

**SEPTEMBER 19, 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: Abdul Aziz El Mustapha    023-STU-019                      Subdivision Appeal
- 3. ADJOURNMENT**

### SUBDIVISION & DEVELOPMENT APPEAL BOARD

<b>Site Information:</b>	
Municipal Address of site:	
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter)	Plan 4208NY;; Lot 13
Development Permit number or Subdivision Application number: <b>2023-S-017</b>	Date Received Stamp
<b>Appellant Information:</b>	
Severed in line with section 17 of the FOIP Act	
Name: <b>Abdul Aziz El Mustapha</b>	Phone: _____ Agent Name: (if applicable)
Mailing Address:	City, Province:
Postal Code:	Email:

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

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

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

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

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

<b>Signature of Appellant/Agent</b>	<b>Date:</b> <b>August 21/2023</b>
<b>FOR OFFICE USE ONLY</b>	
<b>SDAB Appeal Number:</b>	<b>Appeal Fees Paid:</b> Yes      No <b>Hearing Date:</b> YYYY/MM/DD

## APPEAL SUBMISSION INFORMATION

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

## FILING INFORMATION

### MAIL OR DELIVER TO:

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

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

## APPEAL PROCESS

### Who can appeal?

#### Subdivision appeals:

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

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

#### Development appeals:

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

#### For further information:

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

Phone: 780.939.4321  
Email: [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca)



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

ASSAF, WALEED

Receipt Number: 202306623  
 GST Number: 107747412RT0001  
 Date: 2023-08-23  
 Initials: MA

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

August 30, 2023

SDAB File Number: 023-STU-019

Dear Abdul Aziz El Mustapha:

**NOTICE OF APPEAL BOARD HEARING**

Legal Description of Subject Property: Plan 4208NY;; Lot 13  
Subdivision Application Number: 2023-S-017  
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 August 24, 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 **September 19, 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 517 769 964#. 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 September 14, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

Should you require further information, call (780) 939-1377 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

August 30, 2023

SDAB File Number: 023-STU-019

Dear Resident:

**NOTICE OF  
APPEAL BOARD HEARING**

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

Legal Description of Subject Property:	Plan 4208NY;; Lot 13 27, 54220 Range Road 250
Subdivision Application Number:	2023-S-017
Decision of Subdivision Authority:	The subdivision application was refused.

**Applicant / Appellant: Abdul Aziz El Mustapha**

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

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

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **September 19, 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 September 14, 2023.**

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Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

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Melodie Steele  
Secretary, Subdivision and Development Appeal Board

August 30, 2023

SDAB File Number: 023-STU-019

To Whom it May Concern:

**NOTICE OF  
APPEAL BOARD HEARING**

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Legal Description of Subject Property:	Plan 4208NY;; Lot 13 27, 54220 Range Road 250
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**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 September 14, 2023.**

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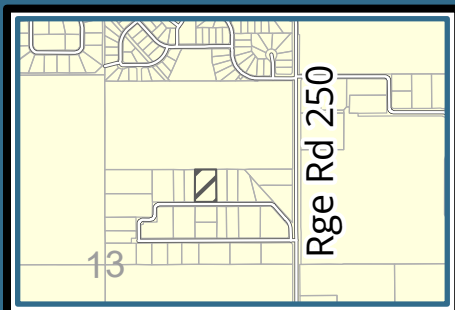
For further information, please call (780) 939-1377 or (780) 939-8277 or email [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

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Melodie Steele  
Secretary, Subdivision and Development Appeal Board





# Exhibit 1 [Applicant Submission]

File Number: 2023-S-017



Legal Description: 4208NY;;13  
Roll Number: 2725000  
Total Acres/Hectares: 3.10ac / 1.25ha  
Municipal Address: 27 54220 Rge Rd 250  
Land Use: R1 - Country Residential  
Date: 7/18/2023

### Legend

-  Approach
-  Garage
-  Dwelling
-  Shed



## **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.

16 August 2023

Abdul Aziz Elmustapha

Severed in line with section 17 of the FOIP Act

Re: Proposed Subdivision  
Our File No.: 2023-S-017  
Legal Land Description: Plan 4208NY;; Lot 13  
Proposal: 0.62 hectares (1.53 acres) from 1.24 hectares (3.06 acres)

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Please be advised that the above-mentioned subdivision application was **REFUSED** by the Subdivision Authority on **16 August 2023**.

