



**LAND AND PROPERTY RIGHTS TRIBUNAL**

**Citation:** Keist v Village of Spring Lake (Subdivision Authority), 2025 ABLPRT 93

**Date:** 2025-02-25

**File No.** S24/SPRI/V-028

**Decision No.** LPRT2025/MG0093

**Municipality:** Village of Spring Lake

**In the matter of** an appeal from a decision of the Village of Spring Lake Subdivision Authority (SA) respecting the proposed subdivision of Lot 20, Plan 6019RS in NE 30-52-1-W5 (subject land) under Part 17 of the *Municipal Government Act*, RSA 2000, c M-26 (*Act*).

**BETWEEN:**

R. and K. Keist  
and  
G. Feschuk

Appellants

- and -

Village of Spring Lake Subdivision Authority

Respondent Authority

**BEFORE:** H. Kim, Presiding Officer  
J. Dziadyk, Member  
G. Dziwenka, Member  
(Panel)

K. Lau, Case Manager

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**DECISION**

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**APPEARANCES**

See Appendix A

This is an appeal to the Land and Property Rights Tribunal (LPRT or Tribunal). The hearing was held by videoconference, on January 27, 2025, after notifying interested parties.

## OVERVIEW

[1] This appeal concerns an application for subdivision of a large residential parcel in the Village of Spring Lake (Village). The proposed parcel was deficient in both lot area and width required under the Village's Land Use Bylaw (LUB). The SA and Agent for the Applicant agreed to a modification of the proposed lot configuration such that the proposed lot complied with the minimum width. The modified plan was conditionally approved; however, the Landowner desired a further modification in order to preserve a stand of mature trees adjacent to the driveway to the existing residence. A revised tentative plan was submitted to the SA; however, as the decision had been issued, the revised plan required the Appellants to file an appeal.

[2] The SA noted that a condition to require a water report should have been included in the conditions of approval; however, a water report would not be required if a cistern were to be used. The LPRT determined that a water report should not be added as a condition of subdivision, but that a restrictive covenant be added requiring the use of a cistern or obtaining a water report prior to drilling a well.

[3] The LPRT determined that the revised plan complied with the minimum width and was a very small increase to the variation granted by the SA for minimum parcel area, and both the Appellants and the SA were in agreement to allow the revision to the tentative plan. Accordingly, the LPRT allowed the appeal and approved the revised tentative plan.

## REASON APPEAL HEARD BY LPRT

[4] Section 678(2) of the *Act* directs subdivision appeals to the LPRT instead of a subdivision and development appeal board when the subject land is in the Green Area or within prescribed distances of features of interest to Provincial authorities, including a highway, body of water, sewage treatment, waste management facility, or historical site. The distances are found in s. 26 of the *Matters Related to Subdivision and Development Regulation*, Alta Reg 84/2022 (*Regulation*). The LPRT also hears subdivision appeals when the land is the subject of a licence, permit, approval or other authorization from various Provincial authorities.

[5] In this case, the subject land is adjacent to a wetland.

## PROPOSAL

[6] To subdivide a 0.386 hectare (0.954 acre) parcel from a 1.1 ha (2.71 ac) parcel to be used for residential purposes.

## BACKGROUND

[7] The land to be subdivided is a large residential parcel created in 1971 in the area north of Spring Lake. It is districted R1D – Residential in the LUB, which has minimum lot area

