

## PLANNING AND DEVELOPMENT SERVICES

**TO:** Municipal Planning Commission  
Subdivision Authority

**DIVISION:** 9

**DATE:** April 14, 2021

**APPLICATION:** PL20200060

**FILE:** 06710007

**SUBJECT:** Subdivision Item: Residential

**APPLICATION:** To create a  $\pm 1.62$  hectare ( $\pm 4.00$  acre) parcel (Lot 1), and a  $\pm 4.05$  hectare ( $\pm 10.00$  acre) parcel (Lot 2), with a  $\pm 10.32$  hectare ( $\pm 25.51$  acre) remainder (Lot 3).

**GENERAL LOCATION:** Located approximately 4.80 kilometres (3 miles) east of the town of Cochrane, 0.8 kilometres (0.5 mile) west of Lochend Road, and on the south side of Township Road 262.

**LAND USE DESIGNATION:** Residential Rural District (R-RUR)

**EXECUTIVE SUMMARY:** The application is consistent with the relevant policies of the Land Use Bylaw and the Bearspaw Area Structure Plan.

**ADMINISTRATION RECOMMENDATION:** Administration recommends approval in accordance with Option #1.

### OPTIONS:

Option #1: THAT Subdivision Application PL20200060 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Subdivision Application PL20200060 be refused.

### AIR PHOTO & DEVELOPMENT CONTEXT:



### Administration Resources

Christina Lombardo, Planning and Development Services

**APPLICATION EVALUATION:**

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b>	<b>TECHNICAL REPORTS SUBMITTED:</b>
<ul style="list-style-type: none"> <li>• <i>Municipal Government Act;</i></li> <li>• Subdivision and Development Regulations;</li> <li>• Municipal Development Plan;</li> <li>• Bears paw Area Structure Plan</li> <li>• Land Use Bylaw; and</li> <li>• County Servicing Standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Biophysical Impact Assessment (Westhoff Engineering/Sept 2019)</li> <li>• Level 3 Private Sewage Treatment System Assessment (Solice Environmental Management/Nov 2020)</li> <li>• Traffic Memo (ISL Engineering/June 2020)</li> <li>• StormWater Memo (ISL Engineering/June 2019)</li> <li>• Land Appraisal (Bourgeois Brooke Chin Associates/July 2020)</li> </ul>

*Payments and Levies*

<b>APPLICABLE FEE/LEVY</b>	<b>AMOUNT OWING (ESTIMATE)</b>
<b>TRANSPORTATION OFFSITE LEVY</b> Base Levy (Gross Lot 1 acreage) \$4,595 / acre x (4.00 acres)	\$18,380.00
<b>MUNICIPAL RESERVE (\$/ACRE)</b> \$21,007.34 / acre (4.00 acres) x 0.10	\$8,402.94

Additional Review Considerations

Conditions were set based on the following items:

*Accessibility to a Road*

Lots 1 & 2 can maintain direct access to Township Road 262, located immediately north of the subject lands. The Applicant has proposed access to Lot 3 via a panhandle, however the lot is oversized and has further development potential, with the ability to create an additional five (5) lots. Under the Bears paw Area Structure Plan (BASP) panhandles are not supported, especially when they propose access to collector roads such as Township Road 262. Additionally, the feasibility of the roadway construction decreases with each subsequent development. As such, a condition to upgrade the existing access to a paved mutual approach to allow for access to all three (3) proposed lots. Additionally, a condition of this subdivision requires a land acquisition agreement to be placed on the pan handle of Lot 3 to ensure dedication of the land is available upon further subdivision of the subject lands. An associated Restrictive Covenant will be placed by Caveat on Lots 1 & 2 to restrict any development or erection of any structures within 15.0 m of the future road right-of-way.

Township Road 262 is a Network A Road in the County's Long Range Transportation Plan, requiring 36.00 m ultimate right of way. The current right of way width is 30.00 m. As a condition of subdivision, the applicant shall dedicate by plan of survey the remaining 3.00 m along the entire northern boundary of the subject lands in order to accommodate future road upgrades.

