

Request for Decision

Title	Request to Waive Subdivision Fees – Lot 1, Plan 952 3595
Proposed Motion	That Council refuse the request to waive subdivision, endorsement, and survey-related fees associated with the proposed subdivision of Lot 1, Plan 952 3595.
Administrative Recommendation	That Council support the proposed motion to refuse the landowner’s request to waive subdivision, endorsement, and survey-related fees associated with the proposed subdivision of Lot 1, Plan 952 3595.
Previous Council / Committee Direction	<u>August 23, 2022 Regular Council Meeting</u> Motion 315/22: That Council refer the request to waive subdivision, endorsement, and survey-related fees associated with the proposed subdivision of Lot 1 Plan 952 3595 and investigate the history of utility equipment to Administration to provide a recommendation at a future Council Meeting.
Report	<p>Background Information</p> <p>Subdivision Fee Request</p> <ul style="list-style-type: none"> • An applicant approached the County regarding a planned subdivision. • The planned subdivision relates to the northwest portion of Lot 1 Plan 952 3595 measuring approximately 2.5 acres, fragmented from the balance of the quarter section by Range Road 251 (Starkey Road). The fragmented portion is contiguous with River Lot 63 St. Albert Settlement to the west, also known as Starkey Hills. • The applicant is requesting that the associated subdivision fees be waived as this is a historical fragmentation resulting from the previously approved alignment of Starkey Road. The applicant also requested information regarding the location of utility equipment on the property. <p>Subdivision Fee Request - Analysis</p> <ul style="list-style-type: none"> • Administration investigated the request in depth. The existing parcel was registered in its current configuration in 1995 following the consolidation of the former road plan with River Lot 64. • A review was completed of all historical documentation available with respect to road consolidation, survey plans, and title registration. While the northwest portion is physically separated by Starkey Road, there is no reference to the creation of two separate titles in the documentation.

- Subdivision of new parcels through the process of road realignment/construction is not a common practice. Typically, the fragmented parcel retains the same title despite being severed by a road or railway.
- As referenced during a presentation provided during the August 23, 2022, Regular Council Meeting, the applicant was under the impression that this small parcel of land had a separate Certificate of Title for many years.
- Over the long history of this parcel, the applicant demonstrated that there were historic title registry errors regarding subdivision of the River Lot and referenced a document from 1995 that noted four Certificates of Title. The applicant believed these indicated that a separate title had been created for the small triangular parcel (see page 2 of Attachment 1).
- Administration confirmed that the four Certificates of Title referenced four parcels but did not include the triangular fragmented parcel. It still retained the same title as the “parent parcel” Lot 1, Plan 952 3595 east of Starkey Road (see Attachment 2).
- There can be limitations on available information dating back 70 years or more, but the information that the County has, as well as the information provided by the applicant, does not suggest that the small triangular parcel was ever provided with a separate title.
- Administration is currently working with the landowner of Starkey Hills and their consultant to prepare an Outline Plan that aligns with the Sturgeon Valley Core Area Structure Plan. The northeast portion of Starkey Hills (adjacent to the subject parcel) has been identified as a proposed location for a stormwater management pond for Starkey Hills.
- The County does not require the applicant to subdivide the land, but Administration acknowledges that inclusion of the fragmented portion within the Starkey Hills development may be beneficial to both parties. Having separate title to this 2.5 acres would provide the opportunity for the parcel to be acquired and incorporated into the adjacent River Lot 63 parcel (Starkey Hills).
- Per bylaw, property owners wishing to subdivide their land are responsible for all subdivision, endorsement, and survey-related fees associated with the proposed subdivision.

Utility Equipment Inquiry

- Reconstruction of Starkey Road commenced in 2014. This included a complete geometric improvement to the roadway to bring the roadway up to current Engineering Standards.
- Relocation of above-ground hazards within roadway clear zones is required to improve safety to the users of the roadway.
- The riser was previously located approximately 1 metre inside private land (Lot 1, Plan 952 3595) and AltaGas was paying a lease to the landowner for this facility.

