

## **AGENDA**

### **SUBDIVISION AND DEVELOPMENT APPEAL BOARD LEDUC COUNTY COUNCIL CHAMBER, COUNTY CENTRE, NISKU, ALBERTA**

**Thursday, June 14, 2018**

1. **Order and Roll Call** – 9:00 a.m.
2. **Agenda Adoption**
3. **Adoption of Previous Minutes**
  - May 11, 2018 Subdivision and Development Appeal Board Meeting
  - May 16, 2018 Subdivision and Development Appeal Board Meeting
5. **Subdivision and Development Appeal Hearing**
  - \* a) 9:00 a.m. SD18-015 Appeal by Ken Wedman – Subdivide a Developed  
Roll #1709010 ±2.09 ha (±5.16 ac) parcel for country residential use  
on NE 17-49-26-W4 (49270 Range Road 264)
  - \* b) 10:00 a.m. D18-090 Appeal by Anthony Auger – Recreational Vehicle  
Roll #1760010 Storage ±4.33 ac (9.5% lot coverage) on Lot 1,  
Block 1, Plan 0729582, Pt. SW 29-49-26-W4  
(26446 A Twp Rd 494)
6. **Next Meeting Date** – July 19, 2018 (or at the call of the Chair)
7. **Adjournment**

  
Legend  
\* Items Attached To Agenda

**MINUTES OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON THURSDAY, JUNE 14, 2018 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.**

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**Order and Roll Call**

The meeting was called to order at 9:00 a.m., Thursday, June 14, 2018 by Chair Mary-Ann McDonald with Board Members Shirley Jolly, Pat Rudiger and Larry Wanchuk present. Board Member Doug Ruel was absent for personal reasons.

Also present were Mr. Garrett Broadbent, Clerk of the Subdivision and Development Appeal Board; Ms. Joyce Gavan, Recording Secretary; Mr. Dave Desimone, Senior Planner; and Mr. Kyle Payne, Planner 1.

Present as well was one individual.

**Agenda Adoption**

**40-18** Board Member Jolly -- that the Agenda for the June 14, 2018 Subdivision and Development Appeal Board meeting be accepted as circulated.

Carried

**Previous Minutes**

**- May 11, 2018 Subdivision and Development Appeal Board Minutes**

**- May 16, 2018 Subdivision and Development Appeal Board Minutes**

**41-18** Board Member Wanchuk -- that the following Subdivision and Development Appeal Board meeting minutes be confirmed as circulated:

- May 11, 2018; and
- May 16, 2018.

Carried

**Appeal by Ken Wedman whereby Subdivision Permit Application SD18-015 was refused to subdivide a developed  $\pm 2.09$  ha ( $\pm 5.16$  ac) parcel for country residential use, from a previously subdivided quarter section with a title area of  $\pm 32.37$  ha ( $\pm 79.99$  ac) located on NE 17-49-26-W4, (49270 Range Road 264).**

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Chair McDonald called the hearing to order at 9:02 a.m. and introduced Board Members and staff.

Chair McDonald asked if any Board Member felt a need to step down from this hearing within the boundaries of Conflict of Interest, and there was no one.

Chair McDonald asked if anyone had any objection to any of the members of the Subdivision and Development Appeal Board hearing this appeal, and there was no objection indicated.

Chair McDonald explained the purpose of the hearing, the order of presentation and the procedures to be followed.

Chair McDonald then called upon the Clerk to introduce the subject of this appeal.

Mr. Garrett Broadbent, Clerk, advised of the appeal by Ken Wedman whereby Subdivision Permit Application SD18-015 was refused by the Subdivision Authority to subdivide a developed  $\pm 2.09$



ha (+5.16 ac) parcel for country residential use, from a previously subdivided quarter section with a title area of  $\pm 32.37$  ha ( $\pm 79.99$  ac) located on NE 17-49-26-W4, (49270 Range Road 264). The reasons for appeal are as follows:

- 1) We put a lot of work into cleaning up the yard and driveway.
- 2) There was approximately ten acres of pasture and small buildings.
- 3) We removed all the small buildings and worked up the so called pasture and put it back into crop land.
- 4) My present renter is interested in purchasing the crop land and has no intention of creating a new yard.

