


**SUBDIVISION APPROVING AUTHORITY ITEM  
PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
SUBDIVISION APPLICATION  
December 4, 2024**

| <b>REQUEST FOR SUBDIVISION APPROVAL</b>  |  |
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| <b>APPLICATION INFORMATION</b>   | <b>FILE NO. F1828-07NW</b>   |
|   | <b>LEGAL DESCRIPTION:</b><br>NW 07-18-28 W4M; Plan 0716016, Block 1, Lot 1 |
|  | <b>LANDOWNER:</b> Herman Kielstra  |
|  | <b>AGENT:</b> Township Planning + Design Inc                               |
|  | <b>AREA OF SUBJECT LANDS:</b> 22.68  |
|  | <b>CURRENT LAND USE:</b> Agricultural District                             |
| <p><b>PROPOSAL:</b> Subdivision to create one 5.0 +/- acre Agricultural District parcel leaving 17.68 +/- acre Agricultural District balance.</p> <p><b>PLEASE NOTE:</b> <i>A land use application to support a similar proposal along with a proposed concurrent boundary adjustment was refused on September 4, 2024, the details of that motion are listed below within the “Background” section of this staff report.</i></p> <p><i>The applicant is now requesting the Subdivision Approving Authority to provide a decision on the enclosed subdivision application, with the intention to appeal a potential refusal decision to the local Subdivision Appeal Board.</i></p> <p><b>LOCATION:</b> The subject parcel is located directly east adjacent of the intersection of 594 Ave E and 104 Street E, approximately 5km south of the Town of High River and within the Airport Protection Overlay.</p> |  |
| <b>DIVISION NO:</b> 1  | <b>COUNCILLOR:</b> Rob Siewert   |
| <b>FILE MANAGER:</b> Brittany Smith  |  |

**PURPOSE OF REQUEST:**

Request of the Subdivision Approving Authority to consider the subdivision application which proposes the creation of one 5.0 +/- acre Agricultural District parcel from NW 07-18-28 W4M, leaving a 17.68 +/- acre Agricultural District balance parcel.

**BACKGROUND:**

**September 4, 2024**, a Public Hearing took place regarding a land use application to redesignate a portion of NW 07-18-28 W4M; Plan 0716016, Block 1, Lot 1 from Agricultural District to Country Residential District to allow the future subdivision of one 5.0 +/- acre Country Residential District, leaving a 17.68 +/- acre balance.

The proposal also included a proposed boundary adjustment so that the balance parcel remains at 22.68 acres and maintains an Agricultural District Land Use.

Council refused the application for the following reasons:

*In consideration of the criteria noted within the Agricultural section of the MDP2010, Council did not find sufficient merit in the proposal to consider removing the subject lands from the Agricultural District.*

## SITE CONSIDERATIONS:

### Physiography:

The subject parcel has a rolling to flat topography and is used for both grazing and farming. Historical imaging shows a slough area within the NE corner of the balance.

### Existing Development:

The proposed 5.0 +/- acre parcel has no existing development, whereas the proposed 17.68 +/- acre balance parcel contains an existing residence, water well, septic field and tank, and multiple existing accessory buildings for agricultural purposes.

### Access:

Access to the subject parcel is currently obtained from 594 Ave E and proposed to remain for the balance, while a new approach is proposed for the new +/- 5.0-acre lot from 104 St E.

## REFERRAL CIRCULATION:

| CIRCULATION REFERRALS                       |   |
|---|---|
| REFEREE                                     | COMMENTS  |
| <b>INTERNAL</b>                             |   |
| Public Works                                | Public Works provided the following comments: <ul style="list-style-type: none"><li>• Bevelled culvert required for proposed approach and approach to be paved as per standards, ensuring a 6m setback from any power poles to the edge of the culvert.</li></ul> The following is recommended for the proposed 5.0 +/- acre parcel, <b>as condition of Subdivision:</b> <ul style="list-style-type: none"><li>• Septic Disposal Evaluation (PSTS);</li><li>• Building Envelope</li></ul> Road Widening Caveat of 5m along the full west boundary of the subject parcel is already registered on title. |
| <b>EXTERNAL</b>                             |   |
| Alberta Transportation & Economic Corridors | Requirements of Section 18 and 19 of the Regulation are not met, however ATEC grants approval to vary the requirements.   |
| Telus                                       | No concerns with proposed activities  |
| Atco Gas                                    | Conditionally approves with following comments: ATCO Gas requires a Right of Way to ensure that gas servicing can be provided to the parcel(s) created within the franchise area.   |
| Atco Transmission                           | No objections subject to conditions   |
| Fortis Alberta                              | No easement is required by Fortis.  |
| <b>PUBLIC</b>                               |   |
| Landowners (adjacent)                       | No Submissions received   |

## **POLICY EVALUATION**

The application has been reviewed within the terms of the Municipal Development Plan (MDP2010) and Land Use Bylaw 60/2014.

