

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Subdivision Authority

DIVISION: 4

DATE: July 28, 2021

APPLICATION: PL20200128

FILE: 03316010

SUBJECT: Subdivision Item: Creation of One Agricultural Lot

APPLICATION: To create a ± 21.85 hectare (± 54.00 acre) parcel (Lot 1) with a ± 41.28 hectare (± 102.00 acre) remainder (Lot 2).

GENERAL LOCATION: Located on the east border of the city of Calgary, approximately 1.6 kilometres (1 mile) south of Highway 560, and 0.8 kilometres (0.5 mile) west of Range Road 283.

LAND USE DESIGNATION: Agricultural, General District (A-GEN).

ADMINISTRATION RECOMMENDATION: Administration recommends refusal as per Option #2.

OPTIONS:

Option #1: THAT Subdivision Application PL20200128 be approved with the conditions noted in Attachment 'B'.

Option #2: THAT Subdivision Application PL20200128 be refused for the following reasons:

- The parcel is approximately 80% wetland. The parcel therefore has limited development area and restricts the agricultural potential of the lands, and
- The parcel does not meet the intent of the district.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Xin Deng, Planning and Development Services



APPLICATION EVALUATION:

Municipal Planning Commission (MPC) tabled this application on January 27, 2021 pending the submission and approval of the redesignation application. The Applicant submitted a redesignation application (PL20210022) to redesignate the proposed parcel to Agricultural, Small Parcel District (A-SML). Council refused the redesignation application on July 13, 2021.

Rather than cancel this application, the applicant requested that MPC consider the tabled subdivision application without the appropriate land use designation.

The application was evaluated based on 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;• Rocky View County / City of Calgary Intermunicipal Development Plan;• County Plan;• Land Use Bylaw; and• County Servicing Standards.	<ul style="list-style-type: none">• None

Transportation:

A large waterbody separates the subject land in half. The water is part of the Shepard Slough Complex which provides storage for the Regional Shepard Drainage catchment.

The southern portion of the land (remainder Lot 2) contains a dwelling. It is accessed through the existing shared approach with the parcel located to the south.

The northern portion of the land, which is the proposed ± 21.85 hectare (± 54.00 acre) new lot (Lot 1), is currently leased by an oil & gas company. This portion of the land is currently accessed via a private driveway built within the undeveloped road allowance of Range Road 284. As a condition of subdivision, the Owner is required to construct a Regional Low Volume Gravel Road within the road allowance of Range Road 284, from the intersection of Highway 560 to the proposed new lot (approximately 1600 m), to ensure that Lot 1 has physical access to a developed County road. Alberta Transportation indicated that a Roadside Development Permit would be required. The Owner requests MPC waive this condition, as it is cost-prohibitive for the Owner to build a county road to service one agricultural lot.

Water and Wastewater:

The existing dwelling on the remainder land (Lot 2) is serviced by an existing water well and septic tank and field system. As the proposed new lot (Lot 1) is ± 21.85 hectare (± 54.00 acre) in size, there is no requirement to demonstrate water and wastewater serviceability when the new lot is greater than 30 acres.

Stormwater:

Should the applicant/owner construct a new dwelling, operate a small agricultural business, or remain status quo minimal impacts on the existing drainage is expected.

Municipal Reserves:

Municipal Reserve is exempted in accordance with Section 663 of the *Municipal Government Act*, as the proposed new lot is greater than 40 acres.



Payments and Levies:

Transportation Off-Site Levy (TOL) does not apply since both parcels are agricultural.

Rocky View /City of Calgary IDP

The land falls within the future industrial growth area within the IDP. The IDP indicates that development in this area needs to be governed by the local planning document of the local municipality. Therefore, the application was evaluated by the County Plan.

