

# APPENDIX B

## Subdivision Report

File No.:	<b>2023-S-020</b>	This application proposes to subdivide 3 parcels (1 – 77 acre parcel, 1 – 68 acre parcel and 1 - 10 acre parcel) from a previously subdivided agricultural ¼ section.
Date of Meeting:	<b>February 13, 2024</b>	

### I. Background Information

Location:	The subject site is located 1 mile west and 1 mile north of LaCorey on Rge Road 461.
Legal Description:	SW 24-63-6 W4M
Applicants:	PALS Geomatic Corp.
Owners:	Jacqueline Dawe (c/o Sandra Dawe)
Date of Acceptance	December 21, 2023
Expiry Date:	February 19, 2024
Title Area:	157.05 Acres (63.56 Hectares)
Proposed Land Use:	Country Residential
Proposed Number of Lots:	Three (1) Lots
Area of Each Proposed Lot:	77.1 Acres (31.2 Hectares) 68.7 Acres (27.8 Hectares) 10 Acres (4.05 Hectares)
Land Use Bylaw:	Agriculture "A"
Area Structure Plan:	None

## II. Recommendations

That this application for subdivision be **REFUSED** as it does not comply with **Municipal Development Plan Section 3.2.4 B.** - Limit the conversion of areas with viable agricultural operations for development.

### Alternately

That this application for subdivision be **APPROVED** as it does comply with:

#### **Municipal Government Act Section 654 (2)(a):**

(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, value of neighbouring parcels of land.

And

#### **Municipal District of Bonnyville Land Use Bylaw No 1667 Section 69.4 (e):**

(e) The subdivision of a quarter section into two (2) 32.37 hectares (80 acres) parcels for agricultural purposes shall be permitted.

Subject to the following conditions:

1. Pursuant to Section 655 of the Municipal Government Act, that the owner/developer install internal road, approaches, including culverts and crossings to the proposed parcel(s) and to the remnant parcel to be provided at the owner/developer's expense and to the specifications and satisfaction of the Municipal District of Bonnyville No. 87;
2. As per Municipal District of Bonnyville Municipal Road Approach Policy 3A.007 (2) (a)(ii) parcels less than 80 acres more or less may only have one (1) approach; therefore, one approach shall be removed from the proposed 10 acre parcel;
3. Pursuant to Section 661 & 662 of the Municipal Government Act, that the owner/developer dedicate to the Municipal District of Bonnyville No. 87, a 5.18 meter (17 feet) wide strip of land for road widening along the entire WEST frontage of all proposed parcels and remnant **to be registered by separate road plan;**
4. Pursuant to Section 666, 667 and 669 of the Municipal Government Act, that the owner/developer pay to the Municipal District of Bonnyville No. 87 **\$4138** per hectare cash-in-lieu of Municipal Reserve owing for 10% of the proposed applicable parcel. A Deferred Reserve Caveat shall be registered against the remnant parcel for the balance of the Municipal Reserve owing as a means of recording outstanding reserves;
5. Pursuant to Section 655 of the Municipal Government Act, submission and review of a **Real Property Report** or Sketch Plan submitted from an Alberta Certified Land Surveyor to confirm all structures located on the proposed parcels comply with setbacks from all property lines as established by the Land Use District of the Land Use Bylaw;
6. Pursuant to Section 655 of the Municipal Government Act and Part One, Section 7 of the Subdivision and Development Regulation, the owner/developer, for the sewage disposal, shall install and comply to the Alberta Safety Codes Act and Part 2 of the Province of Alberta Public Health Act;
7. Pursuant to Section 654 of the Municipal Government Act, that all outstanding property taxes be paid.

