

July 23, 2024
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING AGENDA
COUNCIL CHAMBERS AND VIDEOCONFERENCE
2:00 p.m.

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

2. SCHEDULE OF HEARINGS:

2.1. Appellants: Timothy & Myrna Tarangle 024-STU-011 Subdivision Appeal


2.2. Appellant: Tilda Ferguson 024-STU-012 Subdivision Appeal

3. ADJOURNMENT

Appeal #1

024-STU-011 - Appealing the decision
of the Subdivision Authority to
conditionally approve a subdivision at
SE-6-55-23-W4M in Sturgeon County.

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		
Municipal Address of site:	1-23510 - Hwy 37 Sturgeon County T8T1V1	
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter)	SE-6-55-23-4	
Development Permit number or Subdivision Application number:	2024-5-014	
Appellant Information:		
Name:	Timothy + Myrna Tarangle	Agent Name: (if applicable)
Mailing Address:	1-23510 - Hwy 37 Sturgeon County	City, Province:
Postal Code:	T8T1V1	Email:

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

Development Permit	Subdivision Application
Approval	Approval
Conditions of Approval	Conditions of Approval
Refusal	Refusal
Stop Order	
Stop Order	

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

Requiring a larger parcel for Building and animals
Wish to preserve the water and natural habitat
Requesting 10 acres (negotiable)

Severed in line with section 17 of the FOIP Act

(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: June 25 / 24				
OFFICIALS USE ONLY					
SDAB Appeal Number:	<table border="0"> <tr> <td>Appeal Fees Paid:</td> <td>Hearing Date:</td> </tr> <tr> <td>Yes No</td> <td>YYYY/MM/DD</td> </tr> </table>	Appeal Fees Paid:	Hearing Date:	Yes No	YYYY/MM/DD
Appeal Fees Paid:	Hearing Date:				
Yes No	YYYY/MM/DD				



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

TARANGLE, TIMOTHY & MYRNA
 1 23510 HWY 37

STURGEON COUNTY, AB T8T 1V1

Receipt Number: 202404738
 GST Number: 107747412RT0001
 Date: 2024-06-25
 Initials: JW

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

July 4, 2024

SDAB File Number: 024-STU-011

Dear Timothy & Myrna Tarangle:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: SE-6-55-23-W4M
1 – 23510 Highway 37

Subdivision Application Number: 2024-S-014

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 25, 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 **July 23, 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 463 427 332#. 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 July 18, 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

July 4, 2024

SDAB File Number: 024-STU-011

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:	SE-6-55-23-W4M 1 – 23510 Highway 37
Subdivision Application Number:	2024-S-014
Decision Regarding Proposed Subdivision:	The subdivision application was conditionally approved.

Appellants: Timothy & Myrna Tarangle

Reasons for Appeal:

- Request a larger parcel (10 acres) for proposed Lot 1 to accommodate buildings and animals.
- Want to preserve the water and natural habit on the parcel.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 23, 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 463 427 332#. 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 July 18, 2024.**

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

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

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Melodie Steele
Secretary, Subdivision and Development Appeal Board

Encl.: Subdivision Map

July 4, 2024

SDAB File Number: 024-STU-011

To Whom it May Concern:

**NOTICE OF
APPEAL BOARD HEARING**

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

Legal Description of Subject Property: SE-6-55-23-W4M
1 – 23510 Highway 37

Subdivision Application Number: 2024-S-014

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Why am I receiving this information?

When an appeal is received, affected bodies/organizations have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca. **Written submissions are due to be submitted no later than July 18, 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.

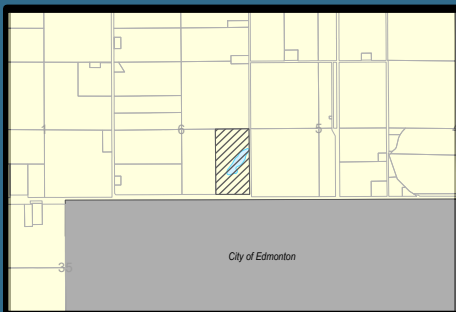
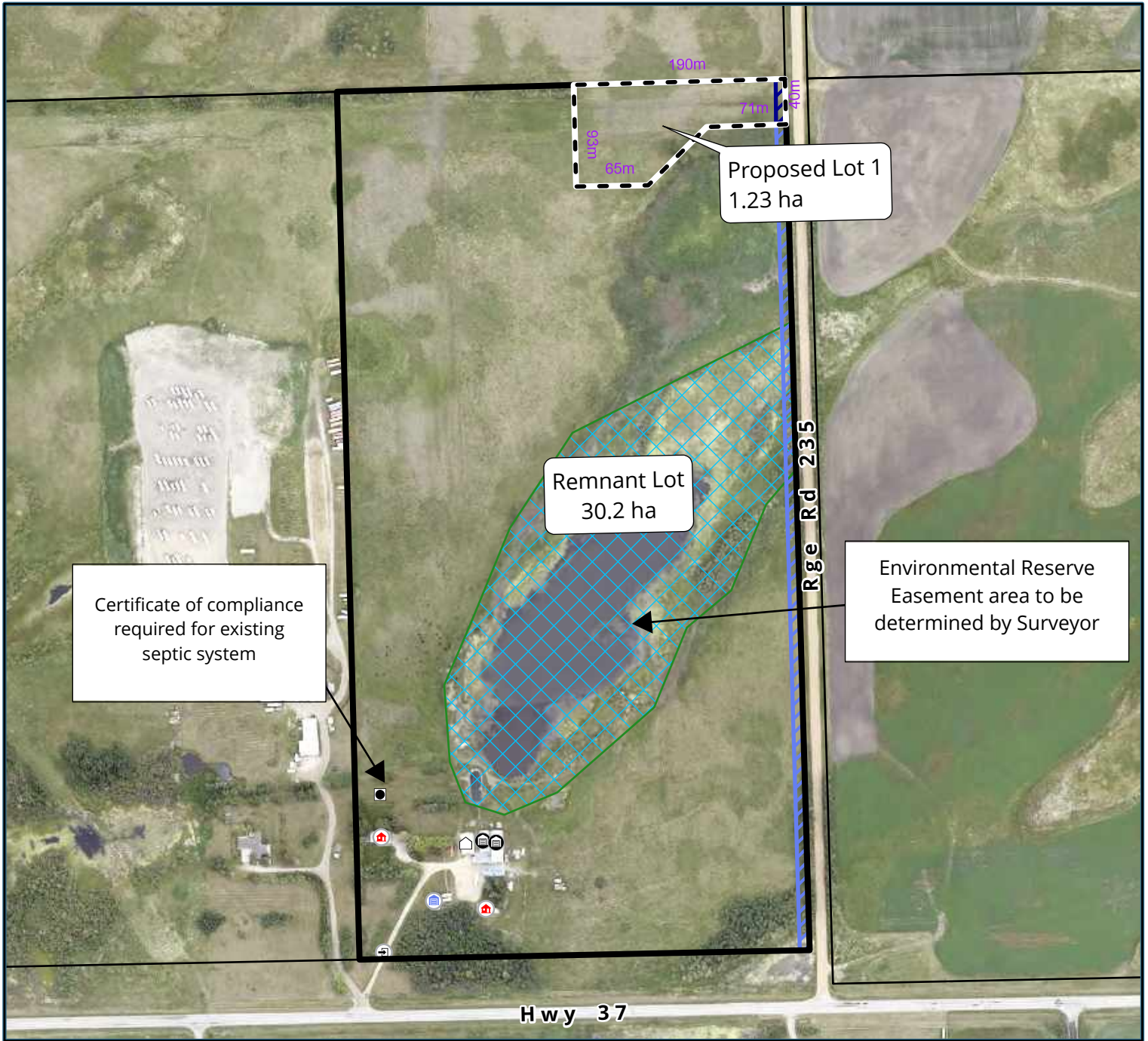
For further information, please call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

Encl.: Subdivision Map

Exhibit 2 [Subdivision Authority Recommendation]

File Number: 2024-S-014



Legal Description: 6153NY;2 - SE-6-55-23-W4

Roll Number: 993000










Total Acres/Hectares: 74.70ac / 30.18ha

Land Use: AG - Agriculture

Municipal Address: 1 23510 Hwy 37

Date: 6/13/2024

Legend

-  Dwelling
-  Existing Approach
-  Pole Shed
-  Pump Out
-  Quonset
-  Shop
-  Environmental Reserve Easement
-  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: 11-Apr-2024

Receipt No: 202402172

Date Accepted as "Complete":

Application Fee: \$3,000

File Number: 2024-5-014

Complete in full (where applicable):

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

Timothy and Myrna Tarangle

Mailing address (including postal code):
1-23510 - Hwy 37
T8T1V1

Severed in line with section 17 of the FOIP Act

Telephone:

Email:

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

Mailing address (including postal code):

Telephone:

Email:

PROPERTY INFORMATION:

All/part of the: SE ¼ Sec: 6 Twp: 55 Range: 23 West of the: 4th Meridian
OR Lot: Block: 2 Plan: 6153NY Land Title #

Municipal Address of Property: 1-23510 Hwy 37

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):



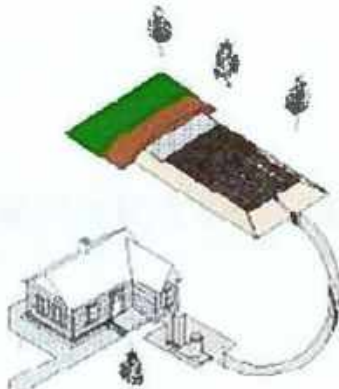
Open Discharge (Pump Out) System

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.

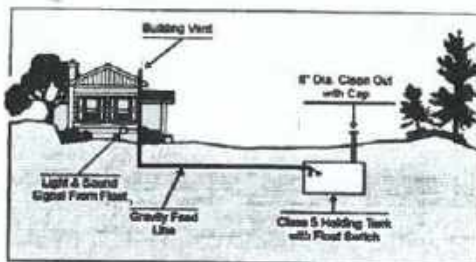


Sewage Lagoon

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

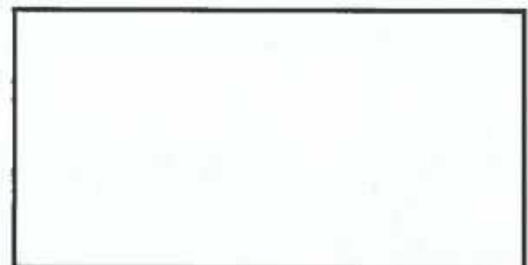
No existing sewage disposal.

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: _____

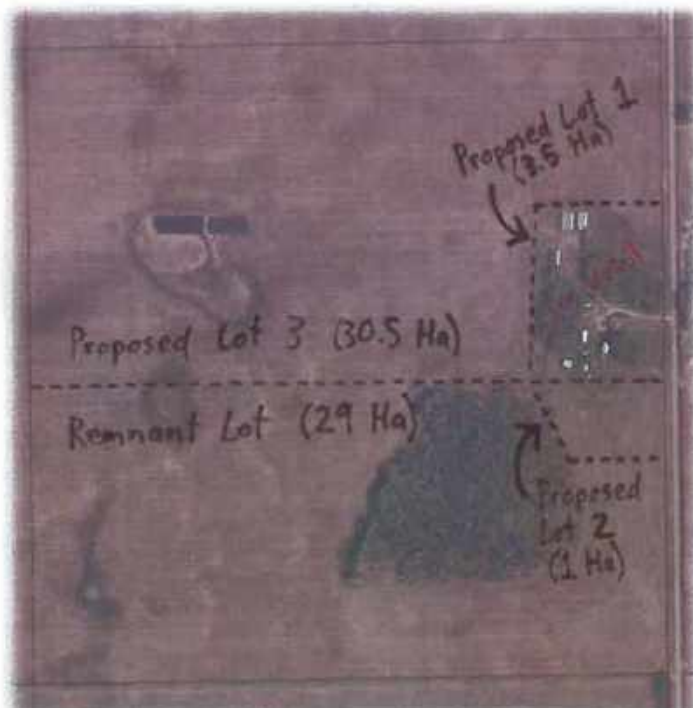
Provide a description and drawing if none of the listed descriptions apply to you.

Aerial Photographs (Mandatory)

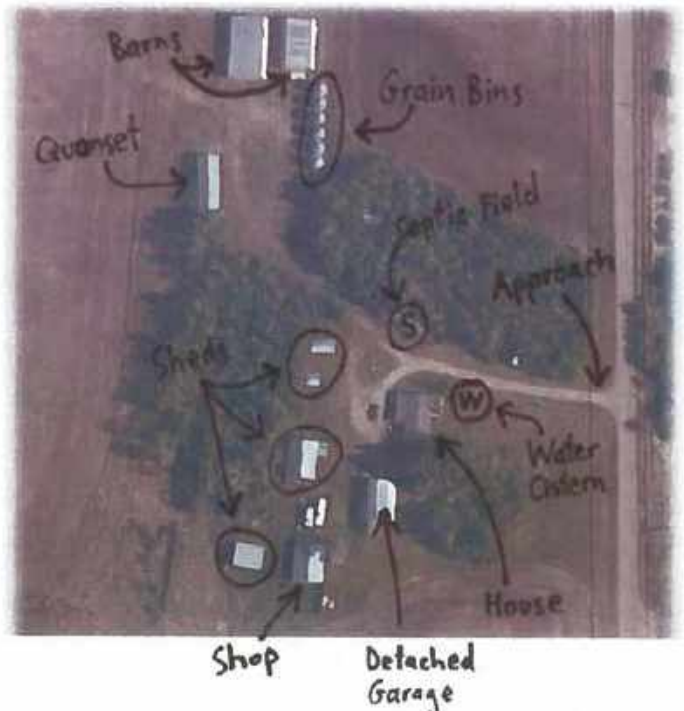
Attach two up-to-date aerial photographs, which you can obtain from the *Sturgeon Gateway Property Viewer* (<https://sturgeoncounty.maps.ca>) or *GoogleMaps* (www.google.ca/maps). If you do not have internet access, please contact the County's Planning & Subdivision Technician by phoning 780-939-8275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



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

Severed in line with section 17 of the FOIP Act

Signature(s) of registered landowner(s) or applicant(s):

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.

Proposed Subdivision

10-Apr-2024



NAD_1983_10TM_AEP_Resource
© Sturgeon County



Prepared By: Jonathan Heemskerk

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.

Aerial Map (Mark Buildings)

10-Apr-2024



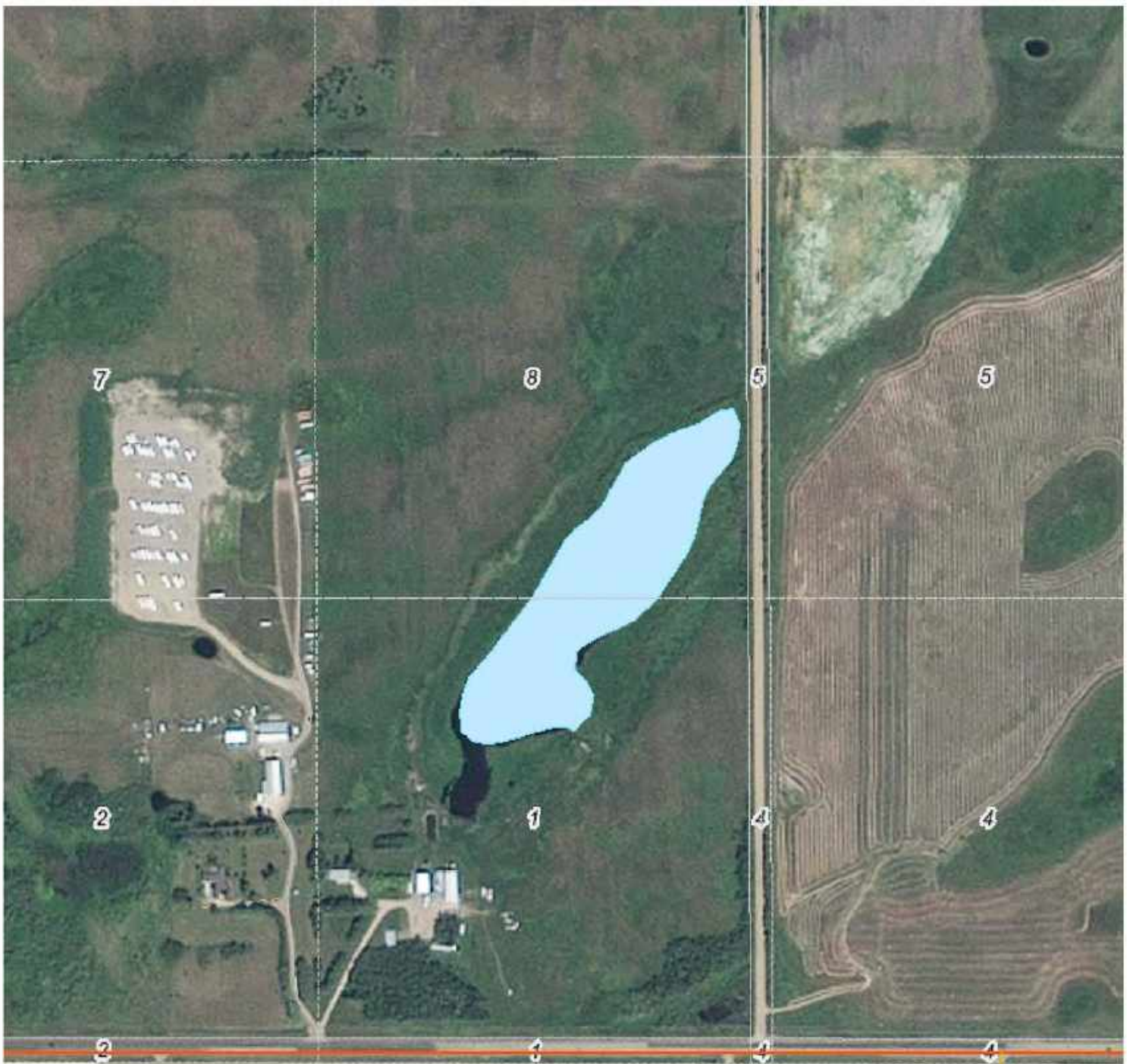
Prepared By: Jonathan Heemskerk

NAD_1983_10TM_AEP_Resource
© Sturgeon County



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Abandoned Well Map

Base Data provided by: Government of Alberta

Author: Alex Niznik

Printing Date: 4/11/2024

Date Data (if applicable)

