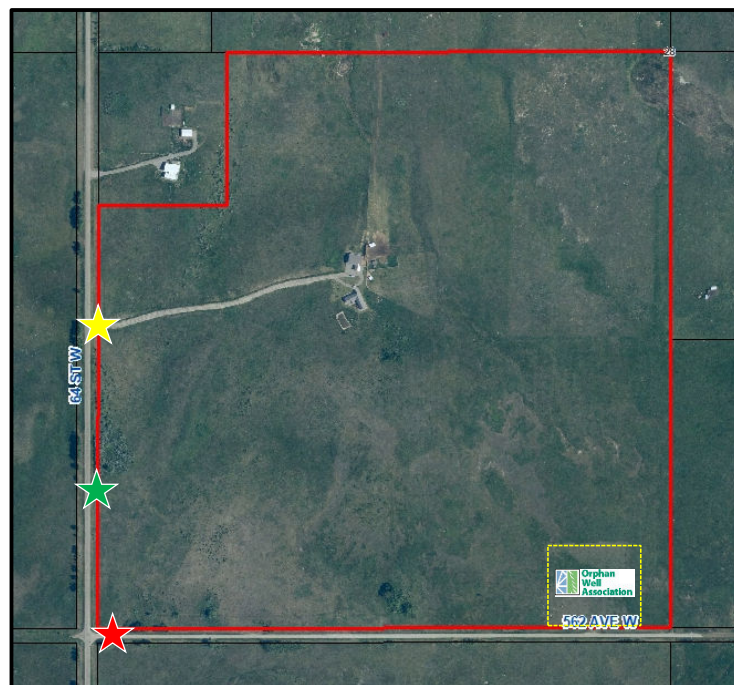
Uses of note lie to the south of these lands:

- Archie and Janet Hogg Park campground and day use area is located south on 64<sup>th</sup> Street at the Highwood River. *Identified in pink*
- Gravel extraction operations (Hogg Pit) have taken place one mile to the southwest of the subject property, since at least the mid-1980's. Resources on these lands are thought to be near depletion. *Two lots, as identified in purple and hatched*
- A feedlot having a holding capacity of 10,000 head of cattle on +/- 73 acres is located one-half mile directly to the south. *SW 21-18-01 W5M*



### **Access:**

- Current access to the homesite is identified below with the yellow star. This access is proposed to additionally support the proposed Agricultural Processing and Distribution as the existing shop and proposed storage building are/will be, near to the existing dwelling.
- An apparent field access, in the southwest corner of the property (shown in red) has been identified on the site plans to support public access to the proposed events and services facilities area of the property. As per response from the County's Public Works department, that approach would not meet Foothills County's Rural Approach Standards.
- The landowner has identified a possible new approach location for public access as shown (approximately) in green, below. *Please refer to comments from Public Works and options for Council's consideration for additional information*



64<sup>th</sup> Street west is a 30m road allowance. A caveat for road acquisition along the south boundary, benefitting 562<sup>nd</sup> Avenue, exists under title to the property.

### **Physiography and Considerations:**

The subject parcel consists of grassland with flat to rolling terrain. Slopes are gradual and low lying areas/areas of drainage are evident however no significant depressions exist.

An existing Abandoned Well Site currently marked by the Orphan Well Association as *undergoing reclamation* is in the southeast corner of the property.

Prior municipal record notes that the Orphan Well Association had previously identified a 5m setback from center of the well once decommissioning and reclamation was complete.

### **POLICY REVIEW:**

#### **Land Use Bylaw 60/2014 (LUB)**

Related excerpts from the LUB can be found under Appendix B of the report.

A copy of the Agricultural District and the Agricultural Business District are included under Appendix C.

### **Municipal Development Plan 2010 (MDP):**

#### Agriculture Policy

3. Agricultural uses and industries that support agriculture should be encouraged to locate in the Municipality. Non-agricultural uses should only be permitted on lands where the MD judges the proposal to have minimal negative impacts on the agricultural resource.

4. When considering the conversion of agricultural lands to other uses the Municipality shall consider the following:

- 4.1. Guidance and policy contained within the Municipal Development Plan and other approved plans in the Planning Hierarchy found in Appendix A of this MDP.
- 4.2. Present or proposed use of lands in the vicinity, including that of confined feeding operations.
- 4.3. Impact the proposed use will have on the existing or potential agricultural use of the property and properties that may be affected.
- 4.4. Information contained within the farmland assessment records maintained by the Municipality.
- 4.5. Response to referrals sent to Provincial government departments.

#### Confined Feeding Operations

8. Ensure that each confined feeding operation (CFO) meets the minimum distance separation (MDS).

9. Encourage each CFO to own the land included within the MDS.

10. Ensure that the CFO and the MDS does not fall within a minimum of:

- 10.1. 3.2 km (2 miles) of any urban municipality or hamlet and does not encroach into any intermunicipal development plan boundaries.
- 10.2. 0.8 km (1/2 mile) of a neighbouring dwelling.

11. CFOs should be located in an area where there will be minimal conflict with existing land uses and must take into consideration future expansion areas when looking at surrounding land uses.

