

AGENDA

SUBDIVISION AND DEVELOPMENT APPEAL BOARD LEDUC COUNTY COUNCIL CHAMBER, COUNTY CENTRE, NISKU, ALBERTA

Friday, December 7, 2018

1. **Order and Roll Call** – 9:00 a.m.
2. **Agenda Adoption**
3. **Adoption of Previous Minutes**
 - November 15, 2018 Subdivision and Development Appeal Board Meeting
 - November 16, 2018 Subdivision and Development Appeal Board Meeting
4. **Subdivision and Development Appeal Hearing**
 - * a) 9:00 a.m. SD18-047 Appeal by Darrell Morris, on behalf of Ron and Elsie
Roll #5561010 Morris to Subdivide an undeveloped ± 16.24 h (± 40 ac)
parcel for agricultural use from a previously subdivided
quarter section with a title area of ± 32.38 ha (± 80 ac)
on Lot 1, Block 1, Plan 0729511, Pt. NW 1-51-25-W4
(51055 Rge Rd 251)
5. **Next Meeting Date** – Call of the Chair
6. **Adjournment**

Legend

- * Items Attached To Agenda

MINUTES OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON FRIDAY, DECEMBER 7, 2018 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.

Order and Roll Call

The meeting was called to order at 9:00 a.m., Friday, December 7, 2018 by Chair Mary-Ann McDonald with Board Members Shirley Jolly, Pat Rudiger, Doug Ruel and Rick Smith present.

Also present were Mr. Garrett Broadbent, Clerk of the Subdivision and Development Appeal Board; Ms. Joyce Gavan, Recording Secretary; Mrs. Charlene Haverland, Manager of Development Services; Mr. Dave Desimone, Senior Planner; and Mr. Kyle Payne, Planner 1.

Present as well were four other individuals.

Agenda Adoption

92-18 Board Member Rudiger -- that the Agenda for the December 7, 2018 Subdivision and Development Appeal Board meeting be accepted as circulated.

Carried

Previous Minutes

93-18 Board Member Smith – the following Subdivision and Development Appeal Board minutes, be approved as circulated:

- November 15, 2018 meeting; and
- November 16, 2018 meeting.

Carried

Appeal by Darrell Morris, on behalf of Ron and Elsie Morris, whereby Subdivision Permit Application SD18-047 was refused to subdivide an undeveloped ± 16.24 ha (± 40 ac) parcel for agricultural use from a previously subdivided quarter section with a title area of ± 32.38 ha (± 80 ac) located on Lot 1, Block 1, Plan 0729511, Pt. NW 1-51-25-W4 (51055 Rge Rd 251).

Chair McDonald called the hearing to order at 9:02 a.m. and introduced Board Members and staff.

Chair McDonald then called upon the Clerk to introduce the subject of this appeal.

Mr. Garrett Broadbent, Clerk, advised of the appeal by Darrell Morris, on behalf of Ron and Elsie Morris, whereby Subdivision Permit Application SD18-047 was refused to subdivide an undeveloped ± 16.24 ha (± 40 ac) parcel for agricultural use from a previously subdivided quarter section with a title area of ± 32.38 ha (± 80 ac) located on Lot 1, Block 1, Plan 0729511, Pt. NW 1-51-25-W4 (51055 Rge Rd 251). The reasons for appeal are as follows:

- 1) I'm acting on behalf of my parents, Ron and Elsie Morris, regarding the proposed subdivision on their 80 acre lot. The rationale for my parents wanting to do this subdivision is for estate planning purposes, with the end purpose being that I would be in a better position to continue to farm the land.
- 2) The following points address the issues in the decision to refuse the proposed subdivision:
 - High capability farmland – the intent is to not remove the land from agricultural use. The proposed subdivision would facilitate the continued use of the land for agricultural uses.



- Edmonton Metropolitan Region Growth Plan – to protect and maintain large contiguous agricultural areas. Our family has been farming two connected quarter sections of land for almost 50 years. Despite previous subdivisions and having different names on land titles, this land has been farmed as a large contiguous unit over these 50 years. Our intent is to continue to do so.
- There are examples of subdivisions on quarter sections adjacent to our land. These examples would not be brought forward to show examples of past precedent against present policy, but rather used as examples to show that in cases of multiple subdivisions, how the land has been continued to be farmed in large contiguous agricultural areas, especially when the subdivisions are of larger size.
- The land is within the proposed City of Edmonton annexation area. Urban development is already very close to our property. The City of Edmonton has indicated plans for a future arterial roadway for the range road which our property is adjacent to (RR 251). A future LRT line to the airport could potentially cross our property. This development and potential development indicates that the City of Edmonton is planning to take this land out of agricultural use. Our proposed subdivision would help us to keep as much land as is possible in agricultural use as long as is possible.

