



## PLANNING

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**TO:** Council  
**DATE:** May 31, 2022 **DIVISIONS:** All  
**TIME:** Afternoon Appointment  
**FILE:** 1013-136 **APPLICATION:** N/A  
**SUBJECT:** Amendments to the Municipal Development Plan (County Plan) – First Parcel Out

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### EXECUTIVE SUMMARY:

On February 22, 2022, Council passed the following motion:

*“THAT Administration be directed review and prepare amendments to the County Plan that would provide for the consideration of all quarter sections that are historically fragmented by road rights-of-way, railway rights-of-way, transmission lines, etc. for redesignation as first parcels out, and that Administration return to Council by the end of May, 2022.”*

In response to this motion, Administration prepared amendments to the Municipal Development Plan (County Plan), and those amendments were given first reading by Council on April 26, 2022. The amendments revise the definition of an unsubdivided quarter section to accommodate instances where separate titles have been created for portions of the quarter section fragmented by a right of way or public use. It is intended that this will remove a current policy conflict in which lands fragmented by a right of way or plan and split across two or more titles cannot be supported for a first parcel out.

The proposed amendments are now presented for consideration of second and third reading through a public hearing process, as required by Section 692(1) of the *Municipal Government Act*. In alignment with several adopted Intermunicipal Development Plans to which the County is party, the proposed amendments were circulated to neighbouring municipalities for comment and no adverse comments were received.

Overall, the amendments would improve interpretation and clarity within the County Plan. They are consistent with higher order statutory plans and allow for greater discretion in determining applications for first parcel out subdivision.

### ADMINISTRATION RECOMMENDATION:

Administration recommends approval in accordance with Option #1.

### BACKGROUND:

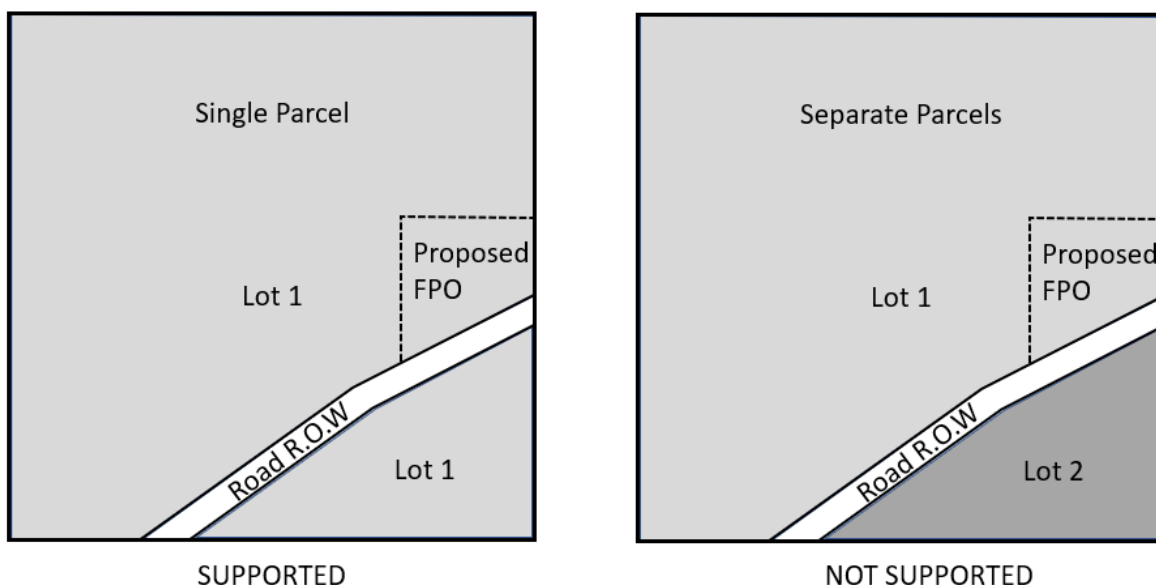
Boundary adjustments, rights of way, and public uses can all result in fragmentation of a quarter section, but they do not generally intensify the private landowner's use of the quarter section. This has been previously recognized within the County Plan through the definition of an un-subdivided quarter section:

***“Un-subdivided Quarter Section is a titled area of:***

- I. 64.7 hectares (160 acres) more or less; or*
- II. a gore strip greater than 32.38 hectares (80 acres) in size,*

*that has not been subdivided, excluding subdivisions for boundary adjustments; road widening; and public uses such as a school site, community hall, and rights of way of roads, railroads, and canals.”*

However, some first parcel out subdivision applications have been problematic following fragmentation by a right of way or public use. While in many cases, the remaining fragmented portions of the quarter section remain a single titled parcel, there are several examples where separate titles were registered for each portion of land severed by the right of way or other public use. This anomaly has resulted in some applications not meeting the definition of a first parcel out and therefore, not being compliant with the County Plan. The example below illustrates the different ways in which quarter sections have historically been severed by rights of way, one of which allows for further first parcel out subdivision (left image) and the other which does not (right image).



