

AGENDA

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Monday, August 12, 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, August 12, 2024 to register for attendance via Teams

- 1) Call to order
- 2) Members Present
- 3) Adoption of Agenda
- 4) 10:00 a.m. Appointment
 - I. The appeal of Development Permit Application deemed refused located at:
Legal Location: SW-19-53-26-W4
Permit Number: PLDPC20240299
 - II. Applicant: Kalan Savill
 - III. Appellant: Kalan Savill
- 5) Adjournment

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APPEAL OF DEVELOPMENT PERMIT DEEMED REFUSED: PERMIT NUMBER
PLDPC20240299

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Notice of Appeal Subdivision and Development Appeal Board

Site and appellant information (fill out completely)			
Site Information			
Municipal address of site 53305A RR 270			Clerk Subdivision and Development Appeal Board Legislative Services 53109A Hwy 779 Parkland County, AB T7Z 1R1 Email: SDAB@parklandcounty.com Date Received: Appeal Fee: <i>Development Permit \$200</i> <i>Stop Order \$500</i> <i>Subdivision Application \$250</i>
Legal land description of site ('plan, block, lot' and/or 'range-township-section-quarter') 4-26-53-19-SW			
Development permit number or subdivision application number PLDPC20240299			
Appellant Information			
Name of appellant Kalan Savill		Agent name (if applicable)	
Street Address 53305A RR 270			
City Spruce Grove	Province AB	Postal Code T7X3L3	Day Phone Number 780.993.7030
Evening Phone Number	Fax Number	Email Address kalansavill@gmail.com	

Appeal Against (check one box only)

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

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)

The County's Development department is requiring a biophysical assessment that will cost more than \$2,000 to confirm that farm land that is currently being used as farmland is farmland. We don't require a permit to continue farming the land, but it is the condition stopping the horticulture permit from being approved. The applicable Land Use Bylaw section: Section 16.2 Development not requiring a permit: 1.B) Extensive Agriculture Development

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 	Date (YYYY/MM/DD) 7/8/2024 3:39 PM MDT
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July 08, 2024

Applicant

Kalan Savill
53305a Range Road 270
Parkland County, AB T7X 3L3
kalansavill@gmail.com

RE: Development Permit Application No. - PLDPC20240299 - **DEEMED REFUSED**
Subject Property - W4-26-53-19-SW (the "Lands")

In accordance with Section 683.1(8) of the *Municipal Government Act* and Section 16.3(12) of the LUB, this Application is deemed to be refused because the information and documents required were not provided. The outstanding documents and information are necessary for the Development Authority to review the Application. The failure to provide outstanding information and documents means the Development Authority cannot properly assess and evaluate the Application to determine if the proposed development is suitable.

On 09 Apr 2024 you provided Parkland County Planning & Development Services (the "Development Authority") with a development permit application (the "Application") for a "Development Permit - Commercial / Industrial Institutional" on the Lands (the "Application"). On July 08, 2024 your application was deemed incomplete pursuant to section 683.1(6) of the *Municipal Government Act* and as the Applicant, you were notified by formal correspondence which outlined the information and documents missing from your application and required by Parkland County Land Use Bylaw 2017-18

The Application included the following documents and information:

- Application Form / Checklist
- Certificate of Title no more than 14 days old
- Landowner Authorization Form
- Site Plan
- Letter of Intent
- Public Engagement Letter

I have reviewed the information and documents received by the Development Authority on 05/01/2024 and I have deemed the Application remains **incomplete**. Specifically, the Application is missing the following information and documents required by the LUB:

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- Desktop Biophysical Assessment
 - Pursuant to Parkland County's Biophysical Assessment Policy C-CS01
- Updated Site Plan
 - To identify key aspects of the development's public interface such as tree distribution and storage areas, and public facilities.

Pursuant to Section 684(4) of the *Municipal Government Act*, Section 640(5) of the *Municipal Government Act* does not apply. This means that you may make another application for the same or similar use on the same lands and the 12-month moratorium on applications does not apply. However, should you wish to appeal this decision or to make an inquiry regarding the appeal process, please contact the Subdivision and Development Appeal Board (SDAB) within twenty-one (21) days of this decision at 780-968-8471 or SDAB@parklandcounty.com. Parkland County requires that a non-refundable fee of \$200.00 must be paid for an appeal served on the SDAB by the applicant.

If I can provide any further information to you, please feel free to contact me at 780-968-8888 ext. 8381 or nick.zazula@parklandcounty.com.

Thank-you,



Nick Zazula
Development Authority



Parkland County
53109A HWY 779
Parkland County, AB T7Z 1R1
Phone: 780-968-8888 Fax: 780-968-8413

OFFICIAL RECEIPT

SAVILL, KALAN
53305A RGE RD 270
SPRUCE GROVE AB T7X 3L3

GST Reg. #: R106989189
Receipt #: 3507774
Receipt Date: 2024/07/09
Page: 1
Received by: AG

Account #	Description	Opening Balance	Payment	Amount Due
1725	Develop Appeal Fee-Non Residen	200.00	200.00	.00

Tender Type & Description	Reference	Amount	Total Tax:	.00
VS PLDPC20240299		200.00	Total Amount Paid:	200.00
			- Tender Received:	200.00
			= 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.
PLDPC20240299

Municipal or Legal Address:
53305A RR 270, Spruce Grove, AB T7X 3L3

I am requesting that this matter be heard on Monday August 12, 2024 for the following reasons:

- An appeal has already been scheduled for Monday July 29, 2024
- August 5, 2024 is a statutory holiday

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

X

Signature

A handwritten signature in black ink, appearing to read "John Smith", written over a horizontal line.

X

Date

7/9/2024 | 10:57 AM MDT

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

July 08, 2024

Applicant

Kalan Savill
53305a Range Road 270
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kalansavill@gmail.com

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Thank-you,



Nick Zazula
Development Authority

July 10, 2024

Kalan Savill
53305a Range Road 270
Parkland County, AB T7X 3L3

NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

Appeal of:	Development Permit Refusal
Location:	Legal Address: SW-19-53-26-W4
Appeal Received:	July 8, 2024
Applicant:	Kalan Savill
Appellant:	Kalan Savill
Appeal Hearing Date:	10:00 a.m., Monday August 12, 2024
Appeal Hearing Location:	Council Chambers – 53109A Hwy 779, Parkland County, AB <i>Virtual attendance also available</i>
Submissions Deadline:	August 6, 2024

Parkland County received a Development Permit application on April 9, 2024 for a Development Permit – Commercial/Industrial Institutional on the Lands. The Development Permit was Deemed Refused effective July 8, 2024.

Correspondence has been received appealing the decision for the Permit Deemed Refused and in accordance with Section 686.2 of the *Municipal Government Act*, a hearing will be held at Parkland County Centre in Council Chambers on **Monday, August 12, 2024 at 10:00 a.m.**

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 August 6, 2024.

The agenda package for this hearing will be available for viewing on our website: www.parklandcounty.com/sdab no later than August 7, 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, August 12, 2024.

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

Yours truly,

Rachel Coupal

Rachel Coupal
Clerk, Subdivision and Development Appeal Board
sdab@parklandcounty.com



Report Date: July 04, 2024
Parkland County File No.: PLDPC20240299
Legal Description: W4-26-53-19-SW
Municipal Address: W4-26-53-19-SW
Roll No.: 288000
Electoral Division: 2

The

Development Authority Report	
Appealed?	YES
Appeal Details	Appeal Hearing Date: 10:00 a.m., Monday August 12, 2024 Appellant(s): Kalan Savill

Application Details

Applicant(s)	Kalan Savill
Landowner(s)	MARKET DIRECTION LTD.,
Application Date	April 09, 2024
Deemed Complete Date	N/A
Decision Date	July 8th, 2024
Description of Development	The application proposes to convert land previously used for the grazing of livestock to a commercial horticultural operation for landscaping, fruit for packaging and sale, and Christmas trees. Professional Landscapers will access the site to collect plant materials and members of the public will access the site in the winter to purchase Christmas trees.
Submittals	1. Planning Application Submittal 1.1. Certificate of Title no more than 14 days old 1.2. Landowner Authorization Form 1.3. Site Plan 1.4. Other / Miscellaneous 1.5. Draft Public Engagement Plan
Variance Requested?	No
Reasonings for Variance (as provided by Applicant)	N/A

Site Information

Title Area	24.05 (ha)
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Current Land Use District	Country Residential District	
Use of Adjacent Parcels	Country Residential, Atim Creek & Big Lake Floodplain Overlay	
Environmental Considerations	This site is located 2 km NE of the City of Spruce Grove and within a High-Priority Landscape. The proposed development is adjacent to the Atim Creek Environmentally Significant Area and within the 1:100-year floodplain based on the Atim Creek ASP. Parkland County's 2013 Wetland Inventory captured an excellent value wetland complex. The first draft of the proposed development expanded into the wetland area. Due to the project within the Atim Creek ESA, High Priority Landscape and high-value wetlands, a desktop biophysical will be required as per Parkland County's Biophysical Assessment Policy (Policy C-CS01).	
Gas wells and pipelines abandoned and active within Title Area	no	
Instruments Registered on Title	942084275	Utility ROW Grantee – Parkland County
	942084380	Deferred Reserve – Parkland County
	232139852	Mortgage
	232139853	Caveat re: Assignment of rents and leases

Legislative History and Higher Order Planning Documents

Regional Plan	None.	
Edmonton Metropolitan Region Growth Plan	Identified within Rural Area of Metropolitan Region Structure.	
Intermunicipal Development Plan	None.	
Municipal Development Plan Bylaw 2017-14 (MDP)	In reference to Figures of the MDP, the subject parcel is identified in the following classifications:	
	Figure 7 – Development Concept Designation	Country Residential
	Figure 9 – Prime Agricultural Areas	☐ Yes / ☒ No
	Figure 11 – Prime Recreation and Tourism Areas	☐ Yes / ☒ No
	Figure 14 – High Priority Landscapes	☒ Yes / ☐ No
Area Structure Plan	The Lands are governed by the Atim Creek Area Structure Plan (ASP) and are identified as within the 1:100-year Atim Creek Floodplain	

- The ASP supports the agricultural use of land within the Atim Creek Floodplain Area (7.9.1), so long as their operations are consistent with the sustainable use of land on which they operate, and practiced in a manner compatible with surrounding land uses and the environment (7.9.2).
- The ASP identifies the Atim Creek 1:100-year flood plain as a sensitive area (7.10.1) and requires development to be directed away from flood-prone lands (7.10.4). The ASP also prohibits permanent buildings and non-agricultural developments within the 1:100-year flood plain (7.10.5).
- The ASP permits the Development Authority to request an environmental review as part of a development application to assess the impacts of the proposal on the floodplain area and the means by which impacts may be mitigated. (7.10.6 & 7.10.7)

Land Use Bylaw 2017-18 Regulation

Use Class Determination

Current Land Use District	Country Residential District, Atim Creek/Big Lake Overlay
Description of Development	The application proposes to convert land previously used for the grazing of livestock to a commercial horticultural operation for landscaping, fruit for packaging and sale, and Christmas trees. Professional Landscapers will access the site to collect plant materials and members of the public will access the site in the winter to purchase Christmas trees. The proposal includes no new grading or alterations to drainage, using the natural contours of the land. Parking for the facility will be on an existing driveway, engineered to accommodate the expected number of daily visitors (2-15) through vertical parking. No new structures are proposed with this development, with all equipment being stored in the existing residential garage. The applicant has indicated that in the future 2-3 employees may support the horticultural operation.
Determined Use Class	HORTICULTURAL USE
Use Class Definition (LUB s.20.3)	<i>Means a Commercial horticultural operation other than a Confined Feeding Operation that, due to the nature of the operation, requires smaller tracts of land. Without restricting the generality of the foregoing, this shall include horticultural uses like nurseries, greenhouses, market gardens, tree farms, and specialty crops (not including Cannabis).</i>
Is Use Class a Listed Use in District?	Discretionary

Applicable Specific Use Regulations

Yes – see Chart 1 “Applicable Specific Use Regulations”.

Chart 1: Applicable Specific Use Regulations

Table 14.3-2
Parking
Requirements
for
Commercial
Land Uses

Guideline: 2.2 parking spaces per
100.0 m²

The proposed development has sufficient parking spaces to engineered specifications for 2-15 daily visitors.

Comments Received from Internal/External Circulation

Public Pre-Consultation Comments

Was public pre-consultation required prior to development permit application?

☒Yes / ☐No

If yes, was Public Engagement Summary submitted as part of application submittals?

☐Yes / ☒No

Referral Agency Comments

Agency	Response Received	Comments
Parkland County Community Sustainability	☒ Yes / ☐ No	Due to the project within [and adjacent to] the Atim Creek ESA, High Priority Landscape, and high-value wetlands, a desktop biophysical will be required as per Parkland County's Biophysical Assessment Policy (Policy C-CS01). Please refer to the Desktop Biophysical Assessment Terms of Reference for the appropriate format. Please also include a figure indicating approximate wetland boundaries and recommended buffer from the wetland and the development to mitigate excess nutrients from entering the wetland/ Atim Creek As per section 10.4.2. ii of Parkland County's MDP and 7.10.1 of the Atim Creek ASP, the Environment Services department does not support the application as the proposed development is within a high-value wetland (Excellent value), within the Atim Creek ESA, High-Priority Landscape and the 1:100 flood plain of Atim Creek. -The applicant should consider reducing the size of the development to fall outside of the wetland boundaries based on recommendations provided within the Desktop Biophysical once completed Water Act approval (license) will likely be required to divert water from the dugout within the wetland complex to water trees. The applicant must reach out to the Spruce Grove Office Environment and Protected Area Office regarding licensing (780-960-8600) As the Atim Creek is naturally occurring, with permanence of water, the

		applicant must reach out to the Water Boundaries unit to determine if a portion of the floodplain is crown-claimable water.boundaries@gov.ab.ca. If a portion of the land is crown-claimable, approvals under Public Lands would also be required
Parkland County Engineering Services	☒ Yes / ☐ No	No Comments
Fire Safety Services	☒ Yes / ☐ No	No Comments – recommends incorporating Fire Smart Principles in operational plans

Development Authority Decision

Reasons for Decision

The proposed land use is compatible with adjacent uses and is supported by existing statutory plans if an environmental review is completed to assess the impacts of the proposal and how impacts may be mitigated. Further, pre-development engagement with neighbors within 100m was required as a 'minor community issue'. The applicant was unwilling to complete the required Desktop Biophysical Assessment for the development. The permit was refused following an extension due to escalation to Parkland County Council.

The Development Authority took into consideration the following:

1. Proposed Land Use

- The proposed land use is determined to be horticultural use to allow for the proposed commercial activities on the Lands while still aligning with statutory plans.
 - Horticultural use is discretionary in the Country Residential District and is subject to increased oversight by the Development Authority.
- The proposed development is significant to the land and requires land preparation and clearing to accommodate the proposed scale of Tree Farm.
- The proposed development has the potential to impact the Atim Creek Floodplain through ground clearing, sedimentation depositing, chemical runoff, and nutrient loading. An environmental review is required to identify risks and the appropriate mitigation actions.

2. Relevant Planning Documents

- Land Use Bylaw – Enables Horticultural uses on the lands on a discretionary basis.
 - 10.2 Atim Creek / Big Lake Floodplain Overlay supports Forestry activities in the overlay on a discretionary basis.
 - 16.3.3 Application for Development Permit enables the development authority to require additional information, including a Biophysical Site Assessment, depending upon the nature of the application and other circumstances.
- Atim Creek Area Structure Plan – Enables Horticultural uses on the lands if supported by an environmental review
 - 7.9.1 Agricultural lands are all lands within the Atim Creek Floodplain Area unless otherwise excluded
 - 7.9.2 Agricultural uses are encouraged in the plan area but should be consistent with the sustainable use of the lands on which they operate and practiced in a manner compatible with surrounding land uses and the environment.
 - 7.10.5 In the Flood Plain of Atim Creek, Extensive agriculture uses shall predominate.
 - 7.10.6 As part of an application for approval of a proposed development, the applicant may be required to provide an environmental review.
 - 7.10.7 The County may also request an applicant to submit information provided by a person or persons qualified to do so that identifies impacts on Atim Creek.
- Municipal Development Plan – Allows for Horticultural Uses on the lands if the application

sufficiently addresses its impact on the high-priority landscape area.

- 10.1.1 Private developers that require municipal approvals will be required to undertake the following technical assessments related to the environment as requested by the County: i) The County's Biophysical assessment process.
 - 1. Appendix 2 A desktop biophysical assessment may be required for simple subdivisions, as well as any stripping, filling, excavation, grading activities, tree clearing, or creation of a pond or dugout if the proposed activities take place within or adjacent to an Environmentally Significant Area, High Priority Landscape, watercourse, wetland or water body.
 - a. As the proposed development will involve land preparation and tree clearing this criterion is satisfied.
- 10.1.2 High Priority Landscapes – Developments in the areas should address the following to the satisfaction of the County: integration with the large natural ecosystem complexes, identifying how to preserve surface and groundwater interactions and connectivity, and the cumulative effects at the watershed and broader landscape scale.
- 10.4.2 The county prioritizes wetland avoidance over minimization or replacement by retaining on-site wetlands whenever possible.
- Biophysical Assessment Policy C-CS01 states that the Biophysical Assessment process shall apply to all development projects requiring municipal approvals within or adjacent to Environmentally Sensitive areas, high-priority landscapes, watercourses, wetlands, or water bodies.
- Public Engagement Policy C-AD51 defines this development as a "minor community issue" having a modest impact on a select area and/or community group with a modest risk of controversy or conflict at a local level. This is because of the change in land use intensity, the increased number of commercial vehicles in the area, and the proposal for public commercial sales on site. The department is responsible for initiating pre-development engagement by way of notification of issues and invitations for one-on-one feedback with the developer.

3. Adjacent Land Use

- The surrounding parcels are Country Residential and the Atim Creek Big Lake Overlay. Residential uses predominate in the area with a neighboring Home-Based Business 3. The northern parcel is Alberta Crown Land under the ownership of the Minister of Recreation and Parks. A commercial use with a few client visits per day is compatible with this context if engagement is successful.
- The Atim Creek 1:100-year Flood Plain is assessed as an Environmentally Sensitive Area of Regional Importance, feeding into the Big Lake Environmentally Sensitive Area of National Importance. Horticultural development on the Lands is compatible if its impacts are mitigated on the ESA of regional importance.

Development Authority Decision

The application was refused as the applicant would not provide all submittal items as required by the Development Authority (Biophysical Assessment). These submittal requirements are supported by the Development Authority and the Environmental Coordinator from Agriculture and Environmental Services.

It is the opinion of the Development Authority, that it does not have sufficient information to decide on this proposal for discretionary use. The applicant must provide an environmental review completed by a qualified professional and the findings from pre-development engagement before an informed decision can be made. These submittals are supported by all levels of Statutory Planning Documents, the County's Biophysical

Assessment Policy C-CS01, and the County's Public Engagement Policy C-AD51.

Closing Statement

The Development Authority submits that the SDAB uphold the decision of the Development Authority to refuse this permit application for a Horticultural use on the lands until the required submittals are provided to the Development Authority.

EXHIBITS

- Exhibit A: Refusal Letter
- Exhibit B: Internal Referral Comments
- Exhibit C: Location Map, Context, and Description
- Exhibit D: Area Structure Plan Excerpts
- Exhibit E: Land Use Bylaw 2017-18 Excerpts
- Exhibit F: Municipal Development Plan Bylaw 2017-14 Excerpts
- Exhibit G: Development Authority's PowerPoint Presentation

Prepared by: Parkland County Development Authority 2024-08-01

July 08, 2024

Applicant

Kalan Savill
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Parkland County, AB T7X 3L3
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Thank-you,



Nick Zazula
Development Authority

Exhibit B – Reviewers Comments

PLDPC20240299

Date: 2024-May-13

To: Nick Zazula, Planning and Development Services

Copy: Avelyn, Nicol, Manager, Agriculture and Environment Services

From: Amy Jones, Environmental Coordinator, Environment Services

Subject: Referral for Comments on Tree Planting SW-19-53-26-4

Purpose:

This development proposal aims to create a tree nursery on SW-19-53-26-4 (roll# 288000). The above application has 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, Land Use Bylaw, Environmental Conservation Master Plan, and Atim Creek Area Structure Plan.

Summary of Review:

The proposed development aims to create a tree nursery that contains fruit trees, Christmas, and other tree species on a 59.44-acre parcel. This site is located 2 km NE of the City of Spruce Grove and within a High-Priority Landscape. The proposed development is within the Atim Creek Environmentally Significant Area and within the 1:100-year floodplain based on the Atim Creek ASP. Parkland County's 2013 Wetland Inventory captured an (excellent value wetland complex). The current development expands into the wetland area.

Summary of Comments:

Due to the project within the Atim Creek ESA, High Priority Landscape and high-value wetlands, a desktop biophysical will be required as per Parkland County's Biophysical Assessment Policy (Policy C-CS01). Please refer to the Desktop Biophysical Assessment Terms of Reference for the appropriate format. Please also include a figure indicating approximate wetland boundaries and recommended buffer from the wetland and the development to mitigate excess nutrients from entering wetland/ Atim Creek

As per section 10.4.2. ii of Parkland County's MDP and 7.10.1 of the Atim Creek ASP, the Environment Services department does not support the application as the proposed development is within a high-value wetland (Excellent value), within the Atim Creek ESA, High-Priority Landscape and the 1:100 flood plain of Atim Creek.

-The applicant should consider reducing the size of the development to fall outside of the wetland boundaries based on recommendations provided within the Desktop Biophysical once completed

Water Act approval (license) will likely be required to divert water from the dugout within the wetland complex to water trees. The applicant must reach out to the Spruce Grove Office Environment and Protected Area Office regarding licensing (780-960-8600)

As the Atim Creek is naturally occurring, with permanence of water, the applicant must reach out to the Water Boundaries unit to determine if a portion of the floodplain is crown-claimable water.boundaries@gov.ab.ca. If a portion of the land is crown-claimable, approvals under Public Lands would also be required

EXHIBIT C

Applicant's Project Description

Letter of Intent

- 1) Project Type: Horticultural Use- tree nursery, Christmas tree farm, fruit farm
- 2) Scope of Work:
 - a. Tree nursery- supply landscapers with trees
 - b. Christmas tree farm- supply people with Christmas trees
 - c. Fruit farm- grow fruit & harvest for commercial sales
- 3) Proposed Uses: Farming, commercial supply of trees
- 4) On-site Operations: Growing & spading trees, loading trees onto trailers for landscapers & people wanting a Christmas tree; growing, harvesting, and selling fruit
- 5) Transportation Details:
 - a. Landscaping vehicles (trucks & trailers), personal vehicles-
 - b. Frequency depends on time of year- spring- likely 8-10/day, summer 2-3/day, winter 10-15/day for late November-December
- 6) # of Employees- none for 1st couple of years, in later years 2-3
- 7) Hours of Operation: May 20-June 20: 7-7, summer: 7-3, late November- end of December: 8-6, January-May- closed

Engagement Letter – Proposed Commercial Tree Farm 53305A RGE RD 270

Hello Neighbor,

At the direction of the Parkland County Development Planning Department, we are writing to you seeking feedback on our proposed development.

Project Scope:

The application proposes to convert land previously used for the grazing of livestock to a commercial horticultural operation for landscaping, fruit for packaging and sale, and Christmas trees. Professional Landscapers will access the site to collect plant materials and members of the public will access the site in the winter to purchase Christmas trees.

The proposal includes no new grading or alterations to drainage, using the natural contours of the land. Parking for the facility will be on an existing driveway, engineered to accommodate the expected number of daily visitors (2-15) through vertical parking.

Existing Conditions:

The site has an existing residential dwelling and accessory structures that are proposed to be used to support the above-noted uses. The site is adjacent to the 1:100-year Atim Creek flood plain Environmentally Sensitive Area (ESA), a high-value wetland, and an MDP high-priority landscape. The site plan has been reduced to avoid this ESA, but a desktop biophysical will still be required before permit review.

