SUBDIVISION AND DEVELOPMENT APPEAL BOARD
PARKLAND COUNTY

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HEARING DATE: January 22, 2024
FILE NO.: PLSP20230436

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] The Subdivision Authority of Parkland County (the "Subdivision Authority") approved a subdivision with conditions for land located at 51504 RR 75, Parkland County, legally described as SE 31-51-7-W5M ("the Lands"). The applicants for the subdivision were Wayne and Kathy Kulak.

[2] On December 11, 2023, Kathy Kulak on behalf of herself and her husband Wayne filed an appeal of the conditions of subdivision (the "Appellants"). The Appellants signed a waiver agreeing to having the hearing commence outside of the thirty (30) day period provided for in the *Municipal Government Act*, RSA 2000, c.M-26 (the "MGA").

[3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on January 22, 2024, in person.

PRELIMINARY MATTERS

A. Board Members

[4] At the outset of the appeal the Chair requested confirmation from all parties in attendance that there was no opposition to the composition of the Board hearing the appeal. None of the persons in attendance had any objection to the members of the Board hearing the appeal.

B. Exhibits

[5] At the beginning of the hearing the Chair confirmed that everyone in attendance had the hearing package prepared for the hearing.

[6] No one at the hearing had any further information they wished to submit.

C. Miscellaneous

[7] There was no request for an adjournment of the hearing.

[8] There were no objections to the proposed hearing process.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[9] The Board grants the appeal and varies the conditions of subdivision by removing condition #6. The subdivision is now subject to the following conditions:

1.	Pursuant to Section 654(1)(d) of the Municipal Government Act, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Parkland County, for the payment thereof.
2.	Pursuant to Section 655 of the Municipal Government Act, the landowner shall complete the following with respect to approaches and ditching: a) ensure the proposed residential approach and culvert off Range Road 75 to the proposed Lot 1, meets Engineering Standard Drawing No. 7.12. The approach shall have a 400 mm Corrugated Steel Pipe (CSP) culvert with rip rap rock, topsoil and seed placed at each end, shall be graveled to the property line, and be a minimum of 6.0 meters to a maximum of 8.0 meters in width; and b) ensure the existing residential approach and culvert off Range Road 75 to the proposed Remnant Lot meets Engineering Standard Drawing No. 7.12. The approach shall have a 400 mm Corrugated Steel Pipe (CSP) culvert with rip rap rock, topsoil and seed placed at each end, shall be graveled to the property line, and be a minimum of 6.0 meters to a maximum of 8.0 meters in width. No disturbance or grading is to adversely affect existing drainage on adjacent lots. All surface grading is to be done in a manner that will prevent cross lot drainage conflicts. All approaches shall contain an apron equivalent to the surface of Range Road 75. Please contact a Development Engineering Officer prior to construction and to schedule inspection appointments at 780-968-8888.
3.	Pursuant to Section 654(1)(c) of the Municipal Government Act, the proposed subdivision must meet Section 7(g) of the Subdivision & Development Regulation with respect to septic disposal and an inspection of the existing septic system on the Remnant Lot is required pursuant to the Private Sewage Disposal Systems Regulation. To schedule an inspection of the existing septic system, please sign-in to your PLANit Parkland Portal account to pay the required fee. A Safety Codes Permit Issuer will contact you to book an inspection. Please read attached Private Sewage Distance Requirements.
4.	Pursuant to Parkland County Bylaw No. 2015-30, the parcels shall be numbered using Parkland County's civic addressing system. Following final inspection of the

	approach(es), please contact our Current Planner l at 780-968-8888, to request address assignments. Following assignment of civic addresses, please contact Customer Services at 780-968-8888 to order all required address signs. A copy of the receipt confirming purchase of the address sign(s) shall be provided to Planning & Development Services.
5.	Pursuant to Section 4.1 and Section 16.4 of Land Use Bylaw No. 2017-18, the landowner shall apply for and receive Development Permit approval for the Barn, Sheds, Structure identified as "Building" and Pole Shed all located on the Remnant Lot. Please contact a Development Planner at 780-968-8888. Further, the landowner shall apply for and receive approval for all required Building Permits and any permits required under the Safety Codes Act. Please contact a Safety Codes Permit Issuer at 780-968-8888.
*6.	*Pursuant to Section 661 of the Municipal Government Act, 5.0 metre wide road widening shall be dedicated along the frontage of the Lot 1 adjacent to Range Road 75 and is subject to negotiation to purchase by Parkland County along the Remnant Lot adjacent to Range Road 75. Pursuant to Parkland County Policy C-PD03, the Plan of Survey shall include and show all road widening acquired through dedication and/or negotiation as a result of subdivision unless otherwise authorized by the Director of Engineering Services or designate. Please contact Parkland County's Land Development Engineering department at 780-968-8888 to discuss entering into a Land Acquisition Agreement for that portion of road widening subject to negotiation to purchase by Parkland County.*
*7.	*The subdivision shall be registered in a manner acceptable to the Registrar of Land Titles. An endorsement fee of $529.00 (subject to change) is payable when the final plan is submitted for endorsement by Parkland County. No endorsement fee is charged for reserve lots or public utility lots. If applicable, the Alberta Land Surveyor shall ensure all required setbacks from existing principal and accessory buildings and new property lines are maintained in accordance with Parkland County Land Use Bylaw No. 2017-18.*

