

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
PARKLAND COUNTY**

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HEARING DATES: June 3, 2019 and July 8, 2019
FILE NO.: 19-S-003

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

1. The Subdivision Authority of Parkland County (the "County") approved a subdivision application for Lot 1, Block 1, Plan 072 2395 within SE-29-53-1-W5M (the "Parcel") with nine conditions (the "Subdivision Approval"). The Appellant, Randall Jacob Adam, appealed conditions of the Subdivision Approval.

PROCEDURAL MATTERS

2. The Subdivision and Development Appeal Board (the "Board") heard the appeal on June 3, 2019 and July 8, 2019. After the Subdivision Authority made their oral submissions to the Board on June 3, 2019, the Appellant's agent, Frank Florkewich, with Tri-F Consulting, alluded in his oral submissions that the Appellant required more time to make a fulsome presentation. The Board caucused, and upon reconvening asked Mr. Florkewich if the Appellant wished for an adjournment. Mr. Florkewich confirmed to the Board that the Appellant required further time to review the Agenda Package. The Subdivision Authority did not object to the adjournment. As a result, the Board granted an adjournment and set the matter to reconvene on July 8, 2019.

PRELIMINARY MATTERS

A. Board Members

3. At the outset of the appeal hearing on June 3, 2019, 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.
4. When the hearing reconvened on July 8, 2019, Dylan Smith, the Board's Chair, disclosed to the parties that he is employed with Urban Systems Ltd.. He informed the parties that Urban Systems Ltd. has dealings with Mr. Florkewich, but it was on a separate project and involved a separate team at Urban Systems Ltd.. The parties confirmed they had no concerns with Mr. Smith continuing as the Chair of the Board.

B. Exhibits

5. The Board marked the exhibits as set out at the end of this decision.

C. Miscellaneous

6. 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 "MGA").
7. 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

8. The Board denies the appeal and upholds the Subdivision Authority's decision to grant the subdivision application with the following nine conditions:

1. The January 16, 2019 tentative plan of subdivision shall be revised so that the property boundaries of Lot 2 (southeast corner) and Lot 3 (southwest corner) include 6.0 meter corner-cuts for the 'Future Road' as part of the Remnant of Lot 1, Block 1, Plan 072 2395.

2. 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.

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

- (a) Ensure the existing shared field approach and culvert off Range Road 14 to Certificate of Title 072 160 660 +1 (Pt. SE-29-53-1-W5) and the Remnant of Lot 1, Block 1, Plan 072 2395 meets Engineering Standard Drawing No. 7.12. The shared field 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 3.5 from the edge of the roadway with a radii of 10.0 meters. An Access Easement will be required to support the shared field approach, refer to Condition 5; and

- (b) Individual approaches to Lot 2 and Lot 3 off the end of Green Acres Drive as shown on the January 16, 2019 tentative plan is NOT permitted. In contrast, a single shared approach shall be constructed off the end of Green Acres Drive with a private drive to be constructed north within the remnant of Lot 1 ('Future Road'). Individual approaches can then be constructed off the private drive to Lot 2 and Lot 3. An ACCESS EASEMENT will be required to be registered against the three land titles; refer to Condition 6. The shared approach off

Green Acres Drive is to be constructed as per Parkland County Engineering Design Standard Drawing 7.12. The shared approach is to have a 400mm diameter CSP culvert with rip rap rock, topsoil and seed added to each end with a radii of 10.0m. The private driveway and single approaches to Lots 2 and 3 are to be constructed and gravelled to the property line of Lot 2 and Lot 3 to the satisfaction of the County. The landowner and their contractor are to contact a Land Development Engineering Officer to review these requirements prior to construction.