Proposed Operating Hours

This proposed development will have landscapers coming on the property to have trees spaded & loaded, and in November/December members of the public will be visiting to pick up Christmas trees. Traffic will vary depending on the season, with Spring likely seeing 8-10 visitors a day, summer seeing 2-3 visitors a day, and winter seeing 10-15 visitors a day. Operating hours are proposed to be:

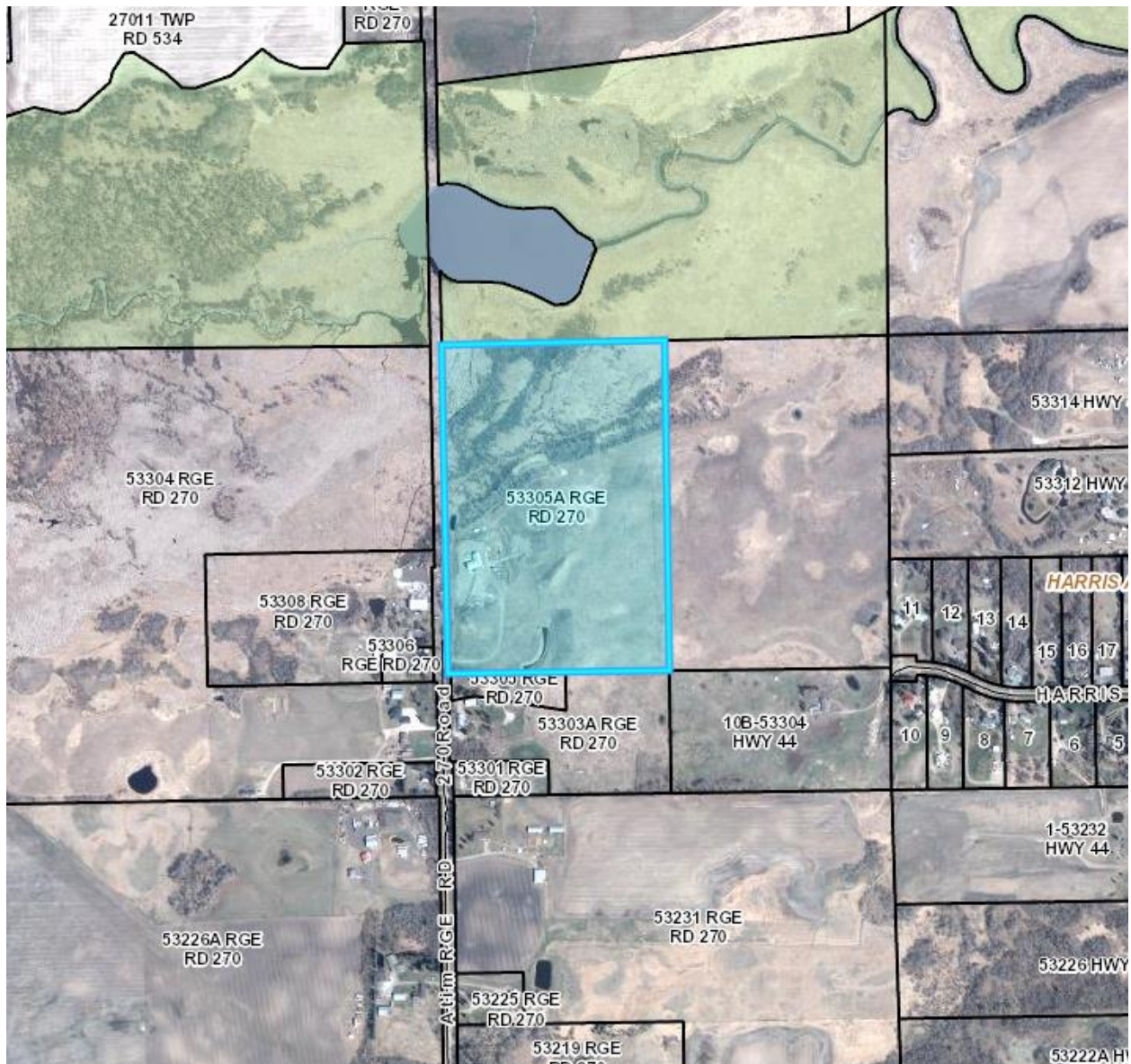
- 7:00am – 7:00pm from May – June,
- 7:00am – 3:00pm from July – October,
- 8:00am – 6:00pm from November – December, and
- Closed January – May

If you have any questions or concerns call my personal phone at 780.993.7030, or you can contact me at kalansavill@gmail.com

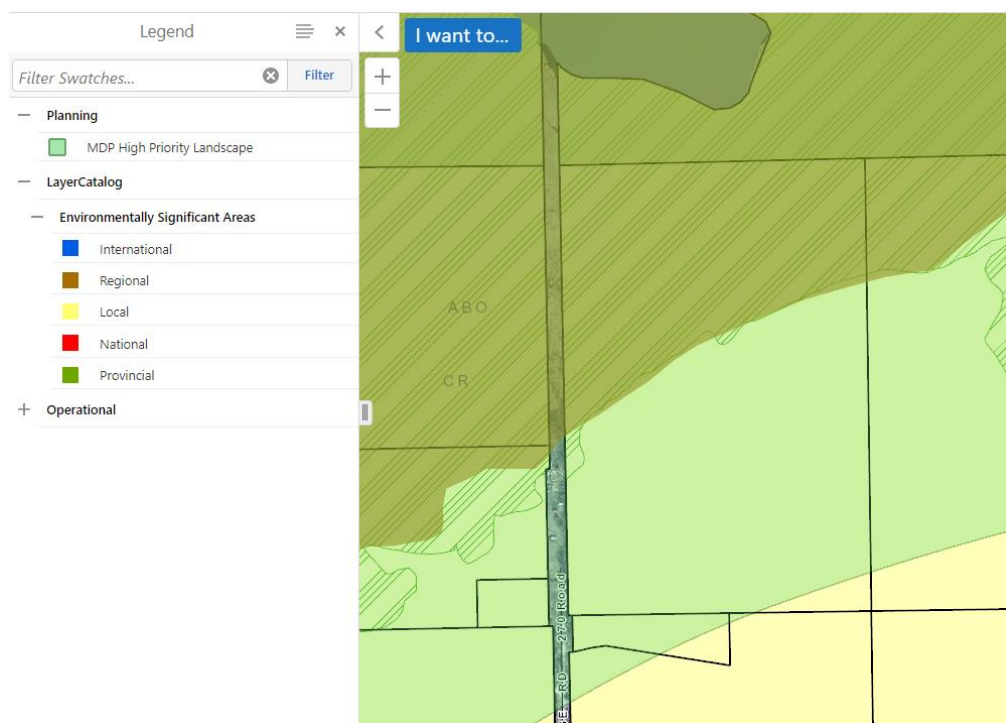
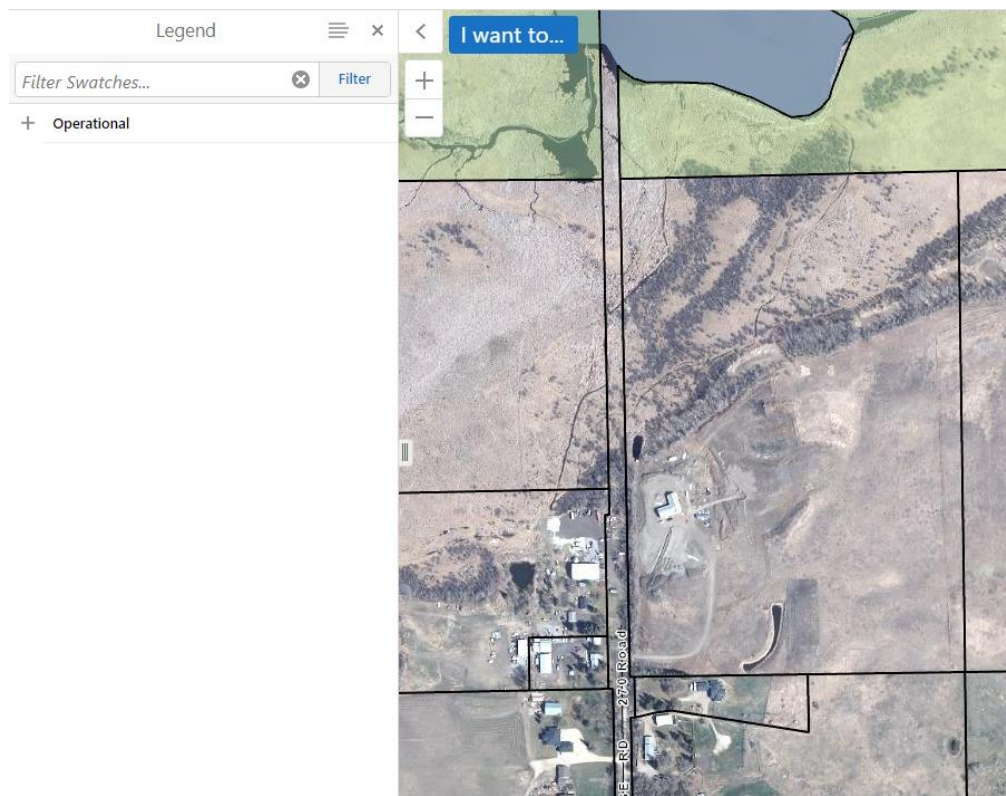
Thank you,

Kalan (Owner, 53305A RGE RD 270)

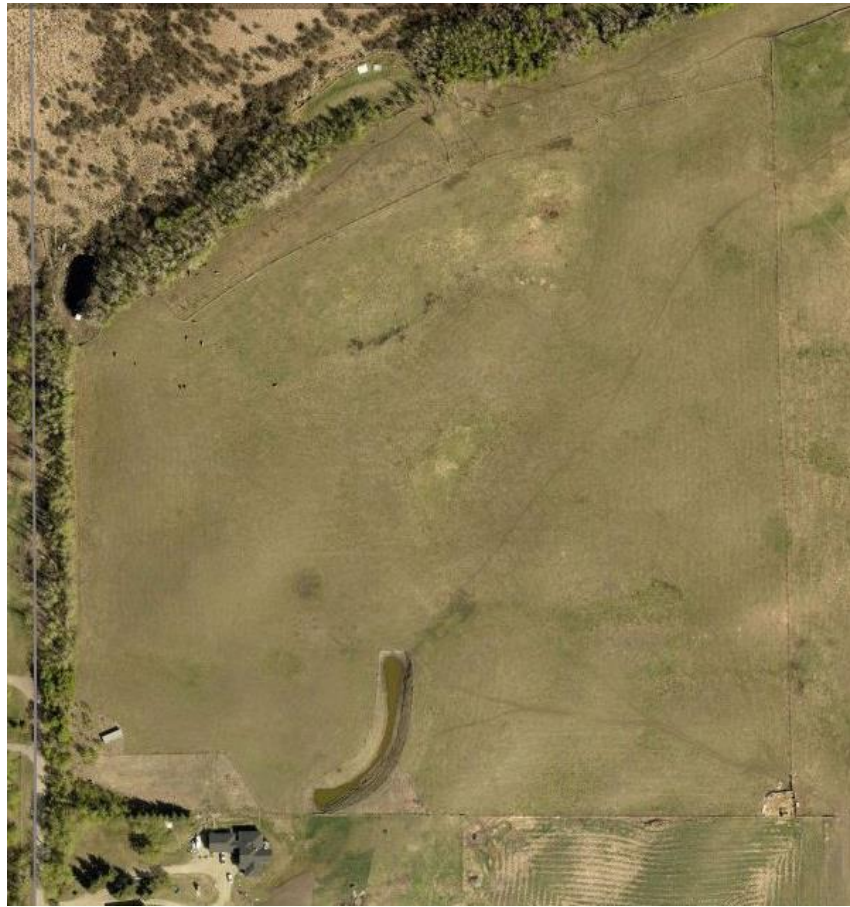
Location – Proposed Commercial Tree Farm 53305A RGE RD 270



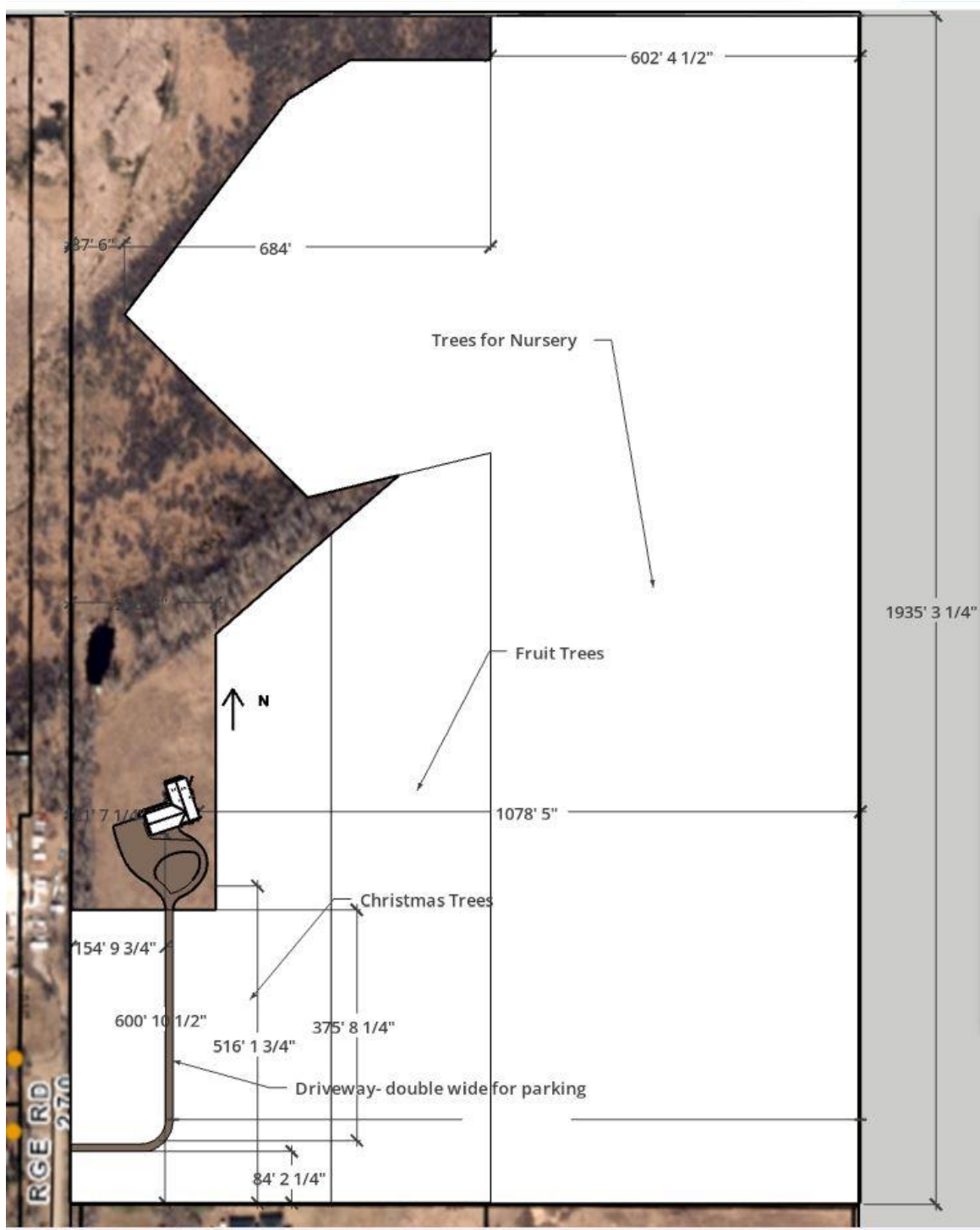
Land Use 2023 & Statutory Overlay



Arial Land Use May 2015 (top) & April/June 2024 (Bottom) 53305A RGE RD 270



Version 1 Draft Site Plan – Proposed Commercial Tree Farm 53305A RGE RD 270



Version 2 Draft Site Plan – Proposed Commercial Tree Farm 53305A RGE RD 270

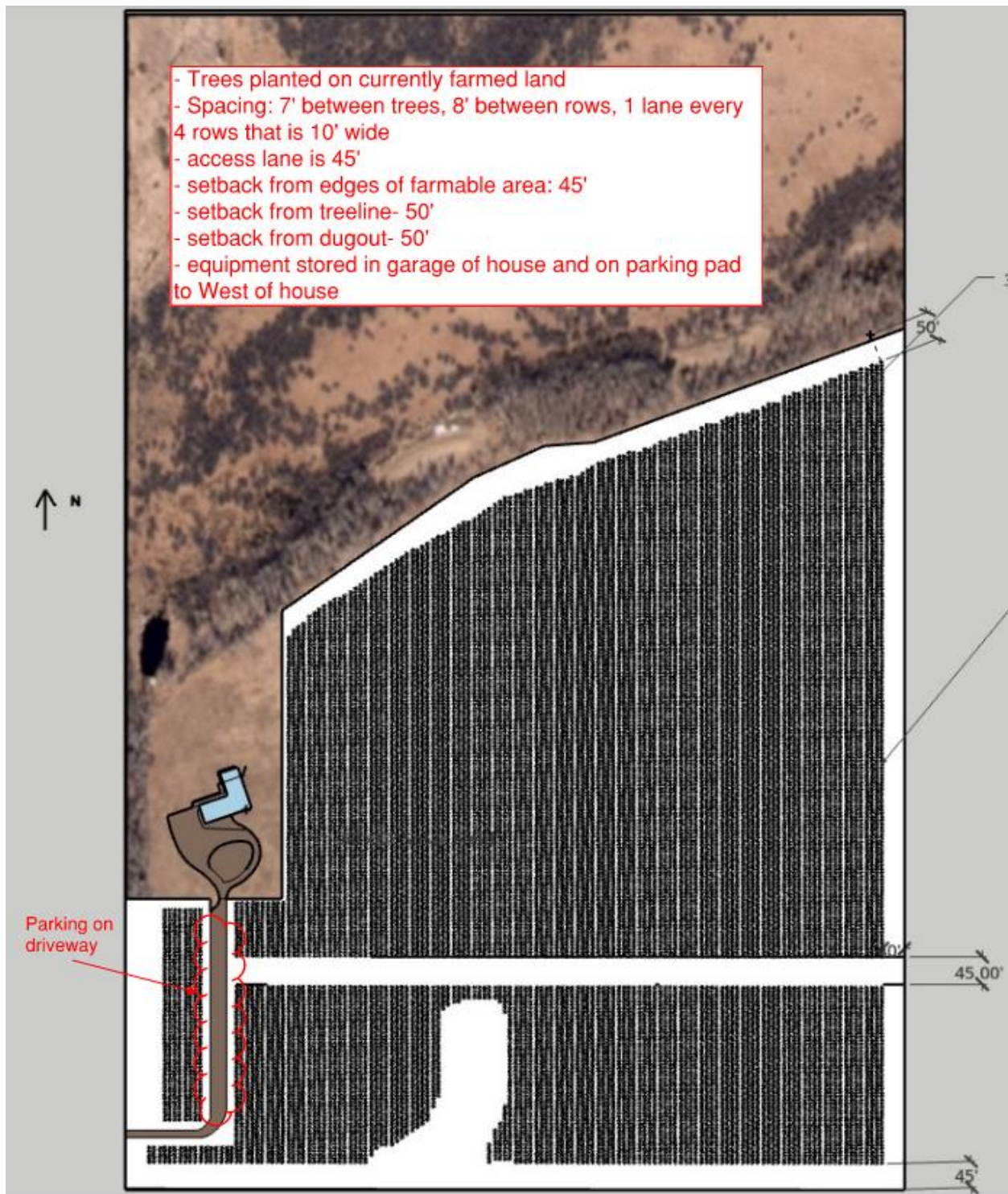


Exhibit D – Atim Creek ASP – Summary

7.9 Agriculture and Agricultural Land

7.9.1 – Agricultural lands are all the lands within the (a) Atim Creek Floodplain Area

7.9.2 – A variety of agricultural uses are encouraged in the plan area, but agricultural operations should be consistent with the sustainable use of the lands on which they operate, and practiced in a manner compatible with surrounding land uses and the environment.

7.10 Conservation of Sensitive Features

Conservations goals

1. Protect sensitive features from inappropriate use and encroachment
2. To conserve the natural amenities of the area
3. To promote environmentally responsible development

7.10.1 - Sensitive features include (b) the Atim Creek 1:100 year flood plain

7.10.2 - Map 3 (attached) identifies the sites of sensitive features within the plan area. The presence of features and their boundaries need to be determined though detailed site studies.

7.10.3 - The County encourages that the design for the development of a site: a) integrate sensitive features into the design; c) protects other site amenities such as drainage courses

7.10.4 - Development will be directed away from hazardous lands, being: a) lands that are susceptible to erosion, subsidence or slumping; b) flood-prone lands

7.10.5 - In the 1:100 year flood plain of Atim Creek, extensive agriculture uses shall predominate. No permanent buildings will be permitted within the 1:100 year floodplain

7.10.6 - As part of an application for approval of a proposed development the applicant may be required to provide an environmental review, undertaken by a person qualified to do so, to assess the impacts of the proposal and the means by which impacts may be mitigated.

7.10.7 – The county may also request an applicant to submit information, provided by a person qualified to do so that: a) identifies impacts on Atim Creek.

- (1) To provide for development in a manner consistent with the sustainability of groundwater resources.

Policies

- 7.8.1 As part of an application for approval of a proposed subdivision or development that is to be served by groundwater, the County shall require a geotechnical report to be submitted outlining the intended method or methods of water supply and the availability of groundwater supplies. The report must be prepared by a person or persons qualified to do so in accordance with guidelines set out by Alberta Environment.
- 7.8.2 The County will not approve a subdivision or development if the intended supply of water, including where applicable the sufficiency of groundwater, does not meet the requirements of the *Water Act* or is not to the satisfaction of the County.
- 7.8.3 The County may require that water be supplied and/or be supplemented by the use of a cistern or cisterns, and where they do so will require the registration of a restrictive covenant against each parcel so affected.

7.9 Agriculture and Agricultural Land

Introduction

Agriculture is important to the economic base of the County and a desired way of life choice for many County residents. While the majority of the Atim Creek North plan area is allocated for country residential use, farming is viewed as a vital transition use.

Goals

Agriculture and agricultural land goals are:

- (1) To maintain farming as a transition land use, and thereby its contribution to the economic base of the County.
- (2) To provide for agriculture operations to continue on lands whose owners desire to retain farming as a source of income and way of life.
- (3) To provide for diversification of the agricultural industry.

Policies

- 7.9.1 For the purposes of this plan, excepting land on which a non-agricultural use has been approved by the County, agricultural lands are all the lands within the:
 - (a) Atim Creek Floodplain Area, unless otherwise excluded by provisions in this Plan and the Municipal Development Plan;

- (b) Fringe Area, unless an area structure plan adopted by the County in accordance with the provisions of this Plan allocates some or all of the land for non-agricultural uses;
- (c) Highway Commercial Cluster Area, except any land allocated for highway commercial and related land uses in an outline plan approved by the County and Alberta Transportation;
- (d) Country Residential Core Area, except any land allocated for country residential and related land uses in an outline plan approved by the County or land that is subdivided into parcels of 4.04 ha (10 acres) or less in size;
- (e) Open Space Area, unless the land is public land.

7.9.2 A variety of agricultural uses are encouraged in the plan area, but agricultural operations should be consistent with the sustainable use of the lands on which they operate, and practiced in a manner compatible with surrounding land uses and the environment.

7.9.3 Where agricultural operations are in accordance with generally accepted agricultural practices, these operations should not be required to cease or significantly reduce their operation because of objections from other agricultural or non-agricultural uses in the vicinity.

7.9.4 In accordance with the Municipal Development Plan, the basic parcel size for agricultural land is the quarter section. Therefore, on land which is considered as agricultural land in Section 7.9.1 a subdivision to accommodate a non-agricultural use should not be approved except as otherwise provided for in the Municipal Development Plan and Land Use Bylaw, these exceptions including:

- (a) a first residential parcel from an unsubdivided quarter section;
- (b) a non-agricultural use approved in accordance with the provisions the Municipal Development Plan and Land Use Bylaw;
- (c) a small farm pursuant to Section 7.9.5.

7.9.5 The subdivision of agricultural land into parcels of no smaller than 16.2 ha (40 acres) in size for smaller, more specialized farming operations (e.g. nurseries, greenhouses, specialty crops) may be allowed by the County if the following criteria are met to the satisfaction of the County:

- (a) the soil, microclimatic and other conditions related to the proposed agricultural use are conducive to the proposed use;
- (b) the submission of a business plan, or similar document acceptable to the County, which outlines the nature of the operation, including existing and proposed investments in facilities, infrastructure and equipment, and demonstrates the likely viability of the specialized farming operation;
- (c) the operation will not have adverse impacts on neighbouring land uses or the environment;
- (d) the shape of the parcel is closer to square than rectangular.

- 7.9.6 On land which is considered as agricultural land in Section 7.9.1, when approving a subdivision or development for a non-agricultural use the County will seek to conserve agricultural land by minimizing the parcel size and area to be developed for the non-agricultural use.
- 7.9.7 In accordance with the *Agricultural Operation Practices Act*, the authority for the approval of new confined feeding operations and expansions to existing operations lies with the Natural Resources Conservation Board. Because the plan area is primarily allocated for country residential use, the County prefers that confined feeding operations not be approved in the plan area, but does not oppose the expansion of existing operations if, in the opinion of the County, the enlarged operation would not have a deleterious effect on the environment or land uses in the vicinity.

7.10 Conservation of Sensitive Features

Introduction

Parkland County desires to maintain and enhance the quality of the environment throughout the municipality. While conservation does not necessarily preclude development, the County recognizes that conservation measures to protect sensitive features not only add to the rural ambience of the County but also to the overall quality of life of County residents.

The residents of the Atim Creek North area, through the community consultation mechanisms used to prepare this Plan, enunciated the importance of protecting sensitive features, especially the Atim Creek floodplain, wetlands, stream courses and the adjacent Wagner Natural Area. These features are valued as habitat for fish, waterfowl, migratory birds and upland game. Therefore, development is encouraged to be environmentally responsible, including the recognition of hazard lands, sensitive features and historical resources.

Goals

The conservation goals are:

- (1) To protect sensitive features from inappropriate use and encroachment.
- (2) To conserve the natural amenities of the area.
- (3) To promote environmentally responsible development.

