



**SUBDIVISION AUTHORITY
MEETING AGENDA
Tuesday November 13, 2018**

1. **ORDER** – 3:30 p.m.

2. **ORGANIZATIONAL MEETING OF THE AUTHORITY**
 - a) Nomination of Chair
 - b) Nomination of Vice Chair

3. **ADOPTION OF AGENDA**

4. **ADOPTION OF PREVIOUS MINUTES**
Subdivision Authority Minutes – October 16, 2018

5. **SUBDIVISION APPLICATIONS**
 1. SD18-047 – Morris - Plan 0729511, Lot 1, Block 1 (NW 1-51-25 W4)

6. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions – (October - 3)

MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY HELD ON TUESDAY, OCTOBER 16, 2018 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.

Order and Roll Call

The meeting was called to order at 1:30 p.m., Tuesday, October 16, 2018 by Chair Kelly-Lynn Lewis with Committee Members Kelly Vandenberghe, Glenn Belozar and Ray Scobie present. Committee Member Tanni Doblanko was absent due to personal reasons.

Also present were:

- Mr. Dave Desimone, Senior Planner
- Mr. Kyle Payne, Planner
- Rae-Lynne Spila, Municipal Engineer
- Rick Thomson, Secretary of the Subdivision Authority
- Mrs. Laurie Stoetzel, Recording Secretary

2 other individuals were present.

Agenda Adoption

56-18 Committee Member Belozar - that the Agenda for the October 16, 2018 Subdivision Authority meeting be adopted as presented.

Carried Unanimously

Previous Minutes – September 18, 2018

57-18 Committee Member Scobie - that the September 18, 2018 Subdivision Authority minutes be confirmed as circulated.

Carried Unanimously

Proposed Subdivision – Roland Johnson – SW 8-48-27 W4

SD18-044

Mr. Kyle Payne, Planner, Development Services presented a staff report with respect to the application by applicant Roland Johnson. Staff recommends approval of the application to subdivide a developed 5.88 ha± (14.53 ac±) parcel for country residential use and a 26.66 ha± (65.88 ac±) parcel for agricultural use from a previously subdivided parcel with a titled area of 53.73 ha± (132.77ac±).

History:

Three parcels were subdivided from the quarter section in 2013. This includes a 3.23 ha± (1.31 ac±) and a 3.41ha (8.42 ac±) parcel for country residential use and a 6.72 ha (16.61 ac±) environmental reserve parcel. The lands of the environmental reserve parcel are considered undevelopable, as they are steep. This steep area was identified in the geotechnical study that was conducted to support the development of the Wizard Lake Area Structure Plan.

Discussion:

The Farmland Assessment Rating established by the County Assessment Department indicates the subject land consists of Low Capability Agricultural Land (9%, and 40.9%). The lands

identified as having a 9% Farm Assessment Rating are tree covered; these lands are considered high capability lands since they have a Canada Land Inventory rating of Class 3. Leduc County's Municipal Development Plan definition of High Capability Agricultural Land means (a) cultivated and/or improved land with a farmland assessment rating of 41% or higher; or (b) wooded and/or unimproved land with a Canada Land Inventory rating of Class 1, 2 and 3.

The north portion of the subject lands contain a dwelling, manufactured home, and a dugout surrounded by agricultural land. The southern half of the subject land is heavy treed. The Subject lands slope towards the southwest.

The policies within Leduc County's Municipal Development Plan, the Wizard Lake Area Structure Plan, and Leduc County's Land Use Bylaw apply to the subject lands. The Municipal Development Plan designates the subject lands as Agricultural Area B, which limits subdivision to one parcel per quarter section. However, Leduc County's Municipal Development Plan provides for further subdivision if it is in compliance with an area structure plan or lake management plan in effect.

The subject lands are designated as Central Conservation Area within the Wizard Lake Area Structure Plan, therefore these policies prevail the policies within the Municipal Development Plan. The Wizard Lake Area Structure Plan allow further country residential development within this area in a clustered or traditional pattern if lots are a minimum 2 hectares (5 acres) for new residential development up to a maximum of 32 lots per ¼ Section (160 acres).

