


**SUBDIVISION APPROVING AUTHORITY ITEM  
PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
REQUEST TO SET PUBLIC RESERVE AMOUNT  
October 19, 2024**

SUBDIVISION APPROVING AUTHORITY – REQUEST TO SET PUBLIC RESERVE AMOUNT		
APPLICATION INFORMATION	FILE NO. F2102-31NW	
	<b>LEGAL DESCRIPTION:</b> Plan 8111150, Block 1, PTN: NW 31-21-02-W5M	
	<b>LANDOWNER:</b> Linda Shaikh	
	<b>AGENT:</b> Township Planning and Design/Kristi Beunder	
	<b>AREA OF SUBJECT LANDS:</b> 19.72 acres	
	<b>CURRENT LAND USE:</b> Country Residential District	
<b>PROPOSAL:</b> Subdivision of one 10.785 +/- acre Country Residential District lot with an 8.935 +/- acre Country Residential District balance parcel.		
<b>DIVISION NO:</b> 3	<b>COUNCILLOR:</b> Barb Castell	<b>FILE MANAGER:</b> Theresa Chipchase

**PURPOSE OF REQUEST**

Request that the Subdivision Approving Authority provide the municipal reserve to be provided in accordance with Section 667(1) of the Municipal Government Act.

**BACKGROUND**

**January 19<sup>th</sup>, 2022** – Council refused a land use application from Linda Shaikh within the NW31-21-02-W5M, on Plan 811150, Block 1 under the following resolution:

*“Council moved that the application for a land use amendment on the subject property being Plan 8111150, Block 1; NW 31-21-02-W5M, to allow for the future subdivision of one parcel of 10.8 +/- acres and leaving a balance of 8.9 +/- acres, both to the designated as Country Residential Land Use District, be refused.*

*Council is of the opinion that the proposed development is beyond the scope of development suitable on the subject property and does not adequately address the intent of the Residential policy within the MDP2010 with respect to the cumulative effects of the development and the suitability of the land for residential purposes.*

**April 20<sup>th</sup>, 2022** – application for subdivision was made by the landowners and presented to the Subdivision Approving Authority, which was refused under the following motion:

*“The Subdivision Approving Authority moved that the subdivision of one new 10.8 +/- acre Country Residential District parcel from PTN: NW 31-21-02-W5M; Plan 8111150, Block 1, has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulation and therefore it is recommended that the application be refused for the following reasons:*

- *The application does not meet the general intent of the South Saskatchewan Regional Plan as it proposes further built environment in an area not proposed for increased growth and development;*
- *The application does not meet the intent of the Residential Section of the Municipal Development Plan 2010, specifically noting policies 3.3, 3.4, 3.5, 3.6 and 3.7, and Policy 9 with respect to providing proof of developable area of land for residential use;*
- *The application does not meet the requirements of Section 13.1.6.1 of the Land Use Bylaw 60/2014.*

**May 30<sup>th</sup>, 2022** - the landowners appealed the decision of Council to the Land and Property Rights Tribunal (LPRT) who issued a decision with regards to the appeal against the Subdivision Approving Authority's refusal of the subdivision on November 16<sup>th</sup>, 2022.

**The LPRT denied the appeal and upheld the Subdivision Approving Authority's decision to refuse the application.**

**February 15<sup>th</sup>, 2023** – the landowners appealed the decision of the Land and Property Rights Tribunal to the Court of Appeals, who granted permission for the landowners to have their appeal reheard by the Land and Property Rights Tribunal on the question of “whether the Tribunal erred in law in its interpretation of “efficient use of land” for the purposes of the SSRP or the MDP.

**May 9<sup>th</sup>, 2024** – the Land and Property Rights Tribunal reheard the appeal and overturned their initial decision to refuse the application, approving the subdivision. The decision of the Land and Property Rights Tribunal under Decision No. LPRT2024/MG0363 has been attached to this staff report for Council's review, as Appendix B.

