

June 18, 2024
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING AGENDA
STURGEON COUNTY COUNCIL CHAMBERS
AND VIDEOCONFERENCE 2:00 p.m.

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

2. SCHEDULE OF HEARINGS:

2.1. Appellant: Ryan Augusto 024-STU-008 Development Appeal

2.2. Appellant: Russell Dollard 024-STU-009 Subdivision Appeal

3. ADJOURNMENT

Appeal #1

024-STU-008 - Appealing the
Development Authority's refusal of a
permit to operate a Home-Based
business Level Two - Lawncare Service -
Unicutters Lawncare with a variance
allowing on-site parking for four
employees.



SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		Date Received Stamp
Municipal Address of site:	101-54302 RR 250, T8T0C9	
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter)		
Development Permit number or Subdivision Application number:		
Appellant Information:		
Name: Ryan Augusto	Phone: 587-985-5097	Agent Name: (if applicable)
Mailing Address: 101 via tuscano	City, Province: sturgeon county	
Postal Code: t8t0c9	Email: hello@unicutters.ca	

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 type="checkbox"/> Conditions of Approval
<input type="checkbox"/> Refusal	<input checked="" 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

On separate page

(Attach a separate page if required)

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:

2024-05-24

FOR OFFICE USE ONLY

SDAB Appeal Number:

Appeal Fees Paid:

Yes No

Hearing Date:

YYYY/MM/DD

Our business operates seasonally from late April to early October. The nature of our work requires employees to convene at our property, where they park their personal vehicles and then leave together in a company work vehicle. This arrangement is vital for maintaining our efficiency and ensures that we manage our operations smoothly without any disruptions.

We ensure that our operations are quiet, timely, and cause minimal disturbance, much like a service company visiting a neighborhood for work, but even less cumbersome as we do not block roadways for any period of time. Employee vehicles are parked orderly on our driveway and their stay is brief, typically less than 10 minutes before they depart, and similar upon returning.

Given these points, I believe our request for a variance is reasonable and aligns with our commitment to being considerate neighbors. We've considered alternatives to needing additional parking spaces, but our property is the most viable gathering point due to the specific requirements of our operations and the lack of nearby feasible alternatives.

Could you please review our application, your expertise in navigating these processes will be invaluable to us.

Operational hours are from 7am- 5pm for only 4 days per week

Thank you for your assistance and support.

General Cash Receipt
RYAN AUGUSTO

Receipt Number: 202403324
GST Number: 107747412RT0001
Date: 5/24/2024
Initials: KB

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>
			Visa: \$100.00	
			Total Monies Received: \$100.00	
			Rounding: \$0.00	
			Amount Returned: \$0.00	

June 4, 2024

SDAB File Number: 024-STU-008

Dear Ryan Augusto:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property:	Plan 0729434; Block 5; Lot 3 Tuscany Hills 101-54302 Range Road 250
Development Permit Application Number:	305305-24-D0120
Decision Regarding Proposed Development:	A development permit was refused to operate a Home-Based business Level Two - Lawncare Service - Unicutters Lawncare with a variance allowing on-site parking for four employees.

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on May 24, 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 18, 2024 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

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 528 609 282#. 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 June 13, 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.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

June 4, 2024

SDAB File Number: 024-STU-008

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 0729434; Block 5; Lot 3 Tuscan Hills 101-54302 Range Road 250
Development Permit Application Number:	305305-24-D0120
Decision Regarding Proposed Development:	A development permit was refused to operate a Home-Based business Level Two - Lawncare Service - Unicutters Lawncare, with a variance allowing on-site parking for four employees.

Appellant: Ryan Augusto

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

- The business operates seasonally from late April to early October and requires employees to convene at the subject property, park their personal vehicles and depart together in a company work vehicle;
- Employees would park on the subject property without blocking adjacent roadways, and cause minimal disturbance in the neighbourhood;
- The Appellant believes the request for the variance is reasonable and aligns with their commitment to being considerate neighbours.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **June 18, 2024 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

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 528 609 282#. 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 June 13, 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.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

Encl.: Reasons for Appeal
Site Map



Legal Description: Lot 3, Block 5, Plan 0729434

Date: 3-Jun-2024

PLANNING & DEVELOPMENT

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.

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.



Sturgeon
COUNTY

Planning and Development
9613-100 Street
Morinville, AB T8R 1L9
Phone (780) 939-8275
Fax (780) 939-2076
Email: PandD@sturgeoncounty.ca

For Office Use	
Permit Number:	305305-24-D0120
Date Received:	14 May 2024
Received By:	DC

Development Permit Application for Home Based Business

Application is hereby made under the provisions of Land Use Bylaw 1385/17 to develop in accordance with the plans and supporting information submitted herewith and which form part of this application.

APPLICANT INFORMATION

APPLICANT NAME Ryan Augusto LANDOWNER(S) NAME (IF DIFFERENT THAN APPLICANT) Joe Augusto
 MAILING ADDRESS 101 via tuscano CITY / TOWN sturgeon county PROVINCE AB POSTAL CODE T8T0C9
 PHONE 5879855097 ALTERNATE PHONE 7809665097 FAX _____
 EMAIL hello@unicutters.ca

LAND INFORMATION

PROPERTY ADDRESS 101 via tuscano SUBDIVISION NAME Tuscany Hills
 LEGAL DESCRIPTION: LOT 3 BLOCK 5 PLAN 0729434 PARCEL SIZE 0.50 Acre
 QUARTER _____ SECTION _____ TWP 54302 RGE 250 W _____

HOME BUSINESS DESCRIPTION

NAME OF BUSINESS Unicutters Lawncare

PROVIDE A DETAILED DESCRIPTION OF DAY TO DAY OPERATIONS & SERVICES YOU PROVIDE
(ATTACH A LETTER IF MORE SPACE IS NEEDED)

We provide lawncare services to businesses and consumers in Edmonton, St Albert, Sturgeon and other areas. Lawncare services include mowing, fertilizing, spring cleaning, fall cleaning.

YEARS IN BUSINESS 7 TYPE OF BUSINESS: BUSINESS TO BUSINESS BUSINESS TO CONSUMER
MARKET (ALL THAT APPLY): LOCAL REGIONAL PROVINCIAL NATIONAL INTERNATIONAL

NAICS: (North American Classification System)

Please check off the ONE NAICS category that best applies to your business. This classification is important information for our team and will provide valuable information that can assist greatly with statistical data analysis of our region.

- | | |
|--|--|
| <input type="radio"/> 11 Agriculture, forestry, fishing and hunting | <input type="radio"/> 54 Professional, scientific and technical services |
| <input type="radio"/> 21 Mining, quarrying, and oil and gas extraction | <input type="radio"/> 55 Management of companies and enterprises |
| <input type="radio"/> 22 Utilities | <input type="radio"/> 56 Administrative and support, waste management and remediation services |
| <input type="radio"/> 23 Construction | <input type="radio"/> 61 Educational services |
| <input type="radio"/> 31-33 Manufacturing | <input type="radio"/> 62 Health care and social assistance |
| <input type="radio"/> 41 Wholesale trade | <input type="radio"/> 71 Arts, entertainment and recreation |
| <input type="radio"/> 44-45 Retail trade | <input type="radio"/> 72 Accommodation and food services |
| <input type="radio"/> 48-49 Transportation and warehousing | <input checked="" type="radio"/> 81 Other services (except public administration) |
| <input type="radio"/> 51 Information and cultural industries | <input type="radio"/> 91 Public administration |
| <input type="radio"/> 52 Finance and insurance | |
| <input type="radio"/> 53 Real estate and rental and leasing | |

SOCIAL MEDIA: WHERE CAN WE FIND YOU? WE LOVE TO FOLLOW STURGEON COUNTY BUSINESSES!

WEBSITE _____ FACEBOOK _____ INSTAGRAM _____
TWITTER _____ OTHER _____

- YES I WOULD LIKE TO RECEIVE OCCASIONAL EMAIL UPDATED FROM STURGEON COUNTY ECONOMIC DEVELOPMENT
 YES PLEASE CONTACT ME TO LEARN MORE ABOUT STURGEON COUNTY'S BUSINESS VISITATION PROGRAM

CLIENTS, CUSTOMERS & EMPLOYEES

DO CLIENTS / CUSTOMERS VISIT YOUR PROPERTY? Y N

IF YES, AT WHAT HOURS AND HOW MANY VISITS PER DAY / WEEK? _____

HOW MANY NON-RESIDENT EMPLOYEES WILL WORK AT OR VISIT THE PROPERTY? 4

HOW MANY PARKING STALLS DO YOU PROVIDE YOUR CLIENTS / CUSTOMERS AND EMPLOYEES? 4

VEHICLES & EQUIPMENT

LIST ALL VEHICLE TYPES AND EQUIPMENT ASSOCIATED WITH YOUR BUSINESS

CAR / VAN _____

TRUCKS(S)

F250 2005, Ford, 6,447 lbs.

(INDICATE NUMBER, SIZE, TYPE, WEIGHT)

Blue Bird Power Rake, Billy Goat Vac, Stihl Hedger

MACHINERY (SPECIFY)

Ryan Aerator, Toro Mower, Toro Mower, Bravo Mower, Scag Mower, Stihl Trimmer, Echo Trimmer, Echo Trimmer

(SKID STEER, BACKHOE, FORKLIFT)

TRAILERS (SPECIFY)

Royal Cargo 2016 16Ft V Nose

OTHER (SPECIFY) _____

STORAGE & DELIVERIES

ARE MATERIALS AND/OR EQUIPMENT RELATED TO THE BUSINESS STORED ON THE PROPERTY?

Y N

HOW MUCH IS STORED AND WHERE?

Equipment is stored inside garage and enclosed trailer

ARE THERE ANY DANGEROUS GOODS ON SITE ASSOCIATED WITH YOUR BUSINESS?

Y N

IF YES, WHAT TYPES? _____

ARE DELIVERIES MADE TO THE PROPERTY?

Y N

IF YES, HOW OFTEN ARE DELIVERIES MADE TO THE PROPERTY? _____

BUSINESS SIZE & ADVERTISING

Garage

TOTAL FT²/M² OF HOME

3600 FT²

FT²/M² ALLOCATED FOR BUSINESS

150 FT²

LIST ANY ADDITIONAL BUILDINGS USED IN THE OPERATION OF THE BUSINESS INCLUDING FT²/M²

WHAT ADVERTISING SIGNAGE WILL APPEAR ON THE PROPERTY?

None

SITE PLAN

SITE PLAN (attached)

PLEASE PROVIDE A SITE PLAN INDICATING THE BUILDINGS INTENDED FOR USE BY THE BUSINESS, ONSITE PARKING STALLS FOR CLIENTS/EMPLOYEES, PARKING AREA FOR VEHICLES AND EQUIPMENT RELATED TO THE BUSINESS, EXTERIOR STORAGE AREA (dimensioned) FOR MATERIALS/GOODS, AND ANY PROPOSED OR EXISTING SCREENING OR FENCING.

Ryan Augusto

APPLICANT AUTHORIZATION

Severed in line with section 17 of the FOIP Act

I/we hereby give my/our authorization to apply for this home based business development permit application and allow authorized persons the right to enter the above land and/or building(s) with respect to this application only. I/we understand and agree that this application and any development permit issued pursuant to this application or any information thereto, is not confidential information and may be released by Sturgeon County.

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.

[Signature] April 29th 2024
SIGNATURE OF APPLICANT(S) DATE

April 29-24
DATE

April 29-24
DATE

SUPPORT DOCUMENTS

Ensure the listed supporting documentation is included with this permit application, Sturgeon County cannot accept incomplete applications.

ALBERTA TRANSPORTATION APPROVAL OR PROVIDE CURRENT ROADSIDE APPROVAL # _____ N/A
300 m from a provincial right-of-way or 800 m of the centerline of a highway and public road intersection

LAND TITLE CERTIFICATE
Searched within 30 days prior to the application. These documents can be obtained at any Provincial Registry Office or online at <http://www.spin.gov.ab.ca/>.

CORPORATE REGISTRY N/A

FOR OFFICE USE ONLY

HOME BASED BUSINESS LEVEL 1 2 3

ROLL 2777017

LUB ZONING R2

FEES \$300.00

USE: PERMITTED DISCRETIONARY

RECEIPT 202403023

FORM OF PAYMENT _____

FOIP DISCLAIMER: The personal information provided will be used to process a home based business development permit application and is collected under the authority of Section 642 of the Municipal Government Act and Section 33 (c) of the Freedom of Information and Protection of Privacy (FOIP) Act. Personal information you provide may be recorded in the minutes of the Municipal Planning Commission. 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.

