

## PLANNING

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**TO:** Subdivision Authority  
**DATE:** April 11, 2023 **DIVISION:** 5  
**FILE:** 06415001/06415062 **APPLICATION:** PL20210203  
**SUBJECT:** Residential Subdivision: Creation of Two New Lots

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**APPLICATION:** To create a  $\pm 1.62$  hectare ( $\pm 4.00$  acre) new lot (Lot 1), a  $\pm 2.57$  hectare ( $\pm 6.34$  acre) new lot (Lot 4), with a  $\pm 1.83$  hectare ( $\pm 4.52$  acre) remainder (Lot 2) and a  $\pm 1.72$  hectare ( $\pm 4.25$  acre) remainder (Lot 3).

**GENERAL LOCATION:** Located immediately south of Township Road 262A, approximately 0.61 kilometres (0.38 miles) west of Range Road 292, and 0.41 kilometres (0.25 miles) north of Highway 566.

**LAND USE DESIGNATION:** Residential, Rural District (R-RUR)

**EXECUTIVE SUMMARY:** The landowners of the two properties are proposing to create two additional new lots through this application. Access to the new lots would be provided by the existing mutual approach; potable water would be provided by the municipal piped water system while wastewater would be treated onsite through a private sewage treatment system.

The application was evaluated against the Subdivision and Development Regulation, the Municipal Development Plan (County Plan), the Balzac East Area Structure Plan (ASP), and the Land Use Bylaw. The proposal meets the applicable planning policies and the regulations of the Land Use Bylaw.

The Applicant has requested an exemption from the Transportation Off-Site Levy (Bylaw C-8007-2020) applicable on the two new lots as set out within Attachment 'F'. The request centers around the necessity for the Levy payment and the fairness of considering the Levy payment on smaller residential subdivisions which do not drive the same demand for regional transportation infrastructure in the same way that a high density residential or industrial development would. The Transportation Off-Site Levy Bylaw allows for Council, in its sole and unfettered discretion, to consider whether the Levy should be imposed, imposed in part, or not at all.

In keeping with Section 5 (1) and (2) of the Subdivision Authority Bylaw (C-8275-2022), Council is the decision-making authority owing to this Applicant request, and a separate letter of concern from a neighbouring resident. The Applicant has requested an exemption from the Transportation Off-Site Levy (Bylaw C-8007-2020) applicable on the two new lots as set out within Attachment 'F'.

**ADMINISTRATION RECOMMENDATION:** Administration recommends Approval in accordance with Option #1.

### OPTIONS:

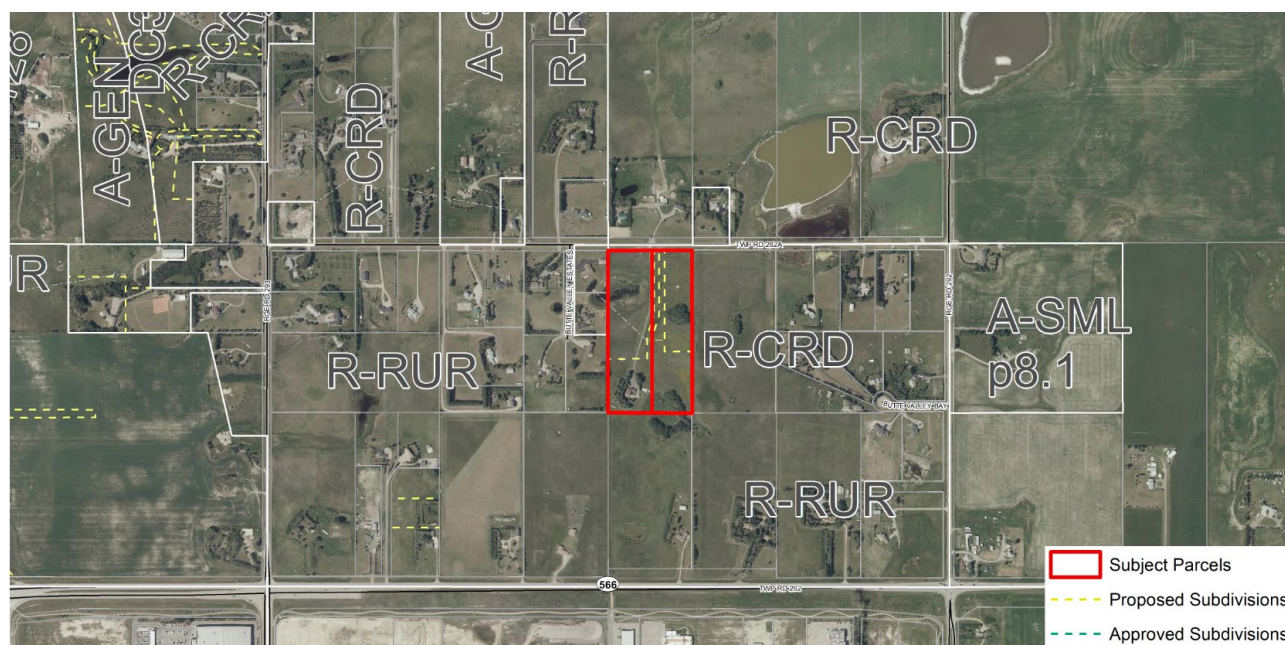
Option #1: THAT Subdivision Application PL20210203 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Subdivision Application PL20210203 be refused.

