SUBDIVISION AND DEVELOPMENT APPEAL BOARD
PARKLAND COUNTY

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HEARING DATE: January 27, 2025 and March 10, 2025
FILE NO.: PLDPC20230804

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] On November 15, 2024, the Development Authority of Parkland County (the "Development Authority") issued a development permit for a "Existing Religious Assembly Expansion" (the "Development Permit"), located at Plan 2421282, Lot1, Block 2, NW-35-51-26-4 (the "Lands"). The applicant for the Development Permit was Rob Chomiak/GraceLife Church of Edmonton (the "Applicant").

[2] On January 2, 2025, Laurie Thurlbeck ("Appellant 1") filed an appeal of the Development Permit. On January 20, 2025, Evan Duffy, counsel for Enoch Cree Nation, (Appellant 2) filed an appeal of the Development Permit.

[3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on January 27, 2025 and March 10, 2025 as a hybrid hearing, with the Board attending in person, but some attendees attending in person and some attending virtually.

PRELIMINARY MATTERS

A. Board Members

[4] On both January 27, 2025 and March 10, 2025, the Chair confirmed from all parties in attendance that there was no opposition to the composition of the Board hearing the appeal. No one in attendance objected to the members of the Board hearing the appeal.

B. Exhibits

[5] The Chair confirmed that everyone in attendance had the full hearing package prepared for the hearing.

[6] At the beginning of the hearing, the Board asked whether any party in attendance had further documents they wished the Board to review. On January 10, 2025, the Development Authority submitted his PowerPoint presentation and also submitted information which dealt

with the public consultation documents submitted by the Applicant in support of its Development Permit application.

[7] None of the parties in attendance had any objection to the Board accepting those materials and the Board marked them as exhibits.

[8] At the hearing on March 10, 2025, Appellant 1 indicated that they wished to submit for the Board's consideration two documents: a photograph and some traffic counts, and a Noise Impact Assessment prepared by Huberman Transportation Consultants Inc. These documents were not submitted prior to the deadline for submissions.

[9] The Board heard from the Applicant and the Development Authority who both argued against the Board accepting the information on the merits of the information contained within those documents. The Board advised that the Board could provide further time for the Applicant and Development Authority to be able to respond to that information and asked the Applicant and the Development Authority if they wished to have an adjournment to review the information. Following the opportunity to review the information, both the Development Authority and the Applicant indicated that they were prepared to continue with hearing and had no objection to the Board marking the documents as exhibits, although they did not agree with the contents of the documents.

[10] The Board marked the exhibits received as set out at the end of this decision.

C. Jurisdictional Matters

[11] At the beginning of the hearing on January 10, 2025, the Board heard from Hiroki Currie, speaking on behalf of Appellant 1. Appellant 1 requested that the Board consider the question of whether the appeals had been filed in time before it considered Appellant 1's adjournment request. Mr. Currie stated that if the appeals were not filed on time, there would be no point in asking for an adjournment.

[12] The Board heard from Appellant 2 to determine if Appellant 2 was prepared to speak to the timelines on January 27, 2025. Appellant 2 advised that it was seeking an adjournment of the hearing on the merits, but that it was prepared to speak to the timelines on January 27, 2025. It was also prepared to speak to both matters if required.

[13] The Applicant advised that it was not opposed to the adjournment and submitted that it was pertinent for the Board to allow Appellant 1 and Appellant 2 to speak to the timelines regarding notice of the Development Permit Decision.

[14] Having heard from all parties that they were prepared to proceed to provide submissions about whether the appeals had been filed in time, the Board heard submissions from the parties on this issue on January 27, 2025. The Board also asked the parties to provide submissions about their availability for 2 possible hearing dates and disclosure dates, should the Board conclude that the appeals were filed in time.

[15] The Development Authority stated that the Development Permit decision was made November 15, 2024. Due to a postal strike the same day, the Development Authority posted

the decision on the County's webpage. The letters were mailed sometime between December 16 and December 24, 2024. The Development Authority stated that section 16.13.2 of the County's Land Use Bylaw ("LUB") provides for notifications of discretionary development permit decisions. The notification provisions provide that notification can be sent via regular mail or can be provided by publication in a newspaper having circulation in the area. The Development Authority confirmed that there is nothing within section 16.13.2 of the LUB that provides for notification by posting on the County's webpage.

[16] The Development Authority stated that the notification of the Development Permit decision was posted on the County's webpage on the same day that the decision was made (November 15, 2024) and was removed after December 6, 2024, which is the date the deadline for appeal expired. The Development Authority confirmed that it was not aware of any construction on the Lands.

[17] In response to Board questions, the Development Authority stated that there were 251 notices for public consultation and 61 addresses received notification of the Development Permit.

[18] Appellant 1 stated that their letter was post marked December 4, 2024, but was received by Appellant 1 on December 23, 2024. The County's offices were closed for the holidays from December 24, 2024 through to January 2, 2025. The Development Authority's email had a note that they were out of the office until January 6, 2025. Appellant 1 filed their appeal January 2, 2025, which is within 21 days from the date that the notice had been received. Appellant 1 noted that the notification contained a deadline of December 6, 2024 for filing an Appeal. They argued that there were exceptional circumstances to allow the appeal to be filed in time. On November 12, 2024, the Postal Service Union provided strike notice of 72 hours and were subsequently locked out. On November 14, 2024 at 10:00 pm local time, the postal strike started which halted all mail service. Appellant 1 stated that notice is not sufficient unless it was done through one of the methods specified in the LUB. If the method of notification is not contained in the LUB, then the Development Authority cannot use it. Appellant 1 noted that not all County residents have the internet or knowledge on how to check the County's website notices. Appellant 1 noted that section 16.13.2 states that publication in the local newspaper is also possible. They checked to see if notification had been published in the local paper, but did not see it. The paper in which notices are published is the Spruce Grove Examiner. That paper is a limited publication with insufficient copies for all residents. Appellant 1 stated that the Development Authority ought to have been aware of the impending postal strike and should have determined an alternate method of notification beyond the LUB. There are 160 residents in Sunset View and Birch Hill Acres that did not get notice to file the Appeal.

