

File No:

Date: August 8, 2018

SUBDIVISION AND ACCESS REPORT

Application under subsection 6(1)(b) of the *Provincial Subdivision Regulation 80-159 – Community Planning Act*

1. Property Information	
Applicant	Wayne Watson
Property Identification Number	PID 55028179
Location	Civic 60 Base Road, Garnett Settlement
Parish	Simonds LSD
County	St. John County
Land Area	2.39 ha (5.9 acres)
Subdivision Name	Wayne Watson Subdivision Lot 01-2018
Rural Plan Regulation	The Simonds Rural Plan in in effect in this area.
Zone	Mixed Use

2. Application Request
<p>The request is to create a lot with an approximate area of three acre. The lot is to be accessed over the existing driveway and then extend to the new property division line. Existing driveway as seen on attachment. See Appendix A.</p> <p>In order to subdivide the property, the Planning Review Adjustment Committee will need to consider the access as being suitable for the proposed development, in this case for a residential building lot to be accessed via the existing driveway as part of the 'Right of Way'</p>

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3. PRAC Function & Legal Authority

Subject to the Provincial Subdivision Regulation 80-159 section 6(1) the PRAC is asked to consider an access other than a public street as being advisable for the development of the proposed lot. **See Appendix B (subdivision proposal)**

Statutory / Legal Authority (PRAC)

Following is an excerpt from Provincial Subdivision Regulation 80-159,

Section 6- Lots Blocks and Other Parcels

6(1) Every lot, block and other parcel of land in a proposed subdivision shall abut

(a) a street owned by the Crown,

(b) such other access as may be approved by the regional service commission as being advisable for the development of land.

4. Subdivision Proposal and Request

<p>Proposed Subdivision of Property <i>PID 55028179</i></p>	<ul style="list-style-type: none"> • LOT 01- 2018 – The Intended purpose of the lot is a residential building lot. • Approval of ROW as being suitable access to the proposed lot.
<p>Lot Requirements <i>Provincial Subdivision Regulation 80-159</i></p>	<ul style="list-style-type: none"> • Minimum Width - 54m (177ft) • Minimum Depth - 38m (124ft) • Minimum Area - 4000 m² (1 acre) (proposed lots exceed minimum dimensions and area)

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5. Site Description	
Current Land Uses	<ul style="list-style-type: none"> • The 2.39 - hectare (5.9 acre) parent property has existing home, Civic 60 off Base Road. The remainder is predominately forest covered. • The existing driveway is also access to adjacent dwelling Civic 56. Appendix A air photo of area.
Environment & Location	<p>The property is located off Base Road in Garnett Settlement. The property has no road frontage. Access to the property is over the existing driveway to Civic 56 and continues up driveway to Civic 60. Base Road in this vicinity is relatively flat and straight allowing for good sight and stopping distance to the left and right direction. Farther in the Base Rd. is not-designated for maintenance services. Visibility in both directions exceeds the one hundred & forty meters required.</p> <p>Land uses in the immediate area residential properties.</p> <ul style="list-style-type: none"> • There are no wetlands, environmentally sensitive areas, or watercourses mapped on PID 55028179.
Services	<ul style="list-style-type: none"> • Currently there are no services to the vacant land. The supply of electricity can be extended from Civic 60 to the new lot.

Consultation	

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Consultation	
Notice to Neighboring Residents	Six notice letters were mailed out to property owners within 100 meters of the subject property. To date (Aug 2, 2018) no written replies have been received.

7. Overview and Evaluation

The subdivision proposal is to create one lot having an area of approximately three acres and approve the Right of Way as being suitable access to the proposed lot over the existing driveway and extending to the new property line. (See Subdivision Proposal Appendix B) In order to subdivide the property an approval must be requested from the PRAC to the conditions of Article 6(1)(b) of the Subdivision Regulation 80-159, a requirement consistent with Section 75(1)(c)(ii) Community Planning Act C19.

Excerpt from Provincial Subdivision Regulation 80-159:

LOTS, BLOCKS AND OTHER PARCELS:

6(1) Every lot, block and other parcel of land in a proposed subdivision shall abut

(a) a street owned by the Crown, or

(b) such other access as may be approved by the regional service commission as being advisable for the development of land.