The application does not generally meet the intent of Policy 2 of the Agricultural Section of the MDP2010, which supports maintaining the integrity of the agricultural land base and discourages the fragmentation of agricultural land, including the subdivision of land into smaller agricultural parcels.

The application does not align with the minimum parcel size as outlined in Section 12.1.6.2 of the Agricultural District within the Land Use Bylaw 60/2014 which states a parcel of land shall be no less than 8.49 Ha (21 acres).

## **REQUEST OF THE SUBDIVISION APPROVING AUTHORITY:**

The Subdivision Approving Authority is respectfully requested to provide a decision with regards to the application for subdivision of one new 5.0 +/- acre Agricultural District parcel from NW 07-18-28 W4M, Plan 0716016, Block 1, Lot 1, leaving a 17.68 +/- acre Agricultural District balance parcel.

**Please note: there is no Land Use approval in place for this application.**

Staff has provided the following option for the Subdivision Approving Authority to consider:

### **SUBDIVISION REFUSAL**

The Subdivision Approving Authority may choose to refuse the subdivision of one 5.0 +/- acre Agricultural District parcel from Ptn. NW 07-18-28 W4M, Plan 0716016, Block 1, Lot 1, leaving a 17.68 +/- acre Agricultural District balance parcel for the following reasons:

*In consideration of Policy 2 of the Agriculture section of the MDP2010, Council did not find sufficient merit in the proposal to consider further fragmentation of the land into smaller agricultural parcels.*

*Additionally, the minimum parcel sizes for the proposed new lot and balance parcels are in contradiction of Section 12.1.6 Land Use requirements within the Agricultural District of the Land Use Bylaw 60/2014.*

*Further, the application for redesignation to the Agricultural Land Use District for NW 07-18-28 W4M; Plan 0716016, Block 1, Lot 1 to allow for the future subdivision of one 5.0 +/- acre Country Residential parcel was refused by Council on September 4, 2024, and therefore the proposed subdivision does not comply with Land Use Bylaw 60/2014.*

