

**January 21, 2025**  
**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: Colby Clements          | 025-STU-001 | Development Appeal |
| 2.2. Appellants: Henri & Annette Hebert | 025-STU-002 | Subdivision Appeal |

**3. ADJOURNMENT**

# Appeal #1

025-STU-001 - Appealing the  
Development Authority's refusal  
to operate a Level 3 Home Based  
Business



## NOTICE OF APPEAL

### SUBDIVISION & DEVELOPMENT APPEAL BOARD

<b>Site Information:</b>		severed in line with section 17 of the FOIP Act Date Received Stamp
Municipal Address of site: 55416 RR225		
Legal land description of site: SE 30-55-22W4 (‘plan, block, lot’ and/or ‘range-township-section-quarter’)		
Development Permit number or Subdivision Application number: 305305-24-00290		
<b>Appellant Information:</b>		
Name: Colby Clements	Phone:	Agent Name: (if applicable): Kenneth R. Sockett
Mailing Address: 55416 RR225	City, Province: Sturgeon County, Ab	
Postal Code: T0A 1N0	Email:	

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

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

Appellant did not review what is allowed for Level 3 Home Based Business. Appellant can limit Application to 3 commercial trailers, 3 sixteen wheelers(Kentworth & Wester Star) and can keep other machinery (loaders and excavators) in covered storage. Clients do not come to the property and all oilfield operations are off site. Employees only come sporadically. Appellant can otherwise comply with 6.16 Home Based Business of Sturgeon Country Land Use Bylaw 1385/17 now having reviewed it.
(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 Appellant/Agent:	Date: Dec. 12/24
<b>FOR OFFICE USE ONLY</b>	
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: YYYY/MM/DD

severed in line with section 17 of the FOIP Act

## APPEAL SUBMISSION INFORMATION

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

## FILING INFORMATION

### MAIL OR DELIVER TO:

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

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

## APPEAL PROCESS

### Who can appeal?

#### Subdivision appeals:

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

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

#### Development appeals:

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

#### For further information:

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

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





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

SOCKETT LAW

Receipt Number: 202408848  
GST Number: 107747412RT0001  
Date: 12/9/2024  
Initials: KB

Account	Description	Prev Bal	Payment	Balance
16APP	LEGISLATIVE SDAB APPEAL		\$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	

December 17, 2024

SDAB File Number: 025-STU-001

Dear Colby Clements:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	SE 30-55-22-W4 55416 Range Road 225
Development Permit Application Number:	305305-24-D0290
Decision Regarding Proposed Development:	A development permit was refused to operate a home-based business level 3 – oilfield construction (rig matting and access).

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Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on December 12, 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 **January 7, 2025 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 450 367 376#. 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 January 2, 2025. 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

December 17, 2024

SDAB File Number: 025-STU-001

Dear Resident:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	SE 30-55-22-W4 55416 Range Road 225
Development Permit Application Number:	305305-24-D0290
Decision Regarding Proposed Development:	A development permit was refused to operate a home-based business level 3 – oilfield construction (rig matting and access).

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An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on December 12, 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: Colby Clements**

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

- The Appellant can limit the number of commercial trailers and sixteen wheelers to what is acceptable for a level 3 home based business along with keeping other machinery in covered storage.

Take notice that this SDAB hearing is scheduled for **January 7, 2025 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 450 367 376#. 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 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 January 2, 2025. 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.

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.: Site Map

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Appeal File Number:	025-STU-001
Application Number:	305305-24-D0290
Appeal Against:	Development Authority of Sturgeon County
Appellants:	Colby Clements
Date and Location of Hearing:	January 7, 2025 Council Chambers and Through Electronic Communications
Date of Decision:	January 17, 2025
SDAB Members:	Lili Terry (Presiding Officer), Neal Comeau, Nicole Mackoway, Amanda Papadopoulos, and Don Rigney

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**NOTICE OF ADJOURNMENT  
DECISION**

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**IN THE MATTER OF** an appeal by Colby Clements against the Development Authority's refusal to operate a home-based business level 3 – oilfield construction (rig matting and access) contracting located at SE 30-55-22-W4, 55416 Range Road 225 within Sturgeon County.

- [1] This is the adjournment decision of the Sturgeon County Subdivision and Development Appeal Board (the "SDAB" or "Board") on an appeal filed with the SDAB pursuant to section 678(1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (the "MGA" or "Act").

**PROCEDURAL MATTERS**

- [1] The appeal was filed on time and in accordance with section 678(2) of the MGA.

**PRELIMINARY MATTERS**

- [2] The Board received a written request for an adjournment from the Appellant's Agent, Mr. Kenneth Sockett and due to the extended holiday break, he was unable to seek a resolution with the Development Authority or to properly prepare for the hearing.
- [3] Mr. Sockett advised that he is available on January 21, 2025 at 2:00 p.m., which is the next scheduled SDAB hearing date.

**DEVELOPMENT AUTHORITY'S POSITION**

- [4] The Development Authority noted no opposition to the adjournment.



## DECISION OF THE BOARD

[5] The Board **GRANTS** an adjournment to January 21, 2025, at 2:00 p.m.

## REASONS FOR THE DECISION

- [6] The request from the Appellant's Agent is to adjourn the hearing from the January 7, 2025 hearing date to January 21, 2025, at 2:00 p.m.
- [7] The Appellant's Agent filed the Notice of Appeal on December 12, 2024. Section 686(2) of the *Municipal Government Act* requires the SDAB to hold an appeal hearing within 30 days of the receipt of the appeal. Notice of the hearing was sent to the Appellant's Agent on December 17, 2024 and the hearing was scheduled for January 7, 2025 at 2:00 p.m. Due to the extended holiday break falling within the required 30 days, the Appellant's Agent was unable to seek a resolution to this matter and would like the opportunity to discuss the matter with the Development Officer. If a resolution cannot be reached, he requires more time to prepare his case for the merit hearing.
- [8] The principles of natural justice mean that affected persons have a right to be heard and have a fair opportunity to state their case. As the Appellant's Agent's time was reduced due to the holiday break, he was unable to seek a resolution on behalf of his client and is not prepared to participate in a hearing at this time. The Board finds that an adjournment is appropriate to allow him to resolve the matter with the Development Authority, or alternatively, prepare submissions to the Board at a future merit hearing.
- [9] In considering the adjournment request, the Board considered other parties who have an interest in this matter. The Appellant is appealing the refusal of his own development application, meaning that the delay caused by an adjournment only delays his own ability to receive a decision from the Board. Adjacent landowners and relevant agencies were notified of the January 7, 2025 hearing and one other party identified themselves as being affected; however, they would not be prejudiced by an adjournment of the merit hearing.
- [10] The Development Authority did not oppose the adjournment request.
- [11] The Board finds that an adjournment to January 21, 2025 is appropriate as the Appellant's Agent has confirmed his availability on this date and it is the next regularly scheduled meeting of the SDAB.
- [12] For all of these reasons, the Board grants an adjournment of the merit hearing to January 21, 2025 at 2:00 p.m. No additional notice of the merit hearing is required.

Dated at the Town of Morinville, in the Province of Alberta, this 17<sup>th</sup> day of January, 2025.



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Lili Terry, Presiding Officer

*Pursuant to Section 688(1)(a) of the Municipal Government Act (MGA), an appeal of a decision of the Subdivision and Development Appeal Board lies with the Alberta Court of Appeal on a matter of law or jurisdiction. In accordance with Section 688(2)(a), if a decision is being considered, an application for permission to appeal must be filed and served within 30 days after the issuance of the decision and, notice of the application for permission must be provided to the Subdivision and Development Appeal Board and in accordance with Section 688(2)(b), any other persons that the judge directs.*





## Parcel

County Roads

611

Collector, Gravel

— Local Road, Gravel

Community Labels

Community Boundary



Parce



### ATS Labels

ATS - Quarter Section Labels

Quarter Section

ATS - Quarters



River Lots

☐ River Lot

 River Lot

2019

 River Lot

 River Lot

 River Lot

 River Lot

RIVER LOT

 River Lot

 River Lot

 River Lot

Page 103

 River Lot

 River Lot

 River Lot

Page 1 of 1

RIVER LOT

 River Lot

## Notes

SE 30 55 22 4 Home-Based Business  
Level 3



## **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.

## Notification Letter

Date: Nov 21, 2024

Permit Number: 305305-24-D0290

To: Clements, Colby  
55416 Rge Rd 225  
Sturgeon County, ALBERTA  
T0A 1N1

**Re: Decision of the Development Officer**

Please be advised that development permit #305305-24-D0290 to operate a home-based business level 3 - oilfield construction (rig matting and access) contracting was refused on Nov 21, 2024.

This decision may be appealed to an Appeal Board within 21 days (**December 12, 2024**) after the date on which a person qualified to appeal is notified of the decision. Appeal Board information can be found at the bottom of the permit.

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

Yours truly,



Carla Williams  
Development Officer



**Development Permit****Land Use Bylaw 1385/17**

Permit No.:	305305-24-D0290
Tax Roll No.:	404000
Decision Date:	Nov 21, 2024

severed in line with section 17 of the FOIP Act

**Applicant**

Name: Clements, Colby  
Address: 55416 Rge Rd 225  
Sturgeon County, ALBERTA  
T0A 1N1  
Phone:  
Cell:  
Email: office@clementscontracting.com

**Owner**

Name: Czarnecki, Jessica & Clements, Colby  
Address: 55416 Rge Rd 225  
Sturgeon County, ALBERTA  
T0A 1N1  
Phone:  
Cell:  
Email:

**Property Description**

**Legal Land Description:** SE 30-55-22-W4  
**Land Use Description:** AG - Agriculture District  
**Rural Address:** 55416 Rge Rd 225

**Description of Work**

To operate a home-based business level 3 - oilfield construction (rig matting and access) contracting – Colby Clements Contracting Ltd.

**Fees**

Home Based Business - Level Three	\$300.00
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**Permit Decision**

The application to operate a home-based business level 3 is **REFUSED** for the following reasons:

- Pursuant to section 6.16.5 of Land Use Bylaw 1385/17, Home Based-Business, a home-based business shall comply with the requirements provided in Table 6.1:
  - Level 3 - Maximum Number of Commercial Vehicles shall not exceed three (3)**
    - Under Vehicles & Equipment of the Application - Number of Trucks – two (2) Kenworth W900's and two (2) Western Star 4964FX's**
  - Level 3 - Maximum Number of Commercial Trailers shall not exceed three (3)**
    - Under Vehicles & Equipment of the Application - Number of Trailers – two (2) low beds and two (2) super b's.**
- Two (2) wheel loaders and three (3) excavators, noted as machinery on the application form, are stored on the property as part of the business. This type of machinery is heavy industrial equipment. Outdoor Storage is neither permitted nor discretionary use within the AG-Agriculture district. Outdoor Storage means the storage of equipment, goods and materials in the open air. This includes the storage of items accessory to the principal use of a development, as well as laydown yards, **vehicle or heavy equipment storage compounds**, storage of construction material or modular trailers or

storage unrelated to the principal use of the parcel or site. The principal use of the parcel is for residential and farming purposes.

3. Pursuant to section 11.1.2 of Land Use Bylaw 1385/17, as amended, a Home-Based Business Level 3 is a discretionary use within the AG – Agriculture District. Pursuant to section 2.8.1 of Land Use Bylaw 1385/17, Decision Process, (c) the Development Authority may refuse an application for a discretionary use, where the proposed development does not conform to this Bylaw. The number of commercial vehicles and commercial trailers exceed the maximum number allowed and outdoor storage is not a permitted use within the Agriculture district, therefore the application was refused.

**Advisory Notes:**

1. Home-based business means the accessory use of a dwelling, accessory buildings, and parcel for an occupation, trade, profession, or craft to be operated by the permanent residents of the dwelling.
2. Commercial trailer means a non-motorized vehicle towed by a motorized vehicle. It is commonly used for the transport of goods and materials related to the operation of a home-based business.
3. Commercial vehicle means a unit which includes a multi-axle vehicle or trailer, used in relation to a home-based business. Commercial vehicles are those considered to require a Class 1, 2, 3 or 4 driver's license.

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:**



Carla Williams  
Development Officer

**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 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.



You parked near here

Office  
Equipment



Stacks

Range Rd 225

Range Rd 225

Range Rd 225





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

For Office Use	
Permit Number:	<u>305305-24-D0290</u>
Date Received:	<u>Nov 12, 2024</u>
Received By:	<u>SG</u>

# Development Permit Application for Home Based Business

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 Colby Clements LANDOWNER(S) NAME (IF DIFFERENT THAN APPLICANT) \_\_\_\_\_

MAILING ADDRESS 55416 RR 225 CITY / TOWN Sturgeon County PROVINCE AB POSTAL CODE T0A 1N0

PHONE \_\_\_\_\_ ALTERNATE PHONE \_\_\_\_\_ FAX \_\_\_\_\_

Severed in line with section 17 of the FOIP Act

EMAIL \_\_\_\_\_

[office@clementscontracting.com](mailto:office@clementscontracting.com) or [cclements@clementscontracting.com](mailto:cclements@clementscontracting.com)

## LAND INFORMATION

PROPERTY ADDRESS 55416 RR 225 SUBDIVISION NAME \_\_\_\_\_

LEGAL DESCRIPTION: LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ PLAN \_\_\_\_\_ PARCEL SIZE 80 acres

QUARTER SE SECTION 30 TWP 55 RGE 22 W 4

## HOME BUSINESS DESCRIPTION

NAME OF BUSINESS Colby Clements Contracting LTD

PROVIDE A DETAILED DESCRIPTION OF DAY TO DAY OPERATIONS & SERVICES YOU PROVIDE  
(ATTACH A LETTER IF MORE SPACE IS NEEDED)

Colby Clements contracting Rents Space. from Sturgeon view farms, Colby Clements Contracting Does work in the oil field and Stores equipment when there is no jobs or work on the farm land. Semi trucks Come and go from property empty to work out of town, unless hauling equipment from property to out of town.



## VEHICLES & EQUIPMENT

LIST ALL VEHICLE TYPES AND EQUIPMENT ASSOCIATED WITH YOUR BUSINESS

CAR / VAN

two pick ups

TRUCKS(S)

(INDICATE NUMBER, SIZE, TYPE, WEIGHT)

two kenworth w900's, two western star 4964's

MACHINERY (SPECIFY)

(SKID STEER, BACKHOE, FORKLIFT)

two wheel loaders, 3 excavators

TRAILERS (SPECIFY)

two lowbeds, two Super D's.

OTHER (SPECIFY)

Other equipment on property is owned personally or by Sturgeon View farm.

## STORAGE & DELIVERIES

ARE MATERIALS AND/OR EQUIPMENT RELATED TO THE BUSINESS STORED ON THE PROPERTY?

Y ☒ N ☐

HOW MUCH IS STORED AND WHERE?

there is 500 Access mats 8X14 stored by the Hay shed.

ARE THERE ANY DANGEROUS GOODS ON SITE ASSOCIATED WITH YOUR BUSINESS?

Y ☐ N ☒

IF YES, WHAT TYPES?

ARE DELIVERIES MADE TO THE PROPERTY?

Y ☐ N ☒

IF YES, HOW OFTEN ARE DELIVERIES MADE TO THE PROPERTY?

only by our own vehicles.

## BUSINESS SIZE & ADVERTISING

TOTAL FT<sup>2</sup>/M<sup>2</sup> OF HOME

FT<sup>2</sup>/M<sup>2</sup> ALLOCATED FOR BUSINESS

LIST ANY ADDITIONAL BUILDINGS USED IN THE OPERATION OF THE BUSINESS INCLUDING FT<sup>2</sup>/M<sup>2</sup>

Colby Clements Contracting Rents one 12X12 office from Sturgeon View farm's Barn that was on the property previously.

WHAT ADVERTISING SIGNAGE WILL APPEAR ON THE PROPERTY?

there is no signage nor will be



YEARS IN BUSINESS 5 TYPE OF BUSINESS: ☐ BUSINESS TO BUSINESS ☐ BUSINESS TO CONSUMER  
MARKET (ALL THAT APPLY): ☐ LOCAL ☐ REGIONAL ☒ PROVINCIAL ☐ NATIONAL ☐ INTERNATIONAL

### NAICS: (North American Classification System)

Please check off the ONE NAICS category that best applies to your business. This classification is important information for our team and will provide valuable information that can assist greatly with statistical data analysis of our region.

