



# COUNCIL REPORT

## Subdivision Item: Residential

---

Electoral Division: 3

File: PL20220156 / 06718020  
/ 06718010

Date:	October 22, 2024
Presenter:	Michelle Dollmaier, Senior Planner
Department:	Planning

### REPORT SUMMARY

---

The purpose of this report is to assess a proposed subdivision of Lot 2, Plan 9010113 and Lot 2, Block 1, Plan 0612873 within SW-18-26-03-W05M to create two ±1.57 hectare (±3.88 acre) parcels and a ±1.57 hectare (±3.88 acre) remainder on Lot 2, Plan 9010113, and to create three ±1.69 hectare (±4.18 acre) parcels with a ± 1.73 hectare (±4.28 acre) remainder on Lot 2, Block 1, Plan 0612873.

The application was evaluated in accordance with the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Rocky View County / Town of Cochrane Intermunicipal Development Plan (IDP), Municipal Development Plan (County Plan), Bearspaw Area Structure Plan (ASP), and the *Land Use Bylaw*.

The application is inconsistent with Policies 8.1.20 and 8.1.21 of the ASP, as no conceptual scheme has been submitted. However, Administration acknowledges the adoption of a conceptual scheme for this area would provide limited benefit to the subject lands as there are no wider impacts that would require further policy or technical consideration outside the recommended conditions of subdivision.

To construct the proposed internal road without acting on the road acquisition against the neighbouring lot, the proposed ±1.57 hectare (±3.88 acres) parcels do not comply with the *Land Use Bylaw* as the proposed parcels do not meet the minimum size requirement of 1.6 hectares (3.95 acres) as required by the R-RUR designation.

In addition, Section 411 – Emergency Access in the County Servicing Standards identifies that any rural development that results in 10 lots or greater shall have a secondary access to accommodate emergency vehicles. The proposed subdivision would result in an additional lot gaining access from Rolling Acres Place, for a total of 11 lots with only one access. Council could waive this requirement, at its discretion, at time of future subdivision.

Therefore, Council is the Subdivision Authority for the subject application in accordance with Section 5(2), 5(3), and 5(5), of the *Subdivision Authority Bylaw* (C-8275-2022).

### ADMINISTRATION’S RECOMMENDATION

---

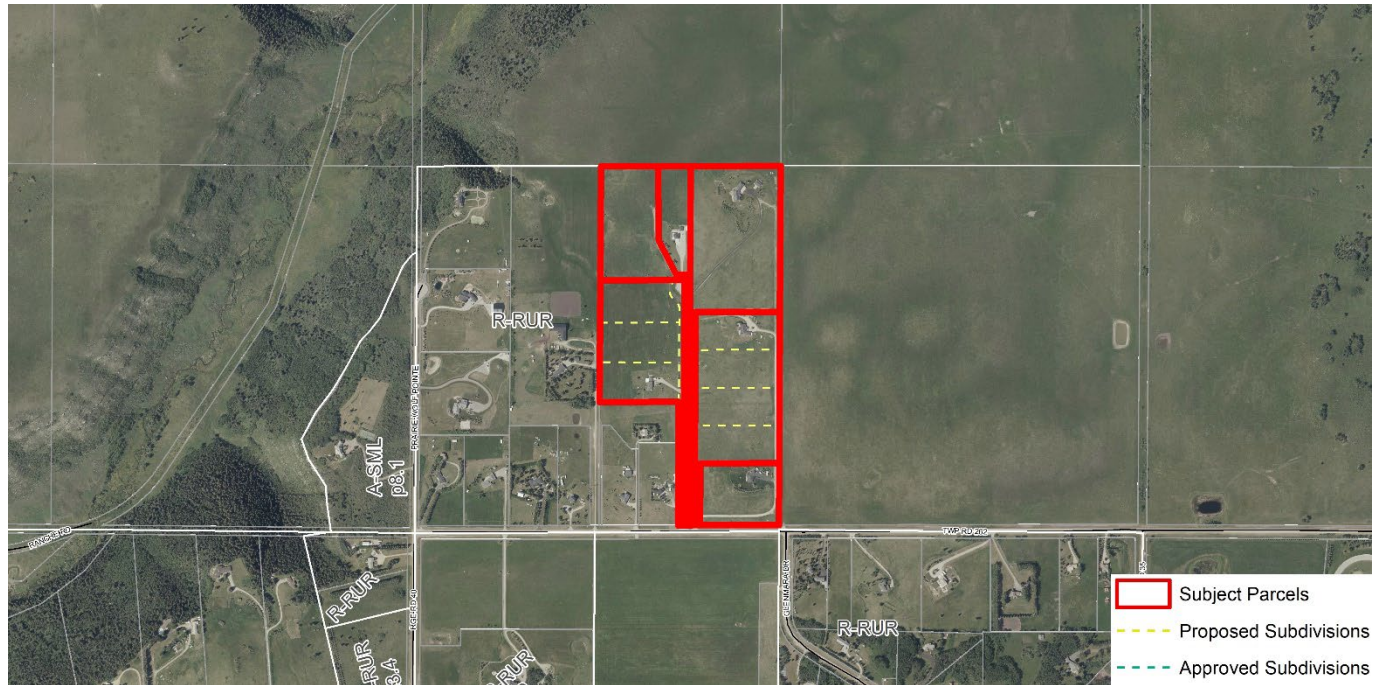
THAT the Subdivision Authority approves application PL20220156 with the conditions noted in Attachment F.

