

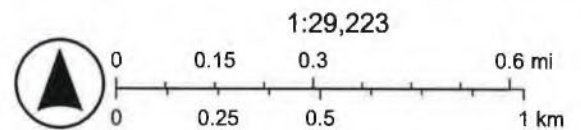


# Location Map - SW 06-21-28 W4M



2026-04-27, 11:37:09 a.m.

- Parcels
- Settlement
- Town
- Townships
- Canada\_Hillshade



Sources: NRCan, Esri Canada, and Canadian Community Maps contributors.



# Subdivision Application

Foothills County

www.foothillscountyab.ca

309 Macleod Trail, Box 5605, High River, AB T1V 1M7 • Tel: 403-652-2341 Fax: 403-652-7880

This form is to be completed in full wherever applicable by the registered owners of the land that is the subject of the application or by a person authorized to act on the registered owner's behalf.

**FOR OFFICIAL USE ONLY**

Date of Receipt: April 17/26 Date Deemed Complete: April 17/26 Roll #: 2128062680  
Fees Submitted: \$6100.00 Receipt No.: 457319 File No.: \_\_\_\_\_

**1. NAME OF REGISTERED OWNERS OF LAND TO BE SUBDIVIDED:**

Hamer Tree Services Ltd.

Address: \_\_\_\_\_ Foothills Alberta \_\_\_\_\_ Postal Code T1S 4S3

Home Phone \_\_\_\_\_ Business Phone \_\_\_\_\_

I consent to receive documents by email:  Yes  No Email Address: \_\_\_\_\_

**2. NAME OF AUTHORIZED PERSON ACTING ON BEHALF OF REGISTERED OWNER(S) (IF ANY):**

Kristi Beunder RPP, MCIP - Township Planning + Design Inc.

Address 110 - 259 Midpark Way SE Calgary, AB Postal Code T2X 1M2

Home Phone \_\_\_\_\_ Business Phone 403.880.8921

I consent to receive documents by email:  Yes  No Email Address: Kristi@twppanning.com

I (We) \_\_\_\_\_ hereby authorize \_\_\_\_\_ to act on my (our) behalf on matters pertaining to this application for subdivision.

*\*please refer to attached agency agreement\**

Signature of Landowner(s) \_\_\_\_\_ Date \_\_\_\_\_ Signature of Landowner(s) \_\_\_\_\_ Date \_\_\_\_\_

**3. LEGAL DESCRIPTION AND AREA OF LAND TO BE SUBDIVIDED:**

All/part of the SW 1/4 Sec. 6 Twp. 21 Range 28 West of 4 Meridian.

Being all/parts of Lot \_\_\_\_\_ Block \_\_\_\_\_ Reg. Plan No. \_\_\_\_\_ C.O.T. No. 121 074 882

Total area of the above parcel of land to be subdivided 38.717 hectares (95.67 acres).

Municipal Address (if applicable) \_\_\_\_\_

**4. LOCATION OF LAND TO BE SUBDIVIDED:**

- a. The land is situated in Foothills County.
- b. Is the land situated immediately adjacent to the municipal boundary? Yes \_\_\_\_\_ No
- If Yes, the adjoining municipality is \_\_\_\_\_
- c. Is the land situated within 1.6 kilometres (1 mile) of the centre line of a Highway right of way? Yes \_\_\_\_\_ No  If Yes, the Highway is No. \_\_\_\_\_
- d. Does the proposed parcel contain or is adjacent to a river, stream, lake or other body of water, or by a drainage ditch or canal? Yes  No \_\_\_\_\_ If Yes, state its name Unnamed Intermittent drainage
- e. Is the land within 1.5 kilometres (0.93 miles) of a sour gas facility? Yes \_\_\_\_\_ No
- f. Are there any oil or gas wells or pipelines on or within 100 metres of the land? Yes \_\_\_\_\_ No

**5. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED:**

- a. Describe existing use of the land as classified under a land use bylaw Agricultural District - A
- b. Describe proposed use of the land as classified under a land use bylaw Country Residential District
- c. Number of new parcels being created four (4)
- d. Size of parcels being created Proposed +/- 3.60ac, +/- 4.35ac, +/- 3.76ac, +/- 3.6ac and Balance lot +/- 80.36ac

**6. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED:**

a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) \_\_\_\_\_

This site is generally flat with a gentle slope to the east

b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.) Mixed

c. Describe the kind of soil on the land (sandy, loam, clay, etc.) Mixed

**7. EXISTING BUILDINGS ON THE LAND TO BE SUBDIVIDED:**

Describe any building, historical or otherwise and any structures on the land and whether they are to be demolished or moved:

Please refer to site plan for list of structures and what is to be removed

**8. WATER AND SEWER SERVICES**

If the proposed subdivision is to be served by other than a water distribution system and a wastewater collection system, describe the manner of providing water and sewage disposal:

Two of the proposed sites already have water well, 2 additional wells will be drilled and all sites will have septic field and tanks

**9. REGISTERED OWNER(S) OR PERSON ACTING ON HIS /HER BEHALF:**

I/We, Kristi Beunder, RPP MCIP - Township Planning + Design Inc. hereby certify that

I/We are the registered owner(s), or

I/We are authorized to act on behalf of the registered owner(s)

and that the information given on this form is full and complete and is, to the best of my/our knowledge, a true statement of the facts relating to this application for subdivision.

Address 110 - 259 Midpark Way SE, Calgary, AB T2X 1M2

Signed \_\_\_\_\_

Date December 8th, 2025

Phone No. 403-880-8921

**RIGHT OF ENTRY**

I/We, Kristi Beunder, RPP MCIP - Township Planning + Design Inc. hereby authorize

Foothills County to enter my/our land for the purpose of conducting a site inspection in connection with my/our application for subdivision.

This right is granted pursuant to Section 653(2) of the Municipal Government Act.

\_\_\_\_\_  
\_\_\_\_\_  
Signature of Registered Owner(s) Authorized Agent

THIS SECTION FOR OFFICIAL USE

Decision REFUSED

The reasons for refusal or conditions of approval are attached.

Date JUNE 15, 2026

Signed [Signature]  
(Authorized Officer of Approving Authority)







LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0030 097 166          4;28;21;6;SW                      121 074 882

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 28 TOWNSHIP 21  
SECTION 6  
QUARTER SW  
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS  
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES)	MORE OR LESS
SUBDIVISION	9112491	1.66	4.10	
SUBDIVISION	9210310	18.87	46.6	
SUBDIVISION	9910385	5.29	13.07	
ROAD	0312593	0.226	0.56	

EXCEPTING THEREOUT ALL MINES AND MINERALS  
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

MUNICIPALITY: FOOTHILLS COUNTY

REFERENCE NUMBER: 031 316 284

---

REGISTERED OWNER(S)					
REGISTRATION	DATE (DMY)	DOCUMENT	TYPE	VALUE	CONSIDERATION
121 074 882	29/03/2012	TRANSFER OF LAND		\$1,900,000	\$1,900,000

---

OWNERS

HAMER TREE SERVICES LTD.  
[REDACTED]  
FOOTHILLS  
ALBERTA T1S 4S3

(DATA UPDATED BY: CHANGE OF ADDRESS 171201152)

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ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	NUMBER	DATE (D/M/Y)	PARTICULARS
	791 095 859	19/06/1979	CAVEAT

( CONTINUED )

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
# 121 074 882

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
------------------------	--------------	-------------

CAVEATOR - THE MUNICIPAL DISTRICT OF FOOTHILLS NO.  
31.

921 179 515	22/07/1992	EASEMENT OVER LOT 18 PLAN 9112491 FOR THE BENEFIT OF LOTS 16 AND 17 PLAN 9210310 AND SW 6-21-28-4 (PORTION DESCRIBED)
991 018 913	21/01/1999	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.
121 054 006	05/03/2012	CAVEAT RE : PURCHASERS INTEREST CAVEATOR - PAUL HAMER C/O CHARLES A DIXON PO BOX 1169 51 RIVERSIDE GATE OKOTOKS ALBERTA T1S1B2 AGENT - CHARLES A DIXON
121 074 883	29/03/2012	MORTGAGE MORTGAGEE - PAT WIERZBA MORTGAGEE - SALLY WIERZBA BOTH OF: PO BOX 791 OKOTOKS ALBERTA T1S1A8 ORIGINAL PRINCIPAL AMOUNT: \$1,400,000

TOTAL INSTRUMENTS: 005

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 9 DAY OF APRIL,  
2026 AT 10:18 A.M.

ORDER NUMBER: 56799645

CUSTOMER FILE NUMBER: 24-049



\*END OF CERTIFICATE\*

( CONTINUED )

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S) .

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**ALBERTA GOVERNMENT SERVICES  
LAND TITLES OFFICE**

**IMAGE OF DOCUMENT REGISTERED AS:**

**791095859**

**ORDER NUMBER: 54709887**

**ADVISORY**

**This electronic image is a reproduction of the original document registered at the Land Titles Office. Please compare the registration number on this coversheet with that on the attached document to ensure that you have received the correct document. Note that Land Titles Staff are not permitted to interpret the contents of this document.**

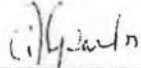
**Please contact the Land Titles Office at (780) 422-7874 if the image of the document is not legible.**

CANADA  
PROVINCE OF ALBERTA } I, Thomas J. Motil  
TO WIT: } of the Town of High River  
in the Province of Alberta.

make oath and say:

1. THAT I am agent for the above-named Caveator.
2. THAT I believe that the said Caveator has a good and valid claim upon the said lands and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal therewith.

SWORN before me at the Town of High River in the Province of Alberta  
this 14th day of June A.D. 19 79



A Commissioner for Oaths in and for the Province of Alberta.

DATED 70-1 095859

'79

JUN 19

RUE

Caveat

I certify that this instrument is duly entered and registered in the Land Titles Office by the Registrar (and) Registration Commission, S.A.A. 1979.  
A.D. Registrar  
S.A.A. 1979

2-2

## Caveat

TO THE REGISTRAR OF SOUTH ALBERTA LAND REGISTRATION DISTRICT

TAKE NOTICE that I, the Municipal District of Foothills No. 31  
(insert name and location of caveator)

of Box 160, High River in the Province of Alberta,

claim (specify the estate or interest claimed)

an interest by virtue of an Agreement for Acquisition of Land signed by the registered owner of the land described below, where they have agreed to sell and the Municipal District has agreed to buy, 17 feet more or less of land along the South boundary of the South East and the South West Quarters of Section Six, and 17 feet more or less of land along the East boundary of the South East Quarter of Section Six, in Township 21, Range 28, West of the Fourth Meridian, for the purposes of future road widening

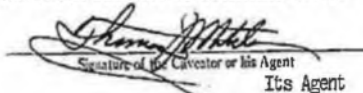
in  
 The South East Quarter of Section Six (6) and the South West Quarter of Section Six (6) in Township Twenty One (21), Range Twenty Eight (28) West of the Fourth Meridian, containing 320 acres more or less,  
 Excepting thereout all mines and minerals and the right to work the same

being lands described in Certificate of Title, 741083017 standing in the register in the name of Sheep Creek Developments Ltd. and I forbid the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest, unless the instrument or certificate of title, as the case may be, is expressed to be subject to my claim.

I APPOINT the Municipal District of Foothills No. 31  
 at Box 160, High River in the Province of Alberta, as the place at which notices and proceedings relating hereto may be served.

DATED this 14th day of June A.D. 19 79

MUNICIPAL DISTRICT OF FOOTHILLS NO. 31

  
 Signature of the Caveator or his Agent  
 Its Agent

CANADA }  
 PROVINCE OF ALBERTA } I,  
 TO WIT: } of the  
 } in the Province of Alberta,

make oath and say:

1. THAT I am the within-named Caveator.
2. THAT I believe that I have a good and valid claim upon the said lands and I say this Caveat is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the \_\_\_\_\_ of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_\_  
 in the Province of Alberta }

A Commissioner for Oaths in and for the  
 Province of Alberta.

(\*addition is defined as something attached to a man's name to show his rank, occupation, or place of residence, or otherwise to distinguish him.)

## Kayla Baxter

---

**From:** FC\_Planning  
**Sent:** April 29, 2026 10:51 AM  
**To:** [REDACTED]; kristi@twpplanning.com  
**Cc:** Theresa Chipchase  
**Subject:** Notice of Complete Application & Time Extension– Subdivision file # F2128-06SW  
**Attachments:** Adjacent.pdf; Notice of Complete.pdf; Time Extension.pdf

Hello,

**Re: Notice of Complete Application & Time Extension– Subdivision file # F2128-06SW  
Ptn: SW 06-21-28 W4M**

This letter is being sent to you to serve as a notice of acknowledgement that the application as noted above is considered **complete** as of **April 20, 2026**.

Please sign & return the Notice of Time Extension, hard copies will follow in the mail.

Also attached is a copy of the Adjacent Landowner notification that will be mailed out, for your records.

Notwithstanding the above, in the course of further processing your application, we may request additional information or documentation from you that is considered necessary to review your application.

If you have any questions or concerns regarding the information in this letter, please contact Theresa Chipchase at [Theresa.Chipchase@foothillscountyab.ca](mailto:Theresa.Chipchase@foothillscountyab.ca).

Regards,

**Foothills County  
Planning & Development**

[FC.Planning@foothillscountyab.ca](mailto:FC.Planning@foothillscountyab.ca)

Foothills County, 309 Macleod Trail S. /Box 5605, High River, AB T1V 1M7

P. (403) 652-2341 | F. (403) 652-7880





## FOOTHILLS COUNTY

309 Macleod Trail, Box 5606

High River, Alberta T1V 1M7

Phone: 403-652-2341

Fax: 403-652-7880

Planning@FoothillsCountyAB.ca

www.FoothillsCountyAB.ca

April 29, 2026  
File # F2128-06SW

Township Planning + Design Inc.  
Attn: Kristi Beunder  
110 – 259 Midpark Way SE  
Calgary, AB T2X 1M2

COPY

Dear Sir/Madam

**RE: PROPOSED SUBDIVISION – NOTICE OF TIME EXTENSION**

**LEGAL DESCRIPTION: PTN. SW 06-21-28 W4M**

Section 8 of the Matters Related to Subdivision and Development Regulation requires the Subdivision Authority to make a decision on a subdivision application 60 days from the date an application is deemed complete, unless an agreement is entered into with the applicant to extend this period. To permit the Subdivision Authority to make a decision on your application we are requesting you to enter into the time extension agreement set out below. Without this agreement, we will be unable to deal with your application after the 60-day period has expired. This is a **standard letter and will not hold your application up in any way.**

If you agree with our request, please complete the agreement set out below and forward it to the above mailing address. Please note that this is a standard form sent to all landowners who apply for Subdivision.

If you have any questions or concerns regarding the information in this letter, please contact the undersigned.

Yours truly,

**FOOTHILLS COUNTY**

**Theresa Chipchase**

Planning & Development Officer

Ph. (403) 603-6223

Email: [Theresa.Chipchase@FoothillsCountyAB.ca](mailto:Theresa.Chipchase@FoothillsCountyAB.ca)

/kb

cc. Landowner – Hamer Tree Services Ltd.



**FOOTHILLS COUNTY**

309 Macleod Trail, Box 5606

High River, Alberta T1V 1M7

Phone: 403-652-2341

Fax: 403-652-7880

Planning@FoothillsCountyAB.ca

www.FoothillsCountyAB.ca

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**TIME EXTENSION AGREEMENT**

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In accordance with Section 681(1)(b) of the Municipal Government, I, Agent Kristi Beunder of Township Planning + Design Inc. on behalf of Landowner Hamer Tree Services Ltd. do hereby enter into an agreement with Foothills County and agree to extend the time prescribed under Section 8(b) of the Matters Related to Subdivision and Development Regulation to August 29, 2026.

\_\_\_\_\_  
Kristi Beunder

\_\_\_\_\_  
Date

---



## FOOTHILLS COUNTY

309 Macleod Trail, Box 5605  
High River, Alberta T1V 1M7  
Phone: 403-652-2341 | Fax: 403-652-7880  
planning@foothillscountyab.ca  
www.FoothillsCountyAB.ca

April 29, 2026  
File # F2128-06SW

Township Planning + Design Inc.  
Attn: Kristi Beunder  
110 – 259 Midpark Way SE  
Calgary, AB T2X 1M2

COPY

Dear Sir/Madam:

**RE: PROPOSED SUBDIVISION – NOTICE OF COMPLETE**

**LEGAL DESCRIPTION: PTN. SW 06-21-28 W4M**

Section 653.1 of the Municipal Government Act requires the Subdivision Authority, within 20 days after the receipt of an application for subdivision, to determine whether the application is complete or incomplete. This letter is being sent to you to serve as a notice of acknowledgement that the application as noted above is considered **complete** as of April 20, 2026.

Notwithstanding the above, in the course of processing your application, we may request additional information or documentation from you that is considered necessary to review your application.

If you have any questions or concerns regarding the information in this letter, please contact the undersigned.

Yours truly,  
**FOOTHILLS COUNTY**

**Theresa Chipchase**  
Planning & Development Officer  
Ph. (403) 603-6223  
Email: [Theresa.Chipchase@FoothillsCountyAB.ca](mailto:Theresa.Chipchase@FoothillsCountyAB.ca)

/kb

cc. Land Owner – Hamer Tree Services Ltd.



# SW 06-21-28 W4M


Base Data provided by: Government of Alberta

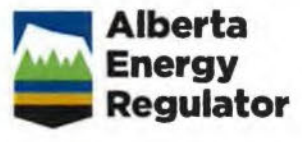
Author: Township Planning + Design  
 Print Date: 4/9/2026

### Legend

- Abandoned Wells
- Revised Location
- Revised Location Pointer
- Paved Road (20K)**
  - Primary Divided
  - Primary Undivided 4L
  - Primary Undivided 4R
  - Primary Undivided 2L
  - Primary Undivided 1L
  - Primary Undivided 1R
  - Interchange Ramp
  - Secondary Divided
  - Secondary Undivided 4L
  - Secondary Undivided 4R
  - Secondary Undivided 2L
  - Secondary Undivided 2R
  - Secondary Undivided 1L
  - Secondary Undivided 1R
- Roads - Other**
  - Unimproved
  - Unclassified
  - Truck Trail
  - Winter
  - Ford Winter Crossing
  - Ferry Route
- Gravel Road (20K)**
  - Primary Undivided 2L
  - Primary Undivided 1L
  - Primary Undivided 1R
  - Secondary Undivided 2L
  - Secondary Undivided 2R
  - Secondary Undivided 1L
  - Secondary Undivided 1R
- Railway (20K Large Scale)**
  - Single Line
  - Double Line
  - Multiple Line
  - Spur Line
  - Abandoned
  - ATS LSD label
- ATS LSD with Road**
- ATS Quarter Section with**
- ATS Section label (large)**
- ATS Section with Road**
- ATS Township (large scale)**
- Provincial Boundary**
- Lake/River (20K)**
  - Lake or River
  - Lake or River
  - Reservoir
  - Icefield
  - Major Canal
  - Oxbow
  - Quarry
  - Dugout
- Intermittent Lake**
  - Intermittent Lake
  - Intermittent Oxbow
- Sandbar / Wetland /**
  - Sandbar

The Alberta Energy Regulator (AER) has not verified and makes no representation or warranty as to the accuracy, completeness, or reliability of any information or data in this document or that it will be suitable for any particular purpose or use. The AER is not responsible for any inaccuracies, errors or omissions in the information or data and is not liable for any direct or indirect losses arising out of any use of this information. For additional information about the limitations and restrictions applicable to this document, please refer to the AER Copyright & Disclaimer webpage: <LINK><http://www.aer.ca/copyright-disclaimer></LINK>

  
 Projection and Datum  
 WGS 1984 Web Mercator Auxiliary Sphere  
 Scale 1:13,408




If no wells are listed on-site:

I, Kristi Beunder RPP, MCIP, Township Planning + Design Inc. being the registered  
 Owner(s) or agent acting on behalf of the registered owner(s)

of SW-06-21-28-W4M  
 (Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, Foothills County, and the AER by obtaining required information from the 'Abandoned Well Map Viewer" and/or through the AER Information Services, and hereby attach "Schedule A" containing a map of the search area from the viewer and a statement identifying that no abandoned well sites were noted on the above legal description.

  
 \_\_\_\_\_  
 Owner/Agent

DATED: this 09 day of April, 2026.

**OR**

If wells are listed on-site:

I, \_\_\_\_\_ being the registered  
 Owner(s) or agents acting on behalf of the registered owner(s)

of \_\_\_\_\_  
 (Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, Foothills County, and the AER, by obtaining required information from the 'Abandoned Well Map Viewer" and/or through the AER Information Services, and hereby attach "Schedule A" containing a list and map identifying the locations of abandoned wells within the search area, including the surface coordinates, written confirmation that I have contacted the licensee for each well and that the exact location of each well has been confirmed, a sketch of the proposed development incorporating the necessary setback area for each well, and a statement confirming that abandoned wells will be temporarily marked with on-site identification to prevent contact during construction, if the development will result in construction activity within the setback area.

\_\_\_\_\_  
 Owner/Agent

DATED: this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

***This form shall accompany all applications for Land use, Subdivisions, Development Permits and Building Permits.***

May 25, 2026

**Circulation Package: F2128-06SW**

The Distribution Engineering Growth Department of ATCO Gas Distribution has reviewed the above-named plan and approves the work provided the following conditions are met:

Right-of-ways will be required for the gas mains within property and should be 2.4 metres wide if provided for the sole use of ATCO, and 3.5 metres if shared with other shallow utilities. Please note, all costs associated with obtaining the right-of-way will be borne by the developer/owner.

The utility right-of-way requirements within the subdivision may change depending upon actual gas main layout, direction of development and boundary locations of the different construction phases. Final rights-of-way requirements must be satisfied at the time of gas main design.

All right-of-ways are to be registered as general utility rights-of-way granted to the City / Town and are to be registered simultaneously with the legal plan of the subdivision.

**Encroachment Note:** Encroachments within the utility right-of-way (URW) will not be permitted without a formal encroachment agreement. Any structures or improvements placed within the URW without such agreement may be removed at ATCO's discretion, and all associated costs will be the responsibility of the builder or developer.

A gas main extension will be required to service the proposed development. Natural gas services may be obtained by making formal application with our Calgary office ([calgaryregiongasdesign@atcogas.com](mailto:calgaryregiongasdesign@atcogas.com)).

Before ATCO can process a work order for gas main installation in the area, we must be in receipt of the following:

- (1) Legal plan.
- (2) Utility right-of-way plan.
- (3) Complete set of approved engineering drawings, including profiles, coordinate plan, building grades (if applicable) and the location of all other utilities
- (4) Construction schedule.

- (5) A digital file of the computer base plan in the "DWG" or "DGN" format (AutoCAD 2010) in modelspace.
- (6) Preliminary electrical drawing with dimensioned URWs, alignments, and road crossings.

We require six to nine months to complete the distribution system design, and to process a work order for our Construction Department to schedule. Prior to the installation of gas mains, the area must be within 150 mm (6") of final grade, all obstructions must be removed from the gas main alignment, and the installation of all other underground utilities must be completed.

The developer must ensure that driveways are not constructed prior to the installation of gas mains in the subdivision. If driveways are pre-installed, a sleeve must be provided at the proper depth and alignment for our use. Otherwise, the cost of coring under the driveway or cutting out and replacing the driveway will be invoiced to the developer at the prevailing rates. The locations of sleeves will be confirmed during the design of the gas mains.

For further information and requirements for natural gas servicing, please refer to the "[Guide to Natural Gas Servicing](#)" found on the ATCO website.

There are existing ATCO facilities in the area. If it should be necessary to lower, relocate or make any alterations to the existing facilities and/or appurtenances due to this project, please contact ATCO Gas Distribution at [calgaryregiongasdesign@atcogas.com](mailto:calgaryregiongasdesign@atcogas.com) with a minimum of one (1) year notice to enable an adequate and timely response. Note that all alteration costs will be borne by the developer / owner. If existing ATCO facilities within a registered easement or URW are being impacted (facility crossing and/or vehicle and equipment crossings), please contact the ATCO Land Group at [Crossings@atco.com](mailto:Crossings@atco.com) to obtain a crossing/proximity agreement.

If gas service is required, to avoid delays, the owner / developer should follow the steps listed on the ATCO website ([New Natural Gas Service Line or Changes](#)) or contact ATCO Customer Assistance Centre at 310-5678, or their local ATCO Gas Distribution agency office at their earliest convenience to discuss the service contract, gas load requirements, timing details and any associated costs. To avoid delays a minimum notice of 6 months is recommended. Note, each lot / unit is to have a separate service line.

For further information and requirements for natural gas servicing, please refer to the "Guide to Natural Gas Servicing" found on the ATCO website. Applications for new services residential or commercial please view our [ATCO Quick Connect Guide](#).

There is an existing ATCO service in the area. If it should be necessary to lower, relocate, or make any alteration to our existing service due to this proposal, please view our , please view our [ATCO Quick Connect Guide](#) and apply through [Quick Connect](#). Note that all alteration costs will be borne by the developer / owner. If the existing service line requires demolition or cutback please submit a request through [Quick Connect](#) or email [GasApplicationsCalgary@atco.com](mailto:GasApplicationsCalgary@atco.com) for more information.

This development may benefit from ATCO's Construction Energy Services. Contact [NaturalgasSales@atco.com](mailto:NaturalgasSales@atco.com) or visit our [Construction Energy Webpage](#) for more information.

It will always remain the responsibility of the proponent to verify the exact location and depths of nearby facilities by arranging for an in-field location with Utility Safety Partners at 1-800-242-3447 or [utilityafety.ca](http://utilityafety.ca). Please contact Utility Safety Partners prior to any surface construction.

- (1) Utility Safety Partners (1-800-242-3447) for locates to verify the alignment of the existing gas facilities.
- (2) Contact ATCO South Operations Dispatch at 403-245-7220 for an inspection of the exposed lines (including hydrovac holes) prior to backfill. Inspection services are available Monday to Friday, 8am – 4pm.
- (3) Hydrovac or hand expose facilities to verify horizontal and vertical alignment of all gas mains in conflict areas. This should be done as soon as possible to determine if the main will need to be relocated.
- (4) If existing gas mains require lowering or relocation due to the proponent's project, notification must be given to our ATCO Gas Distribution Engineering Department with a minimum of one (1) year notice. Forward plans and requirements to the ATCO Gas Distribution Engineering Department at 909 – 11th Ave. SW Calgary, AB, T2R 1L8.

Please refer to the "[Working Around Natural Gas](#)" Safety Handbook found on our website.

These conditions are not meant to contradict any applicable existing law (ie. franchise agreement, bylaw, etc.), and therefore the existing applicable law shall prevail. Should any condition(s) be null or void due to the superseding applicable law, all other conditions shall prevail.

If you have any **questions or concerns regarding this reply**, please contact: **Shaggy Asomugha**, [Shaggy.Asomugha@atco.com](mailto:Shaggy.Asomugha@atco.com)

All the best,

**Jordan Peterson** (he/him)  
Summer Student - Office, Distribution Engineering Growth  
ATCO Gas & Pipelines

ATCO

E. [Jordan.Peterson@atco.com](mailto:Jordan.Peterson@atco.com)

A. 909 11th Ave SW Calgary, AB Canada T2R 1L8

**ATCO** Energy Systems

HOMER

## Kayla Baxter

---

**From:** Gas Land Department <land.admin@atco.com>  
**Sent:** May 22, 2026 11:51 AM  
**To:** FC\_Planning  
**Subject:** ATCO Transmission 7014: Foothills County circulation package for Subdivision File # F2128-06SW. Please review and respond prior to June 1, 2026

**Categories:** Kayla Baxter

ATCO Transmission wishes to confirm we have no conflict as we have no high-pressure pipelines in the proposed area.

**NOTE: ATCO Distribution [Gas] will reply under separate email.**

Thank you for allowing ATCO to review your proposal and provide feedback.

