



**SUBDIVISION AUTHORITY
MEETING AGENDA
Tuesday January 15, 2019**

- 1 -

1. **ORDER** – 1:30 p.m.
2. **ADOPTION OF AGENDA**
3. **ADOPTION OF PREVIOUS MINUTES**
Subdivision Authority Minutes – December 18, 2018
4. **SUBDIVISION APPLICATIONS**
 1. SD18-049 – Garth & Marilyn Lucht – SE 22-48-26 W4
 2. SD18-054 – Harvey Schmidt – N ½ SE 19-50-1 W5
 3. SD18-057 – Robert MacRae on behalf of David & Elaine Chapman
– SE 27-48-2 W5
5. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions – (December - 2)

**MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON TUESDAY, JANUARY 15, 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, January 15, 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. Rick Thomas as Secretary of the Subdivision Authority
- Mrs. Laurie Stoetzel, Recording Secretary

7 other individuals were present.

Agenda Adoption

19-01 Committee Member Belozar - that the Agenda for the January 15, 2019 Subdivision Authority meeting be adopted as presented.

Carried Unanimously

Previous Minutes – December 18, 2018

19-02 Committee Member Lewis - that the December 18, 2018 Subdivision Authority minutes be confirmed as circulated.

Carried Unanimously

Proposed Subdivision – Garth & Marilyn Lucht – SE 22-48-26 W4

SD18-049

Mr. Kyle Payne, Planner, Development Services presented a staff report with respect to the application by applicant/owner Garth & Marilyn Lucht that was deferred from the December 18, 2018 Subdivision Authority meeting. The applicants have reconsidered their original application and have proposed a smaller parcel in the amount of 2.03 ha (5.01ac). Staff continue to recommend refusal to subdivide an undeveloped 2.03 ha± (5.01 ac±) parcel for country residential use from a previously subdivided parcel with a titled area of 63.13 ha± (156 ac±).

History:

The subject lands are located of Range Road 262 and a half mile south of Township Road 484. A 1.62 ha± (4.00 ac±) parcel was subdivided from the quarter section in 1984.

Discussion:

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of a mix of High and Low Capability Agricultural Land (14 - 51%). Within the subject parcel there are a number of tree stands, a dug out, existing yard site with dwelling, and accessory farming structures. The applicant has stated the reason for their



subdivision is to allow for their son to live on an acreage to assist with maintaining the farm. The proposed lot would be considered the 2nd parcel out of 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. It is the opinion of staff that the proposed subdivision sets precedent for further subdivision and development in the area.

The proposed subdivision lies within the Rural Area identified in the Edmonton Metropolitan Region Growth Plan. 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 and there were none. Member Lewis commented that she was happy to see the amendment to the proposal.

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

- Appreciated the opportunity to amend the application;
- The reason for the 10 ac parcel was for a pump out setbacks;
- Existing access to the farm land is good for equipment;
- An approach into new parcel will be built;
- His son would like to move back to farm and help with farm operation of harvesting and calving.

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

19-03 Member Belozer - that the application by the applicant Garth & Marilyn Lucht to subdivide an undeveloped 4.09 ha (10.09 ac±) parcel for country residential use from a previously subdivided parcel with a titled area of 63.13 ha± (156 ac±) be approved with the following conditions:

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;
2. Pursuant to Section 10.6 of the Land Use Bylaw, the parcel be reduced to 2.03 ha in size as per Exhibit #1 (Revised);
3. 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;
4. 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;

5. Pursuant to Section 9(a) of the Subdivision and Development Regulation, the applicant/owner shall provide access to each lot created. Each approach shall be built to Leduc County Development Standard;
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. The subdivision be registered pursuant Alberta Land Titles requirements.

Carried Unanimously

The Subdivision Authority is of the opinion that no farm land is being lost due to the smaller proposed subdivision and the application supports the farming operation.

Proposed Subdivision – Harvey Schmidt – N ½ SE 19-50-1 W5

SD18-054

Mr. David Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by applicant Harvey Schmidt. Staff recommends refusal to subdivide a developed 4.05 ha (10.01 ac) country residential parcel from a previously subdivided quarter section with a title area of 32.37 ha (80 ac).