12. Other uses and subdivisions shall be discouraged within the MDS of an existing CFO.

13. Direct CFOs towards parcels of 160 acres or more.

#### Economy

There are five categories of business activities supported in the Municipal District:

##### Agricultural Business Development

While agricultural production is a significant contributor to the economy of the MD in and of itself, there has been a demonstrated need to provide for more commercialized agricultural operations. The Agricultural Business District land use was created with the adoption of Land Use Bylaw 60/2014. It is intended to provide for agricultural-related

business in agricultural areas. Uses include primarily agricultural processing, retailing of agricultural products and business uses related to agricultural activity while allowing for limited services related to agriculture.

#### Economy Policy

2. Proposals for commercial or industrial developments, in addition to Natural Resource Extraction, should be developed to be compatible with the surrounding area and existing land uses. Consideration shall be given to size, design, noise, odor, traffic, dust, and the visual impact of the proposal on the adjacent lands.

Proposals shall also be considered on the basis of the following criteria:

- 2.1. Appropriate transportation and utility infrastructure;
- 2.2. Land use conflicts are minimized;
- 2.3. Impact on adjoining lands;
- 2.4. Reasonable privacy is afforded to residents;
- 2.5. Design does not preclude the possible development of adjoining lands;
- 2.6. Retention of the natural site features;
- 2.7. Efficiency of use of land;
- 2.8. Weed control program

#### **Growth Management Strategy (GMS):**

The property is located within the South Central District

Growth Management Vision for the South Central District:

Moderate growth is expected in the South Central District, with the majority of this growth taking place on the east side of the district close to Highway 2 and the towns of Okotoks and High River. Growth within the Hamlet of Cayley will be supported through pro-active planning and land use re-zoning to accommodate a mix of uses conducive to creating a complete community. Land use redesignation will be carefully considered to avoid creating land use conflicts particularly with respect to long established agricultural operations.

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Engineering / Public Works	64 <sup>th</sup> Street north to Highway #543 is an MRO dust free road surface that currently has no road bans. Coal Trail, east to Meridian and then to Highway #543 is also a dust free surface however Coal Trail does have spring and summer road bans in place yearly.  A commercial approach from 64 <sup>th</sup> Street is recommended.  There is currently a large amount of absorbent landscaping surrounding the current site and proposed structures. At this time, no stormwater management plan will be required.

## CIRCULATION REFERRALS

	<p>A lot grading and site drainage plan showing existing grades and drainage will be required and is also to show proposed grades and drainage to ensure natural drainage is maintained throughout the property and area. There is a natural drainage course running from the northwest to the southeast of the property.</p> <p><i>The submitted site plan shows use of an existing apparent field access off of 562<sup>nd</sup> Avenue (gravel surface) to access that area of the property that is proposed to be used for public access. This approach does not meet Foothills County Rural Approach standards due to: location adjacent to the intersection of 562<sup>nd</sup> Avenue and 64<sup>th</sup> Street, and not meeting the required minimum site distance. As such, Public Works cannot support commercial use of the approach.</i></p> <p><i>Public Works recommended the construction of a new approach off 64<sup>th</sup> Street west, following Rural Approach Standards or alternately, a relocated approach from 562<sup>nd</sup> Avenue west, with the possible requirement to contribute towards dust control.</i></p> <p><i>At the time of site inspection, the applicant had marked a proposed approach location from 64<sup>th</sup> Street west. While brush trimming would be required to the north of the proposed new approach to ensure site lines, the County's Engineering Technologist confirmed that the new proposed location would be acceptable if built to County Standards.</i></p> <p><i>It was noted that the approach from 562<sup>nd</sup> Avenue would be required to be removed unless Council allows it to remain for the purposes of field access only.</i></p>
Foothills Fire Department	<p>There is very little pertaining to the fire code at the redesignation stage however this will need a second (separate) review once the applicant applies for a Development Permit. The occupancy rules change a little in agriculture once you allow member of the public onto your farm to purchase items individually.</p>
<b>EXTERNAL</b>	
Natural Resources Conservation Board	<p>Subdivision and redesignation of land use applications fall outside of the jurisdiction of the Agricultural Operation Practises Act (AOPA) and we are therefore unable to provide comments regarding this application to your county, as these are clearly under municipal jurisdiction under their land use bylaw and municipal development plan.</p> <p>We would however request that when the county considers proposed subdivision/land use redesignation that they take into account their proximity relative to confined feeding operations to minimize any potential nuisance impacts.</p>
Alberta Health Services (AHS)	<p>Alberta Health Services, Environmental Public Health (AHS-EPH) understands that this application proposes to redesignate a 149.48 acre parcel located at SW 28-18-01 W5M from Agricultural District to Agricultural Business District to allow for the processing, distribution,</p>

## CIRCULATION REFERRALS

	<p>and onsite public retail of food and beverages. AHS-EPH does not have any objection to the application but would like to comment on:</p> <ul style="list-style-type: none"> <li>• The development of a food processing facility for proposed food products such as non-alcoholic beverages, concentrated syrups, or vinegar. As required by the Food Regulation (AR 31/2006) of the Alberta Public Health Act (RSA 2000): The applicant must ensure that the renovation design plans and specifications for all commercial food establishments are submitted to Environmental Public Health, Alberta Health Services for approval prior to construction. The design of the food establishments must meet the requirements under this legislation. <ul style="list-style-type: none"> <li>○ Plan review and approval is also required for any other food establishment developments where food handling occurs such as for the sale of any open or prepackaged food items from a retail shop, or for food and beverage service in a tasting room or lounge.</li> <li>○ The applicant must ensure that the water supply for any commercial food establishment is potable and available in quantities sufficient to meet the needs of the establishment.</li> <li>○ A final onsite approval inspection of the new food facility shall be completed prior to operation.</li> </ul> </li> <li>• AHS-EPH advises to confirm that setback distances from any current or future surrounding confined feeding operation(s) do not infringe on the activities being proposed in this application. Potential odour impact on members of the public attending the site should be considered.</li> </ul>
<b>PUBLIC</b>	
Western Wheel	Advertised April 2 and April 9, 2025
Area Land Owners	½ mile circulation mailed March 26, 2025.

