

**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 MAY 2, 2016**

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**CALL TO ORDER**

The Chairperson called the meeting to order at 4:02 p.m.

**PRESENT**

Members: D. Mattson, R. Underwood, T. Melnyk, M. Gunderson, J. Smith  
Clerk: D. Tymchyshyn, Manager, Legislative & Administrative Services  
Recording Secretary: L. Tyerman, Administrative Assistant, Legislative & Administrative Services.

**ADOPTION OF AGENDA**

Moved by J. Smith that the Agenda be adopted.

**CARRIED**

**ADOPTION OF MINUTES**

Deferred to a subsequent meeting.

**NEW BUSINESS:**

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

Reconvene an Appeal of a decision of the Development Authority to conditionally approve Development Permit No. 15-D-172 for Tourist Campground/Destination (Community Recreation Services, Cultural Facilities, Outdoor Participant Recreation Services) at W4-26-50-31-NE/NW and Lot 1 Plan 9020086 W4-26-50-31-SW.

The Chairperson opened the Hearing at 4:12 p.m.

The Chairperson introduced the Board Members present. The Chairperson asked if any affected parties had objection to the Members hearing the Appeal. There were none.

The Clerk, D. Tymchyshyn introduced the Appeal into the Record.

The Chairperson asked if there were any new materials to present. There were none.

The Chairperson explained the order of the Agenda.

**PRESENT-ADMINISTRATION STAFF**

C. Thomas, Supervisor, Development Planning  
K. Kormos, Development Planner

K. Kormos, Development Planner brought to the Board's attention that on the Development Permit the portion that reads (Community Recreation Services, Cultural Facilities, Outdoor Participant Recreation Services) was included due to a system error. These uses were not approved for the Development Permit, and were intended for future Applications. Ms. Kormos advised that the Board should consider the Development Permit only as a Tourist Campground/Destination.

Ms. Kormos read the Administrative Report into the record and provided the background of the subject file regarding Development Permit Application Number 15-D-172.

Ms. Kormos advised that the Development Permit Application was found to be compliant with the County Land Use Bylaw, therefore Administration would recommend that the Board approve the Development with the same conditions as rendered.

When questioned by the Board, Ms. Kormos responded that in the definition of Tourist Campground/Destination there is no requirement that recreational vehicles be removed during the off season.

When questioned by the Board, Ms. Kormos replied that the Development does not allow the use of ATV's and Skidoos on the site. Ms. Kormos further advised that this was not included as a condition as it is not something that can be enforced in the Land Use Bylaw, and is an agreement between the Developer and tenants.

**Submission of the Appellant, Robert Burn**

Mr. Burn submitted that as an adjacent land owner he is opposed to the proposed Development for the following reasons:

1. The location is designated as Country Residential Core.
2. The proposed site is designated environmentally significant by Parkland County.
3. A campground of this scale should be located in an industrial site.
4. Noise would be generated from the campground. Mr. Burn referred to page 5 of the agenda package dated April 4, 2016. It is a newspaper clipping that details residents' concerns regarding noise surrounding Parkland Airport.
5. Dirt bike, ATV and skidoo riders trespass and cut fences to access the North Saskatchewan River and trails. Mr. Burn indicated that photos proving this can be found in his submission of the agenda package dated April 4, 2016.
6. Bush parties, garbage dumping and firearms being discharged are of great concern. Specifically in regards to firearms being discharged at Mr. Burn gate causing significant damage. Mr. Burn made the Board aware that he had included photos of this sort of activity in the Agenda package for April 4, 2016.
7. Theft and vandalism have also been an issue, in the agenda package for April 4, 2016 Mr. Burn has included photos of damaged vehicles and smashed out windows.
8. Mr. Burn had to install a fence at his expense between his and Riverview Properties land due to loose cattle and trespassers.
9. Mr. Burn indicated that he is concerned that future phases of this Development will cause greater issues.
10. Mr. Burn submitted that the River Valley is an environmentally significant area, and he feels that it should be protected.
11. Mr. Burn indicated that he had sought out Legal Counsel from LA Law who directed him to contact James Murphy, Lawyer. James Murphy informed Mr. Burn that it would not be practical to hire Legal Counsel for an Appeal of this nature.
12. Mr. Burn indicated that he would like to see Road Plan 2711 closed, as it is a constant source of trouble due to trespassers. Road Plan 2711, on Mr. Burns' property was previously used by Husky Energy. Mr. Burn contacted Husky Energy and was provided with information that indicates they no longer have interest in the area and would no longer require access to Road Plan 2711. Mr. Burn brought this information to Jody Hancock, Manager of Engineering Services at Parkland County. Mr. Hancock advised that closure of the road would not be possible. These materials can be found in the Agenda package dated April 4, 2016.
13. When Riverview Properties took over Bailey's Crossing nuisances became more frequent. Mr. Burn feels this is largely in part due to the stripping of topsoil and gravel operations that have not been reclaimed. Mr. Burn provided that this environment is attracting ATV and dirt bike riders.

