

## PLANNING AND DEVELOPMENT SERVICES

<b>TO:</b>	Municipal Planning Commission Subdivision Authority	<b>DIVISION:</b> 4
<b>DATE:</b>	April 28, 2021	<b>APPLICATION:</b> PL20200166
<b>FILE:</b>	03305012	
<b>SUBJECT:</b>	Subdivision Items: Residential Subdivision	

**APPLICATION:** Subdivision of one  $\pm 1.98$  acre parcel leaving a  $\pm 4.06$  acre remainder.

**GENERAL LOCATION:** Located approximately 0.2 km (1/8 mile) north of Twp Rd 230 and on the west side of Rge Rd 284A.

**LAND USE DESIGNATION:** Residential, Country Residential District

**EXECUTIVE SUMMARY:** The application is consistent with the relevant policies of the County Plan, the Rocky View County / City of Calgary Intermunicipal Development plan and the Land Use Bylaw C-8000-2020.

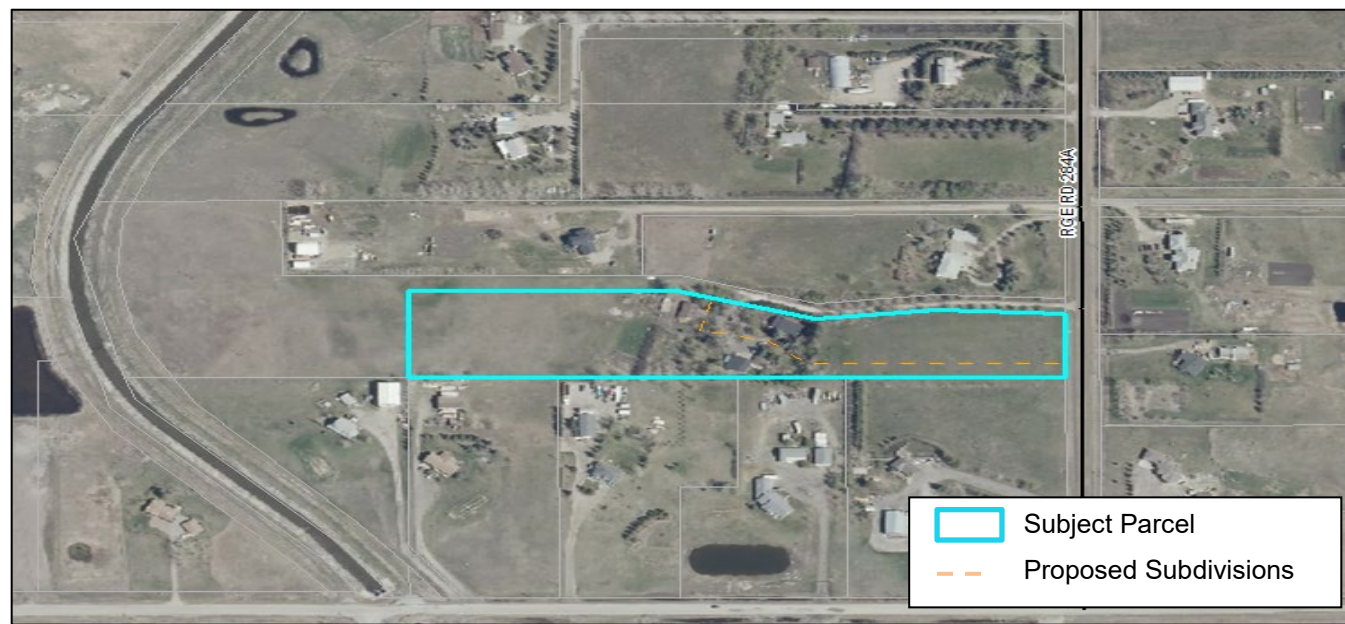
**ADMINISTRATION RECOMMENDATION:** Administration recommends approval in accordance with Option #1.

**OPTIONS:**

Option #1: THAT Subdivision Application PL20200166 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Subdivision Application PL20200166 be refused.

