

PLANNING

TO: Municipal Planning Commission
Subdivision Authority

DIVISION: 5

DATE: January 25, 2022

APPLICATION: PL20200020

FILE: 06228005

SUBJECT: Agricultural Subdivision

APPLICATION: To create a ± 10.22 hectare (25.25 acre) parcel (Lot 1), another ± 10.22 hectare (25.25 acre) parcel (Lot 2), and a ± 40.88 hectare (101.02 acre) remainder (Lot 3).

GENERAL LOCATION: Located approximately 3 kilometres (1.86 miles) north of the hamlet of Kathryn, on the west side of Range Road 273 approximately 0.81 kilometres (0.50 miles) north of Township Road 264.

EXECUTIVE SUMMARY: The application seeks to subdivide agricultural lands to separate shared ownership interests, and to facilitate the development of farmers' markets on each parcel. There are existing accessory buildings on the subject lands, though no dwellings. Activities related to the development of the farmers' markets appear to have commenced.

Council approved the redesignation of the two 10 hectare (25 acre) parcels to Agricultural, Small Parcel District (A-SML) on January 14, 2020, leaving the remainder parcel as Agricultural, General District (A-GEN).

The application is consistent with County Plan Policies 8.18 and 8.19 regarding subdivision for agricultural purposes. The proposed parcels at the northern and southern extremities appear to have a valid planning rationale for new or distinct agricultural uses as farmers' markets in an agricultural area.

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

OPTIONS:

Option #1: THAT Subdivision Application PL20200020 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Subdivision Application PL20200020 be refused.

Administration Resources

Oksana Newmen, Planning and Development

AIR PHOTO & DEVELOPMENT CONTEXT:



APPLICATION EVALUATION:

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<p>APPLICABLE POLICY AND REGULATIONS:</p> <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. 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • Water Well Drilling Report prepared by M&M Drilling Co. Ltd, dated July 2017 • Septic Field Assessment Update Letter prepared by Groundwater Resources Information Technologies Ltd., dated October 18, 2021 • Level II Private Sewage Treatment System Assessment for Subdivision prepared by Solstice Environmental Management, dated January 7, 2021
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Payments and Levies

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
TRANSPORTATION OFFSITE LEVY	Deferred to Development Permit
MUNICIPAL RESERVE (\$4,095/ACRE)	\$20,680

Additional Review Considerations

Conditions were set based on the following items:

Accessibility to a Road

All three parcels have existing road access points, but these are field/gravel approaches. Each will need to be upgraded to a paved standard per County servicing standards. Future farmers' markets, as is

currently proposed by the applicants on proposed Lots 1 and 2, will require a Trip Generation Assessment at the Development Permit stage to determine if any future road upgrades will be required.

Municipal Development Plan

Council found the application to redesignate the two smaller 10 hectare (25 acre) parcels to Agricultural, Small Parcel District consistent with policies 8.18 and 8.19 of the County Plan. The application for subdivision of the lands remains consistent.

Land Use Bylaw

The proposed parcel sizes exceed minimum parcel sizes for each land use district and are therefore compliant.

An existing building on Lot 3 appears to be close to the proposed property line. To ensure the building is entirely within Lot 3, a requirement for a site plan has been made a condition of approval.

Transportation

Existing road approaches to Range Road 273 provide access to proposed Lot 1 and Lot 2 and the remainder. These approaches are to be paved and constructed to the County Servicing Standards. For Lot 2, the applicant would be required to prepare an access easement for the driveway accessing the building located in the remainder lot.

Transportation Off-Site Levy would be deferred to the future development permit for the farmers' markets.

Site Servicing

In accordance with County Policy 411, the applicant is required to demonstrate adequate servicing for proposed Lots 1 and 2 as both lots are smaller than 30 acres.

The applicant has indicated that proposed Lots 1 and 2 each have functioning septic systems. The applicant has provided a Level 2 PSTS assessment demonstrating wastewater strength and volumes for proposed farmers' markets on the parcels, and found that conventional septic fields could be supported. Regarding potable water, the Applicant would be required to provide a well on Lot 2 and a Well Driller's Report confirming that the wells are capable of providing a minimum of 1 ipgm. The Applicant has submitted a well driller report for the existing well on Lot 1 demonstrating a minimum rate of 1 IGPM.

In accordance with County Policy 411, the applicant is not required to demonstrate servicing for the remainder lot as it is greater than 30 acres.

