

AGENDA

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Monday, January 22, 2024 – 10:00 a.m.
Council Chambers – 53109A Hwy 779, Parkland County, AB

Virtual attendance option available via Teams

Please email SDAB@parklandcounty.com no later than 9:00 a.m. on Monday, January 22, 2024 to register for attendance via Teams

- 1) Call to order
- 2) Members Present
- 3) Adoption of Agenda
- 4) Adoption of January 15, 2024 Subdivision and Development Appeal Board Meeting Minutes
- 5) 10:00 a.m. Appointment
 - I. The appeal of a conditional subdivision approval for a one residential parcel, 4.047 ha (10 ac) in size, located at located at:
Municipal Address: 51504 Range Road 75
Legal Location: SE 31-51-7-W5M
Permit Number: PLSP20230436
 - II. Applicant: Wayne and Kathy Kulak
 - III. Appellant: Wayne and Kathy Kulak
- 6) Adjournment

MINUTES OF THE PARKLAND COUNTY SUBDIVISION & DEVELOPMENT APPEAL BOARD (THE "BOARD") MEETING HELD AT PARKLAND COUNTY CENTRE AT 10:00 A.M., JANUARY 15, 2024

1. CALL TO ORDER/TERRITORIAL LAND ACKNOWLEDGEMENT

Chairperson, D. Smith called the meeting to order at 10:03 a.m.

2. PRESENT

Members: D. Smith, M. Morin, K. Kowalski, Lillian Helton, Lesley Foy

Clerk: B. Williams

Clerk Staff: O. Bartel

Legal Counsel: G. Stewart-Palmer, Shores-Jardine LLP (Attended Virtually)

3. ADOPTION OF AGENDA

Moved by M. Morin that the 10:00 a.m., January 15, 2024 agenda be adopted, as presented.

Carried

4. NEW BUSINESS

10:00 a.m. Appointment

Appeal of an approved Home Based Business Level 2 (landscaping/plumbing/gas fitting) located at:

Municipal Address: 2-54023 Range Road 280

Legal Location: Plan 6048RS, Block 1, Lot 2, NW 6-54-27-W4M

Application Permit: PLDPH20230543

Appellant: Stefan Koester

In Support of Appellant : Birgit Koester

Applicants: P. W. R. Contracting (Agent: Ryan Creelman)

In Support of Applicant: Payton Creelman

5. DEVELOPMENT AUTHORITY

K. Hoeberg, Development Planner I, Planning & Development Services

K. Kormos, Manager, Development Planning & Safety Codes, Planning & Development Services

6. OUTLINE OF HEARING PROCESS

The Chairperson asked if anyone affected by the appeal had any objection to the Board Members present. There were no objections.

The Subdivision Development Appeal Board Clerk stated that there were not any jurisdictional items that the board should be aware of regarding this appeal.

The Chairperson asked if anyone in attendance had not received or reviewed the agenda package prior to the hearing. There were no persons present in the meeting that came forward.

The Chairperson asked those in attendance if there were any objections to the current exhibits as shown in the agenda package presented for this hearing. There were no objections.

The Chairperson asked those in attendance at the meeting if anyone wished to submit materials that were not included in the agenda package. There were no persons present in the meeting that came forward.

7. **PRESENTATIONS**

Administration

The Chairperson called on the Development Authority to make their presentation. K. Hoeberg for Parkland County's Development Authority provided a verbal presentation, referred to materials within the agenda package, and answered questions from the Board.

Appellant

The Chairperson called the Appellant to make their presentation. S. Koester and B. Koester provided a verbal presentation, referred to materials within the agenda package, and answered questions from the Board.

Applicant

The Chairperson called the Applicant to make their presentation. R. Creelman and P. Creelman, on behalf of P.W.R. Contracting, provided a verbal presentation, referred to materials within the agenda package, and answered questions from the Board.

8. **CLOSING REMARKS**

Appellant

S. Koester and B. Koester provided closing remarks.

9. **ADJOURNMENT**

At 10:57 a.m., the Chairperson announced that the hearing is now closed, and the Board will cease to hear any further information, and that a written decision would be handed down within 15 days.

The Chairperson closed the January 15, 2024 Subdivision and Development Appeal Board meeting at 10:57 a.m.

Chairperson

APPEAL OF APPROVED DEVELOPMENT PERMIT APPLICATION PLSP20230436

1. NOTICE OF APPEAL	PAGE 5
2. CONDITIONAL APPROVAL	PAGE 8
3. HEARING NOTIFICATION	PAGE 12
4. SUBMISSION OF THE DEVELOPMENT AUTHORITY	PAGE 14
5. SUBMISSION OF THE APPELLANT/APPLICANT	PAGE 95

Site and appellant information (fill out completely)			
Site Information		Clerk Subdivision and Development Appeal Board Legislative Services 53109A Hwy 779 Parkland County, AB T7Z 1R1 Email: SDAB@parklandcounty.com Date Received: Appeal Fee: Development Permit \$200 Stop Order \$500 Subdivision Application \$250	
Municipal address of site 51504-RR75			
Legal land description of site ('plan, block, lot' and/or 'range-township-section-quarter') SE-31-51-RT-W5th			
Development permit number or subdivision application number PLSP20230436			
Appellant Information			
Name of appellant Wayne & Kathy Kulak		Agent name (if applicable)	
Street Address Box 6206			
City Drayton Valley	Province AB	Postal Code T7A-1R1	Day Phone Number 780-621-8557
Evening Phone Number 780-621-8557	Fax Number	Email Address kathy.kulak@gmail.com	

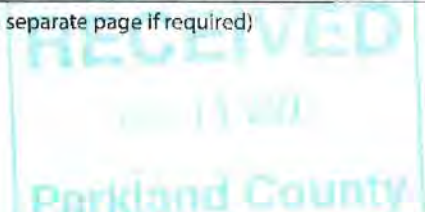
Appeal Against (check one box only)

Development Permit	Subdivision Application	Order
☐ Approval ☐ Conditions of approval ☐ Refusal	☐ Approval ☒ Conditions of approval ☐ Refusal	☐ Notice of order

Reasons for appeal

Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The appeal is herein launched for the following reasons: (attach a separate page if required)

Condition of approval (Easement)	
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Collection and use of personal information

Personal information is being collected under the authority of the *Municipal Government Act (MGA)* and the *Freedom of Information and Protection of Privacy Act (FOIP)* and is managed in accordance with the provisions of FOIP. This information will be used to process your request for a hearing before the Subdivision and Development Appeal Board. Your information will form part of a file available to the public. If you have any questions about the collection of your personal information, contact Odessa Bartel, FOIP Coordinator at 780-968-3229.

Signature of appellant/agent Kathy Kulak	Date (YYYY/MM/DD) 2023/12/11
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Parkland County
53109A HWY 779
Parkland County, AB T7Z 1R1
Phone: 780-968-8888 Fax: 780-968-8413

OFFICIAL RECEIPT

KULAK, KATHY

GST Reg. #: R106989189
Receipt #: 3453072
Receipt Date: 2023/12/11
Page: 1
Received by: SJ

Account #	Description	Opening Balance	Payment	Amount Due
1725	SUBDIVISION APPEAL FEE	250.00	250.00	.00



Tender Type & Description	Reference	Amount	Total Tax:	.00
MC KULAK, KATHY		250.00	Total Amount Paid:	250.00
			- Tender Received:	250.00
			= Change Given:	

THANK YOU FOR YOUR PAYMENT. THE MAYOR AND COUNCIL'S
COMMITMENT TO YOU IS TO SPEND YOUR TAX DOLLARS RESPONSIBLY.



Subdivision and Development Appeal Board Waiver Form

RE: File No.
PLSP20230436

Municipal or Legal Address:
51504 RR 75 Drayton Valley, AB T7A 1R7

I am requesting that this matter be heard on January 22, 2024 or N/A for the following reason(s):

Due to the Christmas closure, there are insufficient days to have the appeal heard and a decision rendered.

I hereby waive my right to be heard by the Board within thirty days.

Signature

Date

The Board makes every reasonable effort to schedule hearings in accordance with the requests made by parties to the appeal but cannot guarantee that a particular request will be granted. Please call us at 780-968-8471 to confirm the date of your hearing.

Parkland County Subdivision and Development Appeal Board
53109A Hwy 779, Parkland County AB, T7Z 1R1
Ph: 780-968-8471
Email: sdab@parklandcounty.com
Website: www.parklandcounty.com

November 20, 2023

File No. PLSP20230436

SE-31-51-7-W5

51504 RGE RD 75
Drayton Valley, AB, T7A 1R7

Dear Kathy and Wayne Kulak:

Subject: Conditional Subdivision Approval SE-31-51-7-W5M

Decision

Your subdivision application for one residential parcel, 4.047 ha (10 ac) in size, was conditionally approved by the Director of Planning & Development Services on November 16, 2022.

Conditions of Approval

That the subdivision application submitted by Kathy and Wayne Kulak for the tentative plan of subdivision dated September 28, 2023 and prepared by Rose Creek Geomatics Inc. be **CONDITIONALLY APPROVED** 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 I 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 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.
7.	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.
8.	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.

The proposal was reviewed and was found to be compliant with Parkland County's Municipal Development Plan, and Land Use Bylaw. The application was also found to conform to the relevant considerations as outlined in Section 7 of the Subdivision and Development Regulation. Further, adjacent landowners made no written submissions.

Appeal

If you wish to appeal this decision, an appeal may be commenced by submitting a written notice of appeal within 14 days of the date of receipt of this letter. The date of receipt is deemed by law to be 7 days from the date shown on this letter. The notice of appeal must include the file number PLSP20230436, the legal description of the subject property, the \$250.00 appeal fee and the reasons for the appeal. The appeal must be directed to:

Subdivision and Development Appeal Board
53109A Hwy 779
Parkland County, AB T7Z 1R1
Telephone: 780-968-8405

Approval Period

The approval period for this conditionally approved subdivision is **one year**. An extension of the approval period may be granted upon receipt of a written request and payment of the required fee. Repeat extensions of a subdivision approval may not be granted.

Endorsement Information and Requirements

Parkland County will not endorse any Plan of Subdivision or any other subdivision related documents until the expiry of the appeal period specified by the *Municipal Government Act*. This time period is a minimum of 21 days from the date shown on this letter.

In order to register the Plan of Subdivision at the Land Titles office the following must occur:

- all of the conditions of approval must be met to the County's satisfaction within one year of the conditional approval. You are responsible for retaining an Alberta Land Surveyor to prepare the Plan of Subdivision for registration at Land Titles. The Alberta Land Surveyors' Association maintains a listing of surveyors in Alberta which can be found at www.alsa.ab.ca. All plans and any related documents must be submitted to Parkland County for review and approval in advance of expiry of the one year period as the date of endorsement must appear on those plans and documents within one year of the conditional approval;
- a request for endorsement of a subdivision plan must be accompanied with the applicable endorsement fee and one digital copy and two paper copies of the subdivision plan. Additionally, if right-of-way or easement plans are required for drainage or other purposes, copies of those plans must be submitted for review and final acceptance. All final plans for subdivision as well as rights-of-way and easements must be submitted concurrently for review by Parkland County; and
- payment of taxes as a condition of subdivision is required by the Municipal Government Act and by County policy. Payment is required at the time of endorsement. Please contact the undersigned for further information on the taxes owing.

Utility Contacts

You are requested to contact:

- Evergreen Gas Co-Op with respect to any development or construction that will take place on the lands as a result of this subdivision approval that may affect the company's interests (i.e. buried service lines);
- Fortis with respect to its easements for new power facilities and/or relocation of existing power facilities, if required; and

Parkland County's Safety Codes Services at 780-968-8443 with respect to the installation/inspection of any private sewage disposal facilities.

Notice to the Applicant regarding Regulation of Activities

Please be aware that issuance of this Approval by the County does not include permission for activities that are regulated through other governing bodies such as Alberta Environment and Parks, Alberta Health or the Government of Canada. The Applicant is responsible for acquiring related permits. The County will not actively review that the Applicant has fulfilled their requirements under the related acts or regulations.

- You may consult with Alberta Environment and Parks regarding to your obligations under the *Water Act*, the *Environmental Protection Act* and the *Alberta Public Lands Act*. Those acts are broad but may cover development and operation activities within your project possibly including:
 - well water or surface water use
 - drainage

- wetland or water course disturbance including bank and shore
- drinking water
- wastewater disposal including sewage

Some related websites for Environment and Parks current at the time of this note are:

<http://www.aep.alberta.ca/>

<http://www.aep.alberta.ca/water/default.aspx>

<http://www.aep.alberta.ca/water/forms-applications/default.aspx>

- You may consult with Alberta Health Services. Some of their related governance is contained in the *Public Health Act - Nuisance and General Sanitary Regulation*. Their responsibilities are also broad, but they may cover activities within your project including:

- drinking water
- sanitary facilities
- facilities accessed by the public
- sewage

Some related websites for Alberta Health and Alberta Health Services current at the time of this note are:

<http://www.health.alberta.ca/about/health-legislation.html>

<https://www.albertahealthservices.ca>

<https://www.albertahealthservices.ca/info/service.aspx?id=1052203>

If you have any questions or concerns, please contact the undersigned at 780-968-8888 ext. 8524 or negar.zangi@parklandcounty.com.

Sincerely,



Negar Zangi, Current Planner I

CC:

Alberta Health Services
 Alberta Energy Regulator
 Canada Post
 ESRD (Water Act)
 Evergreen Catholic Schools
 Parkland School Division
 AltaLink
 Fortis Alberta
 Telus
 District Councilor
 Evergreen Gas Co-Op
 Land Development Engineering
 Fire Department
 Community Sustainability
 Development Planning

Encl: Signed Director's Decision Report
 Stamped and Signed Tentative Plan of Subdivision

Subdivision and Development Appeal Board

December 18, 2023

Dear Sir/Madam:

NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

Appeal of:	Subdivision Application: Conditions of Approval Permit Number: PLSP20230436
Location:	Legal Address: SE 31-51-7-W5M Municipal Address: 51504 Range Road 75
Appeal Received:	December 11, 2023
Applicant:	Wayne and Kathy Kulak
Appellant:	Wayne and Kathy Kulak
Appeal Hearing Date:	10:00 a.m., Monday, January 22, 2024
Appeal Hearing Location:	Council Chambers – 53109A Hwy 779, Parkland County, AB <i>Zoom virtual attendance also available</i>
Submissions Deadline:	January 17, 2024

Parkland County received a Subdivision application for one residential parcel, 4.047 ha (10 ac) in size. The subdivision application was conditionally approved on November 20, 2023.

Correspondence has been received appealing the decision for approval, and in accordance with Section 678 of the *Municipal Government Act*, a hearing will be held at Parkland County Centre in Council Chambers on **Monday, January 22, 2024 at 10:00 a.m.**

Written submissions for inclusion in the agenda package for the Subdivision and Development Appeal Board regarding this appeal must be received by the undersigned on or before Tuesday, January 17, 2024. This will allow time for all parties to review all information before the hearing. In the event you present written information at the meeting that is not received by Tuesday, January 17, 2024, there may be delay or postponement of the hearing or the decision-making process.

All written submissions for the agenda package must be sent via email to sdab@parklandcounty.com , or dropped off at the Parkland County Centre building during regular business hours on or before January 17, 2024.

The agenda package for this hearing will be available for viewing on our website: www.parklandcounty.com/sdab no later than January 18, 2024. Prior to the start of the hearing, a copy of the application and supporting documentation is available for inspection at Parkland County Centre, during regular business hours. Please contact Legislative Services at 780-968-8888 or by email at sdab@parklandcounty.com to schedule an appointment to view these documents.

Please Note:

This meeting will be conducted in person at the Parkland County Council Chambers. However, for those unable to attend in person the option to attend via Teams conferencing is available. Should you wish to attend via Teams conferencing please contact SDAB Clerk staff by email at SDAB@parklandcounty.com or by telephone at 780-968-8888 no later than 9:00 a.m. on Monday, January 22, 2024.

Please contact the Clerk's Office at the above should you require assistance or have any questions/concerns.

Yours truly,



Barb Williams
Clerk, Subdivision and Development Appeal Board
sdab@parklandcounty.com

Date	January 22, 2024 at 10:00 a.m.	File No.	PLSP20230436
Applicant	Kathy Kulak	Owner	Wayne and Kathy Kulak
Legal	SE-31-51-7-W5M	MDP	Rural Agricultural Area
Area	64.7 ha; 160 ac	LUB	ANC – Agriculture / Nature Conservation
Existing Use	Extensive Agriculture/Rural Residential	Proposed Use	Lot 1: Residential
Parcels	+ 1	Division	6
Decision Date	November 16, 2023	Appeal Body	Subdivision & Development Appeal Board
Administration Recommendation		That the appeal be denied.	

Exhibits:

1. Location Map (dated August 21, 2023)
2. Aerial Map (dated September 28, 2023)
3. Tentative Plan Approved (dated September 28, 2023)
4. Landowner Authorization Form, Updated (received December 12, 2023)
5. Certificate of Title (retrieved June 6, 2023)
6. Utility Right of Way 962 292 304 (dated October 15, 1996)
7. Applicant Acknowledgement Letter (dated August 21, 2023)
8. Adjacent Landowners Notification Letter (dated August 21, 2023)
9. Adjacent Landowners Notification Map (created January 15, 2024)
10. Adjacent Landowners Notification List (dated August 21, 2023)
11. Referral Agencies Notice (sent via Email August 21, 2023)
12. Desktop Biophysical Assessment (dated July 7, 2023)
13. Community Sustainability Referral Response (dated September 5, 2023)
14. Subdivision Application Processing Time Extension Agreement (accepted October 18, 2023)
15. Subdivision Application Processing Time Extension Agreement (accepted November 7, 2023)
16. Subdivision Decision Report (signed by Subdivision Authority on November 16, 2023)
17. Notice of Decision– Applicant and Owner (dated November 20, 2023)
18. Land Use Bylaw No. 2017-18 District Map 3
19. Relevant Municipal Development Plan policies
20. Municipal Development Plan No. 2017-14 Figures
21. Council Policy C-PD15 Dedication and Use of Municipal Reserve, Environmental Reserve, and Environmental Reserve Easement

Appendix A – Relevant Legislation and Bylaws

1. LOCATION

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 extensive agricultural and rural residential purposes. For additional background information, Administration's detailed review of the application can be found in the Subdivision Decision Report (Exhibit 16).

2. STATUTORY REQUIREMENTS OF THE APPEAL

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.
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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*.

3. SUBDIVISION AUTHORITY DECISION

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. Additional information regarding the relevant legislation can be found in Appendix A.

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-metre 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.

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).

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.

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).

Land Use Bylaw 2017-18

The subject lands are districted ANC – Agriculture / Nature Conservation District. The application is consistent with Section 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.

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.

Adjacent Landowners

As of the date of this report, no comments from the adjacent landowners were received by Administration upon sending out the Notice of Appeal.

4. RECOMMENDATION

Administration recommends that the Subdivision and Development Appeal Board:

1. Deny the appeal and uphold the Subdivision Authority's November 16, 2023 decision and approve the one (1) residential parcels 4.047 ha (10.0 ac) in size subject to the existing eight (8) conditions.

Alternatively, the Subdivision and Development Appeal Board may:

2. Approve the appeal and revise the conditions of approval as determined by the Board.
3. Refuse the subdivision application.



