

June 4, 2024
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING AGENDA
COUNCIL CHAMBERS AND VIDEOCONFERENCE
2:00 p.m.

1. CALL TO ORDER (2:00 p.m.)

2. SCHEDULE OF HEARINGS:

2.1. Appellant: Dwayne Bendfeld, 024-STU-005 Subdivision Appeal
KDL Contracting

2.2. Appellant: Michael Dickie, 024-STU-006 Development Appeal
ProNorth Industrial Park



3. ADJOURNMENT

Appeal #1

024-STU-005 - Appealing condition #4 of the
Conditional Approval of Subdivision
Application 2024-S-005



SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		 <p>MAY 09 2024</p>  <p>Date Received Stamp</p>
Municipal Address of site: <u>33 + 43 26004 TWP 544</u>		
Legal land description of site: ('plan, block, lot' and/or <u>812-0408 23+24 Blk 1</u> 'range-township-section-quarter) <u>54-26-W4</u>		
Development Permit number or Subdivision Application number: <u>2024-5-005</u>		
Appellant Information: Severed in line with section 17 of the FOIP Act		
Name: <u>Dwayne Bendfeld</u>	Phone	Agent Name: (if applicable)
Mailing Address:	City, Province:	
Postal Code:	Email:	

APPEAL AGAINST (Check ONE Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Application
<input type="checkbox"/> Approval	<input type="checkbox"/> Approval
<input type="checkbox"/> Conditions of Approval	<input checked="" type="checkbox"/> Conditions of Approval
<input type="checkbox"/> Refusal	<input type="checkbox"/> Refusal

Stop Order

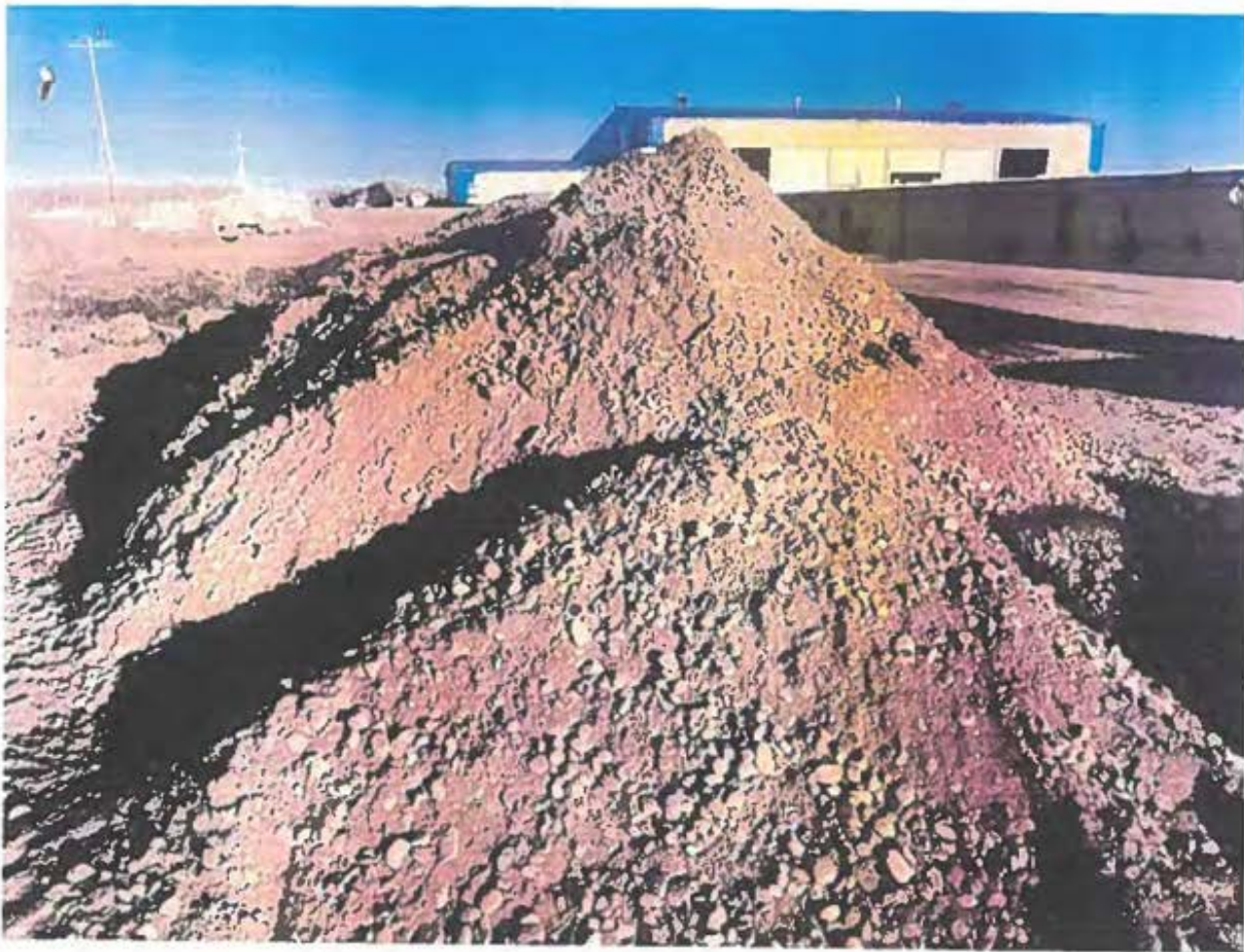
Stop Order

REASON(S) FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons

Grading of lots with swale as water normal level is approx 12" from top of finish grade. lots were built with Geotextile on bottom 2 ft of 3" minus Gravel 6" of 1 1/2" Rd. crush Topped with 3/4" Rd. crush. Water filters down thru Gravel to water level (Attach a separate page if required) **(5)**

The personal information collected will be used to process your request for a hearing before the Subdivision and Development Appeal Board and is collected under the authority of the *Municipal Government Act (MGA)* and the *Freedom of Information and Protection of Privacy Act (FOIP)*. Your information will form part of a file available to the public. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613-100 Street, Morinville, Alberta, T8R 1L9 (780) 939-4321.

Signature of Appellant/:	Date: <u>May 9/24</u>
FOR OFFICE USE ONLY	
SOAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: YYYY/MM/DD



Dig out our weigh scale shows gravel material
on lot.

①

From: Dwayne Bendfeld
Sent: May 9, 2024 11:49 AM
To: Dwayne Bendfeld
Subject: Lot gravel



last couple yrs have been dry. Normal water on
Top of Grade on P/L.

North side of lots at Surveyors. Cattails are sure
sign of water

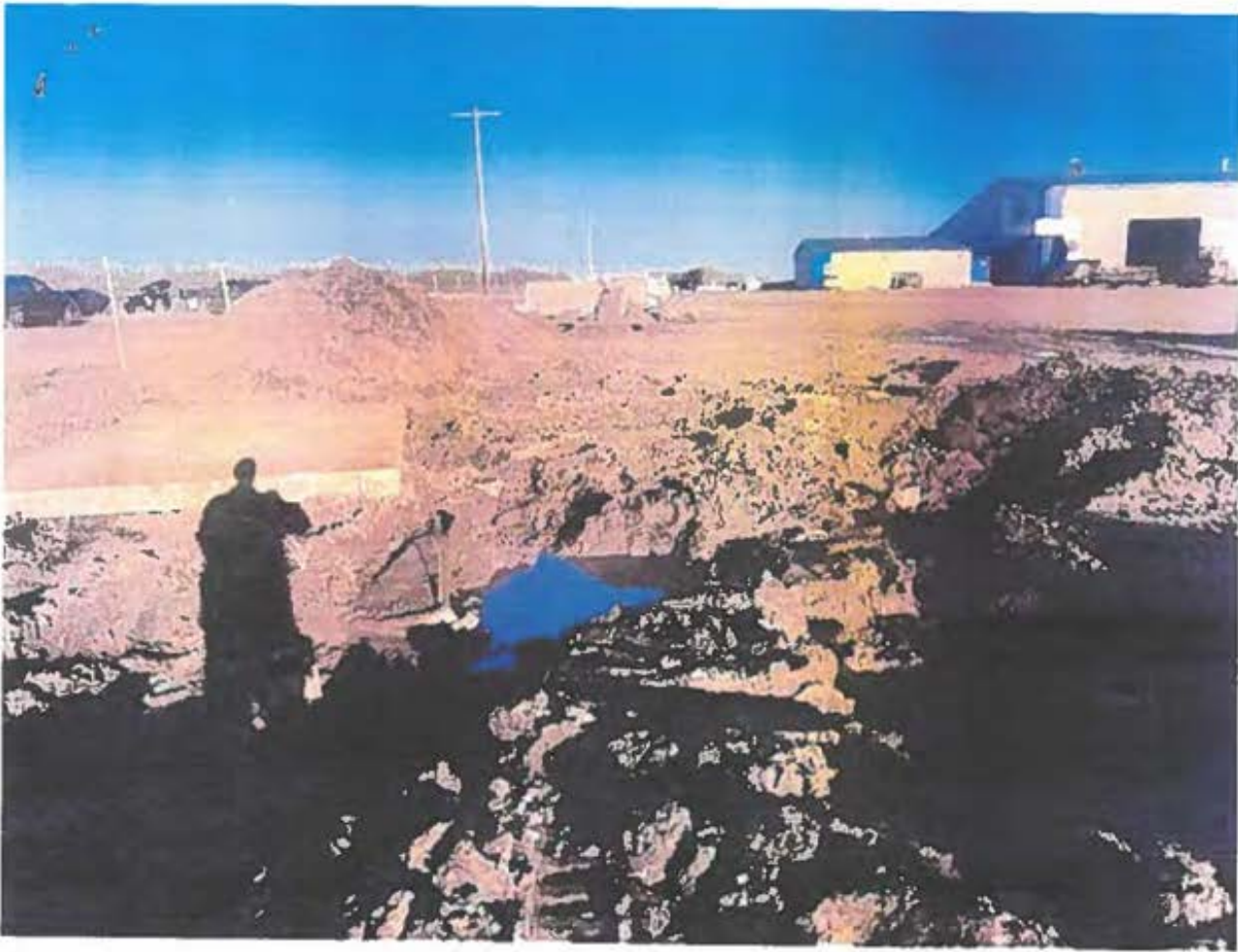
We are built in a swamp

②



Geotextile caught and Ripped during excavation
of weigh scale

③



Dwayne

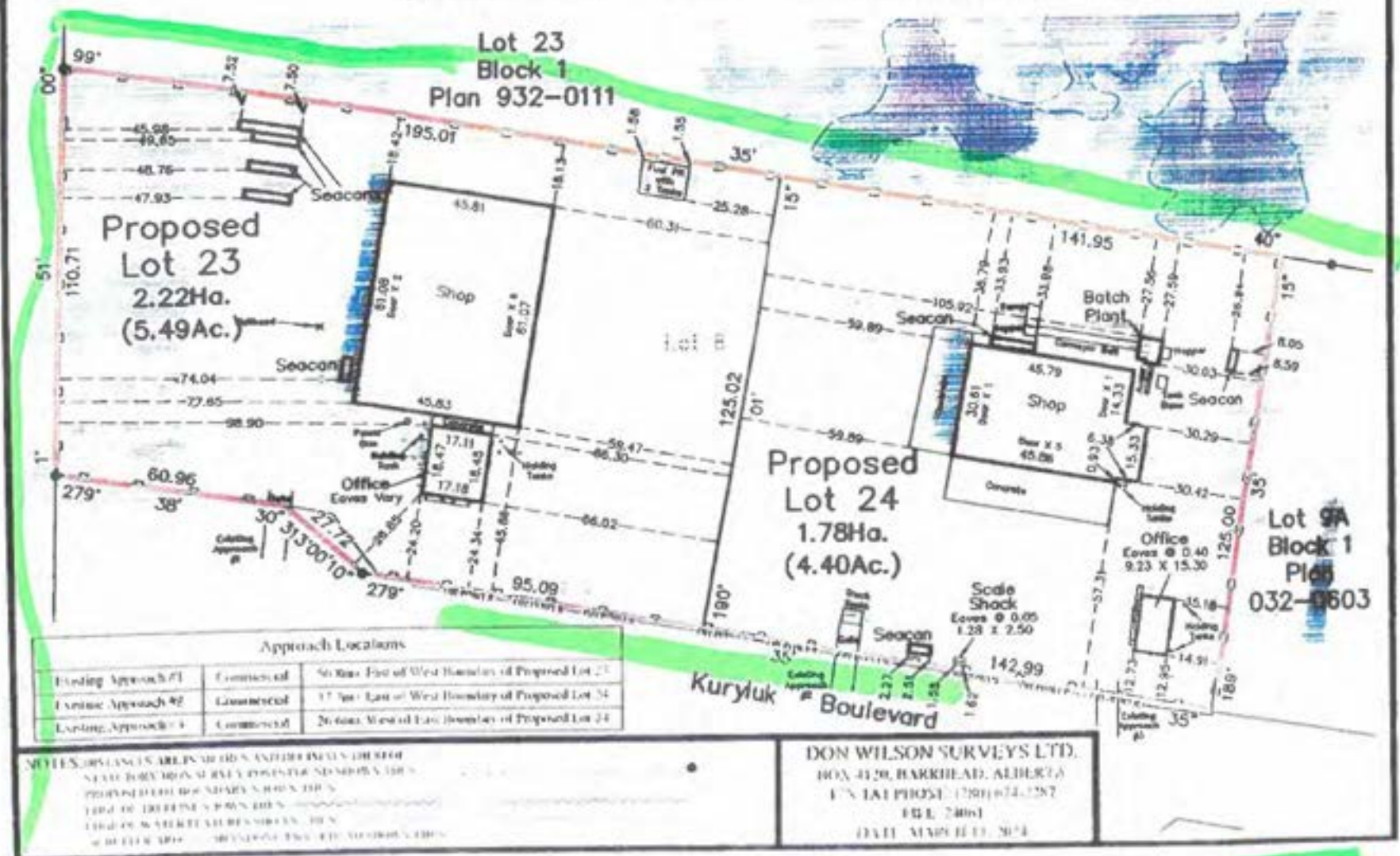
Weigh scale was recessed in ground 16" south side of lot. Shows water level

④

PLAN SHOWING PROPOSED SUBDIVISION OF

LOT 8 - BLOCK 1 - PLAN 812-0408 within
 HUDSON'S BAY RESERVE - TWP.54 - RGE.26 - W4M
 #33 & #43 26004 TWP. RD. 544
 STURGEON COUNTY

SCALE: 1:1500 2024 D. WILSON, A.L.S



Approach Locations		
Existing Approach #1	Commercial	50 Feet East of West Boundary of Proposed Lot 23
Existing Approach #2	Commercial	17 Feet East of West Boundary of Proposed Lot 24
Existing Approach #3	Commercial	26 Feet West of East Boundary of Proposed Lot 24

NOTES: 1. THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO THE APPROVAL OF THE STURGEON COUNTY BOARD OF DEVELOPMENT AND THE STURGEON COUNTY BOARD OF HEALTH. 2. THE PROPOSED SUBDIVISION IS SUBJECT TO THE APPROVAL OF THE STURGEON COUNTY BOARD OF DEVELOPMENT AND THE STURGEON COUNTY BOARD OF HEALTH. 3. THE PROPOSED SUBDIVISION IS SUBJECT TO THE APPROVAL OF THE STURGEON COUNTY BOARD OF DEVELOPMENT AND THE STURGEON COUNTY BOARD OF HEALTH.

DON WILSON SURVEYS LTD.
 BOX 4120, HARRHEAD, ALBERTA
 TEL: (403) 744-1287
 FAX: (403) 744-1287
 DATE: MARCH 2024

Water

From: [Dwayne Bendfeld](#)
To: [Dianne Mason](#)
Subject: RE: SDAB Appeal
Date: Friday, May 10, 2024 2:50:33 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender, and know the content is safe. If you are unsure of the contents of this email, please reach out to IT at ISSupport@sturgeoncounty.ca

Hi Dianne reply to our conversation. It is part V of Recommendations Item 4 lot grading plans. Hope this is what you need

Regards Dwayne Bendfeld

From: Dianne Mason <dmason@sturgeoncounty.ca>
Sent: Friday, May 10, 2024 1:19 PM
To: Severed in line with section 17 of the FOIP Act
Subject: SDAB Appeal

Good afternoon, Dwayne

As we just spoke about could you please respond to this email with further clarity as to what it is you are appealing.

Just a quick couple sentences outlining the reasons for your appeal would be appreciated.

Thank you.

Dianne Mason
Legislative Advisor
780-939-8277
dmason@sturgeoncounty.ca
sturgeoncounty.ca
9613 100 Street, Morinville, AB T8R 1L9



This communication is intended for the recipient to whom it is addressed, and may contain confidential, personal, and or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication, and do not

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Sturgeon County
 9613-100 St
 Morinville, Alberta T8R-1L9
 (780) 939-4321 ext.

KDL CONTRACTING LTD.
 42 26004 TWP RD 544

Receipt Number: 202402904
 GST Number: 107747412RT0001
 Date: 2024-05-09
 Initials: SLH

STURGEON COUNTY, AB T8T 0B6

Account	Description	Prev Bal	Payment	Balance
16APP	APPEAL FEES - BENDFELD, DW,		\$100.00	
			Subtotal: \$100.00	
			Taxes: \$0.00	
			Total Receipt: \$100.00	
			Cheque: \$100.00	Cheque No. 000750
			Total Monies Received: \$100.00	
			Rounding: \$0.00	
			Amount Returned: \$0.00	

May 14, 2024

SDAB File Number: 024-STU-005

Dear Dwayne Bendfeld:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property:	Lot 8, Block 1, Plan 8120408 – Pro North Industrial Park
Subdivision Application Number:	2024-S-005
Decision Regarding Proposed Subdivision:	The subdivision application was conditionally approved.

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on May 9, 2024. In accordance with section 686(2) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **June 4, 2024 at 2:00 p.m.** in the Alcomdale Room of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta. Sturgeon County Centre is currently under construction. Please follow the signage to the temporary location for Front Reception and you will be escorted to the Alcomdale Room from there.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 442 805 781#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca. **Written submissions are due to be submitted no later than May 30, 2024.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

Should you require further information, call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

May 14, 2024

SDAB File Number: 024-STU-005

Dear Resident:

**NOTICE OF
APPEAL BOARD HEARING**

Take notice that a hearing has been scheduled concerning the following proposed subdivision:

Legal Description of Subject Property: Lot 8, Block 1, Plan 8120408 – Pro North Industrial Park

Subdivision Application Number: 2024-S-005

Decision Regarding Proposed Subdivision: The subdivision application was conditionally approved.

