

December 6, 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

3. ADJOURNMENT

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		 <p>NOV 16 2022</p> <p>STURGEON COUNTY</p> <p>Date Received Stamp</p>
Municipal Address of site: 55308 RR 261		
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter’) SE 23 55 26 W4		
Development Permit number or Subdivision Application number: 2022 S 032		
Appellant Information:		
Name: JOHN CORDEIRO	Phone:	Agent Name: (if applicable)
Mailing Address: [REDACTED]	City, Province: Severed in line with section 17 of the FOIP Act	
Postal Code: [REDACTED]	Email: [REDACTED]	

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 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

Would like house subdivided from land in order to be able to keep the land. The house is abandoned for 3 years and is on a slough. Cannot afford to keep the house as part of the land. Does not want to lose everything. (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): [REDACTED]	Severed in line with section 17 of the FOIP Act	Date: NOV 15/22
FOR OFFICE USE ONLY		
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date: YYYY/MM/DD

APPEAL SUBMISSION INFORMATION

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

FILING INFORMATION

MAIL OR DELIVER TO:

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

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

APPEAL PROCESS

Who can appeal?

Subdivision appeals:

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

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

Development appeals:

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

For further information:

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

Phone: 780.939.4321

Email: legislativeservices@sturgeoncounty.ca



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

CORDEIRO, JOHN
 55305A RGE RD 262

STURGEON COUNTY, AB T8R 0W6

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

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.

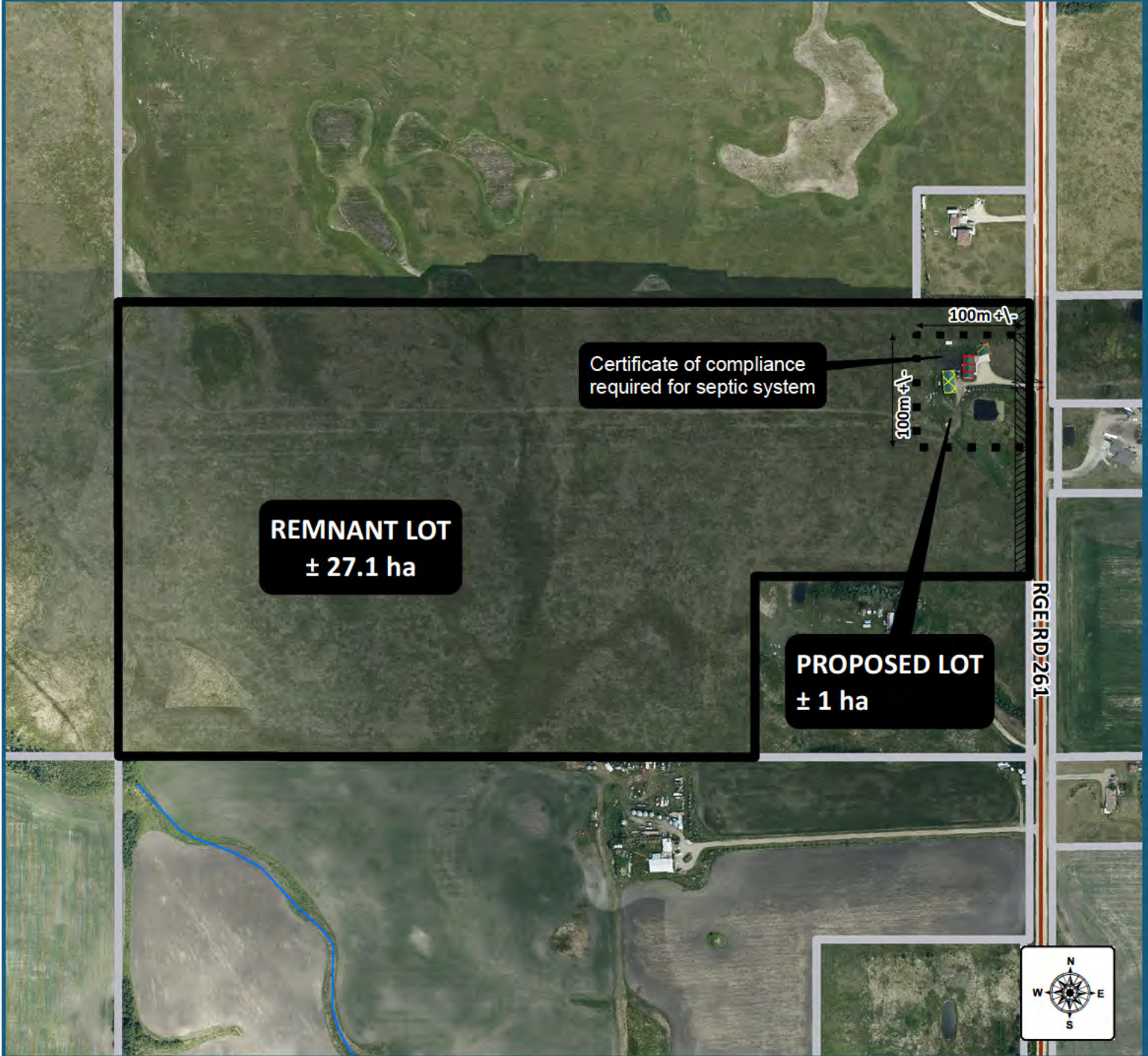
For further information, please call (780) 939-8279 or send email to legislativeservices@sturgeoncounty.ca.