County Plan:

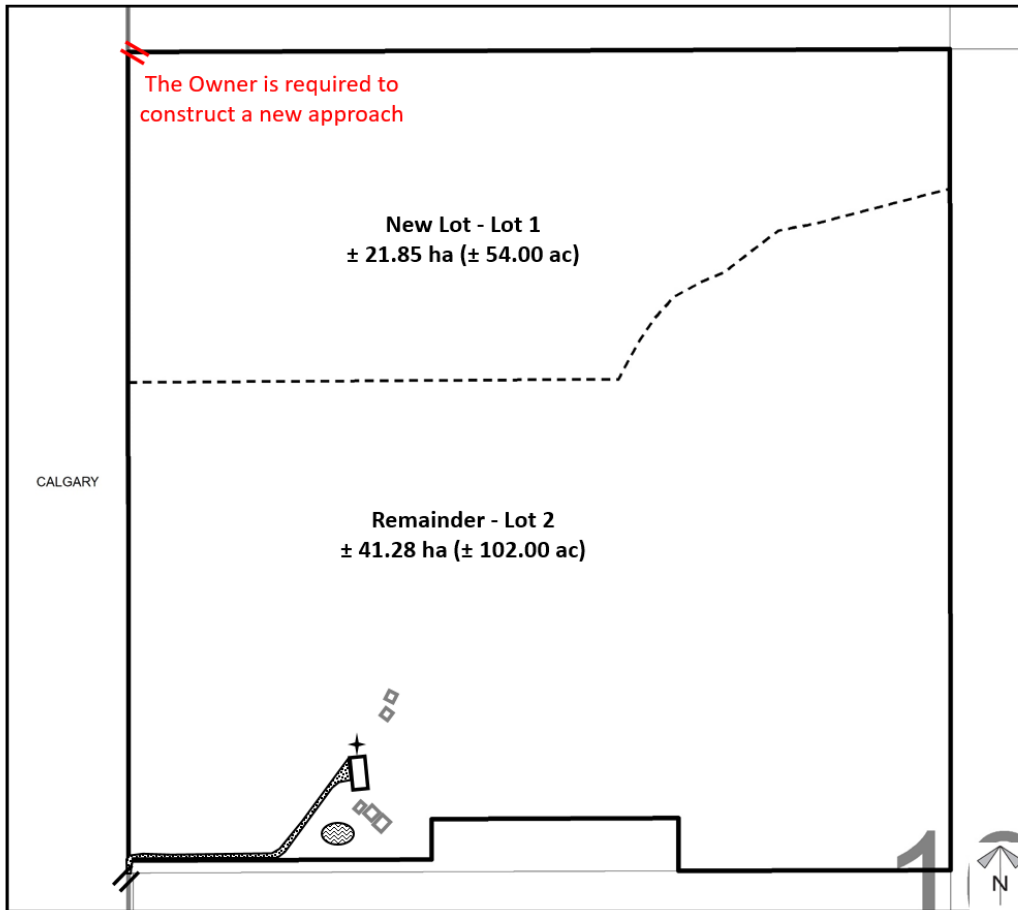
The proposed redesignation application (PL20210022) meets the agricultural policies of the County Plan, however, the limited development area would restrict future agricultural development potential on the proposed new lot. The redesignation application was refused by Council on July 13, 2021.

Land Use Bylaw:

The proposed ± 21.86 ha (± 54.00 ac) new lot does not meet the minimum parcel size requirement of the Agricultural, General District (A-GEN) of the Land Use Bylaw (LUB). Due to the existing wetland covering the majority of the parcel, only approximately ± 4.04 ha (± 10.00 ac) development area can be utilized for agricultural purposes. The parcel therefore does not meet the intent of the agricultural district.

Section 149 of the LUB states that there is no maximum number of animal units for parcels 16.1 ha (39.78 ac) in size. As the LUB does exclude wetlands from the calculation of parcel size, the proposed parcel would not have any restrictions on the amount of animal units placed on the ± 4.04 ha (± 10.00 ac) of useable agricultural lands.

Tentative Plan - 1









Tentative Plan - 1

Subdivision Proposal

To create a ± 21.85 hectare (± 54.0 acre) parcel with a ± 41.28 hectare (± 102.0 acre) remainder.

