

A photograph of a brown and white horse standing in a grassy field. The horse is facing right, with its head turned slightly towards the camera. It has a white blaze on its face and white markings on its legs.

Eden Park Estates Area Structure Plan (Amendment)

**Prepared for
Municipal District of Foothills No. 31**

Adopted

May 2007

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MISSION STATEMENT

The Eden Park Estates Area Structure Plan (ASP) amendment is intended to provide long-term vision and development framework serving as a guide to appropriate forms of future land use and development within the Plan Area. The Eden Park Estates ASP amendment will assist municipal policy makers, planners, landowners, and the developer.

1.0 INTRODUCTION

1.1 Context and History

The MD of Foothills Council originally requested that an Area Structure Plan (ASP) be prepared as a condition of redesignation of 110-acre parcel of land (Bylaw 187/99) (**Figure 1 – Site Location**). This was completed and in August 2000 Council as adopted the Eden Park Estates Area Structure Plan. The plan was subsequently amended March 8, 2007 and amending Bylaw 53/2007 was passed. The subject property is located southwest of DeWinton and forms part of the NW ¼ of Section 26, Township 21, Range 1, West of the Fifth Meridian. The property is accessed from Secondary Highway No. 552, a paved two-lane highway, which borders the west side of the subject property.

This ASP will provide the basis of understanding for Council, MD staff, and the public as it provides a layout for the proposed area and its land use.

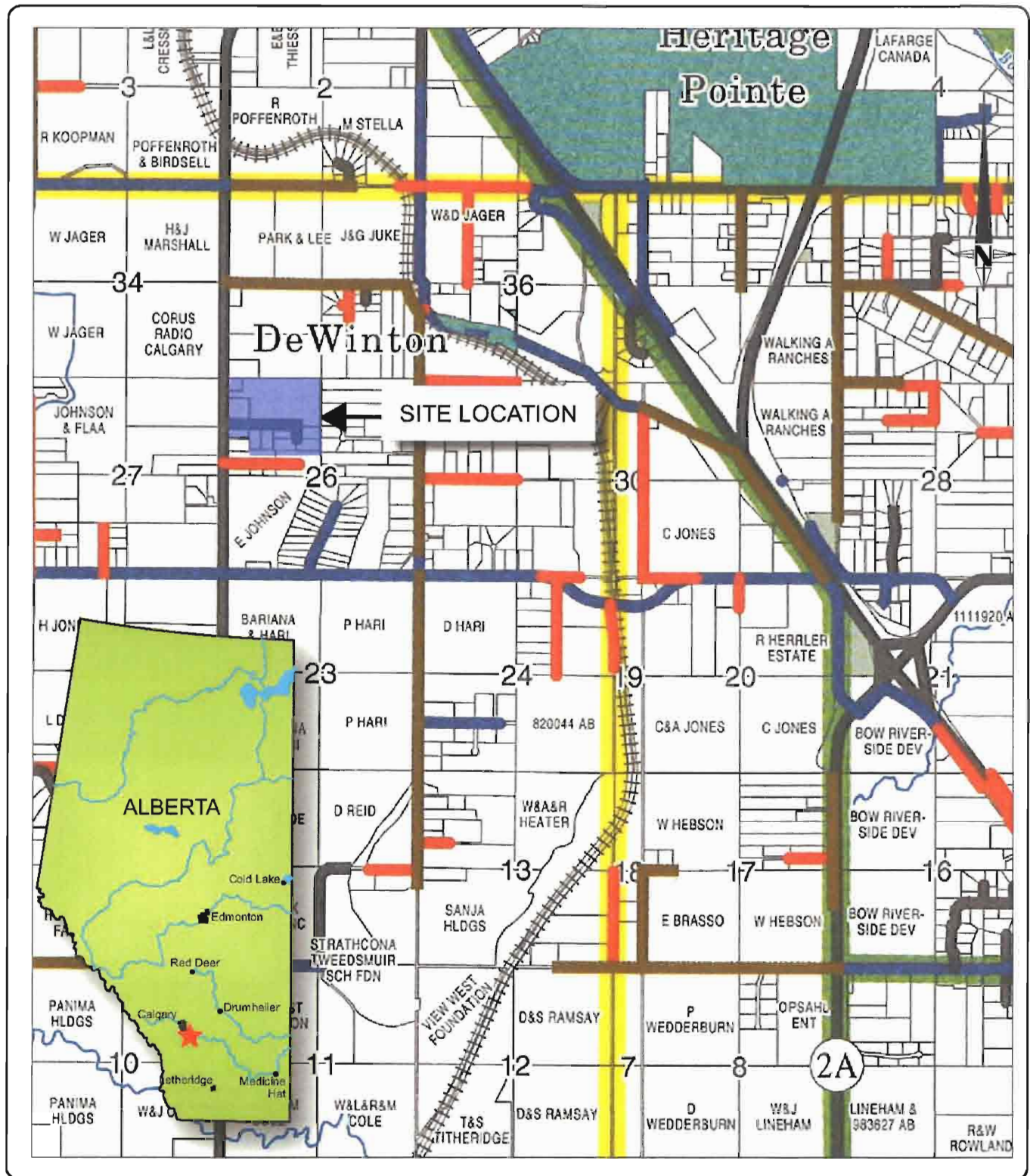
Figure 2 – Site Plan identifies the physical Plan Area and land use concept for the Eden Park Estates ASP.