**AIR PHOTO & DEVELOPMENT CONTEXT:**





## 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> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act;</i></li> <li>• Subdivision and Development Regulations;</li> <li>• County Plan;</li> <li>• Rocky View County / City of Calgary IDP;</li> <li>• Land Use Bylaw; and</li> <li>• County Servicing Standards.</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• N/A</li> </ul>
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### *Payments and Levies*

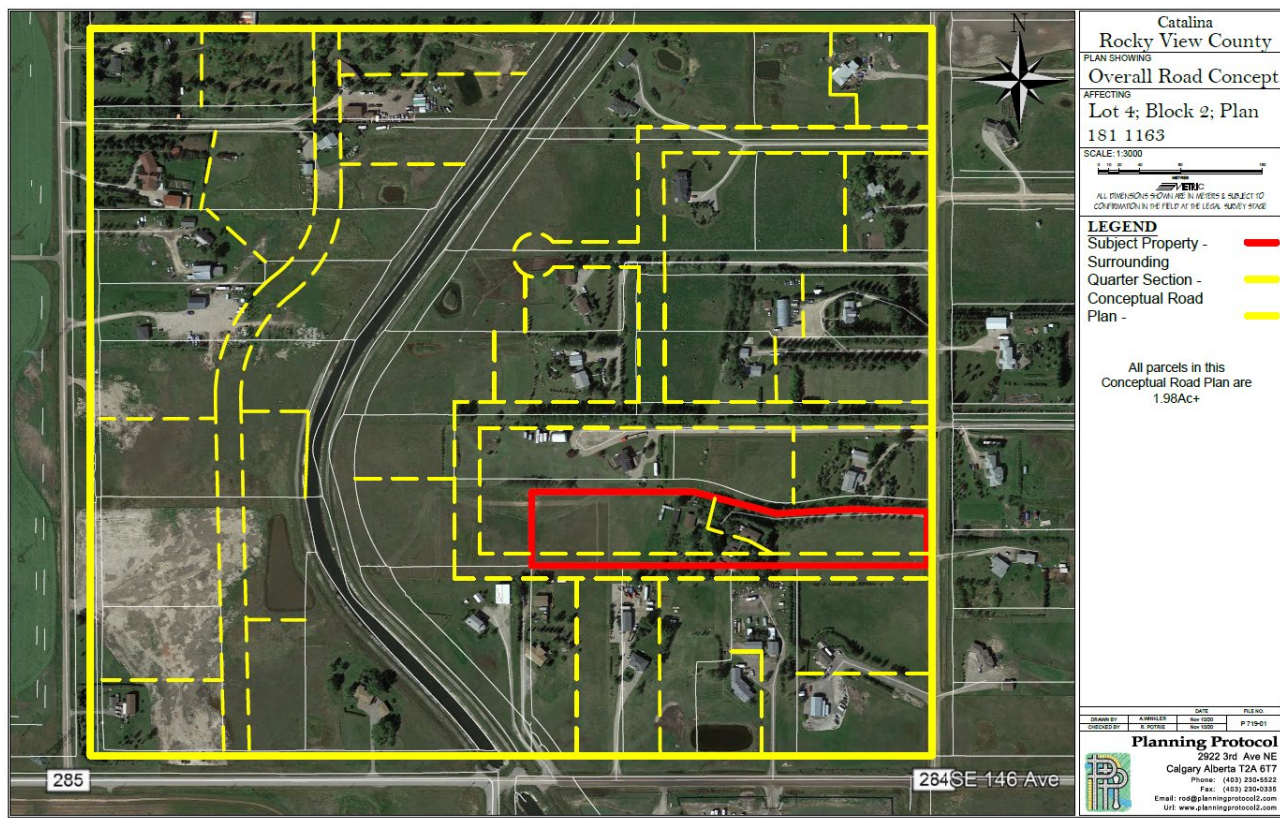
Transportation Offsite Levy and Municipal Reserve are not applicable as they have previously been collected on these lands.

