

January 31, 2023
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING AGENDA
COUNCIL CHAMBERS AND VIDEOCONFERENCE
2:00 p.m.


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

2. SCHEDULE OF HEARINGS:

2.1. Appellant: Ioannis Kalogeras 023-STU-002 Subdivision Appeal

3. ADJOURNMENT

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		
Municipal Address of site: 140 - 54324 Bellerose Drive Sturgeon County, AB T8T 0C5		
Legal land description of site: lot 2 Blk 4 (‘plan, block, lot’ and/or ‘range-township-section-quarter’) Plan 8020218		
Development Permit number or Subdivision Application number:		
Appellant Information:		
Severed in line with section 17 of the FOIP Act		
Name: Ioannis John Kalogeris	Phone:	Agent Name: (if applicable)
Mailing Address:	City, Province:	
Postal Code:	Email:	

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

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

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

We have researched and found other approved & completed parkhome style subdivisions in the area. We do not believe that our subdivision is in contravention of the Core Area Structure plan.

(Attach a separate page if required)

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

Signature of Appellant/Agent:	Date: Jan 3/23
FOR OFFICIAL USE ONLY	
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: YYYY/MM/DD

APPEAL SUBMISSION INFORMATION

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

FILING INFORMATION

MAIL OR DELIVER TO:

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

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

APPEAL PROCESS

Who can appeal?

Subdivision appeals:

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

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

Development appeals:

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

For further information:

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

Phone: 780.939.4321

Email: legislativeservices@sturgeoncounty.ca



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

DHIMAN, DAVID

Receipt Number: 202300069
 GST Number: 107747412RT0001
 Date: 2023-01-03
 Initials: CS

Severed in line with section 17 of the FOIP Act

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

January 10, 2023

SDAB File Number: 023-STU-002

Dear Ioannis John Kalogeras:
C/O David Dhiman

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: Plan 8020218; Block 4; Lot 2 – Summerbrook Estates
Subdivision Application Number: 2022-S-035
Decision of Subdivision Authority: The subdivision application was refused.

An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on January 5, 2023. 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 **January 31, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 970 947 624#. This should connect you directly into the hearing.

When an appeal is received, the Applicant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than January 26, 2023.**

SDAB hearings are public in nature, and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include personal information (i.e., name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website.

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

Dianne Mason
Secretary, Subdivision and Development Appeal Board

January 10, 2023

SDAB File Number: 023-STU-002

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: Plan 8020218; Block 4; Lot 2 – Summerbrook Estates

Subdivision Application Number: 2022-S-035

Decision of Subdivision Authority: The subdivision application was refused.

Applicant/Appellant: Ioannis John Kalogeras

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

- The Appellant claims to have found other approved and completed panhandle subdivisions in the area.
- The Appellant does not agree that the subdivision application is in contravention of the Sturgeon Valley Core Area Structure Plan.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **January 31, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 970 947 624#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners and other affected persons have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date and must include your current email address. **Therefore, written submissions are due to be submitted no later than January 26, 2023.**

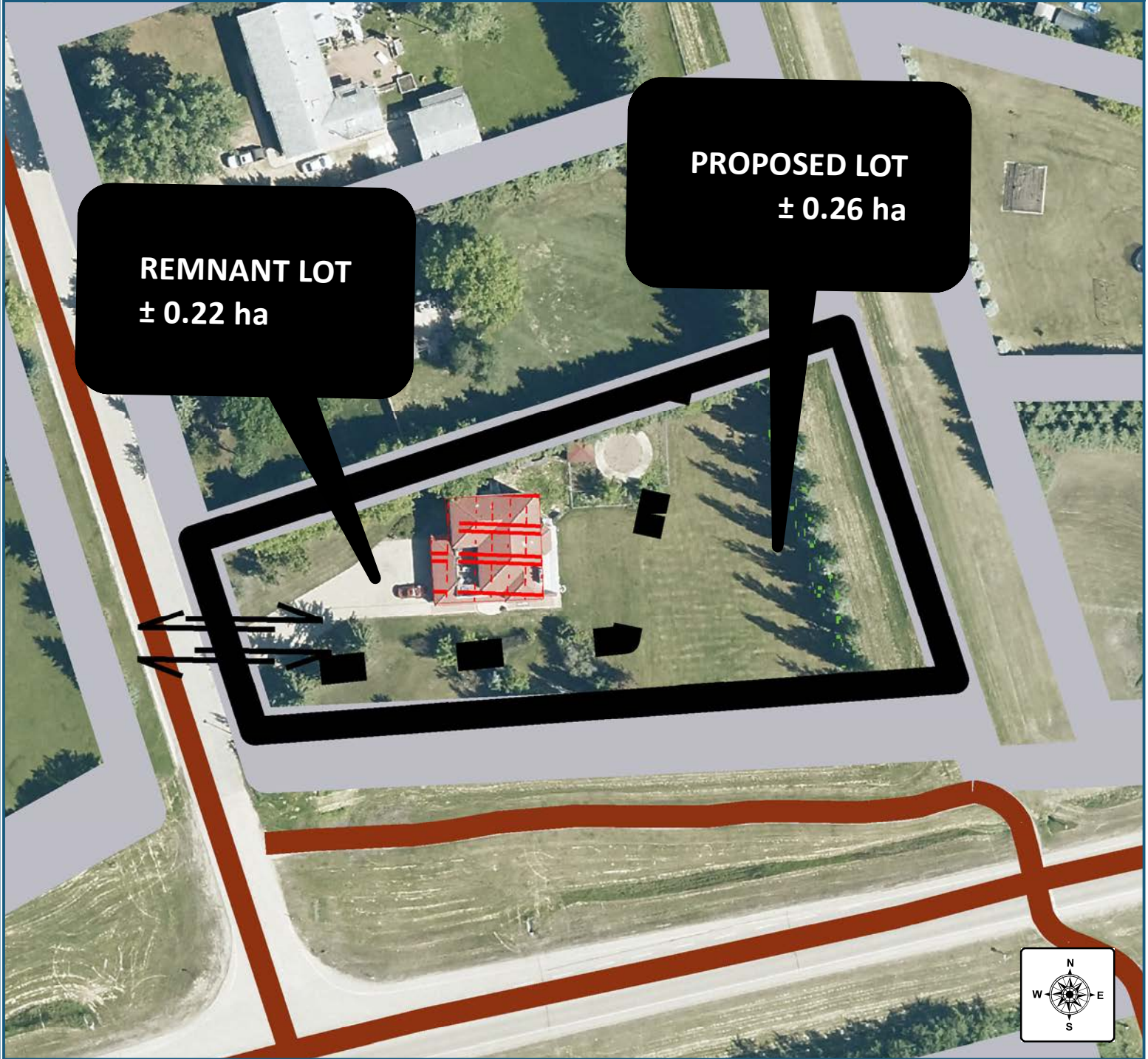
SDAB hearings are public in nature and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website.

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

Dianne Mason
Secretary, Subdivision and Development Appeal Board

Exhibit 1 [Applicant's Submission]

File Number: 2022-S-035



Legal Description: Plan 8020218, Block 4, Lot 2
Summerbrook Estates

Municipal Address: 140 54324 Bellerose Dr

Roll Number: 174066

LUB District: R2 - County Estate Residential

Date: October 18, 2022

Legend:

- Approach (Existing)
- Residence
- Tree Stand



Subdivision and Development Appeal Hearing Process

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

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

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

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

At the hearing . . .

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

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

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

PART II – APPLICATION FORM



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

Office Use Only

Initial Date Submitted: **Oct 17, 2022** Receipt No: **202207078**
Date Accepted as "Complete": **Oct 24/22** Application Fee: \$ **1,175.00** File Number: **2022-S-035**

Complete in full (where applicable): Severed in line with section 17 of the FOIP Act

Name of registered **owner(s)** of property to be subdivided:
Ioannis John Kalogeras

Mailing address (including postal code):
[Redacted]
Telephone:
Email:

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

Mailing address (including postal code):
[Redacted]
Telephone:
Email:

PROPERTY INFORMATION:

All/part of the: [Redacted] ¼ Sec: [Redacted] Twp: [Redacted] Range: [Redacted] West of the: [Redacted] th Meridian
OR Lot: **2** Block: **4** Plan: **8020218** Land Title # [Redacted]

Municipal Address of Property: **140 54324 Bellerose Drive,**
Total existing property size (states on land title certificate): [Redacted] hectares **1.18** 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 :
[Redacted]

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 Access and Privacy Officer at 9613 – 100 Street, Morinville, Alberta, T8R 1L9; or phone 780-939-8366.

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

I/We, **Ioannis John Kalogeras** being the registered owner(s) of lands legally described as:

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

OR Lot: 2 Block: 4 Plan: 8020218

Municipal Address of Property: 140 - Bellerose Drive, Sturgeon County, AB

do hereby authorize **David Dhiman** to make an application for subdivision and subsequent endorsement affecting my/our above noted property.

Dated this 16th day of Oct, 20 22

Signature(s) of ALL Registered Landowners

Severed in line with section 17 of the FOIP Act

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Abandoned Oil and Gas Wells (Mandatory)

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

(Note: A map can be obtained online at <https://geodiscover.alberta.ca/geoportal/#homePanel> or phone the AER's Customer Contact Centre at 1-855-297-8311).

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

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

OR

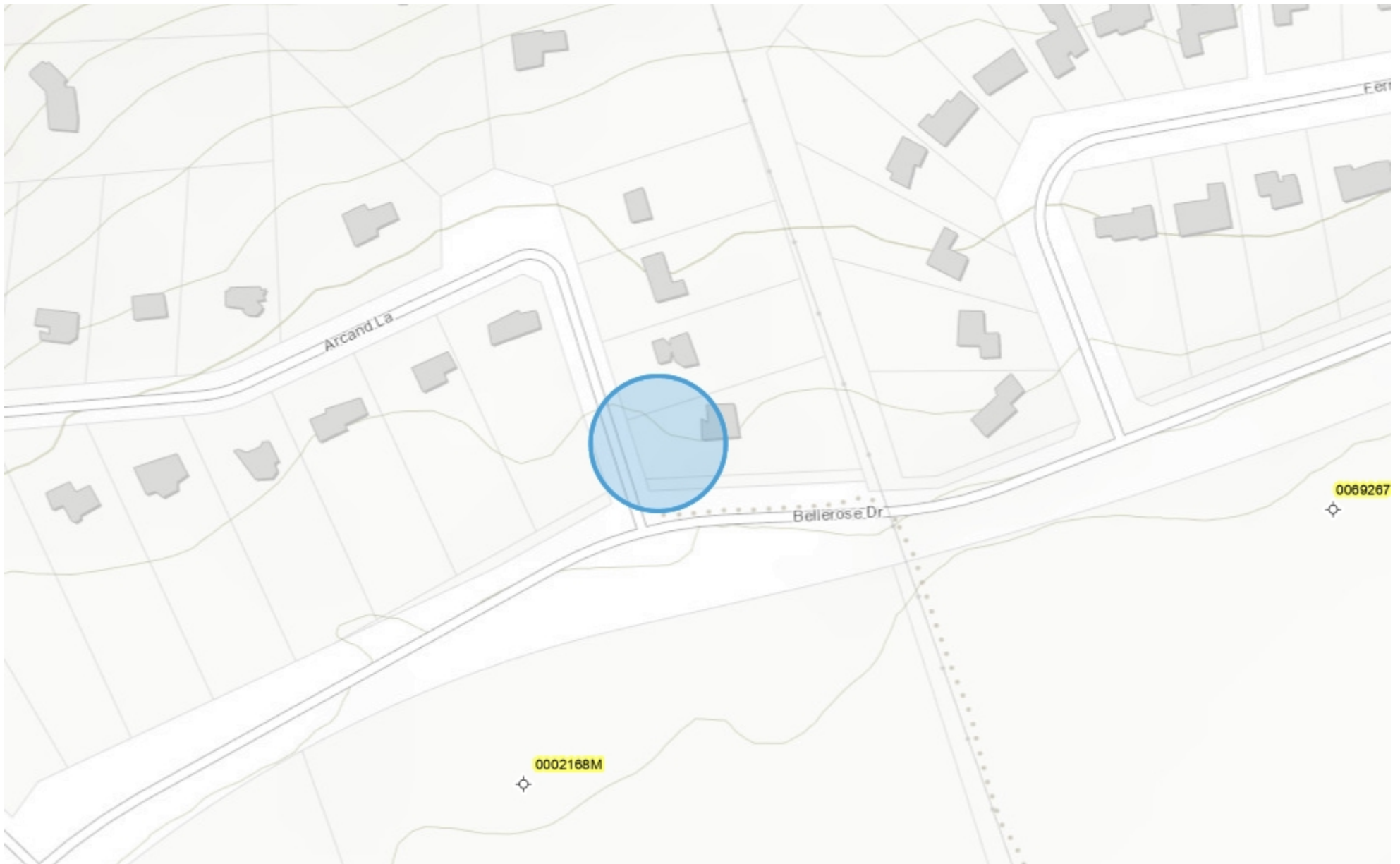
I **do** have an abandoned oil or gas well site(s) located on the property and, when developing in the future, must meet the setback and other potential requirements of the AER's Directive 079.

