

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
PARKLAND COUNTY**

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HEARING DATE: March 28, 2022
FILE NO.: 21-D-543

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] The Development Authority of Parkland County (the "Development Authority") approved development permit 21-D-543 sought by Anna Marocco and Ed Clague (collectively, the "Applicants") for trees that were cleared on lands legally described as Plan 3330NY, Lot 12 within SW-08-53-26-W4M, and municipally described as 11175 Spruce Valley Road, Parkland County (the "Lands").

[2] Specifically, the development permit approved tree clearing in the north portion of the Lands (the "Cleared Area"). Trees had also been cleared in the south and east portion of the Lands in conjunction with previously approved development permit 21-D-109, which authorized the construction of a shop and graveled pad. The trees cleared under the authority of development permit 21-D-109 are not the subject of this appeal.

[3] On February 28, 2022, Dave Ealey appealed development permit 21-D-543 on behalf of Wagner Natural Area Society (the "Appellant").

[4] The Subdivision and Development Appeal Board (the "Board") heard the appeal on March 28, 2022, via videoconference in accordance with the *Meeting Procedures (COVID-19 Suppression) Regulation*, AR 50/2020.

PRELIMINARY MATTERS

Board Members

[5] 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.

Exhibits

[6] At the beginning of the hearing the Chair confirmed that everyone in attendance had the hearing package prepared for the hearing. There was no objection to any of the exhibits which

had been submitted in accordance with the Board's hearing submission dates. The Board marked those exhibits received prior to the hearing as set out at the end of this decision.

Miscellaneous

[7] The appeal was filed in time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the "MGA").

[8] The Board is satisfied that it has jurisdiction to deal with this matter. There were no objections to the proposed hearing process. There were no preliminary matters raised at the beginning of the hearing.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[9] The Board denies the appeal but varies the development permit issued by the Development Authority by imposing new conditions on the development permit in addition to the conditions imposed by the Development Authority. For clarity, the development permit is issued subject to the following conditions:

1. The Applicants must plant new trees and vegetation on the north portion of the site in a density comparable to what existed before the trees were cleared. The trees and vegetation to be planted must be trees indigenous to the area. For clarity, this condition does not prevent the Applicants from planting non-indigenous trees, such as fruit trees in addition to indigenous trees and vegetation.
2. The Applicants may not plant any invasive species.
3. The proposed development shall conform to the stamped approved plans and shall not be moved, altered or enlarged except where authorized or directed through this permit approval.
4. The Applicants shall preserve all existing stands of trees and shrubbery outside the development area for environmental and sound attenuation purposes.
5. The Applicants shall not alter the natural drainage that creates any run-off onto adjacent properties.
6. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties.
7. The Applicants shall remove all garbage and waste at their own expense and keep the site in a neat and orderly manner.
8. Any proposed changes shall first be submitted for review by the Development Authority. Any changes considered substantial or inconsistent with this approval, as determined by the Development Authority, may require separate development permit approval.

9. Failure to comply with the conditions of this permit may result in the permit being cancelled, revoked or both.

SUMMARY OF HEARING

[10] The following is a summary of the oral and written evidence submitted to the Board. At the beginning of the hearing, the Board indicated that it had reviewed all the written submissions filed in advance of the hearing.

Development Authority

[11] The Lands are located at 11175 Spruce Valley Road, Parkland County, legally described as Plan 3330NY, Lot 12 within SW-08-53-26-W4M.

[12] The Lands are within the Osborne Acres subdivision and adjacent to the Wagner Natural Area and Surrounding Forest Environmentally Sensitive Area. The Lands are in a Major Employment Area as identified in the Municipal Development Plan Bylaw No. 2017-14 ("MDP") Development Concept, Figure 7. The Lands are not within a High Priority Landscape.

[13] The Acheson Industrial Area Structure Plan Bylaw No. 2020-13 (the "Acheson ASP") governs the Lands and identifies the Lands for residential use.

[14] The Lands are located within the CR – Country Residential District as described in Section 5.3 of the Land Use Bylaw 2017-18 ("LUB").

[15] The Applicants' application for a development permit related to the removal of dead standing trees, trees affected by carpenter ants, and vegetation impacted by the removal of a substantial accumulation of junked items left by the previous owner. The Applicants also indicated that in the spring of 2022, they would plant new trees on the Lands (collectively, the "Proposed Development").