(*Note: Conditions 6 and 7 in the above table were Conditions 7 and 8 in the Subdivision Authority's decision.)

SUMMARY OF HEARING

[10] The following is a brief summary of the oral and written evidence submitted to the Board. At the beginning of the hearing, the Board indicated that it had reviewed all the written submissions filed in advance of the hearing.

Subdivision Authority

[11] The Lands are legally described as 51504 RR 75, Parkland County, legally described as SE 31-51-7-W5M. The Lands are located within the ANC – Agriculture/Nature Conservation District (s. 4.3 of the Parkland County Land Bylaw 2017-18 ("LUB")). The subject lands are located within the southwestern portion of Division 6, approximately 1.6 kilometers west of Highway 22 and 1.0 kilometers east of the Pembina River. Adjacent parcels are used for agricultural and rural residential purposes.

[12] The initial application for the proposed subdivision was accepted for evaluation and processing by the County on August 9, 2023. The decision to conditionally approve the application was made on November 16, 2023, by the Subdivision Authority. The conditional subdivision approval was emailed to the appellant and applicant and Notice of Decision mailed to adjacent landowners on November 20, 2023. A notice of appeal was received from the Appellant on December 12, 2023. The appeal identified Condition #6 of the conditional subdivision approval that is being appealed:

> 6. Pursuant to Section 655 of the Municipal Government Act and Section 29(1) of the Alberta Land Stewardship Act, the landowner shall enter into a Conservation Easement agreement to be registered against the titles of Lot 1 and the Remnant Lot to the satisfaction of Parkland County. The Conservation Easement Area shall include the unnamed watercourse and a 20.0 metre setback. The Alberta Land Surveyor shall be responsible for providing a schedule to accompany the Conservation Easement identifying the watercourse area and the required setbacks.

[13] Administration has prepared a review of Condition #6 of approval for the Boards review. It is Administration's opinion that this appeal was launched within the required timeframe set out in the Municipal Government Act.

[14] The application for one (1) vacant Rural Agricultural Subdivision - Residential parcel 4.047 ha (10.0 ac) in size is in conformance with the County's policies and plans which are enclosed in the Agenda Package.

[15] The application was supported by a Desktop Biophysical Assessment prepared by GEN 7 Environmental Solutions Ltd. dated July 7, 2023 (Exhibit 12), and referred to the County's Community Sustainability Department for review on August 21, 2023. The study affirms that the proposed subdivision intersects an ephemeral watercourse and encompasses a largely intact forested area that may provide valuable wildlife habitat and facilitate wildlife movement throughout the area. Based on the assessment of the information provided in the study, Parkland County Community Sustainability recommended that a minimum 30-meter buffer should be maintained between future development and tree clearing and the watercourse. Accordingly, Administration recommended that a Conservation Easement including the unnamed watercourse and a 30.0 metre setback was to be registered on the titles of Lot 1 and the Remnant Lot as a condition of approval.

[16] Prior to formally issuing the decision, the draft Subdivision Decision Report was circulated to the landowners to provide an opportunity to review the recommended conditions of approval. The landowners identified concerns with Condition #6 and the 30.0 metre buffer. Discussions with the landowners led to an agreement that the buffer could be reduced to 20.0 metres, and as such, the conditional approval was issued with Condition #6 (Exhibit 17).

