



Subdivision Authority

Agenda

*Council Chambers, Leduc County Centre, Nisku, AB
Tuesday, January 19, 2021*

1. Order – 1:30 p.m.
2. Adoption of agenda
3. Adoption of previous minutes
Subdivision Authority Minutes – Tuesday, November 17, 2020 √
4. Subdivision Applications √
 1. SD20-025 – Judy Best on behalf of Hanna Best – SW 13-49-23-W4
 2. SD20-046 – Chuck McNutt on behalf of J.V. Driver Corporation Inc. – SE 36-50-25-W4 √
 3. SD20-047 – Terry Carstairs on behalf of Terry & Gail Carstairs – SH 12-49-25-W4
5. Adjournment

Delegated Authority Decisions: - November - 1
December - 0

√ 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, January 19, 2021

Order and roll call

The meeting was called to order at 1:30 p.m. on Tuesday, January 19, 2021, by Tanni Doblanko as chair and committee members Kelly Vandenberghe, Glenn Belozor, Kelly-Lynn Lewis and Ray Scobie present.

Other attendees

- Mr. Rick Thomas, Secretary of Subdivision Authority
- Mr. Dave Desimone, Senior Planner, Development Services
- Mrs. Charlene Haverland, Manager - Development Services
- Mrs. Rae-Lynne Spila, Senior Municipal Engineer
- Mr. Amro Kotb, Manager - Engineering
- Mr. Kent Pudlowski, Manager – Information Management and Technology
- Mrs. Adele Pysar, Recording Secretary

There were no other individuals present.

Agenda adoption

01-21 Committee Member Glenn Belozor– that the agenda for the Tuesday, January 19, 2021 Subdivision Authority be accepted as presented

Carried Unanimously

Previous Minutes – Tuesday, November 17, 2020

02-21 Committee Member Ray Scobie – that the November 17, 2020 Subdivision Authority minutes be accepted as circulated.

Carried Unanimously

Proposed Subdivision – Judy Best on behalf of Hanna Best – SW 13-49-23-W4

SD20-025

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Judy Best on behalf of Hanna Best. Staff recommends **refusal** to subdivide a 31.69 ha (78.31ac) Agricultural parcel from an unsubdivided quarter section with a title area of 64.74 ha (160 ac).

HISTORY

The subject lands are located off of Township Road 492 and Range Road 231.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists of a mix of agricultural land suitability ranging from Class 2 to Class 5 with the constraints consisting of rock, salinity, slope and climate. Class 2 is considered Prime Agricultural Lands. An Agricultural Impact Assessment was completed in conjunction with this subdivision application and received a score of 35 points which indicates the proposed subdivision may align with policy.

This application proposes a 31.69 ha (78.31ac) Agricultural subdivision. 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 for intensive cropping operations and to protect existing and future confined feeding operations. In accordance with 4.3.1.7 of the Municipal Development Plan, subdivision shall be limited to a (a) Physical severance; or (b) Farmstead subdivision. Agricultural subdivisions, defined by the Municipal Development Plan as the subdivision of a lot approximately 32.4 ha (80 acres) in size from a quarter section for agricultural purposes, is not supported in Agricultural Area C (South Central /East) and it is for this reason administration recommends this application be refused.

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 advised:

- There were two errors in this report:
 - Under “Recommendation” development authority to approve or refuse was missing. It should read **“The Planning & Development Department recommends this application for subdivision be REFUSED for the following reasons: ...**
 - Under Recommendation - #1 – should read – “{Pursuant to Section 654(1)(b) of the Municipal government Act, the proposed subdivision does **not** conform to the objectives and policies of the Municipal Development Plan (08-19)”
- Of the low land on this parcel it is hard to know how much is class 2 – do not have that information.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Judy Best, via teleconference, provided the following information:

- This parcel of land is #2 soils and suitable for agriculture.
- The north side 80 acres is quite rolly and could be used for pasture land, and south side 80 acres is suitable for hayland.
- Two boys are farming the land and want to continue to farm together but have their own titles.
- This subdivision has nothing to do with the homes, neither boy lives in the homes – the homes are currently being rented out.
- They boys want to expand their agricultural farming operation and share assets.
- They don’t want to be legally bound in debts.
- The two boys are cousins, who grew up in New Sarepta; and have farmed all their lives.
- There would be no point in further subdividing.
- Increase production of agricultural land.