[16] The Development Authority received the application on December 22, 2021, as part of an enforcement file. At the time the application was made, the trees had already been cut down. The Development Authority deemed the application complete on January 11, 2022 and approved the development permit on February 7, 2022.

- [17] The Applicants submitted the following items in support of the application:
- a. Application Form
 - b. Land Title
 - c. Labeled site plan
 - d. Reasons for clearing and description of vegetation to be cleared
 - e. Project schedule
 - f. Means of timber disposal
 - g. Plans for site restoration

[18] In reviewing the application, the Development Authority determined the use of the Cleared Area to be Tree Clearing. Tree Clearing is a discretionary use on the Lands as outlined in Section 11.9 of the LUB. The Development Authority determined that the Proposed Development satisfied the applicable LUB regulations under Section 11.9.

[19] Under Section 11.9.6(b) of the LUB, the Development Authority has discretion to require a biophysical assessment for a site located within 0.8 kilometres of an environmentally significant area as defined in Parkland County's Environmental Conservation Master Plan (the "ECMP"), or if the site contains natural features such as sloughs or extensive tree cover. It is not mandatory for the Development Authority to require a biophysical assessment if the above conditions are met.

[20] The Development Authority determined that the Lands were located within 0.8 kilometres of an environmentally sensitive area defined in the ECMP. The Lands previously had extensive tree cover as shown in aerial imagery, although the Lands had been cleared when the Development Authority received the application. Ultimately, the Development Authority did not require a biophysical assessment.

[21] The Development Authority approved the application because tree clearing is an allowable use in the CR – Country Residential District; a number of trees removed were dead standing trees and trees affected by carpenter ants; and new trees will be planted in the spring of 2022 as per the Site Plan. The Development Authority submitted that the Board should uphold the Development Authority's decision and conclude that the Proposed Development meets the requirements of the LUB.

[22] In response to questions from the Board, the Development Authority advised as follows:

- a. Traditionally, a development permit is required before Tree Clearing is conducted; and
- b. Members of the public may call Parkland County with information that someone has contravened a development permit or is acting without a development permit. Parkland County then opens an enforcement file to determine whether approval for the development is in place.

Appellant Dave Ealey, Agent for Wagner Natural Area Society

[23] The Appellant, Wagner Natural Area Society ("WNAS"), is a volunteer steward organization responsible for the management of Wagner Natural Area. WNAS holds a provincial recreational lease and a provincial water licence for Wagner Natural Area. Mr. Ealey is the president of the WNAS and spoke on its behalf.

[24] The Appellant opposed the Proposed Development proposed in application 21-D-543 but also acknowledged that the trees had already been removed. Mr. Ealey claimed that the true extent of the Proposed Development exceeded what was described in the application. He attached a 2015 aerial image obtained from Google Earth, which he described as showing a 40 – 50 metre area across the Cleared Area containing mostly live trees. Mr. Ealey expressed

doubts that the trees removed were all dead trees. Mr. Ealey suggested that tamarack trees do not have needles in the winter and may have been considered dead by mistake.

[25] Mr. Ealey questioned the carpenter ant infestation as justification for the Proposed Development. He presented a letter from a Pest Management Coordinator at the City of Edmonton, which noted that carpenter ants are an important part of the forest ecosystem and help recycle organic material back into the forest. Unlike termites, carpenter ants do not eat wood, but burrow into soft, wet, or decaying wood to build nests. The letter described carpenter ants as a symptom of a tree's decline, not the cause.

[26] The Appellant was concerned about the impacts of the Proposed Development on ecosystems adjacent to and within Wagner Natural Area. Generally, Mr. Ealey expressed disappointment that WNAS was not consulted before completion of the Proposed Development.

[27] In the past, the Applicants admitted to digging a trench on the Lands, and the Appellant was concerned that the Applicants were attempting to divert water from the Lands. The Proposed Development had exposed waterlogged soil, which would have been part of the natural water cycle and managed by the extensive root system of the forest.

[28] In the Appellant's view, the Proposed Development was inconsistent with Parkland County's environmental policies, ECMP, and the LUB. Mr. Ealey would have liked to see additional documents informing the development permit application, such as the biophysical assessment referred to in Section 11.9.6 of the LUB, a comprehensive site restoration plan, and a plan for physical management of groundwater, surface water and storm water.

