

## **AGENDA**

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

**Thursday, April 19, 2018**

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

2. **Agenda Adoption**

3. **Adoption of Previous Minutes**

\* April 12, 2018 Subdivision and Development Appeal Board Meeting

4. **Subdivision and Development Appeal Hearing**

- \* a) 9:00 a.m. D18-011 Appeal by Kelly Tremblay – Dwelling Secondary  
Roll #1142020 Manufactured – 50.51 sq. m; Leave as Sited Dwelling,  
Detached (427.32 sq. m) with Deck (123.44 sq. m) on  
Lot 3, Block 1, Plan 0727178, Pt. NE 36-50-24-W4th  
(24035 Twp Rd 510)  
Applicant: Cassie Bernes
- \* b) 10:00 a.m. D18-037 Appeal by Nadine Morawski, on behalf of adjacent  
Roll #1232010 landowners: Arlene & Francis Sicard; Darrell, Ida and  
Dennis Morawski; New Use of Rural Wedding and  
Agricultural Event Facility; Leave as Sited – Accessory  
Building (Shop – 222.97 sq. m) with Addition for  
Washrooms (29.73 sq. m) on Lot 1, Block 1, Plan  
1624256, Pt. SE 24-48-25-W4 (25016 Twp Rd 483)  
Applicants: Jeff & Chris Ricke, The Whitewood Barn,  
Landowner: Donald Kalke
- \* c) 11:00 a.m. D17-237 Appeal by Kevin Haldane, Ogilvie LLP, on behalf of  
Roll #5538031 Frank Hilbich Architect Inc. (Brian Sippert, Church of  
God) – Religious Assembly (4,550 sq. m) on Lot 1,  
Block 1, Plan 0941231, Pt. NW 7-51-24-W4

5. **Next Meeting Date** – Friday, May 11, 2018

6. **Adjournment**

Legend

\* Items Attached To Agenda

**MINUTES OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON THURSDAY, APRIL 19, 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 9:20 a.m., Thursday, April 19, 2018 by Chair Mary-Ann McDonald and Board Members Shirley Jolly, Doug Ruel and Rick Smith present.

Also present were Mr. Garrett Broadbent, designated Clerk of the Subdivision and Development Appeal Board; Ms. Joyce Gavan, Recording Secretary; Mr. Greg McGovern, Development Officer; and Mr. Colin Richards, Team Lead Development.

Present as well were three individuals.

**Agenda Adoption**

**17-18** Board Member Smith -- that the Agenda for the April 19, 2018 Subdivision and Development Appeal Board meeting be accepted with the following addition:

3. a) Rescind Motion No. 12-18 (Change Date of Adjournment) re: Development Permit Application D18-014 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 302,000m<sup>3</sup> over an area of 164,670 m<sup>2</sup>) located on Lot 1, Plan 9323321, Pt. NW 25-50-23-W4, (50465 Hwy 21)

Carried

**Rescind Motion No. 12-18 - 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 a Infilling & Grading located on Lot 1, Plan 9323321, Pt. NW 25-50-23-W4, (50465 Hwy 21).**

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The Board received the April 18, 2018 email from Russ McCurdy, Appellant, on behalf of Mohammad and Dorothy Carlson-Haque, acknowledging the adjournment of hearing until Friday, May 11, 2018, commencing at 9:00 a.m.; and further advising that he is leaving Canada on May 1<sup>st</sup> and will not be returning until July 1<sup>st</sup> therefore requesting the date of adjournment be changed until the second week of July, 2018.

**Rescind Motion No. 12-18**

**18-18** Board Member Jolly -- that Motion No. 12-18 be rescinded.

Carried

**Adjourn Hearing - 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 a Infilling & Grading located on Lot 1, Plan 9323321, Pt. NW 25-50-23-W4, (50465 Hwy 21)**

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**19-18** Board Member Jolly -- that the hearing of 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 302,000m<sup>3</sup> over an area of 164,670 m<sup>2</sup>) located on Lot 1, Plan 9323321, Pt. NW 25-50-23-W4, (50465 Hwy 21), be adjourned until Thursday, July 19, 2018 commencing at 9:00 a.m. and that no further adjournment be granted.

Carried



**Adoption of Previous Minutes – April 12, 2018**

**20-18** Board Member Ruel -- that the April 12, 2018 Subdivision and Development Appeal Board minutes be confirmed as circulated.

Carried

**Appeal by Kelly Tremblay whereby Development Permit Application D18-011 by Cassie Bernes was Conditionally Approved for a Dwelling Secondary Manufactured; Leave as Sited Dwelling, Detached with Deck located at Lot 3, Block 1, Plan 0727178, Pt. NE 36-50-24-W4 (24035 Twp Rd 510).**

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Chair McDonald called the hearing to order at 9:25 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 Kelly Tremblay whereby Development Permit Application D18-011 by Cassie Bernes was conditionally approved for dwelling secondary manufactured (50.51 sq. m); leave as sited dwelling, detached (427.32 sq. m) with Deck (123.44 sq. m) located at Lot 3, Block 1, Plan 0727178, Pt. NE 36-50-24-W4, (24035 Twp Rd 510). The reasons for appeal are as follows:

1. We have lived here 24 years and were concerned with the topography of the land that allows the spring melt/rain runoff to flow and spoke with the owner and he advised us the flow would not be interrupted and a culvert would be put in place, so no back-up and pooling of water.
2. On further discussion with the owner he advised us he was renting out the existing dwelling and that the manufactured home that they are applying to move in on this permit belongs to a friend and they will be renting the land (space) from the owner. I was told a secondary residence (home) was to be for family members.
3. The location of the rental trailer will possibly affect resale value and the close proximity will affect our privacy as well.

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

- 1) Staff Report.
- 2) Appeal received March 26, 2018.
- 3) Notice of SDAB Hearing package dated March 28, 2018.
- 4) Development Permit D18-011 Conditional Approval to Cassie Bernes dated March 14, 2018.
- 5) Development Permit Application D18-011 with conditionally approved Site Plan.
- 6) Key Plan.

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 Kelly Tremblay:

1. This is an appeal against the decision of the Leduc County Development Authority, whereby an application for a secondary dwelling (manufactured – 50.51 sq. m) and a leave as sited detached dwelling (427.32 sq. m) with deck, was conditionally approved by the County Development Authority.
2. In accordance with the Notice of Appeal dated March 26, 2018, the appellant is appealing the decision of the Development Authority as noted above.
3. The subject property is located immediately south of Township Road 510 and approximately 850 metres east of Range Road 241.
4. Development on the property consists of one dwelling and several accessory and farm buildings: a detached garage, a quonset, two shelters and two barns.
5. In accordance with the Land Use Bylaw No. 07-08, the subject property and areas immediately surrounding the site are districted within the Agricultural (AG) District, in which all applications for a Dwelling, Secondary, are considered a permitted land use for parcels greater than 32.4 ha (80 ac) and a discretionary land use for parcels less than 32 ha (80 ac).
6. A planning history search of the subject property does not reveal any other development permit applications.
7. Within Part 3 – Agricultural of the Municipal Development Plan (MDP) the subject property is located within the defined “Agricultural Area A”. The purpose of the Agricultural Area A is to conserve and protect extensive areas of land for agricultural uses; to encourage and accommodate a broad range of agricultural related pursuits; and to retain and enhance the County’s agricultural community.  
Policy 3.2.1 stipulates that a second or additional dwellings may be allowed in Agricultural Area A.

