LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Richardson International Ltd. v Camrose Development Authority 2025 ABLPRT 475

Date: 2025-08-12
File No. D25/CAMR/CO-038 & 039
Decision No. LPRT2025/MG0475
Municipality: Camrose County

In the matter of an appeal from a decision of Camrose County Development Authority (DA) respecting the proposed development of Block 2, Plan 9523094 within SE ¼ 21-46-19-W4M under Part 17 of the *Municipal Government Act*, Chapter M-26 RSA 2000, *(Act)*.

BETWEEN:

Richardson International Ltd. (Appellant 1 & Applicant)
(represented by F. Wheeler)
and
D. and S. Sorenson (Appellant 2)
(represented by D. Sorenson)

Appellants

- and -

Camrose County Development Authority

Respondent Authority

BEFORE: E. Williams, Presiding Officer
L. Danchuk, Member
D. Roberts, Member
(Panel)

K. Lau, Case Manager

DECISION

APPEARANCES

See Appendix A

This is an appeal to the Land and Property Rights Tribunal (LPRT or Tribunal). The hearing was held via videoconference, on June 4, 2025, and July 10, 2025, after notifying interested parties.

OVERVIEW

[1] These are two appeals to the Land and Property Rights Tribunal (LPRT or Tribunal) from a decision of the Camrose County (County) Development Authority (DA) conditional approval of a Development Permit (DP) for the construction of a rail track loop that will increase capacity and efficiency of an existing grain handling facility. The operation is in the General Agriculture (A) District in the County's Land Use Bylaw (LUB) where Agricultural Industrial Use is a discretionary use. Two Appellants appealed the conditional approval – the Permit Applicant (Appellant 1 - Richardson International Ltd. (Richardson)) and an adjacent landowner (Appellant 2 - D. & S. Sorenson (Sorenson)).

[2] Richardson's issue is with a condition requiring reporting of 5 full operations of trains, where noise and vibration is not to exceed the existing baseline. Richardson is prepared to take measures to mitigate noise but does not believe a study is necessary. Richardson also says vibration is minimal given the nature of the operation. After some discussion, Richardson and the County suggested wording for a revised condition 9 requiring mitigation measures to be "implemented and maintained in accordance with recognized industry practices".

[3] Sorenson's main concern with the proposal is the increased impact, particularly from noise, that the development will on have on their quality of life and property value. They do not agree with the revised condition and want baseline testing and assurance that Richardson will be accountable for the upkeep/maintenance of the sound mitigation measures.

[4] The LPRT found that the application should be confirmed with a varied condition #9. The DA's original condition 9 was not workable, since it required no increase in noise and vibration despite the loop's proposed location much closer to his property than the existing rail line and development. Rewording subsequently recommended by the DA and Richardson was also inappropriate since it lacked clarity as to the standard to be met for noise and vibration mitigation measures. Therefore, the LPRT varied the condition to require Richardson to submit and implement a mitigation plan that will meet existing standards set by the Canadian Transportation Agency, Health Canada, AER, and AUC that would allow the DA to evaluate the effectiveness of the mitigation measures to be implemented.

PRELIMINARY MATTER – CONSOLIDATION OF APPEALS

[5] This hearing involves two appeals regarding one DP that were heard and decided together, with the parties' agreement.

REASON APPEAL HEARD BY LPRT

[6] This appeal was filed with the LPRT instead of the local subdivision and development appeal board because s. 685(2.1)(a) of the *Act* and s. 27 of the *Matters Related to Subdivision and Development Appeal Regulation* AR 84/2022 directs development appeals to the LPRT when the land that is the subject of the application is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator (AER), Alberta Energy and Utilities Board, Alberta Utilities Commission (AUC), the Minister of Environment and Protected Areas (AEP) or the Minister of Forestry and Parks (AFP).

[7] In this case, the relevant land is the subject of a licence, permit, approval or other authorization granted by AEP.

PROPOSAL

[8] To construct an 8,500-foot rail track loop on a portion of SE-21-46-19-W4. Richardson currently occupies the subject parcel, on which is situated a grain handling facility, fertilizer warehousing facility, and existing rail tracks. The existing rail tracks require significant movement/breaking up of rail cars to assemble a unit train. The proposed development is to construct a rail loop to efficiently handle unit trains of up to 150 rail cars.

