

Development Officer Council Brief

Date: April 4, 2023

MR Disposal and Rezoning Application Bylaw 1125-23

Issue: MR Disposal &

Rezone Application Bylaw 1125-23

Re: Rezone from Parks and Open Space (POS-1) to General

Residential (R-1)

Background Information:

The area behind Units 15 & 16, Condominium Plan 1312843 has been identified in the Stonegate Meadows Area Structure Plan as Municipal Reserve (MR). The two units, Units 15 & 16, both knew the dimensions of their lots when they purchased, however are attempting to seek approval to extend their lots ~17m [56'] east into the Municipal Reserve (MR) area. Essentially, this would give both units more rear yard. There is current a single-family home built on each of the respective units.

In order for this to proceed, the following needs to be completed:

- Council needs to approve the partial Municipal Reserve (MR) Disposal of those lands effected.
- Council needs to approve the rezoning of those lands effected from Parks and Open Space (POS-1) to General Residential (R-1).
- Municipal Planning Commission (MPC) must approve subdivision application to amend the condominium plan to adjust the boundaries.

(NOTE: These are 3 separate processes and can be done concurrently. I am now very confident that a subdivision application will be submitted shorty, so it is recommended to contemplate the first 2 processes, while the subdivision application will be submitted shortly thereafter.)

Action Required (2):

If the Council is in favour of the partial Municipal Reserve (MR) Disposal, then a date for the public hearing will need to be set. Due to the requirements in the *Municipal Government*Act for notification and advertising, it is recommended that the public hearing be set for May 2nd 2023, during regular schedule council meeting, at 6:00pm.

If the Council is in favour of the Land Use Bylaw Amendment proposed, then a motion for first reading of Bylaw 1125-23 should be made and a date for the public hearing be set. Due to notification requirements for referral agencies and advertising, it is recommended that the public hearing be set for May 2nd 2023, during regular schedule council meeting, at 6:00pm.

Note: The standard practice is to hold a public hearing between 1st and 2nd Reading of a Bylaw. Once a public hearing is held and closed, then 2nd and 3rd Readings can be made following the public hearing. A public hearing needs to be held during a regularly scheduled council meeting, or by a special meeting of council, which if determined is necessary, then needs to be advertised accordingly.

- (i) the planning, development and use of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality,
- (ii) transfers under section 672 or 673 of municipal reserves, school reserves and municipal and school reserves in the municipality,
- (iii) disposal of school sites,
- (iv) the servicing of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality, and
- (v) the use of school facilities, municipal facilities and playing fields on municipal reserves, school reserves and municipal and school reserves in the municipality, including matters relating to the maintenance of the facilities and fields and the payment of fees and other liabilities associated with them,
- (b) respecting how the municipality and the school board will work collaboratively,
- (c) establishing a process for resolving disputes, and
- (d) establishing a time frame for regular review of the agreement,

and may, subject to this Act, the regulations, the *Education Act* and the regulations under that Act, contain any other provisions the parties consider necessary or advisable.

- (4) More than one municipality may be a party to a joint use and planning agreement.
- **(5)** A joint use and planning agreement may be amended from time to time as the parties consider necessary or advisable.

2019 c22 s10

Division 9 Use and Disposal of Reserve Land

Use of reserve land, money

- **671(1)** Subject to section 676(1), environmental reserve must be left in its natural state or be used as a public park.
- (2) Municipal reserve, school reserve or municipal and school reserve may be used by a municipality or school board or by them jointly only for any or all of the following purposes:

- (a) a public park;
- (b) a public recreation area;
- (c) school board purposes;
- (d) to separate areas of land that are used for different purposes.
- **(2.1)** Community services reserve may be used by a municipality for any or all of the following purposes:
 - (a) a public library;
 - (b) a police station, a fire station or an ambulance services facility, or a combination of them;
 - (c) a non-profit day care facility;
 - (d) a non-profit senior citizens facility;
 - (e) a non-profit special needs facility;
 - (f) a municipal facility providing service directly to the public;
 - (g) affordable housing.
- (3) Despite that land is designated as municipal reserve, school reserve or municipal and school reserve, the municipality and one or more school boards may enter into any agreement they consider necessary with respect to a use referred to in subsection (2) or for any matter related to the use.
- **(4)** Money provided in place of municipal reserve, school reserve or municipal and school reserve and the interest earned on that money
 - (a) must be accounted for separately, and
 - (b) may be used only for any or all of the purposes referred to in subsection (2).
- (5) For the purposes of subsection (2)(c), "school board purposes" means those purposes as determined by the Minister of Education under subsection (6).
- **(6)** The Minister of Education may, by order, determine school board purposes for the purposes of subsection (5).
- (7) An order made under subsection (6) is exempt from the application of the *Regulations Act*.

(8) The Minister of Education must publish in The Alberta Gazette a notice of any order made under subsection (6) and information about where copies of the order may be obtained or are available to the public.

RSA 2000 cM-26 s671;2008 c37 ss5,10,11

Transfer of school and other reserves to municipality

- **672(1)** If a school board holds an interest in a school reserve, municipal and school reserve or municipal reserve under this Part or the former Act and declares that the reserve is surplus to the school board's needs, the school board must transfer its interest in the land to the municipality where the reserve is located, for the consideration agreed on between them.
- (2) On the registration in a land titles office of a transfer of land or an interest in land under subsection (1), the Registrar must designate the land as municipal reserve.
- (3) Despite subsection (2), the council of a municipality may by bylaw require the school building footprint of the school reserve, municipal and school reserve or municipal reserve referred to in subsection (1) to be designated as community services reserve, in which case the Registrar, on receipt of a copy of the bylaw and a survey plan on which the school building footprint is outlined, must
 - (a) issue a new certificate of title for the school building footprint with the designation of community services reserve, which must be identified by a number suffixed by the letters "CSR", and
 - (b) issue a new certificate of title for the remaining land with the designation of municipal reserve, which must be identified in accordance with section 665(2)(a).
- **(4)** The certificate of title for a community services reserve or a municipal reserve under this section must be free of all encumbrances as defined in the *Land Titles Act*.
- (5) In subsection (3), "school building footprint" means
 - (a) the portion of the reserve on which a school building and accompanying parking lot is situated, or
 - (b) if no school building is situated on the reserve, the area of land on which a school and accompanying parking lot would be located if they had been built as determined by the municipality.

