

**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, MAY 12, 2008.**

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**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: G. Horsfield, B. McInnis and R. Sider  
S. Cammidge (Recording Secretary)

**ADOPTION OF AGENDA**

Moved by C. Goerz that the Agenda of the meeting be adopted as presented.

**CARRIED UNANIMOUSLY**

**ADOPTION OF MINUTES**

Moved by K. Darby that the Minutes of the April 28, 2008 Subdivision and Development Appeal Board meeting be adopted as amended:

Page 5, fourth paragraph, first sentence reads:

In response to a question from the Board, Administration noted out that the City of Spruce Grove was not advised of the appeal regarding the refusal of Development Permit No. 08-D-019.

Page 5, fourth paragraph, first sentence should read:

In response to a question from the Board, Administration noted that the City of Spruce Grove was not advised of the appeal regarding the refusal of Development Permit No. 08-D-019.

**CARRIED UNANIMOUSLY**

**4:10 p.m. Appointment**

**An appeal of a decision of the Development Authority to refuse Development Permit No. 08-D-046 for the keeping of animals not in accordance with Section 24 of Parkland County's Land Use Bylaw No. 15-00 (2 additional dogs – 4 dogs in total) on Lot 3, Block 1, Plan 7922370, West Gentry, N.E. 35-53-1-W5M, Municipal Address: #32, 1103 Township Road 540, Applicants/Appellants: Susan Grenier and Tyler Grenier.**

The Chairperson opened the Hearing at 4:20 p.m.

Administration advised the Board that a voice mail message was received today from Susan Grenier at 3:48 p.m. indicating that she and her spouse will not be attending the Hearing as they have sold their home and will be moving in 45 days. The Board noted that the appellants were not present and that eight letters were received from adjacent landowners, two of which were present at the Hearing, in support of the Development Authority's refusal of Development Permit No. 08-D-046. The Board asked to the adjacent landowners present whether they would be in favour of the Board upholding the decision of the Development Authority and both adjacent landowners indicated that would be agreeable.

The Chairperson thanked those in attendance and closed the Hearing at 4:26 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

G. Horsfield and R. Sider left the meeting at 4:27 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 April 3, 2008 the Development Authority refused Development Permit No. 08-D-046 for the keeping of animals not in accordance with Section 24 of Parkland County's Land Use Bylaw No. 15-00 (2 additional dogs – 4 dogs in total) on Lot 3, Block 1, Plan 7922370, West Gentry, N.E. 35-53-1-W5M, for the following reason:
  1. As there have been complaints, the keeping of the additional dogs is having a negative effect on the use and enjoyment of neighbouring lands and the neighbourhood in general.

2. On April 14, 2008 an appeal of that decision was received from the applicants, Susan Grenier and Tyler Grenier.
3. On April 29, 2008 notification of the Hearing was sent to the applicants/appellants and adjacent landowners.
4. On May 2, 2008 notification of the Hearing was advertised in the local newspaper.
5. On May 5, 2008 a letter was received from adjacent landowners, Richard Hamner and Myrna Hamner, in support of the Development Authority's refusal of Development Permit No. 08-D-046.
6. On May 5, 2008 a letter was received from adjacent landowners, Len Hadley and Wendy Hadley, in support of the Development Authority's refusal of Development Permit No. 08-D-046.
7. On May 6, 2008 an Occurrence Report No. S08-234 and related correspondence was received from Animal Control Services, Parkland County regarding Public Nuisance Complaint which occurred February 14, 2008.
8. On May 6, 2008 a letter was received from adjacent landowners, Karl Krieger and Shirley Krieger, in support of the Development Authority's refusal of Development Permit No. 08-D-046.
9. On May 6, 2008 a letter was received from adjacent landowner, John R. Phillips, in support of the Development Authority's refusal of Development Permit No. 08-D-046.
10. On May 7, 2008 a letter was received from adjacent landowner, Shannon Rudko, in support of the Development Authority's refusal of Development Permit No. 08-D-046.
11. On May 7, 2008 a letter was received from adjacent landowner, Charlotte Kinash-McNeil, in support of the Development Authority's refusal of Development Permit No. 08-D-046.
12. On May 12, 2008 Administration received a voice mail message from one of the appellants, Susan Grenier, indicating that she and her spouse will not be attending the Hearing as they have sold their home and will be moving in 45 days.

