



# WHEATLAND COUNTY

## Municipal Planning Commission Meeting Agenda

August 11, 2020, 9:00 a.m.

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<b>1.1 Call To Order</b>	
Note: meetings are recorded and may be posted on the official Wheatland County website and/or via social media.	
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## WHEATLAND COUNTY

### Municipal Planning Commission Meeting Minutes

July 14, 2020, 9:00 a.m.

Members Present:      Chair T. Ikert  
                                 Vice Chair D. Biggar  
                                 A. Link  
                                 B. Armstrong  
                                 J. Wilson  
                                 G. Koester  
                                 S. Klassen

Administration:        M. Boscariol, GM of Community and Development Services  
                                 G. Allison, Planner I  
                                 S. Hayes, Development Officer  
                                 S. Baers, Manager of Planning & Safety Codes Services  
                                 M. Soltys, Communications Specialist  
                                 D. Bodie, Recording Secretary

#### 1.      **CALL TO ORDER AND RELATED BUSINESS**

##### 1.1      Call To Order

Note: meetings are recorded and may be posted on the official Wheatland County website and/or via social media.

The Chair, T. Ikert, called the meeting to order - time 9:00 a.m.

The Chair, T. Ikert informed that the July 14, 2020 Municipal Planning Commission meeting will be conducted in-person at the Wheatland County Council Chambers and via conference call in accordance with the Municipal Government Act, Section 199. Chair Ikert reviewed the process for the meeting and took roll call.

[Note: Access to the meeting was posted on the County website.]

[Note: Several Wheatland County staff and members of the public joined and left at various times during the meeting.]

##### 1.2      Adoption of Agenda

###### **RESOLUTION MPC-2020-07-01**

Moved by WILSON

THAT the Municipal Planning Commission approve the agenda as presented.

• Carried

##### 1.3      Adoption of Minutes

###### 1.3.1      June 9, 2020 - Unapproved Minutes

###### **RESOLUTION MPC-2020-07-02**

Moved by ARMSTRONG

THAT the Municipal Planning Commission approved the June 9, 2020 minutes, as presented.



## 2. DEVELOPMENT PERMIT APPLICATIONS

### 2.1 DP2020-040

Legal: Plan 131 2179, Block 3, Lot 2 within NE-24-22-26-W4M

Proposal: Composting Facility

Parcel Size: 15.22 acres (6.16 ha)

S. Hayes, Development Officer, presented the application highlighting the following: recommendation – to approve DP2020-040 subject to the conditions noted.

Additional letters of opposition were circulated to the Municipal Planning Commission prior to the meeting. Staff reviewed various comments and concerns raised as well as answers supplied by the applicant.

[Note: Resolution MPC-2020-07-03 allowed Mr. Florence and Mr. Sevick permission to speak]

Mr. Florence, the applicant, spoke to topics that included but were not limited to: bio-hazard materials; odour; pathogens; expected volume

Mr. Brian Sevick, County resident, spoke to topics that included but were not limited to: community, environmental and containment issues; waste water; worker safety; odour.

MPC directed administration to look into a cap levy type fee to be associated with landfills/transfer sites.

Ikert made a motion to defer DP2020-040 but after further discussion the motion was withdrawn.

Municipal Planning Commission discussed various reasons to refuse this development permit. Some identified reasons included:

- Alberta Environment and Parks is planning to release a revised Code of Practice to compost facilities within the near future which may have impacts.
- Public consultation of local residents has not been conducted
- Further study is required for potential costs to the municipality associated with facilities of this nature.
- Location in proximity to residential properties.

#### **RESOLUTION MPC-2020-07-03**

Moved by WILSON

THAT the Municipal Planning Commission allow the applicant and members of the public to speak, as per Wheatland County Policy 7.13

• Carried

#### **RESOLUTION MPC-2020-07-04**

Moved by ARMSTRONG

THAT Municipal Planning Commission refuse DP 2020-040 for a Composting Facility for the following reasons:

- Failure to meet requirements of the Land Use Bylaw.

• Carried

## 2.2 DP2020-060

Legal: Plan 632 AF, Block 7, Lot 9, 10 - Cluny

Proposal: Cannabis Store

Parcel Size: 13000 sq. ft. (0.3 acres)

S. Hayes, Development Officer, presented the application highlighting the following: recommendation – to approve DP2020-060 subject to the conditions noted.

Discussion on putting a term on the development permit.

### **RESOLUTION MPC-2020-07-05**

Moved by WILSON

THAT Municipal Planning Commission approve DP 2020-060 for a Cannabis Store subject to the conditions as amended:

1. This Development Permit is issued solely for the purpose of a Retail Cannabis Store – Defined as a Cannabis Store.
  2. No variances have been granted.
  3. Development shall proceed according to Mixed Use District requirements and the applicant must comply with all applicable provisions of the Wheatland County land Use Bylaw.
  4. No permanent development shall occur on or over any utility right of way or easement.
  5. Development to remain consistent with submitted application and all approved plans and procedures which form the application and have been deemed to be appropriate.
  6. Any future modifications or development on or to the lands will require the appropriate development permits in accordance with the Wheatland County land use Bylaw.
  7. Prior to operation of the Cannabis Store, the provincial license must be provided to the County.
  8. Cannabis shall not be consumed in the Cannabis Store.
  9. Permit to be issued for a 1 year term expiring July 14, 2021.
- Reapplication may be submitted 3 months prior to expiry.

• Carried

## 2.3 DP2020-065

Legal: Plan 121 3700, Block 1, Lot 1 within SW-17-25-25-W4M

Proposal: Dwelling, Accessory

Parcel Size: 3.0 acres

S. Hayes, Development Officer, presented the application highlighting the following: recommendation – to approve DP2020-065 subject to the conditions noted.

Additional letter of opposition were circulated to the Municipal Planning Commission prior to the meeting.

### **RESOLUTION MPC-2020-07-06**

Moved by KLASSEN

THAT Municipal Planning Commission approve DP 2020-065 for a Dwelling, Accessory Subject to the following conditions:

1. This Development Permit is issued solely for a new manufactured dwelling to be the second residence on the property – Defined as a

Dwelling, Accessory.

2. Development shall proceed according to Country Residential (CR) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
  3. No variances have been granted.
  4. No permanent development shall occur on or over any utility right of way or easement.
  5. Applicant to ensure approach is developed to County standards.
- Please contact Wheatland County transportation & infrastructure assistant for details 403-934-3321.

• Carried

2.4 DP2020-070

Legal: Plan 091 0128, Block 1, Lot 3 within NW-21-22-26-W4M  
Proposal: Home Based Business Type 3 (HBB3) Machining Services  
Parcel Size: 24.39 acres

S. Hayes, Development Officer, presented the application highlighting the following: recommendation – to approve DP2020-070 subject to the conditions noted.

**RESOLUTION MPC-2020-07-07**

Moved by BIGGAR

THAT Municipal Planning Commission approve DP 2020-070 for a Home-Based Business Type 3 subject to the following conditions:

1. This Development Permit is issued solely for a Machining Service Business to Operate in an Existing Shop – Defined as a Home-Based Business Type 3.
2. No variances have been granted.
3. Development shall proceed according to Agricultural General (AG) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Development to remain consistent with submitted application and all approved plans and procedures which form the application and have been deemed to be appropriate.
6. Any future modifications or development on or to the lands will require the appropriate development permits in accordance with the Wheatland County Land Use Bylaw.
7. Any expansion or intensification of the business beyond the criteria of a Home-Based Business Type 3 may require re-application to an alternate use or relocation of the business to an area more appropriate for the use.
8. Applicant to provide documentation confirming all safety code requirements for a commercial building have been met.
9. Permit to be issued for a two (2) year term expiring on July 14, 2022.

• Carried

**3. SUBDIVISION APPLICATIONS**

**3.1 SD2020-009**

Legal: SW 11-24-26-W4M

Proposal: To subdivide +/-3.00 acres from titled property

G. Allison, Planner I, presented the application highlighting the following: recommendation – to approve SD2020-009 subject to the conditions noted.

Discussion regarding the appraised value.

**RESOLUTION MPC-2020-07-08**

Moved by IKERT

THAT the Municipal Planning Commission approve subdivision application SD2020-009 subject to the conditions as amended:

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.

2. That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding taxes up to and including the year in which the subdivision is to be registered shall be paid to the municipality.

3. Existing approach to be inspected and or reconstructed to accommodate a joint access with the proposed parcel and the remainder parcel. Any improvements are to be done in adherence to the County's road standards and approved by the Public Works Department, at the Owners expense.

4. That the 10% municipal reserve requirement, pursuant to Section 666 of the *Municipal Government Act*, be provided by payment of cash-in-lieu in accordance with the revised per acre value as stated in the appraisal prepared by I. Weleschuk (2020/05/1). The exact amount owed will be determined by final plan of survey.

5. The Owner is to enter into a *Deferred Services Agreement* for water and wastewater with Wheatland County which shall be registered by caveat concurrently with the final plan against the title(s) being created.

• Carried

**4. OTHER PLANNING MATTERS**

Armstrong mentioned attending a Village of Hussar Council meeting when the topic of RemedX was discussed. Armstrong spoke to the public hearing process and no specifics regarding the file itself. The village and individuals are welcome to make a submission for the public hearing.

**5. CLOSED SESSION (IN CAMERA)**

No 'Closed Session' items were discussed

**6. ADJOURNMENT**

**RESOLUTION MPC-2020-07-09**

Moved by IKERT

THAT the Municipal Planning Commission meeting adjourn at 10:34 a.m.

• Carried

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Chair

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General Manager of Community  
and Development Services

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Recording Secretary

Unapproved

# Wheatland County

## Request for Decision

### Municipal Planning Commission

August 11, 2020

Report prepared by: Suzanne Hayes



## DP 2020-078

<b>File Number:</b>	DP 2020-078	<b>Division:</b>	6
<b>Proposal:</b>	Bed & Breakfast		
<b>Location:</b>	Within the Hamlet of Rosebud on the East Side of Hwy 840		
<b>Legal Description:</b>	5756AW, Lot 94		
<b>Title Area:</b>	1.52 Acres		
<b>Existing Land Use:</b>	Residential		
<b>Proposed Parcels:</b>	N/A		

### Report

The applicants received a permit for a Dwelling, Single Detached in 2014. The intention was that the family would live in the basement level with the interior of the upper two levels being constructed over time. The applicants are proposing to use the 3 bedrooms which have been constructed on the second floor with a fourth to be completed within the next year for the bed and breakfast suites. This meets the Land Use Bylaw maximum of 4 bedrooms for a bed and breakfast.

The kitchen and family residence in the basement are separated from the guest areas by fire doors. Additionally, if approved, the applicants will require the appropriate Safety Code permit for a Bed & Breakfast.

A variance is required in order to allow the guest parking to be located on the gravelled area in front of the existing shop on the applicant's adjacent parcel to the south, with space for six parking stalls of a 10 ft. width. Guest numbers are expected to be a maximum of eight guests at a time (total), possibly three to four nights a week.