[19] Appellant 1 advised that they could not see any construction on site.

[20] Appellant 1 was in agreement with a March 10, 2025 continuation if the Board assumed jurisdiction and a March 4, 2025 disclosure date.

[21] Appellant 2 stated that they first learned of the Development Permit on January 11, 2025. The notification was mailed sometime between December 16 or December 24. Appellant 2's position was that the posting on the website was non-compliant, and that notification had to

be either by mail or posted in a newsletter of local circulation as required by section 16.13.2. Appellant 2 stated that they were not trying to impugn the Development Authority. The postal strike was unforeseen, but the notice provisions had not been complied with. In their submission, since the Development Authority failed to comply with the notice provisions, the appeal extends to start on the date the notice is received on the basis that they could not appeal what they did not know about.

[22] Appellant 2 stated that the County's Municipal Development Plan provides at Section 12.04 that applications of this nature ought to have been delivered to the First Nation. They did not receive a copy of the application. Therefore, there were two opportunities were Appellant 2 was entitled to receive notice but did not get it.

[23] On January 11, 2025, Appellant 2 first learned of the Development Permit and nine days later on January 20, 2025, it filed its appeal. The Appeal is timely. Without construction on the site, there is no prejudice to the Applicant. A strict application of the 21-day appeal period would insulate the Development Permit from review.

[24] Appellant 2 preferred the March 10 date for a continuation of the hearing and agreed with the March 4, 2025 disclosure date.

[25] The Applicant stated that it was not opposed to having people be provided with extra time to do their research, talk with a lawyer, and agreed with the March 10, 2025 date. The Applicant had no comment on notice. The Applicant did not know who would get notice of the decision. The Applicant confirmed that there was no construction starting on the site.

Decision and Reasons on Whether the Appeals were filed in time

[26] The Board must make a determination as to whether Appeal 1 and Appeal 2 were filed in time.

[27] Under section 686(1)(b) of the Municipal Government Act, RSA 2000, c. M-26 (the "MGA"), the appeal period for persons affected by a Development Permit decision is 21 days from notice to those persons in accordance with the LUB.

> **686(1)** A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal
> . . .
>
> (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

[28] Under Section 16.13.2 of the County's LUB, notice to persons for a discretionary Development Permit is to be effected in one of two ways:

a. Within five (5) days of the issuance of the Development Permit, notice shall be mailed by ordinary mail to each registered owner of land within 100.0 m from the boundary of the property subject to the Development Permit; or

b. Within 14 days of the issuance of the Development Permit, notice of the decision shall be published in one (1) issue of the newspaper circulating in the area of the municipality in which the land is located.

[29] In order to conclude whether the Appeals were filed in time, the Board must determine the answers to the following questions:

a. What was the date of the Development Permit Decision?

b. Did the Development Authority within 14 days of the issuance of the Development Permit publish or caused to be published within one issue of a local newspaper circulating in the area the notification?

c. Did the Development Authority within 5 days of the issuance of the Development Permit mail notice to each registered owner of land within 100 metres from the boundary of the Lands?

d. Is notice by posting on the County's webpage notice in accordance with the LUB?

e. Were the appeals filed in time?

What was the date of the Development Permit Decision?

[30] The uncontroverted evidence before the Board was that the Development Permit was issued November 15, 2024 and the Board finds that as a fact.

Did the Development Authority publish notice of the decision in a newspaper with local circulation?

[31] Under Section 16.13.2 of the LUB, the Development Authority had to either publish in the newspaper or mail the Development Permit decision within the timelines specified above.

[32] The Development Authority frankly acknowledged but it did not publish in the newspaper circulating in the area on the basis that it was not the most efficient manner for notice. The Board accepts this evidence and finds as a fact that notice was not published in a newspaper.

Did the Development Authority mail notice to each registered owner of land within 100 metres from the boundary of the Lands?

[33] Although the decision was made November 15, 2024, the Development Authority only posted the letters in the mail sometime between December 16 to December 24, 2024 due to the postal strike which started at or about November 15, 2024 and ended in early December, 2024. The Development Authority could not provide any further specificity as to the date the letters were put into the mail. Further, the Development Authority did not provide any further

details as to who was provided a copy of the notice. The Development Authority did not comment as to whether Appellant 2 was specifically listed as a person to whom notice was given.

[34] Based upon the uncontroverted evidence of the Development Authority, the Board finds that the Development Authority did not give notice in accordance with LUB because the notices were mailed later than 5 days after the date of the development permit decision.

Is notice by posting on the County's webpage notice in accordance with the LUB?

[35] The Development Authority acknowledged that it posted a copy of the Development Permit Decision on the County's webpage. While the Board recognizes that doing so was an attempt to provide notice during the postal strike, the Board is faced with the difficulty that section 686(1)(b) states that an Appeal must be filed within 21 days from the date within which notice has been given in accordance with provisions of the LUB. Posting on the County's webpage does not meet either of the two acceptable methods found in Section 16.13.2 of the LUB.

Were the appeals filed in time?

[36] The Board must determine whether the appeals were filed within time.

[37] The Development Authority advised that it had mailed the letters sometime between December 16 and December 24, 2024. The uncontradicted evidence of Appellant 1 is that it received its notice on December 23, 2024. It filed its Appeal on January 2, 2025.

