

December 20, 2022
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING AGENDA
COUNCIL CHAMBERS AND VIDEOCONFERENCE
2:00 p.m.

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

2. SCHEDULE OF HEARINGS:

2.1	Appellant: John Cordeiro	022-STU-016	Subdivision Appeal
2.2	Appellant: James and Laura Betz	022-STU-017	Development Appeal
2.3	Appellant: Harald Pfeiffer	022-STU-018	Subdivision Appeal

3. ADJOURNMENT

Appeal #1

022-STU-016 Appealing the refusal of the
Subdivision Authority



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

CORDEIRO, JOHN

Receipt Number: 202207550
 GST Number: 107747412RT0001
 Date: 2022-11-16
 Initials: SH

Severed in line with section 17 of the FOIP Act

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

November 22, 2022

SDAB File Number: 022-STU-016

Dear John Cordeiro:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: SE 23-55-26-W4
Subdivision Application Number: 2022-S-032
Decision of Subdivision Authority: The subdivision application was refused.

An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on November 16, 2022. In accordance with section 686(2) of the *Municipal Government Act*, the SDAB must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **December 6, 2022 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 206 655 892#. This should connect you directly into the hearing.

When an appeal is received, the Applicant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than December 1, 2022.

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) 939-8279 or email legislativeservices@sturgeoncounty.ca.

Lisa Schovanek
Secretary, Subdivision and Development Appeal Board

November 22, 2022

SDAB File Number: 022-STU-016

Dear Resident:

**NOTICE OF
APPEAL BOARD HEARING**

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

Legal Description of Subject Property: SE 23-55-26-W4
Subdivision Application Number: 2022-S-032
Decision of Subdivision Authority: The subdivision application was refused.

Applicant/Appellant: John Cordeiro

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

- The Appellant would like the house subdivided from the land in order to be able to keep the land.
- The house has been abandoned for three years and is on a slough.
- The Appellant cannot afford to keep the house as part of the land and does not want to lose everything.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **December 6, 2022 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 206 655 892#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca 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 December 1, 2022.

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) 939-8279 or send email to legislativeservices@sturgeoncounty.ca.

Lisa Schovanek
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.

Appeal File Number: 022-STU-016
Application Number: 2022-S-032
Appeal Against: Subdivision Authority of Sturgeon County
Appellant/Applicant: John Cordeiro
Date and Location of Hearing: December 6, 2022
Council Chambers and Through Electronic Communications
Date of Decision: December 12, 2022
SDAB Members: Chair Julius Buski, Lee Danchuk, Amanda Papadopoulos

NOTICE OF DECISION

IN THE MATTER OF an appeal by John Cordeiro against the Subdivision Authority's refusal of a subdivision application to subdivide 1 hectare from 28.10 hectares on SE 23-55-26-W4 within Sturgeon County.

- [1] This is the decision of the Sturgeon County Subdivision and Development Appeal Board (the "SDAB" or "Board") on a subdivision appeal filed with the SDAB pursuant to section 678 of the *Municipal Government Act*, RSA 2000, c. M-26 (the "MGA" or "Act").
- [2] In making this decision, the Board reviewed all the evidence presented and considered provisions of the *Municipal Government Act*, Sturgeon County's Land Use Bylaw 1385/17 and Sturgeon County's Municipal Development Plan (MDP), and any amendments thereto.
- [3] The following documents were received prior to the hearing and for part of the record:
- The Notice of Appeal;
 - A copy of the subdivision application with attachments;
 - The Subdivision Authority's written decision; and
 - Planning & Development Services Report.

PROCEDURAL MATTERS

The Clerk of the SDAB advised that notice of the hearing was not provided in accordance with the requirements of section 679 of the *Municipal Government Act*. The Appellant has been notified and has confirmed his availability to attend on December 20, 2022 at 2:00 p.m.

DECISION

[4] The Board adjourns the matter to December 20, 2022 at 2:00 p.m.

REASONS FOR THE DECISION

[5] Notice of the hearing was not provided in accordance with section 679 of the *Municipal Government Act*. Notice of the hearing must be provided in accordance with the Act in order for the Board to hear arguments on the merit of the appeal.

[6] The Appellant confirmed that he is available on the next scheduled SDAB Hearing date, December 20, 2022.

Dated at the Town of Morinville, in the Province of Alberta, this 12th day of December, 2022.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Sturgeon County



Julius Buski, Chair

Pursuant to section 688(1)(a) of the *Municipal Government Act* (MGA), an appeal of a decision of the Subdivision and Development Appeal Board lies with the Alberta Court of Appeal on a matter of law or jurisdiction. In accordance with section 688(2)(a), if a decision is being considered, an application for permission to appeal must be filed and served within 30 days after the issuance of the decision and, notice of the application for permission must be provided to the Subdivision and Development Appeal Board and in accordance with section 688(2)(b), any other persons that the judge directs.

APPENDIX "A"

List of Submissions

- Notice of Appeal
- A copy of the subdivision application
- The Subdivision Authority's written decision
- Planning & Development Services' Report

From: [Dianne Mason](#)
To: subdivisions@contractlandstaff.com; ["AER \(setbackreferrals@aer.ca\)";](mailto:AER(setbackreferrals@aer.ca)) ahs.ez.subdivisionrequests@ahs.ca; landserv@fortisalberta.com; thirdpartyrequests@agutl.com; swalter@sturgeon.ab.ca; circulations@telus.com; [Canada Post \(david.kruger@canadapost.postescanada.ca\)](mailto:Canada Post (david.kruger@canadapost.postescanada.ca)); [Canada Post \(gary.stoodley@canadapost.postescanada.ca\)](mailto:Canada Post (gary.stoodley@canadapost.postescanada.ca)); [Canada Post \(mark.brookes@canadapost.postescanada.ca\)](mailto:Canada Post (mark.brookes@canadapost.postescanada.ca))
Subject: Subdivision and Development Appeal
Date: December 6, 2022 3:26:00 PM
Attachments: [7. Notice of Hearing Adjacent Authorities HYBRID.pdf](#)
[8. Site Map.pdf](#)
[9. Hearing Process In person HYBRID.pdf](#)
[image001.png](#)

Good afternoon,

Attached you will find information regarding a Subdivision Appeal for file 2022-S-032, SE 23-55-26-W4 in Sturgeon County.

Thank you.

Dianne Mason

Legislative Officer

780-939-8277

dmason@sturgeoncounty.ca

sturgeoncounty.ca

9613 100 Street, Morinville, AB T8R 1L9



December 6, 2022

SDAB File Number: 022-STU-016

To Whom it May Concern:

**NOTICE OF
APPEAL BOARD HEARING**

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

Legal Description of Subject Property: SE 23-55-26-W4
Subdivision Application Number: 2022-S-032
Decision of Subdivision Authority: The subdivision application was refused.

Applicant/Appellant: John Cordeiro

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

- The Appellant would like the house subdivided from the land in order to be able to keep the land.
- The house has been abandoned for three years and is on a slough.
- The Appellant cannot afford to keep the house as part of the land and does not want to lose everything.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **December 20, 2022 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 893 416 558#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca 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 December 15, 2022.

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.

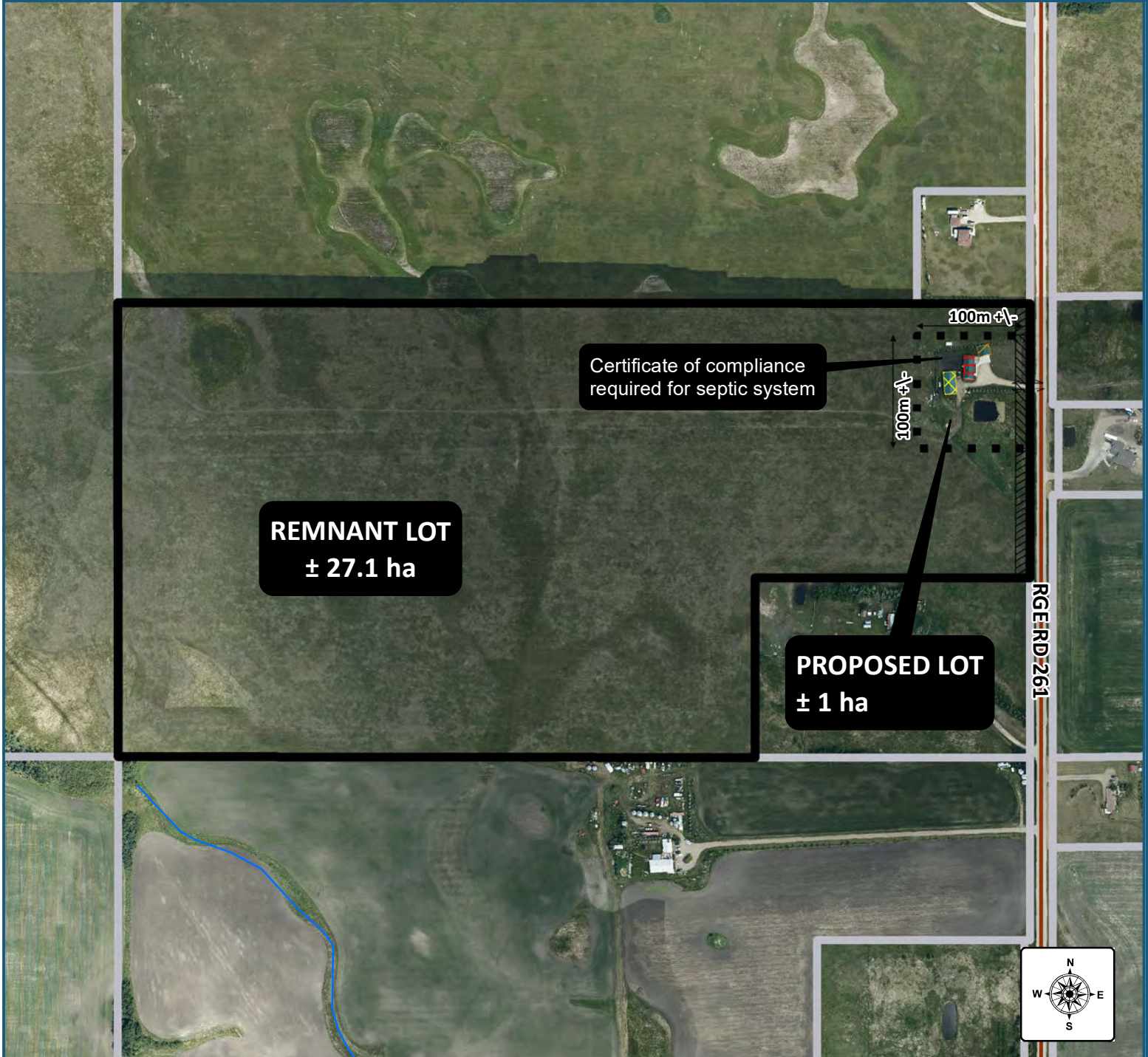
For further information, please call (780) 939-8279 or send email to legislativeservices@sturgeoncounty.ca.

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.

Exhibit 2 [Administration's Recommendation]

File Number: 2022-S-032



Legal Description: SE 23-55-26-W4


Municipal Address: 55308 Rge Rd 261

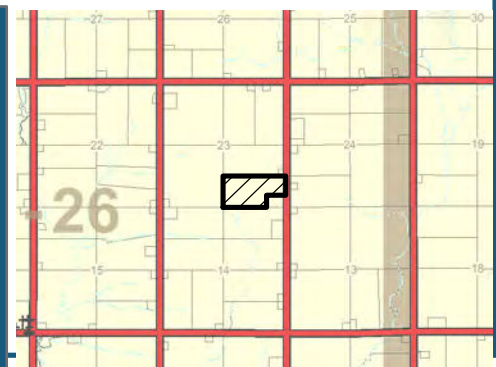
Roll Number: 3859000

LUB District: AG - Agriculture

Date: November 8, 2022

Legend:

-  Approach (Existing)
-  Shop
-  Garage
-  Residence
-  5m Road Widening (Survey)
-  5m Road Widening (Caveat)



Subdivision and Development Appeal Hearing Process

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

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

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

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

At the hearing . . .

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

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

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

PART II – APPLICATION FORM



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

Office Use Only

Initial Date Submitted: **October 5, 2022**

Application Fee: \$ **1175.00**

Receipt No: **202206809**

Date Accepted as "Complete": **October 6, 2022**

File Number: **2022-S-032**

Complete in full (where applicable):

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

**JOHN CORDEIRO
MARIA C. CORDEIRO**

Mailing address (including postal code)

Telephone

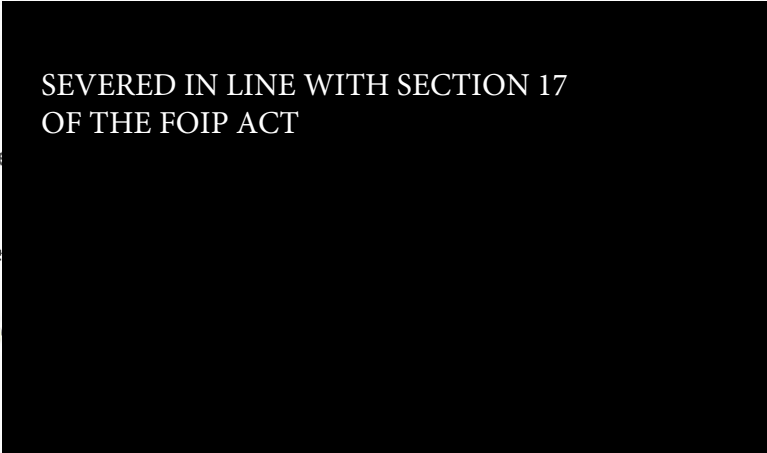
Email:

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

Mailing address (including postal code):

Telephone:

Email:



PROPERTY INFORMATION:

All/part of the: $\frac{1}{4}$ **SE** Sec: **23** Twp: **55** Range: **26** West of the: **4**th Meridian

OR Lot: Block: Plan: Land Title #

Municipal Address of Property: **55308 RR 261 STURGEON COUNTY AB**

Total existing property size (stated on land title certificate): hectares acres **69.9**

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

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

Detailed Description :

Freedom of Information and Protection of Privacy (FOIP) Act

The personal information provided will be used to process the application for subdivision and is collected under the authority of Section 653 of the *Municipal Government Act*, Section 5 of the *Subdivision Development Regulation* and Section 33 (c) of the *Freedom of Information and Protection of Privacy (FOIP) Act*. Personal information you provide may be recorded in the minutes for the Municipal Planning Commission. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 – 100 Street, Morinville, Alberta, T8R 1L9; or phone 780-939-8366.

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

I/We,

being the registered owner(s) of lands legally described as:

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

OR Lot: Block: Plan:

Municipal Address of Property:

do hereby authorize

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

Dated this day of , 20

Signature(s) of ALL Registered Landowners

Abandoned Oil and Gas Wells (Mandatory)

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

(Note: A map can be obtained online at <http://portal.aer.ca> or phone the AER's Customer Contact Centre at 1-855-297-8311).

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

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

OR

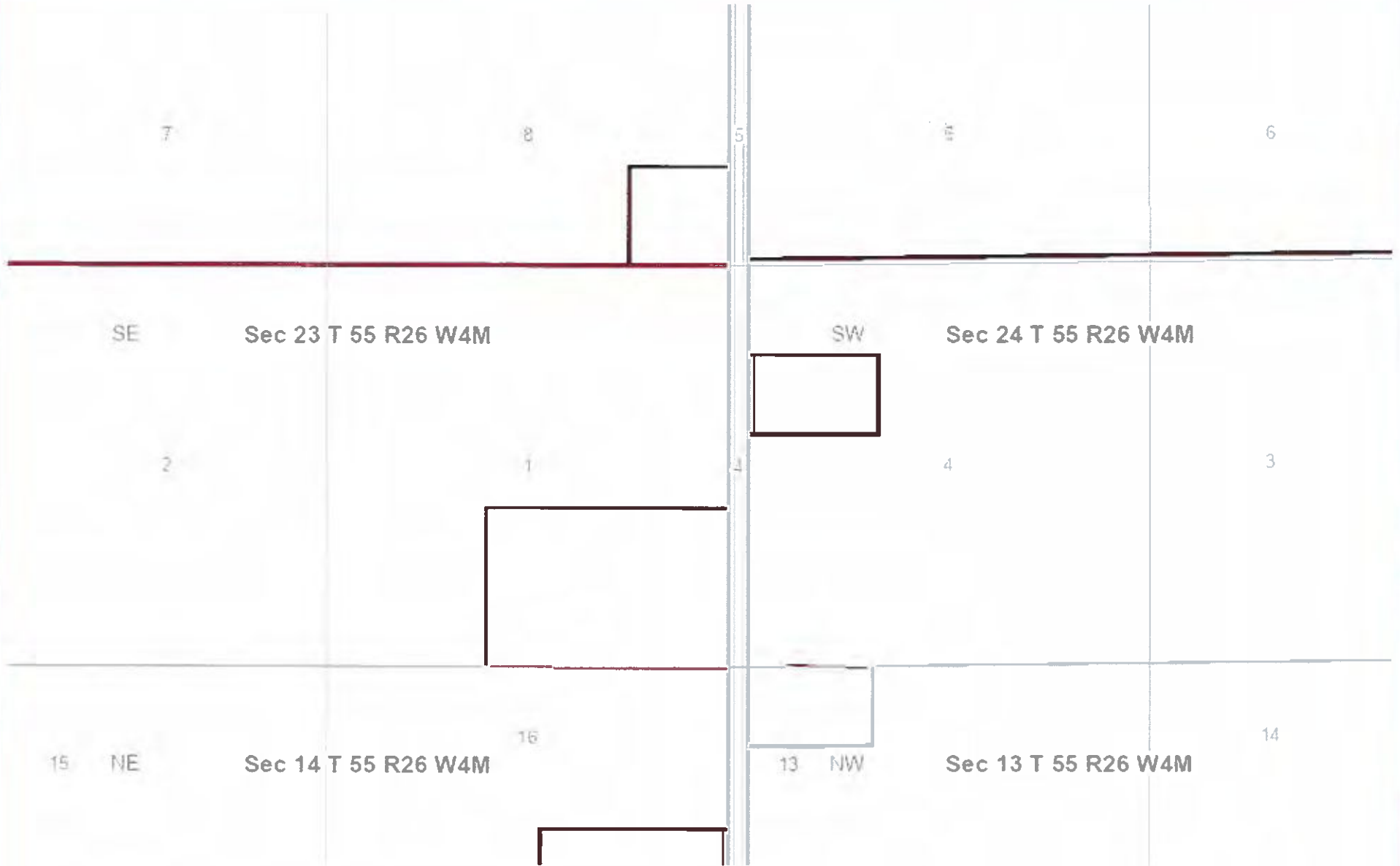
I do have an abandoned oil or gas well site(s) located on the property and, when developing in the future, must meet the setback and other potential requirements of the AER's Directive 079.

(See: www.aer.ca/rules-and-regulations/directives/directive-079)

Freedom of Information and Protection of Privacy (FOIP) Act

The personal information provided will be used to process the application for subdivision and is collected under the authority of Section 653 of the *Municipal Government Act*, Section 5 of the *Subdivision Development Regulation* and Section 33 (c) of the *Freedom of Information and Protection of Privacy (FOIP) Act*. Personal information you provide may be recorded in the minutes for the Municipal Planning Commission. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 – 100 Street, Morinville, Alberta, T8R 1L9; or phone 780-939-4321.