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.

Exhibit 2 [Administration's Recommendation]

File Number: 2022-S-032



Legal Description: SE 23-55-26-W4







Municipal Address: 55308 Rge Rd 261

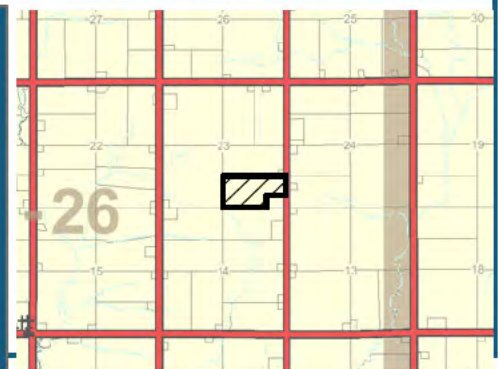
Roll Number: 3859000

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:

SEVERED IN LINE WITH SECTION 17 OF THE FOIP ACT

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

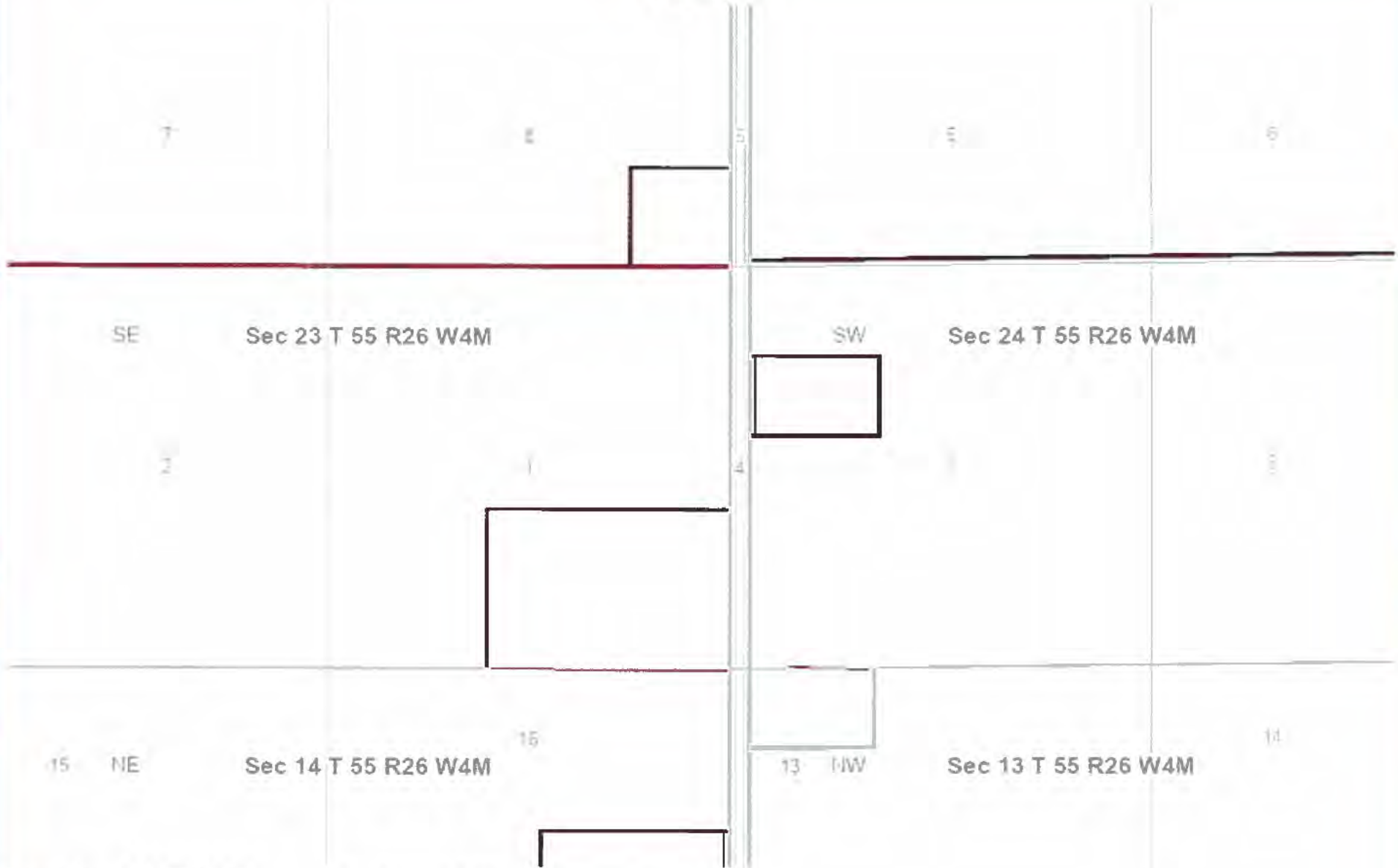
I do have an abandoned oil or gas well site(s) located on the property and, when developing in the future, must meet the setback and other potential requirements of the AER's Directive 079.

