

## **AGENDA**

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

**Thursday, November 15, 2018**

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

**2. Agenda Adoption**

**3. Adoption of Previous Minutes**

- \* - September 13, 2018 Subdivision and Development Appeal Board Meeting
- \* - September 20, 2018 Subdivision and Development Appeal Board Meeting

**4. Subdivision and Development Appeal Hearing**

- \* a) 9:00 a.m. D18-208 Appeal by Lorenz Brokop – Recreational Vehicle  
Roll #1588000 Storage (+5.0 ac) on SW 22-48-26-W4 (A 48339 Rge Rd 263)
- \* b) 10:00 a.m. D18-240 Appeal by Curtis Brazeau – Accessory Building  
Roll #737140 (Shop - 1,980 sq.ft.) & Demolish Three Sheds on Lot 1, Block 2, Plan 8622687, Pt. SE 35-50-23-W4 (260 50516 Hwy 21), Looma
- \* c) 11:00 a.m. D18-212 Appeal by John Charles (JC) & Geraldine (GL) Senior -  
Roll #312130 Infilling (Berm – 168 sq.ft.) w/ Variance to West Side Property Line from 3 m to 0 m on Lot 9, Block 1, Plan 8020039, Pt. NE 31-50-22-W4 (22519 Twp Rd 510), Hazel Grove

**5. Next Meeting Date – Friday, November 16, 2018**

**6. Adjournment**



\* Legend  
Items Attached To Agenda

**MINUTES OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON THURSDAY, NOVEMBER 15, 2018 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.**

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**Order and Roll Call**

The meeting was called to order at 9:00 a.m., Thursday, November 15, 2018 by Chair Mary-Ann McDonald with Board Members Shirley Jolly, Pat Rudiger, 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; Mr. Greg McGovern, Planner 1; Mr. Colin Richards, Team Lead Development; and Mrs. Charlene Haverland, Manager of Development Services.

Present as well were two other individuals.

**Agenda Adoption**

**75-18** Board Member Ruel -- that the Agenda for the November 15, 2018 Subdivision and Development Appeal Board meeting be accepted as circulated.

Carried

**Previous Subdivision and Development Appeal Board Meeting Minutes – September 13, 2018 and September 20, 2018**

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**76-18** Board Member Rudiger – that the following Subdivision and Development Appeal Board meeting minutes be approved as circulated:

- September 13, 2018; and
- September 20, 2018.

Carried

**Appeal by Lorenz Brokop whereby Development Permit Application D18-208 was refused for a Recreational Vehicle Storage development on ±5.0 acres of a ±104.4 parcel located on SW 22-48-26-W4.**

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

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

Mr. Garrett Broadbent, Clerk, advised of the appeal by Lorenz Brokop whereby Development Permit Application D18-208 was refused by the Development Authority for development of recreational vehicle storage on ±5 acres located on SW 22-48-26-W4. The reasons for appeal are as follows:

- 1) There will be no modification done to the land which would allow it to be returned to productive agricultural land at any time in the future.
- 2) Will amend our request to include recreational holiday trailer vehicles only for storage.
- 3) Will amend our request to reduce the amount of land from 5 acres to 3 acres.

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

- 1) Staff Report.
- 2) Notice of SDAB Hearing package dated November 1, 2018.



- 3) Notice of Appeal received October 30, 2018.
- 4) Notice of Refusal by Development Authority dated October 12, 2018 w/ refused site plan.
- 5) Key Plan.
- 6) Development Permit Application D18-208.
- 7) Business Information.
- 8) Air Photo.

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

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

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

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

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

Mr. Greg McGovern, Planner 1, provided a PowerPoint presentation relating to the appeal by Lorenz Brokop, highlighting the following:

1. On August 28, 2018 the appellant submitted a development permit application for the subject development. In accordance with Section 9.1.3 of the Land Use Bylaw, a recreational vehicle storage use is listed as Discretionary within the Agricultural (AG) District.
2. On October 11, 2018 the Leduc County Development Authority refused Application D18-208 by Lorenz Brokop proposing to develop a recreational vehicle storage on  $\pm 5.0$  acres on Pt. SW 22-48-26-W4. The refusal reasons are as follows:
  - 1) The proposed development is located within the Agricultural District (AG) of the Land Use Bylaw and Agricultural Area B of the Municipal Development Plan. The proposed development would take 2.02 ha (5.0 ac) of land rated at a Farm Assessment Rating (FAR) of 48 out of agricultural development, contrary to Municipal Development Plan 3.1.1 that requires productive agricultural lands to be protected for agricultural use, and Part 3.1.2 that directs that the removal of high capability agricultural land for non-agricultural development be minimized. The Development Authority considers that lands with a FAR of 40 or above are high capability agricultural lands.
  - 2) Part Eleven of the Leduc County Land Use Bylaw defines the Recreational Vehicles Storage use as a facility used for the storage of recreational vehicles, including but not limited to: motor homes, travel trailers, fifth wheels, truck campers, tent trailers, or similar vehicles. In accordance with the business information submitted by the applicant, the proposed development would allow for the storage of vehicle types such as boats and trucks & trailers, which the Development Authority does not consider meets the intent of this use type.
3. The subject property is a 104.4 acre agricultural parcel located approximately one (1) kilometre southeast from the intersection of Range Road 263 and Township Road 484.

*msf*

Development on the property consists of two dwellings, a garage, a shop, a pump house, a pole shed and a barn. The surrounding properties are large parcels that are zoned and used for agricultural purposes. Site topography across the property is relatively flat.