[17] Under the Municipal Development Plan Bylaw 2017-14, the application is consistent with Policy 4.1.9(a) and 4.1.9(b) of the Municipal Development Plan, which supports rural residential uses within the Rural Agricultural Area shown on Figure 7: Development Concept (Exhibit 20). The application is consistent with Policy 4.2.3(b) of the Municipal Development Plan, which

supports a maximum of four (4) parcels per quarter section in the Prime Agricultural Area West shown on Figure 9: Prime Agricultural Areas (Exhibit 20). The proposed subdivision would be the first parcel to be created from the quarter section.

[18] Condition #6 is consistent with Policy 10.1.3(c) of the Municipal Development Plan, which encourages the conservation of Environmentally Significant Areas and high-value wetlands that do not qualify for Environmental Reserve dedication under the Municipal Government Act through environmental or conservation easements (Exhibit 21).

[19] Land Use Bylaw 2017-18 The subject lands are districted ANC – Agriculture / Nature Conservation District. The application is consistent with s. 4.3(3) of the Land Use Bylaw which allows for the subdivision of one residential parcel between 0.8 ha and 4.0 ha in size from an unsubdivided quarter section.

[20] Council Policy C-PD15 Condition #6 is consistent with Council Policy C-PD15 (Dedication and Use of Municipal Reserve, Environmental Reserve, and Environmental Reserve Easement) which requires (Exhibit 21):

a) When proposed subdivisions are considered that involve environmentally sensitive lands, the Subdivision Authority will require the dedication of Environmental Reserve, and/or Environmental Reserve Easement under the authority of the Municipal Government Act unless lands are required for the purpose of stormwater management. The goal is to incorporate reserve land into the County's green infrastructure inventory and ecological landscape for the public benefit, and to ensure long-term biodiversity of the landscape.

b) The Subdivision Authority will consider alternative conservation tools such as Conservation Easements, Transfer of Development Credits and Alternative Land Use Services (ALUS) as a way of preserving significant environmentally sensitive areas and areas that do not qualify as Environmental Reserve or Environmental Reserve Easement under the Municipal Government Act.

[21] In response to Board questions, the Subdivision Authority advised that:

a. The easement area sought to be protected by the conservation easement is not identified on any of the documents before the Board. The easement area will be 20 metres on both sides of the ephemeral creek. The conservation easement will attach to the area of the ephemeral creek both on the newly created parcel as well as the remnant parcel.
b. The County did not do an assessment of where the creek was. The assessment was done by an environmental consultant based upon a desktop assessment from information provided by the Province. The assessment does not include a site visit. Although a more comprehensive assessment exists which requires a field visit, this is more expensive. The County does not require the more comprehensive assessment for a simple subdivision.
c. The dimensions of the newly created lot are approximately 201 metres by 200 meters (201 x 200). The buffer will be 20 metres on either side of the creek.

d. The headwaters of the ephemeral creek appeared to originate on the north-east of the quarter section. This quarter is zoned Agriculture / Nature Conservation District. The creek flows to the north and into the Pembina River. All properties around the river receive Agriculture / Nature Conservation Districting as an extra level of protection for the river valley. The districting of Agriculture / Nature Conservation District is restrictive for subdivision, but the development rights are broader. One subdivision is allowed per quarter section for the ANC districting, but for general agriculture (AGG), four parcels are allowed.

e. The creek crosses the north boundary of the Lands into the quarter section directly to the north. That quarter section to the north is zoned Agriculture General (AGG).

f. When a conservation easement is placed on the lands, the lands must remain in their natural state and no structures are permitted. The land can be used for recreational purposes.

g. The maps shown at pages 42 - 47 of the Agenda Package show the LSD lines, not the quarter section lines. The proposed lot is located within the quarter section and only the east boundary of the proposed lot follows the parcel boundaries.

h. Condition 6 (see page 15 of the Agenda Package) of the Subdivision Authority requires the conservation easement agreement to be registered on the title of the newly created 10-acre parcel as well as the remainder of the quarter section. The conservation easement will be an area which includes the ephemeral creek as well as a 20 metre buffer on either side of the creek. The surveyor would prepare a plan to show this area. The reason for the conservation easement is to protect the creek. There would be restrictions on the ability to use those lands based upon the conservation easement.

i. The conservation easement tool and environmental reserve easements are the tools used most commonly by the County for protection of lands. In both cases, the area is protected from development.

j. The ALUS program was not considered as a tool of preservation of these lands because the County cannot enforce it. The subdivision conditions must be able to be enforced by the County. Since it cannot be enforced as a condition of approval, the County did not consider its use.

k. The goal of the condition is to ensure that the creek remains in its natural state and is not disturbed by development. The new parcel has development rights. The County wishes to ensure that the area is protected when someone comes in for a development permit on the lot or on the remainder.

