

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Subdivision Authority	DIVISION: 4
DATE:	July 14, 2021	APPLICATION: PL20210065
FILE:	03323014	
SUBJECT:	Subdivision Item: Business Use	

APPLICATION: To create a \pm 9.67 acre parcel (Lot 1) with a \pm 9.67 acre remainder (Lot 2).

GENERAL LOCATION: Located approximately 1.8 kilometres south of the city of Chestermere; located on the east side of Range Road 282, approximately 0.21 kilometres (1/8 mile) south of Highway 560.

LAND USE DESIGNATION: Business, Live-Work District (B-LWK)

EXECUTIVE SUMMARY: The application is consistent with the relevant policies of the County Plan and Land Use Bylaw.

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

OPTIONS:

Option #1: THAT Subdivision Application PL20210065 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Subdivision Application PL20210065 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources
Oksana Newmen, 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; • Municipal Development Plan; • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Phase 1 Groundwater Supply Assessment prepared by Groundwater Resources Information Technologies Ltd. (April 29, 2021) • Level II PSTS Assessment prepared by Almor Testing Services Ltd. (May 2021)
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Payments and Levies

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
<i>TRANSPORTATION OFFSITE LEVY</i>	N/A (to be deferred to future DP stage)
<i>MUNICIPAL RESERVE (\$/ACRE)</i>	N/A (to be deferred by caveat)

Additional Review Considerations

Conditions were set based on the following items:

Accessibility to a Road

There is an existing approach to Lot 1, and Lot 2 will be required to construct a graveled approach from Range Road 282.

Municipal Development Plan

Business, Live-Work District is a business land use, therefore the application was evaluated against Section 14 of the County Plan. The land is not within an identified business area nor a hamlet and was therefore considered under Policy 14.18, home-based business, and policy 14.22 for business development outside of a business area.

The live-work designation aligns in intent with the Home Based Business, which is encouraged as a self-employment opportunity for residents as long as the business has minimal impact on adjacent homeowners and County infrastructure. Policy 14.18 states that the home-based business use is encouraged and supported when it is in accordance with any applicable area structure plan, subordinate plan, and the Land Use Bylaw. In the absence of any higher-order document, the Land Use Bylaw was therefore considered.

Policy 14.22 notes that proposal for business development outside of a business area should be: limited in size, scale, intensity, and scope; have direct and safe access to a paved County Road; provide a traffic impact and intersection assessment; and, minimize adverse impacts on existing residential, business, or agricultural uses.

In regards to Policy 14.22, the existing development is a limited size, scale, and intensity as a home-based business and has access to Range Road 282, a gravel road. A traffic impact assessment and intersection assessment have not been deemed necessary given the current scale of the existing business, and such requirement would be evaluated further at any future development permit application for Lot 2.



Finally, adverse impacts on existing uses in the area are assumed to be minimal given the current scale of the operation on Lot 1, and any subsequent applications on Lot 2 would be subject to Land Use Bylaw requirements, such as screening, lighting, noise, and traffic. As the existing business onsite has a current Development Permit for a Home Based Business and has had for many years, the use is consistent with the Land Use Bylaw in place at the time of issue. Upon future renewals, the operation will be required to be compliant with the current Land Use Bylaw. Any future business development on Lot 2 will also be required to comply with the Land Use Bylaw.

Servicing

Lot 1 includes an existing well and septic system. A Level 1 Variation Assessment was submitted for Lot 1 indicating sufficient water supply and the presence of an existing septic system. For Lot 2, the applicant/owner submitted a Level 2 PSTS Assessment that indicated that a conventional private sewage treatment system would be acceptable.

For water servicing, a Level 1 groundwater supply assessment was prepared that determined that there should be sufficient groundwater supply to support the proposed development. As such, the applicant will be required to drill a new well on Lot 2 and provide a well driller's report.