## **APPENDICES:**

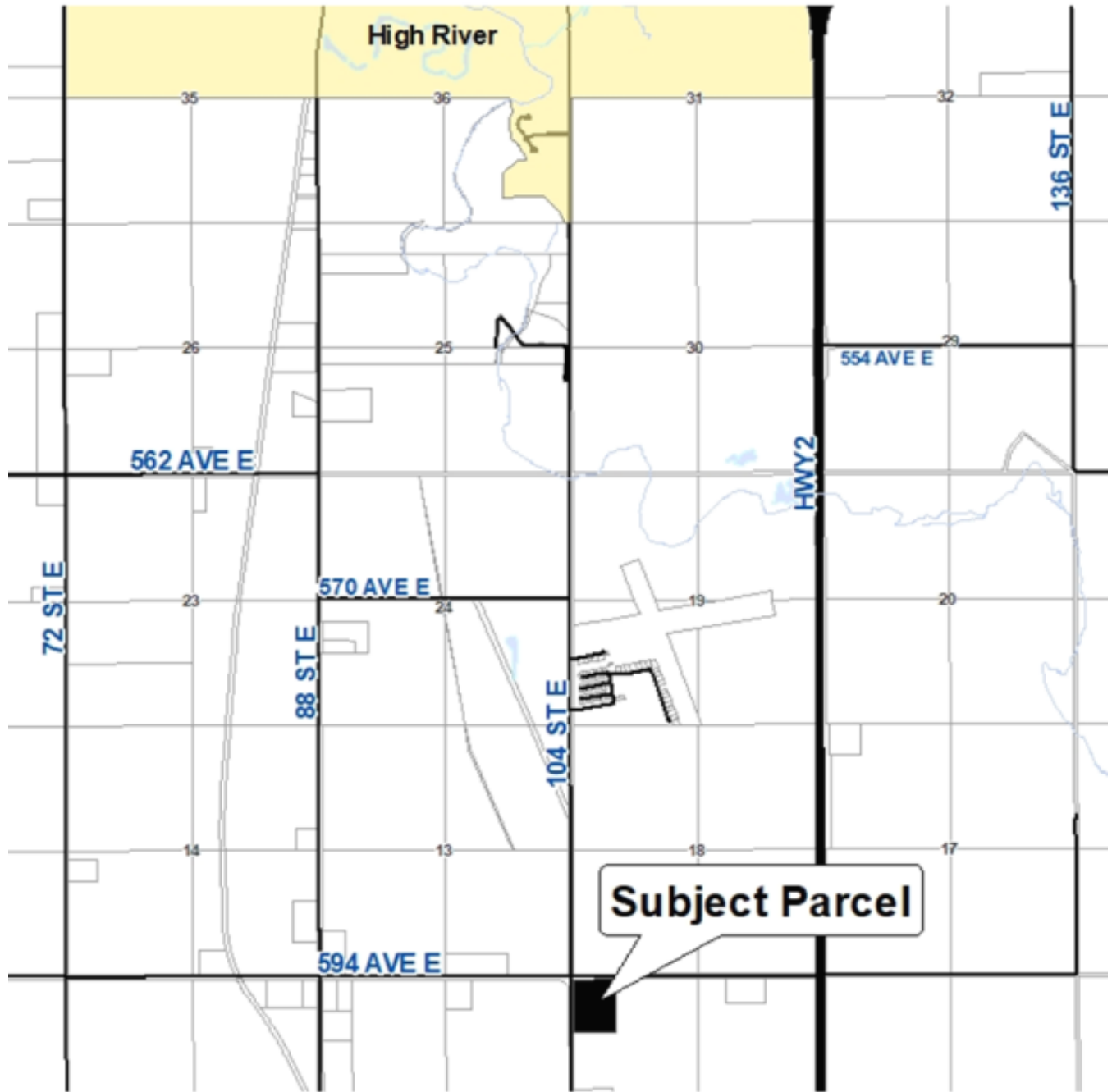
### **APPENDIX A: MAP SET**

LOCATION MAP

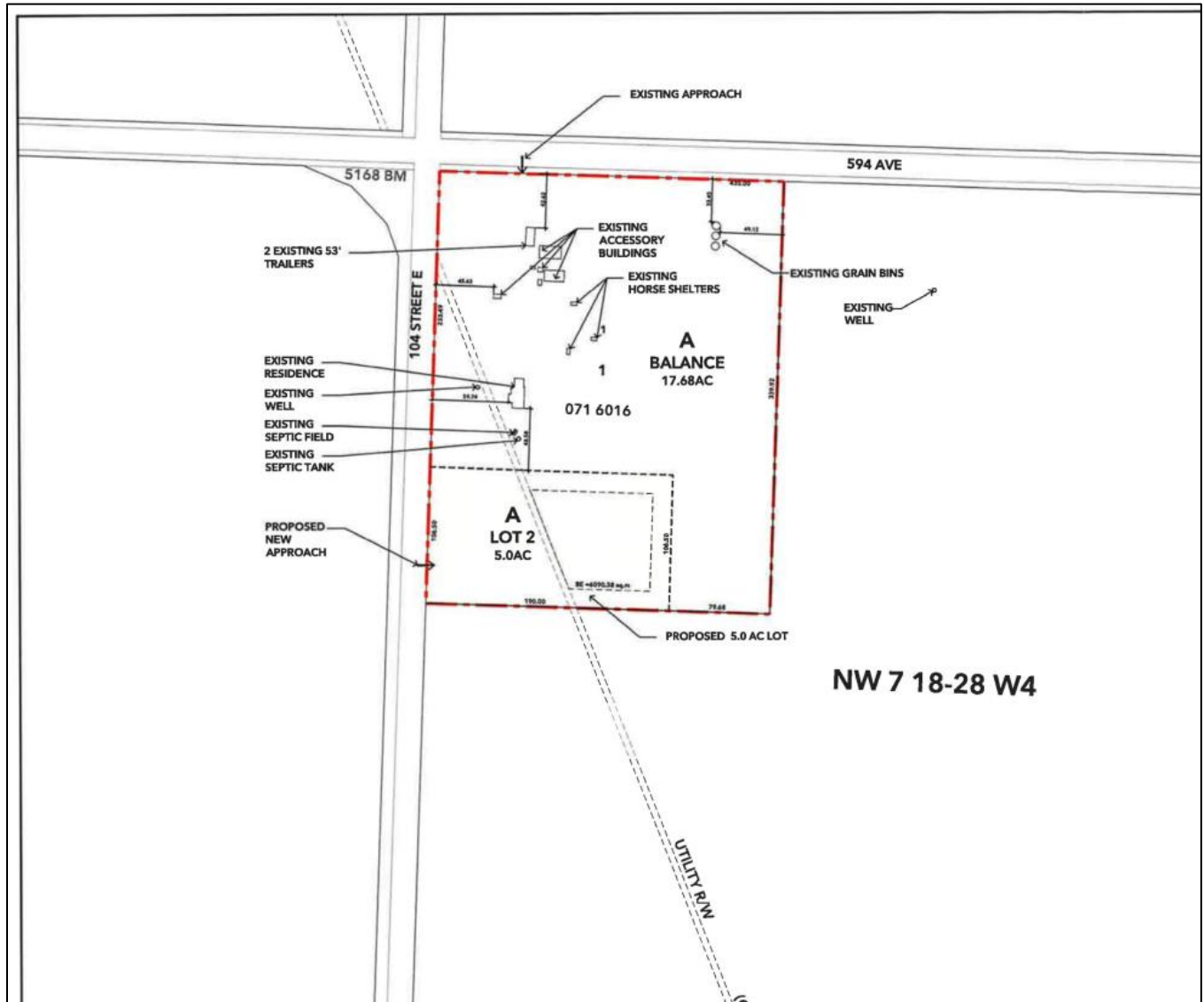
SITE PLAN

ORTHO PHOTO

**APPENDIX A: LOCATION MAP**



**APPENDIX A: SITE PLAN**



APPENDIX A: ORTHO PHOTO

