

Subdivision Authority

Agenda

*Council Chamber, Leduc County Centre, Nisku, AB
Tuesday, October 15, 2024*

1. Order – 1:30 p.m.

2. Adoption of agenda

3. Adoption of previous minutes

Subdivision Authority Minutes – September 17, 2024

✓

4. Subdivision applications

1. SD24-052 – Christian Youth Camps – NE 24-47-2 W5 – Roll 2925000

✓

2. SD24-053 – Philip Roy & Sandra Humble – NW 36-68-25 W4 – Roll
1279030

✓

3. SD24-055 – Darcy Powlik Realty Ltd. – NE 11-49-1 W5 – Roll 2691000

4. Addition to Agenda – SD24-051 – Mark & Janice Lux – SW 22-48-26 W4;
Plan 1025014, Block 2, Lot 1 – Roll 1588020

5. Adjournment

Delegated Authority Decisions: September - 1



✓ Attachment provided

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Order and roll call

The meeting was called to order at 1:30 p.m. on Tuesday, October 15, 2024, by Chair Tanni Doblanko and committee members Rick Smith, Glenn Belozar, Dal Viridi 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

5 other individuals attended the meeting.

Agenda Adoption

51-24 Committee Member Dal Viridi that the amended agenda for the October 15, 2024 Subdivision Authority Committee meeting be accepted as presented.

CARRIED UNANIMOUSLY

Previous Minutes – Tuesday, September 17, 2024

52-24 Committee Member Glenn Belozar that the September 17, 2024 Subdivision Authority Committee minutes be accepted as presented.

CARRIED UNANIMOUSLY

Proposed Subdivision – Christian Youth Camps – NE 24-47-2 W5 – Roll 2925000

D24-052

Mr. Sarmad Abbasi, Senior Planner, Development Services, presented a staff report with respect to the application by the applicant on behalf of Christian Youth Camps. Staff recommends **approval** to subdivide a 11.45 ha± (28.30 ac±) parcel and a 22.96 ha± (56.71 ac±) parcel from a title area of 34.41 ha± (85.00 ac±).

DISCUSSION

The subject lands abut Township Road 474 to the north, and is currently owned by two non-profit societies; Christian Youth Camps, and the Edmonton Presbytery. Camp Maskepetoon is the only operating camp on the lands, with Camp WoHeLo ceasing operations in 2023. The proposal seeks to subdivide the lands into space for two camps, with Camp Maskepetoon operating on the remainder new lot, and room for a potential new camp to operate on the proposed parcel. The list of buildings to be distributed on the parcels is attached to the report.

According to the Municipal Development Plan, the subject lands are located within the Lakeshore Communities area, where lands are intended for recreation and residential development around the lakes.



Environmental Reserves

Policy 10.1 of the North Pigeon Lake Area Structure Plan (NPLASP) states that, "Environmental reserves will be requested by the Subdivision Authority as per the direction provided by the Act and County policy, as determined through the Riparian Setback Matrix Model". The applicant has provided a Riparian Setback study alongside the application.

Policy 4.5.3.3 of the MDP states that the County shall develop a strategy to acquire land along the immediate lakeshore and within the Lakeshore Communities to facilitate public access. Considering that no such strategy currently exists, and the difficulty in accessing and maintaining lands identified within the Riparian Setback study, Administration recommends that an environmental reserve easement be registered. As the study was only conducted for the proposed parcel, administration recommends that a new study be undertaken for the remainder parcel to identify the environmental reserve easement that needs to be dedicated on the remainder parcel as well.

There are existing buildings on the riparian area as identified within the Riparian Setback Study. Administration is of the opinion that the existing buildings may remain until they eventually require reconstruction, at which point they will be relocated outside of the environmental reserve easement area.

Potential Impacts

The intent of this subdivision application is to create a new lot to be sold to another organization that will be operating the existing buildings as a camp facility. As the use will remain the same, Administration anticipates minimal impacts from the proposed subdivision.

Policy 9.4c of the NPLASP states that, "A total of four lots may be created in a designated Preservation Area on any quarter section. Development on such lots shall be located on the periphery of the designated Preservation Area." The quarter section is zoned Lake Watershed with the exception of the northeast area which is designated as Resort Residential. The Resort Residential designation allows for smaller lots, which results in a total of 30 lots currently within the quarter section. As the Resort Residential parcels do not fall under the Preservation Area policy that the remainder of the quarter section is subject to, and that minimal impact is anticipated from the proposed subdivision, Administration is of the opinion that the parcel should be looked at as only having been subdivided once.