### Additional Review Considerations

Conditions were set based on the following items:

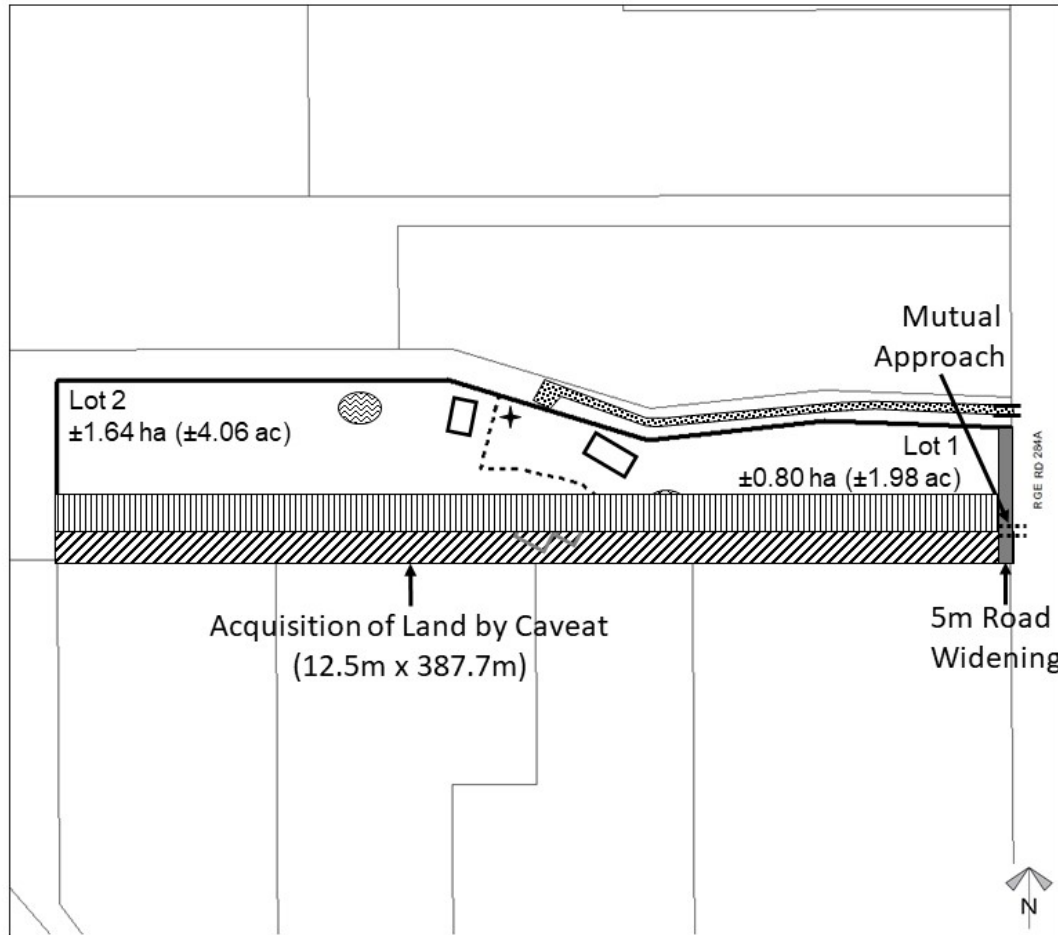
### *Accessibility to a Road*

Construction of a new mutual approach to service both lots 1 and 2 from Range Road 284A is proposed with the revised application. Road Acquisition will be required over the proposed road concept area within the subject lands.





## Tentative Plan



## Tentative Plan

## Subdivision Proposal

To create a  $\pm 0.80$  hectare ( $\pm 1.98$  acre) parcel (Lot 1) with a  $\pm 1.64$  hectare ( $\pm 4.06$  acre) remainder (Lot 2).

## Legend

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

Division: 4  
 Roll: 03305012  
 File: PL20200166  
 Printed: December 2, 2020  
 Legal: Lot: 4 Block: 2  
 Plan: 1811163, within SW-05-23-26-W04M



ROCKY VIEW COUNTY

**CONCLUSION:**

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

Respectfully submitted,

Concurrence,

"Brock Beach"

"Kent Robinson"

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Acting Executive Director  
Community Development Services

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Acting Chief Administrative Officer