THE REASONS FOR REFUSAL ARE:

1. Part 654(1) of the Municipal Government Act requires that: *"A subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended; (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided."*
2. The proposal does not conform with the Municipal Development Plan as per Section 654(1) of the Municipal Government Act. The policies are noted below:
  - a) Policy 2.2.2 prevents any residential subdivision layout that does not reflect future development potential, or that may result in development restrictions of the adjacent parcel.
  - b) Policy 2.2.7 notes the County shall ensure infill subdivision and development complement the established character of the area, complies with the associated Residential Type policies, addresses any infrastructure constraints, and conforms to the criteria outlined in the Land Use Bylaw (LUB).
3. The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the Municipal Government Act. The regulations are noted below:
  - a) Part 12.1.3 of the Land Use Bylaw outlines a minimum parcel area of 1 hectare (2.47 acres) for parcels not connected to a municipal sanitary line.

4. This proposal does not conform to the policy or intent of the Sturgeon Valley South Area Structure Plan. This policy requires the County to develop the area in an orderly and phased manner at densities that align with the Edmonton Metropolitan Region Growth Plan. This application does not meet these requirements.

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

Yours truly,



Martyn Bell  
Program Lead, Current  
Planning

/dc

Encl:

C: AltaLink Management Ltd.  
Alberta Health Services  
Atco Gas  
Canada Post  
Fortis Alberta  
Greater St. Albert Catholic School

Hagen Surveys (1982) Ltd  
National Defense  
Sturgeon School Division  
Telus Access Planning  
97<sup>th</sup> Street Law

**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."**



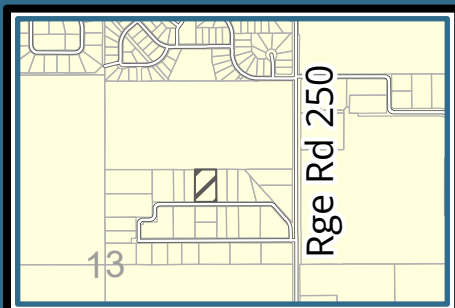
# Exhibit 2 [Refusal]

File Number: 2023-S-017

**NOT APPROVED**  
BY STURGEON COUNTY

SUBDIVISION AUTHORITY

Date: 16 August 2023



Legal Description: 4208NY;;13

Roll Number: 2725000

Total Acres/Hectares: 3.10ac / 1.25ha

Municipal Address: 27 54220 Rge Rd 250

Land Use: R1 - Country Residential

Date: 8/15/2023

## Legend

- Approach
- Garage
- Dwelling
- Shed



# PART II – APPLICATION FORM



Office Use Only

Initial Date Submitted: July 17, 2023

Receipt No: 202305770

Date Accepted as "Complete": July 18, 2023

Application Fee: \$ 1,175.00

File Number: 2023-S-017

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

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

Abdul Aziz Elmustapha

Mailing address (including postal code):

Telephone:

Email:

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

Waleed Assaf

Mailing address (including postal code):

Telephone:

Email:

**PROPERTY INFORMATION:**

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

Municipal Address of Property: 27 54220 Rge Rd 250

Total existing property size (states on land title certificate): 1.246 hectares 3.08 acres

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

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

**Detailed Description:** Split the existing residential lot in half, creating one new residential parcel.

**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

I/We, **Abdul Aziz Elmustapha** being the registered owner(s) of lands legally described as:

All/part of the:        ¼        Sec:                    Twp:                    Range:                    West of the:        th Meridian  
OR        Lot: 13                    Block:                    Plan: 4208 N.Y.

Municipal Address of Property: 27 54220 Rge Rd 250

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

Dated this 15 day of July, 2023

Signature(s) of ALL Registered Landowners Severed in line with section 17 of the FOIP Act


# Abandoned Oil and Gas Wells (Mandatory)

Attach a map from the Alberta Energy Regulator's Abandoned Well Map which clearly demonstrates whether or not the property has any abandoned oil or gas well(s) on it.  
(Note: A map can be obtained online at <https://geodiscover.alberta.ca/geoportals/#homePanel> or phone the AER's Customer Contact Centre at 1-855-297-8311).

