



Subdivision Authority

Agenda

Council Chambers, Leduc County Centre, Nisku, AB

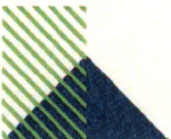
Tuesday, February 16, 2021

1. Order – 1:30 p.m.
2. Adoption of agenda
3. Adoption of previous minutes
Subdivision Authority Minutes – Tuesday, January 19, 2020 ✓
4. Subdivision Applications ✓
 1. SD20-044 – Peter Brouer & Robert Grigat – SW 16-48-24 W4
 2. SD20-047 – Terry Carstairs on behalf of Terry & Gail Carstairs – SW 12-49-25-W4 ✓
 3. SD20-048 – Mark Ziegler on behalf of MRZ Holdings Ltd. – SW 21-48-23 W4
 4. SD20-049 – Nick Morgan on behalf of Caemorgan Farms Ltd. – NE 12-49-2 W5
 5. SD20-053 – Jordan Widmer on behalf of Tuboscope Vetco Canada Inc. SW 30-50-24 W4
5. Adjournment

Delegated Authority Decisions: - January - 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.



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Subdivision Authority Minutes

*Council Chambers, Leduc County Centre, Nisku, AB
Tuesday, February 16, 2021*

Order and roll call

The meeting was called to order at 1:30 p.m. on Tuesday, February 16, 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. Rae-Lynne Spila, Senior Municipal Engineer
- Mr. Kent Pudlowski, Manager – Information Management and Technology
- Mrs. Laurie Stoetzel, Recording Secretary

There was 1 other attendee.

Agenda adoption

08-21 Committee Member Glenn Belozar – that the agenda for the Tuesday, February 16, 2021 Subdivision Authority be accepted as presented

Carried Unanimously

Previous Minutes – Tuesday, January 19, 2021

09-21 Committee Member Ray Scobie – that the January 19, 2021 Subdivision Authority minutes be accepted as circulated.

Carried Unanimously

Proposed Subdivision – Peter Brouer & Robin Grigat – SW 16-48-24 W4

SD20-044

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Peter Brouer on behalf of Peter Brouer and Robin Grigat. Staff recommends refusal to subdivide a 1.26 ha (3.1 ac) farmstead parcel from a previously subdivided quarter section with a title area of 61.92 ha (153.01 ac).

HISTORY

The subject property is a previously subdivided quarter section used for agricultural purposes located northeast of the intersection between Highway 616 and Range Road 244. The proposed parcel is located off Range Road 244 and existing development consists of a dwelling, detached garage and a barn.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 soil, which is considered Prime Agricultural Land. The applicant completed an agricultural impact assessment to determine if the

proposed subdivision would adversely affect existing or future agricultural activities onsite and in the surrounding area. The assessment considers how many parcels have already been subdivided out of the subject quarter section; the shape, size and location of the proposed parcel; soil productivity of the land proposed be subdivided; and proximity to other farmstead or residential parcels. 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 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.

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 and there were none.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Peter Brouer, via teleconference, advised that he had nothing further to add.

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

Mr. Brouer advised that his intention is to sell the proposed parcel and not have renters.

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

10-21 Chair Tanni Doblanko that the application to subdivide a 1.26 ha (3.1 ac) farmstead parcel from a previously subdivided quarter section with a title area of 61.92 ha (153.01 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 669(1) of the Municipal Government Act, Municipal Reserves in the amount of 6.192 ha (15.03 ac) be deferred against the title of the larger remnant parcel; and
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

The Subdivision Authority felt that they are not taking land out of production and would allow the existing residential area to be retained and allow agricultural production of the farm land.

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

This application 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) was brought to the January 19, 2021 Subdivision Authority Committee. The application was deferred to the February 16, 2021 meeting to have administration and the applicant discuss options for an alternative parcel.

UPDATE

At the January 19, 2021 Subdivision Authority meeting a motion was approved to defer the application in order for the applicant to work with administration in order to explore:

- How wide the parcel size is along the driveway
- Revise the sketch to visualize what a panhandle will look like. Determine if the quonset does meet the Land Use Bylaw setback of 7.5m.
- Have a sketch illustrating what the Caveat area for dedication of road will be
- What an alternate subdivision may look like

Administration provides the following to the Subdivision Authority questions:

- The width of the proposed parcel at the narrowest point is approximately 10m wide, as indicated on the revised tentative plan.
- A survey will be required by a licensed surveyor in which we can condition for the surveyor to ensure the applicant meets the required setback from the quonset.
- Administration supports the 20m wide service road dedication as per Alberta Transportation requirements. A sketch is included illustrating the road dedication.
- The applicant was not supportive of pursuing an alternate design.

Administration supports the tentative plan as is in regards to layout, however policy still remains the same therefore administration maintains the recommendation for refusal of the proposed subdivision.

