

**SUBDIVISION AND DEVELOPMENT  
APPEAL BOARD**

**MOCK HEARING**

**2011**

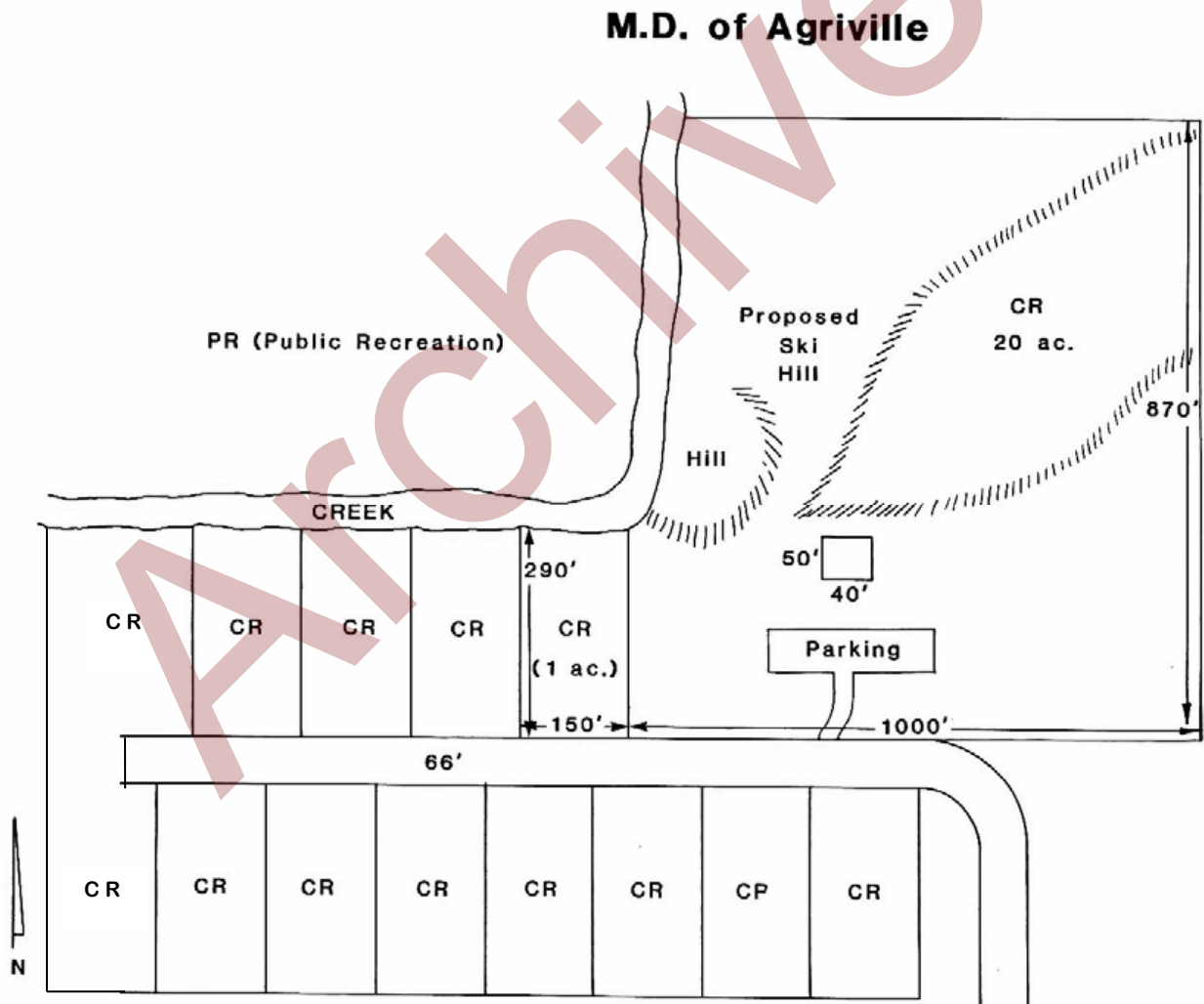
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# SDAB AGENDA

## Municipal District of Agriville

**APPLICATION:** Appeal of a Development Officer's decision to approve a development application to allow (with conditions) recreational uses in a residential area.

**BACKGROUND:** The subject site is zoned CR – Country Residential District in the Land Use Bylaw. Neighbouring residents have launched an appeal.



# DEVELOPMENT OFFICER'S REPORT

## Municipal District of Agriville

**PROPOSED DEVELOPMENT:** Year round recreation camp for sick children and their families on 8 ha (20 acre) parcel.

- 180m<sup>2</sup> (2000 ft<sup>2</sup>) Lodge and Overnight Accommodations;
- Two Ski Lifts – one T-Bar; one rope tow;
- Parking Lot; and
- Go-Cart Track proposed for summer use.

This recreational land use is considered a “discretionary use” in the CR – Country Residential District of the MD of Agriville’s Land Use Bylaw.

The Development conforms to the LUB’s “Special Provisions”, which states the following respecting Recreational Development:

1. Recreational Development may only be allowed on lower capability agricultural land;
2. The Developer shall identify, to the Development Officer’s satisfaction, all servicing costs associated with the development.

