

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
PARKLAND COUNTY**

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DATE: May 29, 2018
FILE NO.: 18-S-003

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] The Subdivision Authority of Parkland County approved a subdivision application for NW-35-50-01-W5 (the "Parcel") with conditions (the "Subdivision Approval"). The Appellant, Allysha Deweerd, appealed the imposition of Condition 2 of the Subdivision Approval by the Subdivision Authority, which reduced the proposed parcel size from 11.2 hectares (27.6 acres) to 4.05 hectares (10 acres).

PRELIMINARY MATTERS

A. Board Members

[2] At the outset of the appeal, the Chair requested confirmation from all parties in attendance that there was no opposition to the composition of the Board hearing the appeal. None of the persons in attendance had any objection to the members of the Board hearing the appeal.

B. Additional Materials

[3] The Subdivision Authority submitted one additional exhibit at the opening of the hearing, which has been marked as Exhibit 5 on the list of exhibits at the end of this decision. The Appellant did not object to the submission of Exhibit 5.

C. Miscellaneous

[4] The Board marked the exhibits as set out on the list at the end of this decision.

[5] The appeal was filed on time, in accordance with Section 678(2) of the *Municipal Government Act*, R.S.A. 2000, c.M-26 (the "Act").

[6] The Board is satisfied that it has jurisdiction to deal with this matter. There were no objections to the proposed hearing process.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[7] The Board allows the appeal and grants the subdivision application for the 11.2 hectare (27.6 acre) subdivision with the following conditions:

1. Pursuant to Section 654(1)(d) of the Municipal Government Act, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Parkland County, for the payment thereof.

2. In accordance with Parkland County Policy C-PD03, the landowner shall dedicate 5.0 metre road widening along the frontage of Lot 1 and is subject to negotiation to purchase by Parkland County along the Remnant Agricultural Parcel adjacent to Township Road 510. Pursuant to Parkland County Policy C-PD03, the Plan of Survey shall include and show all road widening acquired through dedication or negotiation as a result of subdivision unless otherwise authorized by the Manager of Engineering Services, or designate. Please contact Parkland County's Land Agent at 780-968-8445 to discuss entering into a Land Acquisition Agreement for that portion of road widening subject to negotiation to purchase by Parkland County.

3. Pursuant to Section 655 of the Municipal Government Act, the landowner shall complete the following with respect to approaches and ditching:

(a) Lot 1 (Cottage Industry Parcel): The approach shall meet Parkland County Engineering Design Standard Drawing 7.12. The approach shall have a 400 mm Corrugated Steel pipe (CSP) culvert with rip rap rock, topsoil and seed placed at each end, shall be graveled to the property line, and be a minimum of 6.0 metres to a maximum of 8.0 metres in width.

(b) Remnant Agricultural Parcel: The existing agricultural approach off Range Road 12 to the remnant agricultural shall meet Engineering Standard Drawing 7.12. The approach shall have a 400 mm Corrugated Steel pipe (CSP) culvert with rip rap rock, topsoil and seed placed at each end, shall be graveled to the property line, and be a minimum of 8.0 metres to a maximum of 10.0 meters in width.

All approach(es) shall maintain the 90 metre spacing requirements from adjacent approaches. No disturbance or grading is to adversely affect existing drainage on adjacent lots. All surface grading is to be done in a manner that will prevent cross lot drainage conflicts. All approaches shall contain an apron equivalent to the surface of the adjoining road. Please

contact a Development Engineering Officer prior to construction and to schedule inspection appointments at 780-968-8443.

4. Pursuant to Parkland County Bylaw No. 2015-30, the parcels shall be numbered using Parkland County's civic addressing system. Following final inspection of the approach(es), please contact our Planning & Addressing Technician at 780-968-8443, ext. 8612 to request address assignments. Following assignment of civic addresses, please contact Public Works at 780-968-8448 to order all required address signs. A copy of the receipt confirming purchase of the address sign(s) shall be provided to Planning & Development Services.

5. Pursuant to Section 4(4) of the Subdivision and Development Regulation, the applicant shall register a Restrictive Covenant to the satisfaction of Parkland County against the remnant agricultural parcel notifying future owners of the location of the existing abandoned well site (License No. 0030379) and required setbacks.

