



Subdivision Authority

Minutes

Council Chamber, Leduc County Centre, Nisku, AB

Tuesday, January 16, 2024

Order and roll call

The meeting was called to order at 1:30 p.m. on Tuesday, January 16, 2024, by Chair Tanni Doblanko and committee members Glenn Belozor, Ray Scobie, Dal Virdi and Rick Smith present.

Other attendees:

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

3 other individuals attended the meeting.

Agenda Adoption

01-24 Committee Member Glenn Belozor that the agenda for the January 16, 2024 Subdivision Authority Committee meeting be accepted as presented.

Carried Unanimously

Previous Minutes – Tuesday, November 21, 2023

02-24 Committee Member Dal Verdi that the November 21, 2023 Subdivision Authority Committee minutes be accepted as presented.

Carried Unanimously

Proposed Subdivision – Michel Theberge on behalf of Rubico Framing Company Ltd. - SE 26-48-26 W4 – Roll 1603010

SD23-038

Mr. Dave Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by the applicant Michel Theberge on behalf of Rubico Framing Company Ltd. Staff recommends refusal to subdivide a 2.04 ha± (5.05 ac±) farmstead parcel from a previously subdivided quarter section with a title area of 32.37 ha± (80 ac±).

DISCUSSION

The subject lands are located off Range Road 261 and Township Road 484. In 1997, the quarter section was subdivided into two 80 ac parcels.

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 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 112 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 relative farmland capability.

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 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). The proposed subdivision would result in the creation of three titled parcels in this quarter section which policies 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.

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.

One adjacent landowner submitted comment objecting to the proposed subdivision due to the increase in residential development and road use in the area.

Chair Tanni Doblanko asked if Committee Members had any questions or comments for administration. There were none.

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

- Nothing positive in report, disagrees with it.
- The land is not prime agricultural land. Last summer cows grazed on 80 acres and it barely supported cows and calves.
- Land 2 & 5 rating which is for spring grain.
- The rain stays on the land for the whole summer.
- Neighbor says land is suitable for housing.
- It is not good for growing crops and is only good for cattle. It is full of rocks.
- Most of neighbors are not concerned about the subdivision except for one.
- Why can other landowners subdivide.

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

- No adjacent landowner responses in support was received.
- The land is not being cropped but used for grazing.

03-24 Committee Member Glenn Belozer moved that the application to subdivide a 2.04 ha± (5.05 ac±) farmstead parcel from a previously subdivided quarter section with a title area of 32.37 ha± (80 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, $32.37 \text{ ha} \pm (80 \text{ ac} \pm) \times 10\% = 3.237 \text{ ha} (8.0 \text{ ac})$, be deferred against the remnant parcel;
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

CARRIED

The Subdivision Authority felt that the land is not good for crops as it is very rocky. It would be suitable for grazing cattle, therefore no farmland would be taken out of production.

Proposed Subdivision – Del & Chris Hepfner – SW 31-48-25 W4 – Roll 1261000

SD23-039

Mr. Dave Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by the applicants Del & Chris Hepfner. Staff recommends **refusal** to subdivide a 1.05 ha (2.59 ac) residential parcel from a previously subdivided quarter section with a title area of 32.37 ha (80 ac).

DISCUSSION

The subject lands are located off Range Road 260 and a half mile south of Township Road 490 (Glen Park Road). The quarter section was subdivided into two 80 acre parcels prior to 1972.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2, 3 & 5 soil, with Class 2 and 3 considered Prime Agricultural 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 164 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 stipulate there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area C (South Central/East) and that subdivision shall be limited to a farmstead subdivision or physical severance. The proposed subdivision is a residential parcel (undeveloped) and would result in the creation of three titled parcels in this quarter section which policies 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 Committee Members had any questions or comments for administration.