Map Title



Wednesday, October 05, 2022 15:01:40 -06:00

Map Scale: 1: 9,028



While every effort is made to ensure data from this site is accurate and current, the Government of Alberta is not liable for any loss or damage arising from the possession, publication, or use of, that data. This information is provided "as is" without warranty

Alberta Government
GeoDiscover Alberta

© Government of Alberta

Legend

- ATS Section with Road Allowance Label Above Hydro
- ATS Quarter Section with Road Allowance Label Below Hydro
- ATS Legal SubDivision with Road Allowance Label Below Hydro
- ATS Township Index Outline 8
- ATS Section with Road Allowance Outline 4
- ATS Quarter Section with Road Allowance Outline
- ATS Legal Subdivision with Road Allowance Outline
- ☆ Abandoned Wells (Large Scale)
- Abandoned_Well_Revised (Large Scale)
- Abandoned_Well_Loc_Pointer
- Cadastral Right of Way Line
- Cadastral Block and Lot Line
- Cadastral Survey Plan Line
- ATS v4_1 Alberta Provincial Boundary
- Citations

Right of Entry Authorization (Mandatory)

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



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

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

Affidavit (Mandatory)

I/We,

hereby certify that

I am the registered owner, or

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

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

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

SEVERED IN LINE WITH SECTION 17
OF THE FOIP ACT

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

Application Checklist

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

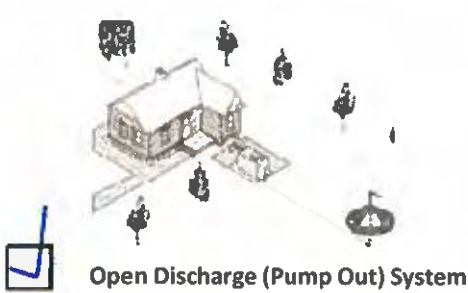
- Subdivision Application Fee** – see page 2 for details.
- Attached Abandoned Oil and Gas Well Map** – see page 6 for details.
- Attached Aerial Photographs** – see page 9 for details.
- Land Title Certificate** – available at any Alberta Registries office. Must be up-to-date within one month.
- Corporate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

Freedom of Information and Protection of Privacy (FOIP) Act

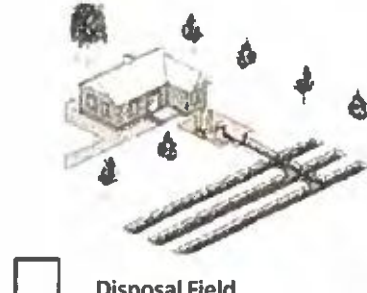
The personal information provided will be used to process the application for subdivision and is collected under the authority of Section 653 of the *Municipal Government Act*, Section 5 of the *Subdivision Development Regulation* and Section 33 (c) of the *Freedom of Information and Protection of Privacy (FOIP) Act*. Personal information you provide may be recorded in the minutes for the Municipal Planning Commission. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 – 100 Street, Morinville, Alberta, T8R 1L9; or phone 780-939-4321.

Sewage Disposal (Mandatory)

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



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



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



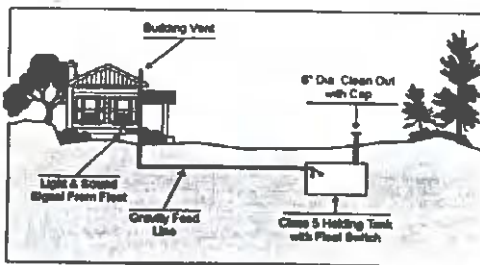
Treatment Mound
 A system where the effluent treatment area includes a bed of sand and is built above ground to overcome limits imposed by proximity to water table or bed rock, or by highly permeable or impermeable soils.



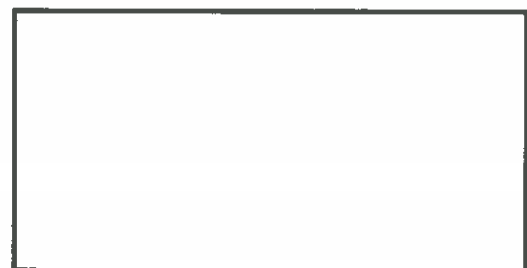
Sewage Lagoon
 A shallow artificial pond for the stabilization of sewage or effluent.

No existing sewage disposal.

Municipal Sanitary Line



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



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

Drinking Water Supply (Mandatory)

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

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

Sewage Disposal (General Information)

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

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

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

If you have questions regarding sewage disposal, consult either:

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

OR

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

Map Title

Map Subtitle

29-Sep-21



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

NAD_1983_10TM_AEP_Resource
© Sturgeon County

Prepared By: _____

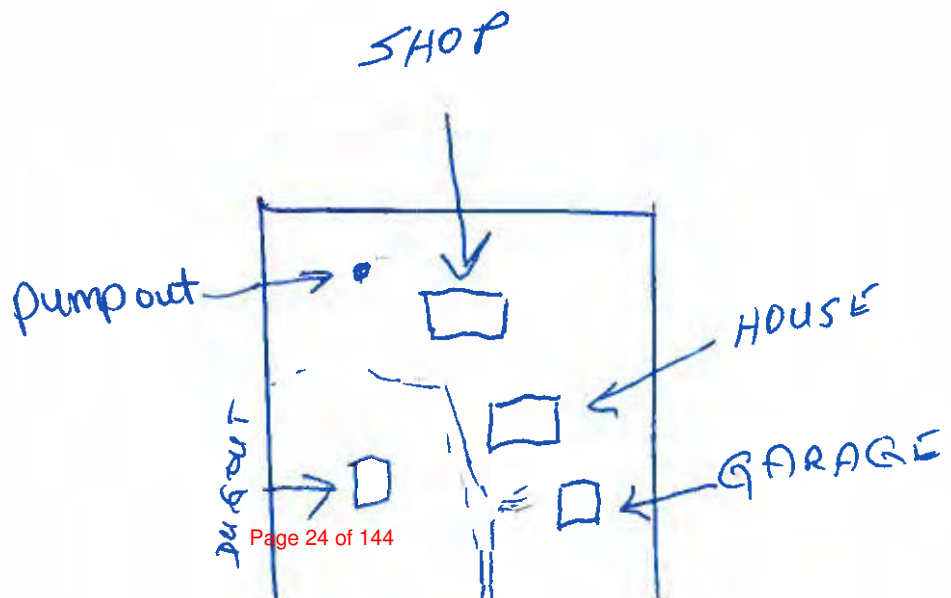


JOHN CORDEIRO

SE 23 55 26 4

69.9 acres

35308 RR261



November 16, 2022

SEVERED IN LINE WITH SECTION 17 OF THE FOIP ACT

Re: Proposed Subdivision
Our File No.: 2022-S-032
Legal Land Description: SE 23-55-26-W4
Proposal: 1 hectare (2.47 acres) from 28.10 hectares (69.4 acres).

Please be advised that the above-mentioned subdivision application was **REFUSED** by the Subdivision Authority on **November 16, 2022**.

THE REASONS FOR REFUSAL ARE:

1. Part 654(1) of the Municipal Government Act requires that: *“A subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended; (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.”*
2. The proposal does not conform with the Municipal Development Plan as per Section 654(1) of the Municipal Government Act. The policies are noted below:
 - a) The maximum agricultural density as outlined in Policy 2.3.15 of the County’s Municipal Development Plan would be exceeded with this application.
 - b) No plan amendment or redistricting application has been received to support increased densities as outlined in Policy 2.3.16 of the County’s Municipal Development Plan.
3. The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the Municipal Government Act. The regulations are noted below:
 - a) The proposal for further subdivision on this quarter section will exceed the maximum combined density of four parcels as outlined under 11.1.3(a) of the County’s Land Use Bylaw.

ADVISORY NOTES

- Attached with the official decision letter will be an electronic and physical copy of the information required to submit an appeal to the Subdivision and Development Appeal Board. Pursuant to Section 678(2) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 14 days after receipt of the written decision. For the purpose of Section 678(2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed (date of the letter). Please note that there is a \$100.00 fee for any appeal.

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

Yours truly,



Program Lead, Current Planning

/sg

Encl:

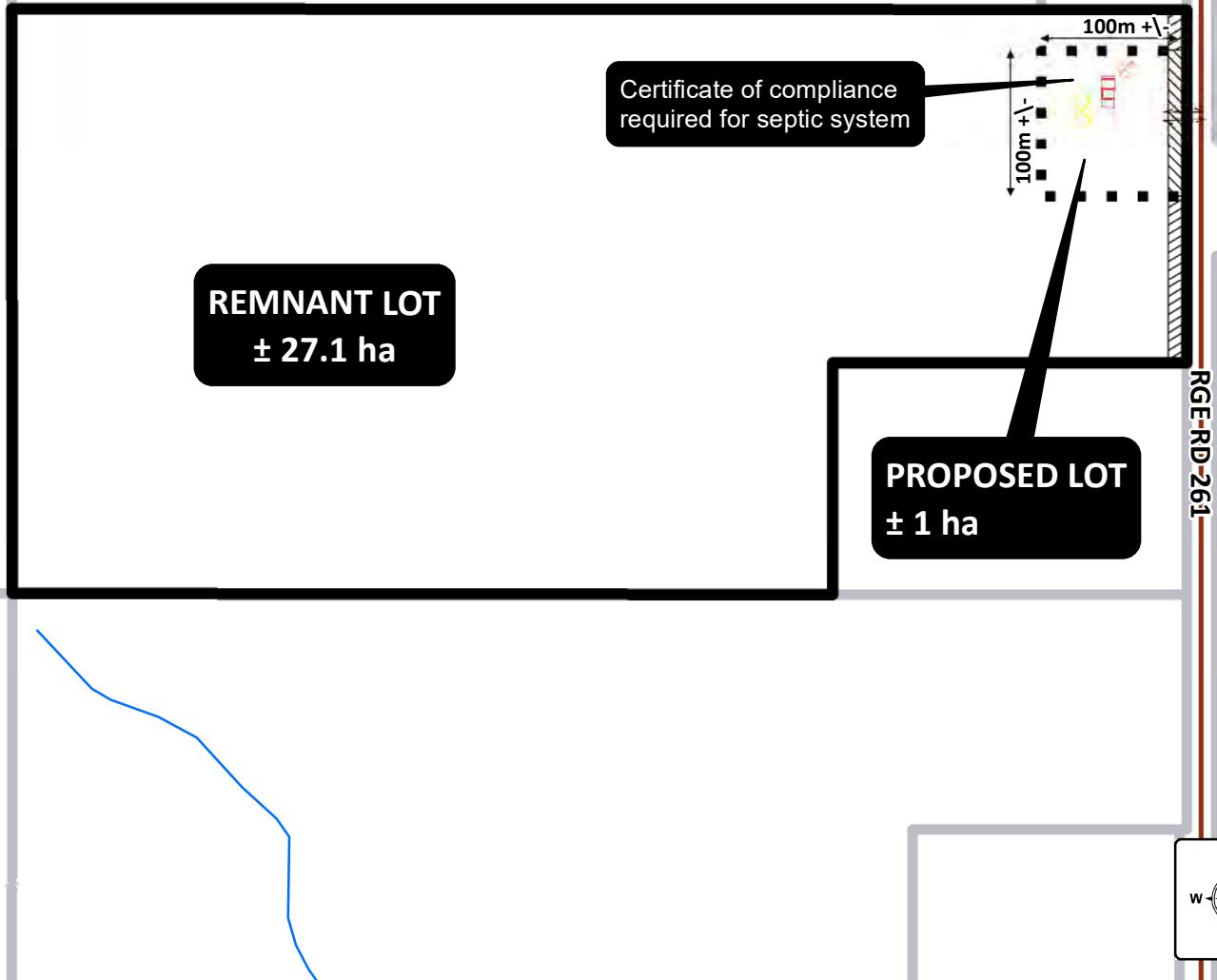
C: AltaLink Management Ltd.
Alberta Environment & Parks
Alberta Health Services
Apex Utilities
Canada Post
CIBC
Fortis Alberta
Sturgeon School Division
Telus Access Planning

If you wish to appeal this decision, contact the Secretary of the Subdivision and Development Appeal Board via email at legislativeservices@sturgeoncounty.ca or via letter at 9613 – 100th Street, Morinville, Alberta, T8R 1L9. Telephone enquires can also be made at 780-939-4321. Pursuant to Section 678(2) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 14 days after receipt of the written decision. For the purpose of Section 678(2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed (date of the letter). Please note that there is a \$100.00 fee for any appeal.

Exhibit 2 [Administration's Recommendation]

File Number: 2022-S-032

NOT APPROVED
BY STURGEON COUNTY
SUBDIVISION AUTHORITY
Date: NOVEMBER 16, 2022



Legal Description: SE 23-55-26-W4


Municipal Address: 55308 Rge Rd 261

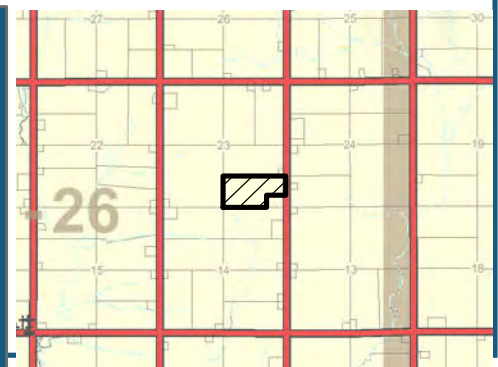
Roll Number: 3859000

LUB District: AG - Agriculture

Date: November 8, 2022

Legend:

-  Approach (Existing)
-  Shop
-  Garage
-  Residence
-  5m Road Widening (Survey)
-  5m Road Widening (Caveat)



PLANNING AND DEVELOPMENT SERVICES REPORT



FILE INFORMATION:		2022-S-032
Council Division:	4	
Tax Roll Number:	3859000	
Legal Land Description of Property:	SE 23-55-26-W4	
Landowner(s):	John Cordeiro and Maria Da Conceicao Cordeiro	
Applicant:	John Cordeiro	
Staff Recommendation	Refusal	
Appeal Board (if appealed):	Subdivision & Development Appeal Board	
Administrative Fees (if approved):	\$250 (subdivision endorsement); plus \$600 per new parcel created/adjusted.	

PART I – APPLICATION DETAILS:

1. As illustrated in Exhibit 1 (see **Appendix 4**), the applicant proposes subdivision of 1 hectare (2.47 acres) from 28.10 hectares (69.4 acres).

PART II – SUBDIVISION HISTORY:

1. Subdivision History:
 - 77-SC-35 – 80 acre split endorsed June 7, 1977
 - 93-SC-39 – 9 acre lot appealed, approved, and endorsed September 1, 1993
 - 2007-S-059 – 2.47 acre lot endorsed December 28, 2007

PART III – REFERRAL SUMMARY:

1. Sturgeon County Development Officer (see **Appendix 4**):
 - *Proposed Lot:*
 - o Aerial images show that the current dwelling (approx. 1,810ft²) was constructed between 2007 and 2011. Development and Building Permits will be required.
 - *Remnant Lot:*
 - o Vacant farmland.
2. Sturgeon County Engineering Services (see **Appendix 4**):
 - *Proposed Lot:*
 - o 5 metres required via plan of survey adjacent to Rge Rd 261.
 - o Existing approach upgrades to meet General Municipal Servicing Standards.

- *Remnant Lot:*
 - o 5 metres required via land acquisition agreement adjacent to Rge Rd 261.
 - o No existing approach. One must be constructed to General Municipal Servicing Standards.
3. Sturgeon County Agricultural Services (see **Appendix 4**):
 - *All Lots:*
 - o The layout leaves a small tract of land wedged between the proposed lot and the subdivided 1 Ha parcel directly to the North. This small section is unideal for large-scale agriculture and creates the potential for increased impacts of agricultural operations on both residences.
 - o Clustering of parcels should be considered as per RAMP policy.
 - o If approved, an alternative configuration is suggested to allow for a different style of septic system north of the original proposed lot. This configuration would also allow the remnant agricultural piece to retain the dugout.
 4. Alberta Health Services (see **Appendix 4**):
 - *All Lots:*
 - o The existing private sewage disposal system is to meet compliance with the current Alberta Private Sewage Disposal Regulations.
 - o This includes both setbacks to property lines and the water well identified on the parcel.
 5. No Objections:
 - Sturgeon County Protective Services, Sturgeon County Open Spaces, Apex Utilities, Fortis Alberta.
 6. No Responses:
 - Adjacent landowners, Alberta Energy Regulator, Alberta Environment and Parks, Altalink, Canada Post, Canadian Imperial Bank of Commerce, Sturgeon County Assessment Services, Sturgeon School District, Telus.

PART IV – ANALYSIS:

1. The applicant has proposed to create a 1 hectare (2.47 acres) parcel from 28.10 hectares (69.4 acres). This quarter section has already had three previous subdivisions, creating an 80-acre split and one acreage on both the north and south half. This proposal would create the fifth agricultural parcel on this quarter section.

The proposal does not align with the Residential Type 4 policies outlined within the Municipal Development Plan (see **Appendix 4**). More specifically with Policy 2.3.15 which outlines a maximum of four (4) parcels for every 64 hectares (quarter section):

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

Furthermore, with Policy 2.3.16 which notes a maximum of two acreage lots for every 64 hectares (quarter section):

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

The proposal is also inconsistent with the subdivision regulations of the AG- Agricultural District outlined in the Land Use Bylaw, which are noted within Section 11.1.3 (see **Appendix 4**). These regulations also outline a maximum of four parcels per agricultural quarter section, two of which can be acreages.

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

“...(b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.”

As this application is not consistent with a Sturgeon County Statutory Plan (the Municipal Development Plan) the subdivision authority does not have jurisdiction to entertain approval for this file and therefore it must be refused. The applicant may appeal to the Subdivision and Development Appeal Board (SDAB) if they wish to do so.

3. If the application were to be approved by the SDAB, the existing open discharge septic system would need to be replaced/upgraded to comply with the Alberta Private Sewage Standards of Practice.
4. If the application were to be approved by the SDAB, money in lieu of municipal reserve would be required, at a rate of \$1,233.79 (*determined at a rate of \$12,337.85 per hectare X 10% X 1.00 hectares = \$1,233.79*).

Note: The money-in-lieu calculation would be based on the actual amount of land (in *hectares*) shown on a plan of survey.

PART V – RECOMMENDATIONS:

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

1. Part 654(1) of the Municipal Government Act requires that: *“A subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended; (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.”*

2. The proposal does not conform with the Municipal Development Plan as per Section 654(1) of the Municipal Government Act. The policies are noted below:
 - a) The maximum agricultural density as outlined in Policy 2.3.15 of the County’s Municipal Development Plan would be exceeded with this application.

 - b) No plan amendment or redistricting application has been received to support increased densities as outlined in Policy 2.3.16 of the County’s Municipal Development Plan.

3. The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the Municipal Government Act. The regulations are noted below:
 - a) The proposal for further subdivision on this quarter section will exceed the maximum combined density of four parcels as outlined under 11.1.3(a) of the County’s Land Use Bylaw.

ADVISORY NOTES

- Attached with the official decision letter will be an electronic and physical copy of the information required to submit an appeal to the Subdivision and Development Appeal Board. Pursuant to Section 678(2) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 14 days after receipt of the written decision. For the purpose of Section 678(2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed (date of the letter). Please note that there is a \$100.00 fee for any appeal.

Prepared by: 

Jonathan Heemsker, Planning and Subdivision Officer

Reviewed by: 

Martyn Bell, Program Lead, Current Planning

NOTE: Appendices Attached...

Appendix 1: Excerpts from Municipal Government Act

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

2016 c24 s108

Approval of application

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

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

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

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

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

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

Conditions of subdivision approval

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

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

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

or both;

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

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

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

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

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

Decision

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

(2) A decision of a subdivision authority must state

Enacting Responsible Subdivision and Development Practices

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Creating Attractive and Complete Communities

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

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

Applying Responsible Residential Subdivision and Development Practices

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

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

Residential Type 3

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

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

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

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

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

Residential Type 4

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

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

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

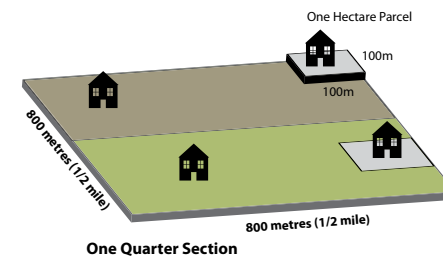
2.3.18 Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

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

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

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

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





residential character outcome

Understanding the impacts of generational succession and estate planning throughout the Neighbourhood and centralizing provision out of Riviere Qui Barre (RQB).

With convenient access to regional road networks and its relative proximity to both St. Albert and Morinville, the Neighbourhood has seen increased subdivision of Agricultural Parcels and rural residential Acreage Lots. To date, minimal assessment regarding the full impact of subdivisions, developments and associated needs for supporting potential new populations has occurred. The desired intent is to centralize community service provision out of Riviere Qui Barre. These services will reflect the rural needs of the population, while providing infrastructure that supports both the growth of Primary Industry and the agrarian nature of the community.