Access to the property will be via the existing service road off Highway 840 (30km/hour zone).

Initially the employees will be the two owners who reside on the parcel, with intentions to employ at least one person (preferably a Rosebud School of the Arts student) who will also live in the dwelling, accessory proposed for the same parcel. No new construction will occur aside from the ongoing efforts to complete the interior finishes of the home including those in the living room, an additional main-floor half-bath for guest use, and the fourth bedroom. No structural work is outstanding.

Hours of operation will be flexible, to accommodate overnight guests. Check-in times will be between 4:00 pm and 9:00 pm and check out between 9:00 am to 12:00 pm. Food preparation and service will be offered in the mornings before check-out. January to March are anticipated to be the slowest season with expectations of November, December, July, and August to be the busiest.

The parcel was previously serviced by a well and septic but has since been tied into municipal servicing. The applicants are in the process of having the existing water well decommissioned.

## **Recommendation from Administration**

THAT Municipal Planning Commission approve DP 2020-078 for a Bed & Breakfast, subject to the following conditions:

1. This Development Permit is issued solely for the purpose of a bed and breakfast to be located within the existing Single Family Dwelling – Defined as a Bed & Breakfast.
2. A variance has been granted allowing the parking area to be located on the adjacent parcel to the south (Plan 1895 JK, Block 1) with a total of six parking spaces as per the applicant's Letter of Intent.
3. Development shall proceed according to Hamlet Residential General (HRG) requirements and all applicable provisions of the Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Prior to operating, applicant to submit documentation confirming all provisions of Alberta Health Services have been met.
6. Development to remain consistent with submitted application, Letter of Intent, and all approved plans and procedures which form the application and have been deemed to be appropriate.
7. Any expansion or intensification of the business beyond the criteria of a Bed and Breakfast as defined in the Land Use Bylaw may require redesignation of the property and/or re-application to a more appropriate use.
8. Prior to operating, applicant to provide documentation confirming all safety code requirements for a Bed & Breakfast have been met.
9. Prior to operating, applicant to provide documentation confirming all requirements of Alberta Transportation have been met for the expanded use and any proposed signage.
10. Prior to operating, applicant/landowner to provide documentation confirming the water well located on the property has been decommissioned.

## **Policy Analysis**

**CALGARY METROPOLITAN REGIONAL BOARD (CMRB):** The application falls outside of the plan area.

### **MUNICIPAL DEVELOPMENT PLAN (MDP)**

The proposed Bed & Breakfast aligns with Section 3.7.1 and 3.7.3 of the MDP as it facilitates employment for residents within close proximity of their home, and is an economic development opportunity.

### **ROSEBUD AREA STRUCTURE PLAN (ASP)**

Part 2 - Community Vision for Sustainability: Rosebud will remain a safe and welcoming place for residents and visitors, and will have added capacity through new bed and breakfasts and other small scale lodging operations. Growth will be important, but not at the detriment of the current scenic and quaint valley community.

The future land use concept identifies the parcel as "Mixed Use" (3.6) and states that mixed use development can help create complete, sustainable communities by providing for development that blends a combination of residential, commercial, cultural, and institutional uses. Many examples of mixed-use development already exist within the Hamlet, situated along Main Street and 1st Ave. All new mixed-use development should continue to maintain a similar scale and orientation to ensure the charm of the Hamlet of Rosebud is maintained.

### **LAND USE BYLAW:**

Bed & Breakfast is a Discretionary Use in the Hamlet Residential General District.

### **Definition:**

**Bed and Breakfast** means a Dwelling, Single Detached which provides short-term lodging to members of the general public for compensation with no more than 4 commercial units. This use class does not include motel, hotel or boarding houses.

**8.1 Bed and Breakfast**

- 8.1.1 Bed and breakfast must have one of the following housing types: Dwelling, Single Detached, Dwelling, Modular.
- 8.1.2 A bed and breakfast is to be operated by the live-in-owner.
- 8.1.3 A bed and breakfast will provide short-term accommodation to patrons for a maximum stay of 30 days.
- 8.1.4 The bed and breakfast will not change the external appearance of residence or property.
- 8.1.5 A bed and breakfast cannot be located on a property where there currently exists one of the following:
  - a) Home-Based Business Type 3
  - b) Dwelling, Secondary Suite

**7.14 Parking and Loading Requirements**

- 7.14.1 Applicability
- a) The off-street parking and loading requirements and design standards apply to:
    - i. All new buildings and uses;
    - ii. The expansion or enlargement of existing buildings or uses.
  - b) In the case of expansion or enlargement of an existing building or use, additional off-street parking spaces will be required to serve the expanded or enlarged area. The calculation shall be based on the number of additional parking spaces required as a result of the enlargement, or change in the use of the building.

7.14.7 Special Circumstances

- a) In the case where an existing building or development cannot accommodate the on-site parking/loading requirements in this bylaw, the Development Authority may allow parking/loading variances. However, should new construction occur, the site will be required to conform to the parking/loading requirements stated in this bylaw.

Bed & Breakfast	◦ Must combine residential requirement with the proposed commercial use for total parking and loading requirements
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Considerations:

- The parcel is located in an area that is separate from the rest of the residential area of the hamlet.
- The Rosebud ASP identifies this parcel as Mixed Use in the future land use concept which may allow for future expanded uses.



### **Technical Review**

- This B & B will utilize municipal water and wastewater services.
- The B & B will be accessed via the existing approach off the service road adjacent to Hwy 840.
- B & B Parking is proposed to be located on the adjacent parcel owned by the applicant.

### **Circulation Comments**

AGENCY CIRCULATION	
Alberta Health Services Alberta Transportation	No Comments Received at the time of this report.  Have requested that the applicants apply for a new Roadside Development Permit. Discussions are ongoing regarding location of signage.
INTERNAL CIRCULATION	
Internal File Review	No Comments
NEIGHBOUR CIRCULATION	
To adjacent neighbors within 1 mile	No Comments Received at the time of this report.

### **Response Options**

Option 1: THAT MPC accepts/approves the recommendation as proposed.

Option 2: THAT MPC does not accept/approve the recommendation as proposed.

Option 3: THAT MPC accepts/approves an alternate recommendation of MPC's choosing.

### **Follow-up Action / Communications**

Notify the applicant of the decision.

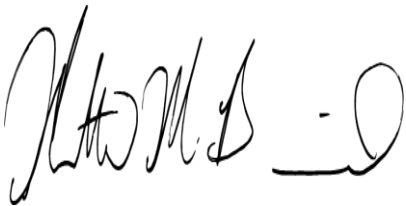
## Report Approval Details

Document Title:	DP 2020-078.docx
Attachments:	- Appendices for Report DP 2020-078.docx
Final Approval Date:	Jul 29, 2020

This report and all of its attachments were approved and signed as outlined below:

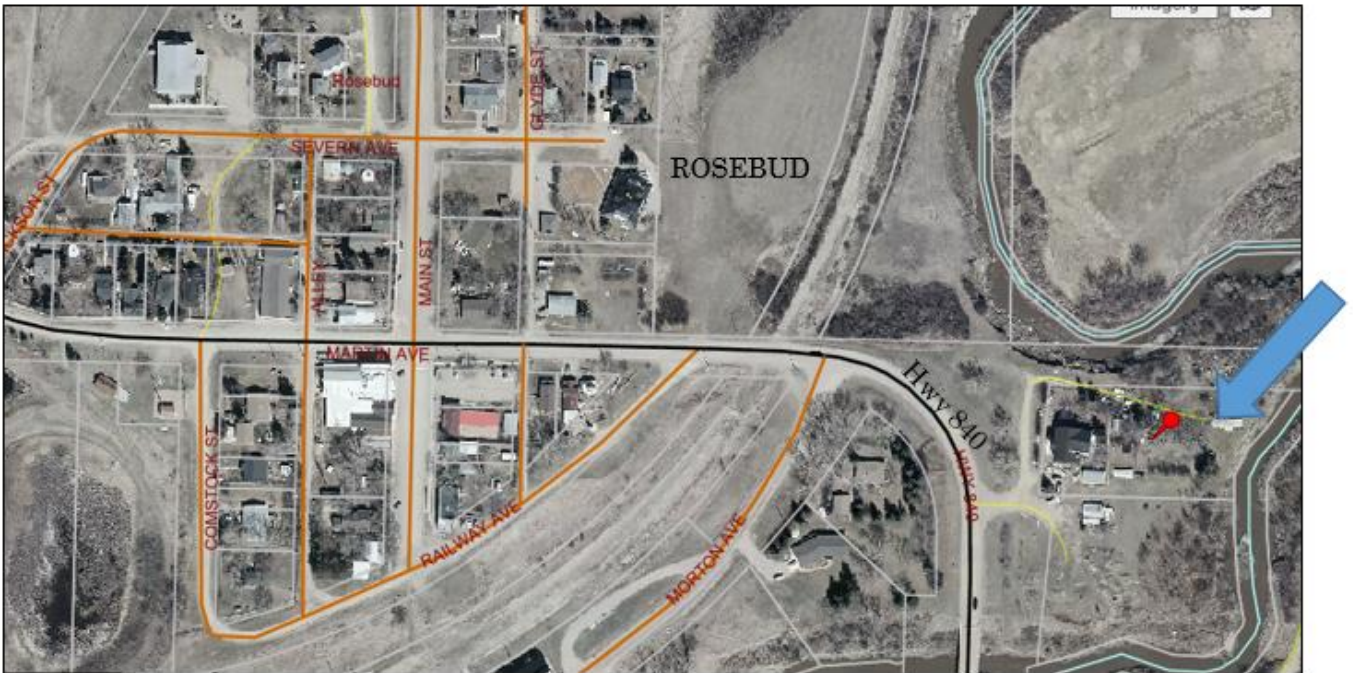
A handwritten signature in black ink, appearing to read "Sherry Baers". The script is cursive and fluid.

