

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Subdivision Authority

DIVISION: 5

DATE: May 26, 2021

APPLICATION: PL20210029

FILE: 05201008

SUBJECT: Subdivision Item – Creation of One Residential Lot

APPLICATION: To create a ± 2.02 hectare (± 5.00 acre) new lot (Lot 1) with a ± 34.22 hectare (± 84.55 acre) remainder (Lot 2).

GENERAL LOCATION: Located approximately 2.4 km (1.5 miles) east of Highway 9 and 0.4 km (0.25 miles) north of Township Road 250.

LAND USE DESIGNATION: Residential, Rural District (R-RUR) and Agricultural, Small Parcel District (A-SML)

ADMINISTRATION RECOMMENDATION: Administration recommends approval as per Option #1.

OPTIONS:

Option #1: THAT Subdivision Application PL20210029 be approved with the conditions noted in Appendix 'A'.

Option #2: THAT Subdivision Application PL20210029 be refused as per the reasons noted

AIR PHOTO & DEVELOPMENT CONTEXT:

Note: The white line is the land use boundary of R-RUR zoning. The Applicant is proposing a minor change to the lot configuration after the original land use approval. The land use layer will be adjusted to match the proposed lot shape should the subdivision be approved and endorsed.



Administration Resources

Xin Deng, 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.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act</i>; • Subdivision and Development Regulations; • County Plan; • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Appraisal Report (Elford Appraisal Services Ltd. April 30, 2021)
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Transportation:

The existing approach provides access to the dwelling and the remainder land. To protect the existing arrangement, as a condition of subdivision, the Owner is required to enter into an Access Easement Agreement and provide an associated right-of-way plan. Transportation Off-Site Levy is exempt on Lot 1 as it contains an existing dwelling, and deferred on the remainder (Lot 2) due to size.

Water, Wastewater and Stormwater:

The existing dwelling is serviced by a water well and private sewage treatment system. They are located within the proposed new lot and are in good condition. As the remainder is greater than 30 acres, the Owner is not required to demonstrate servicing in accordance with Policy 411. Therefore, there are no further requirements at this time.

Municipal Reserves:

Municipal Reserve owing on the new lot would be paid by cash in lieu payment. The remainder is greater than 40 acres, Municipal Reserve is not required in accordance with Section 663 of the *Municipal Government Act* (MGA).

Payments and Levies:

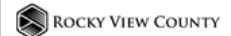
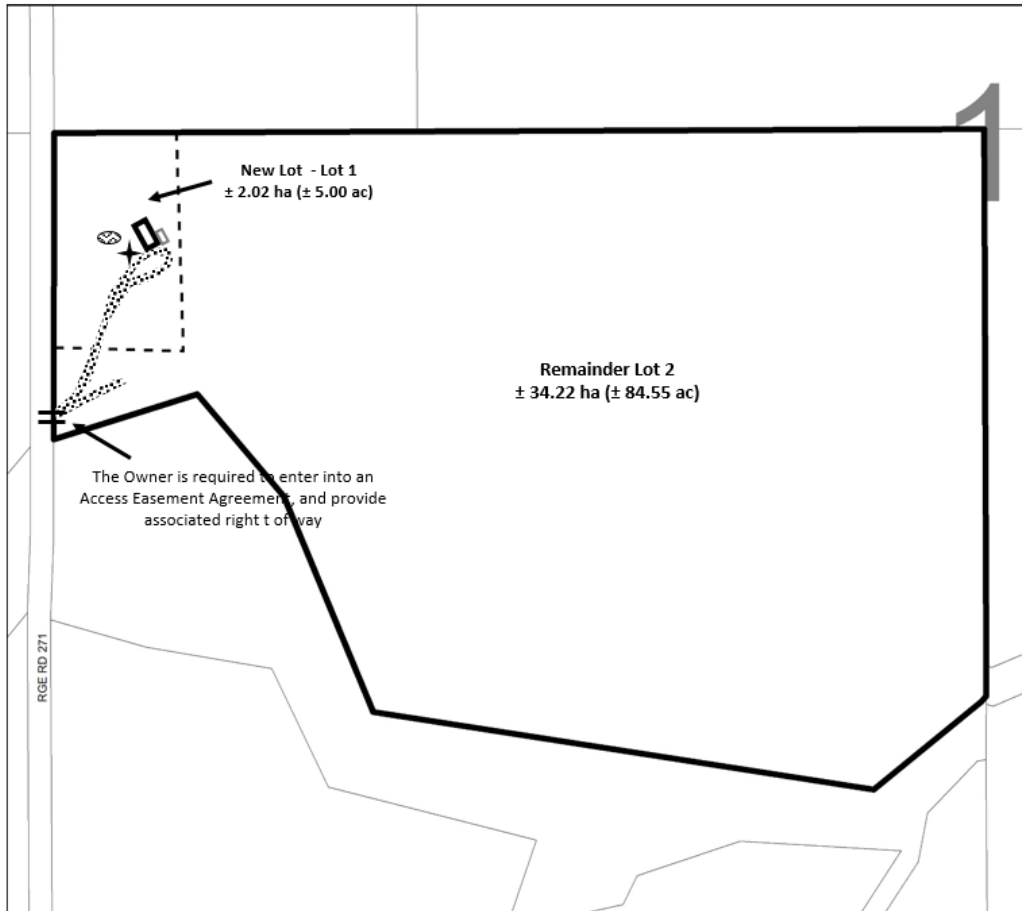
APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
MUNICIPAL RESERVE <i>(cash in lieu payment)</i>	\$68,000 \$680,000 (market value for the new lot) x 10% = \$ 68,000

