

January 23, 2024
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 Appellants: Landon and Aurore Kolesar 024-STU-001 Subdivision Appeal

3. ADJOURNMENT



Sturgeon
COUNTY

NOTICE OF APPEAL

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		
Municipal Address of site: 54416 RANGE ROAD 274		
Legal land description of site: (plan, block, lot and/or range-township-section-quarter) SE-29-54-27 W4		
Development Permit number or Subdivision Application number: 2023-S-027		
Appellant Information:		Date Received Stamp
Severed in line with section 17 of the FOIP Act		
Name: LAWSON KOLESAR	Phone:	Agent Name: (if applicable)
Mailing Address: 54416 RANGE ROAD 274	City, Province: STURGEON COUNTY, ALBERTA	
Postal Code: T8R 1Y5	Email:	

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

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

Stop Order
Stop Order

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

LAND DENSITY (MORE TO BE DISCUSSED AT HEARING)	
(Attach a separate page if required)	

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

Signature of Appellar	Date: JANUARY 3/2024
FOR OFFICE USE ONLY	
SDAB Appeal Number: Severed in line with section 17 of the FOIP Act	Appeal Fees Paid: Yes No Hearing Date: YYYY/MM/DD

REASONS FOR APPEAL:

Some reasoning are:

- 1. Increase land density in county**
- 2. Allow smaller farmers a chance to start farming. Hobby**
- 3. Allow smaller farms to produce for resale or themselves in tough time, etc small crops, livestock.**
- 4. In 2021 we applied to subdivide and subdivision was approved. We didn't go any further due to family health.**



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

LANDON KOLESAR
54416 RANGE ROAD 274
STURGEON COUNTY, AB, T8R 1Y5

Receipt Number: 202400038
GST Number: 107747412RT0001
Date: 2024-01-03
Initials: CG

Account	Description	Prev Bal	Payment	Balance
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16APP	APPEAL FEES - LEGISLATIVE SI		\$100.00	
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Subtotal:	\$100.00	
Taxes:	\$0.00	
Total Receipt:	\$100.00	Cheque No.
Mc:	\$100.00	

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



STURGEON COUNTY

9610 100 ST
MORINVILLE, AB T8R 1L9
7809398354
WWW.STURGEONCOUNTY.AB.CA

Cashier: Chelsea G.

Transaction 102116
Invoice #: 202400038

Total	CA\$100.00
CREDIT CARD SALE	CA\$100.00
MASTERCARD 1473	

Retain this copy for statement
validation

03-Jan-2024 1:04:45P
CA\$100.00 | Method: KEYED
MASTERCARD
XXXXXXXXXXXX1473
MANUALLY ENTERED
Reference ID: 400300503662
Auth ID: 03385E
MID: *****2882
AthNtwkNm: MASTERCARD
NO CARDHOLDER VERIFICATION

*** REPRINT ***

January 8, 2024

SDAB File Number: 024-STU-001

Dear Landon & Aurore Kolesar:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: SE 29-54-27-W4
54416 Range Road 274

Decision Regarding Proposed Subdivision: The subdivision was refused.

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on January 3, 2024. In accordance with section 686(2) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **January 23, 2024 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 980 205 181#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than January 18, 2024.**

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.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

January 8, 2024

SDAB File Number: 024-STU-001

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:	SE 29-54-27-W4 54416 Range Road 274
Subdivision Application Number:	2023-S-027
Decision of Subdivision Authority:	The subdivision was refused.

Applicants / Appellants: Landon & Aurore Kolesar

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

- Increase land density in the County.
- Allow smaller farms to start farming (hobby farms).
- Allow smaller farms to produce or have livestock for themselves or for retail purposes.
- In 2021 a subdivision was approved but family health issues prevented the subdivision from moving forward.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **January 23, 2024 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 980 205 181# This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than January 18, 2024.**

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package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

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

Dianne Mason
Secretary, Subdivision and Development Appeal Board

January 8, 2024

SDAB File Number: 024-STU-001

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: SE 29-54-27-W4
54416 Range Road 274

Subdivision Application Number: 2023-S-027

Decision of Subdivision Authority: The subdivision was refused.

Applicants / Appellants: Landon & Aurore Kolesar

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

- Increase land density in the County.
- Allow smaller farms to start farming (hobby farms).
- Allow smaller farms to produce or have livestock for themselves or for retail purposes.
- In 2021 a subdivision was approved but family health issues prevented the subdivision from moving forward.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **January 23, 2024 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 980 205 181#. 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 legislative@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than January 18, 2024.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name)

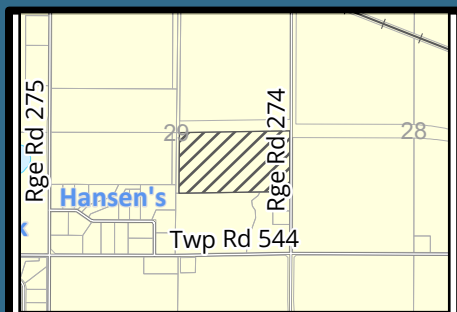
or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

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

Dianne Mason
Secretary, Subdivision and Development Appeal Board

Exhibit 1 [Applicant Submission]

File Number: 2023-S-027



Legal Description: 4;27;54;29;SE

Roll Number: 4422000







Total Acres/Hectares: 74.20ac / 29.98ha

Municipal Address: 54416 Rge Rd 274

Land Use: AG - Agriculture

Date: 10/26/2023

Legend

-  Cistern
-  Well
-  Dwelling
-  Pump Out
-  Septic Tank
-  Shop

Subdivision and Development Appeal Hearing Process

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

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

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

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

At the hearing . . .