BACKGROUND

[9] This appeal concerns an application for a development permit for a rail loop on a 162.72-acre parcel in Camrose County (County) 2 km northwest of the Hamlet of Ohaton. The land is districted as General Agricultural (A) in the Land Use Bylaw (LUB), where Agricultural Industrial Use is a discretionary use. The current site includes grain and fertilizer handling facilities and train tracks to accommodate grain cars for loading. Adjacent lots to the site are primarily farmland, rural acreage or industrial park uses.

[10] The subject property has a pipeline owned by the Ankerton Gas Co-op Ltd., regulated by the AUC. The Application was also circulated to Alberta Transportation and Economic Corridors (ATEC) for its approval, as the parcel is near a Provincial Highway. ATEC attended the hearing on June 4, 2025, and had no comments.

[11] The DA conditionally approved the Application in April 2025 as follows:

Notice of Decision and Development Permit Roll No: 407000

Developer:	Richardson International Ltd.
Type of Development:	Construct Rail Track Loop
Legal Description:	Block 2, Plan 9523094, SE-21-46-19-4
Address:	46339 Hwy 56, Legacy Junction
Permit Number:	25-020

APPROVED, subject to the following conditions:

1. It is the Developer's responsibility to locate all underground utilities and rights-of-way prior to construction or excavation. Contact Utility Safety Partners at https://utilitysafety.ca or 1-800-242-3447.
2. It is the Developer's responsibility to obtain and comply with required safety code permits (building, electrical, gas, plumbing, private sewage, etc.). Safety codes permits must be obtained from the City of Camrose. Contact them at (780) 672-4428 or permits@camrose.ca.
3. The Developer is responsible to ensure site suitability prior to construction and to ensure that drainage patterns are not adversely affected due to lot development.
4. It is the Developer's responsibility to ensure that the minimum property line setback distances are met according to the A- General Agricultural zoning requirements from County Land Use Bylaw 1541. If the Developer is unaware of where the property lines are, then a legal land surveyor should be hired to mark them and ensure accurate placement of the structure.
5. Due to the proximity of the parcel to a provincial highway, it is the Developer's responsibility to contact Alberta Transportation and Economic Corridors to inquire and obtain a Roadside Development Permit if required for the development. Contact TEC.developmentvermilion@gov.ab.ca.
6. The project site shall not have more than 150 cars at any one time.
7. All rail cars must be part of the active use. There shall be no storage of rail cars for third parties or for the rail companies unless an emergent issue such as a train derailment require temporary storage to clear the rail line.
8. The Developer will design, build and maintain the rail loop to the satisfaction of Transport Canada and shall comply Section 95.1 with the Canada Transportation Act with relation to noise and vibration from the rail and its obligations under Sections 113 and 114 if applicable. The Canadian Transportation Agency has a railway noise measurement and reporting methodology at https://otccta.gc.ca/eng/railway_noise_measurement for reference.
9. That noise and vibration from the track shall not exceed the existing noise and vibration from the existing rail line at the property line to the acreage. A baseline report of existing noise and vibration thresholds shall be provided to the County prior to the rail loop development. The report must include at least 5 full operations of a train at the existing site. This study will be used to ensure that the rail loop development does not exceed the existing baseline operations. If so, the developer will be required to mitigate the additional noise and vibrations.

[12] Richardson (Appellant 1) filed an appeal concerning Condition 9. Specifically, its issues were as follows:

- Reporting on 5 full operations of a train could not be accomplished until September if started in early May as the site only receives 15 trains per year.

- It is not possible that noise and vibrations do not exceed the existing baseline relative to the property line at the acreage and due to the different points for measurements.
- Richardson is willing to proactively take measures to mitigate noise and does not believe a study is necessary. Richardson does not agree with the vibration stipulation.

[13] Sorenson (Appellant 2) filed their notice of appeal listing concerns with the approval as follows:

- Quality of Life – the new track would be within 50 metres of the residence and noise and vibration will increase as the present tracks are 400 metres from the residence.
- Acreage depreciation – the loss of privacy and quietness will decrease the value of their property.