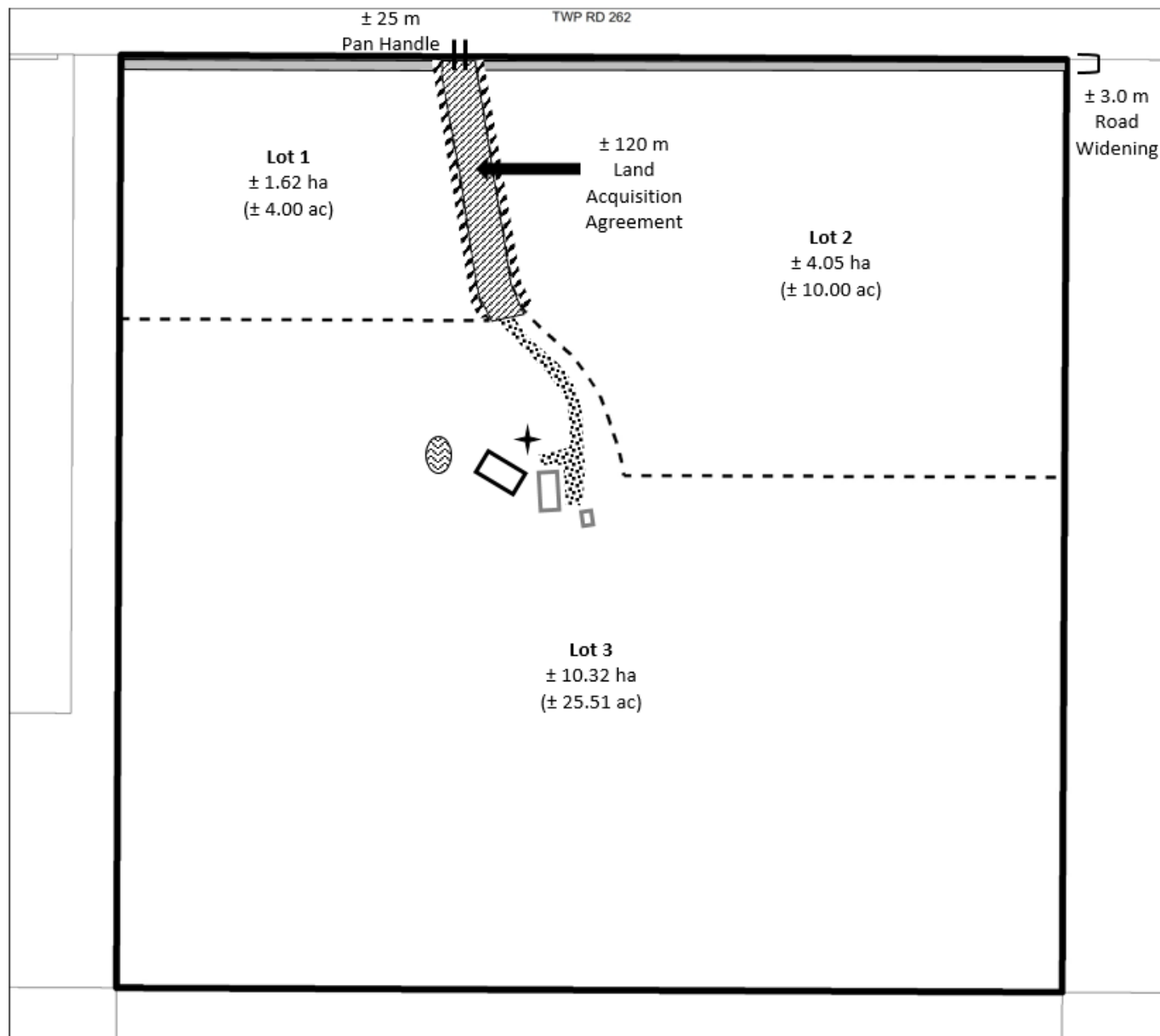
*Servicing*

Lot 3 contains a dwelling, with servicing provided by means of a water well and private sewage treatment system. Lots 2 and 3, currently undeveloped, propose to be serviced via the same means. The lands are in the vicinity of piped water servicing, however, Rocky View Water Co-op has indicated that it doesn't have capacity to service any lots on the site due to inadequate pressure. As such, the Applicant has proposed water wells. A Phase 1 Aquifer Analysis confirmed that there appears to be sufficient water supply for the proposed development with no impact to the existing surrounding developments. As a condition subdivision, the applicant will be required to drill new wells on Lots 1 and 2. Additionally, a Level 3 PSTS assessment was submitted concluding that the soil types identified are able to accommodate the effluent and the existing septic field meets the required setbacks.

