



**SUBDIVISION AUTHORITY
MEETING AGENDA
Tuesday April 17, 2018**

1. **ORDER – 1:30 p.m.**
2. **ADOPTION OF AGENDA**
3. **ADOPTION OF PREVIOUS MINUTES**
Subdivision Authority Minutes – March 15, 2018
4. **SUBDIVISION APPLICATIONS**
 1. SD17-067 – WSP – Chuck McNutt/Remington Development Corporation
– NW 26-50-25 W4
 2. SD17-078 – WSP – Chuck McNutt/Remington Development Corporation
– NW 26-50-25 W4/NE 26-50-25 W4/SW 25-50-25 W4
 3. SD18-007 – William Beylea & Lucie Riopel – NW 30-48-25 W4
 4. SD18-009 – Lloyd & Esther Kadatz – SW 31-50-21 W4
 5. SD18-010 – James & Lori Gunsch – SE 14-49-1 W5
 6. SD18-011 – Larry Scheffelmaier – SE 6-50-25 W4
 7. SD18-015 – Trent, Ken & Maxine Wedman – NE 17-49-26 W4
5. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions – (March - 3)

**MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON TUESDAY, APRIL 17, 2018 IN THE COUNCIL CHAMBER OF THE COUNTY
CENTRE BUILDING, NISKU, ALBERTA.**

Order and Roll Call

The meeting was called to order at 1:30 p.m., Tuesday, April 17, 2018 by Chair Tanni Doblanko with Committee Members Kelly-Lynn Lewis, Kelly Vandenberghe, Glenn Belozar and Ray Scobie present.

Also present were:

- Mrs. Charlene Haverland, Manager, Development Services
- Mr. Dave Desimone, Senior Planner
- Mr. Kyle Payne, Planner
- Mr. Rick Thomas, Secretary of the Subdivision Authority
- Mrs. Rae-Lynne Spila, Municipal Engineer
- Mrs. Laurie Stoetzel, Recording Secretary

8 other individuals were present.

Agenda Adoption

17-18 Committee Member Belozar that the Agenda for the April 17, 2018 Subdivision Authority meeting be adopted as circulated with the following change:

“Delete item 7 – SD18-015 – Trent, Ken & Maxine Wedman – NE 17-49-26 W4.”

Carried Unanimously

Previous Minutes – March 15, 2018

18-18 Committee Member Lewis that the March 15, 2018 Subdivision Authority minutes be confirmed as circulated.

Carried Unanimously

Proposed Subdivision - NW 26-60-25 W4

SD17-067

Proposed Subdivision - NW 26-50-25 W4, NE 26-60-25 W4 & SW 25-50-25 W4

SD17-078

Mr. Dave Desimone, Senior Planner, Development Services presented staff reports simultaneously with respect to these two applications by applicants/landowners WSP – Remington Developments Corporation as they relate to each other. Application SD17-067 proposes to subdivide three undeveloped parcels of 5.25 ha± (12.97 ac±), 1.20 ha± (2.96 ac±) and 1.28 ha± (3.16 ac±), for business industrial use, from title areas of 53.35 ha± (131.83 ac±), 3.24 ha± (8.00 ac±) and 64.75 ha± (160.00 ac±). Application SD17-068 proposes to subdivide 34 Business Industrial/Light Industrial lots, ranging in size from .44 ha± (1.08 ac±) to 3.76 ha± (9.29 ac±), 1 Municipal Reserve lot of 4.50 ha± (11.12 ac±), 3 Public Utility lots of 3.08 ha± (7.61 ac±), 2.78 ha± (6.87 ac±) and 0.32 ha± (.79 ac±) and a 6.84 ha± (16.90 ac±) for QE 2 Expansion area. Staff recommends that applications SD17-067 and SD17-078 be conditionally approved.

History:

The subject lands are located adjacent to Range Road 252 and the Queen Elizabeth II Highway. The Stage 1 subdivision within the Crossroads Area Structure Plan was approved in 2012. This

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application is proposing to subdivide the lots adjacent and within Transitional Policy Area which will work with the proposed Alberta Transportation Widening of the Queen Elizabeth II Highway.