Mr. Broadbent advised the following information is attached for the Board:

- 1) Staff Report.
- 2) Notice of SDAB Hearing package dated November 21, 2018.
- 3) Notice of Appeal received November 16, 2018.
- 4) Subdivision Authority Notice of Refusal dated November 14, 2018 w/ refused site plan.
- 5) Key Plan.
- 6) Subdivision Permit Application SD18-047 w/ application letter.
- 7) Tentative Plan.
- 8) Applicant's Authorization
- 9) Proposed Subdivision Air Photo.
- 10) Applicant's submission dated November 13, 2018.

The Board confirmed the appeal was submitted properly and acceptable to the Board.

Chair McDonald asked if any Board Member felt a need to step down from this hearing within the boundaries of Conflict of Interest, and there was no one.

Chair McDonald asked if anyone had any objection to any of the members of the Subdivision and Development Appeal Board hearing this appeal, and there was no objection indicated.

Chair McDonald explained the purpose of the hearing, the order of presentation and the procedures to be followed.

Chair McDonald called upon the Planning and Development Department to provide background information.

Mr. Kyle Payne, Planner 1, provided a PowerPoint presentation relating to the appeal by Darrell Morris, highlighting the following:

1. On November 13, 2018 the Leduc County Subdivision Authority refused this application to subdivide an undeveloped ± 16.24 ha (± 40.13 ac) parcel for agricultural use, from a title area

of ± 32.38 ha (± 80 ac) located on Lot 1, Block 1, Plan 0729511, Pt. NW 1-51-25-W4 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 policies of the Municipal Development Plan (25-16 as amended):
 - a. Objective 3.1.1 stipulates productive agricultural land shall be protected for agricultural use;
 - b. Objective 3.1.2 stipulates that fragmentation and the amount of high capability land removed from production for non-agricultural development shall be minimized;
 - c. Policy 3.3.11(a)(c) Smallholdings may be allowed in the Agricultural areas where:
 - i. the land is low capability agricultural land;
 - ii. the subdivision would not compromise the orderly and economical conversion of the land for higher intensity development in the future in those areas where high intensity development is anticipated; and
 - iii. the County is satisfied that the subdivision is warranted to meet the special requirements of the agricultural industry in that location, and does not represent merely a large-lot country residential subdivision.
 - d. Policy 3.3.14(a) stipulates the subdivision shall be small in scale and well defined and would not set a precedent or encourage further subdivision of the surrounding lands.
 - 2) Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to Part 10.1.2 of the Land Use Bylaw (7-08 as amended) which states that the minimum size for agricultural lots in all Land Use Districts should be 32.4 ha (80 ac) or such size as results from a physical severance.
 - 3) Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the North Major Area Structure Plan:
 - a. Policy 7.5.3 states that any approval of a first parcel out and a fragmented parcel must be in accordance with the standards and criteria in Section 3.3 of Part Three of the Municipal Development Plan.
 - b. Policy 7.5.4 states that the minimum size for an agricultural parcel shall be 32 ha (80 acres) unless a smaller size for specialized farming operations (e.g. horticultural) is demonstrated to meet County criteria.
 - 4) Section 654(1)(c) of the Municipal Government Act, the proposed subdivision does not conform to Policy 6.2.2 of the Edmonton Metropolitan Region Growth Plan which states in rural areas, large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.
 - 5) The policies of the Municipal Development Plan, Land Use Bylaw, North Major Area Structure Plan and Edmonton Metropolitan Region Growth Plan were not met by this application.
2. The lands reside within the City of Edmonton Annexation area, which was approved by the Government of Alberta on November 27, 2018. Effective January 1, 2019 the annexation

area will become part of the City of Edmonton. The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of high capability agricultural land (89%). Within the subject parcel there is a dwelling with a yard site and accessory agricultural structures located in the northwest corner. In 2017 the agricultural lands were used for hay production. The applicant stated that the reason for subdividing the subject lands are due to the City of Edmonton annexation and for estate planning purposes.