The subject lands are districted Wizard Lake Central District, which the purpose of this district is to protect the integrity of the lake and watershed, preserve tree cover and minimize adverse environmental impacts while allowing for minimal development of recreational and agricultural uses as well as residential development on smaller lots at lower densities. Residential lots are required to be greater than 2.0 ha (4.94 ac) in size unless cluster subdivision design is used. The proposed subdivision lies within the areas identified as Zoned and/or Designated Country Residential identified in the Edmonton Metropolitan Region Growth Plan. In this area, country residential development will be provided through infill and the build-out of existing designated or zoned country residential areas.

There were no adjacent landowner comments submitted regarding the proposed subdivision

Chair Kelly Lynn Lewis asked if Committee Members had any further questions for administration.

Kyle Payne provided the following information:

- The land is districted Wizard lake Central District;
- Built Form refers to anything relating to development on the landscape in the Wizard Lake Area Structure Plan;
- This subdivision is considered the 5th parcel out as the ER parcel does not apply to County policies;
- The Wizard Lake Area Structure Plan and Wizard Lake District overlaps and work cohesively. The intent of the plan is carried out through the plan & the Land Use Bylaw.

Chair Kelly Lynn Lewis called upon the applicant to speak to the subdivision. Roland Johnson approached and provided the following information:

- Advised that the land slopes from north to east; away from the lake;
- The property is 2 miles west of suicide hill;
- Plans for south parcel would remain as is and eventually plans to sell the farm land. The children will eventually build on the south parcel;

- There are currently access to all 3 parcels.

Chair Kelly Lynn Lewis asked if Committee Members had any further comments or questions for administration. Dave Desimone provided the rationale for the subdivision with the ER lot not being considered a subdivision. Rae-Lynne Spila commented that the 5th parcel will trigger the Rural Road Surfacing Contribution fee.

58-18 Member Belozer - that the application by the applicant Roland Johnson to subdivide a developed 5.88 ha± (14.53 ac±) parcel for country residential use and a 26.66 ha± (65.88 ac±) parcel for agricultural use from a previously subdivided parcel with a titled area of 53.73 ha± (132.77ac±) be **approved** with the following conditions:

1. Pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant/owner enter into a development agreement with Leduc County and abide by the terms therein;
 - a. As per Leduc County policy, the applicant/owner shall contribute \$8,325.00 for future surfacing of roadways within the Rural Roads Surfacing Contribution area;
2. Pursuant to Section 654(1)(d) of the Municipal Government Act, the applicant/owner pay any outstanding property taxes to Leduc County or make satisfactory arrangements with the Council of Leduc County for the payment thereof;
3. Pursuant to Section 7(g) of the Subdivision & Development Regulation, the applicant/owner confirms that any existing sewage disposal system(s) on the subject property is/are in compliance with the Private Sewage Disposal Systems Regulation in force at the time of application. Should the existing system(s) not be in compliance, modifications to the existing system(s) or installation of new system(s) shall be required;
4. Pursuant to Section 9(a) of the Subdivision and Development Regulation, the applicant/owner shall provide access to each lot created. Each approach shall be built to Leduc County Development Standard;
5. Pursuant to Section 669(1) of the Municipal Government Act, Municipal Reserves in the amount of ten percent of the title area be deferred against the titles proportionately; and
6. The subdivision be registered pursuant Alberta Land Titles requirements.

Carried Unanimously

Administration is of the opinion that this subdivision is considered to be the 5th parcel out of the quarter section as the Environment Reserve parcel is not developable. Administration will revise the Subdivision Report to provide clarification with respect to the Rural Road Surfacing Contribution policy.

Next Subdivision Authority Meeting

The next Subdivision Authority meeting will be called at the discretion of the Chair.

Adjournment

59-18 Committee Member Belazer that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting concluded at 1:58 p.m.

CHAIRMAN

SECRETARY

UNOFFICIAL



Recommendation to Subdivision Authority

REPORT NAME

File No: SD18-047
Applicant: Darrell Morris
Landowner: Ron and Elsie Morris
Existing District: AG – Agricultural District
Location: Plan 0729511, Lot 1, Block 1 - NW 1-51-25-W4
Title Area: 32.38 ha± (80.01 ac±)
Proposed Parcels: 16.24 ha± (40.13 ac±) and 16.14 ha (39.88 ac)

IMPLICATIONS

This application proposes to subdivide an undeveloped 16.24 ha (40.13 ac) parcel for agricultural use from a title area of 32.38 ha (80.00 ac).