(See: <https://www.aer.ca/regulating-development/rules-and-directives/directives>)

Freedom of Information and Protection of Privacy (FOIP) Act

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Map Title



Tuesday, October 18, 2022 12:48:38 -06:00

Map Scale: 1:4,514



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.



Legend

- ✦ Abandoned Wells (Large Scale)
- Abandoned_Well_Revised (Large Scale)
- Abandoned_Well_Loc_Pointer
- ATS v4_1 Alberta Provincial Boundary
- Citations

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):

<input type="checkbox"/>	No Existing Drinking Water Supply
<input type="checkbox"/>	Ground Water Well
<input type="checkbox"/>	Water Cistern (Hauling)
<input checked="" type="checkbox"/>	Municipal Water-Line
<input type="checkbox"/>	Other (specify): _____

Note: The Alberta Water Wells Database can be found at <http://groundwater.alberta.ca/WaterWells/d/>

Sewage Disposal (General Information)

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

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

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

If you have questions regarding sewage disposal, consult either:

Alberta Municipal Affairs

Toll Free: 1-866-421-6929

OR

Superior Safety Codes Inc. (Sturgeon County's Agent)

Telephone: 780-489-4777

Toll Free: 1-866-999-4777

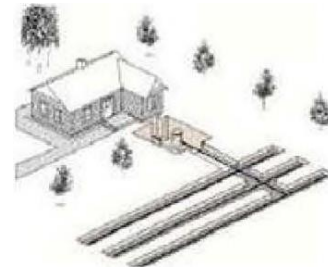
Sewage Disposal (Mandatory)

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



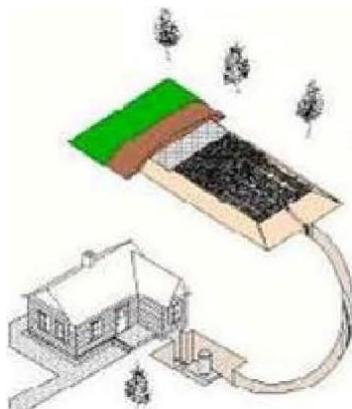
Open Discharge (Pump Out) System

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



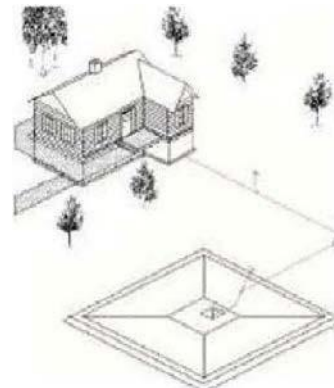
Disposal Field

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



Treatment Mound

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

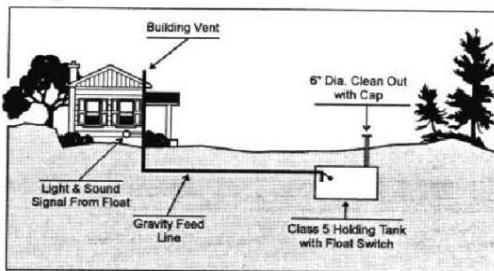


Sewage Lagoon

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

No existing sewage disposal.

Municipal Sanitary Line



Holding Tank

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



Other: _____

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

Right of Entry Authorization (Mandatory)

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

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

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

Affidavit (Mandatory)

I/We, _____ hereby certify that

I am the registered owner,

OR

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

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

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

Severed in line with section 17 of the FOIP Act

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

Application Checklist

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

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

Freedom of Information and Protection of Privacy (FOIP) Act

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



Area: 0.65 ac
Perimeter: 306.35 m

59.08 m

109.42 m

59 m

26.19 m

69.04 m

December 22, 2022

David Dhiman

Severed in line with section 17 of the FOIP Act

Re: Proposed Subdivision
Our File No.: 2022-S-035
Legal Land Description: Plan 8020218, Block 4, Lot 2 - Summerbrook Estates
Proposal: 0.26 hectares (0.64 acres) from 0.48 hectares (1.19 acres)

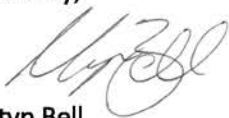
Please be advised that the above-mentioned subdivision application was **REFUSED** by the Subdivision Authority on **December 22, 2022**.

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) Policy 2.2.3 discourages the use of panhandles as a way to provide residential subdivisions with legal and physical access to a municipal roadway.
 - b) Policy 2.2.7 notes the County shall ensure infill subdivision and development complement the established character of the area, complies with the associated Residential Type policies, and addresses any infrastructure constraints and conforms to the criteria outlined in the Land Use Bylaw (LUB).
3. This proposal does not conform to the policies laid out in the Sturgeon Valley Core Area Structure Plan. This policy requires the County to encourage orderly and efficient residential development while maintaining the established community character. This proposal does not meet these requirements.

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

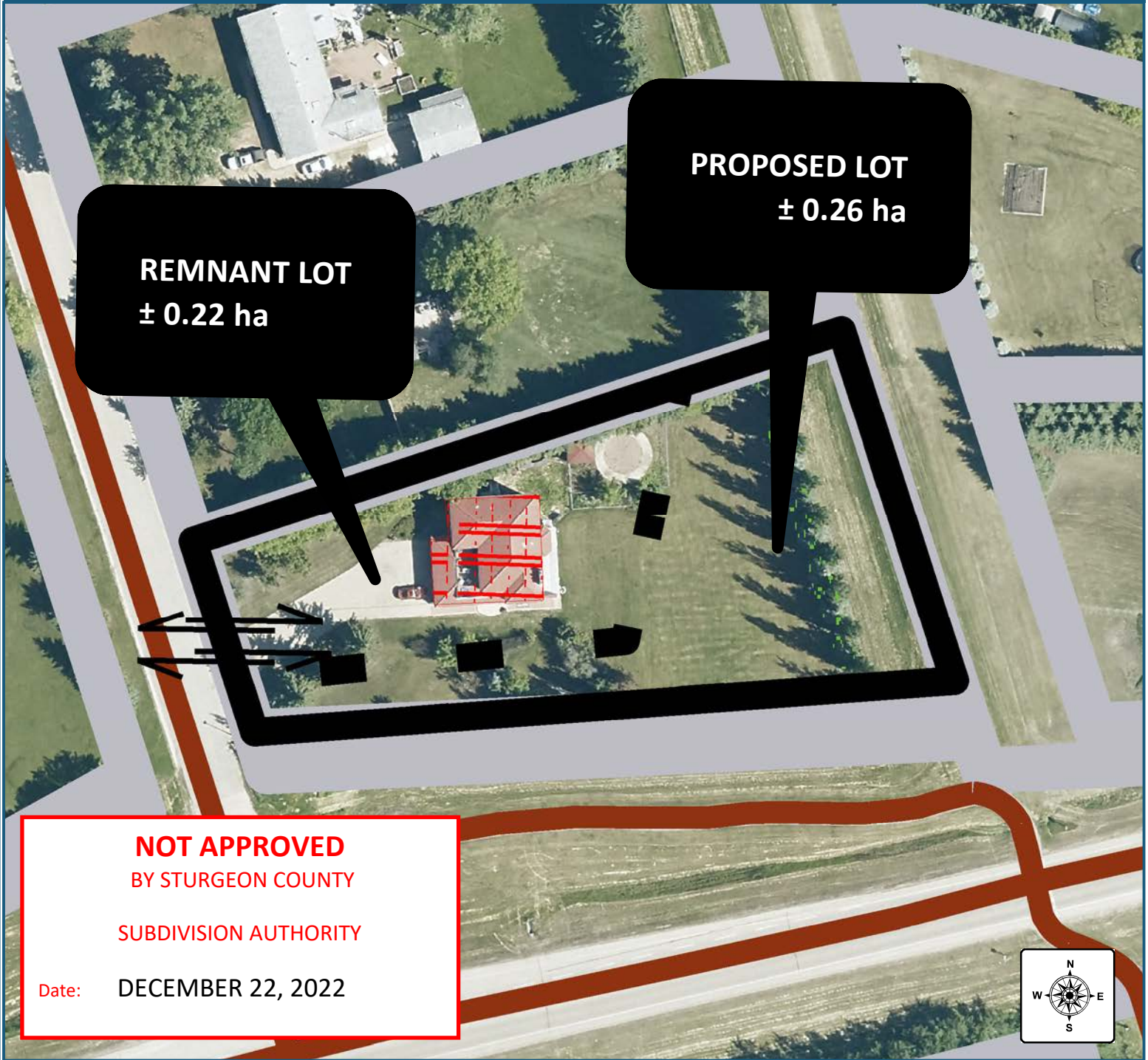
Encl:

C: 2035881 Ontario Inc
AltaLink Management Ltd. Alberta Health Services
Alberta Treasury Branches
Atco Gas
Canada Post
Fortis Alberta
Greater St. Albert Catholic Schools
Ioannis John Kalogeras
Sturgeon School Division
Telus Access Planning

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

Exhibit 2 [Refusal -Administration]

File Number: 2022-S-035



Legal Description: Plan 8020218, Block 4, Lot 2
Summerbrook Estates

Municipal Address: 140 54324 Bellerose Dr

Roll Number: 174066

LUB District: R2 - County Estate Residential

Date: December 21, 2022

Legend:

- Approach (Existing)
- Residence
- Tree Stand



PLANNING AND DEVELOPMENT SERVICES REPORT



FILE INFORMATION: 2022-S-035	
Council Division:	2
Tax Roll Number:	174066
Legal Land Description of Property:	Plan 8020218, Block 4, Lot 2 – Summerbrook Estates
Landowner:	Ioannis J. Kalogeras
Applicant:	David Dhiman
Staff Recommendation:	Refusal
Appeal Board (if appealed):	Subdivision & Development Appeal Board
Administrative Fees (if approved):	\$250 (subdivision endorsement); plus \$600 per new parcel created/adjusted.

PART I – APPLICATION DETAILS:

1. As illustrated in Exhibit 1 (see **Appendix 4**), the applicant proposes subdivision of 0.26 hectares (0.64 acres) from 0.48 hectares (1.19 acres).

PART II – SUBDIVISION HISTORY:

1. Subdivision History:
 - Original subdivision of Summerbrook Estates in 1979.

PART III – REFERRAL SUMMARY:

1. Sturgeon County Development Officer (see **Appendix 4**):
 - *Proposed Lot:*
 - o There is a right of way within the proposed lot which states: “*The Grantor will not erect any buildings or structures upon, over or under the right of way without consent of the Grantee (Sturgeon County).*” This therefore leaves a small building pocket in the southeast portion of the parcel. Developments shall meet the setbacks of the district.
 - *Remnant Lot:*
 - o The shed was deemed non-compliant on the 2014 RPR. Although the shed did not require a development permit under Land Use Bylaw 819/96, it did not meet setbacks of 2.5m. A variance is required to leave the shed as built, as well as a building permit.

