

JULY 4, 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: Shelley Takacs | 023-STU-011 | Development Appeal |
| 2.2 | Appellant: Abjul Aziz El Mustapha | 023-STU-012 | Subdivision Appeal |

3. ADJOURNMENT

Appeal #1

023-STU-011 Appealing the
Development Authority's refusal to
leave an existing accessory building as
built with a variance to the rear and
side yard setbacks.



NOTICE OF APPEAL

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		Date Received Stamp
Municipal Address of site:	24415 Twp Rd 551	
Legal land description of site: (*plan, block, lot* and/or *range-township-section-quarter)	NE 5-55-24-W4	
Development Permit number or Subdivision Application number:	305305-23-D0140	
Appellant Information:		
Name:	Shelley Takacs	Phone: 780-915-4672 Agent Name: (if applicable)
Mailing Address:	24415 Twp Rd 551	City, Province: Sturgeon County, AB
Postal Code:	T8T 1P1	Email: takacs@coppercreekbarn.com

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

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

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

We request to leave our existing accessory building as built with a variance to the rear and side yard setbacks. We would like to request a relax of the minimum setbacks.

Building A: The requested variance is 1.74m(5.7ft) or 58%.

Building B: The requested variance is 2.64m(8.6ft) or 88%. (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: *Shelley Takacs* Date: *June 6, 2023*

FOR OFFICE USE ONLY

SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date: YYYY/MM/DD
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Sturgeon County
 9613-100 St (780) 939-4321
 Morinville, Alberta T8R-1L9
 (780) 939-4321 ext.

SHELLEY TAKACS
 COPPER CREEK BARN 24415 TWP RD 551
 STURGEON COUNTY, AB

Receipt Number: 202303611
 GST Number: 107747412RT0001
 Date: 2023-06-07
 Initials: KS

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

June 20, 2023

SDAB File Number: 023-STU-011

Dear Shelley Takacs:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: NE 5-55-24-W4
Decision Regarding Proposed Development: Development Permit refused to leave an existing accessory building as built with a variance to the rear and side yard setbacks

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on June 7, 2023. In accordance with section 686(2) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 4, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 713 698 528#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than June 29, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their 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. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

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

Dianne Mason
Secretary, Subdivision and Development Appeal Board

June 20, 2023

SDAB File Number: 023-STU-011

Dear Resident:

**NOTICE OF
APPEAL BOARD HEARING**

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

Legal Description of Subject Property: NE 5-55-24-W4
24415 Township Road 551

Decision Regarding Proposed Development: Development Permit refused to leave an existing accessory building as built with a variance to the rear and side yard setbacks

Applicant: Shelley Takacs

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

- Requesting a relaxation of the minimum setbacks with variances of 58% to the rear yard setback to Building A and 88% to the side yard setback of Building B to allow the existing buildings to remain in place.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 4, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 713 698 528#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed development. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date and must include your current email address. **Therefore, written submissions are due to be submitted no later than June 29, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their 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. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

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

Dianne Mason
Secretary, Subdivision and Development Appeal Board

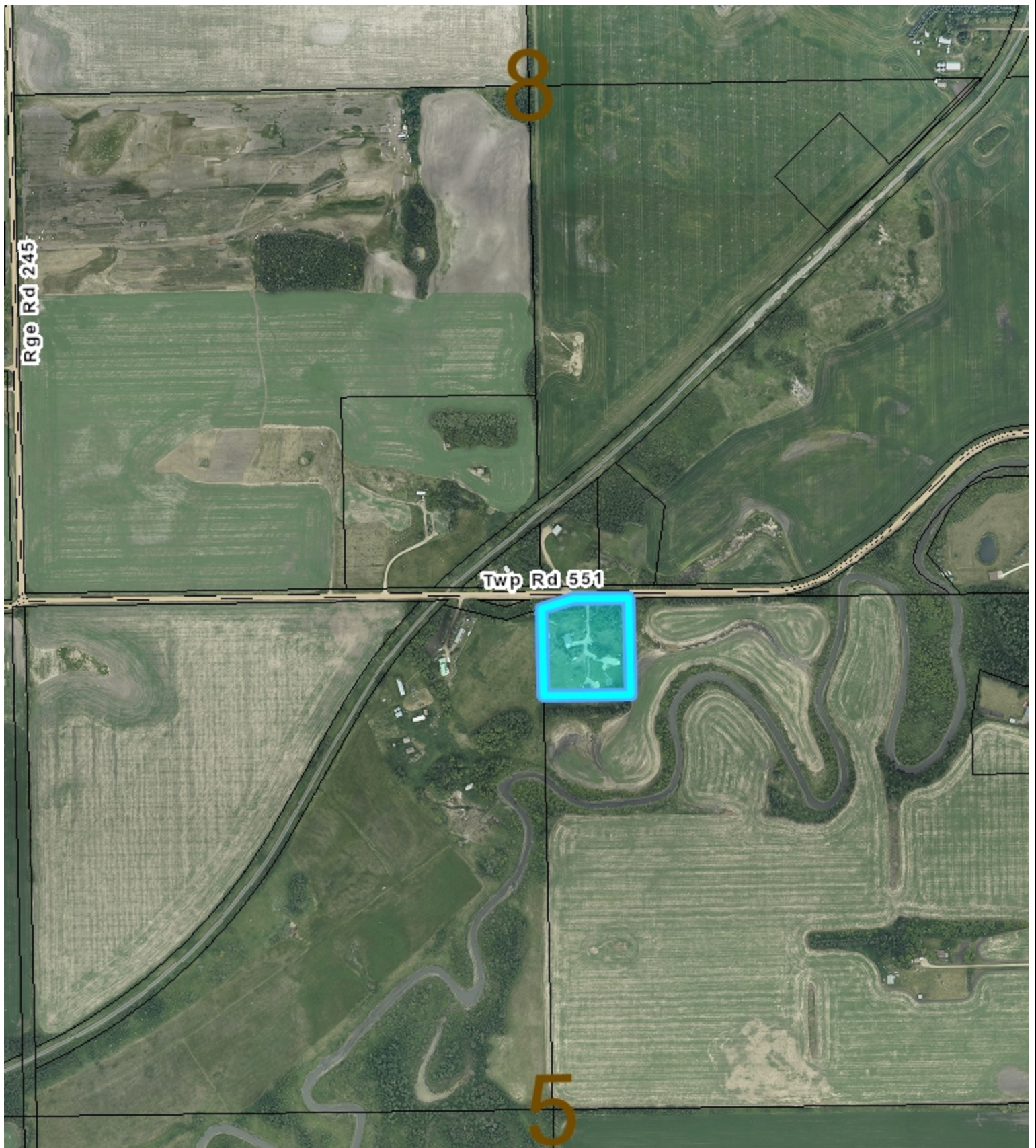
The personal information provided is collected under the authority of Section 33(c) of the Alberta Freedom of Information and Protection of Privacy Act and Division 10 of the Municipal Government Act. The information will be used as part of your written brief and may be recorded in the minutes of the Subdivision Development Appeal Board, or otherwise made public pursuant to the provisions of the Freedom of Information and Protection of Privacy (FOIP) Act, including Section 40 therein. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 - 100 Street, Morinville, Alberta, T8R 1L9 (780) 939.4321.

Development Permit

305305-23-D0140

24415 Twp Rd 551

8-Jun-2023



Prepared By:

Prepared By

NAD_1983_10TM_AEP_Resource
© Sturgeon County



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



Subdivision and Development Appeal Hearing Process

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

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

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

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

At the hearing . . .

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

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



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

Notification of Refusal Letter

Date: Jun 5, 2023

Permit Number: 305305-23-D0140

To: Takacs, Shelly and Tomas
24415 Twp Rd 551
Sturgeon County, ALBERTA
T8T 1P1

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-23-D0140 to leave the existing accessory buildings as built with a variance to the rear and side yard setback was refused on Jun 5, 2023.

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

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

Yours truly,

A handwritten signature in black ink, appearing to read 'Yvonne Bilodeau', written over a light grey rectangular background.

Yvonne Bilodeau
Development Officer

Development Permit

Land Use Bylaw 1385/17

Permit No.:	305305-23-D0140
Tax Roll No.:	1861000
Decision Date:	Jun 5, 2023
Effective Date:	Jun 26, 2023

Applicant

Name: Takacs, Shelly and Tomas
Address: 24415 Twp Rd 551
Sturgeon County, ALBERTA
T8T 1P1
Phone: (780)915-4672
Cell:
Email: takacs@coppercreekbarn.com

Owner

Name: Takacs, Shelly and Tomas
Address: 24415 Twp Rd 551
Sturgeon County, ALBERTA
T8T 1P1
Phone: (780)915-4672
Cell:
Email: takacs@coppercreekbarn.com

Property Description

Legal Land Description: NE 5-55-24-W4
Land Use Description: Agriculture 2
Rural Address: 24415 Twp Rd 551

Description of Work

To leave the existing accessory building as built with a variance to the rear and side yard setbacks

Fees

Discretionary Use / Variance Request	\$100.00
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Permit Conditions

The application is **REFUSED** for the following reasons:

- Section 11.1A.4 of Land Use Bylaw 1385/17 states, *the minimum side and rear yard setback is 3m (9.8ft)*. A variance is requested to relax the minimum required setbacks.
 - Building A (18.35x9.82) The rear yard setback is 1.26m(4.1ft). Therefore, the requested variance is 1.74m(5.7ft) or 58%.
 - Building B (5.50x3.76) The side yard setback is 0.36m(1.2ft). Therefore, the requested variance is 2.64m(8.6ft) or 88%.
- Section 2.8.6(b) states, *variances for the districts in excess of what is prescribed shall be refused by the Development Authority*. The maximum percentage of variance that may be granted by the Development Authority in the AG2 – Agriculture 2 District is 50%.

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

Issued By:



Yvonne Bilodeau
Development Officer

Municipality

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

Appeal Information

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

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

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

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

**N.E. 1/4 SEC.5 TWP.55 RGE.24 W.4.MER.
(C. of T. 172 335 321)**

MUNICIPALITY: STURGEON COUNTY
PREPARED FOR: SHELLEY TAKAS
DATE OF SURVEY: APRIL 10, 2023
DATE OF TITLE SEARCH: MARCH 30, 2023
 (copy on reverse)
SCALE: 1:5000

ALBERTA LAND SURVEYOR'S CERTIFICATION:
 I hereby certify that this Report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Alberta Land Surveyors' Association's Manual of Standard Practice and supplements thereto. Accordingly, within those standards and as of the date of this Report, I am of the opinion that:

- the plan illustrates the boundaries of the Property, the improvements as defined in Part C, Section 6.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, and registered easements and rights-of-way affecting the extent of the title to the Property;
- the improvements are entirely within the boundaries of the Property **EXCEPT AS SHOWN**;
- no visible encroachments exist on the Property from any improvements situated on an adjoining Property;
- no visible encroachments exist on registered easements or rights-of-way affecting the extent of the Property.

PURPOSE OF REPORT: This Report and plan have been prepared for the benefit of the Property owner, subsequent owners, and any of their agents for the purpose of (a land conveyance, support of a subdivision application, a mortgage application, a submission to the municipality for a compliance certificate, etc.). Copying is permitted only for the benefit of these parties. Where applicable, registered easements and utility rights-of-way affecting the extent of the Property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been placed during the survey for this Report.

The plan should not be used to establish boundaries because of the risk of misinterpretation or measurement error by the user.

The information shown on this Report reflects the status of this Property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

This document is not valid unless it bears the original signature or digital signature of an Alberta Land Surveyor and a Pals Geomatics Corp. permit stamp.

LEGEND:

Statutory Iron Survey Posts Found	●	Area dealt with by this plan	— 12.34 —
Lead Plugs Found	⊗	Perpendicular ties shown thus	— 12.34 —
Iron Bars Found	⬇	Overhang lines shown thus	— · · · —
Wooden Power Poles	● WPP	Fence lines shown thus	-X-X-
Guy Wires shown thus) GW	Edge of Gravel shown thus	— · · · —
Light Poles shown thus	○ LP	Concrete shown thus	▒
		Wood shown thus	■

ABBREVIATIONS:

