


**MAY 2, 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: Leonard & Gisele Jubinville      023-STU-005    Subdivision Appeal
- 3. ADJOURNMENT**

### SUBDIVISION & DEVELOPMENT APPEAL BOARD

<b>Site Information:</b>		
Municipal Address of site: <b>54423 RR 252</b>		
Legal land description of site: <b>NW 26-54-25 W4</b> (‘plan, block, lot’ and/or ‘range-township-section-quarter)		
Development Permit number or Subdivision Application number: <b>2023-5-004</b>		
<b>Appellant Information:</b>		
Severed in line with section 17 of the FOIP Act		
Name: <b>Leonard &amp; Grisele Jubinville</b>	Phone:	Agent Name: (if applicable)
Mailing Address: <b>54423 RR 252</b>	City, Province: <b>Sturgeon County</b>	
Postal Code: <b>T8T 1T5</b>	Email:	

**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 type="checkbox"/> Conditions of Approval
<input type="checkbox"/> Refusal	<input checked="" type="checkbox"/> Refusal
<b>Stop Order</b>	
<input type="checkbox"/> Stop Order	

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

Please see attached Letter dated: April 3/23  
and Schedules "A" & "B" & "C"

Severed in line with section 17 of the FOIP Act

(Attach a separate page if required)

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

<b>Signature of Appellant/Agent:</b>	<b>Date:</b> <b>April 3/23</b>
	<b>LY</b>
<b>SDAB Appeal Number:</b>	<b>Appeal Fees Paid:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
	<b>Hearing Date:</b> YYYY/MM/DD

April 3, 2023

Letter to the Sturgeon Subdivision and Appeal Board

From Len and Gisele Jubinville

Thank you for the opportunity to present our reasons for this appeal. Gisele and I trust in an honest and thorough review and hope all concerned will see the merit of this subdivision. We'd like to begin by telling our story and then expressing our reasoning behind this re-application.

When we purchased this property over 30 years ago, we told ourselves that this parcel of land would be part of our retirement plan by hopefully selling it at a profit when ready to move into town. After both being entrepreneurs for fifty years, including the last three very challenging years, we find ourselves not ready, nor in a position to retire in town. With our land parcel being smaller and chemical free since 1998, and both of us recognizing the huge merits of keeping it that way, it has proven quite difficult to rent it in order to generate revenue. For this reason, our youngest son, also an entrepreneur, would like the opportunity to help turn our piece of land into a profitable, regenerative specialty crop agricultural venture. It so happens the 150 saskatoon trees we planted over two years ago will mesh quite well with his plan.

For our son and his family to be able to relocate on our farm, he will need to be able to have a mortgage on his own piece of land and creating this new parcel would allow that. We really appreciate the fact that the County is getting serious about diversifying agriculture. Nothing we would enjoy more, at least for the next ten years, to be able to participate in such an initiative, especially if it can include even more family members. This type of farming is more labor intensive and we hope that Council recognises it as a chance to attract more people to the County. As far as we're concerned, the more people earning their living on their land, the better chance we have at saving more agricultural land.

Facts to consider:

1. Years ago, after deciding where we would build our retirement home, and well before the County passed the bylaw for the realignment of Starkey and Coal Mine Road, we applied for the power and got it installed. Some time later, we discovered that the transformer pole installed on our new building site was located where the County was planning to have a stop sign erected where the two new roads would meet. This bylaw has not only caused us to abandon our dream building site, it has cost us thousands of dollars in power line fees. We have since become aware of how such bylaws can be cumbersome, annoying, and very infringing on the landowners' freedoms and in enjoying their land. For example, the setbacks required for this road bylaw removes a much larger amount of land from the landowner's freedom than just the road allowance itself.

2. Eight years have gone by since our first application for this subdivision. Since then, we were told by the County that a building permit would be approved, providing we abide by all the setbacks rendered by this bylaw. Upon making that statement, the County made the road realignment become very factual instead of only conceptual, while at the same time fragmenting our land. Because our land is already fragmented by this bylaw, we believe there is no basis for rejecting our subdivision application since we're sure you'll agree that it's not fair for the County to have it both ways!

3. We agree that this proposal does not comply with present bylaws pertaining to parcel density and size, but we also know that this is something discretionary to Council. We know this as a fact because the quarter section adjacent to us presently has five different titles. Our parcel has been treated the same as a quarter section since 1904. (see attached Schedule 'C')

4. The misinformation that was presented to the board members on the first go around needs to be addressed. For example, it was mentioned:

- that 'a significant amount of pipeline infrastructure runs throughout the proposed parcel and remains on the title'. Yes, this is true, but let's not forget that this is normal in Alberta. Also, please note 'Schedule A' where it shows there is plenty of space for a building site in between the pipelines.

- that 'a water co-op exists on the property and an application would have to be made for these services.' This is false because we can choose to haul water in or dig a well. Why was this ever entered in the discussion to start with?

- that 'the proposed subdivision is undevelopable and does not meet County standards'. Please explain, because we know for a fact it's developable once the two abandoned pipelines are taken into consideration. For example, our neighbor's shop to the east is built right over the abandoned Gibson pipeline and the same with our existing house.

- that 'the proposed Coal Mine and Starkey Road intersection would be considered a major intersection and so insufficient distance from the intersection precludes a private means of access because of sight line and safety concerns.' This is so false that it's even hard to reply to. If the MPC believes this, why is it that an entrance off the busy, recently upgraded RR252 has been installed close to the intersection of Coal Mine Road and 252? In our opinion, once the

permanent entrance would be installed, such as right off the bylaw road, near the center of the proposed lot, it would be safer and have a better sight line than the one just mentioned.

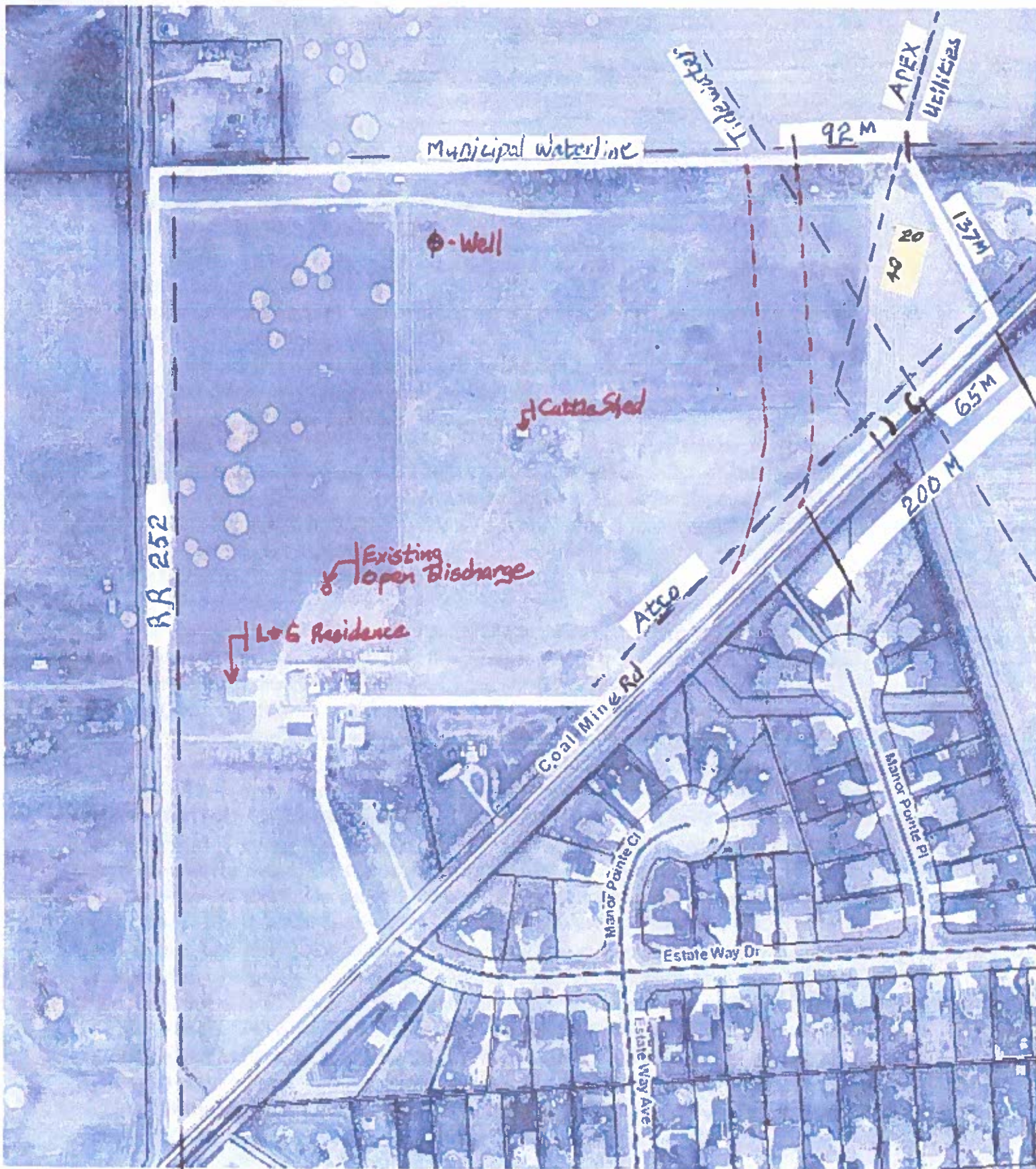
- that 'this was an underground mining area by Alberta Energies Website and as such, a geotechnical test would be required.' Obviously, the person who made this false statement did not take the time to do research. Please see attached 'Schedule B' which is an email from ERCB confirming the underground mining never reached that part of our land. There was only minimal surface strip mining performed for testing and that is all.

5. For the adjacent landowners to oppose, don't they have to have a legitimate reason? As far as we're concerned, opposing for the sake of opposing is only being vindictive.

We would like to mention we often heard that it is important for the County to be fair. We believe that if the County is serious about being fair, then they would pass the same restrictive bylaw, such as the one on our land, on all parcels of land in the County. Failing that, they should be prepared to deal fairly with each situation on a case-by-case basis making sure to have gathered all true facts and information pertaining to those cases, which did not happen with our first application.

In closing, we believe that because of the bylaw on our land, and because our land adjoins an existing country residential parcel, this is a natural subdivision and should be considered as such. We also believe that doing so would be a win/win for everyone.

Thank you for your time on this matter.



