

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
DIVISION: 8
SUBJECT: Subdivision Item: Residential Subdivision

DATE: December 10, 2020
APPLICATION: PL20200088

APPLICATION: To create a \pm 1.9 hectare (4.71 acre) parcel with a \pm 9.3 hectare (22.97 acre) remainder.

GENERAL LOCATION: Located approximately 5.00 kilometres (3.11 miles) northwest of the City of Calgary and 0.20 kilometres (1/8 mile) north of Township Road 262 and 0.81 kilometres (1/2 mile) west of Bearspaw Road.

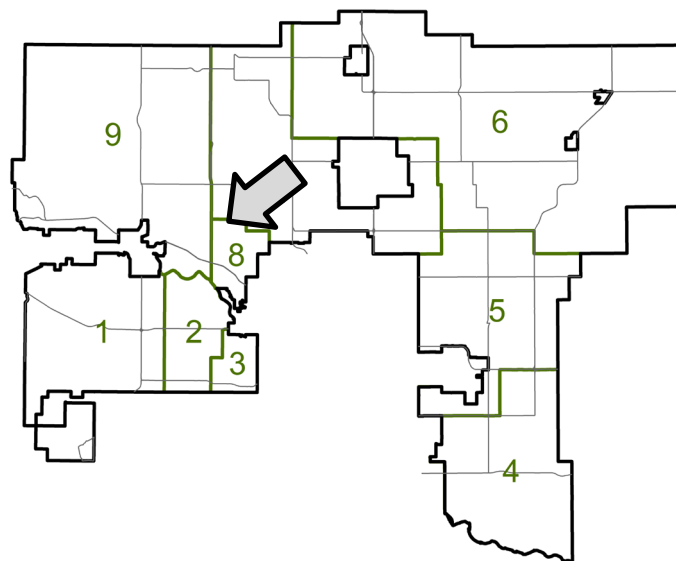
LAND USE DESIGNATION: Rural Residential District (R-RUR)

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

OPTIONS:

- Option #1: THAT Subdivision Application PL20200088 be approved with the conditions noted in Appendix 'B'.
- Option #2: THAT Subdivision Application PL20200088 be refused as per the reasons noted.

AIR PHOTO & DEVELOPMENT CONTEXT:





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APPLICANT: Horizon Land Surveys

OWNER: Kris & Karen Reinhart

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: <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Subdivision and Development Regulations; • Municipal Development Plan; • Bearspaw ASP • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Land Appraisal by RDS Appraisal Group (July 9, 2020)
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APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
TRANSPORTATION OFFSITE LEVY (C-8007-2020)	N/A
MUNICIPAL RESERVE <ul style="list-style-type: none"> • \$965,000.00 gross / 27.59 ac = \$34,976.44/acre • \$34,976.44 per acre x (4.71 x 10%) = \$16,473.90 	\$16,473.90

Transportation and Access:

Access to Lot 1 is provided by an existing paved approach via Poplar Hill Drive. The applicant will be required to construct a new paved approach for Lot 2, which will ensure municipal access is maintained. As the proposed panhandle is 25 meters in width, a Road Acquisition Agreement is not required at this time. Transportation Off-Site Levy (Bylaw C-8007-2020) shall be deferred for both Lot(s) 1 & 2.

Servicing:

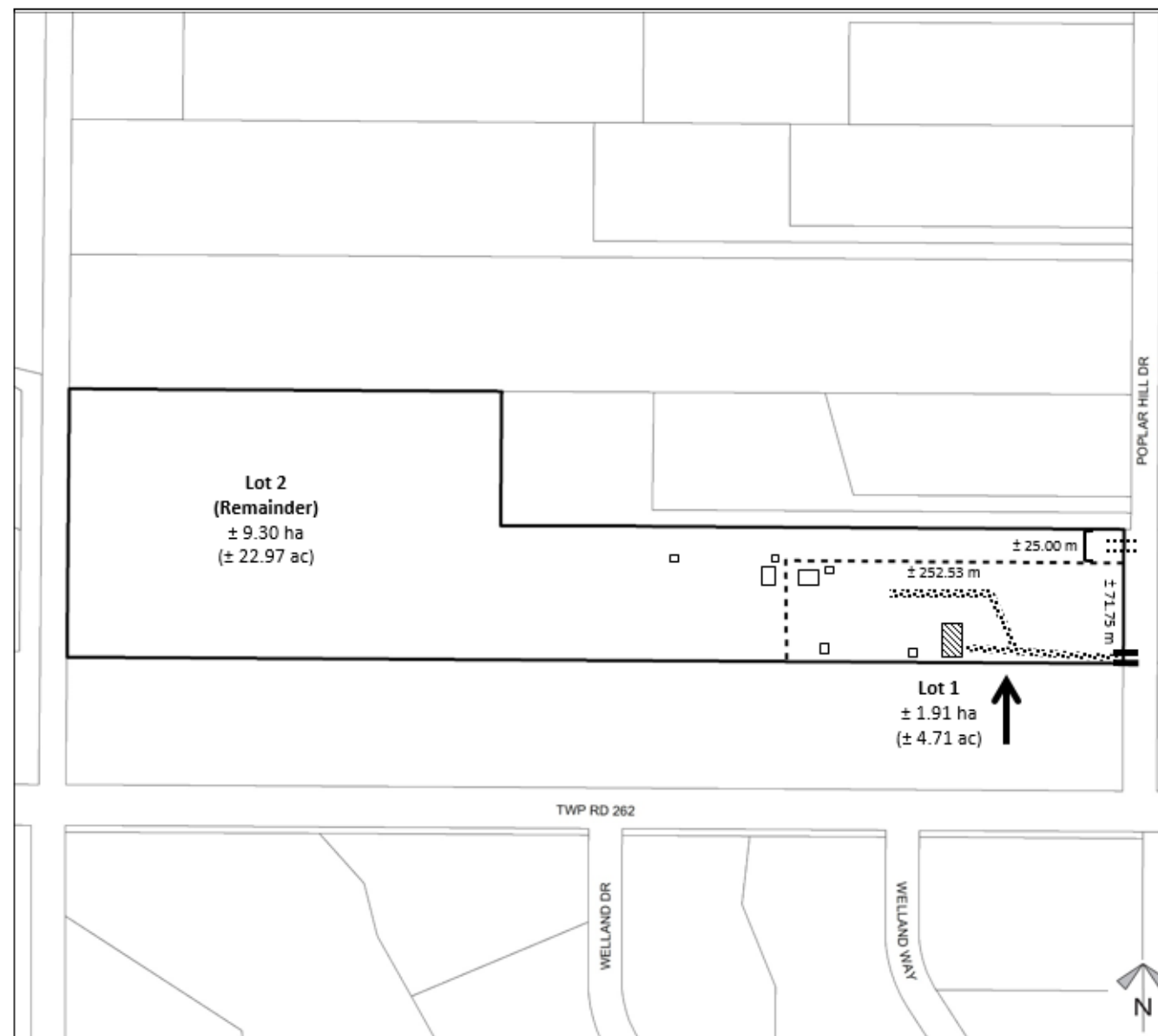
The dwelling (Lot 1) is serviced by an existing water well and Private Sewage Treatment System. However, both Lots 1 & 2 will be required to tie into the Rocky View Water COOP lines due to the proximity of a piped system along Poplar Hill Road. Additionally, a Deferred Services Agreement for Lots 1 and 2 will be required to connect to wastewater and stormwater servicing when available.

Policy Analysis:

The subject lands are located within the Bearspaw ASP, identified as appropriate for Country Residential land uses. A concept plan is recommended within the area but not required at this time as both parcels maintain municipal access and meet minimum parcel size. If additional subdivisions occur in the future the requirement for a concept plan can be reconsidered. The application is inconsistent with Policy 8.1.22 of the Bearspaw ASP, where panhandles should not be supported unless required as a result of topography. However, considering the dimensions of the existing parcel and the proposed width of the area is 25.00m, this does not appear to be a concern.

Municipal Reserves are required for Lot 1 as policy does not support further subdivision. Lot 2 will be deferred at this time.

Tentative Plan



Tentative Plan

Subdivision Proposal

To create a ± 1.9 hectare (4.71 acre) parcel with a ± 9.3 hectare (22.97 acre) remainder.

Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	
Road Widening	

Surveyor's Notes:

1. This subdivision will result in non-conforming buildings on both Lot 1 & 2 according to Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 8
 Roll: 06713018
 File: PL20200088
 Printed: November 24, 2020
 Legal: SW-13-26-03-W05M
 Lot:1 Block:10 Plan:9810648



ROCKY VIEW COUNTY

CONCLUSION:

Subject to the proposed conditions of approval, the application is recommended for Approval.

Respectfully submitted,

Concurrence,

“Theresa Cochran”

“Al Hoggan”

Executive Director
Community Development Services

Chief Administrative Officer

CL/llt

ATTACHMENTS:

ATTACHEMENT ‘A’: Maps and Other Information

ATTACHEMENT ‘B’: Approval Conditions



ROCKY VIEW COUNTY

ATTACHMENT 'A': MAPS AND OTHER INFORMATION

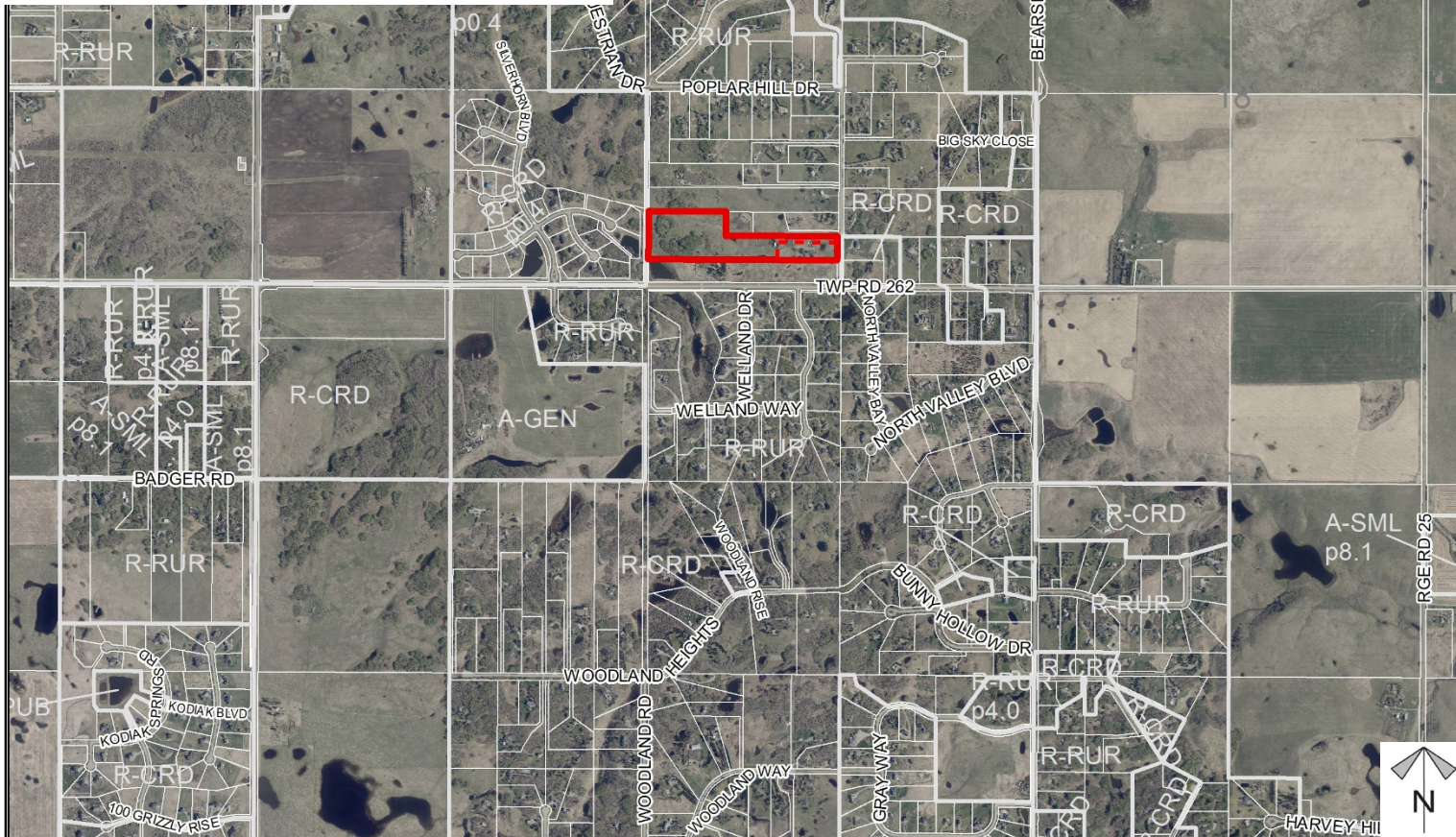
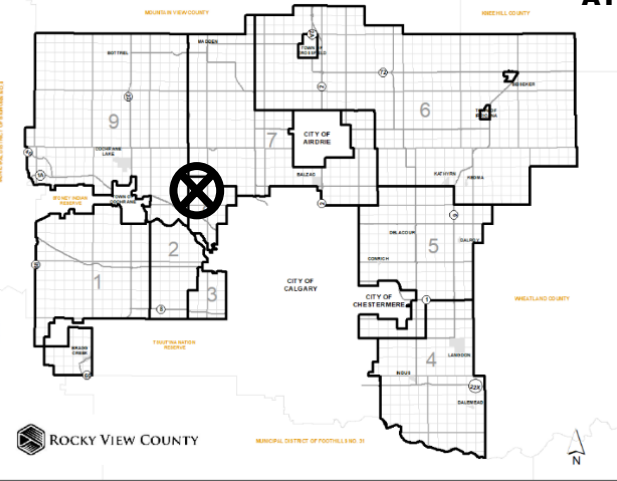
DATE APPLICATION RECEIVED: July 9, 2020	DATE DEEMED COMPLETE: July 22, 2020
GROSS AREA: ± 11.17 HECTARES (± 27.59 ACRES)	LEGAL DESCRIPTION: SW-13-26-3-W5M
APPEAL BOARD: Municipal Government Board	
HISTORY: <i>March 9, 1998 – 1997-RV-63 – Parcel registered at Land Titles under Plan 981 0648. Reserves not required.</i>	
PUBLIC & AGENCY SUBMISSIONS: <p>The application was circulated to 189 adjacent landowners. No letters were submitted in support or opposition of the application.</p> <p>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.</p>	



