

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DECISION

- Hearing held at: Mountain View County Office
Council Chambers
- Date of Hearing: October 13, 2016
- Members Present: Ernie Israelson
Alana Gibson
Greg Harris
Keith Branter
Ron Vogel
- Basis of Appeal: This is an appeal to a development permit approved by the Municipal Planning Commission on September 1, 2016. The Appellant has sited the following as the Reason for Appeal:
- Objection to Garbage Bins and Container Storage on property
 - Unsightliness and Crime attraction
 - Declining Property Values
 - Environmental Contamination Concerns from proposed activities

Appealed By: Faron Taylor, QE II Indoor Boat & Self Storage

Description of Application:

On October 13, 2016 the Subdivision and Development Appeal Board heard an appeal by Faron Taylor, in regard to the approval of a development permit by the Municipal Planning Commission for Industrial Storage and Warehousing – RV's, Bins and Containers and 1 Sign on E 23-29-1-W5M Plan 0612508 Block 1 Lot 8. The Municipal Planning Commission approved the development application on September 1, 2016.

The essential issue that the Subdivision and Development Appeal Board must address in this appeal is whether a proposal for Industrial Storage and Warehousing is consistent with:

- Industrial Business Park (I-BP) District Policies in the Land Use Bylaw
- Does the proposed development have regard for the provisions of the Municipal Development Plan (MDP)
- Does the proposed development have regard for the provisions of the Schlumberger Industrial Park Area Structure Plan
- Does the proposed development have regard for the provisions of the Commercial and Industrial Design Guidelines Policy and Procedure

Findings of Fact:

1. The applicant, Payless Disposal, is a small to medium size waste disposal company.
2. The application is for Industrial Storage and Warehousing as defined by Land Use Bylaw 15/15, and is considered a discretionary Use.
3. The application includes request for approval of an onsite Sign, which is a Permitted Use within the Land Use District.
4. The subject parcel is 2.12 acres and is zoned Industrial Business Park (I-BP) District.
5. The application is for outdoor storage, and does not request approval for construction of buildings.
6. The Appellant raised environmental contamination concerns from the storage of used garbage bins, general waste and recyclable materials.
7. The Appellant raised discrepancies regarding approvals for RV storage at a nearby property in Rocky View County that was required to have greater setbacks from the Highway.
8. The Appellant did not include outdoor storage as part of his application for QE II Indoor Storage.
9. The appellant raised concerns over the general security of the subject property because of its close proximity to the QE II highway.
10. The current storage of equipment and personal items on the property is disorderly and did occur before issuance of a Development Permit.

Decision:

In determining this Appeal the Board:

Considered all of the relevant evidence presented at the Hearing which included the verbal arguments and written submission made by the Appellant, the verbal arguments and written submission made by the Applicant, and the verbal arguments and written report provided by the Planning and Development Department.

The decision of the Subdivision and Development Appeal Board is to deny the appeal and uphold the Municipal Planning Commission's decision to approve the Development Permit application subject to the following conditions:

1. **The provisions of the Land Use Bylaw No. 15/15.**
2. **Approval by the approving authority does not exclude the need and/or requirements of the Permittee to obtain any and all other permits as may be required by this or any other legislation, bylaws, or regulations.**
3. **The Development Officer may, by notice in writing, suspend a Development Permit where development has occurred in contravention to the terms and conditions of the permit and/or Land Use Bylaw.**
4. **A rural address is required to be posted on the property. The landowner shall contact Mountain View County to obtain a rural address and the requirements for posting it on the property as per the Rural Addressing Bylaw.**

