

## **1.0 Introduction**

### **1.1 Whiskey Springs Ridge Development Concept**

It is important to convey the fundamental premise of the Whiskey Springs Ridge development concept at the introduction of the project in order to clearly understand the policies and general goals outlined in this Area Structure Plan (ASP). The Whiskey Springs Ridge Development is to be established as a bareland condominium with many aspects of the development maintained and operated by the developer and individuals who reside within the project. The bareland condominium registration is largely the result of the topography, amount of seasonal snowfall, and location of and availability of water on the property.

There are key project goals that can be achieved by bareland condominium registration, they include:

- Incorporation of a Homeowners Association and a set of Condominium Bylaws
- Establishment of an Internal Road System
- Establishment of a Central Water System(s)
- Registration of a Common Pathway System
- Establishment of a Reserve Fund at the Commencement of the Project

The Homeowners Association will be established by the Society's Act of Alberta and the Whiskey Springs Ridge Condominium Bylaws and will serve many functions, including:

- Enforcement of the Restrictive Covenant and Condominium Bylaws
- Maintenance and Operation of the Water Co-op(s)
- Maintenance of the Internal Road System
- Maintenance of portions of the External Road

Throughout this ASP, reference will be made to the obligations of the Developer, the Homeowners Association, and the Municipality within the overall framework of a bareland condominium development.

## **1.2 Context and History**

The location of the Whiskey Springs Ridge property within the Municipal District of Foothills No. 31 is illustrated by **Figure 1**. The subject property contains a total of two hundred (200) acres (80.94 ha), one hundred and twenty (120) acres (48.56 ha) located within the NE of Section Eight (8), Township Twenty-two (22), Range Three (3), west of the Fifth (5) meridian and eighty (80) acres (32.3 ha) located within the NW of Section Nine (9), Township Twenty-two (22), Range Three (3), west of the Fifth (5) meridian.

The NW of Section nine (9) currently contains two residences that will be excluded from the Whiskey Springs Ridge Plan Area. Upon subdivision, the developer will be applying for a bylaw amendment for the remaining balance of the NW of Section nine (9), to allow for two residences on less than an 80-acre parcel (The remainder of the balance of the quarter after subdivision).

The NE of Section eight (8) currently contains two residences and a sour gas well site that will be excluded from the Whiskey Springs Ridge Plan Area Boundary. Upon subdivision, the developer will be applying for a bylaw amendment for the remaining balance of the NE of Section eight (8) to allow for the two residences on less than an 80-acre parcel as well.

The subject property is located within Township 22, Range 3 W5M where subdivisions of this scope have already been approved. Properties to the north have been subdivided into high density condominium units at Priddis Greens, high density residential parcels at The Links at Priddis Greens, and the multi-lot single family development of Ranchers Hill. To the south many small country residential lots exist

at the Swann and Anderson Subdivisions. All of these developments and their location relative to the subject property are illustrated in **Figure 2**. Along with the above mentioned developments there are other subdivisions that can be seen within **Figure 2**.

The M.D. of Foothills has recently experienced a high residential population growth trend over the past several years. The increased residential growth rate has been primarily due to exurban country residential growth from the City of Calgary. The increase in the price of agricultural land in the area for country residential purposes has made it unviable for agricultural uses.

### **1.3 Opportunities and Constraints**

A number of land use planning issues and constraints along with design considerations will be taken into account in the formulation of the Whiskey Springs Ridge Development. They are as follows:

- Wildlife and vehicle access points were taken into consideration in the land development strategy.
- Transportation and access issues relating to both the municipal road infrastructure and adjoining properties and the existing transportation network were also taken into consideration.
- Consideration was given to Municipal Development Plan policy, specifically policies dealing with Country Residential development.
- Consideration was given to the overall impact of development and a Restrictive Covenant is proposed in order to implement architectural controls, control on dogs, unsightly vehicle storage, utilization of low volume water fixtures, enforcement of the covenant, water co-op operation, and other aesthetic concerns.

## 2.0 The Planning Process

### 2.1 Purpose of the Plan

The purpose of this Area Structure Plan is to outline the future development of the subject property in a manner that is satisfactory to Municipal Council and Municipal policy. It represents a significant effort in accommodating all municipal development guidelines while still trying to meet the objectives of the landowner/developer.

The Whiskey Springs Ridge Area Structure Plan application supports the Foothills Municipal Development Plan by adding another layer of detail to the subject property area. The Whiskey Springs Ridge proposal takes into consideration existing land uses, surrounding developments, potential future land uses, public input, physical and environmental characteristics, infrastructure requirements and population growth.

### 2.2 The Legislation

The Whiskey Springs Ridge Area Structure Plan 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 the 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 has been 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 and *Kristi Beunder Professional Planning Services*.

