

AGENDA

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

Thursday, July 19, 2018

1. **Order and Roll Call** – 9:00 a.m.

2. **Agenda Adoption**

3. **Adoption of Previous Minutes**

* July 4, 2018 Subdivision and Development Appeal Board Meeting

4. **Subdivision and Development Appeal Hearing**

* a) 9:00 a.m. D18-014 Appeal by Russ McCurdy, Maxwell Real Estate Polaris,
Roll #696000 on behalf of Mohammad and Dorothy Carlson-Haque
Infilling & Grading (Volume 302,000 m³ over an area of
164,670 m²) on Lot 1, Plan 9323321, Pt. NW 25-50-23-
W4th (50465 Hwy 21)

* b) 10:00 a.m. D18-109 Appeal by David & Ledise Mason – Accessory Building
Roll #7502060 (Garage – 87 sq.m) on Lot 1, Block 2, Plan 3924, Pt.
SW 28-47-01-W5 (440 47402 Range Road 13),
Moonlight Bay

5. **Next Meeting Date** – Call of the Chair

6. **Adjournment**



Legend

* Items Attached To Agenda

MINUTES OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON THURSDAY, JULY 19, 2018 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.

Order and Roll Call

The meeting was called to order at 8:58 a.m. by Acting Chair Shirley Jolly with Board Members Doug Ruel, Pat Rudiger and Larry Wanchuk present. Chair Mary-Ann McDonald was absent for personal reasons.

Also present were Mr. Garrett Broadbent, Clerk; Mrs. Lynn White, Recording Secretary; Mrs. Charlene Haverland, Manager of Development Services; Mr. Colin Richards, Team Lead Development; and Mr. Greg McGovern, Planner1.

Present as well were seven individuals.

Agenda Adoption

56-18 Board Member Wanchuk -- that the Agenda for the July 19, 2018 Subdivision and Development Appeal Board meeting be accepted as circulated.

Carried

Adoption of Previous Minutes – July 4, 2018

57-18 Board Member Rudiger -- that the July 4, 2018 Subdivision and Development Appeal Board minutes be confirmed as circulated.

Carried

Appeal by Russ McCurdy, Maxwell Real Estate Polaris, on behalf of Mohammad and Dorothy Carlson-Haque, whereby Development Permit Application D18-014 was refused for an Infilling & Grading located on Lot 1, Plan 9323321, Pt. NW 25-50-23-W4, (50465 Hwy 21).

Acting Chair Jolly called the hearing to order at 9:00 a.m. and introduced Board Members and staff.

Acting Chair Jolly 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.

Acting Chair Jolly 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.

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

Acting Chair Jolly then called upon the Board Secretary to introduce the subject of this appeal.

Mr. Garrett Broadbent, Clerk, advised of the appeal by Russ McCurdy, Maxwell Real Estate Polaris, on behalf of Mohammad and Dorothy Carlson-Haque, whereby Development Permit Application D18-014 was refused for Infilling & Grading (Volume 302,000m³ over an area of 164,670 m²) located on Lot 1, Plan 9323321, Pt. NW 25-50-23-W4, (50465 Hwy 21). The reasons for appeal are as follows:



After receiving the reasons for the refusal decision, I think I have addressed the concerns of the County and of the neighbours and I would like to include the following changes to the appeal:

- Assess the site to create an effective surface water mitigation plan;
- Provide silk fence at appropriate intervals to contain sediment;
- Immediately seed disturbed areas to recommended pasture mix;
- Install a permanent survey monument to reference for design elevations of the berm;
- Reduce earth moving requirements to site.

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

- 1) Staff Report.
- 2) Notice of SDAB Hearing dated March 23, 2018.
- 3) Notice of Appeal received March 19, 2018.
- 4) Development Permit Refusal dated February 27, 2018.
- 5) Development Permit Application D18-014.
- 6) Business Information Sheet.
- 7) Key Plan.
- 8) Refused Site Plan.
- 9) Aerial Image of Site.
- 10) Referral Responses.

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

Acting Chair Jolly asked the Clerk to read/present any other relevant information and/or correspondence, and Mr. Broadbent advised of an ESA Number 111 Map.

