



BAR NONE RANCHES AREA STRUCTURE PLAN

Ptn. NE 34-20-01 W5M, M.D. Foothills No. 31

18 May 2017

PREPARED FOR
THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31

ADOPTED BY COUNCIL
BYLAW (INSERT NUMBER)
APPROVAL DATE (INSERT DATE)

PREPARED ON BEHALF OF



MAY 18, 2017



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1.0 INTRODUCTION

The Bar None Area Structure Plan (ASP) provides a long-term vision to outline development within the Plan Area within ptn. NE 34-20-1 W5M (+/- 49.72 hectares/122.88 acres). The Bar None ASP will serve as a guide to appropriate development of the Plan Area.

1.1 CONTEXT

The Plan Area comprises 49.72 hectares within the Municipal District of Foothills No. 31 at the land legally described as ptn. NE 34-20-01 W5M (as shown in *Figure 1: General Location* and *Figure 2: Air Photo & Topography*). As the Plan Area does not fall within any existing Inter-Municipal Development Plan or Local Area Plan, governing policy for the area is limited to the Municipal Development Plan 2010, the Land Use Bylaw and Growth Management Strategy. In the absence of an Area Structure Plan, the quarter section, and its surroundings have experienced piecemeal development and fragmentation. The Plan Area is currently designated Agriculture (as shown in *Figure 3: Existing Land Use*).

1.2 POPULATION GROWTH

The Plan Area is located in the Municipal District's Central District. This district has seen the most significant amount of growth within the Municipality. It experiences tremendous development pressure due to its adjacency to the City of Calgary and the Town of Okotoks. As well it contains a large portion of Highway 2.

The Growth Management Strategy 2012 states: *The Central District of the MD has been the growth engine for the MD and this trend is expected to continue into the future. While significant development and intensification of development is expected in this area, it will need to be undertaken bearing in mind the aspirations of our municipal neighbours and with due consideration to riparian and wetland areas.*



1.3 PUBLIC CONSULTATION

A public open house to discuss the development of this quarter section was held at the DeWinton Hall on January 14, 2016. Seventy-four detailed invitation letters were mailed to the landowners within one mile of the Plan Area. Nineteen people attended the open house and five written feedback sheets were submitted. Neighbourhood circular letters and summary of feedback is included in Appendix B: Public Consultation.

1.4 OPPORTUNITIES & CONSTRAINTS

A number of considerations were evaluated as part of the Bar None Ranches ASP design process. The following opportunities and constraints were identified:

- Maintaining rural character and agricultural functions: Development must allow agricultural landowners to continue their farming operations and retain the “country charm” for existing small land owners.
- Proximity to Urban Centres: The Plan Area is within the Central Growth District. This district is proximate to both Calgary and Okotoks; containing country residential development and road infrastructure that increases the potential for subdivision.
- Provincial Highway 549: A Provincial Highway has controlled accesses and requires special consideration with respect to visual appearance of the roadside development and access considerations.
- Servicing: Traditional methods of rural servicing (individual groundwater wells and high efficiency septic systems) are proposed for this project.

FIGURE 1: GENERAL LOCATION

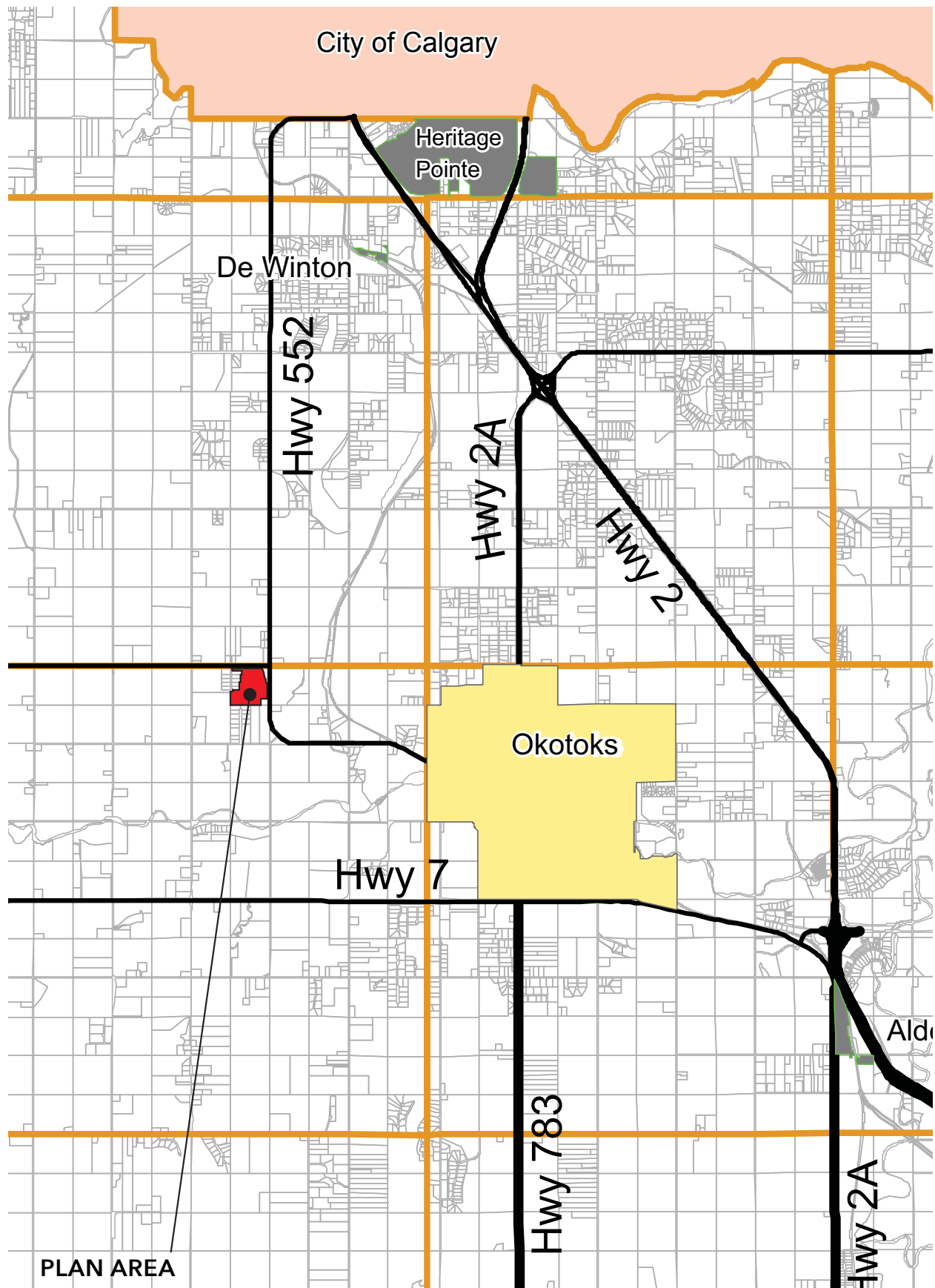
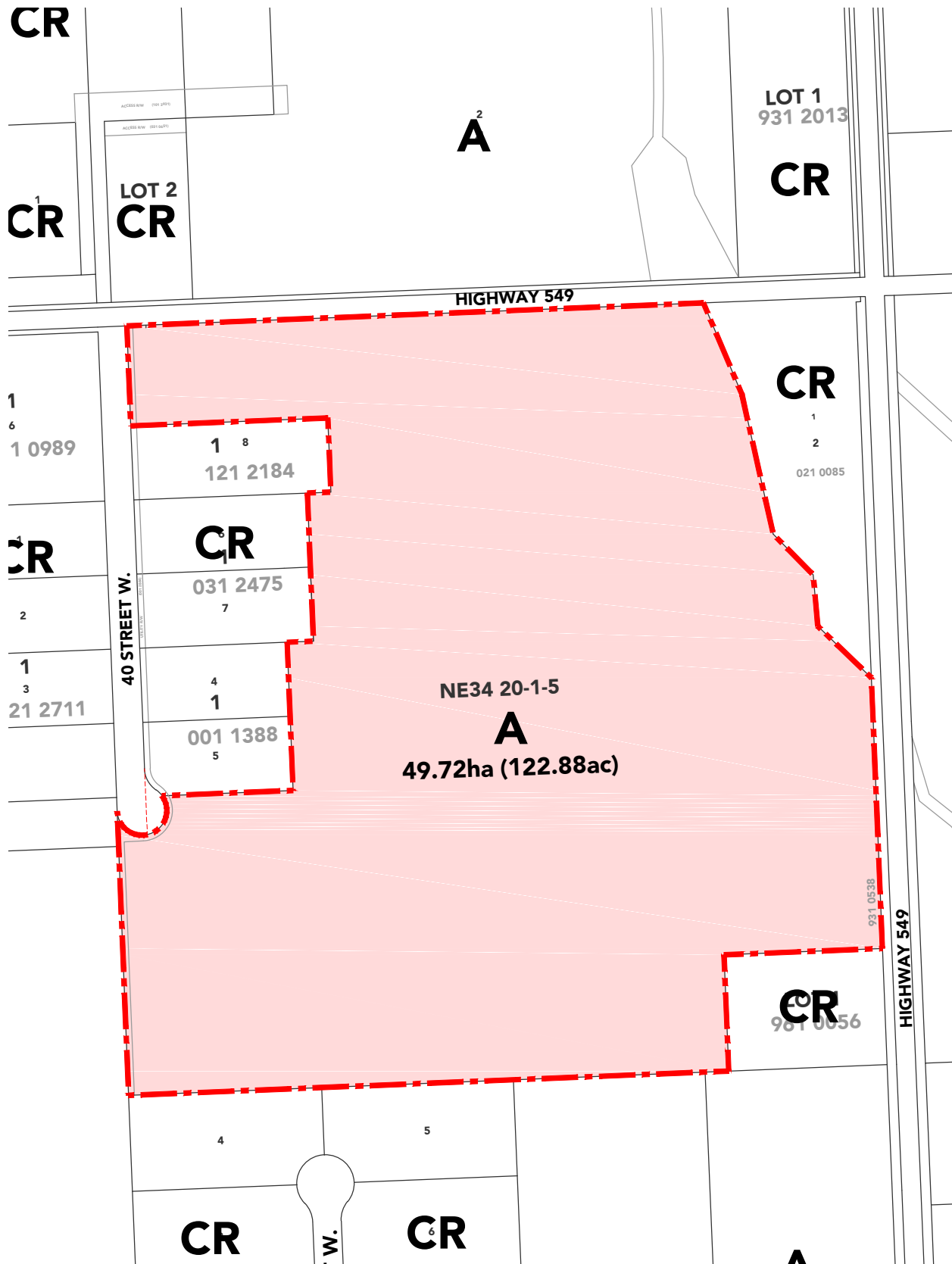