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

- ② Strengthening the viability of the agricultural industry and rural lifestyles through the application of Residential Type 4 policies (outside the Hamlets of Riviere Qui Barre and Alcomdale).
- ① Discouraging the development or expansion of Confined Feeding Operations (as per the AOPA notification schedule detailed in Appendix A-2) from the municipal boundaries of Morinville and Sturgeon County communities with densities in exceedance of Residential Type 4, in an effort to minimize land-use conflicts between working landscapes and residential communities.
- ② Respecting the Alexander First Nation Treaty Land Entitlement Settlement Agreement and referring all subdivision and development activity within the outlined boundary (see Map 3 on page 68) to the Alexander First Nation for comment.
- ① Establishing an administrative boundary for the Hamlets of Riviere Qui Barre and Alcomdale and implementing Residential Type 3 policies within the Hamlet of Riviere Qui Barre. Until an administrative boundary is identified through the Planning Document process, existing land-use zoning shall be used to identify where residential type policies are applicable.
- ② Considering the diversification of residential options for the Hamlet of Alcomdale through the allowance of increased residential densities to Residential Type 3 levels. Sturgeon County may contemplate applications that exceed Residential Type 4 levels, if the parcel densities range from five (5) to fifty (50) units per 64 hectares/160 acres and are detailed within an approved Local Planning Document.
- ① Giving regard to the existing residential character of Riviere Qui Barre and Alcomdale by requiring proposals for residential infill density to ensure that proposed lot location, size and servicing complement the existing community. Depending on the scale and impact of the proposed development, the approving authority may require additional Planning Documents to accurately assess the application.
- ② Limiting the infill of existing country residential subdivisions and Hamlets until the applicant provides a Needs Assessment (deemed complete to the satisfaction of the approving authority) that demonstrates a need for the additional residential development proposed.

PART 11 PRIMARY INDUSTRY DISTRICTS

11.1 AG – AGRICULTURE DISTRICT



.1 General Purpose

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

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

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

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

.2 Uses

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

* Refer to Section 6.1 for further clarification.

**Only allowed on AG-Major parcels

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

****Refer to Section 6.24 for further clarification.

1407/18; 1432/19; 1436/19

.3 **Subdivision Regulations**

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

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

.4 Development Regulations

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

1432/19

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

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

1432/19

.5 Additional Development Regulations

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

1407/18

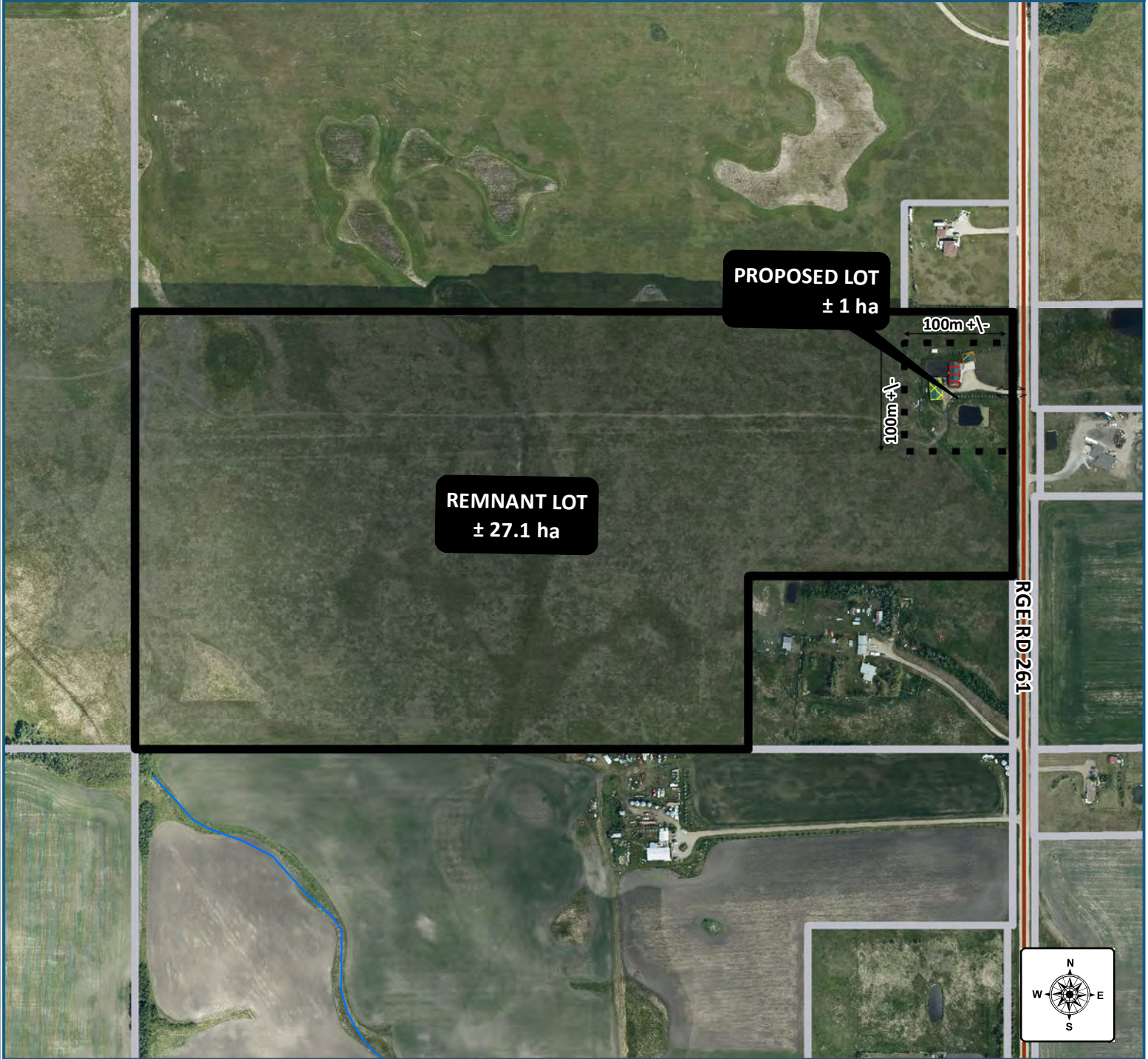
Appendix 4: Exhibits, Referrals & Miscellaneous

The documents within this appendix begin on the following page and is comprised of the following:

- Exhibit 1 – Applicant’s Submission
- Exhibit 2 – Administration’s Recommendation
- Development & Safety Code – Referral Response
- Engineering Services – Referral Response
- Agriculture Services – Referral Response

Exhibit 1 [Applicant's Submission]

File Number: 2022-S-032



Legal Description: SE 23-55-26-W4

Roll Number: 3859000


Applicant: John Cordeiro

Owner: John & Maria Cordeiro

LUB District: AG - Agriculture

Date: October 5, 2022

Legend:

-  Approach (Existing)
-  Shop
-  Garage
-  Residence

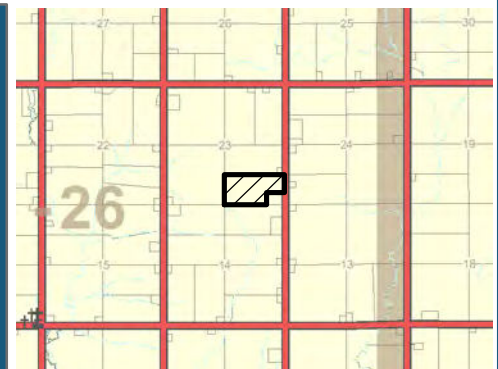
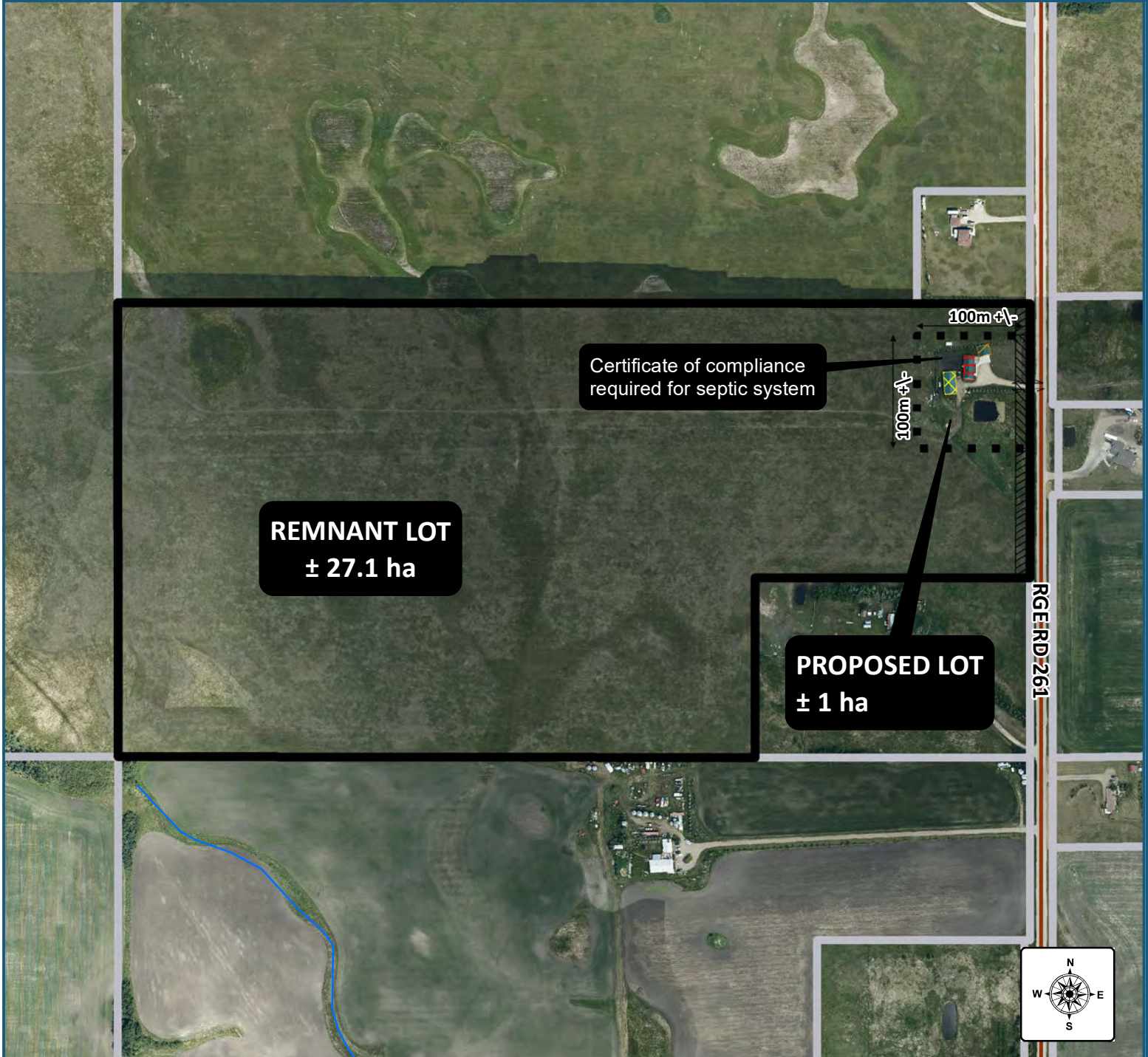


Exhibit 2 [Administration's Recommendation]

File Number: 2022-S-032



Legal Description: SE 23-55-26-W4



Municipal Address: 55308 Rge Rd 261

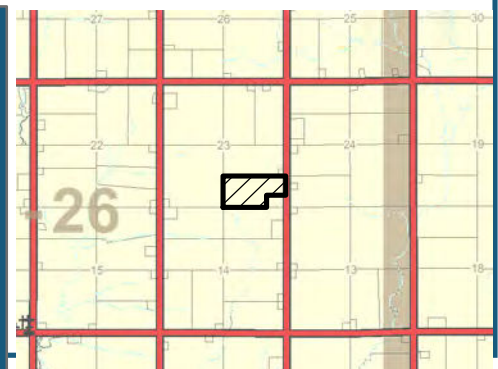
Roll Number: 3859000

LUB District: AG - Agriculture

Date: November 8, 2022

Legend:

-  Approach (Existing)
-  Shop
-  Garage
-  Residence
-  5m Road Widening (Survey)
-  5m Road Widening (Caveat)



MEMO

To: Shannon Gagnon
From: Yvonne Bilodeau
Date: Oct 13, 2022
Re: Proposed Subdivision
File No: 2022-S-032
Roll No: 3859000
Legal Description: SE 23-55-26-W4

The subject parcel is districted as AG – Agriculture according to Sturgeon County’s Land Use Bylaw 1385/17.

Remnant Lot

Vacant farmland

Proposed Lot

Sturgeon County Permit Records

- 82-78 Mobile Home (1,064ft²)
- 305305-10-B0068 Wood Burning Stove
- 305305-11-D0141 Detached Garage (305305-11-B0199)
- Farm Building Confirmation – Machine shop (1,800ft²) built in 2013

Aerial images show that the current dwelling (approx. 1,810ft²) was constructed between 2007 and 2011. Development and Building Permits will be required.

2011



2007



Lot: Proposed Lot

- **Existing fence?** No Yes (type: _____)
- **Existing shelterbelt?** No Yes
- **Site Assessment:** Required as approval condition Recommended prior to development Not applicable

Comments (Provide map and/or photographs to illustrate):

Proposed lot topography is flat. Homestead exists inside the proposed lot. A dugout exists inside the proposed lot closed to south property line. Any pre-existing geotechnical issues are unknown, therefore a geotechnical investigation is recommended prior to future development.

- **Land Dedication/Acquisition:** None 5 m 10 m Plan of Survey Caveat

Attach map to illustrate. Provide comments if necessary (e.g. rationale for additional land, such as planned road improvements):

Rge Rd 261 is a local gravel road in 20m right of way (R/W), the ultimate R/W will be 30m. In accordance to Grid Right of way dedication and acquisition policy. Sturgeon County requires 5m dedication along east property line.

- **Approach # 1** (label on map): None To be verified in spring Upgrades req'd Satisfactory

Current Status:

 Width: ~5m. Surface: gravel. Side-Slopes: _____. Culvert Size/Condition: 500mm culvert

Requirements to meet General Municipal Servicing Standards:

 Width: 7.5-9m. Surface: gravel. Side-Slopes: 3:1. Culvert Size/Condition: min 500mm culvert

Other Requirments: The proposed lot approach shall be upgraded to Sturgeon County General Municipal Service Standard and Sturgeon County approach construction guideline. Please widen the approach to minimum 7.5m, clean the culvert and overgrown vegetation, install rip rap etc. Detailed requirements will be provided after site inspection.

- **Approach # ____** (label on map): None To be verified in spring Upgrades req'd Satisfactory

Current Status:

Width: _____. Surface: _____. Side-Slopes: _____. Culvert Size/Condition: _____

Requirements to meet General Municipal Servicing Standards:

Width: _____. Surface: _____. Side-Slopes: _____. Culvert Size/Condition: _____

Other Requirments: _____

- **Other Comments/Observations** (e.g. third approach, structure/business/uses unspecified in application; or noteworthy discussions):

Please contact Fortis for vertical clearance if required.

Please contact utility company for gas services prior to any development.

Lot: Remnant Lot

- **Existing fence?** No Yes (type: _____)
- **Existing shelterbelt?** No Yes
- **Site Assessment:** Required as approval condition Recommended prior to development Not applicable

Comments (Provide map and/or photographs to illustrate):

Remnant lot topography is also flat. Any pre-existing geotechnical issues are unknown, therefore a geotechnical investigation is recommended prior to future development. Please see Alberta government wetland map for identified wetland/marsh land.

- **Land Dedication/Acquisition:** None 5 m 10 m Plan of Survey Caveat
- Attach map to illustrate. Provide comments if necessary (e.g. rationale for additional land, such as planned road improvements):
Rge Rd 261 is a local gravel road in 20m right of way (R/W), the ultimate R/W will be 30m. In accordance to Grid Right of way dedication and acquisition policy. Sturgeon County requires 5m acquisition along east property line.

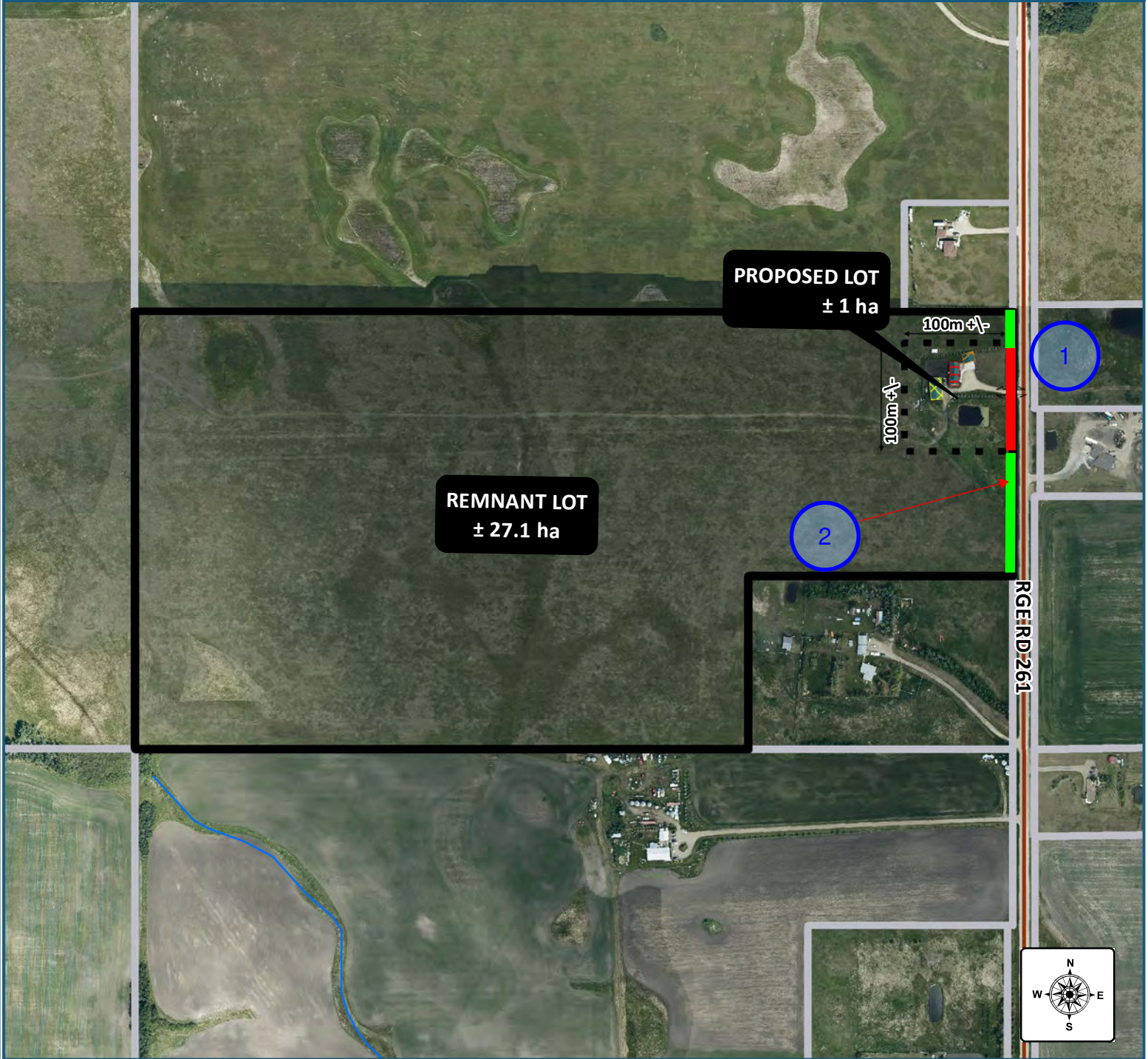
- **Approach # 2** (label on map): None To be verified in spring Upgrades req'd Satisfactory
- Current Status:**
 Width: _____. Surface: _____. Side-Slopes: _____. Culvert Size/Condition: _____
- Requirements to meet General Municipal Servicing Standards:**
 Width: 10-12m Surface: gravel. Side-Slopes: 3:1. Culvert Size/Condition: min 500mm culvert
- Other Requirements:** The proposed lot approach shall be built to Sturgeon County General Municipal Service Standard and Sturgeon County approach construction guideline. The preferred location to be line up with the existing approach of 55305 Rge Rd 261.

- **Approach # ____** (label on map): None To be verified in spring Upgrades req'd Satisfactory
- Current Status:**
 Width: _____. Surface: _____. Side-Slopes: _____. Culvert Size/Condition: _____
- Requirements to meet General Municipal Servicing Standards:**
 Width: _____. Surface: _____. Side-Slopes: _____. Culvert Size/Condition: _____
- Other Requirements:** _____

- **Other Comments/Observations** (e.g. third approach, structure/business/uses unspecified in application; or noteworthy discussions):
Please contact utility company for gas services prior to any development.