(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.



© 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.



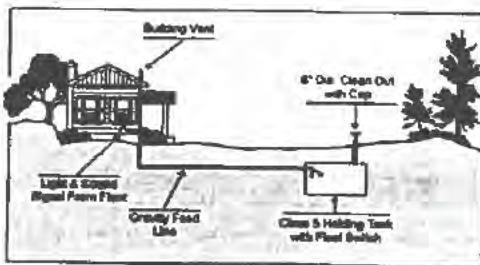
Treatment Mound
 A system where the effluent treatment area includes a bed of sand and is built above ground to overcome limits imposed by proximity to water table or bed rock, or by highly permeable or impermeable soils.



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: _____

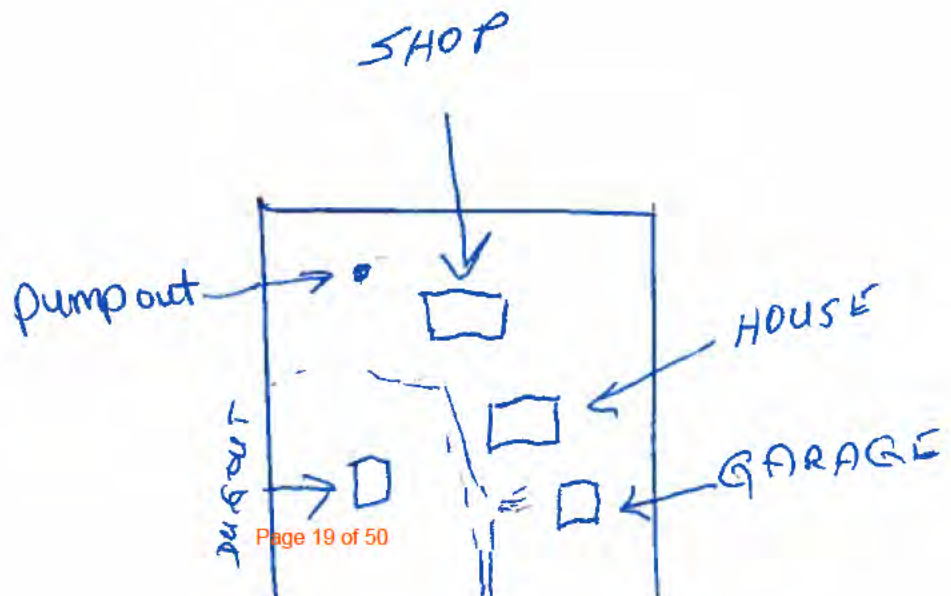


JOHN CORDEIRO

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

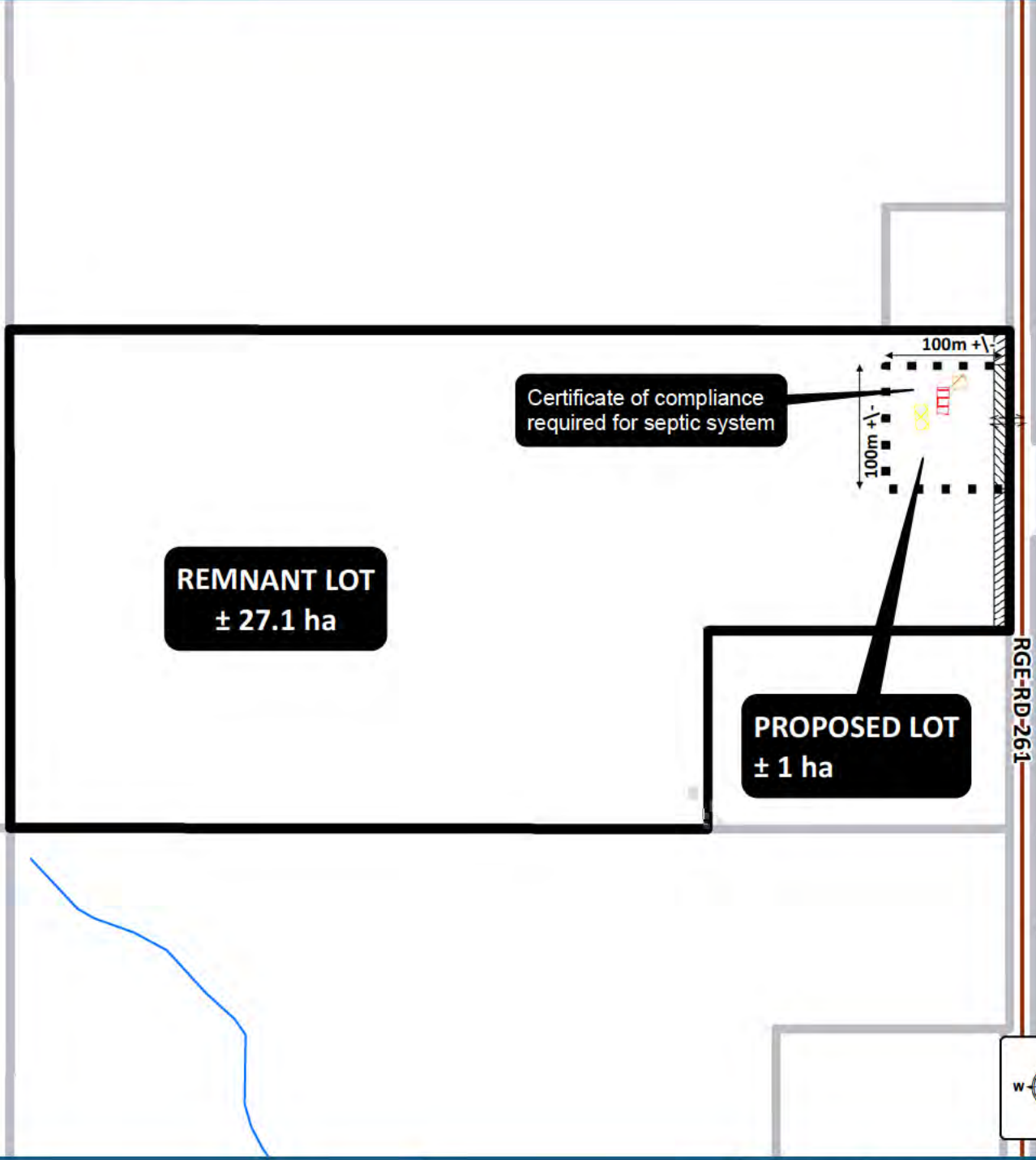
Encl:

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



