



PLANNING REPORT

Municipal Planning Commission
March 10, 2020

FILE NO: SD2020-002 **DIVISION #:** 7

PROPOSAL: Subdivide one +/- 10.0 ac parcel from the titled area

LOCATION: Adjacent to Range Rd. 262, approximately 12 km (7.5 mi) southeast of the Hamlet of Dalum

LEGAL DESCRIPTION: SE-18-26-18-W4M

TITLE AREA: +/- 160.0 ac

EXISTING LAND USE: Agricultural General (AG)

NUMBER OF PROPOSED PARCELS: 1

Background:

The purpose of this application is to subdivide +/-10.00 acres from an undivided +/-160 acre quarter section. An existing dwelling serviced by a private well and private sewage disposal system will be located within the proposed +/- 10 acre parcel. The remainder parcel is a farming operation that contains a private dwelling, as well as several farm buildings and grain bins. The remainder parcel can be accessed by existing approach off of Township Road 262.

The proposed subdivision is located directly adjacent to Township Road 262. As a condition of subdivision, the County is requesting that an approach be constructed to access the new parcel. The applicant has expressed concerns regarding the grade and visibility of potential new access off Township Road 262 and has requested that MPC consider including an access easement agreement registered on both parcels as a condition of subdivision, so that the proposed parcel can use the existing approach with the remainder parcel.

MUNICIPAL POLICY REVIEW

Calgary Metropolitan Regional Plan

The subject site does not fall within the jurisdiction of the Calgary Metropolitan Regional Board.

South Saskatchewan Regional Plan

Section 5 of the South Saskatchewan Regional Plan (SSRP) advocates for the efficient use of land by discouraging the conversion and fragmentation of agricultural parcels. This section also aims to reduce the rate at which land is converted from an undeveloped state into permanent, built environment. The proposed parcel is a 10 acre subdivision with an existing, serviced private dwelling. This application is in alignment with the objectives of the SSRP by preserving cultivated land on the proposed and remainder parcels, without proposing new development.

Regional Growth Management Strategy

The RGMS provides long term guidance for development in the County with a goal of protecting productive agricultural land by concentrating development in built out areas. Section 4.2 encourages the preservation of agriculturally zoned land. The proposed subdivision is a first parcel out subdivision that will continue to be designated as Agricultural General (AG) District and will continue to be used for farming. There are no plans for new development on site.

Municipal Development Plan

The proposal aligns with the MDP. It supports the Agricultural section's objectives and policies through maintaining the agricultural land use. The parcel will remain farmland with an existing dwelling.

Land Use Bylaw

The proposed parcel is currently zoned Agricultural General (AG) District and is in general alignment with the goals and regulations of this district.

TECHNICAL REVIEW

Access:

The subject parcel is adjacent to Township Road 262 and has an existing approach. A new approach is required for the proposed parcel; however, the landowner has expressed concerns about the location of a new approach off of Township Road 262 to the proposed parcel, citing the steep grades off of Township Rd. 262 and visibility (appropriate site lines) for traffic as hazards. Administration has visited the site and has determined that visibility from the site meets the County's standard of 183 metres, but was unable to confirm whether or not the grade change between the road and the proposed site would prevent the construction of an approach. After multiple discussions with the applicant to determine an alternative,, Staff is presenting the following options:

1. That the plan of subdivision is to include a panhandle to the existing approach (Tentative Plan A) allowing both parcels to share the existing approach; or
2. That an access easement be registered on both parcels allowing the proposed parcel access via the private driveway (Tentative Plan B).

Staff recommends that MPC choose Option 1 to include a panhandle to the existing approach which would allow a shared approach for the proposed and remainder parcel. The County generally discourages the registration of access easements, like the one proposed in Tentative Plan B, unless all other options are determined to be unfeasible as per Section 7.1.1 of the Land Use Bylaw. Option 1 would realign the boundaries of the proposed parcel to form a panhandle along the existing driveway to create a shared approach. The Owner expressed concerns that a panhandle along the existing driveway would separate the grain bins (on the southwest side of the driveway) from the farming operation. It was his desire that the grain bins be included with the remainder and be contiguous. In order to accommodate this request, the property lines were re-configured; the southern boundary of the proposed parcel was moved +/-50.00 feet north from Township Road 262, so that an alternative access to the grain bins is available. Tentative Plan A was prepared for the applicant's consideration; the applicant agreed that this option would be feasible.

Water Servicing:

The existing dwelling located on site is serviced by an existing private well within the boundaries of the proposed subdivision.

