



Subdivision Item: Residential

Electoral Division: 6

File: PL20230105 / 05305001

Date:	September 10, 2024
Presenter:	Oksana Newmen, Senior Planner
Department:	Planning

REPORT SUMMARY

The purpose of this report is to assess a proposed subdivision from SE-05-25-28-W04M to create:

- eighty (80) ± 0.07 hectare (± 0.18 acre) to ± 0.20 hectare (± 0.50 acre) Residential, Small Parcel District (R-SML) parcels;
- two (2) ± 0.09 hectare (± 0.21 acre) to ± 0.38 hectare (± 0.95 acre) Commercial, Local Urban District (C-LUD) parcels;
- three (3) PUL parcels, ± 0.06 hectare (± 0.14 acre) and ± 7.10 hectare (± 16.81 acre);
- two (2) MR parcels;
- two (2) DC 174 parcels, ± 1.05 hectare (± 2.60 acre) and ± 3.92 hectare (± 9.70 acre); and,
- two (2) remainder parcels; ± 15.33 hectare (± 37.89 acre) ± 21.45 hectare and (± 53.00 acre).

The application was reviewed pursuant to the *Municipal Government Act* (MGA), the Regional Growth Plan (RGP), the Rocky View County/City of Calgary Intermunicipal Development Plan (IDP), the County Plan, Matters Related to Subdivision and Development Regulation, Conrich Area Structure Plan (ASP), Conrich Crossing Conceptual Scheme (CS), and the *Land Use Bylaw*.

The application is located in the future policy area of the Conrich ASP. Policy 7.1 states that “*Local plans, land use redesignation, and new subdivision shall not be supported within the future policy area.*”

In this respect, the application was found not to align with the policies of the Conrich ASP, a statutory document, and therefore it does not meet the requirements of the *Municipal Government Act*.

Furthermore, the subdivision proposal contains several inconsistencies with the approved Conrich Crossing CS and land use, which may cause challenges in implementing future development on the subject lands.

Council is the Subdivision Authority for the subject application due to non-compliance with section 654(1) of the *Municipal Government Act*, in accordance with Section 5(4), of the *Subdivision Authority Bylaw* (C-8275-2022), and in accordance with Section 5(2) as there is landowner objection to the application.

ADMINISTRATION’S RECOMMENDATION

THAT the Subdivision Authority refer subdivision application PL20230105 back to the Applicant, with the Applicant to revise their application to align with the adopted Conrich Crossing Conceptual Scheme and approved land use; and

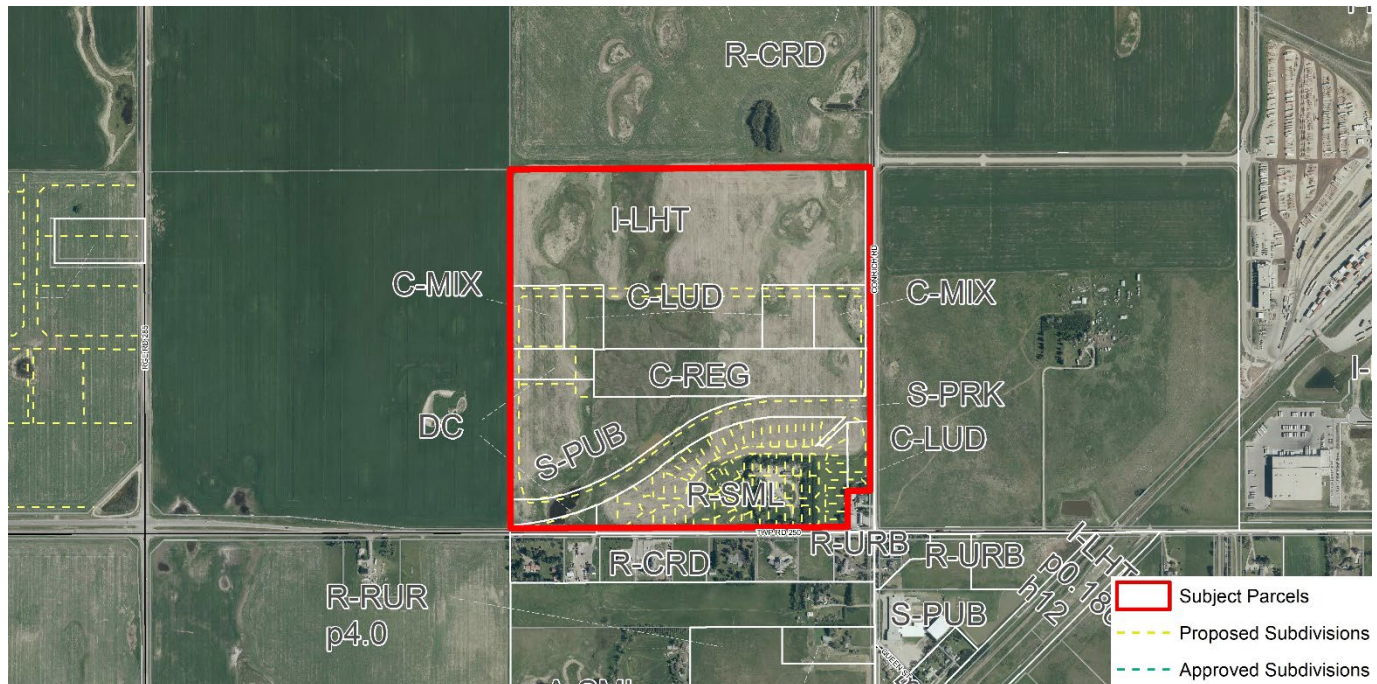
THAT the revised subdivision application shall not be brought back to Council until amendments to the Future Policy Area within the Conrich Area Structure Plan have been adopted.

