



**SUBDIVISION AUTHORITY
MEETING AGENDA
Tuesday June 19, 2018**

- 48 -

1. **ORDER** – 1:30 p.m.
2. **ADOPTION OF AGENDA**
3. **ADOPTION OF PREVIOUS MINUTES**
Subdivision Authority Minutes – May 15, 2018
4. **SUBDIVISION APPLICATIONS**
 1. SD18-017 – Nick & Sean Morgan – SW 16-49-01 W5
 2. SD18-018 – George & Majorie Stenger – SE 18-50-23 W4
 3. SD18-019 – Donna Oliver – NW 21-50-23 W4
 4. SD18-021 – Johannes & Jeanet Korteweg – SE 20-49-26 W4
 5. SD18-024 – Elisabeth Derksen on behalf of Mones Kodri – Lot 1, Block 1, Plan 0926259 (SW 8-50-22 W4)
5. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions – (May - 2)

**MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON TUESDAY, JUNE 19, 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, June 19, 2018 by Chair Tanni Doblanko with Committee Members Kelly-Lynn Lewis, Kelly Vandenberghe, Glenn Belozar and Ray Scobie present.

Also present were:

- 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
- Mr. Matthew Miller, Planning/Engineering Technologist

10 other individuals were present.

Agenda Adoption

26-18 Committee Member Belozar - that the Agenda for the June 19, 2018 Subdivision Authority meeting be adopted as circulated with the following amendment:

Delete item 5 – SD18-024 – Elisabeth Derksen on behalf of Mones Kodri – Lot 1, Block 1, Plan 0926259 (SW 8-50-22 W4)

Carried Unanimously

Previous Minutes – May 15, 2018

27-18 Committee Member Scobie - that the May 15, 2018 Subdivision Authority minutes be confirmed as circulated.

Carried Unanimously

Proposed Subdivision – Nick & Sean Morgan – SW 16-49-01 W5

SD18-017

Mr. Kyle Payne, Planner, Development Services presented a staff report with respect to the application by applicants/landowners Nick & Sean Morgan. Staff recommends refusal of the application to subdivide an undeveloped 25.40 ha± (62.76 ac±) parcel for agricultural use from a previously subdivided quarter section with a title area of 59.14 ha± (146.14 ac±).

History:

The subject lands are adjacent to Range Road 14 and Highway 39. Subdivision of the existing 4.51 ha± (11.14 ac±) parcel from the quarter section occurred in 2012.

Discussion:

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject parcel consists of high capability agricultural land with the exception of the

areas that are identified as tree stands, which is low capability agricultural lands (12% to 58%). The 2014 Environmentally Sensitive Area data indicates that this area as riparian area.

The policies of the Municipal Development Plan state that subdivision shall be limited to one lot from an unsubdivided quarter section on high capability agricultural land. The proposed lot would be the second parcel subdivided from the quarter section. Policies within the Municipal Development Plan also state 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 Municipal Development Plan has policy regarding agricultural smallholding parcels, subdividing 40 acres or greater for agricultural use. Policy states that a business plan be provided to support the agricultural proposal and that smallholdings be located on low capability agricultural land. The lands are of high capability and the applicants have not submitted a business plan, or demonstrated to administration that the proposed parcel does not merely represent a large country residential lot. It is the opinion of Planning and Development that the proposed subdivision sets precedent for further subdivision and development since each parcel would be permitted to have at least two dwellings sited on them. This further reduces the amount of agricultural land for farming and increases the number of residents that would be living in the area, which may lead to conflicts between the existing farming and residential use.

One adjacent landowner letter has been received regarding the proposed subdivision. They indicated that they object to the proposed subdivision.

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.

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

Kyle Payne advised that:

- No business plan has been submitted and application is not considered to be a small holdings parcel;
- Canadian Pacific Rail assumes that the County understands that development should not occur near tracks;
- Future house plans on subdivided lot have not been submitted;
- Farm Assessment Rating is based on assessments done in the county. Land in the south parcel is wet and swampy.

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

- Proposed dividing line is not dramatic from slope land to the north and wet land to the south;
- Hay is being grown in south with grain being grown in north parcel;
- North parcel will be sold to daughter and developed;
- Agrees with keeping the quarter section as agriculture land and not creating small parcels;
- The topography separates the parcel naturally;
- Access to the north parcel to the treed area is the only place that uses agricultural lands.

