

## **AGENDA**

### **INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (ISDAB)**

#### **COUNCIL CHAMBER, LEDUC COUNTY CENTRE NISKU, ALBERTA**

**Friday, October 29, 2021**

1. **Order and Roll Call – 9:00 a.m.**
2. **Agenda Adoption**
4. **Subdivision and Development Appeal Hearing - D10-2021**
  - a) Preliminary / Jurisdictional matters
    - i) \*Jurisdiction
    - ii) Requests for adjournment:
      - a. \*Development Authority (received Oct. 25, 2021)
      - b. \*Shirley Jolly, Appellant 2 (received Oct. 26, 2021)

Appellant 1	Jason Lenos
Appellant 2	Bill Cowan, Shirley Jolly
Applicant's name	Jason Lenos
Landowner's name	Jason and Nancy Lenos
Leduc County Municipal Roll #	511020
Legal description of subject property	NE 15-49-23-W4
Municipal address	49276 Range Road 232
Nature of development application	Home Based Business - Type 3 - Automotive Vehicle Repair
Development permit application #	D21-170

5. **Next Meeting Date**
6. **Adjournment**



*Legend*  
\* Items Attached To Agenda

**MINUTES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON FRIDAY, OCTOBER 29, 2021 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.**

---

**Order and Roll Call**

The meeting was called to order at 9:02 a.m., Friday, October 29, 2021 by Chair Mary-Ann McDonald with Board Members Larry Wanchuk, Pat Rudiger, Ron Patrick and Vic Moran present.

Present as well were the following:

- Joyce Gavan, Clerk
- Lynn White, Recording Secretary
- Andrew Skeith, Reynold Mirth Richards Farmer LLP
- Karen Mercer, Planner 1
- Colin Richards, Supervisor - Development Services
- Jason & Nancy Lenos, Appellants
- Bill Cowan and Shirley Jolly, Appellants

Others

- One individual

**Agenda Adoption**

**74-21** Board Member Rudiger -- that the agenda for the October 29, 2021 Intermunicipal Subdivision and Development Appeal Board meeting be adopted as circulated.

Carried

**Preliminary Matters - Appeals by Jason Lenos, landowner (Appellant 1) and Bill Cowan and Shirley Jolly (Appellant 2) against a decision of the Leduc County Development Authority whereby an application to develop a home based business - Type 3 - automotive vehicle repair on Pt. NE 15-49-23-W4 (49276 Range Road 232) was conditionally approved on Development Permit Application D21-170**

---

Chair McDonald called the hearing to order at 9:03 a.m. indicating the purpose of the hearing today is to consider the following preliminary matters:

1. Jurisdiction - in accordance with S. 685(1)(1.1) of the Municipal Government Act; and
2. Request for adjournments from the Development Authority and Shirley Jolly, Appellant 2.

Chair McDonald called upon the Board Clerk to introduce the preliminary matters.

Board Clerk Joyce Gavan provided the following:

1. Jurisdiction

The Board must act within its jurisdiction when it makes a decision. In order to maintain jurisdiction, the SDAB must:

- adhere to the statutory requirements prescribed for SDAB's within the MGA.

There is a question if the appellant(s) have standing before the Board in accordance with S. 685(2.1)

- Comply with the principles of natural justice; and



- must only make decisions on matters that are properly before the Board; in this instance S. 685 (2.1) and 686(1.1).
2. Requests for adjournments - there have been 2 requests for adjournment:
- 1) The Development Authority; and
  - 2) Appellants Bill Cowan, Shirley Jolly.

Chair McDonald called upon the Development Authority to speak to the jurisdictional matter.

Karen Mercer, Planner 1, provided the following information relating to whether the ISDAB has jurisdiction to hear or adjourn the subject appeal:

1. In accordance with S.685(1) (1.1) the Development Authority has stated in it's decision that an appeal of the decision would be directed to the ISDAB. However, since the issuance of that decision, the Development Authority has been made aware that the quarter section wherein this parcel lies is subject to a Water Act approval No 00409550-00-00, and therefore, it would seem that any appeal regarding this decision is to be made to the Land and Property Rights Tribunal as per the following sections of the MGA:
  - i) S 685 (2.1) of the MGA legislates that an appeal filed in accordance with S 685(1) or (2) may be made to the Land and Property Rights Tribunal where the land that is subject of the application is:
    - a. (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks.
  - ii) S 686 (1.1) of the MGA legislates that where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if
    - a. In the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or
    - b. In the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Chair McDonald asked if there were any questions by the Board members of Development Authority staff.

In response to questions from Board members, Ms. Mercer and Mr. Richards advised of the following:

- Confirmed that the subject land falls within the quarter section 49-23-W4M.
- Section 686 (1.1) of the MGA legislates that when a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board. In this case, the subject land noted is subject to Water Act approval and should be referred to the Land and Property Rights Tribunal.

- The Blackmud/Whitemud Creek Surface Water Management Study is a study which developed a stormwater management strategy to accommodate future development in the basin, and the Water Act Approval issued for the following activities: to construct, dewater, operate, and carry out maintenance of storm drainage works subject to all the terms and conditions within the approval.

### **Recess**

The meeting recessed at 9:09 a.m. and reconvened at 9:15 a.m. with Chair Mary-Ann McDonald and Board Members Larry Wanchuk, Pat Rudiger, Ron Patrick and Vic Moran present.

Present as well were the following:

- Joyce Gavan, Clerk
- Lynn White, Recording Secretary
- Andrew Skeith, Reynold Mirth Richards Farmer LLP
- Karen Mercer, Planner 1
- Colin Richards, Supervisor - Development Services
- Jason and Nancy Lenos, Appellants
- Bill Cowan and Shirley Jolly, Appellants

Others

- One individual

Chair McDonald asked applicants / appellants 1 if they had any questions or concerns at this time.

Jason and Nancy Lenos responded they had no questions.

Chair McDonald asked appellants 2 if they had any questions or concerns at this time.

In response to questions from Shirley Jolly and Bill Cowan, the following information was provided:

- The complete appeal file will be forwarded to the Land and Property Rights Tribunal.
- A copy of the Water Act will be provided to them.
- The Land and Property Rights Tribunal will follow the same procedures and they will hear all the planning issues.
- All contact information will be provided to the Land and Property Rights Tribunal and adjacent landowners will continue to receive information.

**Jurisdiction Appeals by Jason Lenos, landowner (Appellant 1) and Bill Cowan and Shirley Jolly (Appellant 2) against a decision of the Leduc County Development Authority whereby an application to develop a home based business - Type 3 - automotive vehicle repair on Pt. NE 15-49-23-W4 (49276 Range Rod 232) was conditionally approved on Development Permit Application D21-170**

**75-21** Board Member Patrick -- that the Intermunicipal Subdivision and Development Appeal Board determines that they do not have jurisdiction, in accordance with S. 685(2.1) and 686(1.1), MGA to hear the appeal on Development Permit Application D21-170 and that this appeal be referred to the Land and Property Rights Tribunal (LPRT).

Carried



**Adjournment**

**76-21** Board Member Wanchuk -- that the Intermunicipal Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Intermunicipal Subdivision and Development Appeal Board meeting concluded at 9:20 a.m.

  
Chair

  
Clerk