8. Pursuant to Section 9.1.1 of the LUB, the general purpose of this district is:

*“to provide primarily for larger agricultural operations and limited higher intensity agricultural activities on smaller lots, while at the same time providing for limited residential and other uses having a secondary role to agriculture.”*

In accordance with 9.1.3 of the Agricultural District regulations, a *Dwelling, Secondary* is listed as a discretionary use. Part 3.4.5(b) states that the Development Authority shall consider an application for development and may approve it, with or without conditions, or refuse it if it is a discretionary use and it complies with the bylaw.

Part 7.11 of the LUB addresses Secondary Dwellings and Part 7.11.5 provides key requirements for parcels greater or less than 32.4 ha (80 ac).

In accordance with Part 7.11.5(b), *“on a lot between 2.0 ha (4.9 ac) and 32.4 ha (80 ac), dwelling, secondary shall not include a dwelling, detached; but may include a dwelling,*

*manufactured home; a dwelling, a garden suite; or dwelling, custodial suite on a discretionary basis."*

*Dwelling, Secondary means an additional dwelling that is ancillary to a dwelling, principal on the same lot, and may include a garden suite, secondary suite, manufactured home or custodial suite.*

*Dwelling, Manufactured Home means a factory constructed transportable single or multiple section detached dwelling conforming to the CAN/CSA A277 or CAN/CSA Z240 MH series certified standards at the time of manufacture designed with a steel frame substructure, and is ready for residential occupancy upon completion of set-up in accordance with required factory recommended installation instructions including placement on a foundation and hook up to utilities.*

9. The proposal to locate a secondary dwelling (a manufactured home) on the property, and to leave-as-sited a detached dwelling with deck, was approved March 14, 2018.
10. When reviewed against the key requirements of the LUB No. 07-08, the development proposal was deemed to be a discretionary use because the subject property is less than 32.4 ha (80 ac).
11. The LUB sets minimum setback distances between the location of the proposed development and the surrounding property boundaries and natural features such as water bodies. The proposed development provides for the minimum setback distances from the front, rear and side properties boundaries. Additionally, the location of the proposed development was found not to be in close proximity of the North Saskatchewan River Valley or any other permanent water body, from which, development must be set back at least 50 metres and 20 metres, respectively.
12. The proposed dwelling is located 18.3 metres from the shared property line and 40 metres from the appellants dwelling. Both the appellant's dwelling and the proposed secondary dwelling are separated by a 17 metre wide stand of trees running parallel to the shared/side property line on the subject property. The distance between the two residences is  $\pm 122$  feet.
13. There is a set of trees dividing the property. The property is relatively flat topography.
14. Section 3.2.2 of the MDP states that "*Mobile homes and removable garden suites, as second or additional dwellings, for family and farm help purposes may be allowed as discretionary uses up to 5 year renewable terms.*" However, the LUB does not regulate the occupant type and does not require that the occupants be related to the property owner.
15. In summary, the Development Authority considers that the proposed development meets the requirements of the LUB and would not materially interfere with or affect the use, enjoyment or value of neighbouring properties. Accordingly, administration recommends that the SDAB upholds the decision of the Development Authority to approve Development Permit D18-011 and allow the landowners to establish a temporary secondary dwelling.

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 "Leave as Sited" building refers to a building that does not have a development permit.
- Leduc County Public Works & Engineering reviewed this file with regard to the 2<sup>nd</sup> entrance to property and considered the 2<sup>nd</sup> access to be in compliance with policy.
- The setback distance requirements are in compliance.

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

Ms. Kelly Tremblay, Appellant, and adjacent landowner immediately to the left of subject property, provided the following information:

- 1) Some of the reasons for opposition have been addressed in the discussion this morning with the Board and with the applicants, Mr. and Mrs. Bernes.
- 2) One of the concerns expressed was with the flow of drainage and the fact this subject parcel has been previously subdivided.
- 3) The applicant ensured that flooding would not occur and can be addressed in accordance with Condition #15.
- 4) Another concern was that family members would not be moving in; however understand that the Leduc County Land Use Bylaw does not regulate the occupancy type and does not require occupants to be relatives.
- 5) The setback distances have been addressed.
- 6) Felt that when I had appealed the proposed development that maybe "*I jumped the gun*" and now having spoken with the applicant's and hearing the submissions here today, feel that my concerns are resolved.

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

Chair McDonald called upon the Applicant(s) to speak to the appeal.

Mrs. Cassie Bernes, Applicant, provided the following information:

- The access in question was already a previous access upon purchase.
- Requested the County to continue the use of the 2<sup>nd</sup> access.
- A permit for widening the approach has also been applied for.

Chair McDonald called upon anyone wishing to speak in support or against the appeal, and there was no one.

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, and there were none.

Chair McDonald asked the appellant if she had any final comments, and Ms. Tremblay had none.

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

### **Conclusion of Public Hearing**

Chair McDonald declared the Public Hearing concluded at 9:47 a.m.

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

Mr. McGovern; Mr. Richards; and six individuals exited the Council Chamber at 9:48 a.m.



**In Camera**

**21-18** Board Member Smith -- that the Subdivision and Development Appeal Board meet In Camera.

Carried

The In Camera session commenced at 9:48 a.m.

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

**22-18** Board Member Smith -- 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 9:57 a.m.

**Appeal by Kelly Tremblay whereby Development Permit Application D18-011 by Cassie Bernes was Conditionally Approved for a Dwelling Secondary Manufactured; Leave as Sited Dwelling, Detached with Deck located at Lot 3, Block 1, Plan 0727178, Pt. NE 36-50-24-W4 (24035 Twp Rd 510).**

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**23-18** Board Member Smith -- that Subdivision and Development Appeal Board disallow the appeal by Kelly Tremblay and uphold the conditional approval of Development Permit Application D18-011 by Cassie Bernes for a dwelling secondary manufactured (50.51 sq. m); leave as sited dwelling, detached (427.32 sq. m) with Deck (123.44 sq. m) located at Lot 3, Block 1, Plan 0727178, Pt. NE 36-50-24-W4, (24035 Twp Rd 510).

**Findings of Fact**

- 1) The appellant expressed her concerns have been addressed in speaking with the Applicant and hearing the submissions at this hearing.
- 2) The appellant expressed a better understanding of the planning requirements in accordance with the Land Use Bylaw relating to occupancy of second dwellings and setback distances.
- 3) The second approach was existing and the applicants applied for an approach approval for widening which has been approved by Public Works & Engineering.
- 4) There were no other letters of concern submitted with respect to the proposed development.

**Conditional Approval Conditions**

Development Permit Application D18-011 is approved subject to the following conditions:

1. Approval is granted based on the information provided by the applicant for the approved development only and no other development.
2. The approved development shall be located as shown on the approved Site Plan dated March 14, 2018.
3. The applicant shall not locate the approved dwelling, manufactured home on the property prior to submitting to the satisfaction of the Development Authority, the appropriate C.S.A. certification, or equivalent relating to the dwelling, manufactured home.
4. The approved dwelling shall not be used for industrial or commercial purposes unless specifically permitted by the County or exempted from requiring a permit by the Land Use Bylaw.

