

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Subdivision Authority	DIVISION: 4
DATE:	January 27, 2021	APPLICATION: PL20200128
FILE:	03316010	
SUBJECT:	Subdivision Item: Creation of One Agricultural Lot	

APPLICATION: To create a ± 21.85 hectare (± 54 acre) parcel (Lot 1) with a ± 41.28 hectare (± 102 acre) remainder (Lot 2).

GENERAL LOCATION: Located on the east border of the City of Calgary, approximately 1.6 km (1 mile) south of Highway 560, and 0.8 km (0.5 mile) west of Range Road 283.

LAND USE DESIGNATION: Agricultural, General District (A-GEN)

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

OPTIONS:

- Option #1: THAT Subdivision Application PL20200128 be approved with the conditions noted in Appendix 'B'.
- Option #2: THAT Subdivision Application PL20200128 be tabled until a redesignation application is submitted and approved for the following reasons:
- Further subdivision usually requires redesignation first, to obtain appropriate land use, in order to support the proposed development and the parcel size. The existing land use (A-GEN) does not support the size of the new lot (± 54 acre).
 - It should be noted that, a large waterbody covers 85% of the new lot, leaving approximately ± 8 acre developable area, which may restrict future development potential.
- Option #3: THAT Subdivision Application PL20200128 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Xin Deng, Planning and Development Services



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; • City of Calgary/Rocky View County Intermunicipal Development Plan • County Plan; • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • None
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Transportation:

A large waterbody separates the subject land into half. The southern portion of the land (remainder Lot 2) contains a dwelling. It is accessed through the existing shared approach with the parcel located to the south.

The northern portion of the land, which is the proposed ± 54 acre new lot (Lot 1), is currently leased by an oil & gas company. Their well site is located within a water body and is accessed via a private driveway built within the undeveloped road allowance of Range Road 284. It has been confirmed with Road Operations that Range Road 284 is owned and maintained by the County. Should this application be approved, as a condition of subdivision, the Owner is required to construct a Regional Low Volume (400.9) gravel road within the road allowance of Range Road 284 (approx.. 1600m), to ensure that Lot 1 has physical access to a developed County road.

Alberta Transportation indicated that a Roadside Development Permit would be required if the Owner is to construct a County road from the intersection of Highway 560 to Lot 1.

Water and Wastewater:

The existing dwelling on the remainder land (Lot 2) is serviced by an existing water well and septic tank and field system. As the proposed new lot (Lot 1) is ± 54 acres in size, there is no requirement to demonstrate water and wastewater serviceability when the new lot is greater than 30 acres. While the new lot contains approximately ± 8 acre developable area due to the large waterbody, Administration has determined that there is a sufficient room for a water well and private sewage treatment system should a dwelling be built in the future.

Stormwater:

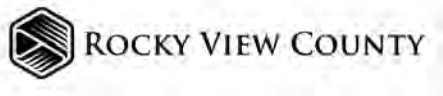
Should the applicant/owner construct a new dwelling, operate a small agricultural business or remain status quo minimal impacts on the existing drainage is expected.

Municipal Reserves:

Municipal Reserve is exempted in accordance with Section 663 of MGA, as the proposed new lot is greater than 40 acres.

Payments and Levies

Transportation Off-Site Levy (TOL) does not apply since both parcels are large agricultural lands.



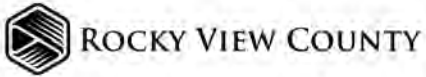
County Plan:

The subject land is the remainder land after the first parcel out lot was created in 1996. Any further subdivision within the subject land would require redesignation first to get appropriate land use, in order to support the proposed development and the proposed parcel size.