Some ditch grading work may be required to accommodate a culvert for the new approach(es). The landowner is to ensure correct culvert sizing and minimum depth of cover is maintained. Consideration when locating an approach must be made for the 90 meter spacing from adjacent and opposite approaches, including the future intersection of Township Road 534 and Green Acres Drive to maintain safe sight distances. All approaches shall contain an apron equivalent to the surface of the adjacent roadway. No disturbance or grading is to adversely affect existing natural drainage areas and shall be done in a manner to ensure there is no cross lot drainage. Please contact a Land 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, 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 9(b) of the Subdivision and Development Regulation, an Access Easement respecting the shared approach off the extension of Green Acres Drive and future Township Road 534 shall be prepared to the satisfaction of Parkland County and registered against proposed Lot 2, Lot 3 and the Remnant of Lot 1, Block 1, Plan 072 2395.

6. Pursuant to Section 9(b) of the Subdivision and Development Regulation, an Access Easement respecting the existing shared dual approach off Range Road 14 shall be prepared to the satisfaction of Parkland County and registered against Certificate of Title 072 160 660 +1 (Pt. SE-29-53-1-W5) and the Remnant of Lot 1, Block 1, Plan 072 2395, as shown on the tentative plan dated January 16, 2019.

7. Pursuant to Section 661 of the Municipal Government Act, an additional 5.0 meters of road widening is required in addition to the 5.0 meters of widening shown on the January 16, 2019 tentative along the entire southern boundary of Lot 2, Lot 3 and the Remnant of Lot 1, Block 1, Plan

072 2395 adjacent to Township Road 534 (future Arterial Roadway, Transportation System Bylaw No. 2015- 31) for a total of 10.0 meters of widening.

8. Pursuant to County Policy C-PD15 and Sections 663 and 669 of the Municipal Government Act, all municipal reserves owing shall be deferred to the proposed Remnant of Lot 1, Block 1, Plan 072 2395 and registered against title by Deferred Reserve Caveat. Existing Deferred Reserve Caveat No. 072 160 611 shall be updated to reflect the revised titled area.

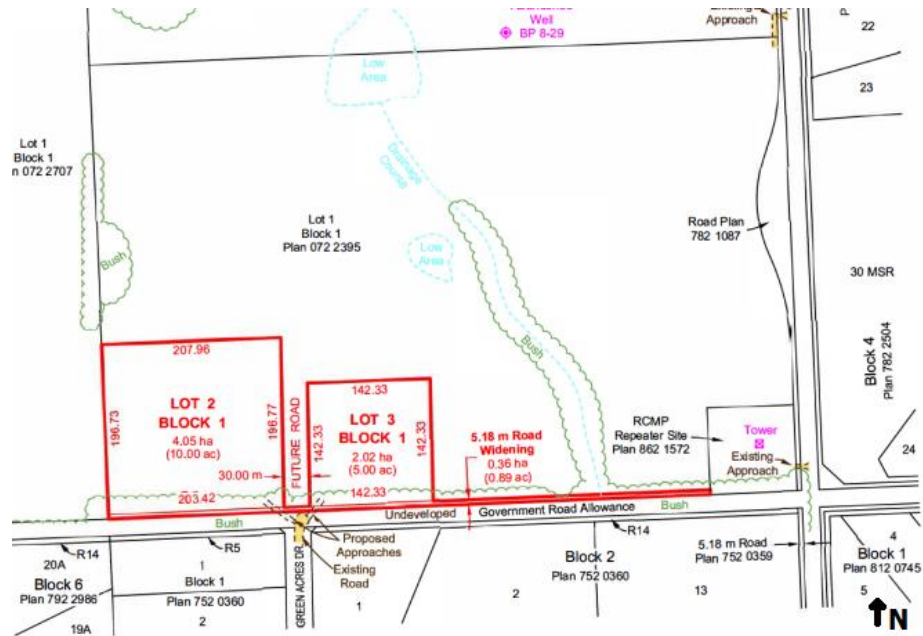
9. The subdivision shall be registered in a manner acceptable to the Registrar of Land Titles. An endorsement fee of \$1,014.00 (subject to change) is payable when the final plan is submitted for endorsement by Parkland County. No endorsement fee is charged for reserve lots or public utility lots. If 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

