STRATHCONA COUNTY
Subdivision and Development Appeal Board

2001 Sherwood Drive
Sherwood Park, AB T8A 3W7
Phone: 780-464-8140
Email: SDAB@strathcona.ca

Appeal File Number:	3-2020 and 4-2020
Application Number:	2019-0067-DP
Appeal Against:	Development Authority of Strathcona County
Appellants:	APPELLANT IN APPEAL #3-2020 Norm and Janice Larsen, and Robert Weisner Represented by Janice Agrios, Kennedy Agrios LLP APPELLANT IN APPEAL #4-2020 Frank and Joanna Marrazzo Represented by Justin Danzo, Main Street Law LLP
Applicant:	Cam Matheson
Landowner:	Brain and Cheryl Maciej, Represented by Roberto Noce Q.C., Miller Thompson LLP
Date and Location of Hearing:	October 9, 2020 at Sherwood Park, Alberta
Date of Decision:	October 26, 2020
SDAB Members:	Liam Kelly, Chair Aaron Corser Grace O'Brien Gary Peckham Richard Paterson

NOTICE OF DECISION

[1] This is the decision of the Strathcona County Subdivision and Development Appeal Board (the “SDAB”) on two appeals filed with the SDAB pursuant to sections 685 and 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the “MGA”).

[2] The appeals arise from the decision of the Development Authority of Strathcona County ("Development Authority) to issue a development permit with conditions for a proposed Cannabis Production Facility Use, Cannabis Production Facility on the property legally described as SW-2-51-23-4 and municipally described as 51033 Range Road 232 (the "Property").

[3] The Appellants in appeal #3-2020 are: Norm and Janice Larsen, and Robert Weisner represented by Janice Agrios, Kennedy Agrios LLP; and the Appellants in appeal #4-2020 are: Frank and Joanna Marrazzo represented by Justin Danzo, Main Street Law LLP (the "Appellants”).

[4] The Applicant for the Development Permit is Cam Matheson (the "Applicant").

[5] The Landowner are Brian and Cheryl Maciej represented by Roberto Noce, Q.C., Miller Thompson LLP (the “Landowner”).

[6] Appendix “A” attached to this decision includes a list of printed materials received by the SDAB related to this appeal, and a list of persons who made oral presentations at the hearing.

PROCEDURAL MATTERS – HEARING PROCESS, REMOVAL OF APPELLANT NAME, ADJOURNMENT REQUEST, REQUEST TO DEVELOPMENT AUTHORITY TO APPEAR AT HEARING, AND SDAB COMPOSITION

[7] At the outset of the hearing on July 30, 2020, the Board indicated that it intended to hear appeals 3-2020 and 4-2020 concurrently, rather than consecutively. There were no objections to the SDAB hearing the appeals concurrently since the appeals pertain to the same development permit and since the parties’ submissions were related to the same development permit.

[8] At the July 30, 2020 hearing, the Appellants in appeal 4-2020, requested that Ms. Nicole Bonnett’s be removed as an appellant from the appeal, and no longer be associated with appeal 4-2020. Ms. Bonnett also provided the Board with a written submission regarding her request to be removed as an Appellant in the appeal. There were no objections to the removal of Ms. Bonnett’s name from the appeal and the Board consented to Ms. Bonnett’s request to withdraw as an Appellant.

[9] The Appellants requested an adjournment to October 22, 2020 to allow for additional time to prepare for the hearing.

[10] The Development Authority submitted a neutral position on this matter.

[11] The Landowner responded in writing to object to the adjournment request.

[12] The Board opened the hearing to hear each parties' position on the request.

[13] The Board granted the adjournment request and issued a new Notice of Hearing on August 7, 2020 to commence the hearing on October 1, 2020.

[14] On August 25, 2020 the SDAB received a letter from J. Agrios seeking a further adjournment request as a conflict arose with a previously scheduled trial.

[15] The letter was circulated to the parties to respond to the request by September 1, 2020.

[16] The Board granted the adjournment request and issued a revised Notice of Hearing to commence the hearing on October 9, 2020.

[17] On August 4, 2020, the SDAB sent a letter to the Development Authority requesting attendance at the hearing in order to answer questions of clarification.

[18] On September 25, 2020 the Development Authority responded to the request of the SDAB and confirmed they would be in attendance to answer questions of clarification on their written submission.

[19] There were no objections from any of the parties to any of the SDAB members hearing the appeal.

ROLE OF THE BOARD

Powers of the Board

[20] It is settled law that an administrative tribunal has only the jurisdiction (that is, the power and authority) given to it expressly or impliedly in its enabling legislation. For a subdivision and development appeal board, the enabling legislation is Part 17 of the Municipal Government Act ("MGA").

[21] The MGA contains provisions governing who may appeal to an SDAB. For development appeals such as the present appeal, sections 685(1) and 685(2) of the MGA provide that the applicant for a development permit may appeal to the SDAB from a development authority's failure to issue a development permit, a development authority's decision to refuse to issue a development permit or a development authority's decision to attach conditions to a

development. Otherwise, a person wishing to appeal must be a person affected by the development permit; if they are not, then the SDAB has no power to hear and decide the appeal.

[22] Under section 687(1) of the MGA, at an appeal hearing, the SDAB must hear from the appellant or the appellant's representative; the development authority; anyone who was given notice of the hearing in accordance with the requirements of the land use bylaw; and anyone else who may be affected by the development permit. In this context, "hear from" means hearing evidence, including documentary evidence and testimonial evidence from the person or their witnesses, and argument.

[23] In the present appeal, the Board is satisfied that all of the Appellants are affected persons, as are the other neighbours who spoke at the appeal, because all of these people were given notice of the Board's hearing, or reside on or own property which is located closely enough to the Site that the proposed cannabis production facility may affect them, or both. The Board notes that whether a particular person's property is located in Strathcona County or Leduc County is not relevant, because section 687(2) of the MGA does not require a person to live in the same municipality as the proposed development in order to qualify as an affected person.

[24] The MGA also sets limitations on the topics which can be the subject of an appeal to an SDAB.

[25] The MGA does not give an SDAB the power to decide whether a bylaw, such as a land use bylaw, is valid. The fact that an SDAB has no power to do this but rather, must assume or accept that the bylaw is valid, has been confirmed by the Alberta Court of Appeal on a number of occasions (see, for example, Bass v Calgary Planning Authority, 2019 ABCA 139).

