



WHEATLAND COUNTY

Where There's Room to Grow



Request for Decision

December 3, 2019

Resolution No. _____

Date Prepared November 7, 2019

Subject

Decision-making topic title

WCAR-10-022 Time Extension Request – 1st Time Extension Request from the Developer to extend their conditional subdivision approval for a twelve (12) month term to December 7th, 2020. The current deadline for conditional subdivision approval is December 7th 2019, which was approved by the Municipal Government Board.

Recommendation

Clear resolution answering – what/who/how/when

THAT Council choose Option #1 approval of a subdivision time extension request for Subdivision Application WCAR-10-022 for a period of twelve (12) months; based on information provided in the request for decision.

CAO Comments

Any additional comments regarding the reason for the recommendation

N/A

RECOMMENDATION

Report/Document:

Attached

☐

Available

☐

None

☒

Key Issue(s) / Concepts Defined

Define the topic, reference background material and state question to be answered

On July 17, 2018, the County's Municipal Planning Commission issued its notice of decision to approve the subdivision application WCAR-10-022 subject to 15 conditions. The applicant appealed several of the conditions and the matter was brought before the Municipal Government Board (the "MGB") for a decision. The hearing was held on September 10, 2018, and a decision was issued on December 7, 2018. The MGB approved the subdivision subject to the 14 conditions listed below.

The applicant received the first draft of the Development Agreement (the "DA") on April 12, 2019. Discussions regarding the DA conditions began, and while the staff were able to make some of the requested changes, the applicant felt all of their concerns were not adequately addressed. The applicant submitted a request for the MGB to intervene on their behalf on June 26th, 2019 in regards to the conditions in the DA.

The applicant and the County renewed discussions, thoroughly reviewing the DA conditions. Two reviews of the DA have occurred since the applicant's request to the MGB. Both parties anticipate the review of the DA will be complete by the end of the year and the applicant can commence on the drawings required for the DA. As the discussions regarding the DA conditions have been renewed, the applicant requested their request to MGB be put on hold. To date, none of the subdivision conditions

have been completed. The majority of the conditions depend on the signing of the DA, or are conditions that need to be satisfied prior to endorsement of the subdivision. This has been indicated in the below status report.

The current status of the Subdivision Conditions are as follows:

Plan of Subdivision

1. The approved subdivision (the “**Subdivision**” or the “**Development**”) is to be effected by a Plan of Survey, pursuant to Section 657 of the **Municipal Government Act**, R.S.A. 2000 Chapter M-26 (the “**Municipal Government Act**”), or by such means satisfactory to the Registrar of the South Alberta Land Titles District. Incomplete - Survey has not been completed as the design of the cul-de-sac needs to be agreed upon, relying on the completion and signing of the DA. County cul-de-sac standards are set for 30m right-of-ways, the road in question is within a 20m right-of-way.

Taxes, Off-Site Levies, Cost Contributions

2. All outstanding property taxes, off-site levies, and cost contribution obligations imposed pursuant to Section 651 of the **Municipal Government Act**, owing on the subject lands, up to and including the year in which the approved Plan of Survey is to be registered, are to be paid to Wheatland County prior to the endorsement of the approved Plan of Survey pursuant to Section 657 of the **Municipal Government Act**. Incomplete – To be provided at the end of the endorsement process.

Cash in Lieu of Reserve Lands

3. The Owner shall submit a market value appraisal of the subject lands, excluding the \pm 79.0 acre remnant parcel identified in blue on **Schedule A** (the “**Remnant Parcel**”), prepared by a professional appraiser licensed to practice in Alberta, for the purpose of determining the land valuation for calculation of cash in lieu of reserves in accordance with Section 667 of the **Municipal Government Act** (the “**Appraisal Report**”). Incomplete.
4. The Owner shall pay to Wheatland County 10% of the land value as set out in the Appraisal Report as cash in lieu of reserve land in accordance with Section 666 of the **Municipal Government Act** prior to the endorsement of the approved Plan of Survey. Incomplete – Reliant on the appraised market value and completed Plan of Survey.

Deferred Reserve Caveat (DRC)

5. The Owner shall register a Deferred Reserve Caveat (DRC) on the Remnant Parcel for future Municipal Reserve (MR) in accordance with Section 669 of the **Municipal Government Act** concurrent with registration of the Plan of Survey. Incomplete – To be completed as part of endorsement process.

Environmental Reserve Easement

6. The Owner shall register an Environmental Reserve Easement, on the proposed parcel for the lands from the Bow River to the minimum setback from the top-of-slope as per Section 7.20.6 of the Land Use Bylaw in a form satisfactory to Wheatland County, in accordance with Section 664(2) of the MGA concurrent with registration of the Plan of Survey Incomplete – to be completed as part of endorsement process.
7. The Owner shall register an Environmental Reserve Easement on the Remnant Parcel for the lands from the Bow River to the top-of-slope in a form satisfactory to Wheatland County, in accordance with Section 664(2) of the Municipal Government Act concurrent with registration of the Plan of Survey. Incomplete – to be completed as part of endorsement process.
8. All construction and development shall adhere to the Approved Plans and Studies together with all recommendations contained therein. Ongoing – Once DA is signed and construction commenced, applicant is expected to follow this condition.