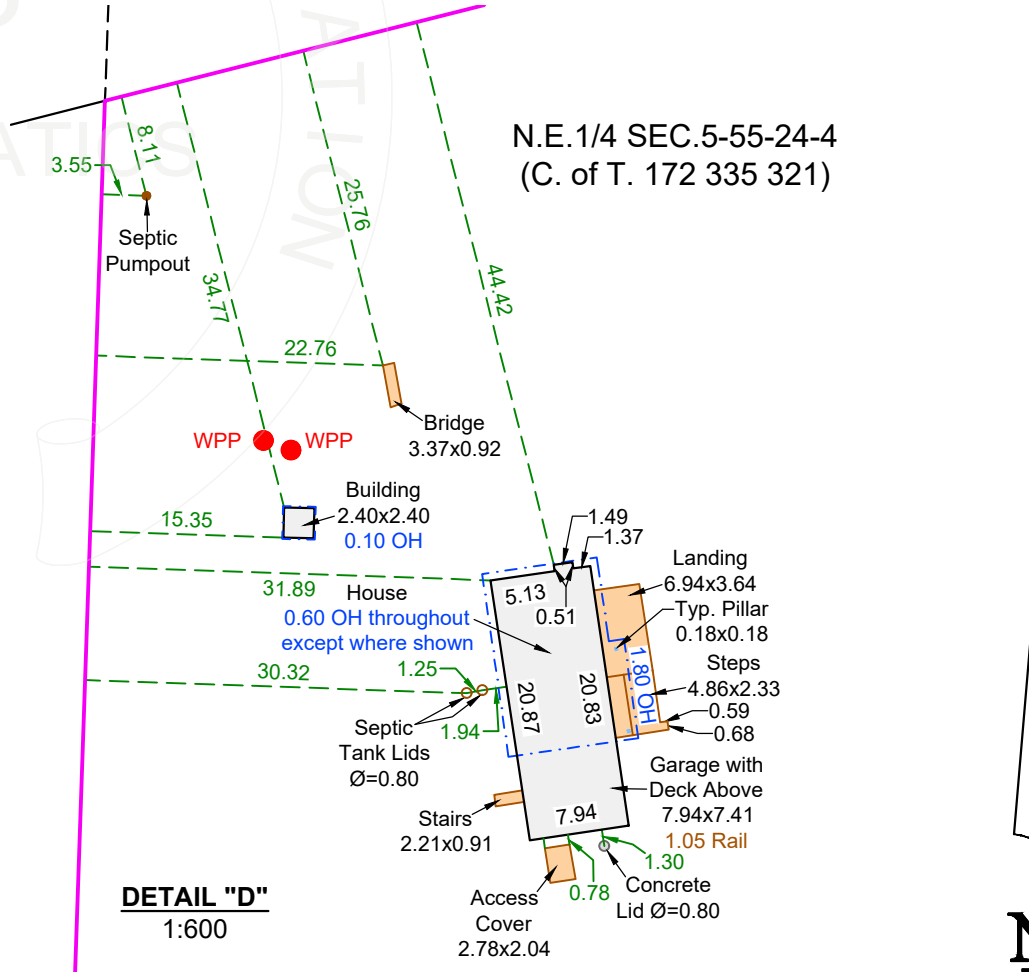
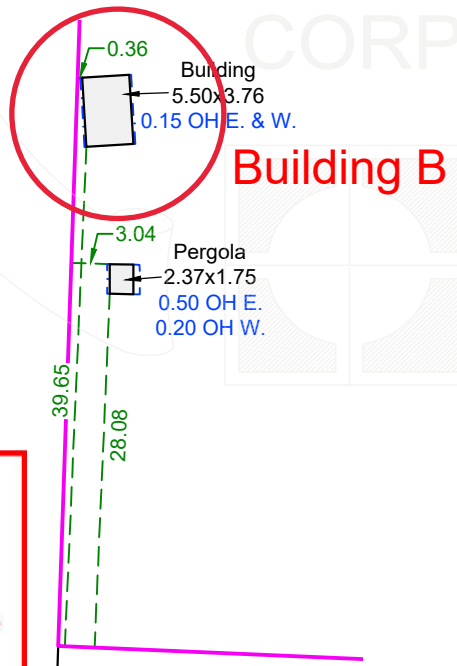
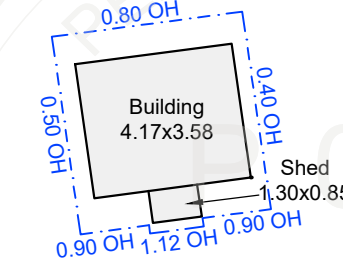
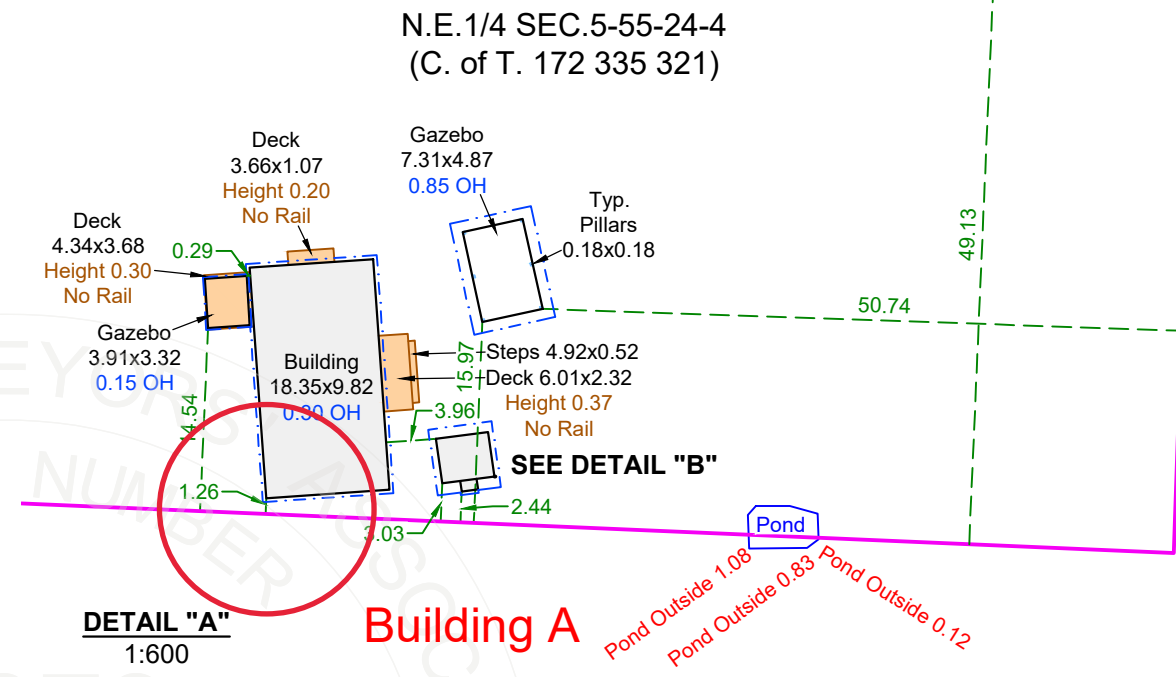
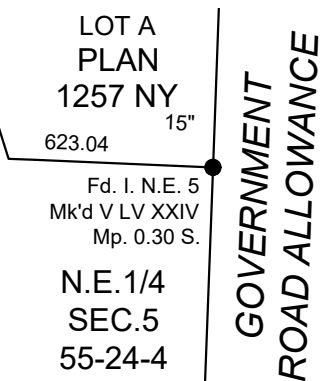
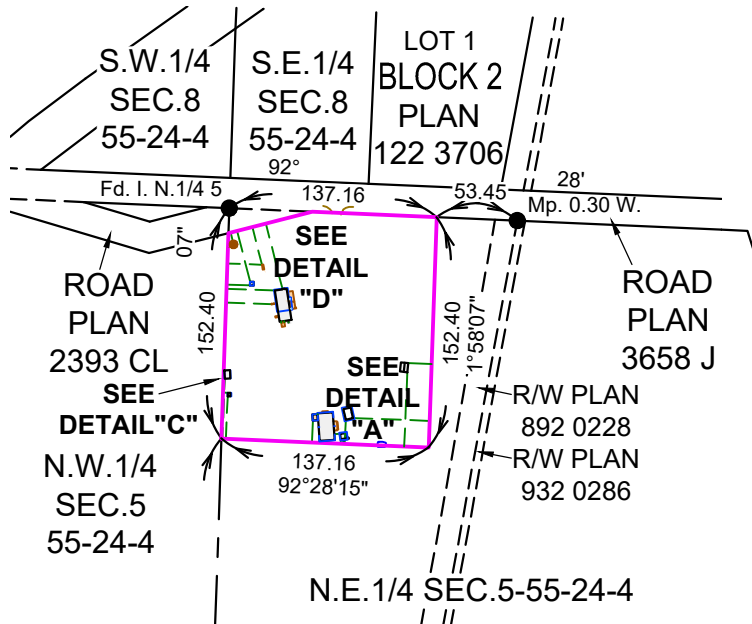
Adj.	Adjacent	Est.	Established	OH	Overhang
B.O.C.	Back of Curb	E.O.A.	Edge of Asphalt	Pos.	Position
B.O.W.	Back of Walk	E.O.G.	Edge of Gravel	(R)	Radial
C.A.	Central Angle	Fd.	Found	R	Radius
C.S.	Countersunk	Frac.	Fractional	Re-est.	Re-established
C. of T.	Certificate of Title	Inacc.	Inaccessible	Ref.	Reference
∅	Diameter	Mk.	Mark	Res.	Restored
Dist.	Disturbed	Mp.	Marker Post	R/W	Right of Way
Dest.	Destroyed				
Doc.	Document				

NOTES:
 Distances are in metres and decimals thereof.
 Distances shown to property boundaries are perpendicular thereto.
 Bearings are NAD83, UTM grid and are derived from G.N.S.S. Observations.
 Building measurements are to exterior cladding.
 Combined scale factor is 0.999844.
 Fences are not shown.
 Reference meridian is 111°.



10704 - 176 Street NW Tel. (780) 455-3177
 Edmonton, Alberta T5S 1G7 Fax. (780) 451-2047
 edmonton@palsgeomatics.com Toll Free. 1-800-263-0305

FILE NO. 423001900RP DRAFTED BY: JH CHECKED BY: VC



STURGEON COUNTY
REFUSED
 AUTHORIZED SIGNATURE
 305305-23-D0140 Jun 5, 2023
 DATE



Planning and Development

9613-100 Street
Morinville, AB T8R 1L9
Toll Free 1-866-939-9303
Phone (780)-939-8275
Fax (780)-939-2076
Email PandD@sturgeoncounty.ca

For Office Use
Development Permit: _____
Date Received: _____
Received By: _____

VARIANCE REQUEST APPLICATION

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

VARIANCE DESCRIPTION

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

Building easement requirement of 6 m is not adhered to by the following buildings.

1. Pole barn located on south property line within easement requirements (1.25m)

JUSTIFICATION

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

~~We discovered the structures close proximity to the adjacent land owner property lines when the RPR was completed.~~

MITIGATION

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

~~Both are existing structures.~~

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

~~The adjacent properties are fields (crop & pasture respectively) therefore we do not feel there is an impact to either location to the adjacent land owners.~~

APPLICANT AUTHORIZATION

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

_____	_____	_____	_____
Signature of Authorized Applicant(s)	Date	Signature of Landowner	Date

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

_____	_____
Signature of Landowner	Date

Fee \$ _____ Receipt # _____ Paid by: Cash / Cheque / Debit / VISA / Mastercard

M/C or Visa Number: _____ Expiry Date: _____

Name (as it appears on card): _____ Authorized Signature: _____

FOR OFFICE USE ONLY

Land Use Bylaw Section	Requested Variance	Variance Percentage

Land Use District _____

Roll# _____

Approving Authority as per Section 2.8.6 of the Land Use Bylaw

Development Officer

Municipal Planning Commission

Notes

APPLICATION FEES ARE NON-REFUNDABLE

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

**PLANNING AND
DEVELOPMENT
SERVICES REPORT**

Subdivision & Development Appeal Board
File Number 023-STU-011**FILE INFORMATION**

Department File: 305305-23-D0140
Legal Land Description: NW Cnr NE 5-55-24-W4; 24415 Twp Rd 551
Relative Location: North of Hwy 37, South of Carbondale, West of Hwy 28
Appellant: Shelley Takacs
Landowner: Shelley and Tomas Takacs
Description of Appeal: Appealing the Decision of the Development Authority:
Refusal to leave the existing accessory buildings as built with a variance to the rear and side yard setbacks
Land Use Bylaw District: AG2 – Agriculture 2 District
Tax Roll Number: 1861000

BACKGROUND

- There are two separate accessory buildings involved in the permit.
- Building A (18.35x9.82) is the existing Barn, previously approved under permit 305305-18-D0299 and is currently being used as an Event Venue for weddings,
- Building B (5.50x3.76) is a small shed being used for storage.
- Council granted approval of the rezoning of the lands to Agriculture 2 which allows the parcel to be accommodated for diversified agricultural development that has a greater effect on local roads and infrastructure and neighboring parcels due to increased levels of traffic and visitors.
- A separate approval has been issued for Event Venue under permit number 305305-23-D0139.

PROPERTY INFORMATION

- The parcel is 5.06 acres and developed with a single detached dwelling, various outbuildings, and the event barn.
- Once rezoning was established, the landowner had to apply for development permit for the new use to bring the property into compliance. Sturgeon County's GIS aerial views depicted the Building A as either too close or over the property line. A surveyed site plan was obtained by the landowner which revealed the two buildings did not meet minimum setbacks and did not encroach over the property line.

RELEVANT POLICY/LEGISLATION

- Land Use Bylaw 1384/17
 - Section 2.8.6 – Table 2.1 Variances states the percentage of variance that may be granted by the Development Authority is 0.1 – 50% in the AG2- Agriculture Two District

- Section 2.8.6(b) states, variances for the districts in excess of what is prescribed shall be refused by the Development Authority.
- Section 11.1A of the Agriculture Two District states, the minimum rear yard and side yard setback for accessory buildings is 3m (9.8ft).

ANALYSIS

- This file is before the board as a matter of process for the issuance of a permit for the developments.
- Both buildings are existing, and the use of Building B and an event venue has been approved on a separate permit.
- A permit is required for the variance to leave the developments as built.
- Approval of the variances would not unduly impact any adjacent landowners with nearest dwelling being 155m± away.
- The buildings will require a building permit.
- The Development Authority could not approve the permit as the developments exceeded the variance authority as follows:
 - Building A (18.35x9.82) The rear yard setback is 1.26m(4.1ft). Therefore, the requested variance is 1.74m(5.7ft) or 58%.
 - Building B (5.50x3.76) The side yard setback is 0.36m(1.2ft). Therefore, the requested variance is 2.64m(8.6ft) or 88%.

CONCLUSION

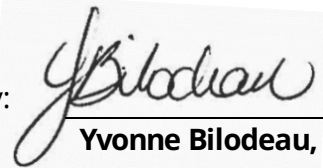
- It is recommended that the Board uphold the appeal and grant the permit to leave the existing accessory buildings as built with a variance to the rear and side yard setbacks subject to the following conditions as recommended by Administration:
 1. Building A (18.35x9.82) - A variance is granted to the rear yard setback at 1.26m(4.1ft).
 2. Building B (5.50x3.76) - A variance is granted to the side yard setback at 0.36m(1.2ft).
 3. A separate building permit shall be obtained. Minimum construction standards will conform to the requirements of the current Alberta Building Code.
 4. The accessory building shall not be used as a dwelling.
 5. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. In the event that the drainage of a development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.
- Alternatively, should the board deny the appeal, the buildings would need to be moved to meet setbacks or the applicant could apply for a lot line adjustment with

both neighboring landowners. Both options would be at a considerable cost to the landowner.

ATTACHMENT(S)

- Appendix 1 - Alberta Land Surveyors Real Property Report dated April 20, 2023.

Prepared By:



Yvonne Bilodeau, Development Officer

Reviewed By:

Tyler McNab Digitally signed by Tyler McNab
Date: 2023.06.26 15:30:42 -06'00'

