



SUBDIVISION AUTHORITY
MEETING AGENDA
Tuesday, July 21, 2020

- 43 -

1. **ORDER** – 1:30 p.m.

2. **ADOPTION OF AGENDA**

3. **ADOPTION OF PREVIOUS MINUTES**

Subdivision Authority Minutes – May 19, 2020

4. **SUBDIVISION APPLICATIONS**

1. SD20-010 – Donna Oliver on behalf of Brian Dublanko –
NE 8-50-23 W4
2. SD20-020 – Jon Miersma on behalf of 1227397 Alberta Ltd. –
Plan 1422750, Block 3, Lot 3 (NE 8-51-24 W4)
3. SD20-021 – Michael & Catherine Slade – SW 13-48-25 W4

5. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions: May – 1
June – 0

MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON TUESDAY, JULY 21, 2020 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, July 21, 2020 by Chair Tanni Doblanko with Committee Members Kelly-Lynn Lewis, Glenn Belozar, Ray Scobie present and Kelly Vandenberghe via teleconference.

Also present were:

Mr. Dave Desimone, Senior Planner

Mr. Rick Thomas, Secretary of Subdivision Authority

Mrs. Rae-Lynn Spila, Senior Municipal Engineer

Mrs. Laurie Stoetzel, Recording Secretary

Agenda Adoption

20-25 Committee Member Glenn Belozar - that the Agenda for the July 21, 2020 Subdivision Authority meeting be accepted as presented.

Carried Unanimously

Previous Minutes – May 19, 2020

20-26 Committee Member Ray Scobie - that the May 19, 2020 Subdivision Authority minutes be accepted as circulated.

Carried Unanimously

**Proposed Subdivision – Donna Oliver on behalf of Brian Doblanko –
NE 8-50 23 W4**

SD20-010

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Donna Oliver on behalf of Brian Doblanko. Staff recommends refusal to subdivide a 1.12 ha (2.77 ac) farmstead parcel from a previously subdivided quarter section with a title area of 62.70 ha (154.94 ac).

HISTORY

The subject lands are located along Township Road 502 and Range Road 234. A 1.23 ha (3.03 ac) parcel was subdivided from the northeast corner of the quarter section in 1974.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 & Class 5 Soil. Class 2 is considered Prime Agricultural Lands. The areas of Class 5 denote the presence of water as being the largest constraint. An Agricultural Impact Assessment was completed and the proposed application received a score of 92. A score of 61 or higher indicates the proposed application requires further review or the proposed application does not align with policy. The score was given due to the subdivision not aligning with County policy due to the lands being more than 75% Class 2 soils and the location of the proposed lot.

The applicant revised the original proposed subdivision to be a smaller parcel than what was originally applied for. The policies of the Municipal Development Plan indicate that in Agricultural Area B: North Central, 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 Farmstead parcel which is the second (2) parcel, creating three (3) titled lots for this quarter section. It is the opinion of administration that the proposed subdivision in the North Central area is potentially precedent setting and represents the fragmentation of Prime Agricultural Lands.

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 comments or questions for administration. David Desimone advised that:

- Municipal Reserve Caveat to remain on remnant parcel;
- The proposed parcel is a farmstead parcel not agricultural parcel;
- Tree line surrounding developed yard site and there are existing accesses off Twp Rd 502;
- There are 3 dwellings on titled area;

Rae-Lynn Spila, Senior Municipal Engineer advised that the farthest eastern access should be removed unless the approach is vital to the farming operation.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Donna Oliver and Brian Dublanko approached and Donna Oliver provided the following information:

- Original homestead farm to the east where Sr. Sr. Dublanko resides;
- Brian farmed with his dad;
- Brian built the house and planted trees in 1974 and raised his family there.
- Brian's health does not allow him to farm anymore;
- Debt load is significant therefore has to sell the farmland;
- There are 2 existing homes on the larger parcel;

- Tree line surrounding proposed parcel;
- Will not take any land out of production;
- Same agricultural use of the property and will not change the use;
- 1 house is not livable and needs to be demolished;
- 3 acres belong to the Estate of Alex Dublanko;
- Originally was looking at an 80 acre split.

Committee Chair Tanni Doblanko confirmed she is not related to Brian Dublanko.

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

Brian Dublanko advised that there is a dug out 100m west of the proposed subdivision.

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

20-27 Committee Member Kelly-Lynn Lewis that the application to subdivide a 1.12 ha (2.77 ac) agricultural parcel from a previously subdivided quarter section with a title area of 62.70 ha (154.94 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. Pursuant to Section 669(1) of the Municipal Government Act, existing municipal reserves on the title area shall be further deferred to the title of the remnant parcel; and
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

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

Con: Committee Member Kelly Vandenberghe

Carried

**Proposed Subdivision – Jon Miersma on behalf of 1227397 Alberta Ltd. – Plan 1422750,
Block 3, Lot 3 (NE 8-51-24 W4) SD20-020**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Jon Miersma on behalf of 1227397 Alberta Ltd. Staff recommends approval to subdivide a 3.04 ha (7.5 ac) parcel for industrial use from a lot with a title area of 4.03 ha (9.96 ac).

