



PLANNING

TO:	Council	
DATE:	May 31, 2022	DIVISION: 5
TIME:	Afternoon Appointment	
FILE:	07218004	APPLICATION: PL20210129
SUBJECT:	Redesignation Item: Residential Use	

APPLICATION: To redesignate ± 5.67 hectares (± 14.00 acres) of the subject lands from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR) to facilitate the creation of a ± 4.05 hectare (± 10.00 acre) parcel and a ± 1.62 hectare (± 4.00 acre) parcel with ± 57.45 hectare (± 141.97 acre) remainder.

GENERAL LOCATION: Located on the west side of Range Road 275, approximately 1.61 kilometres (1 mile) north of Hwy 567.

EXECUTIVE SUMMARY: Council gave first reading to Bylaw C-8218-2021 on September 14, 2021.

The subject parcel is a subdivided quarter section with a first parcel out taken from the undivided quarter in 2009. Currently, there is some cereal crop production on the remainder of the quarter section.

The proposed redesignation would change land use on a ± 5.67 hectare (± 14.00 acre) portion of land from agricultural to residential use and would further fragment the subject quarter section. The application is consistent with the proposed land use (Residential, Rural District, R-RUR); however, the application is inconsistent with the relevant policies of Sections 8.0 and 10.0 of the County Plan, with no support for further fragmentation and subdivision of agricultural lands. As such, Administration recommends refusal based on conflict with County Plan policies.

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

OPTIONS

- Option # 1: Motion #1 THAT Bylaw C-8218-2021 be given second reading.
- Motion #2 THAT Bylaw C-8218-2021 be given third and final reading.
- Option # 2: That application PL20210129 be refused.

Administration Resources

Reynold Caskey, Planning and Development

**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: <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Municipal Development Plan (County Plan); • Interim Growth Plan • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • None.
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POLICY ANALYSIS:Municipal Development Plan (County Plan)

A goal of the County Plan is to direct growth to identified areas and limit fragmentation of agricultural lands. Section 8.0 of the County Plan provides policies for evaluation of proposals in agricultural areas and provides support for particular types of development such as a first parcel out or for a new or distinct agricultural use. The application proposes an additional redesignation for future subdivision, which is inconsistent with the policies of Section 8.0 that look to maintain lands for agricultural uses and pursuits.

In this case, the proposed redesignation is intended to accommodate the creation of an additional acreage to sell to a family member. There is no policy support or rationale to support changing this parcel's land use, and Section 8.0 provides language in opposition for this type of application: "*Estate planning or personal financial considerations do not constitute a planning rationale for changing a parcel's land use.*"

Policy 8.18 of the County Plan speaks to new and distinct agricultural operations as either new compared to the existing operation, and/or distinct and established on a parcel for more than five years. Given that the application does not propose a new or distinct agricultural land use, there is no support of the application. The proposed small scale residential use conflicts with the agricultural uses of the area and policies in Section 8.0 of the County Plan.

**ROCKY VIEW COUNTY**

The County Plan does provide direction to fragmented parcels throughout the County and is defined as “a quarter section of land within the agriculture area divided in six or more: i) residential lots; and/or ii) small agricultural parcels, each of which is less than 10 hectares (24.70 acres) in size.” The proposal does not meet this definition of a fragmented quarter section and, should it be approved, would lead towards fragmenting the quarter section.

Land Use Bylaw

The application proposes that a ± 5.67 hectare (± 14.00 acre) portion of the subject lands be redesignated from Agricultural, General District to Residential, Rural District to accommodate two new parcels of ± 4.05 hectares (± 10.00 acres) and ± 1.62 hectares (± 4.00 acres) in size. The minimum parcel size for a Residential, Rural District Parcel is 1.60 ha (3.95 acres). As such, the application is consistent with the Land Use Bylaw.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Dorian Wandzura”