5. The dwelling, manufactured home shall be placed on a proper foundation in accordance with Alberta Building Code Regulations.
6. The undercarriage of the dwelling, manufactured home shall be completely screened from view by a foundation, skirting or structural addition. The screening shall be placed on the dwelling, a manufactured home, within 30 days of being placed on the property.
7. Approval is granted for a period of five (5) years. On or before five (5) years from the effective date of this permit, the dwelling (a manufactured home) shall be removed unless a development permit extending this time has been approved by Leduc County.
8. The approved dwelling, a manufactured home, shall be developed and maintained as a temporary single family dwelling.
9. Utility services for the approved dwelling, a manufactured home, must be connected from the principal dwelling.
10. If the dwelling is to be hauled by truck to the property, a Road Use Agreement with Leduc County Public Works & Engineering will be required.
11. 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.
12. The applicant/landowner shall provide firefighting access at all times to the satisfaction of Leduc County Fire Services.
13. The approach must be maintained to avoid any damage to the County owned road surface due to construction activity. A post development inspection will be conducted and the applicant/landowner must rectify any damage to the approach or County roadway.
14. 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 & Engineering prior to the movement of construction material to discuss this requirement.
15. The development shall not cause any adverse drainage impact on adjacent properties or flooding of nearby ditches in excess of their capabilities.
16. Detailed lot grading and storm water management plans shall be submitted to Leduc County for approval and these plans shall be constructed to the satisfaction of Leduc County Public Works & Engineering.
17. Prior to commencement of construction an all-weather gravel road, capable of sustaining construction and emergency vehicles, shall be constructed to the satisfaction of Leduc County Public Works & Engineering.
18. If the dwelling is to be hauled by truck to the property, a Road Use Agreement with Leduc County Public Works & Engineering will be required.
19. 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.
  5. To contact Alberta Transportation regarding the required Provincial Road Site Development Permit.

Development Permit D18-011 shall expire after one year from the date of decision unless development has commenced.

Carried

### **Recess**

The meeting recessed at 9:58 a.m. and reconvened at 10:00 a.m., with Chair Mary-Ann McDonald and Board Members Shirley Jolly, Doug Ruel and Rick Smith present.

Also present were Mr. Garrett Broadbent, designated Clerk of the Subdivision and Development Appeal Board; Ms. Joyce Gavan, Recording Secretary; Mrs. Charlene Haverland, Manager of Development Services; and Mr. Greg McGovern, Development Officer.

Present as well were seven other individuals.

**Appeal by Nadine Morawski, on behalf of adjacent landowners (Arlene & Francis Sicard; Darrell, Ida, Nadine & Dennis Morawski) whereby Development Permit Application D18-037 by Jeff & Chris Ricke, The Whitewood Barn, was Conditionally Approved for a New Use – Rural Wedding and Agricultural Event Facility; Leave as Sited – Accessory Building (Shop – 222.97 sq. m) with Addition for Washrooms (29.73 sq. m) on Lot 1, Block 1, Plan 1624256, Pt. SE 24-48-25-W4 (25016 Twp Rd 483).**

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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.

Chair McDonald expressed that she knows Mrs. Ricke on a casual basis however feels confident there is no bias to hearing this appeal.

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 Nadine Morawski, on behalf of adjacent landowners (Arlene & Francis Sicard; Darrell, Ida, Nadine & Dennis Morawski) whereby Development Permit Application D18-037 by Jeff & Chris Ricke, The Whitewood Barn, was Conditionally Approved for a New Use – Rural Wedding and Agricultural Event Facility; Leave as Sited – Accessory Building (Shop – 222.97 sq. m) with Addition for Washrooms (29.73 sq. m) on Lot 1, Block 1, Plan 1624256, Pt. SE 24-48-25-W4 (25016 Twp Rd 483). The reasons for appeal are as follows:

1. Road usage (Township Road 483) – traffic, dust control.
2. Access to road during farming season.
3. Privacy and security of our property.
4. Garbage and littering on County road, road maintenance.
5. Noise control.
6. No trespassing during events.
7. Value that facility will bring to our agricultural area.
8. Representing Arlene & Francis Sicard, Darrell, Ida, Nadine, Dennis Morawski, adjacent landowners.

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

- 1) Staff Report.
- 2) Appeal Received March 29, 2018.
- 3) Notice of SDAB Hearing package dated March 29, 2018.
- 4) Development Permit Conditional Approval to Jeff & Chris Ricke, The Whitewood Barn, dated March 15, 2018.
- 5) Development Permit Application D18-037 with Conditionally Approved Site Plan.
- 6) Business Information Sheet.
- 7) Key Plan.
- 8) Aerial Images.

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 were additional letters from adjacent landowners Francis Sicard and Mr. Dennis Morawski, which are included within the package circulated.

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

Mrs. Charlene Haverland, Manager of Development Services; provided a PowerPoint presentation relating to the appeal by Nadine Morawski, on behalf of adjacent landowners, highlighting the following:

1. This is an appeal against the decision of the Leduc County Development Authority, whereby an application for a Rural Wedding and Agricultural Event Facility, and to leave as sited an accessory building (shop – 222.97 sq. m) with addition for washrooms (29.73 sq. m) was conditionally approved by the County Development Authority.
2. The applicants currently reside on the property and have purchased the property.
3. Included among the nineteen (19) conditions of approval, to which the development must adhere to, were requirements that the development not impose any negative impact on the



community; that guest visits and traffic be limited, that the development not cause adverse drainage impacts; and that the landowner provide firefighting access at all times. These were noted as follows:

- Condition No. 6 – The Rural Wedding and Agricultural Event Facility is required to obtain an Occupancy Load Certificate and secure authorization from the Alberta Gaming and Liquor Commission.
  - Condition No. 9 – Guest visits and traffic shall be limited to fifty (50) people per week; parking is prohibited on municipal roadways (the number was determined in accordance with the roadway capability of 75 vehicles);
  - Condition No. 12 – The development shall not cause any adverse drainage impact on adjacent properties or flooding of nearby ditches in excess of their capabilities;
  - Condition No. 18 – The applicant/landowner shall provide firefighting access at all times to the satisfaction of Leduc County Fire Services.
4. In accordance with the Notice of Appeal, dated March 28, 2018, the appellant is appealing the decision of the Development Authority based on a number of reasons, as summarized below:
    - That the development will increase the amount of traffic along Township Road 483 and generate more dust.
    - That the development will inhibit access to the road during the farm season.
    - That the development will result in a loss of privacy and security for neighbouring landowners.
    - That the development will cause more litter/garbage to be deposited along the County road and, as a result, require that the road be maintained.
    - That heightened activity during events that will require the use of noise control measures.
    - That the development will increase the risk of trespassing.
    - That the development will negatively impact the value of the agricultural area.
  5. The subject property is a 40-acre rectangular parcel located at the west limit of Township Road 483 and approximately 800 meters west of Highway 2A Service Road.
  6. Development on the property consists of one dwelling and one accessory building.
  7. 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 an application for a Rural Wedding and Agricultural Event Facility is considered a discretionary land use.
  8. A planning history search of the subject property does not reveal any other development permit.
  9. Within *Part 3 – Agricultural* of the MDP, the subject property is located within the defined 'Agricultural Area B'. The purpose of the Agricultural Area B is to conserve and protect extensive areas of land for agricultural uses; to encourage and accommodate a broad range of agricultural related pursuits; and to retain and enhance the County's agricultural community.
  10. In accordance with Part 3.2.1, the following uses may be allowed in the Agricultural Areas A and B: agricultural; smallholdings; intensive animal and horticultural operations; rural industrial and commercial; country residential; recreational and community services; extractive resources; environmental protection; heritage conservation; second or additional dwellings and home occupations.
  11. The subject property is designated as an Agricultural - AG District in accordance with Leduc County Land Use Bylaw 7-08. Pursuant to section 9.1.1 of the Land Use Bylaw, the general purpose of this district is;

