

**MINUTES OF THE MEETING OF THE PARKLAND COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD HELD IN THE COUNCIL CHAMBERS IN THE COUNTY OFFICE AT PARKLAND COUNTY, ALBERTA ON MONDAY, JUNE 23, 2008.**

---

**CALL TO ORDER**

The Chairperson, B. Forbes, called the meeting to order at 4:03 p.m.

**PRESENT**

Members: K. Darby, B. Forbes, C. Goerz, J. Smith and S. Zelych  
Administration: S. Armstrong, S. Fegyverneki and G. Horsfield  
S. Cammidge (Recording Secretary)  
B. Bevill (Planning Intern), Observer

**ADOPTION OF AGENDA**

Moved by K. Darby that the Agenda of the meeting be adopted as presented.

**CARRIED UNANIMOUSLY**

**ADOPTION OF MINUTES**

Moved by K. Darby that the Minutes of the June 9, 2008 Subdivision and Development Appeal Board meeting be adopted as presented.

**CARRIED UNANIMOUSLY**

**4:10 p.m. Appointment**

**An appeal of a decision of the Development Authority to refuse Development Permit No. 08-D-110 for the keeping of animals not in accordance with Section 24 of Parkland County's Land Use Bylaw No. 15-00 (1 additional dog – 3 in total) on Lot 30, Block 1, Plan 7621420, Johnny's Lake, N.W. 30-52-2-W5M, Municipal Address: #130, 52502 Range Road 25, Applicant/Appellant: Veronica Kennedy.**

The Chairperson opened the Hearing at 4:10 p.m.

There was no objection to the Board members hearing this appeal and there was no objection to the Acting Secretary of the Board, S. Fegyverneki, taking part in any private or in-camera sessions with the Board.

S. Armstrong provided the background of the subject file.

**Submission of Appellant – Veronica Kennedy and Megan Kennedy**

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

V. Kennedy advised the Board that she applied for a Development Permit to allow for a third dog – a Shih Tzu. V. Kennedy indicated that she owns three dogs – a Black Lab, a Golden Retriever (currently with a litter of pups) and the Shih Tzu. V. Kennedy further indicated that the dogs listed in the letter submitted by Bruce and Mary Parno is inaccurate as most of the dogs listed in that letter are owned by family members who bring the dogs to V. Kennedy's home when visiting. V. Kennedy advised that she and her husband own four lots in Johnny's Lake subdivision and are now aware that the Land Use Bylaw prohibits the keeping of animals on lots without a residence. V. Kennedy further advised that at one time she and her husband did have a number of dogs but now only own three dogs.

M. Kennedy indicated she is V. Kennedy's daughter and that she concurs with her mother's comments.

In response to a question from the Board, V. Kennedy clarified the number of dogs she owns.

V. Kennedy indicated that there have been issues with the Parnos and believes that the Board's decision will not solve those issues and indicated she and her family may move from the subdivision.

The Board asked whether the dogs owned by family members are permitted to run at large when visiting. She advised that in the past the dogs were permitted to roam freely but are now contained in a 100 ft<sup>2</sup> kennel when they visit. The Board noted that at any given time it would appear that there are too many dogs at V. Kennedy's home. The Board asked whether any of the dogs have attacked a person and V. Kennedy indicated that a rescue dog (Husky) did bite a neighbour but the dog has since been euthanized.

G. Horsfield entered the meeting at 4:25 p.m.

The Board asked Administration to clarify the definition of "dog at large". Administration indicated that while that question could be best answered by Parkland County Animal Control Services, Administration believes it means a dog which is

unrestrained and outside private property boundaries. In response to a question from the Board, Administration advised that the allowable number of dogs on a property refers to the total number of dogs at any given time on a property which would include "visiting" dogs owned by a third party.

**Summary of Appellant – V. Kennedy**

The following is a summary of a submission to the Board.

V. Kennedy indicated that the requested third dog is a small house dog and will not have a negative effect on the neighbourhood.