5. No development shall be constructed, placed or stored over an easement or utility right of way; the applicant/landowner is responsible for contacting Alberta-One-Call and/or other governing authority.
6. PRIOR TO ISSUANCE, a landscaping plan shall be submitted, to the satisfaction of Mountain View County, that identifies weed control measures and the landscaped features located within the northwest and southwest corners of the lot. A time line for completion of the lot graveling, perimeter security fencing and landscaping shall be included in the plan, in addition to long term maintenance plans for the Landscaping.
7. Permit approval is conditional to information supplied on the application form and the Conditionally Approved site sketch for Industrial Storage and Warehousing. The following uses are not permitted by this Development Permit:
 - Storage of Garbage Bins and or Containers used for waste collection
 - Storage of Waste and Recyclable materials
 - Stacking of Shipping Containers
 - Small engine recreational units must be stored on a trailer that is readily moveable.
8. That the applicant and/or landowner shall comply with the “Schlumberger Industrial Park Area Structure Plan” and “Architectural Control Guidelines” for the Industrial Park.
9. The applicant and/or landowner shall adhere to all the conditions itemized within the Development Agreement registered on title as Instrument 061 294 973.
10. The applicant and/or landowner shall adhere to the recommendations of the Stormwater Master Drainage Plan, as per the Development Agreement caveat on title (Instrument 061 294 971). There shall be no alteration to any natural drainage courses without a positive alternative means of drainage satisfactory to the County.
11. The applicant shall organize the storage on the lot as per the site sketch so that it is orderly; neat and orderly appearance shall be to the satisfaction of Mountain View County and will be reviewed periodically. Storage of goods not related to this application will not be permitted.
12. Storage of portable items up to 1 meter from the property line is permitted but shall be movable and not considered permanent. Setbacks for permanent structures are not varied by this Development Permit.
13. All future development, structures, expansion, and new or additional uses will require a new Development Permit.
14. Prior to any landscaping being performed, the applicant must contact the relevant utility holders to determine all right-of-way setbacks and landscaping requirements and/or restrictions for use within the area identified as utility right-of-way's on the registered plans.
15. One On-Site Pylon sign on the Easterly side of the property, advertising the on-site business approved by this permit, to a maximum of 20 square meters with the

longest dimension not to exceed 5 meters, as per Alberta Transportation's approval. Additional or any change in signage shall require additional County and Alberta Transportation approvals.

16. The applicant must adhere to all the conditions outlined in the Sign Installation Permit # NE 23-29-01-W5(DEV), issued by Alberta Transportation, on August 10, 2016. Mountain View County's Commercial and Industrial Guidelines must be followed. The sign must be maintained in good repair and the owner and/or landowner will be responsible for removal if the sign is no longer required.
17. The applicant will comply with all conditions of Roadside Development Permit # NE 23-29-01-W5 (DEV) issued by Alberta Transportation on August 11, 2016.
18. Camping and/or any residential occupancy is not permitted in any recreational vehicles on the lot.
19. No hazardous materials will be stored on the property at any time.

Reasons:

1. The Land Use Bylaw provides that Industrial Storage and Warehousing is a discretionary use and the definition of Industrial Storage and Warehousing includes both Indoor and Outdoor storage. Outdoor Industrial Storage and Warehousing is an appropriate use for the Business Park and the subject property.
2. The Environmental concerns related to storage of general waste, unknown recycling materials and refuse Bins raised by the Appellant has been addressed through restrictions added to the Development Permit.
3. Once the development permit is issued all storage of equipment and personal items must be in accordance with the approved Site Plan of the proposed development which indicates an orderly arrangement of storage items.
4. The Board did not receive any evidence that supports the claim that approval of the application will reduce surrounding property values.
5. The issue of different setbacks for a RV storage facility in Rocky View County cannot be addressed by the Mountain View County Subdivision and Development Appeal Board.
6. Business competition concerns raised by the Appellant are not a Land Use Planning issue and cannot be factored into the Board's decision.

Evidence:

The Board considered the following evidence in making its decision:

1. Report and verbal presentation to the Subdivision and Development Appeal Board including all attachments presented to the Board by the Planning and Development Department.
2. Verbal presentation and written submission to the Subdivision and Development Appeal Board by the Applicant.
3. Verbal presentation and written submission to the Subdivision and Development Appeal Board by the Appellant.

Appeals:

If you wish to appeal this decision, you must follow the procedure prescribed in Section 688 of the Municipal Government Act as follows:

Section 688(1)

The appeal must be to the Court of Appeal of the Province on a question of law or jurisdiction with respect to a decision of the Subdivision and Development Appeal Board.

Section 688(2)

An application for leave to appeal pursuant to subsection (1) must be made to a judge of the Court of Appeal within 30 days after the issue of the decision sought to be appealed, and notice of the application must be given to:

- (a) the Subdivision and Development Appeal Board; and
- (b) any other persons that the judge directs.

Section 688(3)

On hearing the application and the representations of those persons who are, in the opinion of the judge, affected by the application, the judge may grant leave to appeal if the judge is of the opinion that the appeal involves a question of law of sufficient importance to merit a further appeal and has a reasonable chance of success.

**SUBDIVISION AND DEVELOPMENT APPEAL
BOARD OF MOUNTAIN VIEW COUNTY**

Per: _____

Chair

Date Signed: _____

Oct 24, 2016.