

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Subdivision Authority	DIVISION: 9
DATE:	May 26, 2021	APPLICATION: PL20210069
FILE:	06704032 / 06704041	
SUBJECT:	Subdivision Item – Creation of Five Lots and Boundary Adjustment	

APPLICATION: To create a ± 8.46 hectares (± 20.91 acres) agricultural parcel (Lot 1), a ± 8.30 hectares (± 20.50 acres) agricultural parcel (Lot 2), a ± 4.91 hectares (± 12.14 acres) residential parcel (Lot 3), a ± 6.04 hectares (± 14.93 acres) residential parcel (Lot 4), with a ± 0.81 hectares (± 2.00 acres) residential remainder. Then, consolidate the ± 0.81 hectares (± 2.00 acres) remainder with the adjacent ± 0.81 hectares (± 2.00 acres) parcel to become a ± 1.62 hectares (± 4.00 acres) new residential parcel (Lot 5).

GENERAL LOCATION: Located in the Bearspaw area, approximately 1.6 kilometers (1 mile) north of Highway 1A and on the west side of Range Road 33.

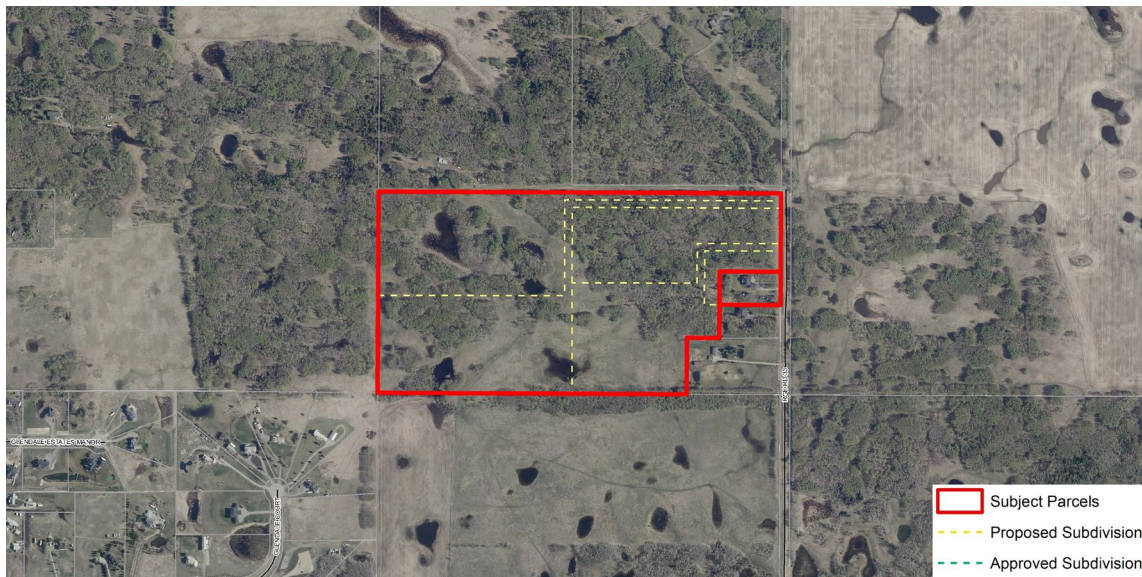
LAND USE DESIGNATION: Agricultural, Small Parcel District (A-SML p8.1) and Residential, Rural District (R-RUR)

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

OPTIONS:

- Option #1: THAT Subdivision Application PL20210069 be approved with the conditions noted in Appendix 'A'.
- Option #2: THAT Subdivision Application PL20210069 be refused as per the reasons noted.

AIR PHOTO & DEVELOPMENT CONTEXT:



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:	TECHNICAL REPORTS SUBMITTED:
<ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Subdivision and Development Regulations; • County Plan; • Bearspaw Area Structure Plan; • Land Use Bylaw; and • County Servicing Standards. 	<ul style="list-style-type: none"> • Traffic Impact Assessment (TIA) Report (Addoz Engineering Inc. April 23, 2021) • Phase 1 Groundwater Supply Report (Chinook Arch Geoscience Inc. Jan 27, 2020) • Level 3 Private Sewage Treatment System (PSTS) Assessment (Osprey Engineering Inc., April 15, 2021) • Appraisal Report (Atkinson & Associates. April 28, 2021)

Transportation:

The proposed Lots 1 & 2, and Lots 3 & 4 would be accessed by two new mutual approaches off Range Road 33. The proposed Lot 5 (after boundary adjustment) will continue using the existing access off Range Road 33. As a condition of subdivision, the Owner is required to build two gravel mutual approaches and enter into Access Easement Agreement.

Water and Wastewater:

The Applicant provided Phase 1 Groundwater Report and Level 3 PSTS Assessment, which concluded that water capacity exists for the proposed new lots, and the soil is able to support private sewage treatment systems. As a condition of subdivision, the Owner is required to provide a Phase 2 Groundwater Report and enter into a Deferred Services Agreement for future piped servicing.

