

## NOTICE OF HEARING

Our File: S20/SOUT/SV-024

October 2, 2020

**Appellant:** B. van Os of Alberta Environment and Parks

**Respondent:** M. Gallagher, Counsel for Summer Village of South View

**Re:** Appeal respecting the proposed subdivision of  
Lot 1-5, Lot P, Block 1, Plan 2647KS, Summer Village of South View  
Subdivision Authority File No.: 19-R-013

The following date, time and place have been arranged to hear the above appeal.

<b>DATE:</b>	<b>October 15, 2020</b>
<b>TIME:</b>	<b>9:00AM</b>
<b>PLACE:</b>	<b>Via Webex</b>

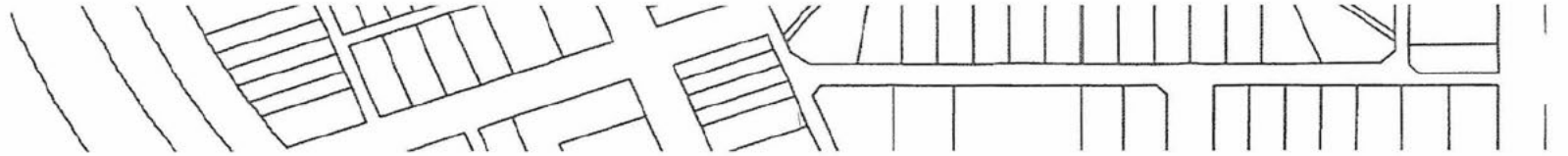
The above appeal will be heard by video conference. If you are planning to attend the hearing please register with the case manager Kellie Lau before hand by emailing her at [kellie.lau@gov.ab.ca](mailto:kellie.lau@gov.ab.ca). All documents you wish the MGB to consider must be submitted electronically to the case manager by **12 (noon) on October 9, 2020**. Further questions can be directed to the case manager via email or by phone at 780-415-1857 (toll free 310-0000).

This hearing is to determine the appeal referred to above and to consider the reasons for the decision given by approving authority. If interested in attending the appeal hearing, other parties may do so by registering with the case manager who will forward the video conference link and/or call-in information.

**POSTPONEMENTS:** Requests for a postponement should be made by telephone upon receipt of this notice, and followed up with a written request. If applicable, the request must have the agreement of the owner of the property. Second requests for a postponement must be made before the MGB at the appointed time. Should the MGB deny the request, you and the other interested parties should be prepared to immediately proceed with the merits of the appeal.

  
Municipal Government Board

cc: Samuel Wahab, Alberta Environment and Parks  
Peter Ngo, Alberta Transportation  
Archaeological Surveys, Alberta Culture, Multiculturalism and Status of Women  
Jane Dauphinee, Municipal Planning Services (2009) Ltd.  
Summer Village of South View  
Dave Higgins, Navland Geomatics Inc.  
[REDACTED] Landowner  
[REDACTED] Landowner  
[REDACTED] Landowner  
[REDACTED] Landowner  
[REDACTED] Landowner  
Feinan Long, Parkland County  
Matthew Ferris, Lac Ste. Anne County  
EQUUS - North Area Office  
Alberta Health Services - Edmonton  
Alberta Energy Regulator  
Robert Lindsay, Alberta Transportation  
Lisa Gordon, Alberta Transportation  
Northern Gateway Regional Division  
Phoenix Gas Co-op  
Servus Credit Union  
Garry Simpson, Fortis Alberta Inc.  
Ste. Anne Natural Gas Co-op Limited  
Summer Village of Silver Sands  
Telus Communications  
Jeffrey Way Canada Post Corporation  
Adjacent Landowners



July 21, 2020

OUR FILE NUMBER: 19-R-013  
YOUR FILE NUMBER: 2675/19

Dave Higgins  
Navland Geomatic Inc.  
10722 – 181 Street  
Edmonton, AB T5S 1K8



Dear Sir/Madam:

RE: PROPOSED SUBDIVISION, Lots 1-5 & Lot P, Blk. 1, Plan 2647 KS, Summer Village of South View

Your subdivision application was **conditionally approved** by the Subdivision Authority for the Summer Village of South View on July 15, 2020. The decision is valid for one (1) year. The conditions are on the next page.

The decision may be appealed within twenty one (21) days of the mailing of this letter by submitting a written notice to the appeal body (Municipal Government Board) as indicated within the Notes on the attached form.

Following the appeal period, an instrument (a Descriptive Plan or a Plan of Survey) to register the approval must be prepared on your behalf by an Alberta Land Surveyor in a manner satisfactory to the Land Titles Office (10365 - 97 Street, Edmonton, T5J 3W7, phone 780-427-2742) and submitted to this office for endorsement. However, this office cannot endorse the instrument until the appeal period has elapsed.

