


**SUBDIVISION APPROVING AUTHORITY ITEM
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
SUBDIVISION & CONCURRENT BOUNDARY ADJUSTMENT APPLICATION
April 16, 2025**

REQUEST FOR SUBDIVISION & BOUNDARY ADJUSTMENT APPROVAL	
APPLICATION INFORMATION	FILE NO. F2102-27NE
	LEGAL DESCRIPTION: NE 27-21-02 W5M & SE 34-21-02 W5M
	LANDOWNER(S): David, Deborah, Mary & Jeffrey Bruketa.
	AGENT: Robert Wilder Blain
	AREA OF SUBJECT LANDS: 160 acres & 100.51 acres
	CURRENT LAND USE: Agricultural District
<p>PROPOSAL: Subdivision to create one +/- 5.0 acre Country Residential Sub-district “A” first parcel out, leaving a 155.0 +/- acre Agricultural District balance.</p> <p>The application also proposes a concurrent Boundary Adjustment which consists of taking +/- 0.27 acres from the adjacent parcel to the north being SE 34-21-02 W5M (which is also owned by the landowners) and consolidating a portion into the proposed first parcel out and a portion into the proposed balance parcel. The purpose for the proposed boundary adjustment is to provide physical access via a 15m wide panhandle to the first parcel out and a 15m wide panhandle to the balance parcel from a proposed common approach off 1119 Dr W.</p>	
<p>LOCATION: The subject parcel is located directly northwest of the intersection of 128th Street W & 266 Ave W, and approximately 80m southeast of 1119 Drive W.</p>	
DIVISION NO: 5	COUNCILLOR: Alan Alger
FILE MANAGER: 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 Country Residential Sub-District “A” parcel from NW 27-21-02 W5M, leaving a +/- 155.0 acre Agricultural District balance parcel and a concurrent boundary adjustment whereby +/- 0.27 acres would be taken from the adjacent parcel being SE 34-21-02 W5M and consolidating a portion into the proposed first parcel out and a portion into the proposed balance parcel to allow for legal physical access to both parcels.

BACKGROUND:

February 20, 2025, Council granted third and final reading to Bylaw 08/2024 to authorize the redesignation of a +/- 5.0 acre portion of NE 27-21-02 W5M from Agricultural District to Country Residential District to allow for the future subdivision of one +/- 5.0 acre Country Residential District parcel with an approximate +/- 155.0 acre Agricultural balance parcel and a future boundary adjustment for the following reasons:

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 of 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 Country Residential District within the County’s Land Use Bylaw.

The proposed 5.0 +/- acre parcel shall be designated as Country Residential Subdistrict 'A' to ensure that the recommendations and restrictions as outlined in the Septic Disposal Evaluation (PSTS), and Engineered Driveway (conditions of subdivision) are complied with, to the satisfaction of the Public Works Department. A completion certificate by a Professional Engineer verifying that all aspects of the noted reports have been met, and a \$5,000.00 deposit as a pre-release condition to ensure compliance with all conditions of the development permit will be required.

SITE CONSIDERATIONS:

Physiography:

The subject parcel consists of varied terrain with a mix of treed and bare land area. A high point exists central to the parcel, and from this high point the lands slope down towards two ravines, one running through the northwest corner of the parcel and the second running through the east portion of the parcel. The location of the proposed parcel was selected as it provides good access and a suitable building envelope.

Existing Development:

Neither the proposed +/- 5.0 acre parcel nor the balance +/- 155.0 acre parcel have any existing development.

Access:

Access to the subject parcel is currently obtained from 1119 Dr W through the adjacent parcel to the north, being SE 34-21-2 W5. There is no access easement and right of way agreement in place to support this as legal physical access to the subject parcel. Both the subject parcel and the adjacent parcel are owned by the same landowner.

The landowners are proposing a future boundary adjustment to address legal physical access to the subject parcel. The future boundary adjustment includes taking +/- 0.27 acres from the adjacent parcel to the north being SE 34-21-02 W5M and consolidating a portion of it into the proposed first parcel out and a portion into the proposed balanced parcel to provide access via a 15m wide panhandle to the first parcel out and a 15m wide panhandle to the balance parcel from a proposed common approach to be constructed off of 1119 Dr W.

REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	<p>The following is recommended for the proposed 5.0 +/- acre parcel, as condition of Subdivision:</p> <ul style="list-style-type: none"> • Septic Disposal Evaluation (PSTS); <p><i>Note: Septic Disposal Evaluation has been provided and has been submitted to Public Works for review and acceptance.</i></p> <p>The following is recommended for the proposed 5.0 +/- acre parcel and the 155.0 +/- acre balance, as conditions of subdivision:</p> <p>An Engineered Driveway is required due to slopes that exceed 12% and to determine the correct sized culverts to be used for the seasonal drainage/stream crossing.</p>

CIRCULATION REFERRALS	
	<i>Note: The Engineering has been provided and has been submitted to Public Works for review and acceptance.</i>
EXTERNAL	
Telus	No concerns with proposed activities
Atco Transmissions	Has no objections
Atco Gas	<p>ATCO Gas conditionally approves with the following comments:</p> <ul style="list-style-type: none"> • We require the landowner to reach out to land.admin@atco.com to obtain a URW for the following reasons: • ATCO gas will be left without required Right of Way coverage for existing lines from this change • ATCO Gas requires a Right of Way to ensure that gas servicing can be provided to the parcel(s) created within the franchise area.
Fortis Alberta	Fortis has reviewed the plan and determined that no easement is required.
PUBLIC	
Landowners (adjacent)	No Submissions received

REQUEST OF THE SUBDIVISION APPROVING AUTHORITY:

Council, as the Subdivision Authority is respectfully requested to approve the subdivision of one +/- 5.0 acre Country Residential Sub-District “A” parcel from Ptn. NE 27-21-02 W5M, leaving +/- 155.0 acre Agricultural District balance parcel and a concurrent boundary adjustment whereby +/- 0.27 acres would be taken from the adjacent parcel being Ptn. SE 34-21-02 W5M and consolidating a portion into the proposed first parcel out and a portion into the proposed balance parcel to allow for legal physical access to both parcels.

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

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

In consideration of the criteria noted within the Residential Policy of the MDP2010, the Subdivision Authority is of the opinion that the lands are suitable for the intended use and further that the application falls within the density provisions and lot size restrictions within the County’s Land Use Bylaw.

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), approaches, and 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 \$11,300.00 per new lot Community Sustainability Fee;
 - b) Engineering to be provided for the driveways to be constructed within each of the 15m wide panhandles proposed for both the +/- 5.0 acre parcel and balance lands, to the satisfaction of the Public Works department;
4. Submission of a Septic Disposal Evaluation (PSTS) for the proposed +/- 5.0 acre parcel, to the satisfaction of the Public Works department;
5. All accesses to be located and culverts, approaches and engineered driveway to be installed to current Municipal subdivision road construction standards, to the satisfaction of the Public Works Department;
6. Public Reserve: as per Section 663(a) of the Municipal Government Act and the County's Minicipal Reserve Policy, reserves are not required to be provided when one lot is to be created from a quarter section;
7. Landowners are to provide all utility easements and agreements, to the satisfaction of the County and the utility companies;
8. Landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision;
9. Submission of subdivision endorsement fees.

APPENDICES:

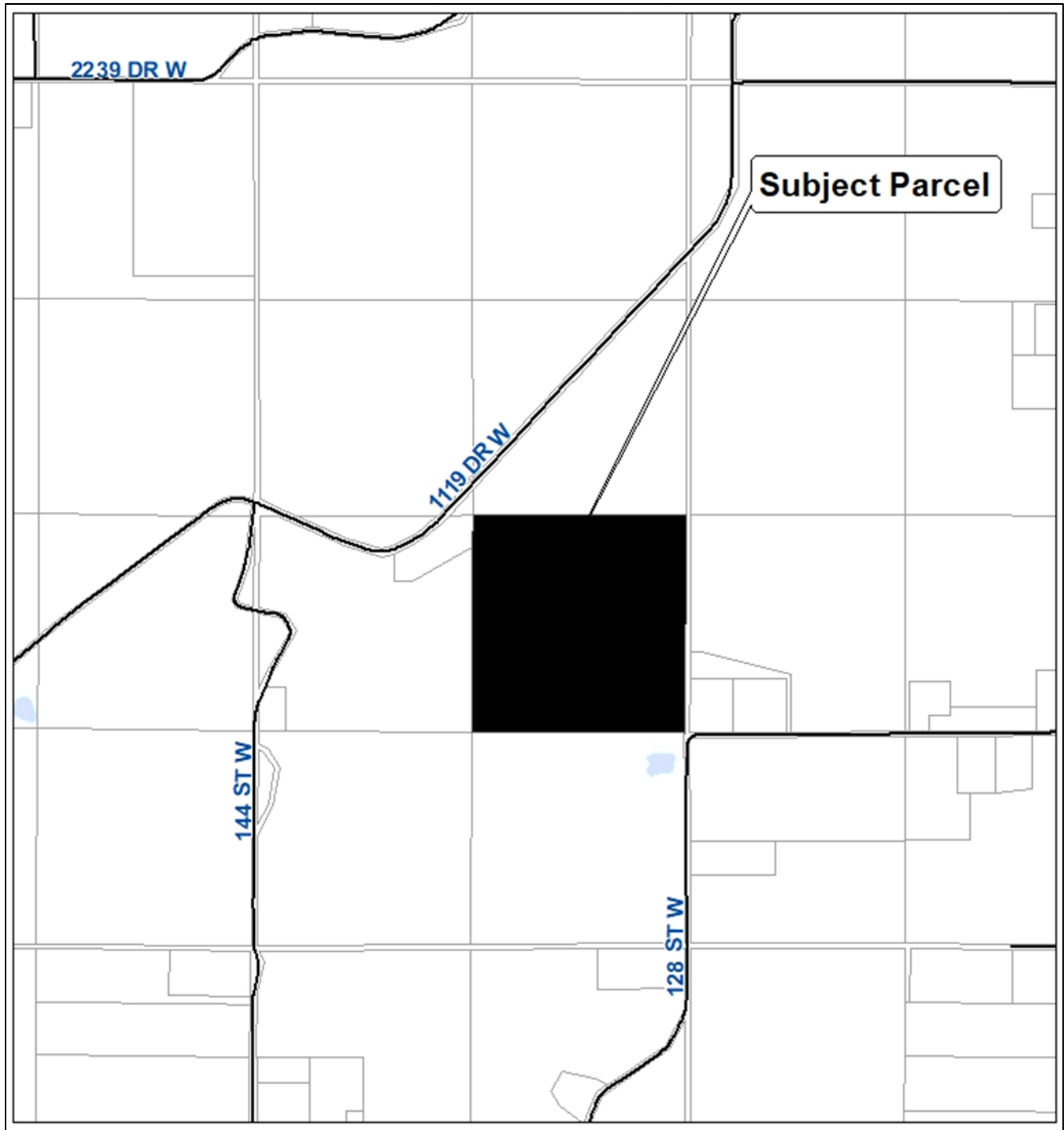
APPENDIX A: MAP SET

LOCATION MAP

SITE PLAN

ORTHO PHOTO

APPENDIX A: LOCATION MAP



**NE-27-21-2-5
BRUKETA
SUBDIVISION**

Our proposal introduces two 15-meter-wide access panhandles, thereby accommodating the proposed subdivision and remaining quarter.

**Easterly Panhandle
(Immediate Development):**

Facilitates construction of a residential driveway for the 5-acre subdivision.

At this point in time, the driveway that will be built on the Easterly panhandle will be utilized for access to both the 5 acres and the remaining land within the quarter section.

(Both parties of the subdivision and remaining land of NE-27-21-2-5 are family and plan on mutual use of a single approach/driveway at this time)

The road approach will be upgraded to Foothills County standards:

- ≥ 12 meters tied to 1119Dr
- 90° approach to 1119Dr
- ≥ 9 meters approach

**Westerly Panhandle
(Farming Access):**

Provides access to the remaining land within the quarter section for farming/ranching activities.

Future Considerations:

Should in the future the owners of the Easterly/Westerly access be different and/or not associated (family) as they are now, the allotted width/frontage of each panhandle will accommodate mutually exclusive access to the respective properties. This approach negates any requirements for easements at present and avoids any future access conflict.



APPENDIX A: ORTHO PHOTO

