

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Subdivision Authority	DIVISION: 6
DATE:	December 1, 2021	APPLICATION: PL20210018
FILE:	03213009	
SUBJECT:	Subdivision Item - Agricultural Subdivision	

APPLICATION: To create two \pm 16.5 hectare (\pm 40.79 acre) parcels with a \pm 16.5 hectare (\pm 40.79 acre) remainder.

GENERAL LOCATION: Located along the western border of Wheatland County, approximately 1.6 kilometres (0.99 miles) south of Township Road 272.

LAND USE DESIGNATION: Agricultural, Small District (A-SML p.16.5)

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

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

OPTIONS:

Option #1: THAT Subdivision Application PL20210018 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Subdivision Application PL20210018 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Oksana Newmen, Planning and Development

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">• None
---	--

County Plan

Council approved redesignation of the subject lands on September 14, 2021 to support a new or distinct agricultural use. The alignment with the county plan was assessed at that time and the subdivision implements the decision of council.

Land Use Bylaw

The proposed parcels are consistent with the minimum size requirement of the land use district.

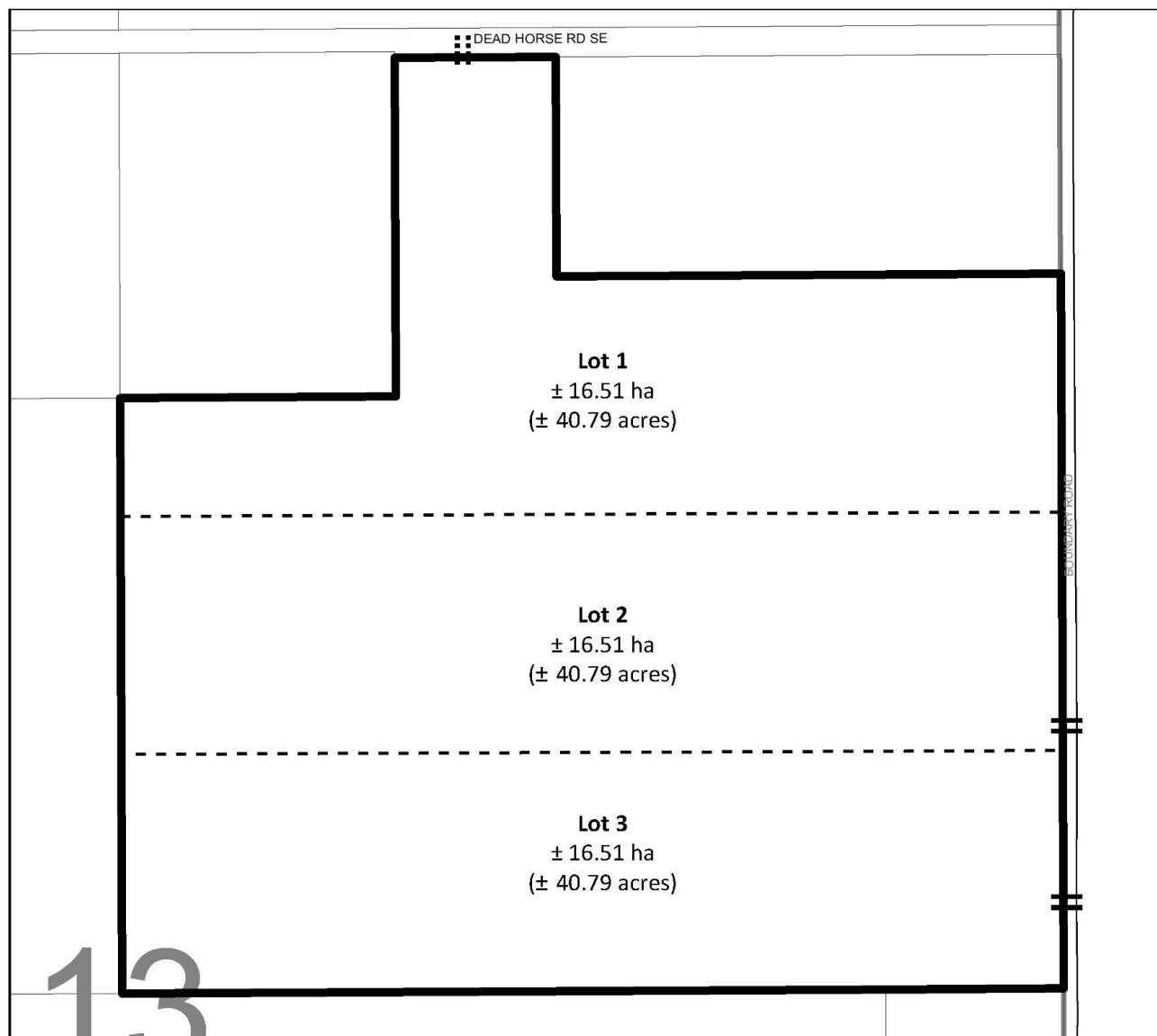
Access

A new access to Lot 1 is proposed from Dead Horse Road, a Rocky View County Road, and existing approaches provide access to Lots 2 and 3 from Boundary Road, a Wheatland County Road.

The new approach for Lot 1 will be required to be a gravel standard. The existing approaches to Lots 2 and 3 may require upgrading in accordance with Wheatland County standards. Conditions of approval are provided for all approaches.

Servicing

All three parcels are currently undeveloped, and in accordance with County Policy #411 – Residential Water and Sewer Requirements, agricultural parcels 30 acres or greater in size are not required to demonstrate adequate servicing. As such, no conditions pertaining to water or wastewater servicing have been provided.