Shan Newton, CONTRACTOR

Administrator, Circulations Team

E: [Shannon.newton@atco.com](mailto:Shannon.newton@atco.com)

ATCO Pipelines & Liquids Global Business Unit

**From:** FC\_Planning <Planning@Foothillscountyab.ca>  
**Sent:** Thursday, April 30, 2026 1:36 PM  
**To:** aep.epeaapprovcal@gov.ab.ca; acsw.historicallup@gov.ab.ca; CirculationsGrowthandImprovement <CirculationsGrowthandImprovement@atco.com>; Gas Land Department <land.admin@atco.com>; Teresa Lemon <Teresa.Lemon@FoothillsCountyAB.ca>; mkilcommons@redeemer.ab.ca; nickelk@fsd38.ab.ca; stephan.deloof@francosud.ca; landserv@fortisalberta.com; Robert Miller <Robert.Miller@FoothillsCountyAB.ca>; circulations@telus.com  
**Cc:** Theresa Chipchase <Theresa.Chipchase@FoothillsCountyAB.ca>  
**Subject:** Foothills County circulation package for Subdivision File # F2128-06SW. Please review and respond prior to June 1, 2026

**CAUTION:** This email originated outside of ATCO. Do not click links or open attachments unless you trust the sender and know the content is safe. Immediately report suspicious emails using the **Phish Alert Report button**.

Hello,

Find attached our circulation package for Subdivision File # F2128-06SW. Please review and respond **prior to June 1, 2026**.

Should you have any questions or comments, please direct them to **Theresa Chipchase** at [Theresa.Chipchase@foothillscountyab.ca](mailto:Theresa.Chipchase@foothillscountyab.ca).

Regards,

**Foothills County  
Planning & Development**

[FC\\_Planning@foothillscountyab.ca](mailto:FC_Planning@foothillscountyab.ca)

Foothills County, 309 Macleod Trail S. /Box 5605, High River, AB T1V 1M7

P. (403) 652-2341 | F. (403) 652-7880



**W.** [www.foothillscountyab.ca](http://www.foothillscountyab.ca)

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## Kayla Baxter

---

**From:** Logan Jamieson <logan.jamieson@fortisalberta.com> on behalf of Land Service <landserv@fortisalberta.com>  
**Sent:** May 20, 2026 10:51 AM  
**To:** FC\_Planning  
**Subject:** 320172301 Foothills County circulation package for Subdivision File F2128-06SW. Please review and respond prior to June 1, 2026  
**Attachments:** F2128-06SW\_HamerTreeServices\_CircPkg.pdf; Easements - 320172301 - Subdivision SW 06-21-28 W4 Foothills County F2128-06SW.pdf  
**Categories:** Kayla Baxter

Hello,

After review it was determined that an easemnet is required by FortisAlberta. Please see our attached letter.

Take Care

**Logan Jamieson** | Land Coordinator Student, Land Department

FortisAlberta | 15 Kingsview Rd. SE Airdrie, AB T4A 0A8 | 403-514-4261



**We are FortisAlberta.** We deliver the electricity that empowers Albertans to succeed. We keep the power on, not just because it's our job, but because we care about the people we serve. We are reliable, honest and dedicated to our work because our employees, customers and communities matter to us.

**From:** FC\_Planning <Planning@Foothillscountyab.ca>

**Sent:** Thursday, April 30, 2026 1:36 PM

**To:** aep.epeaapproval@gov.ab.ca; acsw.historicallup@gov.ab.ca; circulationsgrowthandimprovement@atco.com; land.admin@atco.com; Teresa Lemon <Teresa.Lemon@FoothillsCountyAB.ca>; mkilcommons@redeemer.ab.ca; nickelk@fsd38.ab.ca; stephan.delooof@francosud.ca; Land Service <landserv@fortisalberta.com>; Robert Miller <Robert.Miller@FoothillsCountyAB.ca>; circulations@telus.com

**Cc:** Theresa Chipchase <Theresa.Chipchase@FoothillsCountyAB.ca>

**Subject:** [CAUTION] Foothills County circulation package for Subdivision File # F2128-06SW. Please review and respond prior to June 1, 2026

### THINK BEFORE YOU CLICK:

Before taking any action, please pause and review this message for any **Red Flags** and signs of phishing.

If this is a suspicious email, **before you delete it**, use the 'Phish Alert Report' button in Outlook or contact the Service Desk.

Hello,

Find attached our circulation package for Subdivision File # F2128-06SW. Please review and respond **prior to June 1, 2026.**

Should you have any questions or comments, please direct them to **Theresa Chipchase** at [Theresa.Chipchase@foothillscountyab.ca](mailto:Theresa.Chipchase@foothillscountyab.ca).

Regards,

**Foothills County  
Planning & Development**

[FC\\_Planning@foothillscountyab.ca](mailto:FC_Planning@foothillscountyab.ca)

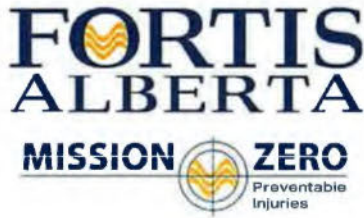
Foothills County, 309 Macleod Trail S. /Box 5605, High River, AB T1V 1M7

P. (403) 652-2341 | F. (403) 652-7880



W. [www.foothillscountyab.ca](http://www.foothillscountyab.ca)

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Logan Jamieson  
Land Department

**FortisAlberta Inc.**  
1000 90 Highland Park Green NE  
Airdrie, AB  
T4A 0X4  
Phone# 403-514-4013  
Cell#  
[www.fortisalberta.com](http://www.fortisalberta.com)  
Email:  
[Logan.Jamieson@fortisalberta.com](mailto:Logan.Jamieson@fortisalberta.com)

May 20, 2026

Foothills County  
PO Box 5605  
High River, Alberta  
T1V 1M7

**Attention:** Theresa Chipchase

**RE: FortisAlberta Condition for Subdivision Approval - Release of Condition**

**FortisAlberta Reference No.:** 320172301

**MD File No.:** F2128-06SW

**Location/Legal Description:** SW 06-21-28 W4

**Customer Name:** Hamer Tree Services Ltd.

Thank you for your notification of the proposed subdivision described above.

**Easements are required** for this development. The developer can initiate the process of securing an easement for the proposed subdivision by contacting the undersigned. FortisAlberta is requesting that the county defer its subdivision approval until such time as this easement process is complete and the developer has entered into an appropriate easement agreement with FortisAlberta and the easement has been properly registered with Land Titles (Alberta). FortisAlberta will notify the county once these steps have been completed and confirm that FortisAlberta no longer has any concerns with approval of this subdivision.

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision and for the easement by contacting FortisAlberta at 310-WIRE (310-9473) to make application.

Please contact FortisAlberta land services at [landserv@fortisalberta.com](mailto:landserv@fortisalberta.com) or by calling (403) 514-4783 for any questions.

Sincerely,

A handwritten signature in black ink that reads 'L Jamieson'.

Logan Jamieson

RE: 320172301

## Kayla Baxter

---

**From:** Setbackreferrals <SetbackReferrals@aer.ca>  
**Sent:** May 5, 2026 3:08 PM  
**To:** FC\_Planning  
**Subject:** RE: Foothills County circulation package for Subdivision File # F2128-06SW. Please review and respond prior to June 1, 2026  
**Attachments:** 2026-90 Map.pdf; 2026-90 Report.pdf  
**Categories:** Kayla Baxter

Good Day,

Please find the attachment(s) from the AER in response to your subdivision/development referral.

If you have any further questions or comments, please direct them to:  
Emergency Response and Preparedness  
Alberta Energy Regulator  
[setbackreferrals@aer.ca](mailto:setbackreferrals@aer.ca)

Please be advised, you are strongly encouraged to contact the licensee(s) to obtain current sour gas setback level designations and to discuss land use planning, at the earliest stage of development planning.

Thank you,

### Setback Referrals

**Alberta Energy Regulator**  
e [SetbackReferrals@aer.ca](mailto:SetbackReferrals@aer.ca)  
Suite 1000, 250 – 5 Street SW, Calgary, Alberta T2P 0R4

[inquiries 1-855-297-8311](tel:1-855-297-8311) [24-hour emergency 1-800-222-6514](tel:1-800-222-6514) [www.aer.ca](http://www.aer.ca)

Security Classification: Protected A

Security Classification: Protected A

**From:** FC\_Planning <Planning@Foothillscountyab.ca>  
**Sent:** April 30, 2026 1:36 PM  
**To:** Setbackreferrals <SetbackReferrals@aer.ca>  
**Cc:** Theresa Chipchase <Theresa.Chipchase@FoothillsCountyAB.ca>  
**Subject:** Foothills County circulation package for Subdivision File # F2128-06SW. Please review and respond prior to June 1, 2026

**CAUTION: External email alert.**

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Hello,

Find attached our circulation package for Subdivision File # F2128-06SW. Please review and respond **prior to June 1, 2026.**

Should you have any questions or comments, please direct them to **Theresa Chipchase** at [Theresa.Chipchase@foothillscountyab.ca](mailto:Theresa.Chipchase@foothillscountyab.ca).

Regards,

**Foothills County  
Planning & Development**

[FC\\_Planning@foothillscountyab.ca](mailto:FC_Planning@foothillscountyab.ca)

Foothills County, 309 Macleod Trail S. /Box 5605, High River, AB T1V 1M7

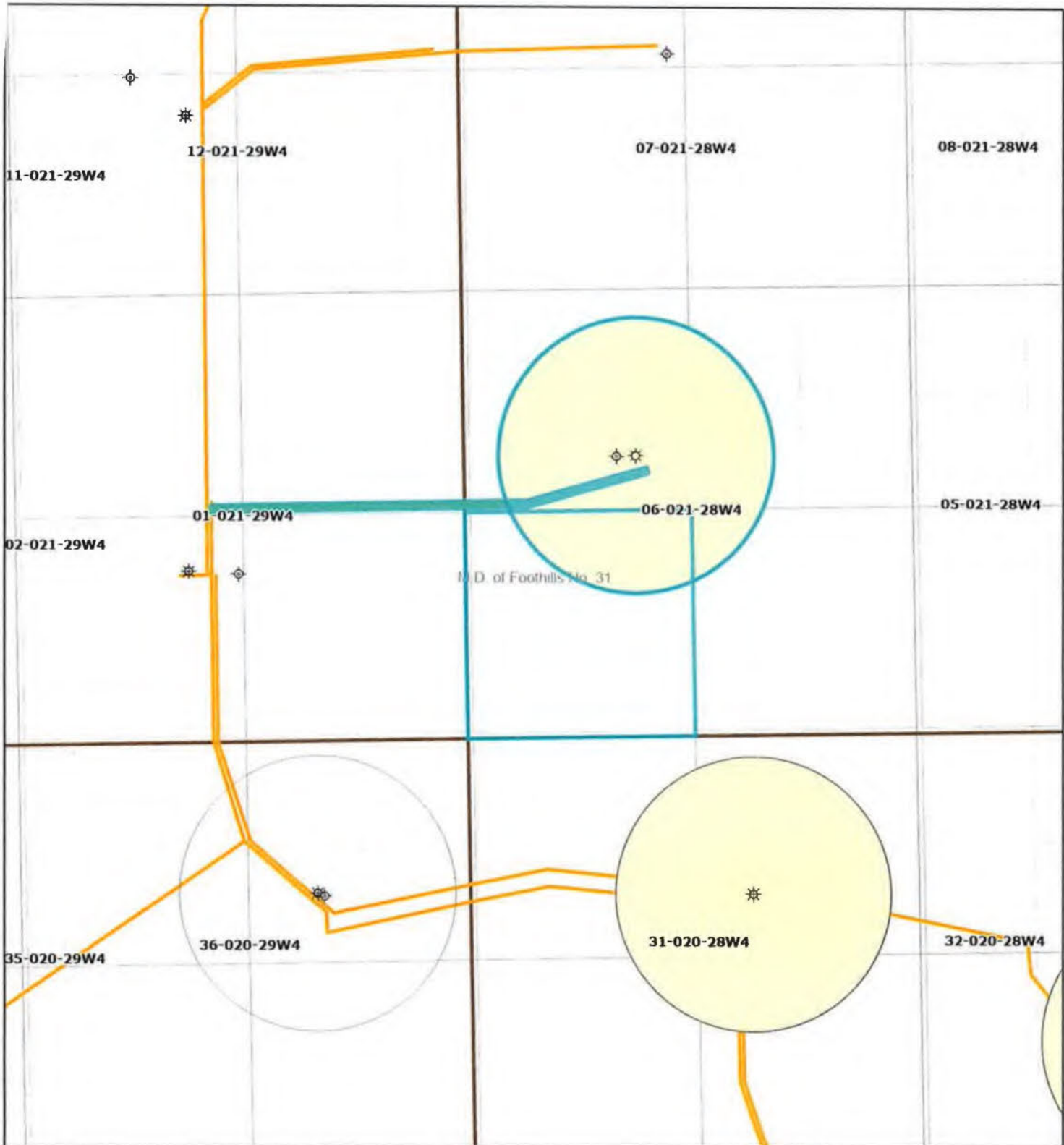
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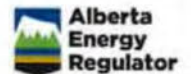
— HVP Pipelines  
— Sour Natural Gas Pipelines

— Sour Oil-Well Effluent Pipelines  
 dbo.FC\_Well\_SHL\_D56\_

The AER does not warrant the accuracy or completeness of the information contained in this map and is not responsible for any errors or omissions in its content and accepts no liability for the use of this information.

You are strongly encouraged to undertake due diligence by contacting the licensee to obtain current sour gas setback level designations, at the earliest stage of development planning.

Base data contains Information licensed under the Open Government License - Alberta



Wells with Known H2S							
License Number	Status	UWI	Surface Location	Substance	Duty Holder	Level	AER Setback
16355	FLOWING	00/11-06-021-28W4/0	11-06-021-28W4	GAS	TAQA North Ltd.	2	100 m from wellhead

Pipelines with Known H2S								
License Number	Status	Line Number	From Location	To Location	Substance	Duty Holder	Level	AER Setback
36967	Abandoned	3	11-6-21-28-4	11-6-21-28-4	Sour Natural Gas	LR Processing Ltd.	N/A	Right-of-way
186	Abandoned	15	11-6-21-28-4	11-6-21-28-4	Sour Natural Gas	Dynegy Canada Inc.	N/A	Right-of-way



**FOOTHILLS COUNTY**

309 Macleod Trail, Box 5606  
High River, Alberta T1V 1M7  
Phone: 403-652-2341  
Fax: 403-652-7880  
Planning@FoothillsCountyAB.ca

April 29, 2026

«MailName»  
«AddLine1»  
«AddLine2» «AddLine3»  
«city», «prov» «POSTAL»

**COPY**

To Whom It May Concern:

**RE: SUBDIVISION – Ptn. SW 06-21-28 W5M – 95.67 ACRES**

Foothills County has received an application from Agent Kristi Beunder of Township Planning + Design Inc. on behalf of landowner Hamer Tree Services Ltd. proposing the subdivision of 4 new +/- 3.6 to 4.35 acre Agricultural District Lots, with a +/- 80.36 Agricultural District balance parcel. A location map for the subject parcel and a site plan are enclosed.

Under the Municipal Government Act adjacent landowners no longer have the opportunity to appeal the decision of the Subdivision Authority to the Subdivision and Development Appeal Board or Land and Property Rights Tribunal. However, as per Section 653(3)(b) of the Act, the Subdivision Authority is required to give notice of the subdivision application to adjacent landowners. According to our records you are an adjacent landowner.

The file for this application may be reviewed at the County Office in High River during regular office hours - Monday to Friday, 8:30 AM to 4:30 PM. Any adjacent landowners that have concerns or feel they are affected by the proposal can make a written submission to Council as the Subdivision Authority prior to May 29, 2026. If we do not hear from you in that time, it will be assumed that you have no objections. There will be no public hearing, only written submissions will be considered. **It is to be noted that your submission will be considered to be part of a file that can be viewed by the public at any time.**

Should you have any questions or wish to submit a letter, please do not hesitate to contact the undersigned.

Yours truly,  
**FOOTHILLS COUNTY**

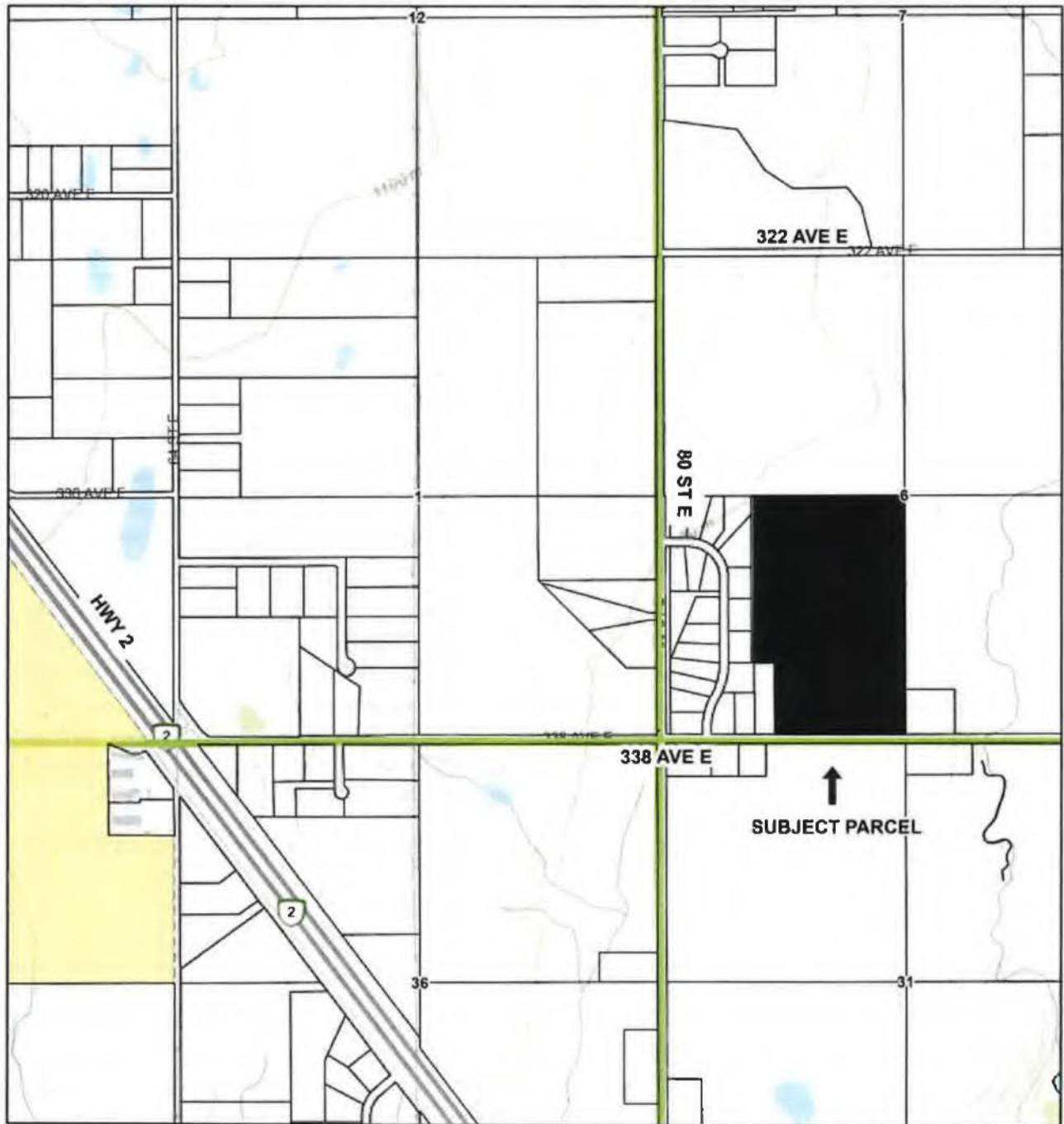
Original Signed by: 

**Theresa Chipchase**  
Planning & Development Officer  
Ph. (403) 603-6223  
Email: [Theresa.Chipchase@FoothillsCountyAB.ca](mailto:Theresa.Chipchase@FoothillsCountyAB.ca)

/kb

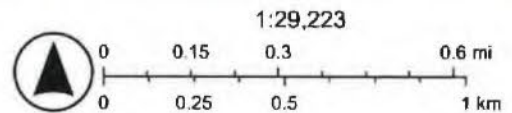
Encl

Location Map - SW 06-21-28 W4M



2026-04-27, 11:37:09 a.m.

-  Parcels
- Settlement
  -  Town
  -  Townships
  -  Canada\_Hillshade



Sources: NRCan, Esri Canada, and Canadian Community Maps contributors



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## **PART 6 LAND USE DISTRICTS**

### **SECTION 12 AGRICULTURAL DISTRICTS**

#### **12.1 AGRICULTURAL DISTRICT**

**A**

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

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

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

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

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

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

12.1.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.

12.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

**Foothills County Land Use Bylaw |**

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

**12.1.6 LAND USE REQUIREMENTS**

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

## Foothills County Land Use Bylaw |

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- ii. That portion of a parcel remaining after approval of a re-designation which facilitates a subdivision and after the subsequent registration of said subdivision reduces the area of the parent parcel to a size of 21 acres or greater in size; or
      - iii. The area in title at the time of passage of this Bylaw.
    - c. Maximum Parcel size:
      - i. None.
  - 12.1.6.3 Required Developable Area:
    - a. In accordance with Section 9.8 of this Bylaw.
  - 12.1.6.4 Utility Servicing Criteria
    - a. Individual wells and individual wastewater disposal systems;
    - b. Communal water and communal wastewater disposal systems;
    - c. A combination of a. and b. as determined by Bylaw amending this section.
  - 12.1.7 DEVELOPMENT REQUIREMENTS**
  - 12.1.7.1 Maximum Lot Coverage
    - a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.
  - 12.1.7.2 Maximum Dwelling Unit Density
    - a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
    - b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
  - 12.1.7.3 Minimum Yard Setback Requirements
    - a. Front Yard Setbacks:
      - i. 15m (49.21 ft.) from the right of way of an internal subdivision road.
      - ii. 48m (157.48 ft.) from the centreline of a Municipal road.
      - iii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
      - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
    - b. Side Yard Setbacks:
      - i. 15m (49.21 ft.) from the property line.
    - c. Rear Yard Setbacks:
      - i. 15m (49.21 ft.) from the property line.
    - d. In addition, if the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

**12.1.7.4 Corner Parcel Restrictions:**

- a. In accordance with Section 9.27.9 - 9.27.12.

**12.1.7.5 Other Minimum Setback Requirements:**

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

**12.1.7.6 Maximum Height of Structures:**

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

**12.1.7.7 Minimum habitable area per dwelling**

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

**12.1.8 EXCEPTIONS:**

## SECTION 13 RESIDENTIAL DISTRICTS

### 13.1 COUNTRY RESIDENTIAL DISTRICT

**CR**

#### 13.1.1 PURPOSE AND INTENT

To provide for acreage development consistent with the policies outlined in the Municipal Development Plan.

#### 13.1.2 SUB-DISTRICT

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

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

#### 13.1.3 GENERAL REQUIREMENTS:

13.1.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.

13.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.1.4 PERMITTED USES	13.1.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit Accessory uses Agricultural (general) Dwelling, single family Home Based Business Type I Home office Signs not requiring a development permit Solar Power System, Private (Not requiring a Development Permit) Temporary storage of no more than 1 unoccupied recreation vehicles (within Hamlet boundary) Temporary storage of up to 5 unoccupied recreation vehicles (outside a Hamlet boundary) Public works Secondary Suite, Principal Utility services, minor	Accessory buildings requiring a development permit Agricultural intensive – on lots 3 acres or more in size Agricultural specialty Antenna structures, private Arena, private Bed and Breakfast Family Day Home Dugout (for general ag use) Dwelling, moved on Dwelling, temporary Home based business Type II Home based business Type III Intensive vegetation operation Kennels, private Lot grading Man-made water bodies, private Secondary Suites, Detached Signs requiring a Development Permit

**Foothills County Land Use Bylaw |**

13.1.4 PERMITTED USES	13.1.5 DISCRETIONARY USES
	Solar Power System, Private requiring a Development Permit Temporary storage of no more than 2 unoccupied recreation vehicles (within Hamlet boundary)

**13.1.6 LAND USE REQUIREMENTS**

- 13.1.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 13.1.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of country residential uses within the District, the following applies to applications for subdivision:
  - a. Parcel Density:
    - i. Maximum one lot per 2.02 ha (5 acres) of existing land contained under the same title to a maximum of 32 lots per quarter section.
  - b. Minimum Parcel Size:
    - i. The area in title at the time of passage of this Bylaw; or
    - ii. A parcel of land no less than 0.81 ha (2.0 acres).
  - c. Maximum Parcel size:
    - i. 8.49 ha (20.99 ac); or
    - ii. The area in title at the time of passage of this Bylaw.
- 13.1.6.3 Required Developable Area:
  - a. In accordance with Section 9.8 of this Bylaw.
- 13.1.6.4 Utility Servicing Criteria
  - a. Individual wells and individual wastewater disposal systems;
  - b. Communal water and communal wastewater disposal systems; or
  - c. A combination of a. and b. as determined by Bylaw amending this section.

**13.1.7 DEVELOPMENT REQUIREMENTS**

- 13.1.7.1 Maximum Lot Coverage
  - a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than forty (40) percent of the lot area.
- 13.1.7.2 Maximum Dwelling Unit Density
  - a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite in accordance with Section 10.26, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10.
  - b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.

## Foothills County Land Use Bylaw |

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### 13.1.7.3 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
  - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iii. 48m (157.48 ft) from the centreline of a Municipal road;
  - iv. 15m (49.21 ft.) from the right of way of an internal subdivision road.
- b. Side Yard Setbacks:
  - i. 15m (49.21 ft.) from the property line.
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft.) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.
- e. See Section 13.1.8 "Exceptions" for any setbacks exemptions that have been approved by Bylaw.

### 13.1.7.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 13.1.7.5 Other Minimum Setback Requirements:

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

### 13.1.7.6 Maximum Height of Structures:

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

### 13.1.7.7 Minimum habitable area per dwelling

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

### 13.1.8 EXCEPTIONS:

#### Silvertip:

13.1.8.1 Front yard setback: 5m (16.4 ft) from Internal Subdivision Road – Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;

13.1.8.2 Front yard setback: 15m (49.21 ft) from property line adjacent to any Municipal Road; for those properties registered under Condominium Plan 0010395 (Silvertip);

## Foothills County Land Use Bylaw |

- 13.1.8.3 Side yard setback: 1.5m (4.92 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;
- 13.1.8.4 Rear yard setback: Principal Building - 8m (26.25 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;
- 13.1.8.5 Rear yard setback: Accessory Building - 1m (3.28 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres.

### Sirroco Area Structure Plan Area

- 13.1.8.6 For the following properties within the Sirroco Area Structure Plan: Plan 1311328, Block 1, Lot 6-9, Plan 1311328, Block 2, Lot 1, and Plan 1311328, Block 3, Lot 1:
- Front yard setback: 5m (16.4 ft.) from the property line;
  - Side yard setback: 1.5m (4.92 ft.) from the property line;
  - Rear yard setback: 8m (26.25 ft.) from the property line for the principle building and 1m (3.28 ft.) from the property line for any accessory building;

### Mazzepa:

- 13.1.8.7 For the following properties in Mazeppa:

#### Plan 7893FT, Block A, S <sup>1</sup>/<sub>2</sub> and N <sup>1</sup>/<sub>2</sub> (1.38 acres)

Front yard setback:

- 4m (13.12 ft) from the right of way of the municipal road on the west side;
- 15m to the right of way of a municipal road on south side;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback:

- 8m (26.25ft.) from the property line for the principal building;
- 1m (3.28 ft.) from the property line for any accessory building.

#### Plan 4098EL, Block 1, Lot 2 and Lot 3 & Plan 4098EL Lot 1, (0.35 acres)

Front yard setback: 4m (13.12 ft) from the property line;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback:

- 8m (26.25ft.) from the property line for the principal building;
- 1m (3.28 ft.) from the property line for any accessory building.

#### Plan 9610255, Lot 4 all within NW 30-19-27-W4 (2.57 acres – 34m strip):

Front yard setback: 15m (49.21 ft) from the property line;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback: 15m (49.21 ft.) from the property line.

#### NW 30-19-27-W4 (14.06 acres)

Front yard setback: 15m (49.21 ft) from the property line;

# Agriculture

Conserving the *agricultural land* base is very important to our economy, our environment and our way of life here in the MD of Foothills. Agricultural products are renewable resources which provide jobs and revenue. The long-term viability of agriculture depends on the land base. Due to the diversity of agricultural pursuits we can no longer define good farm land strictly by criteria such as the Canada Lands Inventory (CLI) soil capability system. We view all land as potential agricultural land and worth conserving. Agricultural lands comprise a significant portion of the natural capital in the MD, and the MD has a duty to protect this land for use by future generations.