Legal Description: SE 23-55-26-W4







Municipal Address: 55308 Rge Rd 261

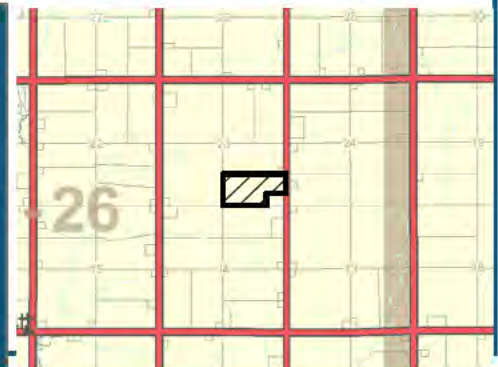
Roll Number: 3859000

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:

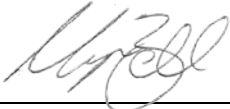
1. Part 654(1) of the Municipal Government Act requires that: “A subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is 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...

- (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.

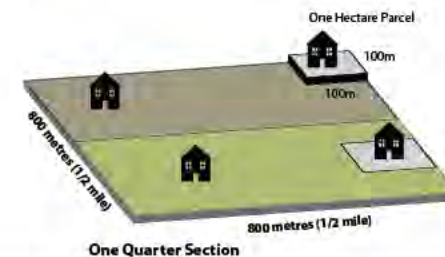
2.3.18 Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

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.



