

PUBLIC HEARING

January 24, 2023

1:30 p.m.

Hearing Held in Council Chambers and via Electronic
Communications

**Bylaw 1605/22 Amendment to Land Use Bylaw 1385/17 –
Redistricting of a portion of SW 36-54-25-W4M from AG –
Agriculture District to R1 – Country Residential**

RECORD OF SUBMISSIONS

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**Bylaw 1605/22 Amendment to Land Use Bylaw 1385/17 –
Redistricting of a portion of SW 36-54-25-W4M from AG –
Agriculture District to R1 – Country Residential**

WRITTEN SUBMISSIONS

Kim and Lorne Okerman
Justin Okerman

Opposed
Opposed

Lisa Schovanek

Subject: FW: Public Hearing - Bylaw 1605/22 25032 Richfield Dr

Severed in line with section 17 of the FOIP Act

From: Kim & Lorne Okerman <
Sent: Friday, January 13, 2023 11:59 AM
To: Rebecca Schapansky <rschapansky@sturgeoncounty.ca>
Subject: Public Hearing - Bylaw 1605/22 25032 Richfield Dr

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Re Public Hearing - Bylaw 1605/22 25032 Richfield Dr

Good morning Rebecca,

My Name is Lorne Okerman. Our property borders the proposed lot to the northeast. We occupy Lot 19 on the same SW 36 1/4 section. We do not have an objection to the rezoning from agricultural to Country Residential District.

Our concern comes into the outstanding issue of encroachment on the northeast portion adjoining our property. Several years ago, the present occupant brought in or allowed the transfer of an extensive amount of fill onto the northern portion of the lot. The topography and drainage was changed significantly. A large portion of fill spilled onto our property. I spoke to Ray about this 4 or 5 years ago and he acknowledged that the surveyors discovered this and the real property report would note this issue. He indicated that the previous owners built the fence in the wrong location and the present owners allowed the fill to abut up to the encroached fence line. To this point nothing has been done to remediate this issue. We feel this issue should be addressed before this rezoning should take place.

We are under the assumption, that if the present occupant is seeking re-classification, that the eventual plan is to subdivide the portion on the north side of the ravine to create a new lot for residency. I would assume at some point during either the reclassification, application for subdivision or application for building permits Sturgeon County would insist on an extensive Geotechnical study to be conducted to determine stability, substructure and inspection for contamination. Especially because of the infill that took place and the history of this land belonging to a coal mining operation. In addition, with the proposed Star Key Hills subdivision to the south west, consideration should be given to the potential impact on the drainage through this property as the result of the alteration of topography. This should be a concern for Sturgeon County in consideration of responsibility once it is approved for residency. As a taxpayer I don't want our tax dollars spent on remediating inherited issues.

Lorne Okerman

January 24, 2023

Sturgeon County – Legislative Services
9613 – 100 Street
Morinville, AB | T8R 1L9

Dear Hearing Panel Members:

Re: Public Hearing – Bylaw 1605/22

I write with respect to the proposed bylaw which would re-zone a portion of the lands of SW-36-54-25-W4M ("The Lot") from Agriculture District (AG) to Country Residential (R1).

While I am unable to commit to speaking at the Public Hearing due to other potential commitments, I wish to take this opportunity to bring forward some concerns about the Lot. My family owns the lands which the Lot bounds to the northeast, and accordingly, we have personal knowledge of the lands, and some concerns, proposed for re-zoning.

The lands have been proposed as R1 Residential, which, as per the land use bylaw, is "To provide for multi-lot residential subdivisions in rural areas where parcel size is determined through limited servicing availability and associated regulations"; we presume that the underlying reason for the rezoning is in preparation for a subdivision. Given the Land Use Bylaw, this would require the lot be effectively split in half, as the Lot is currently approximately 2.08 hectares, and as the Lot is not serviced by a municipal sanitary line, the minimum parcel area for a lot would be 1 hectare.

Given the potential for a future subdivision facilitated by the rezoning, it is important to bring to the Panel's attention the fact that the Owner of the Lot, over the past several years, has engaged in some concerning work on his lands.

The Owner has regraded the Lot, substantially filled in a ravine, and built a roadway crossing this ravine. Some of this work crossed over on to the property owned by my family. This is particularly concerning because the fill which was used contained a substantial amount of refuse, including pieces of concrete. Further, to our knowledge, this work was done without any authorization or approval from any regulatory body, and the Owner did not have our permission to place this contaminated fill on our lands.

This work is of even further concern, not only because of the trespass committed by the Owner, but additionally because the ravine which crosses the Lot facilitates the natural drainage of quarters of lands to the west of the Lot, and continues to the northeast through our lands to drain in to the Sturgeon River.

The work conducted on the Lot poses a potential for impact to natural drainage, and accordingly, the Owner ought to have at least consulted with Alberta Environment and potentially obtained authorization and/or permitting under provincial statute, including the *Water Act*, for the diversion of surface water and modification to natural drainage of lands. To our knowledge, this was not done. The contaminated fill also poses a risk of leading to contaminated run-off which would then drain in to the Sturgeon River.

In addition to this work, the Owner installed an approach off of Starkey Road, on the east side of his lot. We are unsure whether this work was approved or authorized by Sturgeon County. In the event it was not, we are concerned about the impacts to drainage, as well as the safety of said approach. This secondary approach also further suggests a planned subdivision of the Lot.

While we appreciate that not all of this information is directly of relevance to consideration of re-zoning, we do feel it is appropriate and important to bring to the Panel's attention, as the implication is that the purpose of the application to re-zone is to facilitate subdivision. It would be inappropriate, and a waste of municipal resources, to re-zone lands for no reason.

I recently performed a subdivision of a topographically similar lot, which required the engineering of an approach, a slope stability analysis, and a full geotechnical report. In the interests of procedural fairness, I would hope that any future subdivision on these lands is held to the same standard I was required to perform. There has been substantial work to the Lot which would affect every one of these requirements.

In short, we wish to bring to the Panel's attention our concerns, which stem from a substantial degree of historical work on the Lot which will materially affect future use as an R1 Residential District, particularly should a subdivision be anticipated.

In the event that any panel member have concerns, or require any additional information, I can be reached by way of reply e-mail at the address which supplied these written submissions.

Thank you in advance for accepting my comments.

Severed in line with section 17 of the FOIP Act
Regards,

Justin Okerman