



Subdivision Item: Residential

Electoral Division: 5

File: PL20240108 / 05335005

Date:	December 10, 2024
Presenter:	Oksana Newmen, Senior Planner
Department:	Planning

REPORT SUMMARY

The purpose of this report is to assess a proposed subdivision to create a ± 4.05 hectare (± 10.00 acre) parcel (Lot 1) with a ± 4.02 hectare (± 9.94 acre) remainder (Lot 2) from the subject lands (Attachment A).

The application was evaluated in accordance with 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 Section 5.0 (Managing Residential Growth Areas), Section 7.0 (Environmental), Section 8.0 (Agriculture), Section 10.0 (Country Residential), Section 13 (Reserves), Section 16 (Transportation), and Section 17 (Utility Services) of the County Plan.

The proposed ±4.05 hectare (±10.00 acres) parcel sizes comply with the *Land Use Bylaw* as the proposed parcel meets the minimum size restriction of 4.0 hectares as required by the R-RUR p4.0 designation.

Council is the Subdivision Authority for the subject application due landowner opposition, in accordance with Section 5(2) of the *Subdivision Authority Bylaw* (C-8275-2022).

ADMINISTRATION’S RECOMMENDATION

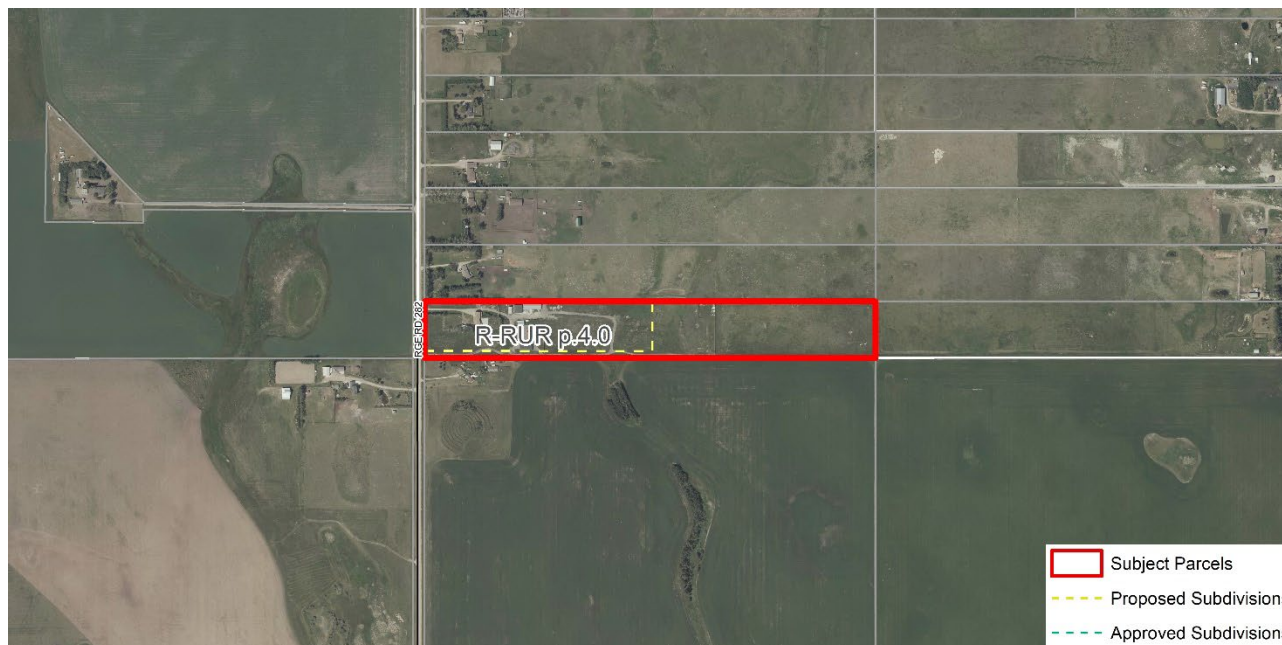
THAT the Subdivision Authority approves application PL20240108 with the conditions noted in Attachment F.

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BACKGROUND

Location (Attachment A)

Located approximately 1.61 kilometres (1 mile) north of Highway 564 and on the east side of Range Road 282.



Site History (Attachment B)

On May 9, 2023, Council approved Bylaw C-8303-2022 to redesignate the subject lands from Agricultural, Small Parcel District (A-SMLp8.1) to Residential, Rural District (R-RUR p4.0) to facilitate future subdivision of one new lot.

The subject land is approximately 8.1 hectares (20.0 acres) site contains an existing dwelling and accessory buildings towards the western portion of the land. The large shop is on the proposed property line, with no setbacks, rendering the building legally non-compliant.

The site is located within a fragmented quarter section consisting of smaller agricultural parcels. There are two existing accesses, one at each the northern and southern ends. The Applicants completed a lot and road plan as part of the redesignation application, which shows a potential future road being reserved along the southern property boundary from the southern access. As such, a road acquisition agreement will be required for future access planning. An encroachment agreement would likely be necessary should a future roadway be required

The lands contain a large wetland, part of a greater wetland complex in the area.

Intermunicipal and Agency Circulation (Attachment C)

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

Alberta Forestry & Parks, Lands Division noted that wetlands and an unnamed watercourse may be impacted, and noted that wetlands should be avoided, and a minimum six metre environmental reserve is required. As such, a condition requiring establishment of an environmental reserve, and an advisory condition regarding wetland protection have been provided.

Landowner Circulation (Attachment D)

The application was circulated to 69 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); no letters in support, and five letters from four parties in opposition 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*. Council found the redesignation application consistent with relevant policies in May 2023, and the subdivision conforms with the required policy documents.

The application was determined to be consistent with the policies of the County Plan, specifically Section 5.0 (Managing Residential Growth Areas), Section 7.0 (Environmental), Section 8 (Agriculture), Section 10.0 (Country Residential), Section 13 (Reserves), Section 16 (Transportation), and Section 17 (Utility Services).

Both of the proposed parcels comply with the *Land Use Bylaw* as the proposed parcels exceed the minimum size restriction of 4.0 hectares (9.88 acres), as required by the R-RUR p4.0 designation. The panhandle access to the proposed Lot 2 parcel will result in the existing shop having an 0.11 metre (0.36 ft.) setback to the new property line, should the subdivision be approved. The eaves for this structure would encroach into the proposed Lot 2's panhandle by 0.33 metres (1.08 ft.). As such, the survey will be required to ensure that the building, including eaves, be included in the entirety of Lot 1.

Proposed Lot 1 has three other existing structures that do not meet the minimum side yard setback distances outlined in the R-RUR designation. These structures were in place prior to the current setback requirements and as such are considered a legal non-conforming to the requirements of the *Land Use Bylaw*.

In accordance with section 654(2) of the *Municipal Government Act*, a Subdivision Authority may approve an application that does not align with the *Land Use Bylaw*, so long as the subdivision would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of neighbouring parcel of land; and the proposed subdivision conforms with the use prescribed for that land in the *Land Use Bylaw*, in the opinion of the Subdivision Authority.

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) of the *Subdivision Authority Bylaw* (C-8275-2022), Council is the decision-making authority due to landowner opposition.

ALTERNATE DIRECTION

No alternative options have been identified for the Subdivision Authority's consideration.

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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

APPROVALS

Manager:	Dominic Kazmierczak
Acting Executive Director:	Dominic Kazmierczak
Chief Administrative Officer:	Reegan McCullough