For Lot 1, which is 4 acres in size, a Site-specific Stormwater Implementation Plan is required as a condition of subdivision in order to confirm this. Lots 2 and 3 are 10 acres and 25.51 acres in size, and as such, a site-specific stormwater implementation plan is not warranted for these lots at this time. As a condition of subdivision, the applicant is required to enter into a Deferred Services Agreement with the County for connection of the proposed lots to municipal services once available.

*Payments and Levies*

TOL will be calculated on the gross acreage of Lot 1 and will be deferred for the remaining lands at this time. Municipal Reserve is also being requested for Lot 1 at this time, as future subdivision on the parcel is not supported by policy. Reserves on Lots 2 and 3, however are being deferred at this time for collection on future subdivision applications.



## **Tentative Plan**

### **Subdivision Proposal**

To create a ± 1.62 hectare (± 4.00 acre) parcel, and a ± 4.05 hectare (± 10.00 acre) parcel, with a ± 10.32 hectare (± 25.51 acre) remainder.

### **Legend**

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	
Road Widening	
Land Acquisition Agreement	
15.0m Restrictive Covenant	

### **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.

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**CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Al Hoggan”

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Acting Executive Director  
Community Development Services

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Chief Administrative Officer

CL/llt

**ATTACHMENTS:**

ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Maps and Other Information



ROCKY VIEW COUNTY

**ATTACHMENT 'A': APPROVAL CONDITIONS**

- A. The application to create a  $\pm 1.62$  hectare ( $\pm 4.00$  acre) parcel and a  $\pm 4.05$  hectare ( $\pm 10.00$  acre) parcel, with a  $\pm 10.32$  hectare ( $\pm 25.51$  acre) remainder, within a portion of NW-10-26-3-W5M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and Section 14 of the Subdivision and Development Regulations, 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. 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.

**Transportation and Access**

- 2) The Owner is to dedicate by Plan of Survey, a 3.0 m wide portion of land for road widening along the entire northern boundary of the subject lands;
- 3) The Owner shall construct a new mutual paved approach on Township Road 262 in order to provide access to Lots 1-3 (inclusive). In addition, the Owner shall:
  - a) Provide an access right of way plan; and
  - b) Prepare and register respective easements on each title, where required.
- 4) The Owner is to enter into a new Land Acquisition Agreement with the County, to be registered by Caveat on the title of Lot 3, 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  $\pm 25.00$  m wide strip approximately  $\pm 120.00$  m in length containing approximately ( $\pm 0.30$  ha) road acquisition along the pan handle of Lot 3;
  - b) The purchase of land at future fair market value.



## ROCKY VIEW COUNTY

- 5) The Owner is to enter into a Restrictive Covenant, to be registered by Caveat prepared by the County, on the titles of Lot(s) 1 & 2 that restricts the erection of any structure on or within 15.0 m of a future road right-of-way, as shown on the approved tentative plan.

*Site Servicing*

- 6) Water is to be supplied by an individual well on Lots 1 and 2. The subdivision shall not be endorsed until:
  - a) An Aquifer Testing (Phase II) Report is provided demonstrating a minimum flow rate of 1.0 IGPM, and including aquifer testing and the location of the wells within Lots 1 and 2 in accordance with County's servicing standards, and;
  - b) The results of the aquifer testing meet the requirements of the *Water Act*.
- 7) The Owner is to enter into a Deferred Services Agreement with the County, to be registered on title for each of the proposed Lots 1-3 (inclusive), indicating the following:
  - a) Requirements for each future Lot Owner to connect to County piped wastewater, potable water, and stormwater systems at their cost when such services become available;
  - b) Requirements for decommissioning and reclamation once County servicing becomes available;

*Developability*

- 8) The Owner is to provide and implement a Site-Specific Storm Water Plan for Lot 1 that meets the requirements of all regional plans for the area and the County Servicing Standards. Implementation of the Site-Specific Storm Water Plan shall include:
  - a) Registration of any required easements, utility rights-of-way, and utility right-of-way agreements;
  - b) Provision of necessary approvals and compensation to Alberta Environment and Parks for wetland loss and mitigation;
  - c) Provision of necessary Alberta Environment and Parks registration documentation and approvals for the storm water infrastructure system; and
  - d) Should the Storm Water Management Plan indicate that improvements are required, the Applicant/Owner shall enter into a Development Agreement (Site Improvements/Services Agreement) with the County.

