

**MAY 10, 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: Josef Hartl, Hartl Water                      023-STU-006 Subdivision Appeal  
Well Drilling & Service Ltd.

**3. ADJOURNMENT**

**SUBDIVISION & DEVELOPMENT APPEAL BOARD**

<b>Site Information:</b>		
Municipal Address of site:	N/A	
Legal land description of site: ('plan, block, lot' and/or 'range-township-section-quarter)	NE-13-54-28-W4	
Development Permit number or Subdivision Application number:	2023-S-003	
<b>Appellant Information:</b>		
Name: HARTL WATER WELL DRILLING & SERVICE LTD. / JOSEF HARTL	Phone: 780 9996257	Agent Name: (if applicable)
Mailing Address: P.O. Box 3328	City, Province: MORINVILLE AB.	
Postal Code: T8R 1S2	Email: JOE@HYDROTECHSOLUTIONS.CA	


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

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

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

WOULD LIKE TO APPEAL: CONDITION OF APPROVAL #6 TO IMPROVE OFF-SITE <sup>RANGE</sup> ROAD 280. POSSIBLY A NEW INSPECTION, WITHOUT SNOW COVERAGE. I BELIEVE THE PORTION OF ROAD IN QUESTION IS JUST AS WIDE AS THE SOUTH PORTION.

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: APRIL 3 2023
<b>FOR OFFICE USE ONLY</b>	
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: YYYY/MM/DD

I AGREE IT COULD USE SOME BRUSH-CUTTING AND TREE REMOVAL. IF ANY ONE WERE TO DEVELOP THAT LAW, THE TREES WOULD BE REMOVED FOR A POWER LINE REGARDLESS.

I WOULD GREATLY APPRECIATE A DISCUSSION OF WHAT THE IMPROVEMENTS WOULD ENTAIL.

THANK YOU.



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

HARTL WATER WELL DRILLING & SE  
 PO BOX 3328, STN MAIN

MORINVILLE, AB T8R 1S2

Receipt Number: 202301965  
 GST Number: 107747412RT0001  
 Date: 2023-04-12  
 Initials: CS

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>
			Visa: \$100.00	
			Total Monies Received: \$100.00	
			Rounding: \$0.00	
			Amount Returned: \$0.00	

April 27, 2023

SDAB File Number: 023-STU-006

Hartl Water Well Drilling & Service Ltd.  
Attn: Josef Hartl

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property: NE 13-54-28-W4  
Decision Regarding Proposed Development: Appeal of condition #6 of Subdivision permit file #2023-S-003

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Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on April 12, 2023. In accordance with section 680(3) 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 **May 10, 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 930 894 167#. 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](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than May 5, 2023.**

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

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

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board

April 27, 2023

SDAB File Number: 023-STU-006

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:	NE 13-54-28-W4
Subdivision Application Number:	2023-S-003
Decision of Subdivision Authority:	Appeal of condition #6 of Subdivision permit file #2023-S-003

**Appellant: Josef Hartl/Hartl Water Well Drilling & Service Ltd.**

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

- The Appellant states that the portion of the road in question is just as wide as the south portion and would like a new inspection when the road is not snow covered.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **May 10, 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 930 894 167#. This should connect you directly into the hearing.

**Why am I receiving this information?**

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

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**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 send email to [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board

April 27, 2023

SDAB File Number: 023-STU-006

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:	NE 13-54-28-W4
Subdivision Application Number:	2023-S-003
Decision of Subdivision Authority:	Appeal of condition #6 of Subdivision permit file #2023-S-003

**Appellant: Josef Hartl, Hartl Water Well Drilling & Service Ltd.**

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

- The Appellant states that the portion of the road in question is just as wide as the south portion and would like a new inspection when the road is not snow covered.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **May 10, 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 930 894 167#. 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](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than **May 5, 2023**.

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



**SUBDIVISION and  
DEVELOPMENT**  
APPEAL BOARD

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

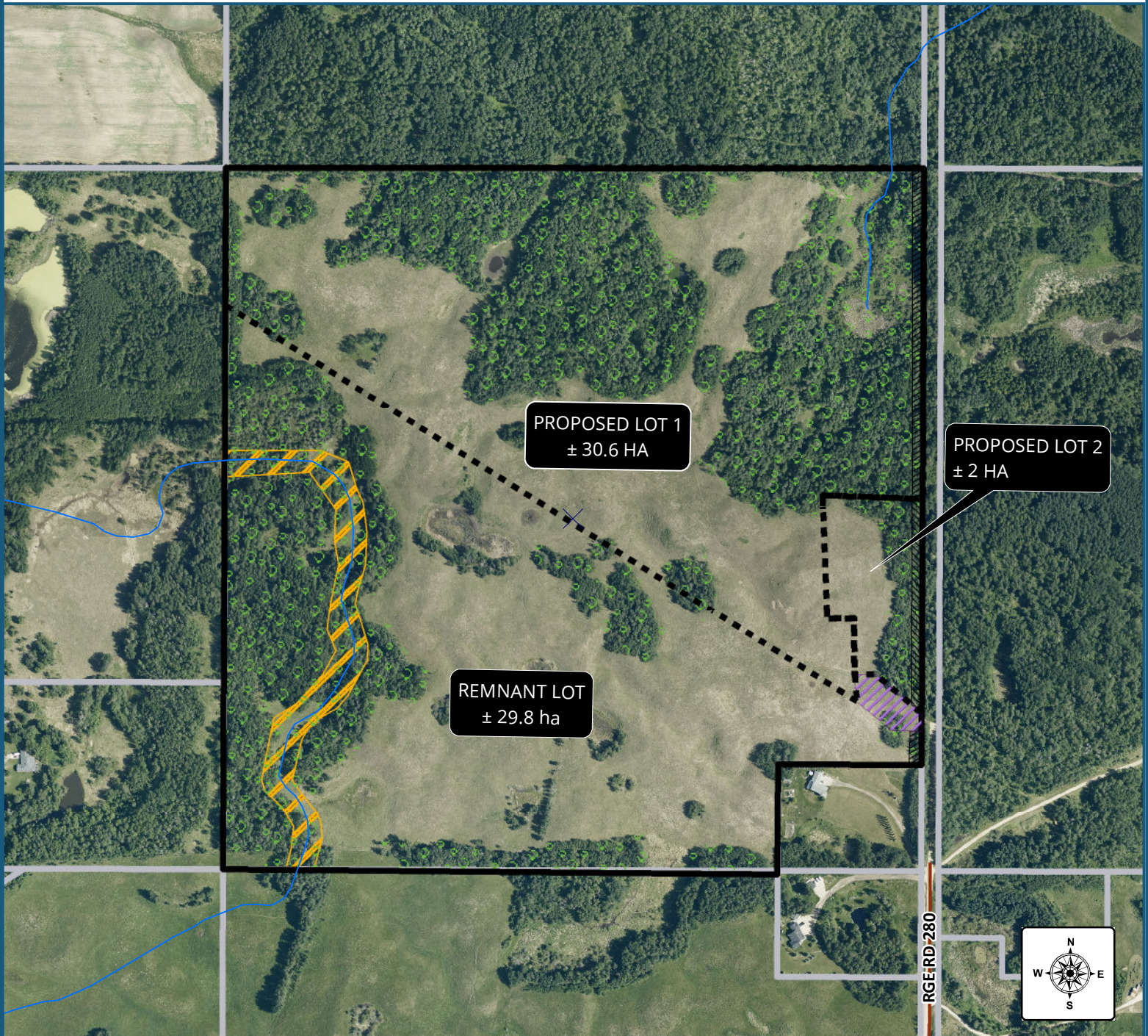
For further information, please call (780) 939-1377 or (780) 939-8277 or send email to [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board

# Exhibit 2 [Administration's Recommendation]

File Number: 2023-S-003



Legal Description: NE 13-54-28-W4

Municipal Address: N/A

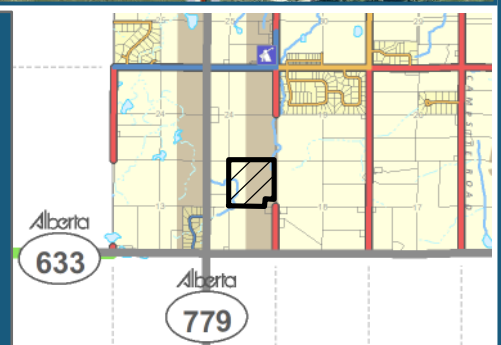
Roll Number: 4759000

LUB District: AG - Agriculture

Date: March 20, 2023

## Legend:

- Environmental Reserve Easement
- Tree Stand
- 5m Road Widening (Survey)
- 5m Road Widening (Caveat)



## **Subdivision and Development Appeal Hearing Process**

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

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

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

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

### **At the hearing . . .**

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

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

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

March 23, 2023

Hartl Water Well Drilling & Service Ltd  
Attn: Josef Hartl  
PO Box 3328  
Morinville AB T8R 1S2

Re: Proposed Subdivision  
Our File No: 2023-S-003  
Applicant: Hartl Water Well Drilling & Service Ltd  
Landowner: Hartl Water Well Drilling & Service Ltd  
Legal Description: NE 13-54-28-W4

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Your application for subdivision was APPROVED CONDITIONALLY by the Subdivision Authority on **March 23, 2023**, subject to the following conditions:

**THE CONDITIONS OF APPROVAL ARE:**

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated March 20, 2023 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot 2 and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot 1 & the Remnant Lot and the adjacent road shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer [upon completion of a physical on-site inspection in spring 2023], will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.

- 6) The applicant shall enter into and perform a Development Agreement with Sturgeon County. This agreement shall specify terms and conditions related to upgrades and/or construction within the Range Road 280 road right-of-way, to the satisfaction of Sturgeon County Engineering Services.
- 7) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of Proposed Lot 2. A payment will be made in place of reserves equal to \$1,653.81 (*determined at a rate of \$8,269.06 per hectare X 10% X 2.0 hectares = \$1,653.81*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- 8) Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot & Proposed Lot 1 shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
- 9) The surveyor shall survey and dedicate all low-lying/undevelopable land in proximity to the drainage course within an 'Environmental Reserve Easement', in accordance with the Surveys Act and to the satisfaction of Sturgeon County – as illustrated conceptually in Exhibit 2.
- 10) Pursuant to Provision 11(b) of the Matters Related to Subdivision and Development Regulation, an Access Easement shall be registered on title for the lands of Proposed Lot 1, Proposed Lot 2, and the Remnant lot, to provide lawful means of access to the Proposed Lot 1, and Proposed Lot 2, as shown in Exhibit 2 (note: this agreement to be prepared to the satisfaction of Sturgeon County).

#### **ADVISORY NOTES**

- Natural Gas servicing to any new subdivision is the responsibility of the applicant. The applicant will be required to provide the required easements across existing lots or subdivided lots for natural gas servicing, if service is approved by the natural gas provider. Sturgeon County does not allow natural gas servicing lines to be located within the road right of way. Setbacks from the road right of way are required. Easements of private property must be obtained by the applicants or service providers. Any service lines which cross Sturgeon County property will require a crossing agreement with conditions.
- Pursuant to Section 2.4.3 of the LUB, at the development permit stage on any property, it is highly recommended that the developer retain the services of a qualified engineering professional to prepare and submit a geotechnical investigation confirming that the proposed building site on is suitable for development and prescribing any preventative engineering measures to be taken to make the building site suitable for future development or future development suitable for the building site.
- Pursuant to the Water Act and the Alberta Wetland Policy, any future development or site grading which might alter or disturb a wetland may require additional approvals from Alberta Environment and Parks.