4. A history of the subject property reveals the following development:
  - Permit D07-290 – on August 28, 2007 a permit was issued for a Manufactured Home and Detached Garage.
  - Permit D08-014 – on February 13, 2008 a permit was issued for a Secondary Dwelling.
  - Permit D08-166 – on July 17, 2008 a permit was issued for 2 detached garages, 1 detached shed and 2 decks.
  - Permit D10-243 – on October 6, 2010 a permit was issued to allow for an additional (porch) to a manufactured home.
5. According to the business information submitted by the applicant, the proposed development would allow for the storage of vehicle types such as boats and trucks and trailers. This is contrary to the definitions within Part Eleven of the Land Use Bylaw No. 7-08.
6. The proposed development is located within Agricultural Area B of the Municipal Development Plan. The proposed development would take high capability land out of agricultural use. The Development Authority considers that lands with a Farm Assessment Rating of 40%, or above, are high capability agricultural lands. This development proposal is contrary to the municipal development plan that requires productive agricultural lands to be protected for agricultural use, and requires that the removal of high capability agricultural land for non-agricultural development be minimized. Furthermore, according to the Canada Land Inventory, the development site is located on Class 1 lands which, according to this scale, is land that has the highest capability to support agricultural activities.
7. According to the Leduc County Agricultural Strategy, which was adopted on July 5, 2016 to inform the Municipal Development Plan Review, the subject property is located in the South Agriculture Area (Area E). In accordance with Section 5.3.4, the conversion of land to non-agricultural uses (such as recreation, processing, recreational vehicle storage, etc.) in areas C-E should only be considered after a formal and extensive agricultural impact assessment. The stated intent is to maintain contiguous areas of agricultural land without conflict from other non-agricultural uses. Leduc County should direct conversion to areas outside priority agriculture areas that are less desirable for agriculture or with less impact on agriculture.
8. The application does meet the intent of Section 9.1.6(a) of Land Use Bylaw 7-08 which requires that recreational vehicle storage not exceed 5% of total site coverage. However, staff has evaluated all policies and found that the subject agricultural land is not suitable for conversion to a recreational vehicle storage development.
9. A search of the property using the Abacus Data GIS, an online mapping tool, showing the location of Oil & Gas infrastructure, revealed the development site to be located upon an operational natural gas pipeline and right-of-way. While not a reason for refusing the application, the presence of the pipeline is an important consideration as any future development in this location would require that the landowner secure permission from the pipeline operator, Neo Exploration Inc.
10. The appellant states in his appeal letter that the proposed development should be approved because the subject land will not be modified and could be reverted back to agricultural uses. The appellant also states in the letter that he would like to reduce the size of the



storage area from 5 to 3 acres, as well as limit the scope of the storage development to allow for recreational holiday trailers only.

11. The development proposal, as presented in Application D18-208, does not meet the intent of County policies. Furthermore, a reduced area for a recreational vehicle storage development, as described in the applicant's appeal letter, although producing less of an impact, would still conflict with County policy by taking productive lands out of agricultural production. As a result, administration recommends that the Subdivision and Development Appeal Board uphold the decision by the Development Authority to refuse Development Permit D18-208 as outlined in the notice of decision.

Chair McDonald asked Board Members if there were any questions of administrative staff.

In response to a question by a Board Member, Mr. McGovern provided clarification relating to the inclusion of boats, trucks and trailers within the potential storage of items as part of the development application.

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

Mr. Jason Brokop, on behalf of Lorenz Brokop, Appellant, provided the following information:

- With respect to the pipeline being an important consideration, contacted the pipeline operator to advise of the desire for reclamation and intent to bring land into active agricultural use for pasture land and/or for proposed development and was advised the pipeline underground will be abandoned and the above lines (two) will be capped at riser and be reclaimed by the pipeline operator.
- Photographs were shown of the current pipeline right of way overlay which is not actively used for pasture land.
- Additional submissions were provided showing the Canada Land Suitability Rating System.
- Two drawings were submitted showing the unused fenced land and fenced pasture land; which could open up to 12 acres of active land. The ground is rocky with sink holes.
- Are not in violation of 3.3.1 and are attempting to create this as an active family farm for agricultural use and taking a small section to provide for recreation vehicle storage which would be beneficial for family and to the County for additional taxes.
- Question the Principles of the Agricultural Strategy in relation to being in areas C-E. An inquiry was made to one of the Planning and Development staff members and was not advised the subject property is considered in relation to the Leduc County Agricultural Strategy. Became aware of this upon receipt of the refusal reasons.
- The Canadian Index Map shows this section of land surrounding and being lumped into a huge area extending from Thorsby to Sherwood Park. Feel the variance is a small area and to be lumped into such a huge area is not relevant.
- Are trying to reclaim this land back to agricultural use; are not going to abandon any use of pasture land.

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

In response to questions by Board Members, Mr. Jason Brokop provided the following clarification:

- The reason trucks were included within application is to compliment the storage of trucks that haul the RV's and will not necessarily be the case for most storage units.
- Will not be storing old vehicles that have an impact to the environment.

- The revised request included reducing the amount of land from 5 acres to 3 acres; however are willing to work with any stipulations the Board determines.
- Would suggest that the pipeline could be rated under FAR as 0 due to taking out agricultural production.

Planning and Development staff provided clarification with respect to the way the County determines FAR; data appears as a layer and do not see the boundaries coinciding with the parcels. The FAR is another established mechanism of determining land for agricultural use. Also yard sites are taken out of quarters when determining the FAR.

Mr. Jason Brokop replied the soil suitability rating ranges from 2HT7 – 3(4); so again to be blanketed into this FAR is not accurate.

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

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

Chair McDonald asked if Technical Staff had any final comments.

Mr. McGovern provided the following closing comments:

- The recreational vehicle storage use is a discretionary use for the Board to take into consideration.
- The Leduc County Agricultural Strategy is an improved and informed document to identify the Municipal Development Plan which requires the preservation of agricultural land; this is a value of 48% considered high agricultural capability and is against policy.
- The proposed recreational vehicle storage development would allow for vehicle types which do not fit the description within the regulations.

