

Subdivision Authority

Agenda

Council Chambers, Leduc County Centre, Nisku, AB

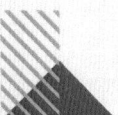
Tuesday, January 18, 2022

1. Order – 1:00 p.m.
2. Adoption of agenda
3. Adoption of previous minutes
Subdivision Authority Minutes – Tuesday, November 16, 2021 ✓
4. Subdivision Applications
 1. SD21-054 – Perry & Kim Kelemen – NE 26-48-26 W4 ✓
 2. SD21-056 – Dean & Nicole Payne – NE 17-48-26 W4 ✓
5. Meeting date for March 2022 Subdivision Authority Committee
6. Adjournment

Delegated Authority Decisions: November – 4
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 18, 2022*

Order and roll call

The meeting was called to order at 1:00 p.m. on Tuesday, January 18, 2022, by committee member Kelly Vandenberghe as Co-Chair with committee members Glenn Belozar, Rick Smith and Ray Scobie present. Chair Tanni Doblanko was absent.

Other attendees:

- Mr. Rick Thomas, Secretary of Subdivision Authority
- Mrs. Charlene Haverland, Manager of Development Services
- Mrs. Adele Pysar, Recording Secretary

There were 5 other individuals who attended the meeting.

Agenda Adoption

06-22 Committee Member Rick Smith that the agenda for the Tuesday, January 18, 2022 Subdivision Authority be accepted as presented. Rick Thomas advised there was one additional adjacent landowner letter submitted for both subdivisions.

Carried Unanimously

Previous Minutes – Tuesday, November 16, 2021

07-22 Committee Member Glenn Belozar that the November 16, 2021 Subdivision Authority minutes be accepted as presented.

Carried Unanimously

Proposed Subdivision – Perry & Kim Kelemen – NE 26-48-26 W4

SD21-054

Mrs. Charlene Haverland, Manager, Development Services presented a staff report with respect to the application by the applicant Perry Kelemen on behalf of Perry & Kim Kelemen. Staff recommends **refusal** to subdivide a 4.13 ha (10.21 ac) residential parcel from a previously subdivided quarter section of 32.37 ha (80) ac.

Discussion

The subject lands are located off Range Road 261 and a half mile north of Township Road 484. The quarter section was previously subdivided into two 80 acre parcels.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 and 5 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 161 which indicates that the proposed subdivision does not accord with planning policy, receiving a high score due to the proposed parcel being the second parcel from this quarter section and being a residential parcel which is not supported under the policies of Agricultural Area C.

(Handwritten signature)

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 second 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 in response to the proposed subdivision.

Co-Chair Kelly Vandenberghe asked if Committee Members had any comments or questions for administration.

- Charlene Haverland advised there is an error in the report – subject lands consist of class 2 and 3 soils not class 2 and 5 soils.

Co-Chair Kelly Vandenberghe called upon the applicant to speak to the subdivision. Perry & Kim Kelemen approached and provided the following information:

- applicant inquired re letter that came in late from an additional adjacent landowner. Charlene Haverland read out the full letter.
- Rick Thomas presented copies to the applicants of both subdivision files on the agenda.
- applicant made a comment about this additional letter not being received before the December 15th, 2021 deadline. We know these people supported another neighbor that subdivided a parcel out.
- requesting an exemption of 10 acre parcel
- have lived on this parcel of land for 29 years
- would like to provide this 10 acre lot to our son and his family
- type of soil class might be a 2, but would question if the east side would fall in that category
- reason we do not feel it is class 2, there are rocks, a lack of top soil and poor drainage. Because of the rocks, farming would be a challenge or for decent pasture
- Reason for the 10 acre parcel size is it is our son's intent to build a home on northwest side, keep the tree line for shelter as well as riding arena, leaving balance open for pasture
- family has been in the horse industry for 50 years
- want to be prepared for when we might have to move off the property. As we age, would be a great benefit having our son and family living close to us, to be able to help out when needed and for child care.
- have three letters of support from adjacent landowners
- I too was raised with my parents living on the farm
- Will always have access to back of property
- cultivated land on west side of property, no topsoil on east side



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- as to not limit future growth, this parcel size of 10 ac was decided upon

Taylor Kelemen, son, added a few points:

- grew up in county and now wants to raise a family here
- this subdivision will allow us to help my parents as need
- currently have 2 horses there, but have had horses growing up
- have everything available to proceed to build
- received preapproval mortgage, but if land not in my name, will not qualify for mortgage

Co-Chair Kelly Vandenberghe asked if Committee Members had any further comments or questions for the applicant:

- Perry Kelemen believes a pump out septic system or field would qualify on this property, but will have to meet code requirements. A water well will fit on this 10 acres as well

Co-Chair Kelly Vandenberghe asked if Committee Members had any further comments or questions for administration. Charlene Haverland provided the following information:

- There is no exception program regarding subdivisions in the County. Speaking in terms of the subdivision does not meet policy; therefore, the Development Authority must recommend refusal
- Alberta Land Surveyors provide soil ratings in the County. If there is a discrepancy, the landowner can speak to our Assessment Department and have it relooked at.
- Confirmed there are three letters of support and one not to support this subdivision.
- Rick Thomas advised we ask that adjacent landowner comments be submitted within a certain time. Letters take their own merit. The Subdivision Authority has the authority to accept them. They are not included in the minutes, but they are part of the decision process.
- Charlene Haverland explained the meaning of potential approval conditions 1 and 4 to the applicants.