Stormwater:

As the proposed new lots are ranging from 12 acres to 20 acres in size, the construction of a new dwelling will not have a significant impact on the drainage. Therefore, a stormwater report is not required at this time.

Municipal Reserves:

As the proposed new lots are large in size (from 12 acres to 20 acres) and could be further subdivided down to 2 or 4 acres like other residential lots in Bearspaw, MR owing could be collected in the future. Therefore, Administration recommends that MR owing be deferred on Lot 1, Lot 2, Lot 3, and Lot 4 by Caveat.

Payments and Levies:

Section 19 of Transportation Off-Site Levy Bylaw indicates that the levy is applicable for a residential parcel less than 3.0 ha (7.41 ac) in size. In this case, Lots 1 & 2 are agricultural lots, and Lots 3 & 4 are larger residential lots, therefore, TOL does not apply. As the 2 acre remainder is to be consolidated with the existing parcel which contains a dwelling, the TOL is not applicable on that 2 acre remainder as the proposal will not generate any additional traffic.

*Land Use Bylaw:*

The proposed two agricultural lots and three residential lots meet the parcel size requirement of Agricultural, Small Parcel District (A-SML) and Residential, Rural District (R-RUR) within the Land Use Bylaw.

Phasing:

The Applicant requested that the boundary adjustment be endorsed first. To facilitate this request, the conditions were prepared to support two development phases.



ROCKY VIEW COUNTY

Tentative Plan - Phase 1 (Boundary Adjustment)



ROCKY VIEW COUNTY

Tentative Plan

Phase 1 - Subdivision Proposal

To adjust boundary between two properties, in order to create a ± 1.62 hectares (± 4.00 acres) parcel (Lot 1), and a ± 27.72 hectares (± 68.49 acres) parcel (Lot 2)

Legend

Dwelling	
Existing Approach	
New Approach	
Road Acquisition	

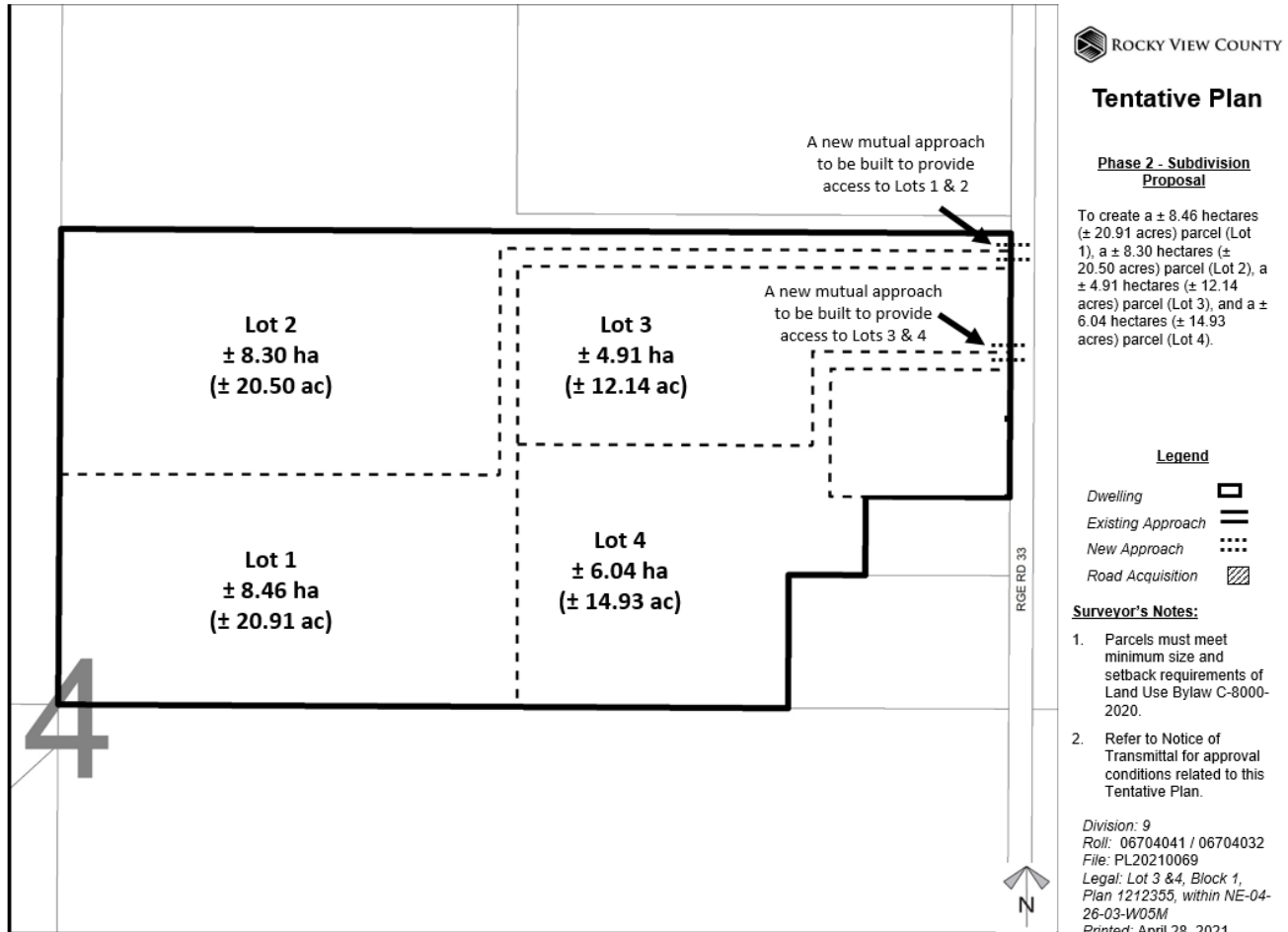
Surveyor's Notes:

