

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 JULY 10, 2017

CALL TO ORDER

The Chairperson, J. Smith, called the meeting to order at 4:04 p.m.

PRESENT

Members: P. Kobasiuk, D. Mattson, J. Smith, G. MacDougall

Clerk: D. Tymchyshyn, Manager/Chief Legislative Officer, Legislative Services

Recording Secretary: L. Tyerman, Administrative Assistant, Legislative Services

Legal Counsel: G. Stewart-Palmer

ADOPTION OF AGENDA

Moved by D. Mattson that the July 10, 2017, Agenda be adopted, as presented.

CARRIED

ADOPTION OF MINUTES

April 10, 2017

May 1, 2017

May 29, 2017

Moved by G. MacDougall that the April 10, 2017, May 1, 2017 and May 29, 2017 minutes be adopted, as presented.

CARRIED

NEW BUSINESS:

4:10 p.m. Appointment

The appeals of a decision of the Development Authority to approve Development Permit No. 17-D-301 for a Home Based Business Level 3 – Small Trucking Company – Building Movers located at 53014 Rge Rd 14, SE-5-53-1-W5.

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

The Chairperson asked if anyone affected by the Appeal had any objections to the Board members hearing the Appeal, there were none.

Present Administration Staff

C. Thomas, Manager, Development Planning

K. Kozak, Development Officer

The Chairperson introduced D. Tymchyshyn, Clerk to the Subdivision and Development Appeal Board. The Chairperson advised that it is the Board's practice to have the Clerk participate in private discussions with the Board and asked those present if there were any objections, there were none.

The Subdivision and Development Appeal Board Clerk introduced the Appeal into the record.

The Chairperson asked if any affected party present planned to provide any written materials not provided to the Clerk in advance of the hearing. The following submissions were brought forward, considered by the Board and accepted:

1. From the Applicant: A two page Carrier Profile Report for Triple H Building Movers Ltd. from the Government of Alberta.
2. From the Applicant: A one page map depicting the location of West Country Estates, where Triple H. Building Movers was previously located.

The Chairperson asked if any affected party present had any objection to the new submissions being marked as exhibits for the appeal. There were no objections.

The Chairperson asked if any affected party present would like to request a postponement. No one came forward.

RECESS

The Chairperson called a recess at 4:21 p.m.

The Chairperson called the hearing to order at 4:24 p.m.

Submission of the Development Authority

Ms. Kozak read the Administrative Report into the record and provided the background of the subject file regarding Development Permit No. 17-D-301. Ms. Kozak stated that:

- The subject lands are 14.6 acres in size, located within the Agricultural General District.
- Alberta Transportation approved the Application to operate within 300 meters of Highway 16A.
- The nature of the business is to move portable structures. The development includes the parking of three Kenworth trucks, four lowboy trailers, 4 one ton or smaller trucks, and the temporary storage of portable structures.
- Mature trees on the property and on the adjacent lands will screen the outdoor storage area.
- The proposed Home Based Business Level 3 does not meet the criteria of an intensive industrial use because it will not present exterior impacts such as noise, smoke, steam, odor, dust, fumes, exhaust, vibration, heat, glare, refuse matter, and storage of hazard or combustible materials which should be located in an industrial district.
- Soil on the site is classified as level 4 under the Environmental Conservation Master Plan, therefore would have severe limitations as an agricultural use.

Submission of the Appellants, Kim and Joanne Koda

Mr. Koda began his presentation by showing the Board on a map where the Koda residence is located in relation to the proposed development. Mr. Koda explained he and his wife's reasons for opposing the development as follows:

- Although public consultation was not required of this permit, it would have been appropriate for the Applicants to visit neighbours to discuss intentions and gather feedback.
- Traffic volume history reports compiled by Corner Stone Solutions recorded Average Annual Daily Traffic and Average Summer Daily Traffic. Mr. Koda read the numbers recorded at the intersection of Highway 16A and Range Road 13 aloud to the Board. He explained that since record keeping began, traffic at this intersection has increased approximately 7%.
- Mr. Koda said that the potential for an accident increases as the amounts of traffic increase. In 2014, 36 collisions were reported and 10 of them resulted in a casualty.
- There is concern about cars passing oversize loads on Range Road 14, which is built to a standard County width of 7 metres or 23 feet.
- The on-site storage of any amounts of diesel fuel, gasoline or other flammable liquids required to fuel an operation of this size is a safety concern.
- Without having done any geological testing to Range Road 14 north of Highway 16A he assumes the road was also built for moderate traffic loads year around not for heavy oversized loads.

- Mr. Koda stated that he disagrees that noise, smoke, odour and fumes or exhaust will not be emitted from the proposed development. He believes the diesel engines of the trucks being started will produce noise and odour.
- The Applicant states that the maximum number of buildings stored on the property would be ten. There is no mention of the size of these buildings. Who enforces this condition?
- The hours of operation are listed as Monday to Friday 7a.m. to 6p.m. Who will enforce these restrictions?
- The north driveway access is within 65 metres of the closest residence and the south access road is within 400 metres of the Koda's house. The additional noise from the business will add to the existing highway noise.
- The storage of buildings on the property will make it appear to be a storage yard, this could lower the value of existing properties in the area.
- A business of this sort should be located in an industrial park such as Acheson.