Most of the land in the MD of Foothills is made up of working farms and ranches, many of which have been in families for generations. These families not only work as farmers, but they are also responsible for *land stewardship*. We still have intact watersheds, abundant wildlife and spectacular open vistas, all 'public goods', because of the families who have cared for their lands. The costs of supplying and maintaining these goods on private lands are left largely on the shoulders of our farmers and ranchers. The Provincial government's new Land-Use Framework recognizes this and plans to develop new policy to support stewardship and conservation on both public and private lands. The MD supports this initiative.

## GOAL

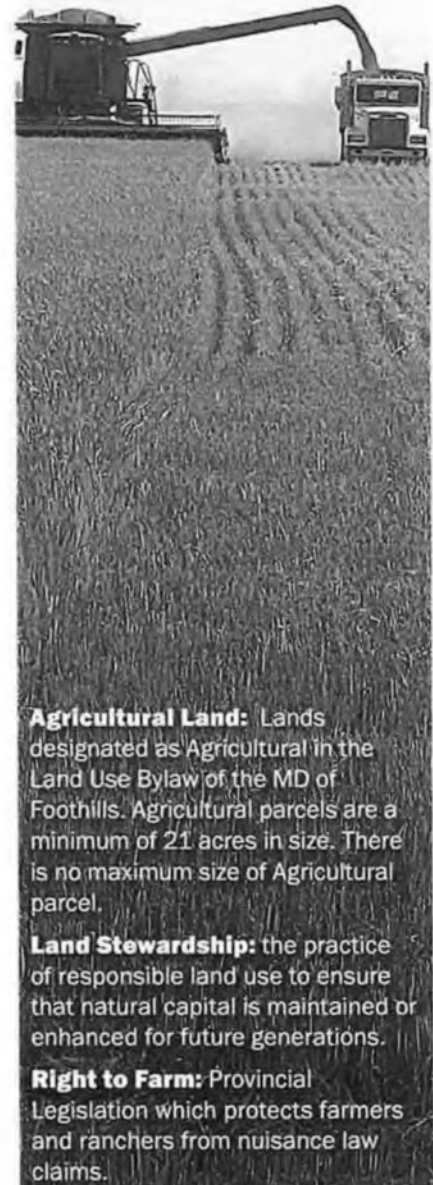
Conserve and protect the maximum amount of land in the MD as natural capital for use by the agricultural industry today and for future generations.

## OBJECTIVES

1. Make the preservation of agricultural land a priority for the Municipal District of Foothills No. 31.
2. Minimize the loss of agricultural land by limiting the amount of land removed from agricultural use.
3. Foster growth, diversification and development of the agricultural industry.
4. Support existing agricultural operations and the "*right to farm*".
5. Partner with and encourage the agricultural industry to protect lands that are environmentally significant by adopting practices that promote soil and water conservation.
6. Encourage the agricultural industry to use water responsibly.

*"There is too little public recognition of how much we all depend upon farmers as stewards of our soil, water and wildlife resources."*

John F. Kennedy



**Agricultural Land:** Lands designated as Agricultural in the Land Use Bylaw of the MD of Foothills. Agricultural parcels are a minimum of 21 acres in size. There is no maximum size of Agricultural parcel.

**Land Stewardship:** the practice of responsible land use to ensure that natural capital is maintained or enhanced for future generations.

**Right to Farm:** Provincial Legislation which protects farmers and ranchers from nuisance law claims.

# Agriculture



## POLICY

1. All lands in the MD are deemed to be agricultural lands unless zoned for other uses.
2. The MD supports maintaining the integrity of the agricultural land base and discourages the fragmentation of agricultural land, including the subdivision of land into smaller agricultural parcels.
3. Agricultural uses and industries that support agriculture should be encouraged to locate in the Municipality. Non-agricultural uses should only be permitted on lands where the MD judges the proposal to have minimal negative impacts on the agricultural resource.
4. When considering the conversion of agricultural lands to other uses the Municipality shall consider the following:
  - 4.1. Guidance and policy contained within the Municipal Development Plan and other approved plans in the Planning Hierarchy found in Appendix A of this MDP.
  - 4.2. Present or proposed use of lands in the vicinity, including that of confined feeding operations.
  - 4.3. Impact the proposed use will have on the existing or potential agricultural use of the property and properties that may be affected.
  - 4.4. Information contained within the farmland assessment records maintained by the Municipality.
  - 4.5. Response to referrals sent to Provincial government departments.
5. The subdivision of one parcel from a previously un-subdivided quarter section may be supported if the following criteria are met to the satisfaction of the Municipal District:
  - 5.1. The parcel is as small as possible while encompassing the structures, shelterbelts, well and septic fields necessary to the use, but not less than 2 acres in size and where possible, not larger than 20.99 acres.
  - 5.2. Where possible, given the other criteria in this subsection, the subdivision will be designed in a manner that respects natural capital, including but not limited to soils, vegetation, water bodies and their associated riparian areas, and views.
  - 5.3. The parcel has year round physical and legal access to a developed MD roadway.

# Agriculture

- 5.4. Subdivision of the parcel does not negatively impact adjacent agricultural uses.
- 5.5. All provisions of the Land Use Bylaw have been met.
- 5.6. The parcel has been zoned to allow for the subdivision.
6. The subdivision of a fragmented parcel from a previously *unsubdivided quarter section* may be supported if the following criteria are met to the satisfaction of the Municipal District:
  - 6.1. The parcel is the entire area of the fragment.
  - 6.2. A suitable building site exists.
  - 6.3. Available legal and year round physical access sufficient to meet the needs of the proposed use.
  - 6.4. Proposed use of the parcel does not negatively impact adjacent agricultural uses.
  - 6.5. Applicant demonstrates that the parcel can be serviced on-site as per Provincial and Municipal regulations.
  - 6.6. The parcel has been zoned to allow for the subdivision.
7. While it should be noted that Agriculture continues to be an important use through all districts in the municipality; the Growth Management Strategy for the MD of Foothills identifies that Agriculture is the predominant land use in the East District and the South West District, and that this should remain so. Conversion of agricultural land to other uses in these areas is discouraged.

## Confined Feeding Operations

8. Ensure that each *confined feeding operation (CFO)* meets the *minimum distance separation (MDS)*.
9. Encourage each CFO to own the land included within the MDS.
10. Ensure that the CFO and the MDS does not fall within a minimum of:
  - 10.1. 3.2 km (2 miles) of any urban municipality or hamlet and does not encroach into any intermunicipal development plan boundaries.
  - 10.2. 0.8 km (1/2 mile) of a neighbouring dwelling.
11. CFOs should be located in an area where there will be minimal conflict with existing land uses and must take



**Fragmented Parcel:** A portion of a quarter section which is physically separated from lands within that quarter section due to roads, railway lines, natural water courses and water bodies, or other natural or man-made features.

# Agriculture



into consideration future expansion areas when looking at surrounding land uses.

12. Other uses and subdivisions shall be discouraged within the MDS of an existing CFO.
13. Direct CFOs towards parcels of 160 acres or more.

# Residential

The MD of Foothills No. 31 manages development by using a balanced approach which reduces the fragmentation of lands while allowing for continued residential growth in the MD. This approach directs residential growth to fragmented lands and identified growth areas in the form of clustered development, and hamlet style developments and away from un-fragmented agricultural lands. In addition, the MD's growth management strategy indicates that the majority of the future residential development will be directed towards the Central District. The Municipal Development Plan supports the following six types of residential development in the MD:

## Country Residential

Country Residential lots are traditional acreage lots. These parcels are intended to remove an existing homestead from a farming operation, as well as to further subdivide existing parcels zoned Country Residential.

The traditional subdivision of large lots with private onsite services has become unsustainable, particularly in regard to land consumption, water supply, potential impacts from private sewage systems, as well as long term road maintenance costs. This type of development should be directed to areas which are already fragmented.

## Cluster Residential

Cluster Residential lots are those which are designed to reduce the development footprint by placing parcels close to each other in association with a larger remnant parcel that cannot be further subdivided. This type of development can maintain the open space nature of the landscape, thereby not dramatically altering the rural character. The Cluster Residential subdivision uses a smaller area of land for roads and houses, and is therefore more efficient when compared to Country Residential lots. This development form is considered most appropriate for the Central District or for identified growth areas within the MD.

## Country Estate Residential

While there are still some instances where traditional country residential lots with individual wells and septic systems are appropriate, in order to use land more efficiently the MD of Foothills established a new land use in the 2014 Land Use Bylaw to provide for higher density country residential development. The Country Estate Residential land use is intended to accommodate higher density development (0.25 to 5 units per acre) based on communal servicing as part of a comprehensively planned development in accordance with an approved Area Structure Plan, Area Concept Plan, Outline Plan, or as part of a hamlet.



# Residential



## **Hamlet Residential**

Hamlet Residential lots are those developed in a semi urban form resembling a village or small town. Much of the new residential development in the MD of Foothills will be in the form of communally serviced, compact, mixed use communities planned from the perspective of environmental, social, and economic sustainability. The MD will direct the majority of future residential growth to existing hamlets, new hamlets, and developed lands that can be redeveloped to higher densities.

New Hamlet Residential development will be focused in areas of the MD where transportation, servicing, and community development can be maximized for all residents in the region. The MD will implement strategic planning to provide guidance on the principles, general locations, and desired components of new Hamlet Residential development. Where new communities are to be developed or where redevelopment opportunities arise, the best available environmental technology and innovation will be employed within all municipal infrastructure systems and buildings.

## **Residential Multi-Family**

In the interest of providing a greater range of housing choices in the MD, the 2014 Land Use Bylaw created a new Residential Multi-Family district. This district is intended to provide for the development of multi-family units in Hamlets or comprehensively planned developments on the basis of communal water and wastewater servicing. This type of development is to be located in an area with an approved Area Structure Plan, Area Concept Plan, Outline Plan, or within a Hamlet.

## **Residential Manufactured Home District**

The Residential Manufactured Home District is intended to provide more housing choices for MD residents. This land use district is intended to provide for manufacture housing within comprehensively planned manufactured home parks that are to be located within a hamlet. This type of development must be serviced by municipal water and a communal wastewater disposal system.

## **GOAL**

Support a variety of residential development forms in appropriate locations which serve to minimize the fragmentation of agricultural lands, the impact on the natural environment, and the long term financial implications to the MD.

# Residential

## OBJECTIVES

1. Ensure the efficient use of land for residential development in order to:
  - 1.1. Minimize the fragmentation and conversion of agriculture land.
  - 1.2. Maintain rural character and open space environments.
  - 1.3. Efficiently use existing and new infrastructure, utility systems, and services.
2. Manage residential development through adopting strategic and statutory plans and other means which provide reasonable assurance to landowners of the intended future development pattern in the MD.
3. Allow for opportunities to apply innovative land use planning and land conservation concepts that improve municipal efficiencies and reduce rural sprawl.
4. Accommodate residential populations in a variety of housing forms in the MD of Foothills.
5. Consider the development of new planned neighbourhoods where the location and infrastructure can support increased intensity of use, such as secondary suites or major home based businesses.
6. Encourage the development of attractive residential environments.
7. Ensure that residential development conforms to environmental and public health guidelines.
8. Implement development controls in order to ensure that all aspects of developments proceed as intended.



# Residential

## POLICY

1. Residential developments should be located, designed, and serviced in ways which will minimize costs to the MD.
2. The MD shall require the preparation of an *Area Structure Plan, Outline Plan*, or other such plan for residential development in accordance with the guidelines found within Appendix C, Planning Framework.
3. Proposals for *residential parcels* should be developed to be compatible with the surrounding area and existing land uses. Consideration will be given to the density, design, traffic, and the visual impact of the proposal on the adjacent lands. Proposals shall be considered on the basis of the following criteria:
  - 3.1. Impact on agricultural industry, the efficient use of land, and the conservation of water.
  - 3.2. Guidance found within this MDP, and other documents as listed in Appendix A, Planning Hierarchy.
  - 3.3. Impact on the natural capital of the MD.
  - 3.4. Suitability of the land for residential uses.
  - 3.5. Environmental significance of the land and adjoining properties.
  - 3.6. Environmental impact.
  - 3.7. Cumulative effects of the development.
  - 3.8. Condition of the Provincial and/or Municipal road servicing the proposed development.
4. The MD supports the development of specialized housing for seniors, special needs, etc. in hamlets and within our urban neighbouring communities where appropriate utilities and services are available.
5. Applications proposing the creation of residential parcels in areas which are deemed as Environmentally Significant should provide a detailed, site specific biophysical assessment to determine the impacts of the development and where possible provide for mitigation of those impacts.
6. One dwelling unit may be located on a single residential parcel unless it is a form of multiple dwelling permitted in accordance with the Land Use Bylaw.



# Residential

7. The developer shall be responsible for demonstrating to the satisfaction of the MD and Alberta Environment that each residential parcel can be serviced with potable water at a minimum in accordance with the requirements as listed within Appendix F.
8. All residential developments shall meet appropriate standards to the satisfaction of the Director of Public Works with respect to such matters, including, but not limited to, soil, slope stability and water table analysis, biophysical assessment, proof of water, water and wastewater systems requirements, stormwater management, road design, lighting design, setbacks, site coverage, flood mitigation measures, fire prevention, building heights, landscaping, and dedication of reserves.
9. All residential parcels shall have a *developable area* of land which:
  - 9.1. Is not subject to the development restrictions such as those created by sour gas or other natural resource extraction, flooding, hazardous lands, landfills, transfer stations, sewage lagoons, or other restrictions as indicated by the MGA and the Provincial Planning Regulation.
  - 9.2. Contains a water table and soils suitable for the construction of a residence and the wastewater disposal system to be utilized.
  - 9.3. Does not exceed 15% in slope unless a report has been submitted to the satisfaction of the MD, prepared by a qualified Professional which indicates that the developable area is suitable for residential construction.
  - 9.4. Meets the setback requirements of the appropriate district in the Land Use Bylaw.
  - 9.5. Is considered developable by the Subdivision Authority.
10. The Municipality may require the developer to submit reports prepared by a qualified Professional and substantiated by a qualified Professional recommended by the Municipality, at the cost of the developer, to prove the suitability of the site for the proposed development.
11. The design and infrastructure of residential development should functionally link adjoining lands.
12. All residential development shall be setback an appropriate distance from all surface water features, including wetlands, for the purposes of riparian land protection. The method of



# Residential

protection will be determined by the *Subdivision Approving Authority* with guidance from the adopted MD of Foothills Riparian Setback Matrix Model.

13. All residential parcels and roads should be designed and developed such that there is minimal visual impact on adjoining properties and roadways and that the natural features of the site are retained.
14. Creation of residential parcels on the basis of access by easement should not be supported.
15. Country Residential District, Cluster Residential District, Country Estate Residential District, Hamlet Residential District, Residential Multi-Family District, and Residential Manufactured Home District subdivisions shall comply with the density, parcel size, and servicing requirements as outlined in the appropriate section of the Land Use Bylaw.



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# Our foothills Our future

BUILDING ON OUR PAST. A VISION FORWARD.



A GROWTH MANAGEMENT STRATEGY  
for the MD of Foothills No. 31



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# 1 INTRODUCTION

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This plan is the culmination of Phase 2 of the MD of Foothills Growth Management Strategy Project entitled “Our Foothills, Our Future: Building on the Past, a Vision Forward”. Phase 1 of the project focused on consulting the residents of the MD; finding out what they value, what concerns them, where they believe growth could be accommodated and where they believe growth may be desirable.

The goal for Phase 2 of the Project is to provide strategies for managing growth and development that will build on the vision for the MD that was described in MDP 2010. These strategies will enable us to protect and preserve those aspects of the MD that our residents value, and to capitalize on opportunities for growth and development where it makes the most sense and where it can be supported by a formal planning framework.

## 1.1 Why a Growth Management Strategy

When growth is allowed to proceed without the benefit of an appropriate planning framework there can be significant negative impacts, these may include:

- Fragmentation of agricultural lands;
- Increased costs for roads and utilities;
- Impacts on land, air and water;
- Increased costs for soft services such as fire protection and policing;
- Noise and light pollution;
- Conflicts between incompatible land users.

These impacts can be mitigated by focusing and managing growth, by having a plan.

From 1999 to 2009, the MD of Foothills was subject to significant development pressures due to a booming local economy and a common desire among city residents to escape the hustle and bustle of the city and achieve a more desirable lifestyle. Now that development has slowed somewhat we have the opportunity to take stock of where growth has occurred, what impacts it has had and what the best path forward might be.

Developing a strategy for future growth will provide more certainty to landowners about the form that development is likely to take in their area and some direction on where development is more likely to be supported. It will provide guidelines to assist Council in evaluating applications for new development and assist the MD in negotiations with adjacent municipalities by providing them with a picture of the direction the MD would like to take with respect to growth and development.

## 1.2 The Phase 1 Report – What We Heard

The product of Phase 1 of the Growth Management Strategy Project was a report outlining what we were able to learn from the residents of the MD through a public consultation process. The consultation took the form of a survey on growth that was released in conjunction with a video on the history of growth in the MD over the past 100 years or so. In developing the survey, information that had been gathered during the Growing Smarter survey of 2006 and the MDP2010 public consultation process was analyzed in order to design a survey specifically geared towards the creation of a growth management strategy. The result was the Our Foothills our Future video and the growth management survey which were designed to accomplish the following:

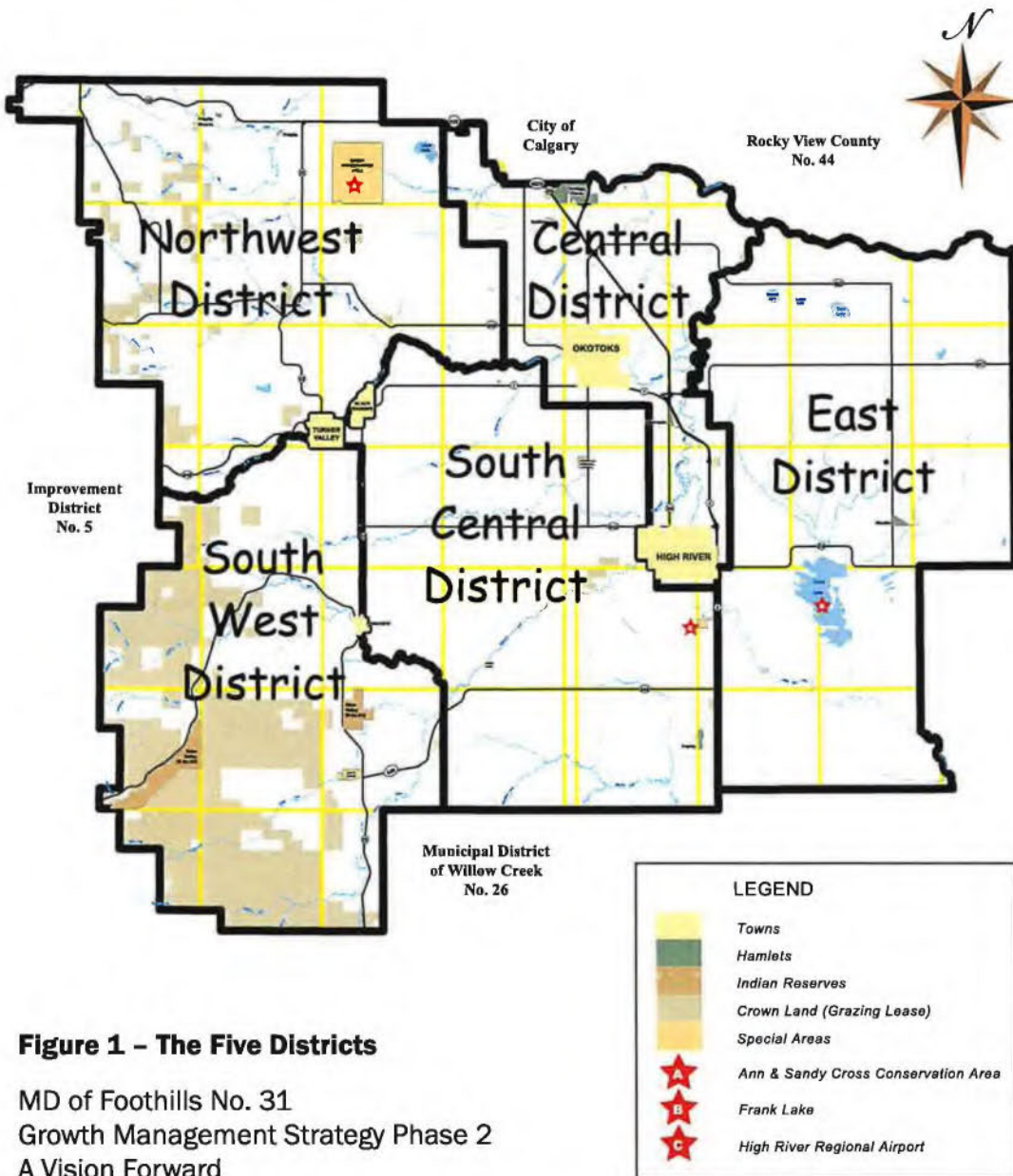
- To inform the public about the project and about the historical development of the MD;
- To propose five districts within the MD that will assist with future planning and to gauge public opinion about them; and
- To gather input from residents regarding attitudes about growth and where in the MD growth would best be accommodated.

The results of the survey were described in the Phase 1 report which was entitled “What We Heard: A Report on Public Consultation Regarding Growth in the MD of Foothills”. The report discussed the results of the survey including attitudes towards the proposed districts and how residents view the district that they live in as well as where MD residents feel that future growth could best be accommodated. In addition, it provided direct quotes from residents on specific issues. The Phase 1 Report is attached to this document as Appendix A.

The Five Districts proposed in Phase 1 of the GMS are the East District, the South Central District, the South West District, the North West District and the Central District. The configuration of these districts is shown in Figure 1 - The Five Districts. The results of the survey indicate that there is broad based support for the districts with 91% of respondents indicating that they support the districts as presented.

In general, the attitude towards growth seemed to be positive with most people believing that their district could accommodate at least moderate growth. The South West district residents seemed to be the least willing to accept growth in their district with approximately 38% saying that they did not believe their district was able to support even minimal growth. The Central District residents were the most enthusiastic about accommodating growth with 20% saying they could accommodate lots of growth there and another 38% indicating that their district could accommodate moderate growth.

**FIGURE 1 – THE FIVE DISTRICTS**



**Figure 1 – The Five Districts**

MD of Foothills No. 31  
 Growth Management Strategy Phase 2  
 A Vision Forward



When asked which district in the MD could accommodate the most growth, the central district was chosen most often with approximately 68% of respondents indicating that the Central District was one of the districts that should support the majority of the MD's future growth (respondents were able to choose more than one). Residents of the Central District itself were only slightly less enthusiastic about accommodating the majority of the MD's growth with 60% of respondents from that district choosing it as one of the districts where the majority of growth should occur. The next most popular answers were the North West District (chosen by 28% of respondents) and the South Central District (chosen by 25% of respondents)

Much of the information gathered in the survey was in the form of statements made by the survey respondents regarding growth. It is evident from the responses received that there are a number of core values that are widely supported by residents of the MD. These can be summarized as follows:

- Productive agricultural lands should be preserved;
- The environment, particularly river valleys, wetlands and wildlife corridors deserves protection;
- Country ambience, wide open spaces, natural landscapes and scenic vistas should be preserved;
- Water is an important resource that should not be wasted. Growth should be limited by the availability of water and water conservation should be promoted;
- Planned and managed growth is preferable to ad-hoc development;
- Adequate infrastructure should be in place to support development;
- Developers should pay their fair share of the costs of development.

In addition to learning what our residents valued, the survey gave us information about what was concerning them. A significant number of respondents indicated a concern about the following:

- Increased higher density development in the MD as well as increased water use, sewage disposal, traffic, crime and noise that can go hand in hand with development. They also mentioned the need for comprehensive planning and a concern about "sprawl";
- Commercial and industrial development moving into the MD. They believe large scale retail or industrial development should be limited;
- Fragmentation of agricultural lands and the loss of arable land to country residential development;
- The impact of development on wildlife and wildlife habitat; and
- Building in floodplains.

The Phase 1 public consultation process provided valuable insights into the priorities and concerns of the residents of the MD. These insights have been incorporated into Phase 2 of the Growth Management Strategy in an effort to ensure that we produce a plan that embodies the vision and values of the people who live here.

### **1.3 Phase 2 of the Growth Management Project**

The objective for Phase 2 of the Growth Management Strategy Project is to design a strategy that will enable us to protect and preserve those aspects of the MD that our residents value, and to capitalize on opportunities for growth and development where it makes the most sense and where it is supported by a formal planning framework. This planning framework will include Provincial legislation, the South Saskatchewan Regional Plan, MDP 2010, intermunicipal plans with our urban neighbours as well as the GMS itself.

In Phase 1 of the project we learned that there were a number of core values that are widely supported by residents of the MD as well as a number of issues that concern them.

MD staff used the information gathered through the Phase 1 consultation process and the Growing Smarter project, together with the vision laid out in the MDP2010 and guidance from the regional plan (still under development) and intermunicipal plans to develop the Growth Management Strategy; which is actually a collection of strategies. Some of these strategies are intended to assist with managing growth MD wide, while others are district specific.

Once planning staff had a collection of proposed strategies, five open houses were held throughout the MD to gather public opinion on the strategies. The open houses were held in DeWinton, High River, Priddis, Blackie and Longview in November and December of 2012. They were all advertised in the newspaper for two weeks prior to the event and on the MD website. In addition, the DeWinton, High River and Priddis events were advertised in the MD newsletter which was mailed out to all residents of the MD in November. The Blackie and Longview events, in addition to being advertised in the paper and on line were advertised on posters that were put up around those communities. Response at these open houses was generally positive but there were a few changes made as a result of feedback received.

The result is a document that lays out high level strategies to manage growth in the MD as a whole and in each individual district within the MD, and suggests a growth management vision for each district. In addition, the GMS talks about implementation and monitoring the plan and suggests that statistics be collected and maintained that will assist us in gauging how we are doing. Finally, the GMS suggests that there is future planning that should be done that will assist in meeting the goals and objectives laid out in the plan.

## **1.4 Policy Framework**

### **1.4.1 Provincial Plans and Legislation**

#### **Alberta's Provincial Land Use Framework (LUF)**

*The purpose of the Land-use Framework is to manage growth, not stop it, and to sustain our growing economy, but balance this with Albertans' social and environmental goals. This is what the Land-use Framework is about—smart growth. (LUF p. 2)*

The Land-use Framework consists of seven strategies intended to guide land-use decision-making in Alberta:

1. Develop seven regional land use plans based on seven new land-use regions.
2. Create a Land-use Secretariat and establish a Regional Advisory Council for each region.
3. Cumulative effects management will be used at the regional level to manage the impacts of development on land, water and air.
4. Develop a strategy for conservation and stewardship on private and public lands.
5. Promote efficient use of land to reduce the footprint of human activities on Alberta's landscape.
6. Establish an information, monitoring and knowledge system to contribute to continuous improvement of land-use planning and decision-making.
7. Inclusion of aboriginal peoples in land-use planning.

#### **Alberta Land Stewardship Act (ALSA)**

The Alberta Land Stewardship Act, commonly referred to as ALSA was enacted in 2009 to support the strategies in the Land-use Framework by enabling the development of regional plans and conservations and stewardship tools.

Specifically, with respect to regional plans, ALSA lays out the procedures for making amending and reviewing regional plans; it outlines the contents for regional plans; describes the legal and binding nature of the plans; discusses provisions for compensation and review; and the requirements for municipalities to comply with the regional plans.

With respect to conservation and stewardship tools ALSA supports research and development of market based instruments to assist in the implementation of the regional plans; suggests facilitating funding to support conservation, environmental and agricultural values; and then discusses the potential for several tools including conservation easements, conservation directives, an exchange for stewardship units, conservation off-set programs and transfer of development credit schemes.

## 1.4.2 The South Saskatchewan Regional Plan

The Provincial Land Use Framework (LUF) calls for the development of seven regional plans for seven land-use regions which were formed “based on the major watersheds with boundaries aligned to best fit with existing municipal boundaries and the natural regions.”<sup>1</sup> The regional plan that includes the MD of Foothills is the South Saskatchewan Regional Plan (SSRP).

The SSRP is currently under development. The Regional Advisory Council (RAC) has completed their Advice to the Government of Alberta for the South Saskatchewan Regional Plan document and the Government of Alberta has solicited feedback from Albertans. The next step in the process will be to develop the draft regional plan.