Reasons for decision are as follows:

- The Subdivision Authority is of the opinion, after considering the factors set out in S. 7 of the Subdivision and Development Regulations, that the lands are suitable for the purpose for which the subdivision is intended because the nature of the lands and proposed configuration of the lot(s) remove any concern regarding these factors except for those specifically addressed by the conditions.
- The Subdivision Authority has not received any comments from adjacent landowners regarding this subdivision.

Developer/Landowner should contact local gas company to ensure that their utility does or does not need to be relocated at the developer/landowner's expense.

This approval will expire on **March 23, 2024**. Pursuant to Section 657 of the Municipal Government Act, an extension beyond this one-year time period may be authorized by the Municipal Council, provided just cause is shown.

When all the conditions of approval have been complied with, one endorsement of Subdivision Authorization Approval Form and two copies of the **Plan**, which is satisfactory to the Registrar of Alberta Land Titles, may be submitted for endorsement by this Municipality.

**PLEASE NOTE:**

**An endorsement fee of \$250 per application (excluding reserve lots and public utility lots) will be required to be paid upon submission of the *Plan*, as well as a parcel fee of \$600.00 per new lot created (or adjusted).**

Subdivision and endorsement fees are subject to change. If the subdivision and endorsement fee schedule is amended before you submit the **Plan**, which is satisfactory to the Registrar of Alberta Land Titles, the new fees will apply.

The applicant is urged to contact the appropriate oil/utility company if construction of buildings is required.

**Land surveyors are strongly urged to contact planning staff in the event of uncertainties with the approval diagram or with the conditions rendered by the subdivision authority.**

SEE ENCLOSURE RE: CONDITIONAL APPROVAL VALIDITY PERIOD AND APPEAL PROCEDURE.

Yours truly,



Martyn Bell  
Program Lead, Current Planning

/sg

Encl:

C: AltaLink Management Ltd.  
Alberta Health Services  
Alberta Transportation  
St. Anne Gas  
EQUUS

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

**PLEASE NOTE THAT THIS OFFICE WILL NOT ENDORSE ANY DOCUMENTS OR PLANS UNTIL THE APPEAL PERIOD, AS SET OUT IN THE MUNICIPAL GOVERNMENT ACT, HAS EXPIRED.**

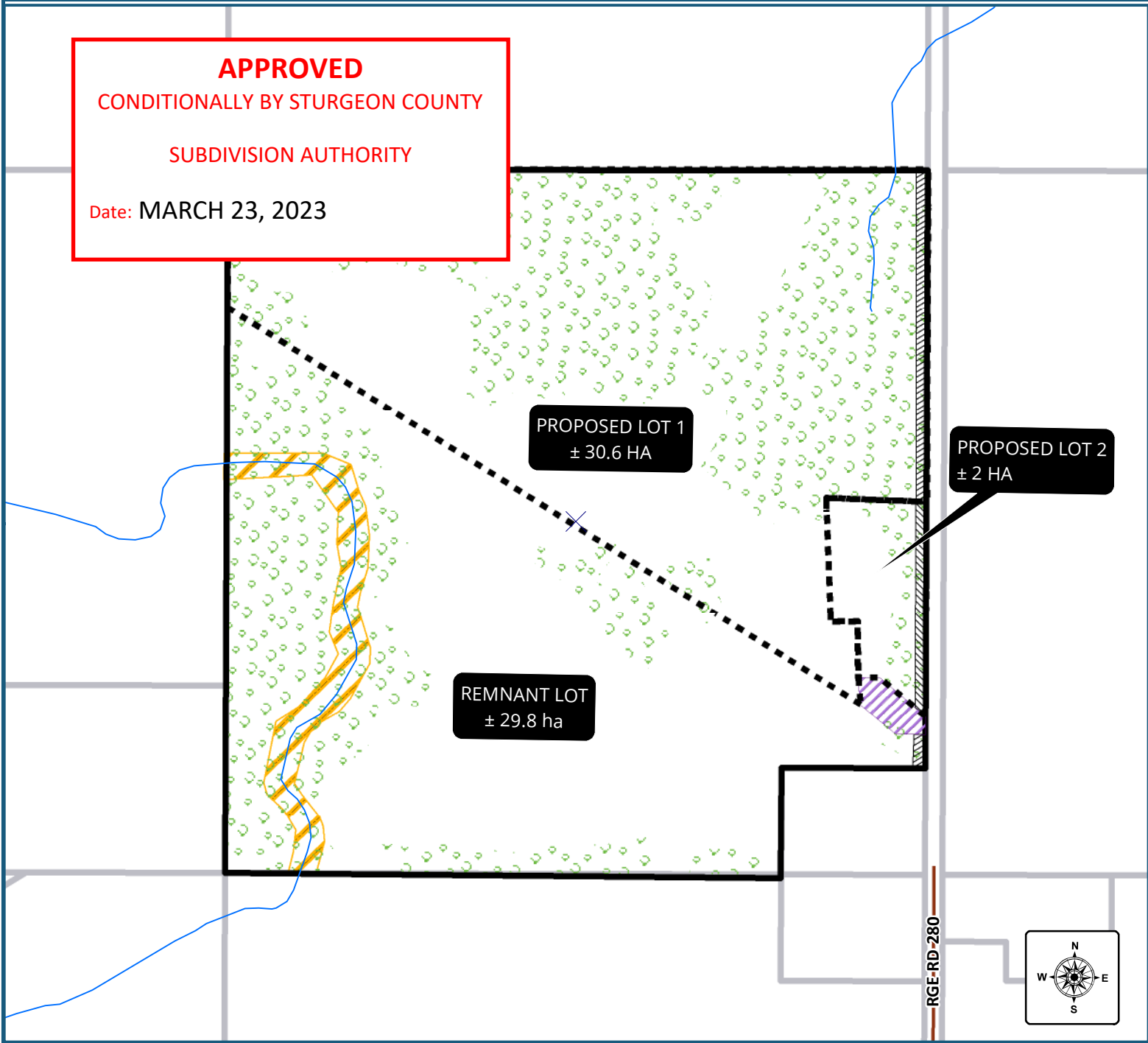
**If you wish to appeal this decision, contact the Secretary of the Subdivision and Development Appeal Board via email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) or via letter at 9613 – 100<sup>th</sup> Street, Morinville, Alberta, T8R 1L9. Telephone enquires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



# Exhibit 2 [Administration's Recommendation]

File Number: 2023-S-003

**APPROVED**  
CONDITIONALLY BY STURGEON COUNTY  
SUBDIVISION AUTHORITY  
Date: MARCH 23, 2023



Legal Description: NE 13-54-28-W4





Municipal Address: N/A

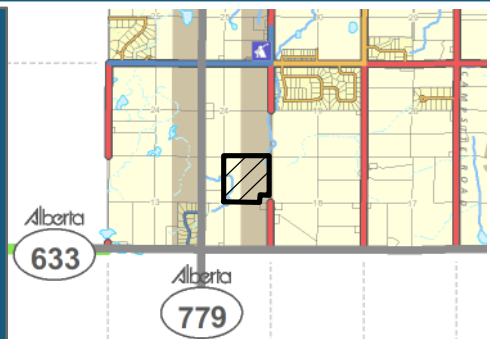
Roll Number: 4759000

LUB District: AG - Agriculture

Date: March 20, 2023

### Legend:

-  Environmental Reserve Easement
-  Tree Stand
-  5m Road Widening (Survey)
-  5m Road Widening (Caveat)



# 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: February 8, 2023

Receipt No: 202300742

Application Fee: \$ 1,375.00

Date Accepted as "Complete": February 13, 2023

File Number: 2023-S-003

**Complete in full (where applicable):**

Name of registered **owner(s)** of property to be subdivided:  
Hartl Water Well Drilling & Service Ltd.

Mailing address (including postal code):  
P.O. Box 3328 Morinville Ab. T8R 1S2

Telephone: 780 999 6257

Email: Joe@hydrotechsolutions.ca

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

Josef Hartl

Mailing address (including postal code):  
P.O. Box 3328 Morinville AB. T8R 1S2

Telephone: 780 999 6257

Email:

**PROPERTY INFORMATION:**

All/part of the: NE ¼ Sec: 13 Twp: 54 Range: 28 West of the: 4<sup>th</sup> Meridian

OR Lot: Block: Plan: Land Title #

Municipal Address of Property:

Total existing property size (states on land title certificate): hectares 155.03 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 :

**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, \_\_\_\_\_ being the registered owner(s) of lands legally described as:

All/part of the:          ¼          Sec:          Twp:          Range:          West of the:          <sup>th</sup> Meridian  
OR          Lot:          Block:          Plan:

Municipal Address of Property:

do hereby authorize

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature(s) of ALL Registered Landowners


## Abandoned Oil and Gas Wells (Mandatory)

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

(Note: A map can be obtained online at <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.



### Abandoned Well Map

Base Data provided by: Government of Alberta

Author Jonathan Heemskerk

Printing Date: 2/9/2023

Date Date (if applicable)

#### Legend

- ⬠ Abandoned Well (Large Scale)
- Revised Well Location (Large Scale)
- Revised Location Pointer
- Paved Road (20K)**
- Primary Divided
- Primary Undivided 4L
- Primary Undivided 2L
- Primary Undivided 1L
- Interchange Ramp
- Secondary Divided
- Secondary Undivided 4L

The Alberta Energy Regulator (AER) has not verified and makes no representation or warranty as to the accuracy, completeness, or reliability of any information or data in this document or that it will be suitable for any particular purpose or use. The AER is not responsible for any inaccuracies, errors or omissions in the information or data and is not liable for any direct or indirect losses arising out of any use of this information. For additional information about the limitations and restrictions applicable to this document, please refer to the AER Copyright & Disclaimer webpage: <http://www.aer.ca/copyright-disclaimer>.