Mr. Broadbent advised the following information is attached for the Board:

- 1) Staff Report.
- 2) Notice of SDAB Hearing package dated May 25, 2018.
- 3) Notice of Appeal received May 23, 2018.
- 4) Subdivision Authority Notice of Refusal dated May 16, 2018 w/ refused site plan.
- 5) Key Plan.
- 6) Subdivision Permit Application SD18-015.
- 7) Application letter from Trent Wedman.
- 8) Tentative Plan.
- 9) Air Photo.

The Board confirmed the appeal was submitted properly and acceptable to the Board.

Chair McDonald called upon the Planning and Development Department to provide background information.

Mr. Kyle Payne, Planner 1, provided a PowerPoint presentation relating to the appeal by Ken Wedman, highlighting the following:

1. The proposed subdivision is approximately 3 km southeast of the Town of Calmar and 2.4 km east of Highway 795 as well as adjacent to Range Road 264 and 1.2 km north of Township Road 492.
2. Subdivision of the existing  $\pm 32.37$  ha ( $\pm 79.99$  ac) parcel from the quarter section occurred in 1987.
3. On May 16, 2018 the Leduc County Subdivision Authority refused an application to subdivide a developed  $\pm 2.09$  ha ( $\pm 5.16$  ac) parcel for country residential use, from a previously subdivided quarter section with a title area of  $\pm 32.37$  ha ( $\pm 79.99$  ac) located on NE 17-49-26-W4, (49270 Range Road 264) for the following reasons:
  - 1) Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the Municipal Development Plan:
    - a. Policy 3.1.1 stipulates productive agricultural land shall be protected for agricultural use;
    - b. Policy 3.1.2 stipulates that fragmentation and the amount of high capability land removed from production for non-agricultural development shall be minimized;
    - c. Policy 3.3.1 states that on high capability agricultural land, subdivision shall be limited to one lot from an unsubdivided quarter section and must be a suitable size and shape for agricultural use (approximately 32 ha); and



- d. Policy 3.3.14(a) stipulates the subdivision shall be small in scale and well defined and would not set a precedent or encourage further subdivision of the surrounding lands.
- 2) Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to Part 10.1.2 of the Land Use Bylaw No. 7-08 which states that the minimum size for agricultural lots in all Land Use Districts should be 32.4 ha (80 ac) or such size as results from a physical severance.
- 3) Pursuant to Section 654(1)(c) of the Municipal Government Act, the proposed subdivision does not conform to Policy 6.2.2 of the Edmonton Metropolitan Region Growth Plan which states in the rural area, large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.
- 4) The policies of the Municipal Development Plan, Land Use Bylaw and Edmonton Metropolitan Region Growth Plan are not met by this application.
4. A drainage course / creek transects the western portion of the remnant parcel. The Alberta Merged Wetland Inventory data also indicates that there has previously been open water along the southwestern boundary of the remnant parcel. These features are not visible on the 2015 base aerial imagery.
5. Leduc County granted conditional approval of a similar country residential subdivision of the parcel in 2004. A stipulation of this Conditional Approval was the consolidation of the north and the south halves of NE 17-49-29-W4. The resulting parcels would have met the requirements of the policies within the current Municipal Development Plan and the Land Use Bylaw.
6. The Farmland Assessment Rating (FAR) established by the County Assessment Department indicates the subject parcel consists of primarily high capability agricultural land. The policies of the Municipal Development Plan state that subdivision shall be limited to one lot from an unsubdivided quarter section on high capability agricultural land. The quarter section has previously been subdivided into two parcels of approximately 32 ha each. The proposed lot would be the second parcel subdivided from the quarter section and therefore is not supported by the Municipal Development Plan. Policies within the Municipal Development Plan also state that the amount of high capability agricultural land removed from farming because of non-agricultural development shall be minimized. Section 3.3.14 of the Municipal Development Plan requires that new country residential parcels be located on low capability land, well defined and compatible with adjacent land uses without setting precedent for further subdivision of the surrounding lands. It is the opinion of Planning and Development that the proposed subdivision sets precedent for further subdivision and development.
7. The proposed subdivision lies within the rural area identified in the Edmonton Metropolitan Region Growth Plan. In the rural area large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.
8. No adjacent landowner comments were received for this application.
9. The Farmland Assessment Rating (FAR) is:
  - o 8.75 ha (21.62 ac) @ 86%
  - o 14.27 ha (35.26 ac) @ 86%
  - o 6.03 ha (14.89 ac) @ 78%
  - o 2.12 ha ( 5.23 ac) @ 14%