Notification of Refusal Letter

Date: May 23, 2024

Permit Number: 305305-24-D0120

To: Augusto, Ryan
101-54302 Rge Rd 250
Sturgeon County, ALBERTA
T8T 0C9

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-24-D0120 to operate a Home-Based business Level Two - Lawncare Service - Unicutters Lawncare, was refused on May 24, 2024.

This decision may be appealed to the Subdivision and Appeal Board within 21 days after the date on which a person qualified to appeal is notified of the decision. Appeal Board information can be found at the bottom of the permit.

If you have any questions regarding the development permit, please contact the undersigned at (780)939-1314 or toll free at 1-866-939-9303.

Yours truly,



Yvonne Bilodeau
Development Officer

Development Permit

Land Use Bylaw 1385/17

Permit No.:	305305-24-D0120
Tax Roll No.:	2777017
Decision Date:	May 23, 2024
Effective Date:	Jun 13, 2024

Applicant

Name: Augusto, Ryan
 Address: 101-54302 Rge Rd 250
 Sturgeon County, ALBERTA
 T8T 0C9
 Phone: (780)966-5097
 Cell: (587)985-5097
 Email: hello@unicutters.ca

Owner

Name: Augusto, Jose and Paula
 Address: 101-54302 Rge Rd 250
 Sturgeon County, ALBERTA
 T8T 0C9
 Phone: (587)985-5097
 Cell:
 Email:

Property Description

Legal Land Description: 0729434; 5; 3 Tuscany Hills
Land Use Description: R2 - Country Estate Residential District
Rural Address: 101-54302 Rge Rd 250

Description of Work

To operate a Home Based business Level Two - Lawncare Service - Unicutters Lawncare

Fees

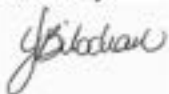
Home Based Business - Level Two, Discretionary Use / Variance Request	\$450.00
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The application is **REFUSED** for the following reasons:

1. Section 2.8. states, *The Development Authority may issue a variance in accordance with Table 2.1. The percentage of variance that may be granted by the Development Authority in the R2 District is 40%.*
2. Subsection 6.16.5 of Land Use Bylaw 1385/17 states, *the maximum non-resident employees on site shall be two. A variance is requested to increase the number of non-resident employees to four. Therefore, the requested variance is 100%.*

If you have any questions or concerns about your application or any conditions listed above, please contact the Current Planning and Development Department at 780-939-8275.

Issued By:



Yvonne Bilodeau
 Development Officer

Municipality

Sturgeon County
 9613 – 100 Street Morinville, AB T8R 1L9
 Phone: (780) 939-8275
 Fax: (780) 939-2076
 Toll Free: 1-866-939-9303

Appeal Information

Pursuant to Section 685(1) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 21 days of the decision date. Appeals can be filed with the Secretary of the Subdivision and Development Appeal Board via email at legislativeservices@sturgeoncounty.ca or via mail to Sturgeon County Centre 9613 – 100 Street Morinville, AB, T8R 1L9. Telephone enquiries can be made at 780-939-4321.

The plan and related survey information contained in the survey document shall be read in conjunction with the documents contained in the title to the land to which the survey was made and the documents made subsequent to the date of the Real Property Survey. No responsibility is made regarding omissions, improvements or measurements incorrectly shown or not shown on the documentation provided.



COMPLIANCE CERTIFICATE

STURGEON COUNTY
REFUSED

Johnston

AUTHORIZED SIGNATURE

305305-24-D0120 May 23, 2024

DATE

STURGEON COUNTY



LOT 3
BLOCK 5
PLAN 0729434

N.E. 1/4 SEC. 13-54-25-4

NOTES: 1. REFER TO PAGE 2 FOR LOT LOCATION.
2. REFER TO RESTRICTIVE COVENANT DOCUMENTS (INST. #072646298, #072646299, & #072646300).

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

LEGAL: LOT 3 BLOCK 5 PLAN 0729434
TUSCANY HILLS, STURGEON COUNTY, AB

THIS REPORT IS PREPARED FOR:
JOE AUGUSTO

CLIENT'S FILE:

SURVEY COMPLETED: AUG. 29, 2012.
TITLE SEARCHED: AUG. 28, 2012. TITLE NO: 102151966

CERTIFICATION: I HEREBY CERTIFY THAT THIS REPORT, WHICH INCLUDES THE ATTACHED PLAN AND RELATED SURVEY, WAS PREPARED AND PERFORMED UNDER MY PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE OF THE ALBERTA LAND SURVEYORS' ASSOCIATION AND SUPPLEMENTS THERETO. ACCORDINGLY WITHIN THOSE STANDARDS AND AS OF THE DATE OF THIS REPORT, I AM OF THE OPINION THAT:

1. THE PLAN ILLUSTRATES THE BOUNDARIES OF THE PROPERTY, THE IMPROVEMENTS AS DEFINED IN PART D, SECTION 8.5 OF THE ALBERTA LAND SURVEYORS' ASSOCIATION'S MANUAL OF STANDARD PRACTICE, REGISTERED EASEMENTS, AND RIGHTS-OF-WAY AFFECTING THE EXTENT OF THE TITLE TO THE PROPERTY;
2. THE IMPROVEMENTS ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PROPERTY;
3. NO VISIBLE ENCROACHMENTS EXIST ON THE PROPERTY FROM ANY IMPROVEMENTS SITUATED ON AN ADJOINING PROPERTY;
4. NO VISIBLE ENCROACHMENTS EXIST ON REGISTERED EASEMENTS OR RIGHTS-OF-WAY AFFECTING THE EXTENT OF THE PROPERTY.

PURPOSE: THIS REPORT AND RELATED PLAN HAVE BEEN PREPARED FOR THE BENEFIT OF THE PROPERTY OWNER, SUBSEQUENT OWNERS AND ANY OF THEIR AGENTS FOR THE PURPOSE OF A SUBMITTAL TO THE MUNICIPALITY FOR A COMPLIANCE CERTIFICATE. COPYING IS PERMITTED ONLY FOR THE BENEFIT OF THESE PARTIES, AND ONLY IF THE PLAN REMAINS ATTACHED. WHERE APPLICABLE, REGISTERED EASEMENTS AND UTILITY RIGHTS OF WAY AFFECTING THE EXTENT OF THE PROPERTY HAVE BEEN SHOWN ON THE ATTACHED PLAN. UNLESS SHOWN OTHERWISE, PROPERTY CORNER MARKERS HAVE NOT BEEN PLACED DURING THE SURVEY FOR THIS REPORT. THE ATTACHED PLAN SHOULD NOT BE USED TO ESTABLISH BOUNDARIES DUE TO THE RISK OF MISINTERPRETATION OR MEASUREMENT ERROR BY THE USER. THE INFORMATION SHOWN ON THIS REPORT REFLECTS THE STATUS OF THIS PROPERTY AS OF THE DATE OF SURVEY ONLY. USERS ARE ENCOURAGED TO HAVE THE REAL PROPERTY REPORT UPDATED FOR FUTURE REQUIREMENTS.

DATED AT EDMONTON, ALBERTA, AUG. 29, 2012.



John Sung

JOHN SUNG A.L.S.

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE (IN BLUE INK) ©(Copyright Reserved) J. Sung, 2012.

- NOTES:
1. THIS REPORT IS PREPARED FOR MORTGAGE PURPOSES ONLY AND NOT MADE FOR LITIGATION USES.
 2. ALL DISTANCES ARE SHOWN IN METRES AND DECIMALS THEREOF.
 3. ALL YARD DISTANCES ARE PERPENDICULAR OR RADIAL TO THE PROPERTY LINES UNLESS SHOWN OTHERWISE.
 4. MEASUREMENTS APPLY TO THE NEAREST FINISHED SURFACE OF EXTERIOR BUILDING WALLS EXCEPT SIDE YARD DISTANCES WHICH MEASURE TO THE FOUNDATIONS OF THE BUILDING.
 5. DECK HEIGHT SHOWN INDICATES THE HIGHEST CORNER ABOVE GROUND.
 6. FENCES, IF ANY, ARE NOT SHOWN ON THIS REPORT.
 7. EAVES DIMENSIONS ARE TO THE LINE OF THE FASCIA.

DELTA LAND SURVEYS LTD.
9809-89 AVE, EDMONTON, AB, T6E 2S3
780-945-1386 (TEL) 780-432-1024 (FAX)



Planning and Development

9613-100 Street
Morinville, AB T8R 1L9
Phone (780) 939-8275
Fax (780) 939-2076
Email: PandD@sturgeoncounty.ca

For Office Use
Permit Number: 305305-24-D0120
Date Received: May 22, 2024
Received By: JP

VARIANCE REQUEST APPLICATION

This form is required along with a completed development permit application for a proposed or existing development that requires a variance. All applicable information including the proposed variance shall be shown on the site plan. All variance requests are considered discretionary and will be processed as per Sturgeon County's Land Use Bylaw 1385/17.

VARIANCE DESCRIPTION

WHAT IS A VARIANCE? A variance means a relaxation to the regulations of the Land Use Bylaw. Please indicate what Land Use Bylaw regulation(s) you are seeking to vary. Describe and indicate on the site plan. We are requesting a variance to allow for the parking of four employee vehicles on the property, whereas the current regulation allows for only two. We have a large driveway that can easily accommodate the use of that space.

JUSTIFICATION

What is the reason why the regulation cannot be adhered to? What are the unique circumstances of your property that warrants a variance? Our business operations require travel by employees two times per day, who stay on the property for minimal durations (typically less than 10 minutes) before departing to work sites. The nature of our work necessitates 4 or less employees arriving and leaving at the same time, mirroring the behavior of service companies entering a neighborhood for work. thus ensuring minimal disruption.

MITIGATION

How have you considered revising the project to eliminate/reduce the variance request? We have evaluated alternatives to reduce our parking needs, but due to the requirements of our operations and the lack of an alternative meeting location, our property remains the most viable gathering point. Our employees park briefly to consolidate into a work truck, ensuring operational efficiency and minimal impact.

What measures will be applied to minimize the potential impact of the proposed variance on adjacent property owners? To minimize impact, all employees vehicles will be in an orderly fashion parked exclusively on our driveway without use of street parking. Employees have been instructed to adhere to quiet and efficient transitions to ensure no disturbances occur in the neighborhood.

APPLICANT AUTHORIZATION

I/we hereby give my/our authorization to apply for this development permit application and allow authorized persons the right to enter the above land and/or building(s) with respect to this application only. I/we understand and agree that this application and any development permit issued pursuant to this application or any information thereto, is not confidential information and may be released by Sturgeon County. 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.
Signature of Authorized Applicant(s) [Signature] Date 05-14-2024
All landowners listed on title must sign this permit or a letter of authority. If the land is titled to a company, a copy of the Corporate Registry information must be provided. Date 05-17-24

Fee \$150 Receipt # 202403214 Paid by: Cash / Cheque / Debit / VISA / Mastercard

APPLICATION FEES ARE NON-REFUNDABLE

The personal information provided will be used to process the Variance application and is collected under the authority of Section 642 of the Municipal Government Act and Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act. Personal information you provide may be recorded in the minutes of Municipal Planning Commission. 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.

PLANNING AND DEVELOPMENT SERVICES REPORT

Subdivision & Development Appeal Board
024-STU-008**FILE INFORMATION**

Department File:	305305-24-D0120
Legal Land Description:	Lot 3; Block 5; Plan 0729434, #101 Via Tuscano
Relative Location:	Tuscany Hills
Appellants:	Ryan Augusto
Applicant:	Ryan Augusto
Landowner:	Jose and Paula Augusto
Description of Appeal:	Appealing the Decision of the Development Authority to operate a Home-Based Business Level Two – Lawncare Service (Unicutters Lawncare)
Land Use Bylaw District:	R2 – Country Estate Residential
Tax Roll Number:	2777017

BACKGROUND

- Sturgeon County received a complaint from a local resident.
- Development Compliance Officers visited the parcel wherein the landowners and operators of the business confirmed the operation of a lawn care business.
- An application was made for a Home-Based Business Level Two with a variance application for the number of employees from two to four.
- Sturgeon County issued a refusal of the application as it exceeded the number of employees. The variance requested was 100%.

