

REPORT TO COUNTY COUNCIL

AGENDA ITEM

Subdivision Application No. S-005-22

April 14, 2022

BACKGROUND

Phil Stenerson is seeking permission to create a separate title to an approximately 0.16 ha (0.40 acre) parcel of land on the northwest part of property legally described as Block Y Plan 7159AI, located on the southeast part of the Hamlet of Mirror. The lands are currently zoned Hamlet Residential 1 (H-R1) District and the proposed parcel is intended for continued residential use. A mobile home is currently located on this parcel that is hooked up to municipal water services; however, a septic field is currently being utilized for sanitary services.

LEGISLATIVE RESPONSIBILITIES

Pursuant to section 623(1) of the Municipal Government Act, Council has designated itself as the subdivision authority to deal with multi-parcel subdivision applications.

In making a decision on a subdivision application, section 7 of the Subdivision and Development Regulation requires Council to consider the topography of the land proposed to be subdivided; its soil characteristics; surface water drainage; any potential natural environmental hazards, such as flooding, erosion and slope movement; road access; water supply and sewage disposal; the use of surrounding lands; and any other matters it considers necessary to determine whether the land is suitable for the intended use.

Section 654(1) of the Act directs that Council cannot approve an application for subdivision, unless it is satisfied that:

the land proposed to be subdivided is suitable for the intended use;

the intended use is compatible with other uses, both existing and proposed, in the surrounding area; and

the proposed subdivision conforms to the Municipal Development Plan and any other statutory plan affecting the land, the uses that may be considered for the land in the Land Use Bylaw, and complies with the Act and the associated regulations.

Council is required by section 8 of the Subdivision and Development Regulation to give reasons for its decision, including an indication of how it has considered any submissions made by neighbouring landowners as well as the matters listed in section 7 of the Regulation.

POLICY CONSIDERATIONS

The property is zoned Hamlet Residential 1 'H-R1' District under the County's Land Use Bylaw. The proposed subdivision complies with the minimum site area of the district which is 0.32 hectares (0.13 acres). Existing mobile homes are also permitted to remain in the district and can be replaced as long as the unit is less than ten (10) years old.

The subject property falls within the Mirror Area Structure Plan (ASP). The ASP states that new infill development in the H-R1 Residential District that is not currently serviced by the municipal wastewater system or serviceable in the near future may, at the County's discretion, be allowed to be serviced by an alternative wastewater system.

CIRCULATION RESPONSES

Alberta Transportation, Atco Pipelines, Telus, and Alberta Health Services indicated that they had no concerns with the proposed development.

FORTIS Alberta Inc. indicated that easements are required for this subdivision and that they are the wire service provider for the area.

The County's Operations Department advised that an access easement will be required in order to provide access to the proposed parcel.

The County's Community Services Department commented that the existing septic system may remain; however, if municipal services become available in the future the parcel would be required to connect.

ISSUE ANALYSIS

The subject lands are zoned Hamlet Residential 1 'H-R1' District and is eligible for re-subdivision. The proposed parcel follows the original grid pattern of the Hamlet and takes into account the alignment of both 48th Avenue and 46th Street. Existing mobile homes in the H-R1 District, although not typically permitted are able to remain. The required 10% Municipal Reserves (MR) are proposed to be deferred to the balance and utilized at a future date once the parcel is fully developed.

STAFF RECOMMENDATION

Staff recommend that the application be APPROVED, subject to the following conditions:

1. proposed parcel is not to exceed 0.16 hectares (0.40 acres) as generally shown on Schedule 'A'
2. access easement must be registered on the title to the proposed parcel and the remainder of Block Y Plan 7159A1, to ensure legal and physical access to the proposed lot
3. 10% municipal reserve owing against the proposed subdivision to be deferred by caveat against the remainder of the existing titled area
4. prior to final subdivision approval the applicant shall enter into a deferred services agreement with the County respecting the requirement to connect to the municipal wastewater system when such services become available or are deemed necessary by the County
5. plan prepared by an Alberta Land Surveyor to be provided to the County confirming that the mobile home and any other outbuildings are fully contained in the parcel to be subdivided from the quarter section and further, that the said buildings meet the required setback distances from the new property lines, as directed by the County's Land Use Bylaw
6. written confirmation to be provided to the County from an accredited Safety Codes Officer that the sewage system complies with the Private Sewage Disposal Systems Regulation (Alta. Reg. 229/97) respecting the required setback distances from property lines, bodies of water and water sources. Before arranging for an inspection by the Safety Codes Officer, the owner(s) must ensure that the boundaries of the parcel to be subdivided are clearly marked out by an Alberta Land Surveyor so that the Safety Codes Officer can establish whether the sewage system meets the distance requirements. Please note that any problems identified by the Safety Codes Officer respecting the general operation of the system are to be corrected before final approval is given to the subdivision
7. any outstanding property taxes to be paid to the County prior to the final approval of the subdivision.
8. the subdivision to be carried out by a plan prepared by an Alberta Land Surveyor

Please note that Fortis Alberta Inc. has advised that easements are required for this subdivision and that they are the wire service provider for the area. Please contact them if electrical services are required at 310-9473. Please see Schedule 'B' for a copy of their correspondence.

COUNCIL DECISION

PREPARED BY: Peter Duke, Planner / Development Officer



REVIEWED BY: Dale Freitag, Director of Planning Services



REVIEWED BY: Tim Timmons, County Manager

