

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 AUGUST 21, 2017

CALL TO ORDER

The Chairperson, R. Underwood, called the meeting to order at 4:09 p.m.

PRESENT

Members: R. Underwood, M. Chambers, J. McCuaig, P. Kobasiuk, S. Whitehouse

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

Recording Secretary: L. Tyerman, Administrative Assistant, Legislative Services

ADOPTION OF AGENDA

Moved by M. Chambers that the August 21, 2017, Agenda be adopted, as presented.

CARRIED

NEW BUSINESS:

4:10 p.m. Appointment

Reconvene an appeal of a decision of the Development Authority to approve Development Permit No. 17-D-233 for Natural Resource Extraction/Processing at 53120 Rge Rd 73, NE-9-53-7-W5.

The Chairperson opened the Hearing at 4:11 p.m.

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

Present Administration Staff

K. Kormos, Development Planner

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 discussions 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.

The Chairperson noted that a request for postponement was submitted by Mark Cacka on behalf of the Appellants, Dawn and John Cacka on August 18, 2017. The Chairperson asked the Applicants, Cindy and Dan McCracken of Entwistle Concrete Ltd. and their Agent Linda Henrickson, of Opus Stewart Weir if they had any objections to the request. The Applicants indicated that they did not have any objections to the request for postponement.

The Chairperson announced that a postponement of the appeal of Development Permit No. 17-D-233 would be granted. The Chairperson suggested a reconvene date of September 11,

2017 at 4:10 p.m. The Applicants and Appellants agreed to the proposed date. The Chairperson advised that no new submissions would be accepted as exhibits.

At 4:16 p.m., the Chairperson adjourned the appeal matter of 17-D-233 to September 11, 2017, at 4:10 p.m.

RECESS

The Chairperson called a recess at 4:17 p.m.

The Chairperson, R. Underwood, called the meeting back to order at 5:30 p.m.

PRESENT

Members: R. Underwood, M. Chambers, J. McCuaig, P. Kobasiuk, S. Whitehouse

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

Assistant Clerk: B. Williams, Legislative Officer, Legislative Services

Recording Secretary: L. Tyerman, Administrative Assistant, Legislative Services

NEW BUSINESS:

5:30 p.m. Appointment

An appeal of a decision of the Subdivision Authority regarding conditional approval of Subdivision Application No. 17-S-028 for the creation of three residential lots at NE-13-51-27-W4, Municipal Address: 5-51222 Range Road 270.

Present Administration Staff

K. Oxley, Planner, Planning and Development Services

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 discussions 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.

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:

1. From the Applicant: Elevation Difference from Borehole 16-01 Measured in Meters – 1 page document.
2. From the Subdivision Authority: Parkland County map SDAB Hearing Subdivision Application 17-S-028 – 1 page document.

Submission of the Subdivision Authority

Ms. Oxley read the Administrative Report into the record and provided the background of the subject file regarding Subdivision Application File No. 17-S-028.

- The Subdivision Application would create 3 lots.
- Some of the concerns related to the subdivision include:
 - The shallow water table on portions of the proposed lots 2 and 3;
 - spacing of approaches on the roadway;
 - storm water drainage; and
 - septic system compliance with the Private Sewage Disposal System Regulation.
- The Appellant is appealing Condition 2 (a), (b), (c), (d), Condition 4, Condition 5, and Condition 8 of the Conditional Subdivision Approval.
- The conditions were imposed to mitigate development concerns and to allow for subdivision and future development to occur. The conditions imposed are in compliance with the provisions of the Municipal Government Act, R.S.A. 2000, c.M-26 (the "MGA") and the Regulations and the Water Act.

When questioned by the Board, Ms. Oxley stated that the dominant tenement would be Lot 1.

When questioned by the Board, Ms. Oxley said that the Application is in compliance with the Woodbend-Graminia Area Structure Plan (ASP).

When questioned by the Board, Ms. Oxley said that without going out and drilling there is no way to indicate whether the water is above the ground or just below the surface. Ms. Oxley referenced the geotechnical report that depicts bore holes used to determine the high water table.

When questioned by the Board, Ms. Oxley answered that for residential development you need to have two contiguous acres.

When questioned by the Board, Ms. Oxley said that wetland assessment is not required according to the area structure plan. Compensation would be required if the subdivision touched on areas of wetland.

