



Subdivision Item: Residential

Electoral Division: 5

Application: PL20240108 / 05335005

Date:	April 8, 2025
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 originally presented to the Subdivision Authority at the December 10, 2024 meeting. Due to the late submission of concerns from the Applicant’s engineer, the Subdivision Authority referred the application back to Administration to allow further investigation:

“MOVED by Councillor Boehlke that the Subdivision Authority refers application PL20240108 back to Administration to reevaluate the submitted stormwater management plan and conditions of approval with a report back to Subdivision Authority by Q2 2025.”

Administration met with the Applicant’s Engineer, as well as the Applicant, and other representatives from the Applicant’s team. As a result of those discussions, Administration finds that the originally submitted stormwater management plan is sufficient, and no revisions are necessary. A condition of approval requiring a site improvement/services agreement has been added to implement the conditions of the stormwater management report.

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 to landowner opposition, in accordance with Section 5(2) of the *Subdivision Authority Bylaw* (C-8275-2022).

ADMINISTRATION’S RECOMMENDATION

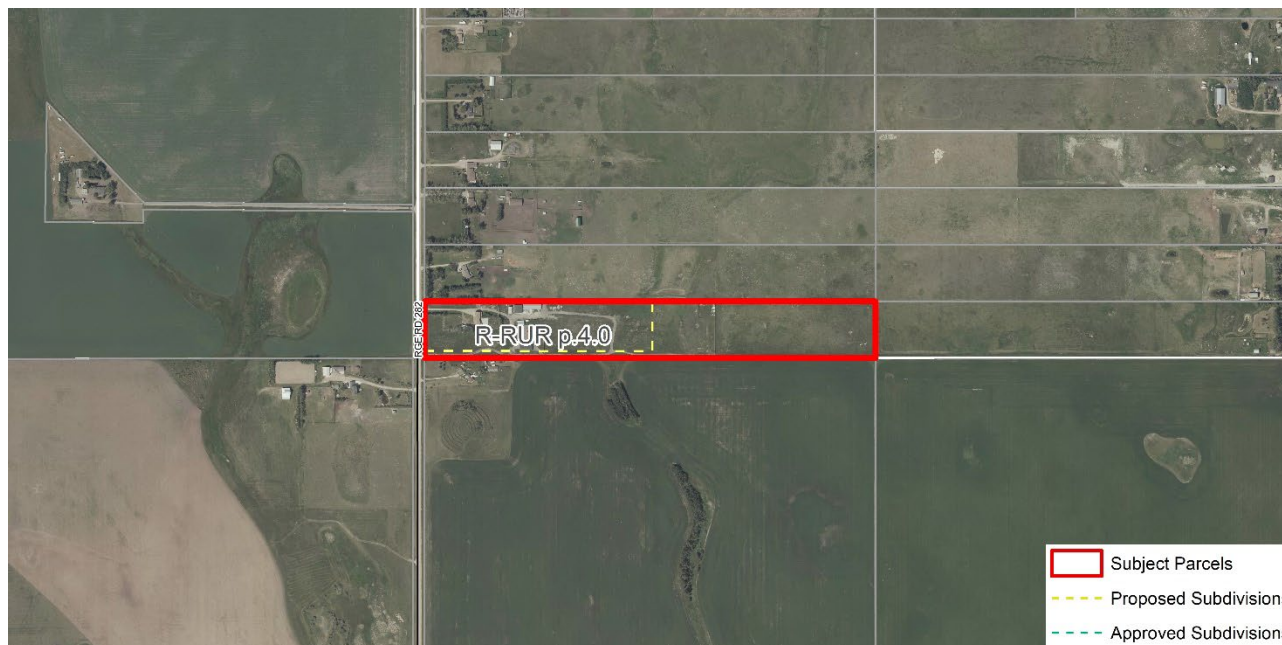
THAT the Subdivision Authority approves application PL20240108 with the conditions noted in Attachment F.

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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 December 10, 2024, the Subdivision Authority heard the application at its regularly scheduled meeting. In the days prior to the meeting, the Applicant's Engineer, who prepared the stormwater management report, submitted comments suggesting the results of the report were based on different information as provided by the landowner. Specifically, pertaining to the size of the proposed house. The Subdivision Authority directed Administration to reevaluate the submitted stormwater management plan and conditions of approval, reporting back by second quarter 2025.

Administration met with the Applicant's Engineer, as well as the Applicant, and other representatives from the Applicant's team. As a result of those discussions, Administration finds that the submitted stormwater management plan is sufficient, and no revisions are necessary. To support the requirements of the report, a condition of approval has been added to require a site improvement/services agreement to implement the conditions of the stormwater management report.

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) and the 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 of the northern and southern ends. The Applicant 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 would 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.

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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.

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 would 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 would 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.

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STRATEGIC ALIGNMENT

As per Section 5(2) of the *Subdivision Authority Bylaw* (C-8275-2022), Council, in their role as the Subdivision Authority, is the decision-making authority due to landowner opposition.

ALTERNATE DIRECTION

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

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
- Attachment G: Letter Submitted by Applicant’s Engineer Van Ridout

APPROVALS

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