Further servicing details for the proposed farmers' markets would be determine at the development permit stage. The applicant would be required to obtain approval from Alberta Environment if groundwater wells are to be used for business/commercial purposes. The County supports the use of cisterns with trucked water service for commercial uses. Additionally, the County recommends the use of sewage holding tanks for industrial, commercial and institutional land use as per County Policy 449.

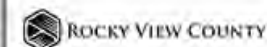
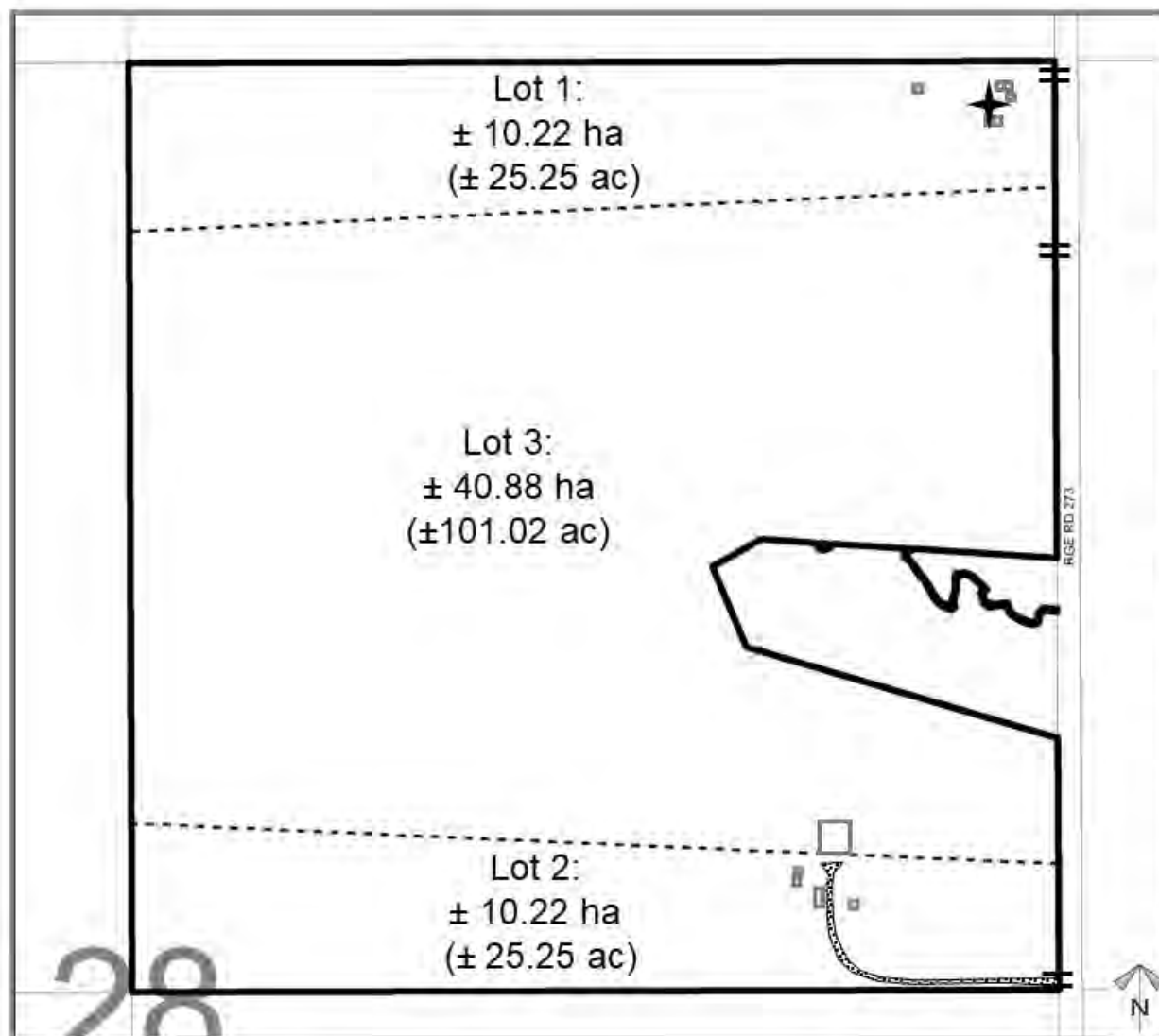
Development

There are existing buildings and development on-site that do not appear to have permits. The applicants will be required to apply for any development and/or building permits for any work that has occurred on site.

