

**FOOTHILLS COUNTY
COUNCIL AGENDA**



Wednesday, October 21, 2026, 9:00 a.m.
Foothills County Administration Office
309 Macleod Trail South – High River

	Pages
A. GENERAL MATTERS	
A.1 Call Meeting to Order	
A.2 Approval of the Agenda	
A.3 Round Table Discussion	
B. MISCELLANEOUS MUNICIPAL ITEMS	
C. SCHEDULED MEETINGS & PUBLIC HEARINGS	
C.1 10:00 a.m. - Amiri/White - NW 15-22-02 W5M - Redesignation (A-CR) Presented By: Planning Officer Elliott Salmon	3
C.2 11:00 a.m. Cabrera/East West Renovations Ltd. - SW 01-21-29 W4M - Amend CR Presented by: Planning Officer Pierre-David Karolyi	16
C.3 1:30 p.m. - Journey Energy Inc - SE 35-19-28 W4M - Amend DC #34 and Redesignation A-DC #34 Presented by: Senior Planner Coreena Carr	41
D. MISCELLANEOUS PLANNING ITEMS	
D.1 Reinbold - NW 21-20-02 W5M - Development Permit 26D 219	89
E. SUBDIVISION APPROVING AUTHORITY ITEMS	
F. CONFIDENTIAL CLOSED SESSION	
F.1 Advice from Officials - ATIA s. 29	
G. MOTIONS ARISING FROM CONFIDENTIAL CLOSED SESSION	
H. ACKNOWLEDGEMENTS AND INFORMATION ITEMS	
I. OTHER MATTERS	
I.1 Lunch	
I.2 Accounts – October 21, 2026 Councillors Estes, McHugh and Callister	
I.3 Minutes – October 14, 2026	
I.4 Committee Reports	
I.5 Next Meeting – October 28, 2026	

I.6 Adjourn

PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
REDESIGNATION
October 21, 2026
To be heard at: 10:00 AM

APPLICATION INFORMATION		FILE NO. 26R045
	LEGAL DESC.: Ptn. NW 15-22-2 W5M	
	LANDOWNERS: Hamed Amiri & Marnie White	
	AGENT: Township Planning + Design Inc. – Robyn Erhardt	
	AREA OF SUBJECT LANDS: 50 Acres	
	CURRENT LAND USE: Agricultural District	
	PROPOSED LAND USE: Country Residential District	
PROPOSAL: Redesignation of a +/- 6.5 acre portion of the subject 50 acre Agricultural District parcel to Country Residential District (CR) to allow for the future subdivision of one +/- 6.5 acre CR lot.		
DIVISION NO: 5	COUNCILLOR: Alan Alger	
FILE MANAGER:		

EXECUTIVE SUMMARY

Location:

The subject parcel is located:

- Adjacent to and east of 144 Street West;
- Immediately east of the Cross Conservation Area;
- Approximately 2.2 km south of Spruce Meadows Trail SW/22X; and

Policy Evaluation:

The application was reviewed within the:

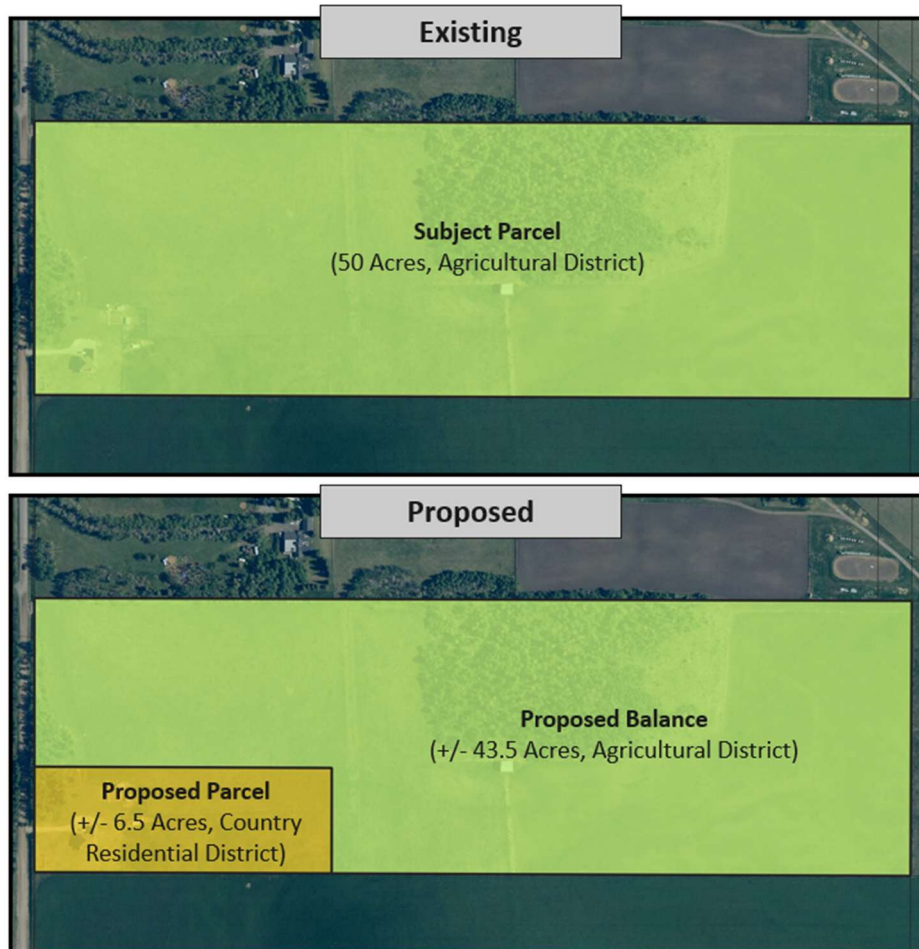
- Municipal Development Plan (MDP2010);
- Growth Management Strategy; and
- Land Use Bylaw 60/2014.

Referral Considerations:

Referred to the required internal departments and external agencies.

PURPOSE OF APPLICATION

Bylaw XX/2026 – Council has received an application to further amend the Land Use Bylaw by authorizing the redesignation of a 6.50 +/- acre portion on Ptn. NW 15-22-02 W5M from Agricultural District to Country Residential District, in order to allow for the future subdivision of one new 6.50 +/- acre Country Residential lot, with an approximate 43.50 +/- acre Agricultural District balance parcel.

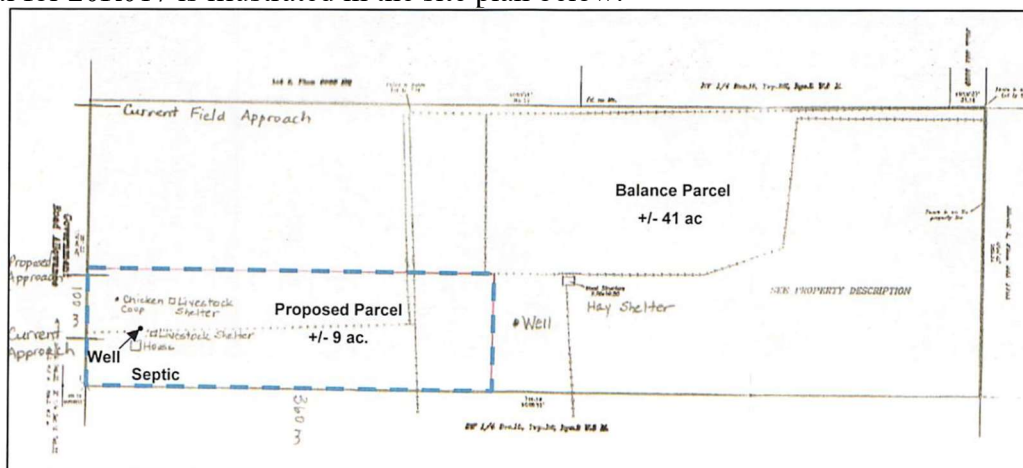


HISTORY

October 7, 2020 – Under application number 20R017, Council refused an application to redesignate a portion of the subject parcel from Agricultural District to Country Residential District, which would have allowed for a future subdivision of one +/- 9.0 acre Country Residential District parcel with a +/- 41.0 acre Agricultural District balance for the below reasons:

In consideration of policies 1 and 2 of the Agricultural section of the MDP2010, Council did not find sufficient merit in the proposal to consider removing the subject lands from the Agricultural Land Use District. Additionally, in consideration of the criteria noted within the Residential policies 3 and 9 of the MDP2010, Council is of the opinion that the application does not adequately address the cumulative effects of the development and the efficient use of land.

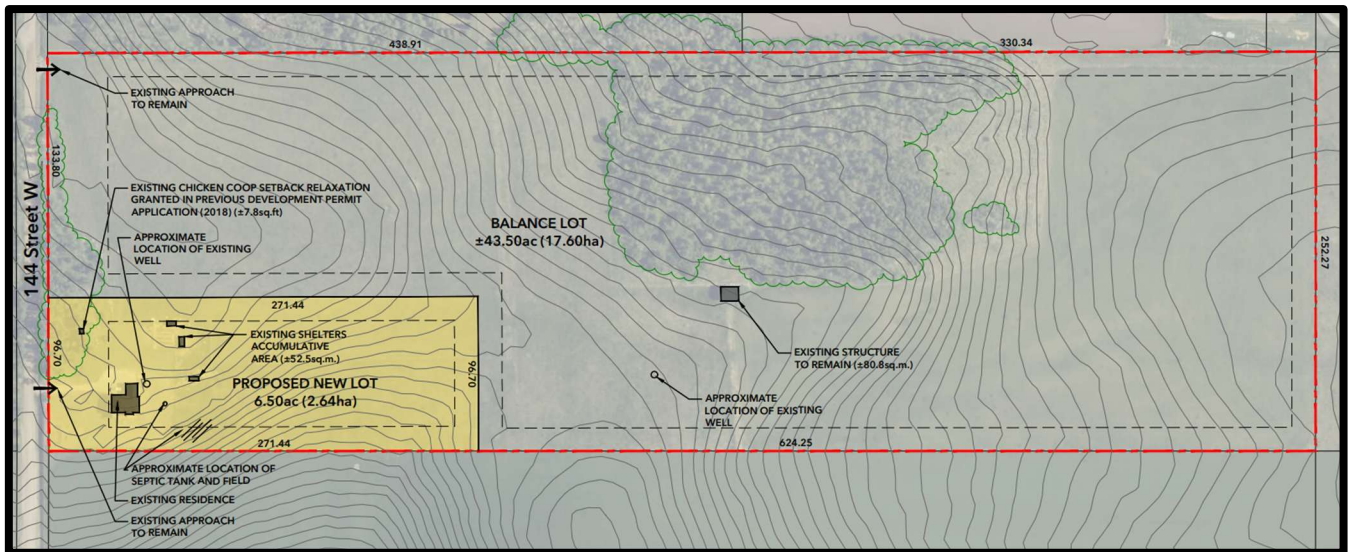
The proposal for 20R017 is illustrated in the site plan below:



SITE CONSIDERATIONS

Access:

Access to the subject property is currently from two existing approaches on 144 Street West, as shown on the site plan below. The application proposes to use the northern existing approach for access to the +/- 43.5 acre balance parcel, and the southern approach for access to the +/- 6.5 acre proposed parcel.



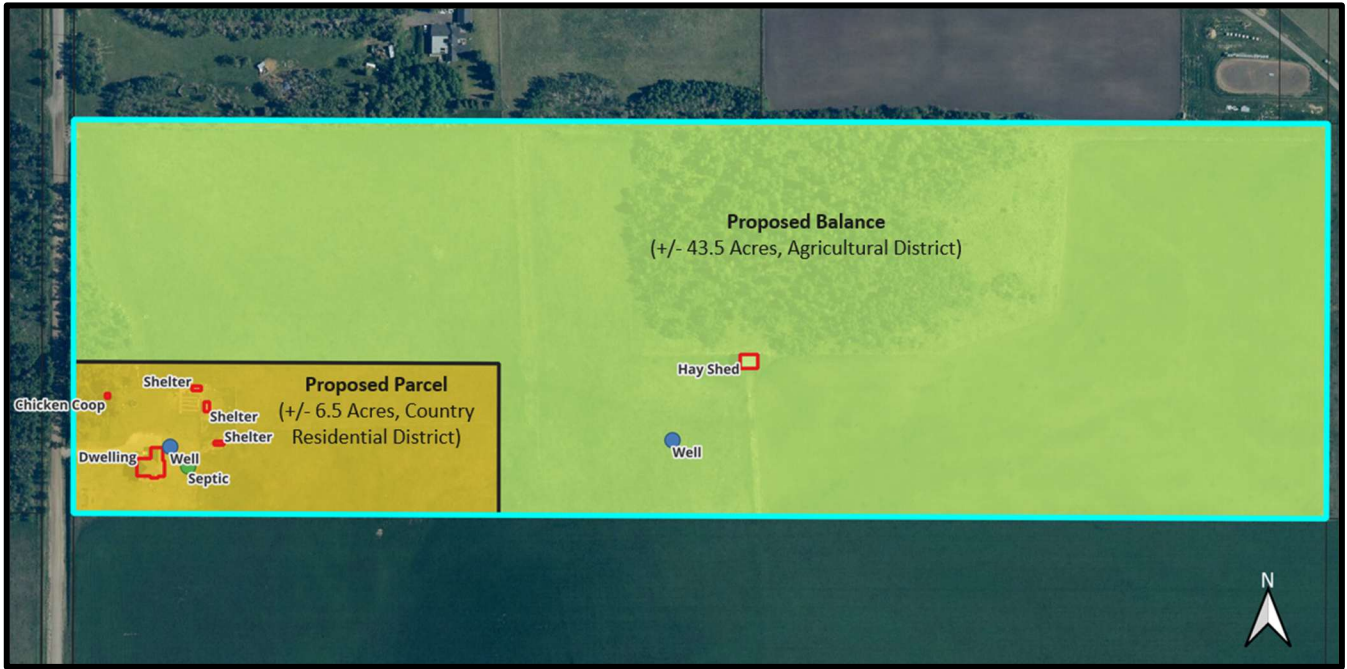
Physiography:

The physiography of the parcel is mostly grassland with grouped trees on the west side and near the center of the subject parcel. The subject parcel generally slopes from west to east with an average slope of approximately 7%.



Existing Development:

Existing development on the proposed parcel includes a dwelling, a chicken coop, three shelters, and a water well and septic field to support that development. The proposed balance parcel would include a hay shed and a water well.



REFERRAL CIRCULATION

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	• 5 m road widening by caveat is required along the west property line of the subject parcel. • Advisory comment: a Slope Stability Analysis may be required for both the proposed lot and the balance lot if either plan to develop within 30 meters of a slope greater than 15%.
PUBLIC	
Western Wheel	October 7 and October 14, 2026
Landowners	No submissions received prior to the submission of this staff report.

POLICY EVALUATION

Municipal Development Plan (MDP2010):

Policies 2 and 4 of the Agriculture section of the MDP2010 support maintaining the integrity of the agricultural land base and discourages the subdivision of agricultural lands without consideration of the impact the proposed use will have on the existing agricultural users and the surrounding uses.

Policies 3 and 9 of the Residential section of the MDP2010 provide that proposed residential parcels should be evaluated for compatibility with the surrounding area and existing land uses, as well as the suitability of the lands for residential development.

Growth Management Strategy:

The subject parcel is located within the Northwest District of the Growth Management Strategy. The vision for the Northwest District identifies that lands could likely accommodate minimal to moderate growth in the form of both country residential and cluster residential development with careful consideration of the potential impacts on wildlife habitat and watershed areas.

Land Use Bylaw 60/2014:

The application meets the density requirements and lot size restrictions as set out in Sections 12.1.6.2 of the Agricultural District and 13.1.6.2 of the Country Residential District within the County's Land Use Bylaw.

SUMMARY

Bylaw XX/2026 – Council has received an application to further amend the Land Use Bylaw by authorizing the redesignation of a 6.50 +/- acre portion on Ptn. NW 15-22-02 W5M from Agricultural District to Country Residential District, in order to allow for the future subdivision of one new 6.50 +/- acre Country Residential lot, with an approximate 43.50 +/- acre Agricultural District balance parcel.

OPTIONS FOR COUNCIL CONSIDERATION

OPTION #1 – FIRST READING APPROVAL

Council may choose to grant 1st reading to the application to further amend the Land Use Bylaw by authorizing the redesignation of a 6.50 +/- acre portion from Agricultural District to Country Residential District, in order to allow for the future subdivision of one new 6.50 +/- acre Country Residential lot, with an approximate 43.50 +/- acre Agricultural District balance parcel for the following reasons:

In their consideration of the criteria noted in Agriculture Policy 4 of the MDP2010, Council is of the opinion that the lands are suitable for the intended use and fragmentation of the subject lands would not be detrimental to the agricultural nature of the area. Additionally, the application falls within the density provisions and lot size restrictions of the Country Residential District and Agricultural District within the County's Land Use Bylaw.

Recommended Conditions for Option #1:

1. Submission of an executed subdivision application and the necessary fees; and
2. Final redesignation fees to be submitted.

OPTION #2 – REFUSE APPLICATION

Council may choose to refuse the application to further amend the Land Use Bylaw by authorizing the redesignation of a 6.50 +/- acre portion from Agricultural District to Country Residential District, in order to allow for the future subdivision of one new 6.50 +/- acre Country Residential lot, with an approximate 43.50 +/- acre Agricultural District balance parcel for the following reasons:

In consideration of the criteria noted within the Residential section of the MDP2010, Council is of the opinion that the application does not adequately address the intent of the policy with respect to the cumulative effects of the development and the environmental impact and the suitability of the lands for further development.

APPENDICES

APPENDIX A – MAP SET

LOCATION MAP

LAND USE – HALF MILE MAP

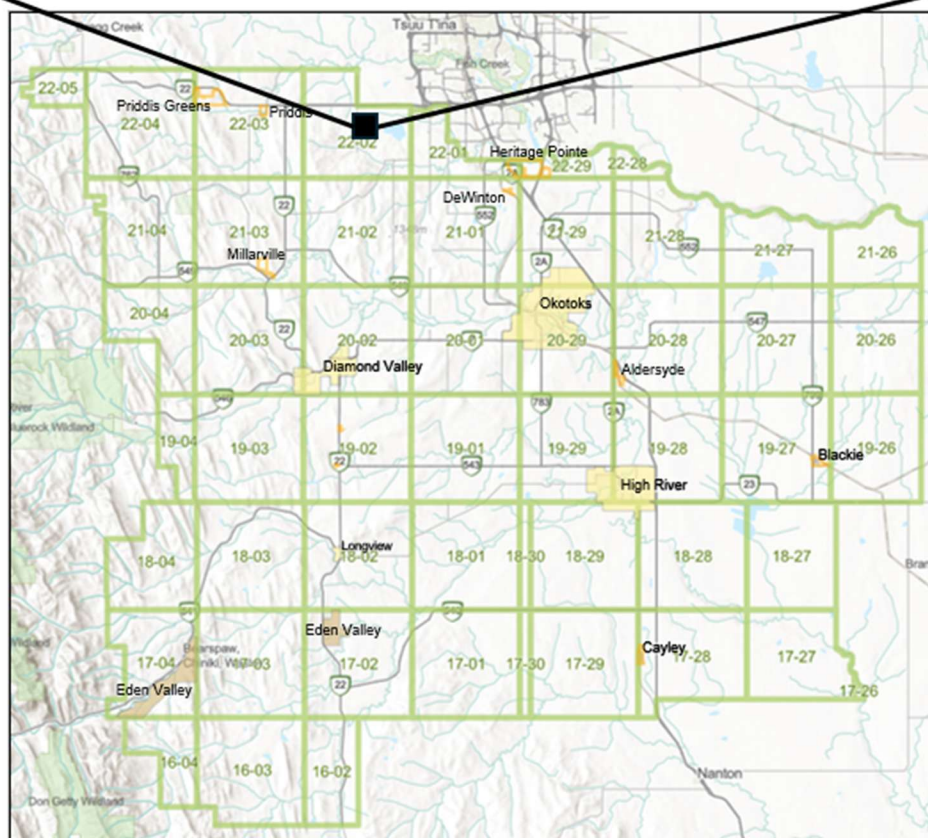
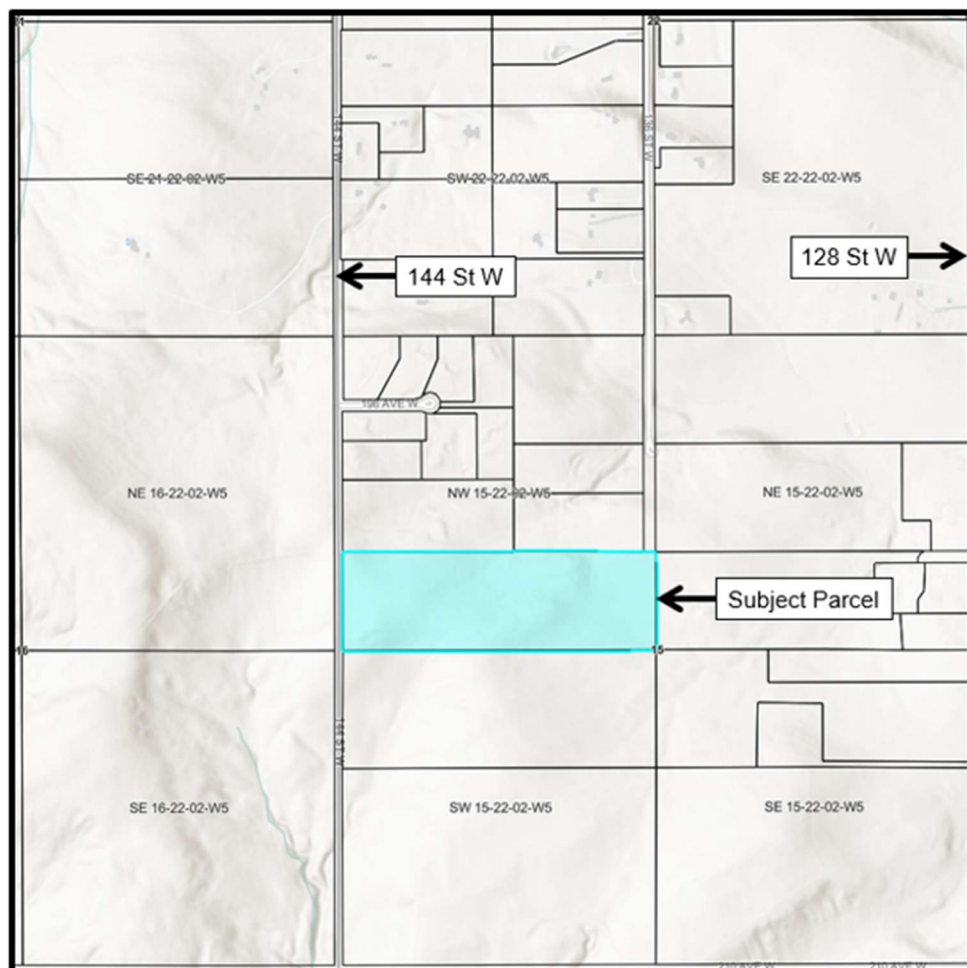
PARCEL SIZES – HALF MILE MAP

