



## Subdivision Authority

### Agenda

Council Chamber, Leduc County Centre, Nisku, AB

Monday, January 9, 2023

1. Order – 1:30 p.m.

2. Adoption of agenda

3. Adoption of previous minutes

Subdivision Authority Minutes – Tuesday, October 18, 2022

✓

4. Subdivision applications

1. SD22-029 – Mazahir Kitabwalla on behalf of Rippenpreet & Surinder Sandhu – Plan 4177RS, Block 2, Lot 4 (NE 28-50-23 W4) Roll 707170

✓

2. SD22-030 – Dylan Austin on behalf of Kathrine Auston & Richard Hagan – NW 21-50-24 W4 Roll 1087010

✓

3. SD22-035 – Connie Helfenstein on behalf of Lydia & Richard Helfenstein – SE 26-48 1 W5 Roll 2609000

✓

5. Adjournment

Delegated Authority Decisions:    October - 2  
November – 0  
December - 0

✓ Attachment provided

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## Subdivision Authority

### Minutes

*Council Chamber, Leduc County Centre, Nisku, AB*

***Monday, January 9, 2023***

#### **Order and roll call**

The meeting was called to order at 1:30 p.m. on Monday, January 9, 2023, by Chair Tanni Doblanko with committee members Rick Smith, Ray Scobie and Glenn Belozar present.

#### **Other attendees:**

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

There were 6 other individuals who attended the meeting.

#### **Agenda Adoption**

**01-23** Committee Member Belozar - that the agenda for the Monday, January 9, 2023 Subdivision Authority meeting be accepted as presented.

**Carried Unanimously**

#### **Previous Minutes – Tuesday, October 18, 2022**

**02-23** Committee Member Belozar - that the October 18, 2022 Subdivision Authority minutes be accepted as amended.

**Carried Unanimously**

#### **Proposed Subdivision – Mazahir Kitabwalla on behalf of Rippenpreet & Surinder Sandhu – Plan 4177RS, Block 2, Lot 4 (NE 28-50-23 W4) Roll 707170**

**SD22-029**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Mazahir Kitabwalla on behalf of Rippenpreet & Surinder Sandhu. Staff recommends approval to subdivide three country residential lots, Lot 1 – 1.066 ha (2.63 ac); Lot 2 – 1.039 ha (2.56 ac); Lot 3 – 1.054 ha (2.6 ac), from a previously subdivided quarter section with title area of 3.16 ha (7.81 ac).

#### **Discussion**

The subject lands are located in Gateway Estates subdivision which is located at Range Road 233 and a half mile north of Highway 625. The Gateway Estates subdivision was created in 1970, comprised of 21 country residential lots.

Gateway Estates is districted RC – Country Residential. 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 22<sup>nd</sup> 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 lots are Lot 1 – 1.066 ha (2.63 ac); Lot 2 – 1.039 ha (2.56 ac); Lot 3 – 1.054 ha (2.6 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 the additional Country Residential lots is suitable for development.

A potable water assessment was conducted to ascertain the availability of well water in compliance with the Water Act. The assessment was reviewed by Alberta Health Services and was determined to be acceptable in demonstrating the potential availability of potable water.

A geotechnical assessment was submitted with the application to determine the suitability for construction and for private wastewater treatment suitability. The assessment was also reviewed by Alberta Health Services and administration and was found to be acceptable in demonstrating the suitability for residential construction and a private wastewater treatment solution.

There were two adjacent landowner comments received from the referral of this proposed subdivision. The concerns submitted regarding this proposal included:

- The increase of traffic
- Loss of privacy
- Increased fire risk
- The availability of water and impact on existing water access
- Private wastewater treatment
- Environmental impacts

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

- There is a residence on lot 1 and accessory buildings on lot 2. Lot 3 is mostly tree covered.
- Current driveway goes through lot 2. New accesses will be needed for each parcel from the internal subdivision road.
- Restrictive covenant restricting tree removal will be registered on title.
- Other larger lots in the RC district have been re-subdivided with a number of large lots still available. Additional condition added to protect stormwater conveyance.
- Charlene Haverland advised that CR district allows up to 9.8 ac in size.
- A geotechnical assessment was provided and shows lot 3 is suitable for building site.

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

- Son will be building a house on east parcel.

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

There were none.