Endorsement also cannot be given until the attached conditions have been met. Please confirm that all required documentation has been received by this office when submitting your registerable instrument.

Since this is considered to be a boundary adjustment, your submission of an instrument for endorsement must include the required fee of eight hundred fifty dollars (\$850.00), plus G.S.T., (for a total of \$892.50) payable to Municipal Planning Services (2009) Ltd. Please contact me at 780-486-1991 or via email at [j.dauphinee@munplan.ab.ca](mailto:j.dauphinee@munplan.ab.ca) for any clarification.

Yours truly,



Jane Dauphinee B.A | M.Plan | RPP | MCIP  
Principal/Senior Planner  
Municipal Planning Services (2009) Ltd.

cc: Summer Village of South View  
AEP Craig/Bruce/Arin  
AB Transportation Stony Plain)  
Canada Post (Jeffery)  
Lac Ste Anne County  
Summer Village of Silver Sands  
Parkland County  
Equus REA  


Fortis AB  
Telus Communications (Edmonton South)  
Ste. Anne Gas Co-op  
Northern Gateway Public School Division  
Alberta Health Services (North Zone)  


OUR FILE NUMBER: 19-R-013  
Lots 1-5 & Lot P, Blk. 1, Plan 2647 KS

Conditionally Approved  S. A.  
July 15, 2020

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

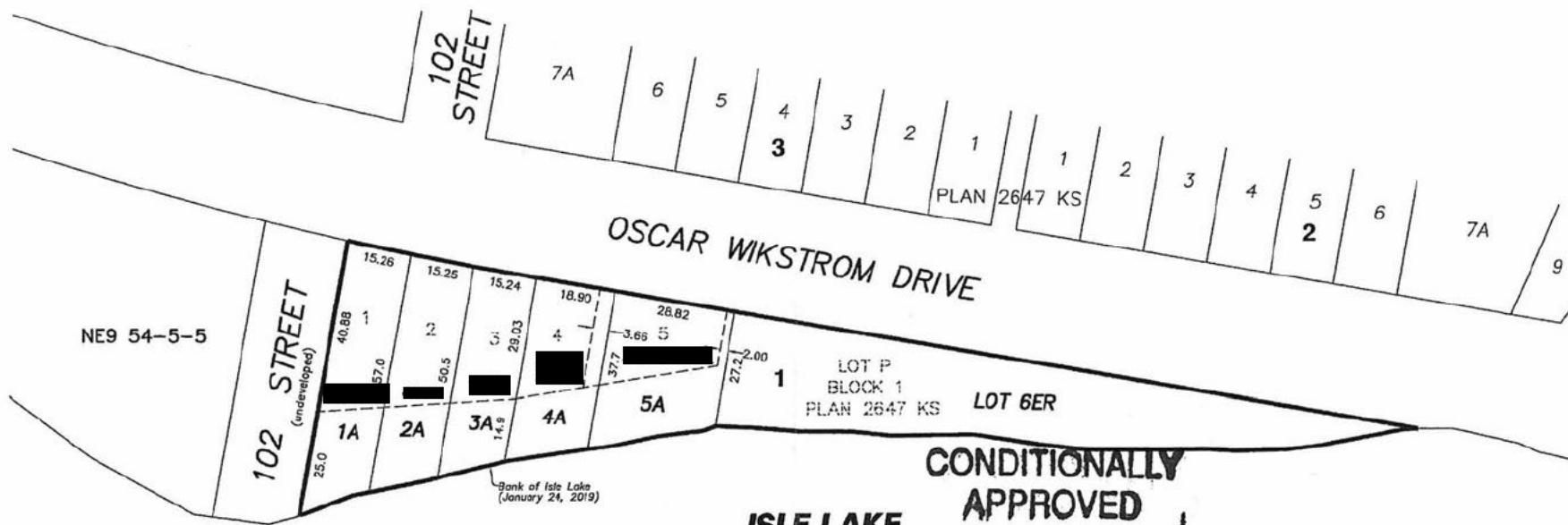
1. That the instrument affecting this tentative plan of subdivision have the affect of consolidating the those portions of Lot P, Block 1, Plan 2647 KS with Lots 1, 2, 3, 4 and part of Lot 5 as shown on the conditionally approved plan in such a manner that the resulting titles cannot be further subdivided without Subdivision Authority approval.
2. Further, that the instrument affecting this tentative plan of subdivision have the effect of consolidating a portion of Lot 5 with Lot 4 as shown on the conditionally approved plan in such a manner that the resulting title cannot be further subdivided without Subdivision Authority approval.
3. That prior to endorsement of an instrument affecting this plan, approaches, including culverts and crossings to the proposed parcel(s) and to the residual of the land, be provided at the owner's and/or developer's expense and to the specifications and satisfaction of the Summer Village of South View.
4. That taxes are fully paid when final approval (endorsement) of the instrument effecting the subdivision is requested.
5. That the instrument for endorsement have the affect of identifying the water boundary of Isle Lake which is adjacent to the subdivision area, to the satisfaction of AB Environment and Parks.
6. Pursuant to Section 655(1) of the Act, the proposed subdivision must meet Part 1 Section 7(g) of the *Subdivision and Development Regulation*. In order to satisfy this requirement the proponent must provide, prior to endorsement of an instrument effecting this plan, a Certificate of Compliance stating that the existing sewage disposal system(s) on the subject site meet current code requirements or have been relocated or redesigned to comply with the current *Alberta Private Sewage Systems Standard of Practice*.

