

**JOINT SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
DECISION**

Hearing Date: October 10, 2023  
Development Application 020020-23-D0050  
Applicant: Kelly Lafayette/Obsidian Ridge Ltd.  
Appellant 1: Dale Wakeling and Daphne Wakeling  
Appellant 2: Janet Trotno and Graham Munro  
Location: Plan 102 3393, Block 1, Lot 1  
in SE 29-50-20 W4M (the "Site")  
Proposed Development: General Commercial Use – Event and Overnight Stay  
Services / Addition to existing operations

**A. INTRODUCTION**

1. The Beaver County Development Authority issued a development permit to approve a General Commercial Use – Event and Overnight Stay Services / Addition to existing operations. The Appellants appealed the approval of the development permit.

**B. PROCEDURAL MATTERS**

2. There were a number of written submissions that were filed after the deadline, including a written submission from the Applicant. The Appellants objected to the late submissions. The Appellants indicated that they worked very hard to meet the deadlines and that in fairness, the deadlines should apply to all parties. The Appellants took the position that it would be unfair to them for the Applicant to be allowed to file written submissions after the deadline. The Applicant indicated that his written submissions were filed a few minutes late as he had misread the form and thought that he had until the end of the day. The Board decided that it would not accept any written submissions filed after the deadline. The purpose of having a deadline for written submissions is to ensure that all parties have a reasonable amount of time to review and respond to written submissions and also to allow the Board adequate time to review written submissions in advance of the hearing. Therefore, the Board declined to accept the late filed written submissions. The

Board noted that the Applicant could orally present the information in the written submissions.

3. There were no objections to the Board members and no objections regarding the hearing process.

**C. SUMMARY OF HEARING**

4. Appellant 1 (Dale and Daphne Wakeling) – The Wakelings provided a written submission, which is on the Board’s file. Daphne Wakeling indicated that she and Dale Wakeling reside on property directly east of the Site. Ms. Wakeling outlined a number of concerns with the existing development, which are set out in the written submissions. She noted that the existing development had not operated in compliance with its development permit. The existing development is a large commercial venture, which has resulted in problems with noise, traffic and waste. The existing development has been very disruptive and has negatively impacted the use and enjoyment of the Wakelings’ property. Ms. Wakeling is concerned that an expansion will lead to increased negative impacts. The Wakelings have tried to work with the Applicant to address their concerns; however, their concerns have remained largely unresolved.
5. Appellant 2 (Janet Trotno and Graham Munro) - Janet Trotno and Graham Munro provided a written submission, which is on the Board’s file. Janet Trotno indicated that she and Mr. Munro own property east of the Site, which is used for farming. They had planned to build a retirement home on the property. Ms. Trotno indicated that the existing development is a commercial development, which, in her opinion, requires a rezoning. Ms. Trotno reviewed a number of negative impacts associated with the existing development, which are set out in the written submissions. She indicated that all neighbours within 2 kilometres of the Site are opposed to any expansion of the existing development. Ms. Trotno made it clear that she does not oppose all commercial development; however, the existing development is causing disturbances and negatively impacting surrounding

properties. Expansion will increase the negative impacts already being experienced.

6. In response to questions from the Board, the Appellants advised as follows:
  - (a) Noise complaints had been made to the County and the RCMP. They have discussed noise concerns with the Applicant and gave the Applicant time to improve. The noise concerns have not been resolved. The Appellants acknowledge that the Applicant has made some effort to address noise concerns, but was limited in his ability to control patrons.
  - (b) There are occasional fireworks associated with the existing development. The fireworks give rise to concerns about noise, impacts on animals and fire hazards.
  - (c) There is increased traffic with the proposed development. There are concerns about safety due to the increased traffic. They have also noted damage to the road due to increased traffic, such as potholes and ruts.
  - (d) In terms of potential mitigation, the Appellants advised that they are already experiencing significant negative impacts with the existing development. Expansion of the existing development will simply aggravate the existing negative impacts. They are not trying to shutdown the Applicant's business, but oppose any expansion. They reiterated that they have concerns with the existing business but are prepared to try to work with the Applicant to address their concerns. They noted that the existing business is vastly different from the original development permit.
7. Development Authority (Jessica Post) – The Development Authority provided the Board with a written submission, which is on file. She indicated that, in her opinion, the proposed development is not for a bed and breakfast (as set out in the application), but rather should be classified as a General Commercial Use, which is a discretionary use in the Agricultural District. In her opinion, the concerns raised by neighbouring property owners have been addressed through the conditions. In

response to questions from the Board, Ms. Post confirmed that the quarter section has been subdivided and that the Site is owned by Obsidian Ridge Ltd. ("Obsidian"). She indicated that commercial uses were acceptable in the Agricultural District as long as those commercial uses were available for use by the agricultural population. She confirmed that there were no Provincial registrations associated with the proposed development so no referrals were required.

8. Applicant (Kelly Lafayette) – To summarize the Applicant's submissions:
  - (a) The Site is not suitable for farming and has been used for recreation uses.
  - (b) The Applicant acknowledged the noise concerns and has been working with the neighbours to eliminate the issues. Noise has been a challenge. The RCMP attended at the Site twice in response to complaints and did not take any action.
  - (c) Fireworks are only allowed on Canada Day and there is a fire safety plan in place.
  - (d) The Applicant hired an acoustic engineer and implemented a noise management plan in 2023. Since implementation of the noise management plan, the noise complaints have been reduced. It is imperative that neighbours communicate any issues in real time so that they can be addressed. In this regard, the Applicant has worked with the neighbour to the west to address concerns.
  - (e) Many events are quiet and do not cause disturbances.
  - (f) There are neighbours who support the proposed development, including the neighbour to the west.
  - (g) Expansion will allow for a wider range of events, and in particular, an indoor facility will reduce noise.