RECESS

The Chairperson called a recess at 6:01 p.m.

The Chairperson called the hearing back to order at 6:07 p.m.

When questioned by the Board, Ms. Oxley said that the wetlands on the proposed lots are of moderate wetland evaluation.

Submission of the Appellant, Carole LaPointe

Ms. LaPointe told the Board that her brother, Randy Hennig would assist with her presentation. Ms. LaPointe told the Board that she is a long time resident of Parkland County,

and now lives on her own as her husband passed away 9 years ago. Ms. LaPointe submitted that:

- Her property consists of 25.99 acres, it is severed from the rest of the development quarter by a diagonal road (512A). The posted speed limit of the road is 60km/hour. The lots directly north of Ms. LaPointe's property are approximately 5 to 9 acres each and there is a low chance of further subdivision.
- Ms. LaPointe began trying to subdivide her land in 2016. She was asked by Planning and Development Services to prepare an outline plan for her land and the neighbours 108 acres of farmland to the west.
- Ms. LaPointe had Norcan Consulting prepare and submit a detailed outline plan in January of 2017. In July of 2017 Ms. LaPointe received conditional approval of her subdivision application. Ms. LaPointe is appealing 4 of the 9 imposed conditions because she disputes the need for the following:
 - Restrictive Covenants being placed on all lots;
 - The need for a drainage plan prepared by a qualified technical engineering consultant;
 - The need for a detailed plan identifying approach sightlines prepared by a qualified technical engineering consultant.
- Mr. Hennig described the parcels as shown on a map included in page 331 of the agenda package. Mr. Hennig explained that Ms. LaPointe feels restrictive covenants are looked upon poorly by potential buyers. Restrictive covenants were meant to be used to protect the interests of the neighbouring adjoining properties, not to indicate that there is an area of the property that may have a low water table.
- Ms. LaPointe feels that she should not be required to hire an engineering consultant to create a detailed sightline plan. Ms. LaPointe said that it would more appropriate for a County Engineer responsible for roads and approaches to conduct this work.
- Mr. Hennig referred to a table of data found on page 331 of the agenda package. Mr. Hennig explained that the posted speed limit on the roadway is 60km/hour. The table was produced by Alberta Infrastructure and shows that the minimum Stopping Sight Distance (SSD) is 85 metres. Mr. Hennig and Ms. LaPointe conducted measurements at the three proposed approaches for the subdivision. The distances measured ranged from 188.98 – 207.87 meters for the approaches, all well within the guidelines set out by Alberta Transportation.
- Mr. Hennig said that Ms. Lapointe disagrees with hiring an engineering consultant to submit drawings regarding the storm surface run off as she feels it is unnecessary.
- The soil is primarily very sandy, and soaks up any significant amounts of surface runoff. Boreholes drilled on the property showed a thin layer of topsoil underlain by sand on the majority of the site. Even though the water table is higher in some areas, there have never been issues of water accumulation even in the spring.
- Mr. Hennig referred to letters of support contained in the agenda package. Arlaine Monaghan's letter indicated that she has lived across the road from the proposed subdivision for 43 years, in that time she has never experienced any issues with drainage. Tyler Hennig's letter said that he had been using the land for 10 years to graze cattle, during which period he had never seen standing water. Dennis Hennig's

letter provided that the land is sandy and water is quickly absorbed, he has lived and farmed in the immediate area for over 45 years.

- In regard to Condition 4, the Appellant obtained a private sewage disposal permit (page 148 of the agenda package). She questioned why there was a need to obtain a second approval.
- Ms. LaPointe said that there is a very good process already in place to manage and determine the type of septic system required for private landowners within the County.
- Requesting to put a restrictive covenant on the system before any of the site evaluation work is done goes totally against the well-defined approval process and System Standards of Practice defined by the Municipalities and Government of Alberta.
- Ms. LaPointe is confused by the request for a restrictive covenant to notify about the shallow water table area. In her opinion much of Parkland County is low land. Are all of these areas currently burdened by restrictive covenants? She also noted that the water table results were abnormally high when the testing was completed. The testing was done in October of 2016, and precipitation levels were 10 times the usual amount for that time of year.
- All three lots meet the development requirements so there is no need for a restrictive covenant.
- The Appellant also reviewed the bore hole data (Exhibit 6) advising that the holes were drilled at different elevations. The elevation difference between bore hole 16-01 and 16-04 is 11 feet. Page 128 of 390 shows the topographical map of the area. Ms. LaPointe advised that Mike McCormick of Parkland Geo indicated that there could be 0.5 meter fluctuation of the results. A change of 0.29 meters would have made all of the bore holes acceptable. In her view, there is no need for a restrictive covenant or for a Land Surveyor to survey the area. Further, Lot 1 does not need to have the restrictive covenant.