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

Mr. Colin Richards, Team Lead Development Services, provided the following information relating to the appeal by Russ McCurdy, on behalf of Mohammad and Dorothy Carlson-Haque:

1. This is an appeal against the decision of the Leduc County Development Authority, whereby an application to spread 302,000 m³ of topsoil / fill material across a 164,670 m² (16.5 ha) portion of the subject site was refused.
2. The subject property is located immediately off of Highway 21 and approximately 1.7 km south of Township Road 510. The Hamlet of Looma is situated northwest of the property on the adjacent side of the highway.
3. Development on the property consists of one dwelling and a number of agricultural accessory buildings, and a CN rail line dissects the property from the northwest to the southeast corner of the site. The majority of the site is a natural, undeveloped form and contains a number of wetlands.
4. The Development Authority refused the application for the following reasons:
 - (i) In the opinion of the Development Authority and Alberta Environment & Parks, the proposed infilling impacts a number of wetlands. In accordance with Part 6.14.20 of the Land Use Bylaw, the Development Authority shall not issue any approvals to fill a wetland prior to any necessary approvals being issued by the Province under the Water Act.
 - (ii) The proposed development will result in alterations to the natural drainage of an environmentally significant area, as defined within the County's Environmentally



- Significant Areas Study. Part 6.5.12 of the Land Use Bylaw specifies that alterations to the natural drainage of the lands within or adjacent to an environmentally significant area shall be discouraged.
- (iii) In the opinion of the Development Authority, the proposed infilling of wetlands on the property may result in additional surface drainage onto adjacent lots, contrary to the requirements of Part 6.14.6 and 6.14.7 of the Land Use Bylaw.
 - (iv) In accordance with Part 3.4.2 of the Land Use Bylaw, all discretionary development permit applications shall be sent to adjacent landowners. The County received six (6) letters of objection to the proposed infilling, siting concerns relating to traffic impacts, the proposed volume of the fill material, drainage impacts, aesthetical impacts and the impact on the surrounding area due to the hauling operation. The County deems those concerns to be valid.
 - (v) The applicant indicates that the purpose of the application is to improve the agricultural capability of the subject parcel. It is the opinion of the Development Authority that the proposed infilling would not achieve the intent of increasing agricultural capability of the subject parcel, and would result in the loss of important wetlands and detrimental impacts upon a defined environmentally significant area.
5. The appellant has submitted the appeal requesting that the SDAB overturn the decision of the Development Authority and to consider the five (5) points noted in the grounds of appeal for the reasons presented.
 6. In review of the reasons, the Development Authority acknowledges that although these matters could be applied as conditions of approval within an acceptable infilling and grading approval, this proposal fails to meet key policy and regulation requirements that require satisfying in order to gain administrative support. The Development Authority consider that awarding an approval for the development, subject to these conditions, would still not alleviate the key concerns with the proposal as specified within the reasons for refusal.
 7. As specified within the reasons for refusal, a number of wetlands will be impacted by the proposal. Land Use Bylaw Regulation 6.14.20 directs that the filling of wetlands not be approved by the County prior to provincial approvals being in place for such development. In relation to this, Alberta Environment & Parks noted in their formal comments to the application that the proposal impacts a number of wetlands – some which may even be claimed by the Crown. Furthermore, it was noted that on this property, permission under the Water Act would likely be required, and should the Crown claim the land, that permission under the Public Lands Act may be required, additionally noting that it is very possible in this instance that the required permission may not be issued.
 8. The Development Authority received six (6) letters of objection to the proposal from ratepayers. The major noted concerns included traffic impacts, the proposed volume of the fill material, drainage impacts, aesthetical impacts and the impact on the surrounding area due to the hauling operation. The Development Authority deemed these concerns to be valid, especially relating to matters concerning impact of hauling activity as the proposed haul volume of 302,000 m³ would approximately require 30,200 truckloads, which would require 60,400 truck movements in and out of the property.
 9. It is the opinion of the Development Authority that the subject proposal would not increase agricultural productivity on the lands and would in turn create detrimental impacts upon defined important wetlands. Therefore, it is recommended that the SDAB uphold the decision of the Development Authority to refuse Development Permit Application D18-014 for the reasons specified in the Notice of Decision.

