

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission

DATE: November 24, 2020

DIVISION: 4

APPLICATION: PL20190074

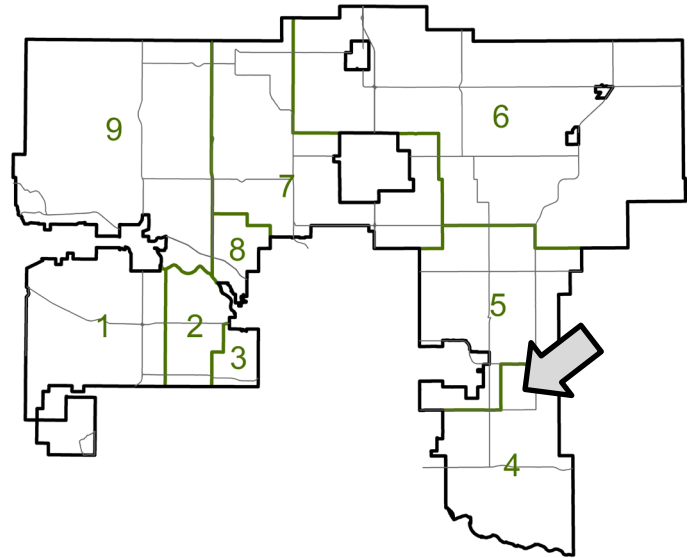
SUBJECT: Subdivision: Request to Defer Transportation Off-Site Levy

APPLICATION: Deferral of Transportation Off-Site Levy for the approved subdivision to create a ≥ 20.01 acre parcel with a ± 64.97 acre remainder.

GENERAL LOCATION: Located 0.41 kilometers (1/4 mile) south of Township Road 232 and on the west side of Range Road 274A, approximately 2.0 miles southwest of the town of Langdon.

LAND USE DESIGNATION: Agricultural Small (A-SML) and Agricultural General (A-GEN) District.

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



OPTIONS:

Option #1: Motion 1 THAT the request to defer the Transportation Off-Site Levy be approved.

Motion 2 THAT Condition # 2 from the Transmittal of Decision of PL20190074 is considered met through the deferral of the Transportation Off-Site Levy.

Option #2: THAT the request to defer the Transportation Off-Site Levy be denied.

Option #3: THAT alternative direction be provided.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Althea Panaguiton - Planning and Development Services



PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
DATE: November 26, 2020 **DIVISION:** 4
FILE: 03208009 **APPLICATION:** PL20190074
SUBJECT: Subdivision - Request to Defer Transportation Off-Site Levy

POLICY DIRECTION:

Regional Transportation Off-Site Levy Bylaw C-8007-2020.

EXECUTIVE SUMMARY:

A request has been received by the applicant to re-evaluate the condition set for subdivision application PL20190074. The subdivision approval provides for creation of a ≥ 20.01 acre parcel with a ± 64.97 acre remainder. The applicant is requesting to remove condition # 2 relating to payment of the Transportation Off-Site Levy (TOL). The subdivision was approved under the previous Transportation Off-Site Levy Bylaw C-7356-2014, with approximately \$13,785.00 of applicable levies due. Under the new Regional Transportation Off-Site Levy Bylaw (C-8007-2020), TOL would be exempt on this subdivision proposal.

The Municipal Planning Commission has the discretion to defer the imposition of TOL.

ADMINISTRATION RECOMMENDATION:

Administration recommends refusal in accordance with Option #2.

BACKGROUND:

The subject land is located approximately 2.0 miles southwest of the town of Langdon, some 0.41 kilometers (1/4 mile) south of Township Road 232 and on the west side of Range Road 274A. The proposed subdivision to create a ≥ 20.01 acre parcel with a ± 64.97 acre remainder was approved at the December 10, 2019 Council meeting. The approval was subject to a set of conditions, including an applicable levy on 3.00 acres of Lot 1 to the amount of approximately \$13,785.00 under the previous Transportation Off-Site Levy Bylaw C-7356-2014.

The Applicant has submitted a cover letter indicating their request to review their condition set and to remove the TOL requirement. Their rationale notes that under the new Bylaw, this condition would no longer apply, and that Council has previously supported this request for applicants who are in similar situations.