*Payments and Levies*

- 9) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-8007-2020. The County shall calculate the total amount owing from the total gross acreage of Lot 1, as shown on the Plan of Survey.
- 10) The provision of Reserve in the amount of 10 % of the area of Lot 1, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per acre value listed in the appraisal report provided by Bourgeois Brooke Chin Associates, July 5, 2020, pursuant to Section 666(3) of the *Municipal Government Act*:
  - a) Reserves for Lot(s) 2 & 3, are to be deferred by Caveat pursuant to Section 669(2) of the *Municipal Government Act*;
  - b) Existing Deferred Reserve Caveat, Instrument #8462 KY, is to be discharged
- 11) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of two (2) new lots.



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*Taxes*

- 12) 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*.

## D. 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





ROCKY VIEW COUNTY

## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

<b>APPLICANT:</b> ERW Consulting Inc.	<b>OWNER:</b> Seth & Heidi Allred
<b>DATE APPLICATION RECEIVED:</b> May 5, 2020	<b>DATE DEEMED COMPLETE:</b> Jan 8, 2021
<b>GROSS AREA:</b> ± 15.99 hectares (± 39.51 acres)	<b>LEGAL DESCRIPTION:</b> NW-10-26-3-W5M
<b>APPEAL BOARD:</b> Municipal Government Board	
<b>HISTORY:</b> <i>March 8, 1976:</i> Subject parcel registered at Land Titles, as part of Plan 8462KY creating a ± 15.99 hectares (± 39.51 acres)	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was circulated to 75 adjacent landowners. One letter was received in opposition of the application. The response has been included in Appendix 'C.'</p> <p>The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	

