



**SUBDIVISION AUTHORITY  
MEETING AGENDA  
MONDAY, JANUARY 27, 2020**

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1. **ORDER** – 1:30 p.m.

2. **ADOPTION OF AGENDA**

3. **ADOPTION OF PREVIOUS MINUTES**

Subdivision Authority Minutes – December 17, 2019

4. **SUBDIVISION APPLICATIONS**

1. SD19-047 – George Greenhough on behalf of Capital Power GP Holdings Inc. – SE 20-50-2 W5
2. SD19-052 – Judy Best on behalf of Steven Best and Chelsea Best – NE 12-49-23 W4
3. SD19-057 – Darcy Powlik on behalf of Shu & Michael Jatzkowski – SW 3-49-25 W4
4. SD19-059 – Kimberly Lupul – NE 33-48-27 W4

5. **ADJOURNMENT**

√ Attachment Provided

**Delegated Authority Decisions – (December - 1)**

MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY  
HELD ON MONDAY, JANUARY 27, 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., Monday, January 27, 2020 by Chair Tanni Doblanko with Committee Members 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. Rae-Lynne Spila, Municipal Engineer
- Mrs. Laurie Stoetzel Recording Secretary
- Rick Thomas, Secretary of Subdivision Authority

6 other individuals were present.

**Agenda Adoption**

**20-01** Committee Member Kelly-Lynn Lewis - that the Agenda for the January 27, 2020 Subdivision Authority meeting be accepted as circulated.

Carried Unanimously

**Previous Minutes – December 17, 2019**

**20-02** Committee Member Glenn Belozar - that the December 17, 2019 Subdivision Authority minutes be accepted as circulated.

Carried Unanimously

**Proposed Subdivision - George Greenhough on behalf of Capital Power GP Holdings Ltd.  
– SE 20-50-2 W5 SD19-047**

Mr. Greg McGovern, Planner 1, Development Services presented a revised staff report with respect to the application by the applicant George Greenhough on behalf of Capital Power GP Holdings Ltd. Staff recommends approval of the application to subdivide a physically severed 8.94 ha (22.09 ac) parcel from an unsubdivided quarter section with a title area of 62.13 ha (153.52 ac).

**HISTORY**

The subject lands are located to the immediate northwest from the intersection of Highway 622 and Range Road 21. The proposed parcel is physically severed from the rest of the quarter section by a road right-of-way occupying 3.5 acres. The road right-of-way was established in 1922 according to the instructions of the Council of the Municipal District of Pioneer No.490; later



merged with the Municipal Districts of Blackmud and Liberty, and designated as the Municipal District of Leduc No.489 in 1944.

## DISCUSSION

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The proposed subdivision encompasses a segment of a valley and tributary that extend to Strawberry Creek to the southeast. The proposed parcel is currently undeveloped and the south half of the subject area appears to be used as pasture land.

The Agricultural Land Suitability Rating indicates the subject land consists of mix of Class 3 and Class 6 soils. Most of the property is under the Class 6 designation and the Class 3 land occupies approximately 15 percent of the subject area along the proposed south property boundary. Class 3 is considered Prime Agricultural Lands.

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

A physical severance is an allowed type of subdivision in Agricultural Area A (West) and the proposed subdivision is considered a physical severance. The subject lands are isolated from the remainder of the quarter section by a legal barrier, a road right-of-way, that forms the west and north boundary of the proposed parcel. The Municipal Development Plan does not specify a minimum or maximum size of a physically severed parcel.

For access management requirements, Alberta Transportation requires that the direct access to Highway 622 be removed, and Pursuant to Section 15 of the Subdivision and Development Regulation, the department will accept a 30-meter wide service road across the highway frontage of the proposed lot dedicated via caveat.

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 objection to the proposed subdivision from an adjacent landowner.

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

Greg McGovern provided the following:

- Alberta Transportation did not request that the access be removed but a service road right-of-way be dedicated by caveat instead;
- Could not determine the rationale for the configuration of road plan 2640 when it was registered;
- The road plan provided a high grade driveway to the farm site;
- The Municipal Development Plan defines physical and artificial barriers. The road right-of-way is considered a barrier to separate the parcel;
- Discharging a road right-of-way requires a public hearing and public sale. The road plan could occur but it is not administration's role to initiate it;
- The landowner could lease the road plan.



- The province owns the right of way and is considered a public roadway;

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

- Old road plan has been in place for a very long time;
- Road plan was provided as an alternate to Range Road 21 due to the deep gully on Range Road 21.

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

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

**20-03** Committee Member Ray Scobie - to subdivide a physically severed 8.94 ha (22.09 ac) parcel from an unsubdivided quarter section with a title area of 62.13 ha (153.52 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 15 of the Subdivision and Development Regulation, a 30-meter wide service road right-of-way shall be dedicated across the highway frontage of the proposed lot by way of Caveat.
4. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

The Subdivision Authority is of the opinion that no farmland is being lost due to the subdivision and the proposed parcel is suitable for a farm site.

