



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

1. **ORDER** – 1:30 p.m.
2. **ORGANIZATIONAL MEETING OF THE AUTHORITY**
 - a) Nomination of Chair
 - b) Nomination of Vice Chair
3. **ADOPTION OF AGENDA**
4. **ADOPTION OF PREVIOUS MINUTES**

Subdivision Authority Minutes – October 15, 2019
5. **SUBDIVISION APPLICATIONS**
 1. SD19-045 – Seller's Oil Field Service Ltd. – NW 28-49-26 W4
 2. SD19-046 – George Greenhough on behalf of Capital Power GP Holdings Inc.– SE 1-50-2 W5
 3. SD19-050 – Jerry Evans – SW 18-49-24 W4
 4. SD19-051 – Eric Stene on behalf of Eric Stene-Donovan, Chantel Donovan-Perizzolo – SW 28-49-2 W5
6. **DISCUSSION ITEM**
 1. Agricultural Impact Assessment
7. **NEXT SUBDIVISION AUTHORITY MEETING**
8. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions – (October – 1)

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**MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON TUESDAY, NOVEMBER 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, November 19, 2019 by Rick Thomas, Secretary of the Subdivision Authority with Committee Members Tanni Doblanko, Kelly-Lynn Lewis, Kelly Vandenberghe, Glenn Belozar and Ray Scobie present.

Also present were:

- Mr. Dave Desimone, Senior Planner
- Mr. Greg McGovern, Planner 1
- Mrs. Chelsey Iles, Engineering Technologist
- Mrs. Laurie Stoetzel Recording Secretary

6 other individuals were present.

Organizational Meeting of the Authority

Mr. Rick Thomas, Secretary of the Subdivision Authority, indicated as per Bylaw 24-08, that the Chair and Vice Chair are to be elected at the first Subdivision meeting, following the Council Organizational meeting.

Nomination of Chair

Mr. Rick Thomas, Subdivision Authority Secretary requested nominations for Chair of the Subdivision Authority. Committee Member Kelly Vandenberghe nominated Mayor Tanni Doblanko for Chair. A second nomination was called. A third nomination was called. No further nominations came forward.

19-64 Committee Member Kelly Vandenberghe - that the nominations cease and confirm Mayor Tanni Doblanko as Chair of the Subdivision Authority.

Carried Unanimously

Assume the Chair

Mayor Tanni Doblanko assumed the Chair and asked for nominations for Vice-Chair of the Subdivision Authority.

Committee Member Kelly-Lynn Lewis nominated Committee Member Kelly Vandenberghe as Vice-Chair.

A second nomination was called. A third nomination was called. No further nominations came forward.

19-65 Chair Tanni Doblanko - that the nominations cease and confirm Committee Member Kelly Vandenberghe as Vice-Chair of the Subdivision Authority.

Carried Unanimously



Agenda Adoption

19-66 Committee Member Glenn Belozar - that the Agenda for the November 19, 2019 Subdivision Authority meeting be accepted as circulated.

Carried Unanimously

Previous Minutes – October 15, 2019

19-67 Committee Member Kelly-Lynn Lewis - that the October 15, 2019 Subdivision Authority minutes be accepted as circulated.

Carried Unanimously

Proposed Subdivision – Seller's Oil Field Service Ltd. – NW 28-49-26 W4 SD19-045

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Gordon Seller on behalf of Seller's Oil Field Service Ltd. of Devon. Staff recommends approval to subdivide a developed 6.64 ha (16.41 ac) parcel for agricultural use from an unsubdivided quarter section with a title area of 63.13 ha (156.00 ac)

HISTORY

The proposed parcel is located off Highway 39 and Range Road 264. The quarter section is currently unsubdivided.

DISCUSSION

The proposed subdivision is intended to encompass a redistricting of the site, comprising 6.64 ha (16.41 ac) of land, from the AG – Agricultural District to the IAR – Industrial/Agricultural Resource District. The redistricting, and proposed subdivision, will allow for the continued operation of industrial use on the property.

