



Subdivision Authority

Minutes

Council Chamber, Leduc County Centre, Nisku, AB

Tuesday, August 16, 2022

Order and roll call

The meeting was called to order at 1:30 p.m. on Tuesday, August 16, 2022, by committee member Tanni Doblanko as Chair with committee members Rick Smith, Kelly Vandenberghe, Glenn Belozar and Ray Scobie present.

Other attendees:

- Mrs. Renee Klimosko, Secretary of Subdivision Authority
- Mr. Dave Desimone – Senior Planner
- Ms. Kala Raymond – Planner
- Mrs. Laurie Stoetzel, Recording Secretary

There were 6 other individuals who attended the meeting.

Agenda Adoption

26-22 Committee Member Glenn Belozar that the agenda for the Tuesday, August 16, 2022 Subdivision Authority meeting be accepted as presented.

Carried Unanimously

Previous Minutes – Tuesday, June 21, 2022

27-22 Committee Member Rick Smith that the June 21, 2022 Subdivision Authority minutes be accepted as presented.

Carried Unanimously

Proposed Subdivision – Friedrich and Chris Grab – NW 3-49-25 W4 – Roll 1291000

SD22-003

Mr. Dave Desimone, Senior Planner of Development Services presented a staff report with respect to the application by the applicants Friedrich and Chris Grab. Staff recommends refusal to subdivide one 4.43 ha (10.87 ac) residential parcel from a previously subdivided quarter section of 32.35 ha (79.94 ac).

Discussion

The subject lands are located off Range Road 253 and Township Road 490. The quarter section was previously subdivided into two 80 ac parcels.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 3 and 4 soil, with Class 3 considered Prime Agricultural Land. An Agricultural Impact Assessment was completed with the subdivision application to determine if the proposed subdivision would adversely affect existing or future agricultural activities onsite and in the surrounding area. The applicant's assessment returned a score of 161 which indicates that the proposed subdivision does not accord with planning policy. The score is attributed to the

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proposed parcel representing the second parcel from this quarter section and the large size for a residential parcel.

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 policies 4.3.1.7 and 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) and the types of subdivision are limited to either a farmstead subdivision or physical severance. The proposed subdivision is for a residential parcel, which is not supported in Agricultural Area C, and 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 received regarding this proposed subdivision.

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

There were none.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Chris, Rudy and Barret Grab approached and Chris Grab provided the following information:

- Desire to preserve farmland for future generations
- Strong farming background, live stock, farm land is rented out for haying
- Have resided on the property since 2006
- For the past 35 years, have successfully raised Nigerian Dwarf goats that are shipped and sold across Canada. The Alberta director for Canadian Nigerian Dwarf society
- Barret has expressed interest to be on the land with his growing family and is actively involved with the farm
- Not only raising livestock but will grow specialty crops
- Beneficial to stay on the farm and actively farm for as long as possible
- Barret will help on the farm and pursue a more affordable lifestyle
- The larger parcel gives Barret land to grow crops
- One-third of the farm land is in a flood plane and floods in the spring
- Suitable for summer pasture

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

- 40 acres behind the trees is rented out to neighbor. Proposed lot has been in canola and this year in hay
- Proposed parcel does not cross pipeline right-of-way.
- Small area will not be a problem to work in
- There is a gate access at the pipeline right-of-way and there is a road going into the lot.

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

There were none.

28-22 Committee Member Kelly Vandenberghe that the application to subdivide one 4.43 ha (10.87 ac) residential parcel from a previously subdivided quarter section of 32.35 ha (79.94 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, the applicant/owner shall provide access to each lot created. Access shall be approved and built to Leduc County standards;
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 10% of the title area, 3.235 ha (7.994 ac), be deferred against the remnant parcel;
5. The subdivision be registered pursuant Alberta Land Titles requirements.

Carried Unanimously

As the applicants indicated that the land would continue to be used for agricultural activities, the Subdivision Authority Committee felt that the agricultural land will be preserved through the subdivision.

Proposed Subdivision – Darryl and Gisele Viau – Plan 0924909, Block 1, Lot 41
(SE 29-50-23 -W4) – Roll 5713040

SD22-016

Mr. Dave Desimone, Senior Planner of Development Services presented a staff report with respect to the application by the applicants Darryl and Gisele Viau. Staff recommends **approval** to subdivide one 1.22 ha (3.01 ac) country residential parcel from a previously subdivided parcel of 3.03 ha (7.51 ac).

Discussion:

The subject lands are located in Copper Creek which is located at Range Road 234 and a half mile north of Highway 625. The Copper Creek subdivision was approved in 2007 and incorporated the 80 acres on the south half of NE 29 50 23 4 and 80 acres on the north half of SE 29 50 23 4, comprising 35 lots in total. The lands subject of the current subdivision application was developed with a single family dwelling, built in 1997. In 2007, when the subdivision for Copper Creek was approved, the existing lands were incorporated into the rest of the subdivision.

Copper Creek is districted RC – Country Residential and there are currently 16 lots within the south 80 acres of this subdivision as part of the SE 29-50-23-W4. Policy 4.5.1.4 of the Municipal Development Plan stipulates Country Residential developments must not exceed 50 lots per quarter section. The proposed subdivision represents the 17th lot within this quarter section.