10. Referral comments include:

- Leduc County Agriculture – does not impact the productive capability of the land in an agricultural setting. However, the subdivision would exceed the normally permitted number of subdivisions in the MDP. From an agricultural perspective, Agricultural Services is not opposed to this application.
- Leduc County Public Works & Engineering – this is adjacent to Range Road 264 which has no immediate to medium plans for upgrading. There is an access to the proposed parcel that appears to meet Leduc County standard, an access to the remnant will need to be constructed and be required to meet Leduc County standard. An access Approach Application to be completed prior to any work being done.

11. In accordance with the Municipal Government Act (MGA), Section 654(1)(a)(b) states:

*"A subdivision authority must not approve an application for subdivision approval unless:*

- a) The land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended.*
- b) The proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.*

12. In accordance with the Municipal Development Plan (MDP):

- 3.1.1 *To protect productive agricultural land for agricultural uses.*
- 3.1.2 *To minimize the amount of high capability agricultural land removed from farming because of non-agricultural development and the fragmentation of land.*
- 3.3.1 *Subject to Policy 3.3.2 on high capability agricultural land, subdivision will be limited to one lot from an unsubdivided quarter section. The subdivided lot must be a suitable size and shape for agricultural (approximately 32 ha) and follow physical barriers where applicable or small enough (approximately 1 ha unless a larger area is required due to the location of existing buildings, trees and shelterbelts, topographic characteristics and/or other site features) to minimize the loss of high capability agricultural land and be easily managed as a residential site.*
- 3.314 *Country Residential uses shall only be allowed on low capability land which is compatible with neighbouring land uses without setting a precedent for further subdivision of the surrounding lands.*

*Definition*

*High Capability Agricultural Land means:*

- a) cultivated and/or improved land with a farmland assessment rating of 41% or higher; or*
- b) wooded and/or unimproved land with a Canada Land Inventory rating of Class 1, 2 & 3.*

13. The Leduc County Land Use Bylaw No. 7-08, Section 10.1.2 states that the minimum size for agricultural lots in all Land Use Districts should be  $\pm 32$  ha ( $\pm 80$  ac) or such size as results from a physical severance.

14. The Edmonton Metropolitan Region Growth Plan Objective 6.2 – Minimize the fragmentation and conversion of prime agricultural lands for non-agricultural uses.

Policy 6.2.2 – in the rural area, large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.

Chair McDonald asked Board Members if there were any questions of the administrative staff, and there were none.

Chair McDonald called upon the Appellant to speak to the proposed development.

Mrs. Faye Pruner, daughter and on behalf of Ken Wedman, Appellant, provided the following information:

1. On the surface the perception may be that this subdivision leads to the fragmentation and loss of agricultural lands but the deeper underlying purpose is actually the preservation of agricultural land.
2. The reasons for refusal stated the subdivision application did not conform to the policies of the Municipal Development Plan (MDP) and Edmonton Metropolitan Region Growth Plan (EMRGP). Feel this proposed subdivision does actually conform to the policies; are trying to ensure the continued use of agricultural land for agricultural use, to not remove high capability land from production and protect and maintain agricultural production and support the agricultural sector.
3. My father is no longer able to farm the land and it has been rented out for some years. The renter is family and has a keen interest in continuing to farm the land; no interest in the house and yard. They are 2<sup>nd</sup> & 3<sup>rd</sup> generation farmers and have their own established homesteads elsewhere in the County. Rapid diminishing agricultural land due to expansion of the cities and the airport is severely impacting their livelihood. Their previously rented airport agricultural land has not disappeared into a massive retail and commercial development. With less rentable land available the cost per acre to rent is becoming so high that renting is no longer feasible except to the large corporate farmers. Our renters are seeking a more permanent arrangement in an effort to secure their livelihood as farmers and ensure the land is used for agricultural purposes for decades to come.
4. We have made the proposed subdivided parcel as small as possible so there will be no reduction to the amount of farmable acres. The proposed subdivision includes the yard and outbuildings only so the maximum amount of land can continue to be farmed. We believe this proposal fits well with the mandate of the County to ensure the continuation of farming agricultural land.
5. There is also precedent for this type of subdivision where the subdivision approved did not conform to the policies of the MDP e.g. just west of Hwy 39 where yard was subdivided from original 160 acres; subdivision of 10 acres; then a 3<sup>rd</sup> subdivision of the 10 acre parcel into 2.5 acre parcels. Another example is the land adjacent to Heimtal Church by Rabbit Hill just off Hwy 19; 120 acres now has 4 owners.
6. The proposed subdivision today does conform to the MGA in the following ways:
  - Policy 3.1.1 – the goal of this subdivision is to protect agricultural land for agricultural use;
  - Policy 3.1.2 – no high capability land is being removed from production and there is no non-agricultural development proposed.
  - The proposal conforms with Policy 6.2.2 of the EMRGP in that the objective is to protect and maintain the efficient production and to support the agricultural sector in the region.
7. Because there is precedent for this type of subdivision and because this proposal conforms with the policies of the County and the EMRGP we ask that you approve this appeal.

Chair McDonald asked if there were any questions by the Board Members of the appellant.

In response to questions by Board Members, Mrs. Pruner provided the following:

- The previous subdivision of the subject quarter was done by the previous landowner; the south half quarter is not owned by us; the purchase of the N½ 80 acres occurred in 2004.

- In accordance with the requirement by PW&E, another access would be required if subdivision occurs; however in this circumstance because it is family would prefer to utilize the existing driveway to access the parcel.
- There are no drainage creeks that would be affected by the proposed subdivision.

Chair McDonald noted there was no one in attendance to speak in support or against the appeal, and there was no one.

Chair McDonald asked if there was any additional correspondence submitted, and Mr. Broadbent advised there was none.

Chair McDonald asked if Technical Staff had any final comments.

Mr. Payne provided the following closing comments:

- It is the position of staff to preserve agricultural land and keep the compatibility of agricultural within this area.
- Although the appellant has indicated agricultural land would not be removed, if approval is granted there is the ability for the owner to build a dwelling on the remnant parcel in accordance with the Leduc County Land Use Bylaw.

Chair McDonald asked the appellant if she had any final comments, and Mrs. Pruner had none.

Chair McDonald asked the appellant if she felt she received a fair hearing, and Mrs. Pruner responded affirmatively.

### **Conclusion of Public Hearing**

Chair McDonald declared the Public Hearing concluded at 9:26 a.m.

Mr. Desimone, Mr. Payne and Mrs. Pruner

Mr. Desimone, Mr. Payne and Mrs. Pruner exited the Council Chamber at 9:27 a.m.

### **In Camera**

**42-18** Board Member Jolly -- that the Subdivision and Development Appeal Board meet In Camera.

Carried

The In Camera session commenced at 9:28 a.m.

### **Revert to Subdivision and Development Appeal Board Meeting**

**43-18** Board Member Wanchuk -- that the In Camera session revert to the Subdivision and Development Appeal Board meeting.

Carried

The In Camera session reverted to the Subdivision and Development Appeal Board meeting at 9:45 a.m.