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



In response to questions by Board Members, administrative staff advised of the following:

- Bringing in that much dirt would not improve agriculture capability. Normally, a small quantity of dirt is added to bring up the elevation. The quantity reflected in this application would bring up the elevation about five feet which is too much to be viable or beneficial for agricultural purposes.

Acting Chair Jolly called upon the appellant to speak to the proposed development.

Mr. Russ McCurdy, Appellant, on behalf of Mohammed and Dorothy Carlson-Haque, Applicants, provided the following information:

1. Acknowledge and accept the outcome of what will be decided by the Board.
2. Would like to amend the amount of infill proposed on the application.
3. Would like to reduce it to 100,000m³.
4. The Applicant has decided to only build a berm alongside the railway track to reduce disturbance to wetlands.

Acting Chair Jolly asked if there were any questions by the Board Members.

In response to a question from a Board Member, Mr. Richards indicated that the Development Authority has reviewed and refused the application. The Board could consider a reduced quantity of infill but recommends that the refusal be upheld. Following that, the Applicant could make a new application and then the Application would have to be referred back out.

Acting Chair Jolly asked Mr. McCurdy if he submitted a revision of the Application to reflect the reduction of infill to 100,000m³. Mr. McCurdy responded yes, however, Mr. Richards indicated he did not receive it.

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

In response to questions by Board Members, Mr. McCurdy advised of the following:

- His engineer was supposed to attend the meeting today to respond to the ESA issues, however, he was not able to attend due to illness.
- There were multiple reasons why the application was denied. Reducing the amount of infill addresses all those concerns.
- No longer proposing to disturb grounds as indicated in the original application and therefore no need for a silt fence.
- There is no plan to place infill on the east side of the railway tracks.

Acting Chair Jolly called upon anyone in attendance to speak in support or against the appeal.

The following individuals spoke in support or against the proposed development:

1. Mr. Ken Harris, Opposed.
 - Own property north of subject property.
 - Subject property is best described as flat.
 - If infill added, water will likely run onto my property and flood; have never had flooding issues in the past.



- What happens in five years if the course of the water changes?
- Previous owner of subject property grazed horses and cattle with success.
- Where is the fill coming from? At first it's top soil and then it's top soil / fill. There is a difference.
- Sounds like a dumping ground for someone.
- Did not understand the reports that were received in the mail.
- Don't know if Alberta Transportation is involved in this application. There will be vehicles coming over the rise to the north on the highway and they may not be able to stop in time when they come up behind the big trucks turning. This is a very dangerous part of the highway.
- If this application gets approved, would like something in writing that this will never affect his land in way of flooding.

2. Mr. Brian Meaney; Support.

- Work with Mr. McCurdy.
- Would like to speak to the impact on the environmental areas.
- It was never intended to carry the berm into the wetland area.
- This should mitigate the flooding concern of Mr. Harris.

Acting Chair Jolly asked if there was anyone else who would like to speak in support or against the appeal.

1. Mr. Mohammad Haque, Owner of subject property advised sheep is raised on the subject lands. Because the ground is so uneven, sometimes they are unable to see the sheep and the coyotes get them. Have lost about two dozen sheep this year.
2. Mrs. Dorothy Carlson-Haque, Owner of subject property, provided the following comments.
 - Purchased property so they could raise animals to support their retirement.
 - The land/fields are rolling, not flat. Can't take farming equipment across the land.
 - They have to fetch sheep on foot and carry them back.
 - Need to improve the land so they can crop it and have better access to it.
 - Want to create property they can properly farm.

Acting Chair Jolly asked if the Development Authority wished to provide final comments.

Mr. Richards provided the following closing comments:

- The amount of infill proposed is excessive for this application. If the infill material were to be spread evenly across the proposed area, it would result in an average depth of 1.8 m.
- According to the proposed profiles, there would be areas in which 5m of material would be placed. That level of material would be very difficult to stabilize to prevent erosion or shifting. The addition of this amount of material would make it difficult to maintain the natural topography of the land.
- The placement of anything more than one foot of topsoil infill is questionable as it is unlikely to result in soil improvement and is likely to cause other issues such as compaction.
- There is no indication on how erosion might be mitigated if this were to be approved.
- The proposed timeline is impractical with respect to the amount of trucks required to haul per day if permitted. The trucks would have to enter/exit off a very busy highway which could cause serious traffic concerns.