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

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

- Agricultural Impact Assessment completed – no checked off on last page saying application does not comply with policy. However, a point score 60 points or less could comply with policy. Dave Desimone



explained a parcel of 80 acres in size from a quarter section for agricultural purposes is not supported in this area.

03-21 Chair Tanni Doblanko that the application to subdivide a 31.69 ha (78.31ac) Agricultural parcel from an unsubdivided quarter section with a title area of 64.74 ha (160 ac) be **refused** for the following reasons:

- Municipal Development Plan very clear on keeping agricultural lands intact and not splitting them up. There are farmers looking for large pieces of land.
- Reduce fragmentation and protect large unfractured lands for agricultural purposes

Pro: Chair Tanni Doblanko and Committee Member Glenn Belozar

Con: Committee Members Kelly Vandenberghe, Kelly-Lynn Lewis and Ray Scobie

Defeated

04-21 Committee Member Kelly-Lynn Lewis that the application to subdivide a 31.69 ha (78.31 ac) agricultural parcel from an unsubdivided quarter section with a title of 64.74 ha (160 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 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; and
4. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro: Committee Members Kelly Vandenberghe, Kelly-Lynn Lewis and Ray Scobie

Con: Chair Tanni Doblanko and Committee Member Glenn Belozar

Carried

The Subdivision Authority felt that there would be no impact to the agricultural capability of the lands.

Judy Best exited the teleconference.

Proposed Subdivision – Chuck McNutt – WSP on behalf of J.V. Driver Corporation Inc.

SE 36-50-25-W4

SD20-046

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Chuck McNutt - WSP. Staff recommends **approval** to subdivide into 2 Blocks (4

and 5) proposing 16 lots in total ranging in size from 0.59 ha+/- (1.46 ac+/-) to 2.33 ha+/- (5.76 ac+/-) which consists of Block 4 (Lots 35 - 42) and Block 5 (Lots 1 - 9) for industrial use, one public utility lot (PUL, Lot 37) 3.0 ha+/- (7.40 ac+/-) and future road right of way from a quarter section with a title area of 31.79 ha (78.55 ac).

HISTORY

The subject lands are located in the Nisku Business Park along 25th Avenue, east of 5th Street.

DISCUSSION

The subject lands are districted IND – Industrial in the Leduc County Land Use Bylaw 7-08 where the general purpose of this district is to accommodate a range of compatible industrial and commercial uses. As well, the Nisku Area Structure Plan provides for the long term expansion of the Nisku Business Industrial Park. The proposed uses, design and layout of the subdivision application is in compliance with both the Nisku Area Structure Plan and Leduc County Land Use Bylaw 7-08.

A development agreement will address underground servicing, roads, grading, signage, landscaping and construction requirements. Dedication of road right-of-way will provide access to the internal lots. The engineered storm water management systems will have to be approved by Leduc County and Alberta Environment. Municipal reserves will be dedicated as cash in lieu. An estimate valuation of \$50,000.00 per acre was provided to Leduc County Assessment Department and Planning and Development. Off-site levies have been paid in full on the subject lot.

The Land Use Bylaw requires that lots shall be designed and constructed to meet the Leduc County's engineering standards for municipal water, municipal sanitary sewer, storm water management, paved road, grading and utilities.

One adjacent landowner commented on the proposed subdivision. There was no objection to the proposed subdivision however the adjacent landowners suggest exploring the possibility of a future roadway connection to 5th Street. The applicant has reviewed the suggestion and will continue to work with the adjacent property owner on any potential for the future connection.