Report Prepared By:

Negar Zangi, Current Planner I

January 15, 2024

Date

Appendix A - Relevant Legislation and Bylaws

Municipal Government Act

Approval of application

- 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 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 the regulations under this Part, 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.
- (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

655(2) A municipality may register a caveat under the Land Titles Act in respect of an agreement under subsection (1)(b) against the certificate of title for the parcel of land that is the subject of the subdivision.

Subdivision and Development Regulation

Sections 9 and 10 of the Subdivision and Development Regulation state:

Relevant considerations

- 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.

Reasons for decision

- 10.** The written decision of a subdivision authority provided under section 656 of the Act must include the reasons for the decision, including an indication of how the subdivision authority has considered
- (a) any submissions made to it by the adjacent landowners, and
 - (b) the matters listed in section 9.

Alberta Land Stewardship Act

Purpose of conservation easements

29(1) A registered owner of land may, by agreement, grant to a qualified organization a conservation easement in respect of all or a part of the land for one or more of the following purposes:

- a) the protection, conservation and enhancement of the environment;
- b) the protection, conservation and enhancement of natural scenic or esthetic values;
- c) the protection, conservation and enhancement of agricultural land or land for agricultural purposes;
- d) providing for any or all of the following uses of the land that are consistent with the purposes set out in clause (a), (b) or (c):
 - i. recreational use;
 - ii. open space use;
 - iii. environmental education use;
 - iv. use for research and scientific studies of natural ecosystems.

Municipal Development Plan Bylaw No. 2017-14

4.1.9 Rural Agriculture Subdivision - Residential

- a. Rural Agriculture Subdivision - Residential is generally supported in the Rural Agricultural Area to provide opportunities for rural living.
- b. A maximum of three (3) Rural Agriculture Subdivision - Residential are allowed per unsubdivided quarter section unless otherwise stated in Section 4.2 Prime Agricultural Areas.
- c. The County will complete a market analysis and planning study to determine appropriate parcel size regulations for Rural Agriculture Subdivision - Residential.

4.2.3 Prime Agriculture Area West

- a. Prime Area West should retain large land parcels to support grazing and specialty operations grain and crop farming.
- b. Within the Prime Agriculture Area West, a total four (4) parcels are supported per quarter section.
- c. Subdivisions for non-agricultural developments should be limited in the Prime Agriculture Area West.

Land Use Bylaw No. 2017-18

PARKLAND COUNTY LAND USE BYLAW
BYLAW NO. 2017-18
CONSOLIDATED 2019-07

4.3 ANC - Agriculture/Nature Conservation District



1. Purpose

The purpose of this district is:

- To accommodate development that is sensitive to areas with distinctive natural features, and natural resources;
- Balance development with landscape connectivity, water quality and quantity, and other environmental considerations; and
- Provide opportunities for compatible agricultural and supportive land uses.

2. Uses

a) Fundamental Use Provisions

The Fundamental Use Provisions as requisite qualifiers for Permitted and Discretionary Uses listed within Subsection 2 b) and c) shall ensure:

- i) That Natural Resource Extraction/Processing shall not be located within a Multi-Parcel Residential Subdivision;
- ii) That a Wind Energy Converter System - Minor, as a Permitted Use, is limited to no more than one system; and
- iii) That Wind Energy Converter System(s) - Minor, as a Discretionary Use, are limited to no more than two systems.

Bylaw No. 2019-07

b) PERMITTED USES	c) DISCRETIONARY USES
Apiary	Accommodation and Convention Services <i>only on Pt. NE & SE 35-50-2-W5</i>
Bed and Breakfast Home	Animal Health Care Services
Dwelling, Single Detached	Boarding House
Farm Vacation Home	Cannabis Cultivation, Minor
Government Services	Cemetery
Home Day Care	Community Recreation Services
Manufactured Home, Single Wide	Cottage Industry
Wind Energy Converter System - Minor (See Fundamental Use Provisions)	Cultural Facilities
Accessory Uses for the uses listed in 4.3.2 b)	Day Care Services
	Group Care Facility
	Group Home, Limited
	Group Home, Major
	Home Based Business Level 2
	Home Based Business Level 3
	Horticultural Use
	Kennel

b) PERMITTED USES	c) DISCRETIONARY USES
	Medical Treatment Services Natural Resource Extraction/Processing Natural Science Exhibits Out-Building Outdoor Participant Recreation Services Recreational Vehicle Storage <i>only on Block 4, Plan 4992RS, Pt. NE and NW-08-51-25-W4</i> Religious Assembly Riding Arena Secondary Suite Semi-Public Use <i>only on Block 4, Plan 4992RS, Pt. NE and NW-08-51-25-W4</i> Small Animal Breeding and/or Boarding Services Tourist Campground, Destination Tourist Campground, Enroute Wind Energy Converter Systems – Major Wind Energy Converter System – Minor Accessory Uses for the uses listed in 4.3.2 c)

Bylaw No. 2019-01

3. Subdivision

- a) Parcel Area Requirement (for purposes of new Parcel creation only)
 - i) Extensive agriculture and extensive livestock shall have a minimum Parcel area of 64 ha more or less.
 - ii) Manufactured Home (single wide) and Dwelling, Single Detached shall have a minimum Parcel area of 0.8 ha of developable land and a maximum Parcel area of 4.0 ha for a single Parcel residential subdivision, unless greater area is required to include shelterbelts, natural features, on-site sewage disposal and water services, buildings or other improvements related to the residential component of a farmstead and the applicant can demonstrate to the satisfaction of the County that existing farming operations will not be restricted.
 - iii) The maximum width:depth ratio for a residential Parcel shall be 1:4.
 - iv) For all other Permitted and Discretionary Uses, the minimum and maximum Parcel area requirements shall be determined by the Subdivision Authority..
- b) Parcel Density Requirement (for purposes of new Parcel creation only)

- i) Manufactured Home (single wide) and Dwelling, Single Detached shall have a maximum of one (1) single Parcel residential subdivision from an unsubdivided quarter section.
- ii) For all other Permitted and Discretionary Uses, the Parcel density requirement shall be determined by the Subdivision Authority.

4. Development

- a) Setbacks for Principal Buildings
 - i) A minimum Setback of 7.5 m shall be provided from the Property Line of an adjacent internal subdivision road.
 - ii) A minimum Setback of 23.0 m shall be provided from the Property Line of an adjacent municipal road right-of-way.
 - iii) A minimum Setback of 45.0 m shall be provided from the Property Line of an adjacent Arterial Road right-of-way.
 - iv) A minimum Setback shall be provided as determined by the Development Authority in consultation with Alberta Transportation for Parcels adjacent to a Highway.
 - v) A minimum Setback of 6.0 m shall be provided from the side edge of the Parcel, not adjacent to any roadway.
 - vi) A minimum Setback of 6.0 m shall be provided from the rear edge of the Parcel, not adjacent to any roadway.
- b) Setbacks for Accessory Buildings
 - i) A minimum Setback of 7.5 m shall be provided from the Property Line of an adjacent internal subdivision road.
 - ii) A minimum Setback of 13.0 m shall be provided from the Property Line of an adjacent municipal road right-of-way.
 - iii) A minimum Setback of 45.0 m shall be provided from the Property Line of an adjacent Arterial Road right-of-way.
 - iv) A minimum Setback shall be provided as determined by the Development Authority in consultation with Alberta Transportation for Parcels adjacent to a Highway.
 - v) A minimum Setback of 3.0 m shall be provided from the side edge of the Parcel, not adjacent to any roadway.
 - vi) A minimum Setback of 3.0 m shall be provided from the rear edge of the Parcel, not adjacent to any roadway.
- c) For Home Based Business Level 3 a minimum Setback of 152.0 m shall be maintained from the boundaries of the development to the boundaries of a Multi-Parcel subdivision.
- d) Proposed development on substandard Parcels which do not meet the provisions of this Bylaw shall be considered by the Development Authority and development permits may be issued, having regard for the limitations of the Parcel.
- e) For all other Permitted and Discretionary Uses the minimum building Setback requirement shall be determined by the Development Authority.

5. Other Development Regulations

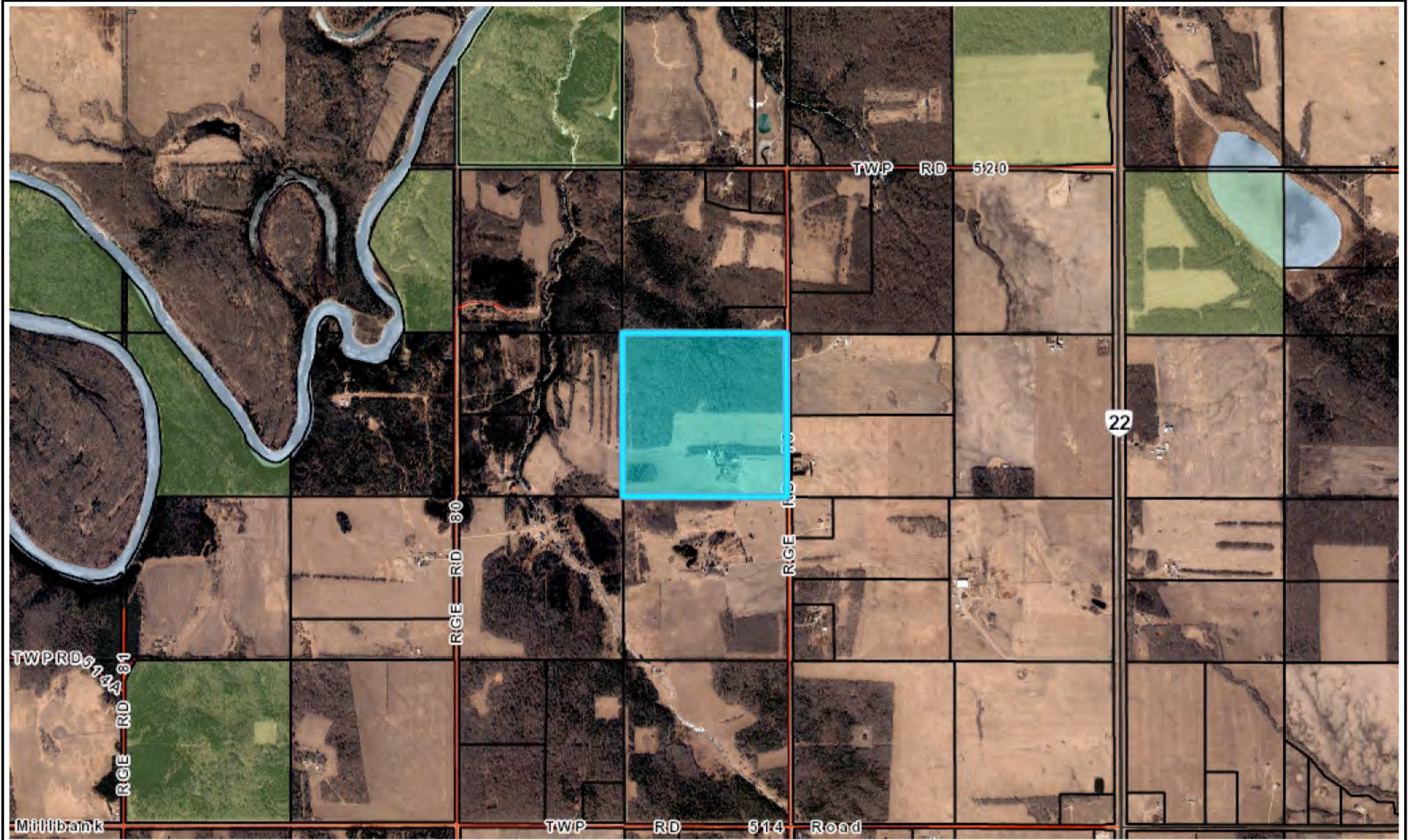
- a) Dugouts shall not be located within 30.0 m of any public road, or as otherwise approved by the Development Authority, and shall not encroach upon, or affect, any watercourse or drainage easement, and shall meet the minimum Setback requirements of the applicable district.
- b) Notwithstanding Section 4.3.4, and pursuant to Section 11.3., the rear and side yard building Setbacks on Pt. NE 35-S0-27-W4M shall be 15.0 m from the upper valley break of the North Saskatchewan River, as determined in the March 1996 report prepared by J.R. Paine and Associates Ltd. entitled Geotechnical Investigation and Top of Slope Assessment, Tranquility Ridge Estates Acreage Residential Subdivision.
- c) Notwithstanding Section 4.3.4., the minimum building Setback requirement from the upper valley crest of the Pembina River for NW 31-54-6-W5M shall be 1.5 times the height of the bank as measured from the toe of the slope to the upper valley crest.
- d) Pursuant to the MDP, a biophysical assessment shall be required for a site proposed for a multi-Parcel subdivision or a major development if all or part of the site is located within areas defined as environmentally significant in the Environmental Conservation Plan, and may be required within 0.8 km of areas defined as environmentally significant in the Environmental Conservation Plan, or if the site contains natural features such as sloughs or extensive tree cover.
- e) The biophysical assessment shall identify and evaluate the environmental significance and sensitivity of existing vegetation, wetlands, other water features, wildlife habitat and unique physical features, and shall recommend appropriate measures for protecting significant features.
- f) Permitted and Discretionary Uses are subject to the appropriate provisions and requirements contained within PART 3 - DEVELOPMENT REGULATIONS.

6. Regulations for an Out-Building

- a) Applications for an Out-Building shall be considered at the discretion of the Development Authority based on the merits of the application and the context of the area. Consideration shall include, but not be limited to the size, scale, intensity, and intended use of the development; proximity to buildings on adjacent lands; established character within the area; Parcel size; and reasonable compatibility.
- b) An Out-Building shall:
 - i) Have a maximum floor area of 80 m²;
 - ii) Be finished with durable exterior building material such as siding, stucco, brick, brick veneer or similar; and
 - iii) Be screened to the satisfaction of the Development Authority.

List of Exhibits:

1. Location Map (dated August 21, 2023)
2. Aerial Map (dated September 28, 2023)
3. Tentative Plan Approved (dated September 28, 2023)
4. Landowner Authorization Form, Updated (received December 12, 2023)
5. Certificate of Title (retrieved June 6, 2023)
6. Utility Right of Way 962 292 304 (dated October 15, 1996)
7. Applicant Acknowledgement Letter (dated August 21, 2023)
8. Adjacent Landowners Notification Letter (dated August 21, 2023)
9. Adjacent Landowners Notification Map (created January 15, 2024)
10. Adjacent Landowners Notification List (dated August 21, 2023)
11. Referral Agencies Notice (sent via Email August 21, 2023)
12. Desktop Biophysical Assessment (dated July 7, 2023)
13. Community Sustainability Referral Response (dated September 5, 2023)
14. Subdivision Application Processing Time Extension Agreement (accepted October 18, 2023)
15. Subdivision Application Processing Time Extension Agreement (accepted November 7, 2023)
16. Subdivision Report (signed by Subdivision Authority on November 16, 2023)
17. Notice of Decision– Applicant and Owner (dated November 20, 2023)
18. Land Use Bylaw No. 2017-18 District Map 3
19. Relevant Municipal Development Plan policies
20. Municipal Development Plan No. 2017-14 Figures
21. Council Policy C-PD15 Dedication and Use of Municipal Reserve, Environmental Reserve, and Environmental Reserve Easement



Location Map

Notes: PLSP20230436

Created By: NZ
Created On: Aug 21, 2023

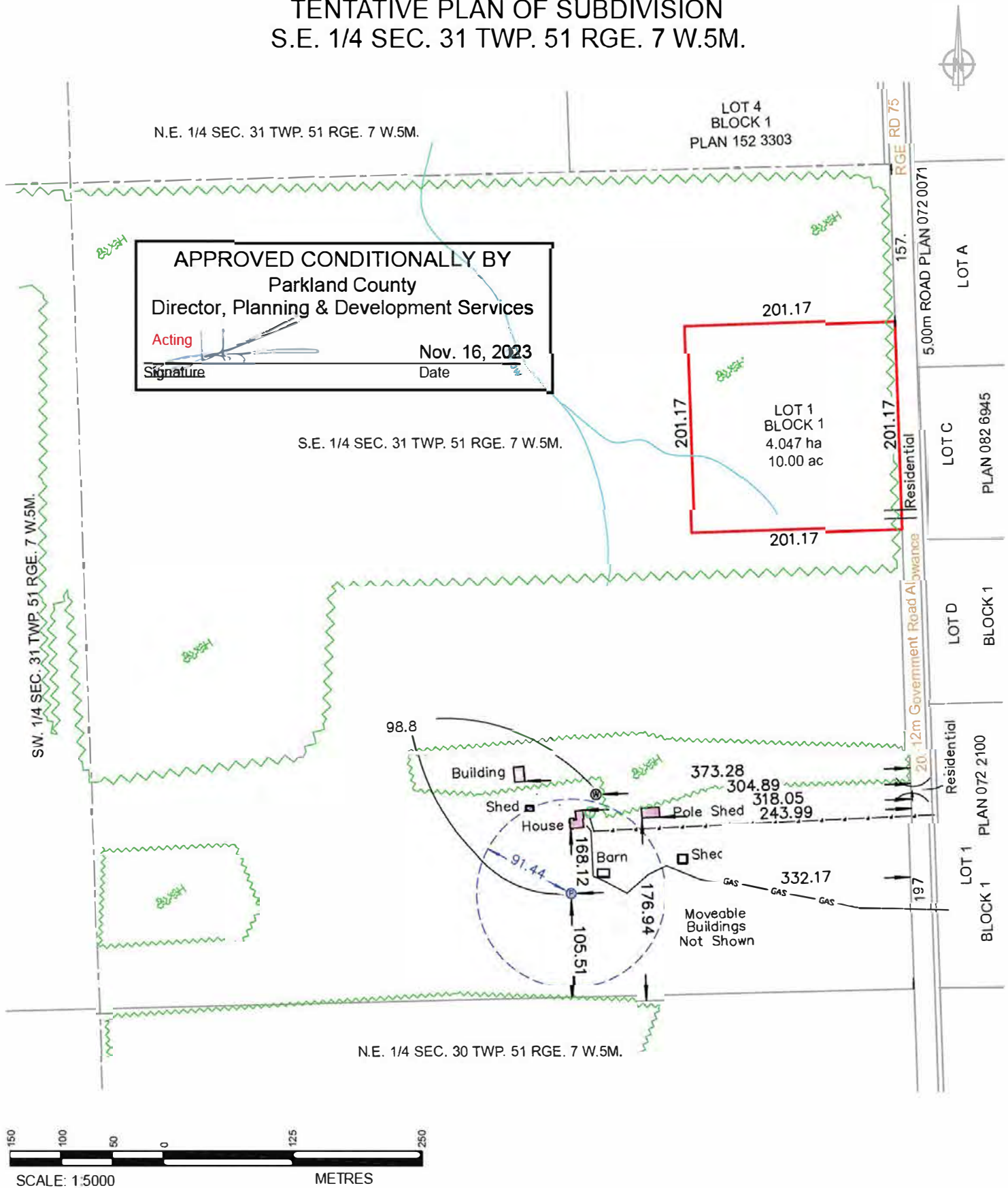
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise suitable for use. **THIS MAP IS NOT TO BE USED FOR NAVIGATION OR LEGAL PURPOSES**



1: 25,000



TENTATIVE PLAN OF SUBDIVISION S.E. 1/4 SEC. 31 TWP. 51 RGE. 7 W.5M.