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

Scale: 9,027.98

0.14 Kilometers

Projection and Datum:

WGS84 Web Mercator Auxiliary Sphere



Legend

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

June 14, 2024

Timothy & Myrna Tarangle
1 23510 Hwy 37
Sturgeon County AB T8T 1V1

Re: Proposed Subdivision
Our File No: 2024-S-014
Applicant: Timothy & Myrna Tarangle
Landowner: Timothy & Myrna Tarangle
Legal Description: SE-6-55-23-4 / : 2 : 6153NY

Your application for subdivision was APPROVED CONDITIONALLY by the Subdivision Authority on **June 14, 2024**, subject to the following conditions:

THE CONDITIONS OF APPROVAL ARE:

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated June 13, 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 Proposed Lot 1 and Rge Rd 235 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 Rge Rd 235 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 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 Proposed Lot 1. A payment will be made in place of reserves equal to \$2,972.50 (*determined at a rate of \$24,166.63 per hectare X 10% 1.23 hectares = \$2,972.50*). 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 shall complete a Hydrological Analysis for Proposed Lot 1 which will be stamped and signed by a P. Eng. and will determine what the 1:100 yr. flood inundation elevation is for the parcel to help establish a basement or finish floor elevation. The analysis will also establish the lowest building opening elevation, ensuring it is a minimum of 0.5m above the 1:100 yr. high water level, and include any development constraints for the parcel. This analysis will be completed to the satisfaction of Sturgeon County Engineering and Transportation Services.
- 8) The surveyor shall survey and dedicate all low-lying/undevelopable land in proximity to the wetland/ lake within an 'Environmental Reserve Easement', in accordance with the Surveys Act and to the satisfaction of Sturgeon County – as illustrated conceptually in Exhibit 2.
- 9) The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
- 10) Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2021 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance will be required from the County's Gas & Plumbing Inspector, confirming that the existing open discharge septic system either meets the Standard of Practice as-is, or has either been replaced, relocated or redesigned to comply. Note: An Alberta Land Surveyor may be required to confirm distances from the septic system to property lines, buildings or other features – to the satisfaction of the Gas & Plumbing Inspector.

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.
- Pursuant to the Water Act and the Alberta Wetland Policy, any future development or site grading which might alter or disturb a wetland may require additional approvals from Alberta Environment and Parks.
- 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.
- *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.

Reasons for decision are as follows:

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

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

This approval will expire on **June 14, 2025**. Pursuant to Section 657 of the Municipal Government Act, an extension beyond this one-year time period may be authorized by the Municipal Council, provided just cause is shown.

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

PLEASE NOTE:

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

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

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

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

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

Yours truly,



Martyn Bell
Program Lead, Current Planning

/sg

Encl:

C: AltaLink Management Ltd.
Alberta Health Services
Apex Utilities
Alberta Environment & Parks
Alberta Transportation
Canada Post
City of Edmonton

Fortis Alberta
National Defense
Pembina Pipeline Corporation
RBC
Sturgeon School Division
Telus Access Planning

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

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

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

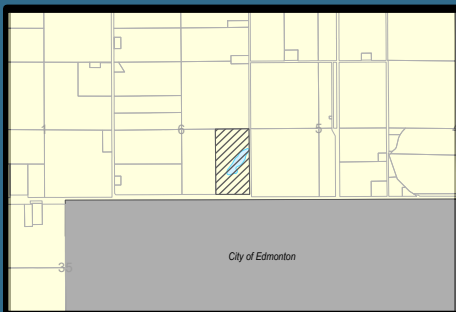
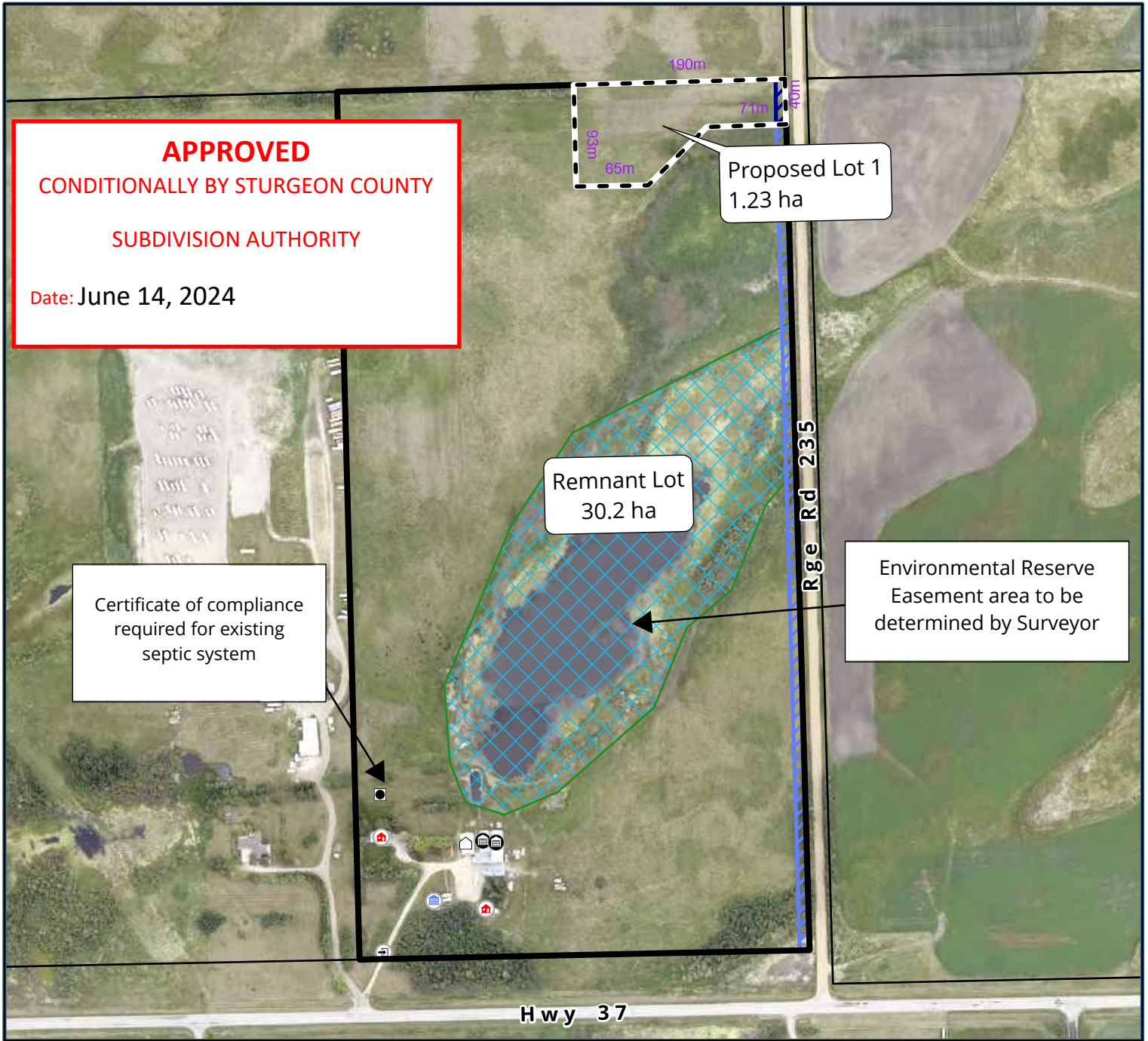
The final date the appeal can be filed is: **JULY 5, 2024**

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-014



Legal Description: 6153NY;2 - SE-6-55-23-W4

Roll Number: 993000










Total Acres/Hectares: 74.70ac / 30.18ha

Land Use: AG - Agriculture

Municipal Address: 1 23510 Hwy 37

Date: 6/13/2024

Legend

-  Dwelling
-  Existing Approach
-  Pole Shed
-  Pump Out
-  Quonset
-  Shop
-  Environmental Reserve Easement
-  Road Widening By Caveat
-  Road Widening By Survey

PLANNING AND DEVELOPMENT SERVICES REPORT

Prepared For: Sturgeon County Subdivision Authority
Prepared By: Jonathan Heemskerk, Planning & Development Services



FILE INFORMATION:		2024-S-014
Council Division:	1	
Tax Roll Number:	993000	
Legal Land Descriptions of Property:	SE-6-55-23-4/6153NY;2	
Landowners & Applicants:	Timothy & Myrna Tarangle	
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 \$2,416.66 per hectare	

PART I – APPLICATION DETAILS:

1. As illustrated in Exhibit 1, the applicant proposes subdivision of 4.24 hectares (10.48 acres) from 31.34 hectares (77.44 acres).

PART II – SUBDIVISION HISTORY:

1. Subdivision History:
 - File 67-T-SC-18, approved on August 14, 1967, created an 80-acre split of quarter.

PART III – REFERRAL SUMMARY:

1. Sturgeon County Development Officer:
 - *Proposed Lot:*
 - According to Sturgeon County’s Master Drainage Plan, the subject parcel may be prone to flooding due to the existing wetlands.
 - All applications for proposed developments would require a Roadside Development Permit from Alberta Transportation.
 - *Remnant Lot:*
 - Existing Permits:
 - Permit 32-67 Dwelling
 - Permit 268-76 Mobile Home
 - There is no record of approval for any of the existing Accessory Buildings. A site plan shall be provided confirming the location, size, and use of the existing accessory buildings to confirm 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 1 and the Remnant Lot are indicated to have flood risk on certain portions. Future development shall not occur in the flood risk areas and drainage pathways shall not be altered. A portion of the lot has been identified as wetlands. Additional approvals may be required from the province for any future development.
 - *Proposed Lot:*
 - In accordance with the Grid Right of Way Dedications and Acquisition policy, 5 metres is required via plan of survey adjacent to Rge Rd 235.
 - No existing approach. One must be constructed to General Municipal Servicing Standards.
 - *Remnant Lot:*
 - In accordance with the Grid Right of Way Dedications and Acquisition policy, 5 metres is required via land acquisition agreement adjacent to Rge Rd 235.
 - Existing approaches under the jurisdiction of Alberta Transportation and Economic Corridors, please refer to their comments for details.
3. Sturgeon County Drainage Operation (***See Appendix 4***):
 - Transportation and Engineering assessments indicate a significant risk of flooding for any infrastructure intended for construction on the proposed lot. Additionally, there is a strong possibility that the subdivision lot falls within a designated wetland area.
 - Aerial imagery examined from 2020 shows Proposed Lot 1 submerged in floodwaters.
 - Based on these findings, it is recommended that approval for the proposed subdivision be withheld unless stringent conditions are imposed to safeguard any future purchasers. These conditions should address compliance with Water Act regulations, necessitating elevation of the lands above 1:100-year flood risk levels and careful consideration when constructing infrastructure within flood-prone zones.
4. Alberta Transportation and Economic Corridors:
 - No infrastructure improvements or land dedication is required.
 - Insofar as Alberta Transportation and Economic Corridors is concerned, any appeal of this subdivision may be referred to the local Subdivision and Development Appeal Board.
5. Alberta Health Services:
 - The existing open discharge septic system is to be compliant with the most recent Alberta Private Sewage Standards of Practice.
6. No Objections:
 - Apex Utilities, Telus, Fortis Alberta, Royal Bank of Canada.
7. No Responses:
 - Adjacent landowners, Alberta Environment and Parks, Alberta Energy Regulator, Altalink, Canada Post, Canadian Forces, City of Edmonton, Sturgeon County Protective Services, Sturgeon County Assessment Services, Sturgeon County Agriculture Services, Pembina Pipelines, Sturgeon School District.

PART IV – ANALYSIS:

1. At 4.24 hectares (10.48 acres) Proposed Lot 1 exceeds the default maximum size of 1 hectare (2.47 acres) without encompassing any existing site features related to a farmstead or mature shelterbelts. Furthermore, it is not a configuration that results in a larger parcel to accommodate development limitations associated with a smaller size. Therefore, it is non-compliant with Policy 2.3.18 of the Municipal Development Plan (see Appendix 2), and with Part 11.1.3(e) of the Land Use Bylaw (see Appendix 3).

The Sturgeon County Drainage Operation team reviewed the subject parcel and identified that most of the lands have been previously submerged in floodwaters and likely contain environmentally significant features such as wetlands. Specifically, a large portion of Proposed Lot 1 poses significant flood risk and therefore administration recommends both a reduction in size and change in configuration away from previously identified flood lands.

Policy 2.2.3 of the Municipal Development Plan notes that the County:

“Should discourage the use of panhandles as a way to provide residential subdivisions with legal and physical access to a municipal roadway.”

However, in this instance the use of a panhandle will allow the subject parcel to be situated further from known flood risk areas without fragmenting farmland as it is located at the northern boundary of the quarter section. It will also ensure any future structures are setback from a pipeline right of way that exists at the north end of the lot. This will result in a minor increase in size that is supported by Part 11.1.3(e) of the Land Use Bylaw which notes that a larger size can be accommodated to:

“Mitigate any site constraints which could otherwise significantly limit the development potential of a 1ha parcel or create land use conflicts”

2. Part 654(1) of the Municipal Government Act requires that a subdivision authority must not approve a subdivision unless the parcel is:

“...suitable for the purpose for which the subdivision is intended.”

Proposed Lot 1 is an agricultural acreage which is utilized for the development of a single detached dwelling. As mentioned previously, this parcel is located within an extremely high flood risk area and to ensure a dwelling can be safely constructed, a hydrological study is required for Proposed Lot 1 to the satisfaction of Sturgeon County. A full scale Geotechnical Report is not required at the time of subdivision, however, would be recommended at the future development permit stage.

Administration’s alternative configuration is consistent with the Municipal Development Plan’s “Residential Type 4” policies (see **Appendix 2**), and the Land Use Bylaw’s “AG - Agriculture” regulations (see **Appendix 3**).

3. The existing open discharge septic system will need to be relocated or upgraded to comply with the Alberta Private Sewage Standards of Practice 2021.
4. 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 property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated June 13, 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 Proposed Lot 1 and Rge Rd 235 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 Rge Rd 235 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 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 Proposed Lot 1. A payment will be made in place of reserves equal to \$2,972.50 (*determined at a rate of \$24,166.63 per hectare X 10% 1.23 hectares = \$2,972.50*). 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 shall complete a Hydrological Analysis for Proposed Lot 1 which will be stamped and signed by a P. Eng. and will determine what the 1:100 yr. flood inundation elevation is for the parcel to help establish a basement or finish floor elevation. The analysis will also establish the lowest building opening elevation, ensuring it is a minimum of 0.5m above the 1:100 yr. high water level, and include any development constraints

for the parcel. This analysis will be completed to the satisfaction of Sturgeon County Engineering and Transportation Services.

- 8) The surveyor shall survey and dedicate all low-lying/undevelopable land in proximity to the wetland/ lake within an 'Environmental Reserve Easement', in accordance with the Surveys Act and to the satisfaction of Sturgeon County – as illustrated conceptually in Exhibit 2.
- 9) The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
- 10) Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2021 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance will be required from the County's Gas & Plumbing Inspector, confirming that the existing open discharge septic system either meets the Standard of Practice as-is, or has either been replaced, relocated or redesigned to comply. Note: An Alberta Land Surveyor may be required to confirm distances from the septic system to property lines, buildings or other features – to the satisfaction of the Gas & Plumbing Inspector.

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.
- Pursuant to the Water Act and the Alberta Wetland Policy, any future development or site grading which might alter or disturb a wetland may require additional approvals from Alberta Environment and Parks.
- 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.
- *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: 
Jonathan Heemskerk, *Planner, 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 and the statutory plans and land use bylaws and the regulations under this Part, and any applicable ALSA regional plan, 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.

RSA 2000 cM-26 s655;2009 cA-26.8 s83;2015 c8 s71

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.

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.

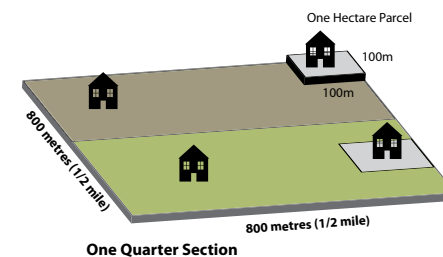
2.3.18 Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

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.





residential character outcome

Providing regional stability and managing associated development expectations by applying practical and pragmatic design.

With minimal residential development in the Hamlet of Namao, it has traditionally functioned as an institutional and service centre for surrounding rural residents. Development proposals across the Neighbourhood need to account for limited existing infrastructure resources, proposed access changes along Highway 37, potential impacts on the Integrated Regional Growth Strategy and the Capital Region Growth Plan, and issues arising from industrial activity from the Sturgeon Industrial Park and the Edmonton Energy and Technology Park (located in the City of Edmonton). New or expanding developments will be required to provide the necessary studies and infrastructure investment to support efficient and effective infrastructure servicing of new areas. The desired intent is to accommodate agricultural and rural residential development opportunities that build upon and improve the existing state of infrastructure.