14. Neighbours Glenn and Paula Nonay have had five bullets shot at their home.
15. No one living in a Country Residential Core area should have to put up with the amount of illegal activity and trespassing that is occurring.
16. Mr. Burn believes that the Applicants should build fences to discourage disrupting behavior.
17. Mr. Burn concluded his statements by stating that he believes the proposed Development will cause more issues including trespassing, traffic, dumping of garbage, illegal firearms activity and recreational vehicle use.

When questioned by the Board, Ms. Kormos explained that the site is designated Agriculture/ Nature Conservation in the Land Use Bylaw. Mr. Burn stated that his understanding that the land was designated Country Residential Core was based on a map he had seen in previous years.

When questioned by the Board, Ms. Kormos provided a map of the area generated from Parkland County's Click function. Ms. Kormos showed the Board on the map where Township Road 510 is located, and pointed out Road Plan 2711, which is not part of the proposed Development. Ms. Kormos indicated that access to the campground would be gained via Sanctuary Road.

When questioned by the Board, Ms. Kormos stated that in the Municipal Development Plan all lands adjacent to the North Saskatchewan River are designated environmentally significant. Ms. Kormos added that development is not prohibited in the environmentally significant area. Ms. Kormos clarified that the Development Authority recognizes the significance of the area and encourages environmentally conscious development but it's not policy or regulation.

When questioned by the Board, Ms. Kormos said that with regard to the setback along the river bank, no matrix was done and Administration relied on the expert's report.

When questioned by the Board, Ms. Kormos replied that the campground would be considered a temporary land use. Ms. Kormos made the Board aware that a Storm Water Management plan had been completed for this development.

When questioned by the Board, Ms. Kormos provided that a 30 meter setback would be applied to the development.

The Chairperson asked if there was anyone present in the audience who would like to speak in support of the Appellant. The Chairperson asked that the map of the area be projected to allow speakers to point out their residences.

**Submission of Laura Stewart, Resident of Mistik Ridge**

- On the map; Ms. Stewart showed the Board Mistik Ridge where she currently resides, approximately 2 kilometers from the proposed development.
- Ms. Stewart explained that she and other residents were concerned with regards to the Applicants having included in their information that campers would not be permitted to use off road vehicles in the campground. Ms. Stewart said that campers will still be allowed to tow off road vehicles into the site and will likely tow them offsite to use in the neighbouring lands.

- Ms. Stewart shared concerns about the fencing, will it be enough to deter off road vehicles to leave the site?
- Ms. Stewart asked that a curfew be established.
- Ms. Stewart feels that with a lot of dead fall along the river fire could become a problem as sparks could fly and ignite the materials.

**Submission of Glenn and Paula Nonay, Township Road 270**

- Mr. Nonay showed the Board on the map - his residence along Township Road 270 approximately 4 Kilometers from the proposed development.
- Mr. Nonay expressed that traffic along Township Road 270 is already a concern, especially with regards to ATV's and people trying to access the river.
- Ms. Nonay added that ATV operators are driving into the ditches.
- Ms. Nonay feels that safety is an issue along Township Road 270, vehicles are passing each other at high speeds and forcing residents out walking off the road.
- Vehicles often drive up and down Township Road 270 picking up and dropping off people who tube down the river.

When questioned by the Board, Ms. Nonay replied that traffic is an issue during all seasons. She added that she worries campground tenants will take recreational vehicles off the site and will be using them in the area surrounding their house.

**Submission of Moon Stone, Resident of Forest Heights**

- Ms. Stone showed the Board on the map - her residence in Forest Heights, approximately 3 Kilometers from the proposed development.
- Is concerned that younger residents of Edmonton are frequenting the area, and causing traffic issues.

**Submission of Andrew Nonay, Township Road 270**

- Lives on Range Road 270 with his parents; Glenn and Paula Nonay.
- Is concerned with future further development of the proposed campground.
- Would like to see Road Plan 2711 closed and a fence installed.
- Would like the reclamation bond enforced and the previous gravel pit reclaimed.
- Has environmental concerns related to the project.
- Stated that he would like to see greater Police presence.

When questioned by the Board, A. Nonay responded that the main attraction for recreational vehicle users is the river, and access is usually gained via Road Plan 2711, as such it should be closed to deter this.

When questioned by the Board, Ms. Kormos stated that the Gravel Pit Reclamation Bond went to Alberta Environment for review, and the Applicants were instructed to revise the Reclamation Plan to accommodate an end use. It is the Applicants' responsibility to ensure this is enforced and falls under the provinces jurisdiction.