S.E. 1/4 SEC. 31
TWP. 51 RGE. 7 W.5M.
51504 RGE RD 75
PARKLAND COUNTY

Zoning:
Agriculture &
Nature Conservation District

NOTES:

Distances are in metres and decimals thereof.
Assumed grid bearing per GNSS observations;
UTM Zone 11, relative to Can-Net base station



Existing Approach

Proposed Approach

LEGEND:

- Subject parcel boundaries
- ~ Bush Line
- Overhead Powerline
- Septic Tank
- Septic Pump-out
- Power Pole
- Water Well

Issued Date:
September 28, 2023
File: 23-0062

© 2023
Rose Creek Geomatics Inc.
Alder Flats AB T0C 0A0
Page 28 of 109
www.rosecreekgeomatics.ca



Landowner Declaration and Consent Form

Registered Landowner Declaration and Consent (complete this section if you are the landowner)

Subject Legal and/or Civic Address (the "Lands") SE 1/4 31 ST RT W5th

I / We, the registered owner(s) or authorized representative of the landowner hereby:

- Grant authorization for Parkland County staff to enter the Lands to conduct site inspections and evaluations;
- Understand that if an application is approved or refused by the decision-making Authority, it may be appealed to the applicable appeal board (Subdivision and Development Appeal Board or Land and Property Rights Tribunal). It is further understood that the appeal board may confirm, revoke, or vary the decision or any condition because of such an appeal being duly served, and that any work undertaken prior to an appeal being filed is entirely at my/our risk;
- Understand that any approvals granted regarding an application does not excuse me/us from complying with the requirements of any Federal, Provincial, or other Municipal Legislation, or the conditions of any easement, restrictive covenant, or agreement affecting the Lands;
- Certify the information provided with the application is, to the best of my/our knowledge, a true statement of the facts relation to the application;
- Consent to receive communication and application decisions through electronic means if applicable.

Note that Parkland County sends application-related correspondence to the named applicant.

I / We hereby authorize the applicant _____ to act as an agent on my/our
(please leave blank if you are the applicant)
behalf relating to the application(s) identified below at the address above.

Signature of Primary Registered Owner _____ Date Dec 12/23
 Registered Owner Email _____ Registered Owner Phone Number _____

The above signature provides consent for the following application(s):

- ☐ Development Permit
 ☐ Civic Address New/Change
 ☐ Subdivision
 ☐ Comprehensive Planning Application
 ☐ Compliance Review

Signatures of additional Owners on Title (only applicable for Subdivisions and Comprehensive Planning Applications)

Registered Owner Signature _____ Print Name _____ Date Dec 12/23
 Registered Owner Signature _____ Print Name _____ Date _____
 Registered Owner Signature _____ Print Name _____ Date _____

Applicant Declaration (complete this section if you are the applicant but not the landowner)

I / We the Applicant, hereby:

- Certify that I/we am/are the contact for the Primary Registered Landowner;
- Certify the information provided with the application is, to the best of my/our knowledge, a true statement of the facts relating to the application;
- Consent to receive communication and application decisions through electronic means.

Signature of Applicant _____ Date Dec 12/23
 Print Name _____

The information collected on this document will be used for the purposes allowed under the authority of the *Municipal Government Act*. The personal information that you provide may be made public subject to the provisions of the *Freedom of Information and Protection of Privacy Act*. Questions regarding the collection and use of this information may be directed to the Freedom of Information & Protection of Privacy Coordinator for Parkland County at 780-968-3229.

Latest Revision: 08.25.2023



LAND TITLE CERTIFICATE

S

LINC

SHORT LEGAL

TITLE NUMBER

0022 432 389

5;7;51;31;SE

882 118 597

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 7 TOWNSHIP 51

SECTION 31

QUARTER SOUTH EAST

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME

AREA: 64.7 HECTARES (160 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE

MUNICIPALITY: PARKLAND COUNTY

REGISTERED OWNER(S)					
REGISTRATION	DATE (DMY)	DOCUMENT	TYPE	VALUE	CONSIDERATION
882 118 597	31/05/1988				\$28,500

OWNERS

[REDACTED]

AND

[REDACTED]

BOTH OF:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
962 292 304	24/10/1996	UTILITY RIGHT OF WAY GRANTEE - EVERGREEN GAS CO-OP LTD.
992 269 961	10/09/1999	MORTGAGE MORTGAGEE - ALBERTA TREASURY BRANCHES.

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

882 118 597

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

BOX 6900
DRAYTON VALLEY
ALBERTA T7A1S2
ORIGINAL PRINCIPAL AMOUNT: \$20,000

062 265 177 21/06/2006 AMENDING AGREEMENT
AMOUNT: \$50,000
AFFECTS INSTRUMENT: 992269961

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 6 DAY OF JUNE,
2023 AT 06:03 P.M.

ORDER NUMBER: 47442725

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S) .

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

962292304

ORDER NUMBER: 47604294

ADVISORY

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Please contact the Land Titles Office at (780) 422-7874 if the image of the document is not legible.

UTILITY RIGHT OF WAY

(SECTION 72 LAND TITLES ACT R.S.A. 1980, c.L-5)

EVERGREEN GAS CO-OP LIMITED (hereinafter referred to as the "Association"), of **DRAYTON VALLEY, ALBERTA**.

WHEREAS the Association proposes to furnish gas service to its members in the Association's franchise area, by means of a natural gas pipeline/or pipelines and related facilities called herein the "distribution system".

AND WHEREAS for the purpose of constructing and maintaining the distribution system on the land of the undersigned, being the registered owner of a parcel of land, subject to such encumbrances, liens and interests as may be notified on existing Certificate of Title and situate in the Province of Alberta, namely:

THE SE¼ OF SECTION 31-51-7-5

AS DESCRIBED IN C. OF T. 882118597

RESERVING THEREOUT ALL MINES AND MINERALS

NOW THEREFORE in consideration of the sum of One Dollar (\$1.00) paid to me, the receipt of which is hereby acknowledged, I (WE) (hereinafter referred to as the "Grantor")

WAYNE STANLEY KULAK & CATHERINE JEANETTE KULAK

DRAYTON VALLEY, ALBERTA

hereby grant to the Association a utility right of way for locating, constructing, maintaining and removing its distribution system including the right to carry out the necessary trimming and cutting of trees and brush, on and over such part of said lands as may be necessary from time to time. Extensions, continuations or branches of the distribution system will, where possible, and with due consideration for costs, be located according to the Grantor's wishes. The utility right of way is hereby granted for as long a period as the Association, its successors and assigns, desires and continues to maintain and operate the distribution system across the said lands.

The Grantor and the Association hereby covenant and agree to the following terms and conditions.

1. DAMAGES

The Association shall pay to the Grantor reasonable compensation for damages to growing crops, fences and livestock occurring as a result of the aforementioned operations, and as soon as weather and soil conditions permit, the Association will, insofar as it is practical to do so, restore the said lands to their condition prior to the Association's entry thereon.

2. ADDITIONAL PIPELINES

In the event the Association separately constructs additional pipelines on the said lands, it shall make every reasonable effort to obtain the approval of the Grantor.

3. ABOVE GROUND INSTALLATION

The Association shall so far as it is practical, locate any above ground installation as to provide a minimum of inconvenience to the Grantor. The Association agrees to negotiate compensation with the Grantor by separate agreement for above ground installations which cause inconvenience to the Grantor.

4. LIABILITY

The Association covenants and agrees to indemnify and save harmless the Grantor from any and all liabilities, damages, costs, claims, suits or actions caused by or resulting from the construction, operation, maintenance and/or any related fixtures and appurtenances affixed to the right of way other than through willful damage or gross negligence by the Grantor.

5. AMALGAMATION

In the event the Association is amalgamated with another Association, the utility right of way shall be retained in the name of the Association or transferred to the amalgamated entity.

6. SALE

In the event the Association sells its distribution system or a part thereof to a public or private utility company, the distribution system as built and in existence at that time only shall be transferred to the purchaser. Any new pipelines constructed shall require the Grantor's consent.

IN WITNESS WHEREOF I, the above-named Grantor, have hereunto set my hand and seal this 15th day of October, 1996.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

WITNESS

SIGNATURE OF GRANTOR(S)

AFFIDAVIT OF EXECUTION

CANADA
PROVINCE OF ALBERTA

TO WIT:

I, Irene Obst

(Name in Full)
of the Town of Drayton Valley

(Residence)
in the Province of Alberta

Secretary

(Occupation)

make oath:

1. That I was personally present and did see

WAYNE STANLEY KULAK & CATHERINE JEANETTE KULAK

Named in the within instrument, are personally known to me to be the persons therein, duly sign and execute the same for the purpose named therein.

2. That the same was executed at the Town of Drayton Valley
Province of Alberta of and that I am the subscribing witness

3. That I know the said WAYNE STANLEY KULAK & CATHERINE JEANETTE KULAK

(he, she or each) and each is in my belief of the full age of eighteen years.

SWORN BEFORE ME AT DRAYTON VALLEY

IN THE PROVINCE OF ALBERTA

THIS 15th DAY OF Oct A.D. 1996

A Commissioner for Oaths in and for the Province of Alberta

COMMISSIONER
IN AND FOR THE PROVINCE
OF ALBERTA
EXPIRES 1999 01 07

Notar Bene - All affidavits sworn outside the Province must be sworn before a Notary Public who must affix his seal.



Planning & Development Services

August 21, 2023

[REDACTED]

Sent by email:

[REDACTED]

Sent by email:

[REDACTED]

[REDACTED]

RE: Subdivision Application No.: PLSP20230436 – **Deemed Complete**
Subject Property: W5-7-51-31-SE

We acknowledge receipt of your proposed subdivision application and accompanying material accepted for evaluation and processing by Parkland County Planning & Development Services on August 21, 2023.

Pursuant to the *Municipal Government Act* 2000 Chapter M-26, your application will now be referred for comments to various government agencies, utility companies, and adjacent landowners. Any comments submitted are to be received before September 11, 2023. At the end of the 21 day referral period, we will contact you to share our comments and explain additional information (if required), and provide you with the opportunity to submit that information. Once we have completed our evaluation and have received comments and any deficiencies have been corrected, your Tentative Plan of Subdivision will be processed for decision by the Subdivision Approval Authority. Parkland County is required to render decisions on subdivision applications within 60 days of the date of this letter; should extra time be required, a time extension will be requested by the County.

In the meantime, if you have any questions or concerns, please contact the undersigned at negar.zangi@parklandcounty.com or 780-968-8888 Extn. 8524.

Sincerely,

Negar Zangi

Current Planner I

53109A Hwy 779 Parkland County, AB Canada T7Z 1R1

T 780.968.8888

parklandcounty.com



Planning & Development Services
Phone: 780-968-8888 Fax: 780-968-8444

August 21, 2023

File No. PLSP20230436

«NANAME»«NANAME1A»
«NAADD1»
«NAADD2»
«NAADD3»
«NACITY», «NAAPRV» «NAPSTC»

Dear Sir/Madam:

Subject: Proposed Subdivision SE-31-51-7-W5M

A subdivision application has been received by Parkland County Planning & Development Services ("Planning Services") for the property located at 51504 RGE RD 75. The subdivision application no. PLSP20230436 proposes to create one (1) new residential lot.

Proposed Lot Number	Approximate Land Area
Lot 1	4.047 ha (10 ac)
Remnant Lot	60.65 ha (150 ac)

Parkland County Land Use Bylaw No. 2017-18 sets permitted and discretionary land uses for each district. The land use associated with the proposed subdivision is a permitted use in the Agriculture/Nature Conservation District (ANC) Land Use District.

Please note this letter is being provided as a courtesy to nearby residents for your information. Decisions regarding subdivisions are made by the County's Subdivision Approving Authority in accordance with the Municipal Government Act (RSA 2000) and the Subdivision and Development Regulation (44/2002).

Any comments you wish to provide by **September 11, 2023** will be taken into consideration when the Subdivision Approving Authority makes its decision. However, all decisions are made first and foremost in accordance with provincial legislation. Decisions cannot be appealed by residents.

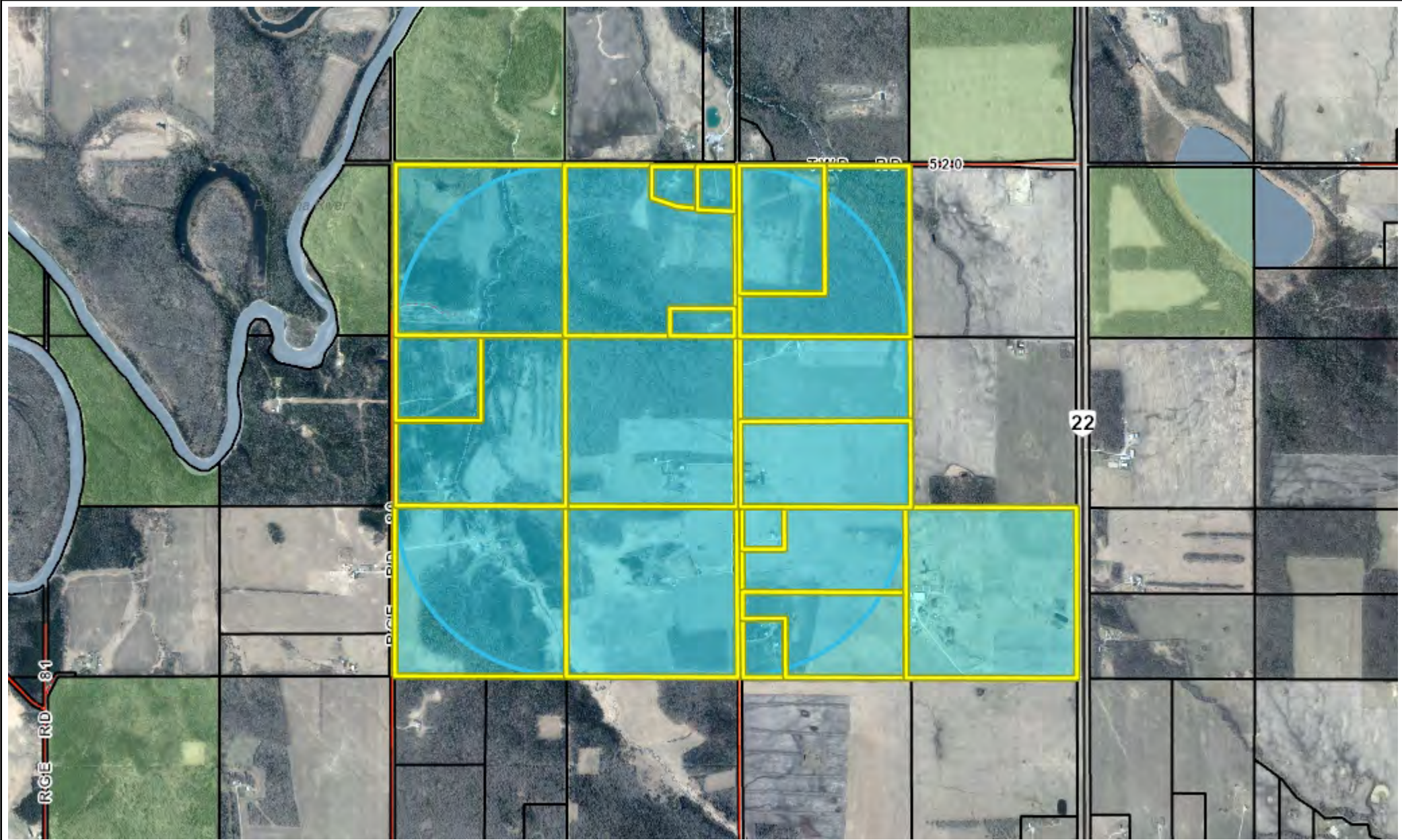
Please be advised that comments you submit, either orally or in writing, may be recorded and made public, subject to the provisions of the Freedom of Information and Protection of Privacy Act.

If you have any questions or comments please contact the undersigned at 780-968-8888 ext. 8524, email negar.zangi@parklandcounty.com.

Sincerely,

Negar Zangi, Current Planner I

Encl: Location Map & Tentative Plan of Subdivision



	Adjacent Owners Map	
Notes: PLSP20230436 Created By: NZ Created On: Jan 15, 2024 This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. January 22, 2024 - SDAB Appeal PLSP20230436 THIS MAP IS NOT TO BE USED FOR NAVIGATION OR LEGAL PURPOSES	 1: 24,009	Page 35 of 109 © Parkland County

TXROLL	TXONA#	NANAME	NAADD1	NACITY	NAAPRV	NACNTR	NAPSTC	NANAME1A	LGL	SUB	PBL	MUNADD
		Banfield, Aaron				Canada						
		Borgen, Richard				Canada						
		Dempsey Cowling, Shaye				Canada						
		Gerber, Jason				Canada						
		Hanna, Dianna				Canada						
		Johnson, Brian H				Canada						
		Kulak, Wayne S				Canada						
		Lachance, Barry A				Canada						
		Li, Bailey				Canada						
		Li, Kent				Canada						
		MacIntyre, Sean P				Canada						
		MacKey, Bernie G				Canada						
		MacKey, Dawne				Canada						
		MacKey, Scott Joseph				Canada						
		Mezzatesta, Benedict				Canada						
		Nelson, Kyle				Canada						
		Nero, Leslie A				Canada						
		Thomas, Cheryl				Canada						
		Toumeur, Ariana Noelle				Canada						
		Wehrly, Rolf				Canada						
		Weis, Garry John				Canada						
		Williams, Logan				Canada						



Planning & Development Services

File No.: PLSP20230436

August 21, 2023

To:

Alberta Energy Regulator

ESRD (Water Act)

Alberta Health Services

AltaLink

Canada Post

Evergreen Catholic School Division

Parkland School Division

TELUS

Fortis Alberta

Evergreen Gas Co-Op

RE: Proposed Subject Application - **Subject Property** - SE-31-51-7-5

A subdivision application has been received by Parkland County Planning & Development Services ("Planning Services") for the property located at 51504 RGE RD 75. The subdivision application no. PLSP20230436 proposes to create 1 new Residential lot.

Proposed Subdivision Parcel Details	
Lot Number	Approximate Land Area
Lot 1	4.047 ha (10 ac)
Remnant Lot	60.65 ha (150 ac)

Parkland County Land Use Bylaw No. 2017-18 sets permitted and discretionary land uses for each district. The land uses associated with the proposed subdivision is Permitted use in the Agriculture/Nature Conservation District

This subdivision application is supported by the following technical documents which are available digitally by request to the undersigned:

- Desktop Biophysical Assessment

Please note this application is being referred to you in accordance with Sections 653 of the *Municipal Government Act* in that it may affect your interests. Subdivision decisions are made by the Parkland County Subdivision Authority in accordance with the *Municipal Government Act* (RSA 2000) and the Subdivision and Development Regulation (44/2002).

Please review the application information provided and submit your comments, concerns, or objections in writing to the undersigned before **September 11, 2023**. If no written comments, concerns, or objections are received from you by the deadline, Planning Services will consider that you have no objections, comments, or concerns. As part of this public consultation anything you submit, either orally or in writing, may be recorded and made public, subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

If you have questions, please contact the undersigned at 780-968-8888 ext. 8524 or negar.zangi@parklandcounty.com.

