

*Council Chamber, Leduc County Centre, Nisku, AB*  
***Tuesday, September 19, 2023***

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**Delegated Authority Decisions:** July – 1  
August - 2

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## Subdivision Authority Minutes

*Council Chamber, Leduc County Centre, Nisku, AB  
Tuesday, September 19, 2023*

### Order and roll call

The meeting was called to order at 1:30 p.m. on Tuesday, September 19, 2023, by Chair Tanni Doblanko with committee members Glenn Belozar, Ray Scobie, Dal Viridi and Rick Smith present.

### Other attendees:

- Mr. Alan Grayston - Secretary of Subdivision Authority
- Mrs. Chelsey Ills – Municipal Engineer
- Mrs. Charlene Haverland - Manager, Development Services
- Mr. Dave Desimone – Senior Planner
- Mrs. Laurie Stoetzel - Recording Secretary

5 other individuals attended the meeting.

### Agenda Adoption

**31-23** Committee Member Ray Scobie that the agenda for the September 19, 2023 Subdivision Authority Committee meeting be accepted as revised with the deletion of subdivision application SD23-005.

**Carried Unanimously**

### Previous Minutes – Tuesday, July 18, 2023

**32-23** Committee Member Glenn Belozar that the July 18, 2023 Subdivision Authority Committee minutes be accepted as presented.

**Carried Unanimously**

### Proposed Subdivision – Mark & Janice Lux - SW-22-48-26-4; Plan 1025014 Block 2 Lot 1 Roll 1588020

**SD23-012**

Mr. Dave Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by the applicant Keill Merrium. Staff recommends **refusal** to subdivide two residential lots of 5.48 ha (13.53 ac) each, from a previously subdivided quarter section of 16.43 ha (40.6 ac).

### Update:

This application was brought forward to the Subdivision Authority Committee on May 16, 2023. At that time, the Subdivision Authority determined the application incomplete as the lands were subject to flooding and therefore unsuitable for development. A stormwater management plan was submitted by the proponent on July 7, 2023 and reviewed by administration. Following a review by administration, the plan is deemed acceptable and includes the construction of drainage swales to be protected through easements. However, administration recommends this application be refused due to not meeting the following policies of the Municipal Development Plan, Edmonton Metropolitan Region Growth Plan and the Regional Agriculture Master Plan.



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

- 4th subdivision out of quarter section requires an internal road
- Photos from adjacent landowner were distributed that indicate flooding
- Drainage plan was approved but it will not stop the flooding. The County will be fixing the culverts but this will not fix the drainage issues
- Internal road would be required in the design if approved
- Land is being farmed

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

- Before Range Road 263 was built there was an access but the County took it out
- Culverts keep water off neighbor's property so flooding wouldn't be an issue
- Water will flow towards the road

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

- A 10 m drainage easement and drainage swales would be required if approved
- Work will be done on north west property line so water goes to county ditch with culverts to all accesses
- Depending on the type of house/foundation will determine if sump pumps would run continually

**33-23** Committee Member Rick Smith moved that the application to subdivide two residential lots of 5.48 ha (13.53 ac) each, from a previously subdivided quarter section of 16.43 ha (40.6 ac) be **refused** or 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 4.3.1.1 which stipulates all subdivisions shall be designed and located in a manner that considers the topography of the land and minimizes (a) potential conflicts with surrounding agricultural uses; (b) the amount of agricultural land, and specifically prime agricultural land converted to non-agricultural use; (c) fragmentation of agricultural land by locating the subdivision near quarter section boundaries or in close proximity to existing residential sites; and (d) disturbance of environmentally significant areas;
  - b. Policy 4.3.1.7 which stipulates to conserve large, contiguous tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping operation and to protect existing and future confined feeding operations in Agricultural Area C: South Central/East, subdivision shall be limited to a (a) Physical severance; or (b) Farmstead subdivision; and
  - c. Policy 4.3.1.8 which states there shall be no more than one subdivision (two titles lots) per quarter section in Agricultural Area C: South Central/East.
2. Pursuant to Section 654 (1)(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the Regional Agriculture Master Plan:
  - a. Policy 4.18(d) stipulates that subdivision for non-agricultural uses is discouraged and may only be considered subject to consideration given to directing non-agricultural uses to lower capability land, where possible or to cluster sites; and an Agricultural Impact Assessment to confirm the proposed use will not hinder agricultural operations in the surrounding area;





- b. Policy 4.20 stipulates that subdivision for any purpose should minimize the amount of agricultural land taken out of production and must not hinder the operation of surrounding agricultural land uses.
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.

