

Subdivision Authority

Agenda

Council Chamber, Leduc County Centre, Nisku, AB

Tuesday, May 16, 2023

1. Order – 1:30 p.m.

2. Adoption of agenda

3. Adoption of previous minutes

Subdivision Authority Minutes – April 18, 2023

✓

4. Subdivision applications

1. SD23-010 – Sharon Coate – NW 07-49-25-W4; Plan 0524012 Block 1 Lot 1 – Roll 1307010 ✓

2. SD23-012 – Janice & Mark Lux – SW 22-48-26-W4; Plan 1025014 Block 2 Lot 1 – Roll 1588020 ✓

3. SD23-013 – Timothy Kraft – NW 10-50-22-W4 – Roll 229000 ✓

5. Adjournment

Delegated Authority Decisions: April - 4

✓ Attachment provided

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**Subdivision Authority
Minutes**

*Council Chamber, Leduc County Centre, Nisku, AB
Tuesday, May 16, 2023*

Order and roll call

The meeting was called to order at 1:30 p.m. on Tuesday, May 16, 2023, by Chair Tanni Doblanko with committee members Glenn Belozar, Ray Scobie, and Dal Virdi present. Rick Smith was absent.

Other attendees:

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

There were four other individuals who attended the meeting.

Agenda Adoption

Alan Grayston advised there was one change to be made to the agenda – Item #1 – SD23-010 was deleted, as the applicant/landowner was unable to attend. It will be brought back at a later date.

18-23 Committee Member Glenn Belozar that the agenda for the May 16, 2023 Subdivision Authority Committee meeting be accepted as amended.

Carried Unanimously

Previous Minutes – Tuesday, April 18, 2023

19-23 Committee Member Ray Scobie that the April 18, 2023 Subdivision Authority Committee minutes be accepted as presented.

Carried Unanimously

**Proposed Subdivision – Mark & Janice Lux – SW 22-48-26-W4; Plan 1025014 Block 2 Lot1
Roll 1588020**

SD23-012

Mr. Dave Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by the applicants Mark & Janice Lux. Staff recommends this application to subdivide two residential lots of 5.48 ha (13.53 ac) each from a previously subdivided quarter section of 16.43 ha (40.60 ac) be deemed incomplete for the following reasons:

1. Pursuant to Section 654(1) (a) of the Municipal Government Act, a subdivision authority must not approve an application for subdivision approval unless the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended.

DISCUSSION

The subject lands are located off Range Road 263 and a half mile south of Township Road 484.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2, with Class 2 considered Prime Agricultural Land. An Agricultural Impact Assessment was completed with the subdivision

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application. The applicant's assessment returned a high score of 164 which indicates that the proposed subdivision does not accord with planning policy. The score is attributed to the proposed parcels representing the third and fourth parcels from this quarter section and being large residential parcels.

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. In accordance with policy 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 fourth and fifth titled parcel in this quarter section.

The subject lands are low-lying lands that historically hold and convey water which illustrate they are subject to flooding. It is administration's opinion that these lands have not demonstrated that they are suitable for development.

Through the circulation of the subdivision application, internal departments and adjacent landowner referral, it was communicated that the subject lands have history of flooding. Therefore, administration advised the applicant that more detail shall be provided to the County in order to process the application.

Administration recognize that the storm water management plan will not affect the outcome of the recommendation brought forward by staff of a Refusal, as the proposal does not fall within an existing Area Structure Plan and therefore the intent and planning policies do not support unplanned development.

However, the storm water management plan will provide the Subdivision Authority the detail needed to clarify that the lands are suitable for future development before putting a recommendation of refusal or approval on the table and appropriately conditioning the subdivision.

The Subdivision Authority has the following options:

- 1) The Subdivision Authority may refuse the application as incomplete.
- 2) The Subdivision Authority may deem the application incomplete and instruct the applicant to complete a detailed storm water management plan demonstrating the suitability of the proposed lots to be free from flooding and suitable for residential construction.
- 3) Instruct administration to bring the application As Is, to the Subdivision Authority for a decision.

Administration are of the opinion that the application for subdivision be deemed incomplete. Administration recommend a detailed storm water management plan be submitted demonstrating the suitability of the proposed lots to be free from flooding and suitable for residential construction. Administration will then bring the application to the Subdivision Authority for consideration.

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

- Lands are susceptible to flooding
- Existing house was built up on higher land
- Must be determined if this land is suitable for its intended use – that being residential
- Administration feels the application is incomplete as the lands will continue to flood in their current state
- Applicant must demonstrate that the lands are suitable for residential development
- There may not be an appropriate building pocket



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- Don't know the cost of a storm water management plan
 - The three recommendations in the report were discussed
 - 1) The Subdivision Authority may refuse the application as incomplete. The applicant would have the option to appeal that decision to the Subdivision and Development Appeal Board. The applicant would make their case as to why he/she feel it is a complete application and appeal board would make their case as to why it is either complete or incomplete.
 - 2) Complete a detailed storm water management plan that demonstrates the suitability of proposed lots for residential construction. If too expensive to do, would bring application back anyway
 - 3) Administration to bring the application back as is to the Subdivision Authority for a decision.
 - With the first recommendation, Dave Desimone confirmed the applicant would have the ability to appeal the decision. If the case went to appeal, the applicant would make their case as to why they feel the application is complete and Subdivision Authority would make their recommendation as to why the application is incomplete
 - With the second recommendation, if it is too expensive to do a storm water management plan, would bring the application back anyway
 - With the third recommendation, administration would bring the application back for a decision