[26] In the present appeal, a number of the people who spoke criticized Strathcona County Council's decision to amend the Strathcona County Land Use Bylaw to add provisions to allow Cannabis Production Facilities in Agricultural: General zones, arguing that these kinds of facilities should be located in an industrial zone, and one of the Appellants argued that Strathcona County does not have a sufficiently robust regulatory framework for these facilities. For the reasons given above, the Board has no power to decide any of these issues. Accordingly, the Board has disregarded any evidence and argument provided on these issues.

ISSUES

[27] In their Notices of Appeal, the Appellants raised the following issues regarding the proposed cannabis production facility (the "Facility"):

a. impact on the value of adjacent properties;

b. security of the adjacent properties and increase in crime;

c. ensuring adequate reclamation and cleanup if the Facility is abandoned;

d. traffic;

e. water issues – source of the water supply; damming of Irvine Creek and resulting flooding; contamination of Irvine Creek; and

f. odour from the Facility;

[28] All of the Appellants also argued in their Notices of Appeal that the Board's decision on the present appeals should be delayed until after the municipality of Josephburg amends its Bylaw 6-2015. This argument was not pursued during the appeal hearing, so may have been withdrawn. If not, the Board finds that the governing bylaw is the Strathcona County Land Use Bylaw 20-2017, as amended (the "Land Use Bylaw"), because the proposed Cannabis Production Facility is located in Strathcona County, not Josephburg. A bylaw applies only within the geographic boundaries of the municipality that passed the bylaw. The status of a Josephburg bylaw is, therefore, irrelevant to the present appeals.

[29] Finally, at the hearing, the Appellants in Appeal 3-2020 argued that the proposed development (the "Facility") does not comply with Strathcona County's Municipal Development Plan (the "MDP").

SUMMARY OF THE DEVELOPMENT AUTHORITY'S POSITION

[30] On June 12, 2020, the Development Authority issued development permit 2019-0067-DP (the "Development Permit") for the Cannabis Production Facility Use – Cannabis Production Facility. The Development Authority submits that the SDAB should confirm the development permit as issued for the Cannabis Production Facility on the Property.

[31] The Development Authority submits:

g. The application for a development permit for the proposed facility (the "Facility) was received on September 5, 2019;

h. The Facility was proposed to be located at 510 Range Road 232;

i. The subject Property is 79.46 acres (32.16 hectares) and contains a dwelling, single; a dwelling, secondary; and approximately 12 accessory buildings;

j. The subject Property is located within the AG-Agriculture: General zoning district;

k. The subject Property is governed by section 5.4 (Agriculture Small Holdings Policy Area) of the County's Municipal Development Plan (MDP);

l. The application for the development permit for the Facility was for construction and operation of a 'cannabis production facility' consisting of indoor cultivation, production, and distribution of cannabis in accordance with federal legislation;

m. The use 'cannabis production facility' is included on the list of discretionary uses for the AG – Agriculture: General zoning district pursuant to section 9.5 of the Land Use Bylaw (LUB);

n. No variances were granted in the approval of the development permit since the Facility complies with the relevant development regulations provided in section 9.5.6 of the LUB and since the proposed development and activities relating to the cannabis production fit the definition for the use 'cannabis production facility' in the LUB;

o. Section 2.15.2 of the LUB provides that a discretionary use may be approved provided the Development Authority makes certain determinations with respect to the proposed development;

p. Section 2.15.2(a) of the LUB provides that the Development Authority must determine that the proposed development is consistent with applicable statutory plans and policies adopted by the County; and

q. On June 12, 2020, the Development Authority issued the development permit for the Facility, subject to conditions, and gave notice in accordance with the LUB.

[32] In relation to the subject property and the proposed development, the Development Authority submits that:

a. the Subject Property has 2 existing accesses and the Facility will utilize the existing southern access;

b. the existing vegetation to the north and east of the Facility will be maintained and 51 trees will be installed on the Subject Property to provide screening to the west and south boundaries of the Facility;

c. the fencing will be located around the building and area containing the parking spaces for the Facility, and will consist of a 2.44 m (8') chain link fence;

d. 10 parking spaces will be provided on the Subject Property for the Facility;

e. The Facility includes several rooms with a total area of the building as 743.22 m2;

f. The height of the building is proposed to be 7.65m;

g. Exterior lighting for the building consists of wall mounted LED lights that are ground directed to minimize potential light spill;

h. The proposed operation includes growing, harvesting, drying, and packaging of cannabis, and will include mechanical heating and cooling systems, water treatment systems, and electrical systems; secure storage of cannabis products prior to commercial sale; and monitoring security, business operations, and shipping of completed cannabis product;

i. Traffic to the Subject Property will include daily employee traffic (passenger vehicles); weekly Canada Post pick-up of completed cannabis product; and water truck delivery (approximately once every 12-14 days);

j. Operating hours will be 24 hours each day with approximately 7-8 employees attending at the Subject Property during regular business hours and a minimal number of employees attending at the Subject Property after regular business hours;

k. Water will be trucked to the Subject Property by standard water truck (3000 gallons) approximately once every 12-14 days;

l. The water treatment system within the building will be designed to recover 75-80% of the used irrigation water (collected in a reservoir within the building in a closed loop system and treated for re-use); and

m. There are no street light standards proposed to be installed on the Subject Property. The only additional exterior lighting to be added to the Subject Property related to the Facility will be a solar powered security light on the entry gate for the existing southern access; and the exterior lighting on the building for security purposes only.

[33] The Development Authority noted that the Facility is consistent with applicable statutory plans and policies and complies with MDP because:

a. The proposed growing and producing of cannabis within a structure and the use of hydroponics for the Facility is considered 'indoor agriculture' based on the definition in the MDP;

b. The traffic, servicing, and employees associated with the Facility and the lack of impact to the road network is consistent with the MDP definition of 'small scale';

c. There is adequate mitigation for any environmental and nuisance impacts that were identified in the application for the development permit, the additional information provided by the applicant, the comments received in response to the referral circulations to applicable County internal departments and external agencies, and the comments received in response to the letter to adjacent property owners; and

d. The comments received in response to the referral circulations to applicable County internal departments and eternals agencies did not identify any lack of compliance with requirements of municipal and provincial standards and regulations.