6. Pursuant to Section 655 of the Municipal Government Act, the owner shall enter into a Blanket Drainage Easement to be registered against the remnant agricultural parcel.

7. Pursuant to Section 655 of the Municipal Government Act, the owner shall enter into a Drainage Easement on Lot 1 identifying a 6 metre top-of-bank setback from both banks of the intermittent drainage course across the northern portion of the parcel.

8. Pursuant to Parkland County Policy C-PD15 and Sections 663 and 669 of the Municipal Government Act, all municipal reserves owing shall be deferred to the remnant agricultural parcel and registered against the title by way of Deferred Reserve Caveat.

9. The subdivision shall be registered in a manner acceptable to the Registrar of Land Titles. An endorsement fee of \$250.00 (subject to change) is payable when the final plan is submitted for endorsement by Parkland County. No endorsement fee is charged for reserve lots or public utility lots. If applicable, the Alberta Land Surveyor shall ensure all required setbacks from existing principal and accessory buildings and new property lines are maintained in accordance with Parkland County Land Use Bylaw No. 2017-18.

SUMMARY OF HEARING

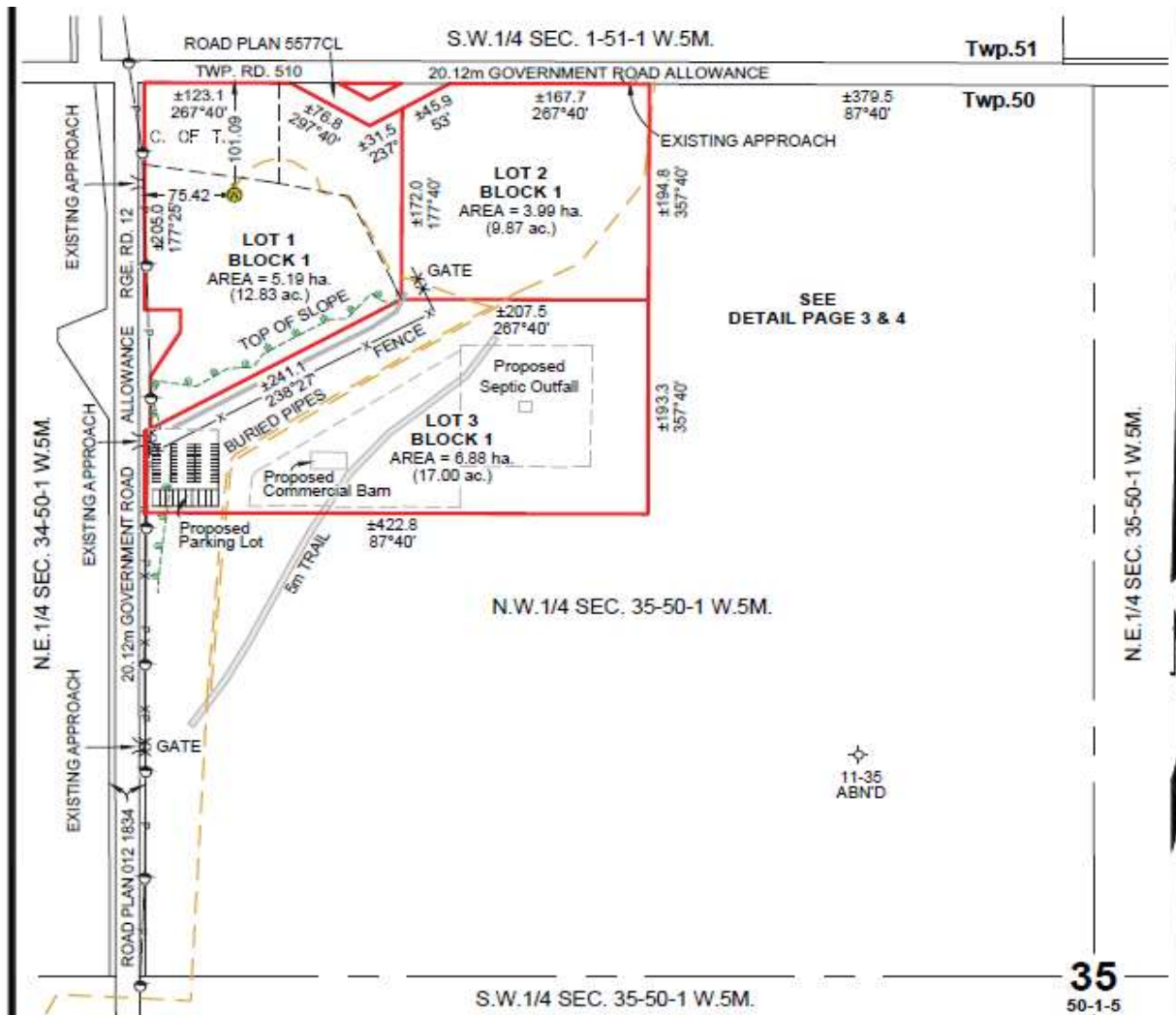
[8] The following is a brief summary of the oral and written evidence heard by the Board. The Board has also reviewed all written submissions filed with the Board.