**Gisele**

schedule "B"

Len's Copy

**From:** "Heather Moss" <Heather.Moss@ercb.ca>  
**To:**  
**Sent:** February-08-10 3:32 PM  
**Attach:** StarKey Mine 1626pdf.pdf  
**Subject:** Map for StarKey Mines  
 Good Afternoon Gisele;

I have attached the map for you to view. Map 1626 which is the StarKey mine:  
 35-054-25W4 05442535 1626 STAR KEY STAR-KEY MINES Underground 1945 1987 1185.5 SC --  
 1945-PR J. B. STARKY CO LTD (this is pulled from the Coal Mine Data Listing)  
 is an underground mine, as per the legend listed, but as you can see they were permitted to mine  
 anywhere within the pink boundary. According to the map, they did no underground mining on your  
 location NW 26-054-25W4, and there must have been very minimal surface mining on your land, as it is  
 not even showing on the map as a surface mine within the permitted area. You can look up any mines on  
 the following map viewer located on this page:  
[http://www.ercb.ca/portal/server.pt/gateway/PTARGS\\_0\\_0\\_308\\_265\\_0\\_43/http%3B/ercbContent/publishedcontent/publish/ercb\\_home/publications\\_catalogue/publications\\_available/serial](http://www.ercb.ca/portal/server.pt/gateway/PTARGS_0_0_308_265_0_43/http%3B/ercbContent/publishedcontent/publish/ercb_home/publications_catalogue/publications_available/serial)

You can also check the history of the mine, as to when it was run, etc. on the Coal Mine Data Listing.

Please feel free to contact me directly if you have any further questions.

**Thank you,**  
 Heather Moss



**Customer Contact Centre**  
**Main: 403-297-8311 (press 0)**  
**Direct: 403-355-4032**  
**Inquiries@ercb.ca**  
**Heather.Moss@ercb.ca**

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

08/02/2010

Schedule

"C"

PAGE 3

BOARD DECISION: July 4, 2006

FILE: 006-STU-010

8. That, pursuant to Section 654(1)(c) of the Municipal Government Act, the proposed subdivision must meet Part 1 Section 7(g) of the subdivision and Development Regulation. A Certificate of Compliance will be required stating the sewage system meets code or has been relocated or redesigned to comply with the Standard of practice. Note: Compliance can be issued from a Safety Codes Officer from an accredited agency.

Kelle Lau advised the Board of the following:

~~That the parcels considered a quarter section as set out in a plan of survey in 1904.~~

~~That the applicant is entitled to two 80 acre agricultural parcels and two 2.47 acre residential parcels.~~

~~That the 2.67 acre parcel be refused at this time.~~

~~That the 3.0 acre parcel be approved and the two 80 acre parcel be applied for before and further residential parcels were approved.~~

26 letters of notification were sent out prior to the Hearing.

The following correspondence was received prior to the Municipal Planning Commission meeting:

**No Objection**

Capital Health

Alberta Energy & Utilities Board

Alta Gas

Atco Pipelines

**Objections**

City of Edmonton

**Other Comments**

Alberta Land titles – subdivision should be registered by Plan of Survey.

Gisele Jubinville advised the Board:

- That they would like to have the 2.67 acre parcel.
- They would like to change the location of the 3.0 acre parcel to the west side of the existing lot and change the size to 8 acres.
- They would like to keep the agricultural parcel as one.

The Board was concerned about making a decision on a totally new design.





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

JUBINVILLE, LEONARD & GISELLE  
 54423 RGE RD 252  
  
 STURGEON COUNTY, AB T8T 1T5

Receipt Number: 202301754  
 GST Number: 107747412RT0001  
 Date: 2023-04-03  
 Initials: CS

Account	Description	Prev Bal	Payment	Balance
16APP	APPEAL FEES - LEGISLATIVE SI		\$100.00	
			<u>Subtotal:</u> \$100.00	
			Taxes: \$0.00	
			<u>Total Receipt:</u> \$100.00	<u>Cheque No.</u>
			Cheque: \$100.00	419
			<u>Total Monies Received:</u> \$100.00	
			Rounding: \$0.00	
			<u>Amount Returned:</u> \$0.00	

April 11, 2023

SDAB File Number: 023-STU-005

Dear Leonard & Gisele Jubinville:

**NOTICE OF APPEAL BOARD HEARING**

Legal Description of Subject Property: NW 26-54-26-W4

Subdivision Application Number: 2023-S-004

Decision of Subdivision Authority: The subdivision application was refused.

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An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on April 3, 2023. In accordance with section 680(3) of the *Municipal Government Act*, the SDAB must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **May 2, 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 641 143 179#. This should connect you directly into the hearing.

When an appeal is received, the Applicant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than **April 27, 2023**.

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

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

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Melodie Steele  
Secretary, Subdivision and Development Appeal Board

April 11, 2023

SDAB File Number: 023-STU-005

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: NW 26-54-26-W4 (54423 Range Road 252)

Subdivision Application Number: 2023-S-004

Decision of Subdivision Authority: The subdivision application was refused.

**Appellant: Leonard & Giselle Jubinville**

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

- The Appellants seek to subdivide a portion of the property to allow their entrepreneurial son the opportunity to create a profitable, regenerative agricultural venture.
- The Appellants indicate that the land is adjacent to an existing country residential parcel and therefore this would be a natural subdivision.

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

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**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 **April 27, 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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Melodie Steele  
Secretary, Subdivision and Development Appeal Board

April 11, 2023

SDAB File Number: 023-STU-005

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: NW 26-54-26-W4 (54423 Range Road 252)

Subdivision Application Number: 2023-S-004

Decision of Subdivision Authority: The subdivision application was refused.

**Appellant/Applicant: Leonard & Giselle Jubinville**

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

- The Appellants seek to subdivide a portion of the property to allow their entrepreneurial son the opportunity to create a profitable, regenerative agricultural venture.
- The Appellants indicate that because the land is adjacent to an existing country residential parcel and therefore this would be a natural subdivision.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **May 2, 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 641 143 179#. 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 **April 27, 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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Melodie Steele  
Secretary, Subdivision and Development Appeal Board

# Exhibit 1 [Applicant's Submission]

File Number: 2023-S-004



Legal Description: NW 26-54-26-W4

Municipal Address: 54423 Rge Rd 252

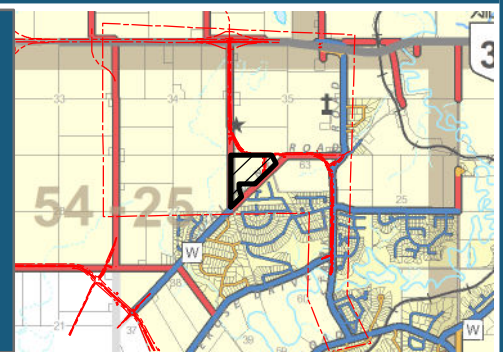
Roll Number: 2812004

LUB District: AG - Agriculture

Date: February 15, 2023

### Legend:

- Residence
- Farm Buildings



## **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 31, 2023

Leonard & Gisele Jubinville  
54423 Rge Rd 252  
Sturgeon County AB T8T 1T5

Re: Proposed Subdivision  
Our File No.: 2023-S-004  
Legal Land Description: NW 26-54-26-W4  
Proposal: a ±2.5ha parcel from ±26.04ha

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Please be advised that the above-mentioned subdivision application was **REFUSED** by the Subdivision Authority on **March 31, 2023**.

THE REASONS FOR REFUSAL ARE:

1. Part 654(1) of the Municipal Government Act requires that: *“A subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended; (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.”*
2. The proposal does not conform with the Municipal Development Plan as per Section 654(1) of the Municipal Government Act. The policies are noted below:
  - a) The maximum agricultural density as outlined in Policy 2.3.15 of the County’s Municipal Development Plan would be exceeded if this application is approved.
  - b) No plan amendment or redistricting application has been received to support increased densities as outlined in Policy 2.3.16 of the County’s Municipal Development Plan, nor would the County support such an application.
  - c) The proposal does not minimize the amount of agricultural land taken out of production and does not conform to the maximum lot density for an acreage parcel, as per Policy 2.3.17 of the County’s Municipal Development Plan.
3. The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the Municipal Government Act. The regulations are noted below:
  - a) The proposal for further subdivision on this half quarter section will exceed the maximum density of two parcels, and maximum size allowed for an acreage as outlined under 11.1.3(e) of the County’s Land Use Bylaw.

Please find enclosed a general information leaflet outlining some of the typical next steps for you to consider.

Yours truly,



Martyn Bell  
Program Lead, Current Planning

/sg

Encl:

C: AltaLink Management Ltd.  
Alberta Health Services  
Apex Utilities  
Atco Gas  
Canada Post  
Fortis Alberta  
Greater St. Albert Catholic Regional District  
North Sturgeon Water System Association  
Pembina Pipeline Corporation  
Sturgeon School Division  
Telus Access Planning  
Tidewater Midstream

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

# Exhibit 2 [Refusal]

File Number: 2023-S-004



Legal Description: NW 26-54-26-W4

Municipal Address: 54423 Rge Rd 252

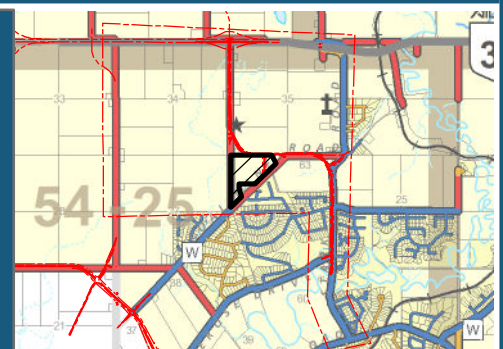
Roll Number: 2812004

LUB District: AG - Agriculture

Date: March 21, 2023

### Legend:

- Residence
- Farm Buildings



# 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:

Feb 13/23

Receipt No: |

202300747

Date Accepted as "Complete":

Feb 16, 2023

Application Fee: \$ 1175.00

File Number:

2023-S-004

### Complete in full (where applicable):

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

Leonard + Gisele Jubinville

Mailing address

(including

postal code):

54423 RR 252

Sturgeon County AB

T8T 1T5

Telephone:

Email:

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

Mailing address

(including

postal code):

Severed in line with section 17 of the FOIP Act

Telephone:

Email:

### PROPERTY INFORMATION:

All/part of the: NW ¼ Sec: 26 Twp: 54 Range: 25 West of the: 4<sup>th</sup> Meridian

OR Lot: Block: Plan: Land Title #

Municipal Address of Property: 54423 RR 252

Total existing property size (states on land title certificate): hectares 64 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>)

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# Map Results



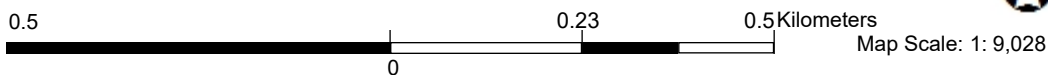
## Legend

- ◇ Abandoned Wells (Large Scale)
- Abandoned\_Well\_Revised (Large Scale)
- Abandoned\_Well\_Loc\_Pointer
- ATS v4\_1 Alberta Provincial Boundaries

© Government of Alberta

While every effort is made to ensure data from this site is accurate and current, the Government of Alberta is not liable for any loss or damage arising from the possession, publication, or use of, that data. This information is provided "as is" without warranty.

Friday, February 17, 2023 10:00:05 -07:00



## 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):



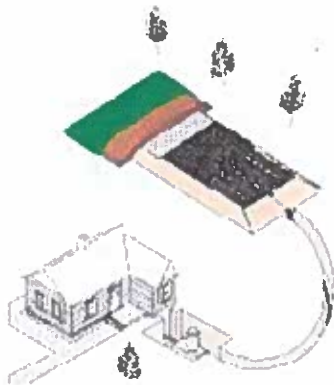
**Open Discharge (Pump Out) System**

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.