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

Charlene Haverland advised:

- Administration was in contact with JV Driver in the last few days – recognized there could be an opportunity to access lands to the east off 9th with access to the spine road. J.V. Driver are in agreement with this.
- One additional condition is to be added to the list of conditions of approval.
- When utilities come into play, conversation can happen with the developer at that time.

Rae-Lynne Spila advised:

- Plan of lot 37 looks like a storm water management pond.
- Lot 37 exists as a PUL. May have to increase the size. Cannot be taken out as per Alberta Environment.
- No requirements for conduit for Broadband, but will discuss with applicant.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Chuck McNutt via teleconference provided the following information:



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- No additional comments. Felt all information has been covered.
 - In agreement regarding future access.

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

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

05-21 Committee Member Kelly Vandenberghe that the application to subdivide into 2 Blocks (4 and 5) proposing 16 lots in total ranging in size from 0.59 ha+/- (1.46 ac+/-) to 2.33 ha+/- (5.76 ac+/-) which consists of Block 4 (Lots 35 - 42) and Block 5 (Lots 1 - 9) for industrial use, one public utility lot (PUL, Lot 37) 3.0 ha+/- (7.40 ac+/-) and future road right of way from a quarter section with a title area of 31.79 ha (78.55 ac); 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. design, construction, and engineered drawings of a paved internal subdivision road, signage for same and including turnaround facilities;
 - b. design, construction, and engineered drawings of a storm water management system in accordance with a Storm Water Management Study. Approval of the storm water management system from Alberta Environment is required;
 - c. provision for a road use agreement including, but not limited to, dust suppression;
 - d. provision for widening and backsloping agreements, as required;
 - e. franchise utilities including gas, power, communications;
 - f. fencing of the public utility lot;
 - g. provision for landscaping;
 - h. provision for lot grading and/or filling;
 - i. provision of extension of water and sewer services;
 - j. provision respecting fire protection, including but not limited to, lot building, development requirements and water or chemical supply for firefighting.
2. Pursuant to Section 654(1)(d) of the Municipal Government Act, the developer/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 666(1)(b) of the Municipal Government Act, the applicant/owner provide municipal reserves for the net developable land being approximately 7.85 ac +/- (less the area required area for the PUL and internal roadway subtracted off the total title area of 78.55 ac+/-). The applicant/owner shall provide cash in lieu of the municipal reserves based on an appraised market value in the amount of \$50,000 per acre; and
4. The subdivision be registered pursuant to Alberta Land Titles requirements.
5. The applicant/developer enter into an agreement with Leduc County regarding a road connection to the east lots; the agreement to be to the satisfaction of both parties Leduc County and the developer and abide the terms within;

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- i. Provision for Cost contributions
 - ii. Provision for Endeavor to assist
 - iii. Provision for engineering, road design; storm management and servicing
 - iv. Provision for equitable economic recovery for the saleable lands designated for the road access

Should Leduc County and the developer not come to an agreement the above condition shall no longer be in effect.

Carried Unanimously

Chuck McNutt exited the teleconference.

Proposed Subdivision – Terry Carstairs on behalf of Terry & Gail Carstairs – SH 12-49-25-W4 SD20-047

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Terry Carstairs on behalf of Terry & Gail Carstairs. Staff recommends **refusal** to subdivide a 1.52 ha (3.76 ac) residential parcel from a previously subdivided quarter section with a title area of 12.35 ha (30.52 ac).

HISTORY

The subject lands are located adjacent to Highway 2A and a half mile south of Township Road 492. The quarter section was subdivided prior to 1993 with the most recent subdivision being an 18.90 ha± (46.79 ac±) parcel approved in 2006.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 & 3 soil. Class 2 & 3 are considered Prime Agricultural Lands. An Agricultural Impact Assessment was completed in conjunction with this subdivision application and received a score of 136 points which indicates the proposed subdivision does not align with County policy. The score was due to the fact the proposed subdivision is not the first parcel from this quarter section and residential subdivisions are not supported in Agricultural Area C.