Scale: 9,027.98

0.14 Kilometers 0

Projection and Datum:

WGS84 Web Mercator Auxiliary Sphere



## Drinking Water Supply (Mandatory)

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

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

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)
<b>Holding Tanks:</b>	1m (3.25 ft)	10m (33 ft)	1m (3.25 ft)		10m (33 ft)
<b>Treatment Mound:</b>	3m (10 ft)	15m (50 ft)	10m (33 ft)	3m (10 ft)	15m (50 ft)
<b>Field System:</b>	1.5m (5 ft)	15m (50 ft)	Varies	5m (17 ft)	15m (50 ft)
<b>Open Discharge:</b>	90m (300 ft)	50m (165 ft)	45m (150 ft)		45m (150 ft)
<b>Lagoons:</b>	30m (100 ft)	100m (330 ft)	Varies		90m (300ft)
<b>Packaged Sewage Treatment Plants:</b>	6m (20 ft)	10m (33 ft)	1m (3.25 ft)		10m (33 ft)

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

If you have questions regarding sewage disposal, consult either:

**Alberta Municipal Affairs**

Toll Free: 1-866-421-6929

OR

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

Telephone: 780-489-4777

Toll Free: 1-866-999-4777

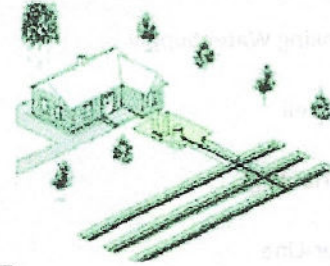
# Sewage Disposal (Mandatory)

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



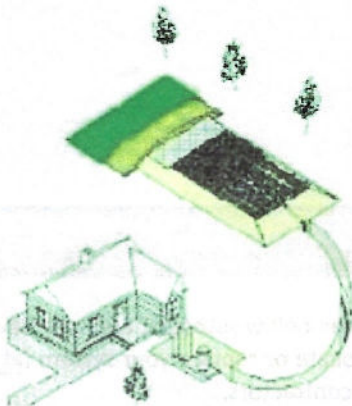
**Open Discharge (Pump Out) System**

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



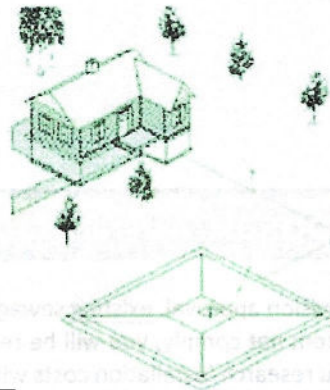
**Disposal Field**

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



**Treatment Mound**

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

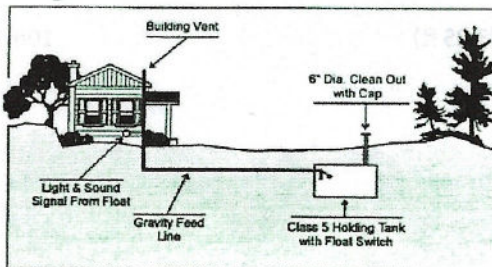


**Sewage Lagoon**

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

**No existing sewage disposal.**

**Municipal Sanitary Line**



**Holding Tank**

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

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

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

# Right of Entry Authorization (Mandatory)

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

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

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

# Affidavit (Mandatory)

I/We, Hartl Water Well Drilling & Service Ltd. / Josef Hartl hereby certify that

I am the registered owner,

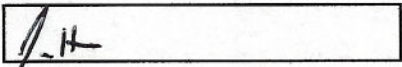
OR

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

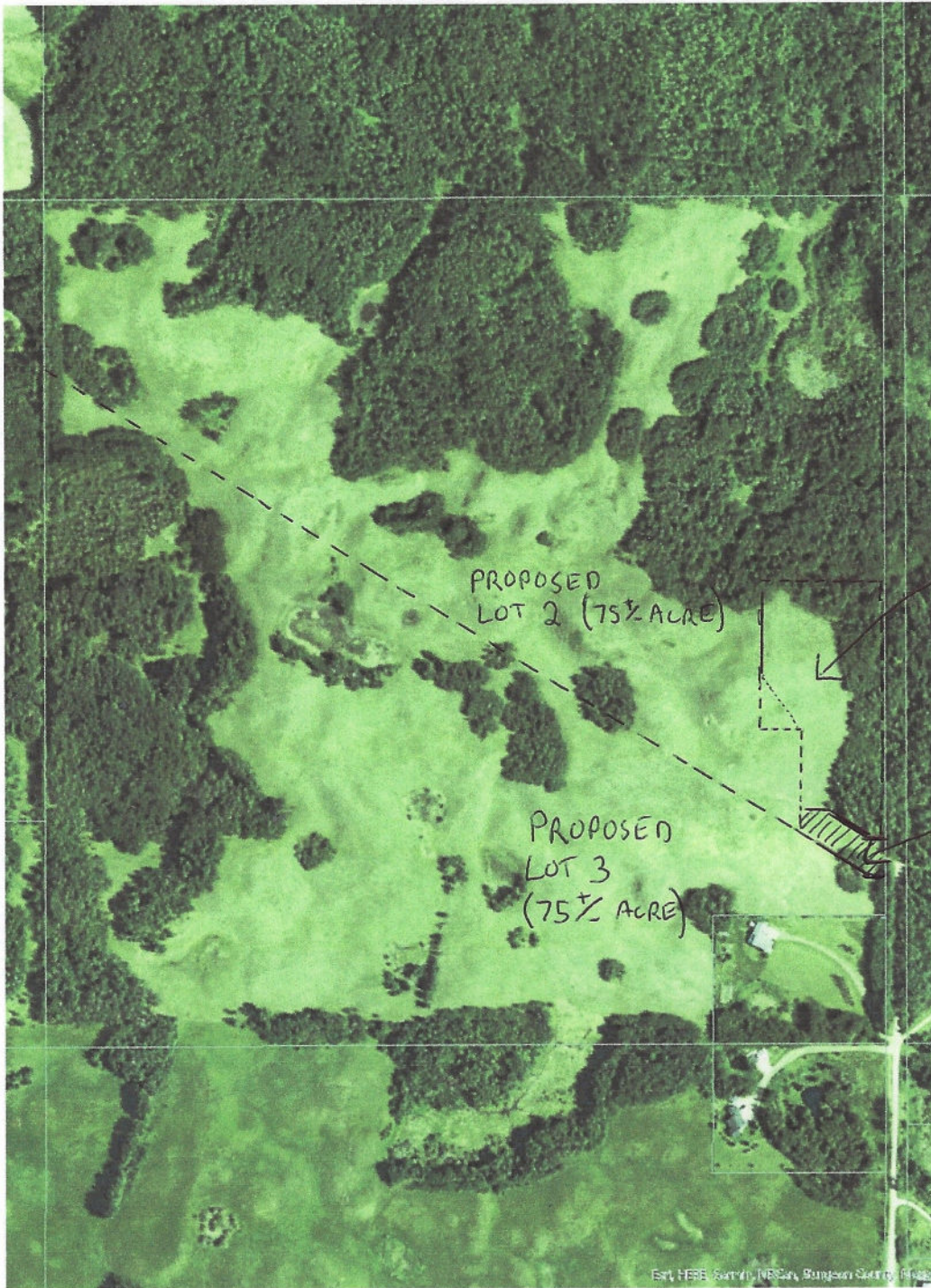
In addition to fully-completing and submitting this application form, ensure the following mandatory items are submitted:

- 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.

#1



PROPOSED LOT 2 (75% ACRE)

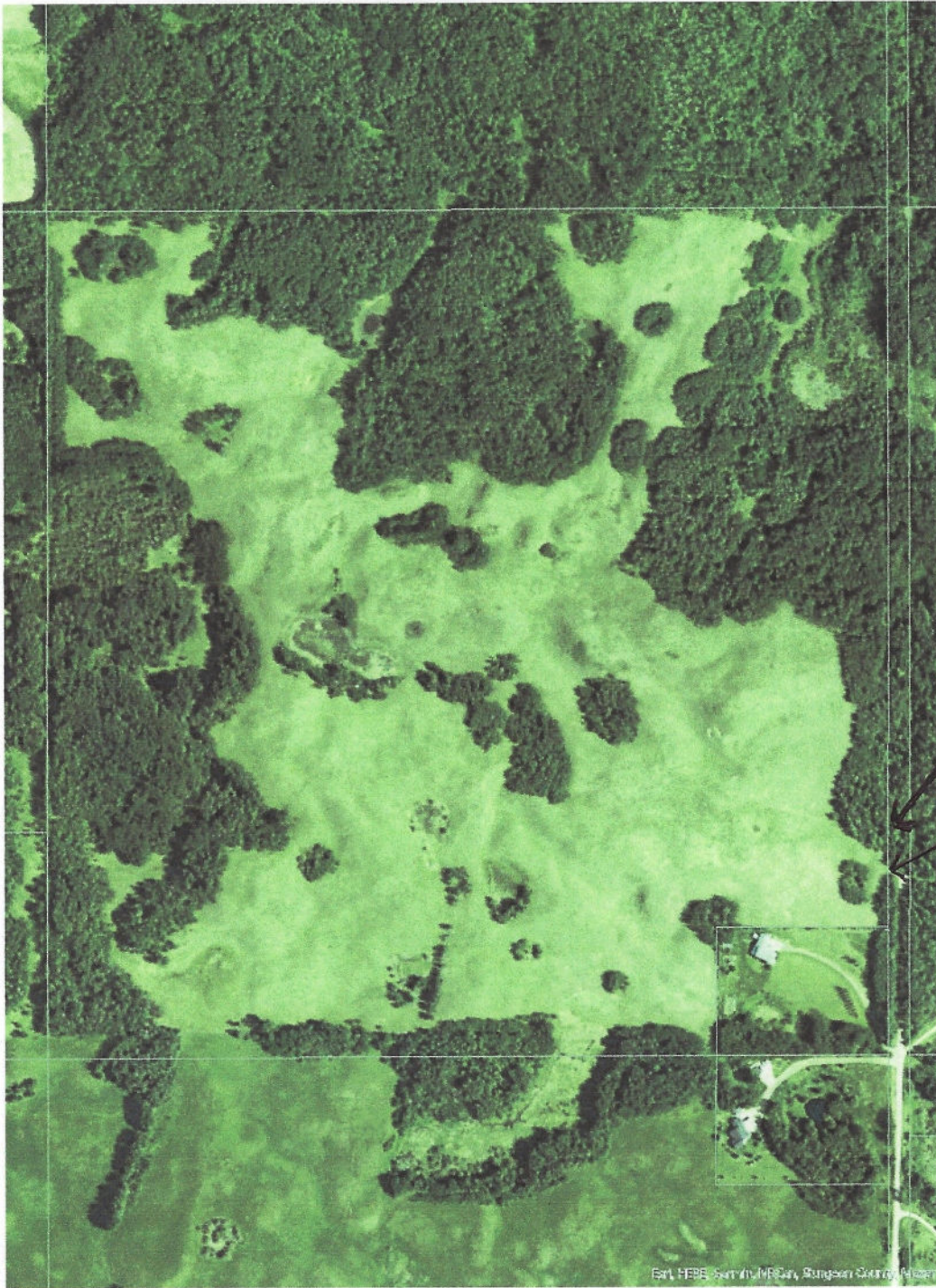
PROPOSED LOT 1 (5% ACRES)

PROPOSED LOT 3 (75% ACRE)

ACCESS EASEMENT



#2



STEEP HILL  
UNABLE TO  
CONTINUE  
COUNTY ROAD

APPROACH

# PLANNING AND DEVELOPMENT SERVICES REPORT



FILE INFORMATION: 2023-S-003	
Council Division:	3
Tax Roll Number:	4759000
Legal Land Description of Property:	NE 13-54-28-W4
Landowner(s):	Hartl Water Well Drilling & Service Ltd.
Applicant(s):	Josef Hartl
Staff Recommendation	Conditional Approval
Appeal Board (if appealed):	Subdivision and Development Appeal Board (as deferred by Transportation and Economic Corridors)
Administrative Fees (if approved):	\$250 (subdivision endorsement); plus \$600 per new parcel created/adjusted. 10% of Proposed Lot at \$826.91 per hectare

**PART I – APPLICATION DETAILS:**

1. As illustrated in Exhibit 1 (see **Appendix 4**), the applicant proposes subdivision of a 2.0 hectare (4.94 acre) and a 30.6 hectare (75.61 acre) parcel from 62.4 hectares (154.19 acres).