HISTORY

The subject lands are located off Range Road 15 and a half mile south of Township Road 504. An 80 ac parcel was subdivided from the quarter prior to 1968.

DISCUSSION

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of entirely High Capability Agricultural Land (52.0%). 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 lot would be considered the 2nd parcel out of the quarter section. The applicant has stated their reasons for the subdivision is that they are interested only in the agricultural use of the lands and have no use for the developed farm site.

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. 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 6.2.1 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 and there were none.

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

- Require larger parcel size for pump out setback;
- It is better to have a few extra acres for horses etc. when selling property;
- The property is treed and when he sells the property he will buy trees for tree farming/moving operation;
- The property could be used for agriculture if the trees are removed.

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

19-04 Motion by Member Scobie – that the application by the applicant/landowner Harvey Schmidt to subdivide a developed 4.05 ha (10.01 ac) country residential parcel from a previously subdivided quarter section with a title area of 32.37 ha (80 ac) be approved on the following conditions:

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;
2. 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;
3. 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;
4. 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;
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 Alberta Land Titles requirements.

Pro: Chair Tanni Doblanko and Committee Members Lewis, Belozer and Scobie

Con: Committee Member Vandenberghe

Carried

The Subdivision Authority is of the opinion that the small holdings tree farming operation on the agricultural land will continue.

**Proposed Subdivision – Robert MacRae on behalf of David & Elaine Chapman –
SE 27-48-2 W5**

SD18-057

Mr. Kyle Payne, Planner, Development Services, presented a staff report with respect to the application by applicant Robert MacRae on behalf of David & Elaine Chapman. Staff recommends refusal of the application to subdivide a developed 5.17 ha± (12.77 ac±) parcel for country residential use from a previously subdivided quarter section with a title area of 59.53 ha± (147.10 ac±).

History

The subject lands are located off Range Road 22 and a half mile north of Township Road 484. A 5.22 ha (12.90 ac) parcel was subdivided from the quarter section in 1983.

Discussion

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of Low Capability Agricultural Land (39%).

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 “accommodate an acreage owner’s usage without disrupting the agricultural application 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 6.2.1 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. Kyle Payne provided the following information:

- One primary and one secondary dwelling will be permitted;
- Proposed lot size is large to meeting the private sewage disposal setbacks;
- Parcel would still not meet policy if the south boundary was moved up to create a smaller parcel.

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

Mr. MacRae advised that:

- The south boundary takes in existing yard and small fraction of crop land;

- Bail storage would not interfere with agriculture land
- It makes sense to include all services and out buildings as requested to accommodate the dwellings and infrastructure;
- The proposed parcel size would not have adverse affect on remnant lands;

Mr. Chapman advised that:

- He does not live on the property;
- The dwellings are vacant and will be listing the parcel for sale;
- The buildings and water/sewer systems were built to code.

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

Member Scobie commented that several farmers want to buy undeveloped agriculture land.

Member Vandenberghe commented that the dwellings are modular and can be moved. The land could then be used for agriculture purposes.

Chair Tanni Doblanko commented that the opportunity to sell agriculture land and invest back into developed agricultural operations.

19-05 Committee Member Belozer - that the application by applicant Robert MacRae on behalf of David & Elaine Chapman to subdivide a developed 5.17 ha± (12.77 ac±) parcel for country residential use from a previously subdivided quarter section with a title area of 59.53 ha± (147.10 ac±) be approved with the following conditions:

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;
2. 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;
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 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;
5. Pursuant to Section 9(a) of the Subdivision and Development Regulation, the applicant/owner shall provide access to each lot created. Each approach shall be built to Leduc County Development Standard;
6. The subdivision be registered pursuant Alberta Land Titles requirements.

Pro: Chair Tanni Doblanko and Committee Members Lewis, Belozer and Scobie

Con: Committee Member Vandenberghe

Carried

The Subdivision Authority is of the opinion that no farm land is being taken out of production.

Adjournment

19-06 Committee Member Scobie that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting concluded at 2:04 p.m.


CHAIRMAN


SECRETARY