Sherry Baers

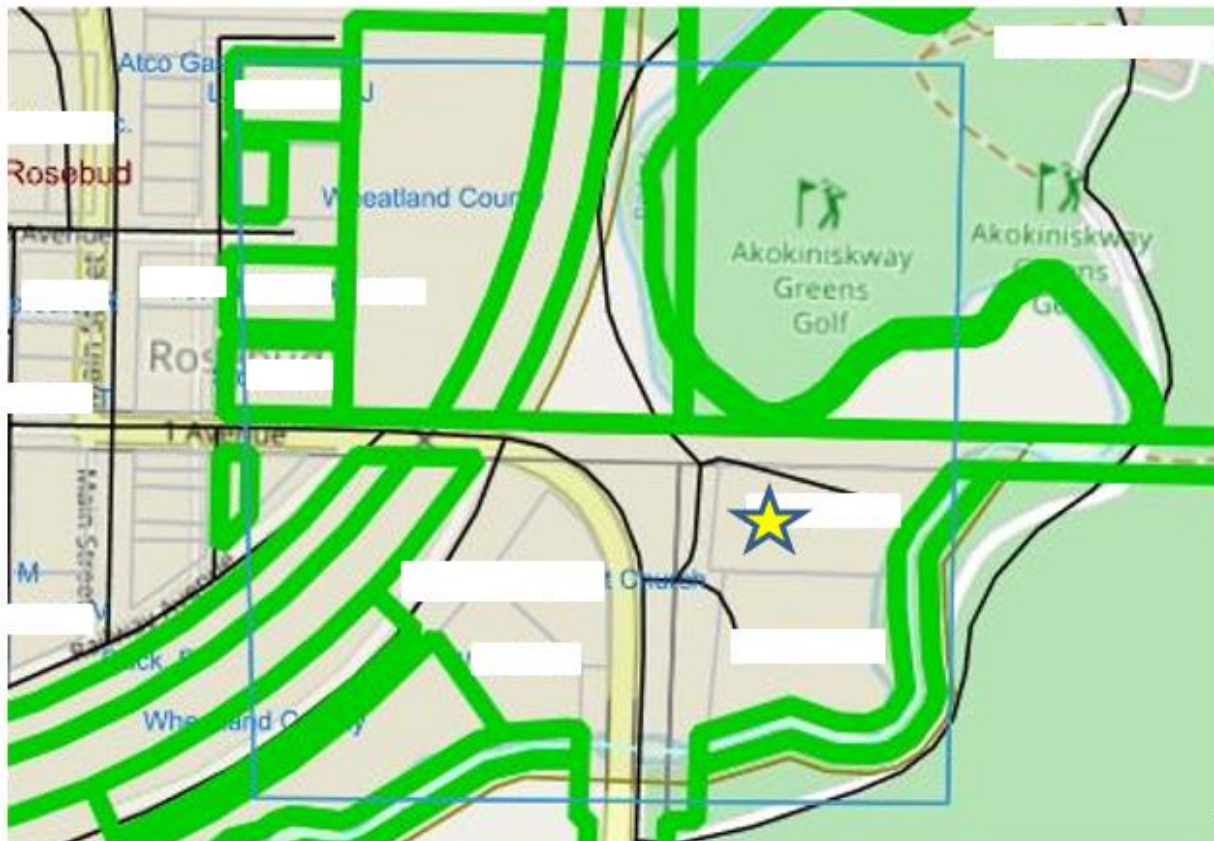
A handwritten signature in black ink, appearing to read "Matthew Boscarol". The script is cursive and fluid.

Matthew Boscarol

## Appendix A: Location Plan

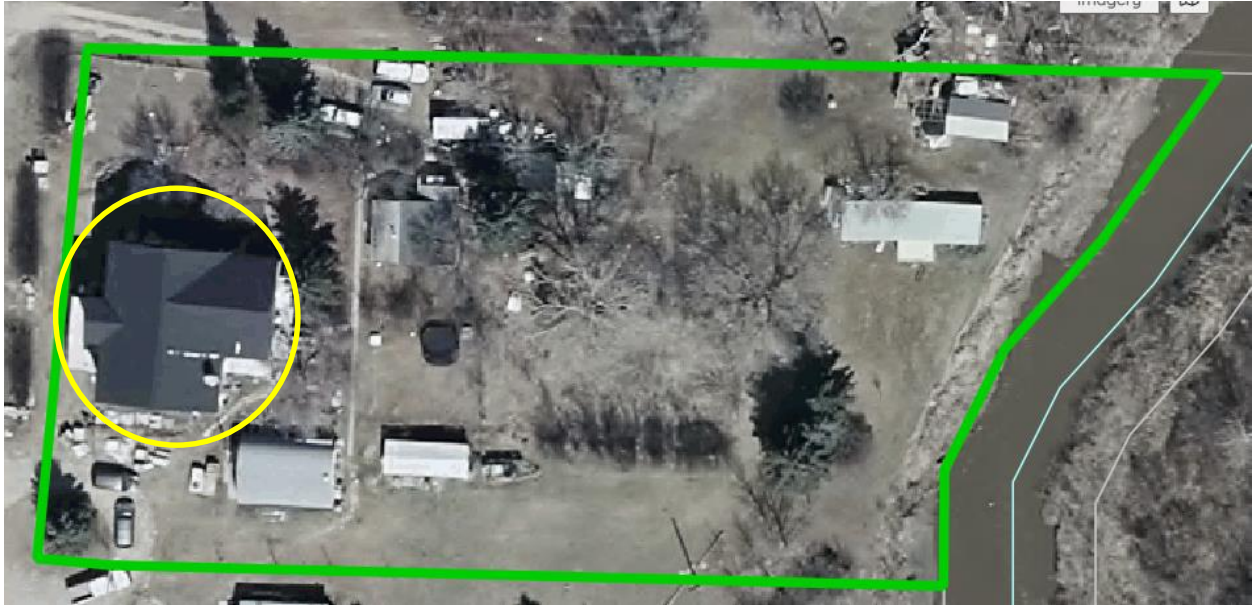


## Appendix B: Circulation Area





## Appendix C: Aerial Photos

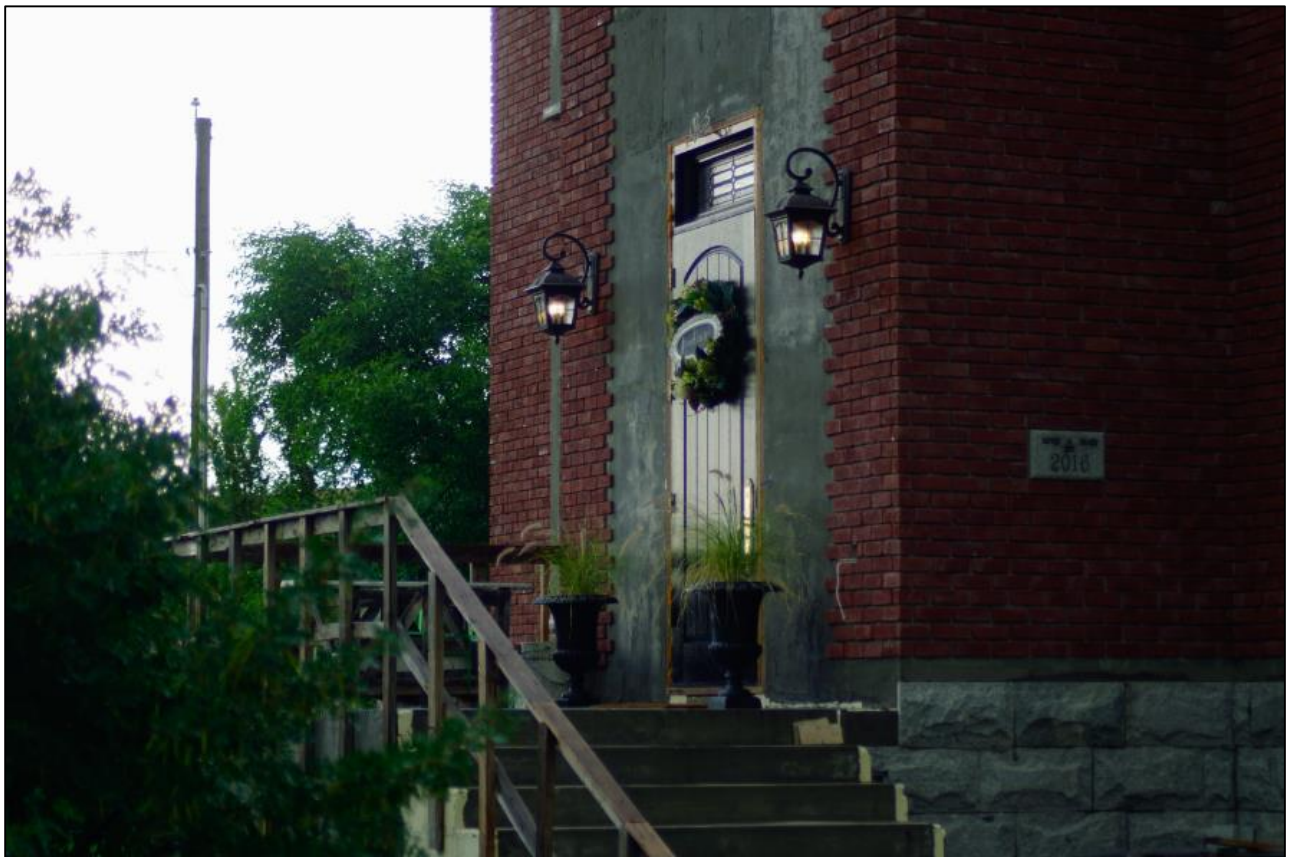




## Appendix D: Site Plan



## Appendix E: Photos







**Guest Parking Area on Adjacent Parcel in Front of Existing Shop**



## Appendix E: Rosebud Area Structure Plan Future Land Use Concept

**MAP 3: FUTURE LAND USE CONCEPT**



Rosebud Area Structure Plan

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# Wheatland County

## Request for Decision

### Municipal Planning Commission

August 11, 2020

Report prepared by: Suzanne Hayes



## DP 2020-079

<b>File Number:</b>	DP 2020-079	<b>Division:</b>	6
<b>Proposal:</b>	Dwelling, Accessory		
<b>Location:</b>	Within the Hamlet of Rosebud on the East Side of Hwy 840		
<b>Legal Description:</b>	5756AW, Lot 94		
<b>Title Area:</b>	1.52 Acres		
<b>Existing Land Use:</b>	Residential		
<b>Proposed Parcels:</b>	N/A		

### Report

In 2014, the applicants received a permit for a 3600 ft<sup>2</sup> Dwelling, Single Detached within the hamlet of Rosebud. One of the conditions of the permit was that the applicants would apply to have the existing 632 ft<sup>2</sup> residence converted to an accessory building once the new primary residence was occupied. In 2014, a Dwelling, Accessory was not a use in the Land Use Bylaw, however the current bylaw lists a 2<sup>nd</sup> residence as a discretionary use within Hamlet Residential General zoning.

The dwelling is approximately 80 years old and meets the required size prescribed in the current bylaw as it stipulates that within a hamlet the Dwelling, Accessory is required to be smaller than the primary dwelling and shall not exceed 800.0 ft<sup>2</sup> in Gross Floor Area. It does not meet the current bylaw requirements for distance to the top of bank of a water body or top of a slope, due to its proximity to the bank of the Rosebud River, however it was constructed prior to the current bylaw and is considered to be a legal non-conforming building.

### Recommendation from Administration

THAT Municipal Planning Commission approve DP 2020-079 for a Dwelling, Accessory Subject to the following conditions:

1. This Development Permit is issued solely for an existing single family dwelling to remain as the second residence on the property – Defined as a Dwelling, Accessory.
2. Development shall proceed according to Hamlet Residential General (HRG) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
3. No variances have been granted.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Applicant to ensure approach is developed to County standards. Please contact Wheatland County transportation & infrastructure assistant for details 403-934-3321.