Policies

7.10.1 For the purposes of this Plan, sensitive features include:

- (a) Atim Creek, its tributary stream courses and their immediate shorelands;
- (b) the Atim Creek 1:100 year flood plain;
- (c) lakes, and their immediate shorelands;
- (d) wetlands and poorly drained areas; and

- (e) any other features determined by the County to be a sensitive feature based on a report, study or other form of information provided by or to the County, including any submitted to the County as part of an application process for approval of an outline plan, subdivision or development.
- 7.10.2 Map 3 identifies the sites of sensitive features within the plan area. On this map the locations and boundaries of the sensitive features are general, and within the plan area all sensitive features may not be shown. The presence of features and their boundaries need to be determined through detailed site studies.
- 7.10.3 The County encourages that the design for the subdivision and development of a site:
- (a) integrates sensitive features into the design to promote their conservation while enhancing the aesthetics of the subdivision or development;
 - (b) promotes continuity among adjacent sites through the conservation or provision, wherever possible, of habitat and/or open space corridors;
 - (c) protects other site amenities, such as views, steep slopes and drainage courses, to enhance the subdivision or development.
- 7.10.4 Development will be directed away from hazard lands, being:
- (a) lands that are susceptible to erosion, subsidence or slumping;
 - (b) flood prone lands; and
 - (c) lands in proximity to sour gas facilities, if any should be located in the plan area.
- 7.10.5 In the 1:100 year flood plain of Atim Creek, extensive agriculture uses shall predominate. Sites and facilities for habitat conservation and viewing may be provided, but non-agricultural development shall not be permitted unless otherwise provided for in this Plan. No permanent buildings will be permitted within the 1:100 year flood plain.
- 7.10.6 As part of an application for approval of a proposed outline plan, redesignation, subdivision or development, the applicant may be required to provide an environmental review, undertaken by a person or persons qualified to do so, to assess the impacts of the proposal and the means by which impacts may be mitigated. An environmental review may be required to address any or all of the following:
- (a) a description of the proposed undertaking, including its purpose and staging requirements;
 - (b) a description of the features and resources of the site, adjacent properties and nearby lands that may be affected;
 - (c) a description of the environmental sensitivity of these features and resources;

- (d) a description of the predicted effects during construction on the features and resources, including the nature of the impacts on land, vegetation, water, including the quality of water in Atim Creek, wildlife and fish;
- (e) the nature of the impacts of land use activities on land, water, including the quality and quantity of water in Atim Creek, wildlife and fish upon completion of the development, including phases thereof identified by the County;
- (f) an indication of the limitations of the review, criteria used in predicting effects, and interests consulted;
- (g) an environmental mitigation/protection plan to alleviate any adverse impacts, monitor the performance of the mitigation/protection measures and identify the residual impacts and their significance on land, vegetation, water, wildlife and fish;
- (h) a presentation of the results in a framework that can assist decision makers in determining the final course of action; and
- (i) any other matters required by the County.

7.10.7 In a manner consistent with the provisions of Section 7.10.6, the County also may request an applicant to submit information, provided by a person or persons qualified to do so, that:

- (a) identifies impacts on Atim Creek, including but not limited to its flow, downstream habitats and the shoreland environment of Big Lake, and the proposed means to mitigate any adverse impacts;
- (b) identifies impacts on the Wagner Natural Area, including its ecosystems, and the proposed means to mitigate any adverse impacts; and
- (c) identifies impacts on any other sensitive features, and the proposed means to mitigate any adverse impacts.

7.10.8 Where required by the Province, the County will require an application for subdivision or development approval to include a historic resource assessment prepared by a person qualified to do so. If a significant historic resource is identified in the assessment, the site plan must identify the measures that will be used to protect, conserve and/or study the resource as required by provincial legislation or advised by Alberta Community Development and agreed to by the County.

Atim Creek North Area Structure Plan

MAP 5 LAND USE STRATEGY

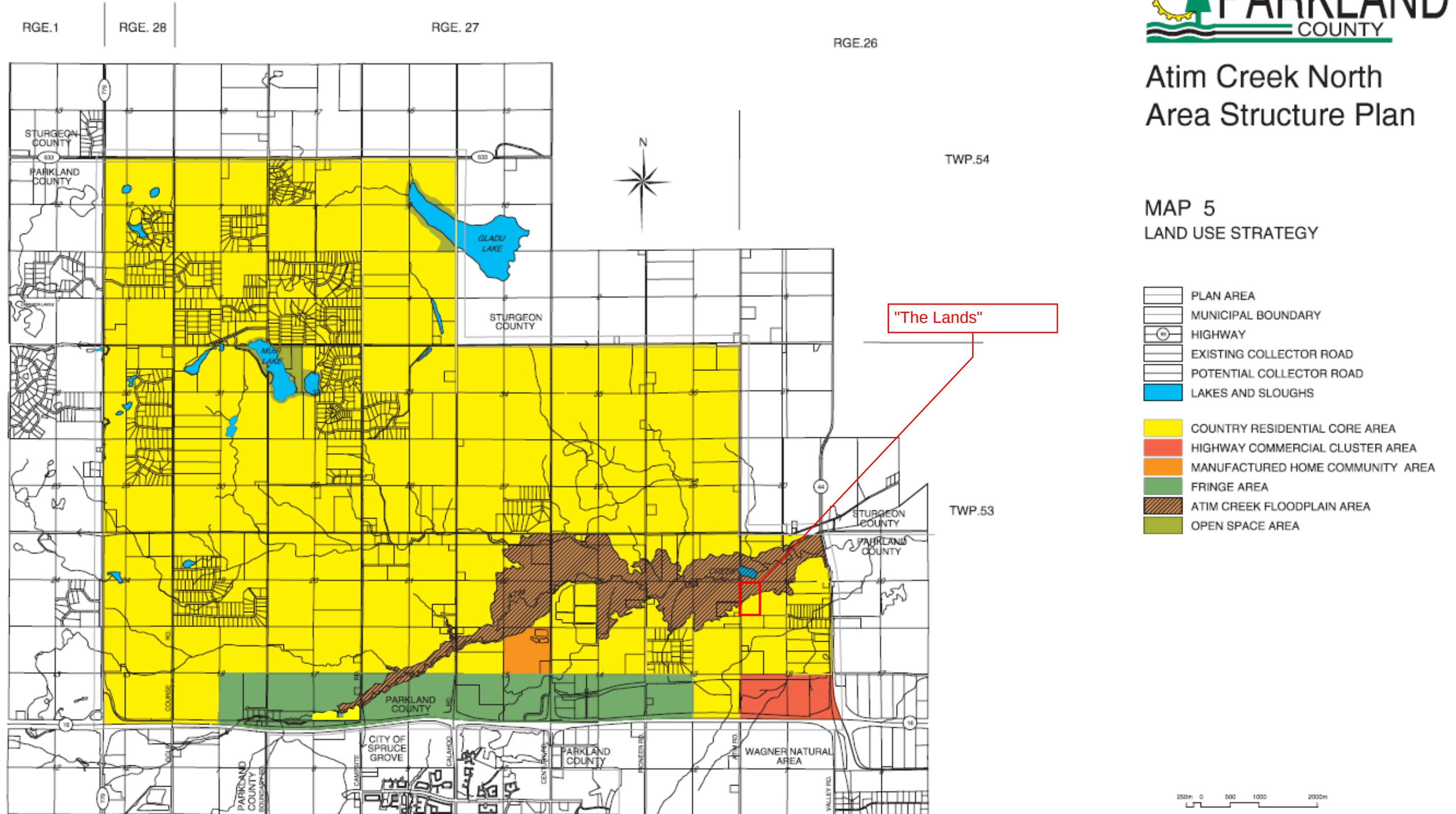


Exhibit E – LUB Excerpts Summary

- a) **5.2 CR – Country Residential District**, Horticultural use is Discretionary
- b) **10.2 Atim Creek / Big Lake Floodplain Overlay** – Regardless of the underlying land use district only the following uses shall be considered on a discretionary basis within the Atim Creek/Big Lake Floodplain Overlay: e) forestry

- c) **16.3 Application for a Development Permit**

2. In addition to the development permit application requirements stipulated in Subsection 16.3.1, with respect to land that is the subject of an application for a development permit, the Department Authority may request information regarding **j)** such other matters as the Development Authority deems appropriate.

3. In addition to the development permit application requirements stipulated in Subsections 16.3.1 and 16.3.2, the Development Authority may require any of the following additional information depending upon the nature of the application and other circumstances **f)** a Biophysical Site Assessment

- d) **Horticultural Use** means a Commercial horticultural operation other than a Confined Feeding Operation that, due to the nature of the operation, requires smaller tracts of land. Without Restricting the generality of the foregoing, this shall include horticultural uses like nurseries, greenhouses, market gardens, tree farms, and specialty crops (not including Cannabis).

- a. Use chosen as the operation involves on-site commercial activity, compatible with Country Residential, and can be accommodated by ‘smaller tracts of land’. Tree farm is an identified example of this use type. Use is also named as being compatible with the Atim Creek ESA by the Atim Creek ASP.

- e) **Extensive Agriculture Use** means a system of tillage including the associated clearing of land for agricultural production purposes, which depends upon large areas of land for the raising of crops. Extensive agricultural uses include buildings and other structures incidental to farming as well as farm related uses. Extensive Agriculture Development does include the off-site removal and export of logs or trees. This use class does not include Cannabis Cultivation, Major; Cannabis Cultivation, Minor; Cannabis Processing, Major; or Cannabis Processing, Minor. This includes Industrial Hemp.

- a. The Development Authority believes that the proposed scope of development does not meet the criteria for Extensive Agricultural use. The commercial aspect of the

development, with landscapers and the public accessing the land for tree purchases, goes beyond that of typical Extensive Agricultural activity that would have few to no daily visitors and marginal offsite impacts. Additionally, there are concerns about the land preparation and tree removal activities needed for the large-scale tree farm in the Atim Creek ESA, which could surpass the usual topsoil preparation/tillage for planting intended by the definition. The definition of Extensive Agricultural use also includes off-site removal and export of logs or trees to accommodate such operations, but it does not cover tree removal and onsite sales for a Tree Nursery.



5.3 CR – Country Residential District

1. Purpose

The purpose of this district is:

- To provide for traditional Multi-Parcel country residential communities;
- To accommodate residential development that meets varied housing and lifestyle needs; and
- **To accommodate certain agricultural pursuits.**

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 the following uses shall not be located within a Multi-Parcel Residential Subdivision:
 - (1) Animal Health Care Service
 - (2) Cemetery
 - (3) Government Services
 - (4) Home Based Business Level 3
 - (5) Indoor Participant Recreation Services
 - (6) Medical Treatment Services
 - (7) Natural Sciences Exhibit
 - (8) Outdoor Participant Recreation Services
 - (9) Recreational Vehicle Storage
 - (10) Utility Services – Major Infrastructure
- ii) That Natural Resource Extraction/Processing shall not be located within a Multi-Parcel Residential Subdivision;
- iii) That Manufactured Home, Single Wide shall not be allowed within a Multi-Parcel Subdivision with the exception of the following:

(1) Annedale Acres	NE 18-53-2-W5M
(2) Bowen Lake Estates	NW 3-53-2-W5M
(3) Brookside Estates	N ½ and SE 26-53-4-W5M
(4) Cherlyn Heights	S ½ of SE 32-53-1-W5M
(5) Highland Acres II	NE 17-53-3-W5M
(6) Lake Isle Estates	Pt. N ½ 25-53-6-W5M
(7) Meso West II	N ½ 24-53-3-W5M
(8) Meso West III	N ½ 24-53-3-W5M
(9) Silver Sands Estates	NE 20-53-1-W5M

- (10) Summerview Heights SE 25-53-6-W5M
- (11) West 80 Estates S ½ and NW 17-53-2-W5M
- (12) Westland Park I SE 22-53-3-W5M
- (13) Plan 792 0114 NE 10-53-1-W5M
- iv) That a Wind Energy Converter System - Minor, as a Permitted Use, is limited to no more than one system; and
- v) That a Wind Energy Converter System - Minor, as a Discretionary Use, is limited to no more than two systems.

Bylaw No. 2019-01

d) PERMITTED USES	e) DISCRETIONARY USES
Bed and Breakfast Home Dwellings, Single Detached Home Day Care Park Show Home Accessory Uses for the uses listed in 5.3.2 b)	Animal Health Care Services Apiary Boarding House Cannabis Cultivation, Minor Cemetery Community Recreation Services Cottage Industry Day Care Services Dwelling Duplex <i>only on Pt. NW 35-53-27 W4</i> Educational Services Government Services Group Care Facility Group Home, Limited Group Home, Major Home Based Business Level 2 Home Based Business Level 3 Horticultural Use Indoor Participant Recreation Services Kennel Manufactured Home Single Wide Medical Treatment Services Natural Resource Extraction/Processing Natural Science Exhibit Out-Building Outdoor Participant Recreation Services Professional, Business, Financial and Office Support Services <i>only on Block 14, Plan 4134RS Riverview Acres</i>

Bylaw No. 2018-09

d) PERMITTED USES	e) DISCRETIONARY USES
	Religious Assembly Riding Arena Recreational Vehicle Storage Secondary Suite 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 5.3.2 c)

Bylaw No. 2018-09

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 16.0 ha, more or less. The minimum Parcel Frontage shall be 400.0 m , more or less.
 - ii) Manufactured Home, Single Wide and Dwelling, Single Detached shall have a minimum Parcel area of 0.8 ha of contiguous developable land and a maximum Parcel area of 4.0 ha for a single Parcel or Multi-Parcel Residential Subdivision, unless greater area is required to include shelterbelts, buildings or other improvements related to the residential component of a farmstead. Minimum Parcel width at the Parcel front shall be 30.0 m excepting that it may be 20.0 m fronting onto an internal cul-de-sac.
 - 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) Extensive Agriculture and Extensive Livestock shall have a maximum of two (2) 32.0 ha Parcels or a maximum of four (4) 16.0 ha Parcels, more or less, from a quarter section.
 - ii) Manufactured Home and Dwelling, Single Detached for single Parcel residential subdivision shall have a maximum of three (3) single residential Parcels from an un-subdivided quarter section or a maximum of one (1) single residential Parcel from an existing 32.0 ha Parcel, more or less but not less than 28.0 ha unless significant physical features dictate otherwise at the discretion of the Subdivision Authority.
 - iii) For all other Permitted and Discretionary Uses, including Multi-Parcel Residential Subdivision, the Parcel density requirement shall be determined by the Subdivision Authority.

4. Development

- a) Setbacks for Dwellings, Single Detached

- 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 45.7 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) 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.
- d) For Discretionary Uses, the minimum building Setback requirement shall be determined by the Development Authority.

5. Other Development Regulations

- a) Accessory Buildings may be Permitted or Discretionary consistent with Subsection 11.1.
- b) 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.
 - i) 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.

- c) 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:
- c) Have a maximum floor area of 53.5 m²
 - i) Be finished with durable exterior building material such as siding, stucco, brick, brick veneer;
 - ii) Be located within the rear 30% of the Parcel if located on a Multi-Parcel Subdivision; and
 - iii) Be screened to the satisfaction of the Development Authority.

10.2 Atim Creek / Big Lake Floodplain Overlay

The purpose of this Overlay is to provide for the safe and efficient use of lands within the defined Atim Creek / Big Lake Floodplain Area, within Parkland County, through the regulation of future land use and subdivision.

1. Application
 - a) This Overlay applies to those lands identified as within the Atim Creek Flood Plain Area, which is defined as the 1:100 year Flood Plain plus 0.5 m consistent with the 'Big Lake Basin Task Force: Floodplain Delineation for Atim Creek from Campsite Road to Big Lake Study' (Sameng, March 2007) as shown on Schedule G. As the floodplain elevation along Atim Creek varies, reference to the 2007 Study should be undertaken in all cases.
 - b) This Overlay applies to those lands identified as within the Big Lake Flood Plain Area, which is defined as the 1:100 year Flood Plain (653.30 m ASL) plus 0.5 m (653.80 m ASL) consistent with the 'Big Lake Basin Task Force: Floodplain Delineation for Atim Creek from Campsite Road to Big Lake Study' (Sameng, March 2007) as partially shown on Schedule G.
2. **Regardless of the underlying land use district, only the following uses shall be considered on a discretionary basis within the Atim Creek/Big Lake Floodplain Overlay:**
 - a) private open space;
 - b) environmental reserve or natural areas;
 - c) existing uses, provided such uses were approved by the County prior to the passing of this Bylaw;
 - d) alterations or the reconstruction of an existing building or structure may be permitted within the building footprint that existed at the time of passing of this Bylaw;
 - e) forestry;**
 - f) public utilities;
 - g) passive outdoor recreation;
 - h) golf courses with environmental protection plan, excluding a clubhouse; and
 - i) notwithstanding 2.a) through 2.i) above, the landowner of the golf course located at SE-20-53-26-W4M and NE-17-53-26-W4M may complete the following within the identified floodplain overlay area consistent with the 'Floodplain Delineation Review of Edmonton Springs Golf Course Study' (Sameng, 2013):
 - i) undertake additions, alterations or the reconstruction of the existing clubhouse approved by the County prior to passing of this Bylaw only within the identified 2.47 ha of land area above the floodplain plus 0.5 m factor of safety (653.8 m ASL). Before a building permit is issued, detailed flood proofing techniques must be approved by the Building Inspector. All openings unless part of flood-proofing techniques must be a minimum of 0.5 m above the 653.8 m elevation. At the time of the foundation inspection and before further construction takes place, the permit holder (owner/contractor) is required to provide a certificate from a surveyor verifying that the said openings are above the required elevation.
 - ii) as part of undertaking an addition, alteration or reconstruction of the existing clubhouse, the landowner shall connect the clubhouse to municipal services within Range Road 264 consistent with the servicing policies of the County's Big Lake Area

Structure Plan. The new water supply system and sanitary sewer system shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. The existing on-site well and sanitary sewage system shall be reclaimed in accordance with current standards.

- iii) the private access roadway, approved by the County prior to passing of this Bylaw, shall provide access from Range Road 264 to the clubhouse area (2.47 ha) identified as being above the floodplain plus 0.5 m factor of safety. The access roadway shall provide a depth of flooding not to exceed 1.0 m below the floodplain plus 0.5 m factor of safety.
- iv) a private parking lot, approved by the County prior to passing of this Bylaw is constructed within the 3.07 ha clubhouse, parking and access road area. In those areas of the parking lot that are below the floodplain plus a 0.5 m factor of safety, the parking lot shall provide a depth of flooding not to exceed 1.0 m below the floodplain plus 0.5 m factor of safety.
- v) grading and landscaping within the 3.07 ha clubhouse, parking and access road area, subject that the grading and landscaping has a negligible impact.

Bylaw No. 2018-03 **HORTICULTURAL USE** means a Commercial horticultural operation other than a Confined Feeding Operation that, due to the nature of the operation, requires smaller tracts of land. Without restricting the generality of the foregoing, this shall include horticultural uses like nurseries, greenhouses, market gardens, tree farms, and specialty crops (not including Cannabis).



Bylaw No. 2019-22 **INDOOR EATING ESTABLISHMENT** means a commercial development where foods and beverages are prepared and served for consumption by the public on the premises and may include a drive-through component for consumption off-site.

INDOOR PARTICIPANT RECREATION SERVICES means development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical facilities would include athletic clubs; health and fitness clubs; curling, roller skating and hockey rinks; swimming pools; rifle and pistol ranges; bowling alleys and racquet clubs, indoor soccer fields.

Bylaw No. 2018-03 **INDUSTRIAL, HEAVY** means a manufacturing or processing facility whereby external effects are likely to be felt beyond the boundaries of the site and possibly the district or neighbourhood. External effects include, but are not limited to, noise, vibration, light, noise, dust, odour, humidity, smoke, fumes, steam, heavy traffic, and other impacts that affect the safety, use, amenities and enjoyment of property. Without restricting the generality of the foregoing, these uses would generally be related to the oil and gas industry and would include for example: upgraders, plants for the manufacture of petroleum products, fertilizers, chemicals and the processing of natural gas and its derivatives.

Bylaw No. 2018-09

Bylaw No. 2018-03 **INDUSTRIAL STORAGE AND WAREHOUSING** means development (including a security suite as defined by this Bylaw used solely for security purposes) used for either indoor or outdoor storage, warehousing, distribution or trans-shipment of raw materials, partially processed or finished goods, manufactured products, or equipment. Typical facilities would include pipe yards, heavy equipment service and storage, lumber yards, storage/warehousing compounds or distribution centres. Generally no additional processing would occur on site. This use class does not include Cannabis Cultivation, Major; Cannabis Cultivation, Minor; Cannabis Processing, Major; or Cannabis Processing, Minor.

Bylaw No. 2019-01



KENNEL means development used for the breeding, boarding, caring or training of dogs. Typical facilities include dog boarding and dog training establishments, and animal rescue homes.

- v) a temporary, non-illuminated sign or advertisement not exceeding 1.5 m² in size, relating to the sale or leasing of land, the sale of goods or livestock, the carrying out of the construction of a building or similar work or the announcement of any local event, provided that the advertisement is removed within fourteen (14) days of the completion of the event or works advertised;
- i) temporary/transient hawking and peddling of food products (fruit, vegetables, meat or fish), Christmas trees, flowers or other miscellaneous items;
- j) the erection/placement of an earthen berm in accordance with the following requirements or situations:
 - i) unless otherwise provided for in this Bylaw, the provision of an earthen berm in any district shall be as required by the Development Authority;
 - ii) a development permit application for an earthen berm shall require a lot grading plan; and
 - iii) the design of an earthen berm shall comply with the current Alberta Safety Codes.

16.3 Application for Development Permit

1. Except as provided for in Subsection 16.3.1, an application for a development permit shall be made to the Development Authority, in writing, using the development permit application form provided by Parkland County, and shall include the following:
 - a) the application must be signed by the applicant (registered owner of the land or his/her representative or agent certified as such) accompanied with a current copy of the Certificate of Title of the land, searched and dated not more than fourteen (14) days prior to the date on which the application is made;
 - b) a non-refundable application fee to cover administrative processing costs, as established in the development permit Application Fee Schedule, as adopted by resolution of Council. The Development Authority, upon request at the time of application, may waive the application fee when an application is made by a Parkland County community-based/related group;
 - c) a statement of the intended uses of the proposed development;
 - d) a statement of the estimated commencement and completion dates;
 - e) a Site Plan for the land to be developed, in duplicate when required, drawn to a scale of 1:2000 or such other scale as the Development Authority may require, showing such information deemed necessary by the Development Authority which may include the following:
 - i) legal description of subject property and all abutting properties;
 - ii) identification of all abutting roads and existing and/or proposed access to the development;
 - iii) identification of all rights-of-way and easements within and abutting the subject property;
 - iv) identification of all drainage courses and/or the proposed storm water drainage plan;
 - v) the location of any proposed development on the site;
 - vi) location and dimensions of existing and/or proposed buildings including front, rear and side yard Setbacks;

- vii) existing and proposed services;
- viii) proposed off-street parking and loading facilities, showing the location and of all aisles and stalls, the dimensions of all aisles, the number of stalls, typical stall dimensions and the location of any lighting standards and curbing;
- ix) landscape plan, in accordance with Section 13 of this Bylaw;
- x) location and access to garbage pick-up;
- xi) sign location and details;
- xii) the design and location of sidewalks, patios, playgrounds, and other similar features;
- xiii) north arrow, scale, and date of drawing; and
- xiv) schedule showing area of site, building Floor Area, number of units, number of parking and Loading Spaces and a calculation of site coverage and Floor Area ratio;
- f) when required by the Development Authority, floor plans and elevations of the proposed development in duplicate, drawn to a scale of 1:100 or such other scale as the Development Authority may require;
- g) the Development Authority may require a Real Property Report to verify the location of an existing building that is subject of a development permit application;
- h) confirmation from the Alberta Energy Regulator (AER) for buildings larger than 47.0 m² or larger, identifying the presence or absence of abandoned wells; and
- i) Provide additional information as required by the Development Authority deems necessary in order to evaluate any application in accordance with this Bylaw.