3. The subject lands were initially identified as Agriculture within the North Major Area Structure Plan, however upon further review, these lands are designed as Future Residential. Despite this discrepancy, the current intent of these lands remains the same. Policy 6.8.2 of the North Major Area Structure Plan states that the interim use of lands in the Future Residential Area is for agriculture related purposes in accordance with Leduc County's Municipal Development Plan.
4. Policy 3.3.2 of the Municipal Development Plan states that on high capability agricultural land, subdivision will be limited to one lot from an unsubdivided quarter section. The proposed subdivision would be considered the second parcel subdivided from the quarter section. The Municipal Development Plan has policy regarding agricultural smallholding parcels, which are 40 acres or greater and for agricultural use. Policy states that a business plan be provided to support the agricultural proposal and that smallholdings be located on low capability agricultural land. The subject lands are of high capability and the applicants have not submitted a business plan, or demonstrated to administration that the proposed parcel does not merely represent a large country residential lot.
5. The Land Use Bylaw states that the minimum parcel size for agricultural use shall be 32 ha or such size resulting from physical severance.
6. The proposal was initially identified as residing within the Rural Area of the Edmonton Metropolitan Region Growth Plan, however upon further review, this proposal is within the Metropolitan area of the Growth Plan. Limiting fragmentation and conversion of prime agricultural lands for non-agricultural uses is an objective of the Growth Plan within the Metropolitan Area (Policy 6.2.4). This area is to be comprehensively planned before development can proceed. Policy 6.1.3 of the Edmonton Metropolitan Region Growth Plan stipulates that prime agricultural lands shall be conserved for agricultural "purposes for as long as possible, recognizing that these lands will urbanize over time to accommodate growth". Limiting fragmentation of parcels for future development allows for areas to be comprehensively planned at a scale that can account for many factors that influence communities, including the transportation network, development densities, ecological considerations and municipal infrastructure.
7. The original subdivision occurred in 2006. Photographs were shown of the subject site showing accessory farming structures.
8. It is the opinion of staff that the proposed subdivision set precedent for further subdivision and development of surrounding lands.
9. There were no adjacent landowner comments submitted regarding the proposed subdivision.
10. Referral Comments included:

City of Edmonton

- The proposed subdivision is located within the area of Leduc County currently proposed for annexation to the City of Edmonton. The proposed Transportation Infrastructure Plan Figure No. 6-1 for the Annexation Proposal identifies the following:
 - Range Road 251 is planned as future arterial roadway, which may require dedication of additional road right-of-way from the proposed parcels; and
 - a future Public Transit Line is planned between Edmonton and the Edmonton International Airport and bisects the proposed parcels.
- Should this subdivision be approved by Leduc County, we recommend that the property owner be advised of the potential impacts to the proposed properties that could occur if the annexation proposal is approved.

Leduc County Agriculture Services

- The proposed subdivision would further fragment highly capable agriculture land, especially the remnant parcel with the yard-site on it. The proposed subdivision would split what is now approximately 14 hectares annually cropped into two separate 7 hectare fields.

Leduc County Public Works & Engineering

- There is an access into the proposed residential lot that meets Leduc County standard. An access to the proposed parcel will need to be constructed to Leduc County standards. An application form to construct the Access Approaches will need to be submitted prior to any construction.

11. In accordance with the Municipal Government Act (MGA), Section 654(1)(a)(b) states:

"A subdivision authority must not approve an application for subdivision approval unless:

- a) The land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended.*
- b) The proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.*
- c) The proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and*
- d) All outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.*

12. In accordance with the Municipal Development Plan (MDP):

3.1.1 *To protect productive agricultural land for agricultural uses.*

3.1.2 *To minimize the amount of high capability agricultural land removed from farming because of non-agricultural development and the fragmentation of land.*

3.3.1 *Subject to Policy 3.3.2 on high capability agricultural land, subdivision will be limited to one lot from an unsubdivided quarter section. The subdivided lot must be a suitable size and shape for agricultural (approximately 32 ha) and follow physical barriers where applicable or small enough (approximately 1 ha unless a larger area is required due to the location of existing buildings, trees and shelterbelts, topographic characteristics and/or other site features) to minimize the loss of high capability agricultural land and be easily managed as a residential site.*