*“to provide primarily for larger agricultural operations and limited higher intensity agricultural activities on smaller lots, while at the same time providing for limited residential and other uses having a secondary role to agriculture.”*

12. In accordance with 9.1.3 of the Agricultural District regulations, a Rural Wedding and Agricultural Event Facility is listed as a discretionary use. Part 3.4.5(b) states that the Development Authority shall consider an application for development and may approve it, with or without conditions, or refuse it if it is a discretionary use and it complies with the Bylaw.

***RURAL WEDDING AND AGRICULTURAL EVENT FACILITY*** means an indoor facility, accessory and incidental to the primary use that provides for an alternative of venue for events within a traditional rural setting and is not intended to locate development that would be better located within defined business and commercial areas. Any use and/or development considered under this definition shall be designed to be agriculturally harmonious by way of design, appearance, scale and form and shall not detract from the rural and agricultural context of the site or its surroundings. Uses may include (but is not limited to) weddings, meetings, seminars, farmers markets and trade fairs.

Leduc County Council recently approved a Land Use Bylaw amendment on January 9th, 2018, adding the above use to allow for wedding and agricultural events to be conducted in the rural area.

13. The proposal to develop a Rural Wedding and Agricultural Event Facility, and to Leave-as-Sited an Accessory Building (Shop – 222.97 sq. m) with Addition for Washrooms (29.73 sq. m), was approved March 15th, 2018. The approval was subject to nineteen (19) conditions listed in the Notice of Decision.
14. When reviewed against the key requirements of the Land Use Bylaw 7-08, the development proposal, a Rural Wedding and Agricultural Event Facility, was deemed to be a discretionary use.
15. The Land Use Bylaw requires that the accessory building (the building that will house the wedding facility) be set back from the front property boundary by a distance of at least 35 meters, and from the side and rear property boundaries by 7.5 meters. The location of the accessory building provides for these minimum distances by being situated 106 meters, 64 meters and 156 meters away from the front, side and rear property boundaries, respectively. The nearest dwelling on a neighboring parcel was measured to be nearly 300 meters away.
16. The Land Use Bylaw also requires development to respect minimum setback from natural feature such as water bodies. The nearest water body is a drainage channel located approximately 400 meters to the west, well over the required setback of 20 meters.
17. Two adjacent landowners responded after the referral period deadline in which they indicated they did not object to the proposal, however they indicated they would like more information on the conditions and how they will be implemented. The appellant noted the same in their appeal.
18. The Development Permit Application was approved with the condition that guest visits and traffic be limited to fifty (50) people weekly and that the use of the facility must not negatively impact the community through generation of dust or noise. The occupancy of the building as per Safety Codes is 75 – 100 people.
19. Leduc County Public Works department reviewed the development proposal and responded by stating that dust control measures may be taken and that the added traffic volume will not negatively impact the road condition or farming operations. The road is currently built according to County standard width.



20. The appellant expresses concern that the proposed Rural Wedding and Agricultural Event Facility will negatively impact the security and privacy of their property, and the overall value of the agricultural area. This facility is proposed to be situated inside an existing accessory building that is surrounded fully by trees in its current location. This accessory building is approximately 125 meters away from the nearest property containing a residence and nearly 300 meters away from the nearest dwelling (not including the dwelling on the subject property). The applicants are constructing a separate access road into their parcel and will have good signage for the public.
21. It was identified where the appellants reside relative to the subject property; northerly 750 metres; easterly 800 metres and southerly 800 metres. The closest residence located 750 metres did not object to the proposed development.
22. This is a dead end road of 800 metres with two residences within 350 and 450 metres. The road to the south is a private road which goes into the homestead. The road naturally curves into the property.
23. An access road will be developed into the proposed development site.
24. Policies OP02 Road Use Agreement and OP-03 Bonding for Road Use Agreements were referenced as follows:
  - a. Applies to trucking firms, businesses and custom haulers who transport for resource extraction industries such as oil, gas, forestry and gravel.
  - b. Only those roads that are structurally capable of supporting the proposed haul during road bans shall be considered for road use agreements.
  - c. From a Road Way Design you would need 1000 vehicles to every tractor trailer unit on the road.
  - d. If Road Use Agreements were considered they would need to be in place for all Recreational Vehicle Storage Lots, kennels and home based business within the County.
  - e. Dust Suppression is placed in front of a residence.
25. In summary, the Development Authority considers that the proposed development meets the requirements of the Land Use Bylaw and would not materially interfere with or affect the use, enjoyment or value of neighboring properties, or detrimentally impact the surrounding road network.
26. The appellants have indicated they do not object to the proposed development, however, want to ensure the County implements the correct conditions to mitigate their conditions.
27. Accordingly, the Development Authority recommends that the Subdivision and Development Appeal Board uphold the decision of the Development Authority to approve Development Permit D18-011 and allow the landowners to establish the Rural Wedding and Agricultural Event Facility, subject to the conditions of approval.
28. The Board may consider two additional conditions:
  - (i) The landowner construct a private separate access road on the subject lands.
  - (ii) The landowner install signage for the venue and no trespassing signs at the end of the road.

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

In response to questions by Board Members, Mrs. Haverland advised of the following:

- The leave as sited building refers to an existing accessory building used as a shop. As the subject property is within an agricultural district and the use of the building is considered an agricultural building, a development permit is not required. Once the use changes from agricultural a permit would be required.
- The washroom facility will be added onto the shop.



- The intent of the proposed development by the applicant's is to put a separate access into the proposed development as they do not want public to come onto their private property.
- Township Road 483 ends at the private property. The new alignment proposed is east (where property starts) and then goes north which directs traffic northerly into the proposed development site.
- With respect to Condition No. 9 stating "*guest visits and traffic shall be limited to fifty (50) people per week*", it was noted this is in error and should state "*vehicles*" vs. "*guests*".
- The Board has the discretion to vary any condition e.g. hours, traffic per week, etc.
- The Safety Codes regulation allows for a maximum of 100 people within the facility.

Chair McDonald called upon the Appellant(s) to speak to the proposed development.

