

**April 4, 2023**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**  
**HEARING AGENDA**  
**COUNCIL CHAMBERS AND VIDEOCONFERENCE**  
**2:00 p.m.**

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

**2. SCHEDULE OF HEARINGS:**

2.1. Appellant: Darrell Hyska      023-STU-004      Development Appeal

**3. ADJOURNMENT**



### SUBDIVISION & DEVELOPMENT APPEAL BOARD

<b>Site Information:</b>		Date Received Stamp
Municipal Address of site:	28, 54418 RR 251	
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter)	1;4;7621623	
Development Permit number or Subdivision Application number:	305305-23-D0005	
<b>Appellant Information:</b>		
Severed in line with section 17 of the FOIP Act		
Name:	Darrell Hyska	Agent Name: (if applicable)
Mailing Address		City, Province: Alberta
Postal Code:		Email:

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

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

To leave the developments as built and enter into an encroachment agreement with Sturgeon County

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.

<b>Signature of Appellant/Agent</b>	<b>Date:</b> March 6, 2023
<b>FOR OFFICE USE ONLY</b>	
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: YYYY/MM/DD



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

HYSKA, DARRELL  
 INV#012903

Receipt Number: 202300185  
 GST Number: 107747412RT0001  
 Date: 2023-01-16  
 Initials: SG

Account	Description	Prev Bal	Payment	Balance
61DEV	DEVELOPMENT PERMIT		\$300.00	
			<u>Subtotal:</u>	\$300.00
			Taxes:	\$0.00
			<u>Total Receipt:</u>	\$300.00
			Mc:	\$300.00

Cheque No.

Total Monies Received: \$300.00  
 Rounding: \$0.00  
 Amount Returned: \$0.00



This receipt includes the \$100 appeal fee. A journal entry is being processed with the finance department.

March 21, 2023

SDAB File Number: 023-STU-004

Dear Darrell Hyska:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property: Plan 7621623, Block 4, Lot 1 Upper Manor  
Decision Regarding Proposed Development: Development Permit refused to leave an existing uncovered deck, pergola and fence as built.

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Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on March 6, 2023. 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 **April 4, 2023, 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 662 559 293#. 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](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than March 30, 2023.**

SDAB hearings are public in nature, and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include 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.

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

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board



March 21, 2023

SDAB File Number: 023-STU-004

Dear Resident:

**NOTICE OF  
APPEAL BOARD HEARING**

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

Legal Description of Subject Property: Plan 7621623, Block 4, Lot 1 Upper Manor  
(28-54418 Range Road 251)

Decision Regarding Proposed Development: Development Permit refused to leave an existing  
uncovered deck, pergola and fence as built.

**Applicant: Darrell Hyska**

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

- Would like to leave the developments as built and enter into an encroachment agreement with the County.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **April 4, 2023 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 662 559 293#. This should connect you directly into the hearing.

**Why am I receiving this information?**

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed development. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date and must include your current email address. **Therefore, written submissions are due to be submitted no later than March 30, 2023.**

SDAB hearings are public in nature and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include 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.

For further information, please call (780) 939-8277 or by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board

*The personal information provided is collected under the authority of Section 33(c) of the Alberta Freedom of Information and Protection of Privacy Act and Division 10 of the Municipal Government Act. The information will be used as part of your written brief and may be recorded in the minutes of the Subdivision Development Appeal Board, or otherwise made public pursuant to the provisions of the Freedom of Information and Protection of Privacy (FOIP) Act, including Section 40 therein. 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.*



# SDAB File 023-STU-004

Lot 1, Block 4, Plan 7621623 Upper Manor

14-Mar-2023



Prepared By:

Prepared By

NAD\_1983\_10TM\_AEP\_Resource  
© Sturgeon County



Page 1 of 1

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



## **Subdivision and Development Appeal Hearing Process**

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

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

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

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

### **At the hearing . . .**

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

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

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





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

For Office Use	
Permit Number:	<u>305305-23-D0005</u>
Date Received:	<u>Jan 16/23</u>
Received By:	<u>SG</u>

**DEVELOPMENT PERMIT APPLICATION**

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

**APPLICANT INFORMATION**

**Complete if different from Applicant**

Name of Applicant: <u>Darrell Hyska</u>	Name of Registered Land Owner: <u>Severed in line with section 17 of the FOIP Act</u>	
Mailing Address:	Mailing Address:	
City:	City:	
Postal Code: _____ PH: _____	Postal Code: _____	PH: _____
E-mail Address: _____	Email Address: _____	
Contact Name: _____		

**LAND INFORMATION**

Legal Description of Property All/Part \_\_\_\_\_ 1/4 Section \_\_\_\_\_ Twp. \_\_\_\_\_ Rge. \_\_\_\_\_ West of the \_\_\_\_\_ Meridian  
 OR Lot 1 Block 4 Plan No. 7621623 Hamlet or Subdivision Upper Manor  
 Parcel Size: 1.35 Acres Rural Address: 28 54418 Range Road 251

**DEVELOPMENT INFORMATION – Please Mark (X) ALL that Apply**

<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Accessory Building	<input type="checkbox"/> Kennel	Brief Description:	Development Details:
<input type="checkbox"/> Commercial	<input type="checkbox"/> Addition	<input type="checkbox"/> RV Storage		
<input type="checkbox"/> Industrial	<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Single Family Dwelling		
<input type="checkbox"/> Institutional	<input type="checkbox"/> Site Grading	<input type="checkbox"/> Secondary Dwelling		
<input checked="" type="checkbox"/> Deck	<input type="checkbox"/> Dugout			
<input checked="" type="checkbox"/> Other <u>Pergek</u>				
Size: _____ Height: _____			Start Date: _____ End Date: _____	
Estimated Project Value: _____			(cost of material & labour)	

**APPLICANT AUTHORIZATION** Severed in line with section 17 of the FOIP Act

I/we hereby give my/our authorization to apply for this development permit application and allow authorized persons the right to enter the above land and/or building(s) with respect to this application only. I/we understand and agree that this application and any development permit issued pursuant to this application or any information thereto, is not confidential information and may be released by Sturgeon County.  
 I/We grant consent for an authorized person of Sturgeon County to communicate information electronically as per Section 608 (1) of the Municipal Government Act. R.S.A. 2000., c.M-26.

Signature of Authorized Applicant(s) January 13 2023 Date  
 Signature of Landowner January 13, 2023 Date  
 Signature of Landowner Jan 13/23 Date

All landowners listed on title must sign this permit or a letter of authorization.  
 If the land is titled to a company, a copy of the Corporate Registry must be provided.

**FOR OFFICE USE ONLY**

\* SDAB

Permitted Use  Discretionary Use

Fee \$ 300.00 Penalty \$ \_\_\_\_\_ Receipt# 202300189 Tax Roll# 177047 District R2  
 Payment Method: Cash / Cheque / Debit / VISA / Mastercard

M/C or Visa Number \_\_\_\_\_ Expiry Date: \_\_\_\_\_  
 Name (as it appears on card): \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

\* Speak to Arien \*

Upper Manor POS staged reclamation





## Notification Letter

Date: March 3, 2023

Permit Number: 305305-23-D0005

To: Hyska, Darrell

Severed in line with section 17 of the FOIP Act

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-23-D0005 to leave an existing uncovered deck, pergola and fence as built was refused on March 3, 2023.

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

If you have any questions regarding the development permit please contact the undersigned at (780)939-8275 or toll free at 1-866-939-9303.

Yours truly,



Yvonne Bilodeau  
Development Officer

## Development Permit

## Land Use Bylaw 1385/17

Severed in line with section 17 of the FOIP Act

Permit No.:	305305-23-D0005
Tax Roll No.:	177047
Decision Date:	Mar 3, 2023
Effective Date:	Mar 24, 2023

### Applicant

Name: Hyska, Darrell  
Address:

Phone:  
Cell:  
Email:

### Owner

Name: Hyska, Darrell  
Address:

Phone:  
Cell:  
Email:

### Property Description

**Legal Land Description:** 7621623; 4; 1 Upper Manor  
**Land Use Description:** Country Estate Residential District  
**Rural Address:** 28-54418 Rge Rd 251

### Description of Work

To leave an existing uncovered deck, pergola and fence as built

### Fees

Discretionary Use	\$300.00
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The application is **REFUSED** for the following reasons:

1. Section 12.2.4 of Land Use Bylaw 1385/17 states, *the minimum rear yard setback is 6m (19.7ft)*. A variance is requested to relax the required rear yard setback to 0.97m(3.18ft) Therefore, the requested variance is 5.03m(16.5ft) or 84%.
2. Section 2.8.6(b) states, *variances for the districts in excess of what is prescribed shall be refused by the Development Authority*. The maximum percentage of variance that may be granted by the Development Authority in the R2- Country Estate Residential District is 40%.
3. Section 5.8.2(b) of Land Use Bylaw 1385/17 states, no fence or wall shall in any residential district exceed 1m (3.3ft) in height in a front yard or flanking front yard abutting a public road without an approved variance. The existing fence varies in heights between 1.06m(3.5ft) and 1.22m(4ft). Therefore, the requested variance is 21%.
4. The fence and landscaping encroach into Sturgeon County's Road Right of Way along Manor View Crescent.
5. The pergola encroaches 1m(3.3ft) into Sturgeon County's Municipal Reserve lot described as Lot R7; Block 4; Plan 7621623.

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

**Issued By:**



Yvonne Bilodeau  
Development Officer

**Municipality**

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

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**Appeal Information**

Pursuant to Section 685(1) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 21 days of the decision date. If you wish to appeal this decision, please choose the correct appeal body having jurisdiction.

If the application is the subject of a license, permit, approval, or other authorization granted by the Minister of Environment and Parks or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act, or granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission - Appeals shall be filed with the Land and Property Rights Tribunal at [lp.rta.appeals@gov.ab.ca](mailto:lp.rta.appeals@gov.ab.ca) or by mail to 2nd Floor, Summerside Business Center, 1229 91 Street SW, Edmonton, AB, T6X 1E9. Telephone enquiries can be made to 780-427-2444.

All other appeals not subject to the above can be filed with the Secretary of the Subdivision and Development Appeal Board via email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) or via mail to Sturgeon County Centre 9613 – 100 Street Morinville, AB, T8R 1L9. Telephone enquiries can be made at 780-939-4321





# PLANNING AND DEVELOPMENT SERVICES REPORT

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**Subdivision & Development Appeal Board**  
**File Number 023-STU-004**

**FILE INFORMATION**

Department File: 305305-23-D0005  
Legal Land Description: Lot 1; Block 4; Plan 7621623  
Relative Location: Upper Manor  
Appellant: Darrell Hyska  
Landowner: Darrell and Brenda Hyska  
Description of Appeal: Appealing the Decision of the Development Authority:  
Refusal to leave an existing uncovered deck, pergola and fence as built.  
Land Use Bylaw District: R2 – Country Estate Residential District  
Tax Roll Number: 177047

**BACKGROUND**

- Complaints were received by the County regarding the landscaping and exclusive use of the municipal reserve lot described as Lot R7, Block 4: Plan 7621623. While a lease agreement was in place between Sturgeon County, Mid-West Gas Transmission Ltd., and the landowners, it was determined that the municipal reserve property was required in accordance with the Sturgeon County Open Space Plan for a future pedestrian system.
- A Request for Decision (Appendix 1) was brought before Council that recommended to refuse the request to lease a portion of the Municipal Reserve, and direct Administration to terminate the existing landscape agreement with the landowner, with the intent of remediating the Municipal Reserve and allowing public access.
- Council Motion 341/22 refused the request to lease a portion of the Municipal Reserve Lot on September 13, 2022.

**PROPERTY INFORMATION**

- Administration provided the landowners with a staged plan to remove the landscaping and come into compliance with the other improvements on the property.
- It was determined that the deck, pergola and fence required permits for variances as they were constructed too close or over the property lines. Real Property Report (Appendix 2)

**RELIVANT POLICY/LEGISLATION**

- Land Use Bylaw 1384/17
  - Section 2.8.6 – Table 2.1 Variances states the percentage of variance that may be granted by the Development Authority is 0.1 – 40% in the R2- Country Estate Residential District
  - Section 2.8.6(b) states, variances for the districts in excess of what is prescribed shall be refused by the Development Authority.
  - Section 5.8.2(b) of Land Use Bylaw 1385/17 states, no fence or wall shall in any residential district exceed 1m (3.3ft) in height in a front yard or flanking front yard abutting a public road without an approved variance.
  - Section 12.2.4 of Land Use Bylaw 1385/17 states, the minimum rear yard setback is 6m (19.7ft).

**ANALYSIS**

- This file is before the board simply as a matter of process for the issuance of permit for the developments. Encroachment Agreements are not under the authority of the board and Administration will proceed with the necessary encroachment agreements.
- A permit is required for the variance to leave the developments as built. All developments do not require a building permit.
- The Development Authority could not approve the permit as the developments exceeded the variance authority as follows:
  - Deck - A variance is requested to relax the required rear yard setback to 0.97m(3.18ft) Therefore, the requested variance is 5.03m(16.5ft) or 84%.
  - Fence - The existing fence varies in heights between 1.06m(3.5ft) and 1.22m(4ft). Therefore, the requested variance is 21%.
  - The fence and landscaping encroach into Sturgeon County's Road Right of Way along Manor View Crescent.
  - The pergola encroaches 1m(3.3ft) into Sturgeon County's Municipal Reserve lot described as Lot R7; Block 4; Plan 7621623.

**CONCLUSION**

- It is recommended that the Board uphold the appeal and grant the permit for a variance to leave the existing uncovered deck, pergola and fence as built subject to the following conditions as recommended by Administration:
  1. A variance is granted to the rear yard setback of the deck at 0.97m(3.18ft.)
  2. A variance is granted to the height of the fence between 1.06m(3.5ft) and 1.22m(4ft).
  3. The uncovered deck as approved shall remain uncovered and unenclosed. Future deck construction is subject to separate development and building permit approval.

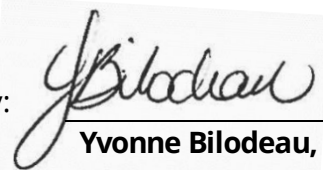


4. An encroachment agreement shall be entered into to allow the fence and landscaping to encroach within Sturgeon County's Right of Way along Manor View Crescent.
5. An encroachment agreement shall be entered into to allow the pergola to encroach 1m(3.3ft) into Sturgeon County's Reserve Lot described as Lot R7; Block 4; Plan 7621623.