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Mark & Janice Lux approached and provided the following information:

- what's most important – agriculture or water
- could spend a lot of money on correcting drainage problems
- is equally important to ensure appropriate building pocket
- This land has never been in crop rather always pasture land
- ½ mile south the land is probably 30 feet higher. Rest of the quarter to the east is quite a bit higher as well
- The road has been an issue since it was rebuilt, with water flowing off into my dugout
- Water from the County ditch should stay there, not flow onto my property. Need to fix that problem first.
- There was an access between the two parcels, but for whatever reason it was taken away. Would like to have that back
- Our house was built slab on grade with two external pumps. Did have some flooding problems at first, but no longer
- Three children in our family – youngest son owns property in east end of County. My other son and daughter would like to buy these two proposed parcels
- If residences were put on the two lots, could force swales to the ditch

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

- Cannot change the course of water
- There should only be one access per property

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

There was none.

20-23 Chair Tanni Doblanko moved that the application to subdivide two parcels of 5.48 ha (13.53 ac) each from a previously subdivided quarter section of 16.43 ha (40.60 ac) be deemed incomplete for the following reasons:

Pursuant to Section 654(1) (a) of the Municipal Government Act, a subdivision authority must not approve an application for subdivision approval unless the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended.

CARRIED UNANIMOUS

Proposed Subdivision – Timothy Kreft – NW 10-50-22-W4; Roll 1732010

SD23-013

Mr. Dave Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by the applicant Timothy Kreft. Staff recommends **approval** to subdivide one 13.95 ha (34.47 ac) undeveloped smallholdings parcel and a 3.44 ha (8.5 ac) farmstead parcel from a previously subdivided quarter section with a title area of 51.07 ha (126.2 ac).

DISCUSSION

The subject lands are located off Range Road 223 and Township Road 502. The lands are currently unsubdivided. Lake No. 14 was surveyed out of the west side of quarter section in 1905 leaving a narrow strip of land adjacent to Range Road 223. Due to the size and composition of the strip of land, it appears likely undevelopable and therefore the quarter section is defined as unsubdivided.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2, with Class 2 considered Prime Agricultural Land. The area that is encompassed by Lake No. 14 is unrated and not considered agriculturally suitable 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 57, which indicates that the proposed subdivision aligns with planning policy.

According to the Municipal Development Plan, the subject lands are located within the Agricultural Area D (Small Holdings) where policies are aimed to support diversification of agricultural operations on smaller tracts of land and to minimize potential impacts on the Beaverhills UNESCO Biosphere. In accordance with policy 4.3.1.9 and 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 (Small Holdings). The proposed subdivision would result in the creation of two parcels (three titled lots) in this quarter section, which aligns with the policies for Agricultural Area D.

The applicant has included an outline of their proposed agricultural endeavors in the letter of intent, which includes plans for both livestock and cropping, as well as the development of a homestead on the remnant parcel of approximately 80 acres.

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Administration supports the proposal as the 34.47 acre parcel may be utilized for similar smallholdings pursuits due to the size of the parcel proposed. For this reason, administration is of the opinion the proposed subdivision meets the intent of Agricultural Area D.

One adjacent landowner submitted comments in response to the proposed subdivision. The adjacent landowner is not opposed to the proposed subdivision but would like to see environmental protection applied to the boundary of the lakefront. A full copy of the comments are attached to this report.

Administration recommends an environmental reserve easement be applied to the riparian area on the east side of Lake No. 14 in order to identify and protect the lakefront riparian area. Given the location of the existing dwelling and driveway, environmental reserve easement may be a more appropriate option as it retains the lands in private ownership while providing the same protection as if the lands were protected through environmental reserve by way of survey.

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

- One change to be made is to revise the plan to include oil lease
- Quarter section cannot be subdivided, generally
- Still meets the intent of small holdings to propose a lot of this size
- Administration recommending to include an environmental reserve easement be registered on title, which ensures the environment will be protected

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Wally Wrubleski on behalf of Timothy Kreft approached and provided the following information:

- Do not have a copy of the revised drawing
- Supportive of an environment easement
- Owns a small for profit agricultural operation

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

There was none.

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

There was none.

21-23 Committee Member Dal Viridi moved that the application to subdivide one 14.37 ha (35.51ac) undeveloped smallholdings parcel and a 3.40 ha (8.40 ac) farmstead parcel from a previously subdivided quarter section with a title area of 51.07 ha (126.2 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;

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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 664(1.1)(b) of the Municipal Government Act, Environmental Reserve Easement no less than 6 meters in width shall be applied to the riparian/vegetated area on the east bank of Lake No. 14. The area of the Environmental Reserve Easement shall be determined by an Alberta Land Surveyor in consultation with Leduc County;
5. Pursuant to Section 669(1) of the Municipal Government Act, Municipal Reserves in the amount of ten percent of the title area (less the Environmental Reserve Easement required by condition #4 hereto) be deferred proportionally against the title of the newly created 13.95 ha± (34.47 ac) parcel and remnant parcel;
6. The subdivision be registered pursuant to Alberta Land Titles requirements.

CARRIED UNANIMOUSLY

Adjournment

Chair Tanni Doblanko declared the Subdivision Authority meeting be adjourned.

The Subdivision Authority meeting was adjourned at 2:07 p.m.


Chairman


Secretary