[38] Since the Development Authority could not indicate the specific date upon which it mailed the letter and the direct and uncontradicted evidence of Appellant 1 is that it received the notice December 23, 2024, the Board concludes that Appellant 1 filed their appeal in accordance with the timeline specified in Section 686. The Board accepts the uncontroverted evidence that Appellant 1 received their notice on December 23, 2024 and filed on January 2, 2025, clearly within 21 days. Based upon the above evidence, the Board finds as a fact that Appellant 1 filed their Appeal within 21 days of notice being provided by the Development Authority and in accordance with the provisions of the LUB and so, appeal 1 was filed in time.

[39] Appellant 2 stated that it did not receive any notice. The Development Authority did not specifically indicate whether it sent a notice to Appellant 2. Appellant 2 stated that it learned of the Development Permit on January 11, 2025 and filed its appeal 9 days later on January 20, 2025.

[40] In the absence of any specific evidence from the Development Authority as to the date that the Development Authority mailed the notice to Appellant 2, and in light of the specific evidence indicating that Appellant 2 did not receive the notice, the Board must determine whether Appellant 2 could have had constructive notice of the Development Permit, which would then suggest that the appeal was out of time.

[41] The Applicant confirmed that no construction has started. In the absence of any construction, the Board concludes that Appellant 2 could not have had earlier constructive knowledge of the Development Permit. In the absence of getting a specific notice, the

Appellant could not have known about the Development Permit Decision, and could not have filed its appeal earlier.

[42] The direct and uncontradicted evidence of Appellant 2 is that it learned of the Development Permit on January 11, 2025 and filed its appeal 9 days later. The Board finds as a fact that Appellant 2 learned of the Development Permit on January 11, 2025 and filed its appeal within 21 days from that date (January 20, 2025). As a result, the Board concludes as a matter of fact that Appellant 2 has filed its appeal in time.

D. Miscellaneous

[43] There were no objections to the proposed hearing process.

[44] Just prior to the beginning of the hearing on March 10, 2025, Appellant 2 wrote to the Board advising that it was withdrawing its appeal. Therefore, the appeal proceeded on March 10, 2025 with the appeal filed by Appellant 1. Since the hearing proceeded with only one appellant, in the balance of these Reasons, the Board will refer to Appellant 1 as "the Appellants".

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[45] The appeal is granted and the Board revokes Development Permit PLDPC20230804.

SUMMARY OF HEARING

[46] The following is a brief summary of the oral and written evidence and arguments submitted to the Board. At the beginning of the hearing, the Board indicated that it had reviewed all the written materials and submissions filed in advance of the hearing.

Development Authority

[47] The Development Authority stated that the Lands are municipally described as 51529A Range Road 262 with a legal description of W4-26-51-35-NW. The lands are zoned Country Residential District. They are bounded on the west and southwest by country residential developments.

[48] On October 30, 2023, an Application for an Institutional Development Permit was submitted to expand "the existing Religious Assembly by developing a new sanctuary and educational centre, which will include a gym and classrooms for Sunday activities". The Development Authority determined that the use was Religious Assembly under Parkland County Land Use Bylaw 2017-18 ("the LUB").

> Religious Assembly means development owned by a religious organization used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories and other buildings. Typical facilities would include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

[49] The Development Authority outlined the list of items included with the application (see page 370/779 of the Agenda Package).

[50] The Lands are not located within an environmentally sensitive area or high priority area. The 2013 wetland inventory captures one wetland and there is a wetland which previously drains north to a tributary. The natural drainage path on the Lands has been altered. There are no steep slopes on the Lands.

[51] The Development Authority provided the scope of the proposed development. The total site coverage is 17% with proposed parking of 409 stalls. The total area of the existing approved church is 1,244m² and a seating capacity of 348 seats. The total area of the proposed sanctuary is 3,343m² with a seating capacity of 1,474 seats. The proposed classroom and gym area is 2,114m² with a maximum number of students of 365. The classroom and gym area is on the south of the Lands.

[52] The Development Authority provided an overview of the proposed landscaping plan (page 373/779). The Development Authority also provided an overview of the elevations proposed for the proposed development as indicated at pages 374 to 375/779.

[53] The Development Authority stated that the proposed development complies with the County's statutory plans. The Woodbend-Graminia Area Structure Plan indicates that the proposed expansion is in a mixed-use country residential area. As noted at page 378, the proposed development aligns with policy 4.3.1 identifying institutional uses as discretionary within the "Mixed Use/ Country Residential". Section 2.4.5 of the ASP defines institutional use as including churches. Section 2.4.3 supports the continuation or expansion of existing uses.

[54] As noted at page 379, the Development Authority stated that the proposed development complies with the regulations under the LUB including s. 5.3.4 (Development setbacks); s. 5.3.5 (other development regulations); and s. 14 Parking requirements. The proposed development is located within a sensitive wildlife species range. However, due to the pre-existing impact, the proposed development meets the LUB requirements. The Development Permit has conditions imposed requiring water licence approvals. In relation to the parking requirements, the Development Authority stated that it conducted a detailed analysis of the regulation.

[55] The Development Authority outlined the timeline for approval. The Development Authority approved the Application on the basis that the proposed Development aligned with the County's statutory plan documents, and met the technical requirements of the LUB. The proposed development was compatible with the adjacent land uses. The Development Authority stated that no road infrastructure upgrades were required as noted in the Traffic Impact Assessment. Alberta Transportation has approved the proposal. The Development Authority stated that the reports addressed the impacts on the Lands.

[56] The Development Authority stated that the policies in the LUB are not outdated. The LUB from 2017 was adopted in 2020 and the parking requirements were endorsed at that time.