Tyler McNab, Program Lead, Development and Safety Codes

Subdivision and Development Appeal Board File 023-STU-011

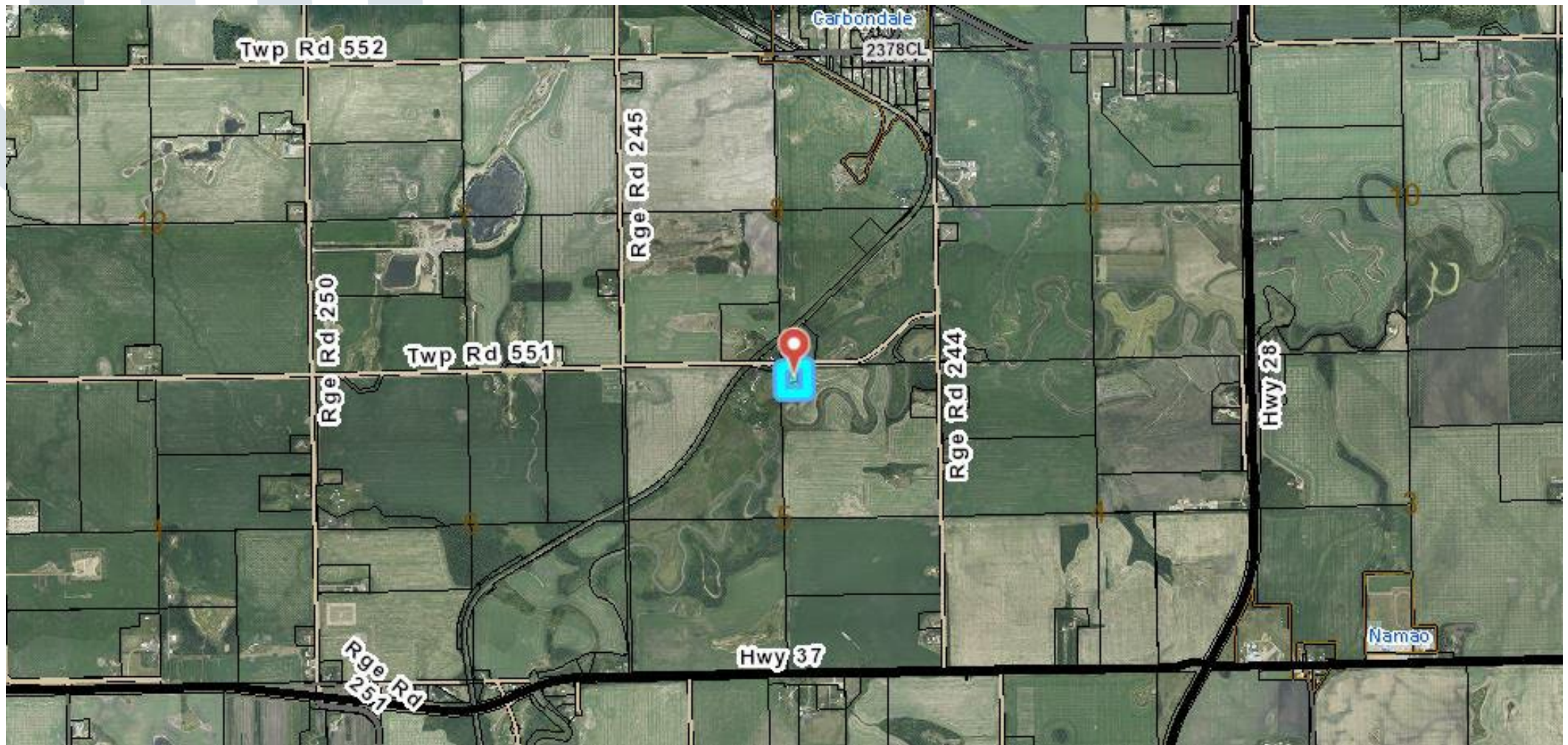
Development Authority Report

July 4, 2023



Sturgeon
C O U N T Y

Site Location



Site Location



Background

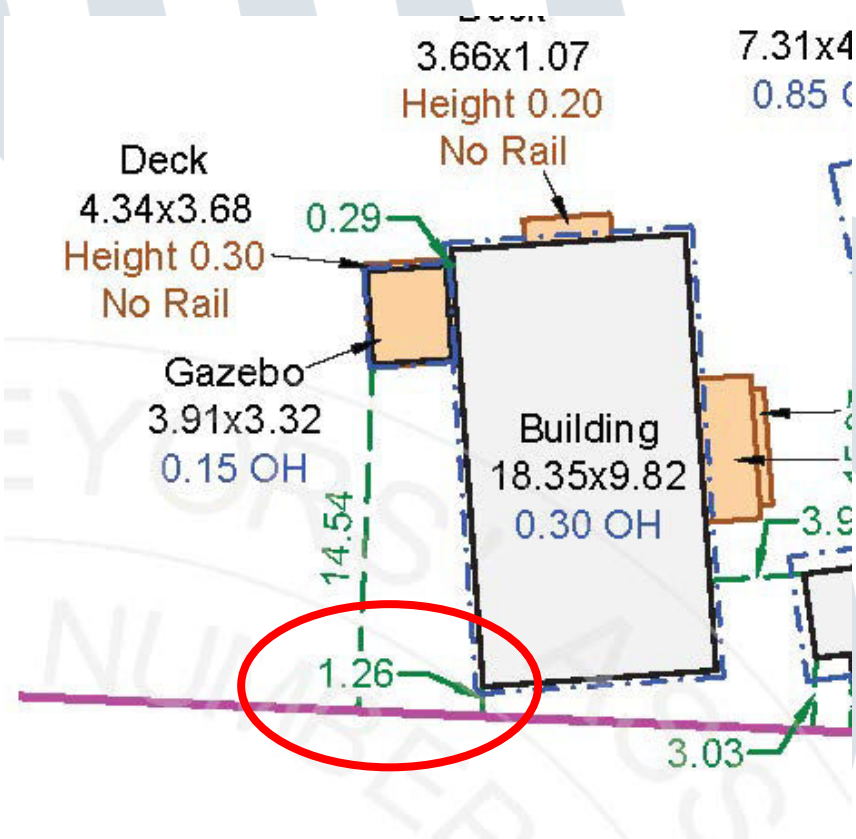


Setbacks to property line

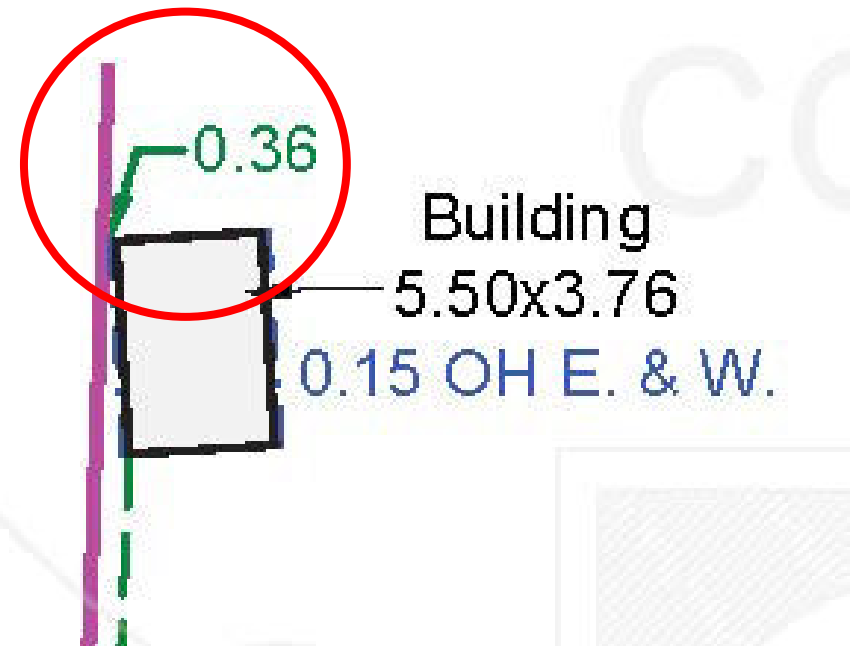
- Two separate buildings
- Building A – Existing Wedding Barn
- Building B – Existing Storage Shed
- Council granted rezoning to AG-2
- Permit issued for use as an Event Venue

Site Survey

Building A



Building B



Relevant Policy & Legislation

Land Use Bylaw 1387/17

Section 2.8 Decision Process

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

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

Section 2.8 Decision Process

Section 2.8.6(b) states Variances for the districts listed above in excess of 50% in the AG District shall be refused by the Development Authority.

Section 11.1A Development Regulations for the AG 2 – Agriculture 2 District

Minimum rear yard setback from a principal building is 3m (9.8ft).

Analysis

1. This file is before the board as a matter of process only for the issuance of the permit.
2. Both buildings are existing and will require separate building permit.
3. The permit could not be approved by the Development Authority as the variance exceeded the maximum of 50% and therefore the permit was refused and appealed by the landowner.

Conclusion

It is recommended that the Board uphold the appeal and grant the permit to leave the existing accessory buildings as built with a variance to the rear and side yard setbacks subject to the following conditions as recommended by Administration:

1. Building A (18.35x9.82) - A variance is granted to the rear yard setback at 1.26m(4.1ft).
2. Building B (5.50x3.76) - A variance is granted to the side yard setback at 0.36m(1.2ft).
3. A separate building permit shall be obtained. Minimum construction standards will conform to the requirements of the current Alberta Building Code.
4. The accessory building shall not be used as a dwelling.
5. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. In the event that the drainage of a development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.

Alternatively, should the board deny the appeal, the buildings would need to be moved to meet setbacks or the applicant could apply for a lot line adjustment with both neighboring landowners. Both options would be at a considerable cost to the landowner.

**APPELLANT
SUBMISSIONS
RECEIVED**

June 29, 2023

To: Dianne Mason
Secretary, Subdivision and Development Appeal Board

Re: development permit #305305-23-D0140 Variance application appeal for our existing structures

We have appealed the refused variance application for the following reasons.

The existing structures on our property, in our opinion, will not have an impact in any way to the neighbouring properties.

Building **A** was constructed in December of 2018 and every effort to ensure the setback requirements were met was considered. Unfortunately, with no visible markers present, it was inadvertently placed too close to the property line. This was not intentional by the contractors responsible for constructing the building, nor us, as the property owners, overseeing the build. The strip of land directly south of the building is maintained by us as there is a treeline separating the rest of the neighbouring property's field. Since the treeline impedes the adjacent landowner from using this strip of land as part of their crop, we have been mowing it, and managing the deadfall to keep it visually appealing.

Building **B** is an existing shed that was on the property well before we became the owners and was not known to be within the setback until we had a Real Property Report completed. We advised our neighbours immediately when we had found this out. Since their pasture fence has been in place for many years, it does not interfere with their property in any way.

We request that this board consider relaxing the minimum required setbacks as below.

a. Building A (18.35x9.82) The rear yard setback is 1.26m(4.1ft). Therefore, the requested variance is 1.74m(5.7ft) or 58%.

b. Building B (5.50x3.76) The side yard setback is 0.36m(1.2ft). Therefore, the requested variance is 2.64m(8.6ft) or 88%.

Sincerely,

Tom & Shelley Takacs

WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS

*NOTE:

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

Appeal #2

023-STU-012 Appealing the
Subdivision Authority's refusal of
Subdivision Application 2023-S-002

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		Severed in line with section 17 of the FOIP Act
Municipal Address of site:		
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter’) Plan 4208NY;; Lot 13		
Development Permit number or Subdivision Application number: 2023-S-002		
Date Received Stamp		
Appellant Information:		
Name: Abdul Aziz El Mustapha	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
Approval	Approval
Conditions of Approval	Conditions of Approval
Refusal	Refusal <input checked="" type="checkbox"/>
Stop Order	
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

<p>Neighboring lots on, on the south, east and west along with others within this community are subdivided.</p> <p>Willing to discuss running municipal services.</p>
<p>(Attach a separate page if required)</p>

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:	June 13/2023
FOR OFFICE USE ONLY		
SDAB Appeal Number:	Appeal Fees Paid:	Hearing Date:
Severed in line with section 17 of the FOIP Act	No	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.

MUSTAFA, ABDUL

Receipt Number: 202303990
 GST Number: 107747412RT0001
 Date: 2023-06-14
 Initials: MA

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	

June 20, 2023

SDAB File Number: 023-STU-012

Dear Abdul Aziz El Mustapha:

NOTICE OF APPEAL BOARD HEARING

Legal Description of Subject Property: Plan 4208NY;; Lot 13

Subdivision Application Number: 2023-S-002

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 June 14, 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. The Board has acknowledged receipt of your appeal, and as it was filed after the legislated deadline, the Board will consider it as a preliminary matter to determine if the appeal will proceed to a merit hearing.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 4, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta. You should be prepared to present all information to the Board on this date, recognizing that the Board must first decide whether to hear the merits of the appeal given that it was filed late.

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 713 698 528#. 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 June 29, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their 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. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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

Should you require further information, call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

June 20, 2023

SDAB File Number: 023-STU-012

Dear Resident:

**NOTICE OF
APPEAL BOARD HEARING**

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

Legal Description of Subject Property:	Plan 4208NY;; Lot 13 27, 54220 Range Road 250
Subdivision Application Number:	2023-S-002
Decision of Subdivision Authority:	The subdivision application was refused.

Appellant: Abdul Aziz El Mustapha

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

- Neighbouring lots on the south, east and west, along with others in the community, have been subdivided.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 4, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 713 698 528#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than June 29, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their 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. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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

For further information, please call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

June 20, 2023

SDAB File Number: 023-STU-012

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 4208NY;; Lot 13 27, 54220 Range Road 250
Subdivision Application Number:	2023-S-002
Decision of Subdivision Authority:	The subdivision application was refused.

Appellant: Abdul Aziz El Mustapha.

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

- Neighbouring lots on the south, east and west, along with others in the community, have been subdivided.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 4, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 713 698 528#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, affected bodies/organizations have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than June 29, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their 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. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

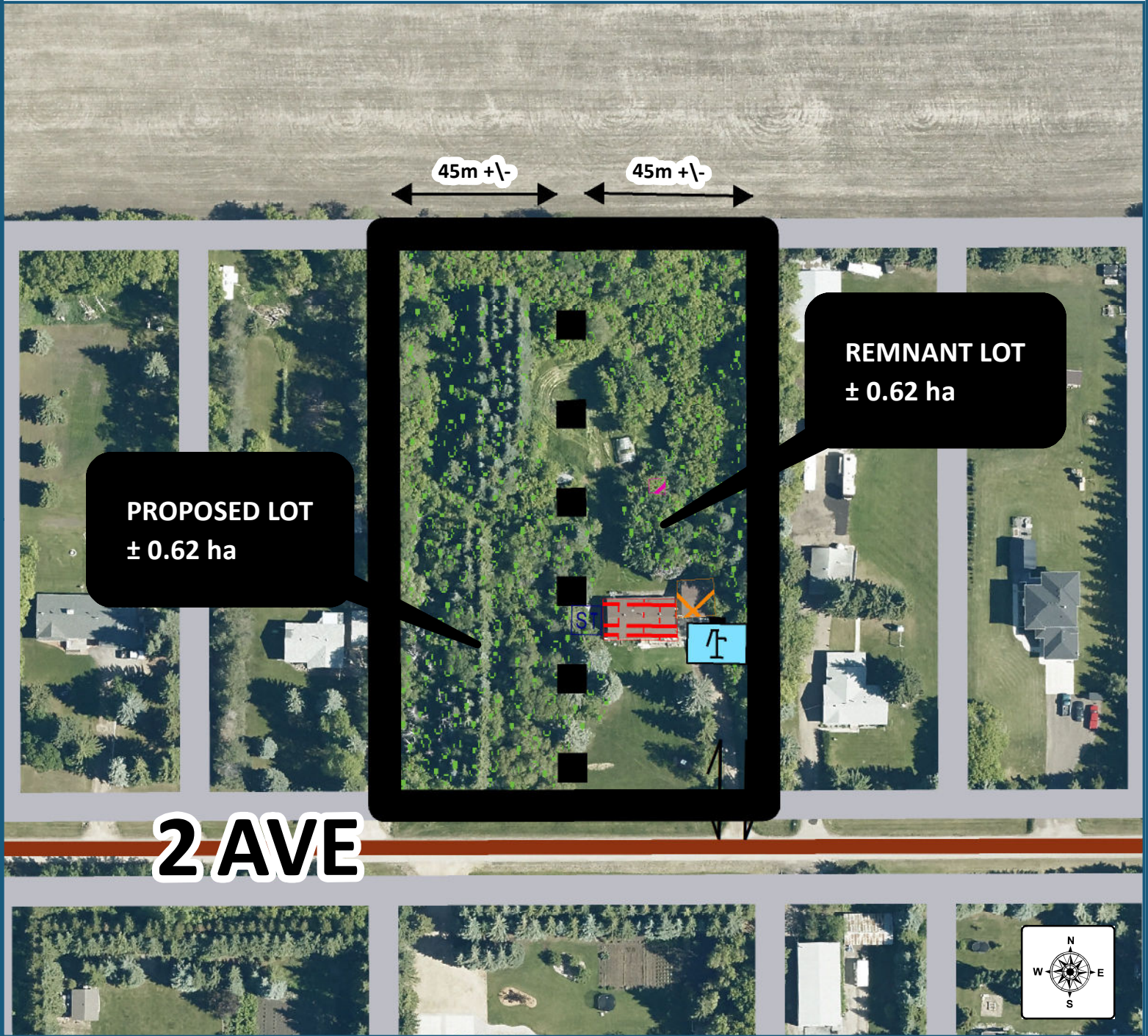
Sturgeon County
9613-100 Street, Morinville, AB T8R 1L9

For further information, please call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

Exhibit 1 [Applicant's Submission]

File Number: 2023-S-002



Legal Description: Plan 4208NY; Lot 13

Municipal Address: 27 54220 Rge Rd 250

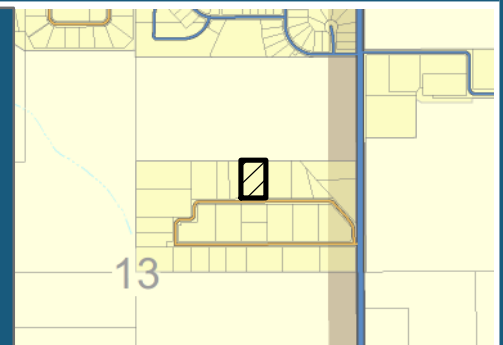
Roll Number: 2725000

LUB District: R1 - Country Residential

Date: January 27, 2023

Legend:

- ↕ Approach (Existing)
- Septic tank
- ⊡ Well
- ⊞ Garage
- ⊞ Shed
- ▨ 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.

February 27, 2023

Hagen Surveys (1982) Ltd.
Attn.: Jordan Widmer
8929 20 Street NW
Edmonton, AB T6P 1K8

Re: Proposed Subdivision
Our File No.: 2023-S-002
Legal Land Description: Plan 4208NY;; Lot 13
Proposal: 0.62 hectares (1.53 acres) from 1.24 hectares (3.06 acres)

Please be advised that the above-mentioned subdivision application was **REFUSED** by the Subdivision Authority on **February 27, 2023**.

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 2.2.2 prevents any residential subdivision layout that does not reflect future development potential, or that may result in development restrictions of the adjacent parcel.
 - 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, addresses any infrastructure constraints, and conforms to the criteria outlined in the Land Use Bylaw (LUB).
3. The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the Municipal Government Act. The regulations are noted below:
 - a) Part 12.1.3 of the Land Use Bylaw outlines a minimum parcel area of 1 hectare (2.47 acres) for parcels not connected to a municipal sanitary line.

4. This proposal does not conform to the policy or intent of the Sturgeon Valley South Area Structure Plan. This policy requires the County to develop the area in an orderly and phased manner at densities that align with the Edmonton Metropolitan Region Growth Plan. This application 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: AltaLink Management Ltd.
Alberta Health Services
Atco Gas
Canada Post
Fortis Alberta
Greater St. Albert Catholic School

Hagen Surveys (1982) Ltd
National Defense
Sturgeon School Division
Telus Access Planning
97th Street Law
Abdul Aziz Elmustapha

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."

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: **January 24, 2023** Receipt No: **202300357**
Date Accepted as "Complete": **31 January 2023** Application Fee: \$ **1,175.00** File Number: **2023-S-002**

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:
Abdul Aziz Elmustapha

Mailing address (including postal code):
[Redacted]

Telephone:
[Redacted]

Email:
[Redacted]

(If applicable): Name of authorized **applicant(s)** acting on behalf of above owner(s):
**Hagen Surveys (1982) Ltd.
- Jordan Widmer**

Mailing address (including postal code):
**8929 20 Street NW
Edmonton, AB
T6P 1K8**

Telephone: **(780) 464-5506**

Email: **jwidmer@hagensurveys.ca**

PROPERTY INFORMATION:

All/part of the: [Redacted] ¼ Sec: [Redacted] Twp: [Redacted] Range: [Redacted] West of the: [Redacted] th Meridian
OR Lot: **13** Block: [Redacted] Plan: **4208 N.Y.** Land Title # **082 447 184**

Municipal Address of Property: **27 54220 Rge Rd 250**

Total existing property size (states on land title certificate): **1.246** hectares **3.08** 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 : Split the existing residential lot in half, creating one new residential parcel.
[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, **Abdul Aziz Elmustapha** 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: 13 Block: Plan: 4208 N.Y.