**PART II – SUBDIVISION HISTORY:**

1. Subdivision History:
  - 2000-S-066 created a 4.8 acre parcel from 160 acres.

**PART III – REFERRAL SUMMARY:**

1. Sturgeon County Development Officer (see **Appendix 4**):
  - *Proposed Lot 1:*
    - o Vacant, no concerns.
  - *Proposed Lot 2:*
    - o Vacant land. A future development permit will be required to provide further information from a qualified professional on setback recommendations along with construction and mitigation measures to accommodate site development.
  - *Remnant Lot:*
    - o Vacant land, there is a natural watercourse which includes wetland areas and development in this area should be avoided.

2. Sturgeon County Engineering Services (see **Appendix 4**):
  - *Road Upgrades*:
    - The proposed configuration (including the 5-acre parcel) will result in offsite improvements to the road allowance in compliance with General Municipal Servicing Standards. The applicant would enter into a Development Agreement with the County to complete these improvements.
    - An alternative configuration (no 5-acre parcel) would require minimal upgrades within the road allowance.
  - *Land Dedication/ Acquisition*:
    - Proposed Lot 1 & Remnant Lot: 5 metres required via land acquisition agreement adjacent to Rge Rd 280.
    - Proposed Lot 2: If the acreage lot remains this area will require 5m via plan of survey, if the acreage is removed then the 5m will be via land acquisition agreement.
  - *Approach & Access Easement*:
    - Approach and access easement must intersect with the road at a 90° angle. Parcel configuration may need to change slightly to accommodate. Also the approach must be upgraded to General Municipal Servicing Standards.
  - *Drainage Requirements*:
    - A registered stream and drainage course exists in the SW corner of the quarter section. Please be advised that this area cannot be altered or have development occur in proximity to this drainage course.
  
3. Sturgeon County Agricultural Services (see **Appendix 4**):
  - The quarter section appears to be used as pastureland and has a low land suitability rating given the drainage and sloping. The subject area is not considered to have high quality agricultural land. No concerns with the proposed 5-acre piece, some concern noted for the fragmentation in half.
  - The drainage course shall be protected through reserve entitlements.
  
4. Alberta Transportation and Economic Corridors (see **Appendix 4**):
  - No service road or land dedication is required.
  - Any future appeal can be deferred to the Subdivision and Development Appeal Board with respect to the interest of Transportation and Economic Corridors.
  
5. No Objections:
  - Alberta Health Services, Sturgeon County Protective Services, EQUUS, Telus, Fortis Alberta.
  
6. No Responses:
  - Adjacent landowners, Alberta Energy Regulator, Altalink, Canada Post, Farm Credit Canada, Sturgeon County Assessment Services, St. Anne Gas, Sturgeon School District.

## **PART IV – ANALYSIS:**

1. This application is consistent with the Municipal Development Plan’s “Residential Type 4” policies (see **Appendix 2**), and with the Land Use Bylaw’s “AG - Agriculture” regulations (see **Appendix 3**).

Although the proposed acreage lot exceeds the default maximum size of 1 hectare (2.47 acres), it nevertheless complies with Policies 2.3.18 and 2.3.19 of the Municipal Development Plan (see **Appendix 2**), and with Part 11.1.3(e) of the Land Use Bylaw (see **Appendix 3**) – since the lot will encompass existing mature shelterbelts without compromising additional cultivated farmland.

While an unconventional configuration, there is no policy or regulation that prohibits a diagonal split of agricultural land where there is rationale to address site characteristics. In this case there is an undeveloped road right of way north on Range Road 280 that is deeply treed and sloped, making it extremely challenging to clear and subsequently develop. The development of this road right of way would not be cost-effective, especially for accessing a large AG Major parcel. Furthermore, as noted by the Agricultural Services team, the land on this quarter section is not considered to be high quality and is used as pastureland. As such, Planning and Development can support the proposed configuration.

2. Adjacent to the existing acreage on the quarter section, Range Road 280 is an underdeveloped roadway and therefore will require upgrades to current General Municipal Servicing Standards if a new acreage parcel is developed. If only the parcel split occurs, minor upgrades (brush trimming, gravel resurfacing, ect.) will be necessary. In either case, the approach must be upgraded to General Municipal Servicing Standards at a 90° angle with the subject parcel and road. To provide legal access to both Proposed Lot 1 and Proposed Lot 2, an access easement is required. The configuration of the easement has been amended slightly to ensure there is room for the approach to be constructed at a 90° angle with the road. This is reflected in Exhibit 2.
3. There is a defined drainage course that exists in the southwest corner of the quarter section. To ensure this environmentally significant area is protected in line with Section 4.2.2 & 4.2.3 of the Municipal Development Plan, an environmental reserve easement will be registered.
4. Money in lieu of municipal reserve will be required, as detailed in condition seven.
5. As noted by Alberta Transportation and Economic Corridors, any subsequent appeal respecting this subdivision can be heard by the local Subdivision and Development Appeal Board.

## **PART V – RECOMMENDATIONS:**

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

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated March 20, 2023 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot 2 and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot 1 & the Remnant Lot and the adjacent road shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer [upon completion of a physical on-site inspection in spring 2023], will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
- 6) The applicant shall enter into and perform a Development Agreement with Sturgeon County. This agreement shall specify terms and conditions related to upgrades and/or construction within the Range Road 280 road right-of-way, to the satisfaction of Sturgeon County Engineering Services.
- 7) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of Proposed Lot 2. A payment will be made in place of reserves equal to \$1,653.81 (*determined at a rate of \$8,269.06 per hectare X 10% X 2.0 hectares = \$1,653.81*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- 8) Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot & and Proposed Lot 1 shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).

- 9) The surveyor shall survey and dedicate all low-lying/undevelopable land in proximity to the drainage course within an 'Environmental Reserve Easement', in accordance with the Surveys Act and to the satisfaction of Sturgeon County – as illustrated conceptually in Exhibit 2.
- 10) Pursuant to Provision 11(b) of the Matters Related to Subdivision and Development Regulation, an Access Easement shall be registered on title for the lands of Proposed Lot 1, Proposed Lot 2, and the Remnant lot, to provide lawful means of access to the Proposed Lot 1, and Proposed Lot 2, as shown in Exhibit 2 (note: this agreement to be prepared to the satisfaction of Sturgeon County).

**ADVISORY NOTES**

- Natural Gas servicing to any new subdivision is the responsibility of the applicant. The applicant will be required to provide the required easements across existing lots or subdivided lots for natural gas servicing, if service is approved by the natural gas provider. Sturgeon County does not allow natural gas servicing lines to be located within the road right of way. Setbacks from the road right of way are required. Easements of private property must be obtained by the applicants or service providers. Any service lines which cross Sturgeon County property will require a crossing agreement with conditions.
- Pursuant to Section 2.4.3 of the LUB, at the development permit stage on any property, it is highly recommended that the developer retain the services of a qualified engineering professional to prepare and submit a geotechnical investigation confirming that the proposed building site on is suitable for development and prescribing any preventative engineering measures to be taken to make the building site suitable for future development or future development suitable for the building site.
- Pursuant to the Water Act and the Alberta Wetland Policy, any future development or site grading which might alter or disturb a wetland may require additional approvals from Alberta Environment and Parks.

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.

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

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

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

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

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

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

### Residential Type 3

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

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

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

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

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

### Residential Type 4

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

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

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

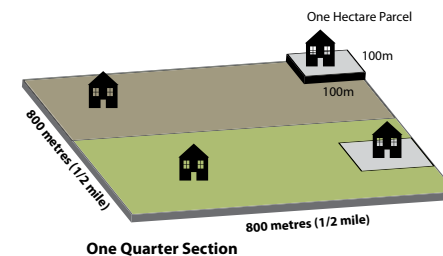
**2.3.18** Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

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

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

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

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





## residential character outcome

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

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

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

① Developing a Regional Planning Document for the Neighbourhood (inclusive of the Hamlet of Calahoo) to give more certainty to local communities, investors, service providers and municipal neighbours regarding the long-term growth aspirations.

② Considering the diversification of rural residential types (outside of the Hamlet of Calahoo) through the allowance of increased Agricultural Parcel densities to Residential Type 3 levels. Sturgeon County may contemplate applications that exceed Residential Type 4 levels, if the parcel densities range from five (5) to fifty (50) units per 64 hectares/160 acres and are detailed within a Local Planning Document.

③ Recognizing the Hamlet of Calahoo's role as a centralized location for Residential and Non-Residential growth within the Regional Planning Document. The plan should identify a sustainable level and mixture of Residential and Non-Residential types for the Hamlet, and the associated infrastructure and community services levels required for the development.

④ Establishing an administrative boundary for the Hamlet of Calahoo and implementing Residential Type 3 policies within that boundary. Until an administrative boundary is identified through the Planning Document process, existing land-use zoning shall be used to identify where residential type policies are applicable.

⑤ Giving regard to the existing residential character of Calahoo by requiring proposals for residential infill density to ensure that proposed lot location, size and servicing complement the existing community. Depending on the scale and impact of the proposed development, the approving authority may require additional Planning Documents to accurately assess the application.

⑥ Limiting the infill of existing country residential subdivisions and Hamlets until the applicant provides a Needs Assessment (deemed complete to the satisfaction of the approving authority) that demonstrates a need for the additional residential development proposed.

⑦ Liaising with the local agricultural community to minimize land-use conflicts by discouraging the creation or expansion of Confined Feeding Operations in the Neighbourhood.

# Appendix 3: Excerpts from Land Use Bylaw

## PART 11 PRIMARY INDUSTRY DISTRICTS

### 11.1 AG – AGRICULTURE DISTRICT



#### .1 General Purpose

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

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

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

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

#### .2 Uses

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

\* Refer to Section 6.1 for further clarification.