The Chairperson thanked those in attendance and closed the Hearing at 4:41 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

S. Armstrong and G. Horsfield left the meeting at 4:42 p.m.

**DECISION OF THE BOARD**

**BOARD'S FINDING OF RELEVANT FACTS:**

Based on the relevant information submitted to the Board, the Board finds the following facts:

1. On May 12, 2008 the Development Authority refused Development Permit No. 08-D-110 for the keeping of animals not in accordance with Section 24 of Parkland County's Land Use Bylaw No. 15-00 (1 additional dog – 3 in total) on Lot 30, Block 1, Plan 7621420, Johnny's Lake, N.W. 30-52-2-W5M, Municipal Address: #130, 52502 Range Road 25 for the following reason:

1. As there have been complaints, the keeping of an addition dog is having a negative effect on the use and enjoyment of neighbouring lands and the neighbourhood in general.

Note: complaint of excessive number of dogs dating back to 2006. On September 25, 2007 Council passed a motion authorizing legal action against the applicant regarding excessive dogs (and horses). An Originating Notice and Affidavit were filed on behalf of Parkland County with the Court of Queen's Bench of Alberta in March, 2008 (Action No. 0803 03395). An application before a Justice in Chambers originally scheduled for June 23, 2008 was adjourned to July 15, 2008 pending the outcome of the subject appeal.

2. On June 2, 2008 an appeal of that decision was received from the applicant, Veronica Kennedy.
3. On June 10, 2008 notification of the Hearing was sent to the applicant/appellant and adjacent landowners.
4. On June 13, 2008 notification of the Hearing was advertised in the local newspaper.
5. On June 17, 2008 a letter was received from adjacent landowners, Bruce and Mary Parno, in support of the Development Authority's refusal of Development Permit No. 08-D-110.
6. On June 17, 2008 s letter was received from adjacent landowners, Eugene and Claudette Verbonac, in support of the Development Authority's refusal of Development Permit No. 08-D-110.
7. The appellant, V. Kennedy, was present at the Hearing and made a presentation to the Board. V. Kennedy's daughter, M. Kennedy, was also present at the Hearing and made a presentation to the Board.
8. The Board noted that there were no adjacent landowners present at the Hearing.
9. The Board heard that V. Kennedy owns three dogs and that many of the dogs referred to in the letter submitted by B. Parno and M. Parno are in fact owned by visiting family members.

**Legislation**

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Section 24.

**Reasons**

The Board received evidence on a number of issues and will address these issues in the reasons which follow:

The Board upholds the appeal for the following reasons:

1. The Board concluded that the number of dogs owned by the appellant, as represented by an adjacent landowner, is inaccurate. The Board heard that the appellant in fact owns three dogs. The Board further heard that a number of additional dogs visit the subject lands but such dogs are owned by the appellant's family or friends.
2. The Board heard that the appellant has a 100 ft<sup>2</sup> dog kennel on the subject lands to house the two large dogs, Black Labrador and Golden Retriever, and that the small dog, Shih Tzu, is kept in the appellant's residence.

**Motion:**

**Moved by J. Smith that the Subdivision and Development Appeal Board uphold the appeal and vary the decision of the Development Authority. Therefore, Development Permit No. 08-D-110 for the keeping of animals not in accordance with Section 24 of Parkland County's Land Use Bylaw No. 15-00 (1 additional dog – 3 in total) on Lot 30, Block 1, Plan 7621420, Johnny's Lake, N.W. 30-52-2-W5M, Municipal Address: #130, 52502 Range Road 25 is approved subject to the following conditions:**

1. This Development Permit shall be to allow for three (3) dogs at this time.
2. At any given time there shall be no more than three (3) dogs in total on the subject lands, which shall include dog(s) owned by a third party.
3. Once one (1) of the dogs has passed away, or is removed, or is no longer residing on the lands, such dog shall not be replaced.

**CARRIED UNANIMOUSLY**

G. Horsfield re-entered the meeting at 4:49 p.m.

**4:40 p.m. Appointment**

**An appeal of a decision of the Subdivision Authority to refuse Subdivision Application No. 08-S-025F for a proposed subdivision on Lot 3A, Plan 8220696, Wendel Heights, N.W. 18-53-1-W5M, Municipal Address: 53213 Range Road 20, Applicant/Appellant: Homestead Construction & Consulting Ltd.**

The Chairperson opened the Hearing at 4:50 p.m.