FIGURE 2: AIR PHOTO & TOPOGRAPHY - 1:6000



FIGURE 3: EXISTING LAND USE - 1:6000



2.0 POLICY FRAMEWORK

The Bar None Ranches Area Structure Plan (ASP) refines the vision for the Plan Area and it must also adhere to relevant existing municipal and provincial policy regarding the preparation of Area Structure Plans

2.1 PURPOSE OF THE PLAN

The Bar None Ranches ASP was prepared to guide development within the Plan Area. The area has experienced country residential growth pressures. These pressures could be detrimental if not planned comprehensively. This ASP defines a planning and development framework to guide future growth within the Plan Area by outlining land use, population densities, sequencing of development, and municipal servicing. The Bar None ASP supports the MD Foothills No 31. Municipal Development Plan (2010) in outlining a vision for the Plan Area.





2.2 LEGISLATION

The Bar None Ranches ASP has been prepared in accordance with the provincial requirements outlined in s.633 of the Municipal Government Act (MGA) (Revised Statutes of Alberta, 2000, Chapter M-26).

633 (1) *For the purpose of providing a framework for subsequent subdivision and development of an area of land, a council may, by bylaw, adopt an area structure plan.*

(2) *An area structure plan*

(a) *must describe*

(i) *The sequence of development proposed for the area,*

(ii) *The land uses proposed for the area, either generally or with respect to specific parts of an area,*

(iii) *The density of population proposed for the area either generally or with respect to specific parts of the area, and*

(iv) *The general location of major transportation routes and public utilities*

(b) *may contain any other matters the council considers necessary.*

In addition, the ASP was prepared in accordance with the Municipal District of Foothills No. 31 Municipal Development Plan (2010), Land Use Bylaw (2014) and the Growth Management Strategy (2013). It complies with the Municipal Guidelines for preparation of Area Structure Plans.



3.0 PLAN VISION

The intent of the Bar None Ranches ASP is to achieve orderly and responsible development of the Plan Area. It is intended to provide a flexible and long term framework for development which promotes a vibrant community while preserving the Plan Area's natural capital.

The Bar None Ranches ASP envisions a country residential community retaining a long-term agricultural component while attracting new country residents. It is a community that protects and integrates municipal reserve and incorporates high quality housing design for the benefit of the community.

3.1 PLAN GOALS

The following goals direct the Bar None Ranches ASP and reflect the Plan Vision:

1. Achieve an efficient, sequential pattern of development.
2. Establish high quality country residential development that harmonizes with the existing country residential development and agricultural lands within and adjacent to the Plan Area.
3. Provide an efficient and safe road network.
4. Preserve viability of agricultural land uses and provide access for agricultural equipment.
5. Maintain the long-term function and visual aesthetic of Provincial Highway 549.



4.0 LAND USE STRATEGY

Figure 4: Land Use Strategy delineates the proposed lots and land uses within the Plan Area. The land use strategy is based on a sequential development pattern preserving agricultural activity wherever possible, and allowing for the efficient and orderly provision of infrastructure and services. The Bar None Ranches development includes four new Country Residential District lots. The balance is retained as Agriculture District.

The 2011 Federal Census cites an average of 2.782 people per household in the M.D. Foothills No. 31. The Bar None Ranches Area Structure Plan creates four (4) Country Residential lots that may contain up to one dwelling. It is estimated that development will add approximately eleven (11) residents to the Plan Area.

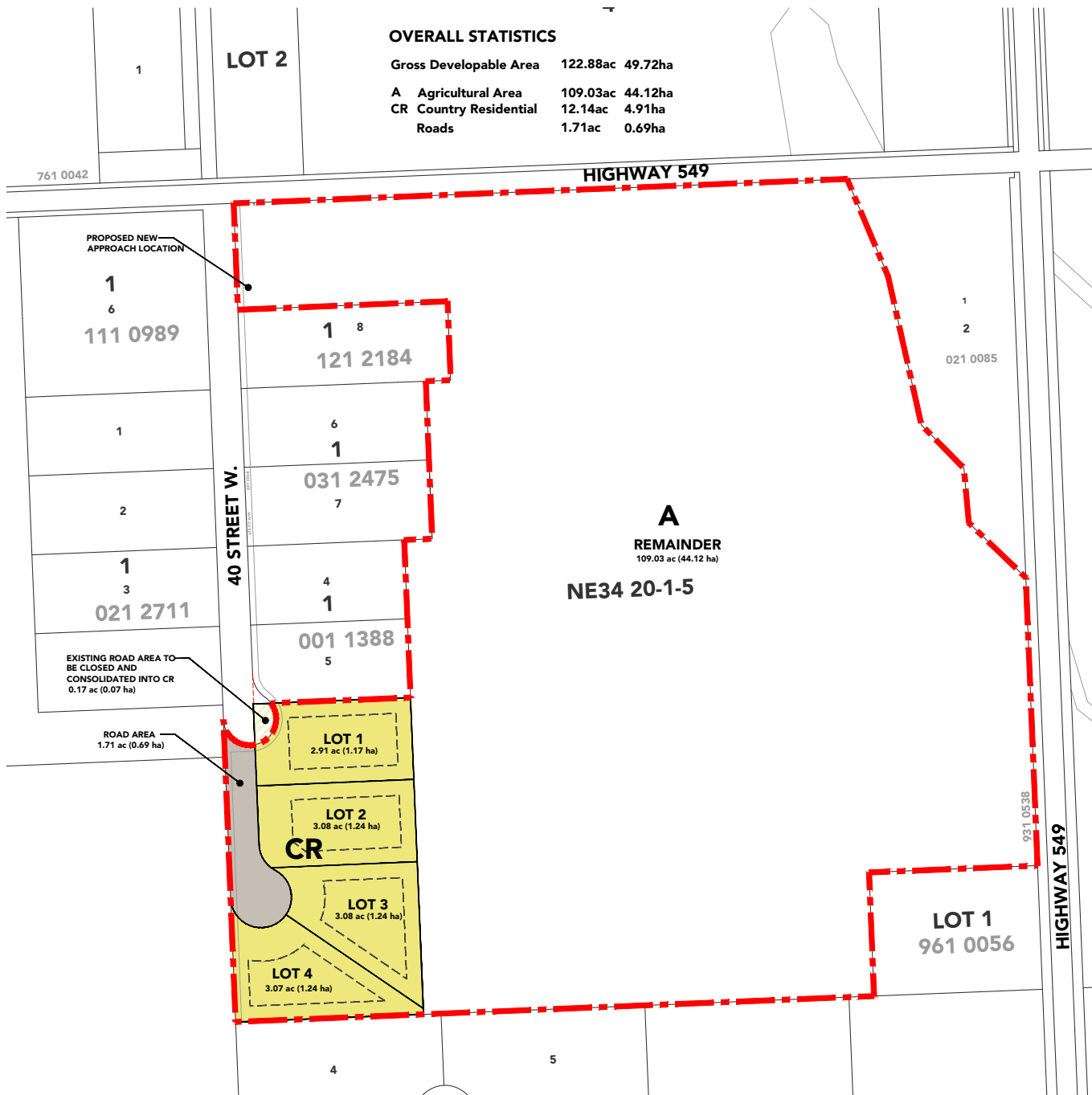
TABLE 1: LAND USE STATISTICS

LAND USE	ACRES (+/-)	HECTARES(+/-)
CR - COUNTRY RESIDENTIAL	12.14	4.91
A - AGRICULTURE	109.03	44.12
ROADS	1.71	0.69
TOTAL	122.88	49.72

Policy 4.0.1: *When considering redesignation, subdivision, or development permit applications within the Plan Area, the Municipal District shall confirm that the application conforms to the land use strategy as shown in Figure 4: Land Use Strategy and is compatible with the policies and vision contained in the Bar None Ranches ASP.*

Policy 4.0.2: *Any application that conflicts with the land use strategies and policies contained within the Bar None Ranches ASP require formal application for amendment to the Bar None Ranches ASP.*

FIGURE 4: LAND USE STRATEGY - 1:6000





4.1 AGRICULTURAL LAND USE POLICIES

Historically, the Plan Area has been under agricultural use. The Plan Area contains Orthic Black Chernozemic soil rated by Canada Land Inventory as soil class 3, subclass 3T.