An existing well site is located on Lot 2, and Ember Resources had indicated new survey and registration documents may be required. A condition requiring that the landowner satisfy any requirements by the company must be satisfied as part of the endorsement process.

Municipal Reserves

Municipal Reserves would be required for both proposed Lots 1 and 2. Lot 3 is exempt from Municipal Reserves at this time as it exceeds the 16 hectare (39.53 acre) minimum required in the *Municipal Government Act*.



Tentative Plan

Subdivision Proposal

To subdivide the subject lands in order to create a ±10.22 hectare (±25.25 acre) parcel (Lot 1) and a second ±10.22 hectare (±25.25 acre) parcel (Lot 2) with ±40.88 hectare (±101.02 acre) remainder (Lot 3).

Legend

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.
3. The Subdivision Authority advises that the subdivision will result in one (1) existing non-conforming building within Lot 3. The building must be wholly located within Lot 3.

Division: 05
Roll: 06228005
File: PL20200020
Printed: April 7, 2021
Legal: NE-28-26-27-W04M

Administration Resources

Oksana Newmen, Planning and Development



ROCKY VIEW COUNTY

Respectfully submitted,

“Dominic Kazmierczak”

Manager
Planning

ON/lh

Concurrence,

“Brock Beach”

Acting Executive Director
Community Development Services

ATTACHMENTS:

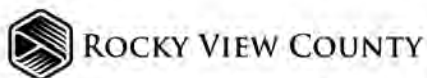
ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Maps and Other Information

ATTACHMENT ‘C’: Public Submissions

Administration Resources

Oksana Newmen, Planning and Development



ATTACHMENT 'A': APPROVAL CONDITIONS

- A. The application to create a ± 10.22 hectare (± 25.25 acre) parcel (Lot 1) and a second ± 10.22 hectare (± 25.25 acre) parcel (Lot 2) with ± 40.88 hectare (± 101.02 acre) remainder (Lot 3) at NE-28-26-27-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

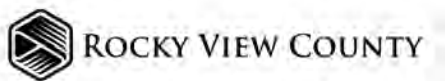
- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
- 2) The Owner is to provide a Site Plan, prepared by an Alberta Land Surveyor, which illustrates the following in relation to the new property lines:
 - a) All existing buildings and structures are to conform to the setback requirements in relation to the new property line, as described in the Agricultural, Small Parcel Land Use District, as per the Land Use Bylaw C-8000-2020, as amended.

Transportation and Access

- 3) The Owner shall upgrade the existing road approaches to Lots 1, 2, and the remainder (Lot 3), to a single paved standard as shown on the Approved Tentative Plan, to provide access to Lots 1, 2 and the remainder (Lot 3). The Owner shall contact County Road Operations to arrange a pre-construction inspection and a subsequent post-construction inspection for final acceptance.
- 4) The Owner shall provide a right-of-way plan and access easement for the existing driveway for proposed Lot 2 accessing the building on the remainder lot.

Site Servicing

- 5) Water is to be supplied by an individual well on Lot 2. The subdivision shall not be endorsed until:
 - a) The Owner has provided a Well Driller's Report to demonstrate that an adequate supply of water is available for Lot 2.



- b) Verification is provided that each well is located within each respective proposed lot's boundaries.
 - c) It has been demonstrated that the new well is capable of supplying a minimum of one (1) IGPM of water for household purposes.
- 6) Easements, Agreements, and Plans are to be provided and registered to the satisfaction of Ember Resources regarding the wellsite and access road.

Site Development

- 7) The Owner shall submit applications (building and/or development permits) for any structures and/or development that has occurred on site for which permits have not already been obtained.

Municipal Reserves

- 8) The provision of Reserve in the amount of 10 percent of the area of Lots 1 and 2, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per-acre value as listed in the land appraisal, pursuant to Section 666(3) of the *Municipal Government Act*.
 - a) The remainder (Lot 3) is to remain deferred without caveat, pursuant to Section 663 of the *Municipal Government Act*.

Payments and Levies

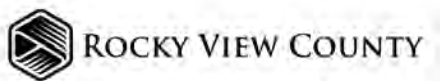
- 9) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of two new lots.

Taxes

- 10) 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.