[34] The Development Authority noted that the proposed development complies with the LUB because:

a. The proposed development will not cause traffic impacts since it will not generate a significant increase in traffic that is uncharacteristic of the area of the subject Property;

b. The proposed development will not cause parking impacts since there are only 10 parking spaces on the subject Property;

c. The proposed development is serviceable with a road and adequate capacity for drainage, water, sewage and other utilities; and

d. The proposed development is compatible with surrounding areas in terms of land use, scale of development, and potential effects on the stability or rehabilitation of the area.

[35] In relation to the conditions included in the permit, the Development Authority noted that the following conditions were included in the approval of the development permits:

a. Landscape buffers consisting of 51 coniferous trees (minimum 2.5 m height) must be installed on the subject Property;

b. Outdoor lighting must conform with the building plans for the Facility, and any additional lighting or alternations will be submitted to the Development Authority for review and acceptance prior to installation;

c. Any indoor growing lights used after dusk must not be visible from the exterior; and

d. A maximum of 10 parking spaces are permitted on the subject Property for the Facility.

SUMMARY OF THE APPELLANTS' POSITION

[36] The Appellants [Mr. and Ms. Marrazzo] were not provided notice of the development permit by the Development Authority or notice of the hearing by the Board; they submit:

a. They reside in the Leduc County along 510 Township Road and their residence is about 900 metres from the proposed development;

b. They have extended family who likewise live close to the site of the proposed development;

c. Many neighbouring residents had signed a petition against the facility;

d. There are approximately 381 residents within a 3 to 5-mile radius of the proposed facility and approximately 8 residents within a 1 km radius;

e. Although the proposed facility is located in Strathcona County, many of the residents who reside in the Leduc County are geographically close to the proposed facility and are affected by the proposed facility;

f. Some of the residents who reside close to the facility are attending the hearing to speak as Affected Persons;

g. There is concern about the smell associated with cannabis production and concern that the filtration system will not adequately mitigate the smell;

h. Cannabis facilities such as Sweetgrass and Aurora have had issues with inadequate mitigation of odour and are known to be problematic in terms of odour;

i. The proposed facility would be more appropriately located in an industrial park which is more appropriately serviced for the type of development; and

j. The Appellants are concerned about the impact of the proposed facility on their property values.

[37] The Appellant [Mr. Weisner] was not provided notice of development permit by the Development Authority or notice of the hearing by the Board; he submits:

a. He resides at 23237 Township Road 510, in Leduc County and is appealing the Development Authority's decision to approve the development permit pursuant to the Municipal Government Act, s. 685;

b. The proposed development conflicts with the surrounding land uses and is not in alignment with the Edmonton Metropolitan Regional Growth Plan (the "Growth Plan");

c. There is no intermunicipal development plan between Strathcona County and the Leduc County and therefore the Growth Plan should be considered;

d. The Growth Plan has 7 guiding principles related to regional collaboration and there are questions about the degree to which Strathcona County has collaborated with the Leduc County;

e. The Growth Plan calls for wise management of prime agriculture resources and this development may result in fracturing agricultural lands;

f. Strathcona County does not have a sufficient regulatory framework for managing cannabis facilities;

g. Strathcona County's website indicates that their Land Use Bylaw is under review in relation to cannabis so the existing Land Use Bylaw may not be up to date with federal regulations related to cannabis;

h. The Development Authority did not consider whether the proposed development is compatible with the surrounding land uses;

i. The Marrazzos reside within the St Thomas Aquinas School District boundary in the Leduc County and federal legislation provides that cannabis facilities should not be located near schools, parks, etc. frequented by children;

j. Residents are not opposed to cannabis as long as it remains in industrial areas; and

k. There are significant negative impacts associated with the proposed development in terms of increased ground level ozone, odour, light pollution, decrease in property values, and environmental impact concerns.

[38] The Appellants [Mr. and Mrs. Larsen] were provided notice of the development permit by the Development Authority and notice of the hearing by the Board; they submit that:

a. They reside on the east side of the proposed development;

b. The proposed development is not suitable for rural agriculture zoned land;

c. The proposed site and surrounding area has many family farms, some with a long history on the land and others that are new farm families;

d. The Development Authority ignored some of the concerns raised by residents who stated that the proposed development was not consistent with the Agricultural zoning and does not meet the policies associated with the Agriculture Small Holdings;

e. At non-peak times, it takes 20 minutes for fire or EMS to respond to calls in the area and the RCMP take longer to respond;

f. The County takes 10 days to respond to complaints submitted through the County's complaint system (County Connect);

g. They are concerned about flooding to their property which has been a problem for them for 10 years;

h. They noted that the flooding has had a negative financial impact on them;

i. The flooding is related to a road built by the Landowner in 2002 which increased flooding on their lands because the flow of Irvine Creek was blocked, both by there being a too-small culvert under the road and because of beaver dams;

j. They noted that the Landowner is using their concern with the flooding to their property as bargaining tool to force them to accept the proposed cannabis facility;

k. They noted that the Landowner intends to reside in British Columbia and is therefore not concerned about the impact of the proposed development on the neighbours who continue to reside in the area; and

l. They find the Landowner disagreeable and not willing to address their concerns.

[39] The Appellants' representative [Ms. Agrios] submits:

Municipal Development Plan (MDP)

a. Pages 7-12 of the MDP address how the MDP is to be interpreted. Section on Intent (permissive premise), the MDP is intended to be a permissive document so when no direction is given for a particular use, that use should not be considered in that policy area. Silence means no;

b. In considering the proposed development, the Development Authority erred in the interpretation of "Indoor Agriculture" since the definition provided in the MDP does not include processing which is contemplated as part of the proposed cannabis facility as detailed in the Letter of Intent;

c. Since processing will take place on the site, policy 1 of section 5.4 Agriculture Small Holdings is not supported;

d. In considering the approval of the development permit, Development Authority also looked to policy 17 which includes support for local food production and distribution by considering small scale agriculture support services, product processing, and associated sales where the proposed development mitigates environmental impacts, nuisance impacts on adjacent land uses, and has levels of infrastructure which meet the requirements of municipal and provincial standards and regulations;

e. The Development Authority may have considered the proposed facility as a type of agriculture product processing, but in the LUB definition of agriculture product processing, 'cannabis production facility' is not included which means that the proposed Facility does not align with policy 17;

f. The proposed Facility is more appropriately aligned with the MDP definitions for Industrial Light and Medium Industrial, in particular with Medium Industrial;

g. The remainder of the MDP does not provide direction on medium and light industrial, so those uses are not allowed in the Agriculture Small Holdings area;

h. If the Board were to accept that the proposed Facility could be considered Indoor Agriculture or Agriculture Product Processing, the policies set out conditions for when such a development is appropriate to the Agriculture Small Holdings Area, including the mitigation of environmental impacts and the mitigation of nuisance impacts; and

i. The Appellants and surrounding neighbours have provided submissions related to the environmental and nuisance impacts associated with the proposed Facility, including odour, drainage and associated flooding impacts.