The RAC recommendations include a regional vision statement that describes a desired future in 50 years; it reads as follows:

*Southern Alberta is a diverse, healthy, vibrant and prosperous region where the natural beauty of the mountains, foothills, farmlands and the subtle beauty of the prairies are managed and celebrated so that future generations remain connected to the land and its history. The region prizes its natural and economic capital, and uses an integrated approach to effectively manage social, economic and environmental interaction. The principles of personal freedom, responsibility and property rights are respected, while the quality and ecological integrity of the landscape is sustained through the use of traditional aboriginal and community knowledge, sound science, innovative thinking and accommodation of rights and interests of all Albertans.*

The RAC also recommends that the regional plan be developed with due consideration of the following strategic land use principles:

- Plan for water – understand supply and future needs and protect sources;
- Respecting private land ownership;
- Government of Alberta development of conservation and stewardship tools – including economic and market-based incentives, conservation easements, transferable development credits, mitigation banking, etc.
- Accommodating multiple users - Conservation and sustainable development can co-exist, and land-use planning needs to be based on triple bottom line principles and the use of market-based conservation tools;
- Integrated planning – collaborative approach integrating local and regional planning;
- Regulatory streamlining and efficiency - policies need to be integrated between departments and ministries;
- First Nations’ issues - First Nations’ land-use issues need to be dealt with in a clear, provincial government-led process;
- Economic opportunity - provide more certainty and clarity regarding constraints to development

Upon completion and adoption of the SSRP, there is a requirement that all municipal plans must be reviewed and appropriate amendments be made to address any conflicts with the SSRP within a time period to be stipulated in the Plan.

<sup>1</sup>p.24 Provincial Land Use Framework, Dec. 2008

### 1.4.3 MDP 2010

In 2008 to 2010, the MD of Foothills undertook a review of the Municipal Development Plan (MDP). This is the plan that provides the overarching vision for future development in the MD. The review was led by a steering committee made up of local landowners and was produced in consultation with the public through surveys and open houses. The resulting plan, MDP 2010 is intended to guide growth and development in the MD into the future.

The MDP 2010 talks about the growth pressure that the MD is likely to see particularly near the City of Calgary and suggests that leadership is required that “directs growth to create vibrant communities and economic opportunities, limits fragmentation of agricultural land and supports conservation of the natural environment.” It is suggested that part of this leadership may be provided by the completion of a Growth Management Strategy (GMS) for the MD. The GMS would build on the vision, goals, objectives and policies of the MDP, giving more direction on principles for growth, desired development patterns across the MD, as well as general parameters on location and types of development considered appropriate. The MDP 2010 also suggests that the GMS may set the stage for the development and implementation of transfer of development credit programs and other conservation initiatives.

The Vision Statement found in the MDP 2010 is a “declaration of the MD’s most desirable future”, it is described as follows:

*The MD of Foothills encompasses a diverse rural landscape in which leadership and planning support a strong agricultural heritage, vibrant communities, a balanced economy and the stewardship of natural capital for future generations.*

The main underlying principle of the vision statement and the MDP 2010 is sustainability. It promotes the notion that the stewardship of natural capital for future generations is essential for continued economic prosperity. The Plan recognizes that growth and development will occur and recommends that future growth be focussed in a “balanced mix of growth in Hamlets, infill areas and clustered homes which will support the preservation of large open land areas”.

The MDP2010 does not suggest that growth and development be discouraged, rather it recommends that it be managed and directed, that development be undertaken in new ways. If we create communities rather than individual lots we are able to provide different types of housing, recreational uses, transportation options, jobs and services all together. It also suggests in the MDP that these complete communities would best be located where there are feasible public transportation options, or in tandem with the MD’s municipal neighbours, where appropriate densities and economies of scale can be achieved. All this will lead to the most beneficial future for the citizens of the MD and the region.

#### 1.4.4 Intermunicipal Plans

The MD of Foothills currently has Intermunicipal Plans with the City of Calgary, the Town of Okotoks, the Town of High River, the Towns of Black Diamond and Turner Valley and the Village of Longview. Intermunicipal Development Plans are provided for in Section 631 of Alberta's Municipal Government Act (MGA) which states:

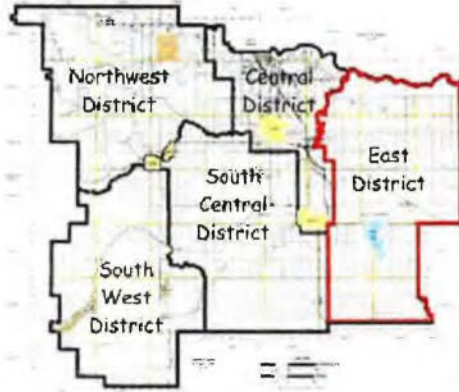
*“631(1) Two or more councils may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.”*

The purpose of an intermunicipal development plan is to identify interests that each municipality may have with respect to lands in a defined intermunicipal area and to develop policies and decision making processes that respect these interests. They may give broad based guidance for future development of the intermunicipal area and identify future joint initiatives. Intermunicipal plans must also address conflict resolution processes which are to be undertaken in the event of a dispute between the two municipalities.

The MDP 2010 talks about the MD's history of cooperation with our municipal neighbours and supports continuing to work cooperatively “to promote compatible land use patterns, efficient municipal services and joint planning or infrastructure on lands of mutual interest for the benefit of all residents in the region”. The GMS reiterates this sentiment and encourages further reciprocal planning frameworks such as Intermunicipal Development Plans that respect the interests of the MD of Foothills and our municipal neighbours. For this reason it was important that part of the process of developing the MD's Growth Management Strategy involve consulting with adjacent municipalities through intermunicipal committee meetings.

## 2 THE DISTRICTS

### 2.1 The East District



Geographically, this district is bordered by Highway 2 on the west, Vulcan County to the east, and the MD of Willow Creek to the south. Its northern border is provided by the Highwood and Bow Rivers.

The land in this district is flat to rolling prairie; it is largely un-fragmented and is home to predominantly agricultural uses, with significant natural resource extraction.

The East District contains the Hamlet of Blackie and features abundant wetlands including Frank Lake – the largest project undertaken by Ducks Unlimited in all of Canada at the time of its construction.<sup>1</sup>

In the early images from this district we get a sense of an area deeply rooted in farming. Images of farming or bumper crops are common. We also see that they were sometimes greatly impacted by dramatic events such as fires, dust storms and blizzards.

Also in the early images, we get a sense of Blackie as a busy centre servicing the surrounding farms. However, as our population has become more mobile the necessity of having goods and services close at hand has diminished and the hamlet is not as busy and vibrant as it once was.

Glenbow Archives NA-1682-3



Stacking prairie wool west of Blackie 1913



Glenbow Archives NA-2685-4  
Spring snow at Blackie, May 1919

Growth Management Strategy

Today, agriculture continues to be the dominant land use in the East District. The land is largely un-fragmented with little country residential development. The district has experienced some oil and gas development such as the gas processing plant at Mazeppa.



Glenbow Archives NA-1918-1

Main Street Blackie, 1918



Main Street Blackie, 2011

The residents from this area who were surveyed appreciated the beauty and the peace and quiet of the area as well as the productivity of the land; they also talked about the sense of community they felt and their caring neighbours. The majority of residents supported minimal or moderate growth in their district.

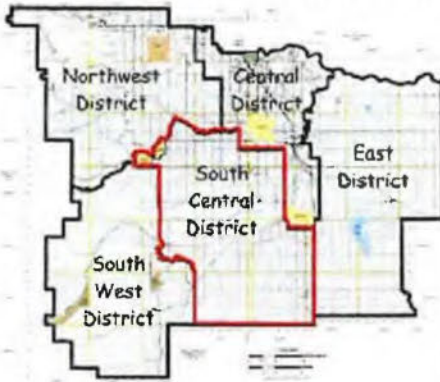


Frank Lake, 2012



Harvest in the East District, 2011

## 2.2 The South Central District



The South Central District is probably the most diverse of the districts. Its predominant land uses are a mix of farming and ranching, with some natural resource extraction and growing country residential development and recreational opportunities. The western portion of this district is still largely agricultural and the northern portion is seeing significant development pressure.

This district lies south of the Sheep River, generally between Highways 2 and 22 and borders the MD of Willow Creek to the south. It has five provincial highways that run through it, as well as the Sheep and Highwood Rivers, part of the Bow River Basin and Mosquito Creek, part of the Old Man River Basin. At one time there was also a rail line that ran from High River south to Nanton and points beyond but this line has been discontinued and the track is in the process of being removed.

It is worth noting that on the north side of the Highwood River there has been significantly more subdivision and development than south of the river particularly in the area between the Towns of High River and Okotoks where the majority of development pressure is occurring.

The Land here is generally rolling prairie with a mixture of pasture lands and cultivated lands. The district contains the Hamlet of Cayley and is home to two Hutterite colonies.



Cattle in the South Central District



Haying in the South Central District

Images from the past in this district show Cayley as a thriving centre for the area with many businesses. Cayley once supported a general store, drugstore, hardware store, meat market, bank, lumber yard and hotel. The Cayley Stock Yards were also at one time, proclaimed the largest cattle shipping point in the North West Territories.<sup>2</sup>

<sup>2</sup> *Under the Chinook Arch: a history of Cayley and surrounding areas*, Cayley, Alberta: Cayley Women's Institute, 1967.

## Growth Management Strategy

Today the stockyards have disappeared and the hamlet has more houses and more trees, but there is only one business located in town; the Cayley store is a general store with a post office and liquor store all together under one roof.



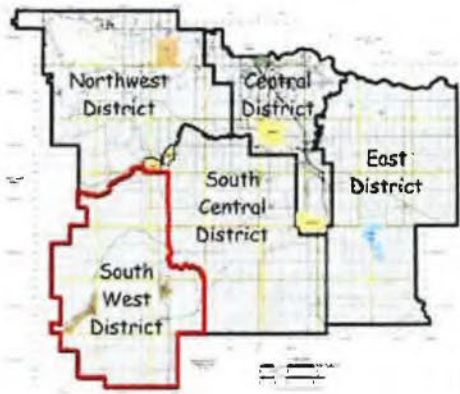
*Railway Street, Cayley, 1930*



*Railway Street, Cayley, 2011*

The residents from this area who responded to the survey often mentioned the mix of uses here. Some thought it created a harmonious balance while others felt that the increasing number of acreages alongside of large farms and ranches creates conflict. The majority supported at least moderate growth in this district.

## 2.3 The South West District



The South West District is located on the west side of the MD. It is bordered on the west by Kananaskis Improvement District and on the south by the MDs of Ranchlands and Willow Creek. Its northern border is the Sheep River and its eastern border is aligned with Highway 22 north of Longview and 96th Street to the South. Highway 541 in this District provides a gateway from the MD into the Kananaskis and the Rocky Mountains.

Settlements located in the South West District are the Village of Longview and the Eden Valley Indian Reserve.

The South West District is located along the foothills of the Rocky Mountains, the terrain is rugged with areas of pasture, bush and forest. There are some cultivated lands, but they are located primarily on the east side of Highway 22.

Images from the history of this district show a strong ranching tradition that began about the 1880s with the arrival of some of the large commercial ranching operations including the historic Bar U Ranch. This area also has a long history of resource extraction with early coal mines along the Highwood River and later oil wells along what is now Highway 22.



Bar U Branding 1919-1920



Walker coal mine - Highwood Valley, 1910

The land of the South West District appears today much as it did a century ago, with little development or subdivision of lands. There is a large proportion of crown land which is part of the reason that there has been so little fragmentation. Many of the landowners are long-time (multi-generational) landowners or leaseholders and embrace the ranching heritage and culture. The district contains significant headwaters and is home to a variety of wildlife including: wolves, black bears, grizzly bears, deer, elk, moose, cougars and coyotes.

## Growth Management Strategy



*Hills along Highway 22 south of Longview*



*Oil pump jack in Longview*

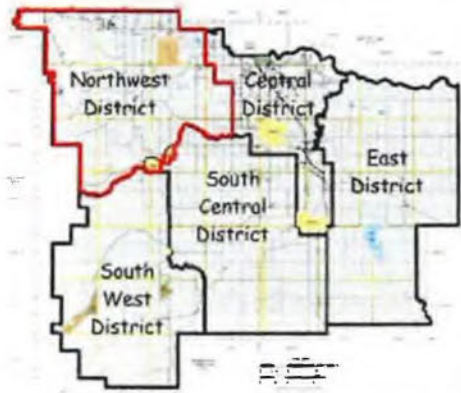
Current land use in the district is predominantly ranching with some farming, natural resource extraction and logging and a small amount of country residential development. There are also growing recreational uses in the area.

Survey respondents from this district were generally concerned about seeing any growth here due to the impacts on agriculture and wildlife.



*Herding cattle on Stimson Creek Ranch in the South West District*

## 2.4 The North West District



This district is in the north-west corner of the MD, it is bordered on the south by the Sheep River, on the west by the Kananaskis Improvement District and on the north by Rocky View County and the Tsuu T'ina nation. This district contains important natural areas and spectacular views and is home to significant wildlife populations and critical headwaters of the Sheep and Bow Rivers. Highway 60 provides a gateway from this District into Kananaskis and the Rocky Mountains.

Images from the past of this District paint a picture of a diverse and vibrant area. The Priddis-Millarville Fair and the Millarville races were established early in the 1900s by which time Priddis was already home to an indoor curling rink. Alberta's oil and gas industry was born at Turner Valley on the edge of this district. There was also coal mining, logging and agriculture here. The famous ranch hand and former slave of African descent, John Ware established a ranch in this area.

Glenbow Archives NA-5262-43



Coal Tipple - Turner Valley 1914-17



Glenbow Archives NA-266-1  
John Ware Ranch, Millarville ca. 1896

Today the North West District is still home to the historic hamlets of Priddis and Millarville but also has a new Hamlet and golf course at Priddis Greens. It is also home to the Cross Conservancy, the Leighton Centre and the Rothney Observatory. The District currently contains a mix of agriculture lands, natural resource extraction and country residential development. In spite of all the development the area seems to maintain a quaint rural feel, partly due to the ability of the significant forestation to camouflage much of the development that has occurred. This forestation also provides significant habitat and wildlife corridors.

Growth Management Strategy



*Businesses in the Hamlet of Priddis, 2009*



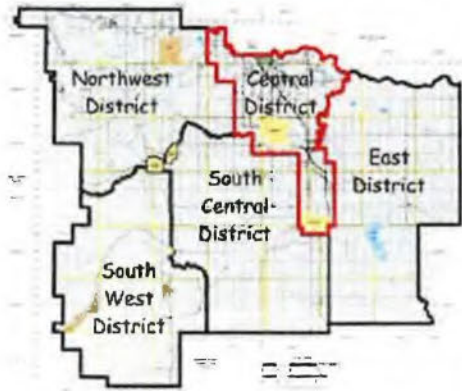
*Millarville Market, 2011*

Wildlife and wildlife habitat were generally of high importance to survey respondents from this district as were the scenic value and rural character. Some recognized the potential to accommodate minimal or moderate growth but a significant number did not support any growth at all.



*Hay lands in the Millarville area, 2012*

## 2.5 The Central District



The Central District is located in the central portion of the MD. It is bordered on the north by the City of Calgary and extends south along Highway 2 gradually narrowing until it ends just south of High River. This district surrounds the towns of High River and Okotoks and contains the Hamlets of Heritage Pointe, DeWinton and Aldersyde.

The Central District has seen the most significant development of all the five districts; it has substantial country residential development, contains five golf courses and is home to Spruce Meadows, a world class equestrian facility. It also contains the Highway

2A Industrial corridor between High River and Okotoks that will be the focus for industrial development in the MD.



*Sprung Instant Structures in the Highway 2A Corridor*



*Heritage Pointe Golf Club*

The images from the history of this district like the other districts of the MD illustrate a history of ranching and farming with close ties to the land and vulnerability to natural events such as blizzards, dust storms and floods.



*Haying in the Davisburg area, 1900*



*Dust storm near Okotoks, 1933*

## Growth Management Strategy

Today the Central District is serviced by one of the busiest highways in Canada. Highway 2 is part of a major international transportation corridor that runs from Mexico to Alaska. The location of this major highway coupled with the rapid expansion of Calgary and Okotoks has created tremendous growth pressure in this district.

Residents from this district who responded to the growth management survey appreciated the ability to live in the country with the conveniences of the city close at hand. Most recognized the inevitability of growth in this area and 60% felt that this district of the MD is able to accommodate the most growth. However, they still expressed a desire to maintain rural character and protect natural areas.



*Fishing in the Sheep River, 2012*

### **3 MANAGING GROWTH IN THE MD AS A WHOLE**

As stated in Section 1.3, The objective for Phase 2 of the GMS is a strategy that will enable us to protect and preserve those aspects of the MD that our residents value, and to capitalize on opportunities for growth and development where it makes the most sense and where it is supported by a formal planning framework. This planning framework will include Provincial legislation, the South Saskatchewan Regional Plan, MDP 2010, intermunicipal plans with our urban neighbours as well as the GMS itself.

The GMS endeavors to build on the vision created in the MDP2010 whereby the MD adopts a new and more sustainable approach to growth and development, one that recognizes that land is more than a commodity to be bought and sold, it is a resource and provides us with ingredients essential to our well-being including food and clean water as well as natural beauty that sustains our spirits.

Probably the most important aspect of the GMS is the recognition that when it comes to development, not all lands in the MD should be treated the same. We have acknowledged the importance of directing development to the areas where it makes the most sense and away from the critical areas where development would be too costly either in terms of financial cost to provide required services, economic costs in loss of productive agricultural lands or environmental costs in loss of critical headwaters or wildlife habitat.



## Growth Management Strategy

It is important to note that the GMS is not intended to hamper development. On the contrary, by identifying areas where growth is most appropriate and talking about the types of growth that the MD wishes to support, the GMS will assist developers by providing direction and guidance. For landowners who are not located in areas where growth is to be directed, the MD intends to explore conservation and stewardship tools such as the transfer of development credits that will enable landowners to benefit from maintaining land in an undeveloped state or keeping it in agricultural production.

The MD of Foothills is an extremely large and diverse area to plan. It is rich in natural capital and economic opportunity. Our location adjacent to a major urban centre creates significant growth pressure and opportunities for development while our abundance of productive agricultural lands and significant natural areas require stewardship and a measure of protection. In addition as outlined in the MDP 2010, planning for growth must be understood within the context of our rural character. Rural character has been identified as important in each and every public consultation that the MD has undertaken. Rural character is the reason many of us choose to make our homes here and why so many more want to make theirs here as well.

The goal of the Growth Management Strategy is to support growth and the development in such a way as to not compromise our rural character, hamper agricultural production or adversely impact critical natural areas. The following six objectives are designed to articulate this goal.

The MD will endeavour to:

- Provide a Planning Framework;
- Preserve Rural Character and Scenic Vistas;
- Support Agriculture;
- Protect Environmentally Sensitive Areas;
- Address Water and Servicing Requirements;
- Plan for Industrial and Commercial Development.

The following sections outline the strategies suggested to achieve these six objectives.

### 3.1 Providing a Planning Framework



One of the most important ways to manage growth is to have a plan. Of course growth is a complex process and the MD is not an island unto itself, but a part of a region and a province each with plans as well, so what is needed is a planning framework that will address the different aspects of growth as well as regional and provincial interests. Following are some strategies to augment the planning framework that has been put in place at the provincial level to manage growth through the Land Use Framework and the Alberta Land Stewardship Act:

- Divide the MD into 5 growth management districts;
- Suggest the future creation of a “District Plan” for each district of the MD;
- Update hamlet ASPs to foster progressive development in and around these communities;
- Undertake a review of the SSRP, when complete, to determine if there are amendments required in our municipal plans;
- Undertake a review of the Integrated Community Sustainability Plan (ICSP);
- Update Intermunicipal Plans and determine growth corridors with municipal neighbours.
- Investigate the possibility of implementing a system for the transfer of development credits.

### 3.2 Preserving Rural Character and Scenic Vistas

As mentioned previously, rural character is the reason many of us choose to make our homes here. The MDP2010 outlined five qualities which begin to define rural character in the MD of Foothills they were wide open spaces; beautiful scenic vistas; dark night time skies filled with galaxies, stars, and planets; historic and archeological resources that connect us to our culture and our past; and high quality air, water, soil and biodiversity. Following are some strategies to assist the MD in preserving rural character and scenic vistas:

- Support the identification of critical vistas in MD;
- Investigate potential for requiring visual impact statements to accompany applications in some areas of the MD;
- Continue to support the study and preservation of our local culture and heritage;
- Explore new ways to develop that use land efficiently but maintain rural character;
- Mandate that Dark Sky compliance measures or strategies be included as part of any ASP, ACP or Outline Plan application;
- Investigate new and innovative strategies to identify and preserve architectural and scenic character in hamlets and in the countryside;
- Work towards developing an inventory of natural and built heritage places across the MD;
- Retain and manage natural and rural lands that display regional character and that provide environmental, economic and lifestyle benefits to residents of the MD;
- Preserve the distinct identity, character and lifestyle values of existing settlements within the MD while providing new development that strengthens and supports these communities;
- Develop site design guidelines and standards to ensure that rural character is maintained and that new development is compatible with the surrounding environment.



### 3.3 Supporting Agriculture



The MDP2010 states that “Conserving the agricultural land base is very important to our economy, our environment and our way of life here in the MD of Foothills No. 31. Agricultural products are renewable resources which provide jobs and revenue”. In addition the MDP asserts that “agricultural lands comprise a significant portion of the natural capital in the MD, and the MD has a duty to protect this land for use by future generations”. Provincial Land Use Policies, adopted in 1996 pursuant to the Municipal Government Act encourage municipalities to: Identify land where agriculture should be a primary use; limit fragmentation and premature conversion of agricultural lands to other uses; direct development to areas where it will not constrain agricultural activities; and minimize conflict between intensive agricultural operations and other land uses.<sup>3</sup> The protection of agricultural lands will become even more important as a growing world population will generate increased demands for food, a basic human need. Following are some suggested strategies to support agriculture in the MD:

- Re-Affirm commitment to discourage conversion and fragmentation of Agricultural Lands;
- Identify areas in the MD where Agriculture is and will continue to be the dominant land use;
- Acknowledge that agricultural land is a key resource on which the region’s economic prosperity and quality of life depends and support the continued diversification of rural industry;
- Support the growth of on-farm operations that result in value-added to farm produce, such as packing, processing, cooking, tasting or farm gate sales;
- Develop creative strategies for managing development in predominantly agricultural areas.

<sup>3</sup> p.18 “*Understanding Land Use in Alberta*”, Alberta Government document, 2007

### 3.4 Protecting Environmentally Sensitive Areas



The MDP2010 states that “The MD is rich in significant natural landscapes, key wildlife areas and important fish habitats. These resources are part of the Municipality’s natural capital which should be conserved.” Future growth in the MD must be carefully managed to ensure that environmental impacts and cumulative impacts are fully anticipated and addressed. When making development decisions Council should be mindful of impacts on watersheds, wildlife habitat, and air quality. Following are some strategies to assist in protecting lands deemed to be environmentally sensitive:

- Begin to identify areas of the MD that provide critical ecological infrastructure for natural processes such as water production and climate regulation;
- Recognize that wildlife habitat and water production are significant benefits that are provided by certain parcels of land and that these benefits have value to all citizens of the MD even though they may not be readily apparent;
- Recognize the importance of wildlife movement corridors and develop strategies to maintain landscape connectivity;
- Look for opportunities to educate the public on the value of natural landscapes and biodiversity;
- Develop strategies with the express aim of protecting the MD’s natural capital to enhance biodiversity, economic prosperity, public health and lifestyle;
- Promote the importance of including measures to conserve natural terrain, drainage and vegetation in development proposals;
- Utilize the Riparian Setback Matrix Model for guidance with respect to development setbacks in potentially sensitive areas;
- Require that the Riparian Setback Matrix Model be applied in all ASPs, Outline Plans or Area Concept Plans where there are riparian areas in the plan area;
- Recognize that the impact of development on land is cumulative and that some areas will have a carrying capacity that is much less than other areas;
- Be ever mindful of the impact that development may have on our air, water, soil and wildlife.

### 3.5 Addressing Water and Servicing Requirements



It was evident from the responses received to the growth management survey that MD residents are concerned about servicing new development. Many of them are concerned about the impact of added development on their roads and their wells or the impact of more wastewater treatment facilities on the watersheds. In addition, the 2006 Provincial moratorium on new water leases for three of the major sub-basins of the South Saskatchewan River has created a situation where municipalities need to carefully manage their water licences. Developers can no longer expect that the municipality will provide water to service new development. Following are some strategies to begin to address water and servicing requirements in the MD:

- Require best management practices for all new development such as storm water ponds, overland drainage systems, infiltration practices and filtering practices that protect the future quality and supply of groundwater and surface water;
- Direct development toward areas where servicing already exists or is likely to be developed in the near future;
- Evaluate proposed residential subdivision with due consideration of anticipated municipal cost, including road construction and maintenance, servicing infrastructure and provision of soft services (such as police and EMS);
- Mandate that proposed water and energy conservation measures be included as part of any ASP, ACP or Outline Plan application in order to reduce consumption to ensure community resilience given lack of water security and high energy costs;
- Require developers to ensure an adequate, secure water supply for proposed new development;
- Continue to work with municipal neighbours on infrastructure projects to ensure the greatest efficiency and economy in provision of services.

### 3.6 Planning for Industrial and Commercial Development

The MDP2010 speaks about the importance of commercial and industrial development in the MD:

*We have a variety of businesses in the MD of Foothills No. 31 providing goods, services and jobs to residents. The MD welcomes both new and existing businesses to locate here. This expands local job opportunities and helps us weather economic downturns. As well, these businesses are important generators of municipal revenue to help create a balanced and stable tax base in the MD.*

Of course this type of development often increases traffic and may be visually obtrusive or noisy or dirty and residents have expressed concern about increased commercial and industrial development in the MD. Following are some strategies to mitigate land use conflicts created by industrial and commercial development in the MD:

- Re-affirm that the Highway 2A corridor is the most appropriate location for industrial development in the MD;
- Support commercial developments in hamlets and new comprehensively planned community development and/or redevelopment areas on the basis of an approved Area Structure Plan, Outline Plan or Area Redevelopment Plan;
- Facilitate economic development through pro-active land use planning (statutory and non-statutory plans) and implementation (zoning, subdivision) in areas where it is deemed appropriate;
- Remain cognizant of all the impacts of commercial and industrial development on existing land uses when considering applications for new development;
- Mitigate potential negative impacts of commercial and industrial development by implementing best practices such as design guidelines and screening standards.



## 4 MANAGING GROWTH IN EACH DISTRICT

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In this section of the document some growth strategies and a growth management vision are suggested for each of the five growth management districts.

### 4.1 Managing Growth in the East District



The East District is predominantly made up of agricultural lands with little fragmentation. In order to keep agriculture viable fragmentation should be carefully managed so while it is possible that first parcels out may continue to be supported, more intensive development is less likely to be. There are abundant wetlands that should be acknowledged for their value as aquifer recharge areas and afforded an appropriate level of protection. The Hamlet of Blackie has the potential to accommodate moderate growth and development and it will be important to ensure that the ASP for Blackie remains current and up to date and provides opportunities for investment in the Hamlet. Land use conflicts in this area should be carefully considered both in terms of the impact of new development on agriculture and the impact of agricultural activities on new development. Following are some strategies for managing growth and development in the East District of the MD:

- Identify the East District as the district of the MD where Agriculture is and will continue to be the dominant land use;
- Continue to support limited subdivision and development in accordance with the MDP2010 and the MD of Foothills Land Use Bylaw;
- Recommend regular reviews of the Hamlet of Blackie ASP;
- Be particularly mindful when considering approval of new development that may conflict with agricultural uses.

### **Growth Management Vision for the East District:**

Outside of the area defined within the Blackie ASP, very little growth is anticipated in the East district. Blackie will continue to develop as a residential hamlet with some commercial and industrial uses. Agriculture will continue to be the dominant land use for future generations. Council will ensure that careful consideration will be given to the impact on agriculture when applications for land use change in this district are before them.

## **4.2 Managing Growth in the South Central District**



The South Central District is the most diverse of the five districts in the MD. Its land uses comprise everything from country residential to intensive agriculture. The proximity of Okotoks and High River and Highway 2 create development pressure on the east side of the district while the west side is still largely agricultural with a number of large mixed farming ranching operations. The Highwood and Sheep Rivers run through the South West District creating opportunities for recreation and some development, but the impact of development on these waterways must be carefully managed. The Hamlet of Cayley has seen some recent development and with the completion of the water line from High River, could be poised for more growth. A review of the Hamlet of Cayley ASP is warranted. That having been said, most of the growth of the South Central District should be directed north of the Highwood River particularly in the area between

#### High River and Okotoks.

- Support moderate growth and development in this area, particularly in locations where there is infrastructure nearby and where agricultural operations are less likely to be affected;
- Support clustered developments where appropriate in the South Central District;
- Review the Hamlet of Cayley ASP;
- Be mindful of development in proximity to the Highwood and Sheep Rivers both in terms of the impact of development on these waterways and the potential flood risks that they might pose;
- Be cognizant of potential impacts on agriculture when considering development applications particularly south of the Highwood River.