SITE PLAN

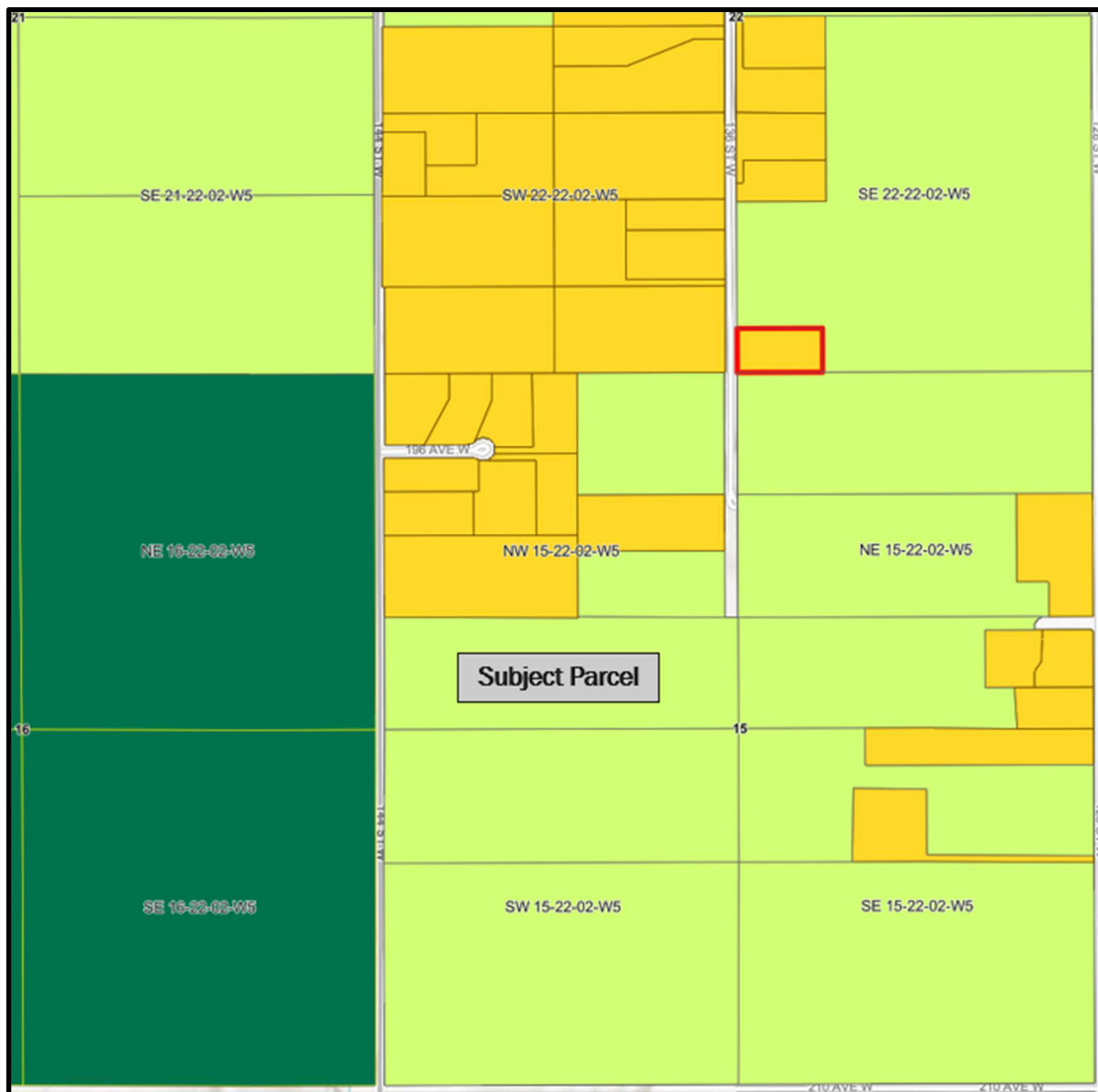
ORTHO PHOTO

APPENDIX B – DRAFT BYLAW

APPENDIX A – LOCATION MAP



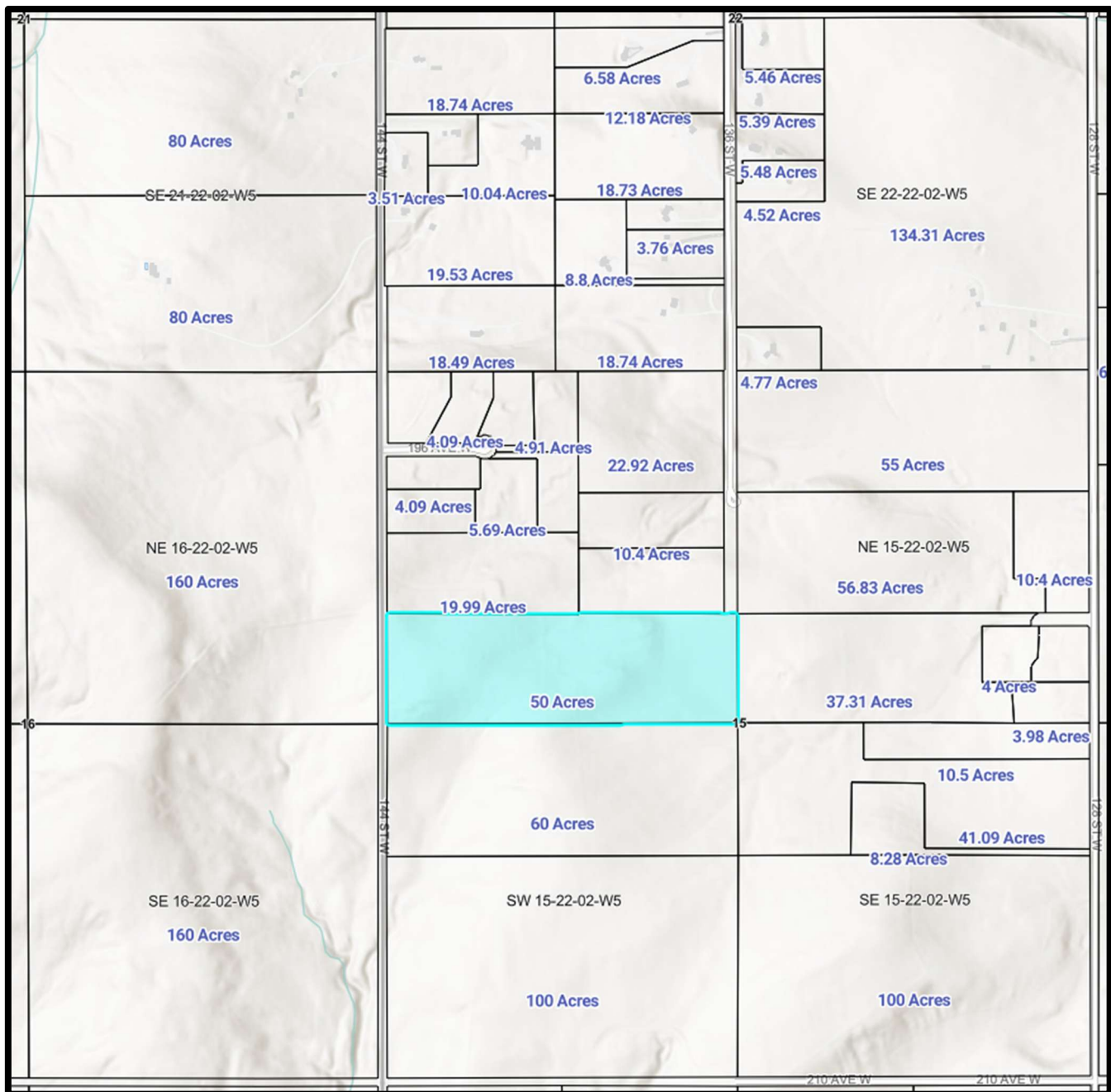
APPENDIX A – LAND USE – HALF MILE MAP



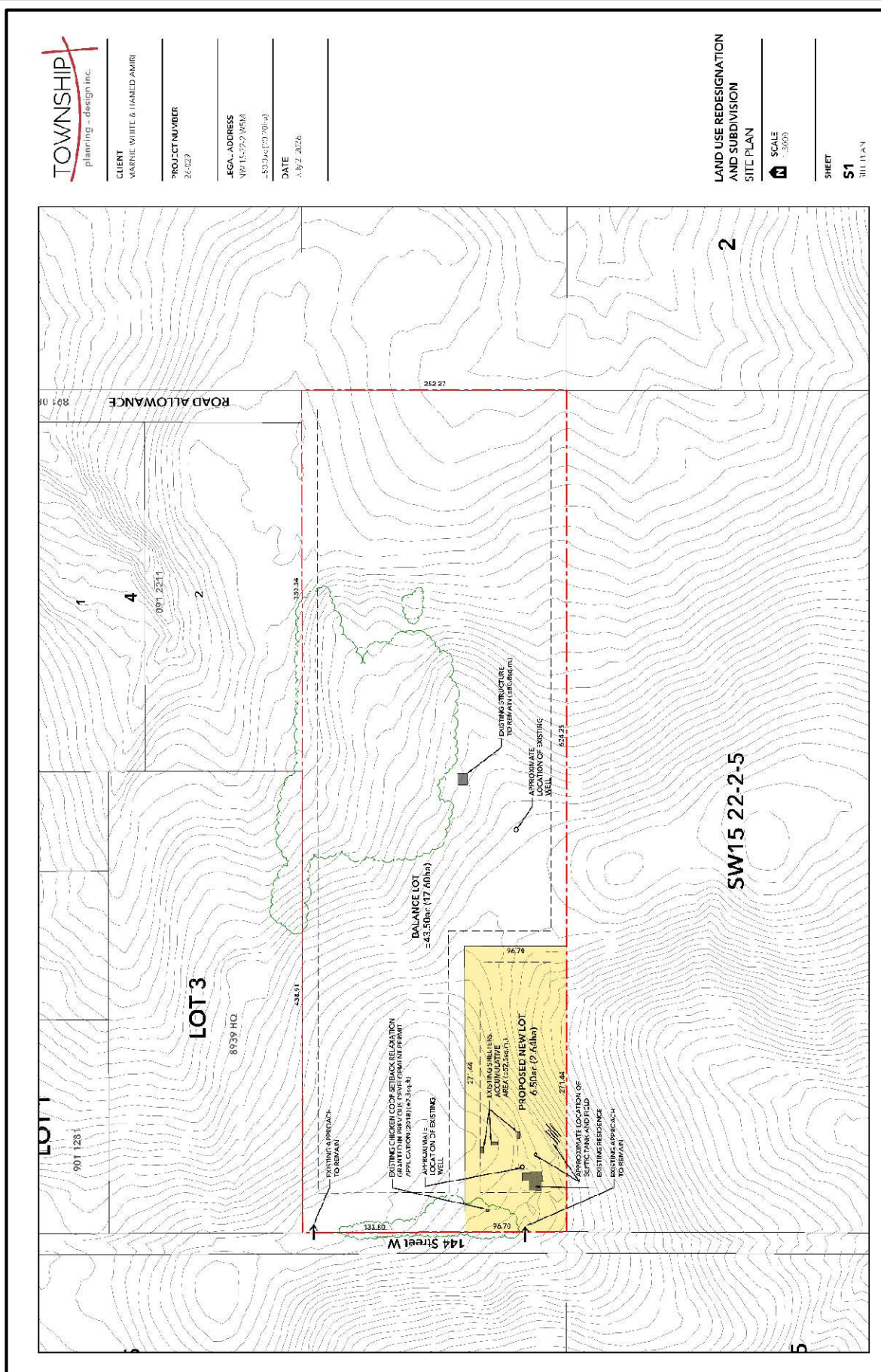
Legend

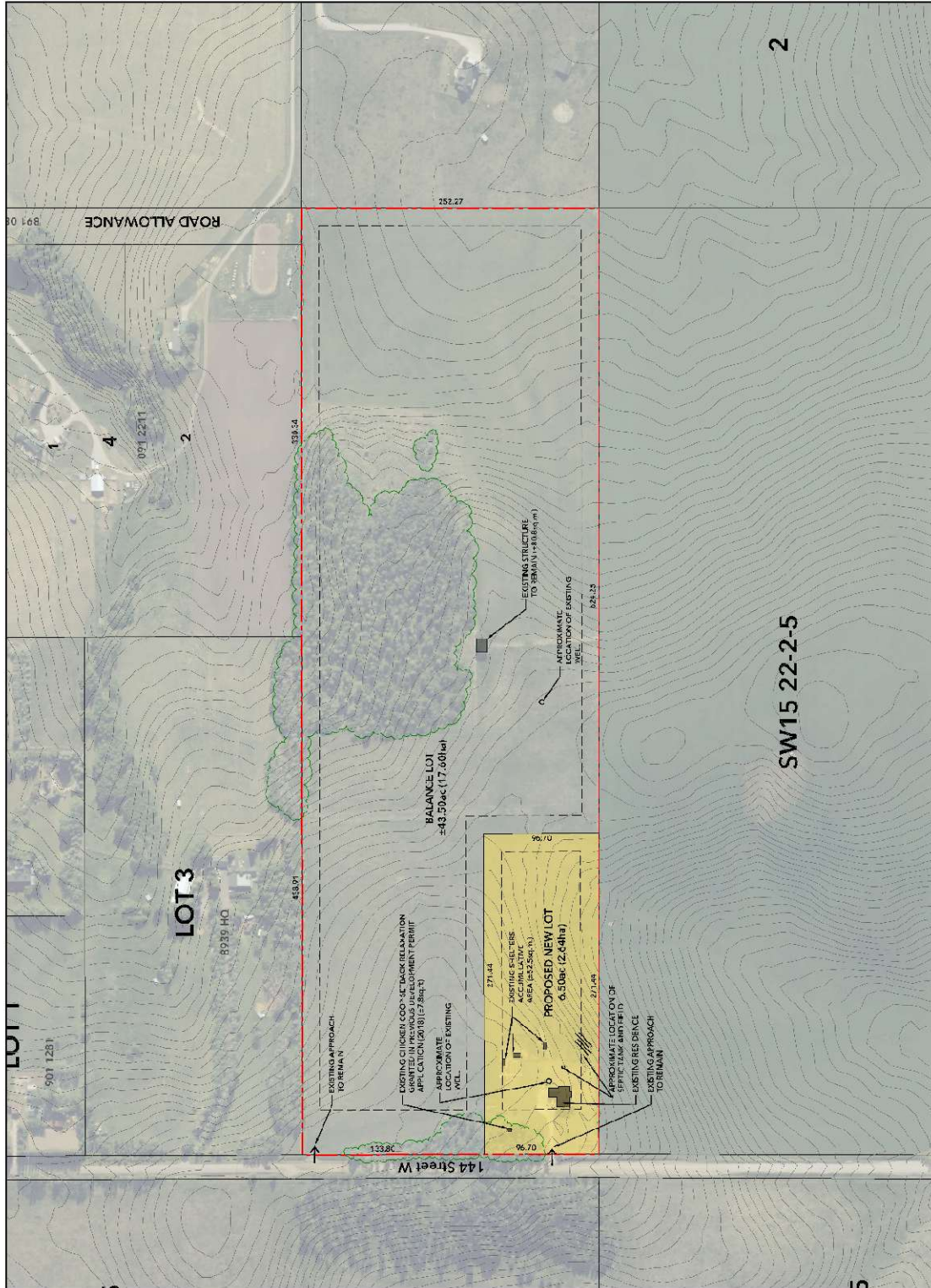
- A- Agricultural
- CR- Country Residential
- CRA- Country Residential Sub A
- EP- Environmental Protection

APPENDIX A – PARCEL SIZES – HALF MILE MAP



APPENDIX A – SITE PLANS







BYLAW XX/2026

**BEING A BYLAW OF FOOTHILLS COUNTY TO AUTHORIZE AN AMENDMENT TO
THE LAND USE BYLAW NO. 60/2014 AS AMENDED.**

WHEREAS pursuant to the provisions of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, and amendments thereto, the Council of Foothills County in the Province of Alberta, has adopted Land Use Bylaw No. 60/2014 and amendments thereto;

AND WHEREAS the Council has received an application to further amend the Land Use Bylaw by authorizing the redesignation of a 6.50 +/- acre portion on Ptn. NW 15-22-02 W5M from Agricultural District to Country Residential District, in order to allow for the future subdivision of one new 6.50 +/- acre Country Residential lot, with an approximate 43.50 +/- acre Agricultural District balance parcel.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Land Use Map No. 2202 is amended to redesignate a 6.50 +/- acre portion on Ptn. NW 15-22-02 W5M from Agricultural District to Country Residential District, in order to allow for the future subdivision of one new 6.50 +/- acre Country Residential lot, with an approximate 43.50 +/- acre Agricultural District balance parcel.
2. This Bylaw shall have effect on the date of its third reading and upon being signed.

FIRST READING:

Reeve

CAO

SECOND READING:

Reeve

CAO

THIRD READING:

Reeve

CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this day of , 20 .

PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
LAND USE AMENDMENT
October 21, 2026
To be heard at: 11:00 AM

REQUEST FOR LAND USE AMENDMENT		
APPLICATION INFORMATION	FILE NO. 26R038	
	LEGAL DESCRIPTION: Plan 0911874 Block 3 Lot 5, PTN: SW 01-21-29 W4M	
	LANDOWNERS: East-West Renovations Ltd (Attn. Obanel Espejel Cabrera)	
	AGENT: Badke Consulting Ltd. / Jeff Badke	
	AREA OF SUBJECT LANDS: 11.54 Acres	
	CURRENT LAND USE: Country Residential Sub-district "A"	
	PROPOSED LAND USE: Country Residential Sub-district "A" with amended reasons for Sub-district "A"	
PROPOSAL: Amendment to the Country Residential District land use rules to allow for the future subdivision of 1 new +/- 5.54 acre Country Residential Sub-district "A" lot.		
DIVISION NO: 7	COUNCILLOR: RD McHugh	FILE MANAGER: Pierre-David Karolyi

EXECUTIVE SUMMARY

Location

The subject parcel is located near Okotoks, approximately 700 m northeast of the north end of the Town of Okotoks and 600 m east of the intersection of Highway 2 and 338 Avenue East. It is not within the Okotoks Intermunicipal Development Plan.

Access

Both accesses are proposed to be constructed through panhandles sharing an approach on Eastway Drive. There is an existing field approach on the south-east corner of the subject parcel.

Policy Evaluation

Reviewed within the terms of the Municipal Development Plan 2010, Growth Management Strategy, and Land Use Bylaw 60/2014.

Referral Considerations

Referred to required internal departments and external agencies, with comments summarized below and within the circulation referrals section.

Public Works had recommendations regarding approaches, the crossing of drainage areas, and abandoned pipeline setbacks. They also recommend septic testing, building envelopes, and high water table testing, and they deemed the proposed Overland Drainage Easement acceptable.

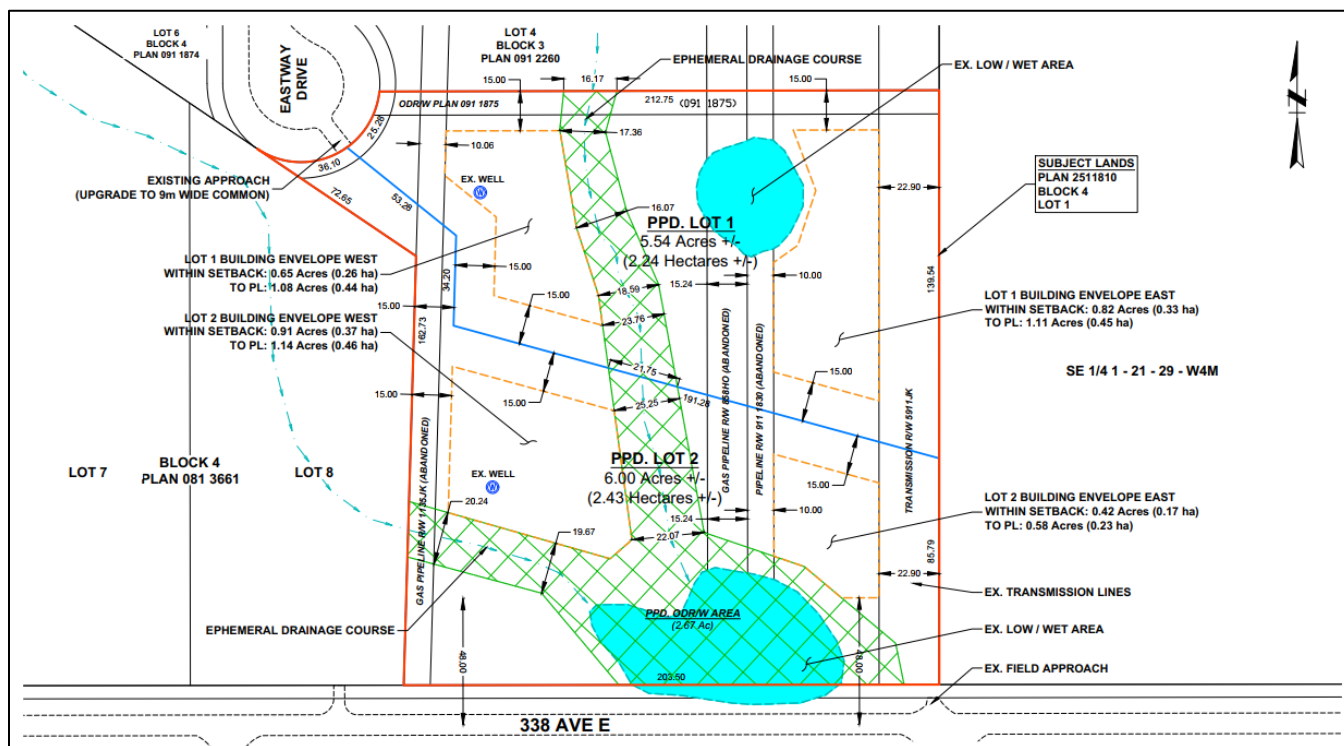
AltaLink indicated having a 138kV transmission line and right of way along the east side of the subject parcel which may affect height restrictions, setbacks, and grounding of metal structures,

which would require developments to be reviewed by AltaLink prior to construction and final designs.

ATCO Transmission and FortisAlberta had no concerns. Telus also had no concerns but want to have the opportunity to review at the subdivision or development stages.

PURPOSE OF APPLICATION

Bylaw XX/2026 - Council has received an application to further amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 5.54 +/- acres Country Residential Sub-district “A” parcel from an existing 11.54-acre Country Residential Sub-district “A” balance parcel on Plan 0911874, Block 3, Lot 5; Ptn. SW 01-21-29 W4M, with a proposed +/- 2.67-acre Overland Drainage Right of Way as per the Site Plan below.



HISTORICAL BACKGROUND

QUARTER SECTION

1965 – Fragmentation of the undivided quarter section into four (4) 40-acre Agricultural District parcels.

2002- Redesignation of a 11.5-acre portion of the 40-acres to Country Residential District, with a 27.92-acre balance including the subject parcel.

2006-2008 – Creation of Eastway Drive East from the central 40-acre parcel and 27.92-acre parcel, and redesignation for subdivision of these lands into nine (9) Country Residential District parcels and one municipal reserve parcel. The five (5) easternmost parcels, with the subject parcel, were designated sub-district “A” to address building site of the properties and to accommodate 100-metre pipeline setbacks (Bylaw 215/2006). This pipeline was later abandoned.

2011 – The redesignation of two 4.5-acre parcels from a 40-acre Agricultural District parcel 370 metres north of the subject parcel was tabled to obtain clarification regarding sour gas pipeline setbacks and to negotiate access to the parcels. Redesignation was never completed.

Adjacent Lands

Lands adjacent to the subject parcel are zoned Agricultural District to the east and southeast, Country Residential District to the south and west, and Country Residential Sub-district "A" to the north.

SITE CONSIDERATIONS

Access

The subject parcel is accessed by Eastway Drive East, as shown on the map below. The intent is for a shared approach for both parcels through an upgrade to the existing approach to County standards.

Eastway Drive East is currently a 7.6-metre wide paved subdivision road constructed within a 30-meter right of way. It starts to the west at 64 Street East, and ends to the south with a cul-de-sac.



Public Works requires the approaches to be built to current municipal standards for a common approach and to be paved as Eastway Drive is a paved road.

Physiography and Existing Development

The subject parcel is mostly flat, yet contains two drainage courses (see ortho photo below) and two areas that may classify as wetlands. It is undeveloped with the exception of two water wells.



POLICY EVALUATION

Municipal Development Plan (MDP 2010)

Policy 2.6 and of the Environmental Conservation & Open Space section of the MDP 2010 provides that protective measures be taken for development in or near wetlands.

Policies 3 and 9 of the Residential section of the MDP 2010 provide that in order to consider the proposal to be developable by the Subdivision Authority, residential parcels should be compatible with the surrounding area and existing uses. They further provide that the design and infrastructure of residential development should consider the agricultural industry, the efficient use of land, the environmental impact, and the cumulative effects of development along with the suitability of the lands for residential use and the conservation of water.

Growth Management Strategy

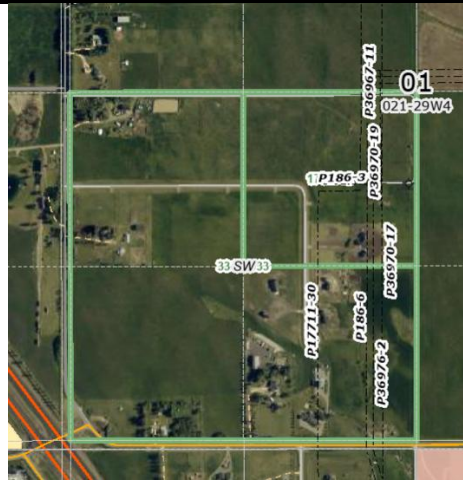
The subject parcel is located inside the Central District. The vision for the Central District identifies that lands which fall within this District are expected to see intensified and significant development while maintaining rural character and the protection of natural areas.

Land Use Bylaw

The application, if approved, would meet the lot size restrictions and density requirements as set out in Section 13.1.6.2 of the Country Residential District within the County's Land Use Bylaw. A minimum 30-metre setback is required for crown owned water bodies, as set out in Section 9.27.17 of the Land Use Bylaw.

CIRCULATION REFERRALS	
REFEREE	COMMENTS
EXTERNAL	
Alberta Energy Regulator	The Alberta Energy Regulator (AER) indicated that there is an abandoned well in the vicinity and to contact the licensee for the current sour gas setback. However, the AER response refers to a different quarter section; although staff have requested clarification, a revised response was not received at the time of this report. The AER online mapping shows the four abandoned pipelines, but no abandoned wells.

CIRCULATION REFERRALS



AltaLink

We have a 138kV transmission line and right-of-way (ROW) along the East side of the subject property.

The ROW is around 23m wide with the transmission line approximately on the center. Despite this, height restrictions for buildings/surface improvements may exist up to ~22.3m from transmission line centerline (so, up to ~10.8m West of the Western edge of the ROW, inside of Lot 1 and Lot 2).

Actual restrictions will vary by location, development within Lot 2 would have the largest restrictions (being closer to mid-span, where the wires can swing further with wind): At the ROW boundary height might be restricted for objects more than ~2.5m in height to comply with code, though limitations on building/object height become gradually less restrictive further West. As such, any improvements more than 2.5m in height within 11m of the ROW boundary (within Lot 1 and Lot 2) should be reviewed between the landowner and AltaLink before they go ahead with construction/finalize design, to avoid creating any conflicts or safety issues.

Additionally, development in proximity to transmission circuits may require additional bonding/grounding on large metallic components such as eavestroughs, chain link fencing, metal roofs/building cladding, etc. This is to bleed off induced currents from the EMF generated by the line. Ungrounded or electrically isolated metal can otherwise build up a charge which can result in nuisance shocks (when someone touches the metal and creates a path to ground). The landowner would be responsible for bonding/grounding of any such metallic objects/improvements.

ATCO Gas
ATCO Transmission

Neither organization had any concerns.

Fortis

No concerns.

CIRCULATION REFERRALS

Telus	No concerns with the proposed activities at the Land Use stage, but will want to have the opportunity to review at subdivision and/or development stages.
INTERNAL	
Public Works	Public Works provided the following recommendations as conditions of the subdivision: • High Water Table Testing for Foundation Design • Septic Disposal Evaluation (PSTS) • Building Envelopes Public Works provided the following recommendations as conditions of the development: • Lot grading and overland drainage plan Public Works provided the following additional comments: • The proposed ODRW over the seasonal drainage courses, as proposed, is acceptable. • Applicant is responsible to obtain approvals from Alberta Environment if required for driveways crossing drainage course/wetland areas. • Common approach will require paved surface as Eastway Drive is a paved road • Applicant is responsible to confirm setback requirements with the AER from the abandoned pipelines.
PUBLIC	
Western Wheel	October 7 th and 14 th , 2026
Landowners (Half Mile)	No correspondence received prior to submission of staff report.

SUMMARY

Bylaw XX/2026 - Council has received an application to further amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 5.54 +/- acres Country Residential Sub-district "A" parcel from an existing 11.54-acre Country Residential Sub-district "A" balance parcel on Plan 0911874, Block 3, Lot 5; Ptn. SW 01-21-29 W4M, with a proposed +/- 2.67-acre Overland Drainage Right of Way.

OPTIONS FOR COUNCIL CONSIDERATION

OPTION #1 – APPROVAL

Council may choose to grant 1st reading to the application for amendment to the Country Residential land use rules of Plan 0911874, Block 3, Lot 5; Ptn. SW 01-21-29 W4M, in order to allow for a future subdivision of one new 5.54 +/- acres Country Residential Sub-district “A” parcel from an existing 11.54-acre Country Residential Sub-district “A” balance parcel, with a proposed +/- 2.67-acre Overland Drainage Right-of-Way, for the following reasons:

In consideration of the criteria noted within Residential Policies 3 and 9 of the MDP2010, Council is of the opinion that the lands are suitable for the intended use and fragmentation of the subject lands would not be detrimental to the overall nature of the area, and is compatible with the surrounding uses and environmental concerns. Further, the application falls within the density provisions and lot size restrictions of the Country Residential District within the County’s Land Use Bylaw.

Staff suggests revision to the existing Country Residential Sub-district “A” to consider updated conditions for both the proposed and balance parcels to ensure that the recommendations and restrictions as outlined in the high water table testing for foundation design, septic disposal evaluation and building envelopes (provided as conditions of subdivision) are complied with to the satisfaction of the Public Works department. A completion certificate by a Professional Engineer verifying that all aspects of the noted reports have been met, may be required. Council may also wish to require a \$5,000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit.