Chair McDonald asked the appellant if he had any final comments, and Mr. Jason Brokop provided the following:

- Feel are in compliance with the Leduc County Agricultural Strategy and Municipal Development Plan.
- The pipeline is currently out of use and feel the pipeline has a FAR rating of 0; are attempting to get this reclaimed and capped.
- Currently there is fencing proposed; but since the pipeline is there will wait for the outcome of this decision.
- The access road is along the panhandle; the property is not bordered by Range Road 263 and there is no other access to the property.

Chair McDonald asked the appellants if they felt they received a fair hearing, and Messrs. Lorenz and Jason Brokop responded affirmatively.

### **Conclusion of Public Hearing**

Chair McDonald declared the Public Hearing concluded at 9:40 a.m.



Mrs. Haverland; Messrs. McGovern, Lorenz and Jason Brokop

Mrs. Haverland; Messrs. McGovern, Lorenz and Jason Brokop exited the Council Chamber at 9:41 a.m.

**In Camera**

**77-18** Board Member Smith -- that the Subdivision and Development Appeal Board meet In Camera.

Carried

The In Camera session commenced at 9:42 a.m.

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

**78-18** 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 9:54 a.m.

**Recess**

The meeting recessed at 9:55 a.m. and reconvened at 10:00 a.m. with Chair Mary-Ann McDonald and Board Members Shirley Jolly, Pat Rudiger, 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; Mr. Colin Richards, Team Lead Development; and Mr. Greg McGovern, Planner 1.

Present as well were two other individuals.

**Appeal by Curtis Brazeau whereby Development Permit Application D18-240 was refused for an Accessory Building - Shop 183.9 sq.m. (1,980 sq.ft.) & Demolish Three Sheds on Lot 1, Block 2, Plan 8622687, Pt. SE 35-50-23-W4.**

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Chair McDonald called the hearing to order at 10:02 a.m. and introduced Board Members and staff.

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

Mr. Garrett Broadbent, Clerk, advised of the appeal by Curtis Brazeau whereby Development Permit Application D18-240 was refused by the Development Authority for development of an accessory building [shop – 183.9 sq.m. (1,980 sq.ft.)] and demolish three sheds on Lot 1, Block 2, Plan 8622687, Pt. SE 35-50-23-W4. The reasons for appeal are as follows:

- 1) No impact on adjacent landowners.
- 2) Increase property value and aesthetics.
- 3) Characteristic of neighbouring homes.
- 4) Have older vehicles that need to be stored out of the elements.
- 5) No negative impact on environment (i.e. wetland, slope, swamp).
- 6) Keep existing landscape in place.
- 7) Research found this size to be best for resale purposes.

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

- 1) Staff Report.
- 2) Notice of SDAB Hearing package dated November 7, 2018.
- 3) Notice of Appeal received November 7, 2018.
- 4) Notice of Refusal by Development Authority dated October 25, 2018 w/ refused site plan.
- 5) Key Plan.
- 6) Development Permit Application D18-240.
- 7) Elevation Plans.
- 8) Air Photos.

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

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

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

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

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

Mr. Colin Richards, Team Lead Development, provided a PowerPoint presentation relating to the appeal by Curtis Brazeau highlighting the following:

1. On October 25, 2018 the Leduc County Development Authority, refused Application D18-240 by Curtis Brazeau to construct a 183.9 sq.m. (1,980 sq.ft.) accessory building (shop) and to demolish three existing sheds on Lot 1, Block 2, Plan 8622687, Pt. SE 35-50-23-W4. The refusal reasons are as follows:
  - 1) According to Section 9.9.7(b) of the Land Use Bylaw, the maximum allowable site coverage for accessory buildings in the Rural Centre Mixed District (RCM) is 10 percent of the site, not to exceed 100 sq.m. (1,080 sq.ft.). The proposed accessory building is 184 sq.m. (1,980 sq.ft.), exceeding the maximum allowable site coverage by 84 sq.m. (900 sq.ft.).
  - 2) The existing shed on the property that is proposed to remain is 60 sq.m. (646 sq.ft.). Combined with the proposed building, the total accessory building area is 244 sq.m. (2,626 sq.fr.), which exceeds the maximum allowable site coverage by 144 sq.m. (1,546 sq.ft.). According to Section 3.6.2 of the Land Use Bylaw, the Development Authority shall not grant a variance to site coverage.
2. The subject property is located within the Hamlet of Looma, which is located east of Highway 21. Parcels within the Hamlet are accessed directly off of Looma Road.
3. Development on the property consists of a dwelling and four sheds. The purpose of the application D18-240 is to demolish 3 of the 4 existing sheds and construct a shop that would be 183.9 sq.m. (1,980 sq.ft.) in size.





4. A history of the subject property indicated no previous planning decisions.
5. During the referral of the application, the County's Public Works & Engineering department advised that should the application be supported, a condition should be included that ensure the development shall not cause any adverse drainage impact on adjacent properties or flooding of nearby ditches in excess of their capabilities.
6. Application D18-240 was refused by the Development Authority as the proposed building (shop) would create more accessory development on the property than permissible under the regulations of the Land Use Bylaw. The variance of defined site coverages are not permitted by development officers under the provisions of Part 3.6.2, and therefore, the development authority were bound to refuse the application.
7. In accordance with the site coverage regulations of the Rural Centre Mixed (RCM) District of the Land Use Bylaw as contained within Part 9.9.7(b) accessory buildings cannot exceed a maximum of 10% coverage of the site, not to exceed 100 sq.m. (1,080 sq.ft.).
8. The proposed accessory building exceeds the maximum allowable size for any property within the Rural Centre Mixed District by 84 sq.m. (900 sq.ft.).
9. After considering the proposed demolition of 3 of the 4 existing accessory buildings on the property, the total site coverage of accessory buildings that would exist, should the development permit be approved, would be 244 sq. m. (2,626 sq.ft.). This combined amount exceeds the maximum allowable site coverage by 144 sq. m. (1,546. sq.ft.).
10. In addition to the above, the proposed accessory building will be 18 ft. in height. This is 2 ft. taller than the maximum allowable height for accessory buildings in the Rural Centre Mixed District.
11. The appellants discuss in the grounds of appeal that the application should be approved for the following reasons: no impact on adjacent landowners, value of property, align with the characteristics of neighbouring homes, storage of personal vehicles out of the elements, no impact to environmental features and not impede on existing landscaping.  
  