Appellant: Dwayne Bendfeld, KDL Contracting Ltd.

Reasons for Appeal (as identified on the Notice of Appeal):

- Appealing condition #4 of the conditional subdivision approval with respect to the completion of a lot grading plan.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **June 4, 2024 at 2:00 p.m.** in the Alcomdale Room of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta. Sturgeon County Centre is currently under construction. Please follow the signage to the temporary location for Front Reception and you will be escorted to the Alcomdale Room from there.

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Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca. **Written submissions are due to be submitted no later than May 30, 2024.**

Please note that any submissions previously provided to the Subdivision Authority are not provided as evidence to the Subdivision and Development Appeal Board and therefore must be resubmitted.

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or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

For further information, please call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

Encl.: Subdivision Map

May 14, 2024

SDAB File Number: 024-STU-005

To Whom it May Concern:

**NOTICE OF
APPEAL BOARD HEARING**

Take notice that a hearing has been scheduled concerning the following proposed subdivision:

Legal Description of Subject Property: Lot 8, Block 1, Plan 8120408 – Pro North Industrial Park

Subdivision Application Number: 2024-S-005

Decision Regarding Proposed Subdivision: The subdivision application was conditionally approved.

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Why am I receiving this information?

When an appeal is received, affected bodies/organizations have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca. **Written submissions are due to be submitted no later than May 30, 2024.**

Please note that any submissions previously provided to the Subdivision Authority are not provided as evidence to the Subdivision and Development Appeal Board and therefore must be resubmitted.

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

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Dianne Mason
Secretary, Subdivision and Development Appeal Board

Encl.: Subdivision Map

Exhibit 2 [Subdivision Authority Decision]

File Number: 2024-S-005



Legal Description: 8120408;1;8

Roll Number: 3712015

Total Acres/Hectares: 9.90ac / 4.00ha

Land Use: I3 - Medium Industrial Unserviced

Municipal Address: 43 26004 Twp Rd 554

Date: 5/06/2024

Legend

- Existing Approach
- Office
- Septic Tank
- Shipping Container
- Shop

Subdivision and Development Appeal Hearing Process

The hearing is a formal meeting and the length of time can vary. Hearings are generally scheduled Tuesday afternoons at the Sturgeon County Centre in the Town of Morinville or via videoconference.

Persons who file an appeal are expected to make a verbal presentation to the Board. Persons who have been notified of the appeal also have the right to present a verbal, written and/or visual presentation to the Board. ***This information should be submitted to the Secretary at least five (5) days in advance of the hearing, so it can be included within the hearing package.*** If desired, parties may have someone, or an agent, speak on their behalf. If a number of appeals are filed on the same subdivision or development, it is recommended that a spokesperson be selected to organize presentations so that evidence is not repetitive.

The Board is not an evidence seeking body. It relies on the written evidence presented, as well as verbal submissions at the hearing, as the basis for their decision. Therefore, it is critical that persons appearing before the Board ensure that sufficient evidence is presented to support their respective positions.

When presenting an appeal, keep in mind the Board does not consider precedent when making its decision. Each application is judged on its own merits.

At the hearing . . .

Anyone in attendance with an interest in the appeal enters the hearing room, joins the videoconference, or dials in just before the scheduled start time of the hearing on the scheduled date of the hearing.

1. The meeting is called to order by the Chair.
2. The Chair welcomes everyone and gives a brief outline as to how the hearing will proceed.
3. The Chair will have all board members, staff and people involved in the appeal introduce themselves and those present are asked if there are any objections to the Board members hearing the appeal.

4. A representative of Sturgeon County Planning and Development will outline the background of the appeal and why the decision was made.
5. The Chairman will then ask:
 - The Appellant to introduce themselves for the record.
 - The Appellant then presents his/her position or concerns with respect to the matter being considered by the Board. Development Appeal Board members question the Appellant.
 - Clearly state your reasons for the appeal.
Information such as photographs, illustrative materials and well-prepared drawings that you wish to present should be submitted to the Secretary at least five (5) days in advance of the hearing, so that the information can be included within the hearing package that is circulated.
 - Stick to the planning facts and support them with quantifiable (measurable) data.
 - State the detailed issues about the site in the context of the surrounding properties and the impact on the community.
 - The Board will then hear from anyone else in favor of the appeal (persons who filed an appeal or support the position of the Appellant). Following each presentation Board members may ask questions.
 - The Board will then hear from anyone opposed to the appeal (persons who oppose the position of the Appellant).
6. After all presentations have been heard, the Chairman will give the Appellants the right to respond to new information. This is an opportunity to refute information and evidence presented since the last time you spoke that you could not have reasonably anticipated. It is not an opportunity to reargue your case or create new argument.
7. The Chairman advises that the Board will deliberate in a Closed Session and a written decision will be mailed within 15 days from the date of the decision as per legislation.

PART II – APPLICATION FORM



Application for Subdivision

(For proposals involving 1 to 4 parcels and/or property line adjustments)

Initial Date Submitted: **March 18, 2024**

Receipt No.: **202401546**

Date Accepted as "Complete":

Application Fee: \$ **3,000.00**

File Number: **2024-S-005**

Complete in full (where applicable):

Name of registered owner(s) of property to be subdivided:

K.D.L. Contracting Ltd

Mailing address (including postal code): *#33 26004 TWP 544 Sturgeon County T8T 0B6*

Severed in line with section 17 of the FOIP Act

Telephone:

Email:

(If applicable): Name of authorized applicant(s) acting on behalf of above owner(s):

Dwayne Bendfeld

Mailing address (including postal code):

Telephone:

Email:

PROPERTY INFORMATION:

All/part of the: *SE* ¼ Sec: *25* Twp: *54* Range: *26* West of the: *W* 1st Meridian

QR Lot: *8* Block: *1* Plan: *8120408* Land Title # *3712015*

Municipal Address of Property: *#33 26004 TWP 544 Sturgeon County*

Total existing property size (states on land title certificate): hectares acres *9.88*

What is the purpose of subdivision (check all that apply):

Property Line Adjustment New Agricultural or Residential Property New Industrial or Commercial Property Other

Detailed Description :

Dividing 1 lot into 2 parcels approx 5.48 acres 4.42 acres.

Freedom of Information and Protection of Privacy (FOIP) Act

The personal information provided will be used to process the application for subdivision and is collected under the authority of section 653 of the Municipal Government Act, Section 5 of the Subdivision Development Regulation and Section 33 (c) of the Freedom of Information and Protection of Privacy (FOIP) Act. If you have any questions about the collection and use of this information, please contact the Sturgeon County Access and Privacy Officer at 9611 - 100 Street, Morinville, Alberta, T8R 1L9, or phone 780-937-8305.

Sewage Disposal (Mandatory)

Indicate the existing type of sewage disposal on your property (Note: Additionally, please illustrate the specific location in your attached aerial photo):



Open Discharge (Pump Out) System
 A system designed to discharge effluent to the ground surface to accomplish evaporation and absorption of the effluent into the soil.



Disposal Field
 A system of treatment and disposal that distributes effluent within trenches containing void spaces that are covered with soil.



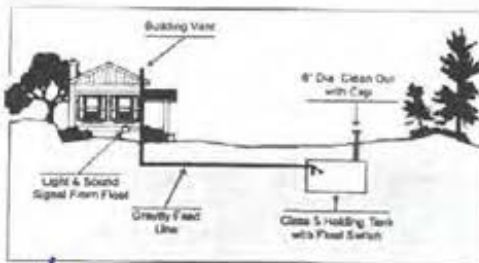
Treatment Mound
 A system where the effluent treatment area includes a bed of sand and is built above ground to overcome limits imposed by proximity to water table or bed rock, or by highly permeable or impermeable soils.



Sewage Lagoon
 A shallow artificial pond for the stabilization of sewage or effluent.

No existing sewage disposal.

Municipal Sanitary Line



Holding Tank
 A system where sewage or effluent is retained in a tank until it can be transferred into mobile equipment for disposal elsewhere.

Other: _____
 Provide a description and drawing if none of the listed descriptions apply to you.

Applicant's Authorization (Complete only if another party is making application on landowner's behalf)

I/We, K.O.L. Contracting Ltd. being the registered owner(s) of lands legally described as:

All/part of the: SE ¼ Sec: 25 Twp: 54 Range: 26 West of the: 4th Meridian

OR Lot: 8 Block: 1 Plan: 8120408

Municipal Address of Property: #33 26004 TUPSY4 T8T0B6

33-43 Kuryluk Blvd ProNorth Ind. Park

do hereby authorize Dwayne Beardsfeld.

to make an application for subdivision and subsequent endorsement affecting my/our above noted property.

Dated this 28 day of Feb., 2024

Signature(s) of All Registered Landowners

Severed in line with section 17 of the FOIP Act

Abandoned Oil and Gas Wells (Mandatory)

Attach a **map** from the Alberta Energy Regulator's Abandoned Well Map which clearly demonstrates whether or not the property has any abandoned oil or gas well(s) on it.

(Note: A map can be obtained online at <https://geodiscover.alberta.ca/geoportal/#searchPanel> or phone the AER's Customer Contact Centre at 1-855-297-8311).

In addition to attaching this map, check one box below:

I do **not** have any abandoned oil or gas well site(s) on the property.

OR

I **do** have an abandoned oil or gas well site(s) located on the property and, when developing in the future, must meet the setback and other potential requirements of the AER's Directive 079.

(See: <https://www.aer.ca/regulating-development/rules-and-directives/directives>)

See Attached.

Freedom of Information and Protection of Privacy (FOIP) Act

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Right of Entry Authorization (Mandatory)

Read the following statement, and check the box if you agree:

I/we grant consent for an authorized person of Sturgeon County to enter upon the property to conduct a site inspection regarding this subdivision application.

Indicate any safety issues or special concerns on your property (e.g. guard dog, electric fence):

Affidavit (Mandatory)

I/We,

hereby certify that

I am the registered owner,

OR

I am the agent authorized to act on behalf of the registered owner,

and that the information given on this subdivision application package is **full and complete** and is, to the best of my knowledge, **a true statement of the facts** relating to this application for subdivision approval.

I/We grant consent for an authorized person of Sturgeon County to communicate information electronically as per Section 608 (1) of the Municipal Government Act, R.S.A. 2000., c.M-26

..... applicant(s):

Severed in line with section 17 of the FOIP Act

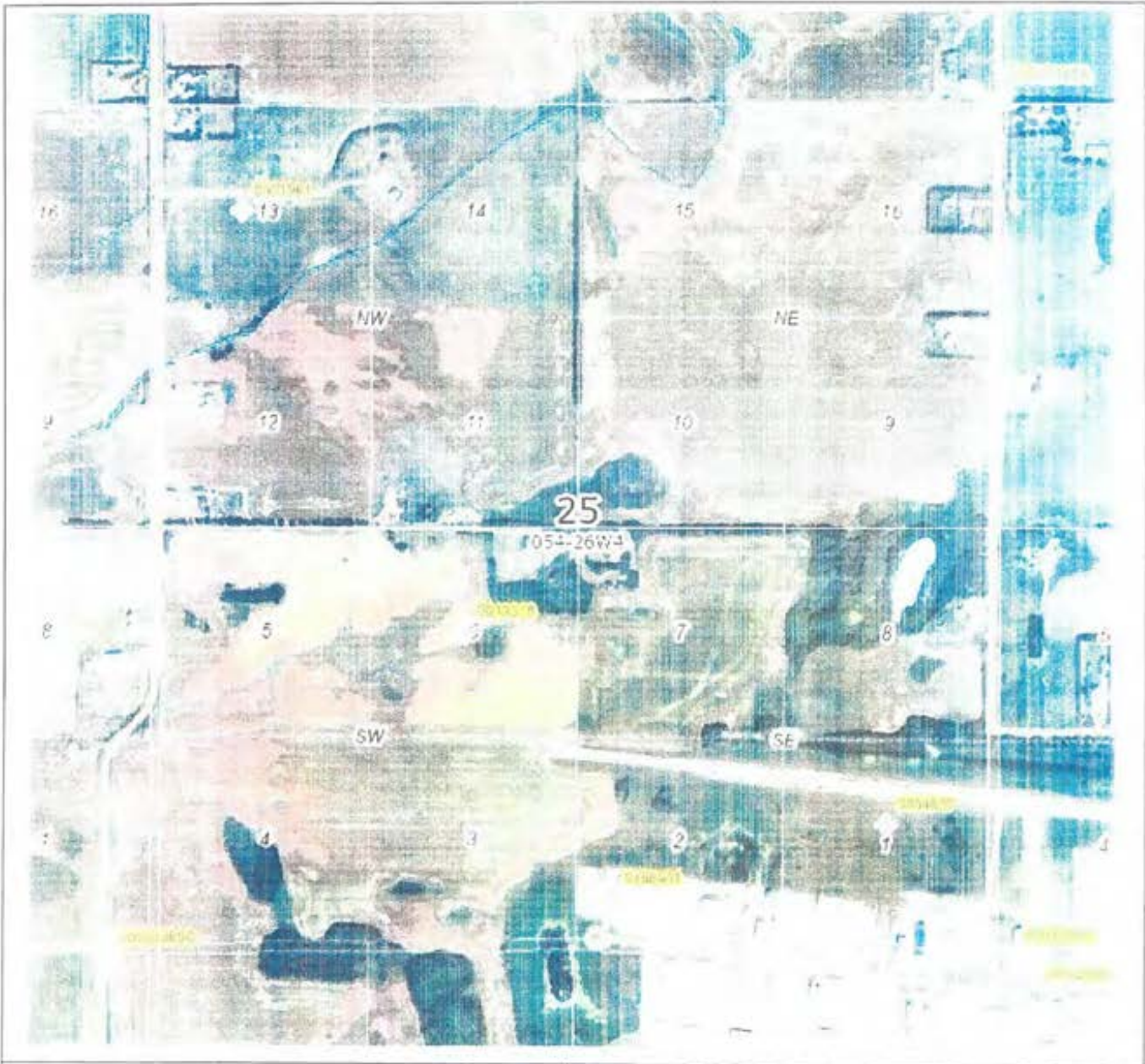
Application Checklist

In addition to fully-completing and submitting this application form, ensure the following mandatory items are submitted:

- Subdivision Application Fee** – see page 2 for details.
- Attached Abandoned Oil and Gas Well Map** – see page 6 for details.
- Attached Aerial Photographs** – see page 9 for details.
- and Title Certificate** – available at any Alberta Registries office. Must be up-to-date within one month.
- Corporate Registry (if landowner is a company)** – available from Service Alberta. See page 2 for details.
- Additional Registered Documents** – provide a print-out of any additional caveat(s), right-of-way plan(s), report(s) or other documents referenced on your land title certificate.

Freedom of Information and Protection of Privacy (FOIP) Act

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Abandoned Well Map

Base Data provided by: Government of Alberta

Author: XXX

Printing Date: 2/2/2024

Date Date (if applicable)

The Alberta Energy Regulator (AER) has not verified and makes no representation or warranty as to the accuracy, completeness, or reliability of any information or data in this document or that it will be suitable for any particular purpose or use. The AER is not responsible for any subsequent errors or omissions in the information or data and is not liable for any direct or indirect losses or injury of any kind arising from the use of this information. For additional information about the application and restrictions applicable to this document, please refer to the AER Copyright & Disclaimer webpage: <http://www.aer.ca/copyright-disclaimer>

Scale: 1:250,000

Projection and Datum:

WGS84 Web Mercator Auxiliary Sphere



Legend

- Abandoned Well (Large Scale)
- Revised Well Location (Large Scale)
- Revised Location Pointer
- Paved Road (20K)
 - Primary Divided
 - Primary Undivided 4L
 - Primary Undivided 2L
 - Primary Undivided 1L
 - Interchange Ramp
 - Secondary Divided
 - Secondary Undivided 4L



LAND TITLE CERTIFICATE

S
 LINC SHORT LEGAL TITLE NUMBER
 0029 766 706 8120408;1;8 032 229 215

LEGAL DESCRIPTION

PLAN 8120408
 BLOCK 1
 LOT 8
 CONTAINING 4.18 HECTARES (10.33 ACRES) MORE OR LESS
 EXCEPTING THEREOUT:

HECTARES (ACRES) MORE OR LESS

A) PLAN 0320603 - DESCRIPTIVE PART
 EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 4;26;54;HB
 ESTATE: FEE SIMPLE

MUNICIPALITY: STURGEON COUNTY

REFERENCE NUMBER: 032 047 128

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
032 229 215	25/06/2003	TRANSFER OF LAND	\$77,700	\$77,700

OWNERS

K D L CONTRACTING LTD.
 OF 43,26004 TOWNSHIP ROAD 544
 STURGEON COUNTY
 ALBERTA T8T 0B6
 (DATA UPDATED BY: CHANGE OF ADDRESS 132255420)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
122 118 208	20/04/2012	CAVEAT RE : AGREEMENT CHARGING LAND CAVEATOR - FORTISALBERTA INC. 320-17 AVE SW

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

CALGARY
ALBERTA T2S2V1
AGENT - GARRY SIMPSON

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 28 DAY OF
FEBRUARY, 2024 AT 09:25 A.M.

