



**SUBDIVISION AUTHORITY
MEETING AGENDA
Tuesday September 18, 2018**

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1. **ORDER – 1:30 p.m.**
2. **ADOPTION OF AGENDA**
3. **ADOPTION OF PREVIOUS MINUTES**
Subdivision Authority Minutes – August 21, 2018
4. **SUBDIVISION APPLICATIONS**
 1. SD18-040 – Marty Raskauskas on behalf of Gordon Raskauskas – SW 48-48-2 W5
 2. SD18-041 – Toby Krysa on behalf of Hart Fibre Trade Company – NW 20-50-26 W4
5. **ADJOURNMENT**

√ Attachment Provided

Delegated Authority Decisions – (August - 1)

**MINUTES OF THE REGULAR SUBDIVISION AUTHORITY MEETING OF LEDUC COUNTY
HELD ON TUESDAY, SEPTEMBER 18, 2018 IN THE COUNCIL CHAMBER OF THE COUNTY
CENTRE BUILDING, NISKU, ALBERTA.**

Order and Roll Call

The meeting was called to order at 1:30 p.m., Tuesday, September 18, 2018 by Chair Tanni Doblanko with Committee Members Kelly Vandenberghe, Kelly-Lynn Lewis, Glenn Belozar and Ray Scobie present.

Also present were:

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

3 other individuals were present.

Agenda Adoption

51-18 Committee Member Belozar - that the Agenda for the September 18, 2018 Subdivision Authority meeting be adopted as presented.

Carried Unanimously

Previous Minutes – August 21, 2018

52-18 Committee Member Lewis - that the August 21, 2018 Subdivision Authority minutes be confirmed as circulated.

Carried Unanimously

**Proposed Subdivision – Marty Raskauskas on behalf of Gordon Raskauskas
SW 4-48-2 W4**

SD18-040

Mr. Kyle Payne, Planner, Development Services presented a staff report with respect to the application by applicant Marty Raskauskas on behalf of the owner Gordon Raskauskas. Staff recommends refusal of the application to subdivide a developed 4.30 ha± (10.63 ac±) parcel for country residential use from a previously subdivided parcel with a titled area of 60.93 ha± (150.56 ac±).

History:

A 2.97 ha± (7.34 ac±) parcel was subdivided from the quarter section in 2008.

Discussion:

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of a mix of Low Capability Agricultural Land (9, 29.3 and 35%).

Within the subject parcel there are a number of tree stands, low wet areas, and pipelines. Leduc County's geospatial mapping indicates that there is a stream that transects the subject parcel

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approximately north to south along the eastern boundary. The stream and the creek are part of the West Pigeon Lake environmental feature. A battery is located near the northeast corner of the parcel. A pump jack is also located near the southern boundary. A dwelling and associated agricultural structures are located in the northwest corner of the existing parcel and an additional dwelling is located within the southwest corner. This dwelling in the southwest corner of the subject parcel is contained within the proposed subdivision.

The existing subdivision that was removed in 2008 is located in the southeast corner of the quarter section. There are four (4) accesses to the subject parcel. These accesses serve each of the dwellings and the battery and pump jack.

The policies within Leduc County's Municipal Development Plan, the North Pigeon Lake Area Structure Plan, and Leduc County's Land Use Bylaw apply to the subject lands. The subject lands are designated as Agricultural within the North Pigeon Lake Area Structure Plan.

Section 3.3.14 of the Municipal Development Plan requires that new country residential parcels be located on low capability land, well defined and compatible with adjacent land uses without setting precedent for further subdivision of the surrounding lands. The proposed subdivision provides for the opportunity of future development on the remnant lands. It is the opinion of staff that the proposed subdivision sets precedent for further subdivision and development on the quarter section, larger than required and encompasses agricultural land.

The North Pigeon Lake Area Structure Plan states that development shall occur in an orderly manner as per Leduc County policy policies of the North Pigeon Lake Area Structure Plan.

The proposed subdivision lies within the Rural Area identified in the Edmonton Metropolitan Region Growth Plan. In the Rural Area large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.

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

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

Kyle Payne provided the following information:

- Alberta Transportation 30m service road right of way dedication by Caveat will result in no development within 30 meters of the property line;
- All Caveators were notified of the application and no comments were received from oil and gas companies.

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

- Grandparents bought the property and built homestead in the north east portion of the ¼ section where Gordon Raskauskas now resides;
- Marty built his home in south east portion or ¼ section and would like farm site subdivided off and put into his name;
- May build greenhouse or have a large garden;
- Would not disturb agricultural lands;
- Larger parcel size is required as Alberta Transportation requires a 30m service road right of way;
- Approach in the northern half is to access battery/Pembina pumping station.

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

Member Belozer commented that the property is poor quality with rocks and clay and understands the reasons for subdividing and will be recommending approval.

