

## AGENDA

### INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (ISDAB) VIA LIVESTREAM / TELECONFERENCE (COUNCIL CHAMBER, COUNTY CENTRE, NISKU, ALBERTA)

Thursday, June 18, 2020

1. Order and Roll Call – 9:00 a.m.

2. Agenda Adoption

3. Adoption of Previous Minutes

\* April 24, 2020 Intermunicipal Subdivision and Development Appeal Board Meeting

4. Subdivision and Development Appeal Hearing

\* a) 9:00 a.m. D20-041  
Roll # 264000

**Request for Adjournment**

Appeal by Kevin & Karen Neilson & 82 other Leduc County residents relating to Development Permit Application D20-041 by Anuj Gutpa for a rural wedding and agricultural event facility with frame and fabric structure - 390 sq.m and two trailers 90 sq.m each located at NE 19-50-22-W4 (50352 Range Road 225)

5. Next Meeting Date – at the call of the Chair.

6. Adjournment

  
Legend

\* Items Attached To Agenda

**MINUTES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON THURSDAY, JUNE 18, 2020 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.**

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**Order and Roll Call**

The meeting was called to order at 9:00 a.m., Thursday, June 18, 2020 by Chair Mary-Ann McDonald and Board Members Kevin Maine, Pat Rudiger, Rod Giles and Doug Ruel present.

Present as well were the following:

- Joyce Gavan, Clerk
- Lynn White, Recording Secretary
- Kent Pudlowski, Manager of Information Technology
- Colin Richards Team Lead Development
- Charlene Haverland, Manager of Development Services
- Rae-Lynne Spila, Senior Municipal Engineer

Present as well were:

- Kevin and Karen Neilson, Appellants
- Anuj Gupta, Applicant
- Krishna Gupta, Resident

**Agenda Adoption**

**15-20** Board Member Giles -- that the agenda for the June 18, 2020 Intermunicipal Subdivision and Development Appeal Board meeting be accepted as circulated.

Carried

**Adoption of Previous Minutes – April 24, 2020**

**16-20** Board Member Rudiger -- that the April 24, 2020 Subdivision and Development Appeal Board minutes be confirmed as circulated.

Carried

**Request for Adjournment - Appeal by Kevin & Karen Neilson & +82 other Leduc County residents relating to conditional approval of Development Permit Application D20-041 by Anuj Gutpa for a rural wedding and agricultural event facility with frame and fabric structure and two trailers each located at NE 19-50-22-W4 (50352 Range Road 225)**

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Chair McDonald called the hearing to order at 9:01 a.m. and provided introductory remarks.

Chair McDonald indicated the purpose of the hearing today is to consider the request for adjournment and called upon the Board Clerk to introduce the appeal.

Board Clerk Joyce Gavan introduced the appeal and advised there has been correspondence submitted by the appellant(s) requesting an adjournment of between 30 - 45 days for the following reasons:

- The time frame between requesting the appeal and submitting material for the appeal is less than two weeks.



- A large number of people wanting to be involved in the appeal are farmers who are currently busy seeding, calving and dealing with unusually wet weather.
- Lack of understanding and experience with the appeal process itself.
- Covid-19 restrictions.
- Difficulty contacting and organizing the large number of people who want to be a part of the appeal.

Chair McDonald called upon the appellant(s), to speak to the requested adjournment.

Kevin and Karen Neilson, appellants, provided the following information:

- 1) Live directly across the road from subject property.
- 2) Didn't hear about the development until much later than one should have. Heard about it when one of their neighbors mentioned it to us.
- 3) Didn't know that a public hearing to consider a bylaw amendment would allow for this development until a letter was sent out by the development authority indicating that a permit was being considered.
- 4) The original address on the application was something different and didn't realize it was right across the road from us. Originally thought the application was for a different property north of us. It was when we looked at the diagram that we realized it was right across the road and that's when we started getting involved.
- 5) There has been one delay after the other for us to deal with this effectively. Once we knew the scope of what was being proposed, we talked with several of the immediate adjacent neighbors who had also received the notification letter. Had asked the neighbors if they had received the letter and how they felt about what was being proposed in the application. Everyone has the same concerns. Since then, more people have been coming out of the woodwork and expressing their concerns. Did not send out any form letters. Have been trying to organize those who have concerns. Just haven't had the time and ability to organize everybody who wants to be a part of this.
- 6) People should have the opportunity to be heard. People are busy farming and their livelihoods take priority over this.
- 7) Would like to request a postponement of 30-45 days to organize photography and people in order to provide the appeal board a perspective of what they're dealing with.
- 8) This development will significantly impact lifestyle on the farm. The applicants don't have a farm so it doesn't affect them.
- 9) Do not feel that this development is an appropriate facility for this community.
- 10) Feel it is only fair that the large number of people are given the opportunity to be heard.