Sincerely,

Negar Zangi

Negar Zangi
Current Planner I

Encl: Subdivision Application Details
Location Map
Tentative Plan of Subdivision

Subdivision Application Details

As submitted by the applicant on **August 9, 2023.**

LOCATION

Does either parcel contain or is it bounded by a river, stream, lake, or other body of water or by a drainage ditch or canal?	No
Is either parcel within 1.5 kilometers of a sour gas facility?	False
Are there any underground storage tanks on either parcel?	False

EXISTING PROPERTY

Existing use of the land.	agricultural, residential
Proposed use of the land.	agricultural, residential
Topography of land.	Rolling hills
Vegetation and water on land.	partial cultivated field and part bush
Buildings and structures on the existing property and whether they are to be demolished or moved.	House, Barn (moveable on skids), machine sheds (two) Various animal shelters moveable and to be sold/moved/demolished

SERVICES

Existing on-site water supply.	Well
Proposed on-site water supply.	Well
Existing on-site sewage disposal.	Open Surface Discharge & Septic tank
Proposed on-site sewage disposal.	Open Surface Discharge & Septic tank

ABANDONED WELLS

Are there any abandoned wells within the titled area?	According to AER Web Viewer, there are NO abandoned well sites or pipelines within the titled area.
---	---

Desktop Biophysical Assessment TOR			
Project Description Information			
Project Overview	Project Name	SE-31-051-07W5M Lot Subdivision	Proponent Name
	Location (Please provide figure illustrating location and proposed plan)	SE-31-051-07W5M	Proponent Contact Information
	Project Size	Subdivide one residential parcel (~4.047 ha) from northeast portion of quarter section.	Proponent Address
	Project Purpose and Description	Subdivide one residential parcel from southwest portion of quarter section in CR – Country Residential	
	Proposed Construction Start Date:	01-Nov-23	Proposed Construction End Date:
Biophysical Assessment	Completed by:	Larry Bonsan & Kaeleigh Boiko	Company: Gen7 Environmental Solutions Ltd.
	Date:	07-Jul-23	Parkland County
	Description of Biophysical Elements		
	Is the proposed project located in a previously disturbed area? <i>Please explain.</i>	☐ Yes ☒ No The subject property to be subdivided is currently undisturbed, with the exception of the east edge along the existing county road, and comprised of a mix of mature mixedwood forest. The remainder of the quarter section is also comprised of upland forest, pasture cultivated land and a residence/yard.	
	Is the proposed project within an area where an ASP, outline plan or multiparcel subdivision has taken place?	☐ Yes ☒ No Surveyor to answer if required.	
	Has a biophysical assessment been previously completed?	☐ Yes ☒ No	
	Is the proposed project located in or adjacent to:	Distance to feature (m)	Description of Potential Impacts
	an ESA (and/or High Priority Landscape) ^(a) ☐ Yes ☒ No ?	> 1 km	The proposed subdivision is located >1 km from an Environmentally Significant Area (ESA).
	a watercourse ☒ Yes ☐ No ? (May require Water Act/Public Lands Act approvals if wetland or waterbody is impacted)	0 m	The proposed subdivision of land intersects an ephemeral watercourse.
	a water body or wetland ^(b) ☐ Yes ☒ No ? (May require Water Act/Public Lands Act approvals if wetland or waterbody is impacted)	0 m	With the information available through desktop review, the proposed subdivision does not intersect or occur adjacent to any waterbodies or wetlands.
a spatially contiguous wildlife corridor ☒ Yes ☐ No ?	0 m	Proposed subdivision encompass a largely intact forested that may provide valuable wildlife habitat and facilitate wildlife movement throughout the area.	
		Proposed Mitigation	
		None required.	
		The ephemeral watercourse will not be intersected by any clearing of land. If the ephemeral watercourse were to be directly impacted, a provincial <i>Water Act</i> approval application will be completed and filed with Alberta Environment and Parks.	
		None required.	
		Consider placing a conservation easement on the remnant lot. This would contribute to the long-term viability and sustainability of the natural ecological communities in this area, including facilitating wildlife movement.	

Do any of the following occur within the Proposed Project area:		Description of Potential Impacts	Proposed Mitigation
Presence of historically listed plant species ^(c) ?	☐ Yes ☒ No	No historically listed plant species were noted in the vicinity of the subject parcel but that does not preclude the potential for listed plant species to be present.	None required.
Presence of noxious/prohibited noxious weed species ^(d) ?	☐ Yes ☒ No	Low likelihood as majority of the subject property is forested, though weed species could be present along the access road. No site visit was completed to verify the presence of weeds by GEN7.	Implement weed control measures as required to address noxious or prohibited noxious weeds if they are present on the property. Contact Parkland County agricultural department for more information.
Presence of (or potential for) provincially/federally listed wildlife species ^(e) to occur based on availability of suitable habitat?	☐ Yes ☒ No	The proposed subdivision is not located within any sensitive wildlife species ranges based on the Fish and Wildlife Internet Mapping Tool (FWIMT) and provincial wildlife sensitivity layers. The undisturbed land of the proposed subdivision could provide suitable habitat for a range of species, however there is limited potential for provincially/federally listed wildlife species to occur given that they have not been documented in the area.	None required.
Presence of sensitive terrain or soil features (e.g., steep or unstable slopes, saline soils)?	☒ Yes ☐ No	Topography of the site is comprised of rolling medium relief terrain with fine textured soils and some areas of coarser textured soils. Soils are well-drained.	None required.
Presence of potential fish habitat?	☐ Yes ☒ No	The ephemeral watercourse is non-fish-bearing. No potential impacts to fish or fish habitat are anticipated.	None required.
Is clearing of vegetation required?	☒ Yes ☐ No	A new access road and residence is proposed to be constructed, which will require vegetation clearing.	Any vegetation clearing should be timed to occur outside of the window for nesting/breeding birds (which is generally mid April to late August) as per the Migratory Birds Convention Act. If vegetation clearing is required during this period, a nest sweep should be completed by a qualified biologist within seven days of construction for all areas to be cleared to confirm that no active nests or breeding birds are present. If active nests are present construction should be delayed until the proper mitigations or permitting is obtained.

To Be Completed by Parkland County

Summary / Conclusion

1) Is more information required to assess potential impacts/proposed mitigation? ☐ Yes ☐ No

2) What type of additional information is required for further assessment?

☐ Comprehensive Biophysical Assessment☐ Wetland Assessment and Impact Report☐ Species Specific Survey (Please specify)☐ Other? (Please specify)3) Can approval be issued? ☐ Yes ☐ No4) Are there any conditional requirements for the approval? ☐ Yes ☐ No

Please list all approval conditions in summary/conclusion.

^(c) Please refer to Parkland County Environmentally Significant Areas (available at <http://maps.parklandcounty.com/discoverparkland/>)^(d) Please refer to Parkland County Current Wetland Inventory (available at <http://maps.parklandcounty.com/discoverparkland/>)^(e) Refer to Alberta Conservation Information Management System (ACIMS) for plant species information.^(f) Refer to Alberta Wetland Inventory (2014) for wetland information.^(g) Refer to Alberta Wild Species General Status Listing and the federal Species at Risk Act for species specific information.

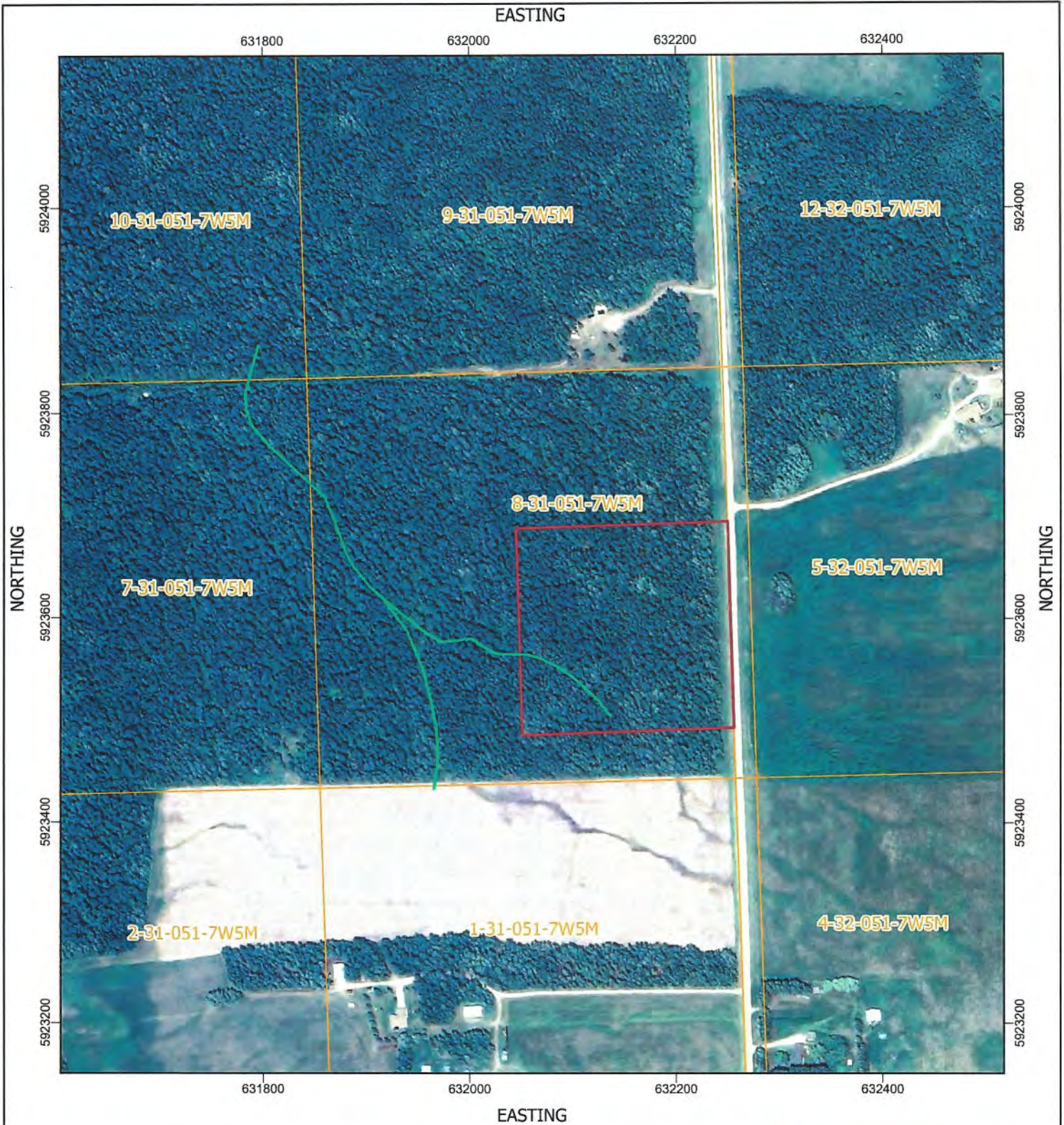


Figure 1: Desktop Assessment showing Delineated Watercourses on June 28, 2021 Imagery

Client: [REDACTED]

Location: SE-31-051-07 W5M

Projection: UTM NAD83 Zone 11N

0 50 100 Meters 1:5,000

Proposed Residential

Draw

LSD

Project: 23176

Date: June 27, 2023

Source: Google Earth, AEP, Altalis



Figure 2: Desktop Assessment on June 28, 2021 Imagery

Client:

Location:
SE-31-051-07 W5M

Projection: UTM NAD83 Zone 11N

0 50 100 Meters 1:5,000

Proposed Residential
LSD



Project: 23176

Date: June 27, 2023

Source: Google Earth, AEP, Altalis



Figure 3: Desktop Assessment on June 11, 2019 Imagery	050100Meters 1:5,000	N 	
Client: 	Proposed Residential		Project: 23176
Location: SE-31-051-07 W5M	LSD		Date: June 27, 2023
Projection: UTM NAD83 Zone 11N			Source: Google Earth, AEP, Altalis

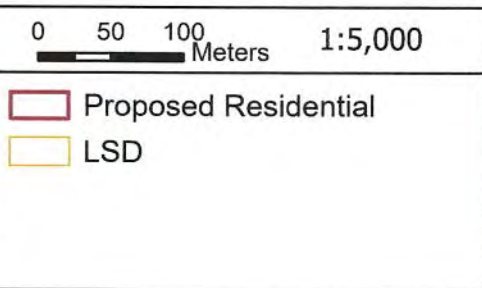


Figure 4: Desktop Assessment on May 27, 2012 Imagery

Client: [REDACTED]

Location: SE-31-051-07 W5M

Projection: UTM NAD83 Zone 11N



N

Project: 23176

Date: June 27, 2023

Source: Google Earth, AEP, Altalis



Figure 5: Desktop Assessment on September 11, 2004 Imagery

Client:

Location:
SE-31-051-07 W5M

Projection: UTM NAD83 Zone 11N

0 50 100 Meters 1:5,000

Proposed Residential
LSD



Project: 23176

Date: June 27, 2023

Source: Google Earth, AEP, Altalis

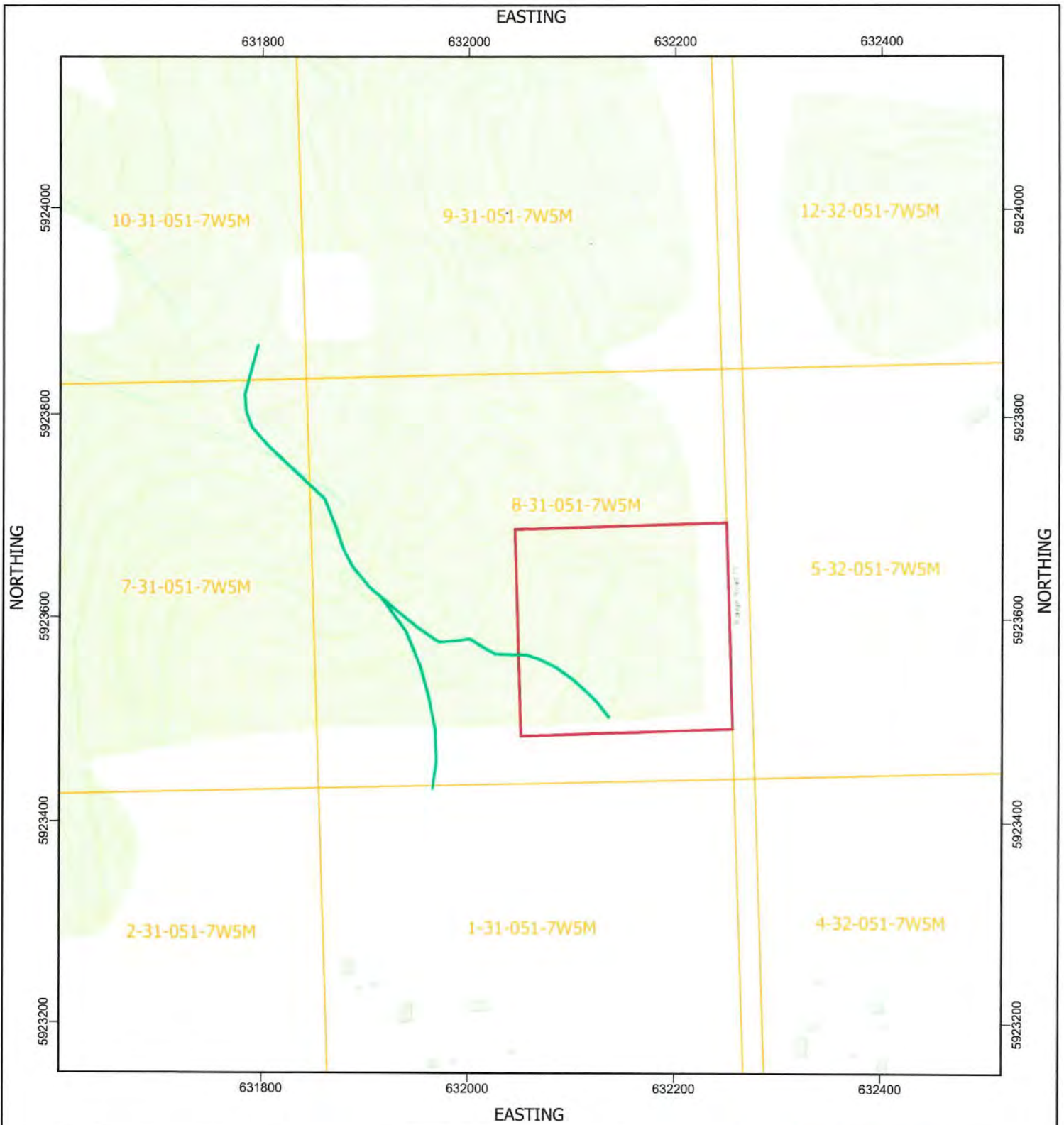
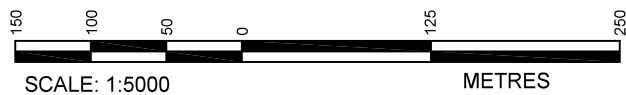
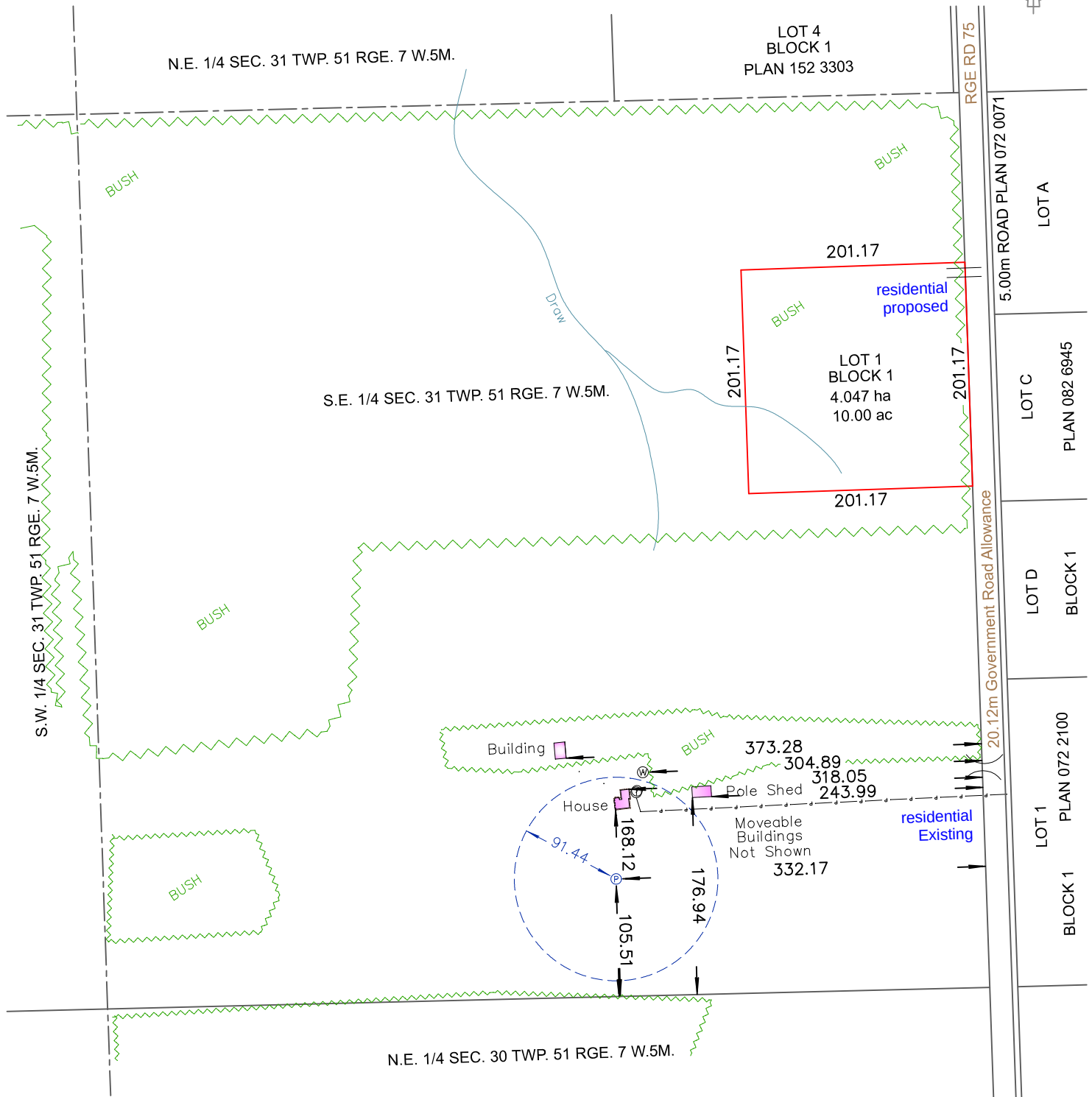


Figure 6: Desktop Assessment on Topographic Basemap	050100 Meters 1:5,000	 Project: 23176 Date: June 27, 2023 Source: Google Earth, AEP, Altalis	
Client: [REDACTED]	Proposed Residential		
Location: SE-31-051-07 W5M	Draw		
Projection: UTM NAD83 Zone 11N	LSD		

TENTATIVE PLAN OF SUBDIVISION S.E. 1/4 SEC. 31 TWP. 51 RGE. 7 W.5M.