**Appeal by Ken Wedman whereby Subdivision Permit Application SD18-015 was refused to subdivide a developed  $\pm 2.09$  ha ( $\pm 5.16$  ac) parcel for country residential use, from a previously subdivided quarter section with a title area of  $\pm 32.37$  ha ( $\pm 79.99$  ac) located on NE 17-49-26-W4, (49270 Range Road 264).**

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**44-18** Board Member Jolly -- that Subdivision and Development Appeal Board disallow the appeal by Ken Wedman and uphold the refusal by the Subdivision Authority to subdivide a developed  $\pm 2.09$  ha ( $\pm 5.16$  ac) parcel for country residential use, from a previously subdivided quarter section with a title area of  $\pm 32.37$  ha ( $\pm 79.99$  ac) located on NE 17-49-26-W4, (49270 Range Road 264)

#### Findings of Fact

- 1) The subject property is located within an Agricultural District in accordance with the Leduc County Land Use Bylaw 7-08 - the minimum parcel size for agricultural lots should be 80 acres (32.4 ha) or such size as results from a physical severance (which in this case there is none).
- 2) Section 654 of the Municipal Government Act states:  
*"A subdivision authority must not approve an application for subdivision approval unless:*
  - c) *The land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended.*
  - d) *The proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.*
- 3) The Farmland Assessment Rating (FAR) is classified as high capability agricultural land:
  - 8.75 ha (21.62 ac) @ 86%
  - 14.27 ha (35.26 ac) @ 86%
  - 6.03 ha (14.89 ac) @ 78%
  - 2.12 ha ( 5.23 ac) @ 14%
- 4) Mrs. Faye Pruner, on behalf of her dad Ken Wedman, indicated the purpose of the subdivision is for the preservation of agricultural land.
- 5) The Board heard the examples of other subdivisions however this case must stand on its own merits.

#### Reasons for Refusal

Subdivision Permit Application SD18-015 is refused for the following reasons:

1. Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to the following policies of the Municipal Development Plan:
  - a. Policy 3.1.1 stipulates productive agricultural land shall be protected for agricultural use;
  - b. Policy 3.1.2 stipulates that fragmentation and the amount of high capability land removed from production for non-agricultural development shall be minimized;
  - c. Policy 3.3.1 states that on high capability agricultural land, subdivision shall be limited to one lot from an unsubdivided quarter section and must be a suitable size and shape for agricultural use (approximately 32 ha); and
  - d. Policy 3.3.14(a) stipulates the subdivision shall be small in scale and well defined and would not set a precedent or encourage further subdivision of the surrounding lands.
2. Pursuant to Section 654(1)(b) of the Municipal Government Act, the proposed subdivision does not conform to Part 10.1.2 of the Land Use Bylaw No. 7-08 which states that the





minimum size for agricultural lots in all Land Use Districts should be 32.4 ha (80 ac) or such size as results from a physical severance.

3. Pursuant to Section 654(1)(c) of the Municipal Government Act, the proposed subdivision does not conform to Policy 6.2.2 of the Edmonton Metropolitan Region Growth Plan which states in the rural area, large contiguous agricultural areas will be protected and maintained to enable efficient agricultural production and to support the agricultural sector in the Region.
4. The policies of the Municipal Development Plan, Land Use Bylaw and Edmonton Metropolitan Region Growth Plan are not met by this application.

Carried

### **Recess**

The meeting recessed at 9:46 a.m. and reconvened at 10:00 a.m. with Chair Mary-Ann McDonald with Board Members Shirley Jolly, Pat Rudiger and Larry Wanchuk present.

Also present were Mr. Garrett Broadbent, Clerk of the Subdivision and Development Appeal Board; Ms. Joyce Gavan, Recording Secretary; Mr. Colin Richards, Team Lead Development; and Mr. Kyle Payne, Planner 1.

Present as well were two other individuals.

**Appeal by Anthony Auger whereby Development Permit Application D18-090 was refused for a Recreational Vehicle Storage (+4.33 acres, 9.5% lot coverage) located at Lot 1, Block 1, Plan 0729582, Pt. SW 29-49-26-W4 (26446 A Twp Rd 494).**

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Chair McDonald called the hearing to order at 10:01 a.m. and introduced Board Members and staff.

Chair McDonald asked if any Board Member felt a need step down from this hearing within the boundaries of Conflict of Interest, and there was no one.

