

## Subdivision And Development Appeal Board Meeting

Meeting Type : SDAB Subdivision and Development Appeal Board

Date : Wednesday, February 18, 2009

Start time : 9:00 AM

Location : Council Chambers

### Subdivision and Development Appeal Board Meeting

## MINUTES

- CALL TO ORDER** The meeting was Called to Order at 9:02 AM by the Secretary Twila Bauman, in the presence of the following persons:
- ATTENDANCE** Barton Coady, Councillor  
Ron Bobocel, Councillor  
Grant Gillund  
Ed Boychuk  
Ray Huot  
Twila Bauman, Secretary / Planning and Communications Manager  
Jane Dauphinee, Planner - Municipal Planning Services (Alberta) Ltd.  
**Absent:**  
Cary Smigerowsky, Development Officer / Chief Administrative Officer
- APPOINTMENTS**
- APPOINTMENT OF CHAIRPERSON** **Resolution #SD20090218.1001**  
HUOT that Grant Gillund be appointed to the position of Chairperson for the Subdivision and Development Appeal Board.  
**CARRIED**
- APPOINTMENT OF VICE-CHAIRPERSON** **Resolution #SD20090218.1002**  
COADY that Ron Bobocel be appointed to the position of Vice-Chairperson for the Subdivision and Development Appeal Board.  
**CARRIED**
- APPOINTMENT OF SECRETARY** **Resolution #SD20090218.1003**  
COADY that Twila Bauman be appointed to the position of Secretary for the Subdivision and Development Appeal Board.  
**CARRIED**
- APPROVAL OF AGENDA** **Resolution #SD20090218.1004**  
COADY that the Agenda for the Subdivision and Development Appeal Board Meeting held on February 18, 2009 be approved as presented.  
**CARRIED**
- RECORD OF PROCEEDINGS** **Resolution #SD20090218.1005**  
HUOT to confirm the recording of the proceedings for the Subdivision and Development Appeal Board Hearing No. 08-N-084 for February 18, 2009.  
**CARRIED**
- ANNOUNCEMENT OF APPEAL(S)** Secretary Twila Bauman read the Written Appeal Received from:  
  - Clarence and Sylvia Frank, Glen and Pauline Hemminger, dated January 23, 2009
- CALL FOR OBJECTION** Chairperson Mr. Grant Gillund called for Objections from the Appellents and Gallery to any of the present Board members of staff hearing the Appeal.  
No Objections were made

**PRESENTATION BY  
PLANNING  
AUTHORITY**

**08-N-084 FRANK,  
CLARENCE &  
SYLVIA (SW  
11-60-19 W4)**

(PRESENTATION BY  
PLANNING AUTHORITY)  
(Issue #20090608001)

**Presented by Jane Dauphinee, Planner - Municipal Planning Services (Alberta) Ltd.**

- Smoky Lake County's Land Use Bylaw and Municipal Development Plan allows for subdivision of a parcel up to 10 acres; and
- Existing septic systems can only be "grandfathered" in if it is in relation to an **existing** boundary line.

BOYCHUK asked the Presenter when the existing septic systems are examined.

**RESPONSE:** Only examined at time of Subdivision.

HUOT asked the Presenter when the Land Use Bylaw and Municipal Development Plan were adopted by Smoky Lake County.

**RESPONSE:** 2002

**PRESENTATION BY  
APPELLANT**

**PRESENTATION BY  
APPELLANT**

**Presented by Glen Hemminger**

Wish to Appeal decision due to:

1. The treed area as it stands is approximately 12.33 acres;
2. The area to be sub-divided was established many years ago as were the septic discharge sites;
3. Discrimination - subdivisions of more than 10 acres have been approved in our area and little or no consideration was given as the where septic discharge sites were located in relation to boundaries of the subdivision; and
4. Would it not be incumbent on a new owner to be asked to remain the extra distance from our existing septic discharge sites.

**Questions of the Presenters**

COADY asked the Presenter what the distance was between the house and tank.

**RESPONSE:** It is a surface pump out, approximately 15 feet from house and installed about 32 years ago.

**Presented by Pauline Hemminger**

- stated that the parcel would then not be suitable.