l. County Council sets the districting for the Lands. A conservation easement is used to protect lands regardless of whether the districting is ANC or AGG.

m. The Subdivision Authority could use a conservation easement on the lands to the north which are zoned AGG. The provisions of the LUB limit the number of parcels to be subdivided. The AGG District can have a maximum of 4 parcels per quarter section while ANC District limits the number of new parcels per quarter section to one.

n. The quarter section to the north-west of the Lands is also districted ANC and has a more significant creek through that as well.

o. If the newly created parcel were to be moved to the top north-east of the quarter section where the creek does not exist, the conservation easement would be required but only on the remainder, rather than on the remainder and new lot.

Appellants – Kathy and Wayne Kulak

[22] The Appellants, Kathy and Wayne Kulak, stated that there is no water running along the line identified as the ephemeral creek. The only water that exists is during runoff season when there is water on everyone's land. On the 10-acre parcel, there is nothing to see and no visible indication that there is an ephemeral creek. The land is farmable. They have been farming on the Lands for 36 years. The Lands have been used for cattle pasture and if cleared, could be farmed. The Appellants stated that there has been no water on the area of the newly created parcel in a very long time.

[23] The Appellants questioned why they are limited to only one subdivision for their quarter section. The land is being protected. The proposed parcel and the remnant are used primarily for agricultural purposes, pasture and crops. They are more than 1 kilometre from the environmentally sensitive area and the proposed subdivision does not intersect any water bodies or wetlands. The Lands are slightly rolling and are well drained. The Lands are within the Prime Agricultural West area and are not a high priority landscape.

[24] They noted that the ephemeral water identified by Google maps has not had water present. This land is above the water table and ground water is not an issue.

[25] They love the land and would like there to be no easement on their Lands so they can subdivide the ten acres. They noted that adjacent parcels to the Lands are used for rural residential purposes and extensive agriculture. Theirs is the only quarter section that is districted Agriculture / Nature Conservation District. Other parcels have been subdivided 4 times and do not have an easement on them. They noted that they can walk through the bush without rubber boots.

[26] The Appellants noted that if they move off the farm, their son may take over their house and transfer the acreage to his sister. The Appellants noted their desire to have the quarter section stay within the family, but confirmed that the land could be sold. There is no control over potential resale of the Lands.

[27] The Appellants noted that the conservation easement affects them because privacy is a big issue for them. With a conservation easement, they are not certain who can come on the Lands and what they can do. They questioned whether persons could come on the Lands and quad on them. They noted that the County had initially considered an environmental reserve easement which they were not prepared to agree to. They wished to have the Lands unencumbered by a conservation easement because they don't want their ability to drive their quad to their son's place to be affected. They feel they have been restricted enough by having the ability to create only one subdivided parcel from their quarter section. They feel they should be able to have that subdivision without an encumbrance against the titles.

[28] There is run off in the spring that occurs only on snow melt.

[29] The Appellants commented on the pictures that they provided. The quarter section north of the Lands have as much of the creek going through the quarter section with no conservation easement. The water is just run off. The creek seems to start in their property although they

are not certain why. They requested that the condition be removed from their subdivision approval.

[30] In response to Board questions, the Appellants stated:

a. The ten acres are located just north of where the tree line starts (see page 25/109 of the Agenda Package). The proposed lot is just North of the tree line but is off the road.
b. The newly subdivided lot will be used for the Appellants' son to move there. The Appellants will remain in their homestead on the balance of the quarter section. Eventually, their son might take over the whole of the quarter section.
c. The lands slope to the north-west.
d. The quarter section north of their lands has been subdivided 4 times. They believe that there is no conservation easement on that quarter section.
e. The quarter section north of theirs has been subdivided many times and has lots of acreages. They questioned how that could have occurred.
f. The end use for the new parcel was an acreage for their son. He has no intention to farm the newly created parcel.

FINDINGS OF FACT

[31] In addition to the specific facts set out under the Board's reasons, the Board finds the following as facts.

[32] The Lands are located at 51504 RR 75, Parkland County, legally described as SE 31-51-7-W5M.

[33] The Lands are zoned Agriculture/Nature Conservation District.

[34] The proposed development is for a 10-acre parcel to be used for residence which is a permitted use under section 4. 3, Agriculture/Nature Conservation District.

[35] The appeal was filed on December 11, 2023.

[36] The Appellants are affected persons and entitled to be heard by the Board.

