

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Subdivision Authority

DIVISION: 9

DATE: September 15, 2021

APPLICATION: PL20200145

FILE: 08903001

SUBJECT: Agricultural Subdivision

APPLICATION: To create a \pm 8.10 hectare (20.01 acre) parcel with a \pm 47.66 hectare (117.78 acre) remainder.

GENERAL LOCATION: Located approximately 5.5 kilometres east of MD of Bighorn, at the southwest junction of Range Road 52 and Grand Valley Road.

LAND USE DESIGNATION: Agricultural, Small Parcel District (A-SMLp8.09) and Agricultural, Small Parcel District (A-SMLp47.66)

EXECUTIVE SUMMARY: The application is inconsistent with the relevant policies of the County Plan. However, the application was approved by Council on September 28, 2020, with the intent to subdivide.

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

OPTIONS:

Option #1: THAT Subdivision Application PL20200145 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Subdivision Application PL20200145 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Christina Lombardo, Planning & 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;• Municipal Development Plan;• County Plan;• Land Use Bylaw; and• County Servicing Standards.	<ul style="list-style-type: none">• Level 2 PSTS Assessment prepared by D&S Enterprises Wastewater Design, dated June 7, 2021• Water Well Drilling Report dated June 23, 2021

Conditions were set based on the following items:

Transportation and Access

Access to Lot 2 is provided by an existing paved approach via Grand Valley Road. The applicant will be required to construct a new paved approach for Lot 1. Based on parcel sizes, the Transportation Off-Site Levy (Bylaw C-8007-2020) shall be deferred for both Lot(s) 1 & 2 at this time.

Servicing

No dwellings or buildings are present on the subject lands at this time. A Well Driller's report for Lot 1 has demonstrated flow should exceed minimum requirements. Lot 2, the remainder, is not required to demonstrate servicing due to the large size of the parcel. . A Level II Model Process Assessment was also submitted which shows a septic system can be accommodated within Lot 1.

Due to the sizes of the parcels, no stormwater implementation is required.

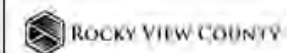
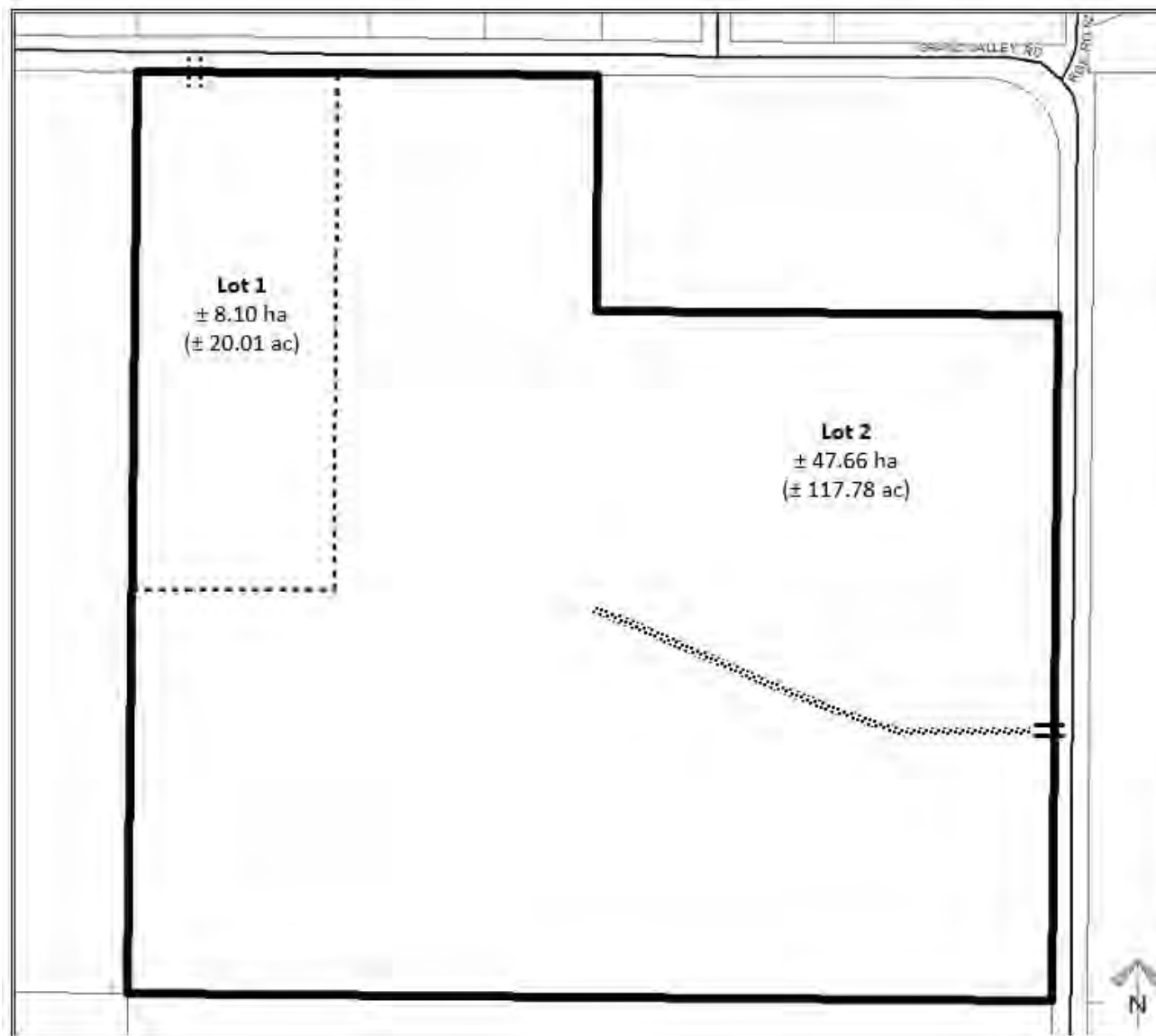
Policy Analysis