- Alberta Transportation will also need to provide approval. An application was submitted but there is no evidence that it has been approved.
- Based on the opinion of the Leduc County engineers, the amount of infill proposed would create flooding issues.
- The Board has the option to:
 - (1) approve as presented; or
 - (2) consider approval with reduction in amount of infill, however, there is no plan in place and the application would still require Alberta Environment and Parks approval; or
 - (3) uphold the decision to refuse the application and if so, the Applicant has the opportunity to submit a new application.

Acting Chair Jolly asked Board Members if there were any further questions of the Development Authority.

In response to a question, Mrs. Haverland clarified the following:

- The original application reflected 100,000 m³ of infill on a drawing which did not match the 302,000 m³ on the application.
- A new application was submitted with the 302,000m³ reflected on the drawing which then matched the application.

Acting Chair Jolly asked the appellant if he had any final comments, and Mr. McCurdy provided the following closing comments:

- Acknowledge and accept that 302,000m³ of infill was reflected in the application, however, would like the Board to consider approval of a reduction to 100,000m³.
- Are willing to revise the application.
- No longer proposing to do anything to disturb the drainage.
- Understand that the infill must be kept away from wetlands and will ensure that the drainage of the property is not altered.

Acting Chair Jolly asked the appellant if he felt he received a fair hearing, and Mr. McCurdy responded affirmatively.

Conclusion of Public Hearing

Acting Chair Jolly declared the Public Hearing concluded at 9:51 a.m.

Recess

The meeting recessed at 9:52 a.m. and reconvened at 9:58 a.m., with Acting Chair Shirley Jolly and Board Members Doug Ruel, Pat Rudiger and Larry Wanchuk present.

Also present were Mr. Garrett Broadbent, Clerk of the Subdivision and Development Appeal Board; Mrs. Lynn White, Recording Secretary; Mr. Colin Richards, Team Lead Development; and Greg McGovern, Planner 1.

Present as well were two other individuals.



Appeal by David & Ledise Mason whereby Development Permit Application D18-109 was Refused for an Accessory Building (Garage – 87 sq. m.) located on Lot 1, Block 2, Plan 3924, Pt. SW 28-47-01-W5 (440 47402 Range Road 13), Moonlight Bay.

Acting Chair Jolly called the hearing to order at 9:58 a.m. and introduced Board Members and staff.

Acting Chair Jolly 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.

Acting Chair Jolly 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.

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

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

Mr. Garrett Broadbent, Clerk, advised of the appeal by David & Ledise Mason whereby Development Permit Application D18-109 was refused for an Accessory Building (Garage – 87 sq. m.) located on Lot 1, Block 2, Plan 3924, Pt. SW 28-47-01-W5 (440 47402 Range Road 13), Moonlight Bay. The reasons for appeal are as follows:

1. It is our intention or wish to build the garage first instead of our main home.
2. Mainly we wish to use the garage for storage.
3. We have a plan to retire from our current work in early 2019 and then work in other parts of Canada for approximately two years.
4. We hope to sell our home in Leduc in summer 2019. We can then use the garage to store our things as we rent furnished accommodations.
5. Upon return or completion of our travels we will commence building our permanent home on the lot. We plan to be the general contractor so having the garage for a workshop would be helpful.
6. We would hope to have this home completed within 2-4 years. This will be our permanent home as we plan to retire there.
7. We have noted that there are other garages and no home on properties in the area.

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

- 1) Staff Report.
- 2) Appeal received June 25, 2018.
- 3) Notice of SDAB Hearing package dated June 27, 2018.
- 4) Development Permit D18-109 refusal dated June 13, 2018.
- 5) Development Permit Application D18-109.
- 6) Key Plan.
- 7) Aerial Photo.