#### **Growth Management Vision for the South Central District:**

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

### **4.3 Managing Growth in the South West District**

The South West District is comprised of rolling foothills and important headwaters. A significant portion of the lands are crown lands with grazing leases still being utilized on them. Highway 22 provides a scenic drive popular among visitors and residents alike. This area is rich in cultural heritage as the birth place of the ranching and natural resource industries in the Province. There is an abundance of wildlife habitat and headwaters in this district and any future development needs to be compatible with the important natural processes that these lands provide. This District is able to support minimal development at best without significantly negatively impacting its ability to provide scenic areas, agricultural lands and wildlife habitat. It is unlikely that subdivision beyond the first parcel out of an un-subdivided quarter section will be supported in most of this district unless supported by a comprehensive plan. Following are some strategies for managing growth in the South West District:

- Identify the South West District as the district of the MD least able to support development due to the high value of the lands for agriculture and natural processes such as water production;
- Identify the South West District as containing critical watershed areas particularly for the Highwood River;
- Be cognizant of the potential impact on agriculture when evaluating

## Growth Management Strategy

- development applications in the South West District;
- Support the conservation of important historic and cultural resources;
- Be cognizant of the potential impacts on headwater areas and riparian lands when evaluating development applications in the South West District;
- Recognize the importance of the lands along Highway 22 as a scenic corridor worth protecting and preserving.

### **Growth Management Vision for the South West District:**

Minimal growth is expected in the South West District. Any growth that does occur will be undertaken in a manner that is very sensitive to the importance of this area to the MD for scenic value, wildlife habitat and agricultural production.



#### 4.4 Managing Growth in the North West District



The North West District is abundant with creeks and forests and is home to a variety of wildlife. There are a number of larger ranches particularly in the more westerly areas, but there is also growing country residential development particularly in proximity to the significant highways (Highway 22, Highway 22X and Highway 762). Visually, it is possible to camouflage moderate development with the abundant tree cover, but the wildlife and waterways will be impacted by continued development so it is important to keep cumulative impacts in mind when evaluating applications for this area of the MD. It is anticipated that there will continue to be significant development pressure in this area particularly along Highway 22 west of the 22X intersection. Following are some strategies for managing growth in the North West District:

- Identify North West District as containing critical watershed areas;
- Re-affirm the Cross Conservation area as an important resource in the MD;
- Investigate strategies for maintaining wildlife corridors in the vicinity of the Cross Conservation Area and Kananaskis Country;
- Encourage minimal to moderate growth and development in the North West District particularly in areas where fragmentation and development has already occurred;
- Be cognizant of scenic value when evaluating development applications in the North West District;
- Endeavor to preserve the scientific research function of the Rothney Observatory by ensuring light pollution is mitigated to the highest practicable level;
- Be mindful of the cumulative effects of development on important watershed areas and riparian areas in the North West District.

### **Growth Management Vision for the North West District:**

Continued development pressure is expected in the North West District. This area could likely accommodate minimal to moderate growth in the form of both country residential and cluster residential development. Support may be anticipated for the idea of a more intense form of development such as Hamlet Residential in close proximity to the existing hamlets if appropriate utility infrastructure is available. This growth must be undertaken with careful consideration of the potential impacts on wildlife habitat and watershed areas.

## **4.5 Managing Growth in the Central District**

The Central District is the District of the MD that has seen the most growth and development. It is adjacent to the City of Calgary and follows the Highway 2 corridor down to the Town of High River. This area has an extensive transportation network and has the greatest potential for future infrastructure as part of regional or sub-regional systems. There has been, and continues to be significant development and fragmentation of lands in this district, but it still maintains a rural character; and there are still some important wetland areas and significant wildlife populations to be found here. This area has significant recreational development and contains the Highway 2A Industrial Corridor which will be the focus of the MD's industrial and commercial development.

Following are some strategies for managing growth in the Central District:

- Identifying the Central District as the district that will accommodate the majority of the MD's future growth and development;
- Prioritize the Central District for development of a District Plan;
- Undertake more detailed servicing and infrastructure planning as part of the Central District Plan;
- Identify future growth areas with municipal neighbours;
- Identify appropriate areas of the Central District for intensification of development;
- Identify areas of the central district that are more environmentally sensitive and may require protection.

**Growth Management Vision for the Central District:**

The Central District of the MD has been the growth engine for the MD and this trend is expected to continue into the future. While significant development and intensification of development is expected in this area, it will need to be undertaken bearing in mind the aspirations of our municipal neighbours and with due consideration to riparian and wetland areas. Opportunities for joint initiatives will play a key role in providing effective, efficient and affordable services for this area.



## 5 IMPLEMENTATION STRATEGY

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An implementation strategy for a plan is the framework that ensures effective delivery of the plan's goals, objectives and strategies. It provides a process for achieving the goals and objectives of a plan once it has been approved. It also provides methods for measuring the success of the plan and the means to evaluate the success of the plan and to make improvements where necessary.

### 5.1 Key Objectives

The key objectives for managing growth in the MD of Foothills were developed based on the public consultation processes undertaken by the MD of Foothills as well as the existing planning framework and current planning theory. They were stated in section 3 of this document as follows:

The MD of Foothills will endeavour to:

- Provide a Planning Framework
- Preserve Rural Character and Scenic Vistas
- Support Agriculture
- Protect Environmentally Sensitive Areas
- Address Water and Servicing Requirements
- Plan for Industrial and Commercial Development

While some of the objectives of the plan can only be achieved by consideration of those objectives when evaluating development applications, there are some that can best be achieved through specific actions. Examining the strategies that were suggested under each of the six objectives in sections 3.1 through 3.6 it is possible to create an action plan which will assist in the implementation of the Growth Management Strategy.

### 5.2 Action Plan

An action plan is made up of activities that can be undertaken in the short, medium and long term that will assist in achieving one's goals. The following actions are suggested to facilitate achieving each of the six objectives for managing growth in the MD.

<b>Provide a Planning Framework - See Section 3.1</b>	
Action	Short, Medium or Long term
Creation of a "District Plan" for each district.	Varies by district
Include relevant GMS policy in staff reports for redesignation, subdivision and development applications.	Short term (as soon as GMS is adopted)
Update hamlet ASPs.	Medium Term (2-5 yrs)
Undertake a review of the SSRP, when complete, to determine if there are amendments required in our municipal plans.	Short Term (6-24 months)
Undertake a review of the MD's Integrated Community Sustainability Plan (ICSP).	Medium Term (2-5 yrs)
Update Intermunicipal Plans and determine growth corridors with municipal neighbours.	Short Term (1-3 yrs)

<b>Preserving Rural Character and Scenic Vistas - See Section 3.2</b>	
Action	Short, Medium or Long term
Undertake a Scenic Corridor Pilot Project.	Medium Term (2-5 yrs)
Develop a working definition of rural character and identify the key components of rural character in the MD.	Short Term (1-3 yrs)
Undertake a natural and built heritage site inventory.	Long Term (5-7 yrs)
Develop "rural character" site design guidelines and standards.	Long Term (5-7 yrs)
Incorporate rural character guidelines into ASPs and other development initiatives.	Medium Term (2-5 yrs)

Growth Management Strategy

<b>Supporting Agriculture - See Section 3.3</b>	
Action	Short, Medium or Long term
Identify areas in the MD where Agriculture is and will continue to be the dominant land use.	Short Term (1-3 yrs)
Expand permitted and discretionary uses for Agriculture district in Land Use Bylaw to facilitate growth of on-farm operations that result in value added to farm produce.	Short Term (1-3 yrs)

<b>Protecting Environmentally Sensitive Areas - See Section 3.4</b>	
Action	Short, Medium or Long term
Identify areas of the MD that provide critical ecological infrastructure for natural processes such as water production and climate regulation.	Medium Term (2-5 yrs)
Develop strategies with the express aim of protecting the MD's natural capital to enhance biodiversity, economic prosperity, public health and lifestyle.	Medium Term (2-5 yrs)
Utilize the Riparian Setback Matrix Model for guidance with respect to development setbacks in potentially sensitive areas.	Immediate
Require that the Riparian Setback Matrix Model be applied in all ASP's, Outline Plans or Area Concept Plans where there are riparian areas in the plan area.	Immediate
Investigate strategies for protecting and maintaining wildlife corridors.	Medium Term (2-5 yrs)
Create a database of study that has been undertaken by or supported by the MD, that will inform policy.	Short Term (1-3 yrs)
Identify areas where future scientific study is required to inform future decision making.	Short Term (1-3 yrs)

<b>Addressing Water and Servicing Requirements - See Section 3.5</b>	
Action	Short, Medium or Long term
Require best management practices for all new development such as storm water ponds, overland drainage systems, infiltration practices and filtering practices that protect the future quality and supply of groundwater and surface water.	Medium Term (2-5 yrs)
Develop method/formula for evaluating financial costs and benefits of proposed development to assist in the evaluation of applications.	Medium Term (2-5 yrs)
Undertake infrastructure planning particularly in the Central District where the majority of growth is anticipated.	Medium Term (2-5 yrs)
Develop a policy that mandates that proposed water and energy conservation measures be included as part of any ASP, ACP or Outline Plan application.	Short Term (1-3 yrs)
Develop a policy that requires developers to ensure an adequate, secure water supply for proposed new development.	Short Term (1-3 yrs)
Continue to support the Quad Regional Water Partnership with the goal of providing safe, efficient servicing in the Diamond Valley area.	Short Term (1-3 yrs)

<b>Planning for Industrial and Commercial Development - See Section 3.6</b>	
Action	Short, Medium or Long term
As part of updating ASP's for hamlets in the MD consider creation of commercial areas that are zoned and ready to develop.	Medium Term (2-5 yrs)
Develop a policy mandating design guidelines and screening standards that would apply to all commercial and industrial development.	Medium Term (2-5 yrs)
As part of the Central District Plan investigate the possibility of creating commercial nodes to service anticipated development in this district.	Medium Term (2-5 yrs)
Develop Off-site levy bylaw for the Highway 2A Industrial corridor.	Short Term (1-3 yrs)
Create new land uses to support the development industrial lands in the 2A corridor.	Short Term (1-3 yrs)

### 5.3 Monitoring Program

In order to gauge how successfully the plan is being implemented a monitoring program is suggested. One aspect of the monitoring entails tracking whether the suggested planning projects are being completed, but some monitoring of statistical information is suggested as well in order to determine if the objectives of the GMS are being achieved.

A detailed monitoring program should be developed that tracks indicators of growth both MD wide and by district. Following are some suggested indicators:

- Number of acres of agricultural land redesignated to other uses;
- Number of potential parcels approved in ASP's or ACP's;
- Number of potential parcels receiving third reading on land use;
- Number of new titled parcels registered;
- Average new parcel size (by year);
- Kilometers of roads being maintained;
- Meters of water and wastewater lines in the ground;
- Number of acres put into conservation (ER, ERE, EPD, Open Space District, Conservation Easements, or other type of conservation tool);
- Number and type of development permits issued;
- Number and type of building permits issued;
- Number and type of business licences issued.

It is suggested that the monitoring program be developed subsequent to the adoption of the GMS and then be appended to the GMS document as Appendix B

## 5.4 Progress Evaluation and Reporting Program

This Growth Management Strategy plan has outlined some priorities and some strategies to manage growth in the MD of Foothills. These strategies are based on the current conditions in the MD and the priorities expressed by residents and Council at this time. It is suggested that the GMS should not be a static document, but should be amended periodically to reflect changing conditions and evolving priorities in the MD. For this reason, the GMS should be re-visited every five years. For each review the statistics from the monitoring program should be compiled by staff and a report should be presented to Council and the public, outlining how we are doing and if changes might be warranted. The public should be given the opportunity to provide comment and Council should determine if amendments to the plan are required. This will ensure the plan continues to reflect the priorities of the residents of the MD and that new growth management tools are incorporated into the plan as they become available.

## 6 FUTURE PLANNING

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Section 5 of this document outlined an action plan that included a number of future planning projects including district plans, intermunicipal plans and a municipal sustainability plan. It is worth discussing some of the particulars of these plans and the value in undertaking them.

### 6.1 District Plans

The GMS is a very high level plan – that is it is broad and all encompassing. Many of the recommendations that it makes are very general in nature. This is necessary due to the size and complexity of the MD. It is suggested that some of the ideas introduced in this plan could be refined and implemented through the creation of a district plan for each of the five districts in the MD.

District plans could look more specifically at the types of growth that make the most sense in each district as well as where in the district it could be best accommodated. They could also look at potential for transportation and servicing systems and might even suggest benchmarks or targets for growth.

It is suggested that the Central District is the highest priority for the development of a district plan.

### 6.2 Updating Intermunicipal Plans

While much of the growth that occurs in the MD will be rural growth that will be managed by the MD of Foothills, some of the growth will be urban growth on lands that will be annexed by our municipal neighbours. Part of the process for planning for growth then will need to involve reviewing our intermunicipal plans to ensure that adequate and appropriate lands have been designated as urban growth corridors. Thus it is suggested that undertaking these discussions with our urban neighbours should be priority over the coming months.

### 6.3 Municipal Sustainability Plan

In 2010 the MD adopted an Integrated Community Sustainability Plan (ICSP) which was mandated by the Provincial and Federal Governments in order to qualify for funding through the Federal Gas Tax Fund. The ICSP was intended to provide a framework to help communities plan for their current needs while ensuring that the needs of future generations could be met.

The ICSP has a time frame of 2009-2013 thus it is up for review by March of 2014. Also, it would be appropriate to review this plan in light of the planning and consultation done since it was adopted in 2010.

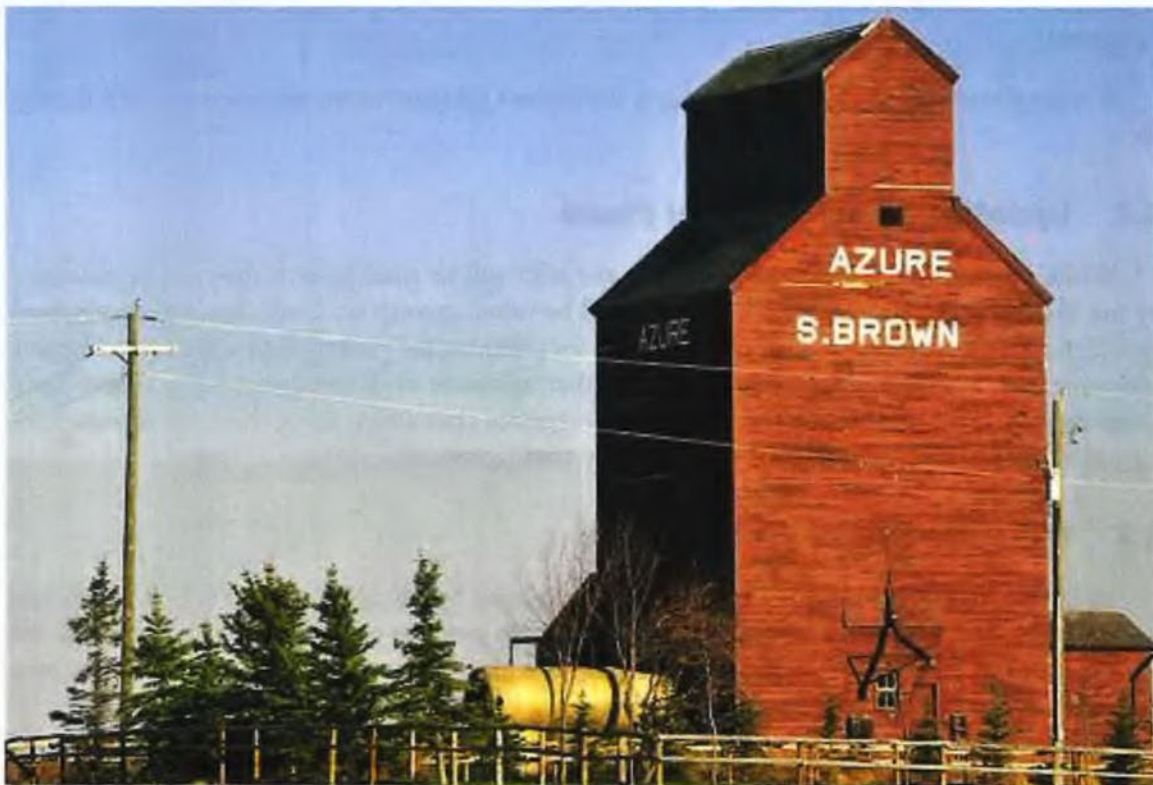
## 7.0 CONCLUSION

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This plan is the culmination of Phase 2 of the MD of Foothills Growth Management Strategy Project entitled “Our Foothills, Our Future: Building on the Past, a Vision Forward”.

The project was initiated to address concerns that unfettered growth and development could have negative impacts on the MD including:

- Fragmentation of agricultural lands;
- Increased costs for roads and utilities;
- Impacts on land, air and water;
- Increased costs for soft services such as fire protection and policing;
- Noise and light pollution;
- Increase in crime rates.



## Growth Management Strategy

The project began with a proposed map which divided the MD into 5 growth management districts and a video which described the history of development throughout each of these districts. Next, a public consultation regarding growth was undertaken by mail and on line. The consultation provided MD staff with the information to compile a list of values that were commonly held among residents and a list of issues which commonly concerned residents. Using this information a number of objectives and strategies to manage growth across the MD were proposed. The six objectives for managing growth in the MD are as follows:

- Provide a Planning Framework
- Preserve Rural Character and Scenic Vistas
- Support Agriculture
- Protect Environmentally Sensitive Areas
- Address Water and Servicing Requirements
- Plan for Industrial and Commercial Development

For each of these objectives, there were several strategies proposed designed to assist in achieving the objective. These ranged from undertaking updated intermunicipal plans to identifying areas where agriculture is and will continue to be the dominant land use.

Finally, a “growth management vision” was proposed for each of the five growth management districts and a number of strategies suggested in order to facilitate achieving each vision.

The objectives, strategies and growth management visions were presented to the public at a series of open houses held throughout the MD in November and December of 2012. A report on the consultation was presented to Council and a draft Growth Management Strategy Document was produced. In early February 2013 Council gave staff direction to proceed to the public hearing process in anticipation of considering the plan for adoption.

The Growth Management Strategy project provides the MD of Foothills Council with some guidelines to assist in their decisions regarding development applications, it provides MD staff with directions and priorities for future projects over the next several years and it provides land owners with some certainty as to the direction that development is likely to take in the MD into the future. What is most important is that this direction is a chosen direction based on the aspirations of land owners and residents throughout the MD, rather than one created haphazardly based on development pressure and other external influences. It is hoped that this document will grow and evolve as our priorities and aspirations do and will serve the residents of the MD far into the future.

## **APPENDIX A – “WHAT WE HEARD” DOCUMENT**

## **APPENDIX B – MONITORING PROGRAM**

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*(to be developed)*

# MGA - S678: Subdivision

Lindskog v Mountain View County (Subdivision Authority)

Application, Appeal Types: MGA - S678: Subdivision

Date: 2026-02-02

Neutral citation: 2026 ABLPRT 65

File No.: S25/MOUN/CO-027

Post to CanLII: Yes

Municipality: Mountain View County

Subjects: Body of Water  
Land Use Bylaw  
Municipal Development Plan  
Use Provision



## LAND AND PROPERTY RIGHTS TRIBUNAL

**Citation:** Lindskog v Mountain View County (Subdivision Authority), 2026 ABLPRT 65  
**Date:** 2026-02-02  
**File No.** S25/MOUN/CO-027  
**Decision No.** LPRT2026/MG0065  
**Municipality:** Mountain View County

**In the matter of** an appeal from a decision of the Mountain View County Subdivision Authority (SA) respecting the proposed subdivision of SE 20-30-4-W5M (subject land) under Part 17 of the *Municipal Government Act*, RSA 2000, c M-26 (*Act*).

BETWEEN:

D. Lindskog

Appellant

- and -

Mountain View County Subdivision Authority

Respondent Authority

BEFORE: B. Hisey, Presiding Officer  
- G. Sokolan, Member  
- S. Steinke, Member  
- (Panel)

K. Lau, Case Manager

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**DECISION**

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**APPEARANCES**

See Appendix A

This is an appeal to the Land and Property Rights Tribunal (LPRT or Tribunal). The hearing was held by videoconference, on January 7, 2026, after notifying interested parties.

**OVERVIEW**

[1] This appeal concerns a decision of Mountain View County (County) to refuse a subdivision application to create a 5.54 acre residential parcel from an unsubdivided quarter section.

[2] The subdivision application was submitted concurrently with an application to redesignate the subject lands from Agricultural District (A) to Country Residential District (R-CR) in the Land Use Bylaw (LUB). As the redesignation was not approved by Council, the SA subsequently refused the subdivision application because it did not meet the use or standard requirements in the Agricultural District (A) district.

[3] The LPRT upheld the decision to refuse the subdivision. The proposed subdivision is not consistent with the County's Municipal Development Plan (MDP) and does not comply with the LUB for parcel size for agricultural use. The proposed parcel size is insufficient to support the intended agricultural land use designation.

**REASON APPEAL HEARD BY LPRT**

[4] Section 678(2) of the *Act* directs subdivision appeals to the LPRT instead of a subdivision and development appeal board when the subject land is in the Green Area or within prescribed distances of features of interest to Provincial authorities, including a highway, body of water, sewage treatment, waste management facility, or historical site. The distances are found in s. 26 of the *Matters Related to Subdivision and Development Regulation, Alta Reg 84/2022 (Regulation)*. The LPRT also hears subdivision appeals when the land is the subject of a licence, permit, approval or other authorization from various Provincial authorities.

[5] In this case, the following circumstance applies to the subject land

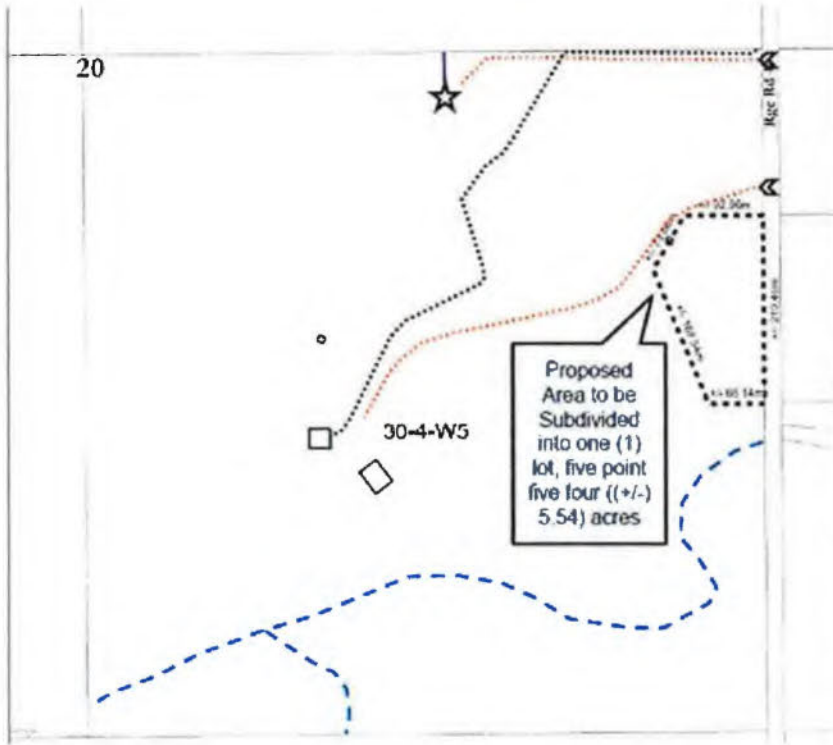
Body of Water

Little Red Deer River and an unnamed tributary contained in the southern portion of the proposed remainder

**PROPOSAL**

[6] To subdivide a 5.54 acre parcel from a previously unsubdivided quarter section to be used for residential purposes.

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## BACKGROUND

[7] The land to be subdivided is a previously unsubdivided quarter section in the County. The subject quarter is on the west side of Range Road 44, approximately 8 km northwest of the Village of Cremona and consists of 160 acres. This area is characterized by agricultural land uses, with most of the surrounding parcels districted either Agricultural District (A) or Agricultural (2) District (A(2)). Four of the surrounding quarters are unsubdivided, two contain two titles, and two contain three titles.

[8] Little Red Deer River flows through the southern portion of the quarter, within the proposed remainder, which is designated as a Level 1 (very high significance) Environmentally Significant Area providing wildlife connectivity; it contains spruce and poplar woodland, shrubbery and back channel wetlands. The Appellant indicated that the potential building site is outside the potential floodplain area. There is also a portion of an unclassified tributary creek near the quarter's southwest corner. The north half of the quarter gently slopes towards the southeast, and the terrain becomes steeper in the south half towards Little Red Deer River.

[9] The Appellant submitted a concurrent application for land use redesignation and subdivision to the County as required by the MDP. The redesignation application sought to redesignate the proposed lot from Agricultural District (A) to Country Residential District (R-CR) which would facilitate the subdivision of a new 5.54 acres parcel along the eastern edge of the subject quarter.

[10] Council reviewed the redesignation at a public hearing. After considering County Administration's recommendation for approval, Council refused the application due to concerns about the parcel size. Following Council's refusal of the redesignation, the SA refused the subdivision application for the following reasons:

1. The proposal does not comply with the Municipal Government Act (RSA 2000 c M-26) Section 654(1)(b) as it does not conform to the provisions of the Municipal Development Plan (MDP) Bylaw No. 20/20 and the Land Use Bylaw (LUB) No. 10/24. The proposal does not have the correct land use designation for its intended purpose.
2. The proposal does not comply with the Statutory Plan (Municipal Development Plan Bylaw No. 20/20). The proposal required redesignation to the Country Residential District (R-CR).
  - a. County Council refused the redesignation application on October 08, 2025 with Bylaw No. LU 37/25. The proposal remains zoned Agricultural District (A).
  - b. The subdivision of the "first parcel out" is subject to redesignation to the appropriate

land use district, which was not achieved (MDP Policies 3.3.5(a), 3.3.8 and 3.3.13).

3. The proposal does not comply with the Land Use Bylaw No. 10/24.
  - a. Section 11.1 states that the minimum parcel size for an Agricultural District (A) parcel is 80.0 acres. This subdivision application is proposing a (+/-) 5.54 acre parcel and does not meet this minimum size requirement for its current designation.
  - b. Section 11.1 also notes that the purpose of the Agricultural District (A) is “to accommodate and promote agriculture land uses on larger parcels while having regard for the rural, agricultural character of the area”. This intended use of the proposed parcel is residential, not agricultural. The proposal’s intended use does not align with the purpose of the Agricultural District.

### **Notice of Appeal**

[11] The Appellant appealed the subdivision refusal, citing County Administration’s recommendation to approve the redesignation, previously approved subdivisions of comparable size, and that the proposed parcel configuration is necessary to maintain control and preservation of tree cover and surface drainage.

### **ISSUES**

[12] The LPRT must consider requirements under the *Act, Regulation*, the Provincial Land Use Policies (LUP), the Land Use Bylaw (LUB), and any statutory plans. (see ss. 680(2), and 618.4(1) of the *Act*). Against this general regulatory backdrop, the Parties focused on the following particular issues:

1. Does the proposed parcel meet the provisions in the Agricultural District of the Land Use Bylaw (A)?
2. If the proposed subdivision does not comply with the LUB use or standards, are there sufficient planning reasons for the LPRT to exercise any discretion it may have to grant approval?

### **SUMMARY OF THE SA’S POSITION**

#### **Redesignation Consideration**

[13] The SA refused the proposed subdivision as it does not conform to the provisions of the MDP and the LUB. Section 654(1)(b) of the *Act* requires the SA to conform to the MDP and LUB use provisions.