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

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

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

PART II – APPLICATION FORM



Application for Subdivision

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

Office Use Only

Initial Date Submitted: **October 25, 2023**

Receipt No: **202307992**

Date Accepted as "Complete": **November 3, 2023**

Application Fee: \$ **1,375.00**

File Number: **2023-S-027**

Complete in full (where applicable):

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

LAWAN KOLESAR
AUDRE KOLESAR

Mailing
address
(including
postal code):

54416 RANGE ROAD 274
STURGEON COUNTY
T8R 1Y5

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: **SE** $\frac{1}{4}$ Sec: **29** Twp: **54** Range: **27** West of the: **4** th Meridian

OR Lot: Block: Plan: Land Title #

Municipal Address of Property:

Total existing property size (states on land title certificate): hectares **74.16** 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 :

Provide new opportunity for small upcoming farm
Provide new Acreage living opportunities

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*. 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, LANDON : AURORE KOLESAR being the registered owner(s) of lands legally described as:

All/part of the: SE $\frac{1}{4}$ Sec: 29 Twp: 54 Range: 27 West of the: 4th Meridian

OR Lot: Block: Plan:

Municipal Address of Property: 54416 RANGE ROAD 274

do hereby authorize

LANDON KOLESAR

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

Dated this 17 day of OCTOBER, 20 23

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

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

If you have questions regarding sewage disposal, consult either:

Alberta Municipal Affairs
Toll Free: 1-866-421-6929

OR

Superior Safety Codes Inc. (Sturgeon County's Agent)
Telephone: 780-489-4777
Toll Free: 1-866-999-4777

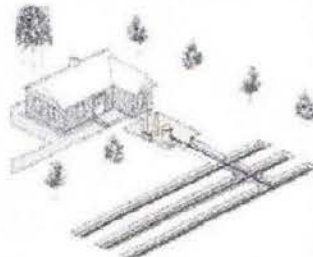
Sewage Disposal (Mandatory)

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



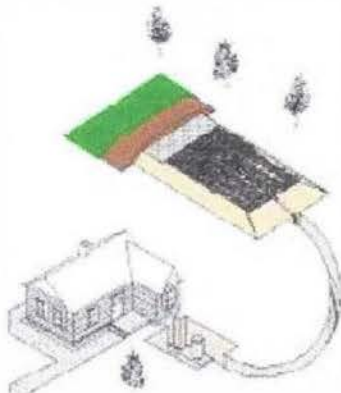
☐ Open Discharge (Pump Out) System

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



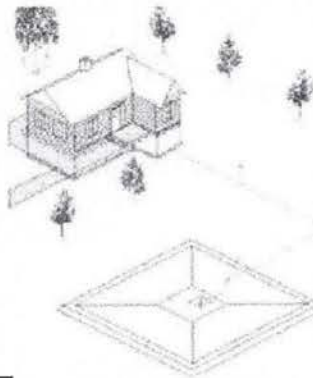
☐ Disposal Field

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



☐ Treatment Mound

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

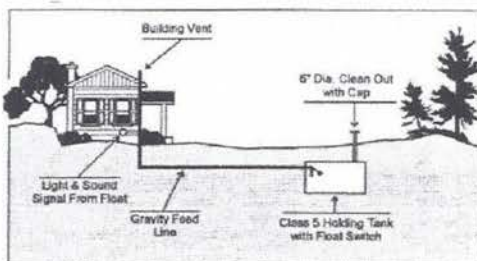


☐ Sewage Lagoon

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

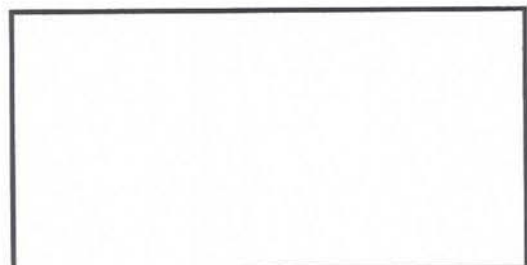
☐ No existing sewage disposal.

☐ Municipal Sanitary Line



☐ Holding Tank

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



☐ Other: _____

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

Right of Entry Authorization (Mandatory)

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

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

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

NONE

Affidavit (Mandatory)

I/We, LAWSON & AURIE KOLESAN

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

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January 3, 2024

Landon & Aurore Kolesar
54416 Rge Rd 274
Sturgeon County AB T8R 1Y5

Re: Proposed Subdivision
Our File No.: 2023-S-027
Legal Land Description: SE 29-54-27-W4
Proposal: 1 hectare (2.47 acre) parcel and a 14.46 hectare from 29.50 hectares (72.90 acres)

Please be advised that the above-mentioned subdivision application was **REFUSED** by the Subdivision Authority on **January 3, 2024**.

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 with this application.
 - 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.
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 quarter section will exceed the maximum combined density of four parcels as outlined under 11.1.3(a) of the County's Land Use Bylaw.
4. The proposal does not conform with Section 11 of the Matters Related to Subdivision and Development Regulation of the Municipal Government Act. The section is noted below:
 - a) Proposed Lot 2 does not have direct access to a roadway or lawful means of access satisfactory to the subdivision authority.

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

Yours truly,



Martyn Bell
Program Lead, Current Planning

/sg

Encl:

C: AltaLink Management Ltd.
Alberta Health Services
Atco Gas
Canada Post
Debra Kolesar
EQUUS

Fortis Alberta
Gravel Operations Committee
Sturgeon School Division
Telus Access Planning
The Toronto Dominion Bank

If you wish to appeal this decision, contact the Secretary of the Subdivision and Development Appeal Board via email at legislativeservices@sturgeoncounty.ca or via letter at 9613 – 100th Street, Morinville, Alberta, T8R 1L9. Telephone enquires can also be made at 780-939-4321.

Pursuant to Section 678(2) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 14 days after receipt of the written decision.

The final date the appeal can be filed is: **JANUARY 24, 2024**

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-027



Legal Description: 4;27;54;29;SE

Roll Number: 4422000







Total Acres/Hectares: 74.20ac / 29.98ha

Municipal Address: 54416 Rge Rd 274

Land Use: AG - Agriculture

Date: 01/02/2024

Legend

-  Cistern
-  Well
-  Dwelling
-  Pump Out
-  Septic Tank
-  Shop

PLANNING AND DEVELOPMENT SERVICES REPORT

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



FILE INFORMATION: 2023-S-027	
Council Division:	3
Tax Roll Number:	4422000
Legal Land Descriptions of Property:	SE-29-54-27-W4
Landowners and Applicants:	Landon and Aurore Kolesar
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 a 1 hectare (2.47 acre) parcel and a 14.46 hectare from 29.50 hectares (72.90 acres).

