

**February 21, 2023**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**  
**HEARING AGENDA**  
**COUNCIL CHAMBERS AND VIDEOCONFERENCE**  
**2:00 p.m.**

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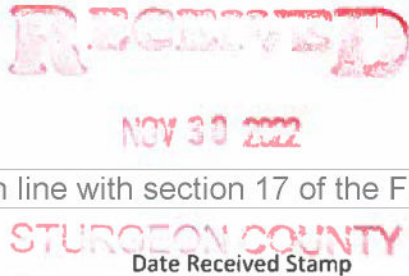
**1. CALL TO ORDER (2:00 p.m.)**

**2. SCHEDULE OF HEARINGS:**

2.1. Appellant: Harald Pfeiffer      022-STU-018      Subdivision Appeal

**3. ADJOURNMENT**

**SUBDIVISION & DEVELOPMENT APPEAL BOARD**

<b>Site Information:</b>	
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:	

Severed in line with section 17 of the FOIP Act

<b>Appellant Information:</b>	
Name: <u>Harald Pfeiffer</u>	

must submit another Notice of Appeal

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

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

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

Please see attached letter for reasons !

I am leaving for Germany to care for my 95 yr. old father. I will be back from 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.

<b>Signature of Appellant/Agent:</b> <u>Severed in line with section 17 of the FOIP Act</u>	<b>Date:</b>
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FOR OFFICE USE ONLY		
<b>SDAB Appeal Number:</b>	<b>Appeal Fees Paid:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Hearing Date:</b> 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 regard:

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

Severed in line with section 17 of the FOIP Act

Harald Pfeiffer

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).

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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

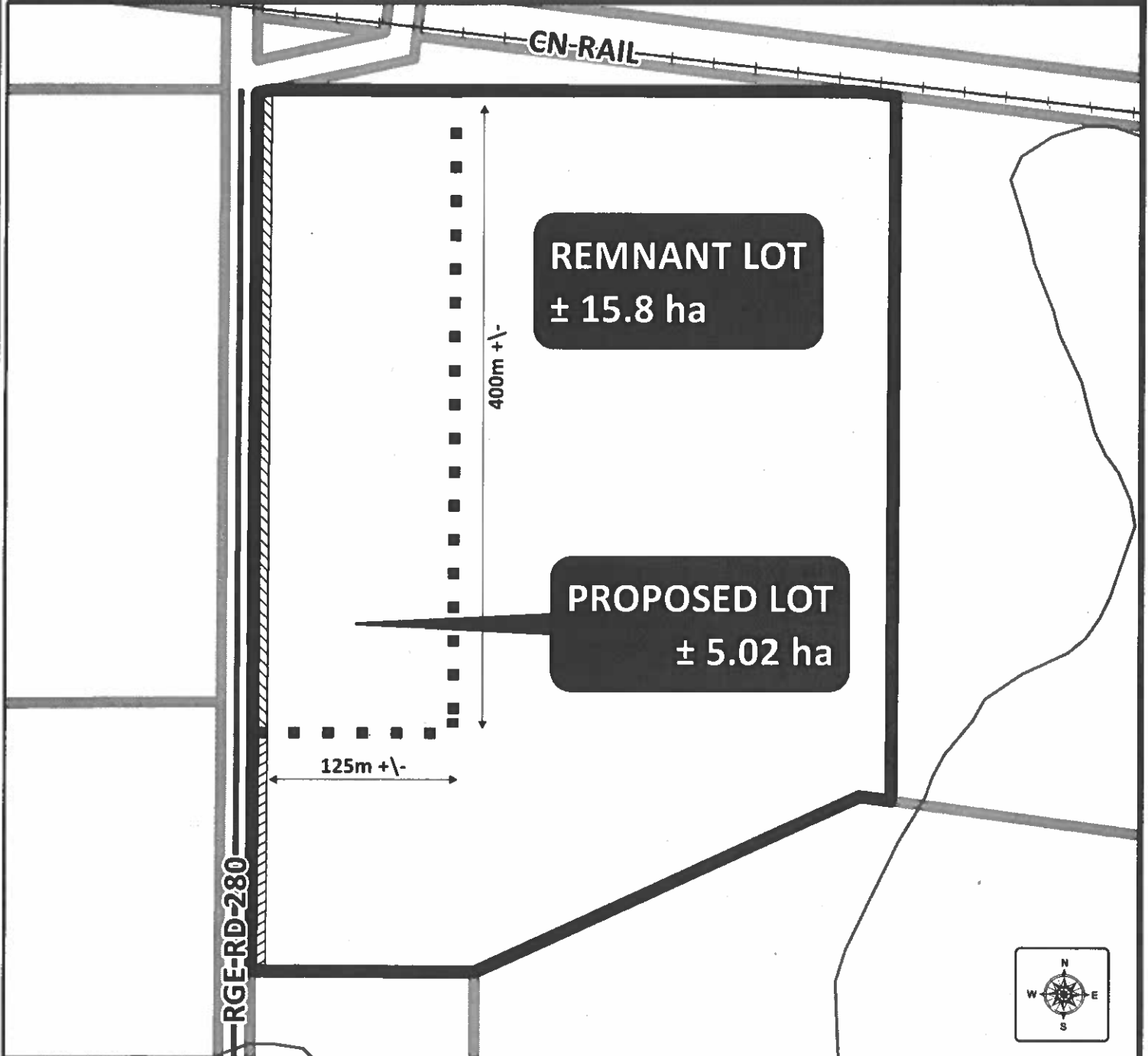
EQUUS  
Farm Credit Canada  
Fortis Alberta  
Sturgeon School Division  
Telus Access Planning

**If you wish to appeal this decision, contact the Secretary of the Subdivision and Development Appeal Board via email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) or via letter at 9613 – 100<sup>th</sup> 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 SE		\$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.

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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](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than 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](mailto:legislativeservices@sturgeoncounty.ca).

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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](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than 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.**

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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.

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board

*The personal information provided is collected under the authority of Section 33(c) of the Alberta Freedom of Information and Protection of Privacy Act and Division 10 of the Municipal Government Act. The information will be used as part of your written brief and may be recorded in the minutes of the Subdivision Development Appeal Board, or otherwise made public pursuant to the provisions of the Freedom of Information and Protection of Privacy (FOIP) Act, including section 40 therein. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 - 100 Street, Morinville, Alberta, T8R 1L9 780.939.4321.*

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.

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board

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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](mailto:legislativeservices@sturgeoncounty.ca) or via letter at 9613 – 100<sup>th</sup> 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.”**

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Appeal File Number: 022-STU-018  
Application Number: 2022-S-026  
Appeal Against: Subdivision Authority of Sturgeon County  
Appellant/Applicant: Harald Pfeiffer  
Date and Location of Hearing: December 20, 2022  
Council Chambers and Through Electronic Communications  
Date of Decision: January 3, 2023  
SDAB Members: Lee Danchuk (Presiding Officer), Mark Garrett, Alanna Hnatiw, Al  
Montpellier, Amanda Papadopoulos

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## NOTICE OF ADJOURNMENT

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**IN THE MATTER OF** an appeal by Harald Pfeiffer against the Subdivision Authority's refusal of a subdivision application to subdivide 5.02 hectares (12.40 acres) from 20.82 hectares (51.45 acres) on SW 31-54-27-W4 within Sturgeon County.

### PROCEDURAL MATTERS

[1] The appeal was filed on time and in accordance with Section 678 of the MGA.

### PRELIMINARY MATTER

[2] The Appellant, Harald Pfeiffer, was not in attendance at the hearing but provided a written request to adjourn the hearing to February 21, 2023 at 2:00 p.m. as he is out of the country dealing with a personal matter.

[3] Martyn Bell, Program Lead, Current Planning, Planning & Development Services, provided a written submission consenting to the adjournment.