Subdivision Authority

[9] The Board first heard from the Subdivision Authority.

[10] The Parcel is a 116.61-acre parcel located within the Rural Area of the Edmonton Metropolitan Region and the Rural Agricultural Area and the Prime Agriculture Area South East in the County's Municipal Development Plan Bylaw 2017-14 (the "MDP") and zoned Agricultural General District (AGG) in the County's Land Use Bylaw 2017-18 (the "LUB"). The Parcel is not governed by an area structure plan.

[11] The Appellant applied for a subdivision of 11.2 hectares (27.6 acres) from the northwest corner of the Parcel to create one Rural Agricultural Subdivision—Cottage Industry parcel (the "Proposed Lot 2 and Lot 3") and one remnant Rural Agricultural parcel (the "Remnant Agricultural Parcel"). There has already been one 12.83-acre subdivision from the original quarter section, which is identified as Lot 1 in the Applicant's Tentative Plan [see pages 129-132 of Agenda Package]. A copy of the Tentative Plan showing Lot 1, the Proposed Lot 2 and Lot 3, and the Remnant Agricultural Parcel is below.



[12] The Subdivision Authority approved the subdivision application on the condition that the proposed subdivision be reduced from 11.2 hectares (27.6 acres) to 4.05 hectares (10 acres) (the "Approved 10-Acre Lot"). Although the Proposed Lot 2 and Lot 3 is compliant with the MDP and the LUB, the Subdivision Authority had the following concerns:

1. MDP Policy 4.2.2 states that Subdivisions for non-agricultural developments should be limited in the Prime Agriculture Area South East to support grazing and extensive agricultural operations.
2. MDP Policy 4.2.2 aims to limit the fragmentation of agricultural lands into smaller parcels; 60% of the subject lands contain Class 2 soils, the remainder is Class 3.
3. Upon review of the Cottage Industry Use development proposal, Development Services identified that there appears to be sufficient space within a 4.05 ha parcel to accommodate the proposed Rural Wedding Venue.
4. Should the proposed (no Development Permit application received to date) Rural Wedding Venue business not be applied for in the future, or applied for and discontinued in the future, the resulting parcel would most likely be used for rural residential purposes. Rural Agricultural Subdivision - Residential parcels are generally between 2-10 acres as per MDP Policy 4.1.9 and LUB Policy 4.1.3.
5. Due to the suspected limited developability of the northern portion of the proposed 11.2 ha parcel as described in the desktop biophysical assessment, it is unclear how this area is necessary for the proposed Cottage Industry Use.

[13] No development permit application has been submitted for the proposed Cottage Industry use on the Proposed Lot 2 and Lot 3. The Appellant provided supplementary material with the subdivision application that indicated her intention to develop a rural wedding venue on the Proposed Lot 2 and Lot 3. In the event that the subdivision application is granted, the Appellant intends to apply for a further subdivision of a 10-acre parcel from the northeast portion of the Proposed Lot 2 and Lot 3, which is intended to be used as a residential parcel (the "Future Residential Lot 2"). The Future Residential Lot 2 is identified as Lot 2 in the Applicant's Tentative Plan, and the remainder of the Proposed Lot 2 and Lot 3 is identified as Lot 3 [see pages 129-132 of Agenda Package]. The Applicant then intends to purchase Lot 1 and apply to consolidate it with Lot 3 to create a 40-acre parcel [see pages 108-109 of Agenda Package].