There was no objection to the Board members hearing this appeal and there was no objection to the Acting Secretary of the Board, G. Horsfield, taking part in any private or in-camera sessions with the Board.

S. Fegyverneki provided the background of the subject file. S. Fegyverneki advised the Board that there were three previous re-subdivision applications approved in Wendel Heights in 1976, 1982 and 1994. S. Fegyverneki further advised that a re-subdivision application in Wendel Heights was refused in 2000.

**Submission of Appellant – Dan and Joan Anderson of Homestead Construction & Consulting Ltd.**

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

J. Anderson read the appeal letter dated May 22, 2008 into the record.

D. Anderson indicated that the proposed north lot has 2 acres of flat land while the proposed south lot has three quarters of an acre of flat land. D. Anderson further indicated that some of the slopes on the subject lands are less than 15% and are suitable for building a home. D. Anderson advised that the service road which runs along the west boundary of the subject lands on Range Road 20 would provide suitable access to both proposed lots.

J. Anderson provided seven photographs – four photographs of the subject lands and one photograph of a lot in Bridgewater Properties and one lot in Kathmarcam Estates.

D. Anderson advised that an engineer was not retained due to cost but indicated he would be willing to inquire as to the cost of obtaining a report by a professional

engineer regarding slope stability if required. D Anderson further advised that it is his intention to sell at least one of the lots. D. Anderson indicated he may construct a single family dwelling on one of the lots for his own use.

**Submission of Adjacent Landowners – Margaret Graham and Reg Imeson**

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

M. Graham indicated that she supports the Subdivision Authority's reasons for refusing the subdivision application. She advised that the lot she and R. Imeson own is immediately to the south of existing Lot 3A and she is concerned with drainage, environmental contamination and the possible impact on a natural wetland located on their lot. M. Graham indicated that Wendel Heights is already a developed subdivision and is concerned with increased traffic on Range Road 20. Further, additional subdivision of the large lots in Wendel Heights will take away from the attractiveness of the subdivision.

R. Imeson indicated that the current trend with developers is to simply make money. R. Imeson advised he believes existing Lot 3A could not adequately support two developments (homes) without greatly impacting drainage and wildlife habitats. In response to a question from the Board, R. Imeson advised that drainage from the proposed lots will affect adjacent landowners and specifically, his lot.

In response to a question from the Board, M. Graham indicated that she and R. Imeson own Lot 7 and access to their lot is also from Range Road 20. The Board asked whether Lot 7 is lower than existing Lot 3A and M. Graham advised that Lot 7 is lower. In response to a question from the Board, R. Imeson indicated drainage from existing Lot 3A runs to a wet area on the north boundary of their lot (Lot 7). R. Imeson further indicated that the proposed north lot is the flatter of the two and the proposed south lot will naturally drain to their lot due the "bowl shaped" slope on the proposed south lot.

In response to a question from the Board, R. Imeson indicated that there used to be a creek on his neighbour's lot but the creek has dried up. R. Imeson further indicated that the wet area on his lot is spring fed.

**Summary of Appellant – Dan and Joan Anderson of Homestead Construction & Consulting Ltd.**

The following is a summary of a submission to the Board.

D. Anderson acknowledged that the lot owned by R. Imeson and M. Graham is lower than existing Lot 3A but believes any construction run-off could be managed through swales or retaining walls. D. Anderson indicated that a septic system must be installed by a certified installer and must be inspected to meet provincial requirements. D. Anderson acknowledged that the slope of the proposed south lot has a "bowl effect" and will naturally drain to the north side of R. Imeson and M. Graham's lot but indicated drainage could be directed to the dry creek bed.

J. Anderson advised that she and her spouse are aware of the environment and are sensitive to nature. She further advised that any concerns of neighbours can be worked through however, she was not aware of any adjacent landowner concerns until today.