### DECISION OF THE BOARD

[4] **The Board adjourns the matter to February 21, 2023 at 2:00 p.m.**

**REASONS FOR THE DECISION**

- [5] Pursuant to section 686(2) of the MGA, the SDAB must hear an appeal within 30 days of the appeal being received. The Appellant filed notice to appeal on November 30, 2022, meaning that the Board must hear the appeal no later than December 30, 2022.
- [6] The Board received a written request from the Appellant to adjourn the merit hearing to February 21, 2023 at 2:00 p.m. as he is out of the country dealing with a personal matter. The County's Planning and Development Department provided written consent to adjourn the merit hearing to February 21, 2023.
- [7] The Board notes that adjacent landowners were notified of the hearing and there were no submissions received or persons in attendance at the hearing, demonstrating that there are no other parties who have identified themselves as being affected by this appeal and therefore no other parties affected by the decision to adjourn the merit hearing. Further, the Board notes that the Appellant is also the Applicant in this matter.
- [8] No additional notice of the merit hearing is required.

Dated at the Town of Morinville, in the Province of Alberta, this 3<sup>rd</sup> day of January, 2023.



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Lee Danchuk, Presiding Officer

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.

# PLANNING AND DEVELOPMENT SERVICES REPORT

# 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: **August 29, 2022** Application Fee: \$ **1175.00** Receipt No. **202206090**  
Date Accepted as "Complete": **Sept 6/2022** File Number: **2022-S-026**

### Complete in full (where applicable):

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

*Harald KW Pfeiffer*

Mailing address (including postal code):

Telephone:

Email:

**SEVERED IN LINE WITH SECTION 17 OF THE FOIP ACT**

(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: *SW*  $\frac{1}{4}$  Sec: *31* Twp: *54* Range: *27* West of the: *4* <sup>th</sup> Meridian  
OR Lot: Block: Plan: Land Title #

Municipal Address of Property:

Total existing property size (stated on land title certificate): hectares *51* acres

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

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

Detailed Description: *12.5ac Subdivision, 125m x 400m in size along the west boundary of the parcels (see attached map)*

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:        <sup>th</sup> 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

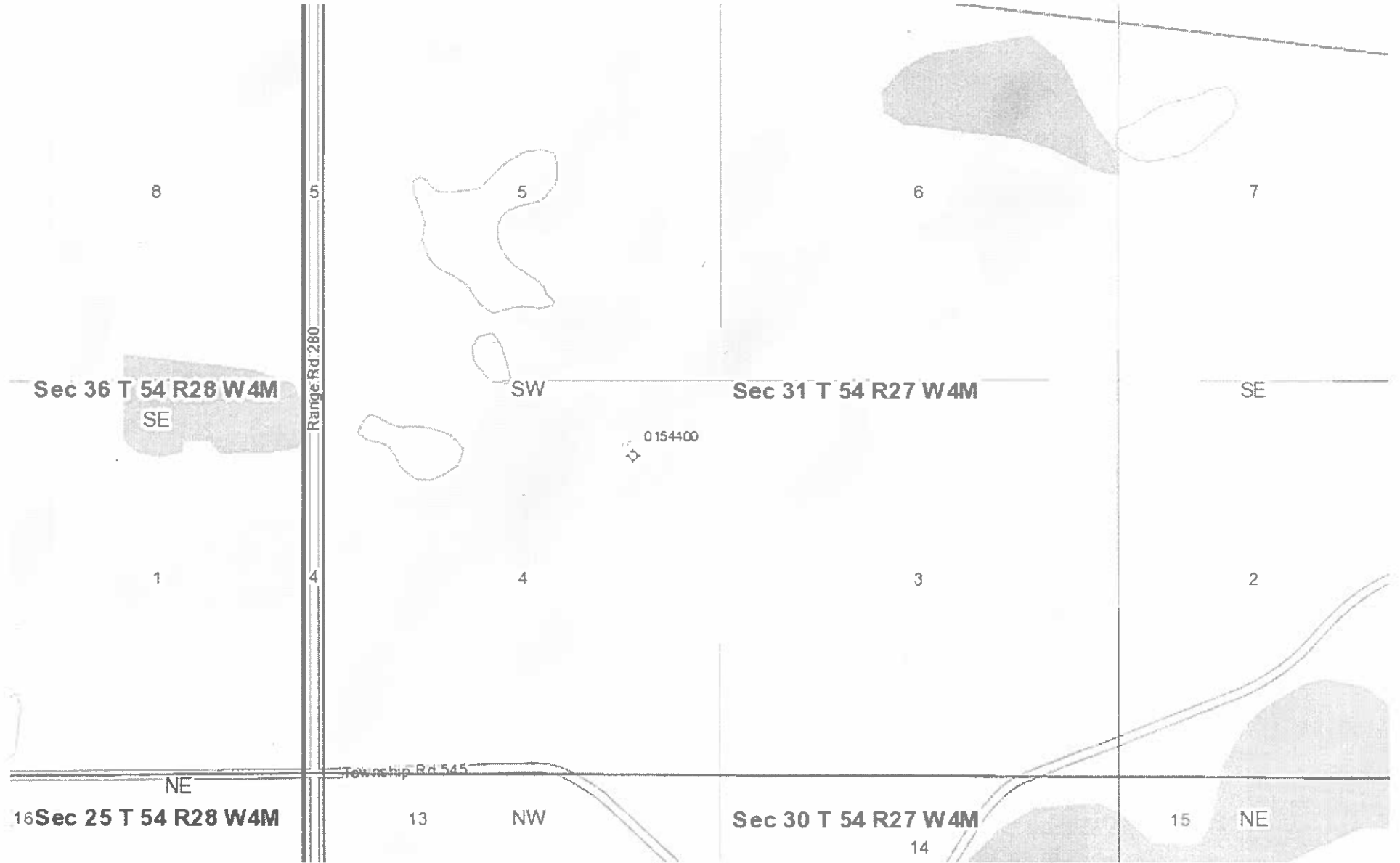
I do have an abandoned oil or gas well site(s) located on the property and, when developing in the future, must meet the setback and other potential requirements of the AER's Directive 079.

(See: [www.aer.ca/rules-and-regulations/directives/directive-079](http://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



Saturday, March 27, 2021 14:02:47 -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.



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## 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.

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

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

If you have questions regarding sewage disposal, consult either:

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

OR

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

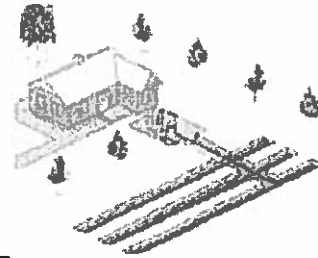
# Sewage Disposal (Mandatory)

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



**Open Discharge (Pump Out) System**

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



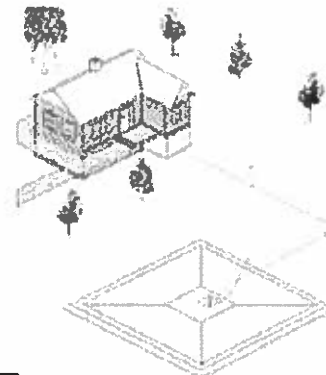
**Disposal Field**

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



**Treatment Mound**

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

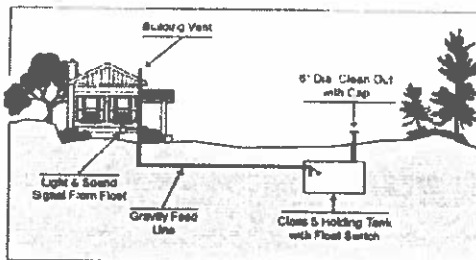


**Sewage Lagoon**

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

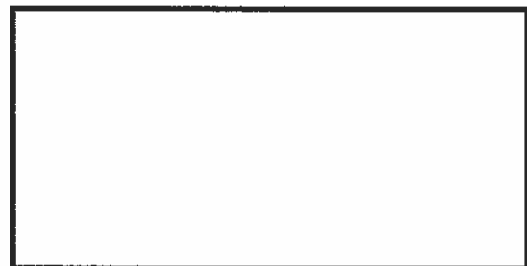
**No existing sewage disposal.**

**Municipal Sanitary Line**



**Holding Tank**

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



**Other:** \_\_\_\_\_

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

## Right of Entry Authorization (Mandatory)

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



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

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

## Affidavit (Mandatory)

I/We,

Harold K.W. Pfeiffer

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 Photograph(s)** – 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

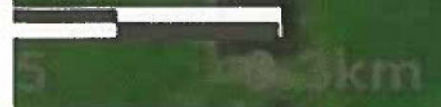
The personal information provided will be used to process the application for subdivision and is collected under the authority of Section 653 of the *Municipal Government Act*, Section 5 of the *Subdivision Development Regulation* and Section 33 (c) of the *Freedom of Information and Protection of Privacy (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.