H.1 residential character output actions Sturgeon County will support the long-term outcome of the Neighbourhood by:

- ② Strengthening the viability of a regional industrial strategy and agricultural operations (outside of the Hamlet of Namao) through the application of Residential Type 4 policies in the Neighbourhood.
- ③ Establishing an administrative boundary for the Hamlet of Namao and implementing Residential Type 3 policies for residential development within that boundary. Until an administrative boundary is identified through the Planning Document process, existing land-use zoning shall be used to identify where residential type policies are applicable.
- ④ Requiring residential proposals for the Hamlet of Namao that result in amendments to Planning Documents to demonstrate (to the satisfaction of the approval agency) that the activity will not conflict with, nor affect the viability of developments in, the Sturgeon Valley, the identified Capital Region Growth Plan population targets and municipal infrastructure capacity
- ⑤ Requiring proposed developments to undertake planning and consultation with landowners and stakeholders regarding long-term growth aspirations. Consultation shall address land use, servicing and access issues related to future development. Associated Planning Documents are to identify sustainable types and scales of Residential and Non-Residential activity, as well as the associated infrastructure and community services levels required to support future development.
- ⑥ Ensuring that applicants for proposed developments collaborate with local school boards to address impacts to the existing school facilities and any required infrastructure upgrades.
- ⑦ Discouraging the development or expansion of Confined Feeding Operations (as per the AOPA notification schedule detailed in Appendix A-2) from Sturgeon County communities with densities in exceedance of Residential Type 4, in an effort to minimize land-use conflicts between working landscapes and residential communities.

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, 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>Dugout</i>	<i>Auctioneering establishment**</i>
<i>Dwelling, single detached</i>	<i>Cannabis production and distribution, micro</i>
<i>Family day home</i>	<i>Community garden</i>
<i>Farm help accommodation</i>	<i>Equestrian facility***</i>
<i>Group home, minor</i>	<i>Garage Suite</i>
<i>Home-based business, level 1 (office)</i>	<i>Garden Suite</i>
<i>Home-based business, level 2</i>	<i>Group home, major</i>
<i>Intensive agriculture</i>	<i>Guest ranch</i>
<i>Secondary Suite</i>	<i>Home-based business, level 3</i>
	<i>Kennel and animal boarding</i>
	<i>Landscaping contractor service***</i>
	<i>Secondary dwelling****</i>
	<i>Temporary asphalt plant**</i>
	<i>Temporary concrete batch plant**</i>
	<i>Topsoil screening</i>
	<i>Veterinary clinic</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 6.24 for further clarification.

1407/18; 1432/19; 1436/19

.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

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

1432/19

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

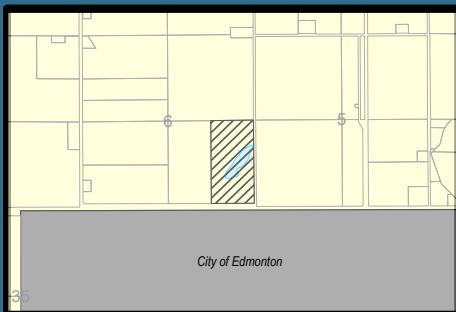
- (a) All *development* in this district is subject to the regulations stated in Parts 5 through 9 of this Bylaw.
- (b) Notwithstanding the variance provisions in Section 2.8 of this Bylaw, the *Development Authority* shall not accept a variance to the *uses* within this district based on *parcel* size.

1407/18

Appendix 4: Exhibits, Referrals & Miscellaneous

Exhibit 1 [Applicant Submission]

File Number: 2024-S-014



Legal Description: 6153NY;2 - SE-6-55-23-W4

Roll Number: 993000

Total Acres/Hectares: 77.70ac / 31.39ha

Land Use: AG - Agriculture

Municipal Address: 1 23510 Hwy 37

Date: 4/12/2024

Legend







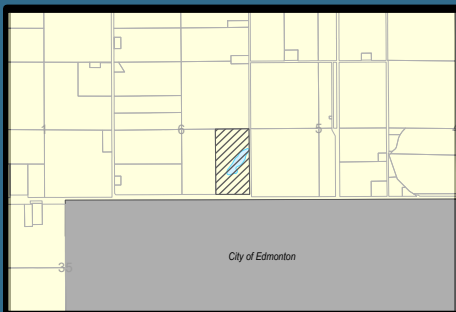
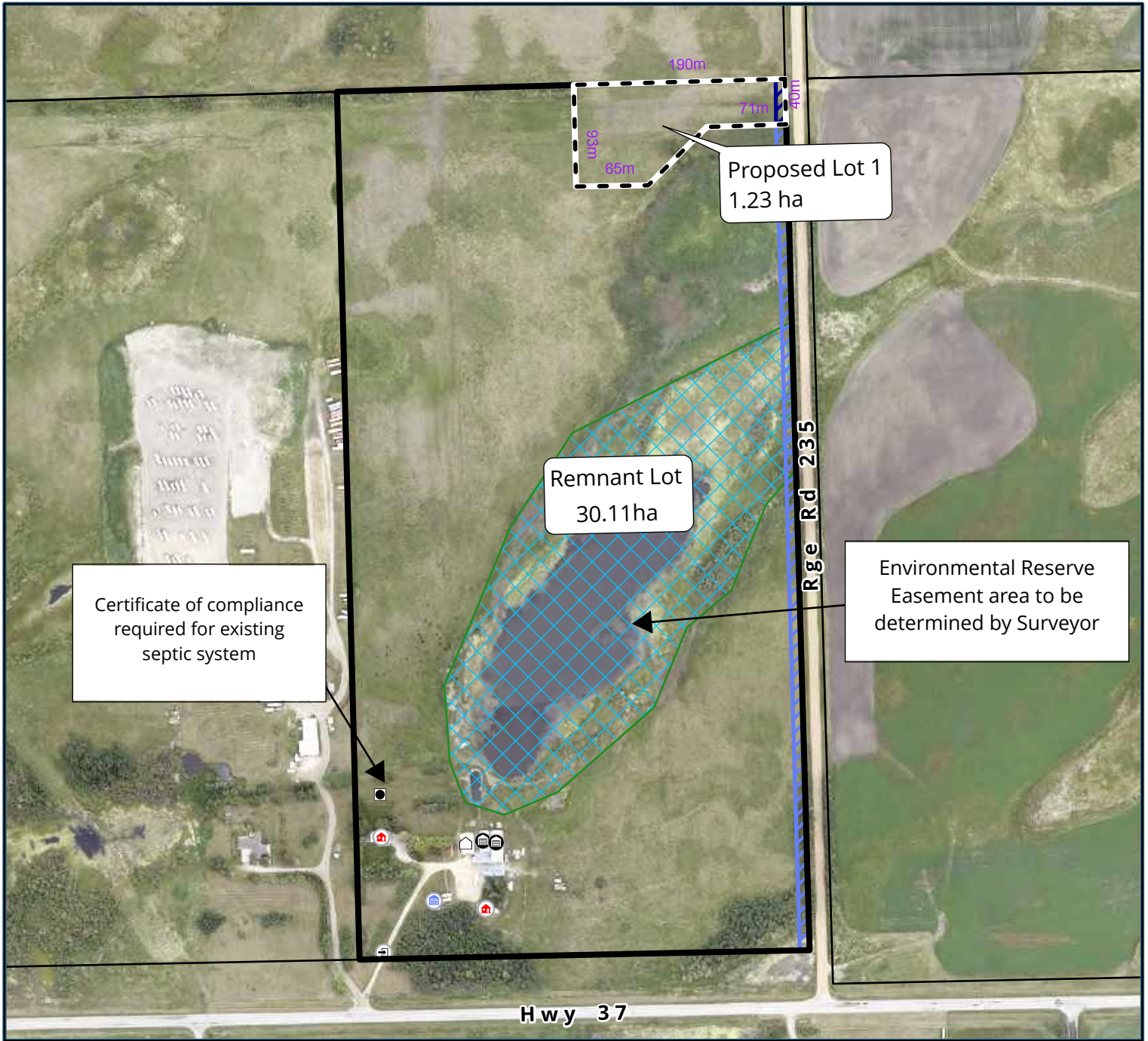
-  Dwelling
-  Shop
-  Existing Approach
-  Pole Shed
-  Pump Out
-  Quonset

Exhibit 2 [Subdivision Authority Recommendation]

File Number: 2024-S-014



Legal Description: 6153NY;2 - SE-6-55-23-W4

Roll Number: 993000










Total Acres/Hectares: 74.70ac / 30.18ha

Land Use: AG - Agriculture

Municipal Address: 1 23510 Hwy 37

Date: 6/13/2024

Legend

-  Dwelling
-  Existing Approach
-  Pole Shed
-  Pump Out
-  Quonset
-  Shop
-  Environmental Reserve Easement
-  Road Widening By Caveat
-  Road Widening By Survey

Transportation and Economic Corridors Notification of Referral Decision

Subdivision in Proximity of a Provincial Highway

Municipality File Number:	2024-S-014	Highway(s):	37
Legal Land Location:	QS-SE SEC-06 TWP-055 RGE-23 MER-4	Municipality:	Sturgeon County
Decision By:	Robert Lindsay	Issuing Office:	North Central Region / Stony Plain
Issued Date:	2024-05-21 10:11:39	Appeal Authority:	Subdivision and Development Appeal Board
RPATH Number:	RPATH0042839		
Description of Development:	Subdivide a ±4.24ha undeveloped residential lot from a previously subdivided quarter section with existing service road right of way Block 2 Plan 6153NY; SE06-055-23-W4M; North of Highway 37		



This will acknowledge receipt of your circulation regarding the above noted proposal. The subsequent

subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 37

Transportation and Economic Corridors offers the following comments with respect to this application:

The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.

The requirements of Section 19 of the Regulation are not met. There is an existing service road right of way by plan of survey across the entire highway frontage of Block 2 Plan 6153NY. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:

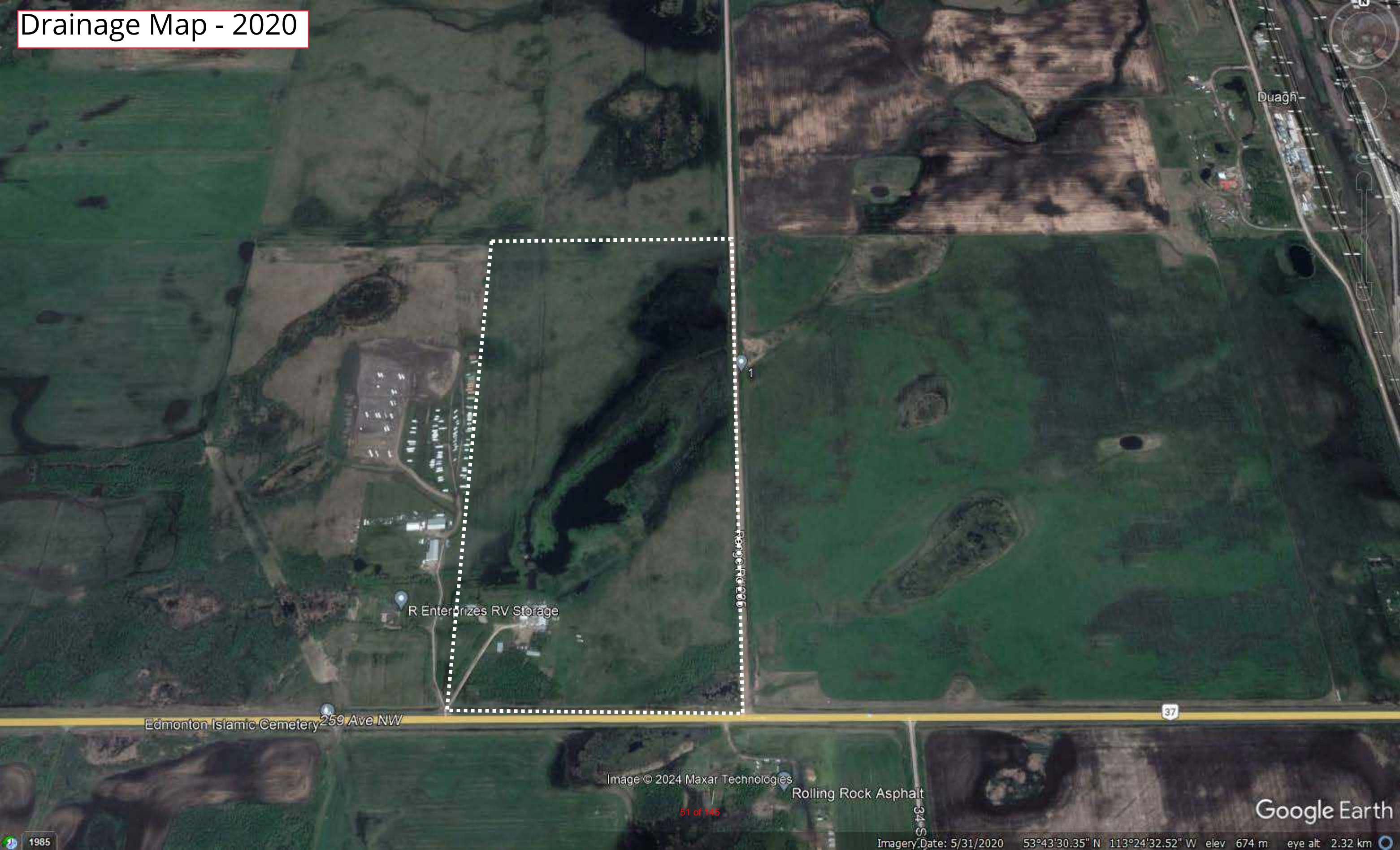
1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act
2. This proposal does not meet the requirements of Sections 18 and 19(3) of the Matters Related to Subdivision and Development Regulation. Considering the nature of the proposal, subject to Section 20 of the Matters Related to Subdivision and Development Regulation, Transportation and Economic Corridors is willing to approve the variance by the subdivision authority of the requirements of Section 18.
3. The Matters Related to Subdivision and Development Regulation states that when the subdivision proposal does not meet the requirements of Section 19(3), the subdivision authority must require the developer to provide service road that is satisfactory to Transportation and Economic Corridors. Given the nature of this proposal, to meet the requirements of Section 19(2) of the regulation Transportation and Economic Corridors would be satisfied if the subdivision authority required no additional service road to be dedicated.
4. Insofar as Transportation and Economic Corridors is concerned, any appeal of this subdivision may be referred to the local subdivision and development appeal board (Section 678(2.1) of the Municipal Government Act).

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information.



Issued by **Robert Lindsay, Dev and Planning Technologist**, on **2024-05-21 10:11:39** on behalf of the Minister of Transportation and Economic Corridors pursuant to *Ministerial Order 52/20 – Department of Transportation and Economic Corridors Delegation of Authority*

Drainage Map - 2020



Duagh

R Enterprises RV Storage

Ranger Rd 235

Edmonton Islamic Cemetery 259 Ave NW

37

Image © 2024 Maxar Technologies

Rolling Rock Asphalt

51 of 145

Imagery Date: 5/31/2020

53°43'30.35" N 113°24'32.52" W elev 674 m eye alt 2.32 km

Google Earth

1985

Conditions if Appeal is Granted:

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 property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling **Exhibit 3** 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 3** and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of Proposed Lot 1 and Rge Rd 235 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 3** and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and Rge Rd 235 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 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 Proposed Lot 1. A payment will be made in place of reserves equal to **\$2,972.50 (determined at a rate of \$24,166.63 per hectare X 10% 1.23 hectares = \$2,972.50)**. 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 shall complete a Hydrological Analysis for Proposed Lot 1 which will be stamped and signed by a P. Eng. and will determine what the 1:100 yr. flood inundation elevation is for the parcel to help establish a basement or finish floor elevation. The analysis will also establish the lowest building opening elevation, ensuring it is a minimum of 0.5m above the 1:100 yr. high water level, and include any development constraints for the parcel. This analysis will be completed to the satisfaction of Sturgeon County Engineering and Transportation Services.
- 8) The surveyor shall survey and dedicate all low-lying/undevelopable land in proximity to the wetland/ lake within an 'Environmental Reserve Easement', in accordance with the Surveys Act and to the satisfaction of Sturgeon County – as illustrated conceptually in **Exhibit 3**.

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

- 10) Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2021 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance will be required from the County’s Gas & Plumbing Inspector, confirming that the existing open discharge septic system either meets the Standard of Practice as-is, or has either been replaced, relocated or redesigned to comply. Note: An Alberta Land Surveyor may be required to confirm distances from the septic system to property lines, buildings or other features – to the satisfaction of the Gas & Plumbing Inspector.