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

- I do not have any abandoned oil or gas well site(s) on the property.  
OR  
 I do have an abandoned oil or gas well site(s) located on the property and, when developing in the future, must meet the setback and other potential requirements of the AER's Directive 079.  
(See: <https://www.aer.ca/regulating-development/rules-and-directives/directives>)

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

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

## Drinking Water Supply (Mandatory)

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

- 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):



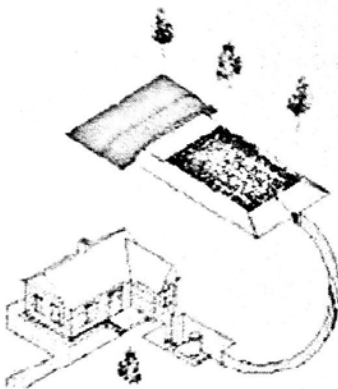
**Open Discharge (Pump Out) System**

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



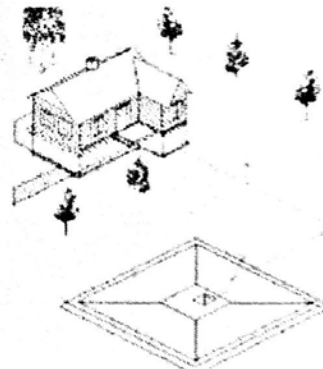
**Disposal Field**

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.

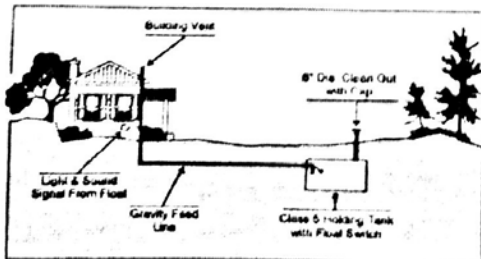


**Sewage Lagoon**

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,

hereby certify that

I am the registered owner,

OR

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

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

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

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

Severed in line with section 17 of the FOIP Act


## Application Checklist

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

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

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

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





### Abandoned Well Map

Base Data provided by: Government of Alberta

Author: XXX

Printing Date: 12/28/2022

Date Date (if applicable)

#### Legend

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

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

Scale: 9,027.98

0.14 Kilometers 0

Projection and Datum:

WGS84 Web Mercator Auxiliary Sphere



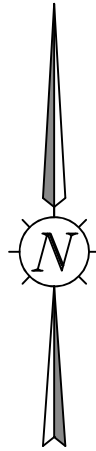
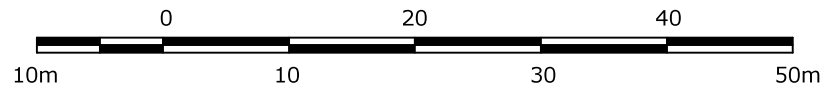


# TENTATIVE PLAN

SHOWING SUBDIVISION OF  
**LOT 13, PLAN 4208 N.Y.**

IN THE  
**N.E.1/4 SEC.13 TWP.54 RGE.25 W.4 M.**  
**STURGEON COUNTY, ALBERTA**

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



**NOTES:**

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



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



# PLANNING AND DEVELOPMENT SERVICES REPORT



<b>FILE INFORMATION: 2023-S-017</b>	
Council Division:	1
Tax Roll Number:	2725000
Legal Land Description of Property:	Plan 4208NY;;Lot 13 – North Point
Landowner:	Abdul Aziz Elmustapha
Applicant:	Waleed Assaf
Staff Recommendation	Refusal
Appeal Board (if appealed):	Subdivision & Development Appeal Board
Administrative Fees (if approved):	\$250 (subdivision endorsement); plus \$600 per new parcel created/adjusted.

**PART I – APPLICATION DETAILS:**

1. As illustrated in Exhibit 1 (see **Appendix 4**), the applicant proposes subdivision of 0.61 hectares (1.51 acres) from 1.24 hectares (3.06 acres).

