

**November 5, 2024**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**  
**HEARING AGENDA**  
**COUNCIL CHAMBERS AND VIDEOCONFERENCE**  
**2:00 p.m.**

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**1. CALL TO ORDER (2:00 p.m.)**

**2. SCHEDULE OF HEARINGS:**

- |  |             |                    |
|--|-------------|--------------------|
| 2.1. Appellant: Fred Fibi                                    | 024-STU-016 | Development Appeal |
| 2.2. Appellants: Daniel and Colleen Mahé<br>D & C Mahé Farms | 024-STU-017 | Subdivision Appeal |

**3. ADJOURNMENT**

# Appeal #1

024-STU-016 - Appealing the  
Development Authority's approval  
of a Diversified Agriculture Use

**SUBDIVISION & DEVELOPMENT APPEAL BOARD**

<b>Site Information:</b>		
Municipal Address of site: <i>56311 Lily Lake Rd</i>		
Legal land description of site: <i>PLAN 2986KS; LOT A; SLU20-56-23-L14</i> (‘plan, block, lot’ and/or ‘range-township-section-quarter’)		
Development Permit number or Subdivision Application number: <i>Permit 305305-24-D0242</i>		
<b>Appellant Information:</b>		Date Received Stamp
severed in line with section 17 of the FOIP Act		
Name: <i>FRED FIRSI</i>	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

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

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

*Traffic density has been relaxed, and the reduction in speed is a compensation for the relaxation of the county's density requirement. A requirement that was upheld by a previous appeal to the SDAB in October 2023*

(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.

<b>Sig</b>	<b>Date:</b> <i>October 10/24</i>
<b>FOR OFFICE USE ONLY</b>	
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No
severed in line with section 17 of the FOIP Act	Hearing Date: YYYY/MM/DD



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

FIBI, FRED

Receipt Number: 202407681  
GST Number: 107747412RT0001  
Date: 10/10/2024  
Initials: KB

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	



October 22, 2024

SDAB File Number: 024-STU-016

Dear Fred Fibi:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	Plan 2986KS; ; A 56311 Lily Lake Road
Development Permit Application Number:	305305-24-D0242
Decision Regarding Proposed Development:	Approval of a Diversified Agriculture Use – to operate an agritourism operation including a garden centre, farm market, agricultural educational tours and workshops, agricultural culinary experiences, experimental agritourism, agricultural festivals, small scale food processing, petting farm and house, pony and hayrides.

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Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on October 10, 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 SDAB hearing is scheduled for **November 5, 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 451 512 4# This should connect you directly into the hearing.

**The Board notes that the Development Permit subject to appeal expires on October 31, 2024, before the scheduled hearing. Therefore, the hearing on November 5 will be a preliminary hearing only and will be an opportunity for the parties to make submissions regarding the merits of the Board proceeding with a full hearing at a later date. Please confine any submissions to this issue only.**

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca). **To be included in the SDAB hearing agenda package, written submissions must be submitted no later than October 31, 2024. However, the Board can accept written submissions up to the date of the hearing.**

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

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

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board

October 22, 2024

SDAB File Number: 024-STU-016

Dear Tammy Andersen:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	Plan 2986KS; ; A 56311 Lily Lake Road
Development Permit Application Number:	305305-24-D0242
Decision Regarding Proposed Development:	Approval of a Diversified Agriculture Use – to operate an agritourism operation including a garden centre, farm market, agricultural educational tours and workshops, agricultural culinary experiences, experimental agritourism, agricultural festivals, small scale food processing, petting farm and house, pony and hayrides.

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An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on October 10, 2024. In accordance with section 686(2) of the *Municipal Government Act*, the SDAB must hold an appeal hearing within 30 days after receipt of a notice of appeal.

**Appellant: Fred Fibi**

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

- The traffic density has been relaxed, and the reduction in speed is a compensation for the relaxation of the County's density requirement, which was upheld by a previous appeal to the Subdivision and Development Appeal Board in October 2023.

Take notice that this SDAB hearing is scheduled for **November 5, 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 451 512 4# This should connect you directly into the hearing.

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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). **To be included in the SDAB hearing agenda package, written submissions must be submitted no later than October 31, 2024. However, the Board can accept written submissions up to the date of the hearing.**

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

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

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board

October 22, 2024

SDAB File Number: 024-STU-016

Dear Resident:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	Plan 2986KS; ; A 56311 Lily Lake Road
Development Permit Application Number:	305305-24-D0242
Decision Regarding Proposed Development:	Approval of a Diversified Agriculture Use – to operate an agritourism operation including a garden centre, farm market, agricultural educational tours and workshops, agricultural culinary experiences, experimental agritourism, agricultural festivals, small scale food processing, petting farm and house, pony and hayrides.

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**Appellant: Fred Fibi**

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

- The traffic density has been relaxed, and the reduction in speed is a compensation for the relaxation of the County's density requirement, which was upheld by a previous appeal to the Subdivision and Development Appeal Board in October 2023.

Take notice that this SDAB hearing is scheduled for **November 5, 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 451 512 4# This should connect you directly into the hearing.

**The Board notes that the Development Permit subject to appeal expires on October 31, 2024, before the scheduled hearing. Therefore, the hearing on November 5 will be a preliminary hearing only and will be an opportunity for the parties to make submissions regarding the merits of the Board proceeding with a full hearing at a later date. Please confine any submissions to this issue only.**

**Why am I receiving this information?**

When an appeal is received, adjacent landowners have the right to make a written submission and/or attend the hearing. 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). **To be included in the SDAB hearing agenda package, written submissions must be submitted no later than October 31, 2024. However, the Board can accept written submissions up to the date of the hearing.**

Please note that any submissions previously provided to the Development Authority are not provided as evidence to the Subdivision and Development Appeal Board and therefore must be resubmitted.

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.

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board

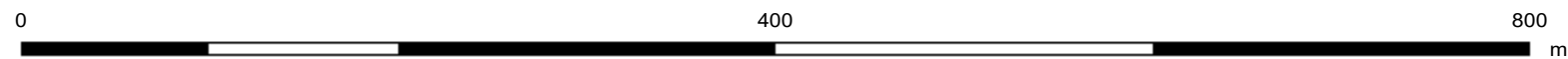
Encl.: Site Map





### Legend

- Parcel
- County Roads
  - Collector, Surfaced
- Parcel
- Municipal Boundary
- Ortho 2024
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes



## **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.



**Planning and Development**

9613-100 Street

Morinville, AB T8R 1L9

Phone (780) 939-8275

Fax (780) 939-2076

Email: [PandD@sturgeoncounty.ca](mailto:PandD@sturgeoncounty.ca)

## Notification of Decision Letter

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Date: 19 September 2024

Permit Number: 305305-24-D0242

To: Andersen, Tammy  
Box 119  
Bon Accord, AB  
T0A 0K0

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-24-D0242 was approved with conditions on 19 September 2024.

This decision or a condition of this permit, may be appealed to the Subdivision and Development Appeal Board within 21 days after the date on which a person qualified to appeal is notified. The 21-day appeal period, from the date of issuance, must lapse before the Development Permit becomes effective.

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

Regards,

**Tyler McNab**  
Digitally signed by Tyler  
McNab  
Date: 2024.09.19 16:11:02  
-06'00'

Development Authority



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**Development Permit**

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**Land Use Bylaw 1385/17**

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Permit No.:	305305-24-D0242
Tax Roll No.:	1248000
Decision Date:	Sep 19, 2024
Effective Date:	Oct 10, 2024

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**Applicant**

Name: Andersen, Tammy  
Address: Box 119  
Bon Accord, AB  
T0A 0K0  
Phone: (780)921-2272  
Cell:  
Email: office@prairiegardens.org

**Owner**

Name: Andersen, Tammy  
Address: Box 119  
Bon Accord, AB  
T0A 0K0  
Phone: (780)921-2272  
Cell:  
Email: office@prairiegardens.org

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**Property Description**

severed in line with section 17 of the FOIP Act

**Legal Land Description:** 2986KS; ; A ; ---

**Land Use Description:** AG - Agriculture District

**Rural Address:** 56311 Lily Lake Rd

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**Description of Work**

- Temporary Diversified Agriculture - operate an agritourism operation including a garden centre, farm market, agricultural educational tours and workshops, agricultural culinary experiences, experimental agritourism, agricultural festivals, small scale food processing, petting farm and house, pony and hay rides
- 

**Fees**

Commercial, Industrial, Institutional	\$600.00
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**Permit Conditions**

1. The approval is for Diversified Agriculture Use – to operate an agritourism operation including a garden centre, farm market, agricultural educational tours and workshops, agricultural culinary experiences, experimental agritourism, agricultural festivals, small scale food processing, petting farm and house, pony and hay rides. The business shall operate in accordance with the approved site plan and as per the business operations provided by the applicant with respect to the number of customer visits, employees, and servicing of the site.
2. Operations for the public use hours as follows:  
Daily: 9am to 11pm
3. The approval is limited only to the following dates:
  - a. Sept 6-9, 2024
  - b. Sept 13-16, 2024
  - c. Sept 20-23, 2024
  - d. Sept 27-30, 2024

- e. Oct 4-7, 2024
  - f. Oct 11-15, 2024
  - g. Oct 18-21, 2024
  - h. Oct 25-28, 2024
4. This permit approval expires on October 31<sup>st</sup> 2024.
  5. The approval limits the daily operation to a cumulative maximum of 600 vehicle trips per day (300 vehicles in and out) for all activities on the property unless otherwise approved by a Traffic Accommodation Plan.
  6. The developer must adhere to the approved Traffic Accommodation Plan as approved by the County.
  7. Parking for customers and employees shall be provided for onsite in accordance with the approved parking plans. The parking area shall be hard surfaced as per Sturgeon County's General Municipal Servicing Standards (GMSS). At no time shall parking be permitted on a public road and/or road allowances.
  8. Adequate sanitary facilities shall be provided for public use in accordance with Alberta Health Services Regulations.
  9. Outdoor lighting shall be located and arranged so that no direct or indirect rays of light are directed at or adversely affect any adjacent parcels.
  10. The operation shall not generate noise, smoke, steam, dust, odour, fumes exhaust, vibration, heat, glare, or refuse matter considered offensive or excessive by the Development Authority.
  11. No overnight camping or accommodation is permitted and is subject to a separate Development Permit approval.
  12. Adequate garbage receptacles and resources shall be required to contain and remove all garbage from the parcel.
  13. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. In the event that the drainage of a development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.
  14. Should the intensity of the business increase with respect to the hours of operation, number of customer visits, parking requirements, or hosting tours and tastings with food service, a new development permit shall be required.
  15. If the development authorized by this permit is not commenced on the dates as per condition 3, or is not carried out with reasonable diligence, the permit approval ceases and the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Approving Authority

**Advisory Notes:**

1. Diversified Agriculture means an agricultural use that brings additional traffic or impacts to the parcel than activities anticipated in the Extensive livestock or Extensive and Intensive agriculture uses. Typical activities include value added agricultural processing, retail sales of agricultural products and products complementary and accessory to the agricultural use, and allows for commercial experiences related to the enjoyment, education, or activities and events related to farming or farm life but does not include events that are not primarily agricultural in nature such as weddings, retreats, ceremonies and corporate functions.
2. Weed control on site will be in accordance with the Alberta Weed Control Act.
3. It is the responsibility of the applicant to ensure that all development and activities associated with the development complies with any federal, provincial, or municipal laws/legislation and any required license (Alberta Gaming and Liquor), permit, approval, authorization, regulation, or directive.



If you have any questions or concerns

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

**Issued By:**

**Tyler McNab**

Digitally signed by Tyler  
McNab  
Date: 2024.09.19 16:11:21  
-06'00'

Tyler McNab  
Development Authority

**Municipality**

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

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**Appeal Information**

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

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

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



## Diversified Agriculture & Agriculture Support Service

### Diversified Agriculture & Agriculture Support Service Definition

**Diversified Agriculture & Agriculture Support Service** means an agricultural use that brings additional traffic or impacts to the parcel than activities anticipated in the Extensive livestock or Extensive and Intensive agriculture uses. Typical activities include value added agricultural processing, retail sales of agricultural products and products complementary and accessory to the agricultural use, and allows for commercial experiences related to the enjoyment, education, or activities and events related to farming or farm life but does not include events that are not primarily agricultural in nature such as weddings, retreats, ceremonies and corporate functions. This use does not include home based business, visitor accommodation, intensive agriculture, event venue, agriculture support services, Cannabis Production and Distribution, or Cannabis Retail Sales

Diversified Agriculture & Agriculture Support Service does not include weddings, corporate retreats or other similar events, it also does not include visitor accommodation use for cabins or campsites. An event venue application, community building or visitor accommodation application will be required in these cases.

Depending on the zoning of your property, Diversified Agriculture & Agriculture Support Service may be discretionary or not permitted. If you need to rezone your parcel, our team will be happy to go over the rezoning steps.

### What to consider when applying

- Hours and season of operation;
- Peak site visits;
- Anticipated noise;
- Traffic volume and routing;
- Servicing (ie: water and sanitary);
- Site plan showing existing and proposed buildings, including outdoor areas open to the public
- Signage;
- Occupancy of all current or proposed buildings including temporary buildings and farm buildings;
- Equipment and/or material storage;
- Number of employees;
- Number of commercial vehicles; and
- Any other information that the Development Authority considers necessary.

**We welcome you to discuss your plans with our Planning and Development team.**



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

Permit Number:	305305-24-D0242
Date Received:	19 Sep 24
Received By:	T. McNab

## Development Permit Application for Diversified Agriculture & Agriculture Support Service

Application is hereby made under the provisions of Land Use Bylaw 1385/17 to develop in accordance with the plans and supporting information submitted herewith and which form part of this application.

### APPLICANT INFORMATION

Applicant Name	Tam Andersen	Landowner Name	Tam Andersen
Applicant Address	PO BOX 119	If different than applicant	
Mailing address	Bon Accord	Alberta	T0A 0K0
City/Town	780-921-2272	Province	Postal
Phone	office@prairiegardens.org	Alternate Phone	Fax
Email			

severed in line with section 17 of the FOIP Act

### LAND INFORMATION

Municipal Address	56311 Lily Lake Road	Subdivision	
Legal Description	Lot A	Block	Plan 2986KS
	Quarter	Section	Twp Rge W
Existing Use of Land or Building			

### BUSINESS DESCRIPTION

Name of Business Prairie Gardens

Provide a detailed description of the business, operations outline or plan; including number of attendees, peak site visits, hours and season of operation, signage, and servicing (attach a letter if more space is needed)

Prairie Gardens is a working farm, tree nursery, garden centre, greenhouse, market garden, farm market, community supported agriculture, orchard, educational garden, u-pick strawberry, apple, and pumpkin patch and agr-tourism operation. First established in 1956 as a tree nursery, the farm has diversified to remain a sustainable family farm. We welcome visitors and clients to learn about how to garden, nourish their souls, enjoy wholesome family fun, and find out where our food comes from.

While we continue to operate as a tree nursery and garden center, we have diversified into u-pick agri-tourism since 1984 ( the past 40 years), and continue to diversify into agri- and culinary tourism with the support of Edmonton Tourism and Travel Alberta. Prairie Gardens has undergone significant tourism training, and is considered a market-ready agri-tourism farm, ready to accept international guests to engage in experiential 'agri-cultural' tourism, such as farm-based farm production, family friendly activities such as farm tours, petting farm, corn and sunflower mazes, wagon rides, and garden and foraging tours, reconciliation activities such as a national healing forest; events and festivals such as the strawberry festival or pumpkin festival, orchard blossom festival, blossom to bouquet workshops, greenhouse planting workshops, orchard planting workshops, herb growing and using workshops, farm to table dinners, with small scale food processing (jams and pickles) and value added farm to table meals, hands-on horticultural experiences, winter wonder-farm tours on growing food north of the 56th parallel in the winter, Christmas workshops using winter boughs harvested from the farm, and farm to table dinners, and land-based learnings. We often collaborate with other rural tourism business in the region, such as pony rides, pottery demos, local chefs and value-added bakers, makers and fermenters, and indigenous tourism collaborators.

List of Exact Dates required to be over 100 vehicle trips per day attached with proposed Traffic Accommodation Strategy.

## VEHICLES & TRAFFIC

List all vehicle types and equipment associated with your business including; truck size(s), type, and weight, machinery, trailers, ect. (Agricultural Equipment that will not be used for Diversified Agriculture or Agriculture Support Services use may be excluded)	Tractors	Handicap Bus Small
	Havrack Wagons	Motor Coach (rarely)
	Teamster Wagon	Limos
	One ton truck	School Buses
		Passenger Vehicles

What is the estimated road traffic volume for events? (number of vehicles per day)	300 Vehicles per day	Where is the road traffic being routed from? (Provide Sketch if necessary)	
What road traffic type will be at the event? (Eg. Personal, commercial, buses ect.)	School bus personal	Lily Lake Road (From HWY 28) See Traffic Accomodation Strategy	2024
		What are the number of on-site parking stalls?	400+

## INFRASTRUCTURE

What is the water supply?	<input type="checkbox"/> On-Site (Well) <input type="checkbox"/> Municipal <input checked="" type="checkbox"/> Hauled	What type of sanitary service?	<input type="checkbox"/> On-Site (Private) <input type="checkbox"/> Municipal <input checked="" type="checkbox"/> Hauled
What is the estimated daily peak water use(m <sup>3</sup> )?	300g	What is the approximate sanitary daily peak use? (Municipal Servicing Plan required in 25 m <sup>3</sup> or more)	300g

## VENUE

Are materials and/or equipment related to the business stored outdoors?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	What is being stored and where?	Tractors & Wagons in equipment area
Are deliveries made to the property associated with the business?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How frequent?	Couriers vary bi-monthly
Is there a proposed sign for your business?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	What is the total size (m <sup>2</sup> )?	2.9 exists already X 2 HT 10' HT 12'
What is the proposed maximum occupancy – outdoor area(s)?	450	What is the proposed maximum occupancy – indoor area(s)?	100
How many on-site employees?	14	How many months is the venue open for public access?	11
Will alcohol be served and/or sold?	<input type="checkbox"/> Yes, AGLC Class D, E, F (Consumption Offsite) <input checked="" type="checkbox"/> Yes, AGLC Class A, B, C (Consumption Onsite) <input type="checkbox"/> No	What are your operational hours? (Weekdays and Weekends/ Holidays)	Weekdays varies Weekends varies

Possible - SEL Private Event

What is the expected noise? Describe	Hours 9am -11pm 7 days a week, unless closed seasonally. Usual hours 9:30 - 7pm. Occasionally custom programs - until 9pm or 11pm. Daytime passenger vehicles, lawn mowers, tractors, people talking, laughing, families having fun Evening - quiet as a quiet library, people laughing, singer-songwriters acoustic guitar
What is the expected smoke/steam/dust (including activity from the traffic route)? Describe	No steam. Small Cooking fire wood smoke, pavement to site, not really a dust issue
What is the expected odour/fumes/exhaust? Describe	Flowers and orchards blooming, Wood fire cooking, small petting farm, earth, apples, fragrance of strawberries
What is the expected heat/glare/lighting? Describe	Canada's Dark Sky preserve located at Bon Accord. No particular glare or heat. Christmas Lights
What delineation or privacy measures security and privacy are established to adjacent parcels (Eg. Fencing, vegetation)?	Fenced and / or bordered with Shelterbelt Trees, New Shelterbelt joint planting collaboration with Sprout Farms along their driveway to the south in the former NAR Railway right of way.

## BUSINESS INFORMATION

Where can we find you? We love to follow Sturgeon County Businesses!

Website \_\_\_\_\_ Facebook \_\_\_\_\_

Instagram \_\_\_\_\_ Twitter \_\_\_\_\_

Other \_\_\_\_\_

Yes, I would like to receive occasional email updates from Sturgeon County Economic Development

## APPLICANT AUTHORIZATION

I/we hereby give my/our authorization to apply for this development permit application and allow authorized persons the right to enter the above land and/or building(s) with respect to this application only. I/we understand and agree that this application and any development permit issued pursuant to this application or any information thereto, is not confidential information and may be released by Sturgeon County.

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

See Email

Signature of Authorized Agent

See Email

Landowner Signature

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

### FOR OFFICE USE ONLY – PERMIT FEES ARE NON-REFUNDABLE

Fee \$ 600 Penalty \$ \_\_\_\_\_ Receipt # 20240724 Tax Roll # 1248000 Zoning AG

Paid By: Cash / Cheque / Debit / VISA / MasterCard



## Diversified Agriculture & Agriculture Support Service Application Checklist

### ☒ Completed Development Permit Application Form

Completed in full and signed by all registered landowners or person authorized on their behalf.

### ☒ Land Title Certificate

Searched within 30 days prior to the application. If the parcel is titled to a company name, you will also be required to provide a Corporate Registry. These documents can be obtained at any Provincial Registry Office or online at [www.spin.gov.ab.ca](http://www.spin.gov.ab.ca).

### ☒ Site Plan

Drawing that depicts site details of your development. A surveyed plot plan may be required depending on scale of operations.

### ☐ Construction Drawings

☒ N/A

Complete construction drawings for any proposed buildings or site work.

### ☐ Complete Building Permit Application(s)

Available at [www.sturgeoncounty.ca](http://www.sturgeoncounty.ca)

or

### ☐ Farm Building Confirmation(s)

No public access & limited to low occupancy farm storage.

### ☒ Abandoned Oil Well Declaration Form Map

☐ N/A

Required for all building developments greater than 505ft<sup>2</sup> (46.9m<sup>2</sup>)

### ☐ Utility Applications

☒ N/A

Required for all parcels with Municipal Servicing, including for most parcels within a subdivision.

### ☐ Alberta Transportation Approval

☒ N/A

300 m from a provincial right-of-way or 800 m of the centerline of a highway and public road intersection

### ☐ Approach Application/Deposit

☒ N/A

Required where no access to the parcel exists or the upgrade of the access required to meet Sturgeon County minimum standards.

Please ensure that all documentation listed forms part of your application.

Following review of the application, additional information may be requested in accordance with the Land Use Bylaw.

### PERMIT FEES ARE NON-REFUNDABLE and SUBJECT TO CHANGE

All development and construction that occurs prior to permit issuance is subject to a penalty of double the current permit fee.

