



**SUBDIVISION AUTHORITY
MEETING AGENDA
Tuesday, September 15, 2020**

1. **ORDER** – 1:30 p.m.

2. **ADOPTION OF AGENDA**

3. **ADOPTION OF PREVIOUS MINUTES**
Subdivision Authority Minutes – August 18, 2020

4. **SUBDIVISION APPLICATIONS**
 1. SD20-026 – Judy Best on behalf of Derek & Judith Best – NW 24-49-23-W4
 2. SD20-030 – Donna Oliver on behalf of Leo & Mary Wieschorster – SW 21-50-23-W4
 3. SD20-031 – Donna Oliver on behalf of Leo & Jennifer Leblanc – SW 16-50-23-W4
 4. SD20-034 – Dennis Berreth on behalf of Dennis & Caroline Berreth – NW 10-50-24-W4; (Plan 9520813, Lot 2)
 5. SD20-036 – Michael Spilak, Executor for Murray Spilak – SE 17-49-26-W4

5. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions: August - 3

Subdivision Authority

Minutes

Council Chambers, Leduc County Centre, Nisku, AB

Tuesday, September 15, 2020

Order and roll call

The meeting was called to order at 1:30 p.m. on Tuesday, September 15, 2020, by Tanni Doblanko as chair and committee members Kelly-Lynn Lewis, Glenn Belozar, Kelly Vandenberghe and Ray Scobie present.

Other attendees

- Mrs. Charlene Haverland, Manager, Development Services
- Mr. Dave Desimone, Senior Planner, Development Services
- Mrs. Rae-Lynne Spila, Senior Municipal Engineer
- Mr. Duane Coleman, Secretary of Subdivision Authority
- Mrs. Laurie Stoetzel, Recording Secretary

There were 6 other individuals present.

Agenda adoption

35-20 Committee member Glenn Belozar – that the agenda for the Tuesday, September 15, 2020 Subdivision Authority be adopted as amended with removal of item 2. SD20-030 and item 3. SD20-031.

Carried Unanimously

Previous Minutes – Tuesday, August 18, 2020

36-20 Committee member Kelly-Lynn Lewis – that the Tuesday, August, 18, 2020 Subdivision Authority minutes be accepted as circulated.

Carried Unanimously

Proposed Subdivision - Judy Best on behalf of Derek & Judith Best – NW 24-49-23-W4

SD20-026

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Judy Best on behalf of Derek & Judith Best. Staff recommends refusal to subdivide a 2.89 ha (7.14 ac) farmstead parcel from a previously subdivided quarter section with a title area of 56.53 ha (139.70 ac).

HISTORY

The subject lands are located along Highway 623 and Range Road 231. A 2.0 ha (4.3 ac) parcel was subdivided from the northeast of the quarter section in 2010 and a 5.19 ha (12.82 ac) parcel was subdivided from the northwest corner of the quarter section in 2012.



DISCUSSION

The Land Suitability Rating System dataset indicates the subject land consists of Class 2 & 5 soil. Class 2 is considered Prime Agricultural Land. The areas of Class 5 soil are constrained due to water, slope and salinity of the soil. An Agricultural Impact Assessment was completed in conjunction with this subdivision application and received a score of 102. A score of 61 or higher indicates the propose application requires further review or does not align with County policy. Scores were given for the proposed subdivision being the 3rd parcel out of the quarter section, the relative agricultural capability of the soil and the size of the proposed parcel.

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 a third parcel (four titled lots) in this quarter section, which Planning and Development regards as incremental and unplanned development that should be avoided.

The applicant has proposed that access to the proposed parcel be through an access agreement to be registered upon the 5.19 ha (12.82 ac) in the northwest of the quarter. As a condition of the 2012 subdivision approval of the 5.19 ha (12.82 ac) in the northwest corner, Alberta Transportation conditioned that widening of Highway 623 be dedicated via plan of survey, and that a portion of that land be dedicated as service road right-of-way. The service road at the north of the quarter section has been dedicated as road right-of-way, but is currently undeveloped.

In response to the current subdivision application, Alberta Transportation submitted comments stating that the service road should be constructed within the service road right-of-way that was previously dedicated, or that a new access off Highway 623 be built to provide access should Leduc County choose to submit an application to build the approach. Administration recommends all subdivisions, where possible, have legal and physical access for each newly created parcel and remnant lands.

The proposed subdivision is in the Rural Area of the Edmonton Metropolitan Region Growth Plan (EMRGP). Policy 6.2.2 of the EMRGP stipulates that in the rural area, large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.

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

Chair Tanni Doblanko asked if Committee Members had any comments or questions for administration. Charlene Haverland advised that when the property was developed, Alberta Transportation requested the approach off Highway 623 be removed but since there has been a change of administration at Alberta Transportation and now the approach may be reinstalled and could remain temporarily.



Dave Desimone advised that:

- The house to the east is within the previous subdivision so is not part of the proposed subdivision;
- Access to the far eastern residence is through other owner's property with access easement agreement in place;

Charlene Haverland advised that the larger piece has no access to Highway 623, but has access off RR 231 via access easement agreements. Access to new lot would continue through surveyed service road or Alberta Transportation would consider a temporary access to Highway 623 to eliminate going through private property.