9. 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

10. The Board heard from the Subdivision Authority on June 3, 2019 and July 8, 2019.
11. The Subdivision Authority submitted that it had approved the Appellant's subdivision application on March 12, 2019 to create two residential lots, Lot 2 and Lot 3, and one remnant rural agricultural parcel (the "Remnant Parcel") from Lot 1, Block 1, Plan 072 2395.
12. Along the southern boundary of the Parcel, the road labeled "Undeveloped – Government Road Allowance" is Township Road 534. Along the eastern boundary, the Parcel borders Range Road 14. In the County's long-term roadway network as established under the County's Transportation System Bylaw 2015-31 ("Transportation Bylaw") (Exhibit 23), Township Road 534 is classified as a future Arterial Road and Range Road 14 is classified as a Local Grid Road.
13. Lot 2, Lot 3, the Remnant Parcel, Township 534 and Range Road 14 are located in the County as follows:



14. The Appellant proposed that access to Lot 2 and Lot 3 be constructed at a 45 degree configuration at the south east corner of Lot 2 and south west corner of Lot 3, where Green Acres Drive meets Township Road 534 and where the Future Road would continue north once constructed.
15. While the Subdivision Authority granted the subdivision, it did not accept that proposal from the Appellant regarding the individual approaches to Lot 2 and Lot 3, as it was contrary to the County's Engineering Design Standards (the "Design Standards") (Exhibit 6, pages 45 to 53) and the Transportation Bylaw (Exhibit 6, page 93).
16. Instead, the Subdivision Authority imposed conditions to ensure the access and approaches to Lot 2 and Lot 3 were consistent with the Design Standards and the Transportation Bylaw. Accordingly, the Subdivision Authority proposed a "Dual Approach" where a single shared approach is constructed at the intersection of Green Acres Drive and Township Road 534 with a private drive to be constructed extending north within the Future Road. This Dual Approach would ensure that access to Lot 2 and Lot 3 is constructed off the Future Road at a 90 degree angle, as specified in section 7.3.4 of the Design Standards.
17. The Subdivision Authority noted that the Board does not have the authority to grant a variance to the Design Standards. However, if the Board chose to approve the subdivision and allow the construction of two individual approaches to Lot 2 and Lot 3 from Green Acres Drive, the Board would be waiving the requirement of the landowner to comply with the Design Standards.
18. The Subdivision Authority provided a rationale for each of the nine conditions imposed (Exhibit 6, pages 12 to 15). In summary, the rationale for each of the reasons as provided in the written and oral submissions were:

Condition 1	is required to ensure adequate sightlines and turning radius for when the Future Road is developed and connects with Township Road 534, making it consistent with the Design Standards. The access proposed by the Appellant would not conform to the Design Standards.
Condition 2	is a standard condition placed on all subdivision approvals as required by the MGA.
Condition 3(a)	is a standard condition placed on all subdivisions to ensure compliance with the Design Standards. In addition, the Access Easement provides legal access to the Remnant Lot, as required by subsection 7(e) and section 9 of the Subdivision and Development Regulation. Similar examples of approach configurations have been implemented elsewhere in the County.
Condition 3(b)	<p>is required to ensure compliance with the Design Standards and subsection 7(e) and section 9 of the Subdivision and Development Regulation. The individual approaches to Lots 2 and Lot 3 do not meet County standards and a dual approach is required to be constructed from the end of Green Acres Drive with a private drive constructed extending north within the remnant of Lot 1 (Future Road). Individual approaches can then be constructed from the private drive to Lot 2 and Lot 3.</p> <p>Under s. 7.3.1 and Table 7.1 of the Standards, spacing must meet the minimum requirements, 200 meters, between accesses from an Arterial Road, which is why a dual approach was necessary rather than individual approaches to Lot 2 and Lot 3. Further, a Dual Approach would ensure that access is constructed off the Future Road at a 90 degree configuration, as specified under s. 7.3.4 of the Design Standards.</p>
Condition 4	is a standard condition placed on all subdivisions to ensure appropriate addressing is assigned and posted for each lot, as required by the Buildings, Properties, and Road Naming Bylaw 2015-30.
Conditions 5 and 6	as shared access is proposed, this condition ensures legal access is obtained by registering an Access Easement on the titles of Lot 2, Lot 3, and the Remnant Parcel, pursuant to subsection 9(b) of the Subdivision and Development Regulations.