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

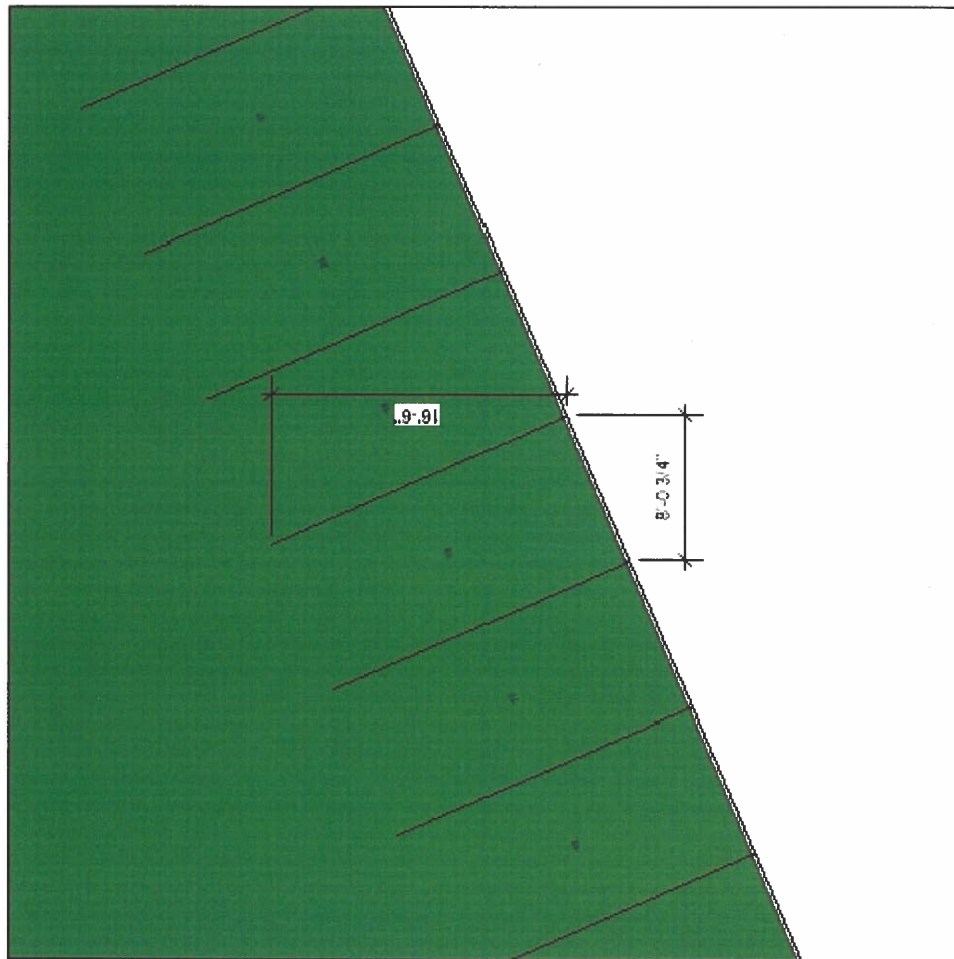


# PRAIRIE GARDEN

## DETAIL

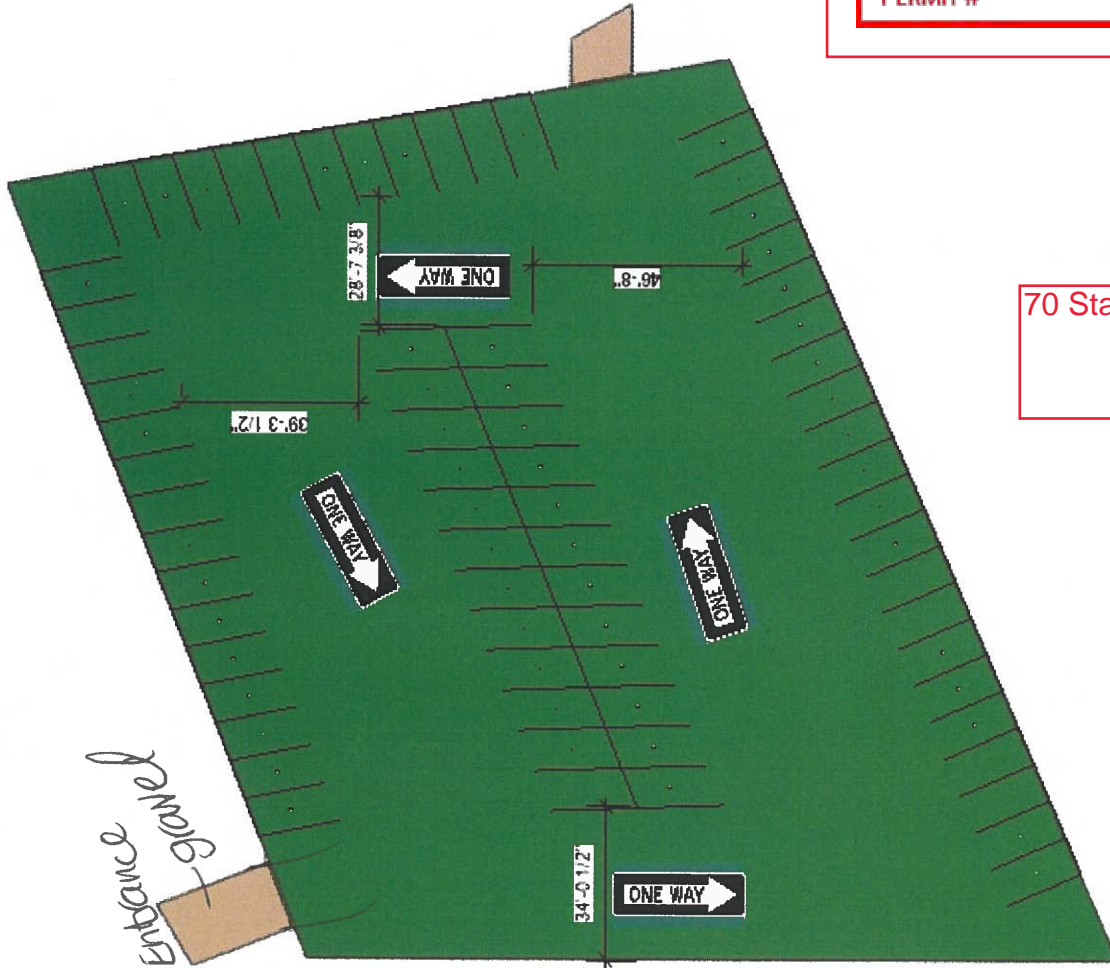
AUXILIARY PARKING Field 1

GRASS



PRAIRIE GARDENS  
 AUXILIARY PARKING  
 Field 1 (south side @ south site)  
 GRASS

42



70 Stalls

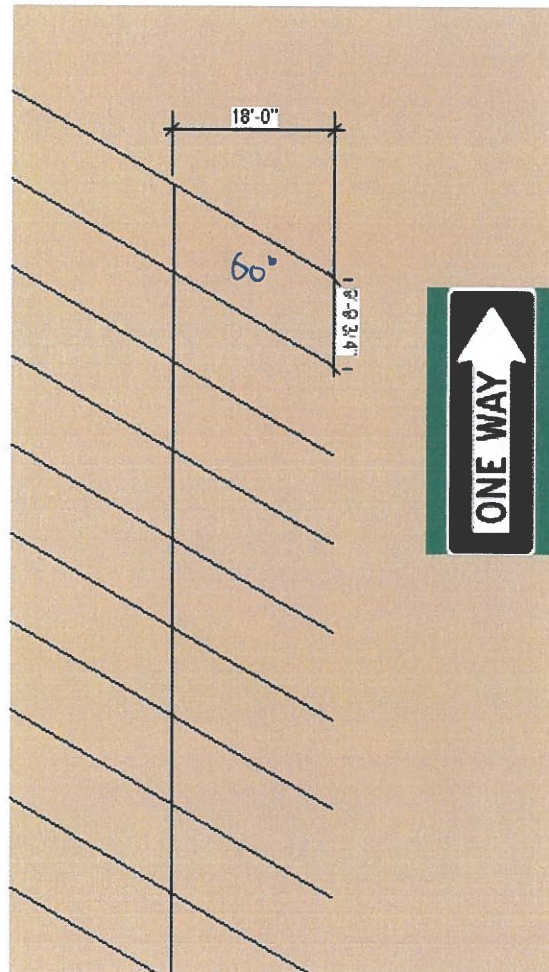
<b>APPROVED</b>	
<b>FOR DEVELOPMENT PERMIT ONLY</b>	
<b>STURGEON COUNTY</b>	
<b>PLANNING &amp; DEVELOPMENT SERVICES</b>	
<b>Tyler McNab</b>	Digitally signed by Tyler McNab Date: 2024.09.19 16:11:41 -06'00'
<b>DEVELOPMENT AUTHORITY</b>	<b>DATE</b>
<b>305305-24-D0242</b>	
<b>PERMIT #</b>	

# PRAIRIE GARDENS

AUXILIARY OVERFLOW PARKING AREA

FIELD 2 FIELD 3

DETAIL



# Part 1 Plan Field 2/3

APPROVED

FOR DEVELOPMENT PERMIT ONLY

STURGEON COUNTY

PLANNING & DEVELOPMENT SERVICES

Tyler McNab

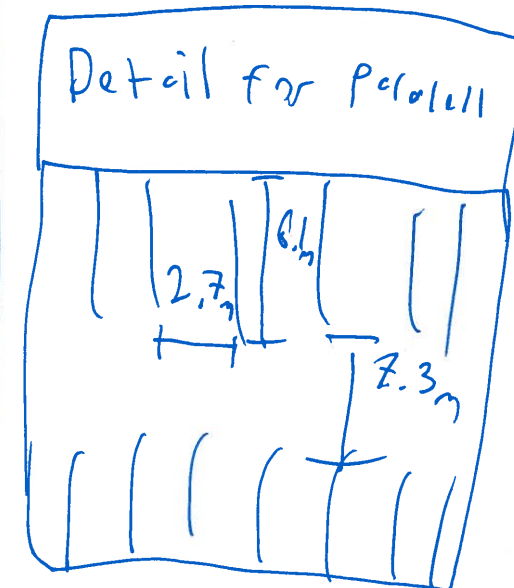
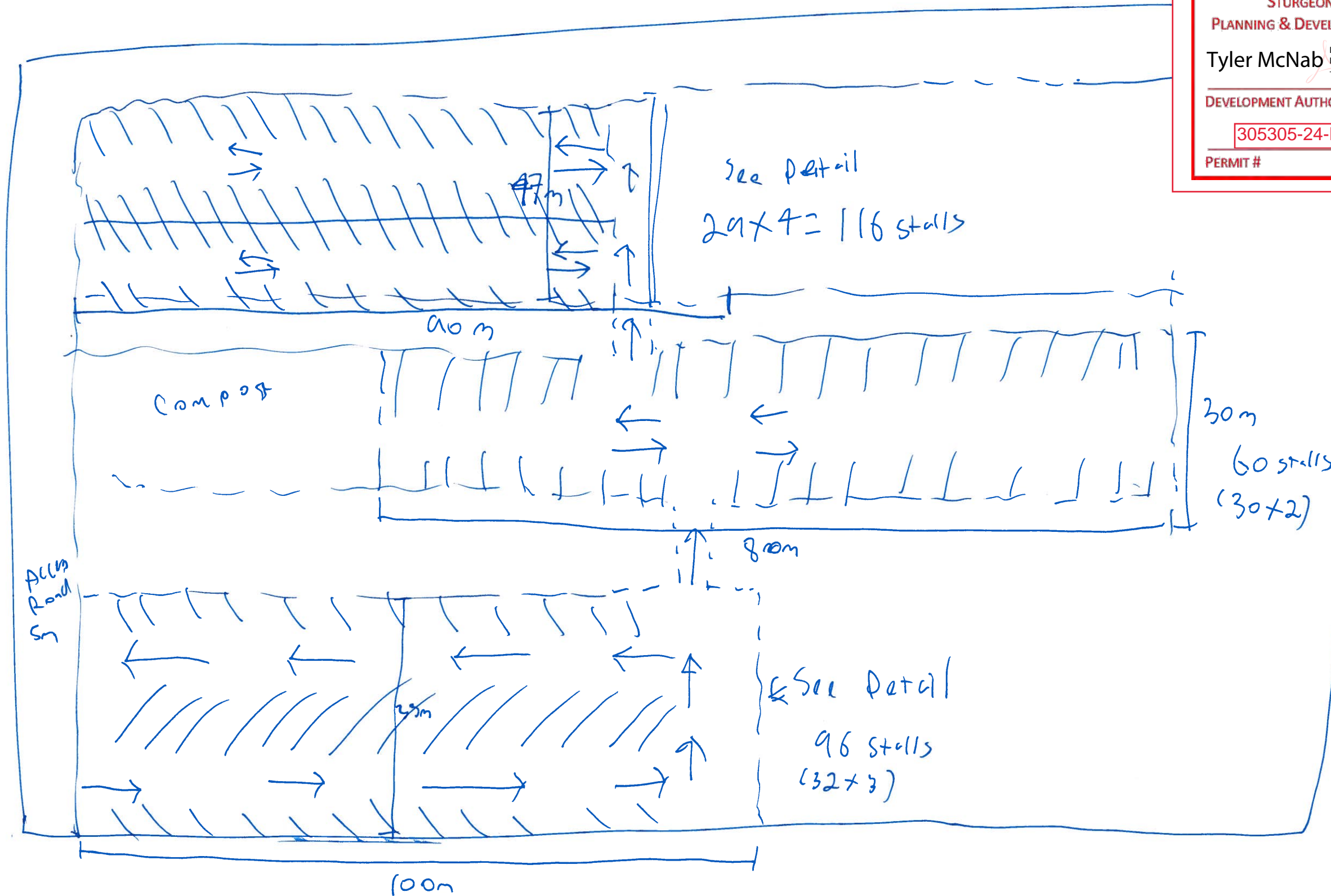
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DEVELOPMENT AUTHORITY

DATE

305305-24-D0242

PERMIT #





# Application Intensity Matrix

Intensive Agriculture, Diversified Agriculture and Agricultural Support Services



## Purpose

The Development Authority will apply this Matrix to assess proper use classification, impacts to adjacent landowners and County infrastructure and to apply conditions of development.

The Development Authority will have full discretion upon final decision regardless of outcome of this matrix.

Note on Assessments: Peak intensity per day or week or season is maximum not averaged, for example if 2 buses visit on any day of the year the intensity is considered to be higher. Cumulative impacts are measured per site. Special Flag is used to flag a special condition or impact that is outside the matrix.

Impacts	Intensity			Special Flag	Score
	0 Low	1 Medium	2 High		
Infrastructure					
Road Traffic Volume	50 Vehicle Trips (25 vehicles) per day or less	50-100 Vehicle Trips (25-50 vehicles) per day	100-500 vehicle trips (50-250 vehicles) per day	Access and TAS Limits	2
Road Traffic Routing	Routing from highway or arterial Road	Routing from Collector/Local Road	Routing through residential area.		0
Road Traffic Type	Personal Vehicles	Commercial Vehicles (inc buses) 1 per day	Commercial Vehicles (inc buses) 2-5 per day		2
Water Supply	On-Site (Well)	Municipal	Hauled		0
Water Use	10m3/week or less (1 Truck)	10-20m3/week (2 Trucks)	Over 20m3/week		0
Sanitary Use (Municipal Servicing Plan required if 25m3 or more)	Private System (less than 5.7m3/day)		Private System (up to 25m3/day)		0
Sanitary Supply	On-Site	Municipal	Hauled		0
Parking	25 Stalls or less	25-50 stalls	50-250 stalls	Over 300 Stalls,	2

				Temp Parking	
<b>Customers/venue</b>					
Maximum Occupancy Outdoor	100 and under	101 to 499	500-1000		1
Maximum Occupancy Buildings	100 and under	101 to 299	300-500		1
Occupancy Employees	1-5	6-9	Over 10		1
Operation Alcohol	None	AGLC Class D,E,F (Consumption Offsite)	AGLC Class A,B,C (Consumption Onsite)		0
Operation Public Season	Open to Public 0- 3 months	Open to Public 3-6 months	Open to Public 12 months		2
Operation Hours	0700-1800 Weekdays	1700-2300 or weekends	Past 2300hrs Weekdays or weekends		1
Nuisance Noise	As expected under Extensive Agriculture	Moderate Noise – Days only	Moderate Noise – Evenings or Weekends		2
Nuisance Smoke/Steam/Dust (Traffic Route included)	As expected under Extensive Agriculture	Minimal (Dust control may be required)	Moderate (Dust control certain)	Temp Parking	1
Nuisance Odour/fumes/exhaust	As expected under Extensive Agriculture	Minimal (Chance of Odour or fumes, but rare)	Moderate (Chance of Odour or fumes to occasionally occur)		0
Nuisance Heat/glare/lighting	As expected under Extensive Agriculture	Minimal (Chance of glare or heat, but rare)	Moderate (Chance of glare or heat to occasionally occur)		0
<b>Impacts/compliance</b>					
Land Use Ag land taken out of ag production (Buildings for public and business use, parking, market areas anywhere not used for growing/ranching)	5% or less	6-9%	10%-25%		2



Land Use Environmental Impacts	No Impacts	Adjacent to minimal Wetlands	Adjacent to significant Wetlands/ Waterways		0
Adjacent Landowners Privacy/Security	Impassible fencing or vegetation	Climbable fencing or vegetation (Barb Wire)	No Fencing or vegetation		0
Adjacent Landowners Dwellings (from Development Area)	Up to 2 adjacent dwellings within 800m	2-5 dwellings within 800m	5+ dwellings within 800m		1
<b>Totals</b>					
<b>Intensity</b>	Low	Medium	High	<b>Flag?</b>	
<b>Total</b>	Under 10	11-24	Over 25	<b>Access/ Parking Flags</b>	<b>18/44</b>

#### Notes:

- Intensity over 25 automatically calculates the proposed development as having a significant land, transportation or water demand and should fall under the *Agricultural Support Service* use or rezone to AG-2.
- Processing and Agritourism operations are automatically *Diversified Agriculture* or *Agriculture Support Service* uses.
- *Intensive Agriculture* operations that score above 10 should be considered a *Diversified Agriculture* use due to intensity.
- Development Authority has final decision on use, the intensity matrix is a guide.

#### Definitions

*Agricultural Support Service* means the use of land, buildings and structures for the purposes of supplying and selling of goods, materials, services directly and primarily related to the agricultural industry. The intensity of the operations has significant land, transportation or water demands and may include off-site impacts that are licensed under provincial or federal regulations. Typical uses include abattoirs; fertilizer plants; sale, cleaning and storage of seed and feed. This may include ancillary uses, including, but not limited to, office, sales, technical, administrative support, storage or warehousing. This does not include Cannabis Production and Distribution or Cannabis Retail Sales or general industrial.

*Diversified Agriculture* means an agricultural use that brings additional traffic or impacts to the parcel than activities anticipated in the *Extensive livestock* or *Extensive and Intensive agriculture* uses. Typical activities include value added agricultural processing, retail sales of agricultural products and products complementary and accessory to the agricultural use, and allows for commercial experiences related to the enjoyment, education, or activities and events related to farming or farm life but does not include events that are not primarily agricultural in nature such as weddings, retreats, ceremonies and corporate functions. This use does not include home based business, visitor accommodation, intensive agriculture, event venue, agriculture support services, Cannabis Production and Distribution, or Cannabis Retail Sales.

*Intensive agriculture* means a horticultural operation that generally operates on smaller tracts of land. Without restricting the generality of the foregoing, this may include nurseries, greenhouses, market gardens, u-pick farms, tree farms. This use accommodates minimal site visits, typically on a seasonal basis, for customers purchasing of strictly onsite farm products. This does not include Cannabis Production and Distribution or Cannabis Retail Sales.



# Traffic Accommodation Plan

Location: 56311 Lily Lake Rd, Sturgeon County

Proposed Start Date: September 6, 2024

Proposed End Date: October 28, 2024

## 1. Location

56311 Lily Lake Road, Bon Accord, Sturgeon County. RR235, 53.852730, -113.396858 and North pumpkin patch entrance 53.861900, -113.395314.

## 2. Scope of Work

### "NORMAL OPERATIONS"

For Normal Operations, such as the Intensive Agriculture Operations for Tree Nursery, Garden Centre, Greenhouses, Market Garden, U-pick and Agritourism Activities, The amount of trips are as follows:

South entrance AADT 100 trips per day.

### "PEAK SEASON OPERATIONS"

The traffic flow is expected to be increased during this time to about 50-650 vehicles at the south entrance as an estimate. The north entrance is not being used for an event this year. Please see the drawing below indicating the revisions to be made to the road during peak season on weekends.

The estimated average amount of trips per day (which are estimated from the traffic counts conducted by the county in 2023 and are weather dependant) are as follows:

### PUMPKIN HARVEST WEEKENDS:

Friday, September 6 - 150 vehicles per day

Saturday, September 7 - 150 vehicles per day

Sunday, September 8 - 150 vehicles per day

Monday September 9 - 150 vehicles per day

Friday September 13 - 50 vehicles per day

Saturday, September 14 - 250 vehicles per day

Sunday, September 15 - 200 vehicles per day

Monday September -16 50 vehicles per day

Friday September 20 -150 vehicles per day

Saturday, September 21 - 300 vehicles per day

Sunday, September 22 - 300 vehicles per day

Monday, September 23 - 90 vehicles per day

Friday September 27 - 120 vehicles per day

Saturday September 28 - 300 vehicles per day

Sunday September 29 – 300 vehicles per day

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<b>FOR DEVELOPMENT PERMIT ONLY</b>	
<b>STURGEON COUNTY</b>	
<b>PLANNING &amp; DEVELOPMENT SERVICES</b>	
<b>Tyler McNab</b>	Digitally signed by Tyler McNab Date: 2024.09.19 16:12:16 -06'00'
<b>DEVELOPMENT AUTHORITY</b>	<b>DATE</b>
<b>305305-24-D0242</b>	
<b>PERMIT #</b>	

Monday September 30 - 130 vehicles per day  
Friday October 4 - 170 vehicles per day  
Saturday October 5 - 300 vehicles per day  
Sunday October 6 - 300 vehicles per day  
Monday October 7 - 150 vehicles per day

Friday October 11 - 130 vehicles per day  
Saturday October 12 - 300 vehicles per day  
Sunday October 13 - 300 vehicles per day  
Holiday Monday October 14 - 300 vehicles per day  
Tuesday October 15 - 150 vehicles per day

Friday October 18 - 120 vehicles per day  
Saturday October 19 - 100 vehicles per day  
Sunday October 20 - 200 vehicles per day  
Monday October 21 - 250 vehicles per day

Friday October 25 - 170 vehicles per day  
Saturday October 26 - 290 vehicles per day  
Sunday October 27 - 290 vehicles per day  
Monday October 28 - 70 vehicles per day

#### Flaggers:

Flaggers will be on private property at the entrance to the Prairie Gardens south site off Lily Lake Rd as well as inside the parking lots to help guide vehicles and pedestrians. The only time flaggers will be on the road will be to set up and remove signage.

#### Pedestrians:

Pedestrians have no reason to walk off of the south site property to the north site as there is no event going on there. If, for some reason, a pedestrian is seen walking towards the north property, the staff is trained to ask them not to walk on the roadway.

#### Tickets:

Prairie Gardens offers a pre-sale of tickets online where they can have the public purchase tickets with a time slot so they are able to monitor and somewhat control the amount of visitors coming in throughout the day. The tickets are sold in half hour intervals and are capped if they reach parking capacity. Around 85% of visitors do purchase online ahead of time especially since there are incentives in place for rideshare and a reduced price. There is still the option to arrive and purchase a ticket on the spot for an inflated cost, but only about 15% of the visitors do this.