2. In addition to the development permit application requirements stipulated in Subsection 16.3.1, with respect to land that is the subject of an application for a development permit, the Development Authority may request information regarding

- a) its topography;
- b) its soil characteristics;
- c) its potential for flooding, subsidence or erosion;
- d) a Stormwater Management Study, prepared by a qualified professional, describing how storm water runoff will be managed, in terms of both runoff rates and volumes and water quality, its potential for flooding, subsidence and/or erosion;
- e) its accessibility to a public roadway or Highway, constructed to appropriate municipal or provincial standards;
- f) the availability and adequacy of municipal services which, without restricting the generality of the foregoing, may include fire protection, education services, student transportation, and police protection;
- g) the need to maintain an adequate separation distance between different or incompatible land uses. A plan outlining a buffering or interface treatment to minimize impacts of commercial and industrial land uses on neighbouring land uses may be required. A noise attenuation study, conducted by a qualified professional, may be required. The separation distance shall be as prescribed by the Development Authority, recognizing the type and magnitude of both the proposed development and surrounding land uses;

- h) an Environmental Impact Assessment prepared by a qualified professional, for development proposed in or near an environmentally sensitive area or if the proposed development may, in the opinion of the Development Authority, results in potentially significant environmental impacts. The Environmental Impact Assessment must address all potential impacts of the development and the extent to which these impacts may be mitigated through the design of the development, construction procedures and operational (or management) practices;
 - i) the necessity/requirement of a Site Grading Plan or detailed Geotechnical Engineering study, prepared by a qualified professional, for development on lands that may be prone to flooding, erosion, slope stability or other hazard risk that confirms that the site is suitable for the proposed development and describing any measures to be taken to safeguard the proposed development; and
 - j) such other matters as the Development Authority deems appropriate.
- 3. In addition to the development permit application requirements stipulated in Subsections 16.3.1 and 16.3.2, the Development Authority may require any of the following additional information depending upon the nature of the application and other circumstances:
 - a) photographic prints or slides showing the site in its existing state;
 - b) a plan of survey prepared by an Alberta Land Surveyor;
 - c) a Phase I Environmental Site Assessment, conducted in accordance with the Canadian Standards Association, where the potential for prior contamination of a site exists. Follow-up assessments and remedies may be required based on the results of the Phase I Environmental Site Assessment;
 - d) a Reclamation Plan for a major surface disturbance;
 - e) a Traffic Impact Assessment, conducted by a qualified professional, may be required to determine the traffic impact of the development on external roadways and adjacent lands and any upgrading that would be required to these roadways as a result of the proposed development;
 - f) a Biophysical Site Assessment;
 - g) Floodplain Information
 - i) Floodplain Delineation Analysis Study;
 - ii) when an application for a Development Permit is submitted for the development of a Parcel of land partially or wholly contained within one of the Floodplain Overlay Schedules under this Bylaw, the Development Authority may require that the application contain information regarding the grade elevation of the proposed building site, the building and all openings, to be referenced to geodetic elevations. Geodetic elevation means the elevation of a point and its vertical distance determined by employing the principles of geodesy above or below an assumed level service of datum.
 - iii) prior to the issuance of Development Permit for the construction of any development within a Floodplain Overlay Schedule under this Bylaw, the Development Authority may require that the applicant submit a certificate from a qualified, registered Professional Engineer or Architect indicating that the following factors have been considered in the design of the building:

- (1) Canada Mortgage and Housing Corporation guidelines for building in flood-susceptible areas;
 - (2) the flood-proofing of habitable rooms, electrical panel and heating units, and openable windows;
 - (3) basement drainage; and
 - (4) site drainage.
- h) a Slope Stability Analysis Study;
 - i) a Groundwater Supply Study, conducted by a qualified professional, when potable water is to be provided through a private or communal water system. If a communal system is proposed, details must be provided as to how the system will be managed and operated;
 - j) percolation and near surface water table testing, conducted by a qualified professional, where an onsite wastewater system is proposed; and
 - k) any other information that is deemed necessary by the Development Authority.
4. In this Bylaw, there are specific use classes which require a separate set of regulations in order to control development. These use classes may be required to address specific development permit requirements and/or comply with supplementary development regulations, as the case may be. The following table provides a list of specific use classes and outline how they are regulated in this Bylaw:

Table 16.3-1: Specific Use Classes and Supplementary/Specific Regulations

Specific Use Class	Section Number of Supplementary and/or Specific Development Permit Requirements	Section Number of Specific Development Regulations
Aggregate Extraction	5	12.12
General Industrial Manufacturing / Processing and Industrial Storage and Warehousing	16.5	Section 13
Home Based Business	16.6	12.8
Wind Energy Converter Systems	16.7	12.23

- Bylaw No. 2018-09 5. The Development Authority must, within 20 days after receipt of an application for a development permit, make a determination whether the application is complete.
- Bylaw No. 2018-09 6. An application for development permit is complete if,
 - a) in the opinion of the Development Authority, the application contains the documents and information necessary to review the application and in accordance with this Section, or
 - b) the Development Authority does not make a determination within the time period referred to in Section 16.3.5 or Section 16.3.7.
- Bylaw No. 2018-09 7. The time period to determine if the application is complete referred to in Section 16.3.5 may be extended by an agreement in writing between the applicant and the Development Authority.

- Bylaw No. 2018-09 8. If the Development Authority determines the application is complete in accordance with Section 16.3.6(a), the Development Authority must issue to the applicant an acknowledgment in accordance with Section 16.13.8 that the application is complete.
- Bylaw No. 2018-09 9. If the Development Authority determines that the application is incomplete, the Development Authority must issue to the applicant a notice in accordance with Section 16.13.9 that the application is incomplete.
- Bylaw No. 2018-09 10. Notwithstanding the date set out in the notice referred to in Section 16.3.9, the Development Authority, and applicant may agree on a later date for the application to be considered complete.
- Bylaw No. 2018-09 11. If the Development Authority determines that the information and documentation submitted under Section 16.3.9 is complete, the Development Authority must issue to the applicant an acknowledgement in accordance with Section 16.13.8 that the application is complete.
- Bylaw No. 2018-09 12. If the applicant fails to submit all the outstanding information and documentation on or before the date referred to in Section 16.3.9, the application is deemed to be refused.
- Bylaw No. 2018-09 13. If an application is deemed to be refused under Section 16.3.12, the Development Authority must issue to the applicant a notice in accordance with Section 16.13.10.
- Bylaw No. 2018-09 14. Notwithstanding Sections 16.3.6 and 16.3.11, in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

Bylaw No. 2018-09 **16.3(i) Application to Subdivide**

15. An application proposing to subdivide land shall be in accordance with the relevant sections of the Municipal Government Act.
16. The Subdivision Authority must, within 20 days after receipt of an application for subdivision approval, make a determination whether the application is complete.
17. An application to subdivide is complete if,
- a) in the opinion of the Subdivision Authority, the application contains the documents and information necessary to review the application, or
 - b) the Subdivision Authority does not make a determination within the time period referred to in Section 16.3 (1).1 or Section 16.3 (1).4.
18. The time period to determine if the application is complete referred to in Section 16.3 (1).1 may be extended by an agreement in writing between the applicant and the Subdivision Authority.
19. If the Subdivision Authority determines the application is complete in accordance with Section 16.3 (1).3(a), the Subdivision Authority must issue to the applicant an acknowledgment in accordance with Section 16.13 (1).1 that the application is complete.
20. If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority must issue to the applicant a notice in accordance with Section 16.13 (1).2 that the application is incomplete.
21. Notwithstanding the date set out in the notice referred to in Section 16.3 (1).6, the Subdivision Authority, and applicant may agree on a later date for the application to be considered complete.

DWELLING, SINGLE DETACHED means a Development consisting of a residential Building containing one Dwelling with or without an attached garage and/or attached carport and is separated from any other Dwelling. Modular Homes, Double wide Manufactured homes and a dwelling constructed onsite are all considered Single Detached Dwellings. Where a Secondary Suite is a Permitted or Discretionary Use within a District, a Dwelling, Single Detached may also contain a Secondary Suite.

DWELLING, TRIPLEX means a Development consisting of a residential Building containing three Dwelling Units located immediately adjacent to each other and sharing a common wall and each having a separate entrance to grade.



EDUCATIONAL SERVICES means development for instruction and education purposes, involving assembly for educational, training or instruction purposes and includes administration offices, dormitory and accessory buildings. Typical facilities would include public and separate schools, private schools or seminaries, community colleges, universities, technical and vocational facilities.

Bylaw No. 2018-03

Bylaw No. 2019-01

EXTENSIVE AGRICULTURE DEVELOPMENT means a system of tillage including the associated clearing of land for agricultural production purposes, which depends upon large areas of land for the raising of crops. Extensive agricultural uses include buildings and other structures incidental to farming as well as farm related uses. Extensive Agriculture Development does include the off-site removal and export of logs or trees. This use class does not include Cannabis Cultivation, Major; Cannabis Cultivation, Minor; Cannabis Processing, Major; or Cannabis Processing, Minor. This includes Industrial Hemp.

EXTENSIVE LIVESTOCK DEVELOPMENT means a farming operation on at least 16.0 ha of land involving the rearing of livestock either in conjunction with or separate from an Extensive Agricultural Development, where the number of animals on the subject Parcel falls below the registration threshold of a Confined Feeding Operation as per the AOPA, Agricultural Operations, Part 2 Matters Regulation, Schedule 2.



FARM VACATION HOME means a single detached dwelling located on land whose primary use is agricultural where temporary lodging or sleeping accommodation, with no more than three guest rooms, is provided, with any or all meals prepared in the residential kitchen, on a daily basis to registered guests for not longer than fourteen days by the occupant and his immediate family for a remuneration.

Bylaw No. 2019-22

FLEET SERVICE AND STORAGE means a development using fleet vehicles for the delivery of people, goods, or services. This use includes the storage, maintenance, and dispatch, of the vehicles, but does not allow for the lease or sale.

Exhibit F - MDP Summary

10.4.2 Wetlands

a) The County will support the implementation of the Alberta Wetland Policy and prioritize wetland avoidance over minimization or replacement by: i) retaining on-site wetlands, whenever possible

10.4.3 Surface and Groundwater Resources

a) The County will seek to maintain and protect the quality and quantity of surface and groundwater resources in the region by: i) requiring all necessary technical studies concerning surface water or groundwater quantity or quality be completed to ensure any proposed planning and development processes and activities will not negatively impact surface water or groundwater resources, including recharge zones, in the area; ii) supporting the naturalization, retention and enhancement of natural drainage patterns during the development approval process

b) The County will support a no-net increase of post-development nutrient discharges in sensitive groundwater areas, including waterbodies, wetlands, and water courses

10.1.1 Healthy Ecosystems

a) The County will consider the ecological integrity of ecosystems, wildlife habitat, and corridors and the potential cumulative impacts of development on the County landscape as a part of planning and development decisions

c) Planning and development projects initiated by the county or private developers will be required to undertake the following technical assessments: i) The County's Biophysical Assessment process.

10.1.2 High-Priority Landscapes

a) Developments in High Priority Landscapes should address the following to the satisfaction of the County: i.) integration with the larger natural ecosystem. ii.) preservation of surface and groundwater interactions and connectivity; and iii) cumulative effects at the watershed and broader landscape scale

2.1 Biophysical Assessment Process Requirements

Desktop Biophysical Assessment – A desktop biophysical assessment may be required for simple subdivisions, as well as any stripping, filing, excavation, grading activities, tree clearing, or creation of a pond or dugout if the proposed activities take place within or adjacent to an Environmentally Significant Area, High Priority Landscape Watercourse, wetland or water body.



10.4 Surface Water, Groundwater and Wetlands

Lakes, wetlands and watercourses are among the most defining and valued landscape features in Parkland County. Major waterbodies including Wabamun Lake, Isle Lake, Jackfish Lake, Mayatan Lake, Big Lake, Hubbles Lake and Hasse Lake, as well as watercourses such as the North Saskatchewan and Pembina rivers, and Kilini, Atim and Wabamun Creeks provide a wide range of ecosystem services. These ecosystem services include groundwater recharge functions - improving water quality, flood and drought resilience - as well as providing habitat for a diversity of plant and animal species. The County's diversity of surface waterbodies and wetland systems interconnect with, and contribute to, the natural ecosystems that provide important recreational and educational opportunities for residents and visitors. Wetlands are identified on **Figure 6: Wetlands**.

It is important to recognize that surface and groundwater resources are connected. Groundwater recharge areas, such as ephemeral and temporary wetlands, transfer water from the surface to groundwater aquifers, while groundwater discharge areas return water back to the surface in the form of springs, watercourses and lakes. As groundwater feeds many of the lakes in the County, groundwater quality is of great environmental, social and economic importance. Maintaining the quality and quantity of groundwater resources in Parkland County is critical to the health and well-being of ecosystems, communities and people in Parkland County.

POLICIES

10.4.1 Lake and Watershed Management

- a. The County will seek to protect, enhance and restore the water quality and aquatic ecosystems in the region whenever possible by:
 - i. retaining natural areas along waterbodies and watercourses;
 - ii. incorporating best practices to minimize soil erosion, to protect and enhance riparian zones and to conserve and enhance areas that contain habitat for federally or provincially listed plant or wildlife species; and
 - iii. conserving wetlands and establishing riparian setbacks around wetlands.
- b. The County shall prepare Sub-Watershed Lake Land Use Plans for Wabamun Lake, Mayatan Lake, Jackfish Lake, Isle Lake and Hubbles Lake as determined necessary by the County.



10.4.2 Wetlands

- a. The County will support the implementation of the Alberta Wetland Policy and prioritize wetland avoidance over minimization or replacement by:
 - i. retaining on-site wetlands, whenever possible; and
 - ii. protecting the County's highest value wetlands, as identified in the County Wetland Inventory & Historical Loss Assessment report, from incompatible development through the practice of avoidance and the use of environmental reserve and environmental reserve easement dedication, conservation reserves or conservation easements.
- b. The County encourages net-gain of wetlands through stormwater management facility naturalization and other wetland restoration, replacement and enhancement activities on public and private land.
- c. The County will prepare and implement a wetland policy and management plan consistent with the findings of Parkland County's ECMP and Wetland Inventory & Historical Loss Assessment.

10.4.3 Surface and Groundwater Resources

- a. The County will seek to maintain and protect the quality and quantity of surface and groundwater resources in the region by:
 - i. requiring all necessary technical studies concerning surface water or groundwater quantity or quality be completed to ensure any proposed planning and development processes and activities will not negatively impact surface water or groundwater resources, including recharge zones, in the area; and
 - ii. supporting the naturalization, retention and enhancement of natural drainage patterns during the subdivision and development approval process.
- b. The County will support a no-net increase of post development nutrient discharges in sensitive groundwater areas, including waterbodies, wetlands and watercourses, as identified in the County's Environmental Conservation Master Plan.

10.4.4 Setbacks from Waterbodies and Watercourses

- a. Best Management Practices (BMPs) and Provincial guidelines as stated in the documents Stepping Back from the Water, On the Living Edge and the Wabamun Sub-watershed Land Use Plan should be incorporated into development and site plans where applicable.
- b. The Parkland County Riparian Setback Matrix Model will be used, where appropriate, to determine site-specific setbacks for new developments adjacent to riparian areas, along wetlands, watercourses and waterbodies.
- c. Development is prohibited within floodways to ensure the safety of residents and the health of the waterway. Lands within floodways will be dedicated as Environmental Reserve at the time of subdivision.



10.1 Healthy Ecosystems

Parkland County is committed to maintaining and promoting the retention of healthy ecosystems and their natural ecological capital, as these areas provide environmental, economic, social and cultural value. The purpose of the County's environmental policies is to retain the quality and abundance of Natural Ecological Capital (e.g., land, air, water and biodiversity) and the Ecological Goods and Services they provide - including carbon sequestration, flood and drought resilience, purification of air and water, and pollination of crops and other plants - in ways that conserve their inherent value. The County's High Priority Landscapes are identified on **Figure 14: High Priority Landscapes**, the County's Environmentally Significant Areas are identified on **Figure 5: Environmentally Significant Areas**, and the County's wetlands are identified on **Figure 6: Wetlands**.

POLICIES

10.1.1 Healthy Ecosystems

- a. Environmental stewardship is a County priority. The County will consider the ecological integrity of ecosystems, wildlife habitat and corridors and the potential cumulative impacts of development on the County landscape as a part of planning and development decisions.
- b. The County shall consider the ecological integrity of the County's natural environmental features, High Priority Landscapes, biodiversity, wildlife habitat and corridors and overall ecosystem health when undertaking or updating statutory plans, policies, bylaws and other planning documents.
- c. Planning and development projects initiated by the County or private developers that require municipal approvals will be required to undertake the following technical assessments related to the environment as requested or required by the County:
 - i. the County's Biophysical Assessment process, as outlined in *Appendix 2: Requirements for Technical Reports and Studies*, either a desktop or comprehensive biophysical assessment to be completed by a qualified professional;
 - ii. a Geotechnical Assessment to determine slope stability where unstable terrain or steep slopes (>15%) may be present;
 - iii. a Flood Hazard Study if all or part of a development site is located within the floodplain of a watercourse or water body; and
 - iv. a Phase 1 Environmental Site Assessment (ESA) as outlined in *Appendix 2: Requirements for Technical Reports and Studies*. If the results of the Phase 1 ESA indicate that a Phase 2 ESA is required, the Phase 2 ESA shall be completed as outlined in *Appendix 2*.



- d. All planning and development projects initiated by the County or private developers shall adhere to relevant federal and provincial acts, standards and regulations.
- e. The County will ensure its land holdings comply with the environmental standards outlined in the Alberta Tier 1 and Tier 2 Soil and Groundwater Remediation Guidelines.
- f. Best Management Practices, as outlined in the County's Environmental Conservation Master Plan, should be incorporated whenever possible to protect Natural Ecological Capital and support healthy ecosystems.

10.1.2 High Priority Landscapes

- a. High Priority Landscapes are environmentally significant areas that require a careful approach to development. High Priority Landscapes are identified on **Figure 14: High Priority Landscapes**. Developments in these areas should address the following to the satisfaction of the County:
 - i. integration with large natural ecosystem complexes and critical wildlife corridor linkages as identified in the County's Environmental Conservation Master Plan. Development proposals that may impact these systems should consider and integrate these landscape features as part of development projects;
 - ii. preservation of surface and ground water interactions and connectivity; and
 - iii. cumulative effects at the watershed and broader landscape scale.
- b. A Desktop or Comprehensive Biophysical Assessment process, as outlined in Appendix 2: Requirements for Technical Reports & Studies, shall be undertaken when multi-parcel developments are proposed within High Priority Landscapes as identified in **Figure 14: High Priority Landscapes**.



APPENDIX 2 | REQUIREMENTS FOR TECHNICAL REPORTS & STUDIES

2.1 BIOPHYSICAL ASSESSMENT PROCESS REQUIREMENTS

The biophysical assessment process shall be applied to all planned developments within the County which require municipal approvals and will follow the developed administrative procedures.

DESKTOP BIOPHYSICAL ASSESSMENT

A desktop biophysical assessment may be required for simple subdivisions, as well as any stripping, filling, excavation, grading activities, tree clearing, or creation of a pond or dugout if the proposed activities take place within or adjacent to an Environmentally Significant Area, High Priority Landscape, watercourse, wetland or water body. The desktop biophysical assessment is a simple assessment based on publicly available information that is used to identify if any environmental triggers are present that require mitigation measures, further investigation or additional permits/approvals from other government agencies. The desktop biophysical assessment is a one page assessment form that can be completed by the County Biologist or by a qualified external environmental professional.

COMPREHENSIVE BIOPHYSICAL ASSESSMENT

A comprehensive biophysical assessment shall be required for all Area Structure Plans, Outline Plans/Conceptual Schemes, multi-parcel subdivisions, master site development plans, and resource extraction activities. The Comprehensive Biophysical Assessment shall, at a minimum, include:

- a. an in-depth assessment of potential impacts to the existing environmental associated with a proposed development project;
- b. completion of desktop studies, as well as detailed field surveys for specific environmental disciplines where applicable (e.g., soil surveys, vegetation and listed plant surveys, wetland assessments, species-specific wildlife surveys, fish habitat surveys, hydrological and water quality surveys);
- c. identification of key issues or environmental sensitivities; and
- d. identification of proposed Best Management Practices (BMPs) and mitigation measures that will be implemented, as well as the rational of how those BMPs and mitigation measures will avoid or minimize potential development impacts.



SUBDIVISION AND DEVELOPMENT APPEAL BOARD DEVELOPMENT APPEAL

SDAB HEARING DATE: MONDAY, AUGUST 12, 2024
PRESENTED BY: NICK ZAZULA, DEVELOPMENT AUTHORITY
PARKLAND COUNTY FILE: PLDPR20240299

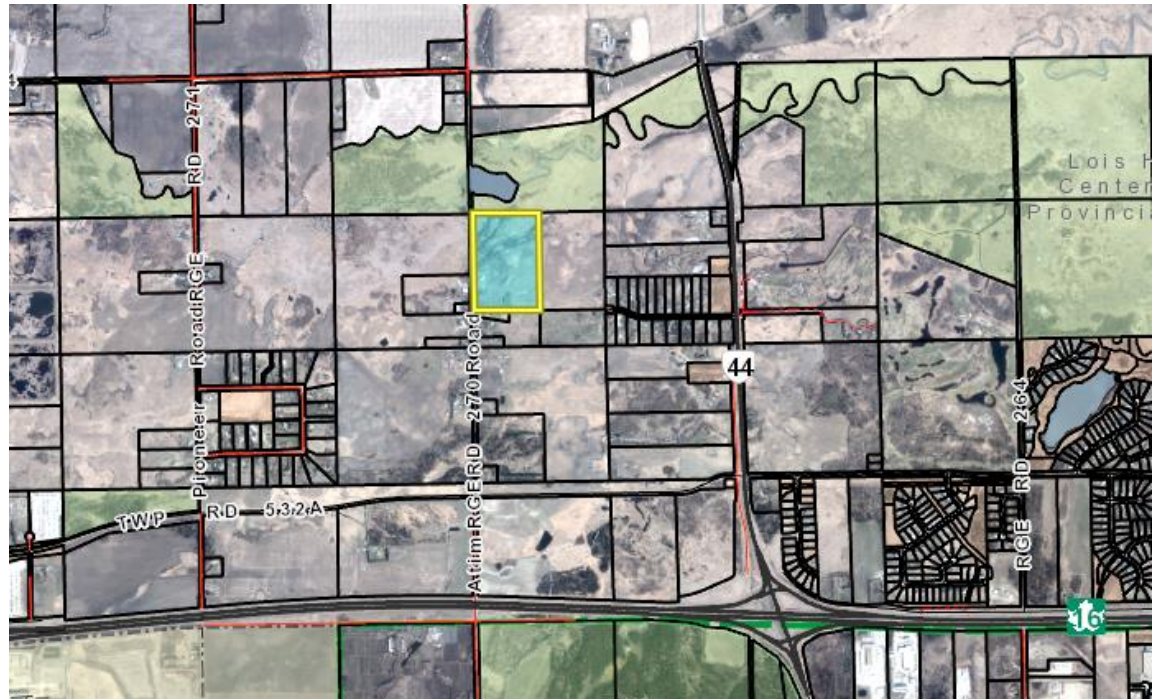
LOCATION

Municipal Address:
26404 HWY 16

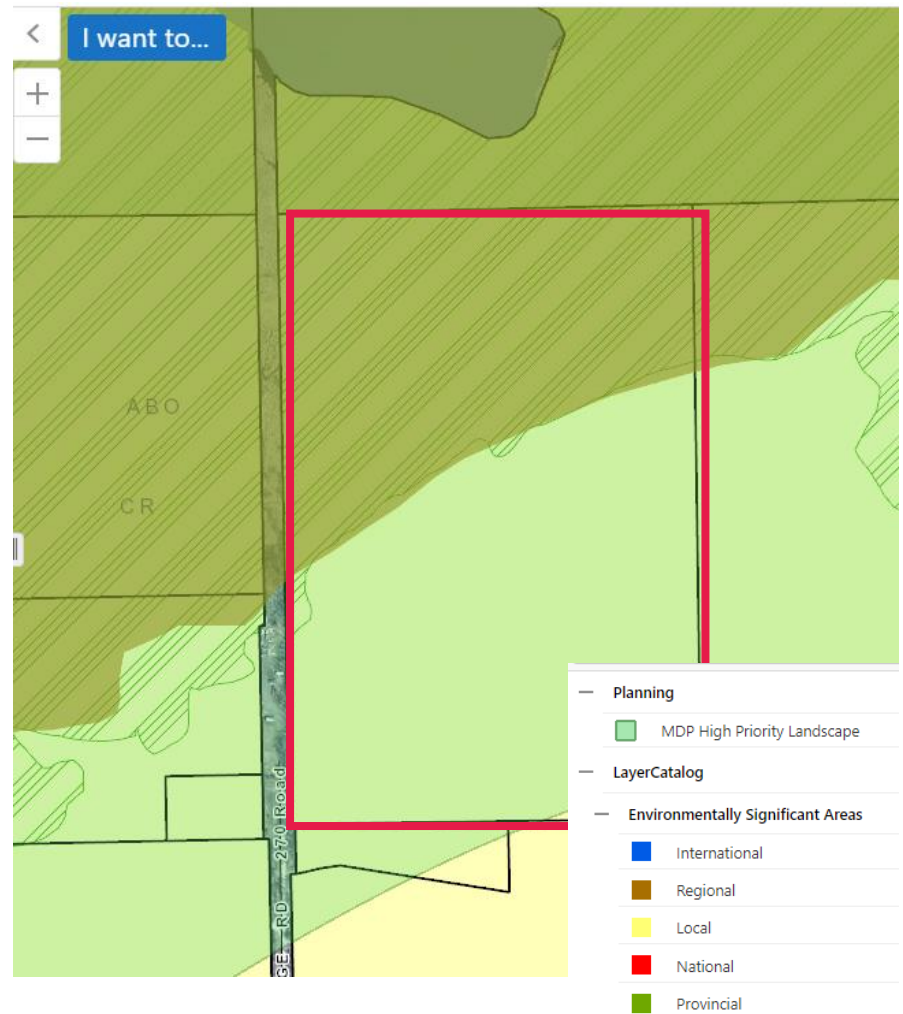
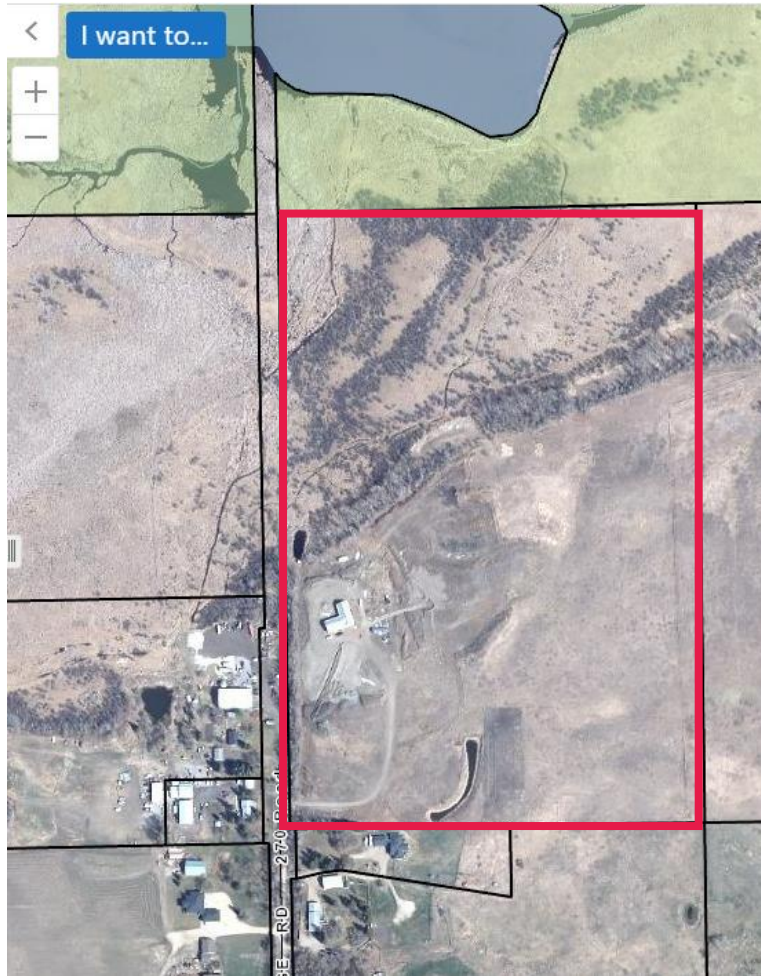
Legal Description:
SW-19-53-26-4

