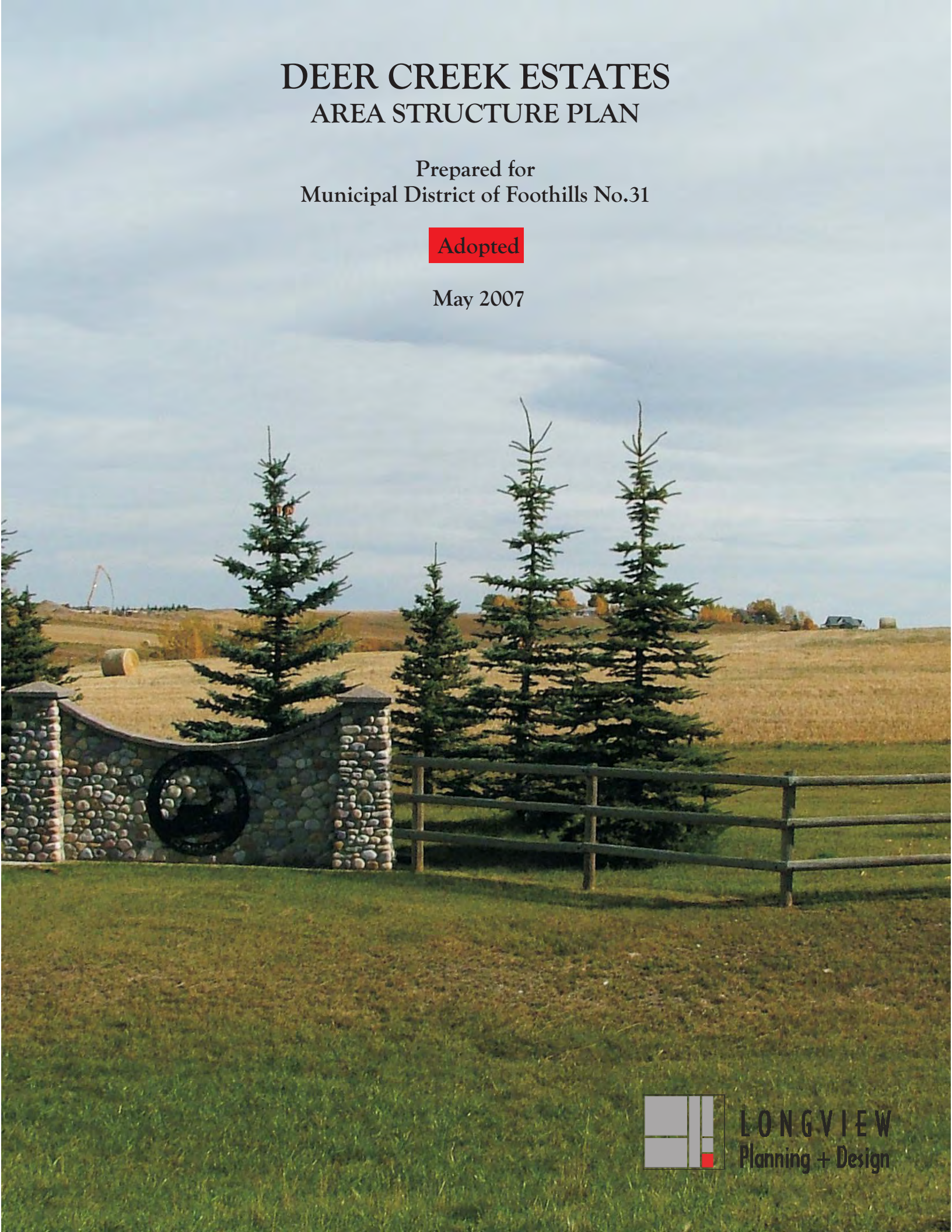


DEER CREEK ESTATES AREA STRUCTURE PLAN

Prepared for
Municipal District of Foothills No.31

Adopted

May 2007



LONGVIEW
Planning + Design

**Municipal District of Foothills No. 31**

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September 12, 2007

Kristi Beunder
Dillon Consulting Ltd
1530, 333 – 5 Avenue SW
Calgary, AB T2P 3B6

Dear Ms. Beunder,

Re: Area Structure Plan - PTN: W 23-21-29 W4

Please be advised that at its August 30, 2007 meeting, Council gave third and final reading to Bylaw 70/2007 authorizing the adoption of the Deer Creek Estates Area Structure Plan located within the property legally described as Plan 0612362 Block 7 Lot 1 in SW 23-21-29 W4.

Should you require any further assistance please contact Ryan Payne of our Planning Department.

Sincerely,
MUNICIPAL DISTRICT OF FOOTHILLS NO. 31

Judy Gordon
Planning Coordinator

JG/bb

Cc Gary T. Edwards

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MISSION STATEMENT

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

1.0 INTRODUCTION

1.1 Context

Figure 1 identifies the Plan Area for the Deer Creek Estates Area Structure Plan.

The Plan Area includes 100.50 hectares (248.34 acres) in the Municipal District (M.D.) of Foothills No. 31. The Plan Area consists of lands contained within the following legal description:

- North West Half of Section 23, Township 21, Range 29, West of the Fourth Meridian containing 49.57 hectares (122.48 acres).
- South West Half of Section 23, Township 21, Range 29, West of the Fourth Meridian containing 50.93 hectares (125.86 acres).

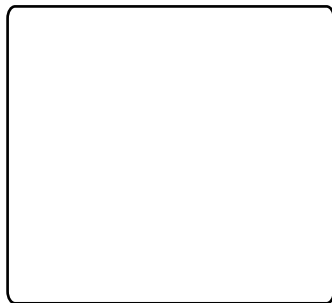
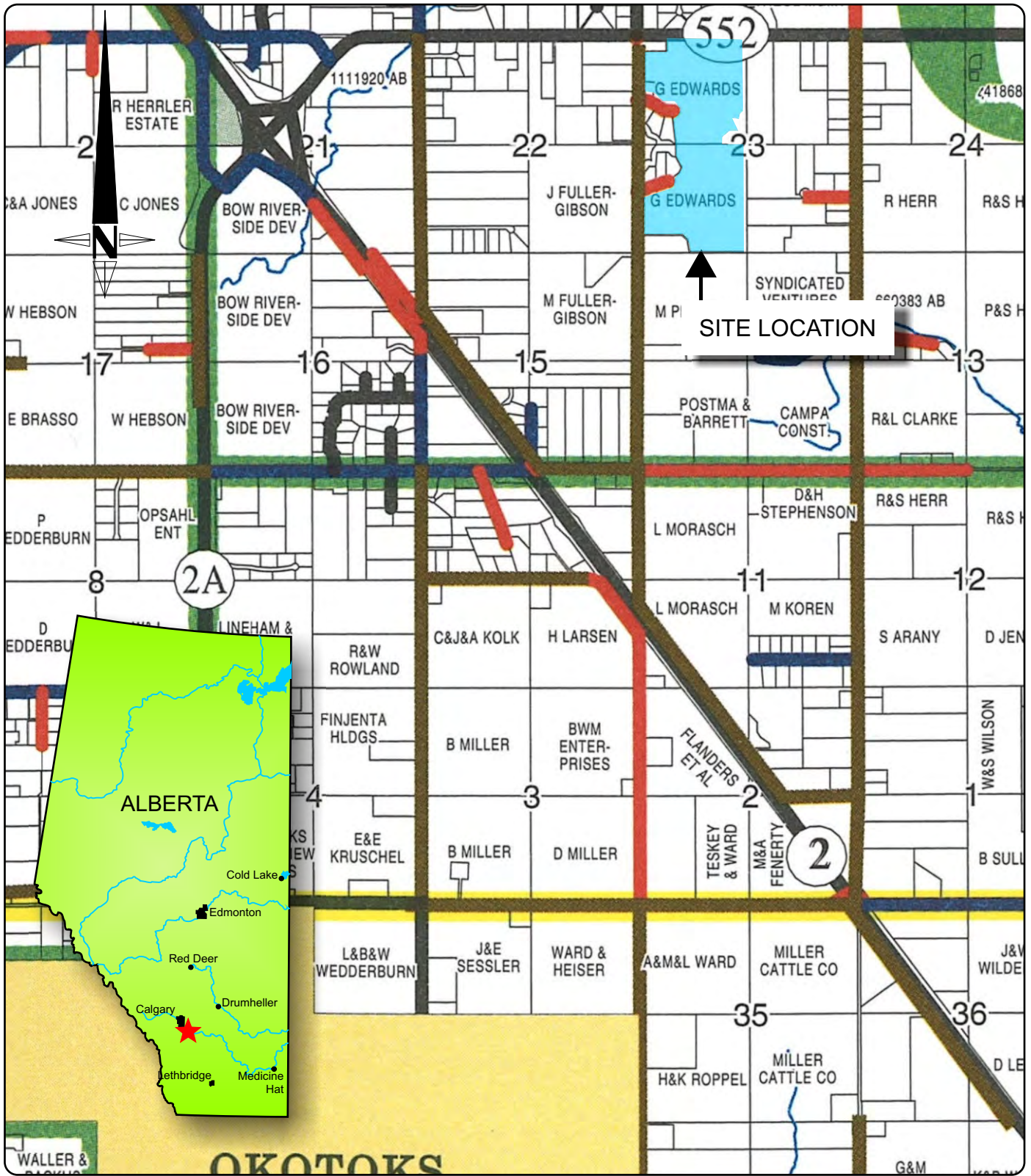
The Plan Area can be classified as an agricultural transition zone and is located in an area that is converting away from agricultural uses into country residential land uses.