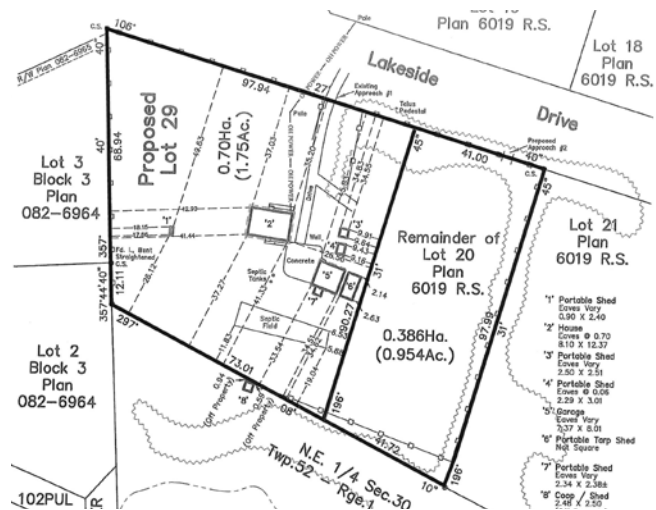


Figure 1- Tentative plan per subdivision application

of 0.5 ha (1.24 ac) and minimum lot width of 50.0 m (164.0 ft). The existing lot width and lot area of 1.1 ha (2.71 ac) allows for a subdivision to create an additional lot in compliance with the LUB; however, the existing residence and accessory buildings are located in the centre of the parcel, and some of the improvements would have to be removed in order to create a new parcel that meets the minimum lot area requirement for both lots.

[8] The Appellants R. and K. Keist are the landowners, and the co-Appellant G. Feschuk intends to purchase the subdivided parcel.

[9] The SA considered the variances required, and after discussion with the agent for the landowner agreed to a modified tentative plan that would meet the minimum lot width with a small 0.04 ha (0.1 ac) variance of the minimum lot size. The SA approved the application subject to the following conditions with the revised tentative plan:

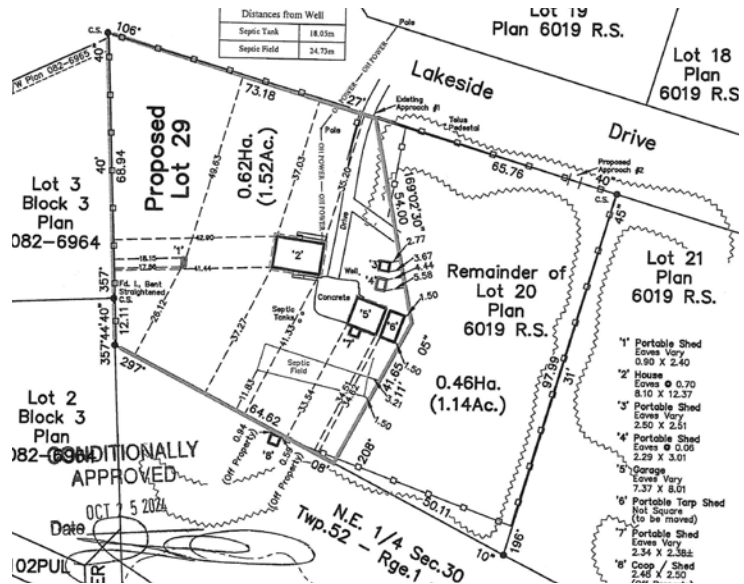


Figure 2 - Tentative plan as approved

1. That prior to endorsement of an instrument affecting this plan, approaches, including culverts and crossings to the proposed parcel and to the remainder, be provided at the owner's and/or developer's expense and to the specifications and satisfaction of the Village of Spring Lake.
2. That prior to endorsement of an instrument affecting this plan, and in accordance with section 9(g) of the Matters Related to Subdivision and Development Regulation, AR 84/2022, submit to the Village of Spring Lake and the Subdivision Authority:
  - a. Real Property Report or a Building Site Certificate, prepared by an Alberta Land Surveyor, indicating:
    - i. the location and distances between the buildings, the private sewage disposal system, any potable water source, and above-ground appurtenances on the subject lands, and the existing and proposed property boundaries on the proposed lot, remainder; and
    - ii. that any structures currently encroaching into Pt. NE 30-52-1-W5 has been removed.
  - b. Certification from a Provincially accredited inspector confirming that the function and location of the existing sewage disposal system on proposed lot 29, will satisfy the Alberta Private Sewage Systems Standard of Practice, and is suitable for the intended subdivision.
3. That taxes are fully paid when final approval (endorsement) of the instrument affecting the subdivision is requested.