District:
CR – Country
Residential District

ABO – Atim Creek
Big Lake Floodplain
Overlay



LOCATION – DISTRICT CONTEXT



LOCATION - ORTHOPHOTOGRAPHY



~May 2015

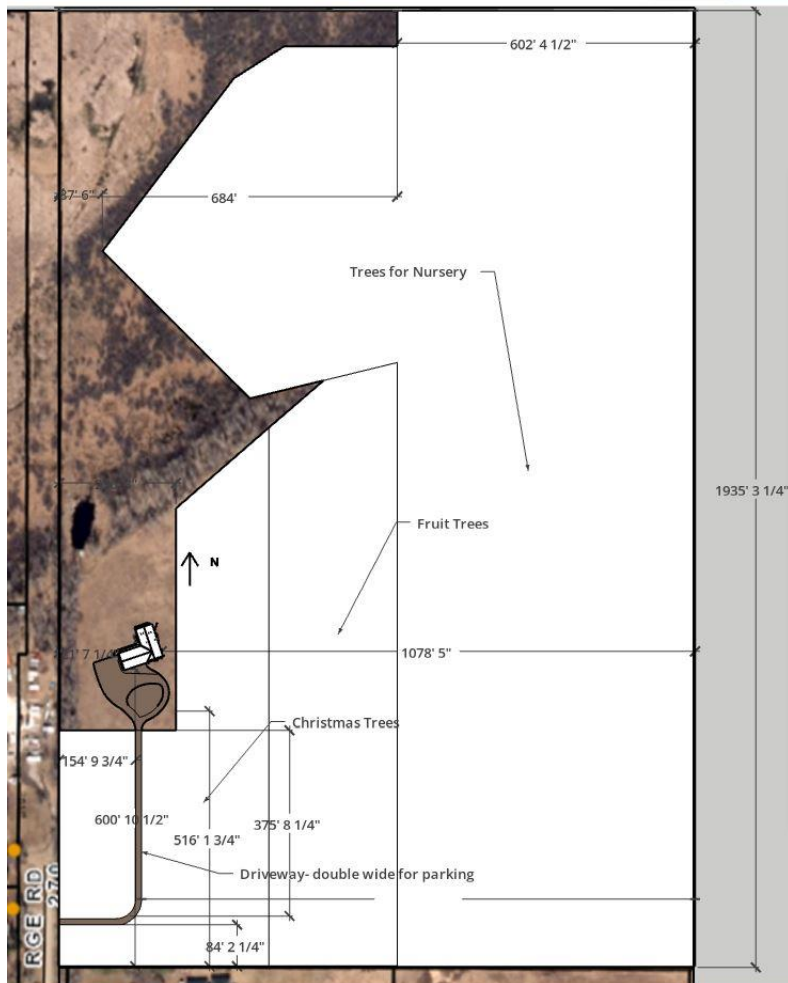


~April/June 2024

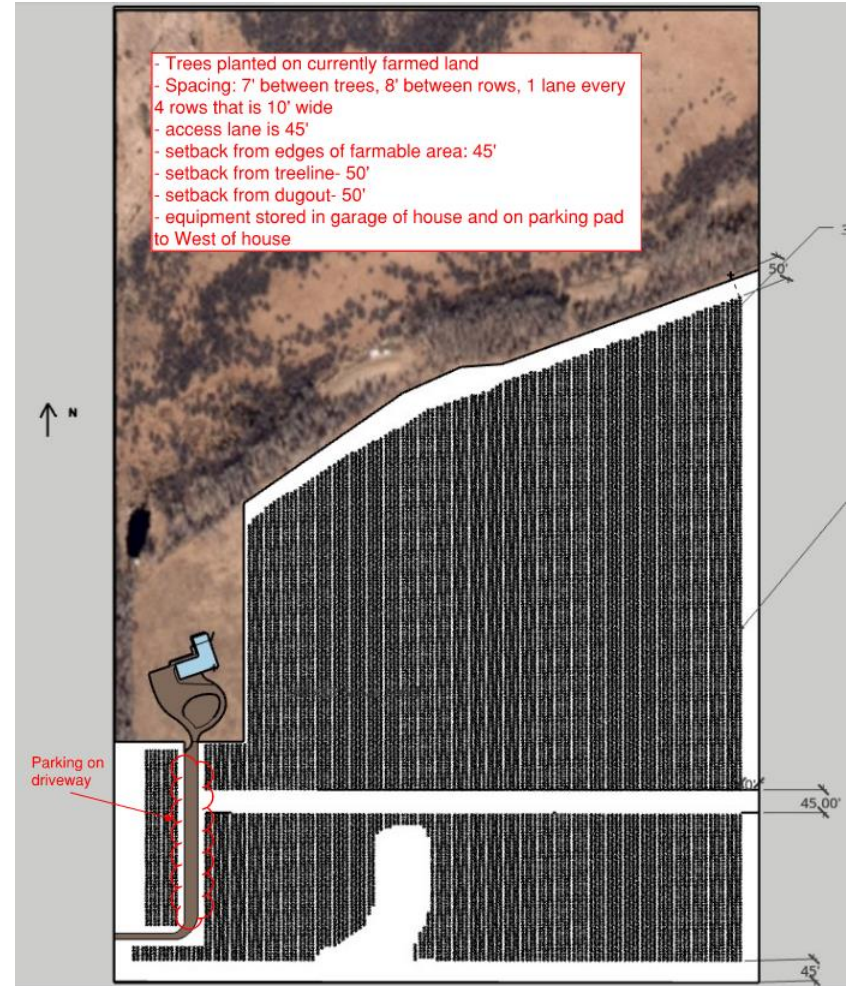
PROPOSED DEVELOPMENT

- The applicant proposes to convert land previously used for grazing to a commercial tree nursery for landscaping stock, fruit for packaging and sale, and Christmas trees.
- Professional Landscapers and members of the public will access the site to collect and purchase plant materials (e.g., Christmas trees).

SITE PLAN



Version 1



Version 2

APPLICATION DETAILS

On April 9, 2024, a Commercial / Industrial / Institutional Development Permit application was received to “Start a Tree Nursery / Christmas Tree Farm / Fruit Farm.”

In line with the restrictions of the ABO Overlay and the Atim Creek ASP, The Development Authority determined the Use Class to be **Horticultural Use**.

Horticultural use is a **Discretionary Use** in the CR – Country Residential District.

HORTICULTURAL USE means a Commercial horticultural operation other than a Confined Feeding Operation that, due to the nature of the operation, requires smaller tracts of land. Without restricting the generality of the foregoing, this shall include horticultural uses like nurseries, greenhouses, market gardens, tree farms, and specialty crops (not including Cannabis).

APPLICATION DETAILS – USE JUSTIFICATION

As proposed, the development does not align with the definition of Extensive Agriculture which:

- Does not allow for commercial visits and sales on-site
- Allows tree removal and export for land preparation and tillage, but not for commercial nursery sales
- The DA's opinion is that the required land preparation and commercial tree removal surpass the usual topsoil preparation/tillage intended by the definition.

Bylaw No. 2018-03 **EXTENSIVE AGRICULTURE DEVELOPMENT** means a system of tillage including the associated clearing of land for agricultural production purposes, which depends upon large areas of land for the raising of crops. **Bylaw No. 2019-01** Extensive agricultural uses include buildings and other structures incidental to farming as well as farm related uses. Extensive Agriculture Development does include the off-site removal and export of logs or trees. This use class does not include Cannabis Cultivation, Major; Cannabis Cultivation, Minor; Cannabis Processing, Major; or Cannabis Processing, Minor. This includes Industrial Hemp.

APPLICATION DETAILS (APRIL 2023)

Application Items included:

1. Application Fee
2. Certificate of Title
3. Landowner Authorization Form
4. Letter of Intent
5. Site Plan
6. Draft Public Engagement Letter
7. Other, Miscellaneous Documents

APPLICATION DETAILS

1. On April 9, 2024, the application was submitted.
2. On April 23, 2024, the applicant received an incomplete application notice from general intake, to provide site plans, floor and elevation plans, and a letter of intent.
3. The fee for the development permit was paid on May 1, 2024, and assigned to a Planner.
4. On May 7, 2024, the applicant was informed of potential requirements that may be identified from the detailed review including grading plans, signage designs, biophysical assessment, and a more detailed plan.
5. On May 7, 2024, the applicant was circulated to other departments to confirm additional requirements.

APPLICATION DETAILS (CONTINUED)

6. On May 16, 2024, Comments from the Agriculture and Environment Department were received, requiring a Desktop Biophysical for proximity to the Atim Creek Floodplain. Other departments had no concerns.
7. Due to the site's context, the Development Authority determined the proposal to be a 'minor community issue' requiring pre-consultation engagement with neighbors 100m from the parcel
8. On May 23, 2024, the applicant was deemed incomplete requesting updates to the site plan, the desktop biophysical assessment, and pre-development engagement.

APPLICATION DETAILS (CONTINUED)

9. On May 24, 2024, the applicant was provided with more detailed information on why a Desktop Biophysical was required.
10. On June 6, 2024, the applicant reduced the scope of the development to the outside of the Atim Creek Floodplain. A letter was also drafted for pre-development engagement.
11. On June 7, 2024, the applicant was informed the Biophysical would still be required to confirm setbacks and identify how to mitigate potential development impacts.

APPLICATION DETAILS (CONTINUED)

9. On June 18, 2024, the applicant confirmed the pre-development engagement letter for manager review.
10. Manager review requested more information about the public interface and potential facilities.
11. On June 23, 2024, to provide more time to the applicant, the submittal deadline for the required submittals was extended to June 28, 2024.

APPLICATION DETAILS (CONTINUED)

12. On June 26, 2024, the applicant escalated the request for a Desktop Biophysical to Council and his Provincial MLA.
13. On June 28, 2024, The Development Authority received administrative support for the Biophysical Assessment.
14. On July 8, 2024, the permit was refused as the applicant was unwilling to provide the required submittals.

APPLICATION DETAILS – USE JUSTIFICATION

Horticultural use is a **Discretionary Use** in the CR – Country Residential District. A district with a purpose *to accommodate certain agricultural pursuits*.

The use is horticulture to allow for commercial activity:

- On-site sales of tree stock/materials to the public and commercial landscapers
- The on-site storage of commercial equipment on a residential parcel
- Horticulture is one of the few commercial uses compatible with the regulations of the Atim Creek ASP and the Atim Creek Big Lake Overlay

APPLICATION DETAILS – BIOPHYSICAL ASSESSMENT

A **Discretionary Use** allows for more oversight by the development authority, allowing for requirements such as:

- A Biophysical Site Assessment depending on the nature of the development.
- Pre-development engagement with neighbors.

APPLICATION DETAILS – BIOPHYSICAL ASSESSMENT

On the recommendation of the Agriculture and Environment Department and adhering to governing statutory plans for High Priority Landscapes:

- The applicant is required to provide an environmental review to identify and mitigate impacts on Atim Creek (ASP, 7.10.6, 7.10.7, MDP 10.1.1, 10.1.2, 10.4.2)
 - E.g., erosion, sediment deposition, chemical run-off, drainage alterations, groundwater impact

A Desktop Biophysical Assessment aligns with the Biophysical Assessment Policy C-CS01 for developments involving land preparation like stripping, filling excavation, grading, and tree clearing.

- Land preparation is currently occurring on the site

DEVELOPMENT AUTHORITY DECISION

- The Development Authority has refused the application as:
 - The application lacks the required biophysical assessment to determine the development's compatibility with the landscape.
 - The applicant has informed the Development Authority that they will not complete the required biophysical assessment.
 - Other requirements are outstanding, pending the applicant's willingness to complete the required biophysical assessment.

DEVELOPMENT AUTHORITY DECISION

- The Development Authority submits that the SDAB upholds the decision of the Development Authority and that if the applicant is to resubmit for the same development permit a Desktop Biophysical Assessment remains as a requirement.

CONCLUSION

Questions?



PLDPC20240299 - Tree Farm Application

3 messages

Nick Zazula <nick.zazula@parklandcounty.com>
To: "kalansavill@gmail.com" <kalansavill@gmail.com>

Tue, May 7, 2024 at 11:49 AM

Hello,

I am the Planner assigned to review and manage your application for a Tree Farm on the parcel: 53305A RGE RD 270.

I have circulated your permit with some internal groups at the County who will flag if any additional studies or plans are required before assessing your complete application. Some things that are expected to come up are:

- The site will require a dedicated parking facility to accommodate those coming onto the site. The Parkland County Land Use Bylaw guides these parking minimums, and by using your letter of intent, 10 stalls will be appropriate for the number of expected customers. Your site plan will need to be updated to include this parking area with the appropriate stall sizes. These sizes can be found in section 14.2 of the Parkland County Land Use Bylaw.
- A Grading and stormwater management plan created and stamped by a certified engineer will need to be provided for the parking area.
- Any signs related to the business will have to be included in your application for approval. These signs must meet the regulations found in Section 15 of the Parkland County Land Use Bylaw.
- A Biophysical assessment may be required due to the proximity of the operation to a wetland area. Our Community Sustainability team will flag this requirement to identify the setbacks that need to be maintained from these environmental features.
- A more detailed site plan may be required by our fire safety team identifying the spacing of trees from one another and circulation/evacuation routes in the event of a fire or disaster.

Finally, for your information, the Country Residential district lists tree farming or "Horticultural" as a discretionary use. This means that once the permit is approved, there will be a 21-day period where neighbors within 100m of the property can appeal the decision. Although engagement will not be required for this minor use, I recommend notifying your neighbors of the proposed business to gain their support and accommodate their feedback where possible.

Once the permit circulates with my internal teams, I will touch base with you to confirm any further requirements. If you have questions about the process, please feel free to email/call me using the details in my email signature.

Warm regards,

Nick

Nick Zazula, M.Sc. (he/him) | Development Planner I, Planning & Development Services | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1 | Phone: 780-968-8888 ext. 8381 | Nick.Zazula@parklandcounty.com | www.parklandcounty.com



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CONSOLIDATED-2020-06-19-Land-Use-Bylaw---Bylaw-2017-18.pdf
2283K

Market Direction <kalansavill@gmail.com>
To: Nick Zazula <nick.zazula@parklandcounty.com>

Tue, May 7, 2024 at 3:55 PM

Hi Nick,

Thanks for your response, attached are 2 drawings of the parking plan. We made the driveway wide to account for this, it's in excess of the County's requirements for 10 parallel parking stalls. There's room for 13+ stalls using the County's 7 meter length rule.

With the required 2.6 meters of parking width & 3.7 meters of aisle width there's an additional 1.93 meters+ of width so it should be comfortable.

The driveway & parking were built as part of our house build & a strip/fill/grade permit we have in place, the engineer stamped stormwater management from that permit are attached.

The Alberta Environment map of wetlands is attached with the lot lines superimposed, the area submitted to be planted into trees is away from this area so that we don't touch any of it.

We haven't figured out what we want to do for signage yet, will have a look and send it to you. I'll upload these docs to the Planit portal.

Have a good one,

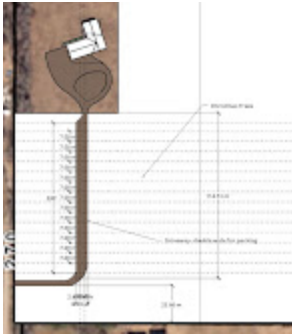
Kalan

[Quoted text hidden]

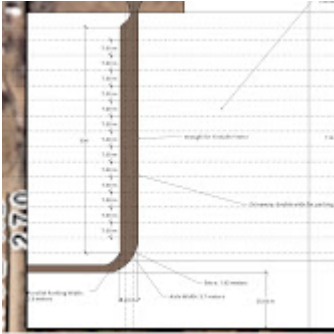
--

Kalan Savill
RE/MAX River City
www.MarketDirection.ca
780.993.7030 (ph.)
780.401.3088 (fax)

4 attachments



Parking Area Zoomed Out.JPG
88K



Parking Area Zoomed In.JPG
109K

 **Wetland Map.pdf**
113K

 **Stormwater Management Drawing Bolson Engineering.pdf**
2160K

Nick Zazula <nick.zazula@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>

Tue, May 7, 2024 at 3:59 PM

Thanks for these documents, Kalan, I will attach them to your application for review.

I will be in touch if anything else is required in the coming week.

Warm regards,

Nick

Nick Zazula, M.Sc. (he/him) | Development Planner I, Planning & Development Services | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1 | Phone: 780-968-8888 ext. 8381 | Nick.Zazula@parklandcounty.com | www.parklandcounty.com



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From: Market Direction <kalansavill@gmail.com>
Sent: Tuesday, May 7, 2024 3:56 PM
To: Nick Zazula <nick.zazula@parklandcounty.com>
Subject: Re: PLDPC20240299 - Tree Farm Application

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[Quoted text hidden]



Market Direction <kalansavill@gmail.com>

PLDPC20240299 - Information Request

3 messages

Nick Zazula <nick.zazula@parklandcounty.com>
To: "kalansavill@gmail.com" <kalansavill@gmail.com>

Mon, May 13, 2024 at 11:49 AM

Kalan,

Before issuing the formal review, the County's Agricultural Services team is requesting a statement on how your operations plans to water the trees on site. Will the water be trucked in from a municipal source, sourced from groundwater, etc..

Please get this information back to me, and the formal review should be done by the end of the week.

Thanks,

Nick

Nick Zazula, M.Sc. (he/him) | Development Planner I, Planning & Development Services | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1 | Phone: 780-968-8888 ext. 8381 | Nick.Zazula@parklandcounty.com | www.parklandcounty.com



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Market Direction <kalansavill@gmail.com>
To: Nick Zazula <nick.zazula@parklandcounty.com>

Mon, May 13, 2024 at 1:39 PM

Hi Nick, we have two dugouts on the land that we pull from to water trees. Thank you,

Kalan

Kalan Savill
RE/MAX River City
www.MarketDirection.ca
780.993.7030 (ph.)
780.401.3088 (fax)

[Quoted text hidden]
SDAB Hearing August 12, 2024 - PLDPC20240299

Nick Zazula <nick.zazula@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>

Mon, May 13, 2024 at 2:22 PM

Ok, thanks for letting me know.

Nick

Nick Zazula, M.Sc. (he/him) | Development Planner I, Planning & Development Services | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1 | Phone: 780-968-8888 ext. 8381 | Nick.Zazula@parklandcounty.com | www.parklandcounty.com



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From: Market Direction <kalansavill@gmail.com>
Sent: Monday, May 13, 2024 1:39 PM
To: Nick Zazula <nick.zazula@parklandcounty.com>
Subject: Re: PLDPC20240299 - Information Request

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Market Direction <kalansavill@gmail.com>

PLDPC20240299 - Application, Submittals Requirement, and Advisements

7 messages

Nick Zazula <nick.zazula@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>

Thu, May 23, 2024 at 3:36 PM

Hello Kalan,

Your development permit application

PLDPC20240299 for a Horticultural Use located at 53305A RGE RD 270 has been

deemed incomplete as we do not have sufficient information to conduct a detailed review of the application. Attached is a letter containing important information regarding the documents and information that must be provided.

Please submit the outstanding items via **PLANit**

Parkland. Visit

PLANitHelp

if you have any questions regarding how to resubmit your items.

If we do not hear back from you by June 23rd 2024 at 4:00 pm, your application will be deemed refused.

Please reach out if you have any questions.

What Happens Now? Once you provide the outstanding information, we will conduct a detailed review of your application. You may not hear from your file manager until a decision is made. They will reach out if they have questions about your application or if revisions are required. Following a detailed review, a decision will be issued to you via email.

Thank you,

Nick Zazula, M.Sc. (he/him) | Development Planner I, Planning & Development Services | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1 | Phone: 780-968-8888 ext. 8381 | Nick.Zazula@parklandcounty.com
| www.parklandcounty.com



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4 attachments

SDAB Hearing August 12, 2024 - PLDPC20240299

85



PLDPC20240299 - Atim Creek Wetland Area (Green).png
394K



Application Incomplete - DP (5).pdf
150K



Desktop Biophysical Assessment TOR_updated18May17.xlsx
42K



Drawing Examples - Site Plan.pdf
423K

Market Direction <kalansavill@gmail.com>
To: Nick Zazula <nick.zazula@parklandcounty.com>

Thu, May 23, 2024 at 3:57 PM

Hi Nick,

Read through your e-mail. The key thing seems to be what you guys deem as wetland. There's a discrepancy between what Parkland County calls wetland and what Alberta Environment calls wetland. The Alberta Environment map is attached.

Parkland County's overlay in your attached map is based on sea level- 653.3 meters plus .5 if I remember right, it doesn't take into account what's actually there. Should I rely on Alberta Environment or Parkland County's data?

Depending on your answer to the above, if I take the Northern portion out of the farming area does it sidestep all this? The overlay on Parkland County's map is also a higher level survey and not that accurate, the field goes to the treeline currently, it's been farmed as pasture land. If you guys want to meet onsite we can get this sorted right away.

Thanks,

Kalan

[Quoted text hidden]

--

Kalan Savill
RE/MAX River City
www.MarketDirection.ca
780.993.7030 (ph.)
780.401.3088 (fax)



Wetland Map.pdf
113K

Market Direction <kalansavill@gmail.com>
To: Kirsten Bles <kirstenjables@gmail.com>

Thu, May 23, 2024 at 3:57 PM

Check this out

[Quoted text hidden]



Wetland Map.pdf
113K

PLDPC20240299 - Desktop Biophysical Requirement

10 messages

Nick Zazula <nick.zazula@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>

Fri, May 24, 2024 at 4:11 PM

Kalan,

I had a meeting with the County's Environmental Coordinator today to discuss your development and the requirement for a Desktop Biophysical Assessment if you were to adjust the site plan. The coordinator had the following comments:

- Parkland County's Current and Historic Wetland Inventory and the Alberta Merged Wetland Inventory were completed using desktop analysis with no field verification. Even though they are a great tool to demonstrate the possible presence of wetlands, it is not 100% accurate. To fully delineate a wetland, a Wetland authentication professional would need to complete field verification and assess wetland boundaries in accordance with the Alberta Wetland Identification and Delineation Directive. Field verification can be quite costly to applicants, which is why Parkland County will accept desktop wetland delineation completed by a qualified professional (if no disturbance to a wetland is anticipated, as this would trigger provincial Water Act approval).
- This parcel is within the Atim Creek Environmentally Significant Area, a High-Priority Landscape (Identified through Parkland County's Environmental Conservation Master Plan), and has development occurring within and close to a high-value wetland complex, a desktop biophysical will be required as per Parkland County's Biophysical Assessment Policy (Policy C-CS01). A desktop biophysical will provide estimated wetland boundaries, an **appropriate setback for the development as well as mitigation** measures to protect these environmentally sensitive features from the development.

This is to say that the suggestion to remove the area north of the tree line was not accepted, and the desktop biophysical would be required for a commercial horticulture use on your property. However, we would still be able to share engagement on the project with your updated site plan to expedite the process for permit review.

As a reminder, as per the Province's Municipal Government Act, minor commercial uses in this residential area can be appealed by neighbors within 100m of the property's edges (including the Alberta Water Boundaries Unit). Completing the biophysical in the Atim Creek area is required by multiple legal policies and plans, and will be essential to build a strong case for the Development Authority to support you at the Subdivision and Development Appeal Board.