Notwithstanding these reasons however, under the authority prescribed to development officers within the Land Use Bylaw 7-08, the Development Authority cannot approve applications that exceed the maximum site coverage or height provisions prescribed within a defined land use district.
12. The Planning and Development Department recommends that the Subdivision and Development Appeal Board uphold the decision by the Development Authority to refuse Development Permit D18-240 for the reasons outlined in the notice of decision.

Chair McDonald asked Board Members if there were any questions of administrative staff.

In response to questions by Board Members, Mr. Richards provided the following clarification:

- The shed that is requested to be removed is cited as a shed (however used as a garage); the shed/garage would be considered an accessory building if it is detached.
- With respect to 3.6.2 Variances, notwithstanding 3.6.1 the development authority shall not grant a variance to site coverage, building area, floor area, building height, and dwellings per hectare.
- Under Section 3.6.3 the Subdivision and Development Appeal Board may vary the prescribed lot size subject to the policies of any relevant statutory plan.

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

Mr. Curtis Brazeau, Appellant, provided the following information:

- The reason for appeal is to ask the Subdivision and Development Appeal Board for a variance in accordance with Section 3.6 of the Land Use Bylaw.
- Bought this property as we like the community and are close to parents.
- The decision to build a shop is to accommodate the storage of many older vehicles and keep them out of the elements.
- The old buildings that are currently on site are essentially useless due to their age; they were built in the 50's-60 and are leaning and not stable. They would be removed upon the completion of the proposed development.
- The proposed development would be built where the existing pole shed sits.
- The proposed development will add value to property, clean up the site and allow room to store vehicles and work on them inside.
- Feel it is not out of character to build this size of shop, as there is community hall, a business and lots of properties that have shops on our street. There are other properties that have several vehicles covering over 10% of area.
- The impact is minimal as there are no swamps or environmental impact; the trees will stay and shop would be tucked into the trees.
- It is difficult for many developments to stay within the 10% site coverage; were not aware of the 10% coverage requirement prior to completing the development permit application.
- When looking at options to get this shop built, we researched the size options and used the local Co-op provider who recommended this design. Originally was going to go lower however when looking at options and cost comparisons this size made the most sense.

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

In response to questions by Board Members, the following clarification was provided:

- The building would come with engineer approval through the Leduc Co-op, upon approval by the County.
- There would be a recreational vehicle stored within the shed which is 37 feet. For the value of the package the 18 foot package was the best value compared to the 16 foot package.
- There would not be an impact to community; immediately adjacent is a business and the owner has not expressed concern. Also there is a road allowance abutting and older sheds on the adjacent property which also exceeds 10% coverage. Driving down the stretch of road there are several large shops. The proposed development would be somewhat hidden in trees so not visible from the roadway.
- Prefer to have a clean and tidy property with vehicles stored inside and out of site in comparison to some properties.
- The proposed development would match the house colour which could not be added to the old buildings due to their age.
- The existing shed is the garage and was in place when purchased property; it's a typical standard garage.
- We could reduce the height to be in compliance to at least 16 feet.

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

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



Chair McDonald asked if Technical Staff had any final comments.

Mr. Richards provided the following closing comments:

- The Development Authority was bound to refuse because it exceeds the maximum height limit and the authority cannot vary these requirements.
- Clarification was provided with respect to the 10% site coverage.

Chair McDonald asked the appellant if he had any final comments, and Mr. Brazeau provided the following:

- With regard to 10% variance and taking into account the current garage, would only allow 400 sq.ft. for the construction of the proposed development which is very minimal.
- Feel this development would increase property value and will enhance the area.
- The ultimate goal is to get approval of the variance; or the Board to provide a clear decision what would be approved.
- The subject lot is a bit bigger than the adjacent lots and the development would be within the trees.

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

### **Conclusion of Public Hearing**

Chair McDonald declared the Public Hearing concluded at 10:37 a.m.

Mrs. Haverland; Messrs. McGovern and Richards and Mrs. & Mrs. Brazeau

Mrs. Haverland; Messrs. McGovern and Richards and Mr. & Mrs. Brazeau exited the Council Chamber at 10:38 a.m.

### **In Camera**

**79-18** Board Member Rudiger -- that the Subdivision and Development Appeal Board meet In Camera.

Carried

The In Camera session commenced at 10:39 a.m.

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

**80-18** 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 10:48 a.m.

### **Recess**

The meeting recessed at 10:49 a.m. and reconvened at 11:05 a.m. with Chair Mary-Ann McDonald and Board Members Shirley Jolly, Pat Rudiger, 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; Mr. Greg McGovern, Planner 1; Mr. Colin Richards, Team Lead Development; and Ms. Rae-Lynne Spila, Municipal Engineer.

Present as well were two other individuals. There was one other individual (Mrs. Nicole Good) in attendance via teleconference.

