1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. MINUTES APPROVAL
   
   3.1 Tuesday, March 12, 2019 Subdivision and Development Appeal Board Minutes
   
   3.2 Wednesday, March 13, 2019 Subdivision and Development Appeal Board Minutes

4. 5:15 P.M. PUBLIC HEARING
   
   4.1 Refusal of Development Permit D19/026- Don Meadows - Two New Shops (80' x 50' x16' & 40' x 30' 14'), Existing Quonset (26'x 67'x 14’) and Existing Cabin being restored on site (28' x 36' x 14’)

5. ADJOURN
Subdivision and Development Appeal Board Meeting

MINUTES

Tuesday, March 12, 2019, 5:15 PM
Council Chambers
County Administration Building

Present

Chairperson, Laurie Johnson
Board Member, Rick Pries
Board Member, Chris Daniel
Board Member, Everett Matiko
Board Member, Tim Hoogland

Staff Present

SDAB Secretary, Rod Hawken
Jarvis Grant, Development Officer
Recording Secretary, Amber Tripp
Recording Secretary, Erin Ballhorn
Municipal Intern, Naomi Finseth

1. **CALL TO ORDER**

Secretary Rod Hawken called the meeting to order at 5:15 p.m.

2. **APPROVAL OF AGENDA**

**Resolution SDAB20190312.001**

MOVED: by Board Member E. Matiko

that the Agenda for Tuesday, March 12, 2019 be accepted as presented.

Carried Unanimously

3. **MINUTES APPROVAL**

3.1 **January 21, 2019 Subdivision and Development Appeal Board Minutes**

The following amendments to be made:

- Page 1 reads which reads:
  Chairperson L. Johnson asked the Board if they had any conflict of Interest or objections to any of the members sitting on the Board.

to be amended to read as:

- Chairperson L. Johnson asked the Board if they felt the appeal was submitted properly and acceptable, and if they had any conflict of Interest or objections to any of the members sitting on the Board.

- Page 5 will be amended from saying County of Leduc to read Leduc County.

**Resolution SDAB20190312.002**

MOVED: by Board Member C. Daniel

to approve the minutes for the Subdivision and Development Appeal Board meeting held Monday, January 21, 2019 as amended.

Carried

4. **5:15 P.M. PUBLIC HEARING**

Chairperson L. Johnson declared the Hearing open at 5:25 p.m. and a delegation consisting of Angie Setchell, Dave Setchell, Cheryl Wylie, James Wyllie, Angela Forth, Jaret Forth, Christina Livingstine, James Thompson, and Jarvis Grant, Development Officer entered the meeting.
Chairperson L. Johnson introduced the members of the Subdivision and Development Appeal Board and asked if there were any objections to any of the members sitting on the Board.

No objections were presented.

Rod Hawken, Secretary to the Subdivision and Development Appeal Board presented the Summary of Events.

Chairperson L. Johnson asked the Board if they felt the appeal was submitted properly and acceptable, and if they had any conflict of Interest or objections to any of the members sitting on the Board.

No objections were presented.

Chairperson L. Johnson asked the appellants Jaret and Angela Forth if they have any objections to any board members.

The appellants stated they had no objections.

4.1 Refusal of Development Permit D19/004- FORTH, Jaret and Angela: Parkside Transport Ltd. NW 10-47-24-4M, P. 0420254, B. 3 L. 1

On February 21, 2006, Jaret and Angela Forth applied for a development permit for the residential use of Plan 0420254, Block 3, Lot 1. The proposal included a 30’ x 40’ garage and a new residence. On March 7, 2006, Development Permit 06/028 was issued for the applied for development.

On October 18, 2011, Mr. and Mrs. Forth submitted another development permit application for a 30’ x 40’ cold storage shed. On November 3, 2011, Development Permit D11/269 was approved subject to six (6) conditions. Condition Six of D11/269 states the following:

"The proposed cold storage shed shall not be used for any commercial or business purposes and shall be used for private residential purposes only." This was reflected in the Forth’s application which did not indicate any desired business activity.

On December 4, 2018, the County of Wetaskiwin sent a Notice to Mr. and Mrs. Forth advising them that the County had become aware of a Commercial Trucking Business being operated from the Lands without an approved development permit. Further to this, the Notice went on to outline that the only provisions for commercial activity within the Country Residential District is to be home occupations or bed and breakfast businesses.

The property is zoned as Country Residential which has following listed as Permitted and Discretionary uses:

10.5.2 Permitted Uses

a) Dwelling, Detached
b) Dwelling, Modular – New
c) Buildings and uses accessory to the above

10.5.3 Discretionary Uses

a) Dwelling, Moved-in
b) Dwelling, Mobile – New
c) Dwelling, Mobile – Used
d) Dwelling, Modular – Used
e) Dwelling, Secondary Suite  
f) Home Occupation  
g) Bed and Breakfast  
h) Public Utility  
i) Show Home  
j) Buildings and uses accessory to the above

As stated in Land Use Bylaw 2017/48 in regards to Home Occupation vs. other Businesses:

**Business** means an establishment for carrying on a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal, or other service for gain or profit. This includes home business.

**Business Service** means services which include but are not limited to printing; photographic processing; the provision of office maintenance; custodial services; office security; the sale, rental, repair or servicing of business equipment, furniture, supplies and machines, computers, cellular telephones, and fax machines.

**Home Occupation** means any occupation, trade, profession or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the dwelling or a farm building but where there are only minimal business visits, product storage, or deliveries.

**Minor Business** means a business operated from but subordinate to an agricultural operation or residential use.

9.16 Home Occupation

9.16.1 A home occupation shall not change the character or have any exterior evidence on the dwelling or farm building that it is carried out from.

9.16.2 A home occupation shall not employ more than one paid employee other than the resident and the resident's family.

On January 14, 2019, the Forth's submitted a completed development permit application for the operation of Parkside Transport Ltd. from the Lands. Within the application and supplementary emails it was outlined that a portion of both existing accessory buildings are utilized for the trucking business, that April to October is their busiest season, the truck and trailer leaves by 8am and is usually home by supper and that the truck and trailer does not come back loaded.

On January 17, 2019, a completed Alberta Transportation Roadside Development Application was sent to Alberta Transportation for review. On January 22, 2019, Alberta Transportation sent an email to the Forth's which outlined that given the fact that the necessary zoning was not in place for the County to grant an approval that Alberta Transportation would be holding their application in abeyance until the appropriate zoning was put in place. It should be noted that if the Lands had a proposed zoning change brought forward, Alberta Transportation would be on the County's referral list to provide further comments.
On January 23, 2019, the County issued a Notice of Refusal of Development Permit for Development Permit Application D19/004 for the proposed operation of the existing business of Parkside Transport Ltd.

"NOTICE OF REFUSAL OF DEVELOPMENT PERMIT

You are hereby notified that your application for a development permit with regard to the following:

Parkside Transport Ltd.

NW-10-47-24-W4

Lot 1, Block 3, Plan 0420254

FORTH, JARET & ANGELA

has been REFUSED for the following reason:

The existing business is classified as a minor business and is not listed within the Residential District.

10.5.2 Permitted Uses

a) Dwelling, Detached
b) Dwelling, Modular- New
c) Buildings and uses accessory to the above

10.5.3 Discretionary Uses

a) Dwelling, Moved-In
b) Dwelling, Mobile- New
c) Dwelling, Mobile- Used
d) Dwelling, Modular- Used
e) Dwelling, Secondary Suite
f) Home Occupation
g) Bed and Breakfast
h) Public Utility
i) Show Home
j) Buildings and uses accessory to the above

Section 1.5.1 States Except as otherwise permitted in this Bylaw, development and subdivision in each district shall be in accordance with the uses listed in the district for the site on which it is proposed and the regulations and the guidelines of this Bylaw.

As seen in Section 9.5 of the Land Use By-law 2017/48, the County of Wetaskiwin is required by Alberta Transportation to submit a Roadside Development Permit Application for development near a Provincial Highway for proposed development, including change in use of existing development or access, within 300 metres of the provincial highway right-of-way boundary or within 800 metres of the centre point of an intersection of the provincial highway with another public road.
After reviewing the application, Alberta Transportation is holding the Roadside Development Permit Application for Development near a Provincial Highway in abeyance until the appropriate zoning is obtained to accommodate the type of land use required to operate a business.

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Section Four of this Bylaw. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Subdivision Appeal Board not later than twenty-one (21) days following the date of decision of this notice. The notice of appeal shall contain a statement of the grounds of appeal as well as $150.00 for appeal fee.

DATE OF DECISION: January 23, 2019
Appeal Deadline February 13 2019"

On February 13, 2019, a Letter of Appeal was received from Jaret and Angela Forth, which read as follows:

"Please consider this correspondence a request for appeal to the refusal of the development permit D19/004.

We are appealing for the following reasons:

• Business has been wrongly interpreted
• No outside employees
• No customer visits
• No products Bought or sold
• No service conducted on the property mobile off location service only
• Business is secondary to the residential dwelling
• Office not open to the public(paperwork purposes only)

Please let us know when we are able to have the hearing. If hearings are only held Monday-Thursday we are not able to attend hearings on Wednesdays the following dates Feb 20, 27 of 2019, March 6, 13, 20, or 27 of 2019, April 3, 10, 17, 24 of 2019.

Sincerely,
Jaret and Angela Forth"

On February 21, 2019, Administration contacted Alberta Transportation for further comments with respect to the Parkside Transport Ltd. Application. Alberta Transportation replied with the following comments:

"Hi Jarvis,

Alberta Transportation would offer no objections to the proposed business "Parkside Transport" as indirect access to the highway is provided from the local road system and traffic to/from the lot is not expected to increase."
Strictly from a highways perspective we would be prepared to issue a permit if the County of Wetaskiwin, as the land use authority, feels the proposed land use is appropriate for this area.

Regards,
Carly Cowles”

Administration also requested a response from the County of Wetaskiwin’s Engineering Technologist regarding Geometric Road Design Analysis. Dallas Vikse, C.E.T had the following comments:

“Per your request, I have conducted a Geometric Analysis of County road 242075 TWP RD 472, a.k.a. Larchtree Drive. The limits of said analysis were to specifically review the first 200m of Larchtree Drive south of TWP RD 472. The purpose of the analysis was to determine if the characteristics of the roadway corridor would warrant an industrial/commercial type use (a.k.a. suitability/compatibility with tractor truck and trailer use). The following information & attached images may be used to support your pending recommendation.

Regarding Horizontal Alignment, the 200m portion of roadway south of TWP RD 472 is positioned in the centre of a 20.1m wide County road allowance (perpendicularly north/south to the township road) with an average width of 8.0m. The road surface is gravelled according to standard County application rates and situated between grass-vegetated ditches.

Local industrial road standards stipulate that the road structure shall consist of 300mm subgrade prep with 250mm of aggregate finished with a 100mm asphaltic concrete surface. Local residential roads consist of substantially lower standards with 150mm subgrade prep with 100mm of surface gravels. Without taking core samples of the existing road structure, the County assumes that the road is built to a local residential standard. This standard is considerably reduced when compared to average township/range roads which are typically built to minimum 300mm subgrade prep with 100mm compacted surface aggregates.

Further to horizontal alignment, Right-of-Way requirements are such that a 30.0m width is required for rural industrial roadways, and minimum pavement widths shall be 12.0m for the same. Again, Larchtree Drive is an 8.0m gravelled surface within a 20.1m right-of-way while typical township/range roads are 7.3m wide in the same width of right-of-way.

The approach/access into Rural Address #2, 242075 appears to be constructed to a width of 10.0m at property line. Industrial standards range from 10.0 to 15.0 meters wide. The current geometrics regarding shoulder radii vary from 10.0m on the north and 1.5m on the south. County standards dictate 15.0m for a shoulder radius in order to accommodate for large truck turning moments. Again, pavement surfacing is a minimum for industrial-type lots rather than gravel aggregate. Should this type of access be approved onto a typical grid road, gravel is acceptable.

Regarding Vertical Alignment, the roadway appears to have a gentle, steady grade away from the northern township road. There were not any vertical curves of any significance present at time of inspection due to snow cover.
It should be noted that the parcel in question has an area of nearly 6 acres. The County requires pavement of internal roads where the lots are 1 acre or less unless the development accesses a paved road. In this case, the development is a multi-lot residential subdivision. The attached Road Contribution Fee Policy #6615 would apply in this situation. Current guidelines would require the developer to pave internal roads and also pave a linking road (Section 2.c.). Concerning drainage requirements, industrial areas currently require 500mm minimum diameter culverts complete with rip-rap end treatment. These items could not be confirmed again due to snow-filled ditches. Being that this subdivision is some years old; the County could presume that the culverts are 400mm without rip-rap end treatments.

One option that may be entertained by the County would be for an industrial sized approach to be constructed directly off of grid road TWP RD 472 into #2, 242075. The County has future plans to reconstruct and pave TWP 472 adjacent to this location to a non-banned surface. This could be an alternative for the lot owner to access his property with larger trucks which are otherwise susceptible to road bans. An approach construction application would be required to be submitted and approved to pursue this option.

In conclusion, I would not support an industrial-type lot located within BlueBird Estates due to the current as-built infrastructure when compared to standard engineering principles, our current design guidelines and also County of Wetaskiwin council-approved policies. I trust the abovementioned information will be of value to you moving forward.

Please do not hesitate to contact me for any comments or concerns.

Best regards,

Dallas E. Vikse, C.E.T.
Engineering Technologist"

A Subdivision and Development Appeal Board Hearing was scheduled for Tuesday, March 12, 2019 and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, the Subdivision and Development Appeal Board Members, and the Director of Planning and Economic Development on February 15, 2019.

Administration recommended that the Subdivision and Development Appeal Board refuse the appeal by Jaret and Angela Forth for Parkside Transport Ltd. Located within NW-10-47-24-W4 Lot 1, Block 3, Plan 0420254. The recommendation is made for the following reasons:

- The existing proposed development is classified as a Minor Business which is not a prescribed use allowed within the County Residential District;
- The consideration of Parkside Transport Ltd. as a Home Occupation would not provide a consistent application or interpretation of the County’s Land Use Bylaw; and
- The internal subdivision road was designed and constructed with the intent of residential traffic, not tractor-truck and trailer combinations.

Jarvis Grant, Development Officer went over his Development Officer’s report where he highlighted the following topics:

- Went over previous home based business approvals within the County
• Mentioned that when we get these applications Administration tries to stay consistent of applying the definitions of Home Occupation vs. Minor Business.

• Possible damage to County Infrastructure.

The Board questioned if the internal subdivision and Township Road 472 were gravelled. Jarvis Grant, Development Officer replied that yes both roads were graveled.

The Board questioned if the office is permitted within the residence? Mr. Grant replied that yes the office under his interpretation of the Bylaw falls under the Home Occupation definition, but the truck and trailer that come on to the property do not.

Jaret and Angela Forth, the Appellants addressed the Board with the following points:

• Stated that they have lived on the property for 13 years and the property is 5.3 acres in size.

• There is no business done on the property, just an empty Truck and Trailer are brought there.

• There are no outside employees, no customers and no sales done on the property.

• Mentioned that in 2008 an Autobody Business was approved within the Bluebird Estates Subdivision.

• Mentioned that in a Subdivision to the North of Bluebird Estates there has been a trucking company running

• Stated that the truck and trailer are always emptied prior to entering their property, so there would be no road damage.

• There Business is mostly seasonal and running from April to October.

• Stated that 90% of the activity done on the property is home based.

• There is no signage on the property for people to know they are running a business.

The Board questioned Mr. and Mrs. Forth why they feel the business is wrongly interpreted. Mrs. Forth replied that they feel they are more of a home occupation, and within the Bylaw definition it does not state you can't bring a work vehicle home.

The Board questioned if they are only bringing the Truck and Trailer to park on the property. Mrs. Forth stated that yes it is only there to park, the existing accessory buildings contain personal stuff not any business related products.

The Board questioned if the 50% road ban is year round, and what would the empty weight for the truck and trailer, are the axles over at any point. Mr. Forth stated that yes there is a road ban, but no the axles would be well under the weight limit.

The Board questioned how many vehicles and what kind it is that is used for the Business. Mr. and Mrs. Forth replied that it is a Semi, and low boy trailer, that has 12 tires on the trailer.

The Board questioned where is the semi parked when it comes on to the property. Mr. and Mrs. Forth replied that the semi is parked in a existing building, which makes it not visible at any time.
The Board questioned the approval date for the second accessory building, and how long has the business been operating. Mr. and Mrs. Forth replied that that the accessory building was in 2001, and they have been running the Business since 2006.

The Board questioned, if this business is not allowed could they park the Semi and Trailer somewhere else. Mr. and Mrs. Forth replied no, because of the economy and they are a single income family it would be too expensive.

Angie Setchell, an adjacent landowner to state there is only one truck on the property and Mr. Grant may have used trucks as plural by accident in his presentation.

Dave Setchell, an adjacent landowner, stated that you never see the truck on the property, there is no dust, and the Forth's are very considerate of their neighbours.

The Board questioned the location of the Angle and Dave Setchell property to the Forth's.

James Thompson an adjacent land owner commented on the following:

- Stated that he farms half a mile east of the Forth's.
- Mentioned that Mr. Forth hauls grain for Mr. Thompson.
- Stated that when roads in the subdivision were built, he helped worked on them and they were clay based.
- Mentioned that he cannot see any damage made to the road.
- Mentioned that there are lots of home based businesses and wants to support local business. He would hate to see the tax payers put out by the County by not allowing them to run business.
- Stated that other people could be sent home with a loaded work truck that could weigh more than Mr. Forth's Semi and Trailer.

The Board questioned Mr. Thompson who owns the grain trailer. Mr. Thompson stated it is Mr. Forth's grain trailer that is kept on his property.

Jim Wyllie, an adjacent landowner, stated that Mr. Forth always has empty truck and there is no degradation of the road, also that you hear him, but he is just in and out. Mr. Wyllie stated that he does not have a problem with the business.

Christine Livingstone, a direct adjacent landowner, stated that the Forth's are very friendly neighbours, and that the Forth’s kids playing outside are usually louder than the truck.

Mr. Grant made the following closing comments:

- Stated that it is good to hear that the adjacent landowners are in support of the business.
- Stated that Administratively based on the Bylaw, Administration must make consistent decisions based on planning merits, and the Bylaw must be applied in a black and white matter. Administration would consider this a Minor business, and it is not permitted use within the Country Residential District.
- Stated that Administration still recommends that the appeal be denied.
The Board questioned the maximum parcel size for Country Residential Lots. Mr. Grant stated it is stated under the district listing, and Council has the authority to approve larger parcel sizes during the rezoning and subdivision stage.

The Board questioned who made the complaint. Mr. Grant stated that it had went through the Bylaw department.

The Board questioned if there is anything in the Land Use Bylaw that states provision for work vehicles. Mr. Grant stated that there are no provisions listed within the Land Use Bylaw.

Mr. Setchell commented that there have been bigger trucks going in and out of the properties. He addressed the Board to which properties within the subdivision that have businesses running out of the property.

Mrs. Setchell stated that there is a landscaping company within the subdivision, and you can hear the equipment rattling on the trailer, and a previous landowner in the subdivision was a plumber and would drive his work truck in out of the property daily.

Mr. Forth stated that in 2008 an Autobody Business was approved by the County.

The Board stated to Mr. Forth that they are unable to look at previous approvals, and must look at the merits of this application they are being presented at the current Hearing.

The Board questioned Mr. Forth that the truck is 100% empty. Mr. Forth stated it is always empty, the trailer is parked outside between the two shops, and the truck is parked within the existing accessory buildings. If the trailer is loaded it is parked somewhere else.

Chairperson L. Johnson questioned Mr. and Mrs. Forth if they felt they had a fair hearing. They replied that they did feel they had a fair hearing.

