



SMOKY LAKE COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Hearing Date: December 15 (and continuation on December 20), 2022
Decision Date: January 4, 2023
File No. SDAB-002-2022

Between: Carl Tatarin (*the Appellant*)
and
Smoke Lake County, Development Authority

Board Members Amy Cherniwchan Chairperson
Christine Hansen Board Member
Gary Henry Board Member
Jerry Melnyk Board Member

Clerk Kyle Schole

DECISION

- [1] The appeal before the Subdivision and Development Appeal Board deals with the approval on a development application (DP-007-2022) issued by the Development Authority on **November 7, 2022**, for development of “400-stall (*serviced*) *Recreational Vehicle Park and associated facilities (washrooms/showers, swimming pools, play areas, volleyball/pickleball courts, security office, RV storage & on-site parking facilities)*”.
- [2] The Subject Site is the Lands legally described as **NE-35-57-14-W4M**.
- [3] The zoning of the property is **Agriculture General (AG) District**, under the Smoky Lake County Land Use Bylaw 1272-14.
- [4] ‘**Recreational Vehicle Park**’ is listed as a Discretionary Use in the Agriculture General (AG) District, under the Smoky Lake County Land Use Bylaw 1272-14.
- [5] The appeal hearing which commenced on December 15, 2022 was held hybrid in-person in County Council Chambers and online via Zoom, along with written submissions. The following documents were received prior to the hearing and form part of the record:
 - Copy of the proposed plans and the approved Development Permit;
 - The Development Officer’s written submission and attachments;
 - The Appellants’ written submissions; and
 - The Proponent/Respondent’s written submissions.

Preliminary Matters

- [6] The Chairperson called the Hearing to order on December 15, 2022, at 4:05pm, in the presence of:



- Amy Cherniwchan, SDAB Chairperson, *in chambers*
- Christine Hansen, SDAB Member, *in chambers*
- Gary Henry, SDAB Member, *in chambers*
- Jerry Melnyk, SDAB Member, *online via Zoom*
- Kyle Schole, SDAB Clerk, *in chambers*
- Jordan Ruegg, Development Authority Officer, *in chambers*
- Jeneane Grundberg, KC, Legal Counsel, *online via Zoom*
- Nicole Kimmitt, Respondent/Proponent, *online via Zoom*
- Richard Kimmitt, Proponent, *online via Zoom*
- Carl Tatarin, Appellant, *in chambers*
- Charlene Lohstraeter, *in chambers*
- Christine Hominiuk, *in chambers*
- Landon Hominiuk, *in chambers*
- Michelle Wright, *online via Zoom*
- 'Guest', *online via Zoom*
- Mrs. Basaraba, *online via Zoom*
- Dr. Basaraba, *online via Zoom*
- Evelyn Knobles, *online via Zoom*
- 'Cindy', *online via Zoom*
- 'Call-in User_1', *online via Zoom*

[7] Board Member Gary Henry moved adoption of the agenda, which carried unanimously.

[8] At the outset of the appeal hearing, the Chair confirmed with the parties in attendance that there was no opposition to the composition of the panel.

[9] The Chair outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[10] At the outset of the appeal Hearing, C. Tatarin inquired as to why there were four Board Members present instead of five. The Clerk clarified that per the County's Subdivision and Development Appeal Board Bylaw, quorum is three (3).

[11] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

[12] There is no doubt that the Smoky Lake County Subdivision and Development Appeal Board is the correct venue to receive this appeal.

[13] At the outset of the appeal Hearing, the Chairperson indicated that individuals will be asked to explain how they are directly affected by the proposed development, and where they reside in proximity to the site.

[14] At the outset of the appeal Hearing, the appellant provided additional written materials, copies of which were made available to each of the parties.

Summary of Hearing

i. Position of the Appellant

[15] The Clerk read a Letter of Appeal into the record, which was dated November 28, 2022, from the appellant, Mr. Tatarin, who **opposes** the decision of the Development Authority. The Letter of Appeal was included in the appeal hearing package.

ii. Position of J. Ruegg, the Development Officer, Smoky Lake County, who was accompanied by J. Grundberg, KC, Smoky Lake County Legal Counsel.