Development Agreement

9. Prior to commencement of any construction upon the subject lands, the Owner shall enter into a Development Agreement with Wheatland County for the Subdivision pursuant to Section 655 of the ***Municipal Government Act*** which shall include, without restriction, the following provisions: Incomplete – Discussions have been ongoing and are expected to be concluded before the end of the year. Plans and technical drawings are required to be submitted with the DA.
- a) Design, upgrade and construction of the extension of Township Road 215 to connect to the subject property and associated transportation infrastructure requirements in accordance with the County's Public Works Policies (the 'Servicing Standards'), as the Servicing Standards exist as at the date that the road design plans are submitted to Wheatland County for approval, to the reasonable satisfaction of the County.
 - i) This includes the construction of a cul-de-sac as per Policy 2206 of the Rural Service Area Design Standards and the registration of an easement.
 - b) Construction of an approach to the proposed \pm 39.0acre parcel in accordance with the Servicing Standards, as the Servicing Standards exist as at the date that the approach plans are submitted to Wheatland County for approval, to the reasonable satisfaction of Wheatland County.
 - c) Construction of an approach to the Remnant Parcel in accordance with the Servicing Standards, as the Servicing Standards exist as at the date that the approach plans are submitted to Wheatland County for approval, to the reasonable satisfaction of Wheatland County; and
 - d) Prior to the commencement of construction of any improvements on or off the subject lands, the Owner shall post security in the form of Cash or Irrevocable Letter of Credit, to the reasonable satisfaction of the Wheatland County solicitors, in the amount of One Hundred Twenty Five percent (125%) of the estimated cost of construction of all on-site and off-site infrastructure and improvements required by these Conditions of Subdivision Approval and the Development Agreement.

Restrictive Covenant

Concurrent with the registration of the Plan of Survey, in accordance with Section 651.1 of the ***Municipal Government Act***, the Owner shall register a Restrictive Covenant on the certificate of title of the newly created parcels which provides that: Incomplete – To be completed as part of the endorsement process.

- a) Any development on the subject lands shall conform to the recommendations and restrictions set out in the updated Geotechnical Report to be conducted to the reasonable satisfaction of Wheatland County.

Township Road 215 shall be the "benefitting" land for the purpose of the Restrictive Covenant. Incomplete – To be completed as part of the endorsement process.

Deferred Servicing Agreement

The Owner shall enter into a *Deferred Servicing Agreement* with Wheatland County for water and wastewater and shall register a copy of the Agreement on the certificate of title to the newly created parcels concurrent with the registration of the Plan of Survey. Incomplete – Ready to sign.

Agreement of Easement for Construction and Maintenance of Any Public Works

10. The Owner shall enter into an *Agreement of Easement for Construction and Maintenance of Any Public Works* with Wheatland County and shall register a copy of the Agreement on the certificate of title to the newly created parcels concurrent with the registration of the Plan of Survey. Incomplete – Ready to sign.

Road Acquisition Agreement

11. The Owner shall enter into a *Road Acquisition Agreement* with Wheatland County and shall register a copy of the Agreement on the certificate of title to the newly created parcels concurrent with the registration of the Plan of Survey. Incomplete – Ready to sign.

Relevant Policy / Practices / Legislation

Cite existing policies, practices and/or legislation

South Saskatchewan Regional Plan

Foothills County Intermunicipal Development Plan

Regional Growth Management Strategy

Municipal Development Plan

Municipal Government Board Conditional Approval for this subdivision as of December 7, 2018 subject to 14 conditions.

Strategic Relevance

Reference to goals or priorities of current work program

N/A

Response Options and Desired Outcome(s)

Main result, along with highlighted requisites and benefits

That Council make a decision on whether to grant a conditional subdivision approval time extension request for WCAR-10-022.

Option #1 THAT Council approve a subdivision time extension request for WCAR-10-022 for a period of twelve (12) months until December 7th, 2020.

Motion #1 That Council approve a subdivision time extension request for Subdivision Application WCAR-10-022 for a period of twelve (12) months; valid until December 7th, 2020.

Option #2 THAT Council refuse a subdivision time extension request for WCAR-10-022.

Motion #1 That Council refuse the request for a subdivision time extension for WCAR-10-022.

Option #3 Approve an alternate recommendation.

RECOMMENDATION: Staff recommends that Council choose Option #1 to approve a twelve-month time extension for Subdivision WCAR-10-022 to subdivide a +/- 39 acre parcel through land consolidation and subdivision.

IMPLICATIONS OF RECOMMENDATION

General

Consequences to community, overall organization and/or other agencies

Subdivision WCAR-10-022 would continue to be processed accordingly. Staff would continue working with the applicant to complete the conditions of subdivision.