[14] The Parcel is currently used for Extensive Agriculture. It is located within two Environmentally Significant Areas, the North Saskatchewan River Valley Highway 770 to Edmonton Reach ESA and the Whale Lake Wetlands ESA. A Desktop Biophysical Assessment was undertaken by the County's Biologist and concluded that the proposed subdivision will have a low impact to the environment, but that certain mitigation measures should be considered to ensure compliance with the two ESAs [see pages 111-114 of Agenda Package].

[15] There is an abandoned well on the Remnant Agricultural Parcel, which does not appear to impact the proposed subdivision. There are two utility rights of way registered on the title, which may limit the layout of future development on the Parcel; however, the existing pipeline

locations and setbacks do not impede the proposed development on the Proposed Lot 2 and Lot 3.

[16] There are currently two approaches to the Parcel, one of which leads to the Proposed Lot 2 and Lot 3 along Township Road 510, and one of which leads to the Remnant Agricultural Parcel along Range Road 12.

[17] No objections or written submissions with respect to the proposed subdivision were received from referral agencies or adjacent landowners.

[18] The Subdivision Authority advised the Board that it was the Subdivision Authority's opinion that the proposed rural wedding venue would be considered a Cottage Industry Use. The Subdivision Authority advised that this type of use could be reasonably undertaken on a 10-acre parcel, which is also the maximum allowable size for residential parcels in the AGG [see Exhibit 5 of Agenda Package].

[19] The Subdivision Authority advised that the Parcel meets the criteria for subdivision [see pages 115-118 of Agenda Package], but that the road access along Township Road 510 would need to be widened in order to comply with Parkland County Policy C-PD03.

[20] In response to Board questions, the Subdivision Authority advised that, in the event that an application for the subdivision of the Future Residential Lot 2 were granted, that would be the last permitted subdivision from the Parcel, as only three subdivisions in addition to the remnant of the original quarter section are permitted pursuant to section 4.1(3)(b) of the LUB.

[21] In further response to Board questions, the Subdivision Authority confirmed that there is no minimum or maximum parcel size for Cottage Industry parcels, but that the parcel area requirements are at the discretion of the Subdivision Authority pursuant to section 4.1(3)(a)(v) of the LUB. However, the Subdivision Authority was concerned that, in the event the proposed rural wedding venue was never developed, the subdivided parcel could be used as a residential parcel. As such, the Subdivision Authority was of the view that the parcel size should be limited to the maximum permitted area for a residential parcel in the AGG, which is 4.0 hectares pursuant to section 4.1(3)(a)(ii) of the LUB.

[22] In further response to Board questions, the Subdivision Authority advised that the proposed Rural Wedding Venue Cottage Industry was a use that would be considered in the AGG, but there was no guarantee that a development permit would be approved for the proposed use.

[23] In further response to Board questions, the Subdivision Authority advised that it would be possible for Lot 1 to be consolidated with the subdivided parcel to create one 40-acre parcel instead of three parcels. The consolidated parcel could then be considered for a residential use or a Cottage Industry use.

Appellant Allysha Deweerd

[24] The Board next heard from the Appellant, Allysha Deweerd, as well as the Appellant's father-in-law, Ron Deweerd, and the current owner of the Parcel, Todd Wagner.

[25] The Appellant confirmed that it is her intention to further subdivide the Proposed Lot 2 and Lot 3 to create an additional 10-acre residential parcel. This would leave 17.6 acres for the proposed Cottage Industry use. This intention is shown in the Tentative Plan for the Rural Wedding Venue, which is appended to the Subdivision Application [see pages 45-48 of Agenda Package] and the Appellant's sketch of the proposed developments [see page 159 of Agenda Package].

[26] The Appellant has had a geotechnical study completed on the Proposed Lot 2 and Lot 3, and the study indicates that approximately 2 acres of the Proposed Lot 2 and Lot 3 is developable. The Future Residential Lot 2 has dramatically different topography than the Proposed Lot 2 and Lot 3.

[27] The Appellant has attended a Parkland County seminar about agritourism. This seminar suggested that planted crops can be attractive for visitors. Part of the intended Cottage Industry use on the Proposed Lot 2 and Lot 3 is a variety of crops to be used for photographs. The Appellant also intends to raise goats and chickens on the Proposed Lot 2 and Lot 3. It is the Appellant's hope that the Rural Wedding Venue will be able to offer a complete agricultural experience to wedding guests. As such, more than 10 acres is required for the intended Cottage Industry use.