Tentative Plan**Tentative Plan****Subdivision Proposal**

To create two ± 16.5 hectare (± 40.79 acre) parcels with a ± 16.5 hectare (± 40.79 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-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 04
Roll: 03213009
File: PL20210018
Printed: Feb 8, 2021
Legal: A portion of NE-13-23-27-W04M

Administration Resources

Oksana Newmen, Planning and Development

**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 two ± 16.5 hectare (± 40.79 acre) parcels with a ± 16.5 hectare (± 40.79 acre) remainder within NE-13-23-27-W04M, 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 field approach, in accordance with County Servicing Standards, on Dead Horse Road in order to provide access to Lot 1. The Owner shall contact County Road Operations to arrange a pre-construction inspection and a subsequent post-construction inspection for final acceptance. If a mutual approach is constructed, the Owner shall:
 - a) Provide an access right of way plan; and
 - b) Prepare and register respective easements on each title, where required
- 3) The Owner shall contact Wheatland County Road Operations to confirm the condition of the existing approaches providing access to Lots 2 and 3. The Owner shall improve or construct new approaches to Wheatland County's satisfaction. If a mutual approach is constructed, the Owner shall:
 - a) Provide an access right of way plan; and
 - b) Prepare and register respective easements on each title, where required



ROCKY VIEW COUNTY

Site Servicing

- 4) Utility Easements, Agreements, and Plans are to be provided and registered prior to registration to the satisfaction of ATCO Gas, ATCO Pipelines, and Ember Resources.

Municipal Reserves

- 5) The provision of Reserve, in the amount of 10% of Lots 1, 2, and 3, is to be deferred by caveat proportionately to each lot, pursuant to Section 669(2) of the Municipal Government Act.

Payments and Levies

- 6) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of two (2) new lots.

