

ATTACHMENT F: RECOMMENDED CONDITIONS OF APPROVAL

- A. THAT the application to subdivide ± 4.05 hectare (± 10.00 acre) parcel (Lot 1) with a ± 4.02 hectare (± 9.94 acre) remainder (Lot 2) from a portion of SW-35-25-28-W04M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 9 and 18 of the *Matters Related to Subdivision and Development Regulation*, and the *Municipal Development Plan (County Plan)*, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Statutory Policy;
 2. The subject lands hold the appropriate land use designation;
 3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. In accordance with Section 654(2) the Subdivision Authority is of the opinion that the proposed 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.
- D. The Subdivision Authority acknowledges the existing accessory structures (Buildings A, B, C, and D, as noted on the approved Tentative Plan) on proposed Lot 1 do not meet the minimum side yard setback requirement of 15.0 metres from other parcels on parcels over or equal to 4.0 ha (9.88 ac), as per the R-RUR land use district (Section 323, LUB) and considers these buildings as legally non-conforming.
- E. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

Survey Plans

- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
 - a) A Plan of Survey, including the Application number (PL20240108) and Roll number (05335005) of the parcel to include:
 - i. Building A, including eaves, shall be located wholly within the boundary of Lot 1
 - ii. Buildings B, C, and D shall be identified as legally non-conforming.
- and;
- b) Landowner's Consent to Register Plan of Survey.

Site Servicing

- 2) Water is to be supplied by an individual well on Lot 2. The subdivision shall not be endorsed until:
 - a) An Aquifer Testing (Phase II) Report is provided, which is to include aquifer testing and the locations of the new well on the remainder lot, in accordance with the County's Servicing Standards and requirements of the Water Act;
 - b) A Well Driller's Report confirming a minimum pump rate of 1.0 IGPM for the new well is provided.

Transportation

- 3) The Owner shall enter into a Road Acquisition Agreement with the County, to be registered by Caveat on the title of Lot 2, to serve as notice that those lands are intended for future development as a County road, as per the approved Tentative Plan. The Agreement shall include:
 - a) The provision of approximately ± 1.11 ha (± 2.75 ac) road acquisition along the southern boundary and eastern boundary of Lot 2;
 - b) Land is to be purchased for \$1.00 by the County.
- 4) The Owner shall enter into a Restrictive Covenant, to be registered by Caveat prepared by the County, on the title of Lots 1 and 2, that restricts the erection of any new structure on or within 15 metres of a future road right-of-way, as shown on the approved Tentative Plan.
- 5) The Owner shall upgrade the existing approach on the remainder lot to a mutual gravel approach with a minimum width of 7 metres in accordance with the County Servicing Standards. In addition, the Owner shall also:
 - a) Contact County Road Operations for a pre-construction inspection and a post-construction inspection for final acceptance;
 - b) Provide an access right of way plan; and
 - c) Prepare and register respective easements on each title, where required.
- 6) The Owner shall upgrade the existing approach on Lot 1 to a gravel approach with a minimum width of 6.1m in accordance with the County Servicing Standards. In addition, the Owner shall also:
 - a) Contact County Road Operations for a pre-construction inspection and a post-construction inspection for final acceptance;

Municipal Reserves

- 7) The Owner shall enter into an Environmental Reserve Easement for the protection and enhancement of the environment in accordance with Section 664 of the Municipal Government Act:
 - a) The easement area is applicable to the wetland and ephemeral channel, excluding the type 3 watercourse crossing, as identified within the Stormwater Management Plan Biophysical Impact Assessment, prepared by Western Water Resources Inc., dated January 29, 2023, and as generally shown on the approved Tentative Plan, to include an additional 6 metre buffer, to the satisfaction of the County; and
 - b) The easement area shall meet the requirements of Section 664(3) of the MGA.

- 8) The provision of Municipal Reserve, in the amount of 10% of the area of Lots 1 and 2, is to be provided by payment of cash-in-lieu, in accordance with the appraisal report provided by Benchmark Real Estate Appraisals, dated July 4, 2024, pursuant to Section 667(1) of the Municipal Government Act.

Payments and Levies

- 9) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one new lot.

Taxes

- 10) All taxes owing up to and including the year in which subdivision is to be registered, are to be paid to Rocky View County prior to signing the final documents pursuant to Section 654(1) of the Municipal Government Act.

F. SUBDIVISION AUTHORITY DIRECTION:

- 1) Prior to final endorsement of the subdivision, the Planning Department is directed to present the Applicant/Owners with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.



Tentative Plan

Subdivision Proposal

To create a ± 4.05 hectare (± 10.00 acre) parcel (Lot 1) with a ± 4.02 hectare (± 9.94 acre) remainder.

Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	
Road Widening	
Road Acquisition	

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 5
Roll: 05335005
File: PL20240108
Printed: 6/4/2024
Legal: A portion of SW-35-25-28-W04M