- |                                     |   |                                     |   |
|-------------------------------------|---|-------------------------------------|---|
| <input type="radio"/> 11            | Agriculture, forestry, fishing and hunting    | <input type="radio"/> 54            | Professional, scientific and technical services                       |
| <input type="radio"/> 21            | Mining, quarrying, and oil and gas extraction | <input type="radio"/> 55            | Management of companies and enterprises                               |
| <input type="radio"/> 22            | Utilities                                     | <input type="radio"/> 56            | Administrative and support, waste management and remediation services |
| <input checked="" type="radio"/> 23 | Construction                                  | <input type="radio"/> 61            | Educational services  |
| <input type="radio"/> 31-33         | Manufacturing                                 | <input type="radio"/> 62            | Health care and social assistance                                     |
| <input type="radio"/> 41            | Wholesale trade                               | <input type="radio"/> 71            | Arts, entertainment and recreation                                    |
| <input type="radio"/> 44-45         | Retail trade                                  | <input type="radio"/> 72            | Accommodation and food services                                       |
| <input type="radio"/> 48-49         | Transportation and warehousing                | <input checked="" type="radio"/> 81 | Other services (except public administration)                         |
| <input type="radio"/> 51            | Information and cultural industries           | <input type="radio"/> 91            | Public administration   |
| <input type="radio"/> 52            | Finance and insurance                         |                                     |   |
| <input type="radio"/> 53            | Real estate and rental and leasing            |                                     |   |

SOCIAL MEDIA: 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 UPDATED FROM STURGEON COUNTY ECONOMIC DEVELOPMENT  
☐ YES PLEASE CONTACT ME TO LEARN MORE ABOUT STURGEON COUNTY'S BUSINESS VISITATION PROGRAM

### CLIENTS, CUSTOMERS & EMPLOYEES

DO CLIENTS / CUSTOMERS VISIT YOUR PROPERTY? Y ☐ N ☒  
IF YES, AT WHAT HOURS AND HOW MANY VISITS PER DAY / WEEK? N/A  
HOW MANY NON-RESIDENT EMPLOYEES WILL WORK AT OR VISIT THE PROPERTY? See email Nov 21, 2024  
HOW MANY PARKING STALLS DO YOU PROVIDE YOUR CLIENTS / CUSTOMERS AND EMPLOYEES? N/A



## SITE PLAN

☒ SITE PLAN (attached)

PLEASE PROVIDE A SITE PLAN INDICATING THE BUILDINGS INTENDED FOR USE BY THE BUSINESS, ONSITE PARKING STALLS FOR CLIENTS/EMPLOYEES, PARKING AREA FOR VEHICLES AND EQUIPMENT RELATED TO THE BUSINESS, EXTERIOR STORAGE AREA (dimensioned) FOR MATERIALS/GOODS, AND ANY PROPOSED OR EXISTING SCREENING OR FENCING.

## APPLICANT AUTHORIZATION

I/we hereby give my/our authorization to apply for this home based business 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.

SIGNATURE OF APPLICANT(S)

DATE

November 12 2024

SIGNATURE OF LANDOWNER

DATE

November 12 2024

Severed in line with section 17 of the FOIP Act

SIGNATURE OF LANDOWNER

DATE

## SUPPORT DOCUMENTS

Ensure the listed supporting documentation is included with this permit application, Sturgeon County cannot accept incomplete applications.

☐ ALBERTA TRANSPORTATION APPROVAL OR PROVIDE CURRENT ROADSIDE APPROVAL # \_\_\_\_\_ ☐ N/A  
300 m from a provincial right-of-way or 800 m of the centerline of a highway and public road intersection

☒ LAND TITLE CERTIFICATE  
Searched within 30 days prior to the application. These documents can be obtained at any Provincial Registry Office  
or online at <http://www.spin.gov.ab.ca/>.

☒ CORPORATE REGISTRY ☐ N/A

## FOR OFFICE USE ONLY

HOME BASED BUSINESS LEVEL

1 ☐ 2 ☐ 3 ☒

ROLL 40400

LUB ZONING

AG

FEES 300.00

USE:

☐

PERMITTED

☒

DISCRETIONARY

RECEIPT

202408317

FORM OF PAYMENT

Visa

**FOIP DISCLAIMER:** The personal information provided will be used to process a home based business 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 the 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.



**From:** [Colby Clements](#)  
**To:** [Carla Williams](#)  
**Cc:** [office@clementscontracting.com](mailto:office@clementscontracting.com)  
**Subject:** Re: Colby Clements Contracting Ltd  
**Date:** November 21, 2024 9:28:25 AM

You don't often get email from [cclements@clementscontracting.com](mailto:cclements@clementscontracting.com). [Learn why this is important](#)

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Hey Carla,  
this is a hard answer to give as the work the guys do is so up and down. For example the three excavators and wheel loaders and truckers were gone from June 1 2024 into northern BC until October month. Which left one trucker coming and going randomly in that time . so for me to give you a solid answer is tough. worst case scenario would be 2 workers coming and going 5 days a week. best case they leave at the start of the week and come back Saturday. let me know if there's any other way I can explain it.

Thanks Colby

On Nov 21, 2024, at 8:50 AM, Carla Williams <[cwilliams@sturgeoncounty.ca](mailto:cwilliams@sturgeoncounty.ca)> wrote:

Good morning Jessica. Thank you for the additional information.  
One more question. How many non-resident employees attend the property to pick up a truck/trailer, on a daily or weekly basis, on average?  
Thanks!  
<image002.png>

---

**From:** Jessica Czarnecki <[jczarnecki@clementscontracting.com](mailto:jczarnecki@clementscontracting.com)>  
**Sent:** November 14, 2024 7:29 PM  
**To:** Carla Williams <[cwilliams@sturgeoncounty.ca](mailto:cwilliams@sturgeoncounty.ca)>  
**Cc:** 'office@clementscontracting.com' <[office@clementscontracting.com](mailto:office@clementscontracting.com)>  
**Subject:** Re: Colby Clements Contracting Ltd

You don't often get email from [jczarnecki@clementscontracting.com](mailto:jczarnecki@clementscontracting.com). [Learn why this is important](#)

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Hey Carla!

Please see below answers to your questions bolded.

“Colby Clements Contracting rents space from Sturgeon View Farms.. and stores equipment when there is no jobs or work on the farmland” and “Colby Clements

Contracting rents one 12 x 12 office from Sturgeon View Farm's barn that was on the property previously."

- Does this mean the business (Colby Clements Contracting Ltd - office) is run from Sturgeon View Farms, at another location? **We have a barn on the property, in the barn there is a 12x12 office space that CCC rents from SVF.**
- Is 55416 RR 225 being used for storage of equipment/trucks and exterior storage of rig mats only? **Yes.**
- Do non-resident employees ever attend 55416 RR 225 to access equipment/trucks? **Yes, if the need to pick up their truck or trailer to go to work.**
- The application states the business has 2 Kenworth and 2 Western Star trucks, 2 low beds & 2 super b trailers. "Other equipment on property is owned personally or by Sturgeon View farm" – does this mean there could be more than the 2 semi units/trailers being stored on the site, such as the aerial photo below? The aerial photo from April 2024 reveals 8 commercial trucks. **Please see attached aerial photo from April 2024 provided, updated and with reference.**

We appreciate all our questions being answered and your continued guidance in completing the permit.

Please let me know if there is anything further, and I will do my best to respond promptly.

Thanks,

--

Jessica Czarnecki  
Colby Clements Contracting Ltd  
c: 780.289.4447

*Please note- I am on maternity leave. Phone/emails are not monitored.*

---

**From:** [office@clementscontracting.com](mailto:office@clementscontracting.com)

<[office@clementscontracting.com](mailto:office@clementscontracting.com)> on behalf of Carla Williams

<[cwilliams@sturgeoncounty.ca](mailto:cwilliams@sturgeoncounty.ca)>

**Date:** Thursday, November 14, 2024 at 2:14 PM

**To:** 'office@clementscontracting.com' <[office@clementscontracting.com](mailto:office@clementscontracting.com)>

**Subject:** Colby Clements Contracting Ltd

Hi Jessica.

Thank you for submitting a home-based business application. To fully understand and to decide on the application, I need some clarification of the information submitted.

"Colby Clements Contracting rents space from Sturgeon View Farms.. and stores equipment when there is no jobs or work on the farmland" and "Colby Clements Contracting rents one 12 x 12 office from Sturgeon View Farm's barn that was on the property previously."

- Does this mean the business (Colby Clements Contracting Ltd - office) is

run from Sturgeon View Farms, at another location?

- Is 55416 RR 225 being used for storage of equipment/trucks and exterior storage of rig mats only?
- Do non-resident employees ever attend 55416 RR 225 to access equipment/trucks?
- The application states the business has 2 Kenworth and 2 Western Star trucks, 2 low beds & 2 super b trailers. "Other equipment on property is owned personally or by Sturgeon View farm" – does this mean there could be more than the 2 semi units/trailers being stored on the site, such as the aerial photo below? The aerial photo from April 2024 reveals 8 commercial trucks.

Please respond by email so that we have written communication for the file.

Kind regards,

<image003.png>

<image007.png>

---

**From:** Jessica Czarnecki <[jczarnecki@clementscontracting.com](mailto:jczarnecki@clementscontracting.com)>

**Sent:** November 12, 2024 12:54 PM

**To:** Planning & Development <[PandD@sturgeoncounty.ca](mailto:PandD@sturgeoncounty.ca)>

**Cc:** [office@clementscontracting.com](mailto:office@clementscontracting.com)

**Subject:** Planning and Development- Colby Clements Contracting Ltd

You don't often get email from [jczarnecki@clementscontracting.com](mailto:jczarnecki@clementscontracting.com). [Learn why this is important](#)

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To whom it may concern,

Please see the attached completed Development Permit Application for Home Based Business as well as pertaining documents as requested.

Please use the following contact information for Colby Clements Contracting Ltd:

Colby Clements- Owner

*P: 902.215.8051*

Jessica Czarnecki- Office Manager

*P: 780.289.4447*

*E: [office@clementscontracting.com](mailto:office@clementscontracting.com)*

Any questions or concerns, please let me know!

Thanks,

--

Jessica Czarnecki

Office Manager

*c: 780.289.4447 | e: [jczarnecki@clementscontracting.com](mailto:jczarnecki@clementscontracting.com)*

<image001.png>

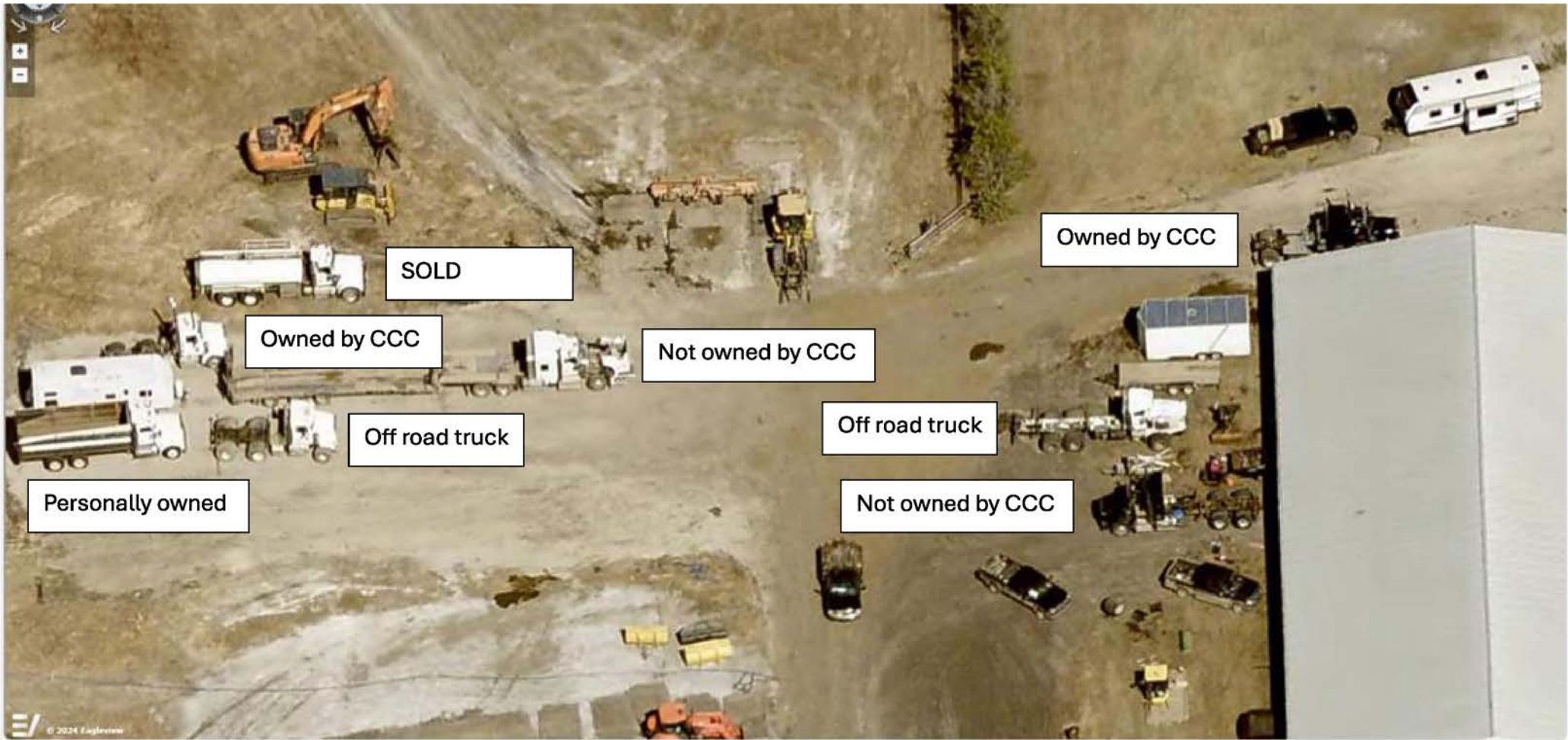
*Please note- I am on maternity leave. Phone/emails are not monitored.*

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<CCC- Property Photo.pdf>





# PLANNING AND DEVELOPMENT SERVICES REPORT

## **Subdivision & Development Appeal Board**

### **File Number 025-STU-001**

#### **FILE INFORMATION**

Department File:	305305-24-D0290
Legal Land Description:	SE 30-55-22-4
Address:	55416 Rge Rd 225
Appellant:	Kenneth R. Socket (Socket Law)
Landowner:	Colby Clements & Jessica Czarnecki
Description of Appeal:	Appealing the Decision of the Development Authority of Refusal to Operate a Home-Based Business Level 3
Land Use Bylaw District:	AG – Agriculture (Major)
Tax Roll Number:	404000

#### **BACKGROUND**

- Country Transportation notified Planning & Development regarding a substantial number of rig mats being stored on the subject property. An email was sent to the landowner enquiring if a business was being operated from the site.
- An application to operate a home-based business was received in November 2024. The business is a contracting company operating as Colby Clements Contracting Ltd.
- The application states the operations of the business, “Colby Clements Contracting rents space from Sturgeon View Farms, does work in the oilfield and stores equipment when there are no jobs or work on the farmland. Semi trucks come and go from the property empty to work out of town, unless hauling equipment from property to out of town.”
- The home-based business application form included the following details under Vehicles & Equipment:
  - Trucks
    - Two (2) pick-ups
    - Two (2) Kenworth W900’s
    - Two (2) Western Star 4964FX
  - Machinery
    - Two (2) wheel loaders
    - Three (3) excavators
  - Trailers
    - Two (2) low beds
    - Two (2) super B’s
- Regarding the number of non-resident employees that attend the site, an email dated November 21, 2024, confirmed a “worst-case scenario of two workers coming and going 5 days a week.”

- The number of commercial vehicles and trailers exceed the number that can be approved to operate a Home-Based Business on an AG parcel. Outdoor Storage of heavy equipment and materials is neither a permitted nor discretionary use within the AG district and therefore the application was refused.

## PROPERTY INFORMATION

- The property is 32.4ha (80ac) in area currently developed with a single detached dwelling (Permit #442-79) and farm use accessory buildings.