Chair McDonald asked if anyone had any objection to any of the members of the Subdivision and Development Appeal Board hearing this appeal, and there was no objection indicated.

Chair McDonald explained the purpose of the hearing, the order of presentation and the procedures to be followed.

Chair McDonald then called upon the Clerk to introduce the subject of this appeal.

Mr. Garrett Broadbent, Clerk, advised of the appeal by Anthony Auger whereby Development Permit Application D18-090 was refused for a recreational vehicle storage (+4.33 acres, 9.5% lot coverage) located at Lot 1, Block 1, Plan 0729582, Pt. SW 29-49-26-W4, (26446 A Twp Rd 494). The reasons for appeal are as follows:

1. I am very much aware of the 5% total allowable area, however asking for additional land use totaling 9.5%. I do want to make a case as to why the expansion will cause no issue with how I currently utilize that area of land.
2. The majority of my land is for sheep and that will not change as I will continue to keep the animals in the expansion area for pasture and grazing as I had in the past. I also have an area of land used for crop that is roughly 15 acres that will not be changing.

3. From my understanding there was no negative feedback from my neighbours in the surrounding area. The RV business will not be an eyesore as the majority of the expansion will be behind a tree belt far off the road of Twp Rd 494 and I am visually far from Hwy 39. This will also be a gradual expansion as my plan is to work towards having the expanded area filled over the next 3 to 5 years. The roads or quality of land will not be impacted as I will not have any heavy trucks that could damage Twp Rd 494 as well as the drainage goes to the north towards the train tracks.
4. In summary, the additional 4.5% of agricultural land development is essentially still being used for agricultural purposes by way of pasture and grazing of sheep, this request will take some of that space however the majority will remain wide open for pasture and grazing.
5. I hope you see and understand my expansion request and can overturn the decision and approve the proposed land development.

Mr. Broadbent advised the following information is attached for the Board:

- 1) Staff Report.
- 2) Appeal received May 31, 2018.
- 3) Notice of SDAB Hearing package dated June 1, 2018.
- 4) Development Permit D18-090 Notice of Refusal dated May 24, 2018.
- 5) Key Plan.
- 6) Development Permit Application D18-090 with refused Site Plan.
- 7) Business Information Sheet.
- 8) Air Photo.

The Board confirmed the appeal was submitted properly and acceptable to the Board.

Chair McDonald asked the Clerk to read/present any other relevant information and/or correspondence, and Mr. Broadbent advised there was none.

Chair McDonald called upon the Planning and Development Department to provide background information.

Mr. Greg McGovern, Development Officer; provided the following information relating to the appeal by Anthony Auger:

1. On May 24, 2018 the Leduc County Development Authority refused an application to expand a Recreational Vehicle Storage from 1.3 acres to 4.33 acres comprising of an increase from 2.8% to 9.5% lot coverage. The north half was previously approved and the south half is under appeal.
2. The Development Authority refused this application for the following reasons:
  - 1) According to Section 9.1.6 of the Land Use Bylaw, the maximum allowable site coverage for Recreational Vehicle Storage is 5% of the parcel area. The applicant applied to increase the maximum allowable site coverage for Recreational Vehicle Storage to 9.5%.
  - 2) According to Section 3.6.2 of the Land Use Bylaw, the Development Authority shall not grant a variance to site coverage.
3. The subject property is located immediately northeast from the intersection of Township Road 494 and Range Road 265. A recreational vehicle storage lot exists on the lands immediately east of the subject property. In accordance with the Land Use Bylaw 7-08, the subject property and areas immediately surrounding the site are districted within the