400 m

125 m







<b>FILE INFORMATION:</b>		<b>2022-S-026</b>
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 Heemskerk, Planning and Subdivision Officer**

Reviewed by:   
\_\_\_\_\_  
**Martyn Bell, Program Lead, Current Planning**

**NOTE: Appendices Attached...**



Alternatively, notwithstanding the recommendation to refuse this application, should the Municipal Planning Commission opt to exercise its discretion enabled via the Municipal Government Act, the following list of tailored approval conditions has been provided for consideration.

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

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated November 22, 2022 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and the adjacent road shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer [upon completion of a physical on-site inspection in spring 2023], will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
- 6) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in place of reserves equal to \$9,042.22 (*determined at a rate of \$18,012.40 per hectare X 10% X 5.02 hectares = \$9,042.22*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- 7) Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).

- 8) A restrictive covenant created by, and to the satisfaction of Sturgeon County shall be registered on the land title certificate of the Proposed and Remnant Lots advising the landowner that as per the Land Use Bylaw (1385/17), these parcels are located within the Resource Extraction Overlay and could be potentially located near an incompatible use in the future – resource extraction.
- 9) The applicant shall enter into and perform a Development Agreement with Sturgeon County. This agreement shall specify terms and conditions related to upgrades and/or construction within the Range Road 280 road right-of-way, to the satisfaction of Sturgeon County Engineering Services.

#### **ADVISORY NOTES**

- Natural Gas servicing to any new subdivision is the responsibility of the applicant. The applicant will be required to provide the required easements across existing lots or subdivided lots for natural gas servicing, if service is approved by the natural gas provider. Sturgeon County does not allow natural gas servicing lines to be located within the road right of way. Setbacks from the road right of way are required. Easements of private property must be obtained by the applicants or service providers. Any service lines which cross Sturgeon County property will require a crossing agreement with conditions.
- Pursuant to Section 2.4.3 of the LUB, at the development permit stage on any property, it is highly recommended that the developer retain the services of a qualified engineering professional to prepare and submit a geotechnical investigation confirming that the proposed building site on is suitable for development and prescribing any preventative engineering measures to be taken to make the building site suitable for future development or future development suitable for the building site.
- Pursuant to the Water Act and the Alberta Wetland Policy, any future development or site grading which might alter or disturb a wetland may require additional approvals from Alberta Environment and Parks.
- The subject properties shall not be used in any manner or way that impedes or will impede the use of adjacent lands for agricultural purposes or agricultural operations, as defined in the Agricultural Operation Practices Act, RSA 2000 c.A-7.
- A search of the Alberta Energy Regulator's *Abandoned Well Map Viewer* identified an abandoned well on the Remnant Lot. Further due diligence is recommended prior to any future development desired in close proximity.

## Appendix 1: Excerpts from Municipal Government Act

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

2016 c24 s108

### Approval of application

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

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

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

- (a) the proposed subdivision would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

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

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

#### **Conditions of subdivision approval**

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

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

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

or both;

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

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

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

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

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

### Decision

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

**(2)** A decision of a subdivision authority must state



Enacting Responsible Subdivision and Development Practices

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

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

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



**RC  
2.1****Creating Attractive and Complete Communities**

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

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

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

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

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

### 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.

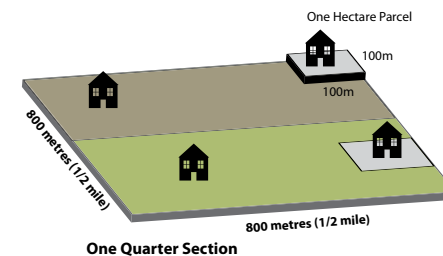
**2.3.18** Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

**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.

# Appendix 3: Excerpts from Land Use Bylaw

## 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 <sup>2</sup> (5,005.2ft <sup>2</sup> )
Maximum <i>parcel coverage</i>	15%	

Additional Development Regulations for AG-Residential parcels		
Maximum <i>floor area</i>	<i>Accessory building</i>	230m <sup>2</sup> (2,475.7ft <sup>2</sup> )
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-026



**PROPOSED LOT**  
± 5.02 ha

**REMNANT LOT**  
± 15.8 ha

400m +/-

125m +/-

RGE RD 280



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

Roll Number: [4444001](#)

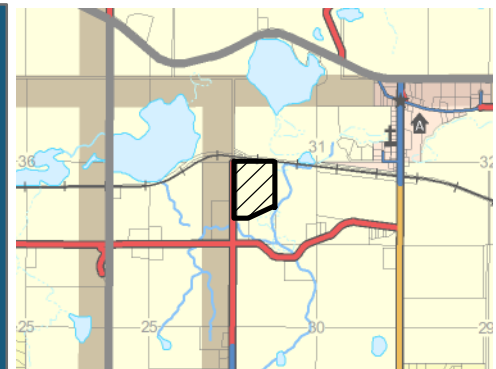
Applicant: [Harald Pfeiffer](#)

Owner: [Harald Pfeiffer](#)

LUB District: [AG - Agriculture](#)

Date: [September 1, 2022](#)