Regulation 10.1.4 of the Leduc County Land Use Bylaw 7-08 stipulates the sizes for new residential lots in the Country Residential District should be minimum 1 ha (2.47 ac) and maximum 4.0 ha (9.88 ac). The proposed lot is 1.22 ha (3.01 ac) in size.

A drainage plan was included in the proposed application. Administration has reviewed and approved the plan and concludes the proposed application for an additional country residential lot is suitable for development.

Four (4) adjacent landowners responded to the subdivision referral. The responses indicate that while they are not opposed to the subdivision, they would like to see the property be subject to the existing restrictive covenants and architectural controls as the other lots in the existing subdivision.

In 2007, when the Copper Creek subdivision was developed, the developer registered restrictive covenants on all the undeveloped lots to include architectural controls on the style, size and characteristics of the future proposed dwellings. Due to the lands subject of this subdivision application having been already developed, there is no restrictive covenant registered for architectural controls, and by extension the newly proposed lot will have no enforceable architectural controls outside of the regulations for the RC – Country Residential District in the Leduc County Land Use Bylaw 7-08. The development authority does consider the characteristics of adjacent lands when reviewing development permit applications. Should the applicant wish to register similar architectural controls on the newly created lot, they may do so at their discretion.

Chair Tanni Doblanko asked if Committee Members had any comments or questions for administration. Dave Desimone provided the following information:

- Drainage plan was reviewed. No deficiencies that we are aware of, no flooding reports
- Any risk in the low areas will be addressed at the development permit stage
- Primarily the subdivision is suitable for its intended use. Any issues with potable water etc. will also be dealt with at the development permit stage
- Only the 4 letters from adjacent landowners were received

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

- There is seasonal water in the low area. There is a pond. No flooding issues
- Will be registering the same restrictive covenants and architectural controls regarding the style, size and characteristics of the future proposed dwelling that was registered on the existing subdivision
- Originally intended for son to develop but he is no longer interested so lot is being subdivided and sold

29-22 Committee Member Rick Smith that the application to subdivide a 1.22 ha (3.01 ac) country residential parcel from a previously subdivided parcel of 3.03 ha (7.51 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 655(1) of the Municipal Government Act, a restrictive covenant shall be registered against the newly created lots prohibiting potable water from any well on the lands unless a Potable Water Study, satisfactory to Leduc County and Alberta Environment has been prepared by a qualified person and demonstrates that the diversion of 1250 cubic metres of water per year for household purposes for the newly created lot on the said lands is sustainable and will not interfere with any uses of ground water existing at the time of the Study; and
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

Proposed Subdivision – Robert and Michelle Krahn – NW 13-48-25 W4 – Roll 1187000 SD22-019

Mr. Dave Desimone, Senior Planner of Development Services presented a staff report with respect to the application by the applicants Robert and Michelle Krahn. Staff recommends **refusal** to subdivide a 2.01 ha (4.97 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 off Range Road 251 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 and 7 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 107 which indicates that the proposed

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subdivision does not accord with planning policy. The score was attributed to the proposed parcel being the second parcel from this quarter section and the relative capability of the farmland.

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 parcel in this quarter section, which is not supported by the policies of Agricultural Area C.

The proposed subdivision is in the Rural Area of the Edmonton Metropolitan Region Growth Plan (EMRGP). Policy 6.2.2 of the EMRGP stipulates that in the rural area, large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the region.

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

Chair Tanni Doblanko asked if Committee Members had any comments or questions for administration. Dave Desimone provided the following information:

- Not able to differentiate which portion of the land is Class 2 as per the Agricultural Land Suitability Rating system
- Administration confirmed that if first application had been for a homestead it would have been an administration approval

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

- Has small farm status
- Would also be interested to see where the No. 2 soils are. The land is fairly poor with a low lying creek and is not suitable for farming
- Parcel is the minimum acreage size, would like to keep yard site within normal accepted guidelines
- Trying to maintain farmland for future use
- South 80 ac is in crop. Top 80 is all pasture
- The residence is currently a long term rental property
- Will be developing a future farmstead on the south parcel and not looking to sell either parcel

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

- The private sewage system is a holding tank that gets vacuumed out as needed

Chair Tanni Doblanko asked if Committee Members had any further comments or questions for administration. Dave Desimone advised that:

- A holding tank would be an acceptable septic system and the septic system will easily meet the setback distance requirements

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30-22 Committee Member Glenn Belozer that the application to subdivide a 2.01 ha (4.97 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;
2. Pursuant to Section 9(a) of the Subdivision and Development Regulation, the applicant/owner shall provide access to each lot created. Access shall be approved and built to Leduc County standards;
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 10% of the title area, 3.237 ha (8.0 ac), be deferred against the remnant parcel;
5. The subdivision be registered pursuant Alberta Land Titles requirements.

Carried Unanimously

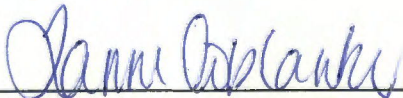
The Subdivision Authority Committee felt that subdividing the existing farm site would not take any agricultural land out of production.

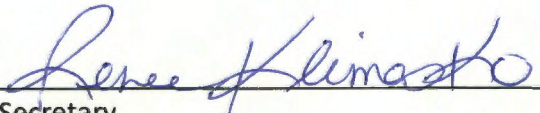
Adjournment

31-22 Chair Tanni Doblanko that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting was adjourned at 2:06 p.m.


Chairman


Secretary