Discussion:

Re: SD17-067 - The subdivision application is in compliance with the Land Use Bylaw, Municipal Development Plan and the Crossroads Area Structure Plan (ASP). The Crossroads Area Structure Plan (ASP) was approved by Council on May 8, 2012. Leduc County Council approved the redistricting of the subject lands from Agricultural (AG) to Industrial Business (IB) and Light Industrial (LI) on May 22, 2012 and for Lot 1, Block 1, Plan 0729782 on February 6, 2018. As such, the newly amended and adopted bylaws allow for the subdivision of lots as prescribed in the Crossroads ASP. The subdivision has been planned in stages in order to facilitate orderly development. The Subdivision encompasses Stage 1 and Stage 2 of the Crossroads ASP. The future stages of subdivision shall be in accordance with the Crossroads ASP.

A development agreement will address the specifics of utilities, landscaping, roads, and construction requirements. Contribution to off-site levies and sharing of servicing costs shall be in accordance with the County's Off-site Levy Policies and Procedures. The engineered storm water management system will have to be approved by Leduc County Public Works and Engineering and Alberta Environment.

The Land Use Bylaw requires that lots shall be designed and constructed to meet the Leduc County's engineering standards for municipal water, municipal sanitary sewer, storm water management, paved road, noise attenuation, grading and utilities. The design and construction of the roads shall be in accordance with the road cross sections identified in the Crossroads Area Structure Plan.

Discussion:

Re: SD17-078 - The registration of the Stage 1 subdivision, approved September 3, 2015 (SD12-020), and the construction of the roadway as part of the approval, will provide access to the parcels as proposed in this application. A development agreement will address the specifics of additional legal agreements, utilities, landscaping, roads, and construction requirements. Contribution to off-site levies and sharing of servicing costs shall be in accordance with the County's Off-site Levy Policies and Procedures. The engineered storm water management system will have to be approved by Leduc County Public Works and Engineering and Alberta Environment.

The Land Use Bylaw requires that lots shall be designed and constructed to meet the Leduc County's engineering standards for municipal water, municipal sanitary sewer, storm water management, paved road, noise attenuation, grading and utilities. The design and construction of the roads shall be in accordance with the road cross sections identified in the Crossroads Area Structure Plan.

The main water supply to the subdivision will be a reservoir pumphouse located in the Public Utility Lot in the southeast corner of the Plan area. The sanitary sewer connection will be sloping from south to north and discharging to an interim lift station located in the north portion of the Plan area. Wastewater pumped from the lift station will be conveyed to the South East Regional Trunk Sewer outfall located on the east side of the Queen Elizabeth II Highway. Underground natural gas, telephone, power and cable will also be provided to the site by the extension of the existing services.

There were no adjacent land owner comments received regarding the proposed subdivisions.

Chair Tanni Doblanko asked if Committee Members had any further questions for the technical staff.

- David Desimone provided information regarding the highway re-alignment and storm water pond;
- Charlene Haverland provided information regarding environmental impacts, municipal reserves and off site levies.

Chair Tanni Doblanko called upon the applicant/landowner to speak to the subdivision. Mr. Chuck McNutt of WSP and Ms. Lawrence from Remington Developments Corporation were in attendance and Mr. McNutt came forward.

Chair Tanni Doblanko asked if Committee Members had any further questions of the applicant/landowner. There were none and Mr. McNutt advised that he was in agreement with the list of conditions.

19-18 Committee Member Belozer - that application SD17-067 for three undeveloped parcels of 5.25 ha± (12.97 ac±), 1.20 ha± (2.96 ac±) and 1.28 ha± (3.16 ac±), for business industrial use, from title areas of 53.35 ha± (131.83 ac±), 3.24 ha± (8.00 ac±) and 64.75 ha± (160.00 ac±) be **approved** as per staff recommendation with the following conditions:

1. Pursuant to Section 655(1)(b) of the Municipal Government Act, the developer/owner enter into a development agreement with Leduc County; to include provisions for the following, unless otherwise approved by the Council and without limiting the forgoing and abide by:
 - i. Payment of off-site levies;
 - ii. Detailed engineering drawings, and servicing reports to be approved by Leduc County prior to construction;
 - iii. Design and construction of municipal water and sanitary sewer systems including service connections to each lot in accordance with Leduc County requirements;
 - iv. Design and construction of a storm water management system in accordance with Leduc County, EIA and Alberta Environment;
 - v. Provision for lot grading and/or filling, as required; and
 - vi. Crossing agreements of existing roads and utility easements/right of ways as required;
2. Pursuant to Section 654(1)(d) of the Municipal Government Act, the developer/owner pay any outstanding property taxes to Leduc County or make satisfactory arrangements with the Council of Leduc County for the payment thereof.
3. Pursuant to Section 669(1)(2) of the Municipal Government Act, municipal reserves in the amount of 0.77ha be deferred by caveat against the title of the NE 26-50-25-W4;
4. Pursuant to Section 7(g) of the Subdivision & Development Regulation, the developer/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 654 of the Municipal Government Act, that easement and utility rights of way documents required to service this parcel be submitted for concurrent registration with the Plan of Subdivision at the Land Titles Office.

6. The subdivision SD12-020, Stage 1 be registered prior to or concurrently with the subdivision; and
7. The subdivision be registered by plan of survey pursuant to Alberta Land Title requirements.

Carried Unanimously

20-18 Committee Member Lewis - that application SD17-078 for 34 Business Industrial/Light Industrial lots, ranging in size from .44 ha± (1.08 ac±) to 3.76 ha± (9.29 ac±), 1 Municipal Reserve lot of 4.50 ha± (11.12 ac±), 3 Public Utility lots of 3.08 ha± (7.61 ac±), 2.78 ha± (6.87 ac±) and 0.32 ha± (.79 ac±) and a 6.84 ha± (16.90 ac±) for QE 2 Expansion area be **approved** as per staff recommendation with the following conditions:

1. Pursuant to Section 655(1)(b) of the Municipal Government Act, the developer/owner enter into a development agreement with Leduc County; to include provisions for the following, unless otherwise approved by the Council and without limiting the forgoing and abide by:
 - i. Payment of off-site levies;
 - ii. Design and construction of paved internal subdivision roads and signage / Traffic signals for same including temporary turnarounds to be constructed at the end of the internal roads, in accordance with Leduc County standards;
 - iii. Detailed engineering drawings, and servicing briefs & reports to be submitted and approved by Leduc County prior to construction;
 - iv. Design and construction of municipal water and sanitary sewer systems including service connections to each lot in accordance with Leduc County requirements;
 - v. An engineered review of the proposed water flow and pressure at fire hydrants throughout the subdivision by Leduc County for approval prior to construction;
 - vi. Provisions for endeavor to assist;
 - vii. Design and construction of a storm water management system in accordance with Leduc County, EIA and Alberta Environment;
 - viii. Approval of the storm water management system by Alberta Environment; EIA and Leduc County;
 - ix. Provision for lot grading and/or filling, as required;
 - x. Fencing of the PUL's in accordance with Leduc County Development Requirements;
 - xi. Provision respecting of landscaping, as required;
 - xii. Removal of surplus topsoil stockpiles within 5 years of entering into the development agreement;
 - xiii. Protection and/or removal of abandoned water services including capping requirements at the mains;
 - xiv. Street lights and traffic lights for the internal road network;
 - xv. Crossing agreements of existing roads and utility easements/right of ways;
 - xvi. the plans for installation of other utilities (gas, electricity, telecommunication) to Leduc County's satisfaction;
 - xvii. the plans for the location of community mailboxes to the satisfaction of Leduc County and Canada Post Corporation; and
 - xviii. the security to ensure that the terms of this agreement are carried out;
2. Pursuant to Section 654(1)(d) of the Municipal Government Act, the developer/owner pay any outstanding property taxes to Leduc County or make satisfactory arrangements with the Council of Leduc County for the payment thereof.
3. Pursuant to Section 669(4)(5) of the Municipal Government Act, all municipal reserve registered by caveat be discharged off NE 26-50-25-W4;

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4. Pursuant to Section 654 of the Municipal Government Act, that easement and utility rights of way documents required to service this parcel be submitted for concurrent registration with the Plan of Subdivision at the Land Titles Office.
5. The subdivision SD12-020, Stage 1 be registered prior to or concurrently with the subdivision; and
6. The subdivision be registered by plan of survey pursuant to Alberta Land Title requirements.