1.2 Population Growth

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

Should the Plan Area be fully developed as outlined in the Deer Creek Estates ASP, the total plan Area population is estimated at approximately 120 persons. This projection assumes an average household size of 2.8 persons – the average household size in 2003 municipal census – and that 58 % of the available land is developable allowing for environmental considerations and road reserves. The projection does not consider municipal reserve lots, public utility lots as sustaining a resident population.

The Plan Area is in a location experiencing a high degree of residential development and is proximate to the provincial highway system.



**DEER CREEK ESTATES
AREA STRUCTURE PLAN**

DESIGNED BY:
KB

DRAWN BY:
JKO

DATE:
SEPTEMBER 2006

SCALE:
NTS

TITLE:
GENERAL LOCATION

PROJECT No.:
06-6418

FIGURE No.:
1

1.3 Public Involvement

An informal public open house was held October 28, 2006 and landowners within one mile of the subject property were invited to attend.

A statutory Public Hearing was held April 10, 2007 where upon first reading of this ASP (Bylaw 71/2007) was given.

Second and third readings were obtained _____, 2007 and Bylaw 71/2007 was adopted.

In addition, stakeholder meetings provided a better understanding of specific concerns. Stakeholders included adjacent landowners, Alberta Transportation and the Municipal District of Foothills planning staff.

1.4 Opportunities and Constraints in the Plan Area

A number of issues and technical considerations were evaluated as part of the Deer Creek Estates ASP process, and the following opportunities and constraints were identified:

- a. Differing lifestyle/livelihood aspirations – Agricultural landholders express difficulties in continuing their farming operations, while existing small land owners wish to retain the “country charm” of their once rural surroundings.
- b. Proximity to Urban Centres – Urban growth pressures will continue. Proximity to urban centres, high density country residential development and available road infrastructure increases the potential for subdivision in rural areas.
- c. Provincial Highway 552 – A Provincial Highway that has controlled accesses and requires special consideration with respect to visual appearance of roadside development and access considerations to one municipal road system.
- d. Servicing – Traditional methods of rural servicing (ground water wells and septic fields) are proposed for this project.

2.0 THE PLANNING PROCESS

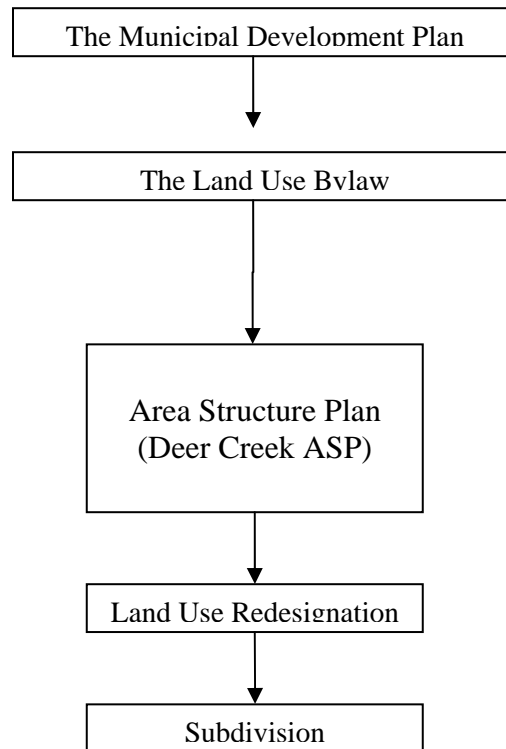
2.1 Purpose of the Plan

The Deer Creek Estates ASP was prepared to address the municipal concerns that development without proper planning would be detrimental to the area as a whole. The Plan Area has experienced residential growth pressures: as a result, comprehensively planned areas are increasingly important.

The purpose of the Deer Creek Estates ASP is to define a planning and development framework to guide future growth in the Plan Area by establishing a range of appropriate

and compatible land uses. The Deer Creek Estates ASP supports the Foothills Municipal Development Plan by adding another layer of detail to this particular area. The Deer Creek Estates ASP takes into consideration existing land uses, surrounding developments, potential future land uses, public input, physical and environmental characteristics, infrastructure requirements, and growth trends. The Deer Creek Estates ASP outlines a vision for this site. The plan structure and the policies contained within are the means by which that vision can be achieved.

The Deer Creek Estates ASP integrates the planning process illustrated as follows:



2.2 The Legislation

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

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

(2) An area structure plan

(a) Must describe

- (i) *The sequence of development proposed for the area,*
- (ii) *The land uses proposed for the area, either generally or with respect to specific parts of an area,*
- (iii) *The density of population proposed for the area either generally or with respect to specific parts of the area, and*
- (iv) *The general location of major transportation routes and public utilities,*

And

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

In addition, the ASP was prepared in accordance with the Municipal District of Foothills Municipal Development Plan and Land Use Bylaw and complies with the Municipal Guidelines for the preparation of Area Structure Plans.

3.0 PLAN VISION AND GOALS

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

The Deer Creek Estates ASP envisions a country residential community retaining open space, environmental and visual characteristics that attract new residents. It is a community reflective of quality in housing design and fully protecting and integrating open space for the benefit of residents and the community at large.

3.1 Plan Goals

The following goals provide the focus to the Deer Creek Estates ASP, build on the Plan Area vision, and collectively represent the aspirations of the developer.

- a. Achieve an efficient, sequential pattern of development.
- b. Establish a high quality residential area to harmonize development with the natural and built environment.
- c. Provide an efficient and safe road network.
- d. Preserve, protect, conserve and/or enhance important and valued natural features of the Plan Area.
- e. Maintain the functional and visual integrity of the Provincial Highway 552 corridor.
- f. Promote pathways and integration of open space in the land use concept.

4.0 LAND USE STRATEGY

Figure 2, 2a, and 2b delineates the proposed lots in the Plan Area. The land use strategy is based on a sequential development pattern recognizing agricultural activity where possible, and allowing for the orderly, efficient and affordable development of infrastructure and services. In all, the Deer Creek Estates development contains 42 lots, (2 municipal reserve lots, 1 environmental reserve lot, 1 agricultural district lot and 38 country residential lots).

