

## PLANNING

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<b>TO:</b>	Subdivision Authority		
<b>DATE:</b>	July 26, 2022	<b>DIVISION:</b>	5
<b>FILE:</b>	06532018	<b>APPLICATION:</b>	PL20210098
<b>SUBJECT:</b>	Subdivision Item – Residential		

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**APPLICATION:** To create two new parcels: a  $\pm 1.40$  hectare ( $\pm 3.46$  acre) parcel (Lot 1) and a  $\pm 1.40$  hectare ( $\pm 3.46$  acre) parcel (Lot 2) with a  $\pm 34.90$  hectare ( $\pm 86.24$  acre) remainder.

**GENERAL LOCATION:** Located on the west side of Range Road 14, approximately 0.84 kilometres (0.50 miles) south of Big Hill Springs Road and approximately 1.61 kilometres (1.00 mile) west of the city of Airdrie.

**LAND USE DESIGNATION:** Residential, Country Residential District (R-CRD) and Agricultural, General District (A-GEN).

**EXECUTIVE SUMMARY:** Council approved redesignation of a portion of the subject lands to R-CRD on December 14, 2021. The subdivision application seeks to create two residential parcels, leaving an agricultural remainder. The proposed Lot 1 is currently undeveloped; Lot 2 has a structure that has been left abandoned by the landowners.

The subject lands are located within a fragmented quarter section composed of a mixture of residential and agricultural land uses. Five parcels access Range Road 14 via a private road (Harmen Lane), and one lot connects to Range Road 14 through a panhandle adjacent to Harmen Lane. The Applicant proposes an additional (second) panhandle for proposed Lot 2; the application proposes registering a road acquisition agreement for future dedication of Harmen Lane as a County Road and for a part of the panhandle on the adjacent lot to the south.

Discussions during the public hearing on the part of Council noted a desire for Harmen Lane to be formalized into a County-standard road as part of the future subdivision. The Applicant is opposed to this requirement and is asking Council to not require upgrades as part of the subdivision approval.

The application was evaluated against the *Municipal Government Act* and all relevant County statutory plans, Council policies and Servicing Standards. The proposal is inconsistent with Section 654.1 (b) of the *Municipal Government Act* as the application does not align with an approved statutory plan. The application does not align with Policies 16.3, 16.7, and 16.13 of the County Plan relating to making appropriate use of County transportation infrastructure, limiting new access points on to County roads and avoiding the use of panhandles. Further, the application does not align with County Policy C-410 – Road Access Control.