2. Sturgeon County Engineering Services (see **Appendix 4**):
 - *Proposed Lot*:
 - No land dedication/acquisition required.
 - Given the location of the existing approach, a shared approach would be required to facilitate access to both parcels. This must be constructed to General Municipal Servicing Standards to a minimum of 10m in width.
 - Some flood risk was identified in the south area of the lot. If approved, lot grading shall be completed in accordance with General Municipal Servicing Standards.
 - *Remnant Lot*:
 - No land dedication/acquisition required.
 - Given the location of the existing approach, a shared approach would be required to facilitate access to both parcels. This must be constructed to General Municipal Servicing Standards to a minimum of 10m in width.

3. Sturgeon County Utility Services (see **Appendix 4**):
 - *Proposed Lot*:
 - Connection available to sanitary sewer & waterline.
 - All costs would be the responsibility of the applicant as identified further in Appendix 4.
 - *Remnant Lot*:
 - Has existing connection to waterline.
 - A new sewer service would need to be installed as the existing connection would be for the proposed lot. Further information with respect to the existing system would be required.
 - All costs would be the responsibility of the applicant as identified further in Appendix 4.
 - *General Comments*
 - This application meets Utility Services approval.
 - However, it should be noted that while the odd connection can be accommodated and will not cause strain on the existing systems, if many additional parcels are subdivided there is concern. This would trigger the need for costly improvements to existing infrastructure as the systems are not designed to handle so many new lots.

4. Sturgeon County Protective Services (see **Appendix 4**):
 - If approved, the applicant would need to ensure signage/addresses for both parcels are visible given they are in the valley and proximity to each in case of emergency and any future development.

5. Adjacent Landowner(s) (see **Appendix 4**):
 - Two letters of objection received about the following:
 - If the application is to add another building for rental purposes or for living space, I would not be in favor.
 - People moved into the valley for lower density established communities. If subdivision of this style is allowed to occur, the appeal of the neighbourhood will be decreased significantly.
 - Privacy of people's backyards will be removed and the beauty of the area will be diminished.

- If one of these parcels is approved for subdivision of this nature, it sets a precedent for all areas in the valley to complete a similar style of development.
 - Concerns with respect to impacts of infrastructure (ex. water, sewage, traffic, drainage, internet)
 - The dynamics and structure of the area will be affected and residents in the area are not in support of this kind of development.
6. No Objections:
- Alberta Health Services, Sturgeon County Assessment Services, Sturgeon County Open Spaces, ATCO Gas, Telus, Fortis Alberta.
7. No Responses:
- Alberta Energy Regulator, Altalink, Alberta Treasury Branches, 2035881 Ontario Inc, Canada Post, Sturgeon County Agriculture Services, Sturgeon School District, St. Albert School District, Telus, Fortis Alberta.

PART IV – ANALYSIS:

1. This application would be considered under the Municipal Development Plan’s “Residential Type 1” policies (see **Appendix 2**), and by the Land Use Bylaw’s “R2 - Country Estate Residential” regulations (see **Appendix 3**).

Residential Type 1 policies speak to establishing statutory planning documents (ex. Area Structure Plans) to identify, prioritize, and densify development. The Land Use Bylaw’s R2 - Country Estate Residential regulations speak to both parcel area and parcel width. This proposal does meet the requirements for parcel size but does not meet the Land Use Bylaw definition for parcel width.

The Land Use Bylaw regulations does not speak to the configuration of the parcel, which is further analyzed in section 2.2 of the Municipal Development Plan. This section speaks to residential character and applying responsible residential subdivision and development practices:

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.

As noted by the Sturgeon County development team, the existence of a right-of-way that forbids development at the back of the lot restricts the development potential of this 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.

This policy informs administration that the use of a panhandle to provide access to a residential lot is discouraged and not a desirable configuration for parcels. While panhandle

accesses may make sense in some Agricultural areas, this configuration to facilitate additional density poses concerns for surrounding residents and has the potential to set a precedent that could alter the character of the established Valley Core. Furthermore, this potential increase in density in the Sturgeon Valley Core could potentially exceed the existing servicing capabilities which are nearing capacity.

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).

Upon a review of all existing multi-lot subdivisions in the Sturgeon Valley Core, there are two instances of panhandle lots providing access. Both are located within the Fairway Boulevard multi-lot subdivision and were completed as a part of the original plan of survey in 1986. This means throughout the history of the Sturgeon Valley, **there has not been a single instance of infill subdivision via a panhandle lot.** Administration has historically not supported the creation of these lots given the conflict with the established character of the area, along with servicing and development constraints.

2. The parcel falls within the Sturgeon County Core Area Structure Plan, which supports orderly infill subdivision of existing residential development through the following policy:

5.5.1 - The County shall maintain the established community character by following the subdivision requirements outlined in the Land Use Bylaw.

Planned Growth - "Encourage orderly and efficient residential development (i.e. infill, contiguous development)".

As noted above, infill subdivision in the Sturgeon Valley Core must complement the existing built form and community character. The creation of panhandle lots for infill purposes has not historically been supported by administration given the potential downsides it has for neighbouring properties and the precedent it sets for all other lots. Similar comments were raised from adjacent landowners who noted concerns over privacy, community character, and contradicting the purpose of the Valley Core.

Furthermore, as noted by Utility and Waste Management Services, there is concern with a precedent being set for this kind of subdivision and the potential for them to proliferate within the Valley Core. The water distribution system was designed to accommodate the existing lots with water service as well as storage capacity for peak demand usage and fire storage events. While limited additional connections would not pose a strain on the existing water and/or wastewater collection systems; Administration cannot support a subdivision configuration that could set precedence that would greatly exceed the existing infrastructure capabilities, especially in the absence of increased off-site levy contributions.

Given the need for costly infrastructure upgrades resulting from significant subdivision activity in the Valley Core, this would not constitute *"orderly and efficient residential development"* to these areas, as outline in the Sturgeon Valley Core Area Structure Plan.

3. 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."*

To summarize, this proposal has several contradictions to Sturgeon County policy in both the Municipal Development Plan & the Sturgeon Valley Core Area Structure Plan. Therefore, in line with the Municipal Government Act, this application cannot be supported by administration. If the applicant wishes to pursue this file further, an appeal can be filed with the Subdivision and Development Appeal Board.


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) Policy 2.2.3 discourages the use of panhandles as a way to provide residential subdivisions with legal and physical access to a municipal roadway.
 - b) Policy 2.2.7 notes the County shall ensure infill subdivision and development complement the established character of the area, complies with the associated Residential Type policies, and addresses any infrastructure constraints and conforms to the criteria outlined in the Land Use Bylaw (LUB).
3. This proposal does not conform to the policies laid out in the Sturgeon Valley Core Area Structure Plan. This policy requires the County to encourage orderly and efficient residential development while maintaining the established community character. This proposal does not meet these requirements.

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 Subdivision and Development Appeal Board opt to exercise its discretion, 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 3, dated January 11, 2023 and submit it in a manner that is acceptable to Land Titles.
- 3) 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.
- 4) The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
- 5) All connections, and fees related to connections for water and wastewater services on the Proposed and Remnant lot are the responsibility of the applicant and must be completed to the satisfaction of Sturgeon County Utility Services *before* this subdivision is endorsed.
- 6) Pursuant to the Sturgeon County Residential Lot Grading Policy, a lot grading plan shall be completed to the satisfaction of Sturgeon County *before* this subdivision is endorsed.

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.

- Any parcel without an existing approach must collaborate with Planning & Development Services to submit an Approach Application and determine access requirements prior to any construction in the future. No development permits shall be issued until a suitable approach has been constructed to General Municipal Servicing Standards and inspected. For assistance with access issues and inspections, please telephone 780-939-8275.
- It is recommended that a plot plan be completed by an Alberta Land Surveyor to determine setback distances for all buildings, structures, and septic systems from property lines and other site features.

Appendix 1: Excerpts from Municipal Government Act

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

2016 c24 s108

Approval of application

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

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

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

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

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

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

Conditions of subdivision approval

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

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

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

or both;

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

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

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

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

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

Decision

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

(2) A decision of a subdivision authority must state

Enacting Responsible Subdivision and Development Practices

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Creating Attractive and Complete Communities

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

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

Applying Responsible Residential Subdivision and Development Practices

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

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

Accommodating Diverse Housing Options

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

Residential Type 1 - Sturgeon Valley

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

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

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

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

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

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

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

Residential Type 2 - Growth Hamlets

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

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

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

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

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

Residential Type 3

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

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

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

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

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

Residential Type 4

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

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

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

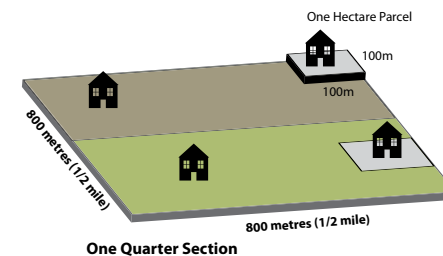
2.3.18 Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

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

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

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

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



Placemaking Principles

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

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



Neighbourhood G Placemaking Principles

G

1.1

Responsible to the Regional Context, delivering Sustainable Places

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

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

G

1.2

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

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

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

G

1.3

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

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

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

G

1.4

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

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

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

G

1.5

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

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

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

Implementation of Neighbourhood G Placemaking Principles

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

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

Appendix 3: Excerpts from Land Use Bylaw

12.2 R2 – COUNTRY ESTATE RESIDENTIAL DISTRICT

.1 General Purpose

This district accommodates multi-*lot* estate residential subdivisions with the provision of both municipal water and sanitary services. *Parcels* in this district are generally smaller than ones found in the R1 district and provides for *uses* in a residential context.

.2 Uses

Permitted Uses	Discretionary Uses
<i>Accessory, building*</i>	<i>Accessory, building*</i>
<i>Accessory, use*</i>	<i>Accessory, use*</i>
<i>Dwelling, single detached</i>	<i>Bed and breakfast</i>
<i>Group home, minor</i>	<i>Family day home</i>
<i>Home-based business, level 1 (office)</i>	<i>Garage Suite</i>
	<i>Garden Suite</i>
	<i>Group home, major</i>
	<i>Home-based business, level 2</i>
	<i>Sales centre</i>
	<i>Secondary suite</i>
	<i>Show home</i>

* Refer to Section 6.1 for further clarification.

1432/19

.3 Subdivision Regulations

<i>Minimum parcel area</i>	0.2ha (0.5ac)
<i>Minimum parcel width</i>	25m (82ft)
<i>Parcel density</i>	Maximum 5 <i>parcels</i> per hectare
	Minimum 2 <i>parcels</i> per hectare
<i>Infill subdivision</i>	Further <i>subdivision</i> of existing <i>parcels</i> where the proposed <i>parcels</i> do not meet the minimum <i>parcel area</i> and/or the prescribed <i>parcel density</i> , shall be subject to the recommendations of an approved <i>local planning document</i> .