Recommended Conditions for Option #1:

1. Proof of adequate water supply to be provided for all proposed Country Residential parcels in accordance with the Provincial Water Act, to the satisfaction of the County;
2. Site plan to include the Overland Drainage Right-of-Way as proposed, **as a condition of subdivision**;
3. Septic Disposal Evaluation to be provided for all parcels, in accordance with Part 2 Section 6(4)(b) of the Matters Related to Subdivision and Development Regulation, to the satisfaction of the Public Works department, **as a condition of subdivision**;
4. High Water Table Testing for Foundation Design to be submitted to the satisfaction of the Public Works department, **as a condition of subdivision**;
5. Site plan to be provided which identifies building envelopes, for all parcels, which meet the requirements as outlined in Policy 9 under the Residential section of the MDP2010 to the satisfaction of the Public Works department, **as a condition of subdivision**;
6. Lot Grading / Drainage Plans to be provided for the subject lands, to the satisfaction of the Public Works department, **as a condition of development permit**;
7. Final amendment application fees to be submitted;
8. Submission of an executed subdivision application and the necessary fees.

OPTION #2 - REFUSAL

Council may choose to refuse the application for amendment to the Country Residential land use rules of Plan 0911874, Block 3, Lot 5; Ptn. SW 01-21-29 W4M, in order to allow for a future subdivision of one new 5.54 +/- acres Country Residential Sub-district “A” parcel from an existing 11.54-acre Country Residential Sub-district “A” balance parcel, with a proposed +/- 2.67-acre Overland Drainage Right of Way, for the following reasons:

In consideration of the criteria noted within Residential Policies 3 and 9 of the MDP 2010, Council is of the opinion that the application does not adequately address the cumulative effects of the development, the environment and the efficient use of the land.

APPENDICES

APPENDIX A: MAP SET:

LOCATION MAP

HALF MILE MAP – LAND USE

QUARTER SECTION MAP – PARCEL SIZES

SITE PLAN

ORTHO PHOTO & PHYSIOGRAPHY

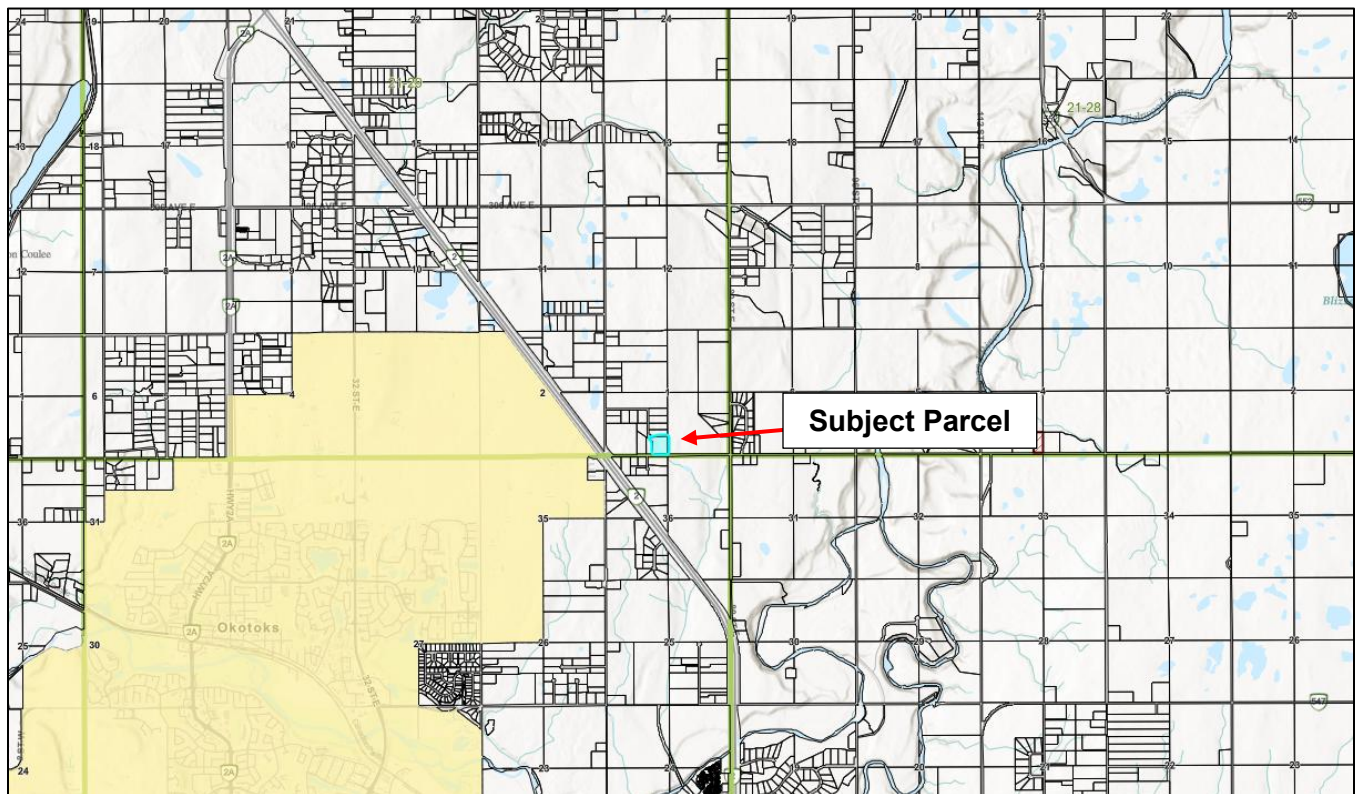
APPENDIX B:

AGENT'S COVER LETTER AND REPORT

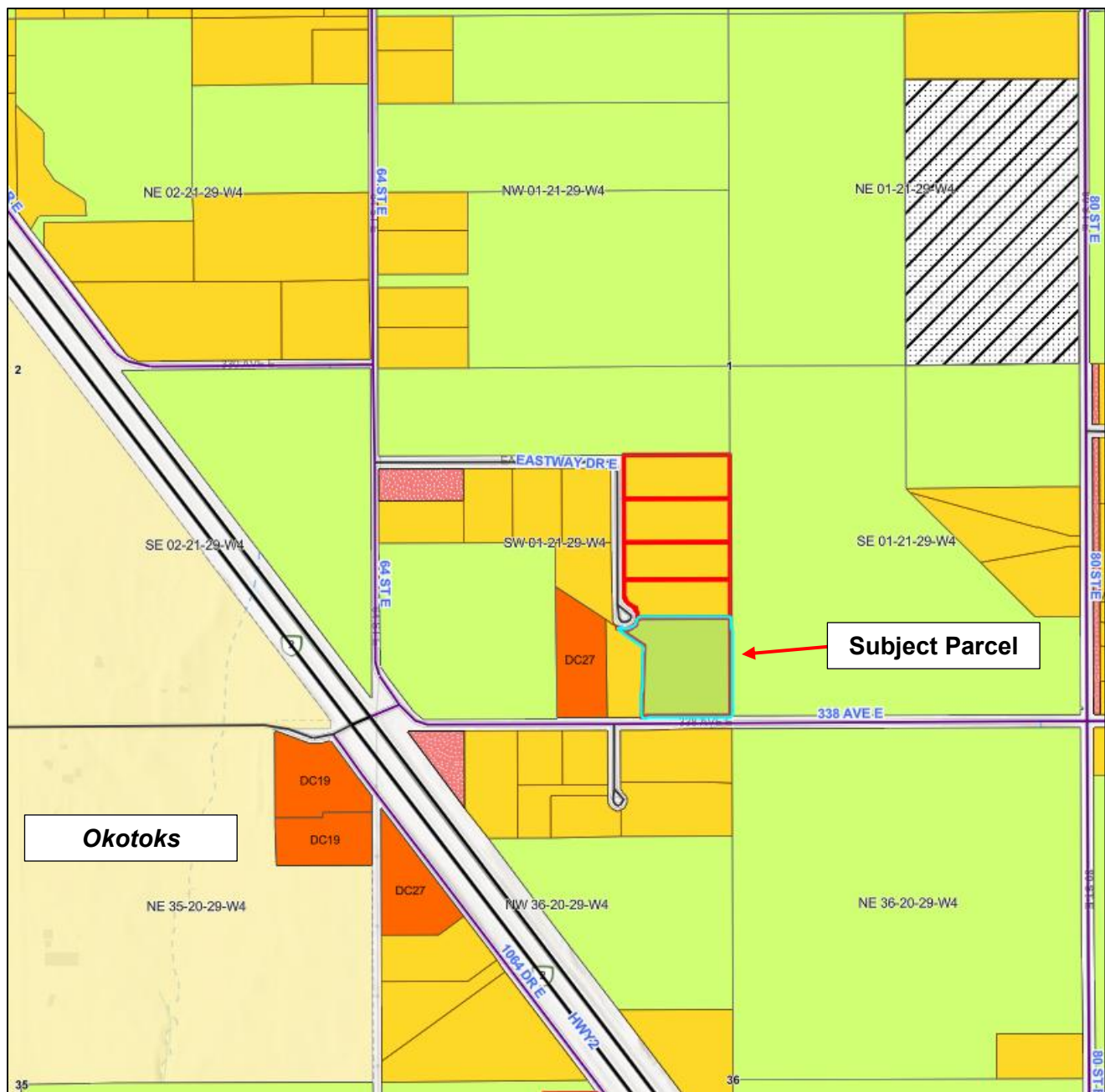
APPENDIX C:

PROPOSED BYLAW

APPENDIX A: LOCATION MAP



APPENDIX A: LAND USE MAP



Legend

Land Use Districts

- A- Agricultural
- CR- Country Residential
- CRA- Country Residential Sub A Settlement
- DC - Direct Control



MR- Municipal Reserve



In Transition



Parcels



Town



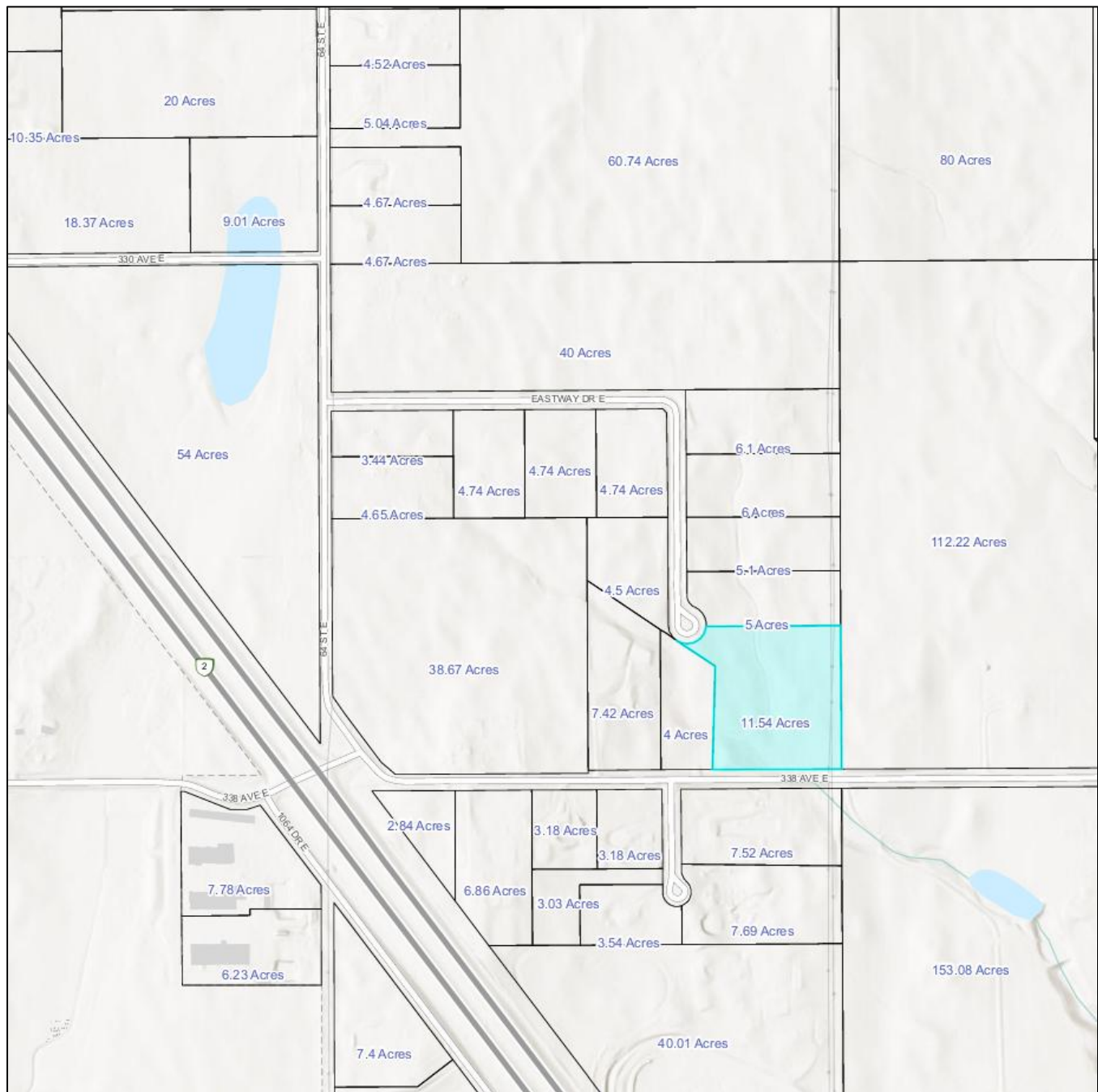
Townships



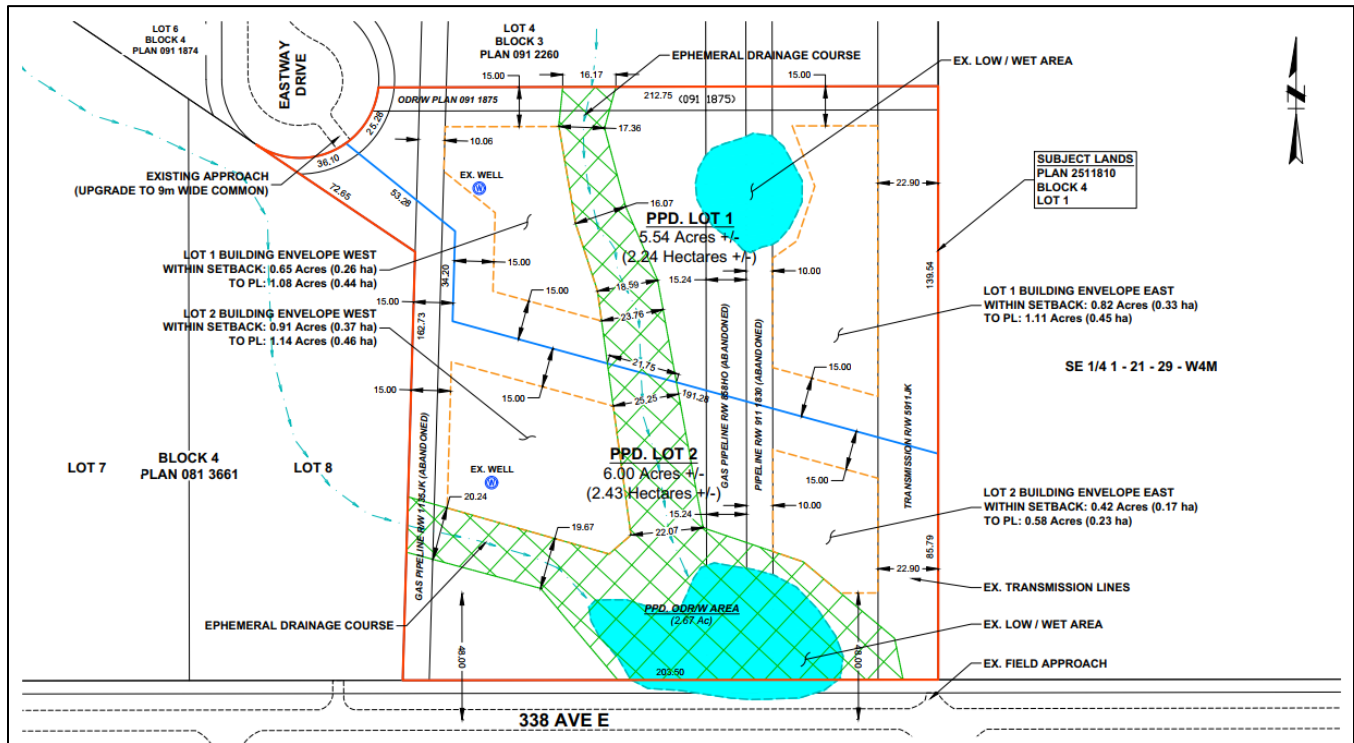
Recurring Minor Stream

World_Hillshade

APPENDIX A: PARCEL SIZES MAP



APPENDIX A: SITE PLAN



APPENDIX A: ORTHO PHOTO & PHYSIOGRAPHY



(SEE FOLLOWING PAGES)

Land Use Bylaw Amendment

Plan 091 1874; Block 3; Lot 5; within SW 1-21-29-W4M

Prepared By:



Prepared For:

Obanel Espejel, Landowner

May 2026

Civil Engineering · Planning · Surveying

April 1, 2026 revised May 1, 2026

Foothills County
P.O. BOX 5695,
High River, Alberta
T1V 1M7**Attention: Samantha Payne, Manager of Planning Applications****Re: Espejel – Proposed One Lot Subdivision,
Plan 091 1874; Block 3; Lot 5; within SW 1-21-29-W4M**

The attached application is being made on behalf of East-West Renovations, landowner of the subject lands, which are 4.669-hectares (11.54-acres) more or less in area.

The purpose of this application is to amend the current Foothills County Land Use Bylaw in order to allow for the future subdivision of a new Country Residential parcel.

- The new parcel (Lot 1) is proposed at 2.24-hectares (5.54-acres) more or less
- The remainder parcel (Lot 2) is proposed at 2.43-hectares (6.00 -acres) more or less
- Both parcels are proposed to retain the current sub-district 'A' designation.
- The attached plans show the location and size of the existing and proposed parcels.

As supportive information, we are enclosing the following:

1. Application form for Land Use Redesignation plus credit card authorization form for the \$1,600 application fee; that is, \$1,500 times one new lot, plus \$100 filing fee,
2. An area context plan, orthophoto, contour and lot plans, identifying the proposed and remainder parcels,
3. Current Land Title,
4. Letter of Agency from both landowners,
5. Abandoned well site form and map.

Additional background information regarding this application is included in the attached report. We trust the foregoing to be in order; please feel free to contact the undersigned should you have additional questions with respect to this application.

Yours truly,

Badke Consulting Ltd.Jeff Badke, Principal
cc. East-West Renovations (Obanel Espejel)

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 Planning Guidance 7

Closure 8



Figure 1: Area Context

Introduction

The Espejels acquired the Subject Lands with the intention of developing the property to allow for the construction of their new family residence on one lot, with the sale of the other lot intended to assist with development costs. Their subdivision is being proposed on a 11.54-acre parcel of rural land east of the Town of Okotoks within Foothills County, Alberta

Location

The proposed subdivision is situated within the south-west quarter of Section 1, Township 21, Range 29, West of the 4th Meridian. This parcel lies directly north-east of the Town of Okotoks' boundary and is positioned approximately 10 kilometres to the south-east of the City of Calgary. The property is bordered on the south by 338 Avenue East and is accessible via the cul-de-sac at the terminus of Eastway Drive. Major access to the site is provided at the intersection of Highway 2 and 338 Avenue East, as illustrated on the included Context Plan (Dwg. 1).

Area Context

The subject lands are situated at the western edge of Division 7 within Foothills County, immediately outside the municipal boundary of the Town of Okotoks, Alberta. The site lies within the rural-urban interface of the Okotoks area, where established country residential development transitions toward

the urban boundary of the Town. The surrounding area is characterized primarily by Country Residential and Agricultural land uses, with a pattern of large rural parcels and developed acreages interspersed with cultivated farmland.

Highway 2, 338th Avenue East, and 64th Street East serve as the primary transportation corridors in the vicinity, located to the west of the subject property. These routes provide essential access to the area and facilitate movement within the region. The landscape is characterized by gently rolling terrain, with low to moderate changes in elevation throughout the site and its surroundings.

Subject Lands

Legal Description

The Subject Lands are legally described as:

PLAN 0911874
BLOCK 3
LOT 5
EXCEPTING THEREOUT ALL MINES AND MINERALS:
AREA: 4.669 HECTARES (11.54 ACRES) MORE OR LESS

The lands encompass 4.669-hectares (11.54-acres) more or less and stand in the name of East-West Renovations Ltd., owned by Obanel Espejel. The current Certificate of Title, number **251 292 503**, for these lands is included.

Zoning

The Subject Lands are currently zoned Country Residential Sub-District 'A'. This application proposes to amend the bylaw to allow for the future subdivision of 1 new CR-A parcel with a CR-A remainder.

The surrounding area is characterized primarily by country residential and agricultural land uses, with a pattern of large rural parcels and developed acreages interspersed with cultivated farmland. The proposed development aligns with both the established and anticipated land use patterns in the region.

Description of the Subject Lands

The Subject Lands are situated within a quarter section that has been fragmented by historical subdivisions, bounded by internal road 338th Avenue to the south and private titled lands to the west, north and east. The parent quarter section has been subdivided over the years into individual Country Residential acreages and estates. The included orthophoto plan, Dwg. 2, shows the lands as they were in June 2024, which is representative of the lands as they are at current.

The subject lands are generally open and gently rolling, reflecting the rural foothills landscape common to this area just outside the Town of Okotoks. Much of the site consists of open grassland forming the primary ground cover.

Two natural ephemeral drainage courses that flow only in response to rainfall and snow-melt events, run through the property, originating north and north-west of the site and running east and southward. These features are visible on the ground through changes in vegetation and landform, and support slightly denser plant growth than the surrounding uplands. Along the ephemeral drainage courses

vegetation includes shrubs and small groups of trees, which follow the natural path of surface water moving across the land. In addition to the ephemeral drainage courses, 2 low lying areas are found on the property. A smaller low/wet area, approximately 0.33-acres in size, is located in the property's norther-easterly portions. The second low/wet area, approximately 0.85-acres in size, is located at the property's southerly extents, at the confluence of the two ephemeral drainage courses.

Across the remainder of the site, trees are limited and scattered, occurring mainly near drainage features rather than throughout the upland areas. Overall, the lands maintain a predominantly open, rural character that is consistent with nearby country residential and agricultural properties.

While most of the site consists of gently sloping terrain, there are a number of localized variations in topography associated with natural drainage features and undulating ground. In the southwest corner of the property, short sections of the slope are steeper, reflecting the natural transition between higher and lower ground in this area. The westerly drainage course exhibits moderate slopes, generally ranging from about 3% to 10%, as it conveys surface drainage toward lower portions of the site. The northerly drainage course slopes very gradually from north to south, with an average grade of approximately 2%, forming a subtle and well-defined drainage path across the lands. From west to east, the land along this draw continues to flatten, with slopes decreasing from approximately 5% to 1% as it approaches lower elevations. Along the eastern portion of the site, slopes are generally gentle to moderate, averaging between 2% and 5%, with isolated areas of increased slope reaching up to approximately 12% where the ground undulates near the north-south drainage course. These variations in slope are typical of natural foothills terrain and are largely confined to drainage features, while the remainder of the site topography is suitable for country residential development.

Powerline and Pipeline Right of Ways

Several power and pipeline utility corridors run through the property in a north-south direction. A 22.9m wide power transmission right of way containing an AltaLink transmission line runs through the property along the entirety of its easterly boundary.

Aside from the power transmission line, three pipeline right of way plans traverse the property, containing a total of 4 pipelines. All 4 pipelines are no longer in use and are listed in the Alberta Energy Regulator's OneStop database as abandoned. It is further noted that associated gas-wells to the north of the subject lands are listed as reclaimed.

The power and pipeline right of ways are identified on the included drawings.

Proposed Subdivision

Subdivision Design and Parcel Details

Overview of Proposed Parcels

As noted above, the proposed subdivision consists of a total of two Country Residential Sub-District 'A' (CR-A) parcels. The proposed lots are identified on the included plans, with Dwg. 4 detailing the proposed lot line dimensions and the associated Land Use Bylaw setbacks. The parcels have been designed to be close in size, with Lot 1 measuring 5.54-acres and Lot 2 measuring 6.00-acres, slightly larger to account for its driveway panhandle.

Overland Drainage Easement Area

An Overland Drainage Easement (ODRW) area is proposed to protect the existing natural ephemeral drainage courses, the southerly low-lying area, and the associated overland drainage patterns across the site. These drainage features are ephemeral in nature and do not function as continuously flowing watercourses; rather, they convey surface runoff on an intermittent basis during and immediately following rainfall events and during periods of snowmelt. For the majority of the year, the channels are typically dry, with the drainage alignments expressed on the landscape by subtle topographic depression, concentrated flow paths, and associated changes in vegetation.

The ODRW boundary was delineated based on field review of the apparent drainage course alignments and overland flow paths, together with consideration of adjacent topography and the relationship of the drainage corridors to the proposed building envelope areas. In general, the easement limit was set at an elevation approximately 1.0 metre above the local drainage course invert adjacent to the applicable building envelopes in order to provide a reasonable buffer to the primary runoff conveyance corridor and to maintain the existing drainage function of the site.

Building Site Selection and Siting Considerations

The subdivision design has carefully accounted for property's natural drainage channels, variable topography, and existing utility rights of way by selecting two primary building sites situated on elevated, suitable ground west and north of the drainage features. These locations were chosen to capitalize suitable topography and avoid lower elevations, ensuring suitable separation from natural drainage corridors, while considering relevant Foothills County Land Use Bylaw requirements and setbacks. The proposed placement demonstrates thorough attention to site conditions and is consistent with the objectives of the Country Residential Sub-District 'A', which emphasizes the importance of harmonizing development with landform, drainage patterns, and other site-specific factors. Additional building envelope area for each lot is available on the east side of the north-south drainage course, should alternate principal or accessory building construction be desired. The westerly and easterly building envelope areas for each lot are identified on the included drawings.

Subdivision Servicing

Access

The subject lands are bounded by 338 Avenue East to the south, with existing private properties to the north, east, and west. Vehicular access to the site is currently provided by Eastway Drive, which is a paved internal subdivision road constructed to municipal standards. Access to the property is achieved via an existing standard rural approach from Eastway Drive.

The proposed subdivision design has been planned to utilize and build upon the existing access, with the new property boundary located at the center of the current approach location. To support access to the 2 proposed lots, the existing approach is proposed to be upgraded to a 9.0-metre wide common access approach, suitable to accommodate access to both parcels. This approach allows for efficient use of existing infrastructure while minimizing additional access points along the roadway.

Water and Wastewater

The Foothills County Land Use Bylaw requirements under the CR (including that of Sub-district 'A' parcels) zoning stipulate utilizing "Individual wells and individual wastewater disposal systems;

Communal water and communal wastewater disposal systems; or a combination of a. and b. as determined by Bylaw amending this section”.