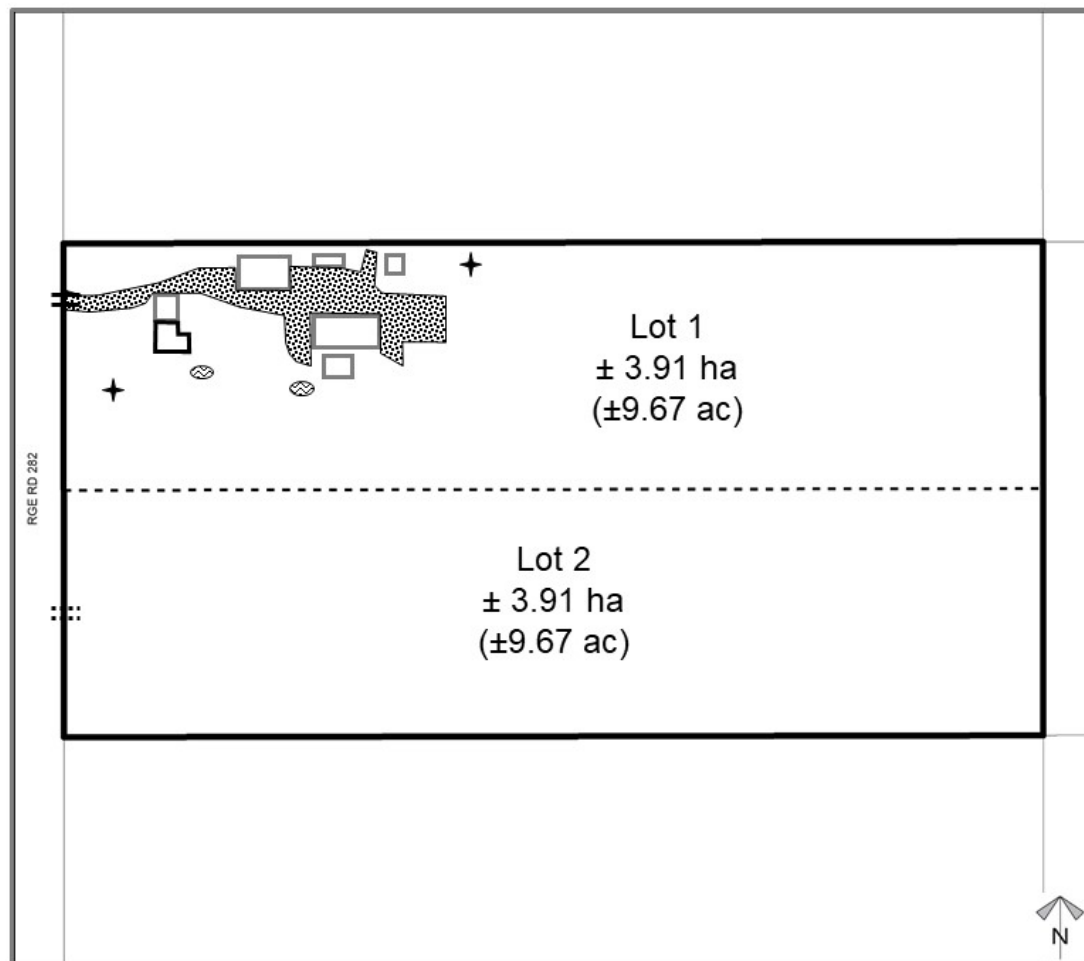
Stormwater

As the proposed development is not expected to significantly impact existing drainage conditions due to the parcel sizes, no studies were required at this time. However, a Site-Specific Stormwater Implementation Plan may be required at a future Development Permit stage should the development warrant it.

Municipal Reserves

The parcels are subject to municipal reserves, however as the parcels have the potential for further division, reserves will be deferred by caveat on both parcels.

Tentative Plan



Tentative Plan

Subdivision Proposal

To create a ± 3.91 hectare (±9.67 acre) parcel (Lot 1) with a ± 3.91 hectare (±9.67 acre) remainder (Lot 2).

Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	

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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Legal: Block 2 Plan 731129 within NW-23-23-28-W04M

CONCLUSION:

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

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

ON/lt

ATTACHMENTS:

ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Maps and Other Information

ATTACHMENT 'A': APPROVAL CONDITIONS

- A. The application to create a ± 3.91 hectare (± 9.67 acre) parcel (Lot 1) with a ± 3.91 hectare (± 9.67 acre) remainder (Lot 2) at Block 2, Plan 731129 within NW-23-23-28-W4M, 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.

Transportation

- 2) The Owner shall construct a new gravel approach on Range Road 282 in order to provide access to Lot 2.

Site Servicing

- 3) Water is to be supplied by an individual well on Lot 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 new well on the new Lot 2, in accordance with the County's Servicing Standards and requirements of the *Water Act*; and
 - b) A Well Driller's Report confirming a minimum pump rate of 1.0 IGPM for the new well is provided.

Municipal Reserves

- 4) The provision of Reserve, in the amount of 10% of Lots 1 and 2, is to be deferred by caveat proportionately to Lots 1 and 2, pursuant to Section 669(2) of the *Municipal Government Act*;

Payments and Levies

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

*Taxes*

- 6) 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

ATTACHMENT 'B': MAPS AND OTHER INFORMATION

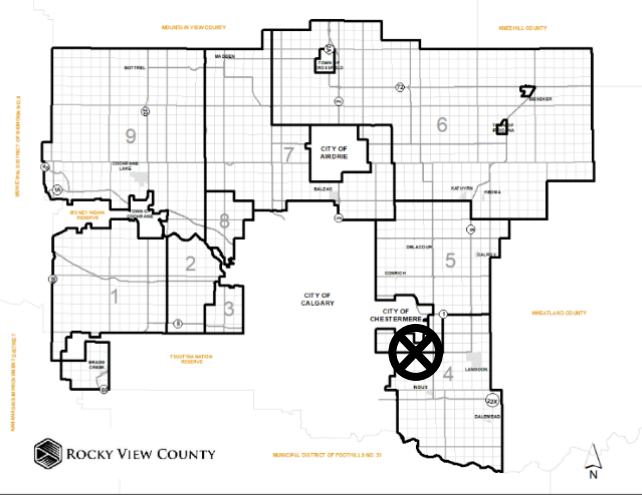
APPLICANT: Terradigm Development Consultants Inc. (Steve Grande)	OWNER: Gerald and Dawn Gautreau
DATE APPLICATION RECEIVED: April 7, 2021	DATE DEEMED COMPLETE: April 7, 2021
GROSS AREA: ± 7.82 hectares (± 19.33 acres)	LEGAL DESCRIPTION: Block 2, Plan 731129; NW-23-23-28-W4M
APPEAL BOARD: Municipal Government Board	
HISTORY: <p>September 22, 2020: Council approved redesignation of the subject lands to Business, Live-Work District (PL20190161)</p> <p>September 8, 2009: Application 2009-RV-201 to redesignate the subject land from Agricultural Holdings District to Direct Control District in order to accommodate a portable toilet supply and service business withdrawn, file closed.</p>	
PUBLIC & AGENCY SUBMISSIONS: <p>The application was circulated to 41 adjacent landowners. No responses were received.</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

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Development Proposal

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RGE RD 282

Lot 1
 ± 3.91 ha
(± 9.67 ac)

Lot 2
 ± 3.91 ha
(± 9.67 ac)