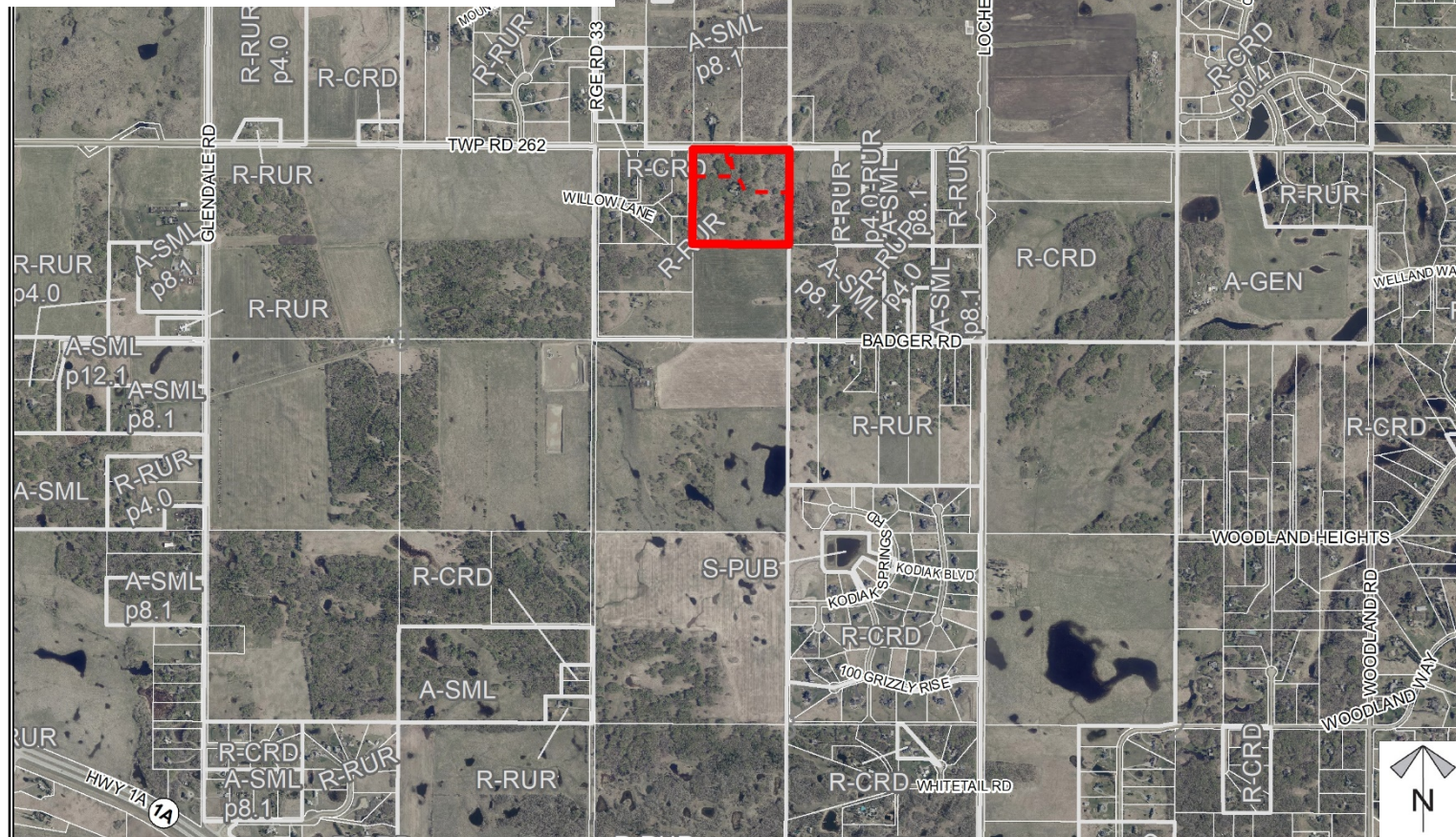
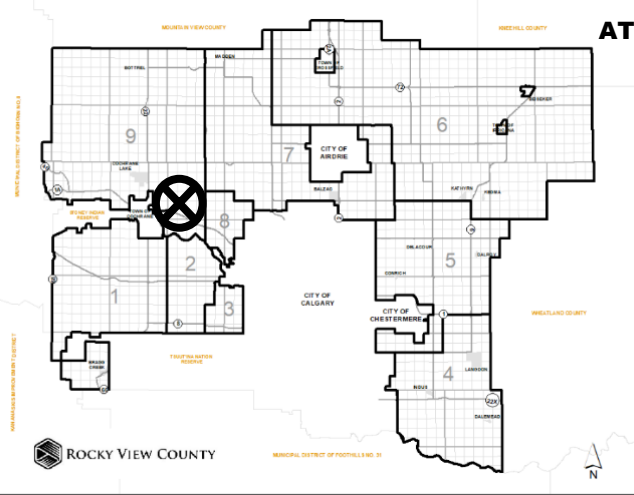
## Location & Context

### Subdivision Proposal

To create a  $\pm 1.62$  hectare ( $\pm 4.00$  acre) parcel, and a  $\pm 4.05$  hectare ( $\pm 10.00$  acre) parcel, with a  $\pm 10.32$  hectare ( $\pm 25.51$  acre) remainder.

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## ATTACHMENT 'B': MAPS AND OTHER INFORMATION





