

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
PARKLAND COUNTY**

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HEARING DATE: March 4, 2019
FILE NO.: 18-D-393

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

1. The Development Authority of Parkland County partially approved Development Permit Application 18-D-393 made by Acheson Commercial Corner Inc. for a truck and car wash, gas station and mechanic shop located at Lot 1 and 2, Block 2, Plan 1623517 municipally described as 9859 - 266 Street, Parkland County, Alberta (the "Property"). Acheson Commercial Corner Inc. (the "Appellant") appealed the refusal of Development Permit 18-D-393 (the "Development Permit Application") of the development permit application for the truck and car wash, and the gas station.

PROCEDURAL MATTERS

2. This appeal was heard by the Board on March 4, 2019. During the course of the hearing on March 4, 2019, the Board asked the parties for information in relation to what conditions or variances might be required if the Board were to decide to grant the appeal. The Board adjourned the hearing on March 4, 2019 to permit the parties to provide written submissions (maximum of 10 pages each) regarding conditions or variances, should they be required and requested submissions from the Development Authority no later than March 11, 2019 to be shared with the Board and the Appellant and submissions from the Appellant no later than March 15, 2019 to be shared with the Board and the Development Authority. The Board advised the parties that if either of the parties wished to have the opportunity for further oral submissions, they could request that opportunity when they provided their further written submissions. On March 7, 2019, Mr. Delisle, Solicitor for the Development Authority, wrote to the Board advising of the changes to the conditions required, should the Board approve the uses. The letter advised that the submissions contained within the letter were joint submissions by both parties. The content of the letter will be set out under the submissions of the Development Authority.

PRELIMINARY MATTERS

A. Board Members

3. At the start of the hearing, the Board asked if anyone had an objection to the panel hearing the appeal. There were no objections raised regarding the panel members.

B. Exhibits

4. The Board marked the exhibits as set out at the end of this decision. The Board noted that the package of materials did not include Tab 12 of the Appellant's materials. The Appellant had sent Tab 12 to the Board, but it was inadvertently left out of the package. The Board has marked Tab 12 as a separate exhibit, as set out at the end of this decision.

C. Miscellaneous

5. The appeal was filed in time, in accordance with section 686 of the Municipal Government Act, RSA 2000, c M-26 (the "MGA").
6. The Board is satisfied that it has jurisdiction to deal with this matter. There were no objections to the proposed hearing process. Except as set out in paragraphs [2] and [4], there were no preliminary matters raised at the beginning of the hearing.
7. At the start of the hearing on March 4, 2019, the Appellant advised that it was represented by new counsel. The new counsel stated that although the disclosure had been sent to previous counsel, he had received all of the disclosure materials, and was not seeking an adjournment to the hearing.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

8. The appeal is granted. The decision of the Development Authority is varied by permitting the two uses under appeal: Gas Station and Truck and Car Wash. The conditions (original conditions 4 a-n) in the Development Permit issued January 31, 2019 (found at pages 11/772 to 13/772) are varied and the conditions set out below are imposed. The Permit Notes are amended, and the Permit Notes set out below are imposed.
 4. The Mechanic Shop (Automotive, Equipment and Vehicle Service), Gas Station and Truck and Car Wash are approved with the following conditions:
 - a. Prior to Building Permit approval and commencement of construction on the Mechanic Shop, Gas Station and Truck and Car Wash, the Applicant shall enter into and comply with a Development Agreement with Parkland County pursuant to sections 650 and 651 of the Municipal Government Act, RSA 2000, c.M-26 and section 16.12(1) of the Land Use Bylaw No. 2017-18, as amended. The Development Agreement will address the construction or payment for

construction of outstanding infrastructure requirements respecting, but not limited to, the following:

- i. The stormwater lift station (supply, installation and commission) located within the Acheson Commercial Corner;
 - ii. Proof of successful testing for pressure and leakage of the stormwater 100-mm forcemain located within the Acheson Commercial Corner subdivision and tie into Parkland County's storm forcemain running parallel to 97th Avenue;
 - iii. The off-site service road; and
 - iv. Construction of the internal collector road (266 Street), including removal or lowering of the high pressure gas line that crosses 266 Street.
- b. Prior to Building Permit approval and commencement of construction on the Mechanic Shop, Gas Station and Truck and Car Wash, the Applicant shall **consolidate** Plan 1623517, Block 2, Lots 1 and 2, and provide proof of consolidation to the satisfaction of the Development Authority.
- c. Prior to Building Permit approval and commencement of construction, the Applicant shall provide the following updated Engineered Stamped Plans:
- i. Site Plan;
 - ii. Site Drainage and Grading Plan;
 - iii. Site Servicing Plan; and
 - iv. Access Plan.
- d. The proposed development shall conform to the updated approved stamped plans as set out in condition 4c and the approved stamped plans attached to the Development Permit application to the extent that the approved stamped plans have not been replaced by the plans required by condition 4c and shall not be moved, altered or enlarged except where authorized or directed through this permit approval.
- e. All Plans shall be to the satisfaction of the Development Authority.
- f. The Applicant shall provide security in the amount of **\$7,500.00** for the construction of the approach. The security shall be in the form of an irrevocable, unconditional letter of credit.
- g. Prior to Building Permit approval and commencement of construction on the Mechanic Shop, Gas Station and Truck and Car Wash, the Applicant shall provide an updated **Landscaping Plan** which complies with section 13.3.1 of the Land Use Bylaw to the satisfaction of the Development Authority. The Applicant shall provide security in the amount of 100% of the cost estimate of the landscaping and provide the County with the estimate. The security shall be in the form of an irrevocable, unconditional letter of credit. This security shall be held to ensure that the landscaping is provided, installed and maintained in accordance with Parkland County's Land Use Bylaw 2017-18.

- h. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties.
- i. In accordance with Parkland County Policy, all commercial and industrial outdoor lighting installations and outdoor luminary replacements requiring an electrical permit shall be Dark Sky compliant.
- j. The display or placement of signage on the premises shall be in accordance with Subsection 15.3 of Parkland County's Land Use Bylaw 2017-18.
- k. The Applicant shall remove all garbage and waste at its own expense and keep the site in a neat and orderly manner.
- l. The Applicant shall be responsible for the repairing and landscaping of any portion of the County road disturbed during the development of the Property.
- m. Failure to comply with the conditions of this permit may result in the permit being cancelled or revoked.
- n. Any proposed changes shall first be submitted for review by the Development Authority. Any changes considered substantial or inconsistent with this approval, as determined by the Development Authority, may require separate development permit approvals.
- o. The Applicant must ensure that all property approaches are designed and constructed in accordance with Parkland County's Engineering Design Standards. The Applicant may obtain more information on approach requirements from Land Development Engineering at 780-968-8448.
- p. The Applicant must obtain a Roadside Development Permit from Alberta Transportation, if required.

PERMIT NOTES

- 1. The Applicant must obtain building, plumbing, electrical, gas and private sewage permits which may be required. Permits must be obtained from Parkland County.
- 2. The Applicant is responsible to ensure compliance with the Alberta Fire Code.
- 3. The Applicant shall ensure it obtains its municipal address and sign from Parkland County.
- 4. The Applicant must contact Alberta One Call at 1-800-242-3447 before any ground disturbance.

5. Prior to connecting to municipal water and sewer, the Applicant must obtain authorization from Parkland County Public Works. The Applicant can call 780-968-8448.
6. An approved development permit means that the proposed development has been reviewed only against the provisions of the Parkland County Land Use Bylaw. It does not remove obligations to conform with other legislation, bylaws, land title instruments, safety codes regulations, and any caveats, covenants, or easements that might affect this Property.