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BACKGROUND

Location (Attachment A)

Located in Conrich, northwest of the junction of Township Road 250 and Conrich Road.



Site History (Attachment B)

On July 20, 2021, Council approved Bylaw C-8178-2021, Conrich Crossing Conceptual Scheme, and Bylaw C-8179-2021 to redesignate the subject lands from agricultural to small lot residential, commercial, industrial, direct control, public, and park land uses to facilitate development of the conceptual scheme.

With respect to this subdivision application, Administration accommodated the Applicant's request of a June 25, 2024 Council date, which was then requested for postponement by the Applicant.

The subject land is ± 64.345 hectares (± 159 acres) and presently contains a dwelling, garage, and several accessory buildings, all of which are located towards the southern property line. There are three existing approaches, along the southern boundary accessing the dwelling, and two along the southern portion of the eastern boundary.

Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary intermunicipal neighbors, internal and external agencies.

This application was circulated to The City of Calgary in accordance with the Conrich ASP, and with the City of Chestermere notification area requirements. The City of Calgary requested the addition of a condition seeking collaboration regarding recreation and community services. City of Chestermere did not respond.

Alberta Transportation and Economic Corridors has provided no concerns on the proposed application.

Landowner Circulation (Attachment D)

The application was circulated to 70 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); 44 letters in support, and 11 letters in opposition were received.

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ANALYSIS

Policy Review (Attachment E)

The application was reviewed pursuant to the *Municipal Government Act*, the Regional Growth Plan (RGP), the County Plan, the Rocky View County/City of Calgary Intermunicipal Development Plan (IDP), Conrich Area Structure Plan (ASP), Conrich Crossing Conceptual Scheme (CS), and the *Land Use Bylaw* and was found to be inconsistent.

Municipal Government Act

The application is inconsistent with section 654(1)(b) of the *Municipal Government Act*, as the proposed subdivision is not in accordance with the Conrich ASP. Specifically, the subject lands are located within the future policy area of the Conrich ASP and Policy 7.1 of the ASP states that no land use or subdivision shall be approved.

Regional Growth Plan

As the Conrich ASP and CS were both adopted prior to adoption of the RGP, they remain in full effect per Policy 3.1.10.1 of the RGP. It is noted that the proposed density of the subdivision, and set out within the overarching CS, does not meet the 7.25 units per acre minimum density requirement of the RGP.

If it is determined that the approved Conrich Crossing CS cannot be implemented as originally approved through this subdivision application, any amendment to the CS would be required to align with the density requirements and other policies of the RGP.

Intermunicipal Development Plan

The IDP requires consultation with The City of Calgary, and comments were received and considered. The application is consistent with the IDP.

