



**SUBDIVISION AUTHORITY
MEETING AGENDA
Tuesday December 18, 2018**

1. **ORDER** – 1:30 p.m.

2. **ADOPTION OF AGENDA**

3. **ADOPTION OF PREVIOUS MINUTES**

Subdivision Authority Minutes – November 13, 2018

4. **SUBDIVISION APPLICATIONS**

1. SD18-048 – Duane Parkin – SW 25-47-3 W5
2. SD18-049 – Garth & Marilyn Lucht – SE 22-48-26 W4
3. SD18-052 – Douglas & Jacqueline Kuhn – NW 2-48-26 W4
4. SD18-053 – Robert McRae on behalf of Kico Development Corp. –
NE 32-47-1 W5

5. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions – (November - 1)

**MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON TUESDAY, DECEMBER 18, 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, December 18, 2018 by Chair Tanni Doblanko with Committee Members Kelly-Lynn Lewis, Glenn Belozar and Ray Scobie present. Member Vandenberghe was absent due to personal reasons.

Also present were:

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

9 other individuals were present.

Agenda Adoption

66-18 Committee Member Belozar - that the Agenda for the December 18, 2018 Subdivision Authority meeting be adopted as presented.

Carried Unanimously

Previous Minutes – November 13, 2018

67-18 Committee Member Lewis - that the November 13, 2018 Subdivision Authority minutes be confirmed as circulated.

Carried Unanimously

Proposed Subdivision – Duane Parkin – SW 25-47-3 W5

SD18-048

Mr. Kyle Payne, Planner, Development Services presented a staff report with respect to the application by applicant/owner Duane Parkin and Rae Braden-Parkin to adjust the boundary of a developed 1.16 ha (2.87 ac±) by increasing it to 2.12 ha± (5.24 ac±) and further subdivide a developed 3.98 ha± (9.83 ac±) parcel for country residential use from a previously subdivided parcel with a titled area of 63.58 ha± (157.10 ac±). Staff recommends approval of the application for the boundary adjustment only and refusal of the developed 3.98 ha parcel.

History:

The subject lands are located off Range Road 31 and Township Road 474. A 1.16 ha± (2.86 ac±) parcel was subdivided from the quarter section in 1982.

Discussion:

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of Low Capability Agricultural Land. The Canada Lands Inventory identifies this land as Class 3 lands. Within the subject parcels, the lands are entirely treed with portions removed to facilitate development. There are a number of oil and gas facilities

located on the parcel. These pipelines stem from the battery located in the southeast corner of the subject lands. Many of these pipelines are high pressure pipelines, which require a 15 metre setback from residential development. A dwelling is located approximately 60 metres from pipeline right of way 092 5005. There is an existing dwelling located within the existing 1.16 ha± (2.87 ac±) parcel. There is an abandoned well located on site.

Proposed is to subdivide two parcels; Parcel 1 is 1.16 ha± (2.87 ac±) in size and is a boundary adjustment, Parcel 2 is a newly created parcel that is 3.98 ha± (9.83 ac±) in size. The purpose of adjusting the boundary of Parcel 1 is to accommodate the parcel's septic system. The purpose of subdividing Parcel 2 is for a second dwelling subdivision since there are existing services in place. Planning and Development is recommending approval of Parcel 1 and refusal of Parcel 2. Parcel 1 conforms to the policies governing the subject lands. There are no policies in place supporting subdivision of Parcel 2. An "Exhibit 2" tentative plan of subdivision has been submitted with this application supporting Planning and Development's position.

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 sets precedent for further subdivision and development on the quarter section. The North Pigeon Lake Area Structure Plan states that development shall occur in an orderly manner as per Leduc County policy policies of the North Pigeon Lake Area Structure Plan.

The second dwelling subdivision poses an irregular lot shape. Planning and Development is of the opinion that this lot should be squared if it were to be approved by the Subdivision Authority Committee. Future development on this parcel will need to conform to all policies that apply when developing near oil and gas facilities.

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 subdivision.

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

Kyle Payne confirmed recommendation to approve lot line adjustment and refuse parcel 2 due to County policies.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Duane Parkin and Rae Braden-Parkin approached and provided the following information:

- Parcel 1 needs to be extended due to illegal septic system;
- Sewer was disconnected and if it ever changed hands system would be upgraded;
- Would like to install fencing on 2nd parcel and the rest would be for pasture land;
- Land is low and has pipelines and crops do not grow.

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

Charlene Haverland advised that subdivision is not required to put in services. 2 dwellings are allowed on 80 ac parcel.



68-18 Member Belozer - that the application by the applicant Duane Parkin and Rae Braden-Parkin to adjust the boundary of a developed 1.16 ha (2.87 ac±) by increasing it to 2.12 ha± (5.24 ac±) and further subdivide a developed 3.98 ha± (9.83 ac±) parcel for country residential use from a previously subdivided parcel with a titled area of 63.58 ha± (157.10 ac±) be conditionally approved.

Pro: Committee Members Belozer and Scobie
Con: Chair Tanni Doblanko and Member Lewis

Lost

Chair Tanni Doblanko provided information regarding appeal process.