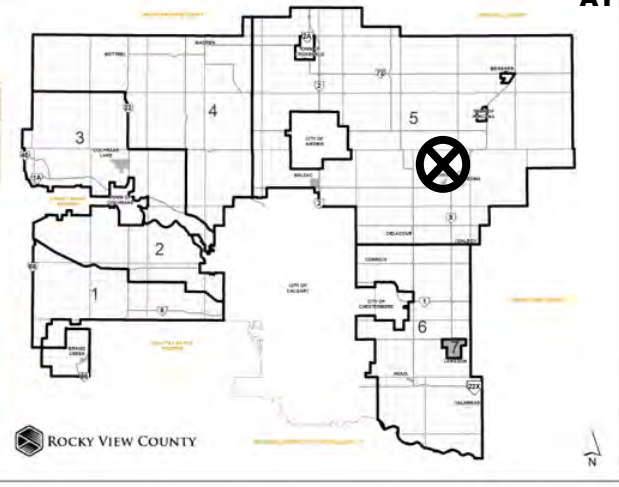
ATTACHMENT 'B': MAPS AND OTHER INFORMATION

APPLICANT: Carswell Planning (Bart Carswell)	OWNER: Kathryn NN Ltd.; J & N Land Holdings Ltd.; Hon's Vyna Carpentry & Flooring
DATE APPLICATION RECEIVED: February 10, 2020	DATE DEEMED COMPLETE: February 10, 2020
GROSS AREA: ± 61.32 hectares (±151.52 acres)	LEGAL DESCRIPTION: a portion of NE-28-26- 27-W04M
APPEAL BOARD: Land and Property Rights Tribunal	
HISTORY: January 14, 2020 Council approved redesignation of Lots 1 and 2 to Agricultural Holdings, leaving the remainder as Ranch and Farm District.	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to 12 adjacent landowners. No responses were received; however, two letters of support were included with the application. 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.	

Location & Context

Subdivision Proposal

To create a ± 10.22 hectare (± 25.25 acre) parcel (Lot 1), another ± 10.22 hectare (± 25.25 acre) parcel (Lot 2), and a ± 40.88 hectare (± 101.02 acre) remainder (Lot 3).



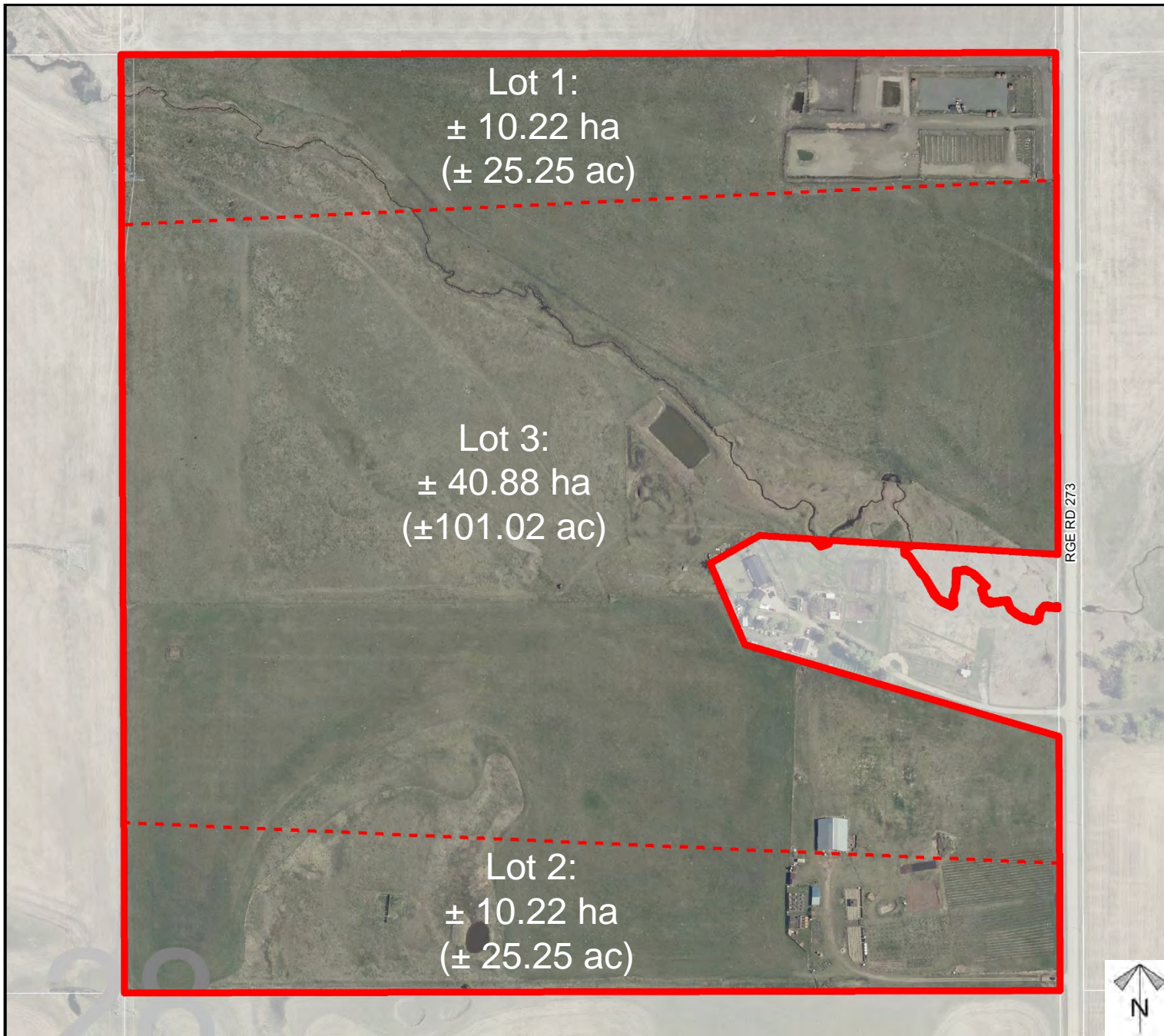
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Development Proposal