**ATTACHMENT(S)**

- Appendix 1 - Request for Decision for Motion 341/22 - Defeated by Council
- Appendix 2 - Alberta Land Surveyors Real Property Report dated February 22, 2023.

Prepared By:



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**Yvonne Bilodeau, Development Officer**

Reviewed By:

Digitally signed by Tyler McNab  
Date: 2023.03.29 11:08:05  
-06'00'

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**Tyler McNab, Program Lead, Development and Safety Codes**





## Request for Decision

<b>Title</b>	<b>Proposed Lease of Municipal Reserve Lot - Portion of Lot R7, Block 4, Plan 762 1623</b>
<b>Proposed Motion</b>	<ol style="list-style-type: none"> <li>1. That Council refuse the request to lease a portion of Municipal Reserve Lot R7, Block 4, Plan 762 1623.</li> <li>2. That Council direct Administration terminate the existing landscaping agreement signed on May 11, 1993 by Sturgeon County, Mid-West Gas Transmission Ltd., and the owners of Lot 1, Block 4, Plan 762 1623 and direct Administration to work with the landowner to finalize a practical and timely plan to remove encroachments and landscaping on the Municipal Reserve with the intent to ensure remediation and public access to Lot R7, Block 4, Plan 762 1623.</li> </ol>
<b>Administrative Recommendation</b>	Administration recommends that Council refuse the request to lease a portion of the Municipal Reserve, and direct Administration to terminate the existing landscape agreement with the landowner, with the intent of remediating the Municipal Reserve and allowing public access.
<b>Previous Council / Committee Direction</b>	None.
<b>Report</b>	<p><u>Background Information</u></p> <ul style="list-style-type: none"> <li>• The owners of Lot 1, Block 4, Plan 762 1623 (the landowners) have approached the County to lease a portion of the municipal reserve beside their property.</li> <li>• The owners have a landscaping agreement allowing for private landscaping to extend onto the municipal reserve in a non-exclusive manner and subject to termination at any time.</li> <li>• A Public Hearing held on August 23, 2022 noted both support and opposition to the application to lease the municipal reserve, with 4 persons in favour and 11 opposed. This included: <ul style="list-style-type: none"> <li>○ Two written submissions and two presentations in favour of the proposed lease; and</li> <li>○ Ten submissions and one presentation in opposition to the proposed lease.</li> </ul> </li> </ul>

- Summarized reasons provided by those in support of the proposed lease pertained to the following:
  - The landscaping has beautified the area;
  - The County would not be required to maintain this part of the municipal reserve;
  - There is no need/desire for a public trail in the area; and
  - There is hardly any traffic in the crescent, and people can walk on the road if they need to.
- Summarized reasons provided by those in opposition to the proposed lease pertained to the following:
  - The reserve is there to provide pedestrian access in the area and keep people off the road;
  - The reserve provides an area for children to play;
  - The maintenance of the reserve has been less than desirable in the past (e.g., the storage of materials); and
  - Leasing reserve for exclusive use will set a problematic precedent.
- The Sturgeon County Open Space Plan accepted by Council on April 12, 2022 showcased a comprehensive analysis of County land and recommended no disposal of Reserves. Although a lease is not technically a disposal, if approved, this portion of the reserve system would effectively be removed from public access.
- Leasing the reserve for the exclusive use of the applicant is not recommended as this portion of the reserve system would effectively be removed from public access.
- As land develops for residential use to the north, pathway development could become more important to ensure the County provides a safe, off-road, connected pedestrian system.
- Approval of the lease would result in the County giving up some interest in the control of the Reserve land, and depending on the terms of the agreement, may be limited in its ability to use the lands for public purposes when required.
- Leasing public land for exclusive use impacts ongoing land management with respect to information and signage. Commercially available maps will continue to show the lot as a park and may impact enforcement.

External Communication

- Surrounding landowners were directly notified of the Public Hearing by mail.
- Newspaper notifications of the Public Hearing were placed in the St. Albert *Gazette* for two consecutive weeks (August 10 and August 17) in accordance with the advertising requirements detailed within section 606 of the *Municipal Government Act* (MGA).

	<p><u>Relevant Policy/Legislation/Practices</u></p> <ul style="list-style-type: none"> <li>Pursuant to section 674(1) of the MGA, a public hearing must first be held before Council can consider leasing Municipal Reserve.</li> <li>Section 606(1) of the MGA sets the requirements for advertising a public hearing.</li> </ul>
<p><b>Implication of Administrative Recommendation</b></p>	<p><u>Strategic Alignment</u>  <b>Thriving Communities</b> – Refusing the proposed lease will support the development of integrated natural spaces and trail systems, cultivating safe, beautiful, and complete communities.</p> <p><u>Organizational</u>  Administration has the capacity to implement next steps, including to consult with the landowner and ensure a practical remediation of the subject reserve area.</p> <p><u>Financial</u>  None anticipated, but to be determined following a site inspection and any agreements reached with the landowner.</p>
<p><b>Alternatives Considered</b></p>	<p>Council could approve the termination of the existing 1993 agreement and support the application from the landowner to exclusively lease a portion of Municipal Reserve Lot R7, Block 4, Plan 762 1623.</p>
<p><b>Implications of Alternatives</b></p>	<p><u>Strategic Alignment</u>  This option would allow for the continued exclusive use of County public land by one landowner and challenge the County’s implementation of its open space plan / creation of integrated natural spaces and trail systems.</p> <p><u>Organizational</u>  Administration would compile a lease agreement and prepare the necessary terms.</p> <p><u>Financial</u>  If a lease agreement is approved for exclusive use, a market value lease cost will need to be determined. This would result in some revenue to the municipality.</p>
<p><b>Follow up Action</b></p>	<p>Work with the landowner of Lot 1, Block 4, Plan 762 1623 to finalize a practical and timely plan to removing encroachments and landscaping to provide appropriate public access to a portion of Municipal Reserve Lot R7, Block 4, Plan 7621623 by May 31, 2023 (Community Services – Parks and Open Spaces, with Planning and Development Services, September 2022).</p>
<p><b>Attachment(s)</b></p>	<p>Attachment 1: Location Map</p>
<p><b>Report Reviewed by:</b></p>	<p>Bonnie McInnis, Manager, Planning &amp; Development Services</p> <p>Travis Peter, General Manager, Development &amp; Strategic Services</p> <p>Reegan McCullough, County Commissioner - CAO</p>

## Strategic Alignment Checklist

**Vision:** *Offering a rich tapestry of historical, cultural, and natural experiences, Sturgeon County is a municipality that honours its rural roots and cultivates desirable communities. Uniquely situated to provide world-class agricultural, energy, and business investment opportunities, the County prioritizes responsible stewardship and dreaming big.*

**Guiding Principles:** Collaboration | Accountability | Flexibility | Excellence | Safety | Future Readiness | Affordability | Innovation

Community Outcome	Not consistent	Consistent	N/A
<b>Planned Growth</b>			
<ul style="list-style-type: none"> <li>Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Modern broadband and digital capabilities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Low cost, minimal red-tape regulations</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Thriving Communities</b>			
<ul style="list-style-type: none"> <li>Beautiful, surprising places with high standards; integrated natural spaces &amp; trail systems; healthy and resilient</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Engaging cultural, historical, and civic amenities; strong community identity and pride</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Environmental Stewardship</b>			
<ul style="list-style-type: none"> <li>Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Sustainable development; partnerships with industry and others to drive emission reductions</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Collaborative Governance</b>			
<ul style="list-style-type: none"> <li>Predictable and stable external relationships; volunteer partnerships</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Meaningful connections with Indigenous communities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Respectful and informed debate; clear and supportive governance processes</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Operational Excellence</b>			
<ul style="list-style-type: none"> <li>Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Quality cost-effective service delivery; robust procurement and operational practices and policies; asset management and performance measurement; careful debt and reserve stewardship; long-term financial planning and sustainability</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Future focused thinking to proactively respond to emerging opportunities and challenges</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Alternative revenue generation and service delivery models integrated strategic and business planning</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



# Appendix 2

ESTATE WAY

LOT 17A

PLAN 202 2577

LOT 17B

REGULATING STATION SITE  
(PLAN 782 0625)

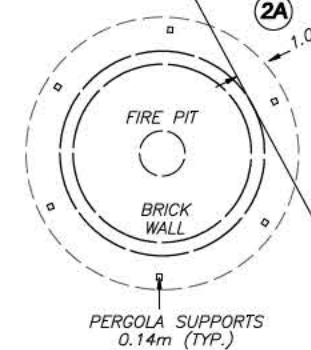
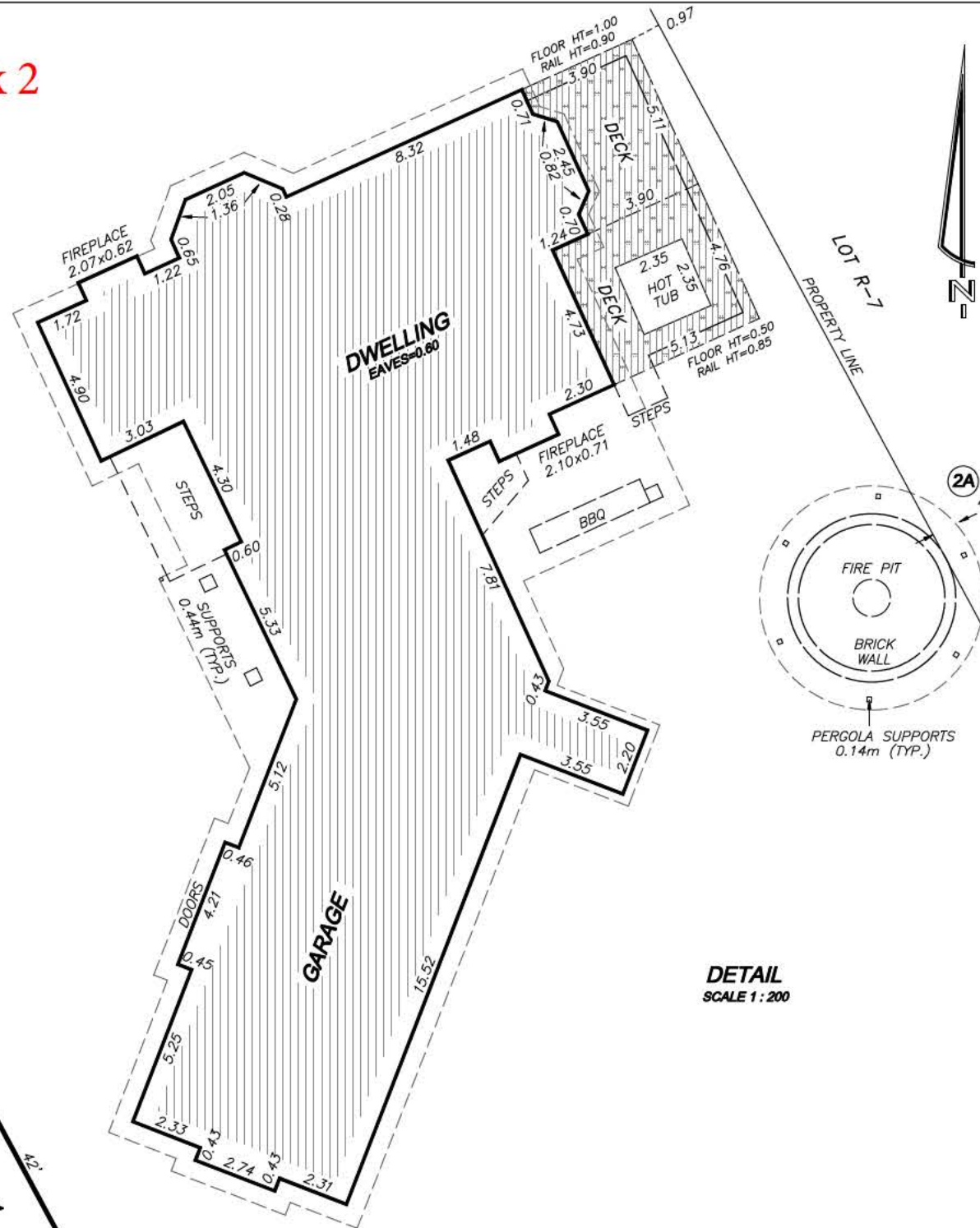
BLOCK 4

DWELLING  
SEE DETAIL

LOT 1  
PLAN 762 1623

MANOR VIEW CRESCENT

BLOCK 5 Page 24 of 77



LOT: 1 BLOCK: 4 PLAN: 762 1623

PREPARED FOR: D. & B. HYSKA

ADDRESS: 28, 54418 R.R. 251

MUNICIPALITY: STURGEON COUNTY

TITLE: 162 181 169 +11

SEARCH DATE: 2023-02-13

SURVEY DATE: 2023-02-17

SCALE: 1:1000

**NOTES:**

1. ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF
2. ALL FENCES ARE WITHIN 0.20 m OF PROPERTY LINE UNLESS OTHERWISE NOTED
3. ALL DISTANCES ON CURVED BOUNDARIES ARE ARC DISTANCES
4. MEASUREMENTS APPLY TO FINISHED SURFACE OF EXTERIOR BUILDING WALLS, YARD DISTANCES ARE FROM FOUNDATION AND PERPENDICULAR TO PROPERTY LINES UNLESS OTHERWISE SHOWN
5. EAVES ARE DIMENSIONED TO THE LINE OF FASCIA
6. THERE MAY BE ADDITIONAL SURVEY INFORMATION ON THE BACK OF THIS PAGE

**LEGEND:**

FENCES ARE SHOWN THUS ..... -X-X-X-X-X-  
LEGAL SURVEY IRON POSTS FOUND SHOWN THUS ●

FILE: E24041 THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OR DIGITAL SIGNATURE OF AN ALBERTA LAND SURVEYOR AND AN ALBERTA GEOMATICS INC. PERMIT STAMP

**CERTIFICATION:**

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

1. THE PLAN ILLUSTRATES THE BOUNDARIES OF THE PROPERTY, THE IMPROVEMENTS AS DEFINED IN PART C, SECTION 6.5 OF THE ALBERTA LAND SURVEYORS' ASSOCIATION'S MANUAL OF STANDARD PRACTICE, REGISTERED EASEMENTS, AND RIGHTS-OF-WAY AFFECTING THE EXTENT OF THE TITLE TO THE PROPERTY;
2. THE IMPROVEMENTS ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PROPERTY; EXCEPT THE DRIVEWAY, 2A & 2B.
3. NO VISIBLE ENCROACHMENTS EXIST ON THE PROPERTY FROM ANY IMPROVEMENTS SITUATED ON AN ADJOINING PROPERTY;
4. NO VISIBLE ENCROACHMENTS EXIST ON REGISTERED EASEMENTS, RIGHTS-OF-WAY AFFECTING THE EXTENT OF PROPERTY;

**PURPOSE:** THIS REPORT AND RELATED PLAN HAVE BEEN PREPARED FOR THE BENEFIT OF THE PROPERTY OWNER, SUBSEQUENT OWNERS AND ANY OF THEIR AGENTS FOR THE PURPOSE OF A REAL ESTATE TRANSACTION. COPYING IS PERMITTED ONLY FOR THE BENEFIT OF THESE PARTIES. WHERE APPLICABLE, REGISTERED EASEMENTS AND UTILITY RIGHTS OF WAY AFFECTING THE EXTENT OF THE PROPERTY HAVE BEEN SHOWN UNLESS SHOWN OTHERWISE, PROPERTY CORNER MARKERS HAVE NOT BEEN PLACED DURING THE SURVEY FOR THIS REPORT.

