

Subdivision Authority

Agenda

Council Chambers, Leduc County Centre, Nisku, AB

Tuesday, June 15, 2021

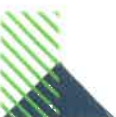
1. **Order – 1:30 p.m.**
2. **Adoption of agenda**
3. **Adoption of previous minutes**
Subdivision Authority Minutes – Tuesday, April 20, 2021 ✓
4. **Subdivision Applications**
 1. SD21-010 – Ian McNary on behalf of 1348153 Alberta Ltd. – NE 6-51-24-W4; Plan 0324910, Block 1, Lot 10 ✓
 2. SD21-013 – Kevin & Melanie Waters – SW 28-48-26-W4 ✓
 3. SD21-018 – Dale Moll on behalf of Klara Moll – NE 13-49-26 W4 ✓
 4. SD21-019 – Robert MacRae on behalf of RJL Ventures Ltd. – NE 25-47-3 W5; Plan 0723848, Block 1, Lot 2 ✓
 5. SD21-022 – Eric Durrance on behalf of Perry & Sheri-Lee Friesen – NE 35-50-22 W4; Plan 2387, Block RS, Lot G ✓
5. **Adjournment**

**Delegated Authority Decisions: - April – 2
May – 1**



✓ Attachment provided

Leduc County is dedicated to serving its citizens and will create an enhanced quality of life through effective leadership, committed partnerships and open, transparent communication.



Subdivision Authority**Minutes***Council Chambers, Leduc County Centre, Nisku, AB**Tuesday, June 15, 2021***Order and roll call**

The meeting was called to order at 1:30 p.m. on Tuesday, June 15, 2021, by Tanni Doblanko as chair and committee members Kelly Vandenberghe, Glenn Belozar, Kelly-Lynn Lewis and Ray Scobie present via Zoom.

Other attendees via Zoom

- Mr. Rick Thomas, Secretary of Subdivision Authority
- Mr. Dave Desimone, Senior Planner, Development Services
- Mrs. Chelsie Ills, Municipal Engineer
- Mrs. Laurie Stoetzel, Recording Secretary

There were 5 other individuals who attended the meeting via Zoom.

Agenda adoption

30-21 Committee Member Kelly-Lynn Lewis – that the agenda for the Tuesday, June 15, 2021 Subdivision Authority be accepted with the change of order.

Carried Unanimously

Previous Minutes – Tuesday, April 20, 2021

31-21 Committee Member Glenn Belozar – that the April 20, 2021 Subdivision Authority minutes be accepted as presented.

Carried Unanimously

**Proposed Subdivision – Ian McNary on behalf of 1348153 Alberta Ltd. –
NE 6-51-24-W4; Plan 0324910, Block 1, Lot 10**

SD21-010

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Ian McNary on behalf of 1348153 Alberta Ltd. Staff recommends **approval** to subdivide a 1.54 ha (3.8 ac) and a 0.738 ha (1.80 ac) parcel for industrial use from a title area of 2.30 ha (5.68ac).

Discussion

The subject lands are located in the Nisku Industrial Business Park off 8th Street and 34th Avenue. The lands are districted IND – Industrial in the Leduc County Land Use Bylaw 7-08 and are identified as within the Business Industrial Area of the North Major Area Structure Plan which is envisioned to provide for a range of business industrial uses comprised of a mix of service commercial, light industrial and warehousing land uses.

The subject lands are bisected by three utility right-of-way which constrain the development of the land. The applicant submitted a site plan in support of the proposed subdivision which demonstrates that the proposed



subdivision will accommodate a developable area. Depending on the proposed use, a site plan will determine the appropriate setback.

The proposed subdivision is in compliance with the North Major Area Structure Plan, the Leduc County Municipal Development Plan and the Leduc County Land Use Bylaw 7-08.

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

Chair Tanni Doblanko asked if Committee Members had any comments or questions for administration.

Dave Desimone provided the following information:

- Information regarding historical resources;
- Industrial applications are brought to the Subdivision Authority Committee for decision.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. It was noted that Ian McNary was not in attendance.

32-21 Committee Member Kelly Vandenberghe that the application to subdivide 1.54 ha (3.8 ac) and a 0.738 ha (1.80 ac) parcel for industrial use from a title area of 2.30 ha (5.68ac) be **approved** with the following conditions:

1. Pursuant to Section 655(1)(b) of the Municipal Government Act, the developer/owner enter into a development agreement with Leduc County and abide by the terms therein. The development agreement shall include, but is not limited to the:
 - a. provision for extension water and sewer services;
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 5(5)(j) of the Subdivision and Development Regulations, the applicant must obtain Historical Resources Act approval prior to proceeding with any land surface disturbance associated with development by submitting a Historic Resources Application through Alberta Culture, Multiculturalism and Status of Women's Online Permitting and Clearance (OPaC) system; and
4. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

Proposed Subdivision - Kevin & Melanie Waters – SW 28-48-26-W4

SD21-013

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicants Kevin & Melanie Waters. Staff recommends **refusal** to subdivide a 2.36 ha (5.83 ac) residential parcel from a previous subdivision with a title area of 32.37 ha (80 ac).