The exact legal description of the subject property are as follows:

- Plan 9212199, Block 3, Lot 3, portion of the NW ¼ 26-21-01 W5M comprising a total land area of 44.5 hectares (110 acres).

The NW ¼ 26-21-01 W5M was originally split into two 40-acre parcels and an 80-acre parcel in 1974. In 1989, the southernmost 40-acre parcel was subdivided into a 10-acre lot and a 30-acre residential parcel. A further subdivision of the 30-acre parcel was approved in 1994 with the creation of a 2.5-acre lot. In 1991, two 5-acre lots were subdivided from the northernmost 40-acre parcel. The balance of the 40-acre property (30 acres) was subsequently consolidated with the adjoining 80 acres to create the current 110-acre property. In March 2007, an amendment to the Eden Park ASP was requested which allowed for a total of 22 lots on the original 110 acre title.

The subject property is located in an area of the Municipality that has already experienced significant fragmentation of agricultural lands. In terms of surrounding development it should be noted that within a 1/2 mile radius of the property there are already approximately 67 properties already designated for County Residential use. There is a range of country residential lot sizes in the area of 3-5 acres to 10-20 acres in size. Consequently, the density of development in the



	EDEN PARK ESTATES AREA STRUCTURE PLAN M.D. OF FOOTHILLS No.31 PORTION OF LOT 3, BLOCK 3, PLAN 9212199		DESIGNED BY: KB		DRAWN BY: JKO	
			DATE: SEPTEMBER 2006		SCALE: NTS	
	TITLE: SITE LOCATION		PROJECT No.: 06-6606		FIGURE No.: 1	

immediate area is significant and will likely result in additional lot splitting and population growth in the years to come.

The MD of Foothills has experienced a generally high residential population growth trend over the past several years. The increasing residential growth rate has been primarily due to exurban country residential growth from the City of Calgary. It is anticipated that single-family dwellings will comprise the majority of development in the Plan Area which will result in a comparable rural density.

1.2 Opportunities and Constraints

A number of land use planning issues and constraints and resulting design considerations were taken into account in the formulation of the Eden Park Estates ASP. There were as follows:

- a. A review of surrounding lot sizes, configurations, land uses as well as future pedestrian access points were taken into consideration in the phasing of the lands and the open space strategy.
- b. Transportation and access issues relating to both the municipal road infrastructure and adjoining properties and the existing transportation network were also taken into consideration.
- c. Consideration was given to Municipal Development Plan (MDP) policy, specifically, policies dealing with Country Residential development and ASP preparation.
- d. Concerns expressed by surrounding property owners during the redesignation stage of the planning process (i.e. availability of water and density) were reviewed in the context of the policies contained in the Plan.
- e. In order to preserve certain aesthetic attributes of the area, design guidelines are suggested and can be implemented by means of a Restrictive Covenant (Appendix A) registered on title when the property is formally subdivided.
- f. Consideration was given to the proximity of the plan area to urban centers and urban growth pressures to ensure that good infrastructure is provided in the plan area.

2.0 THE PLANNING PROCESS

2.1 Purpose of the Plan

The Eden Park Estates ASP was originally prepared in order to satisfy municipal concerns that development without proper long term planning would be detrimental to the area as a whole. The Eden Park Estates ASP amendment builds upon the foundation of the original Eden Park Estates ASP and continues to focus on the importance of planning the entire parcel in complimentary fashion to the surrounding land uses.

The purpose of the amendment is to define a planning and development framework to guide future growth in the Plan Area by establishing a range of appropriate and compatible land uses. The ASP supports the Foothills MDP by adding another layer of detail to this particular area. The Eden Park Estates ASP amendment takes into consideration the existing ASP, existing land uses, surrounding developments, potential future land uses, public input, physical and environmental characteristics, infrastructure requirements, and growth trends.

2.2 The Legislation

The Eden Park Estates ASP has been prepared in accordance with provincial requirements outlined in s.633 of the *Municipal Government Act* (MGA) (*Statutes of Alberta, 1994, Chapter m-26.1*)

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,*

And

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

In addition, this ASP was prepared in accordance with the Municipal District of Foothills Municipal Development Plan and Land Use Bylaw and complies with the Municipal guidelines

for the preparation of Area Structure Plans. Technical information required to complete this ASP was obtained from the Municipal District of Foothills staff.

2.3 Public Involvement

Early in the plan preparation process (18 February 2000), an informal open house was held on the ASP property with adjacent property owners. This open house allowed interested neighbours to gain some insight into the conceptual design proposed for the land and to discuss any issues they had with the property owners and the consultant. Several adjoining property owners attended the session and no negative comments were recorded in regard to the proposed land use strategy.