Taxes

- 7) 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



ROCKY VIEW COUNTY

ATTACHMENT 'B': MAPS AND OTHER INFORMATION

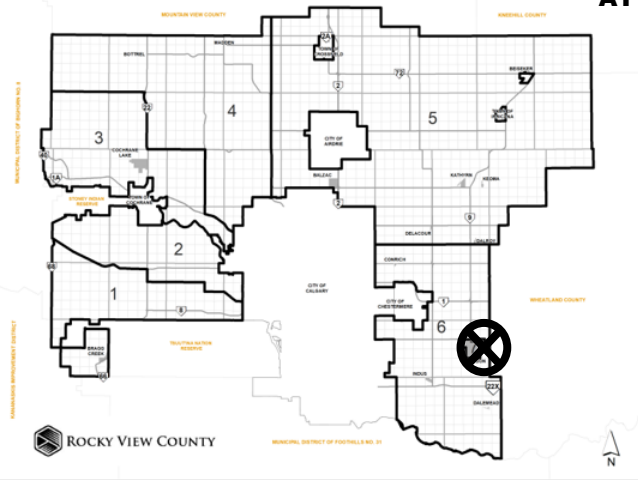
APPLICANT: Kelly Isley	OWNER: Jean Isley
DATE APPLICATION RECEIVED: February 2, 2021	DATE DEEMED COMPLETE: February 2, 2021
GROSS AREA: ± 49.37 hectares (± 122 acres)	LEGAL DESCRIPTION: NE-13-23-27-W04M
APPEAL BOARD: Rocky View County Subdivision Development Appeal Board	
HISTORY: <p>September 14, 2021: Council approved an application to redesignate the parcel from Agricultural, General District (A-GEN) to Agricultural, Small District (A-SML p 16.5).</p> <p>November 28, 2006: Council approved an application to create a ± 20 acre parcel with a ± 122 acre (subject parcel) remainder.</p> <p>1991: A ±17 acre farmstead parcel was created from the subject quarter.</p>	
PUBLIC & AGENCY SUBMISSIONS: <p>The application was circulated to 28 adjacent landowners, 11 of whom were in Wheatland County. No letters were received in support or objection to the application.</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

To create two ± 16.50 hectare (± 40.79 acre) parcels with a ± 16.5 hectare (± 40.79 acre) remainder.

Division: 06
Roll: 03213009
File: PL20210018
Printed: Feb 8, 2021
Legal: A portion of NE-13-23-27-W04M