**PART II – SUBDIVISION HISTORY:**

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

**PART III – REFERRAL SUMMARY:**

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



- Existing approach requires upgrades to meet General Municipal Servicing Standards.
  - Applicant is responsible to submit a lot grading plan that demonstrates onsite drainage is contained within the lot and will not affect neighbouring properties.
3. Sturgeon County Utility Services:
    - *Proposed and Remnant Lot:*
      - No municipal water or wastewater available in this area.
  4. Alberta Health Services:
    - Any existing private sewage disposal system are to meet compliance with the current Alberta Private Sewage and Disposal Systems Regulation.
  5. No Objections:
    - ATCO Gas, Sturgeon County Agriculture Services, Sturgeon County Open Spaces, Sturgeon County Protective Services, Telus, Fortis Alberta.
  6. No Responses:
    - Adjacent landowners, Alberta Energy Regulator, Altalink, Sturgeon County Protective Services, Sturgeon County Assessment Services, ATCO Gas, Sturgeon School District, St. Albert School District, Service Credit Union

#### **PART IV – ANALYSIS:**

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

*Policy 2.2.2 “Shall prevent any residential subdivision layout that does not reflect future development potential, or that may result in development restrictions of the adjacent parcel.”*

*Policy 2.2.7 “Shall ensure infill subdivision and development compliments the established character of the area, complies with the associated Residential Type policies, addresses any infrastructure constraints and conforms to the criteria outlined in the Land Use Bylaw (LUB).”*

*Policy 2.3.1 - “Shall accommodate residential development (Type 1) by establishing Regional statutory Planning Documents for lands within the Sturgeon Valley Special Study Area as a way to identify, prioritize, densify and phase subsequent residential and non-residential growth in the listed locations.”*
3. The Regional statutory Planning Document for this area is the **Sturgeon Valley South Area Structure Plan**. The purpose of the plan is:

*“...to guide the development of the Plan area in an orderly and phased manner, and in a direction that provides a framework for complete communities. The Plan is intended to drive development in the Sturgeon Valley in a contiguous, compact manner, with transitions that are sensitive to existing landowners, surrounding agricultural areas, and the metropolitan boundaries.”*

Policy direction is further provided in Section 5.3:

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

4. Part 12.1.3 of the **Land Use Bylaw’s** “R1 - Country Residential” district (see **Appendix 3**) outlines a minimum parcel area of 1 hectare (2.47 acres) if a parcel is not connected to a municipal sanitary line. Parcels within North Point rely on private servicing and are not connected to a wastewater line. Therefore, the application to create two 0.62-hectare (1.53 acre) parcels does not conform with the subdivision regulations outlined in the Land Use Bylaw.
5. The intent of the Sturgeon Valley South Area Structure Plan is to facilitate a framework that allows for orderly and efficient future residential development at densities outlined on a regional level. This will include both development of new areas and potential redevelopment of existing areas to meet the density requirements of the Edmonton Metropolitan Region Growth Plan, which outlines a future average density of 35 dwelling units per net residential hectare for this area. The Municipal Development Plan states that the subdivision authority shall prevent any subdivision layout that does not reflect future development potential which shall be guided by regional planning documents to phase subsequent residential growth. The premature fragmentation of lands contradicts the goal of a cohesive and contiguous land supply by creating additional lots that pose greater challenges to the future development potential of the lands (35 dwelling units per net residential hectare). The Municipal Development Plan also states that infill subdivision shall conform to the criteria outlined in the Land Use Bylaw, and this application does not meet the minimum size requirements for an R1 parcel.
6. Part 654(1) of the Municipal Government Act requires that a subdivision authority must not approve an application for subdivision approval unless:

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


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

**PART V – RECOMMENDATIONS:**

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

1. Part 654(1) of the Municipal Government Act requires that: “A subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended; (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.”
2. The proposal does not conform with the Municipal Development Plan as per Section 654(1) of the Municipal Government Act. The policies are noted below:
  - a) Policy 2.2.2 prevents any residential subdivision layout that does not reflect future development potential, or that may result in development restrictions of the adjacent parcel.
  - b) Policy 2.2.7 notes the County shall ensure infill subdivision and development complement the established character of the area, complies with the associated Residential Type policies, addresses any infrastructure constraints, and conforms to the criteria outlined in the Land Use Bylaw (LUB).
3. The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the Municipal Government Act. The regulations are noted below:
  - a) Part 12.1.3 of the Land Use Bylaw outlines a minimum parcel area of 1 hectare (2.47 acres) for parcels not connected to a municipal sanitary line.
4. This proposal does not conform to the policy or intent of the Sturgeon Valley South Area Structure Plan. This policy requires the County to develop the area in an orderly and phased manner at densities that align with the Edmonton Metropolitan Region Growth Plan. This application does not meet these requirements.