Legend

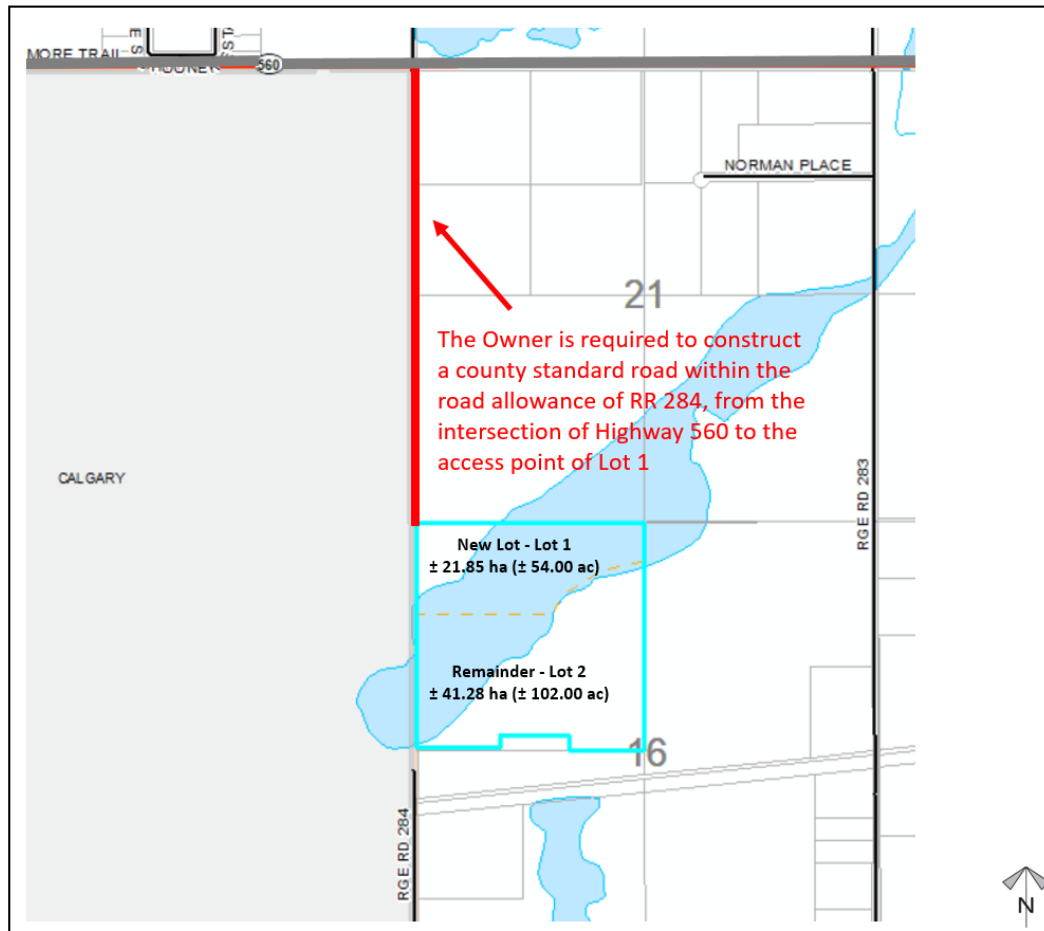
Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
Driveway	

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.

Division: 4
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 Legal: NW-16-23-28-W04M
 Printed: October 21, 2020

Tentative Plan - 2



Tentative Plan - 2

Subdivision Proposal

To create a ± 21.85 hectare (± 54.0 acre) parcel with a ± 41.28 hectare (± 102.0 acre) remainder.

Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
Driveway	

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CONCLUSION:

Due to the limited developable area and the costs associated to build a new County gravel road, the site is not suitable for the proposed development. Therefore, Administration recommends refusal.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

XD/llt

ATTACHMENTS:

ATTACHMENT ‘A’: Maps and Other Information

ATTACHMENT ‘B’: Approval Conditions

ATTACHMENT ‘C’: Public Submissions



ATTACHMENT 'A': MAPS AND OTHER INFORMATION

APPLICANT: Paul Schneider	OWNER: Jack & Marlene Begg
DATE APPLICATION RECEIVED: September 17, 2020	DATE DEEMED COMPLETE: October 19, 2020
GROSS AREA: ± 63.13 hectares (± 156 acres)	LEGAL DESCRIPTION: A Portion of NW-16-23-28-W04M
APPEAL BOARD: Development and Subdivision Appeal Board	
HISTORY: <p>July 13, 2021: Council refused Redesignation application (PL20210022), to redesignate a portion of the subject land from A-GEN to A-SML, in order to facilitate the creation of a ± 21.85 hectare (± 54.0 acres) parcel (Lot 1) with a ± 41.28 hectare (± 102.0 acres) remainder (Lot 2).</p> <p>January 27, 2021: MPC tabled Subdivision application (PL20200128) until a redesignation application is submitted and approved. The proposal was to create a ± 21.85 hectare (± 54.0 acres) parcel (Lot 1) with a ± 41.28 hectare (± 102.0 acres) remainder (Lot 2).</p> <p>1996 A ± 1.62 hectare (± 4.0 acre) parcel was created from the subject quarter section as the first parcel out. The subdivision was registered in Plan 9612258. The remainder land within the quarter section is the subject land in this case.</p>	
PUBLIC & AGENCY SUBMISSIONS: <p>The application was circulated to 24 adjacent landowners. One (1) letter in support was 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>	