[14] Specifically, the proposal does not comply with the following:

#### **MDP**

- Policy 3.3.5
  - (a) The “first parcel out” of a previously unsubdivided quarter section may only be supported by the County for the creation of one additional parcel, subject to redesignation and subdivision application and the provisions of the Land Use Bylaw and the MDP.
  - (b) A first parcel out subdivision within the Agricultural Preservation Area or the Potential Multi-Lot Residential Development Area shall be evaluated in accordance with Section 3.0 of the MDP.
- Policy 3.3.8 All new titles created in an agricultural district for non-agricultural use, shall require a redesignation to the appropriate land use district and a concurrent subdivision application.
- Policy 3.3.13 A Country Residential parcel may be permitted from an unsubdivided quarter subject to redesignation and subdivision in lieu of an agricultural parcel or farmstead separation. The parcel size should be two (2) to three (3) acres (0.81 to 1.21 ha). Lot sizes greater than three (3) acres (1.21 ha) (up to a maximum of five (5) acres (2.02 ha)) may be considered where setbacks, topography and easements prevent the creation of a reasonable building envelope.

#### **LUB**

### 11.1 A Agricultural District

Purpose: To accommodate and promote agriculture land uses on larger parcels while having regard for the rural, agricultural character of the area.

#### Site Regulations:

Parcel Area: Minimum 32.37 ha (80.0 ac) or the area in title at the time of passage of this Bylaw.

[15] The quarter section lies primarily within the potential multi-residential area of the Growth Management Conceptual Strategy of the MDP, with a smaller portion identified as Agricultural Preservation Area; however, the Agricultural Land Use Policies within the MDP apply to the entire quarter section. The County's MDP Policy 3.31 states that "All lands in the County are deemed to be agricultural use unless otherwise designated for other uses", which means that redesignation to the appropriate land use district must first be achieved before subdivision can be considered. Council refused the redesignation of the proposed parcel to County Residential District (R-CR), and subsequently, the proposal remains districted Agricultural District (A). Since the proposal did not achieve redesignation, the SA did not support the subdivision.

[16] The SA also noted Policy 3.3.13 allows a Country Residential parcel as a first parcel out, subject to redesignation, which Council refused. This policy also addresses residential parcel size, stating that the parcel size should be two to three acres, but that larger parcels up to five acres may be considered when necessary to create a suitable building envelope. However, during the public hearing, Council questioned whether the steep slope in southern portion of the proposed lot is necessary to accommodate a suitable building envelope. The reason provided by the Appellant was not sufficient for Council to vary the recommended parcel size.

[17] Since Council refused the redesignation to Country Residential District (R-CR), the proposal remains districted Agricultural District (A) in the LUB. The SA explains that this district is intended to accommodate and promote agricultural land uses on larger parcels while having regard for the rural agricultural character of the area.

#### Parcel Size

[18] The parcel did not achieve the correct land use designation for its intended residential use (Country Residential District R-CR) and the subdivision application is inappropriate with its current Agricultural District (A). The LUB specifies the minimum parcel size within this district is 80 acres, whereas the proposed residential lot is 5.54 acres. Additionally, the SA asserted the proposed residential use does not align with the purpose of the Agricultural District (A), which is to accommodate agricultural land uses on large parcels.

#### Access

[19] Section 3.0 Agricultural Land Use Policy of the County's MDP states:

- Policy 3.3.23 Subdivision to create a new agricultural or residential parcel and the remaining parcel shall have direct physical and legal access to a developed County road allowance. If a County road allowance is undeveloped, the applicant shall be required to develop the County road allowance to Mountain View County standards. Access easement agreements shall not be considered.

[20] The SA's review determined that the proposal did not have legal and physical access to a County road, as Range Road 44 terminates approximately 40 metres north of the proposed lot. The proposed lot is adjacent to an undeveloped road allowance.

[21] Policy 3.3.23 also requires the Appellant to develop the road allowance to County standards in order to provide legal and physical access. Had this application been approved, for redesignation and subdivision, a condition of subdivision approval would have required Range Road 44 be extended further south to provide the proposed lot with legal and physical access.

#### Environmental Policy

[22] Section 6 of the County's MDP environmental land use policies applies to the subject lands as the Little Red Deer River flows through the proposed remainder. The application was evaluated against Policy #6009, Environmental

Protection Guidelines for the Evaluation of Redesignation Subdivision and Development applications. If the application had been approved, environmental protection of Little Red Deer River would have been addressed through standard Condition #13:

13. Environmental protection for riparian and ecological enhancement:

- a. Where livestock is present on the affected parcel(s), the applicant shall provide confirmation that an application has been submitted for Provincial and/or Municipal funding for Riparian Enhancement Projects. The application shall demonstrate protection of riparian areas affected by the proposed subdivision; or,
- b. Where livestock is not present on the affected parcel(s), or at the discretion of Mountain View County, the applicant shall enter into an agreement with Mountain View County to have a Riparian Health Assessment conducted by Mountain View County to determine the riparian health of areas affected by the proposed subdivision. Furthermore, a review period of five (5) and ten (10) years will be granted by the applicant allowing for subsequent assessments of the riparian area within the applicable review period to determine overall change in riparian health.

This condition shall apply to the proposed remainder.

[23] The SA confirmed that should the subdivision be approved, Condition #13 only applies to the balance of the parcel. No provisions in the County's MDP or LUB would apply to the proposed lot to protect the natural area from deforestation; this objective would have to be achieved by working with the Applicant to choose an appropriate building envelope, given that a dwelling is a permitted use on Agricultural District (A).

#### **SUMMARY OF APPELLANT'S POSITION**

##### **Redesignation Consideration**

[24] The Appellant argued the subdivision should be approved given that County Administration recommended approval of the redesignation. Redesignation to Country Residential is also appropriate, since the proposed parcel consists of sloped and treed areas, and has little agricultural capability.

##### **Parcel Size**

[25] The Appellant noted that the original proposed parcel was 6.94 acres. The Appellant worked with the County to reduce the parcel size and ensured the submission was appropriately sized to accommodate a suitable building envelope considering topography, setbacks, tree cover, drainage patterns and flood risk prior to bringing the redesignation to Council. The Appellant further noted that the amended proposal boundaries are also similar to the adjacent subdivision in the quarter to the east, and other subdivisions in the County.

##### **Access**

[26] The Appellant acknowledged that the SA identified access as an issue, and indicated willingness to upgrade access to meet County standards.

##### **Environmental Policy**

[27] The Appellant believes that the southern, sloped and treed portion within the proposed residential parcel would allow better long-term control and protection of trees. If the southern portion of the proposed lot remained as part of the balance of the quarter section, agricultural use could result in tree loss and disturbance to the natural areas.

#### **FINDINGS**

1. The proposed subdivision does not comply with the Agricultural District (A) use provisions in the LUB.

#### **DECISION**

[28] The appeal is denied and the subdivision is refused.

## REASONS

### MDP

[29] The County's Agricultural Land Use Policies 3.3.5 and 3.3.8 do not permit a first parcel out for non-agricultural use unless redesignated. While the LPRT is not bound by statutory plans, s. 680(2)(a.1) requires the LPRT to have regard to them. In this case, varying the MDP to allow a first parcel out without redesignation in an agricultural area tends to conflict with the County's stated overarching vision of conserving agricultural land. In this respect, the LPRT notes County Policy 3.3.1 states that "[a]ll lands in the County are deemed to be agricultural use unless otherwise designated for other uses", suggesting an intent to preserve even less productive land for agricultural use.

### LUB - Use

[30] Section 680(2) of the *Act* provides direction on what the LPRT must consider:

(2) In determining [a subdivision] appeal, the board hearing the appeal

...

(b) must conform with the uses of land referred to in a land use bylaw;

Since Council did not approve redesignation to Country Residential District (R-CR), the subject lands remain designated Agricultural District (A) in the LUB. The stated purpose of the Agricultural District (A) in the LUB is "to accommodate and promote agricultural land uses on larger parcels while having regard for the rural, agricultural character of the area". While a residence is a permitted use in this district, the intent (subject to redesignation) is to allow residences that serve the agricultural character of the area rather than purely country residential uses; a variance of the scale proposed would not result in a parcel conducive to the kinds of agricultural uses suitable for large parcels that are intended for this district. As such, the LPRT finds the proposal does not meet the use provisions of the Agricultural District (A) LUB.

### LUB - Standard

[31] The LPRT has discretion to vary standards within the LUB; however, as noted above, in this case the requested reduction from 80 acres to 5.54 acres is so large as to effectively redesignate the area to allow country residential (non-agricultural) use. Without redesignation to a residential land use district, the proposed subdivision does not meet the use provisions of the LUB.

[32] Even if the proposal is considered a variance that LPRT has discretion to grant, the exercise of discretion must be considered in the context of the broader land use planning framework. The minimum parcel size of 80 acres was established to ensure sufficient land base for the intended agricultural use. While the subject land may have lower agricultural potential than other areas, it has been used for grazing and can support some forms of agricultural use. Approval in this case will most likely convert agricultural land to residential use, which is not in keeping with the general purpose of the Agricultural district's minimum parcel standard (or the MDP). Insufficient planning reasons were presented for the LPRT to exercise any discretion it may have to vary the minimum parcel standard to the extent requested in this case.

### Site Specific Constraints

[33] The LPRT considered the Appellant's evidence that the existing tree cover and the sloping terrain support the need for the proposed parcel size. However, the LPRT accepts the SA's position that there are no provisions in the current MDP nor the LUB that would allow the County to require the protection of trees on the proposed parcel. Tree protection on the proposed lot would depend on voluntary cooperation of the landowner, which could change should the lands be sold in the future.

### Previous Subdivision Approvals

[34] The LPRT also considered the Appellant's submission that similar subdivisions have been approved in the County in the past. Policy 1.6.3 of the County's LUB provides that redesignation, subdivision or development applications must be assessed against the LUB and statutory plans at the time of the decision.

Dated at the City of Edmonton in the Province of Alberta this 2nd day of February, 2026.

**LAND AND PROPERTY RIGHTS TRIBUNAL**



G. Sokolan, Member

**APPENDIX A**

PARTIES WHO ATTENDED, MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

<u>NAME</u>	<u>CAPACITY</u>
D. Lindskog	Appellant
K. Taylor	Appellant Representative
M. Schnell	SA Representative
M. Bloem	SA Representative
J. Ross	SA Representative

**APPENDIX B**

DOCUMENTS RECEIVED PRIOR TO THE HEARING:

<u>NO.</u>	<u>ITEM</u>
1A	Notice of Appeal
2R	Information Package
3A	Appellant Presentation
4A	<del>Struck</del> — all documentation in Exhibit 3A as requested
5R	Respondent Submission – Report to the LPRT
6R	Respondent Presentation
7R	Mountain View County Land Use Bylaw
8R	Mountain View County Municipal Development Plan

**APPENDIX E**

**LEGISLATION**

The *Act* and associated regulations contain criteria that apply to appeals of subdivision decisions. While the following list may not be exhaustive, some key provisions are reproduced below.

***Municipal Government Act***

Purpose of this Part

Section 617 is the main guideline from which all other provincial and municipal planning documents are derived. Therefore, in reviewing subdivision appeals, each and every plan must comply with the philosophy expressed in 617.

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

- (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
- (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

#### Approval of application

Upon appeal, the LPRT takes on the role of the subdivision authority. Pertinent provisions relative to decisions of the subdivision authority include section 654(1) and (2) of the *Act*. The SA (and by extension the LPRT) cannot approve a subdivision unless convinced that the site is suitable for the intended use, as per section 654(1)(a) of the *Act*.

654(1) A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(1.1) Repealed 2018 c11 s13.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,and
- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

#### Hearing and decision

Section 680(2) of the *Act* requires that LPRT decisions conform to the uses of land referred to in the relevant land use district of the LUB. It does not require that the LPRT abide by other provisions of the LUB, the MDP or the *Subdivision and Development Regulation*, although regard must be given to them.

680(2) In determining an appeal, the board hearing the appeal

- (a) repealed 2020 c39 s10(48);
- (a.1) must have regard to any statutory plan;
- (b) must conform with the uses of land referred to in a land use bylaw;

- (c) must be consistent with the land use policies;
- (d) must have regard to but is not bound by the subdivision and development regulations;

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# MGA - S678: Subdivision

Nelson v Municipal District of Willow Creek No. 26 (Subdivision Authority)

Application, Appeal Types: MGA - S678: Subdivision

Date: 2025-10-15

Neutral citation: 2025 ABLPRT 654

File No.: S25/WILL/MD-018

Post to CanLII: Yes

Municipality: Municipal District of Willow Creek No. 26

Subjects: AER/AUC/NRCB/AEUB/ERCB  
Body of Water  
Highway



## LAND AND PROPERTY RIGHTS TRIBUNAL

**Citation:** Nelson v Municipal District of Willow Creek No. 26 (Subdivision Authority),  
2025 ABLPRT 654

**Date:** 2025-10-15

**File No.** S25/WILL/MD-018

**Decision No.** LPRT2025/MG0654

**Municipality:** Municipal District of Willow Creek No. 26

**In the matter of** an appeal from a decision of the Municipal District of Willow Creek No. 26 Subdivision Authority (SA) respecting the proposed subdivision of SW 24-16-28-W4M (subject land) under Part 17 of the *Municipal Government Act*, RSA 2000, c M-26 (*Act*).

BETWEEN:

D. Nelson  
and  
P. Nelson

## Municipal District of Willow Creek No. 26 Subdivision Authority

Respondent Authority

BEFORE: D. Woolsey, Presiding Officer  
- L. Danchuk, Member  
- B. Hisey, Member  
- (Panel)

K. Lau, Case Manager

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**DECISION**

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**APPEARANCES**

See Appendix A

This is an appeal to the Land and Property Rights Tribunal (LPRT or Tribunal). The hearing was held by videoconference, on August 18, 2025, after notifying interested parties.

**OVERVIEW**

[1] This hearing concerns an appeal of the SA's refusal to approve a new 12 acre parcel containing an existing residence from a 98 acre agricultural parcel in the Municipal District of Willow Creek (MD). The SA refused the application because the resulting parcels (proposed residential parcel and remainder) do not comply with MD's Land Use Bylaw (LUB) size requirements – namely a maximum of 10 acres for residential parcels and minimum of 140 acres for agricultural parcels.

[2] The Appellants noted the subject land is already undersized for an agricultural parcel and advised they have arranged to sell the remainder to a buyer who intends to farm it together with operations on the adjacent quarter to the east. They argued this arrangement will allow the bulk of the land to be farmed as part of a larger unit, in keeping with the MD's intent to preserve large parcels of agricultural land. At the same time, the proposed residential lot would alleviate a shortage of affordable residential parcels in the MD; it would also allow the Appellants to age in place, while continuing to support the community.

[3] The LPRT found it inappropriate to vary the LUB requirements in this case, since removing 12 acres from the existing parcel would further erode its agricultural value. Although the buyers intend to farm the remainder with the adjacent quarter, there is no intent to consolidate these two parcels, leaving significant risk for the 85-acre remainder to be sold and converted to other uses over the long term.

**REASONS APPEAL HEARD BY LPRT**

[4] Section 678(2) of the *Act* directs subdivision appeals to the LPRT instead of a subdivision and development appeal board when the subject land is in the Green Area or within prescribed distances of features of interest to Provincial authorities, including a highway, body of water, sewage treatment, waste management facility, or historical site. The distances are found in s. 26 of the *Matters Related to Subdivision and Development Regulation, Alta Reg 84/2022 (Regulation)*. The LPRT also hears subdivision appeals when the land is the subject of a license, permit, approval or other authorization from various Provincial authorities.

[5] In this case, the following circumstances apply to the subject land.

Highway: The subject land is within 1.6 km of Highway 533

Provincial Approving Authority: Subject of a licence from the Alberta Energy Regulator Licence # 0217413

Body of Water: Wetlands are on the subject lands

## PROPOSAL

[6] To subdivide a parcel from a previously subdivided quarter section to create one new parcel for residential use from an existing 98.08 acre (39.69 ha) parcel.



## BACKGROUND

[7] The subject land is adjacent to Highway 533, about a mile east of the Town of Nanton. It forms part of a quarter section (SW ¼ 24-16-28-W4M), which was previously subdivided in 2005 (4.92 acre / 1.99 ha for a country residential parcel), in 1986 (53.9 acres / 21.83 ha for a government gravel pit), and in 1958 (3.0 acres / 1.2 ha to widen Highway 533).

[8] The proposed parcel contains an existing dwelling and improvements and is approximately 12.28 acres (4.97 ha), which is greater than the maximum parcel size of 10.0 acres (4.04 ha) allowed by LUB s. 15.6. The application initially proposed to consolidate the residual 85.89 acre (34.69 ha) parcel with the quarter section to the east (SE 24-16-28-W4M) to create a 242.88 acre (98.29 ha) parcel to meet the required minimum agricultural parcel size of 140 acres (56.7 ha) in LUB s. 15.7.

[9] The SA refused the proposed subdivision with the following Resolution:

THAT the Agricultural and Country Residential subdivision of S1/2 24-16-28-W4M (Certificate of Title No. 051 370 6571, 921 284 196+2), creating one new parcel for residential use from an existing 98.08 acre (39.69 ha) title **BE REFUSED** for the following reasons:

## REASONS:

- (a) The land that is proposed to be subdivided is, in the opinion of the approval authority, not suitable for the purpose for which the subdivision is intended as it does not comply with the LUB Schedule 15, section 15.15 in which only one developed single country residential lot may be subdivided from an unsubdivided quarter section. The remainder in quarter section cannot meet the necessary 140 acre parcel size. The Subdivision Authority is not willing to grant a variance to this section.
- (b) Although the adjacent landowner has no objection to the subdivision as presented, there is no agreement to consolidate the adjacent lands with the remainder of the subject parcel. As such, the proposal does not comply with Schedule 15, section 15.14 (b) which requires the consolidation of land less than the minimum size to an adjacent title to achieve the minimum parcel size. The Subdivision Authority is not willing to grant a variance to this section.

## Notice of Appeal

[10] The Appellants appealed the refusal, stating they have invested considerable time, energy and funds into a proposal that would allow them to retire and remain living in the home that they planned and built 24 years ago. They intend to sell 80+ acres to their farming neighbours which would ensure the arable land remains in agricultural production and only requires one additional title on a quarter that was already broken up, against municipal policy, in 1986.

## ISSUES

[11] The LPRT must consider requirements under the *Act, Regulation*, any regional plans under the *Alberta Land Stewardship Act* – in this case, the South Saskatchewan Regional Plan, the Provincial Land Use Policies (LUP), the Land Use Bylaw (LUB), and any statutory plans. (see ss. 680(2), 618.3 and 618.4(1) of the *Act*). Against this general regulatory backdrop, the parties focused on the following particular issues:

1. Should the LPRT exercise its discretion to approve the proposed subdivision even though it does not meet the LUB requirements with respect to the
  - a. Proposed parcel size?
  - b. Proposed remainder parcel size? And,
  - c. Parcel density?

## SUMMARY OF THE SA'S POSITION

[12] The proposed subdivision does not comply with the LUB; specifically, the LUB size requirements limit residential parcel size to 10 acres, whereas the proposed parcel is 12.28 acres. The remainder 85.89 acre parcel also does not meet the minimum agricultural parcel size of 140 acres. Although the existing parcel is already smaller than 140 acres, the SA considers it inappropriate to reduce the size of this agricultural parcel still further, or to increase density beyond one developed single country residential lot per unsubdivided quarter. Consolidating the remainder with the quarter section to the east is contemplated under LUB Policy 15.14 (b) and would create a 242.88 acre parcel that meets the LUB requirements.

[13] With consolidation and a waiver to the maximum residential parcel size of 10 acres, the application would meet the LUB policies, as there is no intent to create additional parcels following the consolidation of the residual agricultural lands. As such, the SA suggested approval could be considered subject to the following conditions.

1. Any outstanding property taxes shall be paid to the MD of Willow Creek;
2. Consideration of adjacent landowners and referral agencies comments;
3. Payment of Municipal Reserve (cash-in-lieu or deferred by caveat)
4. Waiver of Maximum Parcel size for proposed Lot 2 or reduction to 10 acres
5. Consolidation of residual lands to SE 24-16-28-W4M

## SUMMARY OF ATEC'S POSITION

[14] Alberta Transportation and Economic Corridors (ATEC) provided the following comments on the application - principally that it would exercise its power under ss 18 and 19 and 20 of the *Matters Related to Subdivision and Development Regulation (Regulation)* to require 20 m service road dedication along the highway frontage.

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act
2. To satisfy Section 19 of the Subdivision and Development Regulation (and in lieu of pre-subdivision planning outlined in Section 14(d) and 14(e) of the Regulation), dedication of a 20 metre service road right of way by caveat is required along the highway frontage as shown on the attached plan and shall be added as a condition of subdivision approval. The usual 30 metre wide service road requirement has been varied to minimize the impact on the mature farmstead and associated amenities. Details on preparing and registering the service road agreement and caveat can be found on Transportation and Economic Corridors' website, at <https://www.alberta.ca/service-roadagreement-and-caveat.aspx>.
3. Transportation and Economic Corridors accepts no responsibility for the noise impacts or other impacts of highway traffic upon any development or occupants thereof. The subdivision design should include adequate physical features to ensure that the proposed use of land is compatible with the adjacent provincial highway system. Some of these features might, for example, include landscaping and/or berming, to provide noise attenuation and visual screening from the highway. Implementation of these features is the responsibility of the owner/municipality.
4. The existing access may remain on a temporary basis. All direct highway accesses are to be considered temporary. No compensation shall be payable to the landowner, or their assigns or successors when Transportation and Economic Corridors removes or relocates the access or if highway access is removed and access provided via a municipal road or service road.
5. The subject land is within the permit area of a highway as outlined in the Highways Development and Protection Regulation. Proposed development on the subject will require the benefit of a Roadside Development Permit from Transportation and Economic Corridors.

## SUMMARY OF ADJACENT LANDOWNER'S POSITION

### **K. Kohut, Kohut Farms:**

[15] G. and K. Kohut operate Kohut Farms Ltd. as part of an operation that has been in the family for generations. They advised they have agreed for Kohut Farms Ltd. to purchase the Appellants' 85 acre remainder parcel on SW 24-16-28-W4 after subdivision. The parcel will add nicely to the adjacent quarter section (SE 24-16-28-W4), which is owned by G. Kohut and forms part of the wider family operation. While there is no intent to consolidate these parcels following the sale, the parcel would contribute to the family's agricultural operations.

[16] Mr. K. Kohut noted the Province took a large portion of the Appellants' quarter in 1986, and has made no attempt to restore it to agricultural use. A variance to the policy of one subdivision per quarter in this instance would allow Kohut Farms Ltd. to buy, farm and protect the remaining 85 acres as agricultural land without further subdivision. The Kohut family has deep farming traditions and heritage and has never sought to subdivide any of their agricultural lands, preferring to increase their holdings to farm and ranch. Approval in this case would allow the remaining land to stay agricultural use, rather than become a 95+ acre acreage with no significant economic agricultural output.

[17] Mr. K. Kohut stated the Appellants' proposal satisfies all requirements for sewage disposal, fresh water supply and access, and argued that approval would result in a reasonably sized acreage that would help to alleviate the housing shortage in the MD by creating an affordable residential lot and by allowing the Appellants to remain in their home for longer.

### **SUMMARY OF APPELLANTS' POSITION**

[18] The Appellants built the existing house on the property and their family has lived there for approximately 24 years. They have acted as caregivers for multiple family members and other members of the community over the years, and have modified the property to suit that purpose.

[19] The Appellants agree with many of the points made by Mr. Kohut. The subject quarter section has already been fragmented – largely through the actions of the Provincial government, which expropriated 53.9 acres (21.83 ha) in 1986 and took a further 3.0 acres (1.2 ha) in 1958 for highway road widening. The final 4.92 acres (1.99 ha) country residential subdivision in 2005 was done under duress to settle a family dispute.

[20] Although the ownership structure of Kohut Farms Ltd. will not allow consolidation of the proposed 85 acre remainder with the adjacent parcel, its sale to Kohut Farms Ltd. will ensure the land remains in agricultural production; at the same time, it will provide the Appellants with money for retirement and allow them to stay in their home and continue to help seniors and members of the community at the facility they have built for that purpose.

### **FINDINGS**

1. There are insufficient planning reasons to waive the LUB size and density requirements in this case.

### **DECISION**

[21] The appeal is denied and request for subdivision is refused.

### **REASONS**

[22] There is no dispute that the proposed residential parcel and agricultural remainder do not comply with the LUB's respective size requirements for residential and agricultural parcels. While the SA does not object to the modest 2.28 acre variance requested for the residential parcel, it is reluctant to accept the increase in density and the 55 acre variance needed to establish the 85 acre remainder. The LPRT recognizes that at approximately 98 acres, the subject parcel is already undersized; however, removal of a further 12 acres would result in an even more substantial variance and further erode the parcel's agricultural value and its ability accommodate the types of operation intended under the LUB districting. It would also increase the density of residential parcels per unsubdivided quarter beyond that contemplated in the LUB.

[23] The difficulties with density and parcel size could be resolved by consolidating the remainder with the quarter section to the east; however, the parties have explained this solution is not viable in this case. Although the Kohuts' deep commitment to their agricultural operations, heritage and lifestyle is unquestioned, the risk remains that the desire to integrate agricultural operations on the remainder into those on the adjacent quarter may change in step with economic and personal circumstances. The LPRT must take a long-term view as to the potential effects of approving a substantially undersized agricultural parcel. Over the long term, it finds there is a high potential for the remainder parcel to be sold and used independently of operations on the adjacent quarter section. As such, the LPRT finds approval would increase the risk of the remainder being converted over the long term to uses not envisioned by the relevant LUB district, and is not appropriate in this circumstance.

[24] In summary, the LPRT understands and sympathizes with the Appellants' reasons for requesting the

[24] In summary, the LPRT understands and sympathizes with the Appellants' reasons for requesting the subdivision; however, these reasons are for the most part related to financial or estate planning, and are not sufficient land use planning reasons to waive the County's LUB standards. If the Appellants wish to proceed with subdivision, one option may be to explore possibilities for redesignation to an LUB district more in keeping with the proposed use, density and new parcel sizes.

Dated at the City of Edmonton in the Province of Alberta this 15<sup>th</sup> day of October, 2025.

**LAND AND PROPERTY RIGHTS TRIBUNAL**



B. Hisey, Member

**APPENDIX A**

PARTIES WHO ATTENDED, MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

<u>NAME</u>	<u>CAPACITY</u>
D. Nelson	Appellant
P. Nelson	Appellant
D. Horvath	SA Representative, Oldman River Regional Services Commission
L. Olsen	ATEC Representative
K. Kohut	Adjacent Landowner

**APPENDIX B**

DOCUMENTS RECEIVED PRIOR TO THE HEARING:

<u>NO.</u>	<u>ITEM</u>
1A	Notice of Appeal
2R	Information Package
3A	Doug and Patti Appeal Letter
4A	Kohut Letter of Intent to Purchase
5R	MD Submission for LPRT hearing

**APPENDIX C**

DOCUMENTS RECEIVED AT THE HEARING:

<u>NO.</u>	<u>ITEM</u>
6R	Willow Creek MD LUB April 24, 2019 (LUB Maps)
7R	Willow Creek MD LUB April 2019 (No Maps)
8R	Willow Creek MD Municipal Development Plan Bylaw 1765

## APPENDIX D

### *Municipal Government Act*

#### Purpose of this Part

Section 617 is the main guideline from which all other provincial and municipal planning documents are derived. Therefore, in reviewing subdivision appeals, each and every plan must comply with the philosophy expressed in 617.

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

- (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
- (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

Section 618.3 and 618.4 direct that all decisions of the LPRT must be consistent with the applicable regional plan adopted under the *Alberta Land Stewardship Act* or the Land Use Policies (LUP).

#### ALSA regional plans

618.3(1) Anything done by any of the following under a provision in this Part or a regulation under this Part must be done in accordance with any applicable ALSA regional plan:

- (a) a municipality;
- (b) a council;
- (c) a municipal planning commission;
- (d) a subdivision authority;
- (e) a development authority;
- (f) a subdivision and development appeal board;
- (g) the Land and Property Rights Tribunal;
- (h) an entity to which authority is delegated under section 625(4).

(2) If there is a conflict or an inconsistency between anything that is done under a provision of this Part or a regulation under this Part and an applicable ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict or the inconsistency.

#### Land use policies

618.4(1) Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Land and Property Rights Tribunal must be consistent with the land use policies established under subsection (2).

(2) The Lieutenant Governor in Council, on the recommendation of the Minister, may by regulation establish land use policies.

#### Approval of application

Upon appeal, the LPRT takes on the role of the subdivision authority. Pertinent provisions relative to decisions of the subdivision authority include section 654(1) and (2) of the *Act*. The SA (and by extension the LPRT) cannot approve a subdivision unless convinced that the site is suitable for the intended use, as per section 654(1)(a) of the *Act*.