#### Parking:

Timed entry from 9:30am - 7pm reduces the actual average number of vehicles to enter the site to approximately 35 vehicles per hour. The counts of vehicles per day reflect the number of vehicle trips (both in and out for the same vehicle), thereby reducing the number of parking

spaces required by 50% of total vehicles counted. Parking lot areas for Prairie Gardens south site can hold approximately 480 vehicles, with an additional temporary overflow parking of 120 available spaces which is more than adequate for 35 cars per hour. The majority of vehicles will be passenger vehicles. Large vehicles like delivery trucks will be postponed to off operation hours. Signs will be removed after the last traffic has cleared out and re-erected before opening each day on days with anticipated higher traffic volumes.

### **3. Duration**

Peak Season starting September 6 to October 28, 2024 between 9:30am and 6:00pm. There are a limited number of group events with less than 100 guests that occur in the evening between 5:00pm and 9:30pm.

### **4. Traffic Control Devices**

Signs will be required during these event times when the anticipated traffic volume will exceed 100 vehicles per day on Lily Lake Rd. The signs proposed are laid out in the attached diagram. I suggest using Obstruction Ahead WD-AE4 in place of Roadwork/Workers WD-A-41 since there are no workers on or near the roadway.

“No parking” signs will be put onto Lily Lake Rd and TWP564 to keep vehicles from parking there. There will be no equipment (ie. Traffic cones, etc) on the roadway.

### **5. Speed Limits**

PLEASE NOTE: The traffic drawings are not to scale and it states so in each badge, Scale:N.T.S. The posted speed limit northbound and southbound on RR235 is 100km/h and is a paved road. We will lower the speed limit to 80km/h on Lily Lake Rd for northbound and southbound traffic passing the entrance during high traffic volume times, removing these signs at the end of each day and/or when traffic volumes are lower. Any permanent signs that post the gazetted speed within this zone must be covered while the speed reduction is in effect. The speed limit increase back to 100km/h northbound and southbound will be placed after the south entrance by at least 100m.

### **6. Flagperson Requirements**

Flaggers have been trained by Northern Alberta Traffic Control in procedures to safely erect and remove signage, sign spacing, monitoring and maintaining signs and equipment, flagperson attire and how to properly flag traffic in the parking lot. Only those trained personnel will be permitted to set up and remove the signs on the roadway. Flaggers will wear high vis yellow with reflective stripes. Flaggers will be staying on the private property and will not be controlling traffic on Lily Lake Rd.

### **7. Weather Conditions**

Weather will impact the amount of vehicles that will be coming in and out. On sunnier, warmer days it will be increased and on rainy or colder days the traffic will decrease. The signs will be erected only on days that there is expected to be over 100 vehicles per day.

## **8. Site Specific Safety Issues**

There is an annual permit for Diversified Ag Permit for Peak Season periods .

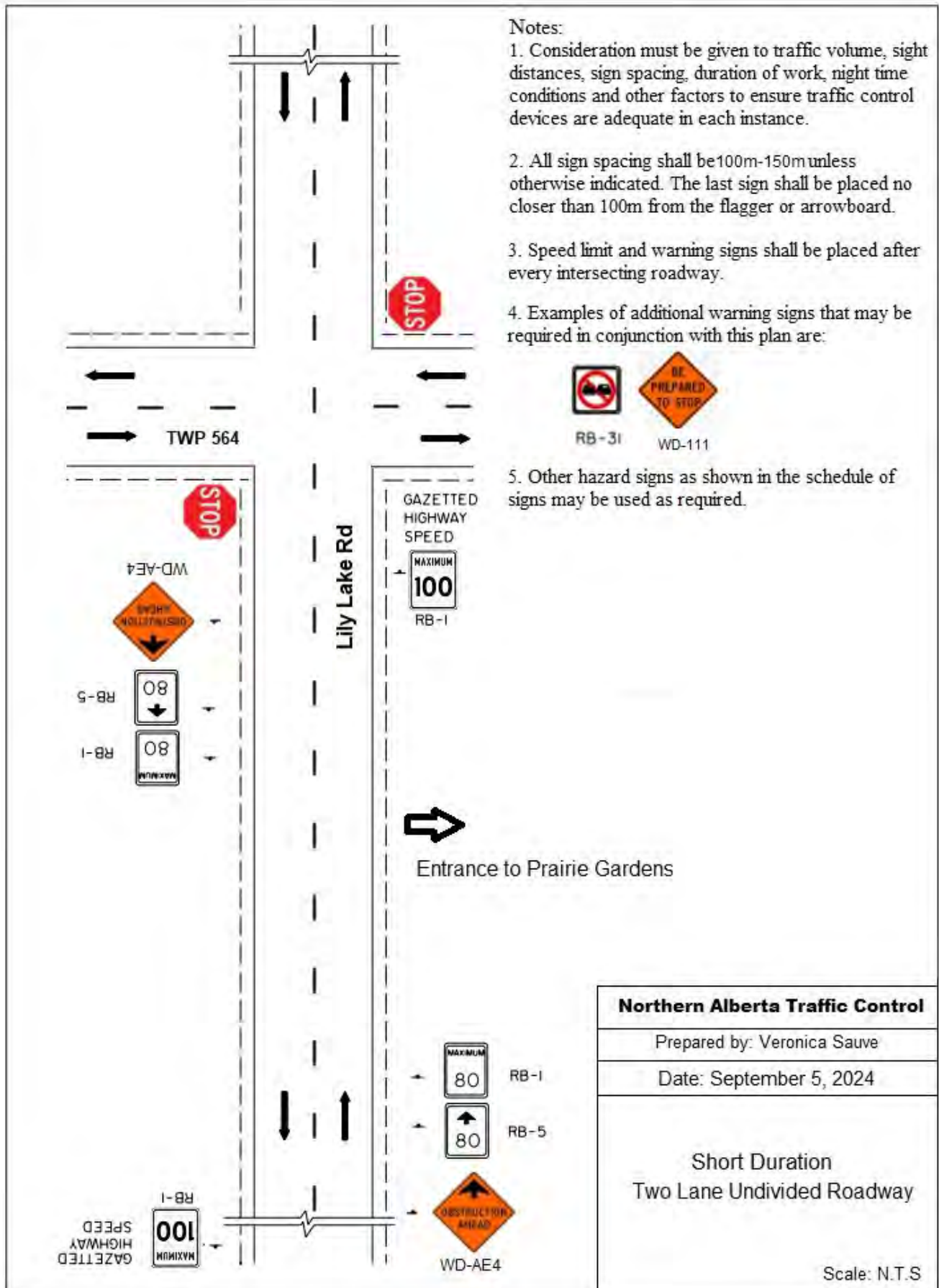
Flaggers and parking attendants will not only help vehicles enter and exit but will also try to keep pedestrians off the road. Information is also given on the website and facebook page about parking and pedestrian traffic safety. Additional traffic mitigation strategies including signage and speed reductions may be required based on actual traffic movements.

Prairie Gardens has professionally developed standard operating procedures for parking lot attendants and certified staff to manage traffic entering the property and to prevent lineups on Lily Lake Road. Additionally, not utilizing the north property will stop patrons from parking at the north property and walking to the south property. Proven safety measures including signage will be placed to prevent parking and pedestrians on Lily Lake Road. Prairie Gardens has successfully implemented safety protocols without incident for the past 4 years.

<b>Emergency Contact List</b>	
Police, Fire and Ambulance	911
Dangerous Goods 24 hour information centre	800-272-9600
Worker's Compensation Board	780-498-3999
Workplace Health and Safety	780-415-8690
Alberta Emergency Management Agency (AEMA)	866-618-2362
Alberta Sustainable Resources (Forest Fire)	866-310-3743
Fortis	780-310-9473
Alberta Environment (24 hour incident reporting)	800-222-6514
CANUTEC (Hazardous Materials Information)	613-996-6666
Poison & Drug Information Service (PADIS)	800-332-1414
Alberta One Call (To Locate Utilities)	800-242-3447
S.T.A.R.S. (Air Ambulance)	780-890-3131
<b>Emergency Number 911</b>	
<b>Site Specific Contact Numbers</b>	
Morinville RCMP	780-939-1600
Bon Accord Volunteer Firefighters Association	780-921-2557
Bon Accord Ambulance Services	780-923-3105
Bon Accord Medical Centre	780-565-3007
<b>Prairie Gardens</b>	780-921-2272
Owner Tam Andersen	
<b>TAS Contractor: Northern Alberta Traffic Control</b>	780-998-7625
Work Site Contact: Veronica Sauve	

severed in line with section 17 of the FOIP Act







# PLANNING AND DEVELOPMENT SERVICES REPORT

**Subdivision & Development Appeal Board**  
**File Number 024-STU-016 - Preliminary**

**FILE INFORMATION – 024-STU-016**

Department File:	305305-24-D0242
Legal Land Description:	Lot A; Plan 2986KS
Relative Location:	2km North of Bon Accord on Lily Lake Road (Rge Rd 235)
Appellant:	Fred Fibi
Landowner:	Anderson, Tammy
Description of Appeal:	Appealing the Decision of the Development Authority
Land Use Bylaw District:	AG – Agriculture District
Tax Roll Number:	1248000

**PRELIMINARY**

- The appeal was filed on time on October 10 2024,
- As per Section 2.11 of the Land Use Bylaw the proposed permit is not yet approved until (and if) the SDAB renders the written decision which if this occurs will be after the approved permit expiry date of October 31<sup>st</sup> 2024. (Appendix 2)
- As such the Development Authority has provided the following forbearance statement to allow the development to proceed.
  - *There is a requirement in law for the permit to come into effect 21 days after the permit approval, while the permit in the meantime is not in officially in effect, under the circumstances of the County and Prairie Garden's agreement, the County will forbear enforcement of this 21 day provision and act as if the permit is valid in the meantime as long as the permit conditions are adhered to.*
- The Development Authority in the meantime, until the SDAB renders a written decision, will continue to adhere to the above forbearance statement.

**BACKGROUND**

- There is a long history on this file including issuing of Stop Order's, Forbearance Agreements and permits.
- A development permit application was submitted 19 September 2024 for a Diversified Agricultural use on the subject lands.
- The application was Deemed Complete on 19 September 2024.
- On 19 September 2024 Development Permit 305305-24-D0242 was approved with conditions. (Appendix 1)



**PROPERTY INFORMATION**

- Lot A; Plan 2986KS
  - Included on the parcel is multiple Development Approvals for Intensive Agricultural uses (Greenhouses) and a permanent Diversified Agriculture use approved as Development Permit 305305-23-D0214 which allows for up to 100 vehicle trips per day.

**RECOMMENDATION**

- Since the writing of the report and the hearing the permit would be expired. The Development Authority does not have any recommendations on whether or not merits to the hearing apply. However The Development Authority does point out that the permit would be expired by the hearing and any decision of a merit hearing would have no bearing on this permit.

**ATTACHMENT(S)**

- Appendix 1 – Development Permit 305305-24-D0242
- Appendix 2 – Excerpt from Land Use Bylaw

Prepared By:

**Tyler McNab** Digitally signed by Tyler McNab  
Date: 2024.10.31 15:30:46 -06'00'

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**Tyler McNab**, Program Lead Development & Safety Codes

Reviewed By:

  
**Yvonne Bilodeau**, Development Officer



**Planning and Development**

9613-100 Street

Morinville, AB T8R 1L9

Phone (780) 939-8275

Fax (780) 939-2076

Email: [PandD@sturgeoncounty.ca](mailto:PandD@sturgeoncounty.ca)

## Notification of Decision Letter

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Date: 19 September 2024

Permit Number: 305305-24-D0242

To: Andersen, Tammy  
Box 119  
Bon Accord, AB  
T0A 0K0

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-24-D0242 was approved with conditions on 19 September 2024.

This decision or a condition of this permit, may be appealed to the Subdivision and Development Appeal Board within 21 days after the date on which a person qualified to appeal is notified. The 21-day appeal period, from the date of issuance, must lapse before the Development Permit becomes effective.

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

Regards,

**Tyler McNab**  
Digitally signed by Tyler  
McNab  
Date: 2024.09.19 16:11:02  
-06'00'

Development Authority



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**Development Permit**

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**Land Use Bylaw 1385/17**

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Permit No.:	305305-24-D0242
Tax Roll No.:	1248000
Decision Date:	Sep 19, 2024
Effective Date:	Oct 10, 2024

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**Applicant**

Name: Andersen, Tammy  
Address: Box 119  
Bon Accord, AB  
T0A 0K0  
Phone: (780)921-2272  
Cell:  
Email: office@prairiegardens.org

**Owner**

Name: Andersen, Tammy  
Address: Box 119  
Bon Accord, AB  
T0A 0K0  
Phone: (780)921-2272  
Cell:  
Email: office@prairiegardens.org

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**Property Description**

severed in line with section 17 of the FOIP Act

**Legal Land Description:** 2986KS; ; A ; ---

**Land Use Description:** AG - Agriculture District

**Rural Address:** 56311 Lily Lake Rd

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**Description of Work**

- Temporary Diversified Agriculture - operate an agritourism operation including a garden centre, farm market, agricultural educational tours and workshops, agricultural culinary experiences, experimental agritourism, agricultural festivals, small scale food processing, petting farm and house, pony and hay rides
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**Fees**

Commercial, Industrial, Institutional	\$600.00
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**Permit Conditions**

1. The approval is for Diversified Agriculture Use – to operate an agritourism operation including a garden centre, farm market, agricultural educational tours and workshops, agricultural culinary experiences, experimental agritourism, agricultural festivals, small scale food processing, petting farm and house, pony and hay rides. The business shall operate in accordance with the approved site plan and as per the business operations provided by the applicant with respect to the number of customer visits, employees, and servicing of the site.
2. Operations for the public use hours as follows:  
Daily: 9am to 11pm
3. The approval is limited only to the following dates:
  - a. Sept 6-9, 2024
  - b. Sept 13-16, 2024
  - c. Sept 20-23, 2024
  - d. Sept 27-30, 2024

- e. Oct 4-7, 2024
  - f. Oct 11-15, 2024
  - g. Oct 18-21, 2024
  - h. Oct 25-28, 2024
4. This permit approval expires on October 31<sup>st</sup> 2024.
  5. The approval limits the daily operation to a cumulative maximum of 600 vehicle trips per day (300 vehicles in and out) for all activities on the property unless otherwise approved by a Traffic Accommodation Plan.
  6. The developer must adhere to the approved Traffic Accommodation Plan as approved by the County.
  7. Parking for customers and employees shall be provided for onsite in accordance with the approved parking plans. The parking area shall be hard surfaced as per Sturgeon County's General Municipal Servicing Standards (GMSS). At no time shall parking be permitted on a public road and/or road allowances.
  8. Adequate sanitary facilities shall be provided for public use in accordance with Alberta Health Services Regulations.
  9. Outdoor lighting shall be located and arranged so that no direct or indirect rays of light are directed at or adversely affect any adjacent parcels.
  10. The operation shall not generate noise, smoke, steam, dust, odour, fumes exhaust, vibration, heat, glare, or refuse matter considered offensive or excessive by the Development Authority.
  11. No overnight camping or accommodation is permitted and is subject to a separate Development Permit approval.
  12. Adequate garbage receptacles and resources shall be required to contain and remove all garbage from the parcel.
  13. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. In the event that the drainage of a development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.
  14. Should the intensity of the business increase with respect to the hours of operation, number of customer visits, parking requirements, or hosting tours and tastings with food service, a new development permit shall be required.
  15. If the development authorized by this permit is not commenced on the dates as per condition 3, or is not carried out with reasonable diligence, the permit approval ceases and the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Approving Authority

**Advisory Notes:**

1. Diversified Agriculture means an agricultural use that brings additional traffic or impacts to the parcel than activities anticipated in the Extensive livestock or Extensive and Intensive agriculture uses. Typical activities include value added agricultural processing, retail sales of agricultural products and products complementary and accessory to the agricultural use, and allows for commercial experiences related to the enjoyment, education, or activities and events related to farming or farm life but does not include events that are not primarily agricultural in nature such as weddings, retreats, ceremonies and corporate functions.
2. Weed control on site will be in accordance with the Alberta Weed Control Act.
3. It is the responsibility of the applicant to ensure that all development and activities associated with the development complies with any federal, provincial, or municipal laws/legislation and any required license (Alberta Gaming and Liquor), permit, approval, authorization, regulation, or directive.



If you have any questions or concerns

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

**Issued By:**

**Tyler McNab**

Digitally signed by Tyler  
McNab  
Date: 2024.09.19 16:11:21  
-06'00'

Tyler McNab  
Development Authority

**Municipality**

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

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**Appeal Information**

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

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

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



## Diversified Agriculture & Agriculture Support Service

### Diversified Agriculture & Agriculture Support Service Definition

**Diversified Agriculture & Agriculture Support Service** means an agricultural use that brings additional traffic or impacts to the parcel than activities anticipated in the Extensive livestock or Extensive and Intensive agriculture uses. Typical activities include value added agricultural processing, retail sales of agricultural products and products complementary and accessory to the agricultural use, and allows for commercial experiences related to the enjoyment, education, or activities and events related to farming or farm life but does not include events that are not primarily agricultural in nature such as weddings, retreats, ceremonies and corporate functions. This use does not include home based business, visitor accommodation, intensive agriculture, event venue, agriculture support services, Cannabis Production and Distribution, or Cannabis Retail Sales

Diversified Agriculture & Agriculture Support Service does not include weddings, corporate retreats or other similar events, it also does not include visitor accommodation use for cabins or campsites. An event venue application, community building or visitor accommodation application will be required in these cases.

Depending on the zoning of your property, Diversified Agriculture & Agriculture Support Service may be discretionary or not permitted. If you need to rezone your parcel, our team will be happy to go over the rezoning steps.

### What to consider when applying

- Hours and season of operation;
- Peak site visits;
- Anticipated noise;
- Traffic volume and routing;
- Servicing (ie: water and sanitary);
- Site plan showing existing and proposed buildings, including outdoor areas open to the public
- Signage;
- Occupancy of all current or proposed buildings including temporary buildings and farm buildings;
- Equipment and/or material storage;
- Number of employees;
- Number of commercial vehicles; and
- Any other information that the Development Authority considers necessary.

**We welcome you to discuss your plans with our Planning and Development team.**



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

Permit Number:	305305-24-D0242
Date Received:	19 Sep 24
Received By:	T. McNab

## Development Permit Application for Diversified Agriculture & Agriculture Support Service

Application is hereby made under the provisions of Land Use Bylaw 1385/17 to develop in accordance with the plans and supporting information submitted herewith and which form part of this application.

### APPLICANT INFORMATION

Applicant Name	Tam Andersen	Landowner Name	Tam Andersen
Applicant Address	PO BOX 119	If different than applicant	
Mailing address	Bon Accord	Alberta	T0A 0K0
City/Town	780-921-2272	Province	Postal
Phone	office@prairiegardens.org	Alternate Phone	Fax
Email			

severed in line with section 17 of the FOIP Act

### LAND INFORMATION

Municipal Address	56311 Lily Lake Road	Subdivision	
Legal Description	Lot A	Block	Plan 2986KS
	Quarter	Section	Twp Rge W
Existing Use of Land or Building			

### BUSINESS DESCRIPTION

Name of Business Prairie Gardens

Provide a detailed description of the business, operations outline or plan; including number of attendees, peak site visits, hours and season of operation, signage, and servicing (attach a letter if more space is needed)

Prairie Gardens is a working farm, tree nursery, garden centre, greenhouse, market garden, farm market, community supported agriculture, orchard, educational garden, u-pick strawberry, apple, and pumpkin patch and agr-tourism operation. First established in 1956 as a tree nursery, the farm has diversified to remain a sustainable family farm. We welcome visitors and clients to learn about how to garden, nourish their souls, enjoy wholesome family fun, and find out where our food comes from.

While we continue to operate as a tree nursery and garden center, we have diversified into u-pick agri-tourism since 1984 ( the past 40 years), and continue to diversify into agri- and culinary tourism with the support of Edmonton Tourism and Travel Alberta. Prairie Gardens has undergone significant tourism training, and is considered a market-ready agri-tourism farm, ready to accept international guests to engage in experiential 'agri-cultural' tourism, such as farm-based farm production, family friendly activities such as farm tours, petting farm, corn and sunflower mazes, wagon rides, and garden and foraging tours, reconciliation activities such as a national healing forest; events and festivals such as the strawberry festival or pumpkin festival, orchard blossom festival, blossom to bouquet workshops, greenhouse planting workshops, orchard planting workshops, herb growing and using workshops, farm to table dinners, with small scale food processing (jams and pickles) and value added farm to table meals, hands-on horticultural experiences, winter wonder-farm tours on growing food north of the 56th parallel in the winter, Christmas workshops using winter boughs harvested from the farm, and farm to table dinners, and land-based learnings. We often collaborate with other rural tourism business in the region, such as pony rides, pottery demos, local chefs and value-added bakers, makers and fermenters, and indigenous tourism collaborators.

List of Exact Dates required to be over 100 vehicle trips per day attached with proposed Traffic Accommodation Strategy.

## VEHICLES & TRAFFIC

List all vehicle types and equipment associated with your business including; truck size(s), type, and weight, machinery, trailers, ect. (Agricultural Equipment that will not be used for Diversified Agriculture or Agriculture Support Services use may be excluded)	Tractors	Handicap Bus Small
	Havrack Wagons	Motor Coach (rarely)
	Teamster Wagon	Limos
	One ton truck	School Buses
		Passenger Vehicles

What is the estimated road traffic volume for events? (number of vehicles per day)	300 Vehicles per day	Where is the road traffic being routed from? (Provide Sketch if necessary)	
What road traffic type will be at the event? (Eg. Personal, commercial, buses ect.)	School bus personal	Lily Lake Road (From HWY 28) See Traffic Accomodation Strategy	2024
		What are the number of on-site parking stalls?	400+

## INFRASTRUCTURE

What is the water supply?	<input type="checkbox"/> On-Site (Well) <input type="checkbox"/> Municipal <input checked="" type="checkbox"/> Hauled	What type of sanitary service?	<input type="checkbox"/> On-Site (Private) <input type="checkbox"/> Municipal <input checked="" type="checkbox"/> Hauled
What is the estimated daily peak water use(m <sup>3</sup> )?	300g	What is the approximate sanitary daily peak use? (Municipal Servicing Plan required in 25 m <sup>3</sup> or more)	300g

## VENUE

Are materials and/or equipment related to the business stored outdoors?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	What is being stored and where?	Tractors & Wagons in equipment area
Are deliveries made to the property associated with the business?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How frequent?	Couriers vary bi-monthly
Is there a proposed sign for your business?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	What is the total size (m <sup>2</sup> )?	2.9 exists already X 2 HT 10' HT 12'
What is the proposed maximum occupancy – outdoor area(s)?	450	What is the proposed maximum occupancy – indoor area(s)?	100
How many on-site employees?	14	How many months is the venue open for public access?	11
Will alcohol be served and/or sold?	<input type="checkbox"/> Yes, AGLC Class D, E, F (Consumption Offsite) <input checked="" type="checkbox"/> Yes, AGLC Class A, B, C (Consumption Onsite) <input type="checkbox"/> No	What are your operational hours? (Weekdays and Weekends/ Holidays)	Weekdays varies Weekends varies

Possible - SEL Private Event



What is the expected noise? Describe	Hours 9am -11pm 7 days a week, unless closed seasonally. Usual hours 9:30 - 7pm. Occasionally custom programs - until 9pm or 11pm. Daytime passenger vehicles, lawn mowers, tractors, people talking, laughing, families having fun Evening - quiet as a quiet library, people laughing, singer-songwriters acoustic guitar
What is the expected smoke/steam/dust (including activity from the traffic route)? Describe	No steam. Small Cooking fire wood smoke, pavement to site, not really a dust issue
What is the expected odour/fumes/exhaust? Describe	Flowers and orchards blooming, Wood fire cooking, small petting farm, earth, apples, fragrance of strawberries
What is the expected heat/glare/lighting? Describe	Canada's Dark Sky preserve located at Bon Accord. No particular glare or heat. Christmas Lights
What delineation or privacy measures security and privacy are established to adjacent parcels (Eg. Fencing, vegetation)?	Fenced and / or bordered with Shelterbelt Trees, New Shelterbelt joint planting collaboration with Sprout Farms along their driveway to the south in the former NAR Railway right of way.