Subdivision and Development Appeal Board

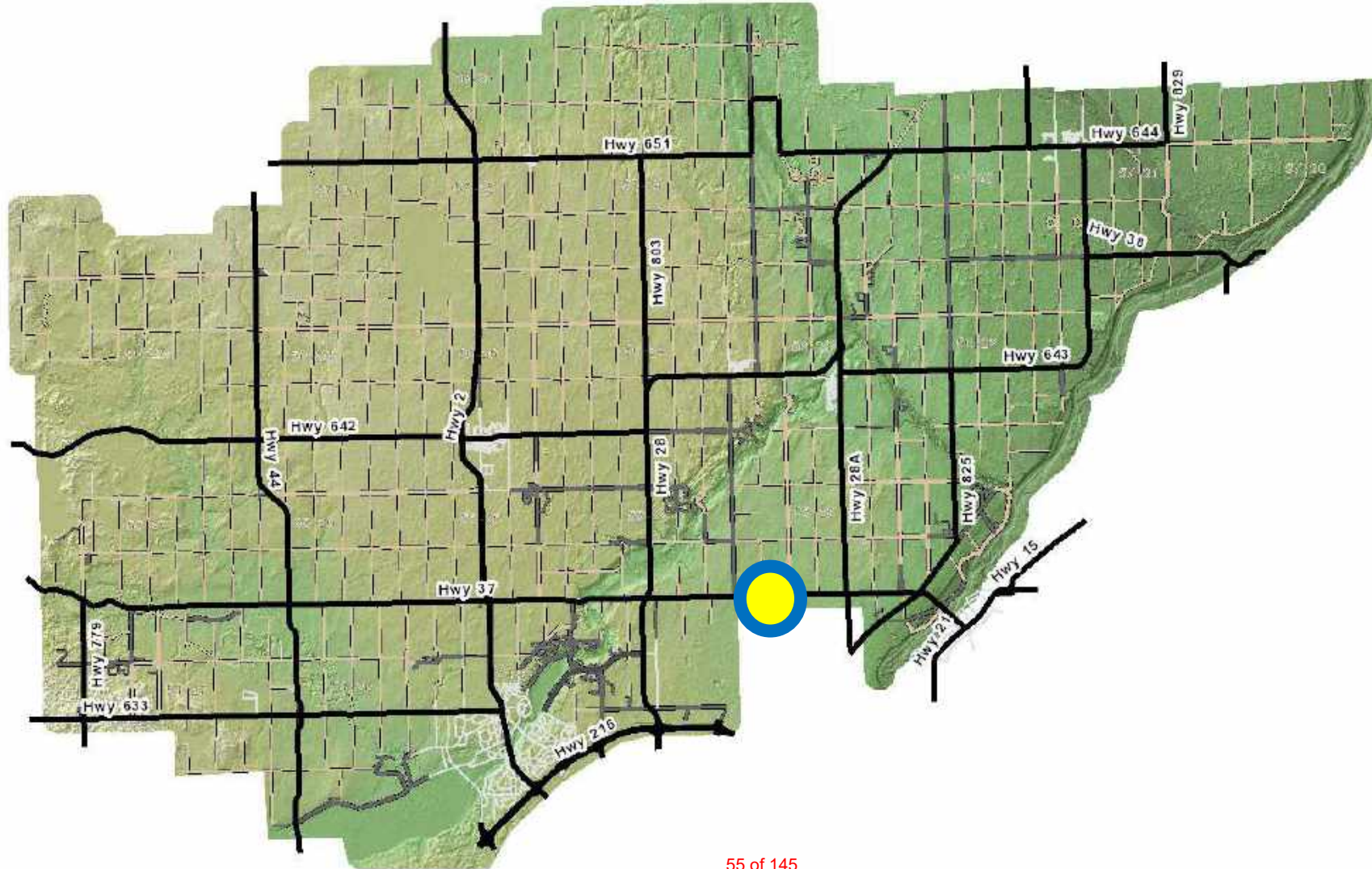
024-STU-011

Jonathan Heemskerck
Planner, Current Planning



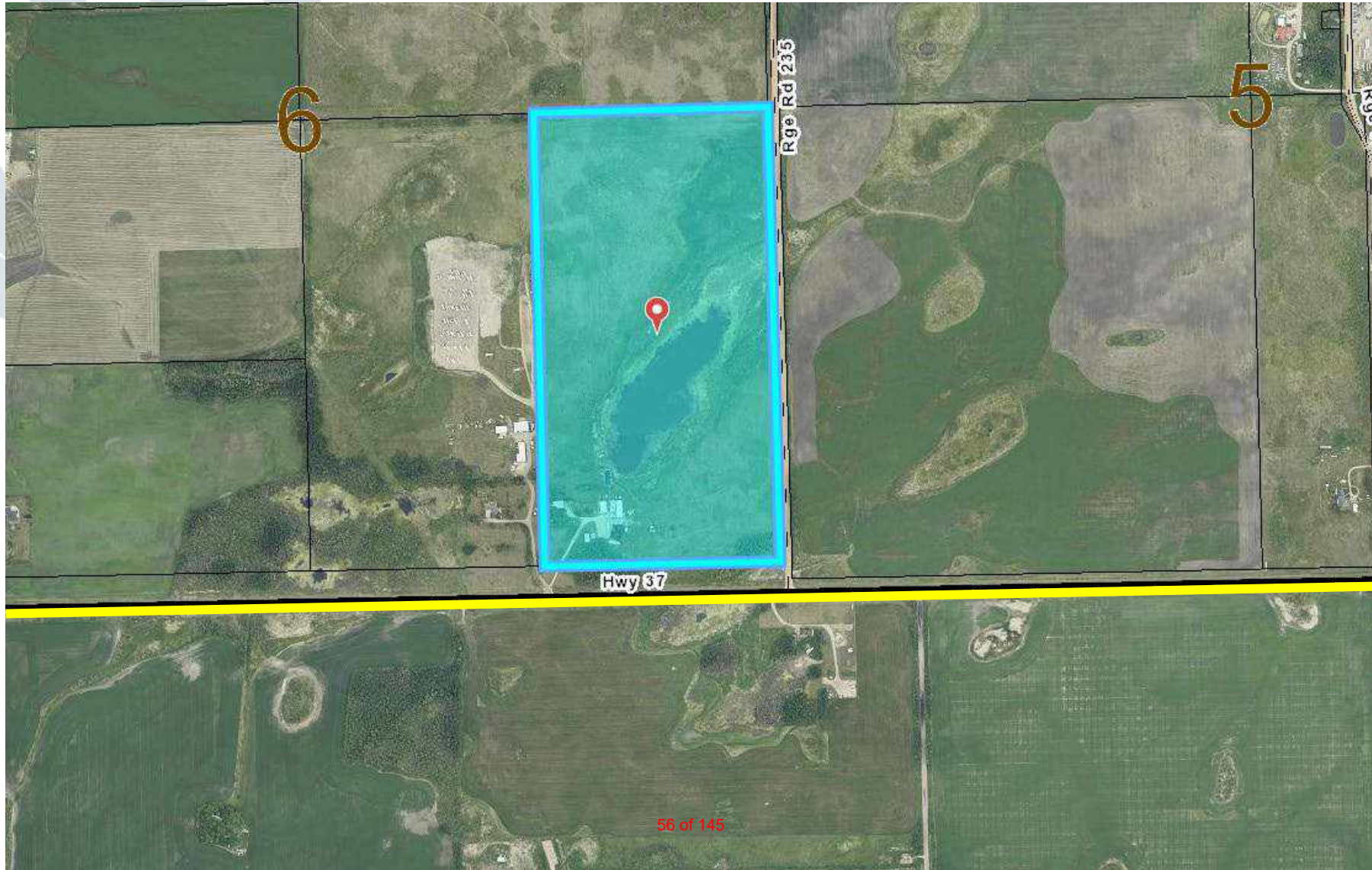
Sturgeon
C O U N T Y

Site Location (Regional)



Site Location (Local)

Yellow line is the boundary between Sturgeon County and the City of Edmonton



Proposal



Summary of Circulation Responses

Sturgeon County Development Officer

- Proposed Lot:
 - The parcel is subject to flooding in the area.
 - All applications for development would require a Roadside Development Permit from Alberta Transportation.
- Remnant Lot:
 - Permits are on file for the dwelling and mobile home.
 - All other accessory buildings are not on record and will either require permits or a farm building declaration.

Sturgeon County Engineering Services

- Proposed Lot:
 - 5m required via plan of survey along Rge Rd 235.
 - No existing approach, one must be constructed to General Municipal Servicing Standards.
- Remnant Lot:
 - 5m required via land acquisition agreement along Rge Rd 235.
 - Approaches are under the jurisdiction of Alberta Transportation.
- General Comments:
 - Both parcels show significant flood risk and future development shall not occur in flood risk areas or impact surrounding wetlands.



Summary of Circulation Responses

Sturgeon County Drainage Operation

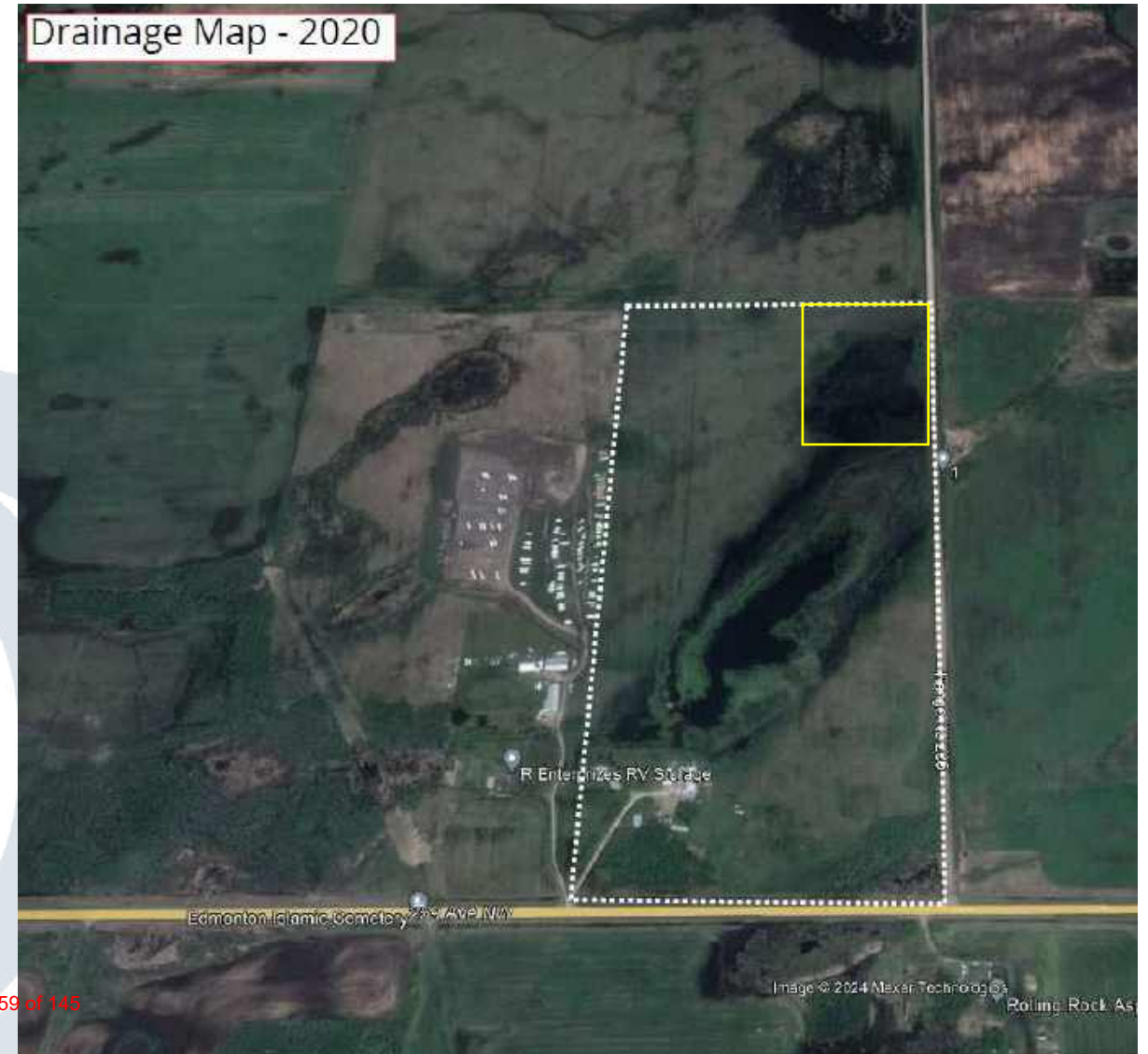
- Drainage assessment indicate significant risk of flooding for any infrastructure on the proposed lot.
- There is a strong possibility that the proposed lot falls within a designated wetland area.
- Aerial image from 2020 shows the proposed lot submerged in floodwaters.
- Recommended that approval be withheld unless stringent conditions are imposed to safeguard future owners, including assurance of elevation above 1:100-year flood risk zones.

Alberta Health Services

- The existing open discharge must be compliant with the private sewage standards of practice.

Alberta Transportation and Economic Corridors

- No infrastructure improvements or land dedication required.
- Any appeal of the subdivision may be heard by the SDAB.



Issue Analysis

Sturgeon County Policies and Regulations

Municipal Development Plan:

- This proposal does **not** align with the Residential Type 4 policies in the Municipal Development Plan.
- 2.3.17 – Acreage lots shall minimize the total amount of agricultural land taken out of production.

Land Use Bylaw:

- This proposal does **not** align with the subdivision regulations in the Land Use Bylaw.
- 11.1.3(e) – Maximum size of 1 hectare (2.47 acres) for subdivision of AG land. Larger sizes are accommodated to encompass mature shelterbelts, existing buildings, and limit development constraints.



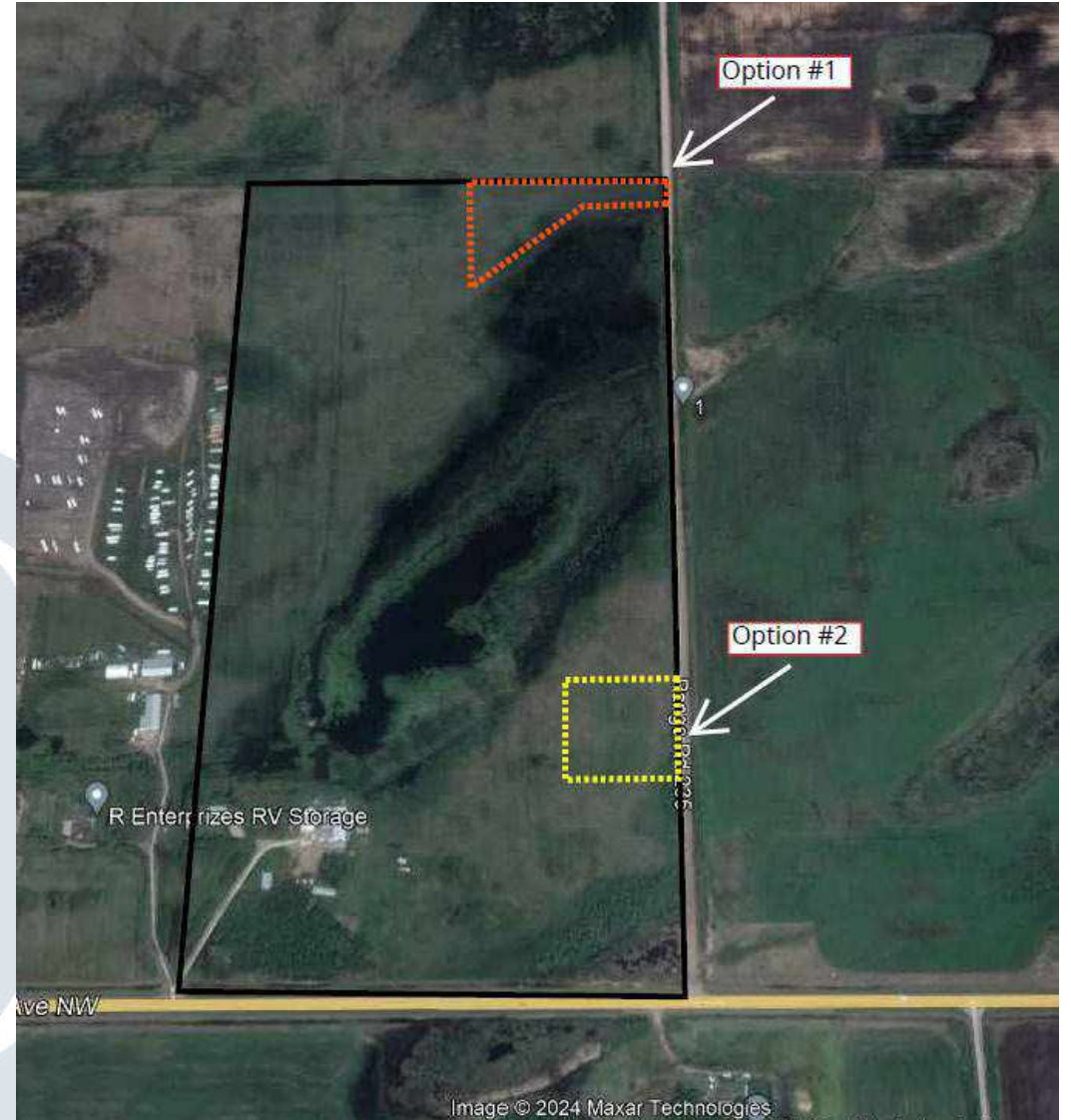
Issue Analysis

Parcel Size and Location:

- At 4.24 hectares (10.48 acres) the proposed lot exceeds to default maximum and does not encompass any existing site features.
- The drainage operation team identified that most of the proposed lot had been previously submerged in floodwaters.
- Given the significant flood risk, administration recommends a reduction in size and change in configuration.

Alternative Configurations:

- Administration provided two alternative options for the applicant which align with policies and regulations.
- The applicant chose **Option #1** which aims to avoid the previously shown floodwaters and wetlands.
- This provides a development pocket further from the road.