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

4.1 History

This half section has been previously subdivided. In 1992 a first parcel out from both the NW and SW quarter sections were registered. In 1996 the developer/landowner created a country residential site in the middle of the half section that contained a total of 9 lots and an ER area. Recently, an additional +/- 5.0 acre lot was taken from the SW quarter and a boundary adjustment between the NW quarter and the NE quarter occurred.

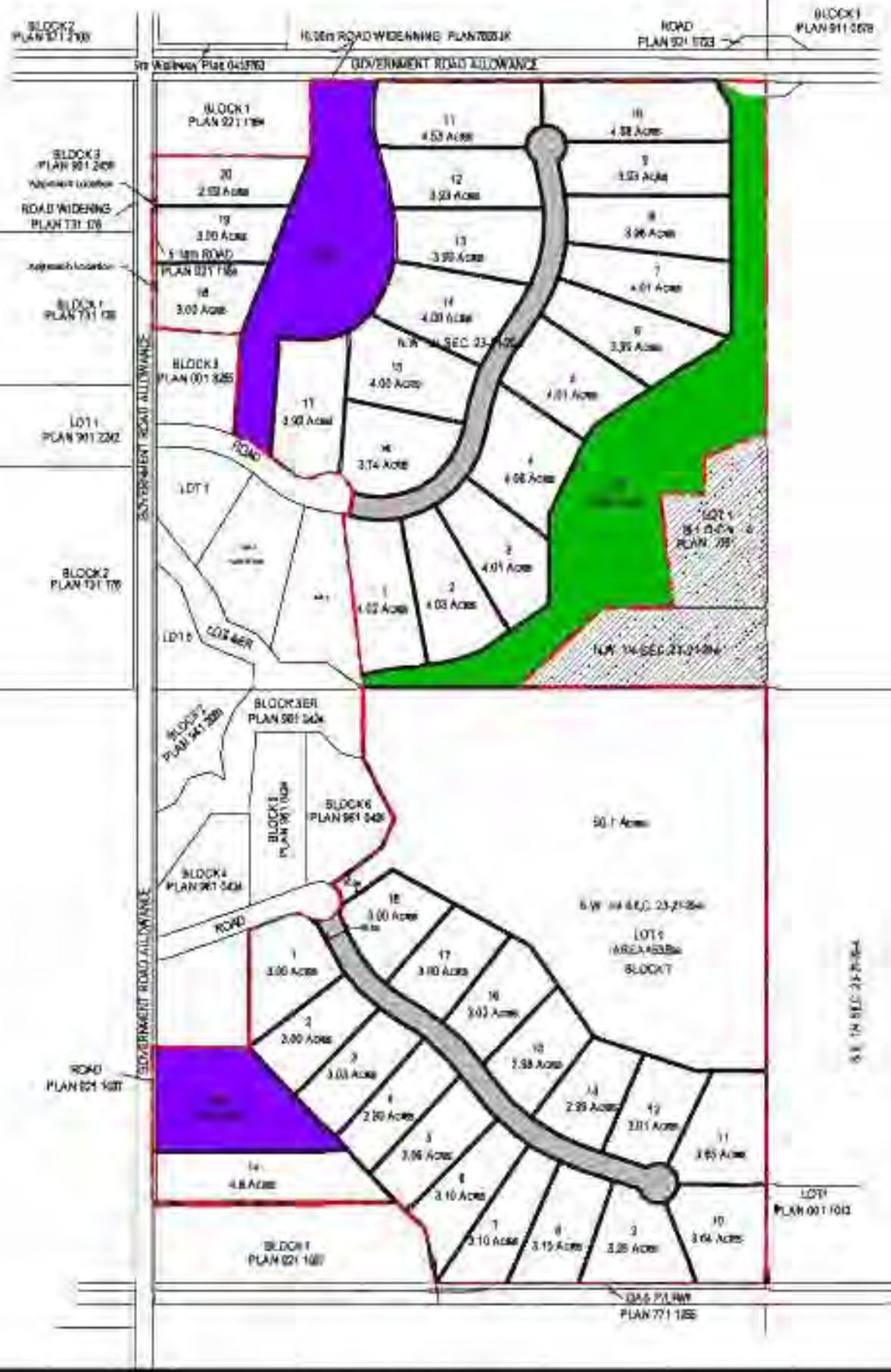
4.2 Agricultural Land Use Policies

Historically, the Plan Area has been under agricultural use. To date the land has supported the grazing of livestock. Soil consists of a mix of Canada Land inventory ratings of soil classes 3 and 4 with sub classes being 3T and 4T6W.

Urban growth pressures due to the proximity to the City of Calgary, increasing non-agricultural land values, demand for country residential development, and conflicts between existing residential and agricultural land use increase pressure for non-agricultural uses. Large scale developments, such as Norris Coulee, have been approved in the vicinity and the area has transitioned away from agriculture.

An approximately +/- 60 acre agricultural parcel within the plan area is intended to remain as the primary residence of the landowner/developer and will support small-scale agricultural pursuits (i.e. tree farm). It may be that this parcel subdivides, in the long-term to support additional residences. In order for future subdivision of this +/- 60-acre parcel to occur an amendment to this Area Structure Plan would be required.

- a. The agricultural parcel within the plan area has limited potential for large scale agricultural pursuits. Small-scale agriculture may occur on this site in the short-term.



LEGEND

- PLAN AREA BOUNDARY
- EXISTING LOT LINES
- PROPOSED LOT LINES
- PROPOSED ROAD RIGHT OF WAY
- ENVIRONMENTAL RESERVE
- MUNICIPAL RESERVE
- DEVELOPED AREA

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2006-10-05 2:17 PM U:\PROJECTS\DRIFT 2006 PROJECTS\06-4418- EDWARDS DEER CREEK ESTATES

S.W. 1/4 SEC.
23-24-204

S.E. 1/4 SEC. 23-24-204

DEER CREEK ESTATES
AREA STRUCTURE PLAN

PROPOSED LOT LAYOUT
SEC. 23-24-204

CONCEPT PLAN

LAND USE STATS:

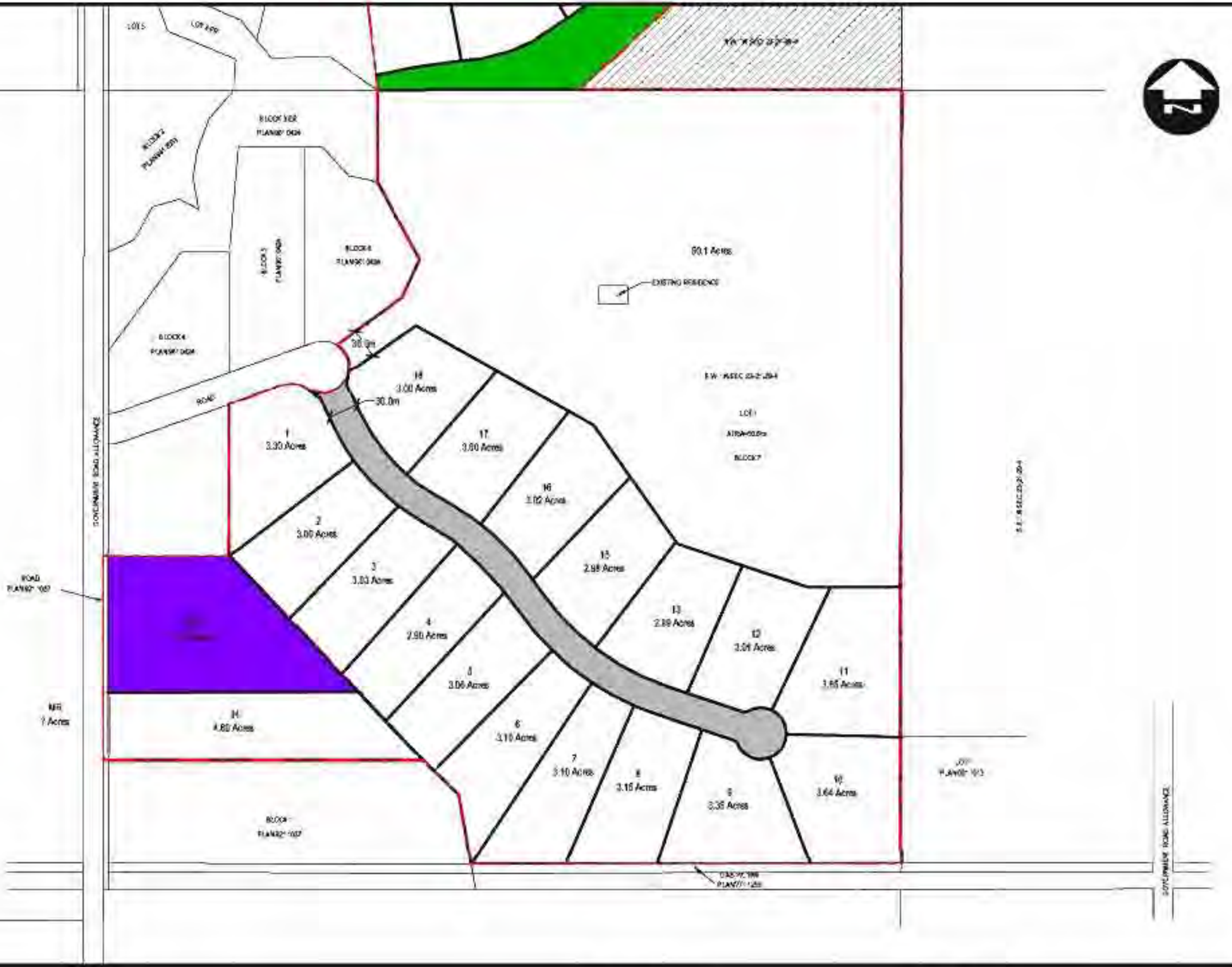
TOTAL ACREAGE = 248.8 ACRES	TOTAL ROADS = 8.8 ACRES
TOTAL MR = 18.2 ACRES	TOT AG = 81.1 ACRES
TOTAL ER = 20.8 ACRES	
TOTAL CR = 136.0 ACRES	
DEV. AREA CONSOLIDATED WITH NE 1/4 = 13.12 ACRES.	

06-8418

FIG 2



LEGEND	
	PLAN AREA BOUNDARY
	EXISTING LOT LINES
	PROPOSED LOT LINES
	PROPOSED ROAD RIGHT OF WAY
	ENVIRONMENTAL RESERVE
	MUNICIPAL RESERVE



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DEER CREEK ESTATES
AREA STRUCTURE PLAN

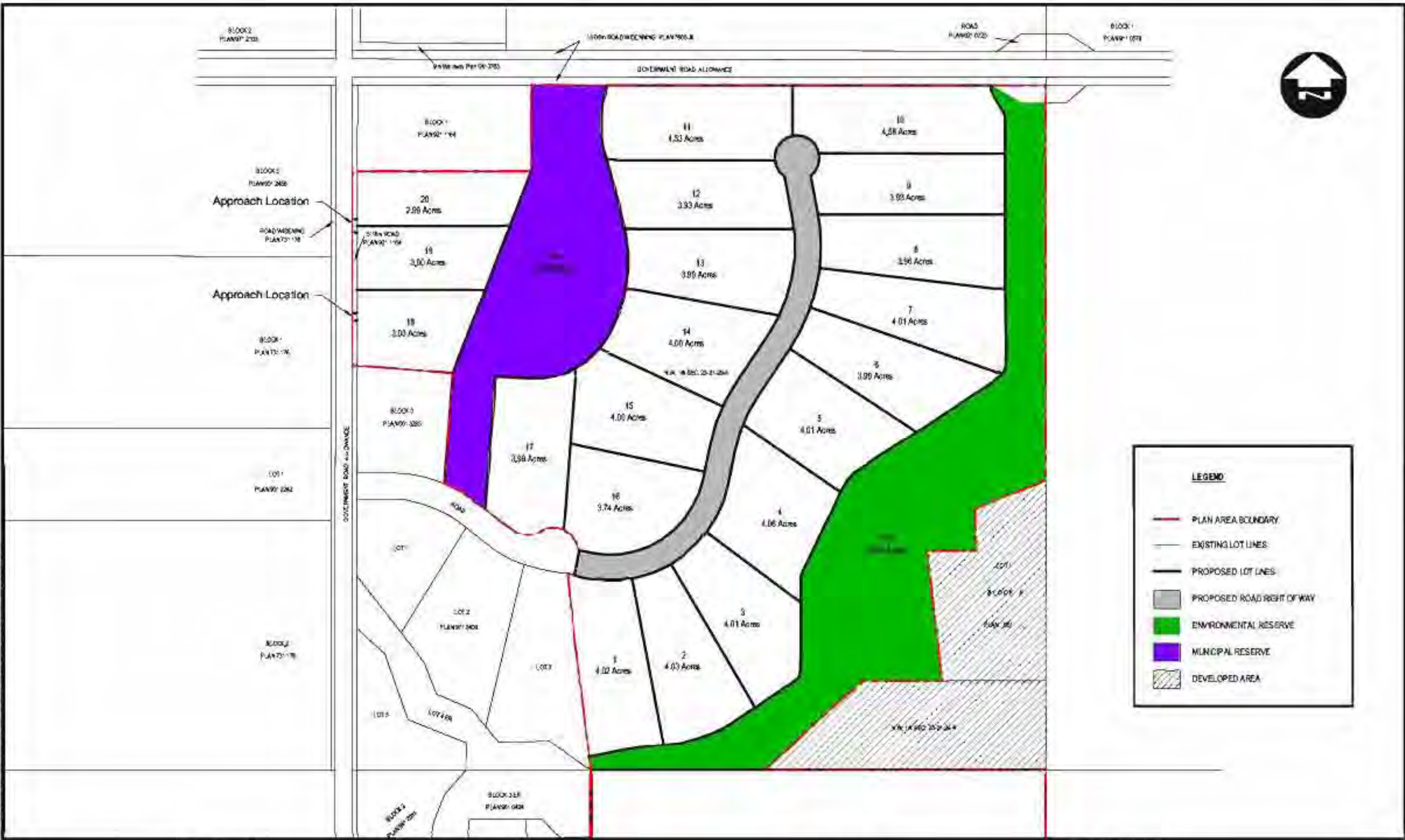
PROPOSED LOT LAYOUT
S.W. 1/4 SEC. 23-21-204

CONCEPT PLAN

TOTAL LAND USE ACRES:
TOTAL LOT ACREAGE = 98.3 ACRES
TOTAL ROAD ACREAGE = 5.0 ACRES
TOTAL MUNICIPAL RESERVE ACREAGE = 6.4 ACRES