## Development Proposal

### Subdivision Proposal

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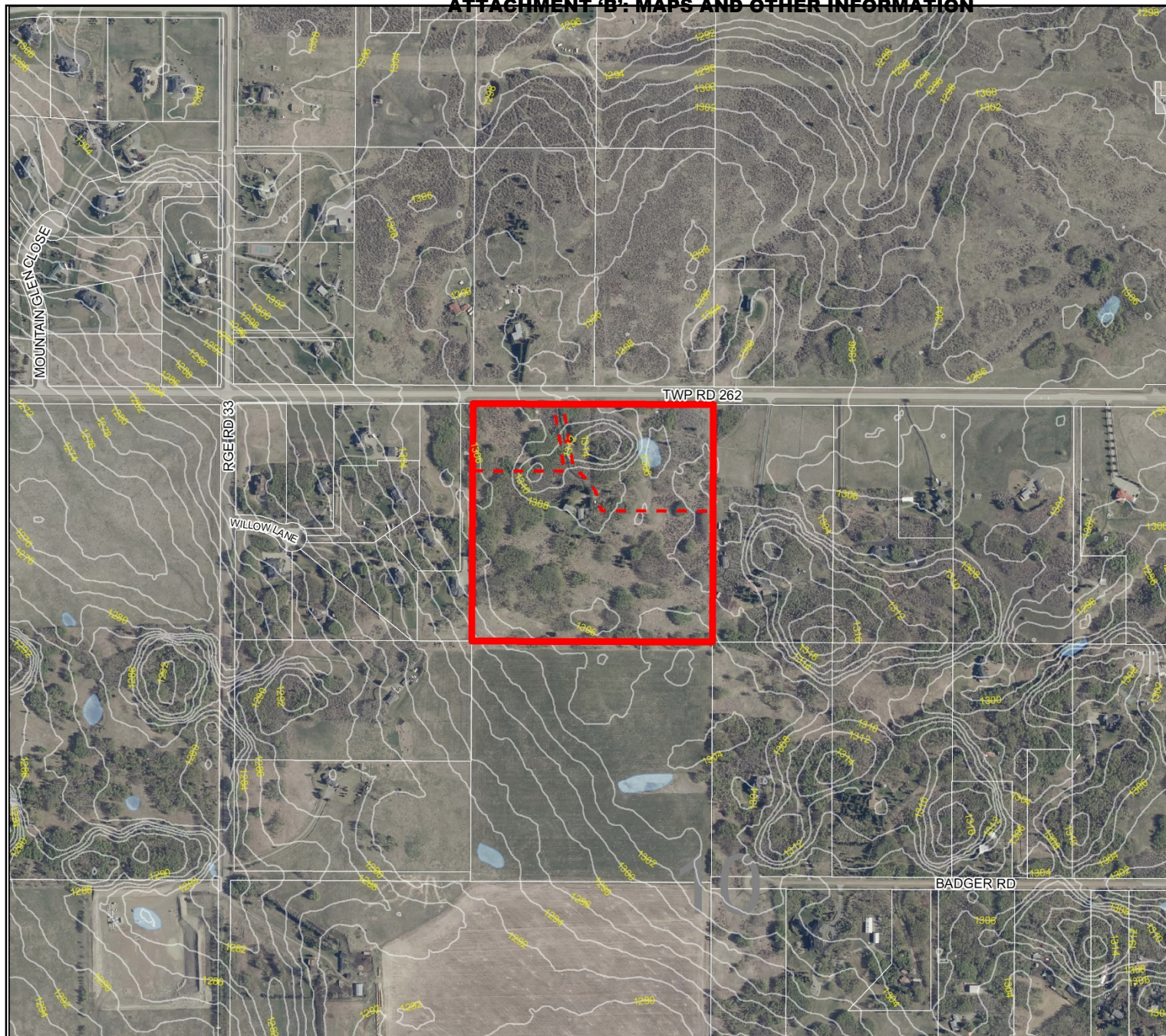




## Environmental

### Subdivision Proposal

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-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