Issue Analysis

Additional Requirements:

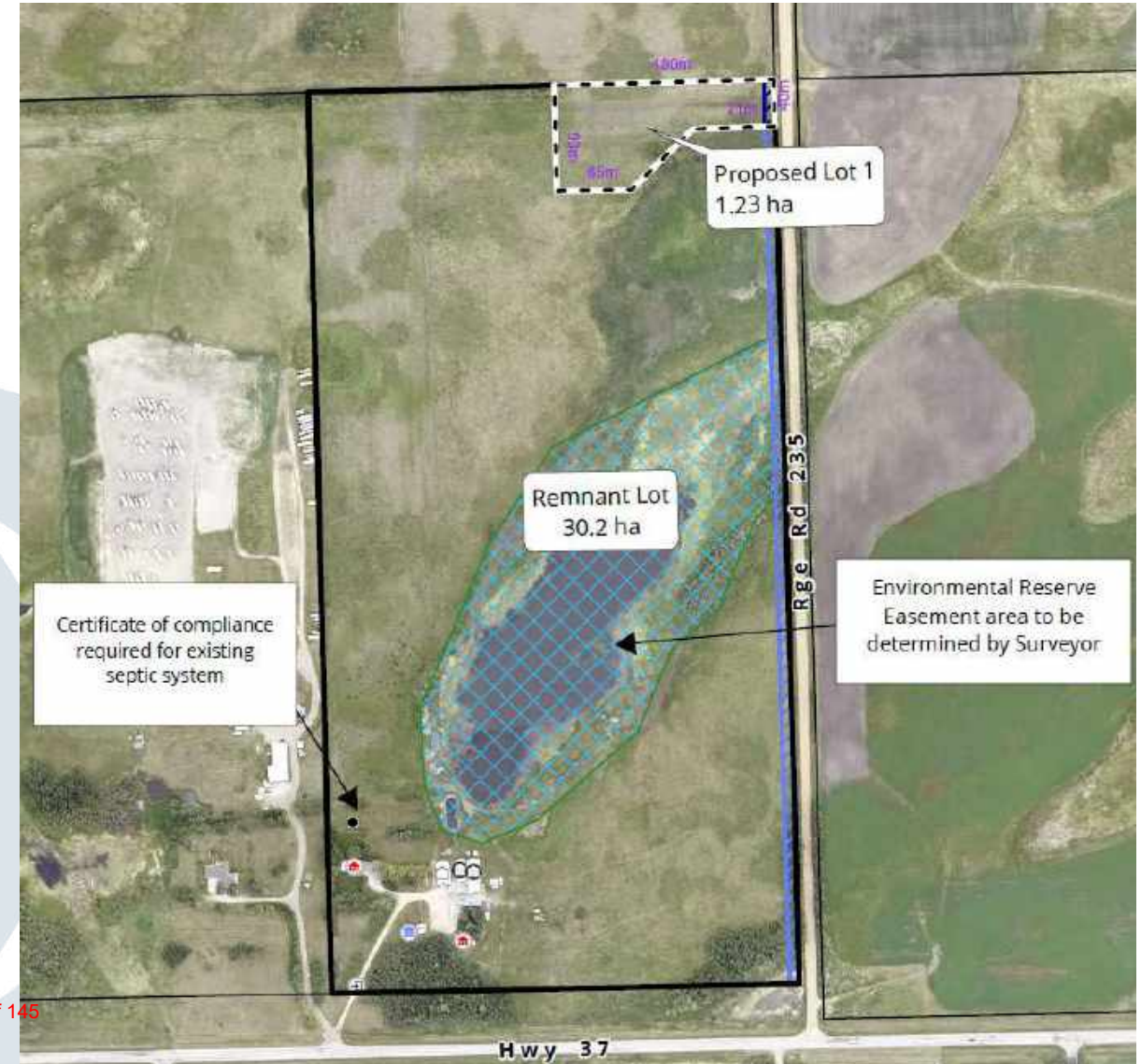
- Part 654(1) of the Municipal Government Act requires that a subdivision authority must not approve a subdivision unless the parcel is:

“... suitable for the purpose for which the subdivision is intended.”

- Proposed Lot 1 is an agricultural acreage which is utilized for the development of a single detached dwelling.
- To ensure a dwelling can be safely constructed in a high-risk flood area, a baseline hydrological study is required.
- A full-scale geotechnical report is not required at the subdivision stage but would be recommended at the time of development.

Environmental Reserve Easement:

- Placed on known significant (10 acre) body of water.
- Location to be confirmed by a surveyor and backed by historical aerial imagery.



Subdivision Authority Decision

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

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

Conditions – If Appeal is Granted

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 3, 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 3 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of Proposed Lot 1 and Rge Rd 235 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 3 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and Rge Rd 235 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 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 Proposed Lot 1. A payment will be made in place of reserves equal to \$2,972.50 (determined at a rate of \$24,166.63 per hectare X 10% 1.23 hectares = \$2,972.50). 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 shall complete a Hydrological Analysis for Proposed Lot 1 which will be stamped and signed by a P. Eng. and will determine what the 1:100 yr. flood inundation elevation is for the parcel to help establish a basement or finish floor elevation. The analysis will also establish the lowest building opening elevation, ensuring it is a minimum of 0.5m above the 1:100 yr. high water level, and include any development constraints for the parcel. This analysis will be completed to the satisfaction of Sturgeon County Engineering and Transportation Services.
- 8) The surveyor shall survey and dedicate all low-lying/undevelopable land in proximity to the wetland/ lake within an 'Environmental Reserve Easement', in accordance with the Surveys Act and to the satisfaction of Sturgeon County – as illustrated conceptually in Exhibit 3.
- 9) The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
- 10) Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2021 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance will be required from the County's Gas & Plumbing Inspector, confirming that the existing open discharge septic system either meets the Standard of Practice as-is, or has either been replaced, relocated or redesigned to comply. Note: An Alberta Land Surveyor may be required to confirm distances from the septic system to property lines, buildings or other features – to the satisfaction of the Gas & Plumbing Inspector.

Conditions – Summary

1. Ensure taxes are paid
2. Retain a surveyor
3. 5m for future road widening by plan of survey on the proposed lot
4. 5m for future road widening by caveat on the remnant lot
5. Approach upgrades to GMSS
6. Money in lieu of municipal reserve (proposed lot)
7. Hydrological analysis
8. Environmental Reserve Easement
9. Obtain all permits/farm building declarations
10. Private sewage compliance

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: [circulations.](#)
To: [Legislative Services](#)
Subject: Re: Sturgeon County Subdivision and Development Appeal Board - File 023-STU-011
Date: July 10, 2024 12:54:48 PM
Attachments: [image003.png](#)

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

Good Day,

Thank you for including TELUS in your circulation.

At this time, TELUS has no concerns with the proposed activities.

Thanks

Jaylene Perkins (*she/her*)

Real Estate Specialist | TELUS Land Solutions Team
Customer Network Planning (CNP)
18811 107 Avenue NW, Edmonton, AB T5S 2L9

The future is friendly®

circulations@telus.com

On Thu, Jul 4, 2024 at 8:29 AM Legislative Services
<legislativeservices@sturgeoncounty.ca> wrote:

Attached please find notification of an upcoming SDAB appeal hearing.

Thank you, and best regards,

Melodie Steele, BPR

Legislative Advisor

780-939-1377

msteele@sturgeoncounty.ca

sturgeoncounty.ca

9613 100 Street, Morinville, AB T8R 1L9



This communication is intended for the recipient to whom it is addressed, and may contain confidential, personal, and or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply should be deleted or destroyed.

Appeal #2

024-STU-012 Appealing the decision of the Subdivision Authority to refuse a subdivision at NE-18-54-24-W4M (54224 Range Road 245) in Sturgeon County.

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		Date Received Stamp
Municipal Address of site:	54224 Rge Rd 245	
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter)	9522208;1/NE-18-54-24-4	
Development Permit number or Subdivision Application number:	2024-S-018	
Appellant Information:		
Severed in line with section 17 of the FOIP Act		
Name:	Tilda Ferguson	Agent Name: (if applicable)
Phone:		
Mailing Address:	54224 Rge Rd 245	City, Province: Sturgeon County, AB
Postal Code:		Email:

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

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

I would like to appeal the decision of the refusal

Severed in line with section 17 of the FOIP Act
(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:
FOR OFFICE USE ONLY	
SDAB 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



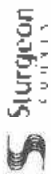
Sturgeon County
 9613-100 St
 Morinville, Alberta T8R-1L9
 (780) 939-4321 ext.

FERGUSON, TILDA

Receipt Number: 202405052
 GST Number: 107747412RT0001
 Date: 6/27/2024
 Initials: KB

Account	Description	Prev Bal	Payment	Balance
16APP	APPEAL FEES - LEGISLATIVE SE		\$100.00	
			Subtotal:	\$100.00
			Taxes:	\$0.00
			Total Receipt:	\$100.00
			Mc:	\$100.00
			Total Monies Received:	\$100.00
			Rounding:	\$0.00
			Amount Returned:	\$0.00

Cheque No.



STURGEON COUNTY
 9610 100 ST
 MORINVILLE, AB T8R 1L9
 7809398354
 WWW.STURGEONCOUNTY.AB.CA
 Cashier: Karlee B.
 Transaction 103165
 Invoice #: 202405052

Total CA\$100.00
CREDIT CARD SALE CA\$100.00
MASTERCARD 3769

Retain this copy for statement validation

27-Jun-2024 11:46:52A
 CA\$100.00 | Method: KEYED
 MASTERCARD
 XXXXXXXXXXXX3769
 MANUALLY ENTERED
 Reference ID: 417900523875
 Auth ID: 665281
 MID: *****2882
 AuthNwkNm: MASTERCARD
 NO CARDHOLDER VERIFICATION

July 4, 2024

SDAB File Number: 024-STU-012

Dear Tilda Ferguson:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: 9522208; ;1 / NE-18-54-24-W4M
54224 Range Road 245

Subdivision Application Number: 2024-S-018

Decision Regarding Proposed Subdivision: The subdivision application was refused.

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on June 27, 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 **July 23, 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 463 427 332#. 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 July 18, 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

July 4, 2024

SDAB File Number: 024-STU-012

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: 9522208; ;1 / NE-18-54-24-W4M
54224 Range Road 245

Subdivision Application Number: 2024-S-018

Decision Regarding Proposed Subdivision: The subdivision application was refused.

Appellant: Tilda Ferguson

Reasons for Appeal:

- Requests the Subdivision Authority's refusal be reversed and the subdivision application be approved.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 23, 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 463 427 332#. 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 July 18, 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.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

Encl.: Subdivision Map

July 4, 2024

SDAB File Number: 024-STU-012

To Whom it May Concern:

**NOTICE OF
APPEAL BOARD HEARING**

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

Legal Description of Subject Property: 9522208; ;1 / NE-18-54-24-W4M
54224 Range Road 245

Subdivision Application Number: 2024-S-018

Decision Regarding Proposed Subdivision: The subdivision application was refused.

Appellant: Tilda Ferguson

Reasons for Appeal:

- Requests the Subdivision Authority's refusal be reversed and the subdivision application be approved.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 23, 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 463 427 332#. 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 July 18, 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.

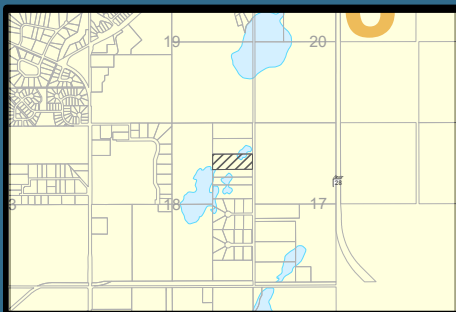
For further information, please call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

Encl.: Subdivision Map

Exhibit 1 [Applicant Submission]

File Number: 2024-S-018



Legal Description: 9522208;;1 - NE-18-54-24-W4

Roll Number: 1693000

Total Acres/Hectares: 14.90ac / 6.02ha

Land Use: AG - Agriculture

Municipal Address: 54224 Rge Rd 245

Date: 4/22/2024

Legend

-  Dugout
-  Dwelling
-  Existing Approach
-  Septic Field
-  Shed

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 19, 2024**

Receipt No: **202402484**

Date Accepted as "Complete":

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

File Number: **2024-S-018**

Complete in full (where applicable):

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

Tilda Ferguson

Mailing address (including postal code):
54224 Range Road 245
Sturgeon County, AB
T8T 0A6

Severed in line with section 17 of the FOIP Act

Telephone:

Email:

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

Mailing address (including postal code):

Telephone:

Email:

PROPERTY INFORMATION:

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

OR Lot: 1 Block: Plan: 9522208 Land Title #

Municipal Address of Property:

Total existing property size (states on land title certificate): hectares acres 15

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: Would like to carve off approx. 5 acres off of Northern side of 15 acre section.

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 53 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 780-939-8355.

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

I/We, Tilda Ferguson

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: 1 Block: Plan:

Municipal Address of Property:

54224 Range Road 245

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):



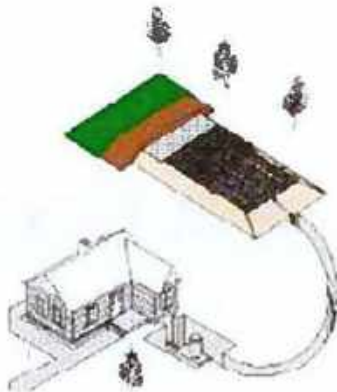
Open Discharge (Pump Out) System

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.

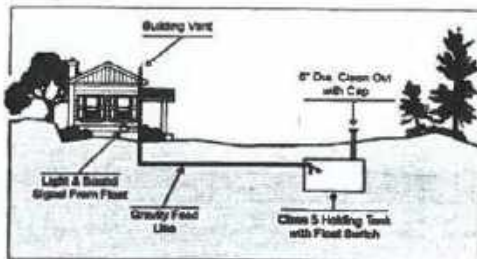


Sewage Lagoon

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: _____

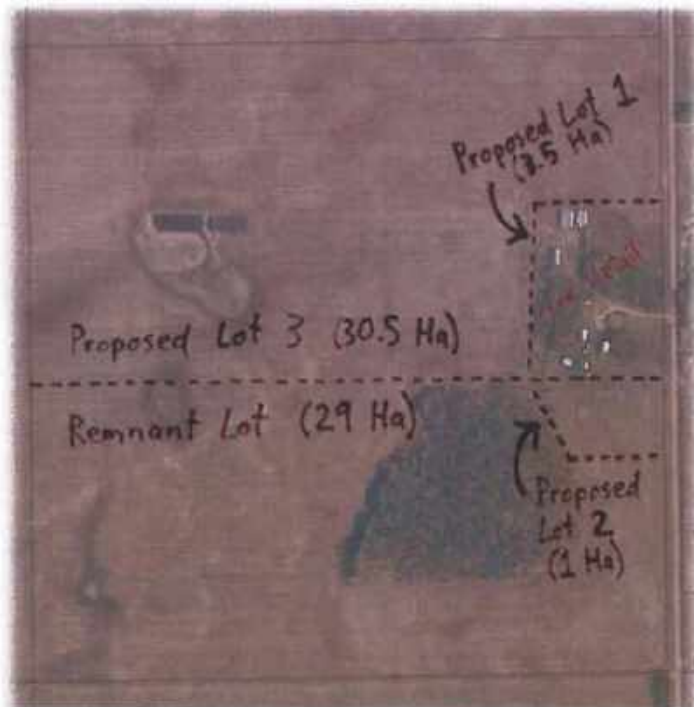
Provide a description and drawing if none of the listed descriptions apply to you.

Aerial Photographs (Mandatory)

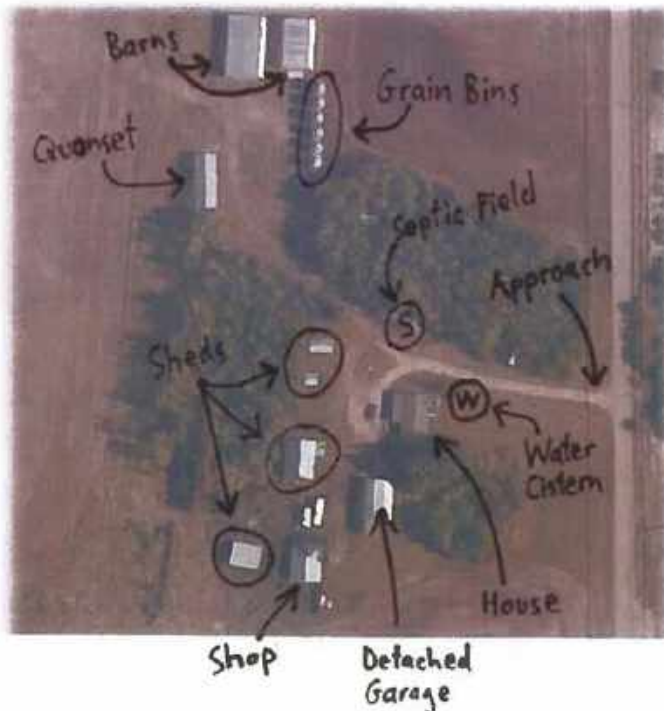
Attach two up-to-date aerial photographs, which you can obtain from the *Sturgeon Gateway Property Viewer* (<https://sturgeoncounty.maps.ca>) or *GoogleMaps* (www.google.ca/maps). If you do not have internet access, please contact the County's Planning & Subdivision Technician by phoning 780-939-8275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



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, Tilda Ferguson 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

Severed in line with section 17 of the FOIP Act

Signature(s) of registered landowner(s) or applicant(s):