### **2.3 Public Involvement**

As previously mentioned in this ASP, community and municipal input has been received at various stages in the planning process. In addition, the developers have circulated adjacent property owners, in advance of the public hearings to gain feedback. Letters of support were gathered and submitted to council (see **Appendix B**).

A statutory Public Hearing was held on April 18, 2002. First reading of this ASP (Bylaw 66\2002) was obtained on April 25, 2002.

Second and third reading was obtained on April 8, 2004 and Bylaw 66\2002 was adopted.

### **2.4 Projected Population Growth**

Based on federal census information, the M.D. of Foothills has experienced a generally high residential population growth trend. The population in the Plan Area will be determined by a number of factors including planning and development policies contained in the Whiskey Springs Ridge ASP, market demand, landowner 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 Whiskey Springs Ridge ASP, the total Plan Area population is estimated at approximately 46.8 persons. This projection assumes an average household size of 2.6 persons – the average household size in the 1996 federal census – and that seventy-five (75%) 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 Whiskey Springs Ridge ASP attempts to achieve orderly, economical and beneficial development, use of land and patterns of human settlement. It is intended to be a flexible long-term framework for development in the Plan Area.

The Whiskey Springs Ridge project is intended to be developed as a bareland condominium allowing for the Homeowners Association to operate and maintain proposed internal roads, pathways, communal water co-ops and monitor and enforce the conditions of the Restrictive Covenant. A condominium registration is proposed primarily because of the internal and external road maintenance required in the area. The development is proposed at the end of a long road in a high snowfall area. Due to the topography of the site an immediate road maintenance response is required. In addition, operation of the Water Co-ops, pathways and Restrictive Covenant require Homeowners Association to operate effectively.

The condominium bylaw and the Society's Act of Alberta will establish the Homeowners Association; seed money from every lot sale shall be taken to establish the Reserve Fund.

### 3.1 Plan Area Goals

The following goals provide the focus to the Whiskey Springs Ridge ASP. They represent the aspirations of the developer balanced with the goals and objectives of the Municipal Development Plan and Land Use Bylaw.

- a. Achieve an efficient, sequential pattern of development.
- b. Establish a high quality country 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 including the wildlife.
- e. Maintain the functional and visual integrity within and outside of the plan area.

## 4.0 Land Use Strategy

### Preamble

**Figure 3** delineates the proposed conceptual land use strategy for the plan area and the overall development of the property. The Plan Area is directly adjacent to two (2) previously approved country residential lots within the NW of Section 9. Whiskey Springs Ridge proposes the development of eighteen (18) additional (*Country Residential "A" zoned*) parcels and one (1) municipal reserve (M.R.) lot.

The land use will be implemented in one phase. The entire property shall be redesignated from Agriculture to Country Residential "A" zoning. Upon successful redesignation, the property will be subdivided in one phase as outlined on **Figure 3**.

**Figure 4** illustrates the existing topography, and shows the unclaimed and unnamed drainage courses over the entire half section of the NE of 8 and NW of 9.

The proposed country residential lots shall be registered as a bareland condominium allowing for the Homeowners Association to undertake maintenance of roads and the communal water co-ops proposed for the development. Proposed country residential lots range in size from **3.02 acres to 7.63 acres** more or less (1.22 ha to 3.09 ha).

The developer has provided a map, **Figure 5**, delineating a one acre developable site on parcels that contain slopes in excess of 15% and lands to be covered under an Environmental Reserve Easement, precluding them from future development. It is anticipated that lots one (1) through four (4) within the NW of section nine (9) and lots one (1) through five (5) within the NE of section eight (8) would be required to build within the one acre developable area.

Historically, the Plan Area has been under limited agricultural use. Soils for the Plan Area are rated as Canada Land Inventory Class 5 with topographical limitations. This property has not supported a long-term agriculturally viable use due to its topography.

#### **4.1 Country Residential Land Use Policies**

##### **General Country Residential Land Use Policies**

- 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 conceptual land use strategy as illustrated **Figure 3** and is compatible with the policies of the ASP.
- b. Any application in the Plan Area that is contrary to the conceptual land use strategy **Figure 3** and policies contained within the Whiskey Springs Ridge ASP requires a formal application for amendment to the ASP.

##### **Policies**

- a. Country Residential lots shall be a minimum of 3.02 acres (1.22 ha) and greater in size.



- b. Country Residential lots shall be supplied by a groundwater source drilled and licensed in accordance with the Provincial Water Act and municipal requirements. Water Co-ops developed from separate water wells shall operate as a central utility to be owned by the Homeowners Association.
- c. Country Residential lots shall have direct access to a surfaced road in accordance with the Municipal Internal Subdivision road policies. The internal road shall be owned and maintained by the Whiskey Springs Ridge Homeowners Association.
- d. Country Residential lots shall support single-family dwellings only. Uses on country residential lots shall comply with the Restrictive Covenant registered on title, copied here in **Appendix A**.
- e. Country Residential lots will be subject to the Municipality's Country Residential sub-district "A" designation due to their natural features.
- f. Country Residential lots shall have no more than two (2) horses permitted on each lot, where there is suitable acreage in title. Boarding of horses outside of the permitted number would be required.
- g. In accordance with the Infrastructure Policies outlined in **Section 6.0**, if requested by Municipal Council, the developer may be required to prepare a Traffic Impact Analysis.