ORDER NUMBER: 49842771

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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**Government
of Alberta ■**

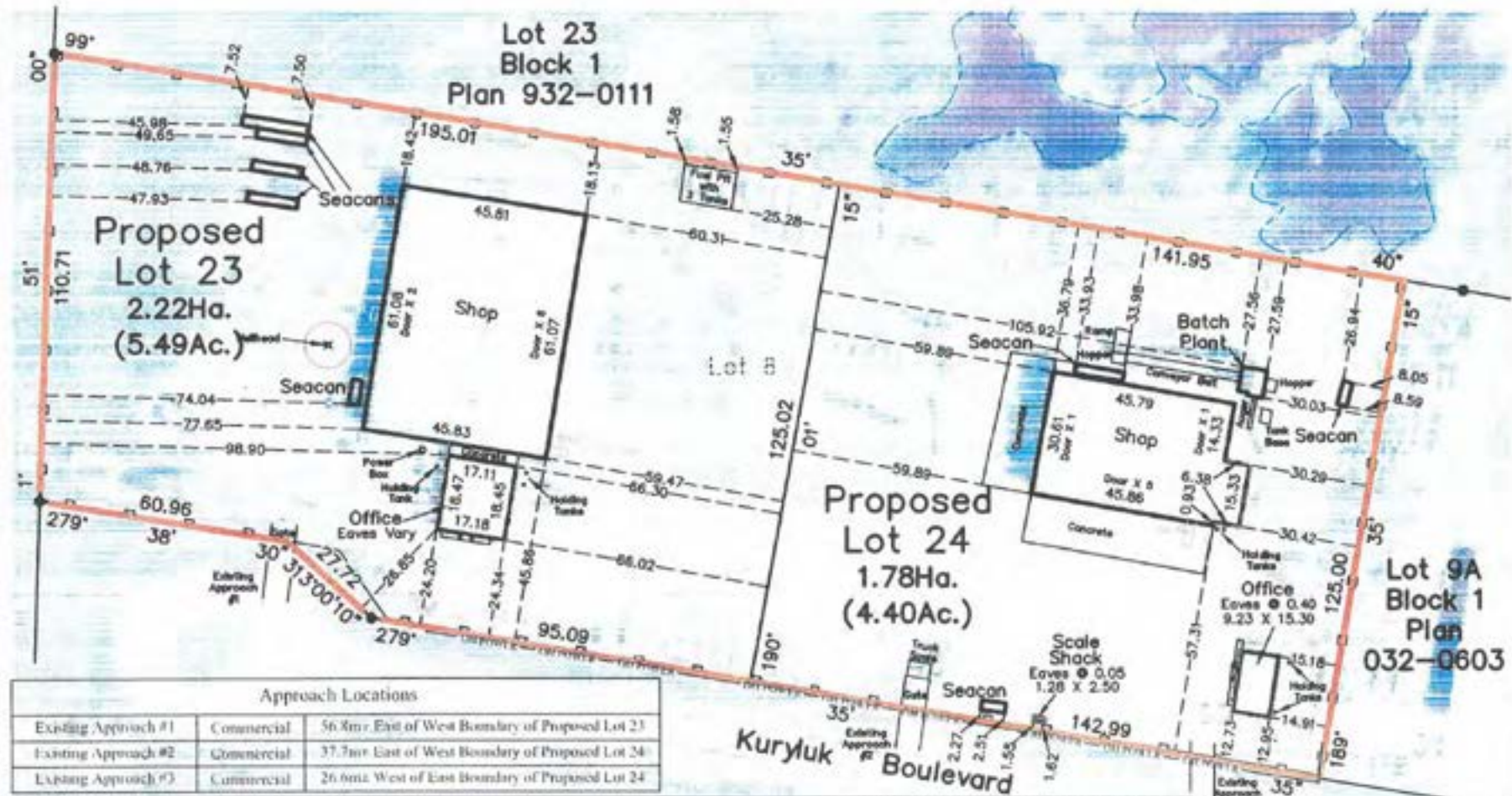
BUSINESS CORPORATIONS ACT

**CERTIFICATE
OF
AMALGAMATION**

**K D L CONTRACTING LTD.
IS THE RESULT OF AN AMALGAMATION FILED ON 2023/07/31.**








PLAN SHOWING PROPOSED SUBDIVISION OF
 LOT 8 - BLOCK 1 - PLAN 812-0408 within
 HUDSON'S BAY RESERVE - TWP.54 - RGE.26 - W4M
 #33 & #43 26004 TWP. RD. 544
 STURGEON COUNTY
 SCALE:1:1500 2024 D. WILSON, A.L.S



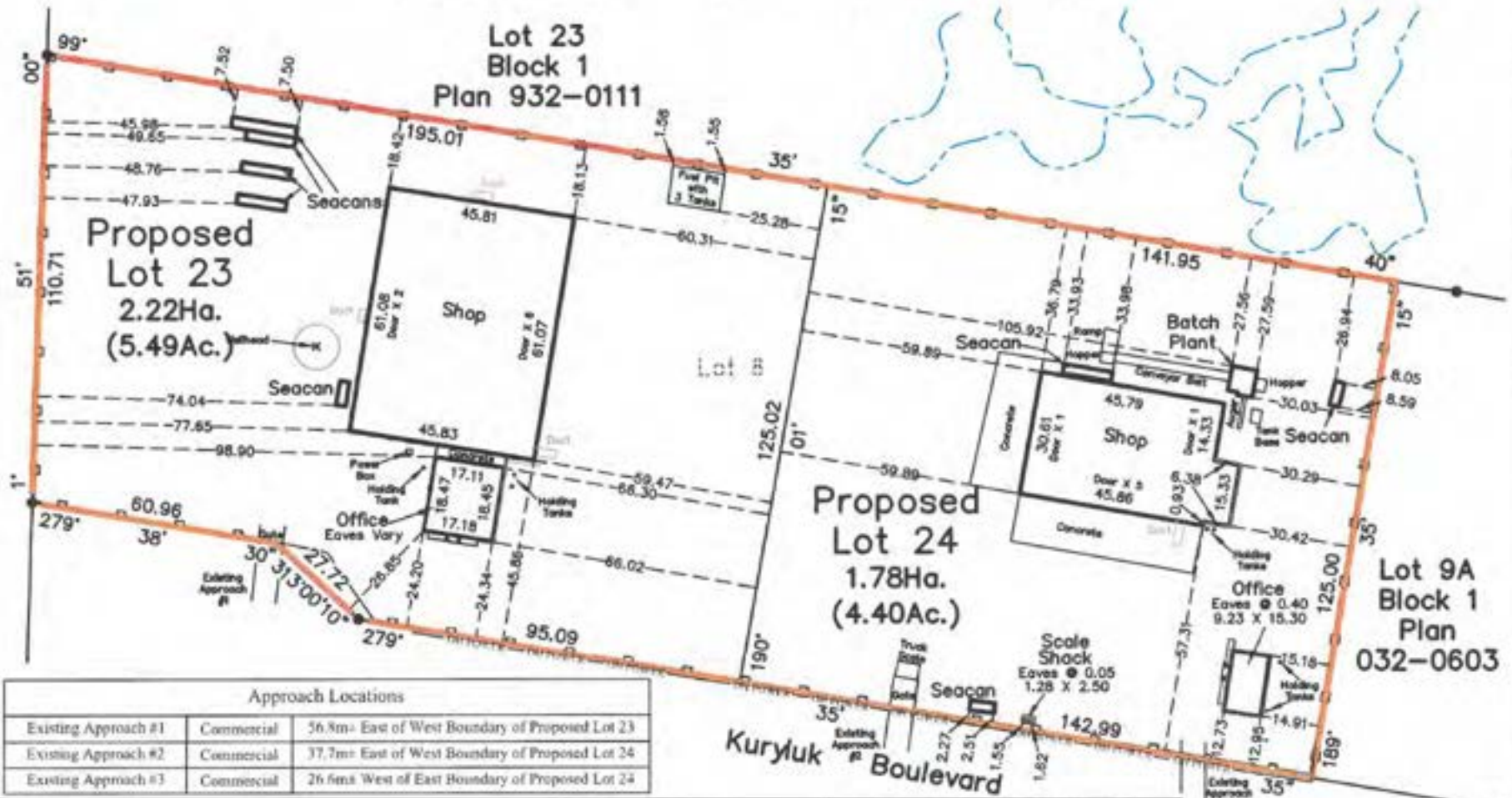
Approach Locations

Existing Approach #1	Commercial	56.8m East of West Boundary of Proposed Lot 23
Existing Approach #2	Commercial	37.7m East of West Boundary of Proposed Lot 24
Existing Approach #3	Commercial	26.6m West of East Boundary of Proposed Lot 24

NOTES: DISTANCES ARE IN METERS AND DECIMALS THEREOF
 STATUTORY BOUNDARY POINTS ARE SHOWN THIS 
 PROPOSED LOT BOUNDARY SHOWN THIS 
 EDGE OF THE LINE SHOWN THIS 
 EDGE OF WATER FEATURES SHOWN THIS 
 10 METER AROUND ABANDONED WELLS ARE SHOWN THIS 

DON WILSON SURVEYS LTD.
 BOX 4120, BARRHEAD, ALBERTA
 TYN 1A1 PHONE: (780) 674-2287
 FILE: 24061
 DATE: MARCH 11, 2024

PLAN SHOWING PROPOSED SUBDIVISION OF
LOT 8 - BLOCK 1 - PLAN 812-0408 within
HUDSON'S BAY RESERVE - TWP.54 - RGE.26 - W4M
#33 & #43 26004 TWP. RD. 544
STURGEON COUNTY
SCALE:1:1500 2024 D. WILSON, A.L.S



NOTES: DISTANCES ARE IN METRES AND DECIMALS THEREOF
 STATUTORY IRON SURVEY POSTS FOUND SHOWN THUS: ●
 PROPOSED LOT BOUNDARY SHOWN THUS: ————
 EDGE OF TRELLING SHOWN THUS: ~~~~~~
 EDGE OF WATER FEATURES SHOWN THUS: - - - - -
 SET BRICKER AROUND ABANDONED WELL HEAD SHOWN THUS: ————

DON WILSON SURVEYS LTD.
 BOX 4120, BARRHEAD, ALBERTA
 T7N 1A1 PHONE: (780) 674-2287
 FILE: 24061
 DATE: MARCH 11, 2024



9613-100 Street
Morinville, AB T8R 1L9
Tel: 780-939-8275 or Toll Free: 1-866-939-9303
Fax: 780-939-2076
Email: pandd@sturgeoncounty.ca

May 8, 2024

K.D.L Contracting
33, 26004 TWP RD 544
Sturgeon County AB, T8T 0B6

Re: Proposed Subdivision
Our File No: 2024-S-005
Applicant: Dwayne Bendfeld
Landowner: KDL Contracting LTD
Legal Description: Lot 8, Block 1, Plan 8120408 – Pro North Industrial Park

Your application for subdivision was APPROVED CONDITIONALLY by the Subdivision Authority on **May 8, 2024**, subject to the following conditions:

THE CONDITIONS OF APPROVAL ARE:

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated May 6, 2024, and submit it in a manner that is acceptable to Land Titles.
- 3) All upgrades to *existing* culverts and/or *existing* approaches, and construction, removal, and relocation of approaches, as determined necessary by the Engineering Officer, will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
- 4) The applicant shall complete and submit a lot grading plan. The plan will include overall grading, swales, and infrastructure to accommodate lot grading, along with pre / post grading contours, swale locations and percentage grades clearly shown. The proposed lot and remnant lot must operate independently with site grading, and drainage directed towards the public right of way. Both access locations and culvert invert elevations for the remnant and proposed lot are to be shown on the lot grading plans. This must be completed to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
- 5) The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.

ADVISORY NOTES

- Natural Gas servicing to any new subdivision is the responsibility of the applicant. The applicant will be required to provide the required easements across existing lots or subdivided lots for natural gas servicing, if service is approved by the natural gas provider. Sturgeon County does not allow natural gas servicing lines to be located within the road right of way. Setbacks from the road right of way are required. Easements of private property must be obtained by the applicants or service providers. Any service lines which cross Sturgeon County property will require a crossing agreement with conditions.
- Pursuant to Section 2.4.3 of the LUB, at the development permit stage on any property, it is highly recommended that the developer retain the services of a qualified engineering professional to prepare and submit a geotechnical investigation confirming that the proposed building site on is suitable for development and prescribing any preventative engineering measures to be taken to make the building site suitable for future development or future development suitable for the building site.
- A search of the Alberta Energy Regulator's *Abandoned Well Map Viewer* identified an abandoned well on the Proposed Lot. Further due diligence is recommended prior to any future development desired in close proximity.
- For expansion and connection to water services, please contact Sturgeon County Utility and Waste Management Services.

Reasons for decision are as follows:

- The Subdivision Authority is of the opinion, after considering the factors set out in S. 7 of the Subdivision and Development Regulations, that the lands are suitable for the purpose for which the subdivision is intended because the nature of the lands and proposed configuration of the lot(s) remove any concern regarding these factors except for those specifically addressed by the conditions.
- The Subdivision Authority has not received any comments from adjacent landowners regarding this subdivision.

Developer/Landowner should contact local gas company to ensure that their utility does or does not need to be relocated at the developer/landowner's expense.

This approval will expire on **May 8, 2025**. Pursuant to Section 657 of the Municipal Government Act, an extension beyond this one-year time period may be authorized by the Municipal Council, provided just cause is shown.

When all the conditions of approval have been complied with, one endorsement of Subdivision Authorization Approval Form and two copies of the **Plan**, which is satisfactory to the Registrar of Alberta Land Titles, may be submitted for endorsement by this Municipality.

PLEASE NOTE:

An endorsement fee of \$250 per application (excluding reserve lots and public utility lots) will be required to be paid upon submission of the Plan, as well as a parcel fee of \$600.00 per new lot created (or adjusted).

Subdivision and endorsement fees are subject to change. If the subdivision and endorsement fee schedule is amended before you submit the **Plan**, which is satisfactory to the Registrar of Alberta Land Titles, the new fees will apply.

The applicant is urged to contact the appropriate oil/utility company if construction of buildings is required.

Land surveyors are strongly urged to contact planning staff in the event of uncertainties with the approval diagram or with the conditions rendered by the subdivision authority.

SEE ENCLOSURE RE: CONDITIONAL APPROVAL VALIDITY PERIOD AND APPEAL PROCEDURE.

Yours truly,



Martyn Bell
Program Lead, Current Planning

/sg

Encl:

C: AltaLink Management Ltd.
Alberta Health Services
Atco Gas
Canada Post
Fortis Alberta
Sturgeon School Division
Telus Access Planning

PLEASE NOTE THAT THIS OFFICE WILL NOT ENDORSE ANY DOCUMENTS OR PLANS UNTIL THE APPEAL PERIOD, AS SET OUT IN THE MUNICIPAL GOVERNMENT ACT, HAS EXPIRED.

If you wish to appeal this decision, contact the Secretary of the Subdivision and Development Appeal Board via email at legislativeservices@sturgeoncounty.ca or via letter at 9613 – 100th Street, Morinville, Alberta, T8R 1L9. Telephone enquires can also be made at 780-939-4321.

Pursuant to Section 678(2) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 14 days after receipt of the written decision.

The final date the appeal can be filed is: **MAY 29, 2024**

For the purpose of Section 678(2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed (date of the letter).

Please note that there is a \$100.00 fee for any appeal.

Exhibit 2 [Subdivision Authority Decision]

File Number: 2024-S-005



Legal Description: 8120408;1;8
Roll Number: 3712015
Total Acres/Hectares: 9.90ac / 4.00ha
Land Use: I3 - Medium Industrial Unserviced
Municipal Address: 43 26004 Twp Rd 554
Date: 5/06/2024

Legend

- Existing Approach
- Office
- Septic Tank
- Shipping Container
- Shop

PLANNING AND DEVELOPMENT SERVICES REPORT



FILE INFORMATION:	2024-S-005
Council Division:	3
Tax Roll Number:	3712015
Legal Land Description of Property:	8120408: 1 :8
Landowner:	K D L Contracting LTD.
Applicant:	Dwayne Bendfeld
Staff Recommendation	Conditional Approval
Appeal Board (if appealed):	Subdivision & Development Appeal Board
Administrative Fees (if approved):	\$250 (subdivision endorsement); plus \$600 per new parcel created/adjusted.

PART I – APPLICATION DETAILS:

1. As illustrated in Exhibit 1 the applicant proposes a subdivision of 2.22 hectares (5.49 acres) from 4.02 hectares (9.93 acres).

PART II – SUBDIVISION HISTORY:

1. Subdivision History:
 - The subdivision was registered in 1981 which created existing 4.02 hectare parcel as part of the ProNorth Industrial Park development.

PART III – REFERRAL SUMMARY:

1. Sturgeon County Development Officer:
 - *Proposed Lot 1 (2.22ha)*
 - o DP-2003-0031 Site Grading – Borrow Pit (excavate borrow pit for earth for building site and use for fire retention pond).
 - o DP-305305-11-D0065 General Industrial Use – To Construct Shop and Office for Concrete Fabrication (32,679ft²).
 - o Water connection and application applied for in 2015.
 - o BP-11-B0084 Steel and Concrete Fabrication Shop (30,000ft²).
 - o BP-305-12-B0240 Building (3,360ft²).
 - o DP-305305-19-D0038 – Approval to Infill Dugout.
 - o Future development within the infill dugout area would require geotechnical investigation to assess soil conditions for proposed foundation and design recommendations.
 - o Access to Lot 1 to be approved by County Engineering Services.

- *Remnant Lot (1.8ha):*
 - BP-05-B0050 Factory Built Modular – Prototype Fabrication (1,000ft²).
 - DP-07-D0069 – General Industrial Use - To Construct Office Building (1,500ft²) and Warehouse.
 - (15,000ft²) to operate the business of X-Treme Modular Structures Ltd (construction of residential and commercial modular units – CSA approved).
 - At the time of approval there were no municipal water services and therefore the applicant indicated a holding tank for water servicing and a septic tank for private sewage disposal would be used.
 - The dugout constructed in 2003 was intended to be used for fire suppression.
 - It was noted “all drainage of the lot will be to the south property line (ditch) and north of property line which is a natural low area”.
 - BP-07-B0104 Office 1,500ft².
 - BP-07-B0217 Warehouse 15,000ft².
 - DP-305305-08-D0179 Addition to Warehouse – Modular Lunchroom/Office Space (1,000ft²).
 - BP-08-B0209 Addition – Modular Lunchroom/Office Space.
 - DP-305305-15-D0330 General Industrial Use – To Leave Existing Concrete Batch Plant as Built.
 - BP-15-B0403 Existing Portable Batch Plant
 - The shipping container (seacan) shown on the survey does not meet the minimum front yard setback of 6.0m. A variance to leave the shipping container as sited may be applied for or the structure can be relocated to meet the setback requirements.
 - If a new business moves onto one of the parcels, a Change of Use development permit may be required. Outdoor Storage is a permitted use within the I3 district.
 - Section 6.27 Shipping Container - allows for five (5) shipping containers on a I3 parcel.
 - KDL contributed to Local Improvement Tax by Bylaw 1174/09 (Amended Bylaw 1111-07).

2. Sturgeon County Engineering Services:

- *Proposed Lot:*
 - No land dedication/acquisition required.
 - Proposed Lot 1 approach to be relocated outside of the turn around (shifted east) and upgraded to GMSS minimum industrial standard.
- *Remnant Lot:*
 - No land dedication/acquisition required.
 - Approach must be constructed/upgraded to General Municipal Servicing Standards.
- Lot grading plans to be provided for review. Grading, swales, and infrastructure to accommodate lot grading to be shown on the proposed plans. Pre / post grading contours, swale locations and % grades clearly shown. Proposed lot and remnant lots must operate independently with site grading, and drainage directed towards public right of way. Both access locations and culvert invert elevations for remnant and proposed lot to be shown on lot grading plans.