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

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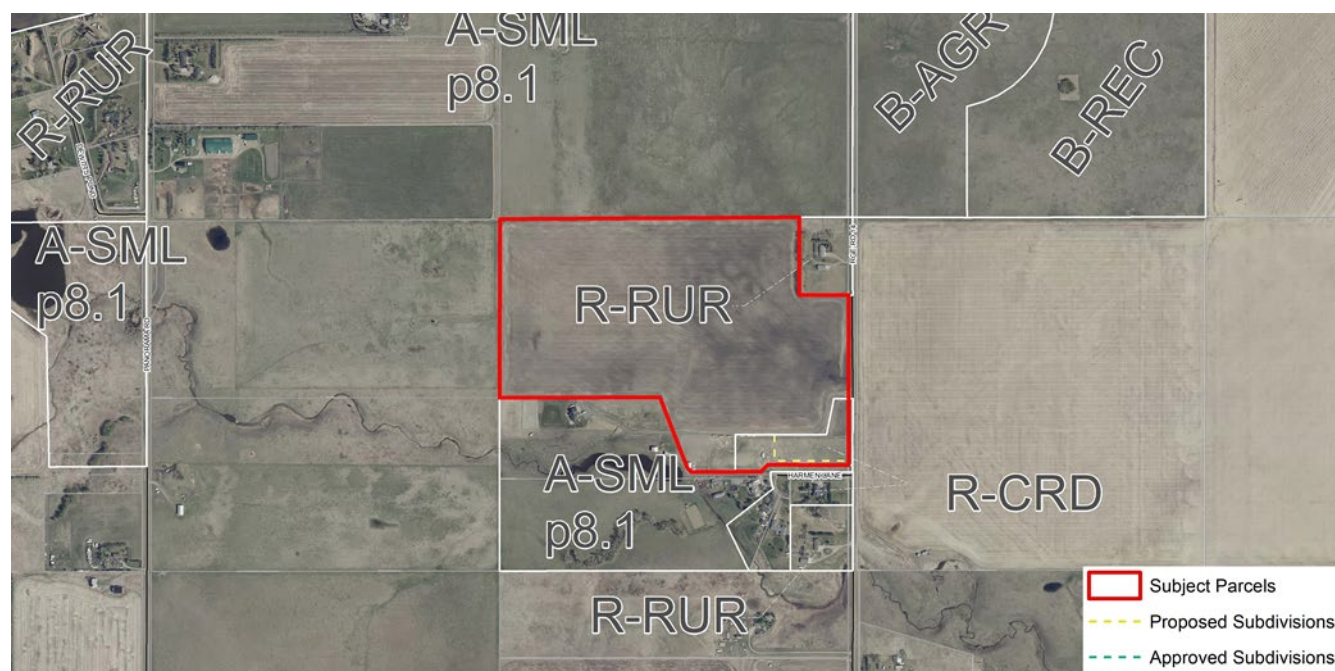
### Administration Resources

Jasmine Kaur, Planning & Development Services

**OPTIONS:**

- Option #1: THAT Subdivision Application PL20210098 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Subdivision Application PL20210098 be refused for the following reasons:
1. The application does not comply with the Municipal Development Plan (County Plan).
  2. The application does not comply with the County Servicing Standards.
  3. The application does not comply with County Policy C-410 – Road Access Control
  4. The application does not comply with Section 4(5)(f) of the *Subdivision and Development Regulation*.
  5. The application does not comply with Section 654(1)(b) of the *Municipal Government Act*.

**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.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act</i>;</li> <li>• Subdivision and Development Regulations;</li> <li>• Municipal Development Plan (County Plan);</li> <li>• Land Use Bylaw;</li> <li>• County Policy C-410 – Road Access Control;</li> <li>• County Servicing Standards.</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• Phase 1 Groundwater Supply Evaluation (Sedulous Engineering, April 2021)</li> <li>• Level 3 PSTS assessment (Osprey Engineering, June 8, 2022)</li> </ul>
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## Payments and Levies

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
<i>Transportation Off Site Levy</i>  Lot 1 is 3.46 acres Estimated TOL for Lot 1 = \$15,898.7 (3.46 ac x \$4,595/ac base levy = \$15,898.7)  Lot 2 is 3.46 acres Estimated TOL for Lot 2 = \$15,898.7 (3.46 ac x \$4,595/ac base levy = \$15,898.7)	\$31,797.40 for Lot 1 and Lot 2
<i>Municipal Reserve</i> (Based on the appraisal completed by S.D Taylor & Company Ltd)  Lot 1 - \$93,939.34 (per acre) X 3.46 acres x 10% = \$ 32,503 Lot 2 - \$103,333 (per acre) X 3.46 acres X 10% = \$ 35,753.21  Road allowance from Lot 1 Plan 4 Plan 1711320 \$103,333 x 0.44 acres x 10% = \$4,546.65	\$72,802.86

## POLICY ANALYSIS:

### *Municipal Government Act*

Section 654(1)(b) of the *Municipal Government Act* does not allow a Subdivision Authority to approve an application for a subdivision where it does not align with a statutory plan. The application does not align with the County Plan, and therefore, Administration is recommending refusal.

### *Subdivision and Development Regulation*

Section 7 notes that in making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, with respect to the land that is the subject of the application, matters including accessibility to a road and stormwater management. In reviewing the application for consistency with County policies and standards, both proposed parcels are considered to have

inadequate access to a road. Additionally, the application is lacking a stormwater collection and disposal report.