Chairperson L. Johnson advised the applicants and the delegates in attendance that a written decision will be mailed within 15 days of this hearing.

Chairperson L. Johnson declared the hearing closed at 6:10 p.m. and the Board thanked the delegation for attending and they left the hearing.

The Board discussed the following to come to a Decision:

- The Board was of the opinion that the proposed use meets the definition of Home Occupation;
- The Board was of the opinion that the Home Occupation will not create a nuisance on neighbouring properties as the office work will be undertaken indoors, the tractor trailer will be stored in an existing accessory building and trailers associated with the business will be stored off-site;
- The board addressed the concern regarding road damage by not allowing any trailers associated with the Home Occupation on-site;
• While it is important to be consistent, the Board was of the opinion each appeal must be judged on its own merits.

Resolution SDAB20190312.003
MOVED: by Board Member T. Hoogland

The board uphold the appeal by Jaret and Angela Forth for Parkside Transport Ltd. Home occupation located within NW-10-47-24-W4 Lot 1, Block 3, Plan 0420254 be approve subject to the following conditions:

1. Location and use of proposed development shall be as specified by documents submitted by applicant.
2. The site shall be kept in a neat and orderly fashion.
3. The number of employees for the Parkside Transport Ltd. will be limited to the landowners of the property.
4. There will be no trailers associated with the Business Home Occupation to be parked or stored on site.
5. There will be a maximum one (1) Highway Tractor to be parked/stored on site in an existing accessory building.
6. Any traffic to and from the site shall abide by any road ban restrictions;

Carried Unanimously

Resolution SDAB20190312.004
MOVED: by Board Member C. Daniel

That the definition of Home Occupation and Minor Business be reviewed by the Land Use Bylaw Committee and they should consider addressing:
• Size of vehicles.
• Define registered and commercial vehicles
• Mention outdoor storage business items (including vehicles).

Carried Unanimously

5. ADJOURN

Resolution SDAB20190312.005
MOVED: by Board Member E. Matiko

that the meeting adjourn at 7:16 p.m.

_____________________________________
CHAIRPERSON

_____________________________________
SECRETARY
1. **CALL TO ORDER**

   Secretary Rod Hawken called the meeting to order at 5:15 p.m.

2. **APPROVAL OF AGENDA**

   Resolution SD20190313.001

   MOVED: by Board Member R. Pries

   that the Agenda for Wednesday, March 13, 2019 be accepted as presented.

   **Carried Unanimously**

3. **DELEGATIONS**

   Chairperson L. Johnson declared the Hearing open at 5.20 p.m. and a delegation consisting of Dean Baumann, Lloyd Erhardt, Mark Minchau, Craig Lonsway, Scott Vuylsteeke, Doug Dammann, Allanna Dammann, Michele Corry, Brian Brown, Sharon Brown and Cheryl Dupe entered the meeting.

   Chairperson L. Johnson introduced the members of the Subdivision and Development Appeal Board and asked if there were any objections to any of the members sitting on the Board.

   No objections were presented.

   Rod Hawken, Secretary to the Subdivision and Development Appeal Board presented the Summary of Events.

   Chairperson L. Johnson asked the Board if they felt the appeal was submitted properly and acceptable, and if they had any conflict of interest or objections to any of the members sitting on the Board.

   No objections were present.

   Chairperson L. Johnson asked the appellants, The Friends of Bigstone Creek, if they have any objections to any board members.

   The appellants stated they had no objections.

3.1 **Appeal of Development Permit D18/238 - Aggregate Associates Inc. - Brian & Sharon Brown - Report**

   On October 19, 2011, an appeal hearing for Development Permit D09/284 – Associated Aggregates Inc. Resource Extraction Operation on the SW and SE 36-46-27-W4M was held. On October 26, 2011, the Subdivision and Development Appeal Board upheld the decision made by the County to issue a development permit, but amended Condition #22 regarding the hours of crushing which stated:
"The operating hours for crushing of gravel shall be allowed twenty four (24) hours a day, seven (7) days a week. Crushing operations must cease every other weekend and on Statutory Holidays. Plant, equipment operations, and truck hauling shall be allowed only between the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday with no work on weekends and Statutory Holidays, in accordance with the development permit application report dated July 21, 2011 and related appendixes, studies, and figures. Note: in the event that concerns are received by the County concerning the operating hours, the County will contact the applicant/owner to amend the hours of operation; acting reasonably;"

On November 14, 2018, the County of Wetaskiwin received a development permit application from Associated Aggregates Inc. The application was created by Aspen Land Group out of Edmonton which is an environmental consulting company that provides professional services for the sand, gravel, and the upstream oil and gas industries in Alberta.

On November 27, 2018, Alberta Transportation issued an Alberta Transportation Permit No. RSDP023632 for the expansion of the existing gravel pit.

On December 10, 2018, Aspen Land Group requested that their submitted application be amended to allow gravel crushing for twenty-four (24) hours per day, 365 days per year as established by the Subdivision and Development Appeal Board decision in 2011 for the existing gravel pit area.

On December 20, 2018, a site inspection was conducted of the existing gravel pit site.

The property is zoned as Agricultural (AG) which has the following Permitted and Discretionary uses:

10.1.2 Permitted Uses
a) Agriculture, Extensive
b) Dwelling, Detached
c) Dwelling, Mobile – New
d) Dwelling, Modular – New
e) Intensive Livestock Operation - situated at least 400.0 meters (1312 feet) away from any land not districted as Agricultural or Severed Agricultural
f) Buildings and uses accessory to the above

10.1.3 Discretionary Uses
a) Dwelling, Communal
b) Dwellings, Moved-in
c) Dwelling, Mobile – Used
d) Dwelling, Modular – Used
e) Dwelling, Secondary Suite
f) Agricultural, Intensive
g) Intensive Livestock Operation - within 400.0 meters (1312 feet) of any land not classified as Agricultural or Severed Agricultural under this Bylaw
h) Tree Farm
i) Bed and Breakfast
j) Home Occupation
k) Industry Work Camp
l) Kennel
m) Public Utility
n) Public or Quasi-Public Use
o) Resource Extraction Operation Type A
p) Resource Extraction Operation Type B
q) Resource Processing Operation
r) Recreational, Extensive
s) Abattoir
t) Greenhouse
u) Veterinary Clinic
v) Minor Business
w) Equestrian Center
x) Recreation Vehicle Use (greater than 80 acres, where no dwelling exists – maximum 3 year permit. If the landowner wishes the use to continue, they must re-apply for the use prior to the expiry of the permit).
y) Buildings and uses accessory to the above

On January 31, 2019, Development Permit D18/238 was issued for the expansion of the existing resource extraction operation subject to twenty-eight (28) conditions, which is as follows:

RE: Proposed Development: Expansion of Existing Resource Extraction Operation for Gravel

Land Location: SW-36-46-27-W4M
Municipal Address: 465003 HWY 795
Tax Roll Number: 244000 & 243900

This will acknowledge that your completed development permit application submitted to our office November 13, 2018 for the above described development has been APPROVED by the Development Officer subject to the following conditions:

1. Proposed Development not to encroach on Registered Rights of Ways or Utility Service Lines. In addition to this, the applicant is advised that it is their responsibility to contact Alberta-One-Call at 1-800-242-3447 to locate buried facilities if there is a plan to excavate or disturb the ground in Alberta prior to the excavation or ground disturbance and meet these set-backs as required.

2. Location and use of proposed development shall be as specified by documents submitted by applicant.

3. The applicant shall be responsible to contact Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.

4. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.

5. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.

6. The applicant shall enter into a Road Use Agreement with the County of Wetaskiwin Public Works department for all Range, Township and Public Roads used to access the site within fourteen (14) days of the date the Development Permit is approved;

7. As specified in an approval to be obtained from Alberta Transportation.

8. The development shall operate in compliance with all other County approvals and By-laws, including any County of Wetaskiwin No. 10 Page 1 of 6 Application Number:
D18/238 road-use agreements as required. Failure to comply with a road-use agreement or other County By-law, or failure to obtain an agreement where required may result in the cancellation of this development approval at the discretion of the Development Officer.

9. The proposed pit is approved as a "Resource Extraction Operation Type A". Excavations will occur in six phases. The first extraction phase will begin in the south at the area designated as MB1 on the development plan removing the aggregates to their full depth depleting that portion of the pit. The development will then proceed northward depleting Areas MB2 through to MB6;

10. The Developer must provide and maintain proper signage on the property for public safety including signs for access onto the Public Road. A sign permit can be obtained from the Planning and Economic Development Department at the County of Wetaskiwin;

11. The Developer shall ensure all provincial permits and approvals are obtained and in place prior to the commencement of any operations and these shall be kept current and compliant including but not limited to a Conservation and Reclamation Approval (or equivalent approval) from Alberta Environment;

12. Effective January 1, 2007 a $0.25 per tonne levy will be implemented as outlined in Bylaw 2006/41, Community Aggregate Payment Levy, the Bylaw is attached;

13. Any removal of trees or shrubs providing nesting habitat for birds shall not occur during nesting periods between April 15 and August 30th of each year;

14. All traffic to and from the site shall abide by any road ban restrictions unless otherwise stated in a road use agreement;

15. The operating hours for crushing of gravel shall be allowed twenty four (24) hours a day, seven (7) days a week. Crushing operations must cease every other weekend and on Statutory Holidays. General operations such as excavating, back filling and truck hauling shall be allowed only between the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday with no work on weekends and Statutory Holidays, in accordance with the development permit application report dated July 2018, and related appendixes, studies, and figures. Note: in the event that concerns are received by the County concerning the operating hours, the County will contact the applicant/owner to amend the hour of operation; acting responsibly;

16. Should adjacent landowners raise concerns regarding noise from the operations of the development, the applicant or operator must undertake measures to reduce the noise as approved by the County;

17. No haul shall be allowed along Township Road 450 using Range Road 270 heading eastbound for access;

18. A minimum 3.0 metre berm shall be maintained to control noise and is to be parallel to Township Road 465 to the satisfaction of the Development Officer.

19. Trucks shall be tarped when hauling gravel on County roads;

20. The Developer shall ensure that in the process of the extraction and hauling, weeds are not spread onto adjacent properties and road rights of way. In the event that the County determines that weeds are being spread through this process, the Developer shall participate in a weed spraying program to the satisfaction of the County’s Director of Agriculture to eliminate the problem;

21. The Pit shall be located as shown on the plans submitted. Stockpiling shall continue in existing locations as well as in the new area indicated. Any new stockpiling shall be done in such a manner to further mitigate any noise generated by crushing operations;

22. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed to the proposed distance of 10 metres (33 feet) as it appears on the submitted plot plan;

23. An undisturbed buffer of fifteen (15) metres will be maintained at top of bank along the Bigstone Creek;
24. Parking of employee vehicles and company equipment will be accommodated on site. No vehicles or equipment shall be parked on the public road;

25. The Development Permit shall expire and all operations associated with this approval shall cease after December 31, 2023, at which time a new Development Permit may be applied for;

26. There shall be no mining in the archaeological avoidance zone;

27. The Developer shall create a 3 metre berm on the south east side of crusher to act as a sound buffer to the satisfaction of the Development officer;

28. The Development Permit will be rendered void if any of the conditions are not complied with.

This is a discretionary use as specified by Section 10.1.3 (o) & 10.1.5 (a) of Land Use By-law 2017/48.

Failure to comply with any of the above conditions will render this permit null and void.

The applicant is also advised of the following:

1. The development shall comply with all applicable Provincial and Federal Regulations.

2. The developer has two (2) years from the date of issuance to complete the proposed development, unless otherwise outlined in the conditions of this permit.

3. All Recreational Vehicle Use, Short Term Camping and recreational Vehicle (RV) Storage must comply with the provisions outlined and defined in the County’s Land Use Bylaw 2017/48.

4. This issuance of this development permit does not supersede or suggest violation of any caveat, easement, restrictive covenant or other encumbrance shown on the back of the Certificate of Title. It is the responsibility of the applicant/owner to research the Certificate of Title for the existence of any encumbrance.

5. The applicant is advised that it is their responsibility to contact the Alberta Energy Regulator Information Services by telephone at 403-297-8311, by fax at 403-297-7336 or by e-mail inquiries@aer.ca, with respect to required setback distances from abandoned wells, surface developments and/or active Oil and Gas facilities.

6. The applicant is advised that the development may be in a rural area in which may be subject to typical agricultural operation uses on adjacent or nearby lands including, but not limited to, confined feeding operations and manure storage facilities as defined under the Agricultural Operation Practices Act, and any nuisance that may arise from such uses.

7. It is the responsibility of the applicant to contact the County to inquire if any appeals have been received.

8. No physical excavation or construction may legally begin prior to the effective date (or such later date should an appeal be received). Any excavation or construction started prior to the effective date will be done at the sole risk and cost of the applicant.

9. A permit is issued in accordance with the notice of decision is valid for a period of one (1) year from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.

As the applicant or adjacent landowner, you are being notified in accordance with the County of Wetaskiwin Land Use By-law 2017/48. If you wish to appeal the approval of this development, please fill out the attached form along with a written submission stating the grounds of appeal, along with the $150.00 appeal fee, must be received on or before 4:30 p.m., February 21, 2019. The appeal should be addressed to the Secretary of the Subdivision & Development Appeal Board, County of Wetaskiwin No. 10, Box 6960, Wetaskiwin, Alberta T9A 2G5. In the event an appeal is received, a hearing will be scheduled.
On February 21, 2019, a Letter of Appeal was received from Mark Minchau, which reads as follows:

"Brown Gravel Pit SW-36-47-27-4
Friends & neighbors of Bigstone creek
Request and appeal on the following grounds:
Noise pollution-none of us are in favor of 24/7 gravel crushing and trucking operations.
Dust pollution to adjacent crops and crop land, dust pollution to surrounding yard sites.
Trucking...no gravel or gravel equipment trucks east of pit entrance empty or loaded unless gravel is to be used domestically.
Water health & pit reclamation-to what depth is this permit allowing and what, if any contingency plan is in place to protect the shallow aquifer? Where is the detailed reclamation plan and is the site to be returned back to natural habitat?
Property values-after current property values of adjacent owners declines, who will make up the difference?
Much more to discuss, looking forward to voicing our concerns at the Public Hearing,
Sincerely, The Friends of the Bigstone creek
Ron & Darlene Cosgrave
Mike Komives
Craig Susan Lonsway
Mark Minchau
Scott Vuylsteke
Lloyd Erhardt
Linda Erhardt
Collin Cook
Barb Cook
Doug Dammann
Alanna Dammann"

A Subdivision and Development Appeal Board Hearing was scheduled for Wednesday, March 13, 2019 and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, the Subdivision and Development Appeal Board members, and the Director of Planning and Economic Development on February 25, 2019.

The Development Authority recommends that the appeal of Development Permit D18/238 for 'the Expansion of Existing Resource Extraction Operation' located within SW 36-46-27-W4M be refused and Development Permit D18/238 be upheld. The recommendation is made for the following reasons:

- There is a noise study in place for the existing gravel pit which states that there should be limited impact on adjacent residences. Further, the expansion is moving further away from most of the residences with conditions requiring further berming to help mitigate noise;
- The County has an extensive list of conditions within the development permit as well as within the historical Road Use Agreement with the County's Public Works Department;
• Reclamation and any Water Act requirements are the jurisdiction of the Province and the proposed and end land uses are compatible with the County’s Land Use Bylaw 2017/48; and
• In the opinion of the Development Authority, with all planning considerations taken into consideration and sufficient mitigation measures in place the approval of Development Permit D18/238 would remain consistent with the 1996 Land Use Policies as put forward by the Province, the County’s MDP, Land Use Bylaw and Policy 61.1.14.

Jarvis Grant, Development Officer went over his Development Officer’s report where he highlighted the following topics:
• The history of the resource extract pit.
• The ACI issued, Environmental Noise Impact Assessment for the no existing pit.
• The existing Road Use Agreement and hauling restrictions.
• Alberta Environment and current Agricultural Districting
• Consistency within the Land Use Bylaw 2017/48, County of Wetaskiwin Policy 61.1.14 Requirements for Resource Extraction Operations as Municipal Development Plan, which is inline with the 1996 Provincial Land Use Policies, which are still in effect.

The Board requested clarification of the future expansion, and current state of the pit. Mr. Grant clarified the proposed expansion areas on the map provided to the board which extends north of the existing pit.

The Board questioned if the applicants will be clearing trees and will future reclamation plans include replanting the trees which will be removed. Mr. Grant replied the will be trees cleared from the expanded areas, in accordance to the Migratory Bird Act, and the lands will be reclaimed to pasture.

The Board questioned if any new permit conditions had been added or amended to the previous approval D09/284. Mr. Grant there are some new conditions added.

The Board questioned where the crusher will be located. Mr. Grant indicated it will be located at same location as it had been previously.

The Board questioned if the the pit will operate 12 months per year. Mr. Grand indicated the applicant would be more suited to answer.

The Board questioned if there have been any condition not met since 2011. Mr. Grant is aware of two. Phone calls were received and the complainant was provided with Policy 21.1.2, the Enforcement Complainant Process Policy or given the optioned to submit their grievance in writing. Enforcement is complaint driven, and an investigation is completed once the complaint is received in writing.

The Board questioned the lifespan of the project. Mr. Grant verified the permit expires in 2023. There is an understanding there is approximately 2 months of crushing remaining. He verified that mining and crushing occur simultaneously.

The Board stated that the plan indicates reclamation at time of completion and wondered if there is potential to reclaim prior. Mr. Grant stated that there has been some reclamation completed and the applicant was required to provide security to the province to ensure reclamation is completed.

The Board ask for additional clarification of the historical impact area located within the applicants map. Mr. Grant verified the applicant would not be mining in the historically impacted area or the Archaeological Avoidance area.

The Board questioned if the same equipment, both size and numbers, is being used as the Environmental Noise Impact Assessment originally tested for. Mr. Grant stated based on his review the equipment which will be used is comparable.

Michelle Corry, of the Aspen Land Group, provided background and spoke on the following:
• The historical pit was originally disturbed between the years of 1967-1969 as per map 2-8.
• This pit is considered a high and dry pit, no water will be pumped, and the water table will be avoided.
• The process will including stripping the land of topsoil, mine the aggregate, crush the aggregate and haul offsite.
• The applicant will progressively reclaim the property. As a new block is opened, a subsequent block is reclaimed. Much of the existing disturbance is historical.
• All lands will be reclaimed at time of completion.
• There are 6 blocks which remain to be mined. 2 Blocks are currently approved within the existing permit and blocks 3-6 are located within the conditionally approved D18/238.
• Noise mitigation measures, including using 3 metre berms.
• Crushing will only be conducted once per year during the mining season.
• Trucks will haul west, no trucks are to travel east, and all trucks are to be tarped.
• There will be no pit de-watering. Mining will total a depth of 13 feet.
• The pit will be reclaimed to Agriculture use, specifically pasture.

Dean Baumann, of Associated Aggregates Inc. spoke on the following:

• Noise - 24 hour operation, they work with a short season which is largely dependent on weather. Other industries are not required to shut down every other weekend.
• Dust pollution - There are road speed restrictions, minimal processing on site compared to other gravel operations, calcium is applied twice per year and the road was graveled at the County’s request the summer of 2018.
• Heavy Traffic East - had not been aware of any instances of trucks heading east.
• Water health - There is no mining into the water table, there is an existing dugout which has not been expanded. There is plan to keep the dugout for the land owner.
• There is no material washing on site. This operation only crushes dry aggregate.
• Property values - This site has been disturbed since the 70’s, any perceived devaluation has previously been worked into property values. When the site is reclaimed, property values may improve. Many gravel pits are reclaimed to golf courses.
• This will be a short term gravel project, plans to reenter the site late summer, crush for 2 month and finish the project. A stock pile would be left and hauled out before 2023. Reclamation would be completed prior to 2023. Existing stock piles will be included within the reclamation project.
• The trees located on the expansion area have not yet been cleared.
• The benefits of localized aggregate operations which help reduce the costs of trucking.
• There is a 25 cent levy per tonne paid to the County.
• There are no plans to replant the trees cleared. The reclamation will be pasture.

