

Subdivision And Development Appeal Board

Meeting Type : SDAB Subdivision and Development Appeal Board

Date : Wednesday, June 17, 2009

Start time : 10:00 AM

Location : Council Chambers

An Appeal has been received against Development Permit Application No. 027-09 for a Motocross Track on W 1/2 SE 17-59-12 W4.

MINUTES

- CALL TO ORDER** The meeting was Called to Order at 10:10 AM by the Vice-Chairperson Ron Bobocel, in the presence of the following persons:
- ATTENDANCE** Barton Coady, Councillor
Ron Bobocel, Councillor
Ed Boychuk
Don Christenson
Ray Huot
Twila Bauman, Secretary / Planning and Communications Manager
- ABSENT:**
Cary Smigerowsky, Development Officer / Chief Administrative Officer
- GALLERY:**
11 members of the public signed the Attendance Sheet.
- RECORD OF PROCEEDINGS** **Resolution #SD20090617.1002**
COADY to confirm the recording of the proceedings for the Subdivision and Development Appeal Board Hearing No. 027-09 for Wednesday, June 17, 2009.
- CARRIED**
- APPROVAL OF AGENDA** **Resolution #SD20090617.1001**
HUOT that the Agenda for the Subdivision and Development Appeal Board Meeting held on Wednesday, June 17, 2009 be approved as presented.
- CARRIED**
- MINUTES APPROVAL** **Resolution #SD20090617.1003**
COADY to approve the Minutes for the Subdivision and Development Appeal Board Meeting held on February 18, 2009, as amended:
Resolution #SD20090218.1006 reads...
"BOBOCEL that the Subdivision and Development Appeal Board **go in to** Executive Session, time **9:55 AM.**"
and should read...
"BOBOCEL that the Subdivision and Development Appeal Board **go out of** Executive Session, time **10:15 AM.**"
- CARRIED**
- ANNOUNCEMENT OF APPEAL** SECRETARY BAUMAN read the Letter of Appeal received from Leonard (Ron) and Coby Klippert, dated May 19, 2009, which outlined concerns regarding:
1. Noise interfering with personal enjoyment of peaceful environment;
 2. New road (driveway) being used for motocross activity;
 3. Dust from increased traffic; and
 4. Fire hazard.
- CALL FOR OBJECTION** VICE-CHAIRPERSON BOBOCEL called for Objections from the Appellants and Gallery to any of the present Board members or staff hearing the Appeal. No Objections were made.

**PRESENTATION
BY PLANNING
AUTHORITY**

**DP 027-09
GOODON, CORY
& ROXANNE (W
1/2 SE 17-59-12
W4)**

(PRESENTATION BY
PLANNING AUTHORITY)
(Issue #20090615001)

MS. TWILA BAUMAN, Planning and Communications Manager
presented:

Cory and Roxanne Goodon submitted an Application for Development Permit for the development of a Motocross Track on the W 1/2 SE 17-59-12 W4. Ms. Bauman read the Applicant's letter attached to the Permit Application.

MPC Meeting May 6, 2009 RESOLUTION # MP20090506.1002

OLLIKKA that Municipal Planning Commission approve Cory and Roxanne Gooden's Development Permit Application No. 027-09: Motocross Track on W ½ SE 17-59-12 W4, with the following conditions:

- 40 km speed limit on east-west road on property's south boundary;
- Hours of Operation: 0800h – 2000h (maximum); and
- MUST enter into a Road Use Agreement with Smoky Lake County.

BOARD QUESTIONS:

In response to questions from the Board, Ms. Bauman noted the following:

1. Not aware of the Applicant having entered into a Road Use Agreement to date.
2. The Applicant resides on the subject parcel of land.
3. The access to the site is from the south boundary of the parcel.

**PRESENTATION
BY APPELLANT**

**DP 027-09
LETTER OF
APPEAL**

(PRESENTATION BY
APPELLANT)
(Issue #20090615002)

SECRETARY BAUMAN read the Letter of Appeal received from Leonard (Ron) and Coby Klippert, dated May 19, 2009, which outlined concerns regarding:

1. Noise interfering with personal enjoyment of peaceful environment;
2. New road (driveway) being used for motocross activity;
3. Dust from increased traffic; and
4. Fire hazard.

APPLICANT'S RESPONSE TO APPEAL

Cory Goodon, Applicant made the following comments:

1. The Track is not available for the general public, MUST BE a Club Member to ride Track.
2. Confirmed that development of the Track began in August 2008.
3. The Track is proposed for limited public use - five days per year.
4. May 23, 2009 - Track used for Public Event. During event, Track was waterered. The new access / driveway was used for the event - however this will not be used for future events.
5. To address Fire Hazard concerns - Developer is willing to provide 20 lb fire extinguishers around the perimeter of the Track during events. Furthermore, the new driveway acts as a fire barrier.
6. Confirmed that this is not a business, but rather a AOTOX (Alberta Oldtimers Motocross Association) event.
7. Approved to develop the Vilna Arena into an indoor Motorcross Facility.
8. Confirmed that riding activity is for short periods of time and not constant.
9. Alberta Oldtimers Association would not allow the development of a dangerous Track.
10. Track provides a safe place to ride.