ATTACHMENT 'B': APPROVAL CONDITIONS

- A. The application to create a ± 21.85 hectare (± 54 acre) parcel (Lot 1) with a ± 41.28 hectare (± 102 acre) remainder (Lot 2) within NW-16-23-28-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 Survey

1. Subdivision 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.

Development Agreement

2. The Owner shall enter into a Development Agreement pursuant to Section 655 of the Municipal Government Act in accordance with the approved Tentative Plan and shall include the following:
 - a) Construction of Range Road 284 to a gravel Regional Low Volume (400.9) standard from the intersection of Highway 560 up to the proposed gravel approach (approximately 1.6 km in total length) with an offset cul-de-sac bulb and any necessary easement agreements, including a complete approach to the new lot, as shown on the Tentative Plan, at the Owner's expense, in accordance with Section 400.0 of the Rocky View County Servicing Standards for Subdivision and Road Construction as approved by Council as amended all to the satisfaction of the County;
 - b) Implementation of the Construction Management Plan; and
 - c) Implementation of the Erosion and Sedimentation Control Plan.

Transportation

3. The Owner shall provide a Construction Management Plan that is to include, but not be limited to, noise, sedimentation and erosion control, construction waste management, fire fighting procedures, evacuation plan, hazardous material containment, construction, and management details.



4. The Owner is to provide a detailed Erosion and Sedimentation Control Plan, prepared by a qualified professional, in accordance with the County Servicing Standards and best management practices to the satisfaction of the County.

Payments

5. The Applicant/Owner shall pay the County subdivision endorsement fee for the creation of one new lot (1), in accordance with the Master Rates Bylaw.

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:

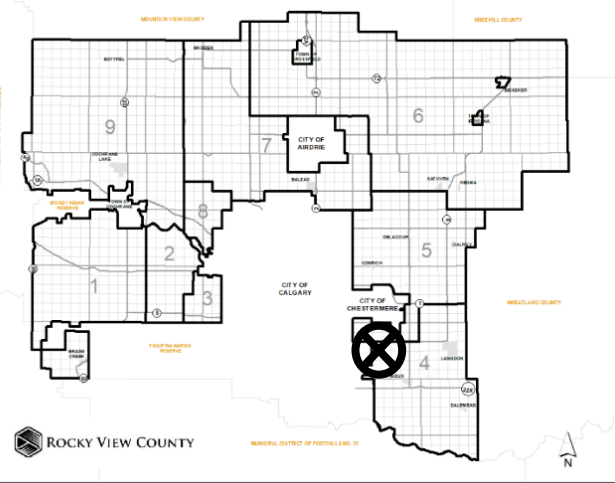
1. Prior to final endorsement of the subdivision, the Planning Department is directed to present the Applicant/Owners with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.

Location & Context

Subdivision Proposal

To create a ± 21.85 ha (± 54.00 ac) parcel with a ± 41.28 ha (± 102.00 ac) remainder.

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Development Proposal

Subdivision Proposal

To create a ± 21.85 ha
(± 54.00 ac) parcel with a
 ± 41.28 ha (± 102.00 ac)
remainder.