654(1) A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,

(c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and

(d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(1.1) Repealed 2018 c11 s13.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

(a) the proposed subdivision would not

(i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

### Conditions of subdivision approval

Section 655(1) of the *Act* details the conditions of subdivision approval that may be imposed by the subdivision authority.

655(1) A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:

(a) any conditions to ensure that this Part, including section 618.3(1), and the statutory plans and land use bylaws and the regulations under this Part affecting the land proposed to be subdivided are complied with;

(b) a condition that the applicant enter into an agreement with the municipality to do any or all of the following:

(i) to construct or pay for the construction of a road required to give access to the subdivision;

(ii) to construct or pay for the construction of

(A) a pedestrian walkway system to serve the subdivision, or

(B) pedestrian walkways to connect the pedestrian walkway system serving the subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent subdivision,

or both;

(iii) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the subdivision, whether or not the public utility is, or will be, located on the land that is the subject of the subdivision approval;

(iv) to construct or pay for the construction of

(A) off-street or other parking facilities, and

(B) loading and unloading facilities;

(v) to pay an off-site levy or redevelopment levy imposed by bylaw;

(vi) to give security to ensure that the terms of the agreement under this section are carried out.

### Subdivision registration

Section 657 of the *Act* guides the registration of subdivision plans.

657(1) An applicant for subdivision approval must submit to the subdivision authority the plan of

subdivision or other instrument that effects the subdivision within one year from the latest of the following dates:

- (a) the date on which the subdivision approval is given to the application;
- (b) if there is an appeal to the subdivision and development appeal board or the Land and Property Rights Tribunal, the date of the decision of the appeal board or the Tribunal, as the case may be, or the date on which the appeal is discontinued;
- (c) if there is an appeal to the Court of Appeal under section 688, the date on which the judgment of the Court is entered or the date on which the appeal is discontinued.

...

#### Land dedication

Section 661 and 662 of the *Act* discuss the authority for the SA to require the dedication of land at time of subdivision as follows:

661 The owner of a parcel of land that is the subject of a proposed subdivision must provide, without compensation,

- (a) to the Crown in right of Alberta or a municipality, land for roads and public utilities,
- (a.1) subject to section 663, to the Crown in right of Alberta or a municipality, land for environmental reserve, and
- (b) subject to section 663, to the Crown in right of Alberta, a municipality, one or more school boards or a municipality and one or more school boards, land for municipal reserve, school reserve, municipal and school reserve, money in place of any or all of those reserves or a combination of reserves and money,

as required by the subdivision authority pursuant to this Division.

#### Roads, utilities, etc.

662(1) A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land for the purpose of roads, public utilities or both.

(2) The land to be provided under subsection (1) may not exceed 30% of the area of the parcel of land less the land taken as environmental reserve or as an environmental reserve easement.

(3) If the owner has provided sufficient land for the purposes referred to in subsection (1) but the land is less than the maximum amount authorized by subsection (2), the subdivision authority may not require the owner to provide any more land for those purposes.

#### Reserves not required

663 A subdivision authority may not require the owner of a parcel of land that is the subject of a proposed subdivision to provide reserve land or money in place of reserve land if

- (a) one lot is to be created from a quarter section of land,
- (b) land is to be subdivided into lots of 16.0 hectares or more and is to be used only for agricultural purposes,
- (c) the land to be subdivided is 0.8 hectares or less, or
- (d) reserve land, environmental reserve easement or money in place of it was provided in respect of the land that is the subject of the proposed subdivision under this Part or the former Act.

#### Environmental reserve

664(1) Subject to section 663 and subsection (2), a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of

- (a) a swamp, gully, ravine, coulee or natural drainage course,
- (b) land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or
- (c) a strip of land not less than 6 metres in width abutting the bed and shore of any body of

water.

- (1.1) A subdivision authority may require land to be provided as environmental reserve only for one or more of the following purposes:
- (a) to preserve the natural features of land referred to in subsection (1)(a), (b) or (c) where, in the opinion of the subdivision authority, those features should be preserved;
  - (b) to prevent pollution of the land or of the bed and shore of an adjacent body of water;
  - (c) to ensure public access to and beside the bed and shore of a body of water lying on or adjacent to the land;
  - (d) to prevent development of the land where, in the opinion of the subdivision authority, the natural features of the land would present a significant risk of personal injury or property damage occurring during development or use of the land.
- (1.2) For the purposes of subsection (1.1)(b) and (c), “bed and shore” means the natural bed and shore as determined under the Surveys Act.
- (2) If the owner of a parcel of land that is the subject of a proposed subdivision and the municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement for the protection and enhancement of the environment, an easement may be registered against the land in favour of the municipality at a land titles office.
- (3) The environmental reserve easement
- (a) must identify which part of the parcel of land the easement applies to,
  - (b) must require that land that is subject to the easement remain in a natural state as if it were owned by the municipality, whether or not the municipality has an interest in land that would be benefitted by the easement,
  - (c) runs with the land on any disposition of the land,
  - (d) constitutes an interest in land in the municipality, and
  - (e) may be enforced by the municipality.
- (4) An environmental reserve easement does not lapse by reason only of
- (a) non-enforcement of it,
  - (b) the use of the land that is the subject of the easement for a purpose that is inconsistent with the purposes of the easement, or
  - (c) a change in the use of land that surrounds or is adjacent to the land that is the subject of the easement.
- (5) When an easement is presented for registration under subsection (2), the Registrar must endorse a memorandum of the environmental reserve easement on any certificate of title relating to the land.
- (6) Despite section 48(4) of the Land Titles Act, an easement registered under subsection (2) may be removed only pursuant to section 658(3.1).
- (7) An environmental reserve easement is deemed to be a condition or covenant for the purposes of section 48(4) and (6) of the Land Titles Act.
- (8) Subject to subsection (7), this section applies despite section 48 of the Land Titles Act.
- (9) A caveat registered under this section prior to April 30, 1998 is deemed to be an environmental reserve easement registered under this section.

## Municipal and school reserves

Section 666 of the *Act* describes when reserves can be taken and the form that they can be taken in.

- 666(1) Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision
- (a) to provide part of that parcel of land as municipal reserve, school reserve or municipal and school reserve,
  - (b) to provide money in place of municipal reserve, school reserve or municipal and school reserve, or
  - (c) to provide any combination of land or money referred to in clauses (a) and (b).
- (2) The aggregate amount of land that may be required under subsection (1) may not exceed the percentage set out in the municipal development plan, which may not exceed 10% of the parcel of land

less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.

(3) The total amount of money that may be required to be provided under subsection (1) may not exceed 10% of the appraised market value, determined in accordance with section 667, of the parcel of land less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.

(3.1) For greater certainty, for the purposes of calculating the 10% under subsection (2) or (3), the parcel of land includes any land required to be provided under section 662.

(4) When a combination of land and money is required to be provided, the sum of

(a) the percentage of land required under subsection (2), and

(b) the percentage of the appraised market value of the land required under subsection (3) may not exceed 10% or a lesser percentage set out in the municipal development plan.

## Appeals

Section 678 of the *Act* sets out the requirements for appeal of a decision by the subdivision authority.

678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

(a) by the applicant for the approval,

(b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,

(c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or

(d) by a school board with respect to

(i) the allocation of municipal reserve and school reserve or money in place of the reserve,

(ii) the location of school reserve allocated to it, or

(iii) the amount of school reserve or money in place of the reserve.

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

(a) with the Land and Property Rights Tribunal

(i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is subject of the application

(A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,

(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission,

or

(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)

(ii),

or

(b) in all other cases, with the subdivision and development appeal board.

(2.1) Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

...

#### Hearing and decision

Section 680(2) of the *Act* requires that LPRT decisions conform to the uses of land referred to in the relevant land use district of the LUB. It does not require that the LPRT abide by other provisions of the LUB, the MDP or the *Subdivision and Development Regulation*, although regard must be given to them.

680(2) In determining an appeal, the board hearing the appeal

(a) repealed 2020 c39 s10(48);

(a.1) must have regard to any statutory plan;

(b) must conform with the uses of land referred to in a land use bylaw;

(c) must be consistent with the land use policies;

(d) must have regard to but is not bound by the subdivision and development regulations;

(e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;

(f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

(2.1) In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2).

(2.2) Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).

...

#### Endorsement of subdivision plan

Section 682 guides endorsement of subdivision plans after an appeal board makes a decision.

682(1) When on an appeal the Land and Property Rights Tribunal or the subdivision and development appeal board approves an application for subdivision approval, the applicant must submit the plan of subdivision or other instrument to the subdivision authority from whom the appeal was made for endorsement by it.

(2) If a subdivision authority fails or refuses to endorse a plan of subdivision or other instrument submitted to it pursuant to subsection (1), the member of the subdivision and development appeal board or Land and Property Rights Tribunal, as the case may be, that heard the appeal who is authorized to endorse the instrument may do so.

### ***Matters Related to Subdivision and Development Regulation - Alberta Regulation 84/2022***

#### Application referrals

Section 7 of the *Regulation* deals with application referrals.

7

...

(6) On an application for subdivision being determined or deemed under section 653.1 of the *Act* to be complete, the subdivision authority must send a copy to

....

(e) the Deputy Minister of the Minister responsible for administration of the *Public Lands Act* if the proposed

parcel

- (i) is adjacent to the bed and shore of a body of water, or
- (ii) contains, either wholly or partially, the bed and shore of a body of water;

#### Relevant considerations

While the LPRT is not bound by the *Subdivision and Development Regulation*, it is the LPRT's practice to evaluate the suitability of a proposed site for the purpose intended using the criteria in section 9 as a guide.

9 In making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, with respect to the land that is the subject of the application,

- (a) its topography,
- (b) its soil characteristics,
- (c) storm water collection and disposal,
- (d) any potential for the flooding, subsidence or erosion of the land,
- (e) its accessibility to a road,
- (f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,
- (g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and building sites comply with the requirements of the *Private Sewage Disposal Systems Regulation* (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private sewage disposal systems as identified in section 4(4)(b) and (c),
- (h) the use of land in the vicinity of the land that is the subject of the application, and
- (i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose for which the subdivision is intended.

...

#### Road access

Section 11 deals with road access requirements.

11 Every proposed subdivision must provide to each lot to be created by it

- (a) direct access to a road, or
- (b) lawful means of access satisfactory to the subdivision authority.

...

#### Distance from highway

18 Subject to section 20, a subdivision authority shall not in a municipality other than a city approve an application for subdivision if the land that is the subject of the application is within 1.6 kilometres of the centre line of a highway right of way unless

- (a) the land is to be used for agricultural purposes on parcels that are 16 hectares or greater,
- (b) a single parcel of land is to be created from an unsubdivided quarter section to accommodate an existing residence and related improvements if that use complies with the land use bylaw,
- (c) an undeveloped single residential parcel is to be created from an unsubdivided quarter section and is located at least 300 metres from the right of way of a highway if that use complies with the land use bylaw,
- (d) the land is contained within an area where the municipality and the Minister of Transportation have a highway vicinity management agreement and the proposed use of the land is permitted under that agreement, or
- (e) the land is contained within an area structure plan satisfactory to the Minister of Transportation at the time of the application for subdivision and the proposed use of the land is permitted under that plan.

#### Service roads

19(1) In this section, "provide" means dedicate by caveat or by survey or construct, as required by the subdivision authority.

(2) Subject to section 20, if the land that is the subject of an application for subdivision is within an area described in section 7(6)(d), a service road satisfactory to the Minister of Transportation must be provided.

(3) Subsection (2) does not apply if the proposed parcel complies with section 18 and access to the proposed parcel of

land and remnant title is to be solely by means other than a highway.

Waiver

20(1) The requirements of sections 18 and 19 may be varied by a subdivision authority with the written approval of the Minister of Transportation.

## MUNICIPAL BYLAWS AND STATUTORY PLANS

### M.D. of Willow Creek Land Use Bylaw No. 1826

#### Parcel Size Waivers

##### 15.5

Measurable standards outlined in the Land Use Bylaw shall be met when rendering a decision on a subdivision application unless waived by the Subdivision Authority, or by the Subdivision and Development Appeal Board (see Diagram 3).



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# MGA - S678: Subdivision

## Brandenburg v Mountain View County (Subdivision Authority)

Application, Appeal Types: MGA - S678: Subdivision

Date: 2026-01-12

Neutral citation: 2026 ABLPRT 21

File No.: S25/MOUN/CO-021

Post to CanLII: Yes

Municipality: Mountain View County

Subjects: AER/AUC/NRCB/AEUB/ERCB  
Body of Water  
Highway  
Minister of Environment/Parks



### LAND AND PROPERTY RIGHTS TRIBUNAL

**Citation:** Brandenburg v Mountain View County (Subdivision Authority), 2026 ABLPRT 21

**Date:** 2026-01-12

**File No.** S25/MOUN/CO-021

**Decision No.** LPRT2026/MG0021

**Municipality:** Mountain View County

**In the matter of** an appeal from a decision of the Mountain View County Subdivision Authority (SA) respecting the proposed subdivision of SE 13-29-4-W5M, (subject land) under Part 17 of the *Municipal Government Act*, RSA 2000, c M-26 (*Act*).

BETWEEN:

P. and R. Brandenburg

Appellants

- and -

BEFORE: D. Mullen, Presiding Officer  
- L. Danchuk, Member  
- G. Dziwenka, Member  
- (Panel)

K. Lau, Case Manager

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## DECISION

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### APPEARANCES

See Appendix A

This is an appeal to the Land and Property Rights Tribunal (LPRT). The hearing was held by videoconference, on October 1, 2025, after notifying interested parties.

### OVERVIEW

[1] This appeal concerns the SA's refusal of a proposal to subdivide an approximately 3 acre parcel containing a residence and outbuildings from an existing parcel of 82.42 acres. The Appellants argued the subdivision should be approved as the development has been there for 26 years and subdivision will not disrupt existing agricultural uses on the remainder. In addition, a condition on the development permit (DP) stated subdivision would not be allowed for a five-year period, which has not expired.

[2] The LPRT found the DP condition prohibiting development for 5 years does not logically imply that subdivision will be granted after the 5 years has elapsed; further, a DP condition cannot bind the SA to grant approval. In this case, Council refused the Appellants' application for redesignation under the Land Use Bylaw (LUB) from Agricultural (A) District to Country Residential (CR) District to accommodate this subdivision. Approval of a 3- acre parcel would promote country residential use rather than residential use ancillary to the kinds of agricultural operations suitable for the large parcels prioritized under the Agricultural (A) District, where minimum parcel size is 80 acres. It would also be inconsistent with the purpose of the Agricultural Preservation Area of the Municipal Development Plan (MDP), where the subject is located – namely, to accommodate and promote agricultural land uses on larger parcels while having regard for the rural, agricultural character of the area.

### REASON APPEAL HEARD BY LPRT

[3] Section 678(2) of the *Act* directs subdivision appeals to the LPRT instead of a subdivision and development appeal board when the subject land is in the Green Area or within prescribed distances of features of interest to Provincial authorities, including a highway, body of water, sewage treatment, waste management facility, or historical site. The distances are found in s. 26 of the *Matters Related to Subdivision and Development Regulation*, Alta Reg 84/2022 (*Regulation*). The LPRT also hears subdivision appeals when the land is the subject of a licence, permit, approval or other authorization from various Provincial authorities.

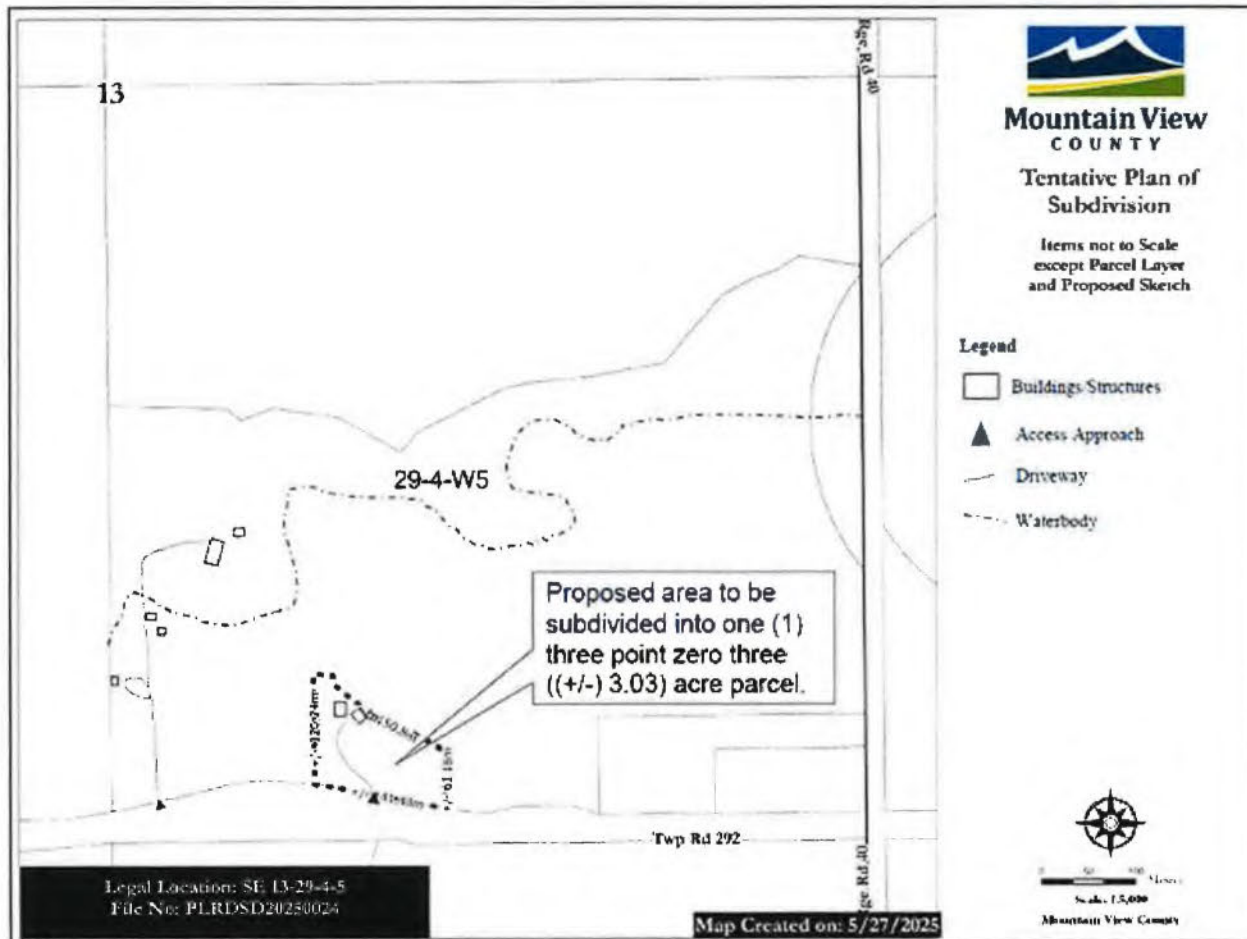
[4] In this case, the following circumstance applies to the subject land.

Body of Water

Dogpound Creek is contained on the parcel.

## PROPOSAL

[5] To create a 3.03 acre parcel for residential purposes from the south central portion of an existing parcel of 82.42 acres in a previously subdivided quarter section.



## BACKGROUND

[6] This proposed 3-acre parcel consists of an established yard site with a residence, garage, and several accessory buildings. It is serviced by a water well and a surface treatment field, and has access from Township Road 292, which lies adjacent to its southern boundary.

[7] The subject lands are approximately 5.5 miles northwest of the Village of Cremona. They lie within the quarter section northwest of the intersection between Township Road 292 (Acme Road) and Range Road 40. The same quarter section also contains the Dogpound Community Hall.

[8] The Appellant's request for redesignation was refused by County Council, leaving the parcel districted Agricultural District (A) in the LUB. It is also in the Agricultural Preservation Area of the MDP. The subject lands contain Dogpound Creek, a Class C waterbody, which runs into the Little Red Deer River further north, along with several unclassified tributaries and wetlands. The topography is irregular and slopes towards the creek.

[9] The SA refused the proposed subdivision for the following reasons:

1. Not in compliance with the Municipal Government Act (MGA): Section 654(1)(b) as the proposed subdivision is contrary to the policies of the Municipal Development Plan Bylaw No. 20/20 and the regulations of the Land Use Bylaw No. 10/24.

2. Not in compliance with the Matters Related to Subdivision and Development Regulation: Section 9(i) as the intent of this application is to create a separate title for residential purposes. The proposal of 3.03 acres with an Agricultural District does not meet the purpose of an agricultural parcel as per the regulations of the Land Use Bylaw.
3. Not in compliance with Statutory Plans: Municipal Development Plan (MDP) Bylaw No. 20/20. The proposal requires redesignation approval to the County Residential District (R-CR) in compliance with the provisions of the Land Use Bylaw before proceeding with the subdivision application:
  - a. The proposal with the intent to create a fourth title exceeds the maximum parcel density allowed in the Agricultural Preservation Area of the Municipal Development Plan, which policy are only supports first parcel out.
  - b. On July 09, 2025, County Council refuse[d] the resignation proposal to the Country Residential District (R-CR) with Bylaw No. LU 23/25, as such the proposal is not compliant with the redesignation requirements of the Municipal Development Plan.
4. Not in compliance with the Land Use Bylaw (LUB) No. 10/24:
  - a. Section 11.1 requires Agricultural District (A) parcels to be of a minimum parcel size of 80.0 acres. The proposed subdivision of 3.03 acres does not meet this minimum required parcel size.
  - b. Subdivision proposal where there are four dwellings in a quarter section is not permitted as per Section 9.8.6

[10] The Appellants state in the Notice of Appeal that they consider the subdivision to be reasonable, and that the proposed parcel includes a home and outbuildings that have existed for 26 years.

## ISSUES

[11] The LPRT must consider requirements under the *Act, Regulation*, the *Provincial Land Use Policies (LUP)*, the Land Use Bylaw (LUB), and any statutory plans. (see ss. 680(2) and 618.4(1) of the *Act*). Against this general regulatory backdrop, the Parties focused on the following issues:

1. Is it appropriate for the LPRT to approve the subdivision notwithstanding noncompliance with the parcel size requirements in the LUB and MDP?

## SUMMARY OF THE SA'S POSITION

[12] The Appellants applied to the County for a redesignation from Agricultural (A) District to Country Residential (CR) District to accommodate subdividing a small Country Residential (CR) 3 acre parcel with a separate title for the residence, outbuilding, and servicing. However, the redesignation was refused by County Council on July 9, 2025, and the Appellants proceeded with a subdivision application under the Agricultural (A) District.

[13] The MDP, Figure 3 Growth Management Conceptual Strategy, shows the subject property within the Agricultural Preservation Area. As such, the review of the application was considered based on the applicable Policies contained in Section 3.0 Agricultural Land Use Policies of the MDP. The intent of this policy area is to "only allow first parcel out residential development to ensure productive agricultural land in the County is preserved for agricultural purposes".

[14] Policy 3.3.6 reflects this intent, stating that "The maximum number of titles in the Agricultural Preservation Area should be two (2) titles per quarter section." The term "should" in this context is a directive, indicating a preferred but not mandatory approach. It grants the Approving Authority, in this instance Council, discretion to allow more than

[24] This quarter section has been in the Appellants' family since the early 1900s. Portions of the quarter section were given or sold to the children, thereby keeping the farm within the family.

[25] The home and outbuildings were developed in 1998 under a development permit with a condition that "Subdivision shall not be permitted for five years". This condition implies that the opposite is true, that a subdivision shall be permitted after five years.

[26] The Appellants and the family member who obtained the permit had joint ownership of the 82 acres with the two residences and outbuildings since 2017. However, that family member sold her portion to the Appellants in October 2024, and the home and outbuildings on the three acre site have been vacant since then. Without separate title, the residence and outbuildings will remain orphaned property.

[27] This proposed subdivision is a reasonable request. The development, which includes a residence, separate servicing and outbuildings has existed for 26 years. It has its own rural ID, driveway access to Township Road 292, own well, own septic system, and is fenced and removed from the agricultural component. The development and surrounding small parcel of land has been operated as an independent principal residence. Since the development already exists separately from the parent parcel, subdivision will not impact neighbouring properties and there will be no change to the agricultural component of the remaining property, which will continue to be used for controlled grazing. Although approximately 4.5 acres were originally fenced off from the adjoining agricultural land, the proposal would reduce the residential site to 3 acres by adjusting the fence line and returning 1.5 acres to the remaining agricultural parcel of approximately 79.5 acres.

[28] The motion to approve the redesignation and subsequent subdivision application with the County was defeated on a tied vote. This indicates that it was a difficult rezoning decision. There are also many supportive policies within the MDP. For example, the preamble to section 2.0, the Growth Management Concept Strategy, states that it is conceptual in nature; as such, it is to be used as a guideline and provides an opportunity to reconsider this application on appeal.

[29] The Appellants recognize the property does not fall within the "Potential Multi-Lot Residential Development Area" as currently identified; however, it would stay within the guidelines of the maximum number of dwelling units that are allowable in a quarter section. This may be suitable for multiple lot residential development, that being two to three lots with the remainder of the balance of the quarter section as the fourth titled lot.

[30] Further, development applications in areas of the County that do not conform to what is illustrated in the conceptual map can still be considered on a case by case, site specific basis per s. 4.3.3 (low density residential subdivision / development). The Appellants argued that the application is also consistent with considerations in the Agricultural Land Use Policies in Section 3.0. For example, one of the goals in Section 3.1 Goals is to conserve agricultural land and preserve the agricultural nature of the County. In this proposal, 1.5 acres would be returned to the agricultural component of the property thereby continuing to preserve the agricultural nature of the County.

[31] Similarly, one of the stated Objectives under Section 3.2 is to conserve agricultural land by encouraging the development of long-term preservation strategies for the County's agricultural land base. This application is for a 3-acre subdivision. The approved developed residence has been removed from agricultural use and fenced off from the larger agricultural area for 26 years.

[32] Section 3.3.3 Policies states that all new farm residences and other buildings shall be encouraged to locate within the quarter section to minimize the impact on agricultural operations. The farm residence has co-existed with the agricultural operation for 26 years and will continue to have minimal impact on farmland and farming operations.

[33] Although Section 3.3.6 indicates that the maximum number of titles in the Agricultural Preservation Area should be two titles per quarter section, the term "should" is not mandatory. Other sections in the MDP (for example, s. 4.3.3 Residential Land Use Policy) also offer an opportunity to support consideration of more titles.

[34] Section 3.3.7 states that agricultural parcel subdivisions that create more than two titles per quarter section may be considered within the Potential Multi-Lot Residential Development Area. Although this property is not part of this

be considered within the Potential Multi-Lot Residential Development Area. Although this property is not part of this area, bear in mind that the Growth Management Concept Strategy is conceptual in nature and to be used as a baseline.

[35] Section 3.3.9 indicates that non-agricultural uses shall be directed to areas that minimize the impact on agricultural operations. This development was approved in 1998 and is of non-agricultural use. It has been used for residential purposes since that time and therefore, would have no impact on the agricultural operations.

[36] Sections 3.3.23 and 3.3.24 speak to subdivisions and remaining parcels having direct physical and legal access to a developed County road allowance. This is an existing development. The proposed subdivision parcel and the remaining parcel have always had and will continue to have direct physical and legal access to Township Road 292.

[37] Section 4.0 MDP contains the Residential Land Use Policies. The preamble states that the main concerns with residential development have traditionally been the provision of suitable servicing and the compatibility with surrounding existing uses, in particular agricultural operations.

[38] This is not a new development. All services are in place. This residential development has co-existed with the agricultural component and the neighboring landowners for over 26 years. As a residential development, 4.5 acres has already been fenced and removed from the land used for agricultural production.

[39] The County has prepared a conceptual map (Figure 3 – Growth Management Conceptual Strategy) that illustrates where potential multi-lot residential development may occur. The conceptual nature of this strategy and its use of the word “may,” suggests some latitude may be given for this application.

[40] Section 4.2.1 states that an objective is to minimize conflicts with agricultural uses. With this proposal, there is minimal conflict with agricultural use as it's been in existence for 26 years.

Further, s. 4.2.3 states that an objective is to encourage live-work opportunities that do not negatively impact adjacent uses. Granting a subdivision of a three acre parcel would not have any negative impact on adjacent uses.