## SUMMARY

It is requested that Council approve this application to Redesignate the subject parcel from Agricultural District (A) to Agricultural Business District (AB) and include a Site Specific Amendment to allow for the following additional uses:

- Assembly Use
- Corporate Function
- Drinking Establishment
- Food Service, Accessory
- Liquor Sales
- Retreat



## OPTIONS FOR COUNCIL CONSIDERATION:

Three options have been provided for Council's consideration.

### **OPTION #1 – APPROVAL**

Moved 1<sup>st</sup> reading of Bylaw XX/2025 to authorize the redesignation of Ptn. SW 28-18-01 W5M (149.48 acres) from Agricultural District (A) to Agricultural Business District (AB) and include a Site Specific Amendment to allow for the following additional uses:

- a. Assembly Use
- b. Corporate Function
- c. Drinking Establishment
- d. Food Service, Accessory
- e. Liquor Sales
- f. Retreat

*In their consideration of the application, and in support of providing for agricultural-related business in agricultural areas; Council is of the opinion that redesignation to, and amendment to the land uses within the Agricultural Business District is appropriate.*

### **Council's direction with respect to the following, is additionally requested:**

1. At the time of site inspection, the applicant had marked a proposed approach location for access from 64<sup>th</sup> Street west. While brush trimming would be required to the north of the proposed new approach, to ensure site lines, the County's Engineering Technologist confirmed that the newly proposed location would be acceptable if built to County Standards.

It was additionally noted at that time that the approach from 562<sup>nd</sup> Avenue would be required to be removed unless **Council was amenable to allowing it to remain for the purposes of field access only. If it is the applicant's desire to retain this field access, is Council amenable to allow for this?**

2. It is requested that Council confirm the approved **Site Specific Uses** to be either **Permitted or Discretionary Uses**.

### **Recommended Conditions for Option #1 (prior to third reading of the bylaw):**

1. Final Redesignation/Site Specific Amendment fees to be submitted.

### **OPTION #2 – POSTPONE APPLICATION**

Moved that a decision on Bylaw XX/2025 be postponed subject to submission of (XXX).

### **OPTION #3 – REFUSAL**

Council may choose to refuse this application for the redesignation of the subject parcel being, Ptn. SW 28-18-01 W5M (149.48 acres) from Agricultural District (A) to Agricultural Business District (AB) and including a Site Specific Amendment to allow for additional uses.

*In consideration of the criteria noted under Economy Policy 2.2 and Agriculture Policy 4.2 of the MDP2010; and given the intended nature of business operations proposed to be conducted on these lands in proximity to existing uses in the area that have the potential for nuisance impacts; Council did not find sufficient merit in allowing for the redesignation as proposed.*