[14] At the hearing on June 4, the parties expressed general support for the DP, except for Condition 9. The LPRT therefore requested the Parties to collaborate to revise wording for Condition 9, and to provide a joint recommendation, if possible, by June 13, 2025. Although the Parties made some progress, they were unable to reach a consensus, and shortly thereafter each party provided their written recommendation instead.

[15] After reviewing the Parties' recommendations, the LPRT determined it was necessary to reconvene the hearing to clarify the proposals – particularly with respect to "recognized industry practices" referred to in the condition suggested by Richardson and the DA. All Parties attended the hearing on July 10, 2025.

ISSUE

Should Condition 9 be reworded to mitigate the effects of noise and vibration on the adjacent rural residential property?

[16] In all cases, the legislation requires the LPRT to address whether a proposal complies with the *Act*, the *Regulation*, the LUB, any statutory plans, the Land Use Policies.

[17] In this case, the parties focused on whether Condition 9 could be reworded to accommodate noise reduction and vibration and to account for quality of life and reduced value of the adjacent acreage.

SUMMARY OF THE DA'S POSITION

[18] The DA confirmed the application falls under the Agriculture General use section of the LUB, and the construction of the rail loop is within the definition of Agricultural Industrial Uses.

[19] The DA provided a brief analysis of the requirements, and the information provided by Richardson. It was satisfied the development is compatible with the purpose of the LUB district, and that the conditions imposed were appropriate to mitigate the impacts. The DA acknowledged it was difficult to address the noise and vibration matters which became the subject of Condition 9, but considered that overall, the proposed rail loop use is appropriate in this location.

[20] After further discussions with the Appellants, the DA recommended rewording Condition 9 to read as follows:

> The Developer shall implement sound and visual mitigation measures between the proposed rail loop and the adjacent existing acreage boundary. These measures may include, but are not limited to, a combination of fencing, vegetative buffers (such as tree planting), or the construction of a berm. The design and implementation of these measures shall ensure they are functionally

effective and visually compatible with the surrounding area. The Developer shall ensure that the mitigation measures are implemented and maintained in accordance with recognized industry practices.

[21] The DA stated that the revised wording reflects the general agreement of the parties that development should proceed with steps to mitigate sound and visual impacts The proposed rewording also reduces the need for baseline and post construction noise testing and aligns with the Canadian Transportation Agency (CTA) and Health Canada guidance thresholds.

[22] The DA determined it would not be practical to impose hours of operation on the rail loop; however, it noted that trains will not be on location longer than 24 hours and less than 20 trains are expected per year. The DA's opinion is that the impact of the proposal is not dissimilar to farming operations adjacent to the Appellant 2 acreage who often operate on a 24/7 basis. The DA also noted there are other ambient noise factors such as Highways 13 and 56, a major railway line, both of which intersect the subject parcel, as well as an industrial park west of the property.

[23] The DA confirmed it had no position on the alternatives the parties submitted to mitigate Condition 9. It also confirmed the County has a noise bylaw; however, it does not apply to this area.

[24] Upon LPRT questioning, the DA acknowledged that the reference to "recognized industry practices" could not be defined. They referenced that CTA, Health Canada and the AER all had standards which could be considered "best management practices" rather than "recognized industry standards".

SUMMARY OF APPLICANT AND APPELLANT 1'S POSITION (RICHARDSON)

[25] Richardson submitted its original application on March 5, 2025 and received conditional approval from the DA on April 15, 2025. On May 5, 2025 it submitted its appeal form. It noted it was agreeable to all conditions, other than Condition 9. In response to that condition, it noted:

- Reporting on 5 full operations of a train could not be accomplished until September if started early May as the site only receives 15 trains per year. The project would not be able to proceed under this condition as the delay would be up to 6 months.
- It is not possible that noise and vibrations do not exceed the existing baseline relative to the property line at the acreage due to the different reference points for measurements. Vibrations are expected to be reduced by reducing the frequency of "hook-ups" and their associated noise as well as the slow speed of the train, under 10 mph upon arrival/departure, and very slow during loading, one grain car every 5-7 minutes.
- Richardson is willing to proactively take measures to mitigate noise and does not believe a study is required. However, Richardson does not agree with vibration stipulation. Vibrations are minimal given the nature of operations as described above, and vibrations mitigation is not practical (arguably not possible) at such a short distance.