SD

Discussion

The subject lands are located off of Township Road 484 and Range Road 264. The quarter section has been previously subdivided into two 80 acre parcels.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 & Class 3 Soil which is considered Prime Agricultural Lands. An Agricultural Impact Assessment was completed and the proposed application received a score of 161. A score of 61 or higher indicates the proposed application requires further review or the proposed application does not align with policy. The score was given due to the subdivision being the second parcel from the quarter section, the proposed parcel is currently undeveloped and the high quality of farmland on the quarter section.

The subject lands are within Agricultural Area C: South Central/East where the policies intend to conserve large, contiguous tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping operation. Policy 4.3.1.8 stipulates there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area C: South Central/East. This proposed subdivision represents the second parcel from this quarter section which would result in three titled lots which is contrary to the policies aimed at preserving high capability agricultural land.

The proposed lot is a Residential Subdivision which is defined in the Municipal Development Plan as the subdivision of an undeveloped lot from a quarter section to accommodate a residence and shall not exceed 1 ha (2.47 acres). Policy 4.3.1.7 states subdivision shall be limited to a Physical severance or Farmstead subdivision in Agricultural Area C. South Central/East. Administration is of the opinion the proposed subdivision does not meet the policies of Agricultural Area C due to the proposed lot being larger than 1 ha (2.47 ac) in size and is not a Physical severance or Farmstead Subdivision.

The proposed subdivision is in the Rural Area of the Edmonton Metropolitan Region Growth Plan (EMRGP). Policy 6.2.2 of the EMRGP stipulates that 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.

Comments were received from one Leduc County resident regarding the proposed subdivision.

Chair Tanni Doblanko asked if Committee Members had any comments or questions for administration.

Dave Desimone provided the following information:

- The Agricultural Impact Assessment received a score of 161;
- Refusal is recommended as lot size is larger than 1 ha. This is consistent throughout Leduc County;
- No physical severance is evident;
- There is some form of agricultural use in vegetable and berry farm;
- Assuming that a house will be built.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Kevin Waters provided the following information:

- Grew up in Leduc County and purchased the property in 2006;
- Land was used as a tree farm. It was not well maintained, (full of weeds, tree hole plugs);

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- Cleaned up the property, sold off trees and created nice yard site;
 - Daughter would like to stay on farm and grow fruits and vegetables for market;
 - Large trees remaining as wind break and stop soil erosion;
 - Parcel too narrow for large farm equipment;
 - Used parcel for cattle but they destroyed the trees;
 - Trees provide wind protection to neighbors.

Chair Tanni Doblanko asked if Committee Members had any further comments or questions for the applicant:

- Daughter plans to build small home in the future.

Chair Tanni Doblanko asked if Committee Members had any further comments or questions for administration.

Dave Desimone provided the following information:

- No business plan has been provided;

Chelsey Ills, Municipal Engineer, advised that internal roads are required for 4 or more lots;

33-21 Chair Tanni Doblanko that the application to subdivide a 2.36 ha (5.83 ac) residential parcel from a previous subdivision with a title area of 32.37 ha (80 ac) be **approved** subject to the following conditions:

1. 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;
2. Pursuant to Section 9(a) of the Subdivision and Development Regulation, access to the subdivision and balance of the quarter to be constructed to the standards of Public Works at the Owners/Developer's expense;
3. Pursuant to Section 7(g) of the Subdivision & Development Regulation, the applicant/owner confirm 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 669(1) of the Municipal Government Act, existing Municipal Reserves in the amount of 3.237 ha (8.00 ac) be deferred against the title of the larger remnant parcel; and
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro: Chair Tanni Doblanko, Committee Members Glenn Belozor and Ray Scobie

Con: Committee Members Kelly Vandenberghe and Kelly-Lynn Lewis

Carried



The Subdivision Authority felt that no additional agricultural land is being taken, however supports the agricultural industry. The subdivision will help protect the large trees. In response to the letter of concern, the Subdivision Authority feels that the approval does not set precedents as every subdivision is reviewed on its own merit.