Acting Executive Director
Community Development Services

Chief Administrative Officer

RC/rp

ATTACHMENTS

ATTACHMENT 'A': Application Information
ATTACHMENT 'B': Application Referrals
ATTACHMENT 'C': Bylaw C-8218-2021 and Schedule A
ATTACHMENT 'D': Map Set
ATTACHMENT 'E': Public Submissions



ROCKY VIEW COUNTY

ATTACHMENT 'A': APPLICATION INFORMATION

APPLICANT / OWNERS: Edward Spronk / 1091303 Alberta Ltd	DATE APPLICATION RECEIVED: July 19, 2021
GROSS AREA: ± 64.7 hectares (± 160 acres)	LEGAL DESCRIPTION: NE-18-27-27-W04M
SOILS (C.L.I. from A.R.C.): 2H, M75, 6W25: Slight limitations and temperature; very severe to no capacity due to low moisture holding and production not feasible due to excessive wetness/poor drainage. 7W, N: No capacity for crop production due to excessive wetness and high salinity. 2H, M: Slight limitations for crop production due to temperature and low moisture holding	
HISTORY: December 1, 2009: Subdivision Authority approved the subdivision to create a 1.62 hectare (4 acre) parcel, with a 63.13 hectare (156 acre) remainder (subject parcel). October 27, 2009: Council approved the redesignation of a 1.62 ha (4 acre) portion of the subject lands to Residential Two (R-2) district to facilitate a first parcel out (southeast of quarter section).	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to 25 adjacent landowners. One letter in opposition received in response, which is shown in Attachment 'E'. The application was also circulated to a number of internal and external agencies; responses are set out within Attachment 'B'.	



ATTACHMENT B: APPLICATION REFERRALS

AGENCY	COMMENTS
Provincial Agency	
Transportation Alberta	<p>In reviewing the application, the proposed development does not fall within the control distance of a provincial highway as outlined in the Highways Development and Protection Act / Regulation and will not require a roadside development permit from Alberta Transportation nor does Alberta Transportation have any objections to the redesignation.</p> <p>The department does expect that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connection to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 648(2)(c.2) of the Municipal Government Act.</p>
Internal Departments	
Agricultural Services	<p>Agricultural Services Staff Comments: If approved, the application of the Agricultural Boundary Design Guidelines will be beneficial in buffering the 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>
Capital Projects - Engineering	<p>Geotechnical:</p> <ul style="list-style-type: none"> • The subject lands do not include slopes greater than 15%. • Engineering has no requirements at this time. <p>Transportation:</p> <ul style="list-style-type: none"> • As a condition of future subdivision, the applicant/owner shall construct a single residential approach to Lot 2. The applicant/owner shall schedule a road approach inspection with County Road Operations prior to construction. • Transportation Off-site Levy shall be deferred at future subdivision in accordance with Bylaw C-8007-2020 due to the following: <ul style="list-style-type: none"> ○ Lot 1 contains an existing dwelling and is therefore not consider "Development Area" as per the Bylaw. ○ Lot 2 and Remainder parcels sizes are larger than 7.41 acres. • 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/owner shall submit a Level 2 PSTS assessment, prepared by a qualified professional, for proposed Lot 2, in accordance with The Model Process for Subdivision Approval and Private Sewage. • At the time of future subdivision, the applicant/owner shall provide a Level 1 Variation Assessment for Lot 1, in accordance with the <i>Model Process for</i>



AGENCY	COMMENTS
	<p><i>Subdivision Approval and Private Sewage</i>, that identifies the type of PSTS and drainfield that is existing on the subject lands and demonstrates that the minimum offsets meet the requirements of the <i>Alberta Private Sewage Systems Standard of Practice</i>.”</p> <ul style="list-style-type: none"> • Engineering has no requirements at this time. <p>Water Supply And Waterworks:</p> <ul style="list-style-type: none"> • As a condition of future subdivision, the applicant is required to drill a new well in Lot 2 and provide a Well Driller’s report confirming that the flow exceeds or is equivalent to 1 igpm. • Engineering has no requirements at this time. <p>Storm Water Management:</p> <ul style="list-style-type: none"> • As the size of the proposed Lot 2 is +/- 10 acres, the change in site imperviousness due to construction of new dwellings will not have a significant impact on stormwater management. As such, no site-specific stormwater implementation plan is warranted at future subdivision stage. • Engineering has no requirements at this time. <p>Environmental</p> <ul style="list-style-type: none"> • Wetlands are present throughout the remainder. For any proposed development that has a direct impact on any wetlands, the applicant/owner will be responsible for obtaining all required AEP approvals. • Engineering has no requirements at this time.

