

Subdivision Authority

Agenda

Council Chamber, Leduc County Centre, Nisku, AB

Tuesday, February 21, 2023

1. Order – 1:30 p.m.

2. Adoption of agenda

3. Adoption of previous minutes

Subdivision Authority Minutes – Monday, January 9, 2023 ✓

4. Subdivision applications

1. SD22-030 – Dylan Auston on behalf of Kathrine Auston & Richard Hagan – ✓
Plan 7521332, Lot A (NW 21-50-24-W4) Roll 1087010
2. SD22-034 – Jeff Fenske on behalf of Krzysztof & Jolanta Rup – ✓
SE 27-50-22-W4 Roll 298000
3. SD22-036 – Darcy Powlik on behalf of Michael & Rebecca Lindberg – ✓
SW 22-49-26-W4 Roll 1732010

5. Adjournment

Delegated Authority Decisions: January - 0

✓ Attachment provided

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Subdivision Authority**Minutes**

*Council Chamber, Leduc County Centre, Nisku, AB
Tuesday, February 21, 2023*

Order and roll call

The meeting was called to order at 1:30 p.m. on Tuesday, February 21, 2023, by Chair Tanni Doblanko with committee members Rick Smith, Glenn Belozar, and Dal Viridi present. Ray Scobie was absent.

Other attendees:

- Mr. Alan Grayston - Secretary of Subdivision Authority
- Mrs. Charlene Haverland, - Manager, Development Services
- Mr. Dave Desimone – Senior Planner
- Mrs. Adele Pysar - Recording Secretary

There were 3 other individuals who attended the meeting.

Agenda Adoption

06-23 Alan Grayston advised there was one change to the Agenda today – Item 4.3 - Subdivision Application SD22-036 – Darcy Powlik on behalf of Michael & Rebecca Lindberg is deleted. Committee Member Glenn Belozar - that the agenda for the Tuesday, February 21, 2023 Subdivision Authority meeting be accepted as amended.

Carried Unanimously

Previous Minutes – Monday, January 9, 2023

07-23 Committee Member Rick Smith - that the January 9, 2023 Subdivision Authority minutes be accepted as presented.

Carried Unanimously

**Proposed Subdivision – Dylan Auston on behalf of Kathrine Auston & Richard Hagan – Plan 7521332,
Lot A (NW 21-50-24-W4); Roll 1087010**

SD22-030

UPDATE

On January 9, 2023, the Subdivision Authority Committee made a motion to defer this subdivision application in order for administration to prepare a 2nd exhibit with the proposed parcel surrounding the developed farmstead. Administration has added a 2nd exhibit of 8.41 ha± (20.78 ac±) to this report for consideration. Administration maintains their recommendation for refusal for this subdivision application as per the recommendations contained in this report.

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Dylan Auston on behalf of Kathrine Auston & Richard Hagan. Staff maintains their recommendation for refusal to subdivide one 9.81 ha (24.24 ac) residential parcel from a previously subdivided quarter section of 30.51 ha (75.40 ac).

SD

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) for the following reasons:
 - a. Policy 4.3.1.5 which states to conserve large, contiguous tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping operations in Agricultural Area B. North Central, subdivision shall be limited to a Physical severance or a Farmstead subdivision; and
 - b. Policy 4.3.1.6 states there shall be no more than one subdivision (two titles lots) per quarter section in Agricultural Area B: North Central.
2. Pursuant to Section 654 (1)(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the Edmonton Metropolitan Region Growth Plan:
 - a. Policy 3.1.4 which states in the metropolitan area, greenfield areas will be planned and developed as complete communities that are compact, contiguous and incorporate a mix of uses and achieve the minimum greenfield density; and
 - b. Policy 6.1.3 which states in the metropolitan area, prime agricultural lands identified through the land evaluation and site assessment tool shall be conserved for agricultural purposes for as long as possible, recognizing that these lands will urbanize over time to accommodate growth.
3. Pursuant to Section 708.01(1)(d) of the Municipal Government Act, the proposed subdivision does not conform to policy 4.1.5(3) of the Intermunicipal Planning Framework which stipulates a maximum of one subdivision per quarter section is permitted on all Agriculture parcels in the Study Area.

DISCUSSION

The subject lands are located off Range Road 244 and Highway 625, adjacent to the City of Beaumont to the north. The quarter section was subdivided into two 80 acre parcels in 1974.

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 and returned a score of 161 which indicates that the proposed subdivision does not accord with planning policy. The score was attributed to the high capability of the agricultural land and the proposed subdivision being the second parcel out of the quarter section, as well as being neither a farmstead subdivision nor a physical severance, which does not align with Leduc County policy.

