

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 APRIL 10,  
2017

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**CALL TO ORDER**

The Chairperson, P. Kobasiuk called the meeting to order at 4:03 p.m.

**PRESENT**

Members: P. Kobasiuk, D. Mattson, J. Smith, M. Chambers, J. Philpott

Clerk: D. Tymchyshyn, Manager, Legislative Services/Chief Legislative Officer

Recording Secretary: B. Williams, Legislative Officer

**ADOPTION OF AGENDA**

Moved by D. Mattson that the April 10, 2017, agenda be adopted as presented.

CARRIED

**ADOPTION OF MINUTES**

No unadopted minutes available

Board Member Jim Philpott arrived at the meeting at 4:07 p.m.

**NEW BUSINESS:**

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

An appeal of a decision of the Subdivision Authority to refuse Subdivision Application No. 17-S-002 for a Lot Line Adjustment at Plan 1424365 Block 1, Lot 1 and Plan 1524408, Block 1, Lot 5, SE 11-51-27-W4, Municipal Address 27100 Twp Road 511 and 511114 Range Road 271.

The Chairperson opened the Hearing at 4:12 p.m.

The Chairperson asked if anyone affected by the appeal had any objections to the Board members hearing the appeal, there were none.

The Chairperson introduced D. Tymchyshyn, Clerk to the Subdivision and Development Appeal Board. The Chairperson advised that it is the Board's practice to have the Clerk participate in private and in-camera discussion with the Board and asked those present if there were any objections, there were none.

The Subdivision and Development Appeal Board Clerk introduced the Appeal into the record.

**Present Administration Staff**

S. Fegyverneki, Senior Planner

M. McInnes, Planning Intern

The Chairperson asked if any affected party present planned to provide any written materials not provided to the Clerk in advance of the hearing. The following submissions were brought forward, considered by the Board and accepted:

Ms. Biittner submitted speaking notes for the hearing regarding Subdivision Appeal No. 17-S-002.

**Submission of the Subdivision Authority**

Ms. McInnes presented the Subdivision Authority application and Administrative Report into the record and provided the background of the

subject file regarding Subdivision Application No. 17-S-002. Ms. McInnes stated that:

- The site is zoned AGG - Agricultural General District.
- Identification of lot 5 and proposed lot 7 development through this application.
- The lots are in breach of Parkland County's Municipal Development Plan and Land Use Bylaw which states the requirements of lot equality.
- The Crown is not in favour of removing the lands for the purpose of purchase.
- The parcel in question is considered as a fragment parcel.
- The Applicants/Appellants proposed to reallocate the number of acres for the subject lots.

**Submission of the Appellants Lorraine and Harold Biittner, Richard and Rita Schultz**

Ms. Biittner spoke on behalf of the Appellants. She stated that:

- Richard Schultz and Lorraine Biittner are descendants of Charlie and Ida Schultz who purchased the land in 1947. The land has been family farmed for 70 years and the family is now settling the division of the 85.59 acres (Lot 5), that is jointly owned by the four appellants.
- Proposed Lot 6:
  - Can meet the required 40 acre minimum by reducing Parcel 7, and increasing the number of acres for Parcel 6.
  - The present proposal keeps the south boundary line straight the entire length, Lot 6 would be 39.44 acres, a shortfall of .56 acres. Part of the shortfall is due to the fraction that the County took for road widening in 1980.
  - Lot 6 frontage is 200.12 m and cannot be increased due to the adjacent Crown land.
  - It is not a normal quarter of land. Due to the 30 acres of Crown land located in the center of this quarter they are forced to plan around it.
  - The family has farmed the Crown land for almost 70 years. Each year the family continued to lease the Crown land paying the Provincial Government the annual lease fees, as well as paying Parkland County property taxes.
- Proposed Lot 7:
  - Adding Lot 1 to the south part of the present Lot 5, (proposed Lot 7), the frontage will increase to 358.56 m (1176 ft), closer to meeting the guidelines of 399.9 m (1312 ft) more or less. This is a difference of 41.3 metres (136 ft).
  - The original farm yard site that includes the buildings and well, located in the center of the quarter, restricts option to determine the eastern boundary of Lot 1.
- There is no change in the number of titles on the quarter.
- There is no negative impact to adjacent landowners, and no opposition from adjacent landowners.
- The land will continue to be part of the farming operation.
- Much of the land soil classification is 4-5, and not a high quality for producing cereal or oilseed crops.
- By dividing the present odd shaped Lot 5, and adding Lot 1, proposed Lots 6 and 7 will more closely follow the County's focus of encouraging more value added types of agricultural use on 40 acre parcels.
- There are presently seven 40 acre parcels in the area. The parcels have the same 4 to 1 ratio as the proposed Lot 6 would have. Four

of the parcels are only one mile west from the subject area property line.

When questioned by the Board, Ms. Biittner stated that on Golden Spike Road there are 7 parcels the same shape as the proposed Lot 6.

When questioned by the Board, Mr. Schultz said that in 1965 his father began leasing the Crown land from the government. His father requested to buy the land but was denied. Each year that he paid the lease agreement he requested to purchase, but was denied as there were "water issues on the land". Sometime later the family was told they could purchase the land through public auction. The public auction fell through and the senior Schultz's were told they could not buy the land by the province. Ms. Biittner added that the Crown land has been noted by the Crown as land subject to flooding. The family submitted a request to have the Crown re-evaluate the Crown land and were turned down.

In conclusion, Richard Schultz said that he cares for the Crown land as though it is his own through the lease agreement.

When questioned by the Board, Ms. Biittner said that the land was designated improperly years ago. The Crown Land sits at the highest point of the land, not the lowest with poor drainage as they have been told. When the parents moved to the property in 1947 it was under duress, and they were told that the Crown land belonged to a farmer. Mr. Schultz added that when the land was designated Crown land it was in 1921, and he has heard that the mentality back then was "well it's afternoon, I'd better get something in to the government" thus it wasn't done properly.

When questioned by the Board, Mr. Biittner stated that his belief is that the similar lots on Golden Spike Road have the same frontage as the proposed lot 6.

When questioned by the Board, Ms. McInnes, Planning Intern stated that the reason for the frontage requirements is to keep parcels square shaped and equal in size.

When questioned by the Board, Mr. Schultz said that he will continue farming this land if the Appeal is granted.

When questioned by the Board, Ms. Biittner answered that she and her brother, Mr. Schultz have inherited the property. Ms. Biittner confirmed that they wish for the property for be equally divided and all are required to be in agreement. The reason for dividing the land is to pass it along equally to their children.

When questioned by the Board, Ms. Biittner said that proposed Lot 6 has no residence on the property. She said that the purpose of the Application is for the land to be completely divided fairly. Mr. Schultz said that he feels that the division of the property is best for Agricultural based operations.

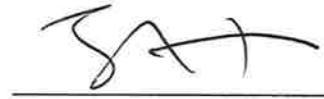
#### Closing Remarks of the Appellant

Appellant, Lorraine Biittner thanked the Board for their consideration to hear the appeal.

The Chairperson asked the affected parties if they had concerns with the process of the hearing that were not previously raised. There were no concerns from either party.

#### ADJOURNMENT

The Chairperson closed the hearing at 4:51 p.m.

A handwritten signature in black ink, consisting of stylized initials and a surname, positioned above a horizontal line.

**CHAIRPERSON**