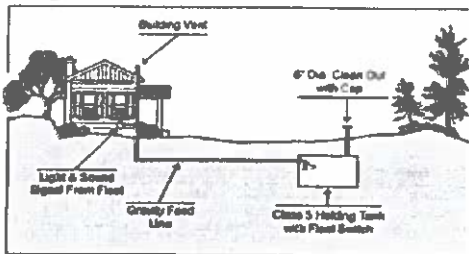


**Sewage Lagoon**

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, *Leonard & Giselle Tubinville*

hereby certify that

- I am the registered owner,

OR

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

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

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

Severed in line with section 17 of the FOIP Act

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

## Application Checklist

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

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

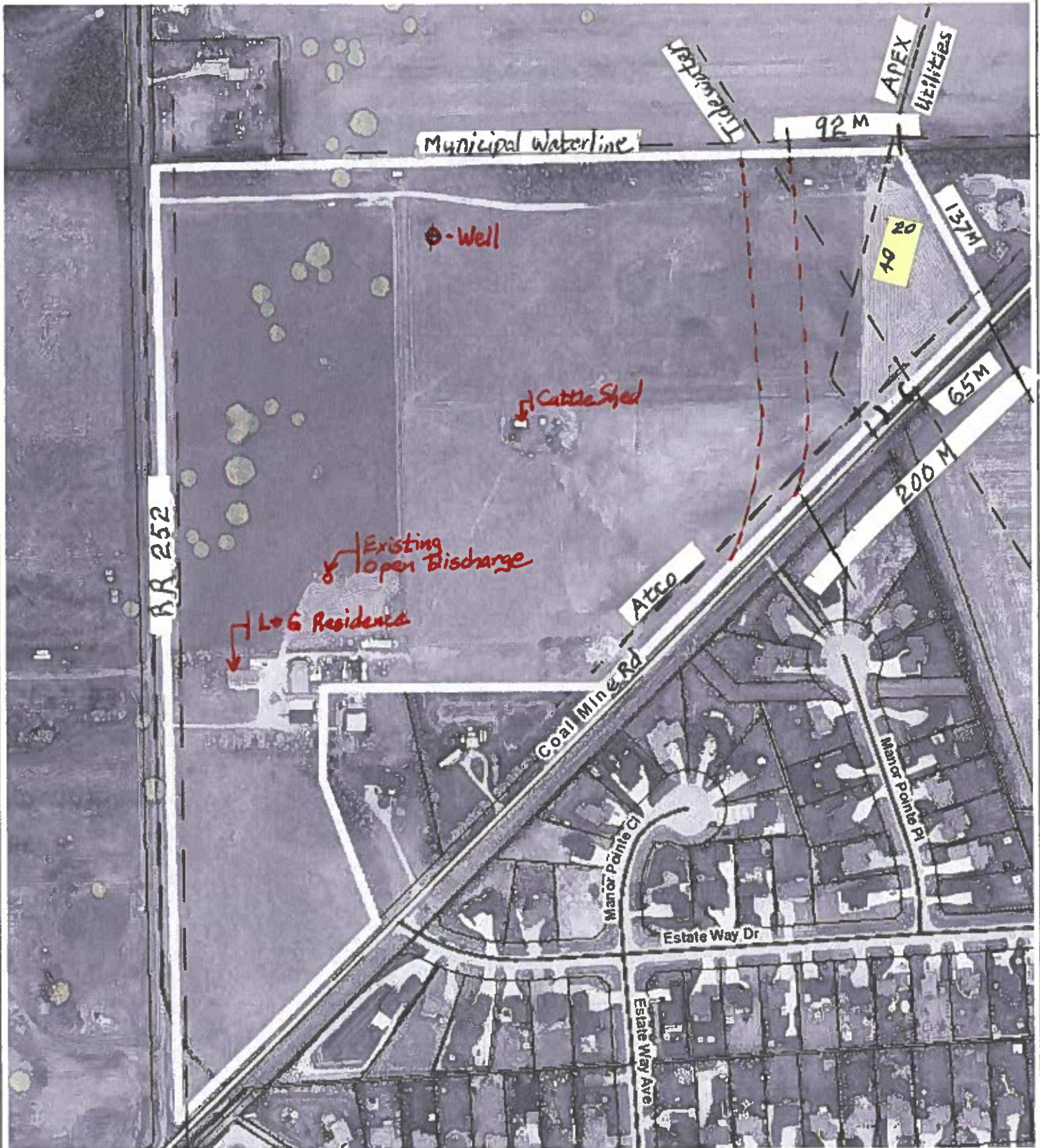
### Freedom of Information and Protection of Privacy (FOIP) Act

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Aerial Map 1

NW26-0923A

1-Feb-2023



FEB 09 2023

Prepared By:

Len Tubinville

NAD\_1983\_10TM\_AEP\_Resource  
© Sturgeon County



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



Leonard & Giselle Jubinville. 54423 RR 252. Sturgeon County AB T8T1T5

February 10, 2023

Re: NW 26-54-25-W4 (64.46 acres) Sturgeon County

Att: Mr. Jonathan Heemskerk  
Planning and Subdivision Officer

Dear Jonathan,

Thank you for assisting us in re-submitting our subdivision application regarding above parcel. Also enclosed please find the following:

1. Our check in the amount of \$1,175 for Subdivision Application Fee
2. Signed and completed application form
3. Copy of Land Title Certificate dated Feb. 09/23
4. Aerial Map NW 26-0923A dated Feb 09/23 indicating all existing active pipelines within the proposed 6 acre parcel, a 20m x 40m building area within all required setbacks, location of municipal water line and proposed location for temporary entrance off Coal Mine Road. Also indicated to the west is our home & farm yard, the pump out mound, the well and cattle shelter.
5. Our check of \$100 for the appeal fee.

We trust in an honest and thorough review and hope all concerned will see the merit of this subdivision, but we also want to take this opportunity to tell our story and express our reasoning behind this re-application.

Over 30 years ago when we purchased this property we told ourselves, this will be our retirement plan. At the time we were thinking selling for a profit and moving to town. Today, after both of us being entrepreneurs for 50 years, including the last three very difficult years, we find ourselves not ready, nor in a position to retire in town. With our land parcel being smaller and chemical free since 1998 and us wanting to continue keeping it that way, it has proven difficult renting it in order to generate revenue. For this reason, our youngest son, also an entrepreneur, would like the opportunity to help turn our property into a profitable, regenerative specialty crop agricultural venture. It so happens that this we already started, as last year we transplanted over 400 trees of which half were saskatoon trees. In order for our son and his family to relocate on the farm they need a mortgage on their own piece of land and creating this new parcel would do that. We really appreciate the fact that the County is getting serious about diversifying agriculture and nothing we would enjoy more, at least for the next ten or so years, is to have the opportunity to be able to participate in such an initiative. Especially if it can also include more family members. This type of farming is more labor intensive and we hope that Council would not miss a chance in attracting more people to the County. As far as we're concerned the more people earning their living on agricultural land the better chance we have at saving our agricultural lands.

5. For adjacent landowners to oppose don't they have to have a legitimate reason? As far as we're concerned, opposing for the sake of opposing is only being vindictive.

In closing we would like to mention that we heard more than once from County members that it's important for them to be fair. We can't approve 5 subdivisions per quarter for some and only 4 for others. Well, if the County is serious about being fair then they should put one of those restrictive bylaws on all parcels. Failing that, they should be prepared to deal with each situation on a case by case basis. If this is done making sure the decision makers receive true facts and no misinformation they should be able to make informed decisions which would result in fairness for all. Unlike what happened the first go around. We believe then and still believe now that this is a natural and should be considered a slam dunk. It's a win win for everybody as far as we're concerned.

Thank you for your time and we trust in your wisdom.

 Leonard A Jubinville

Severed in line with section 17 of the FOIP Act

# PLANNING AND DEVELOPMENT SERVICES REPORT

**Prepared For:** Sturgeon County Subdivision Authority  
**Prepared By:** Jonathan Heemskerk, Planning & Development Services



<b>FILE INFORMATION:</b>	<b>2023-S-004</b>
Council Division:	2
Tax Roll Number:	2812004
Legal Land Description of Property:	NW 26-54-26-W4
Landowner(s):	Leonard and Giselle Jubinville
Applicant:	Leonard Jubinville
Staff Recommendation	Refusal
Appeal Board (if appealed):	Subdivision & Development Appeal Board
Administrative Fees (if approved):	\$250 (subdivision endorsement); plus \$600 per new parcel created/adjusted. 10% of Proposed Lot at \$9,421.71 per hectare

### **PART I – APPLICATION DETAILS:**

1. As illustrated in Exhibit 1 (see **Appendix 4**), the applicant proposes subdivision of 2.5 hectares (6.12 acres) from 26.04 hectares (64.35 acres).

### **PART II – SUBDIVISION HISTORY:**

1. Subdivision History:
  - 2002-S-178 – To create a 3.0 acre parcel from 73.1 acres. Approved. Then withdrawn by the applicant.
  - 2003-S-111 – To create a 3.06 acre parcel from 73.1 acres. Approved.
  - 2006-S-038 – To create a 3.1 acre parcel from 70.04 acres. Approved
  - 2009-S-078 – To create a 2.64 acre parcel from 67.4 acres. Approved
  - 2014-S-049 – To create a 6.00 acre parcel from 64.35 acres. Refused by the MPC on December 2, 2014. Appealed to the Subdivision and Development Appeal Board on January 20, 2015, which upheld the MPC’s decision of refusal.

### **PART III – REFERRAL SUMMARY:**

1. Sturgeon County Development Officer (see **Appendix 4**):
  - *Proposed Lot*:
    - o Vacant farmland. This lot is related to a future road alignment and section 5.9 of Land Use Bylaw, Functional Planning Studies for Roads, states the Development Authority and an Appeal Board shall require increased setbacks to protect the right of ways identified for roads under an accepted Functional Planning Study or within the Transportation Master Plan.

- County Engineering shall determine the best access location for the proposed lot and setbacks for future development will be based on determination of the front yard. Variances may be necessary to allow for development.
- *Remnant Lot:*
- There are several existing accessory buildings. The size and use of the structures is to be confirmed to determine if development and building permits are considered necessary. An accessory building under 10m<sup>2</sup> in floor area is exempt from requiring development and building permit approval. If the buildings are for farm use, a Farm Building Declaration shall be provided.
2. Sturgeon County Engineering Services (see **Appendix 4**):
- *Proposed Lot:*
- 5 metres required via plan of survey adjacent to Coal Mine Road.
  - No existing approach. One must be constructed to General Municipal Servicing Standards.
  - There are two high pressure as pipelines that exist within the proposed lot. Due to their location and required setback distances, the area where development could occur is limited. A site plan is showing the proposed building pocket should be included as a condition of subdivision to prove the lot is developable.
- *Remnant Lot:*
- 5 metres required via land acquisition agreement adjacent to Coal Mine Road and Range Road 252.
  - Approach #1 requires upgrades to General Municipal Servicing Standards.
  - Approach #2 or #3 shall be removed with the ditch restored to match pre-construction condition. The approach to remain shall be upgraded accordingly.
  - Several pipeline right of ways exist on the parcel.
3. Alberta Health Services (see **Appendix 4**):
- Any existing private sewage disposal systems on the lands are to meet compliance with the current Alberta Private Sewage and Disposal Systems Regulation.
4. Apex Utilities (see **Appendix 4**):
- No objection to the proposed subdivision.
  - Apex does have a utility right of way with a high pressure transmission line through the proposed subdivision. Any relocation of existing facilities will be at the expense of the landowner.
5. Tidewater Midstream (see **Appendix 4**):
- No objection to the proposed subdivision as long as the setback and right of way width is maintained for the existing pipeline.
6. Telus (see **Appendix 4**):
- A right-of-way agreement will be required prior to subdivision endorsement.