HISTORY

The subject lands are located in Nisku along 39th Avenue and 13th Street. It is situated within the WAM Local Area Structure Plan and North Major Area Structure Plan. Our records indicated that the title area was created in 2007 as stage 1 of Border Business Park. The subject lands lie within the IND - Industrial District.

DISCUSSION

The subdivision application is in compliance with the WAM Local Area Structure Plan, North Major Area Structure Plan, Municipal Development Plan, Leduc County Land Use Bylaw, and Edmonton Metropolitan Region Growth Plan. The WAM Local Area Structure Plan (LASP) was approved by Council on January 29, 2008. The subject lands are identified as Business Industrial in the Local Area Structure Plan.

A development agreement will address the specifics of utilities, water and sewer services and landscaping. Off-site levies for this area were paid in 2012 and 2013.

The Land Use Bylaw states the purpose of this District is to accommodate a range of compatible industrial and commercial uses, the location of which is guided by the North Major Area Structure Plan or WAM Local Area Structure Plan.

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

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

20-28 Committee Member Ray Scobie - to subdivide a 3.04 ha (7.5 ac) parcel for industrial use from a lot with a title area of 4.03 ha (9.96 ac) be approved with the following conditions:

1. Pursuant to Section 655(1)(b) of the Municipal Government Act, the developer/owner enter into a development agreement with Leduc County and abide by the terms therein. The development agreement shall include, but is not limited to the:
 - a) provision for lot grading and/or filling;
 - b) provision of extension of water and sewer services;
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; and

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

Carried Unanimously

Proposed Subdivision – Michael & Catherine Slade – SW 13-48-25 W4

SD20-021

Mr. David Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Michael Slade. Staff recommends refusal to subdivide a 8.93 ha (22.06 ac) farmstead parcel from a previously subdivided quarter section with a title area of 57.46 ha (142.00 ac).

HISTORY

The subject lands are located off Township Road 482 and Range Road 251. A 7.28 ha (18.0 ac) parcel was subdivided from the quarter section in 2012.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists entirely of Class 2 soil. Class 2 is considered Prime Agricultural Lands. An Agricultural Impact Assessment was completed in conjunction with this subdivision application and received a score of 124 points which indicates the proposed subdivision does not align with County policy. The score was due to the fact the proposed subdivision is the second parcel from this quarter section, the quarter section is Prime Agricultural Land and the proposed parcel is excessively large for a Farmstead Subdivision.

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 represents the second parcel out of this quarter section and would result in the creation of three titled lots.

The proposed parcel encompasses a single family dwelling and manufactured home and buildings associated with the operation of a kennel. The intended use of the proposed parcel is for residential use and the continued operation of the kennel business. The Municipal Development Plan defines a Farmstead Subdivision as the subdivision of an existing farmstead from a quarter section. A Farmstead subdivision shall not exceed 1 ha (2.47 acres) 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. The proposed parcel is 8.93 ha (22.06 ac) and in the opinion of administration is excessively large for the existing developed area of the residence and kennel operations and likely precedent setting for Farmstead Subdivisions.

20

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. There were none.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Michael Slade provided the following information:

- Owns the property with his wife;
- Neighbor would like to purchase the remnant farmland;
- Fencing has been removed;
- Approximately 7 ac of grass in yard that gets cut;
- Intention was not to sell any farmland but due to Covid, business has suffered and is now looking to sell farmland;
- Area north of buildings is low and wet;
- 1 driveway to residence and 1 business access to kennel. Access off 482 will be built to remnant parcel;
- Intends to increase practice area (off leash area);
- Proposed parcel is not being farmed and there is a deal pending to purchase 122 acres;
- Applauds Leduc County in protecting farmland;
- Farmers are not interested in areas north or south of site, but currently provides land for haying;
- Wants to proceed with current application without reduction;
- Has plans for additional trails and dog training area on larger proposed parcel;
- Will put a dock to the dug out for the dogs with dog training on north side.

Chair Tanni Doblanko advised that she received 2 calls from concerned residents.

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

20-29 Committee Member Kelly Vandenberghe – to subdivide a 8.93 ha (22.06 ac) farmstead parcel from a previously subdivided quarter section with a title area of 57.46 ha (142.00 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. Pursuant to Section 669(1) of the Municipal Government Act, municipal reserves in the amount of ten percent of the title area shall be deferred to the title of the remnant parcel; and
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro: Committee Members Kelly Vandenberghe, Kelly-Lynn Lewis, Ray Scobie and Glenn Beloyer

Con: Chair Tanni Doblanko

Carried

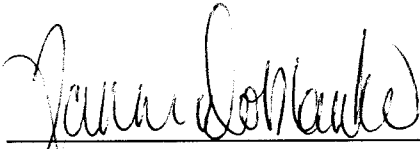
Great opportunity to have the business operate in Leduc County. Small amount to no farm land is being taken out of production.

Adjournment


20-30 Committee Member Kelly-Lynn Lewis that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting concluded at 2:15 p.m.



CHAIRMAN



SECRETARY