

**MINUTES OF THE MEETING OF THE SUBDIVISION
AND DEVELOPMENT APPEAL BOARD
June 10, 2020 at 7:00 p.m.**

PRESENT: Members	T. Read, G. Shipley, C. Storle
Development Officer	B. Stehr
Director of Planning & Engineering	J. Johansen
Recording Secretary	S. Simon
Executive Assistant	E. Engler
Appellant/Applicant	W. Stigter
Adjacent Landowners	D. Krell, L. Krell

ABSENT: C. Crozier, E. Solberg (Alternate Member)

1. CALL TO ORDER

Board Clerk called the appeal hearing to order at 7:00 p.m., confirmed there was a quorum present to hear this appeal, and opened nominations for Chairman.

2. ELECTION OF CHAIRMAN

G. Shipley nominated T. Read to be Chairman, seconded by C. Storle. T. Read accepted and assumed control of the appeal hearing.

Chairman Read outlined the hearing procedures.

3. APPEAL

**Appeal of Development Application 20-DP-025
Lot 3, Block 3, Plan 0614776 (25 Sunvalley Court SW)
Swimming Pool**

Chairman Read asked the Appellant if he had any objection to any board members hearing the appeal. W. Stigter advised he had no objection to any member of the Subdivision and Development Appeal Board.

a) Presentation by Appellant

W. Stigter explained that his development permit application for a swimming pool was denied due to his inability to connect his property to the Town's water and sanitary sewer systems. His property is instead serviced by a septic system. W. Stigter stated that he would be able to meet all required safety codes outside of the connection to the Town's water and sanitary sewer systems.

W. Stigter further stated that he had spoken with Cypress County to inquire about the operation of swimming pools on properties not serviced by municipal water and sewer systems. Typically, these swimming pools are filled by 6 to 8 loads of water from a truck. When the swimming pool is winterized, 2 loads are removed from the swimming pool by vacuum truck. W. Stigter inquired with his current septic system provider, Goodfellas Septic Management, about having the company remove water from his proposed swimming pool by vacuum truck, which they would be able to do.

Lastly, W. Stigter noted that the closest corner of his proposed swimming pool to the septic tank on his property would be 45 feet, and the closest corner of his proposed swimming pool to the septic field on his property would be 75 feet.

b) Presentation(s) by Development Authority and Administration

The Development Officer outlined the reason for the refusal of the development permit application as follows:

- All private swimming pools shall be connected to the Town's water and sanitary sewer system in accordance with provincial requirements. The applicant shall ensure that the adjacent properties are not subjected to any water problems resulting from the malfunctioning of the pool as per the Town's Land Use Bylaw (Section 71.3).

The Development Officer confirmed that the property is not serviced by Town water or sanitary sewer systems.

The Development Officer advised he discussed the project with Park Enterprises Ltd., the Town's Safety Codes provider, and referenced the following standards:

- The *Alberta Private Sewage Systems Standard of Practice* Section 2.1.2.6 prohibits clearwater waste from a swimming pool to be discharged in a private sewage system.
- The *Alberta Private Sewage Systems Standard of Practice* Section 8.2.2.1 requires that any foundation (including private swimming pools) be a minimum of 10 metres from any portion of a private sewage system.
- The *Alberta Building Code* Section 7.2.2.4 requires that all wastewater from a private swimming pool shall be discharged to an existing municipal drainage system as directed by the authority having jurisdiction.

The Development Officer noted that the current provincial standard of practice for private swimming pools on properties unable to connect to municipal sewage systems is to use a vacuum truck to drain the swimming pool. He further noted that the Land Use Bylaw does not take into consideration properties not connected to the Town's water and sanitary sewer systems regarding swimming pools.

The Director of Planning & Engineering referenced the recent Medicine Hat River Hazard Study which the Government of Alberta is currently in the process of seeking public feedback on. The new flood mapping included in the study is not currently in force; however, he felt it should be brought to the attention of the Board. The 1:100 year flood elevation at this location on the river is 667.47 metres above mean sea level, and is approximately 1.2 metres higher than the current flood elevation for the 1:100 year flood elevation at this location on the river of 666.26 metres. The Town does not yet

know how this new flood mapping will impact the Town, but this new flood fringe level could potentially impact / increase development restrictions on developments within flood fringe areas. The Director of Planning & Engineering noted that he did not have specific information on how swimming pools are impacted by floods.