## BUSINESS INFORMATION

Where can we find you? We love to follow Sturgeon County Businesses!

Website \_\_\_\_\_ Facebook \_\_\_\_\_

Instagram \_\_\_\_\_ Twitter \_\_\_\_\_

Other \_\_\_\_\_

Yes, I would like to receive occasional email updates from Sturgeon County Economic Development

## APPLICANT AUTHORIZATION

I/we hereby give my/our authorization to apply for this development permit application and allow authorized persons the right to enter the above land and/or building(s) with respect to this application only. I/we understand and agree that this application and any development permit issued pursuant to this application or any information thereto, is not confidential information and may be released by Sturgeon County.

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

See Email

Signature of Authorized Agent

See Email

Landowner Signature

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

### FOR OFFICE USE ONLY – PERMIT FEES ARE NON-REFUNDABLE

Fee \$ 600 Penalty \$ \_\_\_\_\_ Receipt # 20240724 Tax Roll # 1248000 Zoning AG

Paid By: Cash / Cheque / Debit / VISA / MasterCard

## Diversified Agriculture & Agriculture Support Service Application Checklist

### ☒ Completed Development Permit Application Form

Completed in full and signed by all registered landowners or person authorized on their behalf.

### ☒ Land Title Certificate

Searched within 30 days prior to the application. If the parcel is titled to a company name, you will also be required to provide a Corporate Registry. These documents can be obtained at any Provincial Registry Office or online at [www.spin.gov.ab.ca](http://www.spin.gov.ab.ca).

### ☒ Site Plan

Drawing that depicts site details of your development. A surveyed plot plan may be required depending on scale of operations.

### ☐ Construction Drawings

☒ N/A

Complete construction drawings for any proposed buildings or site work.

### ☐ Complete Building Permit Application(s)

Available at [www.sturgeoncounty.ca](http://www.sturgeoncounty.ca)

or

### ☐ Farm Building Confirmation(s)

No public access & limited to low occupancy farm storage.

### ☒ Abandoned Oil Well Declaration Form Map

☐ N/A

Required for all building developments greater than 505ft<sup>2</sup> (46.9m<sup>2</sup>)

### ☐ Utility Applications

☒ N/A

Required for all parcels with Municipal Servicing, including for most parcels within a subdivision.

### ☐ Alberta Transportation Approval

☒ N/A

300 m from a provincial right-of-way or 800 m of the centerline of a highway and public road intersection

### ☐ Approach Application/Deposit

☒ N/A

Required where no access to the parcel exists or the upgrade of the access required to meet Sturgeon County minimum standards.

Please ensure that all documentation listed forms part of your application.

Following review of the application, additional information may be requested in accordance with the Land Use Bylaw.

### PERMIT FEES ARE NON-REFUNDABLE and SUBJECT TO CHANGE

All development and construction that occurs prior to permit issuance is subject to a penalty of double the current permit fee.

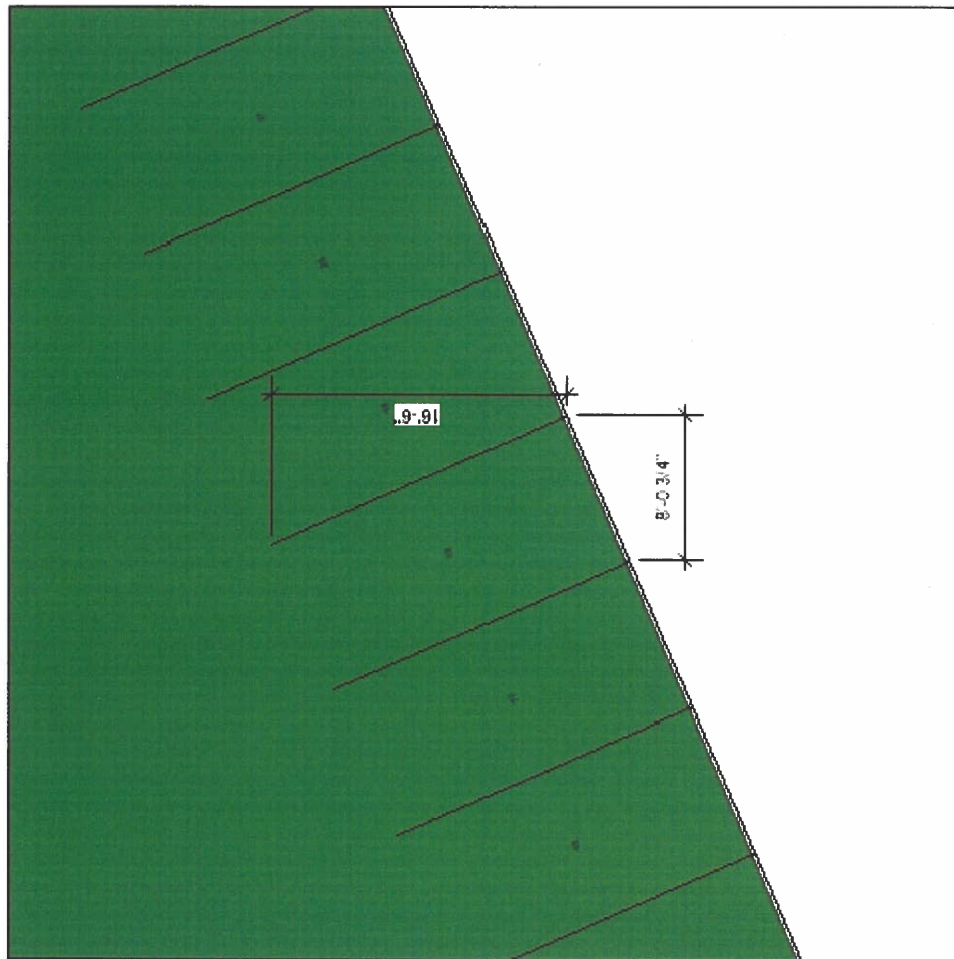
*The personal information provided will be used to process the Development Permit application and is collected under the authority of Section 642 of the Municipal Government Act and Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act. Personal information you provide may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

# PRAIRIE GARDEN

## DETAIL

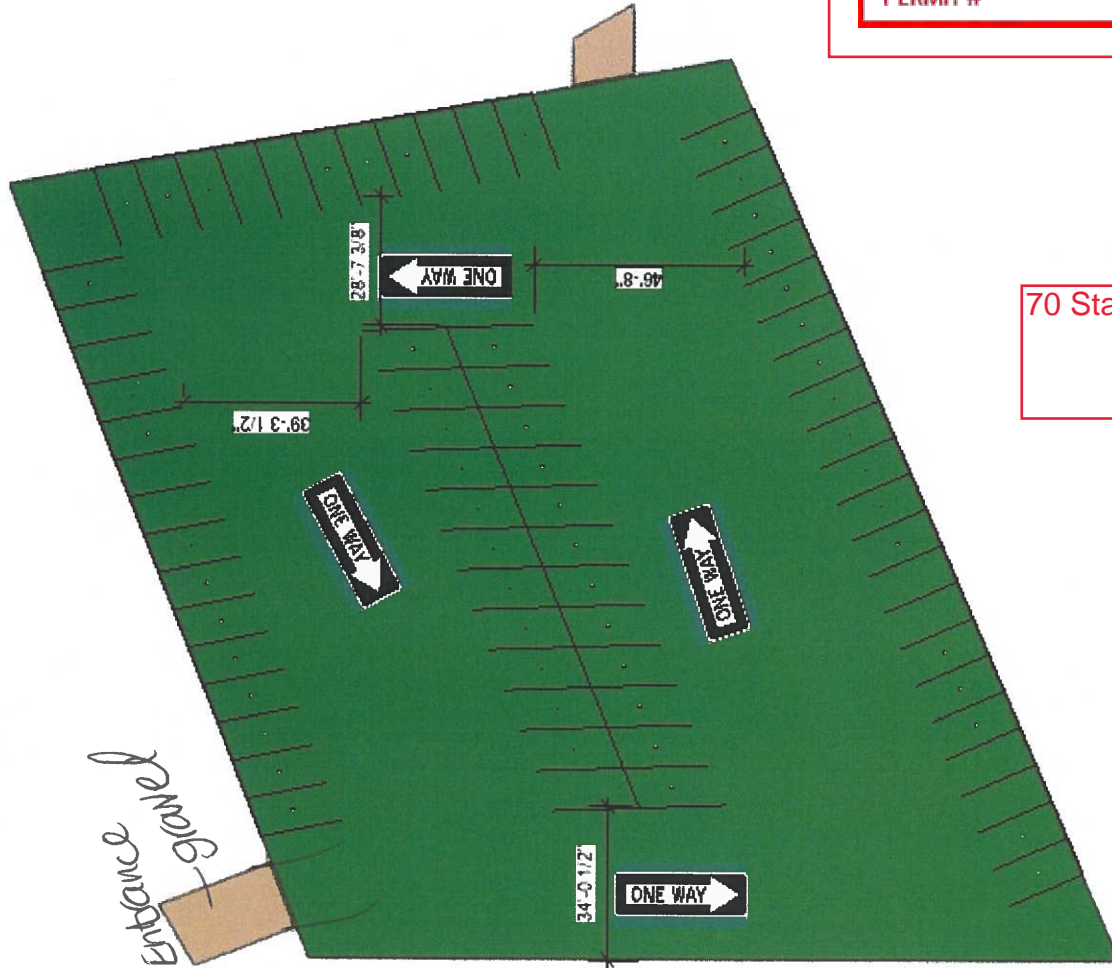
AUXILIARY PARKING Field 1

GRASS



PRAIRIE GARDENS  
 AUXILIARY PARKING  
 Field 1 (south side @ south site)  
 GRASS

42



70 Stalls

<b>APPROVED</b>	
<b>FOR DEVELOPMENT PERMIT ONLY</b>	
<b>STURGEON COUNTY</b>	
<b>PLANNING &amp; DEVELOPMENT SERVICES</b>	
<b>Tyler McNab</b>	Digitally signed by Tyler McNab Date: 2024.09.19 16:11:41 -06'00'
<b>DEVELOPMENT AUTHORITY</b>	<b>DATE</b>
<b>305305-24-D0242</b>	
<b>PERMIT #</b>	

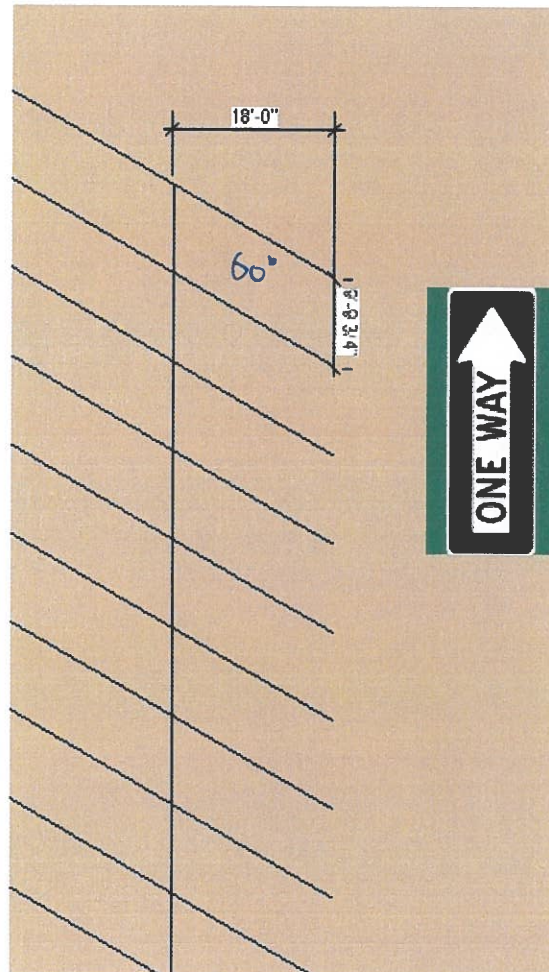


# PRAIRIE GARDENS

## AUXILIARY OVERFLOW PARKING AREA

### FIELD 2 FIELD 3

### DETAIL





# Part 1 Plan Field 2/3

APPROVED  
FOR DEVELOPMENT PERMIT ONLY  
STURGEON COUNTY  
PLANNING & DEVELOPMENT SERVICES

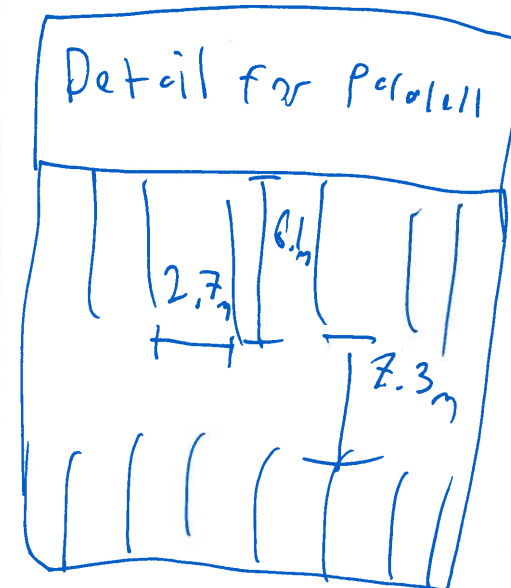
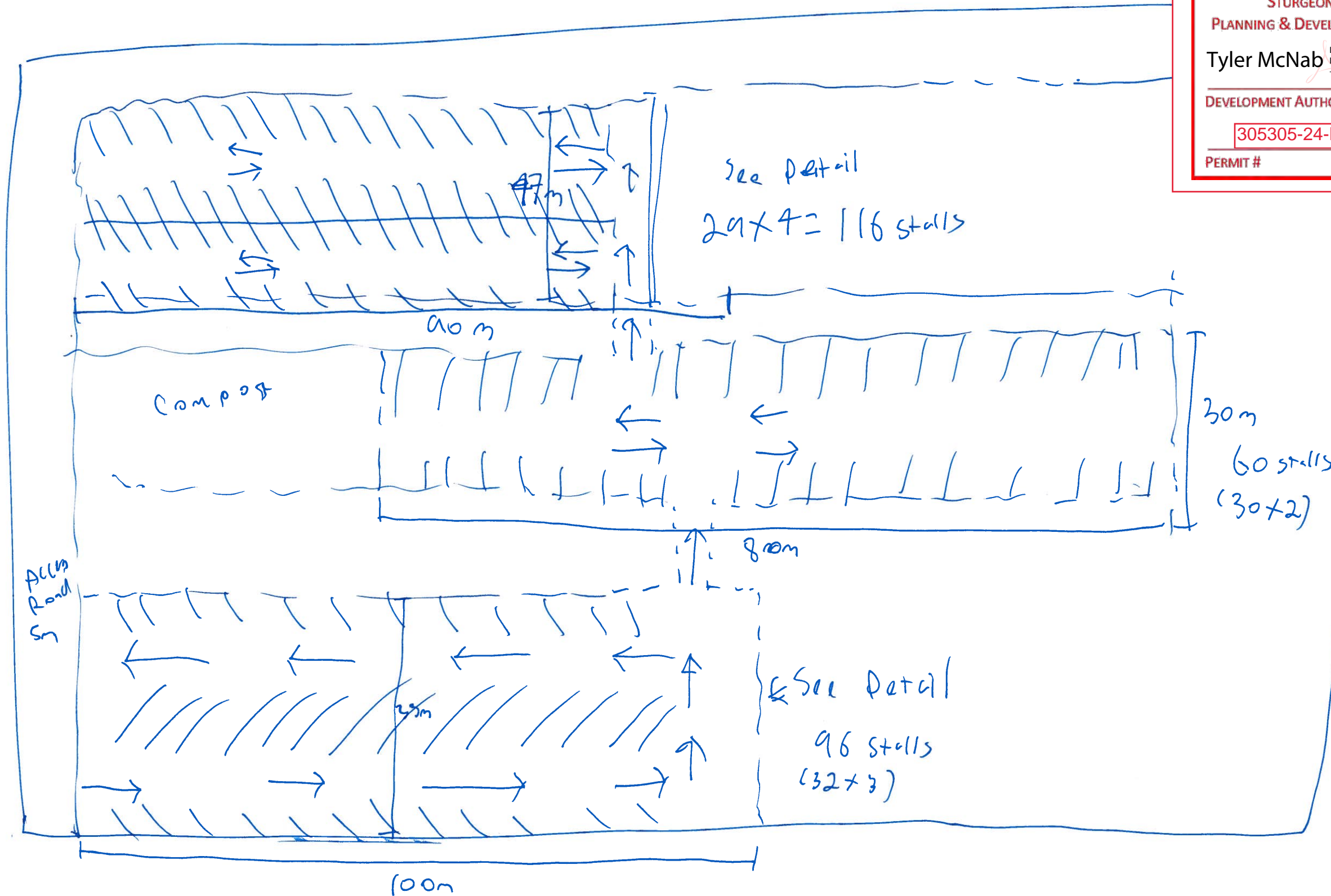
Tyler McNab

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Date: 2024.09.19 16:11:57  
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DEVELOPMENT AUTHORITY
DATE

305305-24-D0242

PERMIT #



# Application Intensity Matrix

Intensive Agriculture, Diversified Agriculture and Agricultural Support Services



## Purpose

The Development Authority will apply this Matrix to assess proper use classification, impacts to adjacent landowners and County infrastructure and to apply conditions of development.

The Development Authority will have full discretion upon final decision regardless of outcome of this matrix.

Note on Assessments: Peak intensity per day or week or season is maximum not averaged, for example if 2 buses visit on any day of the year the intensity is considered to be higher. Cumulative impacts are measured per site. Special Flag is used to flag a special condition or impact that is outside the matrix.

Impacts	Intensity			Special Flag	Score
	0 Low	1 Medium	2 High		
Infrastructure					
Road Traffic Volume	50 Vehicle Trips (25 vehicles) per day or less	50-100 Vehicle Trips (25-50 vehicles) per day	100-500 vehicle trips (50-250 vehicles) per day	Access and TAS Limits	2
Road Traffic Routing	Routing from highway or arterial Road	Routing from Collector/Local Road	Routing through residential area.		0
Road Traffic Type	Personal Vehicles	Commercial Vehicles (inc buses) 1 per day	Commercial Vehicles (inc buses) 2-5 per day		2
Water Supply	On-Site (Well)	Municipal	Hauled		0
Water Use	10m3/week or less (1 Truck)	10-20m3/week (2 Trucks)	Over 20m3/week		0
Sanitary Use (Municipal Servicing Plan required if 25m3 or more)	Private System (less than 5.7m3/day)		Private System (up to 25m3/day)		0
Sanitary Supply	On-Site	Municipal	Hauled		0
Parking	25 Stalls or less	25-50 stalls	50-250 stalls	Over 300 Stalls,	2

				<b>Temp Parking</b>	
<b>Customers/venue</b>					
Maximum Occupancy Outdoor	100 and under	101 to 499	500-1000		<b>1</b>
Maximum Occupancy Buildings	100 and under	101 to 299	300-500		<b>1</b>
Occupancy Employees	1-5	6-9	Over 10		<b>1</b>
Operation Alcohol	None	AGLC Class D,E,F (Consumption Offsite)	AGLC Class A,B,C (Consumption Onsite)		<b>0</b>
Operation Public Season	Open to Public 0- 3 months	Open to Public 3-6 months	Open to Public 12 months		<b>2</b>
Operation Hours	0700-1800 Weekdays	1700-2300 or weekends	Past 2300hrs Weekdays or weekends		<b>1</b>
Nuisance Noise	As expected under Extensive Agriculture	Moderate Noise – Days only	Moderate Noise – Evenings or Weekends		<b>2</b>
Nuisance Smoke/Steam/Dust (Traffic Route included)	As expected under Extensive Agriculture	Minimal (Dust control may be required)	Moderate (Dust control certain)	<b>Temp Parking</b>	<b>1</b>
Nuisance Odour/fumes/exhaust	As expected under Extensive Agriculture	Minimal (Chance of Odour or fumes, but rare)	Moderate (Chance of Odour or fumes to occasionally occur)		<b>0</b>
Nuisance Heat/glare/lighting	As expected under Extensive Agriculture	Minimal (Chance of glare or heat, but rare)	Moderate (Chance of glare or heat to occasionally occur)		<b>0</b>
	<b>Impacts/compliance</b>				
Land Use Ag land taken out of ag production (Buildings for public and business use, parking, market areas anywhere not used for growing/ranching)	5% or less	6-9%	10%-25%		<b>2</b>

Land Use Environmental Impacts	No Impacts	Adjacent to minimal Wetlands	Adjacent to significant Wetlands/ Waterways		0
Adjacent Landowners Privacy/Security	Impassible fencing or vegetation	Climbable fencing or vegetation (Barb Wire)	No Fencing or vegetation		0
Adjacent Landowners Dwellings (from Development Area)	Up to 2 adjacent dwellings within 800m	2-5 dwellings within 800m	5+ dwellings within 800m		1
<b>Totals</b>					
<b>Intensity</b>	Low	Medium	High	<b>Flag?</b>	
<b>Total</b>	Under 10	11-24	Over 25	<b>Access/ Parking Flags</b>	<b>18/44</b>

#### Notes:

- Intensity over 25 automatically calculates the proposed development as having a significant land, transportation or water demand and should fall under the *Agricultural Support Service* use or rezone to AG-2.
- Processing and Agritourism operations are automatically *Diversified Agriculture* or *Agriculture Support Service* uses.
- *Intensive Agriculture* operations that score above 10 should be considered a *Diversified Agriculture* use due to intensity.
- Development Authority has final decision on use, the intensity matrix is a guide.

#### Definitions

*Agricultural Support Service* means the use of land, buildings and structures for the purposes of supplying and selling of goods, materials, services directly and primarily related to the agricultural industry. The intensity of the operations has significant land, transportation or water demands and may include off-site impacts that are licensed under provincial or federal regulations. Typical uses include abattoirs; fertilizer plants; sale, cleaning and storage of seed and feed. This may include ancillary uses, including, but not limited to, office, sales, technical, administrative support, storage or warehousing. This does not include Cannabis Production and Distribution or Cannabis Retail Sales or general industrial.

