



**SUBDIVISION AUTHORITY
MEETING AGENDA
Tuesday, May 19, 2020**

1. ORDER – 10:00 a.m.

2. ADOPTION OF AGENDA

3. ADOPTION OF PREVIOUS MINUTES

Subdivision Authority Minutes – February 18, 2020

4. SUBDIVISION APPLICATIONS

1. SD19-060 – Darcy Powlik on behalf of Richard & Elaine Sitarz – SE 34-49-23-W4
2. SD20-001 – David Stepanko and Dianne Miller on behalf of Olga Stepanko – SW 29-48-26-W4
3. SD20-004 – Darcy Powlik on behalf of James & Andrea Fox - SW 1-49-2-W5
4. SD20-006 – Laine and Corinna Weslosky – NW 35-49-26-W4
5. SD20-010 – Donna Oliver on behalf of Brian Dublanko – NE 8-50-23 W4

5. CALLED BACK TO ORDER - 1:00 p.m.

6. SUBDIVISION APPLICATIONS

6. SD20-012 – Blaydon Dibben on behalf of Monarch Business Park – SW 8-51-24 W4
7. SD20-013 – Benoit Trudeau on behalf of Fianna Capital Management Group Ltd. – SE 22-50-22 W4
8. SD20-014 - Benoit Trudeau on behalf of Fianna Capital Management Group Ltd. – NE 22-50-22 W4
9. SD20-016 – Daniel & Bobby-Joe Witkowski – NW 34-49-22 W4
10. SD20-017- Rudy Hartke – SE 6-49-27 W4

7. ADJOURNMENT

√ Attachment Provided

**Delegated Authority Decisions: March – 5
 April – 4**

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MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON TUESDAY, MAY 19, 2020 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE
BUILDING, NISKU, ALBERTA.

Order and Roll Call

The meeting was called to order at 10:00 a.m., Tuesday, May 19, 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

Rick Thomas, Secretary of Subdivision Authority

Kent Pudlowski, Manager – Information Management & Technology

Mrs. Laurie Stoetzel, Recording Secretary

Mrs. Charlene Haverland, Manager of Planning & Development via teleconference

Mrs. Rae-Lynn Spila, Senior Municipal Engineer via teleconference

Agenda Adoption

20-14 Committee Member Glenn Belozar - that the Agenda for the May 19, 2020 Subdivision Authority meeting be accepted as amended with the removal of Item #5 - SD20-010.

Carried Unanimously

Previous Minutes – February 18, 2020

20-15 Committee Member Ray Scobie - that the February 18, 2020 Subdivision Authority minutes be accepted as circulated.

Carried Unanimously

**Proposed Subdivision – Darcy Powlik on behalf of Richard & Elaine Sitarz –
SE-34-49-23 W4**

SD19-060

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Darcy Powlik on behalf of Richard & Elaine Sitarz. Staff recommends approval to subdivide a 5.02 ha (12.4 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 of Range Road 232 and a half mile south of Township Road 500. An 80 acre parcel was subdivided from the quarter section in 1990. The lands are currently districted as RC – Country Residential.

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DISCUSSION

The subject lands were redistricted from the AG – Agricultural District to the RC – Country Residential District in 2007. The south 80 acres of the quarter section remain AG – Agricultural District. According to the Municipal Development Plan the subject lands are located a half mile south of the Country Residential Area. Policy 4.5.1.3 of the Municipal Development Plan states a concept plan may be considered in place of an Area Structure Plan for lands districted country residential that fall outside of the Country Residential Area. It is administrations opinion that the current application representing the second parcel from this quarter section, does not warrant a concept plan and it would not serve either a planning objective or public interest due to the fact the proposed lot is currently developed and there is no requirement for an internal road. It should be noted that any further subdivision of this quarter section will require an internal road for access and to be supported by a concept plan.

Part 9.3.1 of the Leduc County Land Use Bylaw states new residential lots in lands districted as Country Residential shall be between 1.0 ha (2.47 ac) and 4.0 ha (9.88 ac). It is for this reason that administration recommends the subdivision be approved subject to the reduction of the proposed parcel size to 4.0 ha (9.88 ac), as per Exhibit 2 to meet future density.