Land Use Bylaw:

The proposal meets the parcel size and setback requirements of Residential, Rural District (R-RUR) within the Land Use Bylaw. After the land use was approved by Council on January 26, 2021, the Applicant proposed a minor change to the shape of the lot. The land use boundary will be adjusted accordingly should the application be approved and endorsed.



Tentative Plan



Tentative Plan

Subdivision Proposal

To create a ± 2.02 hectare (± 5.00 acre) new lot (Lot 1) with a ± 34.22 hectare (± 84.55 acre) remainder (Lot 2).

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.

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CONCLUSION:

Subject to the proposed conditions of approval, the application is recommended for approval in accordance with Option #1.

Respectfully submitted,

Concurrence,

"Brock Beach"

"Kent Robinson"

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

XD/llt

ATTACHMENTS:

ATTACHMENT 'A': Approval Conditions

ATTACHMENT 'B': Maps and Other Information

**ATTACHMENT 'A': APPROVAL CONDITIONS**

- A. The application is to create a ± 2.02 hectare (± 5.00 acre) new lot (Lot 1) with a ± 34.22 hectare (± 84.55 acre) remainder (Lot 2) within Block 1, Plan 9511830, SW-01-25-27-W04M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and 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 that 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:

Plan of Subdivision

- 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

- 2) The Owner shall enter into an Access Easement Agreement, in order to protect the existing mutual approach. In addition, the Owner is required to:
 - a) Provide an access right-of-way plan; and
 - b) Prepare and register respective easements on each title, where required.

Municipal Reserve

- 3) That ± 2.02 hectares (± 5.00 acres) of Municipal Reserve owing is to be provided by payment of cash-in-lieu in accordance with the value per acre listed in the updated appraisal report provided by Elford Appraisal Services Ltd. dated April 30, 2021, pursuant to Section 666(3) of the *Municipal Government Act*.

Payments and Levies

- 4) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one (1) new lot.



ROCKY VIEW COUNTY

Taxes

- 5) All taxes owing up to and including the year in which the 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 a 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