Prepared by:   
**Jonathan Heemskerk, Planning and Subdivision Officer**

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

**NOTE: Appendices Attached...**

## Appendix 1: Excerpts from Municipal Government Act

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

2016 c24 s108

### Approval of application

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

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

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

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

and

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

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

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

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

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

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

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

or both;

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

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

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

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

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

### Decision

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

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

### Enacting Responsible Subdivision and Development Practices

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Creating Attractive and Complete Communities**

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

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

**Applying Responsible Residential Subdivision and Development Practices**

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

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



**Accommodating Diverse Housing Options**

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

**Residential Type 1 - Sturgeon Valley**

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

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

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

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

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

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

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

**Residential Type 2 - Growth Hamlets**

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

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

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

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

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

### Residential Type 3

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

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

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

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

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

### Residential Type 4

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

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

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

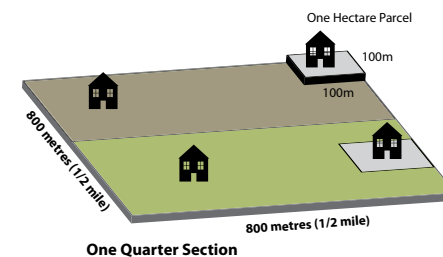
**2.3.18** Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

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

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

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

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



# Placemaking Principles

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

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



## Neighbourhood G Placemaking Principles

G

1.1

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

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

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

G

1.2

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

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

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

G

1.3

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

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

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

G

1.4

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

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

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

G

1.5

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

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

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

## Implementation of Neighbourhood G Placemaking Principles

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

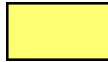
- a** Develop and contribute to the identity of the Sturgeon Valley, where unique features such as agriculture, heritage, culture and natural physical attributes are reflected and championed by developments throughout the Neighbourhood.
- b** Foster key gateway points in and around the Sturgeon Valley,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



# Appendix 3: Excerpts from Land Use Bylaw

## PART 12 RESIDENTIAL DISTRICTS

### 12.1 R1 – COUNTRY RESIDENTIAL DISTRICT



#### .1 General Purpose

To provide for multi-lot residential subdivisions in rural areas where *parcel* size is determined through limited servicing availability and associated regulations. *Parcels* in this district are generally larger than ones found in the R2 district and accommodate *uses* in a residential context.

#### .2 Uses

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

\* Refer to Section 6.1 for further clarification.

1432/19

#### .3 Subdivision Regulations

<i>Minimum parcel area</i>	0.8ha (2ac), if connected to a municipal sanitary line 1ha (2.47ac), if no municipal sanitary line
<i>Parcel density</i>	Maximum 50 <i>parcels</i> per 64.7ha (160ac)
<i>Infill subdivision</i>	Further <i>subdivision</i> of existing <i>parcels</i> where the proposed <i>parcels</i> do not meet the minimum <i>parcel area</i> and/or the prescribed parcel density, shall be subject to the recommendations of an approved <i>local planning document</i> .

#### .4 Development Regulations

<i>Minimum front yard setback</i>	<i>Abutting a local road</i>	12m (39.4ft)
	<i>Abutting collector road</i>	35m (114.8ft)
	<i>Flanking front yard</i>	10m (32.8ft)
<i>Minimum side yard setback</i>	<i>Principal building</i>	6m (19.7ft) or 10% of the <i>parcel width</i> , whichever is lesser, not to be less than 2.5m (8.2ft)
	<i>Accessory building</i>	3m (9.8ft)
<i>Minimum rear yard setback</i>	<i>Principal building</i>	6m (19.7ft)
	<i>Accessory building</i>	3m (9.8ft)
<i>Maximum height</i>	<i>Principal building</i>	12m (39.4ft)
	<i>Accessory building</i>	8m (26.2ft)
<i>Maximum floor area</i>	<i>Accessory building</i>	230m <sup>2</sup> (2,475.7ft <sup>2</sup> )

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

.5 Additional Development Regulations

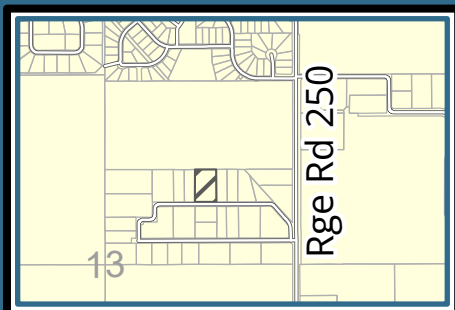
- (a) All *development* in this district is subject to the regulations stated in Parts 5 through 9 of this Bylaw.
- (b) Access to residential *parcels* shall in all cases be from a *local* or *collector road* constructed for the subdivision.