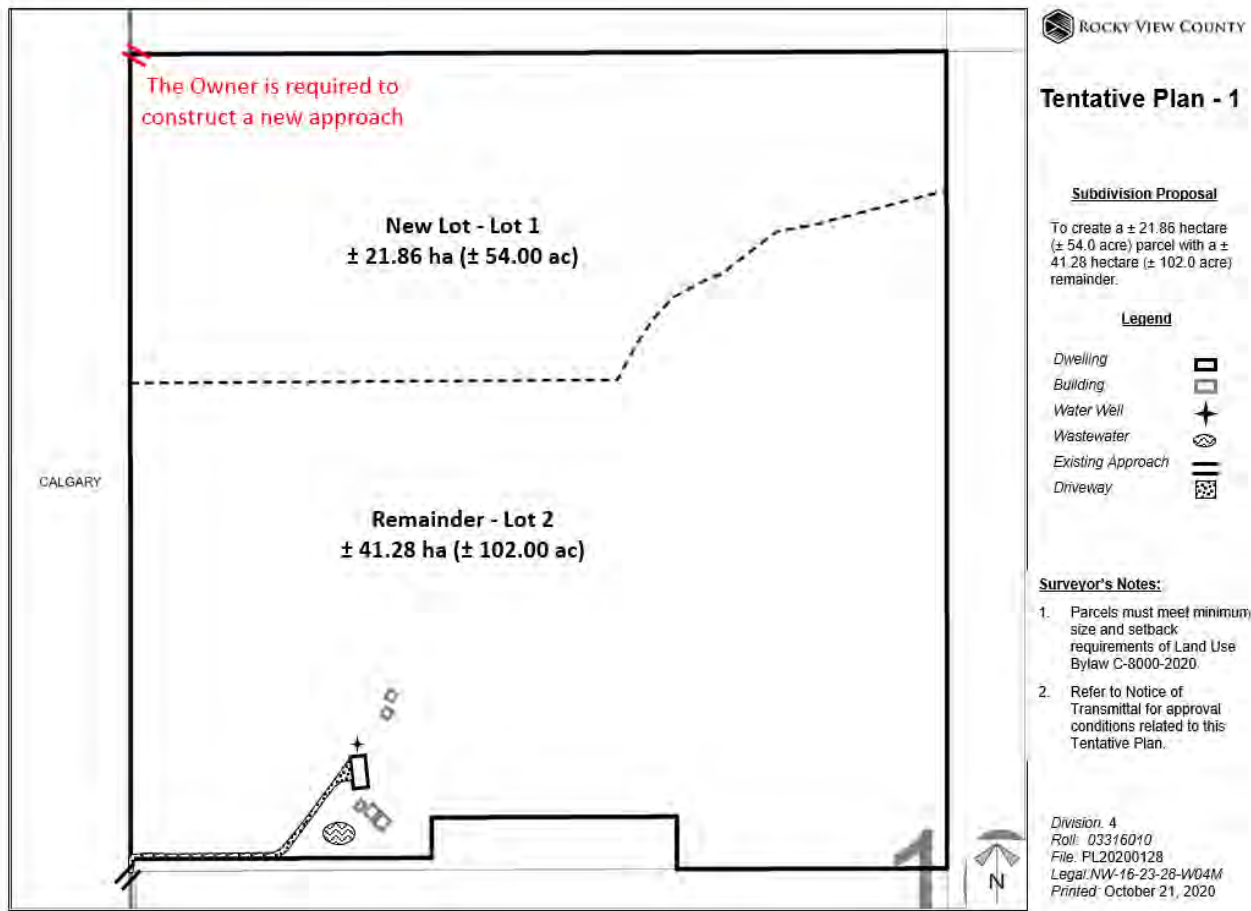
If the proposed new land use is residential, it would not meet the residential policies of the County Plan, as the subject quarter section is not qualified as fragmented quarter section, further subdivision within the quarter section would not be supported. If the proposed new use is agricultural land use, the applicant would need to demonstrate that the proposed development is either new or distinct agricultural use compared to the remainder land.

The City of Calgary and Rocky View County Intermunicipal Development Plan (IDP):

The land is located on the eastern boundary of the City of Calgary and falls within the notification area of the IDP. The application was circulated to City of Calgary in October 2020, and a follow up email was sent in December 2020, however, no response has been received.