S. Fegyverneki clarified for the Board that the rationale of the approving authority in approving three previous re-subdivisions in Wendel Heights was the existence of similar sized parcels in neighbouring subdivisions and that the rationale for refusal of a re-subdivision in 2000 was based on Section 49(11) of the Land Use Bylaw.

The Chairperson called a recess at this time (5:27 p.m.). The Chairperson called the meeting back to order at 5:35 p.m. with all previous members and attendees present.

The Chairperson thanked those in attendance and closed the Hearing at 5:37 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

A decision on this matter was deferred to later in the meeting.

**5:10 p.m. Appointment**

**An appeal of a decision of the Development Authority to approve Development Permit No. 08-D-077 for a proposed 1347.05 m<sup>2</sup> – 14500 ft<sup>2</sup> addition to an existing warehouse on Lot 4, Block 1, Plan 7720277, Ellis Industrial Park, S. 4-53-26-W4M, Municipal Address: #601, 53016 Highway 60, Applicant/Appellant: Roofmart Alberta Inc.**

The Chairperson opened the Hearing at 5:40 p.m.

There was no objection to the Board members hearing this appeal and there was no objection to the Acting Secretary of the Board, S. Fegyverneki, taking part in any private or in-camera sessions with the Board.

G. Horsfield provided the background of the subject file.

**Submission of Appellant – Jack Wildfong of Roofmart Alberta Inc.**

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

J. Wildfong, Project Manager, of Roofmart Alberta Inc. ("Roofmart"), introduced H. Driedger, P. Eng., of Ironwood Building Systems as well as B. Corbeil of Superior Buildings & Design Ltd.

J. Wildfong advised that the subject lands were purchased in 2007 however, the existing warehouse on the lands was found to be inadequate for Roofmart's purposes. Prior to submitting the Development Permit application, design drawings were submitted for review by Parkland County's Safety Codes Officer. J. Wildfong indicated that there was some delay between the drawings being submitted and the issuance of the Development Permit and accordingly, a special meeting of the Development Authority was requested. Roofmart did not anticipate any problems with issuance of the Development Permit and representatives did not attend the Development Authority meeting. However, had issues with the setback distances been anticipated, J. Wildfong indicated a representative would have attended the meeting.

J. Wildfong indicated that Roofmart representatives had discussions with Parkland County Fire Chief, J. Phelan, following issuance of the Development Permit regarding the possible location of a fire hydrant and fire vehicle access to the subject lands.

J. Wildfong made reference to a letter included in the Agenda package from the adjacent landowner (Lot 5) indicating he had no objection to a 1.8m (5ft 10in) setback between Lots 4 and 5.

J. Wildfong indicated that the 4.5m (15ft) setback imposed in Development Permit No. 08-D-077 will significantly impact Roofmart's "material handling and storage requirements". J. Wildfong further indicated that an attempt was made to "meet the standard in the area" and made reference to photographs included in the Agenda package evidencing setbacks similar to the distance requested by Roofmart.

H. Driedger confirmed that the 1.8m (5ft 10in) setback requested by Roofmart does in fact meet all requirements of the Alberta Building Code 2006.

In response to a question from the Board, Administration confirmed that setback distances are discretionary in Parkland County's Industrial/Commercial Core District and setbacks vary according to individual lot uses.

In response to a question from the Board, J. Wildfong indicated that Parkland County's Fire Chief advised that even with a 4.5m (15 ft) setback, fire fighting equipment would not be able to access the lands; emergency access would be from adjacent lands. Administration advised the Board that the conditions imposed in the Development Permit include the necessary Alberta Fire Code requirements.

J. Wildfong advised that as Roofmart did not anticipate any issues with the setback distance indicated on the site plan submitted with the Development Permit application, the warehouse addition has been ordered and fabricated and is ready for delivery.

The Board asked whether additional land could be acquired from the adjacent lot (Lot 5) to accommodate the proposed addition to the warehouse and J. Wildfong indicated that has not been considered.

**Summary of Appellant – J. Wildfong**

The following is a summary of a submission to the Board.