## **APPENDICES**

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### **APPENDIX A:**

LOCATION MAP  
ORTHO PHOTO  
SITE PLANS

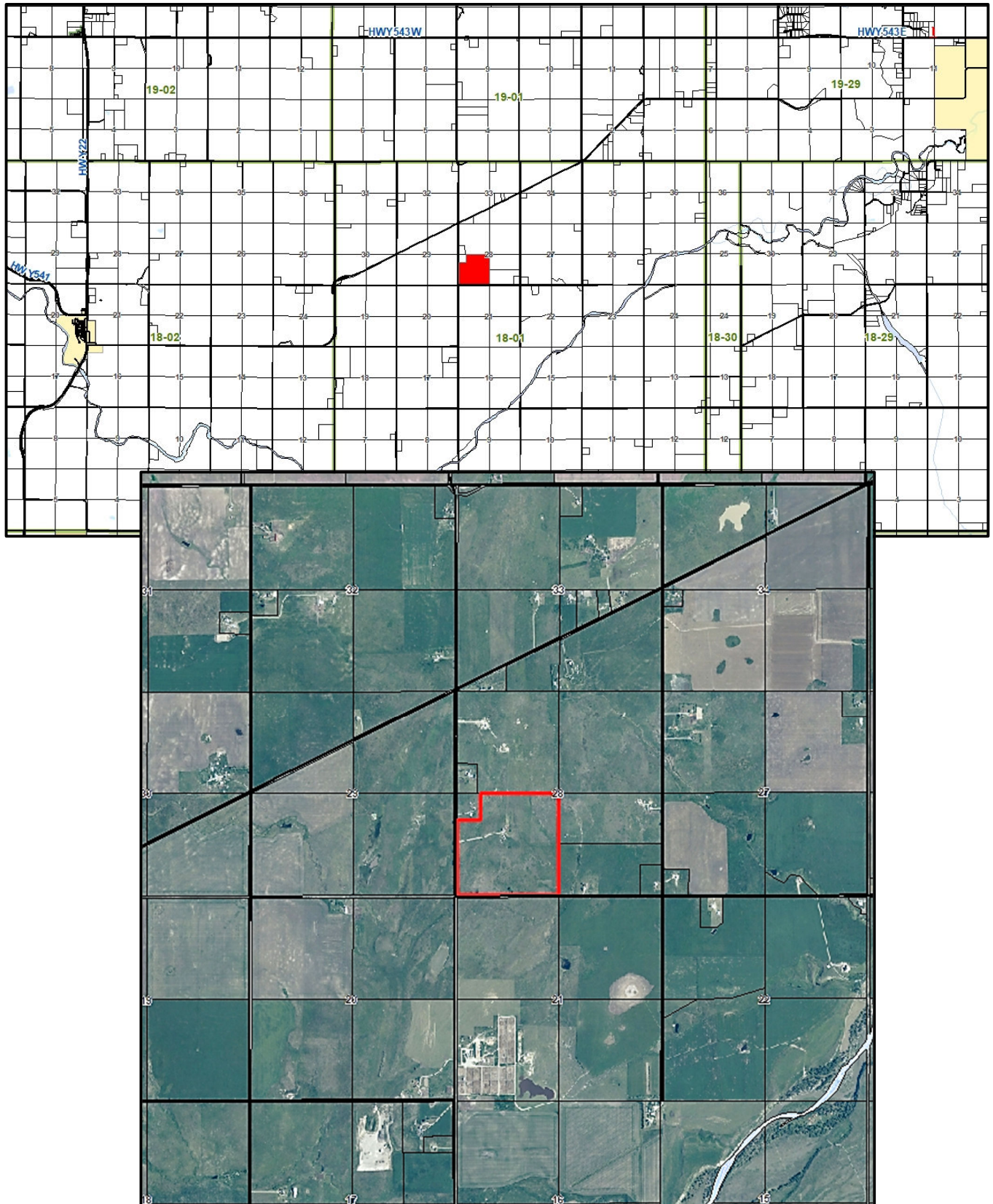
### **APPENDIX B:**

EXCERPTS – LAND USE BYLAW  
APPENDIX C - CONFINED FEEDING OPERATIONS  
AGRICULTURAL DISTRICT  
AGRICULTURAL BUSINESS DISTRICT