Sanitary Servicing:

The existing dwelling is serviced by an existing private septic disposal system that is contained within the proposed 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 comments received.
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	<p>No concerns.</p> <p>Please ensure that road widening easement and land acquisition agreements are made a condition of approval.</p> <p>Also, a new approach should be constructed to access the proposed parcel.</p>

RECOMMENDATION:

The following are three (3) possible options for MPC's consideration:

Option #1: Subdivision Application SD2020-002 be **approved** with the tentative plan and conditions noted in **Appendix A** based on the following:

- That with the stated conditions of approval, the Subdivision Authority has determined that the proposed subdivision complies with the County's Land Use Bylaw rules and regulations and the Municipal Development Plan policies.
- The Subdivision Authority is satisfied that the proposed subdivision, with the stated conditions, is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation of the MGA.

Option #2: Subdivision Application SD2020-002 be **approved** with the tentative plan and conditions noted in **Appendix B** based on the following:

- That with the stated conditions of approval, the Subdivision Authority has determined that the proposed subdivision complies with the County's Land Use Bylaw rules and regulations and the Municipal Development Plan policies.
- The Subdivision Authority is satisfied that the proposed subdivision, with the stated conditions, is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation of the MGA.

Option #3: Subdivision Application SD2020-002 be **refused**.

Staff recommends **Option #1 – Approval of the tentative plan and conditions noted in Appendix A** for the following reasons:

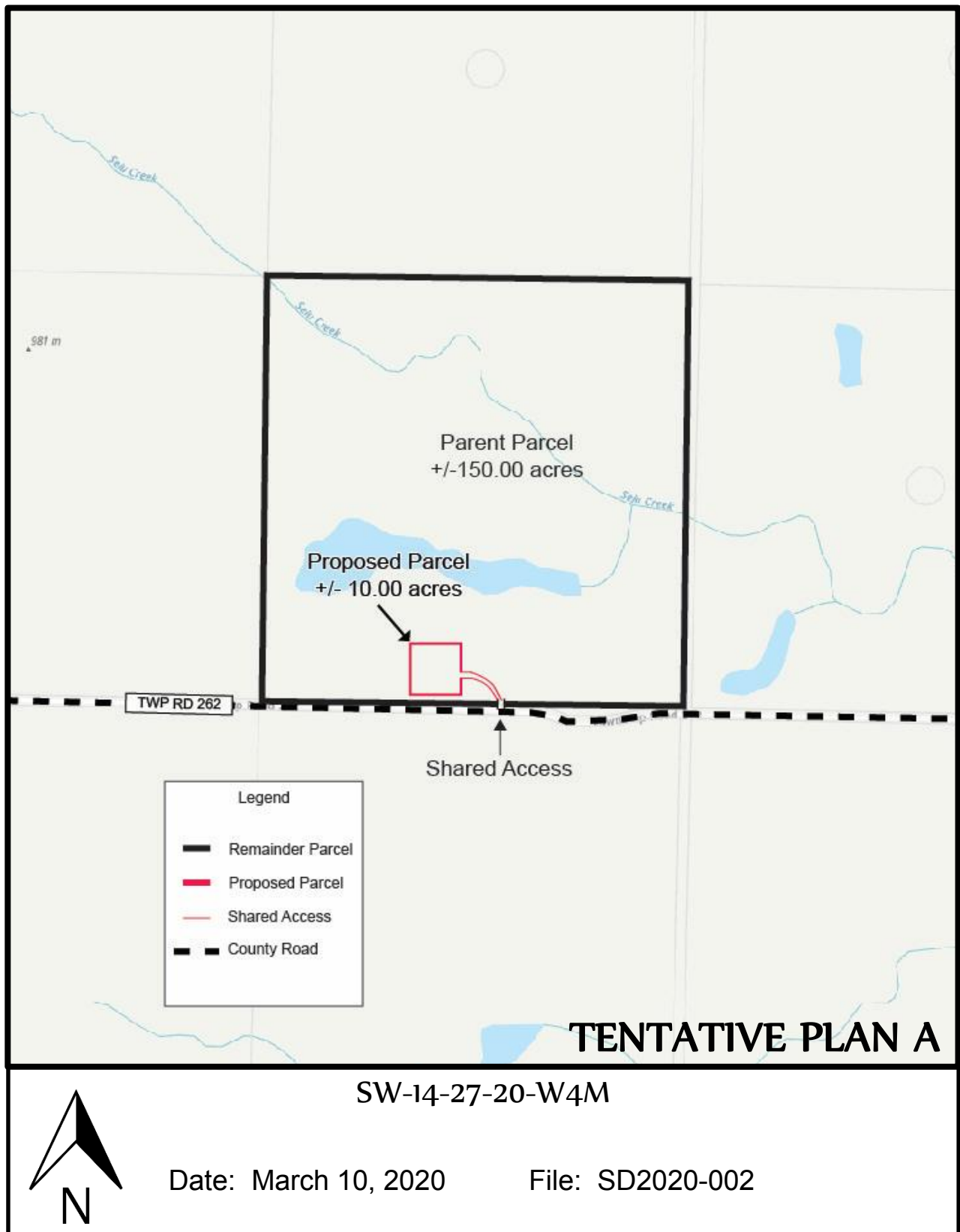
- The proposed application largely aligns with the objectives and policies of the MDP
- The proposed application aligns with the rules and regulations of the LUB