RECOMMENDATION

The Planning & Development Department recommends this application for subdivision be **REFUSED** for the following reasons:

1. Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the Municipal Development Plan (25-16, as amended):
 - a. Objective 3.1.1 stipulates productive agricultural land shall be protected for agricultural use;
 - b. Objective 3.1.2 stipulates that fragmentation and the amount of high capability land removed from production for non-agricultural development shall be minimized;
 - c. Policy 3.3.11(a)(c) Smallholdings may be allowed in the Agricultural areas where:
 - a. the land is low capability agricultural land;
 - b. the subdivision would not compromise the orderly and economical conversion of the land for higher intensity development in the future in those areas where high intensity development is anticipated; and
 - c. the County is satisfied that the subdivision is warranted to meet the special requirements of the agricultural industry in that location, and does not represent merely a large-lot country residential subdivision.
 - d. Policy 3.3.14(a) stipulates the subdivision shall be small in scale and well defined and would not set a precedent or encourage further subdivision of the surrounding lands.

SD18-044

Submitted by: K. Payne, Planner I
Reviewed by: Charlene Haverland, Manager of Development Services
Subdivision Authority Date: November 13, 2018

2. Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to Part 10.1.2 of the Land Use Bylaw (7-08, as amended) which states that the minimum size for agricultural lots in all Land Use Districts should be 32.4 ha (80.0 ac) or such size as results from a physical severance.
3. Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the North Major Area Structure Plan:
 - a. Policy 7.5.3 states that any approval of a first parcel out and a fragmented parcel must be in accordance with the standards and criteria in Section 3.3 of Part Three of the Municipal Development Plan.
 - b. Policy 7.5.4 states that the minimum size for an agricultural parcel shall be 32 ha (80 acres) unless a smaller size for specialized farming operations (e.g. horticultural) is demonstrated to meet County criteria.
4. Pursuant to Section 654(1)(c) of the Municipal Government Act, the proposed subdivision does not conform to Policy 6.2.2 of the Edmonton Metropolitan Region Growth Plan which states in the rural area, large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.

The policies of the Municipal Development Plan, Land Use Bylaw, North Major Area Structure Plan and Edmonton Metropolitan Region Growth Plan are not met by this application.

HISTORY

A 32.38 ha± (80.01 ac±) parcel was subdivided from the quarter section in 2007. The subject lands fall within the City of Edmonton annexation area.

DISCUSSION

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of High Capability Agricultural Land (89%).

Within the subject parcel there is a dwelling with a yard site and accessory agricultural structures located in the northwest corner. In 2017 the agricultural lands were used for hay production. The applicant stated that the reason for subdividing the subject lands are due to the City of Edmonton annexation and for estate planning purposes.

The subject lands are designated as Agricultural within the North Major Area Structure Plan and Agricultural Area B within Leduc County's Municipal Development Plan.

Policy 3.3.2 of the Municipal Development Plan states that on high capability agricultural land, subdivision will be limited to one lot from an unsubdivided quarter section. The proposed subdivision would be considered the second parcel subdivided from the quarter section.

SD18-044

Submitted by: K. Payne, Planner I

Reviewed by: Charlene Haverland, Manager of Development Services

Subdivision Authority Date: November 13, 2018

The Municipal Development Plan has policy regarding agricultural smallholding parcels, which are 40 acres or greater and for agricultural use. Policy states that a business plan be provided to support the agricultural proposal and that smallholdings be located on low capability agricultural land. The lands are of high capability and the applicants have not submitted a business plan, or demonstrated to administration that the proposed parcel does not merely represent a large country residential lot.

The agricultural policies within the North Major Area Structure Plan echo the policies in the Municipal Development Plan. Furthermore, the Land Use Bylaw states that the minimum parcel size for agriculture use shall be 32 hectares or such size resulting from physical severance. It is the opinion of staff that the proposed subdivision sets precedent for further subdivision and development.

The proposed subdivision lies within the Rural Area identified in the Edmonton Metropolitan Region Growth Plan. In the Rural Area large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.

There were no adjacent landowner comments submitted regarding the proposed subdivision.

