**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**
**PARKLAND COUNTY**

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HEARING DATE: January 27, 2025
FILE NO.: PLDPC20240788

**Notice of Decision of Subdivision and Development Appeal Board**

## INTRODUCTION

[1] On December 9, 2024, the Development Authority of Parkland County (the "Development Authority") issued a letter of Deemed Refusal for the Development Permit Application to expand an existing RV Storage Facility for RV Storage to include an additional 400 units for trailers/ boats (the "Development Permit Application"), located at 53203 Range Road 274, Parkland County legally described as W4-27-53-16-SW (the "Lands"). The applicant for the Development Permit was Jonathan Bauer on behalf of the landowner Crossway Records Inc. (the "Applicant").

[2] Following the issuance of the letter on December 9, 2024, Jonathan Bauer on behalf of Crossway Records Inc. filed an Appeal from the deemed refusal on December 20, 2024.

[3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on January 27, 2025, in a hybrid hearing, with the Board attending in person, and some people attending virtually with others attending in person.

## PRELIMINARY MATTERS

### A. Board Members

[4] The Chair confirmed from all parties in attendance that there was no opposition to the composition of the Board hearing the appeal. No one in attendance objected to the members of the Board hearing the appeal.

### B. Exhibits

[5] The Chair confirmed that everyone in attendance had the full hearing package prepared for the hearing.

[6] At the beginning of the hearing, the Development Authority indicated that it wished to submit its PowerPoint presentation as an additional exhibit. The Applicant had no objection, and the Board marked the documents as set out at the end of this decision.

## C. Miscellaneous

[7] There was no request for an adjournment of the hearing.

[8] There were no objections to the proposed hearing process.

## DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[9] The Development Permit application is complete.

## SUMMARY OF HEARING

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

### Development Authority

[11] The Development Authority stated that the Development Permit application to expand an existing RV Storage facility to include an additional 400 units for trailers and boats is a discretionary use. The Lands are located in the Agricultural Restricted District and within that District, the use is discretionary.

[12] The Development Authority advised that the site is currently approved for RV Storage with a capacity 980 units within the area identified at slide 2 in the PowerPoint. The proposal is to expand the existing RV Storage by 400 units.

[13] The Development Authority led the Board through the materials found at pages 16 through 26 of 274 of the Agenda Package. A significant portion of the Development Authority's submissions focussed on the merits of the Development Permit application.

[14] When questioned by the Board in relation to why the Development Permit application was incomplete, the Development Authority stated that the Development Permit application was not consistent with the statutory plan documents. In the view of the Development Authority, the application was incomplete because the Applicant had refused to provide the information specified in the Development Authority's email of November 21, 2024, which the Development Authority stated was required in order to process the decision. The below excerpt from the letter sets out the required information (see page 62/274):

> The proposed RV Storage Expansion for an additional 400 trailers/boats does not align with the Parkland County Statutory Plan Policies. To proceed with the further expansion of their site, the applicant must ensure the proposal aligns with the current policies. The development planning has provided the policy analysis below, highlighting how the proposal is inconsistent with the statutory policies. The applicant must address these policy concerns before proceeding with the proposed expansion. This may require an amendment to the ASP or creating a more site-specific area structure plan that explicitly permits the expansion of RV storage facilities in the Fringe Area.

[15] The Development Authority stated the Applicant was not willing to move forward with the amendments and therefore the application was deemed incomplete.

[16] In response to questions from the Board, the Development Authority noted that on October 23, 2024, the Development Permit Application was deemed complete. A revision letter was sent on November 21, 2024, indicating that the application was no longer complete. The change from October 23 to November 21 was that the Development Authority's further review identified the gaps in the policy analysis. To move forward, the Development Authority stated that the Applicant either had to do an area structure plan amendment or a site-specific amendment in the area structure plan document.

[17] The Development Authority stated that it would not be possible or feasible to have the document amended between November 21 and the deadline date of December 6, 2024. The Development Authority advised the Applicant that they could withdraw their application and make the changes and resubmit it, or if the Development Authority did not receive the documents, then they would be deeming the application refused.