[26] Richardson's recommendation for rewording Condition 9 was identical to the DA's proposed rewording, and its reasons in support of the reworded condition matched many of the reasons provided by the DA, including references to:

- Supports development and addresses impacts.
- Reduced testing
- Alignment with CTA and Health Canada guidance
- Ambient noise
- Hours of operation

- Duration and frequency of trains

[27] Richardson stated that the goal of the project is to meet the operational requirements of the railway. It reviewed other options but determined that the currently proposed option is the least disruptive and best option given site constraints.

[28] Richardson proposes to construct noise and visual mitigation measures including, but not limited to construction of a berm, and a combination of a fence and vegetative buffers (such as tree planting) as needed. It confirmed it would be accountable to ensure any mitigation measures will be maintained, similar to other developments in the County which are required to maintain mitigation measures (other industrial, gravel pits, recycling centres). It also confirmed it has engaged two firms to assist with sound and visual mitigation measures. Finally, at the July 10, 2025 hearing, it affirmed its proposed measures and advised it was receptive to using "best management practices" rather than "recognized industry standards".

SUMMARY OF APPELLANT 2'S POSITION (SORENSEN)

[29] D. Sorenson spoke for the Sorensen family. He stated his family is not opposed to the rail loop being built but is concerned about effects on their quality of life and acreage value. Mr. Sorensen confirmed the grain handling facility, rail tracks and a small fertilizer shed were on the property when they purchased the acreage; since then, a much larger fertilizer handling operation has been built on site.

[30] With respect to quality of life, Mr. Sorensen stated that the current rail track and loading facilities are approximately 480 metres from their residence, whereas the proposed rail loop will be 57 metres at its closest point. He stated that noise and vibration levels will clearly be higher with the proposed rail track than its current location.

[31] Mr. Sorenson acknowledged the DA's condition requires baseline testing, but not what the mitigation would be if the subsequent noise and vibration levels are higher. After discussion with Richardson and DA, he agreed a baseline study is not necessary; instead, he proposed a noise study after the mitigation (berm/trees, etc.) has been completed and then an annual study to ensure the noise levels do not increase.

[32] With respect to property devaluation, Mr. Sorensen stated that people moving to an acreage want privacy and quiet and that having rail cars near the principal residence does not achieve privacy and quiet. He advised he had spoken with a realtor and was advised the value would decrease, although it is difficult to discern what the dollar impact would be. Mr. Sorensen stated there should be financial compensation for the loss in value suffered by the acreage, and suggested the LPRT would decide on a monetary payment to cover the depreciation.

[33] Mr. Sorensen's proposed options for rewording Condition 9 were as follows:

> Option 1
>
> The developer will execute 1 baseline study at the outset of the project at the NE corner of their property line. This data will be used to ensure the train decibel levels do not exceed the baseline testing.
>
> The developer shall also implement mitigation measures to ensure that noise and vibration levels at the property line of the adjacent residential parcel do not exceed the baseline measure. These measures shall guide the design and implementation of mitigation measures, which may include,

but are not limited to, noise barriers, vegetative buffers, or berms. All mitigation strategies shall be reviewed and approved by the County and shall consider both functional effectiveness and visual compatibility with the surrounding area.

After the installation of the mitigation measures, a second noise measure will take place in the same location to ensure its effectiveness. After each additional year, the developer will execute 1 noise study per year to ensure the mitigation measures are remaining effective. If the numbers fail, additional measures must be put in place until the noise levels are back to the baseline tests.

A monetary payment must also be paid to the acreage owners to cover all depreciation values with the added railway.

Option 2

The developer and the acreage owner will agree that after the rail loop is built, all the remaining land directly to the N and NE of the railway will be sold to the acreage owner at an agreed upon price, and the acreage owner will look after all the noise mitigation measures from the outset and with the upkeep in these measures.

A monetary payment must also be paid to the acreage owners to cover all depreciation values with the added railway.

[34] Mr. Sorensen stated that after he proposed the two options, Richardson replied with three options:

Option 1

Richardson will sell to the neighbor approximately 2.5 to 3 acres of land at fair market value upon the completion of the project. The exact amount of acreage will be determined after the completion of the expansion project because of rail trackage setback requirements. The subdivision of the acreage will be carried out by the neighbor at their sole cost and expense. No additional mitigation efforts will be undertaken by Richardson.