Chair McDonald asked if there were any questions by the board members.

In response to questions by board members, Colin Richards, Team Lead Development, provided the following clarification:

- All time limits outlined within the Municipal Government Act were adhered to in sending out the referral and decision by the development authority.
- The address on the application was incorrect, however, the notification and full scale map contained the correct information.



Mr. Neilson advised that he did not receive the approval letter until one week after it went out and further, indicated he did not realize the subject property was the land directly across from him until he saw the map.

Chair McDonald requested staff to provide further clarification.

Mr. Richards advised that the referral comments by Mr. and Mrs. Neilson were received within the appropriate timeline.

In response to a question from a board member, Mr. Richards indicated that notifications are sent out by mail.

Chair McDonald asked the appellants if they any final comments and Karen Neilson asked if they could respond to comments provided in the applicants letter, which was provided at the hearing.

Chair McDonald replied that the subject of the hearing is not a debate but to decide if the hearing proceeds or if an adjournment is appropriate.

Chair McDonald then called upon the applicant to provide comments around the request for adjournment by the appellants.

Anuj Gupta, Applicant, expressed opposition to the requested adjournment for the following reasons:

- The basis for the appellants request for an adjournment is they were not allowed sufficient time to put together their appeal package. Two weeks for all appeals is standard across the province. Letters were sent to adjacent landowners on April 9 and submissions were to be received by April 23.
- Feel that the appellants are using delay tactics to try to stop the development.
- In the last month and a half, nothing has changed.
- As applicants, all the issues have been addressed.
- Spoke to appellants by phone and it seemed evident that the appellants were going to appeal even before the development was approved. The appellants waited until the last minute to submit their appeal. Now the appellants have requested an adjournment; did not even know this was an option.
- The appellants claim that COVID has made the process more difficult. Being able to phone in to participate in the hearing seems far more flexible than taking time to come in person.
- There are inaccuracies in information provided by the appellants.
- Baseline point - the appellants have had more than enough time to put together their case.
- There is a house on the property which someone resides in.
- The documentation, which contained the incorrect address, was within a map completed by an architect. The correct address was reflected on everything else.

Chair McDonald asked Board Members if they had any further questions and there were none.

Chair McDonald asked the appellants to provide their final comments.

Kevin and Karen Neilson provided the following information:

- Need to contact neighbors and gather facts and this takes time. Because we have full-time jobs and a farm to take care of, an extension is required.



- Are offended that the applicant thinks we are sending out emails and letters to community members and harassing them about this. People were coming forward to us to discuss their concerns.
- Contacted the county office to get details about how the appeal process works as this is a new experience and the outcome will affect us personally and professionally.
- The concerns submitted by the neighbors was gathered from the applicants' website.

### **Recess**

Chair McDonald called a recess at 9:34 a.m., to consider the adjournment, and reconvened at 9:46 a.m. with Board Members Kevin Maine, Pat Rudiger, Rod Giles and Doug Ruel present.

Also present were:

- Joyce Gavan, Clerk
- Lynn White, Recording Secretary
- Kent Pudlowski, Manager of Information Technology
- Colin Richards Team Lead Development
- Charlene Haverland, Manager of Development Services
- Rae-Lynne Spila, Senior Municipal Engineer

Present as well were:

- Keven and Karen Neilson, Appellants
- Anuj Gupta, Applicant
- Krishna Gupta, Resident

**Adjourn Hearing - Appeal by Keven & Karen Neilson & ±82 other Leduc County residents relating to conditional approval of Development Permit Application D20-041 by Anuj Gupta for a rural wedding and agricultural event facility with frame and fabric structure and two trailers each located at NE 19-50-22-W4 (50352 Range Road 225)**

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**17-20** Board Member Giles -- that the hearing of appeal by Keven & Karen Neilson & ±82 other Leduc County residents relating to conditional approval of Development Permit Application D20-041 by Anuj Gupta for a rural wedding and agricultural event facility with frame and fabric structure and two trailers each located at NE 19-50-22-W4 (50352 Range Road 225), be adjourned until July 3, 2020.

Carried

### **Amend Motion No. 17-20**

**18-20** Board Member Ruel -- that Motion No.17-20 be amended.

Carried

**19-20** Board Member Ruel -- that Motion No. 17-20 be amended to alter the date for adjournment until Thursday, July 9, 2020, commencing at 9:00 a.m.

Carried

### **Next Meeting**

The next scheduled Intermunicipal Subdivision and Development Appeal Board meeting will be held on July 9, 2020.



**Adjournment**

**20-20** Board Member Maine -- that the Intermunicipal Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Intermunicipal Subdivision and Development Appeal Board meeting concluded at 9:59 a.m.

A handwritten signature in blue ink, appearing to read "McDonald", written over a horizontal line.

Chair

A handwritten signature in blue ink, appearing to read "Lynn G.", written over a horizontal line.

Clerk