



**SUBDIVISION AUTHORITY
MEETING AGENDA
Thursday, March 21, 2019**

1. **ORDER** – 1:30 p.m.
2. **ADOPTION OF AGENDA**
3. **ADOPTION OF PREVIOUS MINUTES**
Subdivision Authority Minutes – February 19, 2019
4. **SUBDIVISION APPLICATIONS**
 1. SD19-002 – Darcy Powlik on behalf of William and Debra Goldsney – SW 4-50-3 W5
 2. SD19-003 – Luke Prpick & Paula Southwick – NE 25-48-1 W5
 3. SD19-004 – Frederic Forcier & Kathy Lizotte – Plan 1324325, Block 1, Lot 2 (NE 25-50-24 W4)
 4. SD19-006 – Dale & Arlene Melin – NE 9-48-27 W4
5. **NEXT SUBDIVISION AUTHORITY MEETING**
6. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions – (February - 1)

**MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON THURSDAY, MARCH 21, 2019 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., Thursday, March 21, 2019 by Chair Tanni Doblanko with Committee Members Kelly Vandenberghe, Kelly-Lynn Lewis, Glenn Belozar and Ray Scobie present.

Also present were:

- Mrs. Charlene Haverland, Manager of Development Services
- Mr. Dave Desimone, Senior Planner
- Mr. Kyle Payne, Planner
- Mrs. Rae-Lynne Spila, Acting Manager of Engineering
- Mr. Duane Coleman as Secretary of the Subdivision Authority
- Mrs. Laurie Stoetzel, Recording Secretary
- Mrs. Adele Pysar, Administrative Assistant

7 other individuals were present.

Agenda Adoption

19-12 Committee Member Belozar - that the Agenda for the March 21, 2019 Subdivision Authority meeting be accepted as circulated with the following changes - #3 SD19-004 be removed from the agenda.

Carried Unanimously

Previous Minutes – February 19, 2019

19-13 Committee Member Lewis - that the February 19, 2019 Subdivision Authority minutes be confirmed as circulated.

Carried Unanimously

**Proposed Subdivision - Darcy Powlik on behalf of William and Debra Goldsney -
SW 4-50-3 W5 SD19-002**

Mr. Kyle Payne, Planner, Development Services presented a staff report with respect to the application by applicant Darcy Powlik on behalf of William and Debra Goldsney. Staff recommends refusal to subdivide a developed 4.97 ha (12.28 ac) country residential parcel from a previously subdivided quarter section with a title area of 59.58 ha (147.22 ac).

History:

A 4.00 ha (11.80 ac) parcel was subdivided from the parcel in the 1960s. Historically, Alberta Transportation used this parcel for gravel storage. Subsequently, the parcel was purchased by Leduc County for gravel storage. Leduc County is not presently using the parcel.



Discussion:

The parcel is located adjacent to Range Road 34 and Township Road 500. The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of Low Capability Agricultural Land (39%). There is a caveat on title that was placed by Alberta Environment in 1993, which notes the placement of contaminated soils upon the lands. Alberta Environment agreed to clean up the soil but made no claims of removing the contaminants. The caveat states that the contaminated soil was to be “seeded, to a cover grass and to generally restore the affected area in accordance with accepted land reclamation practices to its state prior to the deposit of the soil”. The landowner at the time the caveat was placed acknowledged that it is possible that gasoline, and other organic and inorganic chemicals, may have moved from the contaminated soil to the other soils of the land.

The policies of the Municipal Development Plan indicate that subdivision shall be limited to one lot out of the quarter section. Although the previously subdivided parcel is not used for residential use, it's the second parcel subdivided from the quarter section. The applicant has stated their reasons for the subdivision is to “accommodate an acreage owner's usage without disrupting the agricultural activity of the remnant land.”

The Municipal Development Plan indicates that it shall minimize the amount of 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 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 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 6.2.2 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 submitted regarding the proposed subdivision.