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







# Exhibit 1 [Applicant Submission]

File Number: 2023-S-017



Legal Description: 4208NY;;13  
Roll Number: 2725000  
Total Acres/Hectares: 3.10ac / 1.25ha  
Municipal Address: 27 54220 Rge Rd 250  
Land Use: R1 - Country Residential  
Date: 7/18/2023

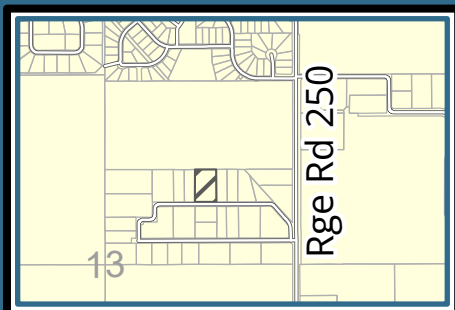
### Legend

-  Approach
-  Garage
-  Dwelling
-  Shed



# Exhibit 2 [Refusal]

File Number: 2023-S-017



Legal Description: 4208NY;;13

Roll Number: 2725000





Total Acres/Hectares: 3.10ac / 1.25ha

Municipal Address: 27 54220 Rge Rd 250

Land Use: R1 - Country Residential

Date: 8/15/2023

## Legend

-  Approach
-  Garage
-  Dwelling
-  Shed

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

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

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 3, dated September 13, 2023 and submit it in a manner that is acceptable to Land Titles.
- 3) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer, will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
- 4) Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2015 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance will be required from the County's Gas & Plumbing Inspector, confirming that the existing open discharge septic system either meets the Standard of Practice as-is, or has either been replaced, relocated or redesigned to comply. Note: An Alberta Land Surveyor may be required to confirm distances from the septic system to property lines, buildings or other features – to the satisfaction of the Gas & Plumbing Inspector.
- 5) Pursuant to the Sturgeon County Residential Lot Grading Policy, the applicant shall complete and submit a lot grading plan to the satisfaction of Sturgeon County Engineering Services *before* this subdivision is endorsed.

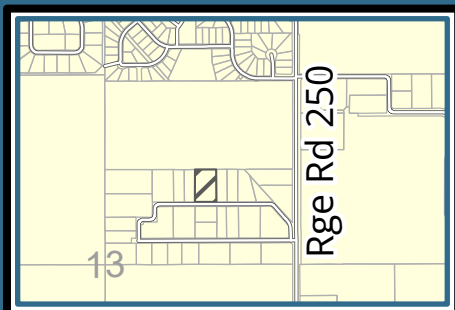
### ADVISORY NOTES

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



# Exhibit 3 [SDAB]

File Number: 2023-S-017



Legal Description: 4208NY;;13

Roll Number: 2725000




Total Acres/Hectares: 3.10ac / 1.25ha

Municipal Address: 27 54220 Rge Rd 250

Land Use: R1 - Country Residential Date:

9/13/2023

### Legend

-  Approach
-  Garage
-  Dwelling
-  Shed

# Subdivision and Development Appeal Board (2023-S-017)

023/STU/019

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Jonathan Heemskerck  
Planning and Subdivision Officer



Sturgeon  
C O U N T Y







# Site Location (Local)





# Proposal





# Issue Analysis

## Sturgeon County Policies and Regulations

### Municipal Development Plan:

- 2.2.2 – Shall prevent any residential subdivision layout that does not reflect future development potential, or that may result in development restrictions of the adjacent parcel.
- 2.2.7 – Shall ensure infill subdivision and development compliments the established character of the area, complies with the associated Residential Type policies, addresses any infrastructure constraints and conforms to the criteria outlined in the Land Use Bylaw (LUB).
- 2.3.1 – Shall accommodate residential development (Type 1) by establishing Regional statutory Planning Documents for lands within the Sturgeon Valley Special Study Area as a way to identify, prioritize, densify and phase subsequent residential and non-residential growth in the listed locations.