LC/llt

**ATTACHMENTS:**

ATTACHMENT 'A': Approval Conditions Option #1

ATTACHMENT 'B': Maps and Other Information

ATTACHMENT 'C': Application Referrals

ATTACHMENT 'D': Public Submissions





ROCKY VIEW COUNTY

**ATTACHMENT 'A': APPROVAL CONDITIONS OPTION #1**

- A. The application to create one  $\pm 0.80$  ha ( $\pm 1.98$  acre) parcel leaving a  $\pm 1.64$  ha ( $\pm 4.06$  acre) remainder at Lot 4, Block 2, Plan 1811163; Ptn. SW-05-23-28-W04M having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 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.
- 2) The Owner is to dedicate, by Plan of Survey, a 5m wide portion of land for road widening along the east boundary of both Lot 1 and Lot 2 (eastern portion of panhandle);

**Transportation and Access**

- 3) The Owner shall construct a new gravel approach on Range Rd 284A in order to provide access to Lots 1 and 2. If a mutual approach is constructed, 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 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 12.5 m ( $\pm 0.48$  ha) road acquisition along the entire south boundary of Lot 2; and
  - b. The purchase of land by the County for \$1.
- 5) The Owner is to enter into a Restrictive Covenant, to be registered by the County, on the titles of the Lot(s) 1 & 2 that restricts the erection of any new structure on or within 15.0 m of a future road right-of-way, as shown on the approved tentative plan.



## ROCKY VIEW COUNTY

*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, which is to include aquifer testing and the locations of the wells on each lot; and
  - b. The results of the aquifer testing meet the requirements of the *Water Act*; if they do not, the subdivision shall not be endorsed or registered.
- 7) Utility Easements, Agreements, and Plans are to be provided and registered to the satisfaction of utility companies.

*Payments and Levies*

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

*Taxes*

- 9) 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

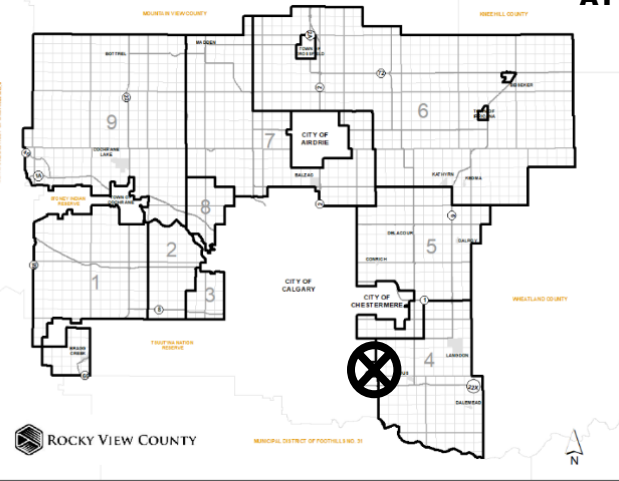
<b>APPLICANT:</b> Planning Protocol 3 Inc. – Rodney Potrie	<b>OWNER:</b> Jason & Meaghan Cenaiko
<b>DATE APPLICATION RECEIVED:</b> December 1, 2020	<b>DATE DEEMED COMPLETE:</b> December 4, 2020
<b>GROSS AREA:</b> ± 2.43 hectares (± 6.0 acres)	<b>LEGAL DESCRIPTION:</b> Plan 1811163, Block 2, Lot 4; Ptn. SW 05-23-28 W4M
<b>APPEAL BOARD:</b> Subdivision and Development Appeal Board	
<b>HISTORY:</b> <b>February 9, 2021:</b> Council approved Bylaw C-8044-2020 redesignating the subject property from Residential, Rural District (R-RUR) to Residential, Country Residential District (R-CRD). <b>May 31, 2018:</b> Subdivision Plan 181 1163 was registered, creating the subject parcel.	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> The application was circulated to twenty-one (21) adjacent landowners with one (1) letter received. The responses have been included in Appendix 'C.' 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.	



## Location & Context

### Subdivision Proposal

To create a  $\pm 0.80$  hectare ( $\pm 1.98$  acre) parcel (Lot 1) with a  $\pm 1.64$  hectare ( $\pm 4.06$  acre) remainder (Lot 2).