PROPERTY INFORMATION

- The property is 0.2ha (0.51ac) and developed with a single detached dwelling and attached garage with a paved driveway area of 260.08m²(2,800ft²).
- The property is adjacent to a residence to the north with the County's Public Utility Lot and Municipal Reserve lot to the south. Across the front street are more residences and in the rear yard is farmland.

RELIVANT POLICY/LEGISLATIONLand Use Bylaw 1385/17

- Section 12.2.2 Uses – lists a Home-Based Business Level 2 as a discretionary use.
- A Home-Based Business is defined as: the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession or craft to be operated by the permanent residents of the dwelling.
- Section 6.16 – Special Regulations for Home Based Business – Table 6.1 states the requirement for a home-based business level two as follows.

	Level 1	Level 2	Level 3
Business Size (maximum)	<ul style="list-style-type: none"> 10% of the gross floor area of the dwelling 	<ul style="list-style-type: none"> 30% of the gross floor area of the dwelling Area of accessory building(s) at the discretion of the Development Authority 	<ul style="list-style-type: none"> 30% of the gross floor area of the dwelling 100% of the gross floor area of accessory building(s) at the discretion of the Development Authority
Equipment and/or material storage	<ul style="list-style-type: none"> Shall be located within the dwelling 	<ul style="list-style-type: none"> No exterior storage. Any storage shall be located within the dwelling or accessory building(s). 	<ul style="list-style-type: none"> Exterior storage shall not exceed 1% of the parcel size in accordance with Section 5.7
Client traffic generation (maximum)	<ul style="list-style-type: none"> None permitted 	<ul style="list-style-type: none"> Eight vehicle visits per 24-hour period in the AG district Four vehicle visits per 24-hour period in all other districts 	<ul style="list-style-type: none"> Ten vehicle visits per 24-hour period
Non-resident employees on site (maximum)	<ul style="list-style-type: none"> None permitted 	<ul style="list-style-type: none"> Two 	<ul style="list-style-type: none"> Four
Commercial vehicles (maximum)	<ul style="list-style-type: none"> None permitted 	<ul style="list-style-type: none"> One (not exceeding 4,800kg if located in a residential district) 	<ul style="list-style-type: none"> Three
Commercial trailers (maximum)	<ul style="list-style-type: none"> None permitted 	<ul style="list-style-type: none"> One 	<ul style="list-style-type: none"> Three
Passenger vehicles (maximum)	<ul style="list-style-type: none"> One 	<ul style="list-style-type: none"> One 	<ul style="list-style-type: none"> Two
Hours of operation	<ul style="list-style-type: none"> No limit 	<ul style="list-style-type: none"> 7:00a.m. to 8:00p.m. 	<ul style="list-style-type: none"> 7:00a.m. to 8:00p.m.
Additional on-site parking stall requirements	In accordance with Part 9		
Signage	In accordance with Part 7		

- Part 9 Parking Regulations state the minimum parking standards for a 90-degree parking stall is 2.7m (8.9ft) wide and 6.1m(20ft) long = 178ft².
- Table 9.2 Minimum On-Site Parking Stall Requirements for a Home-Based Business is 1 per non-resident employee and 1 per commercial vehicle.

ANALYSIS

- A copy of the application is attached within the package and have summarized its content as follows:

	Level 2	Application
Business Size (maximum)	<ul style="list-style-type: none"> 30% of the gross floor area of the dwelling Area of accessory building(s) at the discretion of the Development Authority 	<ul style="list-style-type: none"> N/A
Equipment and/or material storage	<ul style="list-style-type: none"> No exterior storage. Any storage shall be located within the dwelling or accessory building(s). 	<ul style="list-style-type: none"> 150ft² of attached garage
Client traffic generation (maximum)	<ul style="list-style-type: none"> Four vehicle visits per 24-hour period in all other districts 	<ul style="list-style-type: none"> None
Non-resident employees on site (maximum)	<ul style="list-style-type: none"> Two 	<ul style="list-style-type: none"> Four
Commercial vehicles (maximum)	<ul style="list-style-type: none"> One (not exceeding 4,800kg if located in a residential district) 	<ul style="list-style-type: none"> One
Commercial trailers (maximum)	<ul style="list-style-type: none"> One 	<ul style="list-style-type: none"> One
Passenger vehicles (maximum)	<ul style="list-style-type: none"> One 	<ul style="list-style-type: none"> One
Hours of operation	<ul style="list-style-type: none"> 7:00a.m. to 8:00p.m. 	<ul style="list-style-type: none"> 7:00a.m. to 4:00p.m. 4 days per week

- The application is consistent with all other regulations of the use other than the amount of non-resident employees.
- The application is also consistent with the regulations for parking being that there is ample space on the private drive of the property to accommodate all four non-resident employee vehicles and the commercial vehicles/trailer. Calculated as four parking spaces for the non resident employees, one commercial vehicle, one passenger vehicle, and one trailer for a total of 7 spaces at 178ft² = 1,246ft² of total parking space. With the total area of the driveway at 2,800ft², this leaves an extra 1,554ft² of parking area remaining. Therefore, the refusal was not based on inadequate parking.
- Should the Board support the appeal and issue approval, Condition #4 is drafted for your consideration regarding parking.
- The appeal is summarized as follows: The business operates seasonally from April to October. Employees convene at the property where they park and then leave together in a company work vehicle. We ensure our operations are quiet, timely, and cause minimal disturbance and do not block roadways. Employee vehicles are parked orderly on the driveway, and their stay is brief, typically less than 10 minutes before they depart, and similar upon returning. We've considered alternatives, but our property is the most viable gathering point due to the specific requirements of our operations and the lack of nearby feasible alternatives.
- The Development Authority could have supported the request for variance and issued the permit however, it held the opinion that since the application was derived from a complaint that it should not be supported, and the applicant can defend its case before the Board.

CONCLUSION

- The Board could choose to grant the appeal and approve a permit to operate a Home Based Business Level Two – Lawncare Services (Unicutters Lawncare) subject to the following conditions:
 1. The home-based business shall not occupy more than 30% of the gross floor area of the dwelling and the area of the accessory building(s) shall be at the discretion of the *Development Authority*.
 2. There shall be no exterior storage. Any equipment or materials related to the business shall be located within the dwelling or accessory building(s).
 3. There shall be no client traffic to the property.
 4. **The home-based business shall be operated by the permanent resident(s) of the principal dwelling and there shall be no more than four (4), non-resident employees on site.**
 5. **A maximum of four parking stalls for non-resident employees shall be provided onsite and not on the public roadways.**
 6. **One commercial vehicle (not exceeding 4,800kg), one passenger vehicle and one trailer may be used for business purposes and be parked on-site.**
 7. Only one on-site, commercially produced sign to identify the business, shall be allowed. The sign dimensions shall be a maximum of 1m (3.3ft) in length and 0.6m (2ft) in height. The sign shall be displayed as a window sign, be affixed to a building or be located in the front yard adjacent to the front parcel boundary and either be self-supporting or attached to existing fencing. There shall be no off-site signage associated with this home-based business.
 8. The home-based business shall operate between 7:00 a.m. to 4:00 p.m. only.
 9. The home-based business shall not generate noise, smoke, steam, odour, dust, fumes exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the *Development Authority*. At all times, the privacy of the adjacent residential dwelling(s) shall be preserved and shall not, in the opinion of the *Development Authority*, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.
 10. The development permit is issued to the applicant and is non-transferable. Should the applicant move or sell the business, the permit will become void.

Advisory Notes:

1. Home Based Business means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession or craft to be operated by the permanent residents of the dwelling.
2. It is the responsibility of the applicant/landowner to ensure that all development, and activities associated with the development, complies with any federal, provincial, or municipal laws/legislation and any required license, permit, approval, authorization, regulation, or directive.

OR

- Should the Board deny the appeal and uphold the refusal, the business would have to cease operations from the property.

Prepared By:



Yvonne Bilodeau, Development Officer

Reviewed By:

Tyler McNab Digitally signed by Tyler McNab
Date: 2024.06.12 10:15:47 -06'00'

Tyler McNab, Program Lead, Development & Safety Codes

Subdivision and Development Appeal Board Hearing 024-STU-008

Development Authority Report – Permit Refusal 305305-24-D0120

2023-06-18



Sturgeon
C O U N T Y

Site Location

TUSCANY HILLS – STURGEON VALLEY



Site Location

101, Via Tuscano



Background & Property Information



101, Via Tuscano, Tuscan Hills Lot 3, Block 5, Plan 0729434

- 0.2ha (0.51 ac)
- Developed with single detached dwelling and attached garage.
- Compliant was received from local resident
- Development Compliance Officers confirmed the operation of a business from the parcel with the landowners.
- Application was submitted and refused by the Development Authority.

Relevant Policy & Legislation

Land Use Bylaw 1385/17

- Section 12.2.2 Uses – lists a Home-Based Business as a discretionary use.
- Section 6.16 – Special Regulations for Home Based Business – Table 6.1 states the requirement for a home-based business level two
- Part 9 Parking Regulations state the minimum parking standards for a 90-degree parking stall is 2.7m (8.9ft) wide and 6.1m(20ft) long = 178ft².
- Table 9.2 Minimum On-Site Parking Stall Requirements for a Home-Based Business is 1 per non-resident employee and 1 per commercial vehicle.

Analysis

Home-Based Business Regulations vs Application

	Level 2	Application
Business Size (maximum)	<ul style="list-style-type: none"> 30% of the gross <i>floor area</i> of the <i>dwelling</i> Area of <i>accessory building(s)</i> at the discretion of the <i>Development Authority</i> 	<ul style="list-style-type: none"> N/A
Equipment and/or material storage	<ul style="list-style-type: none"> No exterior storage. Any storage shall be located within the <i>dwelling</i> or <i>accessory building(s)</i>. 	<ul style="list-style-type: none"> 150ft² of attached garage
Client traffic generation (maximum)	<ul style="list-style-type: none"> Four vehicle visits per 24-hour period in all other districts 	<ul style="list-style-type: none"> None
Non-resident employees on site (maximum)	<ul style="list-style-type: none"> Two 	<ul style="list-style-type: none"> Four
Commercial vehicles (maximum)	<ul style="list-style-type: none"> One (not exceeding 4,800kg if located in a residential district) 	<ul style="list-style-type: none"> One
Commercial trailers (maximum)	<ul style="list-style-type: none"> One 	<ul style="list-style-type: none"> One
Passenger vehicles (maximum)	<ul style="list-style-type: none"> One 	<ul style="list-style-type: none"> One
Hours of operation	<ul style="list-style-type: none"> 7:00a.m. to 8:00p.m. 	<ul style="list-style-type: none"> 7:00a.m. to 4:00p.m. 4 days per week

Analysis

Parking required for a total of 7 spaces = 1,246ft²

2800ft² - 1,246ft² =

1,554ft²

remaining parking space



Conclusion

- The Board could choose to grant the appeal and approve a permit to operate a Home-Based Business Level Two – Lawncare Services (Unicutters Lawncare) subject to the conditions as recommended.
 1. The home-based business shall not occupy more than 30% of the gross floor area of the dwelling and the area of the accessory building(s) shall be at the discretion of the Development Authority.
 2. There shall be no exterior storage. Any equipment or materials related to the business shall be located within the dwelling or accessory building(s).
 3. There shall be no client traffic to the property.
 4. The home-based business shall be operated by the permanent resident(s) of the principal dwelling and there shall be no more than four (4), non-resident employees on site.
 5. A maximum of four parking stalls for non-resident employees shall be provided onsite and not on the public roadways.
 6. One commercial vehicle (not exceeding 4,800kg), one passenger vehicle and one trailer may be used for business purposes and be parked on-site.
 7. Only one on-site, commercially produced sign to identify the business, shall be allowed. The sign dimensions shall be a maximum of 1m (3.3ft) in length and 0.6m (2ft) in height. The sign shall be displayed as a window sign, be affixed to a building or be located in the front yard adjacent to the front parcel boundary and either be self-supporting or attached to existing fencing. There shall be no off-site signage associated with this home-based business.
 8. The home-based business shall operate between 7:00 a.m. to 4:00 p.m. only.
 9. The home-based business shall not generate noise, smoke, steam, odour, dust, fumes exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority. At all times, the privacy of the adjacent residential dwelling(s) shall be preserved and shall not, in the opinion of the Development Authority, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.
 10. The development permit is issued to the applicant and is non-transferable. Should the applicant move or sell the business, the permit will become void.