J. Wildfong urged the Board to consider the requested setback distance of 1.8m (5ft 10in) as setback distances are discretionary in the Land Use Bylaw, the proposed setback distance is comparable with other lots in the area and the requirements of the Alberta Building Code have been met.

The Chairperson thanked those in attendance and closed the Hearing at 6:02 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

G. Horsfield left the meeting at 6:03 p.m.

### **DECISION OF THE BOARD**

#### **BOARD'S FINDING OF RELEVANT FACTS:**

Based on the relevant information submitted to the Board, the Board finds the following facts:

1. On May 22, 2008 the Development Authority conditionally approved Development Permit No. 08-D-077 for a proposed 1347.05 m<sup>2</sup> – 14500 ft<sup>2</sup> addition to an existing warehouse on Lot 4, Block 1, Plan 7720277, Ellis Industrial Park, S. 4-53-26-W4M, Municipal Address: #601, 53016 Highway 60.
2. On June 9, 2008 an appeal of that decision was received from the applicant, Roofmart Alberta Inc.
3. On June 10, 2008 notification of the Hearing was sent to the applicant/appellant and adjacent landowners.
4. On June 13, 2008 notification of the Hearing was advertised in the local newspaper.
5. On June 19, 2008 a written submission was received from J. Wildfong, Project Manager, of Roofmart Alberta Inc.
6. J. Wildfong was present at the Hearing and made a submission to the Board.
7. H. Driedger of Ironwood Building Systems Ltd. was present at the Hearing and made a submission to the Board.
8. B. Corbeil of Superior Buildings & Design Ltd. was present at the Hearing.

#### **Legislation**

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Section 82.

#### **Reasons**

The Board received evidence on a number of issues and will address these issues in the reasons which follow:

The Board upholds the appeal for the following reasons:

1. The Board noted that setback distances are discretionary in Parkland County's Industrial/Commercial Core District and that setback distances vary according to individual lot uses.
2. The Board noted that the proposed warehouse addition will meet the requirements of the Alberta Building Code 2006, which requirements include fire safety.

#### **Motion:**

**Moved by C. Goerz that the Subdivision and Development Appeal Board uphold the appeal and vary the decision of the Development Authority. Therefore, Development Permit No. 08-D-077 for a proposed 1347.05 m<sup>2</sup> – 14500 ft<sup>2</sup> addition to an existing warehouse on Lot 4, Block 1, Plan 7720277, Ellis Industrial Park, S. 4-53-26-W4M, Municipal Address: #601, 53016 Highway 60 is approved subject to the following conditions:**

1. The applicant shall obtain any and all provincial permits and/or licenses.
2. If required by Parkland County the applicant shall submit revised site drainage/grading plans to the satisfaction of Parkland County's Engineering Department.
3. All drainage and grading shall be accordance with the approved site drainage/grading plan.
4. Any signage shall be to the satisfaction of Parkland County.

5. The site shall be kept in a neat and orderly condition.
6. The applicant shall obtain the necessary Alberta Fire Code approvals from Parkland County's Fire Chief. This may include the installation of an additional fire hydrant to the satisfaction of Parkland County's Fire Chief.
7. Fencing of the lands shall be to the satisfaction of the Development Officer. The applicant shall provide a minimum 1.83m (6ft) chain link fencing around the periphery of the property.
8. Development shall be as per the site plan submitted.
9. Due to the limited distance between the east property line and the proposed addition to the existing warehouse, Parkland County will issue a Building Permit for the structure foundation only. Upon completion of the foundation, the applicant shall provide a Real Property Report prepared by an Alberta Land Surveyor showing the foundation of the structure in accordance with the approved Development Permit and site plan. Upon a satisfactory review of the Real Property Report and confirmation of the placement of the foundation, Parkland County will issue all remaining Building Permits.

NOTE: The applicant shall contact Parkland County to:

- facilitate the connection to municipal water and sewer services;
- obtain all permits and approvals as required by the Safety Codes Act. These shall include but not be limited to permits for Building, Electrical, Gas and Plumbing. Please contact Parkland County's Planning department in this regard;
- upon the submission of the application for Building Permit approval the applicant should be aware that the Safety Codes Officer has advised that:
  - the addition added to existing warehouse will require sprinkler and alarm systems;
  - a sprinklered building 1.5 m from the east property line would allow 14% unprotected openings;
  - a non sprinklered building as above would allow for 7% unprotected openings. The plans shown 10%;
  - the east wall would have to have a 1 hour fire rating and be non-combustible construction; and
- obtain a Parkland County business license.