A statutory Public Hearing was held on 8 March 2007. First reading of the amended ASP (Bylaw 53/2007) was given 8 March 2007.

Second and third reading was obtained and Bylaw 53/2007 was adopted.

No additional public consultation, outside of the statutory public hearing, occurred as the amendment did not change in the overall foundation of the plan which is to create a Country Residential development that fits with the current surrounding land use. The amendment increases the overall plan area density from 18 Country Residential lots plus 3 MR lots to 22 Country Residential lots and 2 larger MR lots.

2.4 Projected Population Growth

Based on federal census information, the MD of Foothills has experienced a generally high residential population growth rate. The population in the Plan Area will be determined by a number of factors including planning and development policies contained in the Eden Park Estates ASP, market demand, land owner decisions, and the availability of services and infrastructure. To provide some indication of future population potential, the following scenario could be considered:

If the Plan Area were fully developed, as outlined in the Eden Park Estates ASP, the total Plan Area population is estimated at approximately 61.6 persons (including the already developed Phase 1 and the proposed development of Phase 2). The amended area (Phase 2) would consist of approximately 42 persons being added to the population. These projections assume an average household size of 2.8 persons – the average household size in 2003 municipal census – and that eighty-one (81 %) of the available land is developable allowing for environmental considerations and road reserves. The projection does not consider municipal reserve lots, public utility lots as sustaining a resident population.

3.0 PLAN VISION AND GOALS

The Eden Park Estates ASP amendment attempts to achieve orderly, economical and beneficial development, use of land, and patterns of human settlement. It is intended to be flexible long-term framework for development in the Plan Area.

The Eden Park Estates ASP amendment envisions orderly transition striving to retain rural characteristics. The Plan outlines a continuation of the phased development that will occur over time as the area's surrounding density increases. The plan envisions a comprehensive development that is guided by architectural controls and provides amenity to residents.

3.1 Plan Goals

The following goals provide the focus to the Eden Park Estates ASP amendment and collectively represent the future aspirations of the development.

- a. Achieve an efficient, sequential pattern of development.
- b. Establish a high quality residential area to harmonize development with the natural and built environment.
- c. Provide an efficient and safe road network.
- d. Preserve, protect, conserve and/or enhance important and valued natural features of the Plan Area.
- e. Maintain the functional and visual integrity within and outside of the plan area.
- f. Encourage a diversity of land uses working in harmony with one another.

4.0 LAND USE STRATEGY CONCEPT

Figure 2 delineates a conceptual land use strategy for the plan area. This conceptual plan shows a Phase 1 lot pattern that has been the subject of the initial redesignation bylaw (Bylaw 187/99) and the completed development of the remaining Phase (bylaw 53/2007). **Figure 2** also depicts the continued sequential development phasing of the property. It is anticipated that development will continue on with Phase 2 being developed in the short term. In all, the Eden Park Estates development, when completed would contain 15 additional residential developments at a density in keeping with Phase 1 and surrounding lands. As well, the concept plan depicts the currently designated Municipal Reserve (MR) block to be expanded as it is strategically located within the plan area with a potential connection to adjacent undeveloped properties to the north of the plan area.

As well, internal roads shown within the plan have been designated to connect with roadways, which could be extended to property to the north, should further subdivision occur on these



NOTE:
BASE REFERENCED FROM MD OF FOOTHILLS.
ALL DIMENSIONS TO BE VERIFIED BY PLAN OF SURVEY



EDEN PARK ESTATES
AREA STRUCTURE PLAN
M.D. OF FOOTHILLS
PORTION OF LOT 3, BLOCK 3, PLAN 921 2199

LEGEND:

- EXISTING LOTS
- PHASE 1 (EXISTING) - 7 LOTS
- PHASE 2 - 15 LOTS
- EXISTING MR
- PROPOSED EXPANSION OF MR

DESIGNED BY:
KJB

DATE:
SEPTEMBER 2006

SCALE:
1:3000

DRAWN BY:
JKD

TITLE:
PHASE 1 & 2 - SITE PLAN

PROJECT No:
98-6506

FIGURE No:
2

adjacent lands. A road dedication contemplated from this land to the east had been eliminated as the land to the east has subsequently subdivided and has no requirement for this alternate access.

- a. When considering amendments to this plan, redesignation, subdivision or development applications in the Plan Area, the Municipality shall confirm that the application conforms to the phasing strategy as illustrated in **Figure 2** and is compatible with the policies of this Plan.
- b. Any application in the Plan Area that is contrary to the land use strategy (**Figure 2**) and policies contained within the Eden Park Estates ASP requires a formal application for amendment to the ASP.

4.1 Agricultural Land Use Policy

Historically, the Plan Area has been under limited agricultural use. A soils analysis completed by Matrix Consulting indicated that soils on the property are of poor quality. Portions of the property have sustained limited agricultural use with the existing operation of a thoroughbred operation as well as intermittent grazing and hay removal. However, the development of Phase 1 from the Eden Park Estates ASP shows the development shift towards Country Residential in the Plan Area.

