

Subdivision Authority

Agenda

Council Chamber, Leduc County Centre, Nisku, AB

Tuesday, August 20, 2024

1. Order – 1:30 p.m.

2. Adoption of agenda

3. Adoption of previous minutes

Subdivision Authority Minutes – July 16, 2024

✓

4. Subdivision applications

1. SD24-038 – Robert & Michelle Krahn – SW 24-48-25 W4 – Roll 1233010

✓

2. SD24-039 – Daniel & Anita Borys – NE 2-50-26 W4 – Roll 1793000

✓

3. SD24-040 – Hawkstone Developments Ltd. – NE 25-50-24 W4 –
Roll 1102030

✓

4. SD24-041 – Ivo Surveys on behalf of Sean & Malerie McDonald –
SE 21-50-23 W4 – Roll 681020

✓

5. Adjournment

Delegated Authority Decisions: July - 2



✓ Attachment provided

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- ① Approved - DV.
- ② Approved - GB - Rick opposed
- ③ Approved -
RS Smith - env ^{also.} friendly.
- ④ RS - Approve

Hinder future ASP? - No.

Hawkstone

homestead not AG land. - no prime ag land out of production

Subdivision Authority**Minutes***Council Chamber, Leduc County Centre, Nisku, AB****Tuesday, August 20, 2024*****Order and roll call**

The meeting was called to order at 1:30 p.m. on Tuesday, August 20, 2024, by Co-Chair Dal Viridi and committee members Rick Smith, Glenn Belozar and Ray Scobie were present. Chair Tanni Doblanko was absent.

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

11 other individuals attended the meeting.

Agenda Adoption

41-24 Committee Member Glenn Belozar that the agenda for the August 20, 2024 Subdivision Authority Committee meeting be accepted as presented.

CARRIED UNANIMOUSLY**Previous Minutes – Tuesday, July 16, 2024**

42-24 Committee Member Ray Scobie that the July 16, 2024 Subdivision Authority Committee minutes be accepted as presented.

CARRIED UNANIMOUSLY**Proposed Subdivision – Robert & Michelle Krahn – SW 24-48-25 W4 – Roll 1233010****D24-038**

Mr. Sarmad Abbasi, Senior Planner, Development Services, presented a staff report with respect to the application by the applicants Robert & Michelle Krahn. Staff recommends **refusal** to subdivide one 7.04 ha± (17.40 ac±) physically severed parcel from a previously subdivided quarter section of 32.40 ha± (80.00 ac±).

DISCUSSION

The subject lands abut Range Road 251 to the west. The quarter section was split into two 80 acre parcels prior to 1930.

The Agricultural Land Suitability Rating indicates the subject land consists mostly of Class 7, with Class 7 being considered unsuitable land for agriculture. 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 67 which indicates that the proposed subdivision does not accord with planning policy. The score is attributed to the proposed parcel representing the third parcel from this quarter section.

According to the Municipal Development Plan, the subject lands are located within 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 and to protect existing and future confined feeding operations. In accordance with policies 4.3.1.7 and 4.3.1.8 of the Municipal Development Plan, in Agricultural Area C, 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. Although the applicant has applied for a physical severance which meets one of the aforementioned policies, the proposed subdivision represents the third parcel from the quarter section which does not align with the Municipal Development Plan.

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.

Co-Chair Dal Viridi called upon the applicant to speak to the subdivision. Robert Krahn and Michelle Krahn approached and provided the following information:

- Keep farm lands in tact
- Low lying area, very little use for farming
- Would like to expand small farm by using the value of 17 ac parcel for future land purchases
- Creek/water on larger portion for water source for farming operations
- 17 ac parcel little value for farming
- Ok with 5 ac but this would make the balance of the parcel south of the creek less useful. Would prefer the larger size for a residence
- There is a building pocket in the south west corner.
- There is an existing approach but new approach will be constructed to new parcel.