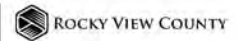
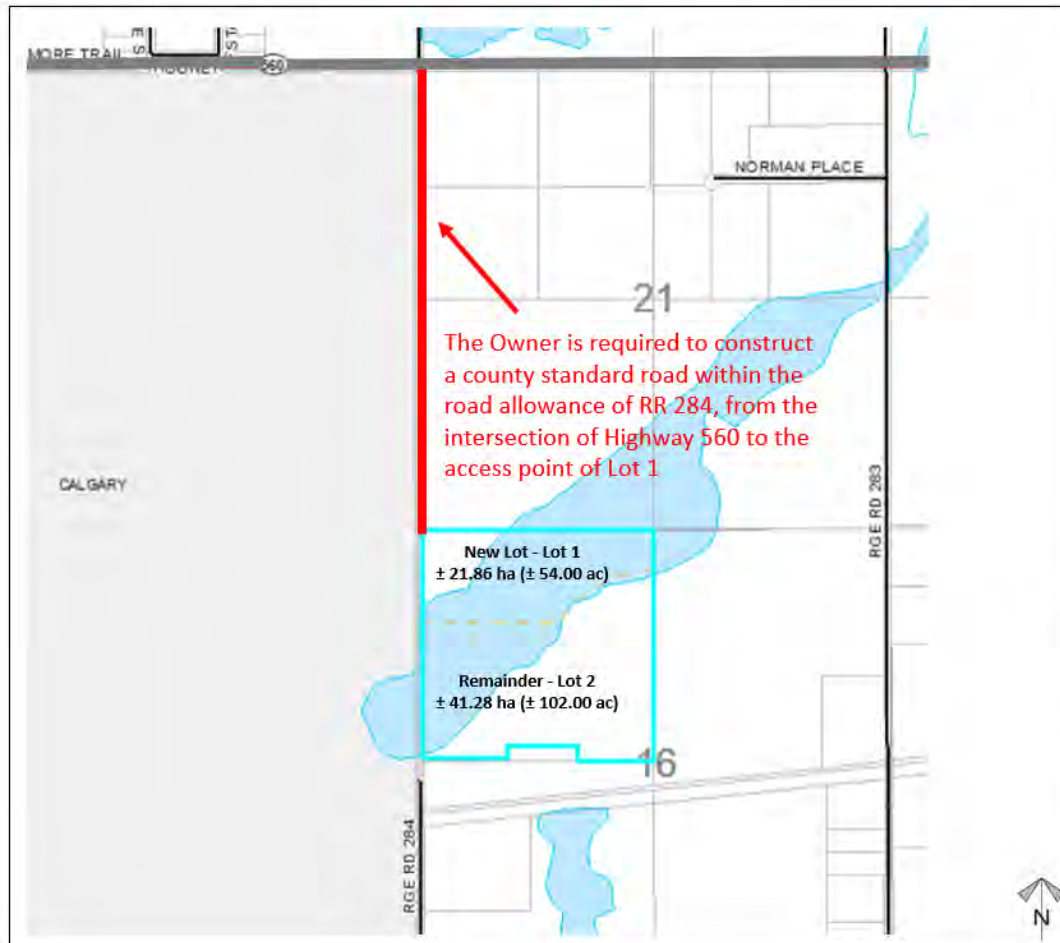


Tentative Plan - 1





Tentative Plan - 2



Tentative Plan - 2

Subdivision Proposal

To create a ± 21.86 hectare (± 54.0 acre) parcel with a ± 41.28 hectare (± 102.0 acre) remainder.

Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
Driveway	

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 4
Roll: 03316010
File: PL20200128
Legal: NW-16-23-28-W04M
Printed: October 21, 2020



ROCKY VIEW COUNTY

CONCLUSION:

For the reasons explained above, Administration recommends that this application be tabled, to allow the Applicant to apply for redesignation application for the proposed new lot. Should MPC chooses to approve this application without a redesignation application, the conditions of approval are included in Appendix B.