**NOTES:**

1. *To avoid unnecessary complications, you are advised that no work should commence, on the proposal prior to endorsement of the registrable instrument and without prior consultation with the Municipal District of Bonnyville No. 87.*
2. *The parcels being created are located adjacent to an area designated for agriculture in the Land Use Bylaw. The primary purpose of the Agricultural District is to provide landowners with the right to farm. Any potential purchasers of the parcels are to be advised that the adjacent agricultural activities in the Agricultural District may have precedence.*
3. *Prior to endorsement of an instrument affecting this plan, approaches, including culverts and crossings to the proposed parcels and to the remnant, and upgrading of external roads required by the MD is to be provided at the developer's expense and to the specifications and satisfaction of the MD of Bonnyville No.*
4. *To avoid unnecessary complication, registered owners are advised that there is an abandoned well located on south ½ SW 24-63-6 W4M and that any potential purchasers must be made aware. The ERCB wellsite at ercb.ca will provide the setback requirements for proposed development on the ¼.*
5. *Pursuant to Section 654(1)(c) of the Municipal Government Act, the on-site sewage disposal shall comply to the Alberta Safety Codes Act, the Nuisance and General Sanitation Regulations and Part 2 of the Province of Alberta Public Health Act.*
6. *The following information is provided as required by Section 656(2)(a) of the Municipal Government Act. An appeal of this decision lies to the **Subdivision and Development Appeal Board, Bag 1010, Bonnyville, AB T9N 2J7.***

### **III. Summary of Comments from Referral Agencies**

1. The following agencies have no objections to the proposed subdivision:

- **Alberta Environment & Parks**

- **Alberta Health Services**

As required in Section 15 of the *Nuisance and General Sanitation Regulation (A.R. 243/2003)*, a water well shall not be located within:

10 metres of any watertight septic tank, pump out tank or other watertight compartment of a sewage or waste water system;

15 metres of a weeping tile field, an evaporative treatment mound or an outdoor privy;

30 metres of a leaching cesspool;

50 metres of sewage effluent on the ground surface;

100 metres of a sewage lagoon, or

450 metres of any landfill.

- **ATCO Electric**

- **East Central Francophone School Division**

- **Lakeland Catholic School Division**

- **MD Environment**

- **MD Parks, Recreation & Culture**

- **MD Public Safety**

- **MD Public Works**

Road Widening Land Acquisition Agreement is required for WEST boundary.

- **North East Gas Co-op**

- **Telus Communications Inc.**

- **AER**

Abandoned wellsite's located within the south proposed parcel.

2. The following agencies have not responded at the time of writing this report:

- **Apex Utilities Inc.**

- **Bonnyville Regional Fire Authority**

- **Canada Post**

- **MD Agricultural Services**

- **Northern Lights School Division**

### **IV. Analysis**

1. Site and Surrounding Area Approaches:

To proposed parcel(s): **New approach will be required to 68 acre parcel.  
10 acre parcel has an existing approach.**

To remainder of ¼: **New approach to remaining 77 acre parcel**

Municipal Road:

Surface conditions: **Cold Mix/Oiled**

Site Lines for access to proposed subdivision parcel(s): **Good**

Description of Property:

	Area to be Subdivided	Remnant
Tree cover:	<b>20%</b>	<b>10%</b>
Under cultivation:	<b>n/a</b>	<b>n/a</b>
Pasture land:	<b>n/a</b>	<b>80%</b>
Soils:	<b>40.2% (Fair 33% - 44%)</b>	
Drainage:	<b>Appears to be good</b>	
Topography:	<b>Flat to Rolling</b>	<b>Flat to Rolling</b>

Description of Adjacent Lands and Uses:

Uses and activities on the adjacent lands: **Industrial, Country Residential and Agricultural**

Adjacent farming activities such as feedlots, wintering sites, game farms, cattle grazing: **Crop Farming and cattle grazing**

Pipelines/Oil & Gas Facilities:

Wellsite – existing in use, inactive, tank farm, location in relation to proposed subdivision: **n/a**

Gas Facilities – well site, compressor station: **n/a**

Pipelines – location, type of product (gas, oil, water): **n/a**

2. Subdivision History
  - **n/a**
3. Conformity with the Municipal Government Act and Subdivision and Development Regulation.
  - **Yes**
4. Compliance with the Lower Athabasca Regional Plan.
  - **Yes**
5. Compliance with the Municipal Development Plan.
  - **No**
6. Compliance with the Land Use Bylaw.
  - **Yes**

**V. Conclusion**

This subdivision application does meet the requirements of the Municipal Government Act, Subdivision and Development Regulation, and Lower Athabasca Regional Plan, and the regulations of the Municipal Development Plan and Land Use Bylaw.

It is recommended that the proposed subdivision be **conditionally approved** as per conditions.