- The existing parcel is was taken out prior to purchasing the land;
- Water pools in the middle of the quarter section. The sloping has not been surveyed.

Rick Thomas displayed a topographical map of the quarter section.

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

David Desimone provided the following information:

- The LUB allows for 2 primary dwellings; shape follows natural features of the land; since parcel was subdivided previously, this application is not recommended.

28-18 Member Scobie - that the application by Nick & Sean Morgan to subdivide an undeveloped 25.40 ha± (62.76 ac±) parcel for agricultural use from a previously subdivided quarter section with a title area of 59.14 ha± (146.14 ac±) be **approved** subject to 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 669(1) of the Municipal Government Act, Municipal Reserves in the amount of ten percent of the title area be deferred against the title of the larger remnant parcel;
4. 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;
5. 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
6. The subdivision be registered pursuant Alberta Land Titles requirements.

Pro: Committee Members Scobie, Belozer, Vandenberghe and Lewis

Con: Chair Tanni Doblanko

Carried

The Subdivision Authority is of the opinion that farming will continue and residential development will occur where appropriate with little to no impact on the agricultural lands.

Proposed Subdivision – George & Majorie Stenger – SE 18-50-23 W4

SD18-018

Mr. Kyle Payne, Planner, Development Services, presented a staff report with respect to the application by applicants/landowners George & Majorie Stenger. Staff recommends **refusal** of

the application to subdivide two 3.02 ha± (7.46 ac±) undeveloped parcels for country residential use from a previously subdivided quarter section with a title area of 58.77 ha± (145.22 ac±).

History:

In 2016, a parcel of 5.17 ha± (12.78 ac±) was subdivided from the quarter section.

Discussion:

The proposed subdivision is approximately 3 km southeast of the Town of Beaumont, adjacent to Range Road 235 and Township Road 502.

The 2017 air photos show the northern portions of the proposed parcels as natural/unfarmed and lower than the surrounding lands with a drainage course / creek. This drainage course is part of the Saunders Lake watershed. Due to the presence of water, the area could pose a suitability issue for development. A stormwater management plan has not been submitted with this application; therefore, it is unknown whether water flows between the two proposed lots.

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject parcel consists of primarily high capability agricultural land, which are lands with a FAR rating of 41% or higher. There is lower capability lands adjacent to the creek (14%). The policies of the Municipal Development Plan state that subdivision shall be limited to one lot from an unsubdivided quarter section on high capability agricultural land. In conjunction with the subdivided lot in the southwest corner, the proposed parcels represent the second and third parcels removed from the quarter section. Policies within the Municipal Development Plan also state 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. It is the opinion of Planning and Development that the proposed subdivision sets precedent for further subdivision and development and further fragmenting high capability agricultural land.

A Confined Feedlot Operation is located on the adjacent northern parcel. Subdivisions created adjacent to confined feeding operations may limit the operation from further expanding.

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.

One adjacent landowner submitted comments in support of the application.

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

David Desimone provided the following information:

- Uncertain if parcel is within setback of CFO;
- Application was not referred to Town of Beaumont;
- Lands are within the EMRB but outside of the Country Residential area with a CLI rating of 1;
- Preparation of a Stormwater Management Plan would be a condition supported by Administration if approved;
- Proposed parcels have developable areas;

- There is an existing approach off of Twp Rd 502. No comments were received from Alberta Transportation as roads belong to the County;
- Environmental Reserve Easement would be determined by surveyor and would not be developable.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. George, Majorie and Allan Stenger approached and provided the following information:

- Large area of land unfarmable, but there are some high spots for a residence and horses;
- Wants to give land to children and continue to lease the farmland;
- Feed lot does not affect proposal as it is 1/2 mile north of proposed parcel and is not in operation anymore;
- FAR capability: the majority of 56% & 58% is on the north side of the creek. Land on south side of the creek is rolling with low spot & several sloughs;
- Renter has been able to get close to the creek in some years, but for the most part gets stuck;
- Land is unsuitable for farming as per the LUB, but the higher land is suitable for a residence;
- This application would not be setting a precedent whereas the quarter to the south has 4 parcels and the south east quarter has 5 parcels;
- Access from Twp Rd 502: farm and residence would have joint approach and new approach would be built for east parcel;

Chair Tanni Doblanko commented that every parcel would require its own paved access.