The Appellant responded that the property is a walk-out lot, and that after the 2013 flood event a berm was built between the river and his property at approximately 4 feet above the flood level. The Appellant indicated his desire to build the swimming pool deck below the flood level with the berm acting as a flood mitigation measure.

c) Presentation by other persons in favour of the appeal

Adjacent landowners Donald and Lois Krell stated that they had no issue with the development.

d) Presentations from any person(s) opposed to the appeal

No one in attendance.

e) Summation and response from Appellant

W. Stigter stated that he believes he can meet all suggestions of the Development Authority outside of the following suggested condition of development because it would require raising the elevation of his yard 4 to 5 feet:

- The applicant shall ensure that the pool deck is at least 300 mm above the 1:100 year flood level of 667.47.

f) Summation and response from all other participants

The Development Officer recognized that the Appellant cannot meet the Land Use Bylaw requirement in Section 71.3. Further that he supports the development because of the provincial standard of practice for removing swimming pool water via vacuum truck.

The Director of Planning & Engineering stated that the primary concern relating to the Safety Codes Act is the disposal of water. Furthermore, due to the fact that the Town of Redcliff cannot enforce the new flood mapping included in the Medicine Hat River Hazard Study until the province adopts the study, they were comfortable with the requirement of ensuring the pool deck is at least 300 mm above the 1:100 year flood level of 667.47 not being attached as a condition of development, should the development be approved.

g) Additional questions from the Board

Chairman T. Read inquired whether any further submissions had been received. Recording Secretary confirmed that no further submissions had been received.

h) Closed Session

C. Storle moved to meet in closed session at 7:18 p.m.

The Appellant, Director of Planning & Engineering, Development Officer, and members of the gallery left the meeting at 7:18 p.m.

i) Decision

C. Storle moved the appeal against the decision of the Development Officer to refuse to issue a permit for Development Permit Application 20-DP-025 (Lot 3, Block 3, Plan 06141776 [25 Sunvalley Court SW]) for a swimming pool be upheld and the decision of the Development Officer be revoked. Further that Development Permit Application 20-DP-025 (Lot 3, Block 3, Plan 06141776 [25 Sunvalley Court SW]) for a swimming pool be approved with the following conditions:

1. The private swimming pool shall be a minimum of 10 metres from any portion of a private sewage treatment system.
2. Applicant shall ensure that any adjacent properties are not negatively affected by a failure of the private swimming pool.
3. Applicant shall ensure that any lighting system shall not negatively affect the adjacent properties.
4. The applicant shall provide plans to the satisfaction of the Development Officer demonstrating how a vacuum truck will access the swimming pool to drain it. These plans are to include a demonstration of the route a vacuum truck will take to access the swimming pool, the routing of lines from the swimming pool to the truck, and the structures supporting the vacuum truck.

- Carried.

Reasons for DecisionEvidence / documents used in making decision:

Original application

Appeal form

Appellant submission

Development Officer/Administration submission

No objections received from Adjacent Landowners

Land Use Bylaw

Alberta Private Sewage Systems Standard of Practice

The Board indicated that the proposed development complies with all development conditions and meets development regulations based on the current flood fringe regulations. The mitigative measures presented by the Appellant, primarily the berm already in place, were found to be suitable. Due to the property not being connected to the Town's water and sanitary sewer systems as per the Land Use Bylaw, the best practices for properties not serviced by municipal water and sewer systems will be met through use of a vacuum truck and is found to be an acceptable method of disposal/drainage of the swimming pool.

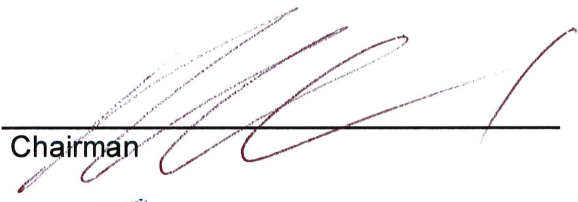
G. Shipley moved to return to regular session at 7:26 p.m. - Carried.

The Appellant, Director of Planning & Engineering, Development Officer, and members of the gallery returned to the meeting at 7:26 p.m.

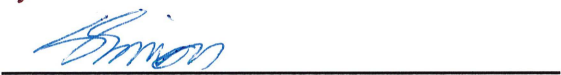
Chairman Read advised the appellant of the decision and that the written decision would be forthcoming.

4. ADJOURNMENT

Chairman Read declared the meeting be adjourned at 7:28 p.m.



Chairman



S. Simon, Board Clerk