3. Sturgeon County Utility Services:
 - *Proposed Lot:*
 - o Connection available to waterline.
 - o No sanitary line is available.
 - o Remnant lot has the water line. The proposed lot would need to run a line down Kuryluk Blvd and have a cc installed if they want water at this location. Cost and engineering of line will be estimated at time of connection.
 - o The existing water service C/C is located on the remnant lot (see attached in appendix 4). The "new" proposed lot does have capability to connect to the existing distribution system, but this would come at a cost. Since the distribution main ends at the intersection, the existing main would need to be extended 100 - 150 meters to have the watermain in front of the property. The extension of the watermain would match the existing infrastructure (300mm) and the proposed water service connection / service line need to be perpendicular to the property.
 - *Remnant Lot:*
 - o Has existing connection to waterline.
 - o No sanitary line available
4. Alberta Health Services:
 - The existing private sewage disposal systems that are on lands are to meet compliance with the current Alberta Private Sewage and Disposal Systems Regulation.
 - Any future or existing water wells used for human consumption must be in compliance with the Nuisance and General Sanitation Regulation, NGS Reg. (AR 243/2003).
5. No Objections:
 - ATCO Gas, Sturgeon County Assessment Services, Telus, Fortis Alberta.
6. No Responses:
 - Adjacent landowners, Alberta Energy Regulator, Altalink, Canada Post, Sturgeon County Protective Services, Sturgeon County Agriculture Services, Sturgeon School District.

PART IV – ANALYSIS:

1. This application is consistent with the Municipal Development Plan's "Non-Residential Type 2" policies (see **Appendix 2**), and with the Land Use Bylaw's "I3 – Medium Industrial Unserviced" regulations (see **Appendix 3**).

The subject parcel is the largest within ProNorth Industrial Park and the proposed split in half would result in two parcels with sizes complimentary to other existing lots in the area. There is limited availability of unserviced industrial land in the County and the creation of an extra lot can be supported. Furthermore, it aligns with the following section of the Municipal Development Plan which aims to work with landowners to develop in a way which supports the targeted sectors in the County.

MDP 5.5.8 - *Should collaborate with landowners and tenants to identify, develop, and implement redevelopment initiatives to improve and expand priority Non-Residential Development Parks that support Sturgeon County's targeted sectors.*

Both the 2.22 hectare and 1.8 hectare lots meet the minimum parcel size of 0.6 hectares outlined in the I3 – Medium Industrial Unserviced district.

2. It appears that the existing septic holding tank would continue to comply with the Alberta Private Sewage Systems Standard of Practice.
3. An abandoned well was identified on the Proposed Lot. Although it does not appear to impact this subdivision application, further due diligence is recommended prior to any future development desired in close proximity.
4. Money in lieu of municipal reserve is not required, as Municipal Reserve was taken at the time of the original subdivision of ProNorth Industrial Park.

PART V – RECOMMENDATIONS:

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated May 6, 2024, and submit it in a manner that is acceptable to Land Titles.
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- 5) The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.

ADVISORY NOTES

- Natural Gas servicing to any new subdivision is the responsibility of the applicant. The applicant will be required to provide the required easements across existing lots or subdivided lots for natural gas servicing, if service is approved by the natural gas provider. Sturgeon County does not allow natural gas servicing lines to be located within the road right of way. Setbacks from the road right of way are required. Easements of private property must be obtained by the applicants or service providers. Any service lines which cross Sturgeon County property will require a crossing agreement with conditions.
- Pursuant to Section 2.4.3 of the LUB, at the development permit stage on any property, it is highly recommended that the developer retain the services of a qualified engineering professional to prepare and submit a geotechnical investigation confirming that the proposed building site on is suitable for development and prescribing any preventative engineering measures to be taken to make the building site suitable for future development or future development suitable for the building site.
- A search of the Alberta Energy Regulator’s *Abandoned Well Map Viewer* identified an abandoned well on the Proposed Lot. Further due diligence is recommended prior to any future development desired in close proximity.
- For expansion and connection to water services, please contact Sturgeon County Utility and Waste Management Services.

Prepared by: 
Jonathan Heemskerk, Planner, Current Planning

Reviewed by: 
Martyn Bell, Program Lead, Current Planning

NOTE: Appendices Attached...

Enacting Responsible Subdivision and Development Practices

Through the establishment of policies and procedures, that give due regard to federal, provincial and municipal requirements and that facilitate prosperous communities.

1.4.1 Shall apply the full entitlements of environmental, municipal and school reserve dedication during the subdivision process, in accordance with the Municipal Government Act (MGA) and based on the needs of Sturgeon County.

1.4.2 Shall apply the requirements outlined within the Province of Alberta’s Subdivision and Development Regulation.

1.4.3 Shall apply the requirements outlined within the Province of Alberta’s Water Act.

1.4.4 Shall support “right-to-farm legislation” by applying the requirements outlined within the Province of Alberta’s Agriculture Operations Practices Act (AOPA). When referred to by the Natural Resources Conservation Board (NRCB), Sturgeon County will apply the objectives of the Integrated Regional Growth Strategy (IRGS) in the referred evaluation (i.e., new or expanding Confined Feeding Operations).

1.4.5 Shall refer to and apply the provincial setback regulations and guidelines respective to sour gas and other oil and gas facilities, including pipelines, when considering subdivision and development applications. Proposed land uses in proximity to sour gas facilities shall complement the activity and minimize risk to the public’s health and safety.

1.4.6 Shall identify needed infrastructure improvements, both at the regional and local level, in an effort to determine, prioritize and fund infrastructure required to obtain the strategic goals of the IRGS and the Municipal Development Plan (MDP).

1.4.7 Shall restrict proposed development that may constrain infrastructure networks that are imperative for the growth and development associated with the strategic goals of the IRGS. As part of the application process, Sturgeon County may require an application to demonstrate that no adverse impact will occur due to proposed development.

1.4.8 Shall ensure that the distribution and timing of future development coincides, and is contiguous with, infrastructure improvements.

1.4.9 Shall ensure that both subdivision and development meet or exceed the standards outlined within the Sturgeon County General Municipal Servicing Standards. Standards should be reviewed and updated along with other County regulatory policies to coincide with innovations in the industry.

1.4.10 Should collaborate with industry and municipal partners to develop, update and align risk management initiatives regarding heavy industrial development located within and along County borders.

1.4.11 Shall not permit development on Hazardous Lands that are deemed undevelopable or may result in life loss or injury, property damage, social and economic disruption or environmental degradation.

1.4.12 Shall direct subdivision and development activity away from significant natural resource deposits, where activities have the potential to sterilize future supply and extraction.

1.4.13 Should establish general development design guidelines for Residential and Non-Residential developments.

1.4.14 May require that the applicant of a development apply the principles and guidelines of Crime Prevention through Environmental Design within subdivision and development reviews to guide design and ensure effective use of the built environment.

1.4.15 Shall support the policies and procedures as set out in the Municipal Emergency Operations Plan.

1.4.16 Shall ensure that new development be sited with consideration to the fire hazard severity of the site, the type of development and the risk added by the development to the fire hazard risk.

1.4.17 Shall institute a consistent method of addressing encroachments on municipal property to ensure equitable treatment and that the public amenity is not compromised.

1.4.18 Shall adopt and apply enforcement procedures to clarify and establish (for both the impacted citizen and offender) a course of action when a use or activity is in violation of the County’s Bylaws.

Creating Attractive and Complete Communities

Through the allocation of amenities that improve the quality of living of Sturgeon County residents and that reflect the needs of its diverse communities.

- 2.1.1** Should identify and apply useable and accessible municipal reserve land dedication for the development of open spaces, parks and other public amenities.
- 2.1.2** Shall promote quality public spaces by restricting the dedication of municipal reserve for right-of-ways, public utilities and marginal lands as they are not considered useable parks and open spaces.
- 2.1.3** Should ensure that community facilities and support services are suitably located for the identified residential populations that they are intended to serve.
- 2.1.4** Shall ensure that new residential development accounts for increased population and subsequent community impacts through the timely delivery of social services and communities amenities.
- 2.1.5** Should collaborate with provincial health agencies to understand and mitigate Sturgeon County’s specific challenges when developing community health and social service programming.
- 2.1.6** Should encourage the use of joint partnership agreements with public and separate school boards for delivering community service.
- 2.1.7** Shall ensure that citizens have suitable access to emergency and protective services and that these services meet the needs of the growing population.
- 2.1.8** Should collaborate with the Royal Canadian Mounted Police (RCMP) and community groups to establish crime prevention programs for improving public safety.

Applying Responsible Residential Subdivision and Development Practices

Through the assurance that proposed developments will consider and account for the future needs of Sturgeon County residents.

- 2.2.1** Shall require that subdivision and development proposals that exceed the maximum allowable density or intent of the identified Residential Type, or result in changes to an existing Planning Document, submit a new or revised Planning Document in conformance with policies outlined within the Municipal Development Plan (MDP).
- 2.2.2** Shall prevent any residential subdivision layout that does not reflect future development potential, or that may result in development restrictions of the adjacent parcel.
- 2.2.3** Should discourage the use of panhandles as a way to provide residential subdivisions with legal and physical access to a municipal roadway.
- 2.2.4** Shall ensure that subdivision and development does not preclude the possibility of future road widening.
- 2.2.5** Shall mitigate the impact of natural resource extraction activity on the local community by establishing setbacks and criteria guiding the interaction between residential and Primary Industry development. Where existing residential development may be impacted by resource extraction activity, efforts to minimize the impact on the existing residential development shall be demonstrated and adhered to.
- 2.2.6** Should investigate and monitor the impacts of new and existing residential subdivision and development activity on County infrastructure and establish funding mechanisms and responsibilities (e.g., off-site levies or local improvement taxes) to pay for needed improvements and upgrades as a result of the associated activity.
- 2.2.7** Shall ensure infill subdivision and development compliments the established character of the area, complies with the associated Residential Type policies, addresses any infrastructure constraints and conforms to the criteria outlined in the Land Use Bylaw (LUB).
- 2.2.8** Should participate, through the Capital Region Board, to identify and address the location, type and needs of Market and Non-Market Affordable Housing required within Sturgeon County. Non-Market Affordable Housing should be accommodated within areas identified for intensified residential development; while avoiding an over-concentration of affordable housing within any one specific location.
- 2.2.9** May collaborate with the development industry and not-for-profit organizations to facilitate the diversification of housing choices; the mix of housing sizes and types should meet affordability, accessibility and lifestyle needs of various groups. New development and redevelopment are to incorporate Non-Market Affordable Housing that is visually indistinguishable from Market Affordable Housing.

Accommodating Diverse Housing Options

Through the provision of land-use policies that encourage a variety of residential types in an effort to achieve complete communities. (See Figure 4 - Growth Strategy Concept Map p.25.)

Residential Type 1 - Sturgeon Valley

Residential Type 1 contains the majority and most varied of Sturgeon County's future residential potential and is situated where development pressures are most imminent. All Residential Type 1 development requires municipal infrastructure and service provision. Residential Type 1 is limited to the general geographic areas identified in the Edmonton Metropolitan Regional Growth Plan Sturgeon Valley Special Study Area. For additional policies reflecting the unique needs of each geographic area/community, refer to Neighbourhood G.

2.3.1 Shall accommodate residential development (Type 1) by establishing Regional statutory Planning Documents for lands within the Sturgeon Valley Special Study Area as a way to identify, prioritize, densify and phase subsequent residential and non-residential growth in the listed locations. (See Figure 4 – Regional Concept Map p.25 and Map 12A p.114.)

2.3.2 Shall accept new residential development (Type 1) applications for Local Planning Documents within the boundaries of the Sturgeon Valley Special Study Area upon adoption of a statutory Regional Planning Document. (See Map 12A p.114.)

2.3.3 Shall apply Sturgeon County's Municipal Development Plan Residential Type 1 policies to the Sturgeon Valley Special Study Area in compliance with the Edmonton Metropolitan Region Growth Plan. (See Map 12A p.114.)

2.3.4 Shall aim to achieve the established population projections identified in the Edmonton Metropolitan Region Growth Plan, and shall accommodate the associated densities through the planning process.

2.3.5 Shall discourage premature fragmentation of Primary Industry lands for non-Primary Industry development, as a way to ensure cohesive and contiguous future land development and municipal servicing.

2.3.6 Shall advocate for compact residential types, mixed-use developments, secondary suite allowances, walkable communities and communal open space in accordance with the Sturgeon Valley Special Study Area strategic principles.

Residential Type 2 - Growth Hamlets

Residential Type 2 refers to development within Sturgeon County's hamlets where additional residential growth is viable. This residential type is reflective of Sturgeon County's traditional housing opportunities and is associated with residential densities found within Sturgeon County's hamlets. Consideration and contemplation of growth within the identified hamlets requires supportive planning and infrastructure documents, rationalizing the proposal. Residential Type 2 will be limited to the Hamlets of Cardiff and Villeneuve. For additional policies reflecting the unique needs of each Hamlet, refer to individual Neighbourhoods.

2.3.7 Shall accommodate residential development (Type 2) by establishing a series of statutory Regional Planning Documents for the Hamlets of Cardiff and Villeneuve as a way to identify, prioritize, densify and phase subsequent growth in the listed locations. (See Figure 4 – Regional Concept Map p.25.). Densities of the Growth Hamlets shall be in accordance with the minimum greenfield densities as prescribed by the Edmonton Metropolitan Region Growth Plan.

2.3.8 Shall establish an administrative boundary for Sturgeon County Residential Type 2 hamlets and limit residential development outside the boundaries until Sturgeon County identifies a demonstrated need for expansion of the Hamlet. The administrative boundary will take into account mitigative measures including (but not limited to) land use conflicts, airport activities, aggregate and agricultural operations, right of ways and infrastructure setback.

2.3.9 Shall undertake an evaluation of municipal servicing needs prior to significant Hamlet development or expansion in order to identify and prioritize improvements for development.

2.3.10 Shall require proposed residential development to respect the existing scale, type and character of the community. Secondary suites or mixed-use developments may be contemplated where the applicant can successfully demonstrate to the approval authority that no significant impacts on municipal infrastructure or community amenities will occur.

Residential Type 3

Residential Type 3 reflects Sturgeon County's established settlements and traditional country residential built forms. These residential types have limited development potential as future development of these communities is constrained by existing infrastructure capacities. Locations include existing traditional country residential development, Neighbourhood A and the Hamlets of Alcomdale, Calahoo, Mearns, Riviere Qui Barre, Lamoureux, Namao, Pine Sands and Carbondale. For additional policies reflecting the unique needs of each geographic area/community, refer to individual Neighbourhoods.

2.3.12 Shall establish an administrative boundary for Sturgeon County's Residential Type 3 hamlets, and limit residential development outside the boundaries until Sturgeon County identifies a demonstrated need for expansion of the Hamlet/area.

2.3.13 Shall ensure that areas outside of established residential developments, including the identified Hamlet/area boundaries, be used for Primary Industry or Residential Type 4 use.

2.3.14 Should undertake an evaluation of municipal service capacities and endeavour to maintain the existing service delivery. Areas not currently serviced by existing municipal services will continue to be responsible for independent service provision.

2.3.15 May consider additional residential development within the established Hamlet/area administrative boundary, when the existing municipal infrastructure can accommodate the proposal. Proposals shall demonstrate required upgrades and detail how they will be financed, since the cost of identified upgrades are to be borne by the benefiting lands.

Residential Type 4

Residential Type 4 provides Sturgeon County's rural population with options that support Primary Industry viability while maintaining a rural character. Residential Type 4 options are available throughout Sturgeon County; however they exclude existing developed areas. For additional policies reflecting the unique needs of each geographic area, refer to individual Neighbourhoods.

2.3.16 Shall apply 64 hectares/160 acres as the basic agricultural land unit, and unless otherwise indicated within a Planning Document, the maximum agricultural density is four (4) parcels for every 64 hectares/160 acres.

2.3.17 Shall ensure that the maximum allowable agricultural subdivision layout for a 64 hectares/160 acre land unit contains two (2) Agricultural Parcels and two (2) Acreage Lots, as further defined within the Land Use Bylaw (LUB). Where a proposed development exceeds the above subdivision density, the applicant must submit an application for a plan amendment and redistricting for consideration by Council.

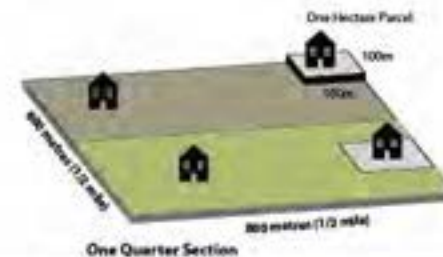
2.3.18 Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

2.3.19 May vary the size of an Acreage Lot and an Agricultural Parcel due to a Land Fragmentation or to accommodate an existing farmstead; however, compliance must be adhered to regarding the maximum agriculture density standard.

2.3.20 Should ensure that parcels created from Land Fragmentation count towards the overall parcel density allowed on a 64 hectare/160 acre parcel.

2.3.21 Shall not adjust the Acreage Lot size to accommodate existing land-intensive septic systems during the subdivision process.

2.3.22 Shall ensure that the level of development activity and size of the structures on an Acreage Lot proportionately reflect the lot size as defined in the LUB.



Placemaking Principles

Development within the regionally significant Neighbourhood G will deliver quality and sustainable places, whilst responding positively to the existing community, and aspects of local context, heritage, agriculture, and character. Within the Neighbourhood, distinct developments will contribute towards a strong sense of place and identity, whilst providing opportunities for all residents to work, enjoy and thrive. Local enterprise will be encouraged and championed in the Neighbourhood, in addition to strategic commercial opportunities. Future development within this area will be shaped by Regional direction, outlined within the EMRB Growth Plan, and will be in accordance with the Sturgeon Valley Special Study Area (SVSSA) Policies. Orderly and attractive development will reflect the Sturgeon context, delivering good places, contiguous development and complete communities.

In order to deliver quality places and complete communities, placemaking principles must be embedded within developments. The Sturgeon Valley will provide for an attractive, legible, healthy, accessible and safe environment for all. Development within Neighbourhood G will ensure that the community benefits from an appropriate diversity of land uses, active travel opportunities, green spaces, economic opportunity, community infrastructure and service. An appropriate level and mix of densities will be provided that in combination are capable of sustaining local vibrancy, and development viability.



Neighbourhood G Placemaking Principles

G

1.1

Responsible to the Regional Context, delivering Sustainable Places

Supporting the regional vision of growth by developing in accordance with regional policy and by focusing the majority of Sturgeon County's future residential, commercial and institutional development activity to this Neighbourhood.

Developing statutory Planning Documents for all development in Neighbourhood G to give certainty to local communities, investors, developers, service providers, and municipal neighbours regarding long-term density and growth aspirations.

G

1.2

Demonstrating long-term viability, ensuring complete, well-serviced communities

All prospective developments must demonstrate the viability of the proposal in line with requirements within with regional policy. This will include an awareness of infrastructure, transportation, community facilities and amenities.