Urban growth pressures from Calgary, increasing non-agricultural land values, demand for country residential development, and conflicts between residential and agricultural land use increase pressure for non-agricultural uses. Phase 2 lands have the potential for residential uses provided the transition is orderly and based on Plan policies.

- a. Intensive agricultural operations are discouraged from locating within the Plan Area. As the agricultural balance begins to transition into a residential use the existing thoroughbred operation will be downsized and eventually eliminated.
- b. The large agricultural balance lands within the Eden Park Estates ASP have potential for conversion to Country Residential uses. Any conversion of these lands to Country Residential uses will be in accordance with the general principles of this ASP and the MD of Foothills Municipal Development Plan and Land Use Bylaw.

4.2 Residential Land Use Policy

Figure 2 delineates a continuation of the phased residential development for the remaining land. Phase 1 depicts the previously developed residential development with the creation of seven (7) developed country residential lots. Phase 2 (the area subject to plan amendment) consists of 15 country residential lots. In total the Eden Park Estates ASP development will consist of twenty-two (22) Country Residential lots and two (2) MR lots.

Orderly settlement patterns of residential development should be compatible with the natural environment. There appears to be no environmentally significant sites or areas of low-lying water (ponds, lakes or rivers) on the property. A minor drainage course, which contains water

intermittently in the spring of some years, traverses the property from the southeast of the property to the north of the property. This drainage course will be taken into consideration at the detailed subdivision design stage of the development of the lands. Lots sizes proposed are approximately 3.0 to 3.5 acres in size in order to accommodate single-family dwellings and will include one acre of developable land as prescribed by the Municipal Development Plan (MDP).

- a. Residential lots shall be supplied by individual ground water wells that are drilled and licensed in accordance with the Provincial Water Act and municipal requirements.
- b. Residential lots shall have direct access to a surfaced road in accordance with the Municipal Internal Subdivision road policies.
- c. Residential lots shall support single-family dwellings only. Uses on residential lots shall comply with the Restrictive Covenant registered on title, copied here in **Appendix A**.
- d. Projections for the implementation of Phase 2 in the Eden Park Estates land use strategy shall be dependant upon a number site-specific of factors including:
 - i. the ability of the area to be serviced from individual groundwater wells;
 - ii. the ability of the existing transportation network to handle additional capacity of proposed by a new use in the Plan Area; and
 - iii. the proximity of existing uses to proposed use and the extent of similar residential housing types and density in the area.
- e. In accordance with the Transportation Policies contained in **Section 6.0**, a Traffic Impact Analysis may be required at the time of redesignation or subdivision for residential purposes.

5.0 NATURAL ENVIRONMENT

The topographic characteristics and environmental aspects of lands in the Plan Area should be considered in applications for development.

5.1 General Environmental Policy

- a. The Municipality, through its MDP policies, encourages principles, which take into consideration topographic and environmental considerations when applications for development approval are considered.
- b. The municipality may require that a proponent, in support of a proposal for redesignation, subdivision or development, and at their sole expense, prepare and submit the following in a form and content satisfactory to the Municipality, and in accordance with all pertinent Alberta Environmental Protection guidelines or requirements of the appropriate Provincial Departments:

- i. A Geotechnical report pursuant to the provisions of the *Municipal Development Plan*;
- ii. An Archeological and/or Historical Resources Impact Assessment pursuant to the provisions of the *Municipal Development Plan* and to the satisfaction of the provincial department of Alberta Culture.
- iii. Any additional environmental testing or study deemed necessary by the Municipality.

5.2 Topography

Generally, the lands within the plan area slope from the east to the west. There is a high slope in the northeast corner of the property but the incline is very gradual and is not anticipated to be a development constraint. The slopes essentially surround the property and the majority of the developable area is bottom land with zero (0) to seven (7) percent slopes. The Foothills MDP requires that each lot proposed contains at least one acre of developable land and it is anticipated that this criteria can be achieved for each phase of development. **Appendix C** is an Air Photo of the property depicting terrain in more detail.

- a. Topographic constraints should be taken into consideration in the subdivision approval process and each lot must contain at least one acre of developable land as per Municipal policy.
- b. The Municipality may require a geotechnical report prepared by a qualified engineer in areas where topography is a factor of development. The geotechnical report should contain all information required by the Municipality as described in MD policy.

5.3 Open Space, Recreation and Public Land Requirements

Public Land consists largely of Municipal Reserve (MR) or Environmental Reserve (ER) land that has been dedicated to the Municipality upon development approval. It is not anticipated that environmental reserve land will be taken within the plan area as the property does not contain characteristics identified in S.664 of the MGA as eligible for Environmental Reserve. The Municipality can negotiate the final amount of land required for public use through the detailed subdivision planning process.