## **5.0 Natural Environment**

### **Preamble**

The topographic characteristics, **Figure 4**, and environmental aspects of lands in the Plan Area, **Figure 5**, should be considered in applications for development. This property contains topographic constraints, however, each proposed lot has been designed to include one acre of developable land (as defined in the Foothills Land Use Bylaw) as shown in **Figure 5**, all country residential lots contain at least one acre of land under 15% slope.

The contour map (**Figure 4**) was generated using an original ortho photo Digital Terrain Model (DTM). Contour lines have been interpolated by a computer and may not be completely accurate in all places. Slope percentages were checked manually by way of a conventional survey to confirm the areas over/under 15% slope and the minimum one acre developable area on each proposed lot within the Plan Area. Areas containing slopes in excess of 15% are identified on **Figure 5** as being subject to the registration of an Environmental Reserve Easement in order to protect those lands from future development.

Orderly settlement patterns of residential development should be compatible with the natural environment. There appears to be no naturally occurring environmentally significant sites or areas of low-lying water (ponds, lakes or rivers) on the property. A ravine is located within a portion of the NW of section nine (9) and NE of section eight (8) and the proposed development is oriented in a manner that does not interfere with the ravine. A small unnamed drainage course runs through the NE of 8 into the NW of 9 and the development does not interfere with the flow of the course.

### **5.1 General Environmental Policy**

- a. The Municipality, through its Municipal Development Plan, encourages applications that take into consideration topographic and environmental conditions. Whiskey Springs Ridge shall take into consideration topographic and environmental constraints through detailed site planning and testing if deemed necessary by the Municipality.
- b. Wildlife movement through the property shall not be deterred by fencing. Fencing of livestock shall be permitted but fences shall be constructed such that wildlife can pass.
- c. Topographic constraints shall be taken into consideration in the planning approval process and each lot will contain at least one acre of developable land as per Municipal policy.
- d. The Municipality may require that the developer supply a Geotechnical Report prepared by a qualified Engineer in areas where topography is a factor

of development (i.e. – Lots containing slopes greater than 15% where the one acre of developable land is within the 30m building setback of said slopes). The Geotechnical Report should contain all information required by the Municipality as described in M.D. policy.

- e. The Municipality may require that the developer, 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 Environment guidelines or requirements of the appropriate Provincial Departments:
  - i. A Geotechnical report pursuant to the provisions of the *Municipal Development Plan*;
  - ii. An Archaeological 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 Open Space, Recreation and Public Land Requirements**

### **Preamble**

Public Land consists largely of Municipal Reserve (M.R.) 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. Land within the project that could be classified as ER is proposed to be identified as Environmental Reserve Easement (ERE). ERE has the same effect as ER on maintaining the land in its natural state in perpetuity but the land remains under private ownership. It is usually the case that the Municipality is a party to an ERE to ensure that the property is managed properly under the easement.

One parcel will be dedicated as Municipal Reserve (M.R.) for the Whiskey Springs Ridge project. The parcel is +/- 7.69 acres and is located within the SW corner of the NE of section eight (8). It is anticipated that this M.R. parcel may contain a Public Utility Lot (PUL) for the water co-ops. This land is shown in a strategic location in order to make it accessible to residents within the plan area and to surrounding property owners. The dedication and use of Municipal Reserve Parcels is described in *Part 17, Division 8 of the Municipal Government Act*.

### **Policies**

- 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 Municipal Reserve land to be located such that it is accessible by residents of the plan area as well as surrounding country residential properties. The Whiskey Springs Ridge development proposes a pathway to the M.R. Lot and shall locate the M.R. Lot such that it is accessible to the public.
- 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 the plan.
- c. Physical land dedication of Municipal Reserve consists of lands that are equivalent to the developable lands (i.e. similar in kind to the land being developed).
- d. The Municipality shall consider the creation of public recreation spaces in developments where large amounts of M.R. are owing and the community has agreed upon a demonstrated use for the property. Whiskey Springs Ridge encourages pedestrian linkages from residential development areas to the Municipal Reserve site.

### **5.2.1 Pathway System - Figure 5a**

#### **Preamble**

The Whiskey Springs Ridge development contains a 3-metre (10 ft) pathway system that is to be maintained by the Homeowners Association. Current studies indicate that pathway development is a preferred recreation amenity in a residential development. **Figure 5a** delineates proposed pathway locations. The pathway will be registered by way of access easement over every lot. The municipality will not be responsible for any development and/or maintenance of the pathway system. The Homeowners Association will determine the level of maintenance for the pathway.

