



**SUBDIVISION AUTHORITY
MEETING AGENDA
Tuesday, September 17, 2019**

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1. **ORDER** – 1:30 p.m.
 2. **ADOPTION OF AGENDA**
 3. **ADOPTION OF PREVIOUS MINUTES**
Subdivision Authority Minutes – August 20, 2019
 4. **SUBDIVISION APPLICATIONS**
 1. SD19-041 – Ian Hudson – SE 18-48-27 W4
 2. SD19-042 – Timothy Phillips – Plan 9322914, Lot 1 within NE 17-49-27 W4
 3. SD19-044 – Herman & Jeannie Eisenkrein – Plan 0724797, Block 1, Lot 1 within SE 32-50-24 W4
 5. **NEXT SUBDIVISION AUTHORITY MEETING**
 6. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions – (August – 4)

JD

**MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON TUESDAY, SEPTEMBER 17, 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, September 17, 2019 by Chair Tanni Doblanko with Committee Members Kelly-Lynn Lewis, Kelly Vandenberghe, Glenn Belozar and Ray Scobie present.

Also present were:

- Mrs. Charlene Haverland, Manager of Development Services
- Mr. Dave Desimone, Senior Planner
- Mrs. Rae-Lynne Spila, Senior Municipal Engineer
- Mrs. Chelsey Iles, Engineering Technologist
- Mr. Duane Coleman as Secretary of the Subdivision Authority
- Mrs. Adele Pysar Recording Secretary

7 other individuals were present.

Agenda Adoption

19-53 Committee Member, Glenn Belozar - that the Agenda for the September 17, 2019 Subdivision Authority meeting be accepted as circulated.

Carried Unanimously

Previous Minutes – August 20, 2019

19-54 Committee Member Kelly-Lynn Lewis - that the August 20, 2019 Subdivision Authority minutes be confirmed as circulated.

Carried Unanimously

Proposed Subdivision – Ian Hudson – SE 18-48-27 W4

SD19-041

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Ian Hudson. Staff recommends approval to subdivide a 6.21 ha (40.06) parcel and two undeveloped 12.13 ha (29.97 ac) parcels for Country Residential use from a previously subdivided quarter section with a title area of 40.47 ha (100 ac)

HISTORY

The quarter section is located on Range Road 275 and Township Road 482 and lies within the Central Conservation Area of the Wizard Lake Area Structure Plan. Records indicate that a 60 acre parcel was subdivided from the quarter section in 1979.



DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists of Class 3 Soil. Class 3 is considered Prime Agricultural Lands. The policies of the Municipal Development Plan indicate that the Wizard Lake Area Structure Plan will guide subdivision and development in this area.

The subject lands are within the Central Conservation area of the Wizard Lake Area Structure Plan. The priority for this area is the balance of sustainable development with existing natural features. The policies of the Central Conservation area allows for further country residential development within this area in a clustered or traditional pattern. It is the opinion of administration that the proposed subdivision is compliant with the intent of the Wizard Lake Area Structure Plan.

The subject lands contain portions of the Wizard Lake Environmentally Significant Area. The Wizard Lake Area Structure Plan identifies the subject lands as having High Conservation Priority. This is defined as quarter sections with equal to 50 percent native vegetation in a relatively intact state. It is the opinion of administration that the proposed subdivision, being large lots and supporting minimal development, will be low impact and will largely retain native vegetation. To further this objective, it is recommended a restrictive covenant be registered on title to limit the removal of vegetation for residential development.

This proposed application is supported by the Wizard Lake Area Structure Plan, Municipal Development Plan, Land Use Bylaw 7-08 and the Edmonton Metropolitan Region Growth Plan.

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

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

Dave Desimone provided the following:

- Parcel in the centre of the quarter section was the original first piece out.
- The proposed subdivision is in compliance with intent of Wizard Lake Area Structure Plan.
- Because of the size of the parcels and what is being proposed, internal road cannot be applied.
- Intent of subdivision is to subdivide into 3 separate parcels.
- If this subdivision is approved, could sell all parcels.

