



**SUBDIVISION AUTHORITY
MEETING AGENDA**
Tuesday, August 20, 2019

1. **ORDER** – 1:30 p.m.
2. **ADOPTION OF AGENDA**
3. **ADOPTION OF PREVIOUS MINUTES**
Subdivision Authority Minutes – July 16, 2019
4. **SUBDIVISION APPLICATIONS**
 1. SD19-030 – Cody & Chelsea Pahl – SE 12-48-26-W4
 2. SD19-035 – Robert MacRae on behalf of Kico Development Corporation
– NE 32-47-01-W5
5. **NEXT SUBDIVISION AUTHORITY MEETING**
6. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions – (July – 1)

JD

**MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON TUESDAY, AUGUST 20, 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, August 20, 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
- Mr. Rick Thomas as Secretary of the Subdivision Authority
- Mrs. Laurie Stoetzel, Recording Secretary

3 other individuals were present.

Agenda Adoption

19-48 Committee Member Glenn Belozar - that the Agenda for the August 20, 2019 Subdivision Authority meeting be accepted as circulated.

Carried Unanimously

Previous Minutes – July 16, 2019

19-49 Committee Member Kelly-Lynn Lewis - that the July 16, 2019 Subdivision Authority minutes be confirmed with typographical errors on the first sentence on Page 63 as follows: "Currently farming the northern part in hay, lot 2 in barley and lot 3 is in hay".

Carried Unanimously

Proposed Subdivision – Cody & Chelsea Pahl – SE 12-48-26 W4

SD19-030

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by applicants Cody & Chelsea Pahl. Staff recommends refusal to subdivide a developed 2.18 ha (5.38 ac) parcel for country residential use from a previously subdivided quarter section with a title area of 62.88 ha (155.37 acres).

UPDATE

This application was brought to the Subdivision Authority Committee on July 16, 2019 at which time a motion was carried to defer the application to the August 20, 2019 meeting to give the applicant time to consider amending the proposed application consolidating their existing parcel with the larger remnant parcel. After further discussion with administration, the applicant stated that he was not in favour of this option.

JP

HISTORY

The subject lands are located off Range Road 260 and Township Road 481. A 1.86 ha (4.60 ac) parcel was subdivided from the quarter in 2008.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 Soil. Class 2 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 second parcel, creating three (3) 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 no adjacent landowner comments submitted regarding the proposed subdivision.

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

19-50 Committee Member Kelly Vandenberghe – that the application to subdivide a developed 2.18 ha (5.38 ac) parcel for country residential use from a previously subdivided quarter section with a title area of 62.88 ha (155.37 acres) 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 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;
 - c. Policy 4.3.1.8 which states there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area C. South Central/East; and
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.

The policies of the Municipal Development Plan and Edmonton Metropolitan Region Growth Plan are not met by this application.

Carried Unanimously

Proposed Subdivision – Robert MacRae on behalf of Kico Development Corporation -
NE 32-47-01 W5 **SD19-035**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by Robert MacRae on behalf of Kico Development Corporation. Staff recommends refusal to subdivide a 3.34 ha (8.25 ac) residential subdivision from quarter section with a previously approved residential subdivision 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 Agricultural Land Suitability Rating indicates the subject land consists of Class 5 Soil. Policy 4.3.1.4 of the Municipal Development Plan stipulates there shall be no more than two subdivisions (three titled lots) per quarter section in Agricultural Area A: West. The proposed lot would be considered the 2nd parcel out of the quarter section. However, Policy 4.3.1.3(c) stipulates Residential Subdivisions are supported in Agricultural Area A: West provided there are no other existing or proposed undeveloped residential lots on the subject quarter section. A 4.05 ha (10.00 ac) parcel in the southeast corner of the quarter section was conditionally approved on July 17, 2018. This application represents the second Residential Subdivision from this quarter section and is counter to the Municipal Development Plan policies of Agricultural Area A: West.

Appendix A of the Municipal Development Plan defines 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 parcel is 3.34 ha (8.25 ac) which is exceedingly large and in the opinion of administration, precedent setting for a Residential Subdivision as defined by the Municipal Development Plan. Leduc County Agricultural stated upon review of the subdivision application that the proposed parcel is large.

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 6.1.0.2 of the Municipal Development Plan states where there is evidence of an Environmentally Significant Area within the boundaries of, or adjacent to, a proposed development or subdivision an Environmental Impact Assessment may be required to delineate the boundary of the Environmentally Significant Area and identify and mitigate the potential impact that development or subdivision may have on the Environmentally Significant Area. There was no Environmental Impact Assessment submitted in association with this subdivision application. 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.

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

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

Dave Desimone provided the following:

- Larger parcel is used for pasture.

Charlene Haverland provided the following:

- The 2018 approved subdivision application has been signed off by the County and sent to the surveyor but it has not been registered at Land Titles yet.

Dave Desimone provided the following:

- The Mission Beach transfer station is 900m away from the proposed parcel.

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

- The applicant wishes to subdivide 8.25 ac.
- Councilors Belozor and Scobie attended the site to review the proposal. They felt strongly that the land is not high quality farm land and the parcel would be the best use of the land.
- There is no environmental impact as the waterway is not a creek but a drainage ditch to a small pocket of trees.
- Not designated as wet land.
- Cattle pasture land.
- The proposed site was reconfigured to eliminate 99% of the waterway issues.

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

- Remnant parcel is used for cattle pasture and previously for buffalo.
- The land is agriculture not wetland.
- The purpose of the parcel size is to allow a standard building pocket for a residence and outbuildings, pasturing or hobby farm. The size is not crucial and is comfortable for a home site.
- Originally the configuration was east to west and included the run off. The site was reconfigured to go north and south to eliminate drainage issue.
- Entire portion is pasture land except for treed area.
- Not disrupting the integrity of the land.
- Alberta Transportation has no issue and a road right of way can be dedicated.
- The reason the first subdivision has not been registered is due to the cost of the approach construction and approved location.
- Landowner is waiting for a buyer or both parcels may be kept for family.

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

Dave Desimone provided the following:

- FEN is grassland with no year round water flow. Land is indicative of wet area.
- Without an Environmental Assessment it is difficult to determine the impact
- Lands are undeveloped. Based on the slope there is potential for flooding

Rae-Lynne Spila provided the following:

- No history of flooding, but the beginning of waterways may be affected

Member Scobie advised that it is hard to find peat on the land.

Member Belozar advised that he knows the area and you will find rock and clay before peat. Buffalo pasture for many years. The setback from the highway will not affect the creek.

19-51 Member Glenn Belozar made a motion to approve the application on 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, 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;
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 7(c) of the Subdivision & Development Regulation, the applicant/owner shall prepare a stormwater management report approved by Alberta Environment and Parks and to the satisfaction of Leduc County;
5. Pursuant to 664(2) of MGA, an Environmental Reserve Easement be registered on title of the newly created parcel to protect the drainage course;
6. 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;
7. Pursuant to Section 16 and 15(3) of the Subdivision and Development Regulation, a 30m wide service road right-of-way along the highway frontage of both the new parcel and the parent parcel be dedicated by way of caveat; and
8. The subdivision be registered pursuant Alberta Land Titles requirements.

Pro: Committee Members Scobie and Belozar

Con: Chair Doblanko, Committee Members Lewis and Vandenberghe

Defeated

Chair Tanni Doblanko provided information regarding the appeal process.


Adjournment

19-52 Committee Member Kelly-Lynn Lewis that the Subdivision Authority meeting be adjourned.

The Subdivision Authority meeting concluded at 1:55 p.m.



CHAIRMAN



SECRETARY