SUMMARY OF HEARING

9. The following is a brief summary of the oral and written evidence submitted to the Board. At the beginning of the hearing, the Board indicated that it had reviewed all the written submissions filed in advance of the hearing.

Development Authority

10. The Property is located in the BI-Business Industrial District and is located adjacent to Highway 16A and Highway 60 in Acheson.
11. The Appellant applied for a Development Permit for a truck and car wash, gas station and mechanic shop on August 21, 2018. The Development Permit Application was incomplete on August 21, 2018. The Development Authority deemed the Development Permit Application complete on October 2, 2018.
12. Based on the details provided by the Appellant, the Development Authority determined that the mechanic shop was an "Automotive, Equipment and Vehicle Service" use as defined in the County's Land Use Bylaw No. 2017-18 (the "LUB") as this definition speaks directly to the service and repair of vehicles.
13. The Development Authority determined that the gas station was a "Service Station" use as defined in the LUB as this definition references the sale of gasoline.
14. In respect of the truck and car wash, the Development Authority noted that the proposed development included a second floor showing laundry facilities, six showers, washrooms, dining/TV lounge and a quiet area. The Development Authority determined that the truck and car wash was a "Service Station" use as defined in the LUB as this definition references the cleaning of motor vehicles and the purpose of the development is the cleaning of motor vehicles.
15. An "Automotive, Equipment and Vehicle Service" is a permitted use in the BI District, as listed in section 7.1.2 of the LUB. Therefore, the Development Authority granted the Development Permit Application in respect of mechanic shop.
16. A "Service Station" is not a permitted or discretionary use within the BI District as listed in section 7.1.2 of the LUB. Therefore, the Development Authority denied the Development Permit Application in respect of the truck and car wash and gas station.

17. The Development Authority, in its written submissions, noted that the truck and car wash and gas station required a variance to the landscaping requirements in section 13.3.1 of the LUB from 6.0 m to between 1.5 and 4.0 m adjacent to the public roadway to accommodate the commercial truck turning radius on the site.
18. The Development Authority, in its written submissions, noted that the Property is within the Major Employment Area in the County's Municipal Development Plan, Bylaw No. 2017-14 (the "MDP") and is subject to the Acheson Area Structure Plan Bylaw 2017-14 (the "ASP").
19. The Development Authority stated she had reviewed the Appellant's material against the Master Site Development Plan ("MSDP") and the minutes of meeting between the County and the Appellant. She stated that the MSDP does not supersede the decision of the Development Officer.
20. In response to questions from the Board, the Development Authority stated that the MSDP is not part of the LUB, but is provided for in the MDP. It is a conceptual plan used for larger sites to develop multiple uses.
21. The Development Authority stated that examples of a Drive Through Business would be a drive through food service business.
22. In response to questions from the Board as to whether the truck and car wash and gas station were Highway Service Stations within the definition of Automotive, Equipment and Vehicle Service, the Development Authority stated that the LUB did not define a Highway Service Station and only provides a definition of Service Station. She further noted that the definition of a Drive Through Business included the final sentence which states that "Service Stations are included in this use class."
23. In response to questions from the Board, the Development Authority clarified that existing car washes or filling stations in the BI District were approved under a previous version County Land Use Bylaw.
24. The Board requested further comments from the parties on conditions and variances should the Board choose to allow the appeal (Exhibit 6). The Development Authority provided a joint submission with the Appellant to the Board by way of letter dated March 7, 2019. The joint submission stated that:

If the SDAB decides to grant the Development Permit for the additional two uses, the conditions should be the same as those currently listed in the partially approved Development Permit relating to Application No. 18-D-393. (Exhibit 7)
25. The joint submission suggested revisions to the language of the conditions in the partially approved Development Permit. The joint submissions did not propose any new conditions or comments on any required variances.

Appellant – Acheson Commercial Corner Inc.