S.E. 1/4 SEC. 31
TWP. 51 RGE. 7 W.5M.
51504 RGE RD 75
PARKLAND COUNTY

Zoning:
Agriculture &
Nature Conservation District

NOTES:

Distances are in metres and decimals thereof.
Assumed grid bearing per GNSS observations;
UTM Zone 11, relative to Can-Net base station



Existing Approach
Proposed Approach

LEGEND:

- Subject parcel boundaries
- ~ Bush Line
- Overhead Powerline
- ⊙ Septic Tank
- ⊕ Septic Pump-out
- ⊙ Power Pole
- ⊙ Water Well

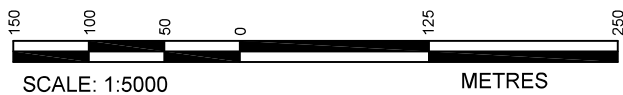
Issued Date:

JUNE 22, 2023
File: 23-0062

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Alder Flats, AB, T0C 0A0
www.rosecreekgeomatics.ca

TENTATIVE PLAN OF SUBDIVISION S.E. 1/4 SEC. 31 TWP. 51 RGE. 7 W.5M.



S.E. 1/4 SEC. 31
TWP. 51 RGE. 7 W.5M.
51504 RGE RD 75
PARKLAND COUNTY

Zoning:
Agriculture &
Nature Conservation District

NOTES:

Distances are in metres and decimals thereof.
Assumed grid bearing per GNSS observations;
UTM Zone 11, relative to Can-Net base station



Existing Approach
Proposed Approach

LEGEND:

- Subject parcel boundaries
- ~ Bush Line
- Overhead Powerline
- ⊙ Septic Tank
- ⊙ Septic Pump-out
- ⊙ Power Pole
- ⊙ Water Well

Issued Date:

JUNE 22, 2023
File: 23-0062

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Alder Flats, AB, T0C 0A0
www.rosecreekgeomatics.ca

Layers

Filter Layers...

Filter

☐ Wabamun Land Use Districts☐ Environmentally Significant Areas

Anno

☐ Environmentally Significant

Areas

☒ Current Wetland Inventory

(2013)

☐ Anthropogenic☐ Named_Lake☐ Bog☐ Fen☐ Marsh☐ Open Water☐ Swamp☐ Historic Wetland Inventory

(circa 1950)

☒ Road Infrastructure☐ Road Maintenance☒ Grader Activity☒ Plow Truck Activity☒ Major Roads☒ Roads☒ Provincial Highway

I want to...

☆ Parcel : 51504 RGE RD 75

Legal Descr: SE-31-51-7-5 P/B/L: //

Subdivision:

Electoral Dist: 6

Area: 160 acres / 64.749 hectares

Assessment: \$344,420

[Property Information Report](#)

[View Additional Details](#)

Tools



Layers



Parcels

WKID: 4326 Lat/Long ▲

Lat: 53.45416° N

Lon: 115.00548° W

0,3km

January 22, 2024- SDAB Appeal PLSP20230436

Page 50 of 109

Layers

Filter Layers...

Filter

☐ Wabamun Land Use Districts☐ Environmentally Significant Areas

Anno

☒ Environmentally Significant

Areas

☐ Current Wetland Inventory

(2013)

☐ Anthropogenic☐ Named_Lake☐ Bog☐ Fen☐ Marsh☐ Open Water☐ Swamp☐ Historic Wetland Inventory

(circa 1950)

☒ Road Infrastructure☐ Road Maintenance☒ Grader Activity☒ Plow Truck Activity☒ Major Roads☒ Roads☒ Provincial Highway

I want to...

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Legal Descr: SE-31-51-7-5 P/B/L: //
 Subdivision:
 Electoral Dist: 6
 Area: 160 acres / 64.749 hectares
 Assessment: \$344,420
[Property Information Report](#)

[View Additional Details](#)

Tools



Layers



Parcels

WKID: 4326 Lat/Long ▲

Lat: 53.45236° N
 Lon: 114.98238° W

0.3km

January 22, 2024- SDAB Appeal PLSP20230436

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Fish and Wildlife Internet Mapping Tool (FWIMT)

(source database: Fish and Wildlife Management Information System (FWMIS))

Species Summary Report

Report Date: 27-Jun-2023 11:19

Species present within the current extent

Fish Inventory

No Species Found in Search Extent

Wildlife Inventory

No Species Found in Search Extent

Stocked Inventory

No Species Found in Search Extent

Buffer Extent

Centroid (X,Y)

499328, 5919362

Projection

10-TM AEP Forest

Centroid (Qtr Sec Twp Rng Mer)

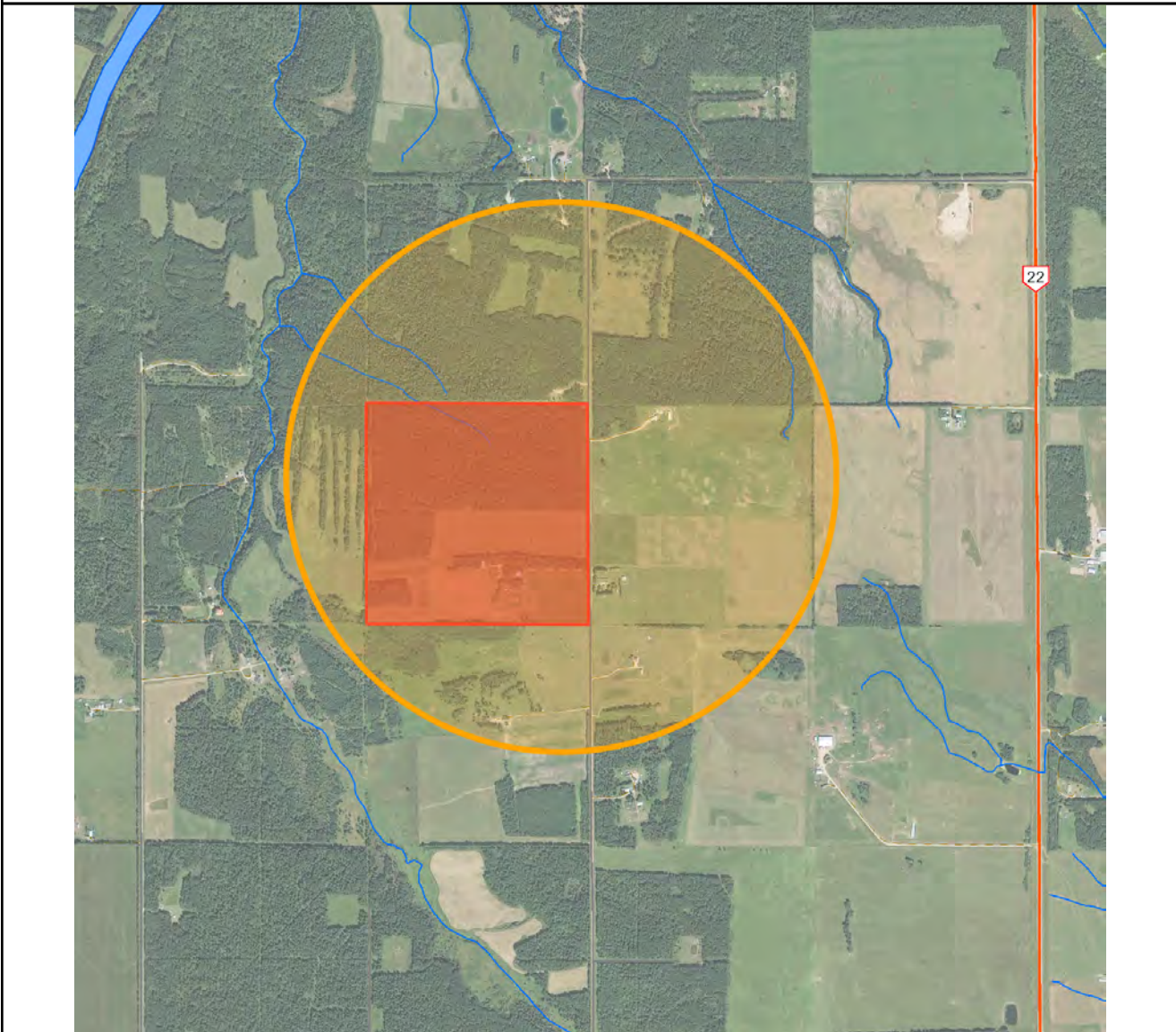
SE 31 51 7 5

Radius or Dimensions

1 kilometers

Contact Information

For contact information, please visit:
<https://www.alberta.ca/fisheries-and-wildlife-management-contacts.aspx>



Display may contain: Base Map Data provided by the Government of Alberta under the Alberta Open Government Licence. Cadastral and Dispositions Data provided by Alberta Data Partnerships. (c)GeoEye, all rights reserved. Information as depicted is subject to change, therefore the Government of Alberta assumes no responsibility for discrepancies at time of use

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Date: 27/6/2023

Requestor: Environment/Conservation

Reason for Request: Environmental Assessment

SEC: 31 **TWP:** 051 **RGE:** 07 **MER:** 5



■ Non-sensitive EOs (updated: June 2022)

M_RR_TTT_SS	EO_ID	ECODE	S_RANK	SNAME	SCOMNAME	LAST_OBS_D
-------------	-------	-------	--------	-------	----------	------------

No Non-sensitive EOs Found: Next Steps - See FAQ (<https://www.albertaparks.ca/albertaparksca/management-land-use/alberta-conservation-information-management-system-acims/faqs.aspx#2> - Process).

■ Sensitive EOs (updated: June 2022)

M-RR-TTT	EO_ID	ECODE	S_RANK	SNAME	SCOMNAME	LAST_OBS_D
----------	-------	-------	--------	-------	----------	------------

No Sensitive EOs Found: Next Steps - See FAQ (<https://www.albertaparks.ca/albertaparksca/management-land-use/alberta-conservation-information-management-system-acims/faqs.aspx#2> - Process).

Updated: Aug 31, 2022

Report on Soil Polygon: 26722

Variable	Value
POLY_ID	26722
Map Unit Name	CLK6/M1m
Landform	M1m - rolling - medium relief
LSRS Rating (Spring Grains)	2T(10)

Landscape Model Descriptions:

Orthic Gray Luvisol on very fine textured (HC) water-laid sediments (CLK).

The polygon includes soils that are coarser textured than the dominant or co-dominant soils (6).

Rolling, medium relief landform with a limiting slope of 9% (M1m).

Image:

No image.

Landform Model:

No landform model.

Landform Profile:



Comments Received from Community Sustainability on September 5, 2023**To: Negar Zangi, Planning & Development Services****Copy : Avelyn Nicol, Manager, Environment Services****From: Amy Jones, Environmental Coordinator, Environment Services****Subject: Review of Subdivision Application and Desktop Biophysical Assessment within****SE-31-51-7-W5M-PLSP20230436****[Amy Jones @ 09/05/2023 4:32 PM]****Purpose:**

The above application and associated Desktop Biophysical Assessment have been reviewed by the Environmental Coordinator from an environmental perspective to determine if an appropriate level of information on environmental considerations has been included from Parkland County's perspective as outlined in the Municipal Development Plan and Land Use Bylaw.

Summary of Review:

This application includes the subdivision of SE-31-51-7-5 to one remnant lot (150 acres) and one residential lot (10 acres). This land is designated as Agriculture/Nature Conservation District (ANC) and the parcel is not within an ESA but does have several environmentally sensitive features. There is an unnamed ephemeral watercourse that intersects the subdivision boundaries, a large potential wildlife corridor, and steep slopes.

Summary of Requirements:

- Before development application approval should be considered, the following items must be addressed:

-The Desktop Biophysical should be updated to include an appendix indicating where the road access will be placed and how much vegetation will be removed. The Desktop Biophysical should be updated to include any changes from these results.

-The Desktop Biophysical should be updated to include an appendix indicating where any vegetation will be cleared to accommodate the residential development, and thus further updated to reflect any changes from these results.

Summary of Considerations:

- A minimum 30-meter buffer should be maintained between future development and tree clearing and the watercourse

- There are steep slopes within the parcel, >15% in some areas. Development or clearing in these steep areas would require a Geotechnical report completed by a professional consultant
- Implementation of soil erosion control measures during any future development activities to minimize any potential for soil sediments to migrate off the subject property. Ensure disturbed soils are stabilized with erosion and sediment control devices or is revegetated to reduce soil loss from erosion.
- Implement weed control measures as required to address noxious or prohibited noxious weeds if they are present on the subject property. Past weed inspections by County personnel have noted the presence of Canada thistle (*Cirsium arvense*), tall buttercup (*Ranunculus acris*) and scentless chamomile (*Leucanthemum vulgare*)
- Any future clearing activities should be timed to occur outside of the timing window for nesting/breeding birds (which is generally April 14 to August 28) as per the Migratory Birds Convention Act. If vegetation clearing is required during this period, a nest sweep should be completed by a qualified biologist prior to and within seven days of construction for all areas to be cleared to confirm that no active nests or breeding birds are present.



FORM 1

File Number:
PLSP20230436
Legal: SE-31-51-7-W5
Applicant: [REDACTED]

SUBDIVISION APPLICATION PROCESSING TIME EXTENSION AGREEMENT

I, [REDACTED], being fully aware of my rights under Section 6 of the Subdivision and Development Regulation and Section 681 of the Municipal Government Act do hereby on my own volition agree to an extension of the subdivision processing time period from the normal 60 days as follows:

The 60-day deemed refused date was Wednesday, November 01, 2023

The deemed refusal date will now be Thursday, November 30, 2023

[REDACTED]
Applicant

Accepted by Parkland County on this 7 day of November, 2023.

Negar Zangi

Negar Zangi, Current Planner I

FORM 1



File Number:
PLSP20230436
Legal: SE-31-51-7-W5
Applicant: [REDACTED]

SUBDIVISION APPLICATION PROCESSING TIME EXTENSION AGREEMENT

I, [REDACTED], being fully aware of my rights under Section 6 of the Subdivision and Development Regulation and Section 681 of the Municipal Government Act do hereby on my own volition agree to an extension of the subdivision processing time period from the normal 60 days as follows:

The 60-day deemed refused date was Friday, October 20, 2023

The deemed refusal date will now be Wednesday, November 01, 2023

[REDACTED]
Applicant

Accepted by Parkland County on this 18 day of October, 2023.

Negar Zangi

Negar Zangi, Current Planner I



Report Date: October 18, 2023
 File No.: PLSP20230436
 Roll No.: 3965000
 Legal Description: SE-31-51-7-W5M
 Division: 6

Subdivision Decision Report – One (1) Parcel in the ANC- Agriculture/Nature Conservation District

Legislative and land use history, compatibility with adopted plans, and legal implications are explored in detail within the body of this report is based on the Tentative Plan dated September 28, 2023 prepared by Rose Creek Geomatics Inc. The following documents have been considered in the preparation of this report: The Municipal Government Act, Subdivision and Development Regulations, Municipal Development Plan Bylaw 2017-14, and Land Use Bylaw 2017-18.

Applicant Information

Applicant		Owner	
Application Date	August 9, 2023	Application Acceptance Date	August 21, 2023
Referral End Date	September 11, 2023	Deemed Refused Date	October 20, 2023 <i>Extended by Agreement to November 30 2023</i>

Site Information

Title Area	64.7 hectares (160 acres).
Closest Intersection <i>Figure 1- Location Map</i>	The subject parcel is located immediately west of RGE RD 75 and 800 m south of TWP RD 520. In reference to Schedule A Map of Transportation System Bylaw 2022-15, the subject parcel is adjacent to Range Road 75 which is classed as a Local Road. Is the subject parcel located within 1.6 km of a Provincial Highway? ☐Yes/ ☒No
Current Land Use	Extensive Agricultural and rural residential.
Current Land Use District	ANC-Agriculture/Nature Conservation District.
Existing Building and Structures on Site	Lot 1: Vacant. Remnant Lot: House: predate the requirements for development permits, therefore there are no permits outstanding. Building permit 31-8297. Barn: No permits on record. Pole Shed: No permits on record. Sheds: No permits on record. A Structure identified "Building" as per the tentative plan: No permits on record. As a condition of subdivision approval, 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. Further, the

landowner shall apply for and receive approval for all required Building Permits and any permits required under the Safety Codes Act.

Uses of Adjacent Parcels
Figure 2- Air Photography

Adjacent parcels are used for extensive agricultural and rural residential purposes.

Unnamed Watercourse

The proposed Lot 1 intersects an ephemeral watercourse. Given the temporary and discontinued nature of the watercourse, no drainage easement is required with this application. However, a Conservation Easement is recommended in order to protect the watercourse and surrounding riparian area.

General Topography and
Soils

Significant portion of lands throughout the quarter section except a strip of land in the west side of the quarter have rolling medium relief landform with a limiting slope of 9%. The limited remainder part of land on the west side of the quarter section has an undulating, low relief landform with a limiting slope of 2%. The lands throughout the quarter section include soils with moderate limitations to growth due to lack of water in soil, steep slopes, and inadequate heat units.

Existing On-Site Water and
Wastewater Systems

The existing Open Surface Discharge & Septic Tank located on the Remnant Lot will need to be inspected to ensure compliance with the current Private Sewage Disposal Systems Regulation as a condition of subdivision endorsement.

Water for domestic needs is currently provided by well.

Application Proposal

Application Proposal
Figure 3, Tentative Plan

To create one Rural Agriculture Subdivision-Residential:

Lot 1: 4.047 hectares (10 acres)

Remnant: 60.65 hectares (149.87 acres)

Do the proposed residential parcels and the remnant parcel each contain at least 0.8 contiguous hectares of developable land? ☒ Yes/ ☐ No

Proposed On-Site Water and
Wastewater Systems for New
Lots

The proposed lots will be privately serviced by:

Water: Well

Septic: Open Surface Discharge & Septic Tank

Desktop Biophysical
Assessment

A Desktop Biophysical Assessment was prepared by GEN 7 Environmental Solutions Ltd. in June 2023, and the summary of findings can be found below:

- The proposed subdivision is located further than 1 km from an Environmentally Significant Area (ESA).
- The proposed subdivision of land intersects an ephemeral watercourse.
- With the information available through desktop review, the proposed subdivision does not intersect or occur adjacent to any waterbodies or wetlands.
- Topography of the site is comprised of rolling medium relief terrain with fine textured soils and some areas of coarser textured soils. Soils are well-drained.
- Low likelihood of the presence of weeds as majority of the subject property is forested, though weed species could be present along the access road.