The subject lands are not located within an area structure plan and therefore have been reviewed against the County Plan. A full review of the application was considered at the time of redesignation. On September 28, 2020, Council approved the lands for Agricultural, Small District land use with parcel modifiers. As this application for subdivision is consistent with the land use decision, Administration recommends approval. Both proposed parcels are consistent with the minimum parcel size required.

Based on parcel sizes and potential for further development within the area Municipal Reserves have been deferred at this time.



Tentative Plan



Tentative Plan

Subdivision Proposal

To create a ± 8.10 hectare (20.01 acre) parcel with a ± 47.66 hectare (117.78 acre) remainder.

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-4841-97.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 9
 Roll: 08903001
 File: PL20200145
 Printed: November 13, 2020
 Legal: NE-03-28-05-W05M



ROCKY VIEW COUNTY

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

CL/llt

ATTACHMENTS:

ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Maps and Other Information

ATTACHMENT ‘C’: Public Submission

ATTACHMENT 'A': APPROVAL CONDITIONS

- A. The application to create a ± 8.10 hectare (20.01 acre) parcel with a ± 47.66 hectare (117.78 acre) remainder at NE-3-28-5-W5M, 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 contact County Road Operations to construct a new paved approach on Grand Valley Road in order to provide access to Lot 1.

Payments and Levies

- 3) The provision of Reserve in the amount of 10% of Lot 1, is to be deferred by Caveat pursuant to Section 669(2) of the *Municipal Government Act*; and the remainder is to remain deferred without Caveat pursuant to Section 663 of the *Municipal Government Act*;
- 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.

Taxes

- 5) 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: Mark Bartlett	OWNER: Mark Bartlett
DATE APPLICATION RECEIVED: October 20, 2020	DATE DEEMED COMPLETE: November 5, 2020
GROSS AREA: ± 55.76 hectares (± 137.79 acres)	LEGAL DESCRIPTION: NE-3-28-5-W5M
APPEAL BOARD: Subdivision and Development Appeal Board	
HISTORY: <i>September 28, 2020: Council approved the application to redesignate the subject lands from Agricultural General District to Agricultural Small District for future Subdivision into a 20.00 acre lot.</i> <i>April 26, 2013: Subdivision Plan 131 1144 was registered at Land Titles creating one new lot from the quarter section (first parcel out)</i>	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to 24 adjacent landowners. One letter of opposition was 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.	