RSA 2000 cM-26 s672;2008 c37 s6;2016 c24 s119

Transfer to school authority

- **673(1)** A municipality may transfer municipal reserve or its interest in municipal and school reserve to a school board.
- (2) On the registration in a land titles office of a transfer of land or an interest in land under subsection (1), the Registrar must designate the land as school reserve.
- (3) If a transfer of land or an interest in land is effected pursuant to this section, the requirements of sections 674 and 675 do not apply to the transfer.

RSA 2000 cM-26 s673;2008 c37 s10

Requirement for hearing

674(1) Before any of the following occurs, a public hearing must be held in accordance with section 216.4 and advertised in accordance with section 606:

- (a) the sale, lease or other disposal of
 - (i) municipal reserve, community services reserve or municipal and school reserve by a council, or
 - (ii) municipal and school reserve by a council and a school board:
- (b) the making of a bylaw requiring the school building footprint of a school reserve, municipal and school reserve or municipal reserve referred to in section 672(1) to be designated as community services reserve;
- (c) the disposal of conservation reserve by a municipality as permitted by section 674.1.
- (2) Section 70 does not apply to a sale, lease or other disposal referred to in subsection (1)(a).
- (3) In addition to the advertising requirement in subsection (1), notices containing the information required under section 606 must be posted on or near the municipal reserve, school reserve, municipal and school reserve or community services reserve that is the subject of the hearing.

RSA 2000 cM-26 s674;2008 c37 ss7,10;2020 c39 s10(41); 2022 c16 s9(83)

Disposal of conservation reserve

674.1(1) Subject to this section, a municipality must not sell, lease or otherwise dispose of conservation reserve and must ensure that the land remains in its natural state.



- availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development;
- (vi) any potential impacts on public roads; and
- (vii) any other information deemed necessary by the Development Officer or Council to properly evaluate the proposal.
- (d) conceptual subdivision design, if applicable;
- (e) a geotechnical report prepared by an engineer registered with The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA), addressing the following but not limited to:
 - (i) slope stability,
 - (ii) groundwater,
 - (iii) sewage,
 - (iv) shallow water table, and
 - (v) flood plain analysis,

if deemed necessary by the Development Officer, or Council;

- (f) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Officer, or Council; and
- (g) any other information deemed necessary by the Development Officer, or Council to properly evaluate the application.
- (2) An Area Structure Plan or Conceptual Design Scheme shall be required in conjunction with a redesignation application when:
 - (a) redesignating land from Urban Reserve to another district;
 - (b) redesignating annexed land to a district other than Urban Reserve, except where an approved Area Structure Plan or Conceptual Design Scheme defines land use designation(s) for the proposed development area, or unless determined otherwise by Council.
- (3) An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application involving:
 - (a) industrial development;
 - (b) large-scale commercial development;
 - (c) manufactured home park;
 - (d) multi-lot residential development;
 - (e) as required by Council; or
 - (f) as specified in an adopted statutory plan.

52. REDESIGNATION CRITERIA

- (1) When redesignating land from one land use district to another, considerations may include:
 - (a) compliance with applicable standards and provisions of the Town of Raymond Land Use Bylaw;
 - (b) consistency with the Municipal Development Plan and any other adopted statutory plans;



- (c) compatibility with adjacent uses;
- (d) development potential/suitability of the site;
- (e) availability of facilities and services (sewage disposal, domestic water, gas, electricity, police and fire protection, schools, etc.) to serve the subject property and any potential impacts to levels of service to existing and future developments;
- (f) cumulative impact to the town;
- (g) potential impacts on public roads;
- (h) setback distances contained in the Subdivision and Development Regulation;
- (i) supply of suitably designated land;
- (j) public comment and any applicable review agency comments; and
- (k) any other matters deemed pertinent.

SUBDIVISION RULES AND PROCEDURES

53. SUBDIVISION APPLICATION

- (1) An applicant applying for subdivision shall provide the required fees, materials and information as requested by the Subdivision Authority or its designate. A complete application for subdivision shall consist of:
 - (a) an application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;
 - (b) the applicable fees paid;
 - (c) a copy of the current Certificate of Title for the land that is the subject of the application;
 - (d) a tentative subdivision plan professionally prepared or an accurate and legible sketch drawn to scale that shows the location, dimensions and boundaries of the proposed subdivision and all other requirements prescribed in the subdivision application package. For a subdivision application where any buildings or structures are present on the land that is the subject of the subdivision, a sketch prepared by a professional surveyor or a Real Property Report is required unless determined to be unnecessary by the Subdivision Authority or its designate; and
 - (e) any such other information as may be required at the discretion of the Subdivision Authority or its designate in order to accurately evaluate the application and determine compliance with this bylaw and any other municipal bylaws and plans, the Act, the Subdivision and Development Regulation, or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, slope stability analysis, drainage and storm water plans, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of an area structure plan or conceptual design scheme.

54. DETERMINATION OF COMPLETE SUBDIVISION APPLICATION

(1) In accordance with the Act, the Subdivision Authority or its designate, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be incomplete what

TOWN OF RAYMOND BYLAW NO. 1125-23

BEING a bylaw of the Town of Raymond, in the Province of Alberta, to amend Bylaw No. 987-11, being the municipality's Land Use Bylaw.