THE PLAN SHOULD NOT BE USED TO ESTABLISH BOUNDARIES DUE TO THE RISK OF MISINTERPRETATION OR MEASUREMENT ERROR BY THE USER.

THE INFORMATION SHOWN ON THIS PROPERTY REPORT REFLECTS THE STATUS OF THIS PROPERTY AS OF THE DATE OF SURVEY ONLY. USERS ARE ENCOURAGED TO HAVE THE REAL PROPERTY REPORT UPDATED FOR FUTURE REQUIREMENTS.

DATED AT THE CITY OF EDMONTON, ALBERTA 2023-02-22

© PIOTR STROZYK A.L.S. 2023.

## ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

Alberta Geomatics Inc.

6908 ROPER ROAD NW  
EDMONTON ALBERTA T6B 3H9  
email: abgeo@telus.net  
or: info@albertageo.com  
website: www.albertageo.com  
PHONE: (780) 437-8033  
FAX: (780) 437-8024

FIELD BY: M.G.

DRAWN BY: J.K.

CHECKED BY: P.S.

**NOTES:**

2A PERGOLA SUPPORT & EAVE ARE LOCATED ON LOT R-7.

2B FENCE IS LOCATED ON MANOR VIEW CRESCENT.

DUE TO HEAVY SNOW/ICE COVERAGE, NOT ALL SURFACE FEATURES MAY BE SHOWN.



# Subdivision and Development Appeal Board File 023-STU-004

Development Authority Report

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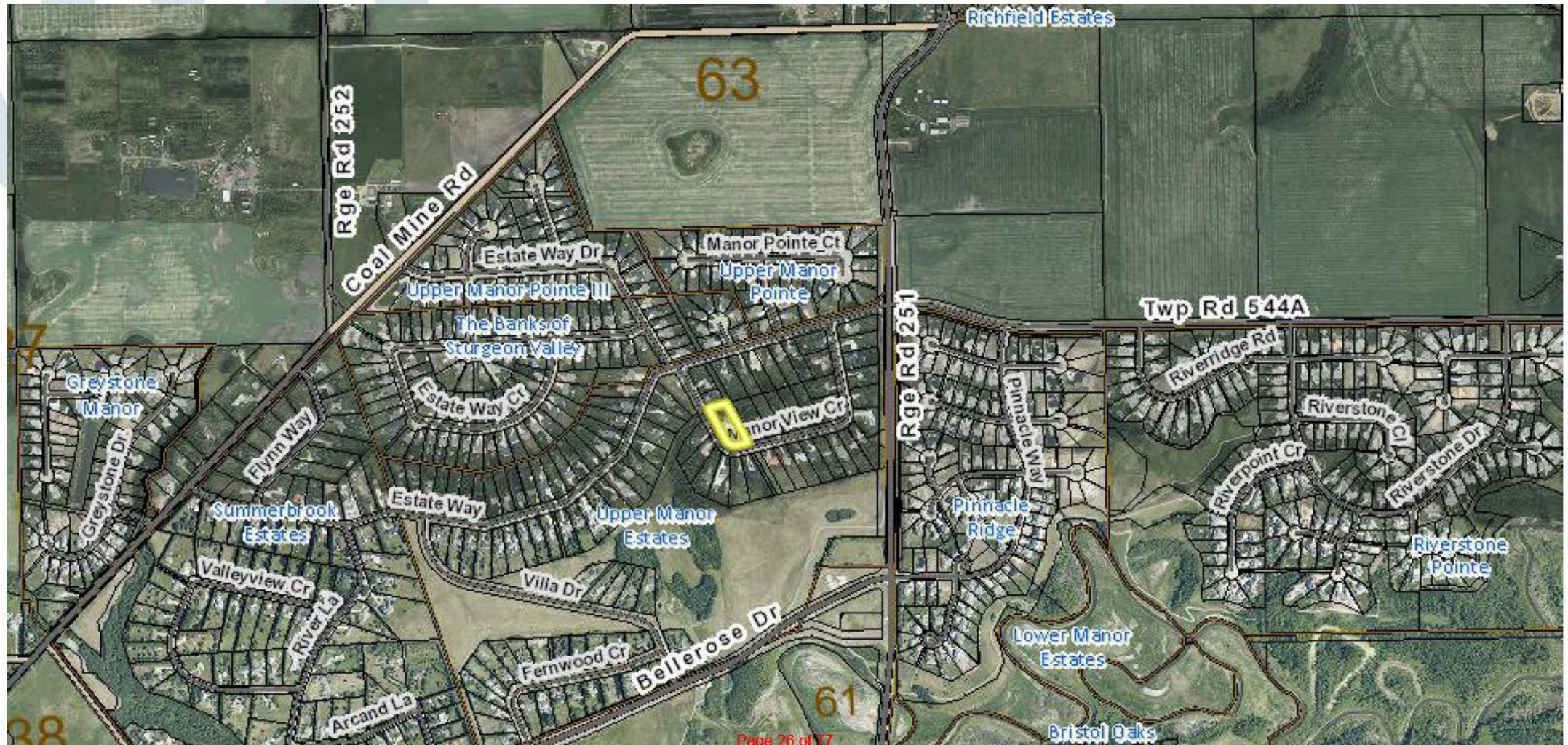
April 4, 2023



Sturgeon  
C O U N T Y



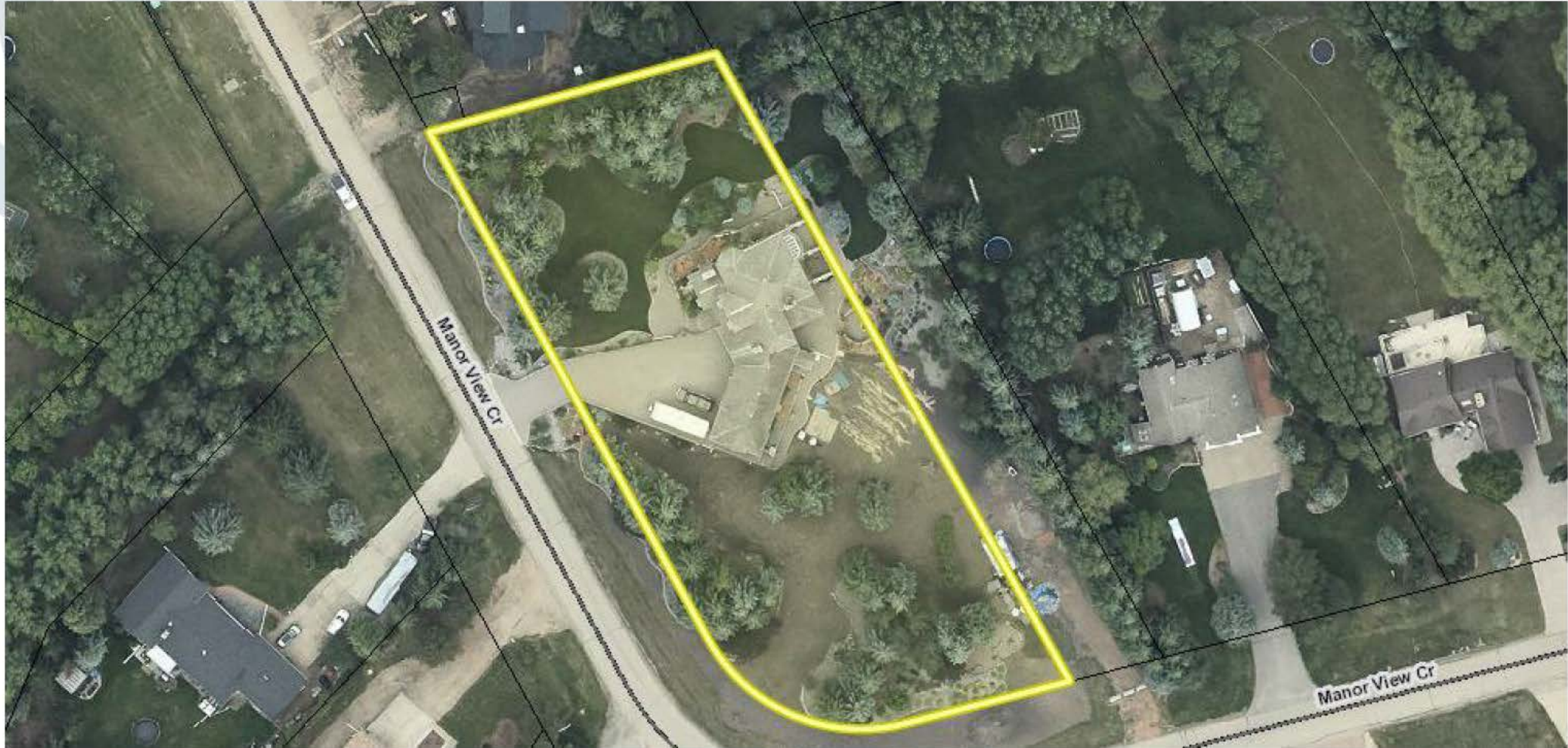
# Site Location





# Site Location

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# Background

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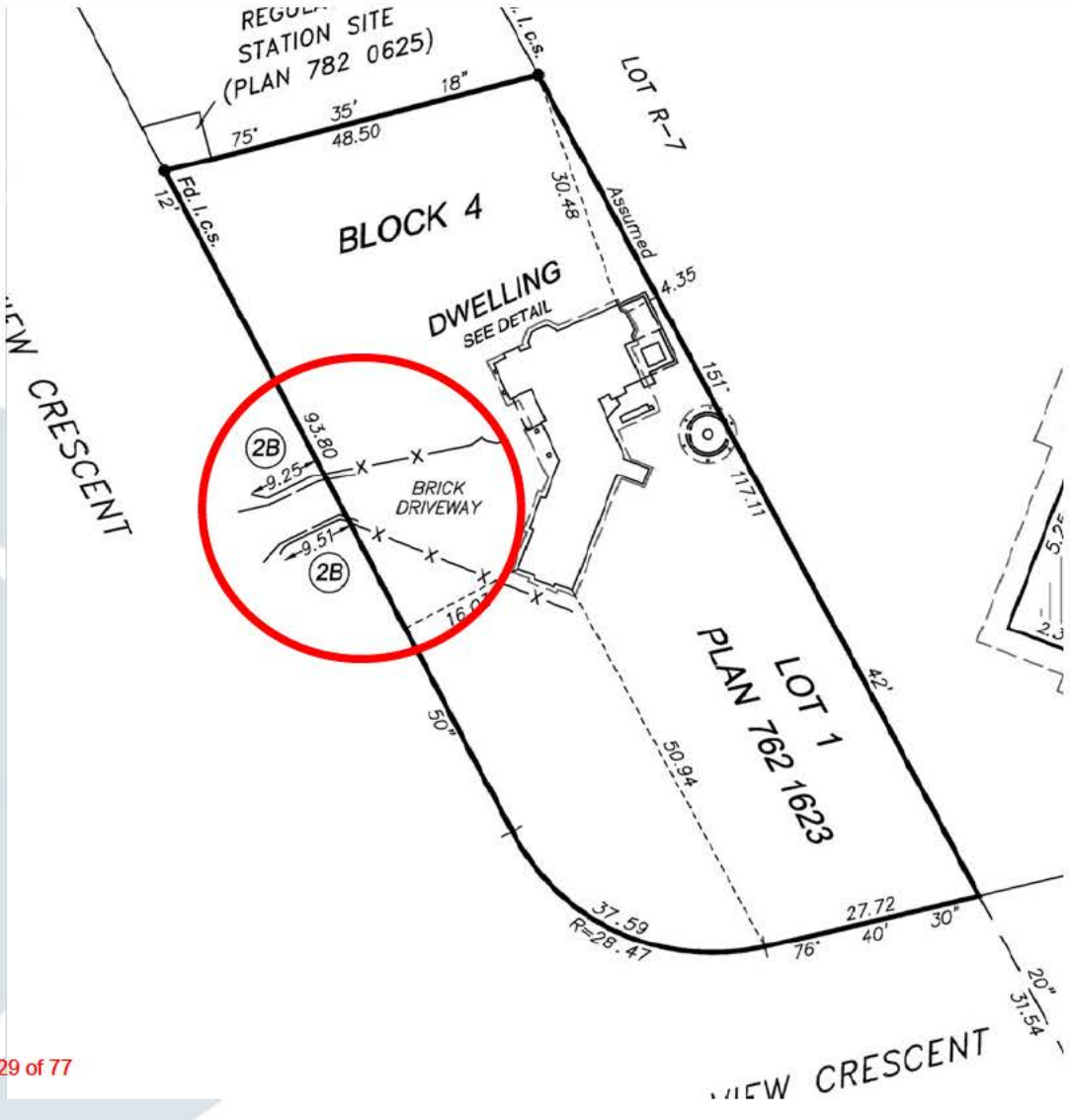
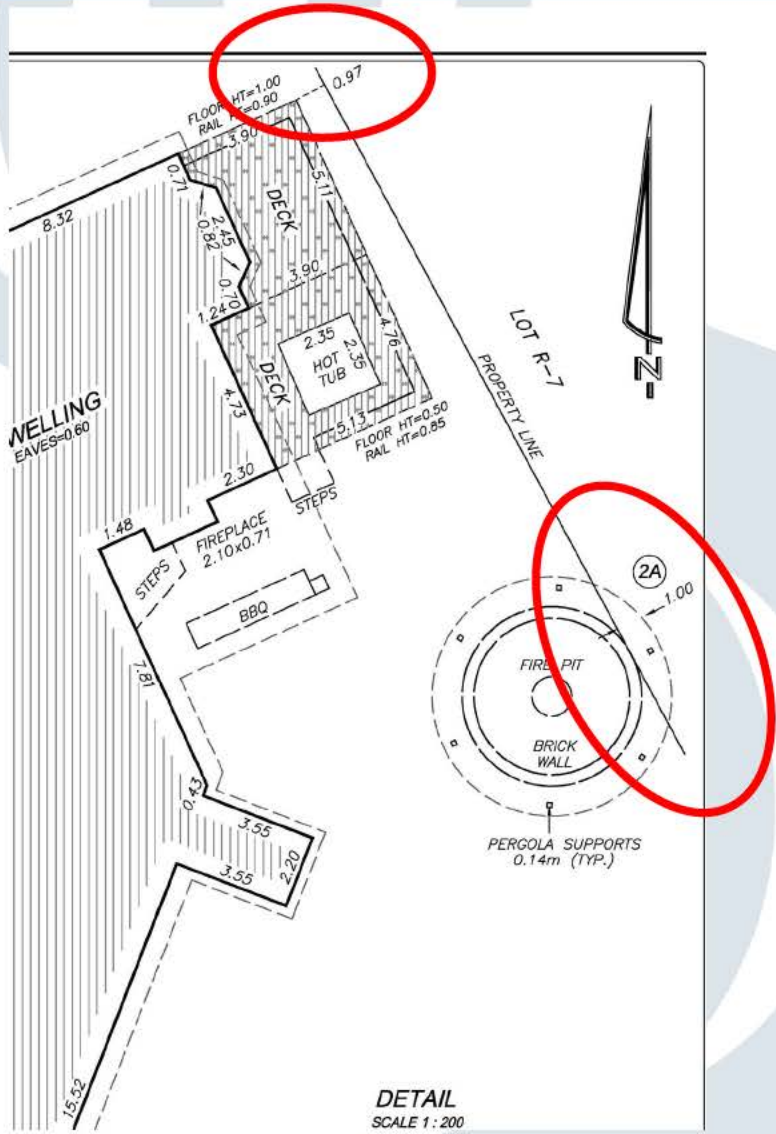
## Encroachments onto Lot R7 and in the Road Right of Way

