

## **APPENDIX B**

### **Subdivision Report**

File No.: **2025-S-006**

Date of Meeting: **May 13, 2025**

This application proposes to subdivide a 20 acre parcel from an unsubdivided agricultural  $\frac{1}{4}$  section.

#### **I. Background Information**

Location:	The subject site is located south of Twp Road 624, along Rge Rd 490, east of Goodridge Hall
Legal Description:	NE 24-62-9 W4M
Applicants:	David Zukusky
Owners:	2066806 Alberta Ltd.
Date of Acceptance	April 1, 2025
Expiry Date:	May 31, 2025
Title Area:	157.95 acres (63.92 hectares)
Proposed Land Use:	Residential
Proposed Number of Lots:	One (1) Lot
Area of Each Proposed Lot:	20 acres (8.09 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**
- **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.

- **Apex Utilities Inc.**
- **ATCO Electric**
- **East central Francophone School Division**
- **Lakeland Catholic School Division**
- **MD Agricultural Services**
- **MD Environment**
- **MD Parks, Recreation & Culture**
- **MD Public Safety**
- **MD Infrastructure Services**
- **AER**

No abandoned wellsites located within the proposed parcel.

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

- **Bonnyville Regional Fire Authority**
- **Plains Midstream**
- **North East Gas Co-op**
- **Northern Lights School Division**
- **Telus Communications Inc.**

### **IV. Analysis**

1. Site and Surrounding Area Approaches:

To proposed parcel(s): **Existing approach to 20 acre parcel**

To remainder of ¼: **Existing approach to remaining 137.95 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:	<b>n/s</b>	<b>n/a</b>
Under cultivation:	<b>n/a</b>	<b>n/a</b>
Pasture land:	<b>n/a</b>	<b>n/a</b>
Soils:	<b>49.7% (Good 45% - 55%)</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 – Soil rating above 45%**
6. Compliance with the Land Use Bylaw.
  - **No – Soil rating above 45% - 10 acre 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;
- (d) v) demonstrate to the satisfaction of the municipality that existing farming operations will not be restricted;

The proposed subdivision may be Conditionally **APPROVED** 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. The applicant must obtain an approved Discretionary Development Permit to allow vehicle and auto wreckage operations on the proposed parcel;

OR

The applicant must remove all stored and derelict vehicles from the proposed and remnant parcels;

3. 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;
4. 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;
5. 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 for 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 with 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.***