**Applicant/Appellant**

[18] Mr. Paul Hanlan spoke on behalf of the Applicant/Appellant. He questioned the Development Authority about whether there was an area structure plan amendment, or a site-specific area structure plan amendment required for the development permit for the 980 units of phase 1 for this project. The Development Authority confirmed that there had not been any changes required to the area structure plan.

[19] Mr. Bauer spoke on behalf of the Applicant/Appellant. During his presentation, Mr. Bauer spent a significant amount of time speaking to the background of his family in the region as well as the work that his family had done with regard to their businesses of recreational vehicle storage within the County. In relation to this specific Development Permit application, Mr. Bauer stated that they had spent a significant period of time (approximately 10 months) and had spent approximately $25,000 to get the documents ready in support of their Development Permit application. Those documents are the ones contained within the agenda package submitted by the Applicant.

[20] In the fall of 2024, when the Applicant was moving forward with its application, it submitted its documents and was surprised to see the direction from the Development Authority. The letter of November 21 outlined three areas that needed some further work. The Applicant made the corrections in relation to the first two, which concerned engineering and fire planning. The Development Authority confirmed these changes.

[21] With regard to the Development Authority's concerns about changes to the statutory plans, the Applicant requested a meeting to discuss the concerns and asked for a supervisor. This request was denied.

[22] The Applicant advised that he was offered two options. The first was to withdraw his application and apply for area structure plan amendments and then reapply. However, the County's new land use bylaw may not allow for recreational vehicle storage, and he would be out of luck. His second option was to continue with his application, but to face rejection and

then go to the Subdivision and Development Appeal Board where the Board may have more latitude to deal with his concerns.

[23] Mr. Bauer stated that his application was complete. He took the Board extensively through his submissions, found at pages 77-89 of 274 of the agenda package. He also spent a significant amount of time on his submissions dealing with the merits of the application.

[24] In relation to the question of whether the Development Permit application was complete, Mr. Bauer stated that he had submitted everything that was required. The first time that he was aware of concerns was when he received the November 21, 2024 letter. In his view, the Development Authority had reviewed applications and issued development permits within the fringe area for previous developments. There had been 3 RV storages permits applied for and granted since 2018. Since 2009 there were 7 such applications. All of them were issued without the requirement to amend the area structure plan or for a more site-specific area structure plan. The concerns that were raised were not raised earlier in emails or calls and had they been, he would have been able to address them.

[25] Mr. Bauer stated that the Application was complete and that there was nothing further to be provided in order for the Development Authority to make a decision on the merits of the Development Permit application.

## FINDINGS OF FACT

[26] The Lands are legally described as W4-27-53-16-SW, Parkland County.

[27] The Development Authority issued a letter of Deemed Refusal on December 9, 2024.

[28] The Appeal was filed on December 20, 2024.

[29] The Applicant is an affected person.

[30] Those who spoke in favour of the appeal are affected people.

## REASONS

### Affected Persons

[31] The first question the Board must determine is whether those individuals who made written submissions and appeared before the Board are affected persons. The Board notes that no party raised any objection with any other party's participation.

[32] As the person who applied for the development permit, the Applicant is affected by this appeal. Since Mr. Hanlan spoke on behalf of the Applicant/Appellant, he was also affected.

### Jurisdiction

[33] Since the Development Authority identified that it had deemed the application incomplete, the Board's jurisdiction is found in s. 687(4) of the *MGA*.

687(4) In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).

[34] The question for the Board in this Appeal is whether the documents and information provided by the Applicant in support of its Development Permit Application met the requirements under Section 683.1(2) as of the date of Decision.

[35] In making its decision, the Board considered the oral and written submissions made by and on behalf of those who provided evidence: the Development Authority, the Appellant, the witnesses who spoke on behalf of the Applicant/Appellant.

[36] Although a significant amount of the hearing time was spent on the merits of the Development Permit application and whether the development permit should be granted, the Board noted that the decision of the Development Authority was that the application was refused under section 683.1 of the MGA as a deemed refusal. Since the appeal was from a deemed refusal, the Board did not notify members of the public about the appeal. As such, the Board notes that its jurisdiction is limited solely to the question of whether the Development Permit application is complete or incomplete. Despite the significant amount of time spent by the parties in relation to the merits of the development, the Board did not take those comments into consideration in making its decision as those comments of the merits of the application do not bear on the question of whether the application is complete or incomplete.

