

# Wheatland County

## Request for Decision

Municipal Planning Commission

September 8, 2020

Report prepared by: Suzanne Hayes



DP 2020-098

<b>File Number:</b>	File DP 2020-098	<b>Division:</b>	5
<b>Proposal:</b>	Variance Request (Shelterbelt)		
<b>Location:</b>	9.65 km (6 miles) north of Hwy 1, and 3.22 km (2 miles) west of Hwy 21		
<b>Legal Description:</b>	NW-10-25-24-4		
<b>Title Area:</b>	157 Acres		
<b>Existing Land Use:</b>	Residential/Agricultural		
<b>Proposed Parcels:</b>	N/A		

### Report

Wheatland County is proposing to install a shelterbelt requiring a variance on behalf of the applicant to be located on an Agricultural General parcel located at **NW-10-25-24-4**.

During road construction performed on RR 243, Caragana bushes were removed to allow for the work to occur. In order to install a replacement shelterbelt on the lands, a variance will need to be obtained to accommodate the trees in the location which has been requested by the applicant/landowner which aligns with remaining trees on the property.

Along RR 243, the trees will be located 0.0 m from the west property line. Along TWP RD 252 the trees will begin 5.0 m (16.40 ft) from the north property line.

The Land Use Bylaw setbacks for shelterbelts are as follows:

#### 7.12.5 Shelterbelt Setbacks from Roads:

- a) Outside a hamlet, notwithstanding any other provision contained in this Bylaw, no shrub, tree, shelterbelt or any other obstruction shall be erected or placed within:
  - i. 15.24 m (50.0 ft) from the nearest limit of a public road right-of-way
  - ii. 22.86 m (75.0 ft) from an intersection of two or more road rights-of-way

The replacement shelterbelt will not be any closer (or block anymore of the sightlines) than the existing trees or shrubs already on the property in order to maintain a safe sight line to the east.

A variance request may be approved if the Development Authority determines that it does not interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

### Recommendation from Administration

THAT Municipal Planning Commission approve DP 2020-098 for shelterbelt Variance subject to the following conditions:

1. This Development Permit is issued solely for the purpose of a replacement shelterbelt requiring a variance – Defined as a Shelterbelt with a Variance.
2. The variance has been granted allowing the replacement trees to be located as follows: Along RR 243, the trees will be located 0.0 m (0.0 ft) from the west property line of the subject parcel. Along Twp. Rd. 252 the trees will begin 5.0 m (16.40 ft) from the north property line of the subject parcel.
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.

### **Policy Analysis**

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

**MUNICIPAL DEVELOPMENT PLAN (MDP):** The MDP does not address details regarding variances or non-conforming uses.

### **LAND USE BYLAW:**

Definition: **Shelterbelt** means a row or rows of plantings made up of trees and /or shrubs that are positioned in such a manner as to provide shelter from the wind, snow and to protect soil from erosion.

#### **7.12.5 Shelterbelt Setbacks from Roads:**

- a) Outside a hamlet, notwithstanding any other provision contained in this Bylaw, no shrub, tree, shelterbelt or any other obstruction shall be erected or placed within:
  - i. 15.24 m (50.0 ft) from the nearest limit of a public road right-of-way
  - ii. 22.86 m (75.0 ft) from an intersection of two or more road rights-of-way

## **4.3 Variances**

- 4.3.1 Upon receipt of an application for any development for which a variance exceeds 10 % of any numerical rules and regulations of this Bylaw, the Development Officer shall refer the application to the Municipal Planning Commission for a decision.
- 4.3.2 The Development Authority may approve a Development Permit even though the proposed development does not comply with this Bylaw or is a non-conforming building if, in the opinion of the Development Authority:
  - a) The proposed development would not:
    - i. Unduly interfere with the amenities of the neighborhood; or
    - ii. Materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land; and
    - iii. The proposed development conforms with a similar use prescribed for that land or building in this Bylaw.

Considerations:

- The proposal meets the criteria listed in LUB section 4.3 regarding variances.
- The proposed trees will align with existing remaining trees currently onsite and an adequate site line to the east will be maintained.

### **Technical Review**

The trees are proposed to be planted adjacent to the intersection of RR 243 and Twp. Rd. 252.

## **Circulation Comments**

AGENCY CIRCULATION	
Not performed	
INTERNAL CIRCULATION	
Internal File Review	No Concerns.
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 applicant of the decision

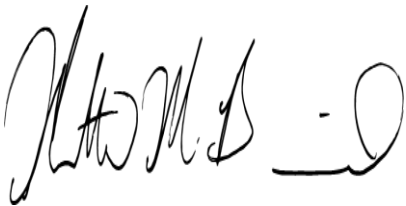
## Report Approval Details

Document Title:	DP 2020-098.docx
Attachments:	- DP 2020-098 Appendices.docx
Final Approval Date:	Aug 26, 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