[16] The Board also heard from Jordan Ruegg, representing the Development Authority for Smoky Lake County. Mr. Ruegg presented the Development Authority's



Report, which was included in the appeal hearing package. The Development Authority Report was supplemented with comments from Ms. Jeneane Grundberg, KC, Smoky Lake County Legal Counsel.

ii. Position of those opposed to the Development

C. Tatarin, representing himself, of NW-27-57-14-4

[17] At the commencement of the hearing, Mr. Carl Tatarin had provided additional written questions which as noted above had then been distributed to the parties. Mr. Tatarin is the **appellant** and read these written questions into the record.

L. Hominiuk, representing himself, of SW-19-57-13-4

[18] The Board received an oral submission from Mr. Landon Hominiuk, who **opposes** the approval of the Development Authority.

C. Lohstraeter, representing herself, of SW-26-57-14-4

[19] The Board received an oral submission from Ms. Charlene Lohstraeter, who is **opposes** the approval of the Development Authority.

C. Hominiuk, representing herself, of SW-19-57-13-4

[20] The Board received an oral submission from Ms. Christine Hominiuk, who **opposes** the approval of the Development Authority.

D. Basaraba, representing herself, of Part of SE-16-57-13-4

[21] The Board received an oral submission from Ms. Dana Basaraba, who **opposes** the approval of the Development Authority.

B. Basaraba, representing himself, of Part of SE-16-57-13-4

[22] The Board received an oral submission from Dr. Brad Basaraba, who is **opposed** to the approval of the Development Authority.

[23] In summery, the appellant and those opposed to the development collectively submitted the following reasons in opposition, including:

- a) Adverse affects on peaceful use and enjoyment of adjacent lands;
- b) Potential impacts on adjacent agricultural operations including infiltration of clubroot;
- c) Ecological integrity including nesting birds, wildlife, and potential on-site wetlands;
- d) Questions of jurisdiction and enforcement;
- e) Noise trespass;
- f) Fire hazards;
- g) Traffic impacts including dust control and damage to the roads;
- h) Potential stormwater impacts,
- i) Potential off-site traffic-impacts, and on-site parking,
- j) Potential impacts of trespass of dust and noise,
- k) Potential fire hazards,
- l) Viewscapes and sightliness,
- m) Status of existing Development Permit 038-09 for a Motorcycle Campground;
- n) Provision of hospital or medical servicing;



- o) Provision of firefighting services;
- p) Provision of police services;
- q) The source or provider, volume, and method of water servicing;
- r) Possible effects of the proposed development on crime trends;
- s) Possible demographics of the users of the proposed development, or trespassing on adjacent lands;
- t) Possible legal liabilities of the County;
- u) Adjacent landowner desire for a veto, consultation, or requirement for an Area Structure Plan;
- v) Earlier correspondence received from the Development Authority;

iii. Position of the Applicant/Proponent

N. Kimmitt C. Tatarin, representing Northern Lights RV Resort

[24] The Board also received a written and oral submission from Nicole Kimmitt, on behalf of Northern Lights RV Resort, which is the **applicant/proponent** and **supports** the approval of the Development Authority. The written submission was included in the appeal hearing package.

iv. Questions

[25] The Board proceeded into questions.

v. Recesses & Continuation of the Hearing

[26] The Board took a short recess from 6:25pm and reconvened at 6:32pm.

[27] The Board also took a short recess for dinner at 8:09pm and reconvened at 8:33pm.

[28] Before completing all the questions, Final Comments, or closing the Hearing, the Chairperson recessed the meeting at 9:29pm, and established that the Hearing would be called back to order on December 20th, 2022, at about 6:00pm, which was mutually agreed-to by the parties.

[29] Notice of the Continuation of the Hearing was published on the Smoky Lake County website on December 16, 2022.

