

PLANNING

TO:	Council	
DATE:	April 5, 2022	DIVISION: 4
TIME:	Morning Appointment	
FILE:	06702064	APPLICATION: PL20210137
SUBJECT:	Residential Redesignation	

APPLICATION: To redesignate the subject lands from Residential, Country Residential District (R-CRD) to Residential, Rural Residential District (R-RUR p3.34) to allow for a future Boundary Adjustment.

GENERAL LOCATION: Located approximately 1.91 kilometres (1.19 miles) north of Highway 1A, 1.00 kilometre (0.62 miles) east of Lochend Road (Highway 766), with access from Woodland Range Green.

EXECUTIVE SUMMARY: Council gave first reading to Bylaw C-8257-2022 on January 25, 2022.

The subject ± 1.32 hectares (± 3.26 acres) parcel is a residential parcel with a dwelling with an attached garage and detached gazebo.

The application proposes the redesignation of the parcel from R-CRD to R-RUR p3.34 to allow for the future boundary adjustment of ± 2.02 hectares (± 5.00 acres) of land from the neighbouring parcel to the east. If the future boundary adjustment is supported, the subject parcel would become ± 3.34 hectares (± 8.26 acres) in size. The intent of the boundary adjustment is for the landowner to construct a large accessory building on the lands to be added to the parcel.

The application was reviewed against Section 5.0 (Managing Residential Growth) and Section 10.0 (Country Residential Development) of the County Plan. The subject parcel is located within the Bearspaw Area Structure Plan (ASP) and Woodland Range Conceptual Scheme; therefore, relevant policies from those plans relating to country residential subdivision were also assessed.

The application was found to be largely consistent with the County Plan, ASP and Conceptual Scheme. It is noted that until the intended boundary adjustment is completed, the proposal would not meet the proposed modified minimum parcel size of ± 3.34 hectares (± 8.25 acres) nor would it meet the minimum parcel size requirements of the Land Use Bylaw for the R-RUR district. However, the risk to orderly development of the parcel in the event of a boundary adjustment not proceeding is considered minimal in this respect.

As the proposed future boundary adjustment would expand a lot within the Woodland Range Conceptual Scheme beyond the current plan boundaries, it is technically not in compliance with the Conceptual Scheme. The future boundary adjustment would also create an unusual lot layout which would not easily accommodate further subdivision. Therefore, Administration recommends tabling the application for preparation of a conceptual scheme amendment that addresses the future boundary adjustment and the wider development of the parcel adjacently east of the subject property. Council may equally consider that such an amendment would not add value to the planning of the wider area and, in this case, Option #1 to approve this land use amendment application is available.

ADMINISTRATION RECOMMENDATION: Administration recommends tabling in accordance with Option #2.

Administration Resources

Logan Cox, Planning & Development Services

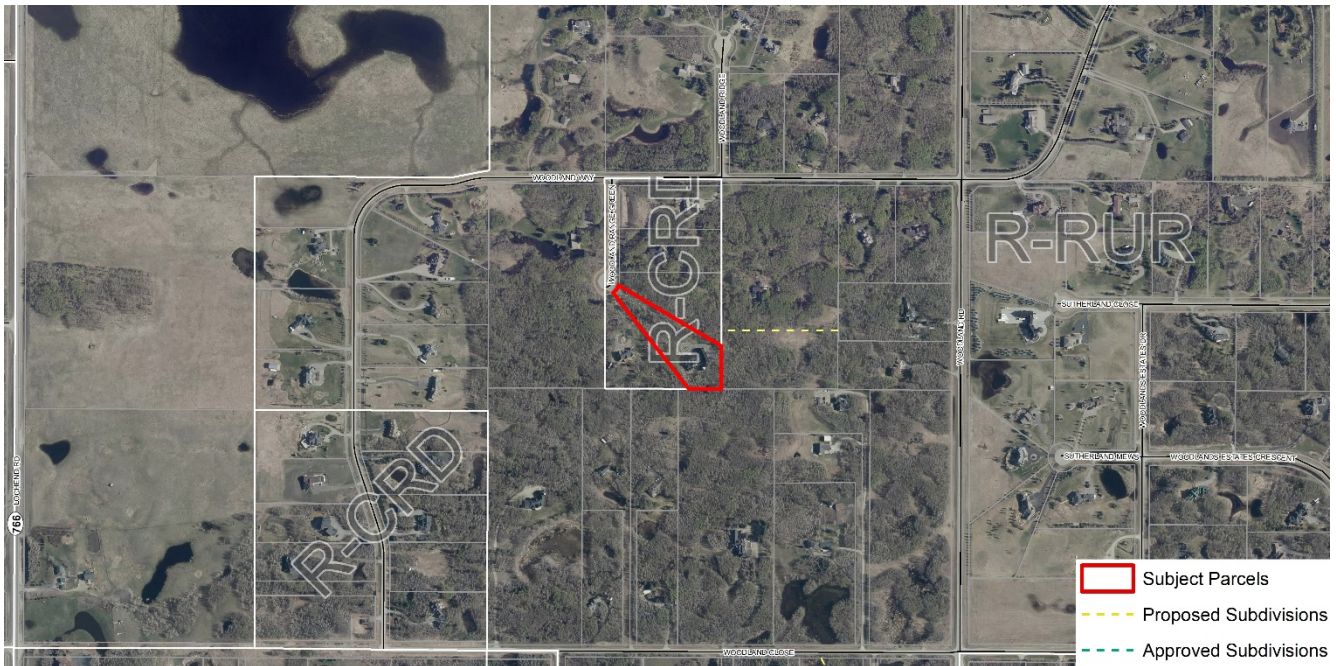


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OPTIONS:

- Option #1: Motion #1 THAT Bylaw C-8257-2022 be given second reading.
- Motion #2 THAT Bylaw C-8257-2022 be given third and final reading.
- Option #2: That further consideration of Bylaw C-8257-2022 be tabled sine die for amendments to the Woodland Range Conceptual Scheme which would support the proposed boundary adjustment and future development of Plan 731335, Block 7 within SE-02-26-03-W05M.
- Option #3: That application PL20210137 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.

APPLICABLE POLICY AND REGULATIONS:

- *Municipal Government Act*;
- Municipal Development Plan (County Plan);
- Bearspaw Area Structure Plan;
- Woodland Range Conceptual Scheme;
- Land Use Bylaw; and
- County Servicing Standards.

TECHNICAL REPORTS SUBMITTED:

- None.



POLICY ANALYSIS:

County Plan

Principal policy guidance for this application is provided by the ASP; however, consideration of relevant County Plan policies is also appropriate. Policy 5.8, within the Managing Residential Growth section, speaks to supporting development of existing country residential communities in accordance with their respective area structure plans. Further, Policy 10.1, within the County Residential Development section, reinforces the requirements of Policy 5.8 as it states the development within the ASP, among others, shall conform to their relevant area structure plans.

Bearspaw Area Structure Plan (ASP)

The subject parcel is located within Development Priority 1 of the ASP and is located within an area generally not requiring a concept plan. The County required the creation of the conceptual scheme to support subdivision of parcels less than four (4) acres in size in accordance with Policy 8.1.21 of the ASP.

The policy provides that the County may require further evaluation of the subject and/or affected lands. Administration has suggested that the applicant consider amendments to the Conceptual Scheme prior to proceeding, and the Applicant wishes to proceed without amending the Conceptual Scheme. It should be noted that the Conceptual Scheme is appended to the ASP, making it statutory.

Policy 8.1.21 speaks to allowing subdivision of parcels less than four (4) acres in size when those proposals are supported by an approved Conceptual Scheme. The subdivision that created the subject parcel was in accordance with this policy, resulting in the adoption of the Woodland Range Conceptual Scheme.

In summary, the application aligns with the policy; however, the future boundary adjustment application would not align with the ASP due to the lot boundaries extending beyond the current Conceptual Scheme.

Woodland Range Conceptual Scheme

The subject parcel is located within the Woodland Range Conceptual Scheme; however, the parcel adjacently east, which the proposed future boundary adjustment seeks to absorb, is not within the Conceptual Scheme area. As such, the resulting 3.34 hectare (8.25 acre) parcel, if the redesignation and boundary adjustment are approved, would be partially within and partially outside of the Conceptual Scheme area.

Policy 5.1.1 speaks to Exhibit 7 (Subdivision and Development Concept) outlining the subdivision layout. The exhibit shows a subdivision of ten parcels, nine of which are to access from Woodland Range Green, the existing internal subdivision road. Although this land use amendment application aligns with Policy 5.1.1, the future boundary adjustment application would not as the policy requires the design of the conceptual scheme area to generally align with the subdivision layout identified.

Land Use Bylaw (LUB)

If approved, the resulting parcel would not meet the Land Use Bylaw until a boundary adjustment is approved and registered, as the 3.34 hectares (8.25 acres) minimum size requirement applied by the parcel size modifier is larger than the subject parcel. Administration considers there to be limited risk in a future boundary adjustment not proceeding, and even where this occurs, at ± 1.32 hectares (± 3.26 acres), the parcel could accommodate most uses provided under the R-RUR district without impacting amenity or use of the neighbouring parcels.

The intent behind the minimum parcel size modifier is to limit future subdivision of this parcel without first obtaining a land use redesignation approval to an alternative land use district. Without the modifier, the future boundary adjusted parcel could propose subdivision into two parcels using the existing minimum parcel size under the R-RUR designation of 1.60 hectares (3.95 acres).



ROCKY VIEW COUNTY

Regarding potential future development on site, Section 322 of the LUB limits the maximum accessory building footprint to 285.00 m² (3067.71 ft²) for R-RUR parcels (proposed land use district), and Section 328 limits the maximum accessory building footprint to 120.00 m² (1291.67 ft²) for R-CRD parcels (current land use district). The proposed district would allow for a 165.00 m² (1,776.05 ft²) increase in accessory building sizing over the current district without a variance; thereby satisfying the applicant's desire for a larger accessory building on their property. In either case a variance could be considered by the Development Authority so long as the variance is specific to the parcel and would not unduly interference with neighbouring parcels.

Respectfully submitted,

Concurrence,

"Brock Beach"

"Byron Riemann"

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

LC/lh

ATTACHMENTS:

ATTACHMENT 'A': Application Information

ATTACHMENT 'B': Bylaw C-8257-2022 and Schedule 'A'

ATTACHMENT 'C': Map Set