Municipal Address of Property: 27 54220 Rge Rd 250

do hereby authorize **Hagen Surveys (1982) Ltd.** to make an application for subdivision and subsequent endorsement affecting my/our above noted property.

Dated this 16 day of january, 20 23

Signature(s) of ALL Registered Landowners

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

Severed in line with section 17 of the FOIP Act

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

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 780-939-4321.

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 checked="" type="checkbox"/>	Water Cistern (Hauling)
<input 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

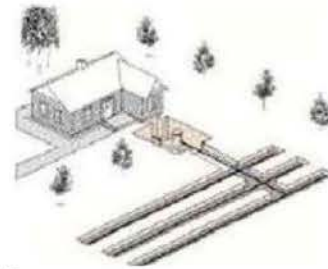
Sewage Disposal (Mandatory)

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



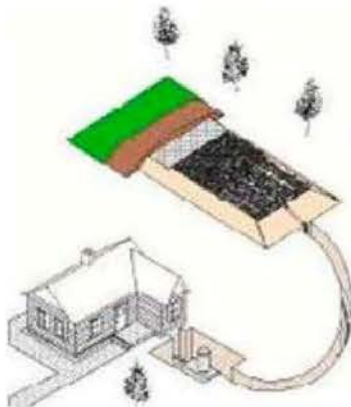
Open Discharge (Pump Out) System

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



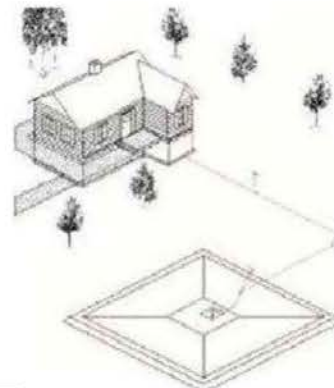
Disposal Field

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.

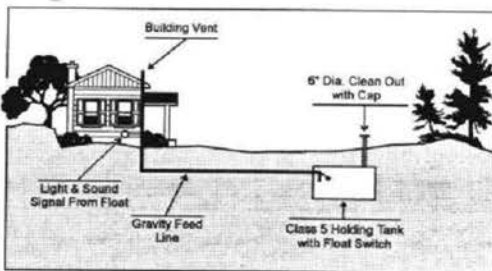


Sewage Lagoon

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

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.

TENTATIVE PLAN

SHOWING SUBDIVISION OF

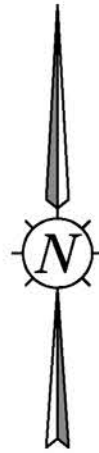
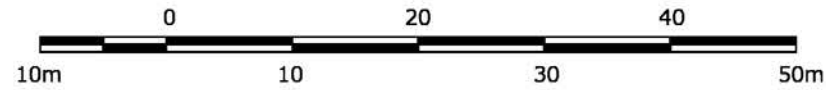
LOT 13, PLAN 4208 N.Y.

IN THE

N.E.1/4 SEC.13 TWP.54 RGE.25 W.4 M.

STURGEON COUNTY, ALBERTA

SCALE 1:600 2022 N.R. RONSKO, A.L.S.



NOTES:

- DISTANCES ARE APPROXIMATE AND ARE IN METRES AND DECIMALS THEREOF.
- AREA DEALT WITH BOUNDED THUS.

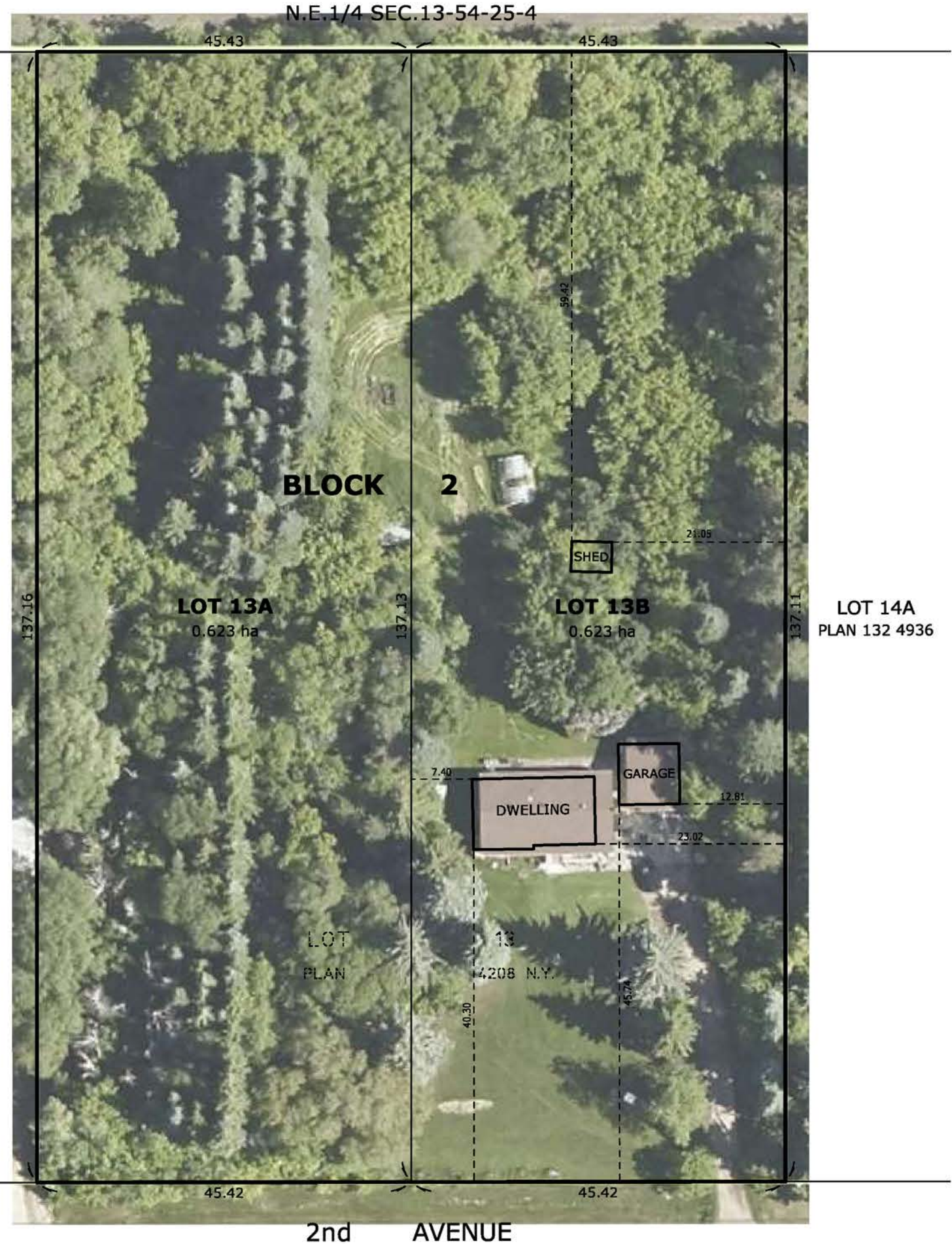


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CALCULATED BY:	J.V.	DRAWN BY:	J.V.
DATE:	DEC. 29, 2022	REVISED:	--
DRAWING	22S0905T	FILE NO.	22S0905



**PLANNING AND
DEVELOPMENT
SERVICES REPORT**



FILE INFORMATION:		2023-S-002
Council Division:		1
Tax Roll Number:		2725000
Legal Land Description of Property:		Plan 4208NY;;Lot 13 – North Point
Landowner:		Abdul Aziz Elmustapha
Applicant:		Hagen Surveys (1982) Ltd. – Jordan Widmer
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 0.62 hectares (1.53 acres) from 1.24 hectares (3.06 acres).

PART II – SUBDIVISION HISTORY:

1. Subdivision History:
 - Original subdivision of North Point in 1965.

PART III – REFERRAL SUMMARY:

1. Sturgeon County Development Officer (see **Appendix 4**):
 - *Proposed Lot*:
 - o Vacant lot, no concerns.
 - *Remnant Lot*:
 - o Single detached dwelling, detached garage, and shed have all required permits.
2. Sturgeon County Engineering Services (see **Appendix 4**):
 - *Proposed Lot*:
 - o No land dedication/acquisition required.
 - o No existing approach. One must be constructed to General Municipal Servicing Standards.
 - o Applicant is responsible to submit a lot grading plan that demonstrates onsite drainage is contained within the lot and will not affect neighbouring properties.
 - *Remnant Lot*:
 - o No land dedication/acquisition required.

- Existing approach requires upgrades to meet General Municipal Servicing Standards.
 - Applicant is responsible to submit a lot grading plan that demonstrates onsite drainage is contained within the lot and will not affect neighbouring properties.
3. Alberta Health Services (see **Appendix 4**):
 - Any existing private sewage disposal system are to meet compliance with the current Alberta Private Sewage and Disposal Systems Regulation.
 4. No Objections:
 - Department of National Defense, Sturgeon County Agriculture Services, Telus, Fortis Alberta.
 5. No Responses:
 - Adjacent landowners, Alberta Energy Regulator, Altalink, Sturgeon County Protective Services, Sturgeon County Assessment Services, ATCO Gas, Sturgeon School District, St. Albert School District, 97th Street Law.

PART IV – ANALYSIS:

1. Given the location of the parcel, policy and regulation will be considered from the Municipal Development Plan, Sturgeon Valley South Area Structure Plan (SVSASP), and the Land Use Bylaw.
2. The **Municipal Development Plan's** policies (see **Appendix 2**) note:

Policy 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."

Policy 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)."

Policy 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."

3. The Regional statutory Planning Document for this area is the **Sturgeon Valley South Area Structure Plan**. The purpose of the plan is:

"...to guide the development of the Plan area in an orderly and phased manner, and in a direction that provides a framework for complete communities. The Plan is intended to drive development in the Sturgeon Valley in a contiguous, compact manner, with

transitions that are sensitive to existing landowners, surrounding agricultural areas, and the metropolitan boundaries.”

Policy direction is further provided in Section 5.3:

5.3.1.1 - Density levels shall be in general accordance with Figure 9 with each Neighbourhood Area Structure Plan for Planning Areas 1, 3, 4 & 5 demonstrating compliance with meeting the overall average density of 35du/nrha.

4. Part 12.1.3 of the **Land Use Bylaw’s** “R1 - Country Residential” district (see **Appendix 3**) outlines a minimum parcel area of 1 hectare (2.47 acres) if a parcel is not connected to a municipal sanitary line. Parcels within North Point rely on private servicing and are not connected to a wastewater line. Therefore, the application to create two 0.62-hectare (1.53 acre) parcels does not conform with the subdivision regulations outlined in the Land Use Bylaw.
5. The intent of the Sturgeon Valley South Area Structure Plan is to facilitate a framework that allows for orderly and efficient future residential development at densities outlined on a regional level. This will include both development of new areas and potential redevelopment of existing areas to meet the density requirements of the Edmonton Metropolitan Region Growth Plan, which outlines a future average density of 35 dwelling units per net residential hectare for this area. The Municipal Development Plan states that the subdivision authority shall prevent any subdivision layout that does not reflect future development potential which shall be guided by regional planning documents to phase subsequent residential growth. The premature fragmentation of lands contradicts the goal of a cohesive and contiguous land supply by creating additional lots that pose greater challenges to the future development potential of the lands (35 dwelling units per net residential hectare). The Municipal Development Plan also states that infill subdivision shall conform to the criteria outlined in the Land Use Bylaw, and this application does not meet the minimum size requirements for an R1 parcel.
6. 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.”*


The premature fragmentation of land to create an additional lot does not align with the future development potential of the area. As such, the application contradicts the Municipal Development Plan and the Sturgeon Valley South Area Structure Plan. Furthermore, the application does not conform to the subdivision regulations outlined in the Land Use Bylaw. Therefore, in line with Part 654(1) of the Municipal Government Act, this application cannot be supported by administration.

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 2.2.2 prevents any residential subdivision layout that does not reflect future development potential, or that may result in development restrictions of the adjacent parcel.
 - 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, addresses any infrastructure constraints, and conforms to the criteria outlined in the Land Use Bylaw (LUB).
3. The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the Municipal Government Act. The regulations are noted below:
 - a) Part 12.1.3 of the Land Use Bylaw outlines a minimum parcel area of 1 hectare (2.47 acres) for parcels not connected to a municipal sanitary line.
4. This proposal does not conform to the policy or intent of the Sturgeon Valley South Area Structure Plan. This policy requires the County to develop the area in an orderly and phased manner at densities that align with the Edmonton Metropolitan Region Growth Plan. This application does not meet these requirements.

Prepared by: 
Jonathan Heemskerk, Planning and Subdivision Officer

Reviewed by: 
Martyn Bell, Program Lead, Current Planning

NOTE: Appendices Attached...

Appendix 1: Excerpts from Municipal Government Act

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

2016 c24 s108

Approval of application

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

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

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

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

and

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

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

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

Conditions of subdivision approval

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

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

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

or both;

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

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

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

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

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

Decision

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

(2) A decision of a subdivision authority must state

Enacting Responsible Subdivision and Development Practices

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Creating Attractive and Complete Communities

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

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

Applying Responsible Residential Subdivision and Development Practices

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

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

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.

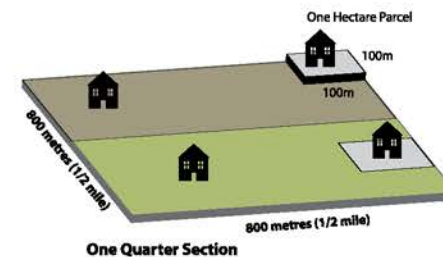
2.3.18 Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

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.

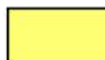
Implementation of Neighbourhood G Placemaking Principles

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.

PART 12 RESIDENTIAL DISTRICTS

12.1 R1 – COUNTRY RESIDENTIAL DISTRICT



.1 General Purpose

To provide for multi-lot residential subdivisions in rural areas where *parcel* size is determined through limited servicing availability and associated regulations. *Parcels* in this district are generally larger than ones found in the R2 district and accommodate *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>Dugout</i>
<i>Home-based business, level 1 (office)</i>	<i>Family day home</i>
<i>Secondary Suite</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>Show home</i>

* Refer to Section 6.1 for further clarification.