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

Kyle Payne provided the following:

- No comments were received from adjacent landowners;
- 4 ha parcel in SW corner is owned by the County but is not currently in use. Rae-Lynne Spila commented that the County may use the lot in the future.
- Caveat on title is notification that the lands are to be cleaned up. Waiting to hear back from Alberta Environment. The landowner is going to work with Alberta Environment to get contaminated soil removed.
- The contaminated soil is not an issue for subdivision, but there is for development. More information from Alberta Environment would be a benefit.

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



- Dirt hauled in 300m north of yard site
- Dirt was hauled out and put back into grass in 1993
- Hauling was approved by the Province at the time.
- Applicant's lawyer is looking into having the caveat removed.
- Caveat was on the title when landowner purchased the property. The bank was not concerned with the caveat.
- Soil rating of 33% highest, - 9% is lowest and is not the best quality farmland; used as pasture land.
- Will continue as agricultural land.
- Caveat will remain on title but working on removing it.
- Prepared to do a Phase study.
- Until then, landowners will keep working the land.

Kyle Payne advised that the assessment summary shows the residence was built in 1940

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

Duane Coleman advised there is always some risk associated.

Kyle Payne advised that he is waiting for a response from Alberta Environment as to the soil clean up.

Darcy Powlik advised that Alberta Environment provided grants and supervised the program. The current landowner is exposed to risk, not the county.

Duane Coleman commented that exposure to the County would exist if the subdivision was approved and a development permit couldn't be issued due to undevelopable land.

Charlene Haverland commented that under the Subdivision and Development Regulations a subdivision must be approved for its intended use and be developable land, we are unclear if this land is developable.

19-14 Chair Tanni Doblanko - motion to defer SD19-002 until the Caveat is removed from title or until further information has been received from Alberta Environment.

Pro: Chair Tanni Doblanko and Committee Members Vandenberghe and Lewis

Con: Committee Members Scobie and Belozor

Carried

Proposed Subdivision – Luke Prpick and Paula Southwick – NE 25-48-1 W5 SD19-003

Mr. Kyle Payne, Planner, Development Services presented a staff report with respect to the application by applicant/landowner Luke Prpick and Paula Southwick. Staff recommends refusal to subdivide a developed 3.18 ha (7.86 ac) parcel for country residential use from a previously subdivided quarter section with a title area of 62.72 ha (154.99 ac).

HISTORY

A 5.00 ac parcel was subdivide for Country Residential use in 1974.



DISCUSSION

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of Low and High Capability Agricultural Land (52%, 30%, and 8%).

The policies of the Municipal Development Plan indicate that 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 to “list the farmland for sale and to retain the yard site.”

The Municipal Development Plan indicates that it shall minimize the amount of 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 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 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 6.2.2 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 submitted regarding the proposed application.

Chair Tanni Doblanko asked if Committee Members had any further questions for administration. Kyle Payne provided the following information:

- Property is not within the Intermunicipal Boundary;
- Aligning the proposed west boundary with the west boundary of southern property would not have an impact on the agricultural capability;

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Luke Prpyk and Paula Southwick approached and provided the ownership and farming operation history. Luke Prpyk feels that the subdivision is in alignment with County policy.

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

Luke Prpyk advised that:

- There is a strand of pine trees in the southwest corner of the property. The area was cleared but is too wet to farm and the ground is returning to brush/heavy grass.
- The farmland to the west is hay. Land is rented now and wheat is grown.
- There is fencing and infrastructure and the lower portion has a tarp shed and small barn.
- It would be possible to square up the parcel and move the west boundary. Fencing and round pen would have to be moved.

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



Kyle Payne advised that there is the potential for future subdivision and 2 more dwellings would be allowed on both parcels.