[29] Mr. Ealey concluded by stating that WNAS does not want inappropriate activity occurring along the border of Wagner Natural Area. He stated that Parkland County can consider the removal of trees along a designated natural area as inappropriate, especially within a CR – Country Residential District. WNAS looks to Parkland County to enforce a sustainable conservation plan.

[30] In response to Board questions, Mr. Ealey advised as follows:

- a. The letter from a Pest Management Coordinator at the City of Edmonton was intended to provide background information on carpenter ants. There are numerous species of ants in the Wagner Natural Area that serve a variety of roles (for example, as decomposers). The WNAS felt it was appropriate to have information about carpenter ants in its package;
- b. The ECMP is a plan produced by Parkland County that outlines its commitments to conserve the natural areas. Mr. Ealey produced excerpts of the ECMP in his submission to the Board; and
- c. Osborne Acres is located within a setback shown on Map 6 "Future Land Use Concept" in the Acheson ASP.

Applicants Anna Marocco and Ed Clague

[31] The Applicants, Anna Marocco and Ed Clague, each made submissions to the Board. They agreed with the Development Authority's submissions that the Lands were subject to the Acheson ASP and that the Lands were zoned as CR – Country Residential. The Lands are not located within an environmentally sensitive area defined in the ECMP.

[32] After acquiring the Lands, the Applicants planned to renovate the existing home and the Lands. During renovation, the Applicants found carpenter ants in the home and the garage. An exterminator came to the home and said that the carpenter ants were living in the home and in nearby trees that were soft and decaying. Having spent a lot of money on renovations, the Applicants decided to remove the soft, decaying trees to prevent further carpenter ant infestations.

[33] When the Applicants began renovations, there were a lot of junk items on the Lands, such as used oil, used antifreeze and metal drums that would have negatively affected the Wagner Natural Area. The Applicants incurred a lot of expenses to remove the junk items, and in doing so, benefited the adjacent properties. Further, there were many big black poplar trees that fell and made a mess. The Applicants felt they were doing their neighbours a favour by cleaning up the downed trees.

[34] Before completing the Proposed Development, the Applicants spoke with their real estate agent and a Parkland County staff member, who all advised that Tree Clearing is a discretionary use on the Lands, and that the Applicants could remove the trees. The Applicants stated that there were no caveats or other restrictions registered to the Lands that prohibited tree clearing, as evidenced by the fact that the Applicants had cleared trees for another development.

[35] In their written materials, the Applicants explained that they thought the Proposed Development was encompassed in a previous development approval they had obtained. They did not realize they needed a separate development permit for the Proposed Development until they were advised by Parkland County.

[36] The Applicants stated that they selectively cleared the trees as best they could. They stated that the 2015 aerial image does not accurately depict the degree of forest cover present before the trees were removed, but that they did not have an aerial image available from 2021. The Applicants also stated that the Cleared Area is fairly wet, and the Applicants would like them to be usable. The Applicants plan to plant grass in the Cleared Area.

[37] The Applicants clarified that they had been required to install a culvert on the Lands when they put in a new approach. The Applicants confirmed that they had a development permit to put in the approach, and that the approach and culvert were inspected. The trench had not been to divert water flow. Rather, overgrown grass and silt prevented the water from flowing. Due to the culvert, the water is flowing again.

[38] The Applicants submitted that they had provided all of the information required by Section 11.9.5 of the LUB. They noted that the Development Authority was required by Section 11.9.6 of the LUB to "have regard for the environmental significance of the area to be cleared

and the potential impacts on adjacent lands.” In the Applicants’ view, Conditions 2, 3, and 4 of development permit 21-D-543 demonstrated that the Development Authority complied with Section 11.9.6 of the LUB. The Applicants submitted that the conditions as a whole are sufficient to address the environmental considerations applicable to this case.

[39] In response to the Board’s questions, the Applicants indicated that:

- a. In addition to grass, the Applicants would plant new trees;
- b. A representative from Parkland County said that tree clearing was a discretionary use. This was interpreted to mean that there was no need for a permit from Parkland County;
- c. The Applicants do not have photos of the Lands from 2021 as the real estate agent had used Google Earth photos from 2015 in the listing; and
- d. The Applicants were aware of Wagner Natural Area when they purchased the land, but not of the environmental significance of the Wagner Natural Area.