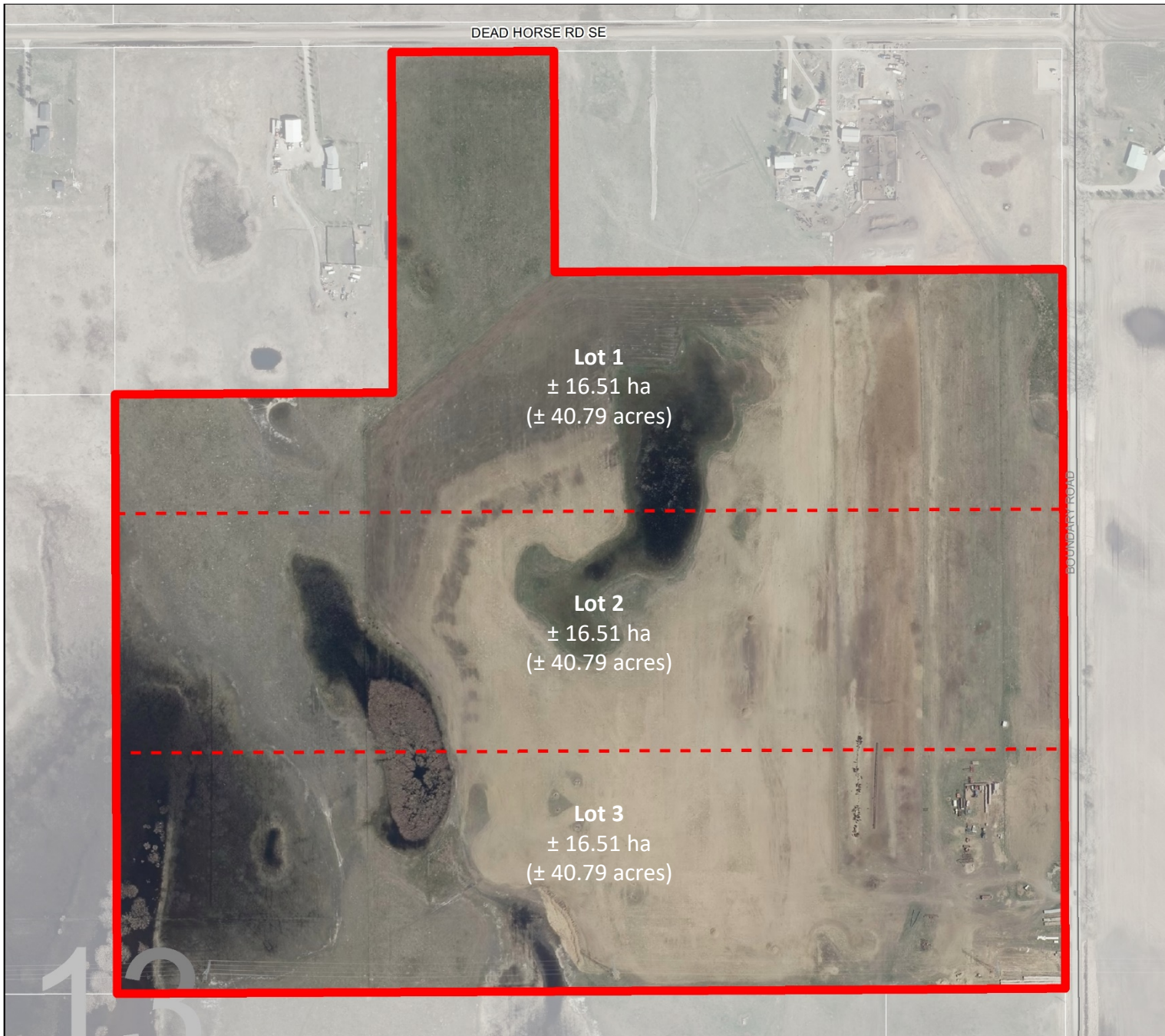




Development Proposal

Subdivision Proposal

To create two ± 16.50 hectare (± 40.79 acre) parcels with a ± 16.5 hectare (± 40.79 acre) remainder.



Division: 06
Roll: 03213009
File: PL20210018
Printed: Feb 8, 2021
Legal: A portion of NE-13-23-27-W04M



Tentative Plan

Subdivision Proposal

To create two ± 16.5 hectare (± 40.79 acre) parcels with a ± 16.5 hectare (± 40.79 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-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 06
 Roll: 03213009
 File: PL20210018
 Printed: Feb 8, 2021
 Legal: A portion of NE-13-23-27-W04M

DEAD HORSE RD SE

Lot 1
 ± 16.51 ha
 (± 40.79 acres)

Lot 2
 ± 16.51 ha
 (± 40.79 acres)

Lot 3
 ± 16.51 ha
 (± 40.79 acres)

