



PLANNING

TO: Council

DATE: April 26, 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 ± 2.02 hectare (5.00 acre) parcels, with ± 4.42 hectare (10.91 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. A public hearing was held on February 22, 2022. Council debated larger parcel sizes at the meeting, and subsequently referred the application back with the following motion:

THAT Bylaw C-8189-2021 be referred to Administration to work with the applicants on the addition of a parcel modifier to limit parcel sizes at future subdivision stage, and that Administration returns to Council by the end of April 2022.

Administration met with the Applicant and landowner following the Council meeting to review the motion. Subsequent to those discussions, the landowner determined they wished to proceed with a parcel size modifier that would limit future parcel sizes through subdivision to 2.0 hectares (4.94 acres). The application is now returning to Council for a decision on this amended parcel size minimum. This proposal is provided as Option #1. If Council determines that a larger minimum parcel size is desired, Option #2 is available for Council’s consideration, providing for a modifier of p 4.0, setting the minimum parcel size at 9.88 acres.

The subject lands are ±8.46 hectares (±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 8.00 hectares (20.00 acres), and rural residential (R-RUR p4.0) parcels in the five hectare (12.00 acre) size-range. 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), as well as Section 13.0 (Reserves), and Section 16 (Transportation). Specifically, the Applicant has demonstrated compliance with Section 10.13, pertaining to fragmented quarter sections, by providing a lot and road plan, and sufficient technical studies.

Policy 13.10 seeks the provision of an 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.

OPTIONS

- Option # 1: Note: This option would approve the applicant’s proposed modifier of p2.0 (±4.94 acres)
 - Motion #1 THAT Bylaw C-8189-2021 be amended as shown in Attachment ‘C’.
 - Motion #2 THAT Bylaw C-8189-2021 be given second reading, as amended.
 - Motion #3 THAT Bylaw C-8189-2021 be given third and final reading, as amended.
- Option #2: Note: This option would approve a proposed modifier of p4.0 (±9.88 acres)
 - Motion #1 THAT Bylaw C-8189-2021 be amended as shown in Attachment ‘D’.
 - Motion #2 THAT Bylaw C-8189-2021 be given second reading, as amended.
 - Motion #3 THAT Bylaw C-8189-2021 be given third and final reading, as amended.
- Option # 3: 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 was 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.”*

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 a 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 45. 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.

Section 13.0 of the County Plan 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 approval 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 the 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 a 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) to create two additional parcels of five acres each, with a 4.42 hectare (10.91 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 (Option #1 – p2.0 modifier)

ATTACHMENT ‘D’: Bylaw C-8189-2021 and Schedule A (Option #2 – p4.0 modifier)

ATTACHMENT ‘E’: Map Set

ATTACHMENT ‘F’: Public Submissions



ATTACHMENT 'A': APPLICATION INFORMATION

APPLICANT: Konschuk Consulting (Larry Konschuk)	OWNERS: Luigi Ammirati
DATE APPLICATION RECEIVED: March 5, 2021	DATE DEEMED COMPLETE: March 5, 2021
GROSS AREA: ± 8.46 hectares (± 20.91 acres)	LEGAL DESCRIPTION: Lot 2, Block 6, Plan 1011012 within SW-05-27-04-W5M
SOILS (C.L.I. from A.R.C.): The majority of soils have severe limitations due to temperature, with some soils noting infeasible production of cereal crops due to excessive wetness/poor drainage, very severe limitations due to temperature, and shallowness to bedrock.	
HISTORY: March 11, 2010: Subject lands registered at land titles as part of three lot subdivision.	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to 27 adjacent landowners. Eight letters were received in opposition from five landowners (three landowners submitted several letters each), and the landowner provided a petition with eight in support. Note: these responses were received with regard to the application and the February 22, 2022, public hearing. Eleven responses were received with reference to the second public hearing on April 26, 2022; these include eight letters in support, and three in opposition. Six were new comments that had not previously submitted before, and five submitted comments again, with two of those changing from opposition to support. The responses have been included in Attachment 'F.' The application was also circulated to a number of internal and external agencies, as depicted in Attachment 'B'; relevant comments are addressed within 'Additional Considerations' above.	