Option 2

Richardson will construct sound and visual mitigation measures such as a combination of fencing and trees being planted, or the construction of a land berm. The neighbor will be permitted to keep the buildings currently located on the Richardson lands at their current location; but will also agree that no additional structures will be built on Richardson property. Richardson and the neighbor will sign a license agreement to document the arrangement.

Option 3

No land is sold to the neighbors and no visual mitigation measures are constructed by Richardson, and the neighbor removes all their existing buildings and structures from the Richardson property by no later than July 1, 2025.

[35] Mr. Sorensen comments on all three of Richardson's options as follows:

Option 1

Mr. Sorensen is open to the option; however, he noted the land is likely not accessible by farm equipment so it would likely be pasture and trees, in 50% proportions. Mr. Sorensen proposes a sale price of $1.

Option 2

Mr. Sorensen is open to the option; however, baseline testing must be supplemented with further tests to have Richardson remain accountable.

Option 3

Mr. Sorensen is open to the option; however, the details are vague on what this option means, and Mr. Sorenson questions whether this means the rail track loop does not get built.

[36] Mr. Sorensen summarized his revised position on Condition 9 as follows:

"After the train loop is built, all remaining Richardson land to the N and NE (approximately 3-4 acres) is sold to the Sorensen's at a reduced cost. The Sorensen's would be responsible for the new acreage zoning costs as well as the sound mitigation install and upkeep.

We feel this will take away all grey areas between the 2 parties. If Richardson was to be responsible for the sound barriers, there would have to be some sort of noise testing done to keep them accountable for the upkeep/effectiveness. Since this isn't of interest to them, we believe our proposal takes away all potential disagreements in the future, allows the railway to be built, and allows us to ensure mitigation measures are effective and appealing."

FINDINGS

1. The LPRT lacks authority to order that the land to the northeast of the project be sold to Appellant 2 (Sorensen) by Appellant 1 (Richardson).
2. The LPRT lacks authority to order compensation in respect of development permit appeals.
3. The LPRT is satisfied the proposed development is suitable for the intended location,
4. The conditions as varied will appropriately mitigate the visual and sound impacts.

DECISION

[37] The appeal is allowed, in part, and the conditional approval of the DA is varied as follows:

APPROVED, subject to the following conditions:

1. It is the Developer's responsibility to locate all underground utilities and rights-of-way prior to construction or excavation. Contact Utility Safety Partners at https://utilitysafety.ca or 1-800-242-3447.
2. It is the Developer's responsibility to obtain and comply with required safety code permits (building, electrical, gas, plumbing, private sewage, etc.). Safety codes permits

must be obtained from the City of Camrose. Contact them at (780) 672-4428 or permits@camrose.ca.

3. The Developer is responsible to ensure site suitability prior to construction and to ensure that drainage patterns are not adversely affected due to lot development.
4. It is the Developer's responsibility to ensure that the minimum property line setback distances are met according to the A- General Agricultural zoning requirements from County Land Use Bylaw 1541. If the Developer is unaware of where the property lines are, then a legal land surveyor should be hired to mark them and ensure accurate placement of the structure.
5. Due to the proximity of the parcel to a provincial highway, it is the Developer's responsibility to contact Alberta Transportation and Economic Corridors to inquire and obtain a Roadside Development Permit if required for the development. Contact TEC.developmentvermilion@gov.ab.ca.
6. The project site shall not have more than 150 cars at any one time.
7. All rail cars must be part of the active use. There shall be no storage of rail cars for third parties or for the rail companies unless an emergent issue such as a train derailment require temporary storage to clear the rail line.
8. The Developer will design, build and maintain the rail loop to the satisfaction of Transport Canada and shall comply Section 95.1 with the Canada Transportation Act with relation to noise and vibration from the rail and its obligations under Sections 113 and 114 if applicable. The Canadian Transportation Agency has a railway noise measurement and reporting methodology at https://otccta.gc.ca/eng/railway_noise_measurement for reference.
9. The Developer shall design and implement sound and visual mitigation measures between the proposed rail loop and the adjacent existing acreage boundary, to the satisfaction of the DA. Those sound and visual mitigation measures shall conform to Canadian Transportation Agency, Health Canada, AER, and AUC, sound and visual standards. These measures may include, but are not limited to, construction of a berm, and a combination of fencing and vegetative buffers (such as tree planting). The design and implementation of these measures shall ensure they are functionally effective and visually compatible with the surrounding area. The Developer shall ensure that the mitigation measures are implemented and maintained in accordance with best management practices to the satisfaction of the DA.