- AltaGas proposed to shift the riser approximately 5 metres to the east, and Sturgeon County stated it would look at the possibility of purchasing additional road right-of-way (ROW) to both accommodate the widened ditch and to have the riser situated at a safe distance from the driving surface.
- AltaGas stated if Sturgeon County could not obtain ROW, they would remove the riser as they would not replace it in a location on private lands that requires leases.
- During discussions with the landowner, it was requested the ROW purchase be reduced from the length of the project limits to just the 10 metre by 10 metre square required to support this riser relocation.
- Temporary workspace agreements were signed by the landowner July 9, 2014, and the ROW Offer to Sell was signed by the landowner April 2, 2014.
- Once the existing riser lease expired, AltaGas approached the landowner to renew the riser lease. The landowner then requested an increase in lease payments from the previous lease. Following this request, AltaGas reviewed the records, and their land division noted the riser is now located within the purchased ROW and a lease renewal was not required. This was communicated with the existing landowner, and the previous lease expired.
- Further discussions with the landowner were re-engaged in 2019 on the riser relocation and history provided to the landowner. Discussions continued through the summer of 2020 both onsite and through email.

Utility Equipment Inquiry - Analysis

- Both the temporary workspace agreements and ROW Offer to Sell were signed by the landowner in 2014. These agreements also included a visual representation of the 10 metre by 10 metre ROW to be purchased by the County.
- The riser would not have been relocated within private lands and lease payments would have ceased on the same date (regardless of the land being purchased or not).

Relevant Policy/Legislation/Practices

Section 630.1 of the *Municipal Government Act* (MGA) allows Council to establish and charge fees for planning matters. This is executed through Bylaw 1564/21 - Fees and Charges Bylaw. Therefore, Council has the discretion to waive applicable fees and charges.

Implication of Administrative Recommendation

Strategic Alignment

Operational Excellence – Aligning with the requirements of Bylaw 1564/21 is consistent with legislation, policies, and procedures given the information available to administration.

Planned Growth – This decision will ensure that developers pay for a fair share of the municipal costs necessary to support residential growth.

	<p><u>Organizational</u> Regardless of Council’s decision on the waiving of fees, Administration will assist the applicant through the subdivision process at the time an application is received.</p> <p><u>Financial</u> None.</p>
Alternatives Considered	That Council support the motion to waive subdivision, endorsement, and survey-related fees associated with the proposed subdivision of Lot 1, Plan 952 3595.
Implications of Alternatives	<p><u>Strategic Alignment</u> None. Equity to other developments required to provide for subdivision fees could be impaired.</p> <p><u>Organizational</u> Regardless of Council’s decision on the waiving of fees, Administration will assist the applicant through the subdivision process at the time an application is received.</p> <p><u>Financial</u> Waiving the fees at the applicant’s request would result in a financial impact of \$1,600 plus associated survey and endorsement related fees.</p>
Follow up Action	Advise the applicant of Council’s decision (Planning & Development Services, September 2022).
Attachment(s)	<ol style="list-style-type: none"> Attachment 1: Background Documents Attachment 2: Aerial Map of Four 1995 Titles
Report Reviewed by:	<p>Bonnie McInnis, Manager, Planning & Development Services</p> <p>Travis Peter, General Manager, Development & Strategic Services</p> <p>Reegan McCullough, County Commissioner – CAO</p>

Strategic Alignment Checklist

Vision: *Offering a rich tapestry of historical, cultural, and natural experiences, Sturgeon County is a municipality that honours its rural roots and cultivates desirable communities. Uniquely situated to provide world-class agricultural, energy, and business investment opportunities, the County prioritizes responsible stewardship and dreaming big.*

Guiding Principles: Collaboration | Accountability | Flexibility | Excellence | Safety | Future Readiness | Affordability | Innovation

Community Outcome	Not consistent	Consistent	N/A
Planned Growth			
<ul style="list-style-type: none"> Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Modern broadband and digital capabilities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Low cost, minimal red-tape regulations 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Thriving Communities			
<ul style="list-style-type: none"> Beautiful, surprising places with high standards; integrated natural spaces & trail systems; healthy and resilient 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Engaging cultural, historical, and civic amenities; strong community identity and pride 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Stewardship			
<ul style="list-style-type: none"> Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Sustainable development; partnerships with industry and others to drive emission reductions 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Collaborative Governance			
<ul style="list-style-type: none"> Predictable and stable external relationships; volunteer partnerships 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Meaningful connections with Indigenous communities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Respectful and informed debate; clear and supportive governance processes 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational Excellence			
<ul style="list-style-type: none"> Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Quality cost-effective service delivery; robust procurement and operational practices and policies; asset management and performance measurement; careful debt and reserve stewardship; long-term financial planning and sustainability 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Future focused thinking to proactively respond to emerging opportunities and challenges 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Alternative revenue generation and service delivery models integrated strategic and business planning 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>