The Board questioned if removing the trees will increase dust and noise and if there is mitigation to prevent that the increase. Mr. Baumann stated he crusher will be placed in the same location, the stock piles will be used to buffer the sounds once created. It does take two days to create the berm. Noise is generally from the screen deck. The generator can be located by a stock pile to reduce noise.

The Board questioned if there has been an updated Environmental Noise Impact Study. Mr. Baumann stated the same equipment will be used as determined in the original Environmental Noise Impact Study from 2010.

Michelle Corry stated a condition is lands must be seeded with vegetation prior to moving to the next block.

The Board requested the permit applicant verify the project process. Mr. Baumann stated the aggregate in this area must be processed in the summer. There is two months left of crushing within this pit. Associated Aggregates plans to start at the end of August, crush for two months until early October, every second weekend would be shut down as per the condition of the permit. Majority of the property will be reclaimed. The permit is valid until 2023. The time frame of 2020 - 2023 is to ensure reclamation is complete and vegetation is established.

The Board questioned the total area of trees to be removed. Ms. Corry stated the area to be cleared will be 10 hectares.
The Board questioned if there has been watering or calcium applied to internal road ways. Mr. Baumann confirmed watering would required a Temporary Diversion License, which is difficult to obtain. At this time there is no internal dust control.

Mr. Baumann stated crushing will be completed for this project by freeze up. There will be a stockpile until approximately 20121 and the final stages of reclamation will be completed.

The Board questioned if the Applicant was aware of any complaints. Mr. Baumann stated he had not heard of any complaints. The County of Wetaskiwin, Public Works had contacted him about the road condition and Aggregate Associates placed gravel on TWP RD 460 to rectify the situation.

The Board questioned if any final reclamation has been completed. Mr. Baumann stated no final reclamation has been completed and cannot be addressed until all trucks and disturbances are finished. It is possible to reclaim the north area first and the areas from center east are close to reseeding. The westerly areas cannot been reclaimed at this time as the stock piles of aggregate are stored there.

Scott Vuylsteke spoke to the following:

- How long is this project expected to last?
- They were made aware there was crushing in the area because they heard the equipment.
- Feels much has changed in the area since the original noise study was completed in 2011.
- Will the stock piles be in place longer than 2023?
- Largest concern is noise pollution. Recommended revising the noise study.
- Should additional traffic be expected as a result of logging the trees from the expansion site.

The Board questioned they types of changes in the area from 2011 to 2019 which would increase the sound travelling and if there had been additional development in the area. Mr. Vuylsteke verified the only changes had been onsite.

The Board questioned if crushing on the site had historically been longer than two months? Mr. Vuylsteke stated he did not keep track if it exceeded two month of crushing. There had been no open communication from the developer regarding the operations on the site.

Doug Dammman presented a letter, which reads as follows:

"Good evening,
We are Doug and Alanna Dammman, legal Land description 25-46-27 W4M. Our acreage is located directly south east of the current gravel operation. The proposed expansion of the gravel operation will bring the current pit to a significantly closer proximity of our home, resulting in unbearable living conditions. The workings of the original pit operations created an unacceptable noise and dust level that disrupted every aspect of our home life.

The county has given permission for crushing 24/7, with every second weekend and Statutory holidays off. This condition was also in the first development plan but was never followed as was outlined. They have reduced the front yard setback of 131 feet to a proposed distance of 33 feet and has required a 3 meter berm for noise control. Having lived through the initial gravel crusher location, we can assure council and the appeal board that this in no way limits the noise and or dust. We would welcome any member of this appeal board to our home during active crushing and have them experience what we lived with and what will become worse if this operation is allowed. Both my husband and I appealed, actually begged the county if truth be told, to please enforce the conditions laid out in the original pit operation. Our voice fell on deaf ears. If this expansion is approved who will be enforcing conditions?

This brings us to our next concern of property value. Living with an active gravel pit is not possible. But our hands are tied as our property value will plummet, which makes it impossible for us to sell. Who is accountable for our loss? Who is going to be financially responsible to make up the difference when we are forced to leave our home and community?"
Our homes water source is an active well, fed by Bigstone Creek with a water table of 3 of feet and a well depth of 59 feet. During the original pit operation we found our water levels and quality to drop significantly. This was brought to the attention of the county as it was visually apparent that the operation was at the water table. Again, this concern was never addressed or responded to. When our well is no longer viable as a result of this expansion, who is responsible to ensure that our home has water?

If council and the appeal board allow this expansion, what is the time line for reclamation of the pit site? When and how many trees will be planted to restore our natural wind break and prevention of soil erosion?

For this appeal board to make an informed decision, we’d strongly suggest that you visit an active gravel pit and crusher operation to fully experience what we are being told that we will have to live with, at minimum, until 2023. The noise is unbearable, sleep is impossible, the dust is so heavy we are unable to enjoy our yard, leaving our home is made impossible by trucks that line township 465. In short, there is not a single aspect of our life that is not affected.

In closing, we sincerely hope that our concerns are taken into consideration before this development is finalized.

Doug Dammann  Alanna Dammann"

The Board questioned Mr. Dammann's location compared to the extraction pit and if the dust is coming form operation, crusher, or the road. Mr. Dammann clarified the location of his home, and the dust experienced is coming from both the road and operation. He also stated he had spoken with several members of administration.

The Board questioned when the issues started. Mr. Dammann stated the fall of 2017. The operation had crushed from September until Christmas.

Lloyd Erhardt present a letter, which reads as follows:

"Dear Appeal Board
My name is Lloyd Erhardt and I live on northwest corner of the same land location as the proposed gravel pit. I have several concerns to have addressed:

1. Last year when the gravel operation started the noise from the crusher and loaders was very loud and this was annoying especially at late a night. It would be appreciated if you could cut down the hours of operation to 16 hours a day 6 days a week or close to it as possible.

2. I'm vary concerned about the land after all the gravel has been taken out What plans does the county have to address this reclaiming of this land? Are you taking steps to guaranty this will happen? Please note you are taking out a lot of natural habitat for birds and animals, there is a lot of trees on this land.

3. I travel this road a fair amount going to my Daughters place and to my neighbours. These trucks cause a lot of dust and potholes. This dust has affected the neighbours crops because the wind comes mostly from the north west I think better dust control by the developer by the way of water or calcium chloride on the road would really help.

4. There is a concern about the water table in this area. Has the county look at the possibility of having the water table contaminated if they go to deep with the pit All kinds of animals and cows will use this pit for drinking water. This is not a one year operation, you have extended the permit to 2023. Please take these concerns seriously, two to three years would not make us happy.

Thank you"

Lloyd Erhardt stated his concerns regarding road maintenance, calcium placement and the method of harvesting the trees from the property.

Mark Minchau submitted a letter to the board which reads as follows:

"Some of our concerns as follow below:

1. The Permit, to clarify was issued for the SW-36-46-27-4 and only the SW, is this correct?

2. Depth of extraction in relation to the shallow aquifer. We can't seem to find anywhere on the Permit a proposed pit depth or a water quality study of existing
domestic water supply. We would advise a detailed water study of adjacent water wells be completed before any further operations proceed. As well, we would like to know who assumes the liability should something adverse happen, the Developer or the Permit issuer?

3. Reclamation: Referring to Paragraph 1 on the Permit it states that the Developer is responsible for Provincial permits and approvals including Conservation and Reclamation. Who if anyone oversees this and enforces it? As for the reclamation, Paragraph 25 states that All Operations cease DEC 31/2023. Will the area be returned to Natural Habitat by then or will there be livestock at large in the open excavation? We recommend no further extensions be granted beyond 2023.

4. Noise and dust control will be addressed by other adjacent land owners.

5. No hauling of equipment or gravel trucks, empty or loaded east of present pit entrance with the acceptance of domestically purchased aggregates.

We sincerely wish the Browns and the Developer success on the next phase of their pit and hope they can appreciate our concerns.

Thankyou
Mark Minchau"

Mark Minchau stated the following:

- Dust and effects on adjacent crops.
- Recommends better dust control moving forward.
- The TWP RD 460 was not maintained very well summer of 2018.
- Concerns regarding the reclamation process. Would like to see the reports that reclamation has been completed properly.
- Understands Agricultural parcels have the ability to extra gravels and that weather plays a factor.
- Recommends better sound control.

Craig Lonsway stated the following:

- His property vibrates when a crusher is operating.
- Concerns for future water effects.
- Dust coats everything.
- Has experience flooding, was unsure if it was a result of the mining.

The Board questioned if the trucks head past Mr. Lonsway's home. He verified there are trucks which travel east on TWP RD 460.

The Board questioned how much dust is attributed specifically to truck travel. Allanna Dammann stated the pass of one vehicle and back yard life is eliminated.

Cheryl Dupe read a letter submitted by Geri Faulk, which reads as follows:

"I. (Gerry Faulk) I have a concern about the dust that we had to put up with in the last 2 years. From the gravel pit at SW-36-46-27-W4M any south winds, the winds follow the tree line and seem to dump the dust at our place.

Even when the farms are not in their fields this dust must be coming from the gravel pit.

The side of the house is covered in i dust.

The furnace and inside the home is covered in it dust, Brown Dirt.

We have had this kind of dust before the gravel pit opened up.

Now you want to extend the pit for another 5 years??

I don't mind people making money.

We moved to the country. We expect dust and dirt when the farms are in the fields. But not all year long.

Gerry Faulk"
Cheryl Dupe presented the following statements and concerns:

- Was relieved to hear it will be only two months of crushing, not five years.
- Silica is a byproduct of mining and can cause health concerns. This was researched on the internet.
- Requests notification when crushing will occur.
- Is there a way to monitor the dust to ensure it is not toxic?

The Board clarified that water is located within the Province's Jurisdiction and cannot be addressed by the Subdivision and Development Appeal Board.

Brian Brown, owner of the lands being developed, spoke to the following:

- The history of the lands including when they were purchased, previous developers and mining operations within the lands.
- Chose to partner with Aggregate Associates because they would respect the terms of development provided by the Browns, including the location of mining and the avoidance of certain lands within the half section.
- Many parcels of lands have changed hands through the last five years and there had been no complaints of reduced revenues.
- The existing water sources has remained, even in years of drought.
- It is a short term projects.
- Was unaware that trucks headed east of the pit.
- The largest haul was the winter of 2017 for Leduc County.

The Board asked for verification of the Brown's home location. Mr. Brown confirmed his home is located west of the extraction pit.

The Board questioned if the water sources could be used for dust control. Mr. Brown confirmed it would be available. **(As stated in previous discussion, Mr. Baumann confirmed watering would required a Temporary Diversion License, which is difficult to obtain.)

Rod Hawken, Secretary to the Board read a letter submitted by Ron and Darlene Cosgrave:

"We live across the road from the Pit. There was a lot of trucks and a lot of Dust. They covered my pasture, hay land and crop land. Would like to see calcium put from mail box's to drive way into the pit.

Thank you.

Ron Cosgrave"

Jarvis Grant, Development Officer, provided final comments:

- The pit is in compliance with the hierarchy which has been put in place by the province.
- There are sufficient mitigation efforts to reduce noise and dust.
- If there are complaints, they are to be submitted in writing for enforcement actions to be taken as resources are available.
- Recommended to uphold the permit with the amendment from SW 36-46-27-5W4M to SE & SW 36-46-27-5W4M.

The Board questioned the protocol of calcium capping. Mr. Grant confirmed land owners pay for the service in front of their properties. If there is a road use agreement in effect for a development, calcium capping is addressed at that time. Also, Planning and Development are not notified when capping takes place.

Rod Hawken, Secretary to the Board, clarified that calcium capping can be done at any time, however, it is generally completed in the month of June due to labour availability.

Dean Baumann stated the following:

- Calcium capping occurs in June, with reapplication in August.
- Will address trucks heading east of the pit on TWP RD 460.
Silica infections are not an issue in Western Canada. His staff are not required to wear masks because they are not at risk.

Is will to consult with adjacent land owners to receive feedback for the locations of berms to prevent noise.

The Board questioned if the trucks only run when the crusher operates. Mr. Baumann stated the trucks operate during construction season. Generally, June to September.

The Board question how many trucks will operate on average. Mr. Baumann stated that an average of ten (10) trips would be made daily from the pit.

Dean Baumann stated Mr. Brown will be receiving the trees from the property for his personal use. The remaining smaller poplar will be brushed and burned.

Brian Brown confirmed several neighbours had re-drilled water wells prior to mining.

Scott Vulsteke stated the amount of brushing completed will be significant. He also stated communication is key and showed concern for the changes in the water table.

Alanna Dammann stated there is lack of communication. and was unaware there is a complaint process and form. The noise created by the operation is unbearable. Her list of concerns are as follows: 1. Lack of communication, 2. Noise, 3. Dust, 4. The operation has not shut down every second weekend in the past.

The Board questioned where Ms. Dammann's estimation of the location where the dust originates. Ms. Dammann replied the dust originates within the site.

The Board questioned which direction the winds prevail from. Ms. Dammann stated wind direction does not affect the dust volume.

Chairperson L. Johnson questioned appellants if they felt he had a fair hearing. It was in agreement that they felt they a fair hearing.

Chairperson L. Johnson declared the hearing closed at 7:28 p.m and the Board thanked the delegation for attending and they left the hearing.

The meeting recessed at 7:29 p.m.

The meeting reconvened at 7:32 p.m.

The Board discussed the following to come to a decision:

- Recapped the issues of communication, dust and noise.
- Reviewed the amounts of dust created by the operation.
- East bound trucks on TWP RD 460.
- Watering Options for dust control.
- Volume of dust generated both on TWP RD 460 and within the mining site.
- The use of calcium chloride as a dust control measure.
- County of Wetaskiwin's responsibilities
- Reclamation timelines.
- Methods of available communication.
- Different signage options.
- Disposal options of brush piles.
- Time frames for crushing, subject to weather.
- Berm sizes, locations and effectiveness.
- File history.
- All conditions of the conditionally approved permit.
- Noise impacts resulting from the removal of trees within the mining site.
- Associated Aggregates Updated Action Plan.
- The Enforcement Complaint Process 21.1.2.

Resolution SD20190313.002
MOVED: by Board Member C. Daniel
The board denied the appeal by The Friends of Bigstone Creek for Development Permit D18/238, Expansion of Existing Resource Extraction Operation for Gravel within SE & SW 36-46-27-W4M, Aggregate Associates Inc. be approved subject to the following conditions:

1. Proposed Development not to encroach on Registered Rights of Ways or Utility Service Lines. In addition to this, the applicant is advised that it is their responsibility to contact Alberta-One-Call at 1-800-242-3447 to locate buried facilities if there is a plan to excavate or disturb the ground in Alberta prior to the excavation or ground disturbance and meet these set-backs as required.

2. The applicant shall be responsible to contact Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.

3. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.

4. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.

5. The applicant shall enter into a Road Use Agreement with the County of Wetaskiwin Public Works department for all Range, Township and Public Roads used to access the site within fourteen (14) days of the date the Development Permit is approved;

6. As specified in an approval to be obtained from Alberta Transportation.

7. The development shall operate in compliance with all other County approvals and By-laws, including any road-use agreements as required.

8. The proposed pit is approved as a “Resource Extraction Operation Type A”. Excavations will occur in six phases. The first extraction phase will begin in the south at the area designated as MB1 on the development plan removing the aggregates to their full depth depleting that portion of the pit. The development will then proceed northward depleting Areas MB2 through to MB6;

9. The Developer must provide and maintain proper signage on the property for public safety including signs for access onto the Public Road. Signage is required stating "NO LEFT TURN" upon exiting the pit to Township Road 465. A sign permit can be obtained from the Planning and Economic Development Department at the County of Wetaskiwin;

10. The Developer shall ensure all provincial permits and approvals are obtained and in place prior to the commencement of any operations and these shall be kept current and compliant including but not limited to a Conservation and Reclamation Approval (or equivalent approval) from Alberta Environment. Copies of obtained permits shall be submitted to the County of Wetaskiwin for their records;

11. Effective January 1, 2007 a $0.25 per tonne levy will be implemented as outlined in Bylaw 2006/41, Community Aggregate Payment Levy, the Bylaw is attached;

12. Any removal of trees or shrubs providing nesting habitat for birds shall not occur during nesting periods between April 15 and August 30th of each year, in accordance to the Migratory Birds Conservation Act;

13. All traffic to and from the site shall abide by any road ban restrictions unless otherwise stated in a road use agreement;

14. The operating hours for crushing of gravel shall be allowed twenty four (24) hours a day, seven (7) days a week. Crushing operations must cease every other weekend and on Statutory Holidays. General operations such as excavating, back filling and truck hauling shall be allowed only between the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday with no work on weekends and Statutory Holidays, in accordance with the development permit application report dated July 2018, and related appendices, studies, and figures;

15. No haul shall be allowed along Township Road 465 using Range Road 270 heading eastbound for access;

16. The applicant shall have an updated Environmental Noise Impact Assessment completed to recognize the reduction in tree cover and expansion of the pit; for the purpose of recommending locations and sizes of berms to reduce noise to nearby residences.

17. Trucks shall be tarped when hauling gravel on County roads;
18. The Developer shall ensure that in the process of the extraction and hauling, weeds are not spread onto adjacent properties and road rights of way. In the event that the County determines that weeds are being spread through this process, the Developer shall participate in a weed spraying program to the satisfaction of the County’s Director of Agriculture to eliminate the problem;
19. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed to the proposed distance of 10 metres (33 feet) as it appears on the submitted plot plan;
20. An undisturbed buffer of fifteen (15) metres will be maintained at top of bank along the Bigstone Creek;
21. Parking of employee vehicles and company equipment will be accommodated on site. No vehicles or equipment shall be parked on the public road;
22. The Development Permit shall expire and all operations associated with this approval shall cease after December 31, 2023, at which time a new Development Permit may be applied for;
23. There shall be no mining in the archaeological avoidance zone;
24. There shall be no burning of brush piles during crushing or hauling operations to manage air quality.
25. A communication plan shall be developed by the Applicant to the satisfaction of the Development Officer and shall abide by terms of the approved plan.
26. There shall be dust suppression on site during operations to the satisfaction of the County.

This is a permitted use as specified by Section 10.1.3 (o) & 10.1.5 (a) of Land Use By-law 2017/48. Failure to comply with any of the above conditions will render this permit null and void.

The applicant is also advised of the following:

1. The development shall comply with all applicable Provincial and Federal Regulations.
2. The developer has two (2) years from the date of issuance to complete the proposed development, unless otherwise outlined in the conditions of this permit.
3. All Recreational Vehicle Use, Short Term Camping and recreational Vehicle (RV) Storage must comply with the provisions outlined and defined in the County’s Land Use Bylaw 2017/48.
4. A permit is issued in accordance with the notice of decision is valid for a period of one (1) year from the date of issue. If at the expiry of this period, the development has not been commenced of carried out with reasonable diligence, this permit shall be null and void.
5. This issuance of this development permit does not supersede or suggest violation of any caveat, easement, restrictive covenant or other encumbrance shown on the back of the Certificate of Title. It is the responsibility of the applicant/owner to research the Certificate of Title for the existence of any encumbrance.
6. The applicant is advised that it is their responsibility to contact the Alberta Energy Regulator Information Services by telephone at 403-297-8311, by fax at 403-297-7336 or by e-mail inquiries@aer.ca, with respect to required setback distances from abandoned wells, surface developments and/or active Oil and Gas facilities.
7. The applicant is advised that the development may be in a rural area in which may be subject to typical agricultural operation uses on adjacent or nearby lands including, but not limited to, confined feeding operations and manure storage facilities as defined under the Agricultural Operation Practices Act, and any nuisance that may arise from such uses.
8. Pursuant to the provisions of Section 685 (3) of the Municipal Government Act, no appeal lies respecting the issuance of this development permit for a permitted use, unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.
9. No physical excavation or construction may legally begin prior to the permit issue date of March 25, 2019. Any excavation or construction started prior to the permit issue date will be done at the sole risk and cost of the applicant.
10. Location and use of proposed development shall be as specified by documents submitted by applicant.
7. **ADJOURN**

Resolution SD20190313.003

MOVED: by Board Member T. Hoogland

that the meeting adjourn at 9:22 p.m.