Notes:

1. In order to expedite consideration of the final approval and endorsement of this subdivision, a letter from the Summer Village of South View indicating that Conditions #1, #2, #3, #4, and #6 above have been satisfied should accompany any request for final approval or endorsement.
2. The subdivision is being approved because the land that is proposed to be subdivided is, in the opinion of the Subdivision Authority, suitable for the purpose for which the subdivision is intended, and the proposal is considered by the Subdivision Authority to conform with the provisions of the municipality's Municipal Development Plan and Land Use Bylaw. The Subdivision Authority has not verified the availability of water on-site or the suitability of the soils on the site for sewage disposal; however, trucking services for such are available in the region. The matters listed in Section 7 of the Subdivision and Development Regulation and any submission made by adjacent property owners were considered with care.
3. The proposed subdivision is affected by a permanent, naturally occurring body of water (Lake Isle) or watercourse. The Province has an interest in the Crown ownership of Provincial waterbodies/or Public Land boundaries in Alberta. Development or water diversion may not

occur in waterbodies, watercourses, or Public Lands without prior consultation and approval from Alberta Environment and Parks. If you have any questions about development on or near water bodies, watercourses or public land please contact Alberta Environment and Parks prior to undertaking any activity within or near the wetland.

4. In order to facilitate **Condition 5**, the applicant or landowners will need to contact an AB Environment and Parks (AEP) Field Officer to arrange for a site visit to confirm the water boundary and the location of structures near or within the bed and shore. AEP has advised that the surveyor should mark the shoreline with stakes so that it is easy to determine the water boundary when the inspection is completed. If there are structures within the shorelands then AB Environment has indicated that they must be removed to the satisfaction of AB Environment and Parks. Please contact Craig Plitt at AEP at 780.674.8304 to arrange for the inspection.
5. TELUS has indicated that they have an interest in a direct buried copper cable which is located north of the fence line along the northern boundary of the subject site. The cable runs the entire length of the site. Cable size is 50 Pair 19 Gauge. TELUS advises that any work undertaken in proximity to the cable should be undertaken with care and that all TELUS facilities should be located prior to any ground disturbance or construction.
6. Pursuant to **Condition 6**, the proponents are advised to provide the private sewage inspector with a copy of the required real property report or building site certificate, which indicates the location of the private sewage disposal system(s) on the site, prior to arranging for your private sewage inspection.
7. The following information is provided as required by Section 656(2)(a) of the *Municipal Government Act*. Any appeal of this decision lies to the Municipal Government Board, whose address is 1229 - 91 Street SW, Edmonton, Alberta, T6X 1E9 (phone 780-427-4864).



**CONDITIONALLY  
APPROVED**  
JUL 15 2020

Date

*[Signature]*  
for S.A.

MPS FILE# 19-R-013

- NOTES:
1. ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF
  2. LOT OWNERS LAST NAME MARKED ON LOTS
  3. AREA OUTLINED THUS AND CONTAINS 0.693 ha.