REASONS

Power to impose conditions

[38] Some of the conditions proposed in this case would have required compensation for loss in property value, or the purchase of land. The LPRT does not have the power to impose such conditions. Although its power over development permits under s. 687(3)(c) allows it to add, amend, or delete DP conditions, the conditions imposed must relate to land use planning matters. They must also comply with statutory plans and the LUB in most respects, and cannot require action from third parties.

[39] The planning matter before the LPRT is whether the proposed discretionary development is appropriate for the intended location given its effect on neighbouring lands, and if so what conditions allowable under the LUB are necessary to mitigate the negative effects of the development on neighbouring lands and uses.

Suitability of proposed development for intended location

[40] In this case, the proposed use qualifies as an Agricultural Industrial Use, which is a discretionary use under the LUB General Agricultural (A). The subject parcel has been used for similar purposes for many years, and the proposed rail loop will allow more efficient continuation of those uses through expansion of loading facilities. The proposal is also in keeping with what might be expected in the area. The facility is not a 24/7 operation, and there is already industrial/commercial land in the vicinity that contributes to noise, as well as existing rail and highway adjacent to the subject land.

[41] Overall, the LPRT is satisfied that while the proposed development will have an effect on Sorenson's residential use of the adjacent property, this effect will not be so severe as to render it incompatible with that use. As such, the LPRT is satisfied the proposal is suitable for the proposed location, leaving the question of appropriate mitigation measures to impose as DP conditions, as contemplated under LUB s. 307.6.

Issue: Should Condition 9 be reworded to mitigate the effects of noise and vibration on the adjacent rural residential property?

[42] The main concerns raised by Sorenson relate to the effect of noise and vibration from operations that will be closer to his residence once the proposed loop is completed. The DA attempted to address these concerns with Condition 9. However, after some discussion, the Parties appear to have accepted – and the LPRT agrees – that the current wording of Condition 9 is not workable.

[43] As Condition 9 presently reads, the Developer would be required to mitigate noise and vibration so that they do not exceed that generated from the current location. The current location is adjacent to the grain handling facility, 480 m from the rural residential property. The new rail loop location is located 57 m from the rural residential property. Given the reduced distance, it is illogical to expect the Applicant can meet the DA's original requirement at the proposed location. As well, the number of studies the Developer would be required to make at the existing location (5) would unnecessarily delay the project and would be of little value.

[44] The Developer and DA's proposed rewording of Condition 9 is an improvement – but is also problematic, as it provides insufficient clarity as to how the DA can distinguish benchmarks for Richardson to meet through its mitigation measures. The LPRT therefore reworded the proposed Condition 9 to require the Developer to submit to the DA and implement a plan for sound and visual mitigation that meets the guidelines to which the DA referred at the hearing – namely, the Canadian Transportation Agency, Health Canada, and the AER. In addition to these agencies, the LPRT added the AUC, which has noise standards that are well-developed and frequently relied on in development approvals.

[45] Although Sorenson's main concern was noise, the matter of vibration was also discussed briefly. The Developer submitted vibration would be minimal as the unit train would be very slow moving. The Applicant advised that to mitigate disturbance from vibration, they could "grease" the rails, and that skilled train engineers could move the trains with little or no noise.

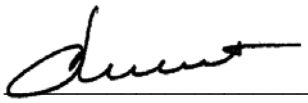
[46] Lastly, the LPRT considered Appellant 2's concern with diminished property values. While the LPRT understands this concern, no evidence was provided to support a conclusion that the proposed development will significantly affect property value. While acreage buyers may value privacy and quiet, the subject land was and remains in an LUB district where buyers can anticipate various industrial uses to occur.