Charlene Haverland advised that:

- A boundary adjustment was done previously so the development meets setbacks;
- Access easement agreements will remain on title regardless of ownership;

Dave Desimone advised that:

- 3 or more parcels require an internal road. Legally there is a service road for legal access.

Charlene Haverland advised that there is a service road that is not constructed which is the same as an internal road and therefore meets policy. Construction of the service road could be listed as a condition.

Dave Desimone advised the Water Act states that 5 or more parcels on a quarter section require a potable water study and is not a requirement presently. Safety Codes states that 5 or more parcels require more studies if open discharges are proposed.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Derek and Judy Best approached and provided the following information:

Derek Best advised that:

- He understands that the application does not meet Leduc County policies;
- In looking at the contours of the land, the remnant farmland will continue to be farmed;
- The parcels are family owned and have no intention to sell;
- Alberta Transportation had originally requested the driveway to the highway be removed but will accept the driveway be put back in.

Judy Best advised that:

- Her daughter's parcel is to the left of the proposed subdivision;
- The best scenario would be access from the highway but is satisfied with the current approach and have no problem with easements;
- Has owned the land for 50 years.
- Ditch runs through the remnant ag land and have only been able to farm it for last 3 years.

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

Rae-Lynne Spila advised that If they want to apply to have access through Highway 623, Alberta Transportation says it would be between Leduc County and the applicants to build access to Leduc County's standards.

BP

Charlene Haverland advised that Leduc County owns the right of way to the service road and that the municipality has to take out the application for access on behalf of the applicants.

Chair Tanni Doblanko asked if Committee Members had any comments or questions for administration. Rae-Lynne Spila explained that there is a one year time limit to develop. There is no access currently even though the service road is registered on title.

37-20 Committee Member Kelly-Lynn Lewis that the application to subdivide a 2.89 ha (7.14 ac) farmstead parcel from a previously subdivided quarter section with a title area of 56.53 ha (139.70 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 14 & 15 of the Subdivision and Development Regulation, Construction of the service road from existing lot 1A to Range Road 231 within the surveyed service road right of way or temporary access to the highway in accordance with Alberta Transportation;
3. Pursuant to Section 7(g) of the Subdivision & Development Regulation, the applicant/owner confirm that any existing sewage disposal system(s) on the subject property is/are in compliance with the *Private Sewage Disposal Systems Regulation* in force at the time of application. Should the existing system(s) not be in compliance, modifications to the existing system(s) or installation of new system(s) shall be required;
4. Pursuant to Section 669(1) of the Municipal Government Act, existing municipal reserves shall be further deferred to the title of the remnant parcel; and
5. The subdivision be registered pursuant to Alberta Land Titles requirements.

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

Con: Committee Chair Tanni Doblanko

Carried

The Subdivision Authority is of the opinion that no land will be taken out of production and there are existing homes on the property.



**Proposed Subdivision – Dennis Berreth on behalf of Dennis & Caroline Berreth –
(NW 10-50-24 W4 (Plan 9520813, Lot 2))**

SD20-034

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Dennis Berreth on behalf of Dennis & Caroline Berreth. Staff recommends refusal to subdivide a 0.70 ha (1.73 ac) lot for Country Residential Use from a lot with a title area of 1.56 ha (3.85 ac).

HISTORY

The subject lands are located off of Township Road 502 and Range road 243. The quarter section was subdivided into a 24.13 ha (59.62 ac), 19.97 ha (49.35 ac) and 20.65 ha (51.03 ac) parcel prior to 1908. Clearwater Park, located in the southwest of the quarter section, which is comprised of 8 lots ranging in size from 1.04 ha (2.59 ac) to 2.10 ha (5.18 ac) was created in 1969. Two country residential parcels of 1.55 ha (3.85 ac) each were subdivided from the northwest 19.97 ha (49.35 ac) parcel in 1993, creating the title area of the lands subject of this subdivision application.

DISCUSSION

The subject lands are currently districted as RC – Country Residential, along with the country residential parcels on this quarter section, with the remnant lands remaining districted AG – Agricultural, (Land Use District Map). This quarter section is located outside the Country Residential Area as identified in the Leduc County Municipal Development Plan.

Policy 4.5.1.5 and 4.5.1.6 of the Leduc County Municipal Development Plan states infill of existing Country Residential subdivision is encouraged where it is sensitive to the existing development and must have a suitable building site as defined within the Leduc County Land Use Bylaw. As well, infill of Country Residential subdivisions must be serviced by water, wastewater, stormwater, and transportation infrastructure to the satisfaction of the County and province. Regulation 10.1.4 of the Leduc County Land Use Bylaw states unless otherwise indicated in a statutory plan, the sizes for new residential lots in the Country Residential District should be minimum 1 ha (2.47 ac) and maximum 4.0 ha (9.88 ac). The proposed parcel is 0.70 ha (1.73 ac) in size and would leave a remnant parcel of 0.84 ha (2.08 ac) in size which is less than the minimum size as stipulated in the Land Use Bylaw for this district.