[28] Because of the nature of the intended use of the Proposed Lot 2 and Lot 3 for an agritourism business, most of the property will still be used for agricultural purposes. Further, as the business grows, the Appellant intends to add more agricultural features to the property.

[29] The Appellant's vision for the long-term use of the Proposed Lot 2 and Lot 3 is shown in the Appellant's sketch [see page 159 of Agenda Package]. The Business Plan prepared for the financing of the purchase of the Proposed Lot 2 and Lot 3 is based on this vision [see pages 34-44 of Agenda Package]. In the event that only the subdivision of the Approved 10-Acre C.I. Lot is permitted, the Appellant will need to prepare a new Business Plan and re-apply for financing.

[30] With respect to the condition that the road allowance would need to be widened if the Proposed C.I. Lot was approved, the Appellant stated that they agreed with this condition and were prepared to undertake the road widening.

[31] In response to Board questions, Mr. Deweerd and Mr. Wagner advised that the Parcel is currently being used mostly as pasture land as the deep ravine running across the Parcel floods out the Parcel to the corner of Whale Lake. Mr. Wagner further advised that his family farm is up the road from the Parcel, and that the subdivision and sale of the portion of the Parcel would not result in the loss of much productive land.

[32] In further response to Board questions, Mr. Wagner confirmed that he was aware that the Future Residential Lot 2, if approved, would be the last permitted subdivision from the Parcel and that he was 100% ok with that. Mr. Wagner also advised that they had considered a lot line adjustment for Lot 1, but that a consolidation of the Parcel with Lot 1 would not permit the Appellant to develop both the Cottage Industry use and the residential use as intended.

[33] The Appellant advised that it was their intention to use the Proposed Lot 2 and Lot 3 as an agricultural property whether the Rural Wedding Venue succeeded or not. The Appellant advised that it is not their intention to sell the Proposed Lot 2 and Lot 3. However, the Appellant's Business Plan indicates "If income targets are not met, our option is to sell the property with the barn so that we can meet the loss that will be incurred."

[34] No concerns were raised with respect to the conditions proposed by the Subdivision Authority with respect to the Proposed Lot 2 and Lot 3 [see pages 11-12 of Agenda Package].

FINDINGS OF FACT

[35] The Parcel is located at NW-35-50-01-W5.

[36] The Parcel is zoned Agricultural General District (AGG) in the County's Land Use Bylaw 2017-18, as amended.

[37] The Proposed Lot 2 and Lot 3 is 11.2 ha (27.6 acres). There is no minimum or maximum parcel size required by the LUB for a Cottage Industry parcel. The Remnant Agricultural Parcel is 89 acres and is greater than the minimum parcel size required by the LUB for an agricultural parcel.

[38] As the applicant for subdivision, the Appellant is entitled to appeal the decision of the Subdivision Authority under section 678(1)(a) of the *Municipal Government Act*.

REASONS

[39] The Board notes that its jurisdiction is found in section 680(2) of the *Municipal Government Act*. In making this decision, the Board has examined the provisions of the LUB, and has noted the provisions of LUB and MDP as referenced in the Subdivision Authority's Report. The Board has also considered the oral and written submissions made by Allysha Deweerd, Ron Deweerd, Todd Wagner, and the Subdivision Authority.

680(2) *In determining an appeal, the board hearing the appeal*

- (a) must act in accordance with any applicable ALSA regional plan;*
- (a.1) must have regard to any statutory plan;*
- (b) must conform with the uses of land referred to in a land use bylaw;*
- (c) must be consistent with the land use policies;*
- (d) must have regard to but is not bound by the subdivision and development regulations;*
- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;*

(f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

ALSA Regional Plan

[40] There is no ALSA regional Plan.

Statutory Plans

[41] The Board notes that it is required to have regard for statutory plans under Section 680(2)(a.1) of the *Municipal Government Act*. The County's MDP governs the Parcel, and locates the Parcel within the Rural Agricultural Area and the Prime Agriculture Area South East.

[42] The Subdivision Authority objected to the creation of the Proposed Lot 2 and Lot 3 on the grounds that Policy 4.2.2 of the MDP limits subdivisions for non-agricultural developments in the Prime Agriculture Area South East to support grazing and extensive agricultural operations and aims to limit the fragmentation of agricultural lands into smaller parcels.