Lots 1 and 2 are serviced by existing water wells, the locations of each are identified on the included drawings. The well on Lot 1 was drilled previous the current ownership of the property, and the landowner has drilled a new well on what would be the remainder, Lot 2.

Pump testing logs from Peter Niemans Water Well Co. for both wells indicate strong production potential, with recommended pumping rates of 10-igpm, respectively. A review of the Alberta Water Well Information Database for surrounding properties indicates that nearby wells commonly report pumping rates in the range of approximately 8 to 18-igpm. These findings suggest that the subject lands are located within an area of favorable groundwater availability, providing encouraging context with respect to long-term private water supply.

Sewage disposal for the new parcels is proposed by way of a new onsite Private Sewage Treatment Systems. Based on our experience with the surrounding area, soils and near surface groundwater conditions are expected to be suitable for this purpose. Suitable area for primary and fall-back private sewage disposal systems is available on both lots.

Suitable Building Sites

In preparation for this application, elevation points were obtained from available LiDAR data from which the attached contour plan (Dwg. 3) with half metre interval contours was prepared. Both of the proposed parcels within the proposed subdivision are confirmed to contain a suitable building site which would satisfy Foothills County Municipal Development Plan 2010, Policy 9 as outlined below:

In order to determine whether the proposed lots contain a suitable building site, we used the criteria contained in Policy 9 of the Residential Section of MDP 2010, which reads:

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.

Based on review of the proposed development area, we make the following observations and conclusions relating to the MDP Residential Policy 9:

- The proposed parcels contain sufficient developable area that is not subject to the development restrictions created by sour gas or other natural resource extraction, flooding, hazardous lands, landfills, transfer stations, sewage lagoons;
- The proposed parcels contain sufficient area that is well drained and expected to contain soils suitable for onsite private sewage disposal;
- No slopes exceeding 15% requiring a development setback are located within the lands;
- The allowable building envelopes meeting appropriate setbacks and applicable requirements per the Land Use Bylaw are shown on the attached drawings.

Development Rationale for Proposed Subdivision

The Subject Lands are located just east of Highway 2 and north of 338th Ave E, allowing easy access to Foothills County, the City of Calgary and Okotoks for employment and shopping. As evidenced from the numerous Country Residential parcels in the region, this area is attractive for Country Residential development given the suitable topography, good drainage and ease of access to urban centres and regional transportation routes.

Country Residential (CR) District zoning density rules allow for one lot for every 5 acres on title. The area of the Subject Lands is 11.54-acres, therefore, the allowable number of CR lots would be 2. Further, within the parent quarter section, there are a total of 14 private lots, including the subject lands, plus a Municipal Reserve Lot. This application proposes 1 new CR-A parcel with a CR-A remainder parcel.

Planning Guidance

MDP 2010

We have viewed the proposed subdivision in light of the criteria outlined in the Agricultural and Residential sections of the Foothills County Municipal Development Plan 2010 (MDP) and provide the following comments:

- The land uses within the region are generally mixed Country Residential and Agricultural. The proposed Country Residential uses contemplated with this application are compatible with current and future surrounding uses.
- Extensive agricultural uses on the lands are not suitable due to topography and parcel size constraints.
- The proposed parcels contain gentle topography that contain building sites well suited for Country Residential development.
- The creation of the proposed lots is not expected to have negative environmental impact on the subject or surrounding lands. Dedication of Overland Drainage easement area protects existing drainage areas within the property.

Growth Management Strategy

Foothills Growth Management Strategy: Central District Overview

The subject lands are situated within the Central District, as detailed in the Foothills Growth Management Strategy (GMS). According to Section 4.5 of the GMS, entitled “Managing Growth in the Central District,” this area has been identified as the primary district intended to accommodate the bulk of Foothills County’s future growth and development. This strategic designation underscores the

importance of the Central District in facilitating long-term planning objectives and supporting sustainable expansion within the County.

Over the years, the surrounding area has experienced substantial Country Residential development. The subject lands benefit from their proximity to major transportation routes, as well as convenient access to both the City of Calgary and Okotoks. These locational advantages make the subject lands particularly well-suited for further Country Residential development, reinforcing their role within the broader framework of the County's planned growth.

Closure

We thank you for your consideration and trust we have provided sufficient information for Council's approval of this application. Please feel free to contact the undersigned should you require any additional information or have any questions.

Sincerely,

Badke Consulting Ltd.



Jeff Badke, Principal Consultant

cc. East-West Renovations Ltd. (Obanel Espejel), Landowner

BYLAW XX/2026

**BEING A BYLAW OF FOOTHILLS COUNTY TO AUTHORIZE AN AMENDMENT TO THE LAND
USE BYLAW NO. 60/2014; AS AMENDED.**

WHEREAS pursuant to the provisions of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, and amendments thereto, the Council of Foothills County in the Province of Alberta, has adopted Land Use Bylaw No. 60/2014 and amendments thereto;

AND WHEREAS the Council has received an application to further amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 5.54 +/- acre Country Residential Sub-District "A" lot, with a 6.00 +/- acre Country Residential District Sub-District "A" balance parcel on Plan 0911874, Block 3, Lot 5; Ptn. SW 01-21-29 W4M.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Under SECTION 13.0.0 COUNTRY RESIDENTIAL DISTRICT, the following shall be added under Part 8 Bylaw Amendments:

Plan 0911874, Block 3, Lot 5; Ptn. SW 01-21-29 W4M within which shall allow for the future subdivision of one new 5.54 +/- acre Country Residential Sub-District "A" lot, with a 6.00 +/- acre Country Residential Sub-District "A" balance parcel.

2. This Bylaw shall have effect on the date of its third reading and upon being signed.

FIRST READING:

Reeve

CAO

SECOND READING:

Reeve

CAO

THIRD READING:

Reeve

CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this
day of _____, 20__.

**PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
LAND USE BLAW AMENDMENTS AND REDESIGNATION
October 21, 2026
To be heard at: 1:30 PM**

APPLICATION INFORMATION	FILE NO. 26R041 & 26R044
	SUBJECT LANDS: Ptn. SE 35-19-28-W4
	LANDOWNERS: Journey Energy Inc.
	APPLICANT: Part 1: Foothills County Part 2: Michael Bollanatz of NVS Engineering
	AREA OF SUBJECT LANDS: 9.74+/- acre portion of the 160 acre parent parcel subject to redesignation
	CURRENT LAND USE: Agricultural District
	PROPOSED LAND USE: Direct Control District #34
PROPOSAL: An application for amendments the Land Use Bylaw pertaining to energy generation facilities and a separate application for redesignation of 9.74-acre portion of SE 35-19-28-W4 from Agricultural District to Direct Control District #34 (DC#34) to allow for approval of the existing 16.5MW power generation facility.	
DIVISION NO: 1	COUNCILLOR: Rob Siewert
FILE MANAGER: Coreena Carr	

EXECUTIVE SUMMARY

Summary Of Proposal

Two related applications are before Council:

- Part 1:** Application from Foothills County for proposed amendments to Land Use Bylaw 60/2014. The proposed bylaw amendments allow for energy generation facilities and associated infrastructure by introducing a new definition for Energy Generation Facility, updating related terminology within the definition of Utility Services, Major, and amending DC#34 to accommodate a broader range of energy generation facilities and supporting infrastructure. The amendments also include renaming DC#34 from Commercial Solar Power Systems District to Utility Energy Systems District and changing Utility Services, Major from a Permitted Use to a Discretionary Use to ensure future proposals are subject to Council consideration.
- Part 2:** Application on behalf of Journey Energy Inc. for redesignation of a 9.74 acre portion of SE 35-19-28-W4 from Agricultural District to Direct Control District #34 to recognize and regulate the existing 16.5MW power generation facility on the site.

Key Considerations

The existing facility has already received approvals from the Alberta Utilities Commission and Alberta Environment and Protected Areas. Council's consideration relates to the proposed land use framework and redesignation required to establish municipal approval of the existing facility.

The existing approvals are attached in **Appendix C**.

Referral Considerations

This application was subject to a 30-day circulation to referral agencies prior to this hearing: Referral comments have been provided within the staff report for your reference.

Policy Evaluation

The application for amendment to the Land Use Bylaw 60/2014 and redesignation have been reviewed in terms of the Foothills County's Growth Management Strategy, Foothills County's Municipal Development Plan 2010, and Land Use Bylaw 60/2014.

The proposed land use bylaw amendment and redesignation have been deemed to align with policies and guiding principles within these documents.

APPLICATION # 1 – AMENDMENT TO LAND USE BYLAW 60/2014

PURPOSE OF THE APPLICATION:

The purpose of this application is to amend Land Use Bylaw 60/2014. The following amendments are proposed within the land use bylaw:

- a. The proposed amendments include the introduction of a new definition for Energy Generation Facility and revisions to the existing definition of Utility Services, Major to replace the term "Power Generation Facility" with "Energy Generation Facility" as follows:

The following new definitions are proposed in Section 2.5 of the Land Use Bylaw:

ENERGY GENERATION FACILITY is an industrial site or building equipped with generators, turbines, and auxiliary equipment designed to convert mechanical, chemical, or natural energy sources into electric power or thermal energy for distribution and does not include Battery Energy Storage Systems or Anaerobic Digester Facilities

The following amendment is proposed to the current definition of Utility Services, Major:

UTILITY SERVICES, MAJOR means development for public or private utility infrastructure purposes which is likely to have a major impact on the environment or adjacent land uses by virtue of their emissions, effect, or appearance. Typical facilities would include sewage and/or water treatment plants, sewage lagoons, dams, **energy generation facilities** ~~power-generating stations~~, cooling plants, incinerators, and, and high voltage electrical transmission towers.

- b. Administration is also proposing amendments to **Direct Control District #34 (DC#34)** to allow for a broader range of energy generation facilities and associated infrastructure, in addition to the commercial solar power systems currently contemplated within the district.

Proposed amendments to the DC#34 are as follows:

- DC#34 would be renamed from Commercial Solar Power Systems District to Utility Energy Systems.

- Utility Services, Major would be moved from a Permitted Use to a Discretionary Use within DC#34 to provide Council with greater discretion in evaluating future development proposals.
- Include updating development regulations to address a broader range of energy facilities, including provisions for generators, substations, transformers, stacks, associated infrastructure, noise, emissions, and operational impacts.
- Replacing references to "solar power systems" throughout the district with more general references to "energy generation facilities" where appropriate, while retaining specific solar-related requirements where they remain relevant.
- Adding standards requiring energy facilities to minimize visual, noise, traffic, drainage, emission, and other nuisance impacts on adjacent lands, and to comply with applicable provincial approvals and regulatory requirements.
- Clarifying requirements related to decommissioning, reclamation, operation, and facility shutdown, including alignment with Alberta Utilities Commission requirements where applicable.

Overall, the amendments broaden the district from a solar-specific framework to one that can regulate a wider range of utility-scale energy generation developments while preserving Council oversight through the Direct Control district.

A redline copy of the proposed amendments to the DC#34 District is attached in **Appendix B** for information.

APPLICATION #2: REDESIGNATION APPLICATION

PURPOSE OF THE APPLICATION

The application is for redesignation of a 9.74 acre portion of SE 35-19-28-W4 from Agricultural District to Direct Control District #34 to recognize and regulate the existing 16.5MW power generation facility situated on the site.

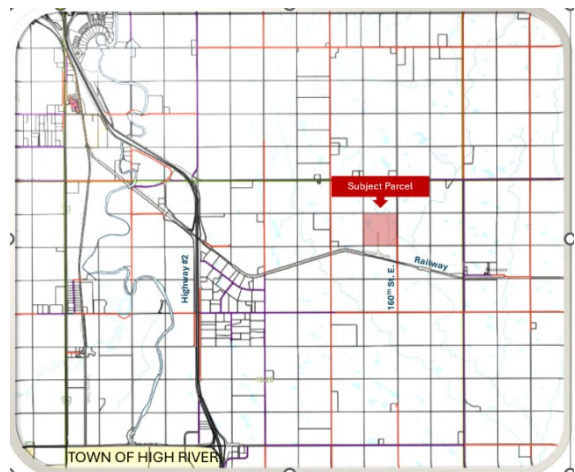
SITE CONSIDERATIONS:

Location

The subject lands are located southeast of the Hamlet of Aldersyde, approximately 2.5 miles east of Highway #2, one-half mile south of 434 Ave. E., on the west side of 160 St. E.

The subject lands are currently accessed off 160 St. E. on the east side of the property. 160th St. E. is a paved surface from the site access north to 434 Ave and a gravel surface from the site entrance extending to the south to 466 Ave.

These lands had previously been developed as the Mazeppa Gas Plant



Land Use

The subject lands are currently zoned Agricultural District. The majority of the land in the surrounding area consist of Agricultural District lands with only one CR zoned parcel within one half mile. (See **Appendix A. for land use map**)

Administration is recommending redesignation to Direct Control District #34 (as amended) to recognize and regulate the existing use on the property and provide direct control over the development by Council.

Site Characteristics:

The subject land has approximately 5 meters of elevation change from north to south, throughout the quarter.

Natural drainage courses are located on the quarter section and can be seen on the air photo.

Mapping of the subject parcel and surrounding area including location map, land use map, air photos, as well as site plans can be found in Appendix A of the report.



BACKGROUND INFORMATION

Mazeppa Gas Plant

The Mazeppa Gas Plant was constructed on this site in the 1980's.

Mazeppa Power Plant - constructed and commissioned in 2015

March 26, 2014, Council acknowledged the application from Mazeppa Processing Partnership to construct a 16.4 MW Power facility within the boundaries of the existing Gas Plant under the existing Agricultural District land use. .

April 15, 2014, AUC approved an application to Compton Petroleum, to construct and operate a 16.5 MW natural gas fired power facility at the Mazeppa gas plant (Approval No. U2014-154). The facility was intended to supply power to the Mazeppa gas plant and to export surplus power to the Alberta Interconnected Electric System via Fortis Alberta Inc's distribution system.

The power facility has been inactive since August 2016 approximately.

Removal of Mazeppa Gas Plant

The Mazeppa Gas Plant decommissioning commenced in 2018 and all development involving the gas plant was removed from the site. Reclamation of the site is underway, leaving only the power generation facility remaining on the site. The lands have remained zoned Agricultural District.



WHY IS THE APPLICATION REQUIRED?

The Mazeppa Power facility was originally constructed and operated pursuant to approvals issued by the Alberta Utilities Commission and other applicable provincial regulators in conjunction with the Gas Plant on site. At the time that the power facility was developed, municipal development approval was waived.

The facility ceased operations in 2016 and has subsequently been acquired by Journey Energy Inc., which intends to refurbish and restart the power facility for the purpose of generating electricity for sale to the Alberta electricity grid.

In reviewing the proposal, Administration determined that the current Agricultural District does not allow for the issuance of a development permit for the operation of a utility-scale power generation facility. Therefore, a redesignation and development permit approval is necessary prior to recommencing the use.

EXISTING PROVINCIAL APPROVALS

The following is a list of approvals recently granted for this development:

1. AUC Approval – 30080-D01-2025 & 30080-D02-2025

Effective August 1, 2025, approval to increase the nitrogen oxide (NOX) emission rate and operate the power facility with a total generating capability of 16.5 MW at the Mazeppa Power Facility previously constructed and operated in accordance with Approval 28556-D02-2024.

A copy of AUC approval 30080-D01-2025 and 30080-D02-2025 are attached as **Appendix C**.

2. AEPA Approval – 500160-00-00 (August 1, 2025)

Effective August 1, 2025, Alberta Environment and Protected Areas (AEPA) granted approval to Journey Energy Inc. to allow for the construction, operation, and reclamation of the Journey Power Facility on the subject lands.

STATUTORY CONSIDERATIONS

Municipal Government Act

Section 619 - Provincial Approvals

The existing power generation facility has received approvals from the Alberta Utilities Commission (AUC) and Alberta Environment and Protected Areas (AEPA), which govern matters such as operation, environmental protection, emissions, and noise.

Under Section 619 of the Municipal Government Act, where a licence, permit, approval, or other authorization has been issued by the Alberta Utilities Commission, any municipal decision on a land use amendment or development application must be consistent with that approval.

As a result, Council's consideration of this application is limited to matters within municipal planning jurisdiction. Matters that have already been determined through the provincial approval process, including the technical operation of the facility, emissions, and noise impacts, are not reconsidered through the municipal approval process except to the extent necessary to determine whether amendments to the Land Use Bylaw or appropriate municipal development approvals are required.

Where a condition of a municipal approval conflicts with a condition imposed through an applicable provincial approval, the provincial approval prevails.

Section 643 - Non-Conforming Uses and Buildings

The Mazeppa Power Facility was originally established under provincial approvals and operated on the site for a number of years without requiring a municipal Development Permit.

Sections 643(1) through (4) of the Municipal Government Act provide for the continuation of legally existing non-conforming buildings and uses; however, a non-conforming use loses its protected status where the use has been discontinued for a period of six consecutive months or longer.

Administration understands that operation of the power generation facility ceased in approximately August 2016 and remained inactive for a period significantly greater than six months. As a result, the continuation provisions respecting a non-conforming use are no longer applicable and the facility is required to obtain municipal development approval prior to recommencing operation.

The proposed amendment to Direct Control District #34 and redesignation application are intended to establish an appropriate municipal land use framework for the existing facility and allow the submission and consideration of a Development Permit application for the continued operation of the power facility.

While the facility continues to hold valid provincial approvals, the discontinuance of operations for a period exceeding six months necessitates the establishment of a current municipal land use framework and development approval process before operations can recommence.

DETAILS OF THE DEVELOPMENT

Redesignation Area

The applicants are applying to redesignate a 9.74 acre portion of SE 35-19-28-W4 from Agricultural District to Direct Control District #34 to recognize and regulate the existing 16.5MW power generation facility situated on the site.

The applicants have designed the proposed site for redesignation to include the lands where the existing facility is situated and included the area where the existing access road for the site accesses off 160 St. E. (See Site Plan in **Appendix A**)

The balance of the quarter section is proposed to remain as Agricultural District land use for farm use. No subdivision is proposed at this time.

Existing Development on Site

The site includes a 754m² (8,117 ft²) building that contains five (5) 3.3MW generators that generate a total capacity of 16.5 MW of power. Each generator has an elevated exhaust stack that is 12m in height.

There are five (5) outdoor cooling units (heat exchangers), each approximately 32.5 m²(350 ft²) in size, and 3.5m in height and three (3) transformers on site.

No new development is being proposed.

Electricity Generation Process

Natural gas will be combusted in the generators to generate electricity.

Natural gas, from an Atco gas riser located on site, fuels an engine that drives a generator to produce electricity. The cooling systems remove excess heat to ensure safe and efficient operation, while exhaust stacks discharge and disperse combustion gases. The automated control system regulates and protects the equipment during operation, and heat recovery systems capture waste heat for other uses, improving the overall efficiency of the process. The electricity will be connected to the power grid through the Fortis distribution system.

Power Facility Operation

- Access to the site will be provided via the existing paved access road entering the facility from 160th Street E, located along the east side of the parcel.
- The applicant anticipates one (1) employee being on site for the operation of the facility.
- Vehicle parking will be located on the north side of the building.
- Deliveries to the site will be limited to materials required for repairs and maintenance and are anticipated to occur approximately once per month.
- The facility will operate 24 hours per day, 365 days per year.
- Water use will be limited to domestic purposes.
- No noxious, flammable, or explosive materials will be stored on site. Only lubricating oil will be stored within the building in sealed containers.
- Designated waste bins will be provided, and non-hazardous oilfield waste will be disposed of at an approved waste management facility.
- The building has been engineered and designed to attenuate noise and is required to comply with the noise control requirements set out in AUC Rule 012 as a condition of the AUC approval.
- In accordance with the EPEA approval, the power generation equipment and associated electrical equipment will be bermed to prevent potential contamination resulting from spills and surface water runoff.
- Assessments addressing potential impacts related to noise, drainage, and emissions, together with any required mitigation measures, have been submitted in support of the existing EPEA and AUC approvals.

POLICY EVALUATION

POLICY AREA:

The proposal does not fall within any Intermunicipal Plan, Development Plan, Area Structure Plan, Outline Plan or Area Redevelopment Plan and has therefore been reviewed within the terms of the MDP2010, the Growth Management Strategy and the Land Use Bylaw.

The proposal aligns with relevant planning frameworks including:

Growth Management Strategy:

The subject lands are located within the East District of the Growth Management Strategy where agriculture is identified as the predominant land use. Administration recognizes that the proposal does not involve the establishment of a new industrial facility but rather seeks to provide an appropriate municipal planning framework for an existing provincially approved power generation facility situated within the former Mazeppa Gas Plant site.

Municipal Development Plan (MDP 2010)

The application generally meets the intent of Policy 2 of the Economy section of the MDP2010 which provides that proposals of commercial or industrial development should give consideration to appropriate transportation and utility infrastructure, minimized land use conflicts, impacts on adjoining lands, reasonable privacy to residents, retention of natural site features and efficiency of use of land.

Land Use Bylaw 60/2014 (LUB)

Administration is recommending redesignation of the 9.74 acre portion of the property from Agricultural District to Direct Control District #34 to allow for direct control by Council over the existing 16.5MW power generation facility on the site and establish an appropriate municipal land use framework for the existing development.

Administration feels the application meets the policy framework for the following reasons:

- The power generation facility is an existing development and not a new industrial proposal.
- The facility has received the necessary provincial approvals governing operation, emissions, environmental protection and noise.
- The proposed redesignation area is limited to the existing facility and access roadway.
- The balance of the quarter section will remain Agricultural District.
- The Direct Control District provides Council with greater oversight of future development and operational changes than would be available through conventional zoning.
- The proposal establishes a municipal planning framework for the existing use while recognizing the approvals already granted by provincial regulators.

CIRCULATION REFERRALS

The application was circulated to all necessary internal departments and external agencies. The responses received are summarized in the table below.

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works:	Existing approach requires upgrades to bring it up to Foothills County Rural Approach Standards: - The South side slope must be gentled out to a 3:1 ratio (3 meters horizontal : 1 meter vertical, or 33%) - Culvert requires bevelled ends - Culvert must be cleaned out • - Riprap must be placed around the culvert ends as per Rural Approach Standards <i>(conditions will be recommended at the development permit stage)</i>
Foothills Fire Department	- Address of property is to be posted. - Ensure access for Fire department apparatus as per the National Fire Code 2023 Div. B Sec 2.5.1 - Fire extinguishers are to be installed as per the National Fire Code 2023 Div. B Sec. 2.1.5 and NFPA 10. - Fire Safety Plan is to be posted as per the National Fire Code 2023 Div. B Sec. 2.8.2. - Doors and means of egress as per the National Fire Code 2023 Div. B Sec. 2.7.1 - Emergency & Exit Lighting shall be Tested, Inspected and Maintained as per National Fire Code 2023 Div. B Sec. 2.7.3. - Water-Based fire protection systems shall be Tested, Inspected and Maintained as per National Fire Code 2023 Div. B Sec. 6.4.1 - If National Building Code requires adequate water for firefighting the water source including the dry hydrant must meet NFPA 1142

	<i>(conditions will be recommended at the development permit stage)</i>
CIRCULATION REFERRALS	
EXTERNAL	
Alberta Health Services	AHS has no concerns with the application at this time.
AER Setback Referrals	There are a number of level 1 abandoned sour gas pipelines in the area. Setbacks are off the right of way and do not appear to impact the proposed parcel.
Fortis Alberta	Fortis Alberta has no concerns with the land use application.
TELUS	Telus has no concerns.
ATCO Transmissions	ATCO Transmissions has no conflict as we have no high-pressure pipelines in the proposed area.
Atco Energy Systems	There are high-pressure gas transmission facilities in the work area. The distribution engineering growth department of ATCO gas distribution has reviewed the plan approved the work provided all conditions are met.
AEPA	No response
AUC	No response
CPKC Rail	No response
Lexin Resources Ltd.	No response
PUBLIC	
Western Wheel	Public Hearing was advertised on October 7, 2026, and October 14, 2026.
Land Owners (1/2 Mile)	Notice of the Public Hearing was mailed to landowners within a ½ mile of the subject quarter section on September 30, 2026.

SUMMARY

PROPOSAL PART 1: AMENDMENT TO THE LAND USE BYLAW 60/2014 – DC#34

BYLAW XX/2026

Application from Foothills County for proposed amendments to Land Use Bylaw 60/2014 to expand and rename the Direct Control District #34 (DC#34) to allow for a broader range utility-scale energy generation facilities and associated infrastructure in addition to the current commercial solar power systems. DC#34 will be renamed from Commercial Solar Power Systems to Utility Energy Systems and will move Utility Services, Major from a Permitted Use to a Discretionary Use.

PROPOSAL PART 2: REQUEST FOR REDESIGNATION

BYLAW XX/2026

Application on behalf of Journey Energy Inc. for redesignation of a 9.74 acre portion of SE 35-19-28-W4 from Agricultural District to Direct Control District #34 to allow for consideration of an existing 16.5MW power generation facility on the site.

DECISIONS:

PROPOSAL PART 1 (REQUEST FOR LAND USE BYLAW AMENDMENT)

OPTIONS FOR COUNCIL'S CONSIDERATION:

OPTION #1: APPROVAL (First Reading to Bylaw XX/2026)

Should Council be of the opinion that the proposed Land Use Bylaw amendments have merit, and no significant planning considerations have been brought forward through the public hearing that cannot be resolved through the planning / approval process,

Council may choose to grant 1st reading to Bylaw XX/2026 approving amendments to the Land Use Bylaw 60/2014 included in the draft bylaw attached as **Appendix B**.

OPTION #2: POSTPONE DECISION.

Should Council be of the opinion that they require additional information or deem more discussion of the application at a municipal level is required prior to rendering a decision; Council may choose to postpone their decision on the approval of the proposed amendments to the Land Use Bylaw and provide further direction to administration and staff.

OPTION #3: REFUSAL.

Should Council be of the opinion that the proposed amendments to Land Use Bylaw 60/2014 do not have sufficient merit or that planning considerations have been brought forward through the public hearing process that Council feels cannot be addressed adequately through the planning / approval process, Council may choose to refuse the application.

PROPOSAL PART 2 REQUEST FOR REDESIGNATION

OPTIONS FOR COUNCIL'S CONSIDERATION:

OPTION #1 – APPROVAL (First Reading to Bylaw XX/2026).

Should Council be of the opinion that the proposal for redesignation has merit, is consistent with the existing municipal policy frameworks and as considered within amendments under Bylaw XX/2026 [Part 1], not in conflict with existing Provincial approvals and no significant planning considerations have been brought forward through the public hearing that cannot be resolved through the planning / approval process, Council may choose to grant 1st reading to Bylaw XX/2026 approving the application for redesignation of a 9.74 acre portion of SE 35-19-28-W4 from Agricultural District to Direct Control District #34 to allow for approval of an existing 16.5MW power generation facility on the site.

