



PLANNING

TO: Council

DATE: June 28, 2022 **DIVISION:** 4

TIME: Morning Appointment

FILE: 07711001 **APPLICATION:** PL20210089

SUBJECT: Redesignation Item - Residential Use

APPLICATION: To redesignate a portion of the subject lands from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR) to facilitate the creation of a ± 4.20 hectare (± 10.38 acre) parcel with a ± 58.12 hectare (± 143.62 acre) remainder.

GENERAL LOCATION: Located approximately 13.00 kilometres (8.08 miles) northwest of the city of Calgary, on the south side of Township Road 272, approximately 0.81 kilometres (0.50 miles) east of Highway 766.

EXECUTIVE SUMMARY: Council gave first reading to Bylaw C-8192-2021 on July 13, 2021.

The subject parcel is not located within an identified residential growth area and has therefore been evaluated under the Agriculture policies within Section 8.0 of the County Plan. A first parcel out subdivision was approved in 1992, and that contains a single dwelling. This proposal now seeks to facilitate the subdivision of a second parcel out of the remaining quarter section, immediately west of the first parcel out. This portion of the subject quarter section in the north-west corner also contains an existing dwelling.

The proposed redesignation would facilitate the future creation of a 4.20 hectare (± 10.38 acre) parcel, which is not supported by the County Plan. Section 8.18 of the County Plan clarifies that additional redesignation and subdivision must demonstrate an agriculture-related need, and provides the policy basis under which to achieve that goal.

As the application proposes redesignation to residential uses, it does not meet the requirements of the agricultural policies of the County Plan. The proposal also cannot be considered under the County Plan’s Country Residential policies set out within Section 10.0 as it is not located within a fragmented quarter section.

Due to the proposed future parcel size of 4.20 hectare (± 10.38 acre), redesignation of the parcel to R-RUR would create the potential to subdivide two parcels rather than the one that is currently proposed by the Applicant, as the minimum parcel size for the R-RUR district is 1.60 hectares (3.95 acres).

Notwithstanding Administration’s recommendation of refusal in accordance with Option #3, if Council is minded to approve the application, Administration suggests that a modifier should be included on the property to allow only the creation of the single 4.20 hectare (± 10.38 acre) lot. Further subdivision would then be dependent on the Applicant seeking removal of the modifier through another public hearing; this would allow Administration and Council the ability to assess the impacts of a further lot within the quarter section. If Council wishes to pursue this approach, Option 2 proposes revision of draft Bylaw C-8192-2021 to include a minimum parcel size modifier of 4.20 hectares (± 10.38 acres).

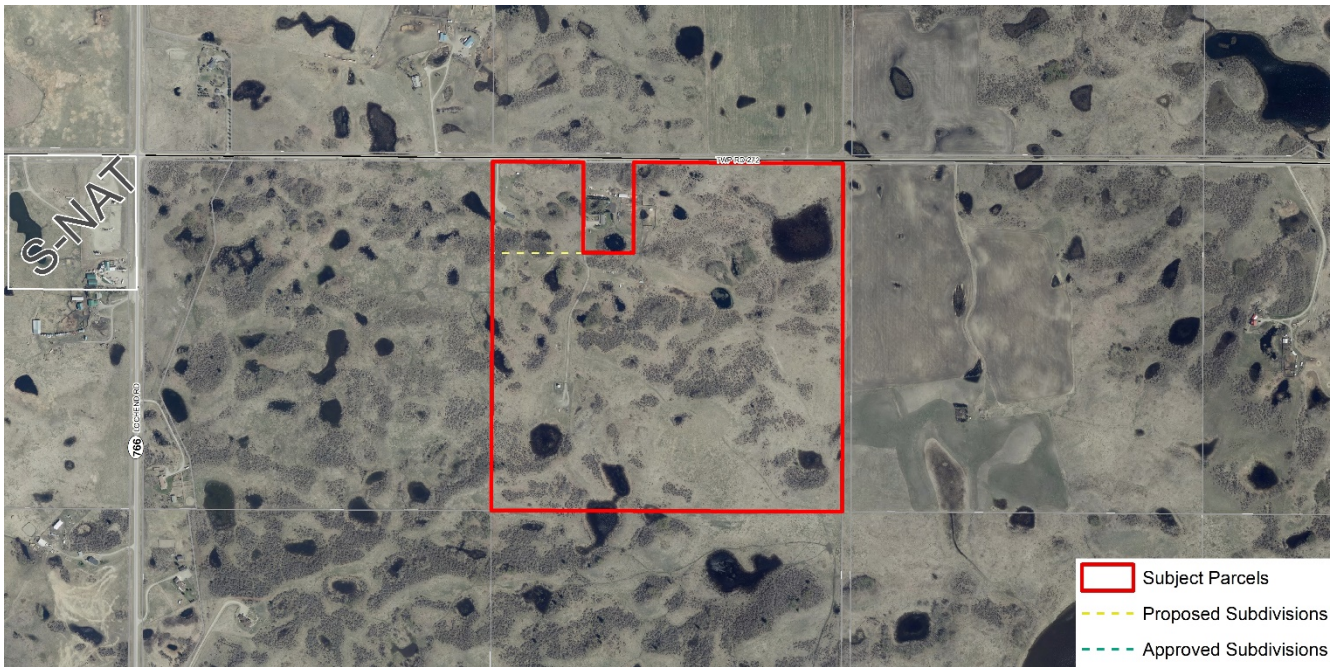


ADMINISTRATION RECOMMENDATION: Administration recommends refusal in accordance with Option #3.