BACKGROUND

1. Site and Surrounding Area

- Districted Agricultural in the Land Use Bylaw 7-08
- Proposed Parcel – undeveloped
- Remnant Parcel – developed with a single detached dwelling and accessory agriculture structures

2. Road Access

- Proposed Parcel – none
- Remnant Parcel – existing access via Range Road 251

3. Agricultural Capability

- Farmland Assessment Rating
 - 77.01 ac @ 89.0% = High Capability

4. Potable Water Supply

- Proposed Parcel – N/A
- Remnant Parcel – Well

5. Sewage Disposal

- Proposed Parcel – N/A
- Remnant Parcel – Open Discharge

SD18-044

Submitted by: K. Payne, Planner I

Reviewed by: Charlene Haverland, Manager of Development Services

Subdivision Authority Date: November 13, 2018

6. Ground Water Table
 - Not required
7. Storm Water Drainage
 - Natural drainage - no change proposed
8. Municipal Reserves
 - Not previously addressed
9. Oil and Gas Facilities
 - None

REFERAL COMMENTS

Alberta Health Services

- No objection

Fortis Alberta

- No objection

Leduc County Agriculture Services

- What would be the agriculture need to subdivide this parcel? Is there a specific ag development planned for this property? No reasoning was stated in the application.
- The proposed subdivision would further fragment highly capable ag land, especially the remnant parcel with the yardsite on it. The proposed subdivision would split what is now approximately 14 hectares annually cropped into two separate 7 hectare fields.

Leduc County Public Works & Engineering

There is an access into the proposed residential lot that meets Leduc County standard. An access to the proposed parcel will need to be constructed to Leduc County standards. An application form to construct the Access Approaches will need to be submitted prior to any construction.

Telus Communications Ltd.

- No objection

STATUTORY AND OTHER PLANNING DOCUMENTS

Municipal Government Act (MGA)

654 (1)(a)(b) A subdivision authority must not approve an application for subdivision approval unless

- a) The land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

Municipal Development Plan (MDP)

3. Agricultural

The purpose of the Agricultural Areas A and B is to conserve and protect extensive areas of land for agricultural uses; to encourage and accommodate a broad range of agricultural-related pursuits; and to retain and enhance the County's agricultural community.

3.1 Planning Objectives:

3.1.1 To protect productive agricultural land for agricultural use.

3.1.2 To minimize the amount of high capability agricultural land removed from farming because of non-agricultural development and the fragmentation of land.

3.3 Specific Area Planning Policies: (For agricultural development)

3.3.1 Subject to Policy 3.3.2 on high capability agricultural land, subdivision will be limited to one lot from an unsubdivided quarter section. The subdivided lot must be either a suitable size and shape for agricultural (approximately 32 ha) and follow physical barriers where applicable or small enough (approximately 1 ha unless a larger area is required due to location of existing buildings, trees and shelterbelts, topographic characteristics and/or other site features) to minimize the loss of high capability agricultural land and be easily managed as a residential site.

3.3.11 Smallholdings may be allowed in the Agricultural areas where:

- (a) the land is low capability agricultural land;
- (b) the subdivision would not compromise the orderly and economical conversion of the land for higher intensity development in the future in those areas where high intensity development is anticipated; and
- (c) the County is satisfied that the subdivision is warranted to meet the special requirements of the agricultural industry in that location, and does not represent merely a large-lot country residential subdivision.

SD18-044

Submitted by: K. Payne, Planner I

Reviewed by: Charlene Haverland, Manager of Development Services

Subdivision Authority Date: November 13, 2018



Recommendation to Subdivision Authority

North Major Area Structure Plan

7.5.3 Any approval of a first parcel out and a fragmented parcel must be in accordance with the standards and criteria in Section 3.3 of Part Three of the Municipal Development Plan.

7.5.4 The minimum size for an agricultural parcel shall be 32 ha (80 acres) unless a smaller size for specialized farming operations (e.g. horticultural) is demonstrated to meet County criteria.

Land Use Bylaw 7-08

10.1.2 States that the minimum size for agricultural lots in all Land Use Districts should be 32.4 ha (80.0 ac) or such size as results from a physical severance.

Edmonton Metropolitan Region Growth Plan

Objective

Minimize the fragmentation and conversion of prime agricultural lands for non-agricultural uses