Ms. Nadine Morawski, Appellant and resident on adjacent property, on behalf of adjacent landowners, provided introductions of presenters being Dennis Morawski, Jim Carey and Francis Sicard. A PowerPoint presentation was provided, highlighting the following:

- 1) There are several discrepancies of what has been presented by administrative staff and what was provided e.g. Condition No. 9 stating 50 people per week vs. traffic. There is a significant difference between vehicles and people. Feel this is misleading as there is a big tent accommodating up to 300 people also included in the proposed development.
- 2) The proposed development does not conform to the intent of Bylaw No. 01-18 amending the Leduc County Land Use Bylaw. A for profit, private run hospitality venue does not enhance agricultural use.
- 3) The comments by Leduc County Agricultural Services "*site specific regulations and restrictions will be applied on a case by case basis that will address any adjacent landowner and adjacent municipality concerns or objections, as well as traffic, noise, landscaping, design and any additional regulations applicable at the time of development permit application.*" The Development Permit submission does not identify any measures to address adjacent landowner concerns with respect to traffic, noise, landscaping, design and any additional regulations applicable at the time of the development permit application. The application must be considered incomplete and non-compliant.
- 4) The Development Permit submission does not identify/address life safety concerns with the addition of new commercial traffic intersecting with Highway 2A. The improved County road intersecting Highway 2A has a minor acceleration and deceleration lane for vehicular traffic entering and exiting the properties. The intersection is not designed for multiple vehicles entering or exiting onto Highway 2A. There is a significant risk of collision to persons travelling on Highway 2A from vehicles crossing the flow of traffic to enter/exit the subject property. Persons unfamiliar with the property, the road and the traffic will be at significant risk unless the crossing is improved. A Traffic Impact Assessment has not been completed for this crossing at Hwy 2A.
- 5) Reference to the submitted pages 5-8 of PowerPoint showed the turn-around loop and width of road adjacent to Hwy 2A leading into subject property, highlighting the following:
  - The existing County road connecting to Hwy 2A has been improved to a width of  $\pm 30$  feet.
  - The two intersections are the County service roads running north/south parallel to Hwy 2A.
  - The existing County Road Township Road 483 is too narrow for emergency vehicles to pass another vehicle and there is no turn around at the end of the County road that conforms to Alberta Building Code provisions for firefighting.



- The existing unimproved Twp Road 483 shared with Morawski, Sicard and Kalke property owners; entrance to Morawski property is on the south (left hand) side of road past the power pole; the road is  $\pm 12$  feet with no improved turn around at the end of the road.
- 6) The permit was approved with several conditions:
- Condition 6 stating “... *shall not impede on the community* ...” The application does not identify any measures to address this requirement. The application must be considered incomplete and non-compliant.
  - Condition 7 stating “... *no more than two (2) commercial vehicles shall be associated with the Rural Wedding and Agricultural Event Facility.*” What is size, type, etc.?
  - Condition 9 stating “*guest visits and traffic shall be limited to fifty (50) people per week, parking is prohibited on municipal roadways.*” How will the maximum of 50 guests be enforced, what is the penalty should the number of guests exceed 50 persons per week? Does the applicant acknowledge and agree that events will be limited to a maximum of 50 persons? It identifies on the applicant’s website a maximum capacity of 300+ with rented tent and number of guests from 2 – 180.
  - Condition 10 stating “*outdoor storage of materials associated with the Rural Wedding and Agricultural Event Facility is prohibited.*” Three sea containers were recently moved onto the subject property, are these to be used for the Rural Wedding Facility?
  - Condition 13 stating “*the approach must be maintained to avoid any damage to the County owned road surface due to construction activity. A post development inspection will be conducted and the applicant/landowner must rectify any damage to the approach or County roadway*”. There is a concern that the extent of commercial vehicle traffic including garbage trucks, septic hauling trucks, and catering deliveries will erode the surface and condition of the unimproved County road.
  - Condition 14 stating “*all new accesses, approaches or upgrades, including driveways required off 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.*” Has the applicant met with Leduc County Public Works and Alberta Transportation to discuss improvements to the County roads?
  - Condition 15 stating “*the approved accessory building shall be constructed and finished in a manner compatible with the existing building(s).*” The existing building is a Quonset, galvanized metal. We question the suitability of this building type being “harmonious by way of design, appearance, scale and form”. (January 9, 2018 minutes of meeting Bylaw approval).
  - Condition 16 stating “*the approved accessory building shall be free of rust and painted a single neutral colour or clad in siding compatible with the future dwelling.*” Has the applicant started improvements to the property for the proposed event building(s)?
  - Condition 17 stating “*the approved accessory building shall not be used as a dwelling unless specifically approved as a dwelling by a separate development permit.*” If an employee is required to be on site 24 hours to attend to overnight recreation vehicle monitoring where will the employee reside?
  - Condition 18 stating “*the applicant/landowner shall provide the firefighting access at all times to the satisfaction of Leduc County Fire Services.*” The development permit application should be reviewed by Leduc County Fire Services prior to a decision. The review to include access for ambulance.
  - Condition 19 stating “*no further development, expansion or change in use is permitted unless approved by Leduc County.*” How will adjacent property owners be notified of any

potential change to the function including occupant capacity beyond 50 persons, vehicle parking, overnight recreational vehicle parking, increase in washroom capacity, etc.?

- 7) The applicant supplied the following information:
  - *This will be a wedding event center, hosting weekend weddings and Christmas parties.* The discretionary use is “rural wedding and agricultural event centre facility” – Bylaw 01-18 does not reference Christmas Party venue as a discretionary use.
  - *Days and hours of operation will mainly be Saturdays from 10:00 a.m. to 1:30 a.m.* No weekday events will be permitted? Will overnight parking of recreation vehicles be permitted? Is a separate permit required to park recreation vehicles overnight? Will an attendant be on site 24 hours to monitor guest behavior? Will open camp fires be permitted?
  - *There will be one part-time employee.* Will the part-time employee be on site at all times that guest attending an event are on the property? Will on site catering/kitchen facilities be developed? How many staff in total will be on site to serve the event? How is garbage removal conducted? Will septic waste be hauled from site or will a septic field be constructed?
  - *Vehicle traffic will vary on weekends. If there is a wedding scheduled, the volume of traffic is expected to be between 20-50 vehicles.* Allowing for two persons per vehicle the maximum number of vehicles should be 25 per week/event.
  - The site plan provided by the applicant indicates 1 hectare grass area for parking. Why is a parking area for 300+ vehicles indicated? Is the large grass area for recreation vehicle parking?
- 8) With respect to the addition of washrooms [gross floor area 29.73 sq. m (320 sq. ft.)]; Condition No. 9 states “*guest visits and traffic shall be limited to 50 people per week, parking is prohibited on municipal roadways.*” Does not follow the Alberta Building Code. Also the requirements for a public washroom is not in compliance with Alberta Building Code e.g. would provide a minimum of three (3) each male and female fixtures will support an occupancy of 150 persons; the applicants are applying something for 3 times the size.
- 9) The shop building proposed to be converted to an assembly building measures 222.97 sq. m (2400 sq. ft.). The Alberta Building Code 2014 determines occupancy based upon use and available square footage. Will the occupant load be posted at a maximum of 50 persons? How will a maximum occupancy of 50 persons be enforced?
- 10) The applicant is currently displaying a web site ([www.thewhitewoodbarn.com](http://www.thewhitewoodbarn.com)) stating:
  - Whether it is a family reunion, wedding, or corporate event the Whitewood Barn is here for you.
  - Every event will have access to our cozy outdoor fire pit where you and your guests can come and share your memories.
  - There are two packages: “basic” and “the works” amongst other options lists 2 bars, 2 podiums, 2 head tables, camping area, and yard games.

