



**SUBDIVISION AUTHORITY
MEETING AGENDA
Tuesday February 19, 2019**

1. **ORDER** – 1:30 p.m.
2. **ADOPTION OF AGENDA**
3. **ADOPTION OF PREVIOUS MINUTES**
Subdivision Authority Minutes – January 15, 2019
4. **SUBDIVISION APPLICATIONS**
 1. SD18-051 – Paul & Helene Wentland – NW 30-50-21 W4
 2. SD18-058 – Chris Oster – NE 22-50-27 W4
5. **NEXT SUBDIVISION AUTHORITY MEETING**
6. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions – (January - 1)

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**MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON TUESDAY, FEBRUARY 19, 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., Tuesday, February 19, 2019 by Chair Tanni Doblanko with Committee Members Kelly Vandenberghe, Kelly-Lynn Lewis, Glenn Belozar and Ray Scobie present.

Also present were:

- Mr. Dave Desimone, Senior Planner
- Mr. Kyle Payne, Planner
- Mrs. Rae-Lynne Spila, Acting Manager of Engineering
- Mr. Rick Thomas as Secretary of the Subdivision Authority
- Mrs. Laurie Stoetzel, Recording Secretary

3 other individuals were present.

Agenda Adoption

19-07 Committee Member Belozar - that the Agenda for the February 19, 2019 Subdivision Authority meeting be adopted as presented.

Carried Unanimously

Previous Minutes – January 15, 2019

19-08 Committee Member Lewis - that the January 15, 2019 Subdivision Authority minutes be confirmed as circulated.

Carried Unanimously

Paul & Helene Wentland – NW 30-50-21 W4

SD18-051

Mr. Kyle Payne, Planner, Development Services presented a staff report with respect to the application by applicant/owner Paul and Helene Wentland. Staff recommends refusal to subdivide a developed 8.55 ha± (21.12 ac±) parcel for country residential use from a previously subdivided quarter section with a title area of 23.59 ha± (58.30 ac±).

History:

The subject lands are located off Range Road 220, intersecting with Township Road 504A. A 2.4 ha (5.93 ac) parcel was subdivided from the quarter in 1981, an 80 ac parcel was subdivided from the north half of the quarter section in 1999, and a 4.38 ha (10.8 ac) parcel was subdivided from the south half of the quarter in 2004. A 1.79 ha (4.42 ac) parcel was proposed in 2003 and refused by the subdivision authority. In 2017, a proposed subdivision of an 8.85 ha (21.12 ac) parcel was refused and appealed to the Subdivision and Development Appeal Board where the refusal was upheld.

Discussion:

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of Low Capability Agricultural Land (9-38%).

The proposed lot would be considered the 4th parcel out of the quarter section. The applicant has stated their reasons for the subdivision is for residential development.

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. The policies of the Municipal Development Plan indicate that subdivision shall be limited to one lot out of the quarter section. 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 subject lands are currently districted LW – Lake Watershed under Land Use Bylaw 7-08. The purpose of this district is to protect the integrity of the lakes and watersheds, preserving tree cover, and minimizing adverse environmental impacts while allowing for minimal development of recreational, residential and agricultural uses. Part 9.3.8 of the Land Use Bylaw stipulates access to individual lots shall in all cases be by internal collector or service roads constructed for the subdivision unless there are three or fewer parcels on any one particular public roadway.

Municipal reserve in the amount of 0.605 ha is registered on the title lands as a deferred reserve caveat. Should the subdivision be approved, the 0.605 ha deferred reserves caveat will remain on the title of the remnant lands. Administration recommends that municipal reserves of the proposed parcel be dedicated as cash in lieu if the proposed subdivision is approved, as further subdivision of the proposed parcel is unlikely. Municipal Reserve dedication is 10% of the developable area of the proposed parcel, which is 0.855 ha.

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 comment was received for this application; the adjacent landowner was opposed to the subdivision.

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

- The property is located within the Beaver Hills UNESCO Biosphere and Joseph Lake area which protects land, environmental areas & animals. We have no answers as to the potential impact on the lake area;
- Any new private sewage disposal system would have to comply with regulations;
- Any future subdivisions would require the existing private sewage disposal system be changed or obtain a variance for open discharges.

Rae-Lynne Spila advised that:

- 3 or more lots would require an internal road be built;
- Access would have to be built to new parcel;
- Range road 220 turns to the west, there is a panhandle that provides access to the eastern parcel.

Kyle Payne advised that if the subdivision received approval, Municipal Reserves would be dedicated by cash in lieu based on 10% of the new parcel area and paid to Leduc County and used for park space.

Tanni Doblanko reviewed the history of the quarter section and expressed concern regarding requests that keep coming up that are outside of policies. Subdivisions that are not carefully planned are creating an issue with public works and public safety.

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

- Small scale subdivision would be preferred with dwelling only as it is bordering sanctuary. A bigger lot would preserve wildlife rather than splitting smaller
- Proposed subdivision was never a good application
- Farm rating is low
- Not removing existing ag land from production
- LUB 7.08 pt 19 says that lot sizes of 9.98 ac parcels would be permitted – natural features would be preserved and minimize environmental impact
- All existing parcels have access. Proposed has access with culvert
- Not setting precedence as there are 5 parcel subdivisions in close proximity
- Not planning to subdivide further and would be willing to pay Municipal Reserves using applied market value
- Not planning on selling right now.
- There is no public road access on the south and one access coming from Range Road 220 therefore limiting further subdivisions
- Purchased 73 ac in 2001
- This application is the 2nd subdivision. Had previously subdivided off parcel to the east

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

Kyle Payne provided the following clarification:

- Only one letter opposing the application was received
- Land not considered good farmland, but could be used for pasture, grazing or hay land

Chair Tanni Doblanko advised she would refuse the application as the County is looking at the east end of the County for multiple lot subdivisions and this application is not how we want them to occur. Internal road is not possible and the septic discharges into volatile area. Should have applied for multi lot subdivision.