B 1

residential character outcome

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

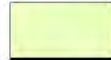
With convenient access to regional road networks and its relative proximity to both St. Albert and Morinville, the Neighbourhood has seen increased subdivision of Agricultural Parcels and rural residential Acreage Lots. To date, minimal assessment regarding the full impact of subdivisions, developments 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:

- ① 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).
- ② 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.
- ③ 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.
- ④ 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.
- ⑤ 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.
- ⑥ 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.
- 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.

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

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

1432/19

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

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

1432/19

.5 Additional Development Regulations

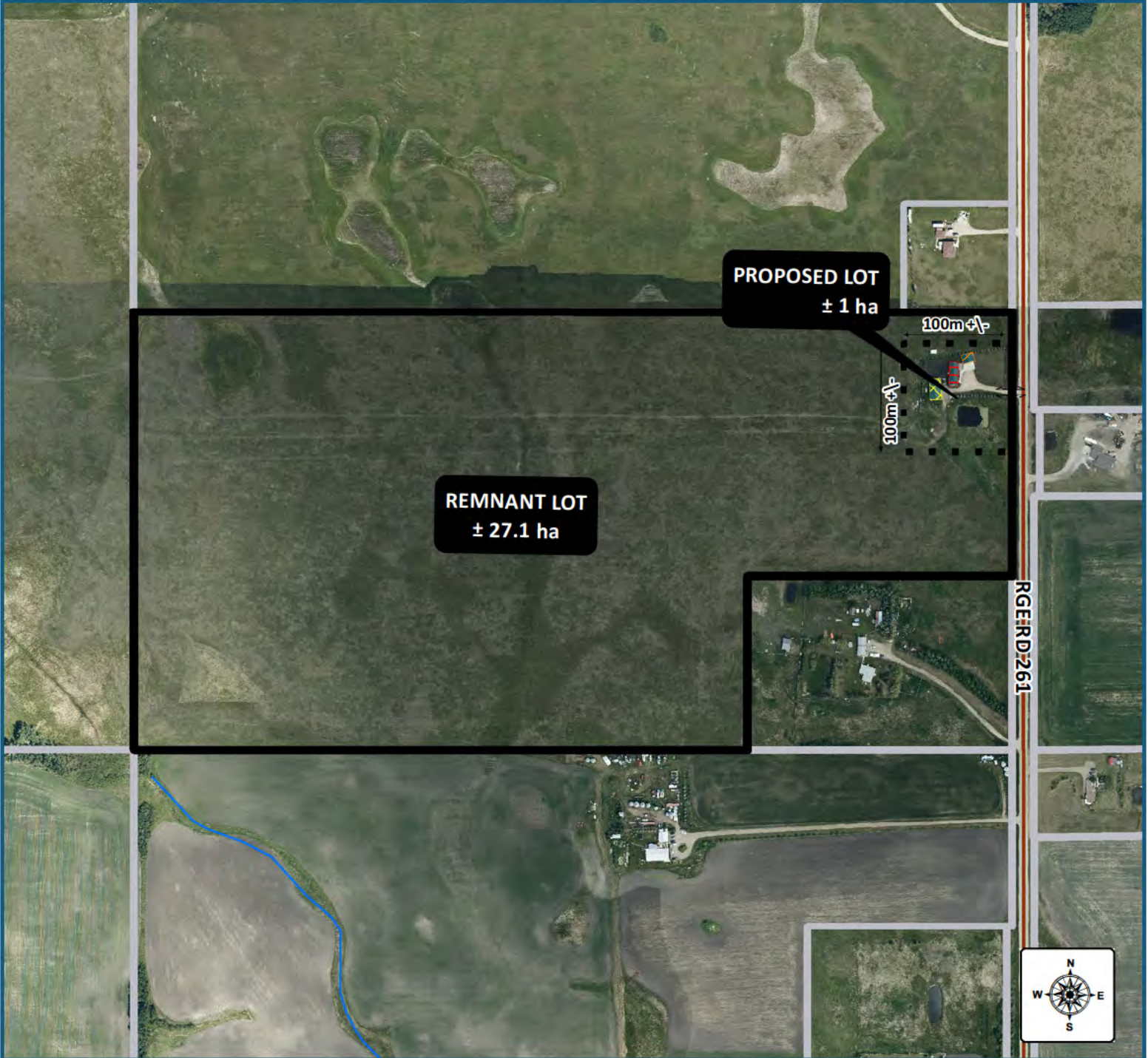
- (a) All *development* in this district is subject to the regulations stated in Parts 5 through 9 of this Bylaw.
- (b) Notwithstanding the variance provisions in Section 2.8 of this Bylaw, the *Development Authority* shall not accept a variance to the *uses* within this district based on *parcel* size.