*Diversified Agriculture* means an agricultural use that brings additional traffic or impacts to the parcel than activities anticipated in the *Extensive livestock* or *Extensive and Intensive agriculture* uses. Typical activities include value added agricultural processing, retail sales of agricultural products and products complementary and accessory to the agricultural use, and allows for commercial experiences related to the enjoyment, education, or activities and events related to farming or farm life but does not include events that are not primarily agricultural in nature such as weddings, retreats, ceremonies and corporate functions. This use does not include home based business, visitor accommodation, intensive agriculture, event venue, agriculture support services, Cannabis Production and Distribution, or Cannabis Retail Sales.

*Intensive agriculture* means a horticultural operation that generally operates on smaller tracts of land. Without restricting the generality of the foregoing, this may include nurseries, greenhouses, market gardens, u-pick farms, tree farms. This use accommodates minimal site visits, typically on a seasonal basis, for customers purchasing of strictly onsite farm products. This does not include Cannabis Production and Distribution or Cannabis Retail Sales.



# Traffic Accommodation Plan

Location: 56311 Lily Lake Rd, Sturgeon County

Proposed Start Date: September 6, 2024

Proposed End Date: October 28, 2024

## 1. Location

56311 Lily Lake Road, Bon Accord, Sturgeon County. RR235, 53.852730, -113.396858 and North pumpkin patch entrance 53.861900, -113.395314.

## 2. Scope of Work

### "NORMAL OPERATIONS"

For Normal Operations, such as the Intensive Agriculture Operations for Tree Nursery, Garden Centre, Greenhouses, Market Garden, U-pick and Agritourism Activities, The amount of trips are as follows:

South entrance AADT 100 trips per day.

### "PEAK SEASON OPERATIONS"

The traffic flow is expected to be increased during this time to about 50-650 vehicles at the south entrance as an estimate. The north entrance is not being used for an event this year. Please see the drawing below indicating the revisions to be made to the road during peak season on weekends.

The estimated average amount of trips per day (which are estimated from the traffic counts conducted by the county in 2023 and are weather dependant) are as follows:

### PUMPKIN HARVEST WEEKENDS:

Friday, September 6 - 150 vehicles per day

Saturday, September 7 - 150 vehicles per day

Sunday, September 8 - 150 vehicles per day

Monday September 9 - 150 vehicles per day

Friday September 13 - 50 vehicles per day

Saturday, September 14 - 250 vehicles per day

Sunday, September 15 - 200 vehicles per day

Monday September -16 50 vehicles per day

Friday September 20 -150 vehicles per day

Saturday, September 21 - 300 vehicles per day

Sunday, September 22 - 300 vehicles per day

Monday, September 23 - 90 vehicles per day

Friday September 27 - 120 vehicles per day

Saturday September 28 - 300 vehicles per day

Sunday September 29 – 300 vehicles per day





Monday September 30 - 130 vehicles per day  
Friday October 4 - 170 vehicles per day  
Saturday October 5 - 300 vehicles per day  
Sunday October 6 - 300 vehicles per day  
Monday October 7 - 150 vehicles per day

Friday October 11 - 130 vehicles per day  
Saturday October 12 - 300 vehicles per day  
Sunday October 13 - 300 vehicles per day  
Holiday Monday October 14 - 300 vehicles per day  
Tuesday October 15 - 150 vehicles per day

Friday October 18 - 120 vehicles per day  
Saturday October 19 - 100 vehicles per day  
Sunday October 20 - 200 vehicles per day  
Monday October 21 - 250 vehicles per day

Friday October 25 - 170 vehicles per day  
Saturday October 26 - 290 vehicles per day  
Sunday October 27 - 290 vehicles per day  
Monday October 28 - 70 vehicles per day

#### Flaggers:

Flaggers will be on private property at the entrance to the Prairie Gardens south site off Lily Lake Rd as well as inside the parking lots to help guide vehicles and pedestrians. The only time flaggers will be on the road will be to set up and remove signage.

#### Pedestrians:

Pedestrians have no reason to walk off of the south site property to the north site as there is no event going on there. If, for some reason, a pedestrian is seen walking towards the north property, the staff is trained to ask them not to walk on the roadway.

#### Tickets:

Prairie Gardens offers a pre-sale of tickets online where they can have the public purchase tickets with a time slot so they are able to monitor and somewhat control the amount of visitors coming in throughout the day. The tickets are sold in half hour intervals and are capped if they reach parking capacity. Around 85% of visitors do purchase online ahead of time especially since there are incentives in place for rideshare and a reduced price. There is still the option to arrive and purchase a ticket on the spot for an inflated cost, but only about 15% of the visitors do this.

#### Parking:

Timed entry from 9:30am - 7pm reduces the actual average number of vehicles to enter the site to approximately 35 vehicles per hour. The counts of vehicles per day reflect the number of vehicle trips (both in and out for the same vehicle), thereby reducing the number of parking

spaces required by 50% of total vehicles counted. Parking lot areas for Prairie Gardens south site can hold approximately 480 vehicles, with an additional temporary overflow parking of 120 available spaces which is more than adequate for 35 cars per hour. The majority of vehicles will be passenger vehicles. Large vehicles like delivery trucks will be postponed to off operation hours. Signs will be removed after the last traffic has cleared out and re-erected before opening each day on days with anticipated higher traffic volumes.

### **3. Duration**

Peak Season starting September 6 to October 28, 2024 between 9:30am and 6:00pm. There are a limited number of group events with less than 100 guests that occur in the evening between 5:00pm and 9:30pm.

### **4. Traffic Control Devices**

Signs will be required during these event times when the anticipated traffic volume will exceed 100 vehicles per day on Lily Lake Rd. The signs proposed are laid out in the attached diagram. I suggest using Obstruction Ahead WD-AE4 in place of Roadwork/Workers WD-A-41 since there are no workers on or near the roadway.

“No parking” signs will be put onto Lily Lake Rd and TWP564 to keep vehicles from parking there. There will be no equipment (ie. Traffic cones, etc) on the roadway.

### **5. Speed Limits**

PLEASE NOTE: The traffic drawings are not to scale and it states so in each badge, Scale:N.T.S. The posted speed limit northbound and southbound on RR235 is 100km/h and is a paved road. We will lower the speed limit to 80km/h on Lily Lake Rd for northbound and southbound traffic passing the entrance during high traffic volume times, removing these signs at the end of each day and/or when traffic volumes are lower. Any permanent signs that post the gazetted speed within this zone must be covered while the speed reduction is in effect. The speed limit increase back to 100km/h northbound and southbound will be placed after the south entrance by at least 100m.

### **6. Flagperson Requirements**

Flaggers have been trained by Northern Alberta Traffic Control in procedures to safely erect and remove signage, sign spacing, monitoring and maintaining signs and equipment, flagperson attire and how to properly flag traffic in the parking lot. Only those trained personnel will be permitted to set up and remove the signs on the roadway. Flaggers will wear high vis yellow with reflective stripes. Flaggers will be staying on the private property and will not be controlling traffic on Lily Lake Rd.

### **7. Weather Conditions**

Weather will impact the amount of vehicles that will be coming in and out. On sunnier, warmer days it will be increased and on rainy or colder days the traffic will decrease. The signs will be erected only on days that there is expected to be over 100 vehicles per day.

## **8. Site Specific Safety Issues**

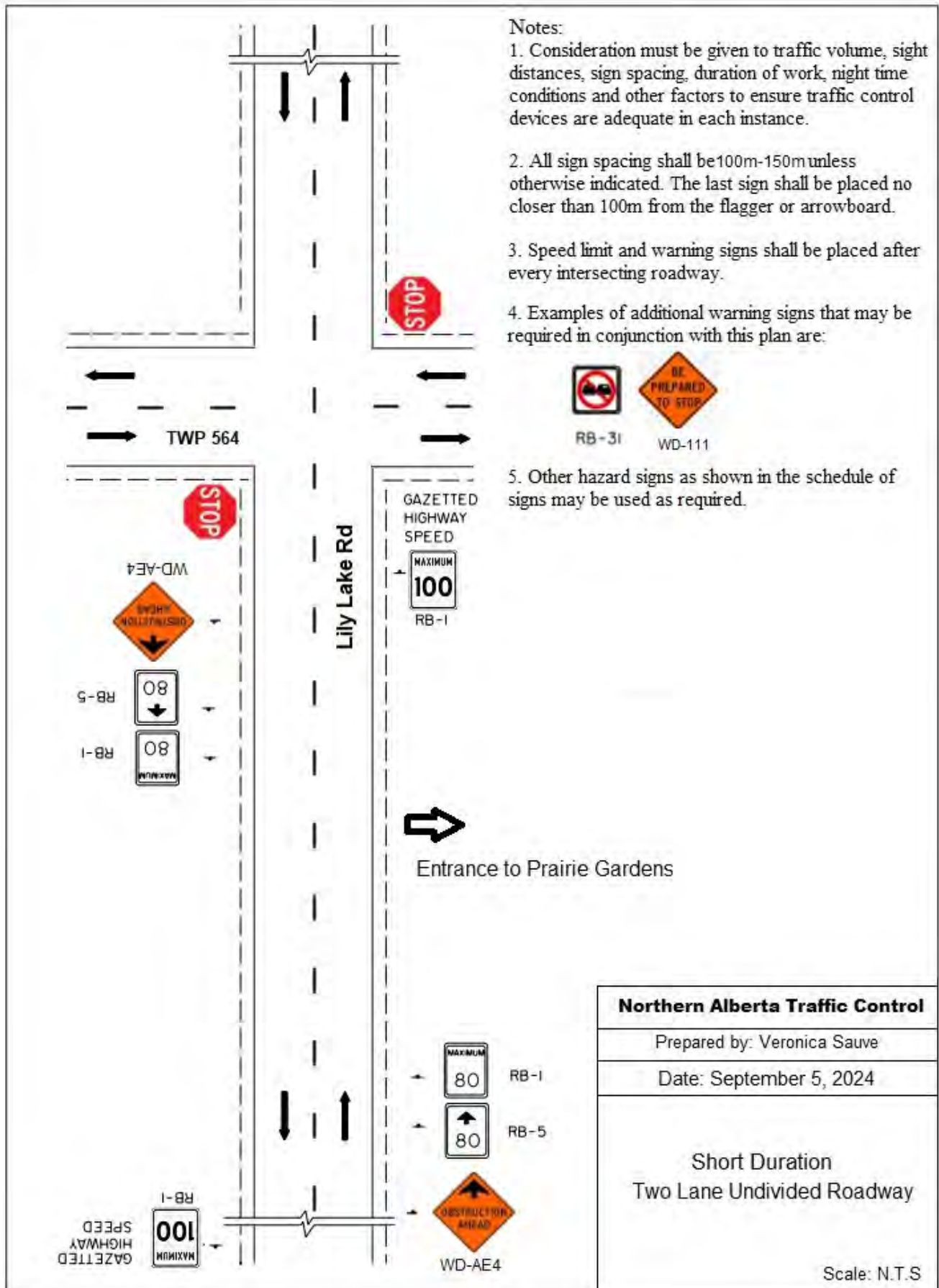
There is an annual permit for Diversified Ag Permit for Peak Season periods .

Flaggers and parking attendants will not only help vehicles enter and exit but will also try to keep pedestrians off the road. Information is also given on the website and facebook page about parking and pedestrian traffic safety. Additional traffic mitigation strategies including signage and speed reductions may be required based on actual traffic movements.

Prairie Gardens has professionally developed standard operating procedures for parking lot attendants and certified staff to manage traffic entering the property and to prevent lineups on Lily Lake Road. Additionally, not utilizing the north property will stop patrons from parking at the north property and walking to the south property. Proven safety measures including signage will be placed to prevent parking and pedestrians on Lily Lake Road. Prairie Gardens has successfully implemented safety protocols without incident for the past 4 years.

<b>Emergency Contact List</b>	
Police, Fire and Ambulance	911
Dangerous Goods 24 hour information centre	800-272-9600
Worker's Compensation Board	780-498-3999
Workplace Health and Safety	780-415-8690
Alberta Emergency Management Agency (AEMA)	866-618-2362
Alberta Sustainable Resources (Forest Fire)	866-310-3743
Fortis	780-310-9473
Alberta Environment (24 hour incident reporting)	800-222-6514
CANUTEC (Hazardous Materials Information)	613-996-6666
Poison & Drug Information Service (PADIS)	800-332-1414
Alberta One Call (To Locate Utilities)	800-242-3447
S.T.A.R.S. (Air Ambulance)	780-890-3131
<b>Emergency Number 911</b>	
<b>Site Specific Contact Numbers</b>	
Morinville RCMP	780-939-1600
Bon Accord Volunteer Firefighters Association	780-921-2557
Bon Accord Ambulance Services	780-923-3105
Bon Accord Medical Centre	780-565-3007
<b>Prairie Gardens</b>	780-921-2272
Owner Tam Andersen	
<b>TAS Contractor: Northern Alberta Traffic Control</b>	780-998-7625
Work Site Contact: Veronica Sauve	

severed in line with section 17 of the FOIP Act







- (b) the location and *use* of the subject site;
  - (c) the decision of the *Development Authority*;
  - (d) that a *development permit* does not come into effect until after the 21-day appeal period has ended and no appeals have been submitted;
  - (e) that a *development permit* appeal to the *Subdivision and Development Appeal Board* may be made by any person affected by the issuance of a *development permit* for *discretionary use* or the granting of a variance, or the refusal of a *development permit*, pursuant to the provisions of the *Municipal Government Act*; 1407/18
  - (f) that the *Land and Property Rights Tribunal* will hear appeals of the Development Authority decisions where the land is the subject of an application is:
    - (i) the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission; or
    - (ii) the subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas; and 1632/23
  - (g) the address where a copy of the *development permit* may be viewed or obtained. 1632/23
- .7 Where an appeal has been made on a *development permit*, the *development permit* shall not come into effect until a decision allowing the *development* has been made by the *Subdivision and Development Appeal Board* or the *Land and Property Rights Tribunal*. 1632/23
- .8 When the *Development Authority* refuses an application for a *development permit*, the decision shall outline the specific reasons for the refusal and the time periods during which the *developer* can make an appeal and to whom.
- .9 The *Development Authority* shall provide notification of a *development permit decision* for a *natural resource extraction* or *secondary processing* use to all *landowners* within a minimum of 1.6km of the subject *parcel*. 1607/22

## 2.11 ISSUANCE OF DEVELOPMENT PERMIT

- .1 The *Development Authority* shall issue a *development permit* after completion of the following:
- (a) approval or conditional approval of the application;
  - (b) the delivery of an irrevocable letter of guarantee or letter of credit, if required;
  - (c) the execution and delivery of a *Development Agreement* pursuant to Subsection 2.9.2 if applicable;
  - (d) the payment of the *development permit* fee,
  - (e) the payment of any costs associated with a third-party review of the application, and
  - (f) the payment of any applicable securities or deposits.
- .2 The date of approval of a *development permit* shall be:
- (a) the date upon which the *Development Authority* approves the *development permit* application;
  - (b) in case of an appeal to the *Subdivision and Development Appeal Board*, the date upon which the *Subdivision and Development Appeal Board* or the *Land and Property Rights Tribunal* renders a written decision approving the *development permit*; or 1632/23
  - (c) in the case of an appeal or leave to appeal to the Court of Appeal, the date that the Alberta Court issues its decision and any appeal to the Supreme Court of Canada from the determination of the Alberta Court of Appeal has been finally determined.
- .3 If the *development* authorized by a permit is not commenced within 12 months from the date of its issuance, or is not carried out with reasonable diligence, the *development permit* approval ceases and the

*development permit* is deemed to be void, unless an extension to this period has previously been granted by the *Development Authority*.

- .4 Where a *development permit* is issued for a site where any other *development permit* has been approved, all previous *development permits* shall be invalid if the physical aspects of the *development* conflict with each other, or both could not occur simultaneously on the site in conformity with the regulations of this Bylaw.
- .5 Where a Development Permit is requested to be revised, a new application shall be submitted with the following taken into consideration:
  - (a) If a revision is requested within 12 months from the date of the Notice of Decision, and it does not change the nature of the use, expiry, or approval, it may be considered a revision and an application for only the changes may be considered.
  - (b) The Development Authority may approve a change to supporting documents included in Section 2.4 within 12 months of the Notice of Decision if the changes meet the intent of the original approval.

1632/23

## 2.12 CANCELLATION OF A DEVELOPMENT PERMIT

- .1 The *Development Authority* may cancel or suspend a *development permit*, by written notice in accordance with Part 4 of this Bylaw to the *development permit* holder, in the case of the following:
  - (a) the application for the *development permit* contains a misrepresentation;
  - (b) the application for *development permit* was incomplete, in that relevant facts were omitted;
  - (c) the conditions of the *development permit* are not fulfilled or are not in the process of being fulfilled;
  - (d) the proposed *development* has deviated from the approved drawings;
  - (e) the *developer* fails to comply with a Stop Order as per the *Municipal Government Act*; or
  - (f) the *development permit* was issued in error.
- .2 Notwithstanding Subsection 2.12.1, the *Development Authority* shall not cancel a *development permit* that has been approved by the *Subdivision and Development Appeal Board*, the *Land and Property Rights Tribunal*, the Alberta Court of Queen's Bench, or the Alberta Court of Appeal.
- .3 Notice of the *Development Authority's* decision to cancel or suspend the *development permit* shall be provided in writing by ordinary mail to the *landowner*, to the *developer* of the *development permit* and adjacent landowners and such notice shall state the reasons for the cancellation of the *development permit*.
- .4 Any person who undertakes *development* or causes or allows any *development* after a *development permit* has been cancelled, shall discontinue such *development* immediately and shall not resume such *development* until a new *development permit* has been approved by the *Development Authority* and is valid pursuant to Section 2.11 of this Bylaw.

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## 2.13 DEVELOPMENT PERMIT DEEMED REFUSED

An application for a *development permit* is, at the option of the *developer*, deemed to be refused if the decision of the *Development Authority* is not made within 40 days after the application has been deemed complete, unless the *developer* has entered into an agreement with the *Development Authority* to extend the 40 day period.

## 2.14 RE-APPLICATION

Where an application for a *development permit* has been refused, another application for a *development permit* on the same site for the same or similar *use* of land may not be submitted by the same or any other *developer* until at least six months after the date of the refusal or such lesser time period as determined by the *Development Authority*.

# APPELLANT SUBMISSIONS RECEIVED

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**\*NOTE:**

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

# APPLICANT SUBMISSIONS RECEIVED

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October 31, 2024

File No. (---)

**DELIVERED VIA EMAIL**

Sturgeon County Subdivision and  
Development Appeal Board  
9613 – 100 Street  
Morinville, AB T8R 1L0

Dear Sir/Madam:

Re: SDAB File No.: 024 - STU- 016 Development Permit Application No. 305305-24-D024256311 -  
Lily Lake Road

We have been retained by Tam Andersen in connection with the Preliminary Hearing of an appeal by Mr. Fred Fibi of the Diversified Agricultural Development Permit issued to Ms. Andersen. The writer will be appearing remotely and would appreciate receiving an invitation to attend the hearing remotely.

We note that the SDAB's, Notice of Appeal Board Hearing dated October 22, 2024 states, in bold print, that, because the Development Permit in question expires on October 31, 2024, prior to the November 5, 2024, SDAB hearing, submissions are to be confined to the issue of whether the board should proceed to a full hearing on the merits of the appeal at a later date.

Our submission with respect to the limited issue before the SDAB on November 5, 2024 is that since the Development Permit expired before the hearing, Mr. Fibi's appeal will be moot, accordingly, the SDAB should not proceed to schedule a hearing of Mr. Fibi's appeal on the merits at a later date.

In support of our position, we are enclosing a yellow highlighted decision from the Alberta Court of King's Bench in the matter of *Nascho Enterprises Ltd. v. Edmonton (City)*, 2014 ABQB 569 which illustrates the reluctance of the courts to deal with matters which, like the above-referred appeal to the SDAB, have become moot.

We respectfully submit that the SDAB should follow the courts' usual practice of refusing to proceed with matters which have become moot.

Yours truly,

Dentons Canada LLP



Kim Wakefield, KC  
Senior Counsel

KDW/sm

Enclosure

cc: office@prairiegardens.org



## Nascho Enterprises Ltd v Edmonton (City), 2014 ABQB 569 (CanLII)

Date: 2014-09-15  
File number: 1303 17345  
Citation: Nascho Enterprises Ltd v Edmonton (City), 2014 ABQB 569 (CanLII), <<https://canlii.ca/t/g90hj>>, retrieved on 2024-10-31

### **Court of Queen's Bench of Alberta**

**Citation: Nascho Enterprises Ltd v Edmonton (City), 2014 ABQB 569**

**Date:** 20140915  
**Docket:** 1303 17345  
**Registry:** Edmonton

Between:

**Nascho Enterprises Ltd.**

Applicant

- and -

**City of Edmonton, Roger Clemens and David Flanagan**

Respondents

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**Reasons for Judgment  
of the  
Honourable Madam Justice J.E. Topolniski**

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**1. Introduction**

[1] This case arises from a disagreement between a developer and the City of Edmonton about whether a newly constructed four-storey apartment building needed to comply with the Alberta Building Code, 2006, s. 38 (Building Code) and the Alberta *Safety Codes Act*, R.S.A. 2000, c. S-1 (Safety Code) requirements for barrier free access.

[2] There are two applications. The developer, Nashco Enterprises Ltd. (Nashco), seeks judicial review and an order requiring the Respondents, the City of Edmonton (City) and its employees Roger Clemens and David Flanagan to issue a variance for a building permit concerning an apartment building, which was refused on June 24, 2013 (Variance Decision). The Respondents urge that the issue is moot and seek to have Nashco's Originating Motion for judicial

review struck or summarily dismissed as being unmeritorious and/or an abuse of the process.

[3] The dispute over the applicability of the Building Code's barrier-free requirements also gave rise to separate lawsuits by Nashco against the City (City Litigation) and the Alberta Government (Alberta) and another application for judicial review of Alberta's refusal to issue a relaxation of the Building Code requirements for barrier-free access.

[4] Nashco discontinued its lawsuit and application for judicial review against Alberta in December 2010 after Alberta issued a relaxation concerning the barrier-free requirements of the Building Code ("Relaxation"). The practical effect of the Relaxation was to make the building compliant with the Building Code and Safety Code requirements for barrier-free access. Shortly after the Relaxation was issued, the City gave Nashco an unconditional occupancy permit (Unconditional Occupancy Permit).

[5] The City's application was originally before the court on March 21, 2014. Then, Schutz J. adjourned the application to be heard contemporaneously with Nashco's application for judicial review.

## **2. Admissions and Objectives**

[6] Upon receipt of the City's advice that, in its view the application was moot, Nashco responded by saying: "Getting a specific variance for the Building from the City in regard to getting compliance for the Building is moot, but that is not the reason the Application is presently submitted to be ruled on". Nashco's stated objectives in pursuing the application are:

- i. To obtain an immediate answer on whether the Variance Decision was wrong rather than awaiting the outcome of the City Litigation; and
- ii. The "opportunity to share a positive ruling of the judicial review with the Safety Codes Council so that the barrier-free access code for small four-story [sic] buildings of residential occupancy can be properly written for the future benefit of all users of the Alberta Building Code (Code)".