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

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



Acting Chair Jolly 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 David & Ledise Mason:

1. On June 13, 2018 the Leduc County Development Authority refused an application to construct an accessory building (garage – 87 sq.m) on the subject property. The application was refused as it proposed the construction of an accessory building without a principle use or principle building being established on the property, contrary to the provisions of the Land Use Bylaw 7-08.
2. Pursuant to Section 9.8.1 of the LUB, the subject property is designated as a Resort Residential (RR) District. The general purpose of this district is:

“to accommodate smaller resort lots in multi-lot residential subdivisions adjacent to a lakeshore having due regard to environmental impacts including the integrity of watersheds, the demands on lake access and adequate provision of utility servicing and roads”

In accordance with 9.8.3 of the Resort Residential District regulations an Accessory Building greater than 65 sq. m. is listed as a Discretionary Use.

Part 3.4.5(c) states that the Development Authority shall consider an application for development and may refuse it even if it is permitted use or discretionary use, if it does not comply with the Bylaw.

Part 11 – Definitions:

“Accessory Building means, for the purpose of administering the provisions of Part Nine – District Regulations, a building that is incidental and subordinate to a principal use or principal building on the same lot and is more than 10.0 sq.m (107. sq.ft.) or 2.0 m (6.5 ft.) in height.

The proposed accessory building, a garage, would be the sole structure on the property and would therefore not be incidental or subordinate to a principal use or principal building on the property.

3. The subject property is located in the Moonlight Bay subdivision (SW 28-47-1-W5) near the north shore of Pigeon Lake. The property is a 930 sq.m. corner parcel situated northwest from the intersection of Centre Street and Township Road 474.
4. The property is currently undeveloped and cleared of any permanent structures. A review of the planning history reveals that a leave-as-sited development permit was issued in October 1997 to allow for an existing detached, dwelling (a cottage). In July 2015, a permit was issued to allow the demolition of that same dwelling.
5. The proposed Development Permit Application D18-109 for an Accessory Building (a garage – 87 sq.m) was refused by the Development Authority on June 13, 2018. In accordance with Section 11 of the Land Use Bylaw, an Accessory Building (such as a garage), by definition, is to be incidental and subordinate to a principal use or principal building on the same lot. As the property no longer contains a principal building (dwelling), and its principal use (residential) has been abandoned, under the provisions of the Land Use Bylaw, an accessory building cannot be considered as the sole structure on the property.
6. The appellants state in their appeal letter that they intend to build a house on the property in the future, and expect to live on the property in approximately 2 to 4 years. Before that



- time, they wish to build the proposed garage and use it for storage of personal belongings. During this time, the garage would be the only structure on the property.
7. The County acknowledges the appellants desires to construct a dwelling on the property in the future. Notwithstanding this however, the reasons provided in the appeal letter for wishing to construct an accessory building years before a principal building do not meet the intent of the Land Use Bylaw. The purpose of an accessory building, as discussed within its definition in the Land Use Bylaw, is to be secondary to a principal use or a principal building on the same property. As a result of this, the Development Authority cannot support accessory developments prior to principal developments, and therefore the application was refused.
 8. In accordance with the above, the Development Authority recommend that the Subdivision and Development Appeal Board uphold the decision to refuse Development Permit D18-109 for the reasons outlined in the Notice of Decision.

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

In response to a questions by Board Members, Mr. McGovern advised of the following:

- If the applicant amended the application to include the construction of a dwelling, the dwelling would still have to be built first.
- An approval for a dwelling would expire if construction does not start within 12 months from the date of issuance.

Acting Chair Jolly called upon the Appellant to speak to the proposed development.

Mr. & Mrs. David and Ledise Mason, Appellants, provided the following information:

- Will be back and forth to the lake and would like to store mowing equipment and tools in the building until they get out there permanently.
- Because of the rise in rural crime, would like to be able to secure their belongings.
- Asked if they could apply for a building permit now for a principal dwelling and just renew it later on.

Acting Chair Jolly asked Board Members if they had any further questions.

In response to questions from Board Members, Mr. Richards provided the following information:

- Typically when an application is received for a dwelling and an accessory building, the dwelling must come first.
- If the application was both a dwelling and an accessory building, the Board could put on a condition that the accessory building can come first but would suggest putting a timeline on it.
- Because this application is for an accessory building only and there was no definite timeline for the principal dwelling, this is not possible.
- If the Board were confident that the dwelling would follow in an appropriate time in the future, they could approve the application with a condition that if the principal dwelling were not built within a certain time period, then the accessory building would have to be demolished.
- Another scenario that the Board could consider, is to refuse this application and then the Applicant can re-apply for a dwelling and an accessory building in the same application with the request that the accessory building be built first with the dwelling to follow within a certain period of time.