\*\*Only allowed on AG-Major parcels

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

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

1407/18; 1432/19; 1436/19

#### .3 Subdivision Regulations

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

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

.4 Development Regulations

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

1432/19



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

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

1432/19

.5 Additional Development Regulations

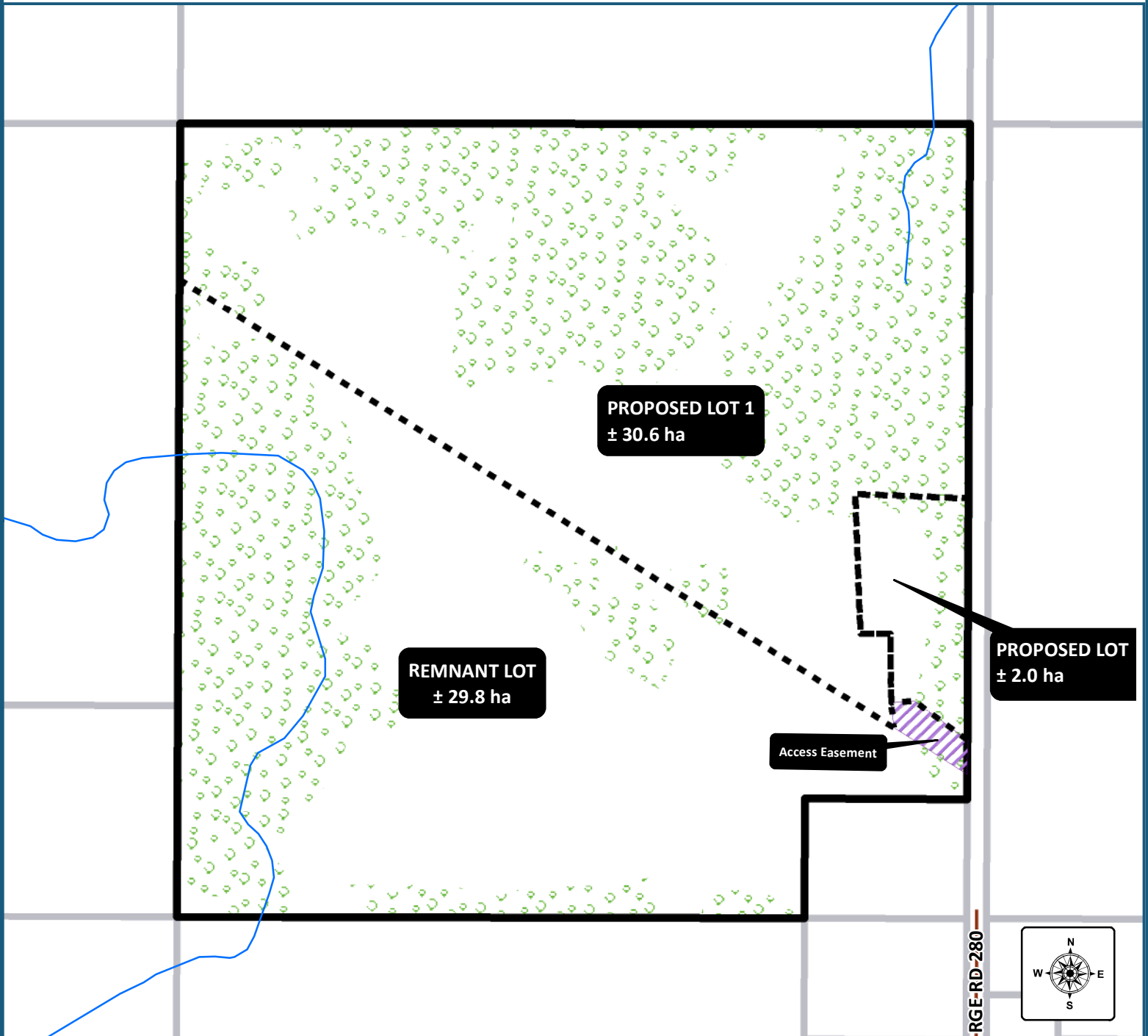
- (a) All *development* in this district is subject to the regulations stated in Parts 5 through 9 of this Bylaw.
- (b) Notwithstanding the variance provisions in Section 2.8 of this Bylaw, the *Development Authority* shall not accept a variance to the *uses* within this district based on *parcel* size.

1407/18

**Appendix 4: Exhibits, Referrals & Miscellaneous**

# Exhibit 1 [Applicant's Submission]

File Number: 2023-S-003



Legal Description: NE 13-54-28-W4

Municipal Address: N/A

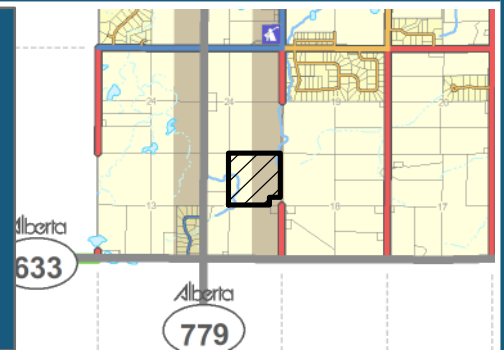
Roll Number: 4759000

LUB District: AG - Agriculture

Date: February 10, 2023

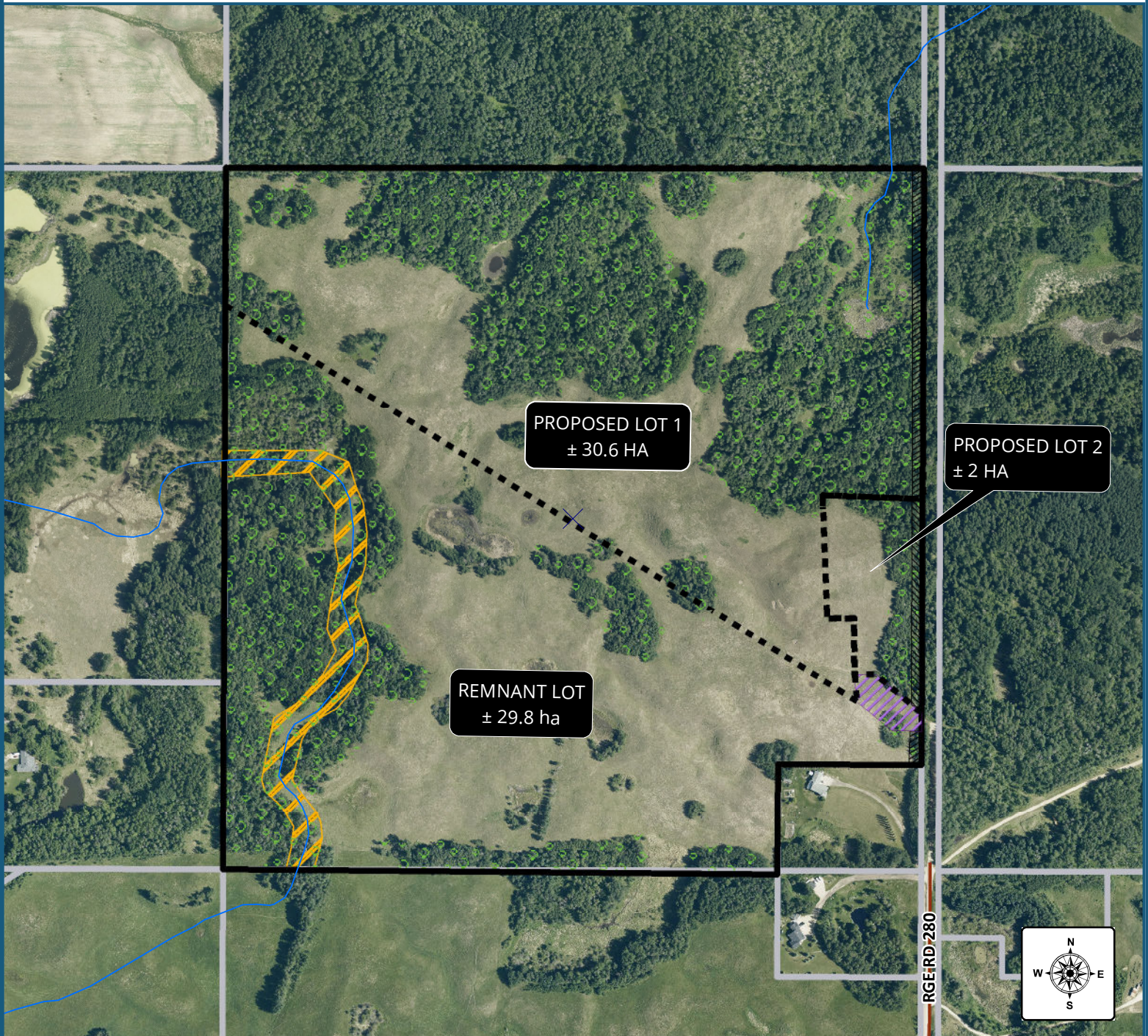
### Legend:

Tree Stand



# Exhibit 2 [Administration's Recommendation]

File Number: 2023-S-003



Legal Description: NE 13-54-28-W4

Municipal Address: N/A

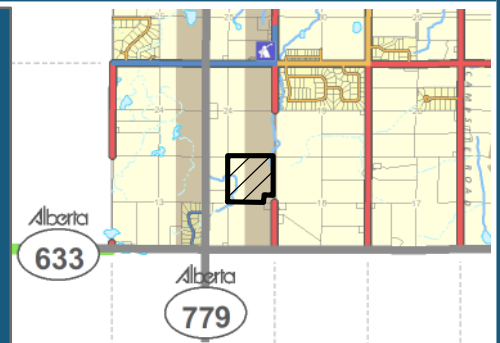
Roll Number: 4759000

LUB District: AG - Agriculture

Date: March 20, 2023

### Legend:

- Environmental Reserve Easement
- Tree Stand
- 5m Road Widening (Survey)
- 5m Road Widening (Caveat)



**MEMO**

To: Shannon Gagnon  
From: Carla Williams  
Date: Feb 21, 2023  
Re: Proposed Subdivision  
File No: 2023-S-003  
Roll No: 4759000  
Legal Description: NE 13-54-28-W4

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According to Sturgeon County’s Land Use Bylaw 1385/17, as amended, the subject parcel is districted as AG – Agriculture.

**Remnant Lot (+/-29.8ha)**

Vacant land. There is a natural watercourse running to the north which includes wetland areas according to the Alberta Merged Wetland Inventory. Development in this area should be avoided to preserve wetlands.

**Proposed Lot 1 (+/-30.6ha)**

Vacant

**Proposed Lot (+/- 2.0ha)**

Vacant

As per the MDP, section ES 4.3, a future development application on the site shall be required to include a recommended setback for Hazardous and Environmentally Significant lands, to be prepared and certified by an appropriately qualified professional. The level of detail to be provided in the assessment depends on the conditions and complexity of the site. Setback recommendations will outline the construction and mitigation measures necessary to accommodate site development.