43-24 Co-Chair Dal Viridi moved that the application to subdivide one 7.04 ha± (17.40 ac±) physically severed parcel from a previously subdivided quarter section of 32.40 ha± (80.00 ac±) be approved with the following conditions:

1. Pursuant to Section 654(1)(d) of the Municipal Government Act, the landowner 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 subdivisions to be constructed to the Leduc County standards at the owner's expense;
3. Pursuant to Section 669(1) of the Municipal Government Act, municipal reserves in the amount of ten percent of the title area ($32.37 \text{ ha} \pm \times 10\% = 3.237 \text{ ha} \pm$) shall be deferred to the title of the remnant parcel;
4. 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;
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

CARRIED UNANIMOUSLY

The Subdivision Authority Committee felt that good farm would not be taken out of production and would be a good spot for a residence.



Proposed subdivision – Daniel & Anita Borys – NE 2-50-26 W4 – Roll 1793000

SD24-039

Mr. Sarmad Abbasi, Senior Planner, Development Services, presented an updated staff report with respect to the application by the applicant Daniel & Anita Borys. Staff recommends **refusal** to subdivide a 32.37 ha± (80 ac±) agricultural parcel from an unsubdivided quarter section with title area of 64.75 ha± (160 ac±).

DISCUSSION

The subject lands abut Range Road 261 to the east. The quarter section is unsubdivided, and is located approximately 5 kilometers west of Leduc.

According to the Municipal Development Plan the subject lands are located within the Agricultural Area B (North Central) where policies are aimed at conserving large tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping operations. In accordance with policy 4.3.1.5 of the Municipal Development Plan, to conserve large, contiguous tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping operation in Agricultural Area B. North Central, subdivision shall be limited to a physical severance or a Farmstead subdivision. The current application is for an agricultural subdivision which is not supported in Agricultural Area C.

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

Co-Chair Dal Viridi called upon the applicant to speak to the subdivision. Daniel & Anita Borys approached and provided the following information:

- Generational farmland. Would like to give to children
- Comments from adj. landowners were provided all in favor but were not included in the report
- Currently being farmed. Nephew farms the land and is in support
- Good farmland would not be taken out of production except for 2-3 acres for a residence

44-24 Committee Member Glenn Belozor moved that the application to subdivide a 32.37 ha± (80 ac±) agricultural parcel from an unsubdivided quarter section with title area of 64.75 ha± (160 ac±) be approved with the following conditions:

1. Pursuant to Section 654(1)(d) of the Municipal Government Act, the landowner 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 subdivisions to be constructed to the Leduc County standards at the owner's expense;
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. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro: Committee Co-Chair Dal Viridi, Members Glenn Belozor and Ray Scobie

Con: Member Rick Smith opposed

CARRIED



Proposed subdivision – Hawkstone Developments Ltd. – NE 25-50-24 W4

SD24-040

Mr. Sarmad Abbasi, Senior Planner, Development Services, presented an updated staff report with respect to the application by the applicant Hawkstone Developments Ltd. Staff recommends **refusal** to subdivide one 1.63 ha (4.03 ac) farmstead parcel from a previously subdivided quarter section of 26.83 ha (66.30 ac).

DISCUSSION

The subject lands abut Range Road 240 to the east and Township Road 505 to the north. A 3.0 acre parcel was subdivided from the quarter section in 1980, an 80 acre parcel was subdivided from the quarter in 2012, and a 4.45 acre parcel was subdivided from the west half in 2016. The Agricultural Land Suitability Rating indicates the subject land consists entirely of Class 2, with Class 2 being considered Prime Agricultural Land.

According to the Municipal Development Plan the subject lands are located within the Agricultural Area B (North Central) where policies are aimed at conserving large tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping operations. In accordance with policy 4.3.1.6 of the Municipal Development Plan, there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area B (North Central). The proposed subdivision would result in the creation of a fifth 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 was one adjacent landowner comment received which opposed the proposed subdivision. Full comments are attached to this report.