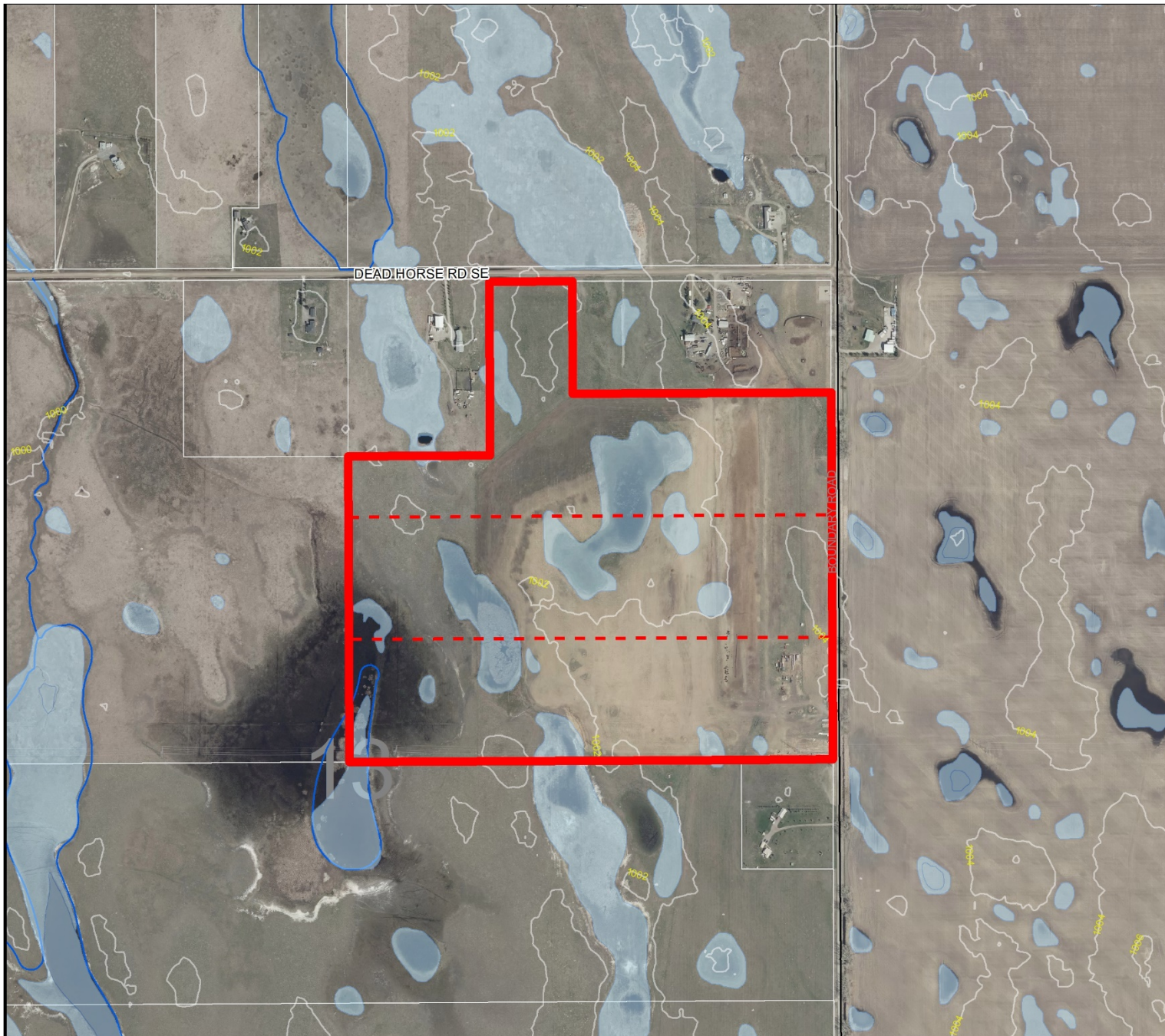
BOUNDARY ROAD

13

Environmental

Subdivision Proposal

To create two ± 16.50 hectare (± 40.79 acre) parcels with a ± 16.5 hectare (± 40.79 acre) remainder.