**Table 1: Setback Determination Criteria**

<b>Condition</b>	<b>Professional Requirements for Setback Determination</b>
<i>Complex Vegetation Community</i>	<i>Qualified aquatic environmental specialist (QAES) Qualified wetland aquatic environmental specialist (QWAES)</i>
<i>Moderate Slopes (5-15%)</i>	<i>Legal land surveyor</i>
<i>Steep Slopes (&gt;15%)</i>	<i>Geotechnical professional (geological engineer, hydrogeologist)</i>
<i>River and Presence of Flood Plain</i>	<i>QAES/QWAES and Geotechnical professional</i>
<i>Groundwater Influence or Unknown Water Table Depths</i>	<i>Hydrogeologist</i>
<i>Environmental Site Assessment or Environmental Impact Assessments</i>	<i>Environmental professional (level of detail dependent on the scale proposed redesignation, subdivision or development application)</i>

## Jonathan Heemskerk

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**From:** Kurtis Eykelbosh  
**Sent:** March 13, 2023 12:23 PM  
**To:** Jonathan Heemskerk  
**Cc:** Planning & Development; Joy Thimer; Chris Krath  
**Subject:** Subdivision Application 2023-S-003 - Transportation and Engineering Comments  
**Attachments:** dwg\_2023-S-003\_Flood Risk and Wetland Map.pdf; dwg\_2023-S-003\_Engineering.pdf

Hi Jonathan,

I am sending my comments to you by email for subdivision file 2023-S-003 as the comments for this file will not easily fit in our standard form. Joe Hartl had previously reached out to Transportation and Engineering Services to get some preliminary feedback on a subdivision and if any road improvements would be required. Here are my comments for the file, some of which come from our original response to Mr. Hartl:

### Road upgrades:

- Based on the proposed configuration (including creation of the 5-acre acreage parcel), Sturgeon County would require offsite improvements to the roadway and the road allowance in compliance with General Municipal Servicing Standards (GMSS) cross section RLU-208G (attached for information). Improvements would include entering into a Development Agreement with Sturgeon County, engineering detailed design and would likely include road widening, ditching and brushing/trimming. Actual improvements required would come after a spring inspection and could require the recommendation of a Professional Engineer. These improvements would be required from the north turn around, to the south quarter section line (approx. 165 m). The costs of these improvements would be the developer's responsibility.
- Alternatively, if the applicant would consider removing the 5 acre acreage parcel and just split the quarter section in half, we would require minimal upgrades to the road allowance. With this option, the 2 subdivided parcels would still have the primary use being agriculture instead of residential acreages. Improvements would be some trimming or brushing of the trees and possible road gravelling, depending on the road surface condition based on a spring inspection. These improvements would be needed in the same area as above.

### Land Dedication/Acquisition:

- Remnant Lot/Proposed Lot 1
  - o Range Road 280 is a gravel road in a 20 m right of way (R/W), the ultimate R/W will be 30 m. In accordance with the Grid Right of Way Dedications and Acquisition policy, Sturgeon County requires 5 m acquisition along the east property line via caveat. This would apply for the remnant lot and the proposed lot 1 (for the full length if the proposed lot is removed).
- Proposed Lot
  - o If it is desired to continue with the subdivision file including the proposed lot, Sturgeon County would require 5 m of dedication along the east property line via plan of survey. This is in accordance with the Grid Right of Way Dedication and Acquisition policy.

### Approach and Access Easement:

- Transportation and Engineering Services recognizes that an access easement would be required to facilitate access to each parcel. We do however have concerns about the angle at which the easement/approach intersects with the road allowance. Transportation and Engineering's preference would be to have the access easement intersect with the road allowance at a right angle, so this would require some adjustments to the property lines to make this possible.
- The approach shall be upgraded as per the Sturgeon County GMSS requirements and the Sturgeon County Approach Construction Guidelines. Additional comments will be forthcoming after a spring inspection, but items

to note currently would include; widening the approach to have a 10 m to 12 m wide surface when measured at the property line, approach to intersect with the road at a 90° angle, and finished with a crushed gravel, compacted surface. Culvert upgrades may also be required, but this would be confirmed after the spring inspection.

**Drainage Requirements:**

- A registered stream and drainage course exists in the SW corner of the quarter section. Please be advised that this area cannot be altered or have development occur in proximity to this drainage course without proper approvals from the governing bodies.

I have attached the Engineering figure showing the approach location and land dedication/acquisition as well as the flood risk and wetland map.

Please feel free to reach out if you have any questions.

**Kurtis Eykelbosh, P.Eng.**

Development Engineering Officer

Transportation & Engineering Services

780-940-4171

[keykelbosh@sturgeoncounty.ca](mailto:keykelbosh@sturgeoncounty.ca)

[sturgeoncounty.ca](http://sturgeoncounty.ca)

9613 100 Street, Morinville, AB T8R 1L9



## Subdivision Comments

2023-S-003

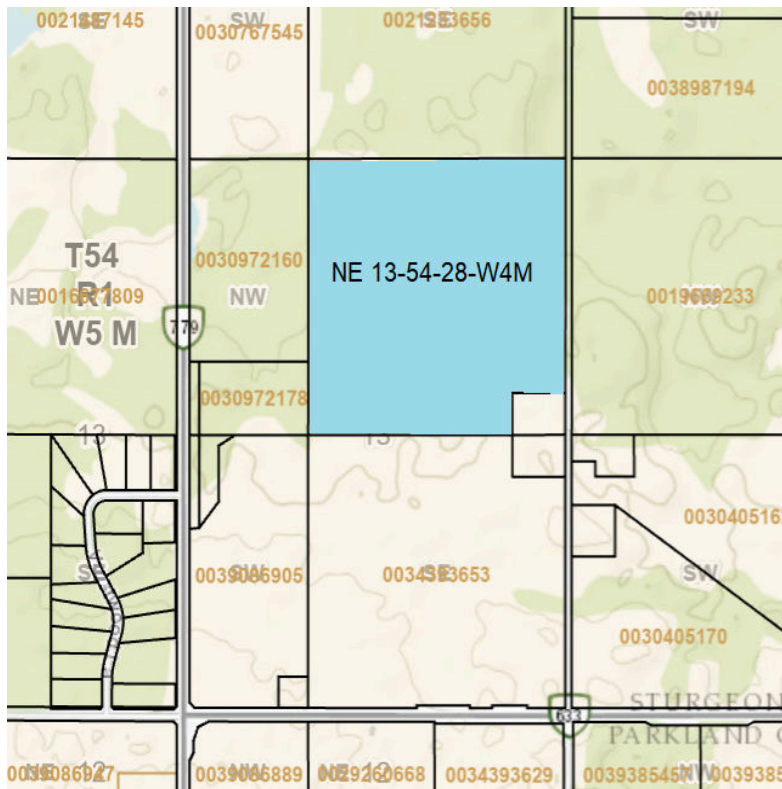
- The parcel is zoned agriculture and appears to be used as pastureland – as seen by the presence of common grazed-pasture plants, and perimeter fencing. The area has a Land Suitability Rating System (LSRS) rating of 4T(9)-5W(1), meaning 90% of the land has severe drainage issues, and 10% of the land has extremely severe slopes. This was seen at the site inspection.
- This location is quite hilly and large equipment access would be difficult without major landscaping. Additionally, with the proposed subdivision, the small parcel owner will have to share driveway access to the two other larger lots.
- As stated in the RAMP, municipalities are to make efforts to avoid unnecessary fragmentation of agricultural land.
- It is noted that the land is not high-quality agricultural land and resides in an area that appears to have several subdivision developments. This proposal could encourage clustering of residential properties.
- I have no agricultural concerns with the smaller proposed subdivision (the five-acre piece). The secondary subdivision (the two ~75-acre pieces) appears to be an unnecessary fragmentation of agricultural land. There is a waterway in the SW corner of the property and if the two 75-acre pieces are approved, I would like to see that waterway protected as municipal reserve.



# Alberta Transportation Notification of Referral Decision

## Subdivision in proximity of a provincial highway

<b>Municipality File Number:</b>	2023-S-003	<b>Highway(s):</b>	779, 633
<b>Legal Land Location:</b>	QS-NE SEC-13 TWP-054 RGE-28 MER-4	<b>Municipality:</b>	Sturgeon County
<b>Decision By:</b>	Robert Lindsay	<b>Issuing Office:</b>	North Central Region / Stony Plain
<b>Issued Date:</b>	2023-02-17 10:27:14	<b>Appeal Authority:</b>	Subdivision and Development Appeal Board
<b>Description of Development:</b>	Subdivision application to create a 2ha residential lot and split the remainder of the existing parcel in half NE13-54-28-W4M; North of Highway 633; East of Highway 779		



This will acknowledge receipt of your circulation regarding the above noted proposal. The subsequent subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to

Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 779, 633

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

The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Alberta Transportation grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation subject .

Insofar as Transportation and Economic Corridors is concerned, any appeal of this subdivision may be referred to the local subdivision and development appeal board (Section 678(2) of the Municipal Government Act).

The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Alberta Transportation grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

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

Alberta Transportation has the following additional comments and/or requirements with respect to this proposal:

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act
2. The existing intersection of RR280 with Highway 633 is a Type 1b. AADT on east leg of junction of Hwy 633 and Hwy 779 (1200m to the west) was estimated at 1210 in 2021. There is significant development on the south leg, likely warranting at least a type 2 intersection treatment. The north leg has 7 existing dwellings. This proposal would create lots for 3 more dwellings. If one uses 9.5 AADT per dwelling, the north leg would not warrant more than a Type 1 treatment following development of these three lots. Therefore, this proposal, on its own, does not trigger a need for improvements to the intersection with Highway 633 as a result of the potential traffic it can generate.

This developer should not be required to cause improvements to this intersection to be made. However, further development on either north or south leg (after development of these proposed lots) should be held in abeyance until the intersection of RR280 with Highway 633 is properly assessed and improved as warranted. Please contact Alberta Transportation through the RPATH Portal if you have any questions, or require additional information



Issued by **Robert Lindsay**, on **2023-02-17 10:27:14** on behalf of the Minister of Transportation pursuant to *Ministerial Order 52/20 – Department of Transportation Delegation of Authority*

# Subdivision and Development Appeal Board

023-STU-006

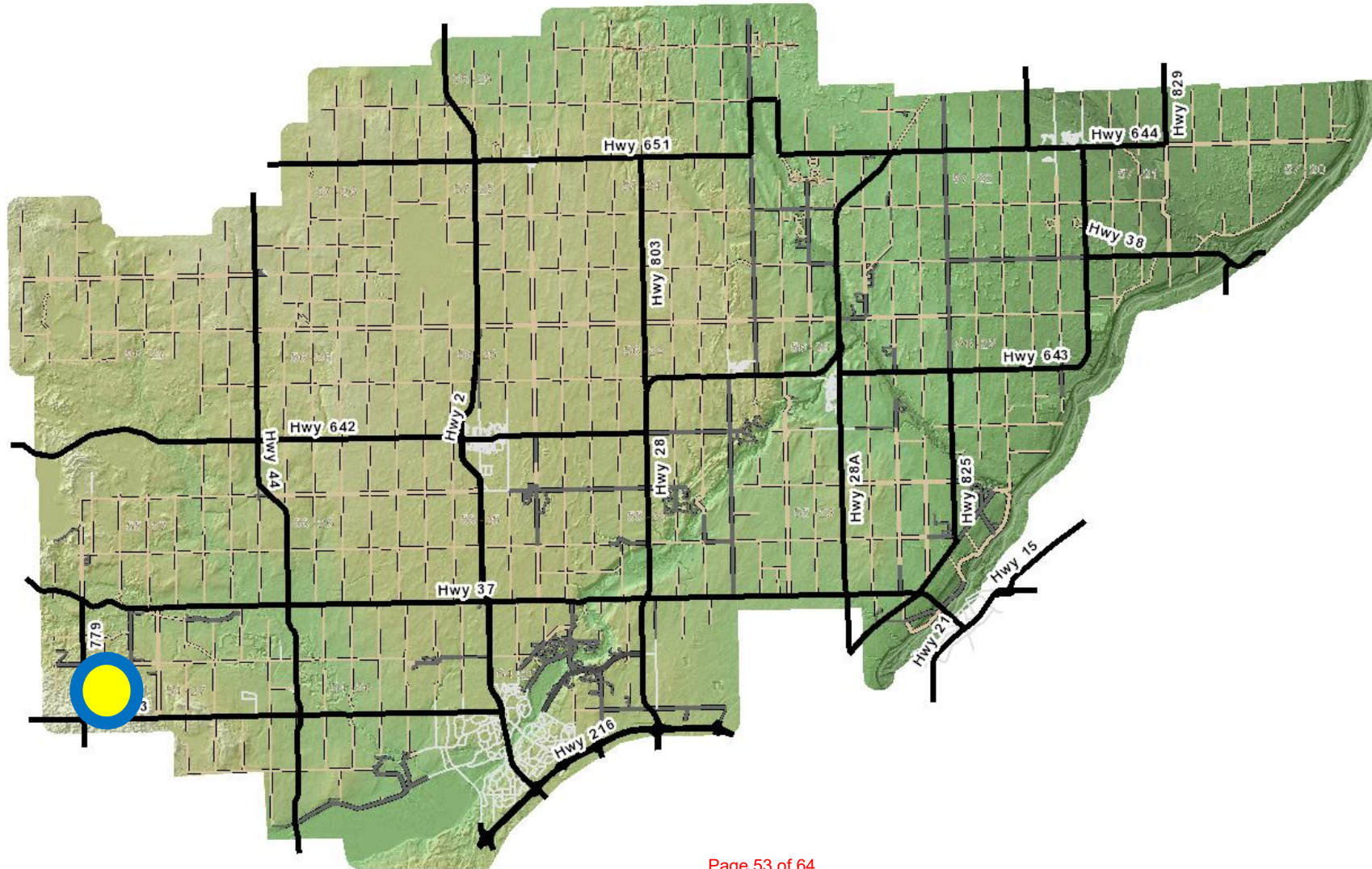
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Jonathan Heemskerck  
Planning and Subdivision Officer