- Complaints were received.
- Letter to landowner with options to proceed.
- Council not support a new lease agreement.
- Administration provided a staged plan to remove landscaping
- Deck, Pergola encroach onto Lot R7
- Fence and Landscaping encroach onto Road Right of Way





# Site Survey



# Site Photos





# Site Photos Fence and Landscaping

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# Relevant Policy & Legislation

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## Land Use Bylaw 1387/17

### Section 2.8 Decision Process

Section 2.8.6(b) states, variances for the districts in excess of what is prescribed shall be refused by the Development Authority.

District	Percentage of variance that may be granted by the Development Authority
AG – Agriculture	0.1 – 50%
R1 – Country Residential	0.1 – 40%
R2 – Country Estate Residential	0.1 – 40%

### Section 5.8 Fencing and Screening

Section 5.8.2(b) states no fence or wall shall in any residential district exceed 1m (3.3ft) in height in a front yard or flanking front yard abutting a public road without an approved variance.

### Section 12.2.4 Development Regulations for the Country Estate Residential District

Minimum rear yard setback from a principal building is 6m (19.7ft).



# Analysis

---

1. This file is before the board as a matter of process only for the issuance of the permit.
2. Encroachment agreements are not the jurisdiction of the board.
3. The permit could not be approved by the Development Authority as the variance exceeded the maximum of 40% and therefore the permit was refused and appealed by the landowner.

# Conclusion

---

It is recommended that the Board uphold the appeal and grant the permit for a variance to the leave the existing uncovered deck, pergola and fence as built subject to the following conditions as recommended by Administration:

1. A variance is granted to the rear yard setback of the deck at 0.97m(3.18ft.)
2. A variance is granted to the height of the fence between 1.06m(3.5ft) and 1.22m(4ft).
3. The uncovered deck as approved shall remain uncovered and unenclosed. Future deck construction is subject to separate development and building permit approval.
4. An encroachment agreement shall be entered into to allow the fence and landscaping to encroach within Sturgeon County's Right of Way along Manor View Crescent.
5. An encroachment agreement shall be entered into to allow the pergola to encroach 1m(3.3ft) into Sturgeon County's Reserve Lot described as Lot R7; Block 4; Plan 7621623.

# 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:** [Chris T](#)  
**To:** [Legislative Services](#)  
**Cc:** [Kristin Toms](#); [Arjen DeKlerk](#); [Alanna Hnatiw](#); [Karolina Drabik](#); [Tim Osborne](#)  
**Subject:** Appeal Board Hearing SDAB File Number 023-STU-004  
**Date:** March 29, 2023 3:32:13 PM  
**Attachments:** [MAP \(1\).PNG](#)  
[26 54418 RR251 \(1\).PNG](#)  
[Complaint filed June 2002 \(1\).pdf](#)  
[Emailed concerns from Neighbour and previous homeowner \(2\).pdf](#)  
[Copy of lease agreement \(1\).pdf](#)  
[Letter from County 2002 \(2\).pdf](#)  
[2022-2025-Strategic-Plan-1 \(1\).pdf](#)

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**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 afternoon,

Please find below our written submissions in relation to the Appeal occurring on April 4, 2023, in relation to an encroachment agreement of Lot R7, Block 4, Plan 7621623. We strongly disagree with this appeal as it has had significant impact on our family and the community we live in.

Lili Terry and I are the homeowners of lot 26, directly east of the municipal reserve land in question.

We moved into the adjacent property (lot 26) on December 1st, 2020. When we purchased the property, we were advised by our realtor that there was a municipal reserve that was open to public access between our property and lot 28. Before purchasing the property, we confirmed that this municipal reserve was in fact open to the public as all the county maps showed the same.

In the spring of 2021, we met the adjacent neighbor, Darrel Hyska while conducting spring cleaning along our property line. Darrel approached us to complain about our willow trees damaging "his spruce trees". Darrel stated that the trees were on his property. This was quite surprising to us, so we questioned Darrel on what he meant by "his property". He told us that he had a 99-year lease on the municipal reserve between our properties and that he was in the midst of purchasing the land from Sturgeon County. We also noticed that the portion of municipal reserve land between our properties was not accessible to the public as he had planted trees to block public access.

At this point, we contacted the previous owners of our property (Jeff Van Dyck) who informed us that for the past 20 years he has been complaining to the county about Darrel's misuse of the municipal reserve. Jeff provided us with a copy of the landscaping agreement along with

complaint records submitted to Sturgeon County over the past 20 years. According to Jeff, the main reason why the county has not interfered is because of Darrel's aggressive behavior.

Darrel has also been previously on different occasions, directed to not store any vehicles or landscaping material on the municipal reserve. To this date, he is still storing landscaping material on the municipal reserve land. In fact, we have photographs from approximately 20 years ago that depict the exact same landscaping material that is there today. Although we are aware that he has been given a timeline to remove the material, as it is an eye-sore from our property to this date he has not removed it. We question why the county has failed on so many occasions to not follow through with the directions given to him.

Darrel has shown signs of aggression towards our family or to those who step on or come close to the municipal reserve land. In the summer of 2021, our driveway was being repaired so we parked our vehicles on the roadway. My wife parked her vehicle temporarily in front of the entrance to the municipal reserve. Before she was even out of the vehicle, Darrel approached in a very aggressive manner (yelling profanities and screaming), for her to get off of "his property". She confronted Darrel and said that "it was not his property and that she was parking there momentarily while the driveway was being resealed". This was very traumatic and frightening because she didn't even step onto the property and was merely on the driveway/ditch portion of the municipal reserve. We can't even imagine what would have happened if she had been physically standing on the Municipal Reserve. After this incident, we decided to follow up with the county in relation to public access to the land.

We have also spoken to different members of our community that have stated Darrel has denied them access to the municipal reserve as well over the past 20 years.

On April 27, 2022, while driving with my 7-year-old son out of our crescent, my son advised me that Darrel was giving us "the finger" while we drove past his house. I looked over and confirmed that it was in fact true. I have also spoken to other members of our community who have also experienced this type of behavior from Darrel.

In August of 2022 Sturgeon County Counsel cancelled all landscaping agreements with Mr. Hyska due to several concerns and breaches over the past years. Mr. Hyska was ordered to remove all unauthorized landscaping that was improperly done over the past 20 years and to return the municipal reserve property back to its original state. To this date Mr. Hyska has not done anything to comply with the order.

Allowing an encroaching agreement will allow Mr. Hyska to continue the behavior of landscaping the municipal reserve and denying access to the public. We also believe that by Mr. Hyska appealing to this board, is essentially a backdoor way of allowing him to continue with the same behavior.

If the board allows the encroachment, Mr. Hyska's behavior will not stop, and he will continue to use the space as if it were his backyard. We also believe that if the board gave Mr. Hyska conditions to follow, that he would not follow them. There have been conditions placed on him for years and he has failed to meet those conditions year after year.

Although Mr. Hyska is only asking this board to consider the encroachment of the uncovered deck, pergola and fence, there are many other parts of his property that are encroaching onto county land. Allowing this encroachment would just be a beginning to any future requests.

Upper Manor Estates is an older neighborhood without any sidewalks or trails. Yet there is a lot of pedestrian traffic on the roadway. This municipal reserve would provide an opportunity to create a continuous path for our community and families to walk safely without having to use the roadway. In the winter times, the municipal reserve could be used for cross-country skiing, and snowshoeing and allow a more direct route for families to connect within the community. In fact, on the south end of the municipal reserve land, there is a popular toboggan hill. Families from the Banks and Upper Manor Pointe need to walk all the way around the crescent to access the toboggan hill. Yet, if they could just use the municipal reserve land it would not only be quicker but also safer for children, pets, and the general public as a whole.

The other issue is that the municipal reserve land is situated on a gas line. We are also concerned that the trees that Darrel has been allowed to plant could potentially cause damage to the gas line which could have significant effects on the community's safety.

According to the orthophotography map of Sturgeon County this municipal reserve stretches from the Sturgeon Valley all the way north of Upper Manor Pointe. The municipal reserve parallel to our properties is the only stretch that has been denied access through environmental design by Darrel.

As per the 2022-2025 Strategic Plan of Sturgeon County, Thriving Communities is one of the community outcomes. Which integrates natural spaces and trail systems for our community to connect. This municipal reserve will be a corridor for our families to connect.

Attached is the following:

- Previous homeowners' complaints - from Jeff Van Dyck
- Orthophotography of the area and reserve land/ utility corridor
- Sturgeon County Email response to Jeff in December 2002.
- Google photo from July 2012 after Darrel was directed not to store landscaping material on the reserve land June 1, 2003.
- Copy of cancelled landscaping agreement.

- 2022-2025 Sturgeon County Strategic Plan

We ask the board to deny his request so that the municipal reserve can finally be accessible to all Sturgeon County residents. By allowing this he will continue with a sense of entitlement and ownership over property that belongs to the people. For 20 years no other resident was allowed to step foot on this reserve, and it's time that it fully be used by all residents. Mr. Hyska has over 1.3 acre of property and that is plenty of room for him to build a deck and a pergola. We also ask that the board consider public safety when making their decision as Mr. Hyska would continue with his aggressive behavior towards anyone using the municipal reserve land. Thirdly, this is also a high-pressure gas line and there should not be anything built on or near this reserve.

This encroachment request would have a significant negative impact on the community, and we ask that the board take that into consideration when making a decision.