## **Policy Analysis**

### **MUNICIPAL DEVELOPMENT PLAN (MDP)**

The proposed Dwelling, Accessory aligns with Section 3.6.1 of the MDP as it ensures that Wheatland residents have access to a range of affordable housing types, and a diversity of housing choices, to accommodate all stages of life.

### **ROSEBUD AREA STRUCTURE PLAN**

Part 2. Community Vision for Sustainability: Rosebud will remain a safe and welcoming place for residents and visitors, and will have added capacity through new bed and breakfasts and other small scale lodging operations. Growth will be important, but not at the detriment of the current scenic and quaint valley community.

The future land use concept identifies the parcel as “Mixed Use” (3.6) and states that mixed use development can help create complete, sustainable communities by providing for development that blends a combination of residential, commercial, cultural, and institutional uses. Many examples of mixed-use development already exist within the Hamlet, situated along Main Street and 1st Ave. All new mixed-use development should continue to maintain a similar scale and orientation to ensure the charm of the Hamlet of Rosebud is maintained.

**LAND USE BYLAW:** Dwelling Accessory is a Discretionary Use in the Hamlet Residential District (HRG).

#### **Definitions:**

**Dwelling, Accessory** – means a detached dwelling unit that is located on the same parcel as a Dwelling, Primary and is considered accessory and subordinate to that primary dwelling. Only one Dwelling, Accessory is permitted per lot.

**Dwelling, Primary** – (for the purpose of Section 8.7 Dwelling, Accessory) A Dwelling, Primary must be one of the following types: Dwelling, Single Detached, Dwelling, Moved-On, or Dwelling Modular.

### **8.7 Dwelling, Accessory**

#### **8.7.1 General Regulations:**

- a) Existing Dwellings:
  - When an existing dwelling is not one of the allowable housing types identified in the Dwelling, Primary definition (Dwelling, Single Detached, Dwelling Moved-On or Dwelling, Modular) OR an existing dwelling is one of the allowable housing types but is smaller than a new dwelling;
  - i. The applicant may apply for a permit to construct or place on the property a Dwelling, Primary (Dwelling, Single Detached, Dwelling Moved-On or Dwelling, Modular) and
  - ii. As stipulated as a condition of approval for the new Dwelling, Primary, construction shall not commence until a Development Permit has been obtained for the existing dwelling to be issued a permit as a Dwelling, Accessory.
  - iii. If for any reason the Dwelling, Primary is not constructed, the permit for the Dwelling, Accessory will be cancelled as per Section 6.2.1.
- b) A Dwelling Accessory:
  - i. Shall meet applicable Safety Codes and will require a Building Permit
  - ii. Shall not be located on a property that already has a secondary suite
  - iii. Shall have adequate water and sewer either through a shared or individual system
  - iv. Shall be located within a building other than the primary dwelling or as a detached standalone unit. For example: A Dwelling, Accessory may be built on top of an accessory building or garage
  - v. May require its own municipal address
  - vi. Shall require one additional parking space for the residents
  - vii. Shall follow the height and setback regulations in the applicable land use district, except where otherwise noted in this Bylaw.

#### **8.7.2 Size:**

- a) Outside of a hamlet the gross floor area of a Dwelling, Accessory will be no more than 80% of the Gross Floor Area of the primary dwelling. *As defined in the definitions section.*

#### 8.7.5 Additional Considerations:

- a) In considering a Development Permit application for a Dwelling, Accessory, the Development Authority has the discretion to consider such factors as:
- b) The effect of a Dwelling, Accessory on the character of a neighborhood and the cumulative effect of an additional dwelling within a specific location.
- c) The similarity of the Dwelling, Accessory to the principal dwelling or adjacent properties in architectural design, character, and appearance. For example: exterior wall materials, window types, door and window trims, roofing materials, and roof pitch.
- d) The location of the Dwelling, Accessory with preference for its close proximity to the principal dwelling so as to appear as a related building.
- e) The use of a shared approach.
- f) The availability of outdoor yard space that is useful for the residents of the Dwelling, Accessory.
- g) The provision of landscaping or screening to provide privacy between the Dwelling, Accessory and adjacent properties and dwellings.
- h) Other such considerations as the Development Authority may deem to be relevant

#### 8.7.6 Existing Temporary Dwellings or Existing Dwelling, Manufactured to be utilized as a Dwelling, Accessory (as per 8.6.1 a):

- a) At the discretion of the Development Authority, an existing Temporary Dwelling or an existing Dwelling Manufactured (as per 8.6.1 a) may be issued a permit as a Dwelling, Accessory even though it does not meet all of the provisions of this bylaw but will be evaluated in consideration of the following:
  - i. The existing dwelling was onsite prior to the date of the adoption of the current Land Use Bylaw.
  - ii. There have been no complaints from adjacent residents regarding the existing dwelling
  - iii. The existing dwelling has been well maintained and repaired as required
  - iv. The Development Authority may require a Safety Codes Inspection of an existing dwelling if deemed necessary.

#### Considerations:

- The proposed Dwelling Accessory has been on the property for approximately 80 years.
- The proposed Dwelling, Accessory fits with the context of the area, which is primarily residential.
- The future land use concept has identified this parcel as “Mixed Use” so the dwelling may allow for a future combination of residential and commercial development.
- The additional residence provides an additional housing option students and additional income for local residents.
- The property has a number of mature trees, which provide privacy for the dwelling, accessory.

#### **Technical Review**

- The parcel is accessed via a service road adjacent to Hwy 840 within hamlet boundaries.
- The two dwellings utilize existing individual approaches.
- Both residences are utilizing municipal water and wastewater.

## **Circulation Comments**

AGENCY CIRCULATION	
Not Performed	No Concerns.
INTERNAL CIRCULATION	
Internal File Review	Planner – Comments regarding the proximity of the residence to the Rosebud River. Follow Up: The Dwelling is senior to the current setback of 100 ft. from the top of bank of a river and is considered to be legal-non-conforming.
NEIGHBOUR CIRCULATION	
To adjacent neighbors within 1 mile	No Comments Received at the time of this report.

## **Response Options**

Option 1: THAT MPC accepts/approves the recommendation as proposed.

Option 2: THAT MPC does not accept/approve the recommendation as proposed.

Option 3: THAT MPC accepts/approves an alternate recommendation of MPC's choosing.

## **Follow-up Action / Communications**

Inform Applicant of the Decision

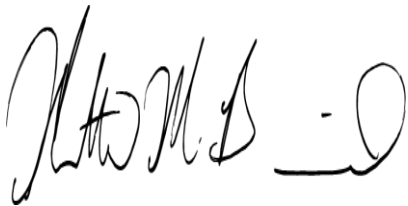
## Report Approval Details

Document Title:	DP 2020-079.docx
Attachments:	- Appendices for Report DP 2020-079.docx
Final Approval Date:	Jul 29, 2020

This report and all of its attachments were approved and signed as outlined below:

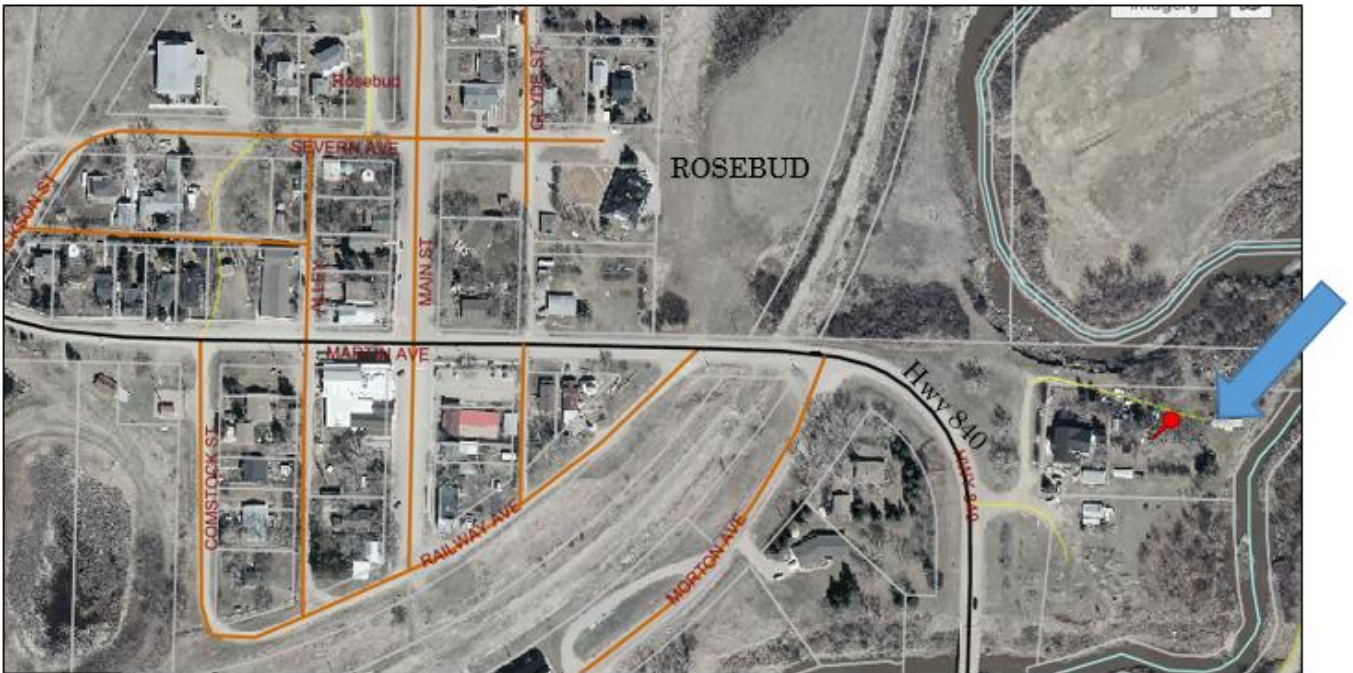
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Sherry Baers