.4 Development Regulations

<i>Minimum front yard setback</i>	<i>Abutting a local road</i>	12m (39.4ft)
	<i>Flanking front yard</i>	10m (32.8ft)
<i>Minimum side yard setback</i>	<i>Principal building</i>	3m (9.8ft), or 10% of <i>parcel width</i> , whichever is the lesser, but shall not be less than 2.5m (8.2ft)
	<i>Accessory building</i>	2.5m (8.2ft)
<i>Minimum rear yard setback</i>	<i>Principal building</i>	6m (19.7ft)
	<i>Accessory building</i>	2.5m (8.2ft)
<i>Maximum height</i>	<i>Principal building</i>	12m (39.4ft)
	<i>Accessory building</i>	8m (26.2ft)
<i>Minimum floor area</i>	<i>Principal building</i>	100m ² (1,076.4ft ²)
<i>Maximum floor area</i>	<i>Accessory building</i>	140m ² (1,506.9ft ²)
<i>Maximum parcel coverage</i>		35%

1432/19

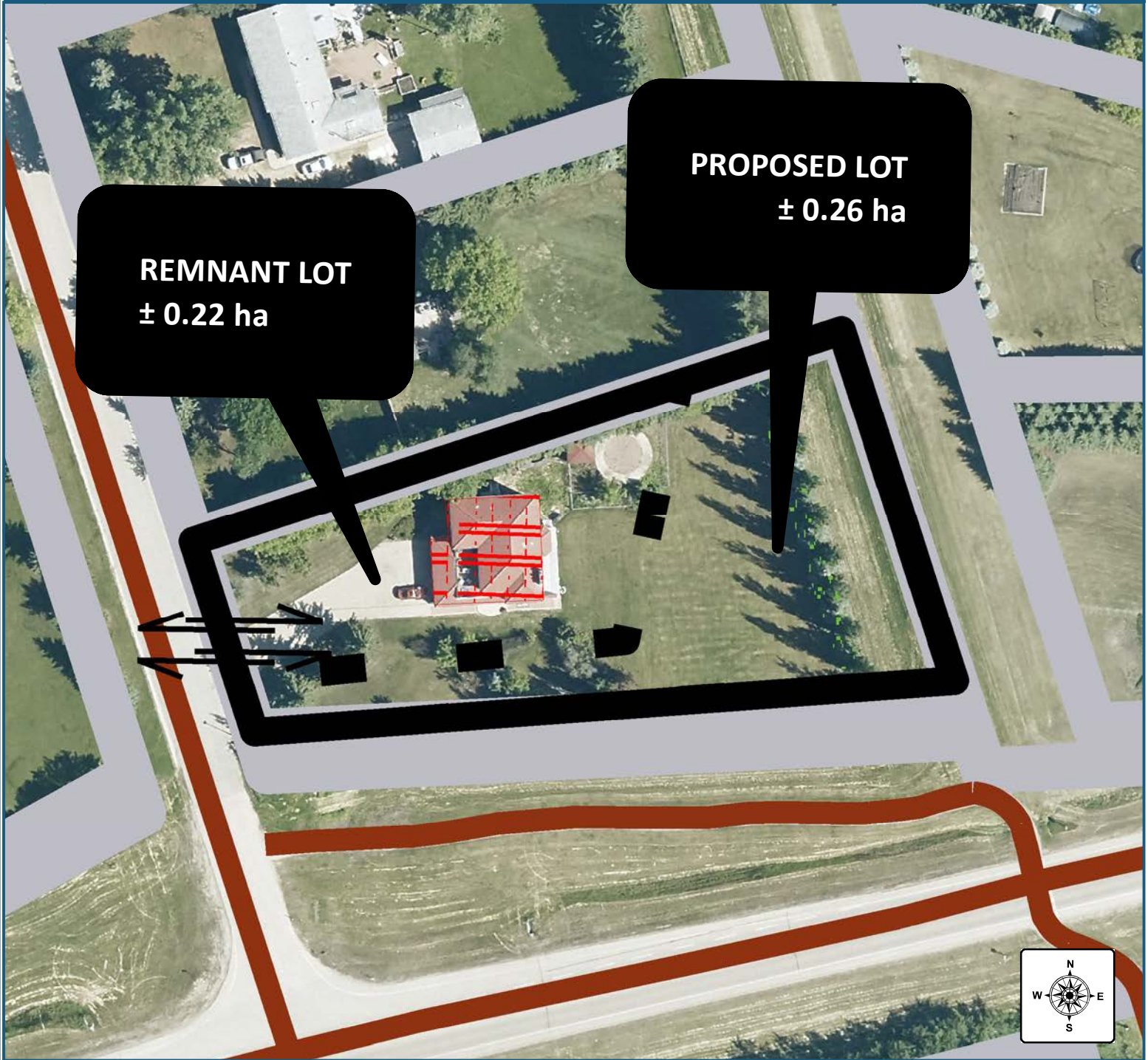
.5 Additional Development Regulations

All *development* in this district is subject to the regulations stated in Parts 5 through 9 of this Bylaw.

Appendix 4: Exhibits, Referrals & Miscellaneous

Exhibit 1 [Applicant's Submission]

File Number: 2022-S-035



Legal Description: Plan 8020218, Block 4, Lot 2
Summerbrook Estates

Municipal Address: 140 54324 Bellerose Dr

Roll Number: 174066

LUB District: R2 - County Estate Residential

Date: October 18, 2022

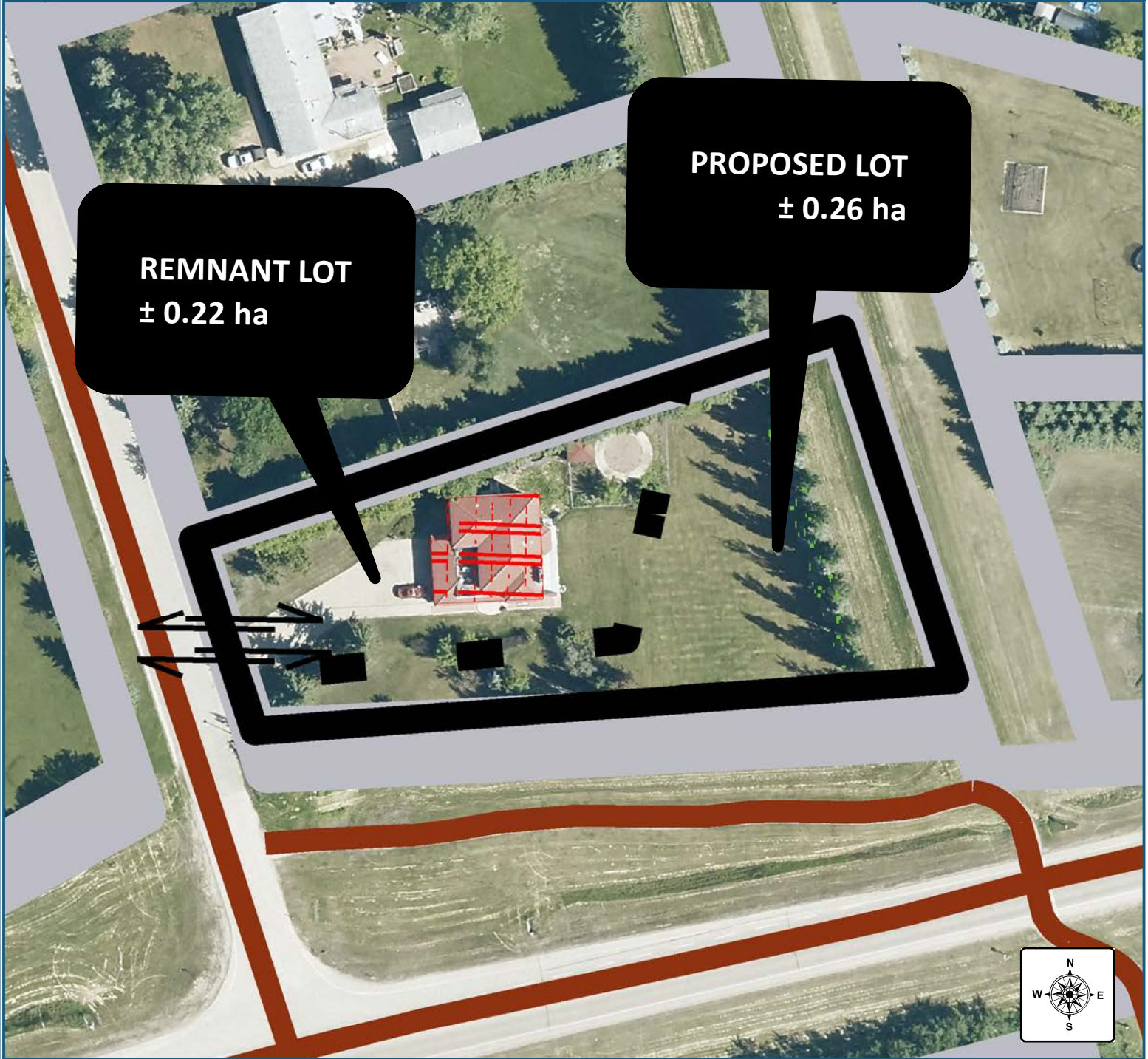
Legend:

- Approach (Existing)
- Residence
- Tree Stand



Exhibit 2 [Refusal -Administration]

File Number: 2022-S-035



Legal Description: Plan 8020218, Block 4, Lot 2
Summerbrook Estates

Municipal Address: 140 54324 Bellerose Dr

Roll Number: 174066

LUB District: R2 - County Estate Residential

Date: December 21, 2022

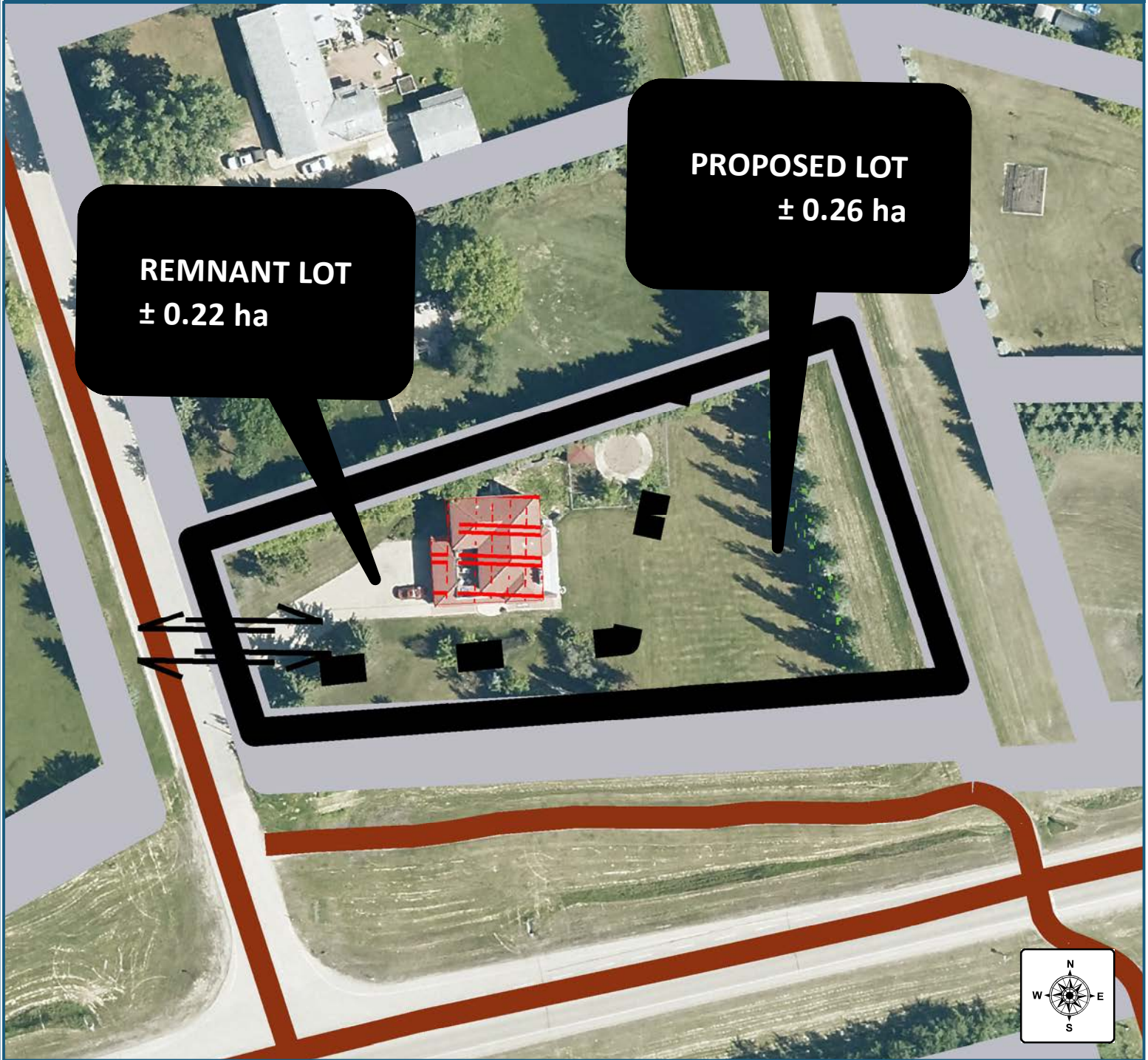
Legend:

- Approach (Existing)
- Residence
- Tree Stand



Exhibit 3 [Appeal Board]

File Number: 2022-S-035



Legal Description: Plan 8020218, Block 4, Lot 2
Summerbrook Estates

Municipal Address: 140 54324 Bellerose Dr

Roll Number: 174066

LUB District: R2 - County Estate

Residential Date: January 11, 2023

Legend:

- Approach (Existing)
- Residence
- Tree Stand



Subdivision Referral to Engineering Services

- Referral Sent: October 24, 2022
- Roll No: 174066
- Phone No:
- Response Deadline: November 14, 2022
- Municipal Address: 140 54324 Bellerose

On-site inspection completed; or

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

Referral comments provided by: Kurtis Eykelbosh on December 20, 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 is in a subdivision and the lot slopes to the south. 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):

- **Approach # 1** (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: Please see comment in the Proposed Lot section regarding a shared approach. Additional comments may come after the spring inspection.