Co-Chair Dal Viridi called upon the applicant to speak to the subdivision. Mona LaHaie approached and provided the following information:

- Only want to take out the home site and not cut up ag land
- No changes to ag land
- Sell to renters that have lived there four years and run a business
- One adjacent landowner letter
- Would like parcel as small as possible so it is affordable
- Zoning regulations only allow 2 titles per quarter. The land across road has 12 parcels, with small holdings, buildings, etc. and it will likely be 10 years before you see any large scale development

45-24 Committee Member Rick Smith moved that the application to subdivide one 1.63 ha (4.03 ac) farmstead parcel from a previously subdivided quarter section of 26.83 ha (66.30 ac) be approved with the following conditions:

1. Pursuant to Section 654(1)(d) of the Municipal Government Act, the landowner 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 subdivisions to be constructed to the Leduc County standards at the owner's expense;
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 ($26.83 \text{ ha} \pm \times 10\% = 2.683 \text{ ha} \pm$) shall be deferred to the title of the remnant parcel;
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

CARRIED UNANIMOUSLY

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

**Proposed subdivision – Ivo Surveys on behalf of Sean & Malerie McDonald – SE 21-50-23 W4
– Roll 681020**

SD24-041

Mr. Sarmad Abbasi, Senior Planner, Development Services, presented an updated staff report with respect to the application by the applicant Ivo Surveys on behalf of Sean & Malerie McDonald. Staff recommends **refusal** to subdivide one 10.01 acre parcel into two 5.00 acre parcels.

DISCUSSION

The subject lands abut Range Road 233 to the east and is located approximately 1.6 km west of the Pater Park subdivision. The quarter section was split into 80 acres in 1971, and was followed by a 10 acre subdivision from the south half in 1994. The Agricultural Land Suitability Rating indicates the subject land primarily consists of Class 2, with Class 2 being considered Prime Agricultural Land.

According to the Municipal Development Plan the subject lands are located within the Country Residential area where policies are aimed to provide rural living opportunities and lands designated Country Residential in this area will continue to accommodate this type of development. Policy 4.5.1.2 of the Municipal Development Plan stipulates one or more Area Structure Plans will be prepared to guide subdivision and development of the Country Residential area and promote interconnected neighbourhoods, transportation and stormwater infrastructure, drainage patterns, natural areas, and wildlife habitats. Leduc County is currently underway in the development an Area Structure Plan for this area, however, it has not been completed at this time.

Administration is of the opinion that further subdivision of this quarter section should be supported by an Area Structure Plan to further address the potential impacts stated above and ensure the subdivision is in compliance with an overall stormwater management plan, transportation plan, internal access that provides interconnected roadway and the protection of natural areas.

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

Co-Chair Dal Viridi asked if Committee Members had any questions or comments for administration.

Sarmad Abbasi responded that:

- Land is designated AG-CR Transitional
- ASP would be required

Co-Chair Dal Viridi called upon the applicant to speak to the subdivision. Steve from Ivo Surveys and Malerie McDonald approached and provided the following information:

- Shadow plan was circulated



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- ASP may not be required as proposal will allow access to all future parcels. Drainage could be protected by site drainage. Can meet intent of ASP without one in place
 - An ASP is more exhaustive and more expensive, the shadow plan was put together to show how adjacent lands could be developed
 - Malory McDonald advised that they had purchased land this year. It is a few minutes south of parents. Family interested in buying with potential to subdivide. Split into 2 for her sister's family
 - Not financially feasible to do full ASP

46-24 Committee Member Rick Smith moved that the application to subdivide one 10.01 acre parcel into two 5.00 acre parcels be approved with the following conditions:


1. Pursuant to Section 654(1)(d) of the Municipal Government Act, the landowner 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 subdivisions to be constructed to the Leduc County standards at the owner's expense;
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. The subdivision be registered pursuant to Alberta Land Titles requirements.

CARRIED UNANIMOUSLY

Adjournment

Co-Chair Dal Viridi declared the Subdivision Authority meeting be adjourned.

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



Co-Chairman



Secretary