Proposed Subdivision – Dale Moll on behalf of Klara Moll – NE 13-49-26 W4

SD21-018

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicants Dale Moll on behalf of Klara Moll. Staff recommends **refusal** to subdivide an 80 acre agricultural parcel from a previously subdivided quarter section with a title area of 152.98 ac.

Discussion

The subject lands are located off Range Road 260 and a half mile north of Township Road 492. A 2.84 ha (7.02 ac) parcel was subdivided from the northeast corner of the quarter section.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 & 3 soil, with Class 2 & 3 considered Prime Agricultural Land. An Agricultural Impact Assessment was completed with the subdivision application to determine if the proposed subdivision would adversely affect existing or future agricultural activities onsite and in the surrounding area. The applicant's assessment returned a score of 121 which indicates that the proposed subdivision does not accord with planning policy.

According to the Municipal Development Plan the subject lands are located within the Agricultural Area C (South Central/East) where policies are aimed at conserving large tracts of prime agricultural land with minimal fragmentation primarily. In accordance with 4.3.1.8 of the Municipal Development Plan, there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area C (South Central /East). Further, Policy 4.3.1.7 states subdivision in Agricultural Area C shall be limited to a Physical severance or Farmstead subdivision. The proposed subdivision is for an Agricultural subdivision (80 acres) and is the second parcel from this quarter section. It is for these reasons the proposed subdivision does not comply with the policies of the Municipal Development Plan and therefore administration recommends this application be refused.

The proposed subdivision is in the Rural Area of the Edmonton Metropolitan Region Growth Plan (EMRGP). Policy 6.2.2 of the EMRGP stipulates that 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.

Chair Tanni Doblanko asked if Committee Members had any comments or questions for administration. There were none.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Applicant provided the following information:

Dale Moll provided the following information:



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- Addressed the Land Use Bylaw and Municipal Development Plan policies;
 - No changes will be made to the farm land; will not convert to non-agricultural;
 - Smaller machinery could be used and forage crops would be suitable;
 - Neighboring lands of 80 acres are in forage with cereal crops;
 - There are 3 titles on two adjacent quarter sections.

Chair Tanni Doblanko asked if Committee Members had any further comments or questions for the applicant:

- Reason for subdivision is for estate purposes;
- South parcel would be sold.

34-21 Committee Member Kelly-Lynn Lewis that the application to subdivide an 80 acre agricultural parcel from a previously subdivided quarter section with a title area of 152.98 ac 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 objectives and policies of the Municipal Development Plan (08-19):
 - a. Policy 4.3.1.1 which stipulates all subdivisions shall be designed and located in a manner that considers the topography of the land and minimizes (a) potential conflicts with surrounding agricultural uses; (b) the amount of agricultural land, and specifically prime agricultural land converted to non-agricultural use; (c) fragmentation of agricultural land by locating the subdivision near quarter section boundaries or in close proximity to existing residential sites; and (d) disturbance of environmentally significant areas;
 - b. Policy 4.3.1.7 which stipulates to conserve large, contiguous tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping operation and to protect existing and future confined feeding operations in Agricultural Area C: South Central/East, subdivision shall be limited to a (a) Physical severance; or (b) Farmstead subdivision; and
 - c. Policy 4.3.1.8 which states there shall be no more than one subdivision (two titles lots) per quarter section in Agricultural Area C: South Central/East.
2. Pursuant to Section 654 (1)(b) of the Municipal Government Act, the proposed subdivision does not conform to Policy 6.2.2 of the Edmonton Metropolitan Region Growth Plan that 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.

Carried Unanimously

Chair Tanni Doblanko provided information on the appeal process.

JD

**Proposed Subdivision – Eric Durrance on behalf of Perry & Sheri-Lee Friesen –
NE 35-50-22 W4; Plan 2387, Block RS, Lot G**

SD21-022

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicants. Staff recommends **approval** to subdivide the title area into three country residential lots consisting of - 1.20 ha (2.96 ac), 1.20 ha (2.96 ac) and 1.65 ha (4.09 ac) from within a multi lot subdivision

Discussion

The subject lands are located in Steinke Estates which is located at Range Road 221 and Township Road 510. Steinke Estates is districted RC – Country Residential and there are currently 29 lots within this subdivision. Policy 4.5.1.4 of the Municipal Development Plan stipulates Country Residential developments must not exceed 50 lots per quarter section. The proposed subdivision represents the 30th and 31st lot.

Regulation 10.1.4 of the Leduc County Land Use Bylaw 7-08 stipulates the sizes for new residential lots in the Country Residential District should be minimum 1 ha (2.47 ac) and maximum 4.0 ha (9.88 ac).

A storm water assessment and private wastewater management assessment were included in the proposed application. Administration has reviewed and approved the assessments, along with Alberta Health Services, and concludes the proposed application for two additional country residential lots is suitable for development.