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

Current Status:

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

Requirements to meet General Municipal Servicing Standards:

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

Other 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

- **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 is in a subdivision and the lot slopes to the south. 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 some flood risk along the south portion of the lot, lot grading shall follow Sturgeon County GMSS requirements.

- **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):

- **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: 10-12 m . Surface: Asphalt . Side-Slopes: _____ . Culvert Size/Condition: N/A

Other Requirments: Due to the location of the existing approach to the proposed lot, a Shared Approach is to be constructed to straddle the property line.

Please widen the existing approach to a minimum width of 10 m at the property line. Additional comments may arise after the spring inspection.

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

Current Status:

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

Requirements to meet General Municipal Servicing Standards:

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

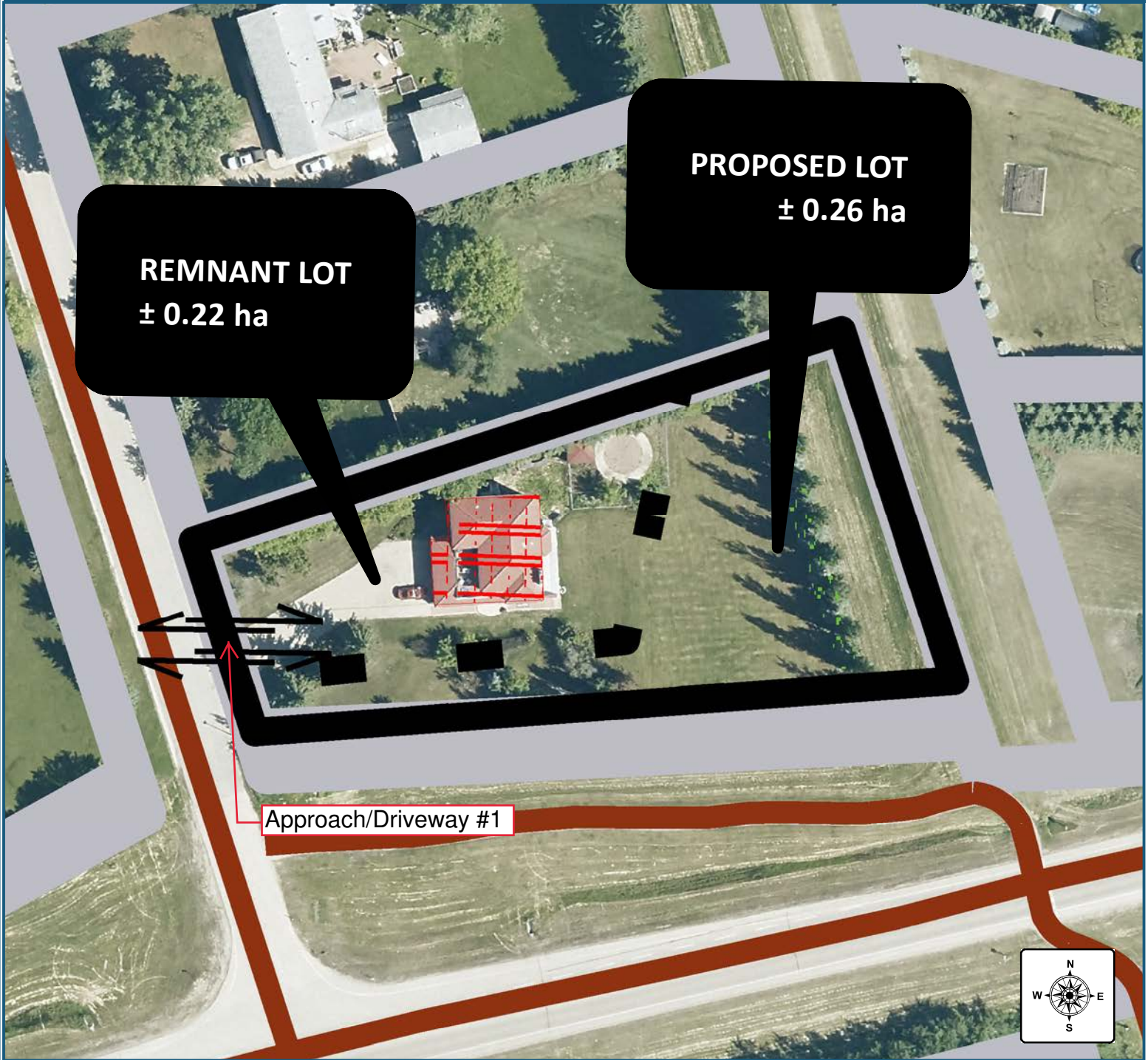
Other Requirments: _____

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

Please contact Sturgeon County Utility services for possible water/sanitary sewer service connection.

Exhibit 1 [Applicant's Submission]

File Number: 2022-S-035



Legal Description: Plan 8020218, Block 4, Lot 2
Summerbrook Estates

Municipal Address: 140 54324 Bellerose Dr

Roll Number: 174066

LUB District: R2 - County Estate Residential

Date: October 18, 2022

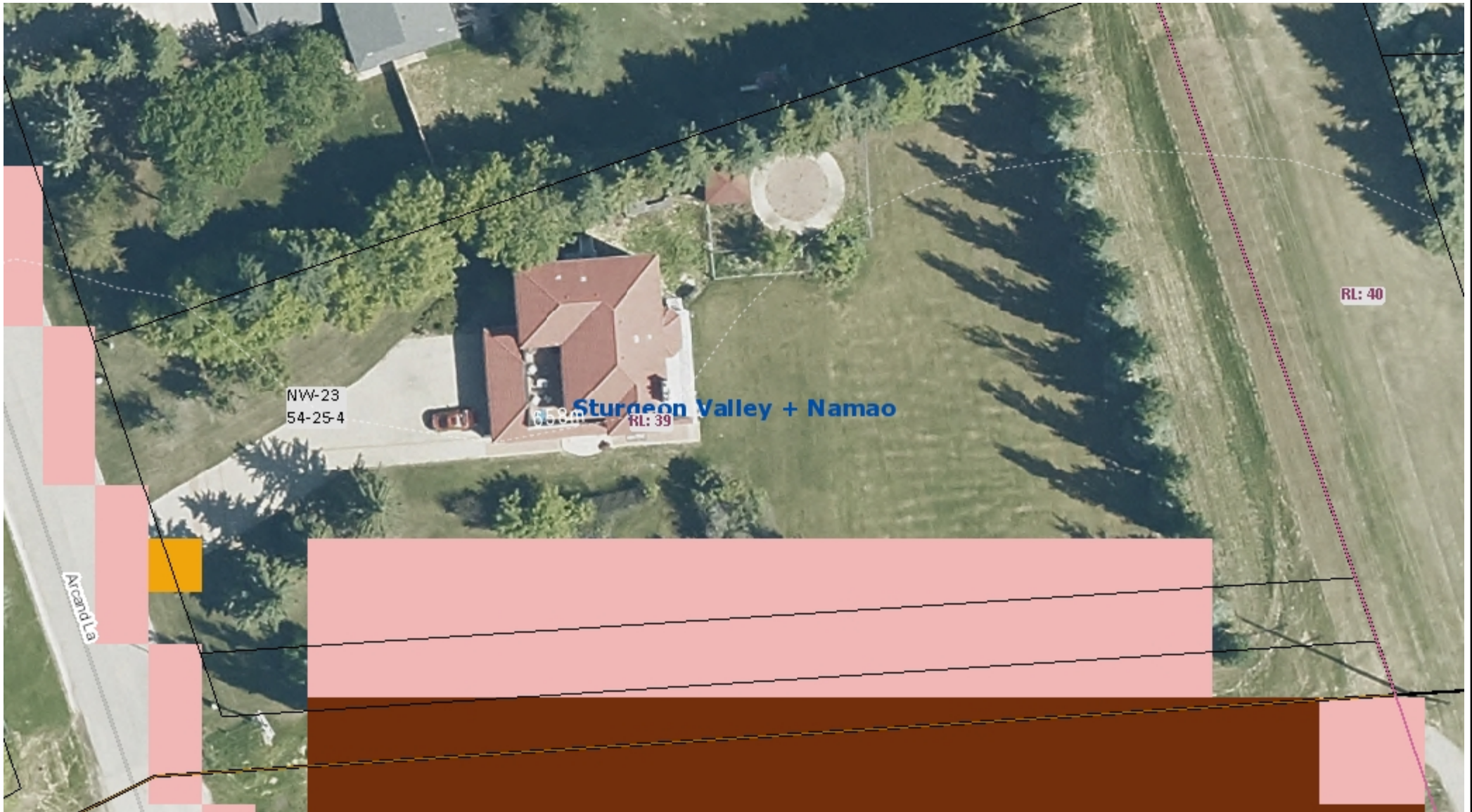
Legend:

- Approach (Existing)
- Residence
- Tree Stand



2022-S-035 Flood Risk and Wetland Map

22-Nov-2022



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

NAD_1983_10TM_AEP_Resource
© Sturgeon County

Prepared By: K. Eykelbosh

Page 51 of 73



To: Utilities Services
 Ted Zinnick/Lesley McDonald
 From: Shannon Gagnon
 Date: 2022-11-15
 Roll No: 174066
 Proposed Sub File: 2022-S-035
 Municipal Address: 140 54324 Bellerose Dr
 Legal Description: Plan 8020218, Block 4, Lot 2 - Summerbrook Estates

PLEASE RETURN BY: ASAP (Nov 28)

UTILITIES:

1)

A) Does the existing lot have a municipal water utility account?

Yes

B) Does existing lot have a connection that will affect the proposed connection?

No

C) Will a deposit be required, with respect to utilities due to change of connection?
 (i.e. The remnant lot has a connection that is on the proposed lot)

Parcel	Yes	No	Amount
Proposed Lot (1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$ _____
Remnant Titled Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$ _____
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$ _____

2) **Municipal Water for Proposed Lot**

A) Does the proposed lot have a municipal water utility account?

No

B) Does the proposed lot have a municipal water line available to tie into?

YES

Cost to tie in

Distance from water line to the property line is **3.0 m** @ \$ _____ m =

Connection fee \$ **Sturgeon Valley levy – see section 7 Other Comments**

Application fee \$ **700.00**

Additional costs that are responsibility of the Landowner:

- Arrange and install service line from cc to the point of delivery
- Cistern
- Water meter **3/4" / 5/8" INCLUDED IN \$700 APPLICATION FEE**
- Meter vault \$ **N/A** (supply lines equal or exceeding 150 meters from the c/c to the point of delivery (i.e. The residence) will require a meter vault to be installed and paid for by the applicant. The sole cost, expenses and right of way if necessary, for the construction and installation of the meter vault shall be the responsibility of the applicant. **A meter vault will be required for all pre-manufactured homes without basements).**

C) The proposed lot is for:

- New Agricultural or Residential Property

D) Is a CRNWSC/Legal/Morinville/AFN Application Required (Fee may be required)

No

3) **Municipal Wastewater for Existing Lot**

A) Does the existing lot have a municipal wastewater utility account?