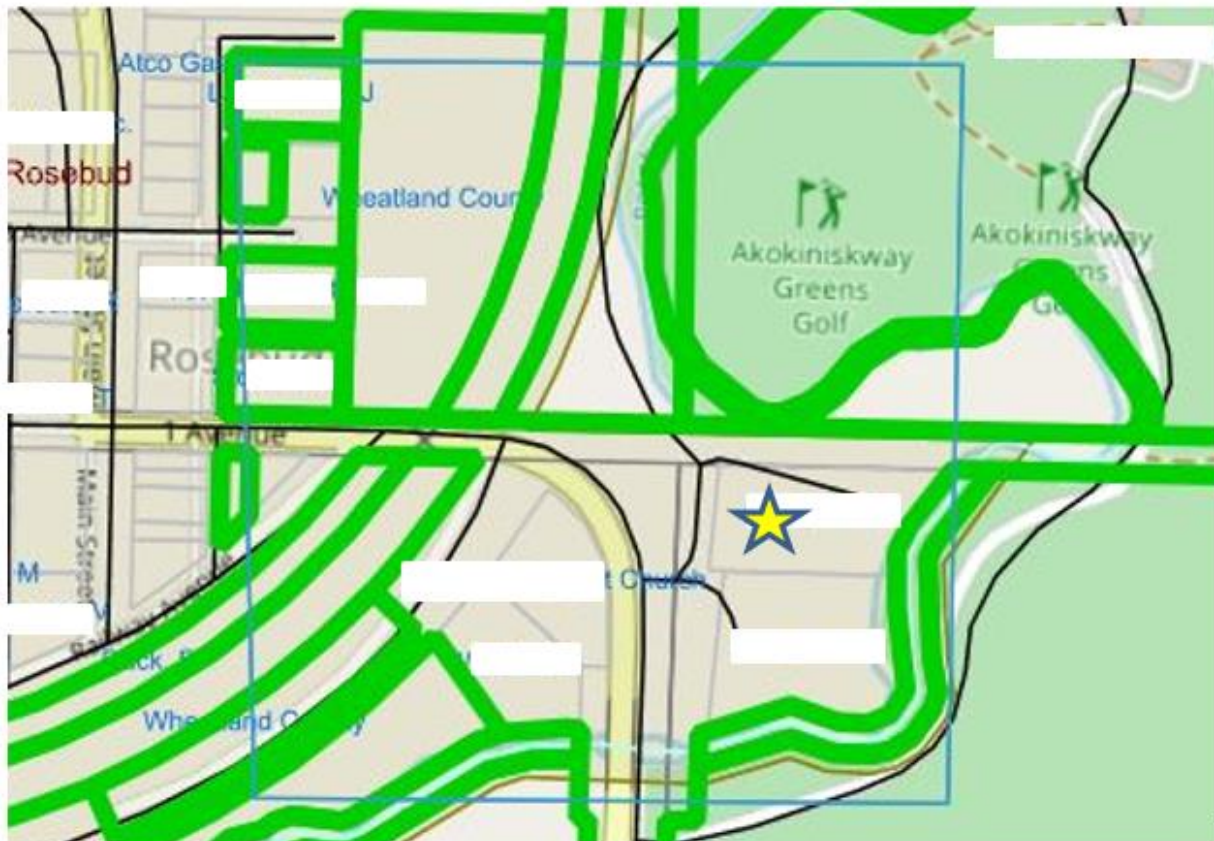
A handwritten signature in black ink, appearing to read "Matthew Boscarol". The script is cursive and fluid.

Matthew Boscarol

## Appendix A: Location Plan



## Appendix B: Circulation Area



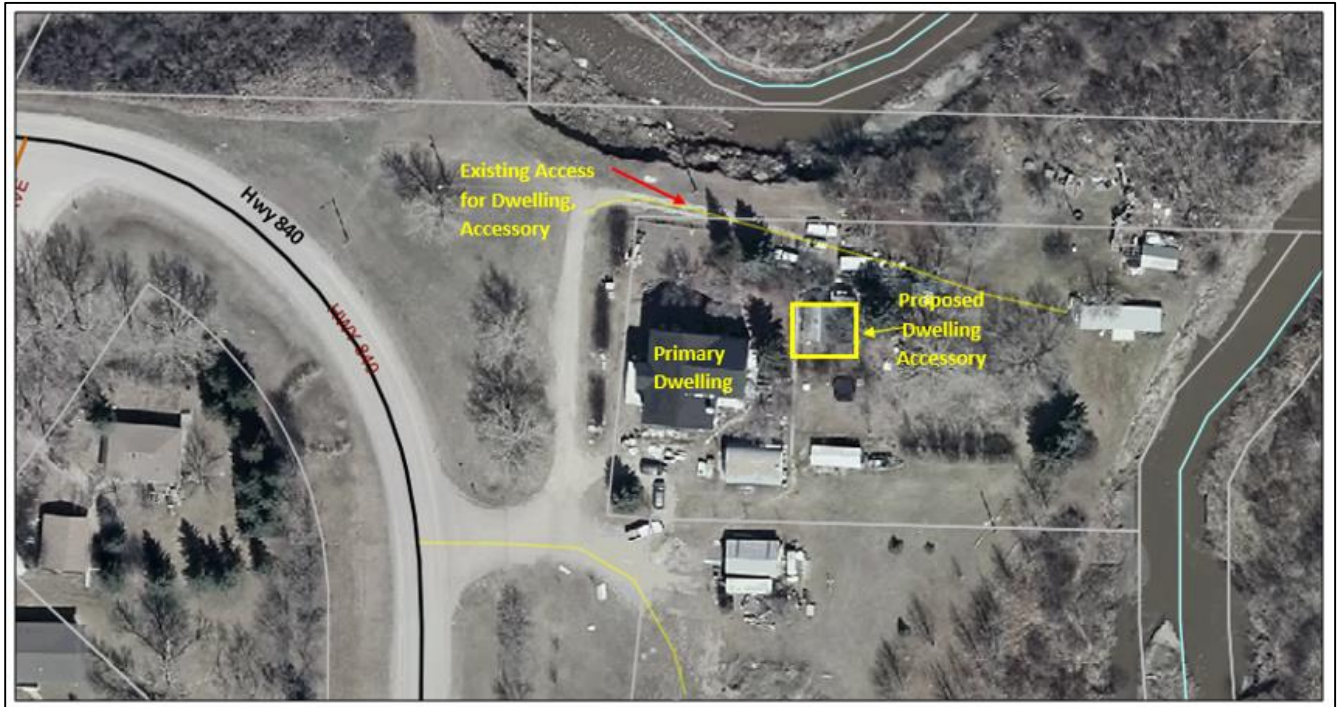


## Appendix C: Aerial Photos





## Appendix D: Site Plan



## Appendix E: Photos







# Wheatland County

## Request for Decision

### Municipal Planning Commission

August 11, 2020

Report prepared by: Graham Allison



### SD2020-010 First Parcel Out

<b>File Number:</b>	SD2020-010	<b>Division:</b>	7
<b>Proposal:</b>	To subdivide one (1) 10.79 acre Agricultural General parcel out of an undivided quarter section within NE-24-26-19-W4M		
<b>Location:</b>	Adjacent to Range Road 190, north of its intersection with Township Road 263. Approximately 24 kilometers northeast of Hussar		
<b>Legal Description:</b>	NE-24-26-19-W4M		
<b>Title Area:</b>	160 acres		
<b>Existing Land Use:</b>	Agricultural General		
<b>Proposed Parcels:</b>	Agricultural General		

### Report

The purpose of this application is to subdivide a +/- 10.79 acre parcel from a previously undivided quarter section described as NE-24-26-19-W4M. The proposed parcel contains a dwelling with an attached garage and is serviced by an existing well and septic system. The proposed parcel can be accessed via an existing approach off Range Road 190, a new approach will need to be constructed for the remainder parcel. The dwelling and remainder parcels are both zoned Agricultural General (AG) District with no proposed redesignation. There are no plans for development at this time.

### Recommendation from Administration

THAT the Municipal Planning Commission approve subdivision application SD2020-010 subject to the following conditions:

- 1) Subdivision to be affected 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.
- 2) Approaches to the proposed parcel(s) and remainder built and located to County Standards and approved by the Public Works Department, at the Owners expense.
- 3) That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding taxes up to and including the year in which the subdivision is to be registered shall be paid to the municipality.
- 4) The Owners are to enter into an Agreement of Easement for Construction and Maintenance of Any Public Works with Wheatland County which shall be registered by caveat concurrently with the final plan against the title(s) being created.
- 5) The Owners are to enter into a Road Acquisition Agreement, which shall be registered by caveat concurrently with the final plan against the title(s) being created.

## **Policy Analysis**

### **South Saskatchewan Regional Plan (SSRP)**

A major objective of the South Saskatchewan Regional Plan (SSRP) is to ensure that region's agricultural industry is maintained and diversified. The implementation strategies related to this objective aim to "Maintain an agricultural land base by reducing the fragmentation and conversion of agricultural land" by discouraging development on productive land and development that fragments contiguous agricultural parcels. The SSRP also recognizes that smaller parcels contribute to the diversification of the overall agricultural economy. This proposed 10.79 acre subdivision will not contribute to the fragmentation or conversion of agricultural land and is therefore in alignment with the goals and regulations of the SSRP.

### **Regional Growth Management Strategy (RGMS)**

The RGMS provides long term guidance for development in the County. As per Section 4.2 under the Agriculture policies and goals, the proposed subdivision is a first parcel out subdivision intended to be used for farming with an existing dwelling.

### **Municipal Development Plan (MDP)**

Under Section 3.1 Agriculture, the proposal aligns with policy 3.1.1.2 and 3.1.1.3 by neither contributing to the reduction nor fragmentation of agricultural lands. The proposed subdivision will remain in agricultural use with an existing dwelling.

### **Land Use Bylaw (LUB)**

As per Section 9.1, The proposed subdivision will remain Agricultural General (AG), therefore there is no conflict with adjacent parcels. The subdivided parcel does not contribute to the loss or fragmentation of agricultural land, which aligns with the purpose and intent of the Agricultural General (AG) district of the land use bylaw. The parcel will remain farmland with an existing dwelling.

## **Technical Review**

### **Approaches:**

The proposed parcel can be accessed via an existing approach off Range Road 190. A new approach for the remainder parcel will be required if the subdivision is approved.

### **Water Servicing:**

The existing dwelling located on site is serviced by an existing private well within the boundaries of the proposed subdivision. The remainder parcel contains no water servicing.

### **Sanitary Servicing:**

The existing dwelling is serviced by an existing private septic disposal system that is contained within the proposed parcel. There is no sanitary servicing within the remainder parcel.

### **Municipal Reserve:**

As per the *Municipal Government Act*, Municipal Reserve is not required on the subject parcel. As Section 663 states that a subdivision authority may not require the owner of a parcel of land subject to a proposed subdivision to provide reserve land or cash lieu if the subdivision is the first lot subdivided from a quarter section. The proposed subdivision is a first parcel out subdivision and will not be required to pay municipal reserve.

## **Circulation Comments**

The proposal was circulated to all landowners within 1.0 mile of the subject lands. No letters were received in support or objection to the application at the time this report was prepared.

EXTERNAL AGENCIES	COMMENTS
AB Community Development	No comments received.
AB Culture	No comments received.
AB Energy Regulator	No comments received.
AB Environment & Parks	No comments received.
AB Health Services	No comments received.
AB Transportation	No objections.
ATCO Electric	No comments received.
ATCO Gas	No objections.
ATCO Pipelines	No objections.
AB Utilities Commission	No comments received.
Canada Post	No comments received.
Encana Corporation	No comments received.
Fortis Alberta	No comments received.
Golden Hills School Division	No comments received.
Redeemer Catholic School Division	No comments received.
Telus	No comments received.
Western Irrigation District	No objections.
INTERNAL DEPARTMENTS	
Agricultural Services	No concerns.
Emergency Services	No concerns.
Development Services	No concerns.
Protective Services	No concerns.
Transportation & Infrastructure Services	No Comments Received

## **Response Options**

Option 1: THAT MPC accepts/approves the recommendation as proposed.