1407/18

Appendix 4: Exhibits, Referrals & Miscellaneous

Exhibit 1 [Applicant'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

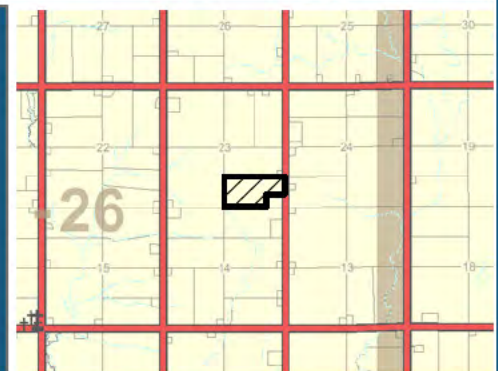
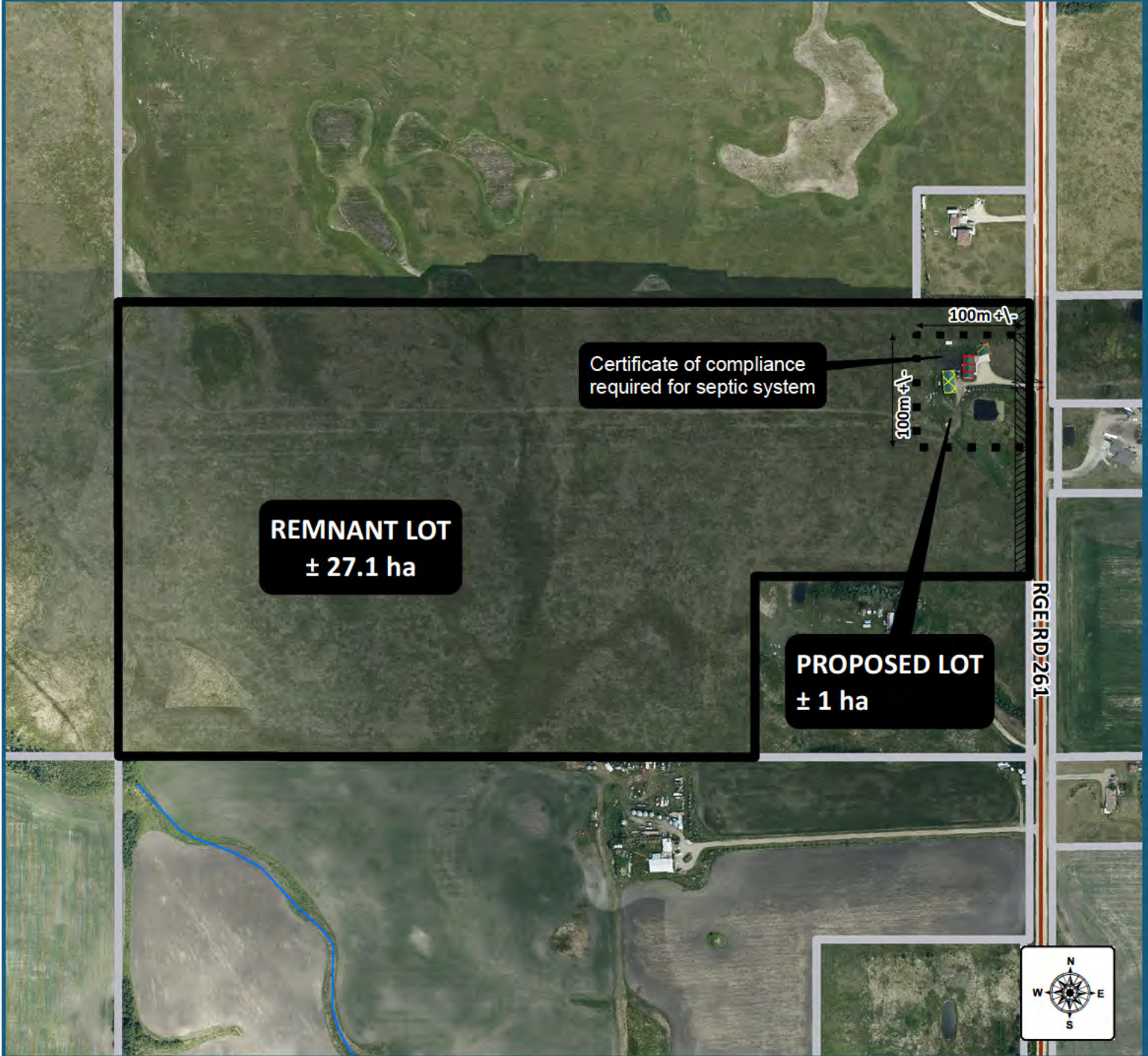


