

APPENDIX B

Subdivision Report

File No.:	2024-S-019	This application proposes to subdivide a 10 acre parcel from a previously subdivided agricultural ¼ section.
Date of Meeting:	February 11, 2025	

I. Background Information

Location:	The subject site is located SE of Ardmore on Rge Rd 440 and Twp Road 615.
Legal Description:	SW 31-61-3 W4M
Applicants:	Lloyd and Betty Birn
Owners:	Lloyd and Betty Birn
Date of Acceptance	January 8, 2025
Expiry Date:	March 9, 2025
Title Area:	151.95 Acres (61.10 Hectares)
Proposed Land Use:	Country Residential
Proposed Number of Lots:	One (1) Lot
Area of Each Proposed Lot:	10 Acres (4.05 Hectares)
Land Use Bylaw:	Agriculture "A"
Area Structure Plan:	None

II. Recommendations

That this application for subdivision be **REFUSED** for the following reasons:

Does Not comply with the Municipal Development Plan

Section 3.2.1 Strategic Direction B. Policies

Ensure the preservation of better agricultural lands (defined as assessment records that define soil rating as 45% or better) by requiring non-agricultural uses and development to locate in areas that will not impact agricultural operations and activity.

Does Not comply with Land Use Bylaw No. 1667 Section 69..4 (b)

Minimum Site Area and Density iv) a quarter section with an aggregate of 80% of the land having a soil productivity rating of 45% or better is eligible for the subdivision of no more than three (3) parcels totaling a maximum of 4.04 hectares (10 acres).

III. Summary of Comments from Referral Agencies

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

- **Alberta Environment & Parks**
- **ATCO Electric**
- **Department of National Defense – 4 Wing Cold Lake**
- **MD Agricultural Services**
- **MD Environment**
- **MD Parks, Recreation & Culture**
- **MD Public Safety**
- **MD Infrastructure Services**
- **Telus Communications Inc.**
- **AER**

No abandoned wellsites located within the proposed parcels.

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

- **Alberta Health Services**
- **Bonnyville Regional Fire Authority**
- **Canada Post**
- **East Central Francophone School Division**
- **Lakeland Catholic School Division**
- **North East Gas Co-op**
- **Northern Lights School Division**

IV. Analysis

1. Site and Surrounding Area Approaches:

To proposed parcel(s): **Existing approach will be required to 10 acre parcel**

To remainder of ¼: **New approach to remaining 141.95 acre parcel**

Municipal Road:

Surface conditions: **Gravel**

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

Description of Property:

	Area to be Subdivided	Remnant
Tree cover:	n/a	n/a
Under cultivation:	n/a	90%
Pasture land:	n/a	5%
Soils:	62.2% (Very Good 56% - 74%)	
Drainage:	Appears to be good	
Topography:	Flat to Rolling	Flat to Rolling

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:

Well site – existing in use, inactive, tank farm, location in relation to proposed subdivision: **Suspended and abandoned within northern portion of remnant**
Gas Facilities – well site, compressor station: **n/a**
Pipelines – location, type of product (gas, oil, water): **n/a**

2. Subdivision History
 - **7.54 ac residential parcel 2009 in NW corner of ¼**
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 - Soil rating above 45%**
6. Compliance with the Land Use Bylaw.
 - **No – Soil rating above 45%**

V. Conclusion

This subdivision application does **NOT** meet the requirements of the Municipal Development Plan, or Land Use Bylaw No. 1667 Section 69

It is recommended that the proposed subdivision be **REFUSED**.

Alternatively,

As per Land Use Bylaw Section 69.4 (d) v)

In addition to the four residential parcels out of a quarter section that is not fragmented, the municipality may allow the subdivision of a single (one per quarter section) small agricultural holding parcel if the following criteria are met:

v) demonstrate to the satisfaction of the municipality that existing farming operations will not be restricted;

The proposed subdivision may be **conditionally approved** as per 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. 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 NORTH boundary of road plan 203CL, parallel and inclusive to the entire SOUTH quarter line of SW 31-61-3 W4M **to be registered by separate road plan**, as per attached Schedule "A";
3. 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 **\$3730.00 per hectare** cash-in-lieu of Municipal Reserve owing **for 10% of the proposed parcels**. 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;
4. 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;
5. 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;
6. 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. 87.*
4. *Pursuant to Part 7 Section 65.4 of the Land Use Bylaw ¼ sections with a soil productivity of 45% or greater are eligible to be subdivided off to a maximum of 10 acres. Any future applications for subdivision will not be permitted.*
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 **Intermunicipal Subdivision and Development Appeal Board, Bag 1010, Bonnyville, AB T9N 2J7***

Schedule "A"