NOTES FOR INFORMATION PURPOSES ONLY: (These are not conditions of approval)

1. To expedite consideration of the final approval and endorsement of this proposal, a letter from the Village of Spring Lake indicating that Conditions #1, #2, and #3 above have been satisfied should accompany any request for final approval or endorsement.
2. The subdivision is being approved because the land that is proposed to be subdivided

is, in the opinion of the Subdivision Authority, suitable for the purpose for which the subdivision is intended, and the proposal is considered by the Subdivision Authority to conform to the provisions of the municipality's Municipal Development Plan and Land Use Bylaw. The Subdivision Authority has not verified the availability of water on-site or the suitability of the soils on the site for sewage disposal; however, trucking services for such are available in the region. The matters listed in Section 9 of the Matters Related to Subdivision and Development Regulation, AR 84/2022 and any submission made by adjacent property owners were considered with care.

3. All new and existing private sewage disposal systems must meet the requirements of the Private Sewage Disposal Regulation, AR 229/1997. In this regard, please contact an accredited private sewage inspector or the Village's Safety Codes Officer before any sewage system is either constructed or altered.
4. To avoid unnecessary complications, you are advised that no site work to affect your proposal should be commenced prior to endorsement of a registrable instrument by this office and/or without prior consultation with the Village of Spring Lake as to its requirements regarding such development.

[10] The west property line in the approved tentative plan extended across a line of mature trees that both the Landowner and prospective purchaser wished to keep. A modification of the approved plan was proposed, which was acceptable to the SA; however, as the decision had been issued, it was necessary to file an appeal in order to make revisions to the approved tentative plan. The Agent for the Landowners filed an appeal of the subdivision approval to revise the west boundary line to preserve the natural tree line adjacent to the driveway.

## ISSUES

[11] The LPRT must consider requirements under the *Act*, *Regulation*, the Provincial Land Use Policies (LUP), the LUB, and any statutory plans. Against this general regulatory backdrop, the parties focused on the following issues:

1. Should the approved tentative plan be modified as requested by the Appellants?
2. Should a condition be added requiring a water report or use of cistern? If it should, should such a condition be registered by restrictive covenant?

## SUMMARY OF THE SA'S POSITION

[12] The SA stated that the initial tentative plan in the application was not supported due to the significant variations to both minimum lot width and lot area for the R1D district. The Village prefers rectangular parcels; however, after some discussion with the Agent, a revised tentative plan with an irregular west boundary to accommodate existing improvements was submitted. The application was circulated and there were no concerns from referral agencies, and the SA considered the land to be suitable for its intended residential purpose. The revised configuration complied with the minimum lot width and was approved with the variance of the minimum lot size.

[13] The application was circulated to adjacent landowners, and there was one letter of objection from the neighbour directly across the road to the north. The letter noted concerns with respect to the sight lines from the proposed driveway, increased heavy traffic due to the requirement for septic and water trucks that are not currently needed in this neighbourhood along with odors from septic pump outs or impact on water quality and quantity if another well and septic system were installed on the smaller lot. They also expressed concern about obstruction of views if a two story or taller house were to be built and a shift from the current country feeling to more urban, which may cause restrictions on their current ability to

have livestock (horse/cows/chickens) on their acreage and possibly impact the value of their property. The SA noted that there are acreage properties to the north of the subject parcel, while toward the lake the lots are smaller.