Condition 7	Township Road 534 is identified as a future Arterial Roadway in the Transportation Bylaw. As an Arterial Road, it has a required right-of-way of 40.0 meters and an additional 5.0 meters of road widening is required for a total of 10.0 meters widening along the entire southern boundary of the Parcel. This requirement is pursuant to section 661 of the MGA and County Policy C-PD03.
Condition 8	is required when Municipal Reserve is required to be dedicated, however land dedication is considered premature at this time. As such, Municipal Reserve shall be dedicated by way of a deferred reserve caveat against the Remnant Lot pursuant to sections 663 and 669 of the MGA and County Policy C-PD-15.
Condition 9	is a standard condition placed on all subdivision applications requiring an endorsement fee, pursuant to the County's 2019 Fees and Charges Bylaw 2018-14. The requirement for a final plan is pursuant to County Policy C-PD03.

19. The Appellant provided the Subdivision Authority with a Wetland Assessment and Impact Report dated October 30, 2018 by Altus Group (the "Wetland Report") (Exhibit 6, pages 70 to 90). The Subdivision Authority submitted that the proposed property subdivision had the potential to impact a portion of the wetland from construction of an access road, which may cross through the wetland. The wetland was identified as seasonal marsh and returned a relative wetland value of "D". The Wetland Report stated that the wetland area is situated such that avoidance of it is not feasible or possible. The Wetland Report recommended that the landowner pay the in-lieu replacement fee and apply for a *Water Act* approval to permanently impact a portion of this wetland. Despite the need for a permit under the Water Act, the Subdivision Authority submitted that the requirements for access remain unchanged.
20. In response to questions from the Board, the Subdivision Authority provided the following information:
- a) The Subdivision Authority was unsure when Township Road 534 would be constructed and become an arterial road, other than the Transportation Bylaw had identified it as so.
 - b) The County is trying to create safer, more stream-lined traffic routes. With Township Road 534 being a future arterial road, the County expects traffic to increase on that road. If the number of approaches are reduced, there will be a reduction in places where motor vehicles are entering onto and exiting from Township Road 534. By reducing these instances, the County is ensuring there is less disruption of traffic that may lead to accidents.

- c) Range Road approaches onto the Yellowhead Highway are expected to be closed in the future, and this will cause traffic to use Township Road 534 as an arterial road. Due to the anticipated high volumes of traffic, multiple approaches onto and off of Township Road 534 are ill-advised from a safety point of view.
- 21. The Subdivision Authority determined that the subdivision application was consistent with Policy 7.1.1(a) of the Municipal Development Plan Bylaw 2017-14 ("MDP"), supporting country residential uses within the Country Residential Area. (Exhibit 22)
- 22. The Subdivision Authority determined that the subdivision application was consistent with the Glory Hills Area Structure Plan Bylaw 7-79 ("ASP"), supporting the creation of the new residential parcels on private services on the Parcel.
- 23. The Subdivision Authority determined that the subdivision application was consistent with s. 5.3(3)(a) of the Land Use Bylaw 2017-18 ("LUB") as it meets the requirements of subdivision relating to residential parcels being between 0.8 ha and 4.0 ha in size.