**Proposed Subdivision – Judy Best on behalf of Steven Best and Chelsea Best -  
NE 12-49-23 W4**

**SD19-052**

This application was brought to the December 17, 2019 meeting of the Subdivision Authority Committee and was deferred in order to provide a revised plan of the application reducing the size of the proposed lot. An Exhibit 2 reducing the proposed parcel area to 12.14 ha (30.00 ac) is attached to this report.



## HISTORY

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The subject property is an unsubdivided quarter section located immediately southwest from the intersection of Township Road 492 and Range Road 230. The proposed parcel occupies the northeast quadrant of the subject quarter section and includes an existing dwelling. The north half of the proposed parcel is mostly treed and the south half is described by the applicant as brush land and not currently fit for agricultural use.

## DISCUSSION

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The Agricultural Land Suitability Rating system indicates that the subject lands consists of a mix of Class 2 and Class 3 soils. The north half of the proposed parcel is mostly treed and is under the Class 2 designation. The south half of the proposed parcel is under the Class 3 designation and is described by the applicant as non-agricultural brush land. However, the Municipal Development Plan regards any land designated as either Class 2 or Class 3 as Prime Agricultural Land.

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. According to Section 4.3.1.7 of the Municipal Development Plan, subdivision is limited to a physical severance or a farmstead subdivision. Additionally, in accordance with Section 4.3.1.8 there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area C (South Central /East). The proposed farmstead subdivision would result in the creation of the first parcel out of the subject quarter section.

The Municipal Development Plan defines a farmstead subdivision as the subdivision of an existing farmstead from a quarter section. The farmstead subdivision 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. The existing dwelling is located at the end of a 190-meter long driveway and a lot larger than 1 ha (2.47 ac) is needed to capture the existing dwelling. Planning and Development recommend that the proposed parcel be reduced in size from 16.19 ha (40.0 ac) to 12.14 ha (30.0 ac), which is sufficient to capture the dwelling, driveway and 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.

The County received no comments from the adjacent landowners.

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

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

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



**20-04** Committee Member Belozer - to subdivide a 16.19 ha (40.0 ac) parcel from an unsubdivided quarter section be approved with the following conditions:

1. Pursuant to the Municipal Development Plan definition of a Farmstead Subdivision, the proposed parcel be reduced in size from 16.19 ha (40.0 ac) to 12.14 ha (30.0 ac), and as presented in Exhibit 2.
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, access to the subdivision and balance of the quarter to be constructed to the standards of Public Works at the Owners/Developer's expense;
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; and
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

One additional person attended the meeting.

**Proposed Subdivision - Darcy Powlik on behalf of Shu & Michael Jatzkowski –**

**SW 3-49-25 W4**

**SD19-057**

Mr. Greg McGovern, Planner 1, Development Services presented a revised staff report with respect to the application by the applicant Darcy Powlik on behalf of Shu & Michael Jatzkowski. Staff recommends refusal to subdivide a 5.63 ha (13.9 ac) farmstead parcel from a previously subdivided quarter section with a title area of 22.25 ha (54.97 ac).

## **HISTORY**

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The subject lands are located off Township Road 490 and Range Road 253. The subject quarter section was originally subdivided prior to 1957 and resulted in the creation of a 40.4 ha (100.0 ac) lot in the north and a 24.3 ha (60 ac) parcel (the titled area) in the south. More recently, the titled area was subdivided in 2012 which resulted in an undeveloped 1.62 ha (4.0 ac) parcel in the southeast corner of the quarter section that has since been developed with a dwelling and several accessory buildings.



## DISCUSSION

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The Land Suitability Rating System dataset indicates the subject land consists of Class 4 soil. Class 4 is not considered Prime Agricultural Land.

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, which Planning and Development regards as incremental and unplanned development that should be avoided.

The proposed parcel is located in the southwest corner of the quarter section and would occupy 5.63 ha (13.91 ac). Existing development consists of a dwelling and several accessory buildings. The rest of the proposed parcel is largely undeveloped and dominated by an expanse of trees except for 4 acres of pasture land located along the north boundary. The applicant's stated purpose for subdividing this parcel is to allow for the continuation of the residential use of the proposed lot. Planning and Development acknowledge that the existing farmstead is the subject of this application, however, staff cautions that an approval could precipitate further fragmentation of the remnant land and lead to piecemeal residential development.

The proposed subdivision is regarded as a Farmstead Subdivision, which the Municipal Development Plan defines as the subdivision of an existing farmstead from a quarter section. According to the Municipal Development Plan, a farmstead subdivision shall not exceed 1.0 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. The area of the proposed parcel greatly exceeds what is necessary to encompass the existing buildings, and Planning and Development believes that the requested 5.63 ha (13.91 ac), if approved, will be the subject of further subdivision.

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.

One letter in opposition of the application was received January 27, 2020.

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

Rae-Lynne Spila advised that portion of Glen Park Road is not identified for road widening at this time.

Dave Desimone advised that there are Safety Codes Act requirements for 5 or more parcels with respect to private sewage systems. A variance would be required for an open discharge.