[7] In the course of oral submissions, Nashco indicated that its objective in pursuing judicial review was to "fix the [Building] Code". Its principal, Gary Nash, offered the observation that if he wanted to build another



similar building in the future and “this issue is still in place, I won’t have a leg to stand on”.

[8] With that backdrop, I turn to a brief overview of the actors and their interactions that bring them to Court today.

### **3.1 The Actors**

- Gary Nash is the owner and manager of Nashco. Excepting a few pieces of correspondence from Nashco’s lawyer and architect, Mr. Nash communicated directly with employees of the City and Alberta about barrier-free requirements for the building.
- The Respondent/Cross-Applicant, Roger Clemens is the City’s Chief Building Inspector. He is also a safety officer with authority to grant a variance under s. 30 of the Safety Code concerning anything it applies to provided that in his opinion the variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by the Safety Code.
- The Respondent/Cross-Applicant, David Flanagan is the City’s Safety Codes Officer and Commercial Permitting Supervisor.
- Asnake Tiruneh is the Chief Building Administrator of Safety Services for the Alberta Government’s department of Municipal Affairs (Tiruneh). Mr. Tiruneh is responsible for interpreting the Building Code. He responded to a request from the City to interpret parts of s. 3.8.2.1 of the Building Code.

### **3.2 The Interactions and the Impugned Decision**

[9] The City issued development and building permits to Nashco in the summer of 2012 for construction of the apartment building. The plans and drawings submitted in support of the applications did not include an elevator. The City acknowledges that the permit was issued in error.

[10] Nashco requested an inspection and occupancy permit when the building was substantially completed in January 2013. An unconditional occupancy permit was refused on the basis that the building did not comply with the barrier-free access requirements of s. 3.8.2.1 of the Building Code, a measure typically addressed by having an elevator. Instead, the City issued a temporary occupancy certificate limited to the three lower floors indicating that it was in

place while the “elevator issue was resolved” through one of two suggested means - revised plans that included an elevator or a relaxation of the barrier free requirements from Alberta Municipal Affairs.

[11] On January 10, 2013, Mr. Flanagan advised Nashco’s architect that the Building Code required barrier-free access for all four storeys of the building, and that was typically addressed by having an elevator. Nashco argued that an elevator was unnecessary.

[12] In about that time, Nashco wrote the City offering a recap of some steps Nashco had undertaken and Mr. Nash’s view as to why s. 38 of the Building Code did not mandate a barrier free path (and hence elevator) for the apartment building. He explained that interpreting s. 38 of the Building Code by application of DeMorgan’s law (according to Wikipedia this is “the expression of conjunctions and disjunctions purely in terms of each other via negation) was a complete answer in his favour.

[13] On January 16, 2013, Mr. Flanagan sought an interpretation of the Code’s barrier-free requirements from Mr. Tiruneh. In part, his request states:

Our office has a case of an applicant wishing to construct a 4-storey apartment building (no provincial funding) of under 100 sq m building area without elevator or barrier-free path to the upper three floors. His interpretation of 3.8.2.1(5) is steadfastly at odds with a conventional interpretation (as we rarely encounter a 4-storey proposal that does not offer an elevator). Please review the approach our office generally takes, and then the applicant’s logic that follows; an interpretive comment from your office would be instructive.

[14] Mr. Tiruneh responded six days later confirming Mr. Flanagan’s view that every residential building over three storeys required barrier-free access to all floor levels (“Tiruneh Interpretation”).

[15] On January 30, 2013, Mr. Clemens informed Mr. Nash that Nashco had to provide revised drawings showing how the barrier-free requirement would be met or a copy of a relaxation from Alberta, Municipal Affairs. Mr. Nash promptly replied, expressing his view that the Tiruneh Interpretation was “potentially tainted” as Mr. Flanagan’s request did not say a building permit was issued on plans with no elevator.

[16] On February 7, 2013, Mr. Nash wrote the City contesting the validity of the Tiruneh Interpretation and advising that it was not feasible to install an elevator given the construction that had occurred. Nashco offered an alternative

installation of a stair lift from the outside of the building to the landing at the rear doors. From Nashco's perspective, this would provide a first floor barrier-free access in keeping with the intent of the Building Code.

[17] Also in February 2013, Nashco asked the City to review the barrier-free requirement and sought a relaxation of the Code requirement from Alberta. Alberta responded that it did not issue variances for single projects and the City should deal with the matter.

[18] By letter dated March 25, 2013, Mr. Nash asked Mr. Tiruneh to alter his interpretation of the Building Code, pointing out that Nashco had followed Alberta's publication entitled 'Barrier Free Design Guide' and that the publication was inconsistent with the Tiruneh Interpretation.

[19] On June 24 2013, Mr. Nash wrote the City formally requesting a response to his February 7, 2013 letter. A series of email communications followed:

a. Mr. Clemens responded the same day sending a guide for requesting a variance and advising that since the building was not provincially funded it did not need barrier-free dwelling units, but if he were to provide them, that would "be a good basis for variance to the elevator".

b. Mr. Nash replied:

"...What I have done as owner is prove to you that our building exceeds a situation which you would have approved under the ABC [Code]. You have the authority to issue a variance based on that proof. If you read it carefully, is [sic] fully compliant with the ABC. I do not understand why the City dumps me to the Province, and the Province does the same to the City..."

c. Mr. Clemens wrote:

"As we have discussed many times in the past, in order for a Safety Codes Officer to accept a variance, the owner must propose something of equal [sic]. As you have never done that, we cannot consider your request to relax or lessen the Code requirements. Only the Minister has the legal power to do that."

[20] Mr. Nash followed up with another letter that day reiterating his views as to why an elevator was not required.

[21] Litigation and applications for judicial review followed. Nashco sued the City and Messrs. Clemens and Flanagan for damages. It also sued Alberta



and two of its employees alleging bad faith in refusing to issue a relaxation of the barrier-free requirements.

[22] On December 20, 2013, Alberta issued the Relaxation and Nashco discontinued its action against Alberta and its employees as well as its application for judicial review of Alberta's decision. On January 9, 2014, the City issued the Unconditional Occupancy Permit.

#### 4. Analysis

[23] Given that the Respondents' application may be determinative of the outcome of the judicial review application, I have addressed it first.

##### 4.1 Mootness

[24] Subject to the exercise of discretion to depart from general policy, Courts will not adjudicate upon a case without a live controversy affecting or that might affect the parties' rights (*Borowski v. Canada*, 1989 CanLII 123 (SCC), [1989] 1 S.C.R. 342, 1989 CarswellSask 241; *Wiebe v. Alberta*, 2001 ABCA 192, 2001 CarswellAlta 946).

[25] *Borowski* describes the doctrine of mootness as follows (at para. 15):

The doctrine of mootness is an aspect of a general policy or practice that a court may decline to decide a case which raises merely a hypothetical or abstract question. The general principle applies when the decision of the court will not have the effect of resolving some controversy which affects or may affect the rights of the parties. If the decision of the court will have no practical effect on such rights, the court will decline to decide the case. This essential ingredient must be present not only when the action or proceeding is commenced but at the time when the court is called upon to reach a decision. Accordingly if, subsequent to the initiation of the action or proceeding, events occur which affect the relationship of the parties so that no present live controversy exists which affects the rights of the parties, the case is said to be moot. The general policy or practice is enforced in moot cases unless the court exercises its discretion to depart from its policy or practice...

[26] The *Borowski* analysis entails two steps (at para.16):

1. Determine if there is a "live controversy".
2. If the answer is "no", determine whether discretion should be exercised to hear the case.

[27] Nashco argues that the result does not end its controversy with City since there is a contradiction in s. 38.2.1(5) of the Building Code and the ‘Barrier-Free Design Guide’. Nashco also argues that the City’s reliance on the Tiruneh Interpretation constituted a failure to discharge its duty under s. 13(1) of the Safety Code to administer the legislation. In this regard, Nashco points to the City’s failure to conduct an analysis of its June 24, 2013 interpretation of s. 38.2.1(5) and proposed alternative of installing ramps rather than an elevator. Finally, it contends that a variance and relaxation are different mechanisms with different precedential effects.

[28] While a variance and relaxation under the Building Code are different mechanisms, they nevertheless achieve the same practical result, which the City describes as “...different roads to get to the exact same destination, namely a building that is Code compliant with respect to the barrier-free access requirements of the Code”. I accept the City’s assessment of the practical effect.

[29] The consequence of the Relaxation is to place Nashco in the same position it would be in if (presuming success on judicial review) the Variance Decision was overturned and the Court ordered the City to grant the variance sought. There is no point in ordering the City to issue a variation now.

[30] Stated otherwise, the disagreement about whether the City ought to have granted a variance no longer affects Nashco’s rights or future rights concerning this project. There is no “live controversy”, and the parties’ disagreement cannot be transformed into such because it might raise questions of law or jurisdiction which could affect non-parties (*Wiebe v Alberta (Labour Relations Board)* at paras 9-11, *Bonsma* at paras. 19-20).

[31] The next step of the *Borowski* analysis is to ascertain whether the court should exercise its discretion in favour of Nashco despite there being no “live controversy”. In making this determination, the court is to consider at least three factors: the presence of an adversarial context, the concern for judicial resources and the awareness of the court’s proper law-making function (*Borowski* at paras. 31, 34 and 40, *Graff v Alberta (Energy and Utilities Board)*, 2007 ABCA 363 at para. 4, *Bonsma* at para. 17).

[32] In *Bonsma*, Ross J. found that the Respondents’ alternative argument that the decision sought to be reviewed was reasonable constituted sufficient adversarial context to permit her to decide the application.

[33] *Bonsma* is distinguishable. In the present case, the City rests solely on Nashco’s application being moot. Otherwise, it is completely disinterested.



[34] In these circumstances, there is not a sufficient adversarial context to warrant deciding Nashco's application.

[35] Judicial economy is about the use of scarce judicial resources. The Court must assess whether the special circumstances of the case make it worthwhile to apply those resources to resolve the moot issue. Examples of qualifying special circumstances are where the decision will have a practical effect on the rights of the parties and/or where the issue to be reviewed is a recurring but time limited issue tending to evade court review (*Borowski* at paras. 35-39). However, the simple fact that a case raising the same point is likely to recur even frequently, should not by itself be a reason for hearing an appeal that is moot. Then, the preferred approach is to wait and determine the point in a genuine adversarial context, unless the circumstances suggest that the dispute will have always disappeared before it is ultimately resolved (*Borowski*, at para 36).

[36] Reviewing the Variance Decision would have no practical effects for Nashco. The concern is not about what it needs to get the as-built apartment Building Code approval, but rather about wanting clarity for itself and others parties about the meaning of s. 3.8.2.1(5) of the Building Code and an immediate ruling that will affect the City Litigation.

[37] The desire to set a precedent for others is not a special circumstance (*Bonsma* at para. 27).

[38] Nashco's concern is that without "fixing the Building Code" via judicial review it will not get another building permit or (presumably if it does) a variance allowing construction of another small four-storey building with no elevator. Even if that happened, there is nothing to suggest that the issue is one which would evade judicial review.

[39] I note that the Variance Decision is in issue in the City Litigation and will be determined by applying different standards than would be applied in a judicial review.

[40] Schutz J.'s decision to adjourn the City's applications to a contemporaneous hearing with Nashco's application does not detract from my findings concerning judicial economy.

[41] In the result, judicial economy weighs against the Court exercising its discretion to determine the moot question.

[42] I am also satisfied that the court's proper law-making function weighs against exercising discretion in Nashco's favour. As previously noted,

the desire to set a precedent for others is not a special circumstance warranting the use of scarce judicial resources. Similarly, setting a precedent in the abstract is not typically part of the court's proper law-making function, nor is it necessarily useful.

[43] Nashco wants to have the Building Code “fixed” for the future. That is the job of the legislative branch, which as the City points out, would doubtless be interested in canvassing the views of a broader constituency, were it to engage in that exercise.

[44] In *Weibe*, the Alberta Court of Appeal enumerated six potential dangers in answering moot questions (at paras. 14-19). Several are pertinent to this case:

- a. All of the relevant arguments are unlikely to be advanced.
- b. The court could pronounce too wide a rule of law.
- c. The City would be dragooned into action and forced to spend time and money on a question in which it has no present interest.

[45] The effect of the Relaxation and Unconditional Occupancy Permit is to render Nashco's application for judicial review of the Variance Decision moot. There is no rational basis for exercising the court's discretion in favour of hearing the application.

## 4.2 Summary Disposition Generally

[46] The Supreme Court of Canada's ruling in *Combined Air Mechanical Services Inc. v. Flesch*, 2014 SCC 7, 2014 CarswellOnt 640 directs that there is no genuine issue requiring a trial if the judge is able to reach a fair and just determination on the merits on a motion for summary judgment. This means that the judge must be able to make the necessary findings of fact, apply the law to the facts with a process that is proportionate, more expeditious and less expensive for achieving a just result (paras. 46-49)

[47] *Combined Air Mechanical Services Inc. v. Flesch* applies in Alberta to summary judgement and dismissal applications as well as striking applications under Rule 3.68 (*Windsor v Canadian Pacific Railway*, 2014 ABCA 108, 2014 CarswellAlta 395 at para. 13; *NEP Canada ULC v. MEC OP LLC*, 2014 ABCA 140, 2014 CarswellAlta 685 at para 14).

### 4.2.1 Summary Dismissal

contexts, and there is no universal test or statement of law that encompasses all of the examples.

[52] In a case concerning the antecedent of Rule 3.68, the Court held that asking it to judicially review a moot question was an abuse of process (*McMeekin v North West Territories (Liquor Commission)*, 2008 NWTSC 67, 2008 CarswellNWT at para. 35 followed in *Werner v. Molenkamp*, 2009 NWTSC 1, 2009 CarswellNWT 1). Bearing in mind the purpose of the abuse of process principle, I agree with this logic.

#### 4.2.3 Conclusions on Summary Disposition

[53] Having found the issue on the judicial review moot and no basis for exercising discretion to hear it nevertheless, it follows that Nashco's Originating Application for Judicial Review should be summarily dismissed and/or struck.

### 5. Costs

[54] If the parties cannot agree on costs, they may speak to me within 45 days.

Heard on the 11<sup>th</sup> day of September, 2014.

**Dated** at the City of Edmonton, Alberta this 15<sup>th</sup> day of September, 2014.

---

**J.E. Topolniski**  
**J.C.Q.B.A.**

### Appearances:

Gary Nash  
Self-Represented Litigant

[48] Rule 7.3(1) reads in part:

7.3(1) A party may apply to the Court for summary judgment in respect of all or part of a claim on one or more of the following grounds:

...

(b) there is no merit to a claim or part of it;

...

(3) If the application is successful the Court may, with respect to all or part of a claim, and whether or not the claim is for a single and undivided debt, do one or more of the following:

(a) dismiss one or more claims in the action or give judgment in respect of all or part of the claim or for a lesser amount;

...

[49] *Windsor v Canadian Pacific Railway* confirms that in Alberta the modern test for summary judgment or dismissal is whether there is "a reasonable prospect that the claim will succeed", not whether it is "plain and obvious" that no claim is disclosed (para. 12). New R. 7.3 calls for a more holistic analysis of whether the claim has "merit", and is not confined to the test of "a genuine issue for trial" found in the previous rules (para. 14).

#### 4.2.2 Striking Pleadings

[50] Rule 3.68(2)(d) permits the Court to strike a pleading if the commencement document or pleading constitutes an abuse of process.

[51] The Alberta Court of Appeal described abuse of process in *Reece v Edmonton (City)*, 2011 ABCA 238, 2011 CarswellAlta 1349 as this (at para. 16):

Abuse of process is a compendious principle that the courts use to control misuse of the judicial system. Abuses of process can arise in many different

Lee Fenger  
City of Edmonton Law Branch  
for the Respondents

---



# 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

# Appeal #2

024-STU-017 - Appealing the  
Subdivision's Authority refusal to  
create a 3.7 hectare lot from a 30.9  
hectare lot

### SUBDIVISION & DEVELOPMENT APPEAL BOARD

<b>Site Information:</b>		
Municipal Address of site: 26416 - Twp. Rd. 571		
Legal land description of site: ('plan, block, lot' and/or 'range-township-section-quarter') W $\frac{1}{2}$ -SE-08-57-26-W4		
Development Permit number or Subdivision Application number: 2024-5-031		
Date Received Stamp		
<b>Appellant Information:</b>		
Name: D & C Mahe Farms Ltd. Daniel & Colleen Mahe	Phone: (780) 939-3501	Agent Name: (if applicable)
Mailing Address: 57118 - Rge. Rd. 263	City, Province: Sturgeon County, Alberta	
Postal Code: T8R 0Y1	Email: mahetfarms@yahoo.ca	

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

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

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

We are appealing Sturgeon County's decision of refusal as we are applying for 1 extra acreage on this parcel. The entire property was purchased Aug. 1, 2024 solely for the purpose of preserving the farmland we have been leasing for 20+ years.

(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 Ap:	Date: October 15, 2024
<b>FOR OFFICE USE ONLY</b>	
SDAB Appeal Number: severed in line with section 17 of the FOIP Act	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: YYYY/MM/DD

D&C MAHE FARMS LTD.  
DANIEL & COLLEEN MAHE

Receipt Number: 202407706  
GST Number: 107747412RT0001  
Date: 10/15/2024  
Initials: KB

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

Transaction 103805

Invoice #: 202407706

**Total**

**CA\$100.00**

CREDIT CARD SALE CA\$100.00

VISA 4274

Retain this copy for statement  
validation

15-Oct-2024 9:35:19A

CA\$100.00 | Method:

CONTACTLESS

VISA CREDIT

XXXXXXXXXXXX4274

Reference ID: 428900579096

Auth ID: 05567G

MID: \*\*\*\*\*2882

AID: A0000000031010

AthNtwkNm: VISA

NO CARDHOLDER VERIFICATION

October 22, 2024

SDAB File Number: 024-STU-017

Dear Daniel & Colleen Mahé/D & C Mahé Farms Ltd:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	SE 08-57-26-W4 26416 Township Road 571
Subdivision Application Number:	2024-S-031
Decision Regarding Proposed Subdivision:	To create a <u>±</u> 3.7-hectare lot from 30.9 hectares

---

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on October 15, 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 **November 5, 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 451 512 4#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca). **To be included in the SDAB hearing agenda package, written submissions must be submitted no later than October 31, 2024. However, the Board can accept written submissions up to the date of the hearing.**

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



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

---

Dianne Mason  
Secretary, Subdivision and Development Appeal Board

October 22, 2024

SDAB File Number: 024-STU-017

Dear Resident:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	SE 08-57-26-W4 26416 Township Road 571
Subdivision Application Number:	2024-S-031
Decision Regarding Proposed Subdivision:	An application to create a $\pm$ 3.7-hectare lot from 30.9 hectares was refused

---

An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on October 10, 2024. In accordance with section 686(2) of the *Municipal Government Act*, the SDAB must hold an appeal hearing within 30 days after receipt of a notice of appeal.

**Applicants/Appellants: Daniel & Colleen Mahé/D & C Mahé Farms Ltd.**

Reasons for Appeal:

- The Applicants are seeking one extra acreage on the parcel.
- The entire property was purchased August 1, 2024 for the purpose of preserving the farmland that has been leased for more than 20 years.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **November 5, 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 video conference 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 451 512 4#. This should connect you directly into the hearing.

**Why am I receiving this information?**

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca). **To be included in the SDAB hearing agenda package, written submissions must be submitted no later than October 31, 2024. However, the Board can accept written submissions up to the date of the hearing.**

Please note that any submissions previously provided to the Subdivision Authority are not provided as evidence to the Subdivision and Development Appeal Board and therefore must be resubmitted.

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

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

---

Dianne Mason  
Secretary, Subdivision and Development Appeal Board

Encl.: Subdivision Map

October 22, 2024

SDAB File Number: 024-STU-017

To Whom It May Concern:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	SE 08-57-26-W4 26416 Township Road 571
Subdivision Application Number:	2024-S-031
Decision Regarding Proposed Subdivision:	An application to create a $\pm$ 3.7-hectare lot from 30.9 hectares was refused

---

An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on October 10, 2024. In accordance with section 686(2) of the *Municipal Government Act*, the SDAB must hold an appeal hearing within 30 days after receipt of a notice of appeal.

**Applicants/Appellants: Daniel & Colleen Mahé/D & C Mahé Farms Ltd.**

Reasons for Appeal:

- The Applicants are seeking one extra acreage on the parcel.
- The entire property was purchased August 1, 2024 for the purpose of preserving the farmland that has been leased for more than 20 years.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **November 5, 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 451 512 4#. This should connect you directly into the hearing.

**Why am I receiving this information?**

When an appeal is received, affected bodies/organizations have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca). **To be included in the SDAB hearing**

**agenda package, written submissions must be submitted no later than October 31, 2024. However, the Board can accept written submissions up to the date of the hearing.**

Please note that any submissions previously provided to the Subdivision Authority are not provided as evidence to the Subdivision and Development Appeal Board and therefore must be resubmitted.

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

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

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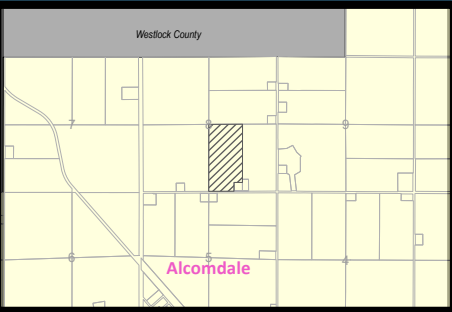
Dianne Mason  
Secretary, Subdivision and Development Appeal Board

Encl.: Subdivision Map



# Exhibit 1 [Applicant Submission]

File Number: 2024-S-031



Legal Description: SE-8-57-26-4  
Roll Number: 4234001  
Total Acres/Hectares: 76.40ac / 30.87ha  
Land Use: AG - Agriculture  
Municipal Address: 26416 TWP RD 571  
Date: 8/12/2024

**Legend**

Dwelling

Well

Garage

Pump Out

Shed

Shipping Container

Existing Approach

## **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:

Aug 8, 2024

Date Accepted as "Complete":

Aug 12, 2024

Application Fee: \$ 3000.00

Receipt No: 202406390

File Number: 2024-S-031

### Complete in full (where applicable):

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

D & C Mahe Farms Ltd.

Mailing  
address  
(including  
postal code):

57118 Rge. Rd. 263  
Sturgeon County, AB.  
T8R 0Y1

Telephone:

(780) 939-3501

Email:

mahefarms@yahoo.ca

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

Daniel Mahe  
Colleen Mahe

Mailing  
address  
(including  
postal code):

57118 Rge. Rd. 263  
Sturgeon County, AB.  
T8R 0Y1

severed in line with section 17 of the FOIP Act

Telephone:

Email:

mahefarms@yahoo.ca

### PROPERTY INFORMATION:

All/part of the: W 1/2 Sec: 08 Twp: 57 Range: 26 West of the: 4<sup>th</sup> Meridian

OR Lot: Block: Plan: Land Title #

Municipal Address of Property: 26416 - Twp. Rd. 571

Total existing property size (states on land title certificate): hectares 80 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:

Daniel & Colleen Mahe (D & C Mahe Farms Ltd.) have been renting the farmland for the past 25 years or so and have just purchased the property from mainly for farming purposes

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.