Subdivision Proposal

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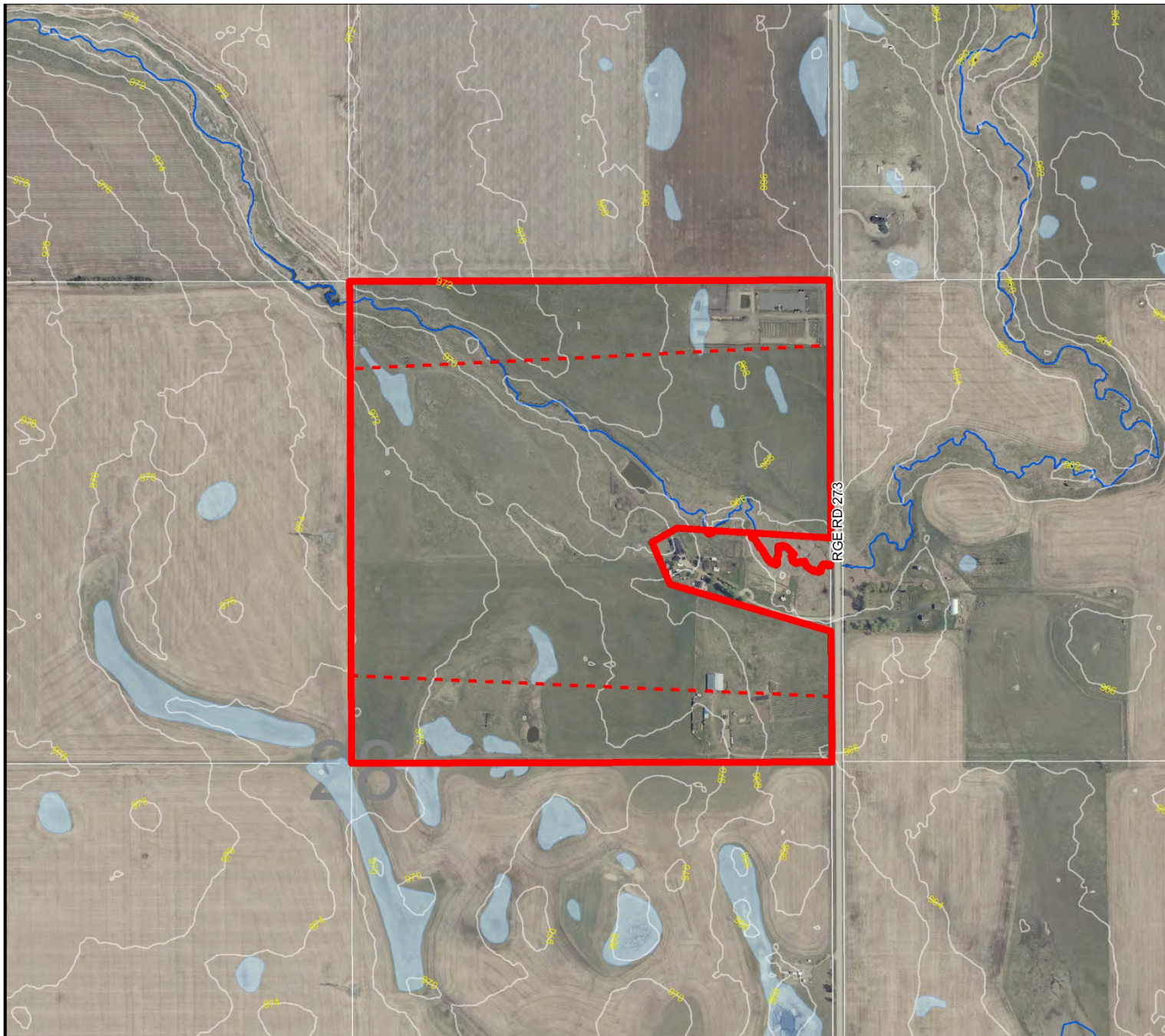
Environmental