FINDINGS OF FACT

[40] In addition to the specific facts set out under the Board’s reasons, the Board finds the following as facts.

[41] The Lands are located in Parkland County at 11175 Spruce Valley Road, legally described as Plan 3330NY Lot 12 within SW-08-53-26-W4M, and are within the Osborne Acres subdivision, south of Wagner Natural Area.

[42] The Lands are located within the CR – Country Residential District of the LUB.

[43] The use of the Proposed Development is Tree Clearing.

[44] Tree Clearing is a discretionary use in CR – Country Residential District.

[45] The Appellant, Wagner Natural Area Society, is an affected person.

[46] The Applicants, Anna Marocco and Ed Clague, are affected persons.

REASONS

Jurisdiction

[47] The Board notes that its jurisdiction is found in section 687(3) of the MGA. In making this decision, the Board has examined the provisions of the LUB and has considered the oral and written submissions made by and on behalf of those who provided evidence: the Development Authority, the Appellant and the Applicants.

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

- (a) repealed 2020 c39 s10(52);
- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- (b) must have regard to but is not bound by the subdivision and development regulations;
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

Affected Persons

[48] The first question the Board must determine is whether those appearing and speaking before the Board are affected persons. The Board notes that there was no objection made to those making submissions to the Board.

[49] The Appellant, the WNAS, is a volunteer steward organization for Wagner Natural Area. The Lands are immediately adjacent to the Wagner Natural Area. The WNAS has a provincial recreational lease and provincial water licence in the Wagner Natural Area. The Board finds that due to the WNAS's interest in the Wagner Natural Area, and due to the proximity of the Lands, the WNAS is affected by the development permit issued by the Development Authority.

[50] As the Applicants' development permit is under appeal, the Applicants are also affected by this appeal.

Statutory Plans

[51] The Board acknowledges that in determining the appeal, the Board must comply with any applicable statutory plans, such as the MDP or the Acheson ASP.

[52] The Appellant argued that the Proposed Development conflicted with various Parkland County environmental policies and the ECMP. Though the Board can consider the environmental policies and the ECMP as relevant planning considerations, the Board is not required to comply with them as they are not statutory plans.

[53] With respect to the MDP, the Development Authority indicated that the Lands are located within a Major Employment Area as identified by the Development Concept, Figure 7 in the MDP. The Lands are not identified as within a High Priority Landscape. The Board finds that the use of these lands for a residential purpose and the Proposed Development is not contrary to the terms of the MDP because there is nothing inconsistent about a residential use in a major employment area.

[54] The Development Authority also stated that the Lands are governed by the Acheson ASP and identified for residential use. The Board noted that neither the Appellant nor the Applicants had any submissions contrary to the submission of the Development Authority. The Board finds as a fact that the Lands are within residential areas noted in the Acheson ASP and as a result, the use of the Lands for a residential purpose and for the Proposed Development is consistent with the Acheson ASP.

[55] Section 2.2 of the Acheson ASP describes site buffers that are required between residential areas and commercial or industrial lots. It does not require site buffers between residential areas and environmental areas. Section 2.7 describes Special Study Area – Agricultural Area A located to the south and the west of Wagner Natural Area. Section 2.7.1 describes future studies that will be conducted to identify buffers along the Wagner Natural Area. There was no evidence before the Board to suggest that the Lands were located within Special Study Area – Agricultural Area A.

[56] Since the Lands are being used for residential purposes, they meet the intention of the Acheson ASP. In addition, the Board finds that the Proposed Development is consistent with the Acheson ASP because there are no requirements for site buffers for the Lands.

Land Use District

[57] The Lands are zoned as CR – Country Residential.

Nature of the Use

[58] The Development Authority determined that the use of the Lands described in application 21-D-543 is Tree Clearing. There was no argument before the Board that the Proposed Development was anything other than Tree Clearing.

[59] The Board considered Section 11.9 of the LUB and agrees that the use is Tree Clearing. A development permit is required under Section 11.9.1 of the LUB because the exemptions listed in Section 11.9.2 and Section 11.9.3 do not apply.

[60] Tree Clearing is a discretionary use in CR – Country Residential District as provided in Section 11.9.1 of the LUB.

Is Tree Clearing compatible with neighbouring uses?