ATTACHMENT 'B': APPLICATION REFERRALS

AGENCY	COMMENTS
Internal Departments	
Engineering Services	<p>Geotechnical</p> <ul style="list-style-type: none"> • County GIS contours indicate that there are slopes less than 15%. • Engineering has no requirements at this time. <p>Transportation</p> <ul style="list-style-type: none"> • As a condition of future subdivision, single and/or mutual gravel approaches with access easement will be required on Range Road 45 to provide access to lots 1 and 2. • As a condition of future subdivision, the applicant is required to provide payment of the Transportation Offsite Levy in accordance with Transportation Off-site levy bylaw C-8007-2020 for the total gross acreage of lots 1 and 2. • Engineering has no requirements at this time. <p>Sanitary/Waste Water</p> <ul style="list-style-type: none"> • At the time of future subdivision, the applicant shall provide a Level 3 PSTS assessment for Lots 1 and 2, prepared by a qualified professional as indicated in the Model process Reference Document, to the satisfaction of the County. • Engineering has no requirements at this time. <p>Water Supply and Waterworks</p> <ul style="list-style-type: none"> • The applicant provided a Phase 1 Groundwater Feasibility Assessment, prepared by Groundwater Resources Information Technologies Ltd., dated February 19, 2021. The Phase 1 Groundwater Evaluation concluded following for lots 1 and 2: <ul style="list-style-type: none"> ○ There appears to be sufficient water supply to service the proposed development, as per the <i>Water Act</i> for domestic well users. ○ It appears that no significant water level decline in the aquifer would be expected due to addition of new wells. ○ No adverse effects to existing licensed or domestic groundwater users are expected from the proposed subdivision. • As a condition of future subdivision, the applicant shall provide the following for Lots 1 and 2: <ol style="list-style-type: none"> a) New wells on each lot with Well Driller's Report confirming a minimum pump rate of 1.0 IGPM for each new well. b) An Aquifer Testing (Phase II) Report, which will include aquifer testing and the location of the new wells in accordance with County's servicing standards. This is required in accordance with County's servicing standards as there are more than 6 lots in a quarter section; and c) The results of the aquifer testing meeting the requirements of the <i>Water Act</i>. • Engineering has no requirements at this time.



AGENCY	COMMENTS
	<p data-bbox="422 262 787 294">Storm Water Management</p> <ul data-bbox="422 315 1526 514" style="list-style-type: none"> <li data-bbox="422 315 860 346">• No information was provided. <li data-bbox="422 346 1526 483">• As a condition of future subdivision, the applicant will be required to submit a site-specific stormwater management plan for lot 1 and 2, prepared by a qualified professional, identifying an onsite stormwater management strategy for the proposed development in accordance with the County Servicing Standards. <li data-bbox="422 483 1055 514">• Engineering has no requirement at this time. <p data-bbox="422 535 633 567">Environmental</p> <ul data-bbox="422 588 1526 819" style="list-style-type: none"> <li data-bbox="422 588 1526 714">• Based on the review of County GIS, Horse creek runs along the east boundary of proposed lot 1 and 2. As per Section 204 of Land Use Bylaw, the extent of riparian area for the Horse Creek is 60 m, which covers a significant portion of proposed lots 1 and 2. <li data-bbox="422 724 1526 819">• As there appears to be more than 1 acre of contiguous developable area available outside of the riparian area, engineering has no requirements at this time. <p data-bbox="162 850 406 955">Agriculture & Environment Services</p> <p data-bbox="422 850 1526 1018">If approved, the application of the Agricultural Boundary Design Guidelines will be beneficial in buffering the future residential land uses from the agricultural land surrounding it. The guidelines would help mitigate areas of concern including: trespass, litter, pets, noise, providing a visual barrier and concern over fertilizers, dust & normal agricultural practices.</p>

Circulation Period: May 27, 2021, to June 17, 2021.

Agencies that did not respond, expressed no concerns, or were not required for distribution, are not listed.