Carried Unanimously

_________________________
CHAIRPERSON

_________________________
SECRETARY
Refusal of Development Permit Application D19/026-MEADOWS, Don -Two New Shops (80' x 50' x16' & 40' x 30' 14'), Existing Quonset (26'x 67'x 14') and Existing Cabin being restored on site (28' x 36' x 14')

Meeting Date (Report Reference Only): 2019/04/18

Meeting (Report Reference Only): SDAB

Background

On March 4, 2019 Administration received a Development Permit application from Don Meadows for Two New Shops (80' x 50' x16' & 40' x 30' 14') located at SE 2-48-27-W4M, Plan 4619TR, Lot 4 within Curilane Beach.

As the property is located within 1.6 km of another Municipal Boundary and as per the County’s Intermunicipal Development Plan with the County of Leduc, the Development Permit application was referred to Leduc County on March 7, 2019. On March 25, 2019 Administration received an email back from Leduc County stating they had no objections to the proposal.

On March 25, 2019 several emails were sent between County Administration and Mr. Meadows regarding his application so as to clarify a few aspects of his proposal. It was at this time the existing and unapproved Quonset and cabin structure were added to his Development Permit application.

The existing structures already located on the property that did not have a Development Permit are a total square footage of 2,958 square feet, and with the Development Permit application there will be an additional 5,200 square feet of developed square footage on the site.

On March 27, 2019 a Notice of Refusal for the Two New Shops (80' x 50' x16' & 40' x 30' 14'), Existing Quonset (26'x 67'x 14') and Existing Cabin being restored on site (28' x 36' x 14') was issued.

The refusal issued reads as follows:

NOTICE OF REFUSAL OF DEVELOPMENT PERMIT

"You are hereby notified that your application for a development permit with regard to the following:

..."
Two New Shops (80’ x 50’ x16’ & 40’ x 30’ 14’), Existing Quonset (26’x 67’x 14’) and Existing Cabin being restored on site (28’ x 36’ x 14’)
SE-2-48-27-W4
Lot 4, Block 5, Plan 4619TR
MEADOWS, DON

has been REFUSED for the following reason:

As stated in Section 9.18 of Land Use Bylaw 2017/48:

9.18 Accessory Buildings
Except where allowed in Agricultura4 Commercial, Industrial and Institutional Districts, the total area of accessory buildings on an individual site shall not exceed a site coverage of 14% nor an area of 140.0 square meters (1506 square feet) and shall not exceed a 4.8 meters (16 It) wall height unless approved by the Development Officer.

As per the application submitted on March 4, 2019, the proposal is for Two New Shops (80’ x 50’ x16’ & 40’ x 30’ 14’), Existing Quonset (26’x 67’x 14’) and Existing Cabin being restored on site (28’ x 36’ x 14’) have a total area of 674.29 square meters (7,258 square feet).

As stated in the Section 1.2 Definitions:

Accessory Building or Structure means for the purpose of administering the provisions of Part Nine of the Building Code, a building or structure which is subordinate, exclusively devoted and incidental to the principal building or use located on the same lot but in no instance shall be used as a dwelling. Parking may be an accessory use when it serves the main use and does not serve uses on other sites. Kitchen facilities and bathroom facilities are not allowed. May include play structures. The building or structure shall not precede the principal building or use unless deemed by the Development Authority as an acceptable discretionary use. Typical structures may include garages, sheds, swimming pools, frame and fabric structure and wind turbines and solar panel arrays. When a building is attached to the principal building by a root floor or foundation above or below grade, it is considered to be part of the principal building. A washroom may be allowed in the accessory building provided that the accessory is a garage shop not any other accessory building.

Based on this proposal size the County deems the application refused as per Section 9.18 which exceeds the maximum allowance stated within the Section, and the proposals do not meet the definition of Accessory Building or Structure listed Section 1.2 of Land Use Bylaw 2017/48, due to there not being a residence located on the lands.

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Section Four of this Bylaw. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Subdivision Appeal Board not later than twenty-one (21) days following the date of decision of
this notice. The notice of appeal shall contain a statement of the grounds of appeal as well as $150.00 for appeal fee.

DATE OF DECISION: March 27, 2019
Appeal Deadline: April 17, 2019
David Blades, A. Sc. T, LGA
Director of Planning & Economic Development”

On April 1, 2019 Administration received an appeal from Don Meadows. The appeal letter stated the following:

“Appeal of Development Permit Refusal
April 1 2019
From: Don Meadows

In regards to permit application D19/026 or known as block 5 lot 4 plan 4619 TR I am appealing the bylaw section 9.18 specifically the limitations of square footage of accessory buildings on the following grounds;

- I find it highly capricious and arbitrary that the county would without public consultation or “town hall meetings” pass a law that would in effect make my acreage as well as similar parcels unsellable, undevelopable and adversely affect people’s retirement plans. Furthermore I find it troubling that none of this so far in my searches of council meeting minutes the issue of sq footage is even mentioned. How did this 1506 sq ft figure materialize? Section 9.18 states a sum of 14 percent as a maximum, this seems reasonable. however 1506 square feet is extremely punitive. One council member I consulted with cant even recall the issue of square footage coming up in council discussions!
- 152,460 sq ft or 14,163.99 m2 of area exist on the acreage. I want to potentially develop approx. 4.75 percent of that area for NON-COMMERCIAL purposes. That figure could decline to approx. 4 percent if the cabin is restored and is moved back to the lake front.
- The cabin was moved off the lake front to be moved out back for restoration purposes, and to protect the lake from media blasting, noise issues and to show consideration for the neighbors on the lakefront. I might add it was at considerable cost as well to move. It is on blocks with no services or amenities. The cabin may be moved back on to the lake front and added on to make the primary residence. I have not yet had a log home builder attend the project yet, and have plans to decide the fate of the cabin by mid 2019. It is a question of integration and meeting code(s). I request the cabin be omitted from these proceedings as if it is moved it would not be part of the acreage plan any longer.
- Existing on the acreage is a 27’ by 67’ white non permanent Quonset that was erected to store my marine equipment as well as construction equipment relevant to the acreage development and maintenance. It was obtained in used condition and will eventually deteriorate due to its fabric design. Once the shops are built this structure can be
eventually phased out reducing building footage by 1742 square feet less leaving only 3.58 percent of land mass developed. Again this 3.58 may be less if cabin is moved.

- When the 3.5 acre land parcel was purchased in 2015 along with the lake front parcel (lot 8 block 2 plan 4922K5) extensive consultations were had with Wetaskiwin planning and development ranging from the dismal state of the two properties to building the access roads and approaches and controlling the caragana trees. Planning and development was aware of the plan to build primary residence on the lake front with recreation and storage facilities on the 3.5 acres. They knew a residence would never be on the acreage due to the layout of the two properties in the subdivision.

- Planning and development in 2015, 2016, 2017 had no issues with preliminary assessments of the project(s) discussed. The 50 by 80 shop was mentioned by David Blades as a possible concern due to roof height, never area size. The only non discussed topic was the potential 30x 40 shop.

- in short we need proper buildings to store our assets, not have scattered sheds that are unsightly and hard to secure, as well added maintenance of building costs. Marine equipment and other recreational equipment takes considerable apace to store and maintain. I restore my classic vehicles, I maintain my own vehicles, I customize my snowmobiles and off road recreational equipment. I request this punitive bylaw be not allowed to interfere with my development and hobby plans.”

A Subdivision and Development Appeal Board Hearing was scheduled for Tuesday, April 19, 2019 and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, Leduc County, and the Subdivision and Development Appeal Board and the Director of Planning and Economic Development on April 2, 2019.

**Recommendations**

Administration recommends that the Board deny the appeal from Don Meadows within SE 2-48-27-W4M, Plan 4619TR, Block 5, Lot 4 for Two New Shops (80’ x 50’ x16’ & 40’ x 30’ 14’), Existing Quonset (26’x 67’x 14’) and Existing Cabin being restored on site (28’ x 36’ x 14’). Based on the following reasons:

- The proposed Development exceeds the standard of the Land Use Bylaw accessory building squire foot limitation by 4,702 square feet, and

- The proposal does not meet the definition of “Accessory Building” of the Land Use Bylaw due to there being no proscribed principal use occurring on the property that the proposed buildings would be accessory to.
Recommended Resolution

That the Board deny the appeal from Don Meadows within SE 2-48-27-W4M, Plan 4619TR, Block 5, Lot 4 for Two New Shops (80’ x 50’ x16’ & 40’ x 30’ 14’), Existing Quonset (26’x 67’x 14’) and Existing Cabin being restored on site (28’ x 36’ x 14’). Based on the following reasons:

- The proposed Development exceeds the standard of the Land Use Bylaw accessory building square foot limitation by 4,702 square feet, and
- The proposal does not meet the definition of “Accessory Building” of the Land Use Bylaw due to there being no proscribed principal use occurring on the property that the proposed buildings would be accessory to.
APPEAL OF DEVELOPMENT PERMIT REFUSAL TWO NEW SHOPS (80’ X 50’ X 16’ & 40’ X 30’ X 14’),
EXISTING QUONSET (27’ X 67’ X 14’) AND EXISTING CABIN BEING RESTORED ON SITE (28’ X 36’ X 14’)
SE 2-48-27-W4M, Plan 4619RT, Block 5, Lot 4

TO: The County of Wetaskiwin No. 10
FROM: Jarvis Grant
REFUSAL: County of Wetaskiwin
APPELANT: Don Meadows

BACKGROUND/CONTEXT:

The proposal for the two new shops, existing quonset and cabin storage are located on Lot 4, Block 5, of Plan 4619RT which is comprised of an approximate 3.5 acres and is zoned as Country Residential. The parcel is located within the Curilane Beach subdivision which is located between Township Road 480 and Wizard Lake.
On March 4, 2019, Don Meadows submitted a development permit application to the County for two shops, one being 50’ x 80’ x 16’ in size and the other 30’ x 40’ x 14’.

On March 25, 2019, several emails were sent between County Administration and Mr. Meadows just clarifying a few aspects of his proposal. It was at this time that the existing and unapproved quonset (27’ x 67’ x 14’ – size provided within the appellant’s Letter of Appeal) and cabin structure (28’ x 36’ x 14’) were added to his application.

On March 27, 2019, the Development Authority issued a Notice of Refusal for the two new shops, existing quonset and the existing cabin structure.

<table>
<thead>
<tr>
<th>Proposed Shop</th>
<th>50’ x 80’ x 16’ = 4,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Shop</td>
<td>30’ x 40’ x 14’ = 1,200 sq. ft.</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>5,200 sq. ft.</strong></td>
</tr>
<tr>
<td>Existing Quonset</td>
<td>27’ x 67’ x 14’ = 1,809 sq. ft.</td>
</tr>
<tr>
<td>Cabin</td>
<td>28’ x 36’ x 14’ = 1,008 sq. ft.</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>2,817 sq. ft.</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8,017 sq. ft.</strong></td>
</tr>
</tbody>
</table>
The current Land Use Bylaw 2017/48 was approved by County Council in April, 2018. Section 9.18 regarding Accessory Buildings was one of the many amendments to the 1995 Land Use Bylaw. Excepting Agricultural, Commercial, Industrial and Institutional districts, the maximum size of accessory buildings was set at 1,506 sq. ft. (as further described below). The reasoning behind this was to ensure that accessory building sizes would be commensurate with the residential nature of residential districts in that storage would be related to residential purposes only (not commercial or industrial) and adjacent residents would not be overshadowed by large storage buildings especially in urban residential districts.

**DISCUSSION**

For the reasons explained in detail below, the Development Authority recommends that this appeal denied.

**Reason 1: Exceeds Accessory Building Square Foot Standard**

As seen within Section 9.18 Accessory Buildings within the County’s Land Use Bylaw 2017/48, it states that:

> “Except where allowed in Agricultural, Commercial, Industrial and Institutional Districts, the total area of accessory buildings on an individual site shall not exceed a site coverage of 14% nor an area of 140.0 square meters (1506 square feet) and shall not exceed a 4.8 meters (16 ft.) wall height unless approved by the Development Officer.”

When reading this section of the Land Use Bylaw, it is important to note that the application and interpretation of the “site coverage of 14% nor an area of 1506 square feet” means that whichever threshold is triggered first is the one that applies. The 14% become applicable when looking at the development of smaller lots around 0.2469 acres in size (which is 10,757 square feet) at which point 1506 square feet is 14% of the land of that parcel.

Currently existing on site is the quonset (1,809 sq. ft.) and cabin (1,008 sq. ft.) which together represent 2,817 square feet of developed building square footage. So as to provide clarity, the proposed and existing buildings should not be referred to as ‘accessory buildings’ as they do not meet the definition of accessory building in the 2017/48 Land Use Bylaw.

Further to this, with the addition of the proposed 50’ x 80’ (4000 sq. ft.) and 30’ x 40’ (1200 sq. ft.) shop structures there is an additional 5,200 sq. ft. of developed building square footage intended to be developed on the site. However, within the application Mr. Meadows does state that it is his intent to remove the existing quonset if the shop structures are approved. This would bring the total developed building coverage to 6,208 square feet once the shops were built and the quonset is removed. As seen above, the County’s Land Use Bylaw restricts accessory building square footage to 1506 square feet which means that even after the removal of the Quonset Mr. Meadows’ proposal exceeds the standards of the Bylaw by 4,702 square feet.
Reason 2: No Primary Use

Even though there is a cabin structure listed on the development permit application, there is no primary residential use or building on this property. As such, the proposal does not meet the very definition of ‘accessory building’ due to there not being a dwelling on the property. When the Country Residential District’s list of permitted and discretionary uses is reviewed, at the bottom of each list it states, “buildings and uses accessory to the above”. In each instance the ‘above’ are a list of uses being mainly comprised of dwellings or uses that require the existence of dwellings, excepting Public Utility, of which there is none occurring or in existence on the site.

The definition of ‘accessory building’ as defined by the County’s Land Use Bylaw is as follows:

“for the purpose of administering the provisions of Part Nine of the Building Code, a building or structure which is subordinate, exclusively devoted and incidental to the principal building or use located on the same lot but in no instance shall be used as a dwelling. Parking may be an accessory use when it serves the main use and does not serve uses on other sites. Kitchen facilities and bathroom facilities are not allowed. May include play structures. The building or structure shall not precede the principal building or use unless deemed by the Development Authority as an acceptable discretionary use. Typical structures may include garages, sheds, swimming pools, frame and fabric structure and wind turbines and solar panel arrays. When a building is attached to the principal building by a roof, floor or foundation above or below grade, it is considered to be part of the principal building. A washroom may be allowed in the accessory building provided that the accessory is a garage shop not any other accessory building.”

It should be noted that the square foot restriction is a standard imposed by the County’s Land Use Bylaw and could be normally varied by the Board. However, with there being no principle dwelling or use of the property as outlined as necessary by the definition of Accessory Building, which is a use, the Board does not have the jurisdiction to change or add uses to a Land Use Bylaw as per Section 687(3)(d)(ii) of the Municipal Government Act.

RECOMMENDATION:

It is the opinion of the Development Authority that the appeal of Refusal of Development Permit D19/026 for the two new shops, existing quonset and cabin storage be **denied**.

The recommendation is made for the following reasons:

- Due to the proposed development exceeding the standards of the Land Use Bylaw accessory building square foot limitation by 4,702 square feet; and
- Not meeting the definition of ‘accessory building’ of the Land Use Bylaw due to there being no proscribed principal use occurring on the property that the proposed buildings would be accessory to.

**SUMMARY:**
In conclusion, the Development Authority’s recommendation to the SDAB is to deny the appeal of the Refusal of Development Permit D19/026.
Appendix 1 – Applicable Legislation

Municipal Government Act

627(1) A council must by bylaw
   (a) establish a subdivision and development appeal board, or
   (b) authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board, or both.

638.2(1) Every municipality must compile and keep updated a list of any policies that may be considered in making decisions under this Part
   (a) that have been approved by council by resolution or bylaw, or
   (b) that have been made by a body or person to whom powers, duties or functions are delegated under section 203 or 209,

and that do not form part of a bylaw made under this Part.

(2) The municipality must publish the following on the municipality’s website:
   (a) the list of the policies referred to in subsection (1);
   (b) the policies described in subsection (1);
   (c) a summary of the policies described in subsection (1) and of how they relate to each other and how they relate to any statutory plans and bylaws passed in accordance with this Part;
   (d) any documents incorporated by reference in any bylaws passed in accordance with this Part.

(3) A development authority, subdivision authority, subdivision and development appeal board, the Municipal Government Board or a court shall not have regard to any policy approved by a council or by a person or body referred to in subsection (1)(b) unless the policy is set out in the list prepared and maintained under subsection (1) and published in accordance with subsection (2).

(4) This section applies on and after January 1, 2019.

639 Every municipality must pass a land use bylaw.

640(1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.

642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.
(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may, if the application is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

(3) A decision of a development authority on an application for a development permit must be in writing, and a copy of the decision, together with a written notice specifying the date on which the decision was made and containing any other information required by the regulations, must be given or sent to the applicant on the same day the decision is made.

(4) If a development authority refuses an application for a development permit, the decision must include the reasons for the refusal.

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

684(1) The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b).

(2) A time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority.

(3) If the development authority does not make a decision referred to in subsection (1) within the time required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be refused.

685(1) If a development authority
   (a) fails or refuses to issue a development permit to a person,
   (b) issues a development permit subject to conditions, or
   (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board
   (a) in the case of an appeal made by a person referred to in section 685(1)
      (i) with respect to an application for a development permit,
(A) within 21 days after the date on which the decision is made under section 642, or
(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires, or
(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The subdivision and development appeal board must give at least 5 days’ notice in writing of the hearing
(a) to the appellant,
(b) to the development authority whose order, decision or development permit is the subject of the appeal, and
(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
(a) the application for the development permit, the decision and the notice of appeal, or
(b) the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.

687(1) At a hearing under section 686, the subdivision and development appeal board must hear
(a) the appellant or any person acting on behalf of the appellant,
(b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
(c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and
(d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.
The subdivision and development appeal board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

In determining an appeal, the subdivision and development appeal board
(a) must act in accordance with any applicable ALSA regional plan;
(a.1) must comply with any applicable land use policies;
(a.2) subject to section 638, must comply with any applicable statutory plans;
(a.3) subject to clause (d), must comply with any land use bylaw in effect;
(b) must have regard to but is not bound by the subdivision and development regulations;
(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
   (i) the proposed development would not
      (A) unduly interfere with the amenities of the neighbourhood, or
      (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
   (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw

1.2 Definitions

Accessory Building or Structure means:

for the purpose of administering the provisions of Part Nine of the Building Code, a building or structure which is subordinate, exclusively devoted and incidental to the principal building or use located on the same lot but in no instance shall be used as a dwelling. Parking may be an accessory use when it serves the main use and does not serve uses on other sites. Kitchen facilities and bathroom facilities are not allowed. May include play structures. The building or structure shall not precede the principal building or use unless deemed by the Development Authority as an acceptable discretionary use. Typical structures may include garages, sheds, swimming pools, frame and fabric structure and wind turbines and solar panel arrays. When a building is attached to the principal building by a roof, floor or foundation above or below grade, it is considered to be part of the principal building. A washroom may be allowed in the accessory building provided that the accessory is a garage shop not any other accessory building.