Due to reports of limited availability of potable water in the area, the applicant proposes the installation of cisterns on the two newly created lots as a condition of approval which meets the intent of the Water Act for proposed subdivisions where municipal water is not available.

Rural Road Surfacing Contribution fees are applied as a condition of approval for the two newly proposed lots as well as the registration of easements to protect drainage on the property lines between lots.

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

Chair Tanni Doblanko asked if Committee Members had any comments or questions for administration.

Dave Desimone provided the following information:

- Parcels will have individual cisterns;
- Stormwater and drainage plan is acceptable;
- Road is paved.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Eric Durrance had nothing further to add and appreciates administration's support.

Chair Tanni Doblanko asked if Committee Members had any further comments or questions for the applicant:

Eric Durrance provided the following information:

- Looking at on-site mechanical sewage treatment systems.

35-21 Committee Member Kelly-Lynn Lewis that the application to subdivide the title area into three country residential lots consisting of - 1.20 ha (2.96 ac), 1.20 ha (2.96 ac) and 1.65 ha (4.09 ac) from within a multi lot subdivision 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;
 - i. paved access to the proposed lots constructed to Leduc County Development Standards;
 - ii. the newly proposed lots be provided potable water through cisterns only.
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 confirm 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 655(1)(i) of the Municipal Government Act, the applicant/owner shall contribute \$8,741.25 per lot (2 lots) to future surfacing of roadways within the Rural Roads Surfacing Contribution area;
5. Pursuant to Section 655(1) of the Municipal Government Act, a drainage easement and agreement shall be registered on the shared property lines between proposed lots G1 & G2 and between proposed lots G2 & G3; and
6. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

**Proposed Subdivision – Robert MacRae on behalf of RJL Ventures Ltd. –
NE 25-47-3 W5; Plan 0723848, Block 1, Lot 2**

SD21-019

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicants Robert MacRae on behalf of RJL Ventures Ltd. Staff recommends **approval** to subdivide a 2.1 ha (5.0 ac) residential parcel from a previously subdivided quarter section with a title area of 32.6 ha (80.56 ac).

Discussion

The Agricultural Land Suitability Rating of the subject land is Class 3, with water and slope being the largest constraint. An Agricultural Impact Assessment was completed in conjunction with this subdivision application



and received a score of 99. A score of 61 or higher indicates the proposed application may not align with County policy. Points were received due to the size of the proposed parcel being larger 1 ha (2.47 ac) in size.

The subject lands are located in Agricultural Area A: West in the Leduc County Municipal Development Plan where the objectives are to conserve agricultural land on a comprehensive basis for a broad range of agricultural operations. Policy 4.3.1.3 of the Municipal Development Plan supports a Residential Subdivision which is defined as the subdivision of an undeveloped lot from a quarter section to accommodate a residence. A Residential Subdivision shall not exceed 1 ha (2.47 acres). The proposed subdivision is 2.1 ha (5.19 ac) in size and for this reason administration are recommending the application be approved subject to a smaller parcel as presented on Exhibit 2.

The proposed subdivision is in the Rural Area of the Edmonton Metropolitan Region Growth Plan (EMRGP). Policy 6.2.2 of the EMRGP stipulates that 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.

Chair Tanni Doblanko asked if Committee Members had any comments or questions for administration.

Dave Desimone provided the following information:

- Applicant was advised of the recommended smaller size, but would like to continue with larger lot size due to building constraints on smaller lot;
- Parcel is in the Agricultural District.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Robert MacRae provided the following information:

- The 5 ac lot is fully treed and is suitable for an acreage.

Chair Tanni Doblanko asked if Committee Members had any further comments or questions for administration and there were none.

36-21 Committee Member Glenn Belozer that the application to subdivide a 2.1 ha (5.0 ac) residential parcel from a previously subdivided quarter section with a title area of 32.6 ha (80.56 ac) be **approved** with the following conditions:

1. 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;
2. Pursuant to Section 9(a) of the Subdivision and Development Regulation, access to the subdivision and balance of the quarter to be constructed to the standards of Public Works at the Owners/Developer's expense;
3. Pursuant to Section 669(1) of the Municipal Government Act, municipal reserves in the amount of ten percent of the title area ($32.6 \text{ ha} \pm 10\% = 3.26 \text{ ha} \pm$) shall be deferred to the title of the remnant parcel;

JD

4. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

The Subdivision Authority felt that 5 acres can provide an adequate space for house and yard site without taking agricultural land out of production.


Adjournment

37-21 Committee Member Kelly-Lynn Lewis that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting was adjourned at 2:37 p.m.


Chairman


Secretary