[57] The Development Authority noted that the current location for the intersection is the best location. Alberta Transportation is responsible for that portion of Range Road 262 up to 100 metres south of the intersection with highway 627. The balance is within the County's

jurisdiction. The Development Authority determined it would rely upon AT authorization. The Development Authority confirmed that people are not allowed to park along Range Road 262. The Development Authority also confirmed that it is possible to connect from Range Road 262 to Township 514 and then east to Range Road 261.

[58] In response to Board questions, the Development Authority stated:

a. the wetland report is located at page 335.

b. the Development Authority was not aware of cars parking along Range Road 262.

c. the final decision was sent to neighbouring properties within 800 metres, but for public engagement it was sent to an even larger area of 1.6 kilometers. The standard distances for notices to be sent for public engagement is 800 metres.

d. In the Development Authority's view, the newly adopted Municipal Development Plan did not apply to the proposed development because the application had been submitted under the previous Municipal Development Plan. All reviews were conducted under that MDP. When asked whether the review or response would be different if the proposal had been dealt with under the new MDP, the Development Authority noted that there were some changes, but they would have to review the new policies to determine whether there would be a change.

e. The Development Authority confirmed that the Applicant had provided 355 stalls and overflow parking of 46 stalls and 8 barrier free stalls for a total of 409. Based on the requirements of the LUB, the proposed development requires only 183 stalls.

f. When questioned whether there was an assumption of growth in attendance and whether the current parking needs took into account whether there was adequate parking on the site, the Development Authority noted that the LUB requires one parking stall for 10 seats. The amount of parking had been calculated based upon the number of seats. With 1,822 seats, the Development Authority calculated the need for 183 parking stalls to accommodate parking. The Development Authority stated that they did the calculations based upon the LUB and that in their estimation there would be some car sharing. The total provided stalls are 409 which exceeds the requirements of the LUB.

APPELLANTS – LAURIE THURLBECK, GORDON STEVENS, AYMAN HASSAN, HIROKI CURRIE & DANIEL BRACKEN

[59] The Appellants all live in the country residential development west of the Lands and are opposed to the proposed church. Mark Huberman, a transportation engineer, also spoke in support of the Appellants. The Appellants' materials start at page 422.

[60] The entire area is country residential and is a quiet, rural and agricultural area. The proposed development is a major one with nothing close to it in size or scale in the area. The existing church is 13,000 ft² and has 348 seats. The addition will add 36,000 ft² to the sanctuary and add 1,474 seats. There would be a total of 1,822 seats. In addition, there would be 13 classrooms and a gym with a further 23,000 ft² to accommodate another 365

occupants. Between the existing and proposed expansion, there will be approximately 72,000 ft² and will accommodate 2,200 occupants. There are 409 parking stalls contemplated. This proposed development is large in area, occupancy and the number of vehicles to be accommodated and is inconsistent with the area. Due to the size and the number of people, there will be significant negative impacts on persons in the area.

[61] The Appellants outlined that the Sunset View Acres country residential subdivision immediately to the west of the proposed development has approximately 40 lots in the subdivision, with each lot approximately 3 acres. It is a low-density development. South of Sunset View Acres is the Birch Hills country residential subdivision, which is also a large lot, low density subdivision. Access to the Lands is from Range Road 262 which is the same range road that both Sunset View Acres and Birch Hills uses to access their subdivision. Range Road 262 carries on south but dead ends.

[62] The Appellants referenced Exhibit 14 showing photos taken on March 9, 2025. The Appellants provided an overview of pages 539-549 which are photographs showing the area and showing that it is a low-density country residential area largely developed in the 1970's. It is a quiet rural country residential subdivision.

[63] The Appellants noted that the existing church was granted approval in 2015 with a building of approximately 13,000 m² building and 28 feet high at the peak and 348 seats. Due to the growth of the church, there has been significant growth in traffic on Range Road 262.

[64] The Appellants noted that the calculations including in the Applicant's Traffic Impact Assessment show that there would be 2.5 occupants per vehicle based upon the number of attendees at the church (900 people with an average of 355 vehicles). Applying the same ratio to 1,500 people, there would be 600 vehicles on the Lands, not the 480 vehicles which have been indicated.

[65] The objections of the Appellants fall into to main categories. The first is non-compliance with the MDP and the second is that the use is discretionary and is incompatible with the area.

[66] The recent Court of Appeal case *Landry* says that the Board must comply with the statutory plans. As of February 25, 2025, there is a new Municipal Development Plan ("MDP") in place. The Bylaw in effect at the time of the hearing is the one that applies. The Board must apply the current bylaws in place, regardless of when the application came in. For the purposes of this hearing, it does not make a significant difference because the land designation is the same – Country Residential. The Appellants referenced three cases: *Bouchard v. Canmore,* 2000 ABCA 117; *698114 Alberta Ltd. v. Banff,* 2000 ABCA 237 and *Love v. Flagstaff,* 2002 ABCA 292 as support for the proposition that the bylaw in place at the date of the hearing is the one the Board must apply.

[67] Page 493 shows a map noting the Country Residential area with the applicable sub area called River's Edge. Policy 2.2.6 sets out the policy for this area noting that it is to accommodate country residential and natural systems in wetlands. There is nothing about large scale development or institutional development within that policy. At pages 504 and 505, policy 3.5.2 deal with policies for the country residential areas. There is no policy which would support a large-scale development. The limitation is for a maximum of 50 lots per quarter

section which indicates that the MDP supports low density development. The hamlet policies support institutional uses, but there is nothing to support larger scale development in the MDP. In the event that the Board agrees that the proposed Development does not comply with the MDP, the Board cannot approve it.

[68] If the Board does not agree that there is non-compliance with the MDP, the considerations in the MDP are a relevant consideration with a discretionary use. There is no support in the statutory plans for development of this scale.