The Eden Park Estates project contains a general phasing strategy for the acquisition of MR land. Should all of the lands be developed for residential purposes within the plan area a total of approximately 8.4 acres of land will be dedicated to the MD. This parcel is in a strategic location in order to make it accessible to residents within the plan area and to surrounding property owners. This parcel is located so as to allow a linkage with municipal reserve lands to the north should these properties be subdivided in the future. The dedication and use of Municipal Reserve Parcels is described in Part 17, Division 8 of the Municipal Government Act.

- a. The Municipality supports the retention and enhancement of open space and recreation facilities in the municipality. Linkages between, and continuity of, these spaces are encouraged. The ASP encourages the location of Municipal Reserve land to be located such that is accessible by residents of the plan area as well as surrounding country residential properties.
- b. Dedication of Municipal Reserve, either by cash-in-lieu of land or by physical dedication of land, or both, in the Plan Area shall be determined by the Municipality in accordance with the Policies in this Plan.
- c. Physical land dedication of Municipal Reserve shall consist of lands that are equivalent to the developable lands (i.e. similar in kind to the land being developed).
- d. Although no dedication of Environmental Reserve is anticipated, ER dedication shall be determined by the Municipality in accordance with Section 664 of the Municipal Government Act.
- e. The Municipality shall consider the creation of public recreation spaces in developments where large amounts of MR are owing and the community has agreed upon a demonstrated use for the property. The municipality encourages pedestrian linkages from residential development areas to recreational sites.

6.0 INFRASTRUCTURE

Infrastructure includes the hierarchy of road networks, public and private water systems, septic systems, solid waste management systems, and police, fire, and ambulance service. A circulation referral response from Alberta Infrastructure and Transportation dated 10 May 2007 is contained in **Appendix D**. This letter outlines the Department's position on the amended ASP, generally no additional Traffic Impact Assessment was required and the amendment would not require formal endorsement by the Minister.

6.1 Infrastructure-General

The Eden Park Estates ASP contains policies that recommend improvements, and a trigger for assessment of infrastructure over time as the general are continues to develop.

- a. The Municipality has developed a set standard for roads and infrastructure servicing that follows a general hierarchy. The Municipality may require an assessment of necessary infrastructure when considering redesignation, subdivision, and/or development proposals.

6.2 Road Systems

6.2.1 Secondary Highway No. 552

Secondary Highway 552 is a Provincial secondary highway administered by Alberta Infrastructure and Transportation (A.I.T.). It is important to ensure that future land uses within the Plan Area do not impair the function and safety of this highway.

- a. Direct access onto Secondary Road 552 shall be permitted at the discretion of the Province and shall be designed to meet required standards.

6.2.2 The Internal Road Network

- a. The Plan area is currently serviced and will continue to be with an internal road that utilizes one point of ingress and egress from Secondary Highway 552.
- b. Connections between existing and proposed internal subdivision roads should be made wherever possible to improve the local road network.
- c. The internal road will be developed in accordance with the municipal standards and will be paved as required by MD of Foothills policy. The internal subdivision road shall be constructed to Municipal standard at the sole cost of the developer. The municipality will assume long-term maintenance of the internal road upon issuance of a Final Acceptance Certification to the developer.
- d. In accordance with Storm Water polices (S. 6.3.1. d), the internal road design shall address storm water management and ensure that all existing drainage patterns are retained. Post-development flows shall not exceed pre-development flows.
- e. In accordance with the Municipal District of Foothills Road Levy policy, the developer may be required to contribute to the upgrade of the municipal road system at the discretion of Council.

6.3 Water, Sewer, and Storm Water Servicing

6.3.1 Water Sources and Resources

New, and more restrictive, water policies for groundwater sources have been implemented under the Provincial Water Act. The regulations of the Water Act may result in the increased utilization of surface water sources within the Plan Area. An independent groundwater supply evaluation study has been carried out in accordance with the Water Act for lands within the ASP. Results of the study indicate that the property can sustain up to 35 lots without depleting groundwater resources (Q20 test). The report also reveals that pumping of the test well will not result in a significant

adverse effect on neighboring wells or licensed users (Groundwater Exploration and Research Ltd., December, 1999).

- a. To maintain water quality in the aquifer(s), consideration must be given to proper disposal of sanitary and sewer waste from future developments. Municipal and Provincial standards for on-site disposal shall be the minimum required.
- b. All groundwater sources shall be drilled, pumped, tested, licensed and approved in accordance with provincial and municipal requirements.
- c. The developer shall implement water conservation methods.
- d. All storm water management shall be contained within the proposed development area. No surface water shall be directed to highway ditches and post-development flows shall not exceed predevelopment flows.

6.3.2 Sanitary Sources and Resources

There are no communal sewage collection and treatment systems servicing the Plan Area. Treatment of sanitary effluent is generally restricted to on-site disposal through septic tile fields as per Alberta Labour regulations. This is typical of domestic use within the MD of Foothills.

- a. On-site sewage disposal systems shall be developed to the standards of the Municipality and Alberta Labour.
- b. Non-evaporative lagoons shall not be permitted.
- c. Septic Pump-out tanks are discouraged in the Plan Area due to the damage on the road system that loaded septic trucks may cause.
- d. Alternate systems (i.e. slow sand “trickle” filters, modified tile field designs, and full fledged treatment systems such as rotating biological contractors (RBCs), “living systems” including constructed wetlands) may be considered at the discretion of the Municipality and Alberta Labour.