9. In response to questions from the Board, the Applicant advised as follows:
- (a) The Applicant acknowledged that there have been issues with noise and that the condition from the existing development permit has not always been met. The main issue relates to loudspeakers at night. The goal is to eliminate outdoor events at night and migrate activities indoors.
  - (b) There is security onsite during events. The plan is to have a live-in resident manager to deal with security and address concerns.
  - (c) The proposed main event building is planned to be soundproofed.
  - (d) The Applicant agreed that it might be a “stretch” to classify the proposed development as a bed and breakfast.
  - (e) Capacity is controlled via agreements with groups booking events. In addition, seating is limited.
  - (f) The development has an emergency response plan.
  - (g) Sewage is held in holding tanks and then hauled away. There is no open discharge. Water is hauled in.
  - (h) Organic garbage is held in dumpsters, which are hauled away. Recyclable material is piled-up and then hauled away at the end of the season.
10. The Board heard from the following additional speakers:
- (a) Michael Hume – Mr. Hume is the operations manager for the existing development. He is aware of neighbours’ concerns and is working hard to address any issues.
  - (b) John Takla – Mr. Takla is a DJ who does events for the existing development. He indicated that the existing development is unique and that the goal is to ensure that neighbours are not disturbed. In this regard, the Applicant has its own sound system, which can control noise levels and has

a limiter installed to maintain the noise level. DJs are not allowed to bring in their own sound systems. An indoor venue would make it easier to control noise.

- (c) Joe Johnston, Daniel Herrewynen, Jamie Dimetri - These individuals had general comments in support of the proposed development. None of them are affected and their comments were not relevant to land use concerns. Therefore, the Board did not rely on any of their submissions.

11. In rebuttal, the Appellants had the following submissions:

- (a) Graham Munro indicated that he moved to the area largely for its peace and quiet. He does not object to the previously approved equestrian centre. He is concerned about the prospect of more commercial events.
- (b) Dale Wakeling expressed concern about how the development has changed from what was initially approved to what is currently operating and now proposed.
- (c) Janet Trotno pointed out that the existing development has not operated in accordance with its existing approval. She characterized the proposed development as a commercial venture in the wrong location that is negatively impacting its residential neighbours.

12. There were a number of written submissions both for and against the proposed development, which are on the Board's file.

#### **D. DECISION**

13. The Board allows the appeal and varies the development permit to add the following condition:

At all times when there are guests/patrons onsite, there shall be onsite staff to provide security and address concerns of neighbouring property owners. The Applicant shall post contact information for the

onsite staff at the gate to the Site and shall also provide written notification setting out the contact information for onsite staff to all property owners within 2 kilometres of the Site, as well as the County and the RCMP. The Applicant shall ensure that onsite staff are available to respond to concerns from neighbouring property owners at all times when guests/patrons are onsite.

In all other respects, the development permit, including all conditions, is confirmed.

**E. REASONS FOR DECISION**

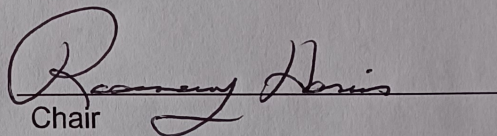
14. The Board first considered how to classify the proposed development. The Board noted that there are a wide range of allowable uses in the AG District. While the Board agrees that the proposed development is not a bed and breakfast, the Board is of the view that the proposed development fits within General Commercial Use. The Board notes that General Commercial Use is a very broad use class and encompasses a variety of services, including the types of services provided by the proposed development.
15. The Board agrees that the policies of the Municipal Development Plan support commercial development within agricultural areas, and in particular, on lower capability agricultural land.
16. The Board is sympathetic to the concerns raised by the Appellants, and in particular, accepts that there is noise and disturbance associated with the existing development. The Board also accepts that the Applicant is making efforts to address the concerns being raised by the neighbours.
17. The Board is of the view that the proposed development should have the effect of lessening the noise and disturbance associated with the proposed development. In particular, by allowing for an indoor facility, many of the activities currently occurring outdoors will be moved inside, which will lessen the noise and disturbance associated with the development.

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18. The Board is also of the view that a number of the conditions, and in particular the conditions related to limitations on noise, number of patrons allowed onsite and number of vehicles allowed onsite will mitigate the Appellants' concerns. The Board also notes that there are various enforcement mechanisms open to the Appellants to ensure that conditions are respected. In particular, failure to adhere to the conditions could lead to issuance of a Stop Order.
19. The additional condition imposed by the Board is designed to provide further recourse to the Appellants in the event of disruptions associated with the proposed development. The intent is that the Applicant will ensure that there is staff onsite at all times when there are guests/patrons onsite and that the onsite staff will be available to respond to and address any concerns that might arise. The onsite staff can also serve as a point of contact for both the County and RCMP, in dealing with any concerns associated with the development.
20. In summary, the Board is of the view that the conditions mitigate the Appellants' concerns and that, with the conditions attached, the proposed development is an appropriate development for the Site.

Dated this 17 day of October, 2023.

Per:

  
Chair  
Joint Subdivision and Development  
Appeal Board

#### **IMPORTANT INFORMATION**

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.