Carried Unanimously

Proposed Subdivision – NW 30-48-25 W4

SD18-007

Mr. Kyle Payne, Planner, Development Services, presented a staff report with respect to the application by applicants/landowners William Belyea and Lucie Riopel. Staff recommends refusal of the application to subdivide a developed 1.75 ha± (4.32 ac±) parcel, for country residential use, from a previously subdivided quarter section with a title area of 16.20 ha± (40.00 ac±).

History:

The subject lands are located adjacent to Range Road 260 and 0.8 km north from Township Road 484. The existing 16.20 ha± (40.00 ac±) was subdivided from the quarter section in 1971.

Discussion:

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of High Capability Agricultural Land (41.9%). The policies of the Municipal Development Plan stipulate that subdivision shall be limited to one lot from an unsubdivided quarter section on High Capability Agricultural Land. The proposed lot would be considered as 2nd parcel out of the quarter section.

Policies within the Municipal Development Plan also state that that the amount of high capability agricultural land removed from farming because of non-agricultural development shall be minimized. Section 3.3.14 of the Municipal Development Plan requires that new country residential parcels be located on low capability land, well defined and compatible with adjacent land uses without setting precedent for further subdivision of the surrounding lands. The proposed subdivision provides for the opportunity of future development on the remnant lands. It is the opinion of staff that the proposed subdivision sets precedent for further subdivision and development.

The proposed subdivision lies within the Rural Area identified in the Edmonton Metropolitan Region Growth Plan. 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.

Two adjacent landowners submitted comments to Leduc County in opposition of the subdivision.

Chair Tanni Doblanko asked if Committee Members had any further questions for the technical staff.

- Kyle Payne advised that the numerous subdivisions in the area may be due to location of lands in close proximity to Highways and adjacent to range road 260.
- Kyle Payne provided information regarding dug out on property.

Chair Tanni Doblanko called upon the applicant/landowner to speak to the subdivision. Mr. Belyea approached and provided the following information:

- there is a dug out on the property; old yard site;
- background of 2 year cow/calf operation;
- reasons for the subdivision is due to numerous break-ins, house is deteriorating and will be boarded up and eventually be rebuilt;
- existing well, septic system and power;
- fire on the property caused damage;
- he did not speak to the neighbors but understands they are concerned about maintaining agricultural capacity. He will be putting a crop in.

Chair Tanni Doblanko asked if Committee Members had any further questions of the applicant/landowner. Mr. Belyea re-iterated:

- old yard site, septic & power
- farm land will be put into crop.

There were 2 letters received in opposition to the application.

Committee Member Vandenberghe advised the area is high agricultural suitability. Country Residential parcels are nice but there are areas set aside with lower agricultural ratings. Since the agricultural capacity is high, he will be supporting refusal.

Chair Tanni Doblanko advised she will not be supporting the application as there are so many highly populated small subdivisions in the agricultural area.

21-18 Member Vandenberghe – that the application by the applicants William Belyea and Lucie Riopel to subdivide a developed 1.75 ha± (4.32 ac±) parcel, for country residential use, from a previously subdivided quarter section with a title area of 16.20 ha± (40.00 ac±) be **refused** as per staff recommendation 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 policies of the Municipal Development Plan (25-16):
 - a. Policy 3.1.1 stipulates productive agricultural land shall be protected for agricultural use;
 - b. Policy 3.1.2 stipulates that fragmentation and the amount of high capability land removed from production for non-agricultural development shall be minimized;
 - c. Policy 3.3.1 states that on high capability agricultural land, subdivision shall be limited to one lot from an unsubdivided quarter section and must be a suitable size and shape for agricultural use (approximately 32 ha); and
 - d. Policy 3.3.14(a) stipulates the subdivision shall be small in scale and well defined and would not set a precedent or encourage further subdivision of the surrounding lands.
2. Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to Part 10.1.2 of the Land Use Bylaw (7-08) which states that the minimum size for agricultural lots in all Land Use Districts should be 32.4 ha (80.0 ac) or such size as results from a physical severance.