A confined feeding operation is located on the quarter section to the northwest of the subject lands. The distance from the existing dwellings to the feeding operation is approximately 1.2 km and is unlikely to be affected by this application. Any development permit applications will take into account the distance from the feeding operation.

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

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Darcy Powlik, via teleconference, provided the following information:

- Expressed thanks for recommended approval;
- The sale of land will be for retirement income;
- Proposed parcel is not cultivated land and is suitable for pasture;
- Requesting a 35m extension to have larger yard site and includes poor quality, treed farm land land;
- No agricultural land will be taken out of production;
- People are wanting to get out into the country for micro farming; 5 ha would be perfect for pasture as it is not farmable.

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

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

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David Desimone provided the following:

- Cluster of buildings, sheds, c-can for storage and vehicles;
- Approaches will be inspected by Public Works;
- No letters from adjacent landowners were received.

20-16 Committee Member Ray Scobie that the application to subdivide a 5.02 ha (12.4 ac) country residential parcel from a previously subdivided quarter section with a title area of 32.37 ha (80 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 be deferred against the title of the larger remnant parcel;
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

**Proposed Subdivision – David Stepanko and Dianne Miller on behalf of
Olga Stepanko – SW 29-48-26-W4**

SD20-001

Mr. Greg McGovern, Planner 1, Development Services presented a staff report with respect to the application by the applicant David Stepanko and Dianne Miller on behalf of Olga Stepanko. Staff recommends refusal to subdivide a 32.37 ha (80.00 ac) agricultural parcel from an unsubdivided parcel with a title area of 64.75 ha (160.00 ac).

HISTORY

The subject lands are located off Township Road 484 and Range Road 265. The subject parcel is an unsubdivided quarter section used for agricultural purposes. An existing farmstead site located along the south boundary of the subject parcel is developed with a detached dwelling and numerous farm buildings. The proposed subdivision proposes to divide the subject quarter section into a north half and south half with each new parcel being 32.37 ha (80.00 ac) in size.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2 soil. Class 2 is considered Prime Agricultural Land. Planning staff completed an agricultural impact assessment to determine if the proposed subdivision conforms to all Municipal Development Plan policies, and whether it would adversely affect existing or future agricultural activities onsite and in the surrounding area. The assessment considers how many parcels have already been subdivided out of the subject quarter section; the shape, size and location of the proposed parcel; soil productivity of the land proposed be subdivided; and proximity to other farmstead or residential parcels. The applicant's assessment returned a score of 62 which indicates that the proposed subdivision does not accord with planning policy.

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 4.3.1.7 of the Municipal Development Plan, subdivision shall be limited to a physical severance or a farmstead subdivision. The Municipal Development Plan defines a physical severance as a piece of land that is separated from the balance of a quarter section by a legal or physical barrier. A Residential Subdivision is defined as the subdivision of an undeveloped lot from a quarter section to accommodate a residence that shall not exceed 1 ha (2.47 acres). The proposed subdivision is neither a physical severance nor a farmstead 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.

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

David Desimone advised that Leduc County does not get involved in estate planning matters.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Lionel Miller, via teleconference, read the correspondence that was provided in January.

- He is leasing out 1250 acres;
- Daughters may take over farming operations;
- David Stepanko will farm the subject land.

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

David Desimone advised that:

- No letters from adjacent landowners were received. Public Works commented on the existing and future accesses;
- Farmstead and severance options were provided but was not acceptable to the applicant.

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20-17 Committee Chair Tanni Doblanko - to subdivide a 32.37 ha (80.00 ac) agricultural parcel from an unsubdivided parcel with a title area of 64.75 ha (160.00 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; and
4. The subdivision be registered pursuant to Alberta Land Titles requirements.

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

Carried

Mrs. Stepanko passed away and had made a will prior to the change to the MDP when 80 ac subdivisions were acceptable and encouraged by Leduc County. The Miller's and Stepanko's are good stewards of the land and will keep the land in agricultural production.