[69] The provisions of the Woodbend-Graminia Area Structure Plan also apply. Policy 3.1 at page 454 provides the overall philosophy for the area encouraging residential areas and allowing the rural character of farming to continue. There is no reference to large scale developments. Page 460 references mixed use country residential with permitted uses being multi parcel developments. Religious assembly is an institutional use which is discretionary. Overall, the philosophy of the ASP does not support large development. The Appellants argued that policy 2.4.3 does not say that the expansion of any existing development is authorized. This policy references developments in place when the plan was approved. The plan was approved in 1984 and there was no evidence of a religious assembly operating on the site in 1984.

[70] The Appellants argued that there is no support for the proposed development on such a large scale. The proposed development does not comply with the statutory plans and therefore the Board cannot approve it.

[71] In dealing with the Appellants' second argument, they note that a religious assembly is a discretionary use. They quoted from the *Rossdale* case (see page 427):

> The object and purpose of discretionary uses is to allow the Development Authority to access the particular type and character of the use involved, including its intensity and its compatibility with adjacent uses.

[72] The Appellants argued that the proposed development is larger than anything else in the area referencing the photos at page 578 and 579. Those photographs depict Graminia School, the Hall, Clymont Hall, and Woodbend Hall, which are all shown to scale. The photographs note how much larger the proposed development would be as compared to any other institutional uses currently in place.

[73] The Appellants argued that the scale of the proposed development is in line with some of the very large churches in the Edmonton area which have good road access via major roads and have access to public transit. There is no public transit in this area. They argued that the location is not suitable for a large-scale church.

[74] The Appellants argued that Range Road 262 is insufficient to accommodate so much more traffic. A Sunday event with 2,200 occupants would have significant impact with increased traffic and increased noise.

[75] Mr. Huberman spoke to Exhibit 15 and advised that he questions the reasonable assumptions made in the Traffic Impact Assessment. He provided an overview of the contents

of his report for the Board, noting that it was not clear how trips during the week were forecast. He stated that the gym and classes for Sunday school are new development and are not present in the existing church. These uses should generate new trips. He questioned why such a major expansion would not increase the number of Sunday trips and questioned how weekday or evening activities would be forecast. He questioned why a weekend peak was not generated.

[76] The Appellants noted that depending on which numbers are used, there are either 409 or 392 parking stalls. The Development Authority did not conduct an analysis on whether that number was adequate for the use but merely looked at the requirement from the LUB. The Appellants argued that the ratio was an old one based upon a time when churches were small and most people walked to church. The ratio is inadequate for the type of development. The Appellants argued that based upon the information obtain on March 9, 45% of the vehicles had one occupant. Even assuming 2 occupants per vehicle, with 1800 occupants that would be 900 cars. Four hundred parking stalls is completely inadequate.

[77] The Appellants noted that their materials include individual responses from affected individuals about their concerns. There are common themes of environmental issues, traffic and parking, noise, safety and overall incompatibility with the area. The people who have chosen to live in the area do not want to be near a high density, institutional use. The Appellant noted that although parking may be adequate with the current church, in the event of an expansion there would be nowhere else for them to park, except on Range Road 262. When asked by the Board about whether there had been parking along Range Road 262, the Appellants stated that it has happened.

[78] Mr. Currie, one of the Appellants, advised that he has two horses but is scared to ride and also afraid for neighbors walking their dog on Range Road 262. He stated that a number of people go through the stop signs and he is concerned about teenagers driving and safety concerns on the road. In his view, the area should be one of peace and quiet.

APPLICANT GRACELIFE CHURCH OF EDMONTON

[79] Brian Trevelyan spoke on behalf of the Applicant along with Darcy Paulichuk, of D & A Paulichuk Consulting Ltd. The Applicant confirmed that it was not asking for occupancy of 2187, but occupancy at 1822.

[80] The Applicant noted that Range Road 262 is not the only road to access because Township 514 is an alternate access.

[81] The Applicant's position is that the MDP in place in 2024 is the appropriate one to review and that the provisions of the ASP and MDP are documents that need to be looked at together. The Development Authority has reviewed all the materials submitted and has supported the expansion of the use. In the Applicant's view, the area structure plan are the hands and feet of the MDP which sets out the framework for development for compatible land uses.

[82] The Applicant noted that the difference of height is only 16-17 feet and they are prepared to remove the steeple. That would bring the height well below the tree line and only be 16-17 feet higher from the current to new building.

[83] The Applicant noted that the proposed development is the continuation of the pre-existing use. The Applicant's stated that they wish to have the development at this location because it is the site of the church. They have a church and a location and would like to continue moving forward. They have followed the processes as required by the County. There has been community consultation and adjustment to the massing of the buildings. There is no educational use that has been approved as part of the development permit application.

[84] The Applicant was of the view that section 2.4.3 of the ASP confirms that institutional uses are discretionary, and they fit within the label. They have met all of the requirements from the County to proceed. The zoning is Country Residential which allows for this use and they fit within it. They have met parking requirements, both the alignment as well as massing. The traffic impact assessment was drafted and reviewed and updated by the County and Alberta Transportation. They urged the Board to ignore the data collection from March 9 because it does not meet standards and is only cars being counted.

[85] Mr. Paulichuk of D&A Paulichuk spoke to the Traffic Impact Assessment. He noted that the work done was in accordance with appropriate standards. This was an ideal place for the development because there is less traffic on the County road. The entrance has been put across from the entrance to the neighbouring country residential subdivision which is appropriate as the most appropriate type of intersection. In response to why Sunday or weekend peaks were not used, the annual average daily traffic does not work for a Sunday afternoon. Alberta Transportation does their analysis on highways. The Guidelines do not contemplate basing analysis on Sunday traffic. The procedures are required to assess the intersection for annual weekday averages. He made a point to inquire with Alberta Transportation as to what was required and then did the analysis as asked. The church expansion is a much smaller development review. It is a small area for a traffic impact assessment and not the entire highway.