- Proposed subdivision encompasses a largely intact forested that may provide valuable wildlife habitat and facilitate wildlife movement throughout the area.
- The proposed subdivision is not located within any sensitive wildlife species ranges based on the Fish and Wildlife Internet Mapping Tool (FWIMT) and provincial wildlife sensitivity layers. The undisturbed land of the proposed subdivision could provide suitable habitat for a range of species, however there is limited potential for provincially/federally listed wildlife species to occur given that they have not been documented in the area.
- No records of the historically listed plant species and presence of potential fish habitats were identified.
- A new access road and residence is proposed to be constructed, which will require vegetation clearing.

Community Sustainability reviewed the Desktop Biophysical Assessment and provided the following recommendations:

- The Desktop Biophysical should be updated to include an appendix indicating where the road access will be placed and how much vegetation will be removed. The Desktop Biophysical should be updated to include any changes from these results.
- The Desktop Biophysical should be updated to include an appendix indicating where any vegetation will be cleared to accommodate the residential development, and thus further updated to reflect any changes from these results.
- Since steep slopes greater than 15% exist within the subject area, Development or clearing in these steep areas would require a Geotechnical report completed by a professional consultant.
- A minimum 20-meter buffer should be maintained between future development and tree clearing and the watercourse.

Administration recommends that a Conservation Easement be registered against the titles of Lot 1 and the Remnant Lot in order to protect the unnamed watercourse including a 20 metre setback.

Other recommendations provided by both Community Sustainability and Black Fly Environmental can be found at the end of this report in the “Notes” section.

Consistency with Municipal Development Plan and Land Use Bylaw

The application is consistent with Policy 4.2.3 and 4.1.9 of the County’s Municipal Development Plan and Section 4.3(3)(b) of the Land Use Bylaw which allows the subdivision of one (1) single parcel residential subdivision from an unsubdivided quarter section.

Futures subdivisions on SE-31-51-7-W5M

Upon endorsement of this application no further subdivision will be allowed on this quarter section under current regulations; the parcel density will be maximized.

Legislative History and Planning Documents:

Municipal Development Plan Bylaw 2017-14	In reference to Figures of the MDP, the subject parcel is identified in the following classifications:	
	Figure 2-Edmonton Metropolitan Region-Policy Tiers	The subject parcel is located within the Rural Area of the Edmonton Metropolitan Region.
	Figure 5-Environmentally Significant Areas	Is the subject parcel located within an Environmentally Significant Area? ☐ Yes/ ☒ No
	Figure 7- Development Concept	The subject parcel is located within the Rural Agricultural Area.
	Figure 9-Prime Agriculture Areas	The subject parcel is located within the Prime Agricultural Area West.
	Figure 11-Prime Recreation and Tourism Areas	The subject parcel is not located within an identified Prime Recreation and Tourism Area.
	Figure 14-High Priority Landscapes	Is the subject parcel located within a High Priority Landscape? ☐ Yes/ ☒ No
Instruments Registered on Title		
	962 292 304	Utility Right of Way – Evergreen Gas Co-Op Ltd. Blanket right of way for domestic services.
Previous Subdivision Files on SE-31-51-7-W5M	No previous subdivision has occurred on the subject quarter section.	
Gas wells and pipelines abandoned and active on SE-31-51-7-W5M	There are no active or abandoned wells or pipelines within the subject quarter section, the two nearest abandoned wells are located approximately 400 m south and west of the property lines.	
Environmental Reserve	Environmental Reserve is not eligible as the parcel is the first to be created from the quarter section. The Desktop Biophysical Assessment identified that an ephemeral watercourse intersects with the lands being subdivided. As per Community Sustainability's Review, a minimum 20-meter buffer should be maintained between future development and tree clearing and the watercourse. Administration recommends that a Conservation Easement be registered against the titles of Lot 1 and the Remnant Lot in order to protect the unnamed watercourse including a 20 metre setback.	
Municipal Reserve Requirements	Pursuant to Section 663(a) of the Municipal Government Act, municipal reserves are not eligible as the parcel is the first parcel to be created from the quarter section.	
Historic Resource Value (HVR) / Historical Resources Act Compliance	The subject lands do not overlap an area identified in the provincial Listing of Historic Resources. Referral to Alberta Culture and Tourism is not required.	

Roads:

Road Widening

In accordance with Section 661 of the Municipal Government Act and Parkland County Policy C-PD03, the landowner shall dedicate 5.0 meter road widening along the frontage of the proposed Lot 1 adjacent to Range Road 75 and a 5.0 m road widening is subject to negotiation to purchase by Parkland County along the Remnant Lot adjacent to Range Road 75.

Access and Approaches

Development Engineering has indicated that the approach to the proposed residential parcel and the remnant agricultural parcel require compliance with Drawing 7.12 of Parkland County Engineering Design Standards:

Proposed Residential Approach	Lot 1	Range Road 75	1. Approach shall be graveled to the property line and shall be 6.0m minimum to 8.0m maximum in width at the property line. 2. Approach shall have a 400mm corrugated steel culvert installed with rip rap rock, topsoil and seed place at each culvert end.
Existing Residential Approach	Remnant Lot	Range Road 75	1. Approach shall be graveled to the property line and shall be 6.0m minimum to 8.0m maximum in width at the property line. 2. Approach shall have a 400mm corrugated steel culvert installed with rip rap rock, topsoil and seed place at each culvert end.

1. All approaches shall be constructed at the locations detailed on the accepted tentative plan.
2. Some ditch grading work may be required to accommodate approach construction. The landowner is to ensure correct culvert sizing and minimum depth of cover is maintained for this approach.
3. All approach(es) shall be spaced as per Parkland County Engineering Design standards and maintain the spacing requirements from adjacent approaches.
4. A haul agreement with Public Works is required for any material being hauled onto or off site on County Roadways.
5. 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.

Circulation Comments Received

Public Comments

Were written submissions received from adjacent landowners? ☐Yes/ ☒No

Referral agency comments

Agency	Response Received	Comments
Alberta Energy Regulator	☒ Yes/ ☐ No	Standard Comments.
Alberta Health Services	☒ Yes/ ☐ No	No records of contaminated sites or landfills associated with this property.
Canada Post	☐ Yes/ ☒ No	
ESRD (Water Act)	☐ Yes/ ☒ No	
Evergreen Catholic School Division	☐ Yes/ ☒ No	

Parkland School Division	☐ Yes/ ☒ No	
Altalink	☐ Yes/ ☒ No	
Evergreen Gas Co-Op	☐ Yes/ ☒ No	
FORTIS Alberta	☒ Yes/ ☐ No	Determined that no easement is required by Fortis Alberta.
TELUS Communications	☐ Yes/ ☒ No	
Community Sustainability	☒ Yes/ ☐ No	See "Desktop Biophysical" and "Notes" sections of this report.
Land Development Engineering	☒ Yes/ ☐ No	See "Roads" and "Access & Approaches" sections of this report.
Fire Services	☒ Yes/ ☐ No	Fire Discipline has no issues with the proposed subdivision of this property with the current documentation. It is recommended that with the forested area that any development should be compliant with the guidelines and recommendations of the Federal and Provincial FireSmart programs to reduce the risk of any wildland fire eventualities.
Development Planning	☒ Yes/ ☐ No	See "Existing Buildings and Structures on Site" section of this report.
District Councilor	☐ Yes/ ☒ No	

Decision

Administration recommends that the application be approved subject to the following conditions:

That the subdivision application submitted by [REDACTED] for the tentative plan of subdivision as shown on Figure 3 dated September 28, 2023 be **CONDITIONALLY APPROVED** subject to the following conditions:

1.	Pursuant to Section 654(1)(d) of the <i>Municipal Government Act</i> , 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 <i>Municipal Government Act</i>, 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 <i>Municipal Government Act</i> , the proposed subdivision must meet Section 7(g) of the <i>Subdivision & Development Regulation</i> with respect to septic disposal and an inspection of the existing septic system on the Remnant Lot is required pursuant to the <i>Private Sewage Disposal Systems Regulation</i> . 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 I 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 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.
7.	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.
8.	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.

Reasons for Decision

The proposal was reviewed and was found to be compliant with Parkland County's Municipal Development Plan and Land Use Bylaw. The application was also found to conform to the relevant considerations as outlined in Section 7 of the Subdivision and Development Regulation.

Notes:

- The ephemeral watercourse will not be intersected by any clearing of land. If the ephemeral watercourse were to be directly impacted, a provincial Water Act approval application will be completed and filed with Alberta Environment and Parks.
- Consider placing a conservation easement on the remnant lot. This would contribute to the long-term viability and sustainability of the natural ecological communities in this area, including facilitating wildlife movement.
- Any vegetation clearing should be timed to occur outside of the window for nesting/breeding birds (which is generally mid April to late August) as per the Migratory Birds Convention Act. If vegetation clearing is required during this period, a nest sweep should be completed by a qualified biologist within seven days of construction for all areas to be cleared to confirm that no active nests or breeding birds are present. If active nests are present construction should be delayed until the proper mitigations or permitting is obtained.

- d. Implementation of soil erosion control measures during any future development activities to minimize any potential for soil sediments to migrate off the subject property. Ensure disturbed soils are stabilized with erosion and sediment control devices or is revegetated to reduce soil loss from erosion.
- e. If noxious or prohibited noxious weeds are present, implement weed control measures as required. Contact Parkland County agricultural department for more information. According to Community Sustainability's review, Past weed inspections by County personnel have noted the presence of Canada thistle (*Cirsium arvense*), tall buttercup (*Ranunculus acris*) and scentless chamomile (*Leucanthemum vulgare*).

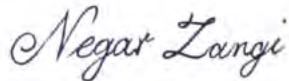
Attachments:

Figure 1: Location Map

Figure 2: Aerial Map

Figure 3: Tentative Plan of Subdivision dated: September 28, 2023

Prepared by:



Negar Zangi MSc. URP Current Planner I

October 18, 2023

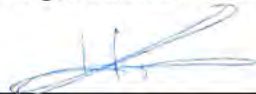
Reviewed and
Supported:



April Gallays, MCIP, RPP
Manager, Current and Long Range Planning

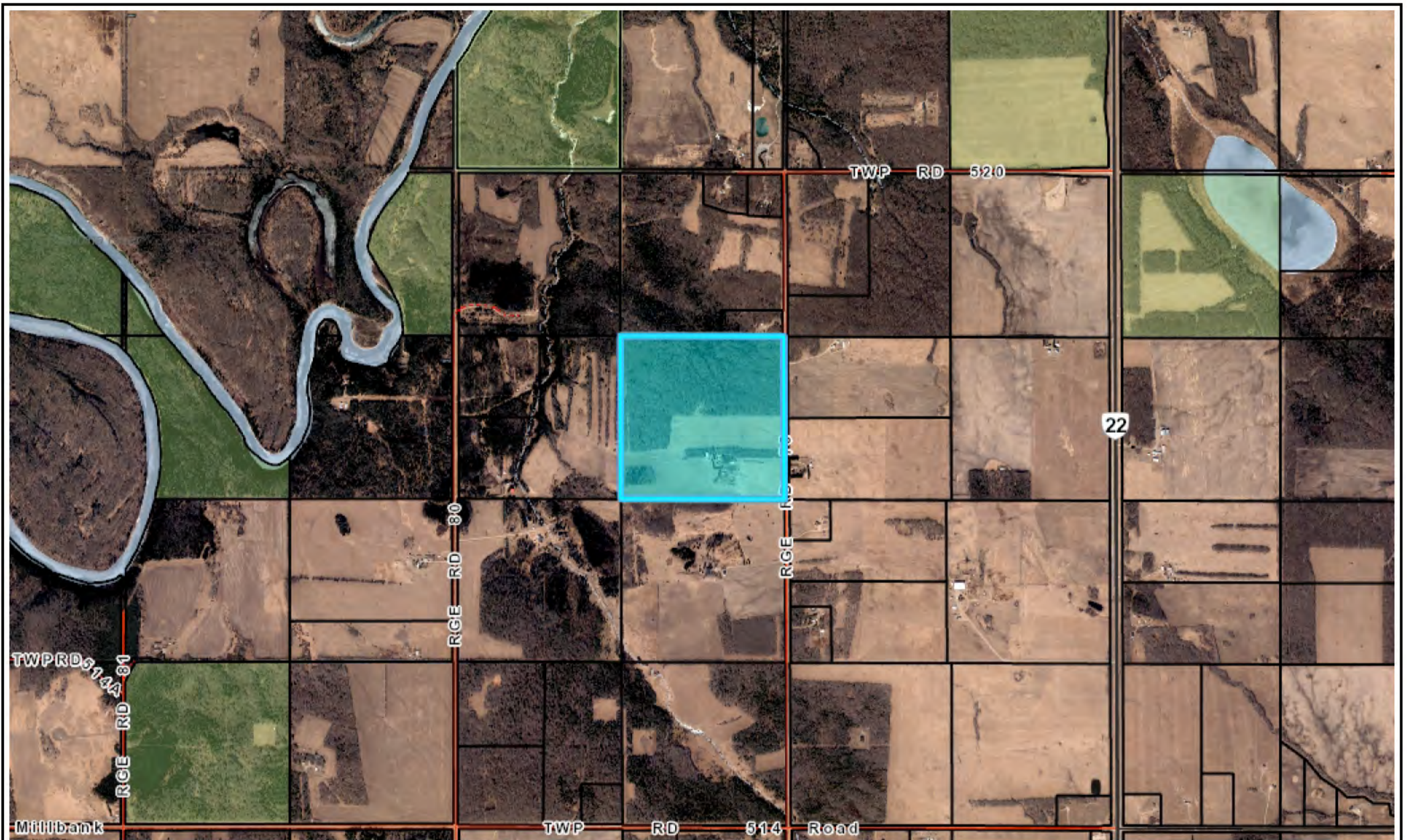
October 25, 2023

Approved as
Recommended:



Karen Kormos
Acting Director Planning and Development Services

November 16, 2023



TENTATIVE PLAN OF SUBDIVISION S.E. 1/4 SEC. 31 TWP. 51 RGE. 7 W.5M.



S.E. 1/4 SEC. 31
TWP. 51 RGE. 7 W.5M.
51504 RGE RD 75
PARKLAND COUNTY

Zoning:
Agriculture &
Nature Conservation District

NOTES:

Distances are in metres and decimals thereof.
Assumed grid bearing per GNSS observations;
UTM Zone 11, relative to Can-Net base station



Existing Approach



Proposed Approach

LEGEND:

- Subject parcel boundaries
- ~ Bush Line
- Overhead Powerline
- ⊙ Septic Tank
- ⊙ Septic Pump-out
- ⊙ Power Pole
- ⊙ Water Well

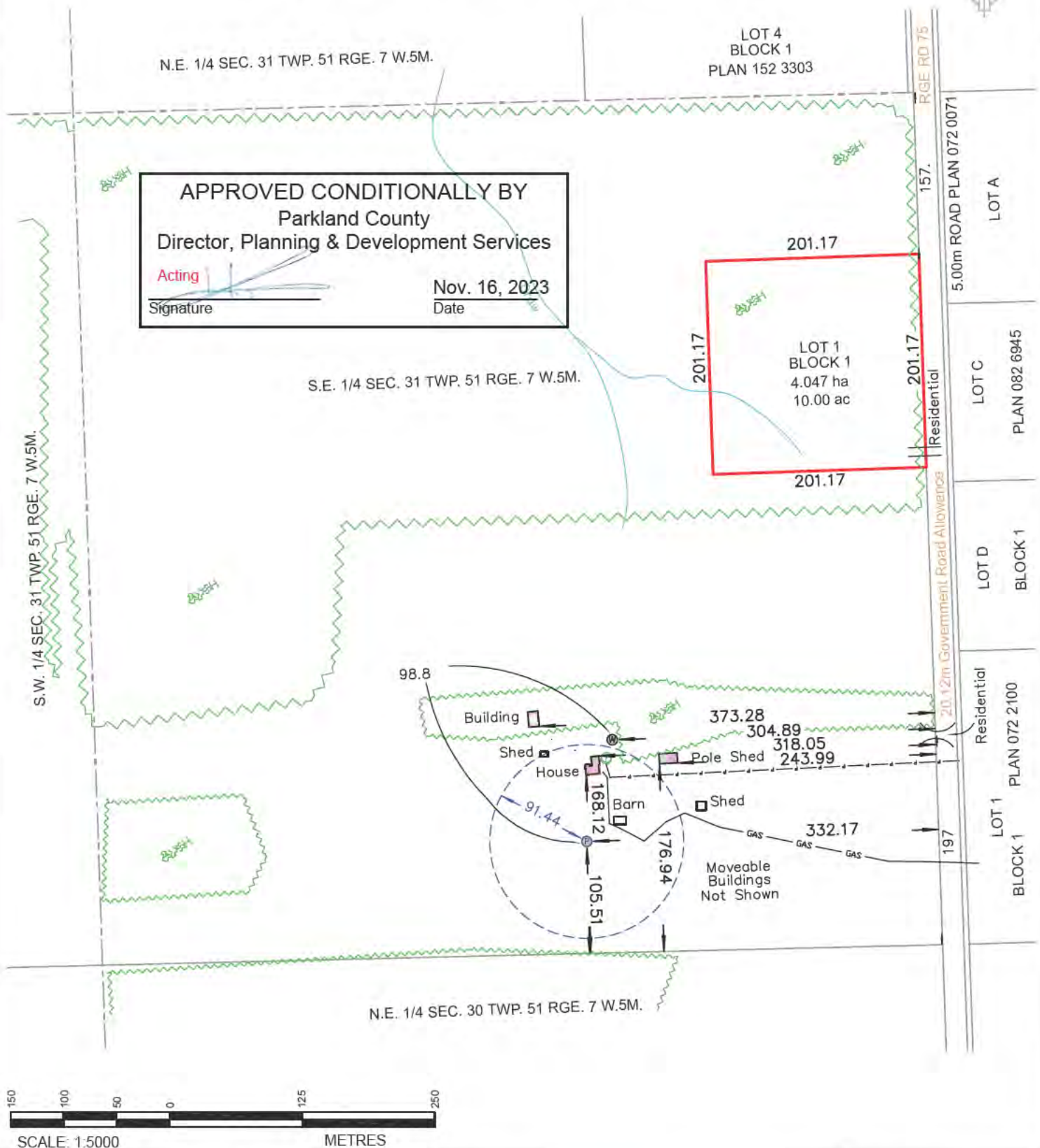
Issued Date:

September 28, 2023
File: 23-0062

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Rose Creek Geomatics Inc.
Alder Flats AB T0C 0A0
www.rosecreekgeomatics.ca

TENTATIVE PLAN OF SUBDIVISION S.E. 1/4 SEC. 31 TWP. 51 RGE. 7 W.5M.



S.E. 1/4 SEC. 31
TWP. 51 RGE. 7 W.5M.
51504 RGE RD 75
PARKLAND COUNTY

Zoning:
Agriculture &
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NOTES:

Distances are in metres and decimals thereof.
Assumed grid bearing per GNSS observations;
UTM Zone 11, relative to Can-Net base station



Existing Approach

Proposed Approach

LEGEND:

- Subject parcel boundaries
- Bush Line
- Overhead Powerline
- ⊙ Septic Tank
- ⊙ Septic Pump-out
- ⊙ Power Pole
- ⊙ Water Well

Issued Date:

September 28, 2023
File: 23-0062

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Rose Creek Geomatics Inc.
Alder Flats AB T0C 0A0
www.rosecreekgeomatics.ca



Planning & Development Services

Phone: 780-968-8888 Fax: 780-968-8444

November 20, 2023

File No. PLSP20230436

SE-31-51-7-W5

Subject: Conditional Subdivision Approval SE-31-51-7-W5M

Decision

Your subdivision application for one residential parcel, 4.047 ha (10 ac) in size, was conditionally approved by the Director of Planning & Development Services on November 16, 2022.