[30] The Chairperson called the Hearing back to order on December 20th, 2022, at about 6:01pm, in the presence of:

- Amy Cherniwchan, SDAB Chairperson, *in chambers*
- Christine Hansen, SDAB Member, *in chambers*
- Gary Henry, SDAB Member, *in chambers*
- Jerry Melnyk, SDAB Member, *online via Zoom*
- Kyle Schole, SDAB Clerk, *in chambers*
- Jordan Ruegg, Development Authority Officer, *in chambers*
- Jeneane Grundberg, KC, Legal Counsel, *online via Zoom*
- Nicole Kimmitt, Proponent, *online via Zoom*
- Richard Kimmitt, Proponent, *online via Zoom*
- Carl Tatarin, Appellant, *in chambers*
- Charlene Lohstraeter, *in chambers*
- Christine Hominiuk, *in chambers*
- Landon Hominiuk, *in chambers*
- 'Canmore', *online via Zoom*



- Michelle Wright, *online via Zoom*
- Irene van der Kloet, *online via Zoom*
- Tyson Berlinguette, *online via Zoom*
- 'Guest', *online via Zoom*
- 'Rodney', *online via Zoom*
- 'guest', *online via Zoom*
- 'jim y', *online via Zoom*
- 'danbao' *online via Zoom*
- Tyrone Williams, *online via Zoom*

iv. Continued Questions and Final Comments

[31] The Chairperson reviewed the Board's progress through the agenda so far and covered the next steps and housekeeping matters.

[32] The Board proceeded into questions and final comments.

[33] The Chairperson called a short recess at 7:30pm, and called the Hearing back to Order at 7:47pm

[34] During questions and final comments, several Points of Order were raised:

- i. L. Hominiuk, that the Clerk was taking on the role of the Chairperson. The Chairperson did **not** sustain this Point of Order.
- ii. J. Grundberg, KC, that the length of the Final Comments was becoming excessive and had departed from the rules or expectations outlined at the start of the Hearing Continuation. The Chairperson did **not** sustain this Point of Order.
- iii. C. Tatarin, that J. Melnyk had shown bias at the previous meeting. The Chairperson took this as a note but did **not** sustain the Point of Order.

v. Fairness of the Hearing

[35] Chairperson Cherniwchan asked if each of the parties felt they had received a fair Hearing.

[36] Ms. C. Lohstraeter indicated that she felt she did not receive a fair Hearing, as some correspondence between herself and others and the Development Authority had not been entered as evidence during the Hearing.

[37] Mr. C. Tatarin indicated that he felt he had not received a fair Hearing, as he felt that Board Member Melnyk was biased for having asked if Mr. Tatarin had any grievance with the County.

vi. Closing of the Hearing

[38] With no further questions, Board Member Henry Moved that the Board close the Hearing at 8:31pm, which carried.

[39] The Board moved into closed session for its deliberations, in accordance with Section 197(2.1) of the *Municipal Government Act*, as amended.

Legislative Framework

Smoky Lake County Land Use Bylaw Consolidation – Bylaw 1272-14:

Section 1 - GENERAL ADMINISTRATIVE PROCEDURES

Section 1.7 – Interpretations/Definitions



Section 2 – DEVELOPMENT PERMITS, RULES, AND PROCEDURES

Section 2.4 – General Development Permit Application Requirements

Section 2.6 – Commercial & Recreation Development Permit Application Requirements

Section 2.11 – Decisions on Development Permit Applications

Section 2.13 – Validity of Development Permits

Section 2.16 – Developer’s Responsibility

Section 2.17 – On-Site and Off-Site Services and Improvements

Section 6 - GENERAL PROVISIONS

Section 6.6 – Development and Access Permit Requirements Adjacent to Municipal Roads and Highways

Section 6.7 – Development Near Intersections and Road Curves

Section 6.13 – Parking and Loading Regulations

Section 6.14 – Pipeline and Other Utility Corridor Setbacks

Section 6.16 – Sign Regulations

Section 6.17 – Site Conditions & Buffering Requirements

Section 7 - SPECIAL PROVISIONS

Section 7.24 – Recreational Vehicle Parks

Smoky Lake County Municipal Development Plan – Bylaw 1249-12:

Section 1 – Introduction

Section 1.4 – Plan Philosophy and Principles

Section 1.4.1 – Philosophical Principles

Section 1.4.2 – Planning Principles

Section 1.5 – Goals

Section 3 – General Objectives and Policies

Section 3.2 – Environmental Management

Section 3.4 – Emergency Preparedness

Section 3.5 – Recreation

Section 3.6 – Tourism



Section 3.7 – Transportation and Municipal Servicing Policy

Section 4 – Specific Plan Objectives and Policies

Section 4.1 – Agriculture Policy

Reasons/Findings of Fact

Decision

[33] The appeal is **DENIED**, the decision of the Development Authority is **UPHELD**, with certain conditions being **VARIED**. The development is **APPROVED**.

Reasons for Decision

Introduction

[34] The proposed development relates to an application for the development of a

[35] All appeals before the Board are *de novo* hearings. Therefore, the Board must consider the entirety of the application in rendering its decision. The legislated instructions to the Board when considering development appeals is found at section 687(3) of the *Municipal Government Act* (the “MGA”). That section reads:

(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

(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;

...

(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.

[36] The starting point of all appeals should be section 687(3)(d)(ii) of the MGA which the Court of Appeal has coined the “use condition”: *Edmonton (City of) Library Board v Edmonton (City of)*, 2021 ABCA 355 at para 38.



- [37] Accordingly, the Board must first consider the characterizations of the Uses proposed under the application and whether they are in fact a Permitted or Discretionary Use.
- [38] If the Use is Permitted, it is available as of right to the landowner. However, if the Use is in fact Discretionary, the Board must then consider the reasonable compatibility of the Use in relation to the adjacent Uses.
- [39] Only if the Board is satisfied that the Use is either Permitted or a reasonably compatible Discretionary Use can the Board then consider the relationship of the proposed development with applicable Statutory Plans and the remaining regulations of the *Bylaw*.
- [40] Lastly, the Board can apply its test at section 687(3)(d)(i), if necessary, to consider the “negative effects” of a proposed development that does not comply with the Land Use Bylaw.
- [41] This is the roadmap used by the Board on this occasion.

Analysis

- [42] The Board is of the opinion that there is no question as to what Uses are contemplated for the Site. The proposed Use is a 400-stall ‘Recreational Vehicle Park’.
- [43] In the circumstance of this matter, the Board is of the opinion that there is no question that an Area Structure Plan (ASP) is not necessarily required under the County Land Use Bylaw or Municipal Development Plan.
- [44] The main consideration before the Board is whether a Recreational Vehicle Park is reasonable and appropriate on this site.
- [45] This question is important to consider in the context of the County Land Use Bylaw.
- [46] Specifically, the Board looks at the wording of the definition in its grammatical and ordinary sense and in harmony with the regulatory scheme, its object, and the intention of Council.
- [47] Based on the evidence provided throughout the entirety of the hearing, the Board is convinced that it is appropriately prepared to render a decision on this matter.

The Appropriateness and Need for the Development

- [48] The Board heard ample evidence on both sides of these Appeals regarding the impacts and need for the development.
- [49] This Board is not here to decide matters of public policy such as requirements for engagement and public participation in a private development. This is a Subdivision and Development Appeal Board, which is a quasi-judicial and unelected Board tasked to objectively consider a development application and, within the legislative framework in place, render a decision on whether to allow a development from a planning perspective.
- [50] The Board wishes to acknowledge the submissions of all parties. The Board is sympathetic to the concerns voiced on both sides of the Appeals but is quite simply not



the proper body to consider many of the concerns. Matters of policy are properly reserved for the elected officials of County Council.

[51] That being said, many of the concerns may have been relevant.

[52] The Board had regard to relevant legislation, including the *Municipal Government Act*, the Subdivision and Development Regulation, and County Bylaws including the Municipal Development Plan and Land Use Bylaw.

[53] The Board considered all relevant evidence and relevant arguments, either in favour or against the appeal.