#### **Policies**

- a. The Homeowners Association owners shall be responsible for maintenance (e.g. weeds, mowing) of the pathway system.
- b. The pathway system shall be maintained in its natural state, trees shall be retained within the pathway system. The Homeowners Association will determine the level of maintenance required for the pathway.
- c. The Municipality shall not be responsible for the construction or maintenance of the pathway system.

### **5.2.2 Natural Resource Extraction and Transmission – Appendix B**

#### **Preamble**

**Appendix B** delineates the location of two sour gas wells located on a single pad-site and the one-hundred (100) metre building setback from both wellheads as well as a pipeline right-of-way to be located on the N.E. quarter of Section eight (8). The drilling of both wells and the pipeline construction have been completed.

The sour gas wells will utilize incineration technology whenever possible to reduce the use of flaring. The well site will be reclaimed after completion of the pipeline

construction. Vegetation may be added to screen the facilities if they are visible from the road and/or subdivision. The pipeline proposed to transmit sour gas is intended to have Emergency Shutdown valves (ESD) installed such that no setback is required from the pipeline that may adversely affect the subdivision. The Developer has entered into an agreement with the pipeline operator that allows the Developer to cross the pipeline with utilities for the Whiskey Springs Ridge project and utilise the internal road for access to the subdivision.

### **Policies**

- a. All approvals and conditions for sour gas well drilling and development within the project area shall be issued by the Alberta Energy and Utilities Board and work shall be undertaken in accordance with Provincial guides and recommendations.
- b. The Developer and the Energy Company shall prepare a site-specific Emergency Response Plan in accordance with the Government of Alberta Emergency Response Support Plan for an Upstream Petroleum Industry Incident.
- c. The sour gas well is in production, the pipeline that will be built to facilitate the transmission of the resource to zero building setback standards.

## **6.0 Infrastructure**

### **Preamble**

Infrastructure includes the hierarchy of road networks, public and private water systems, septic systems, solid waste management systems and police, fire and ambulance services.

### **6.1 Infrastructure in General – Figures 6a, 6b and 6c**

### **Preamble**

As shown on **Figure 6a and 6c**, Whiskey Springs Ridge will gain access from 256<sup>th</sup> Street West, a partially surfaced municipal road. Highway 22 can be accessed from 256<sup>th</sup> Street via 178<sup>th</sup> Avenue. Highway 22 is two miles north of the subject property. The access location at Highway 22 is illuminated with a dedicated turning lane for traffic both exiting and entering onto the Highway to the Municipal road system.

An Internal subdivision road system is proposed and shall be developed to a bareland standard acceptable to the municipality, developer and Homeowners Association.

Internal roads shown within the plan area have been designed in accordance with Municipal Linkages policies and could be extended to neighbouring properties as seen in **Figure 6c**.

It is proposed that the Homeowners Association assume the maintenance obligation of the Municipal access road (256<sup>th</sup> Street West) from the top of the hill at Whiskey Springs Ridge north to the intersection of 256<sup>th</sup> Street and 210<sup>th</sup> Avenue (refer to **Figure 5a** for location).

### **Policy**

- 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 The External Road Network – Figure 6a & Figure 6c**

- a. The Plan area will be serviced with an internal road that utilizes two points of ingress and egress from 256<sup>th</sup> Street W (see **Figure 6c**).
- b. The Developer may be required to upgrade or contribute toward the upgrading of 256<sup>th</sup> Street E. This shall be at the discretion of the

Municipal District of Foothills No. 31. Contribution for external road improvement via lot levy may be required.

- c. The Developer shall be using the point of entry onto 256<sup>th</sup> Street W. into the N.E. quarter of section 8 that presently exists.
- d. The Developer shall install an additional point of entry into the N.W. quarter of section 9, 150 metres north of the existing point of entry into the N.E. quarter of section 8.
- e. The developer is proposing that the Municipality may enter into a maintenance agreement with the Homeowners Association permitting the Homeowners Association to undertake maintenance of 256<sup>th</sup> Street from the internal subdivision road north to the intersection of 210<sup>th</sup> Avenue (refer to **Figure 6a**).
- f. The developer is proposing a new speed restriction on that portion of 256<sup>th</sup> Street from its intersection with 210<sup>th</sup> Avenue, South into the Whiskey Springs Ridge Subdivision from the present 80km/h to 65km/h.

### **6.2.2 The Internal Road Network (Figure 6b)**

#### **Preamble**

Proposed country residential lots shall gain access from the internal roads. **Figure 6b** delineates the internal road system and proposed approach locations for every lot.