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



- The owner is a welder and is looking to retire and sell the larger parcel;
- The better farm land to the north was subdivided in 1957;
- The proposed parcel is mostly treed;
- Owner has no intention to further subdivide the remnant parcel; he would be willing to reduce the size of the parcel;
- The land is poor farmland and only suitable for cattle;
- Owner is willing to enter a development agreement that no further subdivisions will occur;

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

Darcy Powlik advised that there could potentially be 3 houses on the land along Glen Park Road.

Chair Tanni Doblanko asked if Committee Members had any further comments or questions for administration. Greg McGovern commented that there had been no discussion of potential reduction of parcel size.

**20-05** Committee Member Kelly Vandenberghe - to subdivide a 5.63 ha (13.9 ac) farmstead parcel from a previously subdivided quarter section with a title area of 22.25 ha (54.97 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; and
4. The subdivision be registered pursuant to Alberta Land Titles requirements.

Pro: Committee Members Kelly Vandenberghe, Ray Scobie and Glenn Belozer

Con: Committee Chair Tanni Doblanko and Committee Member Kelly-Lynn Lewis

Carried

The Subdivision Authority is of the opinion that since the land is not considered prime agricultural land, agricultural production would be limited. The parcel would be good for a solar farm or a greenhouse.

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**Proposed Subdivision – Kimberly Lupul – NE 33-48-27 W4**

**SD19-059**

Mr. Greg McGovern, Planner 1, Development Services presented a revised staff report with respect to the application by the applicant Kimberly Lupul. Staff recommends approval of a reduced parcel size from 4.04 ha (10 ac) to 1.77 ha (4.37 ac) for a farmstead parcel from an unsubdivided quarter section with a title area of 64.07 (158.31 ac).

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## HISTORY

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The subject property is an unsubdivided quarter section located immediately southwest from the intersection of Township Road 490 and Range Road 273. The proposed parcel encompasses the existing dwelling, accessory buildings, farm buildings and dugout, and is located the north-central part of the quarter section along the township road.

## DISCUSSION

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The Land Suitability Rating System (LSRS) dataset indicates that the subject lands consists of a mix of Class 1 and Class 4 soils. The majority of the quarter section, including the land within the proposed farmstead parcel, is under the Class 1 designation. Approximately 6 hectares of land near the northeast corner of the subject parcel is designated as Class 4 soils. The Municipal Development Plan regards any land having a LSRS value of 1, 2 or 3 as Prime Agricultural Land. Therefore, the land within the boundaries of the proposed parcel is Prime Agricultural Land.

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. According to Section 4.3.1.7 of the Municipal Development Plan, subdivision is limited to a physical severance or a farmstead subdivision. Additionally, in accordance with Section 4.3.1.8 there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area C (South Central /East). The proposed farmstead subdivision would result in the creation of the first parcel out of the subject quarter section.

The Municipal Development Plan defines a farmstead subdivision as the subdivision of an existing farmstead from a quarter section. The farmstead subdivision 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. The existing dwelling and farmstead site occupy an area greater than 1 ha (2.47 acres), and a larger lot is needed to encompass the existing dwelling, accessory buildings, driveway and windrows. Planning and Development estimate that a 1.77 ha (4.37 ac) parcel is sufficient to capture these features, and, therefore, Planning and Development recommend that the proposed lot be reduced in size from the requested 4.04 ha (10.0 ac) to 1.77 ha (4.37 ac).

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 no comments from the adjacent landowners.

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

Rae-Lynn Spila advised that the 10m road widening on Township Road 490 will need to be brought into compliance with the rest of the road dedication.



Greg McGovern provided the following clarification:

- A sewer pump out disposal system would not work on a 4.37 ac parcel. They would have to change the existing system to a field or a mound to meet Alberta Code compliance;
- The applicant is not supportive of a small parcel size.

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

- He grew up in the residence;
- Parents protected the grove of spruce trees;
- Land south of dug out is not farmable and has been used as a cow pasture for the last 50-60 years. The cattle get stuck in the pasture and machinery cannot get into this area;
- Land is low and drains to dug out.
- Crop was planted last year but no farm equipment can get in.
- Would like access to the dug out as it is a water source for their gardens;
- He will reside in the residence and family will maintain the farm;
- Small greenhouse or farm operation could utilize the larger area;
- He is willing to look a different options.

Committee Member Kelly Vandenberghe would like to see the historical topography maps for this area.

**20-06** Chair Tanni Doblanko – to defer the application to the February 18, 2020 Subdivision Authority meeting to have administration and applicant discuss options for a smaller parcel and applicant to investigate options for private sewage disposal system.

Carried Unanimously

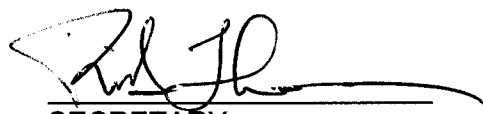
### **Adjournment**

**20-07** Committee Member Glenn Belozer, that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting concluded at 2:25 p.m.

  
CHAIRMAN

  
SECRETARY