County Plan

The County Plan outlines that land use planning be consistent with a relevant ASP, in addition to meeting technical requirements. Policy 5.1 in Section 5.0 (Managing Residential Growth) states that plans should be consistent with their ASP. As the subject lands are in the future policy area, and not within the defined hamlet in Conrich, the proposal is not consistent with this policy.

Related to this, Policy 5.6 in Section 5.0 (Managing Residential Growth) indicates that multi-lot residential use should not be supported near to existing hamlet boundaries:

“Applications to redesignate land for multi-lot residential use adjacent to, or in the vicinity of, an existing hamlet should not be supported unless the proposed development area is approved as an amendment to the hamlet boundaries.”

Since the lands are adjacent to the existing Conrich Hamlet, and a new hamlet boundary is yet to be defined through the Future Policy Area ASP amendment project, this application is not consistent with this policy.

Conrich Area Structure Plan

While many of the elements pertaining to technical matters (servicing) are met, the overarching land use policies are not. As previously noted, the subject lands are located within the future policy area of the Conrich ASP, in which Policy 7.1 states that no land use or subdivision shall be approved. Administration notes that Council approved the conceptual scheme in 2021; however, this does not mitigate the need for the subsequent subdivision to meet the same requirement, where each local plan, redesignation, and subdivision are called out individually as needing to meet this requirement.

In the absence of overarching policy guidance that would be determined through the Future Policy Area ASP amendment project, Administration finds difficulty evaluating the merits of this application, particularly with respect to how the development would integrate with the wider hamlet through development form, transportation, pathways, and other design considerations.

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The intent of the Future Policy Area is to establish a hamlet boundary, community core, residential areas, and other land use areas that are consistent with the rest of the area structure plan policies, including review to consider potential future school sites. To underscore the matters still to be determined, the Terms of Reference for the Conrich Future Policy Area include: potential enhancements to the main street, crossroads area, and/or community gathering places; provision of sufficient parks, open space, amenities, and pedestrian connections; impact on the environment; interface with adjacent agricultural land, as well as identifying population and density targets, community core and hamlet commercial uses, identification of future school sites, location of pathway and servicing connections, and development phasing.

It should be noted that draft future policy area includes the subject lands as anticipated hamlet residential, but the future policy area has yet to be considered by Council. Administration has scheduled the Council public hearing on the ASP amendments for October 16, 2024. Once the future policy area amendments have been determined, there would be certainty in evaluating the subdivision, and removing the inconsistency with the Conrich ASP Policy 7.1 restricting subdivision in this area.

This is the basis for Administration's recommendation, tabling the item until future policy area adoption.

Conrich Crossing Conceptual Scheme

The proposed subdivision is largely compliant with the adopted CS; however, there are a number of inconsistencies that cumulatively results in needed amendments. Specifically: road configurations in each of the future industrial area and in the residential area; land uses to not match parcel size/configuration (residential, municipal reserve, and direct control); relocation of MR; and altered regional pathway routing. A depiction of the variations is included in Attachment A.

As a result of these inconsistencies, Administration recommends amendments to the Conceptual Scheme, as well as the land uses. This is included as part of Administration's recommendation.

Land Use Bylaw

The subdivision has altered since adoption of the land uses and conceptual scheme, where several parcels do not match the parcel size/configuration of Schedule B, Map 53 of the *Land Use Bylaw*. A depiction of the variations is included in Attachment A. Administration recommends amendments to the subdivision to align with the approved Conceptual Scheme, as well as the land uses.

Regarding specific land uses, the subdivision is consistent with the *Land Use Bylaw*.

In accordance with section 654(2) of the *Municipal Government Act*, a Subdivision Authority may approve an application that does not align with the *Land Use Bylaw*, so long as the subdivision would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of neighbouring parcel of land; and the proposed subdivision conforms with the use prescribed for that land in the *Land Use Bylaw*, in the opinion of the Subdivision Authority.

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Technical Review

Transportation

The application will accommodate the realigned Township Road 250, which will bisect the residential area (south side) from the industrial/commercial area (north side). The County is in negotiations with the Applicant as to the provision of the lands and funding, with final determination required as a condition of approval. Transportation offsite levies are also required.