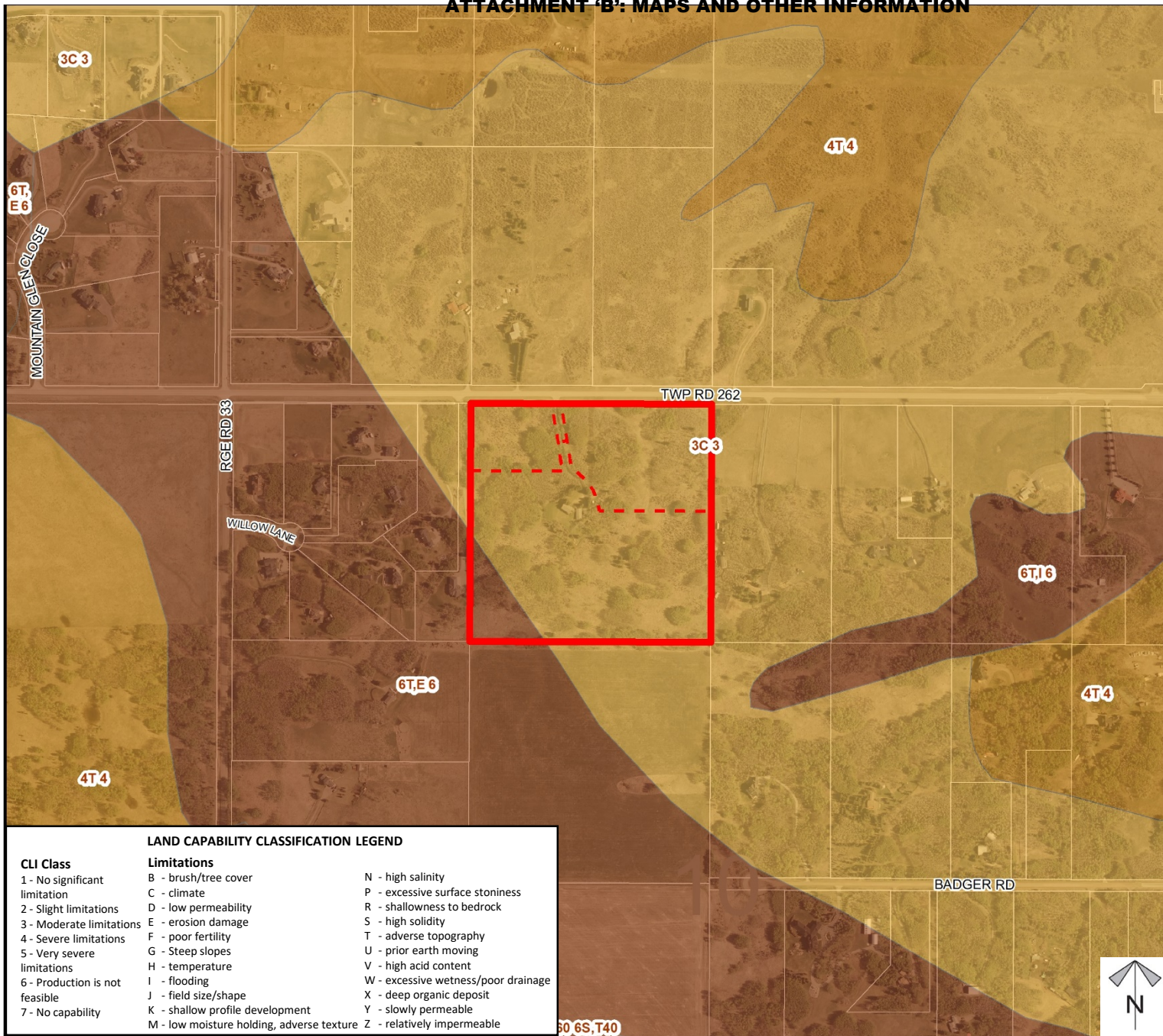
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## Soil Classifications

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## Landowner Circulation Area