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 Roll: 03305012  
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 Legal: Lot:4 Block:2  
 Plan:1811163; within SW-05-23-28-W04M





## Development Proposal

### Subdivision Proposal

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Lot 2  
 $\pm 0.1.64$  ha  
 ( $\pm 4.06$  ac)

Lot 1  
 $\pm 0.80$  ha  
 ( $\pm 1.98$  ac)

RGE RD 284A



Division: 4  
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## Environmental

### Subdivision Proposal

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

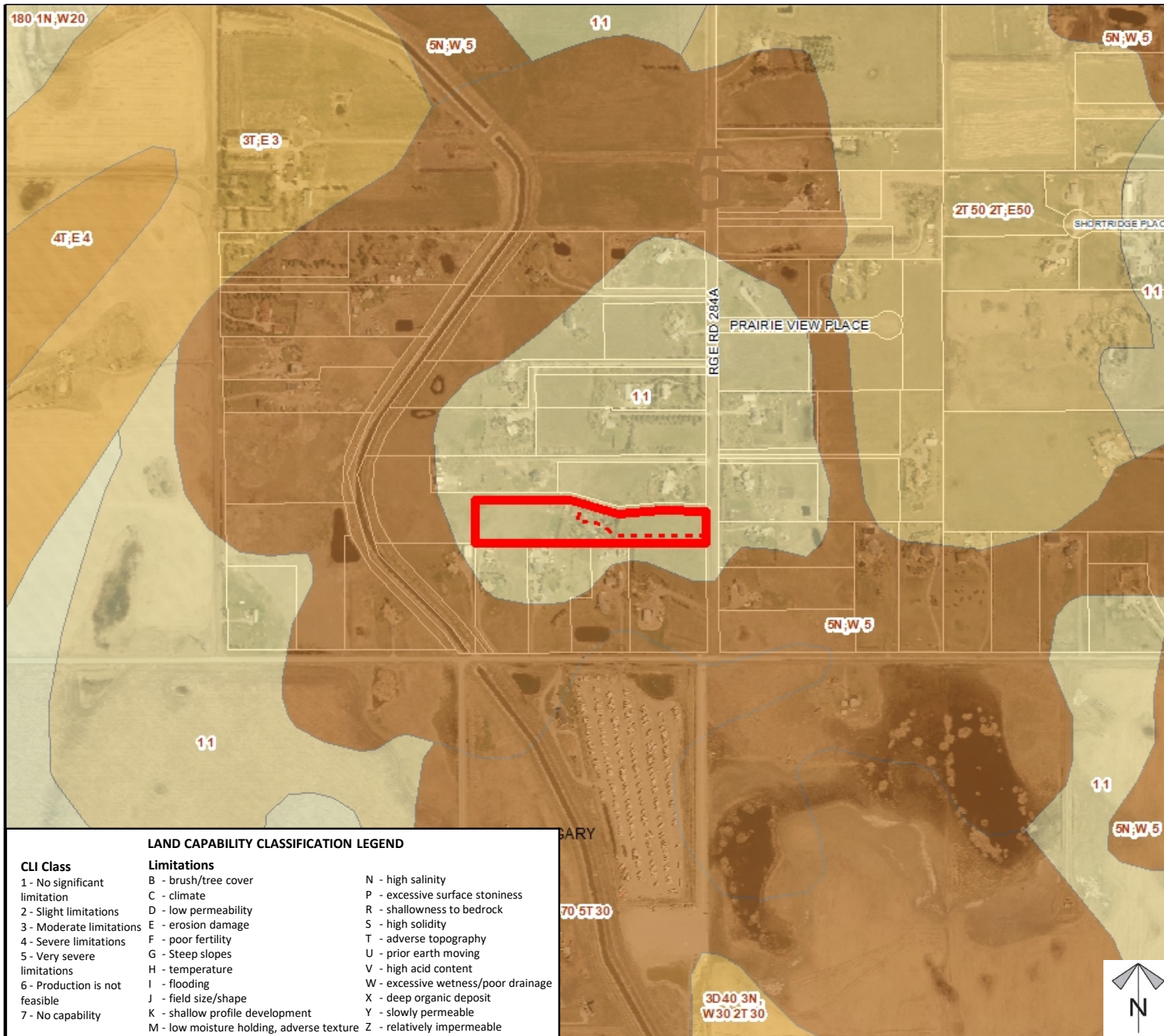
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## Soil Classifications