Odour

a. The issue of odour was raised by a number of neighbours and in the letters sent to the Development Authority and the Board;

b. Anyone who has driven by a cannabis facility is familiar with the smell;

c. Aurora, although a larger scale, is likely best known for the issues with odour. Aurora was not supposed to smell but does and is a nuisance to residents in the area of the facility. The proposed facility is geographically close to residences, including 14 homes on the same section as the proposed facility;

d. An initial letter from Alberta Health Services, dated October 30, 2019, expresses concerns about odour and this issue has not been adequately addressed since there is not enough information provided on the HVAC systems and no specific details on the monitoring or maintaining of the system to address odour;

e. The Applicant and Landowner have not provided evidence that there will not be odour as they only have a statement from the operator claiming that the odour will be mitigated;

f. The Development Authority and the Board should have evidence on this point rather than just a statement;

g. Reasonable evidence may include an expert report from the manufacture of the HVAC system; and

h. There is no monitoring system in place for odour and there is no complaint system in place to address odour issues.

Drainage

a. The issue of flooding is not addressed in the development permit application or the conditions applied to the permit;

b. Irvine Creek winds through the site and through the Larsens' property;

c. The problems with flooding started in 2002 when the Landowner built the road with a culvert that was too small and was made worse when beavers started building dams; and

d. Drainage from the proposed facility will make the flooding issues worse and the additional building and parking areas could increase flooding to the Larsens' property.

Complaint System

a. There is no effective complaint system in place to address concerns of the neighbours. County and Landowner have not addressed these concerns and the Facility will likely increase conflict between neighbours.

SUMMARY OF THE LANDOWNER'S POSITION

[40] The Landowner's representative [Mr. Noce] submits that:

a. The Land Use Bylaw (LUB) was amended on January 2018 to add "Cannabis Production Facility" as a discretionary use in the Agriculture General zone;

b. Ms. Agrios [Appellant's legal representative] raised the issue of the definition of Agricultural Product Processing, and she was correct to say that it does not include "cannabis production facility", but the reason for this is that the County developed a separate definition for Cannabis Production Facility in Section 1.17 of the LUB;

c. The use "cannabis production facility' is included on the list of discretionary uses for the AG-Agriculture: General Zoning district pursuant to section 9.5 of the LUB;

d. Strathcona County Council decided this [CPF] was an allowable use for the Agriculture zone;

e. While the Appellants claim that the proposed Facility would be more appropriate to an industrial area, this was not what Council decided;

f. Council decided that allowing cannabis facilities in Agriculture zone was appropriate for their municipality, albeit discretionary;

g. If someone wants to remove "cannabis production facility" as a use from Agriculture General, they should lobby Council as that is a decision for the political body and not a decision properly before the SDAB;

h. After determining whether the use is allowable and after determining whether the use is discretionary, the Development Authority must consider the various regulations that apply. Section 9.5.6 of the LUB contains a number of regulations that are applicable to this facility;

i. The Development Authority confirmed that the proposed facility is fully compliant: the height of the facility is less than what is permitted and there is compliance with all required setbacks;

j. The Development Authority then looks at section 2.15.2 of the LUB in order to make certain determinations regarding the proposed development to analyze the application and determine if the application for the discretionary use should be approved;

k. The Development Authority found that the application was in compliance with the applicable statutory plan and related policies. The relevant section of the MDP is the Agriculture Small Holdings area and there was compliance with these policies in the opinion of the Development Authority, as set out in the report of July 20, 2020;

l. The Development Authority also considered the County's "Agriculture Master Plan" and while this is not binding, the Development Authority found that the proposed facility is consistent with the goals of that plan;

m. Several of the MDP policies use the term "consider" which means "to take into account" but Ms. Agrios has read too much into this term;

n. With regard to the requirement in Section 2.15.2(b) of the LUB, the Development Authority determined that the proposed development is compatible with the general purpose of the zoning district;

o. The Development Authority, in accordance with Section 2.15.2(c) of the LUB, determined that the proposed development will not cause traffic impacts (in terms of daily and peak hour trip generation) and parking or public transit impacts unsuitable for the area;

p. The Development Authority, in accordance with Section 2.15.2(d) of the LUB, determined that the proposed development is serviceable with a road, water, drainage and adequate utilities;

q. The Development Authority followed the various requirements of the LUB (scale of development, impact on community services and facilities, mitigation of potential adverse effects, right-of-ways, nuisance etc.) in making its determination and made a thorough decision in considering the compatibility of the proposed development and there were no significant concerns raised throughout this determination process;

r. Important to note that the LUB (Section 2.15.2(h)) requires the Development Authority to look at the mitigation of potential negative adverse effects of the proposed development and not the total elimination of adverse effects – perfection is not the expectation;

s. The test for a discretionary permit requires the SDAB to consider general planning principles and requires the Board to assess the compatibility of the use;

t. The object and purpose of a discretionary use is to allow the development authority to assess the particular type and character of the use involved, including its intensity and compatibility with adjacent uses. The Development Authority did follow these requirements and approved the application as a discretionary use appropriately. The SDAB must also treat this appeal as a discretionary permit application and must consider the factors in S. 2.15.2 of the LUB; and

u. The Development Authority did not rely on any variances and if this application were for a permitted use this appeal would not happen since no appeal would be available but Council made a decision to make this a discretionary use so the only decision in front of the Board is the test for discretionary use to determine if the proposed development is appropriate for the site.