INTENT

This application proposes 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.

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 that:

- The access road is 10m at the narrowest point;
- The buildings could not meet the setback requirements;
- Right of Way dedication will be caveated at 20m
- The subdivision should follow the natural features of the creek and lands.

Rae-Lynne Spila advised that:

- The access is to be built along caveated lands. Service road will be built to have 1 access rather than 2 or 3.

Dave Desimone advised that:

- A hydrogeological study was not provided. Alberta Health Services requested the study and applicant was advised that is a recommended practice and should be done but is not a specific requirement of the current policy.

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

- CPR maintenance has no problem with the approach.
- Driveway would be surveyed out and shared by 2 homes.
- Will ask for a setback variance for the shop.
- Parcel to be surveyed along the creek.
- Parcel is not used for farming. Balance of land is farmed.

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.

11-21 Committee Member Kelly Vandenberghe that the application 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) 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 655(1)(i) of the Municipal Government Act, the applicant/owner shall contribute \$8,741.25 for proposed lot for future surfacing of roadways within the Rural Roads Surfacing Contribution area;
5. Pursuant to Section 669(1) of the Municipal Government Act, existing Municipal Reserves in the amount of 1.235 ha (3.052 ac) be further deferred against the title of the larger remnant parcel;

6. Pursuant to Section 14(c) and 15(2) of the Subdivision and Development Regulation, a 20m wide service road right-of-way shall be dedicated by caveat across the highway frontage of the newly created and remnant parcel; and
7. The subdivision be registered pursuant to Alberta Land Titles requirements.

The Subdivision Authority felt that the proposed parcel has not been cultivated and does not remove any agricultural production and that the creek provides a natural severance.

Carried Unanimously

Proposed Subdivision – Mark Ziegler on behalf of MRZ Holdings Ltd. – SW 21-48-23 W4 SD20-048

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Mark Ziegler on behalf of MRZ Holdings Ltd. Staff recommends approval to subdivide a 9.15 ha (22.6 ac) farmstead parcel from an unsubdivided quarter section with a title area of 65.15 (161.0 ac).

HISTORY

The subject property is an unsubdivided quarter section located immediately northeast from the intersection of Township Road 483 and Range Road 234. The proposed parcel is located in the southwest corner of the subject quarter section and includes an existing dwelling. The west half of the proposed parcel contains a stand of mature trees and two small wetlands. A larger wetland occupies approximately 50 percent of the east half of the proposed lot.

DISCUSSION

The Agricultural Land Suitability Rating System indicates that the subject lands consists of a mix of Class 2 and Class 5 soils. Class 2 soils are considered Prime Agricultural Land and the Class 5 designation corresponds to lands containing soils with excess water. Administration estimates that at least 25 percent of the proposed parcel is under the Class 5 designation. The applicant completed an agricultural impact assessment to determine if the proposed subdivision would adversely affect existing or future agricultural activities onsite and in the surrounding area. The assessment considers how many parcels have already been subdivided out of the subject quarter section; the shape, size and location of the proposed parcel; soil productivity of the land proposed be subdivided; and proximity to other farmstead or residential parcels. The applicant's assessment returned a score of 52 indicating that the proposed subdivision is aligned 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. According to Section 4.3.1.7 of the Municipal Development Plan, subdivision is limited to a physical severance or a farmstead subdivision. Additionally, in accordance with Section 4.3.1.8 there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area C (South Central /East). The proposed farmstead subdivision would result in the creation of the first parcel out of the subject quarter section.

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The Municipal Development Plan defines a Farmstead subdivision as the subdivision of an existing farmstead from a quarter section. The Farmstead subdivision shall not exceed 1 ha (2.47 ac) in size unless a larger lot is required to accommodate the location of existing buildings or shelterbelts associated with the residential use of the parcel. Administration has considered the size and shape of the proposed parcel and estimates that the 1.58 ha (3.9 ac) parcel depicted in Exhibit 2 is sufficient to capture the existing dwelling, access and driveway, while providing for sufficient space to meet the required side and rear yard setback distances. Administration is of the opinion that the requested 9.15 ha (22.6 ac) parcel is too large and may be the subject of further subdivision in the future if approved.

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 landowner comments received regarding the proposed subdivision application.

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

Dave Desimone advised that the applicant was agreeable to the proposed farmstead lot of 22 ac being reduced to 3.89 ac.

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

- The proposed 22 ac lot restricts access to water for cattle.
- Not able to make a road to the back half for farming equipment.
- The application was made on the request of the current renters
- Upon further review of the application, both the original and staff recommendation for reduced size; the proposed subdivision presents problems for the landowner's agriculture operation and now requests the application be refused.

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.