Respectfully submitted,

Concurrence,

“Theresa Cochran”

“Al Hoggan”

Executive Director
Community Development Services

Chief Administrative Officer

XD/sl

ATTACHMENTS:

ATTACHMENT ‘A’: Maps and Other Information

ATTACHMENT ‘B’: Approval Conditions



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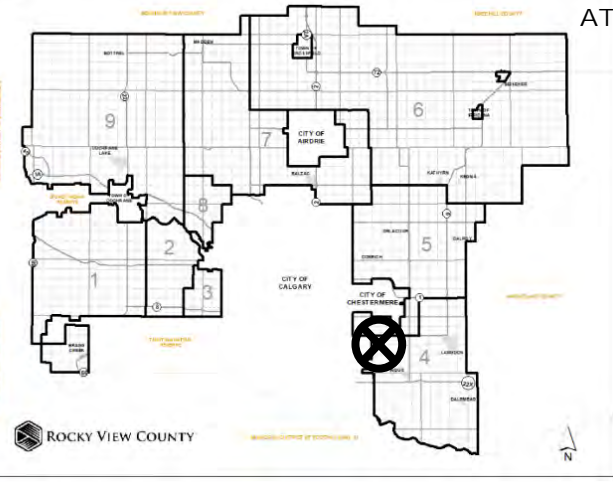
ATTACHMENT 'A': MAPS AND OTHER INFORMATION

APPLICANT: Paul Schneider	OWNER: Jack & Marlene Begg
DATE APPLICATION RECEIVED: September 17, 2020	DATE DEEMED COMPLETE: October 19, 2020
GROSS AREA: ± 63.13 hectares (± 156 acres)	LEGAL DESCRIPTION: A Portion of NW-16-23-28-W04M
APPEAL BOARD: Development and Subdivision Appeal Board	
HISTORY: 1996 A ± 1.62 hectare (± 4.0 acre) parcel was created from the subject quarter section as the first parcel out. The subdivision was registered in Plan 9612258. The remainder land within the quarter section is the subject land in this case.	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to 24 adjacent landowners. No letters were received. 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.	

ATTACHMENT 'A': MAPS AND OTHER INFORMATION

**Location
& Context****Subdivision Proposal**

To create a ± 21.86 ha
(± 54.00 ac) parcel with a
 ± 41.28 ha (± 102.00 ac)
remainder.



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Development Proposal

Subdivision Proposal

To create a ± 21.86 ha (± 54.00 ac) parcel with a ± 41.28 ha (± 102.00 ac) remainder.

New Lot - Lot 1
 ± 21.86 ha (± 54.00 ac)

Oil Well Site

Remainder - Lot 2
 ± 41.28 ha (± 102.00 ac)