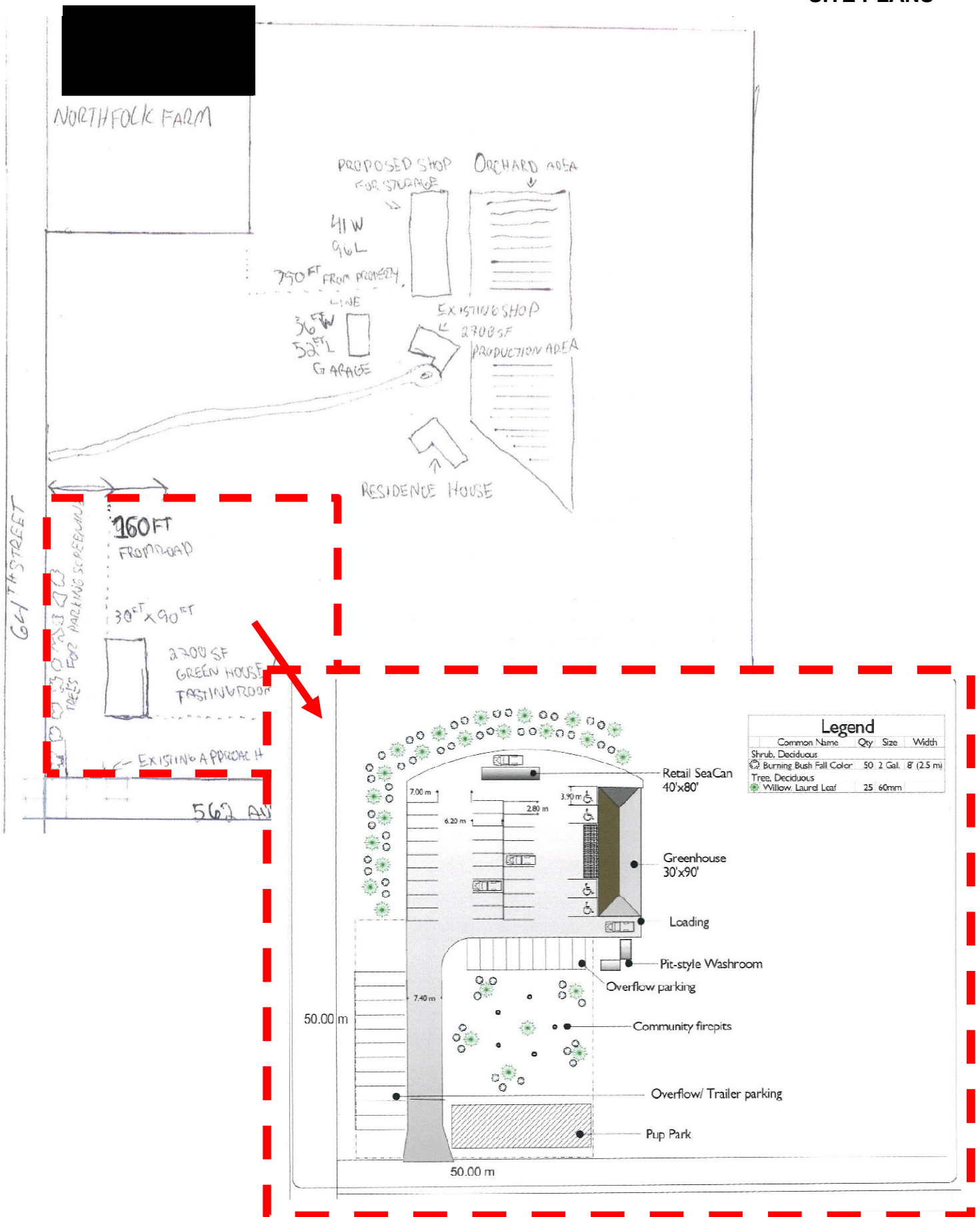
### **APPENDIX C:**

PROPOSED BYLAW

**APPENDIX A**  
**LOCATION MAP**  
**ORTHO PHOTO**



## SITE PLANS



**LAND USE BYLAW  
EXCERPTS****2.1 RULES OF INTERPRETATION**

2.1.1 Compliance with the provisions in this Bylaw shall be interpreted and applied as follows:

- d. “PERMITTED USE” means the use of land, a building, or buildings provided for in this Bylaw that must comply with all provisions of the Land Use Bylaw unless a variance is provided. The Approving Authority must issue a Development Permit with or without conditions as provided for in this Bylaw for a permitted use. All permitted uses require the issuance of a Development Permit, unless identified as “Development Permit not required” or exempt under this Bylaw.
- e. “DISCRETIONARY USE” means the use of land, or a building provided for in this Bylaw for which the Approving Authority may issue a Development Permit with or without conditions as provided for in this Bylaw;”

**2.5 DEFINITIONS**

**AGRICULTURAL (INTENSIVE USE)** means systems of tillage and animal husbandry which involve concentrated methods used on areas of land to raise crops or keep livestock, poultry, and other animals, or their products for market, and includes intensive livestock operations, intensive swine operations, intensive poultry operations, and intensive vegetative operations. More information on agricultural use and livestock regulation can be found in Section 10.1 of this bylaw

**ASSEMBLY USE** means a development that is used by an association or organization for the meeting, social or recreational activities of its members, and which may or may not include the general public. Typical assembly uses include but are not limited to lodges, clubs, and service clubs.

**CORPORATE FUNCTION** means a private event, held by corporations or businesses for their staff, clients, or stakeholders, for the purposes of holiday parties, team buildings, etc.

**DRINKING ESTABLISHMENT** means an establishment, licensed by the Alberta Gaming and Liquor Commission, in which alcoholic beverages are served for a fee for consumption on the premises, and any preparation or serving of food is accessory thereto, and includes a licensed lounge that is ancillary to a restaurant.

**FOOD SERVICE, ACCESSORY** means the serving of food, which may or may not have been prepared on site, in support of an approved principal use on the premises. The service may occur either on a day-today basis or for special events and may include the service of alcoholic beverages under license from the Alberta Gaming and Liquor Commission or equivalent body. It may also include food service from food trucks licensed to operate in the County.

**INTENSIVE VEGETATION OPERATION** means a system of tillage for the concentrated raising of specialty crops for retail or wholesale distribution, including but not limited to tree farms, greenhouses, plant nurseries, sod farms, berry farms, u-pick operations, and similar uses. This definition does not include Cannabis Production.

**LIQUOR SALES** means for the wholesale or retail sale or distribution to the public of any and all types of alcoholic spirits or beverages as defined by the Alberta Liquor Control Act.

RETREAT (*not defined under section 2.5 of the LUB*) for these purposes, is intended to mean a quiet, isolated place that you go to rest, and/or attend seminars and workshops.

CONFINED FEEDING OPERATION has the meaning given to it by the Agricultural Operations Practice Act, as it may be amended from time to time. Appendix "C" to this Bylaw sets out the policies and procedure of the Foothills County regarding a Confined Feeding Operation. More information on confined feeding operations can also be found in Section 10.9 of this bylaw.

## **9.27 SPECIAL SETBACK REQUIREMENTS**

Confined Feeding Operations:

9.27.30 The setback requirements in all land use districts for Confined Feeding Operations shall be as determined by the current Agricultural Operations Practice Act (AOPA) regulations.

9.27.31 Notwithstanding any other provision of this Bylaw that requires a minimum setback, the minimum distance of separation between a dwelling and a Confined Feeding Operation allowed under the Agricultural Operation Practices Act shall be equivalent to the required distance of separation between a proposed Confined Feeding Operation from an existing dwelling, as determined by the Natural Resources Conservation Board. or Foothills County Land Use Bylaw.

9.27.32 In all land use districts, dwelling unit shall be discretionary if it is within the minimum distance separation for a Confined Feeding Operation allowed under the Agricultural Operation Practices Act.

## **10.1 AGRICULTURAL USES AND LIVESTOCK REGULATIONS**

Applications for Agriculture, Intensive Use:

10.1.8 A Development Permit is required for all agricultural, intensive uses whether such uses involve a new facility or expansion of an existing facility.