# Issue Analysis

## Sturgeon County Policies and Regulations

### Sturgeon Valley South Area Structure Plan

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





# Issue Analysis

## Sturgeon County Policies and Regulations

### Land Use Bylaw:

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





# Issue Analysis

## Municipal Government Act (MGA)

- Part 654(1) of the Municipal Government Act requires that a subdivision authority **must not approve** an application for subdivision approval unless:

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



# Subdivision Authority Decision

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

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

# Conditions – If Approved

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1. Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
2. The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 3, dated September 13, 2023, and submit it in a manner that is acceptable to Land Titles.
3. All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer, will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
4. Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2015 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance will be required from the County's Gas & Plumbing Inspector, confirming that the existing open discharge septic system either meets the Standard of Practice as-is, or has either been replaced, relocated or redesigned to comply. Note: An Alberta Land Surveyor may be required to confirm distances from the septic system to property lines, buildings or other features – to the satisfaction of the Gas & Plumbing Inspector.
5. Pursuant to the Sturgeon County Residential Lot Grading Policy, the applicant shall complete and submit a lot grading plan to the satisfaction of Sturgeon County Engineering Services *before* this subdivision is endorsed.

# Conditions – Summary

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

**APPELLANT  
SUBMISSIONS  
RECEIVED**

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**Date:** Sept 10, 2023

**File #** 2023-S-017

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

**Address:** 27 54220 Rge Rd 250, Sturgeon County

**Legal Description:** Plan 4208NY; Lot 13

**Roll Number:** 2725000

**Lub District:** R1 country residential

Hi Dianne,

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

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

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

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

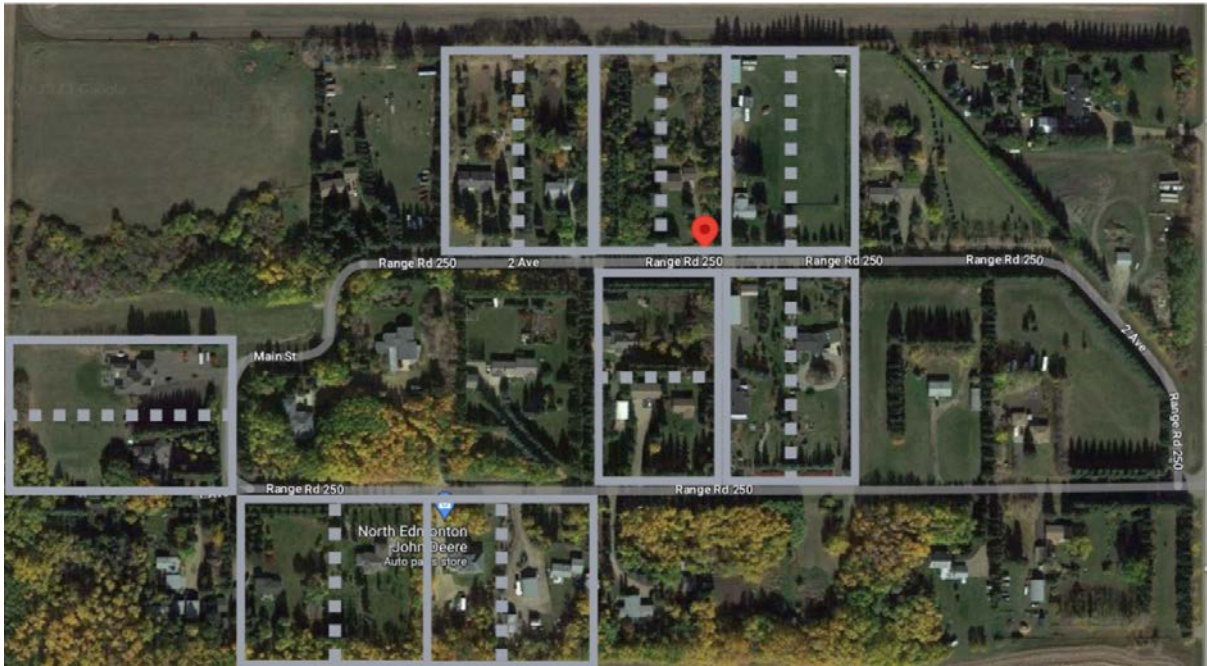
I have attached images of existing lot splits within this community. After speaking with my new neighbours who have split their lots, on all sides of my lot. I believe approving my subdivision application would keep this community on its current path, while driving growth and rejuvenation to the area.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

Thank you for your time and work on this matter.