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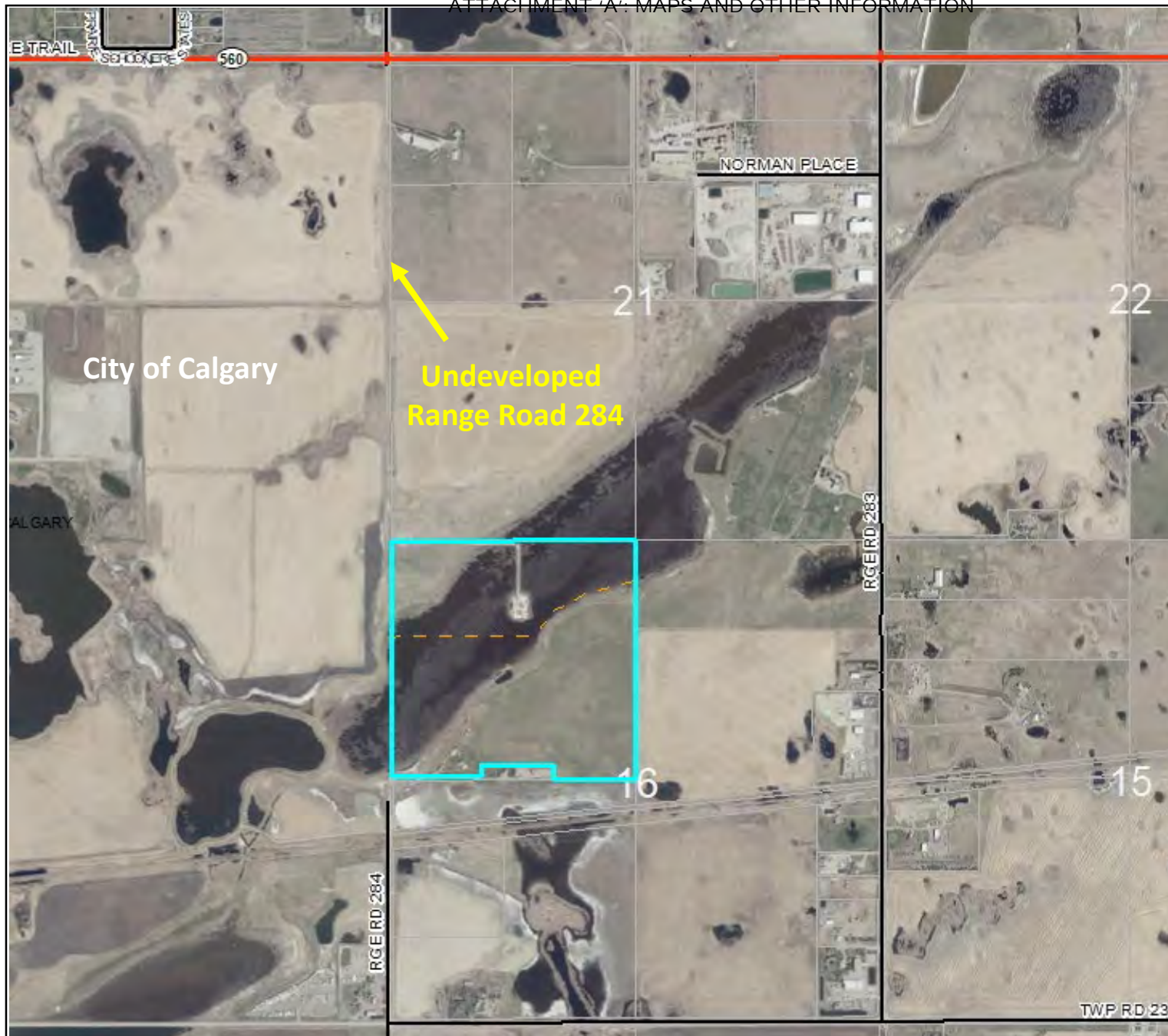
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Site Context

Subdivision Proposal

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 (± 54.00 ac) parcel with a
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 remainder.



