

Subdivision Authority**Agenda***Council Chambers, Leduc County Centre, Nisku, AB****Tuesday, September 21, 2021***

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1. **Order – 1:30 p.m.**
 2. **Adoption of agenda**
 3. **Adoption of previous minutes**
Subdivision Authority Minutes – Thursday, July 15, 2021 ✓
 4. **Subdivision Applications**
 1. SD21-004 - Murray Brunken – SW 14-48-24-W4 ✓
 2. SD21-007 - Manpreet Baraich – NW 28-50-23 W4 ✓
 3. SD21-027 – Shane Ross – SE 18-48-23 W4 ✓
 4. SD21-028 – Jason Levac on behalf of Thomas Rutz & Joy Neufeld -
SW 36-48-25 W4 ✓
 5. SD21-041 – Vernon Ansorger – NW 18-50-23 W4 ✓
 5. **Adjournment**

Delegated Authority Decisions: - July – 3
August – 2

✓ 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.

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Subdivision Authority Minutes

*Council Chambers, Leduc County Centre, Nisku, AB
Tuesday, September 21, 2021*

Order and roll call

The meeting was called to order at 1:30 p.m. on Tuesday, September 21, 2021, by Tanni Doblanko as chair and committee members Kelly Vandenberghe, Glenn Belozar, 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. Laurie Stoetzel, Recording Secretary

There were 6 other individuals who attended the meeting.

Agenda adoption

45-21 Committee Member Kelly-Lynn Lewis – that the agenda for the Tuesday, September 21, 2021 Subdivision Authority be accepted as presented.

Carried Unanimously

Previous Minutes –Thursday, July 15, 2021

46-21 Committee Member Ray Scobie – that the July 15, 2021 Subdivision Authority minutes be accepted as presented.

Carried Unanimously

Proposed Subdivision – Murray Brunken – SW 14-48-24-W4

SD21-004

Mr. Dave Desimone, Senior Planner, Development Services presented an updated staff report with respect to an application by the applicant, Murray Brunken. Staff recommends **refusal** to subdivide a 1.49 ha (3.69 ac) farmstead parcel from a previously subdivided quarter section with a title area of 61.41 ha (151.75 ac).

Discussion

The subject lands are located off Highway 814 and a Highway 616. A 1.86 ha (4.59 ac) parcel was previously subdivided from the southwest corner of the quarter section.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 soil, with Class 2 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 117 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 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

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no more than one subdivision (two titled lots) per quarter section in Agricultural Area C (South Central /East). The proposed subdivision would result in the creation of a third lot in this quarter section, which Planning and Development regards as incremental and unplanned development that should be avoided.

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.

Alberta Transportation responded that should the proposed subdivision be approved, dedication of a 30 meter wide service road, by way of caveat, along Highway 616 from the intersection with Highway 814 to the east end of the subject lands will be required.

One adjacent landowner submitted comments regarding the proposed subdivision. Administration is of the opinion the comments have no bearing on the proposed subdivision.

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

Dave Desimone provided the following information:

- No changes have been made to the recommendations.
- Explained the Municipal Reserve dedication by Caveat which tracks and supports future opportunity for green space.

Chair Tanni Doblanko called upon the applicant, to speak to the subdivision. Murray Brunken provided the following information:

- Nothing new to add.

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

- Was not able to speak to Alberta Transportation. Only way to speak with Alberta Transportation is to appeal the decision.

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

- There were none.

47-21 Committee Member **Ray Scobie** that the application to subdivide a 1.49 ha (3.69 ac) farmstead parcel from a previously subdivided quarter section with a title area of 61.41 ha (151.75 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;
4. Pursuant to Section 14(c) and 15(2) of the Subdivision and Development Regulation, a 30m wide service road right-of-way shall be dedicated, by way of caveat, along the frontage of the title lands adjacent to Highway 616 ;
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

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

Carried

The Subdivision Authority felt that the subdivision of the yard site would not affect the agricultural capacity of the large remnant parcel.

Proposed Subdivision – Manpreet Baraich; Gurpreet Ravpreet - NW 28-50-23 W4

D21-007

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Manpreet Baraich. Staff recommends **refusal** to subdivide a 5.50 ha (13.59 ac) farmstead parcel from a previously subdivided quarter section with a title area of 32.37 ha (80 ac).