[86] Based upon his analysis, there was no need to improve the intersection with Highway 627. Signalization is not warranted based upon the expansion of the church. The highways and roads are not used to full capacity. Although it will be busier, they are still not at full capacity with any potential increase. Although there may be an increase in Saturday and Sunday traffic, that traffic is less than on weekdays and is down to about 75% of weekday traffic.

[87] Mr. Paulichuk advised that Alberta Transportation is concerned about the provincial highway. If there were a significant number of vehicles turning left in a queue to Range Road 262, Alberta Transportation would have concerns. Otherwise, the state of Range Road 262 is a matter for the municipality.

[88] The Applicant noted that the residents coming to the church are Parkland County residents. The written materials (page 247) notes that the members come from Edmonton, Spruce Grove and Stony Plain. They do not take public transit but do share cars. The Applicant understands the concerns from the area residents. They wish to grow and desire to maintain their location and the permit is a continuation of that. It is not a new development because they have existed since 2018.

[89] In response to Board questions, the Applicant noted that between 25 and 250 parking spaces are used on events on Sundays. The site is 4.04 hectares and the classroom and gym and sanctuary will cover approximately 17% of the site area.

[90] If there were more than 409 vehicles on a Sunday, the Applicant noted that they have never had vehicles park along Range Road 262. There is additional space on the site plan and if the proposed development is permitted they could use this as additional overflow parking.

[91] In response to a Board question about what will occur in the new sanctuary versus the existing church, the Applicant noted that it wishes to maintain the use of the building for other events such as weddings. It is important to gather together to have one service. There is an existing nursery, library, office and counselling. They would use the buildings as required. If the church got to a point where it required more parking, they would have to change the services and have smaller services and cap the number of people who would attend each service.

[92] The gym would be used for Sunday school and bible studies and children's ministry on Thursday evening. They currently use the church lobby for relay races and potlucks and other fellowship events. They would use the new sanctuary for weddings, graduation ceremonies, etc.

[93] The Applicant confirmed that it would be prepared to agree to comply with a dark sky policy.

[94] The Applicant stated that to the best of its knowledge there has not been any parking along Range Road 262 and they have communicated to the members not to do so. The Applicant stated that there has not been parking along the subdivision roads during church services.

FINDINGS OF FACT

[95] The Lands are legally described as NW-35-51-26-W4M and are municipally described as 51529A Range Road 262, Parkland County.

[96] The appeal was filed January 2, 2025.

[97] The Applicant is an affected person.

[98] The Appellant and those who spoke in favour of the appeal are affected people.

[99] The proposed development is not compatible with neighbouring uses.

REASONS

Affected Persons

[100] The first question the Board must determine is whether those individuals who made written submissions and appeared before the Board are affected persons. The Board notes that

no party raised any objection with any other party's participation.

[101] As the person who applied for the development permit, the Applicant is affected by this appeal.

[102] The Appellants and the individuals who spoke in favour of the appeal live near the Lands. Due to the proximity of the proposed development, the Board finds that the Appellants and the individuals who spoke in favour of the appeal are affected by the proposed development.

Jurisdiction

[103] The Board notes that its jurisdiction is found in s. 687(3) of the *MGA*.

> ***687(3)*** *In determining an appeal, the subdivision and development appeal board*
>
> *...*
>
> *(a.1) must comply with any applicable land use policies;*
> *(a.2) subject to section 638, must comply with any applicable statutory plans;*
> *(a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;*
> *(a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;*
> *(b) must have regard to but is not bound by the subdivision and development regulations;*
> *(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.*

[104] In making this decision, the Board has considered the oral and written submissions made by and on behalf of those who provided evidence: the Development Authority, the Appellants, the witnesses who spoke on behalf of the Appellant, and the Applicant and those speaking in favour of the Applicant.

Issues to be Decided

[105] The Board must determine the following issues:

1. Does the proposed development comply with the applicable statutory plans?

2. What is the use?

3. Is the proposed development compatible with adjacent uses?

[106] The Board notes that the proposed development does not include any aspect of a school. The Board's decision focusses on the application for a Religious Assembly.

Does the Proposed Development comply with the Applicable Statutory Plans?

[107] The first question the Board must determine is whether the proposed development complies with the applicable statutory plans. The Appellants argued that the proposed development did not comply with the statutory plans. The Applicant stated that there was compliance.

[108] The first question is whether the Board should review the terms of the previous MDP or the most current one (passed in February 2025). The Development Authority and Applicant urged the Board to consider the provisions of the previous MDP. The Applicant referenced three cases (see paragraph [66]) indicating the current bylaw must be applied.

[109] The Board accepts the submissions of the Appellants in this regard and notes that the Board must review the proposed development against the provisions of the bylaws in place as of the date of the hearing. Therefore, the Board will review the proposed development against the provisions of the current MDP.

[110] In reviewing the provisions of the current MDP, the Board understands the Appellants' position is that the proposed development is contrary to the MDP. However, on review of the terms of the MDP, the Board notes that there is no specific prohibition within the provisions of the MDP preventing an institutional use in this area. The Appellants' argument appears to be that since there is no express authorization, the MDP prohibits such a use. The Board understands the MDP to be a policy document which may contain specific language. In the event that the MDP prohibits such a use, the Board would be compelled to comply with those provisions. In this case, there is express reference to institutional uses in hamlets, etc., but otherwise, there is no language regarding institutional uses in other areas. The Board finds that the provisions of the MDP do not prohibit the proposed development. Further, the absence of policy language is not an indication that the proposed development is contrary to the MDP. Rather, the MDP is silent on the point. The Board does not infer that silence is a prohibition because of the policy nature of the MDP. The Board concludes that the proposed development complies with the provisions of the MDP.