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: 9
Roll: 06704041 / 06704032
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Legal: Lot 3 & 4, Block 1,
Plan 1212355, within NE-04-
26-03-W05M
Printed: April 28, 2021



Tentative Plan – Phase 2 (Creation of Four Lots)





ROCKY VIEW COUNTY

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



ROCKY VIEW COUNTY

ATTACHMENT 'A': APPROVAL CONDITIONS

Phase 1

- A. The application to adjust the boundary between two properties, in order to create a ± 1.62 hectares (± 4.00 acres) parcel (Lot 1), and a ± 27.72 hectares (± 68.49 acres) parcel (Lot 2), within Lot 3 & 4, Block 1, Plan 1212355, NE-04-26-03-W05M, 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.

Payments and Levies

- 2) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the boundary adjustment.

Taxes

- 3) 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*.



ROCKY VIEW COUNTY

Phase 2

- A. The application to create a ± 8.46 hectares (± 20.91 acres) parcel (Lot 1), a ± 8.30 hectares (± 20.50 acres) parcel (Lot 2), a ± 4.91 hectares (± 12.14 acres) parcel (Lot 3), and a ± 6.04 hectares (± 14.93 acres) parcel (Lot 4), within 4, Block 1, Plan 1212355, NE-04-26-03-W05M, 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 construct a new gravel mutual approach off Range Road 33 in order to provide access to Lots 1 & 2. In addition, the Owner shall:
 - a) Provide an access right of way plan; and
 - b) Prepare and register Access Easement Agreement on each title.
- 3) The Owner shall construct a new gravel mutual approach off Range Road 33 in order to provide access to Lots 3 & 4. In addition, the Owner shall:
 - a) Provide an access right of way plan; and
 - b) Prepare and register Access Easement Agreement on each title.



ROCKY VIEW COUNTY

Site Servicing

- 4) Water is to be supplied by an individual well on Lot 2. The subdivision shall not be endorsed until the subdivision will 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*; and
 - b) Well Driller's Report confirming a minimum pump rate of 1.0 IGPM for a new well is provided.
- 5) The Owner shall enter into a Deferred Services Agreement with the County to be registered on the title of the proposed new lots (Lots 1, 2, 3, and 4), indicating:
 - a) Requirements for each future Lot Owner to connect to County piped water, wastewater, and stormwater systems at their cost when such services become available;
 - b) Requirements for decommissioning and reclamation once County servicing becomes available.

Municipal Reserve

- 6) That ± 2.77 hectares (± 6.85 acres) of Municipal Reserve owing is to be deferred by Caveat on Lot 1, Lot 2, Lot 3, and Lot 4, pursuant to Section 669 of the *Municipal Government Act*.

Payments and Levies

- 7) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of three (3) new lots.

Taxes

- 8) 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 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