Evidence of the active website describing the event services does not appear to represent a business case for a maximum of 50 persons.
- 11) It appears the applicant has invested a considerable amount of time and incurred costs in the belief that the development would proceed.
- 12) There appears to be no investigation into the suitability of the unimproved roadway for the expected traffic flow and vehicle type to be regularly using the narrow County road.
- 13) There appears to have been no investigation with Alberta Transportation or Leduc County for a traffic impact study to first determine if the crossing of Highway 2A requires upgrades.
- 14) The January 9, 2018 meeting minutes records that Mrs. Christine Ricke “*have had several meetings with administration staff*”. Has Leduc County administration staff discussed similar concerns with the applicant and if so is there a public record of the meeting(s) that can be



provided to the adjacent landowners appealing the decision? Was assurance given by Leduc County staff that this application would be supported by Leduc County? Are staff satisfied that the life safety concerns relative to the crossing of Highway 2A been properly addressed and that no improvements to Highway 2A are required prior to approving the application for its intended use? How does Leduc County plan to enforce the conditions of approval of the Permit?

15) Feel the proposed development must be rejected:

- The intended use does not meet the County of Leduc Agricultural comments to Bylaw No. 01-18 – *“provided measures are taken to avoid possible land use conflicts and the proposed use enhances primary agricultural uses.”*
- The intended use and information submitted does not conform to Development Permit Condition #6 – *“site specific regulations and restrictions will be applied on a case by case basis that will address any adjacent landowner and adjacent municipality concerns or objections, as well as traffic, noise, landscaping, design and any additional regulations applicable at the time of development permit application.”*
- The existing County road serving the subject property is not constructed to a standard equal to the intersecting County road parallel with Highway 2A.
- The existing County road serving the subject property does not have an emergency vehicle turn around conforming to the Alberta Building Code 2014 – Section 3.2.5.6.
- Adjacent property owners have expressed a concern that their safety and security may be compromised by the activities, primarily the introduction of alcohol or other substances prior to, during and after the event and the potential for trespassing, either intentional or inadvertently onto the adjacent property owners land.
- The existing County Road Township Road 483 intersection with Highway 2A requires a traffic impact study to determine if upgrades to deceleration and acceleration lanes are required to support the addition of commercial vehicle traffic prior to approval of this application.

Mr. Dennis Morawski further advised and submitted copies of excerpts taken from the applicant's website including:

- Maximum capacity of guests 300 occupancy with tent; seating up to 180 seated guests; bridal suite, covered outdoor, indoor, uncovered outdoor, services offered including bartenders, outside alcohol, parking, shuttle, wheelchair access, fire pit with wood, camping area, etc.
- Feel that the Council made a decision based on information provided and this was not the information presented to Council. A full slate of the activities and magnitude of this proposed development is inaccurate.
- Feel the application has to be rejected and concerns must be reviewed.
- Are not opposed to the amendment to the Leduc County Land Use Bylaw as it relates to agricultural activity; however am opposed to a venue that does not contribute to the agricultural area and it takes away from community facilities e.g. Cloverlawn Hall.

Ms. Nadine Morawski advised that it was brought to her attention that a contractor is working is on site and bookings have been received and accepted for June events.

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

In response to questions by Board Members, the appellants provided clarification with respect to the roadway.

**Recess Hearing**

The Hearing recessed at 11:00 a.m. to accommodate the 11:00 a.m. scheduled hearing.

**Appeal by Kevin Haldane, Ogilvie LLP, on behalf of Frank Hilbich Architect Inc. (Brian Sippert, Church of God) Religious Assembly (4,550 sq. m) on Lot 1, Block 1, Plan 0941231, Pt. NW 7-51-24-W4.**

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Chair McDonald called the hearing to order at 11:03 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 then called upon the Clerk to introduce the subject of this appeal.

Mr. Broadbent, advised that information was received from the appellant(s) late yesterday afternoon with a considerable amount of information. It was further noted that there is legal representation on behalf of the appellant and the City of Edmonton speaking against the appeal.

The Board determined that in light of legal representation by both parties, and the amount of information received it may be advantageous to adjourn the hearing to allow the opportunity to receive this information and for the Board to obtain legal representation.

Mr. Kevin Haldane, Ogilvie LLP, advised the information provided are mainly excerpts from planning documents with the purpose of a visual reference to guide the presentation. Mr. Haldane did not object to the preference of the Board to adjourn this hearing as it is advantageous for the Board to be well informed.

**Adjourn Hearing - Appeal by Kevin Haldane, Ogilvie LLP, on behalf of Frank Hilbich Architect Inc. (Brian Sippert, Church of God) Religious Assembly (4,550 sq. m) on Lot 1, Block 1, Plan 0941231, Pt. NW 7-51-24-W4.**

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**24-18** Board Member Ruel -- that the hearing of appeal by Kevin Haldane, Ogilvie LLP, on behalf of Frank Hilbich Architect Inc. (Brian Sippert, Church of God) Religious Assembly (4,550 sq. m) on Lot 1, Block 1, Plan 0941231, Pt. NW 7-51-24-W4, be adjourned until Thursday, May 11, 2018 commencing at 9:00 a.m.

Carried

**Recess**

The meeting recessed at 11:13 a.m. and reconvened at 11:17 a.m., with Chair Mary-Ann McDonald and Board Members Shirley Jolly, Doug Ruel and Rick Smith present.

Also present were Mr. Garrett Broadbent, Clerk of the Subdivision and Development Appeal Board; Ms. Joyce Gavan, Recording Secretary; Mrs. Charlene Haverland, Manager of Development Services; and Mr. Greg McGovern, Development Officer.

Present as well were seven other individuals.



**Reconvene Hearing - Appeal by Nadine Morawski, on behalf of adjacent landowners (Arlene & Francis Sicard; Darrell, Ida, Nadine & Dennis Morawski) whereby Development Permit Application D18-037 by Jeff & Chris Ricke, The Whitewood Barn, was Conditionally Approved for a New Use – Rural Wedding and Agricultural Event Facility; Leave as Sited – Accessory Building (Shop – 222.97 sq. m) with Addition for Washrooms (29.73 sq. m) on Lot 1, Block 1, Plan 1624256, Pt. SE 24-48-25-W4 (25016 Twp Rd 483).**

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Chair McDonald reconvened the hearing at 11:18 a.m.

Mr. Morawski and Mr. Carey submitted two additional documents:

1. Diagram of Hwy 2A showing deceleration lanes relative to 100 meter and 350 metre deceleration lane; and
2. Notice put out on February 15, 2017 for an open house for the proposed development. Question why administration never notified adjacent landowners of this open house?