Urban growth pressures due to proximity to urban centres, demand for country residential development, and rising residential land values increase the pressure for non-agricultural uses within the Plan Area and the MD's Central District in general. Despite the addition of four (4) County Residential lots, +/- 109.03 acres (44.12 hectares) within the Plan Area are to remain designated as Agricultural District.

Policy 4.1.1: For future subdivision of this Agricultural parcel or conversion to Country Residential to occur, amendment to the Bar None Ranch Area Structure Plan shall be required.

Policy 4.1.2: Field approaches to Agricultural parcel across Highway 549 shall be retained for agricultural purposes only. The agricultural parcel will maintain legal access from 40 Street W, albeit not directly from the cul-de-sac.



4.2 COUNTRY RESIDENTIAL LAND USE POLICIES

Orderly settlement patterns of Country Residential development should be compatible with the natural environment and consistent with the existing densities in the area. The Plan Area is within the Central Growth District, proximate to urban centres, and surrounded by areas seeing equivalent levels of fragmentation. The Bar None Ranches ASP will protect the remaining Agricultural balance from further fragmentation while adding four (4) Country Residential lots. All Country Residential lots meet the requirements set out in Municipal Development Plan (2010) Residential Policy 9.3.

Policy 4.2.1: Country Residential lots shall be a minimum area of +/- 2.91 acres (1.17 hectares).

Policy 4.2.2: All Country Residential lots shall be serviced with individual ground water and high efficiency septic systems.

Policy 4.2.3: In accordance with the Municipal Internal Subdivision road policies, Country Residential lots shall have direct access to surfaced municipal road 40 Street W.

Policy 4.2.4: Country Residential lots shall support single family dwellings only.

Policy 4.2.5: Uses on Country Residential lots shall comply with the Restrictive Covenant registered on titled, (see Appendix A). This may include an Architectural Review requirement prior to application for Development and Building Permit.

Policy 4.2.6: 0.17 acres (0.07 hectares) of existing 40 Street W cul-de-sac area shall be closed and consolidated in Proposed Country Residential on Lot 1 at the discretion of the Municipality.



4.3 NATURAL ENVIRONMENT

The Municipal District of Foothills through its Municipal Development Plan policies, encourages the preservation of significant natural environments in the development process. The environmental significance and biophysical characteristics of lands within the Plan Area should be considered in applications for development. The Plan Area contains flat to rolling topography. No proposed lot contains any slope in excess of 15%. The Plan Area does not contain any wetlands. It is primarily cultivated. An existing drainage course in the east of the Plan Area will be retained.

4.4 MUNICIPAL RESERVE

At the discretion of Council, no physical dedication of Municipal Reserve was required. A deferred reserve caveat will be registered on the agricultural parcel.

Policy 4.4.1: Physical dedication of Municipal Reserve in the Plan Area shall be determined by the Municipality in accordance with the MDP policy and s.666 of the Municipal Government Act.



5.0 INFRASTRUCTURE

Infrastructure includes the hierarchy of road networks, public and private water systems, septic systems, solid waste management systems and emergency services. It is fundamental to a community's ability to sustain growth over time. It contributes to the well-being of the area's residents as well as the quality of life within the Municipality as a whole. The Bar None Ranches ASP contains policies for recommended improvements and triggers assessment of infrastructure as the community develops.

Policy 5.0.1: The Municipality may require an assessment of necessary infrastructure when considering redesignation, subdivision, and/or development proposals.

5.1 TRANSPORTATION

Provincial Highway

Provincial Highway 549 is administered by Alberta Transportation. Future land uses and development within the Plan Area cannot impede the function and safety of this highway. As such, Alberta Transportation has authority over development within 0.8 kilometres of Highway 549. No additional access to the development from Highway 549 is proposed.

The existing intersection of 40 Street W and Highway 549 is a Type 1 intersection. Based on estimated daily traffic flow volumes, it is on the cusp of requiring upgrade to a Type 2 intersection. Currently, the intersection exhibits no safety concerns. This is expected to remain largely unchanged with the addition of four (4) Country Residential lots. As such, no upgrades are deemed necessary (see Appendix C: Bunt Traffic Report). While it is noted that the traffic volumes on 40 Street W are currently low and will remain so in the future with the addition of four (4) residential lots, Alberta Transportation notes the requirement for a Type 2 intersection is technically met and further analysis should be required at the subdivision stage.



Policy 5.1.1: In accordance with Alberta Transportation requirements, no additional direct access to Provincial Highway 549 shall be permitted. The Bunt Traffic report dated 18 April, 2016, provided as Appendix C, is acknowledged by Alberta Transportation. A full TIA may be required at the subdivision stage at the discretion of Alberta Transportation.

Policy 5.1.2: Due to the distance of the proposed four (4) residential lots from Highway 549, Alberta Transportation will waive the requirement for a Roadside Development Permit for subsequent development activity on these lots.

Municipal Road Network

The Plan Area contains one point of ingress/egress from Provincial Highway 549. The Plan Area is accessed via paved municipal road 40 Street W. The asphalt depth along the entirety of 40 Street W will be increased to 90mm. The road will be extended to access the four (4) new Country Residential lots and partial closure of the existing cul-de-sac bulb will result in a minor consolidation of land into Proposed Country Residential Lot One (1). 40 Street W upgrades and extension will be completed to the satisfaction of the Municipality, at the sole expense of the developer. Speed change and additional signage required are at the discretion of Council to implement.

Policy 5.1.4: 40 Street W extension shall be constructed to Municipal standard at the sole expense of the developer. Ownership and maintenance of the road shall be the responsibility of the Municipality upon issuance of a Final Acceptance Certificate to the developer.

5.2 WATER SERVICING

Potable Water Servicing

The development must be serviced by a sustainable source of potable water in accordance with Municipal policy. The results indicate isolated aquifers north of Lot Five (5). It is also likely that sufficient aquifers exist on the proposed lots north of well 1022358 below a depth of 100'. The wells are capable of supplying sufficient water for domestic use (at a rate defined in the Water Act of 1250 cubic meters per year). It is recommended that new wells not utilize these shallow aquifers (with base of the aquifer less than 100 feet) and any new wells be installed to obtain water from deeper aquifers (see Appendix D: GRIT Report). The Restrictive Covenant includes water usage measures such as mandatory low water fixtures, rainwater capture and reuse, and no exterior hose bibs (see Appendix A: Restrictive Covenant).

Policy 5.2.1: The Plan Area shall be serviced with potable water by individual ground water wells drilled and reviewed in accordance with the Water Act.

Policy 5.2.2: All future developments shall implement water conservation methods including mandatory low water fixtures, rainwater capture and reuse, and no exterior hose bibs.

Policy 5.2.3: As recommended in the GRIT Report, new wells within the Plan Area should not utilize shallow aquifers (less than 100 feet base depth). Well drilling shall be supervised in accordance with the recommended drops outlined in the GRIT Report.

Policy 5.2.4 Groundwater well monitoring of adjacent landowners will occur at the request of those landowners during the drilling and pump testing of groundwater wells in support of the Bar None Ranches ASP of the cost of the developer.



Sanitary Servicing

The Plan Area is not serviced by communal sewage collection and treatment systems. Treatment of sanitary effluent is limited to on-site disposal through traditional septic systems. The Restrictive Covenant includes water usage measures such as mandatory high efficiency septic systems to ensure high quality effluent is being discharged (see Appendix A: Restrictive Covenant).

Policy 5.2.4: To maintain aquifer water quality, consideration must be given to proper disposal of sanitary waste from future developments. At a minimum, Municipal and Provincial codes and standards for on-site disposal shall be met.

Policy 5.2.5: An on-site high efficiency sanitary system shall be developed to the standards of the Municipality and the Alberta Plumbing Code.

Policy 5.2.6: It is recommended that the calculated Sodium Absorption Ratio (SAR) of the potable water source be considered in the long-term effectiveness of the disposal field.

Policy 5.2.7: Method of Open Discharge from a septic tank and non-evaporative lagoons shall not be permitted.

Policy 5.2.8: Septic Pump-out tanks are discouraged in the Plan Area due to the damage on road system that loaded septic trucks may cause.

Policy 5.2.9: Alternate systems may be considered at the discretion of the Municipality.





Stormwater Servicing

Stormwater management protects rivers, wildlife, and ecosystems. Development will result in additional hardscape within the Plan Area without impacting stormwater run-off past pre-development levels.

Policy 5.2.11: All stormwater run-off shall be contained within the proposed development area.

No surface water shall be directed to highway ditches and post-development flows shall not exceed pre-development.

5.3 SOLID WASTE DISPOSAL

The Municipality encourages the coordination of solid waste disposal systems with urban centres where possible.

Policy 5.3.1: Solid waste from the Plan Area shall be hauled by individual land owners to the nearest waste transfer site.