REASONS

Affected Persons

[37] The Board must determine whether those appearing and speaking before the Board are affected persons. The Board notes that there was no objection made to those making submissions to the Board; however, the Board wishes to review this issue for completeness.

[38] The Appellants are the applicants for subdivision. Under s. 678(1)(a), the Appellants, as the Applicants for subdivision, are entitled to file an appeal.

Jurisdiction and Issues to be Decided

[39] The Board's jurisdiction is found in section 680(2) of the MGA.

> **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.

[40] The issue in this appeal concerns the Appellants' appeal of condition 6, which requires the Appellants to place a conservation easement on both the newly created parcel and the remnant parcel. In deciding this appeal, the Board must:

a. have regard for the applicable statutory plans;

b. ensure the subdivision conforms with the uses of lands within the LUB; and

c. have regard for the Matters Related to Subdivision and Development Regulation (but is not bound by that regulation).

[41] In making this decision, the Board has examined the provisions of the MGA and has considered the oral and written submissions made by and on behalf of those who provided evidence: the Subdivision Authority and the Appellants, and the Applicant.

[42] Under s. 680(2) of the MGA, the Subdivision Authority must have regard to any statutory plan in making its decision.

[43] In reviewing the statutory plans, the Board notes that the provisions of the County's Municipal Development Plan Bylaw 2017-14 ("MDP") contains provisions in Policy 4 addressing rural agriculture areas. Policies 4.1.9 (a) and 4.1.9 (b) support rural residential uses within the Rural Agriculture Area. The Board also notes that the application is consistent with Policy 4.2.3 (b) of the MDP supporting the maximum of 4 parcels per quarter section in the Prime Agricultural Area west as shown on Figure 9. Since the proposed subdivision will be the first parcel created from the quarter section, the proposed subdivision is in compliance with the provisions of the MDP.

[44] Policy 10.1.3 (c) of the MDP (found in page 78/109 of the Agenda Package) encourages the conservation of environmentally significant areas and high value wetlands that do not qualify for reserve dedication.

[45] In considering whether the Board should remove the condition, the Board is mindful that the two relevant MDP goals which apply to these lands

a. Preservation of agricultural land; and
b. Preservation of high value wetlands

may be slightly at odds. The question for the Board is how to weight these two goals.

[46] The County is a rural municipality, so the preservation of agricultural land is an important goal. The Lands are located within the Prime Agriculture Area west (Policy 4.2.3 (page 77/109 of the Agenda Package). The Board notes that the Prime Area West policies note an intention to retain large land parcels to support grazing and specialty operations of grain and crop farming. However, the Board notes the Prime Agriculture Area west policies also permit a total of 4 parcels subdivision per quarter section and that subdivisions from agriculture purposes should be limited in this area.

[47] The Board notes that the subdivision is for a 10-acre parcel on a quarter section (160 acres). The Board notes the intention for the subdivision is to create a parcel where the Appellant's son will be able to live, but not necessarily for agriculture. The area of the newly created lot is treed and is not used for agriculture. Although the subdivision will result in a parcel not used for agriculture, the evidence was that the remainder of the quarter section will remain agricultural in nature.

[48] The impact of the conservation easement is that the lands covered by it must remain in their natural state. This means that they would not be able to be cleared or farmed.

[49] The Board has to weigh whether to remove condition #6 in light of Policy 10.1.3 (c) of the MDP (found in page 78/109 of the Agenda Package) which encourages the conservation of environmentally significant areas and high value wetlands that do not qualify for reserve dedication.

[50] In considering this question, the Board notes that although the Subdivision Authority had initially requested that the Appellants place an environmental reserve easement, the Appellants stated that they disagreed with having an environmental reserve easement. It was not clear to the Board whether the Subdivision Authority had evidence to support a determination that the Lands are environmental reserve but the Subdivision Authority chose to impose a conservation easement, or whether the determination was that the Lands did not qualify as environmental reserve. Before the Board, the Subdivision Authority did not suggest that the lands were environmental reserve. In considering condition #6, the Board notes that the Lands are not within an ESA and are approximately 1 kilometer from the nearest ESA. Based upon that fact, the Board concludes that the Lands are not an "environmentally significant area" as referenced in Policy 10.1.3 (c).

[51] The Board's focus was the question of whether the area in question is "high value wetland" which should be protected by the imposition of a conservation easement.