Circulation date: July 21, 2021, – August 12, 2021

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



BYLAW C-8218-2021

A bylaw of Rocky View County, in the Province of Alberta, to amend Rocky View County Bylaw C-8000-2020, being the *Land Use Bylaw*.

The Council of Rocky View County enacts as follows:

Title

1 This bylaw may be cited as *Bylaw C-8218-2021*.

Definitions

2 Words in this Bylaw have the same meaning as those set out in the *Land Use Bylaw* and *Municipal Government Act* except for the definitions provided below:

- (1) **“Council”** means the duly elected Council of Rocky View County;
- (2) **“Land Use Bylaw”** means Rocky View County Bylaw C-8000-2020, being the *Land Use Bylaw*, as amended or replaced from time to time;
- (3) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time; and
- (4) **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.

Effect

3 THAT Schedule B, Land Use Maps, of Bylaw C-8000-2020 be amended by redesignating a portion within NE-18-27-27-W04M from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR) as shown on the attached Schedule 'A' forming part of this Bylaw.

4 THAT a portion within NE-18-27-27-W04M is hereby redesignated to Residential, Rural District (R-RUR) shown on the attached Schedule 'A' forming part of this Bylaw.

Effective Date

5 Bylaw C-8218-2021 is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.



READ A FIRST TIME this _____14 day of September, 2021

PUBLIC HEARING HELD this _____ day of _____, 2022

READ A SECOND TIME this _____ day of _____, 2022

READ A THIRD AND FINAL TIME this _____ day of _____, 2022

Mayor

Chief Administrative Officer

Date Bylaw Signed

Schedule 'A'

Bylaw C-8218-2021

Amendment

FROM

Agricultural,
General District
(A-GEN)



TO

Residential, Rural District
(R-RUR)

A-GEN
± 57.45 hectare
(141.97 acre)

R-RUR
± 5.67 hectare
(14 acres)

RGE RD 275



Division: 5
 Roll: 07218004
 File: PL20210129
 Printed: July 15, 2021
 Legal: A portion of NE-18-27-
 27-W04M

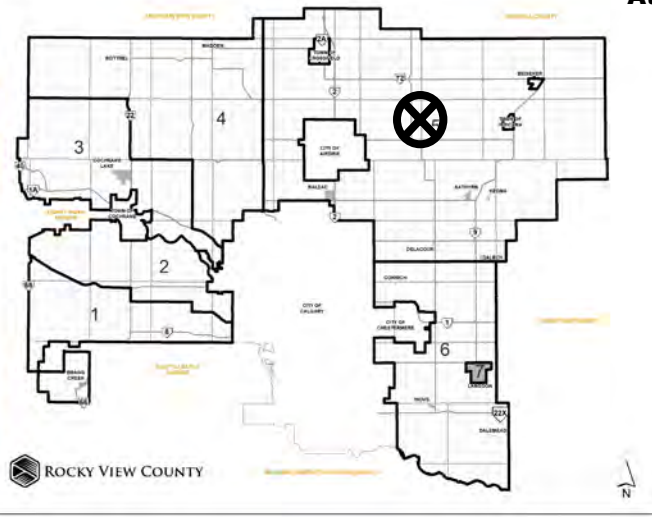
18

Location & Context

Redesignation Proposal

To redesignate ± 5.67 hectare (14 acres) of the subject lands from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR) in order to facilitate the creation of a ± 4.05 hectare (10 acre) parcel and a ± 1.62 hectare (4 acre) parcel with ± 57.45 hectare (141.97 acre) remainder.