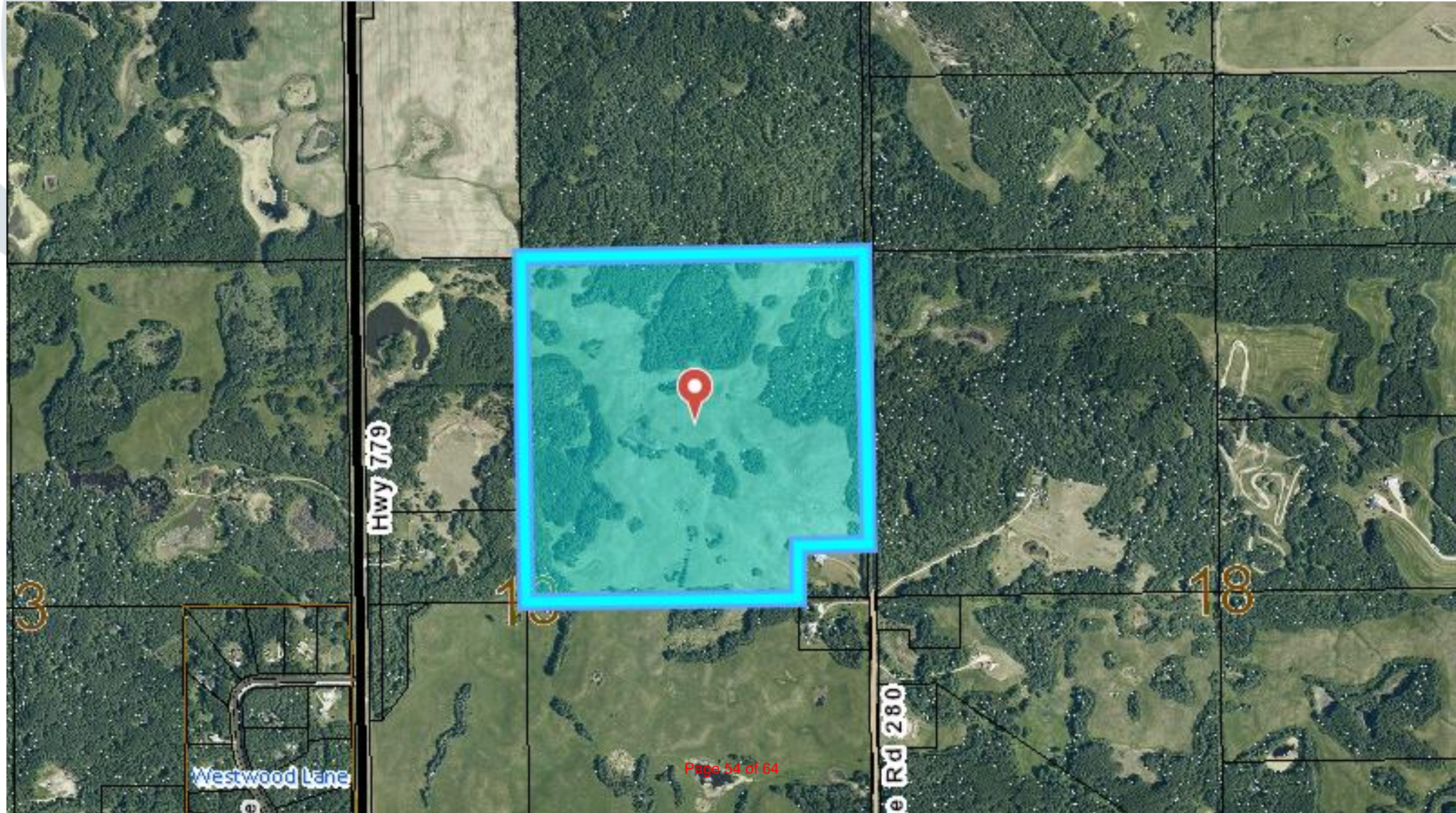


Sturgeon  
C O U N T Y

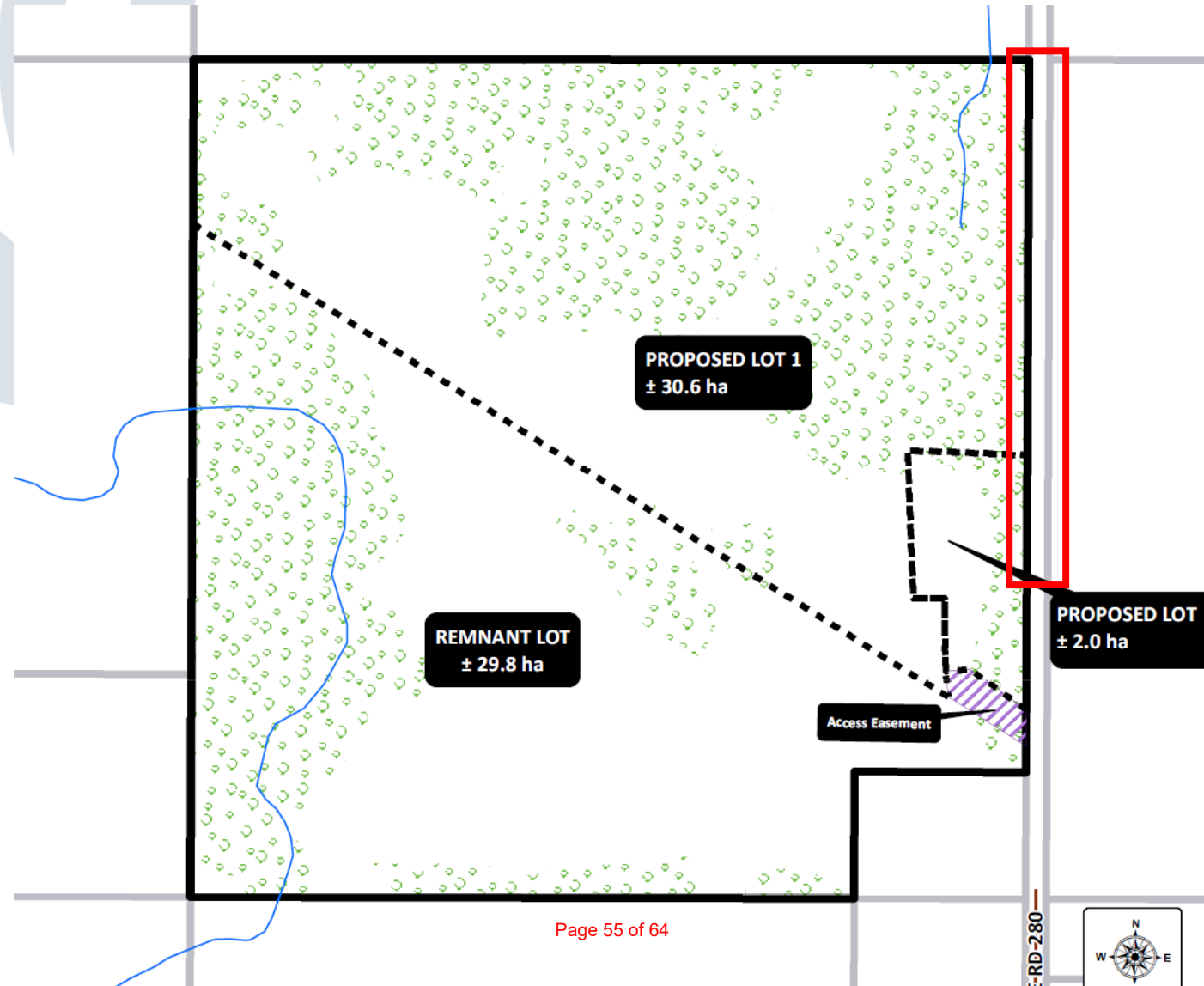
# Site Location (Regional)