Application Checklist

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

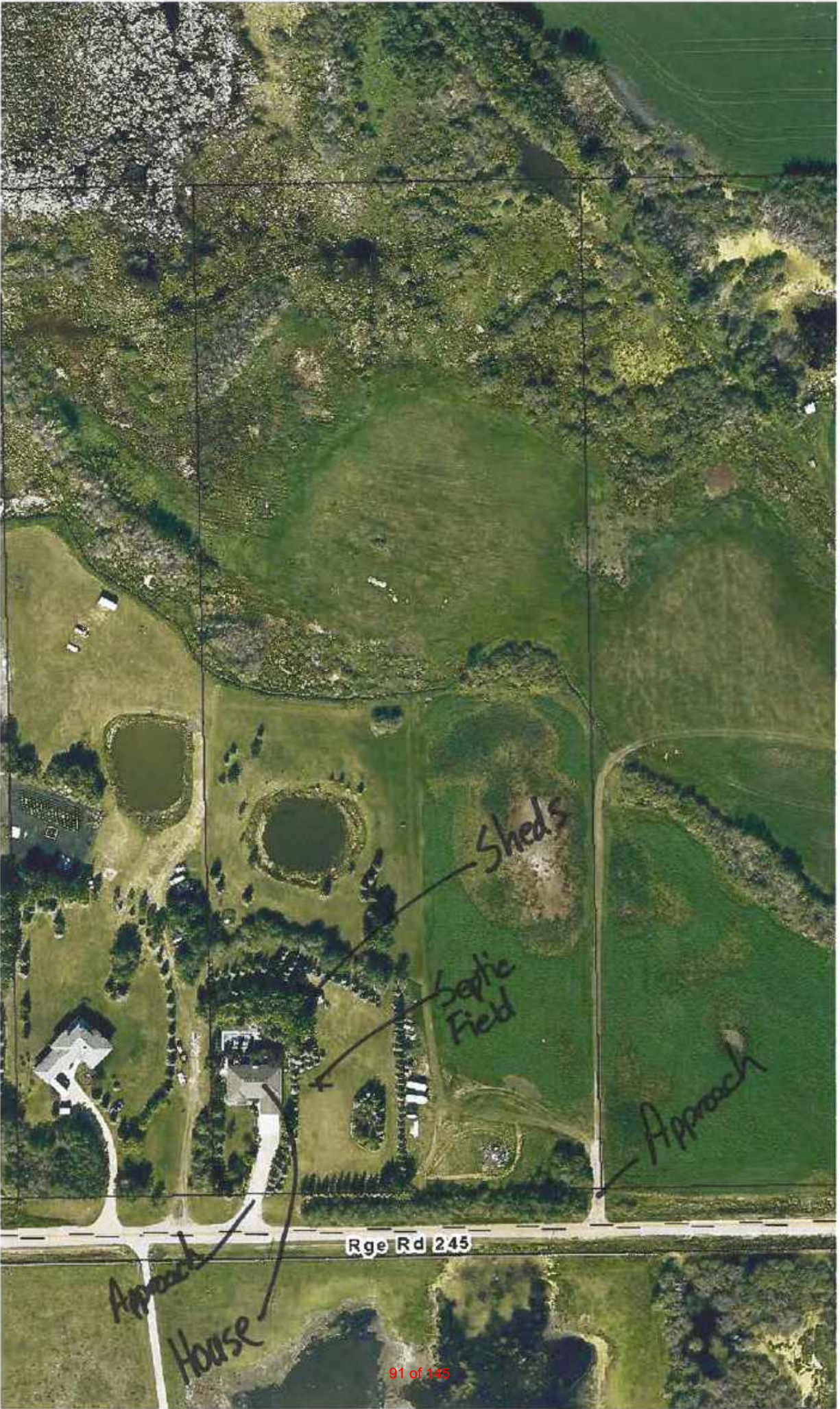
- Subdivision Application Fee** – see page 2 for details.
- Attached Abandoned Oil and Gas Well Map** – see page 6 for details.
- Attached Aerial Photographs** – see page 9 for details.
- Land Title Certificate** – available at any Alberta Registries office. Must be up-to-date within one month.
- Corporate 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

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Rge Rd 245



Abandoned Well Map

Base Data provided by: Government of Alberta

Author: Alex Niznik

Printing Date: 4/19/2024

Date Data (if applicable)

Legend

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

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Scale: 4,513.99

0.07 Kilometres



Projection and Datum:

WGS84 Web Mercator Auxiliary Sphere





LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0026 395 328 9522208;;1 032 210 420

LEGAL DESCRIPTION
PLAN 9522208
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 6.05 HECTARES (14.95 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;24;54;18;NE

MUNICIPALITY: STURGEON COUNTY

REFERENCE NUMBER: 952 118 997

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
032 210 420	12/06/2003	TRANSFER OF LAND	\$282,000	SETTLEMENT

OWNERS

TILDA FERGUSON
OF BOX 5, SITE 17, R.R. #8
EDMONTON
ALBERTA T5L 4H8

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
3201SD	09/09/1970	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD. 10035-105 ST EDMONTON ALBERTA T5J2V6 "PART"

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 012024710)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

032 210 420

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
922 258 822	27/08/1992	DISCHARGE OF UTILITY RIGHT OF WAY 3201SD PARTIAL PART AS DESCRIBED
022 020 929	17/01/2002	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD.
032 210 419	12/06/2003	RELEASE OF DOWER RIGHTS BY - RANDY FERGUSON
032 289 262	11/08/2003	MORTGAGE MORTGAGEE - ATB FINANCIAL. 11366-104 AVE NW EDMONTON ALBERTA T5K2W9 ORIGINAL PRINCIPAL AMOUNT: \$186,000 (DATA UPDATED BY: CHANGE OF NAME 192212201)
042 194 678	17/05/2004	DISCHARGE OF UTILITY RIGHT OF WAY 022020929 PARTIAL EXCEPT PLAN/PORTION: PORTION
042 295 772	19/07/2004	AMENDING AGREEMENT AMOUNT: \$300,000 AFFECTS INSTRUMENT: 032289262
052 105 326	22/03/2005	ZONING REGULATIONS BY - HER MAJESTY THE QUEEN IN RIGHT OF CANADA C/O THE MINISTER OF NATIONAL DEFENCE 101 COLONEL BY DRIVE OTTAWA ONTARIO K1A0K2
092 329 562	15/09/2009	AMENDING AGREEMENT AMOUNT: \$681,490 AFFECTS INSTRUMENT: 032289262
192 212 202	03/09/2019	AMENDING AGREEMENT AFFECTS INSTRUMENT: 032289262

TOTAL INSTRUMENTS: 010

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 18 DAY OF APRIL,
2024 AT 05:19 P.M.

ORDER NUMBER: 50280336

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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9613-100 Street
Morinville, AB T8R 1L9
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Fax: 780-939-2076
Email: pandd@sturgeoncounty.ca

June 11, 2024

Tilda Ferguson
54224 Rge Rd 245
Sturgeon County AB T8T 0A6

Re: Proposed Subdivision
Our File No.: 2024-S-018
Legal Land Description: 9522208; ;1/ NE-18-54-24-4
Proposal: A ±2.38ha lot from 6.05ha

Please be advised that the above-mentioned subdivision application was **REFUSED** by the Subdivision Authority on **June 11, 2024**.

THE REASONS FOR REFUSAL ARE:

1. Part 654(1) of the Municipal Government Act requires that: *“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.”*
2. With respect to reason #1 above, this application does not conform to Policy 2.3.15 of the Municipal Development Plan, which states the maximum allowed agricultural density is four parcels per quarter section, while this application is proposing the seventh parcel on the quarter section.
3. With respect to reason #1 above, this application does not conform to Part 11.1.3(a) of the Land Use Bylaw, which requires a maximum of four parcels on a quarter unless indicated otherwise in a statutory planning document.
4. With respect to reason #1 above, this application does not conform to the Sturgeon Valley South ASP. Specifically, the proposed parcel is not in alignment with Policy 5.6.1.1 of the ASP which aims to preserve agricultural lands until the lands are needed for urban development at a minimum of 35 du/nrha. The proposed parcel also does not align with Part 18.5.4 of the Urban Reserve Overlay (URO) which allows for interim agricultural subdivision in the Sturgeon Valley South Area Structure Plan if the proposal aligns with the Land Use Bylaw.

Please find enclosed a general information leaflet outlining some of the typical next steps for you to consider.

Yours truly,



Martyn Bell
Program Lead, Current Planning

/sg

Encl:

C:	AltaLink Management Ltd. Alberta Environment & Parks Alberta Health Services Alberta Transportation Atco Gas Atco Pipelines ATB Financial	Canada Post Greater St. Albert Catholic Regional District Fortis Alberta Sturgeon School Division Telus Access Planning
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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.

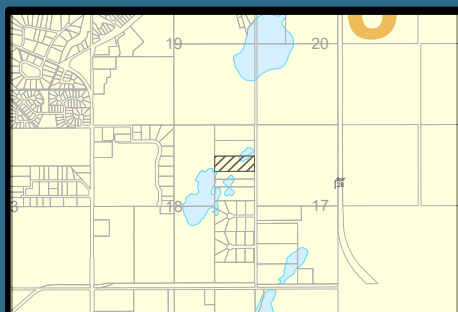
The final date the appeal can be filed is: **JULY 2, 2024**

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 [Refusal]

File Number: 2024-S-018



Legal Description: 9522208;;1 - NE-18-54-24-W4

Roll Number: 1693000

Total Acres/Hectares: 14.90ac / 6.02ha

Land Use: AG - Agriculture

Municipal Address: 54224 Rge Rd 245

Date: 6/06/2024

Legend

-  Dugout
-  Dwelling
-  Existing Approach
-  Septic Field
-  Shed

PLANNING AND DEVELOPMENT SERVICES REPORT



FILE INFORMATION:		2024-S-018
Council Division:	1	
Tax Roll Number:	1693000	
Legal Land Descriptions of Property:	9522208; ;1/ NE-18-54-24-4	
Landowner:	Tilda Ferguson	
Applicant:	Tilda Ferguson	
Staff Recommendation	Refusal	
Appeal Board (if appealed):	Subdivision & Development Appeal Board	
Administrative Fees (if approved):	\$250 (subdivision endorsement); plus \$600 per new parcel created/adjusted.	

PART I – APPLICATION DETAILS:

1. As illustrated in Exhibit 1, the applicant proposes subdivision of 2.38 hectares (5.88 acres) from 6.02 hectares (14.90 acres).

PART II – SUBDIVISION HISTORY:

1. Subdivision History:
 - Historic subdivision registered with Land Titles in 1995, created the current 6.02 ha parcel.
 - Other historic subdivisions have occurred on this quarter section resulting in a total of 7 parcels on this quarter section (six AG lots including the subject parcel and one County-owned reserve lot).

PART III – REFERRAL SUMMARY:

1. Sturgeon County Development Officer:
 - *Proposed Lot:*
 - o Vacant land.
 - o The subdivision of this land would be subject to Sturgeon Valley Off-Site Levy Bylaw 1531/21.
 - o According to Sturgeon County’s Drainage Master Plan, portions of the parcel are located within a potential flood risk area. Future development of the land will require that Wetland Impact Assessment Report be prepared by a qualified professional to confirm the property is suitable for the proposed development and subsequent approvals under the Water Act. Further, in accordance with Alberta Merged Wetland Inventory, a majority of the parcel are identified as wetlands. Future development may be subject to Alberta Environment Park (AEP) approvals.

- *Remnant Lot:*
 - Permits on file:
 - D-15-88 – Filling Low Land
 - Compliance approved – June 16, 1994 (Prior Lot 3; Plan 4474RS)
 - 45-92 Single Detached Dwelling
 - 305305-19-D0027 In-ground Pool (305305-19-B0030)
2. Sturgeon County Engineering Services:
- *Proposed Lot:*
 - The majority of the lot is within the 1:200 year flood and other smaller areas have a higher risk. It is recommended to have a Hydrological Assessment and Geotechnical Investigation completed to confirm there is a developable pocket and provide recommendations on building elevations. A large portion of the lot has been identified as wetlands. Please conduct a Wetland Assessment to confirm the extents of the wetland and provide recommendations on development.
 - In accordance with the Grid Right of Way Dedications and Acquisition policy, 5 metres is required via land acquisition agreement adjacent to Rge Rd 245.
 - Existing approach appears to be shared with adjacent parcel to the north and therefore requires upgrades to meet General Municipal Servicing Standards. Please clean the vegetation from around both ends of the culvert, ensuring the full pipe diameter is clear and exposed. Grade the ditch as required for a distance of 1 m from each end to allow for smooth water flow. Install rip rap around both culvert ends. Also, please top the surface from crushed gravel for the full width and confirm the property line is centered on the approach. Additional upgrades will be required if it is not centered.
 - *Remnant Lot:*
 - The majority of the lot is within the 1:200 year flood and other smaller areas have a higher risk. Future development shall not occur in the flood risk areas and drainage pathways shall not be altered. A large portion of the lot has been identified as wetlands. Additional approvals may be required from the province for any future development.
 - In accordance with the Grid Right of Way Dedications and Acquisition policy, 5 metres is required via land acquisition agreement adjacent to Rge Rd 245.
 - Existing approach is satisfactory.
3. Sturgeon County Utility Services:
- *Proposed Lot:*
 - No connection available to sanitary sewer *or* waterline.
 - *Remnant Lot:*
 - No connection available to sanitary sewer or waterline.
4. Sturgeon County Drainage Operation
- Significant risk of flooding for any infrastructure intended for construction on the proposed lot. Additionally, there is a strong possibility that the subdivision falls within a designated wetland area according to the Alberta Merged Wetland Classification map.
 - It is recommended that approval for the proposed subdivision be withheld unless stringent conditions are imposed to safeguard any future purchasers. These conditions

should address compliance with Water Act regulations, necessitating elevation of the lands above 1:100-year flood risk levels and careful consideration when constructing infrastructure within flood-prone zones.

5. Alberta Transportation and Economic Corridors
 - No land dedication or infrastructure improvements are required.
 - Any appeal of this subdivision may be referred to the Subdivision and Development Appeal Board.
6. No Objections:
 - Alberta Health Services, Sturgeon County Agriculture Services, ATCO Gas, Telus, Fortis Alberta.
7. No Responses:
 - ATB Financial, Alberta Environment and Parks, Alberta Energy Regulator, Altalink, Canada Post, Sturgeon County Community & Regional Planning, Sturgeon County Protective Services, ATCO Pipelines, Sturgeon School District, St. Albert School District.

PART IV – ANALYSIS:

1. This application is inconsistent with the Municipal Development Plan’s “Residential Type 4” policies (see **Appendix 2**), and with the Land Use Bylaw’s “AG – Agriculture” regulations (see **Appendix 3**).

The proposed subdivision would exceed the default maximum agricultural parcel density of four parcels per quarter section, by creating the seventh agricultural parcel. It therefore does not comply with Policies 2.3.15 and 2.3.16 of the Municipal Development Plan (see **Appendix 2**), and with Part 11.1.3(a) of the Land Use Bylaw (see **Appendix 3**).

2. This proposed subdivision is located within Planning Area 4 of the Sturgeon Valley South Area Structure Plan (SVSASP). Figure 9 of the ASP shows the lands on which this proposed subdivision is located are slated for future urban scale residential development at 35 dwelling units per net residential hectare (du/nrha) upon approval of a Neighbourhood Area Structure Plan (NASP). The parcel is also within the Urban Reserve Overlay (URO) which indicates that interim agricultural subdivision may be allowed within the Sturgeon Valley South Area Structure Plan, subject to the regulations within the Land Use Bylaw. As detailed above, the proposed subdivision does not align with the Land Use Bylaw and therefore is inconsistent with both the Urban Reserve Overlay and Sturgeon Valley South Area Structure Plan.
3. It appears that the existing septic field would continue to comply with the Alberta Private Sewage Systems Standard of Practice, should this application be approved.
4. Money in lieu of municipal reserve is not required, as reserves have already been taken during previous subdivisions.

PART V – RECOMMENDATIONS:

This application for subdivision is **REFUSED** for the following reasons:

1. Part 654(1) of the Municipal Government Act requires that: “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.”
2. With respect to reason #1 above, this application does not conform to Policy 2.3.15 of the Municipal Development Plan, which states the maximum allowed agricultural density is four parcels per quarter section, while this application is proposing the seventh parcel on the quarter section.
3. With respect to reason #1 above, this application does not conform to Part 11.1.3(a) of the Land Use Bylaw, which requires a maximum of four parcels on a quarter unless indicated otherwise in a statutory planning document.
4. With respect to reason #1 above, this application does not conform to the Sturgeon Valley South ASP. Specifically, the proposed parcel is not in alignment with Policy 5.6.1.1 of the ASP which aims to preserve agricultural lands until the lands are needed for urban development at a minimum of 35 du/nrha. The proposed parcel also does not align with Part 18.5.4 of the Urban Reserve Overlay (URO) which allows for interim agricultural subdivision in the Sturgeon Valley South Area Structure Plan if the proposal aligns with the Land Use Bylaw.

Prepared by: _____



Jonathan Heemskerk, Planner, 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 and the statutory plans and land use bylaws and the regulations under this Part, and any applicable ALSA regional plan, 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.

RSA 2000 cM-26 s655;2009 cA-26.8 s83;2015 c8 s71

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.

**RC
2.1****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.

**RC
2.2****Applying Responsible Residential Subdivision and Development Practices**

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

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

Accommodating Diverse Housing Options

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

Residential Type 1 - Sturgeon Valley

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

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

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

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

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

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

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

Residential Type 2 - Growth Hamlets

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

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

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

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

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

Residential Type 3

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

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

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

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

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

Residential Type 4

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

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

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

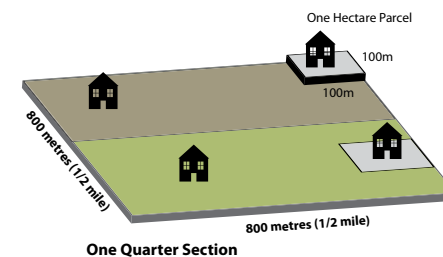
2.3.18 Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

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

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

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

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



Placemaking Principles

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

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



Neighbourhood G Placemaking Principles

G

1.1

Responsible to the Regional Context, delivering Sustainable Places

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

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

G

1.2

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

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

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

G

1.3

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

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

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

G

1.4

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

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

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

G

1.5

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

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

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

Implementation of Neighbourhood G Placemaking Principles

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

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

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, 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>Dugout</i>	<i>Auctioneering establishment**</i>
<i>Dwelling, single detached</i>	<i>Cannabis production and distribution, micro</i>
<i>Family day home</i>	<i>Community garden</i>
<i>Farm help accommodation</i>	<i>Equestrian facility***</i>
<i>Group home, minor</i>	<i>Garage Suite</i>
<i>Home-based business, level 1 (office)</i>	<i>Garden Suite</i>
<i>Home-based business, level 2</i>	<i>Group home, major</i>
<i>Intensive agriculture</i>	<i>Guest ranch</i>
<i>Secondary Suite</i>	<i>Home-based business, level 3</i>
	<i>Kennel and animal boarding</i>
	<i>Landscaping contractor service***</i>
	<i>Secondary dwelling****</i>
	<i>Temporary asphalt plant**</i>
	<i>Temporary concrete batch plant**</i>
	<i>Topsoil screening</i>
	<i>Veterinary clinic</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 6.24 for further clarification.