PART II – SUBDIVISION HISTORY:

1. Subdivision History:
 - Historical subdivision splitting the quarter section into a north and south half.
 - Historical subdivision of a 1 hectare parcel on the south half of the quarter section.
 - 2005-S-072: 17 acre parcel subdivided from the south half of the quarter section. Approved by the Municipal Planning Commission.

PART III – REFERRAL SUMMARY:

1. Sturgeon County Development Officer:
 - *Proposed Lot 1:*
 - o Vacant farmland, no concerns.
 - *Proposed Lot 2:*
 - o Parcel is vacant and partial farmland. However, there is no access to this parcel.
 - *Remnant Lot:*
 - o Conformation of any business currently in operation from this parcel is required.
 - o Assessment records indicate the three mobile homes built in 1976, 1989 and 1990. One mobile has been removed and there are no records for the other mobile homes. Development and building permits are required. The mobile home closest to Rge Rd 274 does not appear to meet the front yard setback therefore a variance will be required. It is recommended an Alberta Land Surveyor confirm the location of this mobile home to support and application for variance to leave it as cited.
 - o The Drainage Master Plan indicates what appears to be a drainage course bisecting the lands from north to south. Future development shall not impede the natural flow of this watercourse.

- *General comments:*
 - The subject lands fall within the Resource Extraction Overlay and shall include a restrictive covenant to be registered on each title notifying the landowner that the new parcel could potentially be located near an incompatible use (i.e. resource extraction).
 - Areas of all parcels are identified as wetlands (fen or marsh) in accordance with Alberta Merged Wetland Inventory. It is recommended future development avoid the wetland areas, should development be proposed within these areas, a wetland assessment may be required and may be subject to Alberta Environment Park (AEP) approvals.
- 2. Sturgeon County Engineering Services:
 - *Proposed Lot 1:*
 - 5 meters required via plan of survey adjacent to Rge Rd 274.
 - Existing approach is satisfactory since it was upgraded as a part of the Rge Rd 274 improvement project.
 - Additional approvals may be required if wetland areas are disturbed. Furthermore, future develop shall avoid flood prone areas.
 - *Proposed Lot 2:*
 - This lot does not have direct access to a roadway and so the current configuration cannot be supported.
 - *Remnant Lot:*
 - 5 meters required via land acquisition agreement adjacent to Rge Rd 274.
 - Existing approach is satisfactory since it was upgraded as a part of the Rge Rd 274 improvement project.
 - Additional approvals may be required if wetland areas are disturbed. Furthermore, future develop shall avoid flood prone areas.
- 3. Sturgeon County Drainage Operation:
 - There are 2 runoff draws through the property of SE-29-54-27-W4 that Sturgeon County Operations requires a caveated interest on title.
 - A 20m wide caveat for the approximately 546m on the Western portion of the property to have an interest placed on the ability to maintain the runoff course (see **Appendix 4**).
 - A 20m wide caveat for the approximately 438m on the Eastern portion of the property to have an interest placed on the ability to maintain the runoff course (see **Appendix 4**).
- 4. Alberta Health Services:
 - 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.
- 5. Telus
 - A right of way agreement would be required prior to any future approval. Right of way file reference ABROW-089.
- 6. Adjacent Landowner:
 - Letter of objection received regarding several topics. Including changes made to the water course and flow in the area, potential flooding resulting from elevation changes, uncertainty of the future land use in the area, and lack of access for Proposed Lot 2.

7. No Objections:
 - Sturgeon County Agriculture Services, ATCO Gas, ATCO Pipelines, EQUUS, Fortis Alberta.
8. No Responses:
 - Alberta Energy Regulator, Altalink, Canada Post, Gravel Operations Committee, Sturgeon County Protective Services, Sturgeon County Assessment Services, Sturgeon School District, Toronto Dominion Bank, Debra Kolesar.

PART IV – ANALYSIS:

1. Due to the irregular dimensions of this quarter-section resulting from previous road rights-of-way in the area, Part 11.1.3(c)(i) of the Land Use Bylaw (see **Appendix 3**) was examined, confirming that the 30.01 hectare (74.16 acre) parcel should be “rounded up” to be treated equivalent to a “regular” 32 hectare (80acre) 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**).

2. The proposed subdivision is on the north half of this quarter-section and there have been two subdivisions previously completed on the south half. The most recent of which was in 2005 along the drainage course. Since an acreage was previously subdivided, further subdivision was only contemplated by considering the portion to the west as physically fragmented from the remainder of the lands along the seasonal drainage course. This was done in accordance with the previous Land Use Bylaw (819/96) which had the following section in the Agricultural subdivision regulations:

- (a) Parcel Density – A maximum of four (4) parcels per quarter section including:*
- (i) Two parcels approximately 32.4 ha (80 ac) each.*
 - (ii) A single lot for a dwelling may be permitted on each 32.4 ha (80 ac) parcel.*
 - (iii) **Notwithstanding the above, the following additional parcels shall be allowed: a fragmented parcel, public use lot, and an institutional lot.***

The subdivision authority made the interpretation that this subdivision would not count towards the limit of four parcels per quarter section as per the Land Use Bylaw. However, upon the implementation of the new Municipal Development Plan (1313/13) and Land Use Bylaw (1385/17), the policies and regulations for fragmented parcels have changed:

MDP Policy 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.

LUB Regulation 11.1.3(a) – A quarter section in the AG district shall contain a maximum combined density of four parcels, comprised of:

- (i) Two AG – Major parcel of approximately 32.4ha (80ac); and*
- (ii) Two AG – Residential parcels with the size in accordance with 11.1.3(e).*

Both parcels previously subdivided on the south half of the quarter section count towards the maximum allowable density, which has already been reached.

MDP Policy 2.3.15 – 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.

3. Proposed Lot 2 does not currently have physical or legal access provided to a roadway. Section 11 of the Matters Related to Subdivision and Development Regulation states that:

Every proposed subdivision must provide to each lot to be created by it:

- (a) **Direct access to a road** as defined in section 616(aa) of the Act, or*
- (b) **Lawful means of access** satisfactory to the subdivision authority*

4. The application aims to create the fifth and sixth agricultural parcels on this quarter section, which is not consistent with the Sturgeon County Municipal Development Plan or Land Use Bylaw. Therefore, the Subdivision Authority does not have jurisdiction to entertain approval for this file and it must be refused as per Part 654(1) of the Municipal Government Act, which outlines 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.**”*

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 with this application.
 - 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.