I apologize for the length and complexity of this process, but I assure you that completing this permit with the appropriate due diligence is the best chance to get your business up and running on the property.

If you have any more questions, I will answer as soon as possible.

Warm regards,

Nick

Nick Zazula, M.Sc. (he/him) | Development Planner I, Planning & Development Services | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1 | Phone: 780-968-8888 ext. 8381 | Nick.Zazula@parklandcounty.com | www.parklandcounty.com



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Market Direction <kalansavill@gmail.com>
To: Nick Zazula <nick.zazula@parklandcounty.com>

Thu, Jun 6, 2024 at 10:17 AM

Hi Nick,

Attached is the tree layout for the land. I've restricted the planting area to land that is already being farmed, and has been farmed for at least 25 years. It also coincides with the land that is currently being farmed with cattle directly to the West, and also that has been farmed for more than 25 years.

The spacing and setbacks are noted on the drawing, as are notes on equipment storage. Also attached is the letter for the neighbors. I don't want my e-mail on it as I prefer communication to be either in person or on the phone. If that letter works I'll print off 11 copies and come drop them off.

Thank you,

Kalan

[Quoted text hidden]

--

Kalan Savill
RE/MAX River City
www.MarketDirection.ca
780.993.7030 (ph.)
780.401.3088 (fax)

2 attachments



Letter to Neighbors.docx
15K



Tree Layout with Lanes.pdf
240K

Nick Zazula <nick.zazula@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>
Cc: Chad Ritter <chad.ritter@parklandcounty.com>, Jared Candlish <jared.candlish@parklandcounty.com>

Fri, Jun 7, 2024 at 10:19 AM

Kalan,

I edited the letter on your behalf to meet our standards for information. I used the information you provided in your letter of intent to do this. Let me know if you are okay with my changes, and then I will get my manager's approval for the engagement plan. After approval, you can drop the letters (x11) and postage off at the county center.

We will allow you to conduct communications by phone, but I will have to include my email as an option in case people prefer to contact the county directly. You are required to keep a log of any calls that come in for the project noting the date of the call, the concerns/questions, and your response. After 21 days of dropping the letter off, you will submit this log to me, and the engagement will be complete.

As a reminder, a desktop biophysical will still be required before permit approval. This report's due date is June 26th, but I can extend that deadline as you wish. To help with the costs of this report, I contacted the county's ALUS (Alternative Land Use Services) coordinator who said they would support you in designating the section north of the tree line and the cut strip between the tree farm and the northern tree line under ALUS. This would give you money yearly from ALUS for each acre you designate on a 5-year contract. I CC'd the coordinator for this program, Chad (chad.ritter@parklandcounty, 780-968-8888 x8286), to this email for you to contact. Information can be found here: <https://www.parklandcounty.com/en/home-property-and-utilities/alternative-land-use-services.aspx>. I hope that this program seems appealing to you!

From June 10th – 21st 2024, I will be away. My colleague, Jared (CC'd), has agreed to provide support to you if you need it during my absence.

Warm regards.

Nick

Nick Zazula, M.Sc. (he/him) | Development Planner I, Planning & Development Services | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1 | Phone: 780-968-8888 ext. 8381 | Nick.Zazula@parklandcounty.com | www.parklandcounty.com



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From: Market Direction <kalansavill@gmail.com>
Sent: Thursday, June 6, 2024 10:17 AM
To: Nick Zazula <nick.zazula@parklandcounty.com>
Subject: Re: PLDPC20240299 - Desktop Biophysical Requirement

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[Quoted text hidden]



Letter to Neighbors - Proposed Commercial Tree Farm 53305A RGE RD 270.docx
17K

Nick Zazula <nick.zazula@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>

Fri, Jun 7, 2024 at 2:50 PM

Kalan,

I gave your contact to our Environmental Coordinator, Amy. She will be in touch shortly with a call.

Warm regards,

Nick

Nick Zazula, M.Sc. (he/him) | Development Planner I, Planning & Development Services | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1 | Phone: 780-968-8888 ext. 8381 | Nick.Zazula@parklandcounty.com | www.parklandcounty.com



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[Quoted text hidden]

Jared Candlish <jared.candlish@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>
Cc: Nick Zazula <nick.zazula@parklandcounty.com>

Wed, Jun 12, 2024 at 2:02 PM

Hello Kalan,

I am following up on the permit requirements as Nick is away. We did have some edits suggested by our Senior Planner while the engagement approach was being reviewed. Please review the attached letter and let me know if you are ok with the changes.

Once I get your approval, I can forward this to the Director of Planning for the final sign-off.

Thank you,

Jared Candlish, BCD, MScURP | Development Planner II – Land Use Bylaw | Parkland County |
53109A HWY 779, Parkland County, Alberta T7Z 1R1

Office: 780-968-8888 ext 8209 | jared.candlish@parklandcounty.com | www.parklandcounty.com

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From: Nick Zazula <nick.zazula@parklandcounty.com>

Sent: Friday, June 7, 2024 10:20 AM

To: Market Direction <kalansavill@gmail.com>

Cc: Chad Ritter <chad.ritter@parklandcounty.com>; Jared Candlish <jared.candlish@parklandcounty.com>

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[Quoted text hidden]



Letter to Neighbors - Proposed Commercial Tree Farm 53305A RGE RD 270.docx
1494K

Market Direction <kalansavill@gmail.com>

Wed, Jun 12, 2024 at 3:30 PM

To: Jared Candlish <jared.candlish@parklandcounty.com>, Karen Kormos <karen.kormos@parklandcounty.com>

Hi Jared,

Can you change the e-mail to be mine instead of Nicks? I didn't want an e-mail on it because I think it invites people to share their thoughts, but if they're going to do it I'd rather they send it to me.

E-mail is: kalansavill@gmail.com

With the land identified for planting trees currently being used for farming, and since the use of that land is not changing, is the desktop biophysical still required?

Thank you,

Kalan

[Quoted text hidden]

Jared Candlish <jared.candlish@parklandcounty.com>

Thu, Jun 13, 2024 at 3:04 PM

To: Market Direction <kalansavill@gmail.com>

Hello Kalan,

Please see the attached update to the letter for your review. Let me know if you are ok with the changes.

I will reach out to our Agriculture Services folks regarding the Biophysical Assessment as they would determine if it is required. I can send you further information once I hear back.

Thank you,

Jared Candlish, BCD, MScURP | Development Planner II – Land Use Bylaw | Parkland County |
53109A HWY 779, Parkland County, Alberta T7Z 1R1

Office: 780-968-8888 ext 8209 | jared.candlish@parklandcounty.com | www.parklandcounty.com

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Letter to Neighbors - Proposed Commercial Tree Farm 53305A RGE RD 270.docx
1494K

Jared Candlish <jared.candlish@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>
Cc: Aman Jhaver <aman.jhaver@parklandcounty.com>

Tue, Jun 18, 2024 at 10:32 AM

Hello Kalan,

Following up on the question below, a biophysical assessment will be required for the tree farming operation.

Desktop Biophysical

Due to the parcel being located within the following areas, a desktop biophysical will be required as per Parkland County's Biophysical Assessment Policy (Policy C-CS01). :

- Atim Creek Environmentally Sensitive Area, and
- High Priority Landscape and high-value wetlands in the Municipal Development Plan.

Please refer to the Desktop Biophysical Assessment Terms of Reference for the appropriate format. Please also include a figure indicating approximate wetland boundaries and buffer recommendation from the

wetland and the development to mitigate excess nutrients, sediment, and herbicides from entering the wetland/ Atim Creek.

The desktop biophysical will help determine the appropriate setback/buffer as any impacts to wetlands could be in contravention of the Water Act and Public Lands Act.

Letter to Residents

Once I receive confirmation from you edits to the letter are good, I can send the letter to my Manager and Director of Planning and Development for sign-off and approval.

If you have any further questions, please let me know. I have also included Aman Jhaver, Senior Planner for Development Planning.

Jared Candlish, BCD, MScURP | Development Planner II – Land Use Bylaw | Parkland County |
53109A HWY 779, Parkland County, Alberta T7Z 1R1

Office: 780-968-8888 ext 8209 | jared.candlish@parklandcounty.com | www.parklandcounty.com

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[Quoted text hidden]



Letter to Neighbors - Proposed Commercial Tree Farm 53305A RGE RD 270.docx
1494K

Market Direction <kalansavill@gmail.com>
To: Jared Candlish <jared.candlish@parklandcounty.com>
Cc: Aman Jhaver <aman.jhaver@parklandcounty.com>

Tue, Jun 18, 2024 at 11:30 AM

Hi Jared,

Do you have a copy of the Desktop Biophysical Assessment Terms of Reference?

I still think it's ridiculous this is required- this is going to cost about \$2,000 -- to continue farming less intensively on the exact same land. Tell me how that makes any sense. If the County would just send someone out to look at the land we're talking about they would see what I'm talking about, but to date nobody wants to take the hour out of their day to do that.

For the letter, looks good.

Have a good one,

Kalan

[Quoted text hidden]

Jared Candlish <jared.candlish@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>
Cc: Aman Jhaver <aman.jhaver@parklandcounty.com>

Wed, Jun 19, 2024 at 1:48 PM

Hello Kalan,

Please see the attached Terms of Reference for the Desktop Biophysical Report. The Report can be completed by a qualified environmental professional. Within the report, we will need the qualified professional to identify the appropriate setbacks and buffer areas from any wetlands to avoid any contravention of the Water Act and Public Lands Act.

Regarding the letter, I will pass this along for approval with the Manager of Development and Safety Codes.

[Quoted text hidden]



Desktop Biophysical Assessment TOR_updated18May17.pdf
208K



Market Direction <kalansavill@gmail.com>

PLDPC20240299 - Tree Nursery / Christmas Tree Farm / Fruit Farm

3 messages

Nick Zazula <nick.zazula@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>
Cc: Jared Candlish <jared.candlish@parklandcounty.com>

Tue, Jun 25, 2024 at 3:07 PM

Kalan,

I am touching base to see if any progress has been made on the required Desktop Biophysical and requested updates to your site plan. As per the letter issued to you dated May 23rd, 2024, the Desktop Biophysical and complete engagement plan were due **June 23rd, 2024, at 4:00 pm.**

Please provide an update and confirmation that you are pursuing these requirements by **June 28th, 2024, at 4:00 pm.** If this requirement is not met your permit will be subject to refusal.

Regards,

Nick

Nick Zazula, M.Sc. (he/him) | Development Planner I, Planning & Development Services | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1 | Phone: 780-968-8888 ext. 8381 | Nick.Zazula@parklandcounty.com
| www.parklandcounty.com



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Market Direction <kalansavill@gmail.com>

Wed, Jun 26, 2024 at 1:31 PM

To: Nick Zazula <nick.zazula@parklandcounty.com>, Jared Candlish <jared.candlish@parklandcounty.com>, kristina.kowalski@parklandcounty.com, "Shane.Getson@assembly.ab.ca" <Shane.Getson@assembly.ab.ca>

Morning Nick, Kristina, & Shane,

The permit needs to stay open, or drop the biophysical assessment requirement and approve it since it's not required based on the land use bylaw.

I've contacted Counsellor Kristina Kowalski with Parkland County & Shane Getson, MLA with the UCP to address this issue. They need time to respond and address this. It's already taken since April 9th- 2 and a half months- to get this far.

SAB Hearing August 12, 2024 - PLDPC20240299

I'd like to not re-start.

Paying more than \$2,000 for a biophysical assessment on land that is currently being farmed to determine if it can be farmed is a waste of money and time. I'm hoping they can bring some sense to this process.

Your own land use bylaw doesn't support your requirement for a biophysical assessment- from the Country Residential section of the LUB:

S 5.1.5.B) 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.

This is neither a multi-parcel subdivision nor a major development- the use of the land is not even changing- it's currently being farmed and it will continue to be farmed.

In Section 16.2 Development not requiring a permit: 1.B) Extensive Agriculture Development;

I need a Horticulture Permit to sell the trees & fruit, not to farm the land.

If you want to send someone from the County to actually see what we're talking about we can line up a time to meet. The pictures attached show the actively farmed land that is being discussed.

Have a good day,

Kalan





[Quoted text hidden]

--

Kalan Savill
RE/MAX River City
www.MarketDirection.ca
780.993.7030 (ph.)
780.401.3088 (fax)

Shane Getson <Shane.Getson@assembly.ab.ca>

Fri, Jun 28, 2024 at 10:15 AM

To: Market Direction <kalansavill@gmail.com>, Nick Zazula <nick.zazula@parklandcounty.com>, Jared Candlish <jared.candlish@parklandcounty.com>, "kristina.kowalski@parklandcounty.com" <kristina.kowalski@parklandcounty.com>

Kalan,

Many thanks for the information and the conversation. We will be seeking a meeting with the ministry to discuss further, and will advise.

All the best,

Shane

From: Market Direction <kalansavill@gmail.com>

Sent: Wednesday, June 26, 2024 1:32 PM

To: Nick Zazula <nick.zazula@parklandcounty.com>; Jared Candlish <jared.candlish@parklandcounty.com>; kristina.kowalski@parklandcounty.com; Shane Getson <Shane.Getson@assembly.ab.ca>

Subject: Fwd: PLDPC20240299 - Tree Nursery / Christmas Tree Farm / Fruit Farm

Morning Nick, Kristina, & Shane,

The permit needs to stay open, or drop the biophysical assessment requirement and approve it since it's not required based on the land use bylaw.

I've contacted Counsellor Kristina Kowalski with Parkland County & Shane Getson, MLA with the UCP to address this issue. They need time to respond and address this. It's already taken since April 9th- 2 and a half months- to get this far. I'd like to not re-start.

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In Section 16.2 Development not requiring a permit: 1.B) Extensive Agriculture Development;

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Have a good day,

Kalan



[Quoted text hidden]

RE: PLDPC20240299 - Tree Nursery / Christmas Tree Farm / Fruit Farm

1 message

Nick Zazula <nick.zazula@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>
Cc: Aman Jhaver <aman.jhaver@parklandcounty.com>

Fri, Jul 5, 2024 at 10:10 AM

Kalan,

Following your escalation to Parkland County Council, our Executive Committee has reviewed the situation and determined that a Desktop Biophysical Assessment is necessary for this Discretionary use based on the following planning regulations/policies:

- **Municipal Development Plan:**

- 10.1.1 Planning and development projects initiated by the County or private developers that require municipal approvals will be required to undertake the following technical assessments related to the environment as requested or required by the County: i. the County's Biophysical Assessment process, as outlined in Appendix 2: Requirements for Technical Reports and Studies, either a desktop or comprehensive biophysical assessment to be completed by a qualified professional;
- 10.1.2 a. High Priority Landscapes are environmentally significant areas that require a careful approach to development. High Priority Landscapes are identified on Figure 14: High Priority Landscapes. Developments in these areas should address the following to the satisfaction of the County: i. integration with large natural ecosystem complexes and critical wildlife corridor linkages as identified in the County's Environmental Conservation Master Plan. Development proposals that may impact these systems should consider and integrate these landscape features as part of development projects; ii. preservation of surface and groundwater interactions and connectivity; and iii. cumulative effects at the watershed and broader landscape scale.
- 10.4.2 Wetlands a. The County will support the implementation of the Alberta Wetland Policy and prioritize wetland avoidance over minimization or replacement by: i. retaining on-site wetlands, whenever possible;

- **Atim Creek Area Structure Plan:**

- 7.10.4 Development will be directed away from hazard lands, being: (a) lands that are susceptible to erosion, subsidence or slumping; (b) flood prone lands; and (c) lands in proximity to sour gas facilities, if any should be located in the plan area
- 7.10.6 As part of an application for approval of a proposed outline plan, redesignation, subdivision or development, the applicant may be required to provide an environmental review, undertaken by a person or persons qualified to do so, to assess the impacts of the proposal and the means by which impacts may be mitigated.
- 7.10.7 In a manner consistent with the provisions of Section 7.10.6, the County also may request an applicant to submit information, provided by a person or persons qualified to do so, that: (a) identifies impacts on Atim Creek, including but not limited to its flow, downstream habitats and the shoreland environment of Big Lake, and the proposed means to mitigate any adverse impacts;

- **Land Use Bylaw:**

- 16.3.3 In addition to the development permit application requirements stipulated in Subsections 16.3.1 and 16.3.2, the Development Authority may require any of the following additional information depending upon the nature of the application and other circumstances: f) a Biophysical Site Assessment;

- **Biophysical Assessment Policy C-CS01:**

- 1. The Biophysical assessment process shall be applied to all County capital projects as well as planning, development, and subdivision projects requiring municipal approvals if the proposed activities are

considered major development activities **OR** take place within or adjacent to any Environmentally Sensitive Areas, High Priority Landscapes, watercourses, wetlands, or water bodies.

The development planning team will review your proposal once the biophysical assessment is complete and mitigation factors for operational activities on the site are identified and implemented. In addition, with these changes, your property will qualify for the ALUS program, which will cover more than the cost of the study.

Please let us know if you will be completing the desktop biophysical assessment. If not, the permit will be refused, and you can appeal the decision to the Subdivision and Development Appeal Board.

Sincerely,

Nick

Nick Zazula, M.Sc. (he/him) | Development Planner I, Planning & Development Services | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1 | Phone: 780-968-8888 ext. 8381 | Nick.Zazula@parklandcounty.com
| www.parklandcounty.com



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PLDPC20240299 Development Permit - Refused.pdf

4 messages

Nick Zazula <nick.zazula@parklandcounty.com>
To: Market Direction <kalansavill@gmail.com>

Mon, Jul 8, 2024 at 9:36 AM

Hello,

The deadline for submitting the required supporting documentation for Development Permit Application PLDPC20240299 for a Commercial Tree Farm and Sales located at 53305A RGE RD 270 expired following an extension due to escalation to Council on July 5th, 2024, at 4:00 PM. We did not receive the requested documents within the timeframe, so the development permit application is deemed refused. Please refer to the attached letter for details.

If you intend to reapply for the development, please submit a new application through PLANit Parkland. To avoid the same results, please include all the mandatory documentation including those items previously outlined in the Deemed Incomplete Letter for PLDPC20240299.

You have the right to appeal this decision to the Subdivision and Development Appeal Board within twenty-one (21) days after the Date of Decision pursuant to Section 686 of the Municipal Government Act, RSA 2000, CM-26. For inquiries regarding the appeal process or how to submit an appeal, please contact Parkland County Legislative Services at 780-968-8888 or SDAB@parklandcounty.com.

Sincerely,

Nick
Development Authority

 **Development Permit - Refused.pdf**
153K

Market Direction <kalansavill@gmail.com>
To: SDAB@parklandcounty.com

Mon, Jul 8, 2024 at 1:33 PM

Need to appeal this, please call 780.993.7030.

Kalan
[Quoted text hidden]--
Kalan Savill
RE/MAX River City
www.MarketDirection.ca
780.993.7030 (ph.)
780.401.3088 (fax)

 **Development Permit - Refused.pdf**
153K

Market Direction <kalansavill@gmail.com>
To: Nick Zazula <nick.zazula@parklandcounty.com>

Mon, Jul 8, 2024 at 3:31 PM

Nick,

This development permit wasn't refused because it ran out of time, it was refused because you instituted a condition that doesn't make sense and that I will not do. Can you please change your reason for the refusal so that we are addressing the proper reason when this goes to appeal.

Kalan

[Quoted text hidden]

[Quoted text hidden]

Nick Zazula <nick.zazula@parklandcounty.com>

Mon, Jul 8, 2024 at 3:56 PM

To: Market Direction <kalansavill@gmail.com>

Kalan,

As discussed, the permit was refused because a required submittal was not provided within the requested time frame.

At the appeal board, you can address Desktop Biophysical and you can make your case to remove the submittal requirement.

The refusal does not need to be changed to appeal this submittal requirement.

Sincerely,

Nick

Nick Zazula, M.Sc. (he/him) | Development Planner I, Planning & Development Services | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1 | Phone: 780-968-8888 ext. 8381 | Nick.Zazula@parklandcounty.com | www.parklandcounty.com



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From: Market Direction <kalansavill@gmail.com>

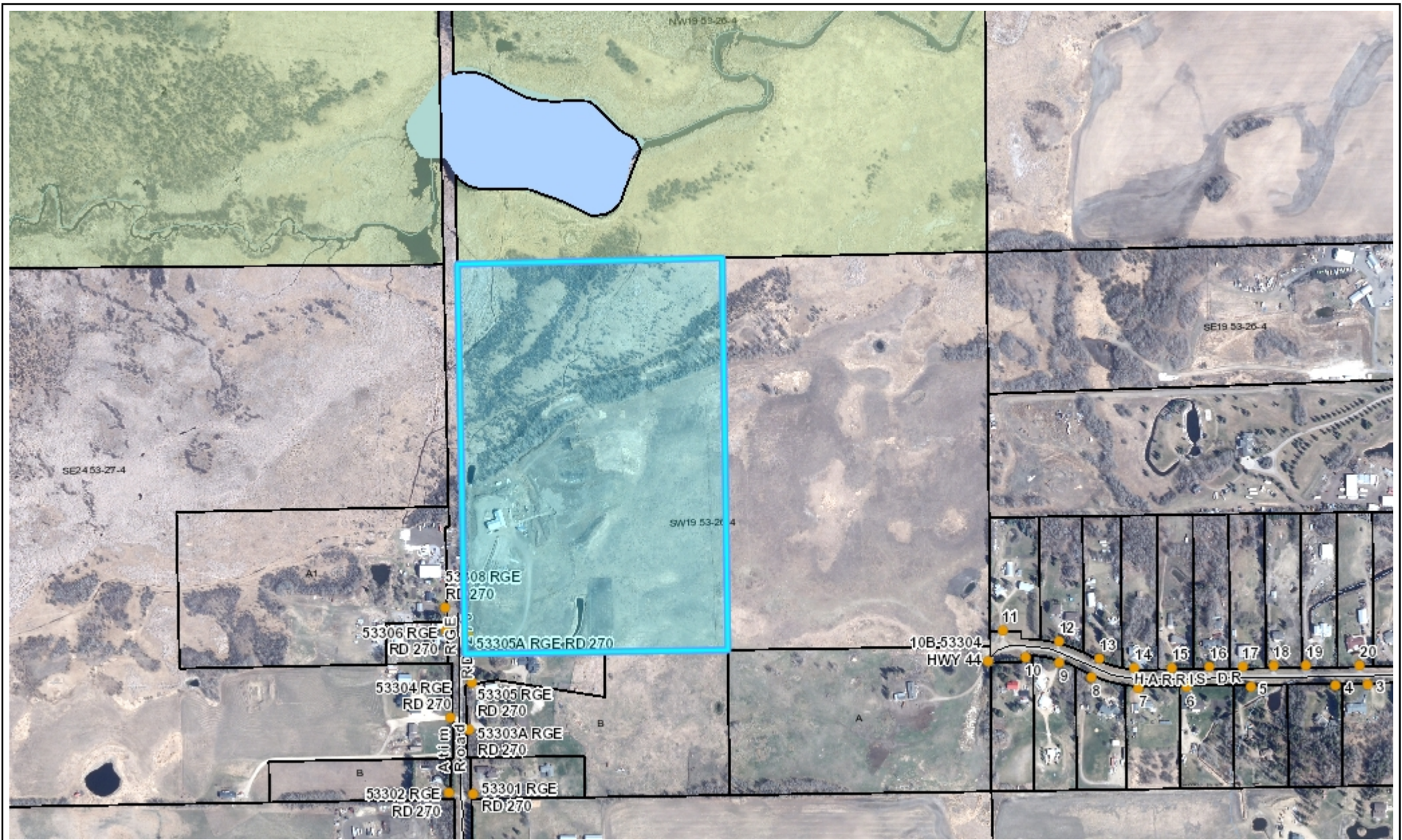
Sent: Monday, July 8, 2024 3:31 PM

To: Nick Zazula <nick.zazula@parklandcounty.com>

Subject: Re: PLDPC20240299 Development Permit - Refused.pdf

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Discover Parkland

Notes: Custom notes

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SDAB Hearing August 12, 2024 - THIS MAP IS NOT TO BE USED FOR NAVIGATION OR LEGAL PURPOSES