# Site Location (Local)



# Proposal



# Summary of Circulation Responses

## Sturgeon County Development Officer

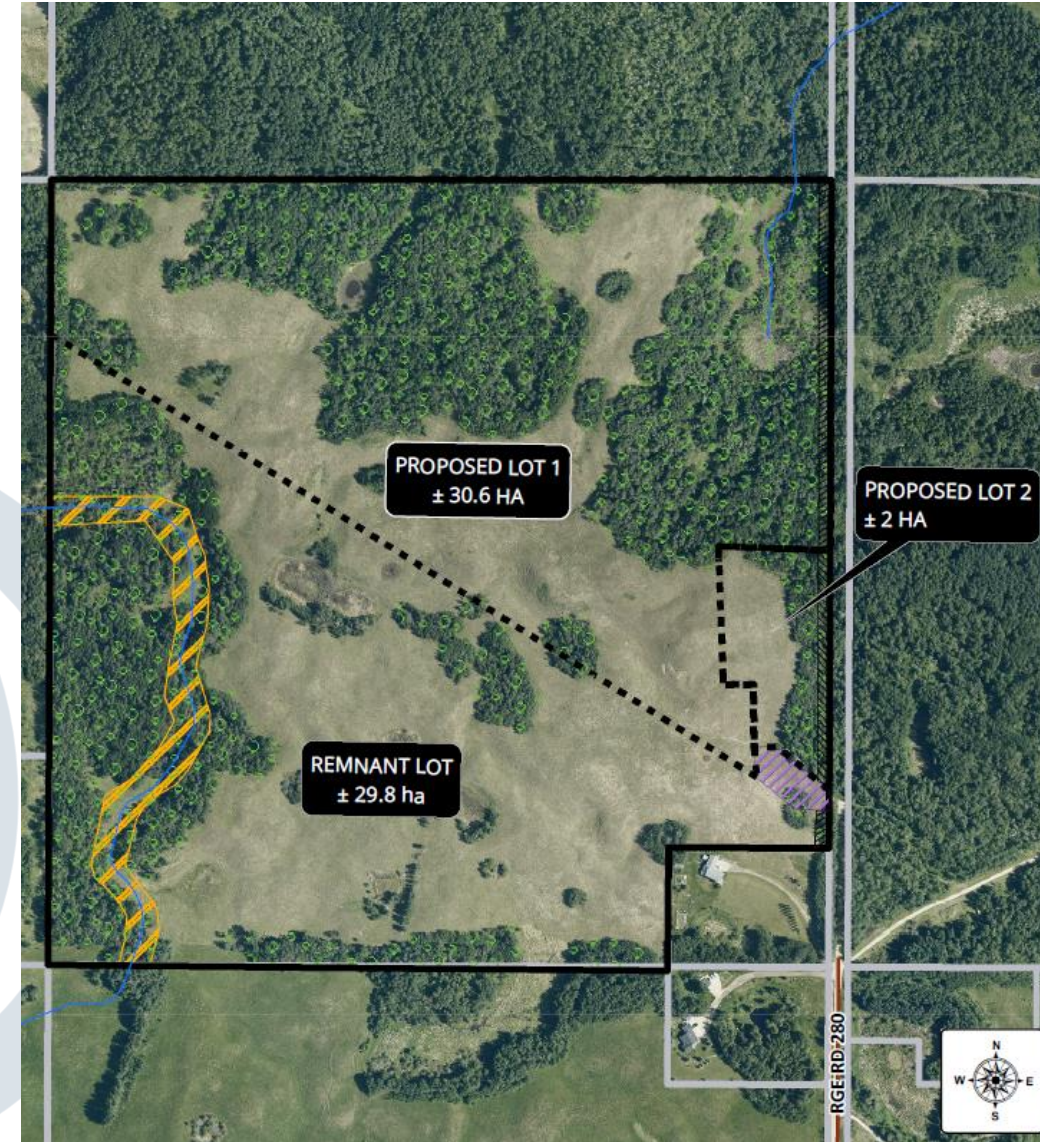
- All Lots
  - Each lot is vacant farmland. A natural drainage course runs along the western edge.
  - Development on the proposed acreage will require further information on setbacks and mitigation measures due to sloping in the area.

## Sturgeon County Agricultural Services

- All Lots
  - The quarter section appears to be pastureland and is considered as having low quality agricultural land.
  - No concerns with 5 acre subdivision, unorthodox quarter section split.
  - Drainage course should be protected.

## Alberta Transportation and Economic Corridors

- All Lots
  - No service road or land dedication required.
  - Any future appeal can be heard by the local SDAB.

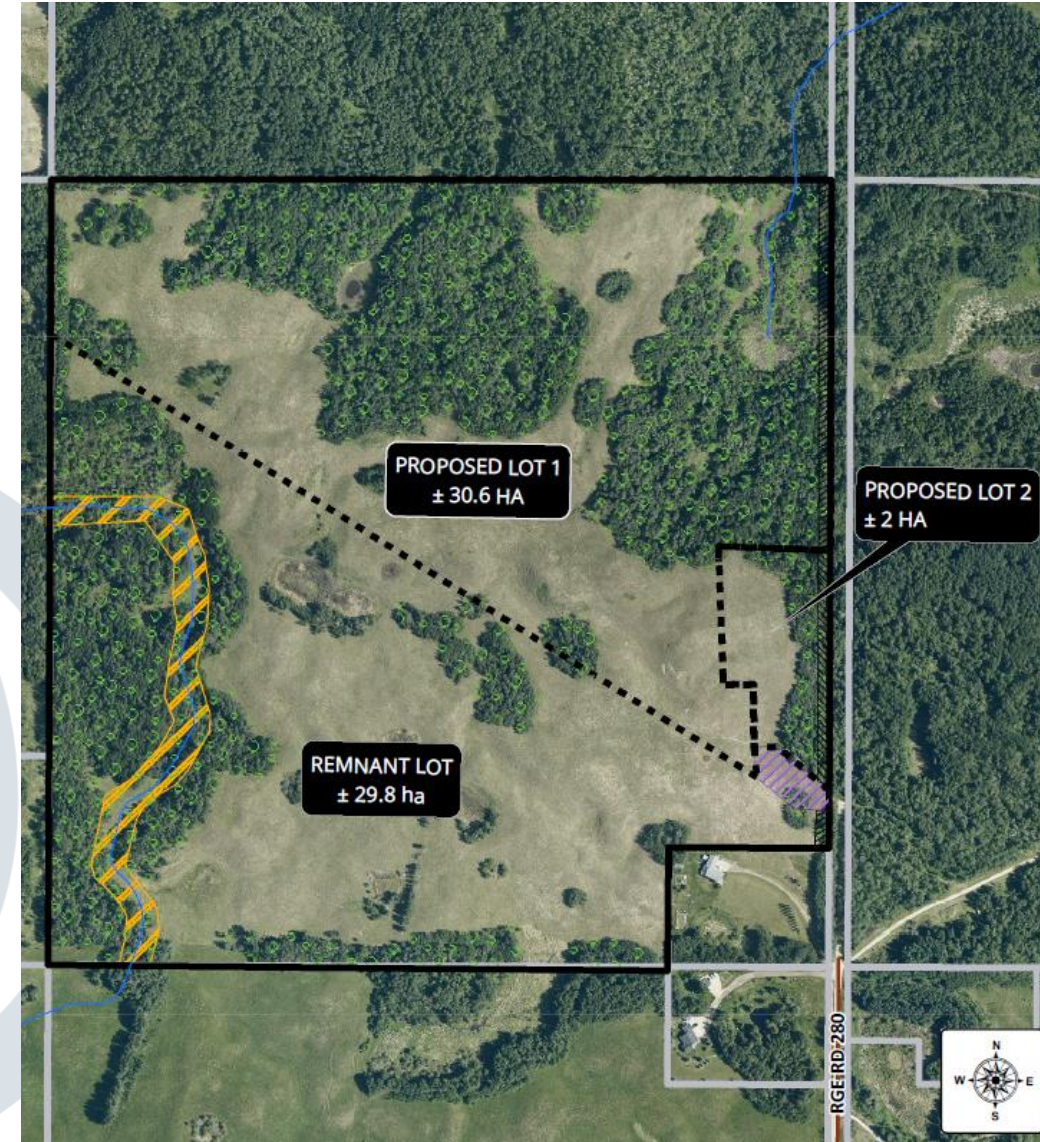




# Road Right of Way Information

## Sturgeon County Engineering & Transportation Services

- Road Upgrades
  - The creation of the acreage will result in offsite road improvements within the Rge Rd 280 right-of-way.
  - If the proposal for the acreage were to be removed, minimal upgrades would be required (ex. Brush trimming, gravel resurfacing, ect.)
- Land Dedication/ Acquisition
  - 5m required via plan of survey for the acreage, and 5m by caveat for the large agricultural pieces.
- Approach/ Access Easement
  - Approach and access easement must intersection at a 90 degree angle with the road right of way (was updated prior to approval)
- Drainage Requirements
  - The registered stream and drainage course in the far southwest corner should be protected and development should avoid this area.



# Issue Analysis – Condition #6

## Condition #6:

6) The applicant shall enter into and perform a Development Agreement with Sturgeon County. This agreement shall specify terms and conditions related to upgrades and/or construction within the Range Road 280 road right-of-way, to the satisfaction of Sturgeon County Engineering Services.

## Road Upgrades:

- Upgrade to a RLU-2086 (roadway specification).
- The engineering design detail would likely include road widening, ditching, and brushing/trimming.
- Improvements could be subject to the recommendation of a Professional Engineering.
- Area for improvements would be roughly 165m (area shown in blue) and at the cost of the developer.

## Alternative:

- Remove the acreage parcel and improvements would be minimal (trimming, brushing, possibly road graveling).



# Subdivision Authority Decision

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

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

# Conditions – If Approved

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- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated March 20, 2023 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot 2 and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot 1 & the Remnant Lot and the adjacent road shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer [upon completion of a physical on-site inspection in spring 2023], will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
- 6) The applicant shall enter into and perform a Development Agreement with Sturgeon County. This agreement shall specify terms and conditions related to upgrades and/or construction within the Range Road 280 road right-of-way, to the satisfaction of Sturgeon County Engineering Services.
- 7) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of Proposed Lot 2. A payment will be made in place of reserves equal to \$1,653.81 (*determined at a rate of \$8,269.06 per hectare X 10% X 2.0 hectares = \$1,653.81*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- 8) Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot & and Proposed Lot 1 shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
- 9) The surveyor shall survey and dedicate all low-lying/undevelopable land in proximity to the drainage course within an 'Environmental Reserve Easement', in accordance with the Surveys Act and to the satisfaction of Sturgeon County – as illustrated conceptually in Exhibit 2.
- 10) Pursuant to Provision 11(b) of the Matters Related to Subdivision and Development Regulation, an Access Easement shall be registered on title for the lands of Proposed Lot 1, Proposed Lot 2, and the Remnant lot, to provide lawful means of access to the Proposed Lot 1, and Proposed Lot 2, as shown in Exhibit 2 (note: this agreement to be prepared to the satisfaction of Sturgeon County).

# Conditions – Summary

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1. Ensure taxes are paid
2. Retain a surveyor
3. 5m for future road widening by plan of survey on the proposed lot
4. 5m for future road widening by caveat on the remnant lot
5. Approach upgrades to GMSS
6. **Development Agreement for road upgrades**
7. Money in lieu of municipal reserve (proposed lot)
8. Deferred reserve caveat (remnant lot)
9. Environmental Reserve Easement on the drainage course
10. Access Easement

# APPELLANT SUBMISSIONS RECEIVED

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**\*NOTE:**

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

WRITTEN  
SUBMISSIONS  
FROM  
ADJACENT  
LANDOWNERS  
AND OTHER  
AFFECTED  
PERSONS

**From:** [Mary Mindza](#)  
**To:** [Legislative Services](#)  
**Subject:** file SDAB 023-STU-006  
**Date:** May 5, 2023 3:32:08 PM

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

Good afternoon

I wish to respond to the letter I received for the notice of appeal board hearing. I have been a resident of sturgeon for over 40 years, of which on this location I am now residing for over 20 years.

My concern with granting the "new" owners request somewhat confuses me. The road has access to all traffic (which has increased 10 fold ) yet has serviced us to no issues. Even the school bus had no issues when my son attended Riviere QBarre and Sturgeon high.

I don't wish for this road to have any more traffic as it is a dead end.

This road has been a farm road for the last 40 years and it has been adjusted for some traffic.( new grav el )Should someone require adjustments as they have a business and larger equipment, that is not our problem. This should have been thought of at time of purchase. This short stretch of road I use for walking to the mailbox, as it's our only road. Any more aggressive driving (which is now happening) on this hilly road will cause me distress and safety concerns.

Please review this request and I hope that a suitable alternative will be given. It would be sad not to get along with neighbors.

thank you  
Mary Mindza  
54216 rg rd 280