



COUNCIL REPORT

Subdivision Item: Residential

Electoral Division: 1

Application: PL20190105 / 04710003

Date:	April 8, 2025
Presenter:	Carter Shelton, Planner 1
Department:	Planning

REPORT SUMMARY

The purpose of this report is to assess a proposed subdivision of the subject lands (Attachment A) to create one ± 3.424 hectare (8.46 acre) parcel with a ± 58.09 hectare (143.54 acre) remainder.

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

The application is inconsistent with Section 5.0 (Managing Residential Growth Areas), Section 8.0 (Agriculture), and Section 10.0 (Country Residential) of the County Plan. The proposal does not align with Section 8 (Residential), Section 25 (Flood Risk Management), and Section 26 (Implementation) of the recently adopted Springbank Area Structure Plan (ASP). Further, the proposed parcel configuration may conflict with the access provisions of Section 11 of the *Matters Related to Subdivision and Development Regulation* as no direct frontage to a developed County Road is available for the remainder of the quarter section.

As the application is inconsistent with the overarching statutory guiding framework, the application conflicts with the requirements of section 654(1)(b) of the *Municipal Government Act*.

The proposed ±3.424 hectare (±8.46 acre) parcel complies with the *Land Use Bylaw* as the balance meets the minimum size restriction of the applicable Residential, Rural Residential (R-RUR p3.4) 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).

Should the Subdivision Authority determine the application to be in alignment with the overarching policy framework, in keeping with the previous Council decision to adopt Bylaw C-8302-2022 redesignating the subject lands, it may wish to consider the alternative direction at the end of this report.

ADMINISTRATION’S RECOMMENDATION

THAT application PL20190105 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*.

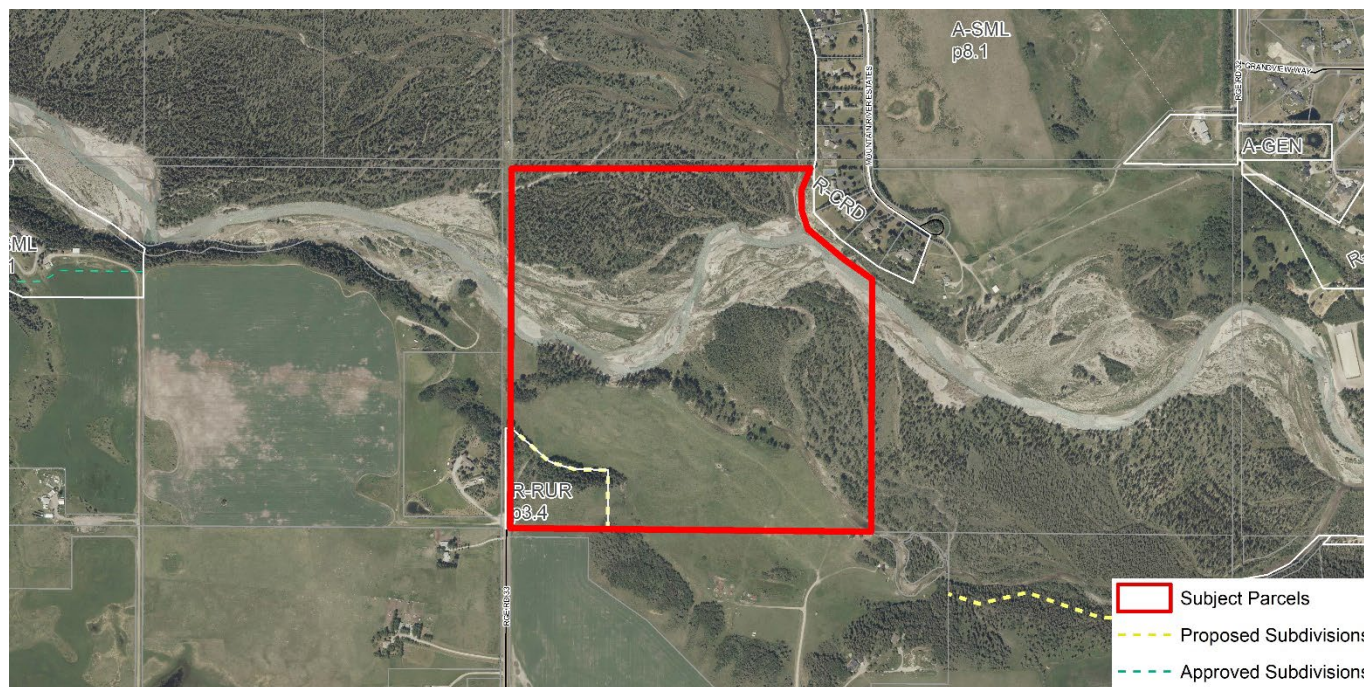


Subdivision Item: Residential

BACKGROUND

Location (Attachment A)

Located approximately 6.5 kilometres (4.0 miles) west of the city of Calgary, 0.81 kilometres (0.5 miles) north of Highway 8, and on the east side of Range Road 33.