Access

The proposed and remainder parcel will have their own individual access off of Township Road 474. The applicant has stated that although an individual access to the proposed parcel will be constructed if the subdivision is approved, they will not build a road to the camp for the time being. Instead, they would like to register an easement agreement and use the existing road that goes between the remainder and proposed lots. This road will be utilized until such a time that the new property owner is settled in, and that they are able to construct a road from the approach towards the campsite.

There was one adjacent landowner comment received which was opposed to the proposed subdivision.

Chair Tanni Doblanko asked if there were any other questions for administration:

Sarmad Abbasi responded:

- no response was received regarding Fire Smart Plan from Fire Services.



Charlene Haverland provided the following information regarding tree removal

- trees are allowed to be removed for dwelling and buildings. A Restrictive Covenant can be put on the title to reduce tree removal.

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

- Operating since 1956, since the 60's an all girl camp was present
- The small non-profit organization is not able to run 2 camps
- There are 2 parties interesting in continuing to run the camp
- By selling the parcel, they would be able to generate funds which would allow the camp to be sustainable for several years and do upgrades that have been deferred
- The potential to lease the parcels to the interested parties was discussed, but they would rather purchase it and put the money into the facility

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

53-24 Committee Member Glenn Belozor moved that the application to subdivide a 11.45 ha± (28.30 ac±) parcel and a 22.96 ha± (56.71 ac±) parcel from a title area of 34.41 ha± (85.00 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 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 Development Standard;
3. Pursuant to Section 9(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 ten percent of the title area be proportionally deferred against the proposed and remnant lot;
5. Pursuant to Section 664(1) of the Municipal Government Act, a Riparian Setback Matrix Model study to be conducted for the remainder parcel to the satisfaction of Leduc County;
6. Pursuant to Section 664(1) of the Municipal Government Act, the applicant/owner shall provide an Environmental Reserve Easement to be registered on the proposed and remainder parcel by caveat to the satisfaction of Leduc County;
7. 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; and

8. The subdivision be registered pursuant to Alberta Land Titles requirements.

CARRIED UNANIMOUSLY

Proposed subdivision – Phillip Roy and Sandra Humble – NW 36-48-25 W4 – Roll 1279030 SD24-053

Mr. Sarmad Abbasi, Senior Planner, Development Services, presented an updated staff report with respect to the application by the applicants Phillip Roy and Sandra Humble. Staff recommends **refusal** to subdivide a 3.88 ha± (9.59 ac±) parcel from a title area of 16.20 ha± (40.03 ac±).

DISCUSSION

The subject land abuts Range Road 251 to the west, and is located 0.7 km northwest of the Hamlet of Kavanagh. The quarter section consists of 6 lots, with the west half of the quarter section split into two 40 acre parcels prior to 1975.

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 4.3.1.6 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 a farmstead subdivision, which is supported in Policy Area A. However, the applicant is seeking for a larger lot than what would be needed to accommodate a farmstead, which Administration does not support. Policy 4.3.1.7 states that there shall be no more than one (1) subdivision per unsubdivided quarter section in Area A. This application does not meet policy 4.3.1.7 as it proposes the creation of a 7th lot in the quarter section.

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 asked if there were any questions for administration.

Charlene Haverland provided the following information:

- 4 homes are allowed on 160 ac. This parcel does not have a residence and the agricultural buildings would no longer meet the intent of the Land Use Bylaw. If approved, the buildings would need to be removed unless a development permit is applied for
- Should the subdivision be approved – a potable water study should be done
- Soil is class 2 & 3. Quarter section is split between prime and non-prime agricultural land. The proposed lot is prime AG land

D

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Phillip Roy & Sandy Humble approached and provided the following information:

- Family member would like to set up home
- Piece marked for subdivision was where original home was. Water, sewer, gas still there
- Aware they could apply for 2nd residence but want a separate title so family member could own the parcel
- They are seniors so circumstances could change. Family member would be able to assist with their care and take care of business
- Property value is too high and too expensive to invest
- Family member likes the location and is ideal for 2nd home
- Pasture land, not successful in growing crop
- Small pasture area for horses

54-24 Committee Member Rick Smith moved that the application to subdivide a 3.88 ha± (9.59 ac±) parcel from a title area of 16.20 ha± (40.03 ac±) be **approved** with the following conditions:

1. Pursuant to Section 655(1)(a) of the Municipal Government Act, a development agreement shall be entered into for the timing of the removal of the existing buildings on the newly created lot;
2. 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;
3. 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;
4. 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;
5. 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;
6. Pursuant to Section 669(1) of the Municipal Government Act, Municipal Reserves in the amount of 1.62 ha (4.003 ac) be deferred against the remnant lot;
7. Pursuant to Section 662(1) of the Municipal Government Act, the applicant/owner shall dedicate, by caveat a 5.0 metre right of way on the west side of the proposed and remnant parcel boundary;



8. The subdivision be registered pursuant to Alberta Land Titles requirements.

CARRIED UNANIMOUSLY

The Subdivision Authority Committee felt that the home site could be redeveloped with new residence.