[14] The SA stated that the slightly greater variance of the minimum lot size in order to preserve the mature trees along the revised property would be supportable. The SA noted that there should have been a requirement for a water report in the conditions. The *Water Act* s. 23 requires a water report when there are more than five parcels within the quarter section. The Village does not have municipal water or sewer, and there will be an additional household generated from the additional parcel. The existing house has a water well and septic field; however, other existing houses predominantly use cisterns. The SA noted that the multi-lot subdivision on the quarter section to the east had a water report showing insufficient water resulting in a requirement for the use of cisterns. The developer disclosed it when selling the lots, but the SA noted that in these situations a restrictive covenant is preferred for advising future landowners.

[15] With the added condition of the water report or restrictive covenant for the use of a cistern, the SA was in support of the alternative tentative plan proposed by the Appellants.

### **SUMMARY OF APPELLANTS' POSITION**

[16] G. Feschuk spoke for the Appellants and presented photographs of the land from the road. The proposed property line went across the trees adjacent to the driveway, which the Appellants wished to preserve. Their concern was resolved with the revised boundary, which will follow the existing fence line at the east edge of the driveway.

[17] With respect to water, the current house has a water well and septic field. Mr. Feschuk stated the Province is not granting new water well licences in the Village, and in any event the water quality is poor, high in sulphates and not potable without advanced treatment. He intends to use a cistern for water and install a septic field for wastewater if approval is obtained, otherwise sewage will be by pump out. The Appellants did not address or express opposition to the SA's request for the additional condition.

[18] With respect to the adjacent landowner's concern, the Appellants stated that the land use district will be unchanged and there would be no additional restriction due to the creation of this parcel. The proposed lot and new dwelling will only enhance the value of the neighbouring properties.

### **FINDINGS**

1. The approved tentative plan should be modified as requested by the Appellants.
2. A condition should be added requiring the use of cistern or obtaining a water report if a well is to be drilled. To alert future landowners, the condition should be registered by caveat on the title to be created.

### **DECISION**

[19] The appeal is allowed and the decision of conditional approval of the SA is varied as follows:

1. Subdivision to be effected by Plan of Survey as shown in the tentative plan attached as Schedule 1.
2. That prior to endorsement of an instrument effecting this plan, approaches, including culverts and crossings to the proposed parcel and to the remainder, be provided at the owner's and/or developer's expense and to the specifications and satisfaction of the Village of Spring Lake.
3. That prior to endorsement of an instrument effecting this plan, and in accordance with section

- 9(g) of the *Matters Related to Subdivision and Development Regulation*, AR 84/2022, submit to the Village of Spring Lake and the Subdivision Authority:
- a. Real Property Report or a Building Site Certificate, prepared by an Alberta Land Surveyor, indicating:
    - i. the location and distances between the buildings, the private sewage disposal system, any potable water source, and above-ground appurtenances on the subject lands, and the existing and proposed property boundaries on the proposed lot, remainder; and
    - ii. that any structures currently encroaching into Pt. NE 30-52-1-W5 has been removed.
  - b. Certification from a Provincially accredited inspector confirming that the function and location of the existing sewage disposal system on proposed lot 29, will satisfy the *Alberta Private Sewage Systems Standard of Practice*, and is suitable for the intended subdivision.
4. That water supply to the Remainder of Lot 20 shall be by cistern, unless a water report that meets the requirements of s. 23 of the *Water Act* is provided and a drilled well is permitted and installed. A restrictive covenant shall be placed on the new title to be created, advising that a cistern must be used for water supply unless a satisfactory water report in accordance with s. 23 of the *Water Act* is provided and a drilled well is permitted; specific wording of the restrictive covenant is to be to the satisfaction of the Village of Spring Lake.
5. That taxes are fully paid when final approval (endorsement) of the instrument effecting the subdivision is requested.

**[20] FURTHER, the Appellant shall provide documentation to the Village of Spring Lake to demonstrate that the above noted conditions have been met, prior to the endorsement pursuant to sections 657 and 682 of the Act.**

**[21] AND FURTHER, this decision is valid for a period of one year from the date of this Order. Under section 657(4) of the Act, if the plan of subdivision or other instrument is not submitted to the subdivision authority within the time prescribed by section 657(1) or any longer period authorized by council, the subdivision approval is void.**

## **REASONS**

[22] The LPRT considers the preservation of mature trees to be a worthwhile reason to allow a small further variance to the minimum lot size as approved by the SA. Further, both parties were in agreement that the revised tentative plan should be approved.