**CARRIED UNANIMOUSLY**

G. Horsfield re-entered the meeting at 6:12 p.m. and S. Fegyverneki left the meeting at 6:12 p.m.

**An appeal of a decision of the Subdivision Authority to refuse Subdivision Application No. 08-S-025F for a proposed subdivision on Lot 3A, Plan 8220696, Wendel Heights, N.W. 18-53-1-W5M, Municipal Address: 53213 Range Road 20, Applicant/Appellant: Homestead Construction & Consulting Ltd.**

#### **DECISION OF THE BOARD**

##### **BOARD'S FINDING OF RELEVANT FACTS:**

Based on the relevant information submitted to the Board, the Board finds the following facts:

1. On May 7, 2008 the Subdivision Authority refused Subdivision Application No. 08-S-025F for a proposed subdivision on Lot 3A, Plan 8220696, Wendel Heights, N.W. 18-53-1-W5M, Municipal Address: 53213 Range Road 20 for the following reasons:
  1. Pursuant to Section 654(1)(b) of the Municipal Government Act, the application must not be approved since the application does not conform to the provisions of the Parkland County Land Use Bylaw No. 15-00. Section 49(11) of the Land Use Bylaw requires that the proposed lots to be created would be compatible and harmonize with the character of the existing subdivision, and would be similar in size (i.e. no more than 5% smaller than the smallest original parcel in the subdivision), configuration, scale and density to the existing lots within the subdivision. In this instance, the

smallest original lot within Wendel Heights Phase 1 is Lot 2 at 2.9 ha (7.17 ac) while the proposed Lots are 2.07 ha (5.11 ac).

2. Administration's site inspection evidenced, as well as the contours shown within the 1976 Geoscience Consulting Ltd. report submitted with the application, that a majority of the subject lands contain slopes in excess of 15% which in the opinion of the Subdivision Authority may be unsuitable for the intended residential use as per Alberta Environment's Guidelines for the evaluation of subdivisions. No professional evidence was submitted in support of the application indicating the existing stability and topography of the lands and their suitability for residential development.
  3. No compelling evidence was presented to the Subdivision Authority to support the applicants' request of variance to Section 49(11) of Parkland County Land Use Bylaw No. 15-00.
2. On May 23, 2008 an appeal of that decision was received from the applicant.
  3. On May 27, 2008 notification of the Hearing was sent to the applicant/ appellant and adjacent landowners.
  4. On May 30, 2008 notification of the Hearing was advertised in the local newspaper.
  5. On June 9, 2008 the Subdivision and Development Appeal Board adjourned the Hearing to Monday, June 23, 2008 at 4:40 p.m.
  6. On June 9, 2008 adjacent landowners present at the Hearing submitted a letter in support of the Subdivision Authority's refusal of Subdivision Application No. 08-S-025F (note, names of adjacent landowners unknown).
  7. On June 10, 2008 notification of the Hearing was sent to referral agencies, namely: Fortis Alberta Inc., Telus, Peterson Land Consulting, Altalink Management Ltd., West Parkland Gas Co-Op Ltd., Capital Health and Energy Resources Conservation Board.
  8. On June 10, 2008 a letter was sent to the applicant/appellant advising of the adjournment of the Hearing.
  9. On June 13, 2008 notification of the Hearing was advertised in the local newspaper.
  10. D. Anderson and J. Anderson of Homestead Construction & Consulting Ltd., the appellant, were present at the Hearing and made a submission to the Board.
  11. R. Imeson and M. Graham, adjacent landowners, were present at the Hearing and made a submission to the Board.
  12. The Board noted that no objections were received from any of the affected referral agencies regarding the subject appeal.