Member Vandenberghe inquired about a stormwater management plan due to proximity to the creek and Mr. Stenger advised there has never been a problem with flooding.

Member Lewis commented on the setback from Twp Rd 502 to residence and Allan Stenger advised that there are other houses close to Twp Rd 502.

Member Belozor commented that the exact location of new approach off Twp Rd 502 would have to be done. Rae-Lynne Spila advised that Public Works would not allow an access to Rg Rd 235.

29-18 Chair Tanni Doblanko – that the application by George & Majorie Stenger to subdivide two 3.02 ha± (7.46 ac±) undeveloped parcels for country residential use from a previously subdivided quarter section with a title area of 58.77 ha± (145.22 ac±) be **refused** due to the location to the creek and potential flooding and access off Twp Rd 502.

Pro: Chair Tanni Doblanko and Member Vandenberghe

Con: Committee Members Lewis, Belozor and Scobie

Defeated

30-18 Committee Member Lewis - that the application by George & Majorie Stenger to subdivide two 3.02 ha± (7.46 ac±) undeveloped parcels for country residential use from a previously subdivided quarter section with a title area of 58.77 ha± (145.22 ac±) be **approved** for 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;

JD

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 669(1) of the Municipal Government Act, Municipal Reserves in the amount of ten percent of the title area be deferred against the title of the larger remnant parcel;
4. Pursuant to Section 7(c) of the Subdivision & Development Regulation, the applicant/owner shall prepare a stormwater management report that includes flood plain information to the satisfaction of Leduc County;
5. 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;
6. Pursuant to Section 9(a) of the Subdivision and Development Regulation, the applicant/owner shall apply for approval of locations of access to each lot created. Each approach shall be built to Leduc County Development Standard;
7. The subdivision be registered pursuant Alberta Land Titles requirements;
8. Pursuant to 664(2) of MGA, an Environmental Reserve Easement be registered on title on the two newly created titles to protect the low lying wet areas.

Pro: Committee Members Lewis, Belozar and Scobie

Con: Chair Tanni Doblanko and Member Vandenberghe

Carried

The location of future residence will not be affected by the creek or potential flooding and farming will continue on the agriculture lands were taken into consideration for the approval.

Chair Tanni Doblanko left the meeting at 2:35 pm to attend another appointment. Member Vandenberghe assumed the Chair.

Proposed Subdivision – Donna Oliver – NW 21-50-23 W4

SD18-019

Mr. David Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by applicant/landowner Donna Oliver. Staff recommends **refusal** of the application to subdivide an undeveloped 1.17 ha (2.89 ac) parcel for country residential use from a quarter section with a title area of 63.94 ha (158 ac).

History:

The subject lands are located off Range Road 234 and Highway 625. A 2.34 ha (5.78 ac) subdivision was conditionally approved as the first parcel out of this quarter section on April 11, 2018, but has not yet been registered.



Discussion:

The Farmland Assessment Rating established by the County Assessment Department indicates the subject land consist predominantly of High Capability Agricultural Land (19% - 53%). The policies of the Municipal Development Plan stipulate that on high capability agricultural land subdivision shall be limited to one lot out of the quarter section. This parcel would be considered as 2nd parcel out of this quarter. The applicant has indicated they are subdividing for family.

The Municipal Development Plan indicates that fragmentation and the amount of high capability land removed from production for non-agricultural development shall be minimized. 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. It is further noted that the proposed subdivision is narrow in width which may limit 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.

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

Chair Kelly Vandenberghe asked if Committee Members had any further questions for administration.

David Desimone advised that:

- Alberta Transportation would require a Traffic Impact Assessment for any future subdivision;
- Dimension of the parcel is 45m in width. It is narrow but developable and this was discussed with the applicant.

