



PLANNING

TO:	Council	
DATE:	February 22, 2022	DIVISION: 3
TIME:	Afternoon Appointment	
FILE:	07805013	APPLICATION: PL20210041
SUBJECT:	Redesignation – Agricultural to Residential	

APPLICATION: To redesignate the subject lands from Agricultural, Small Parcel District (A-SMLp8.1) to Residential, Rural District (R-RUR) to facilitate the creation of two \pm 1.62 hectare (4.00 acre) parcels, with \pm 5.22 hectare (12.91 acre) remainder.

GENERAL LOCATION: Located approximately 7.0 kilometres (4.3 miles) northwest of the town of Cochrane; on the east side of Range Road 45, approximately 2.85 kilometres (1.77 miles) south of Township Road 272.

EXECUTIVE SUMMARY: Council gave first reading to Bylaw C-8189-2021 on July 6, 2021.

The subject lands are \pm 8.46 hectares (\pm 20.91 acres) in size and are located in a fragmented quarter section. Parcels are a mixture of small parcel agricultural (A-SML and A-GEN) of approximately 8 hectares (20 acres), and rural residential (R-RUR) parcels. The lands are not located within an area structure plan (ASP) and have therefore been assessed against the relevant policies of the County Plan.

The application was evaluated under Section 10.0 of the County Plan (Country Residential), Section 13.0 (Reserves), and Section 16 (Transportation). Specifically, evaluation against section 10.13, pertaining to fragmented quarter sections found that they provided a lot and road plan, and sufficient technical studies demonstrate that the application may be supported.

Policy 13.10 seeks provision of environmental reserve or reserve easements during subdivision. The parcel contains an existing environmental reserve easement; however, as the area is less than the provincial 60-metre setback applied to Horse Creek, a possible additional area may be required. Further consideration would occur through subdivision, but preliminary assessment indicates this policy can be met.

Finally, Policy 16.13 seeks direct access to roads, limiting the use of panhandles, and limiting access points to county roads. The application proposes panhandle access, although Administration will recommend the imposition of a road acquisition agreement to cover the panhandles and allow for the future creation of an internal subdivision road.

In summary, Administration believes the application is consistent with the relevant policies of the County Plan and would be subject to future evaluation through the subdivision process.

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

Administration Resources

Oksana Newmen, Planning and Development Services

OPTIONS

Option # 1: Motion #1 THAT Bylaw C-8189-2021 be given second reading.

Motion #2 THAT Bylaw C-8189-2021 be given third and final reading.

Option # 2: THAT application PL20210041 be refused.

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> • Municipal Development Plan (County Plan); • Land Use Bylaw; and • County Servicing Standards. 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • Level I PSTS Variation Assessment prepared by Luigi Ammirati dated February 2021 • Phase I Groundwater Supply Evaluation prepared by Groundwater Resources Information Technologies Ltd, dated February 2021
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POLICY ANALYSIS:

County Plan

As the subject lands are located just northwest of the Cochrane North ASP and are not located within any other planned area, the application has been assessed against the County Plan.

One of the goals of Section 10.0, Country Residential Development, is to provide an effective process to support the orderly, efficient, and cost-effective development of fragmented quarter sections in agricultural areas. Specifically, Policy 10.2 notes that country residential development in the agriculture area shall be guided by the goals of the County Plan.

The subject lands are located in a quarter section that is defined as a fragmented quarter section, since there are nine smaller agricultural or residential parcels less than 10 hectares (24.7 acres), averaging just over 7 hectares (18 acres) in size.

A fragmented quarter section is defined as:

“a quarter section of land within the agriculture area divided into six or more:

- i. residential lots; and/or*
- ii. small agricultural parcels, each of which is less than 10 hectares (24.7 acres) in size.”*

Historical subdivision approval in parts of the County's agricultural area has resulted in fragmented pockets of country residential lots and smaller agricultural parcels. Incremental development in these areas divides viable agricultural land, impacts agriculture operators, and creates an inefficient settlement pattern. From a fiscal perspective, dispersed residential development is not cost-effective, requiring increased road maintenance and impacting service providers such as the County and local school boards.

In response to this development pattern, the County Plan addresses the issues related to fragmented land and provides policies to enable a gradual transition to a more orderly and efficient residential development pattern within fragmented quarter sections.