3.3.11 *Smallholdings may be allowed in the Agricultural area where:*

- (a) the land is low capability agricultural land;*

- (b) *the subdivision would not compromise the orderly and economical conversion of the land for higher intensity development in the future in those areas where high intensity development is anticipated; and*
 - (c) *the County is satisfied that the subdivision is warranted to meet the special requirements of the agricultural industry in that location, and does not represent merely a large-lot country residential subdivision.*
- 13. The Leduc County Land Use Bylaw No. 7-08, Section 10.1.2 states that the minimum size for agricultural lots in all Land Use Districts should be ± 32 ha (± 80 ac) or such size as results from a physical severance.
- 14. The Edmonton Metropolitan Region Growth Plan Objective – minimize the fragmentation and conversion of prime agricultural lands for non-agricultural uses.

Policy 6.1.3 – in the metropolitan area, prime agricultural lands identified through the land evaluation and site assessment tool shall be conserved for agricultural purposes for as long as possible, recognizing that these lands will urbanize over time to accommodate growth.

Policy 6.2.4 – in the metropolitan area, the fragmentation and conversion of prime agricultural lands for non-agricultural uses will only be considered when the proposed development meets all of the following criteria:

 - (a) the lands are contiguous with built-up urban areas and/or planned areas;
 - (b) the lands are required to accommodate municipal employment and population projections in accordance with Schedule 1;
 - (c) if residential uses are proposed, the lands are within a proposed statutory plan in conformance with the applicable minimum greenfield density identified in Schedule 6;
 - (d) an agricultural impact assessment has been completed to identify the potential adverse impacts of the proposed development on agricultural lands and existing agricultural operations on-site and offsite in the surrounding area; and
 - (e) mitigation measures recommended through an agricultural impact assessment are incorporated in the planning and design of the proposed development to minimize potential adverse impacts on agricultural lands and active agricultural operations on-site and off-site in the surrounding area from near neighbour impacts of urban growth.

Chair McDonald asked Board Members if there were any questions of the administrative staff, and there were none.

Chair McDonald called upon the Appellant(s) to speak to the proposed development.

Mr. and Mrs. Darrell and Mary Morris, on behalf of his parents Ron & Elsie, Morris Appellants, provided a PowerPoint presentation and presented the following information:

1. The subject property is 1 mile and a quarter from current city limits; located within Leduc County 41st Avenue, current city limits, highway 19, QEW II, annexation area.
2. Ron & Elsie Morris purchased this property in 1969 for farming purposes. I have always been involved with farming the land alongside my father. My wife and I built our home near the established farmyard. My parents' home quarter was subdivided to accommodate this in 2006. At about the same time the north quarter was also subdivided for estate and succession planning purposes.
3. There is an RV storage use approved by the County on Darrell & Mary's property; the approval was granted for 7.9 acres. This was considered discretionary use of the farmland by the County. This has allowed us to supplement our farm income and has helped us to

continue farming in an area where farming more land is not a feasible option. Our City of Edmonton neighbours to the north, especially in the new development, have appreciated our location and the service we provide.

4. The farming operation is a mixture of livestock and crop land. We raise llamas for direct marketing of meats and specialty products. We rely on the established pasture system for rotational grazing and hayfields to produce our own foods. The balance of the farmland is cropped with cereals, pulses, forages and oilseeds.
5. Reasons for Subdivision:
 - A map was shown on the overhead to show visual of proposed subdivision.
 - Together our family has been farming this land for almost 50 years. My parents recognize that I am the primary person now farming. I intend to farm the land as long as I am able to and I want to keep the land as farm land for as long as possible. The rationale for my parents wanting to do this subdivision is for estate planning purposes, with the end purpose being that it would enable me to be in a better position to continue to farm the land.
 - The 80 acre lot with my home has a shop and few small outbuildings. For reasons of farming efficiency, we built our home close to the existing farmyard on my parents' property which has the machinery storage buildings, grain bins, hay and straw storage and corrals for livestock. My parents would like to add my name to the title of this parcel so that in the event of their passing, I will be able to continue to use and have access to these facilities. The subdivision of the remaining 40 acre parcel to the south, which is farmland without buildings, would allow my parents to plan for their daughter to have an inheritance.
 - The proposed City of Edmonton annexation was just approved formally on November 27, 2018. As of January 1, 2019, our land will be within the boundaries of the City of Edmonton. During the annexation negotiations between the City of Edmonton and the Leduc County, the County endeavoured to protect the residents and farmers of the proposed annexation area. We are grateful for the work they did and especially for the 50 year tax protection plan that is now set in place. The reason that we are applying for this subdivision now, rather than after January 1, 2019, is to retain this tax protection so that we can carry on farming. If my parents were to try to subdivide their property after the annexation has been completed, subdivision is an identified trigger that would cause our tax protection to be cancelled. The loss of this tax protection would result in higher taxation, the expense of which may potentially be more than we could manage in order to continue farming the land.
 - Our desire is not to take any of these parcels out of agricultural production but to continue to farm.
6. Appealing reasons for refusal:
 - The County was obligated to refuse this proposed subdivision because of existing policies in various municipal plans and government acts which have at their heart, the goal of protecting farm land.
 - MGA, Section 654(1)(b)(c) Objectives 3.1.1 and 3.1.2 – the land we are farming is indeed high capability agriculture land and my intention is to keep the land in agricultural use. The purpose of this proposed subdivision is not to remove the land from agricultural use for non-agricultural development. Both parcels of the subdivision will continue to be farmed by myself and my parents' names will remain on both titles.