**Proposed Subdivision – Darcy Powlik on behalf of James & Andrea Fox –
SW 1-49-2-W5**

SD20-004

Mr. Greg McGovern, Planner 1, Development Services presented a staff report with respect to the application by the applicant Darcy Powlik on behalf of James & Andrea Fox. Staff recommends approval to reduce the proposal to subdivide a 4.45 ha (11.00 ac) farmstead parcel to 2.0 ha (4.94 ac) from an unsubdivided quarter section with a title area of 64.48 ha (159.34 ac).

HISTORY

The subject property is an unsubdivided quarter section used for agricultural purposes located east of Range Road 21 and north of Township Road 490. The proposed parcel is located west central portion of the subject property adjacent to Range Road 21. Existing development on the proposed parcel consists of a detached dwelling and several farm buildings.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists of a mix of Class 2 and Class 3 soil. Class 2 and class 3 are considered Prime Agricultural Lands. In accordance with Section 4.3.1.3 of the Municipal Development Plan, the applicant completed an agricultural impact assessment to determine if the proposed subdivision would adversely affect existing or future agricultural activities onsite and in the surrounding area. The assessment considers how many parcels have already been subdivided out of the subject quarter section; the shape, size and location of the proposed parcel; soil productivity of the land proposed be subdivided; and proximity to other farmstead or residential parcels. The applicant's assessment returned a score of 50 which indicates that the proposed subdivision accords with planning policy.

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

The proposed subdivision encompasses an existing dwelling and farm buildings, and is considered a Farmstead Subdivision which is defined in the Municipal Development Plan as the subdivision of an existing farmstead from a quarter section that 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. Administration recommends a 2.0 ha (4.94 ac) parcel based on the observation that a parcel larger than 1 ha (2.47 ac) is required to capture the existing buildings, access, driveway, and shelterbelts.

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 called upon the applicant to speak to the subdivision. Darcy Powlik, via teleconference provided the following information:

- Landowner owns adjacent parcel and purchased subject quarter section to expand their farming operation;
- The proposed 4.45 ha is not farmable, has trees and small outbuildings;
- Would accommodate micro farming;
- Not taking any farmable land out of production;
- Landowner does not intend to do any further subdivisions.

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

Greg McGovern advised that:

- Landowner lives on the NW quarter and does not want to rent;

- Proposed parcel is not farmable, swamp land and not suitable for equipment, portion fenced as pasture.

20-18 Committee Member Kelly Vandenberghe - to subdivide a 4.45 ha (11.00 ac) farmstead parcel from an unsubdivided quarter section with a title area of 64.48 ha (159.34 ac) be approved with 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.

Carried Unanimously

The 4.45 ha allows for more flexibility.

It was noted that Greg McGovern left the meeting at 10:50 a.m.

Proposed Subdivision - Laine and Corinna Weslosky – NW 35-49-26-W4 - SD20-006

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicants Laine & Corinna Weslosky. Staff recommends refusal to subdivide a 1.05 ha (2.6 ac) farmstead parcel from a previously subdivided quarter section with a title area of 63.54 ha (157 ac).

HISTORY

The subject lands are located off Range Road 262 and Township Road 500. A 1.21 ha (3.0 ac) parcel was subdivided from the quarter section prior to 1978.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists entirely of Class 2 Soil. Class 2 is considered Prime Agricultural Lands. The policies of the Municipal Development Plan indicate that in Agricultural Area B: North Central, subdivisions shall be limited to either a physical

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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 (2) parcel, creating three (3) titled lots for this quarter section. While the proposed farmstead is currently developed, the subdivision provides for further development of the remnant lands and represents the fragmentation and loss of Prime Agricultural Lands.

An Agricultural Impact Assessment was completed and the proposed application received a score of 114. 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 concerning the subdivision of agricultural land, the size of the parcel, the lands being more than 75% Class 2 soils and the location of the proposed lot.

The proposed parcel is developed with a primary and secondary dwelling. The Leduc County Land Use Bylaw stipulates on a parcel less than 2.0 ha (4.9 ac) in size, a secondary dwelling shall be limited to a Garden Suite or Secondary Suite. The proposed application for a parcel of 1.05 ha (2.6 ac) will make the secondary dwelling to be not in compliance with the Land Use Bylaw.