TENTATIVE PLAN SHOWING PROPOSED SUBDIVISION OF  
LOTS 1 TO 5 INCLUSIVE, BLOCK 1, AND  
LOT P, BLOCK 1, PLAN 2647 KS  
**SUMMER VILLAGE OF SOUTH VIEW - ALBERTA**  
SCALE 1:1000 FEBRUARY 2019

AREAS:					
LOT 1: 0.059 ha	LOT P: 0.034 ha	LOT 1A: 0.093 ha			
2: 0.053 ha	P: 0.029 ha	2A: 0.082 ha			
3: 0.047 ha	P: 0.025 ha	3A: 0.072 ha			
4: 0.049 ha	P: 0.028 ha	4A: 0.077 ha			
5: 0.048 ha	P: 0.046 ha	5A: 0.094 ha			
	P: 0.275 ha	6ER: 0.275 ha			
TOTAL:			0.693 ha		

**NAVLAND GEOMATICS INC.**  
10722 - 181st STREET, EDMONTON, ALBERTA  
PHONE NO. 780-486-1119 FAX NO. 780-483-0240  
FILE NO. 2675/19 2675-TENT-19.DWG



# Notice of Subdivision Appeal

**CONTACTS**

Telephone: 780-427-4864

Web URL: <http://www.mgb.alberta.ca>

**SEND TO:**

Municipal Government Board  
1229 – 91 Street SW  
Edmonton AB T6X 1E9

Fax: 780-427-0986

Email: [mgbmail@gov.ab.ca](mailto:mgbmail@gov.ab.ca)

A notice for subdivision appeal under section 678 of the *Municipal Government Act* should contain the following information and must be filed with the MGB office within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681.

## Part 1 – General Information – Please Print

**PROPERTY UNDER APPEAL**

Name of Municipality <b>Summer Village of South View</b>		Subdivision Authority (if applicable)		Subdivision Authority File Number <b>19-R-013</b>	
Does the land that is the subject of the appeal contain, or is it adjacent to, or near, any of the following? (Check ALL that apply)					
<input type="checkbox"/> Highway (#.....)	<input checked="" type="checkbox"/> Body of Water (Name: <b>Isle Lake</b> )	<input type="checkbox"/> Landfill	<input type="checkbox"/> Green Area		
<input type="checkbox"/> Wastewater Treatment Facility	<input type="checkbox"/> Waste Management Facility	<input type="checkbox"/> Historical Site	<input type="checkbox"/> Historical Resource		
Legal Description	Lot <b>1-5, P</b>	Block <b>1</b>	Plan <b>2647KS</b>	AND/OR	Portion Section Township Range Meridian

**APPELLANT (e.g. Landowner or department lodging the appeal)**

Name (Last) (First) <b>van Os, Bruce (Alberta Environment and Parks)</b>		Telephone Number (daytime) <b>780-778-7266</b>	
Address (Street, PO Box, RR) (Suite, Apartment) (Town/City/Village) <b>5020 52 Ave, Whitecourt Prov Building, Whitecourt, AB, T7S 1N2</b>		(Province) (Postal Code)	
I consent to receive documents by email <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		My email address is: <b>bruce.vanos@gov.ab.ca</b>	
		Fax Number <b>780-778-5538</b>	

**LANDOWNER INFORMATION (if different from Appellant)**

Name (Last) (First)		Telephone Number (daytime)	
Address (Street, PO Box, RR) (Suite, Apartment) (Town/City/Village)		(Province) (Postal Code)	
I consent to receive documents by email <input type="checkbox"/> YES <input type="checkbox"/> NO		My email address is:	
		Fax Number	

**AGENT INFORMATION AND CERTIFICATION (if Appellant is Represented by an Agent)**

Name of Organization			
Contact Name (Last) (First)		Telephone Number (daytime)	
Address (Street, PO Box, RR) (Suite, Apartment) (Town/City/Village)		(Province) (Postal Code)	
I consent to receive documents by email <input type="checkbox"/> YES <input type="checkbox"/> NO		My email address is:	
		Fax Number	
I (We) hereby authorize _____ to act on my (our) behalf on matters pertaining to this subdivision appeal			
Signature of Owner(s)		Date	
Signature of Owner(s)		Date	

## Part 2 – Decision of the Subdivision Authority

### DECISION OF SUBDIVISION AUTHORITY

Date of Decision      year      month      day  
Year      Month      Day

Copy of Subdivision Authority  
Decision attached?

☒ YES

☐ NO

## Part 3 – Reasons for Appeal

All subdivision appeals must contain the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.\* (Attach extra page(s) if required)

☒ **Approval** – What conditions of approval do you disagree with and why? OR

☐ **Refusal** – Why do you think your subdivision application should be approved?

See attached rationale for appeal

\* See *Municipal Government Act*, section 678(4)(b)

## Part 4 – Pre-Hearing Meetings

*It is recommended that you discuss your appeal with the Subdivision Authority, Alberta Transportation and Alberta Environment and Parks (if applicable) prior to the appeal hearing.*

Did you discuss your appeal with a representative from the Subdivision Authority?

☒ YES      ☐ NO

Did you discuss your appeal with a representative from Alberta Transportation?