[52] The Subdivision Authority stated that the reason it imposed condition #6 was to preserve the ephemeral creek and to protect the area for wildlife and wildlife movement. The evidence of the Appellants was that only spring melt causes there to be water. They made no mention of wildlife or wildlife movement. They did note that they farm the quarter section. The Board notes that the environmental assessment provided by the Applicant was a desktop study only, without a site visit.

[53] The Board applauds the intention of the County to preserve the natural state of the lands around the ephemeral creek. In coming to its decision, the Board is well aware that the ability to obtain a conservation easement is triggered only by a request for subdivision. This means that if the conservation easement is not obtained at this time, the County will not have a further opportunity to require a conservation easement, unless the districting changes for the Lands.

[54] Despite that fact, the Board notes that the photographs provided by the Appellants show that there is no active water on the Lands. The Subdivision Authority recognises that the creek is ephemeral, with intermittent water. The Appellants' evidence is that water only appears in spring run off.

[55] In assessing whether the ephemeral creek is a high value wetland, the Board notes that the creek seems to start in the middle of the Appellant's Lands. There was no specific evidence about why the ephemeral creek is a high value wet land. There was general evidence about preserving the area for wildlife movement, but no evidence of actual use of the area, nor any other information to support a conclusion that the area is a high value wetland. Further, the absence of water for the majority of the year works against a conclusion that the ephemeral creek is a high value wetland. The intermittent nature of the creek, as well as the fact that the Lands do not appear to show a significant wetlands, suggests that the Board will not be damaging high value wet lands.

[56] The Board also notes that the land to the north of the Lands has been subdivided 4 times. The Board is aware that this number of subdivisions was authorized because the Lands to the north are zoned AGG. The Board was not provided with any evidence that the County imposed any conservation easements around the ephemeral creek located on the quarter section to the north of the Lands. The Board questions the utility in creating a conservation easement and encumbering the titles of the remnant parcel and the newly created parcel, in the absence of a conservation easement on the quarter section to the north.

[57] The Board recognizes the willingness of the County's Subdivision Authority to work with the Appellants and to reduce the amount of conservation easement area from 30 metres on each side of the ephemeral creek to 20 metres, the Board is still not convinced that a conservation easement is required. The Board notes that the effect of the conservation easement is to require those lands to be kept in their natural state. This means that those 20 metres could not be

cleared and there could not be any farming occurring on those portions that would be protected by the conservation easement.

[58] In light of the County's desire to preserve prime agriculture land, the Board believes that it is counter-intuitive to require a conservation easement over lands which are only intermittently wet and for at least some portion of the creek may have been farmed over.

[59] Based upon the above reasons, the Board revokes the Subdivision Authority's condition number 6,[1] but affirms all other conditions of the subdivision.

Conclusion

[60] For the above reasons, the Board dismisses the appeal and issues the development permit subject to the conditions set out at paragraph [9], above.

[61] Issued this 1st day of February, 2024 for the Parkland County Subdivision and Development Appeal Board.

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B. Williams, Clerk of the SDAB, on behalf of B. Bundt, Chair
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to Section 688 of the Municipal Government Act, RSA 2000, c M-26.

[1] As noted in paragraph 9, the Subdivision Authority's Condition 6 is now revoked, so original Conditions 7 and 8 are renumbered as Condition 6 and 7.

APPENDIX "A"
BOARD MEMBERS

	MEMBERS
1.	B. Bundt, Chair
2.	M. Chambers
3.	C. Lamoureux
4.	M. Morin
5.	A. Tollenaar

APPENDIX "B"
REPRESENTATIONS

	PERSON APPEARING
1.	Julia Leduc, Senior Current Planner
2.	Negar Zangi, Current Planner l
3.	Wayne Kulak
4.	Kathy Kulak

APPENDIX "C"
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

January 22, 2024 Agenda Package			
Exhibit	Description	Date	Pages
1.	Agenda Coversheet	January 22, 2024	1
2.	January 15, 2024 SDAB Meeting Minute	January 15, 2022	2
3.	Table of Contents	January 15, 2024	4
4.	Notice of Appeal	December 11, 2023	5
5.	Subdivision and Development Appeal Board – Waiver Form – Appellant/Applicant	December 14, 2023	7
6.	Conditional Subdivision Approval	November 20, 2023	8
7.	Hearing Notification	December 18, 2023	12
8.	Submission Subdivision Authority Report	January 17, 2024	14
9.	Submission Subdivision Authority Presentation	January 17, 2024	85
10.	Submission of Appellant/Applicant	January 16, 2024	95