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### Administration Resources

Jordan Furness, Planning & Development

**AIR PHOTO & DEVELOPMENT CONTEXT:**

**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"> <li>• Calgary Metropolitan Region Growth Plan;</li> <li>• <i>Municipal Government Act</i>;</li> <li>• <i>Subdivision and Development Regulation</i>;</li> <li>• Municipal Development Plan (County Plan);</li> <li>• Balzac East Area Structure Plan</li> <li>• Subdivision Authority Bylaw;</li> <li>• Land Use Bylaw; and</li> <li>• County Servicing Standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Appraisal Report (Black Valuation Group Ltd., dated December 9, 2022)</li> <li>• Wetland Desktop Mapper Report (Solstice Environmental Management, dated June 28, 2022)</li> <li>• Level 4 Private Sewage Treatment System (PSTS) Assessment (Osprey Engineering Inc., dated May 24, 2022)</li> </ul>

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
<p><b>Transportation Off-Site Levy</b></p> <p>Total proposed area of Lot 1, 2, and 4 = 14.86 acres  3 acres of TOL previously paid under PL20190121  = 14.86 acres – 3 acres = 11.86 acres (Applicable levy area)</p> <p>(a) Base Levy (\$4,595.00/acre) = \$54,496.70  (b) East Balzac Special Area 1 Levy (\$17,200.00/acre) = \$203,992.00  Total = \$258,488.70</p>	<p>\$258,488.70</p>
<p><b>Water Off-Site Levy</b></p> <p>Assumed usage is 0.950 m<sup>3</sup>/day/unit x 2 units = 1.9 m<sup>3</sup>/day</p>	<p>\$30,019.15 + applicable interest</p>

Estimated Levy Payment amount: $\$15,799.55 \text{ m}^3/\text{day} \times 1.9\text{m}^3/\text{day}$ = \$30,019.15 + applicable interest	
<b><i>Municipal Reserves</i></b> Total Land Area = 7.73 hectares Less: Environmental Reserve Easement Area = 1.396 hectares Land Subject to Municipal Reserve Dedication = 6.334 hectares 6.334 hectares x 10% x \$91,850 (appraised per hectare value) = \$58,178	\$58,178

### **Policy Review:**

#### Calgary Metropolitan Region Board (CMRB) - Growth Plan

The application is within a preferred growth area identified as “Joint Planning Area 1” of the CMRB’s Growth Plan as per Schedule 4 – Regional Growth Structure, of the Plan. Also, the site is within the County approved Balzac East Area Structure Plan, which was approved prior to the approval of the CMRB’s Growth Plan. Therefore, as per Policy 3.1.10.1 of the CMRB’s Growth Plan, the policies of the Area Structure Plan, unless amended, take precedence.

Policy 3.1.10.1 states that existing area structure plans that were adopted in accordance with the *Municipal Government Act*, prior to the date the Growth Plan came into force, will remain in effect. Therefore, the subject application was reviewed against the Balzac East Area Structure Plan (ASP).

#### Municipal Development Plan (County Plan)

The application is within a country residential growth area identified on Map 1 of the County Plan. While generally applying with the plan’s policies, Policy 16.13 does discourage the use of panhandles. In this instance, the adjacent panhandles accommodate more country residential lots while retaining the opportunity for development of a subdivision road in the future should more lots be proposed.

#### Balzac East Area Structure Plan (ASP)

The subject lands fall within Phase 2 of the Balzac East Area Structure Plan. The proposed new lots meet or exceed the minimum parcel size requirement of 1.62 hectares (4.0 acres) set out within Policy 4.2.3(a).