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 quarter section will exceed the maximum combined density of four parcels as outlined under 11.1.3(a) of the County's Land Use Bylaw.
4. The proposal does not conform with Section 11 of the Matters Related to Subdivision and Development Regulation of the Municipal Government Act. The section is noted below:
 - a) Proposed Lot 2 does not have direct access to a roadway or lawful means of access satisfactory to the subdivision authority.

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.

Residential Type 3

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

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

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

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

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

Residential Type 4

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

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

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

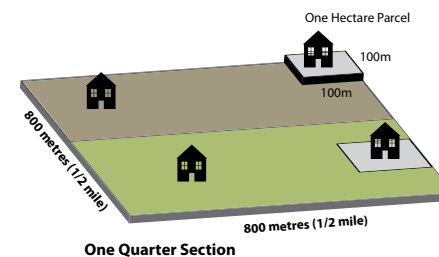
2.3.18 Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

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

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

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

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





residential character outcome

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

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

A.1 residential character output actions

Sturgeon County will support the long-term outcome of the Neighbourhood by:

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

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

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

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

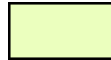
Ⓔ Giving regard to the existing residential character of Calahoo by requiring proposals for residential infill density to ensure that proposed lot location, size and servicing complement the existing community. Depending on the scale and impact of the proposed development, the approving authority may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

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

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

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

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

1432/19

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

Additional Development Regulations for AG-Residential parcels		
Maximum <i>floor area</i>	<i>Accessory building</i>	230m ² (2,475.7ft ²)
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 Submission]

File Number: 2023-S-027



Legal Description: 4;27;54;29;SE

Roll Number: 4422000







Total Acres/Hectares: 74.20ac / 29.98ha

Municipal Address: 54416 Rge Rd 274

Land Use: AG - Agriculture

Date: 10/26/2023

Legend

-  Cistern
-  Well
-  Dwelling
-  Pump Out
-  Septic Tank
-  Shop

Drainage Operations Drawing



Exhibit 2 [Refusal]

File Number: 2023-S-027



Legal Description: 4;27;54;29;SE

Roll Number: 4422000







Total Acres/Hectares: 74.20ac / 29.98ha

Municipal Address: 54416 Rge Rd 274

Land Use: AG - Agriculture

Date: 01/02/2024

Legend

-  Cistern
-  Well
-  Dwelling
-  Pump Out
-  Septic Tank
-  Shop



Should the Subdivision and Development Appeal board opt to exercise its discretion and approve this application, the following list of tailored approval conditions has been provided for consideration.

PART V – RECOMMENDATIONS:

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

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 3 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 3 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of Proposed Lot 1 and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 3 and 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 road shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) 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 1. A payment will be made in place of reserves equal to \$1,255.58 (*determined at a rate of \$12,255.82 per hectare X 10% X 1.00 hectares = \$1,255.58*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- 6) Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot and Proposed Lot 2 shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
- 7) Pursuant to the Sturgeon County Municipal Development Plan, a caveated interest on title must be registered for two runoff draws that exist on the subject land. This must be completed to the satisfaction of the Sturgeon County Drainage Operation.
- 8) The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.

- 9) A restrictive covenant created by, and to the satisfaction of Sturgeon County shall be registered on the land title certificate of all lots in the subdivision advising the landowner that as per the Land Use Bylaw (1385/17), these parcels are located within the Resource Extraction Overlay and could be potentially located near an incompatible use in the future – resource extraction.
- 10) 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.
- 11) As required by and to the satisfaction of Telus, a right of way agreement must be registered on title *prior* to the subdivision endorsement.

If the lot with no access (Proposed Lot 2) is approved, an access easement and new approach would be required to provide legal access to the parcel with these two additional conditions:

- 12) Pursuant to Provision 9(b) of the Subdivision and Development Regulations, an Access Easement shall be registered on title for the lands of Proposed Lot 2 and the Remnant Lot and/or Proposed Lot 1, to provide lawful means of access to Proposed Lot 2 (note: this agreement to be prepared to the satisfaction of Sturgeon County).
- 13) 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.

ADVISORY NOTES

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

engineering measures to be taken to make the building site suitable for future development or future development suitable for the building site.

- Pursuant to the Water Act and the Alberta Wetland Policy, any future development or site grading which might alter or disturb a wetland may require additional approvals from Alberta Environment and Parks.
- Any parcel without an existing approach must collaborate with Planning & Development Services to submit an Approach Application and determine access requirements prior to any construction in the future. No development permits shall be issued until a suitable approach has been constructed to General Municipal Servicing Standards and inspected. For assistance with access issues and inspections, please telephone 780-939-8275.
- 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.

