



## PLANNING AND DEVELOPMENT SERVICES

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**TO:** Council  
**DATE:** January 26, 2021 **DIVISION:** 5  
**TIME:** Morning Appointment  
**FILE:** 05201008 **APPLICATION:** PL20200103  
**SUBJECT:** Redesignation Item – Residential and Agricultural Uses

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### POLICY DIRECTION:

The County Plan and Land Use Bylaw.

### EXECUTIVE SUMMARY:

The purpose of this application is to redesignate a portion of the land from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR) and Agricultural, Small Parcel District (A-SML), in order to facilitate the creation of a  $\pm 4.62$  acres new lot with a  $\pm 84.93$  acres remainder.

Council gave first reading to Bylaw C-8089-2020 on October 27, 2020.

On July 28, 2020 Council approved a new Land Use Bylaw (C-8000-2020), which came into effect on September 8, 2020. Administration has reviewed the district conversions and confirmed that the proposed Residential Two District (R-2) under the old Land Use Bylaw (C-4841-97) now converts to Residential, Rural District (R-RUR) in the new Land Use Bylaw (C-8000-2020).

The application was circulated to 20 landowners in the area; no letters in response were received. The application was also circulated to a number of internal and external agencies, and responses are available in Attachment 'A'.

The following is a summary of the application assessment:

- The proposal is inconsistent with the first parcel out policy, or fragmented residential area policy of the County Plan.

### ADMINISTRATION RECOMMENDATION:

Administration recommends refusal in accordance with Option #2.

**DATE APPLICATION RECEIVED:** August 20, 2020  
**DATE DEEMED COMPLETE:** August 24, 2020

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**PROPOSAL:** To redesignate a portion of the land from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR) and Agricultural, Small Parcel District (A-SML), in order to facilitate the creation of a  $\pm 4.62$  acres new lot with a  $\pm 84.93$  acres remainder.

**LEGAL DESCRIPTION:** Block 1, Plan 9511830, SW-01-25-27-W04M

**GENERAL LOCATION:** Located approximately 2.4 km (1.5 miles) east of Highway 9 and 0.4 km (0.25 miles) north of Township Road 250.

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### Administration Resources

Xin Deng, Planning and Development Services



**APPLICANT:** Dale Befus

**OWNERS:** Dale Befus

**EXISTING LAND USE DESIGNATION:** Agricultural, General District (A-GEN)

**PROPOSED LAND USE DESIGNATION:** Residential, Rural District (R-RUR) and Agricultural, Small Parcel District (A-SML)

**GROSS AREA:** ± 89.55 acres

**SOILS (C.L.I. from A.R.C.):**

**3M, H** – Majority of the land contains soil with moderate limitation for crop production due to low moisture holding, adverse texture, and temperature.

**2H, M** – The northwest corner of the land contains soil with slight limitation for crop production due to temperature, low moisture holding and adverse texture.

#### **HISTORY:**

**1995** The Western Irrigation District revised the plan and registered a new canal right of way plan (Plan 9411857), which separates one of the remainder lands located at the southeast corner into two small parcels. To ensure that two small parcels have a separate land title, Western Irrigation District submitted a subdivision application (1995-RV-062) on behalf of the landowner. The subdivision was approved by Subdivision Authority on May 30, 1995, and registered in Plan 9511830. The other remainder land located in the north (subject land) remains the same.

**1918** The original irrigation canal right of way was created and registered, resulting in three remainder lands.

#### **BACKGROUND:**

The irrigation canal right of way was originally created in 1918 and revised in 1995. The subject land is one of the remainder lands after the irrigation right of way plan was registered.

The subject land is primarily used for farming operation (cereal crop production, barley, wheat, etc.) with a residential site on the northwest corner of the land. The dwelling was built in 1999 and is serviced by a water well and a private sewage treatment system.

The property is accessed by the existing approach off Range Road 271. Should this application move to the subdivision stage, the existing approach needs to be upgraded to a mutual approach, in order to provide access to the ± 4.62 acres new lot and the ± 84.93 acre remainder parcel.

Wheatland County is located approximately 1 mile to the east. While there is no Intermunicipal Development Plan with Wheatland County, the application was circulated for comment. Wheatland County has no comments. The application was also circulated to Western Irrigation District, which had no concerns with the application.

#### **POLICY ANALYSIS:**

##### County Plan

Section 8 Agriculture provides policies to evaluate redesignation applications facilitating a first parcel out or the creation of smaller agricultural parcels. Currently there are four agricultural parcels and one irrigation canal within the subject quarter section. The subject quarter section is not qualified as



un-subdivided quarter section, therefore, the proposed new residential lot does not meet the first parcel out Policy 8.17 of the County Plan.

Section 10 Country Residential Development include policies to evaluate redesignation and subdivision applications ranging from new residential communities to a fragmented residential area. The subject quarter section has been subdivided into five parcels, however, it is not fragmented enough to meet the definition of Fragmented Quarter Section.

***Fragmented Quarter Section*** is a quarter section of land within the agriculture area divided into six or more:

- i. residential lots; and/or
- ii. small agricultural parcels, each of which is less than 10 hectares (24.7 acres) in size.

In this case, there are five lots within the quarter section, and two of them are greater than 24.7 acres in size (subject land is 89.55 acres). Therefore, the subject quarter section is not qualified as Fragmented Quarter Section, and therefore the relevant policies do not apply.

Administration also recognizes that the location and size of the proposed residential parcel would not conflict with the surrounding agricultural lands, and would not affect the existing farming operation on the property.

#### Land Use Bylaw

The proposal meets the minimum parcel size requirement of Residential, Rural District and Agricultural, Small Parcel District of the Land Use Bylaw.

#### **OPTIONS:**

- Option #1:      Motion #1      THAT Bylaw C-8089-2020 be given second reading.  
                          Motion #2      THAT Bylaw C-8089-2020 be given third and final reading.
- Option #2:      THAT application PL20200103 be refused.

Respectfully submitted,

Concurrence,

“Theresa Cochran”

“Al Hoggan”

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Executive Director  
Community Development Services

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Chief Administrative Officer

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#### **ATTACHMENTS:**

ATTACHMENT ‘A’: Application Referrals  
 ATTACHMENT ‘B’: Bylaw C-8089-2020 and Schedule A  
 ATTACHMENT ‘C’: Map Set