

# NOTICE OF DECISION

## Subdivision and Development Appeal Board

February 13, 2019

Bill Robinson  
Sorento Custom Homes  
106-179 Clearview Drive  
Red Deer, AB T4E 0A1

Dear Mr. Robinson:

**RE: Amended Development Permit #181484 Conditions**

In accordance with Subsection 687(2) of the Municipal Government Act, wherein the Subdivision and Development Appeal Board (SDAB) must give its decision in writing together with reasons for the decision within 15 days of concluding the hearing, the following serves as notification.

**Finding of Fact:**

Upon hearing and considering the representations and the evidence of the parties concerned the Board find the facts in the matter to be as follows:

1. Development occurred without a development permit.
2. Alterations to the bank commenced with mechanized excavation.
3. Land located below the top of escarpment/bank shall remain in its natural state, as per the Land Use Bylaw.

4. Development Permit #181484 condition #11 issued January 29, 2018, states:  
*“Land with slope areas with a gradient of 15% or greater shall remain in their natural state, this would include the escarpment area/below the Crest of Hill/Bank area. No vegetation shall be removed from this area, as well as no grade alterations. Applicant shall let this area return to its natural state (other than a natural path leading to the lake) or plant additional bank stabilizing vegetation consisting of mature woodland with undisturbed grass/shrub layers.”*

**Decision of SDAB:**

The Subdivision and Development Appeal Board finds as follows:

**#1 - Item C *“A total of 89 12ft. trees/shrubs to be planted”***

The Board determines <sup>1</sup> *“All new planting should be carried out with small, potted stock, to avoid excessive root disturbances to the above-mentioned trees on the property lines. Avoid planting large ball & burlap (basket) trees, as they will require much more excavation for their planting holes, and larger trees require much more time to establish in the landscape, up to a year or more per inch or caliper size. Potted stock often establishes the same season it is planted.”*

<sup>2</sup> *“No new trees are planted between the north-south runs of the retaining wall and the property lines. Planting in that area would unnecessarily excavate the root zone of the mature trees, causing additional stress, very close to structural roots. Also, the new trees would suffer from shade and competition from the existing vegetation.”*

The approved landscaping plan received December 18, 2018, to be followed as submitted with trees planted to be of the taller growing variety. No further excavation other than for installation of the retaining walls to occur on the property and the retaining walls to be constructed using smaller retaining blocks along the north and south sides to hold back the fill as discussed during the hearing so as to not disturb established roots from existing trees.

**#2 – Item D *“Letter from Arborist or qualified professional”***

As Mr. Robinson provided the letter from Wildrose Garden & Tree Service to the Board members at the hearing the matter is considered closed.

**#3 – Item *“\$1500 penalty”***

Further to the email of August 30, 2018, between Mr. Robinson and Phyllis Forsyth, CAO, the \$1500.00 penalty will be removed.

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<sup>1</sup> Wildrose Garden & Tree Service, Planting Recommendations

<sup>2</sup> Wildrose Garden & Tree Service, Planting Recommendations

#4 – Item *“Applicant forfeit completions deposit for not constructing as per development permit”*

Alterations to the bank by mechanized equipment occurred without a development permit. The Board therefore upholds the decision of the Municipal Planning Commission and the applicant forfeits the completion deposit of \$5000.00.

Respectfully,

SUMMER VILLAGE OF NORGLLENWOLD

A handwritten signature in blue ink, appearing to read "Teri Musseau". The signature is written in a cursive style with a large, sweeping initial "T".

Teri Musseau  
Secretary  
Subdivision and Development Appeal Board