1: 7,486



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Legend



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Licensed Drainage Ditches



Railways

Provincial Highways



Paved Surface Highway



Gravel Surface Highway

County Roads



Paved Surface Road



Gravel Surface Road

Non-County Roads



Paved Surface Road



Gravel Surface Road



NEW Municipal Address Points



Parcels



Crown Land



County Land



Industrial Areas

Rivers, Streams and Creeks



Major



Minor



Lakes



Municipal Boundaries



County Boundary

Provincial Boundaries



Natural Area/Crown Reserve



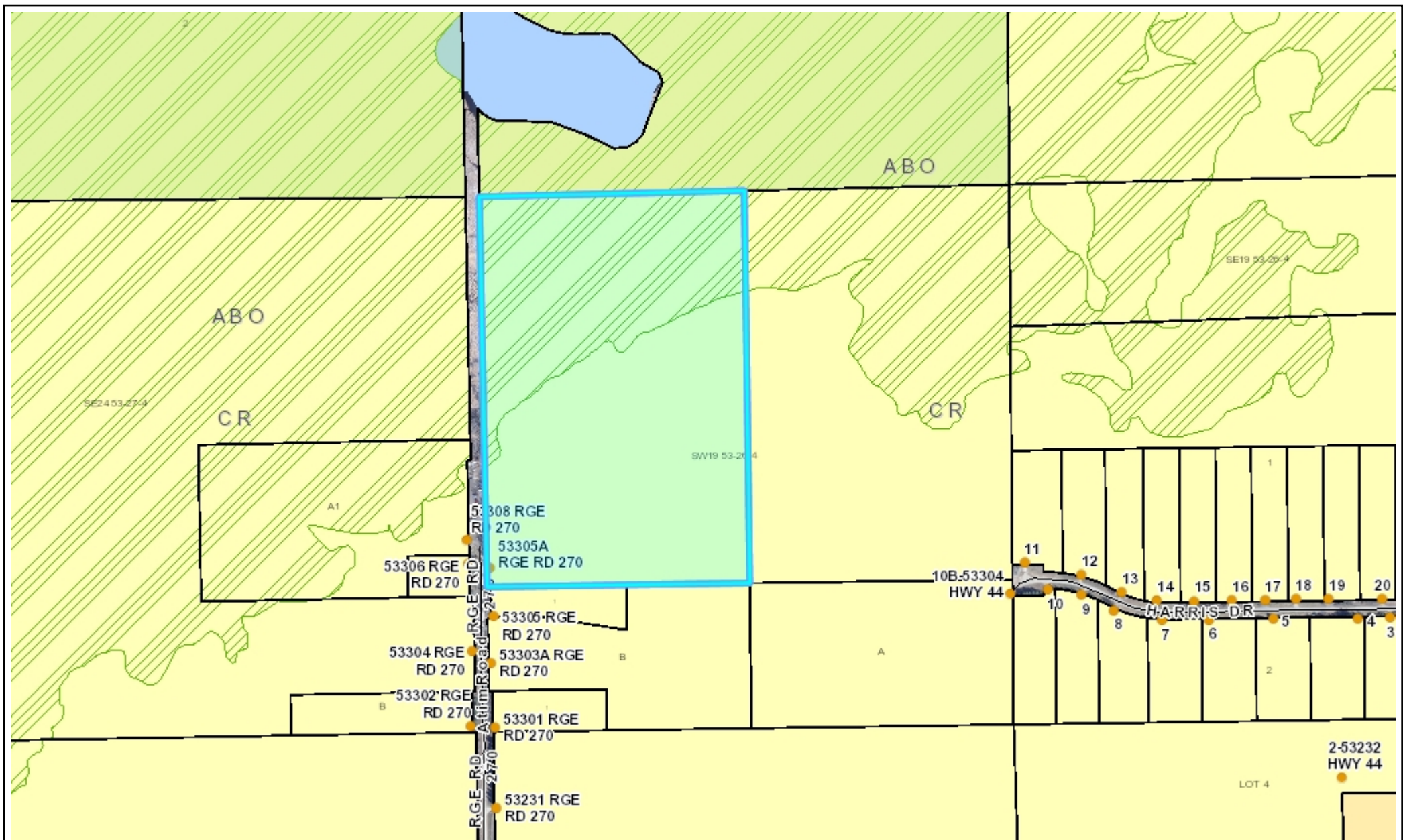
Grazing Reserve



Provincial Park



Indian Reserves



Discover Parkland

Notes: Custom notes

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SDAB Hearing August 12, 2024 - PLDRC20240299 THIS MAP IS NOT TO BE USED FOR NAVIGATION OR LEGAL PURPOSES



1: 7,486



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Legend



Internet Towers



Licensed Drainage Ditches



Railways

Provincial Highways

— Paved Surface Highway

— Gravel Surface Highway

County Roads

— Paved Surface Road

— Gravel Surface Road

Non-County Roads

— Paved Surface Road

— Gravel Surface Road



NEW Municipal Address Points



Parcels



Crown Land



County Land



Industrial Areas

Land Use Districts

AGG - Agricultural General District

AGI - Agricultural Industry Development Distr

AGR - Agricultural Restricted District

ANC - Agriculture / Nature Conservation Distri

CR - Country Residential District

CRR - Country Residential Restricted District

CRE - Country Residential Estate District

LSR - Lakeshore Residential District

RRH - Residential Row Housing District

MHR - Manufactured Home Residential Distri

BRR - Bareland Recreational Resort District

RC - Rural Centre District

EUV - Entwistle Urban Village District

LC - Local Commercial District

HC - Highway Commercial District

HCIC - Highway Commercial Industrial Corric

BI - Business Industrial District

MI - Medium Industrial District

BIR - Regional Business Industrial District

IRD - Industrial Reserve District

RIC - Rural Industrial Commercial District

RE - Resource Extraction District



PC - Conservation District



PR - Recreation District



PS - Public Service District



Direct Control District



Acheson Industrial Commercial Area Overlay



Atim Creek Big Lake Overlay



Legend Estates Overlay

Rivers, Streams and Creeks

— Major

— Minor



Lakes



Municipal Boundaries



County Boundary

Provincial Boundaries



Natural Area/Crown Reserve



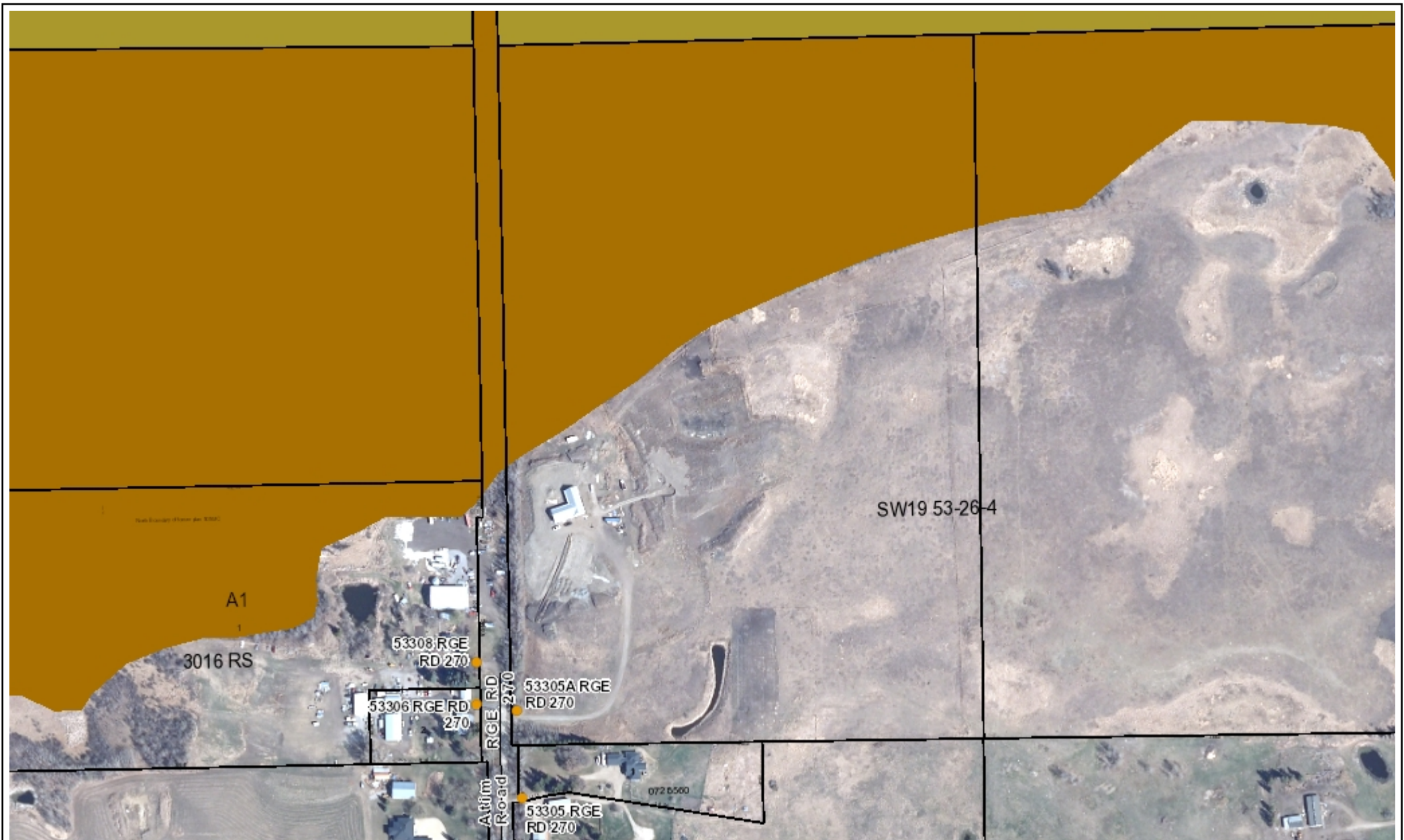
Grazing Reserve



Provincial Park



Indian Reserves



Discover Parkland

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SDAB Hearing August 12, 2024 - THIS MAP IS NOT TO BE USED FOR NAVIGATION OR LEGAL PURPOSES



1: 4,174



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Legend



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Licensed Drainage Ditches



Railways

Provincial Highways



Paved Surface Highway



Gravel Surface Highway

County Roads



Paved Surface Road



Gravel Surface Road

Non-County Roads



Paved Surface Road



Gravel Surface Road



NEW Municipal Address Points



Parcels



Crown Land



County Land



Industrial Areas

Environmentally Significant Areas



International



Regional



Local



National



Provincial

Rivers, Streams and Creeks



Major



Minor



Lakes



Municipal Boundaries



County Boundary

Provincial Boundaries



Natural Area/Crown Reserve



Grazing Reserve



Provincial Park



Indian Reserves

- 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 45.7 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) 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.
- d) For Discretionary Uses, the minimum building Setback requirement shall be determined by the Development Authority.

5. Other Development Regulations

- a) Accessory Buildings may be Permitted or Discretionary consistent with Subsection 11.1.
- b) 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.
 - i) 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.

10.2 Atim Creek / Big Lake Floodplain Overlay

The purpose of this Overlay is to provide for the safe and efficient use of lands within the defined Atim Creek / Big Lake Floodplain Area, within Parkland County, through the regulation of future land use and subdivision.

1. Application
 - a) This Overlay applies to those lands identified as within the Atim Creek Flood Plain Area, which is defined as the 1:100 year Flood Plain plus 0.5 m consistent with the 'Big Lake Basin Task Force: Floodplain Delineation for Atim Creek from Campsite Road to Big Lake Study' (Sameng, March 2007) as shown on Schedule G. As the floodplain elevation along Atim Creek varies, reference to the 2007 Study should be undertaken in all cases.
 - b) This Overlay applies to those lands identified as within the Big Lake Flood Plain Area, which is defined as the 1:100 year Flood Plain (653.30 m ASL) plus 0.5 m (653.80 m ASL) consistent with the 'Big Lake Basin Task Force: Floodplain Delineation for Atim Creek from Campsite Road to Big Lake Study' (Sameng, March 2007) as partially shown on Schedule G.
2. Regardless of the underlying land use district, only the following uses shall be considered on a discretionary basis within the Atim Creek/Big Lake Floodplain Overlay:
 - a) private open space;
 - b) environmental reserve or natural areas;
 - c) existing uses, provided such uses were approved by the County prior to the passing of this Bylaw;
 - d) alterations or the reconstruction of an existing building or structure may be permitted within the building footprint that existed at the time of passing of this Bylaw;
 - e) forestry;
 - f) public utilities;
 - g) passive outdoor recreation;
 - h) golf courses with environmental protection plan, excluding a clubhouse; and
 - i) notwithstanding 2.a) through 2.i) above, the landowner of the golf course located at SE-20-53-26-W4M and NE-17-53-26-W4M may complete the following within the identified floodplain overlay area consistent with the 'Floodplain Delineation Review of Edmonton Springs Golf Course Study' (Sameng, 2013):
 - i) undertake additions, alterations or the reconstruction of the existing clubhouse approved by the County prior to passing of this Bylaw only within the identified 2.47 ha of land area above the floodplain plus 0.5 m factor of safety (653.8 m ASL). Before a building permit is issued, detailed flood proofing techniques must be approved by the Building Inspector. All openings unless part of flood-proofing techniques must be a minimum of 0.5 m above the 653.8 m elevation. At the time of the foundation inspection and before further construction takes place, the permit holder (owner/contractor) is required to provide a certificate from a surveyor verifying that the said openings are above the required elevation.
 - ii) as part of undertaking an addition, alteration or reconstruction of the existing clubhouse, the landowner shall connect the clubhouse to municipal services within Range Road 264 consistent with the servicing policies of the County's Big Lake Area

3. Pursuant to Subsections 11.2.1 and 11.2.2, the Development Authority may consider the following when reviewing development applications for industrial or commercial uses:
 - a) exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, cooling towers, and materials handling equipment be screened from view from any public roadway other than a public lane, or from adjacent sites if, in its opinion, such projections are inconsistent with the character and appearance of surrounding development; and
 - b) for industrial or commercial uses, all buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Development Authority may require that the appearance of metal or concrete block walls exposed to public view from beyond the site be improved where, in its opinion, such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development.

11.3 Development on/or Adjacent to Hazard Lands

1. No development shall be permitted within the 1:100 year Flood Plain of the North Saskatchewan and Pembina Rivers, Wabamun Lake, Atim Creek, Big Lake or other water body or natural feature, unless in strict compliance with Section 10.2, Section 10.3, and this Section of the Bylaw.
2. As part of a development permit application, or Land Use Bylaw amendment application, the location of the top of bank shall be determined by survey of a geotechnical engineer, or any other method determined to be satisfactory to the Development Authority.
3. A development permit application may be subject to a Slope Stability Assessment, Biophysical Assessment as per the Municipal Development Plan, Environmental Risk Assessment or Environmental Impact Assessment, at the discretion of the Development Authority, that reviews the suitability of the resulting development to the subject site and considers the effect of the resulting development on the stability of the slope, including potential mitigation measures for the site and proposed structure(s).
4. When considering a development permit application involving land in or near an Environmentally Sensitive Area, as defined by the Municipal Development Plan, the Development Authority may refer the application to federal or provincial departments and other relevant environmental agencies for comments prior to reaching a decision.
5. Notwithstanding Subsection 11.3.3, no development permit/subdivision application may be approved that could directly or indirectly result in development occurring within the minimum Setback(s) required pursuant to Subsection 11.3.6.
6. Buildings Setbacks from hazard lands shall be as follows:
 - a) a minimum of 30.0 m;
 - b) a minimum of 50.0 m, in industrial land use districts;
 - c) a lesser distance specified in a geotechnical analysis required pursuant to Subsection 11.3.2; or
 - d) a lesser distance that in the discretion of the Development Authority, is considered acceptable, from the top of bank, as determined pursuant to Subsection 11.3.2, or any other escarpment or steep slope where the grade exceeds 30%.

SECTION 16 CONTROL OF DEVELOPMENT

16.1 Control of Development

1. Except as otherwise provided for in Subsection 16.2, no development shall be commenced or continued unless a development permit has been issued, the development permit has not expired and the development is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.
2. A development permit shall not be valid unless it conforms to this Bylaw and the *Act*.
3. In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure and obtain other safety code approvals or licenses that may be required by other regulatory departments or agencies.
4. No development shall be allowed on environmental reserve areas unless otherwise provided for in this Bylaw.
5. Pursuant to Section 684 in the *Act*, an application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a Development Authority is not made within forty (40) days after receipt of the complete application unless the applicant has entered into an agreement with the Development Authority to extend the 40 day period.
6. Fees payable regarding development permit applications and appeals shall be established by resolution of Council of Parkland County.

16.2 Development Not Requiring a Development Permit

1. Pursuant to Subsection 16.1, developments designated as "deemed approved" and therefore not requiring a development permit include
 - a) those uses and developments exempted under Section 618 of the *Act* and regulations thereto;
 - b) Extensive Agriculture Development;
 - c) Extensive Livestock Development on parcels districted Agriculture or on parcels 20 acres or larger and districted Residential;
 - d) the use of a building, or part thereof, as any official temporary use in connection with a federal, provincial or municipal election, referendum or census;
 - e) personal use tennis court or swimming pool, where there is an existing permitted dwelling, single detached or manufactured home;
 - f) the carrying out of routine maintenance to any building, provided that such works do not include or constitute structural alterations;
 - g) the completion/continuation of a development that was initiated in accordance with a lawful development permit issued before the effective date of this Bylaw provided that the development is completed/continuous in accordance with the terms and conditions of that permit;
 - h) the construction, completion, alteration, maintenance or repair of a street, lane or utility undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;

DWELLING, SINGLE DETACHED means a Development consisting of a residential Building containing one Dwelling with or without an attached garage and/or attached carport and is separated from any other Dwelling. Modular Homes, Double wide Manufactured homes and a dwelling constructed onsite are all considered Single Detached Dwellings. Where a Secondary Suite is a Permitted or Discretionary Use within a District, a Dwelling, Single Detached may also contain a Secondary Suite.

DWELLING, TRIPLEX means a Development consisting of a residential Building containing three Dwelling Units located immediately adjacent to each other and sharing a common wall and each having a separate entrance to grade.



EDUCATIONAL SERVICES means development for instruction and education purposes, involving assembly for educational, training or instruction purposes and includes administration offices, dormitory and accessory buildings. Typical facilities would include public and separate schools, private schools or seminaries, community colleges, universities, technical and vocational facilities.

Bylaw No. 2018-03

Bylaw No. 2019-01

EXTENSIVE AGRICULTURE DEVELOPMENT means a system of tillage including the associated clearing of land for agricultural production purposes, which depends upon large areas of land for the raising of crops. Extensive agricultural uses include buildings and other structures incidental to farming as well as farm related uses. Extensive Agriculture Development does include the off-site removal and export of logs or trees. This use class does not include Cannabis Cultivation, Major; Cannabis Cultivation, Minor; Cannabis Processing, Major; or Cannabis Processing, Minor. This includes Industrial Hemp.

EXTENSIVE LIVESTOCK DEVELOPMENT means a farming operation on at least 16.0 ha of land involving the rearing of livestock either in conjunction with or separate from an Extensive Agricultural Development, where the number of animals on the subject Parcel falls below the registration threshold of a Confined Feeding Operation as per the AOPA, Agricultural Operations, Part 2 Matters Regulation, Schedule 2.



FARM VACATION HOME means a single detached dwelling located on land whose primary use is agricultural where temporary lodging or sleeping accommodation, with no more than three guest rooms, is provided, with any or all meals prepared in the residential kitchen, on a daily basis to registered guests for not longer than fourteen days by the occupant and his immediate family for a remuneration.

Bylaw No. 2019-22

FLEET SERVICE AND STORAGE means a development using fleet vehicles for the delivery of people, goods, or services. This use includes the storage, maintenance, and dispatch, of the vehicles, but does not allow for the lease or sale.



4.0 AGRICULTURE

OBJECTIVE

To protect and enhance the County's valuable agricultural land base while supporting a strong rural economy and vibrant rural lifestyle.

Agriculture is an integral part of Parkland County's historic and future economic and community life. The agriculture industry in the County is highly innovative, with increasing diversification to ensure long-term viability and growing employment opportunities. The County maintains a strong commitment to being a leader in agricultural production in the Region; **One Parkland: Powerfully Connected.**

The County has completed a Future of Agriculture Study (Bouma and Stantec 2016) to understand the current state of agriculture within the County and how to support its continued success. The Study confirmed strong support for agriculture and agricultural practices amongst County residents, and identified key initiatives to make the agricultural industry more sustainable.

From the findings of the Agriculture Study comes a "Made in Parkland" approach to growth within the Rural Agricultural Area that recognizes **the need to protect prime agricultural lands while being flexible to allow for new agricultural pursuits throughout the County.** Prime Agricultural Areas are designed to reflect the unique characteristics of soils and the diversity of agricultural operations throughout the County. Parkland County is well positioned to diversify its primary agricultural base by promoting innovative agricultural opportunities in all agricultural areas.





DEVELOPMENT IN AGRICULTURAL AREAS

Rural Agricultural Area | The Rural Agricultural Area includes all of the Prime Agricultural Areas and is the primary land base of the County. It supports a range of agricultural activities and a rural farming lifestyle.

Value-Added Initiatives | Parkland County strives to enhance and provide opportunities for agricultural diversification and enhancement into the future. Part of broadening opportunities in agriculture is ensuring the ability to use agricultural property for more than traditional agricultural activities. Value-added pursuits could include on-site sales, stores, restaurants, agri-tourism or other supportive activities.

Rural Agricultural Subdivisions | Rural Agricultural Subdivisions maintain the opportunity for a rural country lifestyle and promote intergenerational family farming. In Parkland County, there are three (3) types of Rural Agricultural Subdivisions: Farmstead, Agriculture and Residential.

- Rural Agricultural Subdivision - Farmstead is the subdivision of a parcel of land (typically a quarter section in size) where there is an existing residence and associated improvements.
- Rural Agricultural Subdivision - Agriculture is the subdivision of a parcel of land that is 80 acres or greater for agricultural purposes.
- Rural Agricultural Subdivision - Residential is the subdivision of a single parcel of land for a new residential development.



4.1 Rural Agricultural Area – General

The Rural Agricultural Area hosts a wide range of agricultural operations, rural subdivisions, farmsteads, rural businesses, parks, environmental areas and other uses and amenities. In this area, the primary land use is agriculture. The preservation and protection of the agricultural area from fragmentation is a significant priority for Parkland County. The following policies are applicable to all agricultural areas, including Prime Agriculture Areas unless otherwise stated.

POLICIES

4.1.1 Right to Farm

- a. Agriculture shall have precedence over other land uses in the Rural Agricultural Area in accordance with the *Agricultural Operation Practices Act*.
- b. The County will endeavour to increase public awareness and understanding of agricultural operations and businesses by promoting the importance of the agricultural industry for food, jobs, trade, economics and the environment.

4.1.2 Conservation of High Capability Farm Land

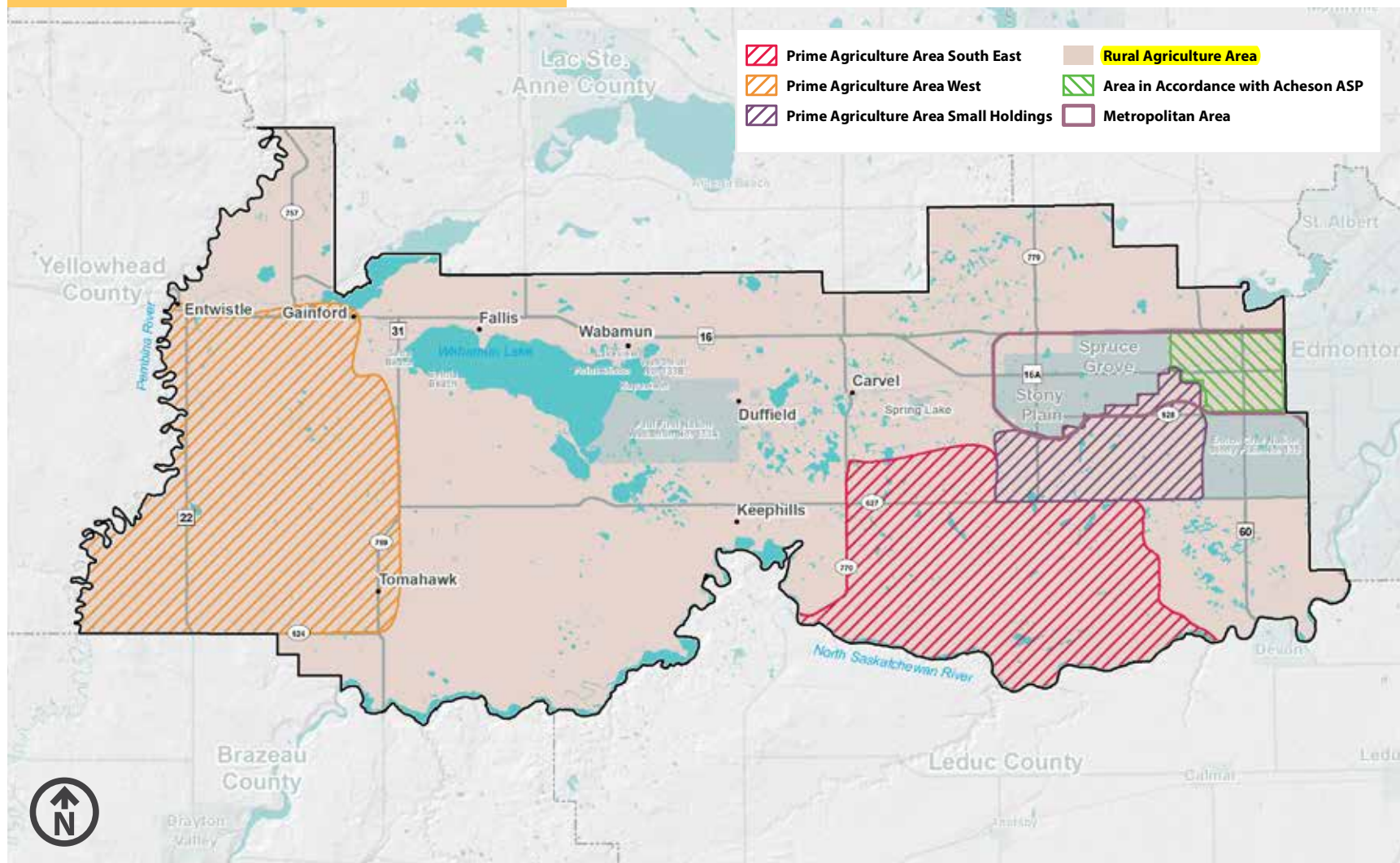
- a. The County supports the completion of a Regional Agricultural Master Plan as identified in the Edmonton Metropolitan Region Growth Plan.
- b. The County supports and encourages agricultural production and diversification through implementation of the Future of Agriculture Study findings and associated amendments to the County's Land Use Bylaw.
- c. The conversion of high capability agricultural lands to non-agricultural uses should be minimized to support continued agricultural production.
- d. The County supports programs that transfer subdivision density or development credits from areas of higher capability agricultural land to areas of lower capability agricultural land to support the conservation of large tracts of agricultural land.