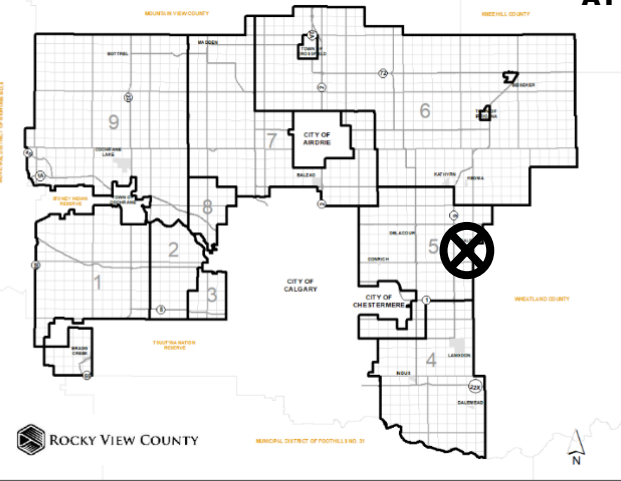
APPLICANT: Dale Befus	OWNER: Dale Befus
DATE APPLICATION RECEIVED: February 10, 2021	DATE DEEMED COMPLETE: May 5, 2021
GROSS AREA: ± 34.29 hectares (± 84.73 acres)	LEGAL DESCRIPTION: A Portion of SW & SE-12-26-29-W04M
APPEAL BOARD: Development and Subdivision Appeal Board	
HISTORY: January 26, 2021 Council approved redesignation application PL20200103, to redesignate a portion of the land from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR), in order to facilitate future subdivision to create one residential lot.	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to 17 adjacent landowners. No letters were received. 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

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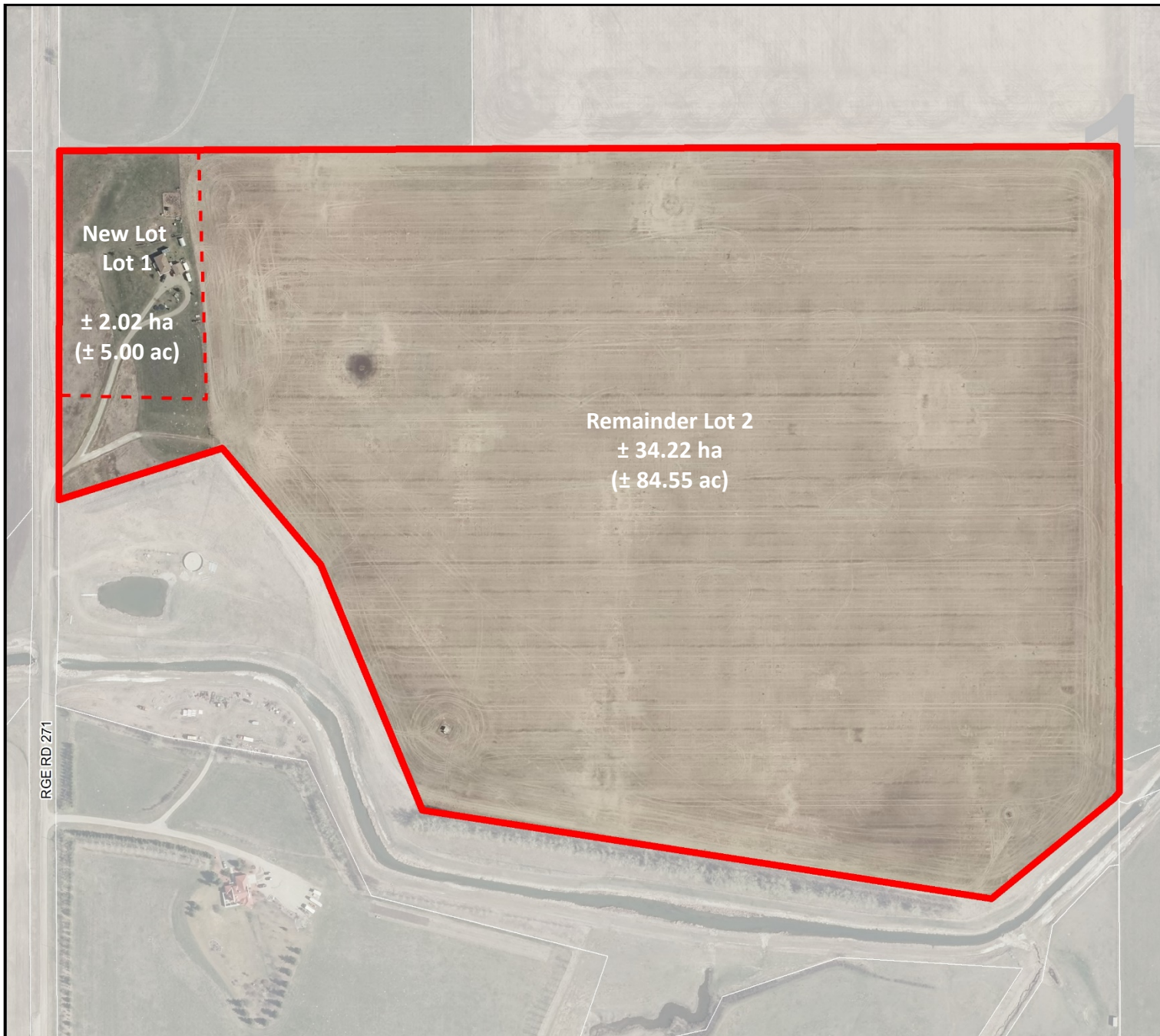
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Development Proposal