08-22 Committee Member **Glenn Belozor** that the application to subdivide a 4.13 ha (10.21 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 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 3.237 ha (8.0 ac) be deferred by caveat 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 did not feel any good agricultural land was being taken out of production.

4 people exited the meeting

Meeting recessed for a brief break.

Proposed Subdivision – Dean & Nicole Payne – NE 17-48-26 W4

SD21-056

Mrs. Charlene Haverland, Manager of Development Services, presented a staff report with respect to the application by the applicant Dean Payne on behalf of Dean & Nicole Payne. Staff recommends **refusal** to subdivide a 2.02 ha (4.99 ac) residential parcel from a previously subdivided quarter section of 32.37 ha (80.00 ac).

Discussion

The subject lands are located off Range Road 264 and a half mile north of Township Road 482. The quarter section was previously subdivided into two 80 acre parcels.

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 158 due to the proposed parcel being the second parcel from this quarter section and being a residential parcel which is not supported under the policies of 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 would result in the creation of a second 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 in response to the proposed subdivision



**Subdivision Authority –
Tuesday, January 18, 2022 - 6 -**

Co-Chair Kelly Vandenberghe asked if Committee Members had any comments or questions for administration.

- in the middle of this proposed lot there seems to be a water body. Charlene Haverland advised she is not familiar with property and did not do a site inspection.

Co-Chair Kelly Vandenberghe called upon the applicant to speak to the subdivision. Dean Payne approached and provided the following information:

- own the whole quarter and farm it
- what appears to be a waterbody is not an actual body of water just low land where a dugout was put
- limiting subdivision to encompass lower land
- son looking to move from town to country to be able to help out on the family farm
- this proposed parcel of land is just enough. It has never been farmed. Grain bins on proposed parcel
- tried to make subdivision as small as possible
- if it would assist in approval, could squeeze down a little more making it to a 4 acre parcel
- best spot on the property for the subdivision

Co-Chair Kelly Vandenberghe asked if Committee Members had any further comments or questions for the applicant:

- the house would be put between the dugout and grain bins where the land is higher
- recommending to keep the parcel size as it is. The smaller the lot, the more challenging it can be for a septic system.
- great place to build a home and bring another family to Leduc County. We are protecting farm life by allowing a young family to move back to the country, and assist in the farming operation of this parcel of land.

Co-Chair Kelly Vandenberghe asked if Committee Members had any further comments or questions for administration:

- Charlene Haverland advised anytime a subdivision is approved which contains swampy area, there could be additional expenses such as a geotechnical report being required for any development permit

09-22 Committee Member **Rick Smith** that the application to subdivide a 2.02 ha (4.99 ac) residential parcel from a previously subdivided quarter section of 32.37 ha (80.00 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;

**Subdivision Authority –
Tuesday, January 18, 2022 - 7 -**

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 3.237 ha (8.0 ac) be deferred by caveat 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 this subdivision allows for additional population, in this case the son and his family moving into Leduc County. Also not removing any large tract of agricultural land out of the farming operation.

Date for March 2022 Subdivision Authority Meeting

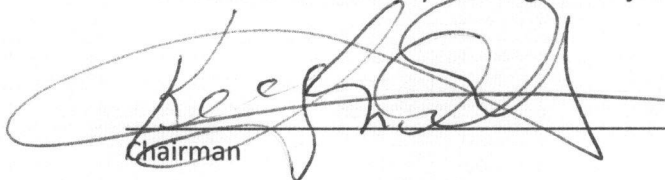
Rick Thomas advised the subdivision authority date of March 15, 2022 is conflicting with some members of the Subdivision Authority. The meeting date was changed to March 17, 2022 at 1:00 pm in the afternoon.

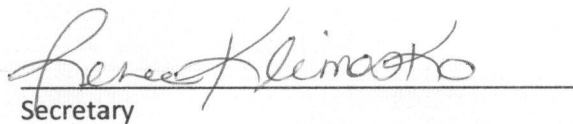
Adjournment

10-22 Committee Member Ray Scobie that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting was adjourned at 1:58 p.m.


Chairman


Secretary