Development means:

a) an excavation or stockpile and the creation of either of them;
b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;
c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
d) a change in the intensity of use of land or a building or act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

Section 3 Development Process
3.1 Control of Development

3.1.1 Unless exempted from requiring a development permit by this Bylaw or by federal or provincial legislation, any use or development of land, buildings or signs in the County requires a valid development permit.

3.4 Development Permit Application
3.4.8 In making a decision on a development permit application, the Development Officer may:
a) approve an application without conditions; or
b) approve an application with conditions; or
c) refuse the application; or
d) deem the application to be incomplete.

9.18 Accessory Buildings
9.18.1 An accessory building shall not be used for human habitation, unless approved by the Development Officer.

9.18.2 An accessory building shall not be located in the required front yard unless approved by the Development Officer.

Except where allowed in Agricultural, Commercial, Industrial and Institutional Districts, the total area of accessory buildings on an individual site shall not exceed a site coverage of 14% nor an area of 140.0 square meters (1506 square feet) and shall not exceed a 4.8 meters (16 ft.) wall height unless approved by the Development Officer.

10.5 Country Residential District (CR)
10.5.1 Purpose
The purpose of the Country Residential District (CR) is to allow for the subdivision and development on non-productive agricultural land of non-farm dwellings.

10.5.2 Permitted Uses
a) Dwelling, Detached
b) Dwelling, Modular – New
c) Buildings and uses accessory to the above

Discretionary Uses 10.5.3
a) Dwelling, Moved-in
b) Dwelling, Mobile – New
c) Dwelling, Mobile – Used
d) Dwelling, Modular – Used

e) Dwelling, Secondary Suite

f) Home Occupation

g) Bed and Breakfast

h) Public Utility

i) Show Home

j) Buildings and uses accessory to the above

**10.5.4 Parcel Size**

a) Minimum: 0.40 ha (1 acre)
b) Maximum: 2.02 ha (5 acres)

**10.5.5 Setbacks**

a) Front yard: see Section 9.10.1

b) Side yard: 5.0 meters (16 feet)

c) Rear yard: 10.0 meters (33 feet)

d) No development can be located within 8.0 meters (26 feet) of the property line adjacent to an internal subdivision road;

e) Obstructions to visibility are not allowed within 3.0 meters (10 feet) of the property line adjacent to an internal subdivision road.

**10.5.6 Animal Restrictions**

See Section 9.2.

**10.5.7 Subdivision Standards**

a) Site suitability testing is required before subdivision approval and includes but is not limited to water supply, water table levels, percolation rates, environmental impact assessment, etc.

b) Density restrictions shall be at the discretion of Council based on factors including but not limited to tests listed under Section 10.3.7(a). Density greater than 24 parcels on a quarter section shall be considered as being of a higher density, and may be subject to requirements for infrastructure above the general County standard. Subdivision creating more than 2 lots per quarter section, or resubdivision of a previously developed quarter, may be subject to a requirement for the adoption of or amendment to an Area Structure Plan.

c) A proposal to subdivide an existing acreage lot(s) will be subject to County Policy 6605 “Resubdivision in Multiple Lot Subdivisions” and amendments thereto and Section 7.9 of the Bylaw.

**10.5.8 Building Height**

a) The maximum building height of all buildings shall be 10.0 meters (33 feet)
b) The maximum height of an accessory building shall be 6.0 meters (20 feet).

**10.5.9 Recreational Vehicles**

Recreational Vehicles may be authorized as outlined in Section 3.12, Recreational Vehicles.

**10.5.10 Sewage and Wastewater**

Sewage and wastewater systems are required as outlined in Section 3.12.1(g), Recreational Vehicles.
10.5.11 Utility Hookups
Utility hookups are required as outlined in Section 3.12.1(h), Recreational Vehicles.

10.5.12 Enforcement
Offences and fines are outlined in Section 5, Contravention.
Relevant Facts for
MEADOWS, DON Refusal of Development Permit D19/ 026
Two New Shops (80' x 50' x16' & 40' x 30' 14'), Existing Quonset (30'x 65'x 14') and Existing Cabin being restored on site (28' x 36' x 14')
SE-2-48-27-W4M, Lot 4, Block 5, Plan 4619TR
File No. 258536 D

RELEVANT FACTS FOR THE BOARD’S CONSIDERATION:

• On March 4, 2019 Administration received a Development Permit application from Don Meadows for Two New Shops (80' x 50' x16' & 40' x 30' 14') located at SE 2-48-27-W4M, Plan 4619TR, Lot 4 within Curilane Beach

• On March 25, 2019 several emails were sent between County Administration and Mr. Meadows regarding his application, to clarify a few aspects of his proposal. It was at this time the existing and unapproved Quonset and cabin structure were added to his Development Permit application.

• On March 27, 2019 a Notice of Refusal for the Two New Shops (80' x 50' x16' & 40' x 30' 14'), Existing Quonset (26'x 67'x 14') and Existing Cabin being restored on site (28' x 36' x 14') was issued

• On April 1, 2019 Administration received an appeal from Don Meadows

• A Subdivision and Development Appeal Board Hearing was scheduled for Tuesday, April 19, 2019 and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, Leduc County, and the Subdivision and Development Appeal Board and the Director of Planning and Economic Development on April 2, 2019.

RELEVANT LEGISLATION FOR THE BOARD’S CONSIDERATION:

4. Municipal Government Act, R.S.A. 2000, c.M-26, Sections 683 through to and including 687;
5. Municipal Act, R.S.A., 2000, c.M-26, Section 627;
6. County of Wetaskiwin No. 10 Land Use Bylaw 2017/48: Regulations for Land Use Districts, Section 10.5. County Residential District

SPECIFIC CONCERNS REGARDING THE PROPOSED DEVELOPMENT:
The Applicants/Appellants would like the minimum square footage outlined in Section 9.18 of Land Use Bylaw relaxed.

**PLANNING MERITS FOR THE BOARD’S CONSIDERATION:**

When evaluating a development appeal, board members shall ask themselves the following:

1. How does this proposal contribute to the orderly, economic, and beneficial development, use of land or pattern or human settlement?
2. Does the proposal maintain or improve the quality of the human environment?
3. How does the proposal impact the individual rights and the public interest? Which is more important in this case and why?
4. Does the proposed development conform with the use prescribed for the land or building in the land use bylaw?
5. Have all concerns raised regarding the proposed development been adequately addressed?
The purpose of this Subdivision and Development Appeal Board Hearing is to review the appeal of refused Development Permit Application D19/026 from MEADOWS, DON for Two New Shops (80' x 50' x 16' & 40' x 30' 14'), Existing Quonset (30'x 65'x 14') and Existing Cabin being restored on site (28' x 36' x 14') within SE-2-48-27-W4M, Lot 4, Block 5, Plan 4619TR as per Sections 1.2 & 9.18 Land Use Bylaw 2017/48.

On March 27, 2019, Administration issued a refusal of Development Permit D19/026 for the Two New Shops (80' x 50' x 16' & 40' x 30' 14'), Existing Quonset (30'x 65'x 14') and Existing Cabin being restored on site (28' x 36' x 14') within SE-2-48-27-W4M, Lot 4, Block 5, Plan 4619TR as per Sections 1.2 & 9.18 Land Use Bylaw 2017/48.

On April 01, 2019, The Secretary of the Subdivision and Development Appeal Board received a letter of appeal from Don Meadows.

An Appeal Hearing was set for Thursday, April 18, 2019 and the Notice of Appeal Hearing was sent to the Applicant/Appellant, Registered Owners, Adjacent Landowners and the Director of Planning and Economic Development on April 2, 2019.

On ***. Administration sent the Board Members of the Subdivision and Development Appeal Board a copy of the Agenda Package which included the following:

- Development Officer's Report
- Development Permit Application
- Leduc County Response
- March 25 Email
- Notice of Refusal D19/026
- Appeal Package
- County Residential District
- Section 9.18 Land Use Bylaw 2017/48
- Accessory Building Definition
- Notice of Appeal
- Wetaskiwin/Leduc Intermunicipal Development Plan

Other information that has been received and provided to the Board Members of the Subdivision and Development Appeal Board, prior to the hearing is as follows:

1. Relevant Facts
COUNTY OF WETASKIWIN NO. 10 - APPLICATION FOR DEVELOPMENT PERMIT

I hereby make an application under the provisions of the County of Wetaskiwin’s Land Use Bylaw for a Development Permit, in accordance with the plans and supporting information submitted herewith and which form part of this application. Except as otherwise provided in the Land Use Bylaw, a person may not commence development unless the person has been issued a development permit; a decision will only be issued in writing.

It is the responsibility of the applicant/owner to ensure that all development carried out complies with any caveat, easement, restrictive covenant or other encumbrance noted on the back of the Certificate of Title.

APPLICANT INFORMATION:

Name of Applicant: Don Meadow S

Mailing Address: 23331 Twp 502 Leduc County T4X0R3

Phone Number: 780-977-9801 780-993-5900

Email Address/Fax Number: don.meadows777@msn.com

Are you the Registered Owner □Yes □No, if no complete the next box

If No as above, presented Registered Owner(s) according to Alberta Land Titles: I (We)(please print)

TRACY MULLIN as the registered owner(s) (as per Land Titles) of the aforementioned property, authorize (applicant(s) “as above”) to develop which I have fully reviewed and fully endorse.

Address: 233021 - Twp 474

Signature of Present Registered Owner(s):

Telephone 780-993-5900

✓ If owner is a corporate body, he or she must be listed on the corporate registry as authorized person(s) to sign. Proof of authority to sign MAY BE required.

✓ If additional signatures are required, attach to application as necessary.

LAND INFORMATION:

Does your property have a County approved approach □Yes □No,

If No, you will be required to have the approach built to County Standards prior to the issuance of a Development Permit. Please fill out the Approach Application on Page 12 of this application.

QUARTER SECTION TOWNSHIP RANGE WEST OF MERIDAN

OR PLAN BLOCK LOT

Is your property located within ½ mile or 800 metres of a Highway or Secondary Highway? □No or □Yes

If yes, Please complete and provide Alberta transportation with a road side development application form. The application can be obtained at the County of Wetaskiwin Office or at http://www.transportation.alberta.ca/2629.htm

Roadside Development Application Sent on: __________ Method Application sent by: □ Mail □Fax □Email Sent by: _______________________

For Office Use Only:

Application No.: 0191026 - Roll No.: 263536

Receipt No.: 333438 Received Date March 4/19

Subdivision: Curll Lane Beach

Land Use District: L 4

Division: 4

Per/Dis: __________________
PROPOSED DEVELOPMENT(S)

Development Proposal(s): Type of Development (Include Dimensions & Number of Storeys)

*Any structure that is 108 sq. ft. / 10 m² or over requires a development permit
*Decks 2 ft. / 0.61 m or higher require a development permit. *If this application is for a Business please go to Page 4.

We only wish to build the shops, engineers are being consulted about cabin. Could be moved off the Existing as well is a non perm quonset, paper attached map. This is for non commercial use.

Size of Proposed Development:

*Please note some districts within the County of Wetaskiwin have a maximum cumulative accessory building square footage of 1506 sq. ft. There is also site coverage and height restrictions.

Please circle if Dimensions are in feet/metres:

<table>
<thead>
<tr>
<th>Building</th>
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<th>Building</th>
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<tr>
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<td>Height:</td>
<td>Height:</td>
<td>Height:</td>
</tr>
<tr>
<td>16' peak</td>
<td>14' peak</td>
<td>_____</td>
</tr>
</tbody>
</table>

Type of Construction: □ Conventional Construction □ Moved in, describe type:

If Moved In (check one): □ New (Direct from factory) □ Used, Year built

*Pictures must be provided for all used buildings

Will there be plumbing within the proposed Structure: □ No □ Yes, if so please check that all apply

□ Sink □ Toilet □ Tap for Garden Hose □ Other ________

□ Yes □ No

Will there be kitchen facilities within the proposed structure:

List all existing building(s)/structure(s) on the Property (i.e Dwelling(s), Garage(s), shed(s), etc.) and label accordingly on the site plan to be provided with this application on Page 6.

Existing non perm quonset and cabin, no permits applied for either at this time due to uncertainty.

Estimated Cost of Project (for statistic purpose only): $200,000

Estimated Date of Commencement: Summer 2019

Estimated Date of Completion: Fall 2019

CONFINED FEEDING OPERATION:

Is the proposed development within 800 metres (1/2 mile) of a CFO? □ No or □ Yes, if Yes, please read the following and sign below:

I choose to build here knowing that I/we may suffer from smells, noise, flies, etc. from animals or manure; however, I realize that this is a farming area and that these nuisances are unavoidable if I choose to live here. I also understand that land cannot be subdivided if it is too close to a Confined Feeding Operation.

Applicant Signature(s):

SECONDARY DWELLING:

Is this a secondary dwelling? □ No or □ Yes, please read the following and sign below:

I understand that if I build a second residence on my land, the residence will not stand on a separate parcel. It will stand on the same parcel as the first house and as such, the 2 residences cannot be sold separately unless the parcel is subdivided and 2 separate lots are created. I further understand that I have no automatic right to have the land subdivided, and an application to subdivide may be refused if it conflicts with the regional plan or any County by-law.

Applicant Signature(s):
SITE PLAN

*Please note that by including development/building(s) solely on a drawing that this may not preclude it from the development permit application process nor does it approve its use, and it may be required to be applied for unless it is exempted according to the County of Wetaskiwin's Land Use Bylaw or is under Section 643 of the MGA. A person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the Land Use Bylaw.

See ATTACHED

Except as otherwise provided in the County of Wetaskiwin No 10 Land Use Bylaw, a person may not commence any development unless the person has been issued a development in respect of it pursuant to the Land Use Bylaw. A decision will be issued in writing. I hereby make application under the provisions of the County of Wetaskiwin Land Use Bylaw for a Development Permit, in accordance with the plans and supporting information submitted herewith and which form part of this application.

By signing this application, I hereby authorize representative(s) of the County of Wetaskiwin No. 10 to enter onto the above described land for the purpose of performing inspections. The personal information on this form is collected under the authority of Section 33 (c) of the Alberta Freedom of Information and Protection of Privacy Act. The information will be used to process your application(s) and your name and address may be included on reports that are available to the public. If you have any questions on the collection and use of this information, please contact the FOIP Coordinator at (780) 352-3321.

Date of Application: March 4/19

Signature of Owner(s): ____________________________  Please Print Name(s): ____________________________

Signature of Owner(s): ____________________________  Please Print Name(s): ____________________________

All Development Permits are mailed out when completed, when your permit is complete would you like to also be notified by:

Fax No. ____________________________  Email: donmeadows777@msn.com
Amber Tripp

From: Amber Tripp <atripp@county10.ca>
Sent: March 25, 2019 9:42 AM
To: Greg McGovern <GregM@leduc-county.com>
Subject: Development Permit Referral D19/026

Hi Greg,
Sorry this took so long. With this server update none of my programs are working correctly. Attached is a copy of the Development Permit application. If you have any questions please let me know.
Thank you,
Amber Tripp
Assistant Development Officer
Direct Line: (780) 361-6238
Fax: (780) 352-3486 Toll Free: 1-800-661-4125
Mailing Address: Box 6960 Wetaskiwin, AB T9A 2G5
Website www.county.wetaskiwin.ab.ca

From: Wetaskiwin Permits <wpermits@county.wetaskiwin.ab.ca>
Sent: March 20, 2019 2:36 PM
To: Greg McGovern <GregM@leduc-county.com>
Subject: RE: Leduc County - Intermunicipal Referrals

Thanks so much Greg!

Amber Tripp
Assistant Development Officer
Direct Line: (780) 361-6238
Fax: (780) 352-3486 Toll Free: 1-800-661-4125
Mailing Address: Box 6960 Wetaskiwin, AB T9A 2G5
Website www.county.wetaskiwin.ab.ca

Hi Amber,

Leduc County has no objection to the proposed development.

Regards,

Greg McGovern
Planner 1
Planning & Development, Leduc County
P: 780-979-6177 F: (780)-979-0625
Cabin is 14 feet and Quonset is 14 as well

Sent from my iPhone

On Mar 25, 2019, at 2:49 PM, Amber Tripp <atripp@county10.ca> wrote:

Hi Don,
I will be adding those to this application. Could we also please get the height to peak of roof for the Quonset and cabin.
Thanks,
Amber

From: Don Meadows <donmeadows777@msn.com>
Sent: March 25, 2019 2:42 PM
To: Amber Tripp <atripp@county10.ca>
Cc: David Blades <dablades@county10.ca>; Tracy Mullin <tmullin@lexussp.com>
Subject: Re: Development Permit Application Question

Amber and David, please add the temp Quonset and the restoration project (cabin) to the application for development. I do not know the outcome of the restoration but like David said this will have light shed on everything.

Don

From: Don Meadows <donmeadows777@msn.com>
Sent: March 25, 2019 2:16 PM
To: Amber Tripp
Subject: Re: Development Permit Application Question

well its part of the application and as per drawing.. to be fair I should nt have to have a permit for something that is only being restored, it doesn’t fall into any dwelling or occupied or building for use until I know what I can do with it

From: Amber Tripp <atripp@county10.ca>
Sent: March 25, 2019 2:07 PM
To: donmeadows777@msn.com
Subject: RE: Development Permit Application Question

Thank you for the clarification Don.

Please be advised that both of the structures require a permit as per our Land Use Bylaw.
As stated in Section 3.2 of Land Use Bylaw 2017/48:
3.2 Development Not Requiring a Development Permit

Except in the Agricultural/Intermunicipal Development Plan (A/ID) district, a development permit is not required for the following types of development so long as they conform to all other relevant provisions of this Bylaw:

a) extensive agriculture;
b) minor renovations to a building that does not change the use, size or shape of the building.;
c) construction, maintenance, improvement or placement of a thing including but not limited to trees, rocks, gardens, decks, gates, fences, walls or other means of enclosure, except where the object will be:
   i. on a property line adjacent to a highway or road; or
ii. a deck that is higher than 0.6 meters (2 feet) above grade; or
iii. more than 1.0 meter (3 feet) in height and within the setback from a highway or road; or
iv. a fence that is more than 2.0 meters (6.6 feet) in height; or
v. within the shaded areas shown on Figure 2; or
vi. significantly affecting the existing lot drainage and natural drainage pattern and will create off-site impacts; or
vii. a hazard to persons, property or traffic, in the opinion of the Development Officer.
d) a building, the use of which is incidental to the construction or renovation of a building for which a development permit has been issued;
e) the development, maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial or municipal authorities on land which is publicly owned or controlled; or less; and
f) an accessory building less than 10.0 square meters (108 square feet) in size which meets the development standards of the district.
g) intensive livestock operations in the Agricultural district that is more than 400.0 meters (1312 feet) from land not districted as Agricultural.
h) buildings and land uses which are exempt from municipal control under Section 618 of the Act.

Please be advised that any development that does not have the proper County approval is subject to enforcement.

If you have any other questions please let me know.
Thank you,

Amber Tripp
Assistant Development Officer
Direct Line: (780) 361-6298
Fax (780) 352-3486 Toll Free: 1-800-661-4125
Mailing Address: Box 6960 Wetaskiwin, AB T9A 2G5
Website www.county.wetaskiwin.ab.ca

From: Don Meadows <donmeadows777@msn.com>
Sent: March 25, 2019 1:24 PM
To: Amber Tripp <atripp@county10.ca>
Cc: Tracy Mullin <tmullin@lexussp.com>
Subject: Re: Development Permit Application Question

Hi Amber, the non perm Quonset will be removed once my storage issues improves it was a cheap fix to my storage issue for winter storage of my marine equipment, that's why I need a shop...
Yes, that's the cabin, it is on blocks, no skirting, no power or services, it was moved out back to restore and media blast the oxidation off as it was made in 1956, as I didn't want to do it near the lake. It may be moved back on to lake front and added on to. If it can't be integrated to the lake front then it will remain a character building with no services and non dwelling to entertain guests for BBQ's and family gatherings in the summer months. Its too unique to just tear down and would be a good place to entertain with the space the acreage offers.

