

Subdivision Authority

Agenda

Council Chamber, Leduc County Centre, Nisku, AB

Tuesday, September 17, 2024

1. Order – 1:30 p.m.

2. Adoption of agenda

3. Adoption of previous minutes

Subdivision Authority Minutes – August 20, 2024

✓

4. Subdivision applications

1. SD24-046 – Cyril Yaremko – NE 14-50-26 W4 – Roll 1841000

✓

2. SD24-047 – Stanley & Anne Lubchynski – NE 24-50-24 W4 –
Roll 1098000

✓

5. Adjournment

Delegated Authority Decisions: August - 2

✓ Attachment provided

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Order and roll call

The meeting was called to order at 1:30 p.m. on Tuesday, September 17, 2024, by Chair Tanni Doblanko and committee members Rick Smith, Glenn Belozar, Dal Virdi and Ray Scobie were present.

Other attendees:

- Mr. Alan Grayston - Secretary of Subdivision Authority
- Mrs. Charlene Haverland – Manager, Development Services
- Mr. Sarmad Abbasi, Senior Planner, Development Services
- Mrs. Laurie Stoetzel - Recording Secretary

3 other individuals attended the meeting.

Agenda Adoption

47-24 Committee Member Glenn Belozar that the agenda for the September 17, 2024 Subdivision Authority Committee meeting be accepted as presented.

CARRIED UNANIMOUSLY

Previous Minutes – Tuesday, August 20, 2024

48-24 Committee Member Dal Virdi that the August 20, 2024 Subdivision Authority Committee minutes be accepted as presented.

CARRIED UNANIMOUSLY

Proposed Subdivision – Cyril Yaremko – NE 14-50-26 W4 – Roll 1841000

D24-046

Mr. Sarmad Abbasi, Senior Planner, Development Services, presented a staff report with respect to the application by the applicant Cyril Yaremko. Staff recommends **refusal** to subdivide a quarter section with a title area of 64.74 ha± (160 ac±) into two 32.37 ha± (80 ac±) parcels.

DISCUSSION

The subject lands are one km north of Township Road 502 and abut Range Road 261 to the east, and are adjacent to the South of Devon Industrial Area Structure Planning area.

According to the Municipal Development Plan the subject lands are located within the Agricultural Area A, where policies are intended for extensive field crops and confined feeding operations on large tracts of land.

In accordance with policy 4.3.1.8 of the Municipal Development Plan, to conserve agricultural land on a comprehensive basis for a broad range of agricultural operations in Agricultural Area A, subdivision shall be limited to a (a) Physical severance; (b) Farmstead subdivision; (c) Residential subdivision; or (d) Lot line adjustment. The current application is for an agricultural subdivision, which is not supported in Area A. Although the proposed subdivision may not potentially remove land from agricultural production, it would be fragmenting it into two parcels, which does not meet the type of subdivisions defined within the area



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 for the proposed subdivision.

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

- Grandparents homesteaded the land in 1890, then parents farmed the land from 1930 to 1980 and now the land is currently farmed by a neighbor
- Subdivide into two 80 parcels for estate planning for 2 sons; give one parcel to each son
- City of Edmonton and the airport development will exhaust the agricultural lands in the future if things continue to grow
- Supports the County's amendment to the Municipal Development Plan and its endeavor to continue agricultural properties
- Subdivision will not affect agricultural land use
- Questioned the definition of fragmentation – does not intend to take away agricultural use
- Was approached for solar farm on his land which he is not in support of

Chair Tanni Doblanko asked if there were any other questions for administration and there were none.

49-24 Committee Chair Tanni Doblanko moved that the application to subdivide a quarter section with a title area of 64.74 ha± (160 ac±) into two 32.37 ha± (80 ac±) parcels 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:
 - a. Policy 4.3.1.8 which states to conserve agricultural land on a comprehensive basis for a broad range of agricultural operations in Agricultural Area A, subdivision shall be limited to a (a) Physical severance; (b) Farmstead subdivision; (c) Residential subdivision; or (d) Lot line adjustment.
2. 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 – Stanley & Anne Lubchynski – NE 24-50-24 W4 – Roll 1098000

SD24-047

Mr. Sarmad Abbasi, Senior Planner, Development Services, presented an updated staff report with respect to the application by the applicants Stanley & Anne Lubchynski. Staff recommends **refusal** to subdivide a 1.60 ha (3.96 ac) farmstead parcel from a previously subdivided quarter section of 27.79 ha (68.68 ac).

DISCUSSION

The subject lands abut Range Road 240 to the east and the Green Acres subdivision to the north. As Green Acres is zoned Country residential, it consists of 23 lots. The southern half of the quarter section does not share the same designation as it is designated Agricultural. The southern half remained unsubdivided until



2005, where a 2.5 acre parcel was subdivided from the southeast portion. Following this, another 8.82 acre parcel was subdivided, leaving the 68.68 acre parcel that is the subject of the application today.

According to the Municipal Development Plan the subject lands are located within the Agricultural Area B, where policies are intended for a broad range of agriculture on large tracts of land. This area considers non-agricultural uses, but aims to minimize and maintain agriculture as the priority land use.

In accordance with policy 4.3.1.9 of the Municipal Development Plan, there shall be no more than two subdivisions (three titled lots) per quarter section in Agricultural Area B. The proposed subdivision would result in the creation of the 27th 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 there were any questions for administration. Charlene Haverland provided the following information:

- Green Acres subdivision was approved when subdivisions in 2005 – 2007 were supported as Area Structure Plans were required
- Sewage and water studies will be required along with roads
- Proposal meets the definition of 'farmstead'. Meets one policy but not two

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Stanley & Anne Lubchynski approached and provided the following information:

- Aware of County's policy to retain agricultural land and 3 title parcels per quarter
- They need to downsize their farm and should have sold land after last subdivision
- Would like to stay in place (have been there since 1987)
- Separate title would not change agricultural land in production
- What is the relevance of Green Acres (23 lots)? Green Acres was in existence 15 to 20 years prior to ownership.
- North 80 acres is just as arable as south 80 ac
- They do not want the farm developed into residential lots, the land is part of retirement
- Renter still wants to farm the land and the 3 ac parcel would be a yard site
- No negative feedback
- Land has canola crop and garden

50-24 Committee Member Rick Smith moved that the application to subdivide a 1.60 ha (3.96 ac) farmstead parcel from a previously subdivided quarter section of 27.79 ha (68.68 ac) be approved with the following conditions:

1. Pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding taxes are to be paid or make arrangements with Leduc County for the payment thereof;



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2. Pursuant to Part 3, Section 11 of the Matters Related to Subdivision and Development Regulation, the applicant/owner shall provide access to the newly created lot and access to the remnant lot. The applicant/owner shall apply for approval of locations of access and each approach shall be built to Leduc County standards;
 3. Pursuant to Section 9(g) of the Matters Related to 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 ten percent of the title area be deferred against the title of the larger remnant parcel;
 5. The subdivision be registered pursuant to Alberta Land Titles requirements.
 6. 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.

CARRIED UNANIMOUSLY

The Subdivision Authority Committee felt that good farm would not be taken out of production.

Adjournment

Chair Tanni Doblanko declared the Subdivision Authority meeting be adjourned.

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



Chairman



Secretary