Exhibit 1 [Applicant's Submission]

File Number: 2022-S-032



Legal Description: SE 23-55-26-W4

Roll Number: 3859000

Applicant: John Cordeiro

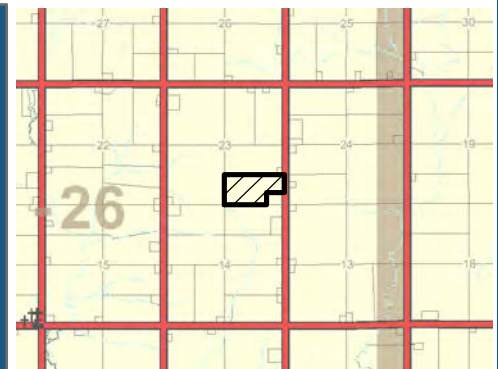
Owner: John & Maria Cordeiro

LUB District: AG - Agriculture

Date: October 5, 2022

Legend:

- Approach (Existing)
- Shop
- Garage
- Residence
- 5m caveat
- 5m plan of survey



Jonathan Heemskerk

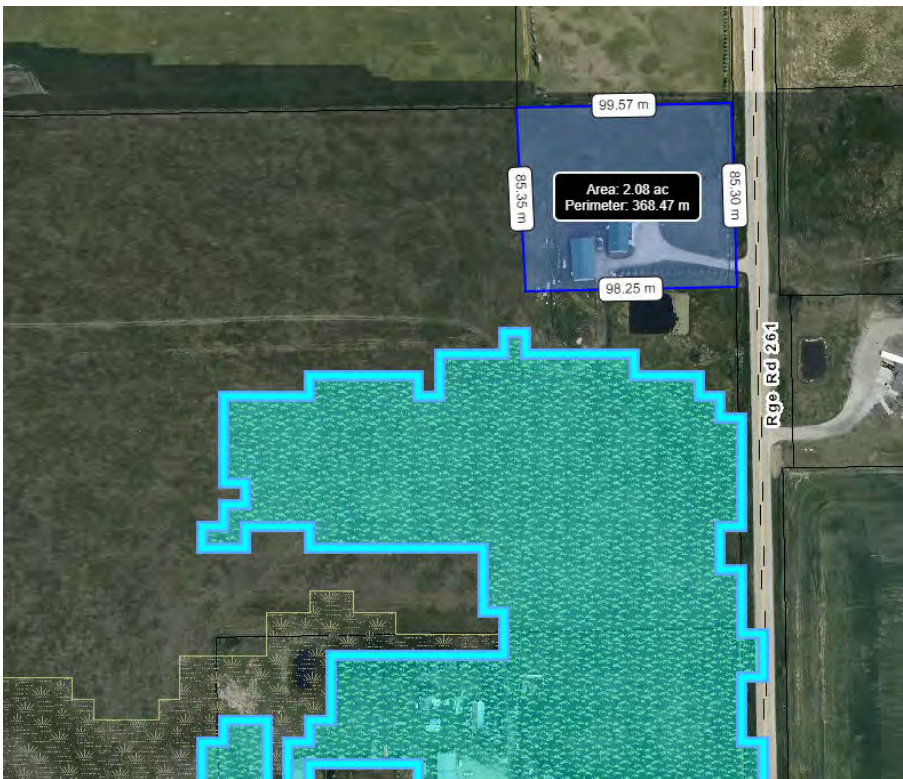
To: Planning & Development
Subject: RE: Proposed Subdivision in Sturgeon County - 2022-S-032

Hi There,

A few comments from a quick desktop review of this application: In the parcel layout proposed by the applicant a small tract of land is left wedged between the proposed lot and the subdivided 1 Ha parcel directly to the North. This small section is unideal for large-scale agriculture and creates the potential for increased impacts of agricultural operations on both residences. RAMP Policies (currently awaiting approval by the province) recommend clustering of residences to minimize impacts and that principle should be considered wherever possible (in this instance I believe it is). I would suggest that consideration be given to an arrangement similar to the one below instead should approval be considered for this subdivision. I recognize that the current design is proposed likely due to the location of the septic pump out, which would be required to be converted to different system on a 1 Ha parcel due to the inability to meet set back requirements for a pump out. As an additional benefit, the arrangement I am suggesting below allows for ample area for a septic field/mound system to be developed. I would also suggest that consideration be given to retaining the dugout on the remnant agricultural parcel as opposed to the smaller acreage lot so that it still has the ability to serve as a water source for agricultural uses (irrigation, livestock watering, etc) which are more likely to occur on the remnant parcel due to its size.

Please let me know if you require any additional information.

Angela



Angela Veenstra
Manager -Agriculture Services
780-939-8330
aveenstra@sturgeoncounty.ca
sturgeoncounty.ca
9613 100 Street, Morinville, AB T8R 1L9

October 27, 2022

Sturgeon County
Shannon Gagnon
Planning and Development
9613 – 100 St
Morinville, AB
T8R 1L9

E-mail: pandd@sturgeoncounty.ca

Dear Ms. Gagnon:

**RE: Proposed Subdivision
SE 23-55-26-W4M
55308 Range Road 261, Sturgeon County
Roll Number 3859000
File # 2022-S-032**

This application proposes to subdivide a developed 1 ha (2.47 ac) residential lot with a 27.1 ha remnant lot from a previously subdivided quarter section. There would be five lots within the quarter section with approval of this subdivision.

Any existing private sewage disposal systems that are on the lands are to meet compliance with the current Alberta Private Sewage and Disposal Systems Regulation. The application states the existing sewage disposal system is open discharge and a water well is also on the property. The location of these services and the distances to each other is not clearly provided within the application. Please be advised, according to the *Nuisance and General Sanitation Regulation* (AR 243/2003), drinking water wells must be located at least 50m from open discharge of sewage effluent.

Alberta Health Services – Environmental Public Health (AHS-EPH) has found no records of contaminated sites or landfills associated with this property. Please be advised that AHS records are not exhaustive and comments may be revised if new information is provided regarding the lands.

AHS-EPH has no concerns with the proposed subdivision provided the water well is adequately protected from the open sewage discharge location in accordance with the *Nuisance and General Sanitation Regulation*.

Sincerely,



Koreen Anderson, B.Sc., CPHI(C)
Public Health Inspector / Executive Officer

APPELLANT'S SUBMISSION RECEIVED

***NOTE:**

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

ADJACENT LANDOWNER WRITTEN SUBMISSIONS


*NOTE:

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

Appeal #2

022-STU-017 Appealing the
Development Authority's refusal to leave
an existing accessory building (fabric
structure 30 feet x 60 feet for personal use)
as built with a variance to the front yard
setback

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		
Municipal Address of site:	21 23516 TWP RD 560	
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter)	7720113;2;5 Hewitt Estates	
Development Permit number or Subdivision Application number:	305305-22-D0320	
Date Received Stamp		
Appellant Information:		
Severed in line with section 17 of the FOIP Act		
Name:	James/Laura Betz	Agent Name: (if applicable)
Phone:		
Mailing Address:	-----	City, Province:
Postal Code		Email:

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

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

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

When we originally called the County regarding the canvas shelter 17 years ago we were informed that because it was not a permanent structure it did not require a permit. Is there a compromise that we can come to such as paying for a variance to mitigate the costs that will be incurred to move the structure? We hope there is some middle ground or compromise that we can find on this issue. (Attach a separate page if required)

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

Severed in line with section 17 of the FOIP Act

Signature of Appellant/	Date:	25-11-22
	OFFICE USE ONLY	
SDAB Appeal Number:	Appeal Fees Paid:	Hearing Date:
	<input type="checkbox"/> Yes <input type="checkbox"/> No	YYYY/MM/DD

Due to the slopes on our property, and access by our driveway and also by the location of the power lines and other services. The area we chose was best suited for access and being the least interference with the neighbours. It is located next to a treeline along the property. As it is not a permanent structure with a foundation. If for whatever reasonable reason it would be needed to be moved due to construction or future developments it is not totally impossible. We feel that its location is beneficial to us for access and land use, and non evasive to views for the neighbours as it is barely visible from any access into the subdivision. It has been at this location for the past 17 years without any complaints from neighbours. We have resided at this location for 32 years without any issues from any surrounding neighbours. We keep to ourselves and help any neighbours that may approach us. Why after 17 years is the county making this an issue. We are willing to pay for any permit or variance fees. We are law and policy abiding citizens that were misled by a phone call and feel we deserve the benefit of the doubt around these circumstances.

DUE TO HIS CALCULATION METRES TO FEET IT IS ACTUALLY
20' 7" FROM PROPERTY LINE A DIFFERENCE OF ONLY
3' 8"



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

BETZ, JAMES & LAURA

Receipt Number: 202207769
 GST Number: 107747412RT0001
 Date: 2022-11-25
 Initials: CS

Severed in line with section 17 of the FOIP Act

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

November 29, 2022

SDAB File Number: 022-STU-017

Dear James and Laura Betz:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property:	Plan 7720113; Block 2; Lot 5 Hewitt Estates
Decision Regarding Proposed Development:	A development permit was refused to leave an existing accessory building (fabric structure 30 feet x 60 feet for personal use) as built with a variance to the front yard setback

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on November 25, 2022. 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 **December 20, 2022 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 893 416 558#. 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 at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than December 15, 2022.

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.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

November 29, 2022

SDAB File Number: 022-STU-017

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 7720113; Block 2; Lot 5 Hewitt Estates
Rural Address of Subject Property: 21 23516 Twp Rd 560

Decision Regarding Proposed Development: A development permit was refused to leave an existing accessory building (fabric structure 30 feet x 60 feet for personal use) as built with a variance to the front yard setback

Appellants: James and Laura Betz

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

- The structure has been in the same location for 17 years.
- Since it is not a permanent structure, the Appellants believed it did not require a development permit.
- It is in a location that is convenient and the neighbours' views have not been affected.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **December 20, 2022 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 893 416 558#. 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 at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than December 15, 2022.

**SUBDIVISION and
DEVELOPMENT**

APPEAL BOARD

Sturgeon County
9613-100 Street, Morinville, AB T8R 1L9

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.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

22-D0320, Circulation Map

Map Subtitle

9-Nov-2022



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

NAD_1983_10TM_AEP_Resource
© Sturgeon County

Prepared By: _____
Page 63 of 144



Lot 5, Block 2, Plan 7720113 #21 23516 TWP RD 560

Hewitt Estates - Existing Accessory Building

28-Nov-2022



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

NAD_1983_10TM_AEP_Resource
© Sturgeon County

Prepared By:
Page 64 of 144

Development Services



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: PlanD@sturgeoncounty.ca

Notification of Decision Letter

Severed in line with section 17 of the FOIP Act

Date: Nov 9, 2022

Permit Number: 305305-22-D0320

To: Betz, James

Email:

Re: Decision of the Development Officer

Please be advised that development permit #305305-22-D0320 to leave an existing accessory building (fabric structure 30ft x 60ft) as built with a variance to the front yard setback was **REFUSED** on Nov 9, 2022.

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. An appeal should be received no later than **November 30, 2022**.

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

Yours truly,

A handwritten signature in cursive script that reads 'C Williams'.

Carla Williams
Development Officer

Development Permit

Land Use Bylaw 1385/17

Permit No.:	305305-22-D0320
Tax Roll No.:	1161009
Decision Date:	Nov 9, 2022
Effective Date:	Nov 30, 2022

Severed in line with section 17 of the FOIP Act

Applicant

Name: Betz, James
Address:

Phone:
Cell:
Email:

Owner

Name: Betz, James
Address:

Phone:
Cell:
Email:

Property Description

Legal Land Description: 7720113; 2; 5 Hewitt Estates
Land Use Description: Country Residential District
Rural Address: 21 23516 Twp Rd 560

Description of Work

To leave an existing accessory building (fabric structure 30ft x 60ft for personal use) as built with a variance to the front yard setback

Fees

Accessory Building, Discretionary Use / Variance Request	\$210.00
--	----------

Permit Decision:

The application to leave an existing accessory building (fabric structure 30ft x 60ft in floor area) as built with a variance to the front yard setback is **REFUSED** for the following reasons:

- Pursuant to section 12.1.4 of Land Use Bylaw 1385/17, as amended, Development Regulations within the R1 – Country Residential District, *the minimum front yard setback is 12m (39.4ft) abutting a local road.* The accessory building is located 4.6m (15ft) from the front property line.

Required Front Yard:	12m (39.4ft)
Actual Front Yard:	4.6m (15ft)
Variance Required:	7.4m (24.3ft) or 61.7%

- Pursuant to section 2.8.6 of Land Use Bylaw 1385/17, as amended, Decision Process, Table 2.1 and (b) *variances for the districts listed in Table 2.1, in excess of what is prescribed shall be refused by the Development Authority.* In accordance with Table 2.1, the maximum percentage of variance that may be granted by the Development Authority in the R1 – Country Residential District is 40%. The requested variance is 61.7% and had to be refused.

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

Issued By:



Carla Williams
Development Officer

Municipality

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

Appeal Information

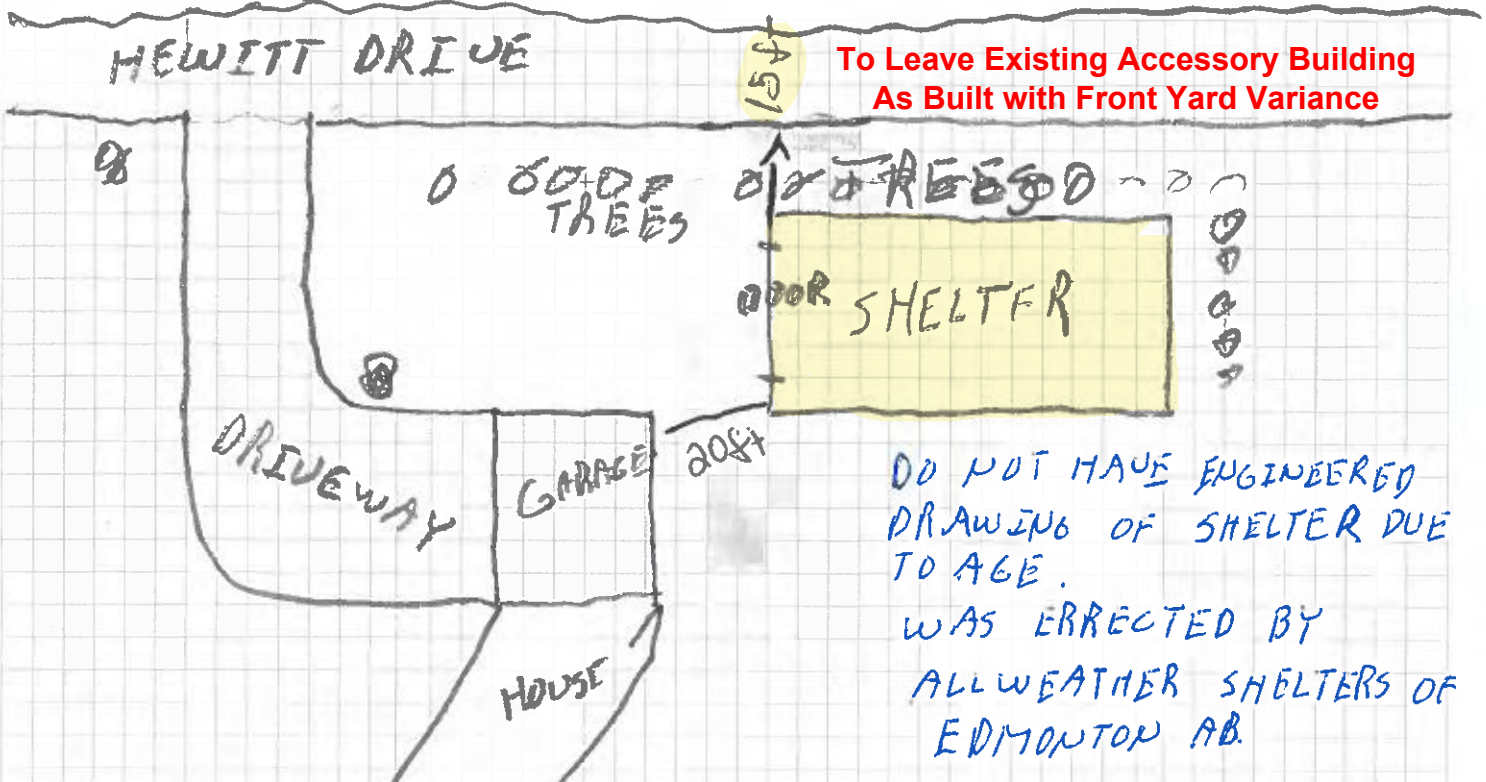
Pursuant to Section 685(1) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 21 days of the decision date. If you wish to appeal this decision, please choose the correct appeal body having jurisdiction.

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 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 or via mail to Sturgeon County Centre 9613 – 100 Street Morinville, AB, T8R 1L9. Telephone enquiries can be made to 780-939-4321.

SITE PLAN FOR DEVELOPMENT PERMIT APPLICATION

Section:	Township:	Range:	Meridian:
Plan: 7720113	Block: 2	Lot: 5	
PLEASE DEFINE THE SCALE YOU USED (ex: 4 boxes = 10 metres): 4 boxes = 10m 1 boxes = <u>5 FT</u>			



STURGEON COUNTY
REFUSED
C. Williams
 AUTHORIZED SIGNATURE
 305305-22-D0320 Nov 9/22
 DATE

Existing Accessory Building (Shelter 30ft x 60ft)
Front Yard Setback Requirement
 Min - 12m (39.4ft)
 Actual - 4.6m (15ft)
 Variance required - 7.4m (24.3ft) or 61.7%







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>305305-22-D0320</u>
Date Received:	<u>November 7, 2022</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.

Severed in line with section 17 of the FOIP Act

APPLICANT INFORMATION

Complete if different from Applicant

Name of Applicant: <u>JAMES BEITZ</u>		Name of Registered Land Owner:	
Mailing Address:		Mailing Address:	
City:		City:	
Postal Code:	PH:	Postal Code:	PH:
E-mail Address:		Email Address:	

Contact Name: JAMES

LAND INFORMATION

Legal Description of Property All/Part 1/4 Section 1 Twp. 1 Rge. 1 West of the 1 Meridian
 OR Lot 5 Block 2 Plan No. 7720113 Hamlet or Subdivision Hewitt Estates
 Parcel Size: 2.54 Rural Address: 21-23516-TWP RD 560

DEVELOPMENT INFORMATION - Please Mark (X) ALL that Apply

1800sq ft

<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Accessory Building	<input type="checkbox"/> Kennel	Brief Description: <u>30x60 CANVAS SHELTER FOR STORAGE PERSONAL USE</u>	Development Details: Size: <u>30'x60'</u> Height: <u>15'</u> Start Date: _____ End Date: _____ Estimated Project Value: <u>15,000</u> (cost of material & labour)
<input type="checkbox"/> Commercial	<input type="checkbox"/> Addition	<input checked="" type="checkbox"/> 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 type="checkbox"/> Deck	<input type="checkbox"/> Dugout		
	<input type="checkbox"/> Other _____			
		<u>Existing</u>		

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 info
 I/We grant consent for an authorized person of Sturgeon County to communicate. _____ County.
 c.M-26. _____ on 608 (1) of the Municipal

 Applicant(s) Date 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. _____ Date

FOR OFFICE USE ONLY

Permitted Use Discretionary Use
 Fee \$ 110.00 Penalty \$ 110.00 Receipt# 202207377 Tax Roll# 1161009 District R1
 Payment Method: Cash / Cheque / Debit / **VISA** / Mastercard

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



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>305305-22-D0320</u>
Date Received:	<u>November 7, 2022</u>
Received By:	<u>SG</u>

VARIANCE REQUEST APPLICATION

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

VARIANCE DESCRIPTION

WHAT IS A VARIANCE? A variance means a relaxation to the regulations of the Land Use Bylaw. Please indicate what Land Use Bylaw regulation(s) you are seeking to vary. Describe and indicate on the site plan.

RU STORAGE WITHIN 10M TO PROPERTY LINE

JUSTIFICATION

What is the reason why the regulation cannot be adhered to? What are the unique circumstances of your property that warrants a variance?

VARIANCE IS REQD FOR ACCESS TO DOORS TO PARK 5TH WHEEL WITHOUT INTERFERENCE WITH HOUSE. SHELTER IS NEXT TO SHELTER BELT SPRUCE TREES. BEST ACCESS FROM DRIVE WAY

MITIGATION

How have you considered revising the project to eliminate/reduce the variance request?

BEST LOCATION WITH LEVEL AREA

What measures will be applied to minimize the potential impact of the proposed variance on adjacent property owners?