AND WHEREAS the Council of the Town of Raymond is in receipt of a request to redesignate the following land described as:

A Portion of Lot 4MR, Block 2, Plan 1012662 Adjacent to Units 15 & 16, Plan 1312843 Totalling Approximately 0.11 Hectares (0.26 Acres)

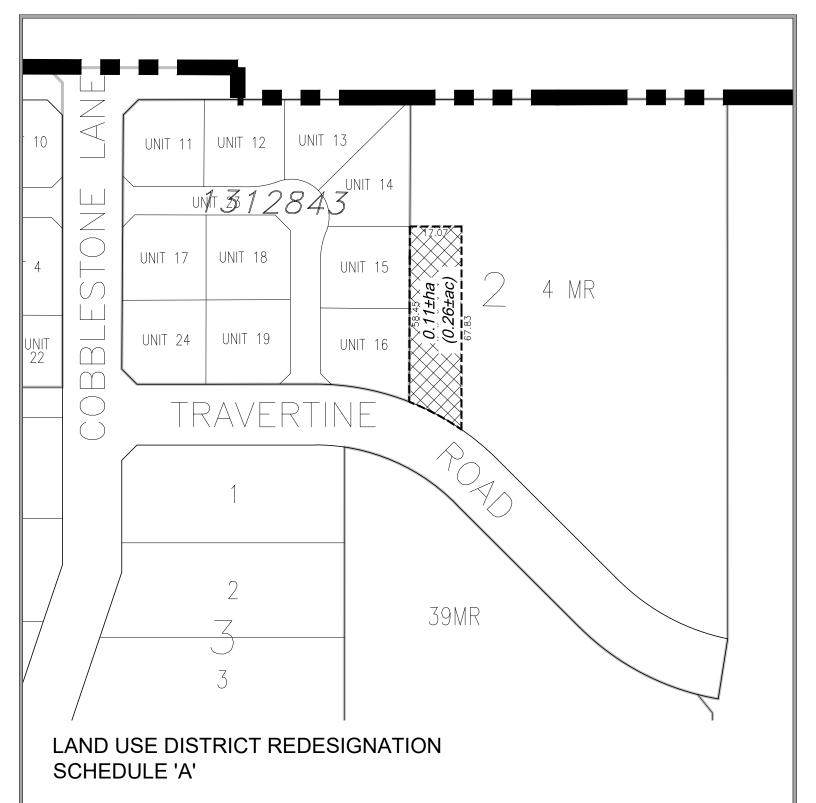
from "Parks and Open Space – POS-1" to General Residential – R-1", as shown on the map in Schedule 'A', attached hereto, to accommodate residential use.

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

THEREFORE under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council duly assembled does hereby enact the following:

- 1. That the land described as a portion of Lot 4MR, Block 2, Plan 1012662, Adjacent to Units 15 & 16, Plan 1312843, Totalling Approximately 0.11 Hectares (0.26 Acres), as shown on the attached Schedule 'A', is designated General Residential R-1.
- 2. That the Land Use Districts Map of the Town of Raymond Land Use Bylaw No. 987-11 is amended to reflect this designation.
- 3. Bylaw No. 987-11, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
- 4. This bylaw comes into effect upon third and final reading hereof.

Mayor – Jim Depew	Chief Administrative Officer – Kurtis Pratt
READ a third time and finally passed this	day of, 2023.
READ a second time this day of	, 2023.
READ a first time this day of	, 2023.





FROM: PARKS AND OPEN SPACE - POS-1

TO: GENERAL RESIDENTIAL - R-1

PORTION OF LOT 4MR, BLOCK 2, PLAN 1012662 WITHIN SW 1/4 SEC 9, TWP 6, RGE 20, W 4 M

MUNICIPALITY: TOWN OF RAYMOND

DATE: MARCH 23, 2023

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\overline{OI}	DMAN	RIVER	REGIONAL	SERVICES	COMMISSIO	DΝ	
0	Metres	25	50	;	7 5	100	1

Bylaw #:	1125-23
Date:	

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8

TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

March 23, 2023 N:\Warner-County\Raymond\Raymond LUD & Land Use Redesignations\Raymond Ptn Lot 4MR, Block 2, Plan 1012662 - Bylaw 1125-23.dwg



LAND USE BYLAW AMENDEMT APPLICATION

(Including Applications to Re-Zone Land According to Part 1 Section 51 in the Town of Raymond Land Use Bylaw NO. 987-11)

Office Use

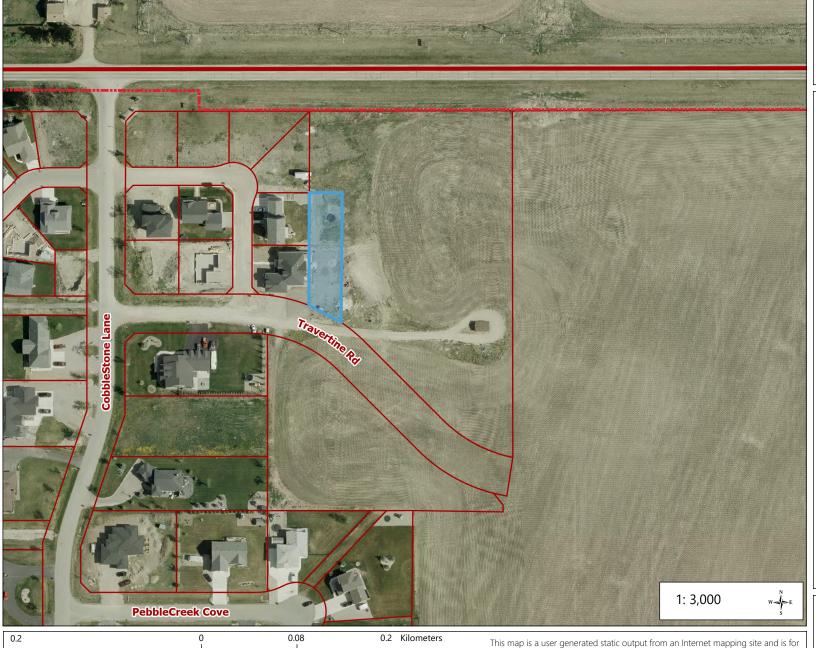
Application # B1125 - 23 Land Use District: PARKS & OPEN SPACE (POS - 1) Received By: Additional Information Attached: Yes \(\subseteq \) No \(\subseteq \) Date Application Complete: \(\frac{MARCH 29}{23} \) Application Fee: \(\frac{\$800}{290} \) (Non-Refundable)
I / WE hereby make application under the provisions of the Land Use Bylaw NO. 987-11 to the Raymond Town Council to AMEND THE LAND USE BYLAW (LUB).
Applicants Name: Town of RAYMOND Phone: 403-752-3322 Mailing Address: Po. Box 629 Town: RAYMOND Prov: AB Postal Code: Tok 250 Email Address: markbolfezar @aymond. Ca Alt. Phone:
Application For: REZONE TROM PARKS & OPEN SPACE (DS - 1) TO GENERAL RESIDENTIAL (A Nature of the Proposed LUB Amendment:
TO ACCOMODATE THE INCREASE IN SIZE OF LOTS 15 R16 CONDOMINGUM PLAN 13/2843
LAND USE DISTRICT RE-ZONE APPLICATION
Land to Be Re-Zoned: UNITS 15/16 PCAN 1312843 TO INCUSE 17.07m of LOT 4MR Subdivision Area and/or Phase: Stone GATE VICLAGE PHASE 1A Planning Document or Statutory Plan In Support of Re-Zone: Stone GATE MEADOWS ASP Application Details:
TO INCREASE THE SIZE OF THE REAR YARD OF LINSTS 15/16 PLAN 1312843
BY ADJUSTING THE BOUNDARY OF LOT 4MR, BLOCK Z, PLAN 101 2662 OVER 17.07m. Description of Additional Materials Attached (if any): SEE ATTACHED
I / WE Hereby certify that the information contained in this application, including any further information contained in attached materials is to the best of my knowledge true. I / WE further certify that the owner of land described above is aware of this application. Signature of Applicant: Date: MARCH 29 2023
Signature of Owner (if different): Date:

220 N 200 W, P.O. BOX 629, RAYMOND, AB, TOK 2S0



P: (403) 752 3322 F: (403) 752 4379 www.raymond.ca

Town of Raymond





Legend

Road Labels

- Hwy 845
- B Hwy 845 Symbol
- Hwy 52 Symbol
- Hwy 52
- Town Boundary
- Closed Roads
- Waste Transfer 300m Buffer
- Title Linework
- Parcels

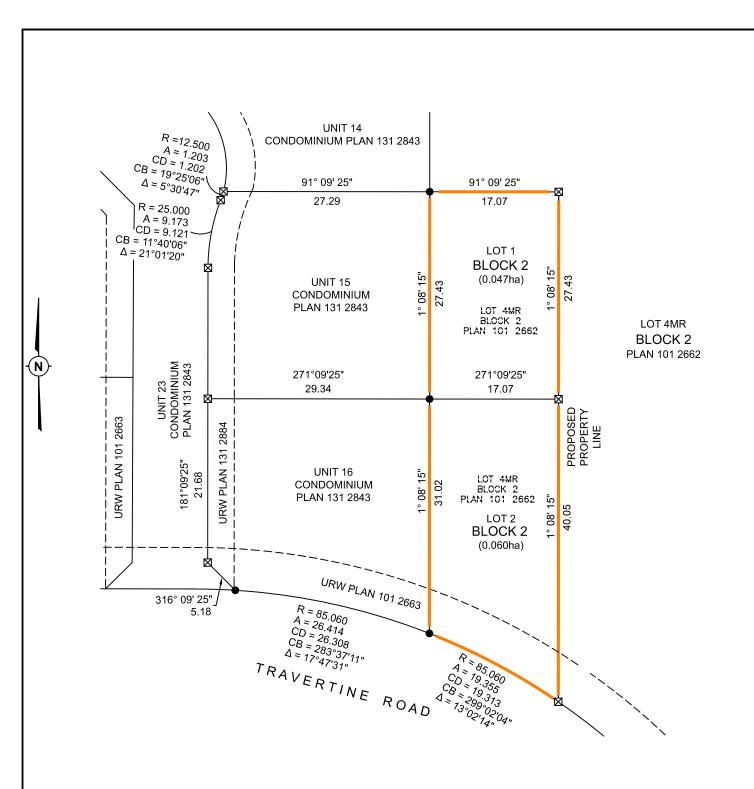
Notes

© Town of Raymond

reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

WGS_1984_Web_Mercator_Auxiliary_Sphere © OpenStreetMap contributors

THIS MAP IS NOT TO BE USED FOR NAVIGATION





SUBDIVISION AUTHORITY

Name: Oldman River Regional Services Commission

REGISTERED OWNER(S)

Certificate of Title: Lot 4MR - 101 198 775 +12

Owner(s): The Town of Raymond

LEGEND/NOTES

File: 20100ToR

Statutory Iron Post found shown thus: Calculated positions shown thus: and contains 0.107 hectares. Distances shown are in metres and decimals thereof. Subject to revision by final survey.

There are no abandoned wells on the parcel that is the subject of this application.