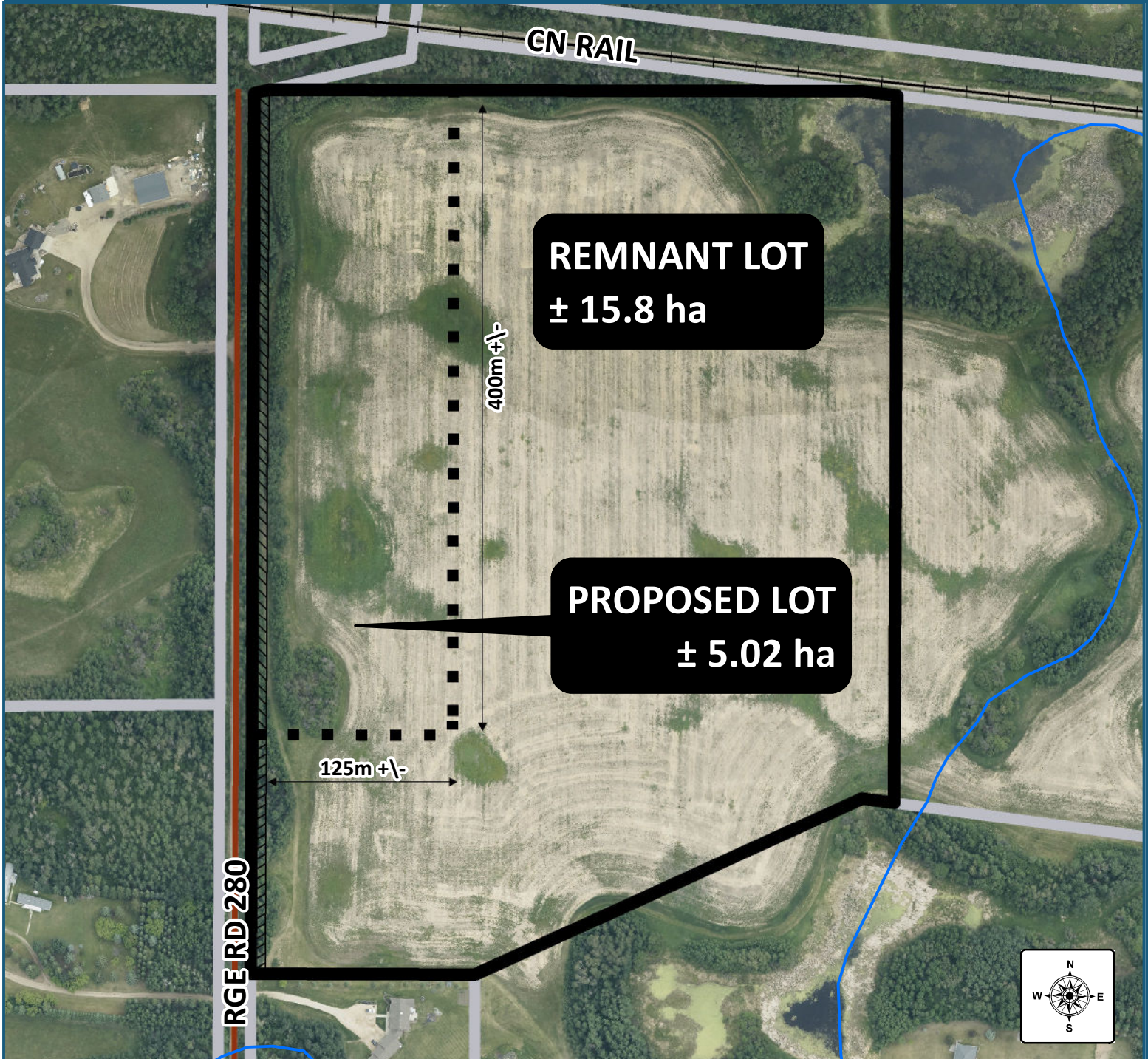
Legend:





# 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

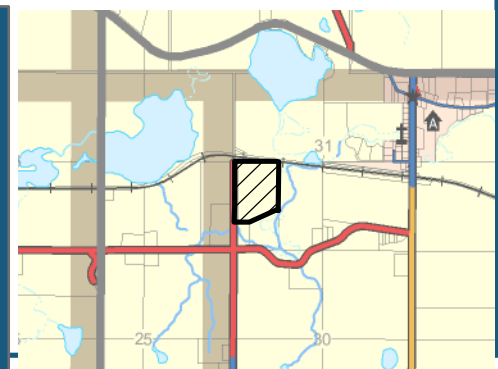
Roll Number: 4444001

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

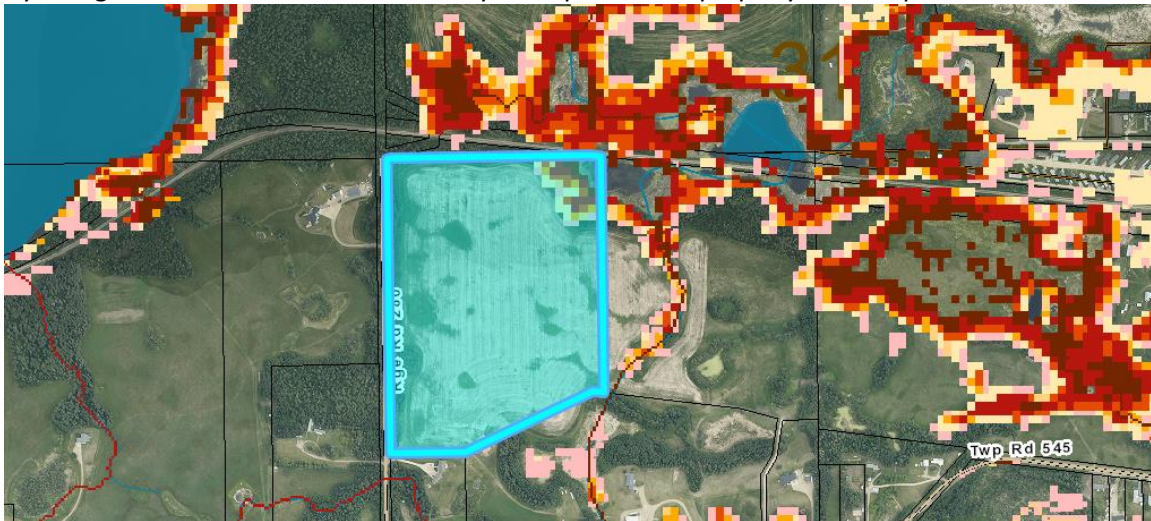
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The subject parcel is districted as AG – Agriculture according to Sturgeon County’s Land Use Bylaw 1385/17.

**Remnant Lot**

Vacant farmland

The north east corner of the property is identified under the Drainage Master Pan 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 Requirements:** 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 Requirements:** \_\_\_\_

- **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.

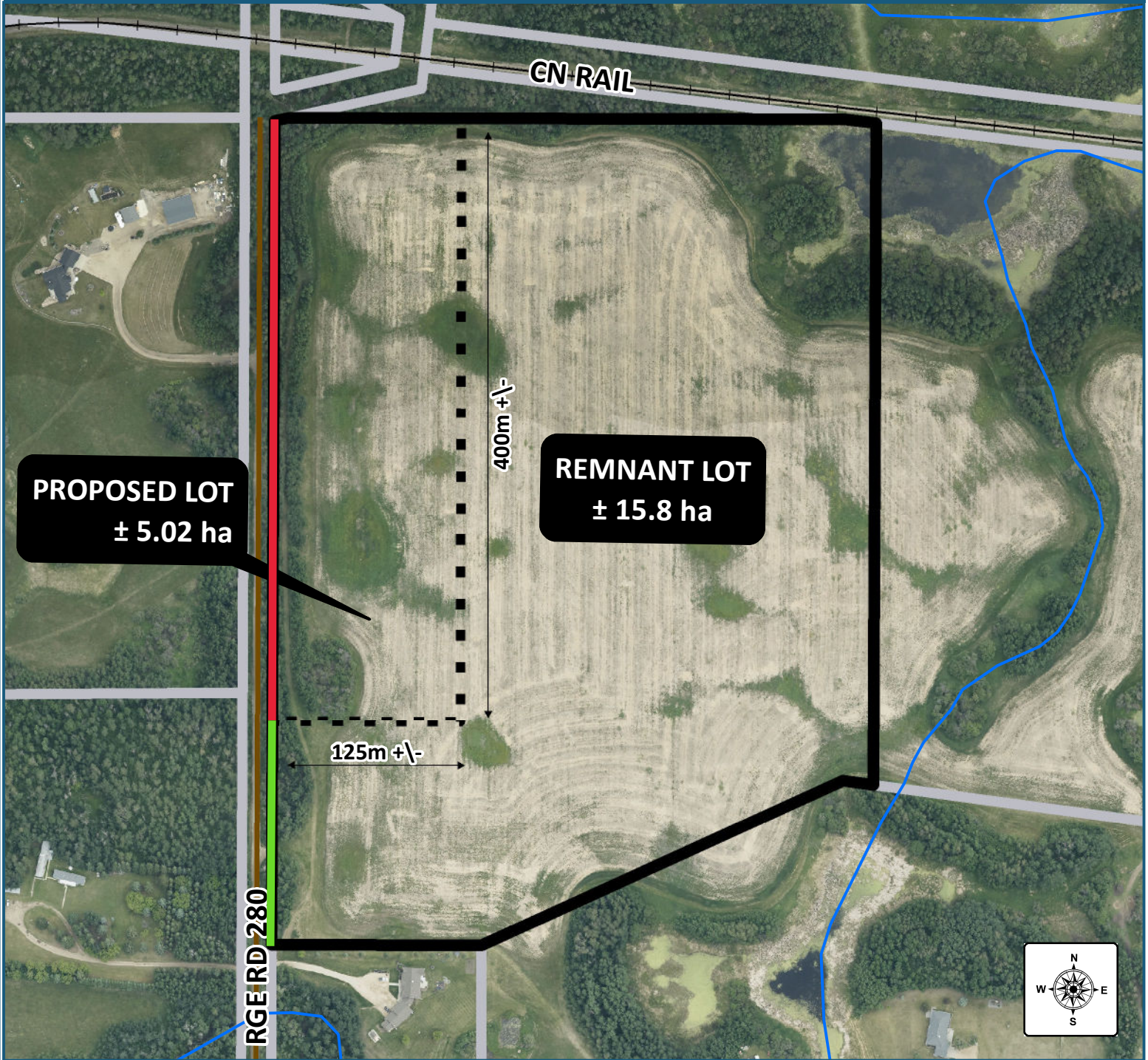
The developer would be required to enter into a Development Agreement for the municipal improvement project.