1432/19

.3 Subdivision Regulations

<i>Minimum parcel area</i>	0.8ha (2ac), if connected to a municipal sanitary line 1ha (2.47ac), if no municipal sanitary line
<i>Parcel density</i>	Maximum 50 <i>parcels</i> per 64.7ha (160ac)
<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 parcel density, 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>Abutting collector road</i>	35m (114.8ft)
	<i>Flanking front yard</i>	10m (32.8ft)
<i>Minimum side yard setback</i>	<i>Principal building</i>	6m (19.7ft) or 10% of the <i>parcel width</i> , whichever is lesser, not to be less than 2.5m (8.2ft)
	<i>Accessory building</i>	3m (9.8ft)
<i>Minimum rear yard setback</i>	<i>Principal building</i>	6m (19.7ft)
	<i>Accessory building</i>	3m (9.8ft)
<i>Maximum height</i>	<i>Principal building</i>	12m (39.4ft)
	<i>Accessory building</i>	8m (26.2ft)
<i>Maximum floor area</i>	<i>Accessory building</i>	230m ² (2,475.7ft ²)

Maximum <i>parcel coverage</i>	15%
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1432/19

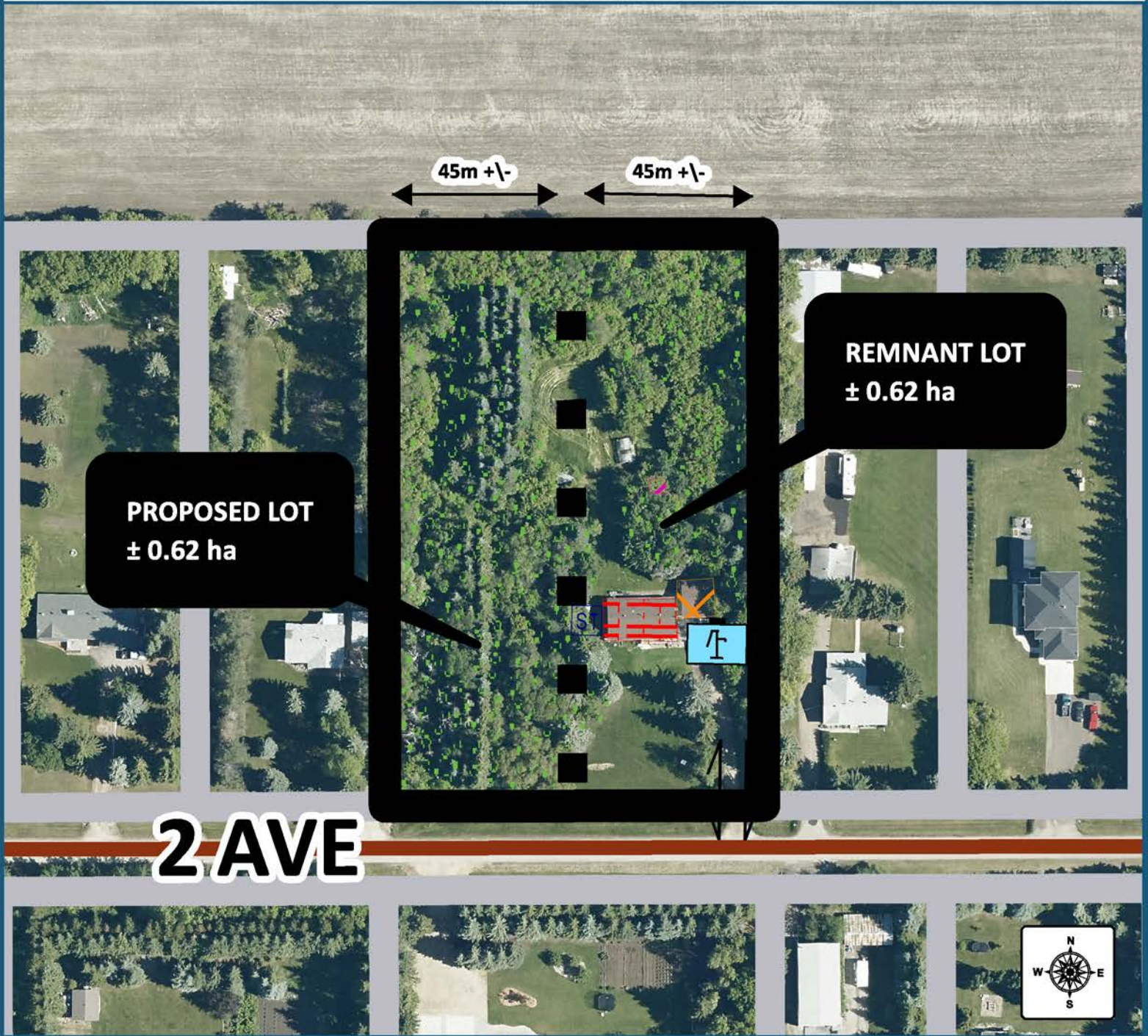
.5 Additional Development Regulations

- (a) All *development* in this district is subject to the regulations stated in Parts 5 through 9 of this Bylaw.
- (b) Access to residential *parcels* shall in all cases be from a *local* or *collector road* constructed for the subdivision.

Appendix 4: Exhibits, Referrals & Miscellaneous

Exhibit 1 [Applicant's Submission]

File Number: 2023-S-002



Legal Description: Plan 4208NY; Lot 13

Municipal Address: 27 54220 Rge Rd 250

Roll Number: 2725000

LUB District: R1 - Country Residential

Date: January 27, 2023

Legend:

- ↕ Approach (Existing)
- Septic tank
- ⊠ Well
- ⊞ Garage
- ⊞ Shed
- ⊞ Residence
- Tree Stand

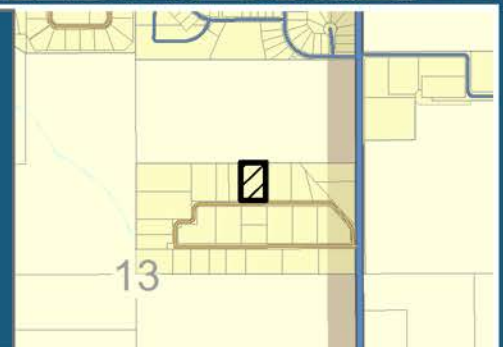
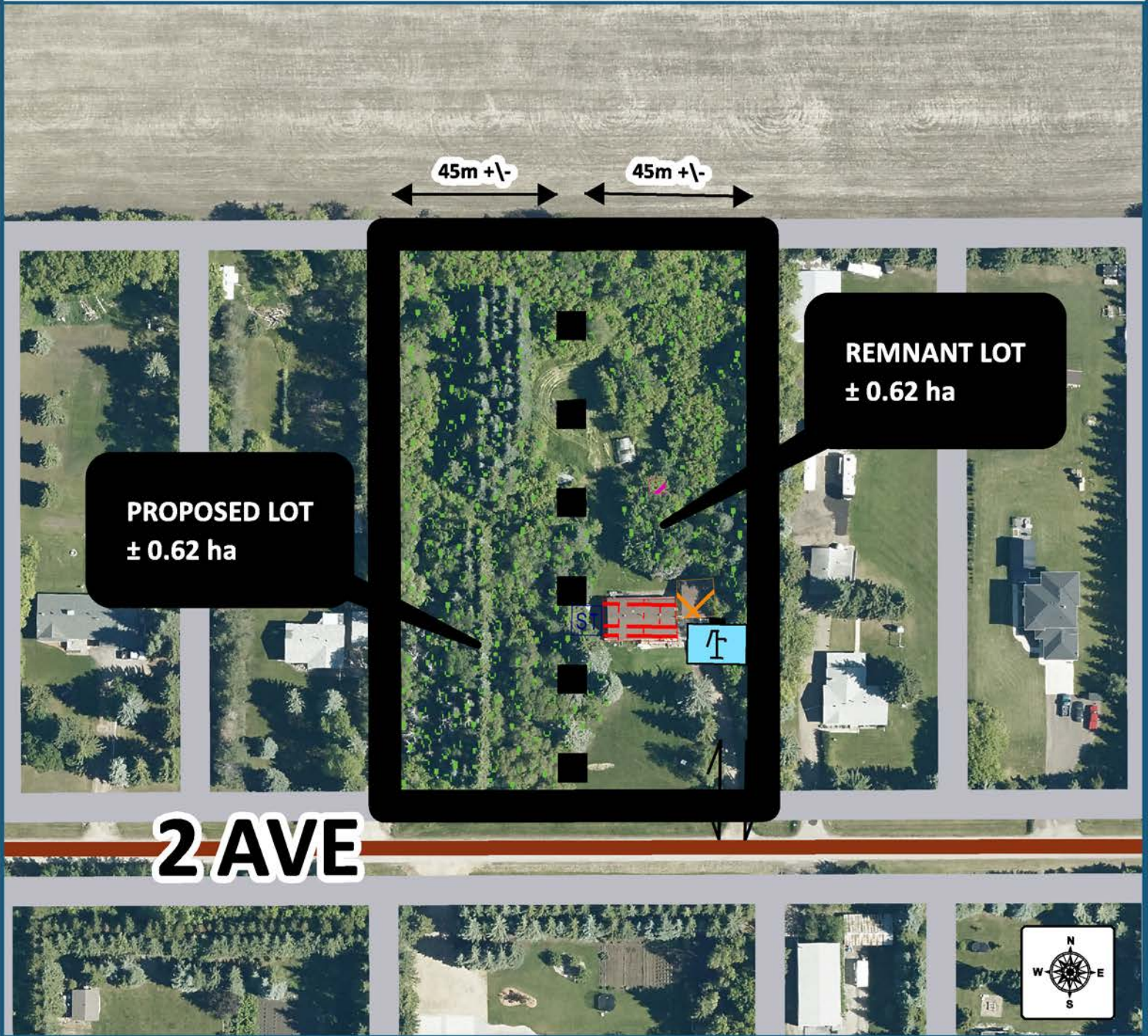


Exhibit 2 [Administration - Refusal]

File Number: 2023-S-002



Legal Description: Plan 4208NY; Lot 13
Municipal Address: 27 54220 Rge Rd 250
Roll Number: 2725000
LUB District: R1 - Country Residential
Date: February 23, 2023

Legend:

- ↕ Approach (Existing)
- Septic tank
- ⊠ Well
- ▣ Garage
- ▣ Shed
- ▣ Residence
- Tree Stand

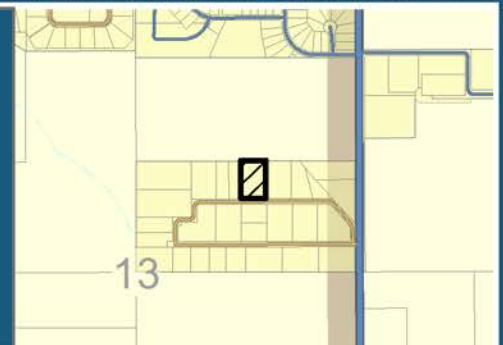
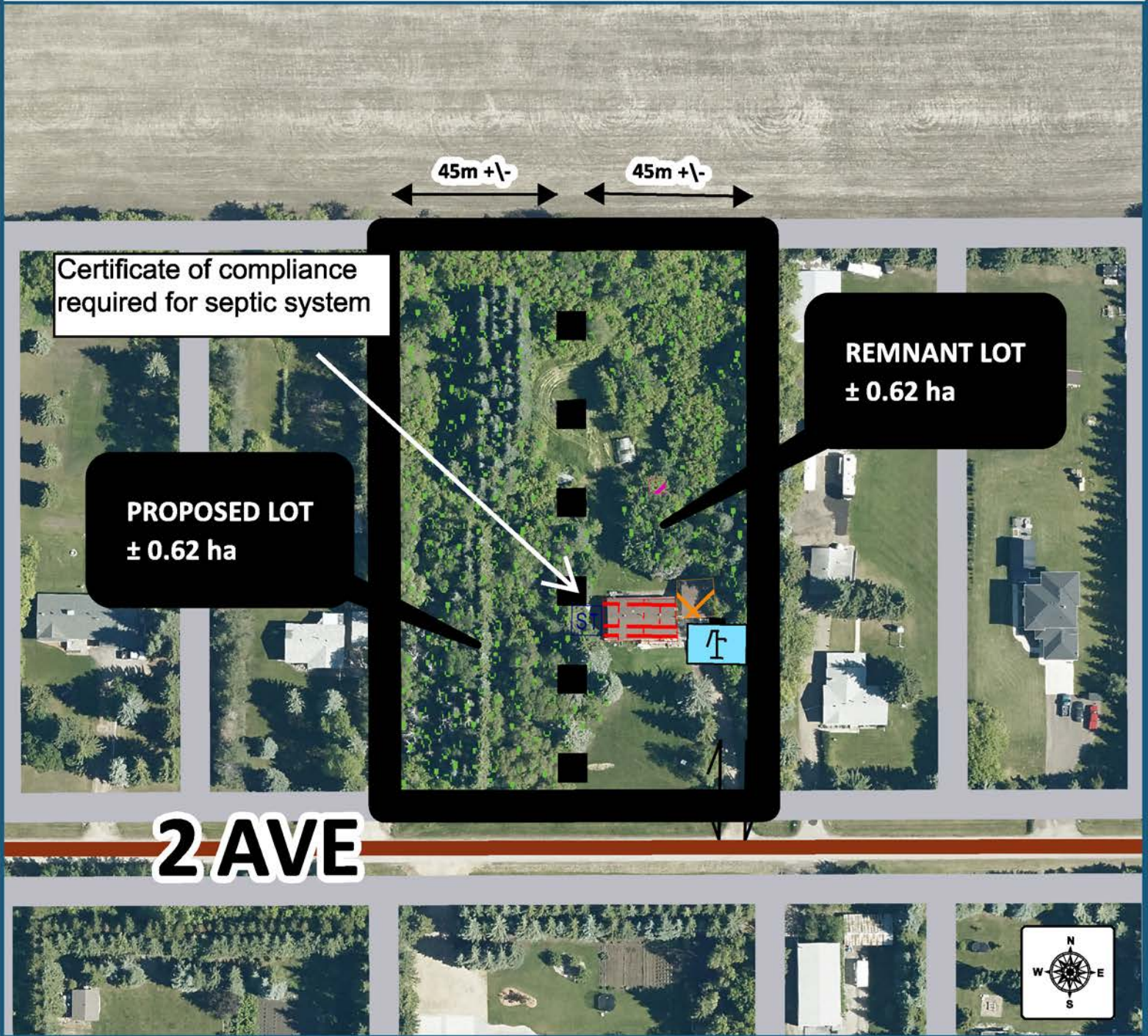


Exhibit 3 [SDAB]

File Number: 2023-S-002



Legal Description: Plan 4208NY; Lot 13

Municipal Address: 27 54220 Rge Rd 250

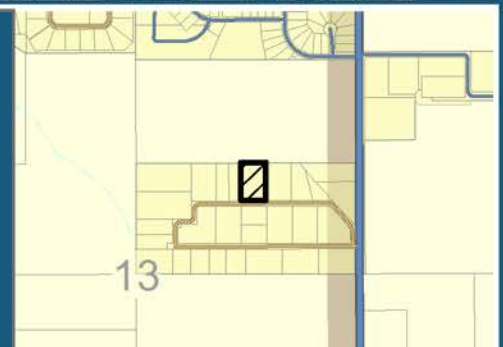
Roll Number: 2725000

LUB District: R1 - Country Residential

Date: June 26, 2023

Legend:

-  Approach (Existing)
-  Septic tank
-  Well
-  Garage
-  Shed
-  Residence
-  Tree Stand



MEMO

To: Danielle Craib
From: Carla Williams
Date: February 1, 2023
Re: Proposed Subdivision
File No: 2023-S-002
Roll No: 2725000
Legal Description: 4208NY;;13

The subject parcel is districted as R1 – Country Residential according to Sturgeon County’s Land Use Bylaw 1385/17.

Remnant Lot

Permit 11-68 – Single Detached Dwelling

Permit 060-77 – Detached Garage

Building Permit 305305-23-B0024 – Existing Shed 18m² in floor area (exempt from requiring Development Permit)

Proposed Lot

Vacant

The new lot may be subject to Off-Site Levies in accordance to Sturgeon Valley Area Off-Site Levy Bylaw 1531/21.

Subdivision Referral to Engineering Services

- Referral Sent: 31 January 2023
- Roll No: 2725000
- Phone No: 780-464-5506 (Hagen Surveys – Jordan Widmer), (Abdul Aziz Elmustapha)
- Response Deadline: 21 February 2023
- Municipal Address: 27 54220 Rge Rd 250
- Landowner(s):
Abdual Aziz Elmustapha

Severed in line with section 17 of the FOIP Act

On-site inspection completed; or

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

Referral comments provided by: Kurtis Eykelbosh on February 21, 2023
(Engineering Services staff member) (date)

Lot: Remnant Lot

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

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

Remnant lot topography is fairly flat. Please see attached map showing flood risk areas from Sturgeon County's Drainage Master Plan and wetland areas from the Government of Alberta. Developer is responsible to submit a lot grading plan for review by Engineering Services at the subdivision stage that demonstrates that the onsite drainage is contained within the lot, and that the drainage does not flow onto the neighbouring private property. All onsite drainage must flow to the front roadside ditch.

- **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):

This subdivision is within a multi-lot subdivision. As such, no land dedication/acquisition is required for this file.

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

Current Status:

Width: 3.0 m. Surface: Gravel. Side-Slopes: _____. Culvert Size/Condition: _____

Requirements to meet General Municipal Servicing Standards:

Width: 7.5-9 m. Surface: Asphalt. Side-Slopes: 3:1. Culvert Size/Condition: 500 mm CSP or Equivalent size in Good Condition

Other Requirements: Upgrade approach as per the Sturgeon County General Municipal Service Standards (GMSS) and Sturgeon County Approach

Construction Guideline. In particular, the approach/culvert will need to be widened/lengthened and the surface will need to be paved to the property line (if not already).

More comments will be forthcoming 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):

Proposed lot topography is fairly flat. Please see attached map showing flood risk areas from Sturgeon County's Drainage Master Plan and wetland areas from the Government of Alberta. Developer is responsible to submit a lot grading plan for review by Engineering Services at the subdivision stage that demonstrates that the onsite drainage is contained within the lot, and that the drainage does not flow onto the neighbouring private property. All onsite drainage must flow to the front roadside ditch.