**Appeal by John Charles (JC) and Geraldine (GL) Senior whereby Development Permit Application D18-212 was refused for an Infilling (berm – 168 sq.ft.) w/ Variance to West Side Property Line from 3 m to 0 m on Lot 9, Block 1, Plan 8020039, Pt. NE 31-50-22-W4.**

Chair McDonald called the hearing to order at 11:06 a.m. and introduced Board Members and staff.

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

Mr. Garrett Broadbent, Clerk, advised of the appeal by John Charles (JC) and Geraldine (GL) Senior whereby Development Permit Application D18-212 was refused by the Development Authority for an infilling (berm – 168 sq.ft.) w/ variance to west side property line from 3 m to 0 m on Lot 9, Block 1, Plan 8020039, Pt. NE 31-50-22-W4. The reasons for appeal are as follows:

- 1) Section 9.2.1 has not been defined as an Environmentally Sensitive Area “environmental sensitive areas are places that have special environmental attributes worthy of retention or special care”. The area in question has been excavated on the west side of our property by our neighbours and therefore has altered the natural flow of water (see aerial photographs from 2017 1, 2 and 3).
- 2) Which in turn has flooded our property causing damage to the environment killing trees and causing erosion hence our attempt to restore and retain the original natural state of the land. We landscaped the west side of the property and upon doing so this has not interfered with the natural flow of water coming through our property as it flows its natural flow into next doors pond, which is an environmental sensitive area (shown in photograph 1). But because the next door has restricted the flow into the pond (shown in photograph 3) and excavated (photograph 1a & b) therefore causing a build-up of excessive water which has contravened Section 9.2.1 causing a back flow creating a second stagnant pond which in summer smells and is a breeding ground for mosquitoes and water rats.
- 3) We brought this to the attention of Council back in 2014 (email enclosed with reply). At no point were we informed about planning permission since we felt that the work carried out was landscaping.
- 4) Strongly feel that the neighbours on the west side has caused this environmental issue and should be held accountable. If this issue is not resolved we will have the same problem which will cause further erosion and irreversible environmental damage.

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

- 1) Staff Report.
- 2) Notice of SDAB Hearing package dated November 8, 2018.
- 3) Notice of Appeal received November 8, 2018.
- 4) Notice of Refusal by Development Authority dated October 19, 2018 w/ refused site plan.
- 5) Key Plan.
- 6) Development Permit Application D18-212.
- 7) Excerpts – Stepping Back from the Water (pg. 10-11).
- 8) Air Photo.

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

Chair McDonald asked if any Board Member felt a need to step down from this hearing within the boundaries of Conflict of Interest.

Board Member Rick Smith noted that this appeal was addressed to him as a Councillor and advised he did not see the appeal letter beforehand as it was received by the SDAB Clerk. Board Member Smith noted that as he is a Council Member he felt he can make an unbiased decision today.

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

Mr. Greg McGovern, Planner 1, provided a PowerPoint presentation relating to the appeal by John Charles and Geraldine Senior, highlighting the following:

1. On October 19, 2018 the Leduc County Development Authority, refused Application D18-212 by John Charles and Geraldine Senior to leave as sited an unpermitted infilling development, a berm (168 sq.ft.) on Pt. NE 31-50-22-W4. The refusal reasons are as follows:
  - 1) The proposed development is located within and adjacent to a wetland and a defined environmentally sensitive area. Section 9.2.1 of the Municipal Development Plan requires that land uses within or adjacent to environmentally sensitive areas do not create significant adverse impact on the natural environment; will retain the area in a predominantly natural state; and will retain the physical features of the natural environment. The proposed development (infilling) would not only alter the physical features and natural state of the wetland but would also alter and obstruct the natural flow of water feeding and discharging from the wetland.
  - 2) The proposed discretionary development does not comply with Section 3.5.2 of Land Use Bylaw 7-08 which requires that land uses be compatible with surrounding lands in terms of function, and scale. The proposed infilling is deemed to negatively impact the function and form of the surrounding wetland and natural drainage pattern.
2. The subject property is a 4.15 acre Country Residential parcel located off of Township Road 510 approximately 3 kilometres east of the Hamlet of Looma and immediately south of the boundary of Strathcona County. Development on the property consists of a dwelling and a detached garage. Surrounding development consists of multi-lot country residential subdivisions interspersed between surrounding wetlands and streams. Site topography across the property presents no significant slopes.
3. Referral responses, in accordance with Section 3.4.2 of the Leduc County Land Use Bylaw 7-08 requires all discretionary permit applications be sent to adjacent landowners. The following responses were received:

Leduc County Agricultural Services – although this is a country residential property and there is no agricultural activity occurring, there are concerns with the berm construction:

- i. The material being used is concrete dust/debris and not an appropriate material for a berm construction. If this permit were to be approved, agricultural services would recommend that the concrete debris be removed and clay be used to build the berm, with a topsoil layer to cover. This would have to be seeded as soon as possible to prevent erosion and to re-establish the natural ground cover.
- ii. This berm is being constructed in a manner which could alter the natural flow of water between neighbouring properties. Although we understand that alterations have possibly occurred in the past, care must be taken not to alter the flow of water, and it is likely that Alberta Environment would need to provide approval.
- iii. Although Agricultural Services does not have any strong connection with this permit, we would strongly recommend Alberta Environment be asked about the viability and reasonableness of such a project. Agricultural Services would not be in support of this application as it currently stands.

Leduc County Public Works & Engineering – Engineering is against this berm being placed. This is a natural wetland and should remain as such. It does not appear to be impacting any buildings or structures, if that is the issue then the applicant should talk to Alberta Environment to get their permission and then re-apply. This work will also push more surface water into the adjacent ditches, this falls within Strathcona County jurisdiction and they should be able to state any limitations they would have on it.