Exhibit 2 [Administration's Recommendation]

File Number: 2022-S-032



Legal Description: SE 23-55-26-W4







Municipal Address: 55308 Rge Rd 261

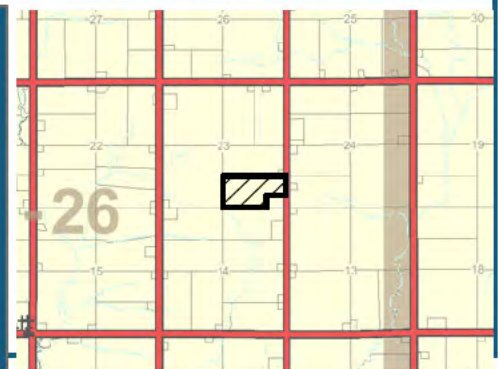
Roll Number: 3859000

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



Subdivision Referral to Engineering Services

- Referral Sent: **October 6, 2022**
- Roll No: **3859000**

- Response Deadline: **October 27, 2022**
- Municipal Address: **55308 Rge Rd 261**

John & Maria Cordeiro

On-site inspection completed; or

Cursory desktop review *only* (on-site inspection planned for spring).

Referral comments provided by: Charlie Li on October 26, 2022
(Engineering Services staff member) (date)

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.

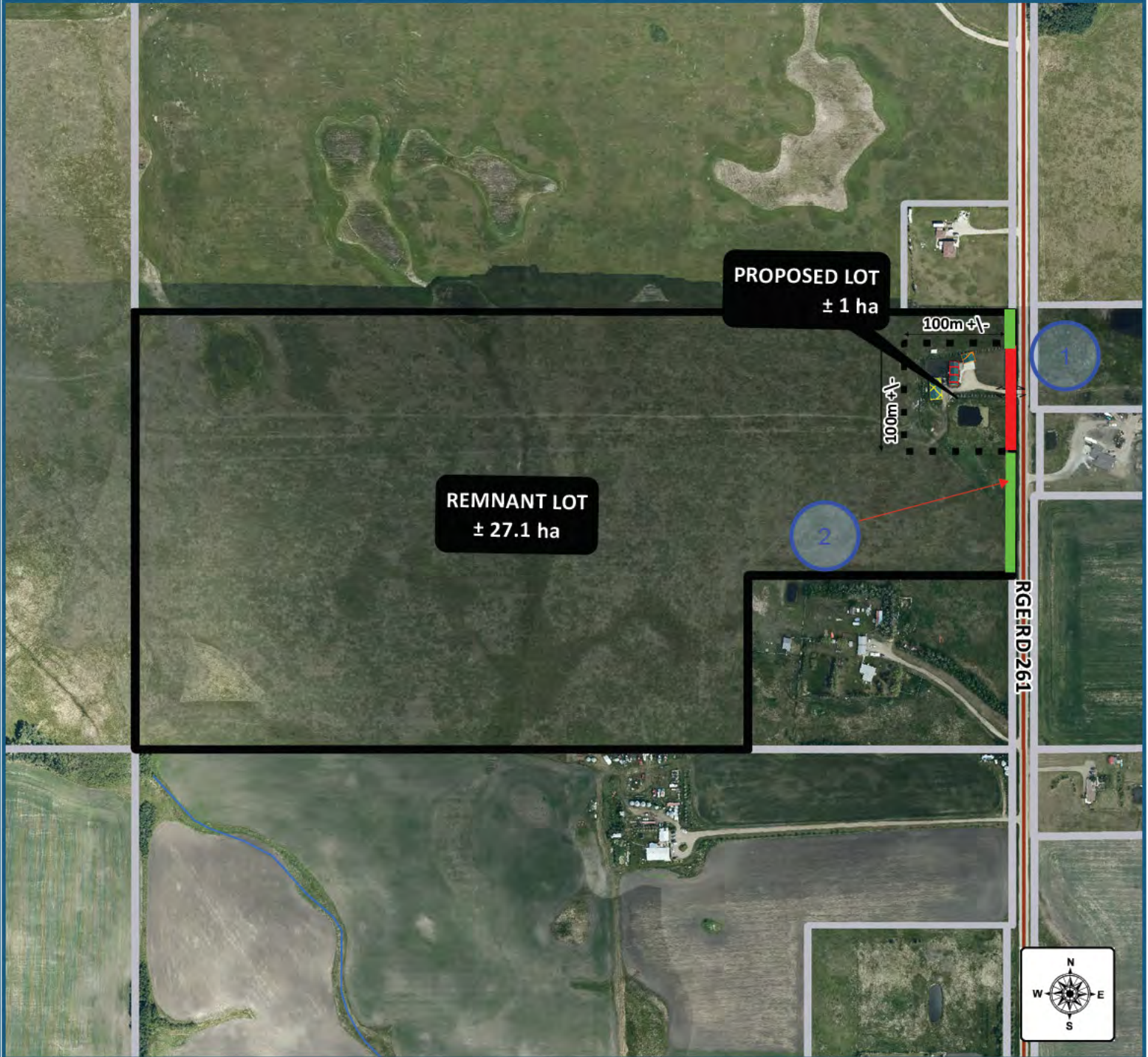
- Approach # 2 (label on map): None To be verified in spring Upgrades req'd Satisfactory
- Current Status:**
 Width: _____, Surface: _____, Side-Slopes: _____, Culvert Size/Condition: _____
- Requirements to meet General Municipal Servicing Standards:**
 Width: 10-12m Surface: gravel, Side-Slopes: 3:1, Culvert Size/Condition: min 500mm culvert
- Other Requirments:** 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 Requirments:** _____

