

PROPOSAL: Town Operations Site Subdivision and Municipal Reserve Disposal
LOCATION: 1112/1118 North Railway Street | NE ¼ 21 & NW ¼ 22 20-29-4
APPLICANT: Town of Okotoks
OWNER: Town of Okotoks

ISSUE

The attached subdivision application requires consideration by the Okotoks Subdivision Approving Authority (MPC) within 60 days of receipt of the application in its completed form. This application was considered complete on April 9, 2019 and a decision should be rendered by June 8, 2019.

REPORT

The subject lands are located in the river valley adjacent to the Okotoks Business Park and are comprised of the following individual titles all located within the NE ¼ 21 and NW ¼ 22 20-29-W4M:

- Lot 1, Block 10, Plan 101 3120;
- Lot 5, Plan 841 0388;
- Lot RB (reserve), Plan 741 0113;
- Block OT (sewage site), Plan 2970GO;
- OT 21-20-29-W4M (closed road);
- portion of NE ¼ 21-20-29-W4M; and
- portion of NW ¼ 22-20-29-W4M.



The purpose of this application is to consolidate the lands under one parcel to reduce the need for utility rights-of-way across the site and better facilitate future expansion and reconfiguration of the operations centre and wastewater treatment facility. This consolidation is subject to approval by the Subdivision Authority (MPC) as the portion of NW ¼ 22-20-29-W4M within the subject area is legally connected to the remainder of the quarter section that is physically separated by 32nd Street and the Sheep River.

One of the parcels affected by the proposed title consolidation is Lot RB (reserve), Plan 741 0113, which is considered a municipal reserve (MR) parcel under the current legislation. The title was originally registered along the boundary of the Sheep River but since that time the boundary has shifted and the lot is now mostly within the river. A small portion of the lot remains within the operations site and Administration recommends this MR be disposed of in accordance with Section 674 of the *Municipal Government Act* (MGA), in order to remove the MR designation and allow land to be consolidated within the operations site and Sheep River.

In accordance with Section 674, a public hearing must be held for Council to consider a disposal of municipal reserve. A public hearing has been scheduled for May 27, 2019 and is being advertised in the Western Wheel as well as by posting on the subject site. The disposal of MR is subject to Council approval and is presented to MPC for comment with the application for subdivision.

The subdivision does not conflict with any provisions of the South Saskatchewan Regional Plan, the Municipal Development Plan, or the Land Use Bylaw. The subject lands are designated Public Service (PS) District and no development changes to the site are proposed at this time. There is no area structure plan or outline plan in place for the subject area.

Issues that must be addressed through subdivision conditions to ensure compliance with Town of Okotoks subdivision development policies, standards and practices include:

Engineering Design and Related Encumbrances

1. The subject lands are bound on the south edge by the bank of the Sheep River, which has changed over the course of time as natural erosion, flooding, and bank stabilization work has occurred. The plan of survey will establish a new boundary to the Sheep River at this location. The bed and shore of the Sheep River is owned by the Crown and the new boundary may require approval by Alberta Environment and Parks (AEP). Confirmation of the updated natural boundary is being pursued by the Applicant and will be required prior to registration of the plan of survey.

Reserves

2. Lot RB, Plan 741 0113 was registered November 15, 1973 as a 10ft (±3.0m) wide strip of public reserve along the bank of the Sheep River to satisfy a portion of the public (municipal) reserve owing on the parent parcel under the 1963 *Planning Act*. The remainder of the reserves owing were deferred through a deferred reserve

caveat, which remains registered on a number of the subject parcels as document number 741 012 543.

Should the disposal of the municipal reserve designation of Lot RB, Plan 741 0113 be approved by Council, Administration recommends the existing deferred reserve caveat be discharged and replaced with an updated DRC reflecting the reserves owing on the lands with the inclusion of the removed reserves. The revised DRC will remain on title to advise that municipal reserve is owing if the site is ever resubdivided, redeveloped, or sold in the future.

Circulation Responses

Circulation agencies and adjacent landowners were asked to respond by May 13, 2019. A summary of all responses received at the time of report preparation is provided below.

Circulated To:	Comments:
Christ the Redeemer Catholic Separate Regional School Division No. 3	No response at the time of report preparation
Foothills School Division No. 38	No response at the time of report preparation
Southern Francophone Education Region No. 4 (Conseil scolaire FrancoSud)	No response at the time of report preparation
Telus Communications	No objection
ATCO Gas	No objection but there are existing ATCO services facilities within the subject area
ATCO Pipelines	No response at the time of report preparation
Fortis Alberta	No response at the time of report preparation
AltaLink Management Inc.	No response at the time of report preparation
Shaw Cablesystems	No response at the time of report preparation
EPCOR Water Services	No response at the time of report preparation
Alberta Transportation, Southern Region, Calgary District	No objection and grants an unconditional variance of the highway (Attachment 5)
Alberta Environment and Parks, Public Lands Service	No response at the time of report preparation
Alberta Health Services	No concerns
Canada Post Corporation	No comments at this time
Canadian Pacific Railways	No response
Foothills County	No concerns
Adjacent Landowners	No written responses received at the time of report preparation

Appeals

Although Alberta Transportation waived the requirement for the Municipal Government Board (MGB) to hear the appeal as the subject area is within 1.6km of provincial highway,

the lands are adjacent to a crown water body and therefore, an appeal of a decision on this subdivision would lie with the MGB.

RECOMMENDATION

That Administration be directed to advise Council that the Municipal Planning Commission supports the disposal of municipal reserve from Lot RB, Plan 741 0113.

and

That subdivision application D11-BP26 (Town Operations Site) be approved subject to the following conditions:

1. The Plan of Subdivision shall be in the form approved by the Subdivision Authority on May 16, 2019.
2. The proposed disposal of municipal reserve lands (Lot RB, Plan 741 0113) be approved by Council prior to the endorsement of the Plan of Subdivision.
3. The revised natural boundary be confirmed by the Ministry responsible for the *Public Lands Act* prior to the endorsement of the Plan of Subdivision.
4. Concurrent with the registration of the Plan of Survey, the existing deferred reserve caveat be discharged and replaced with an updated deferred reserve caveat.

REASONS FOR DECISION

1. Subdivision Application D11-BP26 complies with the Okotoks Municipal Development Plan (Bylaw 50-98) and the Okotoks Land Use Bylaw (40-98); and
2. Subdivision conditions included in this approval ensure compliance of Subdivision Application D11-BP26 with Town of Okotoks subdivision development policies, standards and practices.

ALTERNATIVE FOR CONSIDERATION

That Administration be directed to advise Council that the Municipal Planning Commission does not support the disposal of municipal reserve from Lot RB, Plan 741 0113.

and

That subdivision application D11-BP26 (Town Operations Site) be approved subject to the following conditions:

1. The Plan of Subdivision must be revised to exclude the affected portion of Lot RB, Plan 741 0113.
2. The revised natural boundary be confirmed by the Ministry responsible for the *Public Lands Act* prior to the endorsement of the Plan of Subdivision.

REASONS FOR DECISION

1. Subdivision Application D11-BP26 complies with the Okotoks Municipal Development Plan (Bylaw 50-98) and the Okotoks Land Use Bylaw (40-98); and
2. Subdivision conditions included in this approval ensure compliance of Subdivision Application D11-BP26 with Town of Okotoks subdivision development policies, standards and practices.

Attachments:

1. Location Map
2. Tentative Plan
3. Tentative Plan (air photo overlay)
4. Photographs of the subject site
5. Response from Alberta Transportation

Prepared by:
Colin Gainer
Senior Planner
May 07, 2019