[54] The Board considered and reviewed the context of the proposed development and has reviewed the provisions and definitions in the Smoky Lake County Land Use Bylaw, including its conformance with the Smoky Lake County Municipal Development Plan Bylaw.

[55] The Board heard evidence from the Appellant that the existing development operated by the Applicant was approved as 'Rustic Campground' in 2009. However, the Board finds this circumstance inconsequential. The Board looks at each Appeal on its own merits and does not second guess previous decisions of the Development Authority that are not properly before it.

[56] In determining this appeal, the Board is in the opinion that the proposed Use is a Discretionary Use in the 'Agriculture General (AG) District', defined as a '**RECREATIONAL VEHICLE PARK**' under the Land Use Bylaw.

[57] A development permit for a Discretionary Use *may* be obtained it is but is not a right.

[58] Given the Use in question is a Discretionary Use, this triggered this Board's test of reasonable compatibility.

[59] The Board considered:

- Relevant Smoky Lake County policies and bylaws, and Provincial legislation and regulations;
- Potential impacts on adjacent agricultural operations;
- Potential impacts on environmental integrity including, but not limited to nesting birds, wildlife, wetlands, aquifer, etc.;
- Potential stormwater impacts;
- Potential off-site traffic-impacts, and on-site parking;
- Potential impacts of trespass of dust and noise;
- Potential fire hazards;
- Viewscales and sightliness;
- Relevant evidence submitted by affected parties.

[60] In determining this appeal, the Board **did not** consider the following, as they are **not** considered relevant planning matters:



- Planning practices or procedures in other jurisdictions such as Mountain View County or the City of Edmonton;
- The enforcement of existing Development Permit 038-09 for a Motorcycle Campground, or 'Rustic Campground' as this matter is simply not the subject of this appeal;
- The status or responsibility or proper jurisdiction of any enforcement action, as those matters are simply not the subject of this appeal;
- Provision of hospital or medical servicing;
- Provision of firefighting services;
- Provision of police services;
- The source or provider, volume, and method of water servicing;
- Possible effects of the proposed development on crime trends;
- Possible demographics of the users of the proposed development, or trespassing on adjacent lands;
- Possible legal liabilities of the County;
- Smoky Lake County's Economic Development Strategy;
- Adjacent landowner desire for a veto, consultation, or requirement for an Area Structure Plan;
- Any correspondence from the Development Authority which was not entered into evidence during the Hearing;
- Any materials that were submitted to the Clerk after the closing of the Hearing;
- Irrelevant evidence or evidence submitted by those deemed not to be affected parties.

[61] In the opinion of the Board, and in consideration of all the relevant evidence before it, approving a development of not more than 200 RV Stalls would be reasonable compatible at this time.

[62] A Wetland Authenticating Professional is the correct individual to establish the presence or non-presence of wetlands.

Decision

[59] In consideration of the foregoing, the Board is of the opinion that the proposed development **CONFORMS** with the **USE** prescribed for **RECREATIONAL VEHICLE PARK** which is listed as a Discretionary Use the Agriculture General (AG) District under the Land Use Bylaw.

[60] Accordingly, the Board **VARIES** the decision of the Development Authority and **UPHOLDS** the approved Development Permit No. 007-22 located on the lands legally described as **NE-35-57-14-W4M**, (+/-158.52 acres) subject to the following **AMENDED** conditions:

1. *A maximum of 200 RV sites shall be developed within the Recreational Vehicle Park:*
 - a. ***Within six (6) months of the date of decision, and prior to the permit taking effect, the Developer shall re-submit a Site Plan to the satisfaction of the Development Authority;***
 - b. *The development shall be sited and constructed as per the said Site Plan.*

2. **Prior to this permit taking effect**, the Developer shall provide a storm water management plan that has been signed and sealed by a Professional Engineer, to the satisfaction of the Development Authority.

Note: Should Alberta Environment and Protected Areas (EPA) require review, this approval may also be required.