53-18 Member Belozer - that the application by the applicant Marty Raskauskas on behalf of Gordon Raskauskas to subdivide a developed 4.30 ha± (10.63 ac±) parcel for country residential use from a previously subdivided parcel with a titled area of 60.93 ha± (150.56 ac±) be **approved** with the following conditions:

1. Pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant/owner enter into a development agreement with Leduc County and abide by the terms therein;
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 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 9(a) of the Subdivision and Development Regulation, the applicant/owner shall provide access to each lot created. Each approach shall be built to Leduc County Development Standard;
5. 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;
6. Pursuant to Section 14(c) and 15(2) of the Subdivision and Development Regulation, a 30m wide service road right-of-way be dedicated by caveat across the highway frontage of the parent parcel.
7. The subdivision be registered pursuant Alberta Land Titles requirements.

Carried Unanimously

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

**Proposed Subdivision – Toby Krysa on behalf of Hart Fibre Trade Company –
NW 20-50-26 W4**

SD18-041

Mr. Dave Desimone, Senior Planner, Development Services, presented a staff report with respect to the application by applicant Toby Krysa on behalf of Hart Fibre Trade Company. Staff recommends refusal of the application to subdivide a developed 9.67 ha (23.89 ac) parcel for agricultural business use from a subdivided quarter section with a title area of 32.37 ha (80 acres).

History:

The subject lands are located off Range Road 265 and Township Road 504. A 32.37 ha (80 acres) parcel was subdivided from the quarter in 1978.

Discussion:

The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject land consists of a mix of Low and High Capability Agricultural Land (22% - 86%). The applicant has stated their reasons for the subdivision is that the developed portion of the lands are being used for hemp processing and they do not need the rest of the agricultural lands for this operation. The developed area of the proposed parcel also includes a residence. Administration is of the opinion that while the proposed use is an agricultural related activity, the proposed subdivision represents the second parcel out of this quarter section and is contrary to the Policy 3.3.1 of the Municipal Development Plan which stipulates on high capability agricultural lands subdivision will be limited to one lot from an unsubdivided quarter section.

The subject lands are located within the Town of Devon/Leduc County Intermunicipal Development Plan area which stipulates under Policy 15.7.2(j) that until lands are ready for development, consider the preservation of agricultural uses in the IDP area to provide an employment base and alternate food source for future residents of the area. Administration is of the opinion that the proposed subdivision of these lands may impact future development of this area.

The proposed subdivision is in the Rural Area of the Edmonton Metropolitan Region Growth Plan (EMRGP). Policy 6.2.1 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.

Two landowner submitted comments regarding the proposed subdivision.

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

David Desimone provided the following information:

- Comments from Public Works & Engineering were referred to regarding the wetlands. Wetlands do not show up in the mapping and are not a significant environmental feature. There is some vegetation coverage;
- Town of Devon had no concerns.

Chair Tanni Doblanko called upon the applicant to speak to the subdivision. Toby Krysa and Zigang Ren, President of Hart Fibre Trade Company approached and provided the following information:

- As the applicant, Tony is assisting Zigang Ren with clarification due to language barrier;
- Basic background of hemp industry;
- No hemp crop this year; 3 year rotation;
- Existing machinery is not capable to harvest the crop efficiently; special machinery developed to harvest;
- Owner's intention is to sell the remnant parcel to pay for specialized machinery and operate the business.

Discussion took place regarding the growing industry of hemp production. This property is not an ideal location as it would not conform to County Plans & Policies.

Chair Tanni Doblanko advised she would not be supporting the application and approved of the recommended refusal.

54-18 Chair Tanni Doblanko - that the application by Toby Krysa on behalf of Hart Fibre Trading Company to subdivide a developed 9.67 ha (23.89 ac) parcel for agricultural business use from a subdivided quarter section with a title area of 32.37 ha (80 acres) 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 (35-99, as amended):
 - a. Objective 3.1.1 stipulates productive agricultural land shall be protected for agricultural use;
 - a. Policy 3.3.1 states that on high capability agricultural land, subdivision shall be limited to one lot from an unsubdivided quarter section and must be a suitable size and shape for agricultural use (approximately 32 ha); and
 - c. 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 which states that the minimum size for agricultural lots in all Land Use Districts should be 32.4 ha (80.0 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 Policy 15.7.2(j) of the Town of Devon/Leduc County Intermunicipal Development Plan which stipulates until lands are ready for development, consider the preservation of agricultural uses in the IDP area to provide an employment base and alternate food source for future residents of the area.
4. 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, Land Use Bylaw, Town of Devon/Leduc County Intermunicipal Development Plan and Edmonton Metropolitan Region Growth Plan are not met by this application.

Carried Unanimously

There were two landowners in opposition of the proposed subdivision.

The Subdivision Authority was of the opinion that this subdivision would take good farmland out of production and would be better suited in commercial/industrial location.



Chair Tanni Doblanko advised of the ability to appeal the decision to the Municipal Government Board.

Adjournment

55-18 Committee Member Belazer that the Subdivision Authority meeting be adjourned.

Carried Unanimously

The Subdivision Authority meeting concluded at 2:05 p.m.



CHAIRMAN



SECRETARY