**August 28<sup>th</sup>, 2024** – Council acknowledged the decision of the Land and Property Rights Tribunal under the following resolution:

*“Moved that the Subdivision Approving Authority acknowledge the Land and Property Rights Tribunal decision LPRT2024/MG0363.”*

**REQUEST OF THE SUBDIVISION APPROVING AUTHORITY**

The Subdivision Approving Authority is respectfully requested to determine the Municipal Reserve amount to be provided by cash in lieu of land based on \$24,546.00 per acre on account of 10% of the landowners existing title of 19.72 acres, minus those lands to be dedicated as Environmental Reserve Easement, with respect to condition number 12 of the Land and Property Rights Tribunal Decision which reads as follows:

*“Municipal reserves to be provided as Money In Place of Reserves for the 19.72 acre parcel, in the amount shown as deferred to the existing title, less any area included as ERE. The value shall be determined by an appraisal carried out on behalf of and expense of the owner, with the calculation confirmed by Foothills County, in accordance with Section 667(1) (a) of the Municipal Government Act.”*

The County's Assessment department provided the per acre value assessment for use in calculating the reserve amount owing for the subdivision which has been provided as part of Appendix A of this staff report.

The landowner's husband has accepted the assessed value as provided by the County's assessment department in lieu of providing an independent appraisal as set out in the LPRT's condition stated above.

