

Wheatland County

Request for Decision

Municipal Planning Commission

June 9, 2020

Report prepared by: Megan Williams



SD2020-008 Rosebud Gazebo Consolidation

File Number:	SD2020-008	Division: 6
Proposal:	To subdivide 0.17 acres from the parent parcel to consolidate with the adjacent 1.77 Parks & Recreation parcel to correct the encroachment of a Gazebo on Telus property.	
Location:	Rosebud	
Legal Description:	NW-7-27-21-W4; Block 3, Plan 6742BQ	
Title Area:	0.23 acres	
Existing Land Use:	Parks & Recreation	
Proposed Parcels:	No new parcels	

Report

A gazebo was constructed by the residents of Rosebud on a County owned parcel, adjacent to a parcel owned by Telus. Once completed, the structure was found to be encroaching onto Telus's parcel. In order to resolve the encroachment issue, County Council approved the budget necessary to purchase the required land. Negotiations to purchase the land concluded in late 2019. To subdivide and consolidate the portion of purchased land into the County parcel, Administration put forth a redesignation application which obtained third reading on March 3rd, 2020.

Through the redesignation application, it was found that the existing Telus building would not meet the setbacks of the proposed parcel. To avoid another lengthy negotiation process, staff will be putting forward a development permit application requesting a variance for the Telus building.

Recommendation from Administration

That the Municipal Planning Commission approve subdivision application SD2020-008 to subdivide 0.17 acres from the titled area and consolidate it with the adjacent 1.77 acre parcel, subject to the following conditions:

1. Subdivision 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. That a development permit application requesting a variance for the Telus building on the remainder parcel be submitted.

Policy Analysis

The proposed subdivision aligns with the relevant policies within the South Saskatchewan Regional Plan, the Regional Growth Management Strategy, the Municipal Development Plan, and the Rosebud Area Structure

Plan. The proposal is expanding the park and recreation areas for the Hamlet of Rosebud, allowing residents and visitors to continue enjoying the gazebo.

The existing Telus building, as identified before, will no longer meet the setbacks in the Public Utility land use district. To remedy this, Administration is recommending a development permit application requesting the variance be one of the conditions of subdivision.

Technical Review

As there is no new development proposed on either parcel, water and sanitary servicing are not required. The County parcel is currently accessed from Martin Ave, and the Telus parcel is currently accessed from Comstock Street. There is no new access proposed.

As the proposal is to subdivide 0.17 acres from the Telus parcel, Municipal Reserves are not required as per *M.G.A. s663 (c)*.

Circulation Comments

There were no comments from adjacent landowners. The only comment of note came from internal circulation regarding the Telus building's inability to meet the minimum setbacks to the proposed property lines.

EXTERNAL AGENCIES	COMMENTS
AB Community Development	No concerns.
AB Culture and Tourism	No concerns.
AB Energy Regulator	No concerns.
AB Environment and Parks	No concerns.
AB Health Services	No concerns.
AB Transportation	<p>This will acknowledge receipt of your circulation regarding the above noted proposal, which must meet the requirements of Sections 14 and 15 of the Subdivision and Development Regulation, due to the proximity of Highway 840. The department is currently protecting Highway 840 to a Minor Two-Lane standard at this location.</p> <p>The above noted subdivision proposal does not meet Section 14 of the Regulation. The department anticipates minimal impact on the highway from this proposal. Additionally, there is no direct access to the highway as well as sufficient local road access to the subdivision, satisfying Section 15 of the regulation. Therefore, Pursuant to Section 16 of the Regulation, the department grants approval for the subdivision authority to grant a variance of Section 14 of the regulation.</p> <p>Pursuant to Section 678(2) of the Municipal Government Act, Alberta Transportation requires that any appeal of this subdivision be referred to the Municipal Government Board.</p>
ATCO Gas	No objection.
ATCO Pipelines	No objections.

Canadian Pacific Rail	No concerns.
FORTIS	No easement required.
TELUS	No objections.
INTERNAL DEPARTMENTS	
Agricultural/Environmental Services	No concerns.
Economic Development	No concerns.
Community Services	No comment.
Emergency Services	No concerns.
Development Services	No concerns just a reminder to ensure that the Telus shack is able to meet the 25' setback to the new property lines (not abutting the road) It appears it already doesn't meet the one to the south property line but has likely been there for a long time so it is considered legal non-conforming.
Protective Services	No concerns.
Transportation & Infrastructure Services	No concerns.

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 notify Telus and the applicant the subdivision was approved, and the applicant will submit a development permit requesting a variance for the existing Telus building.

Report Approval Details

Document Title:	SD2020-008 Rosebud Gazebo.docx
Attachments:	- Map Package.pdf - Plan of Survey Ace Surveys file 18137.pdf
Final Approval Date:	May 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