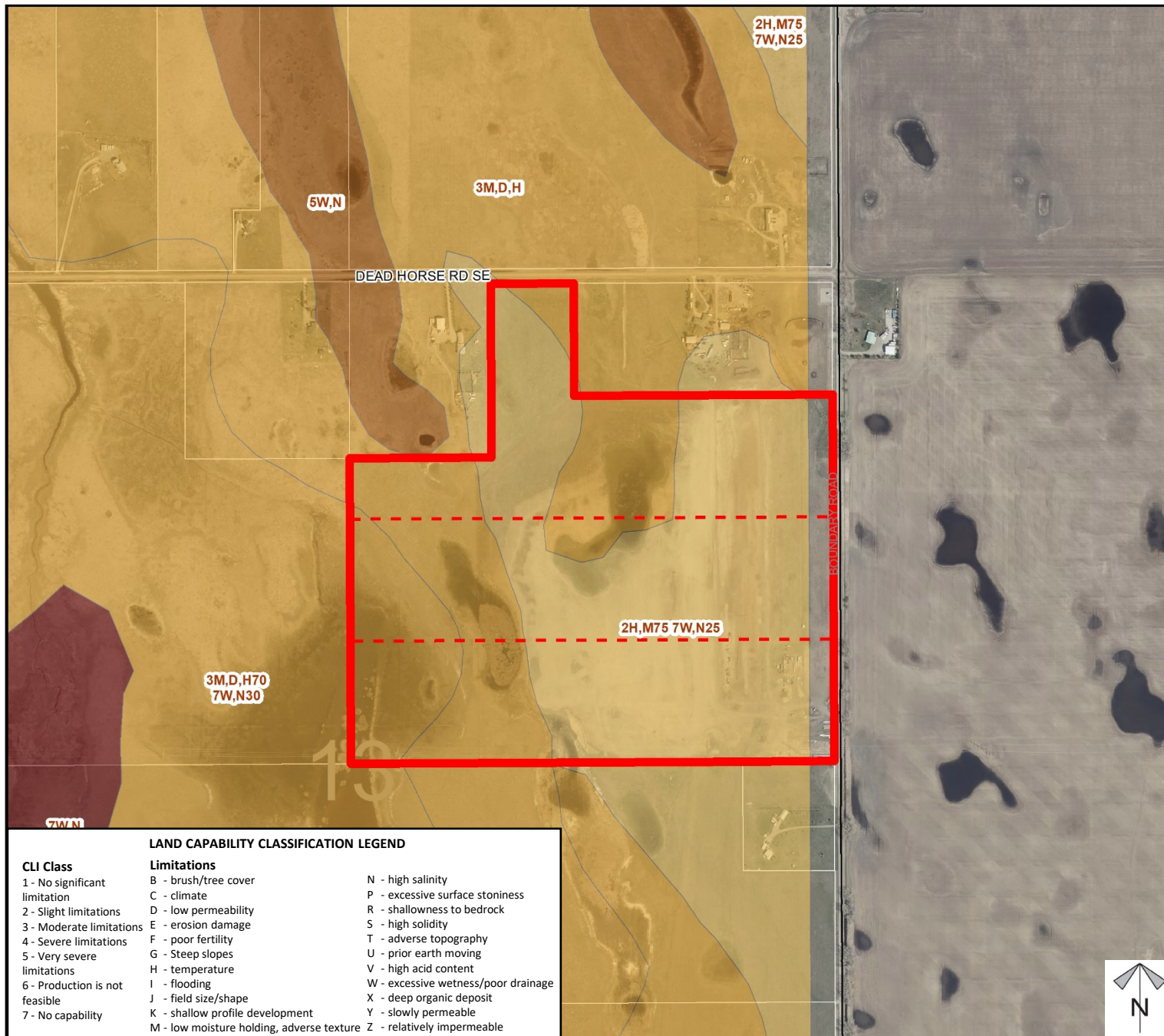
-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

Division: 06
 Roll: 03213009
 File: PL20210018
 Printed: Feb 8, 2021
 Legal: A portion of NE-13-23-27-W04M

Soil Classifications

Subdivision Proposal

To create two ± 16.50 hectare (± 40.79 acre) parcels with a ± 16.5 hectare (± 40.79 acre) remainder.