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:

- Recommended refusal of 2nd parcel out as it does not align with policy;
- As per LUB, should the secondary dwelling be destroyed, they would not be able to rebuild;
- The septic system would have to be changed to a field system to comply;

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Laine Weslosky, via teleconference, provided the following information:

- Has contacted septic system people, ok to change to a field system;
- Land has been in the family since 1887;
- There are grain bins between the two yard sites;
- He farms 1150 acres.

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.

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David Desimone advised that:

- The subdivision regulations lists the considerations;
- Not taking farmland out of production, residence is a modular home;
- Class 2 soil.

20-19 Committee Member Kelly Vandenberghe - to subdivide a 1.05 ha (2.6 ac) farmstead parcel from a previously subdivided quarter section with a title area of 63.54 ha (157 ac) 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 stipulates 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; and (d) disturbance of environmentally significant areas;
 - b. Policy 4.3.1.5 stipulates Agriculture Area B: North Central is intended to conserve large, contiguous tracts of prime agricultural land with minimal fragmentation primarily for intensive cropping operations in Agriculture Area B: North Central, subdivision shall be limited to a (a) Physical severance; or (b) Farmstead subdivision; and
 - c. Policy 4.3.1.6 states there shall be no more than one subdivision (two titled lots) per quarter section in Agriculture Area B: North Central.
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.

Pro: Committee Members Kelly Vandenberghe, Kelly-Lynn Lewis and Chair Tanni Doblanko

Con: Committee Members Ray Scobie and Glenn Belozer

Carried

Chair Tanni Doblanko advised of appeal process.

Chair Tanni Doblanko declared a lunch recess at 11:07 a.m. The meeting reconvened at 1:00 p.m.

Proposed Subdivision - Blaydon Dibben on behalf of Monarch Business Park –

SW 8-51-24 W4

SD20-012

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Blaydon Dibben on behalf of Monarch Business Park. Staff recommends approval to subdivide a 3.10 ha (7.66 ac) parcel for industrial use and a portion of 36 Avenue from a parcel with a title area of 27 ha (66.70 ac). The original application proposed to subdivide a 3.66 ha (9.04 ac), 2.21 ha (5.46 ac), and a 3.10 ha (7.66 ac) parcel but was revised by the applicant.

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HISTORY

The subject lands are located in Nisku along 8th Street and half mile north of Township Road 510. It is situated within the WAM Local Area Structure Plan and North Major Area Structure Plan. Our records indicated that one lot was created prior to 1978 along the northern boundary of the quarter section. The subject lands lie within the 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 Capital 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. The applicant has indicated that the proposed subdivision is to accommodate an interested developer for the land.

A development agreement will address the specifics of utilities, landscaping, roads, and construction requirements. Contribution to off-site levies and sharing of servicing costs shall be in accordance with the County's Greater Nisku and Area Off-site Levy Policies and Procedures. Dedication of internal road right-of-way will provide for future connection to 8th Street and 37th Avenue and Nisku Spine Road. The existing engineered storm water management system will accommodate the newly proposed lots.

Municipal reserves are due and payable in the amount of \$2,118,528.10 (\$193,756.00 per acre value x 10.93 acres); The applicant and administration support the following payment schedule for consideration:

- 1) 6.40 acres = \$1,240,038.40 due at the time of execution of agreement
- 2) 4.52 acres = Paid in 2 equal payments over 2 years
 - \$437,888.56 in 2021 at the anniversary date of agreement
 - \$437,888.56 in 2022 at the anniversary date of agreement

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.

David Desimone advised that:

- Municipal Reserves will be dealt with in a Development Agreement. Any outstanding amounts after the payment plan deadlines have passed could be re-couped on any future subdivision. No further subdivision would be approved without payment.

Charlene Haverland advised that:

- In the event of default of the Development Agreement, a Stop Order would be issued to prevent any further development or subdivision.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Dibben Blaydon, via teleconference re-iterated the payment plan schedule.