[41] Section 4.3.1 identifies a policy requiring land use redesignation for new rural residential subdivision / development. While this appeal concerns the County's refusal of the subdivision, the development Permit was already approved in 1998 on condition that “Subdivision shall not be permitted for five years”. This condition implies the converse as well, that is, a subdivision shall be permitted after five years.

[42] Section 4.3.3 Policies states that low density residential subdivision / development up to three titled lots retaining the balance of the quarter section as the fourth title, including single lot applications beyond the first parcel out, may be supported if the certain criteria are met, including

- (a) low density residential subdivision should only be permitted if the landowner has held title to the quarter section for at least five years and the location of new lots should be directed to the least productive site on the quarter section. In this appeal, four generations of the family have held this property since the early 1900s with the Appellant having held title since 2017. The residence was approved in 1998, and the site was selected based on access, confirmation of water for the well, and the least disruption to the agricultural component of the land.
- (b) low density residential subdivision should generally occur within the areas identified as Potential Multi-lot Residential Development Aea. The phrase “should generally” offers an opportunity for consideration of this subdivision appeal.
- (c) the subdivision shall not result on more than four titles in the quarter section. The approval of this subdivision would comply.
- (d) the maximum total area taken from a quarter section for residential subdivision shall not exceed nine acres. In this appeal, there is an existing Rural Community Centre (the old Dog Pound School) which the County did not count. This application falls within the total acres removed for a residential subdivision. Currently, the only subdivision that encompasses a residence is another sister's residence at 4010 Twp Rd 292, which is 4.66 acres. The subdivision under appeal would be three acres, therefore within the guidelines for residential subdivisions within the quarter section.
- (e) parcel sizes should be two to three acres, however larger lots may be considered (up to a maximum of five acres). This subdivision would be three acres to encompass the existing residence, outbuildings and servicing.
- (f) the development should be located on the periphery of the quarter section to minimize access roads, to

discourage panhandle roads, and to minimize the use of agricultural land for roads. As an approved development, it was already established on the periphery of the quarter section and minimized the use of agricultural land for roads.

- (m) the subdivision shall not result in more than the maximum allowable dwelling units per quarter section as set out in the LUB. Under s. 9.8 of the LUB, this subdivision request falls within the dwelling density of four dwelling units per quarter section.
- (n) servicing suitability may be required in support of an application when proposing more than one lot. Servicing here was met in 1998 when the residence was developed.

[43] A review of the County's MDP, particularly sections 2.0, 3.0 and 4.0 and the County's LUB, shows the LPRT could approve this subdivision based on case by case, site specific considerations. The residential property has coexisted with the surrounding agricultural properties for over 26 years. Further, there are letters of support from neighboring property owners. G. and L. Hagel, neighbors of the Appellants, have no objection to the subdivision application. B. Schneidmiller supports the redesignation to Country Residential District and the subdivision. C. Windeyer and B. Stover, neighbors directly south of the property and on the opposite side of Township Road 292, support the application for the subdivision foreseeing no negative impacts on them.

## **FINDINGS**

1. The proposal to subdivide a 3 acre parcel for residential use is better suited for the Country Residential (CR) District in the LUB and does not conform to uses intended under the Agricultural (A) District.
2. To the extent the LPRT has discretion to vary the size requirements in the LUB and MDP, there are insufficient planning reasons to do so.

## **DECISION**

[44] The appeal is denied, and the subdivision is refused.

## **REASONS**

[45] While the LPRT has discretion to vary LUB standards, it cannot vary or disregard LUB uses. In this case, the proposal is to add a 3-acre parcel for residential use within the Agricultural (A) District of the LUB. Although a single detached dwelling is a permitted use within this District, the minimum parcel size is 80 acres, and the stated purpose of this District is to accommodate and promote agricultural land uses on larger parcels while having regard for the rural, agricultural character of the area. In contrast, the proposed subdivision is for a 3-acre parcel – a size that is suited to uses contemplated in the Country Residential (CR) District rather than to agricultural operations requiring larger parcels prioritized for the Agricultural (A) District. In the LPRT's view, a variance of this magnitude would violate the intended uses for the Agricultural (A) District, which are the kinds of uses that require larger tracts of land.

[46] The LPRT understands a condition of the 1998 DP prohibited subdivision for 5 years, which has now elapsed. However, the wording of this provision does not logically imply that subdivision approval is guaranteed after the 5 years period expires. In any event, a development approval could not bind a future decision of the SA – nor could it bind Council's discretion to allow or refuse an LUB re-districting application. In this case, Council has declined the application for redistricting, suggesting smaller parcels such as the one proposed do not align with Council's vision for land use and development in this area.

[47] In the alternative, should the variance from 80 to 3 acres be considered a variance of a standard rather than a use, the LPRT would not exercise its discretion to allow it as there are insufficient land use planning reasons to do so. The resulting parcel would not be conducive to the LUB's purpose for the Agricultural (A) District or with the overall objectives of the MDP policies in the Agricultural Preservation Area.

[48] While the MDP does contemplate some flexibility for smaller parcels, most notably separation of the farmstead from an unsubdivided quarter, approval of such parcels requires redesignation; as already noted, redesignation has been refused by Council in this case. The aim of the MDP in the Agricultural Preservation Area is to preserve agricultural land, and does so by prioritizing larger agricultural parcels. Similarly, the MDP indicates the maximum number of titles in the Agricultural Preservation Area should be two titles per quarter section. This again illustrates the prioritization of larger parcels for this area and the intent to minimize fragmentation of agricultural land.

[49] The fact that the residence is serviced and has existed for 26 years is insufficient to persuade the LPRT to exercise any discretion it may have in favour of approval. Once again, approval of so great a variance would fragment the land in a fashion likely to perpetuate CR uses on the proposed parcel rather than the types of uses envisioned in the County's land use planning documents. Finally, the LPRT notes that two dwellings are allowed on parcels the size of the proposed remainder (provided the maximum number of dwellings per quarter section is not exceeded); as such, approval could potentially allow for construction of another dwelling on the remainder parcel, thus converting more land from agricultural use.

Dated at the Town of Diamond Valley in the Province of Alberta this 12th day of January, 2026.

**LAND AND PROPERTY RIGHTS TRIBUNAL**



\_\_\_\_\_  
D. Mullen, Member

**APPENDIX A**

PARTIES WHO ATTENDED, MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

<u>NAME</u>	<u>CAPACITY</u>
P. Brandenburg	Appellant
M. Bloem	Respondent
D. Gonzalez	Respondent

**APPENDIX B**

DOCUMENTS RECEIVED PRIOR TO THE HEARING:

<u>NO.</u>	<u>ITEM</u>
1A	Notice of Appeal
2R	Complete File Information
3R	Report to the LPRT
4R	Presentation to the LPRT
5AP	Email Opposing Appeal – A. & J. Veres
6R	Municipal Development Plan
7R	Land Use Bylaw

**APPENDIX C**

**LEGISLATION**

The Act and associated regulations contain criteria that apply to appeals of subdivision decisions. While the following

The Act and associated regulations contain criteria that apply to appeals of subdivision decisions. While the following list may not be exhaustive, some key provisions are reproduced below.

### ***Municipal Government Act***

#### **Purpose of this Part**

Section 617 is the main guideline from which all other provincial and municipal planning documents are derived. Therefore, in reviewing subdivision appeals, each and every plan must comply with the philosophy expressed in 617.

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

- (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
- (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

Section 618.3 and 618.4 direct that all decisions of the LPRT must be consistent with the applicable regional plan adopted under the *Alberta Land Stewardship Act* or the Land Use Policies (LUP).

#### **Land use policies**

618.4(1) Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Land and Property Rights Tribunal must be consistent with the land use policies established under subsection (2).

(2) The Lieutenant Governor in Council, on the recommendation of the Minister, may by regulation establish land use policies.

#### **Approval of application**

Upon appeal, the LPRT takes on the role of the subdivision authority. Pertinent provisions relative to decisions of the subdivision authority include section 654(1) and (2) of the *Act*. The SA (and by extension the LPRT) cannot approve a subdivision unless convinced that the site is suitable for the intended use, as per section 654(1)(a) of the *Act*.

654(1) A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(1.1) Repealed 2018 c11 s13.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,and

- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.
- (3) A subdivision authority may approve or refuse an application for subdivision approval.

## Appeals

Section 678 of the *Act* sets out the requirements for appeal of a decision by the subdivision authority.

678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,
- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or
- (d) by a school board with respect to
  - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
  - (ii) the location of school reserve allocated to it, or
  - (iii) the amount of school reserve or money in place of the reserve.

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

- (a) with the Land and Property Rights Tribunal
  - (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is subject of the application
    - (A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
    - (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,
    - (C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission,
    - or
    - (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,
    - or
  - (ii) in any other circumstances described in the regulations under section 694(1)(h.2)
    - (ii),
- or
- (b) in all other cases, with the subdivision and development appeal board.

(2.1) Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

Section 680(2) of the *Act* requires that LPRT decisions conform to the uses of land referred to in the relevant land use district of the LUB. It does not require that the LPRT abide by other provisions of the LUB, the MDP or the *Subdivision and Development Regulation*, although regard must be given to them.

680(2) In determining an appeal, the board hearing the appeal

(a) repealed 2020 c39 s10(48);

(a.1) must have regard to any statutory plan;

(b) must conform with the uses of land referred to in a land use bylaw;

(c) must be consistent with the land use policies;

(d) must have regard to but is not bound by the subdivision and development regulations;

(e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;

(f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

(2.1) In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2).

(2.2) Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).

### ***Matters Related to Subdivision and Development Regulation - Alberta Regulation 84/2022***

#### Relevant considerations

While the LPRT is not bound by the *Subdivision and Development Regulation*, it is the LPRT's practice to evaluate the suitability of a proposed site for the purpose intended using the criteria in section 9 as a guide.

9 In making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, with respect to the land that is the subject of the application,

(a) its topography,

(b) its soil characteristics,

(c) storm water collection and disposal,

(d) any potential for the flooding, subsidence or erosion of the land,

(e) its accessibility to a road,

(f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,

(g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and building sites comply with the requirements of the *Private Sewage Disposal Systems Regulation* (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private sewage disposal systems as identified in section 4(4)(b) and (c),

(h) the use of land in the vicinity of the land that is the subject of the application, and

(i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose for which the subdivision is intended.

### **ALBERTA LAND USE POLICIES**

Land Use Policies were established by Lieutenant Governor in Council pursuant to section 618.4 of the *Act*.

#### 2.0 The Planning Process

##### Goal

Planning activities are to be carried out in a fair, open, considerate, and equitable manner.

##### Policies

1. Municipalities are expected to take steps to inform both interested and potentially affected parties of municipal planning activities and to provide appropriate opportunities and sufficient information to allow meaningful participation in the planning process by residents, landowners, community groups, interest groups, municipal service providers, and other stakeholders.
2. Municipalities are expected to ensure that each proposed plan amendment, reclassification, development application, and subdivision application is processed in a thorough, timely, and diligent manner.
3. When considering a planning application, municipalities are expected to have regard to both site specific and immediate implications and to long term and cumulative benefits and impacts.

...

## 6.0 Resource Conservation

### 6.1 Agriculture

#### Goal

To contribute to the maintenance and diversification of Alberta's agricultural industry.

#### Policies

1. Municipalities are encouraged to identify, in consultation with Alberta Agriculture, Food and Rural Development, areas where agricultural activities, including extensive and intensive agricultural and associated activities, should be a primary land use.
2. Municipalities are encouraged to limit the fragmentation of agricultural lands and their premature conversion to other uses, especially within the agricultural areas identified in accordance with policy #1.
3. Where possible, municipalities are encouraged to direct non-agricultural development to areas where such development will not constrain agricultural activities.

## MUNICIPAL BYLAWS AND STATUTORY PLANS

### Municipal Development Plan

#### 2.0 Growth Management Conceptual Strategy

As Mountain View County grows, preserving the agricultural qualities and maintaining the rural lifestyle for residents is paramount. Based on public input through statistically valid surveys, administration's input and direction from Council, a growth management strategy has been developed in the form of a conceptual map. Figure 3 - The Growth Management Concept Strategy is a map of Mountain View County adapted from the Canada Land Inventory Class 1, 2 and 3 soils and Agricultural Regions of Alberta Soil Inventory Database (AGRASID) Land Suitability Rating System (LSRS) Class 2 and 3 soils as the 1st Dominant, or Co Dominant, in combination with Environmentally Significant Areas (ESA) mapping. It is conceptual in nature and is to be used as a baseline to determine where certain types of development should and should not occur within the County. Development applications that may conform to the proposed type of development outlined for a particular area does not necessarily guarantee an approval. Conversely, development applications in areas of the County that do not conform to what is illustrated in the conceptual map does not necessarily mean refusal. Generally, development applications are subject to administration, Council, and public consultation on a case by case, site-specific basis. The Growth Management Conceptual Strategy is a starting point for which development applications will be reviewed and measured.

#### Agricultural Preservation Area

Agriculture continues to be the most important lifestyle and economic activity in Mountain View County. Agriculture is an industry that is becoming much broader and complex than the traditional family operated farm as seen in the past. New farm technologies and farming practices, coupled with the need to achieve economies of scale, have resulted in larger sized farms and intensive forms such as Confined Feeding Operations (CFO's). The intent for the Agricultural Preservation Area is to only allow for first parcel out residential development to ensure productive agricultural land

in the County is preserved for agricultural purposes. The majority of this area will be subject to the applicable Agricultural Land Use Policies outlined in Section 3.0 of the MDP, as well as site specific analysis. Subdivision and development applications that deviate from this general policy approach within the Agricultural Preservation Area are strongly discouraged and shall require significant justification and supporting evidence.

#### Potential Multi-Lot Residential Development Area

The illustrated Potential Multi-Lot Residential Development, subject to consultation with local residents and Council and subject to the maximum number of dwelling units that are allowable in a quarter section, may be suitable for multiple lot residential development (two (2) to three (3) lots) with the remainder of the balance of the quarter section as the fourth (4th) titled lot.

#### Growth Centres Policies

The County has identified three (3) growth centres as areas more suitable for future development including higher density residential, commercial and industrial uses. The growth centres include the area southeast of the Town of Sundre, McDougal Flats west of Sundre, and the Water Valley-Winchell Lake area. These areas, have existing ASPs that support the potential growth of non-agricultural uses. The growth centres are areas where more detailed studies are required (i.e. ASPs, Concept Plans) and do not necessarily imply the landowner(s) must develop. The boundaries of the growth centres are conceptual in nature and require further delineation with supporting studies as well as significant public consultation. The most applicable policy sections for the Growth Centres include the Residential Land Use Policies outlined in Section 4.0 and Growth Centre Policies outlined in Section 7.0.

#### Intermunicipal Development Plans (IDP)

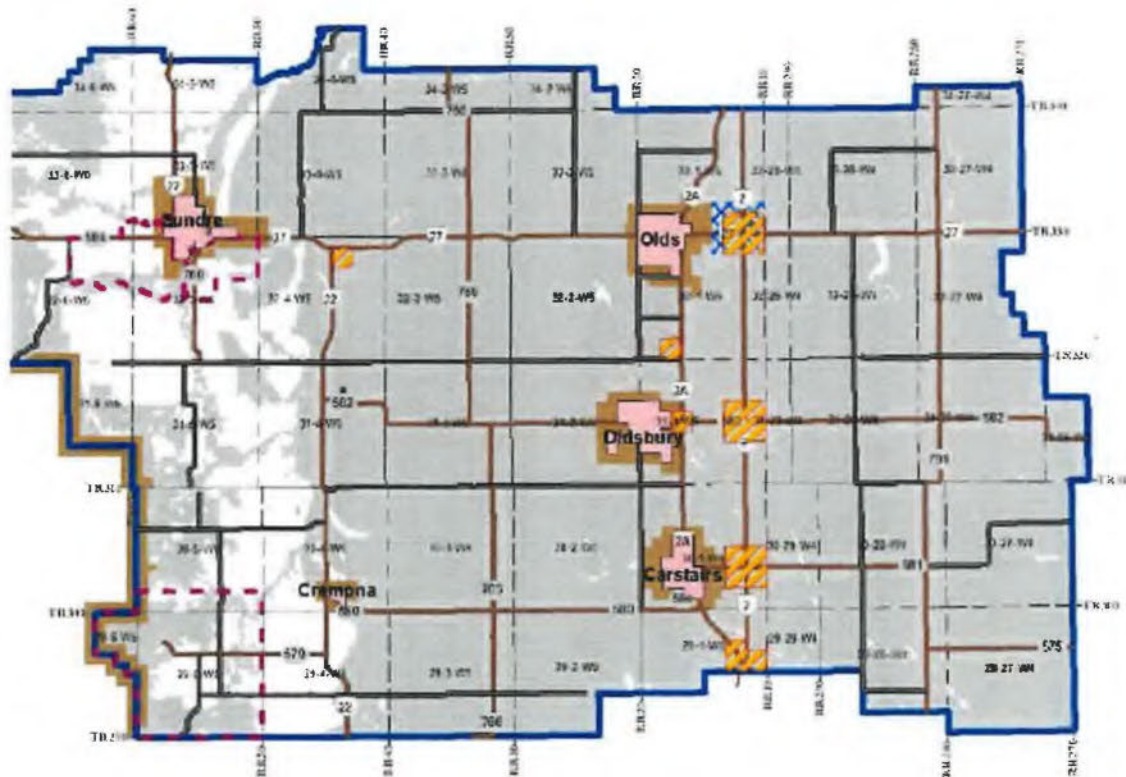
Mountain View County and our adjacent urban municipalities have adopted IDPs that outline growth management strategies for areas surrounding the urban municipalities. All lands identified within these IDP's, including the IDP Fringe and IDP Referral Areas, shall be guided by the policies within these IDP's. Where any inconsistencies exist between the IDP and the MDP, the policies of the IDP shall prevail for the area contained within the IDP.

#### Economic Nodes

Similar to the illustrated growth centres, the County recognizes the importance in growing its assessment base through taking advantage of future potential economic development opportunities for commercial and industrial growth in Economic Nodes. It is anticipated that the Highway 2 and 27 corridor's importance will continue to increase and there may be opportunities for development to locate in Economic Nodes given the benefits of access and exposure along these Highway corridors. The County has also identified the Olds-Didsbury Airport, as an additional economic development location given existing development within the area. Developments within the Economic Nodes will generally require an ASP prior to or in conjunction with development applications and subdivision applications. The most applicable policy sections for this area within the conceptual map are the Growth Centre Policies outlined in Section 7.0 and the Economic Development Land Use Policies outlined in Section 5.0.

## Mountain View County

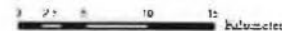
Growth Management  
Conceptual Strategy  
Figure 3



### Legend

- County Collector Network (CCN)
- Highway
- Special Policy Area:  
 ◆ Highway 2/27  
 (Concept Plans Required)
- Growth Centres  
 (ASPs / Concept Plans Required)
- ▨ Economic Nodes  
 (ASPs / Concept Plans Required)
- Town/Village
- IDPs
- Agricultural Preservation Area
- Potential Multi-Lot Residential  
 Development Area

*\*Adapted from the Canada Land Inventory Class 1, 2 & 3 soils, AGRASID's Land Suitability Rating System (LSRS) Class 2 & 3 as the 1st Dominant or Co-Dominant as well as Environmentally Significant Areas (ESA) are shown shaded. Boundaries are not exact and boundaries must be confirmed or corrected from municipal assessment maps and field investigation.\**



Scale: 1:500,000

Date: 2021-10-13

Approved for Review and Approval



### 3.0 Agricultural Land Use Policies

Approximately one-third of the County's population derives its livelihood from agriculture; some families have been farming and ranching in the County for generations. The conservation of farmland and ranchland is very important to the history and character of the County. As a starting point, the County has used the Canada Land Inventory Class 1, 2, and 3 soils and Agricultural Regions of Alberta Soil Inventory Database (AGRASID) Land Suitability Rating System (LSRS) Class 2 and 3 soils as the 1st Dominant, or Co Dominant, in conjunction with Environmentally Significant Areas (ESA) mapping (illustrated in Figure 3 - Growth Management Conceptual Strategy) as a baseline assessment to generally identify "productive" farmland that is worth preserving. Future development of agricultural lands shall only occur if it meets the guidelines and criteria set out in the MDP and any other applicable plan. Where "first parcel out" subdivision applications concern viable agricultural land in the County, the County's Agricultural Services Department shall be circulated for review and comment.

#### 3.1 GOALS

- 3.1.1 To conserve agricultural land and preserve the agricultural nature of the County.
- 3.1.2 To encourage all agricultural operations to employ beneficial management practices.
- 3.1.3 To ensure that agriculture remains an integral and viable component of the County's economy.
- 3.1.4 To encourage innovative, sustainable, and diversified agricultural activities.

#### 3.2 OBJECTIVES

- 3.2.1 To conserve agricultural land by encouraging the development of long-term preservation strategies for the County's agricultural/environmental land base.
- 3.2.2 To minimize the loss of agricultural land by limiting the amount of land removed from agricultural use.

#### 3.3 POLICIES

- 3.3.1 All lands in the County are deemed to be agricultural use unless otherwise designated for other uses.
- 3.3.2 MVC supports existing agricultural operations and supports the 'right to farm'.
- 3.3.3 All new farm residences and other buildings shall be encouraged to locate within the quarter section to minimize the impact on agricultural operations.
- 3.3.4 Non-agricultural uses shall respect the existing agricultural operations, including their hours of operations, the odours and noises emanating from an agricultural operation and traffic movements.
- 3.3.5 (a) The "first parcel out" of a previously unsubdivided quarter section may only be supported by the County for the creation of one additional parcel, subject to redesignation and subdivision application and the provisions of the Land Use Bylaw and the MDP.  
 (b) A first parcel out subdivision within the Agricultural Preservation Area or the Potential Multi-Lot Residential Development Area shall be evaluated in accordance with section 3.0 of the MDP.
- 3.3.6 The maximum number of titles in the Agricultural Preservation Area should be two (2) titles per quarter section.

redesignation and subdivision application, and not a fragmented parcel should be (+/-) 40 acres ((+/-) 16.19 ha). Parcel configuration should reflect the existing conditions and use of the land and shall require redesignation to the appropriate land use district and a concurrent subdivision application. Applications for subdivision of new agricultural parcels shall demonstrate the land being subdivided is being used for agricultural purposes to avoid future fragmentation. Agricultural parcel subdivisions that create more than two titles per quarter section may be considered within the Potential Multi-Lot Residential Development Area.

- 3.3.8 All new titles created in an agricultural district for non-agricultural use, shall require a redesignation to the appropriate land use district and a concurrent subdivision application.
- 3.3.9 Non-agricultural uses shall be directed to areas that minimize the impact on agricultural operations.
- 3.3.10 A farmstead separation, considered a non-agricultural use, may be subdivided from a previously unsubdivided quarter section, where the farmstead has been in existence for a minimum of 10 years or more at the time of application.
- 3.3.11 The maximum parcel size for farmstead separations should be 9 acres (3.64 ha) with a minimum parcel size of two (2) acres (0.81 ha). Larger lot sizes may be permitted when required for shelter belts, ancillary buildings, physical characteristics and land required to provide physical access.
- 3.3.12 Farmstead separation applications shall be considered a non-agricultural subdivision and therefore shall require redesignation to an appropriate land use district, and will be reviewed in accordance with the following criteria:
- (i) Demonstration that the Farmstead satisfies the definition of a Farmstead as contained in the Plan;
  - (ii) The proposed parcel is a single parcel created from a previously unsubdivided quarter section;
  - (iii) The proposed parcel is compact and limited in size to the original Farmstead as defined by physical characteristics, vegetation and shelter belts and such other land as required to provide physical access to the site and does not include cultivated farmland, pasture land or lands suitable for agricultural production as part of the remainder unless included within a shelter belt and the physically defined area of the farmstead. Fencing alone shall not constitute a physical defined area of the farmstead;
  - (iv) Access to the proposed parcel is available via direct access or easement or panhandle road to a developed public roadway acceptable to the Municipality;
  - (v) The balance of the quarter section is maintained as an agricultural land use; and
  - (vi) Where two (2) detached dwelling units exist on the proposed farmstead separation parcel, the County may consider redesignation and subdivision approval. At the Subdivision stage, the Approving Authority (Municipal Planning Commission or Administrative Subdivision and Development Approving Authority) may deem the additional dwelling legally non conforming.

3.3.13 A Country Residential parcel may be permitted from an unsubdivided quarter subject to redesignation and subdivision in lieu of an agricultural parcel or farmstead separation. The parcel size should be two (2) to three (3) acres (0.81 to 1.21 ha). Lot sizes greater than three (3) acres (1.21 ha) (up to a maximum of five (5) acres (2.02 ha)) may be considered where setbacks, topography and easements prevent the creation of a reasonable building envelope.

3.3.14 Secondary suites shall be developed in accordance with Mountain View County Land Use Bylaw as approved and amended by Council from time to time. Secondary Suites and home occupations that do not negatively impact adjoining uses shall be considered appropriate in the agricultural area.

3.3.15 Development of new Confined Feeding Operations (CFOs) shall not be supported within 1.6 km (1 mile) of any identified growth centre or an IDP with adjacent urban municipalities.

Notwithstanding Figure 3's identification of the Agricultural Preservation Area and Potential Multi-Lot Residential Development Area and applicable policies, redesignation and subdivision within an 800 metres radius surrounding a quarter section where an approved CFO is located may be considered and shall be limited to one (1) parcel out of a previously unsubdivided quarter section as a farmstead separation or an agricultural parcel. New subdivision shall not be supported on the quarter section where an approved CFO is located.

3.3.16 Notwithstanding policy 3.3.15, the setback for new Confined Feeding Operations from a

business park will not be required.

3.3.17 Applications for new or expanding Confined Feeding Operations shall meet all Provincial standards.

3.3.18 After provincial approval is obtained for new or expanding Confined Feeding Operations, the construction shall be subject to Mountain View County Road Use Agreement Policy.

#### 4.0 Residential Land use Policies

The market demand for Country Residential lots in MVC has increased significantly in the past decade and is expected to remain strong into the future. The main concerns with residential development have traditionally been the provision of suitable servicing and the compatibility with surrounding existing uses, in particular agricultural operations. Land required or used for residential development takes the land out of agricultural production. The County needs clear guidelines to deal with the pressure for residential development and has prepared a conceptual map (Figure 3 - Growth Management Conceptual Strategy), which illustrates where potential multi-lot residential development may occur. This will result in future Country Residential developments being more restricted in size and location, as well as being required to meet specific criteria.

##### 4.1 Goals

- 4.1.1 To minimize land taken out of agricultural production.
- 4.1.2 To make rural residential development economically sustainable for the County.
- 4.1.3 To allow for affordable housing options.

##### 4.2 Objectives

- 4.2.1 To minimize conflicts with agricultural uses.
- 4.2.2 To ensure that affordable housing options exist, including secondary suites.
- 4.2.3 To encourage live-work opportunities that do not negatively impact adjacent uses.
- 4.2.4 To concentrate development away from good agricultural land and into identified growth centres, Economic Node(s), and potential multi-lot residential development areas.

##### 4.3 Policies

- 4.3.1 Land Use Redesignation shall be required for new rural residential subdivision/development.
- 4.3.2 Land Use Redesignation and Subdivision applications shall be submitted simultaneously for consideration.
- 4.3.3 Low density residential subdivision/development of up to three (3) titled lots, retaining the balance of the quarter as the fourth (4th) title, including single lot applications beyond the first parcel out, may be supported if the following criteria are met:
  - a. Low density residential subdivision should only be permitted if the landowner has held title to the quarter section for at least five (5) years and the location of new lots should be directed to the least productive site on the quarter section.
  - b. Low density residential subdivision (up to three (3) lots with the balance of the quarter as the fourth lot) should generally occur within the areas identified as Potential Multi-lot Residential Development Areas within Figure 3 - Growth Management Conceptual Strategy.
  - c. The subdivision shall not result in more than four (4) titles in the quarter section.
  - d. The maximum total area taken from a quarter section for residential subdivision shall not exceed nine (9) acres (3.64 ha) including agricultural subdivisions smaller than nine (9) acres (3.64 ha). Larger areas may be considered where setbacks, topography and easements prevent the creation of reasonable building envelopes.

- ~~..... of reasonable building envelopes~~
- e. The minimum lot size is two (2) acres (0.81 ha). Parcel sizes should be two (2) to three (3) acres (0.81 to 1.21ha) however, larger lots may be considered (up to a maximum of five (5) acres (2.02 ha)) where setbacks, topography and easements prevent the creation of reasonable building envelopes.
  - f. New undeveloped lots should be sited on the quarter section in a manner

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