## RELEVANT POLICY/LEGISLATION

- There is no Local Planning Document (i.e., Area Structure Plan) for this area, therefore the County's Municipal Development Plan provides the overarching land use policies for this application.
  - **Municipal Development Plan (MDP) 1313/13**
    - Economic Health, Part 5.4 Implementing Responsible Non-Residential Subdivision and Development Practices
      - 5.4.6 *Shall direct Non-residential development that exceeds the intent, purpose and intensity outlined in Sturgeon County's regulations to relocate to lands appropriately designated for their intended use.*
  - **Land Use Bylaw 1385/17**, as amended.
    - Outdoor Storage means *the storage of equipment, goods and materials in the open air. This includes the storage of items accessory to the principal use of a development, as well as laydown yards, vehicle or heavy equipment storage compounds, storage of construction material or modular trailers or storage unrelated to the principal use of the parcel or site.*
    - Major Contractor Service means *a premise used for the provision of building and construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require exterior storage and warehouse space and may include manufacturing activities.*
    - A Home-Based Business Level 3 is a discretionary use within the AG district.
    - Home-Based Business means *the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession, or craft to be operated by the permanent residents of the dwelling.*

- Commercial Vehicle means *a unit which includes a multi-axle vehicle or trailer, used in relation to a home-based business. Commercial vehicles are those considered to require a Class 1, 2, 3, or 4 driver's license.*
- Commercial Trailer means *a non-motorized vehicle towed by a motorized vehicle. It is commonly used for the transport of goods and materials related to the operation of a home-based business.*
- Home-based businesses shall comply with the requirements provided in Table 6.1:

Table 1.1: Home-Based Business Requirements

	Level 1	Level 2	Level 3
<b>Business Size (maximum)</b>	<ul style="list-style-type: none"> <li>10% of the gross floor area of the dwelling</li> </ul>	<ul style="list-style-type: none"> <li>30% of the gross floor area of the dwelling</li> <li>Area of accessory building(s) at the discretion of the Development Authority</li> </ul>	<ul style="list-style-type: none"> <li>30% of the gross floor area of the dwelling</li> <li>100% of the gross floor area of accessory building(s) at the discretion of the Development Authority</li> </ul>
<b>Equipment and/or material storage</b>	<ul style="list-style-type: none"> <li>Shall be located within the dwelling</li> </ul>	<ul style="list-style-type: none"> <li>No exterior storage. Any storage shall be located within the dwelling or accessory building(s).</li> </ul>	<ul style="list-style-type: none"> <li>Exterior storage shall not exceed 1% of the parcel size in accordance with Section 5.7</li> </ul>
<b>Client traffic generation (maximum)</b>	<ul style="list-style-type: none"> <li>None permitted</li> </ul>	<ul style="list-style-type: none"> <li>Eight vehicle visits per 24-hour period in the AG district</li> </ul>	<ul style="list-style-type: none"> <li>Ten vehicle visits per 24-hour period</li> </ul>
<b>Non-resident employees on site (maximum)</b>	<ul style="list-style-type: none"> <li>None permitted</li> </ul>	<ul style="list-style-type: none"> <li>Two</li> </ul>	<ul style="list-style-type: none"> <li>Four</li> </ul>
<b>Commercial vehicles (maximum)</b>	<ul style="list-style-type: none"> <li>None permitted</li> </ul>	<ul style="list-style-type: none"> <li>One (not exceeding 4,800kg if located in a residential district)</li> </ul>	<ul style="list-style-type: none"> <li>Three</li> </ul>
<b>Commercial trailers (maximum)</b>	<ul style="list-style-type: none"> <li>None permitted</li> </ul>	<ul style="list-style-type: none"> <li>One</li> </ul>	<ul style="list-style-type: none"> <li>Three</li> </ul>
<b>Passenger vehicles (maximum)</b>	<ul style="list-style-type: none"> <li>One</li> </ul>	<ul style="list-style-type: none"> <li>One</li> </ul>	<ul style="list-style-type: none"> <li>Two</li> </ul>
<b>Hours of operation</b>	<ul style="list-style-type: none"> <li>No limit</li> </ul>	<ul style="list-style-type: none"> <li>7:00a.m. to 8:00p.m.</li> </ul>	<ul style="list-style-type: none"> <li>7:00a.m. to 8:00p.m.</li> </ul>
<b>Additional on-site</b>	In accordance with Part 9		

	Level 1	Level 2	Level 3
<b><i>parking stall requirements</i></b>			
<b>Signage</b>	In accordance with Part 7		

## ANALYSIS

- MDP policy requires development that exceeds the intent, purpose and intensity of LUB regulations is to be relocated to lands appropriately designated for the intended use.
- The intent of a home-based business is to be an accessory use to the dwelling, accessory building(s) and the parcel. An accessory use is to be incidental and subordinate to the principal use of the parcel. Given the subject parcel is districted as AG, the principal use of the land is intended to be for residential and agricultural purposes.
- The business conforms with the Home-Based Business regulations with respect to the number of non-resident employees and client visits.
- A home-based business level 3 shall comply with the requirements provided in Table 6.1:
  - Level 3 - Maximum Number of Commercial Vehicles shall not exceed three (3)
  - Level 3 - Maximum Number of Commercial Trailers shall not exceed three (3).
- An aerial photo dated April 23, 2024, was referenced as part of the review of the application. The photo confirmed the number of commercial vehicles and commercial trailers being stored on site exceed the number stated on the application form. The landowner noted which trucks were owned by Colby Clements Contracting Ltd, which were sold, and which trucks are owned by others being stored on the property. The Development Authority must review the application as submitted and take into consideration the activities and land use occurring on the property.
- The LUB allows Outdoor Storage and Major Contractor Services use within industrial and direct control districts. The commercial vehicles and commercial trailers, wheel loaders, excavators and rig mats are used for industrial activities and are not typically stored or used on lands districted for AG purposes.
- A variance should not be applied to a “use.” A relaxation of the Bylaw is not intended to be used as way to undermine the intent of the regulations. The number of commercial trucks/trailers and heavy equipment being stored on the site, in the opinion of the Development Authority, would be more appropriated located on industrial lands as an Outdoor Storage or Major Contractor Services use.
- Pursuant to section 2.8.1 of Land Use Bylaw 1385/17, Decision Process, (c) the Development Authority may refuse an application for a discretionary use, where the proposed development does not conform to the Bylaw. The number of commercial

vehicles and trailers stored on the site exceed the number that can be approved to operate a Home-Based Business Level 3. Outdoor Storage and is neither a permitted nor discretionary use within the AG district and therefore the application was refused.

## CONCLUSION

- The Board must comply with the following:
  - Any applicable statutory plan (*MGA* s. 687(3)(a.2)).
    - In the opinion of the Development Authority the application is incompatible with respect to MDP Policy 5.4.6.
    - The Board may interpret this policy independently.
  - Application must conform with the prescribed uses of the Land Use Bylaw (*MGA* s. 687(3)(d)(ii)).
    - In the opinion of the Development Authority the Home-Based Business operations exceed the intent of a Level 3. The Outdoor Storage or Major Contractor Service use would be better suited to operate from an industrial land use district.
    - The Board may independently interpret the use of the land.
- The Board may consider the following:
  - If the existing development unduly interferes with the amenities of the neighbourhood; or materially interferes with or affects the use, enjoyment, or value of neighbouring properties.
  - No formal complaints were received regarding the vehicles or outdoor storage. The only inquiry on record was received from County Transportation regarding the number of rig mats being stored.
    - **Following appeal notification direct neighbour noted concerns of noise (back up alarms), lights, increase in heavy truck traffic, storage of rig mats near natural wetlands (possible contamination).**
  - Special circumstances that may be applicable to the subject property such as size, shape, topography, location, buildings, or surroundings.
- Should the Board uphold the Appeal and approve the application as a Home-Based Business Level 3 to operate in accordance with the submitted application, the following conditions are recommended:
  1. No more than one level 3 home-based businesses shall be allowed on the parcel.
  2. The home-based business shall not occupy more than 30% of the gross floor area of the dwelling and 100% of the gross floor area of the accessory building referred to on the site plan.

- 3. A separate development permit shall be submitted and approved for a change of use (Farm Building to Commercial Building) for all accessory building(s) being used for business**
4. A Road Use Agreement shall be entered into with Sturgeon County Transportation Services, if required.
5. The home-based business shall be operated by the permanent resident(s) of the principal dwelling and there shall be no more than two (2), non-resident employees on site.
6. Parking for non-resident employees shall be provided for onsite.
- 7. There shall be no more than four (4) commercial vehicles, two (2) passenger vehicles and four (4) trailers used for business purposes and be parked on-site OR the Board's recommendation.**
- 8. Outdoor storage of heavy equipment and rig mats shall be located behind the accessory buildings. The storage area shall not exceed 1% or 3,237m<sup>2</sup> of the parcel. Heavy equipment shall be limited to two (2) wheel loaders and three (3) excavators at any given time.**
- 9. The outdoor storage area shall be always kept in a clean and orderly manner.**
10. At all times, the privacy of the adjacent residential dwelling(s) shall be preserved, and the operations of the business shall not, in the opinion of the Development Authority, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.
11. Only one on-site, commercially produced sign to identify the business, shall be allowed. The sign dimensions shall be a maximum of 1m (3.3ft) in length and 0.6m (2ft) in height. The sign shall be displayed as a window sign, be affixed to a building, or be located in the front yard adjacent to the front parcel boundary and either be self-supporting or attached to existing fencing. There shall be no off-site signage associated with this home-based business.
12. The home-based business shall operate between 7:00 a.m. to 8:00 p.m. only.
13. The development permit is issued to the applicant and is non-transferable. Should the applicant move or sell the business, the permit will become void.

#### **Advisory Notes:**

1. Home Based Business means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession, or craft to be operated by the permanent residents of the dwelling.
2. A building permit will be required for a change of use (Farm Building to a Commercial Building)
3. Building) for the accessory building being used for the business operations.

Prepared By:


*CWilliams*

---

**Carla Williams**, Development Officer

Reviewed By:

**Tyler McNab**

 Digitally signed by Tyler McNab  
Date: 2025.01.02 09:47:32 -07'00'