06-8418

FIG 2A



DATE	BY
DATE	BY
DATE	BY
DATE	BY
DATE	BY
DATE	BY

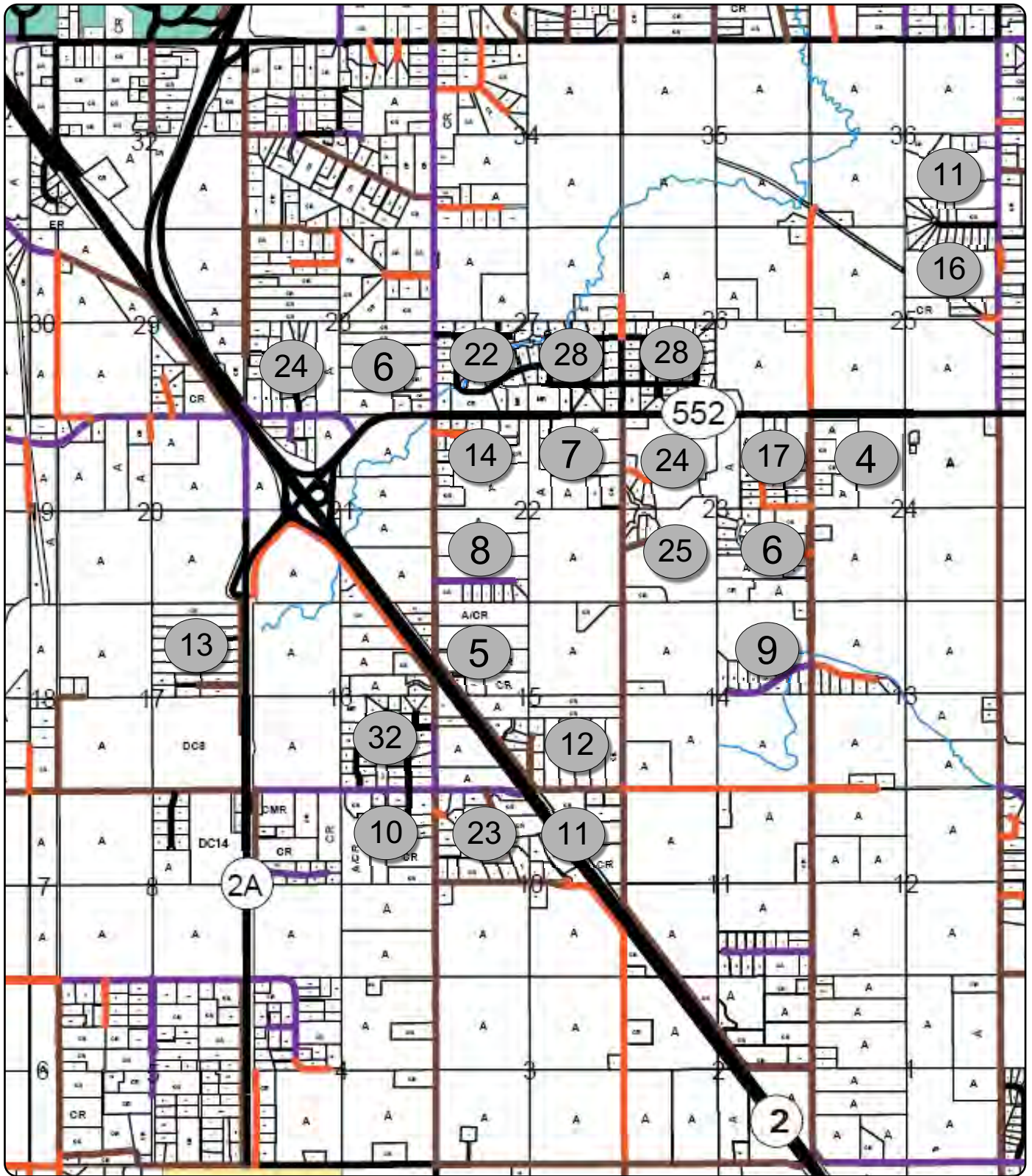
- b. It is anticipated that the agricultural parcel will convert to country residential land uses in the long-term. Conversion of these lands to country residential will require an amendment to this ASP.
- c. Should the agricultural parcel convert to country residential land uses the lands that qualify as Environmental Reserve should also be dedicated.

4.3 Country Residential Land Use Policies

Orderly settlement patterns of country residential development should be compatible with the natural environment. **Figure 3** provides an outline showing surrounding quarter sections and their country residential density.

This area contains an unnamed intermittent drainage course, which has been informally known as Snake Creek, which shall be protected within an Environmental Reserve parcel on the NW quarter. The land generally rolls from a high point in the NW corner to the ravine drainage course area. The SW quarter contains rolling topography, the high point of which is in the SW corner.

- a. Country residential lots shall not be more than 4.80 acres (1.94 hectares) in size to accommodate single family dwellings. All lots shall be serviced with individual groundwater wells and septic fields. In total the Deer Creek Estates ASP contains 38 country residential lots.
- b. Country residential Lots shall not exceed 4.80 acres (1.94 hectares) parcels.
- c. Country residential lots shall be supplied by individual groundwater wells.
- d. Country residential lots shall have direct access to a surfaced municipal road in accordance with the Municipal Internal Subdivision road policies. Three (3) lots gain access from the Municipal road (48th Street). All remaining lots gain access from a proposed internal road that connects to 48th Street.
- e. Country residential lots shall support single-family dwellings only. The parcel sizes can support three (3) animal units under the M.D. of Foothills Land Use Bylaw.
- f. In accordance with Transportation Policies contained in **Section 6.2**, a Traffic Impact Analysis (T.I.A) may be required at the time of redesignation or subdivision for residential purposes.
- g. Uses on country residential lots shall comply with the Restrictive Covenant registered on title, copied here in **Appendix A**.



<p>DEER CREEK ESTATES AREA STRUCTURE PLAN</p>	DESIGNED BY: KJB		DRAWN BY: JKO		
	DATE: OCTOBER 2006		SCALE: NTS		
	TITLE: COUNTRY RESIDENTIAL DENSITY		PROJECT No.: 06-6418	FIGURE No.: 3	

5.0 NATURAL ENVIRONMENT

The biophysical characteristics and environmental significance of lands in the Plan Area should be considered in applications for development. **Appendix B** contains additional detailed information regarding environmental characteristics in the Plan Area (i.e. air photo).

5.1 General Environment Policy

- a. The Municipality, through its Municipal Development Plan policies, encourages the preservation of significant and/or sensitive natural environments in the development process.
- b. The Municipality may require that a proponent, in support of a proposal for redesignation, subdivision or development, and at their sole expense, prepare and submit the following in a form and content satisfactory to the Municipality, and in accordance with all pertinent Alberta Environment Protection guidelines or requirements of the appropriate Provincial Departments:
 - i. A Geotechnical report pursuant to the provisions of the *Municipal Development Plan*;
 - ii. An Archaeological and/or Historical Resource Impact Assessment pursuant to the provisions of the *Municipal Development Plan* and to the satisfaction of the provincial department of Alberta Culture, should it be deemed necessary.

5.2 Topography

This land contains a mix of flat to moderately rolling topography. The most severe topography is associated with the drainage course. The slope range within the proposed country residential lots is less than 15%.

- a. The Municipality may require at least one geotechnical report prepared by a qualified engineer in areas where topography may be a factor in development. The geotechnical report should contain all information required by the Municipality and as described in MD policy.

5.3 Open Space, Recreation and Public Land

Public land consists largely of Municipal Reserve (MR) or Environmental Reserve (ER) areas that have been dedicated to the Municipality upon development. The Municipality can negotiate the amount of land required and its potential public use through the planning process.

5.3.1 Municipal and Environmental Reserve

The MR parcels are 4.98 hectares (12.30 acres) and 2.60 hectares (6.42 acres) respectively. The project also contains a 9.34 hectare (23.10 acre) ER parcel that is intended to be utilized by the Municipality for park or recreational uses as it is part of the unnamed drainage course.

Land Use Statistics

Land Use	Number of Acres
MR	19.4
ER	23.1
CR	136.01
Roads	9.50
AG (existing)	60.02
Total	248.03

The ER parcel contains slopes and an unnamed drainage course, informally known as Snake Creek. Connections are made to the north and east of the ER parcel for public access. The ER is to remain in its natural state in perpetuity. MR is provided in two locations. An MR parcel is proposed in the NW quarter containing 12.30 acres (4.98 hectares) with a linear pathway on the perimeter of the Plan Area. This MR is centrally located to the proposed country residential lots. MR in NW quarter is developable, it contains moderate slopes and was chosen as it is central to the community. Its large size and varying topography allow for naturally attractive amenity space (i.e. park, school, recreation).