Discussion

The subject lands are located a half mile north of Highway 625 and Range Road 234. The subject lands were first subdivided in 1978 into two equal parcels of 32.4 ha (80.0 ac). The north 80 acres of the quarter section was further subdivided into two 40 acre parcel in 1994.

According to the Municipal Development Plan the subject lands are located within the Country Residential area where policies are aimed to provide rural living opportunities and lands designated Country Residential in this area will continue to accommodate this type of development. Policy 4.5.1.2 of the Municipal Development Plan stipulates one or more Area Structure Plans will be prepared to guide subdivision and development of the Country Residential area and promote interconnected neighbourhoods, transportation and stormwater infrastructure, drainage patterns, natural areas, and wildlife habitats. Leduc County is currently underway in the development an Area Structure Plan for this area, however, it has not been completed at this time.

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Leduc County Public Works & Engineering commented on the proposed subdivision that a drainage plan would be required to demonstrate the stormwater can be managed and any recommended easements be included.

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

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

Dave Desimone provided the following information:

- Drainage plan would only be required when house is built and not for remnant parcel
- Accesses are paved and there are no issue for now.
- Yard site is less than 3 ac.

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

- Resides on the yard site which is roughly 7 ac.
- There are 3 parties on title and would like sister and brother-in-law to have separate title.
- Plans to build new house on proposed lot which will have engineered landscaping.
- Drainage plan would be provided at building stage.
- Remnant parcel would go to family members and will remain farmed.
- Had previously appealed subdivision refusal in 2017. Highway 625 required upgrades (turning lanes) which were completed in 2018

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

- There were none.

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

- There were none.

48-21 Committee Member **Kelly Lynn Lewis** that the application to subdivide a 5.50 ha (13.59 ac) farmstead parcel from a previously subdivided quarter section with a title area of 32.37 ha (80 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;

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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 655(1)(a) of the Municipal Government Act, prior to Leduc County's endorsement of the subdivision, the applicant/owner shall provide a drainage plan for the newly created lot and implement any drainage easements/instruments to the satisfaction of Leduc County;
5. Pursuant to Section 669(1) of the Municipal Government Act, existing Municipal Reserves in the amount of 3.237 ha (8.0 ac) be deferred against the title of the larger remnant parcel; and
6. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro: Kelly-Lynn Lewis, Kelly Vandenberghe, Glenn Belozar and Ray Scobie

Con: Tanni Doblanko

Carried

The Subdivision Authority felt that the subdivision of the yard site would not affect the agricultural capacity of the remnant parcel.

Proposed Subdivision – Shane Ross – Plan 0220255, Block 1, Lot 1 (SE 18-48-23 W4)

SD21-027

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Shane Ross. Staff recommends **refusal** to subdivide a 3.97 ha (9.81 ac) and a 4.20 ha (10.38 ac) residential parcel from a previously subdivided quarter section with a title area of 16.40 ha (40.53 ac).

Discussion

The subject lands are located off Range Road 235 and Highway 616. The quarter section was subdivided into two parcels in 1999.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 5 soil. 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 128 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 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 would result in the creation of the second and third lots (four titled areas) in this quarter section, which Planning and Development regards as incremental and unplanned development that should be avoided.

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 three adjacent landowner comments received objecting to the proposed subdivision including:

- The loss of farmland
- The increase in residential development which conflicts with the rural lifestyle
- The potential increase of traffic, noise, congestion in the agricultural area
- The proposed subdivision being counter to Leduc County policies and regulations

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

Dave Desimone provided the following information:

- Confirmed soil classification 5 is correct.
- Confirmed that Range Road 235 is a dead end road.
- Plan was revised to allow for approach to yard site to remain with remnant parcel.

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

- Land is being hayed and has been hayed for many years. The land slopes down to the coulee and is hilly with poor soil.
- Has 4 horses and still has to buy hay.
- Initial subdivision was applied for but did not want to upgrade road to County standards.
- Road is 850m in length and dead ends.
- Leases undeveloped road allowance and had it fenced.
- Adjacent landowner Mr. Gatzke, farmed the land at one time. His concerns are not relevant for traffic increase and peacefulness.
- Supports and is a member of the Waskaeghan Trail Association.
- Enjoys the peace and quiet.
- Wants to protect the coulee.

49-21 Committee Member **Kelly Vandenberghe** that the application to subdivide a 3.97 ha (9.81 ac) and a 4.20 ha (10.38 ac) residential parcel from a previously subdivided quarter section with a title area of 16.40

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ha (40.53 ac) be **deferred** to the November 16, 2021 Subdivision Authority meeting to allow the applicant to speak to his neighbors.