---

**From:** Amber Tripp <atripp@county10.ca>
**Sent:** March 25, 2019 12:04 PM
**To:** donmeadows777@msn.com
**Subject:** Development Permit Application Question

Good Morning Don,

Good news I got the referral back from the County of Leduc.

But a few more questions regarding your application that have come up after review of the application from our Development Officer.

1. Is the non-permanent Quonset going to stay on the property or will it be removed?
2. On an aerial photo of the property as well as your site plan, it looks like there is a building by the existing Quonset. We would like to confirm if this is the cabin.
3. We will require more specific plans for the Cabin. What will the end use be for the cabin as you state “engineers are being consulted about cabin” will you or will you not be removing the cabin.

If you have any other questions please let me know.

Thank you,

*Amber Tripp*

Assistant Development Officer
Direct Line: (780) 861-6288
Fax: (780) 852-3496 Toll Free: 1-800-661-4125
Mailing Address: Box 6960 Wetaskiwin, AB T9A 2C5
Website: [www.county.wetaskiwin.ab.ca](http://www.county.wetaskiwin.ab.ca)
If you have any other questions please let me know.
Thank you,

Amber Tripp
Assistant Development Officer
Direct Line: (780) 361-6238
Fax (780) 352-3456 Toll Free: 1-800-661-4125
Mailing Address: Box 6960 Wetaskiwin, AB T9A 2G5
NOTICE OF REFUSAL OF DEVELOPMENT PERMIT

You are hereby notified that your application for a development permit with regard to the following:

Two New Shops (80' x 50' x16' & 40' x 30' 14'), Existing Quonset (26'x 67' x 14') and Existing Cabin being restored on site (28' x 36' x 14')

has been REFUSED for the following reason:

As stated in Section 9.18 of Land Use Bylaw 2017/48:

9.18 Accessory Buildings

Except where allowed in Agricultural, Commercial, Industrial and Institutional Districts, the total area of accessory buildings on an individual site shall not exceed a site coverage of 14% nor an area of 140.0 square meters (1506 square feet) and shall not exceed a 4.8 meters (16 ft.) wall height unless approved by the Development Officer.

As per the application submitted on March 4, 2019, the proposal is for Two New Shops (80' x 50' x16' & 40' x 30' 14'), Existing Quonset (26'x 67' x 14') and Existing Cabin being restored on site (28' x 36' x 14') have a total area of 674.29 square meters (7,258 square feet).

As stated in the Section 1.2 Definitions:

Accessory Building or Structure means for the purpose of administering the provisions of Part Nine of the Building Code, a building or structure which is subordinate, exclusively devoted and incidental to the principal building or use located on the same lot but in no instance shall be used as a dwelling. Parking may be an accessory use when it serves the main use and does not serve uses on other sites. Kitchen facilities and bathroom facilities are not allowed. May include play structures. The building or structure shall not precede the principal building or use unless deemed by the Development Authority as an acceptable discretionary use. Typical structures may include garages, sheds, swimming pools, frame and fabric structure and wind turbines and solar panel arrays. When a building is attached to the principal building by a roof, floor or foundation above or below grade, it is considered to be part of the principal building. A washroom may be allowed in the accessory building provided that the accessory is a garage shop not any other accessory building.

Based on this proposal size the County deems the application refused as per Section 9.18 which exceeds the maximum allowance stated within the Section, and the proposals do not meet the definition of Accessory
Building or Structure listed Section 1.2 of Land Use Bylaw 2017/48, due to there not being a residence located on the lands.

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Section Four of this Bylaw. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Subdivision Appeal Board not later than twenty-one (21) days following the date of decision of this notice. The notice of appeal shall contain a statement of the grounds of appeal as well as $150.00 for appeal fee.

DATE OF DECISION: March 27, 2019
Appeal Deadline: April 17, 2019

David Blades, A. Sc. T, LGA
Director of Planning & Economic Development
County of Wetaskiwin No. 10
County of Wetaskiwin No. 10
Development Permit Appeal Form

Upon receiving this completed Appeal Form a Hearing will be scheduled within 30 days. The Hearing will be scheduled after 5:15 p.m. Monday - Thursday. You will be notified of the scheduled Hearing by Registered Mail.

PLEASE NOTE:

The County of Wetaskiwin No. 10 requires that a non-refundable fee of $150.00 for an appeal to be sent to the Secretary of the Subdivision and Development Appeal Board. The fee may be paid by debit, cash, or a cheque made payable to the County of Wetaskiwin No. 10.

With this written submission, the information that you provide may be made public subject to the provisions of the Freedom of Information and Protection of Privacy Act.

Appeal the Refusal of Development Permit: D19/026 of SE-2-48-27-W4 Lot 4, Block 5, Plan 4619TR, for Two New Shops (80' x 50' x16' & 40' x 30' 14'), Existing Quonset (26'x 67'x 14') and Existing Cabin being restored on site (28' x 36' x 14')

Date of Appeal Application:
Name of Appellant(s):
Appellant Phone Number:
Appellant Email:
Appellant Mailing Address:

You must attach a letter stating your grounds for Appeal to this application.

Please indicate if there are any date(s) and times within 30 days of this application that you would not be able to attend a Hearing, also please indicate the best way to contact you when the a Hearing has been scheduled:

__________________________________________
Signature of Appellant(s):

For Office Use Only:
Date Received:
Receipt Number:
County of Wetaskiwin No. 10
Development Permit Appeal Form

Upon receiving this completed Appeal Form a Hearing will be scheduled within 30 days. The Hearing will be scheduled after 5:15 p.m. Monday - Thursday. You will be notified of the scheduled Hearing by Registered Mail.

PLEASE NOTE:

The County of Wetaskiwin No. 10 requires that a non-refundable fee of $150.00 for an appeal to be sent to the Secretary of the Subdivision and Development Appeal Board. The fee may be paid by debit, cash, or a cheque made payable to the County of Wetaskiwin No. 10.

With this written submission, the information that you provide may be made public subject to the provisions of the Freedom of Information and Protection of Privacy Act.

Appeal the Refusal of Development Permit: D19/026 of SE-2-48-27-W4 Lot 4, Block 5, Plan 4619TR, for Two New Shops (80' x 50' x16' & 40' x 30' 14'), Existing Quonset (26'x 67'x 14') and Existing Cabin being restored on site (28' x 36' x 14')

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<th>APRIL 1 2019</th>
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<tr>
<td>Name of Appellant(s):</td>
<td>Don Meadows</td>
</tr>
<tr>
<td>Appellant Phone Number:</td>
<td>780 977-7780</td>
</tr>
<tr>
<td>Appellant Email:</td>
<td><a href="mailto:don.meadows77@msn.com">don.meadows77@msn.com</a></td>
</tr>
<tr>
<td>Appellant Mailing Address:</td>
<td>23331-Twp 5026, edc County TFXOR3</td>
</tr>
</tbody>
</table>

You must attach a letter stating your grounds for Appeal to this application.

Please indicate if there are any date(s) and times within 30 days of this application that you would not be able to attend a Hearing, also please indicate the best way to contact you when the Hearing has been scheduled:

Any day and call my number please

Signature of Appellant(s): [Signature]

For Office Use Only:

Date Received: [Date]

Receipt Number: [Receipt Number]
Appeal of Development Permit Refusal

April 1 2019

From: Don Meadows

In regards to permit application D19/026 or known as block 5 lot 4 plan 4619 TR

I am appealing the bylaw section 9.18 specifically the limitations of square footage of accessory buildings on the following grounds;

- I find it highly capricious and arbitrary that the county would without public consultation or "town hall meetings" pass a law that would in effect make my acreage as well as similar parcels unsellable, undevelopable and adversely affect people's retirement plans. Furthermore I find it troubling that none of this so far in my searches of council meeting minutes the issue of sq footage is even mentioned. How did this 1506 sq ft figure materialize? Section 9.18 states a sum of 14 percent as a maximum, this seems reasonable. however 1506 square feet is extremely punitive. One council member I consulted with cant even recall the issue of square footage coming up in council discussions!

- 152,460 sq ft or 14,163.99 m2 of area exist on the acreage. I want to potentially develop approx. 4.75 percent of that area for NON-COMMERCIAL purposes. That figure could decline to approx. 4 percent if the cabin is restored and is moved back to the lake front.

- The cabin was moved off the lake front to be moved out back for restoration purposes, and to protect the lake from media blasting, noise issues and to show consideration for the neighbors on the lakefront. I might add it was at considerable cost as well to move. It is on blocks with no services or amenities. The cabin may be moved back on to the lake front and added on to make the primary residence. I have not yet had a log home builder attend the project yet, and have plans to decide the fate of the cabin by mid 2019. It is a question of integration and meeting code(s). I request the cabin be omitted from these proceedings as if it is moved it would not be part of the acreage plan any longer.
• Existing on the acreage is a 27' by 67’ white non permanent Quonset that was erected to store my marine equipment as well as construction equipment relevant to the acreage development and maintenance. It was obtained in used condition and will eventually deteriorate due to its fabric design. Once the shops are built this structure can be eventually phased out thereby reducing building footage by 1742 square feet less leaving only 3.58 percent of land mass developed. Again this 3.58 may be less if cabin is moved.

• When the 3.5 acre land parcel was purchased in 2015 along with the lake front parcel (lot 8 block 2 plan 4922KS) extensive consultations were had with Wetaskiwin planning and development ranging from the dismal state of the two properties to building the access roads and approaches and controlling the caragana trees. Planning and development was aware of the plan to build primary residence on the lake front with recreation and storage facilities on the 3.5 acres. They knew a residence would never be on the acreage due to the layout of the two properties in the subdivision.

• Planning and development in 2015, 2016, 2017 had no issues with preliminary assessments of the project(s) discussed. The 50 by 80 shop was mentioned by David Blades as a possible concern due to roof height, never area size. The only non discussed topic was the potential 30x 40 shop.

• In short we need proper buildings to store our assets, not have scattered sheds that are unsightly and hard to secure, as well added maintenance of building costs. Marine equipment and other recreational equipment takes considerable space to store and maintain. I restore my classic vehicles, I maintain my own vehicles, I customize my snowmobiles and off road recreational equipment. I request this punitive bylaw be not allowed to interfere with my development and hobby plans.
**OFFICIAL RECEIPT**

MEADOWS, DON  

<table>
<thead>
<tr>
<th>Account #</th>
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<th>Opening Bal</th>
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<td></td>
<td>150.00</td>
<td></td>
</tr>
</tbody>
</table>

**Payment Total:** 150.00

Interac Debit Card 150.00
10.5 Country Residential District (CR)

10.5.1 Purpose
The purpose of the Country Residential District (CR) is to allow for the subdivision and development on non-productive agricultural land of non-farm dwellings.

10.5.2 Permitted Uses
a) Dwelling, Detached
b) Dwelling, Modular – New
c) Buildings and uses accessory to the above

10.5.3 Discretionary Uses
a) Dwelling, Moved-in
b) Dwelling, Mobile – New
c) Dwelling, Mobile – Used
d) Dwelling, Modular – Used
e) Dwelling, Secondary Suite
f) Home Occupation
g) Bed and Breakfast
h) Public Utility
i) Show Home
j) Buildings and uses accessory to the above

10.5.4 Parcel Size
a) Minimum: 0.40 ha (1 acre)
b) Maximum: 2.02 ha (5 acres)

10.5.5 Setbacks
a) Front yard: see Section 9.10.1
b) Side yard: 5.0 meters (16 feet)
c) Rear yard: 10.0 meters (33 feet)
d) No development can be located within 8.0 meters (26 feet) of the property line adjacent to an internal subdivision road;
e) Obstructions to visibility are not allowed within 3.0 meters (10 feet) of the property line adjacent to an internal subdivision road.

10.5.6 Animal Restrictions
See Section 9.2.
10.5.7 Subdivision Standards

a) Site suitability testing is required before subdivision approval and includes but is not limited to water supply, water table levels, percolation rates, environmental impact assessment, etc.

b) Density restrictions shall be at the discretion of Council based on factors including but not limited to tests listed under Section 10.3.7(a). Density greater than 24 parcels on a quarter section shall be considered as being of a higher density, and may be subject to requirements for infrastructure above the general County standard. Subdivision creating more than 2 lots per quarter section, or resubdivision of a previously developed quarter, may be subject to a requirement for the adoption of or amendment to an Area Structure Plan.

c) A proposal to subdivide an existing acreage lot(s) will be subject to County Policy 6605 “Resubdivision in Multiple Lot Subdivisions” and amendments thereto and Section 7.9 of the Bylaw.

10.5.8 Building Height

a) The maximum building height of all buildings shall be 10.0 meters (33 feet)

b) The maximum height of an accessory building shall be 6.0 meters (20 feet).

10.5.9 Recreational Vehicles

Recreational Vehicles may be authorized as outlined in Section 3.12, Recreational Vehicles.

10.5.10 Sewage and Wastewater

Sewage and wastewater systems are required as outlined in Section 3.12.1(g), Recreational Vehicles.

10.5.11 Utility Hookups

Utility hookups are required as outlined in Section 3.12.1(h), Recreational Vehicles.

10.5.12 Enforcement

Offences and fines are outlined in Section 5, Contravention.
feet) wide for 45° parallel parking.

9.15 **Objects Restricted on the Site**

9.15.1 No person shall keep or permit in any district:

a) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district; or

b) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken and the owner of such materials or excavations, assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or

c) in the Country Residential (CR) district no permanent structure, including accessory buildings or corrals, holding and feeding facilities for animals, shall be located in the front yard unless approved by the Development Officer.

9.16 **Home Occupation**

9.16.1 A home occupation shall not change the character or have any exterior evidence on the dwelling or farm building that it is carried out from.

9.16.2 A home occupation shall not employ more than one paid employee other than the resident and the resident’s family.

9.17 **Uses Compatible with Agriculture Use**

9.17.1 In this Bylaw, the following are considered to be uses compatible with agricultural uses:

a) any land which is in agricultural production; or

b) sloughs and watercourses; or

c) pens and livestock feedings areas; or

d) any planted or natural shelterbelt situated more than 100.0 meters (328 feet) from a dwelling; or

e) barns and outbuildings situated more than 100.0 meters (328 feet) from a dwelling.

9.18 **Accessory Buildings**

9.18.1 An accessory building shall not be used for human habitation, unless approved by the Development Officer.

9.18.2 An accessory building shall not be located in the required front yard unless approved by the Development Officer.

Except where allowed in Agricultural, Commercial, Industrial and Institutional Districts, the total area of accessory buildings on an individual site shall not exceed a site coverage of 14% nor an area of 140.0 square meters (1506 square feet) and shall not exceed a 4.8 meters (16 ft.) wall...
height unless approved by the Development Officer.
Abattoir means a lot or a building where livestock are slaughtered and butchered and may include the packing, treating, storing and sale of the products.

Abut or abutting means immediately contiguous to or physically touching, and when used with respect to a site, means that the site physically touches upon another site and shares a property line with it.

Access means an access and/or egress for vehicles to a site which conforms to the Municipality’s Policy on rural approaches, as amended from time to time.

Access, Physical means a direct built access to a road or highway which conforms to County Policy #6601 – Approach Installation Policy, as amended from time to time.

Act means the Municipal Government Act, 2000, Chapter M-26, as amended from time to time.

Accessory Building or Structure means for the purpose of administering the provisions of Part Nine of the Building Code, a building or structure which is subordinate, exclusively devoted and incidental to the principal building or use located on the same lot but in no instance shall be used as a dwelling. Parking may be an accessory use when it serves the main use and does not serve uses on other sites. Kitchen facilities and bathroom facilities are not allowed. May include play structures. The building or structure shall not precede the principal building or use unless deemed by the Development Authority as an acceptable discretionary use. Typical structures may include garages, sheds, swimming pools, frame and fabric structure and wind turbines and solar panel arrays. When a building is attached to the principal building by a roof, floor or foundation above or below grade, it is considered to be part of the principal building. A washroom may be allowed in the accessory building provided that the accessory is a garage shop not any other accessory building.

Accessory Development means a use or building that is incidental and subordinate to a principal use or principal building located on the same lot.

Adjacent means land that is contiguous to a lot of land that is subject of a development or subdivision application and includes land that would be contiguous if not for a highway, public roadway, public walkway, railway, river, stream, pipeline, power-line, utility lot or reserve lot.

Adult Entertainment Facility means the provision of live performances, motion pictures, videos, books or other reproductions for the amusement of patrons, the central feature of which is generally deemed unsuitable for minors.

Advertisement means a message carried in a communications medium including but not limited to a newspaper, radio, television, sign or billboard for the purposes of informing the public of a matter of public or private interest.

AER means the Alberta Energy Regulator or its successor.
NOTICE OF APPEAL HEARING

This is to notify you that an appeal has been made to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD regarding the refusal of Development Permit D19/026 described as follows:

MEADOWS, DON

Two New Shops (80' x 50' x16' & 40' x 30' 14'), Existing Quonset (30'x 65'x 14') and Existing Cabin being restored on site (28' x 36' x 14')

SE-2-48-27-W4M Lot 4, Block 5, Plan 4619TR

PLACE OF HEARING: County Council Chambers

County of Wetaskiwin Administration Office. Approximately 1.6 kilometres west of Wetaskiwin on Highway 13 on south side of the Highway.

DATE OF HEARING: Thursday, April 18, 2019

TIME OF HEARING: 5:15 p.m.

Any persons affected by the proposed development have the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons requesting to be heard at the meeting, but are unable to attend the meeting, shall submit written briefs to the Secretary of the Subdivision and Development Appeal Board no later than 5:00 p.m., Thursday, April 18, 2019.

Date: April 02, 2019

ROD HAWKEN
SECRETARY
Subdivision & Development Appeal Board

NOTE: This notice does not require your attendance; however, if you wish to speak at the hearing, this is your opportunity. Information pertaining to this hearing can be obtained by contacting the Planning and Economic Development Department at the County of Wetaskiwin Administration Office.
NOTICE OF APPEAL HEARING

This is to notify you that an appeal has been made to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD regarding the refusal of Development Permit D19/026 described as follows:

MULLIN, TRACY LAUREL

Two New Shops (80' x 50' x16' & 40' x 30' x 14'), Existing Quonset (30' x 65' x 14') and Existing Cabin being restored on site (28' x 36' x 14')

SE-2-48-27-W4M Lot 4, Block 5, Plan 4619TR

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### Table of Contents

A. INTRODUCTION .................................................................................................................. 2
B. MUNICIPAL PROFILES ........................................................................................................ 2
C. LEGISLATIVE REQUIREMENTS .......................................................................................... 3
D. PLAN AREA ........................................................................................................................ 3
E. GOALS ................................................................................................................................ 3
F. EXISTING CHARACTERISTICS OF THE PLAN AREA ...................................................... 4
G. LAKE DEVELOPMENT ......................................................................................................... 7
H. LAND USE POLICIES .......................................................................................................... 7
I. RESOURCE EXTRACTION .................................................................................................... 11
J. INDUSTRY AND ENERGY DEVELOPMENT ...................................................................... 11
K. ENVIRONMENTAL MATTERS ............................................................................................. 12
L. MUNICIPAL INFRASTRUCTURE ......................................................................................... 14
M. TRANSPORTATION SYSTEMS ......................................................................................... 14
N. UTILITY CORRIDORS .......................................................................................................... 16
O. PLAN ADMINISTRATION AND IMPLEMENTATION ....................................................... 16
P. CIRCULATION AND REFERRAL PROCESS ..................................................................... 17
Q. DISPUTE/CONFLICT RESOLUTION .................................................................................. 18
R. CORRESPONDENCE .......................................................................................................... 19
A. INTRODUCTION

1) In accordance with the Municipal Government Act (“MGA”) Leduc County and County of Wetaskiwin No. 10 (hereinafter referred to as “Both Counties”) have agreed to undertake the process for preparing and adopting an Intermunicipal Development Plan (IDP).