Chair Kelly Vandenberghe called upon the applicant to speak to the subdivision. Donna Oliver approached and provided the following information:

- Understands the County's concerns regarding preservation of agricultural lands;
- Only 1 lot is permitted out;
- Previous subdivision would provide access to current residence;
- Son's residence would butt up to trees and not impact agricultural land;
- Intention is that daughter would build a residence on narrow lot and would not to impact agricultural land. Would be ok to make wider;
- Access easement agreement could be registered on title for access to all 3 properties;
- Land is hilly with low wet areas; proposed parcel is fairly flat land;
- Purchased in 1995 and ran cattle for 17 years. 30 ac is still in trees/bush with 105 ac that is agriculture land for grazing cattle and hay crop;
- Renter is no longer interested in farming for silage as the land is so poor;
- Had black soil trucked in for yard and garden;
- In 2006 & 2007 there was approval for 35 lots, which was abandoned;
- Will widen lot if Subdivision Authority's recommendation.

Chair Kelly Vandenberghe asked if Committee Members had any further questions of administration.

JD

- Rae-Lynne Spila commented that the County is ok with the access easement as there is a location for access to the north;

Donna Oliver advised that:

- There is grass land on western portion with canola crop along Rg Rd 234;
- No immediate plans to subdivide further but it is an attractive area for multi lot subdivision.

David Desimone confirmed the land is districted Agricultural/Country Residential Transitional area.

31-18 Committee Member Belozher that the application by Donna Oliver to subdivide an undeveloped 1.17 ha (2.89 ac) parcel for country residential use from a quarter section with a title area of 63.94 ha (158 ac) be **approved** 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 669(1) of the Municipal Government Act, Municipal Reserves in the amount of ten percent of the title area be deferred against the title of the larger remnant parcel;
4. 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;
5. 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;
6. The subdivision SD18-014 be registered prior to or concurrently with this registration; and
7. The subdivision be registered pursuant Alberta Land Titles requirements.

Pro: Members Lewis, Belozher and Scobie

Con: Chair Kelly Vandenberghe

Carried

Allowing for continual agricultural lands in the Transitional District was taken into consideration for the approval.

20

Proposed Subdivision – Johannes & Jeanet Korteweg – SE 20-49-26 W4

SD18-021

Mr. Kyle Payne, Planner, Development Services, presented a staff report with respect to the application by applicants/landowners, Johannes & Jeanet Korteweg. Staff recommends **refusal** of the application to subdivide a 5.52 ha (13.64 ac) developed parcel for country residential use from a previously subdivided parcel with a title area of 59.25 ha (146.40 ac).

History:

The subject lands are located adjacent to Range Road 263 and Township Road 494. A 2.68 ha± (6.62 ac±) parcel was subdivided from the quarter section in 1979. Canadian Pacific Railway (CPR) right-of-way lies on the northern boundary of the subject lands.

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 (81% and 31%). 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 is the second parcel subdivided from 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.

The remnant and proposed parcel contains a drainage ditch right-of-way (122 0698). The proposed subdivision separates this right-of-way in two. It is recommended that the drainage ditch right-of-way remain with the remnant parcel should subdivision occur.

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

Chair Kelly Vandenberghe asked if Committee Members had any further questions for administration.

Kyle Payne advised that:

- The property was previously subdivided in 1979;
- Canadian Pacific Railway is not in favor of development adjacent to right-of-way but recommends that guidelines be followed when development occurs;
- Alberta Transportation granted a variance.

JD

Chair Kelly Vandenberghe called upon the applicant to speak to the subdivision. Johannes Korteweg approached and provided the following information:

- Family has owned the land for 19 years;
- Not planning to sell, subdivision is for estate planning;
- Land is good for pasture & horses
- Proposed parcel follows the fence line;
- One son farms and one daughter may live on the property;
- There is a physical crossing to allow farming on both sides of the creek;

Chair Kelly Vandenberghe asked if Committee Members had any further questions for administration:

Kyle Payne recommends that the property line would be amended to follow east boundary of the creek.

31-18 Committee Member Lewis - that the application by the applicants, Johannes & Jeanet Korteweg to subdivide a 5.52 ha (13.64 ac) developed parcel for country residential use from a previously subdivided parcel with a title area of 59.25 ha (146.40 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 (35-99, as amended):
 - a. Objective 3.1.1 stipulates productive agricultural land shall be protected for agricultural use;
 - b. Objective 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, as amended) 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: Member Lewis and Chair Kelly Vandenberghe

Con: Members Belozer and Scobie



Defeated


Chair Kelly Vandenberghe explained the appeal process to the applicant/landowner.

Adjournment

32-18 Committee Member Belazer that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting concluded at 3:27 p.m.


CHAIRMAN


SECRETARY