Conditions of Approval

That the subdivision application submitted by [REDACTED] for the tentative plan of subdivision dated September 28, 2023 and prepared by Rose Creek Geomatics Inc. be **CONDITIONALLY APPROVED** 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 I 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 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.
7.	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.
8.	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.

The proposal was reviewed and was found to be compliant with Parkland County's Municipal Development Plan, and Land Use Bylaw. The application was also found to conform to the relevant considerations as outlined in Section 7 of the Subdivision and Development Regulation. Further, adjacent landowners made no written submissions.

Appeal

If you wish to appeal this decision, an appeal may be commenced by submitting a written notice of appeal within 14 days of the date of receipt of this letter. The date of receipt is deemed by law to be 7 days from the date shown on this letter. The notice of appeal must include the file number PLSP20230436, the legal description of the subject property, the \$250.00 appeal fee and the reasons for the appeal. The appeal must be directed to:

Subdivision and Development Appeal Board
53109A Hwy 779
Parkland County, AB T7Z 1R1
Telephone: 780-968-8405

Approval Period

The approval period for this conditionally approved subdivision is **one year**. An extension of the approval period may be granted upon receipt of a written request and payment of the required fee. Repeat extensions of a subdivision approval may not be granted.

Endorsement Information and Requirements

Parkland County will not endorse any Plan of Subdivision or any other subdivision related documents until the expiry of the appeal period specified by the *Municipal Government Act*. This time period is a minimum of 21 days from the date shown on this letter.

In order to register the Plan of Subdivision at the Land Titles office the following must occur:

- all of the conditions of approval must be met to the County's satisfaction within one year of the conditional approval. You are responsible for retaining an Alberta Land Surveyor to prepare the Plan of Subdivision for registration at Land Titles. The Alberta Land Surveyors' Association maintains a listing of surveyors in Alberta which can be found at www.alsa.ab.ca. All plans and any related documents must be submitted to Parkland County for review and approval in advance of expiry of the one year period as the date of endorsement must appear on those plans and documents within one year of the conditional approval;
- a request for endorsement of a subdivision plan must be accompanied with the applicable endorsement fee and one digital copy and two paper copies of the subdivision plan. Additionally, if right-of-way or easement plans are required for drainage or other purposes, copies of those plans must be submitted for review and final acceptance. All final plans for subdivision as well as rights-of-way and easements must be submitted concurrently for review by Parkland County; and
- payment of taxes as a condition of subdivision is required by the Municipal Government Act and by County policy. Payment is required at the time of endorsement. Please contact the undersigned for further information on the taxes owing.

Utility Contacts

You are requested to contact:

- Evergreen Gas Co-Op with respect to any development or construction that will take place on the lands as a result of this subdivision approval that may affect the company's interests (i.e. buried service lines);
- Fortis with respect to its easements for new power facilities and/or relocation of existing power facilities, if required; and

Parkland County's Safety Codes Services at 780-968-8443 with respect to the installation/inspection of any private sewage disposal facilities.

Notice to the Applicant regarding Regulation of Activities

Please be aware that issuance of this Approval by the County does not include permission for activities that are regulated through other governing bodies such as Alberta Environment and Parks, Alberta Health or the Government of Canada. The Applicant is responsible for acquiring related permits. The County will not actively review that the Applicant has fulfilled their requirements under the related acts or regulations.

- You may consult with Alberta Environment and Parks regarding to your obligations under the *Water Act*, the *Environmental Protection Act* and the *Alberta Public Lands Act*. Those acts are broad but may cover development and operation activities within your project possibly including:
 - well water or surface water use
 - drainage

- wetland or water course disturbance including bank and shore
- drinking water
- wastewater disposal including sewage

Some related websites for Environment and Parks current at the time of this note are:

<http://www.aep.alberta.ca/>

<http://www.aep.alberta.ca/water/default.aspx>

<http://www.aep.alberta.ca/water/forms-applications/default.aspx>

- You may consult with Alberta Health Services. Some of their related governance is contained in the *Public Health Act - Nuisance and General Sanitary Regulation*. Their responsibilities are also broad, but they may cover activities within your project including:
 - drinking water
 - sanitary facilities
 - facilities accessed by the public
 - sewage

Some related websites for Alberta Health and Alberta Health Services current at the time of this note are:

<http://www.health.alberta.ca/about/health-legislation.html>

<https://www.albertahealthservices.ca>

<https://www.albertahealthservices.ca/info/service.aspx?id=1052203>

If you have any questions or concerns, please contact the undersigned at 780-968-8888 ext. 8524 or negar.zangi@parklandcounty.com.

Sincerely,

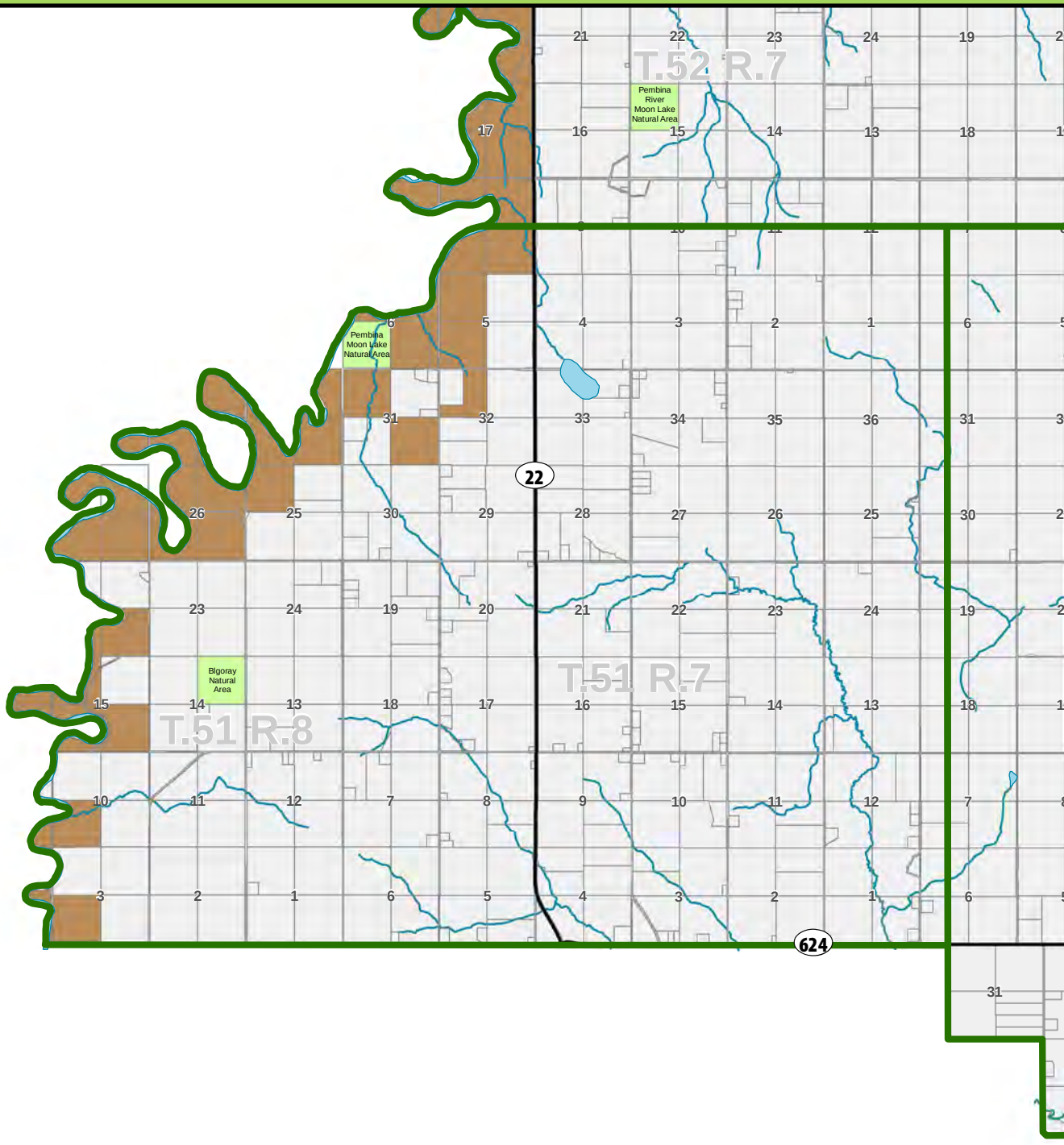


Negar Zangi, Current Planner I

CC:

Alberta Health Services
 Alberta Energy Regulator
 Canada Post
 ESRD (Water Act)
 Evergreen Catholic Schools
 Parkland School Division
 AltaLink
 Fortis Alberta
 Telus
 District Councilor
 Evergreen Gas Co-Op
 Land Development Engineering
 Fire Department
 Community Sustainability
 Development Planning

Encl: Signed Director's Decision Report
 Stamped and Signed Tentative Plan of Subdivision



**2019 Land Use District
Map 3**

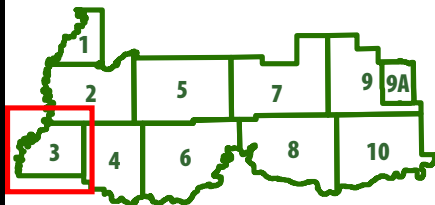
District

- AGG - Agricultural General District
- ANC - Agriculture / Nature Conservation District
- PC - Conservation District

**Consolidated to April 23, 2019
Cadastral current to April 30, 2019**

0 1 2 4 Kilometers

1:103,000





AGRICULTURE

4.1.7 Rural Agricultural Subdivision - Agriculture	a. Rural Agriculture Subdivision - Agriculture for agricultural purposes other than small holdings should typically be eighty (80) acres (32.37 ha) or greater in size.
4.1.8 Rural Agriculture Subdivision - Farmstead	a. Rural Agriculture Subdivision - Farmstead is supported in the Rural Agricultural Area to provide opportunities for rural living, support multi-generational farming and ensure sufficient population to service the agricultural sector. b. Rural Agriculture Subdivision - Farmstead in the Rural Agricultural Area should not encompass productive agricultural land and are typically no more than ten (10) acres (4.05 ha) in size.
4.1.9 Rural Agriculture Subdivision - Residential	a. Rural Agriculture Subdivision - Residential is generally supported in the Rural Agricultural Area to provide opportunities for rural living. b. A maximum of three (3) Rural Agriculture Subdivision - Residential are allowed per unsubdivided quarter section unless otherwise stated in Section 4.2 Prime Agricultural Areas. c. The County will complete a market analysis and planning study to determine appropriate parcel size regulations for Rural Agriculture Subdivision - Residential.
4.1.10 Agricultural Impact Assessments	a. An Agricultural Impact Assessment prepared by a qualified professional shall be required for new area structure plans in areas of high capability agricultural land.
4.1.11 Locating Confined Feeding Operations (CFOs)	a. The County will direct CFOs to locate where there are minimal conflicts with non-complementary or sensitive land uses, as identified in Figure 8: Confined Feeding Operations Land Use Compatibility Areas. b. The County may limit residential subdivisions in the vicinity of CFOs, where off-site impacts of the nearby CFOs may be a significant nuisance to residential use. c. The County may use the minimum distance separation formula as established in the <i>Agricultural Operation Practices Act (AOPA)</i> as criteria for determining the appropriate setback for residential subdivisions from a CFO.
4.1.12 Expansion of Existing CFOs	a. The County recognizes there are existing CFOs in existence in Parkland County. Where an existing CFO applies to the NRCB for an expansion, the County will consider Figure 8: Confined Feeding Operations Land Use Compatibility Areas, and existing land uses adjacent to the proposed expansion when providing its recommendations to the NRCB.



AGRICULTURE

POLICIES

4.2.1 Prime Agriculture Areas	a. Prime Agriculture Areas shall be located as shown on Figure 9: Prime Agriculture Areas and shall include the Prime Area South East, Prime Area South West and Prime Area Small Holdings.
4.2.2 Prime Agriculture Area South East	a. Prime Agriculture Area South East should retain large land parcels to support grazing and specialty operations such as grain and crop farming while promoting diversification and expansion into new agricultural sectors. b. Within the Prime Agriculture Area South East, a total four (4) parcels are supported per quarter section. c. Subdivisions for non-agricultural developments should be limited in Prime Agriculture Area South East.
4.2.3 Prime Agriculture Area West	a. Prime Area West should retain large land parcels to support grazing and specialty operations grain and crop farming. b. Within the Prime Agriculture Area West, a total four (4) parcels are supported per quarter section. c. Subdivisions for non-agricultural developments should be limited in the Prime Agriculture Area West.
4.2.4 Prime Agriculture Area Small Holdings	a. Prime Agriculture Area Small Holdings allows for flexibility of parcel sizes to allow for specialty agricultural operations and horticultural uses. b. Subdivisions in the Prime Agriculture Area Small Holdings should be between ten (10) and forty (40) acres in size. c. Within the Prime Agriculture Area Small Holdings, a total four (4) to six (6) parcels are allowed per quarter section. d. Rural Agriculture Subdivision - Residential is not supported within the Prime Agricultural Area Small Holdings.

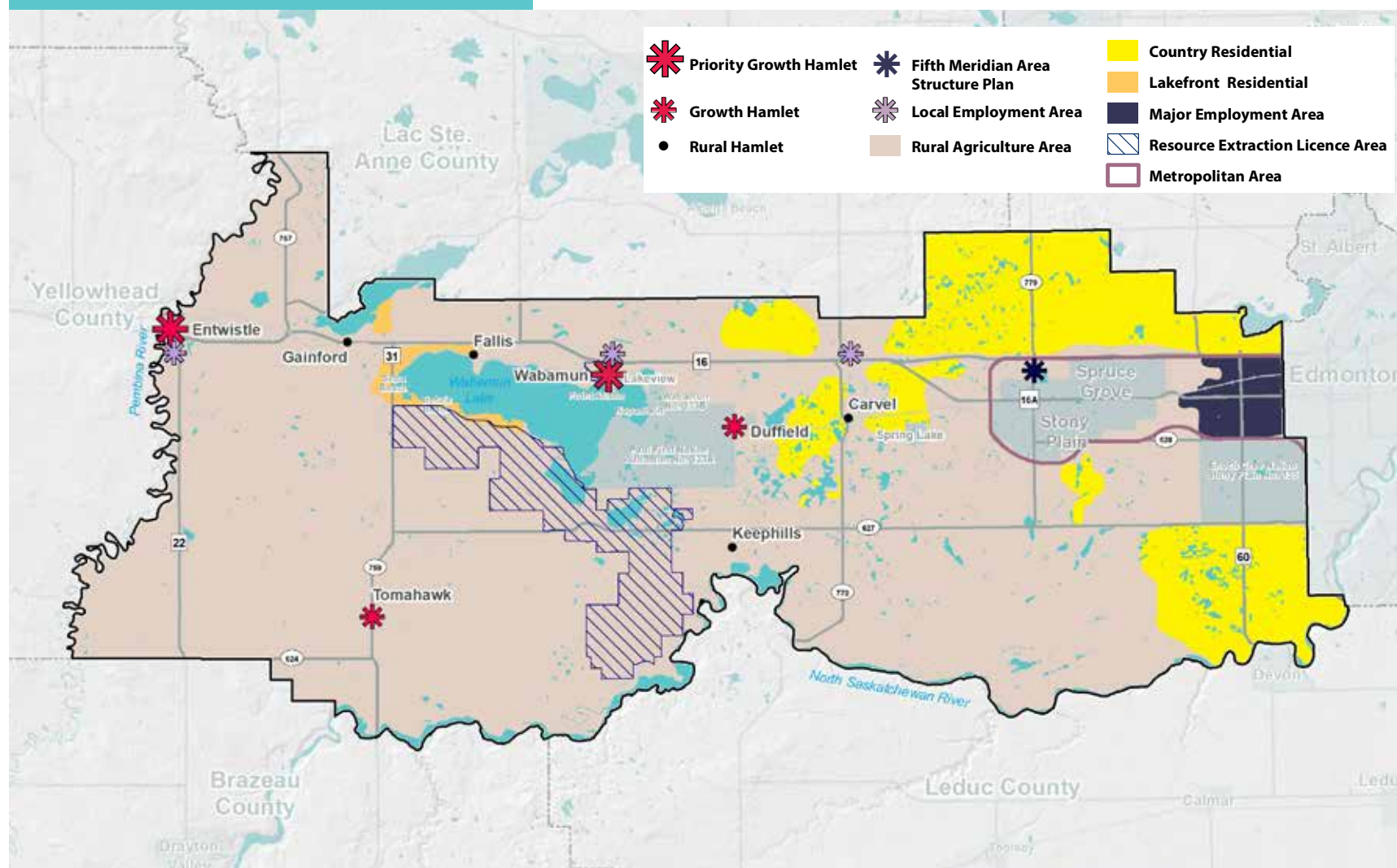


10.1.3 Environmental Reserve and Environmental Reserve Easement

- a. The dedication of Environmental Reserve and Environmental Reserve Easements shall be required as per Parkland County Policy C-PD15 Dedication and Use of MR, ER and ERE.
 - b. A Desktop or Comprehensive Biophysical Assessment and/or Parkland County's Riparian Setback Matrix model may be required to delineate the boundaries of Environmental Reserve and Environmental Reserve Easement parcels.
 - c. The County 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, transfers of development credits, Alternative Land Use Services (ALUS) and the Green Acres programs. Environmentally Significant Areas are identified on **Figure 5: Environmentally Significant Areas**.
 - d. The County may seek to conserve Environmentally Significant Areas and high value wetlands through the use of conservation reserves in accordance with the *Municipal Government Act*.
-