7. Adjacent Landowner(s) (see **Appendix 4**):
  - Administration received three letters of objection to the proposed subdivision and zero letters of support. The letters of objection noted:
    - The County has established guidelines for farmland subdivision and the landowner is in contradiction of these rules. They are applying for a fourth acreage on this parcel (originally 76 acres) which contradicts what is allowed.
    - Approval would set a precedent for hundreds if not thousands of landowners to be treated as “exceptions” and apply for greater density,
    - Development at this scale should be required to go through the proper vetting process for multi-lot development. Unplanned development of this nature should not be supported.
    - Concern about the sale of previous subdivisions without septic compliance.
    - Concern about unauthorized hauling and dumping of dirt on the lands.
8. No Objections:
  - Sturgeon County Protective Services, Sturgeon County Agriculture Services, ATCO Gas, Fortis Alberta.
9. No Responses:
  - Alberta Energy Regulator, Altalink, Canada Post, North Sturgeon Water System Association, Sturgeon County Assessment Services, Sturgeon County Open Space Planning, Sturgeon County Utilities, Pembina Pipelines, Sturgeon School District, St. Albert School District.

#### **PART IV – ANALYSIS:**

1. Due to the irregular dimensions of this area of agricultural land, Part 11.1.3(c)(i) of the Land Use Bylaw (see **Appendix 3**) was examined to ensure the area is correctly assessed. This confirms that the 29.58 hectare (73.10 acre) parcel should be “rounded up” to be treated equivalent to a “regular” 32 hectare (80 acre) parcel for subdivision purposes.

This application is **NOT** consistent with the Municipal Development Plan’s “Residential Type 4” policies (see **Appendix 2**), or with the Land Use Bylaw’s “AG - Agriculture” regulations (see **Appendix 3**). These policies and regulations outline a maximum of one acreage subdivision allowed per “half quarter section” of agricultural land. Three previous subdivisions were completed, creating three distinct acreage parcels. Therefore, this application is proposing to create a fourth acreage out of the subject lands.

The proposed size of the acreage does not comply with existing subdivision policy and regulation. The maximum size of an acreage parcel is 2.47 acres as stated in Part 11.1.3(e) of the Land Use Bylaw. Larger sizes can be accommodated to mitigate any site constraints which could significantly limit the development potential of a 2.47 acre parcel, including setback distances from pipelines. However, the regulations also note that additional farmland will not be compromised when the site constraint could be addressed by modifying the location of the acreage. In this case, the acreage location could be moved to alleviate the development constraint. The proposed size also does not comply with Policy 2.3.17 of the Municipal Development Plan which states that the County:

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

2. This application is a copy of a previous submission (2014-S-049) which proposed to subdivide the same ±6 acre lot from the remaining AG Major parcel. For this application the applicant advised that the proposed subdivision should be considered a “fragmented parcel”, due to the proposed future alignment of Starkey Road. Planning and Development did not consider the proposed lot to be a fragmented parcel given that the proposed location of the Starkey Road realignment is conceptual at this time and the right-of-way has not been registered.

Furthermore, the Municipal Development Plan policy regarding fragmented parcels in relation to agricultural subdivision density has since been changed and notes (below) that parcels created by land fragmentation count towards parcel density (i.e. the maximum allowable subdivision density is not increased due to fragmented parcels):

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

3. Given the presence of two high-pressure pipelines running through the proposed lot, there are concerns as to whether a suitable building pocket can be established that satisfies the pipeline right of way setbacks in addition to the setbacks prescribed in the Land Use Bylaw.

Additionally, the conceptual intersection between Coal Mine Road and Starkey Road is considered to be a major intersection. If constructed, insufficient distance from the intersection, as well as the horizontal curve along the south portion of Coal Mine Road precludes private means of access along this stretch and as such, poses sight line and safety concerns for future access to the proposed lot.

4. It appears that the existing open discharge septic system would continue to comply with the Alberta Private Sewage Systems Standard of Practice, should this application be approved – however a certificate of compliance is necessary to verify.
5. Part 654(1) of the Municipal Government Act requires that a subdivision authority **must not** approve an application for subdivision approval unless:

*“...(b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.”*

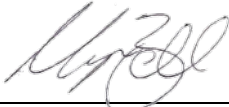
As this application is not consistent with a Sturgeon County Statutory Plan (the Municipal Development Plan) the subdivision authority does not have the authority to approve the application.

**PART V – RECOMMENDATIONS:**

This application for subdivision is **REFUSED** for the following reasons:

1. Part 654(1) of the Municipal Government Act requires that: “A subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended; (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.”
2. The proposal does not conform with the Municipal Development Plan as per Section 654(1) of the Municipal Government Act. The policies are noted below:
  - a) The maximum agricultural density as outlined in Policy 2.3.15 of the County’s Municipal Development Plan would be exceeded if this application is approved.
  - b) No plan amendment or redistricting application has been received to support increased densities as outlined in Policy 2.3.16 of the County’s Municipal Development Plan, nor would the County support such an application.
  - c) The proposal does not minimize the amount of agricultural land taken out of production and does not conform to the maximum lot density for an acreage parcel, as per Policy 2.3.17 of the County’s Municipal Development Plan.
3. The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the Municipal Government Act. The regulations are noted below:
  - a) The proposal for further subdivision on this half quarter section will exceed the maximum density of two parcels, and maximum size allowed for an acreage as outlined under 11.1.3(e) of the County’s Land Use Bylaw.

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.



## Accommodating Diverse Housing Options

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

### Residential Type 1 - Sturgeon Valley

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

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

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

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

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

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

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

### Residential Type 2 - Growth Hamlets

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

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

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

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

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

### Residential Type 3

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

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

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

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

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

### Residential Type 4

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

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

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

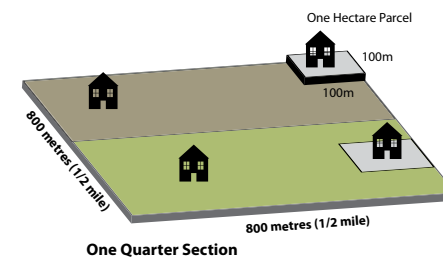
**2.3.18** Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

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

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

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

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



# Placemaking Principles

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

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



## Neighbourhood G Placemaking Principles

G

1.1

### **Responsible to the Regional Context, delivering Sustainable Places**

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

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

G

1.2

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

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

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

G

1.3

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

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

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

G

1.4

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

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

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

G

1.5

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

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

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

## Implementation of Neighbourhood G Placemaking Principles

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

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

**PART 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-004



Legal Description: NW 26-54-26-W4



Municipal Address: 54423 Rge Rd 252

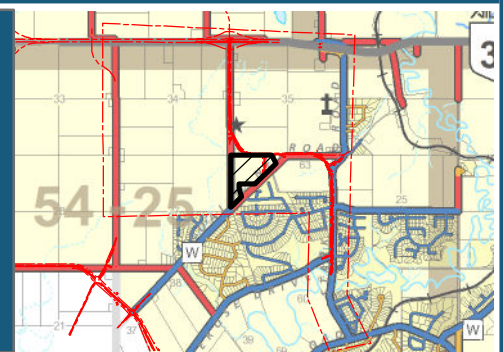
Roll Number: 2812004

LUB District: AG - Agriculture

Date: February 15, 2023

### Legend:

-  Residence
-  Farm Buildings



# Exhibit 2 [Refusal]

File Number: 2023-S-004



Legal Description: NW 26-54-26-W4



Municipal Address: 54423 Rge Rd 252

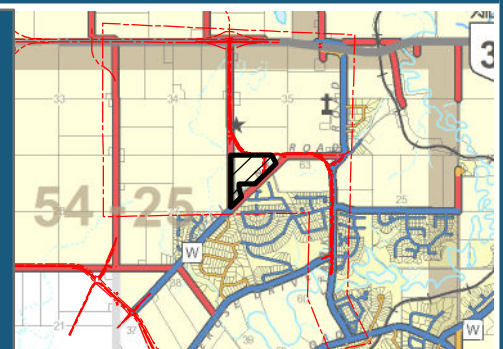
Roll Number: 2812004

LUB District: AG - Agriculture

Date: March 21, 2023

### Legend:

-  Residence
-  Farm Buildings



**MEMO**

To: Shannon Gagnon  
From: Carla Williams  
Date: March 6, 2023  
Re: Proposed Subdivision  
File No: 2023-S-004  
Roll No: 2812004  
Legal Description: NW 26-54-26-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 (+/- 23.5ha)**

305305-10-D0391 Pole Shed (40ft x 60ft) farm use  
305305-10-D0390 Animal Shelter (16ft x 32ft) farm use  
305305-11-D0407 Roof Extension Pole Shed farm use  
305305-11-D0140 Telecommunications Tower  
305305-15-D0218 Modular Home (305305-15-B0295)

There are a number of existing accessory buildings. The size and use of the structures is to be confirmed to determine if development and building permits are considered necessary. An accessory building under 10m<sup>2</sup> in floor area is exempt from requiring development and building permit approval. If the buildings are for farm use, a Farm Building Declaration shall be provided.

**Proposed Lot +/- 2.5ha**

Vacant farmland. This lot is related to a future road alignment and section 5.9 of Land Use Bylaw, Functional Planning Studies for Roads, states the Development Authority and an Appeal Board shall require a minimum front, flanking front, side or rear year setback be increased to protect the right of way identified for roads for which the County has prepared an accepted a Functional Planning Study or which have incorporated into the County's Transportation Master Plan.

County Engineering shall determine the best access location for the proposed lot and setbacks for future development will be based on determination of the front yard. Variances may be necessary to allow for development.

The lands are not located within the Sturgeon Valley Area Off-Site Levy Bylaw 1531/21.

# Subdivision Referral to Engineering Services

- Referral Sent: February 17, 2023
- Roll No: 2812004
- Phone No: 780905-3240
- Response Deadline: March 10, 2023
- Municipal Address: 54423 Rge Rd 252
- Landowner(s):

: Leonard & Gisele Jubinville

: \_\_\_\_\_

On-site inspection completed; or

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

Referral comments provided by: Kurtis Eykelbosh on March 10, 2023  
(Engineering Services staff member) (date)

**Lot:** Remnant Lot

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

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

Remnant lot topography is fairly flat with a gradual slope to the sw. Please see attached map showing flood risk areas from Sturgeon County's Drainage Master Plan and wetland areas from the Government of Alberta. There are no items of concern for this lot.

