

PLANNING

TO:	Council	
DATE:	April 11, 2023	DIVISION: 3
TIME:	Morning Appointment	
FILE:	07923023	APPLICATION: PL20210146
SUBJECT:	Redesignation Item: Agricultural Use	

APPLICATION: To redesignate the subject land from Agricultural, General District (A-GEN) to Agricultural, Small Parcel District (A-SML p8.1), to facilitate the creation of one new parcel.

GENERAL LOCATION: Located approximately 1.00 kilometre (0.62 miles) south of Township Road 274, on the east side of Grand Valley Road.

EXECUTIVE SUMMARY: The subject 16.2 hectare (40.0 acre) site is presently used for grazing and contains an existing dwelling, barn, accessory structures, and an outdoor arena located centrally within the parcel. The existing approach off Grand Valley Road and the existing crossing over the Grand Valley Creek tributary provides direct access to the site.

Council gave first reading to Bylaw C-8305-2022 on June 28, 2022. A public hearing was held on October 11, 2022; following the hearing, Council passed 2nd reading to the Bylaw then the following motion:

MOVED by Deputy Mayor Kissel that Bylaw C-8305-2022 be referred back to Administration to address road access and boundary line concerns.

The initial proposal (Figure 1 below) was deemed an inefficient division of land and Council referred the application back to Administration. The Applicant has prepared an amended proposal (Figure 2 below); the revised proposal was assessed against Section 8.0 (Agriculture) of the Municipal Development Plan (County Plan). The proposal is inconsistent with Policy 8.18, as the application has not demonstrated why the proposed berry operation cannot operate within the existing parcel, has not demonstrated a need for such a development in the area, and has not provided an analysis for the impact on the existing and potential onsite and offsite infrastructure. The application proposes sharing the existing approach with two lots through an access easement agreement, as construction of a new approach crossing the Grand Valley Creek tributary would pose a significant financial expense and require approval from Alberta Environment and Protected Areas.

ADMINISTRATION RECOMMENDATION: Administration recommends refusal as per Option #2.

OPTIONS:

- Option # 1: THAT Bylaw C-8305-2022 be given third and final reading.
- Option # 2: THAT application PL20210146 be refused.

Administration Resources

Jordan Furness, Planning and Development

AIR PHOTO & DEVELOPMENT CONTEXT:

Figure 1 – Proposed Subdivision from the October 11, 2022 Public Hearing

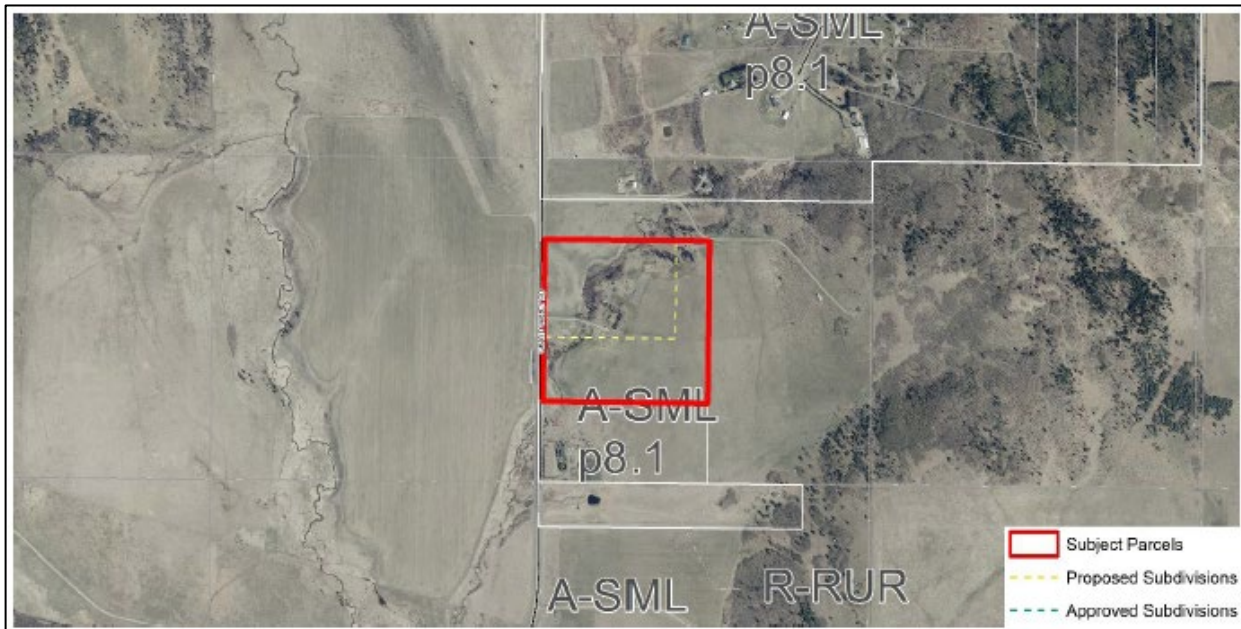


Figure 2 – Amended Proposed Subdivision – each parcel is ± 8.1 hectares (20.0 acres)





APPLICATION EVALUATION: The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS:	TECHNICAL REPORTS SUBMITTED:
<ul style="list-style-type: none"> • <i>Municipal Government Act</i>; • Municipal Development Plan (County Plan); • Land Use Bylaw (C-8000-2020); and • County Servicing Standards. 	<ul style="list-style-type: none"> • None.

POLICY ANALYSIS:

Municipal Development Plan (County Plan)

The subject land is located outside of an area structure plan and does not have a guiding conceptual scheme. As such, the proposal was evaluated in accordance with the agricultural policies under Section 8.0 of the County Plan. Policy 8.18 of the County Plan provides criteria for evaluating redesignations to smaller agricultural parcels based on new or distinct agricultural operations.

The application is not consistent with Policy 8.18 (b) and the definition of *New Agricultural Operation* of the County Plan. The planning rationale provided by the Applicant does not satisfactorily demonstrate why the proposed berry operation cannot be carried under the existing land use and is distinctly different from the existing use of the subject land. The existing Agricultural, General land use allows for small-scale agricultural operations as proposed and as such, Administration finds that future subdivision simply for the proposed berry operation is unwarranted.

The application proposes to continue sharing the existing approach with two lots through an access easement agreement, as construction of a new approach crossing the Grand Valley Creek tributary would pose a significant financial expense and require approval from Alberta Environment and Protected Areas.

Land Use Bylaw

The proposal meets the purpose and intent of the Agricultural, Small Parcel District, which is to provide a range of mid-sized parcels for agricultural uses. With rounding to one decimal point, the proposed lots meet the minimum parcel size requirement of 8.1 hectares (20.01 acres) permitted with a modifier, in accordance with the Agricultural, Small Parcel District (A-SML) district of the Land Use Bylaw.

ADDITIONAL CONSIDERATIONS:

Transportation

The application proposes access to Lot 1 through Lot 2 via the existing driveway which crosses Jumping Pound creek on site. Physical access directly to Lot 1 is constrained by the creek and would require an appropriate crossing as approved by Alberta Environment and Parks. An access easement would be required to be registered at the subdivision stage over Lot 2 for the benefit of Lot 1.

Respectfully submitted,

Concurrence,

“Matt Boscarior”

“Dorian Wandzura”

Executive Director
Community Services

Chief Administrative Officer



ROCKY VIEW COUNTY

JF/bs

ATTACHMENTS

ATTACHMENT 'A': Application Information

ATTACHMENT 'B': Application Referrals

ATTACHMENT 'C': Bylaw C-8305-2022 and Schedule 'A'

ATTACHMENT 'D': Map Set

ATTACHMENT 'E': Public Submissions – October 11, 2022 Public Hearing

ATTACHMENT 'F': Public Submissions – April 11, 2023 Public Hearing

ATTACHMENT 'G': Applicant's Rationale (Original & Amended)