- Agricultural (AG) District, in which all applications for recreational vehicles storage are considered a discretionary land use.
4. Development on the property consists of two dwellings, two accessory buildings for material and equipment storage, and several farm buildings: a barn, machine shed, and hay shed. A site visit determined that the existing recreational vehicles storage facility are currently utilizing more than the current approved Development Permit D10-241.
  5. A planning history search of the subject property reveals that the existing recreation vehicle storage facility was approved in December 2010 through the issuance of Development Permit No. 10-241. The same permit also allowed for an equestrian facility, the existing principal dwelling, a secondary dwelling, a shop and four accessory buildings. The latest development approval came in 2015 through the issuance of Development Permit D14-389 to allow for a ¼ mile horse racetrack.
  6. No adjacent landowner comments were received for this application.
  7. The proposed Development Permit Application D18-090 for recreational vehicle storage was refused by the Development Authority on May 24, 2018. Section 3.6.2 of the Land Use Bylaw prohibits the Development Authority from varying lot coverage and the proposed lot coverage is 9.5% which is almost two times the allowable limit of 5% as stipulated in Section 9.1.6 of the Land Use Bylaw.
  8. The appellant states in his appeal letter that the expanded Recreational Vehicle Storage development would not negatively impact the subject property or the municipal road infrastructure, and that, being screened by tree cover, would not negatively impact the surrounding area. The appellant acknowledges that an additional 3 acres of recreational vehicle storage space would take away some land currently used for grazing, but that his sheep have plenty of room elsewhere on the property to feed.
  9. The reasons provided in the appeal letter do not meet the intent of County policies. The intent of 5% coverage regulations for RV storage in the Land Use Bylaw is to protect agricultural land from non-agricultural uses and to facilitate landowners to earn some extra income.
  10. Staff recommends that the Subdivision and Development Appeal Board uphold the decision by the Development Authority to refuse Development Permit Application D18-090 for the reasons outlined in the Notice of Decision.

Chair McDonald asked Board Members if there were any questions of the Development Authority.

In response to questions by Board Members, Messrs. Richards and McGovern advised of the following:

- The RV storage is a development that contributes to site coverage similar to a blueprint of house or garage. This would be included with the proposed RV storage.
- This parcel is approximately double the allowable storage. 5% would consist of the total RV storage area.

Chair McDonald called upon the Appellant to speak to the proposed development.

Mr. Anthony Auger, Appellant, provided the following information:

- 1) Asking for the expansion of RV storage to utilize the same area used for sheep grazing which would not have any impacts.
- 2) There is a tree coverage (shelterbelt) area shielding the storage of units and not visible from the roadway.
- 3) Request is for 3 acres of storage area; this is gradual and will fill-in within 3-5 years.



- 4) There was no negative impact from neighbours
- 5) The area is in close proximity to Calmar and to the east there is a “for sale” sign for industrial lots.

Chair McDonald asked if there were any questions by the Board Members of Mr. Auger.

In response to questions by Board Members, Mr. Auger provided the following information:

- The subject property was purchased in July, 2014. Currently reside on the property (80 acres) and the house is located adjacent to the RV storage.
- There was no previous development on the lands when purchased.
- Will not be going any bigger than what is proposed.
- There are 98 RV units stored on the site. The units are parked on grass with a road in between.
- Also on the subject land is a racetrack that is fenced off and there is a portion of farmable land rented out for farming.
- To the immediate east is neighbouring property is another RV storage development similar to the same use proposed.

Chair McDonald noted there was no one else in attendance wishing to speak in support or against the appeal.

Chair McDonald asked administrative staff if there was any additional correspondence submitted, and there was none.

Chair McDonald asked if Technical Staff had any final comments.

Mr. McGovern provided the following closing comments:

- The subject proposed development was refused because it is inconsistent with regulations and the Development Authority cannot approve site coverage exceeding 5%.
- The subject lands are located within the Agricultural District where agricultural lands are not to be used for non-agricultural uses.
- The Farmland Assessment Rating (FAR) has a variance of ratings; however mainly 84% rating.
- The adjacent RV storage had a permit issued in 2008 for RV storage and again another permit issued in 2011 to expand the area. Having looked at the site plan as it exists today it would appear that this exceeds what was permitted for RV storage. This parcel is an 80 acre parcel and estimate  $\pm 3$  acres over the 5% allowable limit is being utilized for RV storage.

Chair McDonald asked the appellant if he had any final comments, and Mr. Auger and Ms. Amanda Bailer advised of the following.

- The subject piece of land is being used for pasture of sheep which is an agricultural use; that will still be happening around the RV units.
- There are approximately 75 sheep on the land.