Subdivision and Development Appeal Board

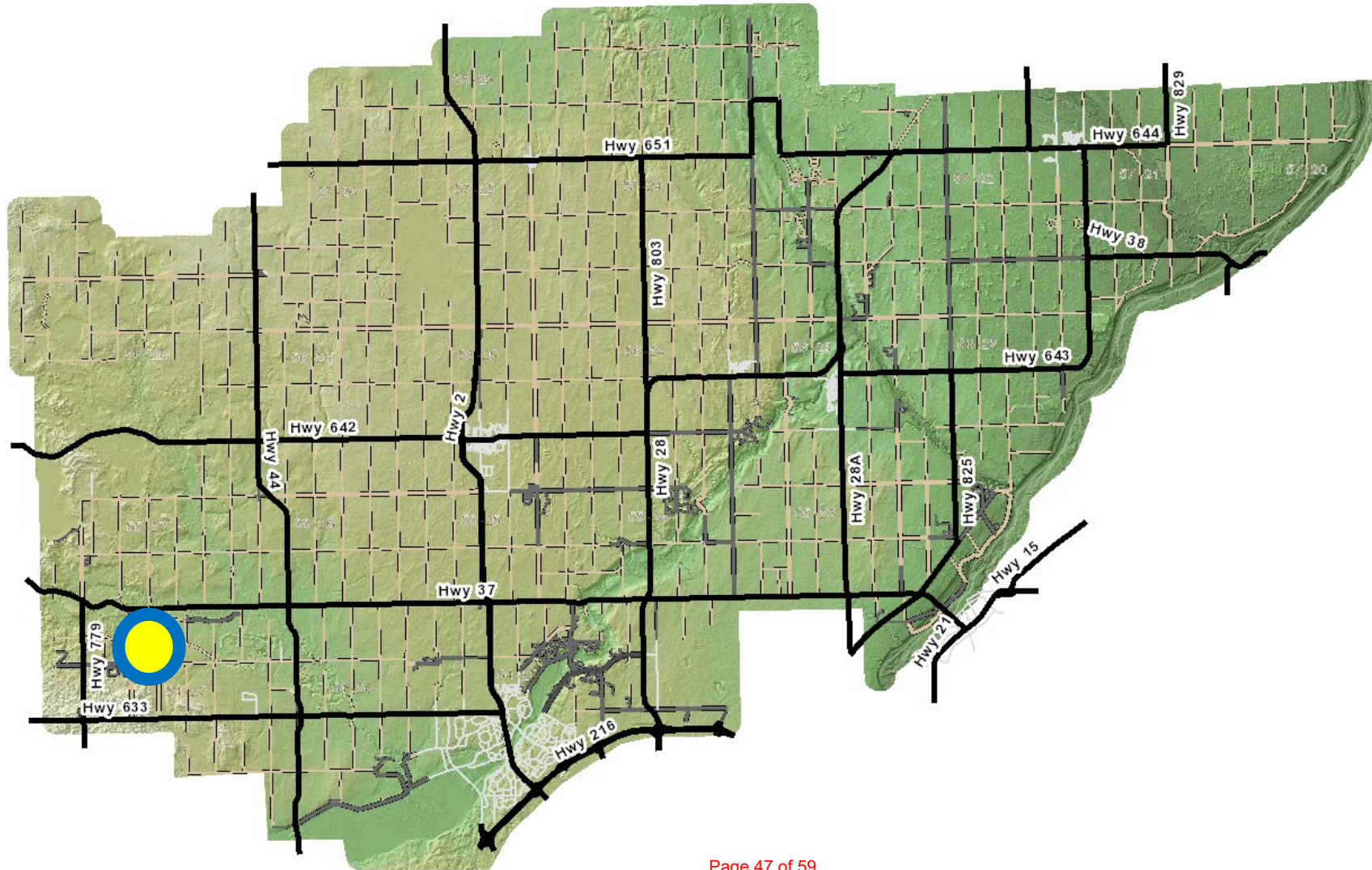
024-STU-001

Jonathan Heemskerk
Planner, Current Planning

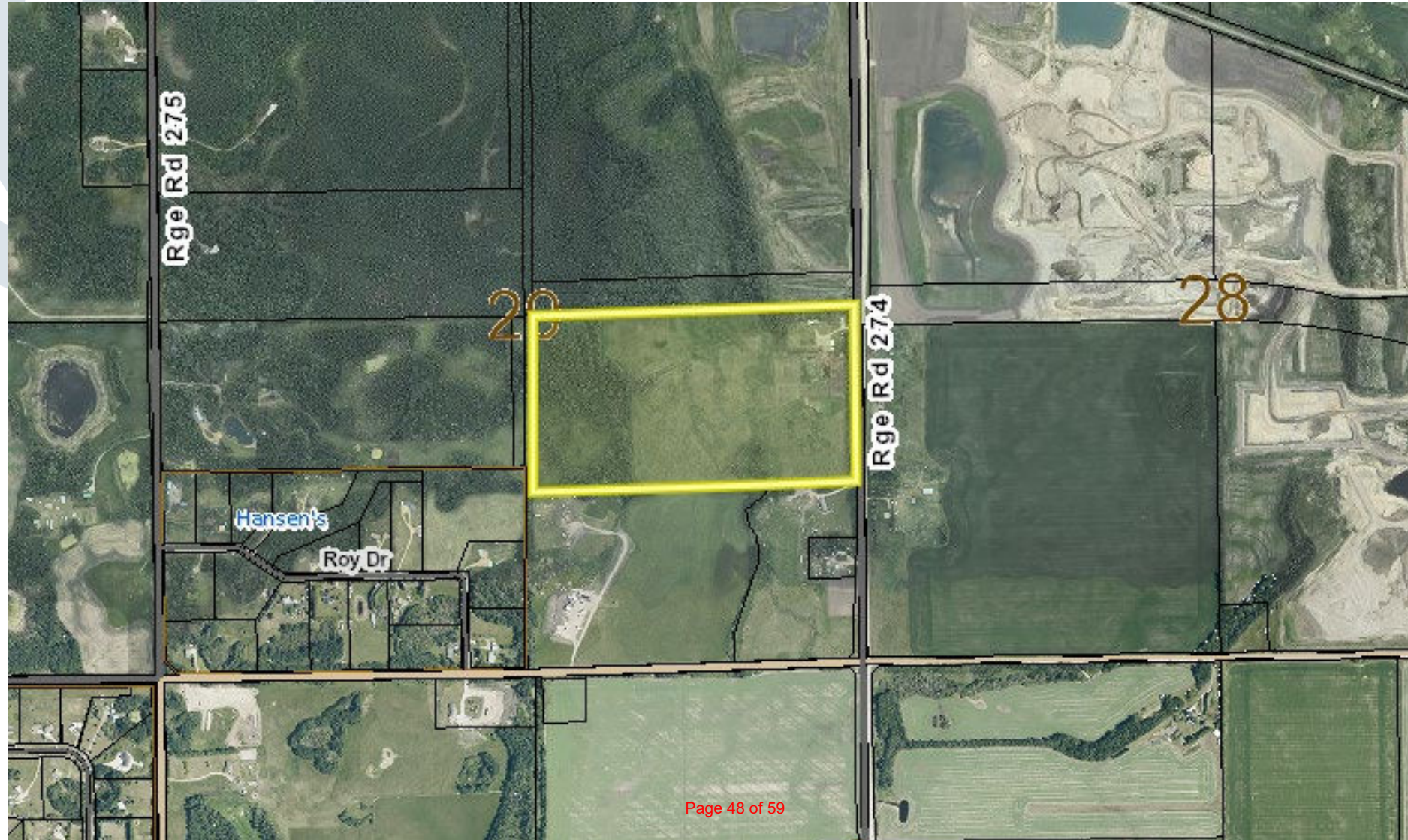


Sturgeon
C O U N T Y

Site Location (Regional)