Tentative Plan Showing

PROPOSED SUBDIVISION

OF

LOT 4MR, BLOCK 2, PLAN 101 2662 Town of Raymond, Alberta

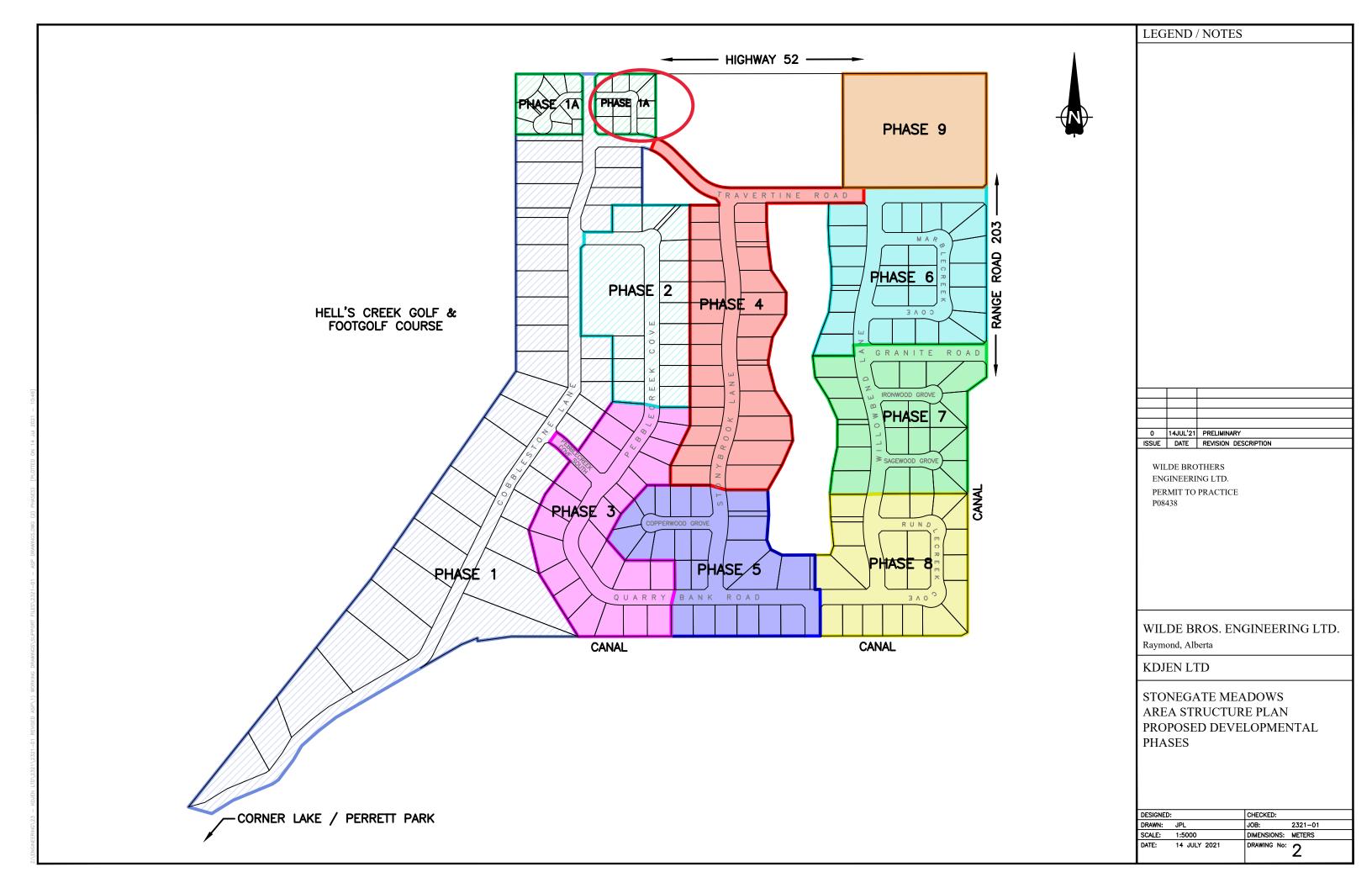


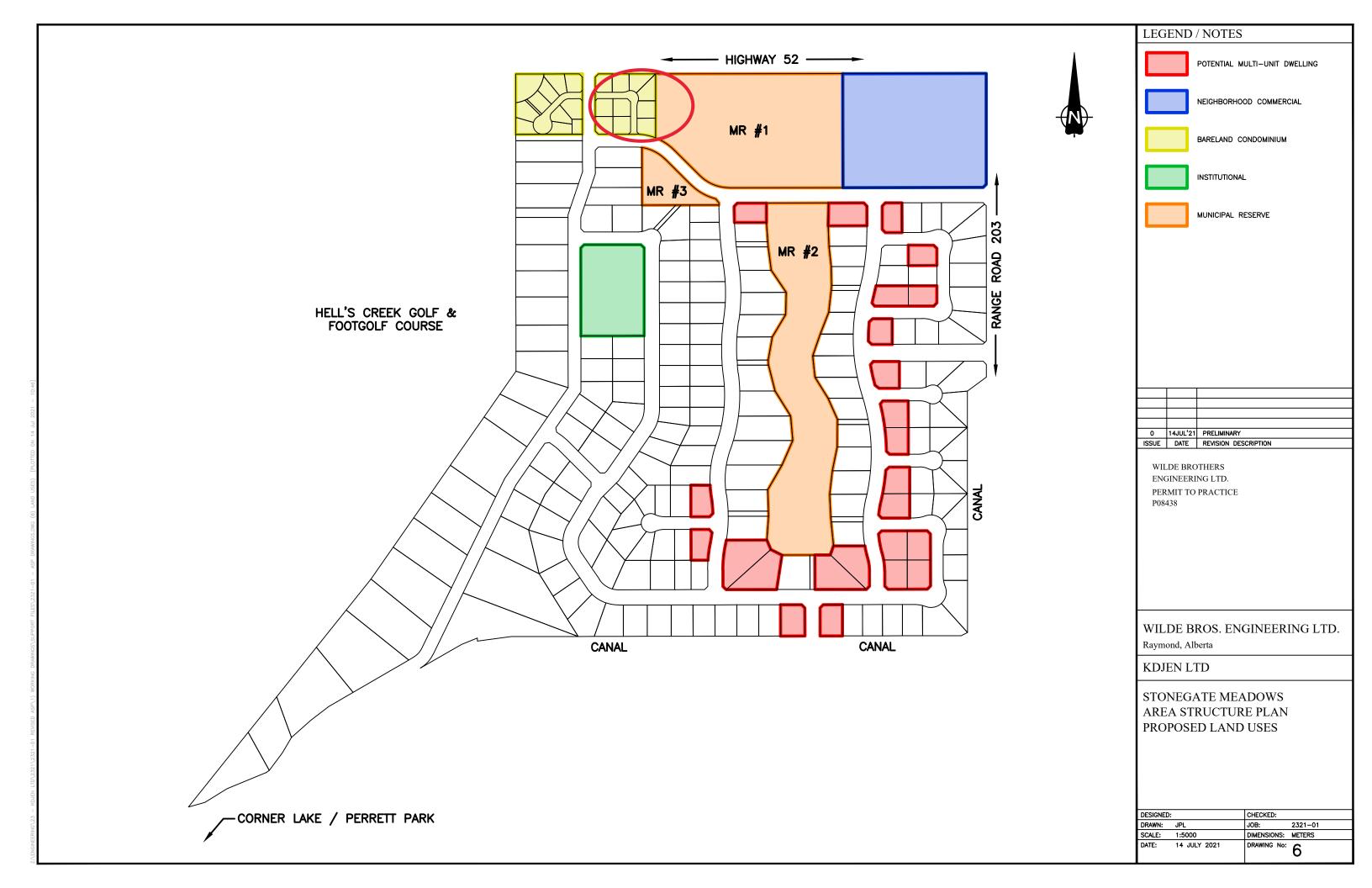
Dated this 4th day of April, 2023

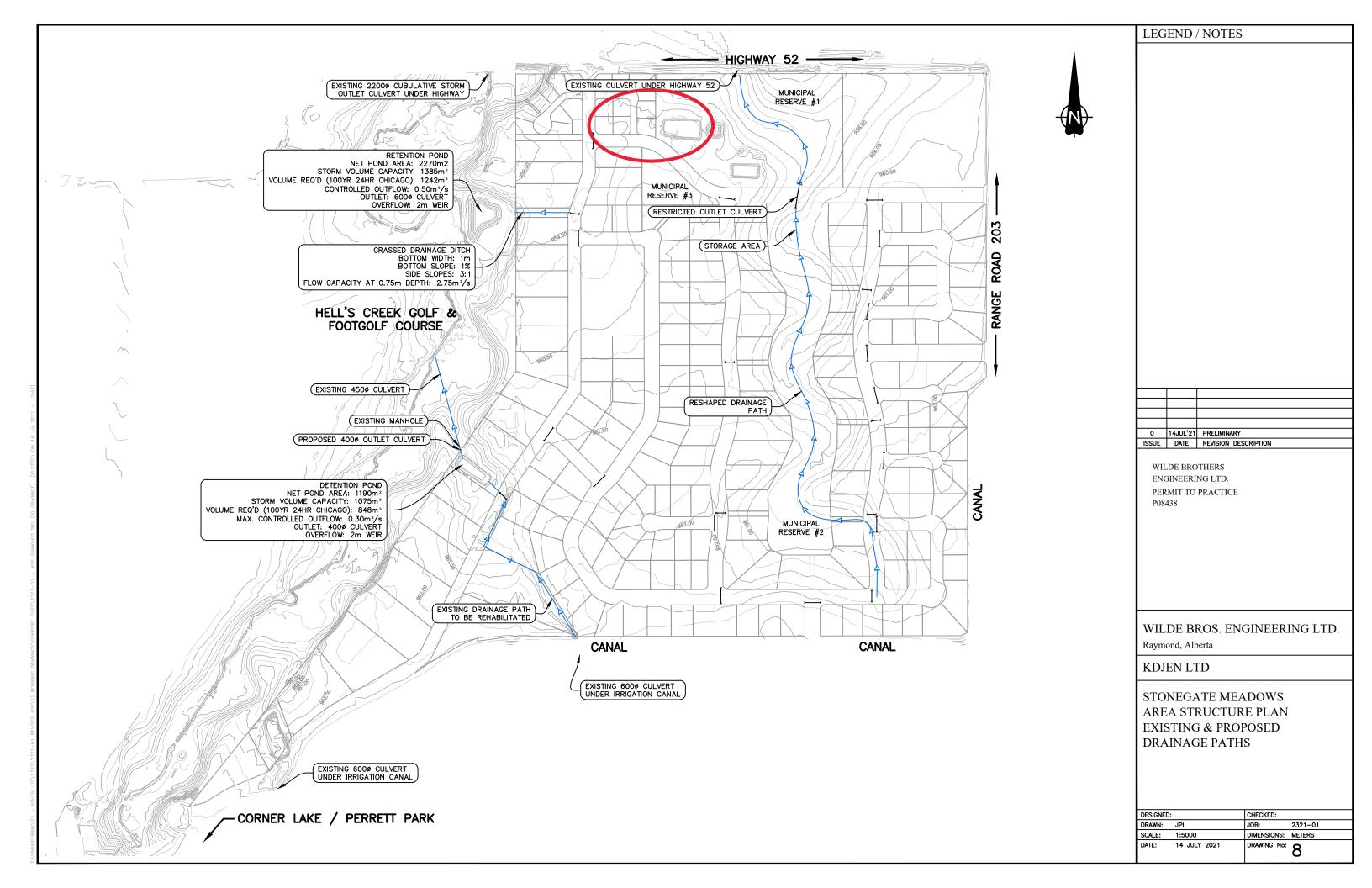