[111] The Board then turns to the Woodbend-Graminia Area Structure Plan. The Appellant urged the Board to conclude that the proposed development was contrary to the provisions of the ASP. The Board has considered policy 2.4.3 which states:

> The County may allow the extension or expansion of any existing development prohibited herein provided that it continues to be used in the same manner and for the same purpose as it was used on the day this plan was adopted.

[112] The Appellant argued that this specific policy prevents the proposed development because the expansion and the original church were not in place as of the date of passage of this ASP. However, the Board does not accept this argument. Policy 2.4.3 authorizes the extension or expansion of development which would be prohibited. There is no indication that the original church or its expansion has ever been prohibited by the provisions of the ASP. Therefore, this section is not applicable and does not provide the justification for inconsistency with the area structure plan.

[113] In looking at policies 3.5.2 and 3.5.5 of the ASP, those policies do not prohibit or restrict the Board from approving the proposed development in the area. The Board does not read any specific requirements within the area structure plan as preventing institutional uses. As a result, the Board does not accept the Appellants' arguments in this regard and finds that the proposed development is in compliance with the applicable statutory plans.

What is the use?

[114] Having concluded that the proposed development is in compliance with the applicable statutory plans, the Board must determine what the use is. There was no question before the Board that the proposed use is a Religious Assembly.

> Religious Assembly means development owned by a religious organization used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories and other buildings. Typical facilities would include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

[115] The evidence before the Board was that the proposed development was for a sanctuary and classrooms for bible study, with other attendant uses, such as weddings, etc. Based on this evidence, and the absence of any argument to the contrary, the Board finds as a fact that the proposed development is for a Religious Assembly.

[116] There was also no question that Religious Assembly is a discretionary use in the Country Residential District and the Board finds so as a fact.

Is the proposed development compatible with adjacent uses?

[117] Having determined that the use is discretionary, the Board must determine whether the proposed development is compatible with the neighbouring uses. The Board accepts this test as advanced by the Appellants from the *Rossdale* case. For discretionary uses, the Board must determine whether the proposed development is compatible with neighbouring uses.

[118] The Appellant has raised four areas of potential incompatibility:

a. The height of the building;
b. Noise;
c. Traffic; and
d. Parking.

Height

[119] The Appellants stated that the proposed development with the steeple will be significantly larger than other public use buildings within the area structure plan area. The Appellants argued that the building was too large. The Board notes that the Applicant indicated that it was prepared to remove the steeple and if it did so, the building would not be as tall and would be hidden in the treeline.

[120] The Board considered carefully the submissions of the Appellants in relation to the height of the structure. The arguments in relation to the height appeared to be that it was a larger building than other public use buildings. The Board accepts that the proposed development would be larger than other such buildings.

[121] However, the Board did not hear evidence from the Appellants as to how those people living within the neighbouring country residential subdivisions to the west would be affected by the size or height of the building. The argument simply appeared to be that the building was too big and did not match previously constructed buildings in size.

[122] In evaluating at this evidence, the Board notes that there was no evidence before it of particular impact to the neighbours due to the size of the structure. However, not all institutional structures have to be the same size. In the absence of evidence about how the neighbours were affected by the height, the Board cannot conclude that the height of the structure leads to an incompatibility of the proposed development. The Board finds as a fact that the issue of height does not render the proposed development incompatible with neighbouring uses.

Noise

[123] The Appellants raised the issue of noise as an indicator of incompatibility. However, there was no evidence presented during the hearing in relation to amount noise which would be generated by the proposed development, including any increase in traffic.

[124] In the absence of any specific evidence about what noise would be generated by the proposed development and particularly in the absence of evidence about how that noise affects the Appellants, the Board is not prepared to find that there would be an increase in noise nor is the Board prepared to find that any increase in noise would result in an incompatibility.

Traffic and Parking

[125] The Appellants raised concerns about the amount of traffic and the parking. The Board finds that the issues of traffic and parking are interrelated because the expansion is likely to result in more vehicles coming to the site and those vehicles would have to have a place to park.

[126] The evidence was that there was going to be a significant expansion in the size of the Religious Assembly. There would be a new sanctuary building as well as 13 new classrooms and a gymnasium. The currently approved number of seats for the Religious Assembly is 348, but the expansion would result in an increase to approximately 1800 seats.
[127] The Board first wishes to note that it accepts the Traffic Impact Assessment prepared for the Applicant met the requirements of Alberta Transportation and AT's needs regarding traffic along Highway 627. The Board accepts the evidence of Mr. Paulichuk that he contacted Alberta Transportation to determine what was required by Alberta Transportation. The Board also accepts that Mr. Paulichuk prepared a report to meet those stated needs. While the Board noted the questions raised by the Appellants about the Sunday traffic counts, the Board accepts the evidence of Mr. Paulichuk that the methodology required by Alberta Transportation is based on weekday, and not weekend, traffic counts.

[128] However, the Board notes that assessing the compatibility of the proposed development requires it to look at the impact of the proposed development on neighbouring uses. The Board has to consider not only the proposed development's compliance with various authorities, like Alberta Transportation, but must examine the impact to the neighbours. Therefore, the Board's review was undertaken through a different lens than that of the Traffic Impact Assessment prepared at the request of and in accordance with the requirements from Alberta Transportation.

[129] In examining the impact of traffic and parking, the Board notes that the proposed development meets the requirements of the LUB. The proposed 409 parking stalls meet the requirements under the LUB. However, the question that the Board must grapple with is whether the number of parking stalls provided for a church with an expected attendance of approximately 1800 people will be sufficient or whether the anticipated number of vehicles attending on a Sunday service may result in incompatible effects with the neighbouring uses.

