



Subdivision Item: Residential

Electoral Division: 6

File: PL20240072 / 03232008

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| Date:       | October 8, 2024               |
| Presenter:  | Oksana Newmen, Senior Planner |
| Department: | Planning                      |

REPORT SUMMARY

The purpose of this report is to assess a proposed subdivision of Lot 4, Block 1, Plan 2312140 within SW-32-23-27-W04M to create a ± 0.809 hectare (± 2.00 acre) parcel (Lot 1) with a ± 0.946 hectare (± 2.34 acre) remainder (Lot 2).

The application was evaluated in accordance with the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Municipal Development Plan (County Plan) and the *Land Use Bylaw*.

The application does not align with Section 5.0 (Managing Residential Growth Areas) or Section 8.0 (Agriculture) of the County Plan. Therefore, it also does not align with the requirements of section 654(1)(b) of the *Municipal Government Act*.

The proposed ± 0.809 hectare (± 2.00 acres) and the balance parcel comply with the *Land Use Bylaw*, meeting the minimum size of 0.8 hectares (± 1.98 acres) as required by the R-CRD designation.

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), as well as due to an objection from an adjacent landowner, in accordance with Section 5(2).

ADMINISTRATION'S RECOMMENDATION

THAT application PL20240072 be refused for the following reasons:

1. The application does not comply with the Municipal Development Plan (County Plan).
2. The application does not comply with section 654(1)(b) of the *Municipal Government Act*.

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### BACKGROUND

#### Location (Attachment A)

Located some 3.22 kilometres (2 miles) east of Chestermere, on the east side of Range Road 275 and approximately 1.61 kilometres (1 mile) south of Township Road 240.



#### Site History (Attachment B)

The original 6 acre parcel that the subject lands were part of, a farmstead, was created in March 1992. On November 26, 2019, Council approved Bylaw C-7934-2019 to redesignate the subject land from Farmstead District (F) to Residential One District (R-1), in order to facilitate the creation of a  $\pm$  3.00 acre parcel (Lot 1) with a  $\pm$  3.52 acre remainder (Lot 2). A subdivision followed, approving the creation of the parcels. In April 2023, a Boundary Adjustment was approved to reorganize the parcels into a 2.00 acre and 4.52 acre parcel. The current application is now the request to subdivide the 4.52 acre parcel into two lots.

The subject land is approximately 1.75 hectares (4.52 acres) and presently contains two small animal enclosures. The parcel does not have an existing approach, and instead seeks to relocate the adjacent approach to the north (also owned by the landowners) onto proposed lot 2 to yield a mutual approach for the two proposed lots and the adjacent lot to the north.

The applicant has submitted photographs in support of their application; these are set out in attachment G.

#### Intermunicipal and Agency Circulation (Attachment C)

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

This application was circulated to The City of Chestermere in accordance with the notification area, and no response was received.

#### Landowner Circulation (Attachment D)

The application was circulated to 142 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); no letters in support, and one letter in opposition were received.

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### ANALYSIS

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#### Policy Review (Attachment E)

The application was reviewed pursuant to the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Municipal Development Plan (County Plan), and the *Land Use Bylaw*. The application was determined to be inconsistent with the policies of the County Plan; it therefore does not align with the *Municipal Government Act*.

The subject lands are adjacent to large, active farming parcels. Policies 8.16, and 8.25 through 8.27 of the County Plan speak to addressing compatibility of the proposed development with adjacent land uses, and minimizing land use conflict with agriculture. Specifically, Section 8.0 discourages incompatible land use in the agricultural area; it supports measures to minimize adverse impacts on existing agriculture operations; and encourages additional setbacks for housing to minimize impact on both agriculture and the residential lands.

The adjacent two-acre parcel previously subdivided contains a house, and the resulting two lots from the proposed subdivision anticipate a dwelling to be built on each. The Applicant has not provided a planning rationale to justify subdivision. No measures to reduce impact (through agricultural boundary design guidelines) have been provided, and there is no indication of intent to setback the future homes to minimize impact to each the residences and the agricultural operations. As such, the application is inconsistent with the County Plan's Agriculture section.

Similarly, Policy 5.10, pertaining to managing residential growth in the agricultural area, notes that residential development in the agricultural area shall be guided by the goals and policies of the County Plan. Those plans in Section 8.0, as described above, were found to be inconsistent, and therefore this policy is also inconsistent.

The application was found to be consistent with Section 13.0 (Municipal Reserves), as reserves will be provided via cash-in-lieu, pursuant to the existing deferred reserve caveat registered through the prior subdivision.

The application was assessed under Policy 16.13 for road access, and was found to be generally consistent. While a panhandle is being created, which is discouraged by this policy, the panhandle will serve to accommodate access to each of the two adjacent residential parcels, thereby eliminating the need for additional access points.

Both of the proposed parcels comply with the *Land Use Bylaw* as the proposed parcels exceed the minimum size restriction of 0.8 hectares ( $\pm$  1.98 acres), as required by the R-CRD designation. As such the application is consistent with the *Land Use Bylaw*.

### COMMUNICATIONS / ENGAGEMENT

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

### IMPLICATIONS

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#### Financial

No financial implications identified at this time.

### STRATEGIC ALIGNMENT

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

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**ALTERNATE DIRECTION**

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Should the Subdivision Authority find the application meets the intent of the County Plan, and is in alignment with the decision of Council through the adoption of Bylaw C-7934-2019 to redesignate the subject lands from Agricultural, Small Parcel District (A-SML) to Residential, Country Residential District (R-CRD) to facilitate future subdivision of one new lot, they may wish to impose the recommended conditions of approval outlined in Attachment F.

THAT application PL20240072 be approved with the conditions noted in Attachment F.

**ATTACHMENTS**

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- 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 Photograph Submission of Subject Property

**APPROVALS**

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| Manager:                      | Dominic Kazmierczak |
| Executive Director/Director:  | Matt Boscariol      |
| Chief Administrative Officer: | Byron Riemann       |