[23] With respect to the objections raised by the adjacent landowner, they submitted a letter to the SA in response to the circulation but did not make a submission to the LPRT or appear at the hearing. The LPRT considered the concerns expressed in the letter and determined that the addition of one dwelling in an area of relatively large lots would not have the negative impacts feared, and the use of a cistern will alleviate concerns with impact on water. As there is no change to the land use district, the current LUB rules governing the keeping of livestock will continue to be permitted.

[24] The LPRT considered the SA's request for an added condition for a water report; however, the Appellants intend to use a cistern for water supply. Under the circumstances, the LPRT is of the opinion that a water report should not be required as a condition of subdivision if a cistern is to be used. The LPRT agrees with the SA that it would be advisable to have a restrictive covenant to advise future purchasers of the land of the need for a water report if a future owner wished to drill a well. Accordingly,

a condition to register a restrictive covenant stating the requirement to use a cistern or obtain a water report and permit for a drilled well was added to the conditions of subdivision.

**Other Approvals**

[25] The landowner/developer is responsible for obtaining all applicable permits for development and any other approvals or permits required by other enactments (for example, *Water Act*, *Environmental Protection Act*, *Nuisance and General Sanitation Regulation*, etc.) from the appropriate authority. The LPRT is neither granting nor implying any approvals other than that of the conditional subdivision approval. Any other approvals are beyond the scope of a subdivision appeal.

Dated at the City of Edmonton in the Province of Alberta this 25<sup>th</sup> day of February, 2025.

**LAND AND PROPERTY RIGHTS TRIBUNAL**

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(SGD) H. Kim, Member



## **APPENDIX A**

PARTIES WHO ATTENDED, MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

<b>NAME</b>	<b>CAPACITY</b>
G. Feschuk	Appellant
R. Keist	Appellant
K. Keist	Appellant
D. Wilson	Appellant's Agent (Observer)
J. Dauphinee	SA

## **APPENDIX B**

DOCUMENTS RECEIVED PRIOR TO THE HEARING:

<b>NO.</b>	<b>ITEM</b>
1A	Notice of Appeal
2R	Information Package
3R	Plan of subdivision ptn NE 30-52-01 W5M
4A	Email with Revised Tentative Plan
5R	Municipal Development Plan Bylaw #390
6R	Land Use Bylaw #391
7R	Emails re. why before LPRT

## **APPENDIX C**

DOCUMENTS RECEIVED AT THE HEARING:

<b>NO.</b>	<b>ITEM</b>
8A	Photographs of driveway
9A	Existing water wells near subject parcel

## APPENDIX D

### LEGISLATION

The *Act* and associated regulations contain criteria that apply to appeals of subdivision decisions. While the following list may not be exhaustive, some key provisions are reproduced below.

#### *Municipal Government Act*

##### Purpose of this Part

Section 617 is the main guideline from which all other provincial and municipal planning documents are derived. Therefore, in reviewing subdivision appeals, each and every plan must comply with the philosophy expressed in 617.

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

(a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and

(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

Section 618.3 and 618.4 direct that all decisions of the LPRT must be consistent with the applicable regional plan adopted under the *Alberta Land Stewardship Act* or the Land Use Policies (LUP).

##### Restrictive Covenant

The Act provides for a municipality to register a restrictive covenant on a parcel of land.

651.1(1) In this section, “restrictive covenant” means a condition or covenant under which land, or any specified portion of land, is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land.

(2) Despite the Land Titles Act or any other enactment, a municipality may register a caveat under the Land Titles Act in respect of any restrictive covenant granted by the registered owner of a parcel of land to the municipality for the benefit of land that is under the direction, control and management of the municipality whether or not the municipality has been issued a certificate of title to that land.