#### **Legislation**

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Section 24.

#### **Reasons**

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

The Board denies the appeal for the following reason:

1. The Board concurred with the Development Authority's decision to refuse Development Permit No. 08-D-046 "As there have been complaints, the keeping of the additional dogs is having a negative effect on the use and enjoyment of neighbouring lands and the neighbourhood in general."

#### **Motion:**

**Moved by C. Goerz that the Subdivision and Development Appeal Board deny the appeal and uphold the decision of the Development Authority regarding the refusal of Development Permit No. 08-D-046 for the keeping of animals not in accordance with Section 24 of Parkland County's Land Use Bylaw No. 15-00 (2 additional dogs – 4 dogs in total) on Lot 3, Block 1, Plan 7922370, West Gentry, N.E. 35-53-1-W5M, Municipal Address: #32, 1103 Township Road 540.**

**CARRIED UNANIMOUSLY**

G. Horsfield and R. Sider entered the meeting at 4:31 p.m. The Chairperson called a recess at this time (4:32 p.m.) and then reconvened the meeting at 4:40 p.m. with all previous members present.

**4:40 p.m. Appointment**

**An appeal of the decision of the Development Authority to refuse Development Permit No. 08-D-019 for proposed 3-4 acre RV storage compound on Lot 5, Plan 608RS, Pt. S.W. 14-53-27-W4M, Municipal Address: #5, 27120 Township Road 532A, Applicants/Appellants: Bruce Lloy and Patricia Lloy.**

The Chairperson opened the Hearing at 4:41 p.m. The Chairperson noted for the record that the Hearing was adjourned on April 28, 2008 to the present date to allow Administration an opportunity to provide notice to the City of Spruce Grove regarding the appeal of Development Permit No. 08-D-019 and to allow the City of Spruce Grove an opportunity to comment on the proposed development.

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

G. Horsfield provided the background of the subject file. It was noted that a letter dated May 1, 2008 was received from the City of Spruce Grove opposing the proposed development. Further, it was noted that an email dated May 6, 2008 was received by the City of Spruce Grove indicating the City has no intention of "taking this matter to further appeal, pending the decision of the appeal board".

**Submission of Appellant – Bruce Lloy**

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

B. Lloy asked whether the City of Spruce Grove remains opposed to the proposed development and Administration advised that the City's position remains unchanged. B. Lloy indicated it may be the City of Spruce Grove's policy to oppose such development in the fringe areas of the County however, he noted that the City does not intend to appeal the decision of the Parkland County Subdivision and Development Appeal Board.

B. Lloy advised that the storage compound is necessary for cash flow and to facilitate the sale of the subject lands. B. Lloyd indicated the storage compound will improve the land and will not cause environmental harm to the land. He further indicated that he may retire shortly and that he and his spouse may build their retirement home on the subject lands. B. Lloy urged the Board to approve the Development Permit for the proposed RV storage compound.

In response to a question from the Board, B. Lloy indicated he proposes to store 125 RV units on a 1.5 acre area and intends to space the units to limit the view of the adjacent landowners to the west.

In response to a question from the Board, B. Lloy advised that he would be agreeable to a 5 year Development Permit.

**Submission of Adjacent Landowner – Douglas Baird**

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

D. Baird advised that he lives "kitty corner" from the proposed development. He indicated that while he has no concerns with the proposed development, he is concerned whether B. Lloy intends to rent the two residences on the subject lands. D. Baird noted that B. Lloyd indicated that he and his spouse may build a home on the subject lands and accordingly, his concern has been addressed.

Administration advised that a Development Permit was granted in 2003 for the single wide mobile home and was conditional on certain individuals occupying the home. Administration further advised that B. Lloy will either have to remove the mobile home or apply for a Development Permit allowing the mobile home to remain on the lands. D. Baird indicated that the mobile home which was on the lands in 2003 is a different mobile home than is presently on the lands. After reviewing the file, Administration advised that the mobile home currently on the lands does not have Development Permit approval or Building Permit approval.