Developments are to provide an appropriate mix of uses and dwelling types, open and green spaces, and will adequately demonstrate the long-term fiscal implications for the County.

G

1.3

Providing logical and timely infrastructure that provides high-quality service to residents now and in the future

Developments are required to fulfill the requirements of the regional policy, all infrastructure servicing to Neighbourhood G will contribute to the delivery of quality places.

Strategic delivery of infrastructure resources is to be efficient, logical, and should consider the wider Sturgeon Valley and regional context. Alternative and innovative servicing where appropriate may be considered.

G

1.4

Creating a well-connected community, through the design of an interconnected Valley network

Through the natural and informed expansion of existing transport infrastructure; a comprehensive, efficient and robust transportation network will be developed that enhances movement through a variety of means across the Sturgeon Valley and to regionally significant destinations.

Making active travel an attractive alternative in addition to recreational opportunity and delivering a transit centre that provides an accessible connection to the wider region.

G

1.5

Championing Sturgeon's agricultural heritage whilst positioning the Valley for the future of farming

The local agricultural heritage provides a strong culture for the Sturgeon Valley community. Current agricultural holdings near the Sturgeon Valley area will continue to thrive.

Sturgeon Valley is well positioned to provide unique spaces for non-conventional agriculture and community growing, whilst providing close access to local and regional consumers as well as opportunity for complementary, co-located industry.

Implementation of Neighbourhood G Placemaking Principles

In order to implement and embed the overarching placemaking principles within Neighbourhood G developments will seek to:

- a** Develop and contribute to the identity of the Sturgeon Valley, where unique features such as agriculture, heritage, culture and natural physical attributes are reflected and championed by developments throughout the Neighbourhood.
- b** Foster key gateway points in and around the Sturgeon Valley, by ensuring that public improvements and private development work together to enhance the sense of entry into the Sturgeon Valley community through elements such as signage and landscaping that captures the uniqueness of the area and its setting.
- c** Be sensitive and responsible to the density and character of the Sturgeon Valley community and surrounding areas. Avoid unacceptable juxtapositions and/or conflict between residential and non-residential uses. Ensure there are no significant adverse impacts on natural heritage assets.
- d** Provide a mix of uses to enhance the Sturgeon Valley community. Based upon the need throughout the Neighbourhood, ensure adequate leisure uses are provided for, local business opportunities are encouraged to thrive within commercial nodes, and there are appropriate spaces for essential social infrastructure. Local, boutique businesses are to be encouraged, whilst commercial developments that are larger in scale would be expected to be sited outside of residential communities.
- e** New developments are well connected to existing places capitalising on existing active travel routes, thereby positively contributing the overall connectivity throughout the entire Sturgeon Valley. Development will deliver new, and/or enhance existing, connections to community nodes.
- f** Deliver spaces that are designed to be adaptable and robust; by utilising landscaping, green infrastructure, ecological design, naturalisation and sustainable drainage where appropriate. Ensure active frontages onto streets, community facilities and key public spaces to provide natural surveillance, social interplay and character.
- g** Paths and trails, which provide a leisure function will be highly sensitive to pedestrian desire lines and will connect developments to not only natural spaces but also local important nodes, ultimately developing a comprehensive active travel network across the entire Sturgeon Valley community.
- h** Encourage the use of sustainable construction methods, Low Impact Development principles, ecological design, resource efficiency, building energy efficiency and contributions towards localised renewable or low carbon energy generation.
- i** Deliver a high-quality public realm, incorporating public art and landscaping where appropriate. Where internal streets and public spaces are welcoming, low maintenance, well defined, safe and accessible for all, with a distinct identity. Landscaping utilises native species and naturalisation where possible.
- j** Provide appropriate naturalisation of landscaping that will prevent excessive water use and the nutrient loading in water bodies. Naturalised landscaping will act as green corridors linking to other natural spaces and provide important flood mitigation whilst being conscientious of natural hazards such as wildfires.

15.3 I3 – MEDIUM INDUSTRIAL UNSERVICED DISTRICT



.1 General Purpose

This district provides for low and medium intensity industrial uses on parcels with limited servicing located within a planned industrial park. Any nuisance factor should be limited beyond the boundaries of the parcel.

.2 Uses

Permitted Uses	Discretionary Uses
Accessory, building*	Accessory, building*
Accessory, use*	Accessory, use*
Administrative building	Data Processing Facility
Agricultural support service	Dugout
Auctioneering establishment	Equipment sale, service and rental, major
Cannabis production and distribution facility, micro	General Industrial
Cannabis production and distribution facility, standard	Rail spur
Commercial school	Salvage yard
Contractor service, major	Surveillance suite
Contractor service, minor	Transloading facility
Equipment sale, service and rental, minor	Vehicle sale and rental
Fleet service	
Kennel and animal boarding	
Outdoor storage	
Recreational vehicle storage facility	
Storage facility	
Topsoil screening	
Warehousing	

* Refer to Section 6.1 for further clarification.

1436/19; 1570/22

.3 Subdivision Regulations

The minimum parcel area shall be 0.6ha (1.5ac).

.4 Development Regulations

Minimum front yard and flanking front yard setbacks	6m (19.7ft)
Minimum side yard setback	5m (16.4ft)
	Zero lot line where common wall is present
Minimum rear yard setback	5m (16.4ft)
Maximum height	At the discretion of the Development Authority
Maximum parcel coverage	50%

.5 Additional Development Regulations

- (a) All development in this district is subject to the regulations stated in Parts 5 through 9 of this Bylaw.
- (b) Notwithstanding the setbacks in Subsection 15.3.4, rail spur may be permitted within the development setback at the discretion of the Development Authority.
- (c) Access to individual parcels should be from a local road and may be considered from a collector road as per County standards.

- (d) Vacant, undeveloped or unused portions of a *parcel* shall be maintained in grass, *landscaping* materials or such other ground cover as deemed appropriate by the *Development Authority*.
- (e) Any *development* shall mitigate all *off-site* nuisance factors including excessive noise, vibration, odour, traffic, unsightliness, liquid or gaseous emanations, reflection, dust and the harbouring of restricted or noxious weeds to the satisfaction of the *Development Authority*.

1560/21

Exhibit 1 [Applicant Submission]

File Number: 2024-S-005



Legal Description: 8120408;1;8
Roll Number: 3712015
Total Acres/Hectares: 9.90ac / 4.00ha
Land Use: 13 - Medium Industrial Unserviced
Municipal Address: 43 26004 Twp Rd 554
Date: 3/19/2024

Legend

- Existing Approach
- Office
- Septic Tank
- Shipping Container
- Shop

Exhibit 2 [Subdivision Authority Decision]

File Number: 2024-S-005



Legal Description: 8120408;1;8
Roll Number: 3712015
Total Acres/Hectares: 9.90ac / 4.00ha
Land Use: I3 - Medium Industrial Unserviced
Municipal Address: 43 26004 Twp Rd 554
Date: 5/06/2024

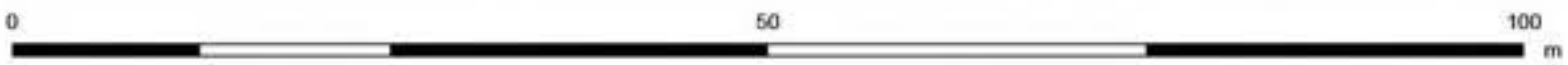
Legend

- Existing Approach
- Office
- Septic Tank
- Shipping Container
- Shop



Legend

- WaterWMS
 - Water Line Distribution
 - Distribution
 - Water Line Transmission
 - Transmission
- AddressWMS
 - Address
- Parcel
 - County Roads
 - Local Road, Surfaced
- Community Labels
- Community Boundary
- Parcel
- Ortho_2021
 - Red: band_1
 - Green: band_2
 - Blue: band3



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Lot Service Report - Water



Legend

WaterWMS

- Water Line Distribution
 - Distribution
- Water Line Transmission
 - Transmission

AddressWMS

- Address

Parcel

- County Roads
 - Local Road, Surfaced
- Community Labels

Community Boundary

- Community Boundary

Parcel

- Parcel

Ortho_2021

- Red: band_1
- Green: band_2
- Blue: band3

Notes

300mm Watermain Extension

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Subdivision and Development Appeal Board

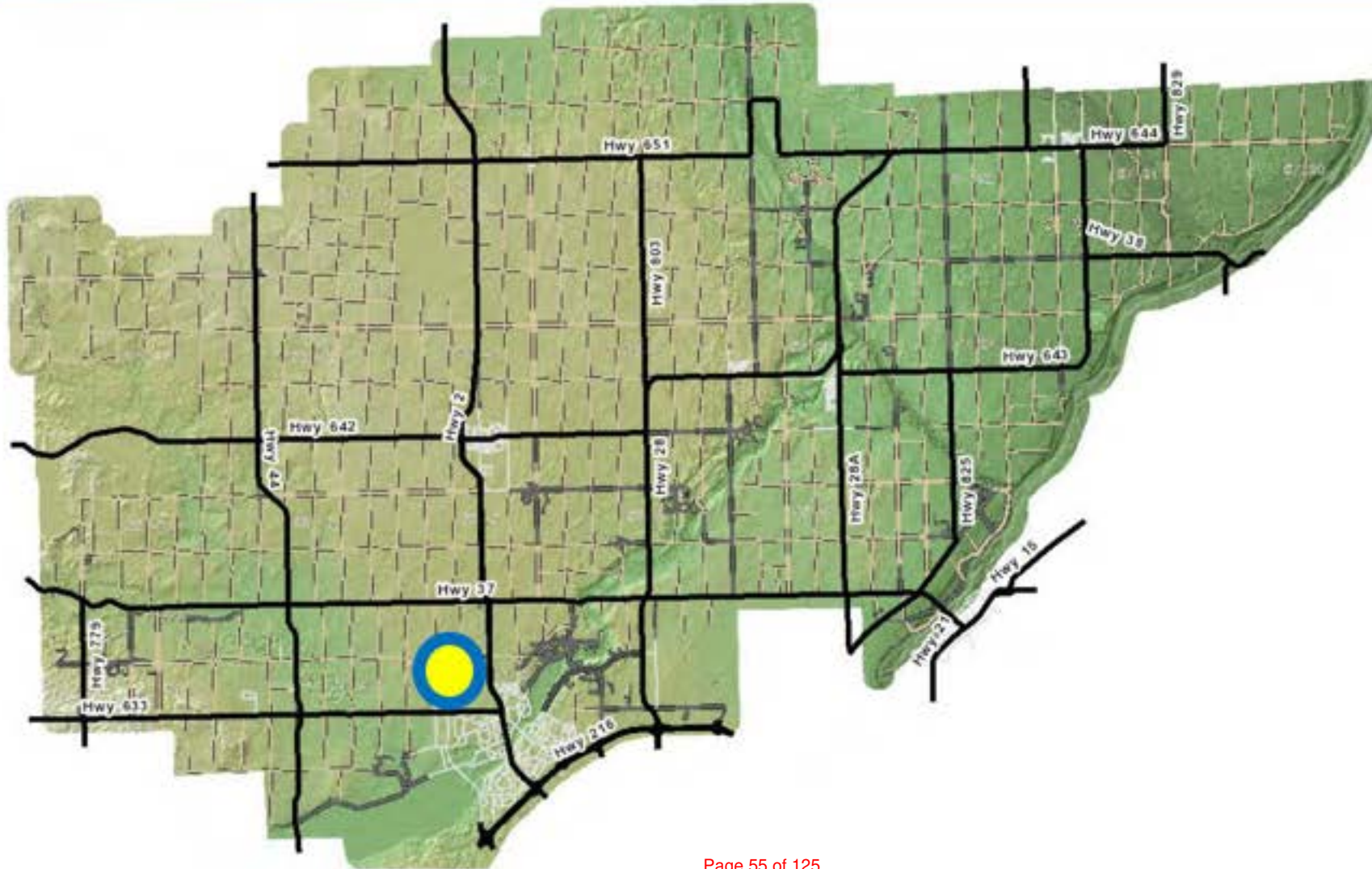
024-STU-005

Jonathan Heemskerck
Planner, Current Planning



Sturgeon
C O U N T Y

Site Location (Regional)



Site Location (Local)



Proposal



Summary of Circulation Responses

Sturgeon County Development Officer

- All Lots
 - Permits pulled for all structures on title.
 - The shipping container (seacan) does not meet the minimum front yard setback of 6m. Variance can be applied for or relocated.
 - Any future development within the infill dugout area would require geotechnical investigation.
 - If a new business moves onto one of the parcels, a change of use permit may be required.

Sturgeon County Utility Services

- All Lots
 - Remnant lot has existing water connection.
 - No sanitary line in this area.
 - Existing water service connection C/C is located on the remnant lot. The watermain would need to be expanded down Kuryluk Blvd, matching the existing infrastructure (300mm line).

Alberta Health Services

- All Lots
 - Any existing private sewage system must comply with the most recent Private Sewage and Disposal Systems Regulation.
 - The existing holding tanks will meet all regulations.



Summary of Circulation Responses

Sturgeon County Engineering Services

- **Proposed Lot 1**
 - No land dedication/acquisition required.
 - Proposed Lot 1 approach (yellow circle) to be relocated outside the turn around (shifted east) and upgraded to GMSS minimum industrial standard.
- **Remnant Lot**
 - No land dedication/acquisition required.
 - Approach must be constructed/upgraded to GMSS.
- **General Comments**
 - Lot grading plans to be provided for review. Grading, swales, and infrastructure to accommodate lot grading to be shown on the proposed plans. Pre/post grading contours, swale locations and % grades clearly shown. Proposed and remnant lots must operate independently with site grading, and drainage directed towards the public right of ways. Access locations and culvert invert elevations to be shown on proposed grading plans.



Issue Analysis – Lot Grading

Sturgeon County General Municipal Servicing Standards

- Section 1.19.2.6 Outlines requirements for lot grading plans
- Plans to be completed by Alberta Land Surveyor
- Section 3.3.9.2 Minimum grades recommended

Post Development Drainage Requirements

- One subdivided lot shall not drain onto another private owned lot. Drainage must be to public lands / Right of Ways.
- Potential for swale on property line but needs to also drain to public land.

5. Policy Statement

In Sturgeon County, all lots districted under Part 12 of Land Use Bylaw 1385/17 that are subject to subdivision and/or development permit applications shall be designed to provide positive drainage in accordance with accepted engineering practices, the Sturgeon County General Municipal Servicing Standards and the Residential Lot Grading Procedure. This policy requires that the *land developer, home builder and property owner* provide surface drainage plans (stormwater management plan, lot grading plan, plot plan), forming part of a subdivision, infill or development permit application, to ensure no adverse drainage impacts affect the subject property or the adjoining properties.

Subdivision Authority Decision

The Subdivision Authority's decision for **conditional approval** is consistent with:

- Sturgeon County Municipal Development Plan policies.
- Sturgeon County Land Use Bylaw regulations.
- Municipal Government Act
- Sturgeon County General Municipal Servicing Standards

Conditions – If Approved

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated May 6, 2024, and submit it in a manner that is acceptable to Land Titles.
- 3) All upgrades to *existing* culverts and/or *existing* approaches, and construction, removal, and relocation of approaches, as determined necessary by the Engineering Officer, will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
- 4) **The applicant shall complete and submit a lot grading plan. The plan will include overall grading, swales, and infrastructure to accommodate lot grading, along with pre / post grading contours, swale locations and percentage grades clearly shown. The proposed lot and remnant lot must operate independently with site grading, and drainage directed towards the public right of way. Both access locations and culvert invert elevations for the remnant and proposed lot are to be shown on the lot grading plans. This must be completed to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.**
- 5) The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.

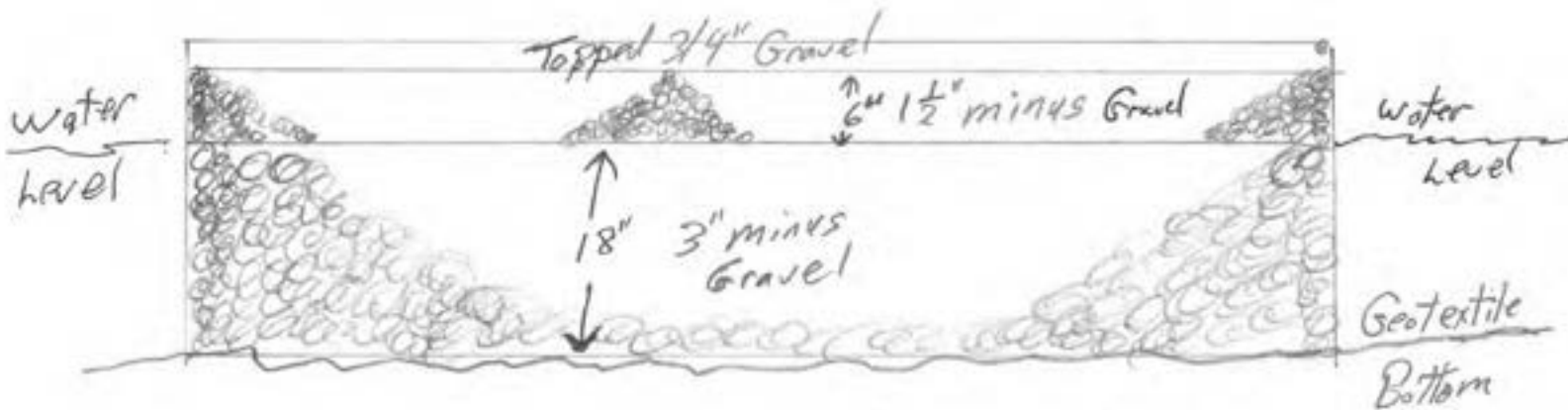
Conditions – If Approved

1. Ensure taxes are paid
2. Retain a surveyor
3. Approach upgrades/relocation
4. **Lot grading plans**
5. Obtain all necessary permits/seacan relocation or variance

**APPELLANT
SUBMISSIONS
RECEIVED**

Page ①	Const of yd.
Pages 2-6	Water to surface in yd.
Pages 7-10	Rainfall May 2024
Page 11	Water Migrated in gravel after Rainfall
Page 12	Unusable yd space.
Page 13	Water level at P/L
Page 14	Lock block installation
Page 15	Height of Lock blocks.