Thank You

Christopher Terry





26 Manor View  
Crescent, Sturgeon...

Layers

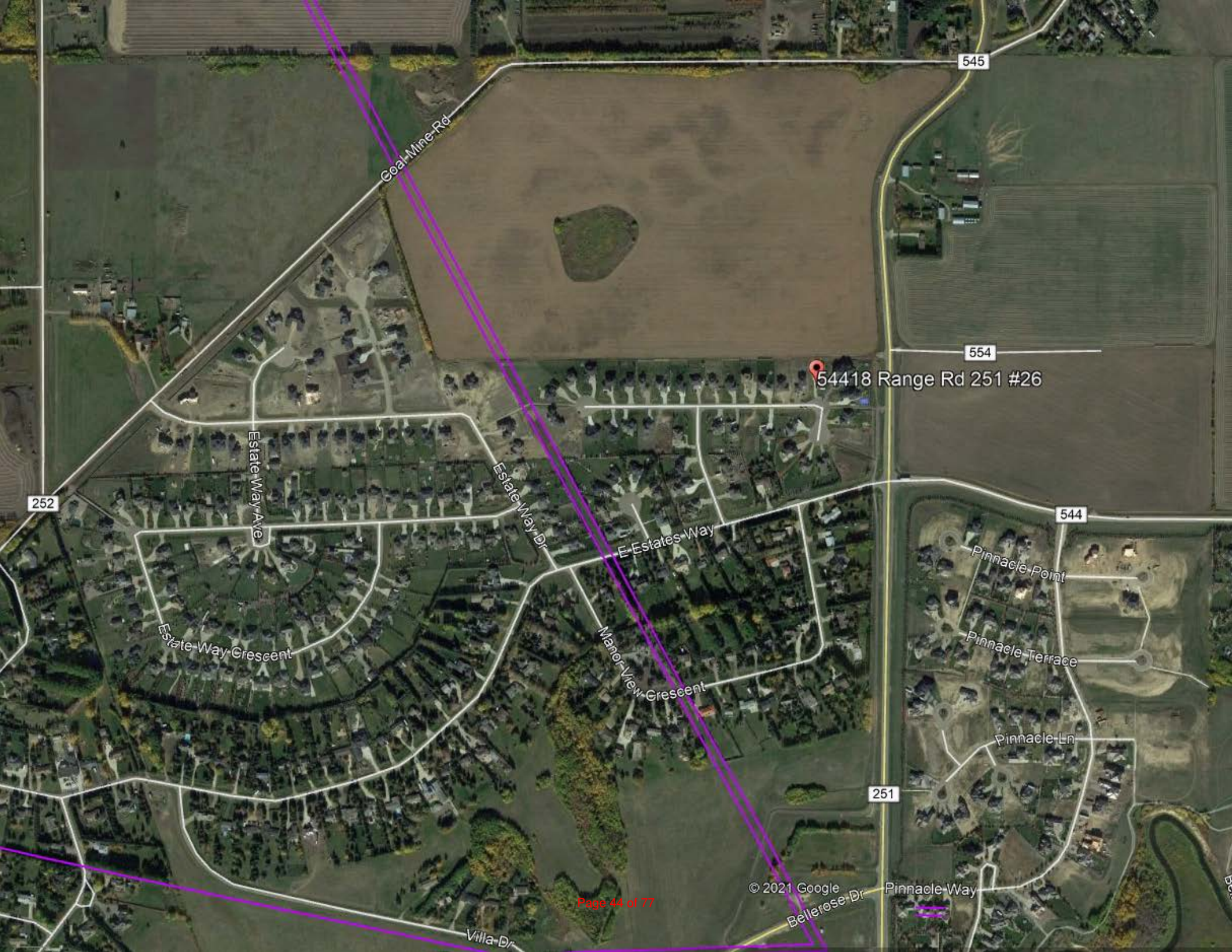












Coal Mine Rd

545

54418 Range Rd 251 #26

554

252

Estate Way Ave

Estate Way Dr

E Estates Way

544

Estate Way Crescent

Manor View Crescent

Pinnacle Point

Pinnacle Terrace

Pinnacle Ln

251

Villa Dr

© 2021 Google

Bellerose Dr

Pinnacle Way



17 June 2002  
File: home.

Tel:  
Fax:

Sturgeon County via Email tcashin@sturgeoncounty.ab.ca

**Attention: Terry Cashin**

Dear Terry:

**Reference: Easements between properties. Our address is #26 Manor View Crescent. Lot 2 Block 4 Plan 762-1623**

As per our previous telephone conversations we require clarification on exactly **who is able to use the easement between two properties** where the County of Sturgeon owns the easement. Also once a person has approval of the County to use the easement, **what are the requirements of use.**

The following is a brief summary of my knowledge of this particular easement to date:

- We moved in to this home about two years ago.
- Our westerly neighbor informed us that he had title of the easement thru the utility for the next 99 years.
- We asked that various items being stored on the easement directly outside our kitchen be moved. This did not occur.
- The south portion of the easement adjacent to our home is kept in plowed topsoil.
- Our neighbor approached us and asked that we sign a waiver to the County of Sturgeon allowing him to purchase the entire easement. We were told quite simply if we did not sign the agreement that he would maintain the lease with the utility and have use of the land indefinitely. We were also informed that all trees on the easement were his property.
- Our concern with the situation escalated last fall when our neighbor installed concrete curbs and a sprinkler system on the entire north half of the easement. He further informed us that he would be building a waterfall on this easement.

17 June 2002  
Terry Cashin  
Page 2 of 2

**Reference: Easements between properties.**

Please advise us immediately who currently has exclusive use of this easement. Our neighbor appears to be continuing with construction within the easement. We are interested if the opportunity is available to purchase or lease on half of the easement.

We thank you in advance for your prompt attention to this matter. I can be reached during the day at

Sincerely,

Severed in line with section 17 of the FOIP Act

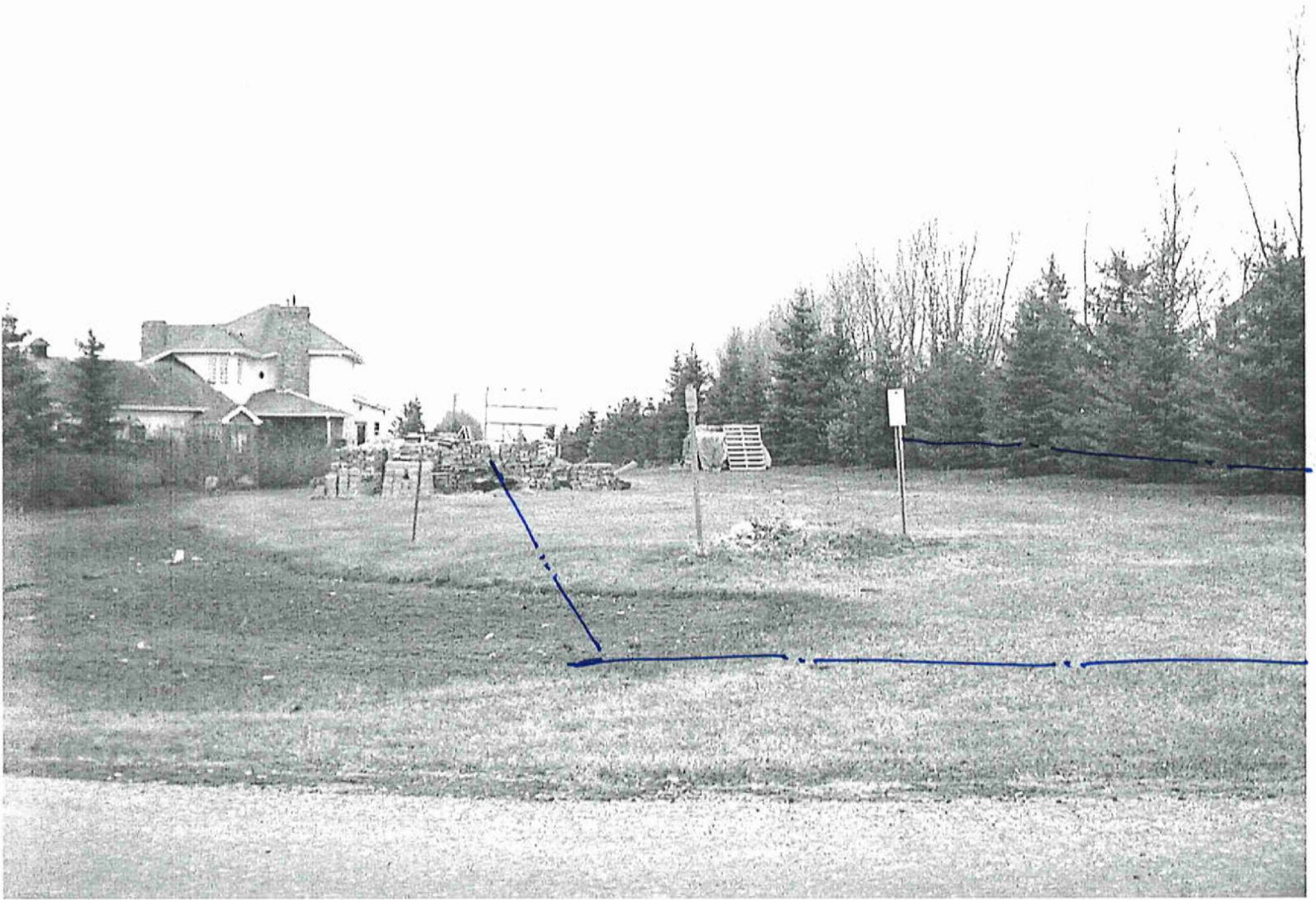
Jeffrey R. Van Dyke

Attachment –digital photos



#1.  
Looking south from north property owners  
easement.





#3.

looking north at easement in question.  
(our home on right side).



#8

looking south between properties in question -  
(our home on left).



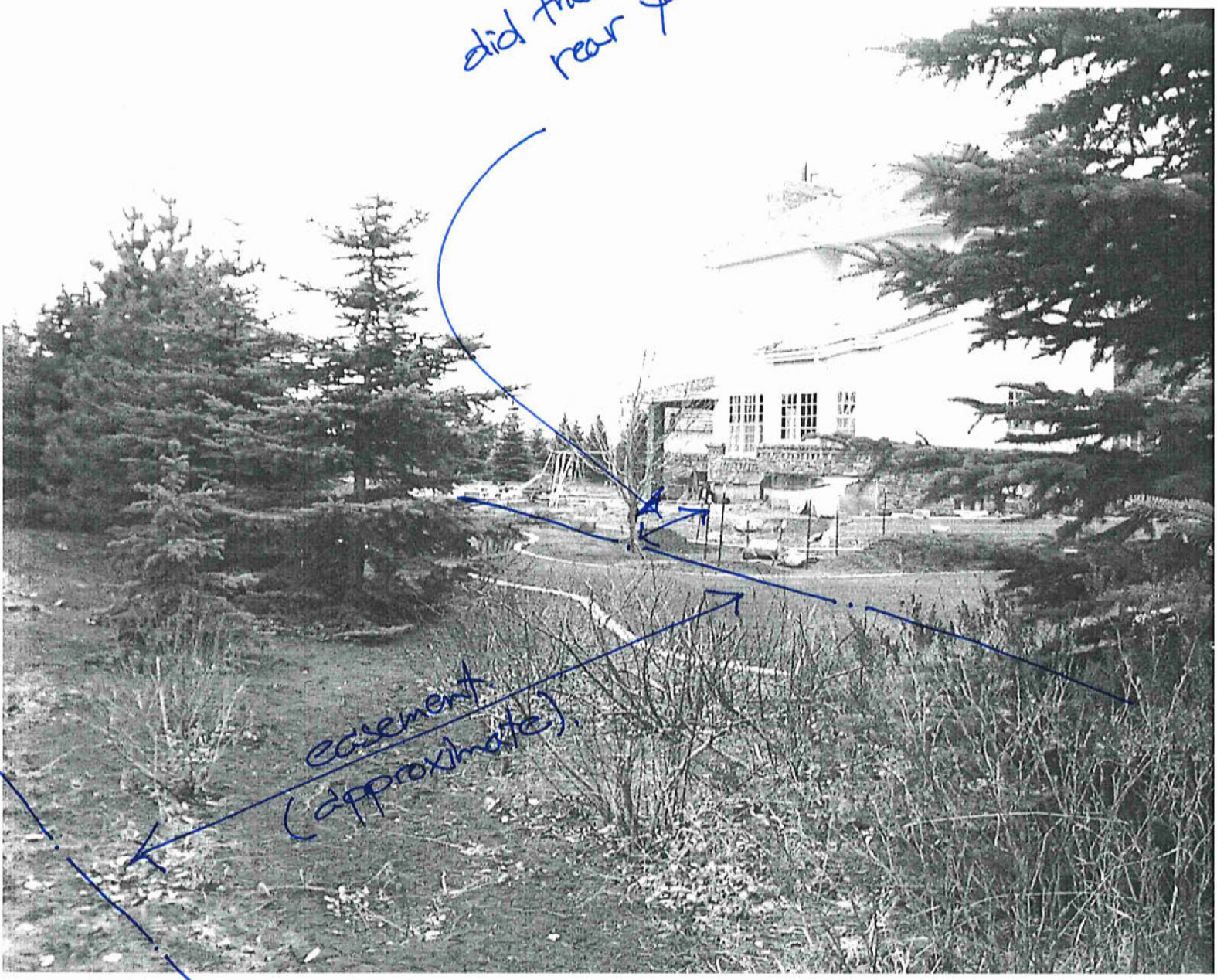


#9.

Looking south. between subject properties.  
(part of easement).



did this meet the allowed rear yard setback?



easement (approximate)

#10.

looking SW to neighbors across easement.

Severed in line with section 17 of the FOIP Act

<b>Subj: FW: information</b> <b>Date: 10/28/01 8:00:40 PM Pacific Standard Time</b> <b>From: (The Tipping's)</b> <b>To:</b>
--

This is the letter that was sent to the county. I have had no response other than what is within this e-mail.

Severed in line with section 17 of the FOIP Act

-----  
 From: "Regan Lefebvre" <rlefebvre@sturgeoncounty.ab.ca>  
 Date: Tue, 16 Oct 2001 13:12:11 -0600  
 To: "The Tipping's"  
 Cc: "Terry Cashin" <tcashin@sturgeoncounty.ab.ca>  
 Subject: RE: information

I have forwarded your email to Terry Cashin, our Parks and Recreation Manager. Terry has been investigating this matter and has determined several possibilities to resolve the current situation.

Also, thank you for the information regarding the web-site.

Regards,  
 Regan Lefebvre

-----Original Message-----

From: The Tipping's  
 Sent: Tuesday, October 16, 2001 12:34 PM  
 To: Regan Lefebvre; Terry Cashin  
 Subject: information

Dear Gentlemen,

In regards to the land adjacent to our acreage 51 Estate Way East, Upper Manor Estates (Lot:16, Block:4, Plan:7621623), we would like to find out if this land is going up for sale. We have heard that there have been discussions with our neighbour, Darrell Hyska regarding subdividing the land and placing for sale. We would like to express our interest in this.

If the land is not for sale, we would like to confirm that the agreement that we have maintaining the land is still in place. Any information that you can provide would be appreciated. We can be contacted by phone,

Paul/Sheila Tipping

Severed in line with section 17 of the FOIP Act

Tuesday, October 30, 2001



Severed in line with section 17 of the FOIP Act

Subj: **RE: Gas easement for sale or lease.**  
 Date: 10/31/01 8:28:16 AM Pacific Standard Time  
 From: rlefebvre@sturgeoncounty.ab.ca (Regan Lefebvre)  
 To:  
 CC: tcashin@sturgeoncounty.ab.ca (Terry Cashin)

I have forwarded your email to Terry Cashin, Manager of Parks and Recreation Services. He has been attempting to resolve this issue. You can contact Terry by calling the Sturgeon County office at 939-4321.

Regards,  
 Regan Lefebvre  
 Manager, Utilities Services

-----Original Message-----

From:  
 Sent: Tuesday, October 30, 2001 9:32 PM  
 To: Regan Lefebvre  
 Subject: Gas easement for sale or lease.