- Policy 3.3.11(a)(c) and North Major Area Structure Plan Policy 6.8.2 – though this land is high capability agricultural land, our land falls within the City of Edmonton annexation area. Upon further review by the County, it was determined that our land is designated as Future Residential. Urban development is already occurring both to the north and south of our land. Industrial commercial development has begun approximately one mile south of this property. Residential development is about 1.25 miles north.

A significant amount of the surrounding farmland in our area has already been purchased by urban developers whose intent it is to take good farmland out of production. The City of Edmonton has proposed plans for a future arterial roadway (Rge Rd 251) that would affect this property. There is also a proposed LRT route to the airport that could potentially cross the property. These plans for development show that the City of Edmonton is intending to take this land out of agricultural use. These plans would not be our plans if we had the choice. But it appears inevitable that the future plan for our farm is high intensity urban development. Nevertheless, our desire is to maintain our rural lifestyle and to farm our land until this future urban development prevents us from doing so. Because our intent is to farm the land and not for other purpose, there should be no impediment to the conversion of this land to high intensity development if that is to be the fate of it in the future. We are not making the subdivision to use the land for non-agricultural purposes.

Neither are we planning to use the subdivision for a large country residential lot. With the present 80 acre lot, policy would allow two homes and two secondary dwellings. A 40 acre lot allows one home and one secondary dwelling. With the subdivision, the number of possible residences would remain the same - that is four possible residences. However, there is only one home on the 80 acre parcel and if the subdivision were granted our plan is to not to add additional residences.

As Policy 6.8.2 states the interim use of lands in the Future Residential Area is for agriculture related purposes. Our intent is to use the land for agricultural purposes. We will continue to farm the land as a single unit, as we have been.

- Policy 3.3.14(a) – the County has indicated that this subdivision sets precedent for future subdivisions. The County has also indicated that a committee such as this does not make decisions based on precedent, but looks at each situation and request on its own merit. An exception for the sake of my parents, therefore would not constitute a precedent for other land owners.
- Land Use Bylaw Part 10.1.2 and EMRB Growth Plan, Policy 6.2.2 – by allowing this subdivision the County can be assured that they will actually be promoting the continued agricultural use of our land by assuring that I will have retained access to the farm buildings on my parents yard site which are essential to our farming operations and their continuation.

There are many examples of subdivisions on quarter sections adjacent to our land. These examples show that land is still being farmed in large contiguous areas, as is promoted by the EMRB Growth Plan.

The Land Use Bylaw states that subdivisions should be 80 acres. Ideally bigger parcels of land for farming is advantageous.

Many of these subdivisions that are shown here are parcels less than 80 acres. Creation of these subdivisions has not resulted in land being taken out of agricultural use. Nor has it resulted in breaking up the farming of large fields. The small residential subdivisions are actually taking more land out of agricultural production than do larger subdivisions.

7. We have been farming the two connected quarters of land for almost 50 years. In response to Agricultural Services asking what would be the agricultural need to subdivide this parcel,

the reason is that this subdivision would ensure that I have access to the farm yard, the grain bins, the corrals, the machinery and hay storage, for as long as possible in order to continue our farming practice. The proposed subdivision is not for a small residential lot, which would take land out of agricultural production. Two 40 acre lots are relatively large parcels. Furthermore, the proposed subdivision will not split the actual farming practice into two smaller fields. There is no business plan submitted however since the two parcels will be continued to be farmed as one unit, there is no need for a new business plan. The plan is that we will continue to farm the land as one contiguous agricultural area.