A second MR lot containing 6.42 acres (2.60 hectares) is located in the SW quarter section. The MR in the SW quarter is also developable. It was chosen due to its proximity to the municipal road (48th Street) and is the buffer between existing lots and the Plan Area.

- a. The Municipality supports the retention and enhancement of open space and recreation facilities in the municipality. Linkages between, and continuity of, these spaces are encouraged.
- b. Dedication of Municipal Reserve, either by cash-in-lieu of land or by physical dedication of land, or both, in the Plan Area shall be determined by the Municipality in accordance with the MDP policy and s.666 of the *Municipal Government Act*.
- c. Physical land dedication of Municipal Reserve shall consist of lands that are equivalent to the developable lands (i.e. similar in kind to the land being developed).
- d. Dedication of ER in the Plan Area shall be determined by the Municipality in accordance with MDP policy and s.664 of the *Municipal Government Act*.

6.0 INFRASTRUCTURE

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

6.1 General Infrastructure

The quality of infrastructure is a fundamental part of the well-being of a community and its ability to sustain growth over time. To improve the quality of life in the Municipality as a whole, it is important that the Municipality occasionally assess infrastructure as it relates to the planning of communities. The Deer Creek Estates ASP contains policies that recommend improvements, and trigger for assessment of infrastructure over time as the community continues to grow.

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

6.2 Road Systems

6.2.1 Provincial Highway 552

Provincial Highway 552 is administered by Alberta Infrastructure and Transportation (A.I.T.). It is important to ensure that future land uses within the Plan Area do not impair the function and safety of this highway. To this end A.I.T. has additional influence over permitted developments within 0.8 km of the right of way of Provincial Highway 552. No direct access to the highway system is proposed for this development in accordance with A.I.T. policies for this area. The existing direct access to Highway 552 will be removed at the developer's expense and to the satisfaction of Alberta Transportation.

- a. In accordance with A.I.T. standard practices, no new or direct access to Provincial Highway 552 shall be permitted.
- b. In addition to Municipal Building and Development Permits, an application within 0.8 kilometres (1/2 mile) of right of way of Provincial Highway 552 requires a Provincial Roadside Development Permit from A.I.T. To ensure that the country residential parcels are not unduly compromised by any future highway expansion, parcels adjacent to the provincial highway may be subject to a 40 m setback requirement measured from the highway right-of-way limit.
- c. A.I.T. may request a Traffic Impact Analysis (T.I.A.) to be prepared at the time of redesignation or subdivision. The T.I.A. shall be prepared by a qualified transportation engineer, at the sole expense of the developer. The T.I.A. should include, but is not limited to, an analysis and evaluation of:

- i. The potential impact of a proposed subdivision, and/or development on the existing transportation network: and
- ii. A program of future expansion and/or improvement of the transportation network to accommodate the proposed growth and to preserve the function and integrity of the transportation network.

6.2.2 The Municipal Road Network

The plan area gains access directly from 48th Street, a surfaced Municipal road. The developer/landowner will be required to upgrade 48th Street as a part of the Deer Creek Development. Over time should the surrounding area develop and utilize 48th Street for access the developer/landowner would appreciate an endeavour to assist from those proposing subdivision as a result of the road improvement.

- a. In accordance with municipal policy, the developer may be subject to the Municipal Road Levy or be required to improve the surface of 48th Street at the discretion of Council.

6.2.3 The Internal Road Network

The Plan Area shall be serviced with an internal road that contains two points of ingress/egress from the municipal road system. The internal road will not exceed a grade of 7 % at any point, and will be constructed to municipal standard and paved as required.

- a. The internal subdivision road shall be constructed to Municipal standard at the sole expense of the developer. Ownership and maintenance of the internal subdivision road shall be the responsibility of the Municipality upon issuance of a Final Acceptance Certificate to the developer.

6.3 Water, Sewer and Storm Water Servicing

6.3.1 Water Sources and Resources

New, and more restrictive, water policies for groundwater sources have been implemented under the Provincial *Water Act*.

- a. The Municipality supports the use of individual water wells licensed in accordance with the *Water Act*.
- b. To maintain water quality in the aquifer(s), consideration must be given to proper disposal of sanitary and sewer waste from future developments. Municipal and Provincial codes and standards for on-site disposal shall be the minimum required.
- c. All future developments shall implement water conservation methods.

- d. All storm water management shall be contained within the proposed development area. No surface water shall be directed to highway ditches and post-development flows shall not exceed pre-development. A stormwater management plan may be required.

6.3.2 Sanitary Sources and Resources

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

- a. On-site sewage disposal system shall be developed to the standards of the Municipality and the Alberta Plumbing Code.
- b. It is recommended that the calculated Sodium Absorption Ratio (SAR) of the potable water source (SAR calculated at 15.96) be considered in the long-term effectiveness of the disposal field.
- c. Methods of Open Discharge from a septic tank shall not be permitted.
- d. Non-evaporative lagoons shall not be permitted.
- e. Septic Pump-out tanks are discouraged in the Plan Area due to the damage on the road system that loaded septic trucks may cause.
- f. Alternate systems (i.e. slow sand “trickle” filters, modified tile field design, Microfast, and full fledge treatment systems such as rotating biological contractors (RBCs), “living systems” including constructed wetlands) may be considered at the discretion of the Municipality and Alberta Labour.

6.3.3 Solid Waste Disposal

- a. The Municipality encourages co-ordination of solid waste disposal systems with urban centres where possible.
- a. Solid waste from the Deer Creek development shall be hauled by individual landowners to the nearest transfer site.

6.3.4 Shallow Utilities

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

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

6.4 Protective Services

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

6.4.1 Police Services

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

6.4.2 Fire Services

The Plan Area is serviced by 911 emergency service, with an emergency locator system set up for each individual property.

- a. New subdivision shall meet the criteria for on-site fire fighting measures as determined by the Municipality.
- b. Applications for redesignation, subdivision or development shall assure proper emergency vehicle access in accordance with Municipality Policy.

7.0 IMPLEMENTATION, REVIEW AND AMENDMENT

7.1 Plan Implementation

The Deer Creek Estates ASP falls within a hierarchy of applicable plans as illustrated in **Section 2**. The M.D. of Foothills *Municipal Development Plan* (MDP) is the guiding document for all development within the municipality. The *Land Use Bylaw* (LUB) establishes the land use rules and regulations. The Deer Creek Estates ASP presents a greater level of planning detail within the specific Plan Area and is required to be consistent with both the MDP and LUB.

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

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

7.2 Plan Review and Amendment

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

- a. The future land use and development outlined in the Deer Creek Estates ASP is intended to address a long-term time horizon. Periodic review and occasional amendment of the Deer Creek Estates ASP may be required in accordance with the *Municipal Government Act*. The Deer Creek Estates ASP is flexible enough to allow for review and amendment every five years should the Municipality deem that appropriate.

APPENDIX A: RESTRICTIVE COVENANT

RESTRICTIVE COVENANT

DEER CREEK DEVELOPMENTS LIMITED / GARY EDWARDS, of Dewinton, Alberta (hereinafter referred to as the “Developer”), is the registered owner of certain lands situated near Dewinton, in the Province of Alberta, and more particularly described in **Schedule “A”** attached hereto and by this reference made a part hereof (hereinafter collectively called “the lots” or individually referred to as a “lot” as the context hereof requires);

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

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

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

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

trailers and recreational vehicles may be constructed provided it conforms to the architectural style and exterior finish of the dwelling house. There shall not be constructed on any lot any structures to conceal heavy equipment, gasoline tanks and other fuel tanks and stands thereof. Garden sheds and greenhouses may be constructed provided they conform to the architectural style and exterior finish of the dwelling house and do not exceed three hundred square feet.