We have been in contact with several of our neighbours and wish to be advised what is happening with the gas easements. To be quiet honest with you we are having problems with the neighbours and how this will finally be resolved. Please provide us with details of what is happening or if available who is the contact on this issue. A specific question we would like answered is if the land is not being sold, how will the use be defined. Thank you for your attention to this matter.  
 Jeffrey Van Dyke

----- Headers -----

Return-Path: <rlefebvre@sturgeoncounty.ab.ca>  
 Received: from rly-za04.mx.aol.com (rly-za04.mail.aol.com [172.31.36.100]) by air-za03.mail.aol.com (v82.18) with ESMTP id MAILINZA32-1031112816; Wed, 31 Oct 2001 11:28:16 -0400  
 Received: from win2000srv1.scmd.org (ip-216-126-21-254.oanet.com [216.126.21.254]) by rly-za04.mx.aol.com (v80.21) with ESMTP id MAILRELAYINZA46-1031112752; Wed, 31 Oct 2001 11:27:52 -0400  
 content-class: urn:content-classes:message  
 Subject: RE: Gas easement for sale or lease.  
 Date: Wed, 31 Oct 2001 09:27:40 -0700  
 MIME-Version: 1.0  
 Content-Type: text/plain;  
 charset="iso-8859-1"  
 Content-Transfer-Encoding: quoted-printable  
 Message-ID: <78C100AB61D95A48BF561CE95E520F300522E6@win2000srv1.scmd.org>  
 X-MimeOLE: Produced By Microsoft Exchange V6.0.4417.0  
 X-MS-Has-Attach:  
 X-MS-TNEF-Correlator:  
 Thread-Topic: Gas easement for sale or lease.  
 Thread-Index: AcFhxQEvxMKcxwIFT/2NIgP9GoZ+XQAY5adA  
 From: "Regan Lefebvre" <rlefebvre@sturgeoncounty.ab.ca>  
 To:

Severed in line with section 17 of the FOIP Act

Friday, November 02, 2001



## COMMUNITY SERVICES DEPARTMENT

9613 - 100 Street

MORINVILLE AB T8R 1L9

Phone: 939-4321 or 460-8903

Fax: 939-2076

Sturgeon County

**Fax**

To: JEFF VAN DYKE From: TERRY CASHIN  
 Fax: \_\_\_\_\_ Pages: 6  
 Phone: 939-8335 Date: July 16/02  
 Re: \_\_\_\_\_ CC: \_\_\_\_\_

Urgent     For Review     Please Comment     Please Reply     Please Recycle

Jeff

attached is lease agreement bet. Danell,  
 Sturgeon County & Mid West Gas with conditions  
 detailed. Condition #11 has been taken out,  
 it only has to do with Cost of the lease +  
 Can't be disclosed according to FOIA  
 regulation. That is a Condition between  
 all 3 partners. Any questions give me  
 a Call at 939-8335. THANKS

TERRY



**Municipal District of Sturgeon No. 90**  
9601 - 100 Street, Morinville, Alberta T0G 1P0 Telephone 939-4321

May 11, 1993

YOUR FILE:

OUR FILE:

Darrell Hyska

Dear Sr:

Re: Consent to Right-Of-Way Landscaping  
Between Mid-West Gas Transmission Ltd.  
and Darrell Hyska and M.D. of Sturgeon No. 90

S1/2 Lot R-7,  
Plan 762-1623, Between Lots 1 & 2  
Block 4  
Upper Manor Estates

This letter is to confirm Mid-West Gas Transmission Ltd's (hereinafter referred to as "Mid-West") consent to the landscaping of the pipeline right-of-way by Darrell Hyska, whereby such public utility lot is ownership by the M.D. of Sturgeon, (hereinafter referred to as "M.D.") as specifically outlined is red on the attached plan.

This consent to Right-Of-Way Landscaping agreement is given subject to and upon the express conditions that all parties accept the following:

1. Darrell Hyska will indemnify and save harmless Mid-West from all loss or damage, claims, costs, demands, actions, suits or other proceedings by whomsoever made arising out of your operations.
2. At least forty-eight (48) hours notice is to be given to Mid-West by telephone prior to the commencement of construction. This telephone notice is to be directed to Al Kremer, St. Albert office, phone 459-2233 and a district representative may be required to be "on-site" at the time of construction.
3. Mid-West will allow the use of a bobcat for the landscaping involved provided that the minimum coverage over mid-West's pipeline is maintained.
4. Mid-West's pipeline will be located and flagged prior to the installation of trees on the right-of-way.

- 2 -

5. Darrell Hyska agrees to maintain the right of way for Mid-West and the M.D.
6. It is understood by Darrell Hyska that Mid-West may be required at any time to reenter the right-of-way for their operations needs and will not be held responsible for any damages resulting from these operations. Mid-West agrees to provide Darrell Hyska with five (5) days notice prior to reentering the right-of-way in order that Darrell Hyska may remove and/or relocate trees etc. (emergencies excepted)
7. Darrell Hyska shall not assign all or any part of his rights or obligations hereunder without Mid-West's consent which consent shall not be unreasonable withheld. Subject to the foregoing this agreement shall be binding upon the parties hereto and their respective successors and assigns.
8. Darrell Hyska and Brenda Hyska do and hereby indemnify and save harmless the M.D. from any loss, damage, claims, demands, actions, suits or other proceedings whatsoever, arising out of the operations of Darrell Hyska and Brenda Hyska in landscaping and maintaining the said lot.
9. The M.D. retains the right to reenter and use said Lot, as the M.D. may deem necessary, and the M.D shall not be responsible for any damage resulting therefrom to the landscaping thereon.
10. The M.D. or Darrell Hyska and Brenda Hyska may terminate this agreement upon thirty (30) days written notice to the other party.



12. The M.D. shall be entitled to file and maintain a Caveat at the North Alberta Land Registration District, against LOT 1, BLOCK 4, PLAN 762-1623, regarding this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document this 11 day of May, 1993.

MUNICIPAL DISTRICT OF STURGEON NO 90

Per: Frank Schenberger

Per: [Signature]

SIGNED, SEALED AND DELIVERED )  
in the presence of )  
[Signature]  
WITNESS )

Severed in line with section 17 of the FOIP Act

DARRELL HYSKA

SIGNED, SEALED AND DELIVERED )  
in the presence of )  
[Signature]  
WITNESS )

BRENDA HYSKA

MID-WEST GAS TRANSMISSION LTD.



Per: [Signature]  
VICE PRESIDENT

Per: [Signature]  
ASST. SECRETARY

**AFFIDAVIT OF EXECUTION**

CANADA  
PROVINCE OF ALBERTA  
TO WIT:

I, Wendy Colburn Miller, of the ~~City~~ <sup>Town</sup> of M.D. of Sturgeon,  
Province of Alberta, MAKE OATH AND SAY:

1. THAT I was personally present and did see DARRELL HYSKA who on the basis of identification provided to me, [who is personally known to me], I believe to be the person named in this within (or annexed) instrument, duly sign the instrument.
2. THAT the same was executed at the ~~City/Town~~ of MANORSTATES, in the Province of Alberta, and that I am subscribing witness thereto.
3. THAT I believe that the person whose signature I witnessed is at least eighteen years of age.

Severed in line with section 17 of the FOIP Act

[Signature]  
Sworn before me at the ~~City~~ <sup>Town</sup> of Manorstates, Province of Alberta, this 12 day of MAY, A.D. 1993.

[Signature]  
A Commissioner For Oaths for Alberta  
**GILBERT J. BODDEZ**  
Justice of the Peace #2880

**AFFIDAVIT OF EXECUTION**

CANADA  
PROVINCE OF ALBERTA  
TO WIT:

I, Doreen Graham Müller of the City/Town of W. of Sturgeon Province of Alberta, MAKE OATH AND SAY:

1. THAT I was personally present and did see BRENDA HYSKA, who on the basis of identification provided to me [who is personally known to me], I believe to be person named in this within (or annexed) instrument, duly sign the instrument.
2. THAT the same was executed at the City/Town of MANROESTATES, in the Province of Alberta, and that I am the subscribing witness thereto.
3. THAT I believe that the person whose signature I witnessed is at least eighteen years of age.

Severed in line with section 17 of the FOIP Act

Sworn before me at the town of Edmonton, Province of Alberta, this 13 day of May, A.D. 1993

Gilbert J. Boddez  
A Commissioner for Oaths For Alberta  
**GILBERT J. BODDEZ**  
Justice of the Peace #2880





# Sturgeon County

9613 - 100 Street  
Morinville, Alberta T8R 1L9  
Tel. (780) 939-4321 or (780) 460-8903  
Fax (780) 939-3003

December 18, 2002

Mr. Jeffrey Van Dyke

Severed in line with section 17 of the FOIP Act

Dear Mr. Van Dyke:

Re: Public Utility Lot Easement R-7 Plan 7621623

I am writing in response to your concerns regarding the storage of construction materials on Public Utility Lot 4-7 Plan 7621623 between lots 1 and 2 Block 4 Upper Manor Estates.

The Manager of Enforcement and I recently met with the person leasing this easement to discuss this issue. As a result of this meeting, a directive was given that the leasee have all storage materials and vehicles removed from the easement as of June 1, 2003.

Sturgeon County felt that this would give the leasee ample time to comply with this request.

If you have any further questions or concerns regarding this matter, please contact me at 939-8335.

Sincerely,

Terry Cashin  
Manager, Community Services

TC/bmc

# Sturgeon County

STRATEGIC PLAN (2022 – 2025) – “PLAN ON A PAGE”

**Vision** – Offering a rich tapestry of historical, cultural, and natural experiences, Sturgeon County is a municipality that honours its rural roots and cultivates desirable communities. Uniquely situated to provide world-class agricultural, energy, and business investment opportunities, the County prioritizes responsible stewardship and dreaming big.

## Our Guiding Principles

- Collaboration
- Accountability
- Flexibility
- Excellence
- Safety
- Future Readiness
- Affordability
- Innovation

## Community Outcomes

Sturgeon County has identified five community outcomes to serve as goal statements for the organization, with corresponding strategic priorities. These outcomes will guide strategic decision making by the municipality to ensure Sturgeon County is continuously evolving in an intentional way.

<div style="background-color: #e6f2ff; padding: 10px; border-radius: 10px;">  <h3>Planned Growth</h3> <ul style="list-style-type: none"> <li>• Internationally competitive to attract, grow, and sustain diverse business</li> <li>• Modern broadband and digital capabilities</li> <li>• Reliable and effective infrastructure</li> <li>• Low cost, minimal red tape regulations</li> <li>• Comprehensive land use and infrastructure planning</li> <li>• Agricultural preservation and supports</li> <li>• Tenacious focus on new growth and innovation</li> </ul> </div>	<div style="background-color: #e6f2ff; padding: 10px; border-radius: 10px;">  <h3>Thriving Communities</h3> <ul style="list-style-type: none"> <li>• Beautiful, surprising places with high standards</li> <li>• Engaging cultural, historic, and civic amenities</li> <li>• Integrated natural spaces and trail systems</li> <li>• Safe, welcoming, and diverse communities</li> <li>• Small community feel and personal connections</li> <li>• Commitment to high quality of life</li> <li>• Strong community identity and pride</li> <li>• Healthy and resilient</li> </ul> </div>	<div style="background-color: #e6f2ff; padding: 10px; border-radius: 10px;">  <h3>Environmental Stewardship</h3> <ul style="list-style-type: none"> <li>• Clean air, land, and water</li> <li>• Carbon neutral municipal practices</li> <li>• Adaptive to climate and weather patterns</li> <li>• Conservation of natural areas and agricultural lands</li> <li>• Safekeeping ecosystems</li> <li>• Circular economy opportunities</li> <li>• Enhanced greening and biodiversity</li> <li>• Sustainable development</li> <li>• Partnerships with industry and others to drive emission reductions</li> </ul> </div>	<div style="background-color: #e6f2ff; padding: 10px; border-radius: 10px;">  <h3>Collaborative Governance</h3> <ul style="list-style-type: none"> <li>• Predictable and stable external relationships</li> <li>• Meaningful connections with Indigenous communities</li> <li>• Transparent and action-oriented decision making based on sound rationale</li> <li>• Ongoing community consultation and engagement</li> <li>• Respectful and informed debate</li> <li>• Volunteer partnerships</li> <li>• Clear and supportive governance processes</li> </ul> </div>
<div style="background-color: #fff9c4; padding: 10px; border-radius: 10px;">  <h3>Operational Excellence</h3> <ul style="list-style-type: none"> <li>• Engaged and effective people - Council, Admin, volunteers</li> <li>• Quality, cost-effective service delivery</li> <li>• Robust procurement and operational practices and policies</li> <li>• Positive culture within the municipal organization</li> <li>• Continuous learning and improvement mindset</li> </ul> </div>			

## Strategic priorities for the next four years (and beyond)

- Reinforce Sturgeon County as an internationally competitive and supportive municipality to locate and conduct business
- Cultivate safe, beautiful, and complete communities
- Achieve carbon neutral municipal operations by considering benchmarks that reflect environmental, social, and governance (ESG) measures
- Prioritize municipal workforce and process and policy modernization that supports a productive and future-ready organization
- Realize opportunities for alternative revenue generation and shared efficiencies through innovative new models and partnerships
- Acknowledge and celebrate Sturgeon County's history and relationships with Indigenous and other communities
- Support long-term transition to a low carbon economy, prioritizing hydrogen and other clean energy production
- Embed thoughtful long-range financial and operational planning into decision-making processes
- Enhance local broadband, emergency, transportation, and recreation infrastructure
- Ensure residents will be offered cost-effective and highly valued services

## Key Strategies and Plans

### Annual and Long-Term Plans

- Council's Strategic Plan
- Municipal Development Plan, Land Use Bylaw, and community/ neighbourhood plans
- Service Oriented Master Plans (Recreation, Financial, Economic Development, etc.)
- Operating and Capital Plans and Budget
- Alberta Industrial Heartland Association Strategic Plan

- Edmonton Metropolitan Region Growth Plan
- Metropolitan Region Servicing Plan
- Edmonton Global Strategic Plan
- Edmonton Regional Hydrogen HUB Plan
- *Municipal Government Act* and associated regulations

### Monitoring and Reporting on Progress

- Corporate Business Plan Semi-Annual Reporting to Council
- Resident Engagement and Surveys
- Service Level Monitoring and Reporting

**From:** [Glen Byers](#)  
**To:** [Legislative Services](#)  
**Cc:** [Kristin Toms](#); [Alanna Hnatiw](#)  
**Subject:** subdivision and development file 023-STU-004 appeal hearing  
**Date:** March 29, 2023 4:04:24 PM  
**Attachments:** [Regular Council Meeting - September 13, 2022.pdf](#)  
[Bylaw-1476-20-Burning-Bylaw.pdf](#)

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**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

Firstly I am very surprised to see this issue back before the County see attached regular county meeting notes item 6.3. This issue has been an ongoing issue for a for many years and was looked at in detail last year with lots of input for the community my self included. I decision was made and now I feel this party is just trying to end run a different department to get what he wants.