## 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



## Applicant's Authorization (Complete only if another party is making application on landowner's behalf)

I/We, D & C Maher Farms Ltd.

being the registered owner(s) of lands legally described as:

All/part of the: W 1/2 Sec: 08 Twp: 57 Range: Twenty-Six 26 C.M. West of the: 4<sup>th</sup> Meridian

OR Lot: Block: Plan:

Municipal Address of Property: 26416 - Twp. Rd. 571, Sturgeon County, AB. T8R 2M1

do hereby authorize

Daniel Maher  
Colleen Maher

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

Dated this 8 day of August, 2024

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.





Abandoned Well Map		Base Data provided by: Government of Alberta	
<b>Legend</b> ◆ Abandoned Well (Large Scale) ○ Revised Well Location (Large Scale) — Revised Location Pointer <b>Paved Road (20K)</b> — Primary Divided — Primary Undivided 4L — Primary Undivided 2L — Primary Undivided 1L — Interchange Ramp — Secondary Divided — Secondary Undivided 4L	Author	Jonathan Heemskerk	Printing Date: 8/1/2024
	Date Date (if applicable)		
	<p>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 &amp; Disclaimer webpage: <a href="http://www.aer.ca/copyright-disclaimer">http://www.aer.ca/copyright-disclaimer</a>.</p>	<p>Scale: 9,027.98</p> <p>0.14 Kilometers 0</p> <p>Projection and Datum: WGS84 Web Mercator Auxiliary Sphere</p> <p> Alberta Energy Regulator</p>	





Prepared By: Jonathan Heemskerk

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



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





Prepared By: Jonathan Heemskerck

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



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



## 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, Daniel and Colleen Mahe

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):

Daniel Mahe

Colleen Mahe

## 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*. 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.



October 1, 2024

D&C Mahe Farms Ltd  
Daniel & Colleen Mahe  
57118 Rge Rd 263  
Sturgeon County AB T8R 0Y1

Re: Proposed Subdivision  
Our File No.: 2024-S-031  
Legal Land Description: SE-8-57-26-4  
Proposal: To create a  $\pm 3.7$ ha lot from 30.9ha

---

Please be advised that the above-mentioned subdivision application was **REFUSED** by the Subdivision Authority on **October 1, 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. With respect to reason #1 above, this application does not conform to Policies 2.3.15 and 2.3.16 of the Municipal Development Plan, which states a maximum agricultural parcel density of four parcels per quarter-section and no more than two acreage parcels per quarter section. This parcel would create a density of five parcels per quarter section and a third acreage parcel on the same quarter-section.
3. With respect to reason #1 above, this application does not conform to Part 11.1.3(a) of the Land Use Bylaw, which requires a maximum agricultural parcel density of four parcels per quarter-section.

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  
Alberta Transportation  
Apex Utilities  
Canada Post  
Fortis Alberta

Manawan Drainage District  
Royal Bank of Canada  
Sturgeon School Division  
Telus Access Planning  
Westlock County

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.

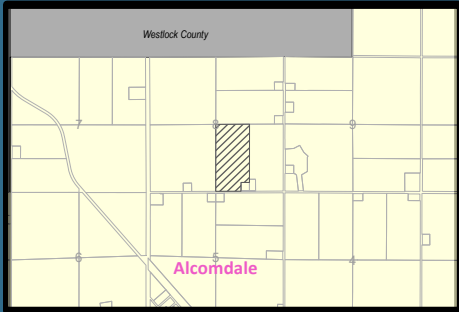
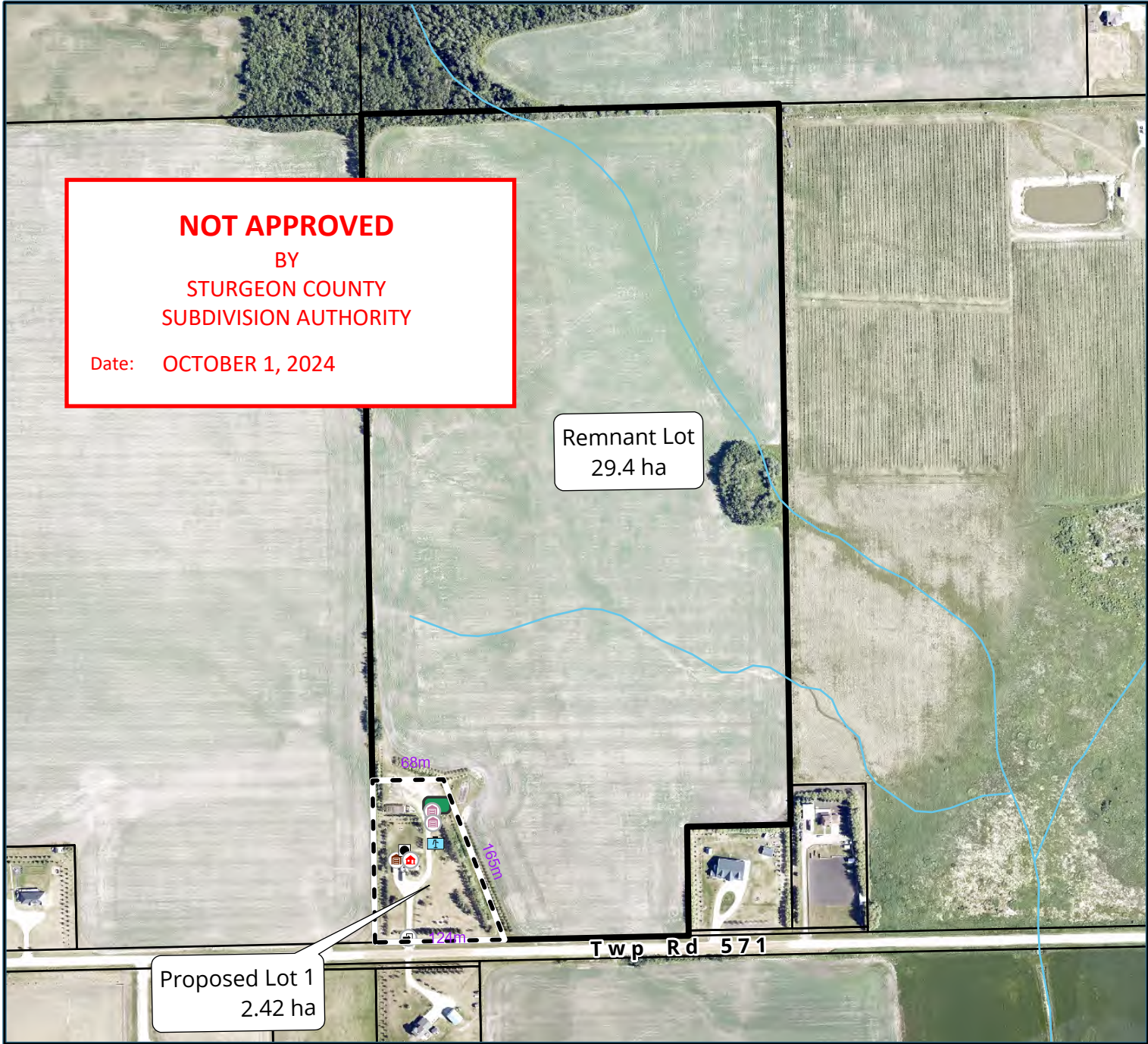
The final date the appeal can be filed is: **OCTOBER 22, 2024**

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: 2024-S-031



Legal Description: SE-8-57-26-4  
Roll Number: 4234001  
Total Acres/Hectares: 76.40ac / 30.87ha  
Land Use: AG - Agriculture  
Municipal Address: 26416 TWP RD 571  
Date: 9/27/2024

**Legend**

Dwelling

Well

Garage

Pump Out

Shed

Shipping Container

Existing Approach

# PLANNING AND DEVELOPMENT SERVICES REPORT



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



FILE INFORMATION: 2024-S-031	
Council Division:	4
Tax Roll Number:	4234001
Legal Land Description of Property:	SE-8-57-26-4
Landowner:	D&C Mahe Farms Ltd.
Applicants:	Daniel & Colleen Mahe
Staff Recommendation	Refusal
Appeal Board (if appealed):	Subdivision & Development Appeal Board
Administrative Fees (if approved):	\$250 (subdivision endorsement); plus \$600 per new parcel created/adjusted. 10% of Proposed Lot at \$1,133.76 per hectare

### **PART I – APPLICATION DETAILS:**

1. As illustrated in Exhibit 1 the applicants propose subdivision of 2.42 hectares (5.97 acres) from 30.87 hectares (76.40 acres).

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

1. Subdivision History:
  - File 2007-S-187 created a 1-hectare (2.47 acre) parcel from 31.87 hectares (78.87 acres).
  - Historical 80-acre split of the quarter section.

### **PART III – REFERRAL SUMMARY:**

1. Sturgeon County Development Officer:
  - *Proposed Lot:*
    - o Permit #53-86 Single Family Dwelling with Attached Garage
  - Pursuant to section 6.27.1, the maximum number of shipping containers on an AG – Residential parcel (smaller than 4ha) is one.
  - Exhibit 1 shows two accessory buildings at the rear of the proposed lot. The size and use of the existing accessory buildings are to be confirmed to determine if development and building permits are required. An accessory building under 10m<sup>2</sup> in floor area is exempt from requiring development and building permit approval. If the buildings are for farm use, a Farm Building Declaration shall be provided.
  - *Remnant Lot:*
    - o Vacant farmland

2. Sturgeon County Integrated Development and Land Services:
  - *Proposed Lot:*
    - Proposed lot topography is generally flat with existing homestead. Please see Alberta wetland map for identified wetland.
    - In accordance with the Grid Right of Way Dedication and Acquisition policy, 5 metres required via plan of survey adjacent to Twp Rd 571.
    - Existing approach is satisfactory
  - *Remnant Lot:*
    - Proposed lot topography slopes to southeast. Please see Alberta wetland map for identified wetland. Two drainage channels exist in the remnant lot, any developments shall not alter the drainage pattern inside the remnant lot.
    - In accordance with the Grid Right of Way Dedications and Acquisition policy, 5 metres required via land acquisition agreement adjacent to Twp Rd 571.
    - No existing approach. One must be constructed to General Municipal Servicing Standards. Please contact Sturgeon County IDLS department for approach location.
3. Alberta Transportation and Economic Corridors:
  - No Concerns.
  - Insofar as Transportation and Economic Corridors is concerned, any appeal of this subdivision may be referred to the local Subdivision and Development Appeal Board.
4. No Objections:
  - Alberta Health Services, Westlock County, Sturgeon County Agriculture Services, Telus, Fortis Alberta.
5. No Responses:
  - Adjacent landowners, AltaLink, Canada Post, Sturgeon County Protective Services, Sturgeon County Agriculture Services, Sturgeon County Drainage Operations, Apex Utilities, Royal Bank of Canada, Sturgeon School District, Telus, Fortis Alberta.

## **PART IV – ANALYSIS:**

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

However, the proposed subdivision would result in five parcels located on the same quarter-section, exceeding the maximum agricultural parcel density of four parcels per quarter-section permitted under Policy 2.3.15 of the Municipal Development Plan (see **Appendix 2**), and Part 11.1.3(a) of the Land Use Bylaw (see **Appendix 3**).

Therefore, this application is inconsistent with the Municipal Development Plan’s “Residential Type 4” policies (see **Appendix 2**), and with the Land Use Bylaw’s “AG - Agriculture” regulations (see **Appendix 3**). As such, the application must be refused by administration.

## **PART V – DECISION:**

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. With respect to reason #1 above, this application does not conform to Policies 2.3.15 and 2.3.16 of the Municipal Development Plan, which states a maximum agricultural parcel density of four parcels per quarter-section and no more than two acreage parcels per quarter section. This parcel would create a density of five parcels per quarter section and a third acreage parcel on the same quarter-section.
3. With respect to reason #1 above, this application does not conform to Part 11.1.3(a) of the Land Use Bylaw, which requires a maximum agricultural parcel density of four parcels per quarter-section.

Prepared by:   
**Jonathan Heemskerk, Planner, Current Planning**

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, including section 618.3(1), and the statutory plans and land use bylaws and the regulations under this Part 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.

RRSA 2000 cM-26 s655;2009 cA-26.8 s83;2015 c8 s71;  
2020 c39 s10(38)

#### 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.

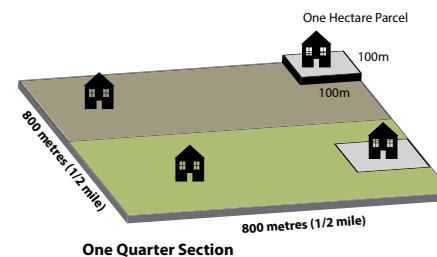
**2.3.18** Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

**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

# Supporting the agricultural industry by acknowledging the unique features of the working landscape.

*Residential development in the Neighbourhood closely reflects the Primary Industry extraction activities historically found in the area. Following the closure of the coal mines, the Hamlets of Cardiff and Carbondale established themselves as residential subdivisions in the County. The desired intent is to accommodate agricultural lifestyles and to support existing rural communities, while recognizing the significant economic and cultural ties between the rural population and neighbouring Towns.*

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

- ➊ Strengthening the viability of the agricultural industry and lifestyles (outside of the Hamlets of Cardiff and Carbondale) through the implementation of Residential Type 4 policies.
- ➋ Discouraging the development or expansion of Confined Feeding Operations (as per the AOPA notification schedule detailed in Appendix A-2) from the municipal boundaries of Bon Accord, Gibbons, Morinville, Legal and Sturgeon County communities with densities in exceedance of Residential Type 4, in an effort to minimize land-use conflicts between working landscapes and residential communities.
- ➌ Establishing an administrative boundary for the Hamlets of Cardiff and Carbondale and implementing Residential Type 2 policies within the Hamlet of Cardiff. 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.
- ➍ Developing a statutory Regional Planning Document for the Hamlet of Cardiff to give more certainty to local communities, investors, service providers and municipal neighbours regarding the Hamlets' long-term growth aspirations.
- ➎ Giving regard to the existing residential character of the Hamlets of Cardiff and Carbondale 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.
- ➏ Considering the diversification of residential options for the Hamlet of Carbondale through the allowance of increased residential 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 an approved Local Planning Document.
- ➐ Limiting the infill of existing country residential subdivisions and Hamlets, where no approved Plan is in place, 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.

## 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
Accessory dwelling unit****	Accessory dwelling unit****
Accessory, building*	Accessory, building*
Accessory, use*	Accessory, use*
Bed and breakfast	Agricultural support service
Diversified Agriculture	Auctioneering establishment**
Dugout	Cannabis production and distribution, micro
Dwelling, single detached	Community garden
Family day home	Data Processing Facility
Farm help accommodation	Equestrian facility***
Group home, minor	Group home, major
Home-based business, level 1 (office)	Home-based business, level 3
Home-based business, level 2	Kennel and animal boarding
Intensive agriculture	Landscaping contractor service***
	Solar farm
	Temporary asphalt plant**
	Temporary concrete batch plant**
	Topsoil screening
	Veterinary clinic
	Visitor accommodation***

\* 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 6.1A for further clarification.

1407/18; 1432/19; 1436/19; 1560/21; 1570/22; 1587/22, 1597/22

#### .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 floor area	Accessory building	465m <sup>2</sup> (5,005.2ft <sup>2</sup> )
Maximum parcel coverage	15%	

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

1432/19

.5 Additional Development Regulations

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

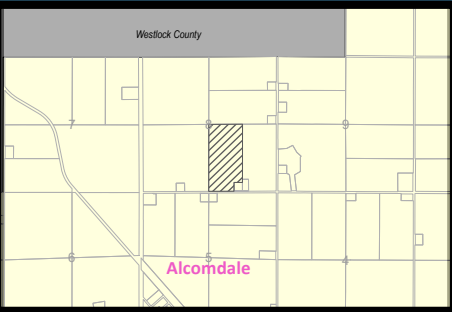
1407/18



## Appendix 4: Exhibits & Miscellaneous

# Exhibit 1 [Applicant Submission]

File Number: 2024-S-031



Legal Description: SE-8-57-26-4  
Roll Number: 4234001  
Total Acres/Hectares: 76.40ac / 30.87ha  
Land Use: AG - Agriculture  
Municipal Address: 26416 TWP RD 571  
Date: 8/12/2024

**Legend**

Dwelling

Well

Garage

Pump Out

Shed

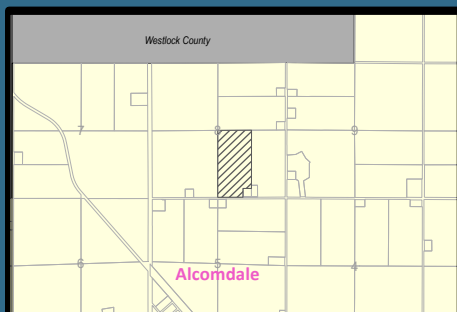
Shipping Container

Existing Approach



# Exhibit 2 [Refusal]

File Number: 2024-S-031



Legal Description: SE-8-57-26-4

Roll Number: 4234001








Total Acres/Hectares: 76.40ac / 30.87ha

Land Use: AG - Agriculture

Municipal Address: 26416 TWP RD 571

Date: 9/27/2024

## Legend

-  Dwelling
-  Well
-  Existing Approach
-  Garage
-  Pump Out
-  Shed
-  Shipping Container

**MEMO**

To: Shannon Gagnon

From: Carla Williams

Date: August 20, 2024

Re: Proposed Subdivision

File No: 2024-S-031

Roll No: 4234001

Legal Description: SE-8-57-26-4

---

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

**Remnant Lot (29.4ha)**

- Vacant farmland

**Proposed Lot 1 (2.42ha)**

Sturgeon County Records:

- Permit #53-86 Single Family Dwelling with Attached Garage

Pursuant to section 6.27.1, the maximum number of shipping containers on an AG – Residential parcel (smaller than 4ha) is one.

Exhibit 1 shows two accessory buildings at the rear of the proposed lot. The size and use of the existing accessory buildings are to be confirmed to determine if development and building permits are required. An accessory building under 10m<sup>2</sup> in floor area is exempt from requiring development and building permit approval. If the buildings are for farm use, a Farm Building Declaration shall be provided.

# Subdivision Referral to Engineering Services

- Referral Sent:
- Roll No:
- Phone No:
- Response Deadline:
- Municipal Address:
- Landowner(s):

: \_\_\_\_\_

: \_\_\_\_\_

- ☐ On-site inspection completed; or
- ☐ Cursory desktop review *only* (on-site inspection planned for spring).

Referral comments provided by: \_\_\_\_\_ on \_\_\_\_\_  
(Engineering Services staff member) (date)



**Lot:** \_\_\_\_\_

➤ **Existing fence?** ☐ No ☐ Yes (type: \_\_\_\_\_)

➤ **Existing shelterbelt?** ☐ No ☐ Yes

➤ **Site Assessment:** ☐ Required as approval condition ☐ Recommended prior to development ☐ Not applicable

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

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

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

---

---

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

**Current Status:**

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

**Requirements to meet General Municipal Servicing Standards:**

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

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

---

---

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

**Current Status:**

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

**Requirements to meet General Municipal Servicing Standards:**

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

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

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

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**Lot:** \_\_\_\_\_

➤ **Existing fence?** ☐ No ☐ Yes (type: \_\_\_\_\_)

➤ **Existing shelterbelt?** ☐ No ☐ Yes

➤ **Site Assessment:** ☐ Required as approval condition ☐ Recommended prior to development ☐ Not applicable

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

---

---

---

---

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

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

---

---

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

*Current Status:*

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

*Requirements to meet General Municipal Servicing Standards:*

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

Other Requirments: \_\_\_\_\_

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---

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

*Current Status:*

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

*Requirements to meet General Municipal Servicing Standards:*

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

Other Requirments: \_\_\_\_\_

---

---

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

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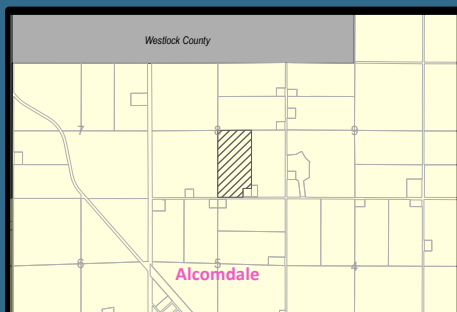
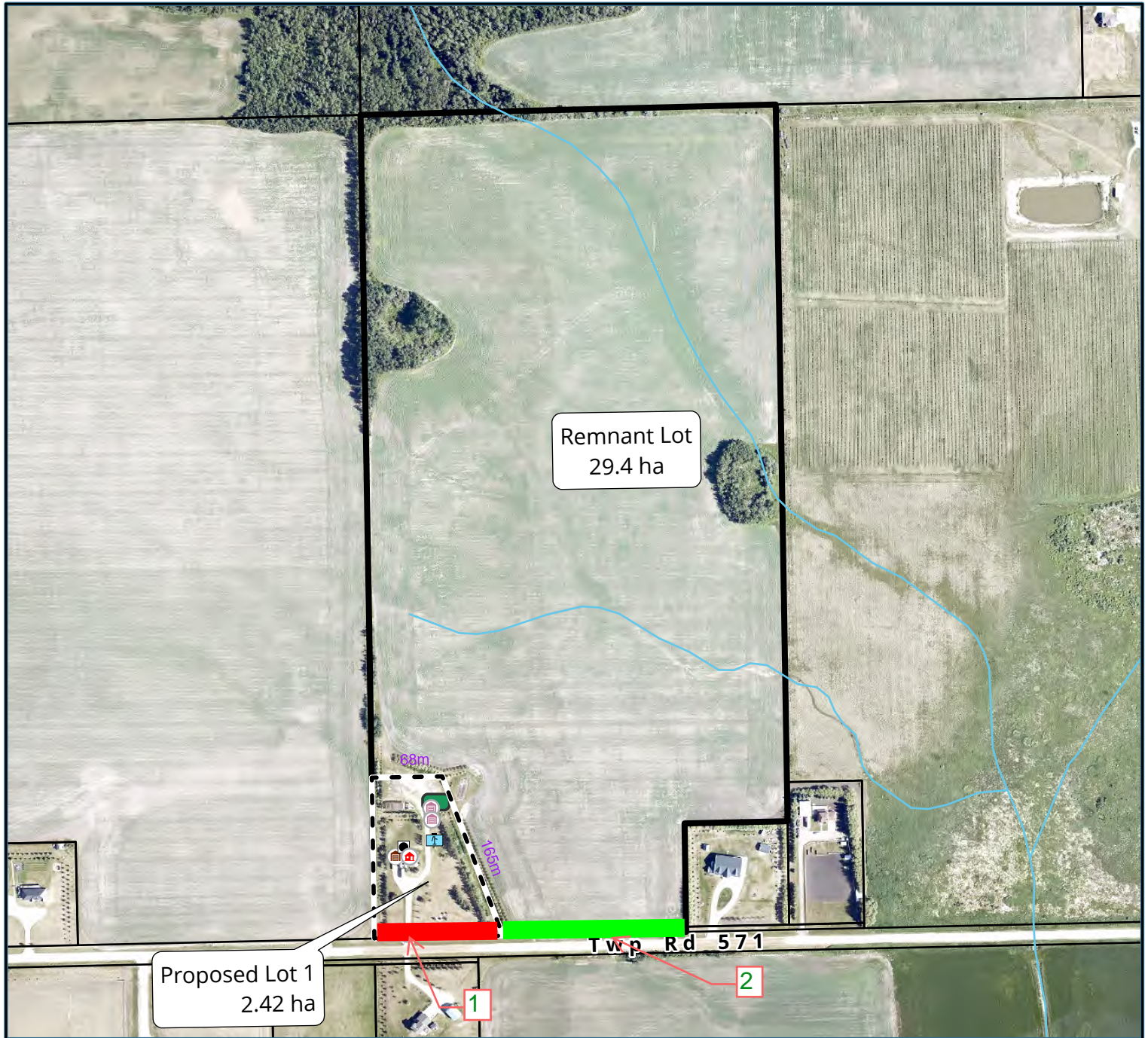
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# Engineering Exhibit