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](#)

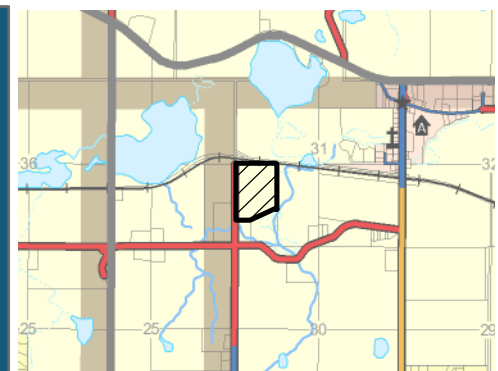
LUB District: [AG - Agriculture](#)

Date: [September 1, 2022](#)

### Legend:

 5 m by caveat

 5 m by plan of survey

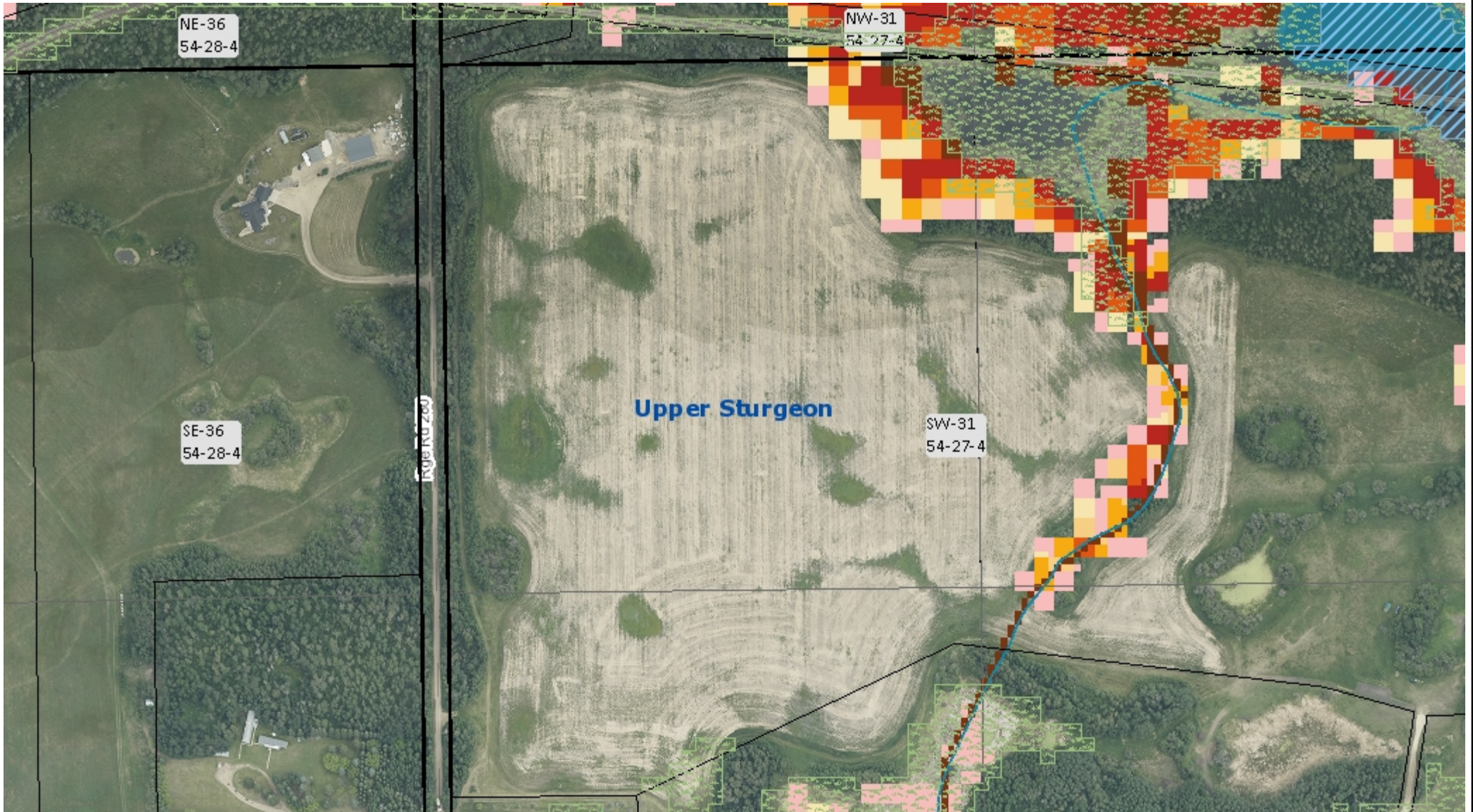




# 2022-S-026 Flood Risk and Wetland

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 51 of 68

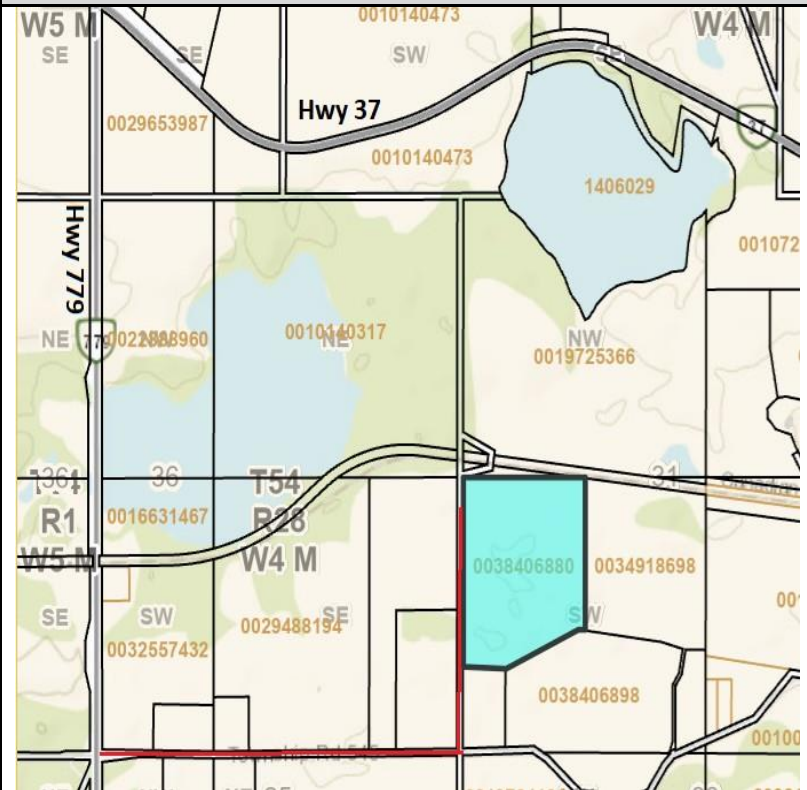




File Number: RPATH0005250

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



# Subdivision and Development Appeal Board

022-STU-018

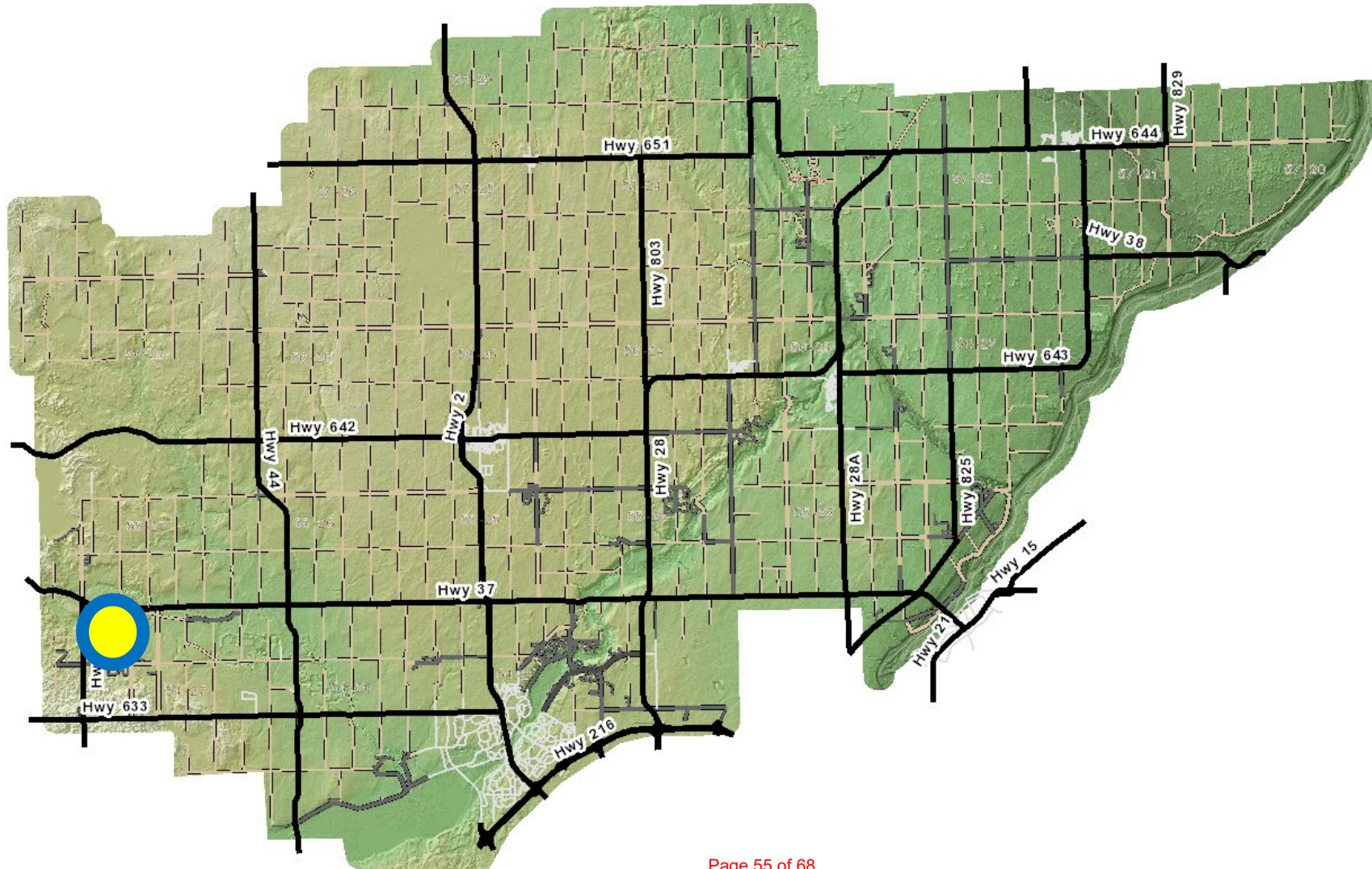
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Jonathan Heemskerck  
Planning and Subdivision Officer