1407/18; 1432/19; 1436/19

.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

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

1432/19

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

18.5 URO – URBAN RESERVE OVERLAY 1609/23**.1 General Purpose**

The purpose of this overlay is intended to allow for interim development without comprising the intent of the Sturgeon Valley South Area Structure Plan (SVS ASP) and any subsequent *local planning documents* formed under the SVS ASP.

.2 Application

The Urban Reserve Overlay applies to the boundaries of the SVS ASP, as shown on Schedule 6₁ and any future road alignments subject to Section 5.9 of this Bylaw.

.3 Development Regulations

Development of lands subject to this overlay shall be conducted in a manner that does not conflict with the general purpose of this overlay, subject to the following regulations:

- (a) Proposed development identified as a permitted use within the corresponding land use district shall be considered discretionary.
- (b) Development permits may be issued in areas with an approved *local planning document* formed under the SVS ASP for a maximum 5-year period, at which time the *developer* will need to re-apply.
- (c) Development permits may be issued in areas outside an approved *local planning document(s)* for up to a 10-year period, at which time the *developer* will need to re-apply.
- (d) Notwithstanding Paragraphs 18.5.3(b & c), development permits for residential uses and uses accessory to residential development will not be time limited.

1632/23

.4 Subdivision Regulation:

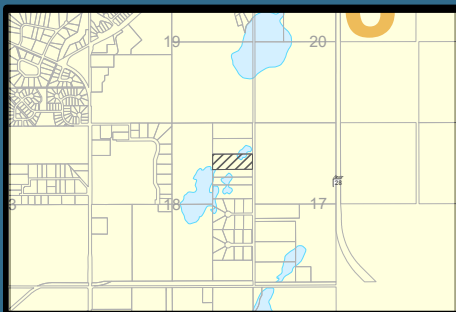
Subdivision of lands subject to this overlay:

- (a) may only be considered if the subdivision application is consistent with the SVS ASP and any subsequent *local planning documents* formed under the SVS ASP; and
- (b) must be accompanied by a redistricting application for the corresponding lands.
- (c) Notwithstanding Subsection 18.5.4, applications received for the subdivision of lands designated as AG – Agriculture within this Bylaw will be subject to the subdivision regulations of that district.

Appendix 4: Exhibits, Referrals & Miscellaneous

Exhibit 1 [Applicant Submission]

File Number: 2024-S-018



Legal Description: 9522208;1 - NE-18-54-24-W4

Roll Number: 1693000

Total Acres/Hectares: 14.90ac / 6.02ha

Land Use: AG - Agriculture

Municipal Address: 54224 Rge Rd 245

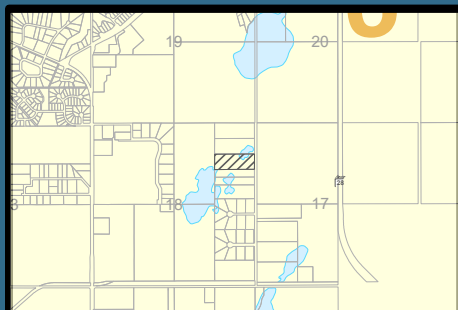
Date: 4/22/2024

Legend

-  Dugout
-  Dwelling
-  Existing Approach
-  Septic Field
-  Shed

Exhibit 2 [Refusal]

File Number: 2024-S-018



Legal Description: 9522208;;1 - NE-18-54-24-W4

Roll Number: 1693000

Total Acres/Hectares: 14.90ac / 6.02ha

Land Use: AG - Agriculture

Municipal Address: 54224 Rge Rd 245

Date: 6/05/2024

Legend

-  Dugout
-  Dwelling
-  Existing Approach
-  Septic Field
-  Shed

Transportation and Economic Corridors Notification of Referral Decision

Subdivision in Proximity of a Provincial Highway

Municipality File Number:	2024-S-018	Highway(s):	28
Legal Land Location:	QS-NE SEC-18 TWP-054 RGE-24 MER-4	Municipality:	Sturgeon County
Decision By:	Robert Lindsay	Issuing Office:	North Central Region / Stony Plain
Issued Date:	2024-04-30 16:26:04	Appeal Authority:	Subdivision and Development Appeal Board
RPATH Number:	RPATH0042417		
Description of Development:	Subdivision of an undeveloped 2.38 ha residential lot from a previously subdivided quarter section that is not adjacent to the highway Lot 1 Plan 952 2208; NE-18-54-24-W4M; West of Highway 28		



This will acknowledge receipt of your circulation regarding the above noted proposal. The subsequent subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 28

Transportation and Economic Corridors offers the following comments with respect to this application:

The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.

The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act
2. This proposal does not meet the requirements of Sections 18 and 19(3) of the Matters Related to Subdivision and Development Regulation. Considering the nature of the proposal, subject to Section 20 of the Matters Related to Subdivision and Development Regulation, Transportation and Economic Corridors is willing to approve the variance by the subdivision authority of the requirements of Section 18.
3. The Matters Related to Subdivision and Development Regulation states that when the subdivision proposal does not meet the requirements of Section 19(3), the subdivision authority must require the developer to provide service road that is satisfactory to Transportation and Economic Corridors. Given the nature of this proposal, to meet the requirements of Section 19(2) of the regulation Transportation and Economic Corridors would be satisfied if the subdivision authority required no service road to be dedicated.
4. Insofar as Transportation and Economic Corridors is concerned, any appeal of this subdivision may be referred to the local subdivision and development appeal board (Section 678(2.1) of the Municipal Government Act).

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information.



Issued by **Robert Lindsay, Dev and Planning Technologist**, on **2024-04-30 16:26:04** on behalf of the Minister of Transportation and Economic Corridors pursuant to *Ministerial Order 52/20 – Department of Transportation and Economic Corridors Delegation of Authority*



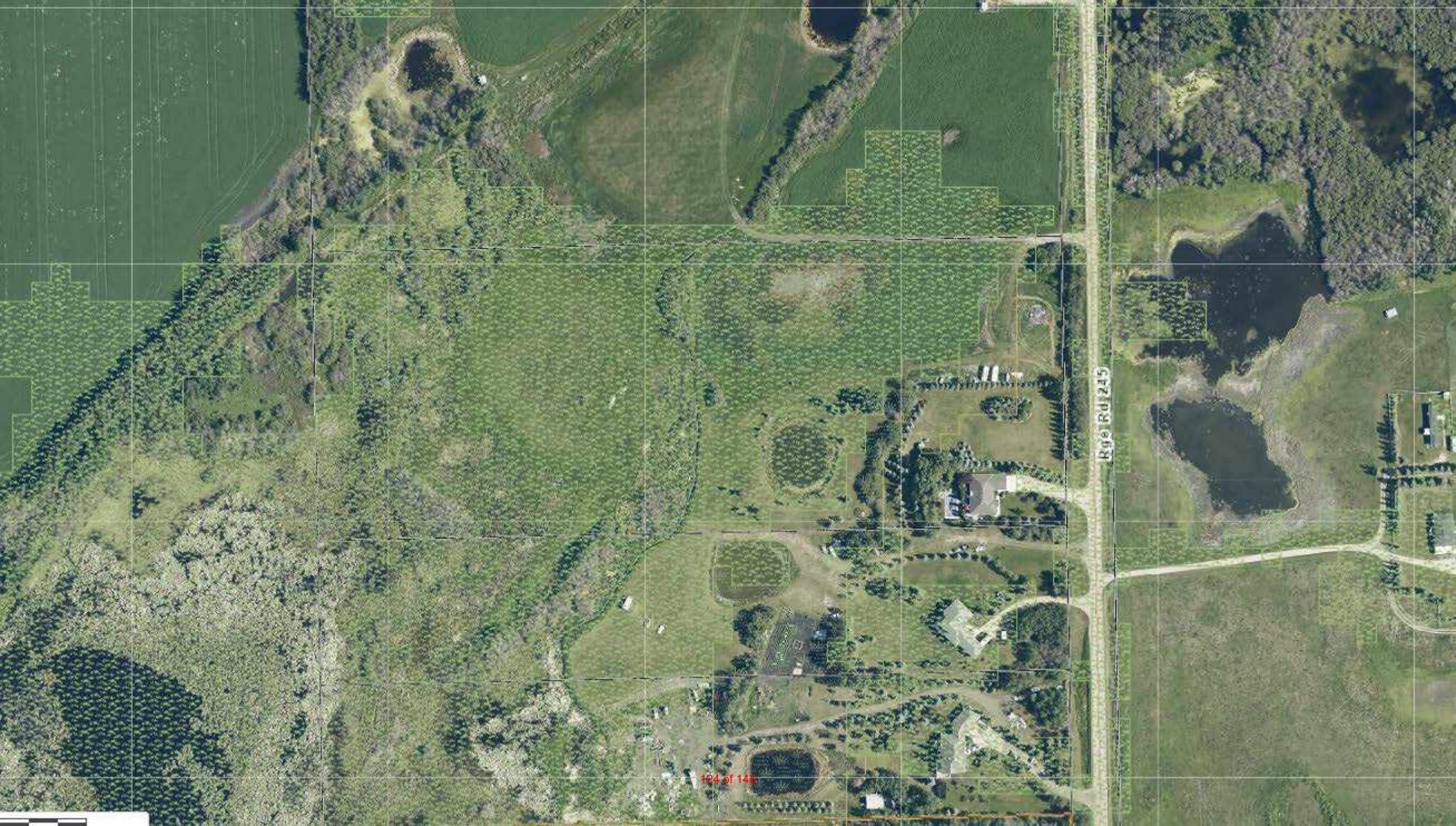
Image © 2024 Maxar Technologies
Image © 2024 CNES / Airbus

123 of 145

Google Earth

1985

Imagery Date: 4/28/2020 53°40'16.17" N 113°31'21.52" W elev 688 m eye alt 1.42 km



Rgs Rd/245

FERGUSON, TILDA

1 of 2

☆ FERGUSON, TILDA

Taxroll: 1693000

Address: 54224 Rge Rd 245

NE-18-54-24-4 / 1 : : 9522208

FERGUSON, TILDA

54224 RGE RD 245

STURGEON COUNTY T8T 0A6

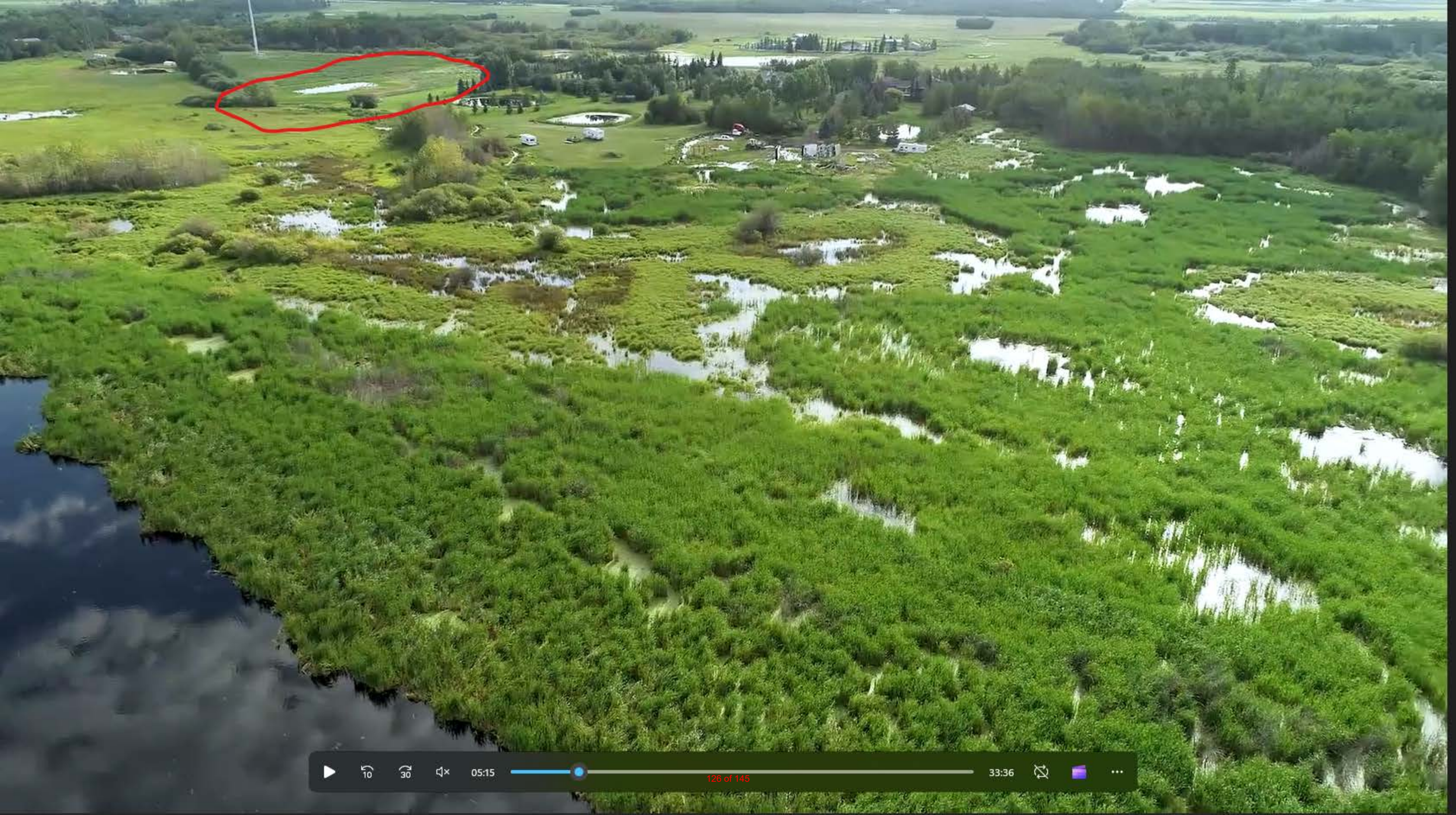
[TRIM SEARCH by ROLL](#)

[Assessment Report](#)

[Add to Results](#) | [View Additional Details](#)

Sturgeon Valley + Name

Rge Rd 245
Rge Rd 245



Conditions if Appeal is Granted:

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 property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 3 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 3 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot & Remnant Lot and Rge Rd 245 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).
- 4) All upgrades to *existing* culverts and/or *existing* approaches, and construction 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.
- 5) The applicant shall complete a Hydrological Analysis for Proposed Lot 1 which will be stamped and signed by a P. Eng. and will determine what the 1:100 yr. flood inundation elevation is for the parcel to help establish a basement or finish floor elevation. The analysis will also establish the lowest building opening elevation, ensuring it is a minimum of 0.5m above the 1:100 yr. high water level, and include any development constraints for the parcel. This analysis will be completed to the satisfaction of Sturgeon County Engineering and Transportation Services.
- 6) The surveyor shall survey and dedicate all low-lying/undevelopable land in proximity to the wetland within an 'Environmental Reserve Easement', in accordance with the Surveys Act and to the satisfaction of Sturgeon County.