Policy 4.2.3 (c) of the ASP does allow the County to require a conceptual scheme to ensure that subdivision applications do not negatively impact future redevelopment options. In this instance, by locating the panhandles adjacent to each other, it enables future development of a subdivision road; therefore, a conceptual scheme would provide limited additional benefit in support of the proposal.

Policy 4.2.1(c) (as well as Policy 16.13 in the County Plan) generally discourages the use of panhandles to access lots unless there are site constraints, or it helps accommodate future internal subdivision roads. If further developed, the proposed panhandles could be converted to a subdivision road to serve new lots in future subdivisions. However, the current proposal puts the lots at or near the minimum allowed area as per the ASP; therefore, future subdivision is unlikely until a major review of the ASP has been completed.

#### Land Use Bylaw (LUB)

The proposed parcel sizes meet the minimum required 1.6 hectare (3.95 acre) parcel size within the Residential, Rural District (R-RUR). The existing building(s), water well, and septic field are within the proposed subdivision boundaries for each lot.

**Technical Considerations:**Transportation

The subject lands are directly south of Township Road 262A. The proposed new lots (Lots 1 and 4) would gain direct access from Township Road 262A, and individual panhandle access is proposed for Lots 2 and 3. The Applicant proposes to share the existing approach located on Lot 4 with the remaining lots. As a condition of subdivision, a shared easement agreement would be required on Lot 4 for the benefit of Lots 1, 2, and 3. The existing approach meets the current County Servicing Standards requirements.

The Applicant paid Transportation Off Site Levy (TOL) under a previously approved subdivision application PL20190121, for a 1.21 hectare (3.00 acre) portion of the existing east parcel. The remainder Base Levy and the total Special Area 1 Levy were deferred at that time. Through this application, the Applicant is required to pay the TOL for the gross acreage of proposed Lots 1, 2, and 4, minus 1.21 hectare (3.00 acre), which was paid with the previous subdivision (PL20190121). The Applicant requests Council to waive the Transportation Off-Site Levy. A waiver of some or all the levies can only be made by Council, in accordance with the TOL Bylaw.

The collection of the East Balzac Special Area 1 Levy will fund the construction of Balzac specific infrastructure as identified below:

- Range Road 293 (Dwight McClellan Trail) bridge structure for overpass to Métis Trail
- Cost recovery payments to developer for Highway 2 and Township Road 261 interchange
- Highway 566 expansion and intersection improvements from Range Road 294 to Range Road 290
- Range Road 292 connection to Stoney Trail and 60th Street Interchange
- Cost share funding for Stoney Trail and 60th Street Interchange

Water and Wastewater

Water supply to the existing dwelling on the subject parcel is provided by an individual water well. Water levies were paid for the two existing subject parcels under PL20190121; however, connections to piped water servicing were not established thereafter. As a condition of subdivision, the Owner is required to connect all lots to the available East Rocky View County Waterworks System for water supply.

Wastewater servicing for the existing dwelling on the subject site is provided by a private septic system. The application proposes Private Sewage Treatment Systems (PSTS) for the proposed lots. Based on the submitted Level IV PSTS Assessment, a package treatment system is required to service each new lot. As a condition of subdivision, the Applicant is required to provide a Level I Variation Assessment and enter into a Development Agreement (Site Improvements/Services Agreement) to ensure package treatment systems are implemented.

Stormwater

The subject lands contain two existing waterbodies that would be impacted by the proposed subdivision. As a condition of subdivision, a Stormwater Management Report in accordance with the County Servicing Standards is required to provide recommendations in accordance with the Nose Creek Watershed Management Plan.

Environmental

A Desktop Wetland Assessment Report was submitted recommending development setbacks from an existing wetland on the proposed lots, which is required to be implemented through a Development Agreement (Site Improvements/Services Agreement).

The Applicant has agreed to provide a 1.4 hectare (3.45 acre) Environmental Reserve Easement (ERE), which protects a wetland located in the northwest corner of the subject lands. EREs limit any development activity or human disturbances but the land remains in private ownership. The County does not assume any maintenance responsibilities for the ERE area.