5.4 SHALLOW UTILITIES

Shallow utility services include natural gas, telephone, and electricity. ATCO Gas provides gas service to the area. Electrical service is provided primarily by Fortis. Telephone service is provided by Telus.

Policy 5.4.1: Provision of Shallow Utilities in applications for redesignation, subdivision, and/or development shall be at the sole expense of the developer to the extent required in the municipal Standard Development Agreement.

5.5 EMERGENCY & PROTECTIVE SERVICES

The Municipality requires that proposals for redesignation, subdivision, and/or development include appropriate levels of servicing required for police, fire, and ambulance services.

Policy 5.5.1: Police Service to the Plan Area shall be provided by the Royal Canadian Mounted Police Okotoks Detachment and M.D. of Foothills No. 31 Special Constables.

Policy 5.5.2: Fire protection to the Plan Area shall be provided by the MD of Foothills No. 31.

Policy 5.5.3: New Subdivision shall meet the criteria for on-site fire fighting measures as determined by the Municipality.

Policy 5.5.4: The Plan Area shall be serviced by 911 emergency service, with an emergency locator system established for each individual property.

Policy 5.5.5: Applications for redesignation, subdivision, or development shall provide proper emergency vehicle access in accordance with Municipal policy.



6.0 IMPLEMENTATION, REVIEW & AMENDMENT

The Bar None Ranches ASP falls within a hierarchy of applicable plans and policies as delineated in 2.0 Policy Framework. The M.D. of Foothills No. 31's Municipal Development Plan (MDP) guides all development within the municipal boundaries. The Land Use Bylaw (LUB) outlines the land use rules and regulations. While the Bar None Ranches ASP refines the vision for the Plan Area with a greater level of detail, adherence to the MDP and LUB is required. The Bar None Ranches ASP does not supersede, repeal, replace, or otherwise diminish any other statutory plan in effect in the Plan Area.

Policy 6.0.1: The policies contained in the Bar None Ranches ASP shall be reviewed and implemented by the Municipal District of Foothills No. 31 at the discretion of Council.

Policy 6.0.2: Periodic review and amendment of the Bar None Ranches ASP may be required in accordance with the Municipal Government Act.



APPENDIX A

Restrictive Covenant
18 April 2016

Dated :

Bar None Ranches Ltd.

RESTRICTIVE COVENANT

RESTRICTIVE COVENANT AS TO USE OF LAND

KNOW ALL MEN BY THESE PRESENTS that Bar None Ranches of Box 62 of DeWinton, Alberta, TOL OXO (the "Covenantors") being registered owners of an estate in fee simple of those lands described as:

Firstly: Plan _____ Block ____ Lot ____
 Excepting thereout all mines and minerals
 Area (____ acres)

Secondly: Plan _____ Block ____ Lot ____
 Excepting thereout all mines and minerals
 Area (____ acres)

Thirdly: Plan _____ Block ____ Lot ____
 Excepting thereout all mines and minerals
 Area (____ acres)

(The "Lands") does for themselves and their successors in title to the Lands COVENANT AND AGREE for themselves, their transferees and assigns and their successors in title to observe and be bound by the hereinafter mentioned covenants provided that the said covenants shall be personally binding upon the Covenantors and their respective successors, successors in title and assigns only which and so long as they remain the owner or owners of any portion or portions of the Lands, then only in respect of such portion as is owned by them or any one or more of them in as much as the said covenants shall be construed to be and shall be covenants running with the Lands and shall be appurtenant to all of the Lands for the benefit of all of the respective owners thereof from time to time, that:

All of the Lands shall be subject to the building restrictions conditions and controls as described in Schedule "A" to this agreement, which shall be deemed to be covenants running with the Lands and shall be binding upon and ensure to the benefit of all of the Lands and owners thereof which they are owners from time to time: such building restrictions and conditions having been imposed as a building scheme with a view to maintaining the general character of all the Lands and to controlling the same with respect to the manner of design for residential housing purposes. Such design restrictions and conditions may be enforced by the owner of any of the Lands.

The Lands shall not be developed otherwise than in conformity with the conditions and covenants set out in this building scheme.

No action shall lie against Bar None Ranches Ltd. for damages for breach of any one or more of the covenants contained in this Restrictive Covenant unless Bar None Ranches Ltd. is the registered owner of the Lands alleged and proven by a court of competent jurisdiction to be in breach of this Restrictive Covenant. This covenant shall constitute an absolute defense to any action and may be leaded as such.

If any provision of this Restrictive Covenant of the application thereof to any person or circumstance shall

to any extent be invalid or unenforceable, the remainder of the Restrictive Covenant shall not be affected thereby and each remaining provision shall be valid and shall be enforceable to the extent permitted by law.

IN WITNESS WHEREOF the Covenantors have hereunto affixed their hands and seal this
_____ day of _____ . 2016

Witness

Bar None Ranches

ATTACHED TO AND FORMING PART OF A RESTRICTIVE COVENANT DATED THE

_____ DAY _____, 2016

CONTRACT # -

Witness

Buyer

Witness

Buyer

SCHEDULE "A"

BAR NONE RANCHES LTD. ACREAGE DEVELOPMENT RESTRICTIONS , CONDITIONS AND CONTROLS.

1. The lands shall only be used for purpose of a single family, country residential development. No attached or semi-detached dwelling, duplex or apartment shall be erected on the said lands, provided that nothing herein shall prevent the owner of any Lot making adequate provision for domestic staff
2. Formal standards for development will be those as established by the Municipal District of Foothills No. 31 Land Use Bylaw. Conformity with these guidelines does not supersede the required approval process of the Municipal District of Foothills No. 31. This additionally includes compliance with the Municipal Dark Skies Bylaw (27/2009) and the Community Standards Bylaw (45/2013).
3. No Lot nor building thereon shall at any time be used for the purposes of any professional, trade or business of any description unless it is permitted under the Minor Home Occupation provisions of the Bylaws of the Municipal District of Foothills No. 31. No Major Home occupations shall be supported on these Lots.
4. No equipment, material or supplies will be stored or stockpiled on the property other than as normally or regularly used in conjunction with a single family residence.
5. No Lot shall be used for depositing, dumping, burning or storing of any refuse, trash, garbage or discarded building materials. All rubbish, trash, garbage or discarded building materials shall be removed from the property and shall not be allowed to accumulate thereon. Burning of garbage or any other material is strictly prohibited.
6. The location of the home or building is the prerogative of the Purchaser subject to all buildings being located within the legal building envelope. Locations chosen should be complementary to adjacent properties. It is intention of the parties hereon that all dwelling houses erected on the said lands shall have as far as possible, a desirable view of the surrounding country side.

7. No excavation shall be made except for the purposes of construction or improvement of buildings, gardens or grounds. No person shall alter the existing drainage and all open areas of the said Lots shall be maintained in a dust-free condition by landscaping with trees, shrubs, suitable ground cover or undisturbed natural growth. The approach to the said Lot shall be of gravel or better quality. All Lots and buildings thereon shall be maintained in a clean and tidy manner and in good and substantial repair.
8. All electrical, telephone or other utility services must be installed underground.
9. Sewage disposal is the responsibility of the individual lot owner and shall be in accordance with the requirements of the Municipal District of Foothills and provincial regulations. At a minimum individual high efficiency septic systems are required.
10. Animals will be allowed for personal use only and shall be limited to domestic pets. Horses, dogs, and other pets subject to approval of Municipal District of Foothills No. 31 allowable animal units by bylaw. The animals shall be confined to the said Lands and shall cause no nuisance to other Lot owners.
11. No particular building form will be imposed. Each design should be in harmony with the country residential neighborhood. A triple car garage, attached or unattached to the dwelling, may be erected on each Lot. A private garage shall in either case conform in style and exterior finish to the dwelling.
12. Upon the commencement of construction, the construction to the completion of the exterior of the dwelling or any garage or other outbuilding and landscaping must be completed within a period of 12 months, excepting seasonal deficiencies, which will then be completed as soon as weather permits.
13. Precautions must be taken during the construction period to avoid damage to the natural environment in which these homes are being built. Construction water must be handled with care to avoid damage to the area and must not be released into the natural drainage area. All onsite surface drainage must be coordinated with the Master Drainage Plan. Allowing drainage into neighbouring lots shall not be permitted.
14. A suitable sized garbage container must be located at the site during construction to avoid debris and garbage blowing into other areas of the subdivision or into neighboring area. Household and other garbage must be removed from the property at least monthly and disposed of in accordance with the local laws at the expense of the landowner.
15. Excess fill arising from basement excavation, etc., must be removed from the site within a 12-month period, unless it can be incorporated into the site.
16. Conservation of water resources must occur inside and outside of the building envelope. Low flow fixtures are required in new home construction and irrigation systems tied to the potable water supply source are prohibited. Irrigation may be accomplished by cistern installation or rainwater capture and re-use within the building envelope. Exterior hose bibs tied to the groundwater source

should not be permitted.

