

**Minutes of the Subdivision and Development Appeal Board  
Wednesday, April 21, 2010  
Lacombe County Administration Office**

Present

Present: Chairperson Paula Law; Members Dana Kreil, Shirley Ramsay and Howard Copland; Subdivision and Development Appeal Board Secretary Tim Timmons; Manager of Planning Services Allan Williams; Assistant Development Officer Amanda Brea Watson; and Recording Secretary Lyn Greenshields.

Also present were Calvin and Laura Siebenga.

SDAB 97/10  
S-008-10  
Calvin & Laura Siebenga  
NW 24-40-28-W4M

Chairperson Law opened the Hearing with respect to an appeal by the Siebengas against the decision by the County Commissioner to refuse their application to subdivide part of the NW 24-40-28-W4M.

Time: 9:22 a.m.

SDAB 98/10  
Agenda

Moved by Mr. Copland that the Lacombe County Subdivision and Development Appeal Board adopt the agenda for the April 21, 2010 meeting.

Carried Unanimously.

SDAB 99/10  
Notification

Moved by Mrs. Ramsey that the Subdivision and Development Appeal Board accept as information the documents submitted by the Planning & Development Department identifying the parties notified of the Board's hearing of this appeal.

Carried Unanimously.

No one present voiced any objections to the members of the Board hearing this appeal.

Ms. Watson advised the Board that the Siebengas own a 7.63 ha (18.85 acre) parcel of land that encompasses all that portion of the NW 24-40-28-W4M that they had applied to subdivide out an approximately 4 ha (10 acre) parcel for a small local produce market. A business plan submitted with the application describes how they intend to create a place to display and market local agricultural produce.

The Board heard how the application was considered as an agricultural subdivision subject to the new policy adopted by County Council in January, which restricts the subdivision of land for an intensive or specialty agricultural operation to an unsubdivided quarter section only.

In their submission to the Board, the Siebengas explained how they believed that their business proposal is consistent with the agricultural objectives of the County's Municipal Development Plan, and that their request should be considered as a use "accessory to agriculture", which is not subject to the policy restrictions applying to "agricultural operations".

Mr. Williams commented that, based on the submission made by the Siebengas to the Board, the local produce market could be considered as a "use requisite for, or accessory to, agriculture" and not an "agricultural operation" as defined in the County's Land Use Bylaw. It was explained how Policy 3.9 in the Municipal Development Plan specifically relates to intensive or specialty agricultural operations. The Board was told that a "use requisite for, or accessory to, agriculture" is a discretionary use under the Agricultural District of the Land Use Bylaw.

The Chairperson provided opportunity for questioning throughout the Hearing and inquired whether the parties felt they had received a fair hearing.

Hearing closed

The Chairperson determined that all parties wishing to be heard had been heard and closed the Hearing with respect to Subdivision Application No. S-008-10.

Time: 10:25 a.m.

Carried Unanimously.

Recess

Chairperson Law requested a recess.

Time: 10:25 a.m.

Mr. Williams, Ms. Watson, and Mr. and Mrs. Siebenga withdrew from the meeting.

SDAB 100/10  
In camera

Moved by Mrs. Kreil that the Lacombe County Subdivision and Development Appeal Board meet in camera to deliberate the subdivision application and appeal.

Time: 10:40 a.m.

Carried Unanimously.

SDAB 101/10  
Out of camera

Moved by Mr. Copland that the Lacombe County Subdivision and Development Appeal Board come out of camera.

Time: 10:50 a.m.

Carried Unanimously.

SDAB 102/10  
S-008-10  
Calvin & Laura Siebenga  
NW 24-40-28-W4M

Moved by Mrs. Kreil that the Subdivision and Development Appeal Board uphold the appeal and approve Subdivision Application No. S-008-10, subject to the following conditions:

1. plan prepared by an Alberta Land Surveyor to be provided to the County confirming that the house, shop, barn and other outbuildings, water well and driveway access are fully contained on the remainder of the existing titled area and further, that the said buildings meet the required setback distance of 7.62 metres (25 feet) from the proposed new property line, as directed by the County's Land Use Bylaw
2. written confirmation to be provided to the County from an accredited Safety Codes Officer that the sewage system on the remainder of the titled area complies with the *Private Sewage Disposal Systems Regulation (Alta. Reg. 229/97)* respecting the required setback distances from the new property line and water sources. Before arranging for an inspection by the Safety Codes Officer, the owners must ensure that the boundaries of the parcel to be subdivided are clearly marked out by an Alberta Land Surveyor so that the Safety Codes Officer can establish whether the sewage system meets the distance requirements. Please note that any problems identified by the Safety Codes Officer respecting the general operation of the system are to be corrected before final approval is given to the subdivision
3. new road approach from Woody Nook Road to be located and built to a standard satisfactory to the County. Please complete and return the attached *Request to Construct an Access* form to the County's Operations Department
4. owners to enter into a road widening agreement with the County respecting the provision of 5.18 metres (17 feet) of additional road right-of way along the entire length of the west boundary of the existing titled area
5. any outstanding property taxes to be paid to the County prior to the final approval of the subdivision
6. subdivision to be carried out by a plan prepared by an Alberta Land Surveyor

No dedication of municipal reserve, or cash-in-lieu of land payment, has been requested as a result of this proposed subdivision. This deferment means that reserve, or a cash-in-lieu payment, can be required later if a further subdivision of the land is approved.

Carried Unanimously.

**REASONS**

The Board concluded that, based on the information contained in their business plan and the further evidence they provided at the hearing, the small local produce market should have been more properly considered as a “use requisite for, or accessory to, agriculture” as opposed to an “agricultural operation”, which would be subject to the restrictions of Policy 3.9 in the County’s Municipal Development Plan.

It was the Board’s view that their proposal to promote local agricultural producers and products embodies Council’s stated goal to support a healthy and viable agricultural industry in the County. The intended market is considered compatible with surrounding land uses. No concerns or objections were raised by neighbouring property owners to the proposed subdivision.

SDAB 103/10  
Minutes

Moved by Mrs. Kreil that the Lacombe County Subdivision and Development Appeal Board approve the minutes of the March 29, 2010 meeting.

Carried Unanimously.

SDAB 104/10  
Adjourn

Moved by Mr. Copland that the Subdivision and Development Appeal Board meeting be adjourned.

Time: 10:58 a.m.

Carried Unanimously.

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Chairperson

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Secretary