Subdivision and Development Appeal Board

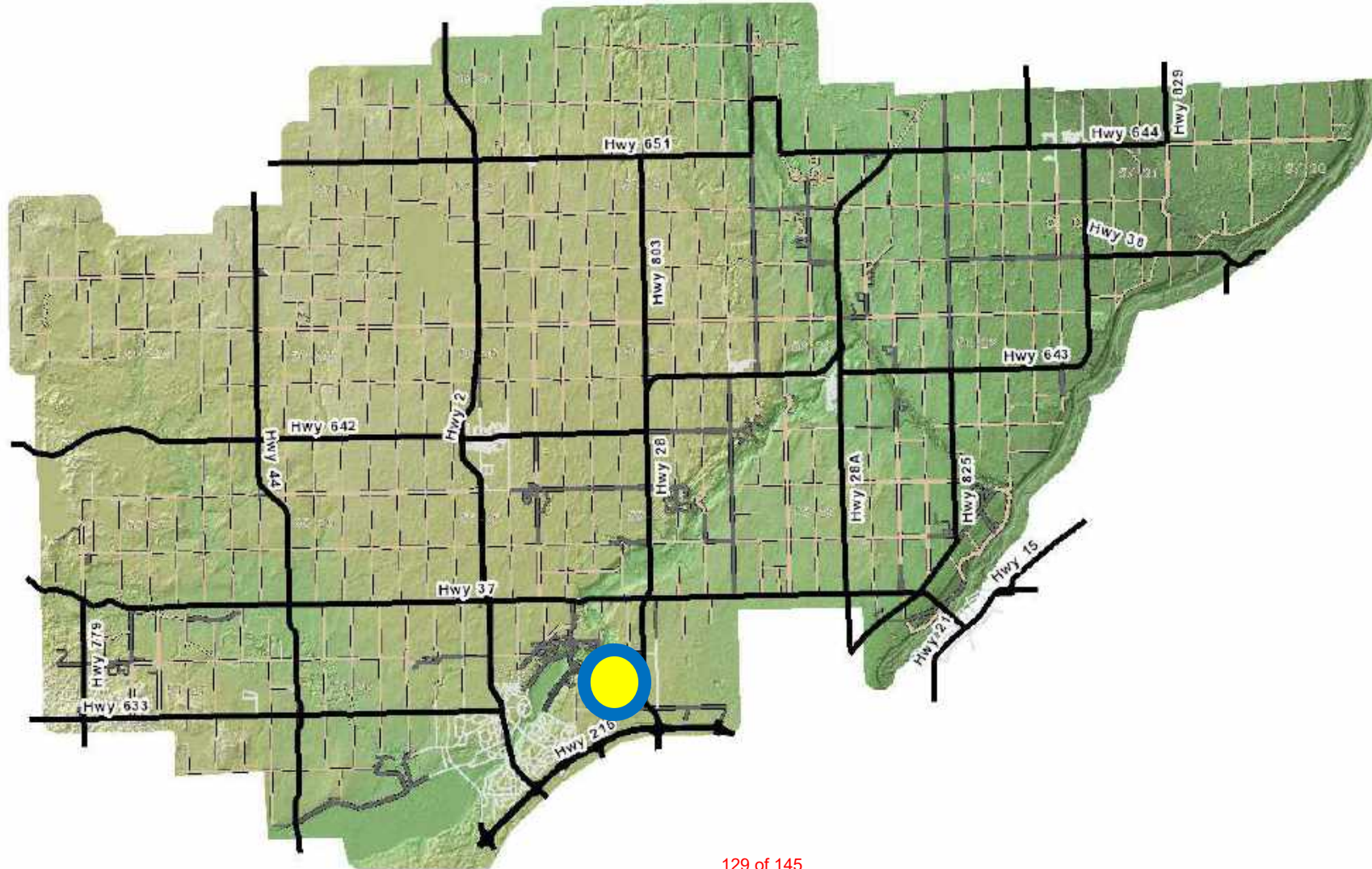
024-STU-012

Jonathan Heemskerck
Planner, Current Planning



Sturgeon
C O U N T Y

Site Location (Regional)



Site Location (Local)



Proposal



Discussion

Quarter Section Configuration

Currently there are seven full parcels on this quarter section:

- One Public Open Space Parcel
- Six Agricultural Parcels
 - One AG Major Parcel (40 acres+)
 - Three AG Minor Parcels (10-39 acres)
 - Two AG Residential Parcels (<10 acres)



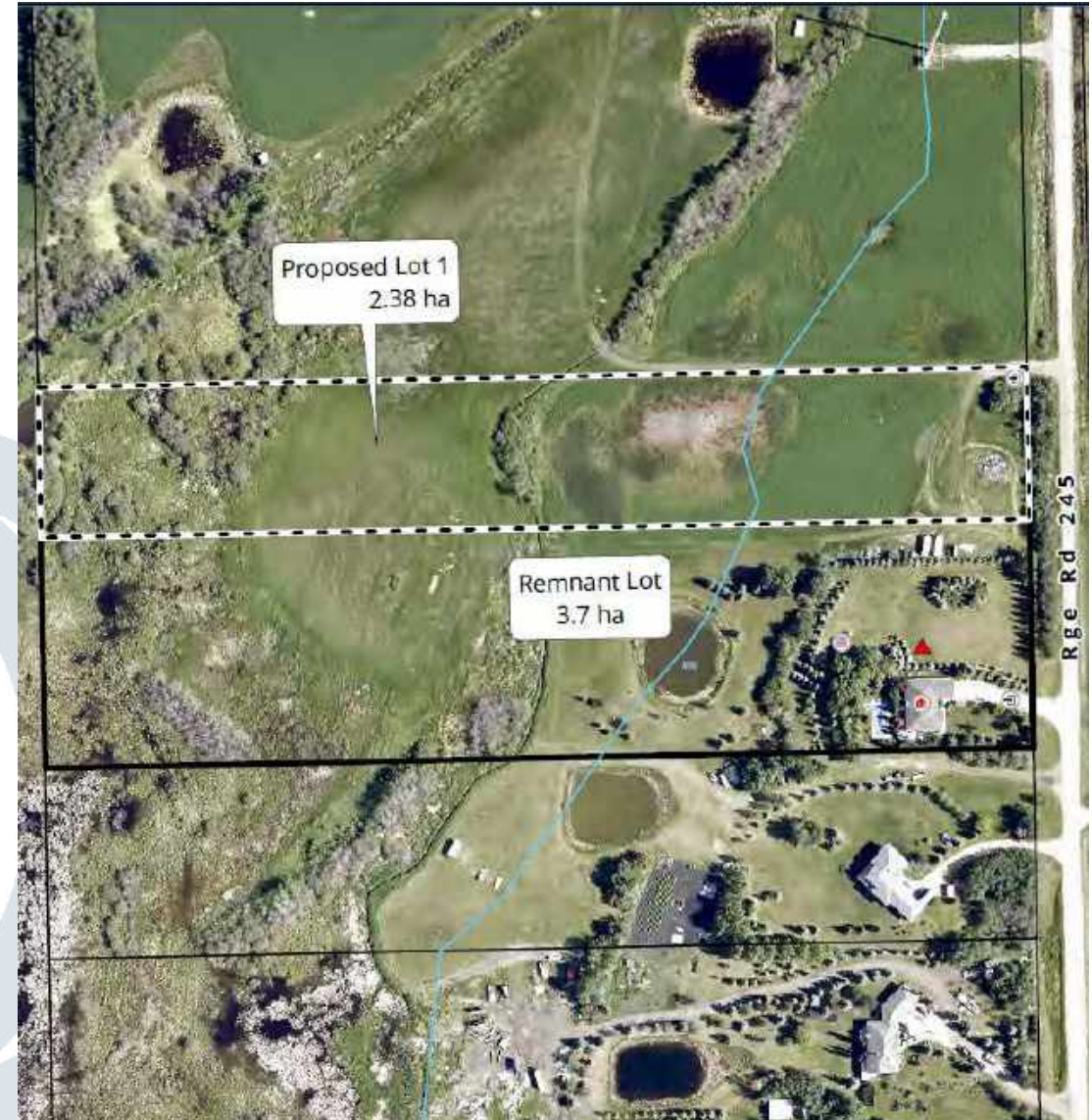
Summary of Circulation Responses

Sturgeon County Development Officer

- Proposed Lot
 - Vacant land.
 - According to the drainage master plan, portions of the lot are within high-risk flood areas. Future development of the lands will require a wetland assessment and may be subject to Alberta Environment and Parks (AEP) approvals.
- Remnant Lot:
 - Permits in place for single detached dwelling, pool, grading.
 - Compliance issued in 1994.

Sturgeon County Engineering Services

- Proposed Lot
 - 5m required via land acquisition agreement along Rge Rd 245.
 - Existing approach is shared with parcel to the north. Upgrades are required to meet General Municipal Servicing Standards.
- Remnant Lot:
 - 5m required via land acquisition agreement along Rge Rd 245.
 - Existing approach is satisfactory.
- Flood Risk
 - The majority of the lot is within the 1:200 year flood area. A hydrological analysis is required to confirm a developable pocket.



Summary of Circulation Responses

Sturgeon County Drainage Operation

- All Lots
 - Significant risk of flooding for any infrastructure intended for construction on the proposed lot. Additionally, the subdivision may fall within designated wetlands.
 - Recommended that approval be withheld unless stringent conditions are placed on the approval to safeguard future purchasers.
 - Must ensure a developable pocket above 1:100 year flood risk levels.

Alberta Transportation and Economic Corridors

- All Lots
 - No land dedication or infrastructure improvement are required.
 - Any appeal of this subdivision can be referred to the Subdivision and Development Appeal Board

All Other Parties

- No objections/concerns.



Issue Analysis – Policy and Regulations

Municipal Development Plan:

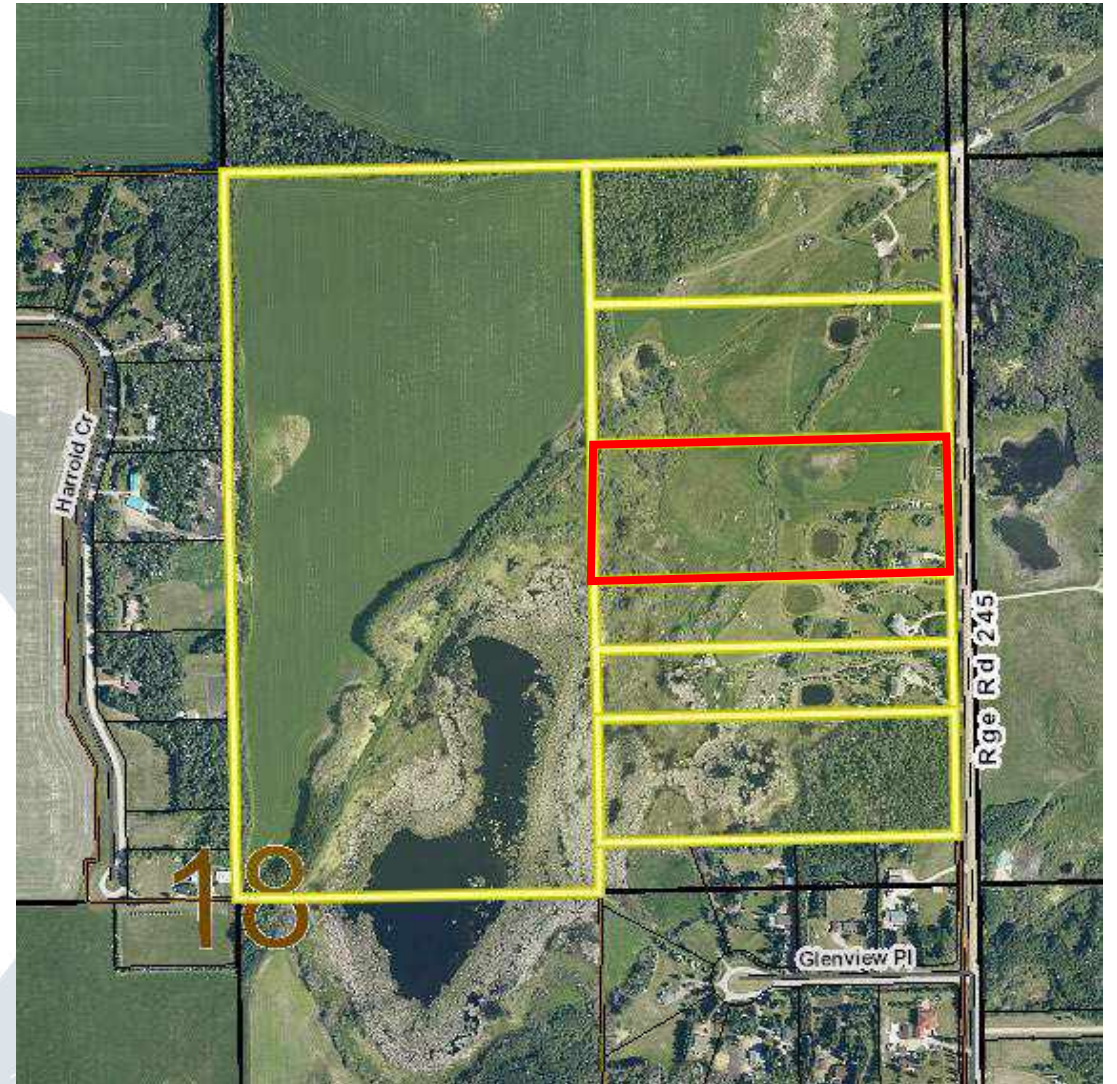
- This proposal does **not** align with the Residential Type 4 policies in the Municipal Development Plan.
- 2.3.15 – Outlines a maximum agricultural density of four (4) parcels for every quarter section.
- 2.3.16 – Outlines a maximum of two (2) acreages for every quarter section.

Land Use Bylaw:

- This proposal does **not** align with the subdivision regulations in the Land Use Bylaw.
- 11.1.3(a) – Also outlines a maximum of four (4) parcels and two (2) acreages per AG quarter section.
- 11.1.3(d) – AG Minor parcels have no subdivision potential.

Sturgeon Valley South Area Structure Plan

- Within Planning Area 4 of the ASP, which denotes this area for future urban scale residential development of 35 dwelling units per net residential hectare.
- Within the Urban Reserve Overlay (URO) which allows for interim Agricultural subdivision subject to the regulations within the Land Use Bylaw.



Issue Analysis

Municipal Government Act

- Part 654(1) of the Municipal Government Act requires that a subdivision authority must not approve an application for subdivision approval unless:
- “...(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.”



Subdivision Authority Decision

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

- Sturgeon County Municipal Development Plan policies.
- Sturgeon County Land Use Bylaw regulations.
- Sturgeon Valley South Area Structure Plan
- Municipal Government Act

Conditions – If Approved

1. Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
2. The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 3 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 3 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot & Remnant Lot and Rge Rd 245 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).
4. All upgrades to *existing* culverts and/or *existing* approaches, and construction 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.
5. The applicant shall complete a Hydrological Analysis for Proposed Lot 1 which will be stamped and signed by a P. Eng. and will determine what the 1:100 yr. flood inundation elevation is for the parcel to help establish a basement or finish floor elevation. The analysis will also establish the lowest building opening elevation, ensuring it is a minimum of 0.5m above the 1:100 yr. high water level, and include any development constraints for the parcel. This analysis will be completed to the satisfaction of Sturgeon County Engineering and Transportation Services.
6. The surveyor shall survey and dedicate all low-lying/undevelopable land in proximity to the wetland within an 'Environmental Reserve Easement', in accordance with the Surveys Act and to the satisfaction of Sturgeon County.

Conditions – Summary

1. Ensure taxes are paid
2. Retain a surveyor
- 3.5m for future road widening by caveat on both lots
4. Approach upgrades to GMSS
5. Hydrological analysis
6. Environmental reserve easement (determined by surveyor)

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: [circulations.](#)
To: [Melodie Steele](#)
Subject: Re: Sturgeon County Subdivision and Development Appeal Board - File 024-STU-012
Date: July 11, 2024 10:25:10 AM
Attachments: [image003.png](#)

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Good Day,

Thank you for including TELUS in your circulation.

At this time, TELUS has no concerns with the proposed activities.

Thanks

Jaylene Perkins (*she/her*)

Real Estate Specialist | TELUS Land Solutions Team
Customer Network Planning (CNP)
18811 107 Avenue NW, Edmonton, AB T5S 2L9

The future is friendly®

circulations@telus.com

On Thu, Jul 4, 2024 at 9:31 AM Melodie Steele <msteele@sturgeoncounty.ca> wrote:

Attached please find a notification of an upcoming SDAB appeal hearing.

Thank you, and best regards,

Melodie Steele, BPR

Legislative Advisor

780-939-1377

msteele@sturgeoncounty.ca

sturgeoncounty.ca

9613 100 Street, Morinville, AB T8R 1L9



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From: [MacMillan, Cindy](#)
To: [Melodie Steele](#)
Subject: RE: Sturgeon County Subdivision and Development Appeal Board - File 024-STU-012
Date: July 17, 2024 9:31:26 AM
Attachments: [image004.png](#)
[image005.png](#)
[image007.png](#)

You don't often get email from cindy.macmillan@atco.com. [Learn why this is important](#)

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Good Morning,

Please see the below response from our engineers:

For existing rights-of-way in proposed area

ATCO Gas existing right-of-way or other land rights shall be carried forward and registered on any newly created lots. Any work of any nature whatsoever (i.e. paving, stockpiling, landscaping, berms, etc.) affecting the surface of ATCO Gas right-of-way must first receive prior written consent from ATCO Gas Land Administration Department landadmin@atcopipelines.com.

For an existing service in the vicinity of proposed area

There is an existing ATCO Gas service in the area. If it should be necessary to lower, relocate, or make any alteration to our existing service due to this proposal, please contact ATCO Gas Service Application team at GasApplicationsEdmonton@atco.com to discuss a service alteration. Note all alteration costs will be borne by the developer / owner.

For existing mains, services, reg boxes, valves, etc. in vicinity of proposed area.

There are existing ATCO Gas facilities in the area. Drainage for any of ATCO Gas above ground appurtenances must be maintained. If it should be necessary to lower, relocate or make any alterations to the existing facilities and/or appurtenances due to this project, please contact ATCO Gas Distribution Engineer Nathan Harkin (nathan.harkin@atco.com), (825)-966-2074) to enable an adequate and timely response by ATCO Gas. Note all alteration costs will be borne by the developer / owner.

For new services only, residential, or commercial

If gas service is required, to avoid delays, the owner / developer should contact ATCO Gas Service Application team at GasApplicationsEdmonton@atco.com, or their local ATCO Gas agency office at their earliest convenience to discuss the service contract, gas load requirements, timing details and any associated costs. To avoid delays a minimum notice of 4 months is recommended. Note, each lot / unit is to have a separate service line.

Contact Alberta One Call where there's any excavation

Please contact Alberta One-Call at 1-800-242-3447 to have the gas lines located at least 48 hours prior to excavation.

If you have any questions or concerns regarding this reply, please contact Nathan Harkin (nathan.harkin@atco.com), (825)-966-2074)

Thank You,

Cindy MacMillan (She/her)

Administrative Coordinator

Distribution Engineering – Improvements

P. (780)-292-3928

A. 10035 - 105 St Edmonton AB Canada T5J 2V6



[ATCO.com](#) [LinkedIn](#) [Facebook](#) [Instagram](#) [X](#)

-
In the spirit of reconciliation, we acknowledge the traditional territories and homelands on which many of our ATCO operations and facilities are located. We honour and respect the diverse history, languages, ceremonies, and culture of the Indigenous Peoples who call these areas home.

From: Melodie Steele

Sent: Thursday, July 4, 2024 9:31 AM

Subject: Sturgeon County Subdivision and Development Appeal Board - File 024-STU-012

Some people who received this message don't often get email from [Learn why this is important](#)

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Attached please find a notification of an upcoming SDAB appeal hearing.

Thank you, and best regards,

Melodie Steele, BPR

Legislative Advisor

780-939-1377

msteele@sturgeoncounty.ca

sturgeoncounty.ca

9613 100 Street, Morinville, AB T8R 1L9



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