

MINUTES OF THE MEETING OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD OF THE TOWN OF TABER, TO BE HELD IN THE GREEN ROOM, TABER COMMUNITY CENTRE, ON AUGUST 21, 2018 AT 5:00 PM.

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**Members**

Ben Koersen  
Debbie Sargeant  
Joanne Sorensen

**Chief Administrative Officer**

Cory Armfelt

**Staff**

Raeanne Keer  
Phyllis Monks  
Grace Noble

**CALL TO ORDER**

C. Armfelt called the meeting to Order at 5:00 PM as the Board required the election of a Chairperson.

C. Armfelt called for nominations from the floor for the position of Chair of the Subdivision and Development Appeal Board for 2018.

B. Koersen nominated D. Sargeant for the position of Chair of the Subdivision and Development Appeal Board for 2018.

C. Armfelt called for further nominations for Chairperson a 2<sup>nd</sup> and 3<sup>rd</sup> time.

No further nominations were put forth, and D. Sargeant accepted the nomination as Chair of the Subdivision and Development Appeal Board.

D. Sargeant assumed the Chair at 5:02 PM.

## ADOPTION OF THE AGENDA

Chair Sargeant inquired if there were any additions or deletions to the Agenda, and there were none.

RES. 1/2018            MOVED by B. Koersen that the Subdivision and Development Appeal Board adopts the Agenda, as presented.

CARRIED UNANIMOUSLY

## ADOPTION OF THE MINUTES

### **1) Minutes Subdivision and Development Appeal Board Meeting: November 29, 2017**

RES. 2/2018            MOVED by J. Sorensen that the Subdivision and Development Appeal Board adopts the minutes of the Meeting of the Subdivision and Development Appeal Board held on November 29, 2017.

CARRIED UNANIMOUSLY

B. Koersen noted that he was not in attendance to the Regular Meeting held on November 29, 2017, and abstained from voting in RES. 2/2018.

## PURPOSE OF HEARING

### **1) Notice of Decision DP 18-60, 6002 58 Street, Taber, AB, Lot 36, Block 27, Plan 821 0712**

C. Armfelt described the purpose of the hearing involving the decision of the Development Authority (Municipal Planning Commission) to issue a development permit for a metal fabrication and structural steel welding, Discretionary Use, Light Industrial District (M-1) at 6002 58 Street. C. Armfelt described the description of the decision, the appeal, and read the letter from the appellants.

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## **PURPOSE OF HEARING – CONT'D**

### **1) Notice of Decision DP 18-60, 6002 58 Street, Taber, AB, Lot 36, Block 27, Plan 821 0712 – CONT'D**

C. Armfelt stated that there was an Administrative error in the Development Authority (Municipal Planning Commission) which stated that appeals must be submitted prior to August 2, 2018. He stated in the *Municipal Government Act* legislative changed from a 14-day appeal period to a 21-day appeal period.

He stated that the appeals received later than the original date within the Development Authority (Municipal Planning Commission) letter were valid for consideration in this hearing.

C. Armfelt stated that the Subdivision and Development Authority Appeal Board has the opportunity to rule in any which way they see fit on the matter. He stated that any decision will be drafted after this meeting, and that this meeting is to hear the evidence from the appellants.

## **INTRODUCTION OF THE BOARD MEMBERS**

The Board Members introduced themselves and Chair Sargeant inquired if there was any objection to the members of the Board by the appellants. She stated that the Board for this meeting only consisted of 3 members, as the other member of the Board was unavailable to attend.

There were no objections.

## **APPELLANT'S PRESENTATION**

Brandi and Scott Olsen, residents of 6017 57 Street, stated that the quality of living at their home has been negatively impacted while living adjacent to the property in question. They stated that the noise is constant through-out the day due to loud equipment and machines being used by the business, which has made it difficult for them to enjoy their home and yard.

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## **APPELLANT'S PRESENTATION – CONT'D**

Mrs. Olsen stated that the residential and industrial areas are two very different zones, each with their own distinct uses. She stated that they are also concerned about the possible negative impacts the business could have to their property value as the noise occurs well after most "business hours".

Mr. Olsen stated that although there are other similar businesses in the industrial area nearby, they do not run the same types of equipment, nor was it constant through-out the day. He further stated that as homeowners they also have rights, and that they are concern that even with the recommendations in place the noise will still be unbearable.

J. Sorensen inquired on how long they have lived in the area.

Mr. Olsen indicated that they moved to their property in 2000.

Chair Sargeant inquired if they have had previous issues with existing industrial neighbours.

Mrs. Olsen stated that previously there had been the odd issue, but it remediated quickly by Bylaw Enforcement.

B. Koersen requested the homeowners to identify where on the map was their residence was in relation to the property in question.

Mr. Olsen indicated the location on the map for the Board.

The Board had no further questions at this time.

## **PUBLIC COMMENTS IN SUPPORT OF APPELLANT**

Chair Sargeant inquired if there was anyone present in the gallery to speak in support of the Appellant.

## **PUBLIC COMMENTS IN SUPPORT OF APPELLANT – CONT'D**

Monica and Bill Browning, residents of 57 Street, stated that they live directly behind the industrial property in question and provided detail on the level of noise experienced, and stated that although noise is expected to an extent the business is often operating late into the day. They also indicated that they were concerned as the majority of the machines and equipment were being used exclusively outside.

Mr. and Mrs. Browning further indicated that they were concerned about the possible hazardous and explosive materials being used, and the unsightliness of the industrial yard from their property. They indicated that they would like the Board to consider recommending that the business install a barrier between the properties. They also agreed with the Appellants and stated they were also concerned with the negative impacts the business could have to their property value.