OPTIONS:

- Option # 1: Motion #1 THAT Bylaw C-8192-2021 be given second reading.
- Motion #2 THAT Bylaw C-8192-2021 be given third and final reading.
- Option # 2: Motion #1 THAT Bylaw C-8192-2021 be amended to redesignate a portion of the subject lands from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR p4.2) in accordance with Attachment 'D'.
- Motion #2 THAT Bylaw C-8192-2021 be given second reading, as amended.
- Motion #3 THAT Bylaw C-8192-2021 be given third and final reading, as amended
- Option # 3: That application PL20210089 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"> • Municipal Government Act; • Municipal Development Plan (County Plan); • Land Use Bylaw; and • County Servicing Standards. 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • None Submitted.
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POLICY ANALYSIS:

County Plan

The subject parcel is not located within an Area Structure Plan or a Conceptual Scheme area. Therefore, the County Plan is the guiding policy document for this application. As the subject site is within the Agricultural Area of the County, the application has been evaluated in accordance with Section 8.0 (Agriculture), of the County Plan.

A first parcel out subdivision was registered in 1992 on this quarter to accommodate previous residential development on the parcel. Policy 8.18 of the County Plan clarifies that additional redesignation and subdivision may be considered for new or distinct agricultural operations. However, this application proposes to facilitate residential subdivision and so does not comply with Policy 8.18. The application would redesignate to a non-agricultural use and reduce the amount of land available for agricultural operations, thus proposing land use inconsistent with County policy.

Policy 10.11 of the County Plan allows for the redesignation of residential or agricultural parcels less than or equal to 10 hectares (24.7 acres) in size within a fragmented quarter section. However, this proposal would not meet the definition of a fragmented quarter section and is therefore not supported by this policy. Additionally, the County Plan is divided into regions that each have specific direction. The subject parcel is located within the West Rocky View Region, and the key directions for this identified region include the retention of large agriculture parcels. Administration recognizes there is an existing dwelling on the proposed new lot; however, this proposal to redesignate the subject lands from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR) is inconsistent with the County Plan, as it would provide the opportunity to further fragment the quarter section.

A goal of Section 8.0 of the County Plan is to support agricultural operations and minimize impacts from non-agricultural uses. The provision of a second, and possibly third, parcel in the quarter that does not contribute to agricultural operations in the area and may result in adverse impacts on surrounding lands is contrary to this goal of Section 8.0.

The application is not consistent with the policies or intent of the County Plan and would result in fragmentation of agricultural land.

Land Use Bylaw

The proposed 4.20 hectare (± 10.38 acre) lot meets the minimum parcel size requirement of 1.60 hectares (3.95 acres) set in the Residential, Rural District (R-RUR) of the Land Use Bylaw and is consistent with the Bylaw. Since the proposed lot size exceeds the minimum parcel size requirements, if this redesignation were approved, there would be opportunity to further subdivide the proposed lot in the future under the R-RUR designation. This could lead to further fragmentation of the quarter section, which is not supported by the County Plan. If Council is minded to support the redesignation application, Administration would recommend the proposed bylaw be amended to include a modifier that sets a minimum parcel size of 4.20 hectares (± 10.38 acres) for the proposed



lot. This would create the need to redesignate the subject land if further subdivision is proposed in the future. Administration and Council would have the opportunity to consider any further fragmentation of the subject land at that time. The proposed bylaw as amended is outlined in Attachment 'D'.

ADDITIONAL CONSIDERATIONS:

Transportation

It has been noted that the remainder lands are accessed from a shared driveway with the existing first parcel out; however, an access easement agreement is not in place. If Council approves this land use application, as a condition of future subdivision, the Applicant would be required to improve the existing gravel approach to a mutual standard and provide an access easement agreement to the benefit of both parcels.

Additionally, Township Road 272 is identified in the County's Long Range Transportation Network as a Network B Road requiring a 30 metre section of road right-of-way. The existing road right-of-way is 20 metres; therefore, as a condition of future subdivision, the Applicant would be required to dedicate five metres of land by plan of survey along the northern boundary of the subject lands.

Respectfully submitted,

Concurrence,

"Brock Beach"

"Dorian Wandzura"

Acting Executive Director
Community Development Services

Chief Administrative Officer

CB/rp

ATTACHMENTS

- ATTACHMENT 'A': Application Information
- ATTACHMENT 'B': Application Referrals
- ATTACHMENT 'C': Bylaw C-8192-2021 and Schedule 'A'
- ATTACHMENT 'D': Revised Bylaw C-8192-2021 and Schedule 'A'
- ATTACHMENT 'E': Map Set