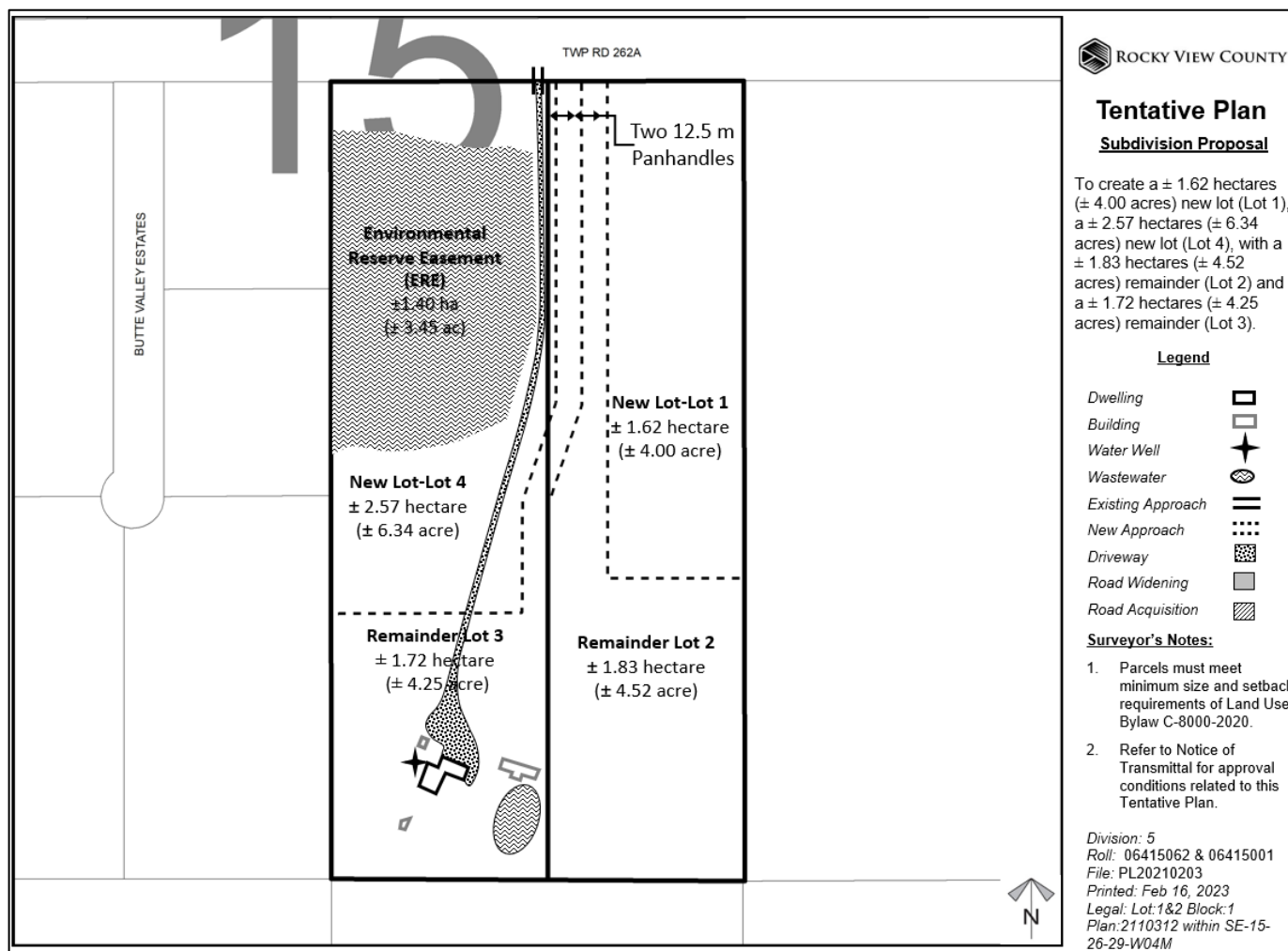
Municipal Reserves

Municipal Reserves are outstanding on the subject lands. Administration recommends collecting cash-in-lieu of land in accordance with Section 667 of the *Municipal Government Act* on all four parcels.

ERE lands are exempt from Municipal Reserve calculations. Therefore, the cash-in-lieu amount reflects the site area excluding the lands to be protected with an ERE.



Tentative Plan



Respectfully submitted,

Concurrence,

"Matt Boscarior"

"Dorian Wandzura"

Executive Director  
Community Services

Chief Administrative Officer

JF/bs

**ATTACHMENTS:**

ATTACHMENT 'A': Approval Conditions

ATTACHMENT 'B': Application Information

ATTACHMENT 'C': Application Referrals

ATTACHMENT 'D': Map Set

ATTACHMENT 'E': Public Submission

ATTACHMENT 'F': Applicant Request – Relief from Transportation Off-Site Levy