My property is not next to his but this are effects many landowners and accessibility without using roads to get to the river valley.

This pergola is also a fire pit and definitely does not meet Bylaw 1476/20 definition 2.1.a.i so would never be allowed to build in the first place.




If this person was asking for encroachment forgiveness for items he has on his property I would support that. But feel allowing what he is asking for will just open a can of worm again.

Glen Byers  
56 – 54418 Range Road 251  
Sturgeon County, AB





Tuesday, September 13, 2022 at 9:00 a.m.  
Council Chambers and Through Electronic Communications  
Sturgeon County Centre  
9613-100 Street  
Morinville, Alberta

1. [CALL TO ORDER AND RELATED BUSINESS](#)
  - 1.1 [CALL TO ORDER](#)
  - 1.2 [ADOPTION OF AGENDA](#)  
**Recommended Motion:**  
That Council adopt the September 13, 2022 Regular Council Meeting Agenda as presented.
2. [CONSENT AGENDA](#)
  - 2.1 [September 13, 2022 Consent Agenda Report](#)   
Jesse Sopko, General Manager, Corporate Services  
**Recommended Motion:**  
That Council adopt the August 23, 2022 Regular Council Meeting Minutes as presented;  
That Council give first reading of Bylaw 1604/22;  
That Council give second reading of Bylaw 1604/22;  
That Council consider third reading of Bylaw 1604/22; and  
That Council give third reading of Bylaw 1604/22.
3. [ADOPTION OF MINUTES](#)
  - 3.1 [August 23, 2022 Regular Council Meeting Minutes](#)   
**Recommended Motion:**  
That Council adopt the August 23, 2022 Regular Council Meeting Minutes as presented.
4. [PUBLIC PRESENTATIONS](#)
5. [PUBLIC HEARINGS](#)
6. [BUSINESS](#)
  - 6.1 [Bylaw 1604/22 – To Revise Bylaw 1417/20 - Closure of a Portion of Riverbend Road \(Road Subdivision Plan 802 0013\) – Three Readings](#)   
Bonnie McInnis, Manager, Planning & Development Services  
**Recommended Motion:**  
That Council give first reading of Bylaw 1604/22;  
**Recommended Motion:**  
That Council give second reading of Bylaw 1604/22.  
**Recommended Motion:**  
That Council consider third reading of Bylaw 1604/22.  
**Recommended Motion:**  
That Council give third reading of Bylaw 1604/22.
  - 6.2 [Agribusiness and Agritourism Review Recommendations Implementation - Bylaw 1597/22 - Amendment to Land Use Bylaw 1385/17 – Diversified Agriculture - Second Reading](#)   
Bonnie McInnis, Manager, Planning & Development Services  
**Recommended Motion:**  
That Council give second reading of Bylaw 1597/22 as amended.  
**Recommended Motion:**  
That Council schedule a Regular Council Meeting on October 6, 2022 at 5:00 p.m. in Council Chambers for the purpose of holding a second Public Hearing for Bylaw 1597/22.
  - 6.3 [Proposed Lease of Municipal Reserve Lot - Portion of Lot R7, Block 4, Plan 762 1623](#) 

<ol style="list-style-type: none"> <li>1. <a href="#">Proposed Lease of Municipal Reserve Lot - Portion of Lot R7, Block 4, Plan 7621623.pdf</a></li> <li>2. <a href="#">Attachment 1 Location Map.pdf</a></li> </ol>
---

  
Bonnie McInnis, Manager, Planning & Development Services  
**Recommended Motion:**  
That Council refuse the request to lease a portion of Municipal Reserve Lot R7, Block 4, Plan 762 1623.  
**Recommended Motion:**  
That Council direct Administration terminate the existing landscaping agreement signed on May 11, 1993 by Sturgeon County, Mid-West Gas Transmission Ltd., and the owners of Lot 1, Block 4, Plan 762 1623 and direct Administration to work with the landowner to finalize a practical and timely plan to remove encroachments and landscaping on the Municipal Reserve with the intent to ensure remediation and public access to Lot R7, Block 4, Plan 762 1623.
  - 6.4 [Bylaw 1601/22 – Amendment to Bylaw 1515/20 – Agricultural Service Board Bylaw – Three Readings](#)   
Angela Veenstra, Manager, Agriculture Services

**Recommended Motion:**  
That Council give first reading of Bylaw 1601/22.

**Recommended Motion:**  
That Council give second reading of Bylaw 1601/22.

**Recommended Motion:**  
That Council consider third reading of Bylaw 1601/22.

**Recommended Motion:**  
That Council give third reading of Bylaw 1601/22.

6.5 [2023 Municipal Internship Program Application - Land Use Planner Stream](#) 

Sabrina Duquette, Manager, Corporate Finance & Treasury

**Recommended Motion:**  
That Council direct Administration to submit an application to host a Land Use Planning Intern in 2023/2024 through the Government of Alberta's Municipal Internship Program.

7. [CLOSED SESSION](#)

8. [MAYOR AND COUNCIL](#)

8.1 [Rural Crime Awareness and Education Sessions \(Councillor Stang\)](#) 

**Recommended Motion:**  
That Council direct Administration to host awareness and education sessions in the communities of Calahoo and Pinewood in the Fall of 2022, with participation from relevant regional partners, agencies, and stakeholders, with the outcome of providing information to residents on how to deter, report, and otherwise communicate concerns related to rural crime.

9. [NOTICES OF MOTION](#)

10. [ADJOURNMENT](#)

**Recommended Motion:**  
That Council adjourn the September 13, 2022 Regular Council Meeting at \_\_\_\_\_.

**BYLAW 1476/20  
BURNING BYLAW  
STURGEON COUNTY, MORINVILLE, ALBERTA**

---

A BYLAW OF STURGEON COUNTY IN THE PROVINCE OF ALBERTA AUTHORIZING THE PREVENTION AND CONTROL OF FIRES.

**WHEREAS**, Section 7 of the *Municipal Government Act* RSA 2000 c. M-26, as amended (the “MGA”) provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS**, the *Forest and Prairie Protection Act* RSA 2000 c.F-19, as amended (the “FPPA”) grants certain additional powers to the Sturgeon County including the power to appoint Fire Guardians, enforce the FPPA and control fires;

**AND WHEREAS**, the Council of Sturgeon County wishes to provide for the prevention, regulation and control of fires within the County;

**NOW THEREFORE**, the Council of Sturgeon County duly assembled hereby enacts as follows:

1. Name of Bylaw

1.1 This Bylaw may be cited as “the Burning Bylaw”.

2. Definitions

2.1 In this Bylaw:

- a) “Acceptable Fire Pit” means an outdoor receptacle that meets the following specifications:
  - (i) A minimum of 3 metres clearance, measured from the nearest fire pit edge to the nearest edge of building, property line, or other combustible material;
  - (ii) A height not exceeding 0.6 metres when measured from the surrounding grade to top of the pit opening;
  - (iii) Equipped with a full-size spark arrester mesh screen with holes no larger than 13 millimetres;
  - (iv) Enclosed side made from bricks, concrete blocks, heavy gauge metal, or other non-combustible material;
  - (v) Not located over any underground utilities or under any above ground wires;
  - (vi) Within any area of Sturgeon County that is zoned Hamlet Unserviced/Hamlet Serviced (R3 & R4), County Residential (R-1), and Country Estate Residential (R2). The diameter of a fire pit is not to exceed 1200 millimetres (4 feet); and/or
  - (vii) Is otherwise acceptable, upon inspection, to a Fire Guardian.
  
- b) “Bales” means agricultural formed bales, square, round or otherwise, made of hay, straw or other agricultural crops.
  
- c) “Commissioner” means the person appointed as the County Commissioner for Sturgeon County;



- d) "County" means Municipality of Sturgeon County;
- e) "Demolition Permit" means a permit issued by the County's Development Support Services department in relation to demolition of a structure(s);
- f) "Fire Guardian" means a person named or appointed as Fire Guardian pursuant to the FPPA;
- g) "Fire Permit" means a permit issued by a Fire Guardian pursuant to the FPPA and this Bylaw;
- h) "FPPA" means Forest and Prairie Protection Act, RSA 2000 c.F-19;
- i) "Garden/Yard Debris" means but not limited to wood, branches, bales (two or less) and dried leaves piled for the purposes of burning that is smaller than 3.6 metres long, 3.6 metres wide and 1.8 metres in height;
- j) "Incinerator Fire/Burn Barrel Fire" means a fire that is confined within a non-combustible structure container or barrel:
  - (i) with openings covered with heavy gauge metal screen having mesh size holes no larger than thirteen (13) millimetres;
  - (ii) that has a minimum of three (3) metres clearance from buildings, property lines and combustible materials;
  - (iii) that is monitored a minimum of once per hour by a responsible adult person until such time that fire has been extinguished. A fire shall be deemed to include hot ashes and smouldering embers resulting from the fire; and
  - (iv) but does not include any industrial or commercial type incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act regulations.
- k) Large Brush Pile(s) means but not limited to wood, branches, bales, tree stumps, yard debris piled for the purposes of burning that is larger than 3.6 metres long, 3.6 metres wide and 1.8 metres in height, or unless otherwise provided a variance, upon inspection, by Sturgeon County Protective Services Staff;
- l) "Outdoor Fire" means any fire other than that defined as an Incinerator Fire/Burn Barrel Fire, Structure Fire, Large Brush Pile or Windrow Pile and shall include, but not be limited to:
  - a) Fires involving humus, wood, soil, farm produce, brush, bales, garden and yard debris, grass, feed, straw, coal;

- b) Any fire that has escaped or spread from a building, structure, machine, vehicle, incinerator or smudge fire; and
  - c) Incinerator Fire/Burn Barrel Fire or burning without the required metal screen.
- m) "Owner" means:
  - a) The registered owner of lands, as shown on title to those lands, as registered at the Land Titles Office;
  - b) A person who has purchased or otherwise acquired or become entitled to acquire the lands, and has not become the registered owner thereof;
  - c) A person who is recorded as the owner of the property on the assessment roll of the County;
  - d) A person controlling a property under construction; or
  - e) A person who is the occupant of the property under a lease, rental arrangement, license or permit.
- n) "Peace Officer" means a person appointed as a Peace Officer under the Peace Officer Act, RSA 2000, c. P.-3.5, as amended or member of the RCMP;
- o) "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food in the out of doors;
- p) "Prohibited Debris" means any flammable debris or waste material that when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic air contaminants as defined in Alberta Regulation 276/2003, Activities Designation Regulation pursuant to the Alberta Environmental Protection and Enhancement Act;
- q) "Running Fire" means a fire burning without being under the proper control of any person;
- r) "Smudge Fire" means a fire confined within a non-combustible structure or container that is set on a parcel of land of two point four seven (2.47) acres or more in an area, for the purpose of protecting livestock from insects or for protecting garden plants from frost The structure or container must have openings covered with heavy gauge metal screen having a mesh size no larger than thirteen (13) millimetres. The structure or container shall be placed to have a minimum of three (3) metres clearance from buildings, property lines and other combustible materials;
- s) "Sturgeon County Protective Services Staff" means those persons employed full time as firefighters within the Sturgeon County Protective Services Department;
- t) "Structure Fire" means a fire confined to and within any building or structure, which will, or is likely to cause the destruction of or damage to such building or structure or other structures or vehicles in the near vicinity;
- u) "Vehicle Fire" means a fire confined to and within any vehicle or machine, which will, or is likely to cause the destruction of or damage to such vehicle or machine or other vehicles or structures in the vicinity;

- v) "Violation Ticket" means a Violation Ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, RSA 2000, c.P-34 (POPA) or the regulations there under; and
- w) "Windrow Pile" means but not limited to wood, branches, tree stumps piled after clearing of land in windrows or piles for the purpose of burning, or unless otherwise provided a variance, upon inspection, by Sturgeon County Protective Services Staff.

### 3. Fire Permits

- 3.1 In addition to any fire permit required under the *Forest and Prairie Protection Act*, Fire Permits shall be required year-round under this Bylaw at a nil fee.
- 3.2 Where an emergency, a potential emergency or fire hazard exists, the Commissioner or his designate shall be at liberty to issue a Fire Advisory, Fire Restriction or Fire Ban suspending all types of fires, within all or a portion or portions of the County for such a period of time and on such conditions as may be determined by the Commissioner or his designate.
- 3.3 Any person wishing to light or burn an Outdoor Fire, an Incinerator Fire/Burn Barrel Fire, Large Brush Pile Fire, Windrow Pile Fire, or a Structure Fire within Sturgeon County must first, unless exempted by this Bylaw, apply for and obtain a valid Fire Permit from Sturgeon County. A Fire Permit shall include specified dates during which the Fire Permit will be valid, and if intended to apply for specified periods in more than one year, shall be reviewed and approved annually. Fire Permit applications or annual reviews may be denied by the County if appropriate, having regard to any potential safety issue or related concerns that may be applicable.
- 3.4 A Fire Permit shall not be transferable.
- 3.5 Persons wishing to obtain a Fire Permit for a demolished Structure must, if required, obtain a Demolition Permit from the County's Development Support Services Department.
- 3.6 A site inspection must be conducted by Sturgeon County Emergency Services prior to any permit being issued for a Structure Fire, Large Brush Pile Fire, or Windrow Pile Fire.
- 3.7 The person who receives a Fire Permit to burn one or more Large Brush Piles or for Windrow Burning located adjacent to a roadway is responsible to ensure proper signage is posted warning drivers of smoke. The Fire Permit holder is responsible for all costs associated with signage.
- 3.8 The Person who receives a permit under this Bylaw does indemnify and save harmless Sturgeon County from all liability arising out of the operations authorized by their permit.
- 3.9 The Person obtaining a Fire Permit under this Bylaw is liable to pay the cost of fighting all fires caused by any violation of any terms and conditions set out in their Fire Permit.