Member Vandenberghe understands the need to do further planning ie soil types that are good for pasture land.

Chair Tanni Doblanko affirmed that agricultural use is one aspect of subdividing and orderly development is the second aspect.



Member Lewis agrees that the application does not meet several policies and supports the refusal.

19-09 Chair Tanni Doblanko – that the applicant/landowner Paul and Helene Wentland to subdivide a developed 8.55 ha± (21.12 ac±) parcel for country residential use from a previously subdivided quarter section with a title area of 23.59 ha± (58.30 ac±) be refused, as per staff recommendations 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 3.3.14 (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; and
 - d) Policy 3.3.22 stipulates that an area structure, or outline plan may be required for any new country residential proposals.
- 2) Pursuant to Section 654 (1)(b) of the Municipal Government Act, the proposed subdivision does not conform to of the following policies of Land Use Bylaw 7-08:
 - a) Part 10.1.6 which stipulates that unless otherwise provided for in an approved statutory plan or management plan, a non-agricultural lot shall be no larger than is required to include buildings and natural features considered necessary by the Subdivision Authority for reasonable development and use of the lot.
 - b) Part 9.3.8 which stipulates access to individual *lots* shall in all cases be by internal collector or service roads constructed for the subdivision unless there are three or fewer parcels on any one particular public roadway.
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 Capital Region Growth Plan are not met by this application.

Pro: Chair Tanni Doblanko and Committee Members Lewis and Belozer

Con: Committee Members Vandenberghe and Scobie

Carried

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

**Proposed Subdivision – Chris Olster on behalf of Chris, James, Thomas and Patricia Olster
NE 22-50-27 W4 SD18-058**

Mr. David Desimone, Senior Planner, Development Services presented a staff report with respect to the application by applicant Chris Oster on behalf of the landowners Chris, James, Thomas and Patricia Oster. Staff recommends refusal to subdivide four parcels of 16.19 ha (40 ac) each for



country residential use from an unsubdivided quarter section with a title area of 64.37 ha± (159.03 ac±).

HISTORY

The subject lands are located off Township Road 504 and Range Road 272. The quarter section is unsubdivided.

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 (12.0% - 76%). 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 lots would be considered the 1st, 2nd, 3rd and 4th parcels out of the quarter section. The applicant has stated their reasons for the subdivision is to create multiple parcels for development.

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.

Leduc County Public Works and Engineering submitted comments regarding the proposed subdivision stating it is County policy to have an internal road when there are three or more parcels. Part 9.3.8 of the Leduc County Land Use Bylaw stipulates that access to individual lots shall in all cases be by internal collector or service roads constructed for the subdivision unless there are three or fewer parcels on any one particular public roadway. The proposed subdivision does not include an internal road for access to the parcels.

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. Dave Desimone provided the following:

- MGA does not allow Municipal Reserves on 40 ac lots in agricultural use. This application proposes residential use. If Municipal Reserves were required they would be deferred proportionately should the application be approved.

Rae-Lynne Spila, Municipal Engineer advised that an internal road would be required if north parcels are further subdivided.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Chris Oster and Patty Oster approached and provided the following information:



- They are two of the current four land owners
- Main reasons for subdividing: easier communication with the County (one owner per property); inherited land divided equally among 4 siblings and potentially develop parcels to live in rural environment compatible with agriculture.
- Amount of agricultural land will not be reduced and do not intend to change the zoning. Parcels are well defined with road access and do not negatively impact the agricultural operations. Northern parcels are heavily treed but southern parcels will still allow farming. Will not set precedent as land is remaining as agricultural. Approximately 40% of the site is low capability
- Internal road would not be required as each municipal road would not have more than 3 parcels accessing via Range Road 272 and Township Road 504.
- There are no immediate plans to build
- Should future owner of south parcel construct a fence, farming can occur around fences

Member Vandenberghe stated that the land is high capable land, even though heavily treed, dividing good agriculture land is considered fragmentation. Family is not committed to moving to the property. Taxes are lower. The County does not get involved with estate settlements. Sell the quarter section as is rather than breaking it up. Fence lines takes away from agriculture operations.

19-10 Member Vandenberghe – that the applicant Chris Oster and behalf of Chris, James, Thomas and Patricia Oster to subdivide four parcels of 16.19 ha (40 ac) each for country residential use from an unsubdivided quarter section with a title area of 64.37 ha± (159.03 ac±) was refused as per staff recommendations 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, 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) or small enough to minimize loss of high capability land and be easily managed as a residential site (1 ha); and
 - d. Policy 3.3.14 which stipulates Country Residential Use shall only be allowed on low capability land in the Agricultural Areas where the subdivision represents a specific case and would not set a precedent or encourage further subdivision of surrounding lands.
2. Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the Land Use Bylaw (7-08, as amended):
 - a) Part 9.3.8 which states access to individual lots shall in all cases be by internal collector or service roads constructed for the subdivision unless there are three or fewer parcels on any one particular public roadway.
 - b) Part 10.1.2 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;
 - c) Part 10.1.4 which states that new residential lots in the Agricultural district be a minimum of 1.0 ha (2.4 ac) and maximum of 2.0 ha (4.94 ac); and
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

Carried Unanimously

Chair Tanni Doblanko commented that 40 acre subdivisions are difficult to manage. Council strives to protect contiguous farm land.

Chair Tanni Doblanko explained the appeal process.

Adjournment

19-11 Committee Member Scobie that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting concluded at 2:15 p.m.


CHAIRMAN


SECRETARY