[41] Mr. Noce called upon Ryan Eidick, urban planner [witness on behalf of the Landowner] of ENIS Development Consulting to provide submissions; Mr. Eidick submits:

a. His focus will be on mitigation strategies since Mr. Noce made a thorough presentation;

b. He believes that the Appellants [the neighbours] are influenced by a website, The Neighbours Against Industrial Cannabis on Agricultural Land, since that website is devoted to fighting this particular development application;

c. The Appellants were not at the Council meeting on January 26, 2018 when Council was determining the use class for this zone and held a public hearing on the matter. That would have been the appropriate time to raise some of the issues they have noted today. The use class is consistent with treatment of other municipalities;

d. There were three formal circulations that occurred of the 9-month period for the approval of the development permit, circulations included several internal County departments, Leduc Planning and Development department, Alberta Health Services, RCMP, etc. but ultimately no significant enough concerns were raised to impede the approval of the development permit;

e. Looking at the building and site plan, the building is near the centre of the site and the closest boundary is almost 2 football fields away from any neighbouring property line;

f. Additional 51 coniferous trees are required to create a privacy screen so the building will not be seen from the public road way or adjacent lots;

g. The building looks like an agricultural shed and has no signage;

h. The floor plan [micro grow] is nothing like the Aurora facility which is ten times larger than the proposed facility. The proposed facility would fit in one of Aurora's grow bays;

i. In terms of the building envelope, this will be regulated by the building code;

j. The filtration system that will be used is a MERV 15 filtration system and has a high standard of filtration and exceeds that of hospitals, labs, or other places using toxic materials. Filtration system will be reviewed at building permit stage and by Health Canada to ensure odours will not escape;

k. Impact on crime – no data available but we found a publication (Justice Quarterly) that looked at Colorado and Washington states and found that there was no statistical correlation between the production, sale, consumption of cannabis products and crime rates following the legalization of cannabis;

l. Calgary Police Chief also made this observation as noted in an article;

m. Landowners are going to continue to live on the land and do not want to see crime on their property;

n. The Landowners have had a license for Health Canada medical marijuana growing for 5 years and there has been no increase in crime;

o. Security – will include an 8-foot high fence with barbed wire and will be very secure and there will be a thorough security check for all employees;

p. Only 8 employees on site at any time and very little increase in traffic;

q. Transporting the cannabis will be done by a Canada Post cube van and not a large truck. The Post cube van will only be on site seldomly and is highly regulated;

r. Water service will be provided by two 2000-gallon tanks within the building and the septic system outside the building and storm water will be managed from the building and parking areas. The building will be self-sufficient. Utilities department reviewed and did not see any impacts on neighbouring properties in terms of utilities and services;

s. Lights will not be on all day – and only 5 outdoor lights. Wall mounted, motion sensor lights; and

t. Little correlation between land values and cannabis production facilities. One source suggests an increase in nearby land values due to employees moving into the area.

[42] Dave Robinson [witness on behalf of the Landowner] submits that:

a. He has been installing filtration systems for cannabis facilities for 20 years;

b. Odour is always a problem with cannabis facilities and Aurora is a good example of that problem;

c. Confident that the filtration system and HVAC system for the proposed facility will mitigate the smell and there will not be exhaust of odour outside of the building because of the separate HVAC system;

d. He wasn't involved in the design of that filtration system but is now helping to mitigate their odour issues at Aurora;

e. We have our mechanical 95% complete to be submitted for the building permit;

f. There are third-party tests for cannabis odour but only a few in Canada; and

g. Standard Operating Procedures (SOP) are critical to having an effective filtration system and there will be strong SOPs in place for the proposed facility.

SUMMARY OF THE AFFECTED PERSONS' POSITION

[43] Allan McInnes submits that:

a. He and his family reside within a quarter mile of the facility (51075 Range Road 232) and owns 3 rental properties that are also close to the facility (51041, 51045C, and 51045 Range Road 232);

b. He owns a custom farming operation;

c. The facility is not appropriate to the neighbourhood or an agriculture zone and is better suited to an industrial area;

d. Industrial areas are better able to provide required services for such a facility and handle the associated traffic rather than a rural area;

e. Strathcona County Council was not diligent in its consideration of zoning for the subject area;

f. He has received letters from tenants on his rental properties voicing their concerns about the proposed facility; their concerns include loss of enjoyment of the area, loss of tranquility, incompatible with the yoga studio currently operating on one of his properties, increase in traffic and noise, and concerns about security;

g. He believes that the proposed facility will negatively impact property values as well as rental income from his properties;

h. One of his tenants is a retired RCMP officer of 23 years and indicated that the management of security for the facility will be a problem and that the proposed facility will attract a criminal element in terms of people wanting to steal from the facility;

i. He is concerned about increase to traffic and noise and the increase to light pollution resulting from powerful LED lighting and believes that there are negative environmental impacts associated with the proposed facility;

j. Has invested in making his properties more attractive and ultimately would like to see his sons and their families move into his properties and have a safe place to grow up, but if this facility is built, he will move; and

k. He has been part of the community for 20 years and feels the proposed facility is not suitable for the community.

[44] Francis Strytreen submits that:

a. He resides at 51074 Range Road 232 and also owns property across from Mr. Maciej (Landowner);

b. He is deeply concerned about the impact of the proposed facility on property values; and

c. He agrees with the points raised by the other neighbours (affected persons).

Doug Lerke submits that:

a. He resides at 51101 Range Road 232 and is part of a third generation farming family;

b. He takes umbrage with the entire notification process because it is not only the adjacent landowners who are affected by the proposed development;

c. The municipal development plan is supposed to ensure quality life, but this proposed development means placing an industrial area next to a rural one which is not compatible with ensuring quality of life;

d. Range Road 232 is the busiest road in the region and his family has lived along it for 100 years;

e. Additional traffic will cause additional deterioration and the noise, even if only a few times per month, will be an issue;

f. The 8-foot high fence will also have a negative impact and will be the only one of that height in rural Strathcona County and will be visible when one drives by the subject property; and

g. He does not believe the reassurances that negative impacts will be mitigated.

[45] Dawn Kick submits that:

a. She and her husband reside at 23247 Township Road 510;

b. She and her husband live less than a mile from the proposed facility so it will be on their doorstep;

c. She and her husband are vehemently opposed to having a grow op in their community and many of their neighbours share the same objection;

d. People who live on Township Road 510 were not notified of the facility;

e. The proposed facility is not suitable to an agriculture zoned area – the area has natural beauty and wildlife that residents enjoy, and the facility will negatively impact the area;

f. The continuous use of the term “micro-grow” is misleading and inaccurate;

g. She believes that “micro grow” license is limited to 200 square feet but the proposed facility will be much larger;

h. She has chemical and odour sensitives and is concerned about the impact of the facility on her and her health;

i. She is very concerned about the odour from the facility and feels that the questions raised about odour by a Public Health Inspector have not been adequately addressed;

j. She believes that the conditions for the proposed development will not adequately mitigate the negative impacts of the facility;

k. She feels that the County's development process was woefully inadequate and biased; and

l. She believes it is unfair to allow this facility because it prioritizes what is financially beneficial to the Landowners over the enjoyment of property and surrounding area by the neighbouring residents.