Option 2: THAT MPC does not accept/approve the recommendation as proposed.

Option 3: THAT MPC accepts/approves an alternate recommendation of MPC's choosing.

## **Follow-up Action / Communications**

Staff will notify the applicant of MPC's decision.

## Report Approval Details

Document Title:	SD2020-010.docx
Attachments:	- SD2020-010 Maps.docx
Final Approval Date:	Aug 4, 2020

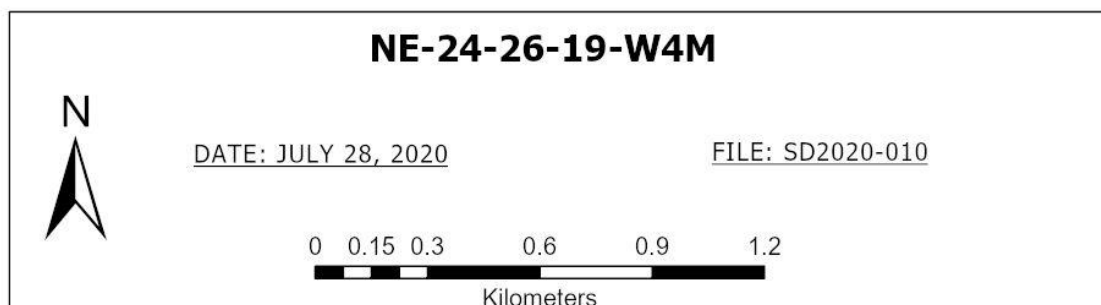
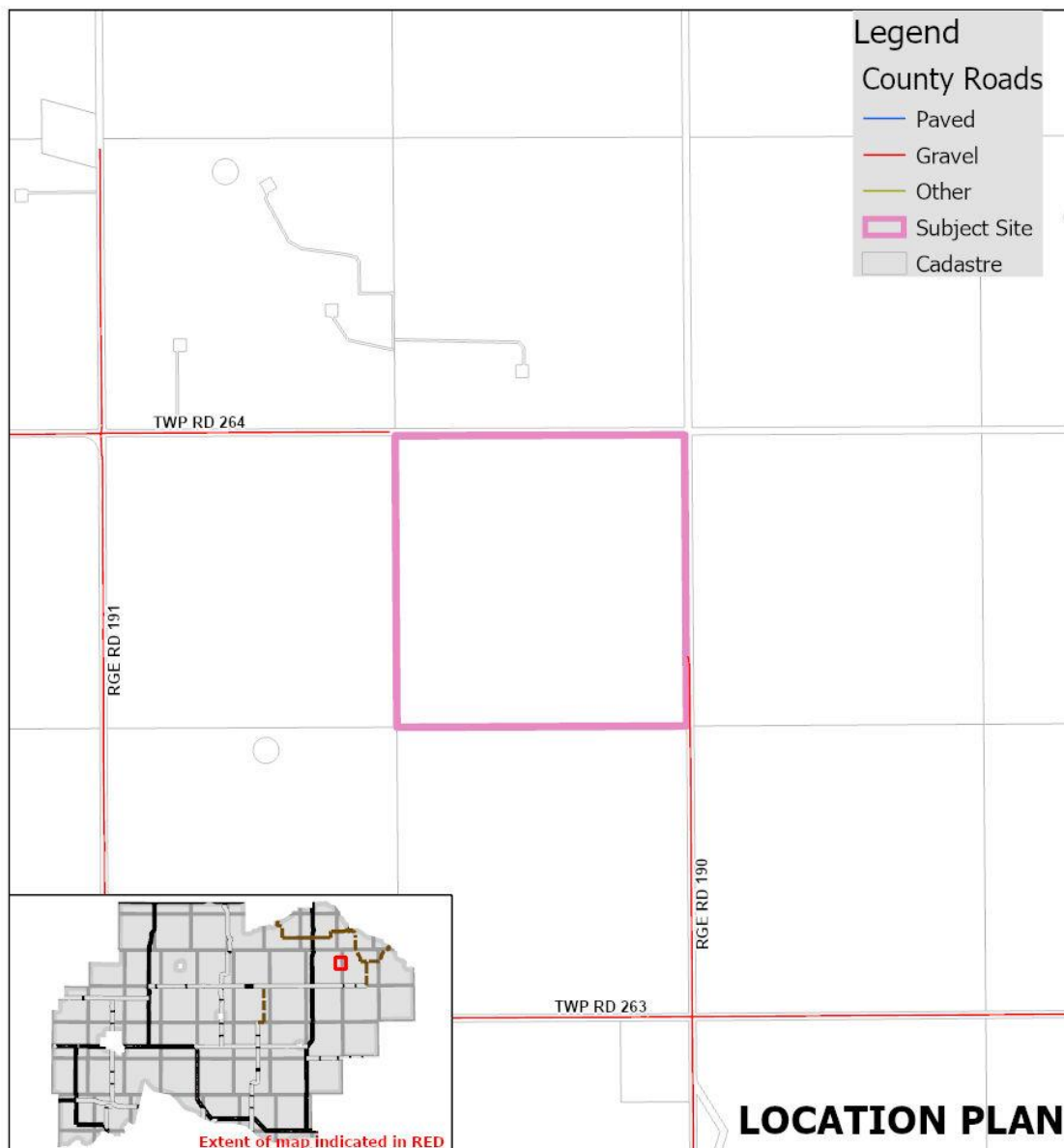
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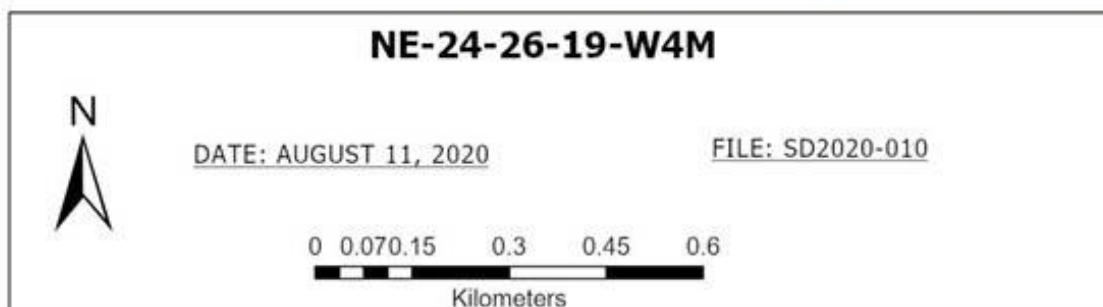
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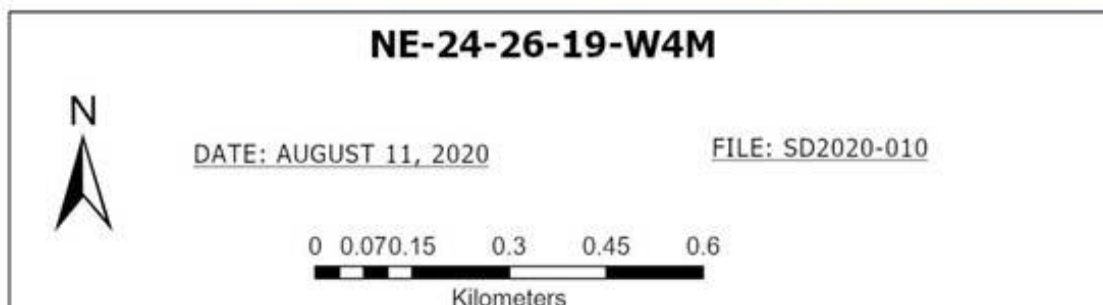
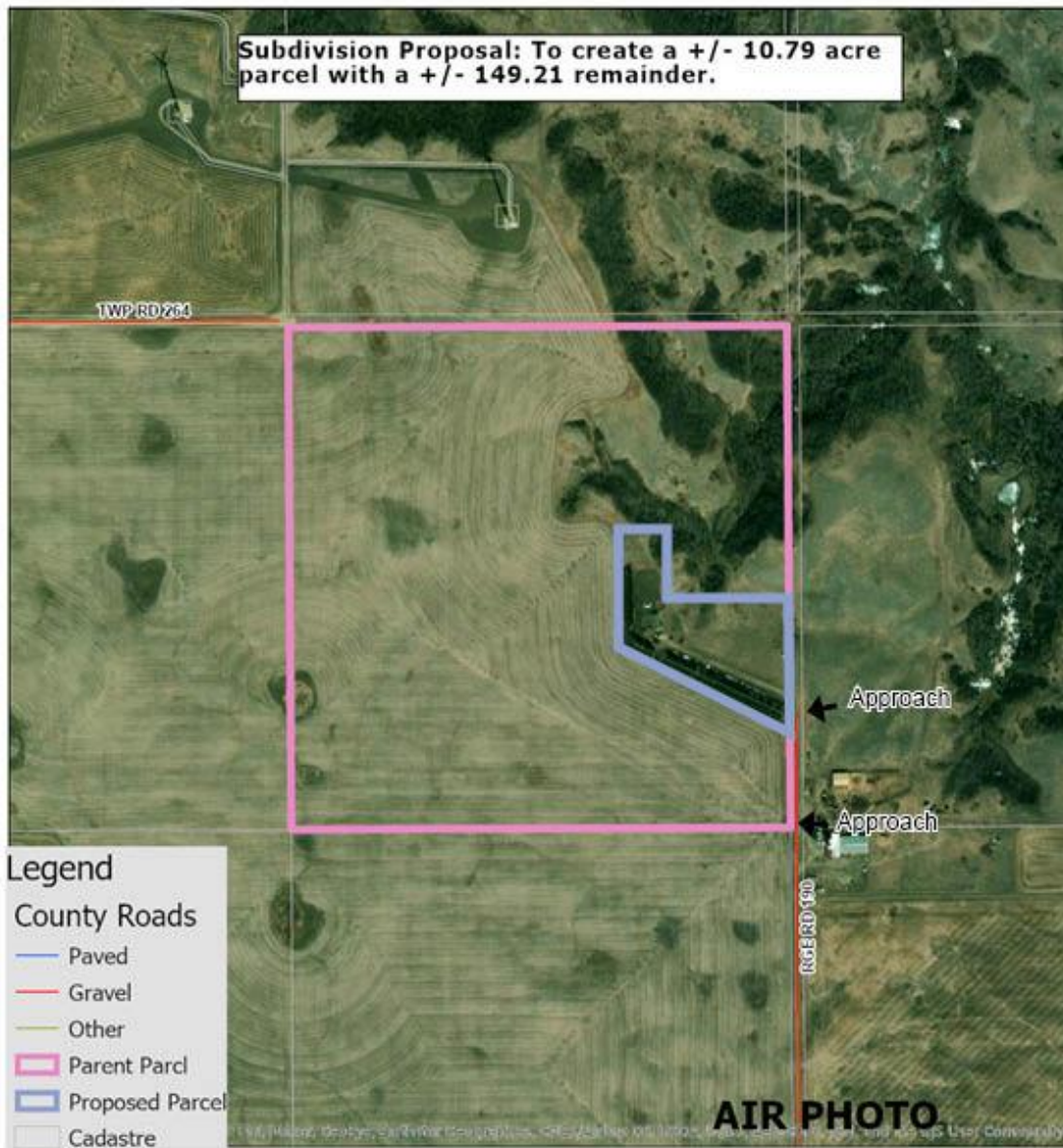
Sherry Baers

A handwritten signature in black ink, appearing to read "Matthew Boscarol". The script is cursive and fluid.