Conclusion

- Should the Board deny the appeal and uphold the refusal, the business would have to cease operations from the property.

APPELLANT SUBMISSIONS RECEIVED

***NOTE:**

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

WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS

From: [John Korol](#)
To: [Legislative Services](#)
Subject: Mr Ryan Augusto appeal board hearing for June 18,2024
Date: June 12, 2024 1:07:17 PM

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


I am in support of Mr Augusto's appeal as 4 additional vehicles in his driveway or the street would be of zero significance. Vehicles are an integral part of us & they come & go all day long, regardless of where we live. His services , if offered to our community, would also enhance & strengthen our sense of community,

Sent from my iPhone

Appeal #2

024-STU-009 Appealing the Subdivision Authority's conditional approval of the Appellant's proposed consolidation of an existing 1.51 hectare into the 30.71 hectare remnant and a subsequent subdivision of 1 hectare from the resulting 32.22 hectares.

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		
Municipal Address of site:	26121 Twp Rd 544	
Legal land description of site: ('plan, block, lot' and/or 'range-township-section-quarter')	NW-23-54-26-4 (E1/2)	
Development Permit number or Subdivision Application number:	2024-S-011	
Appellant Information:		Severed in line with section 17 of the FOIP Act
Name:	Russel Pollard	Agent Name: (if applicable)
Mailing Address:	26121 Twp Rd 544	City, Province: Sturgeon County, AB
Postal Code:	T8T 1N2	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	
<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

Conditions 5, 6, and 7

- Appealing approach and culvert upgrades
- Appealing the need for a dugout permit, permit was pulled in the 1980s
- Appealing money in lieu of MR payment, already done in previous submission (Attach a separate page if required)

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.

Severed in line with section 17 of the FOIP Act

Signature of Appellant/Agent:	Date:
	June 4 - 2024
OFFICE USE ONLY	
SOAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Hearing Date: YYYY/MM/DD

APPEAL SUBMISSION INFORMATION

The Notice of Appeal must be received by the Subdivision and Development Appeal Board, no later than the final date of the appeal, as specified in the *Municipal Government Act*. Otherwise the appeal will not be processed.

FILING INFORMATION

MAIL OR DELIVER TO:

Secretary, Subdivision & Development Appeal Board
9613-100 Street
Morinville, AB T8R 1L9

***Please note that the Notice of Appeal form will not be processed until the fee calculated in accordance with the County's current *Fees & Charges Schedule* is received.**

APPEAL PROCESS

Who can appeal?

Subdivision appeals:

- The applicant for subdivision approval, pursuant to Section 678(1)(a) of the *Municipal Government Act*.
- Government Departments to which subdivision applications are required to be referred for comment, pursuant to Section 678 (1)(b) of the *Municipal Government Act*.
- School authorities on limited issue with respect to allocation of municipal and school, pursuant to Section 678(1)(d) of the *Municipal Government Act*.

Please note: The *Municipal Government Act* does not provide for adjacent owners to appeal but they are entitled to be notified of an appeal and to be heard at the Board hearing.

Development appeals:

Development appeals may be filed by anyone who is affected by a decision of the Development Authority in relation to a development proposal. Appeals may not be filed for a permitted use unless the Development Authority relaxed, varied or misinterpreted the Land Use Bylaw.

For further information:

If you require additional information regarding the appeal deadlines and the procedures of the Board, please contact the Secretary of the Subdivision and Development Appeal Board at:

Phone: 780.939.4321
Email: legislativeservices@sturgeoncounty.ca



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

POLLARD, RUSSEL
 26121 TWP RD 544
 STURGEON COUNTY, AB, T8T 1N2

Receipt Number: 202403677
 GST Number: 107747412RT0001
 Date: 2024-06-04
 Initials: CGQ

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>
			Visa: \$100.00	
			Total Monies Received: \$100.00	
			Rounding: \$0.00	
			Amount Returned: \$0.00	

June 4, 2024

SDAB File Number: 024-STU-009

Dear Russel Pollard:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property:	7820343; ;2 NW-23-54-26-4
Subdivision Application Number:	2024-S-011
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 June 4, 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 18, 2024 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

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 528 609 282#. 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 June 13, 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

June 4, 2024

SDAB File Number: 024-STU-009

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:	7820343; ;2 NW-23-54-26-4
Subdivision Application Number:	2024-S-011
Decision Regarding Proposed Subdivision:	The subdivision application was conditionally approved.

Appellant: Russel Pollard

Reasons for Appeal:

- Appealing condition #5 of the conditional subdivision approval with respect to the approach and culvert upgrades.
- Appealing condition #6 of the conditional subdivision approval of money in lieu of municipal reserve.
- Appealing condition #7 of the conditional subdivision approval with respect to the need for a dugout permit.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **June 18, 2024 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

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 528 609 282#. 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 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 June 13, 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.

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

June 4, 2024

SDAB File Number: 024-STU-009

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: 7820343; ;2
NW-23-54-26-4

Subdivision Application Number: 2024-S-011

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

Appellant: Russell Pollard

Reasons for Appeal:

- Appealing condition #5 of the conditional subdivision approval with respect to the approach and culvert upgrades.
- Appealing condition #6 of the conditional subdivision approval of money in lieu of municipal reserve.
- Appealing condition #7 of the conditional subdivision approval with respect to the need for a dugout permit.

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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 528 609 282#. This should connect you directly into the hearing.

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 June 13, 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.

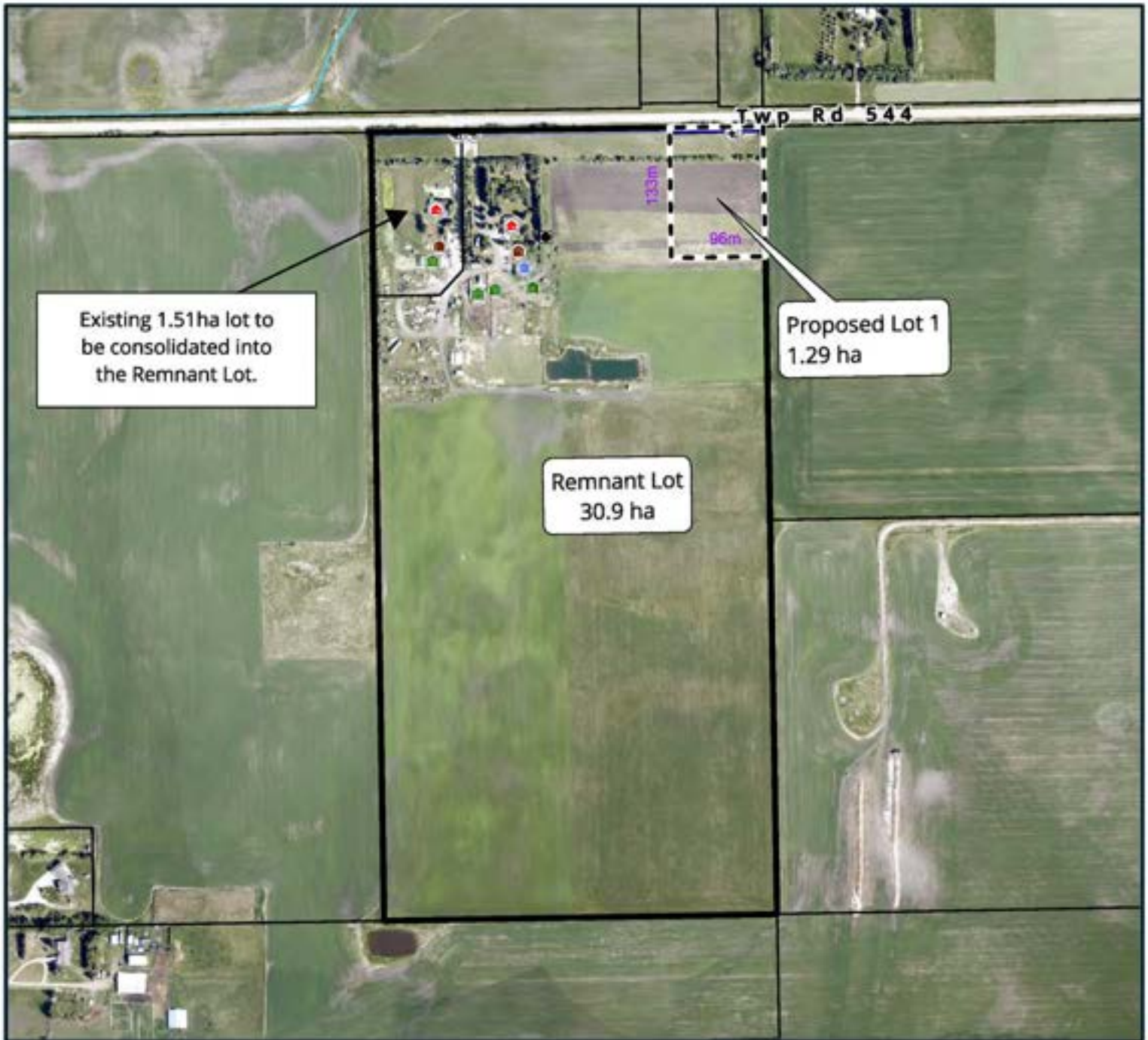
For further information, please call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

Encl.: Subdivision Map

Exhibit 2 [Subdivision Authority Recommendation]

File Number: 2024-S-011



Legal Description: 7820343;;2

Roll Number: 3705001

Total Acres/Hectares: 80.00ac / 32.32ha

Land Use: AG - Agriculture

Municipal Address: 26121 Twp Rd 544

Date: 5/27/2024

Legend

- Dwelling
- Existing Approach
- Fabric Shelter
- Farm Building
- Garage
- Pump Out
- ▭ Road Widening By Caveat
- ▭ Road Widening By Survey

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)

Office Use Only

Initial Date Submitted: **April 12, 2024**

Receipt No: **202401928**

Date Accepted as "Complete":

Application Fee: 5 **3,000.00**

File Number: **2024-S-011**

Complete in full (where applicable):

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

Russel m. Pohlman

Mailing

address

(including

postal code):

*26121. TWP. 544- Sturgeon County,
T8T-1N2*

Severed in line with section 17 of the FOIP Act

Telephor

Email:

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

Mailing

address

(including

postal code):

Telephone:

Email:

PROPERTY INFORMATION:

All/part of the: *NW* ¼ Sec: *23* Twp: *54* Range: *26* West of the: *W4*th Meridian

QR Lot: Block: Plan: Land Title #

Municipal Address of Property:

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

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 :

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 9613 – 100 Street, Morinville, Alberta, T8R 1L9, or phone 780-939-8366.

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

I/We, _____ being the registered owner(s) of lands legally described as:

All/part of the: ¼ Sec: Twp: Range: West of the: th Meridian

OR Lot: Block: Plan:

Municipal Address of Property: _____

do hereby authorize

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

Dated this _____ day of _____, 20____

Signature(s) of ALL Registered Landowners

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>)

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 9613 – 100 Street, Morinville, Alberta, T8R 1L9; or phone 780-939-4321.

Drinking Water Supply (Mandatory)

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

- No Existing Drinking Water Supply
- Ground Water Well
- Water Cistern (Hauling)
- Municipal Water-Line
- Other (specify): _____

Note: The Alberta Water Wells Database can be found at <http://groundwater.alberta.ca/WaterWells/d/>

Sewage Disposal (General Information)

As a condition of subdivision approval, existing sewage systems must comply with the below setbacks, and may have to be inspected to verify. Should the system not comply, you will be required to either upgrade, relocate or replace your system (at your expense). It is recommended that you research installation costs with accredited private sewage contractors.