Subdivision Proposal

To create a ± 8.10 hectare (20.01 acre) parcel with a ± 47.66 hectare (117.78 acre) remainder.

Division: 9
Roll: 08903001
File: PL20200145
Printed: November 13, 2020
Legal: NE-03-28-05-W05M





Development Proposal

Subdivision Proposal

To create a ± 8.10 hectare (20.01 acre) parcel with a ± 47.66 hectare (117.78 acre) remainder.

Lot 1
 ± 8.10 ha
(± 20.01 ac)

Lot 2
 ± 47.66 ha
(± 117.78 ac)



Division: 9
Roll: 08903001
File: PL20200145
Printed: November 13, 2020
Legal: NE-03-28-05-W05M



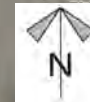
Environmental

Subdivision Proposal

To create a ± 8.10 hectare (20.01 acre) parcel with a ± 47.66 hectare (117.78 acre) remainder.

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

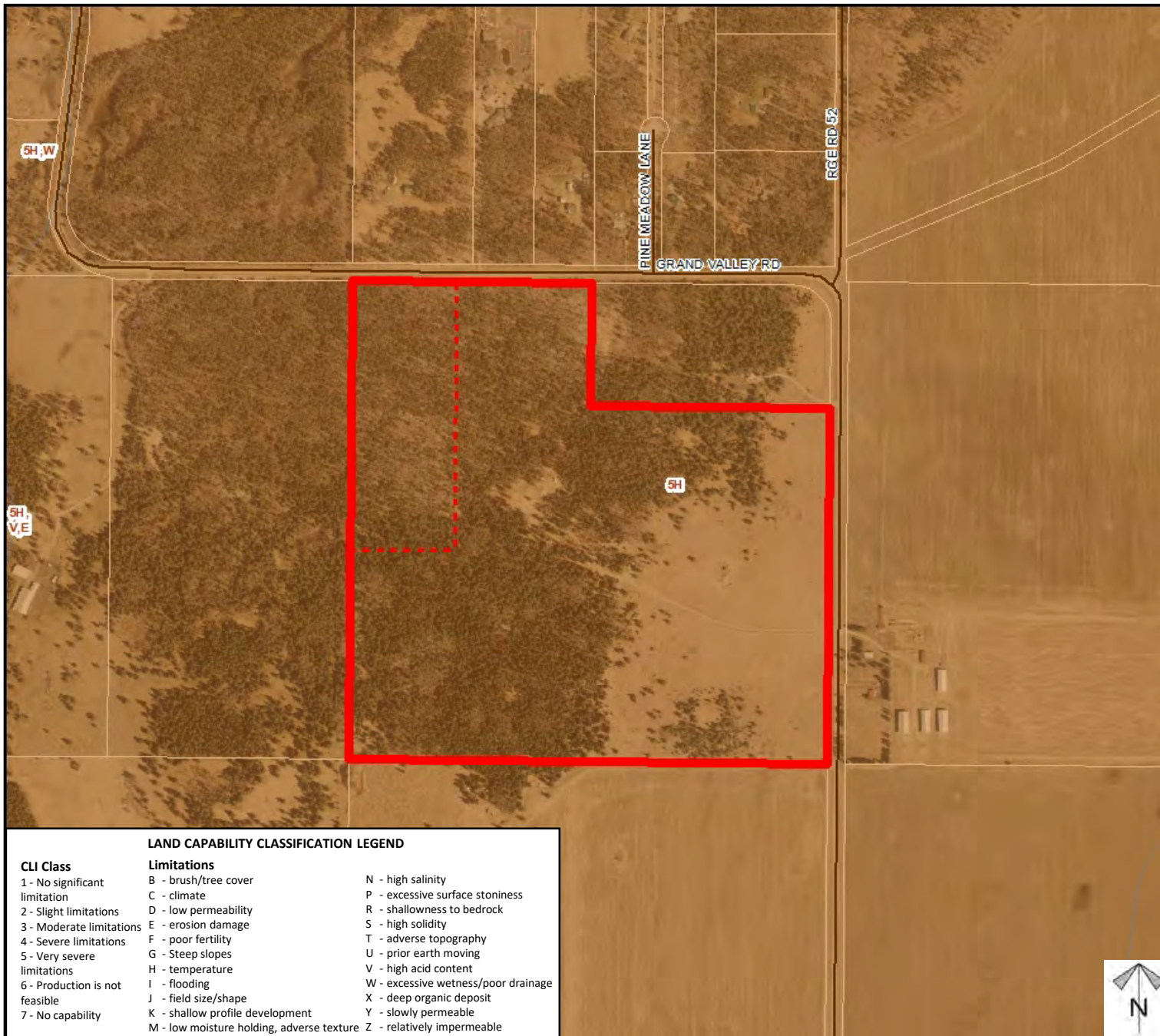
Division: 9
Roll: 08903001
File: PL20200145
Printed: November 13, 2020
Legal: NE-03-28-05-W05M