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Environmental

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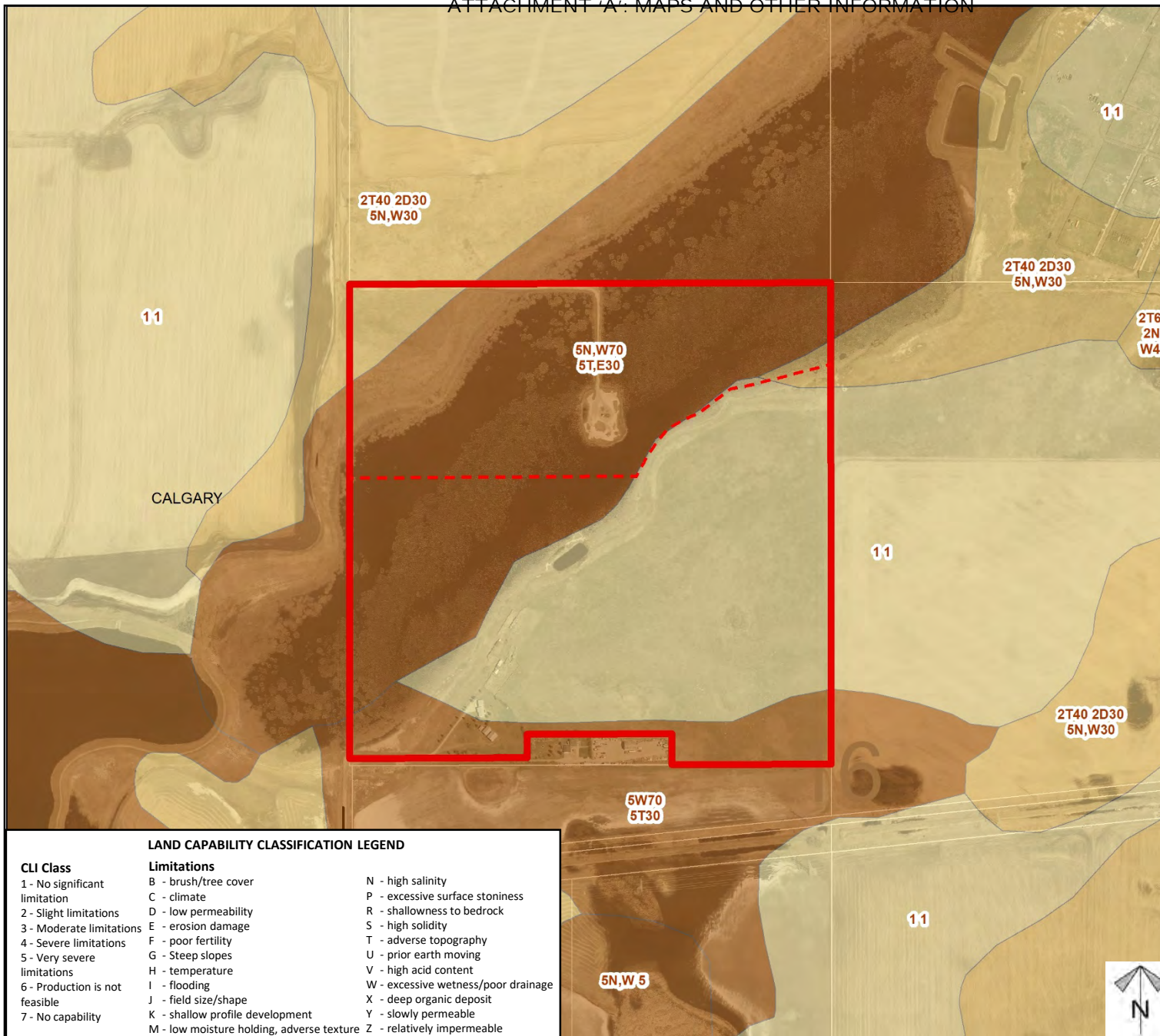


- Subject Lands
- Contour - 2 meters
- Riparian Setbacks
- Alberta Wetland Inventory
- Surface Water