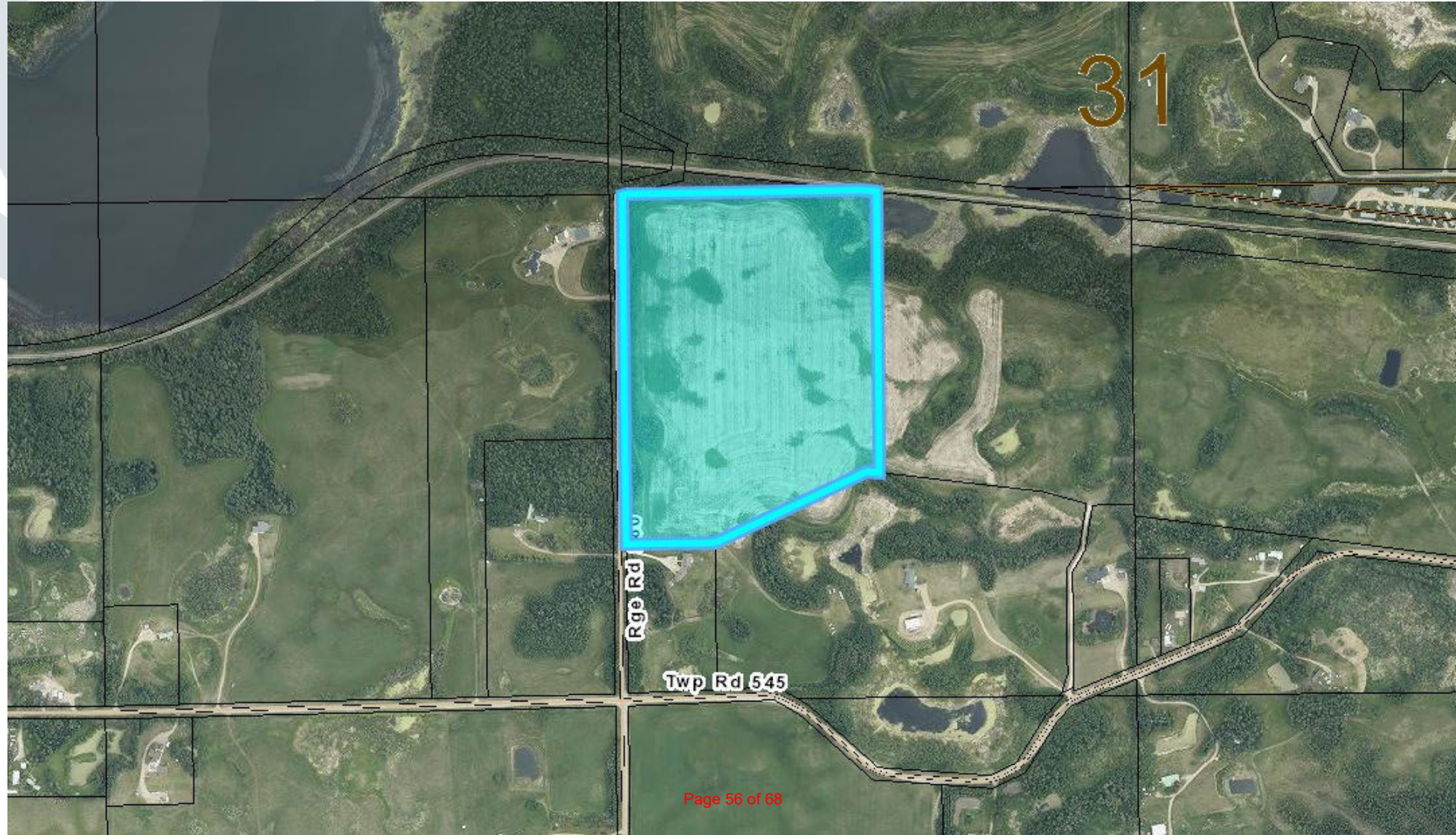
Sturgeon  
C O U N T Y

# Site Location (Regional)



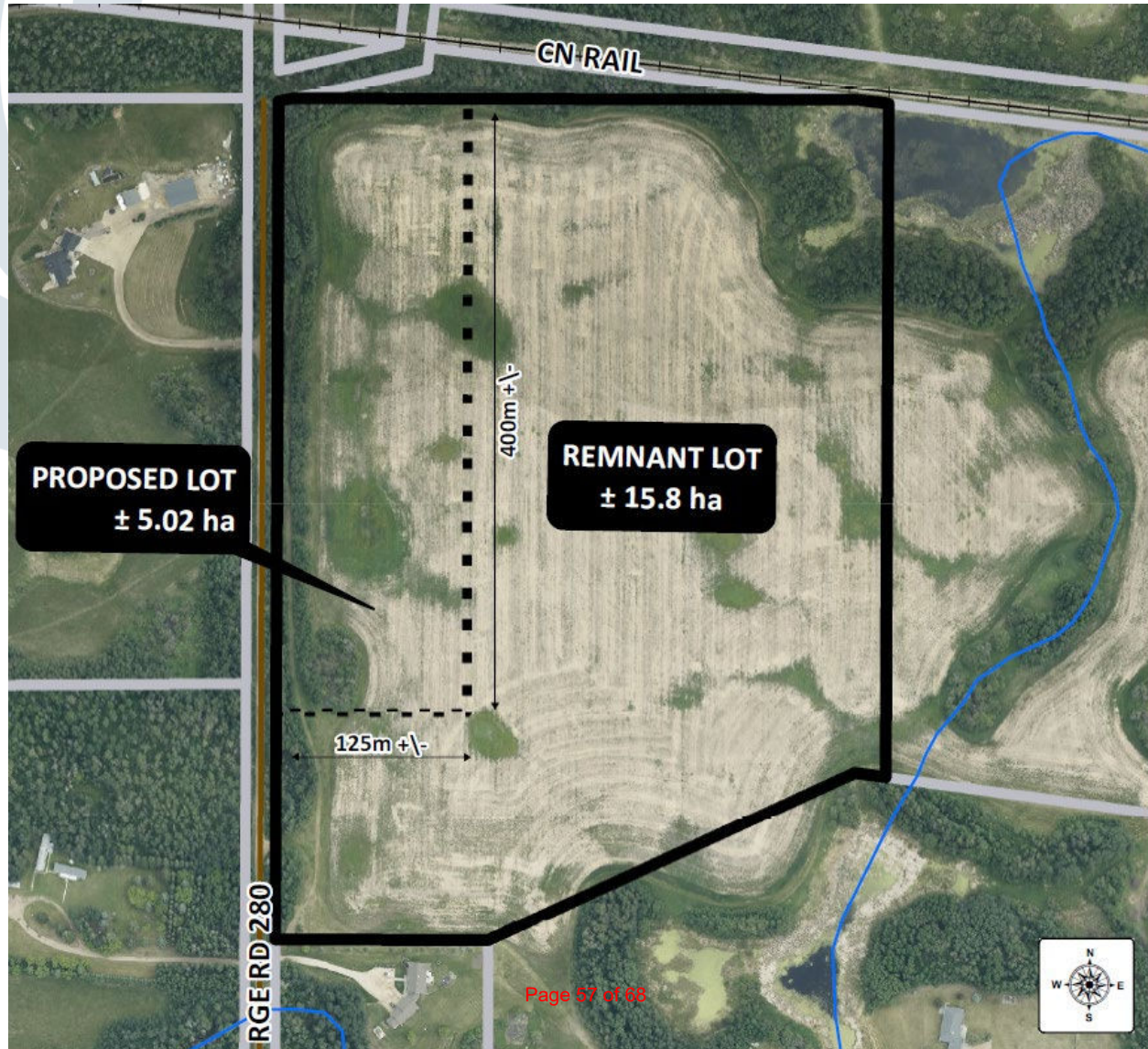


# Site Location (Local)





# Proposal



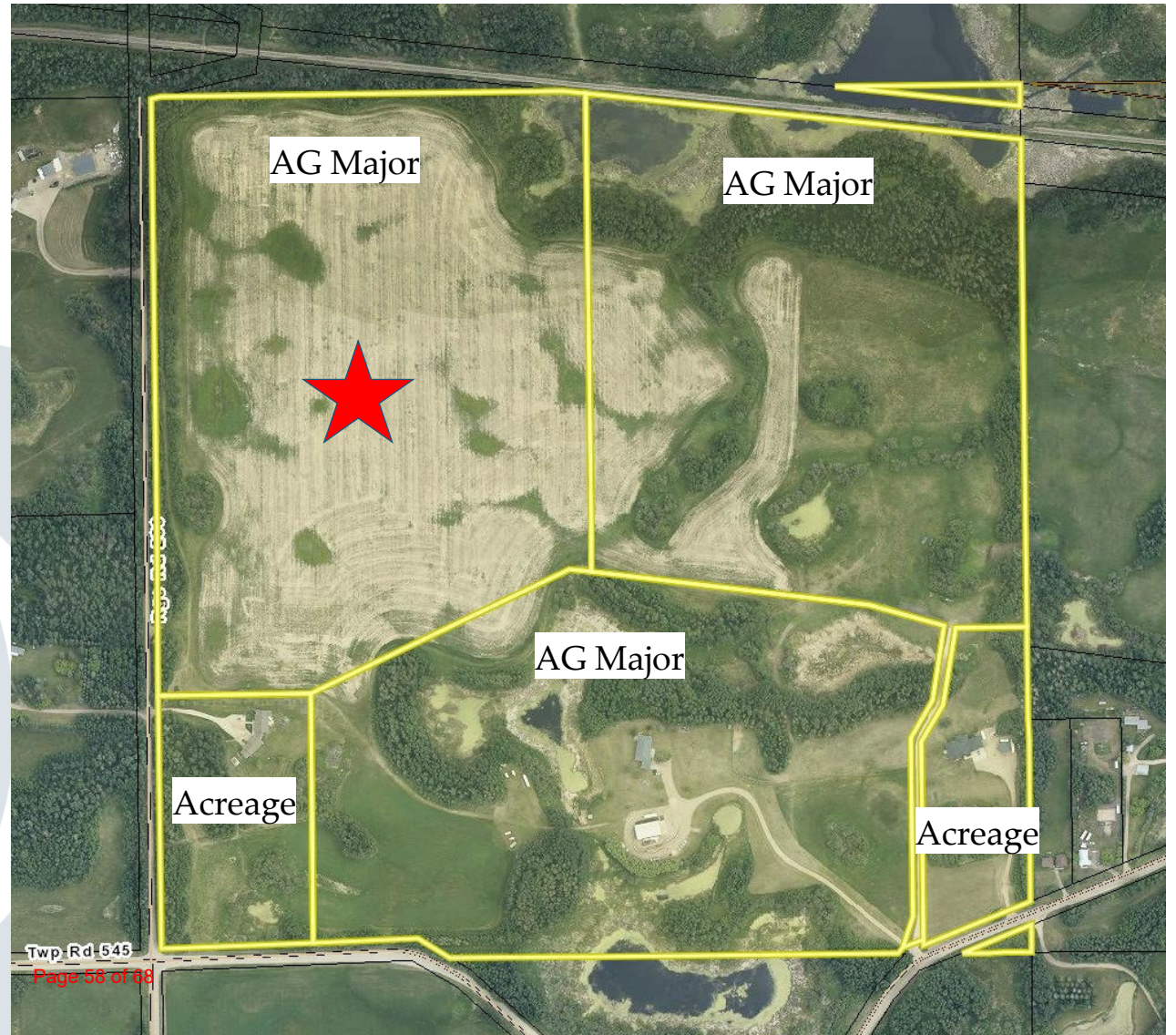


# Discussion

## Quarter Section Configuration

Currently there are five total parcels on this quarter section:

- Three AG Major Parcels
- Two AG Residential (acreage) Parcels





# Issue Analysis

## Sturgeon County Policies and Regulations

### Municipal Development Plan:

- This proposal does **not** align with the Residential Type 4 policies in the Municipal Development Plan.
- 2.3.15 – Outlines a maximum agricultural density of four (4) parcels for every quarter section.
- 2.3.16 – Outlines a maximum of two (2) acreages for every quarter section.
- 2.3.17 – Acreage lots shall maximize the total amount of agricultural land taken out of production.