Alberta Transportation responded to the referral of this application that a 30m wide service road be dedicated along the frontage of both the proposed and remnant parcels adjacent to Highway 39. As well, they require the removal of the two accesses to the west along Highway 39 while the access along the eastern property line may remain to provide access to the proposed parcel.

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:

- Administration is seeking subdivision approval before the 3rd reading of the Land Use Bylaw amendment to redistrict the proposed parcel from Agricultural District to Industrial/Agricultural Resource District.
- There are no risks involved as this is the first parcel out of the quarter section.
- The approach to proposed parcel could come off Highway 39, they could use the approach to the east until development is done and traffic is generated.

- They could build an approach off of Range Road 264 to the remnant parcel should they choose.

Chelsey Iles advised that if Highway 39 is widened they would have to remove access off of it and use Range Road 264.

19-68 Committee Member Kelly-Lynn Lewis –that the application be deferred to the December 17, 2019 Subdivision Authority meeting to allow for the third reading of the Land Use Bylaw amendment.

Carried Unanimously

Proposed Subdivision - George Greenhough on behalf of Capital Power GP Holdings Inc.
SE 1-50-2 W5 **SD19-046**

Mr. Greg McGovern, Planner 1, Development Services presented a staff report with respect to the application by the applicant George Greenhough on behalf of Capital Power GP Holdings Inc. Staff recommends approval to subdivide a 3 ha (7.41 ac) farmstead parcel from an unsubdivided quarter section with a title area of 64.79 ha (160 ac)

HISTORY

The subject lands are located adjacent to Range Road 20 and south of Township Road 501. The existing quarter section is unsubdivided.

DISCUSSION

Greg McGovern clarified that the residence has been removed and the application is a residential subdivision, not a farmstead as referred to in the description. The Agricultural Land Suitability Rating indicates the subject land consists of Class 3 soil. Class 3 is considered Prime Agricultural Lands.

According to the Municipal Development Plan the subject lands are located within the Agricultural Area A (West) where policies are aimed at conserving agricultural land on a comprehensive basis for a broad range of agricultural operations.

The proposed subdivision encompasses an existing dwelling and farm building, and is considered a Residential Subdivision which is defined in the Municipal Development Plan as the subdivision of an existing farmstead from a quarter section that shall not exceed 1 ha (2.47 ac) in size, unless a larger lot is required to accommodate the location of existing buildings or shelterbelts associated with the residential use of the parcel. Administration recommends the 3 ha (7.41 ac) based on the observation that a larger parcel 1 ha (2.47 ac) is required to capture the existing buildings, access, driveway, and shelterbelts.

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.

The County received one letter of objection to the proposed subdivision from an adjacent landowner. The objection requires this application be brought before the Subdivision Authority Committee for a decision.

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

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

- The landowner to the north would like to see the surplus land sold back to the original owners.
- The developer would like to bring people back to the community and smaller acreages would be preferable and financially viable rather than a full quarter section.
- Once the mining operation is finalized, the parcel could be available for sale fairly soon.
- There would be no restrictive covenant and therefore no restrictions for residential development.

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

George Greenhough further advised that:

- Currently there is a Restrictive Covenant on title which prevents residential development, but once approved the restrictive covenant will not apply on this quarter section and a residence could be built including a basement.

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

19-69 Committee Member Ray Scobie that the application to subdivide a 3 ha (7.41 ac) farmstead parcel from an unsubdivided quarter section with a title area of 64.79 ha (160 ac) be approved with the following conditions:

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. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

The Subdivision Authority is of the opinion that since this application is the first parcel out of the quarter section and the owner is acting on behalf of land interest, the concerns of the adjacent landowners should be satisfied.

Proposed Subdivision – Jerry Evans – SW 18-49-24 W4

SD19-050

Mr. Greg McGovern, Planner 1, Development Services presented a staff report with respect to the application by the applicant Jerry Evans. Staff recommends refusal to subdivide a 1.23 ha (3.0 ac) residential parcel from a previously subdivided parcel with a title area of 2.15 ha (5.31 ac).