The proposed development must comply with these provisions.

**DEVELOPMENT OFFICER’S DECISION:** **Approval**, subject to the following conditions:

- Parking areas to be screened and landscaped to minimize visual intrusion on neighbouring properties; and
- Operation of the summer go-cart track is restricted to day light hours to minimize noise impact on neighbouring properties.

**BASIS OF APPEAL:** Every Country Residential household (13) in the Fox Creek subdivision has submitted letters of appeal on this development.

The residents argue that the ‘quality’ of their subdivision will be destroyed in the winter by traffic generated by the ski hill, and in the summer from noise generated by the go-cart track.

**OTHER INFORMATION:** The Development Officer has attempted to minimize the impact of the development by attaching conditions. Also, the Development Officer held meetings between the developer and the residents, without resolving their differences.

# LAND USE BYLAW

## Municipal District of Agriville

### CR - COUNTRY RESIDENTIAL

This district is intended to protect more intensively developed country residential areas from problems of incompatible development.

### PERMITTED USES

1. Dwelling
2. Accessory buildings and uses
3. Park

### DISCRETIONARY USES

1. Greenhouse
2. Mobile Home
3. Stable
4. Public Buildings
5. Recreation Facilities
6. Dugouts
7. Home Occupations
8. Other uses of a similar nature as approved by the Municipal Planning Commission.

### MINIMUM DEVELOPMENT STANDARDS

1. Lot Area: For parcels not served by a sewage collection or water distribution system, 0.4 hectares (1 acre) with a minimum width of 30.5 metres (100 feet).
2. Setback from Roads:
  - 40 metres (131.2 feet) from the centre line of any local or secondary road. Any waiver of the 40-metre regulation shall be a recommendation from the Municipal Planning Commission to Council for final approval.
  - 7.5 metres (24.6 feet) from the property line to any service road or subdivision street.
  - As required by Alberta Transportation for primary highways.
3. Setback from Other Property Boundaries:
  - Cornered sideyard: as required for the setback from roads
  - Internal sideyard: 3 metres (9.8 feet)

- Rear yard: 15 metres (49.2 feet)

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# **SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

## **Municipal District of Agriville**

In this exercise, you will be conducting a development appeal. Your group will act as the Board. The attached handout is the background information on the case.

Your Task:

1. Review the case.
2. Nominate a Chair to conduct the hearing.
3. Conduct the hearing according to proper procedure – including addressing any preliminary issues, hearing from all parties present at the hearing and posing appropriate questions to the parties.
4. Make a decision on the appeal based only on relevant considerations.
5. Present your decision to the class, outlining how you made your decision.

Note: There is no right answer, the objective of the Mock Hearing is to go through the decision making process and to reach a decision that is appropriate.

# **SUBDIVISION AND DEVELOPMENT APPEAL BOARD (Shadow Board)**

## **Municipal District of Agriville**

In this exercise, you will be viewing a development appeal as though you are attending a public hearing. Your group will act as the Shadow Board such that you will offer comments to the group on how the Board handled itself in terms of procedure keeping order, maintaining a sense of pace, asking relevant questions, sifting through the information that was presented (both relevant and irrelevant) or any other topic that was discussed during the workshop. The attached handout is the basic information on the case.

Your Task:

1. Review the case.
2. Observe the Mock Hearing, make notes and prepare questions.
3. Present your comments/questions to the group at the end of the Mock Hearing.

Note: Where appropriate, the Shadow Board may pose questions to the other participants to clarify the information being presented by the parties.

# SECRETARY

## Municipal District of Agriville

In this exercise, you will be attending a development appeal. Your group will act, collectively, as the Secretary. The attached handout is the background information on the case.

Your Task:

1. Review the case.
2. Nominate a Secretary to speak on behalf of the group.
3. The Secretary will introduce the matter before the Board at the outset of the Mock Hearing.



# PLANNING STAFF/DEVELOPMENT OFFICERS

## Municipal District of Agriville

In this exercise, you will be attending a development appeal as though you are presenting at a public hearing. Your group will act as the Municipal Staff and will present the details of the Development to the Board. The attached handout is the background information on the case.

### Your Task:

1. Review the case.
2. Nominate a speaker to act as the Development Officer on behalf of the group.
3. The Development Officer should present the details of the development contained in the Development Officer's Report. This includes explaining the details of the approval and the conditions imposed by the Development Officer.
4. Nominate a speaker to act as a member of the Municipal District's Planning Staff.
5. The Planning Staff member will present the details of the development related to planning, including any noise or traffic studies that have been completed respecting the development.
6. Each speaker must present their report to the Board.

Note: The speakers may be requested by the Board to add details to the information that has been provided by other parties and may have to respond to questions from the Board, Developer and/or the Landowners.

# APPELLANT LANDOWNERS (Applicants)

## Municipal District of Agriville

In this exercise, you will be attending a development appeal as though you are presenting at a public hearing. Your group will act as the Appellant Landowners, arguing against the Development Officer's decision to approve the development. The attached handout is the background information on the case.