Other Approvals

[47] The landowner/developer is responsible for all other applicable permits or approvals required by other enactments (for example, *Water Act*, *Nuisance and General Sanitation Regulation*, building permit, etc.) from the appropriate authority. The LPRT is neither granting nor implying any approvals other than that of the development permit. Any other approvals are beyond the LPRT's scope of a development appeal. Satisfaction of such requirements are the responsibility of the landowner/developer.

Dated at the City of Chestermere in the Province of Alberta this 12th day of August, 2025.

LAND AND PROPERTY RIGHTS TRIBUNAL



D. Roberts, Member

APPENDIX A

PARTIES WHO ATTENDED, MADE SUBMISSIONS OR GAVE EVIDENCE AT ONE OR MORE OF THE HEARINGS

NAME	CAPACITY
C. Maxfield	Appellant 1 – Richardson International Ltd.
F. Wheeler	Appellant 1 – Richardson International Ltd.
L. Vossen	Appellant 1 – Richardson International Ltd.
C. Shangreaux	Appellant 1 – Richardson International Ltd.
D. Sorensen	Appellant 2
K. Hunter	Development Authority Representative
A. Howard	Development Authority Representative
C. Marcyniuk	Alberta Transportation and Economic Corridors Representative
N. Burkinshaw	Alberta Transportation and Economic Corridors Representative

APPENDIX B

DOCUMENTS RECEIVED PRIOR TO THE HEARING

NO.	ITEM
1A1	Notice of Appeal Appellant 1(3 pp)
2A2	Notice of Appeal Appellant 2 (1 pp)
3R	Information Package (55 pp)
4R	LUB GA Excerpt (3 pp)
5R	Copy of Certificate of Title (3 pp)
6R	Bylaw1540 MDP Final March 26 2024 (58 pp)
7R	Bylaw 1541 LUB - Final Copy March 26 2024 (80 pp)
8R	Map TWP-46-19-Bylaw-1541 (1 pp)

APPENDIX C

DOCUMENTS RECEIVED AT OR AFTER THE HEARING

NO.	ITEM
9A1	Map (1 pp)
10A1	Map zoomed in to Sorensen Property (1 pp)
11R	Map Sorensen Property (1 pp)
12R	Email Camrose County - Revised Condition - File No_ 25-0200 (3 pp)
13R	Map of Area (1 pp)
14D	Richardson 25-0200_Proposed Condition 9 Revision_2025-06-17 (2 pp)
15A	Train Loop Proposal New (3 pp)

APPENDIX D

LEGISLATION

The *Act* and associated regulations contain criteria that apply to appeals of planning decisions. While the following list may not be exhaustive, some key provisions are reproduced below.

Municipal Government Act

Purpose of this Part

Section 617 is the main guideline from which all other provincial and municipal planning documents are derived. Therefore, in reviewing development appeals, every proposal must comply with the philosophy expressed in 617.

> 617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted
> (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
> (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,
> without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

Permitted and discretionary uses

Section 642 deals with the authority that a Development Authority has respecting permitted and discretionary uses

> 642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.
> (2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may, if the application is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.
> (3) A decision of a development authority on an application for a development permit must be in writing, and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision is given.
> (4) If a development authority refuses an application for a development permit, the development authority must issue to the applicant a notice, in the form and manner provided for in the land use bylaw, that the application has been refused and provide the reasons for the refusal.

…

Section 683 deals with the responsibilities of a municipality regarding issuance of a development permit.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Development applications

683.1(1) A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.
(2) An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application.
(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a).
(4) If the development authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.
(5) If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.
(6) If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.
(7) If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.
(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.
(9) If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.
(10) Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

Grounds for appeal

Section 685 addresses grounds for appeal by an Applicant of a decision by the Development Authority

685(1) If a development authority
(a) fails or refuses to issue a development permit to a person,
(b) issues a development permit subject to conditions, or
(c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(2.1) An appeal referred to in subsection (1) or (2) may be made

(a) to the Land and Property Rights Tribunal

(i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

(A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,

(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission,

or

(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii),

or

(b) in all other cases, to the subdivision and development appeal board.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Appeals

Section 686 identifies procedures that a board hearing an appeal must follow

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

(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.

