



Subdivision Item: Residential

Electoral Division: 3

File: PL20230112 / 06920009

Date:	September 10, 2024
Presenter:	Michelle Dollmaier, Senior Planner
Department:	Planning

REPORT SUMMARY

The purpose of this report is to assess a proposed subdivision of Lot 1, Plan 9110454 within NW-20-26-05-W05M to create a ± 1.60 hectare (3.95 acre) parcel with a ± 1.98 hectare (4.88 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*.

Overall, the application does not align with Section 5.0 (Managing Residential Growth Areas), Section 8.0 (Agriculture), Section 10.0 (Country Residential), or Section 16.0 (Transportation) of the County Plan. As the application does not align with the County Plan, the application also does not meet the requirements of section 654(1)(b) of the *Municipal Government Act*.

The proposed parcel sizes are consistent with Residential, Rural District (R-RUR) district requirements within the *Land Use Bylaw*.

Council is the Subdivision Authority for the subject application due to the application not aligning with policies of the County Plan, in accordance with Section 5(3) and 5(4) of the *Subdivision Authority Bylaw* (C-8275-2022).

ADMINISTRATION'S RECOMMENDATION

THAT the Subdivision Authority refuse application PL20230112 for the following reasons:

1. The application does not comply with the Municipal Development Plan (County Plan).
2. The application does not comply with Section 654(1)(b) of the *Municipal Government Act*.

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BACKGROUND

Location (Attachment A)

Located approximately 1.61 kilometres north of Highway 1A and on the west side of Highway 40.



Site History (Attachment B)

On March 4, 1991, a first parcel out subdivision was registered under Survey Plan 9110454.

The subject land is approximately 3.58 hectares (8.85 acres) and presently contains a dwelling and an accessory building.

An existing approach is located on an undeveloped road allowance off the Forestry Trunk Road and provides legal access to the subject lands.

The application was originally received on December 4, 2019, and was deemed incomplete for missing a site plan and multiple technical studies. On September 3, 2020, the application was set to go to the Municipal Planning Commission where it was tabled upon the Applicant's request to attend the next meeting. On September 24, 2020, the application was tabled again pending a market value appraisal and a revised site plan. The application was withdrawn and reapplied for in August 2023.

Intermunicipal and Agency Circulation (Attachment C)

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

Alberta Transportation and Economic Corridors has indicated that the requirements of Section 18 of the Matters Related to Subdivision and Development Regulation have not been met. However, the department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.

Landowner Circulation (Attachment D)

The application was circulated to 22 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); no letters were 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 determined to be inconsistent with the policies of the County Plan, and therefore does not align with the *Municipal Government Act*.

The subject lands do not meet the definition of a First Parcel Out and cannot be considered as such. No rationale for a new or distinct agricultural operation was provided. Further, the proposal cannot be considered as a fragmented quarter section as there are fewer than six parcels, which are less than 10.0 hectares (24.7 acres) in size, subdivided from the subject quarter section. The proposal also includes the creation of a panhandle to access Lot 1, which conflicts with Section 16.13 of the County Plan.

The proposed parcels' lot sizes comply with the *Land Use Bylaw* as both proposed parcels exceed the minimum lot size requirements of the R-RUR district.

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(4) of the *Subdivision Authority Bylaw* (C-8275-2022), Council is the decision-making authority due to non-compliance with section 654(1) of the *Municipal Government Act*.

ALTERNATE DIRECTION

THAT the Subdivision Authority approve application PL20230112 in accordance with the conditions noted in Attachment F.

ATTACHMENTS

- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Landowner Letters [No Letters Received]
- Attachment E: Policy Review
- Attachment F: Recommended Conditions of Approval

APPROVALS

Manager:	Dominic Kazmierczak
Executive Director/Director:	Brock Beach, Acting
Chief Administrative Officer:	Byron Riemann