- **Land Dedication/Acquisition:**  None  5 m  10 m  Plan of Survey  Caveat

Attach map to illustrate. Provide comments if necessary (e.g. rationale for additional land, such as planned road improvements):

In accordance with the Grid Right of Way Dedications and Acquisition policy, Sturgeon County requires 5 m acquisition along the south and west property line via caveat.

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

Current Status:

Width: \_\_\_\_\_. Surface: \_\_\_\_\_. Side-Slopes: \_\_\_\_\_. Culvert Size/Condition: \_\_\_\_\_

Requirements to meet General Municipal Servicing Standards:

 Width: 7.5 - 12 m. Surface: Asphalt. Side-Slopes: 3:1. Culvert Size/Condition: To be confirmed

Other Requirements: \_\_\_\_\_

Upgrade approach as per the Sturgeon County General Municipal Service Standards (GMSS) and Sturgeon County Approach Construction Guideline. More comments will be forthcoming after the spring inspection.

- **Approach # 2 & 3** (label on map):  None  To be verified in spring  Upgrades req'd  Satisfactory

Current Status:

Width: \_\_\_\_\_. Surface: \_\_\_\_\_. Side-Slopes: \_\_\_\_\_. Culvert Size/Condition: \_\_\_\_\_

Requirements to meet General Municipal Servicing Standards:

 Width: 10 - 12 m. Surface: 2 - Asphalt, 3 - Gravel. Side-Slopes: 3:1. Culvert Size/Condition: To be confirmed

Other Requirements: \_\_\_\_\_

One of approach 2 or 3 are to be removed, with the ditch restored to match pre-construction condition. The approach to remain shall be upgraded as per Sturgeon County GMSS and the Sturgeon County Approach Construction Guidelines. More comments will be forthcoming after the spring inspection.

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

Numerous gas lines and utilities exist in the parcel. Please contact the respective utility companies prior to development.

**Lot:** Proposed Lot

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

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

Proposed lot topography is fairly flat with a gradual slope to the sw. Please see attached map showing flood risk areas from Sturgeon County's Drainage Master Plan and wetland areas from the Government of Alberta. There are no drainage items of concern for this lot.

There exist two high pressure gas pipelines within the proposed lot. Due to their location, and required setback distances, the area where development could occur is limited (without relocation of the pipelines). A site plan showing the proposed building pocket should be included as a condition of the subdivision to show that the lot is developable.

- **Land Dedication/Acquisition:**  None  5 m  10 m  Plan of Survey  Caveat

Attach map to illustrate. Provide comments if necessary (e.g. rationale for additional land, such as planned road improvements):

In accordance with the Grid Right of Way Dedications and Acquisition policy, Sturgeon County requires 5 m dedication along Coal Mine Road via plan of survey.

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

Current Status:

Width: \_\_\_\_ . Surface: \_\_\_\_ . Side-Slopes: \_\_\_\_ . Culvert Size/Condition: \_\_\_\_

Requirements to meet General Municipal Servicing Standards:

Width: \_\_\_\_ . Surface: \_\_\_\_ . Side-Slopes: \_\_\_\_ . Culvert Size/Condition: \_\_\_\_

Other Requirements: \_\_\_\_

Construct approach as per the Sturgeon County General Municipal Service Standards (GMSS) and Sturgeon County Approach Construction Guideline. Approach location to be verified with Sturgeon County prior to construction.

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

Current Status:

Width: \_\_\_\_ . Surface: \_\_\_\_ . Side-Slopes: \_\_\_\_ . Culvert Size/Condition: \_\_\_\_

Requirements to meet General Municipal Servicing Standards:

Width: \_\_\_\_ . Surface: \_\_\_\_ . Side-Slopes: \_\_\_\_ . Culvert Size/Condition: \_\_\_\_

Other Requirements: \_\_\_\_

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

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

# Exhibit 1 [Applicant's Submission]

File Number: 2023-S-004



Legal Description: NW 26-54-26-W4

Municipal Address: 54423 Rge Rd 252

Roll Number: 2812004

LUB District: AG - Agriculture

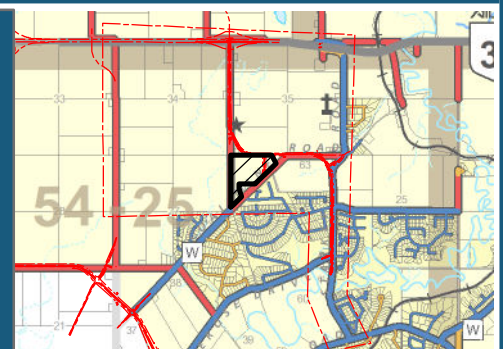
Date: February 15, 2023

### Legend:

- Residence
- Farm Buildings

Plan of Survey

Caveat





# 2023-S-004 Flood Risk and Wetland Map

Map Subtitle

12-Mar-2023



Prepared By: K. Eykelbosh

NAD\_1983\_10TM\_AEP\_Resource  
© Sturgeon County

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



March 10, 2023

Sturgeon County  
Shannon Gagnon  
Planning and Development  
9613 – 100 St  
Morinville, AB  
T8R 1L9

E-mail: [pandd@sturgeoncounty.ca](mailto:pandd@sturgeoncounty.ca)

Dear Shannon Gagnon:

**RE: Proposed Subdivision  
NW 26-54-26-W4M  
54423 Range Road 252  
Roll Number 2812004  
File # 2023-S-004**

This application proposes to subdivide an undeveloped 2.5 ha lot for residential purposes with a 23.5 ha remnant lot from a previously subdivided quarter section.

Any existing private sewage disposal systems that are on the lands are to meet compliance with the current Alberta Private Sewage and Disposal Systems Regulation.

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

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

Sincerely,



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

**From:** [Third Party Requests](#)  
**To:** [Shannon Gagnon](#)  
**Subject:** RE: Proposed Subdivision in Sturgeon County - 2023-S-004  
**Date:** February 21, 2023 10:56:13 AM  
**Attachments:** [image001.png](#)

---

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To Whom it May Concern:

Apex Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.

Please notify **Alberta One Call at 1-800-242-3447** to arrange for “field locating” should excavations be required within the described area.

**Please be advised we do have a URW with a high pressure transmission line going through the proposed subdivision. Any relocation of existing facilities will be at the expense of the developer and payment of contributions required for new gas facilities will be the responsibility of the developer.**

Thank you,

**Ashley Bridgwater, BSc**

Admin. Assistant, Engineering Services  
she | her | hers

**Apex Utilities Inc.**

(formerly AltaGas Utilities Inc.)

T: 780.986.5215 ext. 2246 | C: 780.203.0579 | F: 780.986.5220

**As of June 2022, my work hours will be Monday to Friday, 7 a.m. to 3 p.m.**

**From:** [Meranda Hooper](#)  
**To:** [Planning & Development](#)  
**Subject:** 2023-S-004  
**Date:** March 2, 2023 7:57:59 AM  
**Attachments:** [image001.png](#)  
[Subdivision Application.pdf](#)

---

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Good morning,

Regarding the attached subdivision application:

Tidewater does not have any concerns as long as the setback, right-of-way width is maintained.

Thank you,

**Meranda Hooper**

Surface Land Administrator

O: (587) 393-8207

900, 222 3<sup>rd</sup> Avenue SW, Calgary, AB T2P 0B4

[www.tidewatermidstream.com](http://www.tidewatermidstream.com)



**TIDEWATER**  
Midstream and Infrastructure Ltd.

**From:** [circulations](#)  
**To:** [Shannon Gagnon](#)  
**Cc:** [rightofwayAB](#)  
**Subject:** RE: Proposed Subdivision in Sturgeon County - 2023-S-004 - TELUS FILE: 58071-1  
**Date:** February 21, 2023 8:14:56 AM  
**Attachments:** [image004.png](#)  
[image001.png](#)  
[image005.png](#)  
[Subdivision Application - 2023-S-004\\_Redacted.pdf](#)  
[Exhibit 1 - 2023-S-004.pdf](#)

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Good Morning,

Thank you for including TELUS in your circulation (attached)

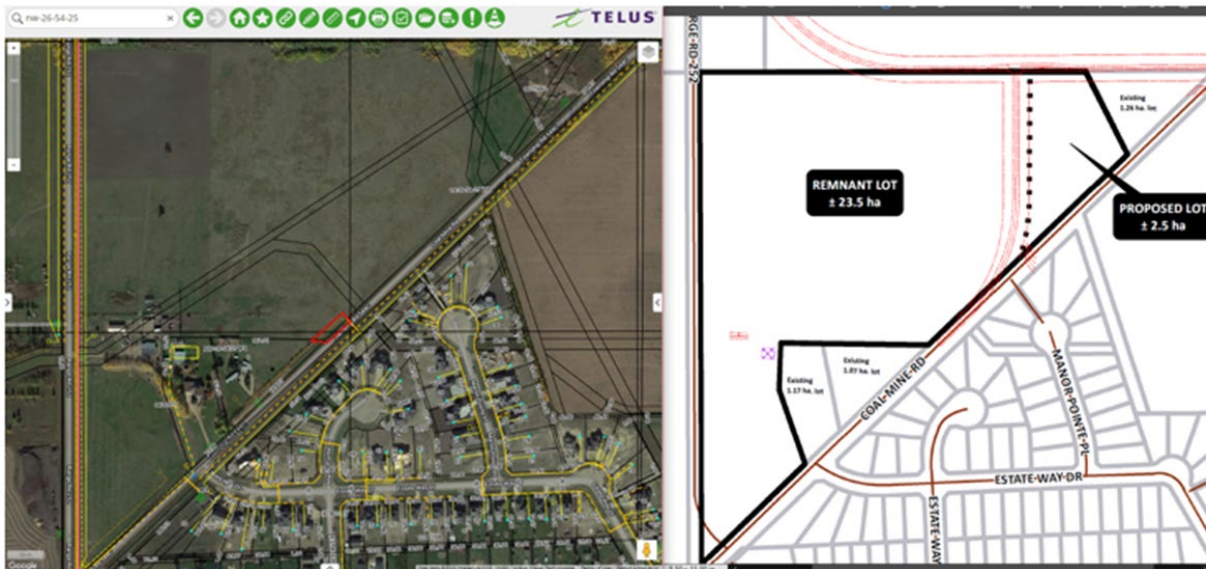
Please be advised that TELUS will require a ROW Agreement on same (shown on below screenshots in red) - TELUS' reference number for this file is:

- **ABN2023-015 (RIGHTS OF WAY SHAREPOINT FILE: 58071-1)**

You will be receiving a Right of Way Agreement from [rightofwayab@telus.com](mailto:rightofwayab@telus.com) in the near future.

We kindly request that, if possible, our Rights of Way file number be quoted on upcoming agreements and related correspondence for this file.

Please correspond directly with [rightofwayAB@telus.com](mailto:rightofwayAB@telus.com) further on this circulation regarding the required ROW Agreement.