Acting Chair Jolly asked if there were any questions by the Board Members of the appellants, and there were none.

There was no one to speak for or against the application.

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

Acting Chair Jolly asked if the Development Authority had any final comments, and there were none.

Acting Chair Jolly asked the appellant if they had any final comments, and Mr. and Mrs. Mason provided the following closing comments:

- Have noticed other garages in the area with no principal dwellings which appear fairly new.

Acting Chair Jolly asked the appellants if they felt they received a fair hearing, and Mr. and Mrs. Mason responded affirmatively.

Conclusion of Public Hearing

Acting Chair Jolly declared the Public Hearing concluded at 10:17 a.m.

Mr. McGovern; Mr. Richards; and Two Individuals

Mr. McGovern; Mr. Richards; and two individuals exited the Council Chamber at 10:18 a.m.

In Camera

58-18 Board Member Rudiger -- that the Subdivision and Development Appeal Board meet In Camera.

Carried

The In Camera session commenced at 10:19 a.m.

Revert to Subdivision and Development Appeal Board Meeting

59-18 Board Member Ruel -- 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 11:07 a.m.

Appeal by Russ McCurdy, Maxwell Real Estate Polaris, on behalf of Mohammad and Dorothy Carlson-Haque, whereby Development Permit Application D18-014 was refused for Infilling & Grading located on Lot 1, Plan 9323321, Pt. NW 25-50-23-W4, (50465 Hwy 21).

60-18 Board Member Rudiger -- that Subdivision and Development Appeal Board disallow the appeal by Russ McCurdy, Maxwell Real Estate Polaris, on behalf of Mohammad and Dorothy Carlson-Haque, and uphold the refusal of Development Permit Application D18-014 for infilling and grading located on Lot 1, Plan 9323321, Pt. NW 25-50-23-W4, (50465 Hwy 21).



Findings of Fact

- 1) It was heard that the applicant wishes to reduce their original proposal from 302,000m³ of top soil to 100,000m³. The application does not reflect the significant reduction in fill material to be brought in.
- 2) Within the submitted documentation, it was not clear what the intent or scope of the project was. It was heard that a berm could be constructed along the railway and it was heard that they wanted to improve the agricultural capability of the land.
- 3) The submitted site plan does not consider the sensitive wetland areas. If wetlands are to be filled, a Water Act application would need to be submitted and approved by Alberta Environment and Parks.
- 4) Alberta Transportation has not approved the Road Use Agreement that was submitted.

Refusal Reasons

Development Permit Application D18-014 is refused for the following reasons:

1. The SDAB agrees with the opinion of the Development Authority and Alberta Environment & Parks that the proposed infilling impacts a number of wetlands. In accordance with Part 6.14.20 of the Land Use Bylaw, the Development Authority shall not issue any approvals to fill a wetland prior to any necessary approvals being issued by the Province under the Water Act.
2. The proposed development will result in alternations to the natural drainage of an environmentally significant area, as defined within the County's Environmentally Significant Areas Study. Part 6.5.12 of the Land Use Bylaw specifies that alterations to the natural drainage of lands within or adjacent to an environmentally significant area shall be discouraged.
3. In the opinion of the SDAB, the proposed infilling of wetlands on the property may result in additional surface drainage onto adjacent lots, contrary to the requirements of Part 6.14.6 and 6.14.7 of the Land Use Bylaw.
4. In accordance with Part 3.4.2 of the Land Use Bylaw, all discretionary development permit applications shall be sent to adjacent landowners. The County received six (6) letters of objection to the proposed infilling, citing concerns relating to traffic impacts, the proposed volume of the fill material, drainage impacts, aesthetical impacts and the impact on the surrounding area due to the hauling operation. The County deems those concerns to be valid.
5. The applicant indicates that the purpose of the application is to improve the agricultural capability of the subject parcel. It is the opinion of the SDAB that that proposed infilling would not achieve the intent of increasing agricultural capability of the subject parcel, and would result in the loss of important wetlands and detrimental impacts upon a defined environmentally signification area.