17. The Purchaser agrees that he shall be responsible for any damage to the roadway or entrance ways on land adjacent to the Lot or in any common property of the subdivision caused a result of the actions of the Purchaser or any of the Purchaser's agents, employees or contractors. And he shall indemnify and hold harmless the Vendor from any loss, damage or claims resulting thereto.
18. There is no building commitment to construct a home on the Lot. However, the Purchaser acknowledges and supports the Vendor's policy of controlling the design and appearance of the Lands and therefore the value of the Lot.
19. Any garden shed or greenhouse erected on the property shall be architecturally compatible with the said dwelling house or commensurate with the country residential subdivision, utilizing the same roofing materials as the dwelling house with only steel, aluminum, log finish, or stucco sidings acceptable. Any garden shed or greenhouse erected on the property must be sided and completed within 12 months of the commencement of construction of building.
20. The lot owner, his family, and guests shall not operate or permit the operation of motorized vehicles on public areas, such as riding trails, Environmental Reserve, Municipal Reserve, or ditches.
21. If any of the preceding covenants is determined to be void or unenforceable, in whole or in part, such invalidity or unenforceability of that covenant(s) shall not affect any other covenant and the remaining covenant(s) shall be deemed to be separate and distinct covenants.
22. No covenants herein shall be deemed to restrict any provision of any development control bylaw, development control resolutions, zoning regulation or land use regulation, or any other similar bylaw, resolution or regulation, passed or imposed by any governmental authority but the covenants herein are to be considered as additional restrictions.
23. These covenants shall be and are deemed to be covenants running with the land and shall be personally binding upon the successors and assigns of the property herein referred to.
24. This Agreement shall not merge upon the delivery or registration of a Transfer of any lot but shall survive same.
25. If any of the preceding covenants is determined to be void or unenforceable, in whole or in part, such invalidity or unenforceability shall affect the validity or enforceability of any other covenant, and the covenant herein shall be deemed to be separate and distinct covenants.
26. If any debate or difference arises over the interpretation of the restrictions and conditions herein contained or as to the stage of construction or location of any buildings, such as a dispute or difference shall be determined by BAR NONE RANCHES whose decision shall be final and binding.

APPENDIX B

Public Consultation
18 April 2016

27 December 2015

RE: Redesignation from "Agriculture District" to "Country Residential" to allow for the creation of five (5) new lots (+/- 2.46 acres each) NE Section 34-20-1 W5M
AREA: 123.61 Acres within the Municipal District of Foothills.
Landowner: Bar None Ranches Ltd.

OPEN HOUSE: Thursday - January 14, 2016 from 5:00pm to 7:00pm DeWinton Hall

Dear Neighbour,

We recently made application for land use redesignation for the 123.61 acre parcel that is bound by Highway 549 on the west side and north side. We are proposing the creation of five (5) new lots +/- 2.46 acres in size and a Municipal Reserve parcel of +/- 5.35 acres in size. We anticipate the public hearing for this application will be scheduled in February 2016. Please refer to the enclosed location plan and site plan.

We offer the following overview of the design considerations in planning this site:

- This quarter section currently consists of six (6) County Residential parcels ranging in size from 9.39 acres to 2.92 acres. Two (2) existing parcels are on the east side of this quarter and four (4) are on the west side. The proposal we are making is to extend the cul-de-sac on 40th Street W. and complete the subdivision of CR lots along the west side of the quarter section. The Municipal Reserve lot is strategically located to preclude further fragmentation of the balance. In order to reduce the proliferation of access onto the provincial highway system (Highway 549) we were not proposing any additional access (we are retaining field approaches for farm equipment) or any future additional fragmentation of the Agricultural Balance.
- This site plan reflects a conscious effort in the implementation of a rural lot clustering strategy and leaving of a greater amount of open space. Lot clustering and reduction in lot size (we are proposing +/- 2.46 acre lots instead of the usual 4 to 5 acre lots) has resulted in greater protection of the useable agricultural land. The proposed rear lot line follows an existing fenceline. It is the intention of the landowner to retain the balance of the quarter section in agriculture. We have also proposed a large Municipal Reserve (MR) parcel of +/- 5.35 acres which is strategically located to allow the MD to control any future access on to 40th Street W and preclude the potential subdivision of the balance by doing so. MR is to be utilized by the MD for Park, School, or Recreational uses. It is important to note that Alberta Transportation has requested a 20m linear service road dedication along the north boundary of the MR parcel to the balance of the quarter. This is not something we support as we do not want to leave any opening for future intensification



of the balance. Alberta Transportation has also indicated that they want no further access from 40th Street W to Highway 549 should this proposal be approved.

- This site would be serviced by individual groundwater wells and individual high efficiency septic systems. In order to be prudent with the resource, no use of groundwater for irrigation purposes would be permitted outside of the building envelope. Homeowners would be required to utilize rainwater capture, low impact development techniques, or haul in to private cisterns for exterior non-potable irrigation.
- We understand a full Stormwater Management Report will be a condition of first reading and we are prepared to provide it at that time. We also understand the site is subject to the Community Sustainability Fee of \$11,000 per lot to be applied to municipal improvements (i.e.: road upgrades) in the area.
- The Municipality has directed that 40th Street W be upgraded to the current Municipal standard this will require that the current 40th Street W receive another lift of asphalt and the new extension of 40th Street also include 90 mils of asphalt to meet current standards.
- The site will have Architectural Controls and Restrictive Covenants in the same manner and reflecting similar base principles as existing Bar None developments, with a professional architectural enforcement protocol prior to issuance of a building permit. Mr. Chouinard's daughter and son-in-law currently reside in the community and this is important because they have a vested interest in a quality outcome.
- We anticipate the Municipality will require the "A" designation on these lots which then triggers a Development Permit prior to issuance of a Building Permit which is a higher order of control than has been seen in the past and we have no concerns with meeting this standard. The Development Permit will require that the lots are developed according to approved lot grading plans, stormwater management plans, and private septic treatment systems recommendations.
- We have attempted to reduce viewshed interference with existing residences as much as possible and we will require that the building height restriction in the land use bylaw be adhered to.

We encourage you to call us if you have any questions or concerns about this proposal. Please contact Kristi Beunder at 403.201.5305, and we are more than happy to come and meet with you at your convenience. Alternately, your Municipal Planner is Ms. Alayna Small and she can be reached at 403.652.2341 if you would rather speak to the MD of Foothills staff.



We want to achieve nothing but the highest quality outcome for this parcel. We would appreciate your support and would also appreciate the opportunity to discuss any questions or concerns you may have with this proposal.

We invite you to attend an **Open House at DeWinton Hall on Thursday January 14th 2016, from 5:00pm to 7:00pm** where myself and Mr. Lynn Chouinard of Bar None will be in attendance to meet with you and review the application and listen to any questions or concerns you may have.

Sincerely,
CivicWorks Planning + Design Inc.



Kristi Beunder B.A., M.E.Des.
Principal + Senior Planner, RPP, MCIP

OPEN HOUSE SIGN-IN

[illegible]

ENGAGEMENT SUMMARY

	Direct Neighbour?	Opportunities and Constraints	General Impression	Was this meeting effective?	Suggestions for Communication
1	Y	I worry about my well		Yes, Thank you for listening to my concern and saying when the wells are tested simultaneously that my well will be tested as well. This made me feel that you listened and valued by concern	
2	Y	Not Really	Very clear on propasal, no concern on my part	Liked the format in a community style	no suggestions
3	Y			Not for this development at all	
4	Y	I really like that the whole strip will be filled. It will make the community safer.	Well thought out. Glad for smaller lots not allowing horses	Loved the format. Personal	No
5	Y	There is nothin in it for the neighbours. Just wishes to specific to high density development	Don't like it. Will lead to mirrored development that could ultimately add a total of 10 acerages. Understand proposal.	There should have been a formal presentation. Questions should have been welcomed in a group setting where everyone could hear all the comments	Not at this time

APPENDIX C

BUNT Traffic Report

18 April 2016



February 23rd, 2016
1588-01

Kristi Beunder
CivicWorks Planning + Design
Suite 460, 5119 Elbow Drive SW
Calgary, AB T2V 1H2

Dear Kristi:

**Re: Bar None Ranch Residential Development
Existing Intersection Review**

Bunt & Associates was retained by CivicWorks Planning + Design to complete a high level review related to proposed residential development along 40th Street W. within Municipal District of Foothills (MD). The proposed development would see 4 additional single-family homes on 40th Street W, south of Highway 549 (338th Avenue W.). An additional review was also completed to discuss possible effects on the road network if the land immediately east of the existing homes is ever developed.

It is noted that this review does not purport to represent the level of detail that would be contained within a formal Transportation Impact Assessment (TIA). The MD or Alberta Transportation may require such an assessment at some point later in the process, but the exercise completed here was intended purely to establish the general transportation characteristics of the area in response to concerns raised at a recent Open House for the project.

1. EXISTING CONDITIONS

1.1 Background Information

Currently there are 11 single-family homes along 40th Street in this location. With the 4 new units being proposed the total number of single-family homes along this south leg of 40th Street will be 15.

Bunt & Associates completed a site visit and an intersection traffic count at 40th Street W. / Highway 549. Highway 549 has an overall paved width of approximately 9.6 metres. The driving lanes are each approximately 3.9 metres and the north shoulder 0.8 metres and the south shoulder 1.0 metre. 40th Street has a paved width of 7.0 metres with flaring at the connection with Highway 549 consistent with Alberta Transportation's Type 1 intersection design. A copy of a typical Type 1 design has been attached to this

letter. The intersection of 40th Street W. / Highway 549 is stop controlled on the north/south legs (40th Street). The speed limit on Highway 549 is 100 km/h and the speed limit on 40th Street is 60 km/hr.

