

MINUTES OF THE MEETING OF THE PARKLAND COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD HELD IN THE COUNCIL CHAMBERS IN THE COUNTY OFFICE AT PARKLAND COUNTY, ALBERTA ON MONDAY, FEBRUARY 25, 2008.

CALL TO ORDER

The Chairperson, B. Forbes, called the meeting to order at 4:05 p.m.

PRESENT

Members: K. Darby, B. Forbes, C. Goerz, T. Melnyk, J. Smith and S. Zelych
Administration: B. McInnis and A. Story
S. Cammidge (Recording Secretary)

ADOPTION OF AGENDA

Moved by K. Darby that the Agenda of the meeting be adopted as presented.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Moved by C. Goerz that the Minutes of the January 28, 2008 Subdivision and Development Appeal Board meeting be adopted as amended:

Page 1, Adoption of Minutes should read:

"J. Whissell suggested that the County is waiting for a resource grant however, he further suggested that if the grant does not come through, he will excavate the two most serious spots *then* repair them under the direction of the County's Engineering Department."

Page 1, first sentence of the second last paragraph should read:

"S. Iker indicated that his son's property is pie shaped and could not have an accessory building built on the property."

Page 2, first sentence of the second paragraph should read:

"S. Iker advised that the neighbors have no objections."

Page 5, last sentence of the eighth paragraph should read:

"D. Wade further advised that the truck drivers could sacrifice the security of their neighborhood because residents would *not* know who the drivers are."

Page 5, first sentence of the last paragraph should read:

"M. Sleeman indicated that Yellowhead Aggregates is owned by Sureway Contracting *who* have been operating since 2001 at 17 different properties."

Page 6, last sentence of the second paragraph should read:

"M. Sleeman further advised that there is *an* identification number on each truck unit, and a toll free number to call and log complaints."

Page 6, last sentence of the twelfth paragraph should read:

"M. Sleeman advised that there will be crushing on site and confirmed that *no* digging will go on in the reclaimed area."

Page 10, adjournment should read:

"Moved by C. Goerz that the meeting be adjourned at 7:57 p.m."

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM THE MINUTES

With respect to Development Permit No. 94-D-139, the Board directed Administration to forward a letter to Yellowhead Aggregates directing that landowner concerns regarding school bus safety are be addressed at the bi-annual community meetings.

4:10 p.m. Appointment

An appeal of a decision of the Development Authority to refuse Development Permit No. 07-D-340 for a proposed campground, destination – 10 stall site, on Pt. S.E. 9-52-3-W5M, Applicants/Appellants: John Tattersall and Betty Bowman.

The Chairperson opened the Hearing at 4:25 p.m.

There was no objection to the Board members hearing this appeal and there was no objection to the Secretary of the Subdivision and Development Appeal Board, B. McInnis, taking part in any private or in-camera sessions with the Board.

A. Story provided the background of the subject file.

Submission of Appellants – John Tattersall and Betty Bowman

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

B. Bowman advised that the wrong impression may have been given in the Development Permit application as to the intent of the proposed campground. The Development Permit application indicated the proposed campground was to accommodate long term workers for the Keephills Power Plant however, the true intent of the campground is to accommodate "family, friends and community". B. Bowman indicated that letters of support were received from some adjacent landowners however, she noted that one adjacent landowner who originally supported the development is now opposed to the development. B. Bowman advised that there are rumours regarding the campground but that the rumours are false. J. Tattersall concurred that the rumours regarding the campground are false.

B. Bowman indicated that should a worker wish to rent a site in the campground, the worker would not be "turned away" on the basis of being a worker. In response to a question from the Board B. Bowman indicated that workers would not be permitted to stay at the proposed campground for a long period of time such as one year however, would be permitted to stay for 6 months if he/she was a "good renter". The Board asked whether sites would be available on a "first come, first serve" basis. B. Bowman advised that it would not matter whether the sites are rented to ten friends or ten workers – if a site is available for rental it would be rented to whoever requested the site.

B. Bowman indicated the campground will have 10 stalls only. The Board noted that the site drawing indicates two phases and B. Bowman advised that the Phase 1 is to have 6 stalls and Phase 2 is to have 4 stalls.