10.1.9 A new intensive livestock operation or an expansion of an existing intensive livestock operation and related short-term manure storage should be setback a minimum of 150 meters from neighboring dwellings. In determining the extent of the setback, the distance shall be measured from the neighboring dwelling (not the property line of the lot upon which it is located) to the point closest to the intensive livestock operation, including related manure storage facilities. Activities associated with the intensive livestock operation or related short-term manure storage, such as feed handling and storage, office, water supply, and land upon which manure is spread shall not be considered to be part of the intensive livestock operation or related short-term manure storage, for the purposes of determining the minimum setback limit.

10.1.10 A facility for the short-term storage of manure must be setback a minimum of 100 metres (328 feet) from any spring or water well and 30 meters (99 ft.) from any open body of water. The Approving Authority may consider a variance to the setback based upon circumstances particular to a specific application.

10.1.11 If there is a concern with the environmental impact of an agricultural intensive use (whether new or expanded), the Development Permit application will be referred for comment to Alberta Environmental Protection, the Regional Health Authority and

Alberta Agriculture, Food and Rural Development, who will be given 30 days to respond with their comments unless a longer period is agreed to by the County.

10.1.12 It is the responsibility of the owner and operator of any agricultural intensive use to ensure that all manure storage facilities are designed and constructed to avoid contamination of groundwater, prevent contaminated surface water from leaving the property, and reduce odor nuisance.

10.1.13 The owner and operator of an intensive livestock operation shall be required to satisfy the Development Authority that sufficient land is available for the use of the manure produced by the operation.

10.1.14 In no circumstances shall a new or expanded agricultural, intensive use be permitted within 122m (400 ft.) from a water course or water body which is not entirely surrounded by the lot or lots on which the operation is located, unless suitable containment facilities are constructed to the satisfaction of the Approving Authority.

10.1.15 All agricultural, intensive use applications must comply with all applicable provisions of the Agricultural Operation Practices Act, Code of Practice.

10.1.16 Seasonal feeding or wintering livestock between November 1 and May 31 are to be considered under the applicable agricultural, intensive use requirements.

10.1.17 The Development Authority may impose more restrictive conditions on approval of an application for a Development Permit for an intensive agricultural operation than those set out above.

## **10.9 CONFINED FEEDING OPERATIONS**

10.9.1 Applicants/landowners are responsible for obtaining the necessary licences, permits, and approvals required by the NRCB under the Agricultural Operation Practices Act.

10.9.2 Any confined Feeding Operation (CFO) proposed within the County will be required to comply with all aspects of the procedures adopted by Council, attached as Appendix C to the Land Use Bylaw.

The Natural Resources Conservation Board has full authority over Confined Feeding Operations (CFO) and manure storage facilities.



### **Municipal District of Foothills No. 31 - Land Use Bylaw**

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#### **APPENDIX C**

#### **CONFINED FEEDING OPERATIONS**

**DEFINITION:**

"Confined Feeding Operation (CFO) is defined in the *Agricultural Operation Practices Act (AOPA)* as "an activity on land that is fenced or enclosed, or within buildings where livestock are confined for the purpose of growing, sustaining, finishing, or breeding by means other than grazing, but does not include seasonal feeding and bedding sites". At the time of adoption of this policy, a CFO will require either registrations or approvals through the Natural Resources Conservation Board (NRCB). Readers are advised to contact the NRCB for up-to-date information.

The NRCB is the approving authority for CFO facilities. Additional facilities on the CFO site that are not included in the license, permit or approval, or other authorization granted by the NRCB and that will fall under the Municipal approval process are dealt with as outlined below. These are dealt with below.

**PROCEDURE FOR THE APPLICANT:**

- 1.0 The applicant must obtain the necessary license, permit, approval, or other authorization granted by the NRCB.
- 1.1 The applicant must then apply for a Development Permit for a "development incidental or ancillary to a CFO", which is a permitted use in the Agricultural District. The applicant will be required to submit the following information with the Development Permit application:
  - Development Permit fees (please see the Development Officer for the amount);
  - Site plan indicating access locations to and from the lot, including roads and highways to be used;
  - A statement regarding the roads and highway to be used and dust control measure to be implemented;
  - A statement regarding the amount of traffic generated on a daily or monthly basis on those roads or hauling routes, whichever most accurately reflects the facts.
- 1.2 The Development Permit and supporting information is circulated by the Development Officer to the necessary referral agencies and internal departments (i.e., Public Works, Council, and Alberta Transportation).
- 1.3 The Development Officer makes an approved decision on the file and a letter is circulated to landowners within a half mile. The decision is based on a "permitted use" and, therefore, does not allow the right of appeal.
- 1.4 Upon the applicant's completion of the conditions of approval, the file is closed.



## **PART 6 LAND USE DISTRICTS**

### **SECTION 12 AGRICULTURAL DISTRICTS**

#### **12.1 AGRICULTURAL DISTRICT**

**A**

##### **12.1.1 PURPOSE AND INTENT**

To promote a wide range of agricultural land uses that encourage growth, diversification and development of the agricultural industry while having regard for the agricultural value and rural character of the area consistent with the policies outlined in the Municipal Development Plan.