Under the previous Transportation Off-Site Levy Bylaw C-7356-2014, when a subdivision is approved on lands with Agricultural Holdings District designation, TOL was applicable on 1.2 hectares (3.0 acres) of the parcel. This is no longer a requirement under the new Transportation Off-Site Levy Bylaw C-8007-2020; therefore, the applicant is requesting deferral of TOL payments under this Bylaw.

Additionally, referencing Bylaw C-8007-2020 Section 18, imposition of Rural Base Levy Rate is applicable on the "Development Area" of the Lands; however, under the definition of Development Area – it does not include the following:

- (ii) *with respect to Subdivisions involving an existing Dwelling, the subdivided parcel that contains the existing Dwelling.*

Administration Resources

Althea Panaguiton, Planning and Development Services



As there are existing dwellings on the property, the subdivision proposal is also exempt from payment of levies.

Although a new Bylaw is in effect, when the application was approved, applicable levies were evaluated and imposed in accordance to the Bylaw of that time; therefore, it is recommended that the deferral of the TOL be refused.

OPTIONS:

Option #1: Motion 1 THAT the request to defer the Transportation Off-Site Levy be approved.

 Motion 2 THAT Condition # 2 from the Transmittal of Decision of PL20190074 is considered met through the deferral of the Transportation Off-Site Levy.

Option #2: THAT the request to defer the Transportation Off-Site Levy be denied.

Option #3: THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

"Theresa Cochran"

"Al Hoggan"

Executive Director
Community Development Services

Chief Administrative Officer

AP/llt

ATTACHMENTS:

ATTACHMENT 'A': Maps and Other Information

ATTACHMENT 'B': Applicant Cover Letter

ATTACHMENT 'C': Transmittal of Decision

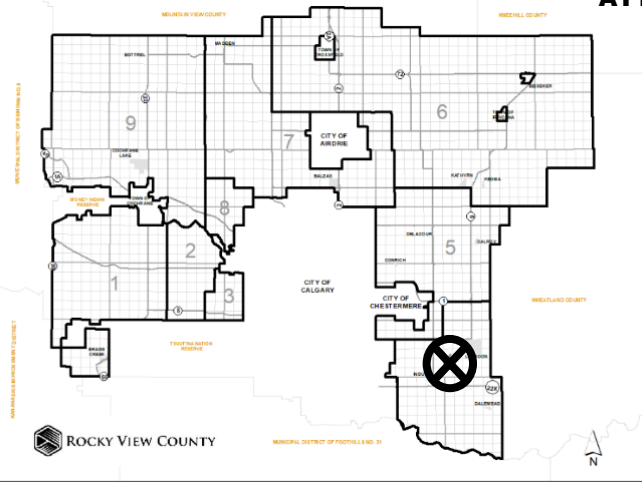


Location & Context

Subdivision Proposal

To create a ≥ 8.10 hectare (≥ 20.01 acre) parcel (Lot 1) with a ± 26.29 hectare (± 64.97 acre) remainder (Lot 2).

Division: 4
 Roll: 03208009
 File: PL20190074
 Printed: November 13, 2020
 Legal: NW-08-23-27-W04M





Development Proposal

Subdivision Proposal

To create a ≥ 8.10 hectare (≥ 20.01 acre) parcel (Lot 1) with a ± 26.29 hectare (± 64.97 acre) remainder (Lot 2).