Soil Classifications

Subdivision Proposal

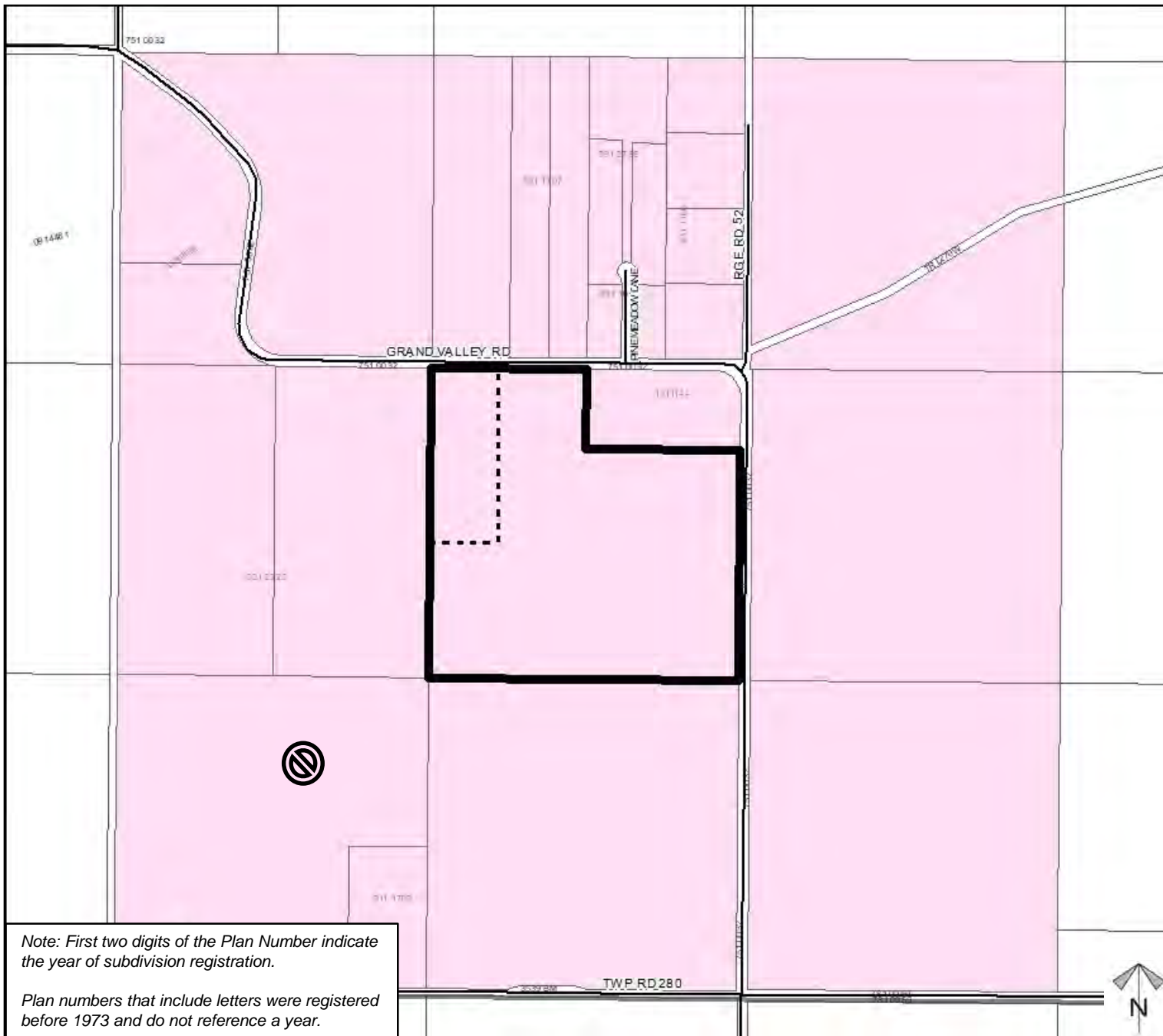
To create a ± 8.10 hectare (20.01 acre) parcel with a ± 47.66 hectare (117.78 acre) remainder.