No

B) Does existing lot have a connection that will affect the proposed connection?

Yes

C) Will a deposit be required, with respect to utilities due to change of connection?
(i.e. The remnant lot has a connection that is on the proposed lot)

Parcel		Yes	No	Amount
Proposed	Lot (1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$ _____
Remnant Titled Area		<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$9,437.00
Other		<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$ PLUS COST

4) **Municipal Wastewater for Proposed Lot**

A) Does the proposed lot have a municipal wastewater utility account?

No

B) Does the proposed lot have a municipal wastewater line available to tie into?

1. YES

Cost to tie in

Connection fee \$ NOT APPLICABLE

Application fee \$ **50.00**

Additional costs that are responsibility of the Landowner

- Arrange and install service line from cc to the point of delivery

Wastewater System is:

Low Pressure

(No subdrains/ weeping tile, floor drains, roof drains, yard, parking lot, storm drainage can be connected to the system)

Residential Wastewater

Yes

5) Is there infrastructure that belong to Sturgeon County or another entity that affects the parcel?
(e.g.: ACRWC Wastewater Force Main/Morinville Water Line, CRNWSC Line)

NO

6) Does the proposal meet Utilities' Approval: **YES**

7) Other Comments

Sewer:

Remnant lot will need to have a new sewer service installed as the existing connection will be for the proposed lot. **Please check the claim that this property has a holding tank only and location of tank (not on the proposed).** In 2014 it was confirmed they were not discharging into the low pressure. If this is a holding tank only request proof of the tank being emptied once a month, etc. The supernatant must be going somewhere, a field system or mound if it is not trucked away. If they are connected to field or mound then the cleaning/emptying of the tank would be once a year or every 2 years. A tank only requires more frequent emptying as it fills and goes no were. If there is a field system, is it on the proposed lot?

Water:

The proposed lot will need to have a water service installed and the price to connect will be according to the fees and charges levy for Sturgeon Valley according to the lot size for subdividing. Utilities does not manage the equation for this.

Date: November 15, 2022 Initial: TZ & LJM

Jonathan,

The Sturgeon Valley water distribution system was designed to accommodate the existing lots with water service as well as storage capacity for peak demand usage and fire storage events. The odd new connection here and there would not pose a strain on the water and/or wastewater collection systems but with the increase of subdivide inquiries within the valley core, Utility & Waste Management Services infrastructure can not support too many additional (potentially hundreds) of parcel subdivides to the systems. If many additional parcels are subdivided and new parcels are created, this could / would trigger the need for additional (and costly) infrastructure improvements to the water distribution system (water storage capacity, water pumping capabilities, distribution piping network) as well as wastewater collection systems (lift station storage capacities, sewage pump capabilities, collection piping network).

Other items to consider as well are the additional requirements needed to service these properties. Example: Transportation, fire services, power, gas, etc.

Let me know if you have any questions / concerns with the information provided to you or if you need any additional information.

Ted Zinnick

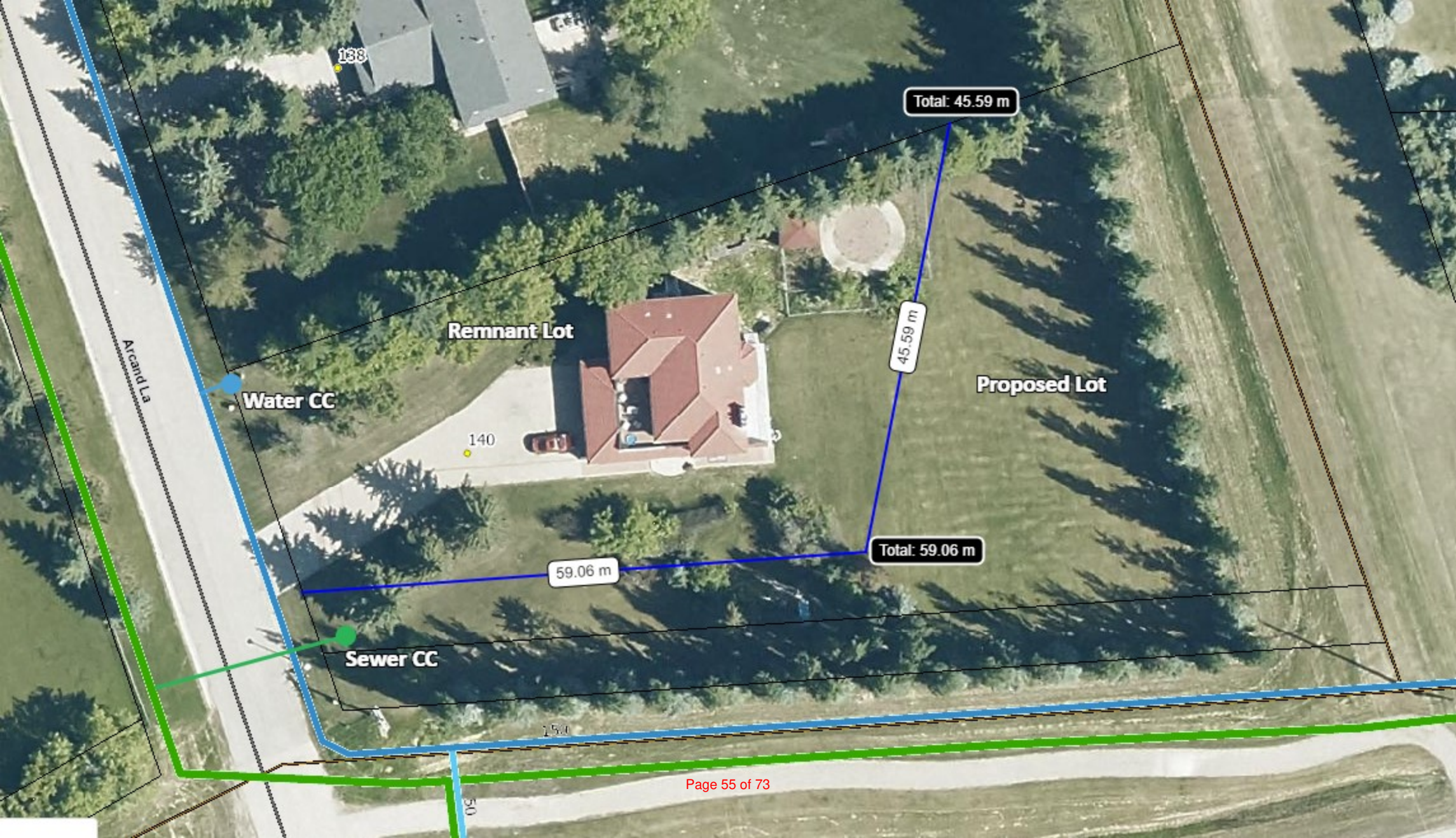
OPERATIONS SUPERVISOR

UTILITY & WASTE MANAGEMENT SERVICES

780-939-8265

780-939-3003

tzinnick@sturgeoncounty.ca



From: [Pat Mahoney](#)
To: [Planning & Development](#)
Subject: FW: Proposed Subdivision in Sturgeon County - 2022-S-035
Date: October 25, 2022 11:49:08 AM
Attachments: [image001.png](#)
[image002.jpg](#)

Morning, my only comment would be that the applicant ensure signage/addresses for both parcels are visible given they are in valley and proximity to each in case of emergency and any future development.

Regards

Pat

Pat Mahoney

Fire Chief, Manager of Protective Services

780-939-8411

pmahoney@sturgeoncounty.ca

9613 100 Street, Morinville, AB T8R 1L9



From: Shannon Gagnon <sgagnon@sturgeoncounty.ca>

Sent: October 24, 2022 4:43 PM

To: Angela Veenstra <aveenstra@sturgeoncounty.ca>; Carla Williams <cwilliams@sturgeoncounty.ca>; Devin Patterson <dpatterson@sturgeoncounty.ca>; Karolina Drabik <kdrabik@sturgeoncounty.ca>; Luis Delgado <ldelgado@sturgeoncounty.ca>; Pat Mahoney <pmahoney@sturgeoncounty.ca>; Yvonne Bilodeau <ybilodeau@sturgeoncounty.ca>

Subject: Proposed Subdivision in Sturgeon County - 2022-S-035

Please see attached documents regarding a proposed subdivision in Sturgeon County file **2022-S-035**. Your response by **November 14, 2022** would be greatly appreciated.

Responses can be sent to: pandd@sturgeoncounty.ca

If more time is required to review the subdivision application, please contact us to request a time extension.

Thanks!

Shannon Gagnon, (she/her)

PLANNING AND DEVELOPMENT ASSISTANT

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

Afternoon,

It's come to my attention that there is a Subdivision application for # 140 54324 Berose within Summerbrook Estates. If this is to add another building for rental purposes or for living space, I would not be in favor. If it is a casita style only used for guests and not for rental purposes, I do not oppose.

Thank you,

SEVERED IN LINE WITH SECTION 17 OF THE FOIP ACT

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

Hello Jonathan,

In followup to our telephone conversation last week, we are writing to let you know that we are opposed to the subdivision of Plan 8020218, Block 4, Lot 2 in Summerbrook Estates.

SEVERED IN LINE WITH SECTION 17 OF THE FOIP ACT We have lived [REDACTED] for almost 25 years. Our family moved to the area to have the large yard, peace and quiet and privacy. The valley has been developed over the years and there is less quiet.

We never knew that properties could be subdivided in this area. It was not on our radar at all. If the acreages in the Valley are allowed to subdivide into smaller parcels then we could see higher density housing. This is not why we, and probably a lot of other residents, moved to the area. If we wanted to live in higher density areas, we would have stayed in the city. If subdivision becomes prevalent in the Valley then maybe it should be annexed by Edmonton or St. Albert as the beauty and appeal of the area will diminish. Depending on how a property is subdivided, we don't want to have additional neighbours beside us, right in our backyards. We cherish our backyards and don't believe any of us should have to forego the privacy of our backyards by having new neighbours right there beside us.

We don't understand how a single road access can be allowed to service access both the properties in the subdivision application. In addition, what is the impact on the infrastructure in the area - water, sewage, drainage, traffic, internet? We don't want our services impacted nor to pay extra for services to accommodate subdivisions. In the first years we lived in the area, ground water was a major issue as well as some subdivisions not having enough water to cook and bathe as demand in newly developed areas was high.

When people build an extra garage, shop, shed, fence, it doesn't impact most residents except for the adjacent neighbours, however, subdividing properties has a big impact on the neighborhood. The dynamics and structure of the neighbourhood is impacted and can change. If residents aren't informed, they are taken off guard. We would like more property owners besides the adjacent properties being informed of subdivision applications. Maybe the owners on the same street and adjacent streets. Notices could be posted at the mailboxes of the subdivision and neighbouring subdivisions. [REDACTED]

Thank you for providing us with the opportunity to submit comments and for returning my call. If you have any questions or require additional information, please let us know.