New Lot - Lot 1
 ± 21.85 ha (± 54.00 ac)

Oil Well Site

Remainder - Lot 2
 ± 41.28 ha (± 102.00 ac)

CALGARY

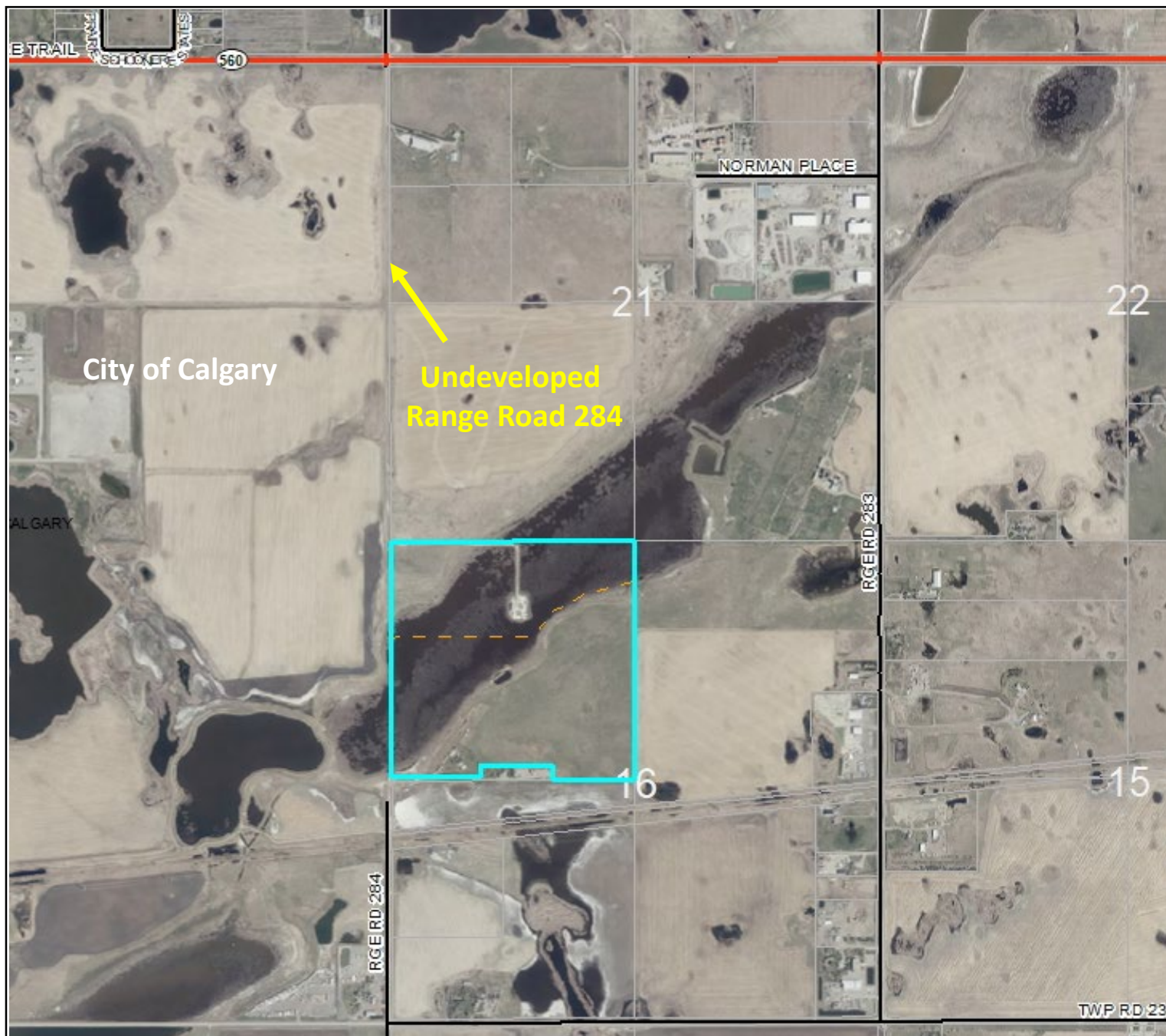


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Site Context

Subdivision Proposal

To create a ± 21.85 ha (± 54.00 ac) parcel with a ± 41.28 ha (± 102.00 ac) remainder.