APPLICANTS SUBMISSIONS TO BOARD

1. **Item A:** Reel Parts & Safety Invoice - purchase of 10 Fire Extinguishers.

2. **Item B:** 2009 AOTOX Race Schedule and Club information from website www.aotmx.ca
3. **Item C:** Report of 2009 Track Activities to date.
4. **Item D:** Picture with Track with plan for Fire Extinguisher placement.

BOARD QUESTIONS:

In response to questions from the Board, Mr. Goodon noted the following:

1. When referring to a "busy schedule", this is the province-wide schedule of events for the season.
2. May 23, 2009 Event had up to 27 riders in each class with 12 events during day.
3. The Track has seen no riding since May 23, 2009.
4. Club would like to ride one evening a week for practices, if schedule allowed it.
5. Approximately ten Club members in the area.
6. Approximately 500 Club members, province-wide.
7. Larger events near Edmonton see up to 250 persons.
8. Events use to be two days - now only one day each.
9. May 23, 2009 Event - 70 bikes were registered to ride.

In response to questions from the Board, Ms. Bauman noted the following:

1. Dust control details would be determined as part of the Developer entering into a Road Use Agreement with Smoky Lake County.

APPELLANT'S PRESENTATION

Mrs. Klippert, Appellant made the following presentation noting the following concerns (summarized from **Item F**):

1. May 23, 2009 Public Event took place, even though an Appeal had been filed against the Development Permit.
2. Public invitations made in 2008 in newspapers for riders to come.
3. Increased noise.
4. Campers, trailers and motor homes coming to site for weekend event.
5. Increased dust.
6. Roads are now wash-boards.

APPELLANT'S SUBMISSIONS TO BOARD

1. **Item E:** Photographs

SUPPORTING APPEAL

Debbie Berlinguette read a letter from Linda Fenerty, in support of the Appeal, with the following concerns (**Item G**):

1. Lack of notification to neighbours;
2. Development done prior to approved Permit;
3. Environmental impact - several species of nesting birds and deer;
4. Impact on farmland and roads;
5. Noise factor; and
6. Garbage impact;

Peter Tchir spoke in support of the Appeal, with the following concerns:

1. Farms 16 sections of land and is concerned that the increased traffic may impact his ability to access land.
2. Requesting police protection.
3. Lack of notification.

BOARD QUESTIONS:

In response to questions from the Board, Mr. Tchir noted the following:

1. Requesting police protection due to previous incidents in the past.
2. Confirmed still farming with son.
3. Increased dust on roads.
4. Concerned for safety of farmers and / or bikers hitting equipment.

Marion Tchir spoke in support of the Appeal, with the following concerns:

1. Regarding traffic route.
2. Amount of public attending event.

**OPPOSED
APPEAL**

Lisa Martin spoke in opposition of the Appeal, with the following comments:

1. Husband and son are Club members who uses the Track.
2. Riders 25 years and younger MUST have parental supervision
3. May 23, 2009 Event had approximately 150 people in attendance, including riders. Event was controlled and respectful. All garbage collected after event.
4. Observation that Saddle Lake Reserve traffic also uses the travel route.

BOARD QUESTIONS:

In response to questions from the Board, Mrs. Martin noted the following:

1. The parental supervision of riders under 25 years of age is a mandatory requirement by the AOTMX Association. The regulations are posted on the website.
2. All AOTMX Association events are open to the public and free of admission charge.

**PRESENTATION
BY PERSONS
SUPPORTING
APPEAL**

**DP 027-09
SUPPORTING
APPEAL**

BERLINGUETTE
(PRESENTATION BY
PERSONS SUPPORTING
APPEAL)
(Issue #20090615003)

SECRETARY BAUMAN read an email, dated May 17, 2009, received from Debbie Berlinguette, as the daughter of the Appellant, who supporting the Appeal, noting the following concerns:

1. Noise impact;
2. Fire hazard;
3. Road's ability to handle traffic; and
4. Increase risk of accidents.

**DP 027-09
SUPPORTING
APPEAL**

MATWYCHUK
(PRESENTATION BY
PERSONS SUPPORTING
APPEAL)
(Issue #20090615005)

SECRETARY BAUMAN read a letter, dated June 1, 2009, received from Fred Matwychuk, who resides at 59454 Range Road 123, who is supporting the Appeal, noting the following concerns:

1. Heavier traffic;
2. Dust and road conditions on RR 123; and
3. Speed of traffic.

**PRESENTATION
BY PERSONS
OPPOSING
APPEAL**

**DP 027-09
OPPOSING
APPEAL
ZAPISOCKI**

(PRESENTATION BY
PERSONS OPPOSING
APPEAL)
(Issue #20090615004)

SECRETARY BAUMAN read a letter, dated June 5, 2009, received from Joyce Zapisocki, who attended May 23, 2009 event and who is opposing the Appeal, noting the following comments:

1. Increases visitors into community; and
2. Rules in place and followed.

RECESS

Resolution #SD20090617.1004

VICE-CHAIRPERSON BOBOCEL called the Subdivision and Development Appeal Board Meeting to Recess, time 11:45 AM.

CARRIED

RECONVENE VICE-CHAIRPERSON BOBOCEL called the Subdivision and Development Appeal Board Meeting to Reconvene, time 11:55 AM.

OPPOSING APPEAL Lisa Martin read email dated June 11, 2009, by Dave Pacholuk, owner of NE 08-59-12 W4, who is in opposition to the Appeal, with the following comments:

1. Track will increase business to local economy;
2. Noise from Event held on May 23, 2009 were at acceptable levels; and
3. Considerate use of roads and dust was minimal.

REBUTTALS

PRESENTER'S QUESTIONS:
Debbie Berlinguette responded that she contacted the Applicant to gain information.
Coby Klippert responded that Saddle Lake Reserve traffic does not go past home and that at least 150 vehicles used road on May 23, 2009.
Furthermore, Mrs. Klippert responded that there was no wash boarding of road prior to Event.
Cory Goodon responded that the Club does not operate as a business but receives sponsorships for things that have nothing to do with the Track.

PLANNING DEPARTMENT'S FINAL COMMENTS MS. BAUMAN, Planning and Communication Manager, read from the Land Use Bylaw No. 1102-02 the Permitted and Discretionary Uses in the Agricultural District.
MS. BAUMAN, Planning and Communication Manager, read from the Land Use Bylaw No. 1102-02 the Permitted and Discretionary Uses in the Agricultural District.

APPLICANT'S FINAL COMMENTS Cory Goodon, Applicant, provided the following final comments:

1. A traffic counter could be used to determine traffic;
2. Events do not start until Ambulance is on Site;
3. STARs Air Ambulance has coordinates of Site; and
4. Wildlife continue to frequent the Site.

APPELLANT'S FINAL COMMENTS Coby Klippert, Appellant, provided the following final comments:

1. Development has potential of large turnout; and
2. Concerned regarding up to five events being held.

QUESTION OF FAIR HEARING VICE-CHAIRPERSON BOBOCEL asked those who made presentations if they had a fair hearing.
No Objections were made.

CONCLUSION OF PUBLIC HEARING VICE-CHAIRMAN BOBOCEL declared that the Subdivision and Development Appeal Board Hearing against Development Permit 027-09 on Wednesday, June 17, 2009, is concluded, time 12:25 PM.

RECESS VICE-CHAIRPERSON BOBOCEL called the Subdivision and Development Appeal Board Meeting to Recess, time 12:26 PM.

RECONVENE VICE-CHAIRPERSON BOBOCEL called the Subdivision and Development Appeal Board Meeting to Reconvene, time 12:55 PM.

**DELIBERATION
AND DECISION****EXECUTIVE
SESSION****Resolution #SD20090617.1005**

COADY that the Subdivision and Development Appeal Board go in to Executive Session, time 12:56 PM.

CARRIED**Resolution #SD20090617.1006**

COADY that the Subdivision and Development Appeal Board go out of Executive Session, time 2:25 PM.

CARRIED**Resolution #SD20090617.1007**

BOYCHUK that the Subdivision and Development Appeal Board the Appeal be DENIED and the Decision of the Development Authority be UPHeld, with the following conditions:

1. 40 km speed limit on Twp 592, west of RR 124;
2. Hours of Operation on Site: 0800h to 1800h - Publicly Advertised Events and 0800h to 2000h - Club practices;
3. Participants to use RR 122 and Twp 592 as their travel route;
4. Developer must enter into Road Use Agreement with Smoky Lake County to address Dust Control for three residents (*SW 15-59-12 W4, NE 09-59-12 W4 and E 1/2 SE 17-59-12 W4;
5. Western access to parcel of land to be used for all motocross activity;
6. Maximum two (2) publicly advertised events per year; and
7. Sound Barrier to be provided inside the east boundary of the subject parcel.

CARRIED**ADJOURNMENT****Resolution #SD20090617.1008**

CHRISTENSEN that this Subdivision and Development Appeal Board Meeting be adjourned, time 2:27 PM.

CARRIED

 Chairperson

- SEAL -

 Recording Secretary