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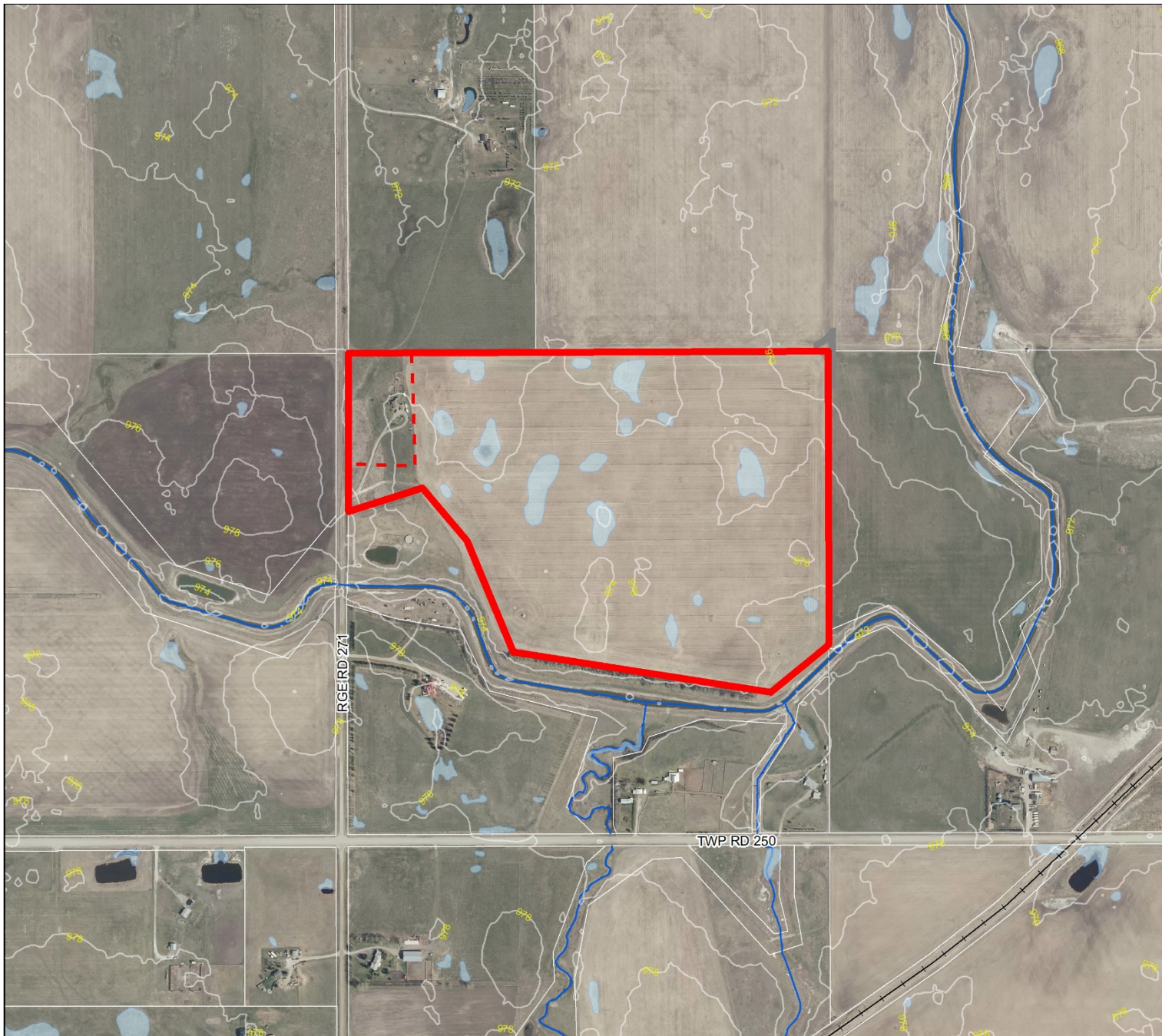