### Land Use Bylaw:

- This proposal does **not** align with the subdivision regulations in the Land Use Bylaw.
- 11.1.3(a) – Also outlines a maximum of four (4) parcels and two (2) acreages per AG quarter section.
- 11.1.3(e) – Maximum size of 1 hectare (2.47 acres) for subdivision of farmland.





# Issue Analysis

## Sturgeon County Policies and Regulations

### Municipal Government Act

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



# Subdivision Authority Decision

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

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

# Conditions – If Approved

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- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated November 22, 2022 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and the adjacent road shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer [upon completion of a physical on-site inspection in spring 2023], will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
- 6) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in place of reserves equal to \$9,042.22 (*determined at a rate of \$18,012.40 per hectare X 10% X 5.02 hectares = \$9,042.22*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- 7) Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
- 8) A restrictive covenant created by, and to the satisfaction of Sturgeon County shall be registered on the land title certificate of the Proposed and Remnant Lots advising the landowner that as per the Land Use Bylaw (1385/17), these parcels are located within the Resource Extraction Overlay and could be potentially located near an incompatible use in the future – resource extraction.
- 9) The applicant shall enter into and perform a Development Agreement with Sturgeon County. This agreement shall specify terms and conditions related to upgrades and/or construction within the Range Road 280 road right-of-way, to the satisfaction of Sturgeon County Engineering Services.

# Conditions – Summary

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1. Ensure taxes are paid
2. Retain a surveyor
3. 5m for future road widening by plan of survey on the proposed lot
4. 5m for future road widening by caveat on the remnant lot
5. Approach upgrades to GMSS
6. Money in lieu of municipal reserve (proposed lot)
7. Deferred reserve caveat (remnant lot)
8. Notification on title that the parcel is within the Resource Extraction Overlay
9. Development Agreement for road upgrades within the Rge Rd 280 right-of-way



# Potential Size Reduction





# Summary of Circulation Responses

## Sturgeon County Development Officer

- Proposed Lot
  - Low pressure gas line transects the parcel.
  - Land falls within the Resource Extraction Overlay.
- Remnant Lot:
  - Vacant farmland, no concerns.

## Sturgeon County Engineering Services

- Proposed Lot
  - 5m required via plan of survey along Rge Rd 280
  - No existing approach, one must be constructed to General Municipal Servicing Standards.
  - Rge Rd 280 is an underdeveloped roadway which requires upgrades if extra density is approved.
- Remnant Lot:
  - 5m required via land acquisition agreement along Rge Rd 280.
  - Approach requires upgrades to meet General Municipal Servicing Standards.



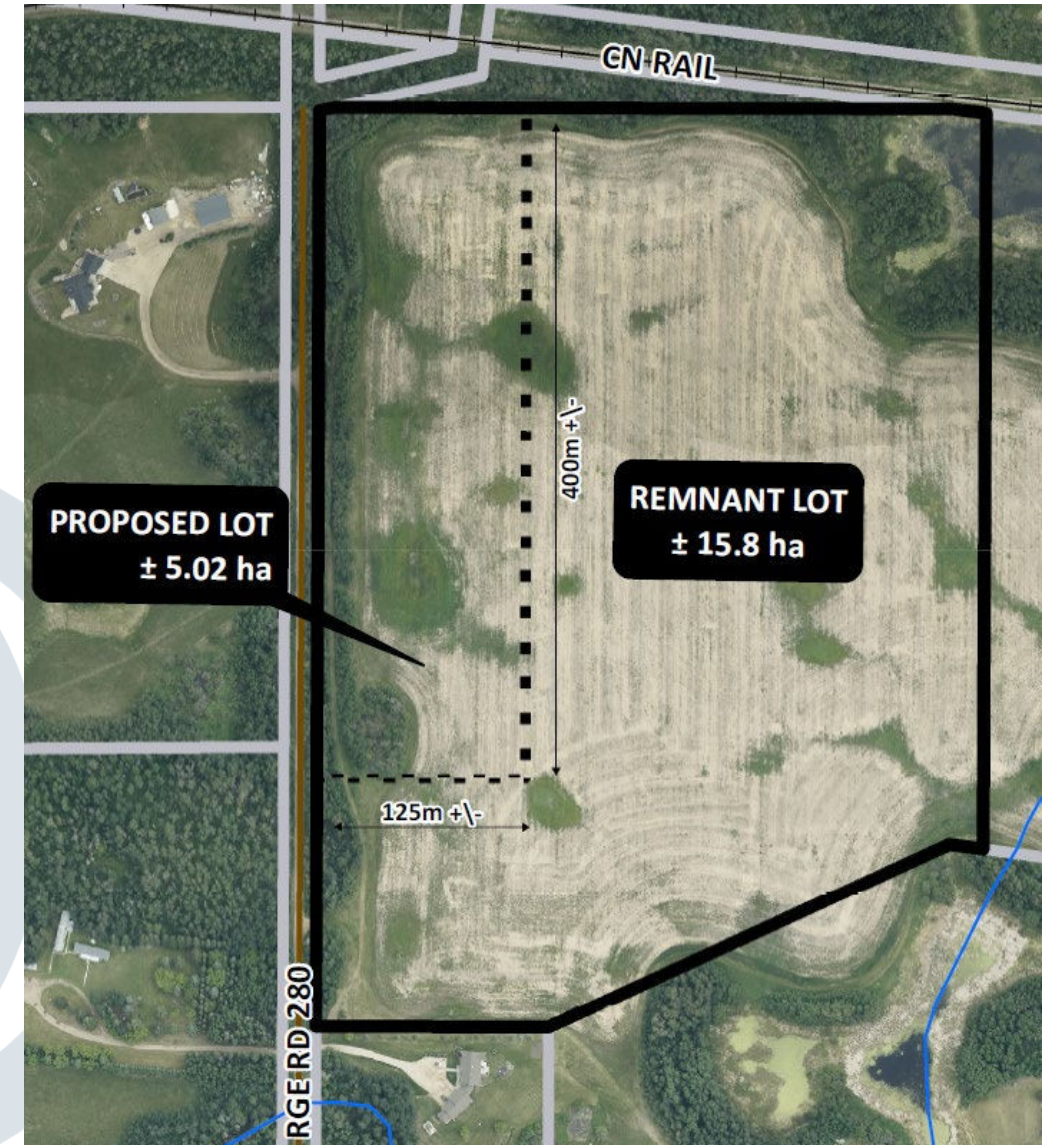
# Summary of Circulation Responses

## Alberta Transportation

- All Lots
  - No service road or land dedication is required.
  - Pursuant to Section 678 of the MGA, any appeal is deferred to the SDAB.

## All Other Parties

- No objections/concerns.





# APPELLANT SUBMISSIONS RECEIVED

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**\*NOTE:**

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

WRITTEN  
SUBMISSIONS  
FROM  
ADJACENT  
LANDOWNERS  
AND OTHER  
AFFECTED  
PERSONS

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