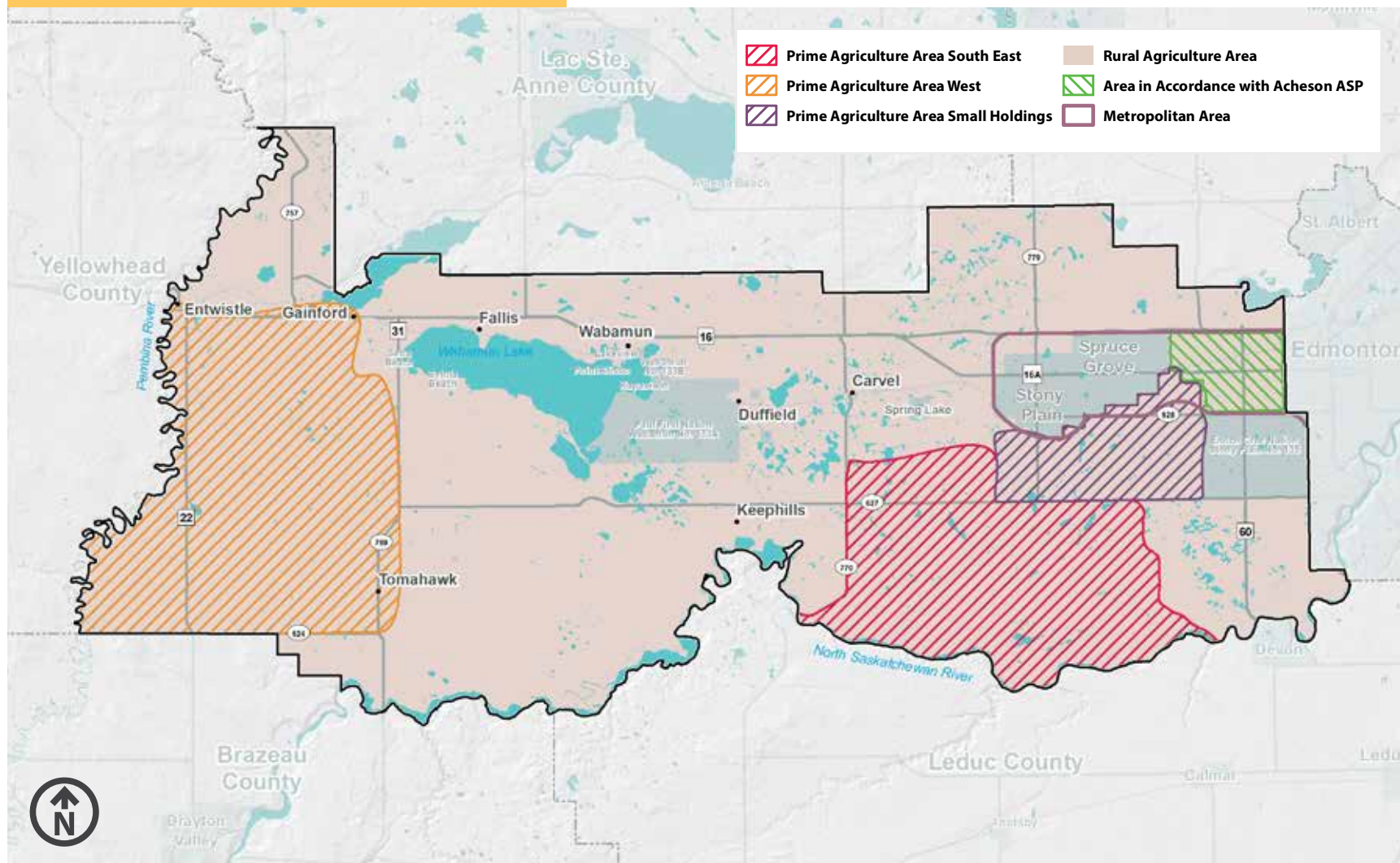
FIGURE 7 | DEVELOPMENT CONCEPT



*NOTE: Interpretation of **Figure 7: Development Concept** shall be considered in conjunction with policy overlay areas as depicted in **Figure 9: Prime Agriculture Areas, Figure 11: Prime Recreation and Tourism Areas, and Figure 14: High Priority Landscapes.**



FIGURE 9 | PRIME AGRICULTURE AREAS





COUNCIL POLICY C-PD15

Dedication and Use of Municipal Reserve, Environmental Reserve, and Environment Reserve Easement

Prepared By:	Planning and Development Services	Council Approval Date:	November 24, 2015
Effective Date:	November 24, 2015	Council Resolution No.:	N/A
References:*	Appraisals for Money-in-Place of Municipal Reserve Proc. C-PD15-P1	Previous Revision Date:	May 24, 2011 (C-PD15)
	Dedication of MR, ER & ER Easement Procedures C-PD15-P2	LAS Review Date:	March 24, 2015
	Use of MR, ER & ER Easement Procedures C-PD15-P3	Function:	Planning and Development Services

PURPOSE

The purpose of this policy is to provide direction for the dedication of Municipal Reserve, Environmental Reserve and Environmental Reserve Easements in Parkland County.

POLICY STATEMENT

Pursuant to the *Act*, Parkland County's Subdivision Authority may require the dedication of Municipal Reserve lands, Environmental Reserve and Environmental Reserve Easements. Municipal Reserves provide parks and open space for area residents, as well as provide buffers between incompatible land uses. Environmental Reserves and Environmental Reserve Easements protect and enhance the environment. The dedication of Municipal Reserves, Environmental Reserves and Environmental Reserve Easements is fundamental to the environmental social governance of Parkland County and the creation of strong supportive communities.

DEFINITIONS

1. "Act" means the *Municipal Government Act* being the Revised Statutes of Alberta, 2000, Chapter M-26.1, and amendments thereto.
2. "Bodies of Water" means lakes, rivers, streams, and wetlands of Class IV or higher under the Stewart and Kantrud Classification System.
3. "Buffer" means a strip of land of variable width placed on the landscape and managed in such a way so as to maintain desired biodiversity and provide economic and societal benefits.
4. "Environmental Reserve (ER)" means lands defined as Environmental Reserve in the Municipal Government Act.
5. "Environmental Reserve Easement (ERE)" means an easement created for the purposes specified in the Municipal Government Act.
6. "Environmentally Sensitive Lands" means lands that are susceptible to disturbance and its inherent resiliency or ability to be restored back to functioning pre-disturbance ecological condition. Areas considered to have high environmental sensitivity are often associated with landforms-soil-vegetation units that are highly erodible, steep, permeable, or have unstable slopes and poor soil quality.
7. "Gross Developable Area" means the titled area of the lands that are the subject of a subdivision application, less: the area of land taken as Environmental Reserve (ER) or as an Environmental Reserve Easement (ERE), and the area of the land required for roads, public utilities in excess of the 30% allowed by the *Act*.
8. "May" means discretionary compliance or a choice in applying policy.

9. "Money-In-Place" Money taken in place of Municipal Reserve lands in compliance with the *Act*.
10. "Municipal Reserve (MR)" means lands defined by the *Act* as MR, and all land owned by the County where the acquisition of the land has been funded by the Money-in-Place of Reserves Account.
11. "Public Utilities" means those systems or works that provide a utility service for public consumption, benefit, convenience or use, as defined by the *Act*.
12. "Public Utility Lot" means land required to be given for public utilities, as defined by the *Act*.
13. "Recreation, Parks, and Open Space Master Plan" means the plan accepted by Council from time-to-time as Parkland County's Recreation, Parks, and Open Space Master Plan.
14. "Riparian" means transitional land of variable width and extent above and below ground, between upland and wetland ecosystems. Riparian lands are influenced by and exert an influence on associated water bodies, including alluvial aquifers and floodplains. Riparian lands usually have soil, biological and other physical characteristics that reflect the influence of water and hydrological processes.
15. "School Reserve" means land required to be given for school purposes, as defined by the *Act*.
16. "Shall" means mandatory compliance.

SCOPE

This policy applies to all subdivision applications submitted to Parkland County and reviewed by the County's Subdivision Authority which are eligible for MR, ER or ERE dedication as provided for under the *Act*.

RESPONSIBILITIES

1. The General Manager of Development Services is responsible for overseeing the development, implementation and monitoring of this policy.
2. Environment and Community Sustainability is responsible to:
 - a. Assess and review proposed Environmental Reserve, and Environmental Reserve Easement dedications; and
 - b. Provide input to the Subdivision Authority regarding the dedication of Environmental Reserve, and Environmental Reserve Easement.
3. Planning and Development Services is responsible to:
 - a. Receive input regarding the dedication of Municipal Reserve, Environmental Reserve, and Environmental Reserve Easement and to determine recommendations to the Subdivision Authority;
 - b. Ensure that appropriate conditions are attached to subdivision approvals to ensure that Municipal Reserve, Environmental Reserve, and Environmental Reserve Easements are dedicated pursuant to the decisions of the Subdivision Authority;
 - c. Maintain a record of the dedication of Municipal Reserve, Environmental Reserve, and Environmental Reserve Easement to ensure that reserve dedications are tracked accurately so that assessments for reserve dedications on developing lands are timely; and
 - d. Work with Community and Protective Services to carry out enforcement measures when County-owned reserve lands are encroached on, or used for, non-public purposes.
4. Community and Protective Services is responsible to:
 - a. Assess and review proposed Municipal Reserve dedications when requested by Planning and Development Services; and
 - b. Provide input to the Subdivision Authority regarding the dedication of Municipal Reserve dedications when requested by Planning and Development Services.

STANDARDS

When proposed subdivisions are considered where Municipal Reserves are owing on the subject lands, the Subdivision Authority shall calculate the amount of Municipal Reserves owing as 10% of the Gross Developable Area.

1. The Subdivision Authority may take Municipal Reserve dedications in one or more of the following forms, in accordance with Parkland County Procedure C-PD15-P2 and the Act:
 - a. Land
 - b. Money-in-Place
 - c. Deferred Reserve Caveat
 - d. Transfer of Land from an Alternate Location
 - e. Transfer of Development Credits
2. If the transfer of land from an alternate location in exchange for Municipal Reserve involves a change in zoning or must be redistricted to allow for another use, public consultation must be undertaken as outlined in the County's Public Consultation Policy C-AD17.
3. 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.
4. Parkland County will protect our riparian areas through the establishment of adequate riparian buffers between development and a lake, river, watercourse, or wetland. The County will utilize a Riparian Setback Matrix Model developed using scientific methodology to determine adequate Environmental Reserve boundaries when a biophysical assessment is not required under Parkland County's Municipal Development Plan.
5. Pursuant to the *Act*, the Subdivision Authority shall not require the dedication of Municipal Reserve, Environmental Reserve or Environmental Reserve Easement if:
 - a. One lot is to be created from a quarter section of land;
 - b. Land is to be subdivided into 16.0 hectares or more and is to be used only for agricultural purposes;
 - c. The land to be subdivided is 0.8 hectares or less; and
 - d. Reserve land, Environmental Reserve Easement or cash-in-lieu was provided in respect of the land that is the subject of the proposed subdivision pursuant to the Municipal Government Act.
6. 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.
7. The uses permitted on Municipal Reserve, Environmental Reserve and Environmental Reserve Easements shall conform to those permitted in the Municipal Government Act and in accordance with County Procedures C-PD15-P3.
8. Where money-in-place of Municipal Reserve is required by the County in accordance with Dedication of Municipal Reserve, Environmental Reserve and Environmental Reserve Easement Procedures C-PD15-P2, the amount owing shall be determined by the County's Appraisal for Money-in-Place of Municipal Reserves Procedures C-PD15-P1.

***ADDITIONAL REFERENCES**

Municipal Government Act
Subdivision and Development Regulation
Municipal Development Plan
Area Structure Plans
Recreation, Parks and Open Space Master Plan
Environmental Conservation Master Plan



PLANNING & DEVELOPMENT SERVICES

SUBDIVISION APPEAL

SDAB HEARING DATE:

JANUARY 22, 2024

PRESENTED BY:

NEGAR ZANGI, CURRENT PLANNER I

JULIA LEDUC, SENIOR CURRENT PLANNER

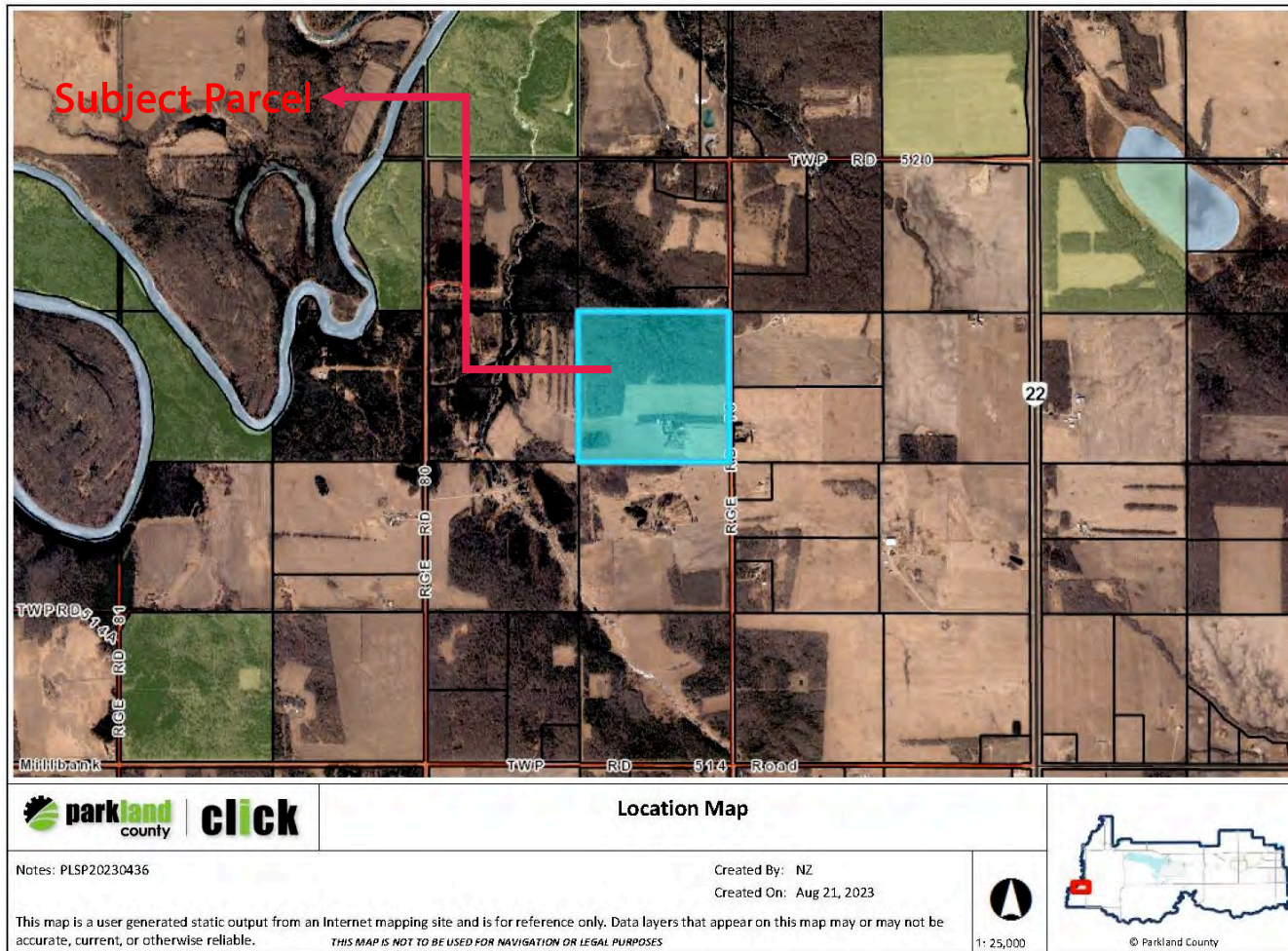
PARKLAND COUNTY FILE:

PLSP20230436

PRESENTATION OVERVIEW

- **Subject parcel information**
- **Subject application**
- **Desktop Biophysical Assessment**
- **Subdivision Authority decision**
- **Policy framework review**
- **Appeal**

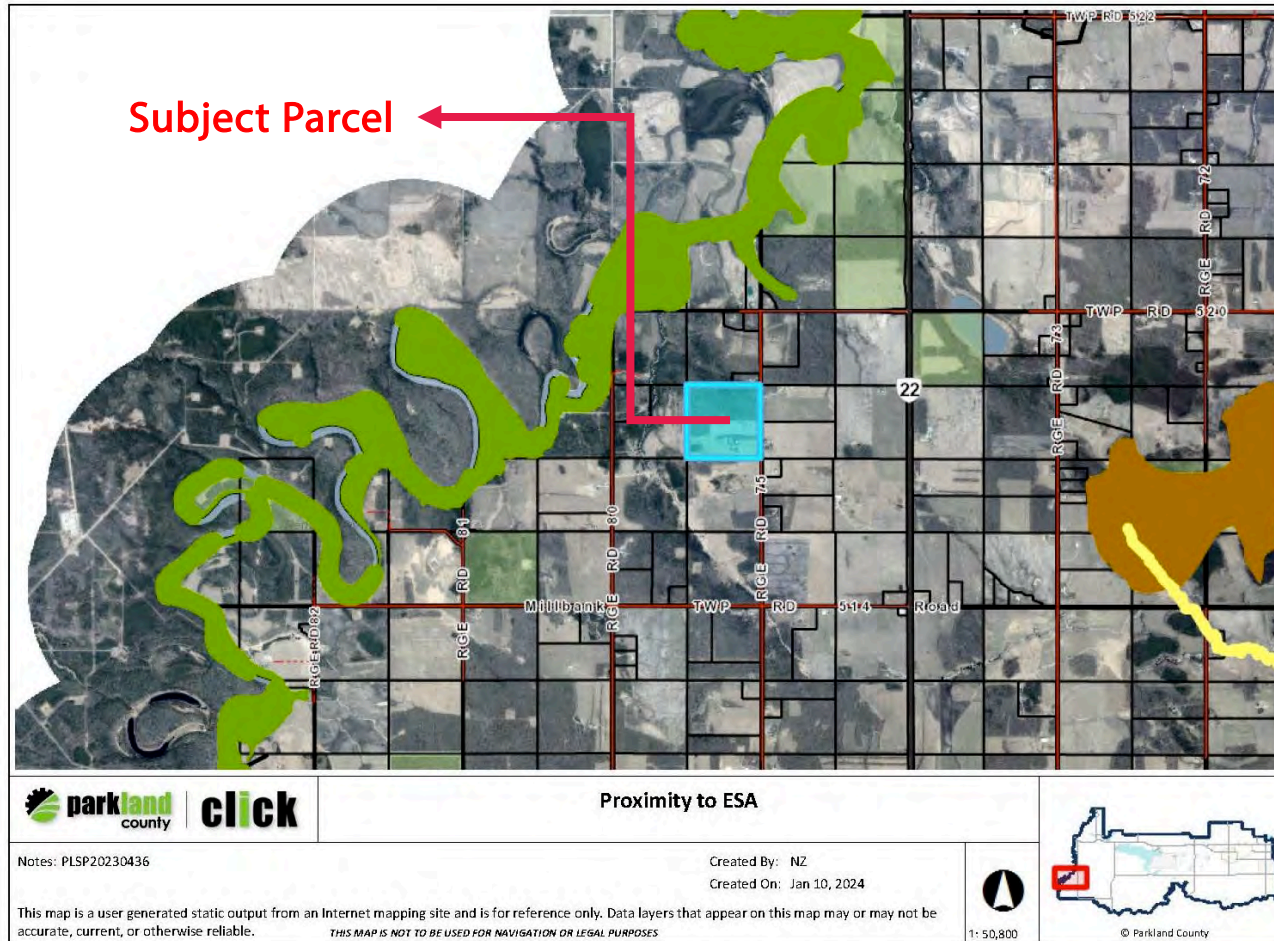
LOCATION



TENTATIVE PLAN OF SUBDIVISION



PROXIMITY TO ENVIRONMENTALLY SIGNIFICANT AREA (ESA)



DESKTOP BIOPHYSICAL ASSESSMENT

The study affirms:

- An ephemeral watercourse
- Largely intact forested
- Suitable habitat for a range of species

Parkland County Community Sustainability Comments:

- Environmentally sensitive features
- Recommend protection of the watercourse including a minimum 30-meter buffer



SUBDIVISION AUTHORITY DECISION

- The subdivision application was approved on November 16, 2023 subject to eight (8) conditions.

SUBDIVISION AUTHORITY DECISION

• Condition #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.

POLICY FRAMEWORK REVIEW

- **Municipal Development Plan**
 - Section 10.1.3(c)
- **Council Policy C-PD15**

APPEAL

A notice of appeal was received from the Appellant on December 12, 2023.

Administration recommends that the Board deny the appeal and uphold the Subdivision Authority's decision to approved the subdivision subject to the existing eight (8) conditions.