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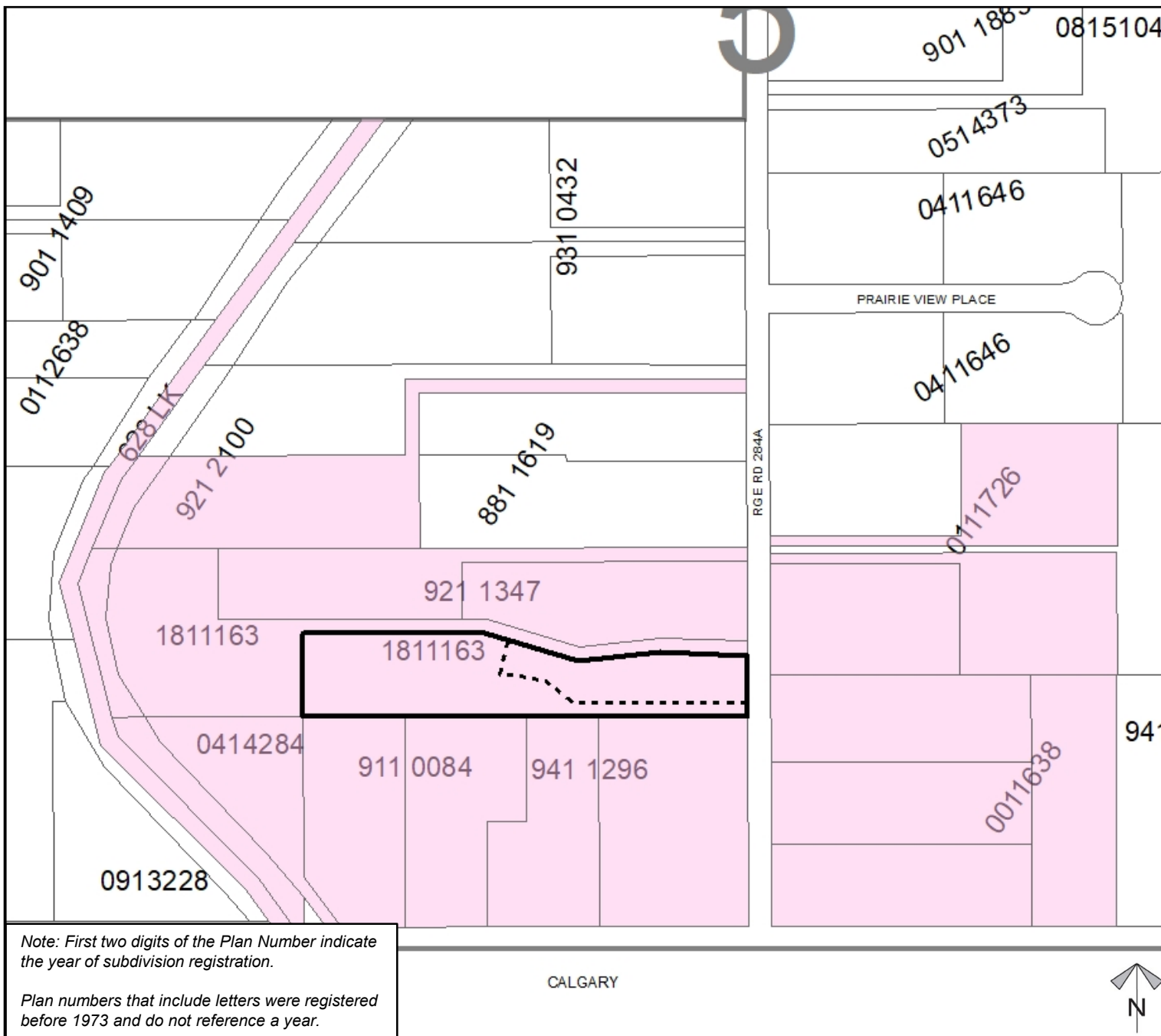


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## Landowner Circulation Area