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HISTORY

The subject lands are located off Township Road 492 and Range Road 250. The subject lands were previously subdivided in 2017 and resulted in an undeveloped 32.4ha (80.07ac) parcel in the north half of the quarter section and a 30.2ha (74.63ac) parcel in the south half of the quarter section, which is currently developed for residential uses. The titled area (Lot 1) was created in 1994 through the approval of application to adjust the boundaries of Lot 1.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists of Class 1 soil. Class 1 is considered Prime Agricultural Lands.

According to the Municipal Development Plan the subject lands are located within the Agricultural Area C (South Central /East) where policies are aimed at conserving large tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping operations and to protect existing and future confined feeding operations. In accordance with 4.3.1.8 of the Municipal Development Plan, there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area C (South Central /East). The proposed subdivision would result in the creation of the fourth lot in this quarter section.

The proposed parcel encompasses the rear half of a residential parcel and also includes an existing access, driveway and two accessory buildings (a Quonset and shed). The intended use of the proposed parcel is for residential development and, as a result, the proposed subdivision is regarded as a Residential Subdivision. The Municipal Development Plan defines a Residential Subdivision as the subdivision of an undeveloped lot from a quarter section to accommodate a residence that shall not exceed 1 ha (2.47 acres). The proposed parcel is 1.23 ha (3.0 ac) and exceeds the maximum allowable area.

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.

The subject property is located within Area H of the City of Leduc/Leduc County IDP area and is designated as Reserve and Referral Area. The general purpose of the Reserve and Referral Area is to address lands outside the Growth Scenario and 2044 time horizon for strategic planning and environmental planning purposes, and to provide for future consideration that may not be foreseen at the time of adoption. In accordance with Section 4.2.2.2 of the City of Leduc/Leduc County IDP, no new multi-lot subdivision (three lots or more) will be allowed without an adopted area structure plan. There is currently no area structure plan for the subject lands.

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.

Greg McGovern provided the following:

- Currently, the use of the land is for pasture. Country residential is the type of development, not the zoning.
- Proposed parcels are not being used for agriculture.

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- The policy for internal road on a multi lot subdivision is 3 parcels or more.
- Quality of the land is Class I under the CLI which is suitable for pasture. Different data sets are used when preparing the report.
- All access are existing and are grandfathered in.

Mr. Duncan Martin entered the meeting at 2:00 p.m.

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

- Has owned the property for 17 years. Land was subdivided in 1986.
- Previous subdivision and approach accommodated a trucking business.
- Soil tests were conducted which came back clear.
- Existing residence has a mound and drilled well.
- There are 2 existing approaches and no new approach is required.
- North parcel has been empty for 33 years, cattle keep the grass down.
- The 5 ac subdivision is not classified as agricultural.
- Parcels will be properly surveyed and separated by chain link fencing.
- Will sell existing residence and build a residence on the back parcel with new well and septic system.
- Buildings on back portion are not fixed and can be moved.

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

Jerry Evans further advised that:

- Tree line separates the existing residence from the neighbor.

Greg McGovern commented that:

- The zoning would remain Agricultural, but would allow for residential development.

Dave Desimone commented that:

- The topography is considered when dealing with an application that includes a panhandle.
- Agricultural district allows for agriculture operations and some residential.
- The parcel will not be rezoned or redistricted.
- MDP does not support 4 titled areas.
- Application was referred to City of Leduc, but no response was received.

19-70 Chair Tanni Doblanko - to subdivide a 1.23 ha (3.0 ac) residential parcel from a previously subdivided parcel with a title area of 2.15 ha (5.31 ac) be refused.

Pro:

Chair Tanni Doblanko and Committee Member Kelly-Lynn Lewis

Con:

Committee Members Kelly Vandenberghe, Ray Scobie, Glenn Belozar

Defeated

19-71 Committee Member Kelly Vandenberghe to subdivide a 1.23 ha (3.0 ac) residential parcel from a previously subdivided parcel with a title area of 2.15 ha (5.31 ac) be approved with the following conditions:

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. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro:

Committee Members Kelly Vandenberghe, Ray Scobie and Glenn Belazer

Con:

Chair Tanni Doblanko and Committee Member Kelly-Lynn Lewis

Carried

The Subdivision Authority felt that no agricultural land has been taken out of production and this would be a better use of the lands.