Figure 1 summarizes the AM and PM peak hour volumes observed on Thursday January 28, 2016.

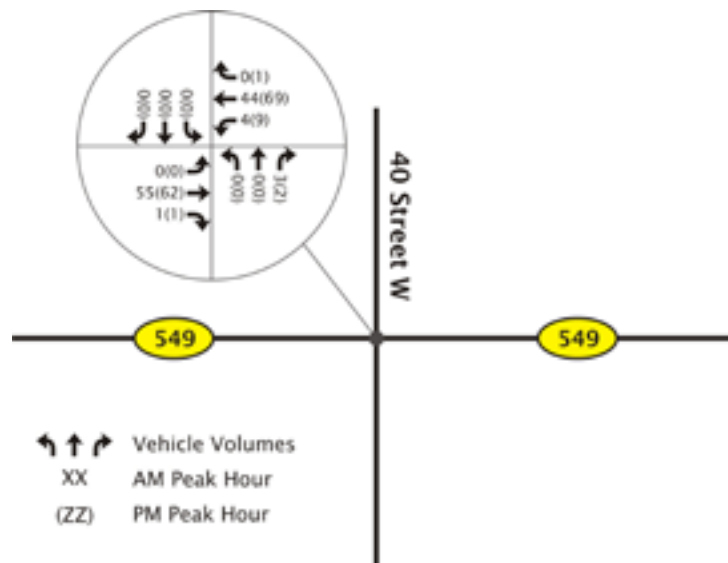


Figure 1: Existing Traffic Volumes

1.2 Existing Intersection Review

The traffic volumes gathered manually by Bunt & Associates in 2016 were used in conjunction with Alberta Transportation (AT) traffic volumes collected in 2014 at the intersection of Highway 552 / Highway 549. Based on Figure D-7.4 from AT's Design Guideline, the intersection of 40th Street / Highway 549 was reviewed to evaluate the warrants for intersection treatment and to compare the existing design with the actual design warranted by the existing traffic volumes, and to identify differences (if any). As stated above, the intersection is currently a Type 1 intersection based on AT criteria.

Figure D-7.4 utilizes Average Annual daily Traffic (AADT) volumes, and so the peak hour counts were converted to daily estimates of approximately 100 vehicles per day (vpd) for 40th Street and 1670 vpd for Highway 549.

Based on this information, the intersection of 40th Street W. / Highway 549 is on the cusp of meeting the requirements for an improvement to a larger Type 2 intersection treatment. A typical Type 2 design is

attached. Considering the peak hour volumes are very small, and that the daily volumes are estimated from a limited data set, and since there are no known safety or other issues with respect to the existing operation no intersection improvements appear to be necessary at this time.

1.3 Sight Lines

The sightlines for the intersection of 40th Street W. / Highway 549 were reviewed by Bunt & Associates. The AT guidelines suggest a minimum stopping sight distance (SSD) for Highway 549 is 200 metres and the desired decision sight distance (DSD) is 300 to 390 metres. The on-site review of the sight distance confirmed that this location meets the AT sight distance requirements.

2. POST-DEVELOPMENT CONDITIONS

2.1 Proposed Development

The proposed development would see the addition of 4 single-family homes plus formalization of the lot around one existing home. The site plan is shown on **Exhibit 1**. These additional units would bring the total number of homes along the south leg of 40th Street W. to 15 units which would be expected to add fewer than 4 additional trips during either of the weekday AM or PM peak hours, and a total of approximately 30 trips per day.

The overall increase in traffic on Highway 549 and the intersection with 40th Street W. as a result of these 4 additional units will have no significant impact on the intersection operations. The intersection treatment indicated in AT's guidelines remains on the cusp, suggesting that either a Type 1 or a Type 2 treatment could be rationalized under existing background traffic conditions. If further analysis is required by the MD or AT to support the application, it is recommended that a full 24 hour count be collected at establish the actual daily traffic volumes.

2.2 Other Future Development

In addition to the proposed development, there is a remnant parcel of approximately 100 acres to the east of 40th Street W. This parcel is in the southwest quadrant of Highway 552 / Highway 549 intersection. It is our understanding that the owner of this parcel has no intention of going forward with development this remnant parcel. That being said, if at some point in the future development was proposed, standard density as outlined in the land use by-law could allow for an additional 20 units developed on this parcel. AT's guidelines specify that access be made to the local road network where possible before a direct connection is allowed to a highway. In this case, it is our understanding that protection for a service road to 40th Street W. is being requested through a parcel of municipal reserve (MR) as illustrated on Exhibit 1.

This MR parcel provides approximately 100 metres of frontage along 40th Street W. Provision of an access connection through this MR parcel to 40th Street will require an offset from the 40th Street intersection with Highway 549 such that the at least half of the 100 metre width of the MR parcel will be required. Although this would need to be assessed through a functional design, a cursory overlay of turning vehicle templates



Base Map Source: CIVICWORKS PLANNING + DESIGN

Exhibit 1

Site Plan

Bar None Traffic Review
February 2016 Scale NTS

suggests that the offset and resulting intersection bulb could require the use a significant portion of the MR at this location.

It is also noted that the development of 20 residential lots could result in the need for further upgrades to the Highway 549 / 40th Street W. intersection to a Type 3 design per AT guidelines. A typical Type 3 design is attached to this letter.

The combination of possible intersection upgrades to a Type 3 intersection design and the additional right of way needed for the service road essentially utilize the majority of the MR parcel adjacent to the highway, though this would need to be reviewed in more detail as part of any future development. The only possible alternative access option that might be viable within AT access management guidelines would be to provide an intersection along the south edge of the parcel, 800 metres south of Highway 552 / Highway 549 intersection. This would necessitate consolidation with the other near-by single residential accesses. Such an access option would need to be reviewed and assessed as part of a separate exercise, in consultation with both the MD and AT.

3. SUMMARY

Bunt & Associates was retained by CivicWorks Planning + Design to complete a high level review related to proposed residential development along 40th Street W. within Municipal District of Foothills (MD). It is noted that this review is intended to purely to establish the general transportation characteristics of the area under existing traffic conditions in response to queries raised at a recent Open House for the project. It does not represent a formal TIA and the associated requisite assessment of future long-term horizons.

The intersection of 40th Street W. / Highway 549 is currently a Type 1 intersection under AT design guidelines. While it is on the cusp of requiring an upgrade to a Type 2 intersection based on the estimated daily volumes; those volumes are low, estimated based on a small data set, and the intersection exhibits no operation or safety issues that we are aware of. As such, no changes appear to be necessary to accommodate existing conditions, and this remains largely unchanged as a result of adding 4 additional homes. Future conditions could result in more traffic along Highway 549 and that may necessitate the need for an improvement at this location, though such an assessment was beyond the scope of this study and would typically be the subject of a formal TIA.

Additional development on the remnant parcel on the southwest corner of the intersection of Highway 552 / Highway 549 would certainly necessitate the need for improvements of the intersection to a Type 3 design, assuming access via a service road intersection on 40th Street W. This service road connection could require at least 50 additional metres of right-of-way at the intersection location. The actual specifics of the design of the service road and the intersection improvements on Highway 549 would be part of a functional design exercise to be completed if/when the east lands are developed. A possible alternative access would be via the south property line of the site directly to Highway 549. This would include consolidation of the existing accesses at this location.