### Subdivision Proposal

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### Legend

Support



Opposition



Division: 4

Roll: 03305012

File: PL20200166

Printed: December 2, 2020

Legal: Lot:4 Block:2

Plan:1811163; within SW-05-23-28-W04M



## Tentative Plan

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Division: 4

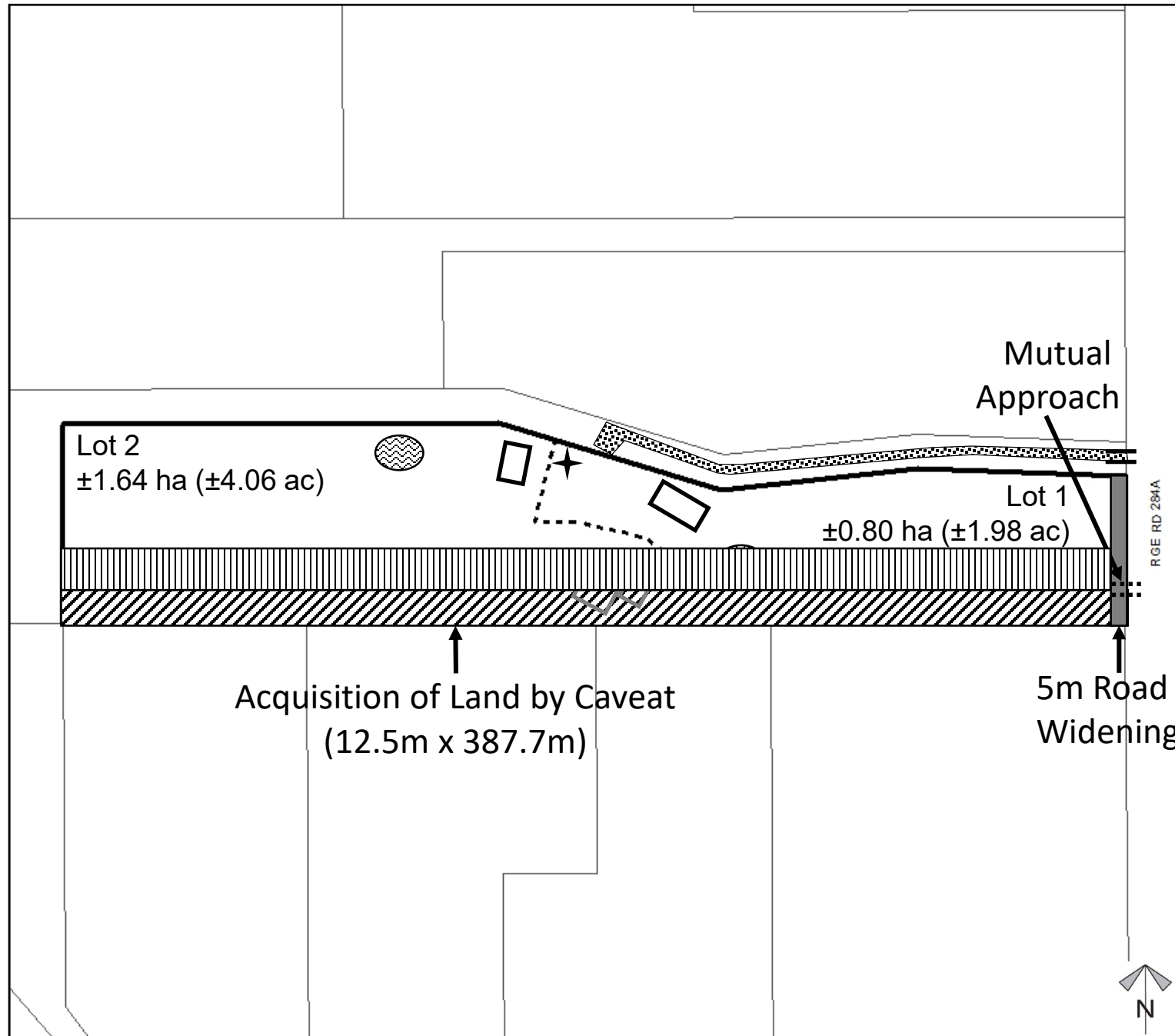
Roll: 03305012

File: PL20200166

Printed: December 2, 2020

Legal: Lot:4 Block:2

Plan:1811163; within SW-05-23-28-W04M





## ATTACHMENT 'C': APPLICATION REFERRALS

Circulation Period: December 24, 2020 to  
January 25, 2021

Agencies that were not required for distribution are  
not listed.