Recommended Conditions for Option #1:

1. Submission of a right-of-way plan provided by a surveyor illustrating the 9.74 acre area proposed for redesignation to Direct Control District #34.
2. Submission of a completed Development Permit application including necessary fees.
3. 2nd and 3rd reading granted on bylaw XX/2026 for amendments to the Land Use Bylaw 60/2014

OPTION #2: POSTPONE DECISION:

Should Council be of the opinion that they require additional information or deem more discussion of the application is required prior to rendering a decision; Council may choose to postpone their decision on the application for redesignation and provide further direction to administration and/or the applicant.

OPTION #3: REFUSAL:

Should Council be of the opinion that the proposed application for redesignation does not have sufficient merit, is not consistent with the existing municipal policy frameworks or that planning considerations have been brought forward through the public hearing process that Council feels cannot be addressed adequately through the planning / approval process, Council may choose to refuse the application.

Note: Under Section 619 of the Municipal Government Act, where a licence, permit, approval, or other authorization has been issued by the Alberta Utilities Commission, any municipal decision on a land use amendment or development application must be consistent with that approval.

APPENDICES

APPENDIX A: MAP SET:

1. Location Map
2. Area Land Use Map
3. Air Photo
4. Area subject to Redesignation
5. Power Generation Plot Plan

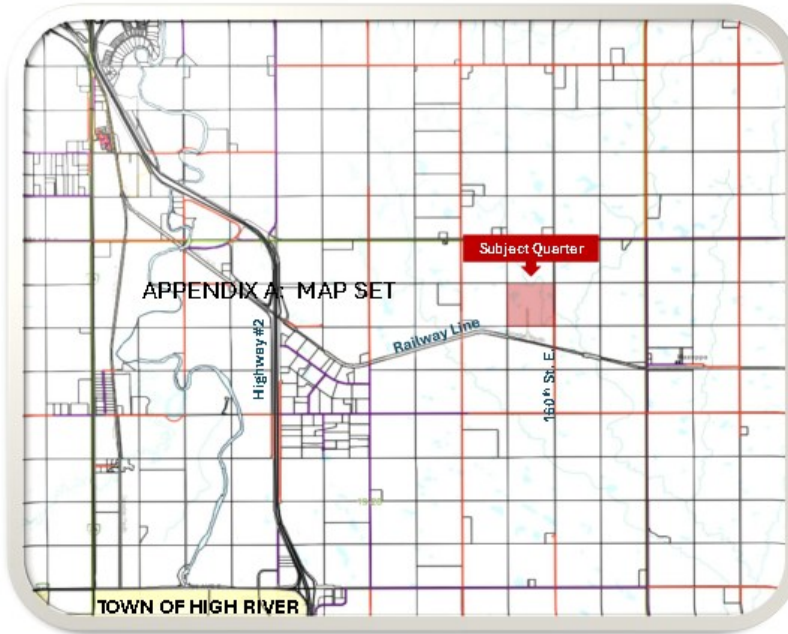
APPENDIX B: PROPOSED BYLAW

1. Draft Bylaw XX/2026– Amendment to Land Use Bylaw 60/2014 – DC#34
2. Draft Bylaw XX/2026 – Proposed Redesignation

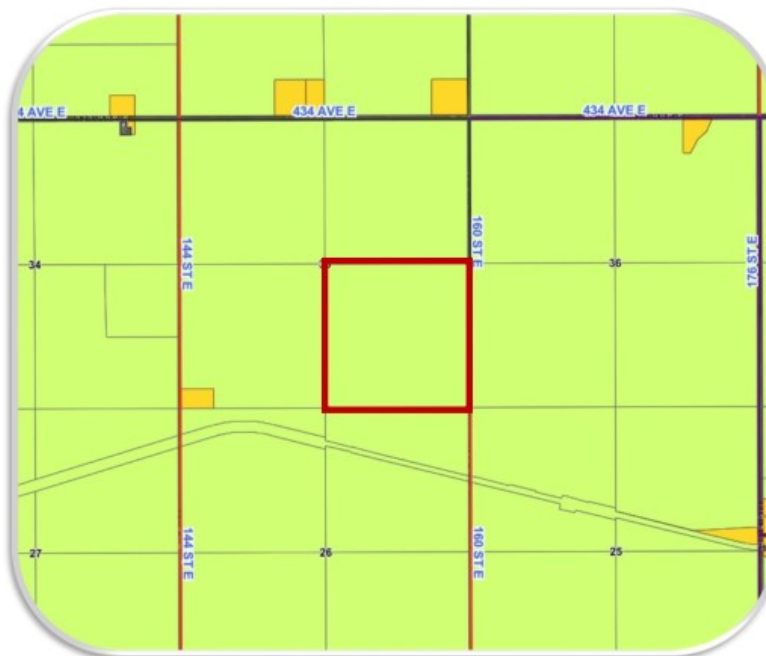
APPENDIX C: PROVINCIAL APPROVALS

1. Environmental Protection and Enhancement Act Approval 500160-00-00
2. AUC Decision 30080-D01-2025 – Power Plant Approval
3. AUC Decision 30090-D01-2025 – Increase in Emission Rates
4. AUC DECISION (APPROVAL NO. U2014-154).

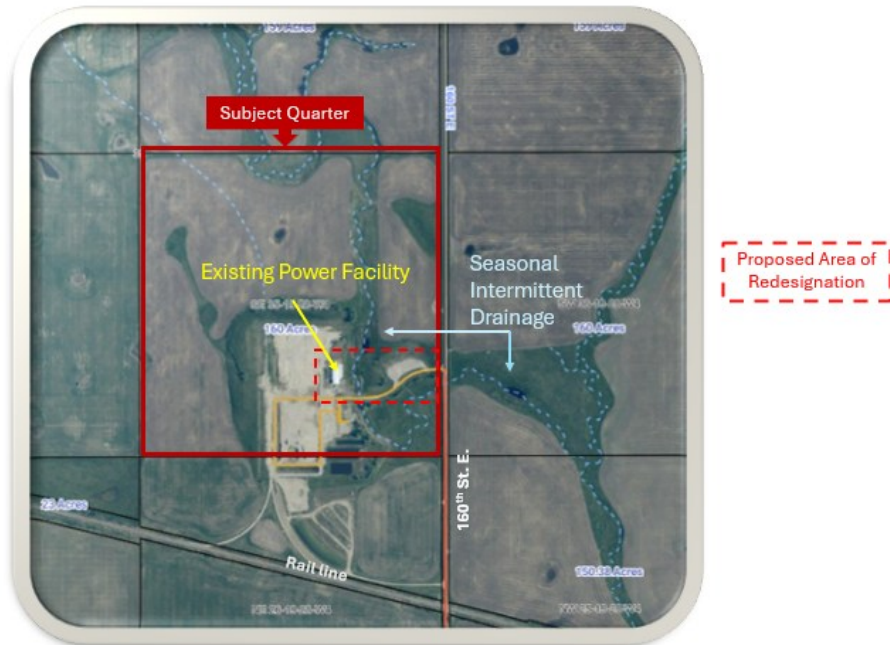
LOCATION MAP



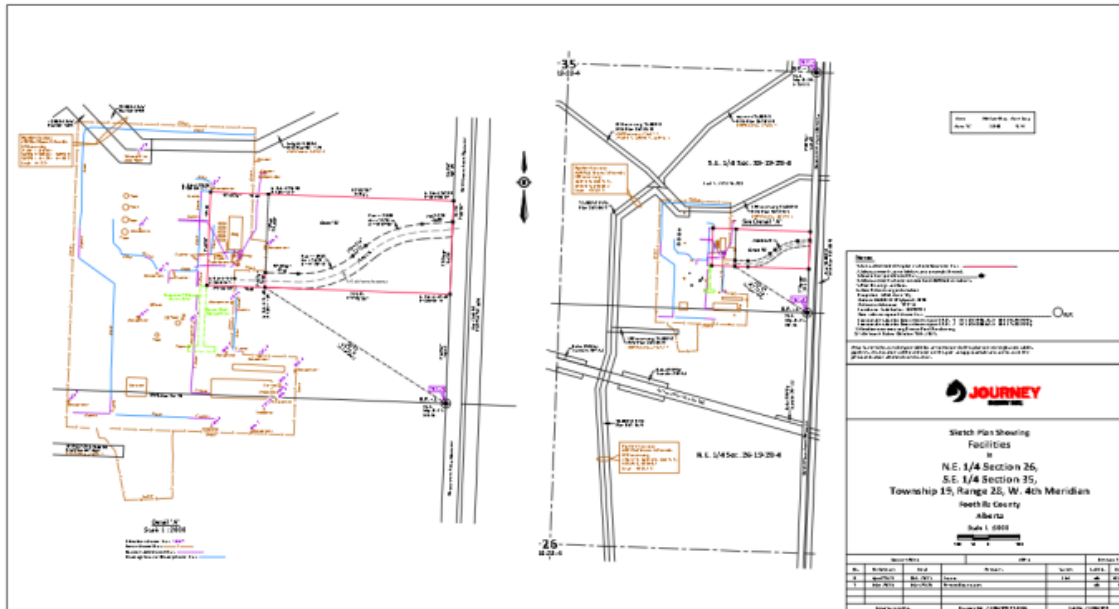
LAND USE MAP



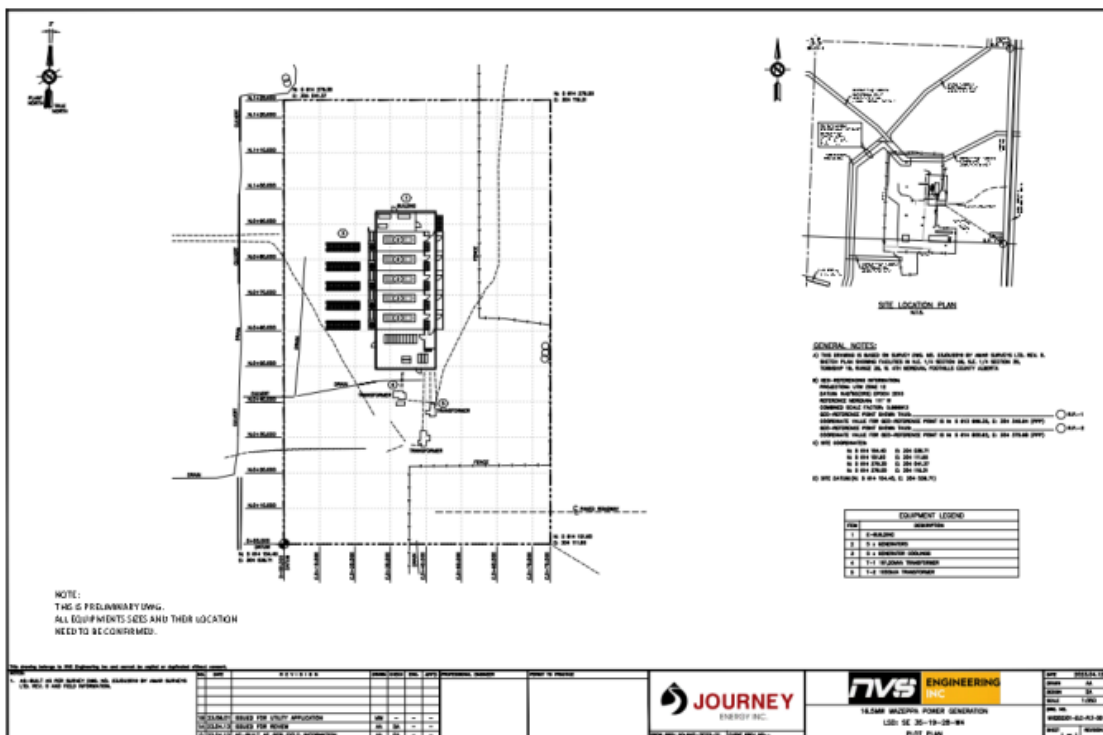
RECENT AIR PHOTO



AREA SUBJECT TO REDESIGNATION



Power Generation Plot Plan



BYLAW XX/2026

**BEING A BYLAW OF FOOTHILLS COUNTY TO AUTHORIZE AMENDMENTS TO THE
LAND USE BYLAW NO. 60/2014 AS AMENDED**

WHEREAS pursuant to the provisions of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, and amendments thereto, the Council of Foothills County (hereinafter called the “Council”) in the Province of Alberta, has adopted Land Use Bylaw No. 60/2014 and amendments thereto.

AND WHEREAS pursuant to Section 191(1) of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, the power to pass a bylaw under this or any other enactment includes the power to amend or repeal the bylaw.

AND WHEREAS the Council has received an application to amend the Land Use Bylaw by creating a new definition for Energy Generation Facility, amending the definition of Utility Services, Major, and further amending Direct Control District #34 to provide for energy generation facilities and associated infrastructure, including commercial renewable energy systems and utility power generation facilities.

The complete amendments are attached in Schedule ‘A’.

AND WHEREAS Council has held a public hearing as required by section 692 of the Municipal Government Act, R.S.A. 2000, c.M-26, as amended:

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

- 1. That Bylaw XX/2026 was introduced to Council to further amend the Land Use Bylaw by authorizing text amendments to Land Use Bylaw 60/2014 as described within the attached Schedule ‘A’.
- 2. This Bylaw shall have effect on the date of its third reading.

FIRST READING:

Reeve

CAO

SECOND READING:

Reeve

CAO

THIRD READING:

Reeve

CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this ____ day of _____, 2026.

SCHEDULE A - AMENDMENTS TO LAND USE BYLAW 60/2014

DRAFT AMENDMENTS TO THE LAND USE BYLAW 60/2014

A. DEFINITIONS UNDER SECTION 2.4 OF THE LAND USE BYLAW

The following new definition is proposed in Section 2.5 of the Land Use Bylaw:

ENERGY GENERATION FACILITY is an industrial site or building equipped with generators, turbines, and auxiliary equipment designed to convert mechanical, chemical, or natural energy sources into electric power or thermal energy for distribution and does not include Battery Energy Storage Systems or Anaerobic Digester Facilities

The following amendment is proposed to the current definition of Utility Services, Major:

UTILITY SERVICES, MAJOR means development for public or private utility infrastructure purposes which is likely to have a major impact on the environment or adjacent land uses by virtue of their emissions, effect, or appearance. Typical facilities would include sewage and/or water treatment plants, sewage lagoons, dams, **energy generation facilities** ~~power generating stations~~, cooling plants, incinerators, and, and high voltage electrical transmission towers.

B. AMENDMENTS TO THE DIRECT CONTROL DISTRICT #34 (DC#34)

The following amendments are proposed to the Direct Control District #34:

(Continued on next page)

**18.34 DIRECT CONTROL DISTRICT #34 (DC34) COMMERCIAL
SOLAR POWER UTILITY ENERGY SYSTEMS**

DC#34

18.34.1 PURPOSE AND INTENT

The purpose and intent of this district is to ~~provide for energy generation facilities and associated infrastructure, including renewable energy systems and utility facilities, while allowing Direct Control by Council over development to ensure compatibility with surrounding land uses and address site-specific development considerations.~~ ~~allow for the operation of Commercial Solar Power systems and to allow Direct Control by the Council over development on the following lands:~~

18.34.2 PERMITTED USES

Accessory Buildings not requiring a development permit
Administration Office (for principal use)
Agricultural general
Public works
Signs not requiring a Development Permit
Solar Power System, Private (Not requiring a Development Permit)
~~Utility Services, major (service types accessory to principal use)~~
~~i.e. Electrical Transmission towers, power generating stations~~
Utility services, minor

18.34.3 DISCRETIONARY USES

Accessory buildings requiring a Development Permit
Accessory uses (accessory to the principal use)
Data Processing Facilities (Small Scale)
Dwelling single family

- no more than 2 such dwellings are permitted on a lot that is 32.4 ha (80 acres) or more in size;
- no more than 1 such dwelling is permitted on a lot that is less than 32.4 ha (80 acres) in size.

Dwelling, mobile home
Dwelling, moved on
Educational and Interpretive use
Lot grading
Signs requiring a development permit
Solar Power System, Commercial
Solar Power System, Private (Requiring a Development Permit)
Telecommunication Towers (non federally regulated)
~~Utility Services, Major~~
Wind Energy Conservation Systems

18.34.4 LAND USE REQUIREMENTS

18.34.4.1 Standards of the land use shall be at the discretion of Council.

18.34.5 DEVELOPMENT REQUIREMENTS

18.34.5.1 Maximum Height of Structures:

- a. Dwellings
 - i. 12m (39.37 ft.).
- b. Accessory Buildings and associated energy generation structures
 - i. 10.67m (35 ft.).
- c. Radio antennas, internet towers, transformers, or stacks;
 - i. 16m (52.49 ft.).
- d. ~~Free-standing solar array or solar array mounted to any structure other than a roof or wall of a building must not exceed 10.67m (35ft.) in height when oriented at a maximum tilt position unless specifically allowed by the Approving Authority.~~
- e. Or as determined by Council.

18.34.5.2 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 development area.
- b. ~~Free-standing~~ solar array ~~not mounted to the roof or wall of a structure~~ are not considered in the lot coverage area unless they are mounted to the ground in a very impermeable manner (cemented completely and not using piles or some form of elevated racking)
- c. Or as determined by Council.

18.34.5.3 Minimum Yard Setback Requirements: for all Structures ~~and solar array.~~

~~18.34.5.3~~ a. Front Yard Setback:

- i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road.
- ii. 48m (157.48ft.) from the centre line of a Municipal Road.
- iii. 64m (209.97 ft.) from the centre line of a Municipal Road, Major.
- iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centre line of a Provincial highway, whichever is greater.
- v. Or as determined by Council.

b. Side Yard Setback:

- i. 15m (49.21 ft.) from property line.
- ii. Or as determined by Council.

c. Rear Yard Setback:

- i. 15m (49.21 ft.) from property line.
- ii. Or as determined by Council.

- 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.

18.34.5.4 Corner Parcel Restrictions:

- a. In accordance with Sections 9.27.9 - 9.27.12.C

18.34.5.5 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of Land use bylaw for additional setback requirements that may apply.
- b. The Approving Authority may require a setback of 300 metres from the solar installation to all adjacent residences, or a distance that minimizes the visual impact of the solar installation from the adjacent residences to the satisfaction of the Approving Authority.
- c. The Approving Authority may require a greater minimum setback for any use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses having regard for the location of the development, potential environmental impacts, adjacent land uses, and any determined natural, scenic, or ecologically significant feature of the landscape.

18.34.5.6 Minimum habitable area per Dwelling:

- a. 100 m² (1,077 sq. ft.)

18.34.6 SPECIAL PROVISIONS

18.34.6.1 Energy generation facilities and associated infrastructure shall be designed and located to minimize adverse impacts on adjacent lands with respect to visual appearance, lighting, noise, traffic, drainage, emissions, and other potential nuisances.

18.34.6.2 Landscaping and Screening:

- a. landscaping shall be completed in accordance with the Municipal Screening Standards or as determined by Council.
- b. levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards or as determined by Council.

18.34.6.3 Noise

- a. Any energy generation facility shall be designed and operated so as to comply with applicable provincial legislation and approvals respecting noise (Alberta Utilities Commission approvals and Alberta Environment noise requirements.)

18.34.6.4 Nuisance:

- a. Every attempt shall be made to design the site so that the ~~solar power system~~ energy generation facilities will have limited undo interference or effect on the enjoyment or value of neighbouring parcels.
- b. Solar array shall be located such that it does not create undue glare on neighbouring property or public roadways.

18.34.6.5 The Approving Authority, may, as a condition of issuing a Development Permit, impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Location and maximum size of facilities to be constructed.
- b. Development setbacks.
- c. Hours of operation.
- d. Number of employees.
- e. Number of vehicle visits per day.
- f. Noise.
- g. Buffering.
- h. Lighting.
- i. Site drainage.
- j. Potential impact to neighbouring properties.
- k. Outdoor storage.
- l. Parking requirements.
- m. Screening of facilities.
- n. Decommissioning and reclamation.

18.34.6.6 Lighting:

- a. all lighting must be in accordance Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

18.34.6.7 Lot Drainage:

- a. a Development Agreement shall be entered into for any lot grading to the satisfaction of the Director, Public Works and Engineering.
- b. the Approving Authority may require, as a condition of Development Permit, redesignation, or land use amendment, that the developer submit a stripping and grading and/or drainage or stormwater management plan, completed by a qualified engineer, to the satisfaction of the County.
- c. lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw unless otherwise approved by the Approving Authority.

18.34.6.8 Utility Services, Major

- a. All principal buildings, generators, substations, transformers, switchgear, fuel supply infrastructure and associated equipment shall be located within the approved development area.
- b. Ancillary buildings and structures necessary for the operation of the facility are considered part of the approved Utility Services, Major use.

18.34.6.9 Other Approvals:

- a. ~~Approval from the Alberta Utilities Commission (AUC), Alberta Electric Systems Operator (AESO) and any other provincial or federal agency or utility company is required prior to the operation of the solar power system.~~
- b. The development shall obtain and maintain all approvals required by the Alberta Utilities Commission, Alberta Electric System Operator and any other applicable provincial or federal authority.

18.34.6.10 Decommissioning and Reclamation

- a. A decommissioning and reclamation plan shall be submitted with the application for review and approval identifying how the site will be reclaimed back to the same or better condition than prior to project commencement.
- b. A Development Agreement ~~shall~~ may be entered into for any work required as part of the decommissioning and reclamation. This agreement may include requirements for cost estimate for the decommissioning and reclamation prepared by a professional engineer or contractor. The agreement may also require an irrevocable letter of credit, surety bond, or cash deposit to be secured and submitted to the County, prior to commencement of any development on the site, for the decommissioning and reclamation of the site.
- c. If the ~~solar power system~~ energy generation facility is out of service or not producing energy for a period of six months, the operator shall provide evidence to the Development Authority, with respect to the reason for the ~~solar power system facility~~ being out of service or non-operational and provide a detailed plan for bringing the ~~solar system facility~~ back into service, if the intention is to continue operation. If within six months of non-operation, the operator has not provided the Development Authority with a clear intent and timeline to bring the ~~solar power system facility~~ back on line, the Development Authority shall deem the ~~solar power system facility~~ non-operational, and decommissioning, removal, and reclamation will need to commence in accordance with decommission and reclamation plan approved with the application, returning the site to the same or better condition as prior to project commencement.
- d. Where required by the Alberta Utilities Commission, decommissioning and reclamation shall occur in accordance with all applicable provincial approvals.

18.34.7 PROCEDURE

- 18.34.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.34.1 may be referred by the Development Officer to the Council for its approval or refusal.
- 18.34.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council or their delegate shall decide on all applications for development permits with respect to lands referred to in Section 18.34.1. The council or their delegate may approve a development permit application with or without conditions or may refuse an application for development permit.
- 18.34.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.34.1.

B2. DRAFT BYLAW XX/2026 – PROPOSED REDESIGNATION

BYLAW XX/2026

BEING A BYLAW OF FOOTHILLS COUNTY TO AUTHORIZE AN AMENDMENT TO THE LAND USE BYLAW
NO. 60/2014 AS AMENDED.

WHEREAS pursuant to the provisions of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, and amendments thereto, the Council of Foothills County in the Province of Alberta, has adopted Land Use Bylaw No. 60/2014 and amendments thereto;

AND WHEREAS the Council has received an application to further amend the Land Use Bylaw by authorizing the redesignation of a 9.74 +/- acre portion of Ptn. SE 35-19-28 W4M from Agricultural District to Direct Control District #34, in order to allow for the existing 16.5 MW natural gas power generation plant.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Land Use Map No. 1928 is amended by redesignating a 9.74 +/- acre portion of SE 35-19-28 W4M from Agricultural District to Direct Control District #34;
2. This Bylaw contains a Council approved dimension site plan illustrating the 9.74 +/- acre portion of SE 35-19-28 W4M that is redesignated to Direct Control District #34, attached as Schedule 'A';
3. This Bylaw shall have effect on the date of its third reading and upon being signed.

FIRST READING:

Reeve

CAO

SECOND READING:

Reeve

CAO

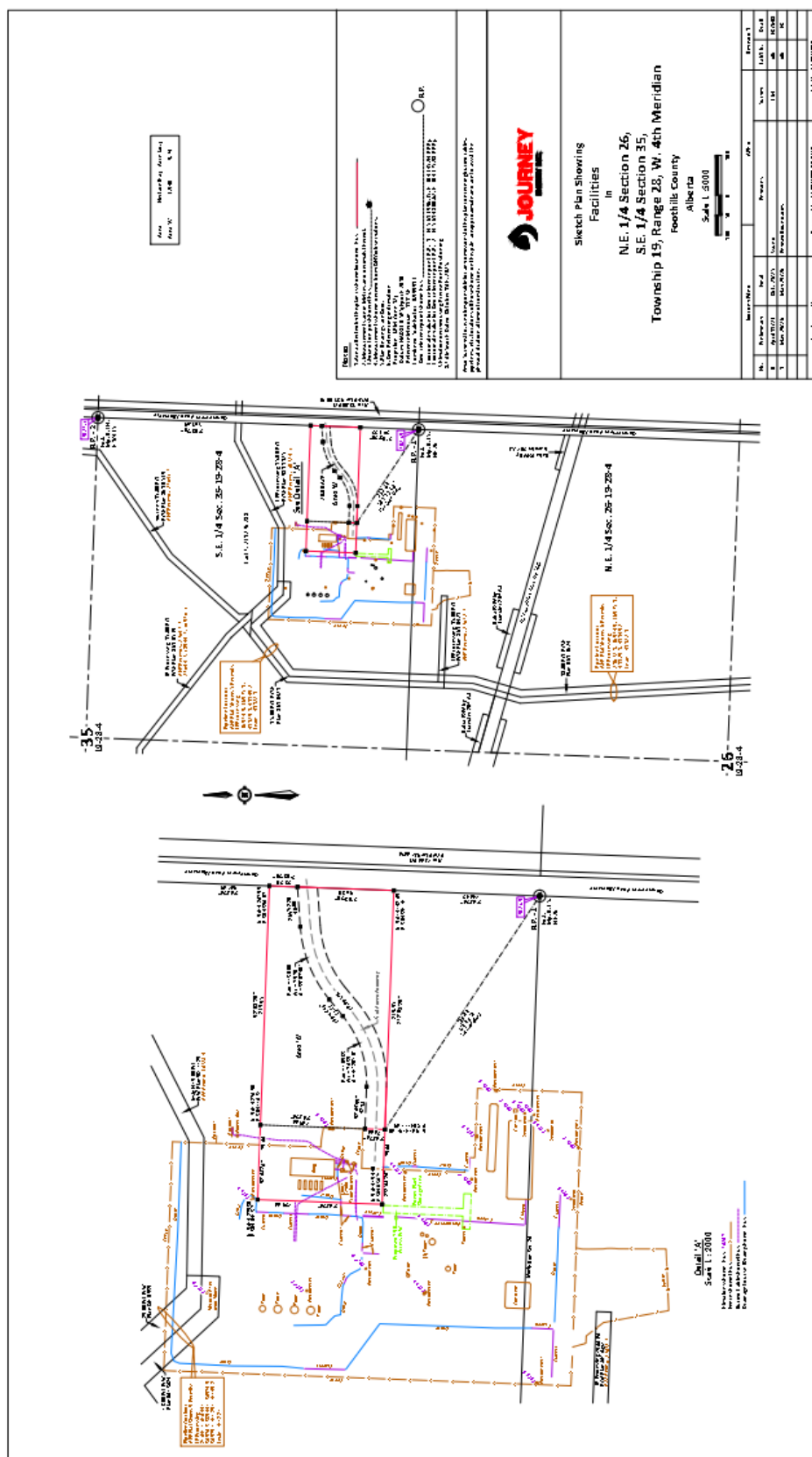
THIRD READING:

Reeve

CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this day of ,
20 .