4. On August 28, 2018 the appellants submitted a development permit application for an infilling (berm – 168 sq.ft.) development. In accordance with Section 6.14.1 of the Land Use Bylaw, no topsoil fill, aggregate or other similar material shall be deposited on, moved within, or removed from a property without first obtaining a development permit.
5. According to “Stepping Back to the Water” a beneficial management practice guide for new development near water bodies in Alberta’s settled region (a Government of Alberta publication), the subject wetland fits the description of a riparian area which is defined as a place where water and land meet and interact, and are usually distinctly different from surrounding lands because of unique soil and vegetation characteristics that are influenced by the presence of water above the ground and below the surface. Stepping back from the water prescribes measures for establishing development setbacks and buffers to protect riparian areas and allow for the continued delivery of community benefits and ecological services including the preservation of water quality functions; floodwater conveyance and storage; and provision of habitat and biodiversity.
6. On October 12, 2018 a site inspection was jointly conducted with the Leduc County Municipal Engineer. During the inspection the berm was observed and photographed from the public right-of-way. The berm is located along the east side of an existing fence and immediately adjacent to the furthest north portion of the wetland area; a pool of water surrounded by riparian vegetation occupying approximately 2,750 sq. ft. at the surface. Found on both east and west sides of the berm are water tolerant grasses and mature woody shrubbery, the same forms of vegetation that are interspersed throughout the wetland area.
7. The Leduc County Geographic Information System (GIS) identifies the subject riparian area as entirely designated as wetland or as an Environmentally Significant Area, according to the 2014 study. The Leduc County GIS identifies the subject wetland area, and the extent of its surface water was observed and measured from year-to-year. It appears the shape of

the wetland and its associated areas of exposed surface water remained relatively unchanged from year to year.

8. Additionally, the berm is located along the appellants' side of the existing fence, but it appears the fence may be located on the neighbour's property to the west. If the fence is located on the neighbour's land then the berm, or at least part of it, may also be encroaching onto the neighbour's property. Photographs were shown of the subject property and immediately adjacent property.
9. The Alberta Merged Wetland Inventory depicts the major classes of wetland and this particular property is identified as "fen".
10. The appellants state in their letter that the affected land is not an environmentally sensitive area. They assert the neighbours undertook excavation work on the west side of their property causing an alteration to the natural flow and drainage pattern, which has resulted in flooding, damage, erosion and loss of trees on their property. The berm is an effort to restore and retain the natural state of land.
11. The development does not meet the intent of County Policies. Administration recommends that the Subdivision and Development Appeal Board uphold the decision by the Development Authority to refuse Development Permit D18-212 and that the appellants be required to restore the land back to its natural state.

Chair McDonald asked Board Members if there were any questions of administrative staff.

In response to questions by Board Members, Mr. McGovern provided the following clarification:

- There is no determination who put the culverts in.
- With respect to when the berm was constructed it is uncertain however the berm does not appear in the 2017 photo.

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

Mr. John Charles Senior and/or Geraldine Senior, Appellants, provided the following information:

- To answer the question when the berm was constructed, it was in 2016; it was built based on the 2014 email by the County where it was stated one option was to put in a swale along the property line to direct the water to the rear of the lot. There was nothing mentioned in this email that this was an environmental sensitive area and question why we were not notified that we could not do anything.
- Felt that this was the least obstructive way to go onto our own property.
- Do not feel there is an impact as the berm is part of landscaping definition and protects the trees that were dying due to flooding.
- The flow feeds the pond and then in turn feeds into the stream and goes into the big lake at the back as shown on the submitted photograph.
- All we did was prevent the flow from coming into our property and flooding our trees.
- Feel this is a naturally environmental sensitive area that flows.
- The photograph shown by development officer is due to the way the water was diverted.
- When we moved onto our property in 2012 we had no issues. Over a period of time the neighbours had done some work and it was after that we noticed a lot of water was accumulated by our garden causing flooding.

- The 2014 email also stated an option to discuss with our neighbour to come to a compromise, which we did however they were not interested; we then left it one year and then took it upon ourselves to correct and feel this was the least destructive direction to take.
- A photo was submitted which showed the natural flow of water that encroaches to the neighbour and then flows close towards adjacent property to the rear. We have not stopped the natural flow of water along the road side.
- It is unfortunate we were not informed of this environmentally area until the refusal was issued and requested to know when it was deemed an environmentally sensitive area?

Planning and Development staff replied with the following:

- There were options stated in the email in 2014 and although there was no mention of an environmental sensitive area it does not guarantee that it was not.
- The refusal was issued in 2018 based on the information submitted.
- When the development permit application was reviewed the existing berm was reviewed against planning policies and regulations. The berm was built before the development permit was applied for.
- The 1990 Environmental Significant Area shows that this property is not directly but adjacent to an environmental significant area.
- The water bodies present are connected to the environmentally sensitive areas and will be reviewed accordingly.
- Since 2014 a lot has changed with regulations e.g. in 2015 the Alberta Water Act. The appellants can apply to Alberta Environment for approval of the berm construction. Currently that berm has been placed in the wetland area and affects the surrounding lands with drainage.

Mrs. Senior indicated that if the berm would be required to be removed it would be a major undertaking as trees will have to be removed along with expense with the removal of landscaping.

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

In response to a question by a Board Member, Mrs. Senior advised they did not concern themselves with the adjacent property owners' actions which affected the flow of water and after one year brought it to the attention of Council however nothing was done about it so proceeded with the construction of the berm.

Chair McDonald noted that Ms. Nicole Good was wishing to speak to the appeal via teleconference.

Ms. Nicole Good, property to the west of appellants, spoke against the proposed development for the following reasons:

- 1) Have not done any excavating of their property.
- 2) Have owned and resided on property since 2013 and are fully aware that permits are required for any type of development.
- 3) This front (north) portion of property is a low lying area with cattails and willows growing and naturally water drains to front of property.
- 4) The water can come quite high in spring with high rains and it does flow strongly. There is a very strong flow in spring that goes to north of property. There is a creek behind so all water that flows into pond runs to the back of property to the creek.
- 5) Feels this is a cosmetic issue.