Environmental

Subdivision Proposal

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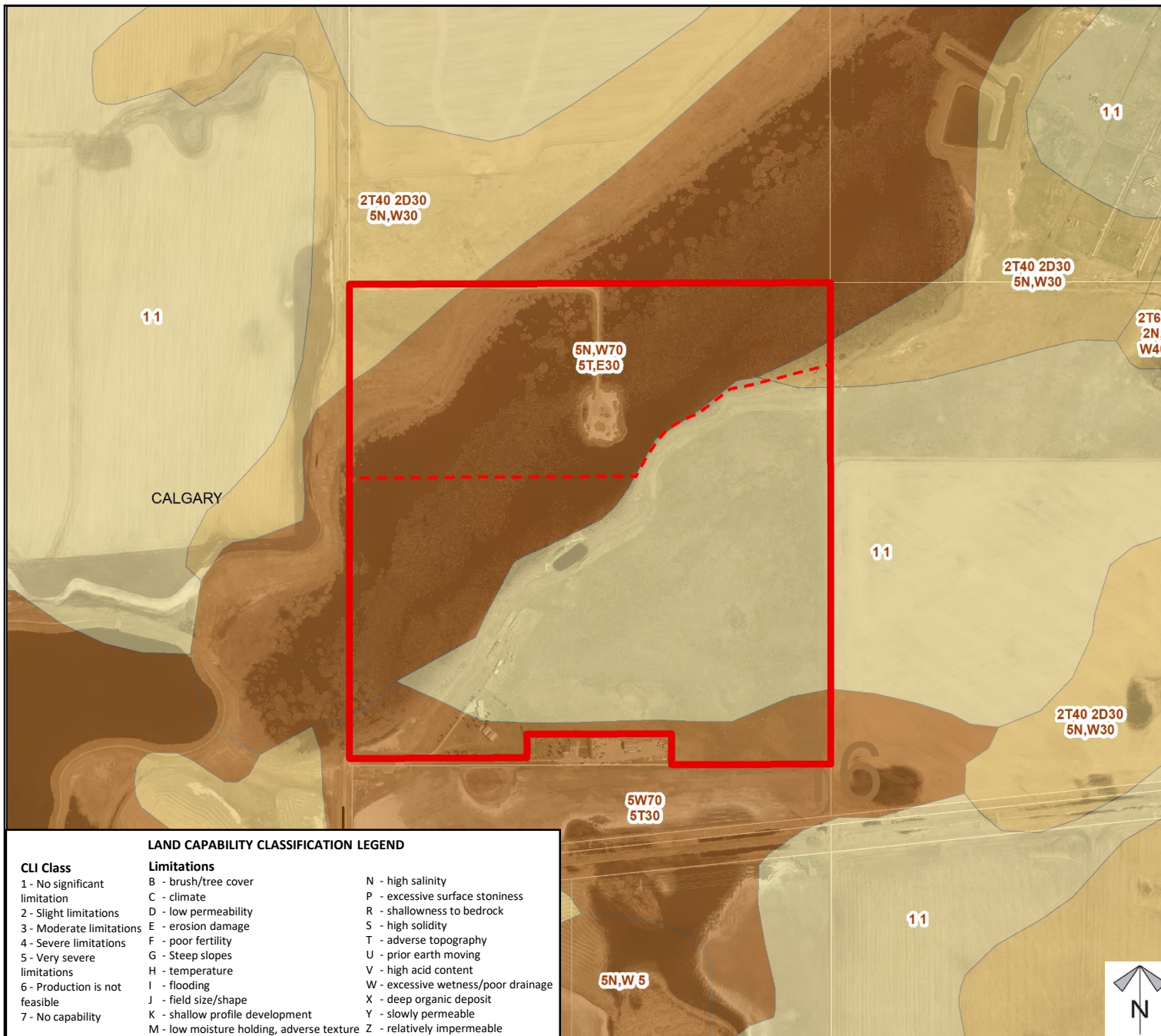
-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

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Soil Classifications

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Tentative Plan - 1

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Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
Driveway	

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The Owner is required to construct a new approach

New Lot - Lot 1
 ± 21.85 ha (± 54.00 ac)

Remainder - Lot 2
 ± 41.28 ha (± 102.00 ac)