## DISCUSSION:

In response to Council’s direction on addressing the impact of historical fragmentation on future subdivision potential, Administration recommends that amendments be made to the current definition of an un-subdivided quarter section, with the revised definition proposed as follows:

***Un-subdivided Quarter Section is a titled area of:***

- I. 64.7 hectares (160 acres) more or less; or*
- II. a gore strip greater than 32.38 hectares (80 acres) in size.*

*If an un-subdivided quarter section is reduced or fragmented by any road widening, boundary adjustment, public use, or right of way for roads, utilities, railroads and canals, it shall be considered un-subdivided when assessing first parcel out proposals. This includes instances where, as a result of a boundary adjustment, public use, or right of way, separate titles have been registered for remaining fragmented portions of the quarter section.*



The revised definition would allow the subdivision of a further parcel to meet the definition of a first parcel out in such circumstances of historical fragmentation, and subject to meeting the other criteria of Policy 8.17, would be supported by the County Plan. The criteria set out within County Plan Policy 8.17 includes requirements on minimum parcel size (1.60 hectares / 3.95 acres), having direct access to a developed public roadway, and minimizing impacts on agricultural operations. These additional policy considerations would give Council additional guidance on whether the further subdivision is acceptable in light of the fragmentation that has previously occurred.

It is important to note that by supporting subdivision of a further single lot from a fragmented quarter with more than one existing title (excluding any title(s) registered for a boundary adjustment, right of way or public use), this would potentially create competing interests between separate landowners within the quarter section; if one landowner was successful in gaining approval to subdivide a single lot from their lands, this would remove the ability for the other landowner in the quarter section to obtain policy support using the new definition of an un-subdivided quarter section.

In resolving the current inconsistency around historical fragmentation and division of lands resulting in one or multiple titles, the proposed amendments may also create an imbalance in first parcel out allowances by providing opportunity for quarter sections which already have multiple titles to ultimately achieve a greater number of parcels within the quarter section over those fragmented parcels with a single title. For example, a fragmented parcel with a single title would provide the ability to have two lots in total for the quarter section, whereas those already having two titles resulting from rights of way or public uses would have a maximum of three parcels.

Although the scope of Council's direction was to address how those quarter sections with historic fragmentation by rights of way could be considered for first parcel out, Administration recommends that reviewing Section 8.0 (Agriculture) of the County Plan more holistically, to determine how agricultural subdivision beyond first parcel out should be managed, may help to address concerns over further fragmentation of agricultural areas. For example, more flexible criteria for the subdivision of a second or third parcel from a quarter section would allow Administration and Council to use greater discretion based on the context of each proposal. Criteria could be based on considerations including:

- impacts on agricultural operations, both with respect to the subject lot size, location and layout;
- impact upon surrounding agricultural character of the area and amenity;
- consistency with land uses and lot sizes in the area;
- intensity of the subdivision (number of lots); and
- the ability to access a developed public road.

Administration recommends that an appropriate opportunity to revisit the County's agriculture policies would be at the time of discussing option for the wider review of the Municipal Development Plan. On December 14, 2021, Council directed Administration to place the project to create a new Municipal Development Plan on hold until a decision from the Minister has been rendered on the Regional Growth Plan. Administration is required to return to Council with a report within two months of the Minister's decision identifying impacts on development of the Plan; as part of that report Administration could identify options for revisions to sections of the existing Plan.

#### **POLICY DIRECTION:**

Legislative and policy direction for the Plan amendments is provided in the Municipal Government Act (MGA), Interim Growth Plan, and within Intermunicipal Development Plans (IDP) adopted in partnership with several municipalities adjoining the County boundary.



### **Intermunicipal Development Plans (IDP)**

The County is party to seven IDPs with adjacent municipalities and the proposed amendments were reviewed for alignment with these statutory plans. The limited revisions proposed are consistent with relevant IDP policies relating to agricultural subdivision and first parcel out allowances. Adjacent municipalities were circulated the proposed amendments for comment in accordance with the referral policies in the adopted IDPs and no adverse comments were received.

### **PUBLIC SUBMISSIONS:**

The Public Hearing was advertised in accordance with Sections 606 and 692(1) of the *Municipal Government Act*. No letters were received in response.

### **OPTIONS:**

- Option #1:      Motion 1            THAT Bylaw C-8300-2022 be given second reading.  
                         Motion 2            THAT Bylaw C-8300-2022 be given third and final reading.
- Option #2:      THAT alternate direction be provided.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Dorian Wandzura”

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Acting Executive Director  
Community Development Services

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Chief Administrative Officer

DK/rp

### **ATTACHMENTS**

ATTACHMENT ‘A’: Bylaw C-8300-2022 and Schedule ‘A’