Abdul El-Mustapha

Will Assaf

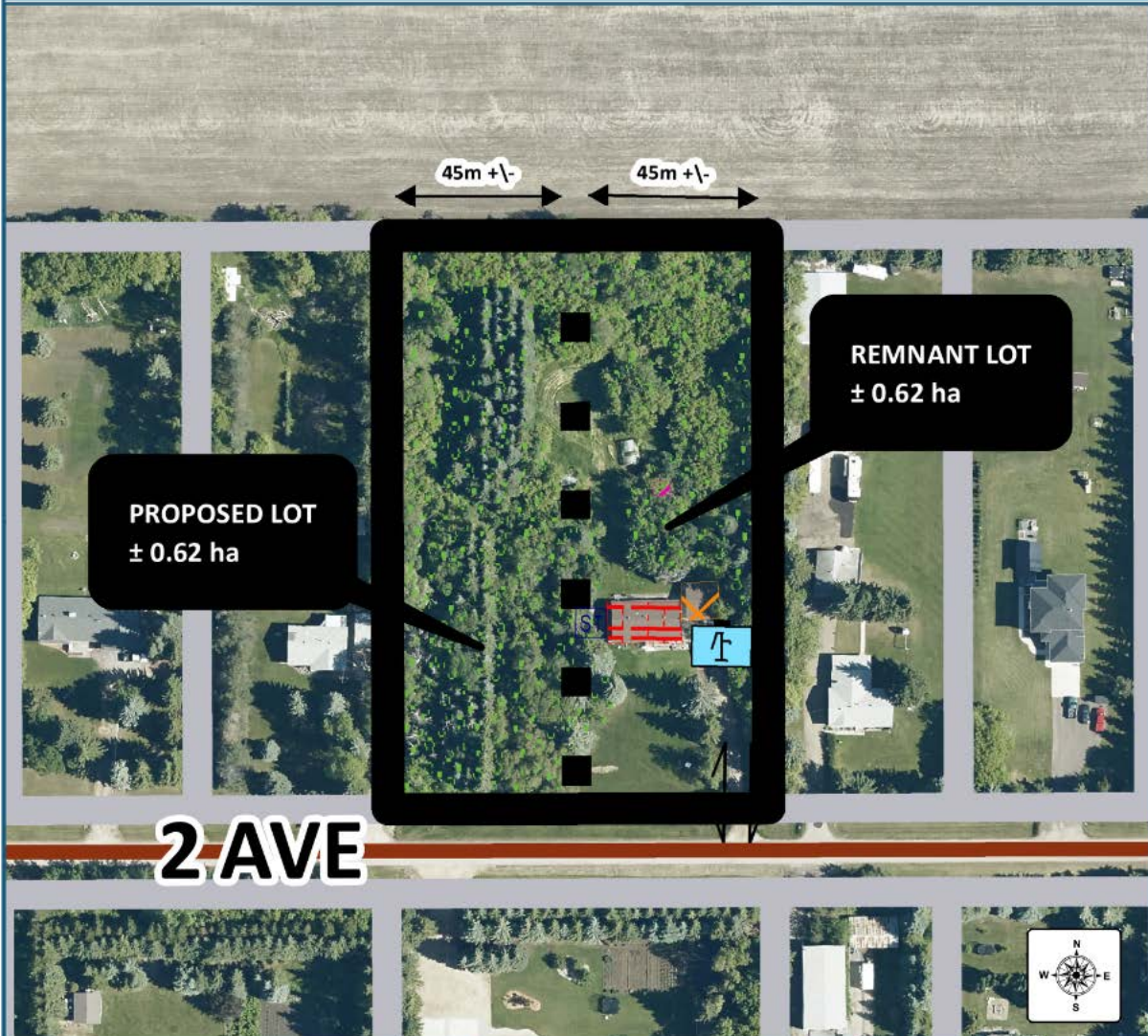
**Proposed subdivision, and current subdivided lots within North Pointe.**



County supplied overhead image.

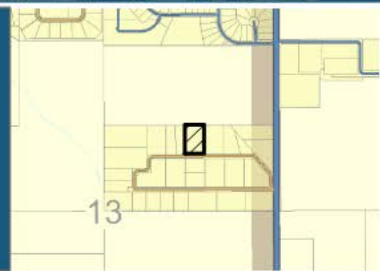
# Exhibit 1 [Applicant's Submission]

File Number: 2023-S-002



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

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



WRITTEN  
SUBMISSIONS  
FROM  
ADJACENT  
LANDOWNERS  
AND OTHER  
AFFECTED  
PERSONS

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\*NOTE:

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