The proposed lot would use the location of the existing driveway as part of the ROW to the proposed lot, it will be described in the new deed and be shown on the final subdivision plan to the proposed lot. Proposed Lot 01-18 will meet the width, depth and area requirements of the Provincial Subdivision Regulation 80-159. The proposed lot will meet or exceed the minimum lot dimensions in length and width and the required minimum area.

Required lot dimensions 54m width x minimum 38m depth and at least 4000 square meters.

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- Article 4.3.7.2 'Driveway Access' in the Department of Transportation and Infrastructure document 'Minimum Standards for the Construction of Subdivision Roads and Streets (May 2017) states in part 'residential driveway accesses established on local and collector highways shall provide access to a maximum of 3 properties or residential units and must meet the criteria for stopping distance.
- As a tool to aid in evaluating the proposal the 'Guide to Lot Creation on Private Roads and Access' was used. The ideal situation is for a lot to abut a public street. In this case it is not a feasible option. The proposed development will meet the condition of article 7.2(Legal Access) 'Guide to Lot Creation on Private Roads and Access'.
- 7.2 Legal Access - Each new lot should have legal access to a public road across a private road and/or a waterfront landing through ownership (including joint ownership) and/or legal right-of-way. Legal right of access, whether by deeded right-of-way, conveyance of right of way or other means, must be assured to subsequent owners, assigns, heirs and successors.
- It is not uncommon in our rural areas see properties that had been developed prior to a more controlled approval process which can limit the ability to be conveniently subdivided today. Over time there are requests to further subdivide some of these properties. In some cases, it may be found that further subdivision of these properties is not feasible and may be not be appropriate nor possible. In some other cases, limited subdivision of the property may be suitable using private access or private 'Right of Ways'. In this situation, based on my investigation and visits to the property, I consider this proposal to create the lot and Right of Way to be acceptable. There is sufficient areas and separation distances to develop the lot. The access has a width of 15 feet, enough for driveway access. There are many 'common driveway' serving two or more dwellings throughout the area and in the immediate area.

8. Attachments

- Appendix A:** Air photo of area showing existing conditions.
- Appendix B:** Air photo showing proposed location of lot and ROW access. SNB mapping with proposed lot proposal marked.
- Appendix C:** Section from Guide to lot creation on Private Road and access. Item 7 & definition.

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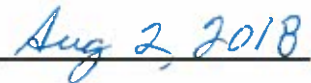
9. Recommendation

The Development Officer review of the property and area along with PRAC Guide to Lot Creation on a Private Road & Access and DTI Minimum Road Standards Guide was used to assess the proposed lot development. Based on this assessment and the review of the other land uses and access' in the area I feel the proposal is acceptable for the development of the proposed lots.

I recommend approval of the proposed lot and to the creation of the Right of Way over the existing driveway and the further distance to the proposed new lot with the condition the access is constructed to be suitable for emergency vehicles and the ROW rights benefiting the new lot are transferable.



Development Officer



Date



W Watson land

Appendix A



Scale/Échelle : 1:4,000

While this map may not be free from error or omission, care has been taken to ensure the best possible quality. This map is a graphical representation of natural and man made features which approximates the size, configuration and location of the features. This map is not intended to be used for legal descriptions or to calculate exact dimensions or area. SNB makes no representations or warranties, either expressed or implied, as to the accuracy of the information and the client assumes the entire risk as to the use of any or all information.