☐ YES      ☒ NO

Did you discuss your appeal with any other agencies or departments?

☐ YES      ☒ NO

If yes, please specify .....

Bruce.VanOs

Digitally signed by Bruce.VanOs  
Date: 2020.08.10 13:55:51 -0600

Signature of Appellant OR  
Person Authorized to Act on Behalf of Appellant

August 10, 2020

Date

*This information is being collected for the purposes of setting up appeal hearings in accordance with Section 33(c) of the Freedom of Information and Protection of Privacy Act. It will be provided to those who may be affected by your application including adjacent landowners, government agencies, municipalities, utilities, etc. The contact information you provide may also be used to conduct follow-up surveys designed to measure satisfaction with the appeal process. Questions about the collection of this information can be directed to Alberta Municipal Affairs, Municipal Government Board 1229 – 91 Street SW, Edmonton, Alberta T6X 1E9 780-427-4864. (Outside of Edmonton call 310-0000 to be connected toll free.)*



## AEP Rationale for Appeal

**Local Subdivision Authority Decision:** Allow de-designation and subdivision of ER Lot in order to consolidate with adjoining private land.

### **Rationale for AEP in Appealing local decision to de-designate ER:**

1. AEP believes that it is not legally permissible under the *Municipal Government Act* (MGA) for the local municipality to remove the designation of an environmental reserve (ER). A municipality's powers over an ER, once created, are limited to those powers listed in s. 676 of the MGA which does not include removal of the ER designation.
2. AEP also believes that the Municipal Government Board (MGB) does not have the jurisdiction to hear an appeal to remove the designation of an ER. Should the decision be upheld, AEP may challenge this decision by judicial review of Council's decision in the Court of Queen's Bench.
3. AEP is the adjoining landowner as owner of the lake and its bed and shore. These lands are public land administered and regulated under the *Public Lands Act*. As an adjoining landowner, there is always a provincial interest involved when local decisions are made involving reserve parcels that share a boundary with the Crown owned lake bed. AEP is referred to on any application involving subdivision decisions involving a water body.
4. The MGA provides direction that Environmental Reserves should be taken when land subdivision occurs for a variety of stated reasons.
5. As AEP is a beneficiary of the functions ER's provide to our resource management, AEP always recommends that ER be taken next to waterbodies when multi-lot subdivisions are created (we have standard guidelines). The ER is a buffer to development and greatly assists to limit degradation to the lake bank and supporting physical and ecological functions of the shore area.
6. Although management of the ER resides with the local municipality, how those ER lands are used has a direct impact on the aquatic environment of the adjoining water body.
7. Benefits of ERs to a waterbody include:
  - a. Buffer against development – generally these areas are meant to remain in a natural state
  - b. Natural vegetated area supports habitat for wildlife including passage to safely move from one area to another and nesting areas for riparian bird species
  - c. Natural vegetation on banks of waterbody provide:
    - i. Bank stability - deep rooted native species reduce erosion potential.
    - ii. Adjoining riparian vegetation protects against wave erosion by their deep anchoring roots.
    - iii. Intact bank and riparian vegetation provides habitat and water quality controls to the aquatic environment.
8. ER's also have a risk management function in that if they flood by high water or are subjected to ice heave, no private land is impacted.
9. Consistent with the MGA, such areas also provide access to the lake by the public or for the public's use as a park.
10. Loss of ER would remove ability of local landowners in the subdivision including the public, to have access to the water body. Public waters should be publicly accessible.
11. It's important to protect the principles for which ER's are designated, and to support AEP resource management objectives.

De-designation and consolidation with private property would have the following negative consequences:

1. Increase development to the water's edge.
2. Landscaping over time has high probability that much of riparian vegetation would be removed.
3. Removal of bank vegetation would significantly increase probability of erosion, requiring expenditures for creating erosion protection works to stop erosion.
4. Increased probability of the removal of aquatic vegetation by adjacent landowners in the adjoining littoral area. This has consequential impacts as follows:
  - a. Reduction in wave dampening that aquatic vegetation would provide and resultant increase wave attack and increased erosion potential
  - b. Removal of fish habitat
  - c. Removal of nesting habitat for aquatic dependent birds
5. Hardening of shoreline.
6. Loss of shore. Loss of ability for local residents and Albertans to have passage along the bed and shore of the lake.

In addition, the de-designation and consolidation of ER lands with private property would:

1. Set a precedent for other municipalities to do away with their existing ERs.
2. May set justification to local authorities that ERs need not be taken in the future when subdivision occurs.
3. The local community loses benefit of having public accessible municipal lands currently available for public use as park, natural area use, or access to the lake.