2) Both Counties recognize that all municipalities are equals and have the right to grow and develop.

B. MUNICIPAL PROFILES

Leduc County
Leduc County covers an area of approximately 266,571 hectares (658,711 acres), with a population of 13,780 (Federal Census, 2016). The County surrounds six urban municipalities, contains eight hamlets, 3 summer villages and is bordered by the City of Edmonton and six rural municipalities. The economy of Leduc County has traditionally centered on agriculture and oil and gas. The Edmonton International Airport which is located within Leduc County together with the aerotropolis concept and Inter-jurisdictional Accord is expected to drive the County’s economy moving forward.

County of Wetaskiwin No. 10
The County of Wetaskiwin No. 10 covers an area of approximately 337,900 hectares (835,000 acres), with a population of 11,181 (Federal Census, 2016). The County surrounds two urban municipalities, seven Summer Villages, and four Indian Reserves; contains eight hamlets; and borders five rural municipalities. The economy of the County of Wetaskiwin No. 10 is primarily based on agriculture, with some oil and gas developments. With both Pigeon Lake and Buck Lake located in the County of Wetaskiwin No. 10, there has been considerable recreation development within the County and the Summer Villages bordering on these lakes.
C. LEGISLATIVE REQUIREMENTS

1) The MGA identifies the following as matters to be addressed for lands within the boundary of the IDP:
   - Future land use;
   - Proposals for and the manner of future development;
   - Conflict resolution procedures;
   - Procedures to amend or repeal the plan; and
   - Provisions relating to the administration of the plan.

2) Within Leduc County, the Leduc County/County of Wetaskiwin No. 10 IDP must conform to the goals, objectives and policies contained within the Edmonton Metropolitan Region Growth Plan.

3) All provincial and federal policies and regulations in effect shall apply and shall prevail over the policies contained in this Plan.

D. PLAN AREA

1) The Intermunicipal Development Plan Area (the Plan Area) is the land between a 1.6 kilometre (1 mile) boundary on either side of the intermunicipal border that separates the Counties as shown on Map 1, Plan Boundaries.

E. GOALS

1) The following are goals that have been identified by Leduc County and the County of Wetaskiwin No. 10 for the Plan Area. Some of the goals are of an on-going nature while some may be seen as more time specific.

   a) Development of land use polices to protect prime agricultural lands from premature re-designation, subdivision and non-farm development.
   b) Effective coordination of transportation systems and protection of required land for future road network developments.
   c) Development of land use policies to ensure that future sites for recreation areas are considered.
   d) Development of a plan for the provision of utility corridors within the Plan Area to provide for future growth and development of the IDP area, and to ensure oil and gas development/pipelines do not inhibit or restrict the future development of the region.
   e) Identification and protection of physical features and environmentally sensitive areas.
   f) Effective referral mechanisms and dispute resolution mechanisms.
   g) Effective plan administration and implementation.
F. EXISTING CHARACTERISTICS OF THE PLAN AREA

1) Key existing characteristics of the Plan Area include:

a) Agricultural Development:
   i) There is a mix of agricultural operations including grazing and dry land farming.
   ii) The majority of the land within the Plan Area is designated for agricultural use.

b) Residential Development:
   i) The majority of residential development within the Plan Area is comprised of residential farm housing within the Agricultural District serviced by individual septic and water wells.
   ii) Within the Both Counties, there are residential and recreational development around Pigeon Lake, Wizard Lake and Coal Lake.

c) Recreation Development:
   i) Pigeon Lake, Wizard Lake and Coal Lake are located within the Plan Area.
   ii) Pigeon Lake and Wizard Lake are popular recreation lakes with campgrounds and other recreational amenities. There are two walking trails at Pigeon Lake – The TransCanada Trail and Kiskayo Trail. Located on the shores of Pigeon Lake there are ten summer villages, three hamlets and the Pigeon Lake Indian Reserve No. 138A, which is jointly managed by the Ermineskin Cree Nation, Samson First Nation, the Louis Bull First Nation and the Montana First Nation.
   iii) Coal Lake is not considered a recreational lake, but does have one campground located on the south end of the lake in the County of Wetaskiwin No. 10. The Waskahegan Trail runs along the west side of Coal Lake in Both Counties.

d) Transportation Infrastructure:
   i) Eight Provincial Highways, Highways 616, 771, 780, 795, 2, 2A, 814 and 822, provide the main connectors between the two Counties, with the majority of the traffic between the two Counties travelling on these highways. There are numerous township roads that connect the two Counties and several range roads along the boundary of the Counties.

e) Watersheds:
   i) Both Counties are located within both the Battle River Watershed and within the Strawberry Sub Watershed of the North Saskatchewan River Watershed.
   ii) Pigeon Lake and Coal Lake are located within the Battle River Watershed.
   iii) Wizard Lake is located within the Strawberry Sub Watershed of the North Saskatchewan River Watershed.
f) Environmentally Significant Areas:
   i) Within Both Counties there are environmentally sensitive area around Pigeon Lake, Wizard Lake and Coal Lake.
G. LAKE DEVELOPMENT

1) Pigeon Lake, Wizard Lake and Coal Lake are located within the Plan Area. Pigeon Lake and Wizard Lake are popular recreation lakes with residential development and camp grounds located around both lakes. Located on the shores of Pigeon Lake there are ten summer villages, three hamlets and the Pigeon Lake Indian Reserve No. 138A, which is jointly managed by the Ermineskin Cree Nation, Samson First Nation, the Louis Bull First Nation and the Montana First Nation.

2) In the Plan Area, the existing conservation, water protection, recreation and residential uses may continue around Wizard Lake and Pigeon Lake.

3) Notwithstanding G2, a cumulative impact analyses may be required when considering future development around the lakes.

H. LAND USE POLICIES

1) Both Counties shall strive to engage in effective dialogue when considering land use in the Plan Area, while maintaining complete jurisdiction on lands within their own boundaries.

2) Both Counties agree that the long term land use planning concept for the Plan Area is consistent with the current land use designations depicted on Map 2.
   a) The predominate land use shall remain agricultural as permitted by Both Counties Land Use Bylaws.
   b) Future non-agricultural developments, including future additional Lake Development as per Section G, shall continue to be permitted around Wizard Lake and Pigeon Lake.
   c) No amendments to this IDP are required for land use bylaw amendments, by either county, that Both Counties agree are consistent with the provisions contained within the IDP, as amended from time to time.

3) In Leduc County, development around Wizard Lake and Pigeon Lake shall be guided by an Area Structure Plan that is in accordance with this IDP.

4) All subdivision applications, Land Use Bylaw amendments and Area Structure Plans within the Plan Area will be referred to the other County for comment. All development permit applications approved by the either County’s Development Authority shall be in accordance with the provisions of this Plan. Any disputes shall be dealt with through the procedure outlined within Section Q of this document.

5) All new or expanding Confined Feeding Operations within the Plan Area requiring registrations or approvals and manure storage facilities requiring authorization under the Agricultural Operations Practices Act shall be referred to the other County for comment.
6) Both Counties agree to jointly discuss ways to cooperate with provincial and federal agencies and utility providers to help facilitate the efficient delivery of infrastructure and services that are of a mutual benefit.

7) Both Counties shall strive, to the best of their ability and knowledge, to refer all notices of government projects within the Plan Area to the adjacent County.

8) Within the Plan Area Both Counties are encouraged to share with the other County the results of all publicly available technical analysis, submitted as part of development applications, where there is potential for impacts on land and bodies of water within the adjacent County.

9) Both Counties shall support watershed management and protection best practices.

10) Both Counties agree that development of lands that are within the Plan Area may contain a historically significant site. Should an area be deemed to have some historical significance, the developer may be required to conduct a Historical Resource Impact Assessment (HRIA) and should contact the appropriate Provincial Government Department regarding the development.

11) The following land use provisions will apply to all new agricultural development within Plan Area:
   a) Both Counties agree that agriculture and grazing will continue to be the primary use of land in the Plan Area, and non-agricultural uses should be considered only in such areas where they will not negatively impact agriculture and grazing.
   b) Both Counties will work cooperatively to encourage good neighbour farming practices, such as dust, weed and insect control adjacent to developed areas, through best management practices and Alberta Agricultural guidelines.
   c) If disputes or complaints in either County arise between ratepayers and agricultural operators, the County receiving the complaint shall strive to direct the affected parties to the appropriate agency, government department or County for consultation or resolution wherever necessary.

12) Subdivision and development in the Plan Area should:
   a) be consistent in scale and character with neighbouring land uses;
   b) represent a logical and contiguous extension of existing development;
   c) demonstrate sufficient water, wastewater, storm water and transportation capacity to the satisfaction of the host municipality; and
   d) not exert an adverse impact on neighbouring land uses.

13) In considering subdivision and development permit applications in the Plan Area, the respective County Subdivision and Development Authorities will ensure the proposed project is compatible with the adjacent uses.

14) All appeals of developments and subdivisions within the Plan Area will be considered by the governing County’s Subdivision and Development Appeal Board, excepting
those where there is a Provincial requirement for the appeal to be referred to the Municipal Government Board.

15) Leduc County will cooperate and coordinate with the Edmonton Metropolitan Region Board to facilitate strategic regional long range planning and growth within its boundaries.

16) Unless otherwise provided in this Plan, the provisions of each County’s respective Municipal Development Plan (MDP) regarding land use and development in the Plan Area shall apply.
Map 2 – Current Land Use Concept (for up-to-date Land Use Designations please see the respective municipalities Land Use Bylaw)
I. RESOURCE EXTRACTION

1) Both Counties recognize the importance of resource extraction to the local economy and to the maintenance of transportation routes and other infrastructure.

2) The Counties shall consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution when evaluating applications for new or expanded gravel pits, or other extractive activities, within the Plan Area where they maintain jurisdiction.

3) Within the Plan Area, each County will notify the adjacent County of any resource development proposal and provide an opportunity of comment. In the event the resource development results in access being required from a road under the control or management of another County, the County having control or management of the road must give its approval for the use of a road, in writing, prior to the application being considered as complete by the other County.

4) Either County may require an agreement regarding the construction, repair, and maintenance of any municipal roads, which may be impacted by resource development, when the development requires access to come from the other County’s road.

5) If either Leduc County or the County of Wetaskiwin No. 10 are in receipt of a notice for new or expanded Alberta Transportation gravel pit within the Plan Area, they shall forward a copy of the notice to the other County.

J. INDUSTRY AND ENERGY DEVELOPMENT

1) Both Counties recognize the important role that industry and energy development play in supporting the local and regional economy.

2) Lands under consideration for industrial development that do not currently allow for a proposed use, shall be required to redesignate to a suitable land use district.

3) The Counties will encourage the location of Renewable Energy developments within the Plan Area:
   a) where compatible with existing land uses,
   b) in consideration of comments from the adjacent County.
K. ENVIRONMENTAL MATTERS

1) The Counties will promote environmental stewardship and the health of the regional ecosystem, watersheds, and environmentally significant areas in the Plan Area.

2) The Counties shall encourage all agricultural operators and other to continue best efforts to maintain high standards of water quality in the Battle River Watershed and the North Saskatchewan River Watershed.

3) Land use and development in flood prone areas is generally discouraged, but where it is considered by the host County, it shall be carefully regulated such that there is no negative effect on the adjacent County.

4) Landowners and residents shall be encouraged to follow water conservation practices, as established by their respective County.

5) Both Counties agree that development of lands within the Plan Area may impact environmentally significant sites identified on Map 3. Development in these areas may be required to:
   a) conduct an environmental impact assessment (EIA); and,
   b) contact Alberta Environment and Parks regarding the development.

6) Subdivision and development near Wizard Lake where past mining activity has potentially occurred should undertake a risk or hazard assessment to determine the likelihood of future ground subsidence or sinkhole development.

7) Both Counties agree that collaboration and cumulative impact analyses may be required when considering future development around the lakes within the Plan Area.

8) The following land use provisions will apply to all new development around Wizard Lake and Pigeon Lake within the Plan Area:
   a. Both Counties agree that conservation, water protection, recreation and residential development will continue to be the primary use of land around Wizard Lake and Pigeon Lake within the Plan Area.
   b. Both Counties will work cooperatively to encourage good neighbour development practices.
   c. If disputes or complaints in either County arise between ratepayers, the County receiving the complaint shall strive to direct the affected parties to the appropriate agency, government department or County for consultation or resolution wherever necessary.
L. MUNICIPAL INFRASTRUCTURE

1) Both Counties agree to work together to support the development of municipal infrastructure required to service developments within the Plan Area.

2) The Counties will make the most efficient use of infrastructure investments by prioritizing growth around existing infrastructure and optimizing use of new and planned infrastructure in the Plan Area.

3) Prior to any joint municipal infrastructure developments proceeding, the Counties will enter into a cost sharing agreement to share the costs of the development based on the prorated benefit to each County.

M. TRANSPORTATION SYSTEMS

1) Both Counties will work together to ensure a safe and efficient transportation network is developed and maintained to service the farm operations, residents and businesses within the Plan Area.

2) When subdivisions are approved in the Plan Area, all right-of-way requirements will be secured to ensure that long-term transportation and road plans can be implemented when warranted.

3) Each County shall be notified of any subdivision or development proposal in the other County that will result in access being required from a road under its control or management.
N. UTILITY CORRIDORS

1) The continued demand for the location or telecommunications infrastructure and utility servicing has the potential to impact land use within municipalities; however, the municipalities are aware that the jurisdiction of utility approvals is outside of their direct control.
   a) Where there is an application for a new, expanded or retrofitted telecommunications tower within the Plan Area, Both Counties shall notify the other County to seek their comments.
   b) When providing a Letter of Concurrence for a new, expanded or retrofitted telecommunications tower, Both Counties shall request telecommunications companies to co-locate within the Plan Area where technically feasible.
   c) When providing comments to provincial and federal departments regarding utility development within the Plan Area, Both Counties shall request that consideration be given to the establishment of utility corridors with multiple users.

2) Both Counties also acknowledge that the development of the oil and gas industry has played an integral part in the development of the region. Both Counties will work with the oil and gas industry to ensure that the orderly development of the Plan Area is not unduly restricted by the development of oil and gas infrastructure, including pipelines.

O. PLAN ADMINISTRATION AND IMPLEMENTATION

1) Adoption Process
   a) This IDP and any amendments to it shall be adopted by bylaw by the Both Counties in accordance with the MGA.
   b) Any amendments to the Municipal Development Plans and Land Use Bylaws of Both Counties required to implement the policies of the Intermunicipal Development Plan should occur as soon as practicable following adoption of this IDP or any amendment to the IDP that establishes or amends policies within this IDP.

2) Approving Authorities
   a) In the hierarchy of statutory plans, the Intermunicipal Development Plan shall take precedence over the other municipal statutory plans.
   b) Each County shall be responsible for the administration and decisions on all statutory plans, land use bylaws, and amendments thereto within their boundaries.

3) Plan Amendments
   a) An amendment to this Plan may be proposed by either County. An amendment to the Plan proposed by a landowner shall be made to the County in which the subject land is located.
   b) An amendment to this Plan has no effect unless adopted by Both Counties by bylaw in accordance with the MGA.
4) Intermunicipal Cooperation
   a) The Counties agree to create a recommending body known as the Intermunicipal Committee (hereinafter referred to as the Committee).
   b) The Committee will meet on an as required basis and will develop recommendations to the County Councils on all matters of strategic direction and cooperation affecting County residents, except matters where other current operating structures and mechanisms are operating successfully. The topics to be discussed will include:
      i) Long-term strategic growth plans for the Counties as may be reflected in the Intermunicipal Development Plan, Municipal Development Plans, Area Structure Plans and other strategic studies.
      ii) Intermunicipal and regional transportation issues including the Transportation and Utility Corridors, truck routes.
      iii) Prompt circulation of major land use, subdivision and discretionary development proposals in either municipality which may impact the other municipality; and
      iv) The discussion of intermunicipal or multi-jurisdictional issues in lieu of a regional planning system.
   c) The Committee shall consist of four members, being two Councillors from each County.
   d) The Chief Administrative Officers and/or designated staff will be advisory staff to the Committee, responsible to develop agendas and recommendations on all matters, and for forwarding all recommendations from the Committee to their respective Councils.

5) Plan Review
   a) Once every four years, commencing no later than 2022, the IDP will be formally reviewed by the Committee in conjunction with the Intermunicipal Collaboration Framework in order to confirm, or recommend amendment, of any particular policy contained herein. The Committee will prepare recommendations for consideration by the municipal councils.

P. CIRCULATION AND REFERRAL PROCESS

1) Both Counties agree to refer the following planning proposals within the Plan Area:
   a) Municipal Development Plans and Municipal Development Plan amendments (28 day response period).
   b) Area Structure Plans, Area Redevelopment Plans and amendments (21 day response period).
   c) Land Use Redesignations (21 day response period).
   d) Subdivisions (21 day response period).
   e) Development permits for discretionary uses (21 day response period).
   f) Road access requests/notifications (21 day response period).
Q. DISPUTE/CONFLICT RESOLUTION

1) Both Counties agree that the following process shall be used to resolve or attempt to resolve disputes between the Counties arising from the following:
   a) Lack of agreement on proposed amendments to the IDP;
   b) Lack of agreement on any proposed statutory plan, land use bylaw or amendment thereto for lands located within or affecting the Plan Area; or
   c) Lack of agreement on an interpretation of this IDP.

2) Lack of agreement pursuant to section Q(1)(a) or (b) is defined as a statutory plan, land use bylaw or amendment to either which is given first reading by a Council which the other Council deems to be inconsistent with the policies of this Plan or detrimental to their planning interests as a County.

3) A dispute shall be limited to the decisions on the matters listed in section Q(1). Any other appeal shall be made to the appropriate approving authority or appeal board that deals with that issue.

4) The dispute resolution process may only be initiated by either County Councils.

5) Identification of a dispute and the desire to go through the dispute resolution process may occur at any time regarding a dispute matter outlined in section Q(1)(c) and may only occur within 30 calendar days of a decision made pursuant to section Q(2). Once either County has received written notice of a dispute, the dispute resolution process must be started within 15 calendar days of the date the written notice was received, unless both Chief Administrative Officers agree otherwise.

6) In the event the dispute resolution process is initiated the County having authority over the matter shall not give any further approval in any way until the dispute has been resolved or the mediation process has been concluded.

7) In the event mediation does not resolve the dispute, the County may proceed to adopt the bylaw and in accordance with the Municipal Government Act, the other County will have the right to appeal to the Municipal Government Board.

8) The Intermunicipal Committee formed under the Intermunicipal Collaboration Framework will be the forum used to in relation to any disputes.

Dispute/Conflict Resolution Process

Stage 1 Administrative Review - The Chief Administrative Officers of Both Counties will meet in an attempt to resolve the issue first. Failing resolution, the dispute will then be referred to the Intermunicipal Committee. In the event a resolution is not achieved by the 30th day following the first meeting of the Chief Administrative Officer of Both Counties, either County may refer the dispute to the Intermunicipal Committee.
Stage 2 Intermunicipal Committee Review – The Committee will convene to consider and attempt to resolve the dispute. Failing resolution, the dispute will then be referred to mediation. In the event a resolution is not achieved by the 30th day following the first meeting of the Intermunicipal Committee, either County may refer the dispute to the Mediation.