6.3.3 Solid Waste Disposal

- a. The Municipality encourages co-ordination of solid waste disposal systems with urban centres where possible.
- b. Solid waste from Eden Park Estates development shall be hauled by individual landowners to the nearest landfill site.

6.3.4 Shallow Utilities

Shallow utility services include natural gas, telephone, and electricity. Atco Gas provides gas service to the area. A blanket easement to provide gas service to the property has already been negotiated with Atco Gas. Electrical service is provided primarily by TransAlta Utilities.

- a. 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.

6.4 Protective Services

The municipality requires that proposals for redesignation, subdivision, and/or development accommodate design elements that consider safety measures and appropriate levels of servicing required for fire, police, and ambulance services.

6.4.1 Police Service

Police Service to the Plan Area shall be provided by the Royal Canadian Mounted Police and MD of Foothills Special Constables.

6.4.2 Fire Services

Subdivision proposals within the Plan area shall meet the established criteria for on-site fire fighting measures as determined by the MD of Foothills No. 31

Proper emergency vehicular access shall be a component of the design when applications for redesignation, subdivision or development permit are applied for within the plan area.

7.0 IMPLEMENTATION, REVIEW AND AMENDMENT

7.1 Plan Implementation

This ASP was amended in March 2007 from the Eden Park Estates ASP that was approved by Council in August 2000. Policies allow for the occasional review and amendment of ASP's from time to time as may be required. The Eden Park Estates ASP is intended to serve as a policy guide in order to assess more detailed subdivision and land use bylaw amendments. In effect, subdivision applications should be developed in conformity with this plan with some flexibility in terms of policy interpretation.

The MD of Foothills Municipal Development Plan (MDP) is the guiding document for all development within the municipality. The Land Use Bylaw (LUB) establishes the land use rules and regulations. The Eden Park Estates ASP presents a greater level of planning detail within the specific Plan Area and is required to be consistent with both the MDP and LUB.

Development in the Plan Area should be acceptable to the community and consistent with policy contained within the ASP. The Eden Park Estates ASP does not supersede, repeal, replace or otherwise diminish any other statutory plan in effect in the Plan Area.

- a. The policies contained within this document shall be reviewed and implemented by the Municipal District of Foothills Council members at their discretion.

7.2 Plan Review and Amendment

As the Eden Park Estates ASP is a bylaw of the Municipality, a formal process as outlined in the Municipal Government Act is required to amend the Plan.

- a. The future land use and development outlined in the Eden Park Estates ASP is intended to address a long-term time horizon. Periodic review and occasional amendment of the Eden Park Estates ASP may be required in accordance with *Municipal Government Act*.

APPENDIX A: DRAFT RESTRICTIVE COVENANT

RESTRICTIVE COVENANT

OXFORD LAND DEVELOPMENT AND CONSULTING LTD., of Calgary, Alberta (hereinafter referred to as the “Developer”), is the registered owner of certain lands situated near DeWinton, in the Province of Alberta, and more particularly described in **Schedule “A”** attached hereto and by this reference made a part hereof (hereinafter collectively called “the lots” or individually referred to as a “lot” as the context hereof requires);

AND WHEREAS the developer is developing a planned housing subdivision on the lots and considers it is desirable for the greater employment of the lots and that it will increase and the value of the lots and it is for the benefit of all of the future owners of the individual lots and that it will protect the owner of each lot against the improper development and use of surrounding lots as will depreciate the value of his lot and that it will prevent haphazard or inharmonious improvements or improper designs or materials, to impose and annex certain restrictions and covenants to the lots and that in making sales of the lots that the lots shall be conveyed subject to the restrictions, covenants and limitations hereinafter set forth;

AND WHEREAS the following covenants and conditions are to be administered and some discretion will be allowed where specifics of an application warrant and there is no substantial departure from the intent and substance of this Restrictive Covenant.

NOW THEREFORE KNOW ALL PERSON BY THESE PRESENTS that the developer does for himself, his transferees and assigns, covenants and agrees and does hereby annex the following covenants and conditions to the aforesaid lots:

1. All of the lots shall be subject to the restrictions and conditions herein set forth which shall be deemed to be covenants running with the land and annexed to the land and shall be binding upon and inured to the benefit of each lot and the registered owners of each lot, while they are such registered owners from time to time.
2. No attached or semi-attached house, duplex or apartment shall be constructed or erected, nor shall any house designated for more than one family be built. There shall not be constructed more than one detached single family dwelling on any one lot and every single family dwelling must have at least a two-car attached or semi-attached garage.
3. No mobile home shall be parked or placed on any lot. The phrase “mobile home” shall herein include a house or trailer or other similar portable accommodation for one or more persons that may be moved by being towed, pulled or carried.
4. The buildings erected on any lot shall include, only, a private single dwelling house with attached double or triple garage. A structure to conceal recreational trailers and recreational vehicles may be constructed provided it conforms to the

architectural style and exterior finish of the dwelling house. There shall not be constructed on any lot any detached garage, storage sheds, or structures to conceal heavy equipment, gasoline tanks and other fuel tanks and stands thereof. Garden sheds and Greenhouses may be constructed provided they conform to the architectural style and exterior finish of the dwelling house and do not exceed three hundred square feet.