The portion of the internal road at the ends of Main Street (as shown in yellow on **Figure 5b**) shall be dedicated by Caveat and owned by the Homeowners Association. Development of these portions of land will be at the discretion of the Municipality and the Homeowners Association.

The Whiskey Springs Ridge subdivision will utilize the existing internal road within the N.E. of section 8 this road has been constructed to an engineered standard.



### **Policy**

- a. Connections between existing and proposed internal subdivision roads should be made wherever possible to improve the local road network. Road dedications are proposed from this internal road and should be taken by Caveat and retained by the Homeowners Association. Construction upon the road dedication shall be subject to approval by the Municipality and the Homeowners Association.
- b. The internal subdivision road shall be constructed to a bareland condominium standard at the sole cost of the Developer. The Municipality shall not assume any maintenance of the internal road system. The internal road shall be constructed by the developer and maintained by the Homeowners Association.
- c. In accordance with Municipal Storm Water policies, the internal road design shall address storm water management and ensure that all existing drainage patterns are retained. Post-development flows shall not exceed predevelopment flows.
- d. Although the developer supports a condominium registration for the project, should the Municipality not support the condo the developer is willing to revise the road plans and lot layout to allow for the creation of a Municipal Standard road. Should the Municipal Standard road be developed the Municipality will take on the responsibility of ownership and maintenance of the road upon issuance of Final Acceptance Certificate.

## **6.3 Water, Sewer and Storm Water Servicing**

### **6.3.1 Water Sources and Resources**

#### **Preamble**

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 ground water sources within the Plan Area. Whiskey Springs Ridge is to be serviced by individual wells licensed for communal system use.

### **Policies**

- a. The Whiskey Springs Ridge development shall be dependant on communal wells for potable water service. The use of ground water wells for communal distribution will require licensing and approvals issued by Alberta Environment under the Water Act, and possibly, the Environmental Protection and Enhancement Act.
- b. 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.
- c. All groundwater sources shall be drilled, pumped, tested, licensed and approved in accordance with provincial and municipal requirements.
- d. The developer shall implement water conservation methods via Restrictive Covenant (attached in **Appendix A**).

### **6.3.2 Storm Water Management**

#### **Preamble**

Due to the varied topography of the Plan Area storm water flow will be taken into consideration. An unnamed, unclaimed, drainage course exists on the southern half of the N.E. of 8 and it leads through to the N.W. of 9. No additional flow to the drainage course shall be added as a result of the Whiskey Springs Ridge development.

**Policies**

- a. All storm water shall be contained within the proposed development area. No surface water shall be directed to municipal road ditches. Post development flows shall not exceed predevelopment flows.
- b. The Municipality may request the preparation of a Storm Water Management Plan to be prepared at the sole expense of the developer.
- c. Storm Water Management shall be prepared to the satisfaction of the Municipal Engineer.
- d. The Municipality may request Percolation and High Water Table testing to be conducted at the sole cost of the developer in accordance with municipal and provincial regulations.

**6.3.3 Sanitary Sources and Resources**

**Preamble**

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 the Alberta Private Sewage Systems Standard of Practice. This is typical of domestic use within the M.D. of Foothills.

**Policies**

- a. On-site sewage disposal systems shall be developed to the standards of the Municipality and the Alberta Private Sewage System Standards of Practice.
- 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 systems 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 contactors (RBCs), “living systems” including constructed wetlands) may

be considered at the discretion of the Municipality and the Alberta Private Sewage System Standards of Practice.

#### **6.3.4 Solid Waste Disposal**

The Restrictive Covenant requires wildlife proof garbage containers for outside storage of garbage.

##### **Policies**

- a. Solid waste shall be kept indoors or within wildlife proof containers.
- b. Solid waste disposal from the Whiskey Springs Ridge development shall be contracted out by the Homeowners Association.

#### **6.3.5 Shallow Utilities**

##### **Preamble**

Shallow utility services include natural gas, telephone and electricity. Meota Gas provides gas service to the area (see **Appendix C** for Meota servicing letter). Primarily, Fortis (Aquila) provides electrical service to the area.

##### **Policies**

- 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**

### **Policies**

- a. 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**

- a. Police Service to the Plan Area shall be provided by the Royal Canadian Mounted Police and M.D. of Foothills Special Constables.

### **6.4.2 Fire Service**

#### **Preamble**

The M.D. of Foothills currently provides fire services from the nearby Priddis Fire Hall.

### **Policies**

- a. Subdivision proposals within the Plan area shall meet the established criteria for on-site fire fighting measures as determined by the M.D. of Foothills.
- b. 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.