**CARRIED UNANIMOUSLY**

**Proposed Subdivision – Ronald Goudreau on behalf of Reginald Goudreau – SW 15-50-24 W4**  
**Roll 1066000**

**SD23-018**

Mr. Dave Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by the applicant Ronald Goudreau on behalf of Reginald Goudreau. Staff recommends **refusal** to subdivide one 1.41 ha (3.49 ac) residential parcel from a previously subdivided quarter section of 62.31 ha (153.97 ac).

#### **DISCUSSION**

The subject lands are located at Township Road 502 and Range Road 243. A 2.46 ha (5.0 ac) was previously subdivided from the southwest corner of the quarter section.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 & 5 soil, with Class 2 considered Prime Agricultural Land. An Agricultural Impact Assessment was completed with the subdivision application and returned a score of 158 which indicates that the proposed subdivision does not accord with planning policy. The score was attributed to the high capability of the agricultural land, the proposed subdivision being the 2<sup>nd</sup> parcel out of the quarter section and the proposed parcel being a residential parcel 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 limited to either a farmstead subdivision or physical severance.

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.

The Regional Agriculture Master Plan (RAMP) identifies the subject lands within Policy Area 1, which contains the majority of intact contiguous tracts of prime agricultural land. The policies of RAMP stipulate subdivision for non-agricultural uses in Policy Area 1 should minimize the amount of agricultural land taken out of production and must not hinder the operation of surrounding agricultural land uses. The subdivision for non-agricultural land uses is discouraged and may only be considered subject to an Agricultural Impact Assessment and consideration for directing non-agricultural uses to lower capability land, where possible or to cluster sites.

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

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

- Land does not have a house but there is a well defined yard site





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

- Land is not actively being farmed, just spraying for thistle
- There are utilities on the property

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

**None**

**34-23** Committee Member Rick Smith moved that the application to subdivide one 1.41 ha (3.49 ac) residential parcel from a previously subdivided quarter section of 62.31 ha (153.97 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 669(1) of the Municipal Government Act, the deferred reserve caveat, registration number 2812TE, in the amount of 6.39 ha (15.8 ac) be further deferred on the title of the remnant lands;
4. The subdivision be registered pursuant to Alberta Land Titles requirements.

**CARRIED UNANIMOUSLY**

**Proposed Subdivision - Darcy Kublik – SW 10-49-23 W4 – Roll 494000**

**SD23-024**

Mr. Dave Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by the applicant Darcy Kublik. Staff recommends **refusal** to subdivide a 1.26 ha (3.11 ac) residential parcel from a previously subdivided quarter section with a title area of 62.69 ha (154.92 ac).

### DISCUSSION

The subject lands are located off Range Road 233 and a half mile south of Township Road 492. A 1.21 ha (3 ac) parcel was subdivided from the southwest corner of the quarter section in 2020.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 & 5 soil with Class 2 being considered Prime Agricultural Lands. 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 which indicates that the proposed subdivision does not accord with planning policy. The score is attributed to the proposed parcel representing the second parcel from this quarter section and the proposed subdivision being 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

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fragmentation primarily for intensive cropping operations and to protect existing and future confined feeding operations. 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). Leduc County Planning & Development considers the proposed subdivision, which would result in the creation of a second lot in this quarter section, as incremental and unplanned growth that should be avoided.

Policy 4.3.1.7 of the Municipal Development Plan subdivision in Agricultural Area C (South Central/East) shall be either a Farmstead subdivision or a Physical Severance. The proposed parcel is undeveloped and is defined as a Residential subdivision which is not supported by the policies of this agricultural area.