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### Legend

Support

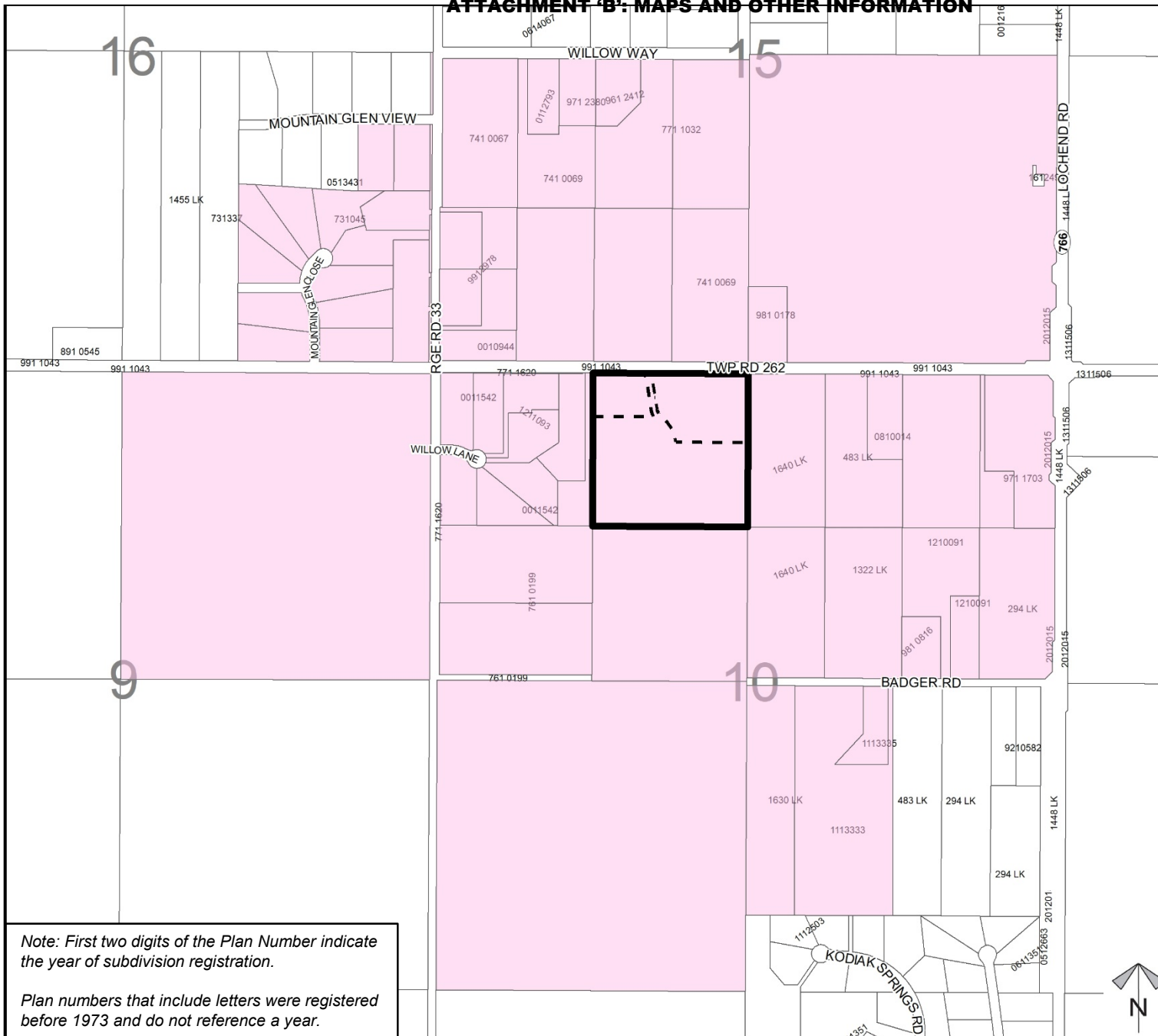


Opposition



Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.



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## Tentative Plan

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#### Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	
Road Widening	
Land Acquisition Agreement	
15.0m Restrictive Covenant	

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$\pm 25$  m  
 Pan Handle

HW RD 262

$\pm 3.0$  m  
 Road  
 Widening

**Lot 1**  
 $\pm 1.62$  ha  
 ( $\pm 4.00$  ac)

$\pm 120$  m  
 Land  
 Acquisition  
 Agreement

**Lot 2**  
 $\pm 4.05$  ha  
 ( $\pm 10.00$  ac)

**Lot 3**  
 $\pm 10.32$  ha  
 ( $\pm 25.51$  ac)

**Stefan Kunz**

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**From:** [REDACTED]  
**Sent:** July 10, 2020 3:30 PM  
**To:** Stefan Kunz  
**Subject:** [EXTERNAL] - File # 06710007 Application # PL2020006

Do not open links or attachments unless sender and content are known.

Dear Mr. Kunz;

I am writing in regards to the application #PL20200060. My husband and I are against any further development in the area due to the impact this is having on the water table and the wildlife. Please let this letter stand as our opposition to the proposed subdivision.

Sincerely,  
John and Joanne Vandenberg  
32040 Badger Road  
Cochrane, AB  
T4C 1A2  
[REDACTED]