##### **12.1.2 SUB-DISTRICT**

12.1.2.1 Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

##### **12.1.3 GENERAL REQUIREMENTS:**

- 12.1.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.
- 12.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

## Foothills County Land Use Bylaw |

12.1.4 PERMITTED USES	12.1.5 DISCRETIONARY USES
<p>Accessory buildings not requiring a development permit</p> <p>Accessory uses</p> <p>Agricultural, general</p> <p>Agricultural specialty</p> <p>Dwelling, single family</p> <p style="padding-left: 20px;">*no more than 1 such dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size.</p> <p style="padding-left: 20px;">*no more than 2 such dwellings are permitted on a single lot 32.4 ha (80 ac) or greater in size.</p> <p>Dwelling, Mobile Home</p> <p style="padding-left: 20px;">*permitted use only on lots 32.4 ha (80 acres) or greater in size.</p> <p>Home Based Business Type I</p> <p>Home Based Business Type II</p> <p>Home Office</p> <p>Public Works</p> <p>Secondary Suite, accessory</p> <p>Secondary suite, principal</p> <p>Signs not requiring a Development Permit</p> <p>Solar Power System, Private (Not requiring a Development Permit)</p> <p>Temporary storage of up to 5 unoccupied recreation vehicles</p>	<p>Abattoir, Minor</p> <p>Accessory buildings requiring a development permit</p> <p>Aerodrome/airstrip (private use)</p> <p>Agricultural intensive use</p> <p>Agricultural processing and distribution</p> <p style="padding-left: 20px;">*does not includes retail sales on the site.</p> <p>Agricultural support services</p> <p style="padding-left: 20px;">*does not includes retail sales on the site.</p> <p>Animal boarding services</p> <p>Antenna structures, private</p> <p>Arena, private</p> <p>Bed and Breakfast</p> <p>Day home services</p> <p>Dwelling, Mobile Home</p> <p style="padding-left: 20px;">*discretionary use on lots less than 80 acres in size.</p> <p>Dwelling, moved on</p> <p>Dwelling, temporary</p> <p>Home based business III</p> <p>Intensive vegetation operation</p> <p>Kennel, private</p> <p>Lot Grading</p> <p>Manmade water bodies requiring a permit</p> <p>Signs requiring a development permit</p> <p>Solar Power System, Private (Requiring a Development Permit)</p> <p>Special Event</p> <p>Temporary storage of between 6 and 10 unoccupied recreation vehicles</p> <p>Utility service, minor</p>

### 12.1.6 LAND USE REQUIREMENTS

- 12.1.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 12.1.6.2 In order to facilitate the purpose and intent of this district and ensure the sustainability of agricultural uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Number of lots per quarter section or area of land in certificate of title existing when this bylaw was adopted; or
    - ii. The number of lots allowed by bylaw amending this section.
  - b. Minimum Parcel Size:

- i. A parcel of land no less than 8.49 Ha (21 acres) in size;
  - ii. That portion of a parcel remaining after approval of a re-designation which facilitates a subdivision and after the subsequent registration of said subdivision reduces the area of the parent parcel to a size of 21 acres or greater in size; or
  - iii. The area in title at the time of passage of this Bylaw.
- c. Maximum Parcel size:
- i. None.

**12.1.6.3 Required Developable Area:**

- a. In accordance with Section 9.8 of this Bylaw.

**12.1.6.4 Utility Servicing Criteria**

- a. Individual wells and individual wastewater disposal systems;
- b. Communal water and communal wastewater disposal systems;
- c. A combination of a. and b. as determined by Bylaw amending this section.

**12.1.7 DEVELOPMENT REQUIREMENTS**

**12.1.7.1 Maximum Lot Coverage**

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

**12.1.7.2 Maximum Dwelling Unit Density**

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.

**12.1.7.3 Minimum Yard Setback Requirements**

- a. Front Yard Setbacks:
  - i. 15m (49.21 ft.) from the right of way of an internal subdivision road;
  - ii. 48m (157.48 ft.) from the centreline of a Municipal road;
  - iii. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
- b. Side Yard Setbacks:
  - i. 15m (49.21 ft.) from the property line.
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft.) from the property line.
- d. In addition, if the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

## **Foothills County Land Use Bylaw |**

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### **12.1.7.4 Corner Parcel Restrictions:**

- a. In accordance with Section 9.27.9 - 9.27.12.

### **12.1.7.5 Other Minimum Setback Requirements:**

- a. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.

### **12.1.7.6 Maximum Height of Structures:**

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.)
- b. Accessory Buildings and Arenas:
  - i. 10.67m (35 ft.)
- c. Radio antennas, internet towers and wind turbines:
  - i. 16m (52.49 ft.);

### **12.1.7.7 Minimum habitable area per dwelling**

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

### **12.1.8 EXCEPTIONS:**



### 12.2 AGRICULTURAL BUSINESS DISTRICT

**AB**

#### 12.2.1 PURPOSE AND INTENT

To provide for a wide range of agricultural-related business, in agricultural areas. Uses would include primarily agricultural processing, retailing of agricultural products, and business uses related to agricultural activity while allowing for limited services related to agriculture.