CALGARY



Tentative Plan - 2

Subdivision Proposal

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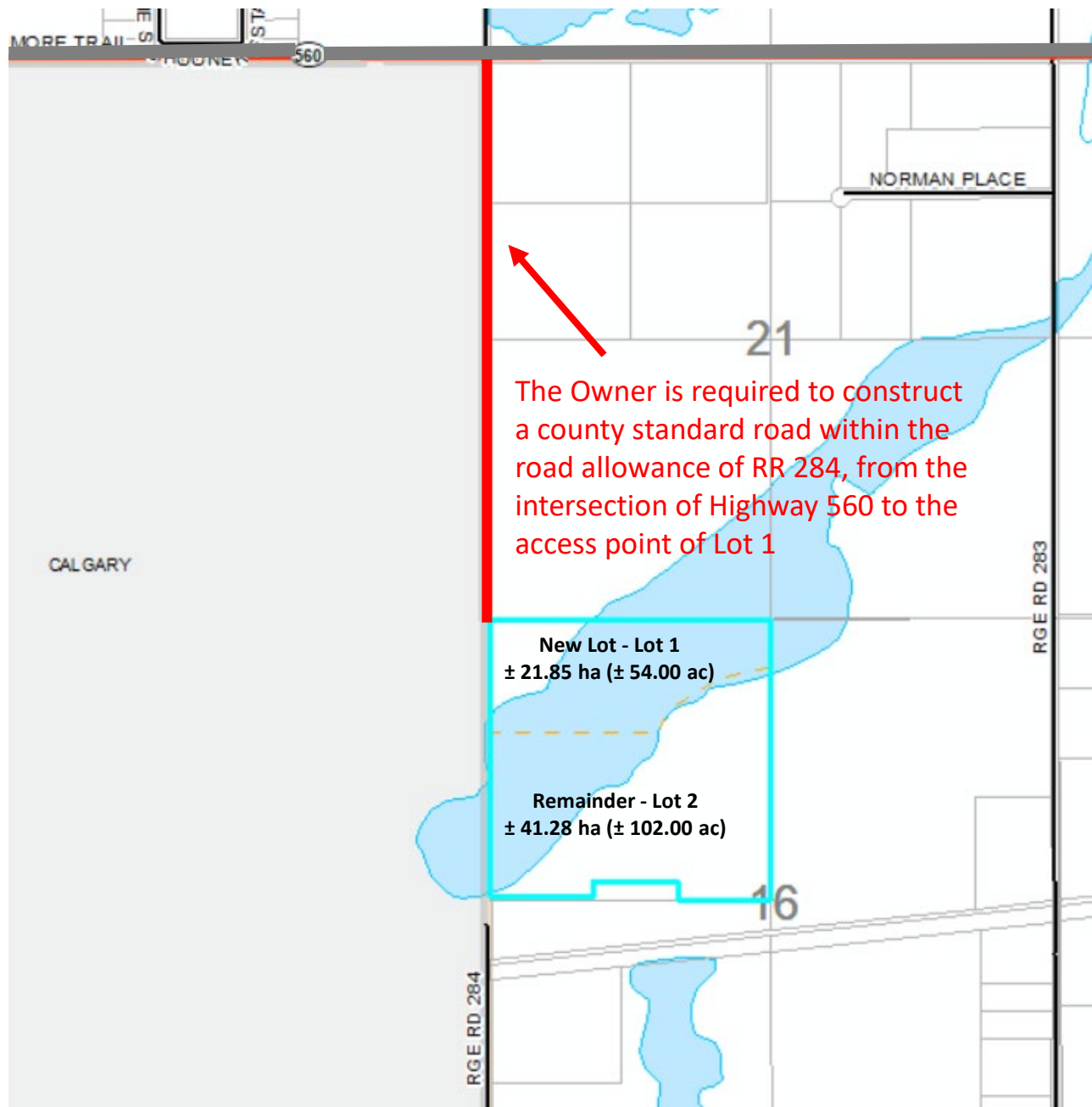
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Mr. Gary Sutherland
283218 Twp Rd 232
Rocky View, Alberta
T1X 0K7

January 22, 2021

Rocky View County
Planning Services Dept.
262075 Rocky View Point
Rocky View, AB
T4A 0X2

Attention: Althea Panaguiton, Planner

Dear Sir/Madam:

Re: Application: PL20200128, File: 03316010

Further to the notice for development dated Oct. 29/20 from Rocky View County, please accept this letter as written support for the proposed subdivision on NW-16-23-28-W04, owned by Marlene and Jack Begg.

I am in support of the proposed subdivision's parcel sizes of 54 ac and 102 ac.

Yours truly,



Gary Sutherland

Cc: Xin Deng, Planner, Rocky View County