### ***Municipal Development Plan (County Plan)***

The subject land is not located within an Area Structure Plan or Conceptual Scheme. The proposed subdivision is inconsistent with policies 16.3, 16.7, and 16.13 of the County Plan.

#### ***Policy 16.3 and Policy 16.7***

By proposing access through a new panhandle, and dedicating Harmen Lane in future without upgrades to County standards, the proposal contravenes Policy 16.3 and 16.7, as the proposal does not *'make use of, extend, and enhance existing transportation infrastructure'*.

#### ***Policy 16.13***

The proposal does not meet the policies related to Road Access. Policy 16.13 requires that residential redesignation and subdivision applications should provide for development that:

- a. *provides direct access to a road, while avoiding the use of panhandles;*
- b. *minimizes driveway length to highways/roads;*
- c. *removes and replaces panhandles with an internal road network when additional residential development is proposed; and*
- d. *limits the number and type of access onto roads in accordance with County Policy.*

The proposed access arrangement for Lots 1 and 2 is inconsistent with policy 16.13 of the County Plan.

### ***Land Use Bylaw***

The proposed new lots meet the minimum parcel size requirement of Residential, Country Residential District (R-CRD) of the Land Use Bylaw.

It is noted that the parcel sizes have been increased from 3.00 acres to 3.46 acres for Lot 1 and from 3.3 acres to 3.46 acres for Lot 2 under this application citing that equivalent land is being requested as Road Right of Way (overall increase of 0.62 acres from the redesignation approval). This increase results in split zoning for the proposed Lot 2 with an Agricultural, General District (A-GEN) and Residential, Country Residential District (R-CRD) land use.

### **Additional Review Considerations**

Conditions were set based on the following items:

#### ***Accessibility to Road***

The redesignation application that preceded this application, PL20210097, originally proposed access to Lot 2 via a panhandle to Range Road 14. The proposed Lot 1 would gain access through private easement over this proposed panhandle. During the redesignation public hearing for the subject lands in December 2021, Council discussion indicated a desire for the private road to the south (referred to as Harmen Lane) to be dedicated to the County and that the existing panhandle issues would be resolved at the subdivision stage.

Harmen Lane is a privately-owned road serving five parcels in the southeast of the subject quarter and is not maintained by the County. Administration has previously noted the concern of having multiple accesses near Harmen Lane. In a previous subdivision approval under PL20150081, the possibility of dedicating Harmen Lane as a public road was discussed with the landowner. During the subdivision application, Administration expressed that the original proposal cannot be supported as it is inconsistent with County Plan Policies 16.3, 16.7, and 16.13 and Council Policy C-410 – Road Access Control regarding avoiding panhandles and limiting the number / type of access onto roads.



The Applicant intends to access the proposed Lot 2 through a panhandle to Range Road 14, and access Lot 1 through this panhandle using an access easement agreement. The Applicant seeks to provide the dedication of Harmen Lane and existing panhandle for Lot 1, Block 4, Plan 1711320 (55 Harmen Lane), adjacently south of the proposed parcels, towards a future road by way of an agreement.

The proposed additional panhandle is not supported by Policies 16.3, 16.7, and 16.13 of the County Plan, nor the intent of County Policy C-410 – Road Access Control. To bring the application into alignment with these policies and to minimize access points to the road network, Harmen Lane is required to be dedicated as Road Plan and be upgraded to a County standard.