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Environmental

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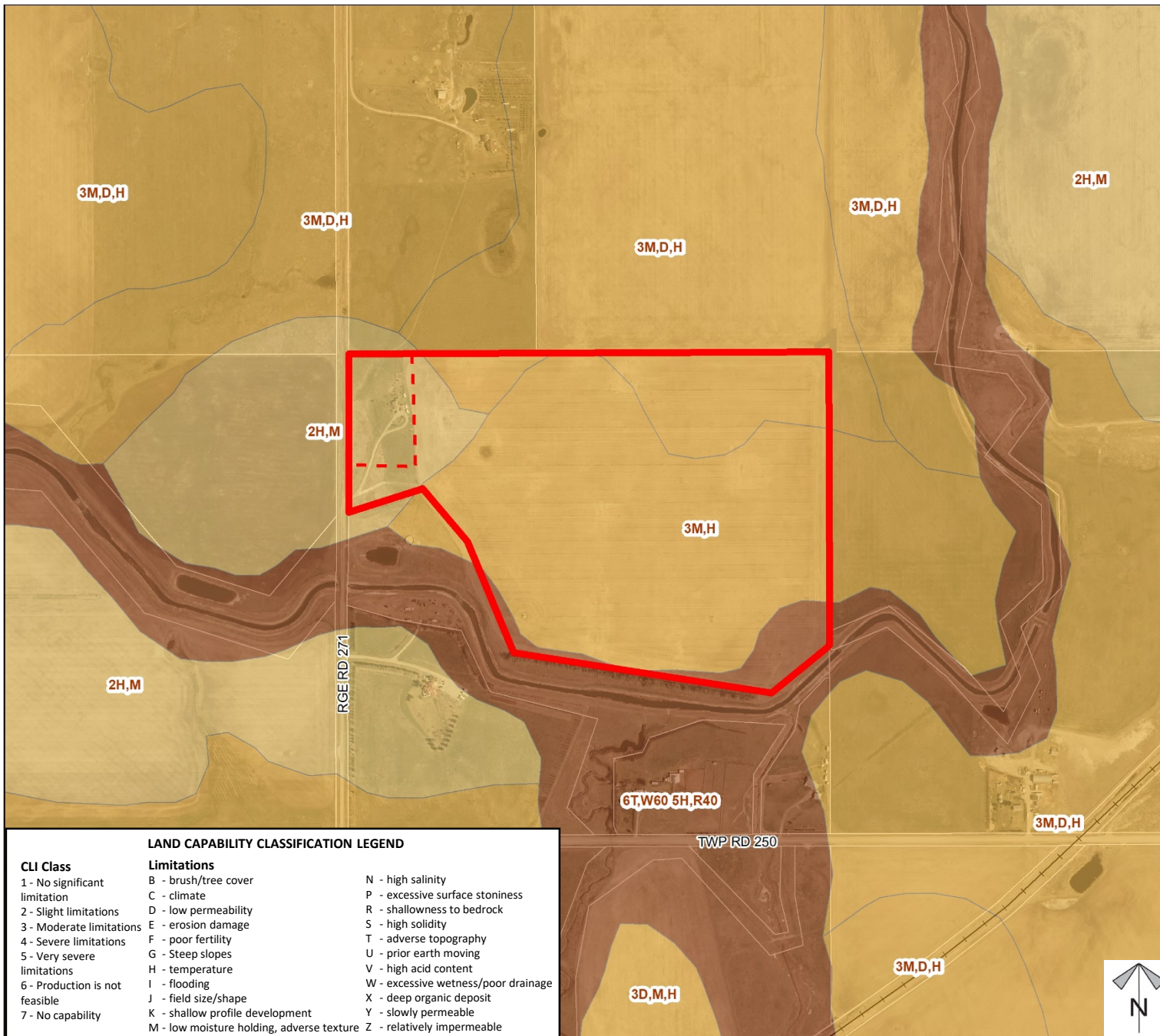
-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