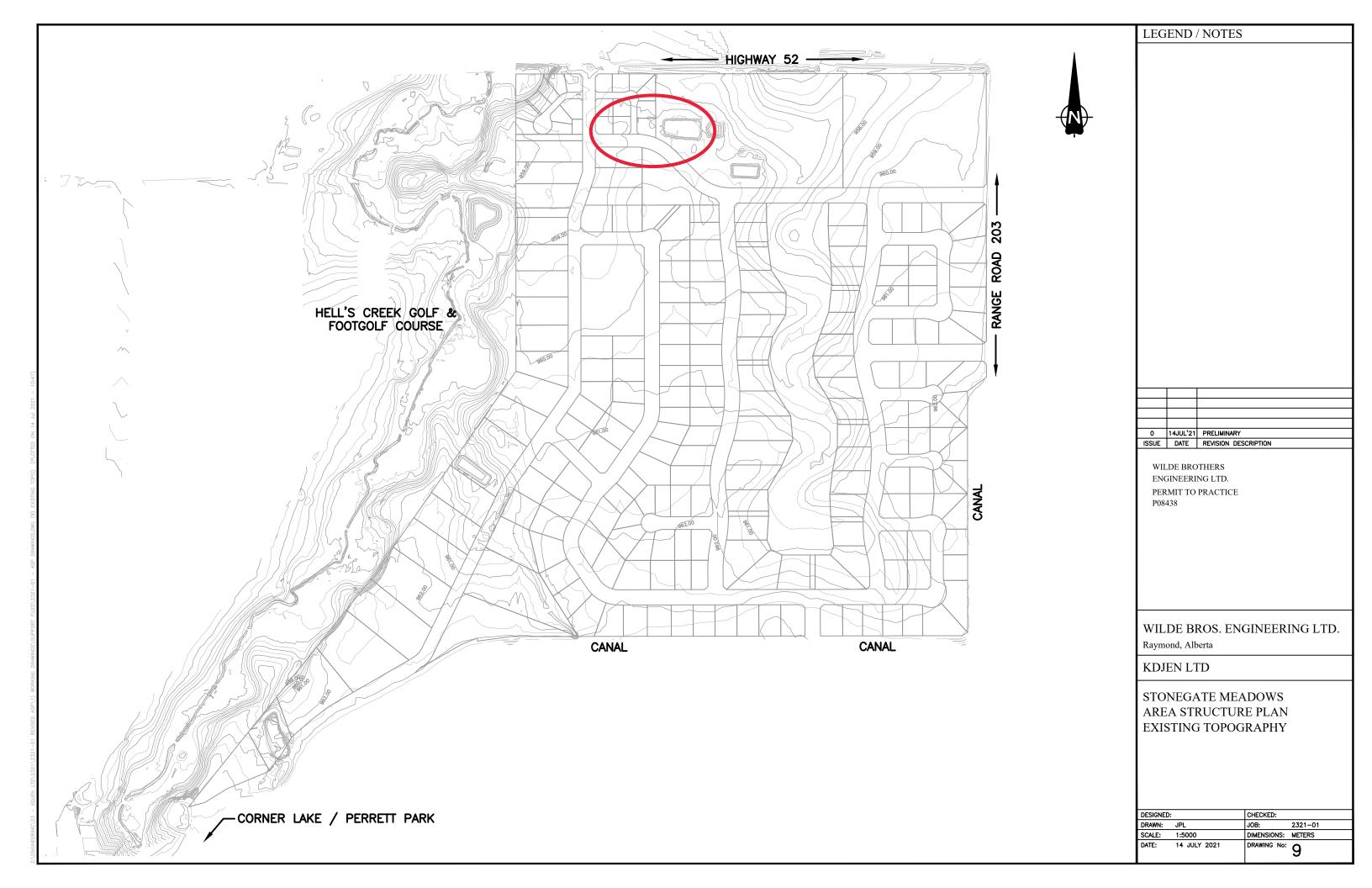
Drawing Name: 20100ToR_TENT-R2.dwg

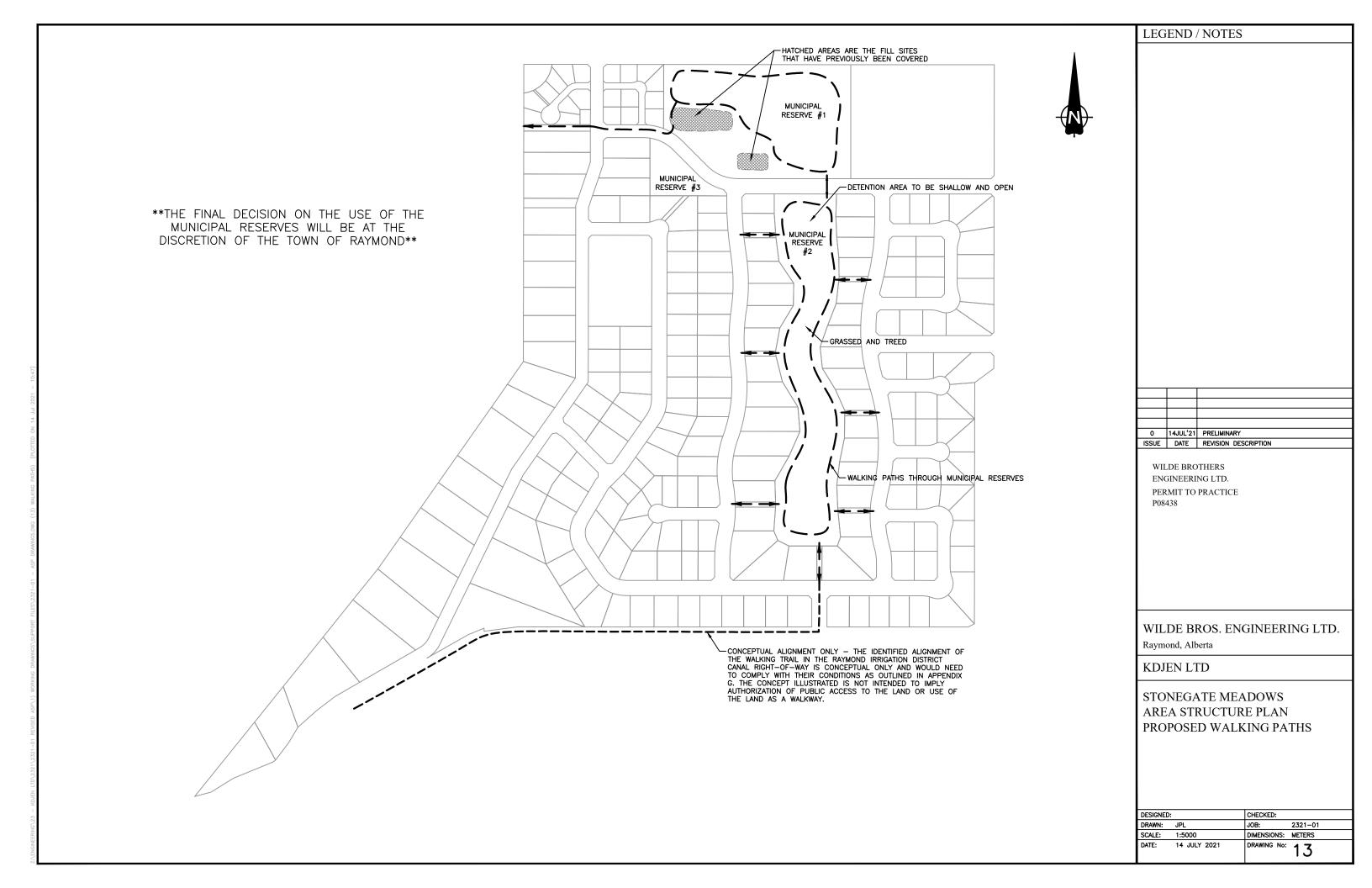
HIGHWAY 52 LANE COBBLESTONE UNIT 23 **≣**UNIT 17 UNIT 18 UNIT 15 UNIT 6 OUTULE SAME SUNIT 16 25 PUL TRAVERTINE PORD UTILITY R/W 24 1 23 39MR 3 22 21 PUL 6 CCESS R/W 8 20 PEBBLE CREEK COVE 0841984198419861984 UTIUTY R/W 9 19 10 COVE 18 11 LANE CREEK 17 12 COBBLESTONE DRAINAGE R/W PEBBLE 13 16 5 16 14 4 NATI WATERATERA 1 15 6 10 15 14 11 16 8 12 17 2. 4 13 13 18 CPA,