[REDACTED]

Subdivision and Development Appeal Board

023-STU-002

Jonathan Heemskerck
Planning and Subdivision Officer

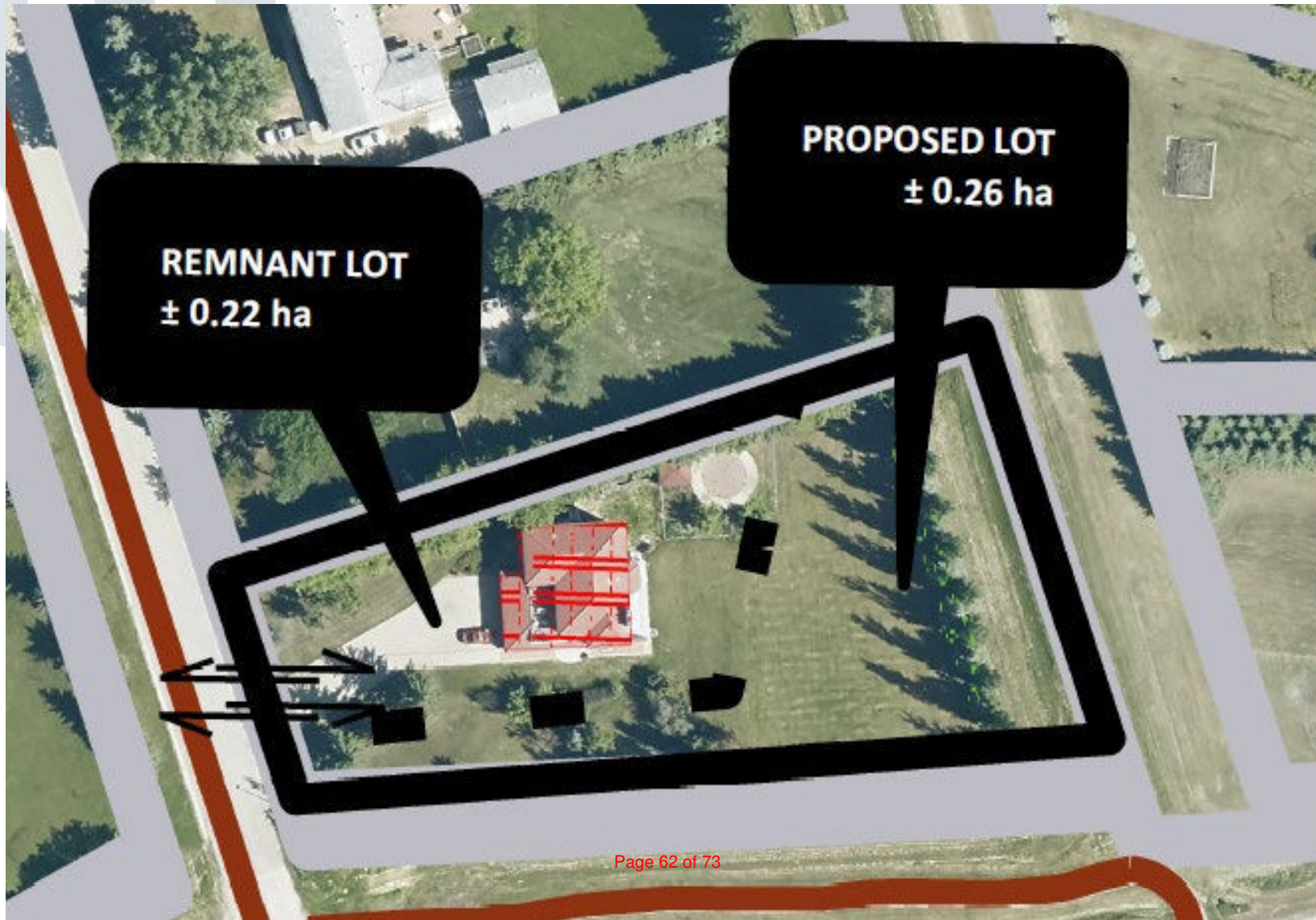


Sturgeon
C O U N T Y

Site Location (Local)



Proposal



Issue Analysis

Referral Responses

Sturgeon County Development Services:

- There is a drainage right-of-way at the rear of the lot which limits a potential building pocket.

Sturgeon County Engineering Services:

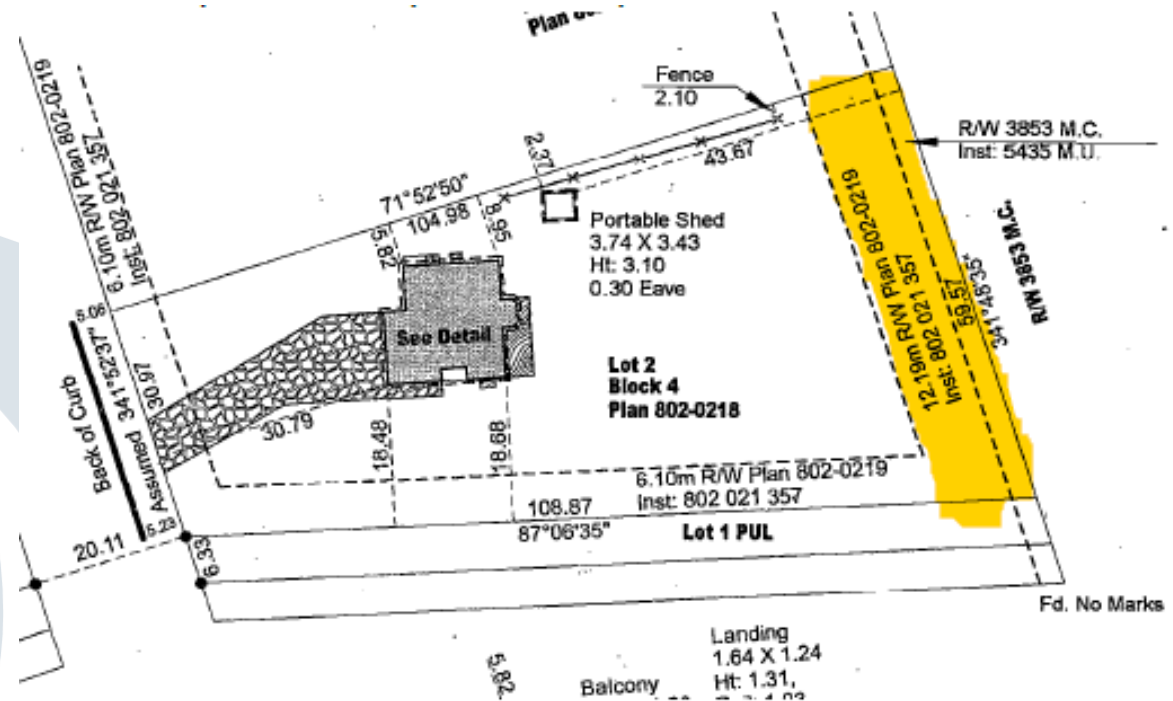
- A shared approach (10m) would be required, along with a lot grading plan.

Sturgeon County Utility Services:

- Connections are available, however while the odd connection will not cause strain on the system, if many additional parcels were subdivided it would trigger the need for costly infrastructure upgrades.

Adjacent Landowners – 2 letters of objection:

- Appeal and structure of the neighbourhood would diminish
- Privacy will be removed from people's backyards
- Application sets a precedent for subdivisions of this nature
- Concerns for impacts to infrastructure (ex. water, sewer, ect.)



Issue Analysis

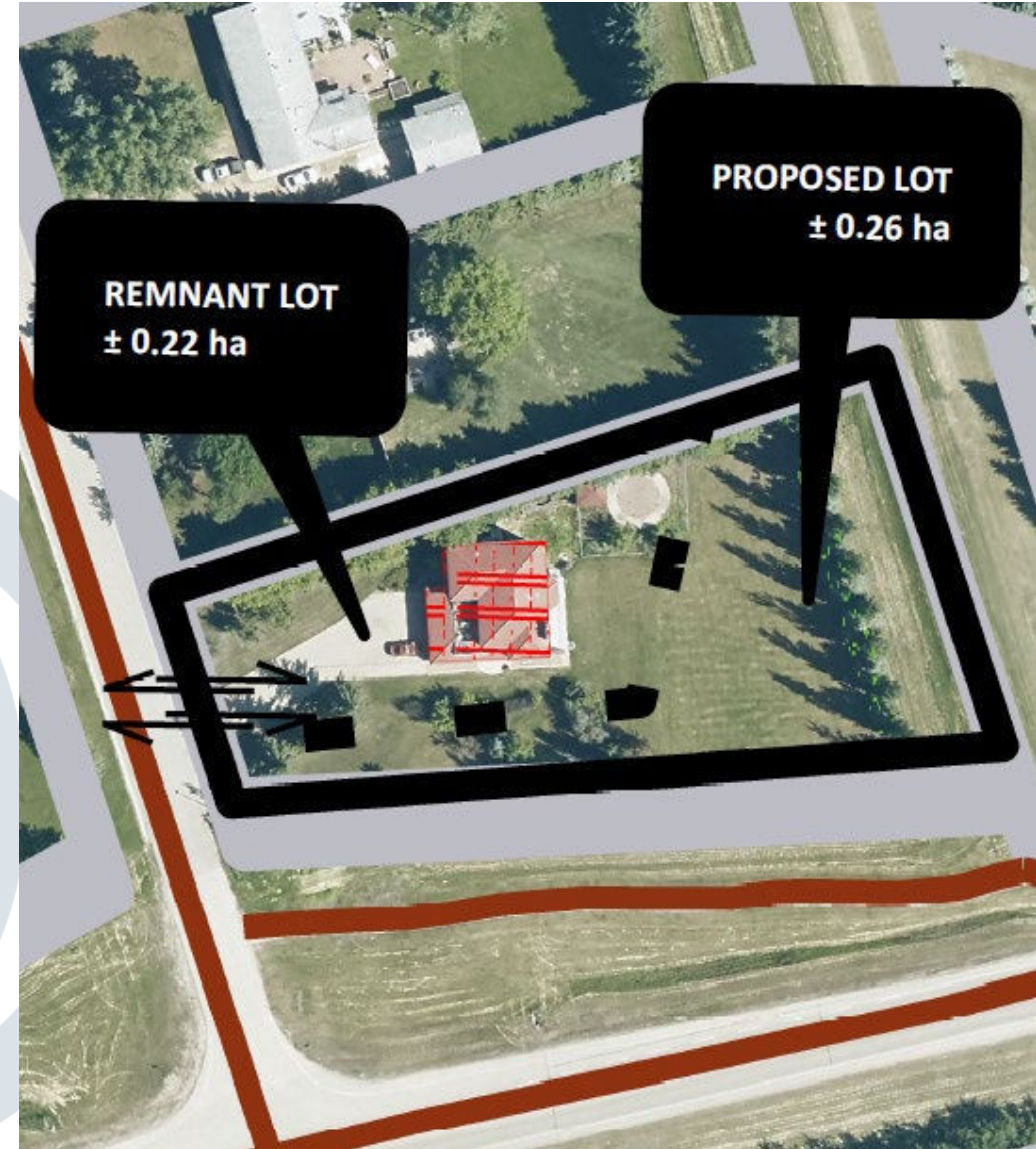
Sturgeon County Policies and Regulations

Land Use Bylaw:

- This proposal meets the minimum parcel area outlined.
- The minimum parcel width (25m) is not met as a result of the panhandle access but is met at the rear of the proposed lot.