3. **Prior to this permit taking effect**, the Developer shall provide a site assessment from a Wetland Authenticating Professional, to the satisfaction of the Development Authority.
4. Upon the date of this decision, Development Permit 038-09 is extinguished, and replaced with Development Permit 007-22.
5. *Each of the RV sites shall be serviced by an internal road.*
6. *Each RV site shall be a minimum of 10.0 meters (32.8 feet) wide and shall have a minimum area of 250.0 square meters (2,691 square feet).*
7. *All RV sites and associated infrastructure approved by this Development Permit shall be setback a minimum distance of 7.62 meters (25.0 feet) from any property line.*

Note: (Should Alberta Transportation require a greater setback distance from the property line adjacent to Highway 652, Alberta Transportation's required setback distance shall prevail.)

8. *The developer shall designate an area equivalent to a minimum of ten (10%) percent of the total recreational vehicle campground area as a playground. This area is to be clearly marked and free from all traffic hazards.*
9. *Spaces for day use, picnicking and similar activities shall be suitably organized, clearly marked, and constructed to the satisfaction of the Development Authority.*
10. *All camping stalls shall be cleared identified with stakes or markers, with a stall number or other identification system.*
11. *A single security/site-operator suite/dwelling unit shall be permitted on site.*
12. *The site shall be kept in a neat and tidy condition in accordance with **Smoky Lake County Bylaw No.1169-08: Nuisance and Unsightly Premises**, as amended.*
13. *The Developer shall comply with the provisions of **Smoky Lake County Bylaw No. 1342-19: Noise Bylaw**, as amended.*
14. *The Developer shall be required to provide plans for potable water servicing, should potable water serving be required, to the satisfaction of the Development Authority, including:*
 - a. *the proposed phasing and ultimate configuration of the water system;*
 - b. *the ultimate design population for the water system, including allowances for ancillary water usage such as showers, toilets, wash facilities, splash park, pool and any other facility expected to use water;*
 - c. *the ultimate design flow (ADD, MDD and Peak Hour) values, as well as the storage requirements of the potable water tank;*



- d. *identification of the water source(s); and*
 - e. *the potable water system shall be designed and certified as constructed in accordance with the design completed by a Professional Engineer (Civil) licensed to practice in the Province of Alberta, and copies of the design, signed and sealed by a Professional Engineer, will be forwarded to the Development Authority prior to issuance of a Development Permit.*
15. *The Developer shall utilize FireSmart, and fire-resistant building techniques wherever possible throughout the Development.*
 16. *The Developer shall provide sufficient volumes of on-site potable water for firefighting purposes, to the satisfaction of the Smoky Lake County Fire Chief.*
 17. *Fires shall be permitted only in designated firepits, and other such facilities designated by the Development Authority for such use.*
 18. *The Developer shall provide a fire plan that includes the provision for muster points in the event of an emergency and identify the location of said muster points with appropriate signage, to the satisfaction of the Development Authority and the Smoky Lake County Fire Chief.*
 19. *The Developer shall be required to provide, if such servicing is required, plans for on-site private sewage disposal servicing, including the following, to the satisfaction of the Development Authority:*
 - a. *the proposed phasing and ultimate configuration of the private sewage disposal system;*
 - b. *the ultimate design flow (ADD, Peak Hour) values, including inflow and infiltration, as well as the location(s) and storage capacities of holding tanks;*
 - c. *certification of the proposed private sewage disposal system from an accredited inspector; and*
 - d. *the on-site private sewage disposal system shall be designed and certified as constructed in accordance with the design completed by a Professional Engineer licensed to practice in the Province of Alberta and copies of the design, signed and sealed by a Professional Engineer, will be forwarded to the Development Authority prior to issuance of a Development Permit.*
 20. *Prior to the issuance of a Development Permit by the Development Authority for Smoky Lake County, the Developer shall be required to obtain a Roadside Development Permit from Alberta Transportation.*
 21. *The Developer shall enter into a Development Agreement with Smoky Lake County, **within 3 months** of the date of issuance of the Development Permit, and the agreement shall include provisions requiring the Developer to construct, upgrade, or pay to construct or upgrade the necessary County roads to access the development when determined necessary by the Development Authority.*
 22. *Each RV site shall contain a maximum of one (1) picnic table, and one (1) fire pit. The design and placement of all fire pits shall be approved by the Smoky Lake County Fire Chief.*