When questioned by the Board, Ms. Kormos agreed that Range Road 270 is a public road and closure would need to go through a process which starts with the County and goes up to the province of Alberta.

The Chairperson clarified to Mr. Burn that the Board does not have jurisdiction to order the closure of any roads. Mr. Burn stated that he has been trying to find the appropriate person to talk to regarding closure of this road. Ms. Kormos informed the Board that Mr. Burn had come into the

County office requesting this information and that she had referred him to the Engineering Department.

**Submission of the Applicants, Riverview Properties, Mark Kirwin and Dean Paprotka**

1. Mr. Kirwin stated that he has discussed the possible closure of Range Road 270 with Mr. Burn.
2. With regards to Township Road 510, Mr. Kirwin acknowledged that it does pass by some of the affected parties' residences. It is a gravel road. On the corner of Mr. Burn's land is Road Plan 2711 which leads to a trail to the river that trespassers use to gain entry. Mr. Kirwin has tried to work with Mr. Burn to have Road Plan 2711 closed, as it would be in both Riverview Properties and Mr. Burns best interest. Mr. Burn has declined assistance from the Applicants in this matter.

Mr. Kirwin asked the Board to allow him to hand out binders of case studies and information pertaining to the Appeal. The Chairperson instructed the Applicant to supply the materials to the Clerk. The Clerk informed the Board that the submissions contained information which had not been circulated to the Board or the Appellant, and the Appellant would require time to go over the new materials.

The Chairperson called a recess at 5:16 p.m.

The Chairperson called the hearing to order at 5:21 p.m., with all Board members present.

The Chairperson informed The Applicants that at the start of the hearing the Chairperson had asked if anyone present had new materials to submit, and the Applicants did not respond. The Chairperson stated that the Board would give the Applicants a choice based on advice from Counsel.

- The Applicants could ask the Board to review the new information, and in doing so would need to supply Mr. Burn with ample time to review and hire legal counsel or tailor his submissions accordingly. This would result in an adjournment today.
- The Applicants could withdraw the information and proceed.

Mr. Kirwin responded that the Applicants disagreed with the idea that the Appellant would need time to review case law, but that they would choose to withdraw the information and proceed.

3. Mr. Kirwin referred to a contour map in the Applicants submission. He stated that in the upper right corner of the property would be the campground area. You can see the 30 meter buffer, in the 14 years Riverview has owned the property this section has only flooded once. The clearing where the campground will be located is not within the flood plain and does not flood. Ms. Kormos confirmed that this is the Administrations understanding also, and it is confirmed in the Biophysical report as part of the Development Permit Application.
4. Mr. Kirwin provided the Board with some background related to the property. He mentioned that the property became an industrial site in the 1950's under management of the previous owner. The property has been used for gravel and sand extraction as well as oil and gas. When Riverview properties acquired the land they worked with the oil and gas companies and remediated all oil and gas sites. The oil and gas companies have provided Riverview properties with expert reports that indicate the 15 sites have been closed in accordance with the law. He added that the permit for gravel and

sand will be retired upon the commencement of construction on the proposed campground.

5. Mr. Kirwin referred to the Land Use Policies, Land Use Bylaw, Statutory Plan and Municipal Government Act, and argued that the Board needs to follow the governing plans and bylaws when making considerations related to this appeal.
6. Mr. Kirwin alleged that none of the parties who have provided letters in support of the Appellant have substantiated their claim to be affected. Mr. Kirwin also feels that the Development Authority complied with the law in supplying adjacent landowner's with notification. It is his understanding that the Municipal Government Act requires the Board hear from the Appellant, Administration and those who have filed Appeals within 14 days of the Discretionary Use Permits approval. He also feels that affected parties distance from the site should be considered, and urged the Board to take this into account when making a decision on the appeal.
7. Mr. Kirwin asked that the Board restrict itself to relevant planning considerations. He referred to multiple cases to argue his point, including; the Coventry Homes Case, the Martineau Case and Pension Fund Properties Case.
8. Mr. Kirwin stated that although some of the Appellants supporters have referenced relevant planning considerations they had done so without referencing the expert reports included in the Permit Application. He added that these reports had been available for public inspection. He stated that the Board must prefer the evidence of the expert reports as accepted by County staff over the hearsay and uninformed comments made on behalf of the Appellant. The reports included:

- Traffic Impact Assessment by Associated Engineering
- Biophysical Report by Tetrattech Engineering
- Detailed Engineering by Alltime Engineering
- Surface Water Engineering by River Engineering
- Planning Documentation by LWS Planning

The Chairperson advised the Applicants that the summary of the expert reports provided to the Board by Administration were opinions of Administration and not on the level of the expert who conducted the reports. The Chairperson continued that for the Board to consider the summary of reports as evidence they would need to review the material. Mr. Kirwin replied that it was his understanding that the Board took the summary of the expert's reports as evidence. The Applicants asked that the expert reports be tabled so that the Board could consider the information as evidence in making their decision.