- **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):

This subdivision is within a multi-lot subdivision. As such, no land dedication/acquisition is required for this file.

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

Current Status:

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

Requirements to meet General Municipal Servicing Standards:

Width: 7.5-9 m . Surface: Asphalt . Side-Slopes: 3:1 . Culvert Size/Condition: 500 mm CSP or Equivalent size

Other Requirements: Construct approach as per the Sturgeon County General Municipal Service Standards (GMSS) and Sturgeon County Approach

Construction Guideline. Approach location to be verified with Sturgeon County 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:

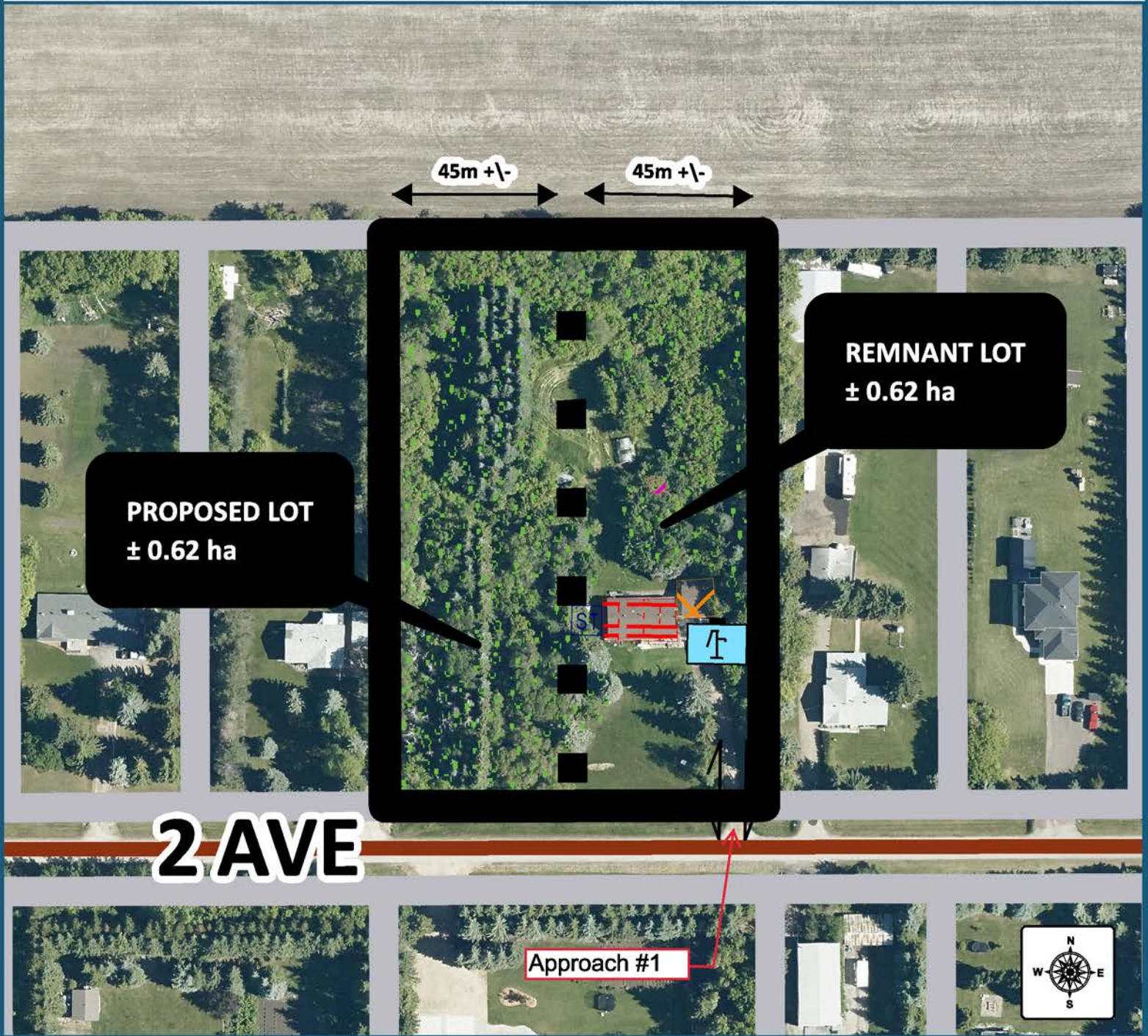
Width: _____ . Surface: _____ . Side-Slopes: _____ . Culvert Size/Condition: _____

Other Requirements: _____

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

Exhibit 1 [Applicant's Submission]

File Number: 2023-S-002



Legal Description: Plan 4208NY; Lot 13

Municipal Address: 27 54220 Rge Rd 250

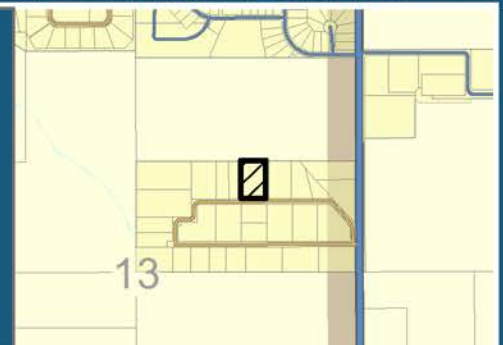
Roll Number: 2725000

LUB District: R1 - Country Residential

Date: January 27, 2023

Legend:

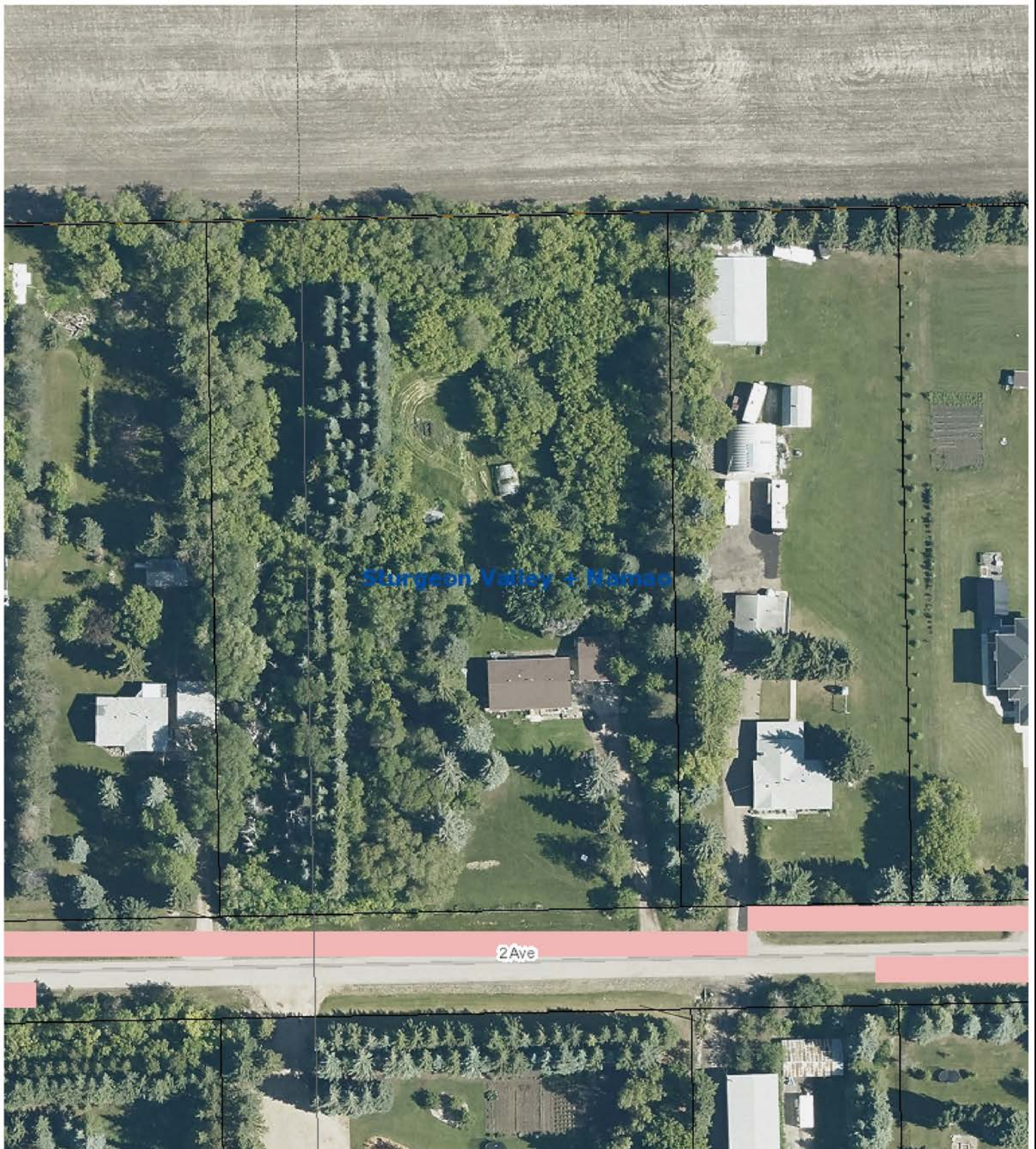
- ↕ Approach (Existing)
- Septic tank
- ⊠ Well
- ▣ Garage
- ▤ Shed
- ▥ Residence
- ▧ Tree Stand



2023-S-002 Flood Risk and Wetland Map

Map Subtitle

22-Feb-2023



Prepared By: K. Eykelbosh

NAD_1983_10TM_AEP_Resource
© Sturgeon County



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.



February 9, 2023

Sturgeon County
Danielle Craib
Planning and Development
9613 – 100 St
Morinville, AB
T8R 1L9

E-mail: pandd@sturgeoncounty.ca

Dear Danielle Craib:

**RE: Proposed Subdivision
Lot 13, Plan 4208NY
27, 54220 Range Road 250
Roll Number 2725000
File # 2023-S-002**

This application proposes to subdivide an undeveloped 0.62 ha (1.06 ac) lot for residential use with a 0.62 ha (1.06 ac) developed remnant residential lot.

Any existing private sewage disposal systems that are on the lands are to meet compliance with the current Alberta Private Sewage and Disposal Systems Regulation. The water supply is listed as cistern with water hauling and the private sewage disposal system is a septic holding tank. The septic holding tank is located very close to the proposed property boundary and it is not clear from the figures provided if it is fully within the property lines. It is strongly recommended that all components for water and private sewage disposal systems be located within the property boundaries for the property which they serve. If any of these systems are located outside of property boundaries, access could be restricted or refused for repair and maintenance work.

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

AHS-EPH has no concerns with the proposed subdivision at this time.

Sincerely,



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

If Approved by the SDAB, the following conditions are recommended:

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 June 26, 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, 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) Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2015 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance will be required from the County's Gas & Plumbing Inspector, confirming that the existing open discharge septic system either meets the Standard of Practice as-is, or has either been replaced, relocated or redesigned to comply. Note: An Alberta Land Surveyor may be required to confirm distances from the septic system to property lines, buildings or other features – to the satisfaction of the Gas & Plumbing Inspector.
- 5) Pursuant to the Sturgeon County Residential Lot Grading Policy, the applicant shall complete and submit a lot grading plan to the satisfaction of Sturgeon County Engineering Services *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.

Subdivision and Development Appeal Board— Preliminary Hearing

023/STU/012

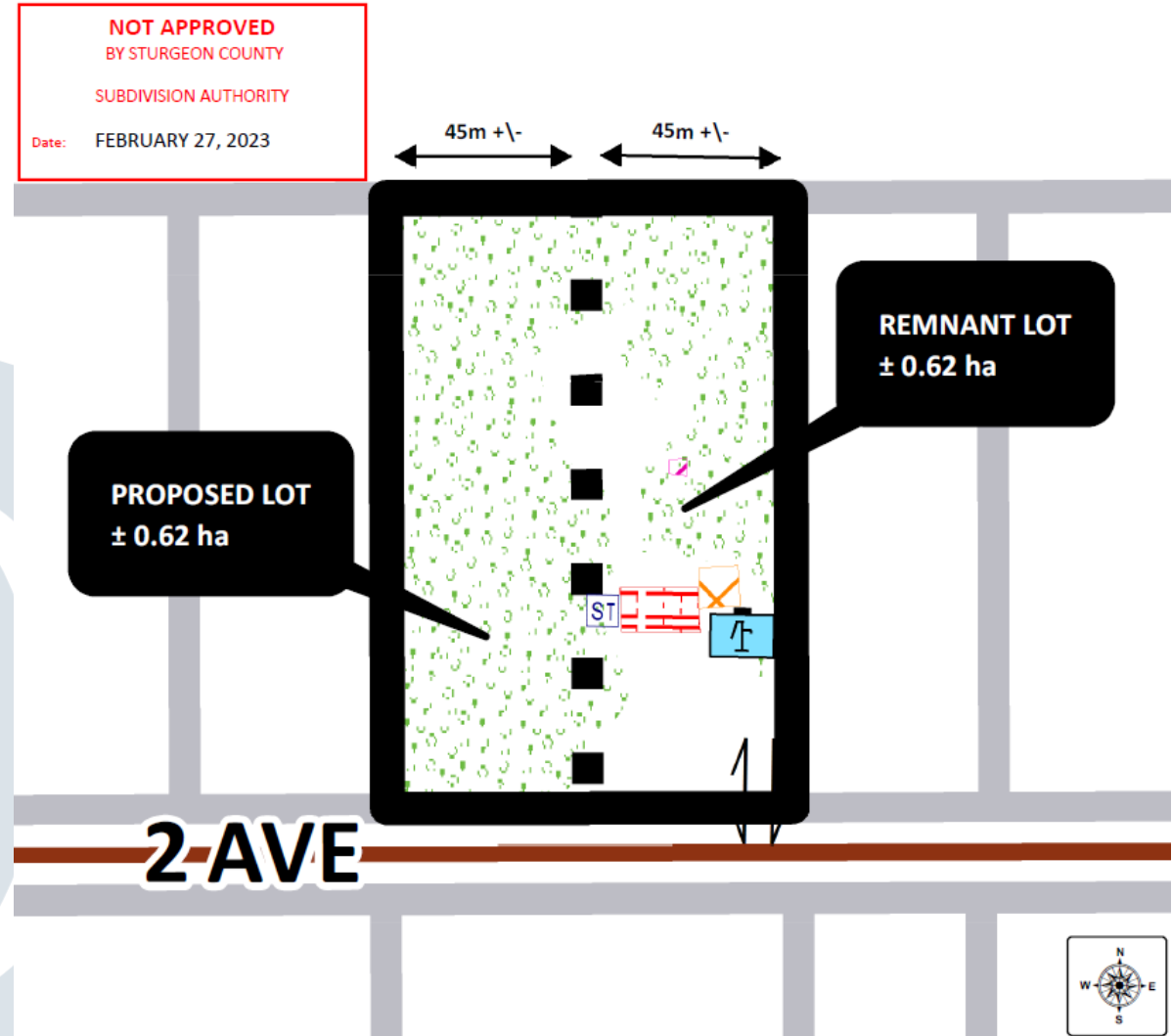
Jonathan Heemskerck
Planning and Subdivision Officer



Sturgeon
C O U N T Y

Subdivision File 2023-S-002

- Decision was made by the Subdivision Authority on February 27, 2023.
- Decision letter was issued on the same day electronically at 2:57pm, with a hard copy also sent out in the mail.
- Written Decision Date: **March 6, 2023**