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 for intensive cropping operations and to protect existing and future confined feeding operations. 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). The proposed subdivision represents the fifth parcel out of this quarter section and would result in the creation of six titled lots.

Alberta Health services was referred this subdivision application and responded that for residential developments consisting of 6 or more lots a hydrogeological study and report is recommended to ensure the soils, topography and well water availability are suitable for development and do not create a public health nuisance. This application does not include a hydrogeological study.

Alberta Transportation was referred this subdivision application and responded that the department anticipates minimal impact on Highway 2A, however for future access management requirements, a 30 meter service road right of way is required along the frontage of both the proposed lot and the remainder, via plan



of survey. Appendix A of the attached comments from Alberta Transportation highlights the area that shall be dedicated.

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

Dave Desimone advised:

- Alberta Health Services commented that because of six lots out, a hydrogeological study and report is recommended.
- Alberta Transportation advised 30 meter road right of way required along the frontage of both lots, with remainder via plan of survey.
- On the Proposed Subdivision drawing – confirmed that the property line is 53m out with 30m being caveated.
- Only access to the road.
- Confirmed this is the sixth parcel out. Usually on five parcels or more, there needs to be an internal subdivision road.
- Outside City of Leduc referral area.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Terry Carstairs approached and provided the following information:

- Have resided on the property for 40 years, now by myself and looking for a smaller place to retire.
- Propose a natural severance around the creek.
- Move modular home on and hook up to power and sewer, going with a holding tank.
- This is the only access to the highway
- Might be possible to make the area square going east and north, because it's all low land – but the shape chosen is because of the natural physical cutoff of the creek.
- Ownership of the whole parcel is myself.
- Issue here is access over the railway and to the highway. Alberta Transportation has no problem – would call it a shared driveway.

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

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

Dave Desimone advised:

- Setbacks for the buildings to the north needs to be 7.5 m. If not meeting the setback, could be brought into compliance through a Development Permit.
- Canadian Pacific Railway might have some restrictions on amount of crossings over the railway to highway 2A. Would Canadian Pacific Railway allow applicant to consider another crossing?
- Would Canadian Pacific Railway approve another crossing?
- No referral response was received from Canadian Pacific Railway.

Charlene Haverland advised:



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- Canadian Pacific Railway will not respond back. Typically, they never respond back to a subdivision referral. It's hard to get them to respond to a noise complaint. They are very sticky about access points. Don't anticipate they would allow any more accesses

Rae-Lynne Spila advised:

- Register that piece of the roadway.
- 30 m strip already caveated – do a partial caveat.

Dave Desimone advised:

- Access is an issue – who is responsible for maintaining that. If creek floods, what would happen then.

06-21 – Chair Tanni Doblanko – to **defer** the application to the February 16, 2021 Subdivision Authority meeting to have administration and applicant discuss options for an alternate parcel, and to get some clarifications to insure we are providing the best outcome for the Applicant. Some of the items for clarification to include:

- How wide parcel size is
- Caveat area for dedication of road
- What an alternate subdivision would look like
- Any wisdom applicant can share
- Any obstacles applicant can work through
- Revised revision what panhandle will look like. If quonset doesn't meet setback of 7.5m, can get a variance through a Development Permit.

Pro: Chair Tanni Doblanko and Committee Members Kelly Vandenberghe, Kelly-Lynn Lewis and Glenn Belozer
Con: Ray Scobie

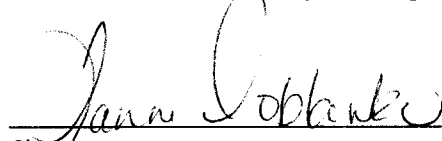
Carried

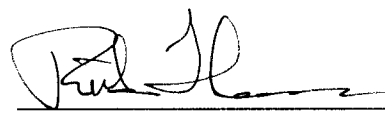
Adjournment

07-21 Committee Member Kelly-Lynn Lewis that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting was adjourned at 2:18 p.m.


Chairman


Secretary