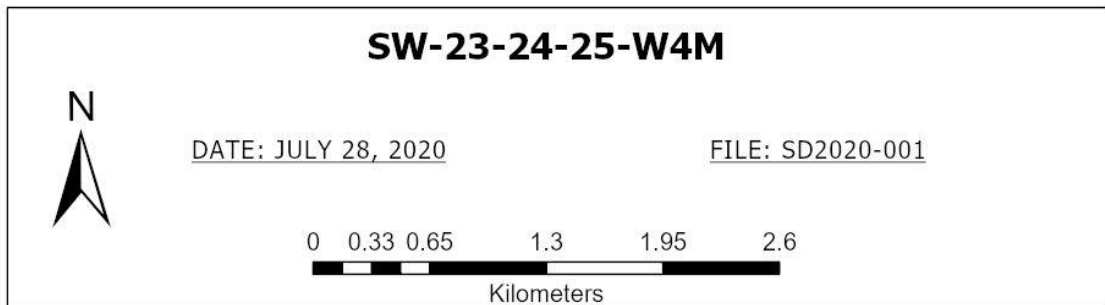
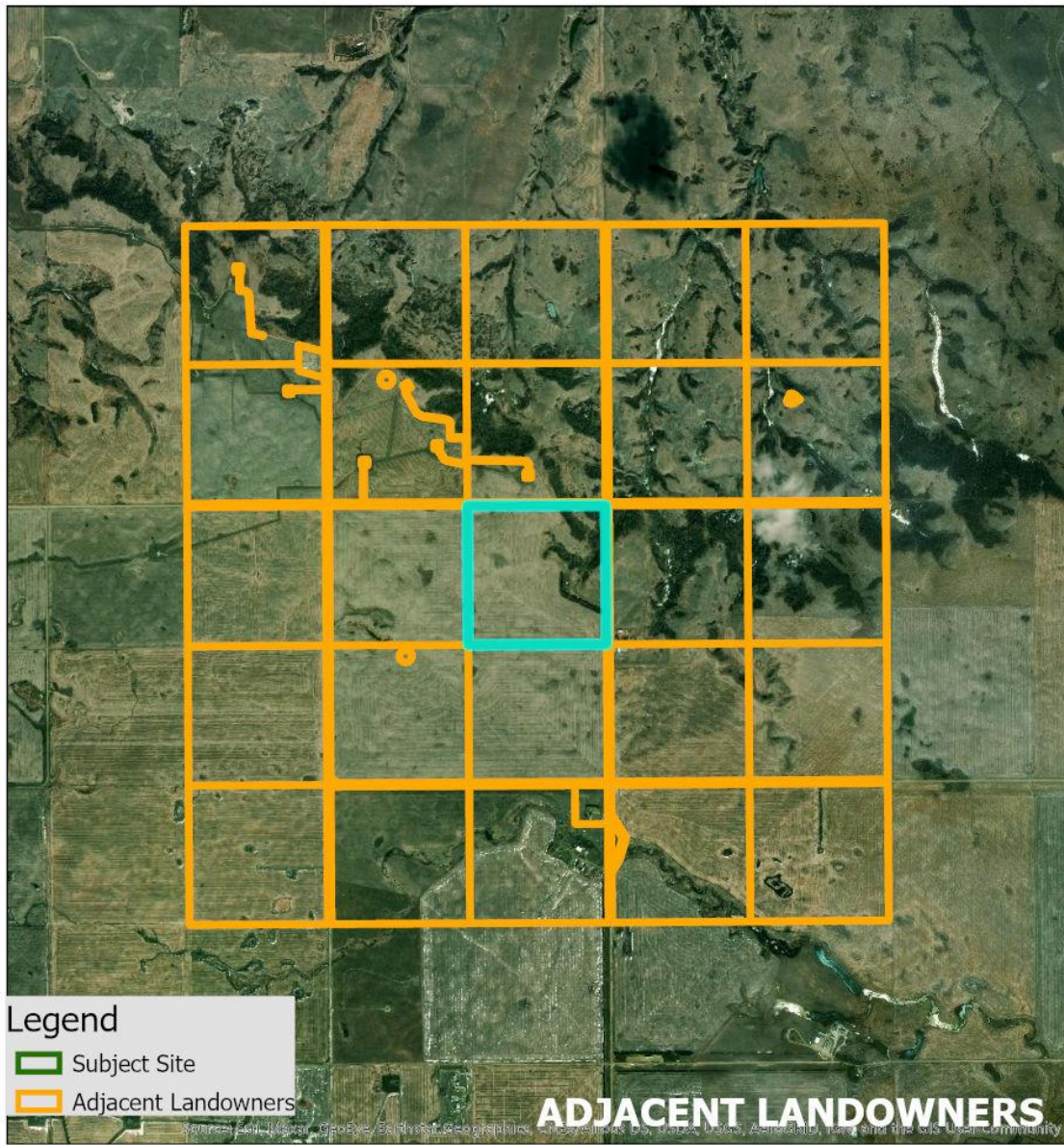
Matthew Boscarol













# Wheatland County

## Request for Decision

### Municipal Planning Commission

August 11, 2020

Report prepared by: Megan Williams



### SD2020-011 First Parcel Out

<b>File Number:</b>	SD2020-011	<b>Division:</b>	4
<b>Proposal:</b>	To subdivide a +/- 5 acres from 158.83 acres following an approved redesignation. No additional development proposed at this time		
<b>Location:</b>	7 km southwest of Cheadle		
<b>Legal Description:</b>	NE-18-23-26-W4M		
<b>Title Area:</b>	158.86		
<b>Existing Land Use:</b>	Agricultural General and Country Residential		
<b>Proposed Parcels:</b>	1 proposed +/- 5 acre parcel		

### Report

The applicant is applying to subdivide +/-5 acres from the parent parcel. They successfully redesignated the +/- 5 acres from Agricultural General to Country Residential on June 2<sup>nd</sup>, 2020. The proposed parcel contains the established yard of a residential development including the water well and septic field. The remainder parcel is cultivated. There are no proposed developments at this time.

### Recommendation from Administration

THAT the Municipal Planning Commission approve subdivision application SD2020-011, to subdivide one +/- 5 acre parcel from the titled area, subject to the following conditions:

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.
2. That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding taxes up to and including the year in which the subdivision is to be registered shall be paid to the municipality.
3. Approaches to the proposed parcel(s) and remainder built and located to County Standards and approved by the Public Works Department, at the Owners expense.
4. The Owners are to enter into a Deferred Services Agreement for water and wastewater with Wheatland County, which shall be registered by caveat concurrently with the final plan against the title(s) being created.
5. The Owner is to enter into an Agreement of Easement for Construction and Maintenance of any Public Works with Wheatland County, which shall be registered by caveat concurrently with the final plan against the title(s) being created.
6. The Owner is to enter into a Road Acquisition Agreement, which shall be registered by caveat concurrently with the final plan against the title(s) being created.

### **Policy Analysis**

The proposal generally aligns with the relevant policies of the South Saskatchewan Regional Plan, Regional Growth Management Strategy, the Municipal Development Plan, and the Land Use Bylaw. It is proposing to subdivide the existing yard area, and so minimizes the amount of agricultural lands removed from the quarter. The RGMS contains policies that explicitly state that more favourable consideration shall be given to subdivisions of first parcel out if the subdivision contains the existing farmstead.

### **Technical Review**

The development on the proposed parcel is serviced by a private water well and septic system. The approach on the proposed and remainder parcel will need to be inspected to ensure they are up to County standard. Both parcels are to be accessed from Range Road 265.

### **Circulation Comments**

Staff received no comments from adjacent landowners in Wheatland or Rocky View County at the time of writing this report. Public Works requires a road widening and acquisition agreements, no other comments or objections arose from external agencies or internal departments.

### **Response Options**

Option 1: THAT MPC accepts/approves the recommendation as proposed.

Option 2: THAT MPC does not accept/approve the recommendation as proposed.

Option 3: THAT MPC accepts/approves an alternate recommendation of MPC's choosing.

### **Follow-up Action / Communications**

To notify the landowner of MPC's decision, and if approved to assist in the completion of their conditions, if necessary.

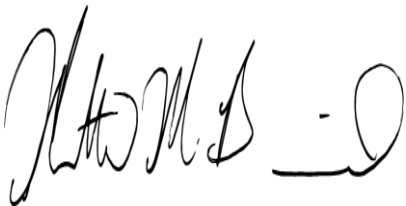
## Report Approval Details

Document Title:	Subdivision SD2020-011 First Parcel Out.docx
Attachments:	- SD2020-011Comment summary.docx - Map Package.pdf
Final Approval Date:	Jul 30, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Sherry Baers". The signature is fluid and cursive, with the first name "Sherry" written in a larger, more prominent script than the last name "Baers".

Sherry Baers

A handwritten signature in black ink, appearing to read "Matthew Boscarol". The signature is written in a cursive style, with the first name "Matthew" and last name "Boscarol" clearly visible, followed by a small flourish.

Matthew Boscarol



## Comment Summary

Date: August 11, 2020






Application: SD2020-011 First Parcel Out subdivision

Staff circulated internally and to external agencies. The following comments were received from internal departments and external agencies.