## **APPENDICES**

---

### **APPENDIX A - MAP SET:**

LOCATION MAP

LAND USE MAP

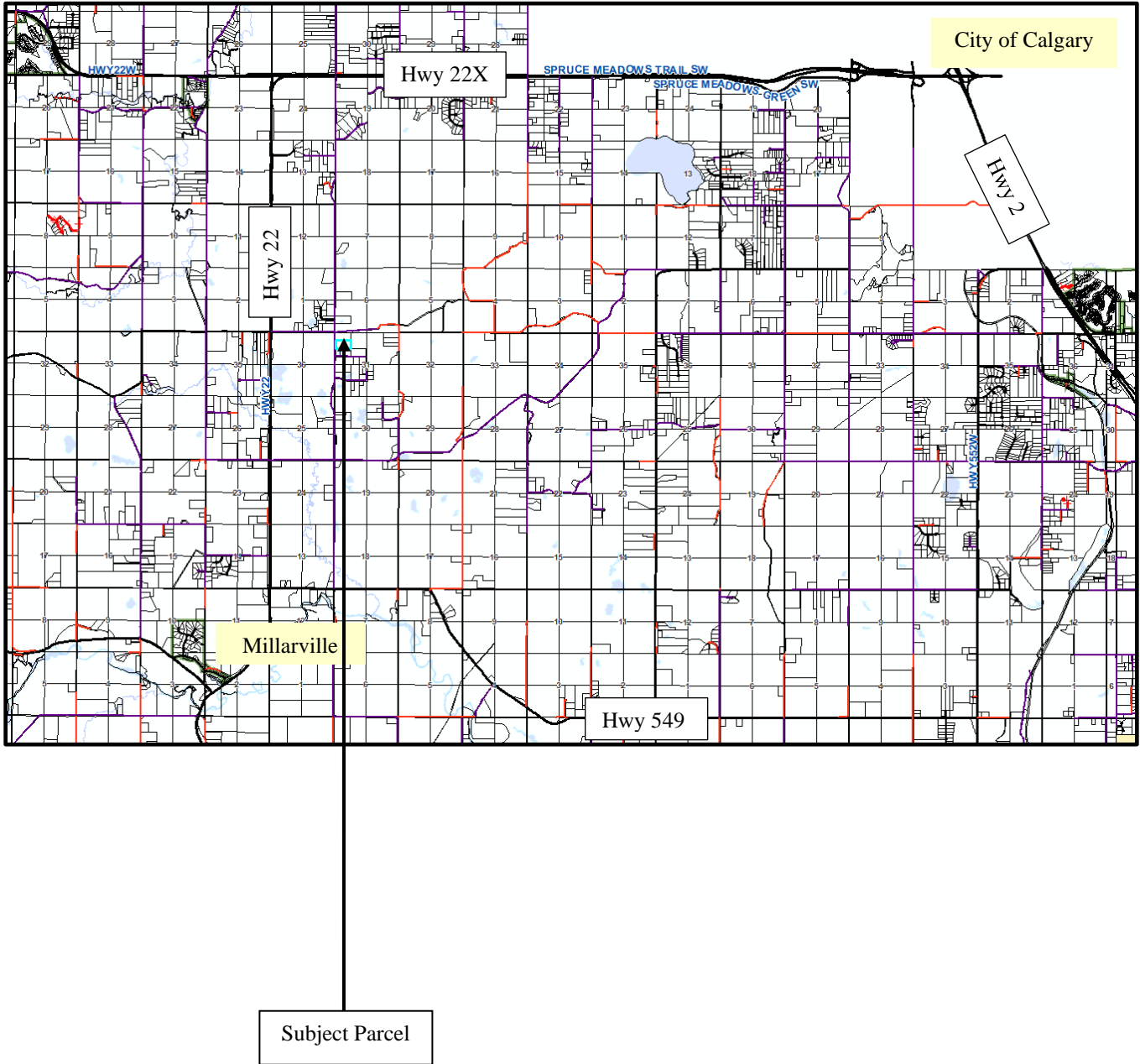
SITE PLAN

ORTHO PHOTO