**Summary of Appellant – B. Lloy**

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

B. Lloy advised that he intends to remove the single wide mobile home rather than apply for a Development Permit to allow it to remain on the lands. B. Lloy urged the Board to grant the Development Permit for the RV storage compound.

The Chairperson thanked those in attendance and closed the Hearing at 5:03 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

G. Horsfield and R. Sider left the meeting at 5:05 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 March 10, 2008 the Development Authority refused Development Permit No. 08-D-019 for proposed 3-4 acre RV storage compound on Lot 5, Plan 608RS, Pt. S.W. 14-53-27-W4M, Municipal Address: #5, 27120 Township Road 532A for the following reason:
  1. The proposed development does not comply with the regulations of the Atim Creek North Area Structure Plan and therefore cannot be approved.
2. On March 31, 2008 an appeal of that decision was received from the applicants.
3. On April 15, 2008 notification of the Hearing was sent to the applicants/appellants and adjacent landowners.
4. On April 18, 2008 notification of the Hearing was advertised in the local newspaper.
5. On April 28, 2008 the Subdivision and Development Appeal Board adjourned the Hearing to Monday, May 12, 2008 at 4:40 p.m.
6. April 29, 2008 notification of the Hearing was sent to the City of Spruce Grove.
7. On May 5, 2008 a letter was received from the City of Spruce Grove in support of the Development Authority's refusal of Development Permit No. 08-D-019.
8. On May 6, 2008 an email was received from Lindsey Butterfield of the City of Spruce Grove.
9. One of the appellants, B. Lloy, was present at the Hearing and made a submission to the Board.
10. An adjacent landowner, D. Baird, was present at the Hearing and made a submission to the Board.
11. The Board noted that there are two other RV storage compounds in close proximity to the subject lands.

#### **Legislation**

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Section 71(3) "Commercial Use Classes: RV Storage".

#### **Reasons**

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

The Board upholds the appeal for the following reasons:

1. The Board noted that the subject lands are located within the AGR – Agricultural Restricted District. Further, Parkland County Land Use Bylaw No. 15-00, Section 71(3) "Commercial Use Classes: RV Storage" states that recreational vehicle storage is a discretionary use in the AGR - Agricultural Restricted District.
2. The Board is of the opinion that as the proposed development is temporary in nature, an application for amendment to the Atim Creek North Area Structure Plan is not required.
3. There are currently two other recreational vehicle storage compounds in the immediate vicinity of the subject lands namely, S.E. 15-53-27-W4M and Lot 2, Plan 608RS, S.W. 14-53-27-W4M.

**Motion:**

**Moved by J. Smith that the Subdivision and Development Appeal Board uphold the appeal and vary the decision of the Development Authority. Therefore, Development Permit No. 08-D-019 for a proposed RV storage compound on Lot 5, Plan 608RS, Pt. S.W. 14-53-27-W4M, Municipal Address: #5, 27120 Township Road 532A is approved subject to the following conditions:**

1. The applicant shall obtain any and all provincial permits and/or licenses which shall include but shall not be limited to Alberta Transportation.
2. The applicant shall obtain the necessary Alberta Fire Code approvals from Parkland County's Fire Chief.
3. On-site signage shall be subject to the approval of Alberta Transportation and Parkland County.
4. The recreational vehicle storage/parking area shall not exceed 2 contiguous acres in size.
5. The applicant shall plant a screen of trees on the west boundary and the southern boundary of the 2 contiguous acre storage/parking area so as to limit the view of the recreation vehicles from the adjacent residence on Lot 3, Plan 608RS, Pt. S.W. 14-53-27-W4M.
6. This approval is for recreational vehicles (motor homes, travel trailers, tent trailers, boats, etc.) only. It does not include the parking of equipment, trucks or vehicles.
7. The site shall be kept in a neat and orderly condition with all parking linear in nature.
8. The hours of operation shall be 7:00 a.m. to 10:00 p.m. daily.
9. Expansion shall be permit only.
10. The permit is valid for a five (5) year period at which time it may be renewed at the discretion of the Development Authority.

**CARRIED UNANIMOUSLY**

**ADJOURNMENT**

Moved by K. Darby that the meeting be adjourned at 5:30 p.m.

**CARRIED UNANIMOUSLY**

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**CHAIRPERSON**