There were none.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Del & Chris Hepfner approached and provided the following information:

- Residence of Leduc County for over 30 years.
- Bred and raised horses, cattle and hay. Still does some farming.
- They had always contemplated the land for a subdivision.
- Graze cattle in the summer and load to other property for calving and winter feeding.
- Provide suitable acreage site for son who would build and reside permanently and maintain cow/calf operation.
- It is inefficient to haul cattle back and forth for winter/summer months.
- Environment benefits to have someone there full time control rodents and weeds.
- Other small subdivisions in the area are not being farm have received approval. Is hopeful the committee is fair and consistent in their approvals.
- No residence, just cattle shelters.
- Cattle handling area would remain as agricultural land.
- Land is only good for grazing.

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

There were none

04-24 Chair Tanni Doblanko moved that the application to subdivide a 1.05 ha (2.59 ac) residential parcel from a previously subdivided quarter section with a title area of 32.37 ha (80 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, municipal reserves in the amount of 32.37 ha± (80 ac±) x 10% = 3.237 ha (8.0 ac) be deferred on the title of the remnant lands; and
4. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously



The Subdivision Authority felt that the current and future use of the property will remain as agricultural.

Proposed Subdivision – Lindsay Parsons – SE 13-50-22 W4 – Roll 242000

SD23-043

Mr. Dave Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by the applicant Lindsay Parsons. Staff recommends **refusal** to subdivide a 2.43 ha (6 ac) farmstead parcel from a previously subdivided quarter section with a title area of 31.95 ha (78.95 ac).

DISCUSSION

The subject lands are located off Township Road 502 and Range Road 220. The quarter section has been subdivided three times resulting in six (6) parcels on the quarter section.

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 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 111 which indicates that the proposed subdivision does not accord with planning policy. The score is attributed to the proposed parcel representing the seventh parcel from this quarter section and the lands being Prime Agricultural Land.

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 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). The proposed subdivision would result in the creation of seven titled parcels in this quarter section which administration 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.

The Water Act requires a subdivision application resulting in 6 or more lots to include a potable water assessment to determine the availability of well water. This application does not include a potable water assessment and for these reasons administration is of the opinion the application is incomplete and may impact access to potable water for adjacent residences or agricultural operations. Similarly, the Safety Codes Act restricts private wastewater treatment systems on quarter sections with 6 or more parcels and the subdivision application should include a hydrogeological assessment to determine the suitability of private sewage systems on the quarter section.

Leduc County standards include an internal road on quarter sections where there are four or more parcels. Along with the policies stated above, administration is of the opinion that access management should be considered along with the agricultural policies for its recommendation for refusal.

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

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

- The applicant is responsible for the the potable water and geological assessments.
- Adjacent landowners may be affected so a condition that cisterns are required could be required by restrictive covenant.
- Best to condition these at the subdivision stage rather than development.
- One building is a residence, the other building is not identified.

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

- There is a mobile home east of the subject lot. On older well was developed in 1994 with open discharge.
- Proposed site has historical home with cedar addition.
- 6 ac covers the barn site, there is bush to east of house.
- The reason for the subdivision is that it is hard to find insurers for 120 ac.
- They have sour smelling well, older well could be used to water vegetation. Always brought in potable water to cook.
- Mobile home would remain and is rented.
- Sewage disposal is an open discharge/aeration system with mulching over top.
- Does not currently live on the property.

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

- Water Act says the studies are required.

05-24 Chair Tanni Doblanko moved that the application to subdivide 2.43 ha (6 ac) farmstead parcel from a previously subdivided quarter section with a title area of 31.95 ha (78.95 ac) be deferred for 2 months to give applicant time to provide the Potable Water Assessment and Septic Suitability Assessment.

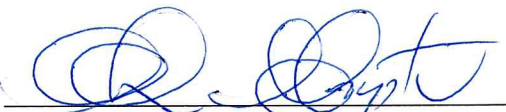
Carried Unanimously

Adjournment

Chair Tanni Doblanko declared the Subdivision Authority meeting be adjourned.

The Subdivision Authority meeting was adjourned at 2:19 p.m.


Chairman


Secretary