AGENCY	CIRCULATED	RESPONSE RECEIVED
<b><i>School Authority</i></b>		
Rocky View Schools	Yes	No
Calgary Catholic School District	Yes	Yes
Public Francophone Education	Yes	No
Catholic Francophone Education	Yes	No
<b><i>Public Utility</i></b>		
ATCO Gas	Yes	Yes
ATCO Pipelines	Yes	Yes
AltaLink Management	Yes	No
FortisAlberta	Yes	Yes
Telus Communications	Yes	Yes
TransAlta Utilities Ltd.	Yes	No
<b><i>Adjacent Municipality</i></b>		
The City of Calgary	Yes	No
<b><i>Internal Departments</i></b>		
Recreation, Parks and Community Support	Yes	Yes
Development Authority	Yes	No
GIS Services	Yes	Yes
Building Services	Yes	
Fire Services & Emergency Management	Yes	No
Development Compliance	Yes	Yes
Planning and Development Services (Engineering)	Yes	Yes
Transportation Services	Yes	Yes
Capital Project Management	Yes	Yes
Utility Services	Yes	No
Agricultural and Environmental Services	Yes	No

**From:** [Hannelore Gorski](#)  
**To:** [Oksana Newmen](#)  
**Subject:** [EXTERNAL] - File number 03305012; Application number PL20200166  
**Date:** January 25, 2021 3:36:01 PM  
**Attachments:** [2021-01 Planning Services Rocky View - proposed subdivision.pdf](#)

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

Dear Ms. Newmen,

We received your letter dated December 24, 2020 with regard to a subdivision proposal adjacent to our property. Attached please find our letter, which will also be submitted to the Rocky View County Council to be presented at the public hearing scheduled for February 9, 2021.

As you will see, we do not oppose the proposed subdivision, however we do oppose the use of our driveway should the subdivision proposal be approved by the Rocky View County Council.

Thank you in advance for taking our concerns into consideration.

Sincerely,

Erhard and Hannelore Gorski

**Erhard & Hannelore Gorski**

91 Rivercrest Villas SE  
Calgary, Alberta  
T2C 4K4

22 January, 2021

Planning and Development Services Department  
Rocky View County  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2

Dear Ms. Newmen,

**Re: File Number: 03305012**  
**Application Number PL20200166**

We would like to state that we **do not oppose** the application by Jason and Meaghan Cenaiko to redesignate Lot 4, Block 2, Plan 1811163 within SW-05-23-28-W4M from Residential, Rural District to Residential, Country Residential District to facilitate future subdivision of the subject land.

However, we **do oppose** the use of our driveway, which is adjacent and just to the North of proposed Lot 1, and is currently used to access Lot 4, Block 2, Plan 1811163 by Jason and Meaghan Cenaiko.

In fairness, we will allow Jason and Meaghan Cenaiko the use of our driveway for another 12-month period, following the subdivision approval from Rocky View County, in order to give them time to build a driveway from the approved Rocky View County approach from Range Road 284A, which will then provide a new point of access to the building on proposed Lot 1.

We assume that the maintenance of the driveway will be performed by Jason and Meaghan Cenaiko, as has been done by them until now.

Also, our driveway cannot be used to serve the proposed Lot 2.

In addition, we would like to state that should there be a change of ownership for the proposed Lot 1 and/or proposed Lot 2, before the 12-month period is over, then the agreement to use our driveway to access Lot 4, Block 2, Plan 1811163 will be null and void, since our agreement is solely with Jason and Meaghan Cenaiko.

Furthermore, the use of our driveway by Jason and Meaghan Cenaiko would also end if we would sell our property before the 12-month period is over.

Thank you for your attention to this matter.

Sincerely,



Erhard and Hannelore Gorski