.3 Subdivision Regulations

Minimum <i>parcel area</i>	0.2ha (0.5ac)
Minimum <i>parcel width</i>	25m (82ft)

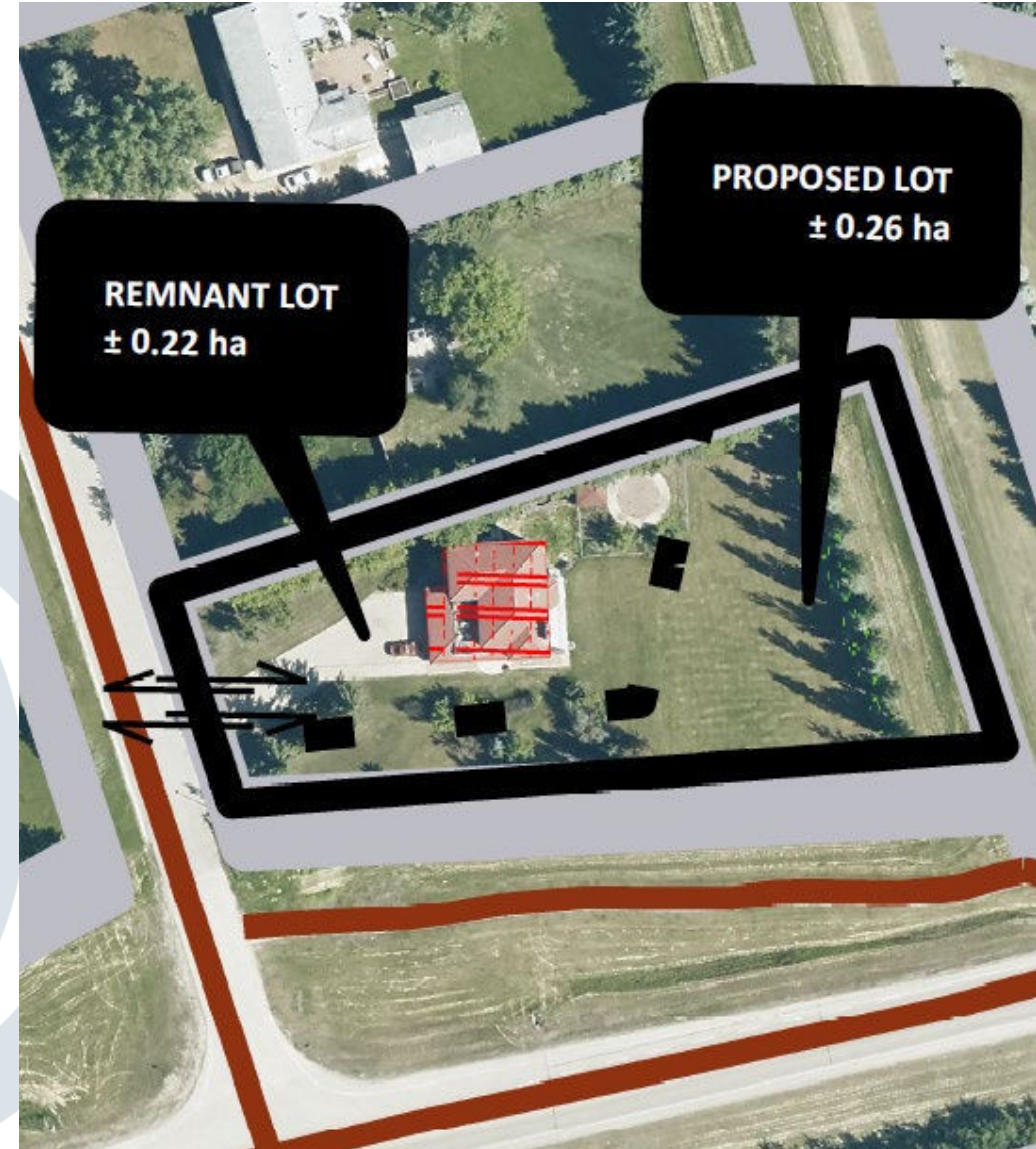


Issue Analysis

Sturgeon County Policies and Regulations

Municipal Development Plan:

- This proposal is considered under Residential Type 1 policies.
- 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.
- 2.2.7 - 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).

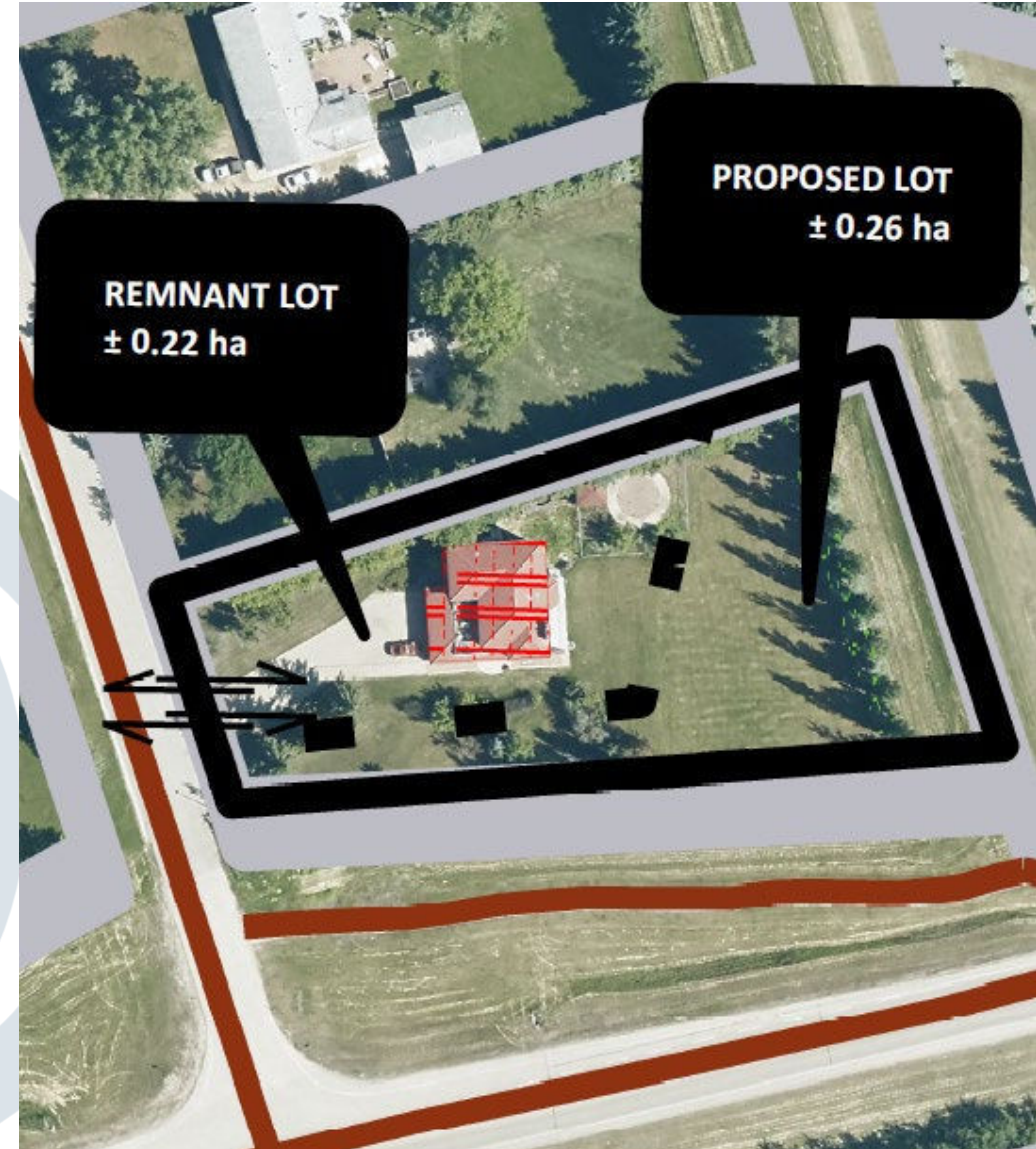


Issue Analysis

Sturgeon County Policies and Regulations

Sturgeon Valley Core Area Structure Plan:

- 5.5.1 - The County shall maintain the established community character by following the subdivision requirements outlined in the Land Use Bylaw.
 - New development must compliment the built form.
- Planned Growth - “Encourage orderly and efficient residential development (i.e. infill, contiguous development)”.
 - Precedent for subdivision and its effects on infrastructure capacity.

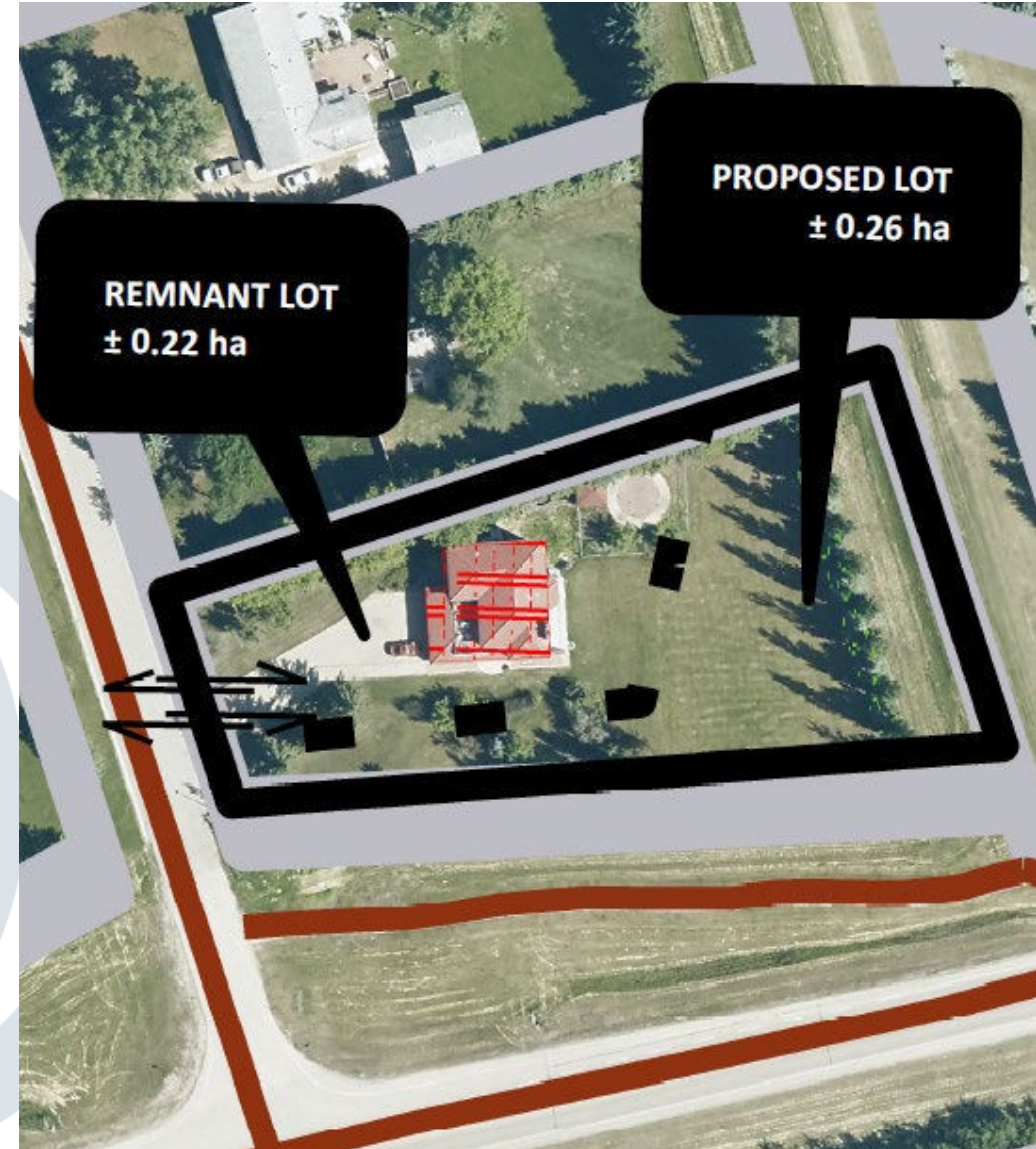


Issue Analysis

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

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

- Sturgeon County Municipal Development Plan policies.
- Sturgeon Valley Core Area Structure Plan
- Municipal Government Act

Conditions – If Approved

1. Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
2. The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 3, dated January 11, 2023 and submit it in a manner that is acceptable to Land Titles.
3. 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.
4. The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
5. All connections, and fees related to connections for water and wastewater services on the Proposed and Remnant lot are the responsibility of the applicant and must be completed to the satisfaction of Sturgeon County Utility Services *before* this subdivision is endorsed.
6. Pursuant to the Sturgeon County Residential Lot Grading Policy, a lot grading plan shall be completed to the satisfaction of Sturgeon County *before* this subdivision is endorsed.

Conditions – Summary

1. Ensure taxes are paid
2. Retain a surveyor
3. Approach upgrades to GMSS
4. Obtain all development & building permits
5. All connections and fees for water & wastewater connections
6. Complete and submit a lot grading plan

APPELLANT SUBMISSIONS RECEIVED

***NOTE:**

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

WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS

*NOTE:

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