23. *The Developer shall provide for a method of collection and disposal of solid waste to the satisfaction of the Development Authority, including identifying the number and location of solid waste bins.*

24. *The construction and future maintenance of accesses to said lands and all internal roads located on said lands shall be the responsibility of the Developer. Development of all internal roads shall be at the discretion of, and to the satisfaction of, the Development Authority.*

To this end, all internal roads shall have: a minimum of a 6.0 meter (20.0 foot) usable top, except for one-way roads, which shall have a minimum of a 3.7 meter (12.0 foot) usable top and shall be hard surfaced.

25. *The Developer shall identify the location of any existing or abandoned oil and/or natural gas wells located on the property and abide by any setbacks prescribed by the Alberta Energy Regulator.*

26. *The proposed Development shall be designed and landscaped to the satisfaction of the Development Authority, to minimize disturbance to the natural environment and to protect heavy use areas from damage.*

27. *The Developer shall provide a sufficient quantity of on-site parking for visitors and employees, to the satisfaction of the Development Authority.*

28. *Any development involving pipeline and/or power line rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation and regulations.*

Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial legislation and regulations and any regulations established by the Alberta Energy and Utilities Board.

29. *The Developer shall be required to obtain all required applicable Safety Codes Act Permits, including Building, Plumbing, Electrical, Gas and Private Sewage Disposal System (PSDS).*

30. *Prior to the construction of any access/approach from a municipal road, the Developer shall be required to enter into an Approach Agreement with Smoky Lake County. The location of any access/approach from a Municipal Road shall be at the discretion of the Smoky Lake County Road Foreman and shall be constructed to the specifications of Smoky Lake County Policy Statement 03-05: Approaches.*

31. *The Developer may install one (1) freestanding sign for each 90.0 meters (295.27 feet) of frontage. Approval from Alberta Transportation may also be required.*

32. *All freestanding signs shall not exceed a maximum of 9.0 meters (29.52 feet) in height.*

33. *The face of all freestanding signs shall not exceed a maximum of 8.0 square meters (86.11 square feet) in area.*

34. *The area around a freestanding sign shall be kept free of litter and overgrown vegetation.*

35. *No sign, billboard or advertising structure shall resemble or conflict with a traffic sign, nor shall they be a traffic hazard.*



36. No sign shall be of such a size, design or located in a manner that, in the sole opinion of the Development Authority, obstructs the vision of persons using roads abutting the subject property.

37. Flashing illuminated or animated signs shall not be permitted, where, in the sole opinion of the Development Authority, it might be objectionable to nearby residents or interfere with the safe movement of traffic.

Conclusion

DATED at the Smoky Lake County in the Province of Alberta, this **4th day of January 2023.**

[Original signed] _____

Amy Cherniwchan, Chairperson

Subdivision and Development Appeal Board (SDAB)

Other Important Information for the Applicant/Appellant

1. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26.
 - a. An application for leave to the appeal must be made to the Court of Appeal within thirty (30) days after the issue of this decision and notice of the application must be given to the Subdivision and Development Appeal Board and any other persons that the court directs.
 - b. If you are considering 'application for leave of appeal' it may be prudent to engage a lawyer.
2. When a decision on a Development Permit application has been rendered by the Smoky Lake County Subdivision and Development Appeal Board (SDAB), the enforcement of that decision is conducted by Smoky Lake County Planning & Development Services, located on the 4612 McDougall Drive, Smoky Lake, AB T0A 3C0, by phone at 780-656-3730 or by email at pd@smokylakecounty.ab.ca.
3. In accordance with the Smoky Lake County Land Use Bylaw, as amended, this decision does not restrict the ability of a proponent to reapply in the future for consideration of subsequent development permitting or phases of development.