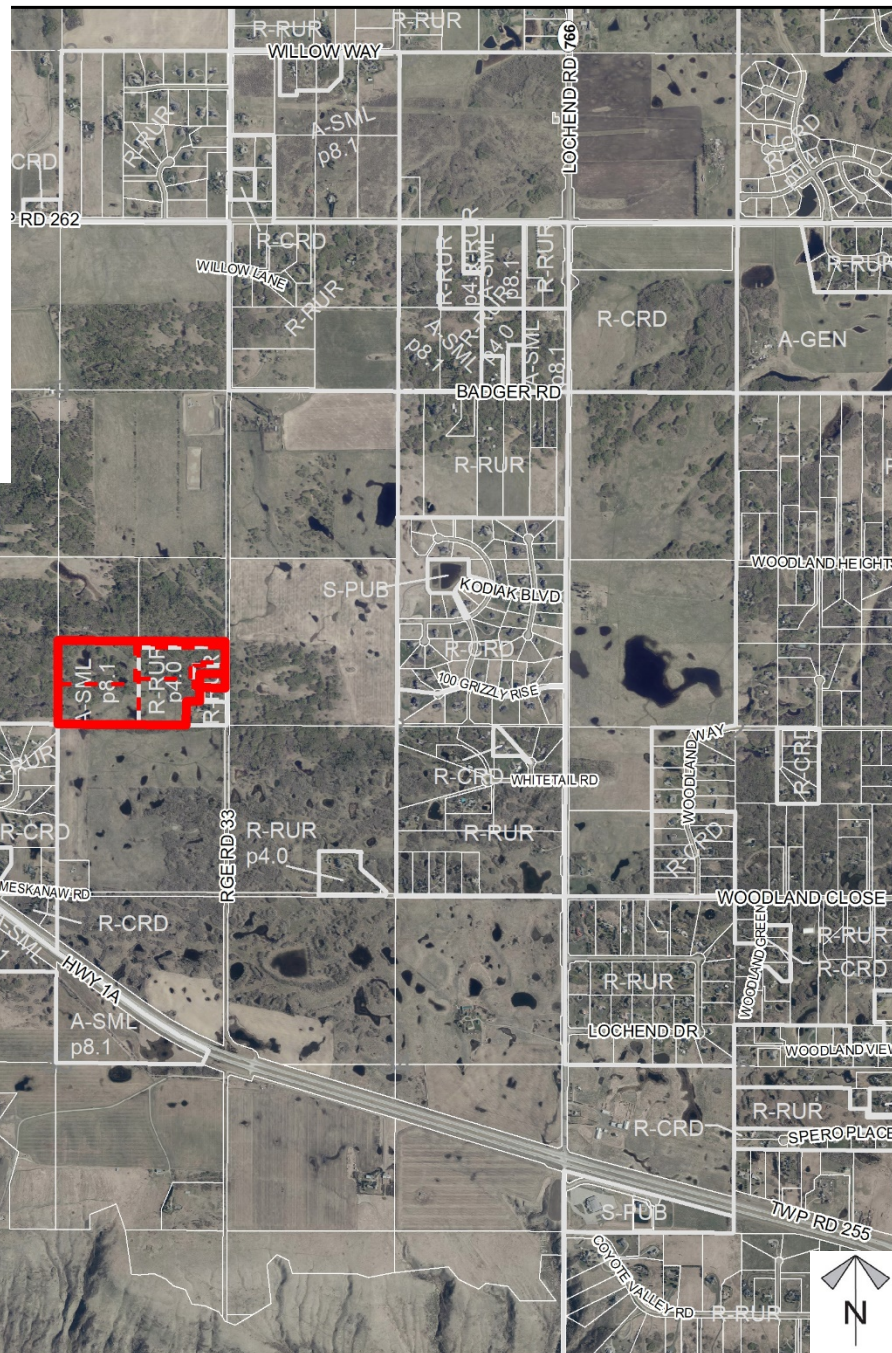
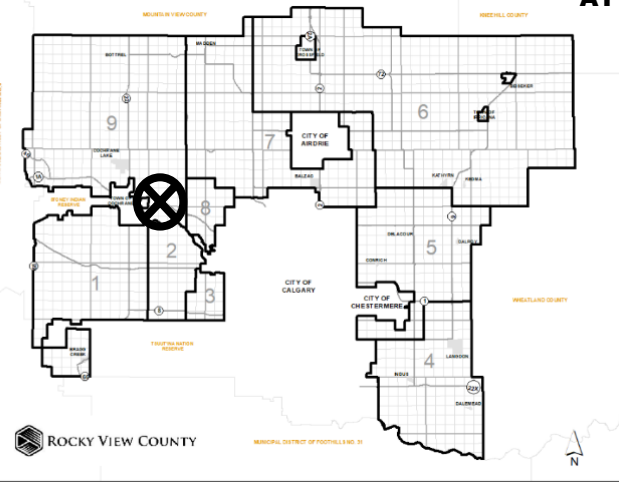
APPLICANT: Dale Spicer	OWNER: Dale Spicer
DATE APPLICATION RECEIVED: April 28, 2021	DATE DEEMED COMPLETE: April 28, 2021
GROSS AREA: ± 29.34 hectares (± 72.49 acres)	LEGAL DESCRIPTION: Lot 3 & 4, Block 1, Plan 1212355, NE-04-26-03-W05M
APPEAL BOARD: Development and Subdivision Appeal Board	
HISTORY: <div> <div>February 23, 2021</div> <div>Council approved redesignation application PL20200016, to redesignate the subject lands from Agricultural, Small Parcel District (A-SML) to Agricultural, Small Parcel District (A-SML p8.1), Residential, Rural District (R-RUR p4.0), and Residential, Rural District (R-RUR), and from Residential, Country Residential District (R-CRD) to Residential, Rural District (R-RUR), in order to facilitate future subdivision and boundary adjustment.</div> </div> <div> <div>June 12, 2012</div> <div>Council approved subdivision application 2011-RV-177 to adjust the boundary of the subject lands and subdivide the land, in order to create a ± 2 acre of land (one of the subject land), a ± 2 acre parcel to the south, and a ± 70.81 acre remainder (included in the subject land).</div> </div> <div> <div>April 17, 2012</div> <div>Council approved redesignation application 2011-RV-176 to redesignate a portion of the subject lands from Residential Two District and Ranch and Farm Two District to Residential One District, in order to facilitate the creation of two ± 2 acre parcels with a ± 70.81 acre remainder (one of the subject land).</div> </div>	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to 49 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