	Property Lines	Drinking Water Source (Well or Cistern)	Building (Any subject to Alberta Building Code)	Septic Tank	Water Course (Lake or Stream)
Holding Tanks:	1m (3.25 ft)	10m (33 ft)	1m (3.25 ft)		10m (33 ft)
Treatment Mound:	3m (10 ft)	15m (50 ft)	10m (33 ft)	3m (10 ft)	15m (50 ft)
Field System:	1.5m (5 ft)	15m (50 ft)	Varies	5m (17 ft)	15m (50 ft)
Open Discharge:	90m (300 ft)	50m (165 ft)	45m (150 ft)		45m (150 ft)
Lagoons:	30m (100 ft)	100m (330 ft)	Varies		90m (300ft)
Packaged Sewage Treatment Plants:	6m (20 ft)	10m (33 ft)	1m (3.25 ft)		10m (33 ft)

Excerpt from: *Alberta Private Sewage Systems Standards of Practice 2015*

If you have questions regarding sewage disposal, consult either:

Alberta Municipal Affairs
Toll Free: 1-866-421-6929

OR

Superior Safety Codes Inc. (Sturgeon County's Agent)
Telephone: 780-489-4777
Toll Free: 1-866-999-4777

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):



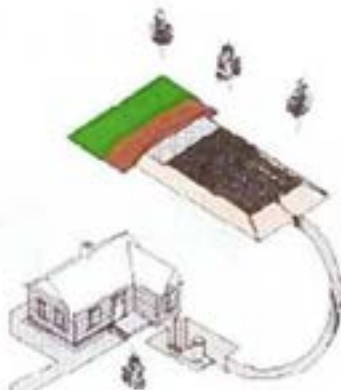
Open Discharge (Pump Out) System

A system designed to discharge effluent to the ground surface to accomplish evaporation and absorption of the effluent into the soil.



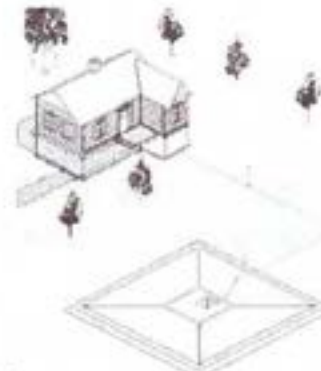
Disposal Field

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.

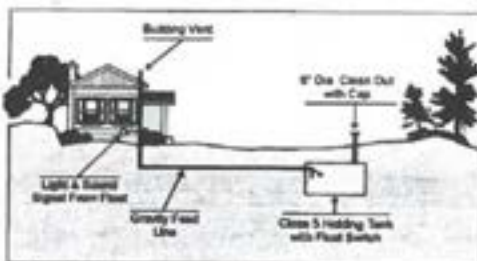


Sewage Lagoon

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.

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

Signature(s) of registered landowner(s) or 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.
- Land 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

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 & Privacy Officer at 9613 – 100 Street, Morinville, Alberta, T8R 1L9; or phone 780-939-4321.

Aerial Photographs (Mandatory)

Attach two up-to-date aerial photographs, which you can obtain from the *Sturgeon Gateway Property Viewer* (<https://sturgeoncounty.maps.ca>) or *GoogleMaps* (www.google.ca/maps). If you do not have internet access, please contact the County's Planning & Subdivision Technician by phoning 780-939-8275 for assistance.

1. On the first aerial photograph, you must indicate the location of the proposed subdivision/proposed lots (*see below-left*)
2. On the second aerial photograph, you must label the existing features as listed below: (*see below-right*)
 - Existing buildings and structures (e.g. houses, garages, shops, barns, granaries, oil and gas facilities); (Note: if any are to be removed, please specify).
 - Existing water wells or water cisterns;
 - Existing septic systems;
 - Existing utility or other right-of-way and easements (and their ownership).
 - Existing approaches.
 - Any significant topographical (or other) features that you believe may impact the proposed subdivision.

(Below-left: Sample aerial photo illustrating proposed subdivision;



(Below-right: Sample aerial photo illustrating existing features/development;





LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0033 398 496 0826556;1;4 142 240 139

LEGAL DESCRIPTION
PLAN 0826556
BLOCK 1
LOT 4
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.51 HECTARES (3.73 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;26;54;23;NW

MUNICIPALITY: STURGEON COUNTY

REFERENCE NUMBER: 142 240 138

REGISTERED OWNER(S)
REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

142 240 139 28/07/2014 TRANSFER OF LAND ESTATE

OWNERS

RUSSEL MARTIN POLLARD
OF 26121 TWP ROAD 544
STURGEON COUNTY
ALBERTA T8T 1N2

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

2697RM 15/07/1969 UTILITY RIGHT OF WAY
GRANTEE - ATCO GAS AND PIPELINES LTD.
10035-105 ST
EDMONTON
ALBERTA T5J2V6
(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT
OF WAY 012030105)

(CONTINUED)

 ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
 # 142 240 139

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

752 089 304 18/07/1975 UTILITY RIGHT OF WAY
 GRANTEE - ATCO GAS AND PIPELINES LTD.
 10035-105 ST
 EDMONTON
 ALBERTA T5J2V6
 (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT
 OF WAY 012029735)

772 118 761 24/06/1977 UTILITY RIGHT OF WAY
 GRANTEE - ATCO GAS AND PIPELINES LTD.
 10035-105 ST
 EDMONTON
 ALBERTA T5J2V6
 (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT
 OF WAY 012023362)

782 026 709 07/02/1978 CAVEAT
 RE : DEFERRED RESERVE
 CAVEATOR - EDMONTON REGIONAL PLANNING COMMISSION.

972 004 081 07/01/1997 CAVEAT
 RE : UTILITY RIGHT OF WAY
 CAVEATOR - PINE CLIFF ENERGY LTD.
 850 1015 FOURTH STREET SW
 CALGARY
 ALBERTA T2R1J4
 (DATA UPDATED BY: CHANGE OF NAME 982356183)
 (DATA UPDATED BY: CHANGE OF NAME 012376211)
 (DATA UPDATED BY: CHANGE OF ADDRESS 032275662)
 (DATA UPDATED BY: TRANSFER OF CAVEAT
 082081901)
 (DATA UPDATED BY: TRANSFER OF CAVEAT
 092327053)
 (DATA UPDATED BY: TRANSFER OF CAVEAT
 162098588)

972 174 489 17/06/1997 UTILITY RIGHT OF WAY
 GRANTEE - FORTISALBERTA INC.
 320-17 AVE SW
 CALGARY
 ALBERTA T2S2V1
 AS TO PORTION OR PLAN: PORTION
 (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT
 OF WAY 002307716)
 (DATA UPDATED BY: CHANGE OF NAME 052033563)

012 332 276 18/10/2001 CAVEAT
 RE : RIGHT OF WAY AGREEMENT
 CAVEATOR - PENN WEST PETROLEUM LTD.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 3
142 240 139

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

C/O P.O.BOX 1450
STATION 'M'
CALGARY
ALBERTA T2P2L6
AGENT - ANTELOPE LAND SERVICES LTD.
(DATA UPDATED BY: CHANGE OF NAME 052171487)
(DATA UPDATED BY: CHANGE OF NAME 062081140)
(DATA UPDATED BY: CHANGE OF NAME 082035747)

072 508 395 23/08/2007 CAVEAT
RE : LEASE INTEREST UNDER 20 ACRES
CAVEATOR - VANGUARD EXPLORATION CORP.
702, 602-12 AVE SW
CALGARY
ALBERTA T2R1J3
AGENT - ANTELOPE LAND SERVICES LTD.

TOTAL INSTRUMENTS: 008

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 3 DAY OF APRIL,
2024 AT 03:12 P.M.

ORDER NUMBER: 50138267

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0033 398 488 7820343;;2 142 240 139 +1

LEGAL DESCRIPTION

PLAN 7820343
LOT 2
CONTAINING 32.3 HECTARES (79.86 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

	HECTARES	(ACRES)	MORE OR LESS
A) PLAN 0826556 SUBDIVISION	1.51	3.73	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 4;26;54;23;NW
ESTATE: FEE SIMPLE

MUNICIPALITY: STURGEON COUNTY

REFERENCE NUMBER: 142 240 138 +1

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
142 240 139	28/07/2014	TRANSFER OF LAND		ESTATE

OWNERS

RUSSEL MARTIN POLLARD
OF 26121 TWP ROAD 544
STURGEON COUNTY
ALBERTA T8T 1N2

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
2697RM	15/07/1969	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD. 10035-105 ST EDMONTON ALBERTA T5J2V6

(CONTINUED)

 ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
 # 142 240 139 +1

REGISTRATION
 NUMBER DATE (D/M/Y) PARTICULARS

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 OF WAY 012030105)

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 GRANTEE - ATCO GAS AND PIPELINES LTD.
 10035-105 ST
 EDMONTON
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972 174 489 17/06/1997 UTILITY RIGHT OF WAY
 GRANTEE - FORTISALBERTA INC.
 320-17 AVE SW
 CALGARY
 ALBERTA T2S2V1

AS TO PORTION OR PLAN:PORTION

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT
 OF WAY 002307716)
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(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 3

142 240 139 +1

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

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RE : RIGHT OF WAY AGREEMENT
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C/O P.O.BOX 1450
STATION 'M"
CALGARY
ALBERTA T2P2L6
AGENT - ANTELOPE LAND SERVICES LTD.
(DATA UPDATED BY: CHANGE OF NAME 052171487)
(DATA UPDATED BY: CHANGE OF NAME 062081140)
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072 508 395 23/08/2007 CAVEAT
RE : LEASE INTEREST UNDER 20 ACRES
CAVEATOR - VANGUARD EXPLORATION CORP.
702, 602-12 AVE SW
CALGARY
ALBERTA T2R1J3
AGENT - ANTELOPE LAND SERVICES LTD.

082 316 733 31/07/2008 CAVEAT
RE : DEFERRED RESERVE
CAVEATOR - STURGEON COUNTY.
96130-0100 STREET
MORINVILLE
ALBERTA T8R1L9

TOTAL INSTRUMENTS: 009

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 3 DAY OF APRIL,
2024 AT 03:12 P.M.

ORDER NUMBER: 50138267

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

(CONTINUED)

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May 28, 2024

Russel Pollard
26121 Twp Rd 544
Sturgeon County AB T8T 1N2

Re: Proposed Subdivision
Our File No: 2024-S-011
Applicant & Landowner: Russel Pollard
Legal Description: NW-23-54-26-4/ 7820343; ;2

Your application for subdivision was **APPROVED CONDITIONALLY** by the Subdivision Authority on **May 28, 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 properties 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. 27, 2024 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot and Twp Rd 544 shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and Twp Rd 544 shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development 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.
- 6) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in

place of reserves equal to \$8,605.05 (determined at a rate of \$86,050.48 per hectare X 10% X 1 hectare = \$8,605.05). The money-in-lieu calculation will be based on the actual amount of land (in hectares) shown on a plan of survey.

- 7) 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.
- The subject properties shall not be used in any manner or way that impedes or will impede the use of adjacent lands for agricultural purposes or agricultural operations, as defined in the Agricultural Operation Practices Act, RSA 2000 c.A-7.
- A search of the Alberta Energy Regulator's *Abandoned Well Map Viewer* identified an abandoned well on the Remnant Lot. Further due diligence is recommended prior to any future development desired in close proximity.
- *FireSmart* principals should be incorporated into all future construction and development. Please visit www.firesmartcanada.ca.

Reasons for decision are as follows:

- 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 28, 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

/an

Encl:

C: AltaLink Management Ltd.
Alberta Health Services
Antelope Land Services Ltd.
Atco Gas
Atco Pipelines
Canada Post
Fortis Alberta
Sturgeon School Division
Telus Access Planning
Pine Cliff Energy Ltd.
Penn West Petroleum Ltd.

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.