5. If a lot owner wishes to store a recreational vehicle, it must be a recreational vehicle which is owned by the lot owner and is restricted to one of such recreational vehicle.
6. No fuel, gasoline, oil, chemicals of any nature or biological waste (excepting waste in properly installed septic tanks) shall be stored on any lots in an amount excess of 100 litres.
7. The minimum habitable floor area, excluding basement, of any single family dwelling upon any lot shall be:
 - a) 1,800 square feet for a bungalow or bi-level dwelling;
 - b) 2,200 square feet for a split level or two storey dwelling;

In calculating the ground area of a dwelling house, the measurements for the above calculations shall be taken as the outside measurements of the main walls of the building and ground level and shall not include any garage which does not have habitable rooms above it and shall not include any porch, veranda or unheated sunroom.

8. No dwelling house on any single lot shall be used for any purpose other than that of a private dwelling for a single family.
9. The exterior finish, roof, windows, log finish, siding or stucco of any single family dwelling must be completed within 12 months of the initial excavation of the foundation of the said dwelling.
10. 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, vinyl or stucco sidings acceptable.
11. Any garden shed or greenhouse erected on the property must be sided and completed within 12 months of the commencement of construction of building.
12. The interior of the dwelling and final building inspection shall be fully completed (excluding any basement development) within 24 months of commencement of the initial excavation of the foundation thereof.

13. No heavy equipment or tractor trailers shall be stored or operated on the property other than for the purpose of construction of the dwelling or improvement of the property. In the event that a lot owner is an owner or operator of such equipment for commercial purposes, such equipment shall not be stored or operated within the subdivision other than as set out above.
14. If a lot owner is to keep dogs on their lot, suitable fences or electric restraint systems are to be installed to ensure that nay such dogs do not leave the lot owner's property. No lot owner shall have any more than two (2) dogs on the property and the dog(s) must be confined indoors between the hours of 10:00 p.m. and 6:00 a.m.
15. No livestock or animals of any nature shall be raised on the lot for commercial purposes.
16. 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.
17. Sewage disposal is the responsibility of the individual lot owner and shall be in accordance with the requirements of the Municipal District of Foothills, No. 31 and provincial regulations.
18. Household and other garbage must be removed for the property at least monthly and disposed of in accordance with the local laws at the expense of the landowner.
19. 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.
20. 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.
21. This Agreement shall not merge upon the delivery or registration of a Transfer of any lot but shall survive same.

IN WITNESS WHEREOF the Developer have hereunto set there hands and corporate seals, this _____ day of _____ 2006.

SIGNED IN PRECENSE OF:

Oxford Land Development and Consulting Ltd.

Witness

APPENDIX B: CERTIFICATE OF TITLE

SOUTH ALBERTA LAND REGISTRATION DISTRICT
REMOTE LAND TITLE SEARCH

SEARCH DATE: 04/10/1999

S
INC 026 669 143 SHORT LEGAL 9212199;3;3 TITLE NUMBER 961 051 879 +16

LEGAL DESCRIPTION

AN 9212199
BLOCK 3
LOT 3
CONTAINING 44.57 HECTARES (110.13 ACRES) MORE OR LESS
EXCEPTING THEREOUT:
PLAN NUMBER HECTARES (ACRES) MORE OR LESS
DAD 9610495 0.195 0.48
EXCEPTING THEREOUT ALL MINES AND MINERALS

AS REFERENCE: 5;1;21;26;NW

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF FOOTHILLS NO. 31

D.C.T. ISSUED: NO

REFERENCE NUMBER: 921 276 721 +2

REGISTERED OWNER(S)

REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
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61 051 879	11/03/1996	ROAD PLAN		
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OWNERS