There were no adjacent landowner comments received regarding this proposed subdivision.

**35-33** Chair Tanni Doblanko made a motion to defer the application to the next Subdivision Authority Committee Meeting as the applicant was not in attendance.

**CARRIED UNANIMOUSLY**

**Proposed Subdivision - Bernard & Alice Brassard – NW 8-50-23 W4 – Roll 628000**

**SD23-025**

Mr. Dave Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by the applicants Bernard & Alice Brassard. Staff recommends **refusal** to subdivide a 2.36 ha (5.83 ac) farmstead parcel from a previously subdivided quarter section with a title area of 35.85 ha (88.54 ac).

**DISCUSSION**

The subject lands are located off Range Road 235 and Township Road 502. Five parcels have been previously subdivided.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 & 5 soil, with Class 2 considered Prime Agricultural Land. An Agricultural Impact Assessment was completed with the subdivision application and returned a score of 111 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 fifth parcel out of the quarter section 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 policy 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). The proposed subdivision represents the fifth parcel from the quarter section which does not align with the Municipal Development Plan definition of a Farmstead subdivision.

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.

The Regional Agriculture Master Plan (RAMP) identifies the subject lands within Policy Area 1, which contains the majority of intact contiguous tracts of prime agricultural land. The policies of RAMP stipulate subdivision for non-agricultural uses in Policy Area 1 should minimize the amount of agricultural land taken out of production and must not hinder the operation of surrounding agricultural land uses. The subdivision for non-agricultural land uses is discouraged and may only be considered subject to an Agricultural Impact Assessment and consideration for directing non-agricultural uses to lower capability land, where possible or to cluster sites.





Alberta Health Services noted this application represents the fifth parcel from this quarter section which would result in 6 titled lots. While the proposed lot is developed, an application that would result in 6 parcels for a quarter section should include assessments to determine the availability of potable water and the suitability of private wastewater treatment for additional development of the remnant parcel and to protect existing developments within the quarter section.

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

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

- Historically the land was subdivided in increments
- Proposed site is undeveloped and the remnant lands may be developed in the future

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

- Intention is to sell the acreage and retain the farm land for sentimental reasons and to farm
- Quarter section is naturally severed by the creek and the size of the parcel was dictated by which way the creek ran
- 300 trees were planted so the subdivided area would be larger
- Dug out is stocked with trout
- Land was fenced and rented to neighbor to farm
- No agricultural land will be lost
- Many fragmented farms in the area

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

- Alberta Health regulates that when there are 6 or more parcels then a potable water assessment is required

**36-23** Committee Member Doblanko moved that the application to subdivide a 2.36 ha (5.83 ac) farmstead parcel from a previously subdivided quarter section with a title area of 35.85 ha (88.54 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 4.3.1.5 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 Regional Agriculture Master Plan:
  - a. Policy 4.18(d) stipulates that subdivision for non-agricultural uses is discouraged and may only be considered subject to consideration given to directing non-agricultural uses to lower capability land, where possible or to cluster sites; and an Agricultural Impact Assessment to confirm the proposed use will not hinder agricultural operations in the surrounding area;

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- b. Policy 4.20 stipulates that subdivision for any purpose should minimize the amount of agricultural land taken out of production and must not hinder the operation of surrounding agricultural land uses.
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.

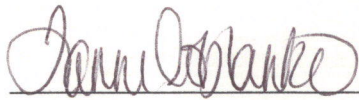
Pro: Committee Chair Tanni Doblanko and Committee Members Glenn Belozer, Ray Scobie and Dal Viridi  
Con: Committee Member Rick Smith

**CARRIED**

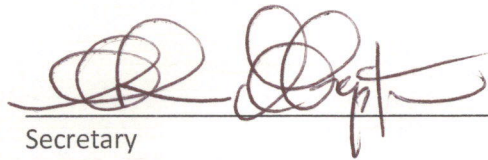
**Adjournment**

Chair Tanni Doblanko declared the Subdivision Authority meeting be adjourned.

The Subdivision Authority meeting was adjourned at 2:02 p.m.



Chairman



Secretary