(3) A caveat registered pursuant to subsection (2)

(a) shall be registered against the certificate of title to the parcel of land

(i) that is subject to the restrictive covenant, and

(ii) that was issued to the person who granted the restrictive covenant,

(b) has the same force and effect as if it had been a condition or covenant registered under section 48 of the Land Titles Act,

(c) may be discharged only by the municipality or an order of a court, and

(d) does not lapse pursuant to the provisions of the Land Titles Act governing the lapsing of caveats.

##### Approval of application

Upon appeal, the LPRT takes on the role of the subdivision authority. Pertinent provisions relative to decisions of the subdivision authority include section 654(1) and (2) of the *Act*. The SA (and by extension the LPRT) cannot approve a subdivision unless convinced that the site is suitable for the intended use, as per section 654(1)(a) of the *Act*.

654(1) A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(1.1) Repealed 2018 c11 s13.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(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 or value of neighbouring parcels of land,and
- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

## Conditions of subdivision approval

Section 655(1) of the *Act* details the conditions of subdivision approval that may be imposed by the subdivision authority.

655(1) A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:

- (a) any conditions to ensure that this Part, including section 618.3(1), and the statutory plans and land use bylaws and the regulations under this Part affecting the land proposed to be subdivided are complied with;

...

## Appeals

Section 678 of the *Act* sets out the requirements for appeal of a decision by the subdivision authority.

678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

(a) by the applicant for the approval,

...

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

(a) with the Land and Property Rights Tribunal

(i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is subject of the application

...

(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

...

or

(b) in all other cases, with the subdivision and development appeal board.

(2.1) Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

...

Hearing and decision

Section 680(2) of the *Act* requires that LPRT decisions conform to the uses of land referred to in the relevant land use district of the LUB. It does not require that the LPRT abide by other provisions of the LUB, the MDP or the *Subdivision and Development Regulation*, although regard must be given to them.

680(2) In determining an appeal, the board hearing the appeal

(a) repealed 2020 c39 s10(48);

(a.1) must have regard to any statutory plan;

(b) must conform with the uses of land referred to in a land use bylaw;

(c) must be consistent with the land use policies;

(d) must have regard to but is not bound by the subdivision and development regulations;

(e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;

(f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

(2.1) In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2).

(2.2) Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).

...

## Matters Related to Subdivision and Development Regulation - Alberta Regulation 84/2022

### Application referrals

Section 7 of the *Regulation* deals with application referrals.

7

...

(6) On an application for subdivision being determined or deemed under section 653.1 of the *Act* to be complete, the subdivision authority must send a copy to

....

(e) the Deputy Minister of the Minister responsible for administration of the *Public Lands Act* if the proposed parcel

(i) is adjacent to the bed and shore of a body of water, or

(ii) contains, either wholly or partially, the bed and shore of a body of water;

### Relevant considerations

While the LPRT is not bound by the *Subdivision and Development Regulation*, it is the LPRT's practice to evaluate the suitability of a proposed site for the purpose intended using the criteria in section 9 as a guide.

9 In making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, with respect to the land that is the subject of the application,

(a) its topography,

(b) its soil characteristics,

(c) storm water collection and disposal,

(d) any potential for the flooding, subsidence or erosion of the land,

(e) its accessibility to a road,

(f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,

(g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and building sites comply with the requirements of the *Private Sewage Disposal Systems Regulation* (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private sewage disposal systems as identified in section 4(4)(b) and (c),

(h) the use of land in the vicinity of the land that is the subject of the application, and

(i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose for which the subdivision is intended.

...

## ALBERTA LAND USE POLICIES

Land Use Policies were established by Lieutenant Governor in Council pursuant to section 618.4 of the *Act*.

### 2.0 The Planning Process

#### Goal

Planning activities are to be carried out in a fair, open, considerate, and equitable manner.