Page 63 of 110





APPROVAL

PROVINCE OF ALBERTA

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

R.S.A. 2000, c.E-12, as amended.

APPROVAL NO.: 500160-00-00

APPLICATION NO.: 001-500160

EFFECTIVE DATE: August 1, 2025

EXPIRY DATE: July 31, 2035

APPROVAL HOLDER: Journey Energy Inc.

ACTIVITY: **Construction, operation and reclamation of the.**

Journey Power Plant

is subject to the attached terms and conditions.

Designated Director under the Act: Brajesh Gautam, M.Sc., P.Eng.

Date Signed: August 1, 2025

TERMS AND CONDITIONS ATTACHED TO APPROVAL

PART 1: DEFINITIONS

SECTION 1.1: DEFINITIONS

- 1.1.1 All definitions from the Act and the regulations apply except where expressly defined in this approval.
- 1.1.2 In all PARTS of this approval:
- (a) “Act” means the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c.E-12, as amended;
 - (b) “air effluent stream” means any substance in a gaseous medium released by or from a plant;
 - (c) “application” means the written submissions from the approval holder to the Director in respect of application number 001-500160 and any subsequent applications where amendments are issued for this approval;
 - (d) “container” means any portable device in which a substance is kept, including but not limited to drums, barrels and pails which have a capacity greater than 18 litres;
 - (e) “day”, when referring to sampling, means any sampling period of 24 consecutive hours;
 - (f) “decommissioning” means the dismantling and decontamination of a plant undertaken subsequent to the termination or abandonment of any activity or any part of any activity regulated under the Act;
 - (g) “decontamination” means the treatment or removal of substances from the plant and affected lands;
 - (h) “Director” means an employee of the Government of Alberta designated as a Director under the Act;
 - (i) “dismantling” means the removal of buildings, structures, process and pollution abatement equipment, vessels, storage facilities, material handling facilities, railways, roadways, pipelines and any other installations that are being or have been used or held for or in connection with the plant;
 - (j) “domestic wastewater” means wastewater that is the composite of liquid and water-carried wastes associated with the use of water for drinking, cooking, cleaning, washing, hygiene, sanitation or other domestic purposes, together with any infiltration and inflow wastewater, that is released into a wastewater collection system;

TERMS AND CONDITIONS ATTACHED TO APPROVAL

- (k) “fugitive emissions” means emissions of substances to the atmosphere other than ozone depleting substances, originating from a plant source other than a flue, vent, or stack but does not include sources which may occur due to breaks or ruptures in process equipment;
- (l) “ISO/IEC 17025” means the international standard, developed and published by International Organization for Standardization (ISO), specifying management and technical requirements for laboratories;
- (m) “incompatible waste” means waste materials which could cause dangerous reactions from direct contact with one another;
- (n) “industrial runoff” means precipitation that falls on or traverses the plant developed area;
- (o) “industrial wastewater” means the composite of liquid wastes and water-carried wastes, any portion of which results from any industrial process carried on at the plant;
- (p) “kg” means kilogram;
- (q) “kg/hr” means kilogram per hour;
- (r) “local environmental authority” means the Department of Environment and Protected Areas, in the Province of Alberta, or the agency that has the equivalent responsibilities for any jurisdiction outside the Province;
- (s) “manual stack survey” means a survey conducted in accordance with the *Alberta Stack Sampling Code*, Alberta Environmental Protection, 1995, as amended;
- (t) “month” means calendar month;
- (u) “MWh” means megawatt-hour;
- (v) “NO₂” means nitrogen dioxide;
- (w) “plant” means all buildings, structures, process and pollution abatement equipment, vessels, storage facilities, material handling facilities, roadways, railways, pipelines and other installations, and includes the land, located on a portion of Legal Subdivision 01, Section 35, Township 019, Range 10, West of the Fourth Meridian, within the plant project boundary as shown in the Attachment 1 of this approval, that is being or has been used or held for or in connection with the Journey Power Plant;

TERMS AND CONDITIONS ATTACHED TO APPROVAL

- (x) “plant developed area” means the areas of the plant used for the storage, treatment, processing, transport, or handling of raw material, intermediate product, by-product, finished product, process chemicals, or waste material;
- (y) “regulations” means the regulations enacted pursuant to the Act, as amended;
- (z) “soil” means mineral or organic earthen materials that can, have, or are being altered by weathering, biological processes, or human activity;
- (aa) “tank” means a stationary device, designed to contain an accumulation of a substance, which is constructed primarily of non-earthen materials that provide structural support including wood, concrete, steel, and plastic;
- (bb) “topsoil” means the uppermost layer of soil and consists of:
 - (i) the A-horizons and all organic horizons as defined in *The Canadian System of Soil Classification* (Third Edition), Agriculture and Agri-Food Canada, Publication 1646, 1998, as amended, and
 - (ii) the soil ordinarily moved during tillage;
- (cc) “upper subsoil” means the layer of soil directly below the topsoil layer that consists of the B-horizons as defined in *The Canadian System of Soil Classification*, (Third Edition), Agriculture and Agri-Food Canada, Publication 1646, 1998, as amended;
- (dd) “waste storage area” means the area designated for storage of waste as described in the application;
- (ee) “week” means any consecutive seven 7-day period; and
- (ff) “year” means calendar year, unless otherwise specified.

PART 2: GENERALS

SECTION 2.1: REPORTING

- 2.1.1 The approval holder shall immediately report to the Director by telephone any contravention of the terms and conditions of this approval at 1-780-422-4505.
- 2.1.2 The approval holder shall submit a written report to the Director within seven (7) days of the reporting pursuant to 2.1.1.

TERMS AND CONDITIONS ATTACHED TO APPROVAL

- 2.1.3 The approval holder shall immediately notify the Director in writing if any of the following events occurs:
- (a) the approval holder is served with a petition into bankruptcy;
 - (b) the approval holder files an assignment in bankruptcy or Notice of Intent to make a proposal;
 - (c) a receiver or receiver-manager is appointed;
 - (d) an application for protection from creditors is filed for the benefit of the approval holder under any creditor protection legislation; or
 - (e) any of the assets which are the subject matter of this approval are seized for any reason.
- 2.1.4 If the approval holder monitors for any substances or parameters which are the subject of operational limits as set out in this approval more frequently than is required and uses procedures authorized in this approval, then the approval holder shall provide the results of such monitoring as an addendum to the reports required by this approval.
- 2.1.5 The approval holder shall submit all monthly reports required by this approval to be compiled or submitted to the Director on or before the end of the month following the month in which the information was collected, unless otherwise specified in this approval.
- 2.1.6 The approval holder shall submit all annual reports required by this approval to be compiled or submitted to the Director on or before March 31 of the year following the year in which the information was collected, unless otherwise specified in this approval.

SECTION 2.2: RECORD KEEPING

- 2.2.1 The approval holder shall:

- (a) record; and
- (b) retain

all the following information in respect of any sampling conducted or analyses performed in accordance with this approval for a minimum of ten (10) years, unless otherwise authorized in writing by the Director:

- (i) the place, date and time of sampling,
- (ii) the dates the analyses were performed,

TERMS AND CONDITIONS ATTACHED TO APPROVAL

- (iii) the analytical techniques, methods or procedures used in the analyses,
- (iv) the names of the persons who collected and analysed each sample, and
- (v) the results of the analyses.

SECTION 2.3: ANALYTICAL REQUIREMENTS

2.3.1 With respect to any sample required to be taken pursuant to this approval, the approval holder shall ensure that:

- (a) collection;
- (b) preservation;
- (c) storage;
- (d) handling; and
- (e) analysis

shall be conducted in accordance with the following unless otherwise authorized in writing by the Director:

- (i) for air:
 - (A) the *Alberta Stack Sampling Code*, Alberta Environmental Protection, 1995, as amended,
 - (B) the *Methods Manual for Chemical Analysis of Atmospheric Pollutants*, Alberta Environment, 1993, as amended, and
 - (C) the *Air Monitoring Directive*, Alberta Environment and Parks, 2016, as amended; and
- (ii) for waste:
 - (A) the *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, USEPA, SW-846, September 1986, as amended,
 - (B) the *Methods Manual for Chemical Analysis of Water and Wastes*, Alberta Environmental Centre, Vegreville, Alberta, 1996, AECV96-M1 as amended,

TERMS AND CONDITIONS ATTACHED TO APPROVAL

- (C) the *Toxicity Characteristic Leaching Procedure (TCLP)* USEPA Regulation 40 CFR261, Appendix II, Method No. 1311, as amended, or
- (D) the *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, American Water Works Association, and the Water Environment Federation, 2023, as amended.

- 2.3.2 The approval holder shall analyse all samples that are required to be obtained by this approval in a laboratory accredited pursuant to ISO/IEC 17025, as amended, for the specific parameter(s) to be analysed, unless otherwise authorized in writing by the Director.
- 2.3.3 The term sample used in 2.3.2 does not include samples directed to continuous monitoring equipment, unless specifically required in writing by the Director.
- 2.3.4 The approval holder shall comply with the terms and conditions of any written authorization issued by the Director under 2.3.2.

SECTION 2.4: OTHER

- 2.4.1 The terms and conditions of this approval are severable. If any term or condition of this approval or the application of any term or condition is held invalid, the application of such term or condition to other circumstances and the remainder of this approval shall not be affected thereby.
- 2.4.2 All tanks shall conform to the *Guidelines for Secondary Containment for Above Ground Storage Tanks*, Alberta Environmental Protection, 1997, as amended, unless otherwise authorized in writing by the Director.

PART 3: CONSTRUCTION

SECTION 3.1: GENERAL

- 3.1.1 The approval holder shall notify the Director in writing at least 14 days before commencing operations of the plant unless otherwise authorized in writing by the Director.

SECTION 3.2: AIR

MONITORING EQUIPMENT

- 3.2.1 The five (5) 3.329 MW Jenbacher JGS 620 GS-N.L natural gas fired engine exhaust stacks shall be equipped with sampling facilities.

TERMS AND CONDITIONS ATTACHED TO APPROVAL

3.2.2 The sampling facilities required by 3.2.1 shall, at a minimum, be:

- (a) installed;
- (b) operated; and
- (c) maintained

to comply with:

- (i) the *Alberta Stack Sampling Code*, Alberta Environmental Protection, 1995, as amended, and
- (ii) the *Air Monitoring Directive*, Alberta Environment and Parks, 2016, as amended.

PART 4: OPERATIONS, LIMITS, MONITORING AND REPORTING

SECTION 4.1: AIR

OPERATIONS

4.1.1 The approval holder shall not release any air effluent streams to the atmosphere except as authorized by this approval.

4.1.2 The approval holder shall only release air effluent streams to the atmosphere from the following sources:

- (a) the five (5) 3.329 MW Jenbacher natural gas engine exhaust stacks;
- (b) the space heater exhaust vents of the Generator Building;
- (c) the space ventilation exhaust vents of the Generator Building; and
- (d) any other source authorized in writing by the Director.

4.1.3 The approval holder shall maintain the following stacks according to the minimum height requirement specified in TABLE 4.1-A.

TABLE 4.1-A STACK HEIGHTS

STACK	MINIMUM HEIGHT ABOVE GRADE (metres)
Each of the five (5) Jenbacher JGS 620 GS-N.L engine exhaust stacks	12.0

TERMS AND CONDITIONS ATTACHED TO APPROVAL

- 4.1.4 The approval holder shall control fugitive emissions and any source not specified in 4.1.2 in accordance with 4.1.5 of this approval unless otherwise authorized in writing by the Director.
- 4.1.5 With respect to fugitive emissions and any source not specified in 4.1.2, the approval holder shall not release a substance or cause to be released a substance that causes or may cause any of the following:
- (a) impairment, degradation or alteration of the quality of natural resources;
 - (b) material discomfort, harm or adverse effect to the well-being or health of a person; or
 - (c) harm to property or to vegetative or animal life.
- 4.1.6 The approval holder shall not burn any debris by means of an open fire unless authorized in writing by the Director.

AIR LIMITS

- 4.1.7 Releases of the following substances to the atmosphere shall not exceed the limit specified in TABLE 4.1-B.

TABLE 4.1-B LIMITS

EMISSION SOURCE	SUBSTANCE	LIMIT
Each of the five (5) 3.329 MW Jenbacher engine exhaust stacks	Nitrogen Oxides (expressed as NO ₂)	2.49 kg/hr

MONITORING AND REPORTING

- 4.1.8 The approval holder shall monitor the air emission sources as specified in TABLE 4.1-C.
- 4.1.9 The approval holder shall report to the Director the results of the air emission source monitoring as required in TABLE 4.1-C.

TERMS AND CONDITIONS ATTACHED TO APPROVAL

TABLE 4.1-C SOURCE MONITORING AND REPORTING

Emission Source	Parameter	Frequency	Method of Monitoring	Sample Location	Reporting Frequency
Each of the five (5) Jenbacher engine exhaust stacks	Nitrogen Oxides (expressed as NO ₂)	Once in the first year of operation, then at least once every three (3) years, with one (1) or two (2) different stacks sampled each year	Manual Stack Survey	As per the Alberta Stack Sampling Code, Alberta Environmental Protection, 1995	- Month after the stack survey is complete; and - Annually for the Annual Air Emission Summary and Evaluation Report

4.1.10 In addition to other requirements in this approval the approval holder shall:

(a) monitor; and

(b) report

the information required by:

(i) 4.1.8, and

(ii) 4.1.9.

4.1.11 The information required in 4.1.10, shall at a minimum, comply with:

(a) the *Alberta Stack Sampling Code*, Alberta Environmental Protection, 1995 as amended; and

(b) the *Air Monitoring Directive*, Alberta Environment and Parks, 2016, as amended, as amended.

4.1.12 The approval holder shall notify the Director in writing a minimum of two (2) weeks prior to any manual stack survey that is required to be conducted by this approval.

ANNUAL REPORTING

4.1.13 The approval holder shall submit an Annual Emission Summary and Evaluation Report required in TABLE 4.1-C to the Director.

4.1.14 The annual Air Emission Summary and Report shall include, at a minimum, all of the following information:

(a) a current contact for the plant;

TERMS AND CONDITIONS ATTACHED TO APPROVAL

- (b) a month-by-month summary of the cumulative operational hours of each installed natural gas engine;
- (c) the total net monthly electricity production of each natural gas engine in MWh;
- (d) the calculated yearly emission rate of Nitrogen Oxides (expressed as NO₂) for the each of the natural gas engine units;
- (e) a summary of the manual stack survey results for the year reported on;
- (f) a comparison of the results of the source monitoring in TABLE 4.1-C relative to the limits specified in TABLE 4.1-B;
- (g) an evaluation of the performance of the pollution abatement equipment and plant operating conditions for the year reported on;
- (h) a summary of the pollution abatement equipment modifications and maintenance activities;
- (i) a summary of all contraventions reported pursuant to 2.1.1; and
- (j) any other information as required in writing by the Director.

SECTION 4.2: INDUSTRIAL WASTEWATER

OPERATIONS

- 4.2.1 The approval holder shall not release any substances from the plant to the surrounding watershed except as authorized by this approval.
- 4.2.2 The approval holder shall manage:
 - (a) industrial wastewater; and
 - (b) industrial runoffas described in the application, unless otherwise authorized in writing by the Director.

SECTION 4.3: WASTE MANAGEMENT

OPERATIONS

- 4.3.1 The approval holder shall dispose of waste generated at the plant only:
 - (a) to facilities holding a current Act authorization;

TERMS AND CONDITIONS ATTACHED TO APPROVAL

(b) to facilities approved by a local environmental authority outside of Alberta; or

(c) as otherwise approved in writing by the Director.

4.3.2 The approval holder shall not:

(a) release; or

(b) dispose of

any waste to the surrounding environment, except in accordance with 4.3.1.

4.3.3 The approval holder shall not:

(a) receive; or

(b) store

any third party waste at the plant.

4.3.4 The approval holder shall:

(a) treat; and

(b) store

waste generated at the plant in accordance with this approval.

4.3.5 The approval holder shall store hazardous waste or hazardous recyclables stored in containers or tanks in accordance with the *Hazardous Waste Storage Guidelines*, June 1988, Alberta Environment, as amended.

4.3.6 The approval holder shall not:

(a) transfer;

(b) treat; or

(c) store

waste or recyclables in an amount or in a manner that will cause or may cause an adverse effect on human health or the environment.

TERMS AND CONDITIONS ATTACHED TO APPROVAL

4.3.7 The approval holder shall not:

- (a) treat; or
- (b) store

waste or recyclables at the plant in an amount or in a manner that causes or may cause:

- (i) fire,
- (ii) explosion,
- (iii) violent reaction,
- (iv) emission of toxic dust, mist, fumes or gases, or
- (v) emission of flammable fumes or gases.

4.3.8 The approval holder shall store waste generated at the plant only in the waste storage area.

4.3.9 The approval holder shall:

- (a) provide and maintain an adequate aisle space between containers in the waste storage area to allow:
 - (i) inspection, and
 - (ii) unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of the waste storage area; and
- (b) arrange inspection aisles in the waste storage area such that the identification label on each container is readable.

4.3.10 The approval holder shall prevent direct contact of incompatible waste with one another.

MONITORING AND REPORTING

4.3.11 Prior to the consignment or storage of any waste generated at the plant, the approval holder shall:

- (a) identify;
- (b) characterize; and

TERMS AND CONDITIONS ATTACHED TO APPROVAL

(c) classify

the waste but not including industrial runoff and air effluent streams, in accordance with the:

- (i) *Industrial Waste Identification and Management Options*, Alberta Environment, May 1996, as amended, and
- (ii) *Alberta User Guide for Waste Managers*, Alberta Environment, August 1996, as amended.

4.3.12 The approval holder shall measure or, when not practical to measure, estimate the quantity of waste generated plant each year.

4.3.13 The approval holder shall compile all the information required by 4.3.11 and 4.3.12 in an Annual Waste Management Summary Report:

(a) as indicated in TABLE 4.3-A; and

(b) in accordance with the:

- (i) *Industrial Waste Identification and Management Options*, Alberta Environment, May 1996, as amended, and
- (ii) *Alberta User Guide for Waste Managers*, Alberta Environment, August 1996, as amended.

TABLE 4.3-A ANNUAL WASTE MANAGEMENT SUMMARY

Waste Name	Uniform Waste Code				Quantity (kg or L)		Stored	Recycled		Disposed	
	WC	PIN	Class	Mgmt	Hazardous	Non-hazardous	On-site	On-site	Off-site	On-site	Off-site
TOTAL											

4.3.14 The approval holder shall submit the Annual Waste Management Summary Report to the Director.

SECTION 4.4: DOMESTIC WASTEWATER

Not used at this time.

TERMS AND CONDITIONS ATTACHED TO APPROVAL

SECTION 4.5: GROUNDWATER

Not used at this time.

SECTION 4.6: SOIL

Not used at this time.

PART 5: FINANCIAL SECURITY REQUIREMENTS

Not used at this time.

PART 6: DECOMMISSIONING AND LAND RECLAMATION

SECTION 6.1: GENERAL

6.1.1 The approval holder shall apply for an amendment to this approval to reclaim the plant by submitting a:

- (a) Decommissioning Plan; and
- (b) Land Reclamation Plan

to the Director.

6.1.2 The approval holder shall submit the:

- (a) Decommissioning Plan; and
- (b) Land Reclamation Plan

referred to in 6.1.1 within six (6) months of the plant ceasing operation, except for repairs and maintenance, unless otherwise authorized in writing by the Director.

SECTION 6.2: DECOMMISSIONING

6.2.1 The Decommissioning Plan referred to in 6.1.1 shall include, at a minimum, all of the following:

- (a) a plan for dismantling the plant;
- (b) a comprehensive study to determine the nature, degree and extent of contamination at the plant and affected lands;
- (c) a plan to manage all wastes at the plant;

TERMS AND CONDITIONS ATTACHED TO APPROVAL

- (d) evaluation of remediation technologies proposed to be used at the plant and affected lands;
 - (e) a plan for decontamination of the plant and affected lands in accordance with the following:
 - (i) for soil or groundwater, the *Alberta Tier 1 Soil and Groundwater Remediation Guidelines*, Alberta Environment/Alberta Environment and Protected Area, June 27, 2024, as amended,
 - (ii) for soil or groundwater, the *Alberta Tier 2 Soil and Groundwater Remediation Guidelines*, Alberta Environment/Alberta Environment and Protected Area, June 27, 2024, as amended,
 - (iii) for drinking water, the *Canadian Environmental Quality Guidelines*, Canadian Council of Ministers of the Environment, PN 1299, 1999, as amended, and
 - (iv) for surface water, the *Surface Water Quality Guidelines for Alberta Surface Waters*, Alberta Environment and Parks, March 2018, as amended;
 - (f) confirmatory testing to indicate compliance with the remediation objectives;
 - (g) a plan for maintaining and operating contaminant monitoring systems;
 - (h) a schedule for activities (a) through (g) above; and
 - (i) any other information as required in writing by the Director.
- 6.2.2 If the Decommissioning Plan is found deficient by the Director, the approval holder shall correct all deficiencies identified in writing by the Director by the date specified in writing by the Director.

SECTION 6.3: LAND RECLAMATION

- 6.3.1 The Land Reclamation Plan referred to in 6.1.1 shall include, at a minimum, all of the following:
- (a) the final use of the reclaimed area and how equivalent land capability will be achieved;
 - (b) removal of infrastructure;
 - (c) restoration of drainage;
 - (d) soil replacement;

TERMS AND CONDITIONS ATTACHED TO APPROVAL

- (e) erosion control;
 - (f) revegetation and conditioning of the plant including:
 - (i) species list, seed source and quality, seeding rates and methods,
 - (ii) fertilization rates and methods, and
 - (iii) wildlife habitat plans where applicable;
 - (g) reclamation schedule; and
 - (h) any other information as required in writing by the Director.
- 6.3.2 If the Land Reclamation Plan is found deficient by the Director, the approval holder shall correct all deficiencies identified in writing by the Director by the date specified in writing by the Director.

August 1, 2025

DATE

DESIGNATED DIRECTOR UNDER THE ACT
BRAJESH GAUTAM, M.SC., P.ENG.

ATTACHMENT 1





July 28, 2025

Decision 30080-D01-2025

Journey Energy Inc.
700, Centre 10
517 10 Avenue S.W.
Calgary, Alta. T2R 0A8

Attention: Richard Tracy
Vice President, Operations

**Increase in Emission Rates for Mazeppa Power Plant
Proceeding 30080
Application 30080-A001**

Application approval

1. Journey Energy Inc. filed an application with the Alberta Utilities Commission to increase emission rates at the Mazeppa Power Plant, located near Mazeppa in Foothills County. The proposed work relates to facilities previously constructed and operating in accordance with Approval 28556-D02-2024.¹ Approval is required for this work under Section 2(1) of the *Hydro and Electric Energy Regulation*.
2. Journey requested to increase the nitrogen oxide (NO_x) emission rate at the power plant. Journey explained that on January 20, 2025, the Government of Alberta issued an update to the *Staff Directive Guidance for Managing Nitrogen Oxide (NO_x) Emissions from Reciprocating Engines Used for Electricity Generation*. The Mazeppa Power Plant is confirmed to not be located within a specified area where additional NO_x mitigation controls are required, therefore the power plant is now subject to higher emission intensity limits which results in a higher NO_x emission rate.
3. Journey noted that there are no changes in equipment, project boundary or any other modifications.
4. Journey submitted an updated air quality assessment for the power plant, which concluded that the predicted maximum ground level concentrations of NO_x (expressed as nitrogen dioxide or NO₂) will comply with the applicable *Alberta Ambient Air Quality Objectives*.²
5. The Commission notes that the power plant historically operated under *Environmental Protection and Enhancement Act* Approval No. 10318, which expired on February 1, 2018. Journey explained that a new *Environmental Protection and Enhancement Act* application for the power plant was submitted on December 8, 2023, and that Alberta Environment and Protected

¹ Power Plant Approval 28556-D02-2024, Proceeding 28556, Application 28556-A001, April 24, 2024.

² Exhibit 30080-X0007, Air Quality Assessment.

Areas (AEPA) and the Alberta Energy Regulator are currently in discussions about the approval.³ On April 29, 2025, Journey submitted an addendum letter to AEPA following in-person discussions and AEPA's verbal acceptance of the changes to the power plant emission rates.⁴

6. The Commission understands that the current *Environmental Protection and Enhancement Act* application is underway and imposes the following condition of approval for the power plant:

- a. Journey shall file the *Environmental Protection and Enhancement Act* approval for the power plant within one month after it is received.

7. Journey has provided information respecting the need, nature, extent, land affected, land ownership and the timing of the work. Journey has also stated that no adverse environmental impact will be caused by the proposed work.

8. Based upon the information provided, the Commission is satisfied that the proposal is of a minor nature, no person is directly and adversely affected by the proposal and no significant adverse environmental impact will be caused by the proposed alterations.

9. Approval 28556-D02-2024 included the following condition:

- a. Journey shall provide an update when the results of the in-line inspection become available and confirm whether the pipeline [footnote removed] is in good operable condition, would require repairs, or would require replacement. Journey shall file this update on or before July 31, 2024.

10. Journey submitted the results of its in-line inspection and confirmed that the pipeline is in good operable condition. The Commission reviewed the submission and deemed the response compliant, and accordingly, this condition will be removed from the power plant approval.

11. The Commission approves the application. Approval 30080-D02-2025 is attached.

³ Exhibit 30080-X0008, Information Request Response Round 1, PDF page 3.

⁴ Exhibit 30080-X0008, Information Request Response Round 1, PDF page 3.

12. The Commission may, no later than 60 days from the date of this decision and without notice, correct typographical, spelling and calculation errors and other similar types of errors and post the corrected decision on its website.

Alberta Utilities Commission

(original signed by)

Rita Chan
Director – Power Plants, Facilities Division
On behalf of the Alberta Utilities Commission

Attachment



Power Plant Approval 30080-D02-2025

Appendix 1 to Decision 30080-D01-2025	July 28, 2025
Journey Energy Inc. Alter Mazeppa Power Plant	Proceeding 30080 Application 30080-A001

Journey Energy Inc., pursuant to Approval 28556-D02-2024,¹ is the operator of a power plant designated as the Mazeppa Power Plant, located within Foothills County.