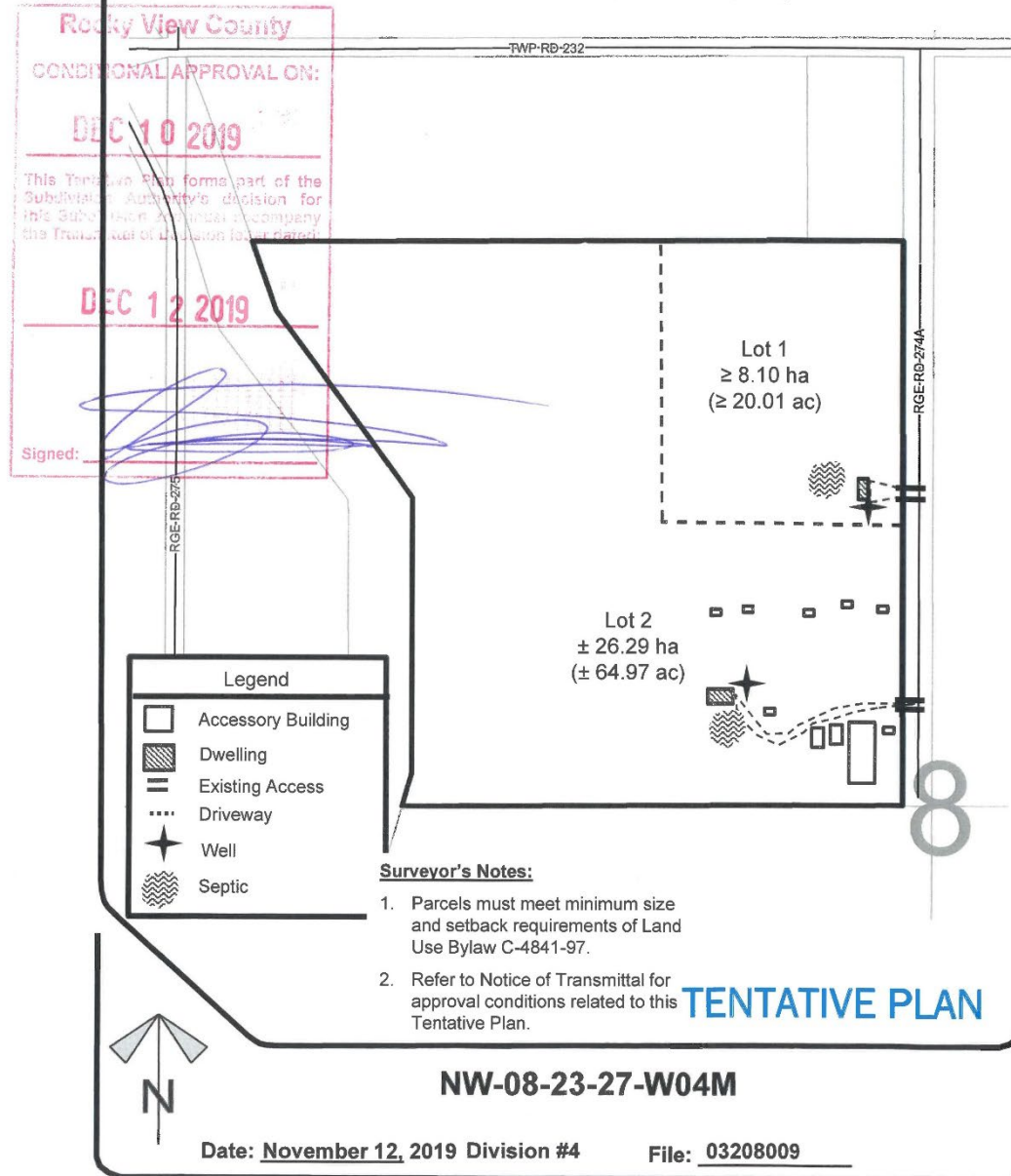
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Approved Tentative Plan

Subdivision Proposal

To create a ≥ 8.10 hectare (≥ 20.01 acre) parcel (Lot 1) with a ± 26.29 hectare (± 64.97 acre) remainder (Lot 2).



Division: 4
Roll: 03208009
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Dear **COUNCIL OF ROCKY VIEW COUNTY,**

I am writing this letter to request council review the application PL20190074 as reference and remove the Transportation Off-Site Levy of est \$13,795.00.

Rational is that the bylaws has changed and this charge should no longer apply. Also, council have approved removal of this levy from other applicants in the same situation as us so it would be consitant to revise our application amounts.

Sincerely,

Jay R. Morris





ROCKY VIEW COUNTY

262075 Rocky View Point
Rocky View County, AB, T4A 0X2403-230-1401
questions@rockyview.ca
www.rockyview.ca

Date Mailed: Thursday, December 12, 2019

Morris, Jay & Sarah

File: PL20190074

RE: SUBDIVISION TRANSMITTAL OF DECISION

In a decision dated **December 10, 2019**, Rocky View County's Subdivision Authority conditionally approved your subdivision application subject to the conditions below. The Subdivision Authority reserves the right to make corrections to any technical or clerical errors or omissions in this decision.