## Policies

1. Municipalities are expected to take steps to inform both interested and potentially affected parties of municipal planning activities and to provide appropriate opportunities and sufficient information to allow meaningful participation in the planning process by residents, landowners, community groups, interest groups, municipal service providers, and other stakeholders.
2. Municipalities are expected to ensure that each proposed plan amendment, reclassification, development application, and subdivision application is processed in a thorough, timely, and diligent manner.
3. When considering a planning application, municipalities are expected to have regard to both site specific and immediate implications and to long term and cumulative benefits and impacts.

## MUNICIPAL BYLAWS AND STATUTORY PLANS

### Land Use Bylaw

#### 5. SUBDIVISION

##### 5.1 APPLICATION REQUIREMENTS

1. All Subdivision applications for lands within the Village of Spring Lake shall comply with the provisions under this Section.

...

3. A subdivision application may be submitted by:

- a. the registered owner of the land to be subdivided; or
- b. a person with written authorization to act on behalf of the registered owner.

...

##### 5.3 DUTIES OF THE SUBDIVISION AUTHORITY

1. Upon receipt of a completed subdivision application, the Subdivision Authority:
  - a. shall approve, with or without conditions, a subdivision application for a permitted use where the proposed subdivision conforms to:
    - i. this Bylaw;
    - ii. applicable statutory plans; and
    - iii. the Act and the Regulations thereunder;
  - b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
    - i. applicable statutory plans; and/or
    - ii. the Act and the Regulations thereunder;
  - c. shall refuse an application for a subdivision if the proposed subdivision does not conform with this Bylaw, subject to Section 5.3 .1.d;
  - d. may approve, with or without conditions, an application for subdivision that does not comply with this Bylaw if, in the opinion of the Subdivision Authority, the proposed subdivision:
    - i. would not unduly interfere with the amenities of the neighbourhood;
    - ii. would not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
    - iii. conforms to the use prescribed for that land in this Bylaw.
  - e. prior to making a decision, shall refer the subdivision application to any external agencies and adjacent landowners for comment and may refer the subdivision application to any municipal department as required.

...

#### 8.16 KEEPING OF ANIMALS

1. No person shall keep or permit to be kept in any part of any yard in any Land Use District any livestock except as identified in the specific Land Use District or any other bylaw of the Village.
2. No person shall keep horses in the Village of Spring Lake without first obtaining a Development Permit. The conditions for obtaining a Development Permit for the keeping of horses shall be as determined by the Development Authority.
3. No person shall keep or permit to be kept in any part of any yard in any Land Use District any pets or domestic animals of any kind on a commercial basis (e.g. for the purpose of breeding or caring in exchange for pay or other compensation or remuneration) unless said keeping occurs within the confines of an approved kennel.

...

#### 13. RID - RESIDENTIAL DISTRICT

##### Single Detached Class D

#### 13.1 PURPOSE

1. To allow the development of single detached dwellings, hobby farms, and associated uses on lots of 0.5 ha (1.24 ac.) or greater in size.

#### 13.2 PERMITTED USES

1. Dwellings, single detached
2. Home occupations, minor
3. Suites, secondary
4. Buildings and uses accessory to permitted uses

#### 13.3 DISCRETIONARY USES

1. Dayhomes
2. Family care facilities
3. Hobby farms
4. Home occupations, major
5. Parks
6. Public or quasi-public uses
7. Public utilities required to serve the immediate area
8. Suites, garage
9. Suites, guest house
10. Show homes
11. Other uses that, in the opinion of the Development Authority, are similar to the above mentioned permitted or discretionary uses
12. Buildings and uses accessory to discretionary uses

#### 13.4 REGULATIONS

Minimum Lot Area: 0.5 ha (1.24 ac.), of which a minimum of 0.25 ha (0.62 ac.) shall be developable land.

Minimum Lot Width: 50.0 m (164.0 ft.)