Site History (Attachment B)

The first parcel of the subject quarter section, northeast of the Elbow River was registered February 16, 1920 as indicated by the historic Township Plan. The historical Township Plan indicates this separation may have occurred in 1884.

On February 17, 1972, the first parcel out of the quarter section was further subdivided as part of the Mountain River Estates Subdivision northeast of the Elbow River.

On September 25, 2020, the Municipal Planning Commission tabled making a decision on this subdivision application with the following motion:

"Subdivision Application PL20190105 be tabled pending redesignation and submittal of a market appraisal report."

On November 1, 2022, Council approved Bylaw C-8302-2022, redesignating the portion of the subject lands from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR p3.4) to facilitate the creation of one new lot, which is to be no smaller than 3.4 hectares (8.4 acres) in size.

The subject land is currently undeveloped, and the remainder of the quarter section is largely within the identified Floodway of the Elbow River. The subject lands are accessed through the developed portion of Range Road 33, which terminates at the southwestern corner of the subject lands. Significant topographical constraints limit the potential for construction of access to the remainder of the quarter section within the Range Road 33 allowance. The application proposes access to the remainder of the quarter section through mutual access easement registration across the adjacent parcel immediately south of the subject lands.

Subdivision Item: Residential

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 Calgary in accordance with the Rocky View County / City of Calgary Intermunicipal Development Plan. Concerns were raised regarding the provision of private sewage treatment facilities in such close proximity to the Elbow River, given the environmentally sensitive nature of the topography and soil stability. A level four PSTS assessment was subsequently provided to support the application; the technical report has been reviewed by Administration and no concerns regarding wastewater treatment are outstanding.

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

Landowner Circulation (Attachment D)

The application was circulated to 35 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); one letter in support and none in opposition were received.

ANALYSIS

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 and therefore does not align with the *Municipal Government Act*. The subject lands do not meet the definition of a First Parcel Out and cannot be considered as such; the residential land use designation and parcel configuration preclude support under the new or distinct agricultural operation policies. Further, the proposal cannot be considered as a fragmented quarter section as there are fewer than six parcels, which are less than 10.0 hectares (24.7 acres) in size, subdivided from the subject quarter section. Therefore, the application does not align with the agricultural and residential development policies of the County Plan.

The portion of the subject lands, which is north of the Elbow River, is identified within the Springbank Area Structure Plan (ASP). The application was determined to conflict with the policies of the ASP as the proposed parcel configuration and further fragmentation of agricultural lands may adversely impact the environmentally sensitive area in proximity to the Elbow River. The application does not align with the Residential Development objectives of the plan to accommodate the sensitive integration of residential land uses in agricultural areas, and is not guided by a conceptual scheme, as required by the Land Use policies guiding New Residential Areas and Policy 8.12. Areas of topographical constraints particularly within flood plains, are encouraged to be preserved in accordance with Map 9 and Section 25 (Flood Risk Management). As such, the extension of the undeveloped portion of Range Road 33 beyond the southwestern corner of the subject lands should not be supported. The use of panhandles to provide access to new residential lots or agricultural balances may be supported in areas where no viable alternatives exist, in accordance with Policy 8.06.

The application proposes a parcel configuration without direct access to a developed County Road for the remainder Lot 2. Access is proposed via easement and right of way plan through the adjacent parcel to the south, which results in the remainder lands having no frontage to a developed County Road; therefore, the application proposes no viable options for the provision of access to the balance of the quarter section.

Both the proposed parcel (3.424 hectare) and the remainder lot (58.09 hectare) meet the minimum size restrictions of their respective Residential, Rural Residential (R-RUR p3.4) and Agricultural, General (A-GEN) land use designations.

Subdivision Item: Residential

COMMUNICATIONS / ENGAGEMENT

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

IMPLICATIONS

Financial

No financial implications identified at this time.

Legal

The subject land is encumbered by an Option Agreement between the Title owner listed above and the previous owner, who is the registered owner of the southernly adjacent lands. The owners have not been able to provide an access management strategy acceptable to both parties satisfying the requirements of the Matters Related to Subdivision and Development Regulations; therefore, approval of the subdivision application may create further challenges with endorsement and plan registration.

STRATEGIC ALIGNMENT

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*.

ALTERNATE DIRECTION

Should the Subdivision Authority find the application meets the intent of the County Plan, a Statutory document, and is in alignment with the decision of Council through the adoption of Bylaw C-8302-2022 to redesignate the subject lands from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR p3.4) to facilitate future subdivision of one new lot, they may wish to support the application. Should the Subdivision Authority wish to support the application, they may wish to impose the recommended conditions of approval outlined in Attachment F.

THAT application PL20190105 be approved 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: Alternate Direction - Recommended Conditions of Approval

APPROVALS

Manager:	Dominic Kazmierczak, Executive Director, Community Services
Executive Director/Director:	Dominic Kazmierczak, Executive Director, Community Services
Chief Administrative Officer:	Reegan McCullough, Chief Administrative Officer