JACQUELINE LARKIN-KOLESAR (FARMER)
P.O. BOX 84
EWINTON
ALBERTA T0L 0X0

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
961 051 879 +16

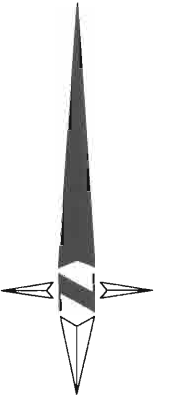
REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
3091KA	06/11/1967	CAVEAT CAVEATOR - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.
741 045 199	14/05/1974	CAVEAT CAVEATOR - THE CALGARY REGIONAL PLANNING COMMISSION. DEFERRED RESERVE CAVEAT
871 121 545	14/07/1987	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED. "PORTION DESCRIBED"
931 145 938	23/06/1993	CAVEAT RE : ACQUISITION OF LAND CAVEATOR - THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31. BOX 5605 HIGH RIVER ALBERTA T1V1M7 AGENT - HARRY RIVA CAMBRIN
95 032 108	06/02/1995	CAVEAT RE : AGREEMENT CHARGING LAND CAVEATOR - CANADIAN IMPERIAL BANK OF COMMERCE. C/O BOW VALLEY SQUARE II, 205 - 5 AVENUE S.W. CALGARY ALBERTA AGENT - CHRIS J LAPOINTE
981 185 407	24/06/1998	CAVEAT RE : AGREEMENT CHARGING LAND CAVEATOR - CANADIAN IMPERIAL BANK OF COMMERCE. 309-8TH AVENUE S.W., CALGARY ALBERTA T2P1C6 AGENT - SCOTT DANIEL
981 394 458	16/12/1998	UTILITY RIGHT OF WAY GRANTEE - TRANSALTA UTILITIES CORPORATION. PORTION AS DESCRIBED
991 171 045	18/06/1999	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED. PORTION AS DESCRIBED

TOTAL INSTRUMENTS: 008
YO FILE #: WALK IN

*END OF SEARCH *

SR# - J035549 /AR0984

APPENDIX C: AIR PHOTO OVERLAY



NOTE:
BASE REFERENCED FROM MD OF FOOTHILLS.



EDEN PARK ESTATES
AREA STRUCTURE PLAN
M.D. OF FOOTHILLS
PORTION OF LOT 3, BLOCK 3, PLAN 921 2199

NOTES

DESIGNED BY:

KJB

DRAWN BY:

JKO

DATE:

SEPTEMBER 2006

TITLE:

SITE AIR PHOTO

SCALE:

1:3000

PROJECT No:

06-6606

FIGURE No:

APPENDIX C

APPENDIX D CORRESPONDENCE AIT

Our Reference: 2512-NW 26-21-1-W5M (552), 07-FH-025
Your Reference: F2101-26NW (Oxford Land Developments & Consulting Ltd.)

May 10, 2007

Mr. Spencer Croil
Planning Officer
Municipal District of Foothills No. 31
PO Box 5605
High River AB T1V 1M7

Dear Mr. Croil:

**RE: PROPOSED SUBDIVISION
LOT 3, BLOCK 3, PLAN 921 2199
PORTION OF THE NW 26-21-1-W5M
MUNICIPAL DISTRICT OF FOOTHILLS NO. 31**

Reference your file to create fifteen (15) country residential parcels at the above noted location.

The department's primary objective is to allow subdivision and development of adjacent properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway system.

To that end, the proposal is contained and permitted in the "Eden Park Estates Area Structure Plan" (EPEASP) of which was adopted by the municipal district on August 31, 2000.

Furtherance to a letter authored by Bruce Atwell, Operations Manager – Calgary dated July 3, 2002. The department is prepared to accept Area Structure Plans that are adjacent to the former secondary highway network and were adopted by the municipal district prior to the department taking control and jurisdiction of the said network (in this instance September 15, 2001). As the revised plan is only to create four (4) additional lots with access to the highway for all the country residential parcels now being indirect by way of the local road system (262nd Ave.), strictly from Alberta Infrastructure and Transportation's point of view, this application will not require further review or formal endorsement by the minister. Moreover, **Section 6.2.1(a) of the EPEASP** allows for the department's involvement with access management.

Given this determination, for all intents and purposes this application is in accordance with Section 14(e) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 ("the regulation").

.../2

The department accepts no responsibility for the noise impact of the highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provision for noise attenuation is the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to motoring public or deemed to create a traffic hazard will not be permitted.

Should there be a requirement/request for highway illumination in the future as a result of this and/or other subdivision/development activity in the area, the installation and maintenance of system will be a municipal/developer responsibility.

Notwithstanding the foregoing, the applicant is advised that any development within 300 metres of the limit of a controlled highway (552) or within 800 metres from the center point of an intersection of a controlled highway (552) and a public road would require the benefit of a permit from our department. This requirement is outlined in the Public Highways Development Act and the corresponding Highway Development Control Regulation, being Alberta Regulation 242/90.

The subject property is within the noted parameters and as such any development would require the benefit of the said permit. In this instance permit requirements would be limited to the relocation of the existing direct access to the municipal reserve parcels of which will be allowed to remain on a temporary basis and approved for limited use for access to the municipal reserve parcels and existing Lot 7. Any alteration to the specified limited use will require further approval by the department. The balance of the country residential development could proceed under the direction, control and management of the municipal district. The applicant could contact the department through the undersigned, at Lethbridge 403/381-5426, in this regard.

Further, should the approval authority receive any appeals in regard this application we would not have any objections to the appeals being heard by the local Subdivision and Development Appeal Board rather than by the Municipal Government Board.

Yours truly,



John Thomas
Development/Planning Technologist

JT/bc

cc: Tas Kollias – e-mailed
Dillon Consulting Ltd. – Kristi Beunder - KBeunder@dillon.ca