TREE LINE IS NEXT TO SHELTER - NOT VISIBLE NEXT TO ROAD

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 in connection thereto, is not confidential information and may be released by Sturgeon County. I/we authorize the Sturgeon County Council or the Council of Sturgeon County to communicate information electronically as per Section 608 (1) of the Municipal Government Act.

24-10-22

Date

24-10-22

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.

24/10/22

Date

Fee \$ 100.00

Receipt # 202207377

Paid by: Cash / Cheque / Debit / **VISA** / Mastercard

M/C or Visa Number _____

Expiry Date: _____

Name (as it appears on card): _____

Authorized Signature: _____

FOR OFFICE USE ONLY

Land Use Bylaw Section	Requested Variance	Variance Percentage
12.1.4 Min Front Yard Accessory Building 12m (39.4ft)	Existing - 4.6m(15ft) Requested - 7.4m (24.3ft)	61.7%
2.8.6 Decision Process Variance		R1 allowed up to 40% Variance

Land Use District R1

Roll# 1161009

Approving Authority as per Section 2.8.6 of the Land Use Bylaw

- Development Officer Municipal Planning Commission

Notes

Existing accessory building without prior permit approval does not meet the minimum front yard setback of 12m to leave as built

APPLICATION FEES ARE NON-REFUNDABLE

The personal information provided will be used to process the Variance application and is collected under the authority of Section 642 of the Municipal Government Act and Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act. Personal information you provide may be recorded in the minutes of Municipal Planning Commission. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 – 100 Street, Morinville, Alberta, T8R 1L9 (780) 939.4321.

PLANNING AND DEVELOPMENT SERVICES REPORT

Subdivision & Development Appeal Board
File 022-STU-017

FILE INFORMATION

Department File:	305305-22-D0320
Legal Land Description:	Lot 5; Block 2; Plan 7720113
Address:	21 23516 TWP RD 560
Appellant:	James & Laura Betz
Landowner:	James & Laura Betz
Description of Appeal:	Appealing the Decision of the Development Authority: Refusal to Leave an Existing Accessory Building (Fabric Structure) As Built
Land Use Bylaw District:	R1 – Country Residential
Tax Roll Number:	1161009

BACKGROUND

- A complaint was received in September of 2022 referring to an illegal building (fabric structure) and the operation of a mechanic shop operating from the subject property. A search of the land file revealed no record of development or building approval for the existing building nor was there an approval to operate a home-based business.
- A letter of inquiry was sent to the landowner of Lot 5 regarding the building and the mechanic business. The landowner submitted a development permit application to leave the accessory building as built on November 7, 2022. The landowner stated he may work on friends and relatives' vehicles from time to time however the work is not considered to be for business purposes.
- The application stated *the structure is in the best location with a level area and there is a shelter belt screening the building from the road. The variance is required for access to the doors to park a fifth wheel without interfering with the house, best access from the driveway.*
- The site plan included as part of the application shows the accessory building is located 4.6m (15ft) from the front property line. The minimum front yard setback for an accessory building in the R1 district is 12m (39.4ft) therefore the application had to be refused.

PROPERTY INFORMATION

- The R1 parcel is 1ha or 2.54ac in area and is developed with a single detached dwelling with attached garage and the subject fabric building.
 - Permit #387-78 Approval for Dwelling with attached garage
 - Permit #148-95 Approval for Addition to attached garage (workshop)

RELIVANT POLICY/LEGISLATION

Land Use Bylaw 1385/17

- Section 2.8.6, as amended, Decision Process, the Development Authority may issue a variance in the R1 district up to 40%.
- Section 2.8.6(b) Variances proposed that exceed the percentage that may be granted by the Development Authority shall be refused.
- Section 12.1.4 Development Regulations for an Accessory Building
 - **Minimum front yard setback abutting a local road – 12m (39.4ft)**
 - Minimum side and rear yard setback – 3m (9.8ft)
 - Maximum height – 8m (26.2ft)
 - Maximum floor area – 230m² (2,475.7ft)
 - Maximum parcel coverage – 15%

ANALYSIS

- The existing accessory building meets the side and rear yard setback, height, and floor area regulations.
- The building is not compliant with the Land Use Bylaw with respect to the front yard setback. The building is 4.6m from the front yard property line and the minimum front yard setback on an R1 parcel is 12m. Therefore, a variance of 7.4m or 61.7% is required to leave the structure as built. The variance exceeds the Development Authority's powers and was refused.
- The Notice of Appeal states the landowner contacted the County and inquired about permit requirements at the time the building was constructed (2005) and was informed that the building was temporary (no foundation) and therefore no permit was required. A review of Land Use Bylaw 819/96, which was in effect in 2005, section 2.3 Development not requiring a development referred to *a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided that the temporary building is removed within thirty (30) days of substantial completion*. There was no other reference found in the bylaw regarding a temporary building.
- The interior photos of the structure confirm the building does not have a permanent foundation and is used for storage purposes. It does not appear to be used as a mechanic shop.

CONCLUSION

- Given the building has existed for 17 years without a permanent foundation, does not appear to be used for the operation of a business, and a mature shelterbelt has grown between the structure and the road to soften impacts to adjacent properties,

Administration would support approval to leave the structure as built with the following conditions:

1. A separate building permit shall be obtained and approved.
2. The accessory building (fabric structure 30ft x 60ft in floor area) is approved to remain in accordance with the site plan provided.

<u>Minimum Front Yard Required</u>	12m (39.4ft)
Actual Front Yard	4.6m (15ft)
Variance Granted	7.4m or (61.7%)

3. The accessory building shall be used for personal use only.

Prepared By:



Carla Williams, Development Officer

Reviewed By:



Digitally signed by Tyler McNab
Date: 2022.12.01 16:06:32
-07'00'

Tyler McNab, Program Lead Development & Safety Codes

305305-22-D0320 Existing Accessory Building

Development Authority Report for SDAB Appeal 022-STU-017

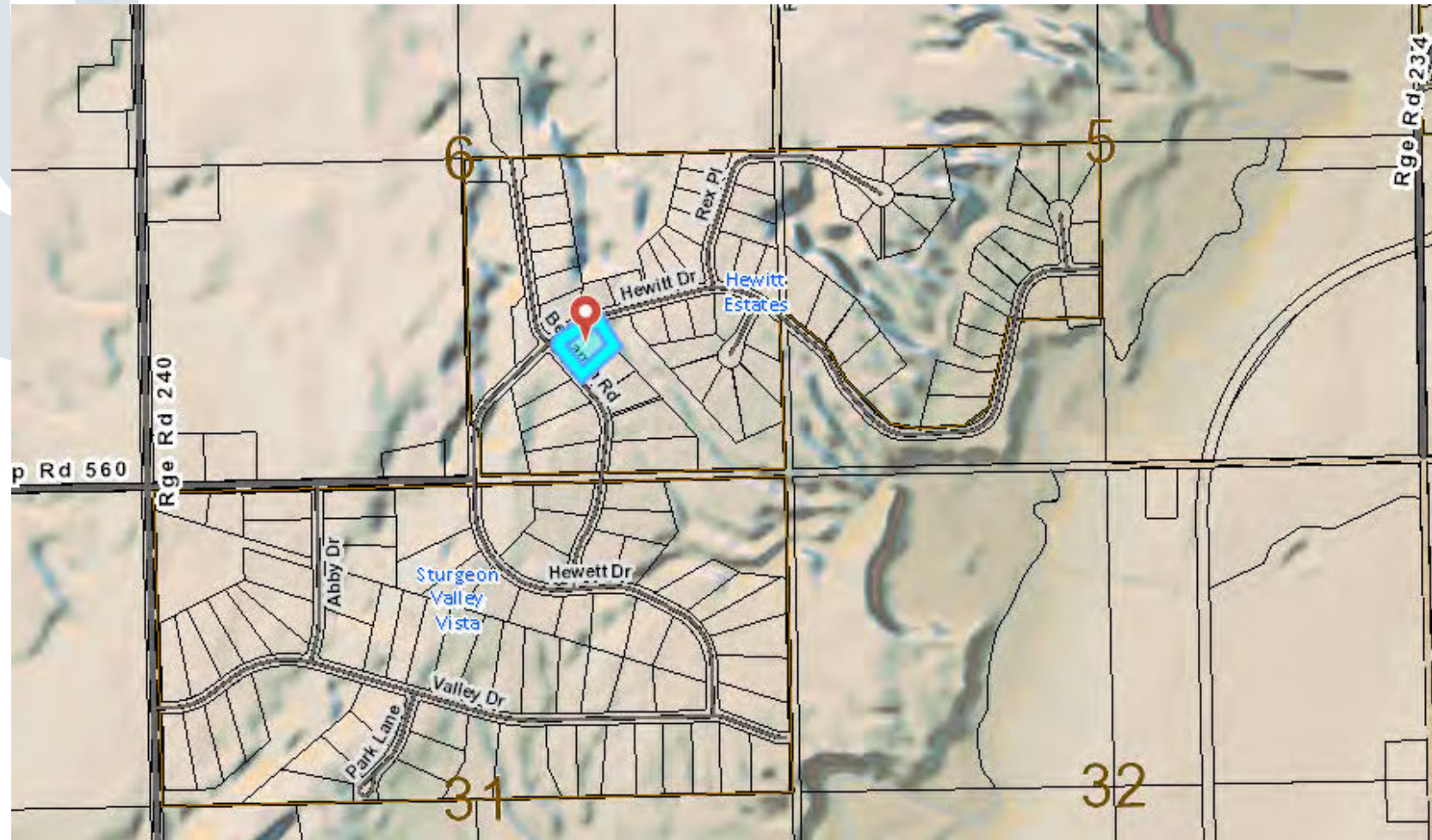
2022-12-20



Sturgeon
C O U N T Y

Site Location

Hewitt Estates



Site Location



Property Information



21 23516 TWP RD 560

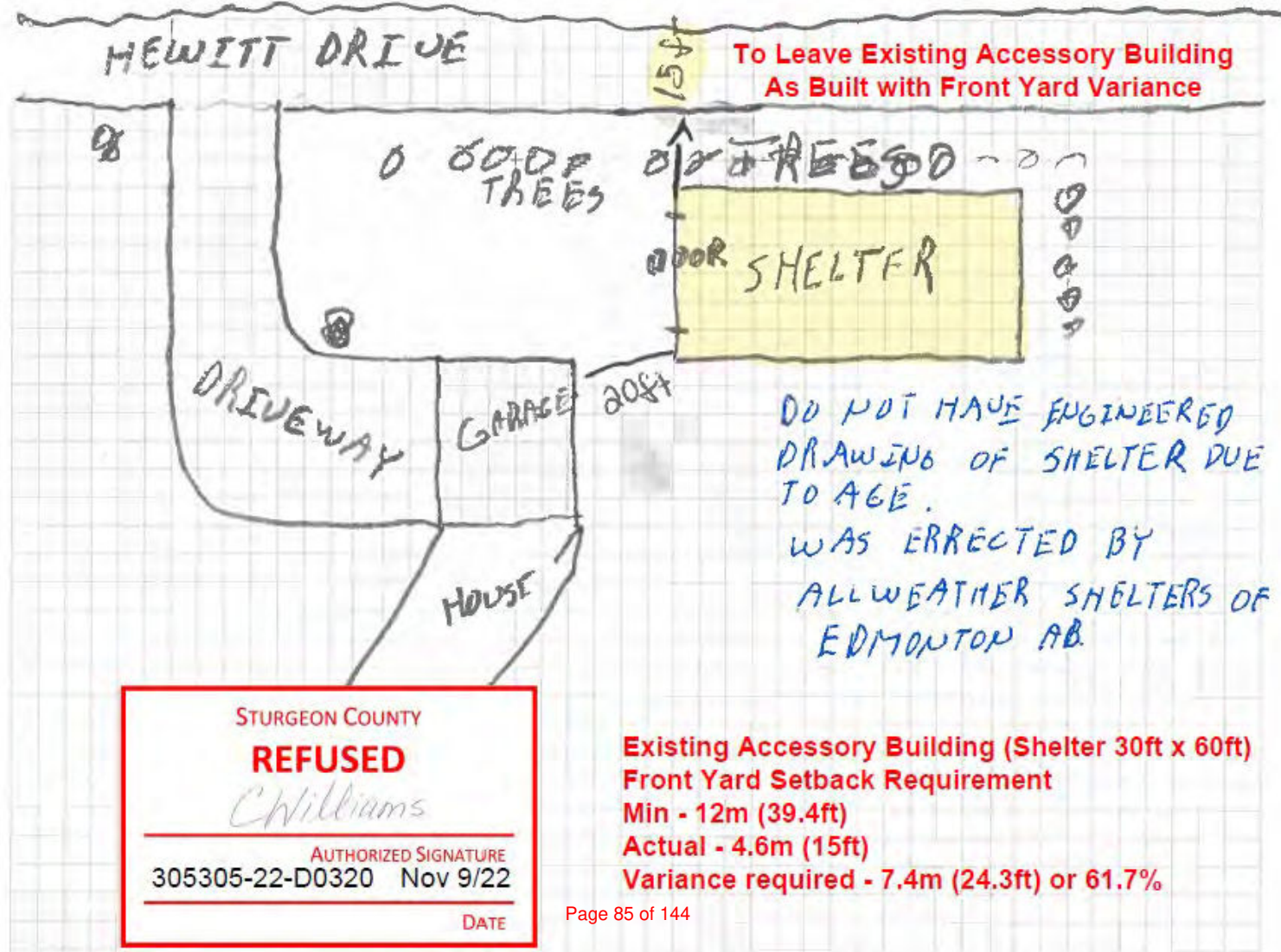
Lot 5; Block 2; Plan 7720113

- 1ha (2.54ac)
- **R1 - Country Residential**
- Development Records
 - #387-78 Dwelling with Attached Garage
 - #148-95 Addition to Attached Garage (workshop)

Application Details

1. Complaint – illegal building and potential operation of a business (mechanic shop)
 - Landowner stated may work on friends/relatives' vehicles – not considered a business
2. Application received to leave an Accessory Building (fabric structure) as built
 - Best location with level area, mature shelterbelt, ability to park fifth wheel RV without interference from dwelling

Site Plan



Photos/Elevations



Relevant Policy & Legislation

Land Use Bylaw 1385/17

.4 Development Regulations



Minimum front yard setback	Abutting a local road	12m (39.4ft)
	<i>Abutting collector road</i>	35m (114.8ft)
	<i>Flanking front yard</i>	10m (32.8ft)
Minimum side yard setback	<i>Principal building</i>	6m (19.7ft) or 10% of the <i>parcel width</i> , whichever is lesser, not to be less than 2.5m (8.2ft)
	Accessory building	3m (9.8ft)
Minimum rear yard setback	<i>Principal building</i>	6m (19.7ft)
	Accessory building	3m (9.8ft)
Maximum height	<i>Principal building</i>	12m (39.4ft)
	Accessory building	8m (26.2ft)
Maximum floor area	Accessory building	230m² (2,475.7ft²)
Maximum parcel coverage	15%	

Relevant Policy & Legislation

Land Use Bylaw 1385/17, as amended

Section 2.8 Decision Process

.6 The Development Authority may issue a variance in accordance with Table 2:1

Table 2.1: Variances

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%

(b) Variances proposed that exceed the percentage that may be granted shall be REFUSED.

Accessory Building

- **Located 4.6m (15ft) from the front property line**
 - **Variance required 7.4m (24.3ft) or 61.7%**
- Height – 4.6m (15ft)
- Floor area – 167m² (1,800ft²)

Analysis

1. Existing Accessory Building meets side and rear setback, height and floor area regulations.
2. Not compliant with Land Use Bylaw with respect to Front Yard Setback
 - Minimum Required -12m (39.4ft)
 - Actual - 4.6m (15ft)
 - Variance Required – 7.4 (24.3ft) or 61%Development Authority may grant a variance up to 40%
3. Notice of Appeal – Bylaw 819/96
4. Interior photos confirm the building is used for personal storage use.

Conclusion

- Building has existed for 17 years
- No permanent foundation
- Used for personal storage
- Mature shelterbelt softens negative impact to adjacent properties.

Conditions

Administration supports an approval to leave the Accessory Building as built with the following recommended conditions:

1. A separate building permit shall be obtained and approved.
2. The accessory building (fabric structure 30ft x 60ft in floor area) is approved to remain in accordance with the site plan provided.

Minimum Front Yard Required

12m (39.4ft)

Actual Front Yard

4.6m (15ft)

Variance Granted

7.4m or (61.7%)

3. The accessory building shall be used for personal use only.

APPELLANT'S SUBMISSION RECEIVED

***NOTE:**

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

**ADJACENT
LANDOWNER
WRITTEN
SUBMISSIONS**

From: [stefanie steele](#)
To: [Legislative Services](#)
Subject: Appeal Hearing 022-STU-017
Date: December 12, 2022 8:51:38 AM

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 Morning Dianne,

My husband and I are writing this email in opposition of the appeal submitted by Mr. and Mrs. Betz, in regards to the existing accessory building on 21 23516 TWP 560.

My husband and I believe that all residents of Hewitt Estates should follow the same set of rules set out by the county. These are the same rules that we researched prior to our own building application. It is the home owner's due diligence to become familiar with these rules and obtain the proper permitting, before erecting any structures.

Secondarily, the building in question is in our direct line of sight and is not visually appealing.


Thank you

Stefanie and Michael Blossom (House #22)

Appeal #3

022-STU-018 Appealing the refusal of the
Subdivision Authority

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:	
Municipal Address of site: <u>Plan 9925738</u>	
Legal land description of site: <u>Block 1, Lot 1</u> (‘plan, block, lot’ and/or ‘range-township-section-quarter’) <u>SW 31-54-27 W4</u>	
Development Permit number or Subdivision Application number:	

Appellant Information:	
Severed in line with section 17 of the FOIP Act	
Name: <u>Harald Pfeiffer</u>	Agent Name: (if applicable)
Postal Cod	

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

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

Stop Order
<input type="checkbox"/> Stop Order

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

Please see attached letter for reasons !

I am leaving for Germany to care for my 95 yr. old father. I will be back from Febr. 12. to March 12. 2023 to look after my business and would appreciate an Appeal Hearing during that time frame.

(Attach a separate page if required)

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

Signature of Appellant/Agent:	Date:
--------------------------------------	--------------

FOR OFFICE USE ONLY		
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date: YYYY/MM/DD

November 29, 2022

Sturgeon County Planning & Development

RE: Request/Appeal to subdivide land

Dear Sir / Madame,

I purchased two parcels of land (total 98 acres) in Sturgeon County almost 2 years ago. Presently, I am developing a yard to live on and run a small-scale farming operation. In a short period of time, I have become part of a community of like-minded neighbors. We help each other, share need things whenever necessary and have quickly established trusted friendships.

One of my neighboring families is in transition to semi-retirement and shares a passion for the land with me. They want to move into a smaller house with a little more land to accommodate the livestock they like to raise (i.e. goats and chickens) but do not want to leave our community to do so. After looking around in the area, they realized that there is no such parcel in close proximity. I would like to subdivide the parcel in question to accommodate them.

The area I'm looking to subdivide has very few good grain farming acres due to wet spots and eroded knolls, so separating it would not impact my farming. Since the county has previously made an exception (when 5 subdivided parcels total were previously allowed from the original quarter section), I feel that my request (under the circumstances per the existing precedent) is not unreasonable. Also, if needed, the area to be subdivided could be reduced if this parcel size is a crucial consideration in securing the approval of my application/appeal. It goes without saying that permitting this request would also benefit the county; with the potential for creating a new residential hobby farm to contribute to the local tax base.

Thank you once again for reviewing this petition and hopefully, fully appreciating our desire to preserve our tight-knit community of friends and neighbors. If you have any concerns or require any additional information, please feel free to contact me at any time.

Warmest regards,

Harald Pfeiffer Severed in line with section 17 of the FOIP Act



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

November 22, 2022

Harald Pfeiffer

Severed in line with section 17 of the FOIP Act

Re:	Proposed Subdivision	
	Our File No.:	2022-S-026
	Legal Land Description:	Plan 9925738, Block 1, Lot 1 – SW 31-54-27-W4
	Proposal:	5.02 hectares (12.40 acres) from 20.82 hectares (51.45 acres).

Please be advised that the above-mentioned subdivision application was **REFUSED** by the Subdivision Authority on **November 22, 2022**.