**Presented by Glen Hemminger**

- stated that the responsibility should be passed on to the future owner of the remaining parcel.

**Presented by Pauline Hemminger**

- stated that because it is Agricultural land, it is unlikely that there will be a home built within 300 feet of property line.

**PRESENTATION BY  
PERSONS  
SUPPORTING  
APPEAL**

**PRESENTATION BY  
PERSONS  
OPPOSING APPEAL**

**REBUTTALS**

**EXECUTIVE  
SESSION****Resolution #SD20090218.1006**

COADY that the Subdivision and Development Appeal Board go into Executive Session, time 9:40 AM.

**CARRIED****Resolution #SD20090218.1007**

BOBOCEL that the Subdivision and Development Appeal Board go out of Executive Session, time 9:50 AM.

**CARRIED****REBUTTALS**

**Jane Dauphinee, Planner - Municipal Planning Services (Alberta) Ltd. presented:**

- requested the Board to uphold the Subdivision Authority's Decision and approve with its present conditions;
- reminded the Board that even if the parcel were allowed to be 12.33 acres, the septic still would not be considered legal; and
- the only way the septic systems could be considered legal is if the parcel size were allowed to be considerably larger, and the Subdivision Authority does not have the discretion to approve such.

**Twila Bauman, Secretary clarified**

- the notification process; and
- that the Subdivision Authority can only make decisions based on statutory planning documents.

CHAIRMAN GILLUND asked the Appellant if they investigated the possibility of installing other septic systems.

**RESPONSE:** Yes. Two field systems would cost \$20,000.00 each.

**Jane Dauphinee, Planner - Municipal Planning Services (Alberta) Ltd. clarified:**

- if the Board made a decision in favour of the Appellant, the Appellant would not have to reapply for the Subdivision.

GLEN HEMMINGER asked the Planner why a previous Subdivision was allowed for over 14 acres.

**RESPONSE:** The Municipal Government Act allows for subdivisions to take place if there is topographical reason (i.e. treeline, stream, road, etc).

**QUESTION OF FAIR  
HEARING**

CHAIRMAN GILLUND asked those who made presentations if they had a fair hearing.

No objections made

**CONCLUSION OF  
PUBLIC HEARING****Resolution #SD20090218.1008**

CHAIRMAN GILLUND declared that the Subdivision and Development Appeal Board Hearing of February 18, 2009 for 08-N-084, was concluded, time 9:55 AM.

**CARRIED****DELIBERATION AND  
DECISION****EXECUTIVE  
SESSION****Resolution #SD20090218.1009**

COADY that the Subdivision and Development Appeal Board go into Executive Session, time 9:55 AM.

**CARRIED****Resolution #SD20090218.1010**

BOBOCEL that the Subdivision and Development Appeal Board go into Executive Session, time 9:55 AM.

**CARRIED****DECISION****Resolution #SD20090218.1011**

HUOT that the Subdivision and Development Appeal Board's Decision on Clarence and Sylvia Frank's Subdivision Application 08-N-084 for SW 11-60-17 W4 be as follows:

That the Appeal be ALLOWED and the Decision of the Subdivision Authority be AMENDED, to approve the Subdivision, subject to the following conditions being amended:

1. The proposed parcel be expanded, ***so that all parcel boundaries have a 300' setback from the existing sewage surface discharge systems, to create a parcel no larger than 20 acres in size.***

Therefore, NOTE 3 shall be **removed** on the Conditional Approval by MPS; and

And a new NOTE 3 shall be **inserted** on the Conditional Approval by MPS as follows:

***3. Please have your surveyor contact the Land Titles Office to determine if a Descriptive Plan is acceptable. You may be required to have your surveyor complete a Building Site Certificate or a Real Property Report in order to determine the exact location of the pump-outs.***

**CARRIED**

**ADJOURNMENT**

**Resolution #SD20090218.1012**

COADY that this Subdivision and Development Appeal Board Meeting for February 18, 2009 be adjourned, time 10:20 AM.

**CARRIED**

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Chairperson

- SEAL -

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Recording Secretary