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**03-23** Committee Member Tanni Doblanko - that the application to subdivide three country residential lots, Lot 1 – 1.066 ha (2.63 ac); Lot 2 – 1.039 ha (2.56 ac); Lot 3 – 1.054 ha (2.6 ac), from a previously subdivided quarter section with title area of 3.16 ha (7.81 ac) be **approved** subject to 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 655 (1) (a) of the Municipal Government Act, a restrictive covenant shall be registered on title restricting the removal of tree cover/vegetation to only what is needed to construct a single dwelling, shop, shed, gazebo and driveway;
4. 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;
5. The applicant/owner shall prepare and register a drainage easement to identify and protect the conveyance of stormwater across property lines to the satisfaction of Leduc County; and
6. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro: Committee Chair Tanni Doblanko and Members Glenn Belozar and Ray Scobie  
Con: Rick Smith

**Carried**

**Proposed Subdivision - Dylan Austin on behalf of Kathrine Auston & Richard Hagan –  
NW 21-50-24 W4 Roll 1087010**

**SD22-030**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Dylan Austin on behalf of Kathrine Auston & Richard Hagan. Staff recommends 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) 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





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- 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 further comments or questions for administration. Dave Desimone provided the following information:

- Application is considered the 3<sup>rd</sup> parcel out of the quarter section.

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

- Family has owned the property since 1997 and built residence and green house business since 1998.
- Husband passed away in 2011 with intent to continue with green house business.
- Son, Dylan intends to farm the land and build a residence. Dylan will build a house if the subdivision is approved or not, but would be able to get financing with 25 acre parcel.
- Farmland is hay field with very little tree coverage.
- Horses would graze on remnant field.

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

- The applicant indicated they would be open to other options to subdivide such as smaller parcel for homestead and greenhouse.

**04-23** Committee Member Rick Smith – that the application be deferred to the February 21, 2023 Subdivision Authority meeting to allow administration to work with the applicants to reconfigure the parcel so more palatable to City of Beaumont and Leduc County's policies.

**Carried unanimously**

**Proposed Subdivision - Connie Helfenstein on behalf of Lydia & Richard Helfenstein –  
SE 26-48 1 W5 Roll 2609000**

**D22-035**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Connie Helfenstein on behalf of Lydia & Richard Helfenstein. Staff recommends approval to subdivide a 9.57 ha (23.65 ac) farmstead parcel from an unsubdivided quarter section with a title area of 64.75 ha (160 ac).

#### **Discussion**

The Agricultural Land Suitability Rating System indicates that the subject lands consists of Class 2 & 5 soils. Class 2 soils are considered Prime Agricultural. An agricultural impact assessment was completed in conjunction with this application to determine if the proposed subdivision would adversely affect existing or future agricultural activities onsite and in the surrounding area. The assessment returned a score of 52 indicating that the proposed subdivision aligns with planning policy.

The subject lands are located in Agricultural Area A: West in the Leduc County Municipal Development Plan where the objectives are to conserve agricultural land on a comprehensive basis for a broad range of agricultural operations. Policy 4.3.1.3 of the Municipal Development Plan supports a Farmstead Subdivision which is defined as the subdivision of an existing farmstead from a quarter section. A Farmstead subdivision



shall not exceed 1 ha (2.47 acres) in size unless a larger lot is required to accommodate the location of existing buildings or shelterbelts associated with the residential use of the parcel. It is the opinion of administration that the proposed subdivision is larger than what is required to encompass the developed yardsite and unnecessarily removes high capability agricultural land. For this reason administration are recommending the application be approved subject to a smaller parcel as presented on Exhibit 2.

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

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. Connie Helfenstein approached and provided the following information:

- Family has owned the property for over 70 years.
- Larger parcel requested to keep low land and trees.
- Parcel consists of 2 buildings with barn and chicken house.
- Would need the larger parcel for cattle and hay.
- Parcel would remain in hay.

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

- Farmland would still be farmed.
- The Subdivision Authority Committee stated that the parcel would not take away the integrity of the agricultural land and that a smaller parcel would be too small for farm equipment to turn around.

**05-23** Committee Chair Tanni Doblanko - that the application to subdivide a 9.57 ha (23.65 ac) farmstead parcel from an unsubdivided quarter section with a title area of 64.75 ha (160 ac) be **approved** subject to 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. The subdivision be registered pursuant to Alberta Land Titles requirements.

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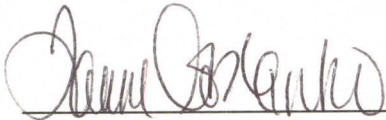
Pro: Committee Chair Tanni Doblanko and Members Glenn Belozar and Ray Scobie  
Con: Rick Smith

Carried

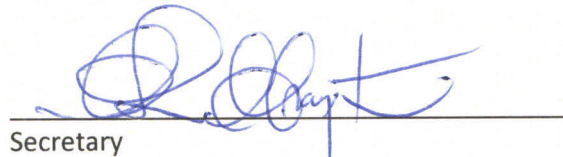
**Adjournment**

Chair Tanni Doblanko declared the Subdivision Authority meeting be adjourned.

The Subdivision Authority meeting was adjourned at 2:08 p.m.



Chairman



Secretary