<h2><b>7.0 Plan Implementation Review and Amendment</b></h2>
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### **7.1 Plan Implementation**

In terms of Plan implementation the Whiskey Springs Ridge 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 M.D. 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 Whiskey Springs Ridge 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 Whiskey Springs Ridge 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 Whiskey Springs Ridge 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 Whiskey Springs Ridge ASP is intended to address a long-term time horizon. Periodic review and occasional amendment of the Whiskey Springs Ridge ASP may be required in accordance with the *Municipal Government Act*.

<b>Appendix A – Restrictive Covenant</b>
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**Restrictive Covenant**

**W. & G. Blatz and T. & J. Adams**, of Priddis, Alberta (hereinafter referred to as the “Developer”), are the registered owners of certain lands situated near Priddis 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 enjoyment of the lots and that it will increase 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 that would depreciate the value of the owners’ 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 PERSONS 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 inure 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 designed 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. This covenant does not include holiday trailers.
  4. The buildings erected on any lot shall include, only a private single dwelling house with attached or semi-attached double or triple garage. A structure to conceal recreation 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 therefore. Garden sheds, Greenhouses and horse sheds may be constructed provided they conform to the architectural style and exterior finish of the dwelling house and do not exceed five hundred square feet.
  5. If a lot owner wishes to store a recreation 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 or 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 25 litres.
  7. The minimum habitable floor area, excluding basement, of any single family dwelling upon any lot shall be:
    - a. 1 600 square feet for a bungalow or bi-level dwelling;
    - b. 2 000 square feet for a split-level or two storey dwelling;

- In calculating the ground area of a dwelling house, the measurement 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. Home Based Business within dwellings may be permitted in accordance with the Municipal District of Foothills No. 31 Land Use Bylaw.
  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, greenhouse or horse shed erected on the property shall be architecturally compatible with the said dwelling house or commensurate with the country residential subdivision, utilising the same roofing materials as the dwelling house with only steel, aluminium, log finish, brick, stone, stucco or vinyl sidings acceptable.
  11. Any garden shed, greenhouse or house shed 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 purposes 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 (i.e. dog runs are permitted) or electric restraint systems are to be installed to ensure that any 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 10:00p.m. and 6:00 a.m.

15. No livestock or animals of any nature shall be raised on the lot for commercial purposes. No lot owner shall have any more than two (2) horses, or two (2) cows, or equivalent animal units, in accordance with the Municipal District of Foothills Land Use Bylaw.
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 and provincial regulations.
18. Household and other garbage must be stored indoors in a closed, wildlife-proof container and disposed of in accordance with the Homeowners Association rules. No burning barrels shall be permitted.
19. Water conservation methods shall be implemented on every lot. Low flow toilets and water fixtures shall be utilised. Natural landscaping is preferred. No irrigating, mechanical sprinklers or vehicle washing is permitted. Lots subject to water supply on the communal water co-op(s) must install a 750-gallon cistern and a water meter as part of the water service.
20. The pathway system will be provided by way of access easement on the lots where the path is located. The pathways are located on the private lots and will be approximately 10 feet (3.0 metres) wide. The path will remain in its natural state. Each lot owner is responsible for maintenance (such as weed removal, etc.), however the residents may determine to initiate a Homeowners Association to undertake the maintenance of the pathway system.
21. 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 other similar bylaw, resolution or regulation, passed or imposed by any governmental authority but the covenants herein are to be considered as additional restrictions.

22. 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.
23. This Agreement shall not merge upon the delivery or registration of a Transfer of any lot but shall survive same.
24. Whisky Ridge may consist of future Phases of Country Residential Development, this Restrictive Covenant shall apply to all phases, and excluding the agricultural parcel, as they develop and are approved through the planning process by the Municipal District of Foothills No. 31. Residents of Whisky Ridge are duly advised of subsequent phases of development and shall not object or oppose the development of future phases in accordance with Bylaw \_\_\_\_/ 2002.

**IN WITNESS WHEREOF** the Developer have hereunto set their hands and corporate seals, this \_\_\_\_ day of \_\_\_\_ 200\_.

SIGNED IN PRECENCE OF:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Wayne Blatz

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Gwen Blatz

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Tom Adams

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Jessie Adams

**Appendix B – Sour Gas Well and Pipeline Location**

<b>Appendix C – Meota Gas Servicing Letter</b>
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Box 36  
Priddis, Alberta T0L 1W0  
Telephone: (403) 931-2161  
Fax: (403) 931-2260

May 24, 2001

Wayne & Gwen Blatz  
RR-1  
Priddis, Alberta  
T0L 1W0

Dear Gwen:

**Re: Proposed Subdivision for Wayne & Gwen Blatz**

Meota Gas Co-op has reviewed the plans for a proposed subdivision in the NE-08-22-03-W5 & NW-09-22-03-W5 with respect to gas supply to this development. We have determined the Co-op has the infrastructure in place to supply the gas volumes required to service this subdivision.

The existing Utility Right of Way on these titles allow for additions to the Meota distribution system to provide gas service to the developed area.