Submission of the Appellants, Murray, Glenys and Sylvia Fuhr

Mr. Fuhr began his presentation by showing the Board on a map where his residence is located in relation to the proposed development.

Mr. Fuhr told the Board that he and the area residents who signed the attached page of the Notice of Appeal consider themselves Appellants. The Chairperson allowed it.

Mr. Fuhr resumed his presentation and stated the following:

- The proposed development will adversely impact the quality of life of area residents.
- A traffic impact study has not been done.
- His neighbour Phil Henstridge has two young children who live within 200 metres of the driveway.
- Mr. Fuhr can see the operation of the proposed development 8 months out of the year.

Mr. Fuhr questioned how the Development Authority determined there will be no impact due to noise, smoke and odour. Ms. Kozak answered that when reviewing the Application, the Development Authority took into consideration that the trucks would be started and warmed up in the shop building which would alleviate the noise and odour. Ms. Kozak said that this is in keeping with the Community Standards Bylaw. Mr. Thomas added to Ms. Kozak's statements. Mr. Thomas explained that the Land Use Bylaw regulates these nuisances. As the properties are large, the development is located next to the highway and separation distance is fairly significant, the Development Authority felt it was reasonable to assume the development was within the requirements set out in the Land Use Bylaw.

Mr. Fuhr continued his presentation with the following statements:

- Airbrakes are easy to hear from 200 feet away, who will monitor the use of airbrakes and volume of trucks coming in?
- Trucks started in a building will need to have an open door due to exhaust.
- The Fuhr family has paid a lot of taxes to the County over the years.
- He feels the development is rushed.

Submission of the Appellant, Philip Henstridge

Mr. Henstridge stated that his residence is located directly east of the development, between the site and Mr. Fuhr. Mr. Henstridge explained his reasons for appealing the Application as follows:

- Mr. Henstridge and his family have lived on the property for 4 years.
- When the Henstridges purchased their property they did not anticipate this type of development moving onto the proposed location.
- Mr. Henstridge said that he agrees with the statements made by Mr. Koda and Mr. Fuhr.
- There are two driveways that lead onto the property, the north driveway is directly across from his home, and the second driveway to the south of the property is not suitable for managing wide loads. With young children who enjoy playing in the yard, he is concerned with wide load trucks coming out of the driveway and entering the roadway.
- The speed limit on Range Road 14 was recently reduced from 80 kilometers per hour to 70 kilometers per hour.
- The Henstridge family have spent the last 3 years personalizing their property and believe it would be devalued should the proposed development go forward.
- Mr. Henstridge reiterated that his main concern is for his family.

When questioned by the Board, Mr. Henstridge answered that although he has not stepped out the distance, he does not believe that the proposed development is 150 metres from his property.

Submission of the Applicants, Robert and Sheri Hanna, Triple H Building Movers

Mr. and Mrs. Hanna stated the following:

- They are applying for the development permit for financial reasons. They currently live at a property in Stony Plain, and run the building movers company out of rented spaces in industrial areas. The Hannas like Parkland County, and wanted to find a property that they could use both for business as well as personal use. They plan to operate the business from, as well as live at the proposed development location.
- The previous owners of the property operated a busy greenhouse business. The Hannas feel that the greenhouse would have generated much more traffic than their company will. The greenhouse would have generated approximately 50-60 vehicle movements per day, while the amount of traffic from the proposed development will be about 5-6 vehicle movements per day.
- The Hannas have children of their own and want to be good neighbours. Mrs. Hanna attempted to speak with Mr. Fuhr and Mr. Henstridge and was told to buy property elsewhere. The Hannas did not consider the Koda's property as being affected by the development due to its location across the highway.
- The carrier profile issued to Triple H Building Movers Ltd. by the Government of Alberta shows that the company has a risk factor of zero. The company is very serious about safety. They have not had any speeding tickets or traffic infractions.
- Approval is required from Alberta Transportation for every load that is moved. If there are any concerns the governing body may refuse to approve the movement of the load.
- Concerns about safety at the intersection of Highway 16A and Range Road 14 are unfounded. There are acceleration and deceleration lanes at the intersection. They have safety protocols for their drivers.
- Trucks will be slowing to make the turn to Range Road 14 and are likely to be going 20-30 km when the trucks are on Range Road 14,

so speed is not an issue. The Hanna's estimate it would take about 1 minute to get the vehicles off Range Road 14 and onto the site.

- The Hanna's are actively involved in the Alberta Building Movers Association.
- The size of the fleet has been the same since the company was purchased from Bill Hanna several years ago. The fleet consists of 3 Kenworth trucks, 4 lowboy trailers, and up to 5 one ton or smaller trucks. Mr. Hanna is not interested in adding more equipment as his first priority is safety and he feels it is easier to manage the company and oversee safety with a smaller fleet.

