



COUNCIL REPORT

Subdivision Item: Residential

Electoral Division: 4

File: PL20220098 / 08916010

Date:	April 23, 2024		
Presenter:	Carter Shelton, Planner 1		
Department:	Planning		
Approved by:	<input checked="" type="checkbox"/> Executive Director / Director	and/or	<input checked="" type="checkbox"/> Chief Administrative Officer

REPORT SUMMARY

The purpose of this report is to assess a proposed subdivision of Lot 4, Block 1, Plan 0710865 within NE-16-28-05-W05M to create one ± 8.21 hectare (± 20.29 acre) parcel with a ± 8.21 hectare (± 20.29 acre) remainder.

The application was evaluated pursuant to the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Municipal Development Plan (County Plan), and the *Land Use Bylaw*.

The application aligns with the intent and policies of the County Plan, and is in accordance with the previous adoption of Bylaw C-8447-2023, redesignating the subject parcel from A-SML p12.1 to A-SML p8.1. The proposed ± 8.21 hectare (± 20.29 acre) parcel balance is consistent with the requirements of the *Land Use Bylaw* as each of the resultant parcels meets the minimum size restriction of 8.1 hectares as required by the A-SML p8.1 designation.

Council is the Subdivision Authority for the subject application in accordance with Sections 5(2) and 5(3) of the *Subdivision Authority Bylaw (C-8275-2022)* due to letters of objection received from adjacent landowners within the prescribed circulation area, as identified by Policy C-327 Circulation and Notification Standards, and that approval may result in relaxation of the County’s Servicing Standards. The recommended conditions of approval is provided in accordance with the adoption of *Bylaw C-8447-2023* redesignating the subject parcel create two 6.50 metre panhandles in order to maintain physical access to the proposed parcel(s). The minimum panhandle width prescribed by the County’s Servicing Standards is 12.50 metres.

Should the Subdivision Authority wish to consider conditions of approval in alignment with the County’s Servicing Standards and the Road Acquisition Agreement previously registered on the subject land, it may wish to consider the alternate direction included as the end of this report.

ADMINISTRATION’S RECOMMENDATION

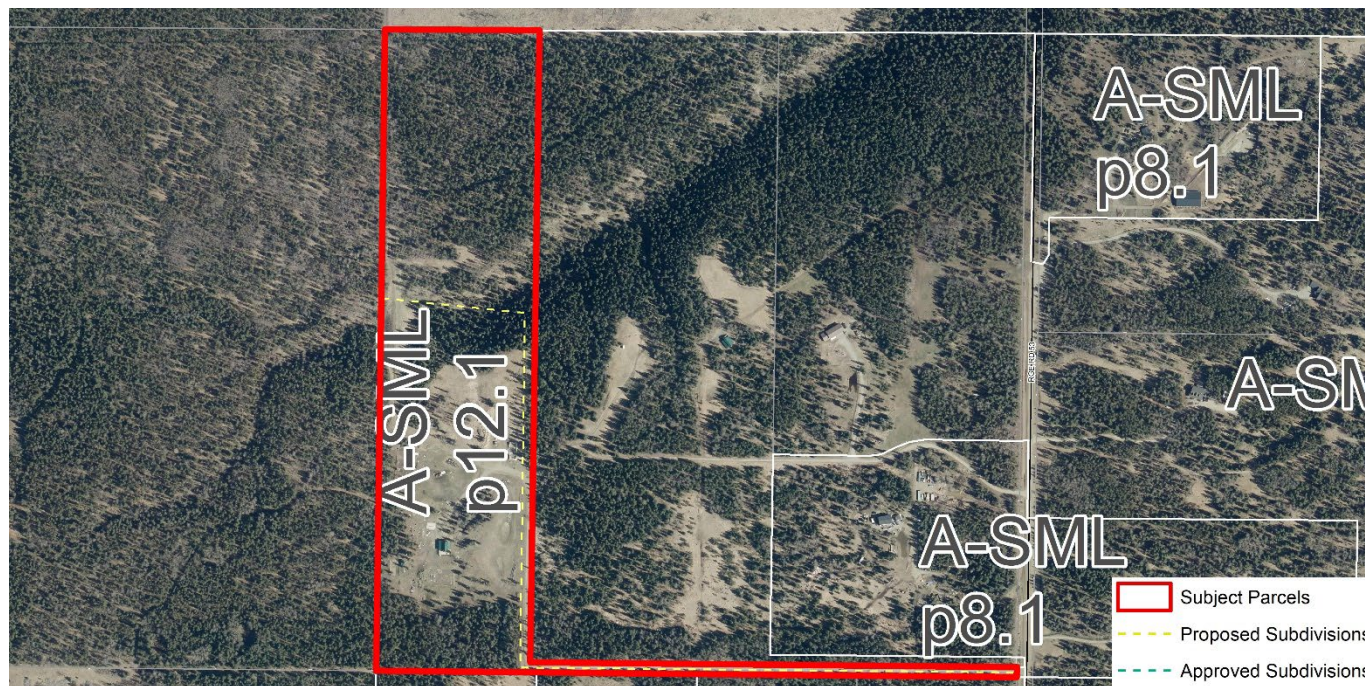
THAT application PL20220098 be approved with the conditions noted in Attachment F.