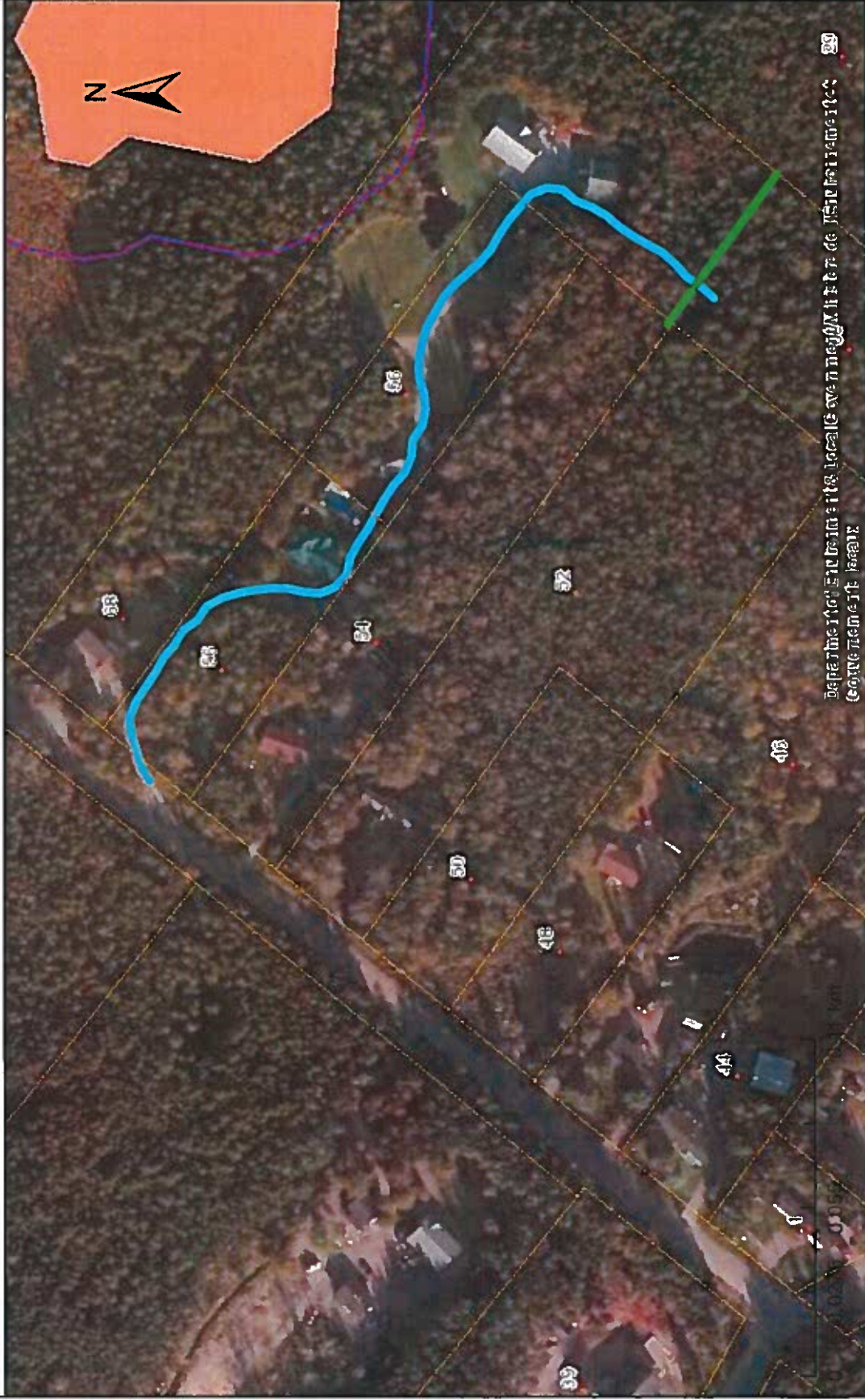
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Le gouvernement de la Saskatchewan
 Le ministre de l'Énergie et des Ressources
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Appendix B