Appellant - Randall Jacob Adam

June 3, 2019

- 24. The Board heard from Mr. Florkewich, speaking on behalf of the Appellant on June 3, 2019.
- 25. Mr. Florkewich submitted that Mr. Adam wished to subdivide his Parcel and have individual access to Lot 2 and Lot 3. Mr. Adam, however, was unclear as to how the conditions of the subdivision approval would affect his plans to access each lot separately.
- 26. Mr. Adam was concerned that he had to apply for a permit under the *Water Act* to satisfy the conditions for the Subdivision Approval because the Dual Access specified by the Subdivision Authority would impede on a wetland close by. Mr. Adam was unsure whether he would get approval under the *Water Act*, which is necessary for subdivision to take place. He submitted that the Wetland Report suggested that the water may be pushed onto Township Road 534 and that there may be a wetland issue.
- 27. Mr. Adam believed that there was not enough time before the hearing to have the appropriate surveys completed and, in turn, the drainage engineer could not provide an analysis of the area.
- 28. In response to questions from the Board, Mr. Florkewich responded as follows:
 - a) If the Appellant has to drain the water, the process may be costly and time consuming.
 - b) The Appellant provided an email from Jackie Gemmill at the Altus Group which stated "Infilling what we had determined earlier for the approach/road would cost \$1,839.33. Infilling for the entire wetland would cost \$3,541.14." (Exhibit 5).

- c) If the costs are correct and it is approximately \$3,500 and \$1,800 for the process, then it may be affordable for Mr. Adam, but the total costs are unclear at this time.
29. At this point, the hearing was adjourned until July 8, 2019 to allow the Appellant time to prepare and review the Agenda Package.

July 8, 2019

30. The Board heard from Randall Jacob Adam on July 8, 2019 representing himself and his wife, Connie Adam. Both are the owners of the Parcel.
31. Mr. Adam submitted that he was only appealing the conditions that require access to Lot 2 and Lot 3 to be constructed from the future road rather than directly from Township Road 534.
32. The Dual Approach onto the future road must be located between Lot 2 and Lot 3 in order to then construct single approaches; however, that location is directly over a place that collects water and has been referred to as a wetland.
33. Mr. Adam requested that the Board allow him to construct single approaches to each lot from Township Road 534 instead so that he can avoid the wetland. He has yet to hear from Alberta Environment and Parks about a permit under the *Water Act*. He submitted that should he not receive approval, the proposed access and approaches could not be carried out.
34. If Mr. Adam could have both approaches approved in the way he suggested (45 degree angle approach), it would be the cheapest, easiest and simplest solution.
35. In response to questions from the Board, Mr. Adam responded that:
- a) Currently, there is substantial water in the area. In the past, the water would dry up but that has not occurred this year. The future road is currently under water and it will be difficult to drain.
 - b) He has applied to the government for the permit for draining the wetland and that was done after the adjournment on June 3, 2019. He has not heard back from Alberta Environment and Parks.
 - c) Approximately 23 other accesses exist on Township Road 534, and he does not understand why his two proposed accesses should be any different from his neighbours.

FINDINGS OF FACT

36. The Parcel is located at Lot 1, Block 1, Plan 072 2395 within SE-29-53-1-W5M.

37. From the conditional Subdivision Approval on March 12, 2019, two residential lots (Lot 2 and Lot 3), and the Remnant Parcel were created.
38. Township Road 534 is a Future Arterial Road as per the Transportation Bylaw and borders the southern edge of the Parcel.
39. Range Road 14 is a Local Grid Road as per the Transportation Bylaw and borders the eastern edge of the Parcel.
40. The Parcel is located in the CR - Country Residential District under the LUB.

REASONS

Jurisdiction

41. The Board notes that its jurisdiction is found in section 680(2) of the MGA. In making this decision, the Board has examined the provisions of the applicable statutory plans and the LUB, and has noted their provisions as referenced in the Subdivision Authority's Reports. The Board had further regard to the Subdivision and Development Regulation in making their decision. The Board has also considered the oral and written submissions made by the Appellant 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.

Land Use District

42. The Parcel is located in the CR - Country Residential District under the LUB. The Board finds the subdivision application is consistent with section 5.3(3)(a) of the LUB which allows for subdivision of residential parcels between 0.8 and 4.0 ha in size.