26. The Appellant stated that the truck and car wash and the gas station both were Service Stations as defined in the LUB. The definition of Service Station in the LUB includes "... the servicing, repairing, or cleaning of motor vehicles, the sale of gasoline...". The Appellant agreed with the Development Authority that the truck and car wash and the gas station should be categorized as Service Stations (subject to their alternative argument as set out below).
27. A Drive Through Business is a permitted use in the BI District (LUB, s. 7.1.2b)).
28. The Drive Through Business definition in the LUB states that "Service Stations are included in this use class".
29. The Appellant submitted that a plain reading of the LUB shows that any use contained within the definition of Service Station is permitted within the Drive Through Business use class and thus, the truck and car wash and gas station are permitted uses in the BI District.
30. The Appellant noted that the definition of "Accessory" in the LUB would allow a Service Station to have services which are accessory uses to the primary use.
31. The Appellant stated there were four examples of gas bars, including two with convenience stores located within BI Districts in the County and one example of a truck and car wash located within a BI District in the County.
32. The Appellant submitted that in the alternative, the truck and car wash and gas station fall within the Automotive Equipment and Vehicle Services use class. Automotive Equipment and Vehicles Services is defined in the LUB to include service of motor vehicles, Highway Service Stations and may include key lock retail services.
33. The truck and car wash and gas station are services for motor vehicles and fall within the Automotive Equipment and Vehicle Services and are permitted in the BI District. The Appellant submits that in the alternative, the truck and car wash and gas station are Highway Service Stations and fall within the Automotive Equipment and Vehicle Services as they are located at the southwest corner of two major highways.
34. The Appellant stated that there are three examples of gas stations with convenience stores in areas zoned RC – Rural Centre District in the County. The RC District does not permit Service Stations but does allow Automotive Equipment and Vehicle Services. The Appellant states that this supports its position that the truck and car wash and gas station are Automotive Equipment and Vehicles Services.
35. In response to questions from the Board, the Appellant clarified that the RC District information was not relevant to its submissions in respect of the truck and car wash and gas station falling within the definition of Drive Through Business.

36. The Appellant stated that the truck and car wash and gas station are compatible with the purpose of the BI District – to provide commercial uses compatible with non-industrial uses. The Appellant stated that the truck and car wash and gas station will not interfere with the amenities of the neighbourhood or affect the use, enjoyment or value of neighbouring parcels of land.
37. The Appellant, in its written material, stated that the truck and car wash and gas station are contemplated in the ASP as the ASP identifies the Property as a “strategic commercial node” and that “[t]ypical uses in the Local Service Commercial Nodes include commercial and service retail, accommodation service, convenience stores, eating establishments and service stations.”
38. The Appellant stated that the County approved the MSDP on August 28, 2018. The MSDP specifically contemplates the truck and car wash and gas station. The Appellant stated that the County made repeated representations that the Development Permit would flow from the MSDP.
39. In response to questions from the Board in respect of appropriate conditions, the Appellant noted that Note 6 on the partially approved Development Permit is relevant to concerns about traffic.

FINDINGS OF FACT

40. The Property is located at Lot 1 and 2, Block 2, Plan 1623517 (Acheson 5, NE-33-52-26-W4) municipally described as 9859 - 266 Street, Parkland County, Alberta.
41. The Property is located in the BI - Business Industrial District under the LUB.
42. The truck and car wash and the gas station meet the definition of Service Stations.
43. The Appellant is an affected person.

REASONS

Jurisdiction

44. The Board notes that its jurisdiction is found in section 687(3) of the MGA. In making this decision, the Board has examined the provisions of the LUB as well as considered the oral and written submissions made by the Development Authority and the Appellant.