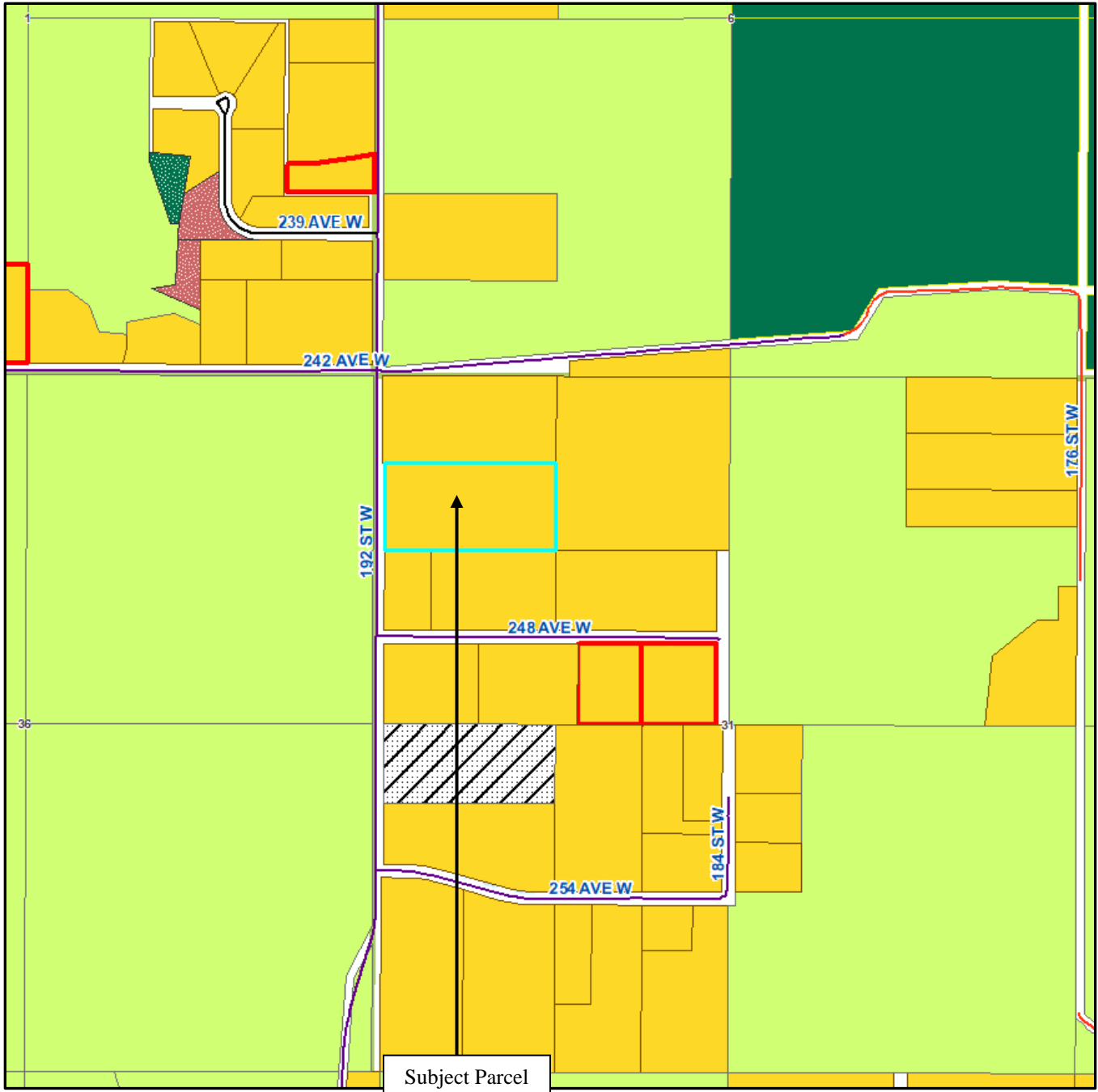
### **APPENDIX B:**

PUBLIC RESERVE AMOUNT FOR SUBDIVISION AS PROVIDED BY THE COUNTY'S ASSESSMENT DEPARTMENT