Site Location (Local)



Proposal



Discussion

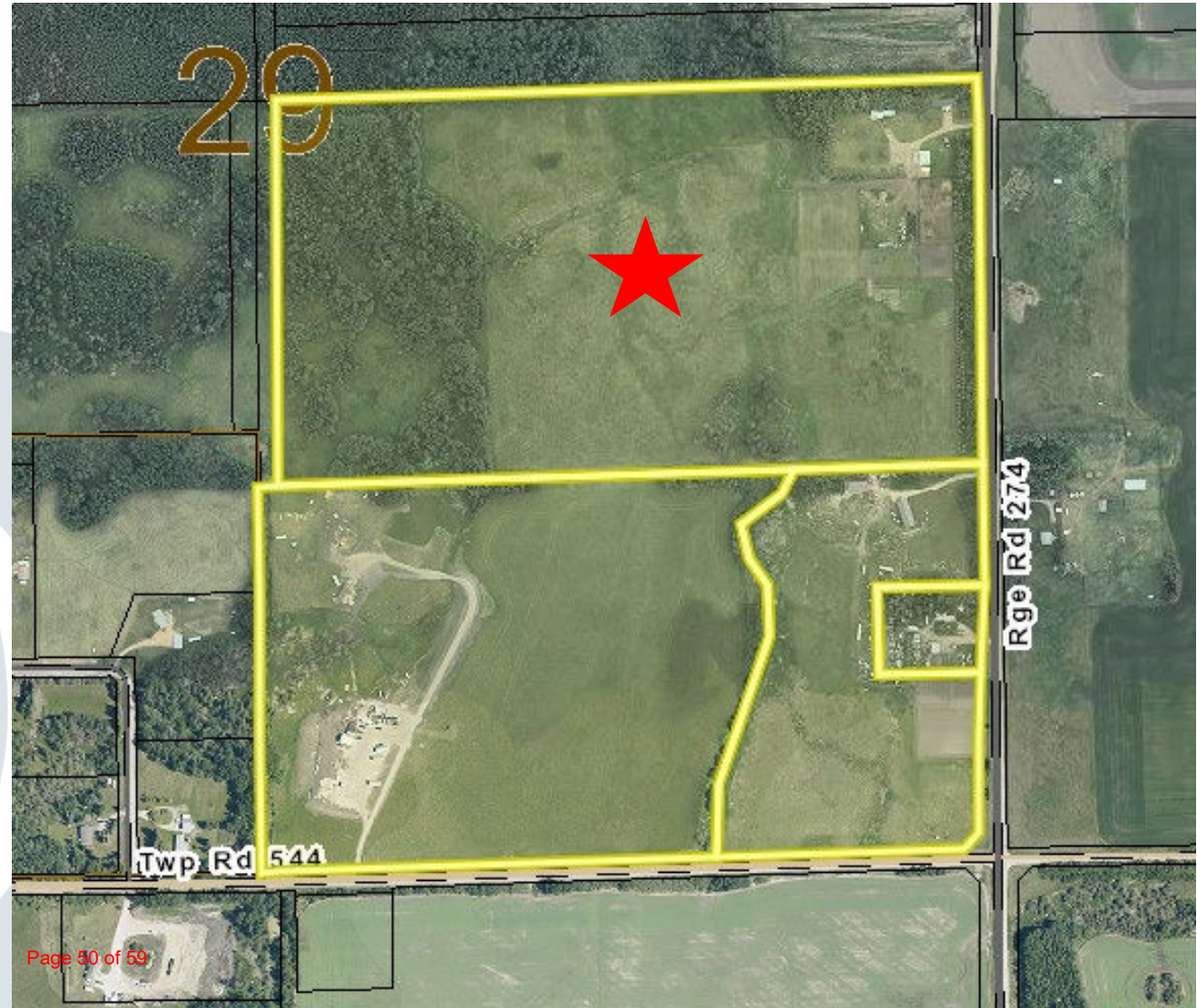
Current Quarter Section Configuration

The subject parcel (red star) is considered as half a quarter section.

This section of AG (SE-29-54-27-4) land currently has:

- Two AG Major parcels
- One AG Minor parcel
- One AG Residential parcels

Per the LUB, AG Minor and AG Residential are considered equivalent as “acreages” for subdivision purposes.



Summary of Circulation Responses

Sturgeon County Development Officer

- All Lots
 - There is no access to Proposed Lot 2.
 - Development and Building permits required for mobile homes.
 - The lands fall within the Resource Extraction overlay and therefore a restrictive covenant must be registered on each title notifying them of the proximity to this use.

Sturgeon County Engineering Services

- All Lots
 - 5m required via plan of survey along Proposed Lot 1.
 - 5m required via land acquisition agreement along the Remnant Lot.
 - Existing approaches are satisfactory.
 - Proposed Lot 2 **cannot be supported** as it does not have any means of access.

Alberta Health Services

- All Lots
 - Any existing private sewage system must comply with the most recent Private Sewage and Disposal Systems Regulation.



Summary of Circulation Responses

Telus:

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

Sturgeon County Drainage Operation:

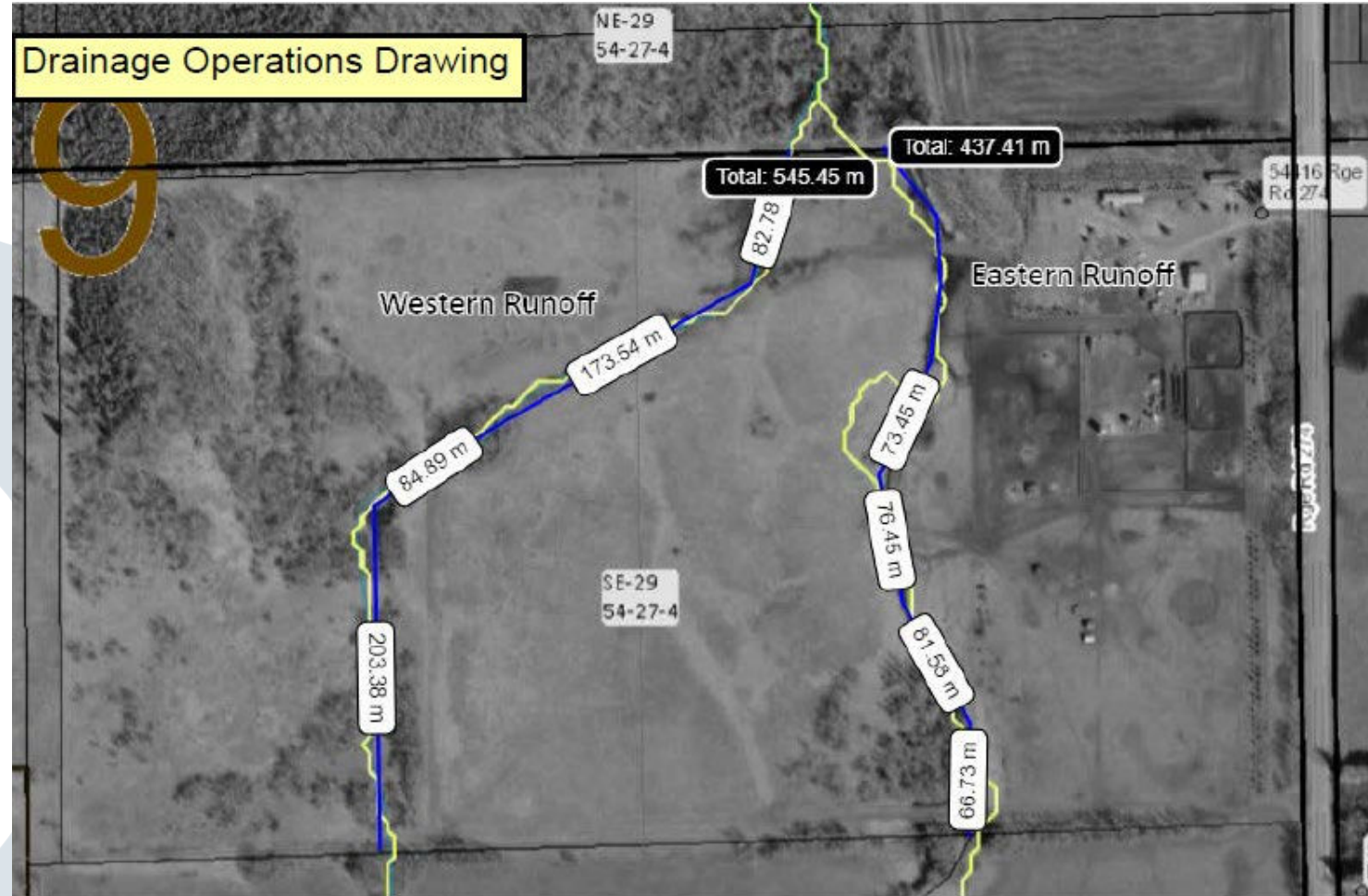
- There are two runoff draws through the property that will require a caveated interest on title (shown in image).

Adjacent Landowner:

- A letter of objection was received regarding several topics including:
 - Changes to the water course and flow in the area
 - Potential flooding resulting from elevation changes with a new acreage
 - Uncertainty for the future land use of the area
 - Lack of access for Proposed Lot 2

All Other Parties

- No objections/concerns.



Issue Analysis – Policies and Regulation

Subdivision History on the Quarter Section

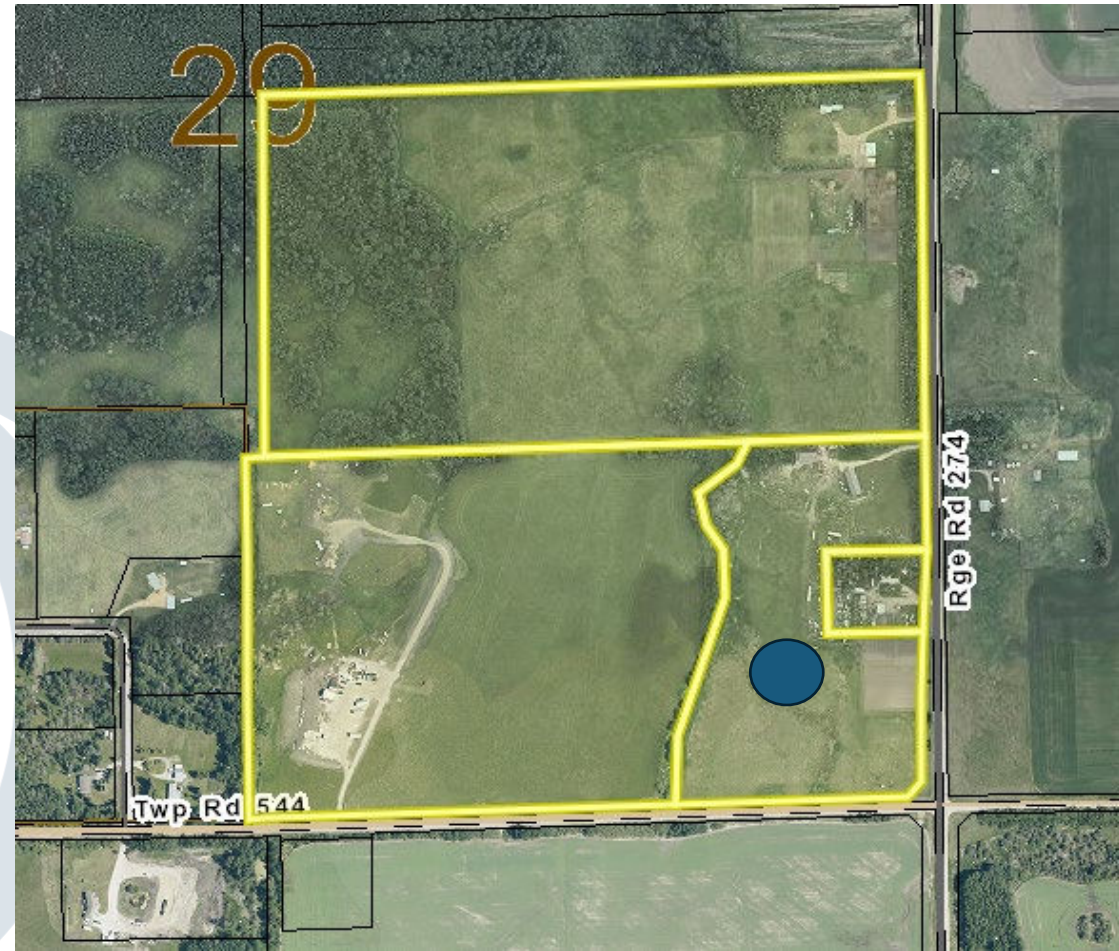
- The most recent subdivision was done in 2005 along the drainage course (blue circle).
- Since there was already one acreage subdivision completed on this half quarter section, a second was only considered by contemplating the drainage course as a natural “fragmentation”.
- The previous LUB (819/96) had the following regulations:

(a) Parcel Density – A maximum of four (4) parcels per quarter section including:

- (i) Two parcels approximately 32.4 ha (80 ac) each.
- (ii) A single lot for a dwelling may be permitted on each 32.4 ha (80 ac) parcel.
- (iii) **Notwithstanding the above, the following additional parcels shall be allowed: a fragmented parcel, public use lot, and an institutional lot.**

Current Policies for Fragmentation

- **MDP Policy 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.



Issue Analysis

Land Use Bylaw:

- This proposal does **not** align with the subdivision regulations in the Land Use Bylaw.
- 11.1.3(a) – Outlines a maximum density of **four parcels**, comprised of two (2) large AG Major parcels and two (2) residential or “acreage” parcels.

Municipal Development Plan:

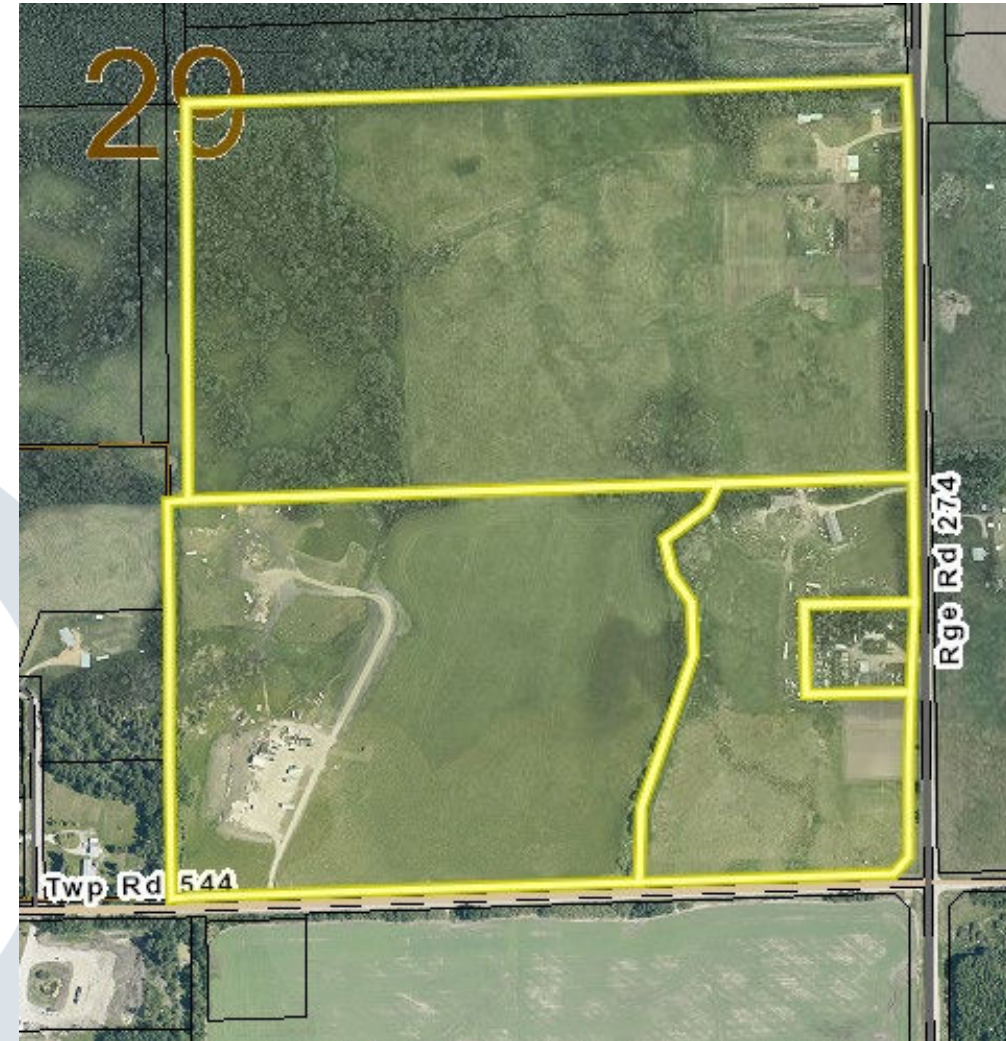
- This proposal does **not** align with the Residential Type 4 policies in the Municipal Development Plan.
- 2.3.15 – Outlines a maximum agricultural density of four (4) parcels for every quarter section.

Matters Related to Subdivision and Development Regulation (MGA)

- Section 11 outlines that:

Every proposed subdivision must provide to each lot to be created by it:

- (a) **Direct access to a road** as defined in section 616(aa) of the Act, or
- (b) **Lawful means of access** satisfactory to the subdivision authority



Subdivision Authority Decision

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.”

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. Ensure taxes are paid | 7. Drainage caveat |
| 2. Retain a surveyor | 8. Obtain all permits |
| 3. 5m for future road widening by plan of survey on the proposed lot | 9. Restrictive covenant informing about resource extraction |
| 4. 5m for future road widening by caveat on the remnant lot | 10. Septic system compliance |
| 5. Money in lieu of municipal reserve (proposed lot) | 11. Telus right of way |
| 6. Deferred reserve caveat (remnant lot) | 12. Access easement |
| | 13. Approach construction |

APPELLANT SUBMISSIONS RECEIVED

***NOTE:**

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

WRITTEN SUBMISSIONS FROM ADJACENT LANDOWNERS AND OTHER AFFECTED PERSONS

*NOTE:

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