Journey, by Application 30080-A001, registered on June 3, 2025, applied to the Alberta Utilities Commission for approval to alter and operate the power plant.

The Commission, pursuant to sections 11 and 19 of the *Hydro and Electric Energy Act*, approved the application in Decision 30080-D01-2025,² and granted an approval to Journey to alter and operate the power plant, subject to the provisions of the *Hydro and Electric Energy Act* and the *Alberta Utilities Commission Act*, any regulations made under the acts, any orders made under the acts, the Commission rules made pursuant to the *Alberta Utilities Commission Act*, and the following terms and conditions:

1. The power plant shall be located in Legal Subdivision 1, Section 35, Township 19, Range 28, west of the Fourth Meridian, as further described in Application 28556-A001.
2. The power plant shall consist of five Jenbacher JGS 620 GS-N.L units, each with a nominal capability of 3.3 megawatts (MW), with a total generating capability of 16.5 MW, and as further described in Application 28556-A001.
3. The approval is subject to the following condition, which has been described in Decision 30080-D01-2025:
 - a. Journey shall file the *Environmental Protection and Enhancement Act* approval for the power plant within one month after it is received.
4. Journey shall obtain Commission approval prior to making any material changes to the power plant or substantially varying the design and/or specifications of the power plant from what was stated in the application or from what the Commission has approved.
5. This approval is not transferable unless approved by the Commission.

¹ Power Plant Approval 28556-D02-2024, Proceeding 28556, Application 28556-A001, April 24, 2024.

² Decision 30080-D01-2025: Journey Energy Inc. – Increase in emission rates for Mazeppa Power Plant, Proceeding 30080, Application 30080-A001, July 28, 2025.

Approval 28556-D02-2024 is rescinded.

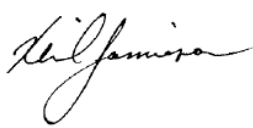
The Commission may cancel or suspend this approval, in whole or in part, in accordance with Section 41 of the *Hydro and Electric Energy Act* or may review this approval, in whole or in part, upon its own motion or upon an application by an interested party, in accordance with Section 10 of the *Alberta Utilities Commission Act*.

The Commission may, no later than 60 days from the date of this approval and without notice, correct typographical, spelling and calculation errors and other similar types of errors and post the corrected approval on its website.

Alberta Utilities Commission

(original signed by)

Rita Chan
Director – Power Plants, Facilities Division
On behalf of the Alberta Utilities Commission

Dated on the 15th day of April, 2014	 The Alberta Utilities Commission
Appendix 1 to Decision 2014-103 Compton Petroleum Corporation 16.5-MW Natural Gas-fired Power Plant	Application No. 1610179 Proceeding No. 2982

Compton Petroleum Corporation (Compton Petroleum) by Application No. 1610179, registered on December 17, 2013, applied to the Alberta Utilities Commission (AUC or the Commission) for approval to construct and operate a 16.5-megawatt (MW) natural gas-fired power plant at the Mazeppa gas plant, in the High River area.

Pursuant to Section 11 of the *Hydro and Electric Energy Act*, the Commission approved the application in Decision 2014-103,¹ and granted an approval to Compton Petroleum, to construct and operate the power plant, subject to the provisions of the *Hydro and Electric Energy Act* and the *Alberta Utilities Commission Act*, any regulations made under the acts, any orders made under the acts, the Commission rules made pursuant to the *Alberta Utilities Commission Act*, and the following terms and conditions:

1. The power plant shall be located in the southeast quarter of Section 35, Township 19, Range 28, west of the Fourth Meridian, as further described in the application.
2. The power plant shall consist of five natural gas engines with exhaust silencers and five 3.3-MW generators, with a total generating capability of 16.5 MW, and as further described in the application.
3. Compton Petroleum shall submit a progress report to the Commission in writing, once every three months, on construction progress pursuant to Section 3 of the *Hydro and Electric Energy Regulation*. The first progress report shall be filed with the Commission three months from the date of issuance of this approval.
4. Unless otherwise authorized by the Commission, construction of the power plant shall be completed by December 31, 2014.
5. Compton Petroleum shall notify the Commission within 30 days of completing the power plant.

¹ Decision 2014-103: Compton Petroleum Corporation – 16.5-MW Natural Gas Power Plant, Application No. 1610179, Proceeding No. 2982, April 15, 2014.

6. Compton Petroleum shall obtain Commission approval prior to making any substantive changes to the power plant or substantially varying the design or specifications of the power plant from what was stated in the application or what the Commission has approved.
7. This approval is not transferable unless approved by the Commission.

The Commission may cancel or suspend this approval, in whole or in part, in accordance with Section 41 of the *Hydro and Electric Energy Act*, or may review this approval, in whole or in part upon its own motion, or upon an application by an interested party, in accordance with Section 10 of the *Alberta Utilities Commission Act*.

END OF DOCUMENT

**MISCELLANEOUS PLANNING ITEM
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
DEVELOPMENT PERMIT APPLICATION
October 21, 2026**

APPLICATION INFORMATION		FILE NO. 26D219
	LEGAL DESC.: NW 21-20-2 W5;	
	LANDOWNERS: Douglas J & Linda G Reinbold	
	DATE APPLICATION DEEMED COMPLETE: July 30, 2026	
CURRENT LAND USE: DC29 – Limited Public or Commercial Riding Arena		
AREA OF SUBJECT LANDS: 134.85 Acres		
PROPOSAL: Development Permit application for a Direct Control District #29 (DC29) property to allow for a 1,728 sq. ft. Dwelling, Manufactured Home and to allow for existing horse shelters to remain.		
DIVISION NO: 3	COUNCILLOR: Laura Kendall	
FILE MANAGER: Elliott Salmon		

EXECUTIVE SUMMARY

Location

The subject parcel is located:

- South of 370 Avenue West;
- East of 160 Street West; and
- Approximately 800 m north of the Town of Diamond Valley.

Policy Evaluation Summary

The application was reviewed within the terms of the Land Use Bylaw 60/2014.

Referral Considerations Summary

This application was circulated to all necessary internal and external agencies. These comments have been included in the Referral Circulation section of this Staff Report.

PURPOSE OF APPLICATION

As Council is the Development Authority for Direct Control District lands, they may decide on a Development Permit application, or may delegate the Authority, with directions that it considers appropriate.

Council may require a Public Meeting prior to deciding on any application within the Direct Control District.

Proposal

Request for the Development Authority to approve Development Permit 26D219 to allow for the placement of a +/- 1,728 sq. ft. Dwelling, Manufactured Home on the subject parcel.

During a review of Development Permit 17D099, staff identified that the shelters were not included in the original approval. The landowner is therefore seeking to include the shelters as part of this application.

HISTORY

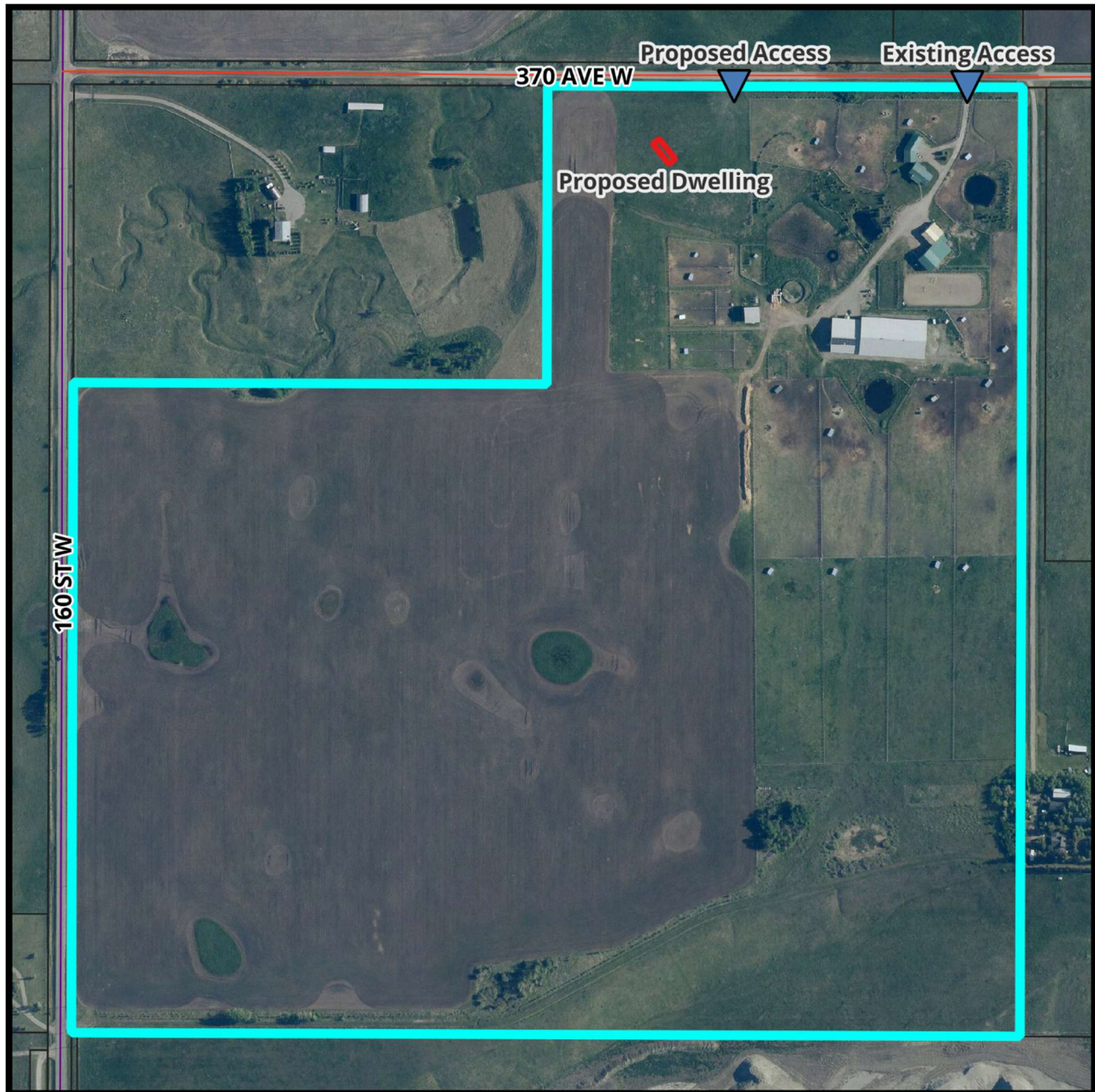
April 26, 2017 - Third and final reading was given to Bylaw 7/2017 to authorize the redesignation of the subject parcel from Agricultural District to Direct Control District #29 to allow for a 27,200 square foot Limited Public Riding Arena and attached barn, supporting one event per year and boarding of no more than 26 horses.

July 20, 2017 – Development Permit 17D099 was issued for a 27,200 sq. ft. Limited Public Arena on the subject parcel. This development permit can be found in Appendix D of this staff report.

SITE CONSIDERATIONS

Access

The subject parcel is currently accessed from 370 Avenue West. Proposed access to the proposed Dwelling, Manufactured Home is on 370 Avenue West approximately 200 m west of the existing access.



Existing Development

As shown on the site plans in Appendix A, existing development on the property includes a dwelling, garage, shop, hay barn, shed, riding arena, and 23 shelters. This development is serviced by two existing septic systems, and two existing water wells.

As shown on the site plan, Shelter 1 does not meet the 48 m setback requirement to the centerline of 370 Avenue West, and Shelter 18 does not meet the 15 m setback requirement to the east property line. The applicant has indicated that they are willing to move the structures to meet setback requirements.

The 23 shelters were constructed around the same time as the arena, but were not acknowledged in Development Permit 17D099 for the Limited Public Arena. The landowner is therefore seeking to include the shelters as part of this application.

REFERRAL CIRCULATION

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	• A new approach application has been made in advance of this development permit, but is not yet complete. • No comments or concerns.
PUBLIC	
<i>Public notification/referral does not occur with respect to Development Permits on Direct Control District lands unless review of the application involves a Public Meeting.</i>	

POLICY EVALUATION

Land Use Bylaw 60/2014

The purpose and intent of Direct Control District #29 within the Land Use Bylaw 60/2014 is to allow for the development of a Limited Public or Commercial Arena, as defined in Section 2.5 of this bylaw, to operate on lots, with or without a single family residence, and to allow for the Direct Control by Council over development on the parcel.

Section 18.29.5.4 (b) of the Direct Control District #29 states that the 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.

Direct Control District #29 is included as Appendix C of this staff report.

SUMMARY

Requesting approval of Development Permit 26D219 to allow for the placement of a +/- 1,728 sq. ft. Dwelling, Manufactured Home and to allow for the existing horse shelters to remain on the subject parcel.

OPTIONS FOR CONSIDERATION

OPTION #1: APPROVAL

As a permitted use, should Council be of the opinion that they have sufficient information to make a decision and that the proposed development is in compliance with the Land Use Bylaw 60/2014, then Council must approve the application.

Should Council choose to approve Development Permit 26D219, the following motion has been provided for consideration:

Moved that Development Permit 26D219 to allow the placement of a Dwelling, Manufactured Home and for the existing horse shelters to remain on a portion of NW 21-20-2 W5 be approved, subject to the following conditions:

Council is requested to provide direction on whether they wish to delegate authority to the Development Officer to review and accept conditions.

APPROVAL DESCRIPTION

This approval allows for the development and use of the subject parcel for a Dwelling, Manufactured Home and for the existing horse shelters to remain on the subject parcel in accordance with the submitted and accepted Development Permit application.

SUGGESTED CONDITIONS OF APPROVAL FOR COUNCIL'S CONSIDERATION

CONDITIONS OF APPROVAL

Please note that the following requirements must be completed within the twenty-four (24) month completion period for this Development Permit unless a time extension is issued under agreement between the Development Authority and the Applicant(s). Failure to complete the conditions of approval will see the Development Permit deemed null and void.

1. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. Any revisions and/or additions to the use of this land shall not proceed unless appropriate approvals and permits have been obtained;
2. The applicant shall obtain and complete any necessary building and safety codes permits and inspections to the discretion of the Safety Codes Officer;
3. The proposed approach providing access to the Dwelling, Manufactured Home shall be constructed to current Municipal standards, to the satisfaction of the Public Works Department.
4. The applicant shall move Shelters 1 and 18 to meet the setback requirements under the Land Use Bylaw 60/2014 and submit proof of such, to the satisfaction of the County.
5. The applicant shall provide written notification to the Development Authority upon completion of the development, as approved herein.

ADVISORY CONDITIONS

The following requirements are provided by Foothills County to inform the applicant(s) and landowner(s) of their necessity and do not form part of the approval description or conditions of approval. It is the sole responsibility and liability of the applicant(s)/landowner(s) to ensure adherence with these requirements.

1. All development shall be located as to adhere to Municipal setback requirements from the boundaries of the legally titled property. No variance for yard setbacks has been considered under this approval;
2. Development of the property shall at all times comply with the requirements of the Building, Plumbing, Electrical, Safety, and Fire Codes;
3. Emergency address signage shall be installed and maintained for the life of the development;
4. This approval is for use of the subject parcel and is supplementary to Development Permit 17D099;
5. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
6. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
7. The applicants shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit;

APPENDICES

APPENDIX A – MAP SET

LOCATION MAP

LAND USE MAP

SITE PLAN

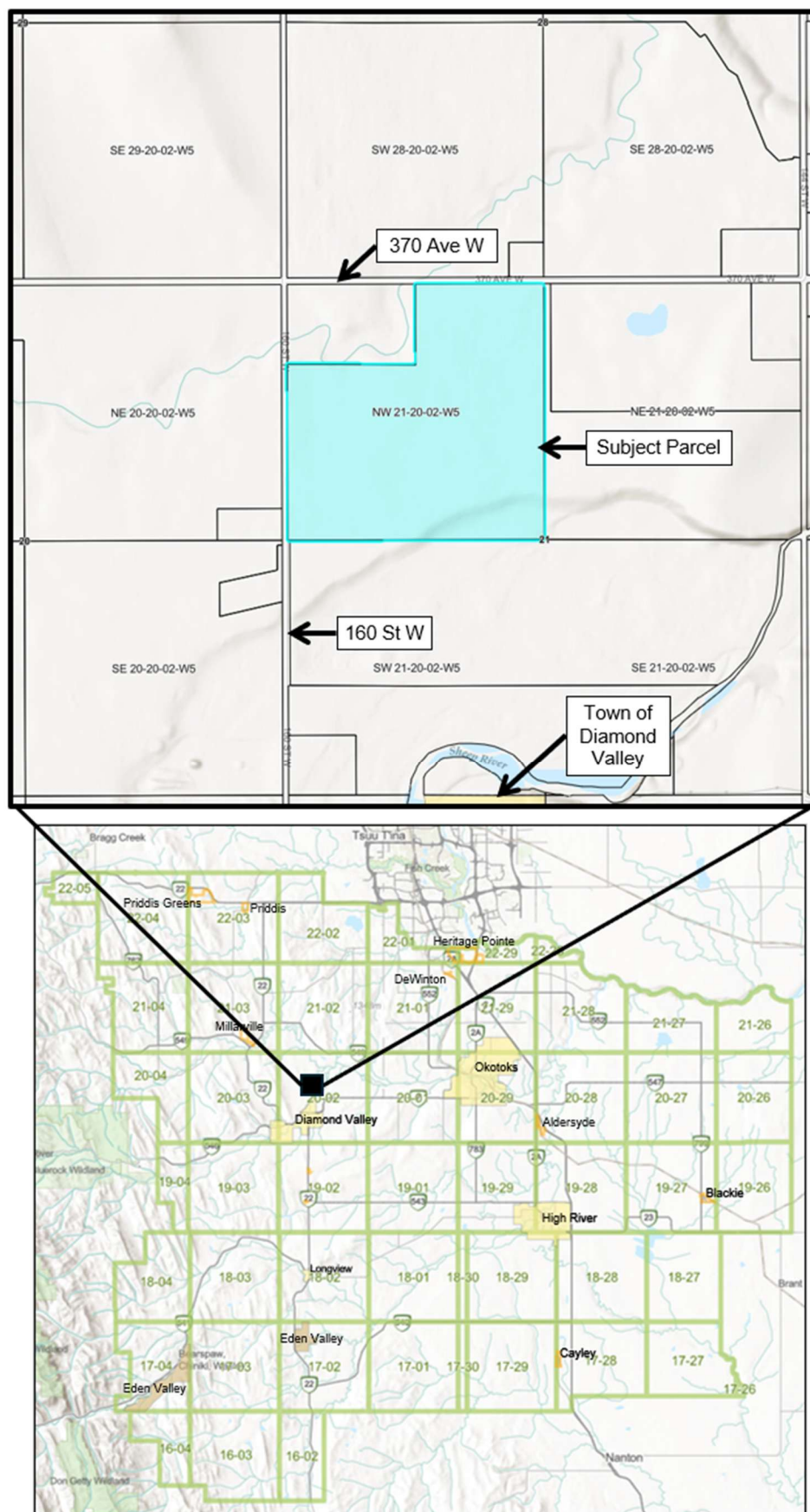
ORTHO PHOTO

APPENDIX B – FLOOR PLAN

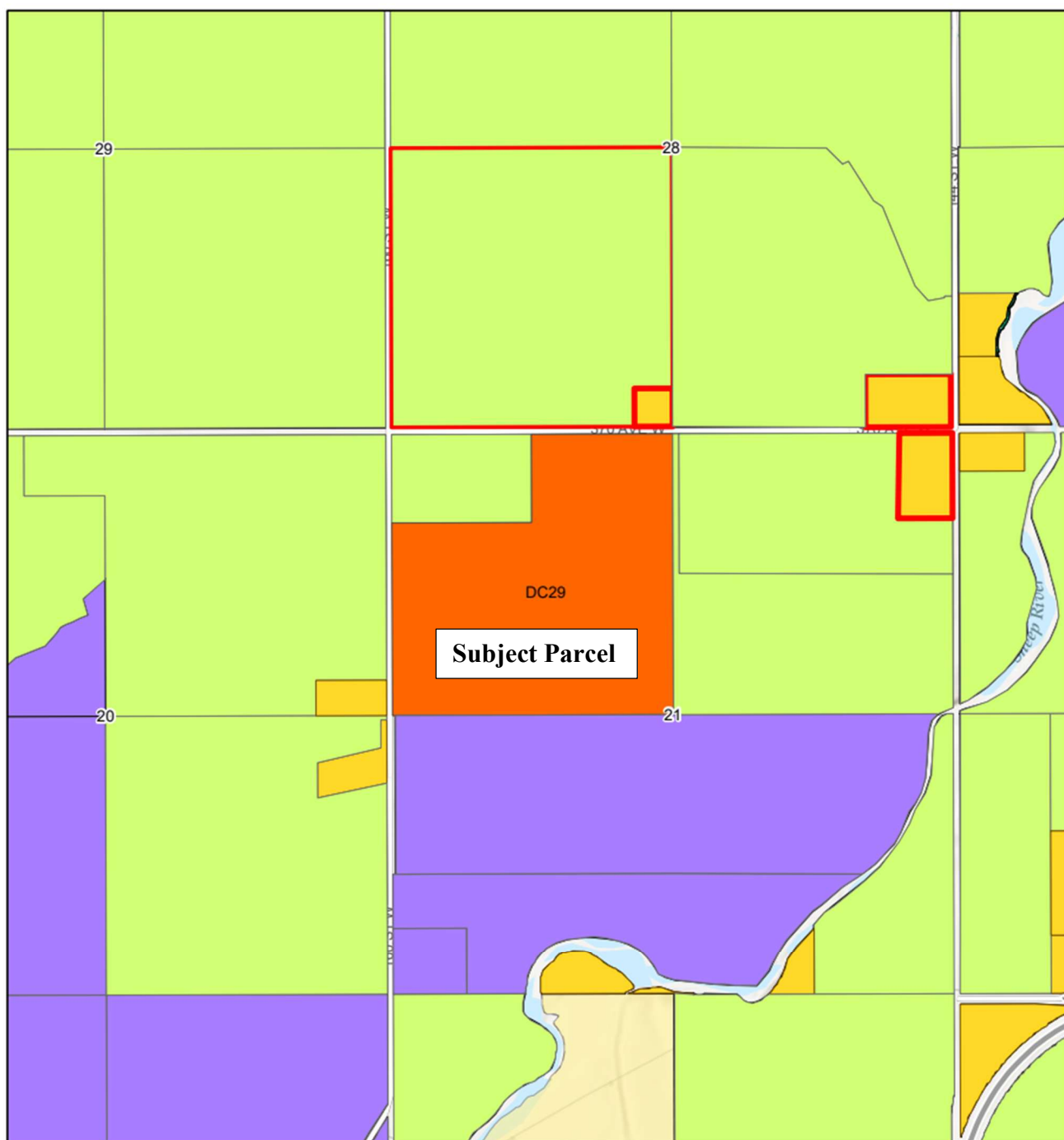
APPENDIX C – DIRECT CONTROL DISTRICT #29