[37] In relation to the question of whether the Development Permit application is complete, the Development Authority noted that having done an initial review of the Development Permit application, he determined that the Application was initially complete. However, upon further review and analysis of the merits of the application, the Development Permit application was inconsistent with the provisions of the various statutory plans. He gave the Applicant the opportunity to withdraw its application and amend the statutory plan documents, or to face a refusal.

[38] The Board notes that the Development Authority did not point to any specific reports or supporting documentation that the Applicant had failed to provide. Rather, the Development Authority suggested that based upon his review of the statutory plan documents, the Application was inconsistent with those documents.

[39] By contrast, the Applicant stated that it had done everything requested of it in relation to the Development Permit application and had spent thousands of dollars preparing supporting documentation, all of which were provided in the agenda package.

[40] When analyzing whether the application was complete, the Board asked itself whether the Development Authority had sufficient information to make a decision on the application. It appeared to the Board that the Development Authority was looking for information to make a decision in support of the Development Permit application.

[41] When viewed from the lens of whether there was sufficient information to make a decision on the merits (whether that decision was to approve or to refuse the application), the

Board is of the view that there was no information lacking from the Applicant. That is to say, the Board is of the view that the Applicant had submitted all of the required documents that would support the Development Authority's review of the application to come to a conclusion on the merits. The Development Authority did not point to any specific expert report or other document that had not been provided that would be required to assess the proposed development. Rather, the Board infers from what the Development Authority stated that due to the Development Authority's review of the statutory plan documents, the Development Authority did not believe the application was in compliance with those plans, and therefore the Development Authority would be refusing the Development Permit application.

[42] In the Board's view, having information to assess the merits of the application (i.e, is the application complete) is a different question than having sufficient information to approve the application. It appears to the Board that the Development Authority was looking for materials which would allow the Development Authority to approve the Development Permit application, particularly because the Development Authority spent a considerable amount of its presentation on the merits of the Development Permit application, and a limited time discussing what was missing. At the end of the day, the only "missing" information was information which would allow the Development Authority to approve the Development Permit application.

[43] Looking at the evidence before the Board, the Board is of the view that there was no further information which is required for the Development Authority to evaluate the application. The Board recognizes that the Development Authority may dismiss the Development Permit application on the merits. However, that is a different question than whether there is sufficient information to make a decision to do so.

[44] As a result, the Board finds the Development Permit Application is complete.

**Conclusion**

[45] For the above reasons, the Board finds that the Development Permit application is complete. The application is remitted to the Development Authority to make a decision on the merits of the application.

[46] Issued this 4 day of February, 2025 for the Parkland County Subdivision and Development Appeal Board.

Barb Williams, Clerk of the SDAB, on behalf of B. Bundt, 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 s. 688 of the Municipal Government Act, RSA 2000, c M-26.*

**APPENDIX "A"**
BOARD MEMBERS

| | **MEMBERS** |
|---|---|
| 1. | B. Bundt, Chair |
| 2. | L. Foy |
| 3. | L. Helton |
| 4. | C. Lamoureux |
| 5. | D. Smith |

**APPENDIX "B"**
REPRESENTATIONS

| | **PERSONS APPEARING** |
|---|---|
| 1. | Aman Jhawer, Development Authority |
| 2. | P. Hanlan, speaking for the Applicant/Appellant |
| 3. | J. Bauer, Crossway Records Inc., Applicant/Appellant |

**APPENDIX "C"**
**DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:**

| January 27, 2025 Agenda Package | | | |
|---|---|---|---|
| | Description | Date | Pages |
| 1. | Agenda Coversheet | January 22, 2025 | 1 |
| 2. | Table of Contents | January 22, 2025 | 2 |
| 3. | Notice of Appeal | December 20, 2024 | 6 |
| 4. | Development Authority – Notice of Permit Deemed Refused | December 9, 2024 | 11 |
| 5. | Hearing Notification | January 6, 2025 | 13 |
| 6. | Submission from the Development Authority | January 21, 2925 | 15 |
| 7. | Submission from the Appellant/Applicant | January 21, 2025 | 77 |
| 8. | Development Authority Powerpoint | January 27, 2025 | 21 |