Proposed Subdivision – Eric Stene on behalf of Eric Stene-Donovan, Chantel Donovan-Perizzolo and Enio Perizzolo – SW 28-49-2 W5 SD19-051

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Eric Stene on behalf of Eric Stene-Donovan, Chantel Donovan-Perizzolo and Enio Perizzolo. Staff recommends refusal to subdivide a 4.04 ha (9.98 ac) residential parcel from a previously subdivided quarter section with a title area of 31.9 ha (78.83 ac).

HISTORY

The subject lands are located off Township Road 494 and Range Road 24. A 21.9 ha (54.12 ac) physically severed parcel and a 10.0 ha (24.71 ac) parcel were subdivided from the quarter section in 2007.

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

stipulate that in Agricultural Area A: West, subdivisions shall be limited to a physical severance, farmstead subdivision, residential subdivision or agricultural subdivision and there shall be no more than two subdivisions (three 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 for a Residential subdivision. To minimize the amount of prime agricultural land removed for non-agricultural use, the Municipal Development Plan has defined a Residential subdivision as the subdivision of an undeveloped lot from a quarter section to accommodate a residence. A Residential Subdivision shall not exceed 1 ha (2.47 acres). The proposed subdivision is 9.98 acres in size.

Leduc County Public Works & Engineering has also commented that the narrow panhandle shape to provide access from the municipal road is likely too narrow for permanent access. The design and location of the proposed parcel, as well as narrow access from Township Road 494, is not only an unnecessary removal of prime agricultural land, but is likely to cause issues with access. While there is an undeveloped road right-of-way from Range Road 24 along the west side of the quarter section, this option would not be supported by administration without the construction of a road to provide physical access.

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 comments or questions for administration.

Dave Desimone provided the following:

- Undeveloped road allowance was not used for previous subdivision as building roads is very expensive and the County would have had to maintain the road right of way for one residence.
- The undeveloped road allowance provides access to Crown land to the north west.

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

- Access agreement could be registered on title between other landowner to use access.
- The 10 acres (less the panhandle) would be developed with residence and yard space. 2.4 acres is not enough room to develop.
- Would be agreeable to a road use agreement with himself and owner of subdivided property. He would be responsible to maintain the approach no matter who owns it.
- Currently owns residence on north half of quarter section.
- The agricultural lands would become residential.

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

- Shared access easement can be registered on title and it is enforceable but not by the municipality.
- Any legal issue would be sorted out in court.

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

19-72 Committee Member Kelly-Lynn Lewis - to subdivide a 4.04 ha (9.98 ac) residential parcel from a previously subdivided quarter section with a title area of 31.9 ha (78.83 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 (08-19):
 - a. Policy 4.3.1.1 states all subdivisions shall be designed and located in a manner that considers the topography of the land and minimizes (b) the amount of agricultural land, and specifically prime agricultural land converted to non-agricultural use;
 - b. Policy 4.3.1.7 which stipulates to conserve agricultural land on a comprehensive basis for a broad range of agricultural operations in Agricultural Area A. West, subdivision shall be limited to a (a) Physical severance; (b) Farmstead subdivision; (c) Residential subdivision; or (d) Agricultural subdivision; and
 - c. Policy 4.3.1.8 which states there shall be no more than two subdivisions (three titled lots) per quarter section in Agricultural Area A. West.
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.

Pro:

Chair Tanni Doblanko, Committee Members Kelly-Lynn Lewis, Kelly Vandenberghe and Glenn Belozer

Con:

Committee Member Ray Scobie

Carried

Agriculture Impact Assessment (AIA) Policy and Tools

Mr. Duncan Martin, Senior Planner provided LR-01 - AIA Policy with revisions as per recommendations by the Policy Committee at the October 24, 2019 Policy Committee Meeting for review and discussion.

19-73 Committee Member Kelly-Lynn Lewis, that the report provided by administration regarding the Agriculture Impact Assessment Tool be received as information.

Carried Unanimously

Adjournment

19-74 Committee Member Kelly-Lynn Lewis, that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting concluded at 3:02 p.m.


CHAIRMAN


SECRETARY