



**SUBDIVISION AUTHORITY  
MEETING AGENDA  
Tuesday, June 18, 2019**

- 51 -

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1. **ORDER** – 1:30 p.m.
  2. **ADOPTION OF AGENDA**
  3. **ADOPTION OF PREVIOUS MINUTES**  
Subdivision Authority Minutes – May 21, 2019
  4. **SUBDIVISION APPLICATIONS**
    1. SD 19-002 – Darcy Powlik on behalf of William & Debra Goldsney–  
SW 4-50-03-W5
    2. SD19-021 – Dwayne Edmundson on behalf of Margaret L. Stefanich –  
SE 18-48-25-W4
    3. SD19-025 – Arthur Forest – SW 23-50-22-W4
  5. **NEXT SUBDIVISION AUTHORITY MEETING**
  6. **ADJOURNMENT**

√ Attachment Provided

**Delegated Authority Decisions – (May - 5)**

**MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY  
HELD ON TUESDAY, JUNE 18, 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, June 18, 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. Chelsey Iles, Engineering Technologist
- Mr. Rick Thomas as Secretary of the Subdivision Authority
- Mrs. Adele Pysar, Recording Secretary

Seven other individuals were present.

**Agenda Adoption**

**19-35** Committee Member Glenn Belozar - that the Agenda for the June 18, 2019 Subdivision Authority meeting be accepted as circulated.

Carried Unanimously

**Previous Minutes – May 21, 2019**

**19-36** Committee Member Kelly-Lynn Lewis that the May 21, 2019 Subdivision Authority minutes be confirmed as circulated with the following correction made by Committee Member Glenn Belozar:

Page 2 take out the word “discad” and insert the words “disc and seeded”

Carried Unanimously

**Proposed Subdivision – Darcy Powlik on behalf of William & Debra Goldsney –  
SW 4-50-3-W5**

**SD19-002**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by applicant Darcy Powlik. Staff recommends refusal to subdivide a developed 4.97 ha (12.28 ac) country residential parcel from a previously subdivided quarter section with a title area of 59.58 ha (147.22 ac).

**UPDATE**

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This application was brought to the Subdivision Authority committee on May 21, 2019 at which time a motion was carried to further defer the application until the June 18, 2019 Subdivision Authority meeting. The applicant advised there would be a resolution to the Caveat registered on



the lands identifying contamination. Since that time, Alberta Environment and Parks submitted a letter, attached to this report, stating they do not oppose the removal of the caveat.

## HISTORY

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A 4.00 ha (11.80 ac) parcel was subdivided from the parcel in the 1960s. Historically, Alberta Transportation used this parcel for gravel storage. Subsequently, the parcel was purchased by Leduc County for gravel storage. Leduc County is not presently using the parcel.

## DISCUSSION

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The parcel is located adjacent to Range Road 34 and Township Road 500. The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of Low Capability Agricultural Land (39%).

There is a caveat on title that was placed by Alberta Environment in 1993, which notes the placement of contaminated soils upon the lands. Alberta Environment agreed to clean up the soil but made no claims of removing the contaminants. The caveat states that the contaminated soil was to be “discad, seeded, to a cover grass and to generally restore the affected area in accordance with accepted land reclamation practices to its state prior to the deposit of the soil”. The landowner at the time the caveat was placed acknowledged that it is possible that gasoline, and other organic and inorganic chemicals, may have moved from the contaminated soil to the other soils of the land.

The policies of the Municipal Development Plan indicate that subdivision shall be limited to one lot out of the quarter section. Although the previously subdivided parcel is not used for residential use, is it's the second parcel subdivided from the quarter section. The applicant has stated their reasons for the subdivision is to “accommodate an acreage owner's usage without disrupting the agricultural activity 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 6.2.2 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 questions for administration:

- Dave Desimone, Senior Planner, explained the applicants have been in contact with a lawyer regarding removal of the caveat by Alberta Environment. The letter came from

Alberta Environment, which states they are not opposed to the removal of the caveat from title.

Chair Tanni Doblanko called upon the applicant if he wished to add anything further to the subdivision. Darcy Powlik on behalf of William & Debra Goldsney advised he was satisfied and no need to provide any further information:

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

**19-37** Committee Member Ray Scobie – that the application to subdivide a developed 4.97 ha (12.28 ac) country residential parcel from a previously subdivided quarter section with a title area of 59.58 ha (147.22 ac) be approved with the following conditions:

1. Pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding taxes are to be paid or make arrangements with Leduc County for the payment thereof;
2. Pursuant to Section 9(a) of the Subdivision and Development Regulation, the applicant/owner shall provide access to the newly created lot and access to the remnant lot. The applicant/owner shall apply for approval of locations of access and 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 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. Subject to Section 7(i) of the Subdivision and Development Regulations, Caveat No. 932 095 867 be discharged from title prior to registration; and
6. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro: Chair Tanni Doblanko and Committee Members Glenn Belozar, Ray Scobie and Kelly-Lynn Lewis

Con: Committee Member Kelly Vandenberghe

Carried

The first parcel out was for a gravel pit, and upon removal of caveat it should not be considered as a "first parcel out".

One person exited Council Chambers



**Proposed Subdivision – Dwayne Edmundson on behalf of Margaret L. Stefanich –  
SE-18-48-25-W4**

**SD19-021**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by applicant Dwayne Edmundson. Staff recommends refusal to subdivide a developed 7.29 ha (18.01 ac) parcel for country residential use from a previously subdivided quarter section with a title area of 62.41 ha (154.21 ac).

## **HISTORY**

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The subject lands are located off Township Road 482 and Range Road 255. A 2.34 ha (5.79 ac) parcel was subdivided from the quarter section in 1973.