Respectfully submitted,



Graham Allison, Planner 1
Wheatland County

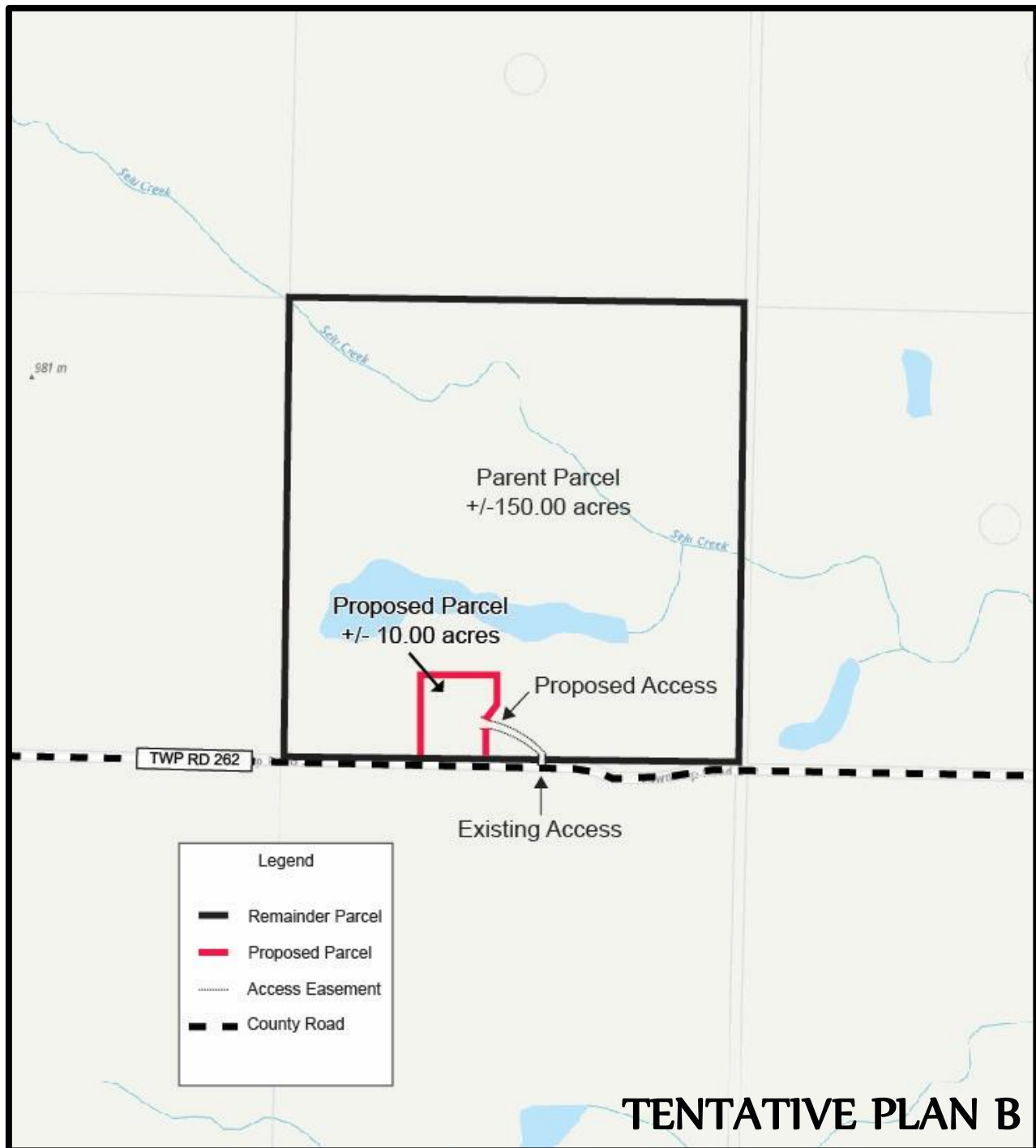
Schedule A



Schedule A Proposed Conditions for Approval:

- 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) A Shared Approach 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 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.
- 5) 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.