Not to Scale

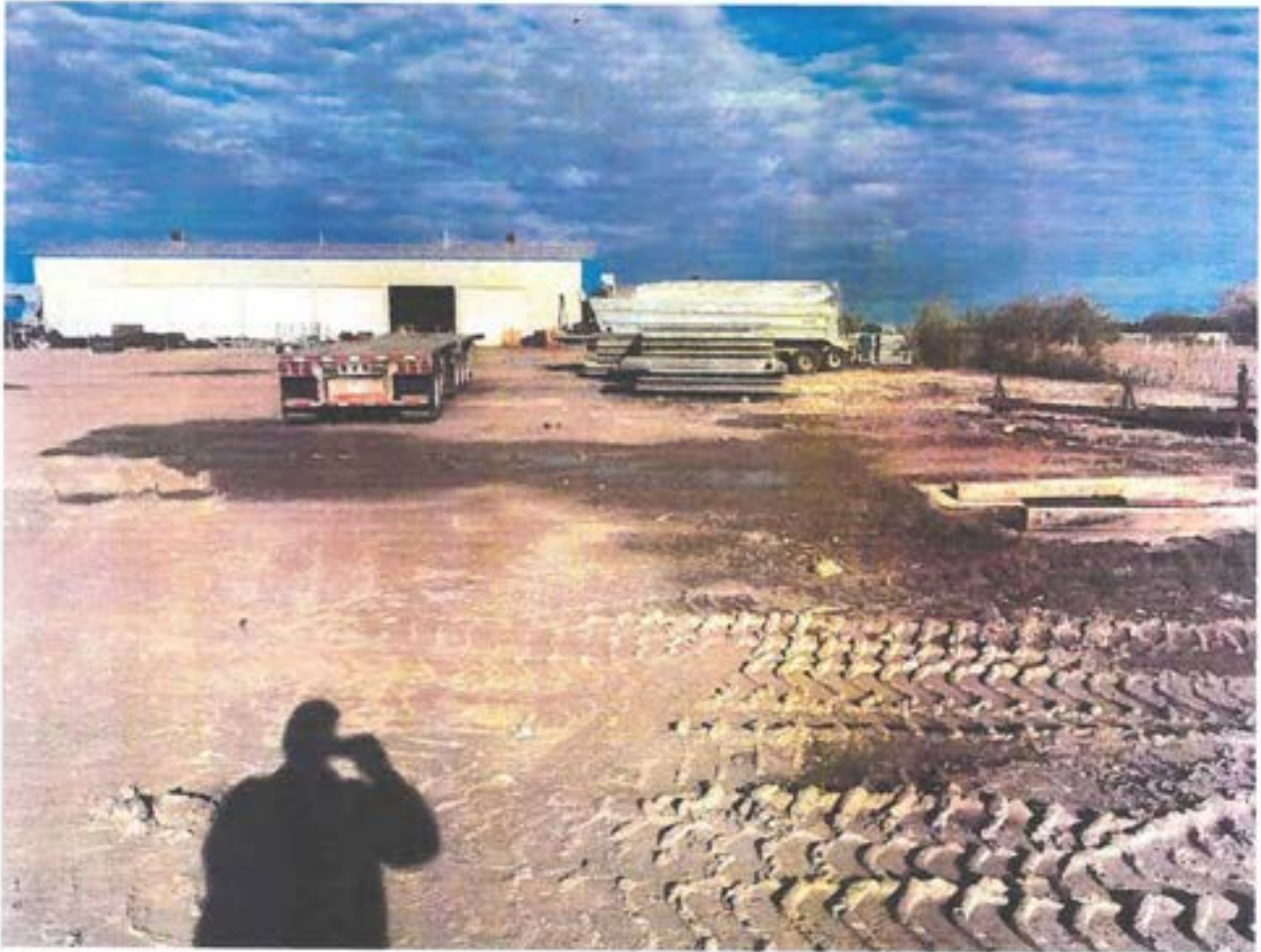


Today's prices on this gravel
would be \$600 - \$750 thousand dollars

Gravel was used so the water can migrate
down through the gravel. also Frost heaving does not
destroy the gravel settlement as it would with clay compacted
soil

Const. of yd.

From: Dwayne Bendfeld
Sent: May 27, 2024 12:02 PM
To: Dwayne Bendfeld
Subject: Yd



Dwayne

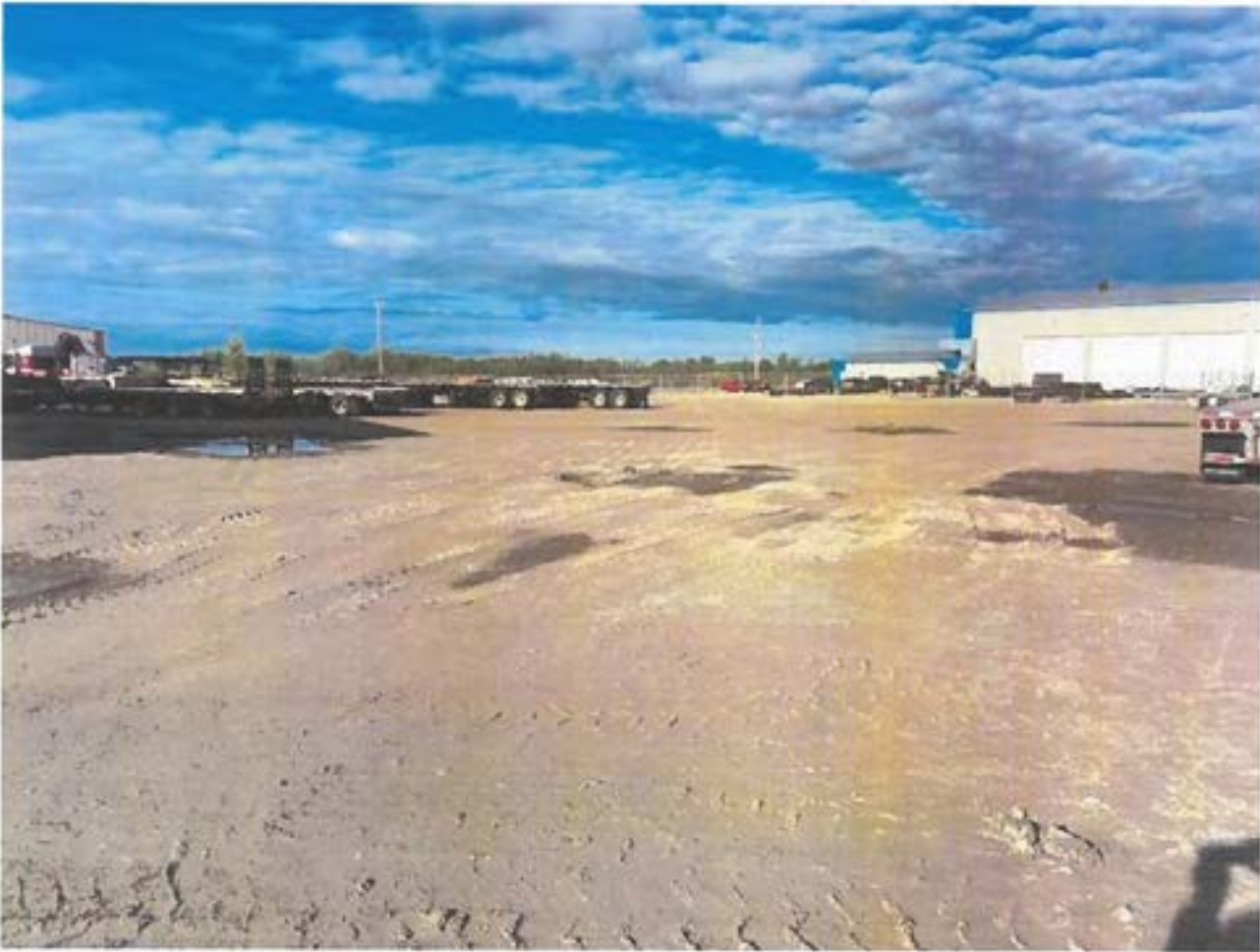
Pages 2-6 Shows different areas of site where with high water table shows water coming to surface.

From: Dwayne Bendfeld
Sent: May 27, 2024 12:02 PM
To: Dwayne Bendfeld
Subject: Yd



Dwayne

From: Dwayne Bendfeld
Sent: May 27, 2024 12:01 PM
To: Dwayne Bendfeld
Subject: Yd



Dwayne



From: Dwayne Bendfeld
Sent: May 27, 2024 12:01 PM
To: Dwayne Bendfeld
Subject: Yd



Dwayne

From: Dwayne Bendfeld
Sent: May 27, 2024 12:00 PM
To: Dwayne Bendfeld
Subject: Yd



7



Pages 7-10

1½" - 2" Rainfall in 2 hrs.

May 2024



9



10



11



Dwayne

Yd. after
4 hrs after Rainfall stopped water Infiltrated
down thru gravel no run off

From: Dwayne Bendfeld <dwayne@milepost.ca>
Sent: May 27, 2024 12:01 PM
To: Dwayne Bendfeld
Subject: Yd



Dwayne

*North side of site unusable area.
only in winter for storage.*

From: Dwayne Bendfeld
Sent: May 10, 2024 2:57 PM
To: Dwayne Bendfeld



Dwayne

Water level at North P/L
3" water pump used so lock blocks could be
installed



Severed in line with section 17 of the FOIP Act

From: Dwayne Bendfeld <dwayne@milepost.ca>
Sent: May 10, 2024 2:58 PM
To: Dwayne Bendfeld



Dwayne

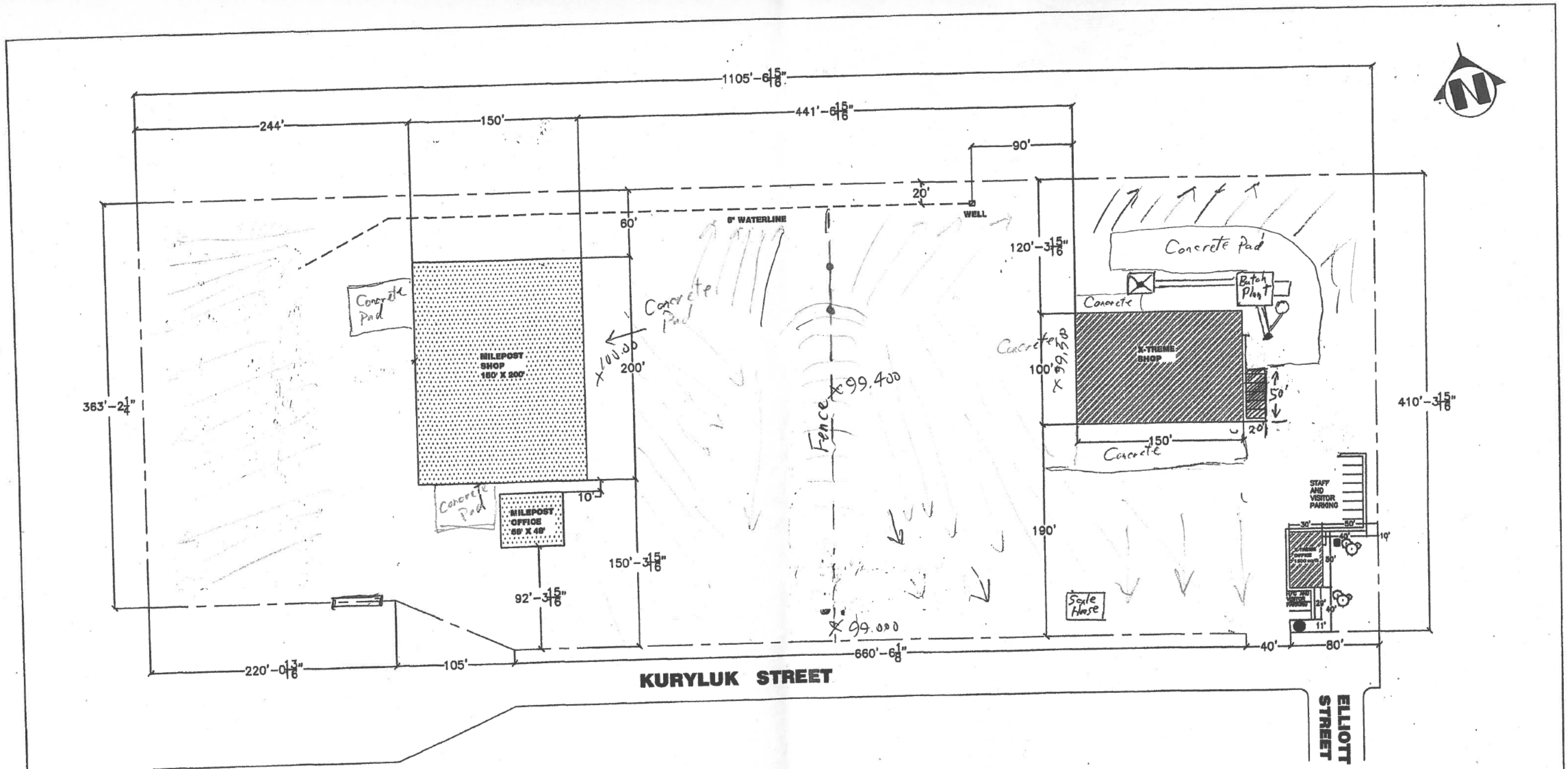
Putting lock blocks (concrete) along P/L to keep our fill from disappearing into swamp

From: Dwayne Bendfeld <dwayne@milepost.ca>
Sent: May 17, 2024 9:55 AM
To: Dwayne Bendfeld
Subject: Lock block measurements



Dwayne

Height of lock Blocks



REVNO: ###	REVISION NOTE:NOTE	DATE: D/M/Y	SIGNATURE	CHECKED
K.D.L. Contracting Ltd. 43-33 Kuryluk Blvd				
MILEPOST MFG. a div. of MILEPOST OILFIELD SERVICES LTD.				DWG.:
DESIGNED BY: L.L.	CHECKED BY: S.D.	APPROVED BY - DATE: M/D/Y	FILE NAME:	DATE: 04/20/10
PROJECT LOCATION: LOT 9 BLOCK 1 DI AN 812-04.08			PROJECT: SITE DI AN	
				SCALE: NTS

WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS

*NOTE:

No submissions were received at the
time of publication of the Agenda

Appeal #2

024-STU-006 Appealing the
Conditional Approval of Development
Permit Application 305305-24-D0085

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		 RECEIVED MAY 16 2024 STURGEON COUNTY Date Received Stamp
Municipal Address of site: 100-54408 RR 260		
Legal land description of site: (“plan, block, lot” and/or “range-township-section-quarter”) 8322821; lot 22		
Development Permit number or Subdivision Application number: 305-305-24-D0085		
Appellant Information:		
Name: ProNorth Industrial Park Inc	Phone: 780-458-5899	Agent Name: (if applicable) Michael Dickie
Mailing Address: Box 172	City, Province: St. Albert, AB	
Postal Code: T8N1N3	Email: mike@pro-ex.com	

APPEAL AGAINST (Check ONE Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Application
<input type="checkbox"/> Approval	<input type="checkbox"/> Approval
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/> Conditions of Approval
<input type="checkbox"/> Refusal	<input type="checkbox"/> Refusal
Stop Order	
<input type="checkbox"/> Stop Order	

REASON(S) FOR APPEAL Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons

as attached

(Attach a separate page if required)

Severed in line with section 17 of the FOIP Act

The personal information collected will be used to process your request for a hearing before the Subdivision and Development Appeal Board and is collected under the authority of the Municipal Government Act (MGA) and the Freedom of Information and Protection of Privacy Act (FOIP). Your information will form part of a file available to the public. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613-100 Street, Morinville, Alberta, T8R 1L9 (780) 939-4321.

Signature of Appellant/Agent:	Date: May 16, 2024
FOR OFFICE USE ONLY	
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: YYYY/MM/DD

Appeal of Development Permit No. 305305-24-D0085 – Landscaping Supplies

Reasons for Appeal:

1. Condition #2 - Public Appearance of Exterior Storage of landscaping materials as Representative of ProNorth Park generally.

The subject parcel is highly visible to all road traffic associated with the whole of the ProNorth Industrial Park. The character and appearance of this landmark property significantly colours the general public's impression of the character the ProNorth Industrial Park as a whole and the various businesses located in the Park.

As such, it is appropriate that Park residents have an assurance that visual buffering or screening along the property's 240 m frontage to RR260 will actually hide on-site activities and materials stores from road traffic and that the means of screening will be maintained in good order once installed.

The wording of Condition #2 makes no reference to objective criteria by which adherence to the 'screening' requirement can be measured and leaves satisfactory performance of the requirement solely in the discretion of the Development Authority.

The difficulty created by the particular non-specific wording is that neighbouring property owners are left uncertain as to what kind, degree or quality of 'screening' may be 'satisfactory' to the Development Authority and whether the 'screening' settled on will actually perform as a visual barrier in years going forward (no maintenance requirement for screening).

It should be noted that the two parcels immediately south of the subject parcels, as a condition of an earlier subdivision approval affecting these properties, were required by the Sturgeon County Development Authority to install screening and the screening that was installed is no longer effective for the intended purpose solely by reason of lack of maintenance.

It is suggested that Condition #2 be worded to specify an objectively defined means of screening the parcel road frontage and to include an ongoing requirement for screening maintenance.

2. Condition #1 – Prohibition of Nuisance should more specifically address fugitive dust.

The exterior storage of landscaping materials will undoubtedly include sand, gravel, wood chips and other substances that are known to create dust hazards in windy weather.

The ProNorth Industrial Park has had earlier issues with dust hazards being created by activities being carried out in the Park. For example, there has been, and continues to be, an on-going problem of fugitive dust associated with concrete production at the west end of the Park. The degree of dust blowing onto neighboring properties, particularly during windy summer periods, has had affected neighbouring property owners repeatedly, but unsuccessfully, complaining to Sturgeon County for abatement of this form of nuisance. Airborne particles can represent a hazard to, for example, helicopter operations and can affect industrial processes, for example, industrial painting operations and, more generally, constitute a significant irritation and breathing hazard for outdoor workers for all kinds of Park activities.

Condition #1 does not effectively address the problem of fugitive dust potentially generated by mass storage and repeated machine handling of dust prone materials such as sand, gravel and wood.

Condition #1, as is the case for Condition #2, does not specify a workable measurement for condition compliance – instead merely indicating that the threshold is what the Development Authority may consider ‘offensive’ or ‘excessive’. Such wording implies that any degree of dust generation short of ‘totally awful’ will meet the stated compliance standard. Alternative wording such as ‘unreasonable’ or ‘untoward’ would effectively lower the bar for non-compliance and promote an early discussion directed at hazard mitigation as opposed to suspension of use permission. The use of such wording provides neighbouring Park residents with an assurance that the bar for reasonable complaint to the Development Authority does not reach as high as ‘totally awful’.