File Number: 2024-S-031



Legal Description: SE-8-57-26-4

Roll Number: 4234001










Total Acres/Hectares: 76.40ac / 30.87ha

Land Use: AG - Agriculture

Municipal Address: 26416 TWP RD 571

Date: 8/12/2024

## Legend

- |  |  |
|--|--|
|  Dwelling           |  Well           |
|  Existing Approach  |  |
|  Garage             |  5m dedication  |
|  Pump Out           |  5m acquisition |
|  Shed               |  |
|  Shipping Container |  |





### Legend

Alberta Merged Wetland Inventory Class

Alberta Merged Wetland Inventory Class  
Marsh

CulvertConditionParameters

Length  
Fair  
Good  
Excellent

Sizing  
Fair  
Good  
Excellent

Parcel

Parcel

Underground\_Infrastructure

Water Mains

Water Service Lateral

Stormwater Lines

Sanitary Sewer Lines

Sanitary Gravity Main

Low Pressure Natural Gas

High Pressure Pipelines - Operating

> 304mm

Notes

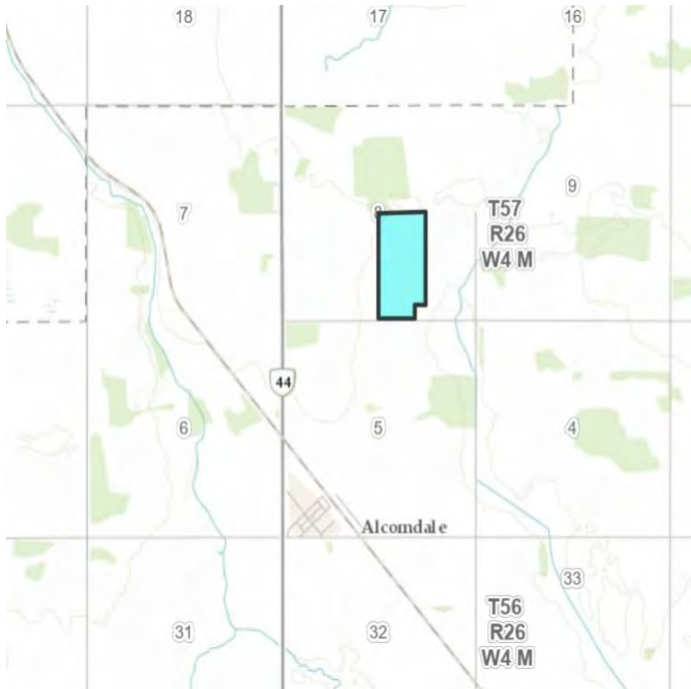




# Transportation and Economic Corridors Notification of Referral Decision

## Subdivision in Proximity of a Provincial Highway

Municipality File Number:	2024-S-031	Highway(s):	44
Legal Land Location:	QS-SE SEC-08 TWP-057 RGE-26 MER-4	Municipality:	Sturgeon County
Decision By:	Robert Lindsay	Issuing Office:	North Central Region / Stony Plain
Issued Date:	August 15, 2024	Appeal Authority:	Subdivision and Development Appeal Board
Description of Development:	Subdivision of a single developed residential lot as a fifth parcel within a quarter section that is not adjacent to the highway. SE08-57-26-W4M; East of Highway 44		



This will acknowledge receipt of your circulation regarding the above noted proposal. The subsequent subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 44.



**Transportation and Economic Corridors offers the following comments with respect to this application:**

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

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

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

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act
2. This proposal does not meet the requirements of Sections 18 and 19(3) of the Matters Related to Subdivision and Development Regulation. Considering the nature of the proposal, subject to Section 20 of the Matters Related to Subdivision and Development Regulation, Transportation and Economic Corridors is willing to approve the variance by the subdivision authority of the requirements of Section 18.
3. Insofar as Transportation and Economic Corridors is concerned, any appeal of this subdivision may be referred to the local subdivision and development appeal board (Section 678(2.1) of the Municipal Government Act).
4. The Matters Related to Subdivision and Development Regulation states that when the subdivision proposal does not meet the requirements of Section 19(3), the subdivision authority must require the developer to provide service road that is satisfactory to Transportation and Economic Corridors. Given the nature of this proposal, to meet the requirements of Section 19(2) of the regulation Transportation and Economic Corridors would be satisfied if the subdivision authority required no service road to be dedicated.

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information.



Issued by **Robert Lindsay, Dev and Planning Technologist**, on **August 15, 2024** on behalf of the Minister of Transportation and Economic Corridors pursuant to *Ministerial Order 52/20 – Department of Transportation and Economic Corridors Delegation of Authority*

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 the Proposed Lot and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as 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) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer, will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
- 6) Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in place of reserves equal to \$2,743.69 (*determined at a rate of \$ \$11,337.58 per hectare X 10% X 2.42 hectares = \$2,743.69*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- 7) Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
- 8) The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
- 9) Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2021 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance may be required from the County's Gas & Plumbing Inspector confirming that the existing open discharge septic system either meets the Standard of Practice, the system has been replaced, relocated, or redesigned to comply, or conformation must be provided to Sturgeon County demonstrating that all setback requirements have been achieved. 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 Sturgeon County.

## ADVISORY NOTES

- Natural Gas servicing to any new subdivision is the responsibility of the applicant. The applicant will be required to provide the required easements across existing lots or subdivided lots for natural gas servicing, if service is approved by the natural gas provider. Sturgeon County does not allow natural gas servicing lines to be located within the road right of way. Setbacks from the road right of way are required. Easements of private property must be obtained by the applicants or service providers. Any service lines which cross Sturgeon County property will require a crossing agreement with conditions.
- Pursuant to Section 2.4.3 of the LUB, at the development permit stage on any property, it is highly recommended that the developer retain the services of a qualified engineering professional to prepare and submit a geotechnical investigation confirming that the proposed building site on is suitable for development and prescribing any preventative engineering measures to be taken to make the building site suitable for future development or future development suitable for the building site.
- Pursuant to the Water Act and the Alberta Wetland Policy, any future development or site grading which might alter or disturb a wetland may require additional approvals from Alberta Environment and Parks.
- 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.
- *FireSmart* principals should be incorporated into all future construction and development on all lots. Please visit [www.firesmartcanada.ca](http://www.firesmartcanada.ca).
- It is recommended that a plot plan be completed by an Alberta Land Surveyor to determine setback distances for all buildings, structures, and septic systems from property lines and other site features.

# Subdivision and Development Appeal Board

024-STU-017

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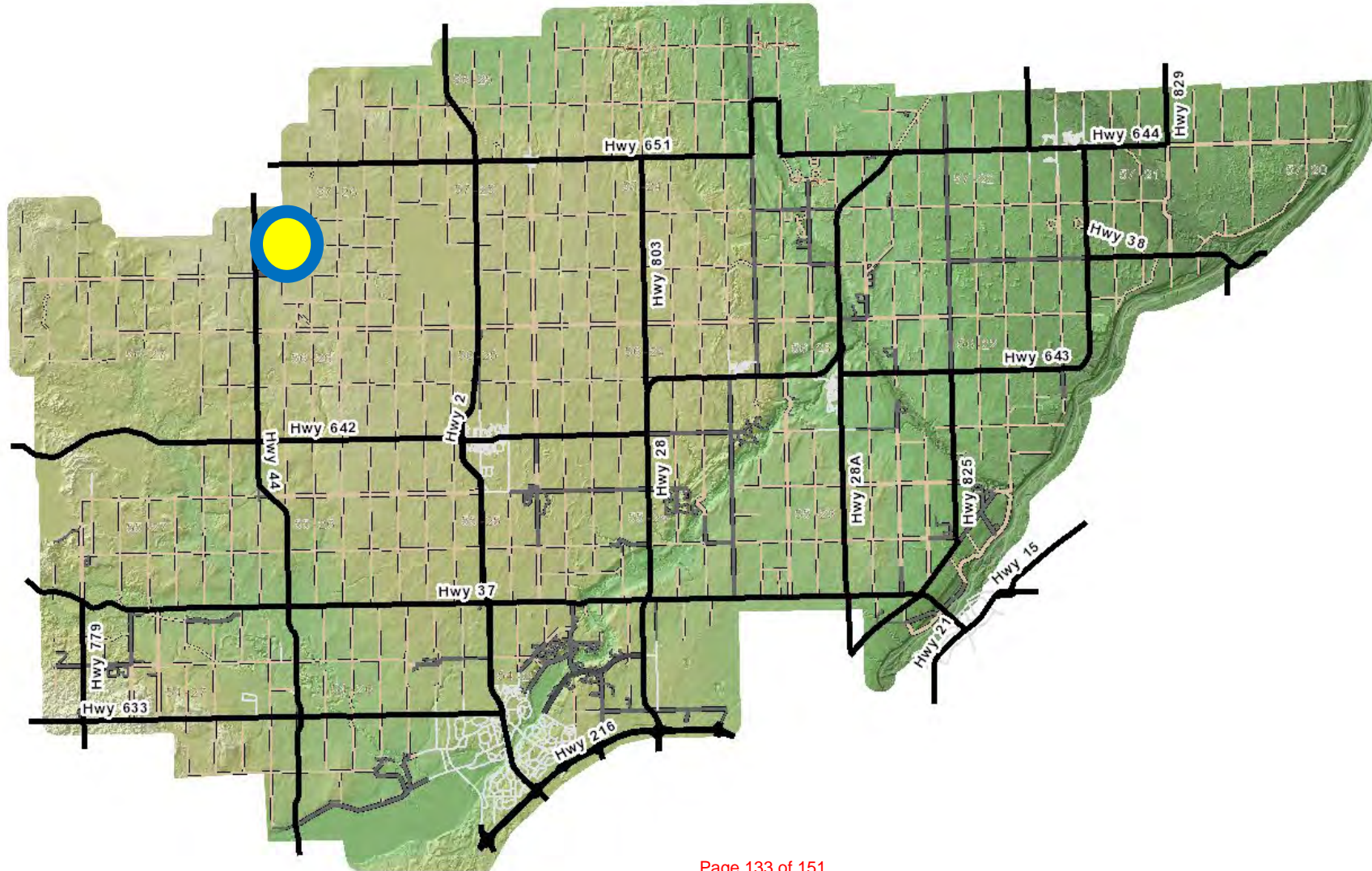
Jonathan Heemskerk  
Planner, Current Planning



Sturgeon  
C O U N T Y

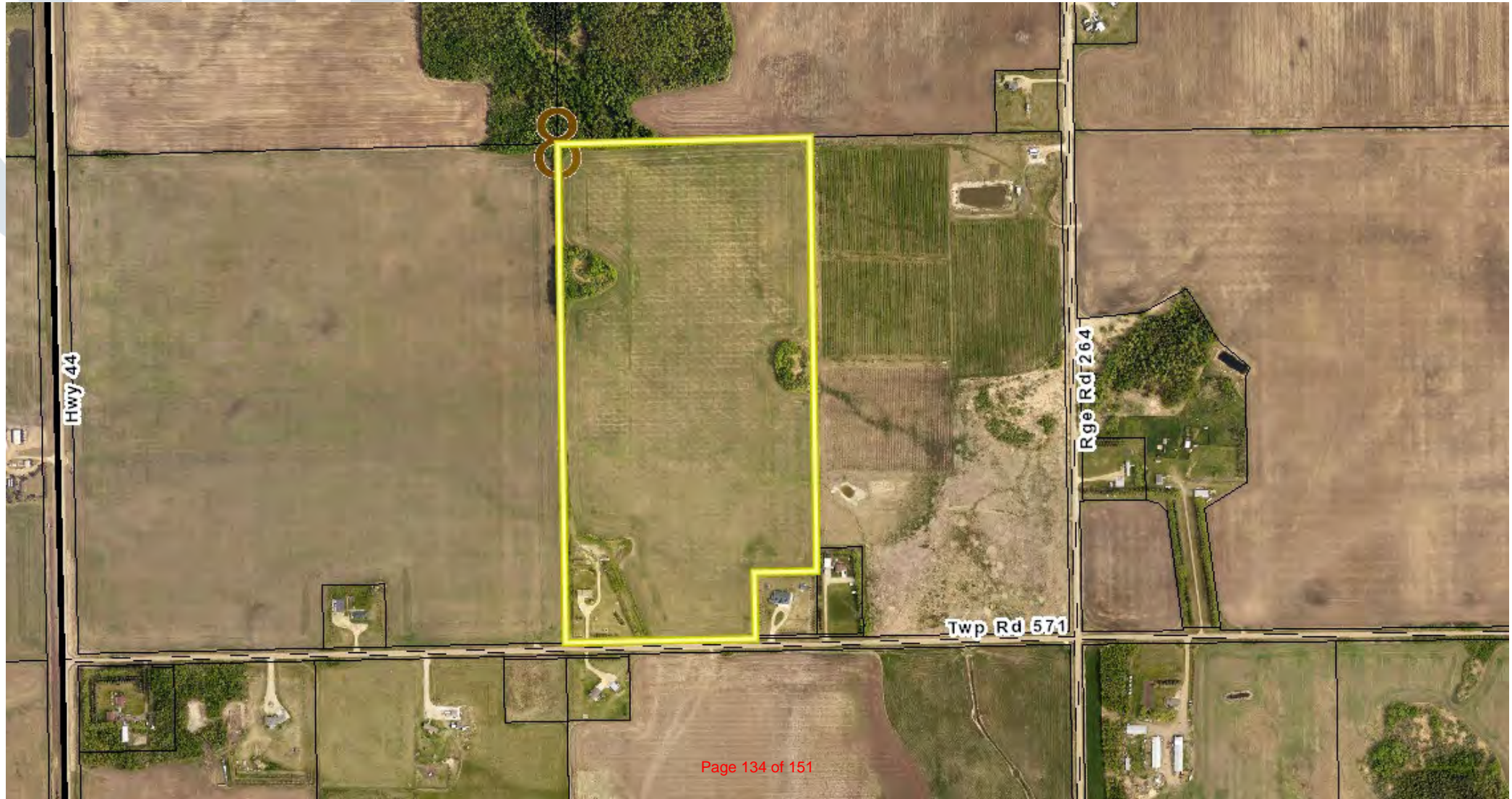


# Site Location (Regional)





# Site Location (Local)





# Proposal



# Discussion

## Quarter Section Configuration

Currently there are four total parcels on this quarter section:

- Two AG Major Parcels
- Two AG Residential (acreage) Parcels





# Issue Analysis

## Sturgeon County Policies and Regulations

### 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.
- 2.3.16 – Outlines a maximum of two (2) acreages for every quarter section.

### Land Use Bylaw:

- This proposal does **not** align with the subdivision regulations in the Land Use Bylaw.
- 11.1.3(a) – Also outlines a maximum of four (4) parcels and two (2) acreages per AG quarter section.



# Issue Analysis

## Sturgeon County Policies and Regulations

### Municipal Government Act

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



# Subdivision Authority Decision

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

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



# Conditions – If Approved

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1. Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
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 the Proposed Lot and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
4. Pursuant to Provision 662(1) of the MGA, as 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. All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer, will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.
6. Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in place of reserves equal to \$2,743.69 (*determined at a rate of \$ \$11,337.58 per hectare X 10% X 2.42 hectares = \$2,743.69*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
7. Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
8. The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
9. Pursuant to Provision 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2021 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance may be required from the County's Gas & Plumbing Inspector confirming that the existing open discharge septic system either meets the Standard of Practice, the system has been replaced, relocated, or redesigned to comply, or conformation must be provided to Sturgeon County demonstrating that all setback requirements have been achieved. 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 Sturgeon County.



# Conditions – Summary

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



# Exhibit 3





# Summary of Circulation Responses

## Sturgeon County Development Officer

- **Proposed Lot**
  - The maximum number of shipping containers on an AG – Residential parcel is one.
  - Two accessory buildings will require the size and use to be declared to determine if permits or a farm building declaration is required.
- **Remnant Lot:**
  - Vacant farmland, no concerns.

## Sturgeon County Engineering Services

- **Proposed Lot**
  - 5m required via plan of survey along Twp Rd 571.
  - Approach is satisfactory.
- **Remnant Lot:**
  - 5m required via land acquisition agreement along Twp Rd 571.
  - No existing approach, one must be constructed to General Municipal Servicing Standards.





# Summary of Circulation Responses

## Alberta Transportation and Economic Corridors

- All Lots
  - No land dedication or infrastructure upgrades required.
  - Any appeal may be heard by the local Subdivision and Development Appeal Board.

## Alberta Health Services

- All Lots
  - All existing private sewage disposal systems are to be compliant with the most recent Alberta Private Sewage Standards of Practice.

## All Other Parties

- No objections/concerns.

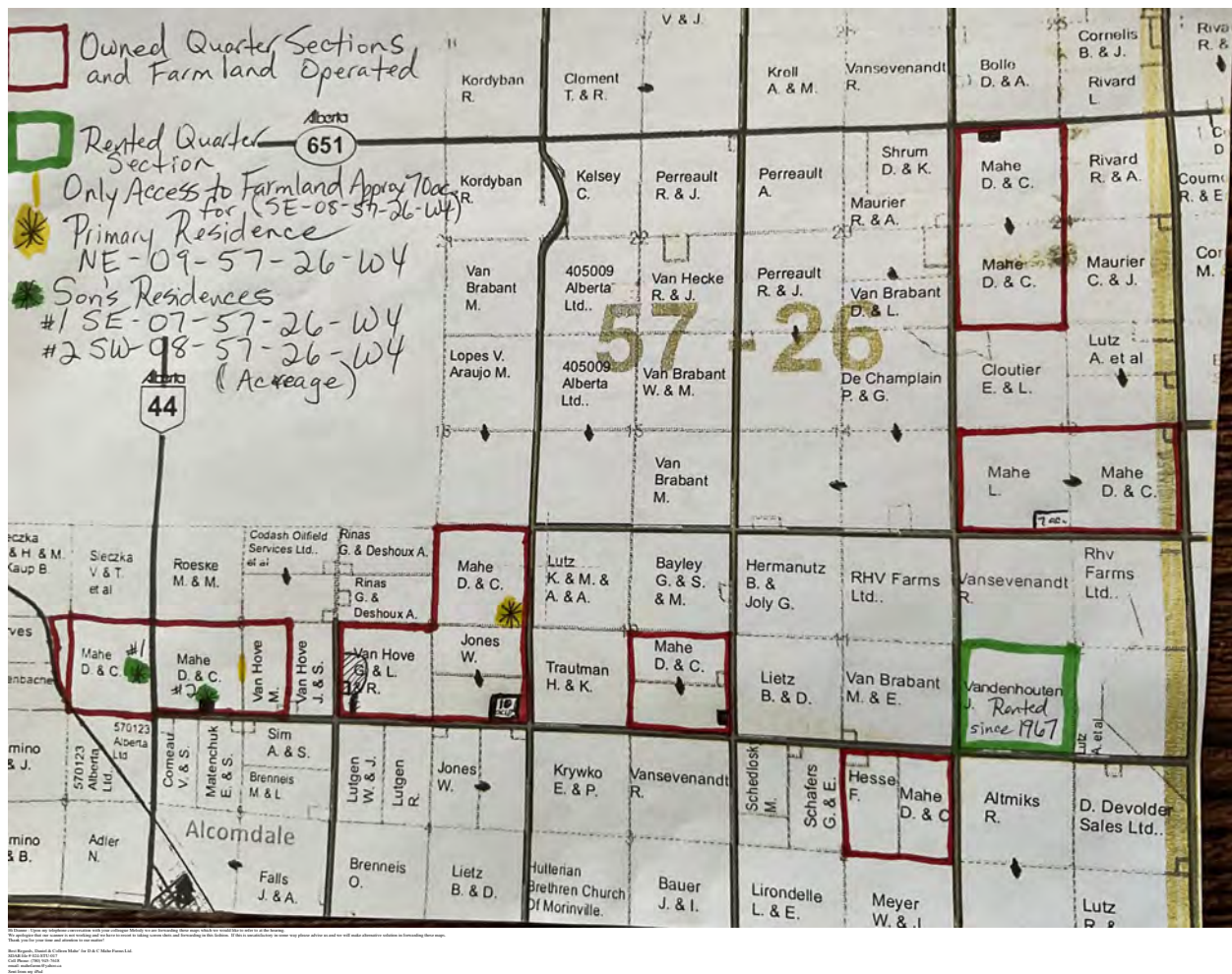


# APPELLANT SUBMISSIONS RECEIVED

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WRITTEN  
SUBMISSIONS  
FROM  
ADJACENT  
LANDOWNERS  
AND OTHER  
AFFECTED  
PERSONS

---

**From:** [Third Party Requests](#)  
**To:** [Dianne Mason](#)  
**Subject:** RE: Subdivision and Development Appeal AUI RESPONSE  
**Date:** Wednesday, October 23, 2024 12:22:17 PM  
**Attachments:** [image001.png](#)  
[Hearing Process. In person HYBRID.pdf](#)  
[3. Notice of Hearing Adjacent Landowners Organization.pdf](#)  
[Exhibit 1 - Map.pdf](#)

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You don't often get email from [thirdpartyrequests@apexutilities.ca](mailto:thirdpartyrequests@apexutilities.ca). [Learn why this is important](#)

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

To Whom It May Concern:

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

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

We wish to advise that any relocation of existing facilities will be at the expense of the developer and payment of contributions required for new gas facilities will be the responsibility of the developer.

Thank you,  
Land Services  
APEX Utilities Inc.

---

**From:** Dianne Mason <[dmason@sturgeoncounty.ca](mailto:dmason@sturgeoncounty.ca)>  
**Sent:** October 22, 2024 12:45 PM  
**To:** Melodie Steele <[msteele@sturgeoncounty.ca](mailto:msteele@sturgeoncounty.ca)>  
**Subject:** Subdivision and Development Appeal

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon,

Attached please find information regarding a Subdivision and Development Appeal that was received for subdivision application 2024-S-031.

Thank you.

**Dianne Mason**

**Legislative Advisor**

780-939-8277

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

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

9613 100 Street, Morinville, AB T8R 1L9



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