[130] The evidence was that church-goers would be driving to the church and that there is no public transit. This means that all attendees are coming via vehicle. There was conflicting evidence before the Board as to the number of persons coming per vehicle. The Board has considered that if there is approved capacity of 1,800 persons, and there are 2 people per car, there would be a requirement for 900 parking stalls. If 3 people come per car, there would be the requirement for 600 parking stalls. If 4 people come per car, there is a need for 450 parking stalls.

[131] Although there are 409 parking stalls provided, the question is whether this is sufficient given the potential need for anywhere between 450 to 900 vehicles, depending upon how many people attend per vehicle. The Board has to consider the impact of the vehicles and the potential for parking as part of the impact on the neighbourhood.

[132] The evidence is that Range Road 262 is a rural road with no significant shoulders. The Board notes that the uncontradicted evidence is that parking is not permitted along its sides. The Board is concerned that approving such a large proposed development without adequate space for parking will create problems either now or soon in the future. The Board accepts the evidence that the residents had concerns about traffic parking along Range Road 262. The Board has concerns that approving a proposed development which would result in the need for

an additional 41 to 491 parking stalls (depending on how many people come per vehicle) without some plan for where those vehicles will be parked will lead to vehicles parking along Range Road 262 in contravention of the County's parking rules, simply because there is no other place for the vehicles to park. The absence of public transit, and the absence of any type of shuttle service means that attendees will drive to the Lands. Once there, the vehicles will have to be parked someplace for the duration of the service. There was no other evidence before the Board as to where those vehicles would go on site and although there was an assurance that overflow parking could be found, the Board was not satisfied with this generalized assurance, particularly in light of the potential number of vehicles which would need to be parked.

[133] The Board also accepts the evidence of the Appellants that there are concerns about increased traffic on the roads, and that there may be an impact to pedestrians and other users from the neighbouring country residential subdivisions, such as those riding horses, etc.

[134] The Board finds that the absence of parking beyond 409 stalls is likely to result in impacts to the country residential subdivisions. The Board also noted the evidence of the Applicant that it wished to expand its utilization of its building for graduations, weddings, and other church related events. The Board accepts that the Applicant would want to use the buildings for these purposes. However, the Board's concern is that an increase in the amount of traffic and parking may result in an impact on neighbouring uses. Without any evidence of a plan to accommodate the increased parking, the Board is of the view that this will create a negative impact.

[135] The Board notes the evidence about access via Range Road 261 and Township Road 514. In light of the Board's conclusions about parking, the Board does not need to address this issue in relation to compatibility.

[136] The Board also wishes to note that in weighing the evidence of the Appellants, the Board has noted that the Appellants provided a "petition" (see page 584 and following). In examining this evidence, the Board noted that a number of the pages were signed by persons whose address was not within the County, nor did it include an address in close proximity (such as within Spruce Grove, which would be the address for those properties in the affected country residential subdivisions). In coming to its decision, the Board did not rely upon this evidence.[1]

[137] As a result of the above, the Board finds that the proposed Development is incompatible in relation to the impact of traffic and parking. The Board therefore revokes the permit.

Conclusion

[138] For the above reasons, the Board revokes the development permit.

[139] Issued this 26th day of March, 2025 for the Parkland County Subdivision and Development Appeal Board.

[1] The Board did not consider the submissions found in the following pages because the location was not within the County or close proximity: pages 599, 607, 625, 733, 738, 771, 773, 774, 775, 776, 777, 778, 779.

_____

Rachel Coupal, Clerk of the SDAB, on behalf of L. Foy, Chair
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to s. 688 of the Municipal Government Act, RSA 2000, c M-26.

APPENDIX "A"
BOARD MEMBERS

	MEMBERS
1.	D. Smith, Chair (for January 27, 2025)
2.	B. Bundt
3.	L. Foy, Member for January 27, 2025, Chair for March 10, 2025
4.	L. Helton
5.	C. Lamoureux
6.	A. Tollenaar for March 10, 2025

APPENDIX "B"
REPRESENTATIONS

	PERSONS APPEARING
1.	A. Jhawer, Development Authority
2.	R. Downing, Parkland County
3.	A. Jones, Parkland County
4.	J. Agrios, Counsel for the Appellants
5.	M. Huberman
6.	H. Currie
7.	R. Trevelyan, on behalf of the Applicant
8.	D. Paulichuk, D &A Paulichuk
9.	A. Pillidge

APPENDIX "C"
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

March 10, 2025 Agenda Package			
	Description	Date	Pages
1.	Agenda Coversheet	January 22, 2025	1
2.	Table of Contents	March 5, 2025	2
3.	Adoption of Minutes	March 5, 2025	3
4.	Notice of Appeal/Appellant #1	January 2, 2025	10
5.	Notice of Appeal/Appellant #2	January 20, 2025	18
6.	Development Authority – Development Permit Approval	November 15, 2024	20
7.	Hearing Notification	January 8, 2025	25
8.	Submissions from Development Authority January 27, 2025 Agenda	January 21, 2025	27
9.	Submissions from Appellant #1 January 27, 2025 Agenda	January 11, 2025	385

March 10, 2025 Agenda Package			
	Description	Date	Pages
10.	Submissions from Appellant #2/Agent January 27, 2025 Agenda	January 21, 2025	392
11.	Decision of the Board on Preliminary Issues	January 28, 2025	395
12.	Submissions of the Development Authority March 10, 2025 Agenda	March 4, 2025	397
13.	Submissions of Appellant #1/Agent March 10, 2025 Agenda	March 4, 2025	422
14.	A photograph and traffic counts	March 10, 2025	780
15.	Noise Impact Assessment prepared by Huberman Transportation Consultants Inc.	March 10, 2025	785