8. Despite previous subdivisions and various different names on titles, the whole of the two quarters of land has been farmed as a large contiguous unit over these 50 years. Our intent is to continue to do so.
9. My parents wish to continue living in their home for as long as possible, hopefully for the rest of their lives. Succession and estate planning needs to happen while one is still alive – they do not want to wait until urban development is eminent to try to do this estate planning; they wish to be alive to see their wishes fulfilled.
10. If this appeal is granted and the subdivision approved, my parents will remain on both parcels of the subdivision. My desire is to continue to farm the land and our family has been farming south of Edmonton for 127 years. We have been at our present farm for almost 50 years. We assure you that the agricultural production of our land would continue for as long as possible in the same manner as it was prior to the subdivision.

Chair McDonald asked if there were any questions by the Board Members of the appellant(s).

In response to questions by Board Members, the following clarification was provided:

- The subdivision that occurred in 2006 included the south quarter from 160 acres to two 80 acres; the north half was subdivided and placed in Darrell and Mary's name.
- The south half is the subject land being requested for subdivision.
- Our wish is to get approval for subdivision by Leduc County now to honor the 50 year tax protection plan.

Mrs. Haverland, clarified that with respect to tax protection plan, the tax protection will remain in place for 50 years unless the lands get changed e.g. rezoning, subdivision. Further in accordance with Edmonton's policies anything under 80 acres is not considered agriculture.

- Range Road 251 is being proposed for widening from a major arterial road and talks have begun.
- The subject lands are on the edge of Range Road 251 which does not dissect the property.
- The proposed LRT route may cross the subject property in the future.
- Were not aware that the City of Edmonton has already designated certain lands to the south for the proposed LRT route.

Chair McDonald asked if there was anyone in attendance to speak in support or against the appeal, and there were none.

Chair McDonald asked if there was any additional correspondence submitted, and Mr. Broadbent advised there was none.

Chair McDonald asked if Technical Staff had any final comments.



Mr. Payne, in closing, provided the following comments:

- The proposed subdivision does not meet the intent of the Municipal Development Plan, Land Use Bylaw, North Major Area Structure Plan and the Edmonton Metropolitan Region Growth Plan, in accordance with the Municipal Government Act.
- The long term plan by the City of Edmonton is for residential use.

Chair McDonald asked the appellant if he had any final comments, and Mr. Morris concluded with the following comments:

- This property has been farmed for a very long time and wish to continue farming for a long time.
- Understand that the City has plans otherwise and knowing that we wish to remain on this land and continue farming as we have in the past.
- Feel this is the best way to plan for estate planning and ultimately this is my parents desire to see their wishes fulfilled.

Chair McDonald asked the appellant if he felt he received a fair hearing, and Mr. Morris responded affirmatively.

Conclusion of Public Hearing

Chair McDonald declared the Public Hearing concluded at 9:40 a.m.

Mrs. Haverland, Mr. Desimone, Mr. Payne, and Mr. and Mrs. Morris and Two Individuals

Mrs. Haverland, Mr. Desimone, Mr. Payne, and Mr. & Mrs. Morris and two individuals exited the Council Chamber at 9:41 a.m.

In Camera

94-18 Board Member Jolly -- that the Subdivision and Development Appeal Board meet In Camera.

Carried

The In Camera session commenced at 9:42 a.m.

Revert to Subdivision and Development Appeal Board Meeting

95-18 Board Member Smith -- that the In Camera session revert to the Subdivision and Development Appeal Board meeting.

Carried

The In Camera session reverted to the Subdivision and Development Appeal Board meeting at 9:48 a.m.

Appeal by Darrell Morris, on behalf of Ron and Elsie Morris, whereby Subdivision Permit Application SD18-047 was refused to subdivide an undeveloped ± 16.24 ha (± 40 ac) parcel for agricultural use from a previously subdivided quarter section with a title area of ± 32.38 ha (± 80 ac) located on Lot 1, Block 1, Plan 0729511, Pt. NW 1-51-25-W4 (51055 Rge Rd 251).