Mr. Hanna asked that a video clip submitted as part of the Applicant's PowerPoint presentation be shown. The video clip showed Triple H. employees running the jacking unit. Mr. Hanna continued his presentation making the following points:

- Storing portables on the property would save them money. If they are not permitted to store portables on the property they will comply and run the other aspects of the business from the property as planned.
- They do not believe that this development will devalue the neighbouring properties. The Hannas plan to make significant improvements to the property and feel that it will add value to the area.
- The Hannas acknowledge that Mr. Fuhr will be able to see the property in the winter months, however, equipment will be stored in the shop and will not be an eyesore.
- The noise generated from 1-2 trucks leaving the site in the morning will be similar to the noise of a diesel pick-up truck.

When questioned by the Board, Mr. Hanna stated that the company vehicles are fueled up at card-lock facilities in Spruce Grove or Stony Plain. They do not have plans to store fuel on the site, but would not rule it out in the future.

When questioned by the Board, Mr. Hanna said that routine maintenance on vehicles would likely be done on site, any major work would be done out of a shop in Acheson.

When questioned by the Board, Mr. Hanna indicated that the company planned to use the south driveway for entering the shop, and the north driveway would be used for personal access. The approach would be widened for the south driveway.

When questioned by the Board, Mr. Hanna answered that if portables were being moved on or off of the property it would only cause one traffic movement per day. Typically the portables are stored for 1-3 weeks.

When questioned by the Board, Mr. Hanna said that he usually prefers to use Highway 16A, but he would not rule out travelling down Range Road 14 to access the Yellowhead if it made more sense for that particular trip.

When questioned by the Board, Mr. Hanna stated that the greenhouse business previously run from the site has been shut down for 4-5 years.

Submission in support of the Applicant – Deanna and Alan Kolby

Mr. and Mrs. Kolby were neighbours of the Applicants for 15 years in West County Estates. Mrs. Kolby stated that:

- She and her husband lived adjacent to the moving company while it was owned and operated by Bill Hanna. Their home was 400 feet from the shop, which is more than twice as close as the shop would be from the nearest neighbour in this application.

- On cold winter mornings they did not hear the trucks warming up. They were often asked by Bill Hanna if they were bothered by noise from the business and always replied no.
- The Kolbys always felt that the business owners were great neighbours. There were many instances in which the Hannas used their equipment to pull vehicles from the ditch, or to plow driveways.
- They did not ever feel there was a safety issue. Increased traffic was not a problem as there were very few truck movements per day.
- The Kolbys feel it would be unfair to deny the permit. The Hannas operated their business respectfully in a residential subdivision and were not a problem to anyone, why would they now be refused to operate from a commercial property?
- The Hanna's property was always kept very neat and tidy and was not an eyesore.

Submission in support of the Applicant, Shirley Hanna

Mrs. Hanna and her late husband Bill owned and operated the building moving company from 1972 until selling it to their son and daughter in-law in 2011. Mrs. Hanna made the following statements in support of the application:

- The company was operated for 18 years out of a property the Hannas owned in West County Estates, during which time they never received a complaint related to the business.
- Triple H Building Movers are good neighbours.
- Right now people are facing tough financial times, she would like to see her son and daughter in-law able to invest in property. She feels this site is the perfect balance of commercial and personal use.
- The property was used commercially for years, is priced as such and will likely be purchased for business purposes whether the area residents like it or not.
- The greenhouse produced large amounts of traffic, particularly on weekends. The building movers company will only have 3-4 traffic movements per day and none on weekends.
- The sale of the property is contingent on the decision of this application.
- There are no facts to prove that there would be increased noise, traffic or safety issues. The Appeals are based on assumptions and speculation only.

Closing remarks of the Applicant

In closing, the Applicants stated that they are a safety conscious and community minded business.

Closing remarks of the Appellant, Kim and Joanne Koda

Mr. Koda said that while he does not question the Applicants ability to move buildings, and does not intend to question the character of the Applicants, he feels there are too many things left unanswered, especially regarding the intersection of Highway 16A and Range Road 14. Mr. Koda said that he will likely escalate the matter to the Court of Appeal if the SDAB does not uphold the Appeals.

Closing remarks of the Appellant, Murray Fuhr

Mr. Fuhr stated that he is concerned about traffic generated by people leaving the beach via the Yellowhead. He feels that the building moves could hold up traffic on Range Road 14. He asked the Board Members to consider whether they would like to have a business of this sort within 100 metres of their homes. Mr. Fuhr reiterated that his main concerns were that of impact on traffic and noise.

RECESS

The Chairperson called a recess at 5:46 p.m.

The Chairperson called the meeting to order at 5:54 p.m.

The Chairperson asked the Appellant, Mr. Henstridge if he would like to make any closing remarks. Mr. Henstridge declined to make closing remarks.

The Chairperson asked those in attendance if they felt they had received a fair hearing. There were no concerns.

The Chairperson asked the Board if they were satisfied with the amount of information received at the hearing. The Board agreed they were satisfied with the amount of information received.

ADJOURNMENT

The Chairperson closed the hearing at 5:55 p.m.

A handwritten signature in blue ink, consisting of stylized, cursive letters that appear to be 'SJM'.

CHAIRPERSON