THE REASONS FOR REFUSAL ARE:

1. Part 654(1) of the Municipal Government Act requires that: *"A subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended; (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided."*
2. The proposal does not conform with the Municipal Development Plan as per Section 654(1) of the Municipal Government Act. The policies are noted below:
 - a) The maximum agricultural density as outlined in Policy 2.3.15 of the County's Municipal Development Plan would be exceeded with this application.
 - b) No plan amendment or redistricting application has been received to support increased densities as outlined in Policy 2.3.16 of the County's Municipal Development Plan.
 - c) The proposal does not minimize the amount of agricultural land taken out of production in line with Policy 2.3.17 of the County's Municipal Development Plan.
3. The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the Municipal Government Act. The regulations are noted below:
 - a) The proposal for further subdivision on this quarter section will exceed the maximum combined density of four parcels, and maximum size allowed for an acreage as outlined under 11.1.3(a) of the County's Land Use Bylaw.

ADVISORY NOTES

- Attached with the official decision letter will be an electronic and physical copy of the information required to submit an appeal to the Subdivision and Development Appeal Board (as Alberta Transportation has deferred their authority in the matter). Pursuant to Section 678(2) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 14 days after receipt of the written decision. For the purpose of Section 678(2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed (date of the letter). Please note that there is a \$100.00 fee for any appeal.

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

Yours truly,



Martyn Bell
Program Lead, Current Planning

/sg

Encl:

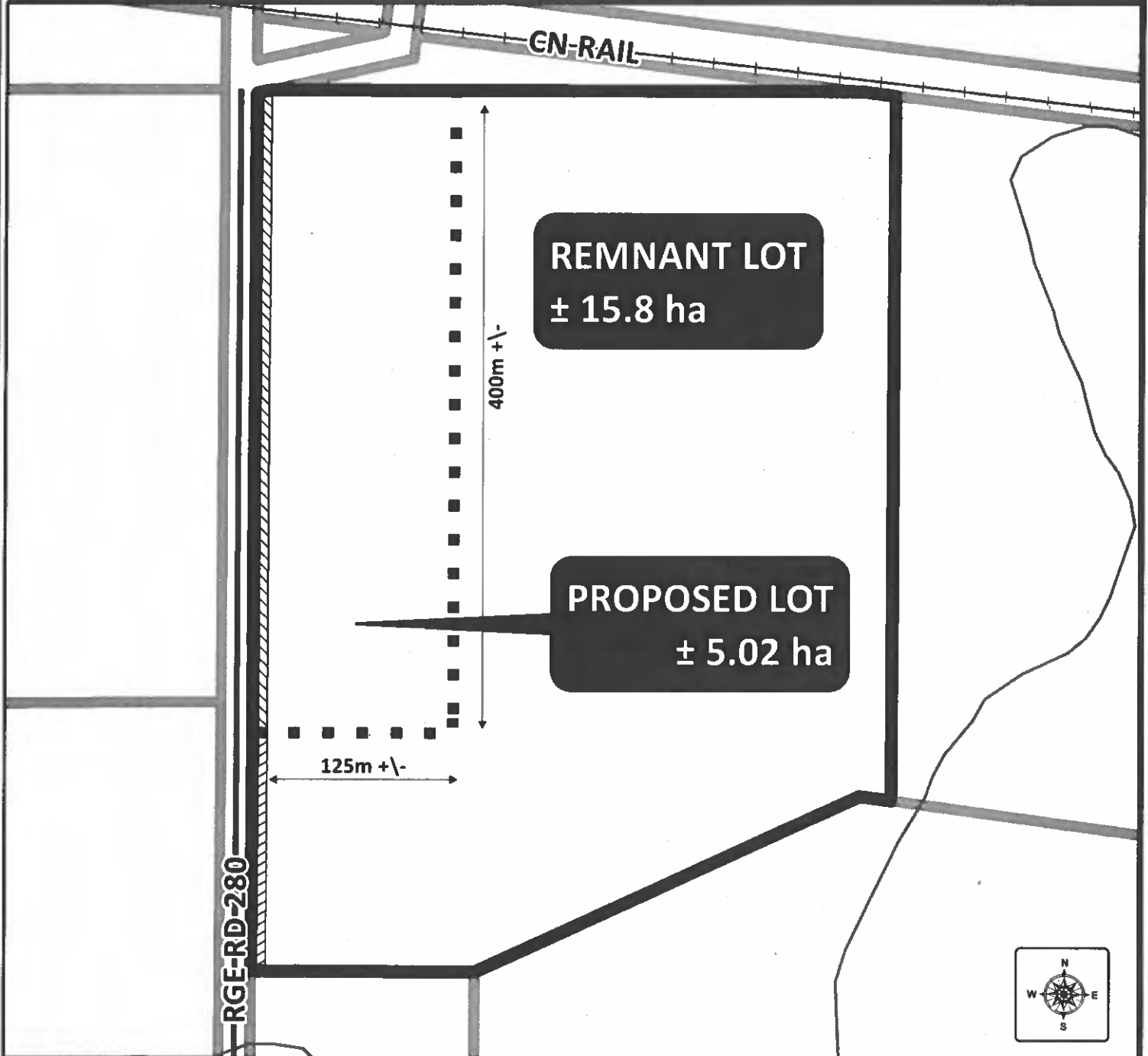
C: AltaLink Management Ltd.
Alberta Health Services
Alberta Transportation
Atco Gas
Atco Pipelines
Canada Post

EQUUS
Farm Credit Canada
Fortis Alberta
Sturgeon School Division
Telus Access Planning

If you wish to appeal this decision, contact the Secretary of the Subdivision and Development Appeal Board via email at legislativeservices@sturgeoncounty.ca or via letter at 9613 – 100th Street, Morinville, Alberta, T8R 1L9. Telephone enquires can also be made at (780-939-4321). Pursuant to Section 678(2) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 14 days after receipt of the written decision. For the purpose of Section 678(2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed (date of the letter). Please note that there is a \$100.00 fee for any appeal."

Exhibit 2 [Refusal - Subdivision Authority]

File Number: 2022-S-026



Legal Description: Plan 9925738, Block 1, Lot 1
SW 31-54-27-W4

Municipal Address: N/A

Roll Number: 4444001

LUB District: AG - Agriculture

Date: November 22, 2022

Legend:

5m Road Widening (Survey)

5m Road Widening (Caveat)





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

PFEIFFER, HARALD K. W.

Receipt Number: 202207854
 GST Number: 107747412RT0001
 Date: 2022-11-30
 Initials: CS

Severed in line with section 17 of the FOIP Act

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

December 2, 2022

SDAB File Number: 022-STU-018

Dear Harald Pfeiffer:

NOTICE OF APPEAL BOARD HEARING

Legal Description of Subject Property: Block 1, Lot 1, Plan 9925738
SW 31-54-27-W4

Subdivision Application Number: 2022-S-026

Decision of Subdivision Authority: The subdivision application was refused.

An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on November 30, 2022. In accordance with section 680(3) of the *Municipal Government Act*, the 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 **December 20, 2022 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta. The Board has received your request to adjourn the hearing to February 21, 2023 at 2:00 p.m. The Board will consider your request at the December 20, 2022 hearing, and if granted, you will be advised of the Board’s decision in writing.

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 893 416 558#. This should connect you directly into the hearing.

When an appeal is received, the Applicant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than December 15, 2022.

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.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

December 2, 2022

SDAB File Number: 022-STU-018

Dear Resident:

**NOTICE OF
APPEAL BOARD HEARING**

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

Legal Description of Subject Property:	Block 1, Lot 1, Plan 9925738 SW 31-54-27-W4
Subdivision Application Number:	2022-S-026
Decision of Subdivision Authority:	The subdivision application was refused.

Appellant/Applicant: Harald Pfeiffer

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

- The Appellant would like the land subdivided for a neighbouring family in transition to semi-retirement who would like a smaller house with more land for livestock.
- There is no appropriate parcel in close proximity to their community and the Appellant would like to subdivide the parcel in question to accommodate them.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **December 20, 2022 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 893 416 558#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than December 15, 2022. **Please note that the Board has received a request from the Appellant to adjourn the hearing to February 21, 2023 at 2:00 p.m. The Board will consider this request at the December 20, 2022 hearing, and if granted, affected persons will be notified in writing of the deadline to submit evidence to the Board.**

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 send email to legislativeservices@sturgeoncounty.ca.

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.

From: [Dianne Mason](#)
To: [AltaLink Subdivisions](#); [AER \(setbackreferrals@aer.ca\)](#); ["ahs.ez.subdivisionrequests@ahs.ca"](#); [Fortis Alberta \(landserv@fortisalberta.com\)](#); [EQUS \(onoway_area@egus.ca\)](#); [AESLLand@atco.cul.ca](#); [ATCO Gas \(circulations@atcogas.com\)](#); [Sturgeon Public School Division](#); [Telus Access Engineering \(circulations@telus.com\)](#); [David Kruger](#); [Gary Stoodley](#); [Mark Brookes](#)
Subject: Subdivision and Development Appeal
Date: December 2, 2022 3:52:00 PM
Attachments: [image001.png](#)
[2_Notice_of_Hearing_Adjacent_Landowners_HYBRID.docx](#)
[Exhibit 2 Aerial - 2022-S-026.pdf](#)
[frm_Hearing_Process_In_person_HYBRID.pdf](#)

Good afternoon,

Attached you will find information regarding a Subdivision Appeal for file 2022-S-026, Plan 9925738, Block 1, Lot 1 in Sturgeon County.

Thank you.

Dianne Mason

Legislative Officer

780-939-8277

dmason@sturgeoncounty.ca

sturgeoncounty.ca

9613 100 Street, Morinville, AB T8R 1L9



December 2, 2022

SDAB File Number: 022-STU-018

To Whom it May Concern:

**NOTICE OF
APPEAL BOARD HEARING**

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

Legal Description of Subject Property:	Block 1, Lot 1, Plan 9925738 SW 31-54-27-W4
Subdivision Application Number:	2022-S-026
Decision of Subdivision Authority:	The subdivision application was refused.

Appellant/Applicant: Harald Pfeiffer

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

- The Appellant would like the land subdivided for a neighbouring family in transition to semi-retirement who would like a smaller house with more land for livestock.
- There is no appropriate parcel in close proximity to their community and the Appellant would like to subdivide the parcel in question to accommodate them.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **December 20, 2022 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 893 416 558#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than December 15, 2022. **Please note that the Board has received a request from the Appellant to adjourn the hearing to February 21, 2023 at 2:00 p.m. The Board will consider this request at the December 20, 2022 hearing, and if granted, affected persons will be notified in writing of the deadline to submit evidence to the Board.**

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 send email to legislativeservices@sturgeoncounty.ca.

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.

From: [Harald Pfeiffer](#)
To: [Dianne Mason](#)
Subject: RE: SDAB Appeal - request to postpone hearing to February 21, 2023
Date: December 3, 2022 7:31:55 AM
Attachments: [image001.png](#)

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

Hi Diane,
I would like to postpone the Appeal Board hearing to February 21, 2023.
Thank You
Harald Pfeiffer

On 12/01/2022 3:47 PM MST Dianne Mason <dmason@sturgeoncounty.ca> wrote:

Good afternoon,

I just left you a voice message.

Could you please respond in writing to this email that you would like your Subdivision and Development Appeal Board hearing adjourned to February 21, 2023.

Thank you.

Dianne Mason

Legislative Officer

780-939-8277

dmason@sturgeoncounty.ca

sturgeoncounty.ca

9613 100 Street, Morinville, AB T8R 1L9

From: [Martyn Bell](#)
To: [Lisa Schovanek](#)
Cc: [Bonnie McInnis](#); [Jonathan Heemskerk](#); [Dianne Mason](#)
Subject: RE: 022-STU-018 Pfeiffer - Appellant Request to adjourn hearing to February 21, 2023
Date: November 30, 2022 3:18:13 PM
Attachments: [image001.png](#)

Dear Lisa,

I hope this correspondence finds you well? I am writing to inform you that I am amenable to adjourning the above-noted hearing to February 21, 2023 as per the appellant's request.

Sincerely,

Martyn

From: Lisa Schovanek <lschovanek@sturgeoncounty.ca>
Sent: November 30, 2022 3:10 PM
To: Martyn Bell <mbell@sturgeoncounty.ca>
Cc: Bonnie McInnis <bmcinnis@sturgeoncounty.ca>; Jonathan Heemskerk <jheemskerk@sturgeoncounty.ca>; Dianne Mason <dmason@sturgeoncounty.ca>
Subject: 022-STU-018 Pfeiffer - Appellant Request to adjourn hearing to February 21, 2023

Hello,

Would you be amenable to adjourning the above-noted hearing to Tuesday, February 21, 2023 as per the request of the Appellant?

Thanks,

Lisa

Lisa Schovanek

Legislative Officer

780-939-8279

lschovanek@sturgeoncounty.ca

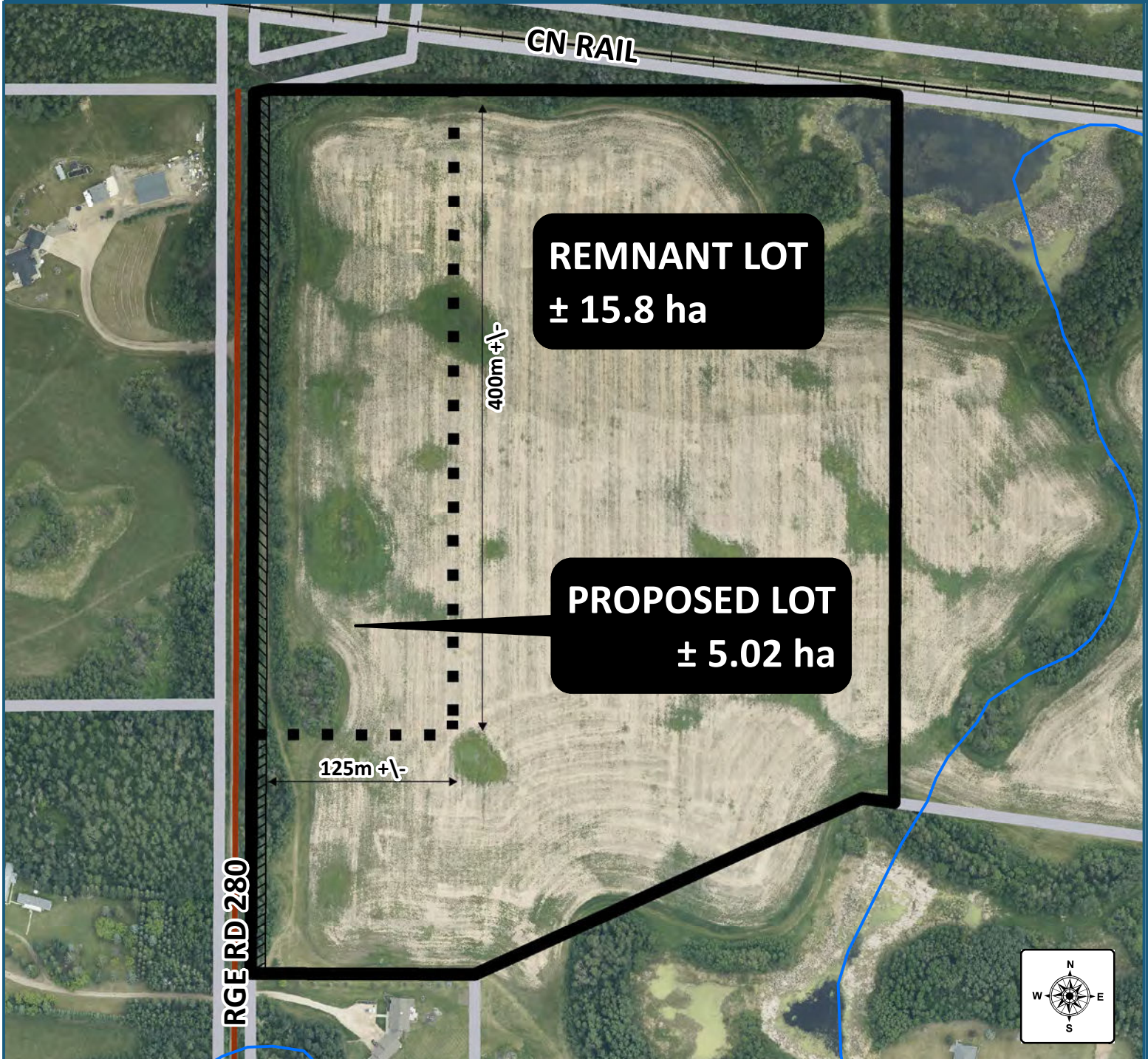
sturgeoncounty.ca

9613 100 Street, Morinville, AB T8R 1L9



Exhibit 2 [Refusal - Subdivision Authority]

File Number: 2022-S-026



Legal Description: Plan 9925738, Block 1, Lot 1
SW 31-54-27-W4



Municipal Address: N/A

Roll Number: 4444001

LUB District: AG - Agriculture

Date: November 22, 2022

Legend:

-  5m Road Widening (Survey)
-  5m Road Widening (Caveat)



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.



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

November 22, 2022

Harald Pfeiffer

Severed in line with section 17 of the FOIP Act

Re:	Proposed Subdivision
Our File No.:	2022-S-026
Legal Land Description:	Plan 9925738, Block 1, Lot 1 – SW 31-54-27-W4
Proposal:	5.02 hectares (12.40 acres) from 20.82 hectares (51.45 acres).

Please be advised that the above-mentioned subdivision application was **REFUSED** by the Subdivision Authority on **November 22, 2022**.

THE REASONS FOR REFUSAL ARE:

1. Part 654(1) of the Municipal Government Act requires that: *“A subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended; (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.”*
2. The proposal does not conform with the Municipal Development Plan as per Section 654(1) of the Municipal Government Act. The policies are noted below:
 - a) The maximum agricultural density as outlined in Policy 2.3.15 of the County’s Municipal Development Plan would be exceeded with this application.
 - b) No plan amendment or redistricting application has been received to support increased densities as outlined in Policy 2.3.16 of the County’s Municipal Development Plan.
 - c) The proposal does not minimize the amount of agricultural land taken out of production in line with Policy 2.3.17 of the County’s Municipal Development Plan.
3. The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the Municipal Government Act. The regulations are noted below:
 - a) The proposal for further subdivision on this quarter section will exceed the maximum combined density of four parcels, and maximum size allowed for an acreage as outlined under 11.1.3(a) of the County’s Land Use Bylaw.

ADVISORY NOTES

- Attached with the official decision letter will be an electronic and physical copy of the information required to submit an appeal to the Subdivision and Development Appeal Board (as Alberta Transportation has deferred their authority in the matter). Pursuant to Section 678(2) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 14 days after receipt of the written decision. For the purpose of Section 678(2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed (date of the letter). Please note that there is a \$100.00 fee for any appeal.

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

Yours truly,

Martyn Bell
Program Lead, Current Planning

/sg

Encl:

C: AltaLink Management Ltd.
Alberta Health Services
Alberta Transportation
Atco Gas
Atco Pipelines
Canada Post

EQUUS
Farm Credit Canada
Fortis Alberta
Sturgeon School Division
Telus Access Planning

If you wish to appeal this decision, contact the Secretary of the Subdivision and Development Appeal Board via email at legislativeservices@sturgeoncounty.ca or via letter at 9613 – 100th Street, Morinville, Alberta, T8R 1L9. Telephone enquires can also be made at (780-939-4321). Pursuant to Section 678(2) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 14 days after receipt of the written decision. For the purpose of Section 678(2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed (date of the letter). Please note that there is a \$100.00 fee for any appeal.”

PLANNING AND DEVELOPMENT SERVICES REPORT



FILE INFORMATION:		2022-S-026
Council Division:	3	
Tax Roll Number:	4444001	
Legal Land Description of Property:	Plan 9925738, Block 1, Lot 1 SW 31-54-27-W4	
Landowner:	Harald Karl Wilhelm Pfeiffer	
Applicant:	Harald Karl Wilhelm Pfeiffer	
Staff Recommendation	Refusal	
Appeal Board (if appealed):	Subdivision and Development Appeal Board (deferred by the Land and Property Rights Tribunal)	
Administrative Fees (if approved):	\$250 (subdivision endorsement); plus \$600 per new parcel created/adjusted. 10% of Proposed Lot at \$1,801.24 per hectare	

PART I – APPLICATION DETAILS:

1. As illustrated in Exhibit 1 (see **Appendix 4**), the applicant proposes subdivision of 5.02 hectares (12.40 acres) from 20.82 hectares (51.45 acres).