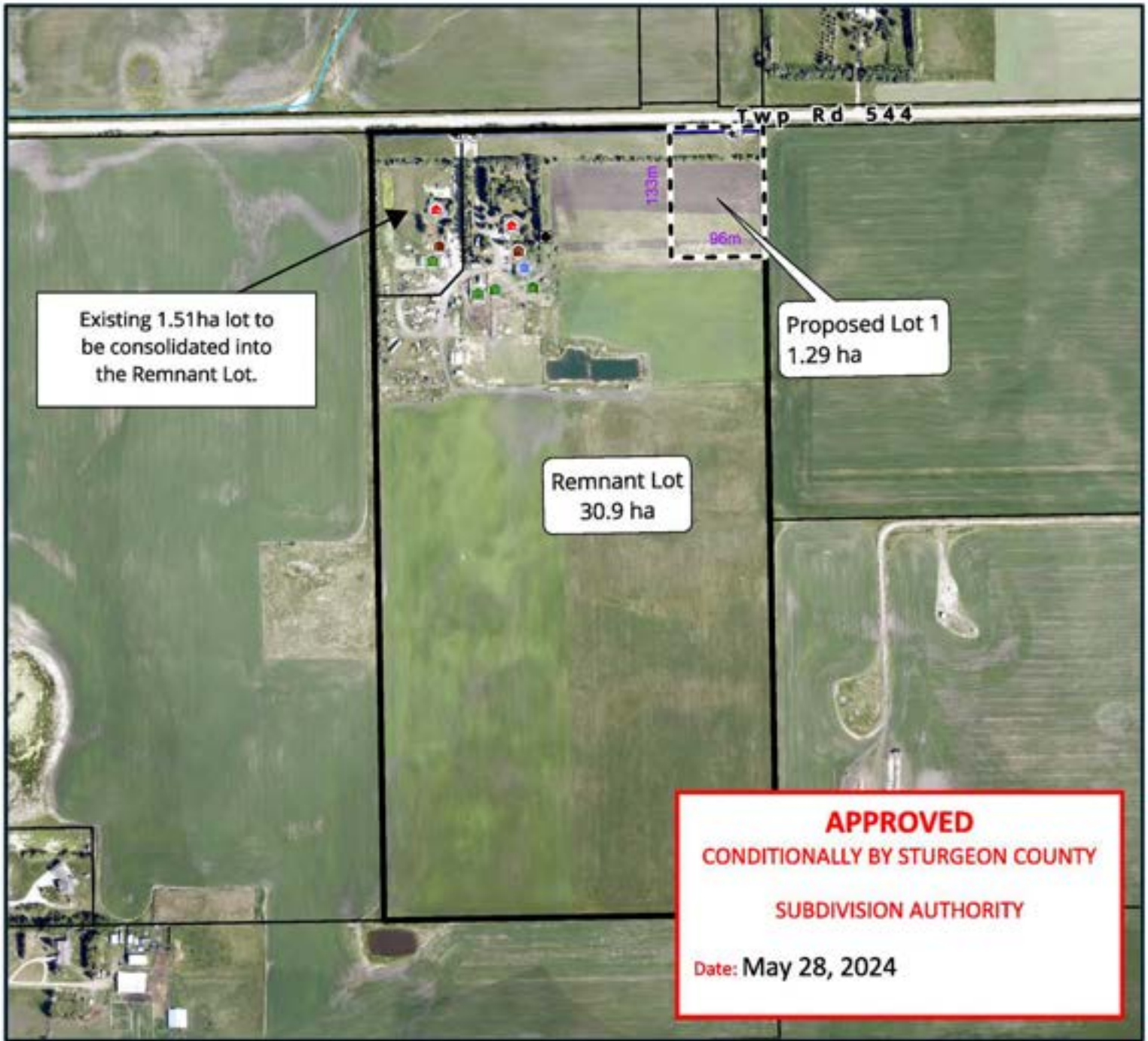
The final date the appeal can be filed is: June 18, 2024

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 Recommendation]

File Number: 2024-S-011



Legal Description: 7820343;;2

Roll Number: 3705001

Total Acres/Hectares: 80.00ac / 32.32ha

Land Use: AG - Agriculture

Municipal Address: 26121 Twp Rd 544

Date: 5/27/2024

Legend

- Dwelling
- Existing Approach
- Fabric Shelter
- Farm Building
- Garage
- Pump Out
- ▭ Road Widening By Caveat
- ▭ Road Widening By Survey

PLANNING AND DEVELOPMENT SERVICES REPORT



FILE INFORMATION: 2024-S-011	
Council Division:	3
Tax Roll Number:	3705002
Legal Land Descriptions of Property:	7820343; ;2 /NW-23-54-26-4
Landowner and Applicant:	Russel M. Pollard
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. 10% of Proposed Lot at \$8,605.05 per hectare

PART I – APPLICATION DETAILS:

- As illustrated in Exhibit 1, the applicant proposes a consolidation of an existing 1.51 ha (3.73 acres) into the 30.71 ha (75.9 acre) remnant and a subsequent subdivision of 1 hectare (2.47 acres) from the resulting 32.22 hectares (79.63 acres).

PART II – SUBDIVISION HISTORY:

- Subdivision History:
 - Historic subdivision registered in 1978, split the quarter into 2 80-acre sections.
 - Historic subdivision registered in 1982 subdivided the existing 3.73-acre acreage from the remnant.

PART III – REFERRAL SUMMARY:

- Sturgeon County Development Officer:
 - *Proposed Lot:*
 - o No developments, vacant farmland.
 - *Remnant Lot:*
 - o Sturgeon County records review revealed the following permits on file:
 - o 24-79 - Single Detached Dwelling
 - o 237-79 – Barn
 - o 111-84 – Mobile Home
 - o A development permit will be required for the dugout.
 - o A change of use permit to an Accessory Dwelling Unit will be required.

- The size and use of the existing accessory buildings are to be confirmed to determine if development and building permits are required. An accessory building under 10m² in floor area is exempt from requiring development and building permit approval. If the buildings are for farm use, a Farm Building Declaration shall be provided.
2. Sturgeon County Engineering Services:
- *Proposed Lot:*
 - Proposed lot topography is generally slope to west. Please see Alberta wetland map for identified marsh/fen land.
 - In accordance with the Grid Right of Way Dedications and Acquisition policy, Sturgeon County requires 5 m dedication along the north property line via plan of survey adjacent to Twp Rd 544.
 - Assuming the lot is moving to the east edge of the parcel, Approach #1 is in a good location to provide access.
 - The culvert is damaged on each end, but it is long enough to fit the approach. Please cut back the culvert to remove the damaged ends, tapering the ends to match the slope of the banks. Maximum width of the approach is 12 m when measured at the property line, so the width can be reduced at the same time as the damaged ends are cut off. Ensure the culvert is cleaned out to provide the full pipe diameter for water flow.
 - Install rip rap around each end of the culvert.
 - *Remnant Lot:*
 - Remnant lot topography is slopes to the southwest. Please see Alberta wetland map for identified marsh/fen land. A dug out exists in the center area of the remnant lot. Homestead exists in the northwest corner of the remnant lot.
 - In accordance with the Grid Right of Way Dedications and Acquisition policy, Sturgeon County requires 5 metres via land acquisition agreement adjacent to Twp Rd 544.
 - Both existing approaches require upgrades to meet General Municipal Servicing Standards.
 - Per Sturgeon County General Municipal Servicing Standards (GMSS), approaches are to be spaced 90 m apart and so as such, one of these approaches is to be removed with the ditch restored to match the surrounding ditch condition.
 - Approaches for commercial/agricultural use should be between 10.0 m and 12.0 m wide when measured at the property line. Each approach is only 7.0 m wide so the approach to remain should be widened. For this file, it is not mandatory, however it would be strongly recommended to facilitate better turning movements and ensure the ends of the culvert aren't damaged.
 - There is to be 300 mm (12") of material on top of a culvert to provide proper cover and ensure a culvert does not get squished. Please add 150 mm (6") of material over top of the remaining culvert.
3. Sturgeon County Utility Services:
- *Proposed and Remnant Lot:*

- There is a waterline available for each of these parcels to tie into. As per the 2024 Fees and Charges waterline charges to connect are \$5000 deposit plus cost. If the cost is over \$5000 the property connecting will be charged these additional fees.
 - There is no municipal wastewater available in this area.
 - Cost to tie in:
 - Connection fee \$5000 plus cost at time of connection
 - Application fee \$ 50
 - Additional costs that are responsibility of the Landowner:
 - Arrange and install service line from cc to the point of delivery
 - Cistern
 - Water meter ¾" / 5/8" \$700 as per the current fees and charges for 2024
 - Meter vault \$ 3550 (supply lines equal or exceeding 150 meters from the c/c to the point of delivery (i.e. The residence) will require a meter vault to be installed and paid for by the applicant. The sole cost, expenses and right of way if necessary, for the construction and installation of the meter vault shall be the responsibility of the applicant. A meter vault will be required for all pre-manufactured homes without basements).
4. Alberta Health Services:
- 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)
 - Any future or existing private sewage disposal systems that are on lands are to meet compliance with the current Alberta Private Sewage and Disposal Systems Regulation.
5. Sturgeon County Agricultural Services:
- Parcel has an LSRS rating of 2H (10) & 3(6) indicating that the soil has light to moderate limitations.
 - The RAMP has identified a desire for reducing fragmentation of high-quality agricultural land, therefore it is recommended the subdivided parcel align with the east boundary of the quarter section.
6. No Objections:
- ATCO Gas, Telus, Fortis Alberta.
7. No Responses:
- Adjacent landowners, Alberta Energy Regulator, Airtelink, Canada Post, Sturgeon County Protective Services, Sturgeon School District.

PART IV – ANALYSIS:

1. This application is consistent with the Land Use Bylaw's "AG - Agriculture" regulations (see Appendix 3).

2. This application, however, is not consistent with the Municipal Development Plan's "Residential Type 4" policies. Specifically, policy 2.3.17, which speaks to the subdivision authority's responsibility to ensure agricultural subdivisions minimise the total amount of land being taken out of production.

The subdivision as initially proposed by the applicant, would fragment a portion of farmland between the proposed subdivisions eastern boundary and the eastern boundary of the remnant lot. This fragmented land would only be roughly 18m in width and would be difficult to farm as a result.

Therefore, administration and the applicant have agreed to shift the proposed subdivision to the east, aligning with the eastern boundary of the quarter section. This will minimise the amount of agricultural land taken out of production. This new configuration is consistent with the Municipal Development Plan subdivision policies.

3. It appears that the existing open discharge septic system would continue to comply with the Alberta Private Sewage Systems Standard of Practice, should this application be approved.
4. An abandoned well was identified on the Remnant 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.
5. Money in lieu of municipal reserve will be required, as detailed in condition six.

PART V – RECOMMENDATIONS:

This application for subdivision is **APPROVED** subject to the following conditions:

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject properties 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. 27, 2024 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot and Twp Rd 544 shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and Twp Rd 544 shall be acquired by Sturgeon County in

- the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development 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.
 - 6) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in place of reserves equal to \$8,605.05 (*determined at a rate of \$86,050.48 per hectare X 10% X 1 hectare = \$8,605.05*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
 - 7) 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.
- The subject properties shall not be used in any manner or way that impedes or will impede the use of adjacent lands for agricultural purposes or agricultural operations, as defined in the Agricultural Operation Practices Act, RSA 2000 c.A-7.
- A search of the Alberta Energy Regulator's *Abandoned Well Map Viewer* identified an abandoned well on the Remnant Lot. Further due diligence is recommended prior to any future development desired in close proximity.
- *FireSmart* principals should be incorporated into all future construction and development. Please visit www.firesmartcanada.ca.

- It is recommended that a plot plan be completed by an Alberta Land Surveyor to determine setback distances for all buildings, structures, and septic systems from property lines and other site features.

Prepared by: 
Alex Niznik, Planning Intern, Current Planning

Reviewed by: 
Martyn Bell, Program Lead, Current Planning

NOTE: Appendices Attached...

Appendix 1: Excerpts from Municipal Government Act

- (8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.
- (9) If an application is deemed to be refused under subsection (8), the subdivision authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.
- (10) Despite that the subdivision authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the subdivision authority may request additional information or documentation from the applicant that the subdivision authority considers necessary to review the application.
- (11) A decision of a subdivision authority must state
- (a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and
 - (b) if an application for subdivision approval is refused, the reasons for the refusal.

2016 c24 s108

Approval of application

- 654(1)** A subdivision authority must not approve an application for subdivision approval unless
- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
 - (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
 - (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
 - (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.
- (1.1)** Repealed 2018 c11 s13.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

RSA 2000 cM-26 s654;2016 c24 s109;2018 c11 s13

Conditions of subdivision approval

655(1) A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:

- (a) any conditions to ensure that this Part, including section 618.3(1), and the statutory plans and land use bylaws and the regulations under this Part affecting the land proposed to be subdivided are complied with;
- (b) a condition that the applicant enter into an agreement with the municipality to do any or all of the following:
 - (i) to construct or pay for the construction of a road required to give access to the subdivision;
 - (ii) to construct or pay for the construction of
 - (A) a pedestrian walkway system to serve the subdivision, or
 - (B) pedestrian walkways to connect the pedestrian walkway system serving the subdivision with a

pedestrian walkway system that serves or is proposed to serve an adjacent subdivision,

or both;

- (iii) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the subdivision, whether or not the public utility is, or will be, located on the land that is the subject of the subdivision approval;
- (iv) to construct or pay for the construction of
 - (A) off-street or other parking facilities, and
 - (B) loading and unloading facilities;
- (v) to pay an off-site levy or redevelopment levy imposed by bylaw;
- (vi) to give security to ensure that the terms of the agreement under this section are carried out.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an agreement under subsection (1)(b) against the certificate of title for the parcel of land that is the subject of the subdivision.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

(4) Where a condition on a subdivision approval has, prior to the coming into force of this subsection, required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(b)(iii), that condition is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the subdivision approval.