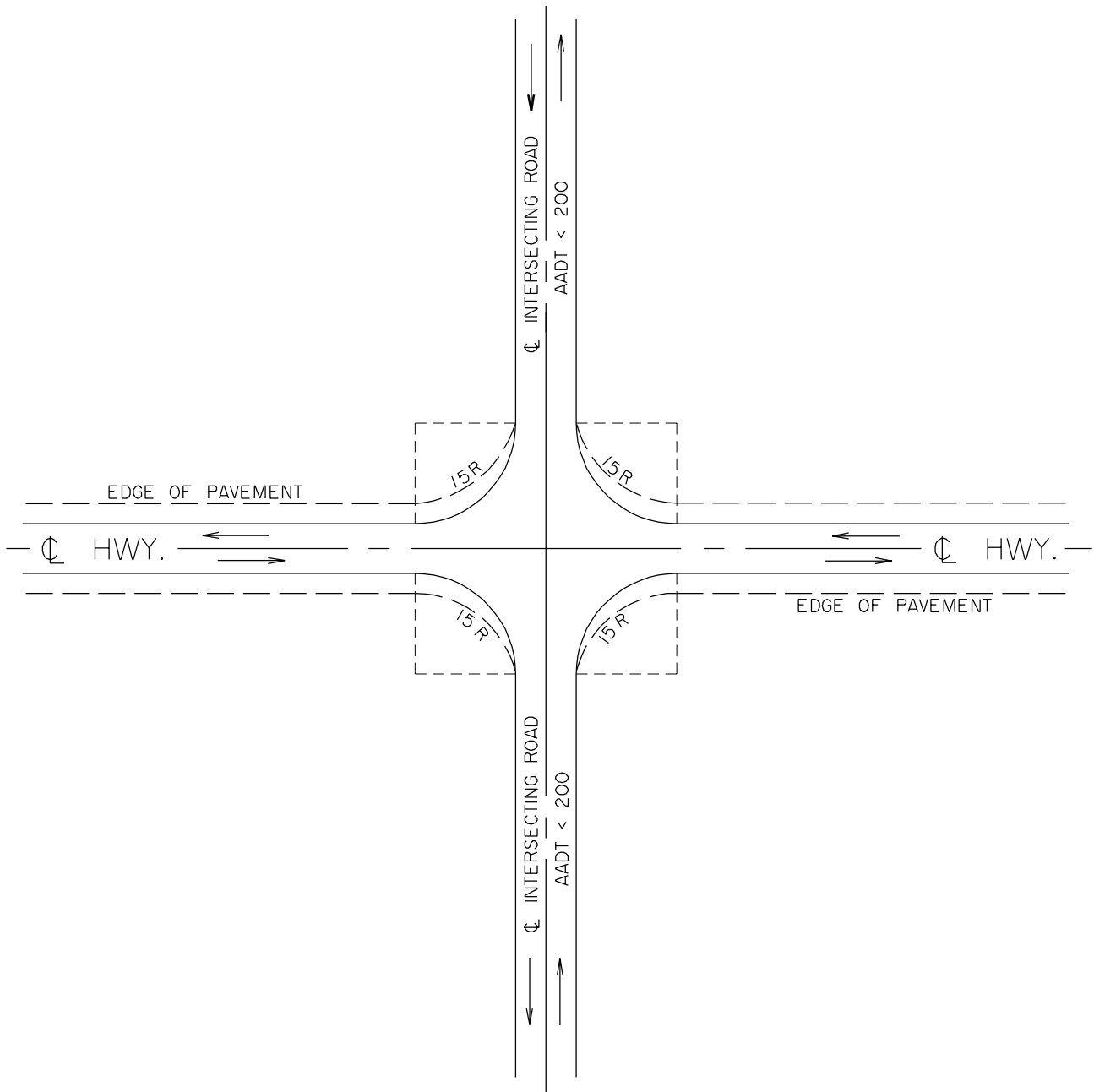
We believe this letter sufficiently addresses the items raised with Bunt & Associates. If there are any questions or wish to discuss any items further, please do not hesitate to contact us.

Yours truly,
Bunt & Associates

Leslie Radway, P.Eng.
Senior Transportation Engineer

LR/lr,gp

FIGURE D-7b INTERSECTION TREATMENT (TYPE 1b)
 (Two-Lane Highway)

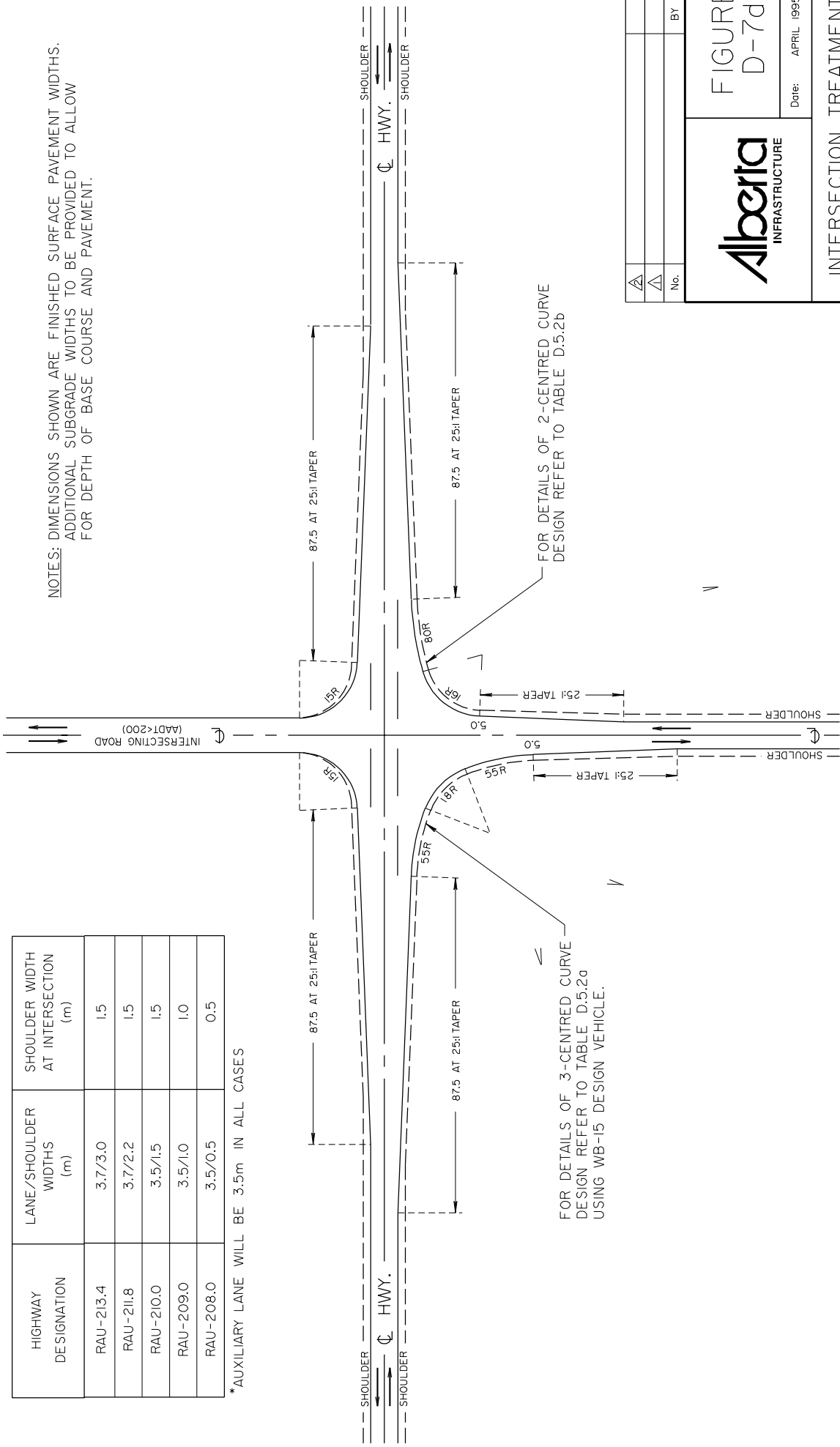


NOTE: DIMENSIONS SHOWN ARE FINISHED SURFACE
 PAVEMENT WIDTHS. ADDITIONAL SUBGRADE WIDTHS
 TO BE PROVIDED TO ALLOW FOR DEPTH OF

HIGHWAY DESIGNATION	LANE/SHOULDER WIDTHS (m)	SHOULDER WIDTH AT INTERSECTION (m)
RAU-213.4	3.7/3.0	1.5
RAU-211.8	3.7/2.2	1.5
RAU-210.0	3.5/1.5	1.5
RAU-209.0	3.5/1.0	1.0
RAU-208.0	3.5/0.5	0.5

*AUXILIARY LANE WILL BE 3.5m IN ALL CASES

NOTES: DIMENSIONS SHOWN ARE FINISHED SURFACE PAVEMENT WIDTHS.
ADDITIONAL SUBGRADE WIDTHS TO BE PROVIDED TO ALLOW
FOR DEPTH OF BASE COURSE AND PAVEMENT.



△					
△					
No.			BY	DATE	

FIGURE
D-7d

Date: APRIL 1995

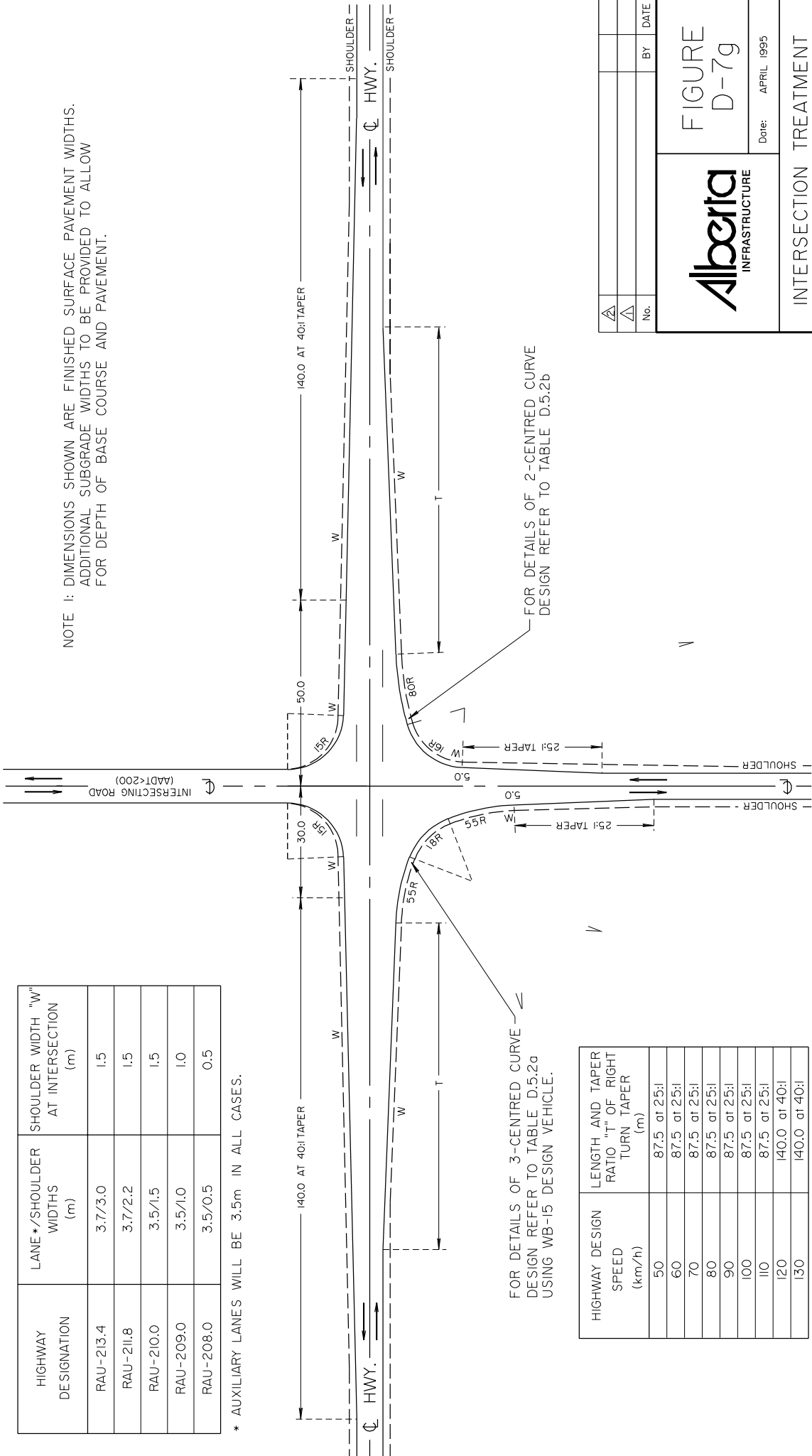
INTERSECTION TREATMENT
(TYPE IIb)
(TWO-LANE HIGHWAY)