### 4. Exemptions

- 4.1 Use of Acceptable Fire Pits is permitted throughout the County. A Fire Permit is not required under this Bylaw for an attended fire that is lit in an Acceptable Fire Pit for recreation, cooking or warming purposes.
- 4.2 A Fire Permit is not required under this Bylaw for an attended fire that is lit in a Portable Appliance for recreation, cooking or warming purposes.



- 4.3 A Fire Permit is not required under this Bylaw for fires set for the purpose of training firefighters.
- 4.4 A Fire Permit is not required under this Bylaw for an Industrial or Commercial type incinerator that is required to be licensed under the *Alberta Environmental Protection and Enhancement Act* regulations.
- 4.5 A Fire Permit is not required under this Bylaw for a Smudge Fire.
- 4.6 A Fire Permit is not required for Flaring associated to the operation, installation, maintenance and or repair of gas related plants, wells, or gas lines.
- 4.7 A Fire Permit is not required for enclosed wood burning or coal burning furnaces, fireplaces and/or incinerators used for heating of dwellings or structures.

## 5. Prohibitions

- 5.1 No person shall light or burn an Outdoor Fire/Incinerator Fire/Burn Barrel Fire within Sturgeon County on lands zoned Hamlet Unserviced/Hamlet Serviced (R3 & R4), County Residential (R1), and Country Estate Residential (R2) if the lot is less than one (1) acre in size, unless otherwise provided a variance, upon inspection, by Sturgeon County Protective Services Staff.
- 5.2 Burning of Large Brush Piles is prohibited within any area of Sturgeon County that is:
  - a) Zoned Hamlet Unserviced/Hamlet Serviced (R3 & R4), County Residential (R1), and Country Estate Residential (R2). Fire Permits shall not be issued for such burning for land within these land use districts, unless otherwise provided a variance, upon inspection, by Sturgeon County Protective Services Staff.
  - b) In all other areas of the County burning of Large Brush Piles is prohibited except December 1 and March 31 of the following year, unless otherwise provided a variance, upon inspection, by Sturgeon County Protective Services Staff.
- 5.3 Burning of Windrow Piles is prohibited within any area of Sturgeon County that is:
  - a) Zoned Hamlet Unserviced/Hamlet Serviced (R3 & R4), County Residential (R1), and Country Estate Residential (R2). Fire Permits shall not be issued for such burning for land within these land use districts, unless otherwise provided a variance, upon inspection, by Sturgeon County Protective Services Staff.
  - b) In all other areas of the County burning of Windrow Piles is prohibited except between December 1 and March 31 of the following year, unless otherwise provided a variance, upon inspection, by Sturgeon County Protective Services Staff.
- 5.4 Burning of building related materials, waste used or produced during construction of structures is prohibited within any area of Sturgeon County that is zoned Hamlet Unserviced/Hamlet Serviced (R3 & R4), County Residential (R1), and Country Estate Residential (R2).

- 5.5 No person shall light or burn an Outdoor Fire, an Incinerator Fire, Burn Barrel Fire, a Smudge Fire, a Structure Fire, or light or burn a fire in a barbecue/fire pit, or light or burn a fire within a Portable Appliance not fuelled by propane or natural gas, during a Municipal fire restriction or fire ban.
- 5.6 No person shall fail to comply with any of the terms or conditions set out in Fire Permit.
- 5.7 No person shall light or burn an Outdoor Fire or Smudge Fire for the purpose of ground thawing.
- 5.8 No person shall obstruct a Peace Officer, Fire Guardian or Sturgeon County Fire Department member in the performance of their duties pursuant to this Bylaw or the *Forest Prairie Protection Act* (supra). Obstruction will include failure to provide access to property and failure to provide information as to identity of individuals.
- 5.9 No Owner shall allow, consent to, or permit a fire to be lit or burned on property under the Owner's possession, control or ownership unless a valid Fire Permit has been issued for that fire as required by this Bylaw.
- 5.10 No person shall burn Prohibited Debris.
- 5.11 No person shall light a fire that obstruct or cause disruption to traffic or roadways.
- 5.12 No person shall light a fire and let it continue to burn if that fire causes continuous physical discomfort to any nearby property and its residents.
- 5.13 No person shall either directly or indirectly, personally or through an agent, servant or employee ignite a fire and let it become a Running Fire on any property or allow a Running Fire to pass from his or her own property to another property.
- 5.14 Burning of grass or stubble is prohibited, unless otherwise provided a variance, upon inspection, by Sturgeon County Protective Services Staff.
- 5.15 Fires of any type are prohibited on or within lands designated by the County as Municipal Reserve, Environmental Reserve or a Natural Area unless otherwise permitted by the Commissioner or his designate.
- 5.16 Vehicle Fires are prohibited.
- 5.17 Lighting of fires within areas designated as Industrial Areas, Industrial Parks or Industrial Worksites is prohibited unless otherwise provided a variance, upon inspection, by Sturgeon County Protective Services Staff.
- 5.18 Burning in areas of peat moss or peaty soil is prohibited.

## 6. Offences

6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in Schedule "A" which is attached hereto as part of this Bylaw.

## 7. Violation Ticket

7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any person who contravenes any provision of this Bylaw.

7.2 Any Person who contravenes a provision of this Bylaw is guilty of an offence and is liable for the penalty set out in Schedule "A", or if no penalty is specified in Schedule "A" for the particular offence, for a penalty of not less than \$500.00.

7.3 A Violation Ticket may be served:

- a) Either personally or by leaving a copy of the Violation Ticket at the last or most usual place of abode of the person being charged; or
- b) By mailing a copy to a person being charged to their last known address.

7.4 The Violation Ticket shall state, inter alia:

- a) The name of the person being charged with an offence;
- b) The offence charged; and
- c) The specified fine for the offence as specified in Schedule "A" of the Bylaw, if applicable.

7.5 If, in the opinion of the Commissioner, a contravention of this Bylaw requires immediate action, the County may perform any work necessary to address the contravention of this Bylaw without prior notice and all costs incurred by the County will be payable by the person alleged to have contravened this Bylaw.

## 8. Effective Date

8.1 This Bylaw shall come into force and take effect upon being passed.



9. Repeal

9.1 Bylaw 1375/16 and any amendments thereto are hereby repealed.

Read a first time this 10<sup>th</sup> day of March, 2020.

Read a second time this 14<sup>th</sup> day of April, 2020.

Read a third time this 14<sup>th</sup> day of April, 2020.

"Original Signed"

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Alanna Hnatiw  
MAYOR

"Original Signed"

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Reegan McCullough  
COUNTY COMMISSIONER

April 17, 2020

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DATE SIGNED

**If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.**

Schedule "A"

Offence	Fine
Section 3.3 Burn without Valid Burning Permit	\$500
Section 3.7 Fail to post SMOKE warning signs	\$500
Section 5.1 Burn in area zoned (R1, R2, R3 & R4) if Lot less than one Acre	\$500
Section 5.2 Burn Large Bush Piles within zoned (R1, R2, R3 & R4) area	\$500
Section 5.3 Burn Windrow Piles within zoned (R1, R2, R3 & R4) area	\$500
Section 5.4 Burning of building related materials, waste, used or produced during construction of homes, sheds, and or outbuilding in area zoned (R1, R2, R3 & R4)	\$500
Section 5.5 Burn during a fire restriction or fire ban	\$500
Section 5.6 Fail to comply with fire permit terms/conditions	\$500
Section 5.7 Burn for the purpose of ground thawing	\$500
Section 5.8 Obstruct Peace Officer/Fire Guardian/Fire Department Member	\$1,000
Section 5.9 Owner allow fire without valid Fire Permit	\$500
Section 5.10 No person shall burn Prohibited Debris	\$500
Section 5.11 Allow fire to burn that obstructs/disruption to traffic or roadways	\$500
Section 5.12 Burn fire that causes discomfort to neighbouring property/residents	\$500
Section 5.13 Ignite a fire and allow a running fire on any property and pass to another property.	\$500
Section 5.14 Burning of grass or stubble	\$500
Section 5.15 Burn on/within County Municipal Reserve/Natural Area	\$500
Section 5.16 Burn any type of vehicle	\$500
Section 5.17 Burn within designated Industrial Parks or Industrial worksites	\$500
Section 5.18 Burning in areas of peat moss or peaty soil	\$500

Note: Should person(s) be proven to have committed subsequent offences within 12 months of their first offence, the applicable specified penalty shall be double the amount set out above.

**From:** [Warren Toews](#)  
**To:** [Legislative Services](#)  
**Subject:** Appeal board hearing SDAB File Number 023-STU-004  
**Date:** March 29, 2023 10:30:01 PM

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Greetings council,

I am writing with the response to ask the council to not renew the lease on the parcel of Lot R7, Block 4, Plan 761623. I will mention that our small children and several others in the immediate vicinity would be able to access a safe passage of green space to playing on the hill through the winter and summer and access points for many to safely board school buses on Estate Way. There are no sidewalks in our area and the narrow roads put people and vehicles in tight proximity.

We are land owners that have dealt with several pipelines over the last 20 years and it is clear that we are allowed to farm over the right of way but in no way can any development be approved within 500 meters without the pipeline company's consent.

It will be a travesty if a representative of Pembina is not in attendance for this issue. This should not be a civic issue as the pipeline company should have continued to clearly outline expectations as to landscaping of a right of way. Time and effort were put forward to beautify the ROW. They should have been doing periodic inspections and at that time expressed the action to remove planted trees on the ROW and to remove any permanent structures. At no point should the county have had any agreements regarding landscaping on property that was not under its control.

I do not know what constitutes a landscape agreement but it now appears that it carried on too long and as such there will be a cost associated with some hurt feelings.

Regards,

Warren Toews



**From:** [Pamela Wagil](#)  
**To:** [Legislative Services](#)  
**Subject:** Appeal Board Hearing SDAB File Number 023-STU-004  
**Date:** March 30, 2023 7:27:55 AM

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To Whom This May Concern,

I am writing in regards to the public hearing being held Tuesday, April 4, 2023 about the proposed lease of portion of Lot R7, Block 4, Plan 7621623.

With notice of this appeal for proposed lease and encroachment agreement, I am sharing our concern about entertaining this agreement any further.

We currently own and reside at 24 Manorview Crescent, 2 doors down from the proposed lease site, and we would be disappointed to hear of this development permit, or any sort of encroachment agreement being granted. The resident proposing this appeal (Hyska) has demonstrated complete lack of care and attention to any previous agreements with himself and the county (over 20 years or more), and I would suspect the very same behaviour again.

We would love to see the naturalization and opening of the space (which currently very much appears to be private residence). We moved to this home 7 years ago, and to the neighbourhood 13 years ago, and as our family grows, we notice the lack of sidewalks and trails available for our family (and all families) to safely travel through the development. For recreation purposes, or to access safe bussing, it would be so beneficial to have these public spaces available so that our children may walk and bike to access their family and friends homes as well as school transportation safely.

There is a lot of pedestrian traffic on our roads every day, and I believe that this municipal reserve space is an excellent opportunity for the County to create continuous pathways for the residents to move around safely.

I appreciate the opportunity to share our perspective, and I thank you for your time. I hope there's a resolution to benefit the community as a whole, as we really love living in this community and plan to be here for many years to come.

Sincerely,

Pamela Wagil

Severed in line with section 17 of the FOIP Act

**From:** [Pstip](#) [REDACTED]  
**To:** [Legislative Services](#)  
**Subject:** Appeal Board Hearing SDAB File Number 023-STU-004  
**Date:** March 30, 2023 10:03:30 PM

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To Whom It May Concern:

We have received a notice of appeal board hearing regarding our subdivision. Right away there is a concern that the notice of the hearing is dated March 21, 2023 and that the Canada Post mark shows that this notice was sent out March 23, 2023. We did not receive this notice in our mail until March 29. The document states that if we wish to make a written statement it must be made at least 5 days prior to the hearing date which means the cut off date is March 30. That does not give much time to review the documents not to mention to write our concerns. This feels that this appeal board is not giving sufficient notice to concerned neighbours to submit a proper response in a reasonable amount of time.

If you review the attached aerial photo from March 14, 2023, you can see that the existing uncovered deck, pergola and fence are not the only areas of concern. It is very clear that the main house structure clearly does not comply with current easement regulations.

The original agreement dated May 11, 1993, clearly states 'consents to the landscaping of pipeline right of way to Darell Hyska'. It appears that right from day one, Mr. Hyska did not follow the agreed upon development of this land. He took it upon himself to take ownership of this land even though the agreement clearly states maintenance and landscaping only. He is now requesting encroachment rights which clearly goes against any development of structures on this land.

Over the years, there has been several investigations completed by County administration and it appears that all these have gone on deaf ears of Mr. Hyska. He has continued to build and develop on county land knowing full well that he was going against his original agreement. He has continued right up to last year to go against any direction given by the county. Mr. Hyska has shown no regard about his immediate neighbours and constantly bullies and shows aggression towards us to keep getting his way. Several times, when speaking to county personnel, they indicated that they feel that he is intimidating and aggressive to the staff to back off and to let him continue to do things his way. It is clearly visible that he is not willing to follow guidelines and allowing this encroachment and he will continue to expand and develop onto county land. Over the years, he has put, what would be deemed as permanent structures onto county land and has been advised to stop doing so, but he continues to further develop county land to his own advantage and benefit.

This land is clearly marked as public utility land owned by the MD but Mr. Hyska treats it as his own and refuses, quite harshly, to allow any other residents access. If you look north and south of his property, there are clear open areas aligned with this section of land that no other residents have encroached upon to make it their 'private property'.

Please review the map that was sent to residents, that was prepared on March 14, 2023, Lot 1, block 4, plan 7621623, Upper Manor. It clearly shows how much Mr. Hyska has developed on that public land and at this point denying this appeal would be the only way to stop any further development onto this land.

Thank you for your consideration to our concerns. Because we are on the same easement, we are concerned about the outcome of this appeal. We feel that because we have respected the rules and regulations of the county, others should as well and should not have more rights because they can bully the county to get things their way.

Respectfully submitted,

Paul and Sheila Tipping  
51 Estate Way East