When questioned by the Board, Mr. Hennig explained the locations and depths of the surface water in the borehole sampling done by Parkland Geo.

When questioned by the Board, Ms. Oxley answered that the Engineering Design Guidelines require a 40 metre distance between approaches.

When questioned by the Board, Mr. Hennig replied that all of the distances between approaches exceeded the minimum requirements.

When questioned by the Board, Ms. Oxley answered that when dealing with a Country Residential Subdivision it is not unusual to have a consulting engineer examine the curvature of the road. She continued on to say that because of the low volume of traffic, a traffic impact assessment was not required for this subdivision. She confirmed that the final seal of approval needs to come from a licensed engineer.

When questioned by the Board, Ms. Oxley said that the concern with the septic system is due to the high water table, the purpose of the restrictive covenant is to warn potential buyers of the potential impacts. She said that a restrictive covenant would require the municipality to consent to release it. There will be a map attached to the restrictive covenant, the map will show the high water table areas.

When questioned by the Board, Ms. Oxley stated that in her opinion there is no other way to warn potential buyers of the high water table than by restrictive covenant.

Mr. Hennig advised that he had spoken with Gavin Mayer, Geotechnical Engineer, about the septic sewage summary table on page 179. Mr. Mayer indicated that septic field would be acceptable on all of the holes except 16.05. Mr. Hennig's understanding is that before you build any septic system you must obtain a permit from the County. He questioned if someone would put their septic system on the lowest portion of their property. Based on this he believes there is a good process in place and it should be trusted.

When questioned by the Board, Mr. Hennig said that to his knowledge the subject lands were not included in any drainage projects.

When questioned by the Board, Ms. Oxley answered that a drainage report is a standard condition on any multi lot subdivision.

When questioned by the Board, Mr. Hennig said there is not enough ditch to warrant a culvert or ditch on any of the approaches.

When questioned by the Board, Ms. Oxley stated that the septic system approval issued to the appellant was for the existing septic system. The existing septic system will need to be inspected to ensure that it is in compliance with the proposed boundary to lot 2.

When questioned by the Board, Ms. Oxley explained that conditions 5 and 8 go hand in hand. Condition 8 addresses the building pocket, Condition 5 addresses the septic systems.

Closing remarks of the Appellant, Carole LaPointe

In closing, Ms. LaPointe made the following statements:

- She feels there has to be an easier way to warn potential buyers of the limitations of the land, such as indicating it on the County map.

RECESS

The Chairperson called a recess at 7:39 p.m.

The Chairperson called the hearing to order at 7:50 p.m.

When questioned by the Board, Ms. Oxley advised that a surveyor is required to prepare the plan to be attached to the restrictive covenant, therefore, the Parkland Geo report would not suffice. The surveyor has all of the documents required to create the schedule. The restrictive covenant is asking for a summary of the mapping by the Land Surveyor.

Closing remarks of the Appellant, Carole LaPointe, Continued

Ms. LaPointe said that she believes the use of restrictive covenants overkill in this case. Mr. Hennig stated that he does not believe the entire subdivision should be painted with the same brush because of a few areas with water table issues. Mr. Hennig believes it is unfair that the lots will require septic mounds or holding tanks as there was only one bore hole (on Lot 3) that did not meet the requirements for a septic field.

When questioned by the Board, Ms. Oxley answered that when someone purchases the land for development the private septic regulations would dictate what type of septic system could be installed.

Ms. LaPointe read condition 5 to the Board and said that she believes the covenant will not allow a developer to install a normal septic system.

The Chairperson asked those in attendance if they felt they had received a fair hearing. There were no concerns.

The Chairperson asked the Board if they were satisfied with the amount of information received at the hearing. The Board agreed they were satisfied with the amount of information received.

ADJOURNMENT

The Chairperson closed the hearing at 8:05 p.m.



CHAIRPERSON