Policies

6.2.2 In the rural area, large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.

ATTACHMENTS

1. Key Plan
2. Air Photo
3. Proposed Subdivision
4. Tentative Plan of Subdivision
5. Applicant Letter

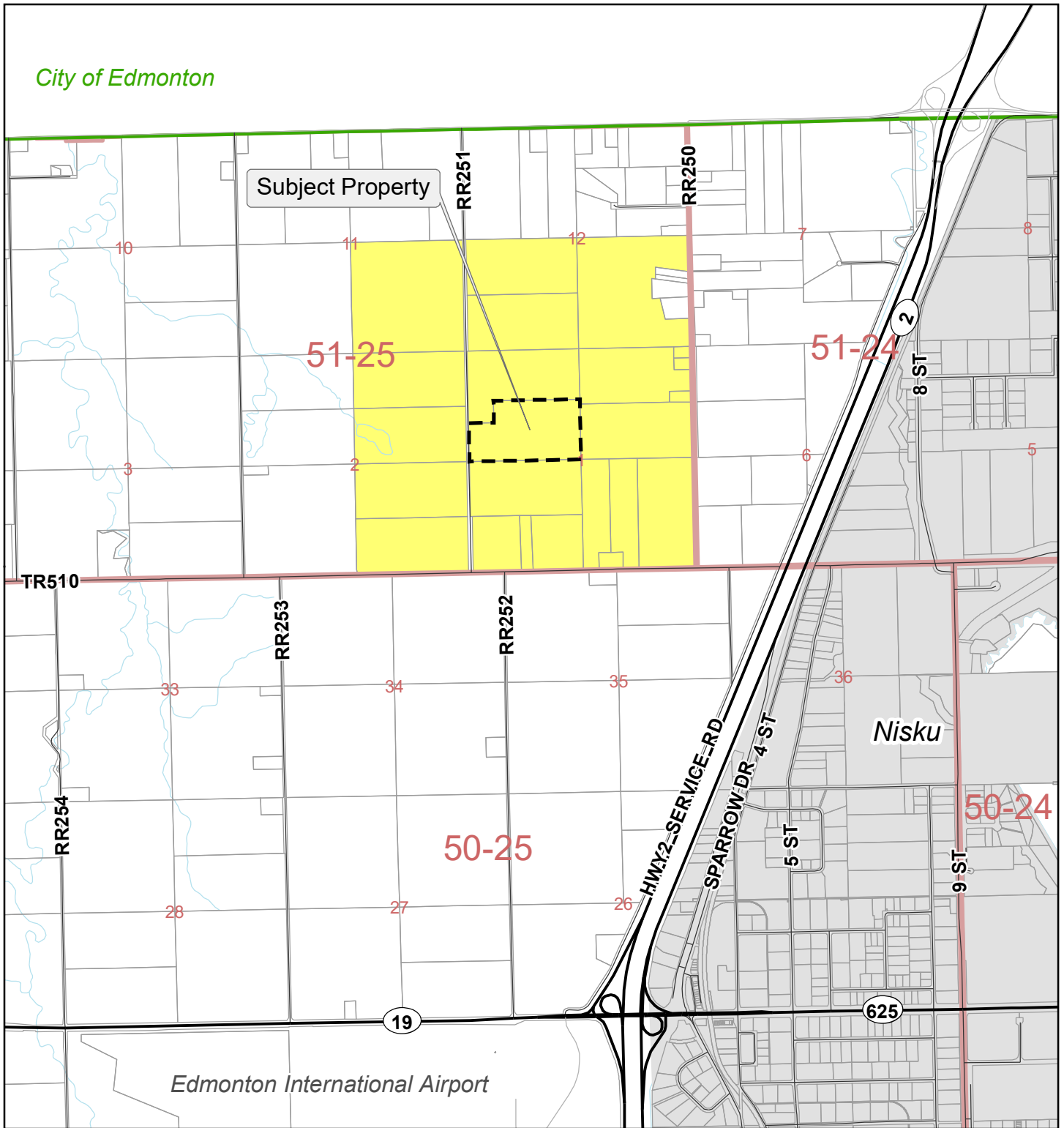
SD18-044

Submitted by: K. Payne, Planner I

Reviewed by: Charlene Haverland, Manager of Development Services

Subdivision Authority Date: November 13, 2018

City of Edmonton



Legal Description: Pt. NW (SH) 1-51-25-W4;
Lot 1, Block 1, Plan 0729511

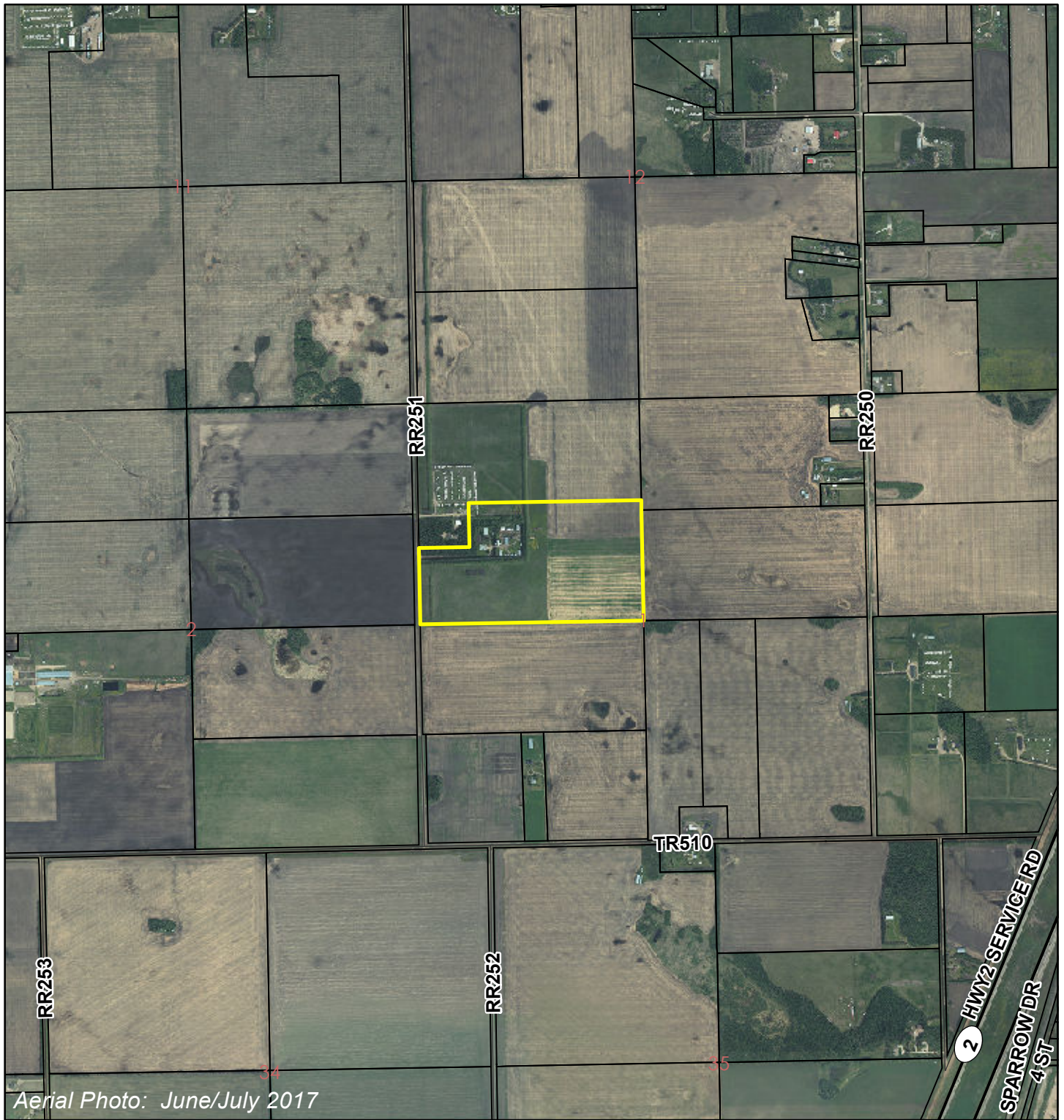