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.

20-20 Committee Member Kelly Vandenberghe - to subdivide a 3.10 ha (7.66 ac) parcel for industrial use and a portion of 36 Avenue from a parcel with a title area of 27 ha (66.70 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 intersection improvements to 37th Avenue/Spine road, as required;
 - b) Provision for intersection improvements to 41st Avenue/Spine road, as required;
 - c) provision for widening and backslope agreements, as required;
 - d) provision respecting landscaping, as required;
 - e) provision for lot grading and/or filling;
 - f) provision of water and sewer services;
 - g) payment of off-site levies;
 - h) updates to the Traffic Impact Assessment, as required;
 - i) endeavors to assist and offsets for the improvements of intersection construction and upgrading, as required;
 - j) cost contributions for the improvements of intersection construction and upgrading, as required
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 669(1) of the Municipal Government Act, Municipal Reserves in the amount of 10.93 acres be paid as cash in lieu in the amount of \$2,118,528.10 (\$193,756.00 per acre value x 10.93 acres); and in the following payment schedule:
 - 1) \$1,240,038.40 due immediately upon execution of agreement;
 - 2) \$437,888.56 in 2021 year 1;
 - 3) \$437,888.56 in 2022 year 2.
4. The subdivision be registered pursuant Alberta Land Titles requirements.

Carried Unanimously

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**Proposed Subdivision - Benoit Trudeau on behalf of Fianna Capital Management Group
Ltd. – SE 22-50-22 W4 SD20-013**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Benoit Trudeau on behalf of Fianna Capital Management Group Ltd. Staff recommends approval to subdivide four parcels: Lot 5 – 14.6 ha (36.08 ac), Lot 6 – 16.5 ha (40.77 ac), Lot 7 – 14.7 ha (36.32 ac), and Lot 8 – 15.2 ha (37.56 ac) for small holdings use from an unsubdivided quarter section with a title area of 61.02 ha (150.79 ac).

HISTORY

The subject lands are located along Range Road 222 and a half mile south of Township Road 504. The quarter section is unsubdivided.

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 30. A score of less than 60 points indicates the proposed application may align with policy.

The proposed parcels are currently undeveloped. The proponents of this subdivision have applied for a similar subdivision for the quarter section to the north (NE 22-50-22-4) and plan to provide an opportunity to develop the small holdings agricultural lots under the trademark of Hamlet of Hope Farms which focuses on market gardens, livestock production, “Farming the Woods” style agriculture and micro-transformation which offers specialty agricultural goods. The proposed subdivision and business plan align with the intent of Agricultural Area D: Smallholding which is to support diversification of agricultural operations on smaller tracts of land.

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.

Enbridge maintains pipelines protected through an easement that runs diagonally through the four proposed parcels. In response to this subdivision Enbridge commented that they are not opposed to the subdivision, however the easements will be maintained as greenspace and no development is permitted on or within a specified proximity to the easements without consent from Enbridge. While this does constrain development within the easement area, due to the size of the parcels, there is sufficient space to develop the proposed lots as per the uses listed in the Agricultural/Country Residential Transitional District.

A road right-of-way bisects the proposed parcels, within the Enbridge easement, physically severing the west side of the parcels from the east. Should the proponent or future owners choose

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they may request a discharge of the right-of-way and purchase these lands. As there is currently no access to the west side of the quarter section, it is unlikely the severance created by the right-of-way would have any impact on the proposed parcels.

Agricultural Services commented on the proposed subdivision that more information is required to address potential impacts on surface water, groundwater, and surrounding properties. Further discussions between the applicant and Leduc County Agricultural Services were conducted and the applicant has agreed to do a tentative production plan on the parcels outlining potential agricultural practices for each lot, in order to help confirm the feasibility of small holdings agricultural practice.

One adjacent landowner submitted comments regarding the proposed subdivision. The full comments are attached to this report. Concerns include dust and noise from the traffic generated through the agricultural production and shipping as well as potential odor from livestock production. Administration notes that Public Works & Engineering is supportive of the proposed approaches for the subdivision.