### Your Task:

1. Review the case and the letters provided.
2. Brainstorm as a group some relevant considerations to present to the Board (examples: concerns related to traffic, parking, noise, devaluation of property).
3. Brainstorm as a group some irrelevant considerations to present to the Board (examples: bad character of the developer, business competition, amount of time put into the appeal).
4. Nominate a few members to speak to the Board on behalf of the group about the issues identified in the letters provided and any additional matters identified by the group.

### Notes:

- Consider raising the preliminary issue of bias on the part of one of the Board members (examples: closed mind, pecuniary interest, personal bias).
- Consider appointing one member of the group to be "difficult" for the purpose of requiring the Board's Chair to keep the hearing on track.

Dee Manding  
7788 – 88<sup>th</sup> Street  
Agriville, AB  
(123-444-3123)

February 20, 2011

Subdivision and Development  
Appeal Board of Agriville  
1245 67<sup>th</sup> Avenue  
Agriville, Alberta

**Attention: Municipal District of Agriville SDAB**

To Whom It May Concern:

**Re: Recreation Camp**

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I am writing to oppose the year round recreation camp for sick children and their families. It's not that I don't appreciate that sick kids need a place to play, I just don't know why they have to put the camp right outside my front door.

I have three children of my own and there are many children who live on the street. My husband and I bought our house because it was on a quiet street where we knew our children could play without worrying about traffic and strangers.

If you approve this camp, my husband and I worry that there will be significant increases in the traffic on our peaceful street - our kids won't be able to play ball hockey and other sports outside because of the increases in traffic at all times of the day.

As I mentioned before, we have a very close relationship with the 12 other families on the street, everyone looks out for each other; it is a very safe place to live. If you approve this camp there will be all kinds of people wandering around the block and scaring our children. It will ruin the sense of community we have worked so hard to achieve.

I really hope that you will consider my perspective and the pitfalls of approving this development during the appeal hearing.

Thank you.

Yours truly,

DEE MANDING

Eugene Feisty  
9785 – 46<sup>th</sup> Street  
Agriville, AB  
(123-489-9966)

February 23, 2011

Subdivision and Development  
Appeal Board of Agriville  
1245 67<sup>th</sup> Avenue  
Agriville, Alberta

**Attention: Municipal District of Agriville SDAB**

To Whom It May Concern:

**Re: Recreation Camp**

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I am writing about the recreation camp that has been approved next to the Fox Creek subdivision. It's not that I mind having the kids next door, I'm just worried about the kind of activities they are having on site. It's my understanding that the developer has plans to put in a Go-Cart track. I am concerned about the noise that this track will create in the neighborhood. As you know, it can get quite hot here in the summer and I can't afford air conditioning, so I keep my windows open most of the time. I am worried that the placement of the Go-Cart track will make it very noisy and make it impossible to keep my windows open during the summer.

As well, my brother-in-law owns "Bart's Carts" and as far as I know, it's the only Go-Cart track around for miles. His business is good, but there are a limited amount of people who go Go-Carting on a regular basis. I'm worried that allowing another track in town will have an impact on his business.

Thanks for your consideration of these matters.

Yours truly,

EUGENE FEISTY

Adam Ant  
6452 – 99<sup>th</sup> Street  
Agriville, AB  
(123-472-1346)

February 28, 2011

Subdivision and Development  
Appeal Board of Agriville  
1245 67<sup>th</sup> Avenue  
Agriville, Alberta

**Attention: Municipal District of Agriville SDAB**

To Whom It May Concern:

**Re: Recreation Camp**

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I just came to my attention that the development permit for a Recreation Camp beside my house has been approved by the Municipality. I just want to make sure that the Board considers the issues of parking and value of the properties in the subdivision before it makes its decision.

I have reviewed the proposal submitted by the Developer and I'm worried that there won't be enough parking. I am concerned that we'll get the overflow of vehicles onto our street from the Camp.

I used to live in a different community and they put in a movie theatre across the street from my house. It was just awful. People would park in my driveway and I couldn't get into my garage. I don't want a situation like that to happen again.

I am also concerned that the value of my property, and the value of my neighbours' properties, will be significantly reduced as a result of this development. I'm no real estate appraiser, but I'm pretty sure a busy camp full of sick kids and their families is going to dissuade prospective purchasers who would have otherwise been interested in our peaceful cul de sac.

Thank you.

Yours truly,

ADAM ANT

# DEVELOPER (Respondent)

## Municipal District of Agriville

In this exercise, you will be attending a development appeal as though you are presenting at a public hearing. Your group will act as the Developer, arguing that the Development Officer's decision to approve the development be upheld. The attached handout is the background information on the case.

### Your Task:

1. Review the case.
2. Brainstorm, as a group, some relevant considerations to present to the Board (examples: adequate parking, minimal impact of noise, increased valuation of property, etc.).
3. Brainstorm, as a group, some irrelevant considerations to present to the Board (examples: amount of money spent on the development plans, welfare of the sick children, bad character of the Appellant Landowners, etc.).
4. Nominate one member of the group to act as the Developer and to present your considerations to the Board.

Note: Consider raising the preliminary issue of bias on the part of one of the Board members (examples: closed mind, pecuniary interest, personal bias).