PART II – SUBDIVISION HISTORY:

1. Subdivision History:
 - 1999-S-028 – Approved June 14, 1999 – To create a 80 acre, 73 acre and 3.26 acre parcel.
 - 2002-S-166 - Approved October 4, 2002 - To create a 7.9 acre lot from 79 acres.
 - 2009-S-052 - Refused March 16, 2010 - To create a 30 acre lot from 73.69 acres.
 - 2010-S-055 - Approved July 5, 2010 - To create a 30 acre lot from 73.69 acres.
 - 2015-S-034 – Refused September 15, 2015 – To create a 13.7 acre lot from 68.87 acres.
 - 2019-S-001: Approved May 21, 2019 – A lot line adjustment increasing parcel size

PART III – REFERRAL SUMMARY:

1. Sturgeon County Development Officer (see **Appendix 4**):
 - *Proposed Lot:*
 - o Low pressure gas line transects through the property.
 - o The subject lands fall within the Resource Extraction Overlay and shall include a restrictive covenant to be registered on each title notifying the landowner that the new parcel could potentially be located near an incompatible use (i.e. resource extraction).

- The subject lands fall within the boundaries of the Calahoo Villeneuve Sand and Gravel Area Structure Plan where Section 7.2.1 states:

“No subdivision of land for residential purposes will be permitted within the Quick Extraction Area, within 400 m of the boundary of the Quick Extraction Area, within the Resource Extraction Area, within 400 m of the boundary of the Resource Extraction Area boundary, or within 400 m of a sand and gravel extraction operation districted as “Gravel Extraction” within the Agricultural Policy Area unless there is a developable site on each parcel a minimum of 400 m from the above Policy Areas.”

- *Remnant Lot:*

- Vacant farmland.

2. Sturgeon County Engineering Services (see **Appendix 4**):

- *Proposed Lot:*

- 5 metres required via plan of survey adjacent to Rge Rd 280.
- No existing approach. One must be constructed to General Municipal Servicing Standards.
- Rge Rd 280 is currently an underdeveloped roadway that would require upgrades should additional development (i.e. density) be added to the area. Therefore, the applicant would be required to enter a development agreement for the upgrade of portions along Rge Rd 280 if the application were approved.

- *Remnant Lot:*

- 5 metres required via land acquisition agreement adjacent to Rge Rd 280.
- Existing approach requires upgrades to meet General Municipal Servicing Standards.
- Topography is fairly flat, some portions in the northeast show potential flood risk and permanent infrastructure should not be developed in those areas.

3. Alberta Transportation (see **Appendix 4**):

- No service road or land dedication will be required in this case.
- Pursuant to Section 678 of the Municipal Government Act, Alberta Transportation will defer any appeals to the local Subdivision and Development Appeal Board.

4. No Objections:

- Alberta Health Services, Sturgeon County Protective Services, Sturgeon County Assessment Services, Sturgeon County Open Spaces, ATCO Gas, Telus, Fortis Alberta.

5. No Responses:

- Adjacent landowners, Alberta Energy Regulator, Altalink, Canada Post, Sturgeon County Agriculture Services, ATCO Pipelines, Gravel Operations Committee, Sturgeon School District, Farm Credit Canada.

PART IV – ANALYSIS:

1. Due to the irregular dimensions of this quarter-section Part 11.1.3(c)(i) of the Land Use Bylaw (see **Appendix 3**) was examined – which confirms that this 20.82 hectares (51.45 acres) parcel should be “rounded up” to be treated equivalent to a 32 hectare (80 acre) parcel for subdivision purposes. However, this quarter section already holds five Agricultural parcels, two of which are acreages.

This application is **NOT** consistent with the Municipal Development Plan’s “Residential Type 4” policies (see **Appendix 2**), nor with the Land Use Bylaw’s “AG - Agriculture” regulations (see **Appendix 3**).

Specifically with Policy 2.3.15 of the Municipal Development Plan (see **Appendix 4**) which outlines a maximum of four (4) parcels for every 64 hectares (quarter section):

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

Furthermore, with Policy 2.3.16 which notes a maximum of two acreage lots for every 64 hectares (quarter section):

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

Lastly, with Policy 2.3.17 which notes that the County:

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

The proposal is also inconsistent with the subdivision regulations of the AG- Agricultural District outlined in the Land Use Bylaw, which are noted within Section 11.1.3 (see **Appendix 4**). These regulations outline a maximum of four parcels per agricultural quarter section, two of which can be acreages. They also outline the maximum size of an acreage parcel to be 1 hectare (2.47 acres) unless a larger size is essential to encompass existing site features and will not take any additional AG land out of production. This application does not meet those requirements.

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

“(b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.”

As this application is not consistent with a Sturgeon County Statutory Plan (the Municipal Development Plan) the subdivision authority does not have jurisdiction to entertain approval for this file and it must be refused. Alberta Transportation has withdrawn their authority in this file and deferred any appeal to be heard at the local Subdivision and Development Appeal Board (SDAB).

3. This application falls within the Calahoo/Villeneuve Sand and Gravel Area Structure Plan boundaries which prohibits subdivision of lands within 400m of any resource extraction area. However, this parcel does not fall within the range of any land zoned to carry out resource extraction.
4. In 2015 a similar application was brought forward on this quarter section which was to subdivide 5.71 hectares (14.1 acres) from 27.9 hectares (68.9 acres). Given that this application aimed to create a density higher than four on the quarter section, it was refused by the Sturgeon County Subdivision Authority and appealed to the Municipal Government Board (MGB). The MGB decided that the proposal for additional density contravenes the Municipal Development Plan and there were insufficient planning reasons provided to approve the application. Therefore, the appeal was denied.
5. An historical abandoned well was identified on the parcel. Although it does not appear to impact this subdivision application and has received a reclamation certificate.
6. If the application were to be approved by the Subdivision and Development Appeal Board, money in lieu of municipal reserve would be required, at a rate of \$9,042.22 (*determined at a rate of \$18,012.40 per hectare X 10% X 5.02 hectares = \$9,042.22*).

PART V – RECOMMENDATIONS:

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

1. Part 654(1) of the Municipal Government Act requires that: *“A subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended; (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.”*
2. The proposal does not conform with the Municipal Development Plan as per Section 654(1) of the Municipal Government Act. The policies are noted below:
 - a) The maximum agricultural density as outlined in Policy 2.3.15 of the County’s Municipal Development Plan would be exceeded with this application.


- b) No plan amendment or redistricting application has been received to support increased densities as outlined in Policy 2.3.16 of the County's Municipal Development Plan.
 - c) The proposal does not minimize the amount of agricultural land taken out of production in line with Policy 2.3.17 of the County's Municipal Development Plan.
3. The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the Municipal Government Act. The regulations are noted below:
- a) The proposal for further subdivision on this quarter section will exceed the maximum combined density of four parcels, and maximum size allowed for an acreage as outlined under 11.1.3(a) of the County's Land Use Bylaw.

ADVISORY NOTES

- Attached with the official decision letter will be an electronic and physical copy of the information required to submit an appeal to the Subdivision and Development Appeal Board (as Alberta Transportation has deferred their authority in the matter). Pursuant to Section 678(2) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 14 days after receipt of the written decision. For the purpose of Section 678(2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed (date of the letter). Please note that there is a \$100.00 fee for any appeal.

Prepared by: 

Jonathan Heemsker, *Planning and Subdivision Officer*

Reviewed by: 

Martyn Bell, *Program Lead, Current Planning*

NOTE: Appendices Attached...

Appendix 1: Excerpts from Municipal Government Act

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

2016 c24 s108

Approval of application

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

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

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

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

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

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

Conditions of subdivision approval

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

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

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

or both;

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

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

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

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

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

Decision

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

(2) A decision of a subdivision authority must state

RG
1.4

Enacting Responsible Subdivision and Development Practices

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

- 1.4.1** Shall apply the full entitlements of environmental, municipal and school reserve dedication during the subdivision process, in accordance with the Municipal Government Act (MGA) and based on the needs of Sturgeon County.
- 1.4.2** Shall apply the requirements outlined within the Province of Alberta’s Subdivision and Development Regulation.
- 1.4.3** Shall apply the requirements outlined within the Province of Alberta’s Water Act.
- 1.4.4** Shall support “right-to-farm legislation” by applying the requirements outlined within the Province of Alberta’s Agriculture Operations Practices Act (AOPA). When referred to by the Natural Resources Conservation Board (NRCB), Sturgeon County will apply the objectives of the Integrated Regional Growth Strategy (IRGS) in the referred evaluation (i.e., new or expanding Confined Feeding Operations).
- 1.4.5** Shall refer to and apply the provincial setback regulations and guidelines respective to sour gas and other oil and gas facilities, including pipelines, when considering subdivision and development applications. Proposed land uses in proximity to sour gas facilities shall complement the activity and minimize risk to the public’s health and safety.
- 1.4.6** Shall identify needed infrastructure improvements, both at the regional and local level, in an effort to determine, prioritize and fund infrastructure required to obtain the strategic goals of the IRGS and the Municipal Development Plan (MDP).
- 1.4.7** Shall restrict proposed development that may constrain infrastructure networks that are imperative for the growth and development associated with the strategic goals of the IRGS. As part of the application process, Sturgeon County may require an application to demonstrate that no adverse impact will occur due to proposed development.
- 1.4.8** Shall ensure that the distribution and timing of future development coincides, and is contiguous with, infrastructure improvements.
- 1.4.9** Shall ensure that both subdivision and development meet or exceed the standards outlined within the Sturgeon County General Municipal Servicing Standards. Standards should be reviewed and updated along with other County regulatory policies to coincide with innovations in the industry.

- 1.4.10** Should collaborate with industry and municipal partners to develop, update and align risk management initiatives regarding heavy industrial development located within and along County borders.
- 1.4.11** Shall not permit development on Hazardous Lands that are deemed undevelopable or may result in life loss or injury, property damage, social and economic disruption or environmental degradation.
- 1.4.12** Shall direct subdivision and development activity away from significant natural resource deposits, where activities have the potential to sterilize future supply and extraction.
- 1.4.13** Should establish general development design guidelines for Residential and Non-Residential developments.
- 1.4.14** May require that the applicant of a development apply the principles and guidelines of Crime Prevention through Environmental Design within subdivision and development reviews to guide design and ensure effective use of the built environment.
- 1.4.15** Shall support the policies and procedures as set out in the Municipal Emergency Operations Plan.
- 1.4.16** Shall ensure that new development be sited with consideration to the fire hazard severity of the site, the type of development and the risk added by the development to the fire hazard risk.
- 1.4.17** Shall institute a consistent method of addressing encroachments on municipal property to ensure equitable treatment and that the public amenity is not compromised.
- 1.4.18** Shall adopt and apply enforcement procedures to clarify and establish (for both the impacted citizen and offender) a course of action when a use or activity is in violation of the County’s Bylaws.

Creating Attractive and Complete Communities

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

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

Applying Responsible Residential Subdivision and Development Practices

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

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

Residential Type 3

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

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

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

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

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

Residential Type 4

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

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

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

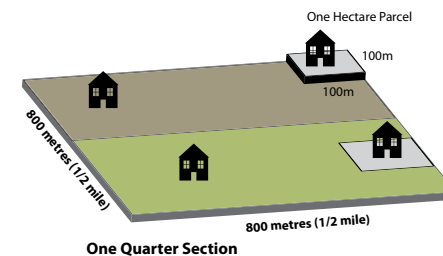
2.3.18 Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

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

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

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

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





residential character outcome

Encouraging a mixture of residential types throughout the Neighbourhood and centralizing service delivery out of Calahoo.

Because the Neighbourhood is located in close proximity to established communities (Stony Plain, Spruce Grove and Villeneuve) and significant employment generating areas (Parkland County and the City of Edmonton), it is anticipated that residential demand across the Neighbourhood will remain significant. The potential exists to provide unique rural residential developments, with a variety of built forms and development patterns. New developments will be required to address current infrastructure challenges, to complement and work with the landscape and to integrate with existing developments. The desired intent is to provide Sturgeon County with a variety of rural residential development opportunities that can accommodate on-site servicing and treatment (independent of the municipality).

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

② Developing a Regional Planning Document for the Neighbourhood (inclusive of the Hamlet of Calahoo) to give more certainty to local communities, investors, service providers and municipal neighbours regarding the long-term growth aspirations.

③ Considering the diversification of rural residential types (outside of the Hamlet of Calahoo) through the allowance of increased Agricultural Parcel densities to Residential Type 3 levels. Sturgeon County may contemplate applications that exceed Residential Type 4 levels, if the parcel densities range from five (5) to fifty (50) units per 64 hectares/160 acres and are detailed within a Local Planning Document.

④ Recognizing the Hamlet of Calahoo's role as a centralized location for Residential and Non-Residential growth within the Regional Planning Document. The plan should identify a sustainable level and mixture of Residential and Non-Residential types for the Hamlet, and the associated infrastructure and community services levels required for the development.

⑤ Establishing an administrative boundary for the Hamlet of Calahoo and implementing Residential Type 3 policies within that boundary. Until an administrative boundary is identified through the Planning Document process, existing land-use zoning shall be used to identify where residential type policies are applicable.

⑥ Giving regard to the existing residential character of Calahoo by requiring proposals for residential infill density to ensure that proposed lot location, size and servicing complement the existing community. Depending on the scale and impact of the proposed development, the approving authority may require additional Planning Documents to accurately assess the application.

⑦ Limiting the infill of existing country residential subdivisions and Hamlets until the applicant provides a Needs Assessment (deemed complete to the satisfaction of the approving authority) that demonstrates a need for the additional residential development proposed.

⑧ Liaising with the local agricultural community to minimize land-use conflicts by discouraging the creation or expansion of Confined Feeding Operations in the Neighbourhood.

PART 11 PRIMARY INDUSTRY DISTRICTS

11.1 AG – AGRICULTURE DISTRICT



.1 General Purpose

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

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

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

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

.2 Uses

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

* Refer to Section 6.1 for further clarification.

**Only allowed on AG-Major parcels

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

****Refer to Section 6.24 for further clarification.

1407/18; 1432/19; 1436/19

.3 **Subdivision Regulations**

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

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

.4 Development Regulations

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

1432/19

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

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

1432/19

.5 Additional Development Regulations

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

1407/18

Appendix 4: Exhibits, Referrals & Miscellaneous

The documents within this appendix begin on the following page and is comprised of the following:

- Exhibit 1 – Applicant’s Submission
- Exhibit 2 – Administration’s Recommendation
- Development & Safety Code – Referral Response
- Engineering Services – Referral Response
- Agriculture Services – Referral Response

Exhibit 1 [Applicant's Submission]

File Number: 2022-S-026



Legal Description: [Plan 9925738, Block 1, Lot 1](#)
[SW 31-54-27-W4](#)

Roll Number: [4444001](#)

Applicant: [Harald Pfeiffer](#)

Owner: [Harald Pfeiffer](#)

LUB District: [AG - Agriculture](#)

Date: [September 1, 2022](#)

Legend:

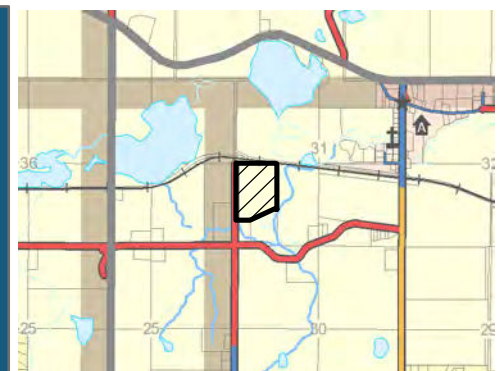
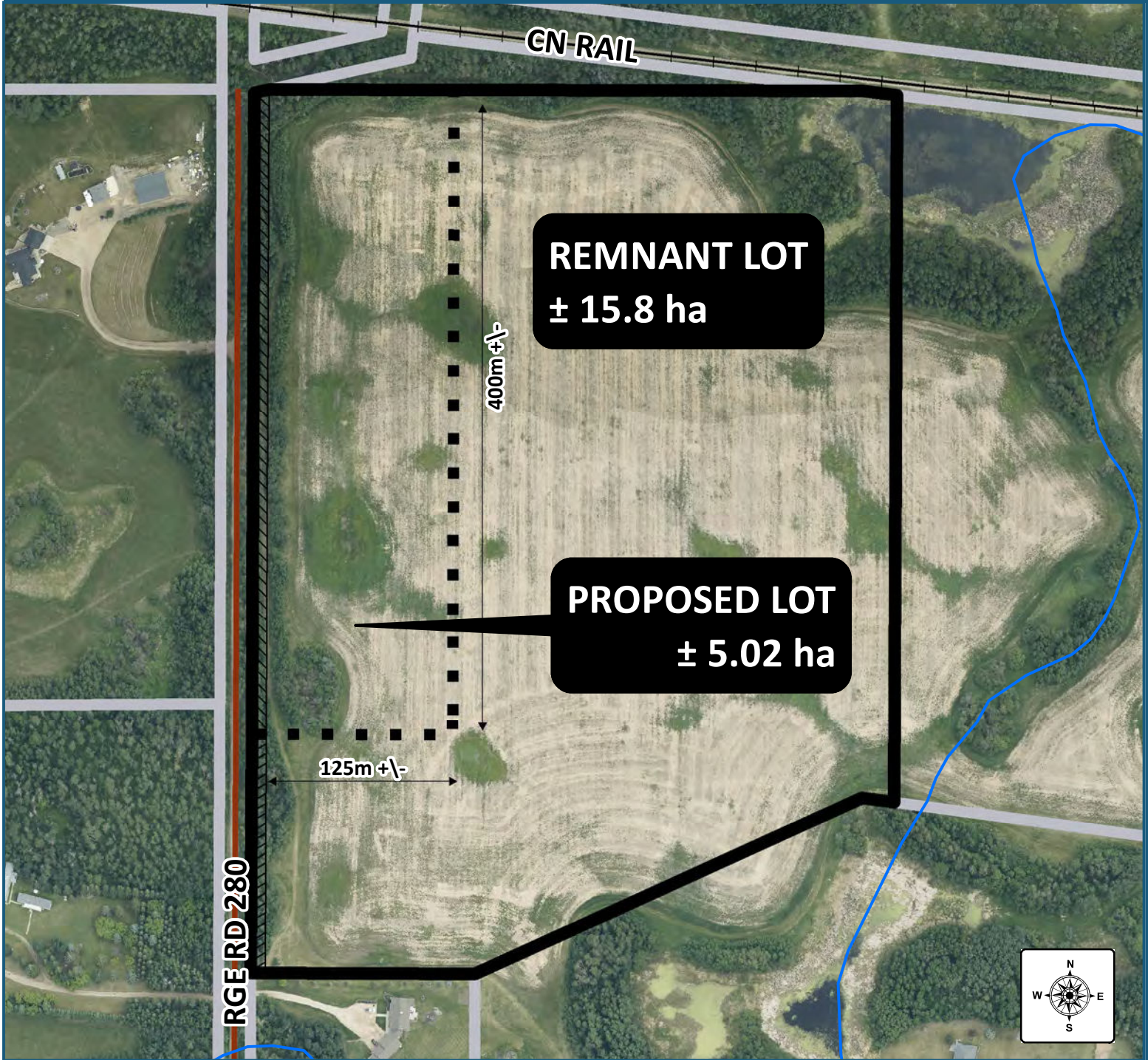


Exhibit 2 [Refusal - Subdivision Authority]

File Number: 2022-S-026



Legal Description: Plan 9925738, Block 1, Lot 1
SW 31-54-27-W4


Municipal Address: N/A

Roll Number: 4444001

LUB District: AG - Agriculture

Date: November 22, 2022

Legend:

-  5m Road Widening (Survey)
-  5m Road Widening (Caveat)



MEMO

To: Shannon Gagnon

From: Yvonne Bilodeau

Date: Sept 16, 2022

Re: Proposed Subdivision

File No: 2022-S-026

Roll No: 4444001

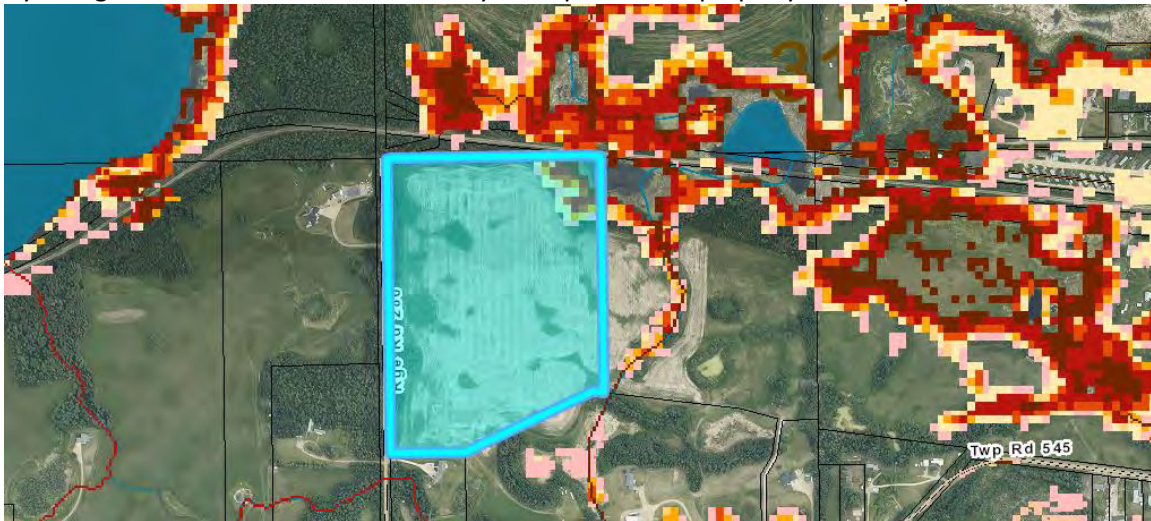
Legal Description: Plan 9925738, Block 1, Lot 1 – SW 31-54-27-W4

The subject parcel is districted as AG – Agriculture according to Sturgeon County’s Land Use Bylaw 1385/17.