The Natural Resources Conservation Board (NRCB) provides registration and issues permits for Confined Feeding Operations (CFO) under the Agricultural Operation Practices Act. Threshold levels for each type of livestock govern the requirement for either registration or a permit for a CFO. Should future operators of the agricultural small holdings lands propose a livestock operation that may cause odor or nuisance, a referral process will be conducted by the NRCB notifying landowners of the application or operations, allowing for adjacent landowners to state concerns for the operation at that time.

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

David Desimone advised that:

- The applicants have met the Small Agricultural Holdings requirements;
- Applicants are aware of the NRCB guidelines;
- Landowner is responsible for the Embridge right-of-way easement.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Benoit Trudeau, via teleconference, provided the following information:

- Primary intention of the subdivision is for smaller farming markets and hobby farms;
- Create a co-op of producers sharing equipment and marketing produce, quota etc.;
- Would work with Embridge in that the best use of the right-of-way is for small animals and cultivating;
- Would respect the natural land and chose production based on existing land features.

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.

David Desimone advised that:

- Consideration has been given to the environmentally sensitive area (Looking Back Lake);
- 40 ac would not generate environmental reserves;
- Any infilling applications on wetlands would be referred to Alberta Environment, but would not be approved by Leduc County;
- Landowners must show any wetlands on site plan.

20-21 Chair Tanni Doblanko - to subdivide four parcels: Lot 5 – 14.6 ha (36.08 ac), Lot 6 – 16.5 ha (40.77 ac), Lot 7 – 14.7 ha (36.32 ac), and Lot 8 – 15.2 ha (37.56 ac) for small holdings use from an unsubdivided quarter section with a title area of 61.02 ha (150.79 ac) be approved with 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; and
3. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

In response to the letter of concern the Subdivision Authority suggests; homebased businesses would require a Development Permit and small Agricultural Holdings would not create a concern for odors and noise.

Proposed Subdivision - Benoit Trudeau on behalf of Fianna Capital Management Group Ltd. – NE 22-50-22 W4 **SD20-014**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Benoit Trudeau on behalf of Fianna Capital Management Group Ltd. Staff recommends approval to subdivide four parcels: Lot 1 – 15.5 ha (38.30 ac), Lot 2 – 14.7 ha (36.32 ac), Lot 3 – 16.6 ha (41.02 ac), and Lot 4 – 15.8 ha (39.04 ac) for small holdings use from an unsubdivided quarter section with a title area of 62.64 ha (154.78 ac).

HISTORY

The subject lands are located along Range Road 222 and Township Road 504. The quarter section is unsubdivided.

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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 30. A score of less than 60 points indicates the proposed application may align with policy.

The proposed parcels are currently undeveloped. The proponents of this subdivision have applied for a similar subdivision for the quarter section to the north (SE 22-50-22-4) and plan to provide an opportunity to develop the small holdings agricultural lots under the trademark of Hamlet of Hope Farms which focuses on market gardens, livestock production, “Farming the Woods” style agriculture and micro-transformation which offers specialty agricultural goods. The proposed subdivision and business plan align with the intent of Agricultural Area D: Smallholding which is to support diversification of agricultural operations on smaller tracts of land.

The original application for this proposed subdivision aligned the parcels north to south, with four accesses to Township Road 504. Based on referral comments received by adjacent landowners and comments from our Public Works & Engineering department, the applicants have redesigned the proposed subdivision to have Lot 1 utilize the existing access to Township Road 504, and Lots 2, 3 & 4 oriented from west to east and have access from Range Road 222. Public Works and Engineering was supportive of the redesign.

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.

Agricultural Services commented on the proposed subdivision that more information is required to address potential impacts on surface water, groundwater, and surrounding properties. Further discussions between the applicant and Leduc County Agricultural Services were conducted and the applicant has agreed to do a tentative production plan on the parcels outlining potential agricultural practices for each lot, in order to help confirm the feasibility of small holdings agricultural practice.

Four adjacent landowner submitted comments regarding the proposed subdivision. The full comments are attached to this report. Concerns include safety, dust and noise from the traffic generated through the agricultural production and shipping as well as potential odor from livestock production.