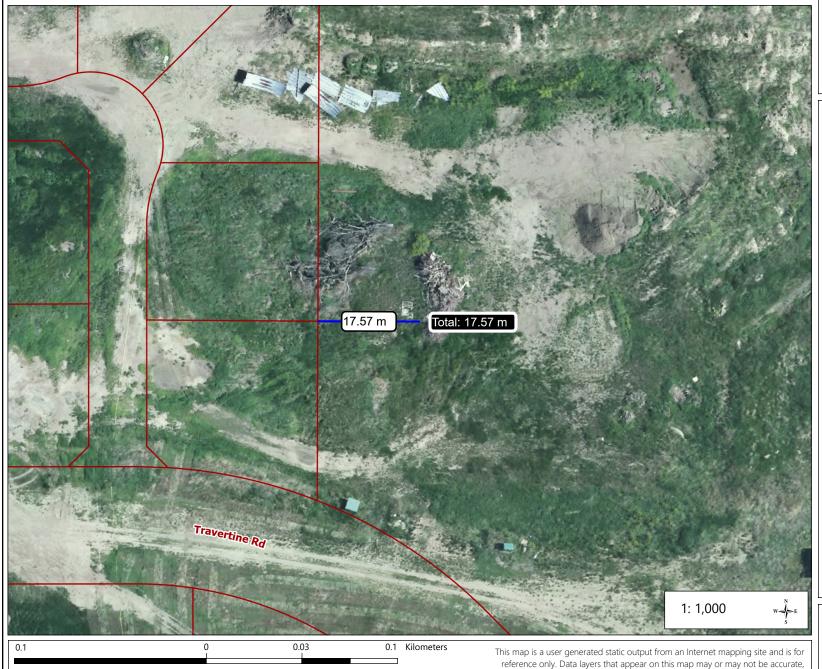


Aerial Photo 15/06/2013

WGS_1984_Web_Mercator_Auxiliary_Sphere

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Town of Raymond





Legend

Road Labels

- Hwy 845
- Hwy 845 Symbol
- Hwy 52 Symbol
- Hwy 52
- Town Boundary
- Closed Roads
- Waste Transfer 300m Buffer
- Title Linework
- Parcels

Notes

current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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LAND TITLE CERTIFICATE

s

LINC SHORT LEGAL TITLE NUMBER
0034 379 123 1012662;2;4MR 101 198 775 +12

LEGAL DESCRIPTION

PLAN 1012662

BLOCK 2

LOT 4MR (MUNICIPAL RESERVE)

EXCEPTING THEREOUT ALL MINES AND MINERALS

AREA: 1.49 HECTARES (3.68 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE

ATS REFERENCE: 4;20;6;9;NE

MUNICIPALITY: TOWN OF RAYMOND

REFERENCE NUMBER: 101 017 646 +2

101 017 482 +2

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

101 198 775 06/07/2010 SUBDIVISION PLAN

OWNERS

THE TOWN OF RAYMOND.

OF P.O. BOX 629

RAYMOND

ALBERTA TOK 2SO

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

741 055 580 07/06/1974 IRRIGATION ORDER/NOTICE

THIS PROPERTY IS INCLUDED IN THE RAYMOND

IRRIGATION DISTRICT

751 032 013 14/04/1975 CAVEAT

CAVEATOR - CANADIAN WESTERN NATURAL GAS COMPANY

LIMITED.

" AFFECTS PART OF THIS TITLE "

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

781 111 013 13/07/1978 UTILITY RIGHT OF WAY

GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY

PAGE 2

101 198 775 +12

LIMITED.

"AFFECTED LAND: 4;20;6;9;NE"

" AFFECTS PART OF THIS TITLE "

861 039 385 07/03/1986 UTILITY RIGHT OF WAY

GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY

LIMITED.

" AFFECTS PART OF THIS TITLE "

871 166 815 14/09/1987 UTILITY RIGHT OF WAY

GRANTEE - THE VILLAGE OF STIRLING.

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT

OF WAY 091374097)

871 180 924 01/10/1987 UTILITY RIGHT OF WAY

GRANTEE - THE VILLAGE OF STIRLING.

" AFFECTS PART OF THIS TITLE "

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT

OF WAY 091374097)

TOTAL INSTRUMENTS: 006

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 5 DAY OF APRIL, 2023 AT 11:06 A.M.

ORDER NUMBER: 46902776

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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