Chair McDonald asked the appellant if he felt he received a fair hearing, and Mr. Auger responded affirmatively.

### **Conclusion of Public Hearing**

Chair McDonald declared the Public Hearing concluded at 10:22 a.m.



Mr. McGovern; Mr. Richards; and Two Other Individuals

Mr. McGovern; Mr. Richards; and 2 individuals exited the Council Chamber at 10:23 a.m.

**In Camera**

**45-18** Board Member Jolly -- that the Subdivision and Development Appeal Board meet In Camera.

Carried

The In Camera session commenced at 10:24 a.m.

**Revert to Subdivision and Development Appeal Board Meeting**

**46-18** Board Member Wanchuk -- that the In Camera session revert to the Subdivision and Development Appeal Board meeting.

Carried

The In Camera session reverted to the Subdivision and Development Appeal Board meeting at 10:46 a.m.

**Appeal by Anthony Auger whereby Development Permit Application D18-090 was Refused for a Recreational Vehicle Storage (+4.33 acres, 9.5% lot coverage) located at Lot 1, Block 1, Plan 0729582, Pt. SW 29-49-26-W4 (26446 A Twp Rd 494).**

**47-18** Board Member Rudiger -- that the Subdivision and Development Appeal Board allows the appeal by Anthony Auger and conditionally approves Development Permit Application D18-090 for a recreational vehicle storage located at Lot 1, Block 1, Plan 0729582, Pt. SW 29-49-26-W4, (26446 A Twp Rd 494).

**Findings of Fact**

- 1) Mr. Auger, applicant/appellant, owns 45.52 acres on the subject property.
- 2) The site coverage currently approved for is 2.8% site coverage; (1.27 acres); the 5% site coverage would increase the RV storage area an additional 1 acre. The maximum allowable for 5% is 2.276 acres.
- 3) The Leduc County Land Use Bylaw, Section 9.1.6 states maximum site coverage of recreational vehicle storage use shall not exceed 5% of the parcel area.
- 4) The land is currently being used for grazing of 75 sheep which is consistent with agricultural use.
- 5) The existing storage of RV units on the subject land is 98 units.
- 6) The Board heard the adjacent land immediately to the east is also used as an RV storage; however the Board cannot take that development into consideration in their decision for this appeal.

**Conditions of Approval**

Development Permit Application D18-090 is approved subject to the following conditions:

1. The proposed recreational vehicle storage facility shall be used for the storage of travel trailers, truck campers, tent trailers, fifth wheels and motor homes only and not for the commercial storage of cars, trucks, boats or for use as mini-storage.
2. The size of the RV storage development shall not exceed the maximum site coverage of 5% of the 45.52 acre parcel.



3. The recreational vehicle storage facility shall be operated in accordance with the business information sheet submitted by the applicant.
4. The recreational vehicles shall be stored in a neat, orderly fashion, and the site shall be maintained in a neat and orderly manner, to the satisfaction of the Development Authority.
5. Recreation vehicles shall be stored on private property and not on Leduc County road allowances.
6. The approved Recreational Vehicle Storage Facility shall be screened from view from all sides by means of fencing, shrubbery, trees and/or other landscaping of a height no less than 1.8 m. to the satisfaction of the Development Authority.
7. Any signage related to the recreational vehicle storage must be approved through a separate Development Permit application.
8. The applicant shall ensure that the operations on the subject lands do not create any adverse impact on adjacent properties.

Carried

#### **Next Meeting**

The next scheduled Subdivision and Development Appeal Board meeting will be held on Thursday, July 4, 2018 commencing at 10:00 a.m.

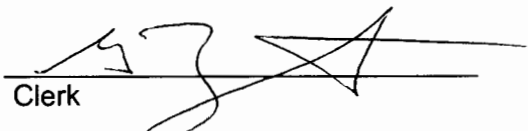
#### **Adjournment**

**48-18** Board Member Wanchuk -- that the Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Subdivision and Development Appeal Board meeting concluded at 10:48 a.m.

  
Chair

  
Clerk