The proposed parcel is currently developed with a single family dwelling and is serviced through a private cistern and holding tank. The remnant parcel would leave a 0.84 ha (2.08 ac) remnant parcel which may limit options for private wastewater treatment and it is unclear if the lot contains a suitable building site with manageable drainage. It is for this reason that the minimum lot sizes supported in the Country Residential District are 1.0 ha (2.5 ac). It is the opinion of administration that these minimum lot sizes be maintained and the proposed subdivision could potentially set a precedent and encourage further subdivision of undersized country residential lots.

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. Dave Desimone provided the following information:

- Potable water and waste water have not been identified for proposed lot. Holding tank and cistern currently on developed parcel;
- A further study would not produce any further information in this situation.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Dennis and Caroline Berreth approached and provided the following information:

- The application does not fall under guidelines but there is a 2nd driveway;
- There is a building on proposed site and they will be putting in same sewer system;

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

Dennis Berreth advised that:

- There is a lot of water that comes from Airport Road along road ditch;
- Installed 24" culverts so water isn't sitting on property, no low lying areas;
- Will address final grade when new home is built.

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

38-20 Committee Member Kelly Vandenberghe that the application to subdivide a 0.70 ha (1.73 ac) lot for Country Residential Use from a lot with a title area of 1.56 ha (3.85 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 655(1)(i) of the Municipal Government Act, the developer/owner shall pay \$8,741.25 for Rural Road Surfacing Contribution (1 Lot X \$8,741.25); and



5. 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 the primary elements have been addressed and there is no risk or impact to Leduc County.

Proposed Subdivision – Michael Spilak, Executor for Murray Spilak – SE 17-49-26 W4 **SD20-036**

Mr. Dave Desimone, Senior Planner, Development Services presented a staff report with respect to the application by the applicant Michael Spilak. Staff recommends refusal to subdivide a 6.71 ha (16.58 ac) farmstead parcel from a previously subdivided quarter section with a title area of 62.78 ha (155.13 ac).

HISTORY

The subject lands are located on Township Road 492 and Range Road 264. A 1.97 ha (4.87 ac) physically severed parcel was subdivided from the quarter section in 1985.

DISCUSSION

The Land Suitability Rating System dataset indicates the subject land consists of Class 2 & 5 soil. Class 2 is considered Prime Agricultural Land. The areas of Class 5 soil are constrained due to the presence of water. An Agricultural Impact Assessment was completed in conjunction with this subdivision application and received a score of 164. A score of 61 or higher indicates the propose application requires further review or does not align with County policy. Scores were given for the proposed subdivision being the 2nd parcel out of the quarter section, the relative agricultural capability of the soil and the size of the proposed parcel.

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 a second parcel (three titled lots) in this quarter section, which Planning and Development regards as incremental and unplanned development that should be avoided.

20

The proposed subdivision is in the Rural Area of the Edmonton Metropolitan Region Growth Plan (EMRGP). Policy 6.2.2 of the EMRGP stipulates that in the rural area, large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.

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

Chair Tanni Doblanko asked if Committee Members had any comments or questions for administration. Dave Desimone advised that:

- The description of a farmstead lot is any developed lot located in accordance with the Municipal Development Plan ;
- The previous subdivision to the north is considered a physically severed lot;
- Discussed lot size with the applicant. Size is due to drainage area and low lying area. If parcel was narrowed, it would be difficult to get farm equipment in.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Michael and Terry Spilak approached and provided the following information:

- They wish to retain the family farm.
- Their kids will be the 4th generation on the farm;
- They would maintain the yard site with low lying area;
- Farm land is rented out;
- Plan to sell farm land and keep subdivision;
- Father recently passed away leaving them the farmstead.

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. Dave Desimone advised that the comments from AG Services regarding the farm assessment rating is for whole quarter.

39-20 Committee Member Glenn Belozer that the application to subdivide a 6.71 ha (16.58 ac) farmstead parcel from a previously subdivided quarter section with a title area of 62.78 ha (155.13 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 ($62.78 \text{ ha} \pm \times 10\% = 6.278 \text{ ha} \pm$) shall be deferred to the title of the remnant parcel; and
 5. The subdivision be registered pursuant to Alberta Land Titles requirements.

Carried Unanimously

The Subdivision Authority is of the opinion that the land is low lying land, not farmable and therefore will not impact the extra land taken with the subdivision. They feel it will have no impact on the agricultural land currently in production and find that large areas of crop are not typically developed with new farmsteads.

Adjournment

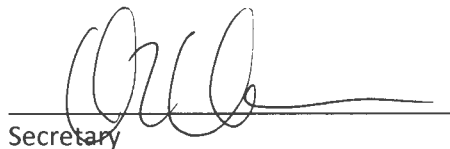
40-20 Committee member Kelly-Lynn Lewis – that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting was adjourned at 2:42 p.m.



Chairman



Secretary