The Natural Resources Conservation Board (NRCB) provides registration and issues permits for Confined Feeding Operations (CFO) under the Agricultural Operation Practices Act. Threshold levels for each type of livestock govern the requirement for either registration or a permit for a CFO. Should future operators of the agricultural small holdings lands propose a livestock operation that may cause odor or nuisance, a referral process will be conducted by the NRCB notifying landowners of the application or operations, allowing for adjacent landowners to state concerns for the operation at that time.

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

David Desimone advised that:

- Lot re-alignment to alleviate Public Works' concerns regarding access;
- Discussed tree clearing with the applicant;
- Not a lot of tools to maintain the wildlife migration corridor;
- Issues such as site clearing, number of structures, waste management etc. would be addressed at the Development Permit stage and are covered under the Land Use Bylaw;
- The process of Development Permit applications would include a business plan, proposed traffic access and applications could be referred to adjacent landowners.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Benoit Trudeau, via teleconference, provided the following information:

- Has walked the land and observed moose travelling mainly in the south;
- Buyers would maintain and respect the wetlands and wildlife;
- Survey confirmed all wetlands on site would be identified;

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

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

Rae-Lynn Spila, Senior Municipal Engineer suggested that 7 agricultural lots do not warrant the upgrade to the County road. 250 vehicles per day would trigger upgrade.

20-22 Committee Member Kelly Vandenberghe - to subdivide four parcels: Lot 1 – 15.5 ha (38.30 ac), Lot 2 – 14.7 ha (36.32 ac), Lot 3 – 16.6 ha (41.02 ac), and Lot 4 – 15.8 ha (39.04 ac) for small holdings use from an unsubdivided quarter section with a title area of 62.64 ha (154.78 ac) be approved with 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; and
3. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

In response to the letters of concern the Subdivision Authority suggests; homebased businesses would require a Development Permit and small Agricultural Holdings would not create a concern for odors and noise.

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Proposed Subdivision - Daniel & Bobby-Joe Witkowski – NW 34-49-22 W4**SD20-016**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Daniel & Bobby-Joe Witkowski. Staff recommends refusal to subdivide a 1.57 ha (3.87 ac) physically severed parcel from a previously subdivided quarter section with a title area of 3.13 ha (7.74 ac).

HISTORY

The subject lands are located along Township Road 500, 250 meters east of Center Street, outside the northeast boundary of the Hamlet of New Sarepta.

DISCUSSION

The subject lands are districted AG – Agricultural in the Leduc County Land Use Bylaw and are within Agricultural Area C: South Central/East of the Municipal Development Plan. The lands are located outside the boundary of the Hamlet of New Sarepta and the New Sarepta Area Structure Plan area. Policy 4.5.2.4 of the Municipal Development Plan stipulates residential development is encouraged within hamlets where the proposed development is consistent with the scale and character of neighboring lands and represents a logical and contiguous extension of existing development. Administration is of the opinion the proposed development detracts from the growth encouraged within the boundaries of the Hamlet of New Sarepta and does not represent a logical or contiguous extension of existing development.

The subject lands are physically severed by a wetland. The Alberta Merged Wetland Inventory identifies this wetland as marsh. The extent of the wetland is currently unknown, though aerial photography shows it extending north across Township Road 500 and south of the subject lands. These lands are undevelopable and prone to flooding. The policies of the Municipal Development Plan, specifically 6.2.0.4 and 6.4.0.3, stipulate wetlands should be acquired through Environmental Reserve in accordance with the Municipal Government Act and the boundaries should be identified through a biophysical assessment. In the absence of such an assessment it is not possible to know where the boundaries of the wetland are and what areas are prone to future flooding.

A Leduc County transfer station is located approximately 250 meters to the east of the eastern boundary of the subject lands. Section 13(2) of the Subdivision and Development Regulations stipulates a subdivision authority shall not approve an application for subdivision for a residential use if the application would result in the creation of a building site for any of those uses within 300 metres of the working area of an operating storage site.