Carried

Appeal by David & Ledise Mason whereby Development Permit Application D18-109 was Refused for an Accessory Building (Garage – 87 sq. m.) located on Lot 1, Block 2, Plan 3924, Pt. SW 28-47-01-W5 (440 47402 Range Road 13), Moonlight Bay.

61-18 Board Member Wanchuk -- that Subdivision and Development Appeal Board allows the appeal by David & Ledise Mason and conditionally approves Development Permit Application D18-109 for an accessory building (garage – 87 sq. m.) located on Lot 1, Block 2, Plan 3924, Pt. SW 28-47-01-W5, (440 47402 Range Road 13), Moonlight Bay, with conditions:



Findings of Fact

- 1) The applicant stated in their appeal their intent to construct a principal dwelling within 2-4 years.

Development Permit Application D18-109 is approved subject to the following conditions:

1. Approval is granted based on the information provided by the applicant for the approved development (accessory building – garage 87 sq. m) only and no other development.
2. The accessory building must be completed within a two year period based on this approved development application.
3. An application for a principal dwelling must be submitted within this two year timeline or prior to the completion of the accessory building.
4. Failure to submit a development application for a principal dwelling within the two year time period, will require removal of the accessory building.
5. The approved development shall be located as shown on the submitted site plan.
6. The approved accessory building shall be free of rust and painted a single neutral colour or clad in siding compatible with the future dwelling.
7. The approved accessory building shall not be used as a dwelling unless specifically approved as a dwelling by a separate development permit.
8. The approved accessory building shall be used as a personal residential accessory building for the storage and maintenance of property belonging to the future residents of the parcel and not for business purposes. At no time in the future, unless specifically permitted by the County, shall the accessory building(s) be used for industrial or commercial purposes.
9. The site shall be maintained in a neat and orderly manner including the containment of all construction materials and refuse, to the satisfaction of the Development Authority.
10. The applicant/landowner shall provide firefighting access at all times to the satisfaction of Leduc County Fire Services.
11. The movement of construction material onto the property may require the applicant to enter into a Road Use Agreement with the County. The applicant must contact Public Works and Engineering prior to the movement of construction material to discuss this requirement.
12. The development shall not cause any adverse drainage impact on adjacent properties or flooding of nearby ditches in excess of their capabilities.
13. All new accesses, approaches or upgrades, including driveways required off of a Leduc County public roadway, as a result of the development shall first require an Access Application to be provided to the satisfaction of, and approved by Leduc County Public Works and Engineering.
14. No further development, expansion or change in use is permitted unless approved by Leduc County.

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

The applicant is also advised of the following:

1. This Development Permit is issued under the Leduc County Land Use Bylaw 7-08. It does not exempt you from compliance with any other municipal bylaw or statutory plan applicable to the approved development, any relevant federal and provincial statute or regulation, or any easement, covenant, agreement or contract affecting the subject lands.
2. The County administers the Safety Codes Act and you must obtain any Safety Codes (building, electrical, gas or plumbing) permit(s) required prior to commencing construction. Increased setback distances from property lines, and/or modifications to plans for proposed buildings may be required in order to achieve compliance under the Alberta Safety Codes Act.



3. To contact Leduc Public Works & Engineering at 780-979-6185 regarding approach approvals and Road Use Agreements as required.
4. To contact Leduc County Fire Services at (780) 955-7099 regarding compliance with Alberta Fire Code.

Development Permit D18-109 shall expire after two years from the date of decision unless development has commenced.

Carried

Next Meeting

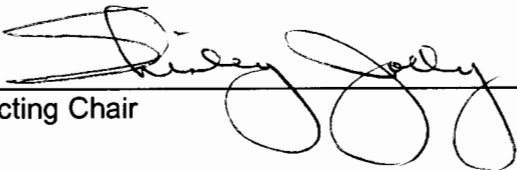
The next scheduled Subdivision and Development Appeal Board meeting will be held at the Call of the Chair.

Adjournment

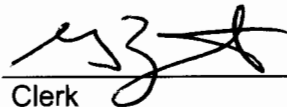
62-18 Board Member Ruel -- that the Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Subdivision and Development Appeal Board meeting concluded at 11:10 a.m.



Acting Chair



Clerk