687(3) *In determining an appeal, the subdivision and development appeal board*

- (a) must act in accordance with any applicable ALSA regional plan;*
- (a.1) must comply with any applicable land use policies;*
- (a.2) subject to section 638, must comply with any applicable statutory plans;*
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;*

- (a.4) *must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;*
- (b) *must have regard to but is not bound by the subdivision and development regulations;*
- (c) *may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*
- (d) *may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,*
 - (i) *the proposed development would not*
 - (A) *unduly interfere with the amenities of the neighbourhood, or*
 - (B) *materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*
 - and*
 - (ii) *the proposed development conforms with the use prescribed for that land or building in the land use bylaw.*

Affected Persons

45. Acheson Commercial Corner Inc., the Appellant, is an affected person because it was the applicant for the Development Permit and therefore its ability to develop is affected by the Development Authority's refusal of the truck and car wash and the gas station.

Land Use District

46. The Property is zoned as BI - Business Industrial District.

Nature of the Use

47. The first question the Board must decide is what is the use being applied for. The Development Authority determined that there were 3 separate uses:
- a) truck and car wash;
 - b) gas station; and
 - c) mechanic shop.
48. The Development Authority determined that the mechanic shop fell within the definition of Automotive, Equipment and Vehicle Services. The definition for Automotive, Equipment and Vehicle Services is set out below:

AUTOMOTIVE, EQUIPMENT AND VEHICLE SERVICES means development used for the rental, lease, sale, storage, service, restoration, inspection and/or mechanical repair of automobiles, trucks, trailers, motorcycles, snowmobiles, motor homes, tent trailers, boats, travel trailers or similar light Recreational Vehicles. Uses and facilities would also include transmission shops, muffler shops, autobody paint and repair facilities, Highway Service Stations and fleet services involving vehicles for the delivery of people, goods or services and may include key lock retail sales. This use class does not include Bulk Fuel Depots.

49. The Development Authority approved this use because this use is a permitted use within the BI District. The Appellant did not appeal this decision and the Board agrees that the mechanic shop falls within the definition of Automotive, Equipment and Vehicle Services. As a result, the Board does not need to examine this use any further in its decision.

50. The Development Authority determined that the other two uses: truck and car wash and gas station fell within the definition of Service Station, and determined that since Service Station is neither permitted nor discretionary in the BI District, it denied the Development Permit for these two uses. The definition for Service Station is set out below:

SERVICE STATION means a Development used or intended to be used for any of the following: the servicing, repairing, or cleaning of motor vehicles, the sale of gasoline, the sale of lubricating oils and other automotive fluids, accessories for motor vehicles, and a towing service dispatch point.

51. The Appellant argued that the truck and car wash and gas station use were a Service Station as defined in the LUB. Although Service Station is not permitted or discretionary in the BI District, Service Station is permitted as part of a Drive Through Business, which is a permitted use in the BI District:

DRIVE THROUGH BUSINESS means an establishment that services customers travelling in motor vehicles driven onto the Parcel where such business is carried on, where normally the customer either remains in the vehicle for service or parks his vehicle for a short period for the purpose of doing business at the premises. **Service Stations are included in this use class.** (emphasis added)

52. In examining this issue, the Board notes that neither of the parties disputed that the truck and car wash and gas station fall within the definition of the Service Station use. However, the Board must come to a conclusion whether, on the facts, the two uses fall within the "Service Station" definition. The Board has examined the definition of Service Station and notes that it includes the "cleaning of motor vehicles". The Board finds that a truck and car wash clearly falls within this component of the Service Station definition, and that the truck and car wash use is a "Service Station" as defined in the LUB. The Board also notes that the definition of Service Station includes the "sale of gasoline....[and] lubricating oils and other automotive fluids...". Based upon these clear words, and the evidence before the Board, including the Development Permit application form (page 101/772), the Appellant wishes to have a gas station for the sale of gasoline. The Board finds that the gas station use also clearly falls within this component of the

definition of Service Station, and that the gas station use is a "Service Station" as defined in the LUB.