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

(a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board 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.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or

(b) the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

Hearing and Decision

Section 687 identified procedures to be followed at a hearing for a development permit appeal

687(1) At a hearing under section 686, the board hearing the appeal must hear

(a) the appellant or any person acting on behalf of the appellant,

(b) the development authority from whose order, decision or development permit

the appeal is made, or a person acting on behalf of the development authority,

(c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and

(d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The board hearing the appeal referred to in subsection (1) must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

(a) repealed 2020 c39 s10(52);

(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 clauses (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.

(4) In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).

***Matters Related to Subdivision and Development Regulation* - Alberta Regulation 84/2022**

Appeals removed from list

27(1) The following are removed from the list of circumstances where a notice of appeal of a decision of a development authority may be filed with the Land and Property Rights Tribunal:

(a) an appeal where the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the Public Lands Act, as referred to in section 685(2.1)(a)(i)(A) of the Act;

(b) an appeal where the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a body of

water, a sewage treatment or waste management facility or a historical site, as referred to in section 685(2.1)(a)(i)(B) of the Act.

(2) Subject to subsections (3) and (4), the appeals referred to in subsection (1) may be commenced by filing a notice of appeal with the subdivision and development appeal board.

(3) If the land that is the subject of an appeal referred to in subsection (1) is subject to a licence, permit, approval or other authorization referred to in section 685(2.1)(a)(i)(C) or (D) of the Act, then, despite subsection (1), the appeal may be commenced by filing a notice of appeal with the Land and Property Rights Tribunal.

(4) Subsection (1) does not apply to an appeal if the notice of appeal was filed with the Land and Property Rights Tribunal before May 12, 2021.

MUNICIPAL BYLAWS AND STATUTORY PLANS

Municipal Development Plan

Land Use Bylaw
702 General Agricultural (A) District
702.1 Purpose To provide for a wide range of agricultural land uses that have regard for the agricultural character and rural identity of the area, and which can be carried on without interference by other incompatible land uses. The Subdivision Authority, the Development Authority and, on appeal, the Subdivision and Development Appeal Board must refuse to approve any subdivision or issue a permit for any land use which may limit or restrict agricultural operations in the vicinity.

702.2 Permitted and Discretionary Uses
Permitted
• Accessory Buildings
• Agriculture
• Campground, Minor
• Forestry and Tree Farming
• Home Business, Minor
• Home Office
• Intensive Agricultural Operations
• Intensive Livestock Operation
• Public Parks, Playgrounds & Recreational Facilities
• Public Utilities
• Recreational Vehicle
• Residence, Manufactured
• Residence, Modular
• Residence, Ready to move
• Residence, Site Built
• Secondary Suites
• Shipping Containers
• Small WECS
• Solar Energy Systems
• Water Storage and Treatment Sites

Discretionary
• Agricultural Industrial Uses

• Agri-Tourism
• Airstrips
• Bed and Breakfast Operations
• Cemeteries
• Community Halls
• Confined Feeding Operation
• Data Processing Centre
• Educational Facilities
• Fertilizer storage, blending and sales
• Green Energy Facilities
• Guest Ranch Operations
• Hangars, control tower, terminal building, maintenance shops
• Home Business, Major
• Horse Riding, training & boarding stables
• Industrial, commercial, and storage uses which benefit from or contribute to airport operations
• Kennels
• Landfill
• Moved-In Buildings (nonresidential)
• Natural Resource Extraction
• Public or Quasi-Public Uses
• Religious Institutions
• Residence, Pre-existing moved onto site
• Rodeo Grounds
• Runways & Taxiways
• Second Residence
• Sewage Treatment Lagoons
• Transfer Stations
• Veterinary Clinics
• Workcamps

702.3 General Agricultural Regulations Zone

Standard Requirements
Max. Dwelling Units per Site (1) 1
Min. Site Area – Agricultural (2) approx. 30.35 ha (75 acres)
Max. Residential Area 4.04 ha (10 acres)
Min. Residential Lot Area 1.21 ha (3 acres)
Min. Setbacks
From a County Road (greater than 50 km/h) 40 m (132 ft)
From a County Road (equal to or less than 50 km/h) 10 m (33 ft)
From any other lot line 10 m (33 ft)