**APPENDIX A: LOCATION MAP**



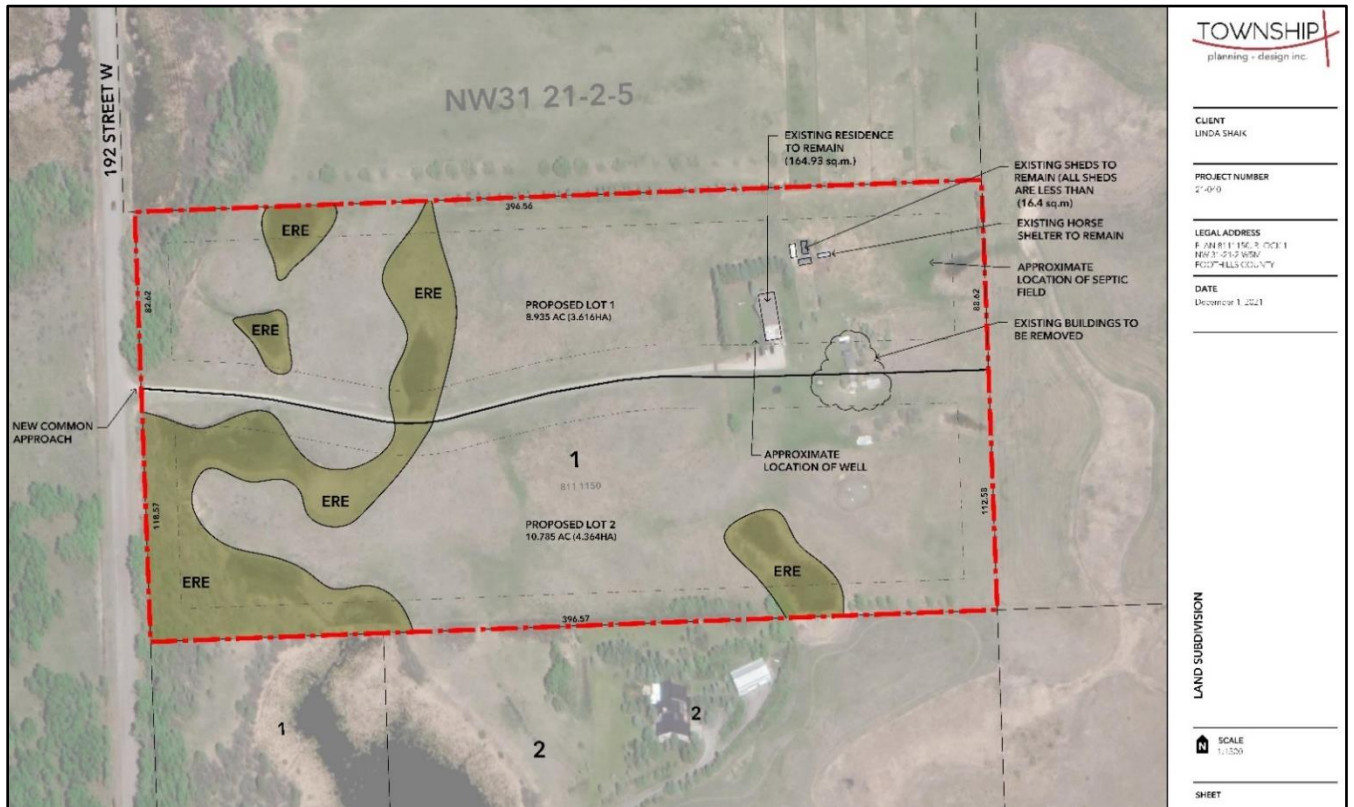
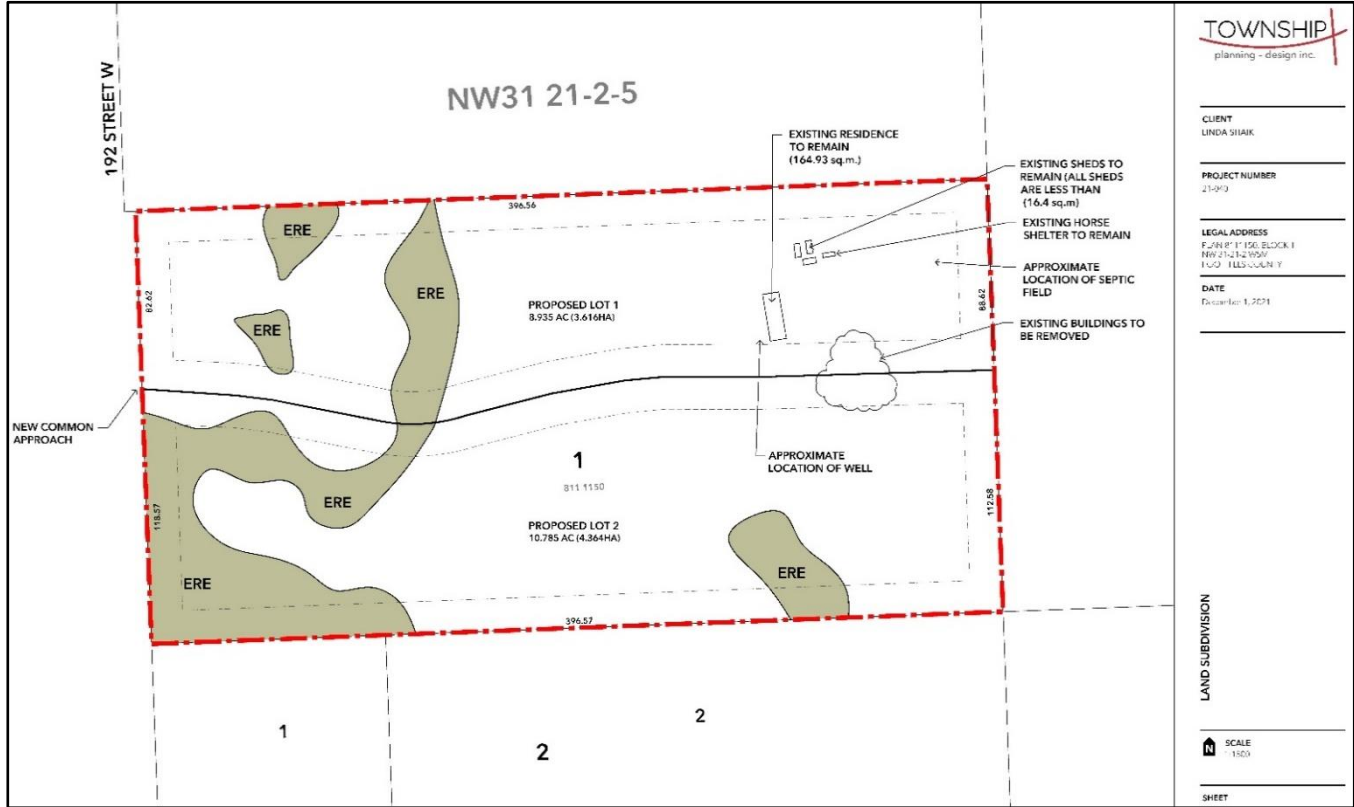
# LAND USE