Statutory Plans

- 43. The Board had regard to the applicable statutory plans under section 680(2)(a.1) of the MGA.
- 44. The Board finds that the subdivision application complies with the MDP, as Policy 7.1.1(a) of the MDP supports country residential uses within the Country Residential Area. The Board also finds that the subdivision application is consistent with the ASP.

Conditions

- 45. The Board notes that the application for a subdivision of the Parcel, located northwest of the intersection of Range Road 14 and Township Road 534, created Lot 2 and Lot 3, which was conditionally approved by the Subdivision Authority with nine conditions on March 12, 2019.
- 46. The Board further notes that the Appellant appeals the conditions of approval imposed by the Subdivision Authority. At the hearing, the Appellant appealed the conditions of approval relating to access and approach for Lot 2 and Lot 3. Accordingly, the Board determined that the Appellant was appealing conditions 3, 5, 6 and 7. The Appellant stated that he was not appealing the other conditions, being 1, 2, 4, 8 and 9.

Undisputed conditions

- 47. With respect to conditions 1, 2, 4, 8, and 9, which are not disputed, the Board confirms these conditions for the following reasons:

	Condition	Reasons the Board Confirms Condition
1	The January 16, 2019 tentative plan of subdivision shall be revised so that the property boundaries of Lot 2(southeast corner) and Lot 3 (southwest corner) include 6.0 metre corner-cuts for the 'Future Road' as part of the Remnant of Lot 1, Block 1, Plan 072 2395.	This condition is required to ensure adequate sightlines and turning radius when the "Future Road" is developed and intersects with Township Road 534, as required by the Design Standards. Further, the Appellant provided no reasons for the Board to revoke or vary this condition.
2	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.	This is a standard condition placed on all subdivision approvals as required by the MGA. Further, the Appellant provided no reasons for the Board to revoke or vary this condition.
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	This is a standard condition placed on all subdivisions to ensure appropriate addressing is assigned and posted for each lot, as required by Bylaw 2015-30. The

	<p>approach(es), please contact our Planning & Addressing Technician at 780-968-8443, 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.</p>	<p>Appellant also provided no reasons to the Board to revoke or vary this condition.</p>
8	<p>Pursuant to County Policy C-PD15 and Sections 663 and 669 of the Municipal Government Act, all municipal reserves owing shall be deferred to the proposed Remnant of Lot 1, Block 1, Plan 072 2395 and registered against title by Deferred Reserve Caveat. Existing Deferred Reserve Caveat No. 072 160 611 shall be updated to reflect the revised titled area.</p>	<p>This condition is required when Municipal Reserve is required to be dedicated, however land dedication is considered premature at this time. As such, Municipal Reserve shall be dedicated by way of a deferred reserve caveat against the Remnant Lot pursuant to sections 663 and 669 of the MGA and County Policy C-PD-15. Further, the Appellant provided no reason to revoke or vary this condition.</p>
9	<p>The subdivision shall be registered in a manner acceptable to the Registrar of Land Titles. An endorsement fee of \$1,014.00 (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.</p>	<p>This is a standard condition placed on all subdivision approvals. The Appellant also provided no reasons for the Board to revoke or vary this condition.</p>

Disputed conditions

- 48. With respect to conditions 3(a), 3(b), 5, 6, and 7, the Board confirms these conditions for the reasons that follow.
- 49. The Board finds that for the access and approaches to Lot 2 and Lot 3 to meet the Design Standards, a Dual Approach is required to be constructed from the end of Green Acres Drive with a private drive to be constructed extending north. From there, individual approaches can be constructed from the private drive to Lot 2 and Lot 3. Condition 3(b) provides for the private driveway and single approaches to be constructed and graveled to the property line of Lot 2 and Lot 3 to the satisfaction of the County. The Board notes that construction beyond the property line is up to the satisfaction of the Appellant.

50. The Board finds that the Appellant's proposed access to Lot 2 and Lot 3 off of Township Road 534, at a 45 degree angle does not meet the Standards, specifically

- a. section 7.3.4 Road Intersections, which reads "Intersections shall be designed at 90 degrees unless otherwise approved by the General Manager".

