

Wheatland County

Request for Decision

Municipal Planning Commission

May 13, 2020

Report prepared by: Megan Williams



Subdivision SD2020-005

File Number:	SD2020-005
Proposal:	To subdivide a +/- 79.98 acre parcel from a quarter section. No additional development is proposed, and the parcel is remaining Agricultural General District
Location:	Approximately 6.4 kilometers south of the Village of Hussar.
Legal Description:	NE-23-23-20-W4
Title Area:	160 Acres
Existing Land Use:	Agricultural General District
Proposed Parcels:	1 new parcel

Report

The applicant submitted an application to subdivide a +/- 79.98 acre parcel from the quarter section. Currently the parcel is used for agricultural pursuits. The proposed +/-79.98 parcel contains a residence, a pole shed, two water well sheds, and grain bins, which are to be removed.

Recommendation from Administration

THAT the Municipal Planning Commission approve subdivision application SD2020-005, to subdivide one +/- 79.98 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 in the South Saskatchewan Regional Plan, Regional Growth Management Strategy and the Municipal Development Plan. This proposal, though fragmenting agricultural land, maintains a large parcel size and is not changing the use. The MDP prohibits the creation of

one or more linear (long) strips from a quarter section. In order to align with this policy, the applicant created an 'L' shaped parcel that has physical access to Township Road 234 and Range Road 201. It is important to note that there is a water body that may limit access of the 'L' shaped parcel to Range Road 201 and Range Road 201, which is not developed to County standards.

Technical Review

The applicant originally proposed building an approach for the remainder parcel off Range Road 201. As Range Road 201 is not developed to County standard, this would have resulted in the requirement to build Range Road 201 as well. The applicant and Public Works discussed where an approach would be appropriate on Township Road 234, as there is a hill that can obstruct views. An appropriate approach location was determined and is shown circled in red on the Tentative Plan.

Circulation Comments

There were no comments from external agencies or adjacent landowners. Public Works voiced concerns regarding the original approach location and worked with the applicant to find a more appropriate one. No comments were received from adjacent landowners at the submission of this report.

EXTERNAL AGENCIES	COMMENTS
AB Community Development	No concerns.
AB Culture and Tourism	No concerns.
AB Environment and Parks	<p>In reviewing this subdivision application, there appears from the aerial imagery a number of wetland located within the proposed area.</p> <p>These wetlands may or may not be already crown claimed, or crown claimable, under Section 3 of the Public Lands Act.</p> <p>Contact with the Water Boundaries unit within the provincial approvals section in Edmonton should be completed to determine this wetland ownership.</p>
AB Transportation	No concerns.

AB Water-Boundaries	<p>Thank you for your email and the attached documents related to a proposed subdivision within the NE ¼ Section 23-23-20-4.</p> <p>Please note despite the fact that there are some naturally occurring wetlands in the aforementioned quarter of section, a review of historical imageries of the area from 1950 to 2018 does not support the existence of any permanent and naturally occurring body of water (i.e., open water) within those wetlands to be eligible for a Crown ownership claim to its bed and shore under Section 3 of the <i>Public Lands Act</i>. Therefore, no Crown owned bed and shore is located within the NE ¼ Section 23-23-20-4.</p> <p>However, the assessments made by the Water Boundaries Unit do not provide any permission to alter any naturally occurring water feature. Regardless of the surface ownership, an activity which may affect any naturally occurring wetland in that area will be subject to the regulatory requirements under the <i>Water Act</i>. For more information regarding any requirement(s), the local Water Act Approvals office in Calgary need to be contacted.</p>
AER	No concerns.
AHS	No concerns.
Fortis	No easement required.
Lynx Energy	No concerns.
Pioneer Gas Co-Op	No concerns.
Telus	No objection.
INTERNAL DEPARTMENTS	
Agricultural/Environmental Services	In our view it is not a good practice to subdivide wetlands if avoidable. One landowner may have different thoughts on how to manage a wetland than the other; however, we aren't aware of any internal policy or external legislation against the practice if no physical impact is proposed.
Emergency Services	No concerns.
Development Services	No concerns. The new property boundaries appear to accommodate the setbacks to all of the existing buildings.
Protective Services	No concerns.

<p>Transportation & Infrastructure Services</p>	<p>Range road 201 is a low grade road south of the proposed subdivision and would not permit an approach to be constructed to county standards.</p> <p>The topography west of the proposed subdivision on Township Road 234 is rolling and may not permit the construction of a road approach to county standards.</p> <p>This should be verified prior to subdivision approval.</p> <p>Road widening easement and acquisition agreements required.</p>
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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

If approved, Administration will work with the applicant where appropriate to help complete the approved conditions of subdivision.

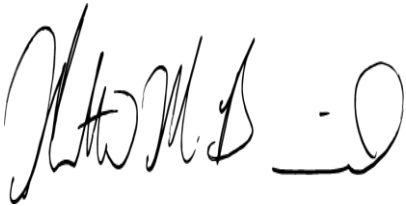
Report Approval Details

Document Title:	Subdivision SD2020-005.docx
Attachments:	- SD2020-005 Appendix A.docx - SD2020-005 Map Set .pdf
Final Approval Date:	Apr 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