[43] The Appellant advised that they intended to use the Proposed Lot 2 and Lot 3 for agriculture, including raising livestock and growing small crops for agritourism.

[44] The Board has considered the provisions of the MDP when deciding whether to approve the subdivision. The Board has considered Policy 4.2.2 of the MDP. On the evidence before it, the Board is not persuaded that it should prevent the creation of a 27.6-acre parcel on the NW-35-50-01-W5 based upon Policy 4.2.2 of the MDP.

[45] As the maximum size for a residential parcel in the MDP is 10 acres, the Subdivision Authority determined that the subdivision should not be larger than 10 acres. However, the Board noted that there are no maximum or minimum parcel sizes for Cottage Industry in the MDP. As such, the Board must consider whether the circumstances of the case support the subdivision application.

Preserve Agricultural Land in Parkland County

[46] Policy 4.2.2 of the MDP states that subdivisions for non-agricultural developments should be limited in the Prime Agriculture Area South East to support grazing and extensive agricultural operations.

[47] The Board heard evidence that the Proposed Lot 2 and Lot 3 is currently used as pasture land. The Remnant Agricultural Parcel will continue to be used for agriculture. If the subdivision application is approved, much of the Proposed Lot 2 and Lot 3 will be used for agritourism and the Remnant Agricultural Parcel will continue to be farmed.

[48] The Board notes that nothing in the MDP requires that land in the Prime Agriculture Area South East be used exclusively for extensive agricultural operations. Rather, Policy 4.2.2 of the MDP provides that the Prime Agricultural Area South East "should retain large land

parcels to support grazing and specialty operations such as grain and crop farming while promoting diversification and expansion into new agricultural sectors.”

[49] A wide range of agricultural uses are compatible with Policy 4.2. As set out in section 4.1 of the LUB, many other types of agricultural uses are contemplated for land zoned AGG in the Prime Agriculture Area South East, including apiaries, abattoirs, agricultural support services, aquaculture, and specialized botanical production facilities.

[50] The Board heard evidence that the Appellant intends to use the Proposed Lot 2 and Lot 3 to raise livestock and small crops. The Board finds that the proposed uses of the Proposed Lot 2 and Lot 3 are compatible with Policy 4.2.2 as they are predominantly agricultural.

[51] The Board heard evidence that the northwest portion of the original quarter section, Lot 1, is not suitable for agricultural use due to its topography. The Remnant Agricultural Parcel will continue to be used for agricultural purposes.

[52] The Board heard no evidence that would suggest the uses of either the Proposed Lot 2 and Lot 3 or the Remnant Agricultural Parcel would be substantially changed by the proposed subdivision, and therefore, creating the Proposed Lot 2 and Lot 3 will not negatively impact the preservation of agricultural land in Parkland County.

Fragmentation of Agricultural Parcels

[53] Policy 4.2 of the MDP states that it aims to limit the fragmentation of agricultural lands into smaller parcels. Policy 4.2.2 states that “a total four (4) parcels are supported per quarter section.”

[54] Although the subdivision in question will create another lot, the MDP contemplates up to three subdivisions per original quarter section. The Proposed Lot 2 and Lot 3 will be the second subdivision from the original quarter section. The Board cannot find that a subdivision expressly contemplated by the MDP would create an unreasonable fragmentation of agricultural lands.

[55] If the Appellant proceeds with a further subdivision of the Future Residential Lot 2, that subdivision would be the third subdivision.

Land Use Bylaw

Uses for the Proposed Lots

[56] Section 680(2)(b) of the *Municipal Government Act* requires the Board to conform with the uses of land referred to in a land use bylaw. In the LUB, the Parcel is zoned Agricultural General District (AGG). The proposed use of the Proposed Lot 2 and Lot 3 is Cottage Industry, which is in accordance with the uses in the Agricultural General District (AGG), meeting the requirements of section 680(2)(b).

LUB Regulations

[57] The Board notes Section 4.1.3(a) of the LUB does not contain a minimum or maximum area for parcels intended to be used for Cottage Industry. In light of the fact that a 27.6-acre Cottage Industry parcel is not prohibited by the LUB, the Board considered whether the Proposed Lot 2 and Lot 3 would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. Having heard no evidence with respect to the effect of the Proposed Lot 2 and Lot 3 on the amenities of the neighbourhood or the use, enjoyment or value of neighbouring parcels of land, the Board is prepared to consider the proposed 27.6-acre subdivision.