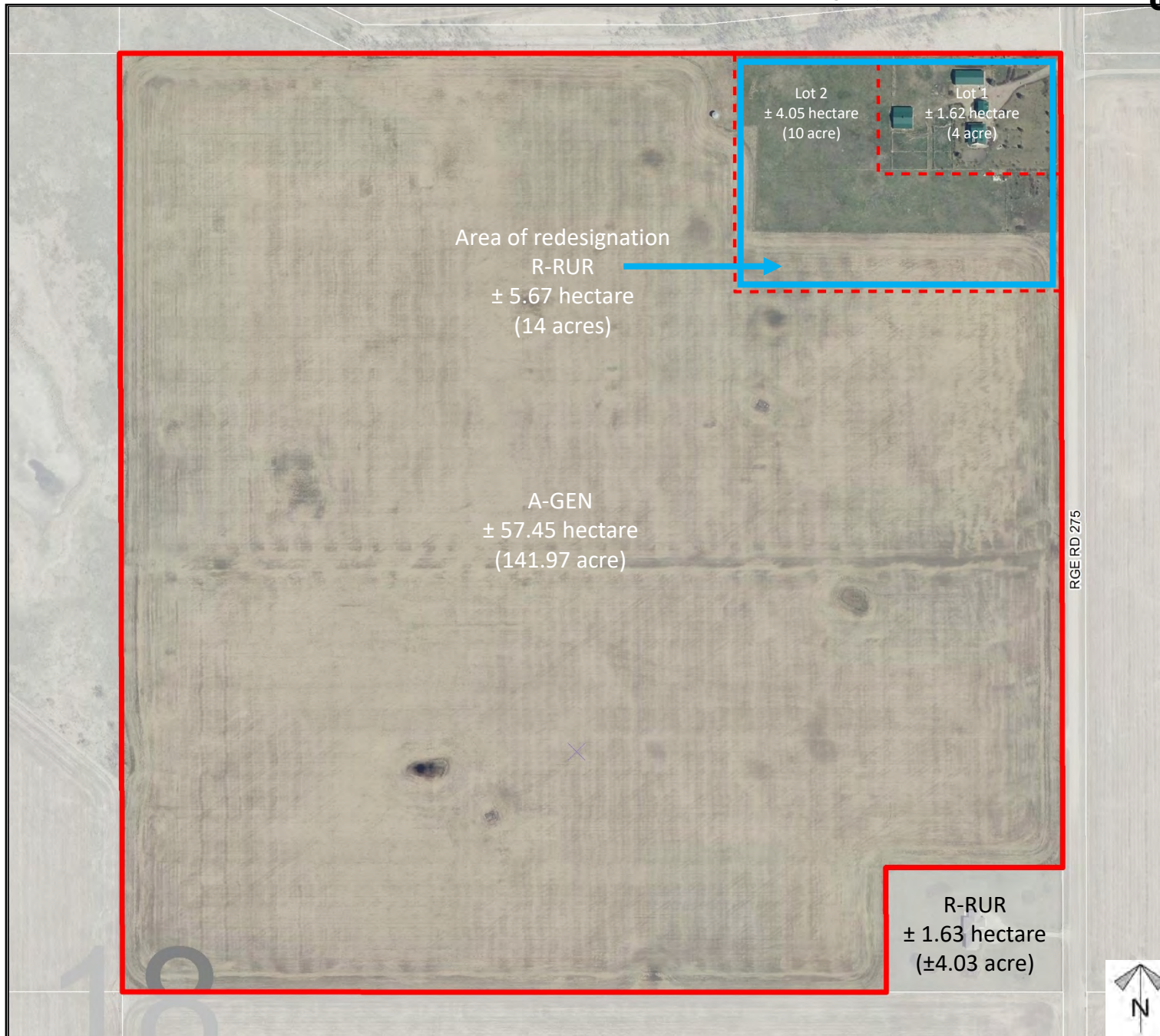
Division: 5
 Roll: 07218004
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Development Proposal