96-18 Board Member Jolly -- that the Subdivision and Development Appeal Board disallow the appeal by Darrell Morris, on behalf of Ron & Elsie Morris, and upholds the refusal of

Subdivision Permit Application SD18-047 to subdivide an undeveloped ± 16.24 ha (± 40 ac) parcel for agricultural use, from a previously subdivided quarter section with a title area of ± 32.38 ha (± 80 ac) located on Lot 1, Block 1, Plan 0729511, Pt. NW 1-51-25-W4.

Findings of Fact

- 1) This quarter was previously subdivided in 2006.
- 2) The appellant indicated the proposed subdivision is for estate planning and the desire is to continuing farming the subject lands as long as possible. The intent is not to remove the land from agricultural use.
- 3) Effective January 1, 2019 the subject lands will become part of the City of Edmonton which was approved by the Government of Alberta on November 27, 2018.
- 4) In making a decision on a subdivision appeal, the Subdivision and Development Appeal Board must:
 - be consistent with the Provincial Land Uses Policies,
 - conform with the uses of land referred to in the Land Use Bylaw;
 - have regard to any statutory plan and
 - be consistent with land use policies.
- 5) The reasons for refusal by the Subdivision Authority were based on the following policies and indicated the proposed subdivision does not conform to the following:
 - Policies of the Municipal Development Plan (Objective 3.1.1 and 3.1.2, Policy 3.3.11(a)(c) and 3.3.14(a);
 - Land Use Bylaw No. 7-08, Part 10.1.2 – minimum size for agricultural lots in all Land Use Districts should be 32.4 ha (80 ac) or such size as results from a physical severance;
 - North Major Area Structure Plan – Policies 7.5.3 (first parcel out and a fragmented parcel size) and 7.5.4 (minimum size for an agricultural parcel size unless a smaller size for specialized farming operations); and
 - Edmonton Metropolitan Region Growth Plan, Policy 6.2.2 (large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the region).

Reasons for Refusal

- 1) Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the Municipal Development Plan (25-16 as amended):
 - a. Objective 3.1.1 stipulates productive agricultural land shall be protected for agricultural use;
 - b. Objective 3.1.2 stipulates that fragmentation and the amount of high capability land removed from production for non-agricultural development shall be minimized;
 - c. Policy 3.3.11(a)(c) Smallholdings may be allowed in the Agricultural areas where:
 - i. the land is low capability agricultural land;
 - ii. the subdivision would not compromise the orderly and economical conversion of the land for higher intensity development in the future in those areas where high intensity development is anticipated; and



- iii. the County is satisfied that the subdivision is warranted to meet the special requirements of the agricultural industry in that location, and does not represent merely a large-lot country residential subdivision.
 - d. Policy 3.3.14(a) stipulates the subdivision shall be small in scale and well defined and would not set a precedent or encourage further subdivision of the surrounding lands.
- 2) Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to Part 10.1.2 of the Land Use Bylaw (7-08 as amended) which states that the minimum size for agricultural lots in all Land Use Districts should be 32.4 ha (80 ac) or such size as results from a physical severance.
- 3) Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the North Major Area Structure Plan:
- a. Policy 7.5.3 states that any approval of a first parcel out and a fragmented parcel must be in accordance with the standards and criteria in Section 3.3 of Part Three of the Municipal Development Plan.
 - b. Policy 7.5.4 states that the minimum size for an agricultural parcel shall be 32 ha (80 acres) unless a smaller size for specialized farming operations (e.g. horticultural) is demonstrated to meet County criteria.
- 4) Section 654(1)(c) of the Municipal Government Act, the proposed subdivision does not conform Policy 6.2.2 of the Edmonton Metropolitan Region Growth Plan which states in rural areas, large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.
- 5) The policies of the Municipal Development Plan, Land Use Bylaw, North Major Area Structure Plan and Edmonton Metropolitan Region Growth Plan were not met by this application.

Carried

Next Meeting

The next scheduled Subdivision and Development Appeal Board meeting will be scheduled at the call of the Chair.

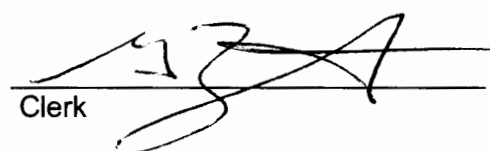
Adjournment

97-18 Board Member Ruel -- that the Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Subdivision and Development Appeal Board meeting concluded at 9:56 a.m.


Chair


Clerk