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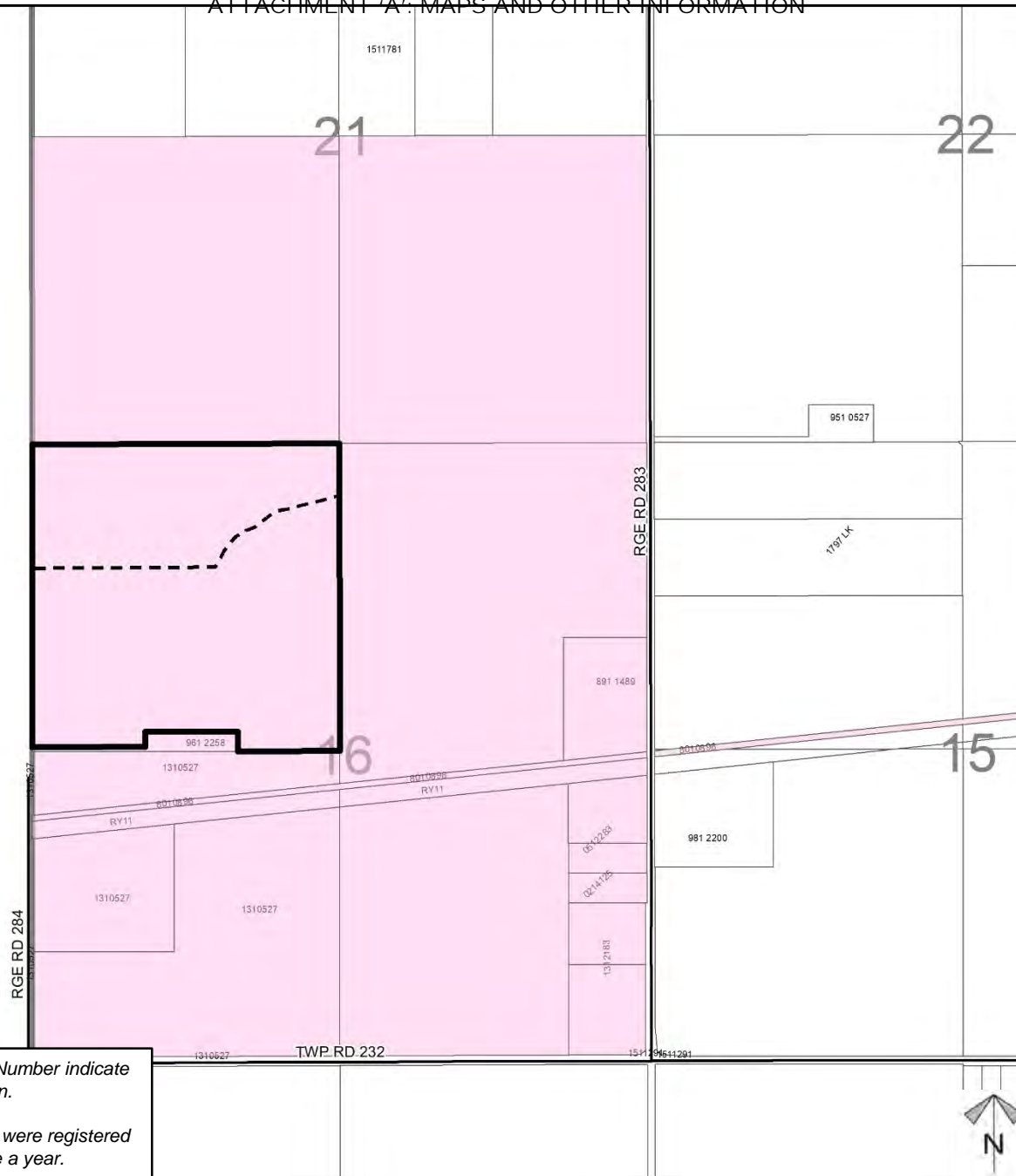


Landowner Circulation Area

Subdivision Proposal

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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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Tentative Plan - 1

Subdivision Proposal

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Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
Driveway	

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

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The Owner is required to
 construct a new approach

New Lot - Lot 1
 ± 21.86 ha (± 54.00 ac)

Remainder - Lot 2
 ± 41.28 ha (± 102.00 ac)

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Tentative Plan - 2

Subdivision Proposal

To create a ± 21.86 hectare (± 54.0 acre) parcel with a ± 41.28 hectare (± 102.0 acre) remainder.