Redesignation Proposal

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Division: 5
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 Legal: A portion of NE-18-27-27-W04M

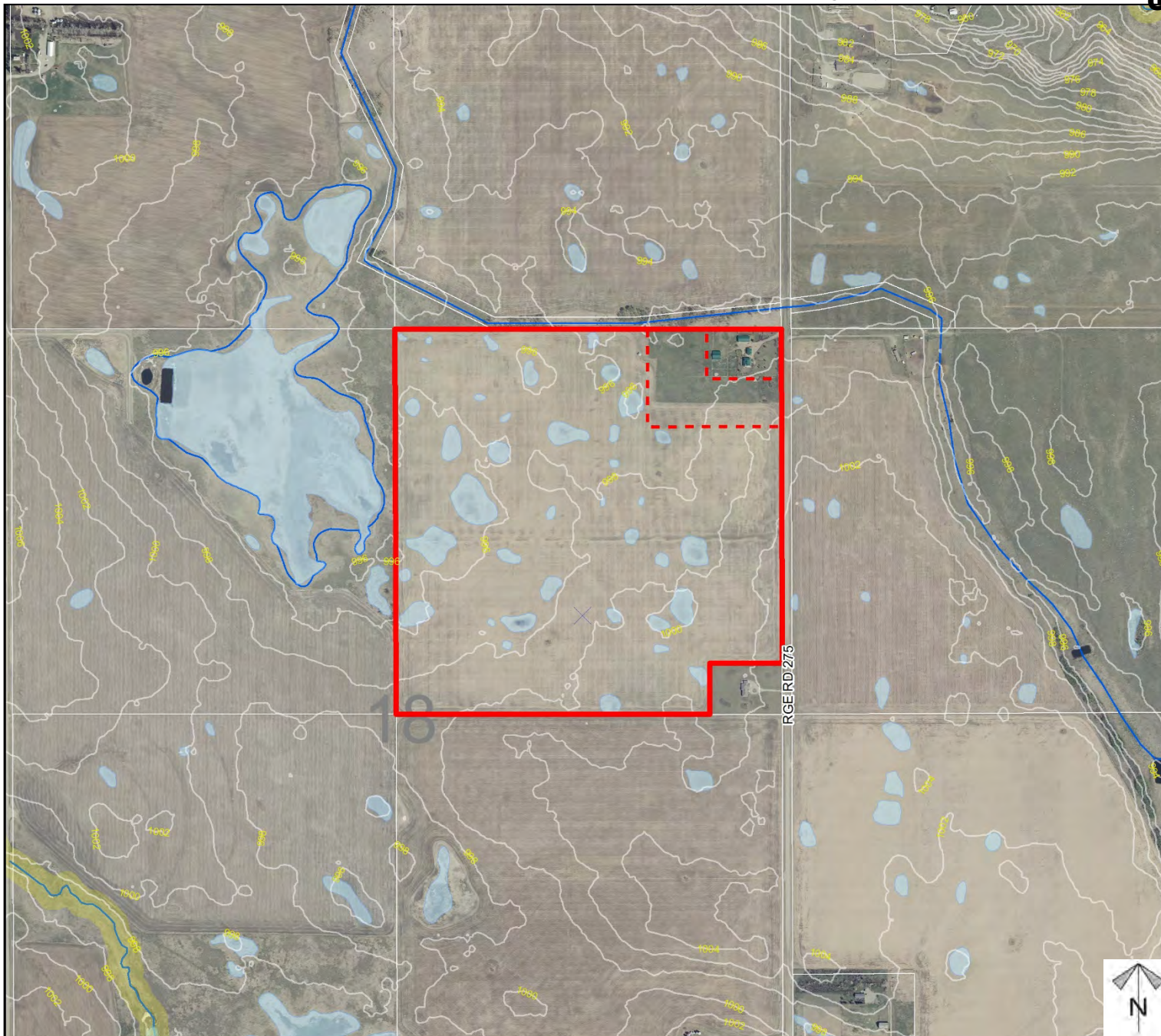