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Environmental

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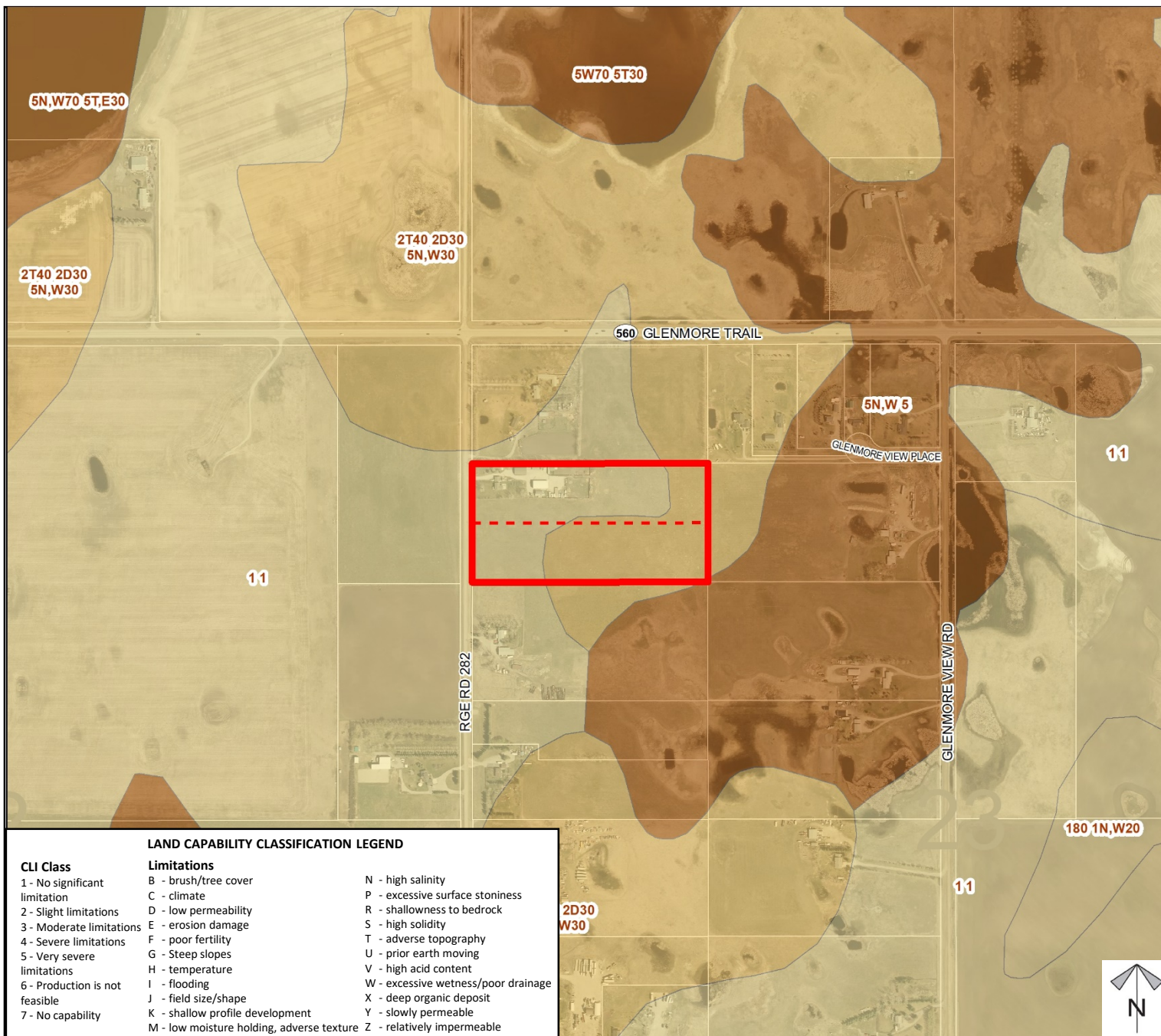
-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

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Soil Classifications

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LAND CAPABILITY CLASSIFICATION LEGEND

CLI Class	Limitations	
1 - No significant limitation	B - brush/tree cover	N - high salinity
2 - Slight limitations	C - climate	P - excessive surface stoniness
3 - Moderate limitations	D - low permeability	R - shallowness to bedrock
4 - Severe limitations	E - erosion damage	S - high solidity
5 - Very severe limitations	F - poor fertility	T - adverse topography
6 - Production is not feasible	G - Steep slopes	U - prior earth moving
7 - No capability	H - temperature	V - high acid content
	I - flooding	W - excessive wetness/poor drainage
	J - field size/shape	X - deep organic deposit
	K - shallow profile development	Y - slowly permeable
	M - low moisture holding, adverse texture	Z - relatively impermeable