RRSA 2000 cM-26 s655;2009 cA-26.8 s83;2015 c8 s71;
2020 c39 s10(38)

Decision

656(1) A decision of a subdivision authority must be given in writing to the applicant and to the Government departments, persons and local authorities to which the subdivision authority is required by the subdivision and development regulations to give a copy of the application.

(2) A decision of a subdivision authority must state

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

6

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.

6

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.

6

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.

6

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.

6

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.

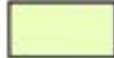
Implementation of Neighbourhood G Placemaking Principles

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

- ➊ 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.
- ➋ 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.
- ➌ 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.
- ➍ 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.
- ➎ 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.
- ➏ 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.
- ➐ 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.
- ➑ 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.
- ➒ 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.
- ➓ 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.

PART 11 PRIMARY INDUSTRY DISTRICTS

11.1 AG – AGRICULTURE DISTRICT



.1 General Purpose

This district accommodates traditional agricultural operations and the supportive services that are essential to grow and sustain the agricultural industry. This district distinguishes between major, minor and residential where:

AG-Major are tracts of land 16ha (39.5ac) or larger in size;

AG-Minor are *parcels* between 4ha (9.8ac) and 15.9ha (39.3ac); and

AG-Residential are *parcels* smaller than 4ha (9.8ac).

.2 Uses

Permitted Uses	Discretionary Uses
<i>Accessory dwelling unit****</i>	<i>Accessory dwelling unit****</i>
<i>Accessory, building*</i>	<i>Accessory, building*</i>
<i>Accessory, use*</i>	<i>Accessory, use*</i>
<i>Bed and breakfast</i>	<i>Agricultural support service</i>
<i>Diversified Agriculture</i>	<i>Auctioneering establishment**</i>
<i>Dugout</i>	<i>Cannabis production and distribution, micro</i>
<i>Dwelling, single detached</i>	<i>Community garden</i>
<i>Family day home</i>	<i>Data Processing Facility</i>
<i>Farm help accommodation</i>	<i>Equestrian facility***</i>
<i>Group home, minor</i>	<i>Group home, major</i>
<i>Home-based business, level 1 (office)</i>	<i>Home-based business, level 3</i>
<i>Home-based business, level 2</i>	<i>Kennel and animal boarding</i>
<i>Intensive agriculture</i>	<i>Landscaping contractor service***</i>
	<i>Solar farm</i>
	<i>Temporary asphalt plant**</i>
	<i>Temporary concrete batch plant**</i>
	<i>Topsoil screening</i>
	<i>Veterinary clinic</i>
	<i>Visitor accommodation***</i>

* Refer to Section 6.1 for further clarification.

** Only allowed on AG-Major parcels

*** Only allowed on AG-Major and AG-Minor parcels

**** Refer to Section 6.1A for further clarification.

1407/18; 1432/19; 1436/19; 1560/21; 1570/22; 1587/22, 1597/22

.3 **Subdivision Regulations**

- (a) Unless otherwise indicated within a *planning document*, a *quarter section* in the AG district of 64.7ha (160ac) shall contain a maximum combined *density* of four *parcels*, comprised of:
 - (i) two AG – Major *parcels* of approximately 32.4ha (80ac) each or alternative sizes necessary due to *land fragmentation*; and
 - (ii) two AG – Residential *parcels* (one of which may be subdivided from each AG – Major *parcel* having a minimum size of 32.4ha (80ac) in accordance with Paragraph 11.1.3(e) of this Bylaw).
- (b) Notwithstanding Subparagraph 11.1.3(a)(ii), the Subdivision Authority may consider the subdivision of a second AG – Residential *parcel* from the same 32ha (80 ac) AG *parcel* when all of the following criteria are met:

- (i) no other parcel has been subdivided from the abutting 32ha (80 ac) AG parcel on that same quarter section; and
 - (ii) no secondary dwelling exists on the abutting 32ha (80 acre) AG parcel on that same quarter section; and
 - (iii) such a location would assist in preserving agricultural land and/or avoid a site constraint on the abutting 32ha (80 ac) AG parcel on that same quarter section related to access, topography, a pipeline, or other hazard or land use conflict; and
 - (iv) the landowner of the abutting 32ha (80 ac) AG parcel on that same quarter section provides their written consent and furthermore allows the County to register a restrictive covenant agreeing to forgo any future opportunity for subdivision or a secondary dwelling pursuant to this Bylaw.
- (c) Where an AG – Major *parcel* is either smaller or larger than the conventional 64.7ha (160ac) and/or 32.4ha (80ac) *parcel* size (e.g. due to the presence of a redistricted *parcel*(s), or surveying anomalies due to river lots or *land fragmentation*), the *subdivision* regulations are as follows:
- (i) AG – Major *parcels* between 16ha (39.5ac) and 47.9ha (118.4ac) shall be considered equivalent to a 32.4ha (80ac) AG *parcel* (i.e. half a *quarter section*).
 - (ii) AG – Major *parcels* between 48ha (118.5ac) and 79.9ha (197.5ac) shall be considered equivalent to a 64.7ha (160ac) AG *parcel* (i.e. a full *quarter section*).
 - (iii) AG – Major *parcels* of 80ha (197.6ac) or larger shall be considered equivalent to a 64.7ha (160ac) AG *parcel* (i.e. a full *quarter section*) plus any additional *subdivision* potential beyond 64.7ha (160ac) in accordance with the proportions referenced in Subparagraph 11.1.3(c)(i), (ii) or (iii).
- (d) AG – Minor *parcels* shall be considered equivalent to an AG – Residential *parcel* and therefore have no further *subdivision* potential.
- (e) The maximum size of an AG – Residential *parcel* shall be 1ha (2.47ac), unless a larger area is essential to:
- (i) encompass mature *shelterbelts*, existing *buildings* or any other related features associated with an existing *farmstead* (however, additional farmland will not be compromised to accommodate a septic system, the *setback* distances associated with a septic system, a *dugout*, or an extensive area of *fencing*); and/or
 - (ii) mitigate any site constraints which could otherwise significantly limit the *development* potential of a 1ha (2.47ac) *parcel* or create *land use* conflicts – such as but not limited to *setback* distances from pipelines, low-lying or steep topography, inaccessible portions of land or *land fragmentation* (however, additional farmland will not be compromised when a site constraint could equally be addressed by modifying the location and/or dimensions of the proposed 1ha (2.47ac) *parcel*).

.4 Development Regulations

Front yard and flanking front yard setbacks	Principal building	35m (114.8ft)
	Accessory building or accessory, agricultural building	20m (65.6ft)
Side yard and rear yard setbacks	Principal building	6m (19.7ft)
	Accessory building or accessory, agricultural building	3m (9.8ft)

1432/19

Additional Development Regulations for AG-Minor parcels		
Maximum floor area	Accessory building	465m ² (5,005.2ft ²)
Maximum parcel coverage	15%	

Additional Development Regulations for AG-Residential parcels		
Maximum <i>floor area</i>	<i>Accessory building</i>	230m ² (2,475.7ft ²)
Maximum <i>parcel coverage</i>	15%	

1432/19

.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 variance provisions in Section 2.8 of this Bylaw, the *Development Authority* shall not accept a variance to the *uses* within this district based on *parcel* size.

1407/18

Appendix 4: Exhibits & Miscellaneous

Exhibit 1 [Applicant Submission]

File Number: 2024-S-011



Legal Description: 7820343;;2

Roll Number: 3705001

Total Acres/Hectares: 80.00ac / 32.32ha

Land Use: AG - Agriculture

Municipal Address: 26121 Twp Rd 544

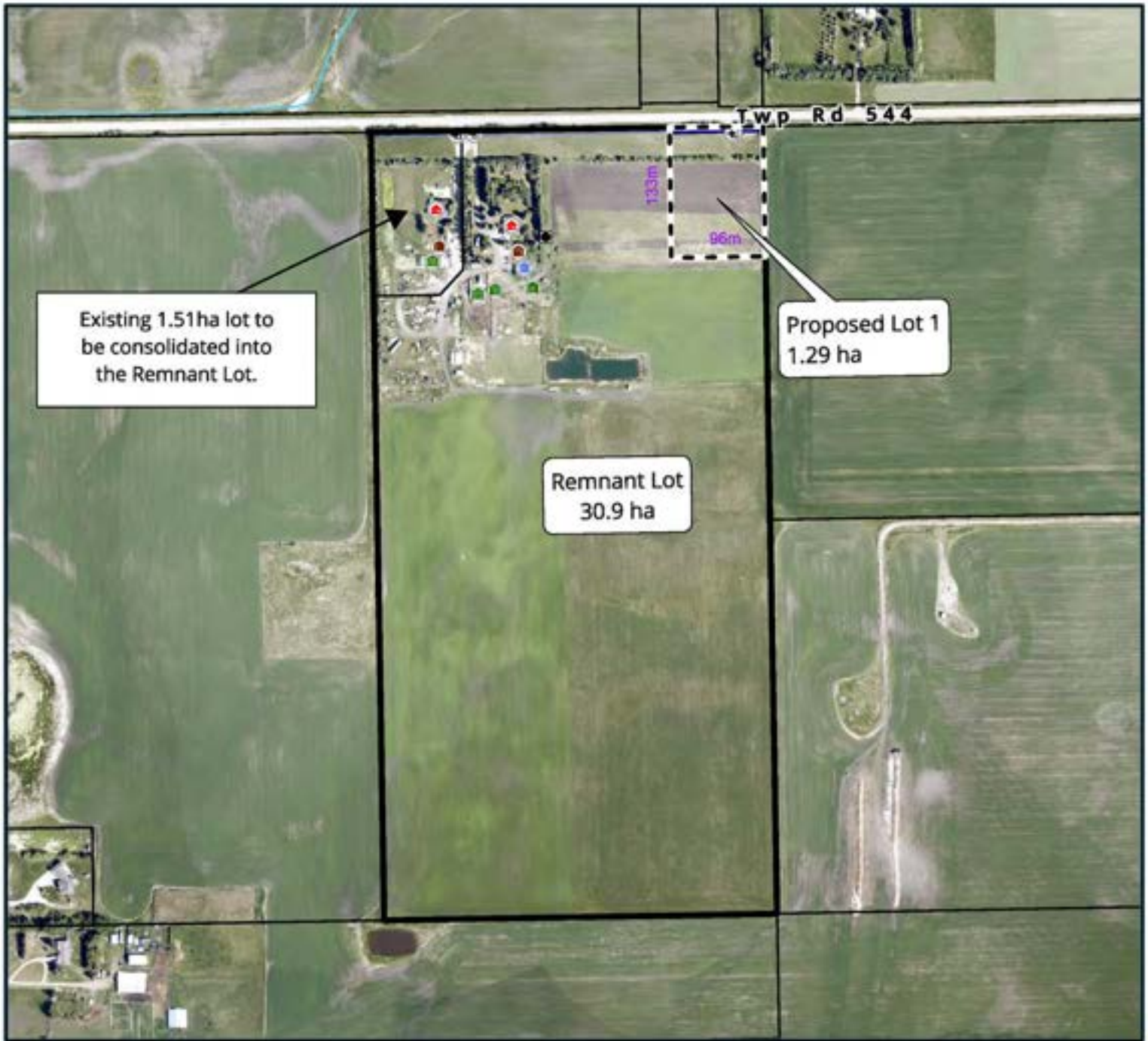
Date: 4/12/2024

Legend

-  Dwelling
-  Pump Out
-  Existing Approach
-  Fabric Shelter
-  Farm Building
-  Garage

Exhibit 2 [Subdivision Authority Recommendation]

File Number: 2024-S-011



Legal Description: 7820343;;2

Roll Number: 3705001

Total Acres/Hectares: 80.00ac / 32.32ha

Land Use: AG - Agriculture

Municipal Address: 26121 Twp Rd 544

Date: 5/27/2024

Legend

- Dwelling
- Existing Approach
- Fabric Shelter
- Farm Building
- Garage
- Pump Out
- Road Widening By Caveat
- Road Widening By Survey

Revised Conditions – Administrations Recommendation:

This application for subdivision is APPROVED subject to the following conditions:

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject properties 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. 27, 2024 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot and Twp Rd 544 shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and Twp Rd 544 shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to existing culverts and/or existing approaches, and construction/removal of approaches, as determined necessary by the Development 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.
- 6) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in place of reserves equal to \$8,605.05 (determined at a rate of \$86,050.48 per hectare X 10% X 1 hectare = \$8,605.05). The money-in-lieu calculation will be based on the actual amount of land (in hectares) shown on a plan of survey:
- 6) Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
- 7) The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.