#### **Legislation**

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Section 49(11);
2. Parkland County Municipal Development Plan, Bylaw No. 37-2007;
3. Municipal Government Act, R.S.A. 2000, c.M-26, Sections 654(1)(d) and 655; and
4. Subdivision and Development Regulation, Alberta Regulation 43/2002, Section 7.

#### **Reasons**

The Board received evidence on a number of issues and will address these issues in the reasons which follow:

The Board upholds the appeal for the following reasons:

1. The proposal was reviewed by the Board and was found to be compliant with the County's Municipal Development Plan and was found to conform to the relevant considerations in Section 7 of the Subdivision and Development Regulation.

2. The Board is willing to grant variance to Section 49(11) of the Land Use Bylaw given similar historical variance in Wendel Heights, and many existing lots in adjacent subdivision have lots equal to or smaller than those lots being proposed. Further, both proposed lots contain two contiguous acres of developable land
3. The Board considered comments made by adjacent landowners regarding access concerns and potential drainage concerns. The applicant shall be required to complete any necessary upgrades as required by Parkland County Engineering Department to the access from Range Road 20 and the service road as well as the completion of a detailed storm water management plan and the construction of any required improvements to address these concerns.

**Motion:**

**Moved by K. Darby that the Subdivision and Development Appeal Board uphold the appeal and approve Subdivision Application No. 08-S-035F on Lot 3A, Plan 8220696, Wendel Heights, N.W. 18-53-1-W5M, subject to the following conditions:**

**Note:** This approval is based on the dimensions and parcel sizes as shown on the tentative plan, submitted by the applicant except as may be modified as per the following conditions.

1. Pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes to date are to be paid. Further, pursuant to Parkland County Policy PD 020, if the subdivision is to be endorsed by Parkland County staff after December 31 but prior to the tax payment deadline (normally June 30), the applicant must prepay the property taxes that would be due on or before the above noted deadline for the given calendar year.
2. The lots shall be numbered using the County's rural municipal addressing system.
3. Pursuant to Parkland County Bylaw 4-96, the applicant shall install a Parkland County municipal address sign at the access to all lots being created, including the remnant. Please contact the Parkland County Public Works Department at 968-8454 to order all required signs.
4. The applicant shall complete a Slope Stability Report, prepared by a Professional Engineer and a Restrictive Covenant prepared to the satisfaction of the County, which notifies future owners of the recommendations and conclusions of the Slope Stability Report regarding proposed residential development on slopes equal to or greater than 15% on the proposed titled areas.
5. A variance is granted to Section 49(11) of the County's Land Use Bylaw to allow the proposed parcels to be less than 5% smaller than the smallest original parcel in Wendel Heights at 2.9 ha (7.17 ac). The Alberta land Surveyor shall ensure that neither of the two approved parcels is less than 2.07 ha (5.11 ac).
6. Pursuant to Section 655 of the Municipal Government Act, the owner shall enter into a development agreement with the Council for Parkland County addressing all on-site and off-site improvements which will include, but may not be limited to:
  - (a) the construction of the internal service road to a gravel standard with an asphalted apron from Range Road 20 (location of access to be approved prior to construction) to provide adequate access to the satisfaction of Engineering Services to the proposed parcels;
  - (b) the construction of approaches from the service road to each parcel in a location and to a standard as required by Engineering Services;
  - (c) the submission of all necessary drainage easements, servicing easements and restrictive covenants where required;
  - (d) rural addressing signage;
  - (e) the preparation of a storm water management plan and the construction of any necessary improvements; and
  - (f) payment of off-site road development levy (Bylaw No. 01-2007).
7. Pursuant to Section 655 of the Municipal Government Act, the applicant shall update the Wendel Heights entrance sign(s) to include the approved parcels.
8. The subdivision shall be registered in a manner acceptable to the Registrar of Land Titles. An endorsement fee of \$200.00 is payable to Parkland County when the plan is submitted for endorsement.

**CARRIED UNANIMOUSLY**

**ADJOURNMENT**

Moved by S. Zelych that the meeting be adjourned at 6:19 p.m.

**CARRIED UNANIMOUSLY**

---

**CHAIRPERSON**