- A. That the application to create a ≥ 8.10 hectare (≥ 20.01 acre) parcel with a ± 26.29 hectare (± 64.97 acre) remainder from a portion of NW-08-23-27-W04M has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulations. It is recommended that the application be approved as per the Tentative Plan for the reasons listed below:
- 1) The application is consistent with the County Plan;
 - 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.
- Ô. The 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 condition 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 Owner from ensuring all permits, licenses, or approvals required by Federal Provincial, or other jurisdictions are obtained.
- Ô. Further, in accordance with Section 654 and 655 of the Municipal Government Act, the application be approved subject to the following conditions of approval:

Plan of Subdivision

- 1) Subdivision 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.

Payments and Levies

- 2) The Applicant/Owner shall pay the Transportation Off-Site Levy (TOL) in accordance with Bylaw C-7356-2014 prior to subdivision endorsement:



ROCKY VIEW COUNTY

262075 Rocky View Point
Rocky View County, AB, T4A 0X2

403-230-1401
questions@rockyview.ca
www.rockyview.ca

aD The Transportation Off-Site Levy shall be applicable on 3.00 acres of Lot 1.

àD The Transportation Off-Site Levy shall be deferred on Lot 2 (the remainder).

- 3) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one (1) new Lot.

Municipal Reserve

- 4) The provision of Reserve in the amount of 10 percent of the area of Lot 1 as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per acre value listed in the land appraisal prepared by Altus Group, project number 13120.102658.033, dated July 13, 2019, pursuant to Section 666(3) of the Municipal Government Act.

a) Reserves owing on Lot 2 shall be deferred by caveat.

Taxes

- 5) 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

Prior to final endorsement of the Subdivision, the Planning Department is directed to present the Owner 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*.

An appeal against the decision of the Subdivision Authority or the conditions of approval **must be filed within 21 days** from the date of this letter by one or more of the following:

- the applicant of the subdivision application;
- a government body if the subdivision application was required to be referred to that government body under the *Subdivision and Development Regulation*; or
- a school board with respect to municipal or school reserves.

An appeal against this decision will be heard by the **Subdivision and Development Appeal Board** and must be filed using the attached Notice of Appeal form within the prescribed appeal period. To file an appeal or for assistance with filing an appeal please contact one of the following:

- For appeals to the Subdivision and Development Appeal Board, please contact the Municipal Clerk's Office at sdab@rockyview.ca or (403) 230-1401.
- For appeals to the Municipal Government Board, please contact the Municipal Government Board at mgbmail@gov.ab.ca or (403) 427-4864.

Prior to submitting any final endorsement documents, Rocky View County advises the applicant of the following within one year of the date of subdivision approval:

- Ensure that all conditions of approval have been satisfied;
- Ensure that all subdivision approval fees have been paid; and
- Ensure that Rocky View County has received proof to this effect.



ROCKY VIEW COUNTY

262075 Rocky View Point
Rocky View County, AB, T4A 0X2

403-230-1401
questions@rockyview.ca
www.rockyview.ca

Please contact Jessica Anderson at 403-520-8184 for assistance with this decision or the subdivision endorsement process and quote the file number noted above.

Tyler Andreasen
Deputy Municipal Clerk
(403) 520-8197
tandreasen@rockyview.ca

Subdivision Proposal: To create a ≥ 8.10 hectare (≥ 20.01 acre) parcel (Lot 1) with a ± 26.29 hectare (± 64.97 acre) remainder (Lot 2).

Rocky View County

CONDITIONAL APPROVAL ON:

DEC 10 2019

This Tentative Plan forms part of the Subdivision Authority's decision for this Subdivision and must accompany the Transmittal of Decision letter dated:

DEC 12 2019

Signed:

RGE-RD-275




TWP-RD-232

RGE-RD-274A

Lot 1
 ≥ 8.10 ha
(≥ 20.01 ac)

Lot 2
 ± 26.29 ha
(± 64.97 ac)

Legend

-  Accessory Building
-  Dwelling
-  Existing Access
-  Driveway
-  Well
-  Septic

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-4841-97.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

TENTATIVE PLAN

NW-08-23-27-W04M

Date: November 12, 2019 Division #4

File: 03208009