According to the Municipal Development Plan the subject lands are located within Agricultural Area B (North Central) where policies are aimed at conserving large tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping. In accordance with policies 4.3.1.5 and 4.3.1.6 of the Municipal Development Plan, in Agricultural Area B, subdivision shall be limited to no more than one subdivision per quarter section (two titled lots), and those subdivisions shall be limited to a Physical severance or Farmstead subdivision. The proposed subdivision represents the second parcel from the quarter section and is currently undeveloped which does not align with the Municipal Development Plan definition of a Farmstead subdivision.

The proposed subdivision is in the Metropolitan Area of the Edmonton Metropolitan Region Growth Plan (EMRGP). Policy 3.1.4 of the EMRGP stipulates that in the metropolitan area, greenfield areas will be planned and developed as complete communities that are compact, contiguous and incorporate a mix of uses and achieve the minimum greenfield density. Further, policy 6.1.3 states that in the metropolitan area, prime agricultural lands identified shall be conserved for agricultural purposes for as long as possible, recognizing that these lands will urbanize over time to accommodate growth.



The City of Beaumont responded to the referral of this proposed application, indicating the proposed subdivision does not align with the Regional Agriculture Master Plan. In addition, the Intermunicipal Planning Framework stipulates a maximum of one subdivision per quarter section is permitted on all Agriculture parcels in the Study Area.

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

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

- This subdivision was deferred at the last subdivision meeting to be brought back to the next meeting
- This land has a functioning greenhouse which is added agricultural value
- Currently two homes on the property

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

- Willing to make this subdivision work any way we can
- Mother's house is on the property and she will continue to live on the property as long as she can
- Once she passes, this house does not need to stay
- My son loves the farm life and will farm forever
- Property contains a lot of Saskatoon bushes
- Need to upgrade our barn structure

Chair Tanni Doblanko asked if committee members had any further comments or questions for the applicant.

- Over all intent is that I will have one grandchild
- No intentions of giving up the greenhouse
- Plan to hold more workshops in the greenhouse and be more interactive with the public
- Good quiet place to live
- Horses on the property
- Will continue to be left as agricultural land for farming for as long as possible

Chair Tanni Doblanko asked if committee members had any further comments or questions for administration.

- Confident greenhouse and agriculture activities will remain
- Nice feeling to drive by properties such as this
- Very unique garden centre
- Nice to see agricultural land and food production
- Nice that parents can stay as long as possible

08-23 Committee Member Rick Smith - that the application to subdivide one 8.41 ha (20.78 ac) residential parcel from a previously subdivided quarter section of 30.51 ha (75.40 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, 30.51 ha (75.40 ac) x 10% = 3.051 ha (7.540 ac), be deferred against the remnant parcel;
5. Pursuant to 664(2) of the Municipal Government Act, an Environmental Reserve Easement be registered on title to protect the drainage channel from the newly created parcel to Range Road 244;
6. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

The Subdivision Authority did not feel any farm land was being sacrificed. Large tract of agricultural land being conserved.

Proposed Subdivision – Jeff Fenske on behalf of Krzysztof & Jolanta Rup
SE 27-50-22-W4; Roll 298000

SD22-034

Mrs. Charlene Haverland, Manager, Development Services presented a staff report with respect to the application by the applicant Jeff Fenske on behalf of Krzysztof & Jolanta Rup. Staff recommends **refusal** to subdivide one 16.2 ha (40 ac) parcel from a previously subdivided quarter section of 43.69 ha (107.95 ac) parcel 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 4.3.1.9 stipulates to minimize potential impacts on the Beaverhills UNESCO Biosphere, subdivision in Agricultural Area D. Smallholding, subdivision shall be limited to a (s) Farmstead subdivision; (b) Physical severance; (c) Agricultural subdivision; and (d) Smallholding subdivisions
 - b. Policy 4.3.10 states there shall be no more than three subdivisions (four titled areas) per quarter section in Agricultural Area D. Smallholding.
 - c. Policy 4.3.1.12 states subdivision of a smallholding shall be specific to the existing or proposed agricultural operation and shall be supported by a plan that describes the agricultural operation and its requirements, including but not limited to: (a) size and location of parcel; (b) soil characteristics and topography; (c) access, water wells, irrigation, sewage infrastructure and manure management needs; and (d) any potential impacts on air quality, surface water, environmental features, groundwater and surrounding properties.



2. Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the Land Use Bylaw:
 - a. Part 9.2.1 stipulates the purpose of the Agricultural/Country Residential Transitional District is to provide primarily for larger agricultural operations, while at the same time providing for limited residential and other uses having a secondary role to agriculture;
 - b. Part 9.3.8 of the Land Use Bylaw states that access to individual lots shall in all cases be by internal collector or service roads constructed for the subdivision unless there are three or fewer parcels on any one particular public roadway;
 - c. Part 10.1.4 stipulates that unless otherwise indicated in a statutory plan, the sizes for new residential lots should be minimum 1 ha (2.47 ac) and maximum 2.0 ha (4.94 ac); and
 - d. Part 10.1.6 stipulates unless otherwise provided for in an approved statutory plan or management plan, a non-agricultural lot shall be no larger than is required to include buildings and natural features for reasonable development and use of the lot
3. Pursuant to Section 654 (1)(b) of the Municipal Government Act, the proposed subdivision does not conform to Policy 6.2.2 of the Edmonton Metropolitan Region Growth Plan that states 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.

DISCUSSION

The subject lands are located at Township Road 504 and Range Road 222. Our records indicate that a 19.33 ha (47.76 ac) parcel was subdivided from the quarter section in 1989. Two 4.09 ha (10.01 ac) parcels and one 11.13 ha (27.5 ac) parcel was subdivided from the quarter in 2006 and one parcel was subdivided in 2016.

According to the Municipal Development Plan the subject lands are located within the Agricultural Area D (Smallholding) where policies are aimed at conserving large tracts of prime agricultural land with minimal fragmentation primarily. In accordance with 4.3.1.10 of the Municipal Development Plan, there shall be no more than three subdivisions (four titled lots) per quarter section in Agricultural Area D. Further, Policy 4.3.1.9 states subdivision in Agricultural Area B shall be limited to a physical severance or farmstead subdivision, an agricultural subdivision or a smallholding subdivision.

The purpose of the Agricultural/Country Residential Transitional District is to provide primarily for larger agricultural operations, while at the same time providing for limited residential uses. The proposed subdivision is for a large residential parcel and represents the seventh (7th) parcel out of this quarter section which is not aligned with the above policies of the Municipal Development Plan and Land Use Bylaw. The Land Use Bylaw and Engineering Standards states an internal road be constructed for 4 or more lots out of a quarter section. The current subdivision proposal represents further fragmentation and incremental, unplanned development, which is contrary to the County's planning policies and should be preceded by an Area Structure Plan. It is the opinion of staff that the proposed subdivision is precedent setting in the area.

The proposed subdivision location falls outside of the Priority Growth Area indicated by the Edmonton Metropolitan Region Growth Plan. Traditional country residential development outside of Priority Growth



Areas must be supported by an approved Municipal Development Plan and Area Structure Plan. There is no Area Structure Plan overarching the subject lands.

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. Charlene Haverland provided the following information:

- Agricultural Services did not support this proposed subdivision
- Alberta Health Services recommended a hydrogeological assessment, due to the number of existing lots
- There should only be three subdivisions per quarter section – there are six existing - have already gone over the thresh hold.
- Risks to the County of creating more subdivisions:
 - is there enough water to sustain more dwellings
 - don't know the drainage pattern
 - no supporting studies
 - no internal road

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Jeff and Amelia Fenske approached and provided the following information:

- currently living on the land with our 3 young children, which is owned by Amelia's parents
- children love to be out and about with the animals as well as horseback riding
- Jeff's parents live five minutes down the road
- No intentions of having a second dwelling – which could be a condition of the subdivision
- No intentions of digging a well
- There are 3 abandoned wells on the 107 acres
- Currently have a cistern as a septic system

Chair Tanni Doblanko asked if committee members had any further comments or questions for the applicant.

- Current septic system is a pump out – what are the options for another septic system
- Confirmation one additional single family dwelling would be built

Chair Tanni Doblanko asked if committee members had any further comments or questions for administration. Charlene Haverland provided the following information:

- Geological study looks at ground water for potable accesses to the available of drinking water. Potentially changing the path of water but have had a few dry years. Not so great farmland

09-23 Committee Chair Tanni Doblanko - that the application to subdivide one 16.2 ha (40 ac) residential parcel from a previously subdivided quarter section of 43.69 ha (107.95 ac) parcel be **refused** as recommended by administration

Pro: Committee Chair Tanni Doblanko and Committee Member Glenn Belozer
Con: Committee Members Rick Smith and Dal Virdi

Lost



10-23 Committee Member Rick Smith - that the application to subdivide one 16.2 ha (40 ac) residential parcel from a previously subdivided quarter section of 43.69 ha (107.95 ac) parcel 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, 43.69 ha (107.950 ac) x 10% = 4.369 ha (10.795 ac), be deferred against the remnant parcel;
5. 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
6. The subdivision be registered pursuant Alberta Land Titles requirements.

Pro: Committee Members Rick Smith and Dal Viridi

Con: Committee Chair Tanni Doblanko and Committee Member Glenn Belozar

Lost

Adjournment

Chair Tanni Doblanko declared the Subdivision Authority meeting be adjourned.

The Subdivision Authority meeting was adjourned at 2:13 p.m.


Chairman


Secretary