Landowner Circulation Area

Subdivision Proposal

To create a ± 8.10 hectare (20.01 acre) parcel with a ± 47.66 hectare (117.78 acre) remainder.



Legend

Support



Opposition



Division: 9

Roll: 08903001

File: PL20200145

Printed: November 13, 2020

Legal: NE-03-28-05-W05M

Tentative Plan

Subdivision Proposal

To create a ± 8.10 hectare (20.01 acre) parcel with a ± 47.66 hectare (117.78 acre) remainder.

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-4841-97.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 9

Roll: 08903001

File: PL20200145

Printed: November 13, 2020

Legal: NE-03-28-05-W05M

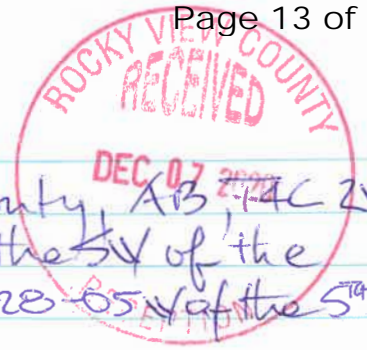
Lot 1
 ± 8.10 ha
 (± 20.01 ac)

Lot 2
 ± 47.66 ha
 (± 117.78 ac)



From:

O. H. Setzer, 280021 Rg Rd 53, Rocky View County, AB T4A 2W1
Landowner of a parcel of Land to the SW of the
Land owned by M. S. Bartlett of NE03-28-05-14 of the 5th M



To

Rocky View County @ 262075 Rocky View Point,
Rocky View County, AB T4A 0X2
Re: Proposed application by M. S. Bartlett to
create a 20.00 acre, the 2nd one to vote, at the
above noted land location for subdivision.

My objection to this proposed subdivision and the
no doubt further subdivisions on this land and
possibly elsewhere north of TWP Rd 280 is the following:
For a century farmers who owned land in this
vicinity have raised cattle on these lands -
and contrary to what Mr. Bartlett propounded at his
1st 20.00 acre subdivision, the land is not only suitable
to build houses on, but produces good grasses to feed the
livestock. Granted, the wooded area of the proposed
subdivision is not prime grazing land, but it was
used for just this purpose in the past.

The most important consideration, which has been
completely pushed under the "decision to approve or
not to approve table" is sufficient access to WATER!!
And I am talking water access for my livestock or
livestock grazing on my land in the summer &
autumn months. The NE corner of my property which
touches the NE03-28-05-14 M has a wet dug-out
area which I need to operate my farm. The subdivision
applicant is legally not allowed to interfere with my
farm operation - ducks, geese & other wildlife use this
above described "slough". Do not compromise my livelihood
by stealing the water.

O. H. Setzer