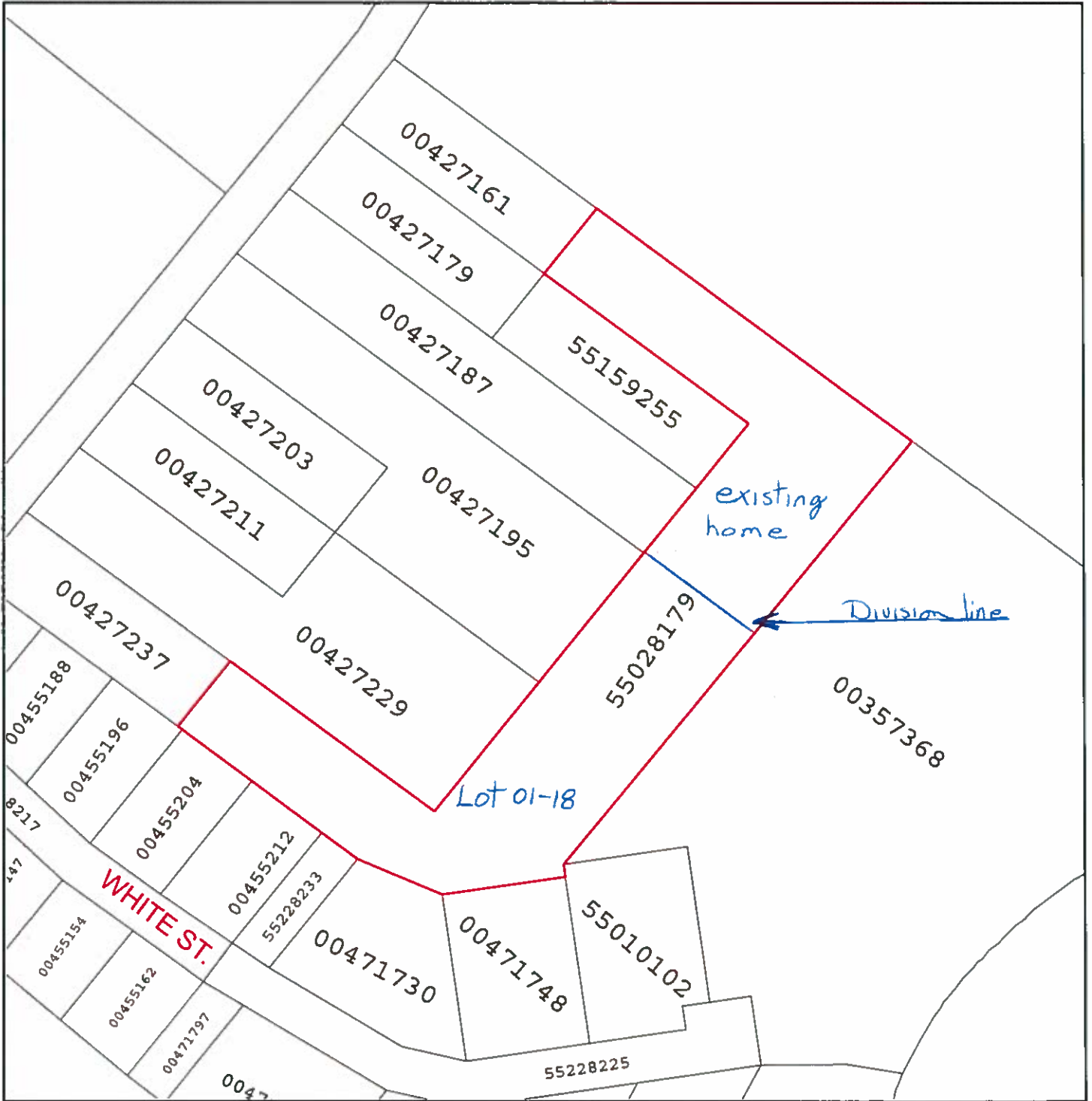
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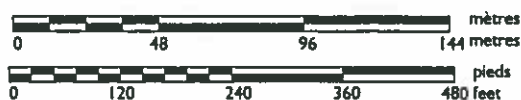
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B₂



Scale/Échelle 1 : 2400



While this map may not be free from error or omission, care has been taken to ensure the best possible quality. This map is a graphical representation of property boundaries which approximates the size, configuration and location of properties. It is not a survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area.

Même si cette carte n'est peut-être pas libre de toute erreur ou omission, toutes les précautions ont été prises pour en assurer la meilleure qualité possible. Cette carte est une représentation graphique approximative des terrains (limites, dimensions, configuration et emplacement). Elle n'a aucun caractère officiel et ne doit donc pas servir à la rédaction de la description officielle d'un terrain ni au calcul de ses dimensions exactes ou de sa superficie.

Appendix C

Excerpt from Development Officer & Planning Review Adjustment Committee Guide for Lot Creation on Private Roads & other Access

7.2 Legal Access

Each new lot should have legal access to a public road across a private road and/or a waterfront landing through ownership (including joint ownership) and/or legal right-of-way. Legal right of access, whether by deeded right-of-way, conveyance of right of way or other means, must be assured to subsequent owners, assigns, heirs and successors.

(j) "Right-of way" means an area of land that is legally described in a registered deed for the provision of private access on which there is usually a lane.