Remnant Lot

Vacant farmland

The north east corner of the property is identified under the Drainage Master Plan as a Flood Risk. Hydrological and Geotechnical Studies may be required if the property is developed near this area.



Proposed Lot #1

Vacant farmland

- A low pressure gas line transects the property from north to south
- The subject lands fall within the Resource Extraction Overlay and shall include a restrictive covenant to be registered on each title notifying the landowner that the new parcel could potentially be located near an incompatible use (i.e. resource extraction).

- The subject lands fall within the boundaries of the Calahoo Villeneuve Sand and Gravel Area Structure Plan where Section 7.2.1 states *“No subdivision of land for residential purposes will be permitted within the Quick Extraction Area, within 400 m of the boundary of the Quick Extraction Area, within the Resource Extraction Area, within 400 m of the boundary of the Resource Extraction Area boundary, or within 400 m of a sand and gravel extraction operation districted as “Gravel Extraction” within the Agricultural Policy Area unless there is a developable site on each parcel a minimum of 400 m from the above Policy Areas.”*

Subdivision Referral to Engineering Services

- Referral Sent: September 6, 2022
- Roll No: 4444001
- Municipal Address: N/A
- Landowner(s):
- Response Deadline: September 27, 2022

Harald Karl Wilhelm Pfeiffer

- On-site inspection completed; or
- cursory desktop review *only* (on-site inspection planned for spring).

Referral comments provided by: Kurtis Eykelbosh on September 27, 2022
(Engineering Services staff member) (date)

Lot: Remnant Lot

- **Existing fence?** No Yes (type: _____)
- **Existing shelterbelt?** No Yes
- **Site Assessment:** Required as approval condition Recommended prior to development Not applicable

Comments (Provide map and/or photographs to illustrate):

Remnant lot topography is fairly flat. Please see attached map showing flood risk areas from Sturgeon County's Drainage Master Plan and wetland areas from the
Government of Alberta. Any pre-existing geotechnical issues are unknown, therefore a geotechnical investigation is recommended prior to future development.
There is a flood risk in the north east corner of the remnant lot. Permanent infrastructure shall not be constructed in the flood zones.

- **Land Dedication/Acquisition:** None 5 m 10 m Plan of Survey Caveat

Attach map to illustrate. Provide comments if necessary (e.g. rationale for additional land, such as planned road improvements):

Rge Rd 280 are 8 m wide gravel roads in a 20 m right of way (R/W), the ultimate R/W will be 30 m. In accordance with the Grid Right of Way
Dedications and Acquisition policy, Sturgeon County requires 5 m acquisition along the west property line via caveat.

- **Approach # 1** (label on map): None To be verified in spring Upgrades req'd Satisfactory

Current Status:

 Width: 9.5 m. Surface: Grass/Gravel. Side-Slopes: 3:1. Culvert Size/Condition: None required

Requirements to meet General Municipal Servicing Standards:

 Width: _____. Surface: Gravel. Side-Slopes: _____. Culvert Size/Condition: _____

 Other Requirements: Please clean all debris off the approach surface to expose clean gravel. Additional crushed gravel may be required to provide a 50 mm thick, compacted, crushed gravel surface.

- **Approach # ____** (label on map): None To be verified in spring Upgrades req'd Satisfactory

Current Status:

Width: _____. Surface: _____. Side-Slopes: _____. Culvert Size/Condition: _____

Requirements to meet General Municipal Servicing Standards:

Width: _____. Surface: _____. Side-Slopes: _____. Culvert Size/Condition: _____

Other Requirements: _____

- **Other Comments/Observations** (e.g. third approach, structure/business/uses unspecified in application; or noteworthy discussions):

Low pressure gas line exists in the lot, please contact the utility company prior to any development.

Lot: Proposed Lot 1

- **Existing fence?** No Yes (type: _____)
- **Existing shelterbelt?** No Yes
- **Site Assessment:** Required as approval condition Recommended prior to development Not applicable

Comments (Provide map and/or photographs to illustrate):

Proposed lot topography is fairly flat. Please see attached map showing flood risk areas from Sturgeon County's Drainage Master Plan and wetland areas from the Government of Alberta. Any pre-existing geotechnical issues are unknown, therefore a geotechnical investigation is recommended prior to future development.

- **Land Dedication/Acquisition:** None 5 m 10 m Plan of Survey Caveat

Attach map to illustrate. Provide comments if necessary (e.g. rationale for additional land, such as planned road improvements):

Rge Rd 280 are 8 m wide gravel roads in a 20 m right of way (R/W), the ultimate R/W will be 30 m. In accordance with the Grid Right of Way

Dedications and Acquisition policy, Sturgeon County requires 5 m dedication along the west property line via plan of survey.

- **Approach #** ____ (label on map): None To be verified in spring Upgrades req'd Satisfactory

Current Status:

Width: ____ . Surface: ____ . Side-Slopes: ____ . Culvert Size/Condition: ____

Requirements to meet General Municipal Servicing Standards:

 Width: 7.5-9 m . Surface: Gravel . Side-Slopes: 3:1 . Culvert Size/Condition: 500 mm CSP if required
Other Requirments: Construct approach as per the Sturgeon County General Municipal Service Standards (GMSS) and Sturgeon County Approach
Construction Guideline. Approach location to be verified with Sturgeon County prior to construction.

- **Approach #** ____ (label on map): None To be verified in spring Upgrades req'd Satisfactory

Current Status:

Width: ____ . Surface: ____ . Side-Slopes: ____ . Culvert Size/Condition: ____

Requirements to meet General Municipal Servicing Standards:

Width: ____ . Surface: ____ . Side-Slopes: ____ . Culvert Size/Condition: ____

Other Requirments: ____

- **Other Comments/Observations** (e.g. third approach, structure/business/uses unspecified in application; or noteworthy discussions):

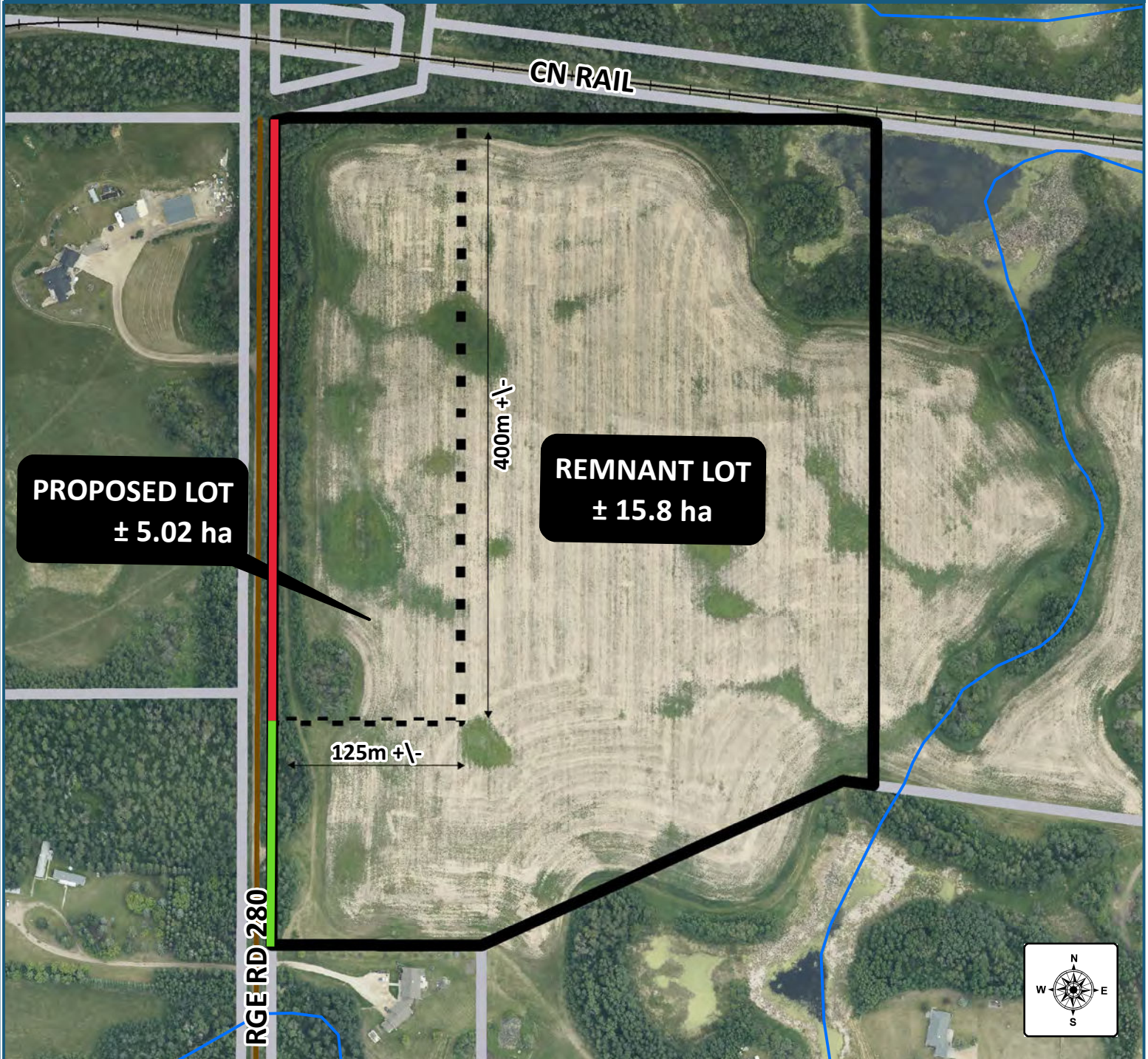
Range Road 280 is currently an underdeveloped roadway that would require upgrades should additional development be added to the area. Per Sturgeon County policy TRA-ROA-3, the developer shall be responsible to build a standard road (RLU-208G) inside the public road allowance to provide access to the Proposed Lot.

The developer would be required to enter into a Development Agreement for the municipal improvement project.

Low pressure gas line exists in the lot, please contact the utility company prior to any development.

Exhibit 1 [Applicant's Submission]

File Number: 2022-S-026



Legal Description: [Plan 9925738, Block 1, Lot 1](#)
[SW 31-54-27-W4](#)

Roll Number: [4444001](#)


Applicant: [Harald Pfeiffer](#)


Owner: [Harald Pfeiffer](#)

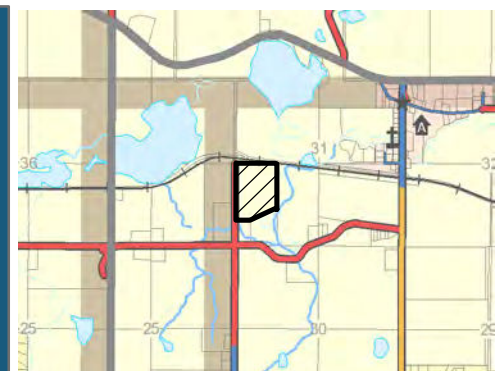
LUB District: [AG - Agriculture](#)

Date: [September 1, 2022](#)

Legend:

 5 m by caveat

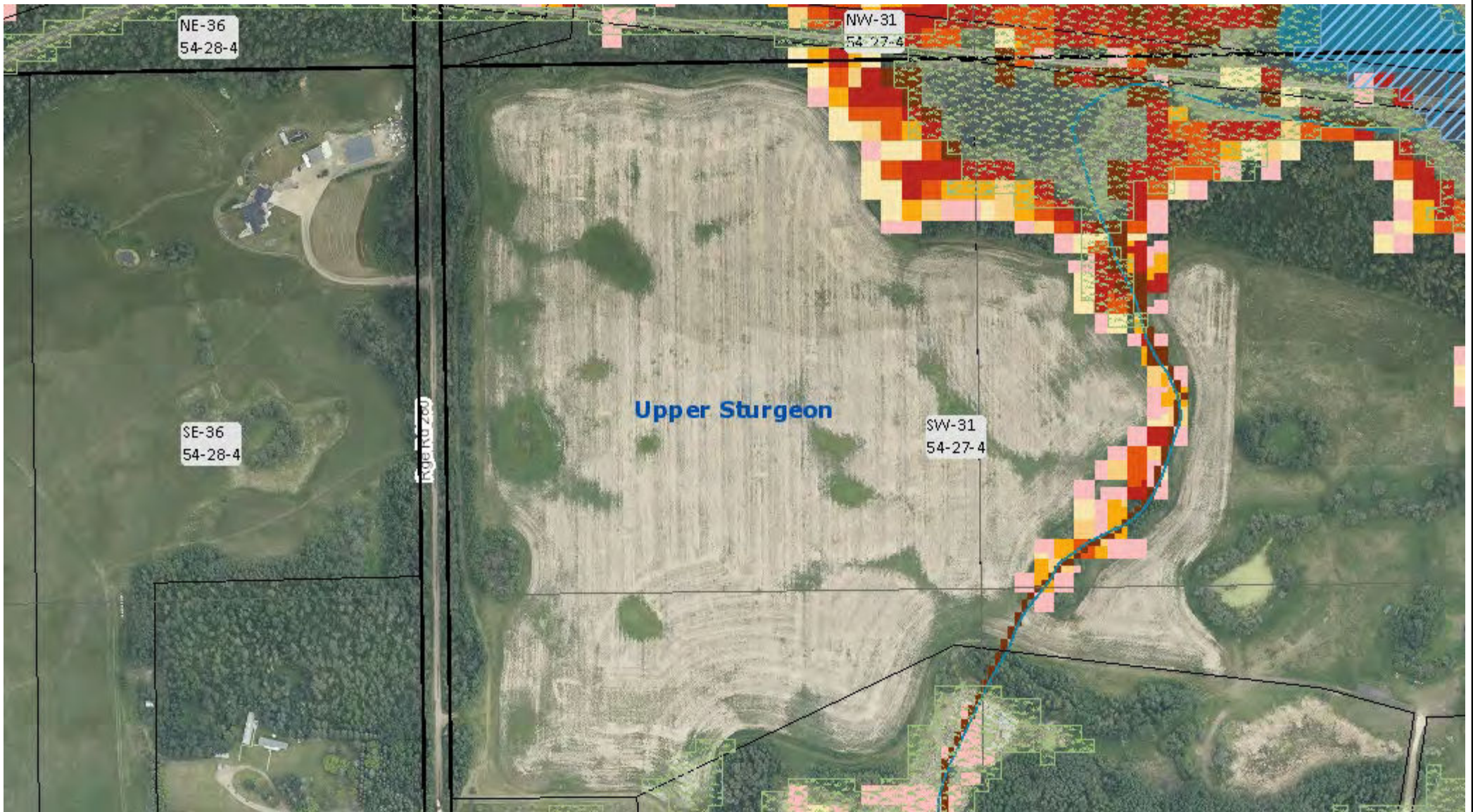
 5 m by plan of survey



2022-S-026 Flood Risk and Wetland

Map Subtitle

23-Sep-2022



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

NAD_1983_10TM_AEP_Resource
© Sturgeon County

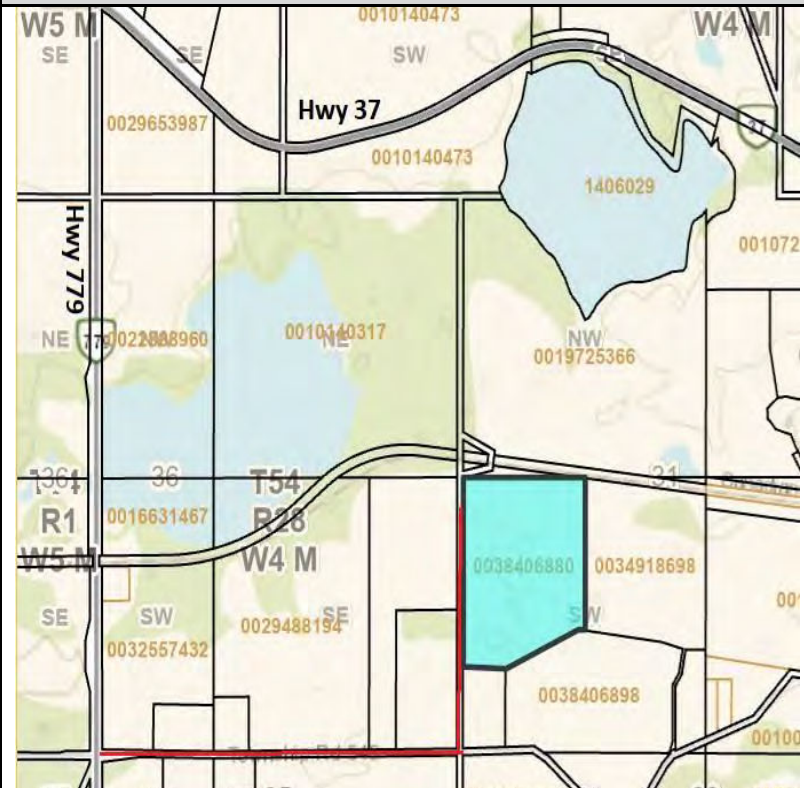
Prepared By: K. Eykelbosh
Page 140 of 144



File Number: RPATH0005250

Sturgeon County
 9613 100 Street
 Morinville Alberta
 pandd@sturgeoncounty.ca

Subject: Municipal Referral - Proposed Subdivision

Description	General Location
<p>File Number: 2022-S-026</p> <p>Create a 5.02ha undeveloped residential lot from a previously subdivided quarter section.</p> <p>Lot 1 Block 1 Plan 9925738 Within SW31-54-27-W5M South of Highway 37 East of Highway 779</p>	

This will acknowledge receipt of your circulation regarding the above noted proposal. The subsequent subdivision application would be subject to the requirements of Sections 14 and 15 of the Matters Related to Subdivision and Development Regulation, due to the proximity of Highways 37 and 779.

Alberta Transportation offers the following comments with respect to this application:

- The requirements of Section 18 of the Regulation is not met. Considering the nature of the proposal, subject to Section 20 of the Matters Related to Subdivision and Development Regulation, Alberta Transportation is willing to approve the variance by the subdivision authority of the requirements of Section 18.

- The requirements of Section 19 of the Regulation is not met. The Matters Related to Subdivision and Development Regulation states that when the subdivision proposal does not meet the requirements of Section 19(3), the subdivision authority must require the developer to provide service road that is satisfactory to Alberta Transportation. Given the nature of this proposal, to meet the requirements of Section 19(2) of the regulation Alberta Transportation would be satisfied if the subdivision authority required no service road to be dedicated.

Pursuant to Section 20 of the Matters Related to Subdivision and Development Regulation, Alberta Transportation authorizes the subdivision authority to vary the requirements of Section 14 and/or Section 15 of the Regulation to accommodate the proposed subdivision, at the time of subdivision.

Pursuant to Section 678 of the Municipal Government Act, Alberta Transportation is varying the distance for appeals for this subdivision application. Therefore, from the department's perspective, any appeals can be heard by the local Subdivision and Development Appeal Board.

If you have any questions or require additional information, please contact the undersigned.

Yours truly,

Robert.Lindsay@gov.ab.ca

APPELLANT'S SUBMISSION RECEIVED

***NOTE:**

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

ADJACENT LANDOWNER WRITTEN SUBMISSIONS

*NOTE:

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