Therefore, the Board finds that the Dual Approach from Green Acres Drive to Lot 2 and Lot 3 must be designed at 90 degrees and not 45 degrees, as suggested by the Appellant.

- b. 7.3.1 Design Criteria – General states "All public roads are located within land which is referred to as road right-of-way [...] Minimum right-of-way requirements are as follows: [...] Major Collector and Arteria 40.0 meters".
- c. Table 7.1 – Roadway Design Standards, Design Criteria for Arterials, Rural - Minimum Access/Intersection Spacing at 400 meters.

As a result, the Board finds that the spacing between the two approaches proposed by the Appellant does not meet the minimum spacing requirements. In addition, the approaches proposed by the Appellant from the internal driveway to Lot 2 and Lot 3 must be a minimum of 40.0 meter north of the future northern limit of the arterial right-of-way intersection of Township Road 534 and Green Acres Drive.

51. With respect to the conditions relating to access and approaches being conditional on approval under the *Water Act* from Alberta Parks and Environment, the Board finds that it is likely the Appellant will obtain approval given the following contained in the Wetland Report:

- a. The wetland area is situated such that avoidance is not feasible or possible.
- b. The proposed access road in the Submission Approval may cross through the wetland.
- c. The proposed access road has the potential to impact a small portion of the wetland on the Parcel.
- d. The wetland area was characterized as a Wetland 1 – Seasonal Graminoid Freshwater Marsh with a relative value of "D".
- e. The wetland area that may be impacted is small (total being under one hectare) with only a portion of it expected to be potentially impacted by an access road.
- f. The Wetland Report recommended payment of the in lieu-replacement fee of \$1,839.33.

52. The Board notes that the Wetland Report states there would be no issue with grade.

53. Further, the access and approaches in these conditions is consistent with the County's ultimate development plans for the Future Road, as shown in the Outline Plan Development Concept (Exhibit 6, page 25), which shows the Future Road connecting to Range Road 14. The Board finds the conditions are also consistent with the historical development plans of the Parcel, which included a previous subdivision application for a multi-parcel subdivision that was conditionally approved but never endorsed. That subdivision application consisted of 41 residential parcels (Exhibit 6, pages 56-57).
54. The Board finds that the Dual Approach in the Subdivision Approval is necessary for safety reasons as well. The Board accepts the concerns of the Subdivision Authority regarding multiple approaches on to or off of Township Road 534. Therefore, for safety reasons, the Board was not prepared to vary the conditions relating to access and approaches. Lastly, the Board had regard to the Subdivision and Development Regulation and finds, based on the evidence provided, that the conditions imposed are consistent with the Subdivision and Development Regulation.
55. For the above reasons, the Board denies the appeal and upholds the Subdivision Authority's decision to grant the subdivision application with nine conditions.

Issued July 19, 2019 for the Parkland County Subdivision and Development Appeal Board



Barb Williams, Board Clerk, on behalf of
Dylan Smith, 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.

APPENDIX "A"
REPRESENTATIONS

PERSON APPEARING

1. Jessica Karpo, Current Planner, Parkland County
2. Stephen Fegyverneki, Manager of Current Planning, Parkland County
3. Frank Florkewich (appeared on June 3, 2019 only)
4. Randall Adam (appeared on July 8, 2019 only)
5. Connie Adam

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

Exhibit	Description	Date	Pages
June 3, 2019 Agenda Package			
1.	Agenda Package Table of Contents and Agenda	May 30, 2019	n/a
2.	Notice of Appeal	April 3, 2019	22-23
3.	Waiver Form	April 3, 2019	24
4.	Submission of the Subdivision Authority	May 23, 2019	25-118
5.	Submission of the Appellant received at hearing	June 3, 2019	N/A
July 8, 2019 Agenda Package			
6.	Submission of the Subdivision Authority	June 28, 2019	9-102