4.1.3 Value-Added Initiatives	a. Agricultural-based business, including agri-tourism, value-added initiatives and industrial agriculture, shall be supported throughout the Rural Agricultural Area. b. The diversification and expansion of existing agricultural operations into emerging agricultural sectors shall be supported throughout the Rural Agricultural Area. c. The County will support flexibility in subdivision and development practices within the Rural Agricultural Area to meet land and development requirements for emerging agricultural sectors.
4.1.4 Keeping the Family on the Farm	a. Rural farming lifestyles will be supported by promoting housing types and complementary uses that support multiple generations of families staying on the farm or in the agricultural sector. b. The County will support innovative and diverse housing forms (i.e. secondary suites, garden suites, tiny houses). Specific criteria for alternative housing forms will be regulated through the County's Land Use Bylaw.
4.1.5 Growth Management	a. The location and design of subdivision and development within the Rural Agricultural Area should minimize both the fragmentation of agricultural lands and the impact of development on County road infrastructure to the satisfaction of the County. b. New subdivisions should be clustered together and directed to the least agriculturally productive site on the quarter section whenever possible. c. Non-agricultural activities are encouraged to locate in hamlets and employment areas whenever possible. When this is not possible, non-agricultural activities should locate on land with lower capability soils and soil characteristics and where transportation and infrastructure needs can be met.
4.1.6 Rural Agricultural Area	a. Unless otherwise noted in the policies of Section 4.2 for Prime Agricultural Areas, a total of four (4) parcels per quarter section are supported throughout the Rural Agricultural Area.



FIGURE 9 | PRIME AGRICULTURE AREAS





10.1 Healthy Ecosystems

Parkland County is committed to maintaining and promoting the retention of healthy ecosystems and their natural ecological capital, as these areas provide environmental, economic, social and cultural value. The purpose of the County's environmental policies is to retain the quality and abundance of Natural Ecological Capital (e.g., land, air, water and biodiversity) and the Ecological Goods and Services they provide - including carbon sequestration, flood and drought resilience, purification of air and water, and pollination of crops and other plants - in ways that conserve their inherent value. The County's High Priority Landscapes are identified on **Figure 14: High Priority Landscapes**, the County's Environmentally Significant Areas are identified on **Figure 5: Environmentally Significant Areas**, and the County's wetlands are identified on **Figure 6: Wetlands**.

POLICIES

10.1.1 Healthy Ecosystems

- a. Environmental stewardship is a County priority. The County will consider the ecological integrity of ecosystems, wildlife habitat and corridors and the potential cumulative impacts of development on the County landscape as a part of planning and development decisions.
- b. The County shall consider the ecological integrity of the County's natural environmental features, High Priority Landscapes, biodiversity, wildlife habitat and corridors and overall ecosystem health when undertaking or updating statutory plans, policies, bylaws and other planning documents.
- c. Planning and development projects initiated by the County or private developers that require municipal approvals will be required to undertake the following technical assessments related to the environment as requested or required by the County:
 - i. the County's Biophysical Assessment process, as outlined in *Appendix 2: Requirements for Technical Reports and Studies*, either a desktop or comprehensive biophysical assessment to be completed by a qualified professional;
 - ii. a Geotechnical Assessment to determine slope stability where unstable terrain or steep slopes (>15%) may be present;
 - iii. a Flood Hazard Study if all or part of a development site is located within the floodplain of a watercourse or water body; and
 - iv. a Phase 1 Environmental Site Assessment (ESA) as outlined in *Appendix 2: Requirements for Technical Reports and Studies*. If the results of the Phase 1 ESA indicate that a Phase 2 ESA is required, the Phase 2 ESA shall be completed as outlined in *Appendix 2*.



- d. All planning and development projects initiated by the County or private developers shall adhere to relevant federal and provincial acts, standards and regulations.
- e. The County will ensure its land holdings comply with the environmental standards outlined in the Alberta Tier 1 and Tier 2 Soil and Groundwater Remediation Guidelines.
- f. Best Management Practices, as outlined in the County's Environmental Conservation Master Plan, should be incorporated whenever possible to protect Natural Ecological Capital and support healthy ecosystems.

10.1.2 High Priority Landscapes

- a. High Priority Landscapes are environmentally significant areas that require a careful approach to development. High Priority Landscapes are identified on **Figure 14: High Priority Landscapes**. Developments in these areas should address the following to the satisfaction of the County:
 - i. integration with large natural ecosystem complexes and critical wildlife corridor linkages as identified in the County's Environmental Conservation Master Plan. Development proposals that may impact these systems should consider and integrate these landscape features as part of development projects;
 - ii. preservation of surface and ground water interactions and connectivity; and
 - iii. cumulative effects at the watershed and broader landscape scale.
- b. A Desktop or Comprehensive Biophysical Assessment process, as outlined in Appendix 2: Requirements for Technical Reports & Studies, shall be undertaken when multi-parcel developments are proposed within High Priority Landscapes as identified in **Figure 14: High Priority Landscapes**.



10.4.2 Wetlands

- a. The County will support the implementation of the Alberta Wetland Policy and **prioritize wetland avoidance** over minimization or replacement by:
 - i. **retaining on-site wetlands**, whenever possible; and
 - ii. protecting the County's highest value wetlands, as identified in the County Wetland Inventory & Historical Loss Assessment report, from incompatible development through the practice of avoidance and the use of environmental reserve and environmental reserve easement dedication, conservation reserves or conservation easements.
- b. The County encourages net-gain of wetlands through stormwater management facility naturalization and other wetland restoration, replacement and enhancement activities on public and private land.
- c. The County will prepare and implement a wetland policy and management plan consistent with the findings of Parkland County's ECMP and Wetland Inventory & Historical Loss Assessment.

10.4.3 Surface and Groundwater Resources

- a. The County will seek to maintain and protect the quality and quantity of surface and groundwater resources in the region by:
 - i. requiring all necessary technical studies concerning surface water or groundwater quantity or quality be completed to ensure any proposed planning and development processes and activities will not negatively impact surface water or groundwater resources, including recharge zones, in the area; and
 - ii. supporting the naturalization, retention and enhancement of natural drainage patterns during the subdivision and development approval process.
- b. The County will support a no-net increase of post development nutrient discharges in sensitive groundwater areas, including waterbodies, wetlands and watercourses, as identified in the County's Environmental Conservation Master Plan.

10.4.4 Setbacks from Waterbodies and Watercourses

- a. Best Management Practices (BMPs) and Provincial guidelines as stated in the documents Stepping Back from the Water, On the Living Edge and the Wabamun Sub-watershed Land Use Plan should be incorporated into development and site plans where applicable.
 - b. The Parkland County Riparian Setback Matrix Model will be used, where appropriate, to determine site-specific setbacks for new developments adjacent to riparian areas, along wetlands, watercourses and waterbodies.
 - c. Development is prohibited within floodways to ensure the safety of residents and the health of the waterway. Lands within floodways will be dedicated as Environmental Reserve at the time of subdivision.
-



APPENDIX 2 | REQUIREMENTS FOR TECHNICAL REPORTS & STUDIES

2.1 BIOPHYSICAL ASSESSMENT PROCESS REQUIREMENTS

The biophysical assessment process shall be applied to all planned developments within the County which require municipal approvals and will follow the developed administrative procedures.

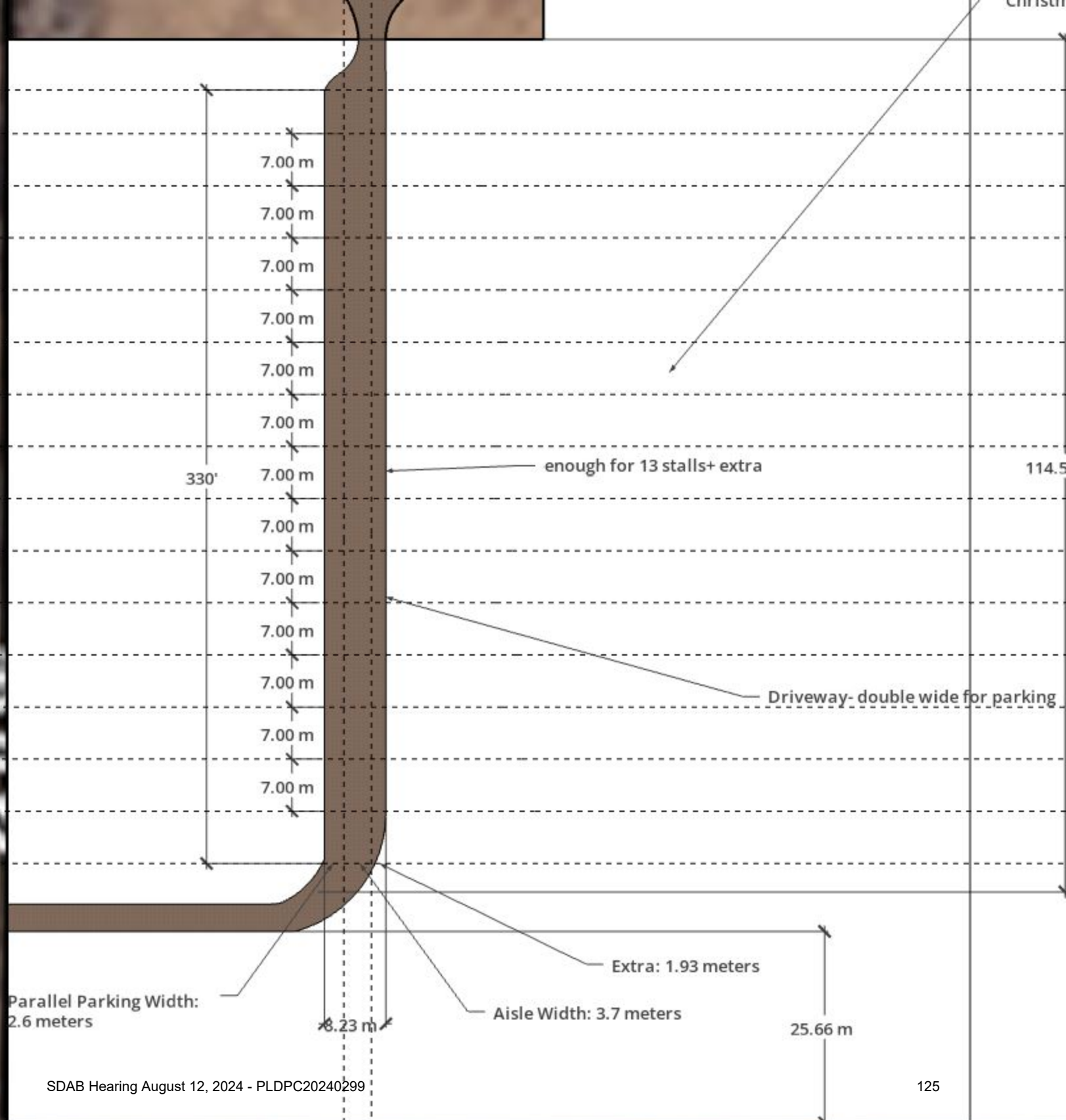
DESKTOP BIOPHYSICAL ASSESSMENT

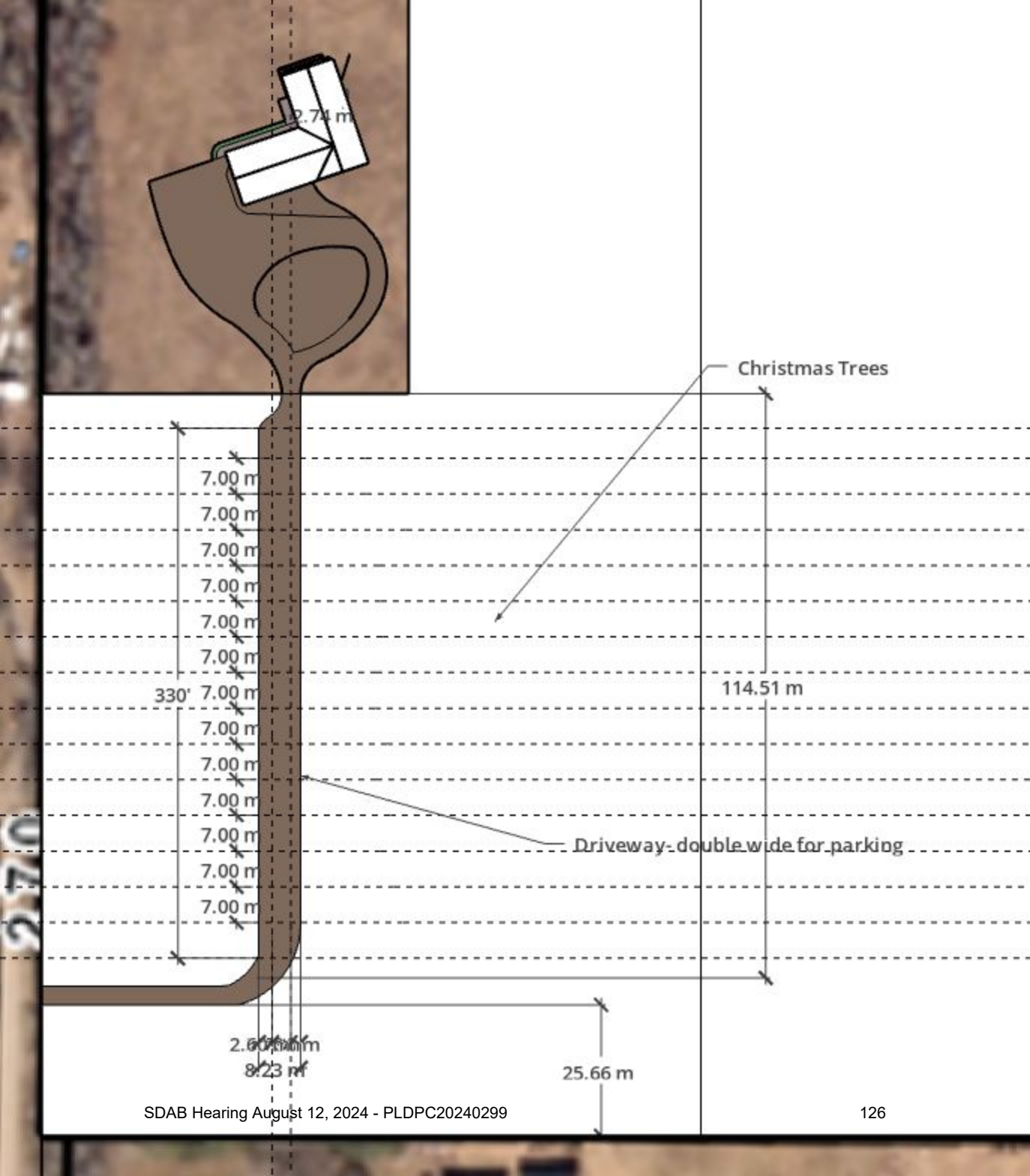
A desktop biophysical assessment may be required for simple subdivisions, as well as any stripping, filling, excavation, grading activities, tree clearing, or creation of a pond or dugout if the proposed activities take place within or adjacent to an Environmentally Significant Area, High Priority Landscape, watercourse, wetland or water body. The desktop biophysical assessment is a simple assessment based on publicly available information that is used to identify if any environmental triggers are present that require mitigation measures, further investigation or additional permits/approvals from other government agencies. The desktop biophysical assessment is a one page assessment form that can be completed by the County Biologist or by a qualified external environmental professional.

COMPREHENSIVE BIOPHYSICAL ASSESSMENT

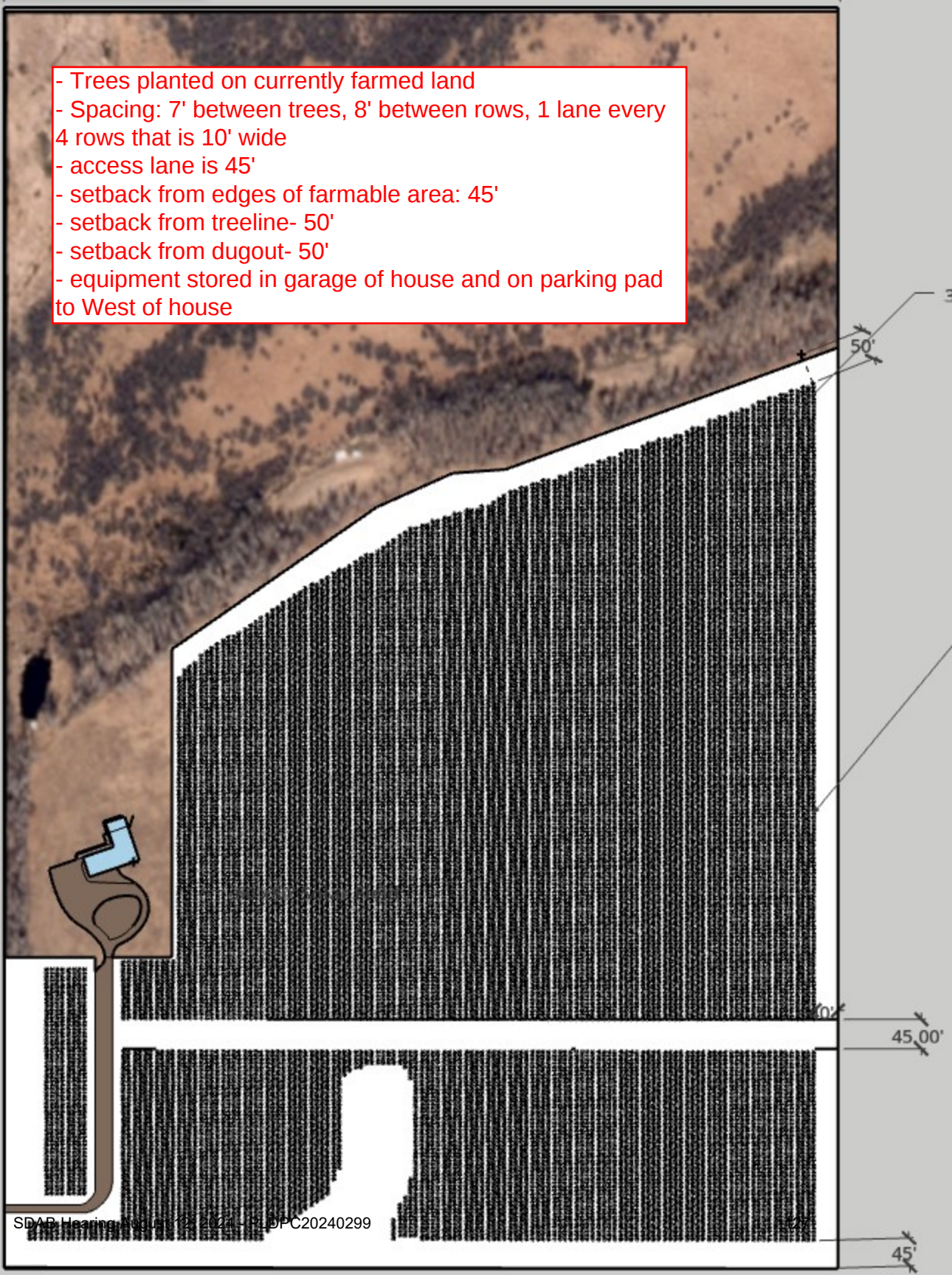
A comprehensive biophysical assessment shall be required for all Area Structure Plans, Outline Plans/Conceptual Schemes, multi-parcel subdivisions, master site development plans, and resource extraction activities. The Comprehensive Biophysical Assessment shall, at a minimum, include:

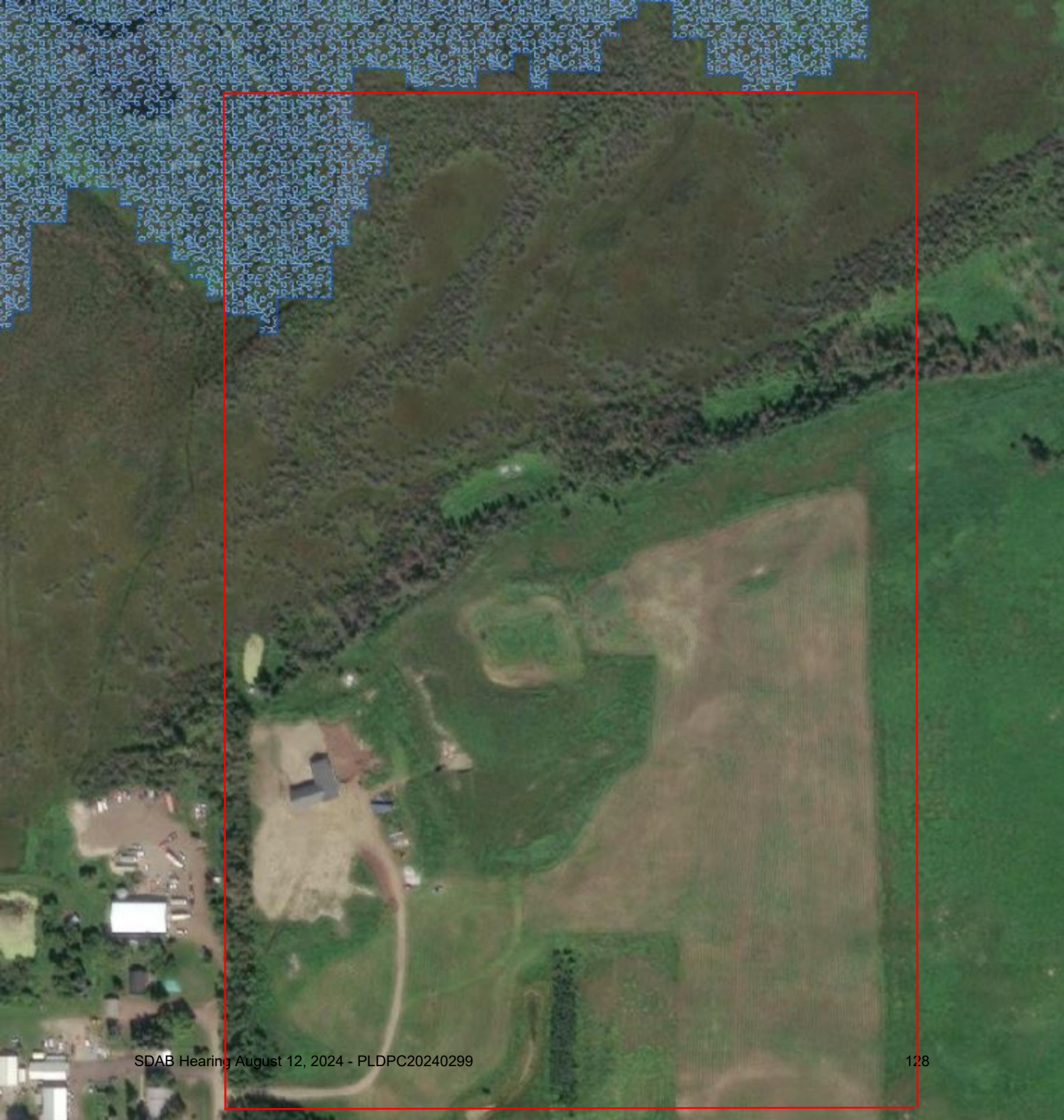
- a. an in-depth assessment of potential impacts to the existing environmental associated with a proposed development project;
- b. completion of desktop studies, as well as detailed field surveys for specific environmental disciplines where applicable (e.g., soil surveys, vegetation and listed plant surveys, wetland assessments, species-specific wildlife surveys, fish habitat surveys, hydrological and water quality surveys);
- c. identification of key issues or environmental sensitivities; and
- d. identification of proposed Best Management Practices (BMPs) and mitigation measures that will be implemented, as well as the rational of how those BMPs and mitigation measures will avoid or minimize potential development impacts.





- Trees planted on currently farmed land
- Spacing: 7' between trees, 8' between rows, 1 lane every 4 rows that is 10' wide
- access lane is 45'
- setback from edges of farmable area: 45'
- setback from treeline- 50'
- setback from dugout- 50'
- equipment stored in garage of house and on parking pad to West of house





Your own land use bylaw doesn't support your requirement for a biophysical assessment- from the Country Residential section of the LUB:

S 5.1.5.B) 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.

This is neither a multi-parcel subdivision nor a major development- the use of the land is not even changing- it's currently being farmed and it will continue to be farmed.

In Section 16.2 Development not requiring a permit: 1.B) Extensive Agriculture Development;

I need a Horticulture Permit to sell the trees & fruit, not to farm the land.