The Subdivision Authority gave the option to the applicant to defer his application so he may contemplate withdrawing the subdivision application. The applicant requested the Subdivision Authority to consider refusing the original application at the current meeting

12-21 Committee Member Kelly Vandenberghe that the application to subdivide a 9.15 ha (22.6 ac) farmstead parcel from an unsubdivided quarter section with a title area of 65.15 (161.0 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 4.3.1.7 states to conserve large, contiguous tracts of prime agricultural land with minimal fragmentation primary for intensive cropping operation and to protect existing and future confined



feeding operations in Agricultural Area C. South/Central, subdivision shall be limited to a: Physical Severance; or b. Farmstead subdivision.

Carried Unanimously

Proposed Subdivision – Nick Morgan on behalf of Caemorgan Farms Ltd. – NE 12-49-2 W5 SD20-049

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Nick Morgan on behalf of Caemorgan Farms Ltd. Staff recommends **approval** to subdivide a 3.78 ha (9.34 ac) residential parcel from an unsubdivided quarter section with a title area of 64.75 ha (160 ac).

HISTORY

The subject lands are located off Township Road 492 and Range Road 20. The quarter section is unsubdivided.

DISCUSSION

The Agricultural Land Suitability Rating of the subject lands ranges from Class 2 to Class 4, with climate being the largest constraint. An Agricultural Impact Assessment was completed in conjunction with this subdivision application and received a score of 97. A score of 60 or less indicates the proposed application may align with County policy. Points were received due to the size of the proposed parcel being larger 1 ha (2.47 ac) in size and the relatively high agricultural capability of the lands.

The subject lands are located in Agricultural Area A: West of 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). It is for this reason administration recommends the approved subdivision be reduced in size to 2.88 ha± (7.12 ac±), as shown in 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 advised that the location and design of the proposed lot will encompass shelter belt.

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

- There is an old farmyard and corrals on the west side of the trees
- Has farmed the land for 20 years. Land is very rocky.



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

Dave Desimone advised that the reason this application for a first parcel out of the quarter section came to the Subdivision Authority was that administration recommended the parcel be reduced in size.

13-21 Committee Member Ray Scobie that the application to subdivide a 3.78 ha (9.34 ac) residential parcel from an unsubdivided quarter section with a title area of 64.75 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. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

**Proposed Subdivision – Greg Jorgenson on behalf of Tuboscope Vetco Canada Inc. -
SW 30-50-24 W4**

SD20-053

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Jordan Widmer on behalf of Tuboscope Vetco Canada Ltd.. Staff recommends approval to subdivide a 26.9 ha (66.47 ac) parcel for industrial use from an unsubdivided quarter section with a title area of 61.57 ha (152.14 ac).

HISTORY

The subject lands are located adjacent to Highway 625 and 9th Street (future Spine Road). The quarter section is un-subdivided and falls within the Nisku Area Structure Plan.

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 subdivision requires a dedication of a 30 meter wide service road right of way along the entire quarter section frontage adjacent to 9th Street (future Spine Road). Access to the proposed and remnant parcel will via construction of a service road within the right-of-way dedication. The extent of the roadway construction within the right of way to provide access to the proposed and remnant lot will be determined with the conditions of a development agreement.

Section 663(a) of the Municipal Government Act stipulates when one lot is to be created from a quarter section of land, municipal reserves are not required.

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 that the comments by Public Works & Utilities has been discussed with the applicant.

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

- 2 accesses off 9th Street and would require extra road right of way. If crane way had to be moved, this would render the building useless for that purpose.
- The property uses holding tanks for sewage disposal. Condition #3 would have to be removed to hook up waste water disposal to Municipal Services at the expense of the landowner.

Rae-Lynne Spila advised that:

- North end of the road to be caveated out for future widening of Spine Road (6 lanes). Currently not going to be needed and they can use crane way until the widening of the Spine Road (20 years).
- All holding tanks are to be removed and hooked up to Municipal Services pursuant to bylaw.
- The applicant request a deferral so they may review the conditions of the approval

14.21 Committee Member Kelly Vandenberghe that the application to subdivide a 26.9 ha (66.47 ac) parcel for industrial use from an unsubdivided quarter section with a title area of 61.57 ha (152.14 ac) be deferred to the March 16, 2021 Subdivision Authority meeting.

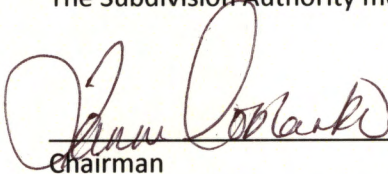
Carried Unanimously

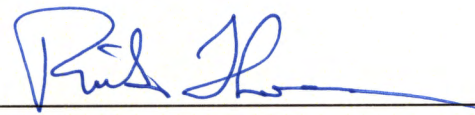
Adjournment

15-21 Committee Member Ray Scobie that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting was adjourned at 2:25 p.m.


Chairman


Secretary