19-15 Member Belozer – that the applicant/landowner Luke Prpyk and Paula Southwick to subdivide a developed 3.18 ha (7.86 ac) parcel for country residential use from a previously subdivided quarter section with a title area of 62.72 ha (154.99 ac) be approved.

Member Belozer amended the motion to square up the parcel to match the adjacent lot and remove structures on remnant lands.

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;
 - i) All structures on the remnant lands to be removed.
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 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;
4. Pursuant to Section 9(a) of the 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;
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;
6. The subdivision be registered pursuant to the Land Titles Act.
7. Pursuant to Section 10.1.6 of the Land Use Bylaw 7-08 the west property line be adjusted to align with the west boundary of the southern parcel;

Carried Unanimously

Proposed Subdivision – Bartley Melin on behalf of Arlene and Dale Melin –

NE 9-48-27 W4

SD19-006

Mr. Kyle Payne, Planner, Development Services presented a staff report with respect to the application by applicant Bartley Melin on behalf of Arlene and Dale Melin. Staff recommends refusal to subdivide a developed 40 acre (16.19 ha) parcel for agricultural use from a previously subdivided quarter section with a title area of 80 acres (32.37 ha).

HISTORY

The parcel was previously subdivided in 1985.



DISCUSSION

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject parcel consists of high and low capability agricultural land (39.9-52%). There are a number of tree stands, two dwelling, accessory structures and a dug out located on the parcel.

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. 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 contain a mix of high and low capabilities within the parcel. The applicants stated that there is an existing fruit farm in operation. However, due to the high productivity of the lands, the Municipal Development Plan does not support smallholdings agricultural use.

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

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

Chair Tanni Doblanko commented that Agriculture Services would not be in favor of the subdivision unless more information was provided. Kyle Payne advised that he has not had an opportunity to speak with Agriculture Services regarding farmland capacity on small holdings.

Kyle Payne indicated the low/swampy lands on the map. The property is on the boundary of Wizard Lake Area Structure Plan.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Bartley Melin and Arlene Melin approached and provided the following information:

- Bart Melin provided the farming and residential building history.
- He is helping his aging parents to maintain the farm.
- They would like to keep the farm in the family name.
- The hay contract on southern lot will not change.
- They are not sure what the other siblings will do with the north half.

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

Member Belozer commented he is aware of the area and understands the reasons for subdividing.

- Bart Melin advised he is unsure of what his 3 siblings are planning to do on the north 40 ac. The south 40 ac will stay farmed.

➤ Arlene Melin provided the following:

- There are 4 children in the family and Bart lives on farm.
- In order to keep the north 40 ac other 3 children will have to maintain it. There are saskatoons and fruit trees and this farm enhances community.
- Dale and herself want to remain on the farm as long as they can and this application would guarantee the farm site to stay in family.

Chair Tanni Doblanko supports the application as the farming operation will continue; expansion of berry farm (small holding farms) to produce local food supports local economy. The south 40 ac is not as productive.

19-17 Member Scobie – that the applicant Bartley Melin on behalf of Arlene and Dale Melin to subdivide a developed 40 acre (16.19 ha) parcel for agricultural use from a previously subdivided quarter section with a title area of 80 acres (32.37 ha) 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 Section 9(a) of the 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 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;
4. The subdivision be registered pursuant to the Land Titles Act

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

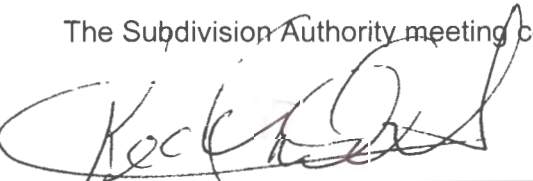
Carried

The Subdivision Authority was of the opinion that this subdivision is fitting for what the applicants want to do.

Adjournment

19-18 Committee Member Belozer - that the Subdivision Authority meeting be adjourned.

The Subdivision Authority meeting concluded at 2:35 p.m.



CHAIRMAN



SECRETARY