

# APPENDIX B

## Subdivision Report

File No.:	<b>2025-S-001</b>	<b>This application proposes to subdivide an 11.29 acre parcel from a previously unsubdivided agricultural ¼ section.</b>
Date of Meeting:	<b>March 11, 2025</b>	

### I. Background Information

Location:	<b>The subject site is located NE of Therien on Rge Rd 491, 1 mile north of Twp Rd 614.</b>
Legal Description:	<b>SW 36-61-9 W4M</b>
Applicants:	<b>Core Geomatics Inc.</b>
Owners:	<b>Steven Pyschyk</b>
Date of Acceptance	<b>January 24, 2025</b>
Expiry Date:	<b>March 25, 2025</b>
Title Area:	<b>160 Acres (64.7 Hectares)</b>
Proposed Land Use:	<b>Country Residential</b>
Proposed Number of Lots:	<b>One (1) Lot</b>
Area of Each Proposed Lot:	<b>11.29 Acres (4.57 Hectares)</b>
Land Use Bylaw:	<b>Agriculture "A"</b>
Area Structure Plan:	<b>None</b>

## **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**
- **APEX Utilities**
- **ATCO Electric**
- **East Central Francophone School Division**
- **Lakeland Catholic School Division**
- **MD Environment**
- **MD Parks, Recreation & Culture**
- **MD Public Safety**
- **MD Infrastructure Services**
- **Telus Communications Inc.**
- **AER**

No abandoned wellsites located within the proposed parcel.

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

- **Alberta Health Services**
- **Bonnyville Regional Fire Authority**
- **Canada Post**
- **MD Agricultural Services**
- **North East Gas Co-op**
- **Northern Lights School Division**

### **IV. Analysis**

1. Site and Surrounding Area Approaches:

To proposed parcel(s): **Existing approach to 11.29 acre parcel**

To remainder of ¼: **Existing approach to remaining 148.71 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:	70%	n/a
Under cultivation:	n/a	90%
Pasture land:	n/a	n/a
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:

Wellsite – existing in use, inactive, tank farm, location in relation to proposed subdivision: **Active and abandoned wellsites within Southern portion of remnant**

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 - Soil rating above 45%**
6. Compliance with the Land Use Bylaw.
  - **No – Soil rating over 45% - only 10 acres allowable**

## **V. Conclusion**

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

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

### **Alternatively,**

As per Land Use Bylaw No. 1667 Section 69.4 (b)

- iii) subdivision of existing farm-sites are exempt from the soil productivity rating of a rating of 45% or less; and
- ix) demonstrate to the satisfaction of the Subdivision Authority 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 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;
3. 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;
4. 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. To avoid unnecessary complication, registered owners are advised that there is an abandoned well located on SW 36-61-9-W4M and that any potential purchasers must be made aware. The ERCB wellsite at [ercb.ca](http://ercb.ca) will provide the setback requirements for proposed development on the ¼.
7. 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 **Land and Property Rights Tribunal**, 1229 91 St NW Edmonton AB T6X 1E9