This proposed subdivision would leave a remnant parcel constrained on the west side by a wetland with unknown boundaries, and on the east side with the 300 meter setback from the transfer station. Administration is of the opinion the proposed subdivision would create a parcel of land which may be undevelopable. Section 7 of the Subdivision and Development Regulation stipulates the subdivision authority must consider, in making a decision as to whether to approve

an application for subdivision, whether the land that is the subject of the application is suitable for the purpose for which the subdivision is intended. It is unlikely the development authority would be able to issue a permit for a residential dwelling on the site, which is the intended purpose of the proposed subdivision.

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:

- The applicants are aware of the wetlands and transfer site;

Charlene Haverland advised that:

- The property has a long history of water/drainage and the landowner had put the property back to initial state;

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Daniel & Bobby-Joe Witkowski, via teleconference provided the following information:

- Direct visual to landfill; The proposal is naturally severed by a water way/wetland and the transfer site;
- elevation from build site to wetlands is 20'

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

David Desimone advised that:

- the regulations state that a Development Application must not be approved that is within 300m of working area of transfer station;
- A variance from the Province would have to be obtained in order to develop close to the wetlands.

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

20-23 Committee Member Glenn Belozer - to subdivide a 3 a 1.57 ha (3.87 ac) physically severed parcel from a previously subdivided quarter section with a title area of 3.13 ha (7.74 ac) 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 stipulates all subdivisions shall be designed and located in a manner that considers the topography of the land and minimizes d. disturbance of environmentally significant areas, wetlands;

- b. Policy 4.3.1.2 states to ensure a physical severance or a property line issue is not created, a subdivision application must identify Crown ownership of permanent and naturally occurring bodies of water under the Public Lands Act;
 - c. Policy 4.3.1.8 states there shall be no more than one subdivision (two titled lots) per quarter section in Agricultural Area C. South Central/East.
2. Pursuant to of the Subdivision and Development Regulations, the proposed subdivision does not conform to Section 13 (2) which states a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use if the application would result in the creation of a building site for any of those uses within 300 metres of the working area of an operating storage site.
3. 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.

Carried Unanimously

Chair Tanni Doblanko explained the appeal process.

Proposed Subdivision – Rudy Hartke – SE 6-49-27 W4

SD20-017

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Rudy Hartke. Staff recommends approval to subdivide a 11.27 ha (27.85 ac) farmstead parcel from an unsubdivided quarter section with a title area of 63.95 ha (158.03 ac).

HISTORY

The subject lands are located at Township Road 490 and Range Road 275. The lands are unsubdivided.

DISCUSSION

The Agricultural Land Suitability Rating indicates the subject land consists of Class 2. Class 2 is considered Prime Agricultural Lands. An Agricultural Impact Assessment was completed and the proposed application received a score of 60. A score of 60 points or less than indicates the proposed application may align with policy.

The proposed subdivision encompasses an existing dwelling and farm buildings, and is considered a Farmstead Subdivision which is defined in the Municipal Development Plan as the subdivision of an existing farmstead from a quarter section that 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 proposed parcel also encompasses a drainage right of way. Public Works & Engineering responded the this subdivision

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referral that the drainage right of way should remain in tact and not be bisected with a property line. Due to this right of way the proposed parcel is 11.27 ha (27.85 ac) in size, however administration recommends the proposed subdivision be approved as the larger size is justified.

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:

- Administration had discussed the odd shape and large size of the proposed lot. The lot size and shape as proposed is the most cost efficient;
- The Agricultural Impact Assessment score is 60;
- Public Works to determine if approach to the remnant parcel is satisfactory.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Rudy Hartke via teleconference provided the following information:

- The land is not farmable but is good for livestock with a creek running through;
- The bottom section is fenced for cattle.

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.

20-24 Committee Member Kelly Vandenberghe - to subdivide a 11.27 ha (27.85 ac) farmstead parcel from an unsubdivided quarter section with a title area of 63.95 ha (158.03 ac) be approved with 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


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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.

Carried Unanimously

The Subdivision Authority meeting concluded at 2:24 p.m.



CHAIRMAN

SECRETARY