In keeping with Council's previous direction during redesignation, the previous subdivision approval (PL20150081), and County Servicing Standards, the dedication of Harmen Lane as a public roadway would require:

- a. Dedication of 25 metres for public roadway (15 meters of Harmen Lane and 10 meters of the existing panhandle for Lot 1 Plan 4 Plan 1711320);
- b. Boundary adjustment for the 5-metre remainder of the existing panhandle for Lot 1 Plan 4 Plan 1711320;
- c. Construction of a Country Residential (400.4) standard complete with cul-de-sac, all necessary signage, and paved approaches to all the new and existing lots in accordance with the County Servicing Standards over Harmen Lane from Range Road 14 (approximately 180 metres);
- d. Appropriate tie-in of the new internal road to Range Road 14;
- e. Submission of a stormwater management plan for a new paved road and implementation and construction of necessary stormwater facilities, in accordance with the recommendations of the approved Stormwater Management Plan, including registration of any overland drainage easements and/or restrictive covenants as determined by the Stormwater Management Plan, all to the satisfaction of the County; and
- f. A Construction Management Plan and an Erosion and Sedimentation Control Plan, to the satisfaction of the County.

While the applicant is willing to agree to requirements 'a' and 'b', they have declined upgrading Harmen Lane, the panhandle, and all existing approaches within the cul-de-sac to County standard (requirements under 'c', 'd', 'e' and 'f'), citing the cost of the upgrade.

### ***Transportation***

Range Road 14 is part of the Long-Range Transportation Network B, requiring 30.0 metres Road Right of Way (ROW). The current ROW is 20.0 metres, so an additional 5.0 metres along the Eastern Boundary of the entire parcel is required.

The applicant would be required to pay the transportation offsite levy for proposed lots 1 and 2.

### ***Site Servicing***

#### **Water Supply**

There are no existing wells on site.

The applicant has submitted a Phase 1 Groundwater Supply Evaluation, which concludes that there is sufficient evidence of a suitable groundwater supply to support the two proposed lots.

The applicant would be required to drill new wells for both lots and provide a Phase 2 Aquifer Testing Report in accordance with County's Servicing Standards and the Provincial *Water Act*.

#### **Sanitary/ Wastewater**

The applicant submitted a Level 3 Private Sewage Treatment System (PSTS) study, which indicates the proposed residential lots can be supported by standard PSTS system.



Lot 3 is not required to demonstrate adequate servicing in accordance with Policy 411 as the resulting parcel is more than 30 acres in size and has agricultural use.

The applicant would be required to enter into a Site Improvements / Services Agreement with the County, which must be registered on lots 1 and 2.

#### Stormwater

The applicant would be required to provide a Site-Specific Stormwater Implementation Plan conducted and stamped by a professional engineer that is in accordance with the Nose Creek Watershed Management Plan and the County Servicing Standards, to the satisfaction of the County. If on-site improvements are required, a condition requiring a Site Improvement/ Services Agreement has been provided.

The Applicant has indicated Stormwater collection and disposal study will be not provided.

#### Environmental

Alberta Wetland Inventory mapping shows presence of two wetlands on the proposed Lot 3 (remainder). Therefore, for any proposed development that has a direct impact on any wetlands, the applicant/owner would be responsible for obtaining all required AEP approvals.

#### **Municipal Reserves**

Municipal Reserves would be provided by cash-in-lieu payment for Lots 1 and 2.