Location & Context

Subdivision Proposal

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Development Proposal

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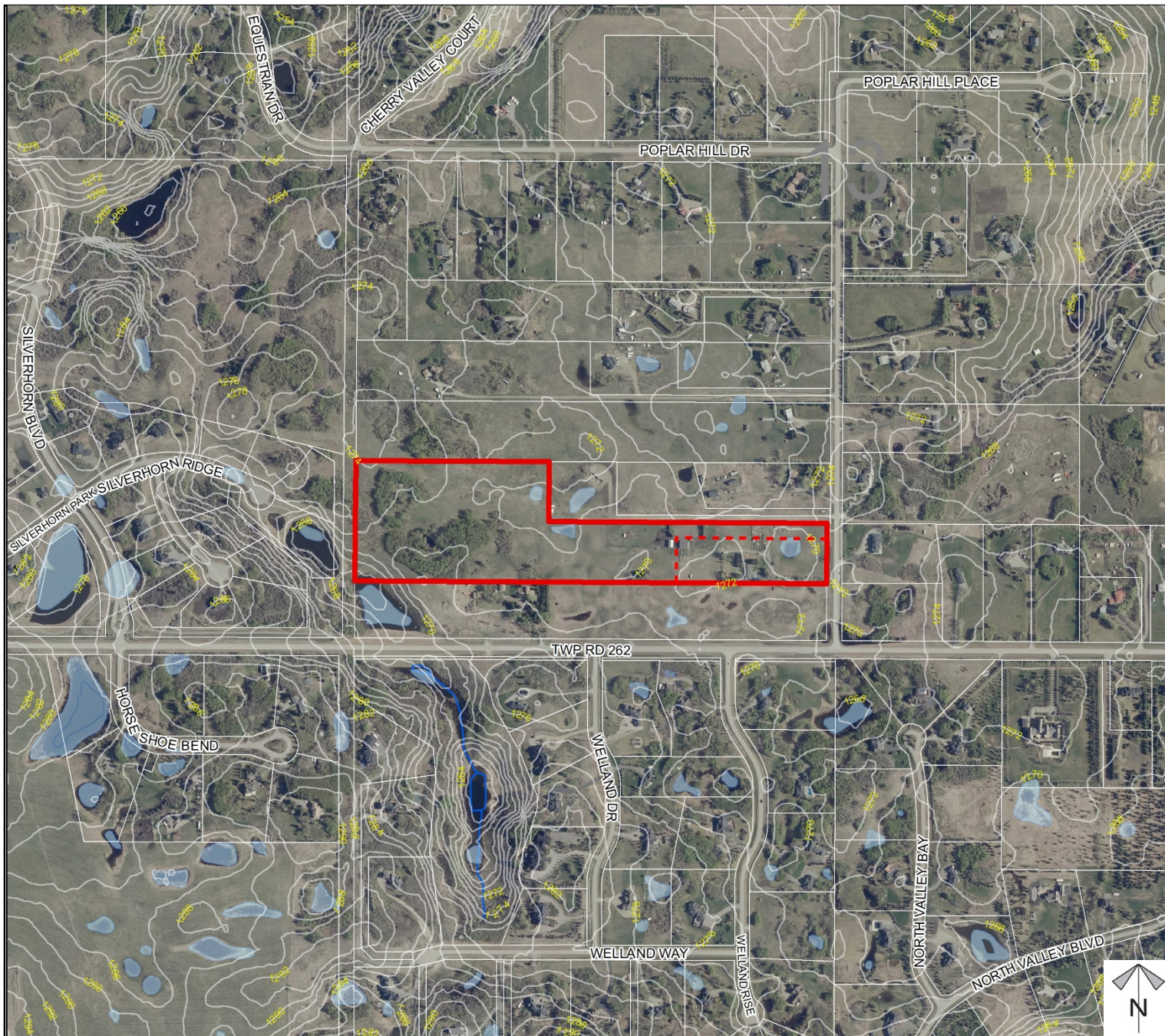
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Environmental