Thanks,

Jaylene Perkins *(she/her)*  
Real Estate Specialist  
Network Engineering & Operations (NEO) | TELUS | Rights of Way  
18811 107 Avenue NW, Edmonton, AB T5S 2L9  
**The future is friendly®**  
[circulations@telus.com](mailto:circulations@telus.com)

---

Dear Mr. Heemskerk:

With regards to the proposed subdivision application before Sturgeon County No. 2023-S-004 I offer the following:

As an adjacent landowner, I am opposed to this application due to the fact that the County apparently has guidelines for farmland subdivision and this landowner is clearly not following these guidelines by applying for yet another subdivision, his fourth! His original parcel of land was +- 76 acres which would preclude him from subdividing any acreage from his original parcel, however, somehow he has been able to already subdivide 3 parcels and subsequently sell them and is now applying for a fourth. One of the parcels he has sold had no septic system installed on it and his remaining parcel currently has 2 residences on it. How was this allowed to happen up to this point? If the County allows this subdivision to be approved, then expect exceptions from hundreds if not thousands of landowners to be treated as exceptions throughout the County. The regulations are there for everyone to abide by and not just those who make the most noise! A hard no to this one!

Thank you.

A very concerned adjacent landowner.

Who wishes to remain anonymous

Regarding  
**Subdivision Application No. 2023-S-004**

Municipal Address: 54423 Rge Rd 252  
Legal Description: NW 26-54-26-W4  
Location: North adjacent to Upper Manor Pointe  
Type of Subdivision: To create a ±2.5ha parcel from ±26.04ha.

I am drafting this letter in opposition of this application for sub division.  
As an adjacent property owner, I am very concerned about this type of unplanned development.  
I can understand the current rules for a land owner of a quarter-section (180 acres) to sub divide  
an acre for another residence.  
This original 76 acres is has already been divided into four residential lots.

If this land owner wants to be a developer he should have to go through the proper vetting process  
to build a subdivision.

This land owner has already sold a non-compliant residence on Coal Mine Road this lot was sub-  
divided with a residence on it with no septic field or sanitary hook ups.

[REDACTED]

This is the type of negligence, unplanned development encourages.  
Please learn from the past mistakes with this land owner and deny this request.

Thank you

[REDACTED]



Attention: Planning Technician, Planning and Development Services

We received the letter regarding the application to subdivide 54423 Rge Rd 252. We are writing to express our concern and ask that this application has a more thorough investigation and explanation into what this land owner plans to do with the division.

For the past 3 summers, this land has had tandem dump trucks (one after the other without a break), from 6am to sundown, dumping dirt. The noise and the dust have been extremely frustrating and intrusive. [REDACTED]

[REDACTED] Speculation at one point was that he was building an outdoor riding arena. This never happened.

The trucks continued the next summer and the summer after that. It appears he is using his farmland for construction purposes (dumping), not agricultural land as it is designated. Every now and again an odd horse or cow appears for a day or two, but this does not justify agricultural use. It appears to be used as more of a distraction, so he doesn't get complaints. This strategy seems to have worked for him.

This is our official complaint. The noise and the dirt have become a big issue, and it is clear he is not using the dirt for anything but a dumping ground (likely making money by providing this dumping ground)?

What is the intention of the subdivision? What has been the purpose of 3 summers of dirt dumping? Is the county aware this has been happening?

We are requesting this application be reviewed more thoroughly before any approval is given. The residents that back onto this farmland need and deserve a more detailed explanation of his intentions. Can we have this as soon as possible?

[REDACTED]

Sincerely,

SEVERED IN LINE WITH SECTION 17 OF THE  
FOIP ACT

Severed in line with section 17 of the FOIP Act

**From:**  
**To:** [Planning & Development](#)  
**Subject:** Subdivision Application No. 2023-S-004  
**Date:** Monday, March 6, 2023 11:43:25 AM

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Dear pandd:

I can only assume this is being sent to the Planning Technician, Planning and Development Services, at Sturgeon County, because the Proposed Subdivision Notice was not signed nor was any name attached to it.

Firstly, let me bring your attention to the fact that the application is incomplete as forwarded to me. In Exhibit 1 (Applicant's Submission), only one existing residence is noted on the Exhibit. The building noted as farm buildings also has a residence in it. Also, none of the existing subdivisions which have been subdivided from the Applicants previous subdivision applications have residences or farm buildings listed on them. This would (to me) seem to qualify as an incomplete Subdivision application.

I am not opposed to this subdivision application if, in fact, the County has changed its subdivision requirements of subdividing a quarter into 2 parcels and then subdividing an acreage out of each parcel. That regulation is and have been pretty clear in County residents' minds for many years, however, this particular resident seems to think he is the exception, having started with less than 80 acres originally, and is now applying for his fourth subdivision! How can that happen? If the County has now changed their subdivision requirements, then I say go ahead and give the applicant his subdivision, but be prepared to treat each and every applicant in the County in the future with the same leeway that the County has afforded this applicant thus far. It is unjust and unfair if he receives approval for this subdivision and anyone else in the County is not afforded the same privilege.

If this subdivision is approved, the whole County will know about it through the media.

Sincerely,

Severed in line with section 17 of the FOIP Act

p.s. If you would like a more formal letter of opposition from me as an adjacent landowner, please contact me at your earliest convenience.

Alternatively, notwithstanding the recommendation to refuse this application, should the Subdivision and Development Appeal Board opt to exercise its discretion, the following list of tailored approval conditions has been provided for consideration.

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

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated March 21, 2023, and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and the adjacent roads 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, will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
- 6) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in place of reserves equal to \$23,554.28 (*determined at a rate of \$9,421.71 per hectare X 10% X 2.5 hectares = \$23,554.28*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- 7) Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
- 8) The applicant is to obtain all necessary permits or farm building declarations to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
- 9) Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2015 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance will be required from the County's Gas & Plumbing Inspector,

confirming that the existing open discharge septic system either meets the Standard of Practice as-is, or has either been replaced, relocated or redesigned to comply. Note: An Alberta Land Surveyor may be required to confirm distances from the septic system to property lines, buildings or other features – to the satisfaction of the Gas & Plumbing Inspector.

- 10) The applicant shall enter into a right-of-way agreement with Telus prior to subdivision endorsement.

#### **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.
- The subject properties shall not be used in any manner or way that impedes or will impede the use of adjacent lands for agricultural purposes or agricultural operations, as defined in the Agricultural Operation Practices Act, RSA 2000 c.A-7.
- A search of the Alberta Energy Regulator's *Abandoned Well Map Viewer* identified an abandoned well on the Remnant Lot. Further due diligence is recommended prior to any future development desired in close proximity.
- It is recommended that a plot plan be completed by an Alberta Land Surveyor to determine setback distances for all buildings, structures, and septic systems from property lines and other site features.

# Subdivision and Development Appeal Board

023-STU-005

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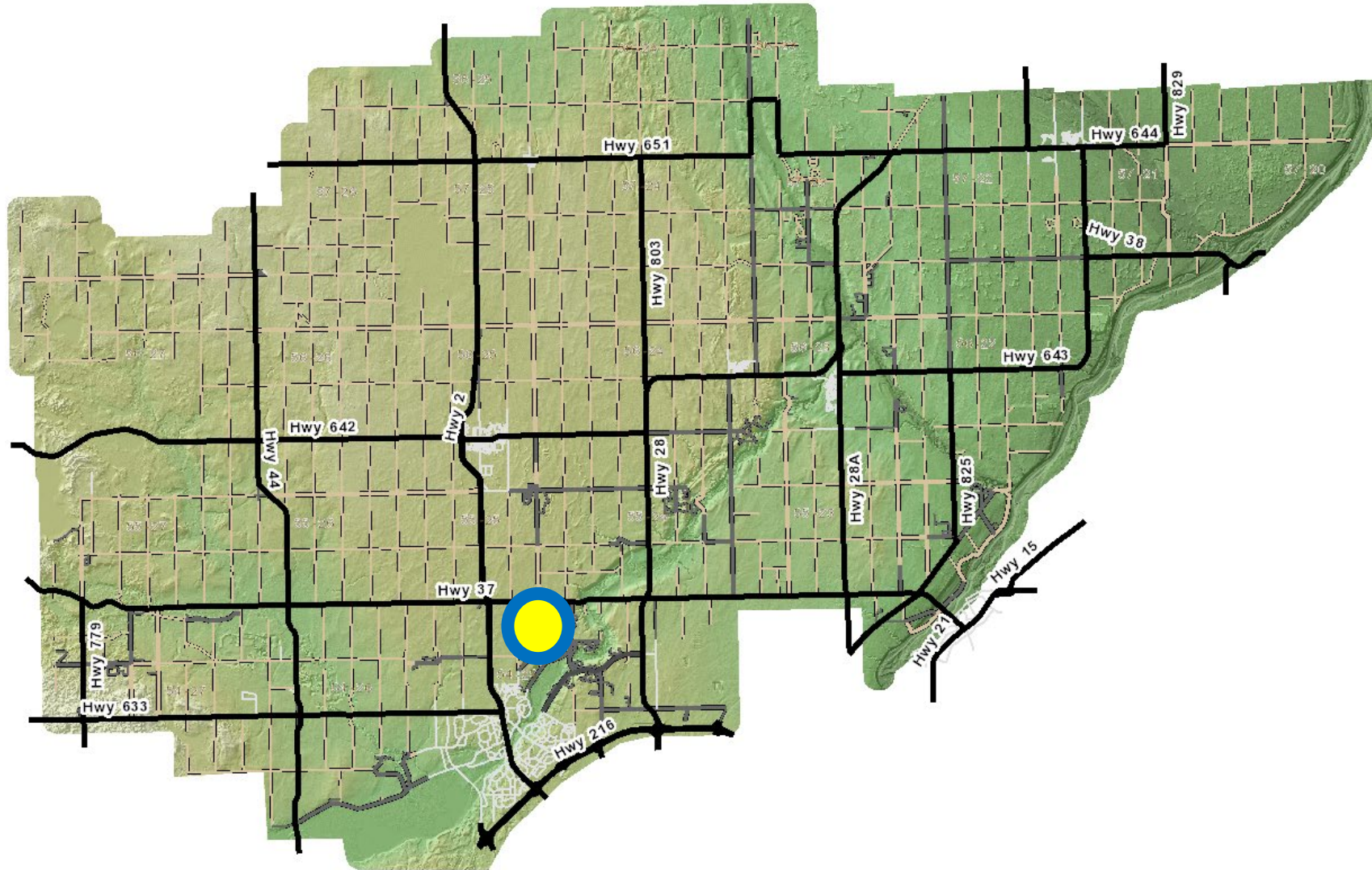
Jonathan Heemskerck  
Planning and Subdivision Officer