#### 12.2.2 SUB-DISTRICT

12.2.2.1 Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

#### 12.2.3 GENERAL REQUIREMENTS:

- 12.2.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.
- 12.2.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

12.2.4 PERMITTED USES	12.2.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit in accordance with Section 4.2 Accessory use Agricultural, general Agricultural specialty Dugout Dwelling, single family *no more than 2 such dwellings are permitted on a single lot 32.4 ha (80 ac) or greater in size. *no more than 1 such dwelling is permitted on a single lot that is less than 32.4 ha (80 ac) in size Dwelling, Mobile Home *permitted use only on lots 32.4 ha (80 acres) or greater in size. Home Based Business Type I Home Based Business Type II Home Office Secondary Suite, detached Secondary suite, principal Public works	Abattoir, minor Accessory buildings (requiring a development permit) Aerodrome/airstrip(private use) Agricultural intensive use Agricultural processing and distribution Agricultural support services Animal boarding services Animal care services Antenna structures, private Arena, limited public Arena, private Auctioneering services Bed and Breakfast Campground, minor (accessory to principal use) Card lock fuel dispensing facility Commercial school or college Community services Contractor, limited Day camp services Family Day Home Dwelling, single family

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12.2.4 PERMITTED USES	12.2.5 DISCRETIONARY USES
<p>Solar Power System, Private (Not requiring a Development Permit)</p> <p>Temporary storage of up to 5 unoccupied recreation vehicles</p> <p>Utility services, minor</p>	<p>*if in addition to the number of dwellings listed as permitted on a single lot.</p> <p>Dwelling, Mobile Home</p> <p>*discretionary use on lots less than 80 acres in size.</p> <p>Dwelling, moved on</p> <p>Dwelling, temporary (accessory to principal use)</p> <p>Educational services</p> <p>Farm equipment sales and service</p> <p>Guest ranch</p> <p>Home based business Type III</p> <p>Intensive vegetation operation</p> <p>Kennel, private</p> <p>Lot grading</p> <p>Man-made water bodies, private requiring a permit</p> <p>Manufacturing, light</p> <p>Natural science exhibits</p> <p>Outdoor storage (accessory to principal use only)</p> <p>Public market</p> <p>Restaurant (as an accessory use, within the main building)</p> <p>Retail garden centre</p> <p>Retail store (as an accessory use, within the main building)</p> <p>Signs requiring a development permit</p> <p>Solar Power System, Private (Requiring a Development Permit)</p> <p>Special event</p> <p>Temporary storage of between 6 and 10 unoccupied recreation vehicles</p> <p>Tourist information services and facilities</p>

### 12.2.6 LAND USE REQUIREMENTS

- 12.2.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 12.2.6.2 In order to facilitate the purpose and intent of this district and ensure the sustainability of agricultural business uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Number of lots per quarter section or area of land in certificate of title existing when this bylaw was adopted; or
    - ii. The number of lots allowed by bylaw amending this section.
  - b. Minimum Parcel Size:
    - i. A parcel of land no less than 8.49 Ha (21 acres) in size;

- ii. That portion of a parcel remaining after approval of a re-designation which facilitates a subdivision and after the subsequent registration of said subdivision reduces the area of the parent parcel to a size of 21 acres or greater in size; or
- iii. The area in title at the time of passage of this Bylaw.
- c. Maximum Parcel size:
  - i. None.

**12.2.6.3 Required Developable Area**

- a. In accordance with Section 9.8 of this Bylaw.

**12.2.6.4 Utility Servicing Criteria**

- a. Individual wells and individual wastewater disposal systems;
- b. Communal water and communal wastewater disposal systems;
- c. A combination of a. and b., as determined by Bylaw amending this section.

**12.2.7 DEVELOPMENT REQUIREMENTS**

**12.2.7.1 Maximum Lot Coverage**

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

**12.2.7.2 Maximum Dwelling Unit Density**

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.

**12.2.7.3 Minimum Yard Setbacks Requirements**

- a. Front Yard Setbacks:
  - i. 15m (49.21 ft) from the right of way of an internal subdivision road;
  - ii. 48m (157.48 ft) from the centreline of a Municipal road;
  - iii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
- b. Side Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- d. In addition, if the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.



## **Foothills County Land Use Bylaw |**

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### **12.2.7.4 Corner Parcel Restrictions:**

- a. In accordance with Section 9.27.9 - 9.27.12.

### **12.2.7.5 Other Minimum Setback Requirements:**

- a. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.

### **12.2.7.6 Maximum Height of Structures:**

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.)
- b. Accessory Buildings and Arenas;
  - i. 10.67m (35 ft.)
- c. Radio antennas, internet towers and wind turbines:
  - i. 16m (52.49 ft);

### **12.2.7.7 Minimum habitable area per dwelling**

- a. 100 m<sup>2</sup> (1,077 sq. ft)

### **12.2.8 EXCEPTIONS:**



## 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 redesignation of a 149.48 +/- acre portion of Ptn. SW 28-18-01 W5M from Agricultural District to Agricultural Business District.

**AND WHEREAS** the Council has received an application to further amend the Land Use Bylaw by authorizing a Site-Specific Amendment to the Agricultural Business District land use rules to allow for Assembly Use; Corporate Function; Drinking Establishment; Food Service, Accessory; Liquor Sales; and Retreat on the 149.48 +/- acre parcel on Ptn. SW 28-18-01 W5M.

**NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:**

1. Land Use Map No. 1801 is amended by redesignating a 149.48 +/- acre portion of Ptn. SW 28-18-01 W5M from Agricultural District to Agricultural Business District.
2. Under SECTION 12.2 AGRICULTURAL BUSINESS DISTRICT, a Site-Specific amendment the Agricultural Business District land use rules to allow for Assembly Use; Corporate Function; Drinking Establishment; Food Service, Accessory; Liquor Sales; and Retreat on the 149.48 +/- acre parcel on Ptn. SW 28-18-01 W5M.
3. 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   .