Yours truly,

A handwritten signature in black ink, appearing to read "Art Bosch", written over a horizontal line.

Art Bosch  
Manager

AB/sw

**Appendix D –Letters of Support for Whiskey Springs Ridge Area  
Structure Plan from neighbouring property owners**



Priddis, Alberta  
T0L 1W0

M.D. of Foothills  
High River, Alberta

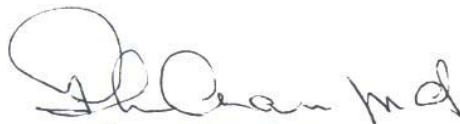
April 11, 2002

Dear Council:

We do not oppose the plan presented by Tom and Jessie Adams and Wayne and Gwen Blatz. The access road they will have to build to serve this development will be very valuable for us. At present we are unable to build a cost-effective road to our quarter (SE 8-22-3-W5). If you approve this Area Structure Plan the applicants have undertaken to allow us to use their road system.

Yours truly,

  
Sheila Crawford

  
George Crawford

Priddis, Alberta  
T0L 1W0

M.D. of Foothills  
High River, Alberta

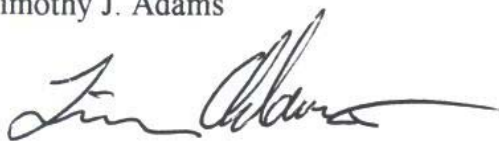
April 11, 2002

Dear Council:

I support the plan presented by Tom and Jessie Adams and Wayne and Gwen Blatz.

Yours truly,

Timothy J. Adams

A handwritten signature in black ink, appearing to read "Tim Adams", with a long horizontal flourish extending to the right.

BRYAN G. SCOTT  
Box 11 Site 6 RR 1  
PRIDDIS AB TOL 1W0  
TEL & FAX (403) 931-2357

April 11, 2002

Via Fax  
931-4210

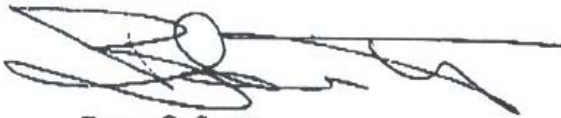
Wayne and Gwen Blatz  
RR 1  
Priddis AB TOL 1W0

Dear Wayne and Gwen:

**Re: Whiskey Springs Ridge – Area Structure Plan**

Further to our meeting with Wayne to discuss the proposed development, the review of our copy of the aforementioned document which was left with us, and explanations to various points by Gwen, we have no objections and therefore support the proposed development.

Yours truly,



Bryan G. Scott



Joan J. Scott

R.R. # 1  
Priddis, Alberta  
T0L 1W0

M.D. of Foothills  
High River, Alberta

April 11, 2002

Dear Council:

I wish to support the plan presented by Tom and Jessie Adams and Wayne and Gwen Blatz. Their hill will be an excellent place for acreage lots.

Yours truly,

Jim Griffith

A handwritten signature in cursive script, appearing to read "Jim Griffith".

Priddis, Alberta  
T0L 1W0

M.D. of Foothills  
High River, Alberta

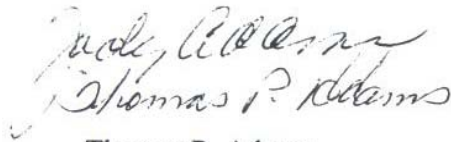
April 15, 2002

Dear Council:

We support Tom and Jessie Adams and Wayne and Gwen Blatz in their efforts to develop their lands. The land is very poor farm land and will make excellent country residential lots.

The water systems they propose to allow us to access will be an improvement on our present supply and will therefore enhance the value of our property.

Yours truly,

A handwritten signature in dark ink, appearing to read "Judy Adams" and "Thomas P. Adams" in a cursive script.

Thomas P. Adams  
Judy Adams

**R. & D. Pawliw**  
**Box 8, Site 16, RR #1**  
**Priddis Alberta**  
**T0L 1W0**

**Ph (403) 931-3577**  
**Cell (403) 803-1689**  
**Email: [rpawliw@cadvision.com](mailto:rpawliw@cadvision.com)**

April 16, 2002

The Municipal District of Foothills No. 31  
Box 5605  
High River, Alberta  
T1V 1M7

**RE: Proposed Adoption of Whiskey Springs Ridge Area Structure Plan**  
**Ptn. NE 08-22-03 W5 & Ptn NW 09-22-03W5**

Dear Sir/Madam

We are the owners of the SW 4 of 17-22-3W5M. The proposed Structure Plan effects us both in a positive and negative way. However, it is our belief that people must be reasonable in allowing the continued development of these areas for the benefit of the ever growing population, and that owners must be given the opportunity to develop their land as they see fit, giving reasonable consideration to adjacent land owners.