Subdivision and Development Appeal Board

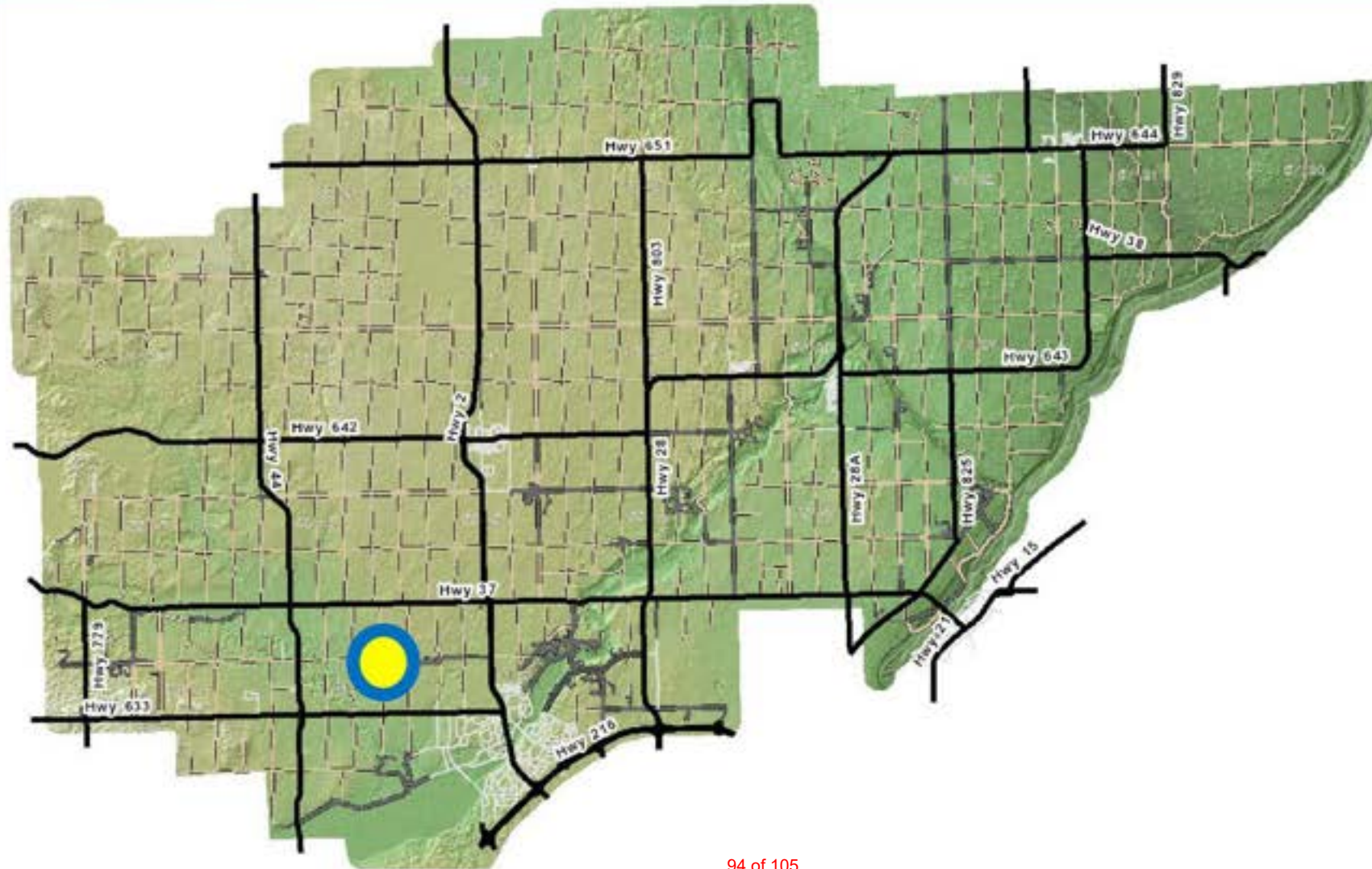
024-STU-009

Jonathan Heemskerk
Planner, Current Planning



Sturgeon
C O U N T Y

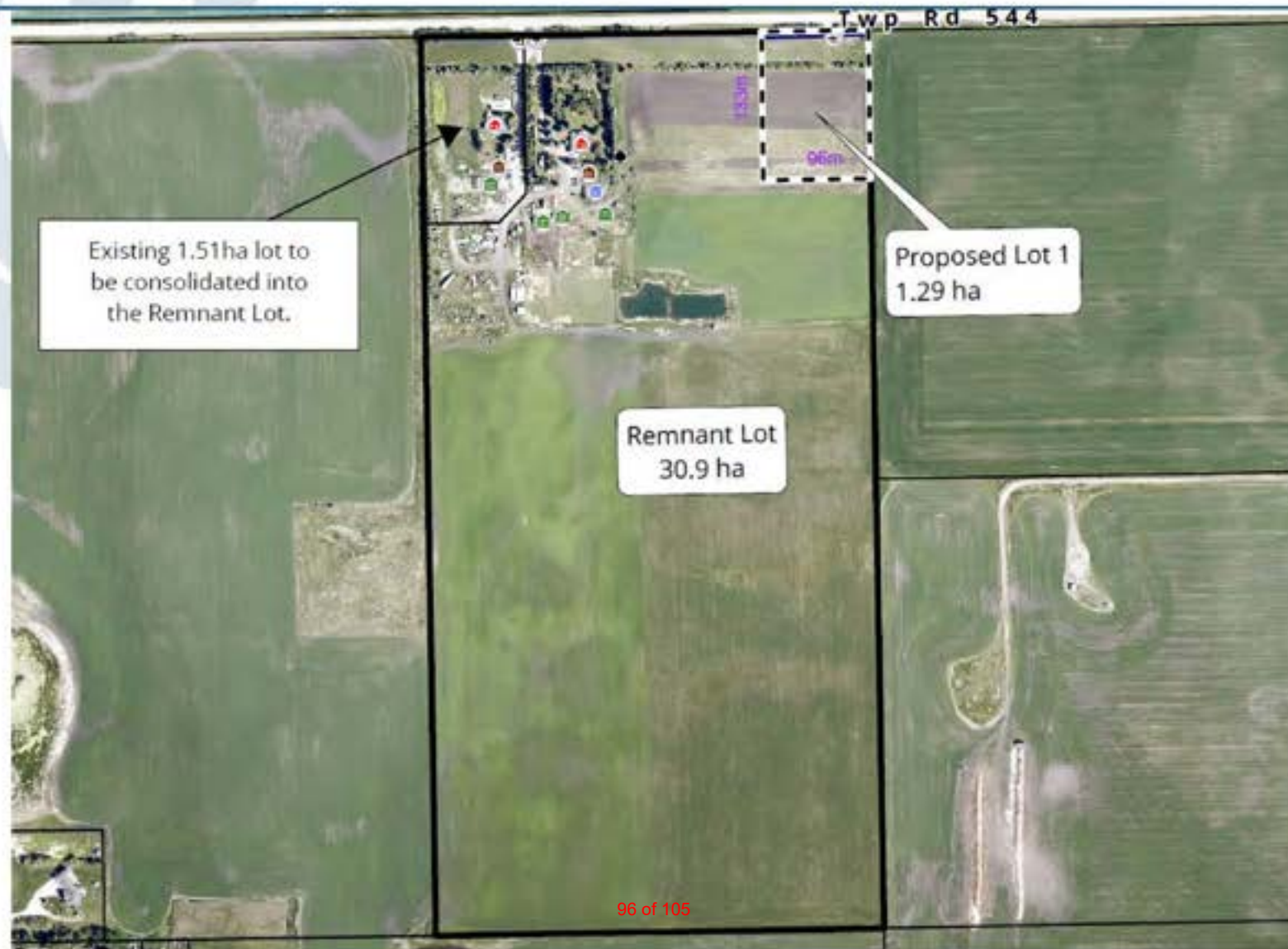
Site Location (Regional)



Site Location (Local)



Proposal



Summary of Relevant Circulation Responses

Sturgeon County Development Officer

- Proposed Lot:
 - No developments, vacant farmland.
- Remnant Lot:
 - A development permit will be required for the dugout.
 - There will now be two homes on this lot. A permit is required to change one to an "Accessory Dwelling Unit".
 - Size of use of other outbuildings is required to determine if permits or farm building declarations are required.

Sturgeon County Engineering Services

- Proposed Lot:
 - 5m for future road widening via plan of survey along Twp Rd 544.
 - Existing approach requires upgrades to meet GMSS.
- Remnant Lot:
 - 5m for future road widening via land acquisition agreement (caveat) along Twp Rd 544.
 - There are two approaches into this lot. One must be removed with the ditch restored to match the surrounding condition.
 - The remaining approach must be upgraded to GMSS.



Issue Analysis (Conditions 5,6, and 7)

Condition #5 - Approach Upgrades

All upgrades to existing culverts and/or existing approaches, and construction/removal of approaches, as determined necessary by the Development 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.

- Proposed Lot (approach #1 in yellow):
 - The culvert is damaged on each end, but it is long enough to fit the approach. Please cut back the culvert to remove the damaged ends, tapering the ends to match the slope of the banks. Maximum width of the approach is 12 m when measured at the property line, so the width can be reduced at the same time as the damaged ends are cut off. Ensure the culvert is cleaned out to provide the full pipe diameter flow.
 - Install rip rap around each end of the culvert.
- Remnant Lot (approach #2 and #3 in red):
 - Per GMSS, approaches must be spaced 90 m apart. One of these approaches must be removed with the ditch restored.
 - Each approach is currently 7m wide, and the minimum must be 10-12m. The approach that remains must be widened.
 - 300mm (12") of material must be on top of a culvert to ensure it does not get crushed. Please add 150mm (6") of material over the existing culvert.



Issue Analysis (Conditions 5,6, and 7)

Condition #6 - Money in Lieu of Municipal Reserve

Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in place of reserves equal to \$8,605.05 (determined at a rate of \$86,050.48 per hectare X 10% X 1 hectare = \$8,605.05). The money-in-lieu calculation will be based on the actual amount of land (in hectares) shown on a plan of survey.

- Money in lieu of municipal reserve is typically required on all agricultural subdivisions with some exceptions (ex. first parcel out of a quarter).
- Money in lieu was claimed on the original acreage subdivision in 2006, in an amount near \$8,400.
- This application can be considered as either a consolidation and new subdivision OR a lot line adjustment depending on interpretation.
- After meeting with the appellant and reviewing further, administration would be satisfied to remove the requirement of money in lieu of reserve payment and instead defer the requirement of reserve.

Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).



Issue Analysis (Conditions 5,6, and 7)

Condition #7 - Obtaining Permits and Farm Building Declarations

The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.

- Permits on file include:
 - Single Detached Dwelling (1979)
 - Barn (1979)
 - Mobile Home (1984)
- A development permit would be required for the dugout.
- Structures notes below will require further information:
 - Garage
 - Hay Shed (x2)
 - Tarp Building
 - Cow Shed
 - Etc.
- It is assumed most of these structures will be classified as farm buildings (which are free to declare).
- The condition is written to be 'open' allowing for discretion from our development team if further information is presented (ex. an old permit)



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.
- General Municipal Servicing Standards
- Municipal Government Act

Revised Conditions

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject properties 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. 27, 2024 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot and Twp Rd 544 shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and Twp Rd 544 shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development 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.
- ~~6) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in place of reserves equal to \$8,605.05 (determined at a rate of \$86,050.48 per hectare X 10% X 1 hectare = \$8,605.05). The money-in-lieu calculation will be based on the actual amount of land (in hectares) shown on a plan of survey.~~
- 6) Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
- 7) The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.

Conditions – Summary

1. Ensure taxes are paid
2. Retain a surveyor
3. 5m by plan of survey along the proposed lot
4. 5m by caveat along the remnant lot
5. Approach upgrades
- 6. Deferred reserve caveat (remnant lot)**
7. Obtain all necessary permits/ farm building declarations

APPELLANT SUBMISSIONS RECEIVED

***NOTE:**

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

**WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS**

***NOTE:**

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