Proposed subdivision – Darcy Powlik – NE 11-49-1 W5 – Roll 2691000

SD24-055

Mr. Sarmad Abbasi, Senior Planner, Development Services, presented an updated staff report with respect to the application by the applicant Darcy Powlik. Staff recommends **refusal** to subdivide the quarter section with a title area of 64.7 ha± (160 ac±) into two 32.37 ha± (80 ac±) parcels.

DISCUSSION

The subject land abuts Township Road 492 to the north and Range Road 11 to the east, and is located within the Leduc County and Town of Thorsby Intermunicipal Development Plan 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 4.3.1.6 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 Policy Area A. Approving the subdivision would result in the fragmentation of these prime lands through lot lines, 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 asked if there were any questions for administration.

Charlene Haverland advised there is no homestead on the land.

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

- Inherited the land and would like two 80 parcels. Daughter would put modular home and yard site on one parcel and the Senio's would have the other 80 ac
- Land is rated 60%, currently farmed by brother in law and do not intend to stop farming
- Intent is to remain as is
- Old yard site has become a crime centre. This would be eliminated as there would be people living on the property
- Oil and gas activity. Well on proposed site has been decommissioned, other one likely decommissioned soon



55-24 Committee Member Glenn Belozar moved that the application to subdivide the quarter section with a title area of 64.7 ha± (160 ac±) into two 32.37 ha± (80 ac±) parcels 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;
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. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro: Committee Members Ray Scobie, Dal Viridi, Glenn Belozar and Rick Smith

Con: Chair Tanni Doblanko

CARRIED

The Subdivision Authority Committee felt that 2 young families would be a benefit to Leduc County and to Thorsby and no prime farm land would be taken out of production.

Proposed Subdivision – Mark & Janice Lux – SW 22-48-26 W4; Plan 1025014, Block 2, Lot 1
Roll 1588020

SD24-051

Mrs. Charlene Haverland, Manager Development Services, presented an updated staff report with respect to the application by the applicants Mark & Janice Lux. Staff recommends **refusal** to subdivide two residential lots of 5.44 ha (13.44 ac) each from a previously subdivided quarter section of 16.43 ha (40.6 ac).

DISCUSSION

The subject lands are located off Range Road 263 and a half mile south of Township Road 484. A prior subdivision application was refused in 2023.

The subject lands are low lying lands that historically hold and convey water which illustrate they are subject to flooding. It was requested that these lands be demonstrated that they are suitable for development. A stormwater management plan was submitted by the proponent 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.

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 4.3.1.6 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. There shall be no more than one (1) subdivision (two titled lots) per unsubdivided quarter section

AD

in Agricultural Area A. The proposed subdivision would result in the creation of fourth and fifth titled parcel in this quarter section and represent large residential lots.

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2, with Class 2 considered Prime Agricultural Land. An Agricultural Impact Assessment was completed with the subdivision application. The applicant's assessment returned a high score of 164 which indicates that the proposed subdivision does not accord with planning policy.

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.

Summary:

The applicant completed a detailed storm water management plan demonstrating the suitability of the proposed lots to be free from flooding and suitable for residential construction. 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.

Through the circulation of the subdivision application adjacent landowners communicated that they were not in favor the proposed subdivisions.

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

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

- Would like to put house on south lot for daughter who would like to be close to family for health reasons
- Could put 2 houses on the lot

56-24 Committee Chair Tanni Doblanko moved that the application to subdivide two residential lots of 5.44 ha (13.44 ac) each, from a previously subdivided quarter section of 16.43 ha (40.6 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:
 - a. Policy 4.3.1.7 states there shall be no more than one (1) subdivision (two titled lots) per unsubdivided quarter section in Agricultural Area A.
 - b. 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 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;
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 Members Chair Tanni Doblanko, Dal Viridi, Glenn Belazer

Con: Ray Scobie, Rick Smith

CARRIED

Adjournment

Chair Tanni Doblanko declared the Subdivision Authority meeting be adjourned.

The Subdivision Authority meeting was adjourned at 2:31 p.m.



Chairman



Secretary