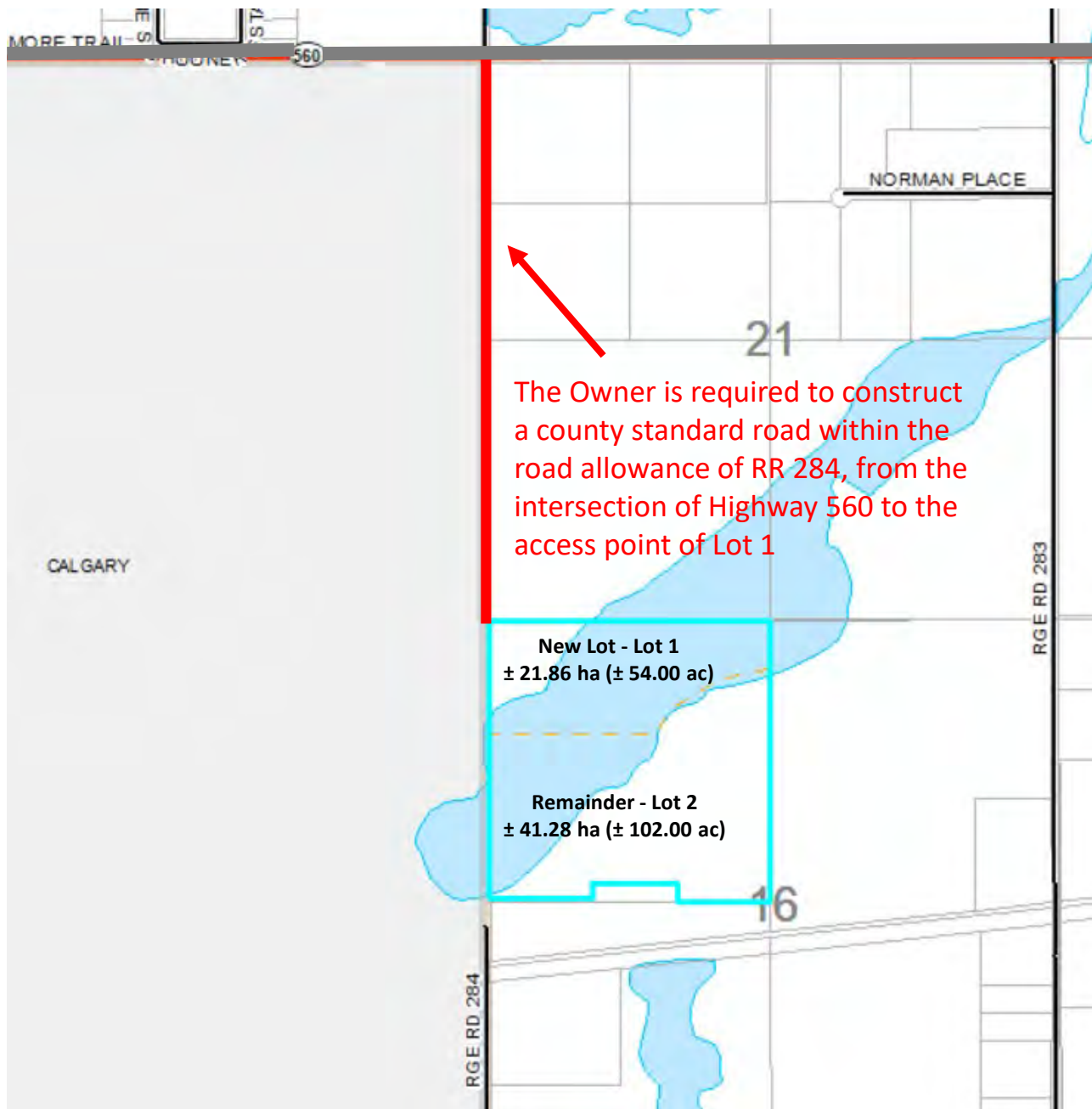
Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
Driveway	

Surveyor's Notes:

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**ATTACHMENT 'B': APPROVAL CONDITIONS**

- A. The application to create a ± 21.85 hectare (± 54 acre) parcel (Lot 1) with a ± 41.28 hectare (± 102 acre) remainder (Lot 2) within NW-16-23-28-W04M having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and 14 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, is 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 that 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:

Plan of Survey

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.

Development Agreement

2. The Owner shall enter into a Development Agreement pursuant to Section 655 of the Municipal Government Act in accordance with the approved Tentative Plan and shall include the following:
 - a) Construction of Range Road 284 to a gravel Regional Low Volume (400.9) standard from the intersection of Highway 560 up to the proposed gravel approach (approximately 1.6 km in total length) with an offset cul-de-sac bulb and any necessary easement agreements, including complete approach to the new lot, as shown on the Tentative Plan, at the Owner's expense, in accordance with Section 400.0 of the Rocky View County Servicing Standards for Subdivision and Road Construction as approved by Council as amended all to the satisfaction of the County;
 - b) Implementation of the Construction Management Plan; and
 - c) Implementation of the Erosion and Sedimentation Control Plan.

Transportation

3. The Owner shall provide a Construction Management Plan that is to include, but not be limited to, noise, sedimentation and erosion control, construction waste management, fire fighting procedures, evacuation plan, hazardous material containment, construction, and management details.



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4. The Owner is to provide a detailed Erosion and Sedimentation Control Plan, prepared by a qualified professional, in accordance with the County Servicing Standards and best management practices to the satisfaction of the County.

Payments

5. The Applicant/Owner shall pay the County subdivision endorsement fee for the creation of one new lot (1), in accordance with the Master Rates Bylaw.

Taxes

6. 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.