

**SUBDIVISION APPROVING AUTHORITY ITEM
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
SUBDIVISION APPROVAL
May 8, 2024**

REQUEST FOR SUBDIVISION APPROVAL	
APPLICATION INFORMATION	FILE NO. F2103-07SE
	LEGAL DESCRIPTION: Ptn. SE 07-21-03 W5M
	LANDOWNERS: Delaine D. Fisher
	AGENT: Badke Consulting Ltd / Jeff Badke
	AREA OF SUBJECT LANDS: 158.69
	CURRENT LAND USES: Agricultural District +/- 148.8 acres Country Residential Sub District “A” +/- 9.89 acres
PROPOSAL: Subdivision to create one 9.89 +/- acre Country Residential Sub District “A” parcel with a 148.8 +/- acre Agricultural District balance parcel.	
LOCATION: The subject parcel is located approximately 11.5km northwest of Diamond Valley, 4km west of Millarville, and northwest of the intersection of Hwy 549 and 272 St W.	
DIVISION NO: 3	COUNCILLOR: Barb Castell
FILE MANAGER: Brittany Smith	

PURPOSE OF REQUEST:

Request of the Subdivision Approving Authority to approve the subdivision application which proposes the creation of one 9.89 +/- acre Country Residential Sub District “A” parcel from Ptn. SE 07-21-03 W5M, leaving a 148.8 +/- acre Agricultural District balance parcel.

BACKGROUND:

December 6, 2023 - Council granted first reading to Bylaw 73/2023 under the following motion:

“Council gave first reading authorizing the redesignation of a 9.89 +/- acre portion of SE 07-21-03 W5M from Agriculture District to Country Residential Sub District “A” to allow for the future subdivision of one 9.89 +/- acre Country Residential Sub District “A” first parcel out with an approximate 148.8 +/- acre Agricultural District balance parcel.

In their consideration of the criteria noted in Agriculture Policy 5 of the MDP2010, Council is of the opinion that allowing the first parcel out the subject lands would not be detrimental to the agricultural nature of the area. Further, the application falls within the density provisions and lot size restrictions of the County’s Land Use Bylaw.”

May 8, 2024 – Council granted third and final reading to Bylaw 73/2023 authorizing an amendment to the Agricultural District to allow for the future subdivision of one 9.89 +/- acre Country Residential Sub District “A” parcel from Ptn. SE 07-21-03 W5M with a 148.8 +/- acre Agricultural District balance parcel.

MUNICIPAL RESERVE:

Section 663(a) of the Municipal Government Act states that reserves are not required when one lot is to be created from a quarter section of land.

REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	Following comments provided as conditions of subdivision: <ul style="list-style-type: none"> • Septic Disposal Evaluation (PSTS) • Caveat of 5m for future road widening along the full east boundary
EXTERNAL	
Alberta Transportation	Alberta Transportation provided the following comments: <ul style="list-style-type: none"> • The proposal must meet the requirements of Sections 18 and 19 of the Subdivision and Development Regulation due to the proximity of Highway 549. • The subdivision proposal does not meet Section 18 of the Regulation, the department anticipates minimal impact on the highway from this proposal. • The subdivision proposal does not meet Section 19 of the Regulation. • <u>Pursuant to Section 20 of the Regulation, the department grants approval for the subdivision authority to grant a variance of Section 18 & 19.</u> • The existing access may remain on a temporary basis. No new highway access will be permitted. • The department expects municipality will mitigate impacts of traffic generated by developments approved on local road connections to the highway system, pursuant to Policy 7 of Provincial Land Use Policies and Section 618.4 of Municipal Government Act.
Utilities	No Easement / Utility Right of Ways required
PUBLIC	
Landowners (adjacent)	No Submissions

REQUEST OF THE SUBDIVISION APPROVING AUTHORITY:

Council, as the Subdivision Authority is respectfully requested to approve the subdivision of one new 9.89 +/- acre Country Residential Sub District “A” parcel from Ptn. SE 07-21-03 W5M, leaving a 148.8 +/- acre Agricultural District balance parcel. Should Council choose to approve the proposed subdivision, the following motion has been provided for consideration:

The subdivision has been evaluated in terms of Section 654 of the Municipal Government Act and Sections 9 and 20 of the Matters Relating to Subdivision and Development Regulation; therefore, it is recommended that the application be approved as per the tentative plan and that a variance be granted to Section 18 and 19 of the Regulation for the following reasons:

- The application is consistent with Section 9 of the Matters Relating to Subdivision and Development Regulation;
- The subject lands have the appropriate land use designation; and

- Pursuant to Section 20 of the regulation, written approval was received from the Minister of Transportation allowing the Subdivision Authority to grant a variance to Section 18 and 19 of the Regulation.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application is approved subject to the following conditions:

Recommended Conditions:

1. Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means satisfactory to the Register of the South Alberta Land Titles District;
2. It is the applicant's responsibility to provide a Real Property Report or an 'as built' drawing signed and sealed by an Alberta Land Surveyor, certifying the locations of the adjacent municipal road(s), water well(s) within the boundaries of the appropriate parcels and that the site plan is surveyed according to municipal setback requirements;
3. Completion of all pre-release conditions as noted in the executed Municipal Development Agreement to the satisfaction of the Municipality and where applicable the appropriate external agencies. These conditions include:
 - a) Payment of the Community Sustainability Fee;
4. Submission of a Septic Disposal Evaluation (PSTS) for the proposed 9.89 +/- acre parcel, to the satisfaction of the Public Works department;
5. Road acquisition agreement for the purpose of future road widening, to be executed and registered by caveat, concurrent with the Plan of Survey, with respect to an area of land 5.0 metres in width, parallel to the full east boundary of the subject parcel.
6. The existing outbuilding noted to be removed within the balance on the submitted site plan shall be removed with proof of such provided to the satisfaction of the County.
7. All accesses to be located and culverts and approaches to be installed to current Municipal subdivision road construction standards, to the satisfaction of the Public Works Department;
8. Public Reserve: as per section 663(a) of the Municipal Government Act and the County's Municipal Reserve Policy, reserve is not required to be provided when one lot is to be created from a quarter section;
9. Landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision;
10. Landowners are to provide all utility easements and agreements, to the satisfaction of the County and the utility companies;
11. Submission of subdivision endorsement fees.

APPENDICES:

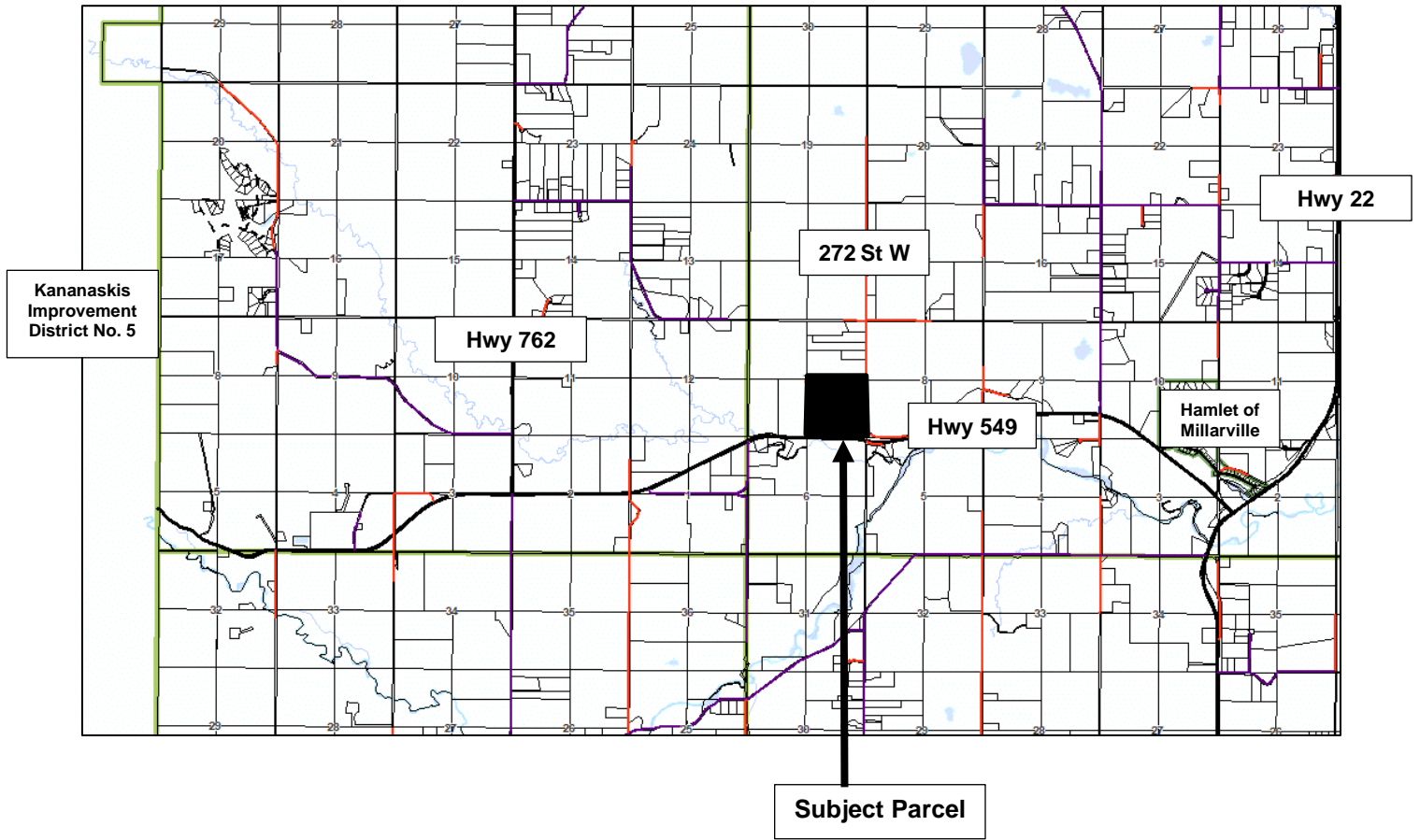
APPENDIX A: MAP SET

LOCATION MAP

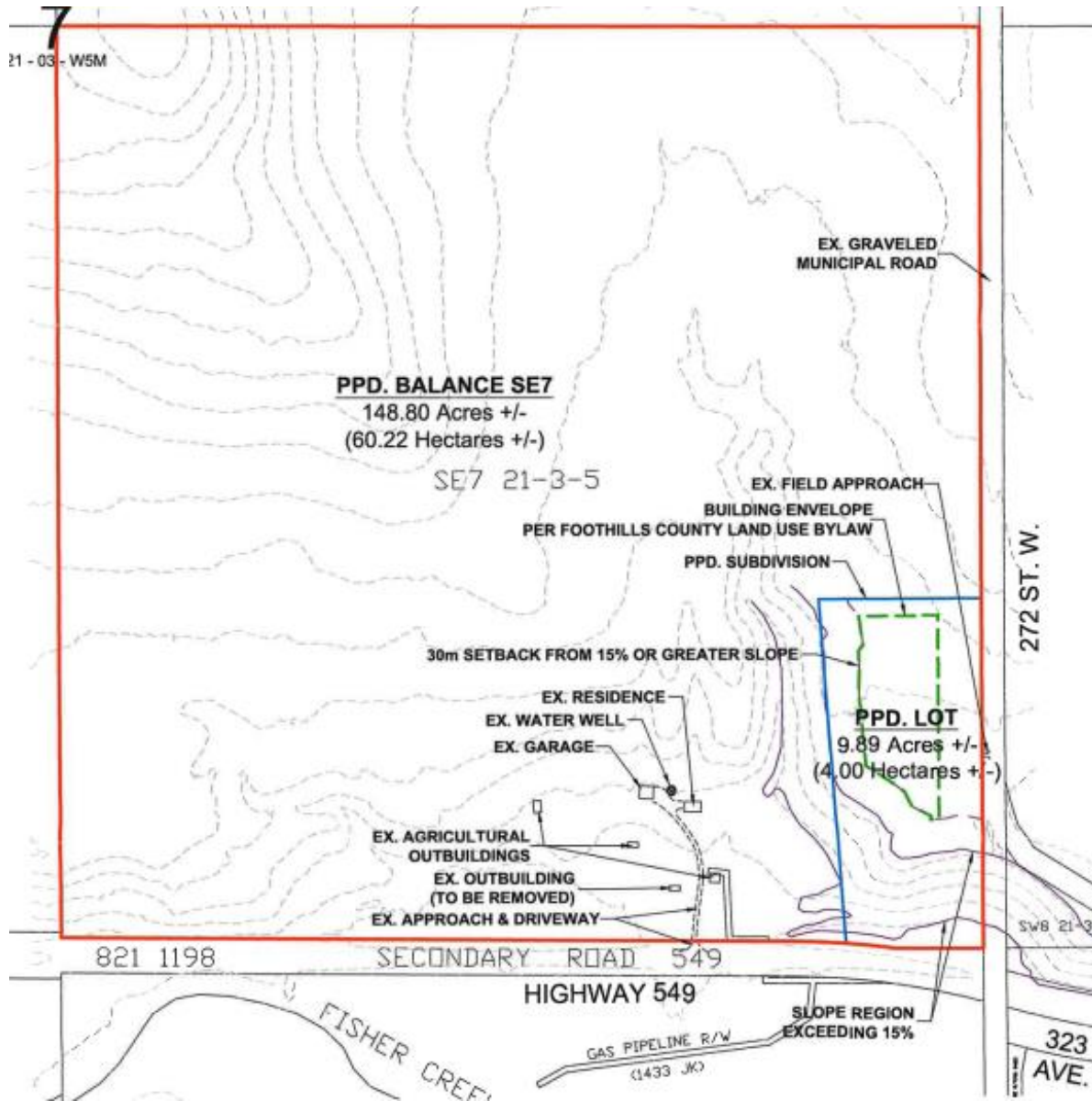
SITE PLAN

ORTHO PHOTO

APPENDIX A: LOCATION MAP



APPENDIX A: SITE PLAN



APPENDIX A: ORTHO PHOTO