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Landowner Circulation Area

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Legend

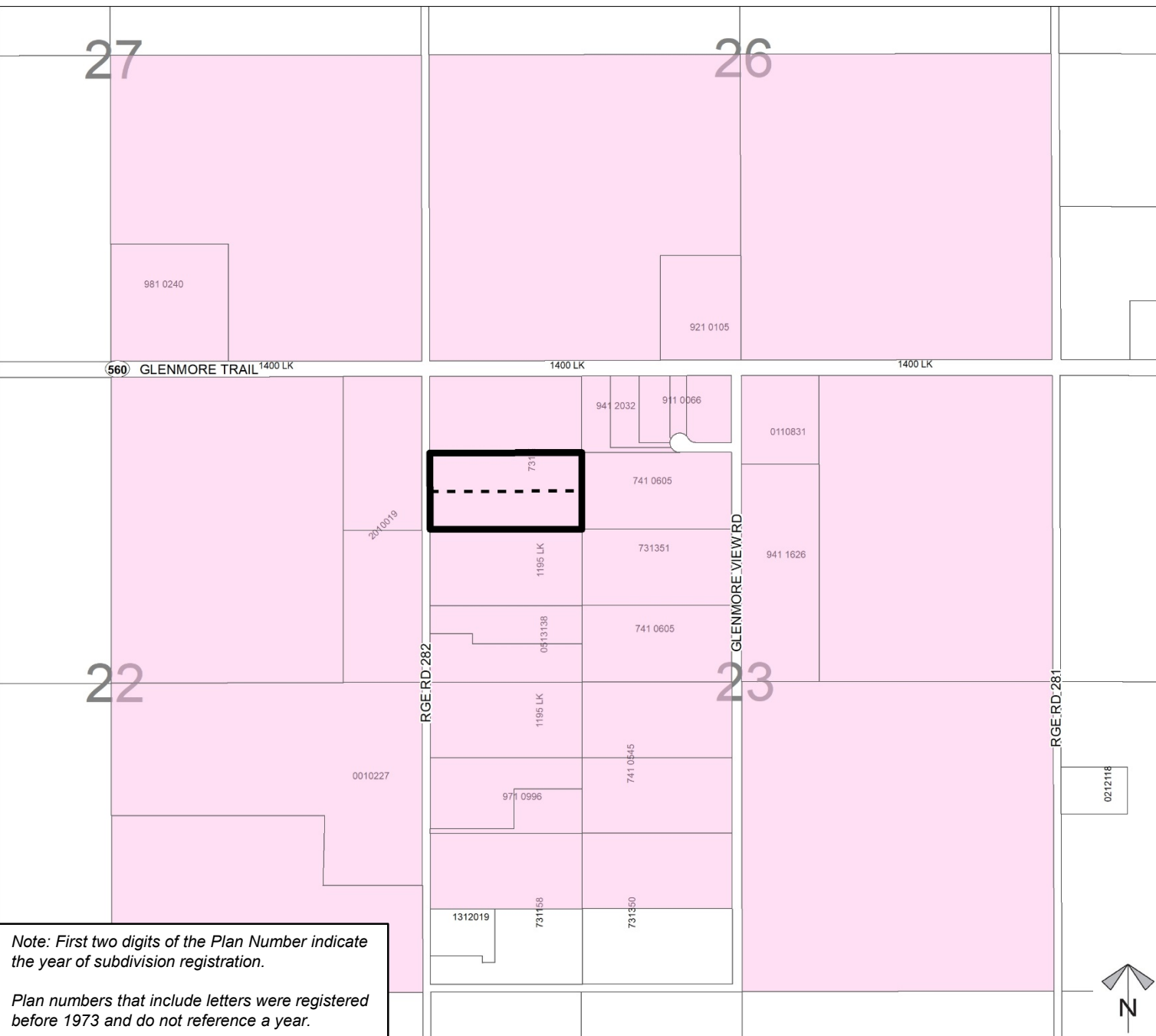
Support



Opposition



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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.