Subdivision Proposal

To create a ± 1.9 hectare (4.71 acre) parcel with a ± 9.3 hectare (22.97 acre) remainder.



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

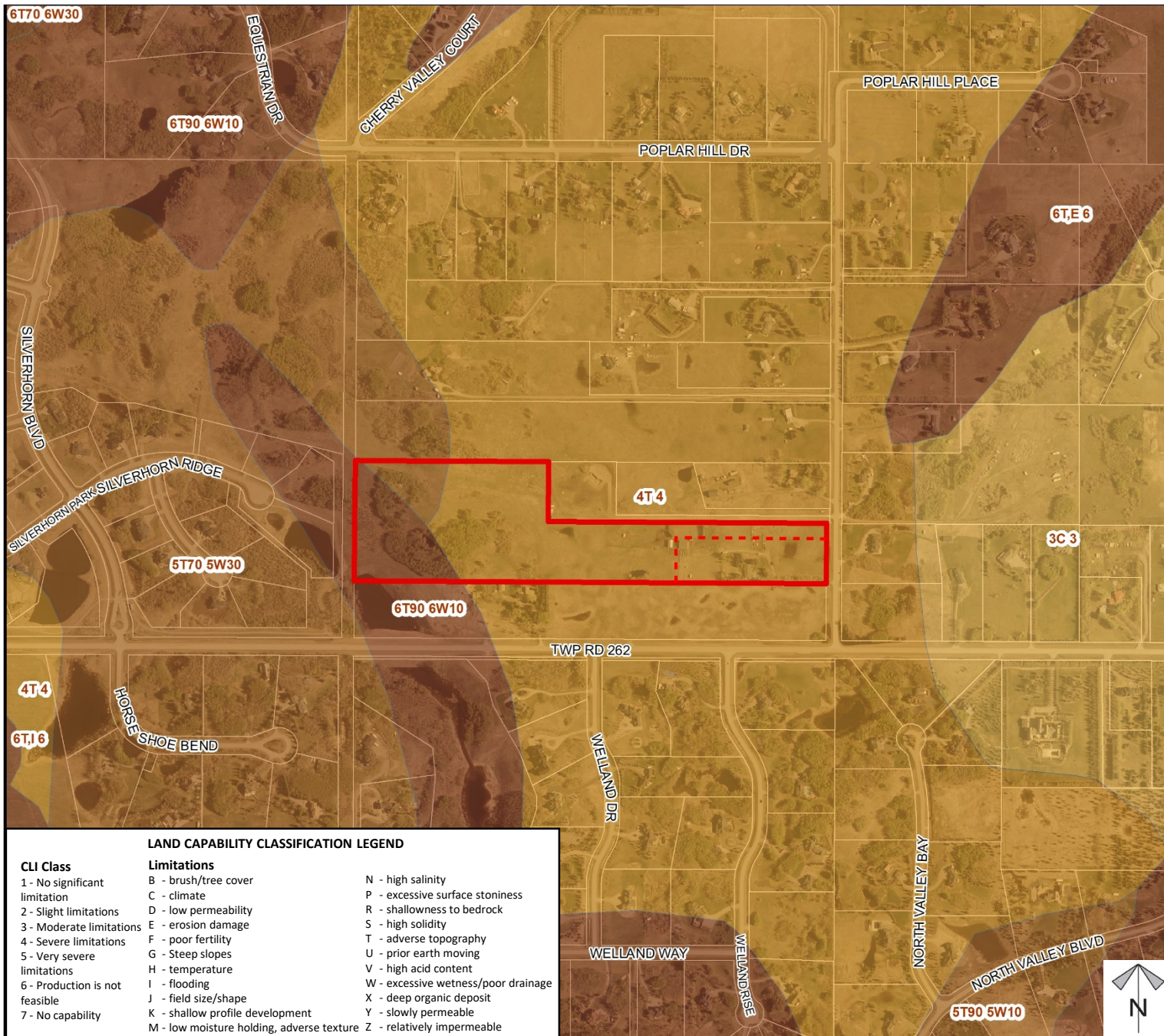
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Soil Classifications