To create a ± 8.46 hectares (± 20.91 acres) agricultural parcel (Lot 1), a ± 8.30 hectares (± 20.50 acres) agricultural parcel (Lot 2), a ± 4.91 hectares (± 12.14 acres) residential parcel (Lot 3), a ± 6.04 hectares (± 14.93 acres) residential parcel (Lot 4), with a ± 0.81 hectares (± 2.00 acres) residential remainder. Then, consolidate the ± 0.81 hectares (± 2.00 acres) remainder with the adjacent ± 0.81 hectares (± 2.00 acres) parcel to become a ± 1.62 hectares (± 4.00 acres) new residential parcel (Lot 5).

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Development Proposal

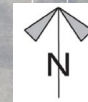
Subdivision Proposal

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Legend

* means the final parcel size after boundary adjustment

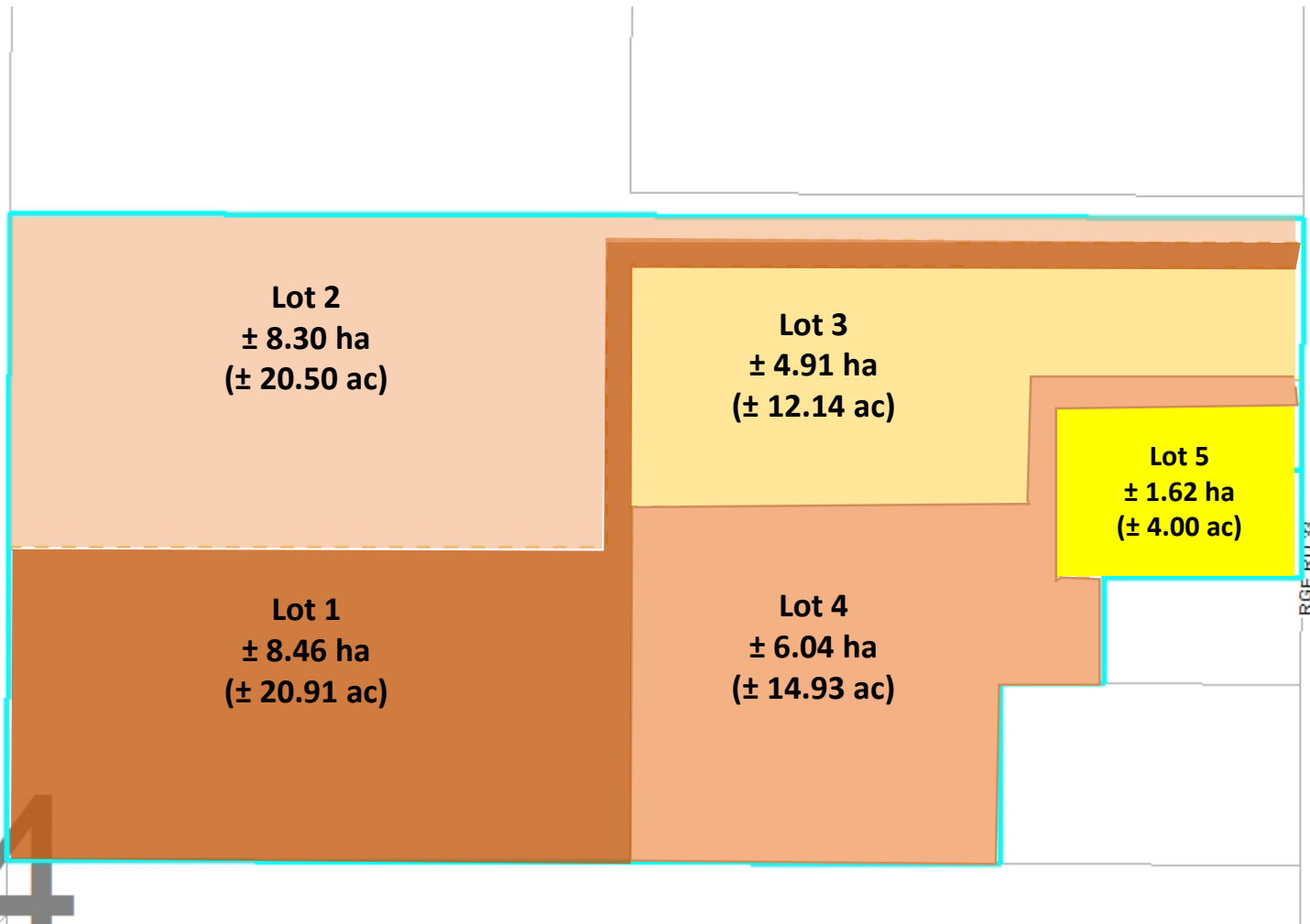


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Subdivision Plan

Subdivision Proposal

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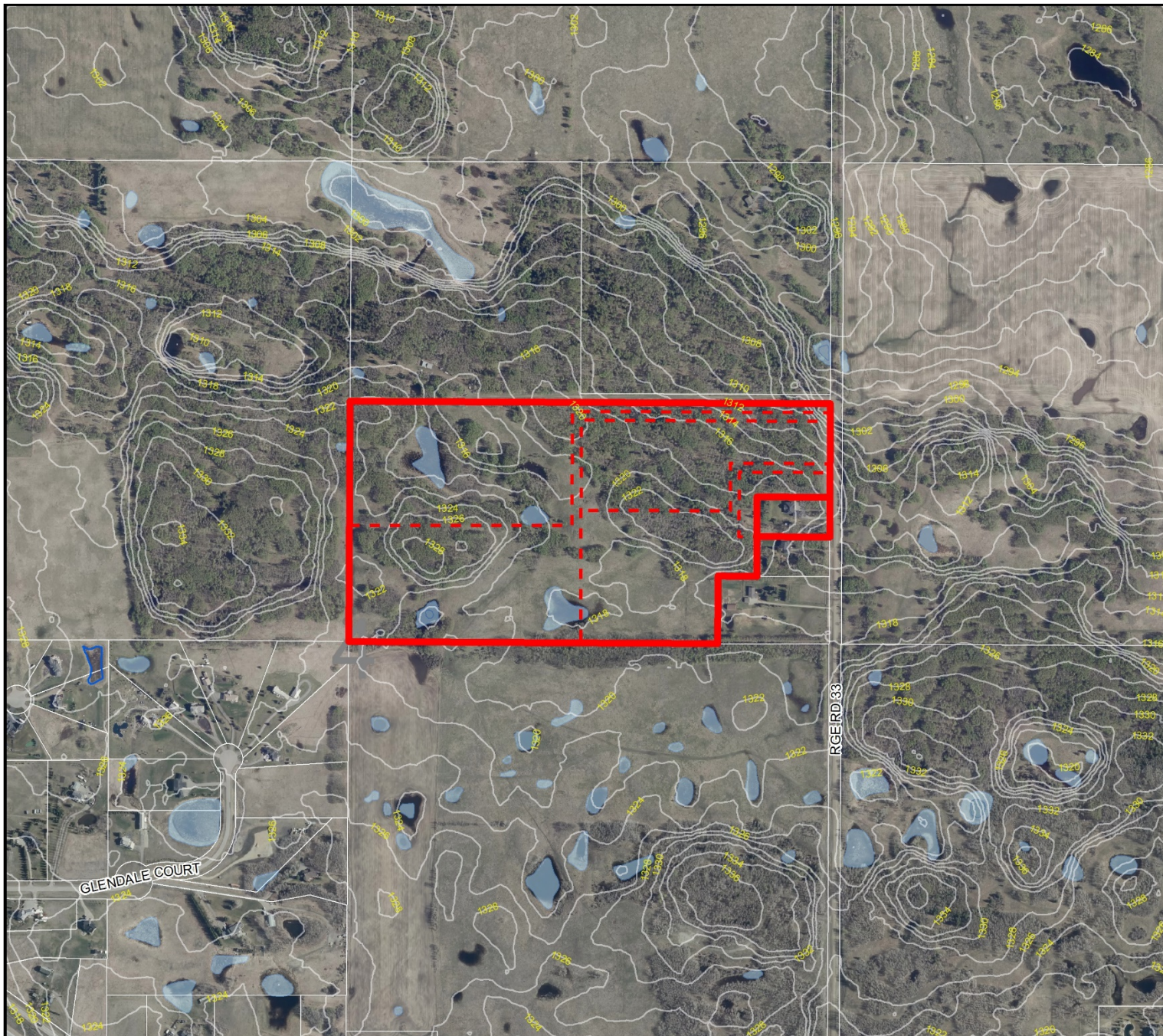
Environmental