69-18 Chair Tanni Doblanko - that the application by the applicant Duane Parkin and Rae Braden-Parkin to adjust the boundary of a developed 1.16 ha (2.87 ac±) by increasing it to 2.12 ha± (5.24 ac±) and further subdivide a developed 3.98 ha± (9.83 ac±) parcel for country residential use from a previously subdivided parcel with a titled area of 63.58 ha± (157.10 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 Policy 3.3.1 of the Municipal Development Plan, the proposed subdivision only include the lot line adjustment, as shown in Exhibit 2;
3. 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;
4. 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;
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 be registered pursuant Alberta Land Titles requirements.

Carried Unanimously

Proposed Subdivision – Garth & Marilyn Lucht – SE 22-48-26 W4

SD18-049

Mr. Kyle Payne, Planner, Development Services, presented a staff report with respect to the application by applicant Garth & Marilyn Lucht. Staff recommends refusal of the application to subdivide an undeveloped 4.09 ha± (10.09 ac±) parcel for country residential use from a previously subdivided parcel with a titled area of 63.13 ha± (156 ac±).

History:

The subject lands are located of Range Road 262 and a half mile south of Township Road 484. A 1.62 ha± (4.00 ac±) parcel was subdivided from the quarter section in 1984.



Discussion:

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of a mix of High and Low Capability Agricultural Land (14 - 51%). Within the subject parcel there are a number of tree stands, a dug out, existing yard site with dwelling, and accessory farming structures. The applicant has stated the reason for their subdivision is to allow for their son to live on an acreage to assist with maintaining the farm. The proposed lot would be considered the 2nd parcel out of the quarter section.

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 sets precedent for further subdivision and development in the area.

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 subdivision.

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

Kyle Payne advised that:

- Land over 41% farm assessment rating is considered high capability and land with 40% should be considered low capability;
- Discussed possibility of making lot size smaller than 10ac;
- The undevelopable land that drains into the trees is not farmable.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Garth & Marilyn Lucht approached and provided the following information:

- SE land is currently pasture so not the best farm land;
- County cleared bush along portion of road way;
- Snake pit to bury rock was put in by the county;
- Son currently lives in Leduc and would like to move back to the farm with family and continue farming operation;
- Would be beneficial if son lived nearby to assist while they remain on the farm;
- Son would like to build home in the center of the parcel to have more separation from road as dust is an issue;
- Sewer system and existing approach require larger parcel;
- Septic field system would not work and the sewer mound has issues so pump out would be best suited for the 10 acres;
- Spring run off flows north but yard site would be built up a few feet so there would be no drainage issues;
- Total of 3 houses on the ¼ section;

Chair Tanni Doblanko asked if Committee Members had any further comments or questions and there were none.

Chair Tanni Doblanko asked if applicant would be willing to make lot size smaller.



70-18 Committee Member Belozer - that the application by Garth & Marilyn Lucht to subdivide an undeveloped 4.09 ha± (10.09 ac±) parcel for country residential use from a previously subdivided parcel with a titled area of 63.13 ha± (156 ac±) be deferred to the January 15, 2019 Subdivision Authority meeting to allow the applicant time to consider a subdivision of smaller size.

Carried Unanimously

Proposed Subdivision – Douglas & Jacqueline Kuhn – NW 2-48-26 W4

SD18-052

Mr. David Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by applicant Douglas & Jacqueline Kuhn on behalf of Henk & Hennie Devries. Douglas & Jacqueline Kuhn are purchasing the property from Henk & Hennie Devries.

This application proposes to subdivide a developed 1.19 ha (2.94 ac) parcel for country residential use from a previously subdivided quarter section with a title area of 62.82 ha (155.23 ac).

HISTORY

The subject lands are located off Range Road 262 and a half mile north of Township Road 480. A 1.13 ha (2.79 ac) parcel was subdivided from the quarter section in 1983.

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 (14.0% - 57.0%). 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. The proposed lot would be considered the 2nd parcel out of the quarter section. The applicant has stated their reasons for the subdivision is that they are interested only in the agricultural use of the lands and wish to sell off the developed yard site.

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. While the proposed subdivision encompasses a developed farm site, the subdividing of proposed area would allow for further development of the remnant lands, removing existing agricultural land from production.

The proposed subdivision is in the Rural Area of the Edmonton Metropolitan Region Growth Plan (EMRGP). Policy 6.2.1 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 submitted regarding the proposed application.

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



David Desimone confirmed location of drainage ditch.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Douglas & Jacqueline Kuhn approached and provided the following information:

- Resides on property north of the proposed subdivision;
- Recently purchased the property and wants to subdivide off the building site;
- Has no desire to rent out the property due to vandalizing;
- There is a drainage ditch across the property. Land is farmable as water dries up in spring;
- Farm equipment located at residence north of the proposed subdivision;
- Does not have use for farm buildings;
- There is an existing approach;
- Would require new mound system.

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

Dave Desimone confirmed that AG services is not opposed to the proposal.