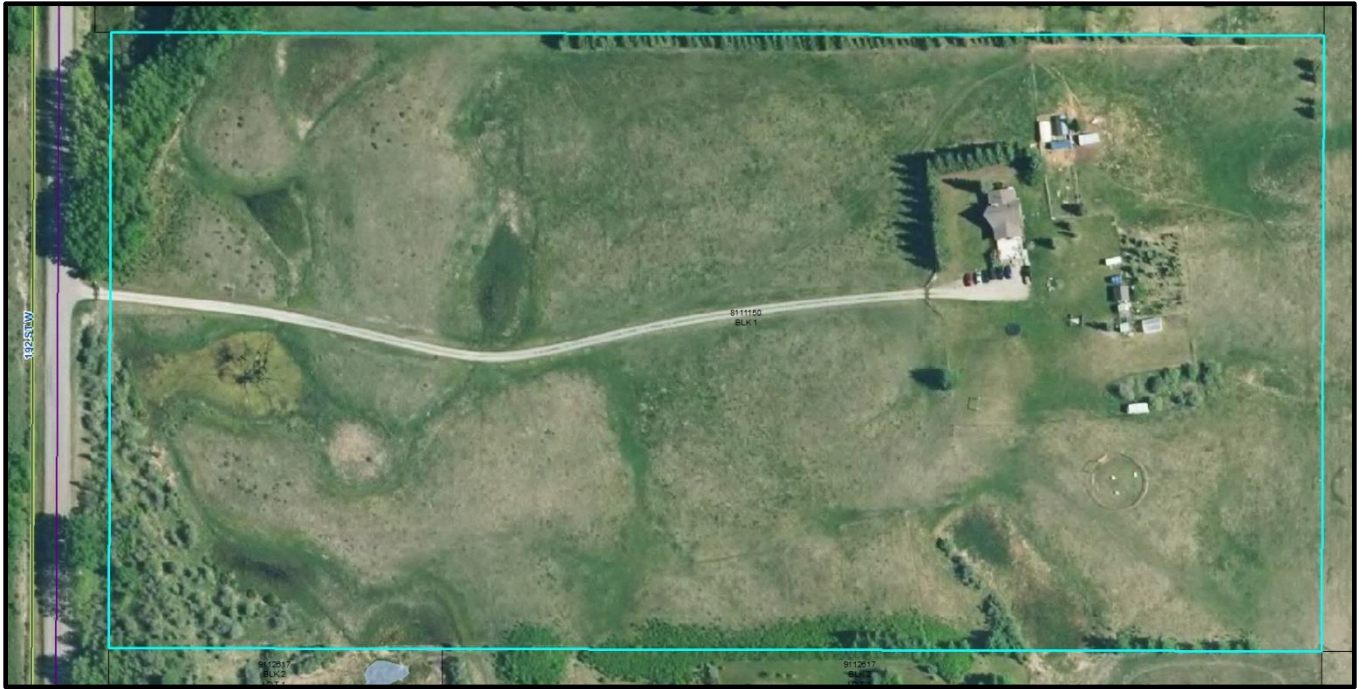
## Legend

- Hard Surface (Chip/oil)
- Gravel
- Pavement
- In Transition
- A- Agricultural
- AB- Agriculture Business
- CR- Country Residential
- CRA- Country Residential Sub A
- DC - Direct Control
- OS- Open Space
- EP- Environmental Protection
- SD- Service District
- SR- School Reserve
- ER- Environmental Reserve
- MR- Municipal Reserve

# SITE PLAN



ORTHO PHOTO





**APPENDIX B: PUBLIC RESERVE AMOUNT FOR SUBDIVISION AS PROVIDED BY THE COUNTY'S ASSESSMENT DEPARTMENT**

**INTEROFFICE MEMORANDUM**

DATE: March 25 2022

TO: Planning Department

FROM: Julie Sills

3.00 Public Reserve Amount For Subdivision

File No: F2102-31NW  
 Legal: NW 31-21-2 W5  
 Subject: Linda D. Shaikh  
 Parcel Size: 19.72 acres  
 Mkt Zone: 2  
 Trees: Few mature trees  
 Views: Flat full mountain view  
 River/Creek:

**CONCLUSION**

Based on the following sales, the fair market value for a 19.72 acre parcel in this area is : \$24,546 per acre.

Sale	Mz	Qr	Sec	Twp	Rge	M	Sale Date	Acres	Sale Price	Time Adj	Time Adj Sale Price	Loc Adj	Size Adj	Trees Adj	View Adj	River/Creek Adj	Final Adjusted Sale Price	Indicated Price Per Acre For 19.72 Acs
1	2	SW	15	21	03	5	Jul-21	39.33	\$650,000	1.00	\$650,000	1.00	0.78	10000	-114437		\$402,563	\$20,414
2	12	NW	19	22	04	5	Mar-21	19.99	\$445,000	1.02	\$453,900	0.93	1.00	-10000	40060		\$452,187	\$22,930
3	16	SE	35	21	04	5	Jul-20	17.68	\$497,000	1.03	\$511,910	1.18	1.03	-10000	40060		\$652,235	\$33,075
4	6	SW	22	20	28	4	Oct-19	17.25	\$270,000	1.07	\$288,900	1.22	1.04	40000	1443		\$407,999	\$20,690
5	3	S	33	21	29	4	Feb-21	17.10	\$810,000	1.02	\$826,200	0.54	1.04	-20000	40060		\$484,054	\$24,546
6	16	SW	18	22	04	5	Jun-21	16.48	\$675,000	1.00	\$675,000	1.18	1.05	-10000	40060		\$866,385	\$43,934
7	26	NE	03	22	01	5	Feb-22	15.84	\$800,000	1.00	\$800,000	0.60	1.06	10000	40060		\$558,860	\$28,340