Policy 10.13 states that redesignation within a fragmented quarter section of parcels less than 10 hectares (24.7 acres) may be supported if four criteria are met:

- 1. A lot and road plan is provided that includes all residential or small agricultural acreages adjacent to the application, including design measures to minimize impacts on existing agriculture operations, and demonstrates potential connectivity to residential or small agricultural acreages outside of the lot and road plan area;*
- 2. A technical assessment of the design that demonstrates the lot and road plan can support the increased development, addressing internal road network, water supply, sewage treatment, and stormwater management, and any other assessment required by unique area conditions;*
- 3. A technical assessment of the impact on off-site infrastructure, roads, and stormwater systems is provided; and,*
- 4. A report is provided that documents the consultation process undertaken to involve affected landowners in the preparation of the lot and road plan.*

The applicant provided a lot and road plan showing the potential future connection between the north and south parcels. The lot and road plan show a possible east-west roadway running along the northern boundary of the subject lands, turning southward to continue into the property to the south. The roadway would then turn westward to return to Range Road. Road acquisition agreements would be considered as part of any future subdivision.

In terms of technical review, the applicant provided a Phase I Water Supply Evaluation that indicates there is likely sufficient water to service the proposed parcels. Stormwater and wastewater studies are anticipated to be met based on the parcel sizes proposed and would require further study in support of the future subdivision application. It is anticipated that a Level 3 Private Sewage Treatment System



(PSTS) report would be required at subdivision. Administration believes that sufficient evidence to support redesignation has been provided, and more detailed assessments can occur in support of the future subdivision application.

The County Plan, Section 13.0, includes policies relating to various types of reserves, which are lands dedicated to the community as public land during the subdivision process. During the prior subdivision approved in 2010, which created the subject lands, an environmental reserve easement was created to protect a portion of the riparian area. Current mapping shows a larger area would potentially seek preservation. While not required at this time, Policy 13.10 directs seeking provision of an environmental reserve or reserve easements; as such, Administration recommends either an expanded environmental reserve easement encompassing the updated 60-metre riparian setbacks to Horse Creek, or allowing for the preparation of a survey to measure actual setbacks. There appears to be more than one acre of contiguous developable area for the potential proposed lots available outside of the riparian area.

Section 16.0, Transportation, seeks to support existing development, and Section 16.13 specifically notes that residential redesignation and subdivision applications should provide for development that: provides direct access to a road while avoiding the use of panhandles, minimizes driveway length, removes and replaces panhandles with an internal road network, and limits the number and type of access onto roads in accordance with Policy 410, Road Access Control. To support future development of the subject lands, as well as adjacent parcels, Administration would recommend a road acquisition along the panhandles, as well as from the eastern end of the panhandles extending southward to the boundary of the parcel to the south. To prevent the construction of buildings within these possible future roadway setbacks, a restrictive covenant would also be applied on each side of the road acquisition area.

In applying these road acquisition areas and restrictive covenants, the amount of developable area may be reduced due to the location of the parcels between the road acquisition area and the riparian setbacks. The applicant may therefore need to adjust parcel sizes at the subdivision stage to accommodate the developable area due to these restrictions.

Administration believes these matters may be addressed as part of future subdivision, where the lots may be adjusted in size and/or location; by requiring road acquisition agreements and restrictive covenants along the proposed panhandles to require internal roadways for any future subdivision; as well as in considering riparian setbacks to Horse Creek.

Land Use Bylaw

The proposed application seeks to redesignate all 8.46 hectares (20.91 acres) in order to create two additional parcels of four acres each, with a 5.24 hectare (12.91 acre) remainder. The parcel sizes align with minimum sizes in the Land Use Bylaw, it is noted that the remainder parcel would allow for the potential creation of a further two lots under this land use.

ADDITIONAL CONSIDERATIONS:

The road allowance to the south of this parcel, which would be the extension of Weedon Trail/Highway 567, was purchased in 1983 for purposes of a linear greenway, with a regional pathway identified in the Parks and Open Space Master Plan as a conceptual pathway.



Respectfully submitted,

“Brock Beach”

Acting Executive Director
Community Development Services

Concurrence,

“Byron Riemann”

Acting Chief Administrative Officer

ON/lh

ATTACHMENTS

- ATTACHMENT ‘A’: Application Information
- ATTACHMENT ‘B’: Application Referrals
- ATTACHMENT ‘C’: Bylaw C-8189-2021 and Schedule A
- ATTACHMENT ‘D’: Map Set
- ATTACHMENT ‘E’: Public Submissions