Stage 3 Mediation – The services of an independent mediator will be retained, with the mediator to present a written recommendation to both Councils. The costs of mediation shall be shared equally between the Counties.

Stage 4 Municipal Government Board – In the event the mediation process does not resolve the dispute, the County may proceed to adopt the bylaw and in accordance with the Municipal Government Act, the other County will have the right to appeal to the Municipal Government Board.

R. CORRESPONDENCE

1) Written notice by mail under this Plan shall be addressed as follows:

a. In the case of Leduc County to:

   Leduc County  
   c/o Chief Administrative Officer  
   1101-5th Street  
   Nisku, AB T9E 2X3

b. In the case of the County of Wetaskiwin No. 10 to:

   County of Wetaskiwin No. 10  
   c/o Chief Administrative Officer  
   Box 6960  
   Wetaskiwin, AB T9A 2G5

2) In addition to Section R(1), notices may be sent by electronic mail to the Chief Administrative Officer.
**Government Service** means a Crown-owned area of land or facility providing services to the travelling public and includes but is not limited to a rest area, maintenance yard or weigh-scale facility.

**Grade** means the average ground elevation calculated at the perimeter of a site as determined by the Development Authority or by an Engineer.

**Grade, Building** means for a building, the ground elevation established for the purpose of regulating the number of storeys and building height. One building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the grade is not entirely level, the grade shall be determined by averaging the elevations of the ground for each face of the building; for drainage, the ground elevation established in a lot drainage plan attached to the application for a development permit for the purpose of controlling the flow of surface water on the parcel.

**Grain Elevator** means a Warehouse use of a building or structure used to store grains and oilseeds for shipment by rail or truck.

**Greenhouse** means the growing, acclimating, propagating, harvesting, displaying and selling of edible, bedding, household and ornamental plants and may include accessory uses related to the storing, displaying and selling of gardening, nursery and related products.

**Gross Floor Area (GFA)** means the total area of all floors of all buildings including accessory buildings located on a parcel.

**Group Home** means a dwelling that is recognized, authorized, licensed or certified as a social care facility by a public authority to provide room and board for foster children, disabled persons, or for persons with physical, mental, social or behavioural problems, and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision.

**Guest Cabin** means a building not to exceed 29.7 square metres (320 square ft.) with a maximum of six beds used for sleeping accommodation but does not contain a kitchen facility, bathroom or washroom facility and where the maximum occupancy shall not exceed 240 days in one calendar year. Sleeping accommodation attached to or above a garage or another accessory building may be deemed to be a Guest Cabin. This use does not include hotel, motel, manufactured homes and/or recreational vehicles or recreational unit of any type.

**Hamlet** means an unincorporated community.

**Health Facility** means a public use development providing room, board and surgical or other medical treatment for the sick, injured or infirm including out-patient services and accessory staff residences, and includes but is not limited to clinics, hospitals, psychiatric hospitals, nursing homes, convalescent homes, isolation facilities and detoxification facilities.

**Heliport** means a lot or lots used or intended for the use of helicopters landing or taking off as regulated by Transport Canada or their successors.
Drive-In Food Service means a development or part of a development that can include a restaurant, designed to serve customers remaining in their vehicles.

Dwelling means a building or a part of a building containing one or more habitable rooms in which the primary use is human habitation and is self-contained for that use with facilities containing bathroom(s), and may include a washroom, a kitchen, and sleeping areas for a single household for year-round residential accommodation. Dwelling does not include Recreational Vehicle or Guest Cabin.

Dwelling, Communal means dwelling that are an arrangement of buildings that are an integral part of an agricultural, educational, recreational or religious facility, operated by a recognized communal organization such as a Hutterite colony. Accessory buildings may include a communal kitchen, dining room or both.

Dwelling, Detached means a dwelling that is built on a foundation or base extending below grade. The building is constructed on-site using conventional construction methods and materials and, is separate from other buildings on all sides. Detached dwelling excludes modular dwelling.

Dwelling, Mobile means a dwelling that is a building or structure that may be a ‘single-wide” or ‘double-wide’ that is designed to be transported as a complete single unit or in two parts on wheels to a building site on which it is placed at grade or on a foundation and meets the requirements for a residence under the Canadian Standards Association. A mobile dwelling is also called a manufactured home but does not include a Recreational Vehicle or Recreational Unit, Park Model.

Dwelling, Modular means a dwelling that is assembled on a building site from components manufactured off-site and is built to the CSA-277 standard. The completed building may be located on a foundation or base extending below grade and is separate from other building on all sides. Dwelling, Modular excludes Dwelling, Detached.

Dwelling, Moved in means a dwelling previously occupied or used that is transported in whole or in parts to a new building site provided that permits can be issued under Alberta Safety Codes and does not include Recreational Vehicle or Recreational Unit, Park Model.

Dwelling, Multiple means a building containing three (3) or more dwelling units which may include an apartment, row house, or adult living complex.

Dwelling, Principal means the dwelling determined by the Development Authority to be primary for the purpose of assigning secondary status to an additional dwelling under this Bylaw.

Dwelling, Side by Side (Duplex, side by side) means a building containing two (2) dwelling units with individual and separate entrances where the units are situated beside each other and may be subdivided onto separate lots.

Dwelling, Secondary means an additional dwelling that is ancillary to a dwelling, principal on the same lot, and may include but not limited to a modular, mobile, moved in building or guest cabin.

Dwelling, Secondary Suite means a designated area within a dwelling, detached,
providing accommodation as a separate dwelling that may include a kitchen independent from the primary dwelling and may include rental or lease arrangements.

**Dwelling, Uninhabitable** means a building or structure that is no longer used as a dwelling and has had all cooking facilities, washroom and bathroom facilities, sleeping quarters removed or permanently disabled to the satisfaction of the Development Authority to enable the building to be utilized exclusively as an accessory building.

**Dwelling, Vertical (Duplex, Vertical)** means a building containing two (2) dwelling units situated one on top of the other in whole or in part with an individual and separate entrance to each dwelling unit.

**Dugout** means a site excavation of earth, rock, concrete or other natural material designed to capture and retain water for agricultural, commercial, industrial or fire prevention uses but does not include a lagoon for the purpose of processing waste water.

**Eave** means the projecting overhang at the lower edge of a roof.

**Education Facility** is a development developed for instruction, training, and education purposes, and may include administration offices, dormitories, and accessory uses/structures.

**Engineer** means a practicing member and a member in good standing of the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA).

**Engineer’s Report** means a document that bears the professional stamp of an engineer who is a member in good standing of the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA).

**Environmental Impact** see Nuisance Effect.

**Equestrian Center** means a commercial facility used for the training of horses and riders and includes facilities to board horses, grooming, horse shows, and equestrian competitions.

**Existing Dwelling and Related Improvements** means a dwelling in active use with an approach and driveway, shelterbelt, outbuildings, and water, power and sewer services associated with the dwelling to form an integrated development in a rural area.

**Farm Building** means a structure other than a dwelling used to store agricultural products, house farm equipment or is otherwise associated with an agricultural use but does not include dwellings or buildings for the confinement of animals in an intensive animal use.

**Farm Site** means the first farm site situation on a single lot in an agricultural district that is improved for residential use, including a working well or on which proof of a water supply has been demonstrated pursuant to the standards of this Bylaw. This is the same as Yard Site.

**Farm Supply and Services Dealer** means a development where farm vehicles, equipment, supplies and services are stored, offered or kept for sale at retail prices and
April 11, 2019

County of Wetaskiwin No. 10
Box 6960
Wetaskiwin, AB T9A 2G5

Dear Sirs:

Re: Notice of Appeal Hearing; MULLIN, TRACY LAUREL; MEADOWS, DON;
SE-2-48-27-W4 LOT 4, BLOCK 5, PLAN 4619 TR

In response to the above-noted Appeal Hearing, we have no issues with the proposed buildings Tracy and Don are looking to build. In the fall of 2017, we purchased the adjacent property to Don and Tracy with the intention of storing our hobby accessories, such as boats, quads and holiday trailers, as well as the possibly of building a new home. We have had a contractor quote on a 80 x 60 storage facility for a possible future build and presumed there would be no issues doing so. Needless to say, we were quite surprised to hear the issues Don and Tracy were having getting a permit. It is frustrating to learn that after purchasing a large area of property for a future build, that our dream could be restricted by the size we are permitted to construct. We hope to see a resolution to this issue moving forward.

Yours truly,

Wayne & Bonnie Shaw

PO Box 467
Millet, AB T0C 1Z0
Lot 5, Block 5, Plan 4619TR
April 15, 2019

County of Wetaskiwin No. 10  
Box 6960  
Wetaskiwin, AB T9A 2G5

Attention: Secretary of the Subdivision and Development Appeal Board

RE: D19/026 Notice of Appeal Hearing dated April 02, 2019

Thank you for notifying us as to the proposed development adjacent to our location. As longtime residents of the Wizard Lake community (since 1992), we are very concerned about and are aware of the impact development can have around a recreational lake – good or bad.

We feel that ‘we’ as stewards of Wizard Lake (we, meaning County of Wetaskiwin No. 10, Leduc County, Wizard Lake Watershed and Lake Stewardship Association, local residents, shoreline residents of Wizard Lake, lake users, Alberta Environment and Parks along with North Saskatchewan Watershed) all play an important role in monitoring happenings around Wizard Lake and are all stewards to ensure we preserve this recreational lake, in our opinion.

Our concerns with this development are as follows:

1. Significant modifications have been made to this property over the past year and we wonder if the required permits were/are in place. Posted at the area maps is signage indicating the necessity of permits before development commences.
2. With the modifications made to the surface land, will drainage to adjoining lots be affected.
3. Since there is a personal approach in Curilane B to this property, why a second approach off of Twp Road 480
4. Twp Road 480 has 9 approaches between Range Road 271 and Range Road 272....increased traffic exiting and entering off of Twp 480 is a concern
5. What is the final proposal for the existing cabin being restored – will it be removed from the property or will it stay on the property?
6. The fill material that has been hauled into this property, is it free of noxious weeds/chemicals?

Thank you again for the opportunity to express our concerns and we look forward to hearing the results.

Linda and Blake Bartlett
271014 Twp 480
Site 7 Box 11 RR2
Thorsby, AB T0C 2P0

Cc Josh Bishop
Cc David Blades
April 16, 2019

County of Wetaskiwin No. 10
Box 6960
Wetaskiwin, AB T9A 2G5

Attention: Secretary of the Subdivision and Development Appeal Board
Cc Rod Hawken
Cc David Blades
Cc Josh Bishop

RE: D19/026 Notice of Concern

Wizard Lake Watershed and Lake Stewardship Association is a non profit organization with a mission
statement of “The Wizard Lake Watershed and Lake Stewardship Association works toward enhancing and
protecting the sustainability and enjoyment of Wizard Lake for the benefit of all users and watershed
inhabitants”

Please accept Wizard Lake Watershed and Lake Stewardship Association’s list of concerns with respects to
this development D19/026, as follows:

1) County of Wetaskiwin No. 10 Land Use Bylaws 2017/48 Updated to January 2, 2018

Section 9 General Land Use Regulations
9.1 Access and Approaches
9.1.6 In all districts, excepting Agricultural, each lot shall only have one approach unless valid
reasons exist that would necessitate a second approach. In such cases, a written request including
supporting information must be provided to the County in accordance with Policy 660.1

We work toward enhancing and protecting the sustainability and enjoyment of Wizard Lake for the benefit of all users and watershed inhabitants.
10.7 Lakeshore Residential District (LR)

10.7.1 Purpose
The purpose of the Lakeshore Residential District (LR) is to allow for the subdivision and development of residential uses adjacent to County lakes.

10.7.9 Environmental Protection Measures
a) See Section 9.3
b) No more than 50% of the area in a Lakeshore Residential parcel can be cleared of its natural vegetation.

Concern: Our concern is that this development does not comply.

10.22 Watershed Protection District (WP)

10.22.1 Purpose
The purpose of the Watershed Protection District (WP) is to reduce flooding, improve water quality, and maintain wildlife habitat by encouraging the maintenance of natural vegetation adjacent to watercourses and in important watershed areas.

10.22.7 Maintenance of Natural Vegetation
When a lot is created under section 10.22.5(c):
a) no more than 20% of its natural vegetation shall be cleared or removed, and
b) The Subdivision Authority may require, as a condition of subdivision approval, that a restrictive covenant, conservation easement, or similar agreement be registered on the title to enforce the restrictions of clearance of natural vegetation.

Concern: Our concerns are that developer maintains compliance.

10.24 Wizard Lake Watershed District (WLW)

10.24.1 Purpose
The purpose of this district is to preserve existing trees and vegetation cover around Wizard Lake.

Concern: It would appear that because there is currently an existing Quonset 30ft x 65ft as well as an existing cabin that has been moved from the lake lot to the back lot, there has been significant amount of vegetation removed from both locations.

10.24.6 Setbacks
a) No part of any residential parcel shall be located closer than 50 meters from the lakeshore or the top of lake bank whichever is greater
b) All buildings shall be set back 6 meters from property line or 50 meters from any water feature whichever is greater

Concern: Our concern is that existing structures may well be in noncompliance.

We work toward enhancing and protecting the sustainability and enjoyment of Wizard Lake for the benefit of all users and watershed inhabitants.
Concern: This property has an approach from Curilane B; therefore we see no need for a personal use approach from Township Road 480. There are 9 approaches now, including the existing approach to this property, off of Township Road 480 from Range Road 271 and Range Road 272.

Section 9.3 Environmental Protection Measures – Limited Access

9.3.1 In concurrence with Section 9.3.5, no trees or vegetation can be cleared
a) from any land within 30.0 meters (98 feet) of a bank break abutting a water feature;
b) from any slope as steep as or steeper than 6.5:1 (15%), (8.7 degrees) or any other slope which, in the opinion of the Development Office potentially unstable (see Appendix l); and

9.3.2 No person may alter or damage natural drainage patterns on a parcel of land through implementation of a landscape design or drainage scheme that is a condition of a development permit or subdivision approval without all provincial and regulatory approvals in place.

9.3.5 In All Districts
a) no trees or vegetation may be cleared within 6.0 meters (20ft) of the edge of a water feature, except to provide pedestrian access up to the edge of the water feature and only to a maximum of 2.0 meters (6.5 feet) of the frontage.
b) no removal or destruction of trees, vegetation or disturbance of soil is allowed to occur on a Municipal or Environmental Reserve unless written approval is provided by the development Officer and only to a maximum of 2.0 meters (6.5ft) in width and only for pedestrian access from the edge of the lot of the upland landowner to a water feature. No motorized equipment or machinery is allowed to create such 2.0 meter pedestrian access except the use of chainsaw equipment for this purpose.

Concern: Our concerns are that developer maintains compliance.

Section 9.18 Accessory Buildings

9.18.1 An accessory building shall not be used for human habitation, unless approved by the Development Officer
9.18.2 An accessory building shall not be located in the required front yard unless approved by the Development Officer. Except where allowed in Agricultural, Commercial, Industrial and Institutional Districts, the total area of accessory buildings on an individual site shall not exceed a site coverage of 14% nor an area of 140.0 square meters (1506 square feet) and shall not exceed a 4.8 meters (16 Ft.) wall height unless approved by the Development Officer.

Concern: Our concerns are that the above two sections have a limitation of 1506 square feet whereas this application for accessory buildings appears to be in an area of 8158 square feet which is far in access of acceptable guidelines.

We work toward enhancing and protecting the sustainability and enjoyment of Wizard Lake for the benefit of all users and watershed inhabitants.
10.24.7 Environmental Protection Measures

a) See Section 9.3

b) On parcels of land less than 32.0 hectares (80 acres) in size, no more than 20% of the parcel shall be cleared of its tree cover and other natural vegetation.

c) No trees or vegetation shall be cleared from within 50.0 meters (164 feet) of the edge of a water feature except to provide physical access to the water feature and only to a maximum of width of 3.0 meters (10 feet).

d) Steeply sloping banks, ravines, water recharge areas and land underlain by coal mines will be taken into municipal or environmental reserve when land is subdivided. Alternatively, an environmental reserve easement may be registered to protect tree cover.

**Concern:** Our concern is that the 3.5 acre development in question has already been cleared and modified significantly. Also we would wonder if an environmental assessment has been completed.
2) Municipal Development Plan 2010 amended Bylaw 2016/55

3 Environmental Protection
Protecting the natural environmental sensitive area from over-development is another focus of this Plan.
Concerns regarding lake water contamination, fish population decrease and ground water decline were expressed by the public during the Plan preparation.

Objective 3.1 Protect environmentally sensitive areas of the County
3.1.1 Prior to the approval of a rezoning, subdivision and/or development application, the developer may be required to prepare environmental reports such as biophysical report, slope stability report, or environmental site assessment, prepared by a qualified professional:
   a) near environmentally sensitive areas such as lakes, water courses, steep slopes, flood plains, or protected species habitat

Concern: This development appears to be in noncompliance. Our concerns are that not only a large amount of vegetation has been removed, but a large amount of fill material has been brought in from some other location. We would hope that the incoming material is environmentally compatible to this sensitive area. We would also hope that the material brought in does not contain invasive noxious weeds such as scentless chamomile, purple blue stripe, etc.

3.1.2 The environmental report for the purpose of the above policies should address:
   a) the suitability of the site for proposed development;
   b) the impact on wildlife and plant species habitats; and
   c) conservation or mitigation measure recommendations

Concern: Our concerns are that all of the 3 categories above should be reviewed prior to approval.

Objective 3.4 Storm water is maintained to protect natural drainage pattern
3.4.1 All water courses must be protected from negative impact of development and should the damage occur, they must be restored.
3.4.2 Appropriate storm water management design is required to prevent flooding and contamination of the nearby water bodies by conserving and/or regulating the run-off and snow melt.

Concern: Our concerns are that an approach has been constructed between Twp 480 and the property as well as a significant amount of fill has been brought in to the location which has no doubt altered natural drainage courses.

Objective 3.5 Retain existing tree-cover
3.5.1 The land within 1.6 km (1mile) from a river, stream, watercourse or lake is protected for watershed protection and may be re-districted to appropriate land use districts.
3.5.2 Clearing of the existing tree or natural vegetation for residential development is limited only to establish minimum building sites in the area established in 3.5.1

Concern: Our concerns are that this location appears that it may not be in compliance with the above sections.
4 Lakes

Objective 4.1 Lakes in the County are categorized according to their respective primary roles

4.1.2 County’s named lakes are categorized as follows:

Type 2: Low-impact Development – Battle Lake, Bearhills Lake, Town Lake, and Wizard Lake

Concern: Reference only that this development falls within that Low-impact Development.

Objective 4.2 Lakes in the County are well managed according to their respective primary roles as established.

For the purpose of this objective lake shore land is defined as 0.8 km one half mile from the bed and shore of a lake.

Concern: We feel that this property falls within that category.

Closing remarks:

With any type of development within the Wizard Lake Watershed including Environmental Areas should follow all rules that are presently in place for such development including recreational vehicle storage, sewage and wastewater handling, etc.

We feel that based on the above concerns, the proposed development does not conform to a large number of the present bylaws nor does it conform to the present municipal development plan within the Wizard Lake Watershed.

The health of Wizard Lake for not only recreational purposes but for downstream water usage (City of Edmonton) should always be at the fore front and be considered during all applications or appeals of this nature.

Thank you for the opportunity for allowing us to provide a brief summary of concerns/objectives that may help in this application as well as ongoing lake area development.

Blake Bartlett
Chair
Wizard Lake Watershed and Lake Stewardship Association

We work toward enhancing and protecting the sustainability and enjoyment of Wizard Lake for the benefit of all users and watershed inhabitants.