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Landowner Circulation Area

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Legend

Support

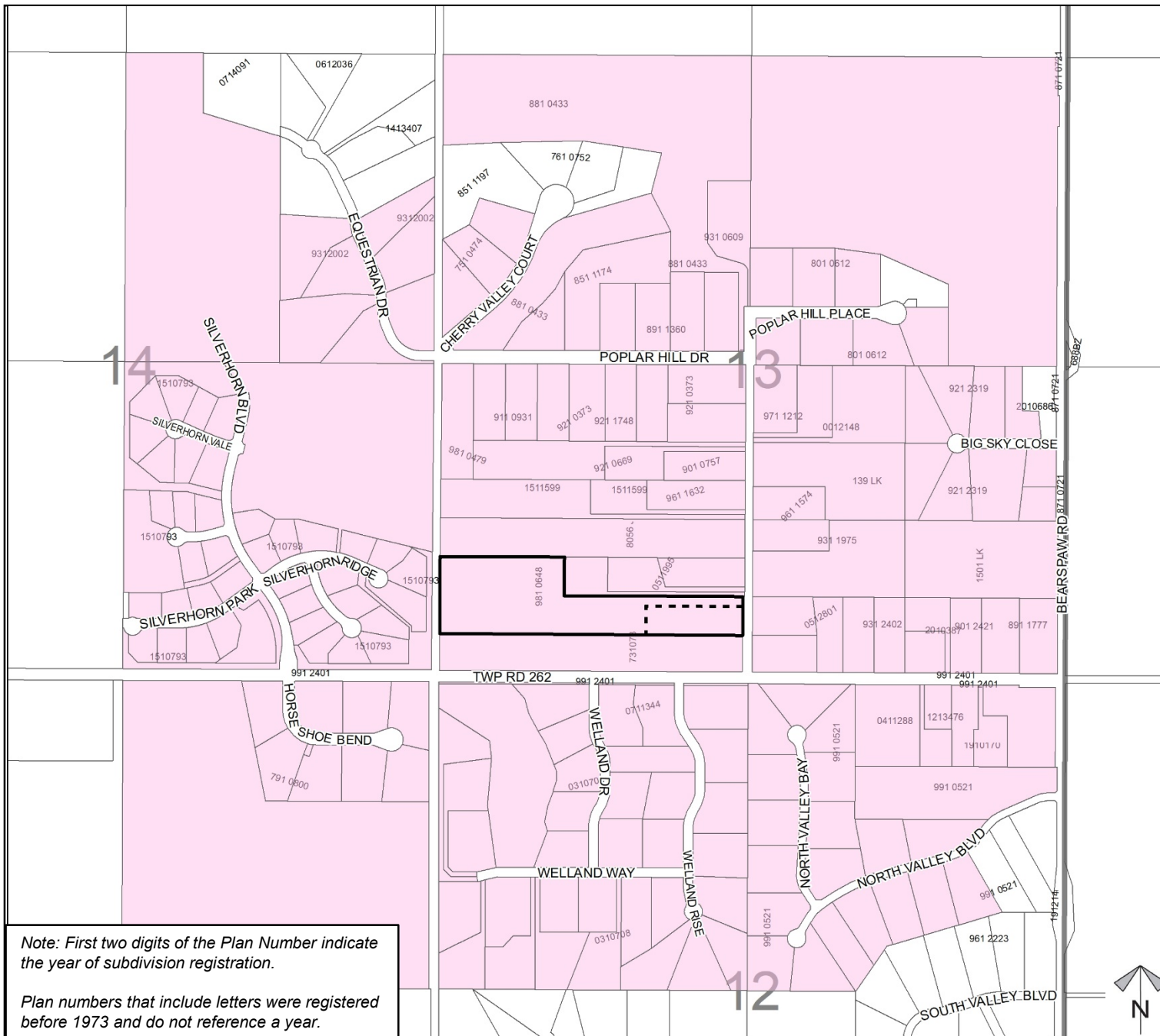


Opposition



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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ATTACHMENT 'B': APPROVAL CONDITIONS

- A. The application to create a ± 1.9 hectare (± 4.71 acre) parcel with a ± 9.3 hectare (± 22.97 acre) remainder from Lot 1, Block 10, Plan 981 0648, SW-13-26-3-W5M has been evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 7 and 14 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, 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 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.

Site Plan

- 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 R-RUR Land Use District, as per the Land Use Bylaw C-8000-2020, as amended.

Transportation and Access

- 3) The Applicant/Owner shall construct a new paved approach on Poplar Hill Drive in order to provide access to Lot(s) 2; If a mutual approach is constructed, the Owner shall:
 - a) Provide an access right of way plan; and
 - b) Prepare and register respective easements on each title, where required.



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Site Servicing

- 4) The Applicant/Owner shall submit a Level 3 PSTS Assessment for Lot 2, prepared by a qualified professional to the satisfaction of the County.
 - a) If the recommendations within the report indicate improvements are required, the Owner shall enter into a Site Improvement/Services Agreement with the County.
- 5) The Owner is to provide confirmation of the tie-in for connection to Rocky View Water COOP, an Alberta Environment licensed piped water supplier, for Lot(s) 1 & 2, as shown on the Approved Tentative Plan. This includes providing the following information:
 - a) Confirmation from the water supplier that an adequate and continuous piped water supply is available for the proposed new Lot(s) 1 & 2;
 - b) Documentation proving that water supply has been purchased for proposed Lot(s) 1 & 2;
 - c) Documentation proving that water supply infrastructure requirements including servicing to the property have been installed or installation is secured between the developer and water supplier, to the satisfaction of the water supplier and the County
- 6) The Owner is to enter into a Deferred Services Agreement with the County, to be registered on title for each proposed Lot(s) 1 & 2, indicating:
 - a) Requirements for each future Lot Owner to connect to County's wastewater, and stormwater systems at their cost when such services become available;
 - b) Requirements for decommissioning and reclamation once County servicing becomes available;

Payments and Levies

- 7) The provision of Reserve in the amount of 10 percent of the area of Lot(s) 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 as listed in the land appraisal prepared by RDS Appraisal Group, File #2010104, dated July 9, 2020, pursuant to Section 666(3) of the *Municipal Government Act*
 - a) Reserves for Lot 2 are to be deferred with Caveat pursuant to Section 669(2) of the *Municipal Government Act*;
- 8) The Applicant/Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one (1) new Lot.

Taxes

- 9) 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