Carried Unanimously

**Proposed Subdivision – Jason Levac on behalf of Thomas Rutz and Joy Neufeld –
SW 36-48-25 W4**

SD21-028

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicants. Staff recommends **refusal** to subdivide one 2.07 ha (5.12 ac) residential parcel from a previously subdivided quarter section of 32.37 ha (80 ac).

Discussion

The subject lands are located off of Range Road 251 and a half mile south of Township Road 490. The quarter section has been previously subdivided into two 80 acre parcels.

The Agricultural Land Suitability Rating indicates the subject land consists of a mix of soil classes ranging from Class 2 – Class 5. Class 2 and 3 are considered Prime Agricultural Lands. An Agricultural Impact Assessment was completed and the proposed application received a score of 148. 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.

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

Member Kelly Vandengerghé advised that his property is adjoining the proposed parcel and has no pecuniary interest in the applicant's parcel.

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

Dave Desimone provided the following information:

- Restrictions of residential subdivisions.
- Parcel size would restrict sewage disposal system.
- Drainage should not be an issue. Water not crossing through property lines.

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

- Trying to hay the property but not very productive. Alkalide soil so crops do not grow.
- Running cow/calf operation on remnant with only enough hay for 15 head.
- Cousin would like to help with the farming in exchange for title of the property. Both work full time and would appreciate the help.
- Looking at bringing services in.

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

Dave Desimone advised that the land classification rating data is very high level that take in large plots of land.

50-21 Committee Member **Kelly Vandenberghe** that the application to subdivide one 2.07 ha (5.12 ac) residential parcel from a previously subdivided quarter section of 32.37 ha (80 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, existing Municipal Reserves in the amount of 3.237 ha (8.0 ac) be deferred against the title of the larger remnant parcel; and
4. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

The Subdivision Authority felt that the soil rating of class 5 limits the agricultural capacity of the land for crops but is sufficient for residential development.

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Proposed Subdivision – Vernon & Kathryn Ansorger – NW 18-50-23 W4

SD21-041

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicants. Staff recommends **refusal** to subdivide a 4.65 ha (11.48 ac) residential parcel from a previously subdivided quarter section with a title area of 32.37 ha (80 ac).

Discussion

The subject lands are located off of Range Road 240 and a half mile north of Township Road 502. 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 Soil which is considered Prime Agricultural Lands. An Agricultural Impact Assessment was completed and the proposed application received a score of 158. 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 B. North Central where the policies intend to conserve large, contiguous tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping operation. Policy 4.3.1.6 stipulates there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area B. North Central. 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 4.3.1.5 states subdivision shall be limited to a Physical severance or Farmstead subdivision in Agricultural Area B. North Central. Administration is of the opinion the proposed subdivision does not meet the policies of Agricultural Area B 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.

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:

- No potential for flooding in the area.

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

- Purchased this property in 2021 but has farmed for 40 years.
- No water issues on the parcel. Water to the north drains westward.
- No significant impact to take parcel out.
- East side is ideal for building site and would continue to farm the agricultural land once house is built.
- Children will have own title and mortgage.
- If application not approved they will build house regardless.

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

- Parcel is for daughter who will build house whether approved or not.
- Once house and driveway are built will farm the rest. Easy area to farm, good to turn equipment around.
- Does not like to take agricultural land out of production.
- Will farm over half of the subdivision.

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

- There were none.

51-21 Committee Member **Kelly-Lynn Lewis** that the application to subdivide a 4.65 ha (11.48 ac) residential parcel from a previously subdivided quarter section with a title area of 32.37 ha (80 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, existing Municipal Reserves in the amount of 3.237 ha (8.0 ac) be deferred against the title of the larger remnant parcel; and
4. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro: Glenn Belozzer, Ray Scobie and Kelly-Lynn Lewis

Con: Tanni Doblanko and Kelly Vandenberghe

Carried

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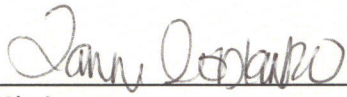
The Subdivision Authority felt that the subdivision of the yard site would not affect the agricultural capacity of the large remnant parcel.

Adjournment

52-21 Chair Tanni Doblanko that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting was adjourned at 2:48 p.m.



Chairman



Secretary