Subdivision Proposal

To create a ± 10.22 hectare (± 25.25 acre) parcel (Lot 1), another ± 10.22 hectare (± 25.25 acre) parcel (Lot 2), and a ± 40.88 hectare (± 101.02 acre) remainder (Lot 3).

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

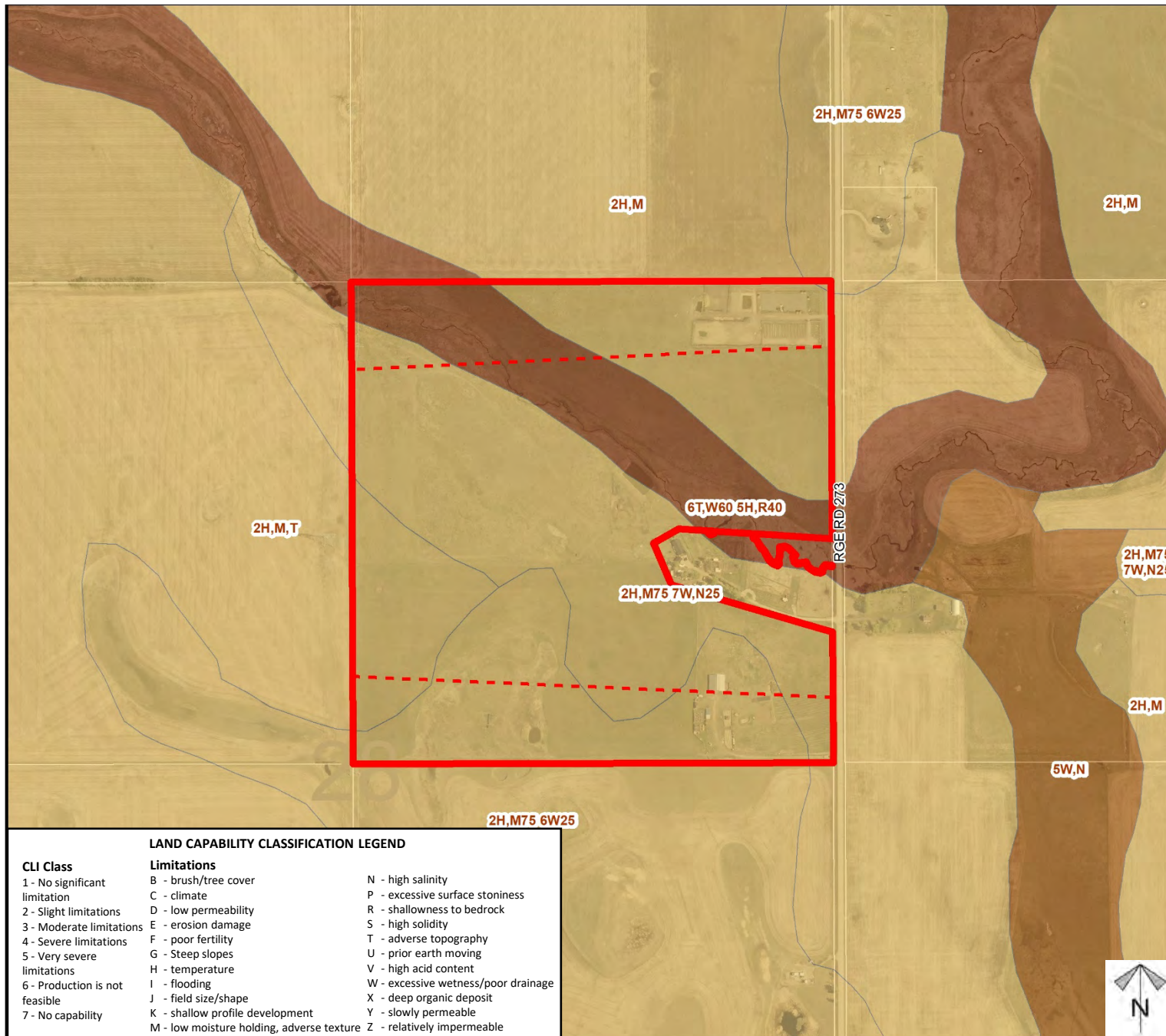
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Soil Classifications