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BACKGROUND

Location (Attachment A)

Located approximately 0.81 kilometres (0.50 miles) north of Township Road 282 on the west side of Range Road 53.



Site History (Attachment B)

On February 21, 2007, the subject parcel was created with the registration of survey plan 071 0861. With the registration of plan 071 0861, a road acquisition agreement (Instrument No. 051 487 408) and restrictive covenant respecting future development setbacks from a roadway were registered on the respective titles of the subject parcel and the easterly adjacent parcel(s).

On November 14, 2023, Council approved Bylaw C-8447-2023 to redesignate the subject lands from Agricultural, Small Parcel District (A-SML p12.1) to Agricultural, Small Parcel District (A-SML p8.1) to facilitate future subdivision of one new lot.

MOVED by Councillor Wright that Council is of the opinion that application PL20220097 aligns with the intent and policy of the County Plan. Carried

The subject land is approximately 16.42 hectares (40.58 acres) and presently contains a dwelling and several accessory buildings, all of which are located towards the southern portion of the property. An existing approach and 12.5m panhandle provides physical access to the parcel from Range Road 53. An existing access easement provides secondary access to the subject parcel across the two easterly adjacent parcels.

Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary internal and external agencies.

This application is not within an area guided by intermunicipal policy or requirements.

Landowner Circulation (Attachment D)

The application was circulated to 73 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); no letters in support, while 1 letter in opposition was received.

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ANALYSIS

Policy Review (Attachment E)

The application was reviewed pursuant to the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Municipal Development Plan (County Plan), and the *Land Use Bylaw*. The application was deemed to be largely compliant with the policies of the County Plan, in accordance with the adoption of Bylaw C-8447-2023. The application aligns with Policy 8.16, as the provision of potable water and wastewater consideration has been addressed through the submission of PSTS and well driller technical reports. The application aligns with Policy 13.1 and 13.4 through the recommended conditions of approval, as provision of Municipal Reserve as cash-in-lieu is accommodated through the recommended conditions of approval. The proposed parcel configuration includes an approximate 6.50 metre panhandle, in conflict with the County's Servicing Standards and Policy 16.13 of the County Plan.

Each of the proposed parcels comply with the *Land Use Bylaw* as the proposed 8.21 hectare (\pm 20.29 acre) parcel and remainder both exceed the minimum size restriction as required by the A-SML p8.1 land use designation.

COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

IMPLICATIONS

Financial

No financial implications identified at this time.

STRATEGIC ALIGNMENT

As per Section 5(2) and 5(3) of the *Subdivision Authority Bylaw* (C-8275-2022), Council is the decision-making authority due to the receipt of landowner opposition and potential relaxations to the County's Servicing Standards.

ALTERNATE DIRECTION

Council as Subdivision Authority could include conditions of approval which align with the transportation policies of the County Plan and the requirements of the Servicing Standards through the construction of an internal road providing access to both of the proposed lots.

There is an existing road acquisition agreement registered on title (Instrument No. 051 487 408), extending from Range Road 53 along the southerly 12.5 metre of the parcel to the western boundary; this agreement is also registered over the 12.5 metre panhandle of the adjacent parcel to the east in order to secure a full 25 metre road right-of-way as required by the County's Servicing Standards.

A replacement condition set providing for this alternative direction is set out within Attachment F.

THAT Condition 2 of Attachment F be amended to read:

- 2) *The Owner shall enter into and comply with a Development Agreement pursuant to Section 655 of the Municipal Government Act in accordance with the approved tentative plan and shall include the following:*
 - a) *Construction of a Country Residential standard road for approximately 625 meters through the southern boundary of both the subject lands and its neighboring land to the east (lot 5, block 1), complete with cul-de-sac, in accordance with the County Servicing Standards, and any necessary easement agreements, including signage, approaches, any necessary easements and agreements;*

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- b) *Reclaim the existing approach and construct a new approach centered within the proposed road;*
- c) *Preparation and Implementation of the recommendations of the Construction Management Plan;*
- d) *Preparation and Implementation of the recommendations of the Erosion and Sedimentation Control Plan;*
- e) *Preparation and Implementation of the recommendations of the Geotechnical Report;*
- f) *Preparation and Implementation of the recommendations of the Stormwater Management Report; and*
- g) *Obtaining approval for a road name by way of application to and consultation with the County.*

THAT application PL20220098 be approved with the conditions noted in Attachment F, as amended.

ATTACHMENTS

- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Public Submissions
- Attachment E: Policy Review
- Attachment F: Recommended Conditions of Approval