3. Pursuant to Section 654(1)(c) of the Municipal Government Act, the proposed subdivision does not conform to Policy 6.2.2 of the Edmonton Metropolitan Region Growth Plan which 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.

The policies of the Municipal Development Plan, Land Use Bylaw, and Edmonton Metropolitan Region Growth Plan are not met by this application.

Pro: Chair Doblanko, Committee Members Vandenberghe, Lewis, Scobie
Con: Committee Member Belozer

Carried

Chair Doblanko explained the appeal process to the applicant/landowner.

Proposed Subdivision – SW 31-50-21 W4

SD18-009

Mr. Kyle Payne, Planner, Development Services presented a staff report with respect to the application by applicants/landowners Lloyd and Esther Kadatz. Staff recommends approval of the application to subdivide a developed 16.2 ha parcel, for small holdings use, from a previously subdivided quarter section with a title area of 62.7 ha.

History:

The subject lands are located adjacent to Range Road 220 and 0.8 km south of Township Road 510. A 1.62 ha± (4.0 ac±) parcel was subdivided from the quarter section in 2005.

Discussion:

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists entirely of Low Capability Agricultural Land (16%-39.9%). The policies of the Municipal Development Plan stipulate that smallholding parcels may be allowed on low capability lands. The smallholding policy provides for 16 ha parcels where a specialized agricultural undertaking has been proposed.

The Land Use By-law allows for lots less than the prescribed minimum (80 acres) providing it can support an economically viable agricultural operation. The applicants have indicated the potential for agricultural uses that may be suitable on the subject land and have indicated that the proposed uses are economically viable. Staff is of the opinion the applicant has provided evidence that the agricultural uses proposed are viable and the proposed parcel does not merely represent a large country residential lot. For this reason, administration are of the opinion that this application should be approved.

The proposed subdivision falls within the Rural Area identified in the Edmonton Metropolitan Region Growth Plan. 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. Staff is of the opinion this subdivision is maintaining agricultural land for efficient agricultural production.

There were no adjacent landowner comments submitted regarding the proposed application.

Chair Tanni Doblanko asked if Committee Members had any further questions for the technical staff.

- Kyle Payne advised that the application meets districting and small holdings for lower capability farmland
- David Desimone provided comparisons of similar request. The intended use is economically viable for agricultural use and is primarily livestock. No environmental concerns with land close to lake.

Chair Tanni Doblanko called upon the applicant/landowner to speak to the subdivision. Mr. Kadatz came forward and indicated:

- lake is ½ mile from proposed parcel with no water course running through;
- intended use going forward – livestock operation will remain but are downsizing;
- buildings and facilities are there for livestock which will remain and be maintained;
- currently being farmed with the eventual plan to sell the parcel and wind down the operation.

Chair Tanni Doblanko asked if Committee Members had any further questions of the administration. There were none.

22-18 Member Vandenberghe – that the application to subdivide a developed 16.2 ha parcel, for small holdings use, from a previously subdivided quarter section with a title area of 62.7 ha be **approved** as per staff recommendations with the following conditions:

1. Pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant/owner enter into a development agreement with Leduc County and abide by the terms therein;
2. 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;
3. Pursuant to Section 7(g) of the Subdivision & Development Regulation, the applicant/owner confirms 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 9(a) of the Subdivision and Development Regulation, the applicant/owner shall provide access to each lot created. Each approach shall be built to Leduc County Development Standard; and
5. The subdivision be registered pursuant Alberta Land Titles requirements.

Carried Unanimously

Proposed Subdivision – SE 14-49-1 W5 SD18-010

David Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by applicants/landowners James & Lori Gunsch. Staff recommends refusal of the application to subdivide an undeveloped 8.09 ha parcel for agricultural industrial use from a titled area of 18.5 ha. The proposed access would need to be accessed by of the Town of Thorsby internal roadway. Staff advised the Subdivision Authority that they may want to consider a deferral of the application.

History:

The subject lands are located adjacent to Range Road 11 and Township Road 492. A 5.14 ha± (12.70 ac±) parcel was subdivided from the quarter section in 2006. Three parcels of 18.45 ha± (45.6 ac±), 15.67 ha± (45.6 ac±) and 4.26 ha± (10.5 ac±) were subdivided from the quarter section in 2012.