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

- Plan is to build a home on proposed lot 2 and rent out existing house on proposed lot 1 where I am currently living.
- No plan to sell these parcels right now.
- Houses need to have separate titles.
- Previous subdivision owned by someone else.

Chair Tanni Doblanko asked if Committee Members had any further comments or questions for the applicant:

There were none.

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

- Charlene Haverland advised it is our policy to bring any proposed subdivisions over first parcel out to the Board for a decision.
- A Municipal Reserve will be deferred against the title and is a condition of approval.

19-55 Chair, Tanni Doblanko, that the application to subdivide 6.21 ha (40.06) parcel and two undeveloped 12.13 ha (29.97 ac) parcels for Country Residential use from a previously subdivided quarter section with a title area of 40.47 ha (100 ac) be approved as per staff recommendations:

1. 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;
2. Pursuant to Section 9(a) of the Subdivision and Development Regulation, access to the subdivision and balance of the quarter to be constructed to the standards of Public Works at the Owners/Developer's expense;
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 655 (1) (a) of the Municipal Government Act, a restrictive covenant shall be registered on title restricting the removal of tree cover/vegetation to only what is needed to construct a single dwelling, shop, shed, gazebo and driveway;
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 proportionally against the title of the three newly created parcels; and
6. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro: Chair Tanni Doblanko and Committee Members Ray Scobie & Glenn Belozer
Con: Committee Members Kelly-Lynn Lewis and Kelly Vandenberghe

Carried

Chair, Tanni Doblanko read out the conditions of approval to the Applicant, which he was in agreement to.

**Proposed Subdivision – Timothy Phillips – Plan 9322914, Lot 1 within
NE 17-49-27 W4**

SD19-042

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Timothy Phillips. Staff recommends refusal to subdivide 2 equal parcels of 2.02 ha +/- (5 ac +/-) each for country residential use from a previously subdivided quarter section with a title area of 3.9 ha (9.64 ac).



HISTORY

The subject lands are located off Range Road 274 and a half mile north of Township Road 492. The quarter section was subdivided into two 80 acre parcels prior to 1963 and the 3.9 ha (9.64 ac) subject parcel was subdivided from the quarter section in 1993.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists of Class 1 Soil. Class 1 is considered Prime Agricultural Lands. The policies of the Municipal Development Plan stipulate that in Agricultural Area C: South Central/East, subdivisions shall be limited to either a physical severance or a farmstead subdivision and there shall be no more than one subdivision (two titled lots) per quarter section. The proposed subdivision is for the third parcel, creating four (4) titled lots for this quarter section.

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 three (3) adjacent landowner comments submitted regarding the proposed subdivision.

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

Dave Desimone provided the following:

- There were no questions for administration

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

- Property was bought under pressure through realtor, Darcy Powlik .
- Property was purchased based on what the real estate agent said.
- The proposed 5 ac parcel has had second set of services installed, excluding water.
- A mobile home was in this location for many years using these services. The pads for the mobile home are still there.
- Plans would be to install a cistern, which would have no environmental impact.
- Both brothers experience health issues.
- Would like a new, clean dwelling of a bungalow style.
- In future might put an annex off the garage depending what happens with this proposed subdivision.
- Still have options to be happier without discomfort. Plans are to travel more.
- Intention would be to sell the parcel with the existing home on.
- Another property would create more taxes for the County – a good fit for everyone. Only one more family using the roads.
- Invested \$50,000 into property already, plus another \$130,000 if we were to build something else.
- Property is currently rundown, but would like to restore it into good condition, so that it would suit our needs.
- Do not want to do anything to destroy the agricultural aspect, but it is too small a parcel to farm. Could possibly have a few animals.



- It is our belief we would be improving the value of the property.
- It would be out intent to put a road in so no new access required.
- Would not be cutting down very many trees.

Chair Tanni Doblanko asked if Committee Members had any further comments or questions for the applicant:

- The applicant advised he did know the house was a bi-level when they bought it.
- Applicant advised he is not familiar with class 1 soil.
- Applicant advised he did not check the process for subdividing with county prior to purchasing this property.