- **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

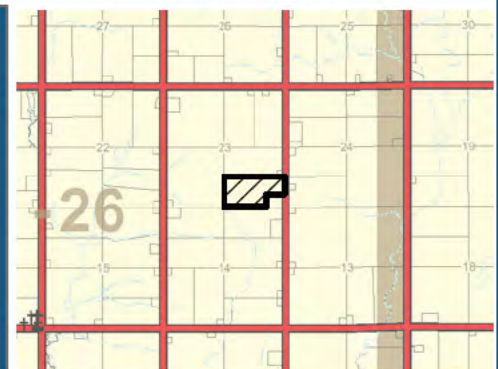
Owner: John & Maria Cordeiro

LUB District: AG - Agriculture

Date: October 5, 2022

Legend:

- Approach (Existing)
 - Shop
 - Garage
 - Residence
 - 5m caveat
 - 5m plan of survey
- Page 45 of 50



Jonathan Heemskerk

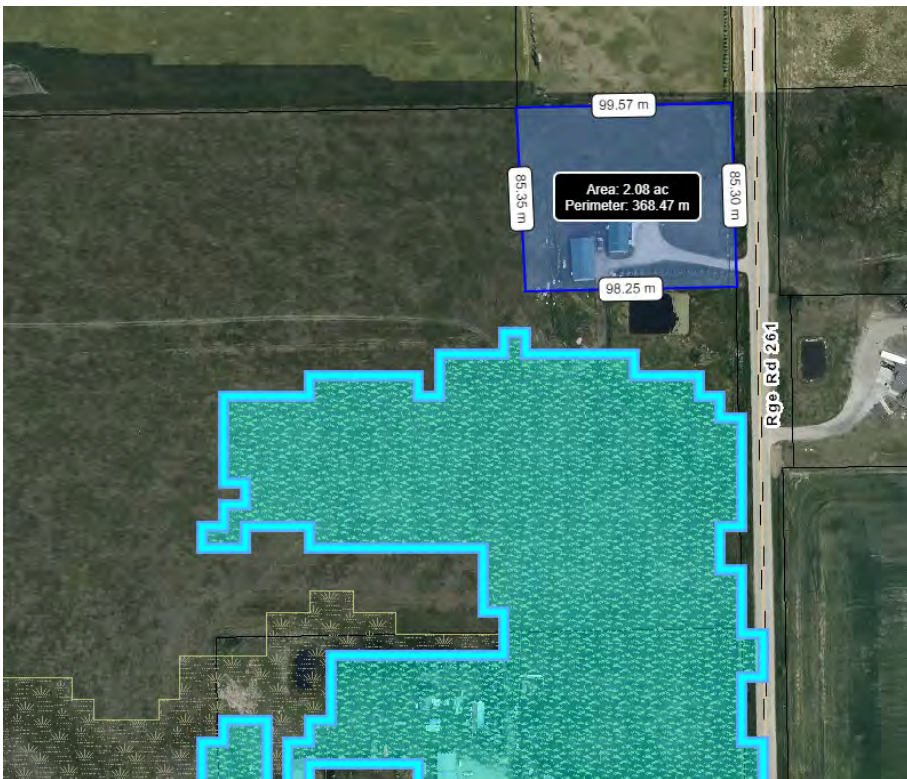
To: Planning & Development
Subject: RE: Proposed Subdivision in Sturgeon County - 2022-S-032

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