Organizational

Policy change or staff workload requirements

If the time extension is approved, Staff will continue to work in a collaborative manner with the applicant, accept meeting requests accordingly and await full detailed information on how they plan to address their subdivision conditions.

Financial

Current and/or future budget impact

If the time extension is approved, Staff would continue to dedicate time to help the applicant complete conditions, where appropriate. This would have little to no financial impact to the County.

Environmental, Staff and Public Safety

Consequences for the environment, consideration of effects on the safety of staff and the public

N/A

Follow-up Action / Communications

Timelines, decision-making milestones and key products

Proceed with implementing Council's recommendation.

Submitted
by:



Megan Williams
Planner II

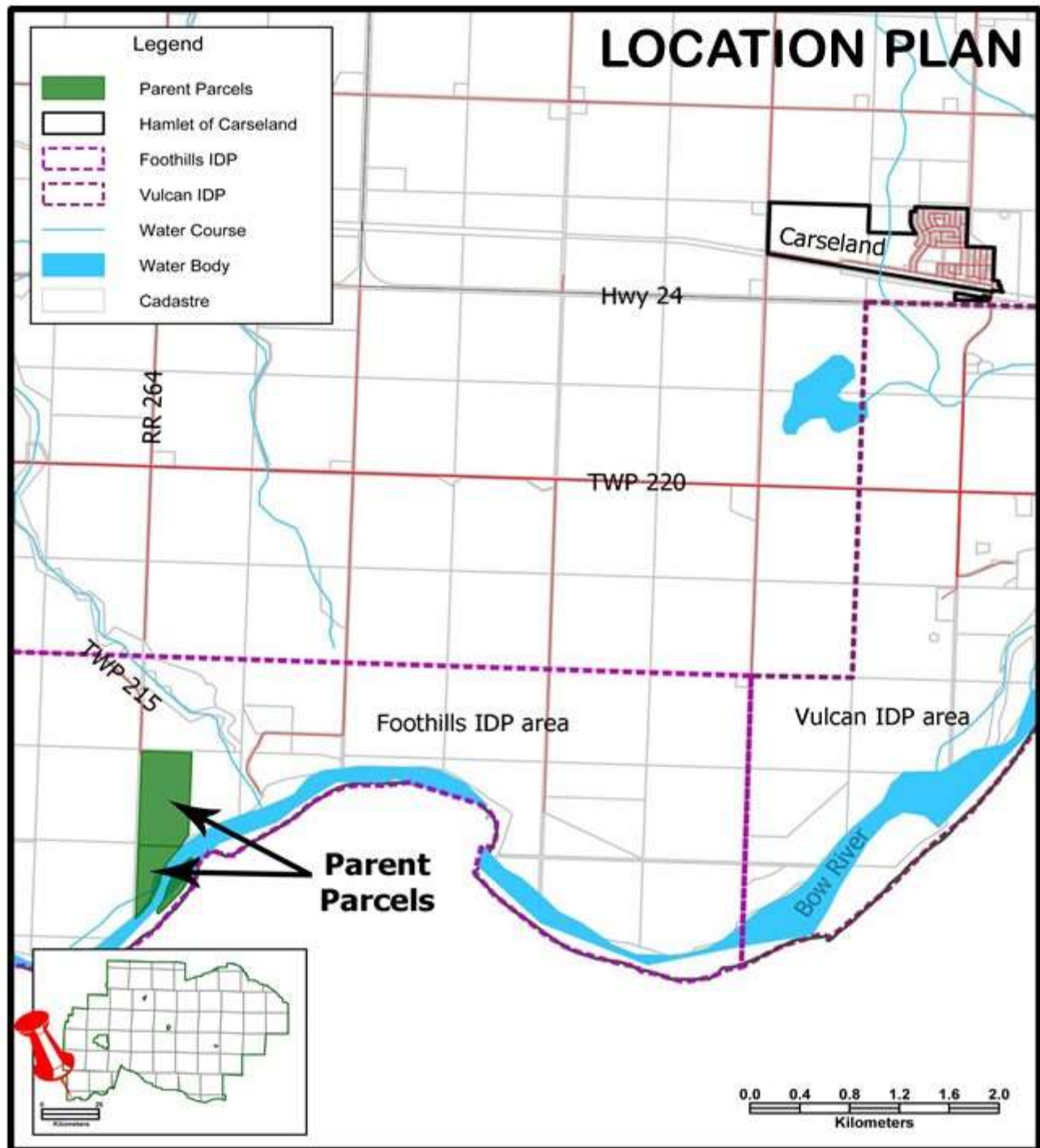
Reviewed by:



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 **SW-28-21-26-W4M & NW-21-21-26-W4M**

Date: December 3, 2019 File: WCAR-10-022

Subdivision Proposal: To create a +/- 39 acre parcel with a +/- 69 acre remainder.



SW-28-21-26-W4M & NW-21-21-26-W4M

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