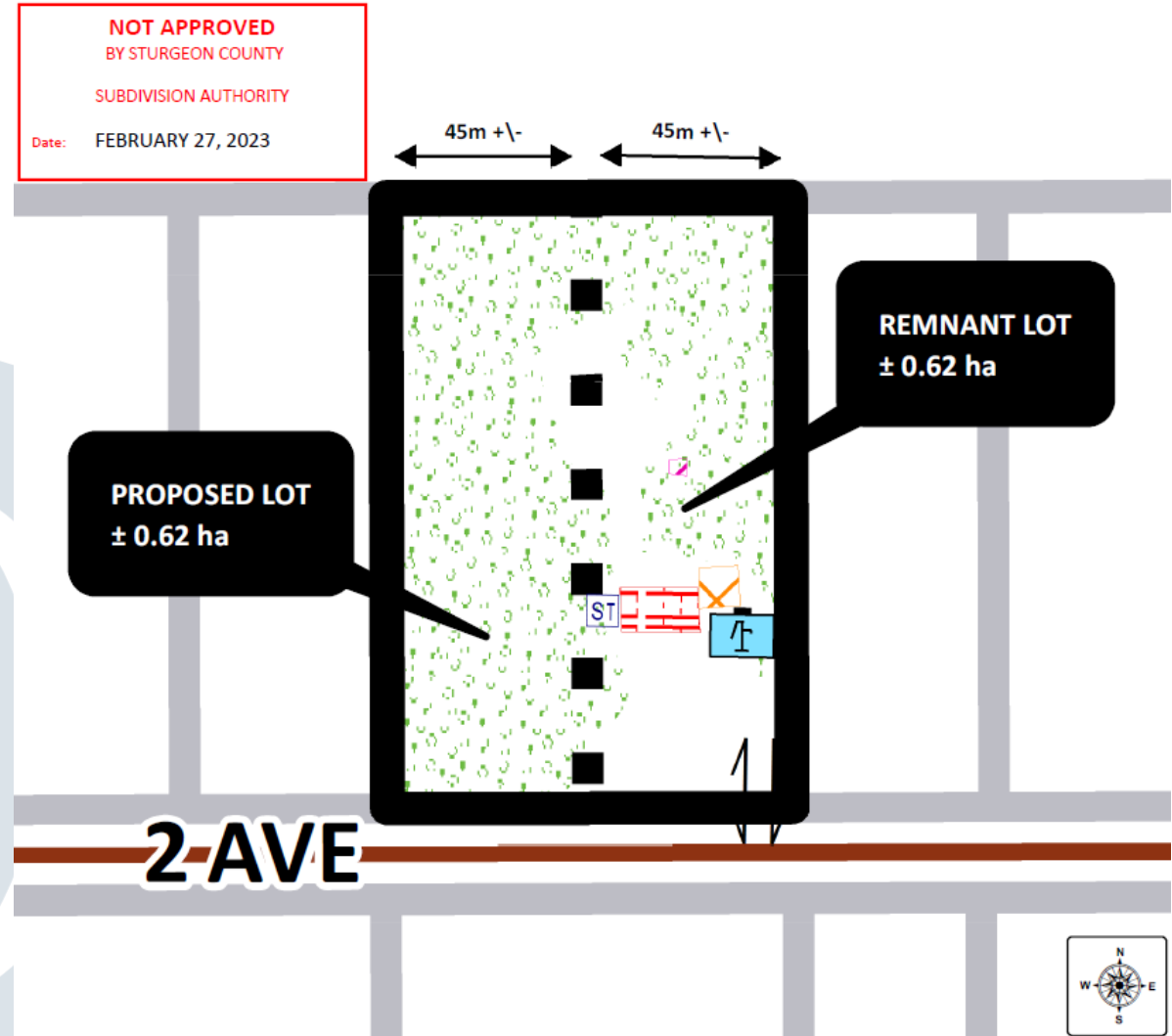
Subdivision File 2023-S-002

Section 678(2) of the Municipal Government Act

“An appeal under subsection (1) may be commenced by filing a notice of appeal **within 14 days after receipt of the written decision of the subdivision authority** or deemed refusal by the subdivision authority in accordance with section 681”

Deadline to submit the appeal: **March 20, 2023**

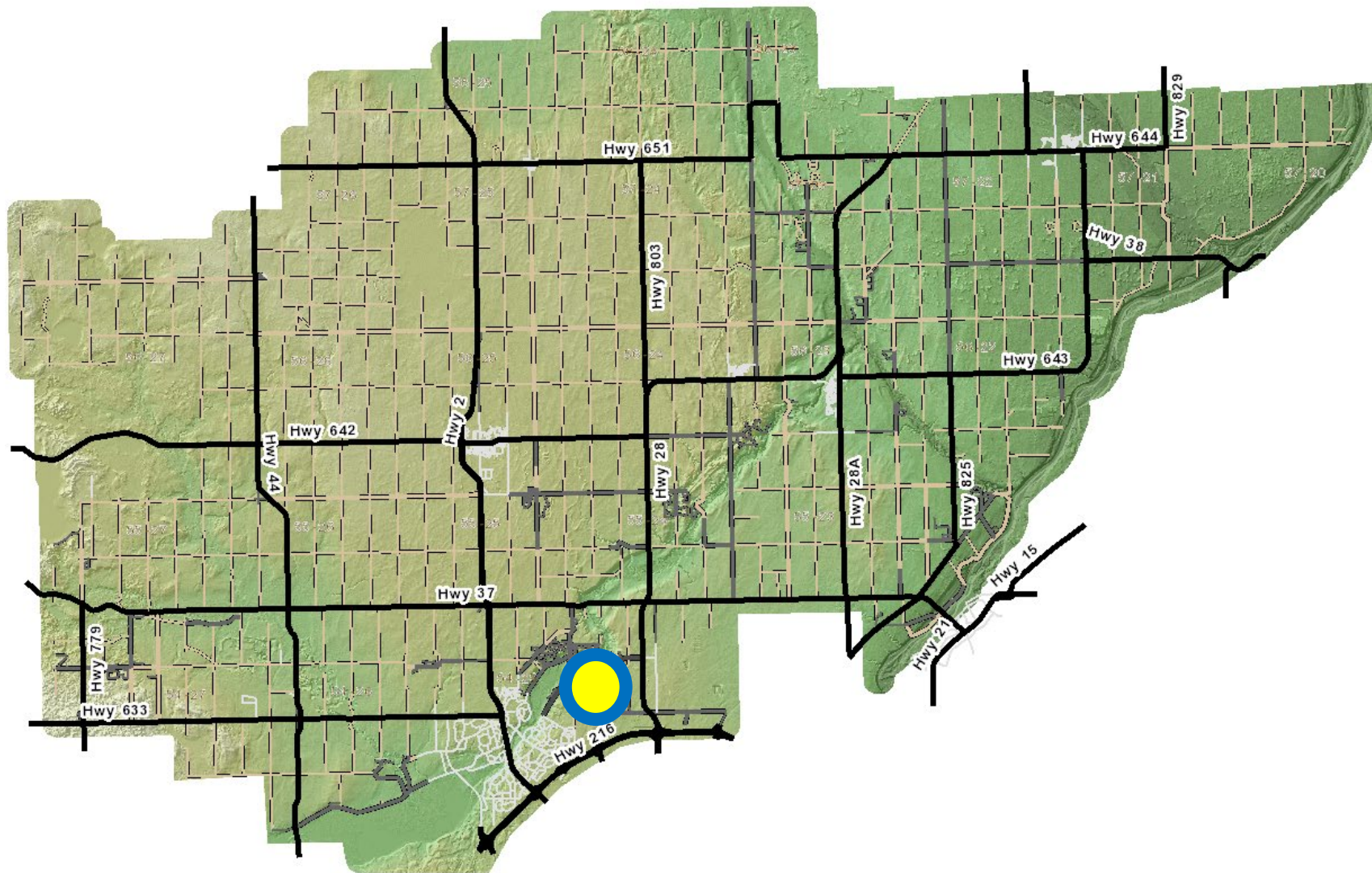
Notice of acknowledgement: **June 14, 2023**



Subdivision Authority Position

The appeal was not filed in time pursuant to Section 678(2) of the Municipal Government Act.

Site Location (Regional)



Site Location (Local)



Proposal

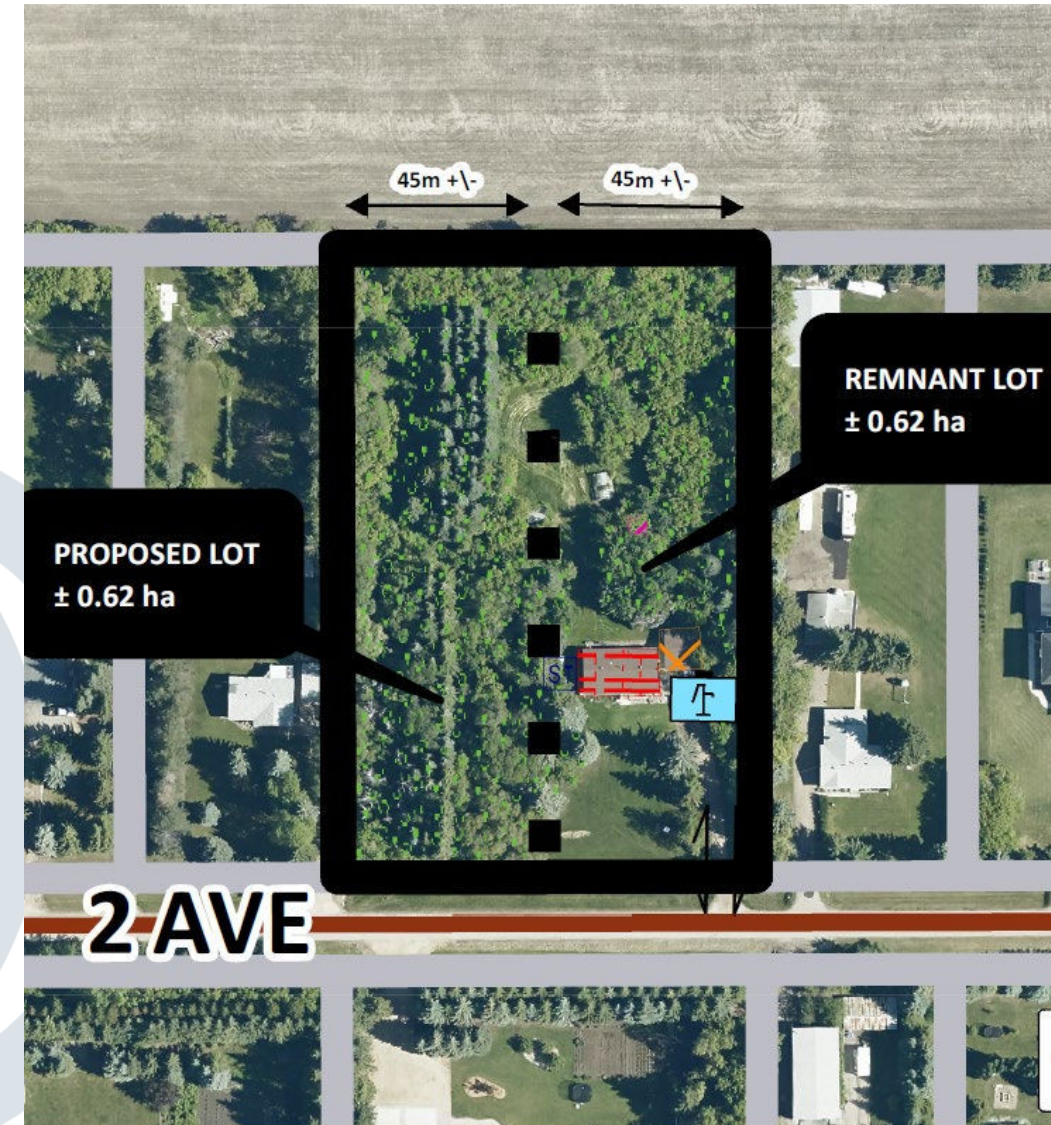


Issue Analysis

Sturgeon County Policies and Regulations

Municipal Development Plan:

- 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.
- 2.2.7 – 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).
- 2.3.1 – 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.

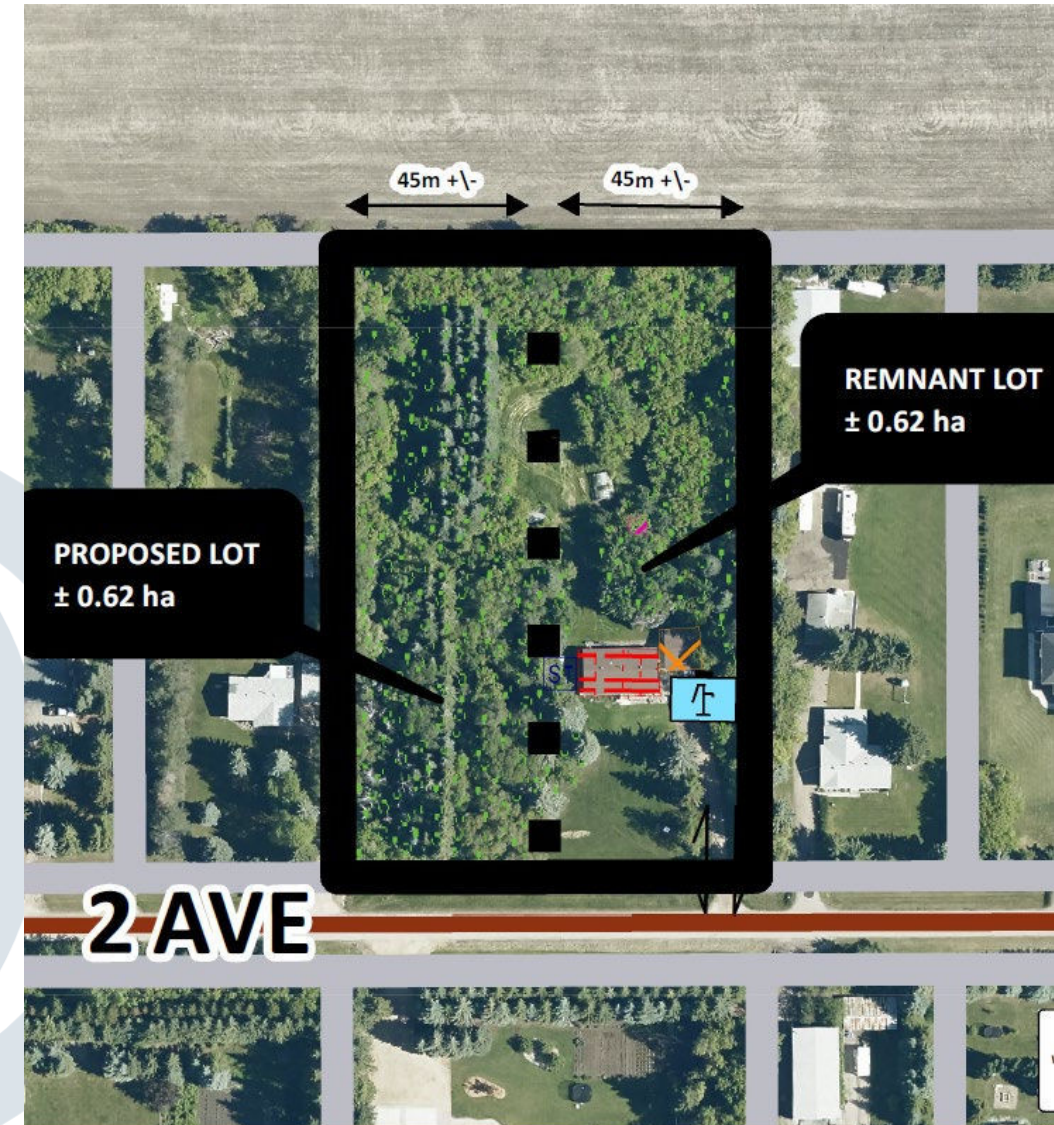


Issue Analysis

Sturgeon County Policies and Regulations

Sturgeon Valley South Area Structure Plan

- “...to guide the development of the Plan area in an orderly and phased manner, and in a direction that provides a framework for complete communities. The Plan is intended to drive development in the Sturgeon Valley in a contiguous, compact manner, with transitions that are sensitive to existing landowners, surrounding agricultural areas, and the metropolitan boundaries.”
- 5.3.1.1 – Density levels shall be in general accordance with Figure 9 with each Neighbourhood Area Structure Plan for Planning Areas 1, 3, 4 & 5 demonstrating compliance with meeting the overall average density of 35du/nrha.