71-18 Committee Member Belozor - that the application by Douglas & Jacqueline Kuhn to subdivide a developed 1.19 ha (2.94 ac) parcel for country residential use from a previously subdivided quarter section with a title area of 62.82 ha (155.23 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 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;
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 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; and
6. The subdivision be registered pursuant Alberta Land Titles requirements.

Carried Unanimously

The Subdivision Authority is of the opinion that no land is being taken out of production. The subdivision would give opportunity to provide for additional residents in the existing house and yard site.



**Proposed Subdivision – Robert MacRae on behalf of Kico Development Corporation –
NE 32-47-1 W5**

SD18-053

Mr. David Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by applicant Robert MacRae on behalf of Kico Development Corporation. Staff recommends refusal of the application to subdivide an undeveloped 4.45 ha (11 ac) parcel for country residential use from a previously approved for subdivision quarter section with a title area of 63.93 ha (157.98 ac).

History

The subject lands are located off Highway 616 and Range Road 14. A 4.05 ha (10.00 ac) parcel in the southeast corner of the quarter section was conditionally approved on July 17, 2018. The proponent is working through the conditions of the approval, and therefore, the subject lands are considered a previously subdivided quarter section.

Discussion

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of Low Capability Agricultural Land (9.0% - 30.0%). The proposed lot would be considered the 2nd parcel out of the quarter section. Policy 3.3.14 of the Municipal Development Plan 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. It is the opinion of administration that this subdivision is precedent setting and will encourage further subdivision in the surrounding area. The applicant has stated their reasons for the subdivision is that they feel the best use of this parcel is for country residential as the lands within the proposed lot are unfarmable. Administration recognizes that while the land is of Low Capability Agricultural Land, the rural area continues to support agricultural operations of all types requiring large tracts of agricultural land.

The proposed parcel encompasses a portion of Weed Creek which is identified as a High Risk Area in the 2015 Leduc County Environmentally Significant Area Study. The ESA study discusses in part 8.5.1 that in high disturbance risk areas, attention should be given to the management and conservation of the Environmentally Significant Areas. Furthermore, Policy 9.2.1 of the Municipal Development Plan states that subdivisions may only locate within or adjacent to an environmentally sensitive area where the proposed land use or subdivision does not create an adverse impact on the natural environment and will retain the area in a predominantly natural state. It is the opinion of administration that an environmentally sensitive feature such as Weed Creek bisecting the quarter section may render the proposed parcel undevelopable or have an adverse impact on the creek.

The subject lands are located in the Agricultural Area of the North Pigeon Lake Area Structure Plan (NPLASP). The policies of the Agricultural Area defer to the Municipal Development Plan which calls for the retention of agricultural lands.

The proposed subdivision is in the Rural Area of the Edmonton Metropolitan Region Growth Plan (EMRGP). Policy 6.2.1 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.

One adjacent landowner submitted comments regarding the proposed subdivision.

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



Kyle Payne advised that Alberta Transportation would grant a variance to s. 15 and would require a 30m service road right of way along proposed parcel and remnant parcel by caveat.

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

- The landowner is aware and is ok with Alberta Transportation's requirements;
- Drainage ditch naturally flows through and the land itself is unfarmable;
- Site takes in rolling land west to the tree line and east of tree line is not favorable for building site;
- New approach would be installed along south edge of proposed lot;
- Drainage ditch would not be altered except for new fencing and would not affect building site;
- New water well to be drilled with potential building site closer to south edge of Range Road 14;
- Is able to drive along south edge of proposed parcel.

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

David Desimone advised that the 2nd parcel out of the quarter section is not being supported. Weed Creek goes through the ¼ section and drains into the North Saskatchewan River.

Committee Member Lewis advised she will be making a motion to refuse as there is high risk to the environmentally sensitive area. Chair Tanni Doblanko would be in support of this refusal due to the potential issue with Weed Creek.

72-18 Committee Member Lewis - that the application by applicant Robert MacRae on behalf of Kico Development Corporation to subdivide an undeveloped 4.45 ha (11 ac) parcel for country residential use from a previously approved for subdivision quarter section with a title area of 63.93 ha (157.98 ac) be refused for the following reasons be approved for the following reasons:

1. Pursuant to Section 654(1)(a)&(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the Municipal Development Plan:
 - a. 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;
 - b. Policy 3.3.14 (b) stipulates country residential use shall be in compliance with an area structure plan or lake management plan;
 - c. Policy 3.1.7 stipulates that country residential development occurs in an orderly manner that is compatible with neighboring land uses and the environment;
 - d. Policy 3.3.22 stipulates that an area structure, or outline plan may be required for any new country residential proposals; and
 - e. Policy 9.2.1 stipulates land uses and subdivisions may only locate within or adjacent to an internationally, provincially or regionally environmentally sensitive area where the proposed land use or subdivision does not create a significant adverse impact on the natural environment and can be integrated in terms of design with the environmentally sensitive area
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: Chair Tanni Doblanko and Member Lewis

Con: Members Belozer and Scobie

Lost

Chair Tanni Doblanko provided information regarding appeal process.

Adjournment

73-18 Committee Member Belozer that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting concluded at 2:38 p.m.



CHAIRMAN



SECRETARY