The Clerk, D. Tymchyshyn advised the Chairperson that staff would need to make copies of the reports for the Board and Appellant.

The Chairperson called a recess at 5:49 p.m.

The Chairperson called the hearing to order at 6:19 p.m. with all Board Members present.

The Chairperson acknowledged that the Board Members and Appellant had received the following documents:

- Traffic Impact Assessment by Associated Engineering
- Biophysical Report by Tetrattech Engineering
- Detailed Engineering by Alltime Engineering
- Surface Water Engineering by River Engineering
- Planning Documentation by LWS Planning

- Binder of Case Studies and maps

The Chairperson advised that the Board would adjourn the hearing, and suggested May 9, 2016 as a suitable date to reconvene. The Applicants and Appellant agreed to this date.

Mr. Kirwin asked the Chairperson if he could deliver the balance of the Applicants submission before the adjournment. The Chairperson allowed it.

9. Mr. Kirwin explained that the primary issue of the Appellant and his supporters are regarding trespassing. He stated that trespassing is a human behavior that is monitored by law enforcement and County Bylaw's therefore not a relevant planning consideration. He noted that the parkland County residents closest to the development, four residents of Princess Estates and Mr. Wallace of adjacent land feel the proposed campground will reduce the issue of vandals and trespassers.
10. Mr. Kirwin referred to Map 2 of his submission to explain that traffic impact on Range Road 270 and Township Road 510 were not access roads to the proposed development. The campground will be accessed from the east, via Sanctuary Road. He contended that campers will not be likely to drive an extra 5 miles to trespass on Mr. Burn's land.
11. Mr. Kirwin stated that the Traffic Impact Assessment analyzed the likely impact on traffic by seasonal use and found that there was no impact which would warrant any changes to the intersections at Highway 60 and Graminia Road.
12. ATV and dirt bike use will not be allowed within the park. Mr. Kirwin feels that the types of people they are hoping to attract will not leave the property to trespass on neighbouring land.
13. The park site is 30 acres of a 300 acre parcel, this creates a buffer between the adjacent landowners and the site.
14. Mr. Kirwin referred to the expert reports and map 3 to demonstrate that the cleanup of oilfield sites and gravel and sand operations has improved the land.
15. The park is limited to previously disturbed lands with 30 metre setbacks from the top of the river bank, this setback includes a heavily forested area that will stand between the park and river.
16. Sewage will be captured in a municipal style system and collected in a tank for removal from the property, at peak season the removal will require only one truck movement per day.
17. Mr. Kirwin referred to Map 1 of the Applicants submission, the map depicts the Devon Lions Campground. The campsite is approximately 50% larger than the proposed development. The Devon campground allows nightly visitors, which the proposed development would not. The Devon campground is accessed by driving through the town. Protective Services in Devon were contacted and advised that they have very little concern with regards to operations of the campground or traffic to and from the campground. The Devon campground lies within 850 metres of the town of Devon which has a population of 6,500 people.
18. Mr. Kirwin showed the Board on map 2 that the only residents within 850 metres of the proposed park are a handful of Grandview Heights Residents, who attended the public meeting and have no concerns with the project.
19. Mr. Kirwin summed up his presentation by asking the Board to dismiss the Appeal and allow the Development Permit to stand.

When questioned by the Board, Mr. Kirwin replied that with the exception of a few sales of sand, gravel and oil operations ceased on the property 10

years ago. He acknowledged that the cleanup of the land had created large volumes of trucks for a period of time.

When questioned by the Board, Mr. Kirwin stated that although not a condition of the Development Permit, quiet time would be from 11 p.m. – 7 a.m. and would be enforced by a resident manager. The resident manager would be present 365 days a year.

When questioned by the Board, Mr. Kirwin showed on a map where the gate would be located on Sanctuary Road. He added that campground users will use a keypad and remote to access the park, and the gate would be locked at all times. Mr. Kirwin further added that the majority of campground users would be agreeing to yearlong leases, and most would leave their trailers on the property year round.

When questioned by the Board, Mr. Kirwin informed the Board that all septic will run into one or two tanks.

When questioned by the Board, Mr. Kirwin answered that a large fence would not be constructed around the property as it would be very costly and would likely get vandalized.

The Chairperson asked the audience if there were any persons present who wished to speak on behalf of the Applicants. There were none present.

The Chairperson requested that Parkland County Administration provide any documentation of comments between the Applicants engineers and those of the County pertaining the expert reports provided by the Applicants. The Chairperson added that these materials should be provided to the Board and affected parties by email, the end of business day Wednesday, May 3, 2016.

**ADJOURNMENT**

At 6:58 p.m., the Chairperson adjourned the hearing to May 9, 2016 at 4:00 p.m.

  
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**CHAIRPERSON**