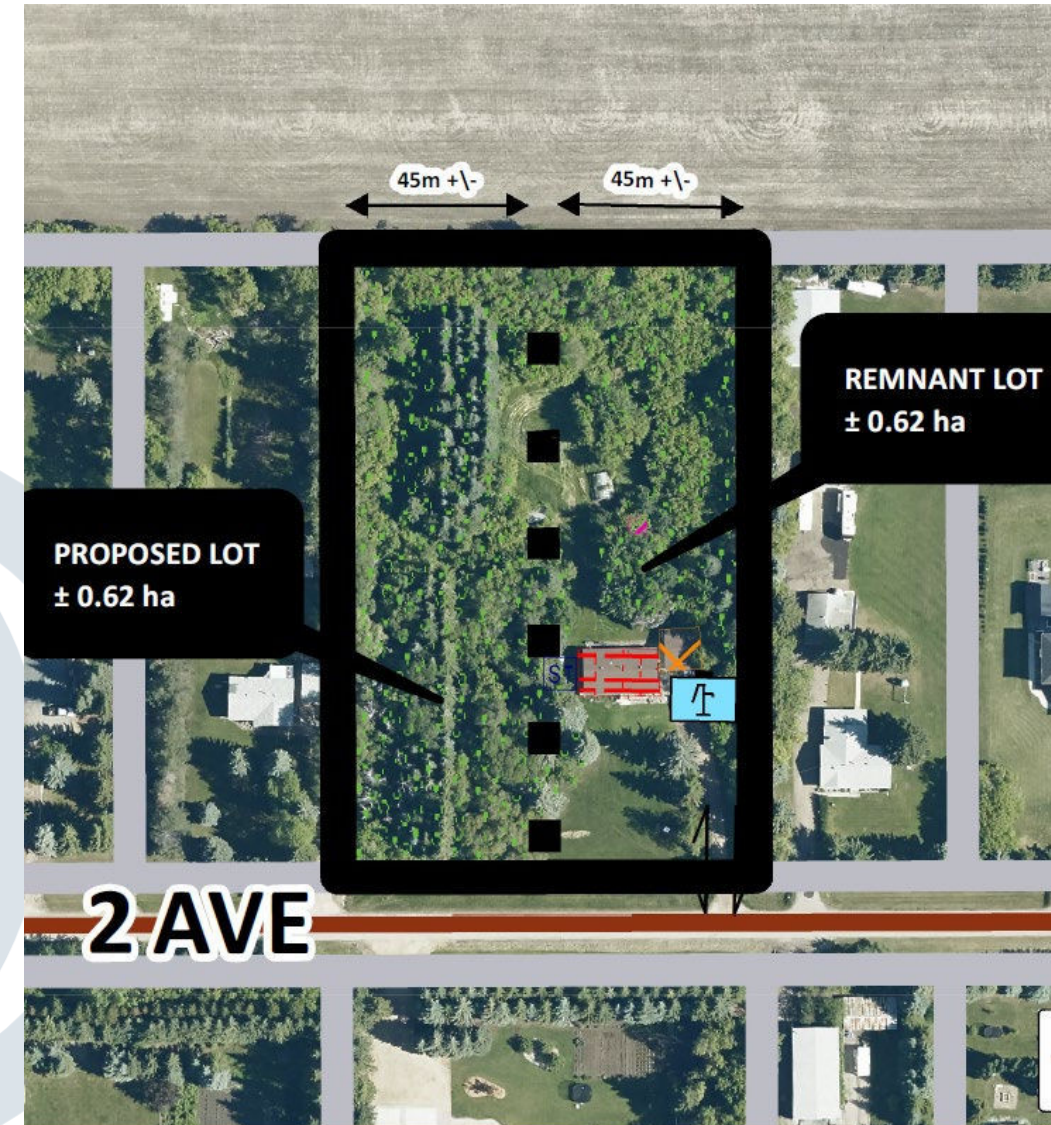


Issue Analysis

Sturgeon County Policies and Regulations

Land Use Bylaw:

- This proposal does **not** align with the subdivision regulations in the Land Use Bylaw.
- 12.1.3 – Minimum parcel area of 1 hectare (2.47 acres) if not connected to municipal sanitary line. Parcels within North Point are privately serviced and not connected to a municipal sanitary line.
- The application aims to create two 0.62-hectare (1.53 acre) parcels.

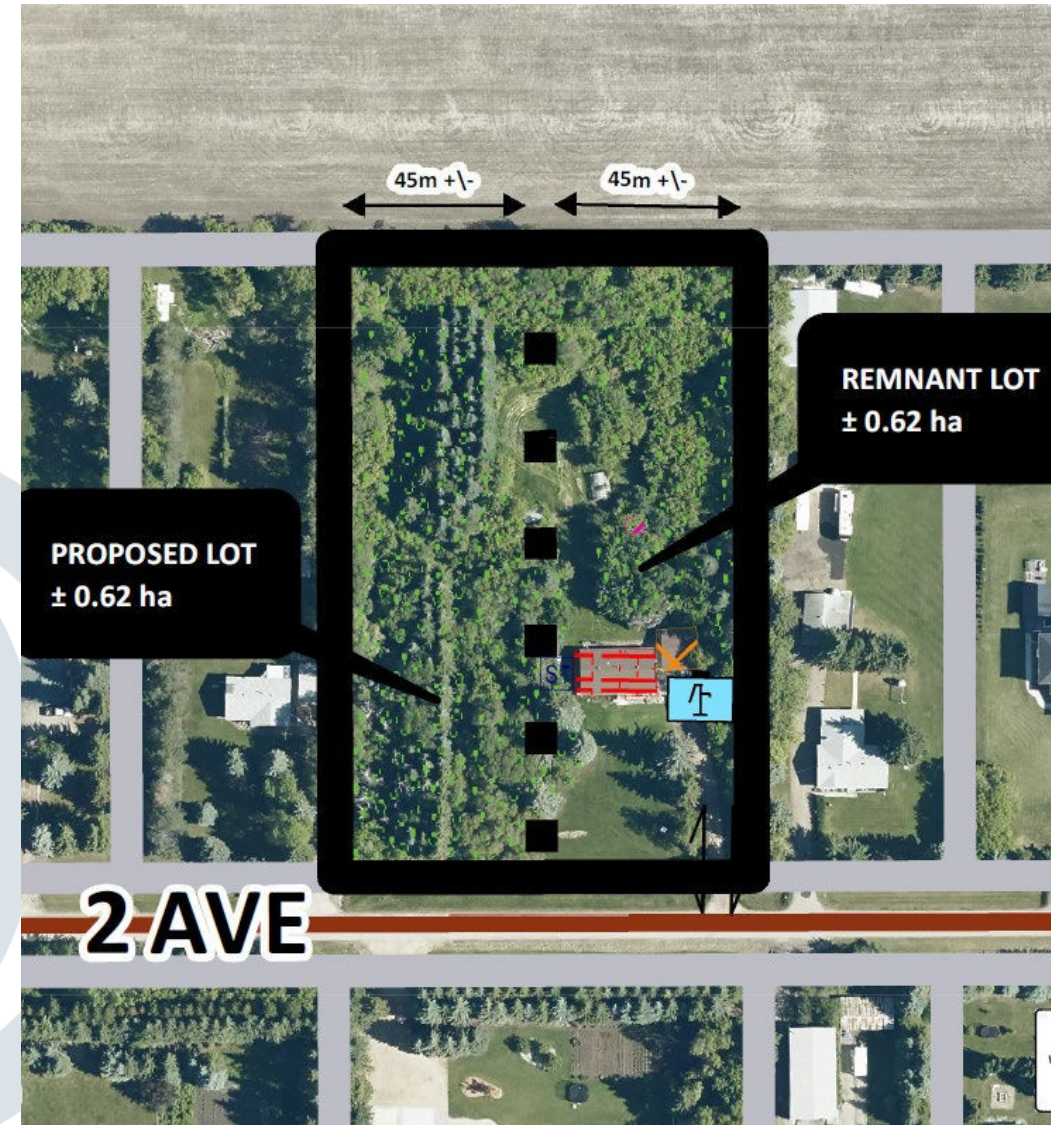


Issue Analysis

Municipal Government Act (MGA)

- 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 County Land Use Bylaw regulations.
- 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 June 26, 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, 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. Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2015 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance will be required from the County's Gas & Plumbing Inspector, confirming that the existing open discharge septic system either meets the Standard of Practice as-is, or has either been replaced, relocated or redesigned to comply. Note: An Alberta Land Surveyor may be required to confirm distances from the septic system to property lines, buildings or other features – to the satisfaction of the Gas & Plumbing Inspector.
5. Pursuant to the Sturgeon County Residential Lot Grading Policy, the applicant shall complete and submit a lot grading plan to the satisfaction of Sturgeon County Engineering Services *before* this subdivision is endorsed.

Conditions – Summary

1. Ensure taxes are paid
2. Retain a surveyor
3. Approach upgrades/construction
4. Septic system compliance
5. Lot grading plan

**APPELLANT
SUBMISSIONS
RECEIVED**

Date: June 25, 2023

File # 2023-S-002

Subject: 27 54220 Rge Rd 250, Split existing 3 acre lot into two, 1.5 acre lots.

Address: 27 54220 Rge Rd 250, Sturgeon County

Legal Description: Plan 4208NY; Lot 13

Roll Number: 2725000

Lub District: R1 country residential

Hi Dianne,

Thank you for taking the time to hear my appeal in regards to my subdivision. First let me apologise for my delayed appeal submission. I left this with my real estate agent and real estate lawyer, who let me down on this.

I am looking to split my existing 3 acre lot into 2, 1.5 acre lots. Currently, the lots on the south, east and west are split. Approximately 7 lots within the North Pointe community are split, both vertically or horizontally.

The subdivision of this lot complements and continues with the character of the North Pointe community, and is suitable for the purpose of this subdivision.

Upon a successful subdivision, we are planning on upgrading our existing approach, along with the approach for the new lot, as well as new culverts to meet modern guidelines.

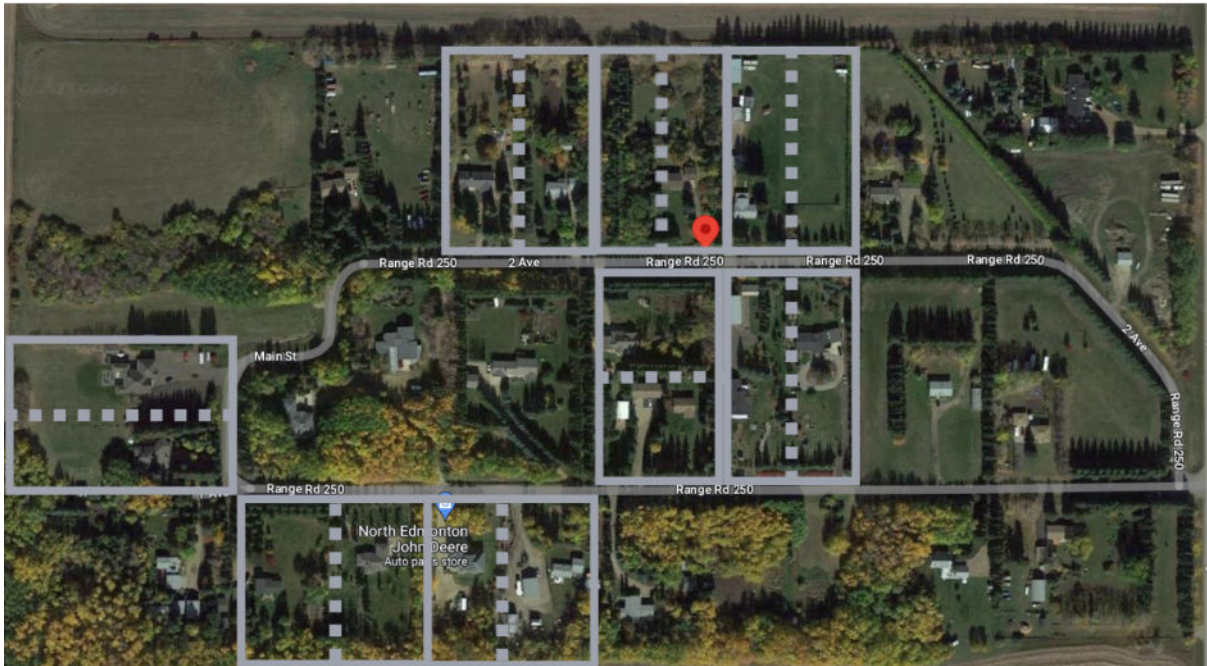
I have attached images of existing lot splits within this community. After speaking with my new neighbours who have split their lots, on all sides of my lot. I believe approving my subdivision application would keep this community on its current path, while driving growth and rejuvenation to the area. I look forward to helping this community grow and raising our young families in Sturgeon county.

Thank you for your time and work on this matter.

Abdul El-Mustapha

Will Assaf

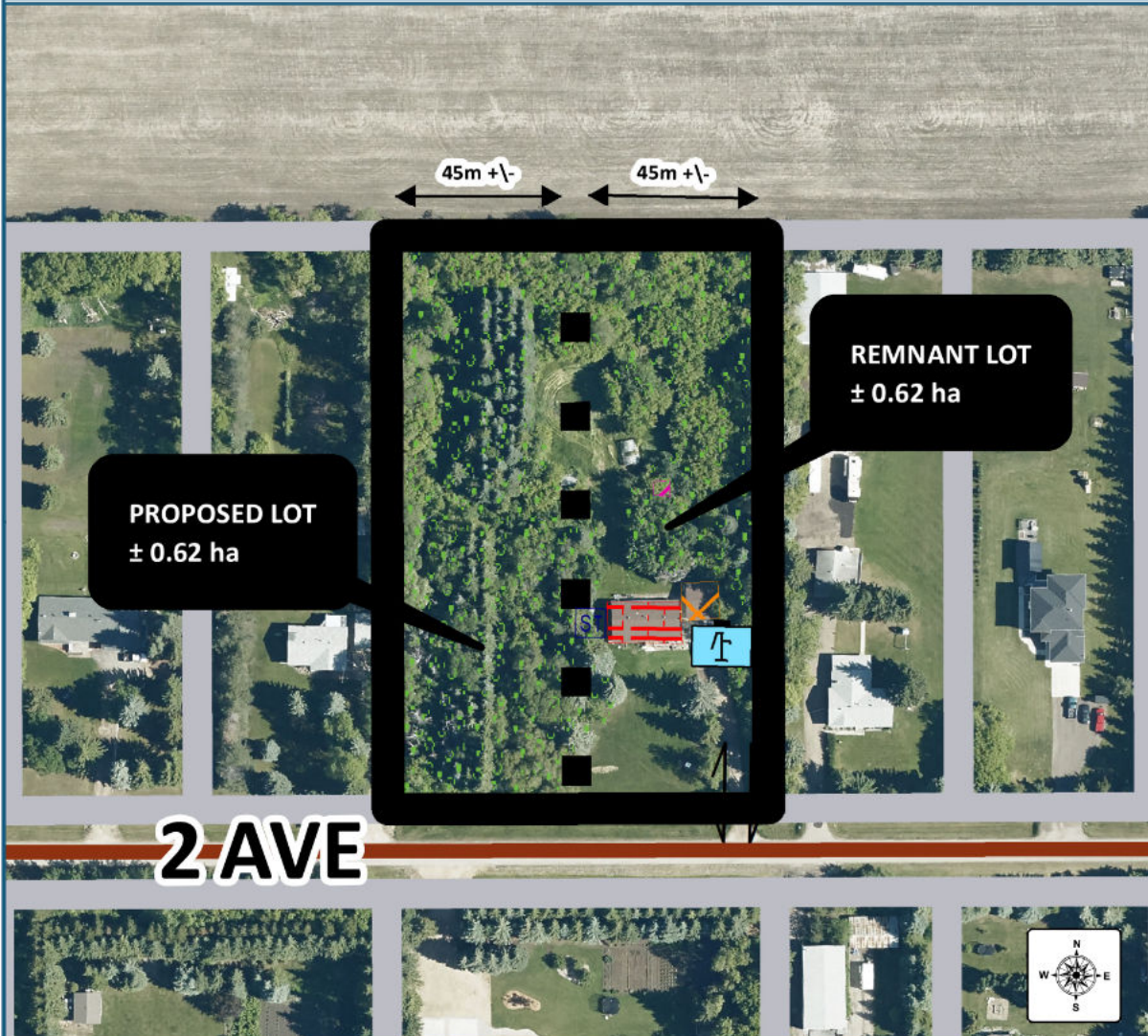
Proposed subdivision, and current subdivided lots within North Pointe.



County supplied overhead image.

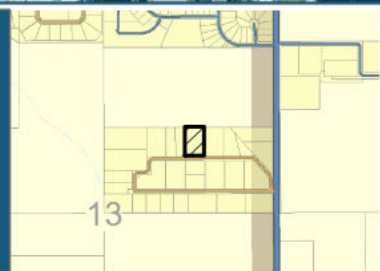
Exhibit 1 [Applicant's Submission]

File Number: 2023-S-002



Legal Description: [Plan 4208NY; Lot 13](#)
Municipal Address: [27 54220 Rge Rd 250](#)
Roll Number: [2725000](#)
LUB District: [R1 - Country Residential](#)
Date: [January 27, 2023](#)

- Legend:**
- Approach (Existing)
 - Septic tank
 - Well
 - Garage
 - Shed
 - Residence
 - Tree Stand



WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS

*NOTE:

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