Importantly, Condition #1 also fails to provide any requirement for dust hazard mitigation. Again, merely adding the wording ‘the business shall mitigate dust nuisance beyond the property boundaries to ensure compliance with this condition’. Mitigation actions available to the property user could take the form of covering materials that prove prone to dusting, prohibiting or minimizing on-site screening and sieve operations, and other dust reducing actions.

It is suggested that Condition #1 be worded to substitute ‘unreasonable or untoward’ for ‘offensive or excessive’ with respect (in particular) to dust generation and adding a requirement that the business diligently take reasonable mitigation measures to minimize dust nuisance beyond the property boundaries to ensure compliance with this condition

3. New Condition – No Roadside Parking

Roadside parking has increasingly become a problem at the ProNorth Industrial Park. This is particularly concerning inside the Park itself where roadside vehicle parking by employees or visitors is actively interfering with industrial truck traffic going about their business servicing various industrial properties. Traffic congestion within ProNorth Industrial Park is inadequately dealt with under the

Sturgeon County Traffic Bylaw. Proactively preventing a similar congestion problem arising along the frontage of the subject parcel by way of Development Permit condition is a common-sense precaution benefiting all area traffic.

The subject parcel has a 240 m road frontage to RR260 – currently built as a RLU-208G with no shoulders. RR260 is increasingly used as a by-pass between Ray Gibbon Drive and Hwy 37. Roadside parking on RR260 by vehicles associated with the subject Landscape Supply land-use present an unacceptable danger to road traffic and to pedestrians travelling between parked vehicles and the subject business. The County Traffic Bylaw does not adequately address this parking issue and a Development Permit condition prohibiting employee and customer parking on RR260 would.



Sturgeon County
 9613-100 St
 Morinville, Alberta T8R-1L9
 (780) 939-4321 ext.

PRONORTH INDUSTRIAL PARK INC.
 BOX 172
 ST. ALBERT, AB
 T8N 1N3

Receipt Number: 202403109
 GST Number: 107747412RT0001
 Date: 2024-05-16
 Initials: JW

Account	Description	Prev Bal	Payment	Balance
16APP	APPEAL FEES - LEGISLATIVE SI		\$100.00	
			Subtotal: \$100.00	
			Taxes: \$0.00	
			Total Receipt: \$100.00	<u>Cheque No.</u>
			Cheque: \$100.00	002885
			Total Monies Received: \$100.00	
			Rounding: \$0.00	
			Amount Returned: \$0.00	

May 17, 2024

SDAB File Number: 024-STU-006

Dear Michael Dickie, ProNorth Industrial Park Inc.:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property:	Plan 8322821; Lot 22 100 – 54408 Range Road 260
Development Permit Application Number:	305305-24-D0085
Decision Regarding Proposed Development:	The application was approved with conditions to operate a Landscaping Supply and Commercial Services – Rockland Landscaping Supplies Ltd.

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on May 16, 2024. In accordance with section 686(2) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **June 4, 2024 at 2:00 p.m.** in the Alcomdale Room of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta. Sturgeon County Centre is currently under renovation. Please follow the signage to the temporary location for Front Reception and you will be escorted to the Alcomdale Room from there.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 442 805 781#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca. **Written submissions are due to be submitted no later than May 30, 2024.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

Should you require further information, call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

May 17, 2024

SDAB File Number: 024-STU-006

Dear Resident:

**NOTICE OF
APPEAL BOARD HEARING**

Take notice that a hearing has been scheduled concerning the following proposed development:

Legal Description of Subject Property:	Plan 8322821; Lot 22 100 – 54408 Range Road 260
Development Permit Application Number:	305305-24-D0085
Decision Regarding Proposed Development:	A development permit was approved with conditions to operate a Landscaping Supply and Commercial Services business – Rockland Landscaping Supplies Ltd.

Appellant: Michael Dickie, ProNorth Industrial Park Inc.

Reasons for Appeal (as identified on the Notice of Appeal – see attached):

- Appealing Condition #1 – prohibition of nuisance should more specifically address fugitive dust; and
- Appealing Condition #2 – public appearance of exterior storage of landscaping materials as representative of ProNorth Park generally;
- Requesting new condition be considered – no roadside parking.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **June 4, 2024 at 2:00 p.m.** in the Alcomdale Room of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta. Sturgeon County Centre is currently under renovation. Please follow the signage to the temporary location for Front Reception and you will be escorted to the Alcomdale Room from there.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 422 805 781#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed development. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca. **Written submissions are due to be submitted no later than May 30, 2024.**

Please note that any submissions previously provided to the Development Authority are not provided as evidence to the Subdivision and Development Appeal Board and therefore must be resubmitted.

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

For further information, please call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

Encl.: Reasons for Appeal
Site Map

May 17, 2024

SDAB File Number: 024-STU-006

Dear Mande Takhar, Rockland Landscaping Supplies Ltd.:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property:	Plan 8322821; Lot 22 100 – 54408 Range Road 260
Development Permit Number:	305305-24-D0085
Decision Regarding Proposed Development:	The application was approved with conditions to operate a Landscaping Supply and Commercial Services – Rockland Landscaping Supplies Ltd.

An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on May 16, 2024. In accordance with section 686(2) of the *Municipal Government Act*, the SDAB must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Reasons for Appeal (as identified on the Notice of Appeal – see attached):

- Appealing Condition #1 – prohibition of nuisance should more specifically address fugitive dust; and
- Appealing Condition #2 – public appearance of exterior storage of landscaping materials as representative of ProNorth Park generally;
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Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **June 4, 2024 at 2:00 p.m. in the Alcomdale Room** of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta. Sturgeon County Centre is currently under renovation. Please follow the signage to the temporary location for Front Reception and you will be escorted to the Alcomdale Room from there.

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When an appeal is received, the Applicant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than May 30, 2024.**

Please note that any submissions previously provided to the Development Authority are not provided as evidence to the Subdivision and Development Appeal Board and therefore must be resubmitted.

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

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Dianne Mason
Secretary, Subdivision and Development Appeal Board

Encl.: Reasons for Appeal

Development Permit 305305-24-D0085

Lot 22, Plan 8322821; Pro North Industrial Park

17-May-2024



Information on this map is provided solely for the user's information and, while thought to be accurate, is provided strictly "as is" and without warranty of any kind.

NAD_1983_10TM_AEP_Resource
© Sturgeon County



Subdivision and Development Appeal Hearing Process

The hearing is a formal meeting and the length of time can vary. Hearings are generally scheduled Tuesday afternoons at the Sturgeon County Centre in the Town of Morinville or via videoconference.

Persons who file an appeal are expected to make a verbal presentation to the Board. Persons who have been notified of the appeal also have the right to present a verbal, written and/or visual presentation to the Board. ***This information should be submitted to the Secretary at least five (5) days in advance of the hearing, so it can be included within the hearing package.*** If desired, parties may have someone, or an agent, speak on their behalf. If a number of appeals are filed on the same subdivision or development, it is recommended that a spokesperson be selected to organize presentations so that evidence is not repetitive.

The Board is not an evidence seeking body. It relies on the written evidence presented, as well as verbal submissions at the hearing, as the basis for their decision. Therefore, it is critical that persons appearing before the Board ensure that sufficient evidence is presented to support their respective positions.

When presenting an appeal, keep in mind the Board does not consider precedent when making its decision. Each application is judged on its own merits.

At the hearing . . .

Anyone in attendance with an interest in the appeal enters the hearing room, joins the videoconference, or dials in just before the scheduled start time of the hearing on the scheduled date of the hearing.

1. The meeting is called to order by the Chair.
2. The Chair welcomes everyone and gives a brief outline as to how the hearing will proceed.
3. The Chair will have all board members, staff and people involved in the appeal introduce themselves and those present are asked if there are any objections to the Board members hearing the appeal.

4. A representative of Sturgeon County Planning and Development will outline the background of the appeal and why the decision was made.
5. The Chairman will then ask:
 - The Appellant to introduce themselves for the record.
 - The Appellant then presents his/her position or concerns with respect to the matter being considered by the Board. Development Appeal Board members question the Appellant.
 - Clearly state your reasons for the appeal.
Information such as photographs, illustrative materials and well-prepared drawings that you wish to present should be submitted to the Secretary at least five (5) days in advance of the hearing, so that the information can be included within the hearing package that is circulated.
 - Stick to the planning facts and support them with quantifiable (measurable) data.
 - State the detailed issues about the site in the context of the surrounding properties and the impact on the community.
 - The Board will then hear from anyone else in favor of the appeal (persons who filed an appeal or support the position of the Appellant). Following each presentation Board members may ask questions.
 - The Board will then hear from anyone opposed to the appeal (persons who oppose the position of the Appellant).
6. After all presentations have been heard, the Chairman will give the Appellants the right to respond to new information. This is an opportunity to refute information and evidence presented since the last time you spoke that you could not have reasonably anticipated. It is not an opportunity to reargue your case or create new argument.
7. The Chairman advises that the Board will deliberate in a Closed Session and a written decision will be mailed within 15 days from the date of the decision as per legislation.

PLANNING AND DEVELOPMENT SERVICES REPORT

**Subdivision & Development Appeal Board
024-STU-006**

FILE INFORMATION

Department File:	305305-24-D0085
Legal Land Description:	Lot 22, Plan 8322821
Relative Location:	ProNorth Industrial Park
Appellants:	ProNorth Industrial Park Inc. - Michael Dickie
Applicant:	Rockland Landscaping Supplies Ltd.
Landowner:	William Thompson
Description of Appeal:	Appealing the Decision of the Development Authority to operate a Landscaping Supplies & Commercial Services business
Land Use Bylaw District:	13 – Medium Industrial Unserviced District
Tax Roll Number:	3712035

BACKGROUND

- Sturgeon County issued a development permit approval to operate a Landscaping Supply and Commercial Services business known as Rockland Landscaping Supplies Ltd as a General Industrial Use.
- The application was considered a change of use from a former business known as Chieftain Equipment who supplied industrial companies with aggregate, recycling, concrete and topsoil and provided equipment rentals.
- The applicant has informed Administration that the permit approval is a condition of their offer to purchase the property.

PROPERTY INFORMATION

- The property is 2.6ha (6.47ac) and developed with a metal clad shop, a fabric covered shelter an office trailer and relocatable office trailer.
- The property is fenced on the perimeter (chain link) with a security gate and fully hard surfaced with gravel.
- Roads are paved in front of the access to the property. Photo provided in Appendix 1
- Twp Rd 544 was recently paved from highway 2 onto Rge Rd 260 and continues on Twp Rd 544 to Elliot Street.
- A compliance was issued for the property on April 30, 2024 wherein all structures as mentioned above have the proper permits and is in compliance with the Land Use Bylaw.
- The property was rezoned in 2010 from Airport to Business Industrial.
- 305305-15-D0164 was issued for an Industrial Storage Yard (Chieftain Equipment)
- D-21-98 was issued for RV Storage and Office
- D-24-91 was issued for a Camper Manufacturing and Rentals

- D-13-90 was issued for Maintenance, Service and Sales of Buses and Ambulances
- 38-86 was issued for a mobile home for Distribution yard for export of Peat Moss to U.S.A.

RELIVANT POLICY/LEGISLATION

Land Use Bylaw 1385/17

- The property is zoned I3 – Medium Industrial Unserviced District. The intent of the district is to provide for low and medium intensity industrial uses on parcels with limited servicing located within a planned industrial park. Any nuisance factor should be limited beyond the boundaries of the parcel.
- Land Use Bylaw Section 15.3.2 Uses – lists General Industrial as a discretionary use.
- General Industrial means an industrial activity which does not create an adverse environmental impact or nuisance beyond its immediate site, is compatible with other industrial and commercial uses in a concentrated setting and involves the storage, manufacturing, distribution, wholesaling, testing, repairing, processing or salvaging of goods and materials.
- The Land Use Bylaw also has a use for Landscaping Contractor Service, but it is only a listed use in the Agriculture Districts on parcels larger than 10 acres.
- Part 8 - The Development Authority may require that site landscaping be provided in conjunction with, and addressed as part of, any development permit for multi-family, industrial, commercial and institutional uses.

ANALYSIS

- The Development Authority considered Rocklands activities to be a low intensity use and would likely not create an adverse environmental impact or nuisance beyond its immediate site.
- Rockland is compatible to other uses in the park, which in most cases are more intense and fit within medium intensity type uses.
- Rockland is currently located at 25422 Villeneuve Road in the city of St Albert and is directly adjacent to highly populated residential areas. They reported that they have never had complaints at their current location.
- With the majority of the site being undeveloped it leaves ample room for parking both employee and customer vehicles and is currently hard surfaced with gravel. Site Plan provided in Appendix 2.
- The appellant has submitted their reasons for appeal and the following summarizes and addresses the concerns stated within.
 1. *“The wording of Condition #2 makes no reference to objective criteria by which adherence to the screening requirement can be measured and leaves satisfactory performance to the requirement solely in the discretion of the Development Authority and suggests the condition be worded to specify an objectively defined means of screening and maintenance.”*
 Response: Condition #2 on the permit states: Exterior storage of goods and materials associated with an approved development permit shall be kept in a clean and orderly

manner at all times and shall be screened from roads and adjacent residential uses to the satisfaction of the Development Authority. This is a standard condition placed on all permits for businesses and is in effect for the duration of the operation. Should the fence become dilapidated and/or require maintenance, Sturgeon County could enforce this condition and fine the owners should compliance not be achieved. Further, only two of the many parcels in the park have screening on their fences and majority have the same chain link fence. The Development Authority may impose specific requirements via the use of Site Landscaping however in context of the rest of the park and the existing nature of this parcel's use the existing condition is considered satisfactory. Photos provided in Appendix 3 and 4.

2. *"Condition #1 does not effectively address the problem of fugitive dust and that the threshold is what the Development Authority may consider offensive or excessive and suggests the wording such as unreasonable or untoward as specific measurables. Condition #1 also fails to provide any requirement for dust hazard mitigation."*

Response: Condition #1 on the permit states: The business shall not generate noise, smoke, dust, odour, fumes exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority. Again, this is a standard condition placed on all permits for businesses and is in effect for the duration of the operation. Sturgeon County could enforce and fine if complaints were received were proven to be offensive or excessive. The County has also purchased air monitors and could measure the air quality when complaints are received. The replacement wording suggested as "unreasonable or untoward" also do not imply specific measurables.

3. *"New Condition – No Roadside Parking. Traffic congestion within the park is inadequately dealt with under Sturgeon County's Traffic Bylaw. RR260 is increasingly used as a by-pass between Ray Gibbon Drive and Hwy 37. Roadside parking on RR260 by vehicles associated with the subject Landscape Supply land use present an unacceptable danger to road traffic and to pedestrians travelling between parked vehicles and the subject business"*

Response: The reference to the traffic activity from within the park is not relevant as this parcel is not accessed from within the park and should not be considered. The parcel is accessed by Range Rd 260 and has ample parking spaces within the site to accommodate parking as previously mentioned. The potential for parking and pedestrians on Rge Rd 260 is speculation. Further, Sturgeon County's Bylaw 1419/18 Regulation of Traffic Section 5.(2) Parking – No person shall park or permit a vehicle to be parked on a highway contrary to a traffic control device. This means that parking is allowed on County roads however they cannot create an obstruction. If parking on County roads became an issue in this location the County would have to install "no parking" signs.


4. The appellant has referenced that complaints were made to the County on both the dust and traffic congestion with ProNorth Industrial Park and was inadequately dealt with under the Sturgeon County Traffic Bylaw.

Response: The County has no record of such complaints in recent years nor any that would have been directly related to the similar business that operated from the site since 2015.

CONCLUSION

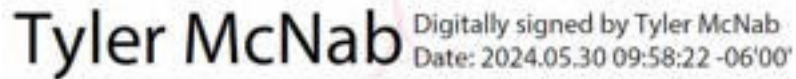
- It is the recommendation of Administration that the Board deny the appeal and uphold the issued permit to operate a General Industrial (Landscaping Supplies & Commercial Services) use.
- Should the Board support the appeal and refuse the permit, the business would have to find an alternate location.