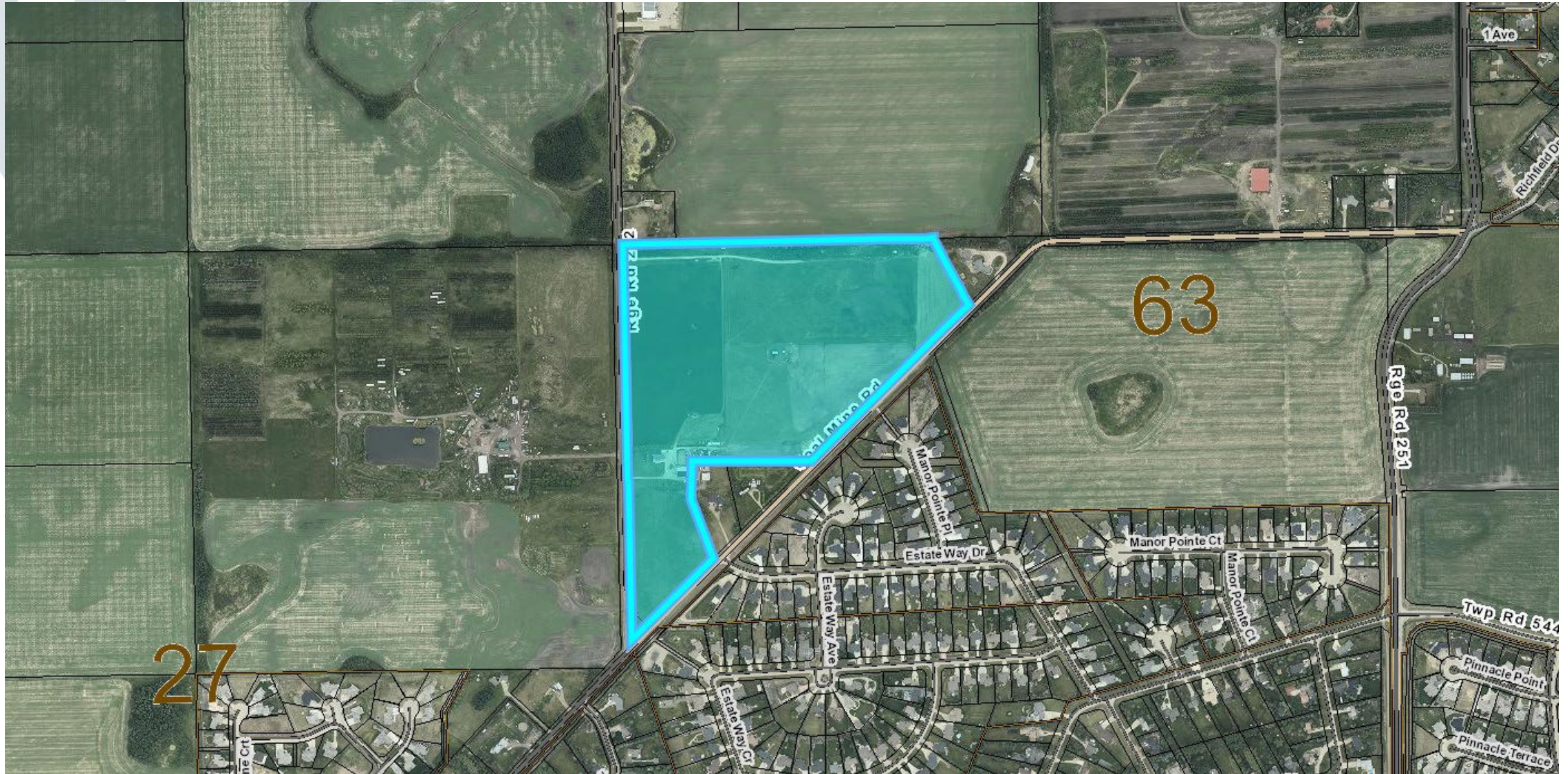
Sturgeon  
C O U N T Y

# Site Location (Regional)

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# Site Location (Local)



# Proposal





# Discussion

## Current Parcel Configuration

Existing development south and east of the parcel are part of the St. Albert Settlement River Lots.

This section of AG land currently has:

- One AG Major parcel
- Three AG Residential (acreage) parcels



# Previous Subdivision Application (2014)

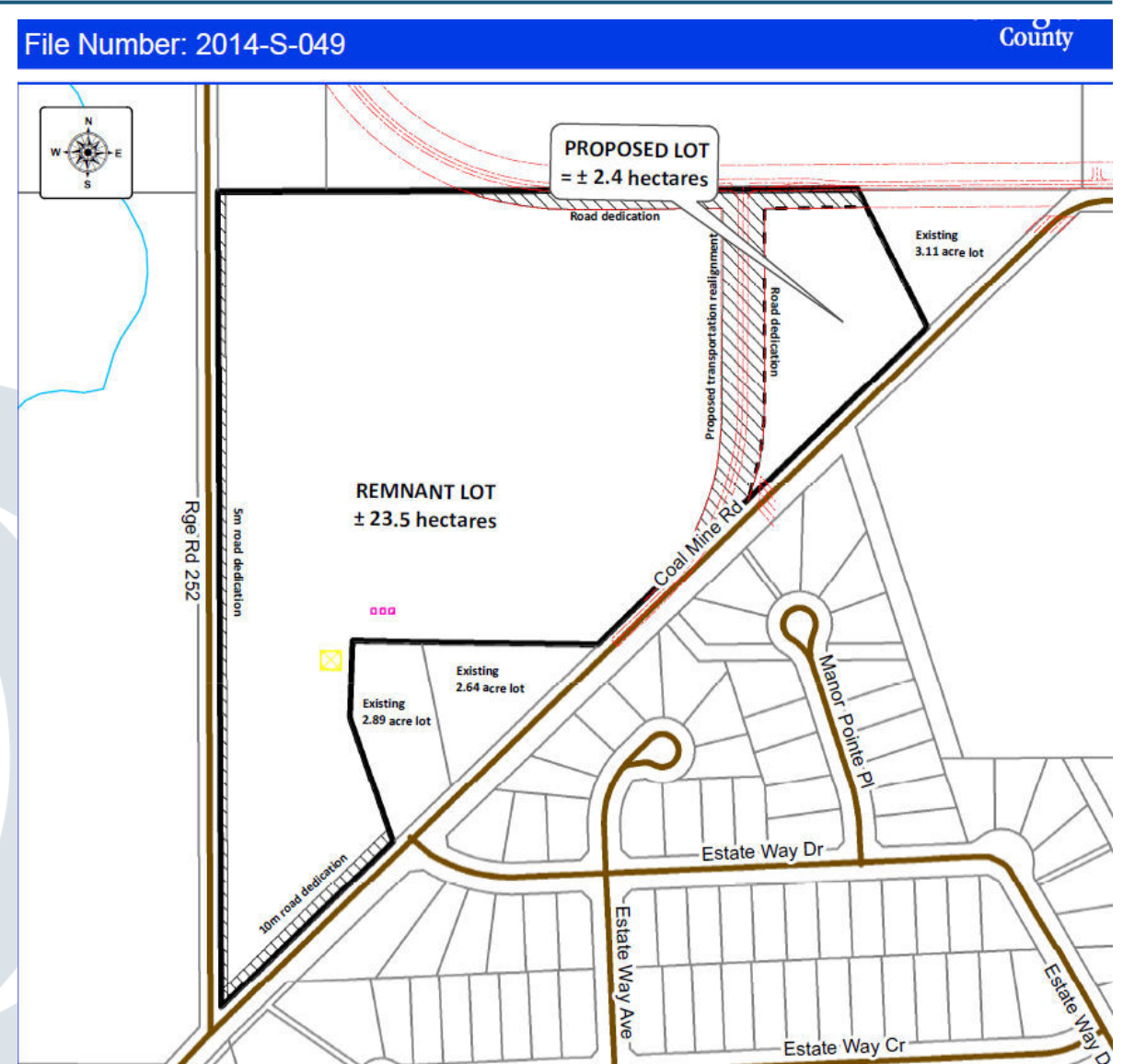
Subdivision file 2014-S-049 aimed to subdivide the same ~6-acre lot.

This application was refused by the **Municipal Planning Commission** due to:

- Non-conformance with the Municipal Development Plan
- Non-conformance with the Land Use Bylaw
- Safety concerns for appropriate access

This application was refused by the **Subdivision and Development Appeal Board** due to:

- Insufficient planning evidence to warrant an additional title in contradiction of the MDP and LUB.
- Concerns for proper access due to the potential Starkey Road Alignment.



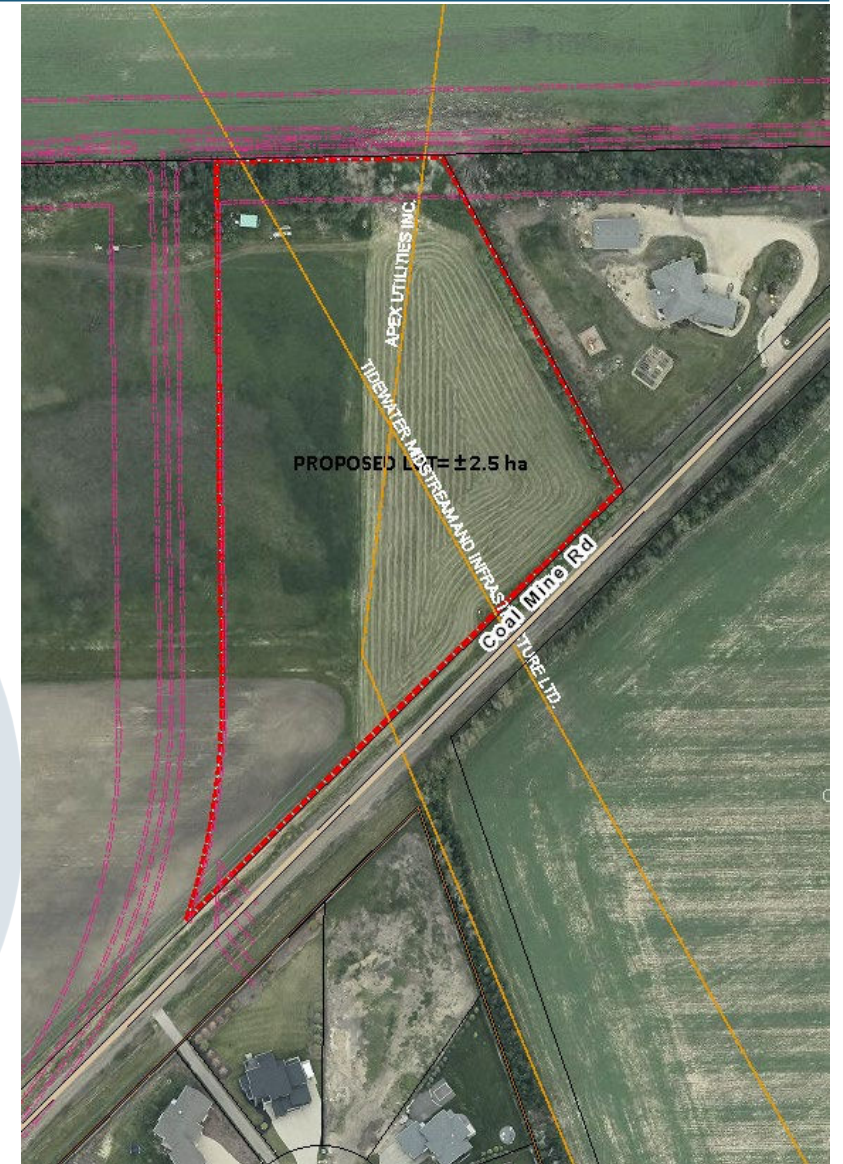
# Summary of Circulation Responses

## Sturgeon County Development Officer

- Proposed Lot
  - Vacant farmland. This lot is related to a future re-alignment of Starkey Road. Additional setbacks shall be required to protect this right of way established in the Transportation Master Plan.
- Remnant Lot:
  - Several accessory buildings will require either permits or farm building declarations prior to endorsement.