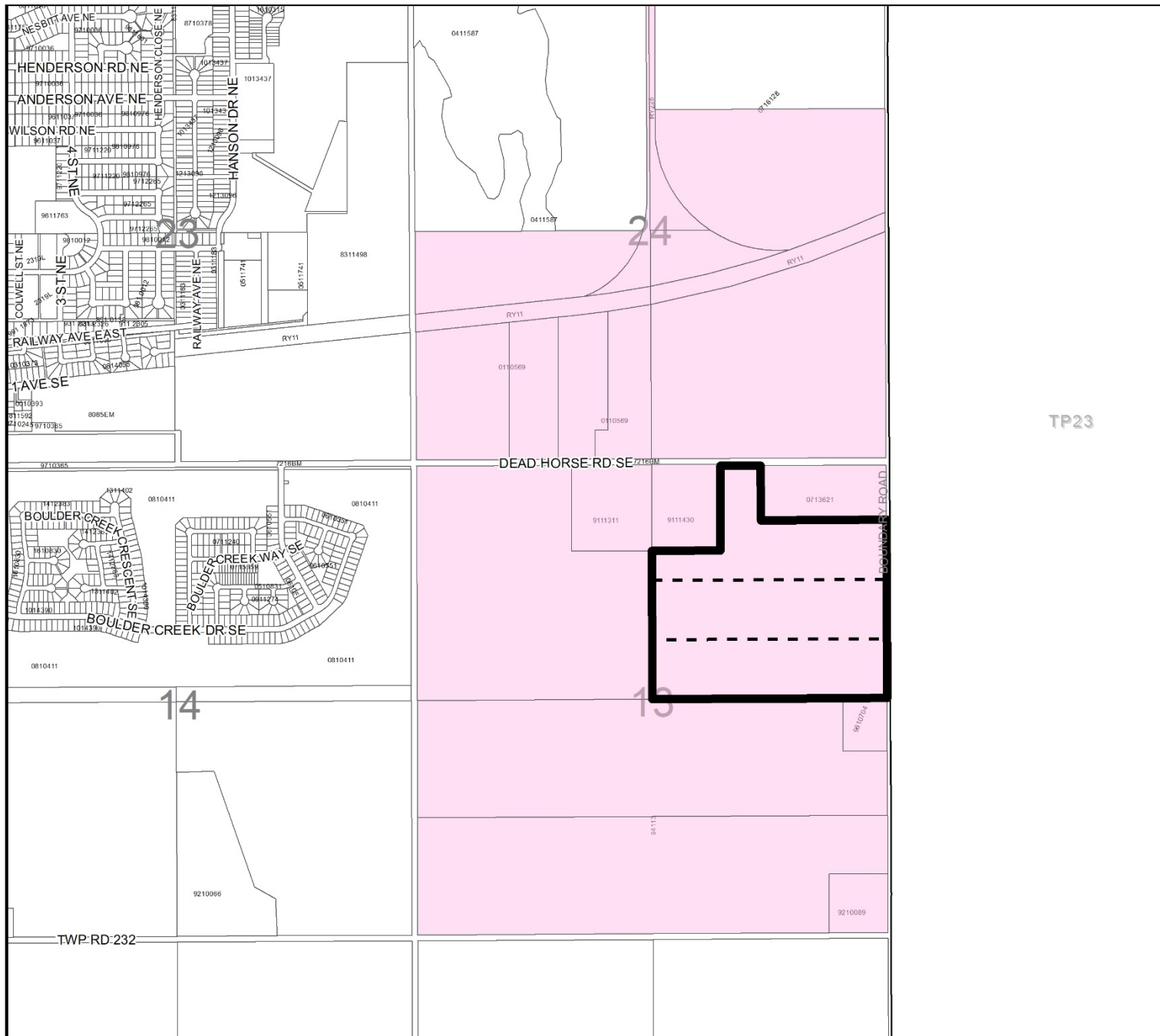
Division: 06
 Roll: 03213009
 File: PL20210018
 Printed: Feb 8, 2021
 Legal: A portion of NE-13-23-27-W04M



Landowner Circulation Area

Subdivision Proposal

To create two ± 16.50 hectare (± 40.79 acre) parcels with a ± 16.5 hectare (± 40.79 acre) remainder.



Legend

Support



Opposition



Division: 06
Roll: 03213009
File: PL20210018
Printed: Feb 8, 2021
Legal: A portion of NE-13-23-27-W04M