Prepared By:



Yvonne Bilodeau, Development Officer

Reviewed By:



Tyler McNab Digitally signed by Tyler McNab
Date: 2024.05.30 09:58:22 -06'00'

Tyler McNab, Program Lead, Development & Safety Codes

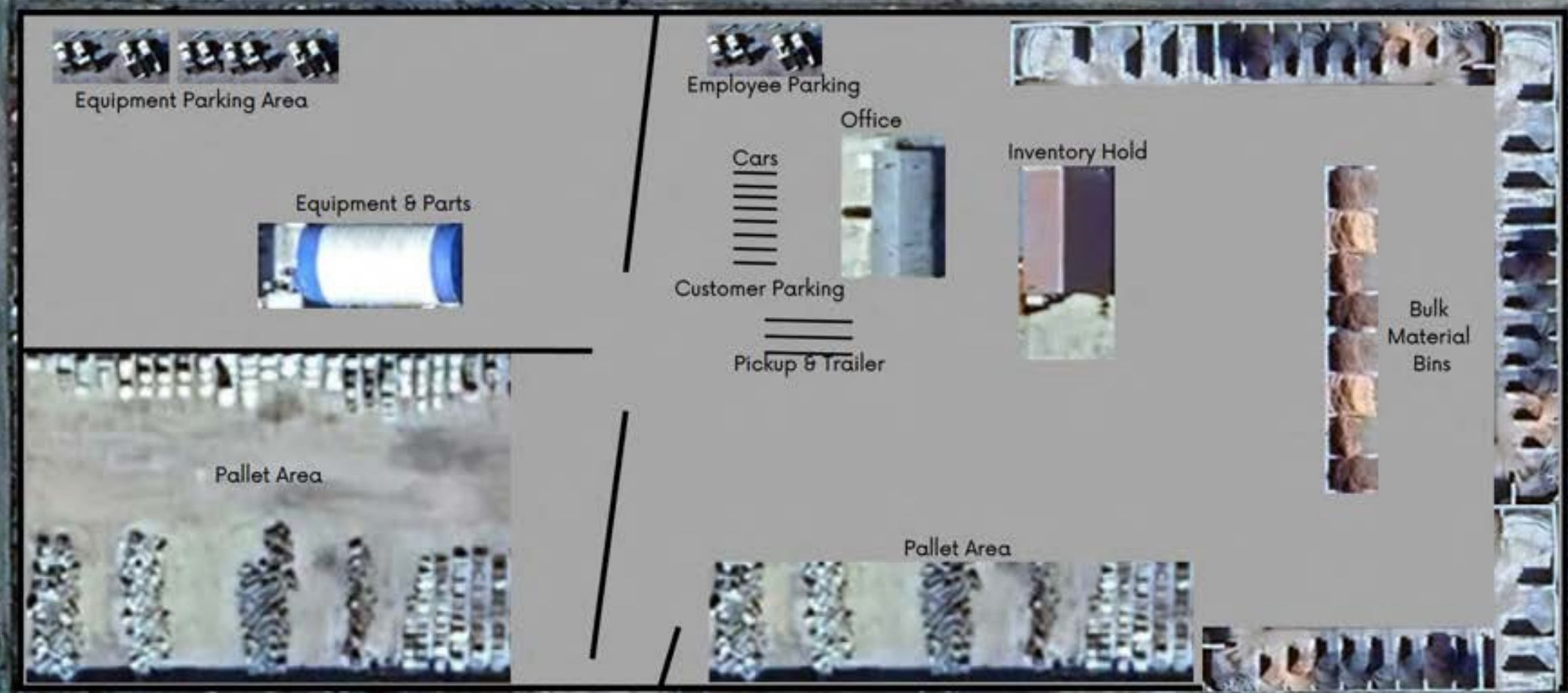
Appendix 1



28/05/2024 14:20

ROCKLAND SITE PLAN
Municipal Address: 100, 54408 Range Road 260
Legal Description: Plan 8322821, Lot 22
Site Size: 6.47 Acres

Appendix 2



Range Road 260



Appendix 3



6.47 AC HEAVY DUTY YARD W/ BLDGS
CONTACT: MAX MCPEAK
CUSHMAN & WAKEFIELD
Edmonton
FOR SALE
780 420 1177
www.cwagm.com

28/05/2024 14:10

Appendix 4



28/05/2024 14:16

305305-24-D0085 Landscaping Supplies & Commercial Services

Development Authority Report for SDAB Appeal 024-STU-006

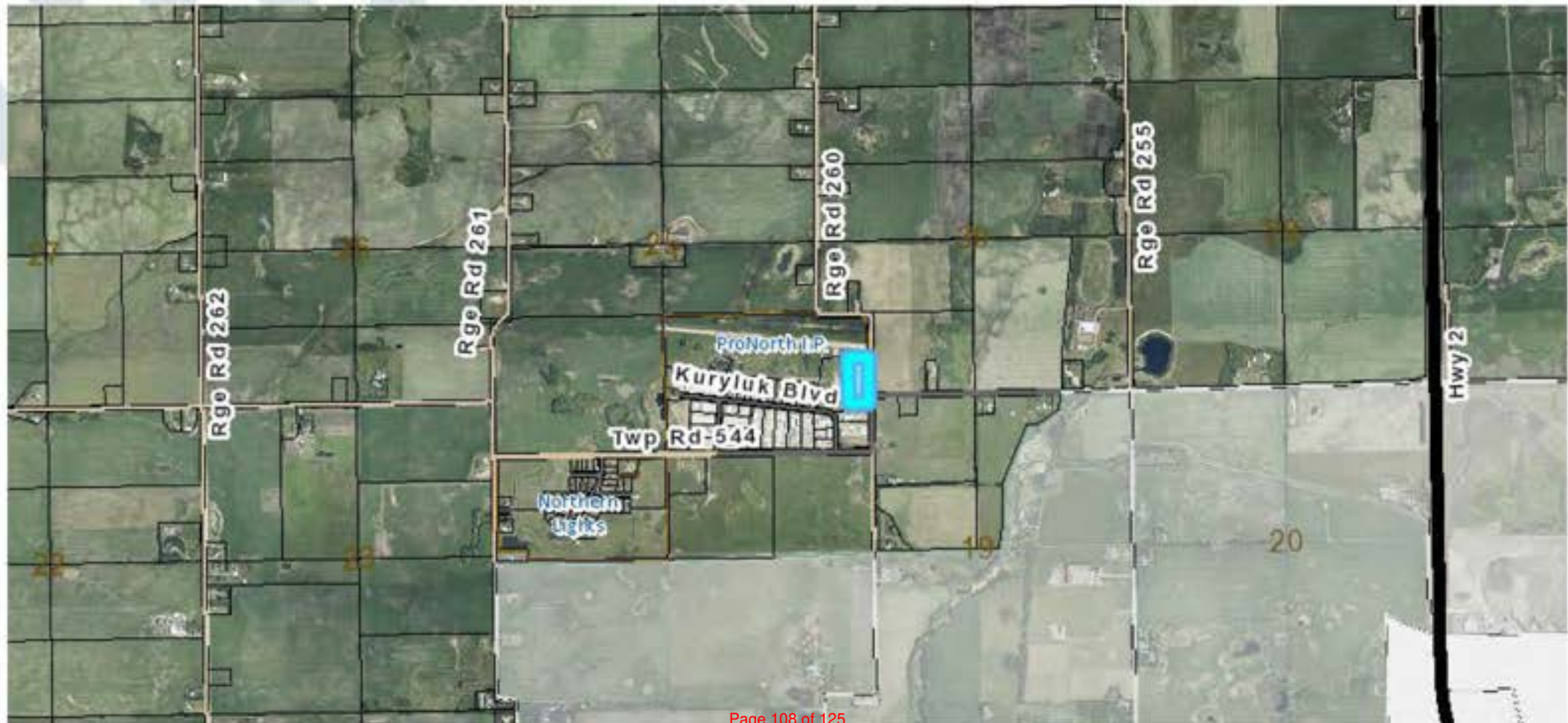
2023-06-04



Sturgeon
C O U N T Y

Site Location

ProNorth Industrial Park



Site Location

100, 54408 Rge Rd 260



Background & Property Information



100, 54408 Rge Rd 260 Lot 22, Plan 8322821

- 2.6ha (6.47ac)
- Developed with shop, fabric shelter, office trailer and relocatable office, fully fenced, gated and hard surfaced
- Compliance Issued on April 30, 2024
- Rezoned from Airport to Business Industrial in 2010
- Previous uses of land were, RV Storage, Camper Manufacturing and Rentals, Maintenance Sales and Service of Buses and Ambulances, Distribution of Peat Moss

Property Photo – Appendix 1

May 28, 2024



Relevant Policy & Legislation

Land Use Bylaw 1385/17

- The intent of the district is to provide for low and medium intensity industrial uses on parcels with limited servicing located within a planned industrial park. Any nuisance factor should be limited beyond the boundaries of the parcel.
- Section 15.3.2 Uses – lists General Industrial as a discretionary use.
- General Industrial means an industrial activity which does not create an adverse environmental impact or nuisance beyond its immediate site, is compatible with other industrial and commercial uses in a concentrated setting and involves the storage, manufacturing, distribution, wholesaling, testing, repairing, processing or salvaging of goods and materials
- The Land Use Bylaw also has a use for Landscaping Contractor Service, but it is only a listed use in the Agriculture Districts on parcels larger than 10 acres.
- Part 8 - The Development Authority may require that site landscaping be provided in conjunction with, and addressed as part of, any development permit for multi-family, industrial, commercial and institutional uses.

Analysis

- Activities are of low intensity in comparison to the more medium intensity uses in the park. The proposed business would not create an adverse impact or nuisance beyond its immediate site.
- Rockland is currently located in the City of St Albert adjacent to residential uses and has reported to not have had any complaints against them.
- It is a large parcel with majority of it being undeveloped and ample room for parking.
- Rockland is of similar use to the business that was previously on the site known as Chieftain Equipment.
- Permit conditions are adequate and enforceable should they not be met to the satisfaction of the Development Authority.
- Sturgeon County has no record of any complaints received in association with ProNorth Industrial Park nor the former similar business.

Site Plan – Appendix 2

ROCKLAND SITE PLAN

Municipal Address: 100, 54408 Range Road 260

Legal Description: Plan 8322821, Lot 22

Site Size: 6.47 Acres



Analysis – Appendix 3 and 4

Privacy slats in chain link fence



Privacy screen on chain link fence



Conclusion

- It is the recommendation of Administration that the Board deny the appeal and uphold the issued permit to operate a Landscaping Supplies & Commercial Services business
- Should the Board support the appeal and refuse the permit, the business would have to find an alternate location.

**APPELLANT
SUBMISSIONS
RECEIVED**

From: [Mike Dickie](#)
To: [Legislative Services](#)
Subject: SDAB Appear # 024-STU-006 Written Submission
Date: Thursday, May 30, 2024 3:52:57 PM
Attachments: [20240530160446785.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender, and know the content is safe. If you are unsure of the contents of this email, please reach out to IT at ISSupport@sturgeoncounty.ca

Attention Dianne Mason – Secretary SDAB Sturgeon County

Further to our telephone conversation earlier today, please find attaching a written submission regarding the above -noted Subdivision and Development Board appeal.

I am uncertain at this time as to whether I will be appearing personally at the hearing to address the Board but I do advise that if I am not present at the hearing I wish to have the Board hear my position on the basis of the attached submission and consider the suggested Condition modifications set out in the submission.

Thank you for your time and attention.

Michael Dickie
ProNorth Industrial Park Inc.
780-458-5899

A development permit allows a specific type of development on a specific parcel of land to proceed. **Development permits address issues of community planning, bylaws, land use, image, and compatibility.** It is required to ensure compliance with the Land Use Bylaw and that **development does not infringe on the rights of adjacent landowners and other interested parties.** A development permit may stipulate some of the following conditions: the use of the property, intensity of that use, building height, building site coverage, setbacks from property lines, development standards, **parking requirements** etc.

Municipality of Crownsnest Pass – Development & Permitting – FAQ's

<https://www.crownsnestpass.com/planning-development/p-d/development-and-permitting-faqs>

With development permits for a discretionary use, the development authority must examine the site, the adjacent uses, any additional requirements, and the planning merits of the proposal. The development authority may refuse the application or approve the application with or without conditions. **For discretionary use applications the development authority has far more flexibility to impose conditions, even those that are not contained in the land use bylaw, provided that the conditions achieve a legitimate planning and development objective, and align with the intent of the land use bylaw.** Approval of a discretionary use development permit may involve exercising discretion to vary the general or district specific development standards.

SDAB Training Manual – Alberta Municipal Affairs, September 2014 p. 33

Mr. Chairman & Subdivision & Development Appeal Board Members

My name is Michael Dickie and I am representing the Appellant, ProNorth Industrial Park Inc., in this matter.

ProNorth Industrial Park Inc. is the owner of several industrial parcels in the ProNorth Industrial Park, including a 78 acre parcel to the immediate north of the subject property.

As I understand it, Development Permits are intended to address issues of community planning, bylaws, land use, image and compatibility. I would like to focus on **community planning, image and compatibility.**

One purpose of Development Permits is to ensure that development does not infringe on the rights of adjacent landowners and other interest parties. I would like to focus on the issue of **safeguarding the rights of ProNorth community from** (a) hazarding a deterioration of the image of the ProNorth Industrial Park by failing to require consistency in Park perimeter

screening; (b) additional area traffic concerns arising from inappropriate road-side vehicle parking practices and (c) needlessly creating community anxieties about dust nuisance.

Development Permits for discretionary uses may impose conditions – provided the conditions achieve a legitimate planning and development objective. I would like to focus on the following Conditions of the present Development Permit as falling short of community expectations.

Condition #2 – specifically screening of stored goods and materials;

Screening of stored materials from roads. This is a community planning and community image issue.

The subject parcel location is highly visible to road traffic associated with the whole of the ProNorth Industrial Park. The character and appearance of this landmark property significantly colours the general public's impression of the character of the ProNorth Industrial Park as a whole and the various businesses located in the Park.

As such, it is appropriate that Park residents have an assurance that visual buffering or screening along the subject property's 240 m frontage to RR260 will actually hide on-site activities and materials stores from road traffic, will be consistent with the Park's existing perimeter screening, and that the means of screening will be maintained in good order once installed.

It should be noted that the two parcels immediately south of the subject parcels, as a condition of an earlier subdivision approval affecting these properties, were required by the Development Authority, as a screening condition, to install black fencing slats in the existing chain link fencing along the RR260 and TR544 property boundaries. This was an effective and low-cost screening technique that has set a standard for ProNorth Industrial Park perimeter screening that should be continued in the current Development Permit. That particular approval Condition represented good community planning and established a positive image for the Industrial Park that should be referenced and adhered to in Development Authority decision-making concerning current and future developments in the ProNorth Industrial Park.

The existing wording of Condition #2 makes no reference to a specific screening technique and puts the developing uniformity of the Park's perimeter screening at unnecessary risk of compromise. While the wording does not exclude the Development Authority from specifying the same screening method as was earlier stipulated (the earlier subdivision approval) it takes little effort to modify the present Condition #2 to eliminate the risk of non-uniform perimeter screening and illustrates to the Park landowners that the Development Authority is exercising good planning and community image enhancement.

As a further comment on perimeter screening - it should also be noted that some portions of the fencing slat screening that was earlier installed along RR260 has fallen into disrepair solely by reason of lack of maintenance by the individual property users and is no longer effective for screening purposes. This fact should be taken into account in the wording of the Condition by including an ongoing requirement for screening repair and maintenance by the property user.

Condition #7 – specifically vehicle parking

Road-side vehicle parking – this is a community planning and road safety issue

Road-side parking has increasingly become a problem at the ProNorth Industrial Park. This is particularly concerning inside the Park itself where road-side vehicle parking by employees or visitors is actively interfering with industrial truck traffic going about their business of servicing various industrial properties. Traffic congestion within ProNorth Industrial Park is inadequately dealt with under the Sturgeon County Traffic Bylaw.

Proactively preventing a similar congestion problem arising along the RR260 road frontage of the subject parcel by way of Development Permit condition is a common-sense 'good community planning' precaution benefiting all area residents and area traffic in general.

The subject parcel has a 240 m road frontage to RR260 – currently built as a RLU-208G with no shoulders. RR260 is increasingly used as a by-pass between Ray Gibbon Drive and Hwy 37. The posted speed on RR260 is 80 kph. Roadside parking on RR260 by vehicles associated with the subject land-use present an unacceptable danger to road traffic and to pedestrians travelling between parked vehicles and the subject business.

The wording in Condition #7 only references technical requirements for on-site vehicle parking and does not address vehicle parking sufficiency matters. Good community planning reasonably calls for the Condition to also include a requirement that on-site parking be sufficient for both employee and customer parking and that vehicle parking on public roadways is not to be permitted.

It does not appear that the County Traffic Bylaw adequately addresses this RR260 road-side parking issue and that a Permit Condition requiring sufficient on-site employee and customer parking would.

Condition #1 – Nuisance Prohibition - specifically fugitive dust

Fugitive dust – this is a use compatibility issue

The exterior storage of landscaping materials will undoubtedly include sand, gravel, wood chips and other substances that are known to create dust hazards in windy weather.

The ProNorth Industrial Park has had earlier issues with dust hazards being created by activities being carried on in the Park. For example, there has been an on-going problem of fugitive dust associated with concrete production at the west end of the Park. The degree of dust blowing onto neighboring properties, particularly during windy summer periods, has had affected neighbouring property owners repeatedly complaining to Sturgeon County for abatement of this form of nuisance.

Airborne particles can represent a hazard to, for example, helicopter operations and can affect industrial processes, for example, industrial painting operations and, more generally, constitute a significant irritation and breathing hazard for outdoor workers for all kinds of Park activities.

Condition #1 does not adequately address the problem of fugitive dust potentially generated by mass storage and repeated machine handling of dust prone materials such as sand, gravel and wood.

Condition #1 does not specify a workable measurement for condition compliance – instead merely indicating that the threshold is what the Development Authority may consider 'offensive' or 'excessive'. Such wording implies that any degree of dust generation short of 'totally awful' could meet the stated compliance standard.

Alternative wording such as 'unreasonable' or 'untoward' would effectively lower the bar for non-compliance and promote an early discussion by the Development Authority with the property user directed at hazard mitigation as opposed to suspension of use permission. The use of such wording in the Permit Condition provides neighbouring Park residents with an assurance that the bar for reasonable complaint does not reach as high as 'totally awful'. Such wording also alleviates neighbours' concerns about being forced to legal recourse over a nuisance concern that is more easily resolved as an issue of Permit Condition compliance between the property user and the Development Authority.

Importantly, Condition #1 fails to provide any requirement for dust hazard mitigation. Merely adding the wording "the business shall make efforts to mitigate dust nuisance beyond the property boundaries to ensure compliance with this condition" would remedy this failure. Mitigation actions available to the property user could take the form of covering materials that prove prone to dusting, prohibiting or minimizing on-site materials screening and sieve operations, and other dust reducing actions.

It is suggested that Condition #1 be worded to substitute 'unreasonable or untoward' for 'offensive or excessive' with respect (in particular) to dust generation and adding a requirement that the business take reasonable mitigation measures to minimize dust nuisance. Such a wording change will promote discussion and negotiation concerning questionable dust hazards and contribute to a community planning objective of minimizing land use conflict.

In summary – the Appellant objects to the specific wording in Conditions #1, #2 and #7 of the subject Development Permit for the reasons cited above and submits suggestions on how such wording might be modified by the Subdivision and Development Appeal Board to better accomplish the objectives of community planning, image and use compatibility.

Thank you for your time and attention.

APPLICANT SUBMISSIONS RECEIVED

May 29, 2024

Dear Dianne Mason

Re: SDAB File Number: 024-STU-006

As an appeal was received against our development permit, we would like to outline how those concerns would be addressed by the new property owners. Although the appeal more so addresses enforcement concerns of conditions, we will address how we will take steps in ensuring that conditions set by the County are adhered to.

Appealing condition #1 – prohibition of nuisance should more specifically address fugitive dust

Response: All bulk materials (i.e. Decorative rock, aggregates, bark chips, soils, etc.) will be contained within concrete bins. These bins will cover 3 sides of the product and will not allow the wind to create blowing material that are stored on site.

Our current site from which we operate on is located directly across the street from residential housing, and in the 20 years of business, we have not had any complaints from the residents.

Currently in ProNorth there is a concrete plant and a sawmill that may generate dust and blowing wood. However, with the sale of landscaping materials, we are not producing or manufacturing any goods that require the mixing, screening, grinding, or cutting of our products.

Appealing condition #2 – public appearance of exterior storage of landscaping materials as representative of ProNorth Park generally

Response: Being in the landscaping industry, internally we have addressed upgrades that we will be making to the site. This would include mowing of the ditches and upgrades to the fencing that runs along range road 260. Also, certain buildings on site will be repainted.

We will be bringing life and cleanliness to this site; it will increase the character and appearance of ProNorth in a positive manner.

Requesting new condition be considered – no roadside parking

Response: The site is quite large and is adequate for all our parking to occur within the site. There will be no parking on the road generated from us or our customers.

Thank you
Gary Takhar
Applicant

WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS

*NOTE:

No submissions were received at the
time of publication of the Agenda