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



# 305305-24-D0290 Home Based Business Level 3

Development Authority Report for SDAB Appeal 025-STU-001

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2025-01-21

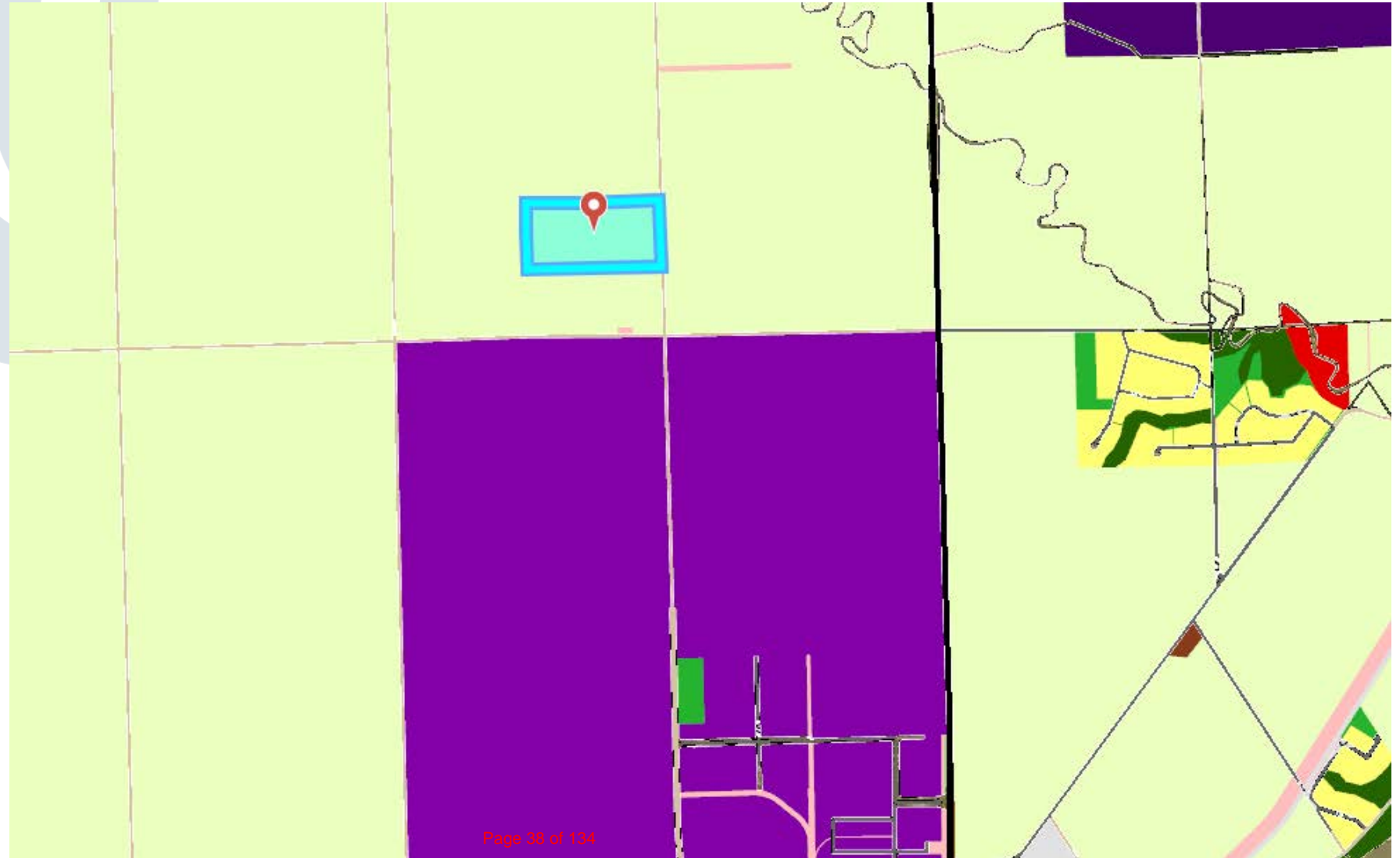


Sturgeon  
C O U N T Y

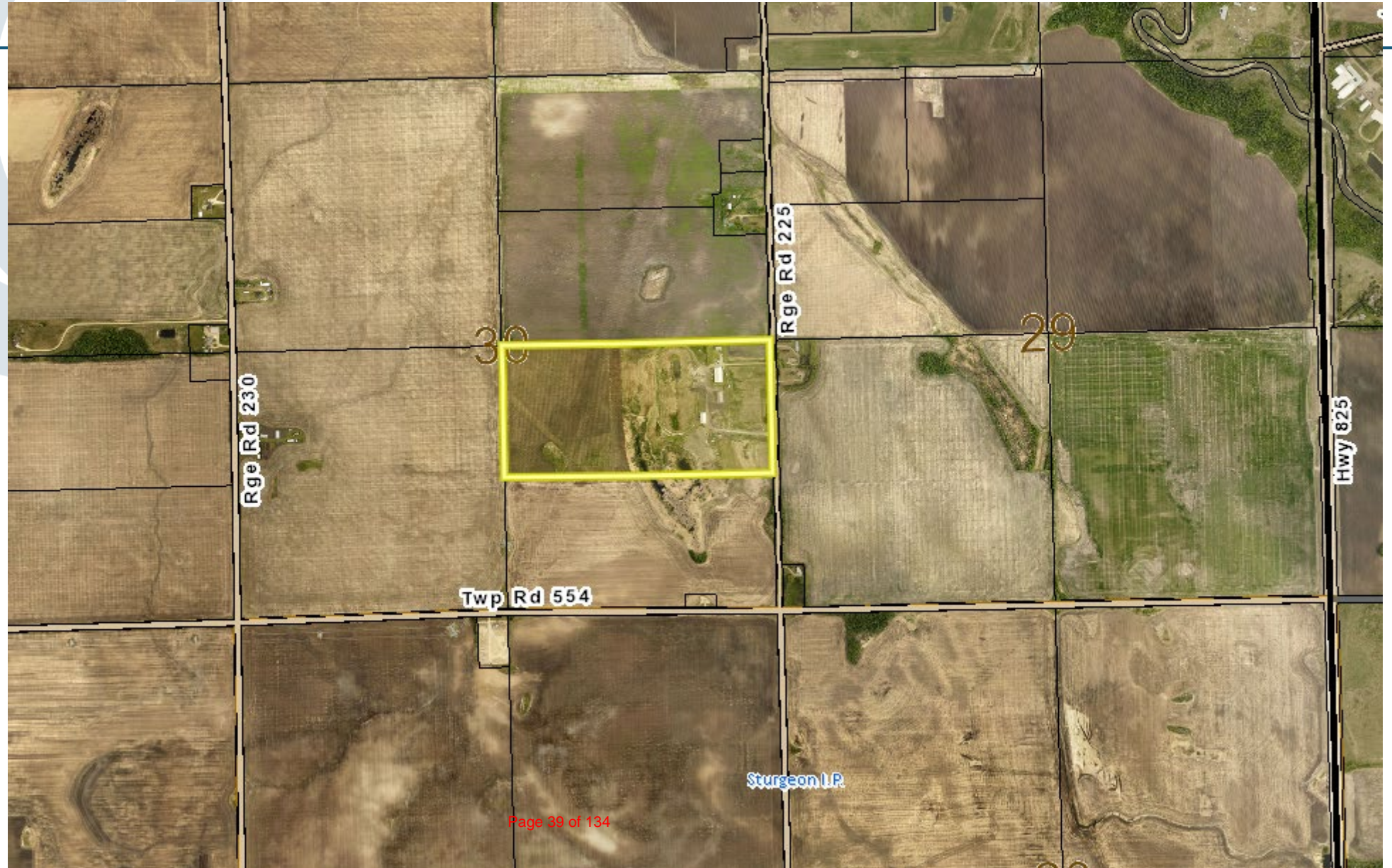
# Site Location

55416 RGE RD 225

AG Parcel north of  
Sturgeon Industrial  
Park (SIP)  
SIP undeveloped area



# Site Location





# Property Information

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**SE 30-55-22-4**

- **AG - Agricultural Major (80 acres)**
- **SDD and Farm Buildings**

# Application Details

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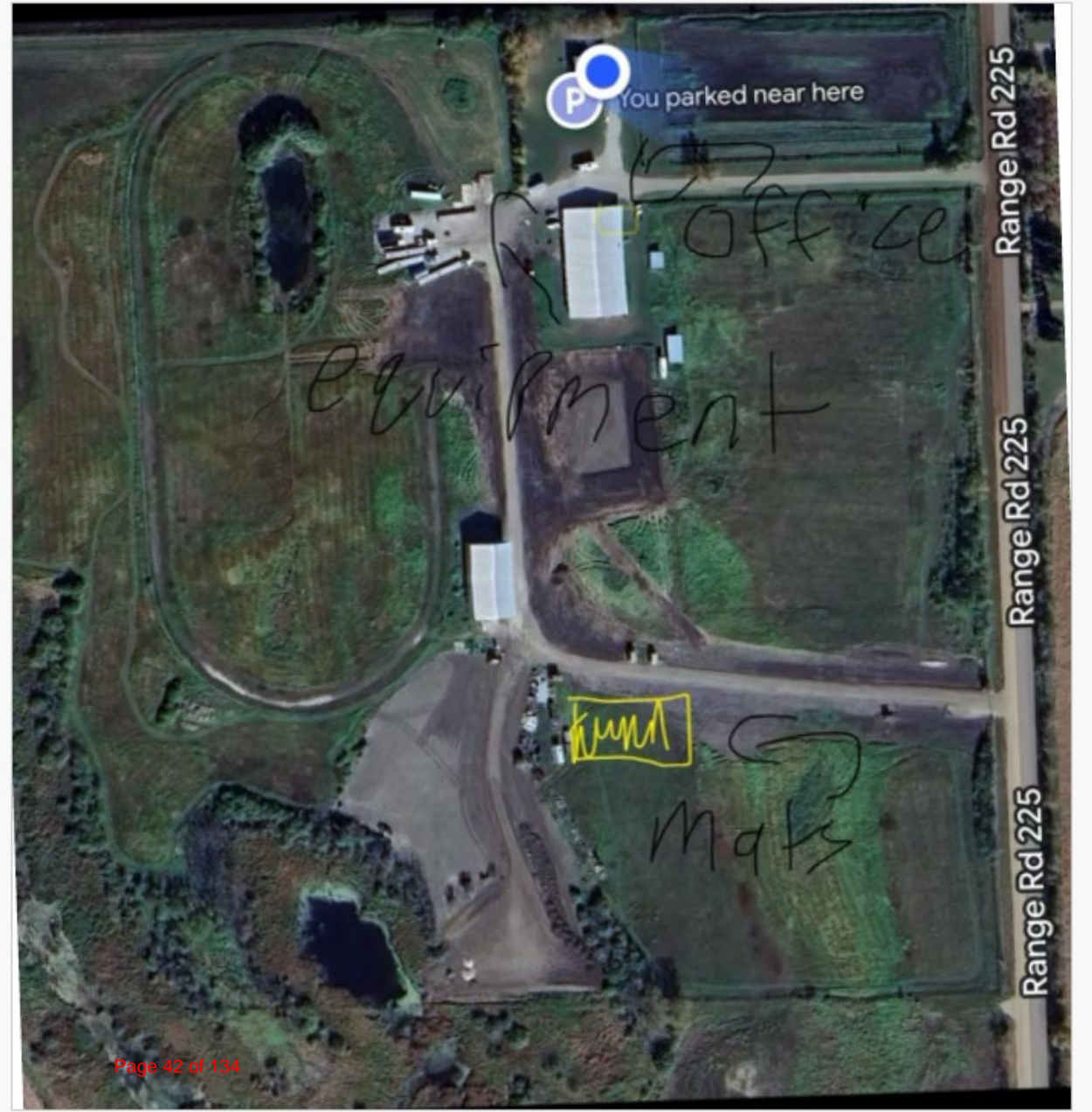
A completed application was accepted by the Development Authority and included the following details:

- Colby Clements Contracting – oilfield work (rig mats/access) and storage of equipment on site
- 2 non-resident employees would work or visit the property – 5 days a week
- **Vehicles & Equipment**
  - **2 pick up trucks**
  - **4 Commercial (Semi)**
  - **2 Wheel Loaders**
  - **3 Excavators**
  - **4 Trailers**
- No jobs or work on the farmland. Semi trucks come and go from the property.
- Storage (rig mats)



# Site Plan

- Office within Farm Building
- Equipment/Trucks/Trailers
- Exterior Storage – Rig Mats





# Aerial Photo April 2024





# Aerial Photos April 2024



Additional Truck and Trailer  
Shipping Containers (5) allowed on AG Major



# Photos January 2025



Storage



New Accessory Building declared for Farm Use



# Equipment Photos

[www.clementscontracting.cca](http://www.clementscontracting.cca)



# Relevant Policy & Legislation

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## Municipal Development Plan 1313/13

- Economic Health, Part 5.4 Implementing Responsible Non-Residential Subdivision and Development Practices
  - Part 5.4.6 *Shall direct Non-Residential development that exceeds the intent, purpose and intensity outlined in Sturgeon County's regulations to relocate to lands appropriately designated for their intended use.*

# Relevant Policy & Legislation

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## Land Use Bylaw 1385/17

### Industrial or Direct Control Districts

**Outdoor Storage** means the storage of equipment, goods and materials in the open air. This includes the storage of items accessory to the principal use of a development, as well as laydown yards, vehicle or heavy equipment storage compounds, storage of construction material or modular trailers or storage unrelated to the principal use of the parcel or site.

**Major Contractor Service** means a premise used for the provision of building and construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require exterior storage and warehouse space and may include manufacturing activities.



# Relevant Policy & Legislation

## Land Use Bylaw 1385/17

**Home-Based Business** means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession, or craft to be operated by the permanent residents of the dwelling.

**Commercial Vehicle** means a unit which includes a multi-axle vehicle or trailer, used in relation to a home-based business. Commercial vehicles are those considered to require a Class 1, 2, 3, or 4 driver's license.

**Commercial Trailer** means a non-motorized vehicle towed by a motorized vehicle. It is commonly used for the transport of goods and materials related to the operation of a home-based business.

Table 1.1: Home-Based Business Requirements

	Level 1	Level 2	Level 3
<b>Business Size (maximum)</b>	<ul style="list-style-type: none"><li>10% of the gross floor area of the dwelling</li></ul>	<ul style="list-style-type: none"><li>30% of the gross floor area of the dwelling</li><li>Area of accessory building(s) at the discretion of the Development Authority</li></ul>	<ul style="list-style-type: none"><li>30% of the gross floor area of the dwelling</li><li>100% of the gross floor area of accessory building(s) at the discretion of the Development Authority</li></ul>
<b>Equipment and/or material storage</b>	<ul style="list-style-type: none"><li>Shall be located within the dwelling</li></ul>	<ul style="list-style-type: none"><li>No exterior storage. Any storage shall be located within the dwelling or accessory building(s).</li></ul>	<ul style="list-style-type: none"><li>Exterior storage shall not exceed 1% of the parcel size in accordance with Section 5.7</li></ul>
<b>Client traffic generation (maximum)</b>	<ul style="list-style-type: none"><li>None permitted</li></ul>	<ul style="list-style-type: none"><li>Eight vehicle visits per 24-hour period in the AG district</li></ul>	<ul style="list-style-type: none"><li>Ten vehicle visits per 24-hour period</li></ul>
<b>Non-resident employees on site (maximum)</b>	<ul style="list-style-type: none"><li>None permitted</li></ul>	<ul style="list-style-type: none"><li>Two</li></ul>	<ul style="list-style-type: none"><li>Four</li></ul>
<b>Commercial vehicles (maximum)</b>	<ul style="list-style-type: none"><li>None permitted</li></ul>	<ul style="list-style-type: none"><li>One (not exceeding 4,800kg if located in a residential district)</li></ul>	<ul style="list-style-type: none"><li>Three</li></ul>
<b>Commercial trailers (maximum)</b>	<ul style="list-style-type: none"><li>None permitted</li></ul>	<ul style="list-style-type: none"><li>One</li></ul>	<ul style="list-style-type: none"><li>Three</li></ul>
<b>Passenger vehicles (maximum)</b>	<ul style="list-style-type: none"><li>One</li></ul>	<ul style="list-style-type: none"><li>One</li></ul>	<ul style="list-style-type: none"><li>Two</li></ul>
<b>Hours of operation</b>	<ul style="list-style-type: none"><li>No limit</li></ul>	<ul style="list-style-type: none"><li>7:00a.m. to 8:00p.m.</li></ul>	<ul style="list-style-type: none"><li>7:00a.m. to 8:00p.m.</li></ul>

# Analysis

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- MDP policy
- Intent of Home-Based Business
  - ❑ Accessory use to principal use (residential/agricultural)
- Conforms – Number of non-resident employees/client visits
- Number of Commercial Vehicles/Trailers exceed three (3)
- Outdoor Storage and Major Contractor Service is neither a permitted nor discretionary use in AG – Agricultural District
  - ❑ Heavy Equipment and Rig Mats – Industrial Uses
- Conforms – Number of non-resident employees/client visits
- Variance – should not be applied to a use
- Development Authority Discretion

# Conclusion

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The Board must comply with the following:

- Any applicable statutory plan (*MGA* s. 687(3)(a.2)).
  - In the opinion of the Development Authority the business exceeds the intent and is incompatible with respect to MDP Policy 5.4.6
  - The Board may interpret this policy independently.
- Application must conform with the prescribed uses of the land (*MGA* s. 687(3)(d)(ii)).
  - In the opinion of the Development Authority the proposed use better falls under an Outdoor Storage use or Major Contractor Services and would be more suited to lands districted as Industrial.
  - The Board may independently interpret the use.

# Conclusion

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The Board may consider the following:

- If the existing development unduly interferes with the amenities of the neighbourhood; or materially interferes with or affects the use, enjoyment, or value of neighbouring properties.
- No formal complaints on record
  - **As part of appeal notification - direct neighbour noted concerns of noise (back up alarms), lights, increase in heavy truck traffic, storage of rig mats near natural wetlands (possible contamination)**
- Special circumstances that may be applicable to the subject property such as size, shape, topography, location, buildings, or surroundings

# Recommended Conditions

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**Should the Board uphold the appeal and approve the application as a Home-Based Business Level 3, the following conditions are recommended:**

- 1. No more than one level 3 home-based businesses shall be allowed on the parcel.**
- 2. The home-based business shall not occupy more than 30% of the gross floor area of the dwelling and 100% of the gross floor area of the accessory building referred to on the site plan.**
- 3. A separate development permit shall be submitted and approved for a change of use (Farm Building to Commercial Building) for all accessory building(s) that are being used for business operations.**
- 4. A Road Use Agreement shall be entered into with Sturgeon County Transportation Services, if required.**
- 5. The home-based business shall be operated by the permanent resident(s) of the principal dwelling and there shall be no more than two (2), non-resident employees on site.**
- 6. Parking for non-resident employees shall be provided for onsite.**



# Recommended Conditions

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7. **There shall be no more than four (4) commercial vehicles, two (2) passenger vehicles and four (4) trailers used for business purposes and be parked on-site OR THE BOARD'S DECISION**
8. **Outdoor storage of heavy equipment and rig mats shall be located behind the accessory buildings. The storage area shall not exceed 1% or 3,237m<sup>2</sup> of the parcel. Heavy equipment shall be limited to two (2) wheel loaders and three (3) excavators at any given time.**
9. **The outdoor storage area shall be always kept in a clean and orderly manner.**
10. **At all times, the privacy of the adjacent residential dwelling(s) shall be preserved, and the operations of the business shall not, in the opinion of the Development Authority, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.**
11. **Only one on-site, commercially produced sign to identify the business, shall be allowed. The sign dimensions shall be a maximum of 1m (3.3ft) in length and 0.6m (2ft) in height. The sign shall be displayed as a window sign, be affixed to a building, or be located in the front yard adjacent to the front parcel boundary and either be self-supporting or attached to existing fencing. There shall be no off-site signage associated with this home-based business.**

# Recommended Conditions

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12. The home-based business shall operate between 7:00 a.m. to 8:00 p.m. only.
13. The development permit is issued to the applicant and is non-transferable. Should the applicant move or sell the business, the permit will become void.

## **Advisory Notes:**

1. Home Based Business means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession, or craft to be operated by the permanent residents of the dwelling.
2. A building permit will be required for a change of use (Farm Building to a Commercial Building) for any accessory building being used for the business operations.

# APPELLANT SUBMISSIONS RECEIVED

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**\*NOTE:**

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

WRITTEN  
SUBMISSIONS  
FROM  
ADJACENT  
LANDOWNERS  
AND OTHER  
AFFECTED  
PERSONS



# Subdivision and Development

**SDAB File Number- 025-STU-001**

Legal Land Location- SE 30-55-22 W4

55416 Range Road 225

Development Permit Application Number - 305305-24-D0290

Annie Wanechko is a direct neighbor of the requested development that is being proposed of developing an at home oilfield business,

With ongoing concerns of noise, lights, and increase of traffic.

Back up alarms are a concern with noise pollution that are causing havoc of what was a peaceful acreage. Alarms start early in the morning, which proceed into the evening. Continuous lights and beacons are present on site that are in direct view of the property.

Increase in heavy truck traffic deteriorates county roads, depending on routes could cause a danger turning off and onto highway 28a, and secondary highway 825.

# Agriculture

## Weed Management

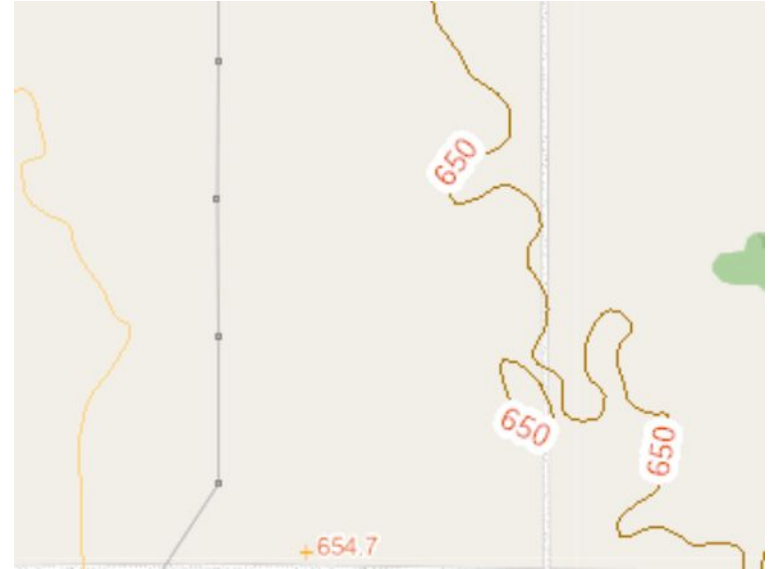
As growing noxious weeds are becoming more present in agriculture with in the county of sturgeon. The spread of these weeds are becoming more prevalent with increased traffic from outlying companies outside of agriculture. Perfect example is the growing concern of Scentless Chamomile, and kochia. Both are noxious, and large seedbanks. To put into perspective Scentless Chamomile can produce 300,000-500,000 seeds per plant. Kochia produces 30,000-100,000 seeds per plant.

Rig mats are used for footings, and containing oilfield drips and leaks. With them being used for this purpose can introduce contaminants into the watershed, and waterways that were present in the area.

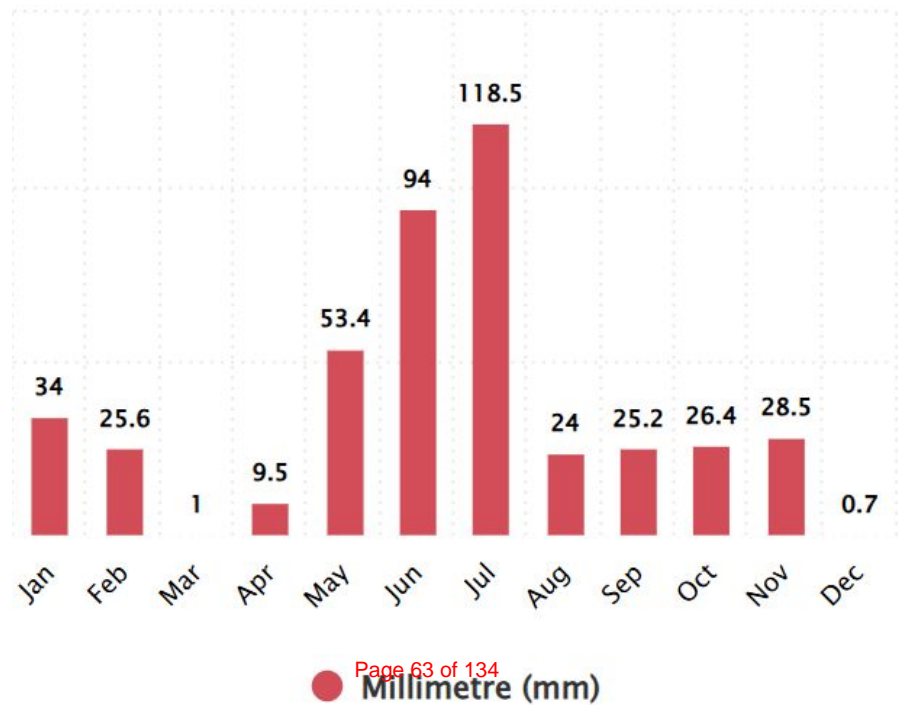


<https://groundwater.alberta.ca/WaterWells/d/>

The picture shows the natural waterways that  
Pass directly through SE 30-55-22 W4,  
Indicating how contaminants will flow directly  
To the sturgeon river and passing crop land



<https://townfolio.co/ab/gibbons/quality-of-life>



# Closing remarks

Thank you for taking the time to listen to this presentation.