- 6) Were informed the property to the east may have caused more water drainage and when melting occurs it does flow to lowest portion of property. Come August and September the property is dry.
- 7) Our concern is the concrete being dumped as a foreign substance; have seen less than half of the ducks, frogs and muskrats as they have disappeared. May suggest a chemical is leaking into water. The concrete is also pushing over the fence onto our property.
- 8) Do wish the neighbours would have approached us and we could have worked together however they didn't.
- 9) We would have been more than willing, with approval by Alberta Environment to add clean soil.
- 10) Can assure everyone that the flow of water eventually flows into the creek and seasonally it flows very strongly into the creek.

In response to questions by Board Members, Ms. Good further advised:

- The concrete was noticed last summer. There was  $\pm 20$  concrete substances that appeared and became much higher and increased through the fall.
- The fence was not installed by us; it was constructed by previous owner; from my understanding the previous owner from both us and the Senior's had constructed the fence together and am not aware of their agreement.

Mrs. Senior confirmed they moved in 2012 and that they did not construct the fence.

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

Chair McDonald asked if Technical Staff had any final comments.

Mr. McGovern provided the following closing comments:

- The construction of berm and/or infilling is considered a development that requires a permit.
- Any application will be triggered for a permit as a discretionary use.
- The Development Authority concluded that the berm is within an environmentally sensitive area (wetland area) and the development is not compliant with Policy 9.2.1 of the Municipal Government Act.
- Feel that this development obstructs the natural flow of water.
- With regard to definition of landscaping is related to decorative (aesthetic) landscaping vs. altering the drainage pattern (infilling).

Chair McDonald asked the appellants if they had any final comments, and Mrs. Senior advised that they did reach out for advice from the County and when they were not notified they had no way of knowing an application was required.

Chair McDonald asked the appellants if they felt they received a fair hearing, and Mr. & Mrs. Senior responded affirmatively.

### **Conclusion of Public Hearing**

Chair McDonald declared the Public Hearing concluded at 12:11 p.m.

Mrs. Haverland; Ms. Spila; Messrs. Richards and McGovern and Mr. & Mrs. Senior

Mrs. Haverland; Ms. Spila; Messrs. Richards and McGovern and Mr. & Mrs. Senior exited the Council Chamber at 12:12 p.m.

**In Camera**

**81-18** Board Member Jolly -- that the Subdivision and Development Appeal Board meet In Camera.

Carried

The In Camera session commenced at 12:13 a.m.

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

**82-18** 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 12:22 p.m.

**Appeal by John Charles (JC) and Geraldine (GL) Senior whereby Development Permit Application D18-212 was refused for an Infilling (berm – 168 sq.ft.) w/ Variance to West Side Property Line from 3 m to 0 m on Lot 9, Block 1, Plan 8020039, Pt. NE 31-50-22-W4.**

**83-18** Board Member Jolly -- that the Subdivision and Development Appeal Board disallow the appeal by John Charles (JC) and Geraldine (GL) Senior and upholds the refusal of Development Permit Application D18-212 for Infilling (berm – 168 sq.ft.) w/ Variance to West Side Property Line from 3 m to 0 m on Lot 9, Block 1, Plan 8020039, Pt. NE 31-50-22-W4.

**Findings of Fact**

- 1) The berm was constructed by the current landowners (appellants) without approval from Leduc County.
- 2) Alberta Environment and Parks is responsible for administering the 2013 Alberta Wetland policy. The goal of the Alberta Wetland Policy is to conserve, restore, protect and manage Alberta's wetlands to sustain the benefits they provide to the environment, society and economy.
- 3) The Leduc County Geographic Information System (GIS) identifies the subject area as wetland as per Alberta Environment's merger 2015 Wetland Inventory and as an Environmentally Significant Area (ESA), according to the 2014 Environmentally Significant Area Study.
- 4) Without a legal survey to confirm, it is uncertain whether the berm is encroaching onto neighbouring lands and Leduc County's road right-of-way.
- 5) The Leduc County GIS identifies the subject wetland area and the extent of its surface water was observed and measured from year to year using historic aerial photographs. It appears the shape of the wetland and its associated areas of exposed surface water remained relatively unchanged from year to year.

**Reasons for Refusal**

Development Permit Application D18-212 is refused for the following reasons:

- 1) The proposed development is located within and adjacent to a wetland and a defined environmentally sensitive area. Section 9.2.1 of the Municipal Development Plan requires that land uses within or adjacent to environmentally sensitive areas do not create significant adverse impact on the natural environment; will retain the area in a predominantly natural state; and will retain the physical features of the natural environment. The proposed development (infilling) would not only alter the physical features and natural state of the wetland but would also alter and obstruct the natural flow of water feeding and discharging from the wetland.
- 2) The proposed discretionary development does not comply with Section 3.5.2 of Land Use Bylaw 7-08 which requires that land uses be compatible with surrounding lands in terms of function, and scale. The proposed infilling is deemed to negatively impact the function and form of the surrounding wetland and natural drainage pattern.

and further, the Subdivision and Development Appeal Board directs the appellants to work with Leduc County Engineering and Alberta Environment for the removal of the berm.

Carried

**Appeal by Lorenz Brokop whereby Development Permit Application D18-208 was refused for a Recreational Vehicle Storage Development on ±5.0 acres of a ±104.4 parcel located on SW 22-48-26-W4.**

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**84-18** Board Member Rudiger -- that the Subdivision and Development Appeal Board allow the appeal by Lorenz Brokop and conditionally approves Development Permit Application D18-208 for a Recreational Vehicle Storage development on SW 22-48-26-W4.