These owners have given reasonable consideration to us in allowing us road usage through the proposed development to our land and therefore access to our property. We therefore support the proposal.

Yours truly,



Randy Pawliw

Virgil Anderson  
Box 8, Site 6, R.R.#1  
Priddis, Alberta  
T0L 1W0

April 16, 2002

Municipal District of Foothills  
Box 5605  
High River, Alberta  
T1V 1M7

Dear Council members:

RE: Whiskey Springs Area Structure Plan  
Ptn: N.E. 08-22-03-W5 and Ptn: N.W. 09-22-03-W5

I am writing to confirm my support for the above application.

I have lived on Coal Mine Road, which is approximately one and one-half miles south of the proposed development for thirty-seven years and have been personally aquatinted with the applicants during the entire time.

In particular I want to endorse the project because Gwen Blatz is personally involved and in my experience with her over the years she has shown that she does an excellent job of anything she undertakes. I am certain that same pattern will hold true of the project at hand.

Yours truly,  


Virgil Anderson

## Whiskey Springs Ridge Area Structure Plan

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To: Gwen & Wayne Blatz (9314210)

From: 1 403 931 3452

4/17/02 02:46:49p

Page 1 of 1

**Sue & Harry Dunne**

Box 10, Site 17, R.R. #1

Priddis, AB

T0L 1W0

Home Phone 931-3452

April 17, 2002

Municipal District of Foothills #31  
High River, Alberta

To Whom it May Concern:

RE: Subdivision proposal of Gwen & Wayne Blatz

Please be advised that we have reviewed the area structure plan of Mr. & Mrs. Blatz and that we have no objections to the proposal as set forth.

Yours truly



Sue & Harry Dunne



April 15/02

RE: BLATZ - ADAMS SUBDIVISION  
APPLICATION

TO Whom it may concern;

My name is Matt Zommer and  
I reside approximately 1 1/2 miles south  
of the proposed development, and I  
am the purchaser of the property where  
I reside.

I have no objection to the proposed  
subdivision.

Yours truly

A handwritten signature in cursive script, appearing to read 'Matt Zommer', enclosed within a large, loopy circular flourish.

Matt Zommer

**Impact Energy Inc.**

1400, 340 12th Avenue SW, Calgary, Alberta T2R 1L5  
Telephone 403.514.0030 Facsimile 403.514.0036 www.impactenergy.ca

April 2002



To Whom It May Concern:

Whiskey Springs Ridge  
Subdivision Plan  
NE 8 & Ptn NW 9-22-3W5M

Impact Energy Inc approached the subject landowners (Adams & Blatz) in 2001 to obtain a surface lease for a road, well site and potential sour gas pipeline on the subject lands. The purpose of this access was to permit Impact to drill, complete, and potentially tie in for production sour gas wells drilled at a surface site in 16-8-22-3W5M. At that time, the landowners indicated their willingness to permit access to Impact and stated their plans to subdivide the property for residential development. As a result, Impact and the landowners worked together to provide for this multiple use.

Impact does not have an objection to the proposed subdivision development.

The subdivision design was established to take advantage of the natural terrain and view sites and to account for required 'setbacks' related to sour gas developments such as that undertaken by Impact.

Impact is currently drilling a potential sour gas well 3-8-22-3W5M (Level 1 Non Critical) on the subject lands and has a license to potentially drill a second similar well 6-17-22-3W5M on the same surface drilling site at 16-8-22-3W5M. Successful wells would be tied in for production through a potential pipeline that would need to be constructed on the lands. A potential pipeline corridor has been established with the subdivision development in mind.

Sincerely

Impact Energy Inc.

**Ed & Karen Robbins  
Box 16, Site 6, RR# 1  
Priddis, AB T0L 1W0**

**April 15, 2002**

**The Municipal District of Foothills No. 31  
Box 5605  
High River, AB T1V 1M7**

**To Whom It May Concern:**

**RE: Proposed adoption of Whiskey Springs Ridge Area Structure Plan  
PTN.N.E 08-22-03-W5 and PTN.N.W. 09-22-03-W5**

**It is our opinion that because of the proximity to Calgary, there is and will continue to be, a strong demand for "Rural Acreage's". We believe that each landowner should have the right to use or dispose of their land in a manner that is most advantageous to them. That said, we also believe that this must be done in a planned and structured fashion that will also serve the community now and in the future.**

**We noticed that in many cases complaints have come from people who already have their little piece of heaven, then want to restrict everybody else to preserve adjacent lands for their benefit, without having the costs or responsibilities. The area will continue to be sub-divided into smaller and smaller lots until someday it will become part of Calgary or another "Urban Entity".**

**We have perused the proposal brochure thoroughly and do not find any outstanding concerns. Therefore, we support this endeavor.**

**Yours truly,**

  
**Ed Robbins**

  
**Karen Robbins**