### **ADDITIONAL CONSIDERATIONS**

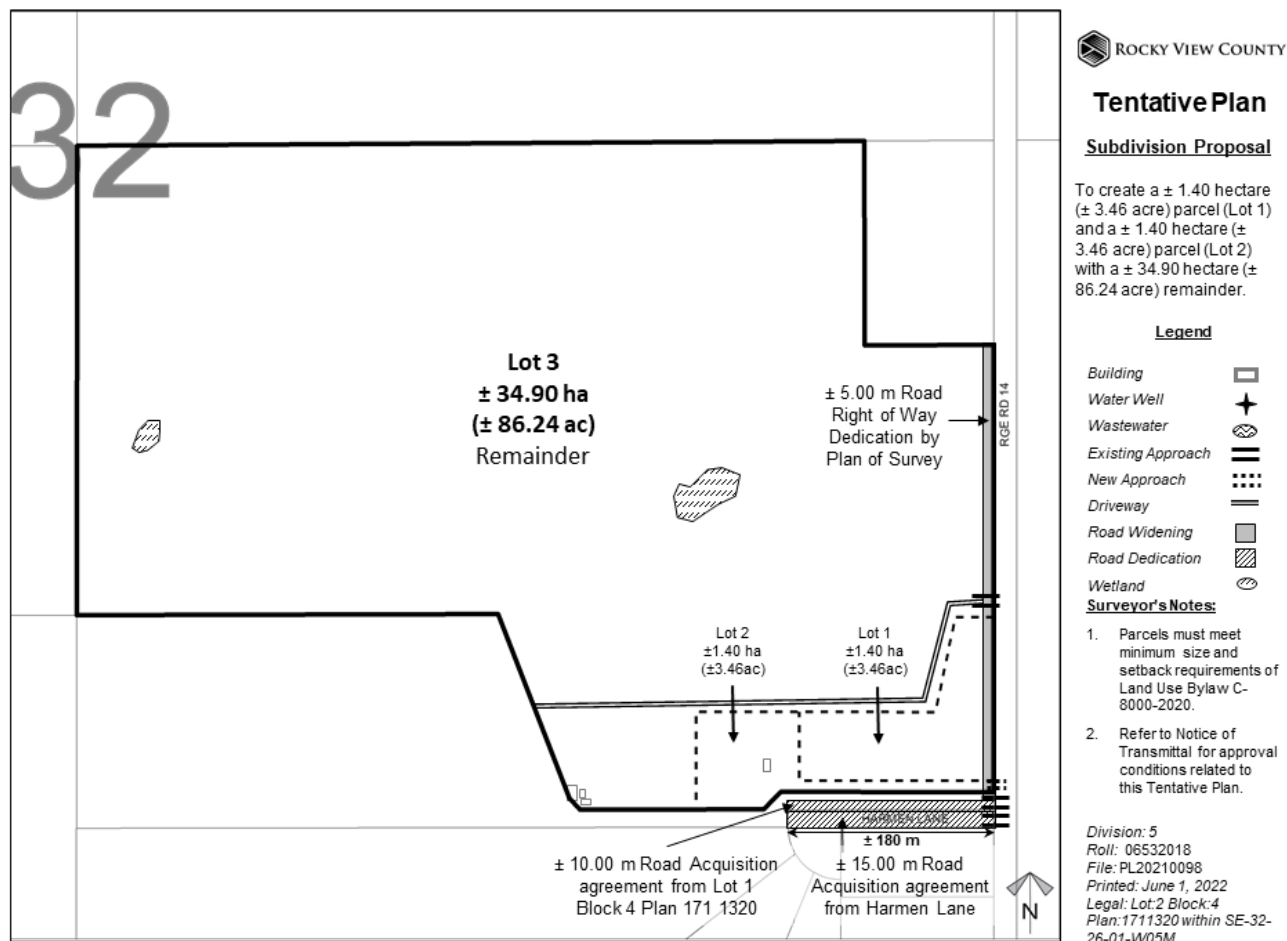
#### ***Conditions of approval***

If Council is minded to approve this application as submitted, conditions of approval have been provided in Attachment A.

Adapting the application to comply with County policies and standards would result in substantial changes to the submission. Resolution of access would require the Applicant to work with adjacent landowners (not included in this application) and propose a boundary adjustment, in line with requirements explained in the report sections above. Additionally, this change would require a re-circulation to stakeholders for comments. Therefore, Administration is unable to recommend an alternative set of conditions for Council's consideration.



**Tentative Plan**



Respectfully submitted,

Concurrence,

“Brock Beach”

“Dorian Wandzura”

Acting Executive Director  
Community Development Services

Chief Administrative Officer

JK/rp

**ATTACHMENTS:**

ATTACHMENT ‘A’: Approval Conditions  
ATTACHMENT ‘B’: Application Information  
ATTACHMENT ‘C’: Map Set