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

Dave Desimone provided the following:

- Three letters of opposition from adjacent landowners were received.
- Current zoning of the property is Agricultural.
- No dugout on this property.
- Charlene Haverland provided information from the Land Use Bylaw on secondary dwellings:
 - a) On a lot less than 2.0 ha (4.9 ac) a Dwelling, Secondary shall be limited to a Dwelling, Garden Suite, or Dwelling, Secondary Suite, only;
 - b) On a lot between 2.0 ha (4.9 ac) and 32.4 ha (80 ac), dwelling, secondary shall not include a dwelling, detached; but may include a dwelling, manufactured home; a dwelling, garden suite; or dwelling, custodial suite on a discretionary basis.
- Adding living quarters on to a shop would be considered a secondary suite.

19-56 Committee Member, Kelly Vandenberghe that the application to subdivide 2 equal parcels of 2.02 ha +/- (5 ac +/-) each for country residential use from a previously subdivided quarter section with a title area of 3.9 ha (9.64 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 objectives and policies of the Municipal Development Plan (08-19):
 - a. Policy 4.3.1.1 stipulates all subdivisions shall be designed and located in a manner that considers the topography of the land and minimizes (a) potential conflicts with surrounding agricultural uses; (b) the amount of agricultural land, and specifically prime agricultural land converted to non-agricultural use; (c) fragmentation of agricultural land by locating the subdivision near quarter section boundaries or in close proximity to existing residential sites; and (d) disturbance of environmentally significant areas;
 - b. Policy 4.3.1.7 stipulates to conserve large, contiguous tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping operation and to protect existing and future confined feeding operations in Agricultural Area C: South Central/East, subdivision shall be limited to a (a) Physical severance; or (b) Farmstead subdivision; and
 - c. Policy 4.3.1.8 states there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area C: South Central/East.

2. Pursuant to Section 654 (1)(b) of the Municipal Government Act, the proposed subdivision does not conform to Policy 6.2.2 of the Edmonton Metropolitan Region Growth Plan that states in the rural area, large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.

Carried Unanimously

**Proposed Subdivision – Herman & Jeannie Eisenkrein – Plan 0724797, Block 1, Lot 1
within SE 32-50-24 W4**

SD19-044

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicants Herman & Jeannie Eisenkrein. Staff recommends refusal to subdivide an undeveloped 1.0 ha (2.47 ac) parcel for country residential use from a previous subdivision with a title area of 2.3 ha (5.51 ac).

HISTORY

Rock Crest Estates is located between Silver Bear and Marquis Estates. Rock Crest Estates was conditionally approved in April of 2006 and endorsed in 2007. An application for the subdivision of this lot was refused in 2014 and again in 2016 by the Subdivision Authority.

DISCUSSION

Rock Crest Estates is located in the east half of the quarter section and is comprised of 18 lots. This application is proposing an additional lot which will bring the total residential lots for the entire quarter section to 37 lots. The quarter section is located within the Country Residential area as identified in the Leduc County Municipal Development Plan.

Policy 4.5.1.3 of the Municipal Development Plan states Country Residential development shall not exceed 50 residential lots per quarter section in accordance with the Edmonton Metropolitan Region Growth Plan. However, Policies 4.5.1.5 and 4.5.1.6 state infill of existing Country Residential subdivisions shall be encouraged where it is sensitive to the existing development and must respect the character of the existing development. The design of the proposed subdivision includes a property line perpendicular to the adjacent property, orienting the property line along the width of the existing lot rather than the depth, which is not in keeping with the character of the existing subdivision. This design would have the adjacent property owner share property lines with two developed properties, rather than one as the rest of the subdivision is designed. Administration is of the opinion this is a precedent setting change in the character and design of an existing Country Residential subdivision.