5. Gary Edwards / Deer Creek Developments Ltd. must approve all drawings for Building permits prior to their submission to the Municipal District of Foothills No. 31.
6. Outbuildings / Accessory buildings are permitted but are additionally subject to review and approval by Gary Edwards/Deer Creek Developments Ltd. prior to submission to the MD of Foothills No. 31.
7. If a lot owner wishes to store a recreational vehicle, it must be a recreational vehicle which is owned by the lot owner and is restricted to one of such recreational vehicle.
8. No fuel, gasoline, oil, chemicals of any nature or biological waste (excepting waste in properly installed septic tanks) shall be stored on any lots in an amount excess of 100 liters.
9. The minimum habitable floor area, excluding basement, of any single family dwelling upon any lot shall be:
 - a) 1,800 square feet for a bungalow or bi-level dwelling;
 - b) 1,400 square feet for a split level or two storey dwelling;

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

10. No dwelling house on any single lot shall be used for any purpose other than that of a private dwelling for a single family.
11. Construction must start no less than 24 months after purchase of lot.
12. Resale of lots without a home is prohibited unless permission by Gary T. Edwards is given.
13. All driveways must be paved within 12 months of move in to the primary residence.

14. The exterior finish, roof, windows, log finish, siding or stucco of any single family dwelling must be completed within 12 months of the initial excavation of the foundation of the said dwelling. No vinyl siding shall be permitted. Siding shall be a wood product only. No bright colors (i.e. pink, orange). No bright colours on the exterior of the home shall be permitted and the building façade is required to have 25% rock or brick.
15. The roof pitch of the dwelling must be 6 of 12. The roof finish must be cedar shakes, pine shakes, clay or ceramic tiles, top of the line shingles heritage style or architectural asphalt shingles.
16. Any garden shed or greenhouse erected on the property shall be architecturally compatible with the said dwelling house or commensurate with the country residential subdivision, utilizing the same roofing materials as the dwelling house with only steel, aluminum, log finish, or stucco sidings acceptable. The front façade of buildings require 25% rock or brick.
17. Perimeter fencing must match the original 3 rail fence installed by the developer.
18. Grass shall be maintained by the lot owner and shall not exceed 6” in height. All properties will be landscaped, grassed or other landscape material. Weeds are not permitted to grow and must be maintained.
19. Any garden shed or greenhouse erected on the property must be sided and completed within 12 months of the commencement of construction of building.
20. The interior of the dwelling and final building inspection shall be fully completed (excluding any basement development) within 24 months of commencement of the initial excavation of the foundation thereof.
21. No heavy equipment or tractor trailers shall be stored or operated on the property other than for the purpose of construction of the dwelling or improvement of the property. In the event that a lot owner is an owner or operator of such equipment for commercial purposes, such equipment shall not be stored or operated within the subdivision other than as set out above.
22. The owner, his family, and guests shall not operate or permit the operation of motorized vehicles on public areas, such as riding trails, Environmental Reserve, Municipal Reserve, or ditches.
23. If a lot owner is to keep dogs on their lot, suitable fences or electric restraint systems are to be installed to ensure that any such dogs do not leave the lot owner’s property. No lot owner shall have any more than two (2) dogs on the property and the dog(s) must be confined indoors between the hours of 10:00 p.m.

- and 6:00 a.m. Excessive barking shall not be tolerated. If Bylaw Enforcement has been called and if three (3) or more valid complaints are received the owner shall remove the dogs from their property.
24. No livestock or animals of any nature shall be raised on the lot for commercial purposes.
 25. If any of the preceding covenants is determined to be void or unenforceable, in whole or in part, such invalidity or unenforceability of that covenant(s) shall not affect any other covenant and the remaining covenant(s) shall be deemed to be separate and distinct covenants.
 26. Household and other garbage must be removed for the property at least monthly and disposed of in accordance with the local laws at the expense of the landowner.
 27. Sewage disposal is the responsibility of the individual lot owner and shall be in accordance with the requirements of the Municipal District of Foothills and provincial regulations.
 28. Purchasers /homeowners are aware that they reside in a developed area and accept that Gary Edwards / Deer Creek Developments Ltd. will be the primary developer of the subject lands and this may include lands within the immediate vicinity. By acquiring a lot in the subject development the purchaser / homeowner forfeits the right to object to or otherwise interrupt the ongoing development work of Gary Edwards / Deer Creek Developments Ltd. On the subject property and any other property within the Dunbow road / DeWinton area.
 29. No covenants herein shall be deemed to restrict any provision of any development control bylaw, development control resolutions, zoning regulation or land use regulation, or any other similar bylaw, resolution or regulation, passed or imposed by any governmental authority but the covenants herein are to be considered as additional restrictions.
 30. These covenants shall be and are deemed to be covenants running with the land and shall be personally binding upon the successors and assigns of the property herein referred to.
 31. This Agreement shall not merge upon the delivery or registration of a Transfer of any lot but shall survive same.
 32. If any of the preceding covenants is determined to be void or unenforceable, in whole or in part, such invalidity or unenforceability shall affect the validity or enforceability of any other covenant, and the covenant herein shall be deemed to be separate and distinct covenants.

33. If any debate or difference arises over the interpretation of the restrictions and conditions herein contained or as to the stage of construction or location of any buildings, such as a dispute or difference shall be determined by Gary T. Edwards whose decision shall be final and binding.

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

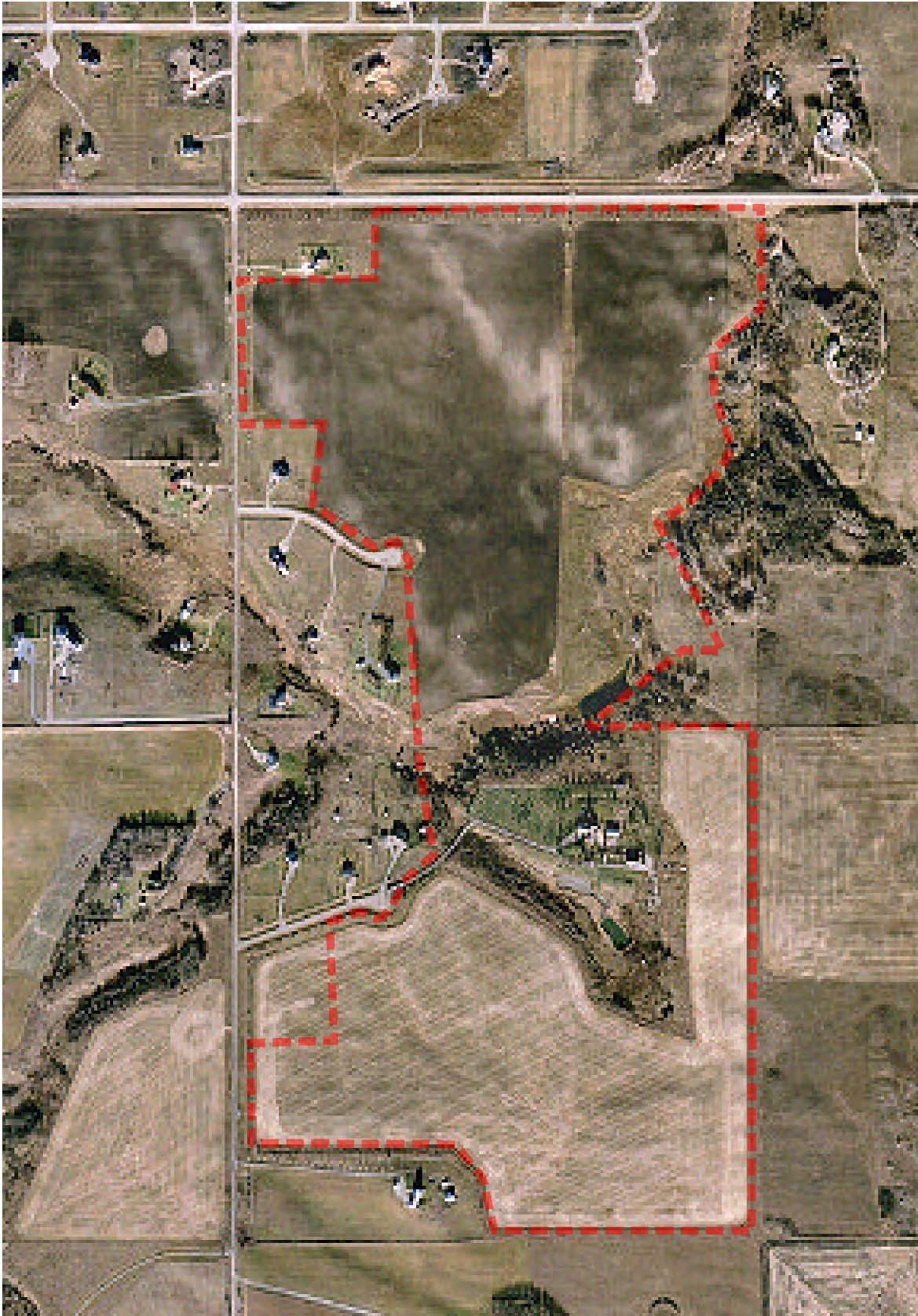
SIGNED IN PRECENSE OF:

Gary Edwards

Witness

APPENDIX B: AIR PHOTO

APPENDIX B



W ½ 23-21-29 W5M

APPENDIX C: CERTIFICATE OF TITLE



ALBERTA REGISTRIES
LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0031 783 210 4;29;21;23;NW 061 276 957 +1

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 29 TOWNSHIP 21
SECTION 23
QUARTER NORTH WEST
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES (MORE OR LESS)	ACRES
ROAD	7605JK	0.809	2.00
ROAD	9210723	0.094	0.232
SUBDIVISION	9211164	2.435	6.02
SUBDIVISION	9710409	8.058	19.91
SUBDIVISION	0013285	1.30	3.21
SUBDIVISION	0612222	2.49	6.15
SUBDIVISION	0612362	2.82	6.97

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF FOOTHILLS NO. 31

REFERENCE NUMBER: 061 257 075 +1

REGISTERED OWNER(S)
REGISTRATION DATE(DMY) DOCUMENT TYPE VALUE CONSIDERATION

061 276 957 11/07/2006 SUBDIVISION PLAN

OWNERS

GARY T EDWARDS
OF BOX 16 , SITE 4, RR # 1
DEWINTON
ALBERTA T0L 0X0

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
061 276 957 +1

REGISTRATION
NUMBER

DATE (D/M/Y)

PARTICULARS

961 092 626 02/05/1996 UTILITY RIGHT OF WAY
GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY
LIMITED.

971 036 690 05/02/1997 UTILITY RIGHT OF WAY
GRANTEE - FORTISALBERTA INC..
320 - 17 AVENUE S.W.
CALGARY
ALBERTA T2S2Y1
(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT
OF WAY 001301947)
(DATA UPDATED BY: CHANGE OF NAME 051029666)

001 365 114 20/12/2000 RESTRICTIVE COVENANT

001 365 115 20/12/2000 CAVEAT
RE : DEFERRED RESERVE
CAVEATOR - THE MUNICIPAL DISTRICT OF FOOTHILLS NO.
31.
BOX 5605
HIGH RIVER
ALBERTA T1V1M7

031 317 021 16/09/2003 MORTGAGE
MORTGAGEE - FIRST CALGARY SAVINGS & CREDIT UNION
LTD.
P.O. BOX 908, CALGARY
ALBERTA T2P2J6
ORIGINAL PRINCIPAL AMOUNT: \$1,900,000

TOTAL INSTRUMENTS: 005

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE
REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED
HEREIN THIS 28 DAY OF SEPTEMBER, 2006 AT 02:19 P.M.

ORDER NUMBER:6423043

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

(CONTINUED)

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

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



ALBERTA REGISTRIES
 HISTORICAL LAND TITLE CERTIFICATE
 CURRENT TITLE WITH HISTORICAL DATA

S		
LINC	SHORT LEGAL	TITLE NUMBER
0026 658 229	4;29;21;23;SW	961 043 929 +4

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 29 TOWNSHIP 21
 SECTION 23
 QUARTER SOUTH WEST
 CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
 EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES)	MORE OR LESS
SUBDIVISION	9211037	5.07	12.5	
SUBDIVISION	9412081	1.24	3.064	
SUBDIVISION	9610424	7.52	18.58	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF FOOTHILLS NO. 31

REFERENCE NUMBER: 941 263 298 +1

REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
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961 043 929	29/02/1996	SUBDIVISION PLAN		
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OWNERS

GARY T EDWARDS
 OF BOX 16
 SITE 4, RR 1
 DEWINTON
 ALBERTA T0L 0X0

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
961 043 929 +4

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
771 132 670	26/09/1977	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED. AS TO PORTION OR PLAN:7711255 "TAKE PRIORITY OF CAVEAT 761113070 REGISTERED 10/09/1976"
951 121 827	31/05/1995	MORTGAGE MORTGAGEE - PROVINCE OF ALBERTA TREASURY BRANCHES. P.O. BOX 1020, OKOTOKS ALBERTA ORIGINAL PRINCIPAL AMOUNT: \$200,000
951 265 650	21/11/1995	CAVEAT RE : DEVELOPMENT AGREEMENT CAVEATOR - THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31. BOX 5605 HIGH RIVER ALBERTA T1V1M7 AGENT - JUDY HOFFER
961 030 043	08/02/1996	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.
961 076 049	12/04/1996	RESTRICTIVE COVENANT
961 076 050	12/04/1996	RESTRICTIVE COVENANT
961 149 001	05/07/1996	MORTGAGE MORTGAGEE - PROVINCE OF ALBERTA TREASURY BRANCHES. BOX 1020, OKOTOKS ALBERTA T0L1T0 ORIGINAL PRINCIPAL AMOUNT: \$50,000
991 334 056	16/11/1999	MORTGAGE MORTGAGEE - THE BANK OF NOVA SCOTIA. NO. 102, 10202 SOUTHPORT ROAD SW CALGARY ALBERTA T2W4X9 ORIGINAL PRINCIPAL AMOUNT: \$258,750
001 001 832	05/01/2000	DISCHARGE OF MORTGAGE 961149001
011 062 645	07/03/2001	MORTGAGE

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 3
961 043 929 +4

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

MORTGAGEE - FIRST CALGARY SAVINGS & CREDIT UNION LTD.
P.O. BOX 908, CALGARY
ALBERTA T2P2J6
ORIGINAL PRINCIPAL AMOUNT: \$600,000

011 062 646 07/03/2001 DISCHARGE OF MORTGAGE 951121827

011 260 472 07/09/2001 DISCHARGE OF MORTGAGE 991334056

031 317 021 16/09/2003 MORTGAGE
MORTGAGEE - FIRST CALGARY SAVINGS & CREDIT UNION LTD.
P.O. BOX 908, CALGARY
ALBERTA T2P2J6
ORIGINAL PRINCIPAL AMOUNT: \$1,900,000

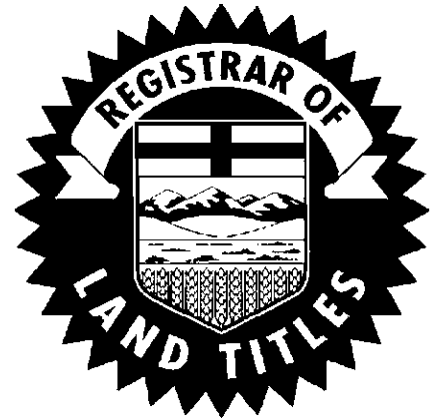
031 388 056 10/11/2003 DISCHARGE OF MORTGAGE 011062645

TOTAL INSTRUMENTS: 014

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 29 DAY OF JUNE, 2006 AT 09:59 A.M.

ORDER NUMBER:5685512

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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

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