Discussion:

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of a mix of Low and High Capability Agricultural Land (40%-56%). The policies of the Municipal Development Plan indicate that on high capability agricultural land subdivision shall be limited to one lot out of the quarter section. This parcel would be considered the 5th parcel out of this quarter.

The policies and objectives of the Municipal Development Plan stipulate that joint planning with adjacent municipalities shall be conducted to achieve harmonious and compatible land use patterns, resolve interjurisdictional issues and conflicts, and develop logical extensions of roadways and utilities. Leduc County and the Town of Thorsby have recently begun the first stages of exploring an Intermunicipal Development Plan and Intermunicipal Collaboration Framework.

The applicant has stated they are subdividing to sell the land to the Thorsby Auction. The applicant submitted a letter from the Town of Thorsby dated January of 2018 stating the Town had no objection in principle to providing access to the proposed parcel for vehicles under 1 ton, following a process of development and access approvals, which were not in place at that time. The Town of Thorsby responded to the referral for the proposed subdivision on March 16, 2018 stating that an agreement for access had not been issued and that this should be resolved prior to subdivision approval.

The Thorsby Auction Mart operates on lands within the Town of Thorsby that are within the Industrial District. The proposed parcel is districted as Agricultural in the Leduc County Land Use Bylaw and it is unclear if the proposed use would be suitable for these lands. It is the opinion of administration that the subdivision application is premature and while the proposed development may be supported in principle, further discussion between the applicant, the tenant, Leduc County and the Town of Thorsby would be required. Should this option be acceptable to the applicant, administration would recommend the Subdivision Authority defer the subdivision application.

The proposed subdivision falls within the Rural Area identified in the Edmonton Metropolitan Region Growth Plan. 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 submitted regarding the proposed subdivision.

Chair Tanni Doblanko asked if Committee Members had any further questions for the technical staff. Dave Desimone provided the following:

- possible re-zoning of the lands;
- access only available through Town of Thorsby;
- close to residential lots;

Charlene Haverland provided the following:

- it is up to Town of Thorsby to send referrals to neighboring landowners; public consultation is required for rezoning
- auction market falls under industrial/agricultural in LUB. Could discuss with the Town as to how the development affects residents. Access not necessarily through 45 Street, but straight through auction market.

23-18 Chair Tanni Doblanko – to defer the application to the May 15, 2018 Subdivision Authority meeting for more information. There was no debate on the deferral request.

Carried

Pro: Chair Doblanko, Committee Members Vandenberghe, Lewis

Con: Committee Member Belozzer, Scobie

Proposed Subdivision – SE 6-50-25 W4 SD18-011

Kyle Payne, Planner, Development Services, presented a staff report with respect to the application by applicant/landowner Larry Scheffelmaier. Staff recommends refusal of the application to subdivide an undeveloped 1.63 ha parcel, for country residential use, from a previously subdivided quarter section with a titled area of 36.41 ha.

History:

The subject lands are located adjacent to Range Road 255 and Township Road 500. A 2.72 ha± (6.72 ac±) parcel was subdivided from the quarter section in 1991. A 36.41 ha± (89.97 ac±) parcel was subdivided from the quarter section in 2010.

Discussion:

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of a mix of Low and High Capability Agricultural Land (31%-81%). The policies of the Municipal Development Plan indicate that on high capability agricultural land subdivision shall be limited to one lot out of the quarter section. This parcel would be considered as 3rd parcel out of this quarter. The applicant has stated they are subdividing for their daughter and son in law.

The Municipal Development Plan indicates that it shall minimize the amount of high capability agricultural land removed from farming because of non-agricultural development and the fragmentation of land. Leduc County policies do not support incremental unplanned development. Section 3.3.14 of the Municipal Development Plan requires that new country residential parcels be located on low capability land, well defined and compatible with adjacent land uses without setting precedent for further subdivision of the surrounding lands. It is the opinion of staff that the proposed subdivision is precedent setting and removes high agricultural land from farming.