FINDINGS AND REASONS OF THE BOARD

Introduction

[46] The purpose of a discretionary use is to allow the Development Authority, and hence the Board, to "assess the particular type and character of the use involved, including its intensity and its compatibility with adjacent uses" (Rossdale Community League (1974) v. Edmonton (Subdivision and Development Appeal Board), 2009 ABCA 261).

[47] It is settled law that in a development permit appeal, an SDAB must base its decision only on planning considerations (see, for example, Husky Oil Marketing Ltd. v. Improvement District No. 8 (Development Appeal Board), 1981 ABCA 6); otherwise, the SDAB will be held to have taken into account irrelevant considerations and its decision will be set aside by our Court of Appeal.

[48] Section 2.15.2 of the Land Use Bylaw sets out a list of factors which must be considered by the Development Authority, and hence the Board, in deciding whether to approve a development permit for a discretionary use. All of the listed factors are planning considerations.

[49] In the opinion of the Board, while each of the factors in section 2.15.2 must be present in order for a development permit to be approved, the list is not exhaustive. Instead, other factors relating to the compatibility of the proposed development may be considered. However, for an additional factor to be considered, the factor must be a planning consideration.

Impact on Property Values

[50] A number of the Appellants raised a concern regarding the impact of the Facility on property values of nearby lands. Impact on property values is not one of the factors listed in section 2.15.2.

[51] In oral argument, Counsel for the Appellants in Appeal 3-2020 argued that the Development Authority has a fairly broad discretion and, therefore, can consider any factor which relates to land use impacts, including impact on property values. Counsel for the Permit Applicant argued that impact on property values may be properly considered in deciding whether a variance should be sought, but is not a proper consideration where the use is discretionary and no variance has been sought, because this is not a planning consideration and because section 687(3)(d), which expressly allows land value to be considered, is only available where "the proposed development does not comply with the land use bylaw," i.e., a variance.

[52] The Board agrees with Counsel for the Permit Applicant. In the Board's experience, many developments have an impact on the value of adjacent properties. This may be a fact of life, but it is not a proper consideration where no variance has been sought.

[53] In any event, the Appellants' concern is speculative. There was no evidence from a qualified professional regarding how the Facility might affect property values in the area. Allan McInnes gave evidence that his two properties near the Facility are rental properties and his tenants had indicated that they would move if the Facility went forward. However, the overall purpose of the Agriculture: General zone, as set out in section 9.5.1 of the Land Use Bylaw, is to foster agriculture and conserve agricultural land outside of the Urban Services Area; there is nothing in section 9.5.1 about fostering income-producing properties in this zone. Further, while Mr. McInnes said that his existing tenants might leave if the Facility was built, he did not say that he would be unable to find new tenants. Overall, the Board is not satisfied that the Facility will have any impact on the values of nearby properties.

Security of the Adjacent Properties and an Increase in Crime

[54] These issues are not factors listed in section 2.15.2 of the Land Use Bylaw. While, as the Board said above, the list of factors is not exhaustive, the Board is not persuaded that these issues are planning considerations.

[55] However, in case the Board is wrong on that point, the Board will also say the following.

[56] The Board is not satisfied that the Facility creates any security concerns for the adjacent uses, for the following reasons.

[57] The evidence in favour of this assertion is speculative. For example, Mr. McInnes provided a letter from one of his tenants who is a retired RCMP officer. This gentleman stated that the Facility will attract criminals trying to steal cannabis but provided no supporting evidence; this is a statement of opinion, not a statement of fact.

[58] The evidence against this assertion was that there would be a security system consisting of a 8-foot-high chain link fence with barbed wire, entry by key fob only, and cameras as required by Health Canada, and only a small amount of product would be stored on site at any given time.

[59] The Board gives no weight to the evidence on this point provided by the people who spoke in favour of the appeal and accepts the evidence of the Permit Applicant. The Board finds that the Facility will not create a security problem or cause an increase in crime.

Reclamation and Clean-up

[60] The Board does not need to consider whether this issue raises any planning considerations because this issue is entirely speculative. There is nothing in the evidence to show that there is any likelihood that the Facility will be abandoned. Further, there is no evidence to show that any reclamation or clean-up will be required if the Facility is in fact abandoned.

Traffic

[61] Under section 2.15.2(c) of the Land Use Bylaw, the Development Authority must be satisfied that a proposed development will not cause traffic, parking or public transport impacts unsuitable for the area.

[62] A number of people who spoke at the hearing enunciated a concern about an unacceptable increase in the amount of traffic due to the Facility, as did a number of people who wrote letters in opposition to the Facility.

[63] The evidence of the Permit Applicant was that when the Facility went into production, there would be additional traffic. There would be vehicles carrying from two to eight employees to and from work; Canada Post vehicles delivering supplies and picking up product; and a water truck two or three times a month. Strathcona County's Transportation and Agriculture department had no concerns about the traffic impact of the Facility. Nonetheless, the Development Authority placed condition #3 on the Development Permit:

[64] All activities relating to shipping and administration shall be between 7:00 a.m. and 7:00 p.m. There shall be no vehicle traffic between the hours of 12:00 a.m. and 6:00 a.m., except for emergency situations.

[65] In the opinion of the Board, taking into account the condition imposed by the Development Authority, the increase in traffic will not be significant.

Water issues

Drainage and Flooding

[66] The Board heard evidence from the Larsens regarding flooding of their property over the past 10 or more years. The Larsens described their long-standing conflict with the Landowners regarding a road built by the Landowners in 2002 which, the Larsens said, increased the flooding on their lands because the flow of Irvine Creek was blocked, both by there being a too-small culvert under the road and because beavers built dams on or around the culvert. The Larsens made a number of unfavorable comments about the conduct and moral character of the Landowners.

[67] The existence of flooding in the past is not relevant to the present appeal, both because the Board has no jurisdiction to decide disputes regarding the cause of this flooding and because flooding which has occurred before the Facility is built cannot possibly be properly characterized as an impact of the Facility on an adjacent property. The Board has, therefore, disregarded all of the evidence provided to it regarding historical flooding.

[68] The Board has also disregarded all of the evidence regarding the conduct and moral character of the Landowners. Evidence of past conduct of an applicant for a development permit may be relevant, as when the evidence relates to the applicant's failure to comply with a stop order issued because the applicant had proceeded with the project without first obtaining a development permit (Dennis McGinn Holdings Ltd. v. Brazeau (County), 2016 ABCA 3). However, where "character" evidence does not relate to the proposed development, it is irrelevant (Dallinga v. Calgary (City), 1975 AltaSCAD 13).