APPENDIX D – DEVELOPMENT PERMIT 17D099

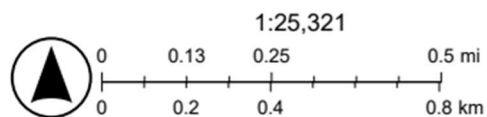
APPENDIX A – LOCATION MAP



APPENDIX A – LAND USE MAP

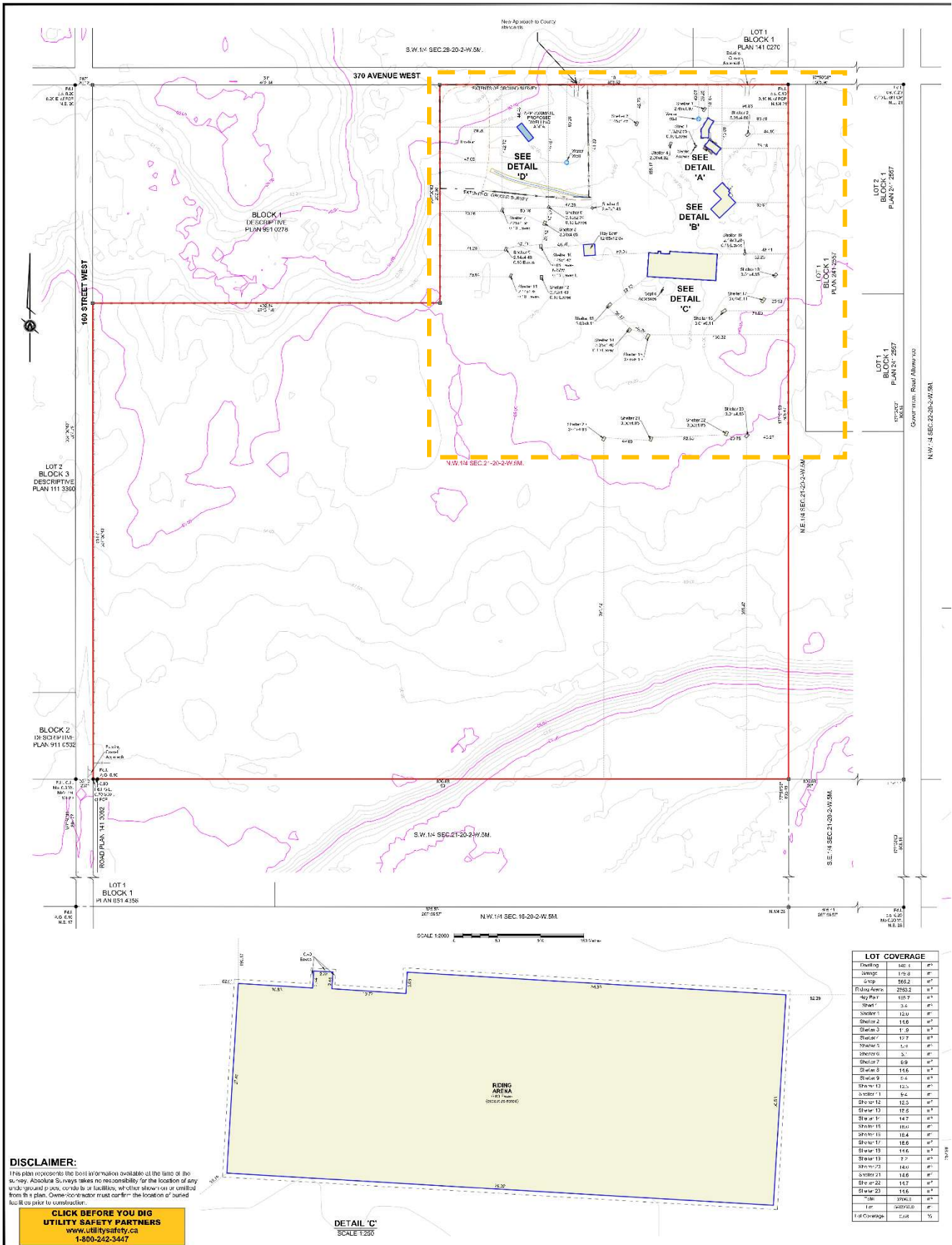


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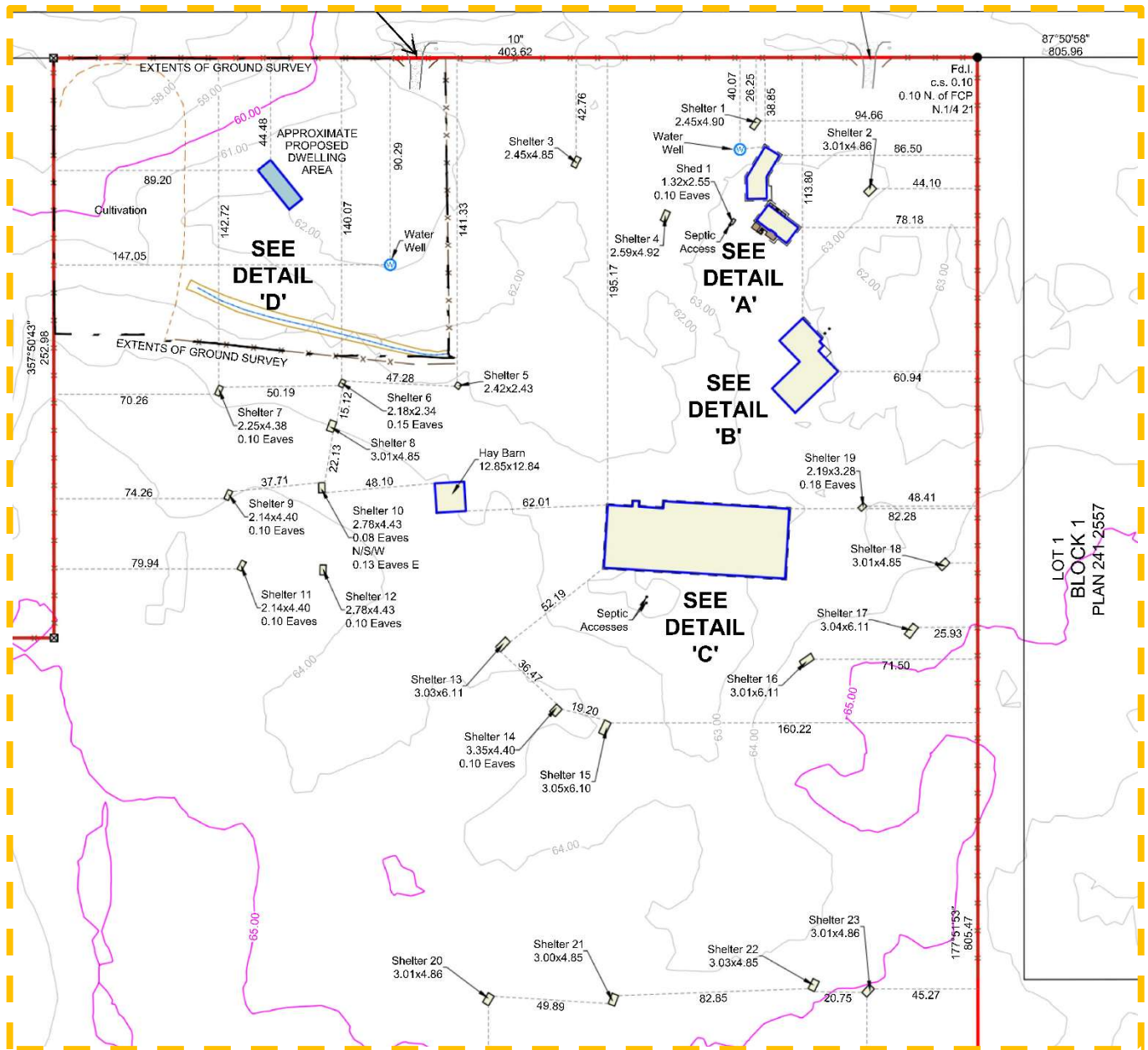


Esri, NASA, NGA, USGS, FEMA

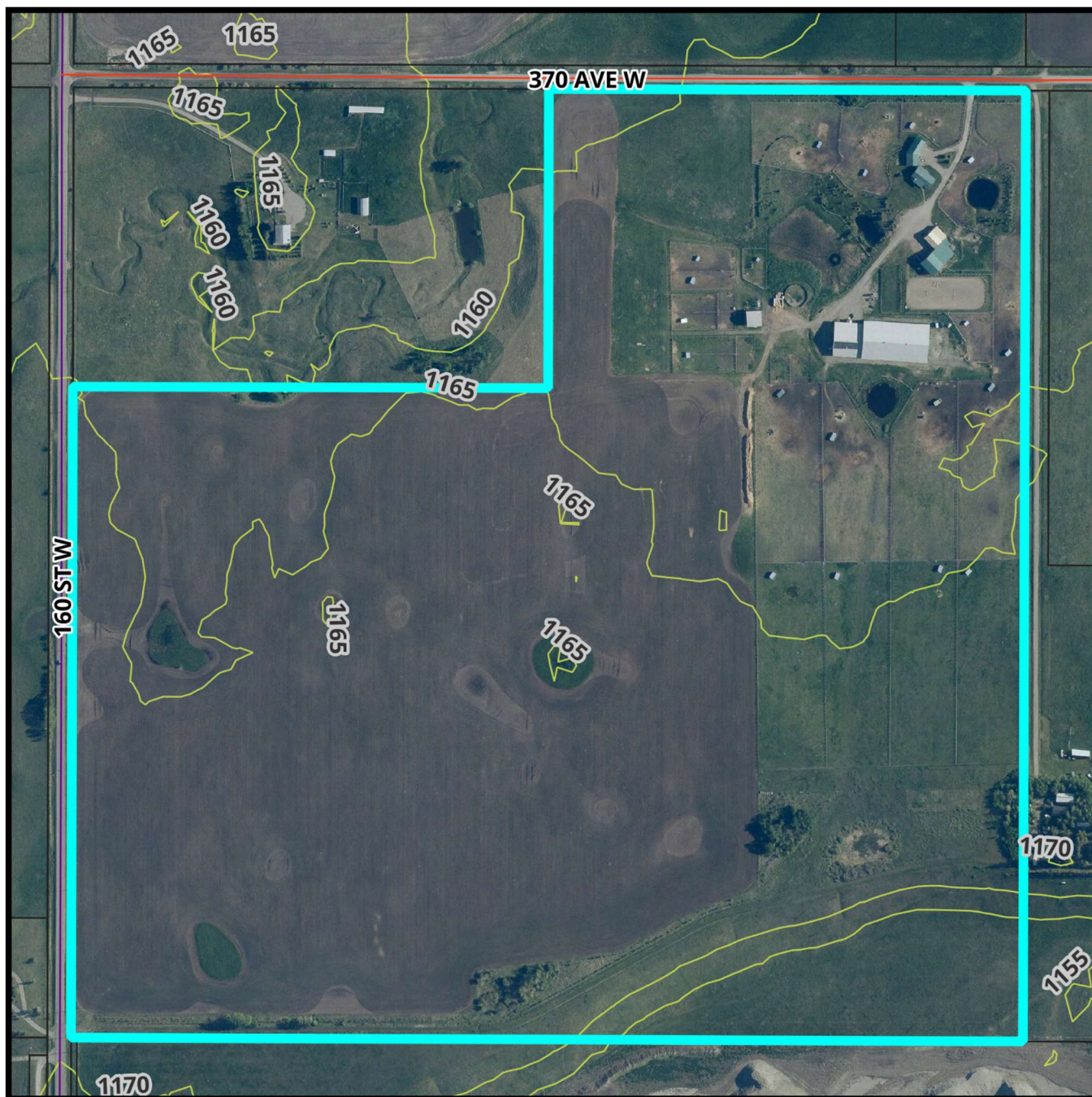
APPENDIX A – SITE PLAN



LOT COVERAGE		
Building	Area	sq'
Garage	175.0	sq'
Shop	165.2	sq'
Building Access	275.2	sq'
Key Pad	107.7	sq'
Shed 1	3.6	sq'
Shed 2	12.0	sq'
Shed 3	11.8	sq'
Shed 4	1.0	sq'
Shed 5	17.7	sq'
Shed 6	5.1	sq'
Shed 7	6.9	sq'
Shed 8	11.6	sq'
Shed 9	11.6	sq'
Shed 10	12.5	sq'
Shed 11	9.6	sq'
Shed 12	12.5	sq'
Shed 13	17.5	sq'
Shed 14	14.7	sq'
Shed 15	18.1	sq'
Shed 16	16.4	sq'
Shed 17	16.6	sq'
Shed 18	14.6	sq'
Shed 19	7.7	sq'
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Shed 100	14.7	sq'

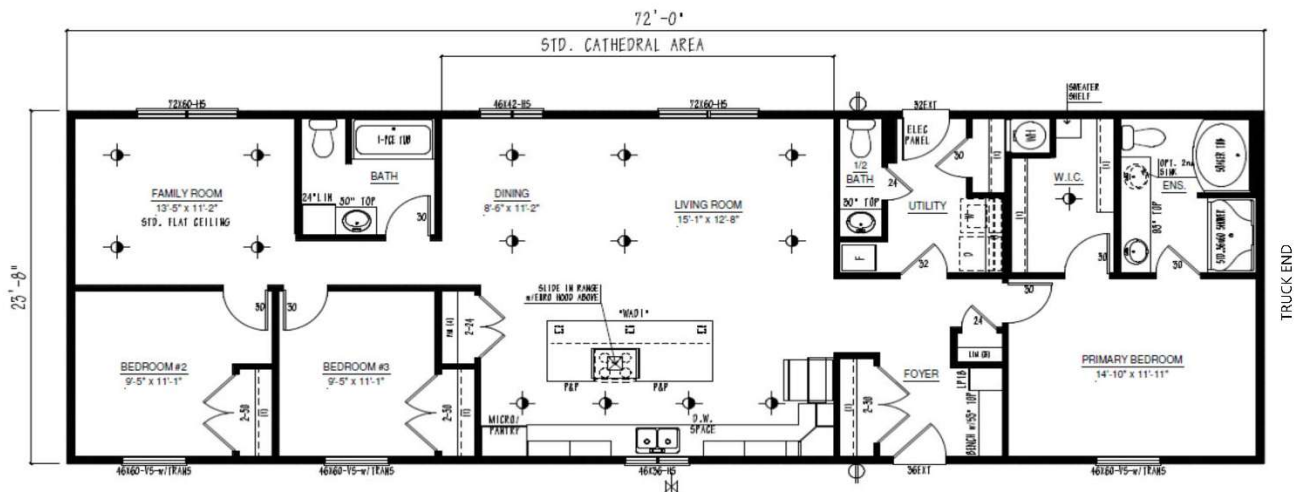


APPENDIX A – ORTHO PHOTO



Oceanview

1,728 Sq. Ft. | 24' X 72' | 3 Bedrooms | 2.5 Bathrooms



PROUDLY SERVING WESTERN CANADA FOR 50 YEARS

Edmonton Sales Centre
25530 - 117 Avenue
Acheson, AB T7X 6C2
P 780.960.4232
TF 855.463.0084

Grande Prairie Sales Centre
9407 - 163 Avenue
Grande Prairie, AB T8X 0B6
P 780.402.3170
TF 877.504.5005



Foothills County Land Use Bylaw |**18.29 DIRECT CONTROL DISTRICT #29 (DC 29)
LIMITED PUBLIC OR COMMERCIAL RIDING ARENA****DC#29****18.29.1 PURPOSE AND INTENT**

To allow for the development of a Limited Public or Commercial Arena, as defined in Section 2.5 of this bylaw, to operate on lots, with or without a single family residence, and to allow for the Direct Control by Council over development on the following lots:

NW 12-20-02-W5M, PLAN 0810029, LOT 5 (87.7 ACRES)
NW 12-20-02-W5, PLAN 0810029, BLOCK 1, LOT 5 (87.70 ACRES)
NW 08-21-28-W4 (40.0 ACRES)
NE 35-20-29-W4 (23 +/-1 ACRES)
NW 21-20-02-W5 (134.85 ACRES)
SE 22-20-02-W5, PLAN 1012174, BLOCK 1, LOT 3 (74.06 ACRES)
SW 07-22-01-W5, PLAN 0212015, BLOCK 2, LOT 16 (92.67 ACRES)
SW 34-21-29-W4, PLAN 9913092, BLOCK 1, LOT 6
S ½ NE 35-19-01-W5, PLAN 731046, BLOCK 3 (19.82 ACRE PTN.)
SE 35-21-02-W5 (119 ACRES)
SW 24-21-02-W5 (64.43 ACRES)
PLAN 0716214, BLOCK 1, LOT 2, NE 34-19-01-W5 (81.52 ACRES)
SW 13-20-01-W5, PLAN 9711715, LOT 6 (29.31 ACRES)
SE 27-19-29-W4, PLAN 0013143, BLOCK 1, LOT 1
SE 26-22-03-W5 (150.79 ACRES)

18.29.2 PERMITTED USES

Accessory Buildings not requiring a development permit (accessory to the Dwelling)
Agricultural, General
Accessory Uses to the Dwelling
Dwellings, Single Family
Dwelling, Manufactured Home
Dwelling, Mobile home on lots 80 acres or greater in size
Home Office
Public Works
Signs not requiring a development permit
Solar Power System, Private (Not requiring a Development Permit)
Temporary storage of up to 5 unoccupied recreation vehicles

18.29.3 DISCRETIONARY USES

Accessory Use
Accessory Building
Animal Boarding Services
Arena, Commercial
Arena, Limited Public
Campground, Minor - Accessory to the Arena on parcels 8.49 ha (21 acres) or greater in size
Dwelling, Mobile Home on lots less than 80 acres in size
Dwelling, Moved On
Dwelling Temporary
Home Based Business Type I - only on parcels with a residence
Home Based Business Type II - only on parcels with a residence
Home Based Business Type III - only on parcels with a residence

Intensive Livestock Operation
Lot Grading
Man-made water bodies, privates requiring a permit
Public Quasi Public Installations and Facilities
Secondary Suite, Detached
Secondary Suite, Principal
Special Event (accessory to the Arena or Business use)

- Discretionary use only on parcels 8.49 ha (21 acres) or greater in size

Signs requiring a Development Permit
Solar Power System, Private (Requiring a Development Permit)
Temporary (short-term) Manure Storage
Utility Services, Minor

18.29.4 LAND USE REQUIREMENTS

18.29.4.1 Standards of the development shall be at the discretion of Council.

18.29.5 DEVELOPMENT REQUIREMENTS

18.29.5.1 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.);
- d. Or as determined by Council.

18.29.5.2 Maximum Floor Area of Arena Building:

- a. The maximum allowable size of the Arena Building for an Arena, Limited Public or Arena, Commercial shall be at the discretion of Council.

18.29.5.3 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.

18.29.5.4 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, where the use is listed as a permitted or discretionary use in the specific district 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, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 Dwellings.

18.29.5.5 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
 - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road.
 - ii. 48m (157.48ft.) from the centre line 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.
 - v. Or as determined by Council.
- b. Side Yard Setback:
 - i. 15m (49.21 ft.) from property line.
 - ii. Or as determined by Council.
- c. Rear Yard Setback:
 - i. 15m (49.21 ft.) from property line.
 - ii. Or as determined by Council.
- 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. Corner Parcel Restrictions:
 - i. In accordance with Sections 9.27.9 - 9.27.12.

18.29.5.6 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of Land use bylaw for additional setback requirements that may apply.
- b. The Approving Authority may require a greater building setback for any industrial use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

18.29.5.7 Minimum habitable area per Dwelling:

- a. 100 m² (1,077 sq. ft.)

18.29.6 SPECIAL PROVISIONS

- 18.29.6.1 Home Based Businesses do not include Cannabis Production or Cannabis Sales.
- 18.29.6.2 No more than five (5) non-resident employees shall be working on site for an Arena, Limited Public.
- 18.29.6.3 The number of non-resident employees working on site for an Arena, Commercial shall be at the discretion of Council.
- 18.29.6.4 Maximum of sixteen (16) Business Visits permitted per day, or as determined by Council for Arena, Limited Public.

- 18.29.6.5 The maximum number of Business Visits per day for Arena, Commercial shall be at the discretion of Council.
- 18.29.6.6 Any minor or major home business or occupation must be conducted within a dwelling and/or accessory building(s) or on a parcel on which a dwelling is located and where one or more residents of the parcel is/are involved in the occupation or business.
- 18.29.6.7 Any minor or major home business shall not occupy more than 50% of the gross floor area of the principle dwelling plus the area of accessory structures.
- 18.29.6.8 Material Storage:
- a. On parcels 10 acres and larger, exterior storage may be allowed if, in the opinion of the Approving Authority, the exterior storage is adequately screened, a maximum of 5 vehicles or equipment may be stored outdoors.
- 18.29.6.9 Manure Management:
- Applicants for Arena, Commercial or Arena, Limited Public shall provide a manure management plan to the satisfaction of Council as a part of the development permit application for their facility unless requested to do so by Council as part of the Land Use Bylaw amendment application.
- 18.29.6.10 Safety and Fire Code Requirements:
- Applicants shall be required to provide proof of compliance or the ability to become compliant with all Provincial Safety Code and Fire Code requirements as part of the development permit application for their facility unless requested to do so by Council as part of the Land Use Bylaw amendment application.
- 18.29.6.11 Landscaping and Screening:
- a. Landscaping shall be completed in accordance with the Municipal Screening Standards.
 - b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.
- 18.29.6.12 Nuisance:
- a. No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot.
- 18.29.6.13 Camping:
- a. Whether camping is permitted in support of special events at an Arena, Commercial or Arena, Limited Public, shall be at the discretion of Council and will be outlined in the Development Permit. Council may also specify:
 - i. The maximum number of camping units permitted per event.
 - ii. The maximum length of stay; and
 - iii. Number of events where camping shall be permitted annually.

18.29.6.14 The Approving Authority, may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Location and maximum size of Arena building to be constructed.
- b. Development setbacks.
- c. Hours of operation.
- d. Number of non-resident employees.
- e. Number of vehicle visits per day.
- f. Number of Animal units permitted on the property.
- g. Size and number of structures permitted on site.
- h. Number of events or contests permitted annually.
- i. Requirements for evacuation and emergency response plans.
- j. Upgrades on municipal roads.
- k. Mitigation of impacts on municipal roads;.
- l. Compliance reporting requirements.
- m. Noise.
- n. Buffering.
- o. Lighting.
- p. Outdoor storage.
- q. Parking requirements.
- r. Screening of facilities.
- s. Proof of compliance with fire and safety codes inspections of the facility.
- t. Manure Storage provisions.
- u. Any other condition that Council deems necessary.

18.29.6.15 Design Guidelines:

- a. All development located within the Highway 2A Industrial Area structure plan (H2AI Area Structure Plan) area shall comply with the Highway 2A Corridor Design Guidelines (2021), as may be amended, or replaced by Council from time to time.

18.29.6.16 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

18.29.6.17 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering.
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

18.29.7 PROCEDURE

- 18.29.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.29.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.29.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.29.1. The council may approve a development permit application with or without conditions or may refuse an application for development permit.
- 18.29.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.29.1.



The Municipal District of Foothills No. 31

Box 5605, 309 Macleod Trail S.

High River, AB T1V 1M7

Telephone (403) 652-2341 or (403) 931-1905

Fax (403) 652-7880

June 21, 2017

CivicWorks Planning & Design
Jocelyn Appleby
460, 5119 Elbow Dr. SW
Calgary, AB T2V 1H2
CANADA

Dear Ms. Appleby:

Re: Development Permit PTN: NW 21-20-02-W5M

Please be advised that at its June 7, 2017 meeting, Council passed the following resolution:

MOVED that Development Permit 17D 099 for a Limited Public Arena on NW 21-20-02 W5M be approved, subject to the following conditions:

PRE-RELEASE CONDITIONS (Conditions must be complied with before the Development Permit will be signed and released):

- The applicant shall submit a revised site plan that includes dimensioned internal laneways and identifies surfacing of the same, as well as illustrates the ability to provide sufficient parking for peak use of the approved development and provides dimensions for the existing related agricultural buildings on the property;
- ✓ the applicant shall submit a stormwater management/master drainage and lot grading plan for the development area along with the applicable proof of liability insurance and performance security, to the satisfaction of Municipal Public Works and Engineering;
- ✓ the applicant shall provide a revised manure management plan that includes specifics on the type of bin/compost/storage area and volume of the containment area as well as specifics with respect to setbacks from water/in conjunction with the master drainage plan;
- as provided for under the Alberta Building Code, verification of a readily available water supply, adequate for fire fighting purposes must be provided to the Municipal Safety Codes Officer;
- The applicant is required to provide a Preliminary Natural Site Assessment ('PNSA' as per City of Calgary standards, Biophysical Impact Assessment Framework – Level 1). An engineer qualified in the applicable discipline shall provide signed and stamped verification that based upon findings under the PNSA:
 - There are no potential impacts affecting all environmental elements within the development area and as such, no further study is required (with or without conditions); or
 - environmental screening (Level 2) shall be conducted; or
 - biophysical impact assessment (Level 3) shall be conducted

Page 1 of 4

- Any recommended restoration/mitigation measures are to be addressed, subject to the discretion of Municipal Public Works and Engineering.

ADDITIONAL CONDITIONS:

- This approval is for development and use of the subject parcel for the purpose of an Arena, Limited Public and the boarding horses and includes: Lot Grading, Man Made Water Features, one annual equestrian training Clinic, and Temporary Manure Storage. The cumulative footprint of the approved proposed arena building and barn are not to exceed 27,200 sq. ft.. Approval includes the construction of a mezzanine level and acknowledges the existing agricultural buildings located on the parcel as provided within the accepted revised site plan provided under pre-conditions to this permit. **Addition to, or revisions to the development and/or use(s) of this land may occur only upon obtaining appropriate municipal approvals;**
- the applicant shall construct and maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate;
- approval for Lot Grading is provided for only as per the stormwater management/drainage plans that have been acknowledged to be appropriate by the municipality. Deviation from the plans as accepted will require re-submission for review and acceptance;
- the landowner is responsible to comply with any recommendations of the Environmental Screening Report;
- prior to the Municipality acknowledging completion of the development, it is the responsibility of the applicant to submit as built drawings, executed by the designated professional, that confirm all improvements are consistent with the plans and recommendations within the plans and report, as have been accepted by the Municipality;
- no variance for yard setbacks has been considered under this permit. all development must meet standard municipal setbacks from the boundaries of the legally titled property;
- structure(s) shall comply with standard height maximums (from grade to peak) as are identified under the land use district;
- no portion of the arena building and/or barn is permitted to be used as a residence or living unit at any time – this includes for the purposes of overnight accommodations;
- the applicant obtain any necessary building and/or safety code permits from the municipality and is to comply with the requirements of the Alberta Building, Plumbing, Electrical and Fire Codes at all times including, but not limited to ensuring the installation of proper 911 addressing and proving that requirements for emergency access and site circulation have been met. The owner or contractor is to provide professional engineered, stamped plans and construction review during construction of the project. All structural, mechanical and electrical requirements including any fire protection and water supply for the proposed use and occupancy will require professional Engineers stamped plans and are to be built in accordance with the drawing submitted for permit. All Alberta Building Code schedules C-1 and C-2 are to be submitted at the conclusion of the project to the Municipal District of Foothills No. 31;

- it is the responsibility of the applicant to contact municipal fire services at completion of the development and obtain an inspection;
- the applicant shall provide a comprehensive emergency response plan, to the satisfaction of municipal emergency services;
- the number of animal units on the property at any given time, for any purpose, shall at all times comply with section 4.2.1.4 of the Land Use Bylaw, which permits one animal unit for every 3 acres of land;
- a maximum of 26 horses not owned by the landowner are permitted to be boarded at this facility;
- hours of operation for non-resident activity at the facility are permitted to occur between the hours of 8AM until 6PM weekends and 8AM until 8PM on weekdays;
- the applicants are responsible to submit proof of all licenses and approvals as required by Alberta Environment respecting, but not limited to, water use and stormwater/drainage management, to the satisfaction of the municipality;
- manure storage facilities must be designed, constructed and maintained in order to avoid contamination of any groundwater, prevent contaminated surface water from leaving the property, and reduce any nuisance. The composting and short term storage of manure shall comply with all requirements and recommendations of Alberta Agriculture and the applicable regulation(s). The spreading of any manure on the property is subject to application rates and requirements as are contained within that same Provincial regulation. Manure in excess of that which may be used to benefit the lands is to be removed from the site and disposed of in a manner consistent with regulatory requirements;
- the approach to the property shall be upgraded to commercial standard, to the satisfaction of the Director of Public Works and Engineering;
- the applicant shall comply with all requirements of Alberta Health Services, including that non-organic waste materials must be disposed of at an approved waste disposal site. There shall be no long term storage of waste materials on the property. All garbage and recycling materials shall be stored in weather-proof and animal-proof containers that are required to be visibly screened from adjacent lands. Design details for the screening of these containers shall be submitted to the Development Officer for review and acceptance prior to installation;
- not more than five (5) non-resident employees shall be working on site at any given time;
- excepting during the defined annual event (clinic) as provided for herein, a maximum of sixteen (16) facility related vehicle trips to the parcel, for any purpose, are permitted to occur on any given day;
- special events included under this permit are as follows:
 - a maximum of 1 equestrian training clinic per calendar year **including the provision to allow an increase to vehicle trips to the parcel to a maximum of twenty (20) facility related vehicle trips to the parcel, for any purpose, on any given day;**
- on-site municipal addressing and site circulation signage is to be installed and at all times maintained. Particulars with respect to any farm identification signage shall be provided to the Development Officer for review and acknowledgement prior to installation;
- no offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance shall be detectable beyond the boundary of the titled property;
- the applicant is required to maintain an annual business license with the M.D. of Foothills No. 31;

- any installation of exterior lighting applications must adhere to the guidelines and technical specifications as outlined within the M.D. of Foothills Dark Sky Bylaw;
- it is the landowner's responsibility to provide notification to the Development Authority upon completion of the development;
- issuance of a development permit by the municipality does not relieve the applicant of the responsibility of complying with all other relevant municipal bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land and/or the storage of materials on the property;
- the applicant shall be responsible for payment of any professional costs, including legal fees that may be incurred by the Municipal District with respect to the development approved under this permit.

Should you require any further assistance please contact Brenda Bartnik of our Planning Department.

Sincerely,
MUNICIPAL DISTRICT OF FOOTHILLS NO.31

COPY

Heather Hemingway, RPP, MCIP
Director of Planning

HH/sj
cc: Doug & Linda Reinbold