Land Use Policies

[58] The Board heard no evidence that the proposed subdivision was in conflict with the Land Use Policies.

Subdivision and Development Regulations

[59] Section 7 of the *Subdivision and Development Regulations* states that the Subdivision Authority must consider the following characteristics of the land that is the subject of the application in making a decision as to whether to approve an application for subdivision:

- (a) its topography,
- (b) its soil characteristics,
- (c) storm water collection and disposal,
- (d) any potential for the flooding, subsidence or erosion of the land,
- (e) its accessibility to a road,
- (f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,
- (g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and building sites comply with the requirements of the Private Sewage Disposal Systems Regulation (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private sewage disposal systems as identified in section 4(4)(b) and (c),
- (h) the use of land in the vicinity of the land that is the subject of the application, and
- (i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose for which the subdivision is intended.

[60] The Board heard evidence that the Parcel meets the above criteria for subdivision, but that the road access along Township Road 510 would need to be widened in order to comply with Parkland County Policy C-PD03. The Board heard the evidence of the Appellant that they agreed with this condition and were prepared to undertake the road widening. In light of the evidence that the road access along Township Road 510 would need to be widened and the Appellant's consent to undertake this work, the Board accepts that the road access must be

widened in order to comply with Parkland County Policy C-PD03 and therefore imposes this condition.

[61] Based on the evidence provided, the Board is persuaded that the subdivided parcel is suitable for subdivision. Therefore, the Board is satisfied that the proposed subdivision meets the conditions set out in Section 7 of the *Subdivision and Development Regulations*.

Concerns over Future Use of the Proposed Lot 2 and Lot 3

[62] The Board heard evidence that the Subdivision Authority decreased the size of the proposed 27.6-acre subdivision to 10 acres because of concerns that the Cottage Industry use might not proceed. The Board noted that the Subdivision Authority presented no argument or evidence that the Cottage Industry use would not proceed, aside from the fact that there was currently no development permit application before the Development Authority.

[63] The Board infers from the Subdivision Authority's submissions that they are concerned that if the Appellant does not proceed with the proposed Cottage Industry use, that the Appellant will then have a 27-acre parcel that can be used as a country residential property, which would be contrary to the LUB.

[64] The Board is not prepared to speculate on future uses of the Proposed Lot 2 and Lot 3 and will only consider the application that is currently before it. The Board sees nothing untoward about the Appellant proceeding first with a subdivision application and waiting until they have title to the Proposed Lot 2 and Lot 3 before proceeding with a development permit application.

[65] The Board also notes that the Subdivision Authority appears to be taking the position that a Cottage Industry parcel may not be larger than the maximum permitted size for a residential parcel in the AGG. The LUB does not provide a limit on either the minimum or maximum size for a Cottage Industry (or many other) parcels. If it is the intention of the County to limit the size of non-residential parcels in the AGG, the LUB can be amended to reflect this.

[66] For the above reasons, the appeal is allowed and the subdivision application for the 27.6-acre parcel is approved.

Issued this 29th day of May, 2018 for the Parkland County Subdivision and Development Appeal Board



Jackie McCuaig, Chair
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to Section 688 of the Municipal Government Act, R.S.A. 2000, c.M-26.

This section requires an application for leave to be filed with the Court of Appeal of Alberta within 30 days of receipt of this decision.

APPENDIX "A"
REPRESENTATIONS

PERSON APPEARING

1. Carol Bergum, Director Planning and Development Services, Parkland County
2. Mary McInnes, Planner, Parkland County
3. Allysha Deweerd
4. Ron Deweerd
5. Todd Wagner

APPENDIX "B"
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

Exhibit	Description	Date	Pages
May 14, 2018 Agenda Package			
1.	Table of Contents and Agenda	May 8, 2018	1
2.	Letter of Appeal	April 17, 2018	7-8
3.	Submission of the Subdivision Authority	May 7, 2018	9-156
4.	Submission of the Appellant	May 7, 2018	157-160
5.	Parkland County Memo	February 21, 2018	161