The subject lands are located within Area H – IDP Reserve and Referral Area of the City of Leduc/Leduc County Intermunicipal Development Plan. The policies for this area stipulate that both municipalities have an interest in discouraging premature subdivision. The subdivision application was referred to the City of Leduc. The City requested in their response that the proposed subdivision not be approved based on the policies outlined in the Intermunicipal Development Plan.

The proposed subdivision falls within the Metropolitan Area identified in the Edmonton Metropolitan Region Growth Plan. The EMRGP stipulates that prime agricultural lands in the Metropolitan Area shall be conserved for as long as possible, recognizing that these lands will urbanize over time to accommodate growth.

One adjacent landowner submitted comments regarding the proposed subdivision.

Chair Tanni Doblanko asked if Committee Members had any further questions for the technical staff. David Desimone provided the following:

- future transportation within area H;
- growth will happen eventually but no detailed plans;
- ERGMT falls in the high growth area;
- no wet land study has been conducted; Parks & Rec commented on the location of the building being adjacent to wetland and low lying area;

Chair Tanni Doblanko called upon the applicant/landowner to speak to the subdivision.

Mr. Scheffelmanier approached and inquired if his application is creating a new precedence and questioned subdivision south along Hwy 39.

- He advised that the driveway is good.
- Land is in wet area and has adequate drainage.
- No basement would be built.

Chair Tanni Doblanko asked if Committee Members had any further questions of the applicant/landowner. There were none.

Chair Tanni Doblanko asked if Committee Members had any further questions for the technical staff.

David Desimone confirmed that:

- there are 4 residences total currently on ¼ section. The LUB allows for 2 primary residents on residential parcels 80 ac. and over and 1 secondary residence and 1 mobile home on parcels under 80 ac.
- water table tests have been conducted and they do not prevent development.

Rae-Lynne Spila advised the land is fully farmable and there is no wet land vegetation.

Charlene Haverland confirmed that a mound or field system would be acceptable

24-18 Member Scobie – that the application by the applicant Larry Scheffelmanier to subdivide an undeveloped 1.63 ha parcel, for country residential use, from a previously subdivided quarter section with a titled area of 36.41 ha. be **approved**.

Member Lewis commented she is not in favor of the approval due to the uncertainty of the airport and city growth.

Member Vandenberghe acknowledged the adjacent landowners comments and due to the low/wet area he is not in favor of the approval.

Chair Tanni Doblanko does not support approval.

Chair Tanni Doblanko called for a vote on Member Scobie's motion to approve the subdivision.



Pro: Committee Member Scobie, Belozer
Con: Chair Doblanko, Committee Member Lewis, Vandenberg

Defeated

The subdivision has been **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 policies of the Municipal Development Plan:
 - a. Policy 3.1.1 stipulates productive agricultural land shall be protected for agricultural use;
 - b. Policy 3.1.2 stipulates that fragmentation and the amount of high capability land removed from production for non-agricultural development shall be minimized;
 - c. Policy 3.3.1 states that on high capability agricultural land, subdivision shall be limited to one lot from an unsubdivided quarter section and must be a suitable size and shape for agricultural use (approximately 32 ha); and
 - d. Policy 3.3.14(a) stipulates the subdivision shall be small in scale and well defined and would not set a precedent or encourage further subdivision of the surrounding lands.
2. Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to Part 10.1.2 of the Land Use Bylaw 7-08 which states that the minimum size for agricultural lots in all Land Use Districts should be 32.4 ha (80.0 ac) or such size as results from a physical severance.
3. Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform the City of Leduc/Leduc County Intermunicipal Development Plan that states:
 - a. Policy 5.9 states that both municipalities also have an interest in discouraging premature subdivision in Area H; and
 - b. Policy 5.9.2 states that the existing agricultural and small-scale rural residential land uses within this Policy Area should continue to be supported until such time as contiguous urban land uses and full municipal services have been developed within the Growth Scenario areas.
4. 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.

The policies of the Municipal Development Plan, Land Use Bylaw, City of Leduc/Leduc County Intermunicipal Development Plan and Edmonton Metropolitan Region Growth Plan are not met by this application.


Chair Tanni Doblanko explained the appeal process to the applicant/landowner.


Adjournment

25-18 Committee Member Lewis that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting concluded at 2:56 p.m.


CHAIRMAN


SECRETARY