[61] Having concluded that the use is discretionary in a CR – Country Residential District, the Board must consider whether the Proposed Development is compatible with neighbouring uses as referenced in *Rossdale Community League (1974) v. Edmonton (Subdivision and Development Appeal Board)*, 2009 ABCA 261:

[14] The object and purpose of a discretionary use is to allow the development authority to assess the particular type and character of the use involved, including its intensity and its compatibility with adjacent uses.

[62] The Board first notes that the test of compatibility indicates that the question is compatibility with adjacent uses, and not just the uses of an appellant's parcel. The Board will examine the question of compatibility generally, and then examine the specific concerns identified by the Appellant to assess whether, on the evidence before it, the Board is satisfied that the Tree Clearing is compatible with the adjacent uses.

[63] In its submissions, the Development Authority stated that the Proposed Development is an allowable use in the CR – Country Residential District; a number of the trees removed were dead standing trees and trees affected by carpenter ants; and the planting of new trees will site and habitat restoration purposes. From these submissions, the Board inferred that the Development Authority considers the Proposed Development to be compatible with neighbouring uses.

[64] The Applicants' position was that Tree Clearing is an allowable use in the CR – Country Residential District; they would be planting new trees and grass in the Cleared Area; and they had removed dead trees and trees affected by carpenter ants to prevent further carpenter ants infestations in their house. From these submissions, the Board inferred that the Applicants also consider the Proposed Development to be compatible with neighbouring uses.

[65] The Board first notes that the area in which the Applicants' lands are located are zoned CR – Country Residential. The Board notes that tree clearing is not an unusual activity in a County Residential district and thus this supports a conclusion that tree clearing is compatible with the neighbouring uses. Further, the evidence of both the Development Authority and the Applicants is that this activity is not unusual within a CR – Country Residential District. The Board accepts that CR – Country Residential landowners would do maintenance around their properties and that could include tree clearing. As such, in relation to the general question of whether Tree Clearing is compatible with the other CR – Country Residential uses, the Board finds that such a use is compatible.

[66] However, the Board also wishes to examine the question of compatibility with the Wagner Natural Area, which is also adjacent to the Lands. The WNAS raised several concerns regarding the impact of the Proposed Development on the ecosystems within and adjacent to Wagner Natural Area. WNAS' concerns broadly encompassed impacts to water cycles and local flora and fauna. In the Appellant's view, the impacts of the Proposed Development are incompatible with the conservation purposes of the Wagner Natural Area and Surrounding Forest Environmentally Significant Area. The Board considered the Appellant's concerns to determine whether they affect the Proposed Development's compatibility with neighbouring

uses, both in the context of the other uses, as well as the lands for which the Appellant expressed concern.

Water Cycle

[67] The Appellant stated he was concerned about the impact of the Proposed Development on various hydrological systems in the Wagner Natural Area and Surrounding Forest Environmentally Significant Area including stormwater, runoff, and groundwater systems. The Appellant's evidence largely consisted of ECMP excerpts, which spoke generally to potential impacts of development within the Acheson ASP area on groundwater systems (see e.g. agenda package page 46/59).

[68] The Board noted that while there may be a concern about stormwater, runoff and groundwater systems there was insufficient evidence for the Board to draw specific conclusions about the impact caused by the Proposed Development. The Board did note that the trees had been cleared, and that the images before the Board in the Appellant's written submissions suggested that the trees had been bulldozed rather than selectively removed (see agenda package, page 55/59). Although the Appellant's submissions were that the soil was "waterlogged" and that the forest's root system played a role in managing the groundwater cycle, the Board was not persuaded that these concerns raised the issue to one of incompatibility because the evidence was that the trees had been cleared, but the evidence did not indicate that there had been an impact on the hydrological systems from the time of removal of the trees to the date of the hearing. Although the Board appreciates the concerns about the stormwater, runoff and groundwater systems, the Board finds the evidence insufficiently compelling to conclude that tree clearing, which is an activity in CR districts, is incompatible, even with the nature of the Wagner Natural Area.

[69] The Board noted that the Applicants committed to planting new trees. The evidence before the Board was that the Applicants planned to plant a mixture of deciduous, coniferous, and fruit trees on the Lands. At the hearing, the Applicants gave evidence that they also wanted a grassy area. The Board is of the view that the conservation of local water systems in the adjacent Wagner Natural Area and Surrounding Forest Environmentally Sufficient Area can be supported by having the Applicants replant a sufficient number of trees which will assist in the water management of the area. The Board is of the view that imposing the below conditions will address the question of possible incompatibility, particularly because the trees have already been removed as of the date of the hearing.

