

Wheatland County

Request for Decision

Municipal Planning Commission

March 9, 2021



Report prepared by: Graham Allison

SD2021-001

File Number:	SD2021-001	Division:	4
Proposal:	Subdivision and Boundary Adjustment of two (2) parcels, one measuring +/-28.75 acres, and the other measuring +/-29.06 acres		
Location:	South of the intersections between Range Road 260 and Highway 1; approximately 5 kilometres west of Strathmore		
Legal Description:	SE-12-24-26-W4M		
Title Area:	Two (2) 80-acre parcels		
Existing Land Use:	Agricultural General		
Proposed Parcels:	Agricultural General		

Report

This application would create two (2) new parcels out of two (2) existing 80-acre parcels within SE-12-24-26-W4M. The first proposed parcel would contain +/-28.75 acres, and the second would contain +/-29.06 acres. Since the subdivision is affecting two (2) existing parcels, a boundary adjustment is also being proposed that would subdivide land from the southern parcel to be consolidated with the northern parcel, so that the two (2) proposed parcels can be accessed from Township Road 241a.

There is a water course that is the result of runoff from an existing dam that runs through runs north-to-south on the western side of the of the two existing 80-acre parcels that prevents the owner of both from legally accessing the cultivated land on the western side of the property. The applicant is requesting a subdivision and boundary adjustment so that both proposed parcels on the western portion of the subject lands have direct access to Township Road 241a. The subject lands are zoned Agricultural General (AG) District and both existing parcels contain existing dwellings and farm buildings, that are serviced by private wells and private septic disposal systems. The remainder parcels can be accessed from Range Road 260. The proposed parcels are not serviced and there are no plans for development on them at this time.

Recommendation from Administration

THAT the Municipal Planning Commission approve subdivision application SD2021-001 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. 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 per acre value of \$6,700 as stated in the appraisal prepared by I. Weleschuk (February 26, 2021). The exact amount owed will be determined based on the final plan of survey.
5. 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.
6. 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.
7. 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 South Saskatchewan Regional Plan, Regional Growth Management Strategy, Municipal Development Plan, West Highway 1 Area Structure Plan, and Land Use Bylaw. Though these plans discourage agricultural fragmentation, permanent body of water fragments the SE quarter section 12-24-26-4 is formed due to construction of a dam on an existing drainage course prior to 1950. These documents also contain policies that encourage diversification of agricultural operations and explain that smaller parcels can help facilitate these endeavours.

The proposed subdivision is along the most eastern boundary of the West Highway 1 Area Structure Plan (WH1ASP). The proposal aligns with the policies and objectives within this document. The existing uses prior to the WH1ASP being approved are still valid. Agricultural uses are permitted to continue until such a time as an industrial development is proposed.

Technical Review

Approaches:

The remainder parcels are accessed via a shared approach off Range Road 260. The proposed parcels will need to have approaches built off Township Road 241a.

Water Servicing:

The remainder parcels are serviced by private wells, the proposed parcels are not serviced, and no servicing is proposed.

Sanitary Servicing:

The remainder parcels are serviced by a private sewage disposal system, the proposed parcels are not serviced and not servicing is proposed.

Municipal Reserve:

As per the *Municipal Government Act*, Municipal Reserve would be required on this subdivision. An appraisal prepared by I. Weleschuk (2021/2/26) determined the per acre value of this parcel is \$6,700 on both parcels totaling +/-28.75 and +/-29.06 acres. The amount of cash-in-lieu of Municipal reserve owing to Wheatland County will be approximately \$38,733. The exact amount will be determined based on the final plan of survey. Due to the parcels location in the West Highway 1 Area Structure Plan (WH1ASP) there is potential to take Municipal reserve land from future subdivision to dedicate to a recreation or pathway system to support the industrial and commercial uses within the WH1ASP, which is noted under section 3.1 – Land Use and Subdivision Policies, within the WH1ASP. MPC has the option to defer taking Municipal Reserve from these parcels at the time to reserve this option for future subdivision of the subject lands.

Circulation Comments

EXTERNAL AGENCIES	COMMENTS
AB Community Development	No comments received.
AB Culture	No comments received.
AB Energy Regulator	No comments received.
AB Environment & Parks	<p>A review of historical aerial photos of the area shows that the only permanent body of water within the SE ¼ Section 12-24-26-4 is formed unnaturally due to construction of a dam on an existing drainage course prior to 1950. As such, the bed and shore of that man-made body of water or any other portion of the existing wetlands in that area do not meet the criteria for a Crown ownership claim under Section 3 of the <i>Public Lands Act</i>.</p> <p>Nevertheless, the assessments made by the Water Boundaries Unit do not provide any permission to alter any water feature. As the Crown in right of Alberta owns all waters on Alberta lands, regardless of the surface ownership, any activity which may affect a naturally occurring wetland will be subject to the regulatory requirements under the <i>Water Act</i>. For more information, the local Water Act Approvals authority need to be contacted.</p>
AB Health Services	No comments received.
AB Transportation	No comments received.
ATCO Electric	No comments received.
ATCO Gas	No objections.
ATCO Pipelines	No objections.
AB Utilities Commission	No comments received.
Ember Resources	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	

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 inform the applicant of MPC's Decision.

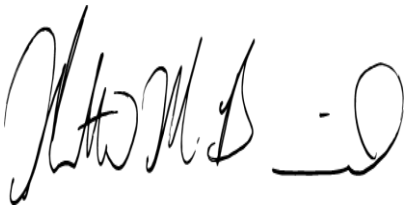
Report Approval Details

Document Title:	SD2021-001.docx
Attachments:	- SD2021-001 Mapset.pdf
Final Approval Date:	Mar 2, 2021

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



Sherry Baers



Matthew Boscarol