Findings of Fact

- 1) The subject property is not suitable for seed crop as a result of the stoniness of the land.
- 2) It was stated by the appellant that he has been working with the pipeline company to ensure the de-commissioning of the abandoned pipeline.
- 3) The subject property will utilize the existing driveway as the entrance to the recreational vehicle storage development.
- 4) There were no adjacent landowner concerns received.
- 5) The proposed development is located within the Agricultural Area B of the Municipal Development Plan and in accordance with the Municipal Development Plan the removal of high capability agricultural land for non-agricultural development is to be minimized.
- 6) Under the Agricultural Strategy the intent is to maintain contiguous areas of agricultural land without conflict from other non-agricultural uses and direct conversion to areas outside priority agricultural areas that are less desirable for agriculture or with less impact on agriculture.

Conditional Approval

Development Permit Application D18-208 is approved subject to the following conditions:

- 1) Approval is granted for a temporary period of five (5) years. On or before five (5) years, from the date of issuance of this permit, the operation of the recreational vehicle storage business shall cease unless a development permit extending this time has been approved by Leduc County.
- 2) The development shall not cause any adverse drainage impact on adjacent properties or flooding of nearby ditches in excess of their capabilities.

- 3) Any grading work carried out to provide a parking pad for the recreational vehicle storage area must be approved by Leduc County Public Works & Engineering.
- 4) The proposed recreational vehicle storage facility shall be used for the storage of travel trailers, truck campers, tent trailers, fifth wheels and motor homes only and not for the commercial storage of cars, trucks, boats or for use as mini-storage.
- 5) The recreational vehicle storage facility shall be operated in accordance with the business information sheet submitted by the applicant.
- 6) The recreational vehicles shall be stored in a neat, orderly fashion, and the site shall be maintained in a neat and orderly manner, to the satisfaction of the Development Authority.
- 7) Recreation vehicles shall be stored on private property and not on Leduc County road allowances.
- 8) The approved Recreational Vehicle Storage Facility shall be screened from view from all sides by means of fencing, shrubbery, trees and/or other landscaping of a height no less than 1.8 metres to the satisfaction of the Development Authority.
- 9) Any signage related to the recreational vehicle storage must be approved through a separate Development Permit application.
- 10) The applicant shall ensure that the operations on the subject lands do not create any adverse impact on adjacent properties.
- 11) The approved development is located in a pipeline right-of-way. The applicant/landowner must contact the operator of the pipeline and obtain permission to develop within the right-of-way.
- 12) The approved development is located in close proximity to a low-pressure gas pipeline. The applicant/landowner must contact the operator of the pipeline and obtain permission before developing in the approved location.

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.

Carried

**Appeal by Curtis Brazeau whereby Development Permit Application D18-240 was refused for an Accessory Building - Shop 183.9 sq.m. (1,980 sq.ft.) & Demolish Three Sheds on Lot 1, Block 2, Plan 8622687, Pt. SE 35-50-23-W4.**

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**85-18** Board Member Ruel -- that the Subdivision and Development Appeal Board allow the appeal by Curtis Brazeau and conditionally approves Development Permit Application D18-240 for an accessory building – shop 183.9 sq.m. (1,980 sq.ft.) and demolish three sheds on Lot 1, Block 2, Plan 8622687, Pt. SE 35-50-23-W4.

Findings of Fact

- 1) The appeal is based on receiving a variance to come into compliance with the Leduc County Land Use Bylaw, Sections 9.9.7(b) and 3.6.2 relating to site coverage.
- 2) Section 3.6.2 states *"notwithstanding 3.5.1, the Development Authority shall not grant a variance to site coverage, building area, floor area, building height and dwellings per hectare."* Section 3.6.3 states *"the Subdivision and Development Appeal Board may vary the prescribed lot size subject to the policies of any relevant statutory plan."*
- 3) The appellant indicated that three sheds would be removed upon construction of the shop.
- 4) The one remaining shed is a detached garage.
- 5) The size of the proposed accessory building is 183.9 sq. m (1,980 sq.ft.) in size.
- 6) There were no responses received from adjacent landowners.
- 7) The appellant indicated his willingness to reduce the height of the proposed accessory building.

Conditional Approval

Development Permit Application D18-240 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 site plan submitted.
- 3) The approved accessory building shall be constructed and finished in a manner compatible with the existing building(s); with a reduction of an exterior height to a maximum of 22 feet.
- 4) The approved accessory building shall be free of rust and painted a single neutral colour or clad in siding compatible with the future dwelling.
- 5) The approved accessory building(s) shall not be used as a dwelling(s) unless specifically approved as a dwelling by a separate development permit.
- 6) The approved accessory building(s) shall be used as a personal residential accessory building(s) for the storage and maintenance of property belonging to the 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.
- 7) 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.
- 8) The applicant/landowner shall provide fire-fighting access at all times to the satisfaction of Leduc County Fire Services.
- 9) 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/land owner must rectify any damage to the approach or County roadway.
- 10) 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.



- 11) The development shall not cause any adverse drainage impact on adjacent properties or flooding of nearby ditches in excess of their capabilities.
- 12) 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.
- 13) No further development, expansion or change in use is permitted unless approved by Leduc County.

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.

Carried

### **Next Meeting**

The next scheduled Subdivision and Development Appeal Board meeting will be held Friday, November 16, 2018.

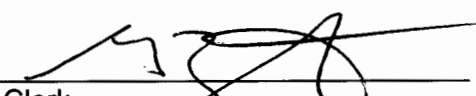
### **Adjournment**

**86-18** Board Member Ruel -- that the Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Subdivision and Development Appeal Board meeting concluded at 12:57 p.m.

  
Chair

  
Clerk