The county has put an incremental amount of time and resources into developing industrial areas to be able to support these business that are planned to mitigate risks associated with these types of business.

Maintaining the stance of the initial refusal, protects agriculture land, and the ecosystem in the surrounding county.

# Appeal #2

025-STU-002 - Appealing the  
Subdivision Authority's refusal of  
Subdivision Application 2024-S-038



### SUBDIVISION & DEVELOPMENT APPEAL BOARD

<b>Site Information:</b>		<b>Date Received Stamp</b>
Municipal Address of site: 56001 Rg Rd 245 Sturgeon County		
Legal land description of site: (plan, block, lot and/or range-township-section-quarter) SW-5-56-24-W4		
Development Permit number or Subdivision Application number: 2024-S-038		
<b>Appellant Information:</b>		
Name: Henri & Annette Hebert	Phone:	Agent Name: (if applicable)
Mailing Address: 56001 Rg Rd 245 Sturgeon County	City, Province:	
Postal Code: T8R-0M1	Email:	

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

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

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

Henri has been diagnosed with mental health issues (dementia) I won't be able to live there by myself being that I'm 72 years old. We would like remainder of the land in the family being able to give it to our son. As we have reached the 100 yr mark.

(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.

severed in line with section 17 of the FOIP Act

Signature of Appellant/Agent:	Date: Dec 23 / 2024
<b>FOR OFFICE USE ONLY</b>	
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Hearing Date: YYYY/MM/DD



**From:** [Jonathan Heemskerk](#)  
**To:** [Legislative Services](#)  
**Subject:** Fw: Appeal (025-STU-002)  
**Date:** Thursday, January 9, 2025 1:08:59 PM  
**Attachments:** [Outlook-h1rox125.png](#)

---

Message below that the appellant wished me to send through (they were having technical issues)

**Jonathan Heemskerk**  
**PLANNER, CURRENT PLANNING**  
780-939-1398  
[jheemskerk@sturgeoncounty.ca](mailto:jheemskerk@sturgeoncounty.ca)  
[sturgeoncounty.ca](http://sturgeoncounty.ca)  
9613 100 Street, Morinville, AB T8R 1L9



severed in line with section 17 of the FOIP Act

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**From:** Annette Hebert  
**Sent:** Thursday, January 9, 2025 12:53 PM  
**To:** Jonathan Heemskerk <[jheemskerk@sturgeoncounty.ca](mailto:jheemskerk@sturgeoncounty.ca)>  
**Subject:** Appeal

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)

SDAB file number 025-STU-002. Reason for appeal. Henri has been diagnosed with mental issues being dementia. I won't be able to live on the farm by myself being that I'm 72 years old. We would like to pass the remainder of the farm to our two children being that it has been in the family for 100 years. We would like the legacy to continue. And once it's subdivided (the 6 acres would be sold in order to relocate with a lot less upkeep and something that I can handle by myself.. Jonathan Heemskerk could u please see that this goes to ( [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca)). I tried to send it and it wouldn't send. Can u please email me letting me know if this is possible  
Sent from my iPad



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

HEBERT, HENRI J. & ANNETTE M.  
56001 RGE RD 245

STURGEON COUNTY, AB T8R 0M1

Receipt Number: 202409056  
GST Number: 107747412RT0001  
Date: 2024-12-23  
Initials: JB

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

January 7, 2025

SDAB File Number: 025-STU-002

Dear Henri and Annette Hebert:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	SW 5-56-24-W4M 56001 Range Road 245
Subdivision Application Number:	2024-S-038
Decision Regarding Proposed Subdivision:	To create a 2.43-hectare lot from 62.13 hectares

---

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on December 23, 2024. In accordance with section 686(2) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **January 21, 2025 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 149 387 732#. 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 January 16, 2025. 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



January 7, 2025

SDAB File Number: 025-STU-002

Dear Resident:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	SW 5-56-24-W4M 56001 Range Road 245
Subdivision Application Number:	2024-S-038
Decision Regarding Proposed Subdivision:	An application to create a 2.43-hectare lot from 62.13 hectares was refused

---

An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on December 23, 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.

**Appellants/Applicants: Henri & Annette Hebert**

**Reasons for Appeal:**

- The Appellants are aging and experiencing health issues.
- The Appellants wish to gift the proposed subdivided parcel to their son and retain family ownership of the property.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **January 21, 2025 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

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**Why am I receiving this information?**

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca). **To be included in the SDAB hearing agenda package, written submissions must be submitted no later than January 16, 2025. 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.

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board

Encl.: Subdivision Map

January 7, 2025

SDAB File Number: 025-STU-002

To Whom It May Concern:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	SW 5-56-24-W4M 56001 Range Road 245
Subdivision Application Number:	2024-S-038
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- The Appellants are aging and experiencing health issues.
- The Appellants wish to gift the proposed subdivided parcel to their son and retain family ownership of the property.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **January 21, 2025 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

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**Why am I receiving this information?**

When an appeal is received, affected bodies/organizations have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at [legislative@sturgeoncounty.ca](mailto:legislative@sturgeoncounty.ca). **To be included in the SDAB hearing agenda package, written submissions must be submitted no later than January 16, 2025. 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



# Exhibit 1 [Applicant Submission]

File Number: 2024-S-038



Legal Description: 4;24;56;5;SW

Roll Number: 2116001

Total Acres/Hectares: 153.45ac / 62.10ha

Land Use: AG - Agriculture

Municipal Address: 56001 Rge Rd 245

Date: 10/31/2024

## Legend



Dwelling



Septic Field



Existing Approach



Shed



Farm Building



Garage



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

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

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

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

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

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

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

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



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

# PART II – APPLICATION FORM



## Application for Subdivision

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

Office Use Only

Initial Date Submitted: **October 30/24**

Date Accepted as "Complete": **November 5, 2024**

Application Fee: \$ **3,000.00**

Receipt No: **202408031**

File Number: **2024-S-038**

### Complete in full (where applicable):

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

**Henri and  
Annette  
Hebert**

Mailing

address

(including

postal code):

**56001 Rg Rd 245  
Sturgeon County  
T8R-0M1**

Telephone:

Email:

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

Mailing

address

(including

postal code):

**severed in line with section 17 of the FOIP Act**

Telephone:

Email:

### PROPERTY INFORMATION:

All/part of the: **SW** ¼ Sec: **5** Twp: **56** Range: **24** West of the: **4** <sup>th</sup> Meridian

OR Lot: Block: Plan: Land Title #

Municipal Address of Property: **56001 Rg Rd 245**

Total existing property size (states on land title certificate): hectares acres **154.22**

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

☐ Property Line Adjustment ☒ New Agricultural or Residential Property ☐ New Industrial or Commercial Property ☐ Other

### Detailed Description :

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

The personal information provided will be used to process the application for subdivision and is collected under the authority of Section 653 of the *Municipal Government Act*, Section 5 of the *Subdivision Development Regulation* and Section 33 (c) of the *Freedom of Information and Protection of Privacy (FOIP) Act*. If you have any questions about the collection and use of this information, please contact the Sturgeon County Access and Privacy Officer at 9613 – 100 Street, Morinville, Alberta, T8R 1L9; or phone 780-939-8366.

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

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

All/part of the: \_\_\_\_\_ ¼ Sec: \_\_\_\_\_ Twp: \_\_\_\_\_ Range: \_\_\_\_\_ West of the: \_\_\_\_\_<sup>th</sup> Meridian

OR Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Plan: \_\_\_\_\_

Municipal Address of Property: \_\_\_\_\_

do hereby authorize \_\_\_\_\_

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

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

Signature(s) of ALL Registered Landowners

_____	_____	_____
_____	_____	_____

## Abandoned Oil and Gas Wells (Mandatory)

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

(Note: A map can be obtained online at <https://geodiscover.alberta.ca/geoportal/#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

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## 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>	Varies	10m (33 ft)	1m (3.25 ft)		10m (33 ft)

Excerpt from: *Alberta Private Sewage Systems Standards of Practice 2021*

If you have questions regarding sewage disposal, consult either:

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

OR

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



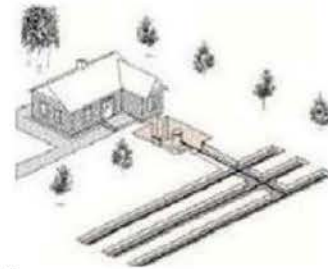
# Sewage Disposal (Mandatory)

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



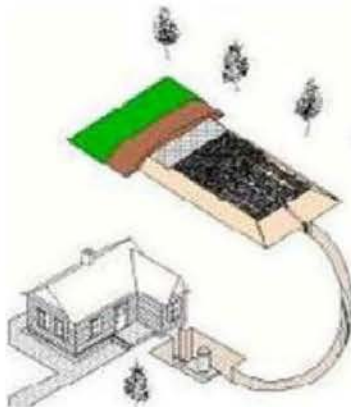
## ☐ Open Discharge (Pump Out) System

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



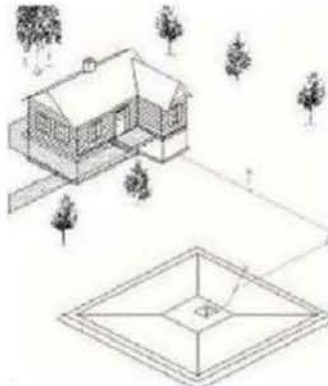
## ☒ Disposal Field

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



## ☐ Treatment Mound

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

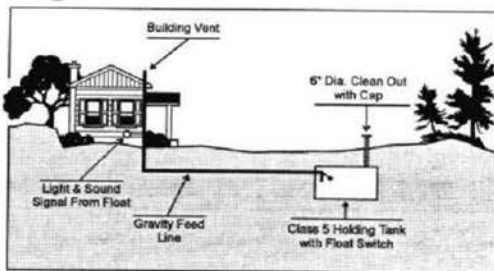


## ☐ Sewage Lagoon

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

## ☐ No existing sewage disposal.

## ☐ Municipal Sanitary Line



## ☐ Holding Tank

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

## ☐ Other: \_\_\_\_\_

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



## Right of Entry Authorization (Mandatory)

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

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

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

## Affidavit (Mandatory)

I/We, Annette and Henri Hebert

hereby certify that

- ☒ I am the registered owner,

OR

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

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

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

severed in line with section 17 of the FOIP Act

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

<div></div>	<div></div>	<div></div>
<div></div>	<div></div>	<div></div>

## Application Checklist

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

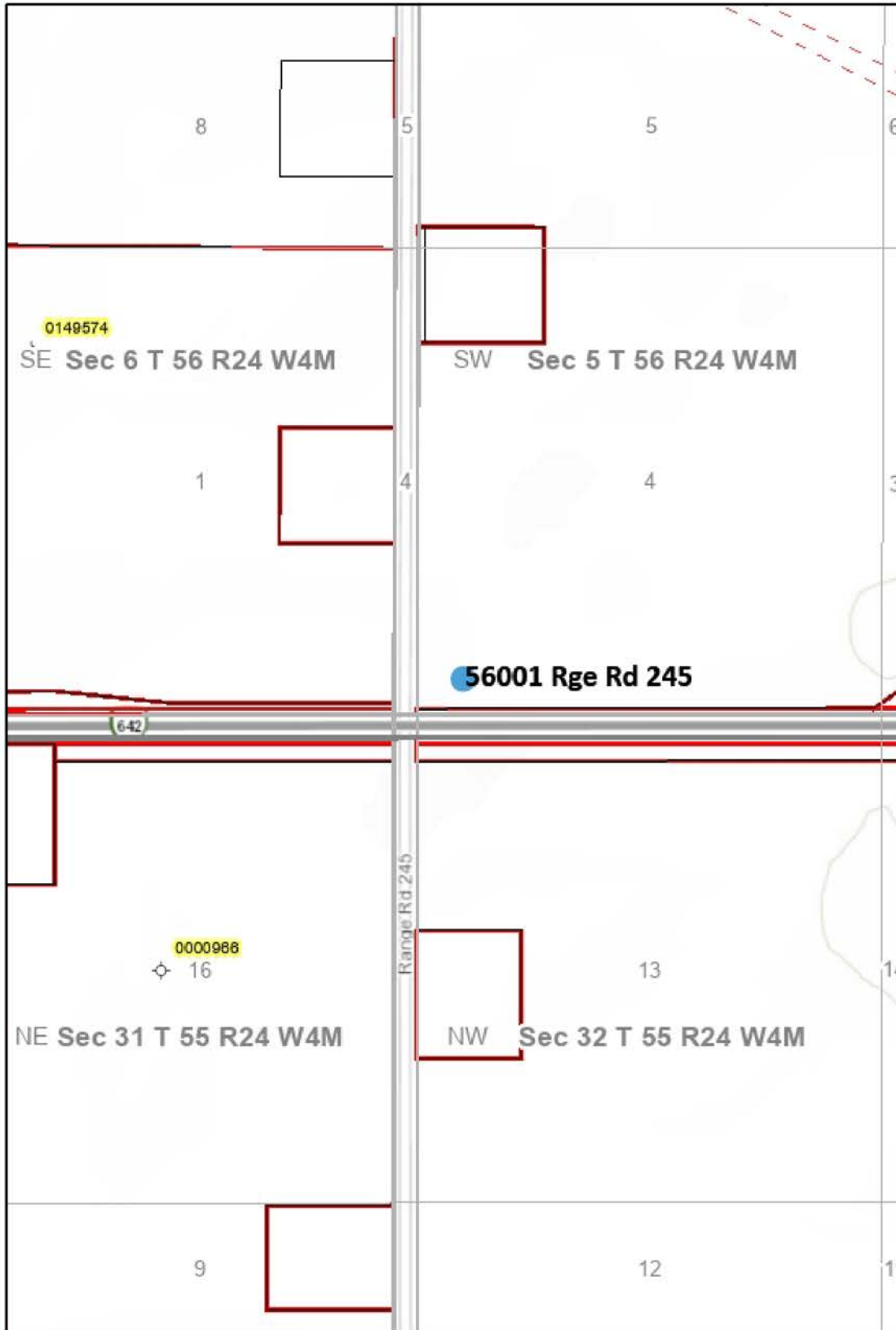
- ☐ **Subdivision Application Fee** – see page 2 for details.
- ☐ **Attached Abandoned Oil and Gas Well Map** – see page 6 for details.
- ☐ **Attached Aerial Photographs** – see page 9 for details.
- ☐ **Land Title Certificate** – available at any Alberta Registries office. Must be up-to-date within 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.

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# Map Results



## Legend

- ATS Section with Road Allowanc  
Hydro
- ATS Quarter Section with Road /  
Below Hydro
- ATS Legal SubDivision with Roac  
Label Below Hydro
- ATS Township Index Outline 8
- ATS Section with Road Allowanc
- ATS Quarter Section with Road /  
Outline
- ATS Legal Subdivision with Roac  
Outline
- Abandoned Wells (Large Scale)
- Abandoned\_Well\_Revised (Large
- Abandoned\_Well\_Loc\_Pointer
- Cadastral Right of Way Line
- Cadastral Block and Lot Line
- Cadastral Survey Plan Line
- ATS v4\_1 Alberta Provincial Boui  
Citations

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Monday, November 04, 2024 14:24:07 -07:00





# Mark Buildings and Septic

Map Subtitle

28-Oct-2024



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

Prepared By: Jonathan Heemskerk





## Aerial Map

28-Oct-2024



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.

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

Prepared By: Jonathan Heemskerk





December 20, 2024

Henri and Annette Hebert  
56001 Rge Rd 245  
Sturgeon County AB T8R 0M1

Re:	Proposed Subdivision	
	Our File No.:	2024-S-038
	Legal Land Description:	SW-5-56-24-W4
	Proposal:	2.43ha from 62.13ha

---

Please be advised that the above-mentioned subdivision application was **REFUSED** by the Subdivision Authority on **December 20, 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 Policy 2.3.16 of the Municipal Development Plan, which states the maximum allowable agricultural subdivision layout for a quarter section is two large agricultural parcels and two acreage lots.
3. With respect to reason #1 above, this application does not conform to Part 11.1.3(a) of the Land Use Bylaw, which states the maximum allowable agricultural subdivision layout for a quarter section is two large agricultural parcels and two acreage lots.