## Sturgeon County Engineering Services

- Proposed Lot
  - 5m required via plan of survey along Coal Mine Road.
  - No existing approach, one must be constructed to General Municipal Servicing Standards.
  - High pressure pipelines limit development potential, a site plan shall be shown to prove developability of the lot.
- Remnant Lot:
  - 5m required via land acquisition agreement along Coal Mine Road and Range Road 252.
  - Approach #1 must be upgraded. Approach #2 or #3 shall be removed. The remaining approach shall be upgraded.



# Summary of Circulation Responses

## Telus:

- A right of way agreement is required prior to subdivision endorsement.

## Alberta Health Services:

- Existing private sewage system must be compliant with current Alberta Private Sewage Disposal Regulations.

## Adjacent Landowners:

- The County has established guidelines for farmland subdivision and the landowner is in contradiction of these rules. They are applying for a fourth acreage on this parcel (originally 76 acres) which contradicts what is allowed.
- Approval would set a precedent for hundreds if not thousands of landowners to be treated as “exceptions” and apply for greater density.
- Development at this scale should be required to go through the proper vetting process for multi-lot development. Unplanned development of this nature should not be supported.
- Concern about the sale of previous subdivisions without septic compliance.
- Concern about unauthorized hauling and dumping of dirt on the lands.

## All Other Parties

- No objections/concerns.



# Issue Analysis – Policies and Regulation

## Parcel Size:

- 11.1.3(c) of the Land Use Bylaw makes provisions for irregularly sized parcels. This area of land is roughly 73.10 acres.
- Therefore, it is “rounded up” and treated as **half a quarter section** for subdivision purposes.

## Land Use Bylaw:

- This proposal does **not** align with the subdivision regulations in the Land Use Bylaw.
- 11.1.3(a) – Outlines a maximum of one (1) acreage for each half of an AG quarter section.
- 11.1.3(e) – Maximum size of an acreage shall be 1 hectare (2.47 acres). Any future site constraints can be mitigated by moving the parcel.

## Municipal Development Plan:

- This proposal does **not** align with the Residential Type 4 policies in the Municipal Development Plan.
- 2.3.15 – Outlines a maximum agricultural density of four (4) parcels for every quarter section (two per half quarter section).
- 2.3.17 – Subdivisions shall minimize the total amount of agricultural land being taken out of production. Maximum acreage density shall be one (1) unit per 32 hectares (i.e. half a quarter section).
- 2.3.19 – Ensure parcels created from Land Fragmentation count towards overall parcel density.

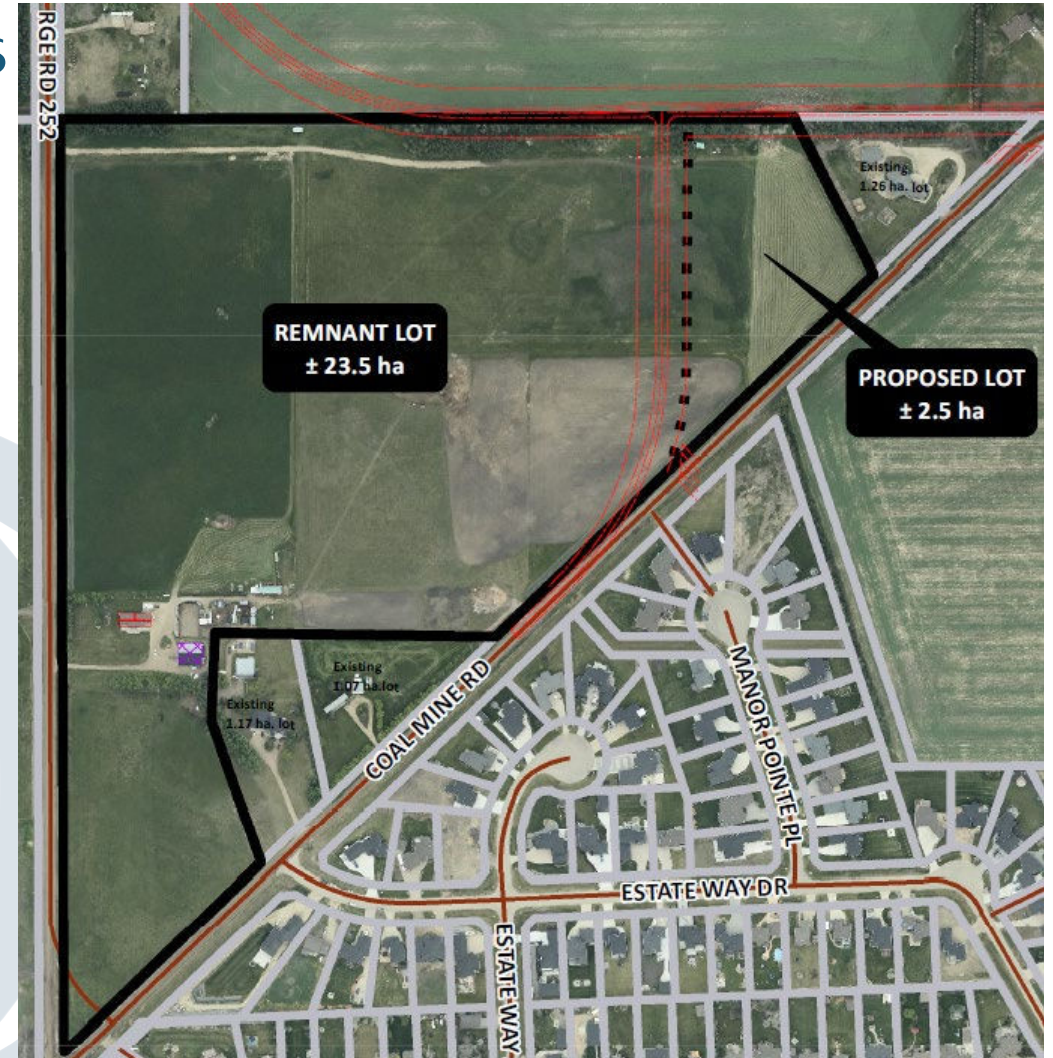


# Issue Analysis

## Sturgeon County Policies and Regulations

### Municipal Government Act

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



# Subdivision Authority Decision

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

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

# Conditions – If Approved

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- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof
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- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer, will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
- 6) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in place of reserves equal to \$23,554.28 (*determined at a rate of \$9,421.71 per hectare X 10% X 2.5 hectares = \$23,554.28*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- 7) Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
- 8) The applicant is to obtain all necessary permits or farm building declarations to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
- 9) Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2015 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance will be required from the County's Gas & Plumbing Inspector, confirming that the existing open discharge septic system either meets the Standard of Practice as-is, or has either been replaced, relocated or redesigned to comply. Note: An Alberta Land Surveyor may be required to confirm distances from the septic system to property lines, buildings or other features – to the satisfaction of the Gas & Plumbing Inspector.
- 10) The applicant shall enter into a right-of-way agreement with Telus prior to subdivision endorsement.



# Conditions – Summary

---

1. Ensure taxes are paid
2. Retain a surveyor
3. 5m for future road widening by plan of survey on the proposed lot
4. 5m for future road widening by caveat on the remnant lot
5. Approach upgrades to GMSS
6. Money in lieu of municipal reserve (proposed lot)
7. Deferred reserve caveat (remnant lot)
8. Obtain all development & building permits
9. Septic system compliance
10. Right of way agreement with Telus

# 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:** [Third Party Requests](#)  
**To:** [Melodie Steele](#)  
**Subject:** RE: Subdivision and Development Appeal Board - Notice of Appeal Board Hearing - n023-STU-005  
**Date:** April 19, 2023 12:06:41 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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To Whom it May Concern:

Apex Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.

**We wish to advise that we do have a high pressure transmission line (Lic. No. 3491-35) within ROW Plan 902 0735 in the proposed lot. Any requested relocation of existing facilities will be at the expense of the developer and payment of contributions required for new gas facilities will be the responsibility of the developer.**

Please notify Alberta One Call at 1-800-242-3447 to arrange for “field locating” should excavations be required within the described area.

Thank you,

**Ashley Bridgwater, BSc**

Admin. Assistant, Engineering Services  
she | her | hers

**Apex Utilities Inc.**

(formerly AltaGas Utilities Inc.)

Phone: 780.986.5215 ext. 2246

Hours: Mon – Fri, 7 am – 3 pm

---

**From:** Melodie Steele <msteele@sturgeoncounty.ca>

**Sent:** Wednesday, April 12, 2023 8:16 AM

**Cc:** Dianne Mason <dmason@sturgeoncounty.ca>

**Subject:** Subdivision and Development Appeal Board - Notice of Appeal Board Hearing - n023-STU-005

Please see attached information with regard to a subdivision appeal.

Best regards,

**Melodie Steele, BPR**

**Legislative Officer**

780-939-1377

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

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April 26, 2023

Subdivision & Development Appeal Board  
9613 – 100 Street  
Morinville, AB; T8R 1L9

Dear Board Members:

RE: SDAB File Number: 023-STU-005

This is to express our concerns regarding the subdivision proposed by Len and Giselle Jubinville. Although subdivision is contrary to the current land-use bylaw, we are not opposed to subdivision in principle. However, we note that the reason given by the appellants' for appeal is to "allow their entrepreneurial son the opportunity to create a profitable, regenerative agriculture venture", with no additional details of what that venture might be. This raises a number of questions and concerns:

- 1) In order to create a business opportunity, why would a subdivision of the property be necessary? Is the subject property not suitable, as is, for the 'agriculture venture' that the appellants' have in mind?
- 2) A secondary reason for the appeal given by the appellants' is that this would be a "natural subdivision" due to the land being adjacent to an existing country residential parcel; would there be an intent to build a residence on the proposed lot? Or what other logic would this reasoning follow?
- 3) Would there be an approach built from Coal Mine Road onto the lot or would traffic to the business access the property via the existing gate on Range Road 252, at the north end of the subject property?
- 4) The subject property lies along a water line built and managed by the North Sturgeon Water Association. It was originally created to supply water to half a dozen or so neighbours forming a cooperative association (including Len and Giselle); since then, a number of meters have been added, considerably increasing the demand on the system. It is difficult to imagine any agriculture-based business that would not involve a substantial amount of water usage. The impact on the existing users of the water line needs to be considered; yet, the appellants' have not approached the association to initiate a conversation nor have they had a conversation with neighbours regarding potential impact on the water system.

Without knowing what the 'agriculture venture' would entail, we respectfully request that the decision to refuse the subdivision application be upheld, at least, until such time that specifics are provided to properly allow the adjacent landowners to decide whether they would be supportive or opposed to the subdivision.

Sincerely,

*Troy and Sandy Deib*

Troy and Sandy Deib  
(54501 Range Road 252)