53. Having found as a fact that the truck and car wash and gas station fall within the definition of Service Station under the LUB, the Board must determine whether it can approve the development permit because Service Station is not listed as permitted or discretionary.
54. The Appellant's position was that Service Station is permitted because it is incorporated by reference through the definition of Drive Through Business. In response to Board questions, the Development Authority acknowledged that Service Station is a part of the Drive Through Business Use class.
55. The Board has examined the definition of Drive Through Business. The clear wording of this use definition reveals that Service Stations are included in Drive Through Businesses. Having found that the truck and car wash and gas station are Service Stations, the Board finds that they are part of the Drive Through Business. Since Drive Through Business is a permitted use in the BI District, the truck and car wash and gas station are permitted.
56. The Appellant also argued that the truck and car wash and gas station fall in the definition of Automotive, Equipment And Vehicle Services due to the inclusion of the words "Highway Service Station". In response to Board questions, the Development Authority noted that there is no definition for the term "Highway Service Station". The Board confirms that the LUB does not contain a definition of "Highway Service Station". In light of the Board's finding in relation to Drive Through Business including Service Station, the Board does not need to, and will not, make a determination on whether the proposed uses are Highway Service Stations.
57. The Appellant also argued that the two proposed uses were accessory to the uses listed in section 7.1.2 of the LUB. As set out in paragraph [56], the Board does not need to address this argument given its finding concerning the definition of Drive Through Business.
58. The Appellant also referenced the Rural Centre District set out at s. 5.11 of the LUB. Upon questioning from the Board, the Appellant stated that it raised the argument in relation to Rural Centre District to show the Board that the Rural Centre District did not include Service Station within the definition, but there are 3 locations within that district which have gas stations. The Board finds that the reference to the uses in the Rural Centre District are of no value in determining what uses are permitted or discretionary in the Business Industrial District and has not taken this portion of the Appellant's argument into account in making its decision.
59. Before leaving the discussion in relation to the proposed uses, the Board notes that at page 9/772, the Development Authority provided "further information" in relation to the two uses which are the subject of the appeal. At paragraph 3, the Development Authority stated:

3. The proposed truck and car wash consists of two commercial truck wash bays and seven passenger vehicle bays. This development which is not mentioned in the application yet shows laundry facilities, six showers, washrooms, dining/TV lounge and a quiet area. This development is for the purpose of cleaning of motor vehicles and as such meets the definition of "Service Station".
60. Neither the Appellant or the Development Authority made oral submissions that related to this portion of the written submissions. The Board notes that the truck and car wash plans (page 107/772) do show laundry facilities, six showers, washrooms, dining/TV lounge and a quiet area. In the absence of any oral comments, the Board has considered the written submission on this point. The application materials specifically include the plans for truck and car wash bays, which is not consistent with the statement in paragraph 3 (above). In the absence of any specific evidence or argument about the laundry facilities, six showers, washrooms, dining/TV lounge and a quiet area, the Board accepts the plans as submitted, and finds that they form part of the truck and car wash.

Compliance with Regulations – Variances and Conditions

61. Having found that the two uses are permitted uses, the Board turns its attention to the question of the need for any variances or conditions. The Board notes that section 16.12.3 of the LUB states:

The Development Authority may impose conditions to the approval of a Permitted Use only to ensure compliance with this Bylaw.

62. The Board has then turned its analysis to the question of variances of conditions to ensure compliance with the LUB. The Board notes that at page 9/772, the Development Authority stated the following:

Further issues identified with this development are as follows:

- a. To accommodate the commercial truck turning radius on the site, the applicant requested a variance to the landscaping. Within the Business Industrial District the minimum landscaping requirement is a 6.0 m width adjacent to any public road, the applicant is requesting a 1.5 m to 4 m landscaping width, with the 1.5 m being the area closest to the service station development.
- b. The commercial truck traffic movements indicates that the traffic would be coming from the south along 266 street; entering the site from the south access and exiting through the north access, turning south along 266 Street. The traffic plan shows the trucks exiting the north access cross the centre line of 266 Street, which will make for unsafe traffic movements.

....