Environmental

Redesignation Proposal

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

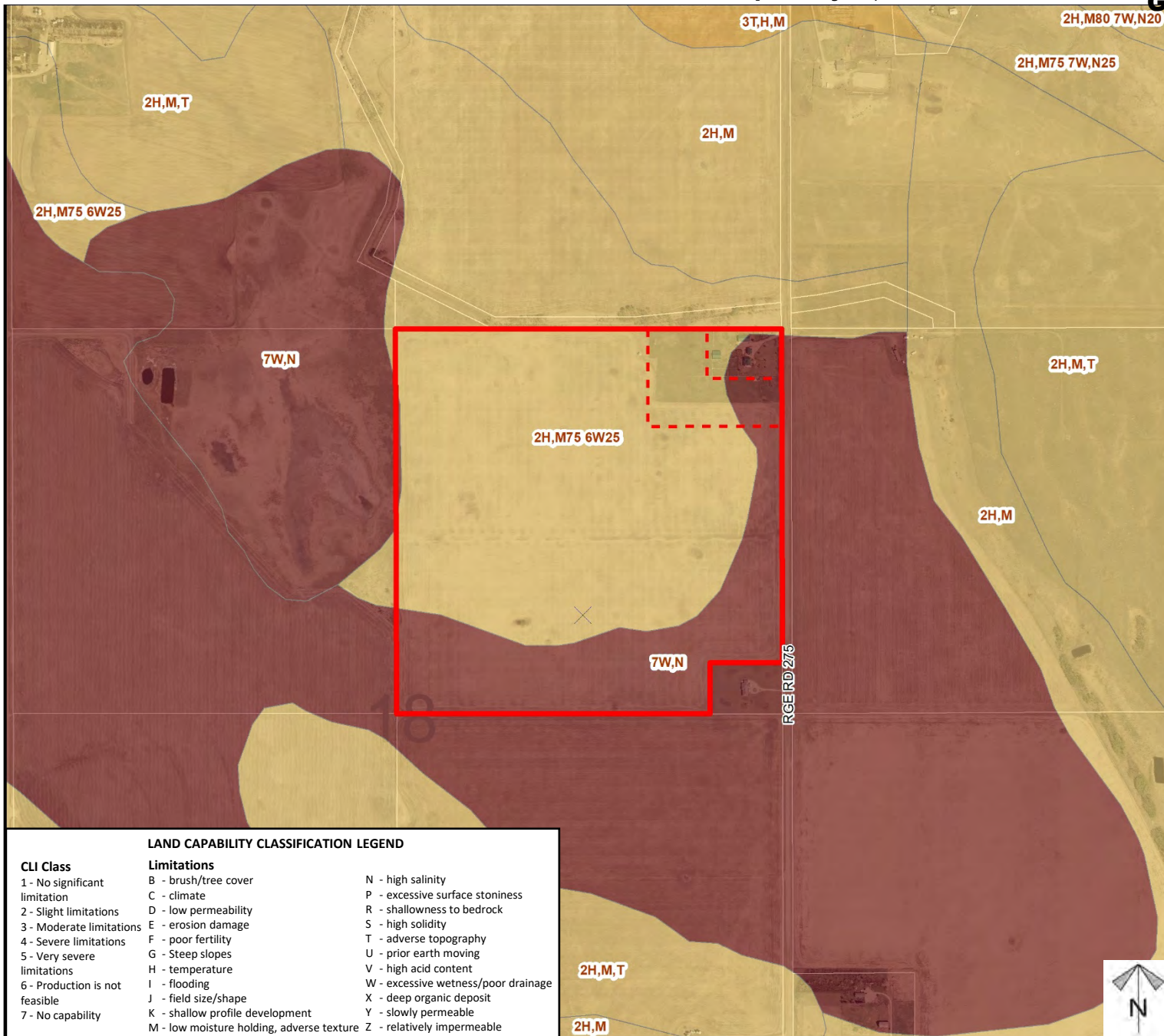
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Soil Classifications