Applicant: Darrell Morris

Land Owner: Ronald & Elsie Morris

KEY PLAN

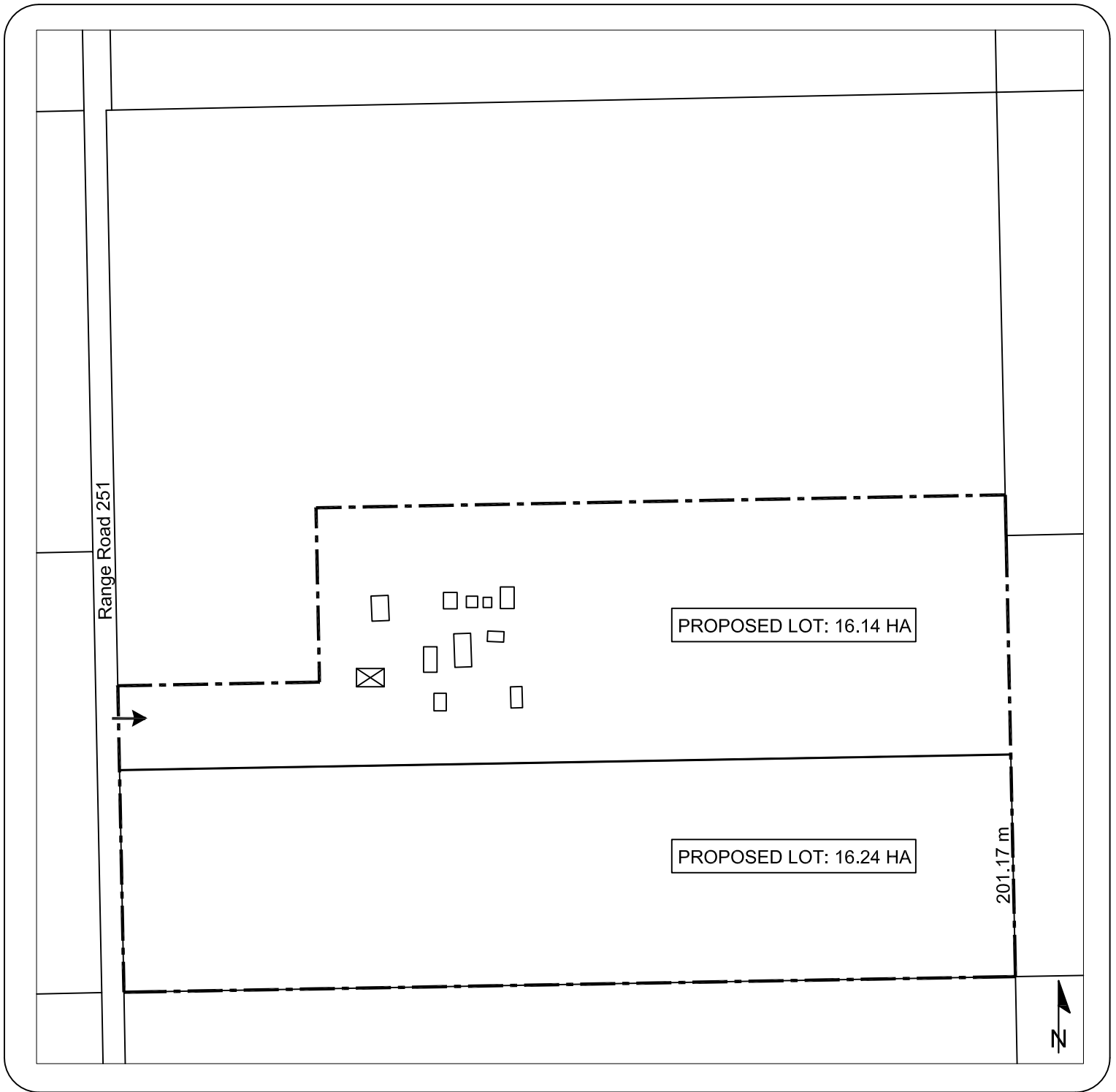
Subdivision File: SD18-047





AIR PHOTO (1:20 000)
Subdivision File: SD18-047











-  Title Area: 32.38 ha (80.01 ac±)
-  Proposed Lots: 16.14 & 16.24 ha± (39.88 & 40.13 ac±)
-  Drainage Course / Creek
-  Building
-  Residence
-  Access

EXHIBIT 1
 PROPOSED SUBDIVISION
FILE NO: SD18-047



LEGAL: NW (SH) 1-51-25-W4; L1, B1, P0729511
 ROLL#: 5561010
 SCALE: 1:5000 DATE: 12-Oct-18



- Title Area: 32.38 ha (80.01 ac±)
- Proposed Lots: 16.14 & 16.24 ha± (39.88 & 40.13 ac±)
- ~~~~~ Drainage Course / Creek
- Building
- ⊗ Residence
- ➔ Access

EXHIBIT 1
 PROPOSED SUBDIVISION
FILE NO: SD18-047



LEGAL: NW (SH) 1-51-25-W4; L1, B1, P0729511
 ROLL#: 5561010
 SCALE: 1:5000 DATE: 12-Oct-18

October 5, 2018.

I, Darrell Morris, representing my parents,

Ron and Etzie Morris want to subdivide their 80 acres for the following reasons:

- Estate planning to divide among children.
- land is annexed by Edmontan. will not be Agriculture land in future.

Darrell Morris