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 Environment & Parks  
Alberta Transportation  
Apex Utilities  
Canada Post  
Fortis Alberta  
North Parkland Power  
Pembina Pipeline Corporation  
Sturgeon School District  
Telus Access Planning

**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: **JANUARY 10, 2024****

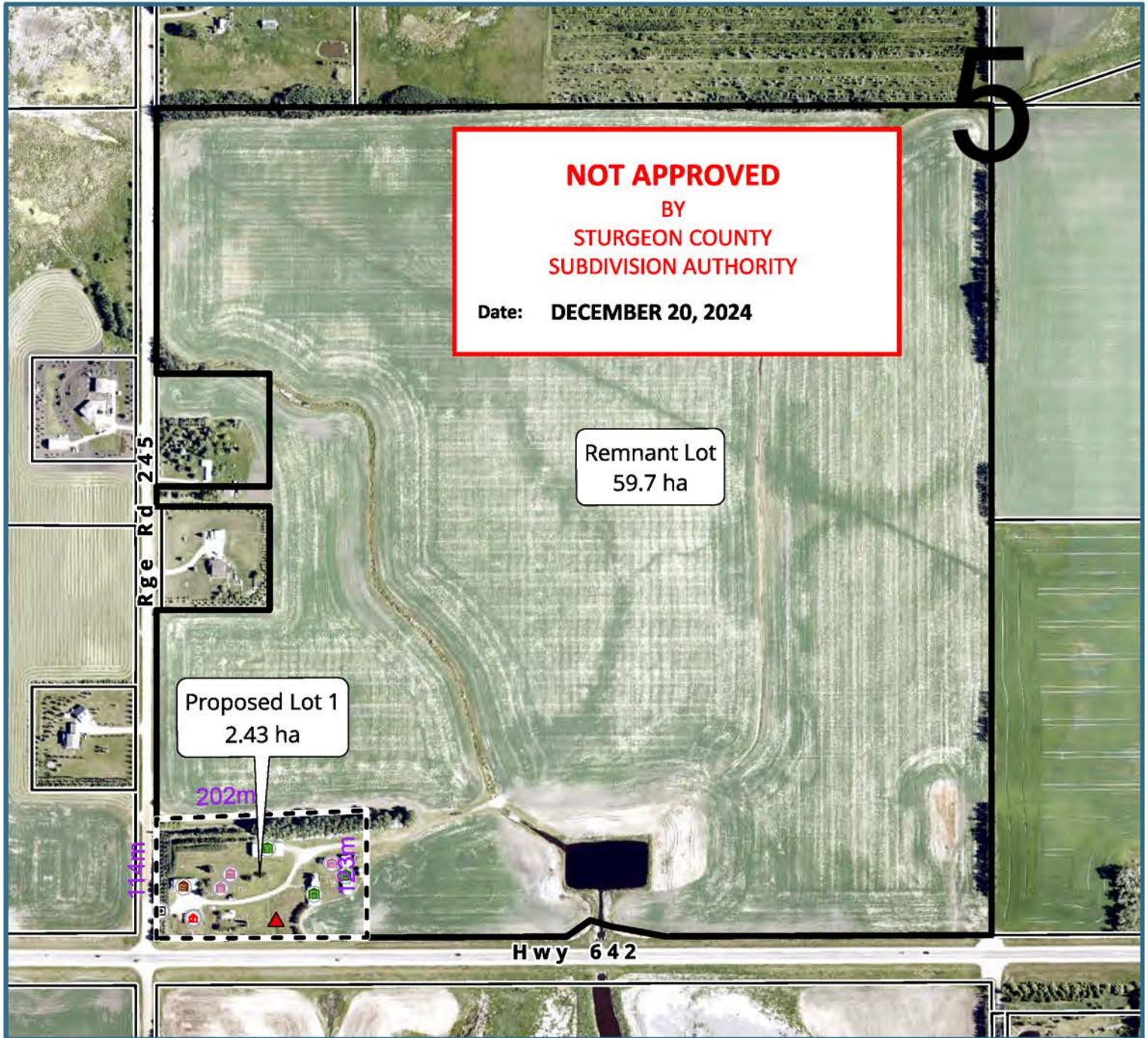
**For the purpose of Section 678(2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed (date of the letter).**

**Please note that there is a \$100.00 fee for any appeal.**



# Exhibit 2 [Refusal]

File Number: 2024-S-038



Legal Description: 4;24;56;5;SW

Roll Number: 2116001

Total Acres/Hectares: 153.45ac / 62.10ha

Land Use: AG - Agriculture

Municipal Address: 56001 Rge Rd 245

Date: 12/19/2024

## Legend



Dwelling



Septic Field



Existing Approach



Shed



Farm Building



Garage



# PLANNING AND DEVELOPMENT SERVICES REPORT



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



FILE INFORMATION: 2024-S-038	
Council Division:	5
Tax Roll Number:	2116000
Legal Land Description of Property:	SW-5-56-24-4
Landowners and Applicants:	Henri and Annette Hebert
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 \$1,446.88 per hectare

### **PART I – APPLICATION DETAILS:**

1. As illustrated in Exhibit 1, the applicant proposes subdivision of 2.43 hectares (6.00 acres) from 62.13 hectares (153.53 acres).

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

1. Subdivision History:
  - Historical acreage subdivision to create a 2.97 acre parcel.
  - 2006-S-091: To create a 2.57 acre parcel from a 157.19 acre parcel.

### **PART III – REFERRAL SUMMARY:**

1. Sturgeon County Development Officer:
  - *Proposed Lot:*
    - Sturgeon County Development Records
      - 31-60 Chicken Coop
      - 121-79 Workshop and Garage
      - D-55-81 Hog Lagoon
    - Assessment Records indicate the dwelling and detached garage were built in 1955, prior to requiring development and building permits.
    - The single detached dwelling and accessory building along the western property line appear to not meet the minimum setbacks of 35m from the front and flanking front for a dwelling and 20m from the front for an accessory building. Variances will be required to leave as cited. It is recommended that the surveyor determine the distance of the developments from the property lines to inform the variance.
    - 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:*

- According to Sturgeon County's Drainage Master Plan, portions of this parcel are located within a potential flood risk area. Future development of the land will require the landowner/developer to provide a site assessment prepared by a qualified professional confirming the property is suitable for the proposed development.

2. Sturgeon County Integrated Development and Land Services:

*- Proposed Lot:*

- In accordance with the Grid Right of Way Dedications and Acquisition policy, 5 metres required via plan of survey adjacent to Rge Rd 245.
- Alberta Transportation guideline states that an access must be minimum 50m, centerline to centerline, from an existing secondary highway and the access is currently spaced 45m away. This will require Alberta transportations comment. Should the approach not be required to be relocated it meets Sturgeon County Standards. Approach is currently a paved surface adjoining an oiled portion of a gravel road.
- There exists flood risk within the northeast corner of the lot. Should a development permit be necessary, additional studies may be required.

*- Remnant Lot:*

- In accordance with the Grid Right of Way Dedications and Acquisition policy, 5 metres required via land acquisition agreement adjacent to Rge Rd 245.
- Should the Proposed Lot approach not require relocation from Alberta Transportation, the approach only requires the culvert end treatment shown in the Approach Construction Standards. Should Alberta Transportation require the proposed lot approach relocated to the north, this approach will need to be relocated directly adjacent to or at least 90m from any approach and constructed to Sturgeon County Approach Construction Standards.
- Approach #2 is within the jurisdiction of Alberta Transportation and Economic Corridors.
- Land will need to be dedicated by caveat, to include the area adjacent to the culvert (BF 74752), which may require additional acquisition outside of the dedicated 5m, and the required area will be determined at time of culvert replacement and acquired at fair market value. An easement will be required to register the drainage channel as a registered ditch with Drainage Services.

3. Sturgeon County Drainage Operation:

*- Proposed and Remnant Lot:*

- There is a drainage channel running north-south on the west side of the remnant lot that is a potential registered ditch candidate. This is further supported by the findings from the gap analysis in the 2023 Registered Ditches Asset Management Report.
- Land may be required by caveat for the bridge culvert crossing on Rge Rd 245.



4. Alberta Transportation and Economic Corridors:
  - Removal of the existing access in the southeast corner of this quarter section and construct a service road across SE-5-56-24-4 is not practical as a result of a existing bridge culvert located in the middle of the quarter.
  - Therefore, no land dedication or infrastructure improvements are required as a result of this subdivision application.
  - Insofar as Alberta Transportation and Economic Corridors are concerned, any appeal of this subdivision may be referred to the local Subdivision and Development Appeal Board.
5. No Objections:
  - Alberta Health Services, Sturgeon County Protective Services, Sturgeon County Agriculture Services, Apex Utilities, Telus, Fortis Alberta, North Parkland Power.
6. No Responses:
  - Adjacent landowners, Alberta Environment and Protected Areas, Altalink, Canada Post, Pembina Pipelines, Sturgeon School District.

#### **PART IV – ANALYSIS:**

1. This application proposes to subdivide an existing farmyard of 2.43 hectares (6.00 acres) from the remainder of the quarter section. There have been two previous acreage subdivisions completed. Therefore, this subdivision would create a third acreage and result in one AG – Major parcel and three AG – Residential (acreage) parcels on the quarter section.

Given the proposed configuration, this application is **NOT** consistent with the Municipal Development Plan’s “Residential Type 4” policies (see **Appendix 2**), and with the Land Use Bylaw’s “AG - Agriculture” regulations (see **Appendix 3**).

2. While the configuration aligns with the maximum density requirements outlined in the Municipal Development Plan (MDP) and Land Use Bylaw (LUB), it does not align with the following policies and regulations:

**MDP Policy 2.3.16** which notes a maximum of two acreage lots for every 64 hectares (quarter section):

*“Shall ensure that the maximum allowable agricultural subdivision layout for a 64 hectares (160 ac) land unit contains two (2) Agricultural Parcels and two (2) Acreage Lots, as further defined within the Land Use Bylaw. 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.”*

**LUB Regulation 11.1.3(a)** notes that:

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

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

As this application is inconsistent with a Sturgeon County statutory plan (the Municipal Development Plan) and the Land Use Bylaw, the subdivision authority does not have jurisdiction to entertain approval and the application must be refused.

## **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 Policy 2.3.16 of the Municipal Development Plan, which states the maximum allowable agricultural subdivision layout for a quarter section is two large agricultural parcels and two acreage lots.
3. With respect to reason #1 above, this application does not conform to Part 11.1.3(a) of the Land Use Bylaw, which states the maximum allowable agricultural subdivision layout for a quarter section is two large agricultural parcels and two acreage lots.

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.

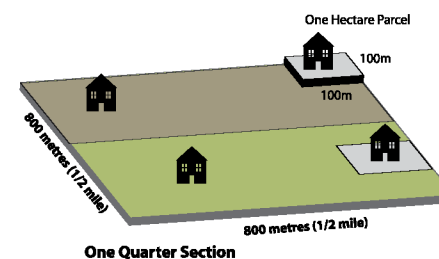
**2.3.18** Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production. The maximum lot density for an Acreage Lot shall be one (1) unit per 32 hectares, with a lot size subject to provisions under the LUB.

**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:

- ② 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.
- ③ 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.
- ④ 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.
- ⑤ 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.
- ⑥ 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.
- ⑦ 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.
- ⑧ 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-038



Legal Description: 4;24;56;5;SW

Roll Number: 2116001

Total Acres/Hectares: 153.45ac / 62.10ha

Land Use: AG - Agriculture

Municipal Address: 56001 Rge Rd 245

Date: 10/31/2024

## Legend



Dwelling



Septic Field



Existing Approach



Shed



Farm Building



Garage



# Exhibit 2 [Refusal]

File Number: 2024-S-038



Legal Description: 4;24;56;5;SW

Roll Number: 2116001

Total Acres/Hectares: 153.45ac / 62.10ha

Land Use: AG - Agriculture

Municipal Address: 56001 Rge Rd 245

Date: 12/19/2024

## Legend



Dwelling



Septic Field



Existing Approach



Shed



Farm Building



Garage



**MEMO**

To: Shannon Gagnon  
From: Yvonne Bilodeau  
Date: November 8, 2024  
Re: Proposed Subdivision  
File No: 2024-S-038  
Roll No: 2116000  
Legal Description: SW-5-56-24-W4

---

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

**Proposed Lot 1 (2.43ha)**

Sturgeon County Development Records

- 31-60 Chicken Coop
- 121-79 Workshop and Garage
- D-55-81 Hog Lagoon

Assessment Records indicate the dwelling and detached garage were built in 1955, prior to requiring development and building permits.

The single detached dwelling and accessory building along the western property line appear to not meet the minimum setbacks of 35m from the front and flanking front for a dwelling and 20m from the front for an accessory building. Variances will be required to leave as cited. It is recommended that the surveyor determine the distance of the developments from the property lines to inform the variance.

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 (59.7ha)**

Vacant Land

- According to Sturgeon County's Drainage Master Plan, portions of this parcel are located within a potential flood risk area. Future development of the land will require the landowner/developer to provide a site assessment prepared by a qualified professional confirming the property is suitable for the proposed development.

**Both Lots:**

- Future development is subject to an approved Roadside Development Permit issued by Alberta Transportation and Economic Corridors.



- High-pressure pipelines transect multiple areas of the parcels. Any future development must adhere to ROW setbacks.



# Engineering Exhibit

File Number: 2024-S-038



Legal Description: 4;24;56;5;SW

Roll Number: 2116001









Total Acres/Hectares: 153.45ac / 62.10ha

Land Use: AG - Agriculture

Municipal Address: 56001 Rge Rd 245

Date: 10/31/2024

## Legend

- |   |   |
|---|---|
|  Dwelling          |  Septic Field  |
|  Existing Approach |  Shed          |
|  Farm Building     |   |
|  Garage            |  5m dedication |
|  5m acquisition    |   |



# Subdivision Referral to Engineering Services

- **Referral Sent:** November 7, 2024
- **Roll No:** 2116000
- **Phone No:** November 28, 2024
- **Response Deadline:** 56001 Rge Rd 245
- **Municipal Address:**
- **Landowner(s):**

severed in line with section 17 of the FOIP Act

**Henri & Annette Hebert**

:

:

☒ On-site inspection completed; or

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

Referral comments provided by: **Joshua Scanks** on **2024-12-12**  
(Engineering Services staff member) (date)



**Lot:** Remnant Lot

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

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

Remnant lot topography generally slopes down towards the south. Please see attached map showing flood risk areas from Sturgeon County's Drainage Master Plan and wetland areas from the Government of Alberta. There exists a natural drainage course and high flood risk throughout the lot, development shall not obstruct or alter these drainage areas and additional studies may be required at the development permit stage. A portion of the lot has been identified as Alberta Wetlands. Additional approvals may be required from the Province if development disturbs those areas.

- **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):

Range Road 245 is an 8 m wide road in a 20 m right of way (R/W), the ultimate R/W will be 30 m. In accordance with the Grid Right of Way Dedications and Acquisition policy, Sturgeon County requires 5m acquisition along the West property line via caveat.

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

Current Status:

Width: 10.2m. Surface: Gravel. Side-Slopes: 3:1. Culvert Size/Condition: 500mm CSP

Requirements to meet General Municipal Servicing Standards:

Width: 10.2. Surface: Gravel. Side-Slopes: 3:1. Culvert Size/Condition: 500mm CSP

Other Requirments:

~~Should the Proposed Lot approach not require relocation from Alberta Transportation, the approach only requires the culvert end treatment shown in the Approach Construction Standards. Should Alberta Transportation require the proposed lot approach relocated to the north, this approach will need to be relocated directly adjacent to or at least 90m from any approach and constructed to Sturgeon County Approach Construction Standards~~

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

Current Status:

Width: 25m. Surface: Paved. Side-Slopes: TBD. Culvert Size/Condition: TBD

Requirements to meet General Municipal Servicing Standards:

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

Other Requirments:

Approach is within Alberta Transportation jurisdiction. Please refer to their comments.

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

This subdivision is within 800m of a highway therefore a Roadside Development Permit will be needed from Alberta Transportation. Land will need to be dedicated by caveat, to include the area adjacent to the culvert (BF 74752), which may require additional acquisition outside of the dedicated 5m, and the required area will be determined at time of culvert replacement and acquired at fair market value. An easement will be required to register the drainage channel as a registered ditch with Drainage Services.



**Lot:** Proposed Lot

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

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

Proposed lot topography is generally flat. Please see attached map showing flood risk areas from Sturgeon County's Drainage Master Plan and wetland areas from the Government of Alberta. There exists flood risk within the North-East corner of the lot, should a development permit be necessary, additional studies may be required.

- **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):

Range Road 245 is an 8 m wide road in a 20 m right of way (R/W), the ultimate R/W will be 30 m. In accordance with the Grid Right of Way Dedications and Acquisition policy, Sturgeon County requires 5m acquisition along the West property line via Plan of Survey.