J. Sorensen inquired as to how long Mr. and Mrs. Browning have lived at their property.

Mrs. Browning stated they have lived there for 39 years.

Mr. Browning stated that he believed there is a way for all parties involved to remain, but a barrier between the parties would be necessary.

Chair Sargeant inquired if there was anyone else who wished to speak in support of the Appellant.

John and Carol Donahue, residents of 57 Street, stated they have lived on their property since 1989.

Mr. Donahue stated that often the decibel count of the equipment and machines used at the property were quite high, and constant throughout the day.

Mrs. Donahue presented a video for the Board to demonstrate the level of sound experienced at their property.

Chair Sargeant inquired if there was anyone else who wished to speak in support of the Appellant, and there were none.

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## **DEVELOPMENT AUTHORITY PRESENTATION**

P. Monks, Director of Planning and Economic Development, and G. Noble, Development Officer, stated that Torrent Steelworks Ltd. applied for a Discretionary Use Development Permit for 6002 58 Street, within the Light Industrial M-1 Land Use District on July 9, 2018, and stated that their application was reviewed by the Development Authority (Municipal Planning Commission) on July 17, 2018.

P. Monks reviewed Light Industrial M-1 Land Use within the Land Use Bylaw 14-2016.

B. Koersen inquired if Light Industrial M-1 Land Use specified the work must be completed inside a building.

P. Monks stated that was correct, if work is being completed outside they are not within the requirements for that Land Use District, and further stated that the neighbouring business, Well Tech Energy Services Inc., have been grand-fathered under a previous clause within the previous Land Use Bylaw.

P. Monks stated that the applicant, Torrent Steelworks Ltd. had received the Notice of Decision, but the Development Permit had not been approved at that time. She also stated at this time there is no concern regarding the chemicals being used.

Chair Sargeant inquired if there were any further questions by the Board, and there were none.

## **PUBLIC COMMENTS IN SUPPORT OF DEVELOPMENT AUTHORITY**

Anton Biegler and Shane Beaugrand, owners of Torrent Steelworks Ltd., stated that they sympathize with residents in the area, and have purchased mufflers to help suppress the noise from their equipment such as welders and generators. They stated that they currently have a number of projects in progress which has resulted in tight deadlines, and working longer hours than anticipated.

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**PUBLIC COMMENTS IN SUPPORT OF DEVELOPMENT  
AUTHORITY – CONT'D**

A. Biegler stated that they have also implemented internal changes such as ensuring equipment is turned off when not in use. Mr. Biegler also noted that they are just starting up, and are considering their options for a temporary structure to be used to avoid working outdoors.

A. Beigler stated that he did not anticipate receiving this type of feedback, being as the neighbouring business does similar tasks and projects.

J. Sorensen inquired what was being made inside, and if the larger projects could be completed in tents outside.

A. Biegler stated that they work on pieces and parts inside, but the building is not large enough to accommodate large I-beams. He stated they are considering upgrading the inverters to limit the number of generators being used.

S. Beaugrand stated that when they were notified of the Appeal and the concerns brought forward by the residents they stood near the residential properties and agreed the level of noise was high. He further stated that in addition to purchasing new mufflers they also ensure their equipment is as far from the properties as possible, and pointed away from the residents.

A. Biegler and S. Beaugrand stated that they are taking measures to limit the noise, but that they are still within the industrial area and therefore there will always be noise, noting that the residents have become used to having the building remain vacant for a number of years.

B. Koersen inquired about moving the generators to the front of the building and if a new building would help reduce noise.

S. Beaugrand stated that moving the generators would only result in approximately a 10% decrease and that they could not speak to if a new building would be a benefit to residents in the area or not.

## **PUBLIC COMMENTS IN SUPPORT OF DEVELOPMENT AUTHORITY**

Rick Popadynetz, President of the Taber & District Chamber of Commerce, stated that he understood arguments from both the Appellant and the Development Permit Applicant. He stated that the Town has struggled to encourage and maintain growth in the industrial area and has provided a letter of support for Torrent Steelworks Ltd., as it has been an important business to the community and has provided a number of volunteer hours to community projects and events.

Chair Sargeant inquired if there were any questions from the Board and there were none.

## **DEVELOPMENT AUTHORITY FINAL COMMENTS AND SUMMATION**

B. Olsen wished to reiterate her opening statement being that there are two very distinct zones and districts neighbouring each other. She stated that she did not wish to single-out an individual business, but consideration needs to be given regarding what is an allowable decibel in a residential area versus an industrial area.

S. Olsen stated they he appreciates the local businesses in the area, and hopes to see them thrive but is still not sure what is considered "light industrial", and hopes that a buffer between both zones would assist with the noise in the area.

B. Koersen inquired if there was a suitable middle ground solution that would be acceptable to the Appellants.

B. Olsen stated that she would request a massive reduction in noise in order for there to be care and concern for residents in the area and stated that what a business can tolerate for noise is not the same as a residential area.

C. Donahue stated that herself, and others in the area volunteer within the community as well, and that residents are of value not just businesses. She stated that the noise produced by Well Tech Energy Services Ltd. is intermittent and not as frequent as the Applicants at this time.

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**DEVELOPMENT AUTHORITY FINAL COMMENTS AND  
SUMMATION – CONT'D**

C. Donahue stated she would like to find a way to co-exist in order to make this work for all parties involved.

Chair Sargeant inquired if there were any questions from the Board, and there were none.

**CLOSE OF MEETING**

P. Monks declared this Regular Subdivision and Development Appeal Board Hearing hereby Closed at 6:25 PM.

  
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CHAIR

  
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CHIEF ADMINISTRATIVE OFFICER