B. Bowman addressed adjacent landowner concerns as follows:

- septic grey water – the proposed campground is to be serviced with a 750 gallon septic tank and a holding tank with an open discharge for grey water to "pasture land";
- garbage – one garbage container will be on site with weekly pick up service;
- traffic – while traffic may be a concern the proposed campground will not generate excessive traffic;
- dust – dust control agents for road surfaces are to be purchased from Parkland County;
- pasture – the appellants own pasture land adjacent to the proposed campground and the individual who rents this pasture land for cattle grazing has no objection to the proposed campground;
- Off Highway Vehicles – the appellants do not believe the proposed campground will encourage additional off highway vehicle use;
- environmental impact – brush was cleared and a Fire Permit was obtained to burn the brush. The appellants intend to plant additional trees on site;
- fire pits – fire pits will not be permitted;
- privacy – the appellants do not believe the proposed campground will infringe on the privacy of adjacent landowners;
- increase in crime – the appellants do not believe the proposed campground will generate crime in the area; and
- business venture – the proposed campground is intended to accommodate friends, family and members of the community.

The Board asked whether recreation vehicles (holiday trailers) would be permitted to remain on site for an indefinite period of time. J. Tattersall advised that if a family member or a worker wished to have a holiday trailer on site for a period of one month for example, that would be permitted. The Board asked whether users of the proposed campground would be permitted to have a holiday trailer remain all week with the holiday trailer being used on weekends only and J. Tattersall advised that would be permitted. The Board asked whether rental rates had been established and J. Tattersall indicated that rental rates have not been established.

The Board asked what steps will be taken to ensure holiday trailers which remain for an indefinite period of time are not vandalized. B. Bowman advised that either she and J. Tattersall or an employee will be on site. The Board asked the appellants whether they intend to stay at the proposed campground and B. Bowman advised that they may move their holiday trailer to the campground or they may build a house across the creek bed.

The Board asked who will be responsible for ensuring that campfires are not started by users of the site. B. Bowman advised that either an employee or the appellants themselves will ensure that campfires are not started by users of the site. B. Bowman further advised that a large central fire pit was considered for the campground but it was decided that fires would not be permitted at all.

The Board asked for clarification regarding the septic system which will service the campground and questioned whether a 750 gallon tank will provide sufficient

capacity. J. Tattersall advised that perhaps a 2,000 gallon tank could be used but that a 750 gallon tank could be used for Phase 1 of the campground. The Board indicated that long term users of the campground would cause the tank to fill quickly. B. Bowman advised that a holding tank would also be used. J. Tattersall indicated that in addition to a holding tank, there would be an open discharge to the pasture land. The Board pointed out that necessary approval would be required from the Health Authority and Alberta Environment for the septic system. The Board asked whether the appellants would consider an alternate system if approval for a pump out system is not granted by the Health Authority and Alberta Environment. J. Tattersall responded that a larger holding tank could be installed and a hauling service used but that the pump out system could be a "back up".

Summary of Appellants – John Tattersall and Betty Bowman

The following is a summary of a submission to the Board.

B. Bowman did not have any further comments. J. Tattersall asked the Board whether a Development Permit would be required if the proposed campground were to be used by friends and family only. Administration advised that a Development Permit is required for a campground regardless of the users of the site.

The Chairperson thanked those in attendance and closed the Hearing at 4:52 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

A. Story left the meeting at 4:52 p.m.

DECISION OF THE BOARD

BOARD'S FINDING OF RELEVANT FACTS:

Based on the relevant information submitted to the Board, the Board finds the following facts:

1. On January 14, 2008 the Development Authority **refused** Development Permit No. 07-D-340 for the following reason:
 1. The proposed development does not appear to meet the criteria of a Tourist Campground, Destination. The proposed development more appropriately fits the criteria of a Construction Camp Housing, which is neither a permitted nor a discretionary use within this Land Use District.
2. On February 4, 2008 an appeal of that decision was received from the applicants, John Tattersall and Betty Bowman.
3. On February 12, 2008 notification of the Hearing was sent to the applicants/appellants and adjacent landowners.
4. On February 14, 2008 a letter was received from an adjacent landowner, R. Lupal, in support of the Development Authority's refusal of Development Permit No. 07-D-340.
5. On February 15, 2008 notification of the Hearing was advertised in the local newspaper.
6. On February 19, 2008 a letter was received from an adjacent landowner, H. Henkel, in support of the Development Authority's refusal of Development Permit No. 07-D-340.
7. On February 19, 2008 a letter was received from adjacent landowners, A. Kube and J. Kube, in support of the Development Authority's refusal of Development Permit No. 07-D-340.
8. The applicants/appellants were present at the Hearing and made a submission to the Board.
9. No adjacent landowners were present at the Hearing.
10. The subject lands are located within the Agricultural General District as defined by the Land Use Bylaw. Section 70.3 of the Land Use Bylaw states that a "Tourist Campground, Destination" is a discretionary use within the Agricultural General District and must comply with Section 50 of the Land Use Bylaw.
11. The Board heard that the proposed 10 stall campground is intended to accommodate friends, family members and members of the community for both short term and long term use.

Legislation

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Sections 50 and 70.3.

Reasons

The Board received evidence on a number of issues and will address these issues in the reasons which follow:

The Board upheld the appeal for the following reason:

1. The Board is of the opinion that the proposed development meets the criteria of a "Tourist Campground, Destination" as defined in Section 50 of the Land Use Bylaw. The Board also noted that the subject lands are within the Agricultural General District and that a "Tourist Campground, Destination" is a discretionary use within the Agricultural General District.
2. Despite receiving letters from adjacent landowners expressing concerns regarding the proposed campground, the Board is of the opinion that the proposed campground will not negatively affect adjacent landowners.

Motion:

Moved by K. Darby that the Subdivision and Development Appeal Board uphold the appeal. Therefore, Development Permit No. 07-D-340 for a proposed campground, destination – 10 stall site on Pt. S.E. 9-52-3-W5M is approved subject to the following conditions:

1. This permit is for a destination campground (maximum 10 sites) with associated services.
2. The applicant shall obtain any and all Provincial permits and/or licenses that shall include but shall not be limited to:
 - Alberta Transportation (road side development and signage);
 - Alberta Environment (Water Act and Environmental Protection and Enhancement Act); and
 - Capital Regional Health Authority.
3. The applicant shall submit a detailed storm water management plan and a site grading/drainage plan to the satisfaction of Parkland County. All storm water management and grading/drainage shall be constructed in accordance with the approved plans.
4. The applicant shall maintain an emergency access to a minimum all weather gravel standard to the satisfaction of Parkland County.
5. Each campsite shall have a minimum area of at least 186 m² (2,002.2 sq. ft.) with an open and graded parking space sufficient to permit a clearance of 4.5 m (14.8 ft.) between sides and 3 m (9.8 ft.) between ends of adjacent recreation vehicles.
6. Campsites shall be accessible by means of a driveway at least 3 m (10.8 ft.) wide where the driveway is for one-way traffic.
7. One table and one garbage can (or an equivalent central garbage disposal area) shall be provided for each campsite.
8. The campground and campsites shall have clear access and identification for fire fighting, ambulance and police.
9. Development shall be as per the site plan submitted.
10. All proposed signage for the development shall be to the satisfaction and approval of Parkland County and Alberta Transportation.
11. The applicant shall provide adequate garbage storage and pick up to the satisfaction of the local Health Authority and Parkland County.
12. The applicant shall provide adequate water and sewage disposal to the satisfaction of the local Health Authority and Parkland County.
13. A map with clearly identified streets, site numbers, and parking areas may be required to be provided for camper convenience and in cases of emergency.

14. The campground shall be open for user occupancy from **April 1 to October 31** of each year and shall be closed for user occupancy from **November 1 to March 31** of each year. Recreational vehicles may be permitted to remain on site during the period November 1 to March 31 but such recreational vehicles may not be occupied by any person or persons during the period November 1 to March 31.

Please Note: The applicant is required to obtain all permits and approvals as required by the Safety Codes Act. These shall include but not be limited to permits for Building, Electrical, Gas, Plumbing and Private Sewage Disposal Systems. Please contact Parkland County's Planning Department in this regard.

CARRIED UNANIMOUSLY

ADJOURNMENT

Moved by C. Goerz that the meeting be adjourned at 5:15 p.m.

CARRIED UNANIMOUSLY

CHAIRPERSON