The proposed development requires a variance to the landscaping to accommodate the turning radius of the commercial trucks exiting the wash bays.

63. During the hearing, the Board attempted to obtain information from the Development Authority about the variances and conditions which might be required should the Board grant the appeal. The Board was not satisfied with the information provided at the oral hearing and therefore gave both parties the opportunity to consider what conditions or variances might be required, should the Board approve the uses. The parties made a joint submission (see Exhibit 7) which specified the conditions the parties believed addressed the issues arising in the appeal.
64. The Board notes that despite the Development Authority's written submissions (see paragraph [62] above), the joint submission contained no information to address the concerns. The Board can only conclude by this lack of a response on this issue that the Development Authority is no longer advancing this position and is satisfied with the conditions as contained in the joint submission. The Board accepts the joint submission and has made the changes to the conditions as specifically and jointly requested by the parties.

Statutory Plans

65. Under section 687(3)(a.2), the Board must comply with any applicable statutory plans. The Board notes that the Development Authority indicated that the lands are within the Major Employment Area in the MDP and are subject to the ASP. The Development Authority did not provide oral evidence in relation to the compliance of the two uses to the statutory plans. The Appellant referenced the ASP in its written submissions (but not in its oral submissions) at page 125/772 indicating that the Property is a "strategic commercial node (ASP, page 74, page 575/772) and that typical uses include service stations (ASP, page 38, page 535/772) and that the ASP contemplates local service commercial development. It argued the two uses are contemplated by the ASP. The Appellant made no submissions on the compliance of the two uses with the MDP. The Board heard no evidence that the two uses are not compliant with the statutory plans.
66. The Board notes that Policy 6.1.1.1 of the ASP provides that one of the County's objectives is to support the economical and orderly expansion of the ASP area for business industrial development and Policy 6.1.1.2 includes the objective of supporting local service commercial development. Having reviewed the policies at pages 37-28 of the ASP (pages 534/772 to 535/772), the Board finds that the two uses are compliant with the ASP.
67. The Board has reviewed the provisions of the MDP, especially section 5.0 and notes that the property is within the Major Employment Area (page 618/772 and 635/772). The proposed developments comply with the policies in section 5.0, including 5.0.1 (encouraging economic diversification), and policy 5.0.2 as they are one of a large variety of land uses, and which are coordinated through a MSDP, as contemplated by the MDP (page 743/772).

68. The evidence before the Board was that the MSDP is not a statutory plan document, but is accepted by the Director of Planning in the County. Since the document is not a statutory plan, the Board is not bound under section 687(3)(a.2) to comply with it, although the Board notes that the two uses are contemplated by its terms.
69. Issued this 22nd day of March, 2019 for the Parkland County Subdivision and Development Appeal Board



Barb Williams, Board Clerk, for
Lawrence Niblock, Chair
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to Section 688 of the Municipal Government Act, RSA 2000, c M-26.

APPENDIX "A"
REPRESENTATIONS

PERSON APPEARING

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- | | | |
|----|---------------|---|
| 1. | Karen Kormos | Supervisor, Development Planning, Parkland County |
| 2. | Nancy Domijan | Manager, Development Planning and Safety Codes, Parkland County |
| 3. | Arlan Delisle | Solicitor, Parkland County |
| 4. | Dick Cotter | Solicitor for Acheson Commercial Corner |

APPENDIX "B"
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

Exhibits	Description	Date	Pages
	Table of Contents and Agenda		n/a
	Notice of Appeal	February 5, 2019	1 - 4
	Submissions of the Development Authority	February 20, 2019	5 - 120
	Submission of the Appellant Acheson Commercial Corner Inc.	February 20, 2019	121 772-
	Tab 12 of Appellant's Submissions	February 28, 2019	
	Letter from Board Chair to Parties	March 6, 2019	
	Letter from A. Delisle to SDAB	March 7, 2019	
	Letter from Board Chair to Parties	March 12, 2019	