

PLANNING

TO:	Subdivision Authority	DIVISION: 1
DATE:	February 21, 2023	APPLICATION: PL20220021
FILE:	03909009 & 03909034	
SUBJECT:	Residential Subdivision: Boundary Adjustment	

APPLICATION: To adjust the boundaries between a ± 3.59 hectare (± 8.88 acre) parcel and a ± 3.55 hectare (± 8.76 acre) parcel to create a ± 1.60 hectare (± 3.95 acre) parcel and a ± 5.54 hectare (± 13.69 acre) parcel.

GENERAL LOCATION: Located on the west side of Breezewood Bay, approximately 0.81 kilometres (0.50 miles) south of Township Road 232.

LAND USE DESIGNATION: Residential, Rural District (R-RUR) and Agricultural, Small Parcel District p8.1.

EXECUTIVE SUMMARY: In accordance with the County's Subdivision Authority Bylaw, Council is the Subdivision Authority as the proposal does not align with the Land Use Bylaw, and the Applicant has requested their file be decided on by Council. The Applicant is requesting Council consider the dedication of Municipal Reserves to be deferred by caveat on title instead of payment of cash-in-lieu of land.

The application was evaluated against Section 9 of the *Subdivision and Development Regulation* regarding relevant considerations and it was found that the proposed subdivision would not cause significant adverse impacts to the parcel or surrounding area. The application is consistent with the Greater Bragg Creek Area Structure Plan (ASP), Section 7.43 (f), respecting the size and configuration of the surrounding patterns and providing frontage onto a municipal road. The application is also consistent with the Municipal Development Plan (County Plan), which indicates that a subdivision can occur and that the policies within the Greater Bragg Creek ASP apply. However, the application would be inconsistent with the Land Use Bylaw for the pre-existing remainder A-SML p8.1/R-RUR parcel.

Administration recommends the provision of Municipal Reserves be through payment of cash-in-lieu of land at this time, as the application would result in a terminal subdivision where no further subdivision would be possible under the current designated land use; therefore, no further opportunity would be available to collect Municipal Reserve.

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

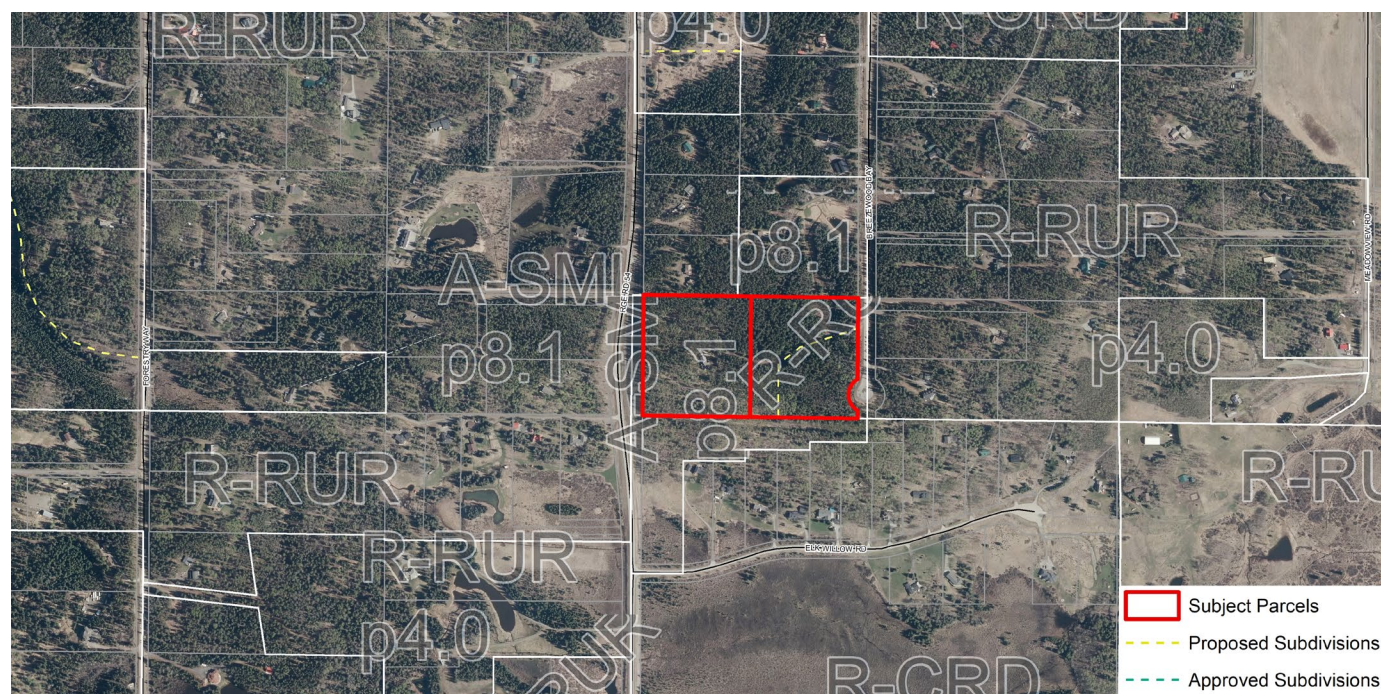
OPTIONS:

- Option #1: THAT Subdivision Application PL20220021 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Subdivision Application PL20220021 be refused.