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

Current Status:

Width: 8.7. Surface: Paved. Side-Slopes: NA. Culvert Size/Condition: NA

Requirements to meet General Municipal Servicing Standards:

Width: 8.7. Surface: Paved. Side-Slopes: NA. Culvert Size/Condition: NA

Other Requirments:

~~Alberta Transportation guideline states that an access must be minimum 50m, centerline to centerline, from an existing secondary highway and the access is currently spaced 45m away. This will require Alberta transportations comment. Should the approach not be required to be relocated it meets Sturgeon County Standards. Approach is currently a paved surface adjoining an oiled portion of a gravel road.~~

- **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:

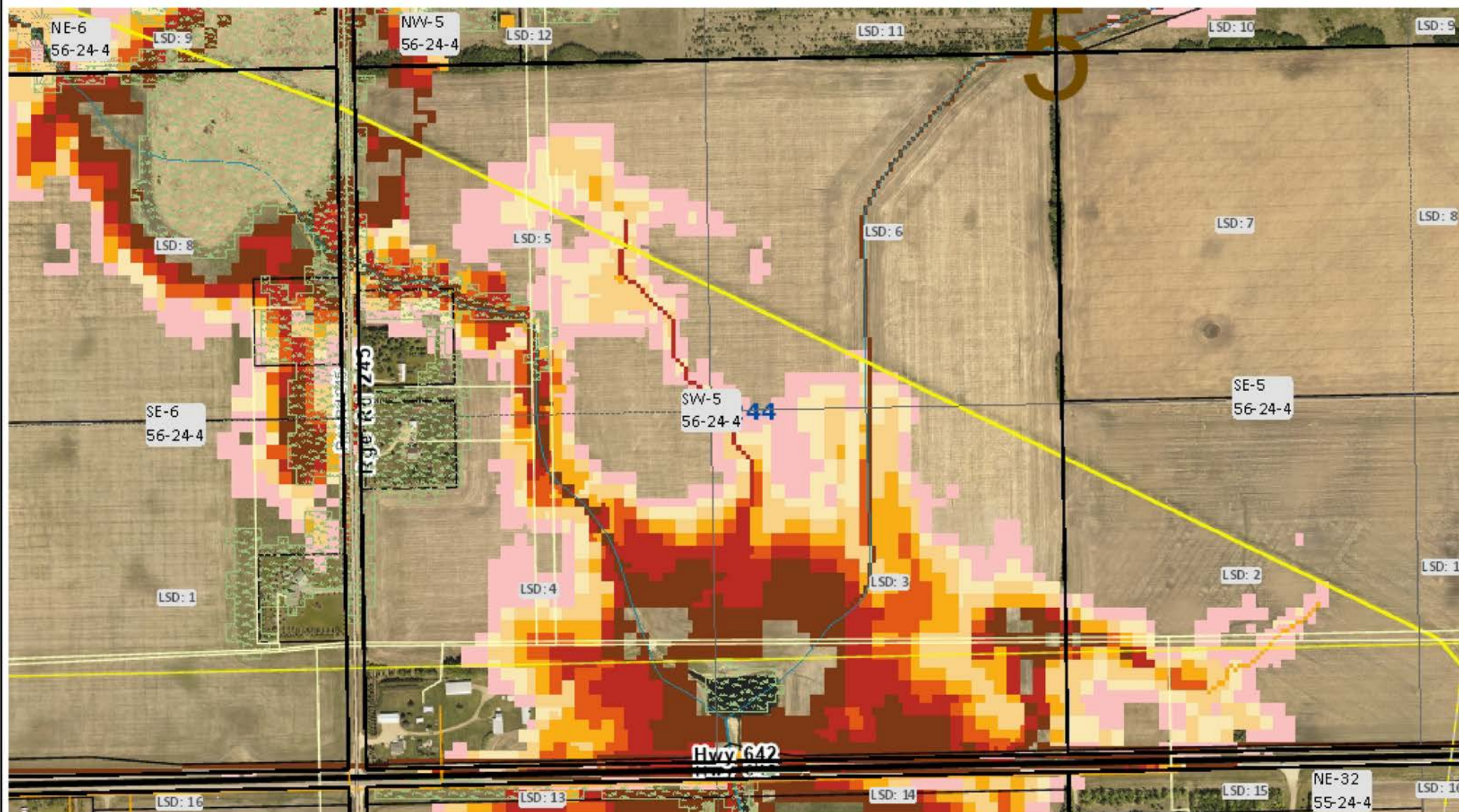
- **Other Comments/Observations** (e.g. third approach, structure/business/uses unspecified in application; or noteworthy discussions):

This subdivision is within 800m of a highway therefore a Roadside Development Permit will be needed from Alberta Transportation.



## 2024-S-038 Flood Risk & Alberta Wetland

14-Nov-2024



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.

NAD\_1983\_10TM\_AEP\_Resource  
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Prepared By:  
Page 113 of 134

Joshua Scanks

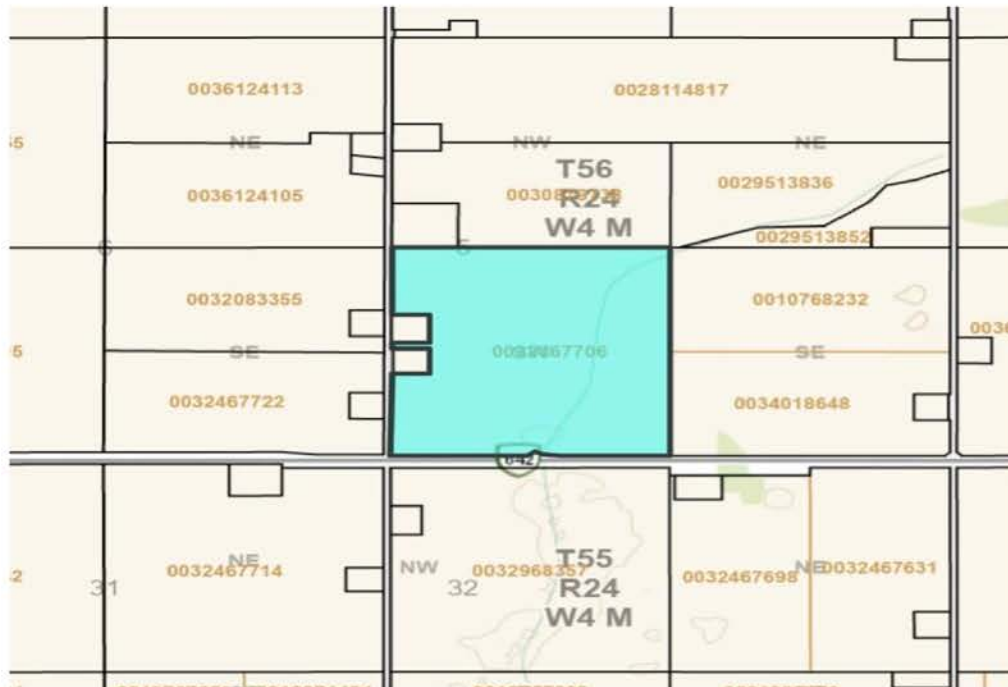




## Transportation and Economic Corridors Notification of Referral Decision

### Subdivision in Proximity of a Provincial Highway

<b>Municipality File Number:</b>	2024-S-038	<b>Highway(s):</b>	642
<b>Legal Land Location:</b>	QS-SW SEC-05 TWP-056 RGE-24 MER-4	<b>Municipality:</b>	Sturgeon County
<b>Decision By:</b>	Robert Lindsay	<b>Issuing Office:</b>	North Central Region / Stony Plain
<b>Issued Date:</b>	November 12, 2024	<b>Appeal Authority:</b>	Subdivision and Development Appeal Board
<b>Description of Development:</b>	Subdivide a developed $\pm 2.43$ ha residential parcel from a previously subdivided quarter section with an existing direct highway access in its southeast corner SW05-56-24-W4M; North of Highway 642		



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) 642



**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. Removal of the existing access in the southeast corner of this quarter section via a service road located on this property is not as practical as would be to construct service road across SE05-56-24-W4M because of the existing bridge culvert roughly located at the midpoint of the highway frontage of SW05-56-24-W4M. 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 **November 12, 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*



# Subdivision and Development Appeal Board

025-STU-002

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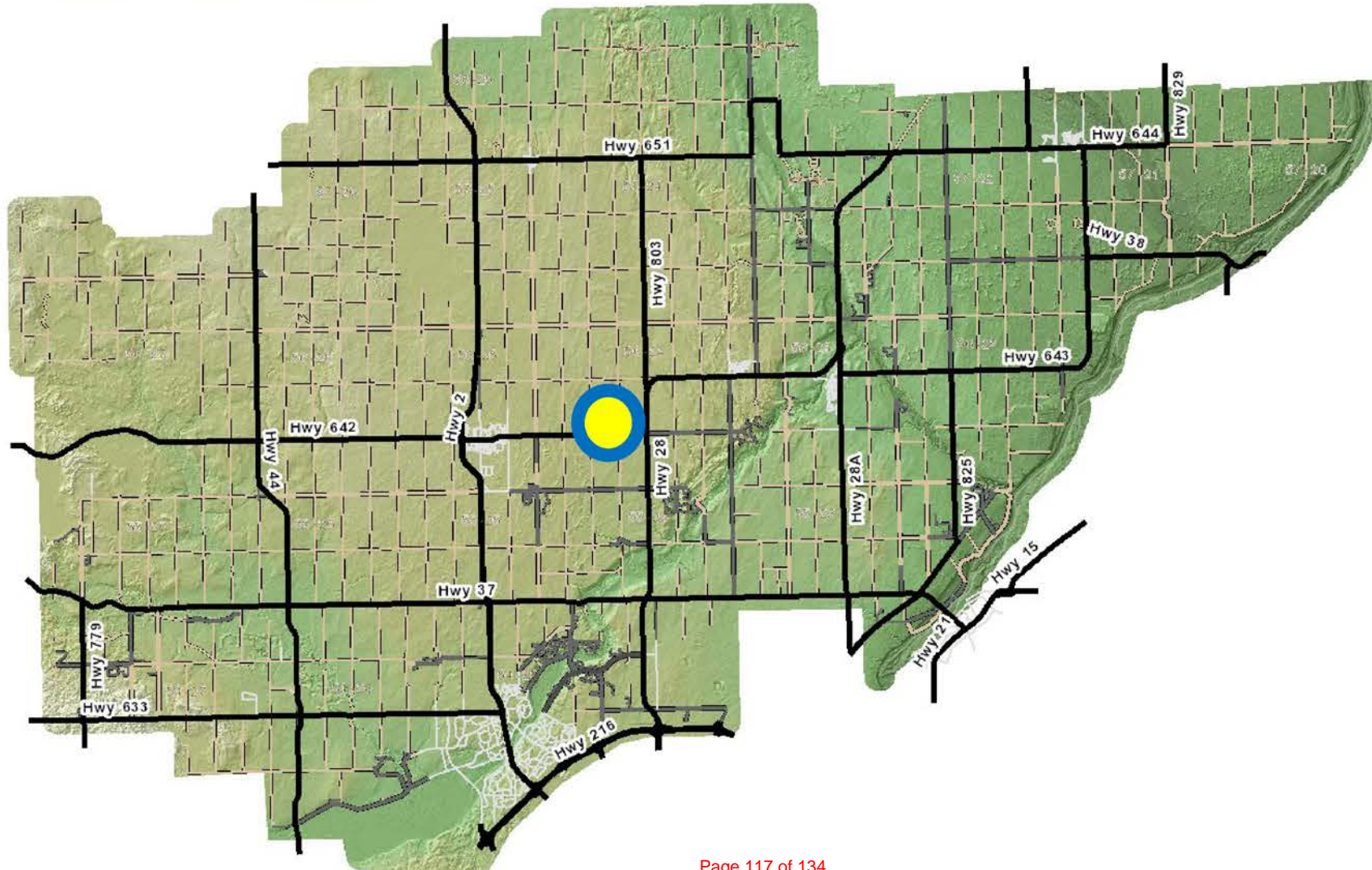
Jonathan Heemskerk  
Planner, Current Planning



Sturgeon  
C O U N T Y

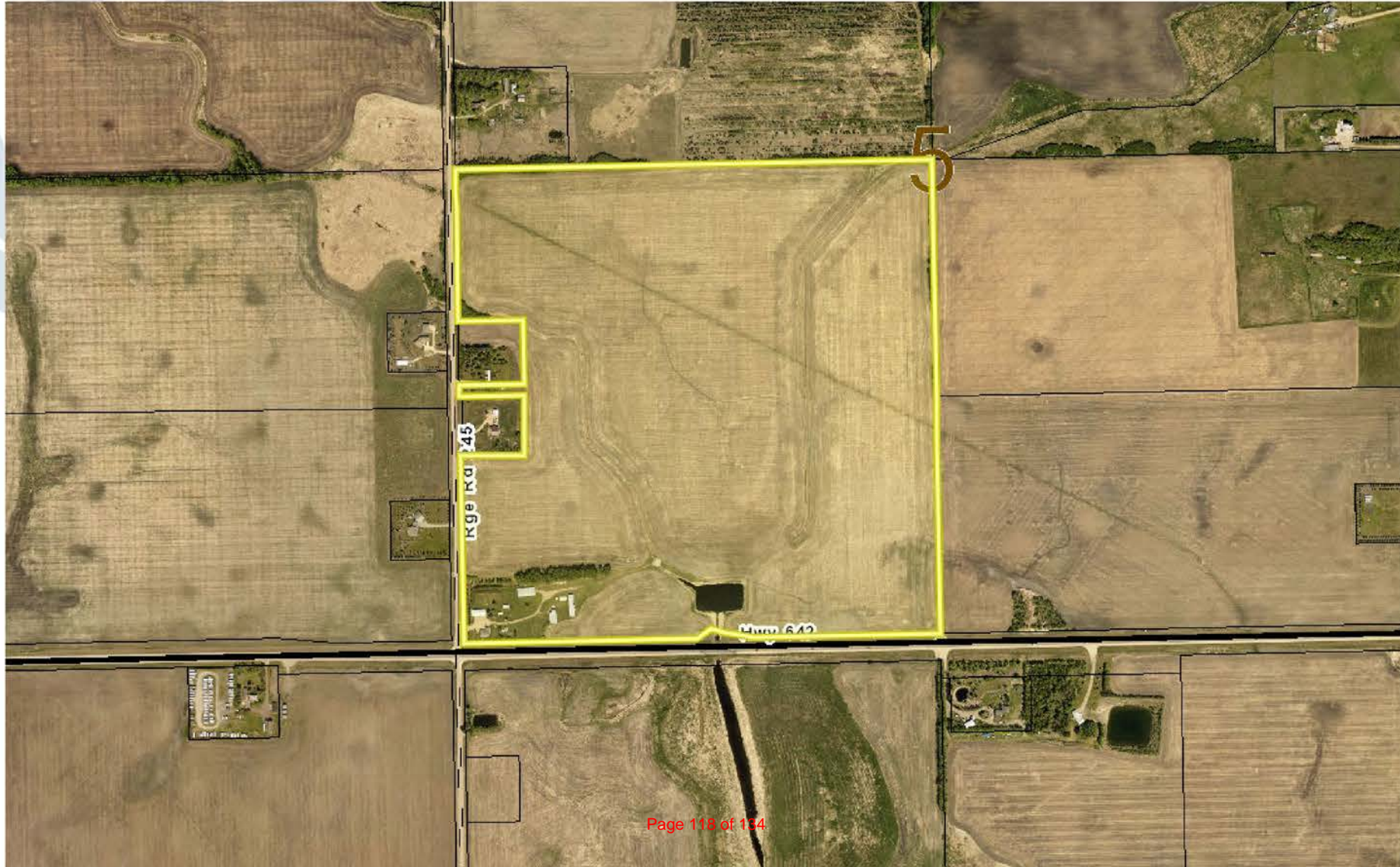


# Site Location (Regional)





# Site Location (Local)





# Proposal





# Summary of Circulation Responses

## Sturgeon County Development Officer

- Proposed Lot
  - The existing dwelling and accessory buildings appear to be located too close to the property lines. A variance would be required for both structures.

## Sturgeon County Engineering Services

- Proposed Lot
  - 5m required via plan of survey along Rge Rd 245.
  - Approach is satisfactory (if approved by the province)
- Remnant Lot:
  - 5m required via land acquisition agreement along Rge Rd 245.
  - The existing approach requires upgrades (culvert end treatment) to General Municipal Servicing Standards.
  - Land may be required for drainage course and bridge culvert.





# Summary of Circulation Responses

## Sturgeon County Drainage Operation

- All Lots
  - Through the findings from the gap analysis in the 2023 Registered Ditches Asset Management Report (completed by Sameng), this area has been identified as a registered ditch opportunity.
  - An easement should be registered on this area (shown in yellow) to allow for maintenance by the County when there is a benefit to the area to alleviate flooding concerns.