Schedule B



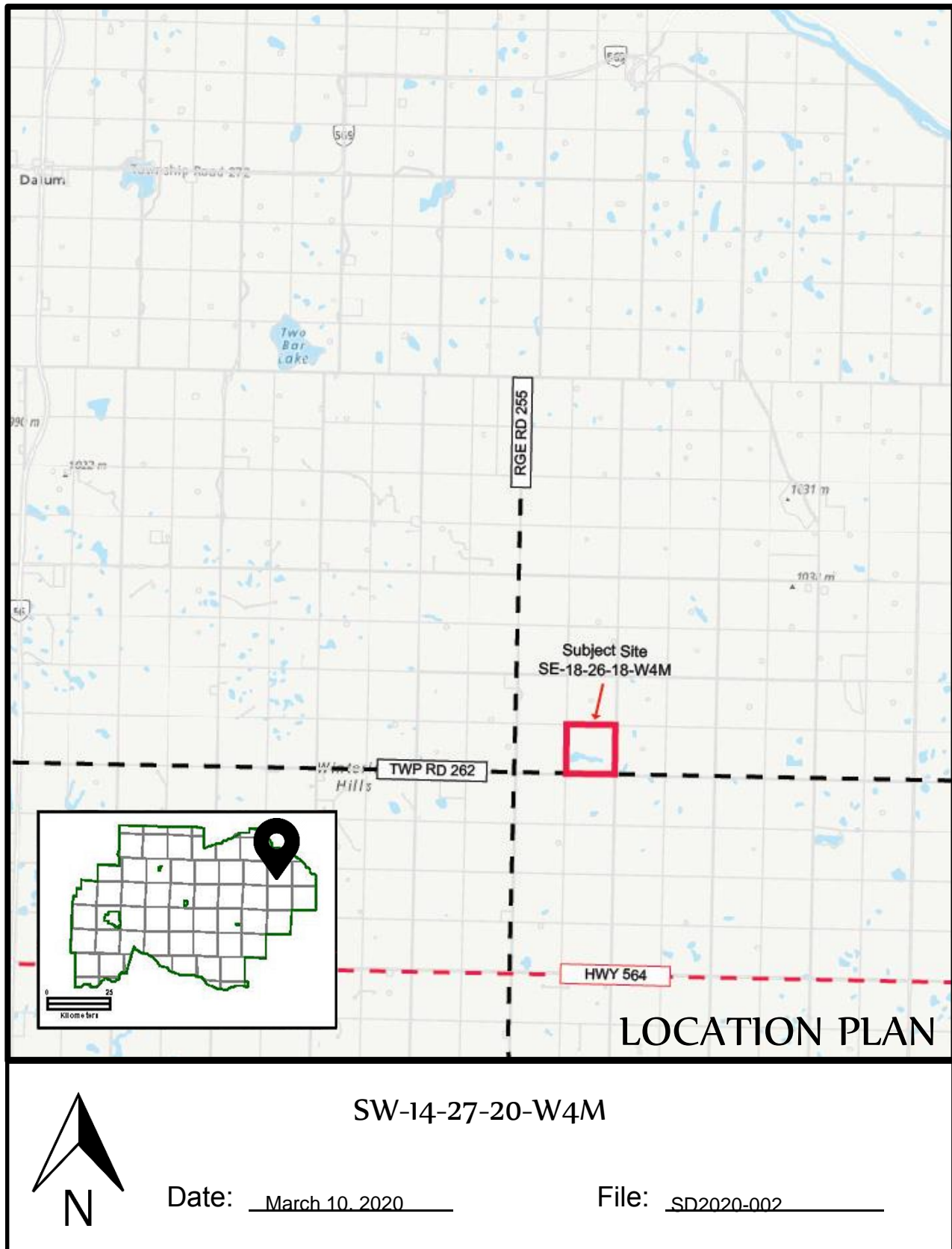
SW-14-27-20-W4M

Date: March 10, 2020

File: SD2020-002

Schedule B Proposed Conditions for Approval:

- 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) 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.
- 4) 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.
- 5) The Owner is to enter into an *Access Easement Agreement* with the proposed parcel to provide access to the remainder parcel, as per the approved Tentative Plan, which shall include:
 - a) Registration of the applicable access right of way plan;
 - b) Preparation and registration of respective easements on each title, where required.







SW-14-27-20-W4M

Date: March 10, 2020

File: SD2020-002 Page 12 of 12