Due to the design, the proposed subdivision would also prevent the existing lot from having access to the internal road designed for the subdivision and would only have access to Range Road 234. The original Conditional Approval for Rock Crest Estates, dated April 26, 2006, expressly states each lot must have an access approach off internal roads only. The existing approach from the subject property to Range Road 234 still exists despite this requirement. Policy 8.1.0.2 of the Municipal Development Plan stipulates as part of any land use decision, the County shall consider the safe, efficient, and cost-effective provision of transportation infrastructure services to ensure the sustainable development pattern within the County. Administration is of the opinion allowing Country Residential infill subdivisions to provide access to municipal roads



rather than internal roads is also precedent setting and would encourage future Country Residential infill subdivisions in this manner.

The applicants have submitted a drainage plan for this proposed subdivision which has been reviewed to the satisfaction of Public Works and Engineering. There are existing drainage issues and unpermitted lot grading on the applicants lot with current enforcement action being taken. The applicants have stated they would grade the lot to remedy the drainage issues as a condition of subdivision approval.

There were 7 adjacent landowner comments submitted regarding the proposed subdivision. The full comments are attached to this report.

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

Dave Desimone provided the following:

- Existing lot does not have access to the internal subdivision road.
- Should this subdivision be approved, owner to the west would then have 2 adjacent landowners on the east side. Only lot in the subdivision that would be aligned this way.
- Infilling was brought in – thus there are existing enforcement issues.
- The applicants have stated they will address this drainage issue. However, it should be dealt with before subdivision takes place.
- 2.47 ac is an appropriate size for permitted use of house, garage and septic system.
- Approach off Range Road 234 is not internal. The removal of this approach was a condition of the original subdivision. There is a second approach off the internal subdivision road.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Daughter of Herman and Jeannie Eisenkrein approached and provided the following information:

- Overhead photos were shown of the property. Existing driveway has been there for 28 years. Plan submitted for existing dwelling and shop.
- FAC approval by the county was given.
- Cost prohibited doing away with existing approach.
- Adjacent subdivision Arbor Estates very similar to this subdivision. There is no internal driveway on first lot in.
- There is a property line dispute with the adjacent property to the west – landowner has put in a berm and landscaped some trees and brush to obstruct the natural water flow. Now water collects where it should flow.
- Second issued – no frontage plan regarding the characteristics of this subdivision. Each resident allotted the design of their home. Having a home on this proposed lot would not impact anything.

Chair Tanni Doblanko asked if Committee Members had any further comments or questions for the applicant:

- Wet area is the low area towards the front of the two properties, where natural flow of the water would be.
- If this proposed lot is approved the landowner is willing to assume all costs putting a swale in along the berm the neighbor has created. Water would then naturally flow into the culverts.
- Bringing in dirt and putting grass remnants in that low spot will need to be dug out and hauled to the dump. Will then need to put dirt back in and reseed.



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

Dave Desimone provided the following:

- There are 10 vacant lots in this subdivision.
- We do not want to create more lots to infill. There are undeveloped lots to fill.
- Applicant did submit a drainage plan but there are existing drainage problems in this subdivision as well as unpermitted lot grading.
- Splitting of this lot would create one of the smallest lots in this subdivision.
- There are a lot of water issues in this subdivision and creating another parcel will not help any of these problems.
- Having more houses, therefore more taxes, is not the issue.

19-57 Chair, Tanni Doblanko, that the application to subdivide an undeveloped 1.0 ha (2.47 ac) parcel for country residential use from a previous subdivision with a title area of 2.3 ha (5.51 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 objectives and policies of the Municipal Development Plan (08-19):
 - a. Policy 4.5.1.5 which stipulates that infill of existing Country Residential subdivisions is encouraged where it is sensitive to the existing development;
 - b. Policy 4.5.1.6 which stipulates infill of existing country residential subdivisions must respect the character of the existing subdivision; and
 - c. Policy 8.1.0.2 which stipulates as part of any land use decision, the County shall consider the safe, efficient, and cost-effective provision of transportation infrastructure services to ensure the sustainable development pattern within the County.

Carried Unanimously

Adjournment

19-58 Committee Member, Glenn Belozor, that the Subdivision Authority meeting be adjourned.

The Subdivision Authority meeting concluded at 2:30 pm



CHAIRMAN



SECRETARY