- a. The Applicants must plant new trees and vegetation in the Cleared Area that are native to the area (such as white spruce and willow trees) in a density comparable to that which existed before the trees were cleared.
- b. The Applicants must plant the new trees and vegetation referred to in (a) in the Cleared Area by no later than June 30, 2022.

[70] In the Board's view, these conditions will sufficiently address the Appellant's concerns regarding the Proposed Development's potential impact to the local hydrological cycle.

Impact on local flora and fauna

[71] The Appellant also had concerns with respect to the impacts of the Proposed Development on local flora and fauna. The ECMP excerpts submitted by the Appellant described generally that Wagner Natural Area is an important habitat area for a number of wildlife species and contains a number of rare plant species sensitive to changes in environmental conditions (e.g. agenda package, page 47/59).

[72] The Appellant also indicated a concern about the risk that invasive species of non-native vegetation might be planted, which would have a negative impact on the Wagner Natural Area which would lead to the incompatibility of the Tree Clearing with the adjacent area for which the Appellant is responsible.

[73] In assessing this concern, the Board considered the fact that the trees were already cleared and that the images before the Board in the Appellant's written submissions suggested that the trees had been bulldozed rather than selectively removed. As the Appellant had written, the Board cannot bring back the mature trees that used to exist on the Lands, but it is within the Board's abilities to require that the Applicants replant trees to replace those removed.

[74] The Board notes that the issue of invasive species is a significant one. However, the Board is of the opinion that requiring the Applicants to plant certain trees in the Tree Clearing Area should provide assurance to the Appellant that the Applicants will restore the Tree Clearing Area as much as possible. The Board is also of the view that by requiring the replanting of native species trees, the potential concern about invasive species can be alleviated, and thus will address concerns about potential incompatibility. In imposing a condition in relation to planting "indigenous species", the Board is attempting to balance the interests of the Appellant in knowing that the vegetation in the Lands adjacent to the Wagner Natural Area will be non-invasive, while allowing the Applicants to avoid further onerous enforcement measures due to its Tree Clearing activities. The Board considered whether some other remedy could be imposed. However, the Board had no evidence upon which to make this determination. As a result, the Board is of the opinion that the condition regarding native species of trees should address this concern.

[75] Since this replanting is a condition of the development permit, if the Applicants fail to replant native trees in the Tree Clearing Area by June 30, 2022, the Applicants would be in breach of the condition of their development permit approval and may face a stop order issued by Parkland County. The Board is of the view that including this condition would prevent the spread of invasive species of non-native vegetation onto the Wagner Natural Area and encourage biodiversity on adjacent Lands.

Conclusion

[76] Having considered the evidence and the arguments before it, the Board is satisfied that with the imposition of the additional conditions found as paragraph [9]1 and [9]2, the Proposed Development is compatible with neighbouring uses. For these reasons, the Board denies the appeal, and upholds the Development Permit on the same conditions as issued by the Development Authority, with additional conditions.

[77] Issued this 7th day of April 2022 for the Parkland County Subdivision and Development Appeal Board.



B. Williams, Clerk of the SDAB, on behalf of M. Chambers, 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, RSA 2000, c M-26.

APPENDIX "A"
REPRESENTATIONS

PERSONS APPEARING

1. Rachelle Trovato – Development Authority
2. Dave Ealey – Agent for the Wagner Natural Area Society, Appellant
3. Anna Marocco and Ed Clague – Applicants
4. Kayla Gunnarson, Observer
5. Claudia Palylyk, Board Member of Wagner Natural Area Society, Observer

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

March 28, 2022 Agenda Package			
Exhibit	Description	Date	Pages
1.	Agenda Coversheet	March 24, 2022	1
2.	Table of Contents	March 24, 2022	2
3.	Notice of Appeal – Wagner Natural Area Society	February 28, 2022	3-5
4.	Submission of the Development Authority	March 22, 2022	6-38
5.	Submission of the Appellant – Wagner Natural Area Society	March 22, 2022	39-55
6.	Submission of the Applicant – Anna Marocco and Ed Clague	March 22, 2022	56-59