Subdivision Proposal

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Landowner Circulation Area

Subdivision Proposal

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Legend

Support

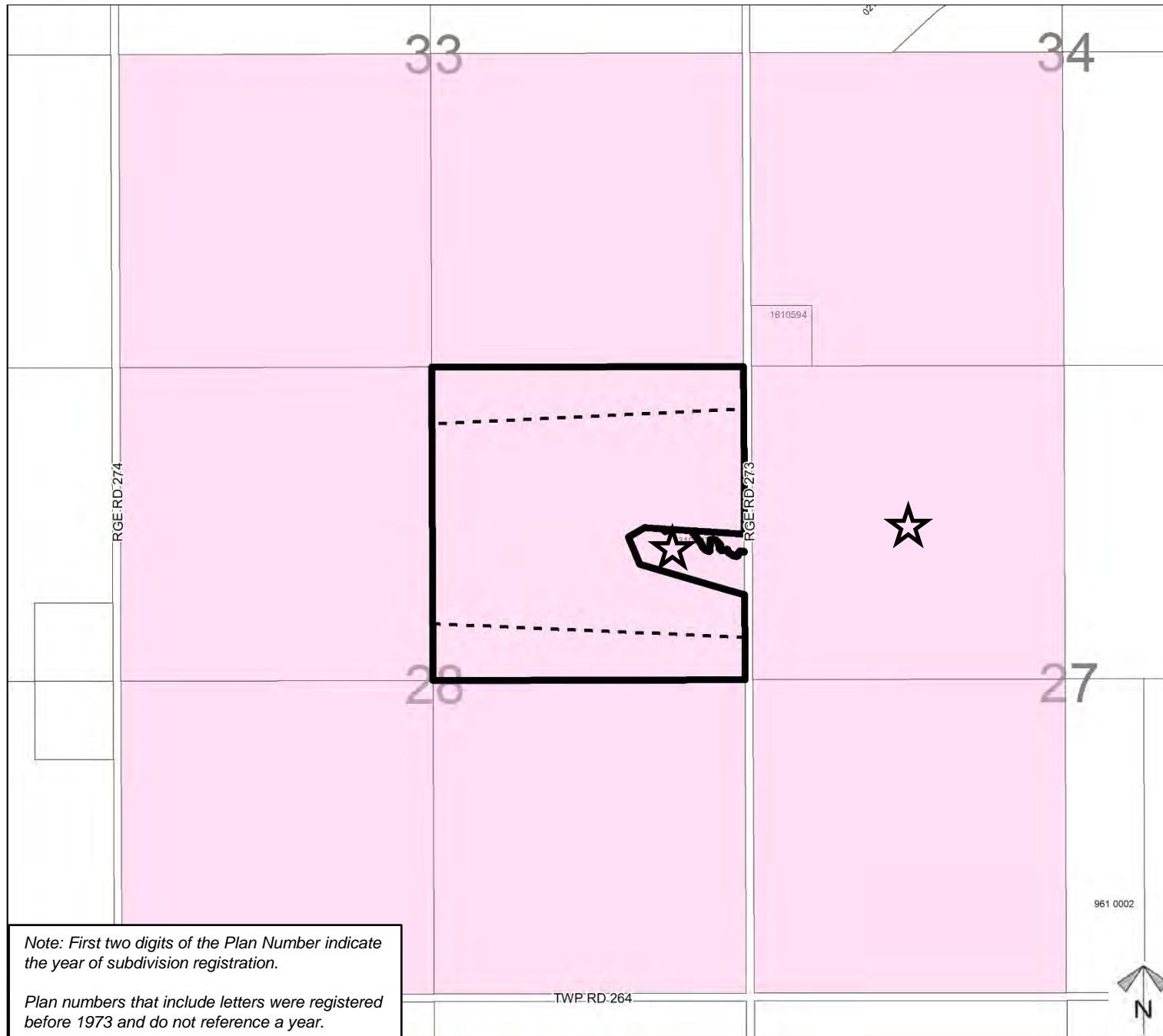


Opposition



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.



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January 7, 2020

Attention: Rocky View County, Planning & Development Services

Fax: 403.277.3066

development@rockyview.ca

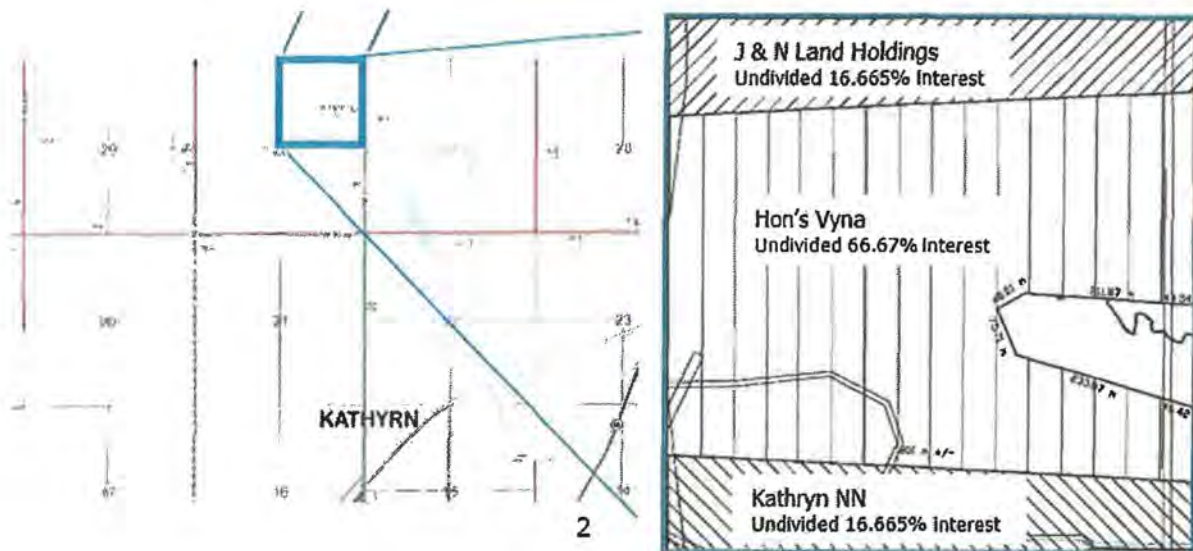
Re: Redesignation of neighbouring property on NE-28-26-27-W4M, Title No. 161 158 270
J & N Land Holdings Ltd., Hon's Vyna Carpentry & Flooring Ltd., Kathryn NN Ltd.

As an owner(s) having an interest on title in undivided parcel of NE-28-26-27-W04M, Title No. 161 158 270, I (we) support the application being made for Redesignation to Agricultural Holdings (AH) with the intent to later divide the property into three parcels proportional to their interest on title for the land.

Thank you,

Signature *Ed Stone* dated Jan 08, 2020

ED STONE : 264170 RANGE RD 273



January 7, 2020

Attention: Rocky View County, Planning & Development Services

Fax: 403.277.3066

development@rockyview.ca

Re: Redesignation of neighbouring property on NE-28-26-27-W4M, Title No. 161 158 270
J & N Land Holdings Ltd., Hon's Vyna Carpentry & Flooring Ltd., Kathryn NN Ltd.

As an owner(s) having an interest on title in undivided parcel of NE-28-26-27-W04M, Title No. 161 158 270, I (we) support the application being made for Redesignation to Agricultural Holdings (AH) with the intent to later divide the property into three parcels proportional to their interest on title for the land.

Thank you,

Signature Paul Hauser dated Jan 8 2020.