[69] However, evidence that a proposed development may cause flooding or create issues with drainage from the development is relevant, because section 2.15.2(d) requires the Development Authority to be satisfied that the Facility has adequate capacity for drainage, water, sewage and other utilities. Further, section 2.15.2(g) requires the Development Authority to have regard to geotechnical considerations, including potential flooding.

[70] There is no evidence that the Facility will increase the flooding which already occurs. The site plan does not indicate the proximity of the proposed Facility to Irvine Creek, but does confirm that it will be sited at an elevation similar to that of the existing surrounding topography. The site plan does not indicate any proposed impacts to existing topography and the Facility will not, therefore, create further damming of the creek. Further, as the materials submitted by the Permit Applicant to the Development Authority show, water from the Facility will not go into Irvine Creek.

[71] The Development Authority dealt with any concerns about storm water and waste water through conditions 15, 16 and 17 of the Development Permit. With these conditions in place, the Board is satisfied that the Facility will not create any drainage or flooding problems.

Other Water Issues

[72] The Board finds that the Facility will not have an impact on Irvine Creek or any other local water way. The water required for the Facility will be trucked to the Facility's site, not drawn from Irvine Creek. Furthermore, the approved site plan confirms that sanitary waste and stormwater from the facility will be managed privately on site through the proposed septic holding tank and stormwater retention pond, ensuring that no storm water or waste water will be deposited into any local waterway.

Odour

[73] Under section 2.15.2(j), the Development Authority must be satisfied that a proposed development does not constitute a nuisance. "Nuisance" is broadly defined in the Land Use Bylaw, and includes anything which creates, or is liable to create, odour. Section 2.15.3 of the Land Use Bylaw provides criteria for determining the significance of a nuisance; one of those criteria is "the reliability and record of the proposed methods, equipment and techniques in controlling or mitigating detrimental effects or nuisances". Thus, the Board must consider whether the Facility will create, or is likely to create, odour and if so, how significant the odour will be, having regard to any steps the Permit Applicant will take to mitigate the odour.

[74] The Appellants pointed to the odour problems at Aurora and Sweetgrass cannabis production facilities and said that the same problems would arise at the Facility. In a letter from Koreen Anderson of Alberta Health Services dated April 27, 2020, Ms. Anderson said that while AHS had no objection to the proposed development, odour mitigation was essential. Dave Robinson, who has considerable experience in constructing cannabis production facilities, acknowledged that odour is always a problem at these facilities.

[75] The Board is satisfied that cannabis production will create odour at the Facility, that is, will create a nuisance. The question is whether the nuisance can be adequately mitigated, that is, whether a system or systems can, and will, be put in place to reduce the odour to acceptable levels.

[76] There was inconsistent evidence on this point. In its materials submitted to the Development Authority and its response to the comments of Alberta Health Services, as well as in testimony from Dave Robinson at the hearing, the Permit Applicant said that any odour would be contained within the Facility, as no air from the flowering rooms would be exhausted to the outside. The flowering rooms were essentially a building within a building, separated from the rest of the Facility by two doors, with charcoal filters and UV lights between the doors; the charcoal filters would catch the odours and the UV lights would kill any spores. There would be a separate HVAC system with MERV filters for the rest of the facility, and that air would be exhausted to the outside.

[77] However, the plans for the Facility which were submitted to the Development Authority do not show a building within a building. The Board asked Dave Robinson about this inconsistency, and Mr. Robinson said that the plans were not the final plans for the Facility, but rather, a generic set of plans for this kind of facility. The final plans, including detailed descriptions of the HVAC systems, would be submitted at the building permit stage.

[78] The Board recognizes that the level of detail required in the supporting materials for a development permit is generally considerably less than the level of detail required in the supporting materials for a building permit. Nonetheless, the situation here is that there is a paucity of information about odour control at the Facility, and what information there is conflicts to some extent. It would have been helpful had the Development Authority exercised its power under section 2.9.2(l)of the Land Use Bylaw to obtain further information from the Permit Applicant on this point, but the Development Authority did not do that.

[79] Dave Robinson asserted that the Permit Applicant was confident that it would be able to design the HVAC systems so that all cannabis-related odours would be contained within the Facility's building. The Appellants did not take comfort from this assertion, noting that there was no enforcement mechanism they could employ if there was indeed a problem with odours coming from the Facility; there was not even a requirement for the Permit Applicant to maintain a 24/7 complaint line so that the Appellants could report any problems with odour that might arise.

[80] Mr. Robinson also said that there were professionals who could test for odour coming from a cannabis production facility but gave no information about who those professionals were and what the testing would entail.

[81] In these circumstances, in the opinion of the Board, the appropriate way to address the issue of odour is to do two things. **First, the Board will add a condition to the Development Permit that all odour arising from or relating to any aspect of the production of cannabis must be contained within the Facility's buildings.** This will provide the neighbours with some recourse if the odour is in fact not contained within the buildings; they may ask Strathcona County to issue a stop order. However, this is not sufficient, in and of itself, to address the concerns about odor, because of the seriousness of this concern and because different people have different levels of sensitivity to the same odour.

[82] Second, the Board will change the Development Permit from a permanent permit to a temporary permit.

[83] Section 2.14 of the Land Use Bylaw governs temporary development permits. Section 2.14.1 lists the uses that are always temporary uses, and section 2.14.3 sets out the maximum length of time permits for these uses may be in force. However, the Facility is not any of the uses listed in section 2.14.1. Instead, the governing provision is section 2.14.2, which provides that the

Development Authority may issue a temporary permit for any permitted or discretionary use in addition to the uses listed in section 2.14.1. Section 2.14.2 does not prescribe a time limit for temporary permits issued under this provision. Therefore, the Board may issue a temporary permit for the Facility for whatever time period the Board thinks is appropriate. The Permit Applicant was confident that the facility was not going to have a detectable odour outside of the premises. The consequence of a breach of that representation should not fall on the neighbours, in the circumstances. If there is confidence by the Permit Applicant that there will be no breach, then there should also not be a concern with potential investment.