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Soil Classifications

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**Landowner
Circulation
Area**

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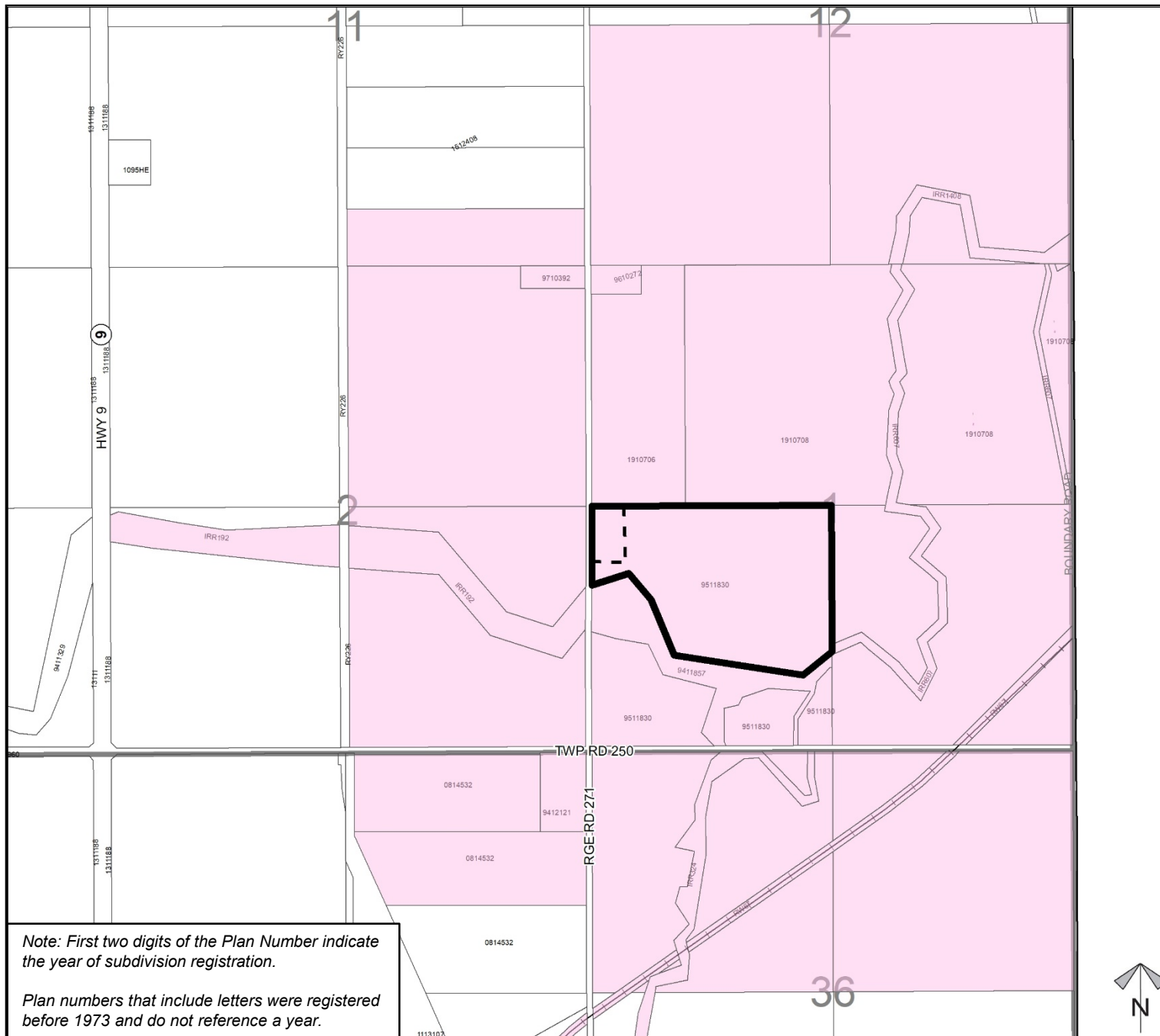
Support



Opposition



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