Administration Resources

Reynold Casey, Planning & 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	TECHNICAL REPORTS SUBMITTED
<ul style="list-style-type: none"> <i>Municipal Government Act;</i> <i>Subdivision and Development Regulations;</i> Municipal Development Plan (County Plan); Greater Bragg Creek Area Structure Plan; Land Use Bylaw; and County Servicing Standards. 	<ul style="list-style-type: none"> Property appraisal by Sanjit Singh Real Estate Appraiser, Wernick Omura Singh Calgary Appraisers, dated October 14, 2022
APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
Regional Transportation Off-site Levy Bylaw (C-8007-2020)	Not applicable
MUNICIPAL RESERVE Appraisal Of W5M-5-23-9, Bragg Creek for Clint Docken, Wernick Omura Singh Calgary Appraisers, October 2022 3.95 acres x 10% x \$120,000 (appraised per acre value)	Approximately \$47,400

Policy Review

Subdivision and Development Regulation (SDR)

The application was reviewed against Sections 7 & 9 of the *Subdivision and Development Regulations (SDR)* regarding relevant considerations for a subdivision application. The application is consistent with the *SDR* in proposing access to a municipal road, while stormwater, topography impacts and other relevant matters have been addressed to a satisfactory extent.

Municipal Development Plan (County Plan)

The subdivision application falls within the boundaries of an Area Structure Plan and the policies and regulations therein apply. Policy 10.1 of the County Plan states that development shall conform to the relevant area structure plan.

Greater Bragg Creek Area Structure Plan (ASP)

The subject lands are within the Greater Bragg Creek ASP, specifically within the West Bragg Creek Policy Area, as identified in Figure 6: Policy Areas, and within the Infill Residential Area, as identified in Figure 13: Future Residential Development.

Section 7.4.3 provides the policy direction that future subdivision within infill residential areas should:

- Reflect densities calculated within the Greater Bragg Creek ASP;
- Address areas that represent constraints to development;
- Respect the size, configuration, and orientation of the immediately adjacent subdivision pattern;
- Mitigate potential issues related to access, surface drainage, vegetation removal and sight line conflicts by encouraging collaboration amongst all directly affected landowners; and
- Have frontage onto a developed municipal road.

The application meets the policy in the Greater Bragg Creek ASP by achieving the requirements above with the proposed subdivision.

Land Use Bylaw (LUB)

The Residential, Rural District (R-RUR) land use requires a minimum parcel size of 3.95 acres, and the boundary adjustment would result in a conforming parcel. The remainder parcel, after the adjustment, would result in a parcel with both the Agriculture, Small Parcel District (A-SML p8.1) and the Residential, Rural District (R-RUR) land use. The parcel currently does not meet the minimum parcel size for the A-SML p8.1 designation and would not meet the minimum following the boundary adjustment. Council, as the Subdivision Authority has the ability to waive the requirements of the LUB under Section 654(2) of the *Municipal Government Act*.

Technical Considerations

Transportation

As a condition of subdivision, a new paved approach will be required for the new lot. The existing approach to access the remainder property will remain.

Developability

The subject parcel is undeveloped. A driveway traverses the property from Breezewood Bay to access the dwelling on the adjacent parcel to the west. Both parcels are owned by the same individual, and the access easement existing for the driveway would no longer be necessary given that the remainder parcel would front onto Breezewood Bay.

Steep slopes are present on the new proposed lot. At least one acre of the contiguous developable area is present away from the steep slopes. If the Applicant proposes to develop within 20 meters of the steep slopes, they would be required to submit a Slope Stability Analysis.

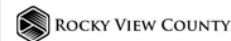
At the time of redesignation, a Level 3 Private Sewage Treatment System (PSTS) assessment was provided concluding that the soils were suitable for a PSTS system. The Applicant also provided a groundwater assessment which estimated that a water well would provide sufficient supply for future development. As a condition of subdivision, a Phase 2 Aquifer Testing Report along with a well driller's report is required to confirm the feasibility of the water well and that there are no impacts to existing groundwater users.

Municipal Reserves

The Applicant has requested that the provision of Municipal Reserves be deferred by way of caveat, at this time.

As part of the application, a land appraisal was submitted with an estimate of \$474,000 as the value of the proposed 3.95 acre parcel. An estimate of 10% value of the lands as Reserve funds is approximately \$47,400. As the proposed subdivision is at a terminal phase and cannot be further subdivided, Administration recommends the provision of Municipal Reserve over the proposed 3.95 acre parcel be payment of cash-in-lieu of land as a condition of this application. Municipal Reserve will be deferred by caveat on the remainder lands pursuant to Section 669(2) of the *Municipal Government Act*.





Tentative Plan



Tentative Plan
Boundary Adjustment
Proposal

To adjust the boundaries between a ± 3.59 hectare (± 8.88 acre) parcel and a ± 3.55 hectare (± 8.76 acre) parcel in order to create a ± 1.60 hectare (± 3.95 acre) parcel and a ± 5.54 hectare (± 13.69 acre) parcel.

Legend

Dwelling	
Existing Approach	
New Approach	
Driveway	

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. The subdivision will result in one undersized parcel
3. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 1
Roll: 03909009 & 03909034
File: PL20220021
Printed: March 31, 2022
Legal: Lot: 4 (W. & E. portion)
Plan: 8010572 within NW-09-23-05-W05M

CONCLUSION:

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

Respectfully submitted,

"Matthew Boscariol"

Executive Director
Community Services

Concurrence,

"Dorian Wandzura"

Chief Administrative Officer

RC/ac

ATTACHMENTS:

ATTACHMENT 'A': Approval Conditions
ATTACHMENT 'B': Application Information
ATTACHMENT 'C': Map Set