## **DISCUSSION**

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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 (19% - 64.9%).

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 2<sup>nd</sup> parcel out of the quarter section. The applicant has stated their reasons for the subdivision is to remove the developed yard site from the quarter section and sell the remaining lands.

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 3.3.1 of the Municipal Development Plan stipulates a subdivided lot must be approximately 1 ha in size unless required due to the location of buildings and shelterbelts to minimize the loss of agricultural land. The proposed parcel is 7.29 ha (18.01 ac) in size. Administration is of the opinion this subdivision is precedent setting and encourages further subdivision of both the proposed parcel and surrounding 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 application.

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

- This is another developed area on the remnant parcel.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Dwayne Edmundson, Margaret Stefanich and her daughter approached and provided the following information:

- We are in agreement that we need to protect agricultural land.



- Would like to amend application by taking 20 m off west and north boundary reducing parcel size by 2ha to 5.99 ha (14.99 ac).
- Area around farmstead is low-grade soil – very little useful agricultural land.
- Margaret has owned this land for 40 years – wants to return to the land with her daughter and sell the remnant.
- Would like to maintain the spirit of the Agricultural land.
- As per the Municipal Government Act, use of land is consistent with land development.
- The land was being rented for agricultural purposes this last year.
- Existing sea cans will be removed.

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

Dave Desimone, Senior Planner, provided the following:

- Confirmation was given that there were no letters from adjacent landowners received.
- With regard to the well – this would be an agreement on title between landowners. Leduc County does not inspect wells.
- Approval is recommended with the adjusted size – not taking away any usable farmland.

**19-38** Committee Member Kelly-Lynn Lewis that the application to subdivide a developed 7.29 ha (18.01 ac) parcel for country residential use from a previously subdivided quarter section with a title area of 62.41 ha (154.21 ac) be approved as per staff recommendations 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, the applicant/owner shall provide access to the newly created lot and access to the remnant lot. The applicant/owner shall apply for approval of locations of access and 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 669(1) of the Municipal Government Act, Municipal Reserves in the amount of ten percent of the title area deferred against the title of the larger remnant parcel;
5. Pursuant to Section 10.1.6 of the Land Use Bylaw, the title area of the proposed lot shall be reduced in size, in accordance with Exhibit 2;
6. Pursuant to Section 661(a) of the Municipal Government Act, an easement shall be registered in agreement with West Liberty REA subject to the approval of Fortis Alberta; and
7. The subdivision be registered pursuant to Alberta Land Titles requirements.



Pro: Chair Tanni Doblanko, Committee Members Kelly-Lynn Lewis; Glenn Belozar and Ray Scobie  
Con: Committee Member Kelly Vandenburghe

Carried

The Subdivision Authority is of the opinion, no agricultural land is being taken out of production; and the parcel size has been reduced to be more appropriate.

Three people exited Council Chambers

### **Proposed Subdivision – Arthur Forest – SW 23-50-22-W4**

**SD19-025**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by applicant Arthur Forest. Staff recommends approval to subdivide two (2) 16.19 ha (40 ac) parcels for smallholdings agricultural use from a quarter section with a title area of 49.78 ha (123 ac).

### **HISTORY**

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The subject lands are located off Range Road 222 and a half-mile south of Township Road 504. A 37 acre parcel was subdivided from the southern portion of the quarter section prior to 1977.

### **DISCUSSION**

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The applicant is proposing to subdivide two (2) 16.19 ha± (40.00 ac±) parcels for smallholdings agricultural use. The applicant is proposing a variety of small holdings uses for the proposed parcels for family. The proposal is attached to this report. The policies of the Municipal Development Plan stipulate that smallholding parcels may be allowed on low capability lands where a specialized agricultural undertaking has been proposed. These parcels are to be approximately 16 ha in size. The Farmland Assessment Rating established by the County Assessment Department indicates the subject land consists of Low Capability Agricultural Land (9% - 28%).

The Land Use Bylaw allows for lots less than the prescribed minimum (80 acres) providing it can support an economically viable agricultural operation. The applicant has indicated in their proposal that the proposed smallholdings agricultural use is well planned and sustainable.

The subject lands are entirely within the Looking Back Lake Environmentally Significant Area. The policies of the Municipal Development Plan stipulate subdivisions may locate within environmentally sensitive areas provided the subdivision does not have a significant adverse impact on the natural environment. Administration is of the opinion the proposed smallholdings agricultural use that leaves the lands in relatively large 40 ac parcels, and in their natural state, would not have an adverse impact on the environmental features of the land.

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. Dave Desimone provided the following:

- Staff approvals are only done for 80 acre splits or first parcel out.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Arthur and Sharon Forest approached and provided the following information:

- The reason for this subdivision is for the benefit of our children.
- We would like them to be able to live on the acreage and be able to grow crops, livestock, bees, chickens/geese to help supplement their income.
- My parents presently live on the property in a modular home, but will soon be moving to BC. The modular home has been made available to the children.
- My wife and I would move into modular home with our children.
- We would sell remnant parcel as well as the parcel with the house on.

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

Dave Desimone, Senior Planner, provided the following:

- Beaver Hills Biosphere is just to the west of this property.

**19-39** Committee Member Kelly Vandenberghe that the application to subdivide two (2) 16.19 ha (40 ac) parcels for smallholdings agricultural use from a quarter section with a title area of 49.78 ha (123 ac) be approved as per staff recommendations 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, 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 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; and
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously






**Adjournment**

**19-40** Committee Member Kelly-Lynn Lewis - that the Subdivision Authority meeting be adjourned.

The Subdivision Authority meeting concluded at 2:11 p.m.

  
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CHAIRMAN

  
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SECRETARY