Subdivision Proposal

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

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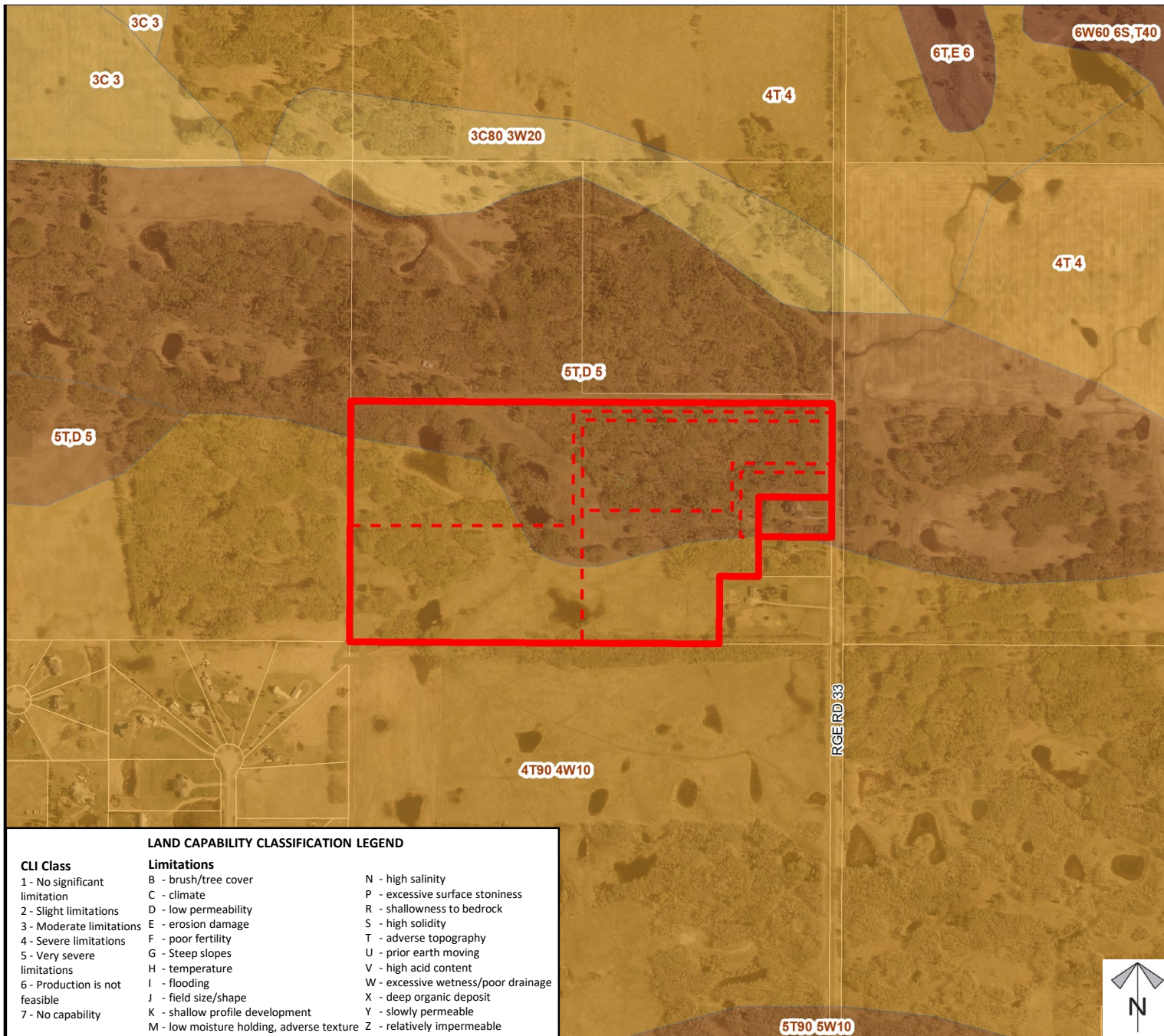




Soil Classifications

Subdivision Proposal

To create a ± 8.46 hectares (± 20.91 acres) agricultural parcel (Lot 1), a ± 8.30 hectares (± 20.50 acres) agricultural parcel (Lot 2), a ± 4.91 hectares (± 12.14 acres) residential parcel (Lot 3), a ± 6.04 hectares (± 14.93 acres) residential parcel (Lot 4), with a ± 0.81 hectares (± 2.00 acres) residential remainder. Then, consolidate the ± 0.81 hectares (± 2.00 acres) remainder with the adjacent ± 0.81 hectares (± 2.00 acres) parcel to become a ± 1.62 hectares (± 4.00 acres) new residential parcel (Lot 5).



LAND CAPABILITY CLASSIFICATION LEGEND

CLI Class

- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

Limitations

- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile development
- M - low moisture holding, adverse texture
- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high solidity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable

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Landowner Circulation Area

Subdivision Proposal

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Legend

Support



Opposition



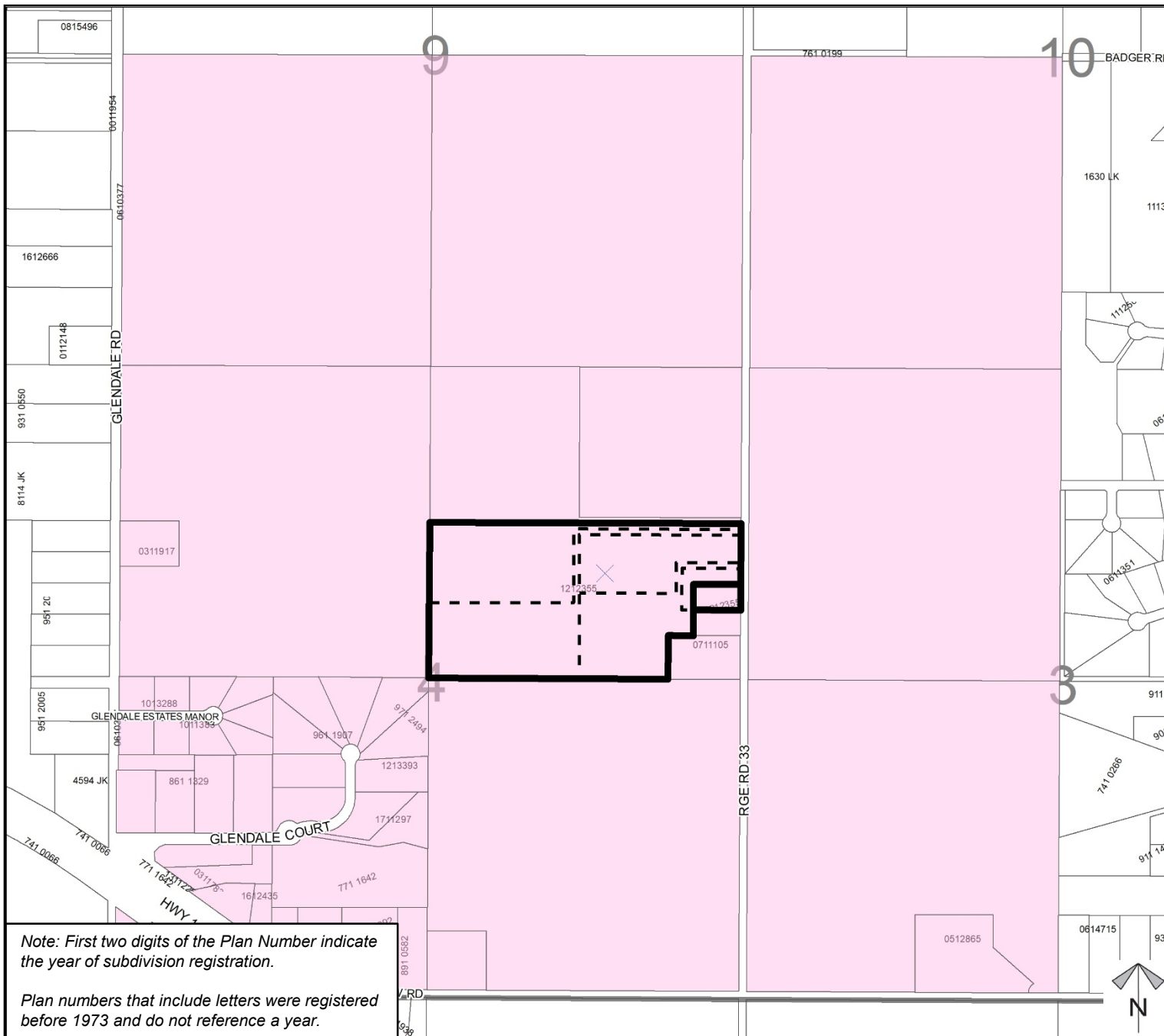
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Tentative Plan

Phase 1 - Subdivision Proposal





To adjust boundary between two properties, in order to create a ± 1.62 hectares (± 4.00 acres) parcel (Lot 1), and a ± 27.72 hectares (± 68.49 acres) parcel (Lot 2)

Lot 2 *
 ± 27.72 ha
 (± 68.49 ac)

Lot 1 *

± 1.62 ha
 (± 4.00 ac)

Legend

Dwelling	
Existing Approach	
New Approach	
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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Legend

* means the final parcel size after boundary adjustment



RGE RD 33





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Tentative Plan

Phase 2 - Subdivision Proposal

To create a ± 8.46 hectares (± 20.91 acres) parcel (Lot 1), a ± 8.30 hectares (± 20.50 acres) parcel (Lot 2), a ± 4.91 hectares (± 12.14 acres) parcel (Lot 3), and a ± 6.04 hectares (± 14.93 acres) parcel (Lot 4).

Legend

Dwelling	
Existing Approach	
New Approach	
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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Lot 2
 ± 8.30 ha
 (± 20.50 ac)

Lot 3
 ± 4.91 ha
 (± 12.14 ac)

Lot 1
 ± 8.46 ha
 (± 20.91 ac)

Lot 4
 ± 6.04 ha
 (± 14.93 ac)

A new mutual approach
to be built to provide
access to Lots 1 & 2

A new mutual approach
to be built to provide
access to Lots 3 & 4

RGE RD 33



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