EXTERNAL AGENCIES	COMMENTS
AB Community Development	No concerns
AB Culture and Tourism	No concerns
AB Energy Regulator	No concerns
AB Environment and Parks	<p>A review of this location, As per the attached subdivision plans, indicates the presence of naturally occurring water bodies which appear to have a level of permanence. These waterbodies may be crown claimed, as per section 3 of the Public Lands Act.</p> <p>Contact with the Water Boundaries unit in Edmonton should be made to ensure that these potentially Public Lands, in the form of waterbodies, are identified and delineated within this subdivision application.</p> <p><b>Water Boundaries determined there are no Crown owned bed and shore that is affected by the proposed subdivision</b></p>
AB Health Services	No concerns
Alta Link	No concerns
ATCO Gas	Please be advised that our existing/future gas line(s) on the subject property are protected by way of a Utility Right of Way Agreement, registered as Instrument(s) #841 004 030. Therefore ATCO Gas has no objection to the proposed subdivision.
ATCO Pipelines	<p>No objections subject to the following conditions:</p> <ol style="list-style-type: none"><li>1. Any existing land rights shall be carried forward in kind and registered on any newly created lots, public utility lots, or other properties.</li><li>2. Ground disturbances and surface works within 30 meters require prior written approval from ATCO Pipelines before commencing any work.<ol style="list-style-type: none"><li>a. Municipal circulation file number must be referenced; proposed works must be compliant with ATCO Pipelines' requirements as set forth in the company's conditional approval letter.</li><li>b. Contact ATCO Pipelines' Land Department at 1-888-420-3464 or <a href="mailto:landadmin@atco.com">landadmin@atco.com</a> for more information.</li></ol></li></ol>

	<p>3. Road crossings are subject to Engineering review and approval.</p> <ul style="list-style-type: none"> <li>c. Road crossing(s) must be paved and cross at a perpendicular angle.</li> <li>d. Parallel roads are not permitted within ATCO Pipelines' right(s)-of-way.</li> <li>e. If the road crossing(s) requires a pipeline alteration, the cost will be borne by the developer/owner and can take up to 18 months to complete.</li> </ul> <p>4. Parking and/or storage is not permitted on ATCO Pipelines' facility(s) and/or right(s)-of-way.</p> <p>5. Encroachments are not permitted on ATCO Pipelines' facility(s) and/or right(s)-of-way.</p> <p>6. ATCO Pipelines recommends a minimum 15 meter setback from the centerline of the pipeline(s) to any buildings.</p> <p>7. Any changes to grading that alter drainage affecting ATCO Pipelines' right-of-way or facilities must be adequate to allow for ongoing access and maintenance activities.</p> <ul style="list-style-type: none"> <li>f. If alterations are required, the cost will be borne by the developer/owner.</li> </ul> <p>8. Any revisions or amendments to the proposed plans(s) must be re-circulated to ATCO Transmissions for further review.</p> <p>Staff confirmed ATCO Pipelines does not require any conditions to protect their interests.</p>
Fortis	No easement is required by Fortis
Rocky View County	No concerns
WID	No objections
<b>INTERNAL DEPARTMENTS</b>	
Agriculture and Environment	No comments
Public Works	We will need the road widening and acquisition agreements. Range Road 265 has good sight distance, there are no issues with building a second approach.
Economic Development	No concerns
Community Services	No concerns
Planning & Development	No concerns, the setbacks appear to be met for the new property boundaries.

**Legend**

-  Parent Parcel
-  Cadastre
-  Water Body
-  Proposed Subdivision
-  Road

**Rocky View County**

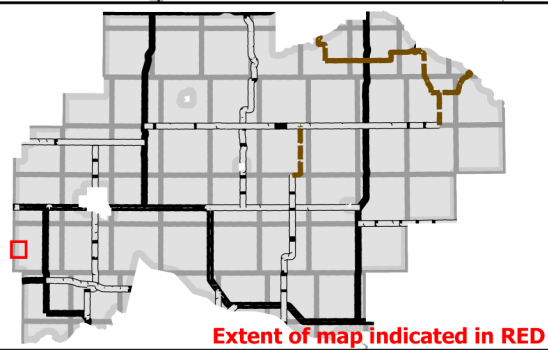
**Range Rd 270**

**Range Rd 265**

**Proposed Subdivision**

**Township Rd 232**

**LOCATION PLAN**



**NE-18-23-26-W4M**

DATE: JUNE 10, 2020

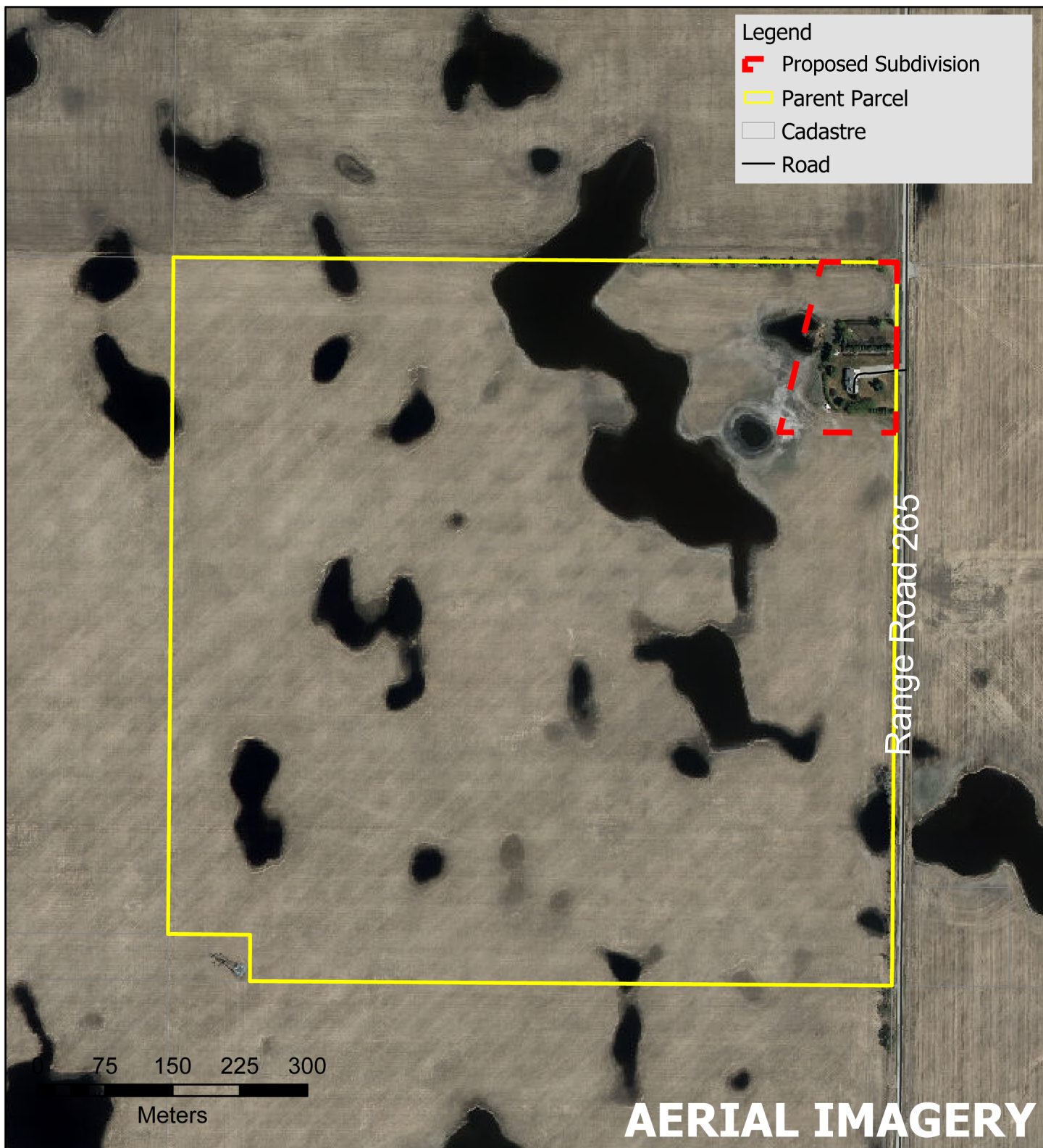
FILE: SD2020-011



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Kilometers

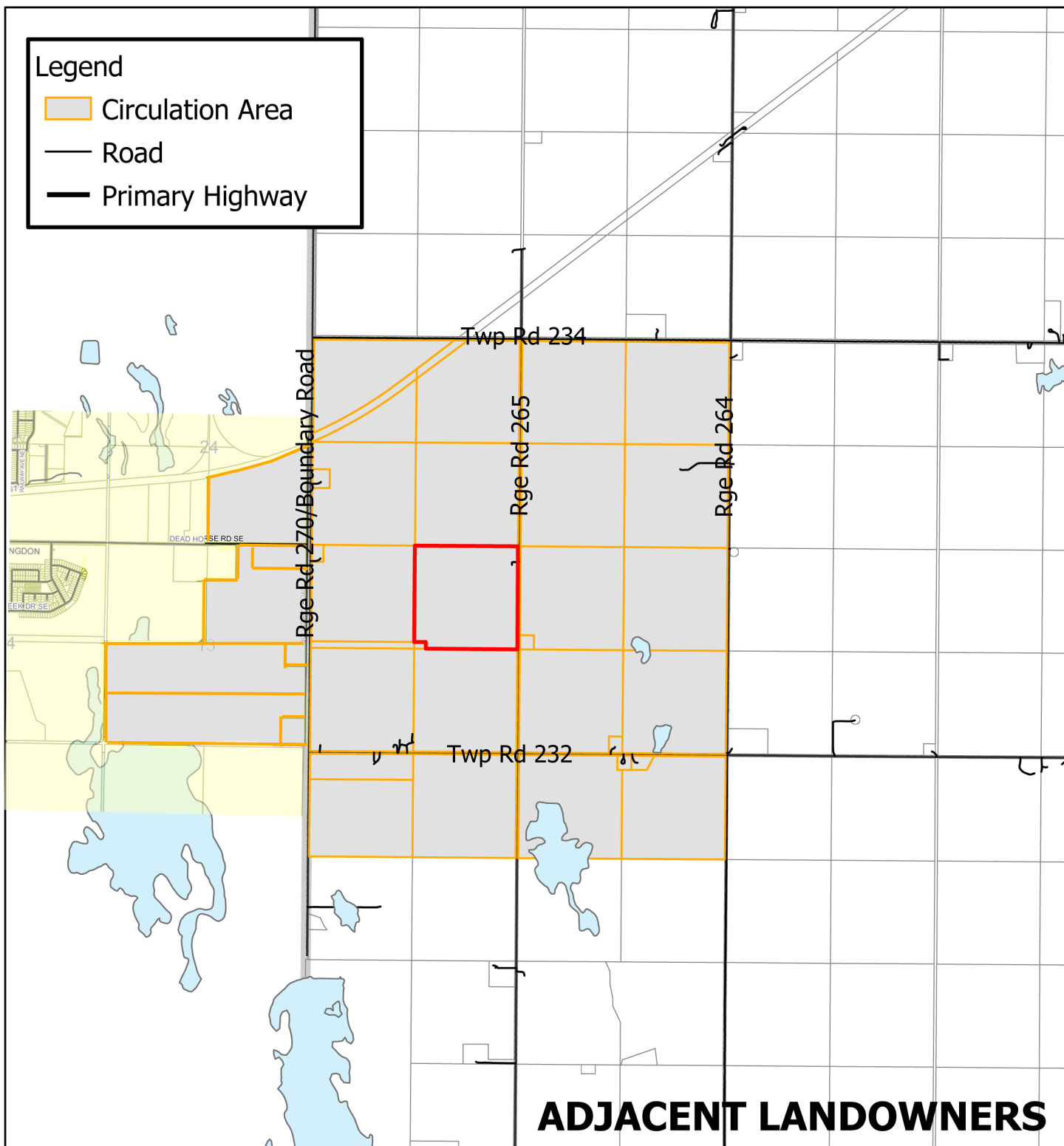


**NE-18-23-26-W4M**

Date: August 11, 2020

File: SD2020-011





## NE-18-23-26-W4M



Date: August 11, 2020

File: SD2020-011

0 0.42 0.85 1.7 2.55 3.4



Kilometers