## Subdivision Item: Residential

### BACKGROUND

#### Location (Attachment A)

Located within the Bears paw ASP, approximately 3.00 kilometres (1.86 miles) east of the Town of Cochrane, on the north side of Township Road 262 and approximately 0.60 kilometres (0.37 miles) east of Range Road 40.



#### Site History (Attachment B)

On January 17, 1990, Lot 2, Plan 9010113 on the west side of the proposal was registered at land titles.

On August 17, 2006, Lot 2, Block 1, Plan 0612873 on the east side of the proposal was registered at land titles.

The subject parcels currently gain access through the use of a mutual driveway constructed through 4 existing panhandles.

A road acquisition agreement is registered on the land title of the lot at the very end of the existing driveway cul-de-sac to acquire enough land for a proper cul-de-sac in accordance with County Standards should an internal road be constructed.

#### 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 Town of Cochrane in accordance with the Rocky View County / Town of Cochrane Intermunicipal Development Plan. The Town has no concerns with the application.

#### Landowner Circulation (Attachment D)

The application was circulated to 103 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); two (2) letters in opposition were received.

## Subdivision Item: Residential

---

### ANALYSIS

---

#### Policy Review (Attachment E)

The application was reviewed pursuant to the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Rocky View County / Town of Cochrane Intermunicipal Development Plan (IDP), Municipal Development Plan (County Plan), and the *Land Use Bylaw*.

The subject parcel is located within the Bears paw ASP and is in an identified country residential area recommended for a conceptual scheme. The proposed subdivision to create five lots with two remainders would result in three lots to be 3.88 acres in size, conflicting with Policy 8.1.20, which limits the minimum parcel size to 4 acres. However, Policy 8.1.21 does allow for subdivision of parcels less than 4 acres in size, provided it is planned through a concept plan. There is no concept plan submitted for the subdivision; however, since there are no servicing concerns for the application, Administration acknowledges that a concept plan for this area has limited benefit.

Four of the proposed parcels comply with the *Land Use Bylaw* as the proposed parcels exceed the minimum size restriction of 1.60 hectares (3.95 acres), as required by the R-RUR designation. Three of the proposed parcels do not comply with the *Land Use Bylaw* as the proposed parcels are slightly under the minimum size restriction of 1.60 hectares (3.95 acres), as required by the R-RUR designation.

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.

### 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), 5(3), and 5(5) 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*.

### ALTERNATE DIRECTION

---

No alternative options have been identified for the Subdivision Authority's consideration.

### 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

Subdivision Item: Residential

---

**APPROVALS**

---

Manager:	Dominic Kazmierczak
Executive Director/Director:	Matt Boscarol
Chief Administrative Officer:	Reegan McCullough