In response to a question by a Board Member with respect to deceleration, Mr. Carey advised this document is an Alberta Transportation document and provided clarification on the deceleration distance relative to number of vehicles turning off of Highway 2A.

Chair McDonald called upon the Applicant(s) to speak to the appeal.

Mr. and Mrs. Jeff and Chris Ricke, Applicant(s) and landowners, The Whitewood Barn, provided the following information:

- Provided clarification with the original proposal. The previous application was withdrawn due to funding vs. a planning perspective.
- We own and operate 3 successful businesses within the City of Leduc.
- This property was purchased on the basis of a good neighborly relationship. Mr. Morawski stated he is not opposed to the proposed development as long as it is agricultural related; hope to resolve this.
- We were not aware of Alberta Transportation regulations.
- This venue was chosen to be privately owned and wanted community support. Leduc County offers good talent e.g. caterers, DJ's, and want to promote that talent and to support hotels and restaurants within our region.
- When Council approved the redistricting we received overwhelming support from the community.
- Feel the value added for these small weddings to take place fills the need within the community and provides investment back into the community.
- A lot of weddings are going back to community environment and have "country style" wedding. The facility allows for an outdoor rural wedding offering trees to buffer noise and is protected from the neighbours.
- Submitted letters of support from the following:
  - Don Kalke expressing no objection and advising the sale of property was finalized with the transparent understanding of the proposed development.
  - Larry Fecho, bordering neighbour to the west, expressing no objections to the development of a wedding barn enterprise and encourage small businesses and enterprises in the area.
- The subject location is private with very few dwellings. The road is a dead end road which is ideal as it would have no impact on neighbours. Explored many other locations and before putting in an application spoke directly to the neighbours living along our Township Road.

- The one appellant owns land within the area however does not live directly adjacent to our property. He lives across Highway 2A on the east site. Had we known he owned land directly adjacent to our property we would have gone and visited them as well.
- The shop is a small venue, are permitted through Safety Codes to have a maximum of 100 people in the venue due to the size of the shop. Are converting the shop into looking like a barn.
- The shop is in the midst of thick trees, there is no other properties in view of the venue. The access road is  $\pm 200$  metres away.
- A separate access road at the corner is being constructed where our property begins to bring people in on the east side of property. Will have good signage in place to ensure the guests follow the correct access.
- We absolutely respect our neighbours concerns regarding trespassing. That is why the importance of the separate access road which will be built to full standard.
- There is a full parking lot being constructed at the back of the shop to accommodate guest parking which is  $\pm 200$  metres away from the Township Road. There will be no guests parking on the road and clear signage of where to turn.
- Are more than willing to erect "No Trespassing" signs.
- The garbage and littering will be kept out of the road ditches as we wish to keep a good impression for our guests.
- There are strict rules to abide by in accordance with the Alcohol and Liquor Commission Board.
- There will be two way traffic as guests will arrive and then leave. They are there for the day so no constant back and forth traffic.
- Hope to have weddings in the peak season limited to spring, summer and fall. Will be very little activity in the winter.
- Are more than willing to provide dust control measures as required.
- Are aware of farming season and will respect the equipment travelling along the roadway.
- The proposed separate road access is for safety and emergency vehicle access.
- The website information references packages vs. renting a hall venue. This is an investment to them and a deposit is required to cover any incidents.
- Only one employee is requested once operation is up and running and only during events.
- With respect to traffic off Hwy 2A – anticipate guests will stay. Provisions are in place with local hotels for a shuttle service to and from the facility. Will provide 3 transportation pick-up times throughout the night.
- Saturday is the only day proposed for weddings.
- A permit for each fire event will be obtained.
- All of the vendors will be from Leduc area in a partnership capacity.
- There is an error on website with respect to capacity relating to tent rentals.
- The sea-cans are empty and are not attached to the proposed development.
- There is a turning lane off of Highway 2A and is far enough off the highway without requiring Alberta Transportation approval.
- The entire event would be held at the subject site eliminating driving in and out of the site.

In response to questions by Board Members, the following information was provided by Mr. and Mrs. Ricke:

- Setting up shuttle service was based on the number of vehicles.
- Christmas parties, family events and corporate events were listed on the business information sheet, this was originally for weddings and then heard from community for the potential of other uses.



- The amount of parking is ample for vehicles; in summer wanted to allow for campers and overnight parking; and want to allow space for emergency vehicles to have access.
- Rehearsal and bridal shower events are generally held the Friday prior to the wedding.

Board Chair McDonald asked if there were any questions to Technical staff.

In response to questions by Board Members, Mrs. Haverland advised of the following:

- Clarified the amount of people is 75 – 100.
- A tent can be permitted with a separate permit anytime over and above what is required.
- Event permits are not generally given out; however in this instance a permit will be required.
- With respect to fire, comments were provided with no objection. Fire permits would be required in accordance with the Leduc County requirements.
- Alberta Transportation was included in the circulation and they will dictate what is required. The subject property is a distance of 800 metres which does not require Alberta Transportation approval.
- Information was provided by the applicant and staff makes their decision based on what is presented.
- Time limits were not given on this permit.
- A permit is not required for overnight stay of campers on a one night basis.
- In reference to Condition #7 relating to no more than two commercial vehicles - anticipate those vehicles are owned by the business themselves. If a shuttle is purchased that would be considered as one. The other vehicles associated with the facility e.g. caterers, DJ are not included as part of the Land Use Bylaw definitions and would be considered a visiting vehicle.
- The non-resident associated with the facility includes the caterers, servers, bar tender, DJ.
- The operators of the facility are required to obtain a permit through Alberta Gaming and Liquor Commission.
- The Board needs to be mindful in imposing conditions for the enforcement of each condition.

In response to questions by Board Members, Mrs. Ricke advised of the following:

- Signage could be a condition imposed by the Board and approval from Alberta Transportation can be obtained.
- Alcohol consumption would be provided by the same employees qualified to be a server and adhere to the laws.
- Anticipate purchasing own shuttle down the road.
- Insurance is required and absolutely will be obtained for own protection.
- Staff is part-time and would not reside on site; would assist in setting up chairs, tables and linens.
- Smoking would be allowed at fire pit area only.
- Fire suppression on site – have 8-10 fire extinguishers purchased.
- Have purchased tables and chairs and equipment ahead of time.
- The caterers and pro-serve people are not employees; the event organizers are given a list with option of servers, DJ's etc. (option to pick from a selection of 3-4).

Chair McDonald called upon anyone else wishing to speak in support or against the appeal.

Mr. Francis Sicard, neighbour to the south on dead end road, spoke in opposition expressing the following concerns:

- Have owned my property for ±50 years and been part of this community; this is a peaceful area and wish to keep it that way.

- The applicant's website shows this is a year round business and feel noise will impact the peacefulness. An event could potentially be held every weekend throughout the year.
- There has been a great deal of confusion with how many people vs. vehicles are allowed and what was originally presented is considerably different than what is on the website.

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.

Mrs. Haverland stands in support of their submission and feels the development can be mitigated with conditions of approval. As for the difference of vehicles vs. people that can be clarified by the Board, which was an error on behalf of the Development Authority.