[84] The possibility of a temporary permit was discussed at the hearing. Balancing the concerns enunciated by the Permit Applicant about the potentially chilling effect of a temporary permit on the willingness of investors to help finance this project if the term of the Development Permit is short with limited recourse the neighbours will have if odour is not contained, the Board is of the opinion that three years is an appropriate length of time for the Development Permit to be in force.

[85] As a final note, at the hearing, the parties discussed the possibility of a hot line or other complaint mechanism through which the neighbours could draw a problem with odour to the Permit Applicant's attention so that the Permit Applicant could address the problem. The Board will not make the establishment of a complaint mechanism a condition of the Development Permit but encourages the Permit Applicant to do so voluntarily.

Compliance with the MDP

[86] Section 2.15.2(a) of the Land Use Bylaw provides that in order for the Development Authority to approve a development permit for a discretionary use, the Development Authority must be satisfied that the development complies with the MDP.

[87] The Appellants noted that the MDP does not expressly deal with Cannabis Production Facilities. However, the MDP does contain a definition of Indoor Agriculture; this phrase means, "the commercial production of plants or aquatic organisms within a structure". Clearly, the Facility falls within the definition of Indoor Agriculture. The Board rejects the Appellants' argument that the Facility is an Agricultural Product Processing facility; while the cannabis will be dried at the Facility so that it can be shipped, and the definition of Agricultural Product Processing in the MDP includes drying, the primary purpose of the Facility is cannabis production. The Board also notes that the definition of Cannabis Production Facility in the Land Use Bylaw includes processing; reading the definition of Indoor Agriculture in the MDP and the definition of Cannabis Production Facility in the Land Use Bylaw together, the Board is satisfied that a Cannabis Production Facility does not become an Agricultural Products Processing facility for the purposes of the MDP simply because some minor processing of the cannabis takes place at the facility.

[88] Section 2.2 of the MDP sets out the interpretive framework for the MDP. For each policy area, there is a purpose statement, that is, a statement of the intent which sets out the purpose of the particular policy area; a stated goal for the policy area; objectives for the policy area; and a series of policies. The policies fall into three categories. An "ensure by requiring" policy sets out a mandatory requirement; if a proposed development does not comply with an ensure policy, then it does not comply with the MDP. The second category is "promote by encouraging"; these policies are not mandatory, but justification must be given for non-compliance. The third and final category is "support by considering", which allows the Development Authority and the Board to look to the Objectives where a proposed development is inconsistent with that policy. Neither the second nor the third category of policies provide mandatory directions to the Development Authority but do provide guidance for the Development Authority in deciding whether a proposed development complies with the MDP.

[89] The Facility is located in the Agriculture Small Holdings Policy Area, which is section 5.4 of the MDP. Thus, the Board must decide whether the Facility complies with all applicable "ensure" policies in section 5.4? If it does, is it also permissible under the "encourage" and "consider" policies?

[90] The Appellants did not argue that the Facility is non-compliant with any of the "ensure" policies and in any event, the Board is satisfied that the Facility does comply with all applicable "ensure" policies. Therefore, the question is, is the Facility allowable under one or more "encourage" or "consider" policies?

[91] In the opinion of the Board, the answer to that question is yes. Policy #1 directs the prioritization of small-scale agricultural operations by considering small and medium scale indoor agriculture where the development meets three criteria. The Facility is a micro-grow cannabis production facility. The Board is satisfied that the Facility falls within the definition of Scale, Small in the MDP, particularly because this development does not require any upgrades to the road network. Therefore, if the Facility meets the three criteria set out in this policy, the Facility is consistent with the MDP.

[92] The first criterion is that the development mitigates environmental impacts. There is no evidence that the Facility will have any adverse impacts on the environment. This criterion is met.

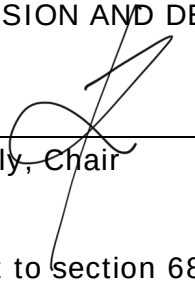
[93] The second criterion is that the development mitigates nuisance impacts on adjacent land uses. With the additional condition the Board will add to the Development Permit, this criterion is met.

[94] The third criterion is that the development has levels of infrastructure which meet the requirements of municipal and provincial standards and regulations. There is no evidence that the infrastructure of the Facility contravenes any municipal or provincial standards or regulations. This criterion is met.

[95] For the above reasons, the Board finds that the Facility complies with the MDP.

DATED at Strathcona County, in the Province of Alberta, this 26 day of October 2020.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD



Liam Kelly, Chair

Pursuant to section 688 of the *Municipal Government Act*, RSA 2000, c M-26, an appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to this decision of the Subdivision and Development Appeal Board.

APPENDIX "A"
List of Submissions

Printed Materials:	**Consisting of:**
Appeal #3-2020 **(found in SDAB Hearing Package dated October 9, 2020)**	
Application file	Pages 5-176
Decision of Development Officer	Pages 177-205
Notice of Appeal	Pages 206-210
Notice of Hearing	Pages 211-236
Submission from Development Officer	Pages 237-260
Submissions from Appellant	Pages 261-264
Submission from Landowner	Pages 265-313
Submission received from Affected Person	Pages 314-327
Appeal #4-2020 **(found in SDAB Hearing Package dated October 9, 2020)**	
Application file	Pages 5-176
Decision of Development Officer	Pages 177-205
Notice of Appeal	Pages 328-333
Notice of Hearing	Pages 336-358
Submission from Development Officer	Pages 237-260
Submissions from Appellant	Pages 359-361
Submission from Landowner	Pages 265-313
Submission received from Affected Person	Pages 314-327
Submissions received at the hearing:	
Submission from the Landowner's Legal Counsel	33 pages
Submission from the Appellants in Appeal #3-2020	4 pages
Submission from Appellants' Legal Counsel	Booklet containing 9 tabs
Submission from Affected Person (Dawn Kick)	12 pages

Persons who made oral presentations:	
Name:	**Capacity:**
Chris Gow (to answer questions only)	Coordinator, Development Permitting, Planning & Development Services, Strathcona County
Frank Marrazzo	Appellant
Laura Marrazzo	Appellant
Janice Larsen	Appellant
Norm Larsen	Appellant
Robert Weisner	Appellant
Janice Agrios	Counsel for the Appellants
Brian Maciej	Landowner
Dave Robinson	Witness for Landowner

Persons who made oral presentations continued:	
Name:	**Capacity:**
Ryan Eidick	Witness for Landowner
Roberto Noce	Counsel for the Landowner
Alan McInnes	Affected Person
Francis Strytveen	Affected Person
Doug Lerke	Affected Person
Dawn Kick	Affected Person