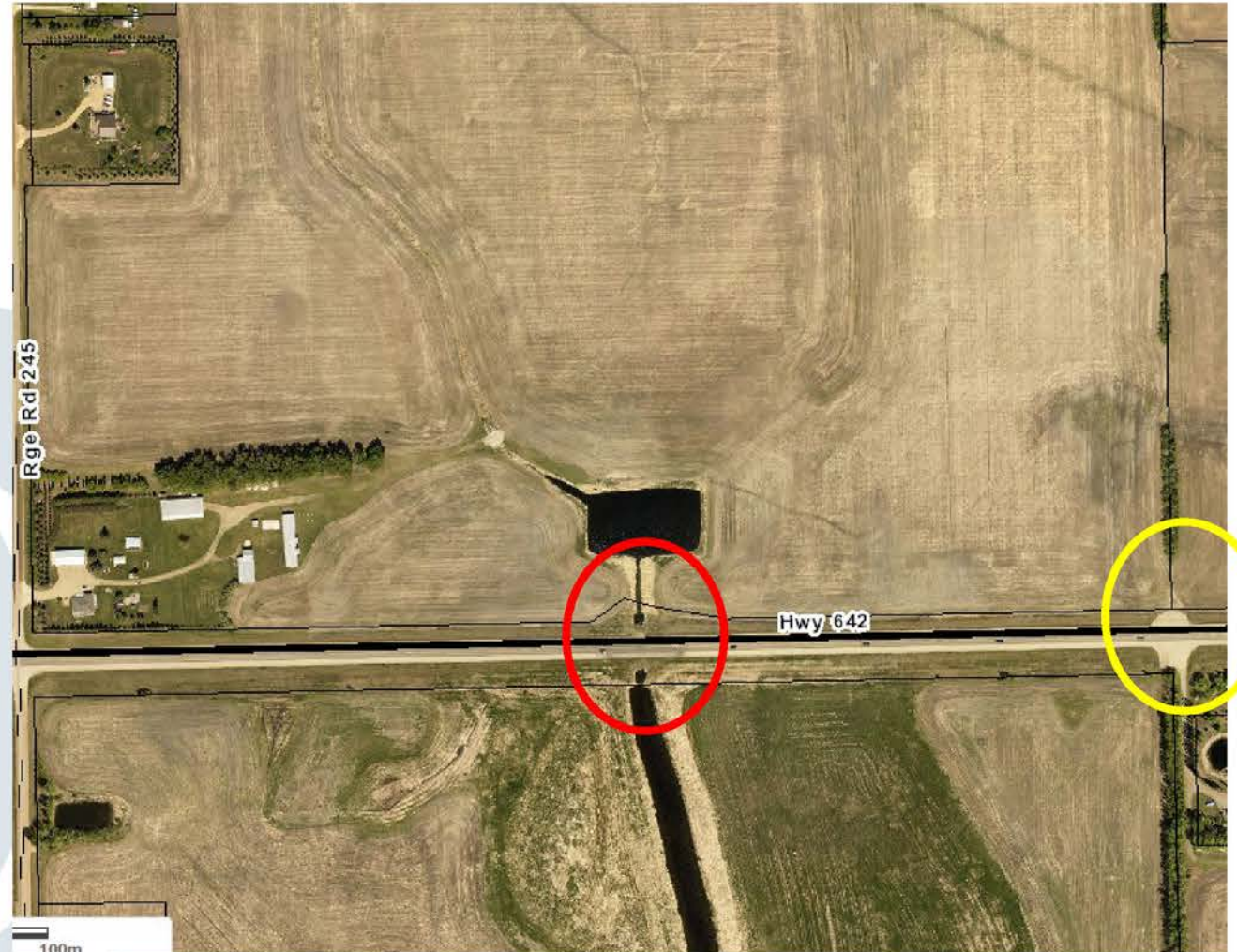




# Summary of Circulation Responses

## Alberta Transportation and Economic Corridors

- All Lots
  - Removal of the existing highway access (yellow circle) and construction of a service road is not practical given the existing bridge culvert (red circle).
  - Therefore, no land dedication or infrastructure improvements are required.
  - Any appeal may be referred to the local Subdivision and Development Appeal Board.



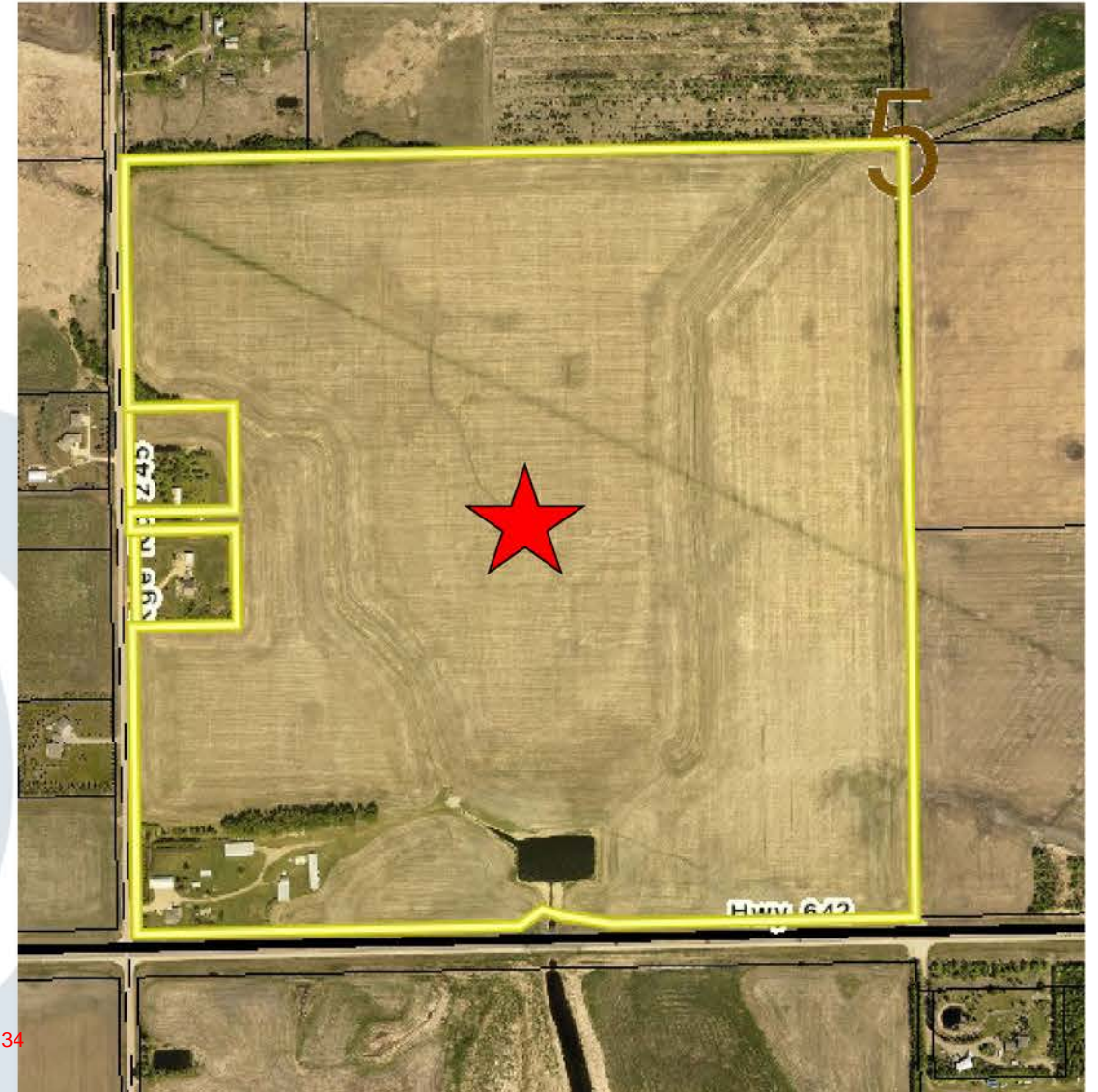


# Discussion

## Quarter Section Configuration

Currently there are three total parcels on this quarter section:

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





# Issue Analysis

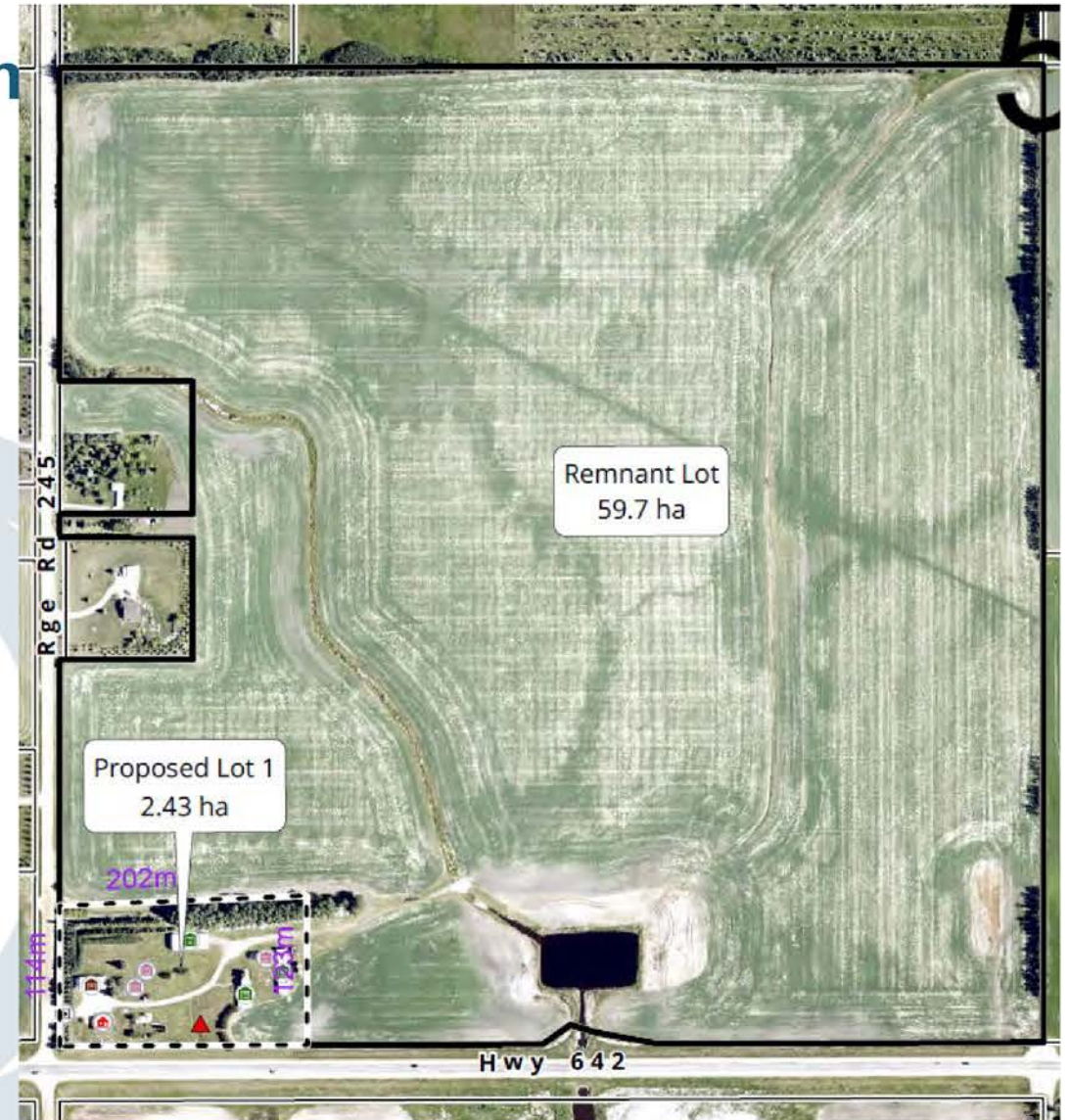
## Sturgeon County Policies and Regulation

### Municipal Development Plan:

- This proposal does **not** align with the Residential Type 4 policies in the Municipal Development Plan.
- 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.



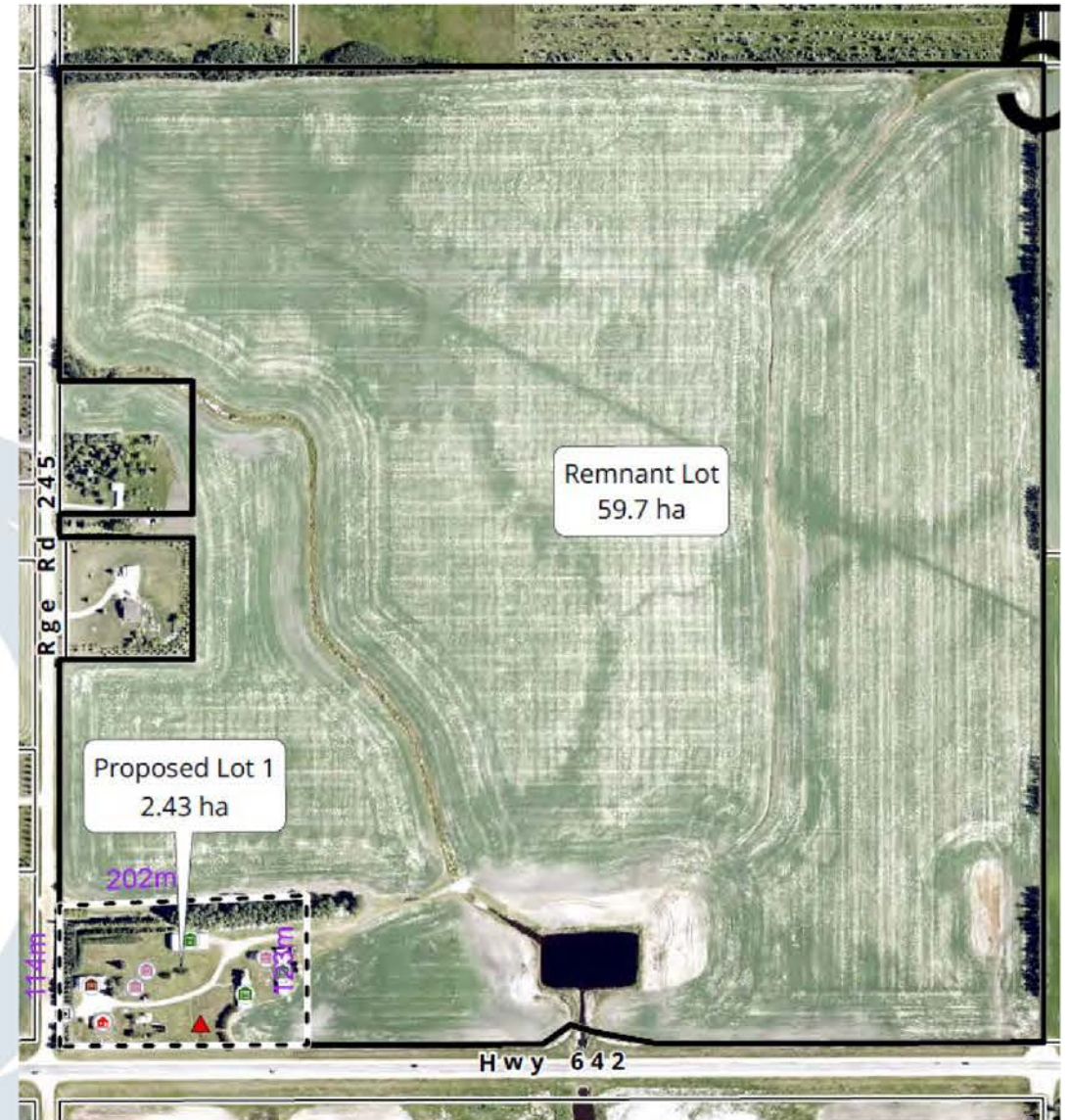


# Issue Analysis

## 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 (Rge Rd 245) 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 (Rge Rd 245) 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 in accordance with General Municipal Servicing Standards, 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 \$3,515.94 (determined at a rate of \$ \$14,468.88 per hectare X 10% X 2.43 hectares = \$3,515.94. 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 and/or variances to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
9. An easement shall be registered on the Remnant Lot for the protection and maintenance of the drainage ditch on the parcel, as identified in Exhibit 3. (note: this agreement to be prepared by 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 permits/variances
9. Drainage ditch easement



# Additional Images





# Additional Images





# APPELLANT SUBMISSIONS RECEIVED

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**\*NOTE:**

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



WRITTEN  
SUBMISSIONS  
FROM  
ADJACENT  
LANDOWNERS  
AND OTHER  
AFFECTED  
PERSONS

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**From:** [Third Party Requests](#)  
**To:** [Legislative Services](#)  
**Subject:** RE: Sturgeon County Subdivision and Development Appeal Board Hearing AUI RESPONSE  
**Date:** Thursday, January 9, 2025 2:19:38 PM  
**Attachments:** [image001.png](#)  
[3. Notice of Hearing Adjacent Landowners Organization.docx](#)  
[Exhibit 1.pdf](#)  
[Hearing Process In person HYBRID.pdf](#)

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

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To Whom It May Concern:

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

**Please note that we have a high pressure pipeline rightaway within the area to be subdivided.**

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.

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**From:** Legislative Services <[legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca)>  
**Sent:** January 7, 2025 12:16 PM  
**To:** Melodie Steele <[msteele@sturgeoncounty.ca](mailto:msteele@sturgeoncounty.ca)>  
**Subject:** Sturgeon County Subdivision and Development Appeal Board Hearing

**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 correspondence regarding a Subdivision and Development Appeal Board Hearing on January 21, 2025 in Sturgeon County.

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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