Chair McDonald asked the applicants, if they had any final comments.

Mrs. Ricke reiterated that they too are neighbours and wish to be amicable with the community and be good neighbours.

Chair McDonald asked the appellant(s) if they had any final comments, and Mr. Carey provided the following closing comments:

- Are not opposed to the agricultural use; however are opposed to the rural wedding function.
- Feel the Development Authority made an error and there is no means of regulating how many people, guests, vehicles, frequency and how often events will occur.
- Today were notified that camping is allowed however not a campground; feel this should have been taken under consideration prior to issuing conditional approval.
- The circulation was based on 50 people; request a re-circulation occur stating what is actually being proposed for development.

Chair McDonald asked the appellant(s) if they felt they received a fair hearing, and Ms. Nadine Morawski responded affirmatively.

### **Conclusion of Public Hearing**

Chair McDonald declared the Public Hearing concluded at 12:14 p.m.

Mrs. Haverland, Mr. McGovern and 7 Other Individuals

Mrs. Haverland, Mr. McGovern, and 7 individuals exited the Council Chamber at 12:15 p.m.

### **In Camera**

**25-18** Board Member Jolly -- that the Subdivision and Development Appeal Board meet In Camera.

Carried

The In Camera session commenced at 12:18 a.m.

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

**26-18** Board Member Smith -- 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 2:14 p.m.

**Appeal by Nadine Morawski, on behalf of adjacent landowners (Arlene & Francis Sicard; Darrell, Ida, Nadine & Dennis Morawski) whereby Development Permit Application D18-037 by Jeff & Chris Ricke, The Whitewood Barn, was Conditionally Approved for a New Use – Rural Wedding and Agricultural Event Facility; Leave as Sited – Accessory Building (Shop – 222.97 sq. m) with Addition for Washrooms (29.73 sq. m) on Lot 1, Block 1, Plan 1624256, Pt. SE 24-48-25-W4 (25016 Twp. Rd 483).**

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**27-18** Board Member Smith -- that Subdivision and Development Appeal Board disallow the appeal by Nadine Morawski, on behalf of adjacent landowners (Arlene & Francis Sicard; Darrell, Ida, Nadine & Dennis Morawski) and vary the conditional approval of Development Permit Application D18-037 by Jeff & Chris Ricke, The Whitewood Barn, was Conditionally Approved for a New Use – Rural Wedding and Agricultural Event Facility; Leave as Sited – Accessory Building (Shop – 222.97 sq. m) with Addition for Washrooms (29.73 sq. m) on Lot 1, Block 1, Plan 1624256, Pt. SE 24-48-25-W4 (25016 Twp Rd 483).

Findings of Fact

- 1) The appellants expressed no objection to the agricultural aspect of the proposed development.
- 2) There were two letters submitted expressing concern and two letters submitted in support of the proposed development.
- 3) The proposed development is considered a Discretionary Use within the Agricultural District of the Leduc County Land Use Bylaw.
- 4) There was an error with Condition 9 and it was acknowledged by Planning and Development staff that the "*guest visits and traffic shall be limited to fifty (50) people per week*", should have stated 50 vehicles per week maximum as stated within the Business Information Sheet.
- 5) The Board heard the presentation by the appellants expressing concerns with respect to safety relating to traffic on Hwy 2A. The appellant feels that there have been no measures identified to address the impacts identified in Condition 6.
- 6) The applicant stated that there will be an option for RV parking during the hosted events, although it was unclear how this would be managed and/or serviced.
- 7) The applicant stated their desire for the use of a tent in accordance with County regulations.

Conditional Approval Conditions

Development Permit Application D18-037 is approved subject to the following conditions:

1. The Rural Wedding and Agricultural Event Facility shall be operated in accordance with the approved business information sheet submitted by the applicant and additional conditions imposed by the Subdivision and Development Appeal Board.
2. Approval is granted based on information provided by the applicant for the approved development only and no other development.
3. All events shall be limited to Saturdays during the hours of 10:00 a.m. – 1:30 a.m.
4. Approval is granted for a period of two (2) years. On or before two (2) years from the effective date of this permit, the proposed development shall cease unless a development permit extending this time has been approved by Leduc County.

5. The landowner/applicant is required to apply for, and obtain a roadside development permit from Alberta Transportation.
6. The approved development shall be located as shown on the approved Site Plan dated March 15, 2018, subject to reducing the parking and camping to an area of one (1) acre.
7. There will be no more than 50 guest passenger vehicles on site at any given time; and shall not exceed 10 overnight recreational vehicle units and shall be self-contained.
8. Any event that will be in excess of 250 people, a Special Events Permit will be required in accordance with Bylaw No. 7-13.
9. The landowner and operator of the Rural Wedding Agricultural Event Facility is required to obtain an Occupancy Load Certificate and secure authorization from the Alberta Gaming and Liquor Commission.
10. The Rural Wedding and Agricultural Event Facility shall not impose any impact on the community, such as noise, smoke, steam, odor, dust, vibration, glare or traffic that is offensive or excessive in the opinion of the Development Authority.
11. There shall be no more than two (2) commercial vehicles associated with the Rural Wedding and Agricultural Event Facility.
12. There shall be no more than three (3) contracted commercial vehicles (caterer, garbage pick-up, septic and other service vehicles) on any given day associated with the Rural Wedding and Agricultural Event Facility.
13. Parking is prohibited on municipal roadways at any time.
14. Outdoor storage of materials associated with the Rural Wedding and Agricultural Event Facility is prohibited.
15. 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.
16. The development shall not cause any adverse drainage impact on adjacent properties or flooding of nearby ditches in excess of their capabilities.
17. The approach must be maintained to avoid any damage to the County owned road surface due to construction activity. A post development inspection will be conducted and the applicant/landowner must rectify any damage to the approach or County roadway.
18. A separate new accesses/approach, including driveway, to access the proposed development site is required off the 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 & Engineering.
19. The approved accessory building shall be constructed and finished in a manner compatible with the existing building(s).
20. The approved accessory building shall not be used as a dwelling unless specifically approved as a dwelling by a separate development permit.
21. The applicant/landowner shall provide firefighting access at all times to the satisfaction of Leduc County Fire Services.
22. The applicant/landowner shall adhere to Leduc County Fire Permit Bylaw No. 12-12.
23. The landowner shall install signage for the venue and "no trespassing signs" at the end of the Township Road 483.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be written in cursive.



24. 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.
5. To contact Alberta Transportation regarding the required Provincial Road Site Development Permit.

Development Permit D18-037 shall expire after one year from the date of decision unless development has commenced.

Carried

#### **Next Meeting**


The next scheduled Subdivision and Development Appeal Board meeting will be held on Thursday, May 11, 2018 commencing at 9:00 a.m.

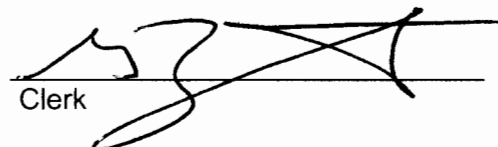
#### **Adjournment**

**28-18** Board Member Jolly -- that the Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Subdivision and Development Appeal Board meeting concluded at 2:17 p.m.

  
Chair

  
Clerk