Redesignation Proposal

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LAND CAPABILITY CLASSIFICATION LEGEND

CLI Class

- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

Limitations

- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile development
- M - low moisture holding, adverse texture
- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high solidity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable

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Landowner Circulation Area

Redesignation Proposal

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Legend

Support



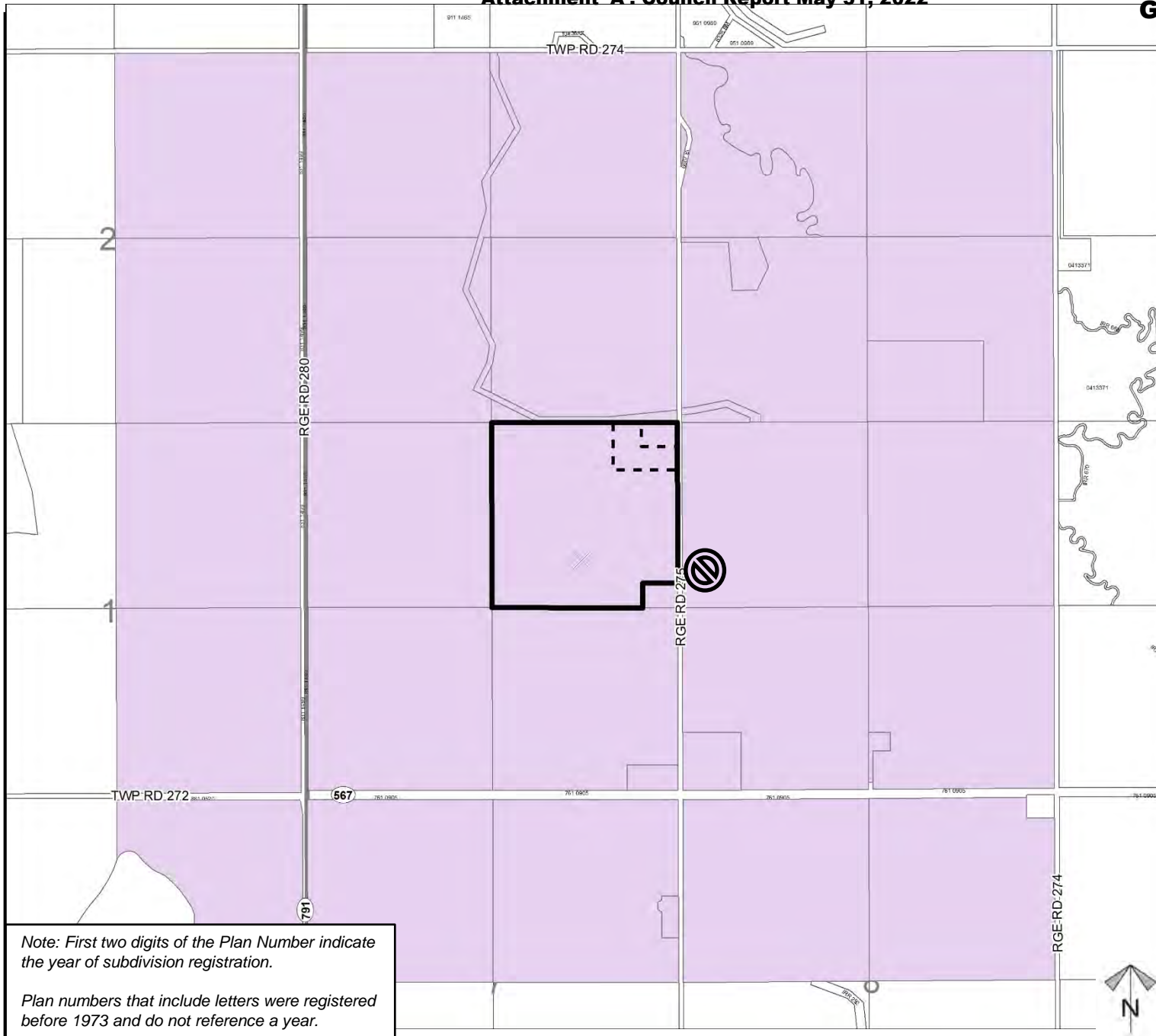
Not Support



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.

Division: 5
 Roll: 07218004
 File: PL20210129
 Printed: July 15, 2021
 Legal: A portion of NE-18-27-27-W04M



From: [Jeanne Roesler](#)
To: [Legislative and Intergovernmental Services](#)
Cc: [Reynold Caskey](#)
Subject: [EXTERNAL] - Oppose Application # PL20210129(07218004) - Bylaw C-8218-2021
Date: May 15, 2022 9:13:45 PM
Attachments: [Application # PL20210129\(07218004\).doc](#)

Do not open links or attachments unless sender and content are known.

Good morning,

Please find attached a copy of the response to the above mentioned subdivision.
The Roesler family opposes this subdivision.

Please respond upon the receipt of this email. I would like to know you have received this email. Thank you for your help and stay safe!

Jeanne and Stan Roesler.

May 11, 2022

Stan & Jeanne Roesler
273132 Rge Rd 275
Rocky View County, AB T4A 2Y9
Land Description: NW-20-27-27-W4

Legislative Services
Rocky View County Council

RE: Application Number: PL20210129 (07218004) – Edward Spronk on behalf of 1091313 Alberta Ltd.
Subject: BYLAW C-8218-2021
OPPOSE the proposed bylaw.

We Stan, Jeanne, & family oppose the application # PL202101296 (07218004) for the following hardships that will impact our family, livestock, and way of life:

- 1) The gallon per minute of water from our well has greatly declined. The water tables have gone down and we must be very conservative with the water we use. We are now storing water daily to meet the demand of our live stock. It's very unlikely the water table in this area will sustain a residential subdivision.