Prepared By: Cgk	Checked By: B.K.	Scale: N.T.S.	PAGE D-119
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HIGHWAY DESIGNATION	LANE */SHOULDER WIDTHS (m)	SHOULDER WIDTH "W" AT INTERSECTION (m)
RAU-213.4	3.7/3.0	1.5
RAU-211.8	3.7/2.2	1.5
RAU-210.0	3.5/1.5	1.5
RAU-209.0	3.5/1.0	1.0
RAU-208.0	3.5/0.5	0.5

* AUXILIARY LANES WILL BE 3.5m IN ALL CASES.

NOTE 1: DIMENSIONS SHOWN ARE FINISHED SURFACE PAVEMENT WIDTHS. ADDITIONAL SUBGRADE WIDTHS TO BE PROVIDED TO ALLOW FOR DEPTH OF BASE COURSE AND PAVEMENT.



FOR DETAILS OF 3-CENTRED CURVE DESIGN REFER TO TABLE D.5.2a USING WB-15 DESIGN VEHICLE.

HIGHWAY DESIGN SPEED (km/h)	LENGTH AND TAPER RATIO "T" OF RIGHT TURN TAPER (m)
50	87.5 at 25:1
60	87.5 at 25:1
70	87.5 at 25:1
80	87.5 at 25:1
90	87.5 at 25:1
100	87.5 at 25:1
110	87.5 at 25:1
120	140.0 at 40:1
130	140.0 at 40:1

	FIGURE D-7g	
	Date: APRIL 1995	
INTERSECTION TREATMENT TYPE IIIb (TWO-LANE HIGHWAY)		
Prepared By: Cgk	Checked By: B.K.	Scale: N.T.S.
PAGE D-125		DATE

APPENDIX D

GRIT Report

18 April 2016



Groundwater Information Technologies Ltd.

January 28, 2016

Bar None Ranches
PO Box 262
Dewinton, AB T0L 0X0

Attention: Lynn Chouinard

Dear Ms. Chouinard:

RE: Aquifer Interference – Domestic supply wells in Section 34 – 20 – 1W5

A review of the aquifers and water well records were made to determine the potential for additional groundwater withdrawal from four new lots having adverse affects on existing groundwater users. The results show that the wells largely obtain water from isolated aquifers and the aquifers are generally of good quality capable of supplying the relatively limited demands of household use.

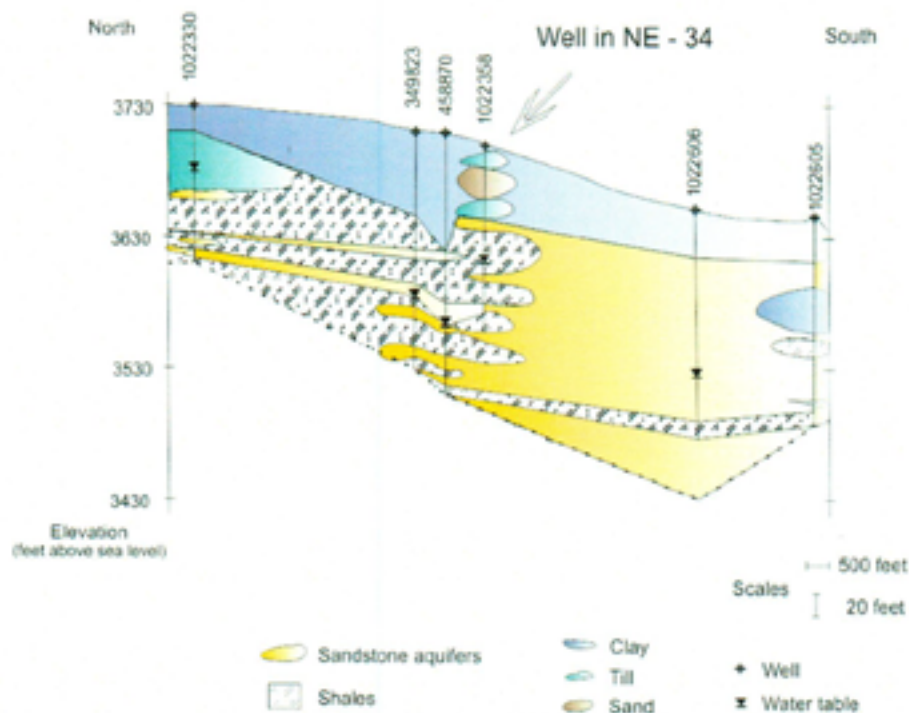
Several of the wells are relatively shallow (less than 100 feet deep) and have limited amount of available drawdown. As a conservative assumption we would recommend that future wells on the proposed subdivision parcels obtain water from aquifers with bases below 100 feet to ensure that the new wells do not utilize the same aquifers as utilized by many of the existing homeowners.

The proposed subdivisions are shown on the attached air photo as provided by Civic Works. A parcel within the south-west corner of the quarter section is to be subdivided into 5 lots with the one parent parcel (Lot 5) currently containing a well. No wells have been installed on the other 4 parcels. Five residences are currently in place north of the proposed subdivision in NE – 34, five subdivisions are present adjacent to these properties in NW – 34 and additional residences are present south of the site in SE – 7 (approximately 16 residences).

The water well records in the subject quarter section were examined to determine depths to the aquifers and depths to the water level in the wells to see if all wells are on a common aquifer. A summary of the results for the wells in NE – 34 are as follows:

LOCATION	WELL ID	OWNER	AQUIFER ZONE (FEET)	WATER LEVEL (FEET)
NE - 34	341231	Bar None	127 - 133	49
NE - 34	341232	Bar None	90 - 110	61
NE - 34	341233	Bar None	62 - 77	50
NE - 34	341234	Bar None	93 - 96	43
NE - 34	349823	Chouinard	162 - 168	131.7
NE - 34	381053	MacDonald	59 - 69	52
NE - 34	381054	MacDonald	74 - 80	45
NE - 34	458870	Chouinard	184 - 189	151.9
10 - 34 (LOT 5)	1022330	Bar None	106 - 110	50.4

Numerous aquifer zones and water levels are observed that indicate that no single continuous aquifer is present and the aquifers are likely isolated. A regional north – south geological cross section was constructed using wells where the locations can be reasonably determined. An air photo showing the location of the cross section is attached with the cross section shown as follows:



The results indicate isolated aquifers north of Lot 5, however a thicker more continuous sandstone exists south of the subdivision. It is also likely that sufficient aquifers exist on the proposed lots north of Well 1022358 below a depth of 100 feet.

A review was undertaken of the pumping tests for the wells in NE – 34. All wells are capable of supplying sufficient water for domestic use (at a rate of defined in the Water Act of 1250 cubic metres per year). It is observed however that the shallow wells have limited available head (the distance between the static water level and the top of the aquifer).

These shallow wells may be more susceptible to a further decline in water levels during long term droughts. As a result, it is recommended that any new wells not utilize these shallow aquifers (with base of the aquifer less than 100 feet) and any new wells be installed to obtain water from deeper aquifers.

Yours truly,

A circular blue ink stamp of a Professional Geologist. The outer ring contains the text "PROFESSIONAL GEOLOGIST" at the top and "ALBERTA" at the bottom. Inside the ring, the name "KEN HUGO" is written in a semi-circle. Below the name is a stylized signature. At the bottom of the seal, the text "APEGA 12077" is visible.

Ken Hugo, P.Geol.
APEGA 12077

/att