Development Agreement

A development agreement will be required to address construction of internal roadways, off-site improvements identified in the Transportation Impact Assessment; extending the County's sanitary and potable water services to the development; construction of fire suppression systems; construction of stormwater management facilities; placement of mailbox locations; installation of lighting, and shallow utilities; required approvals from EPA; construction management plan; and erosion and sediment control plan.

Stormwater

The Applicant provided a Conceptual Level Stormwater Management Report Plan prepared by Sedulous Engineering Inc., dated July 2020. The concept consists of the use of overland and underground stormwater conveyance to a large central storm pond, which will eventually be tied to the CSMI. As a condition of subdivision, the Applicant will be required to submit a detailed stormwater management plan for this phase, prepared by a qualified professional, providing the detailed designs of the stormwater management infrastructure necessary to support the proposed development. Stormwater offsite levies are also required.

Potable Water

As per Policy 23.9 of the Conrich ASP, all new development shall connect to the County's potable water system. The Applicant has indicated that the development will be serviced with piped water should the application be approved. The Applicant submitted a Preliminary Engineering Support Servicing Strategy prepared by Sedulous Engineering Inc., dated August 2020, which indicated that the site will be serviced by the existing regional East Rocky View Water System via a transmission main from the Conrich Reservoir and Pump Station. The servicing strategy determined that potable water infrastructure upgrades may be required as part of the first phase of the Conrich Station Development.

Wastewater

As per Policy 23.15 of the Conrich ASP, all new development shall connect to the County's wastewater system. The Applicant has indicated that the development will be serviced by piped wastewater should the application be approved. The Applicant submitted a Preliminary Engineering Support Servicing Strategy prepared by Sedulous Engineering Inc., dated August 2020, which indicated that the site will be serviced by gravity mains that lead to a local lift station which directs a 250mm force main to the existing 600mm force main which eventually discharges at the Langdon Wastewater Treatment Plant. The servicing strategy determined that sanitary infrastructure upgrades may be required as part of the current first phase of the Conrich Station Development.

Municipal Reserves

The subdivision is subject to 15.07 acres of MR dedication. 3.89 acres (2.58% of the 10% requirement) will be provided as MR lands over two linear pathway lots, and the remainder as cash-in-lieu. A portion will be deferred by caveat for future subdivision development. At this time, 1.7% will be required.

Lot Owner Associations

Each of the residential and commercial portions will be required to have their own lot/homeowner's associations for maintenance and upkeep related to waste management, noise buffering facilities, etc.

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COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

IMPLICATIONS

Financial

No financial implications identified at this time.

STRATEGIC ALIGNMENT

As per Section 5(2) of the *Subdivision Authority Bylaw (C-8275-2022)* Council is the decision-making authority due to adjacent landowner objection, and Section 5(4), due to non-compliance with section 654(1) of the *Municipal Government Act*.

ALTERNATE DIRECTION

Option 1: Should the Subdivision Authority find the application does not meet the various policy documents, and wishes to refuse the application:

THAT the Subdivision Authority refuses application PL20230105 for the following reasons:

1. The application does not comply with the Conrich Area Structure Plan.
2. The application does not comply with section 654(1)(b) of the *Municipal Government Act*.
3. The application does not comply with the County Plan.
4. The application does not comply with the Conrich Crossing Conceptual Scheme.
5. The application does not comply with the *Land Use Bylaw*.

Option 2: Should the Subdivision Authority find the application meets the intent of the Conrich Area Structure Plan, a Statutory document, and is in alignment with the decision of Council through the adoption of the Conrich Crossing Conceptual Scheme (Bylaw C-8178-2021) and wishes to support the application. The Subdivision Authority may wish to impose the recommended conditions of approval outlined in Attachment F.

THAT the Subdivision Authority approves application PL20230105 with the conditions noted in Attachment F.

ATTACHMENTS

- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Public Submissions
- Attachment E: Policy Review
- Attachment F: Recommended Conditions of Approval
- Attachment G: Applicant Memo – Conrich Crossing Subdivision Changes

APPROVALS

Manager:	Dominic Kazmierczak
Executive Director/Director:	Brock Beach, Acting
Chief Administrative Officer:	Byron Riemann