- 2) Global warming and droughts has increased the demand for hay and farm land for livestock grazing. This in turn has greatly caused financial hardship. Our family has lost all the crops from our land and had to purchase hay for our livestock when we would otherwise grow our own. I am not the only person this has impacted. I have several neighbours looking for the use of land for livestock grazing. The parcel of agriculture land needs to remain agriculture land.

It would be counterproductive for Rocky View County to allow a large piece of land that has currently has been cultivated and seed for this year's crops to be chopped into small residential parcels. This land is clearly productive and contributes to the agriculture community. With world hunger and increase of food prices throughout the world this subdivision is truly counterproductive to humanity needs.

- 3) Our farming and ranching way of life will be disrupted by the close location of a residential zone. Such anticipated disruptions include dogs chasing livestock, noise pollution, waste pollution, and increase in crime rate, etcetera on ours and our neighbouring farms. This area is occupied by several generations of farmers and ranchers who have supported the communities and counties for years. I do not understand how Rocky View County could ignore the livelihood of generations of families that has provided food for surrounding communities.
- 4) The applicant purchased this land in the summer of 2021. Shortly after the purchase of this large parcel of agricultural land, he subdivided two smaller parcels as residential and left the remaining parcel as agriculture, this was in August 12, 2021. Now the applicant is applying for the remaining agriculture land for residential. He has deceived Rocky View County Council and the farmers and ranchers in this area. This is a blatant abuse of the judicial system of the Rocky View County Council to introduce a subdivision on prime agriculture land.

For these primary reasons we are contesting application # PL202101296 and ask Rocky View County Counsel to keep our agricultural land- agricultural.

Yours truly,

Jeanne, Stan, Jeramie and Shantel Roesler.