

NOTICE OF DECISION

FILE NO. **SDAB 2025-002**

APPLICATION No.: **2025-DP-00106**

DEVELOPMENT: **General Industrial and Accessory Buildings**

LAND USE DESIGNATION: **BI – Business Industrial District Lot 2, Block 1, Plan 082**

LEGAL DESCRIPTION: **0549**

CIVIC ADDRESS: **4500 and 4520 Saprae Creek Trail, Fort McMurray, AB**

IN THE MATTER OF AN APPEAL filed with the Regional Municipality of Wood Buffalo Subdivision and Development Appeal Board (“the Board”) pursuant to Sections 685 and 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (“the Municipal Government Act”), the Appeal Hearing was held on Thursday, August 28, 2025 in the Jubilee Centre, Council Chamber, 9909 Franklin Avenue, Fort McMurray, Alberta.

BETWEEN:

Crystal Mills (“the Appellant”)

-and-

The Regional Municipality of Wood Buffalo (“the Municipality”)

BEFORE:

D. Cleaver (Chair)

A. McKenzie

T. Salisbury

Administration:

H. Fredeen, Clerk for the Subdivision and Development Appeal Board

- [1] In accordance with section 10 of the *Subdivision and Development Appeal Board Bylaw No. 18/021*, the Board sat in a panel of three members.
- [2] The Chair reviewed the Board’s process for the hearing. There were no objections raised regarding the Board’s process.
- [3] Following introductions of the Board, the Chair confirmed with the parties that there were no objections to the constitution of the Board.

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- [4] Board Member A. McKenzie declared for the record that he had a prior professional and political affiliation with the representative for the Subject Property Owner as well as the Subject Property Owners but can remain open to the evidence before him.
- [5] The parties raised no objections to Board Member A. McKenzie's participation in the hearing.

PRELIMINARY MATTERS

Jurisdictional Matter - June 25, 2025 Preliminary Hearing Decision

- [6] At a preliminary hearing held via Microsoft Teams on June 25, 2025, regarding File No. SDAB 2025-002, it was noted by the Clerk, that an appeal was filed on June 5, 2025 against the approval of Development Permit No. 2025-DP-00106, an application for General Industrial and Accessory Buildings at the subject property located at 4500 and 4520 Saprae Creek Trail, Fort McMurray Alberta. Section 682(2) of the *Municipal Government Act* requires that the Subdivision and Development Appeal Board hold an appeal hearing within 30 days after receipt of an appeal.
- [7] The Clerk advised that the earliest available date to hold a hearing on appeal matter was August 28, 2025.
- [8] As August 28, 2025 falls outside of the required 30 days, the Board determined that in order preserve jurisdiction over the appeal, the hearing was formally opened and adjourned to August 28, 2025.

August 28, 2025 Preliminary Matter

- [9] At the onset of the merit hearing, following marking of the Exhibits, the Appellant indicated that they had additional material to submit as evidence including an eleven-page summary of their verbal submission and 15 photographs.
- [10] The Development Authority objected to the acceptance of the eleven-page document as evidence as the information contained in the document could be shared as part of the Appellant's verbal submission.
- [11] The Subject Property Owner objected to the acceptance of the eleven-page document as they only just received the document, but further submitted, that the information contained in the document could be included in the Appellant's verbal submission.
- [12] With regard to the 15 photographs, the Development Authority submitted no objections to the acceptance of the photographs as evidence.

- [13] The Subject Property Owner contested the acceptance of the photographs as they had not had an opportunity to see them.

August 28, 2025 Preliminary Matter Decision – Appellants 11-page document

- [14] It was the decision of the Board to not accept the 11-page document as new evidence for the following reasons:
- (i) The document was submitted past the evidence disclosure deadline as outlined in the Notification of Appeal Hearing issued by the Clerk and dated July 9, 2025.
 - (ii) The Board determined that the contents of the document were not considered evidence and could be included as part of the Appellant's verbal submission.
 - (iii) The Development Authority and the Subject Property Owner did not have an opportunity to review the document.

August 28, 2025 Preliminary Matter Decision – Appellants 15 Photographs

- [15] It was the decision of the Board to not accept the 15 photographs as evidence for the following reasons:
- (i) Objections raised by the Subject Property Owner regarding the acceptance of the photographs as there was no opportunity to view the photographs in advance.
 - (ii) The photographs were submitted after the disclosure deadline for evidence as outlined in the Notification of Appeal Hearing issued by the Clerk and dated July 9, 2025.

SUMMARY OF MERIT HEARING

- [16] This Appeal is related to the approval of Development Permit No. 2025-DP-00106, an application for General Industrial and Accessory Buildings in the BI-Business Industrial District located at 4500 and 4520 Saprae Creek Trail, legally described as Lot 2, Block 1, Plan 082 0549.

Submission of the Municipality

- [17] The Development Officer noted that General Industrial and Accessory Building uses are discretionary uses in the BI-Business Industrial District as indicated in the Land Use Bylaw No. 99/0529 ("the Land Use Bylaw")
- [18] The Development Officer submitted that the Development Permit Application was circulated to external stakeholders and departments for comment and review and was

approved as it aligns with the intent of the BI-Business Industrial District and complies with the Land Use Bylaw, the Area Structure Plan, and the Municipal Development Plan. Furthermore, no formal complaints regarding the development were received regarding emissions, noise, odours, illumination or deaths associated with the Subject Property during the review process.

- [19] The Development Officer indicated that the Subject Property is identified as a priority employment area in the Municipal Development Plan and is currently occupied by a mix of commercial and industrial uses.
- [20] The Development Officer stated that Development Permit No. 2025-DP-00106 was approved on a temporary basis and is valid until May 3, 2026.
- [21] The Development Officer noted that the Subject Property has no water, sanitary or storm infrastructure and is screened by a natural vegetation buffer along Highway 69 and the eastern property boundary.
- [22] In accordance with the development conditions, the Development Officer submitted that all on-site lighting must be directed and positioned to prevent unnecessary illumination onto adjacent properties.
- [23] In the opinion of the Development Authority, the proposed development will not negatively impact nearby residential areas or adjacent properties given the existing setbacks and controlled site access. The Development Officer recommended that the Subdivision and Development Appeal Board uphold the decision of the Development Authority and approve Development Permit No. 2025-DP-00106
- [24] Upon questioning by the Appellant, the Development Officer submitted:
 - (i) The radius used to identify and notify adjacent property owners is 60 metres from a subject property. The Development Officer submitted that Sapræ Creek Estate's residential district is outside this threshold and is approximately 200 metres from the Subject Property.
 - (ii) The Development Permit Application was circulated to a Landscape Technician within the Regional Municipality of Wood Buffalo who commented:

"There is adequate screening of the site from the road. The trees in the highway right of way screen the view into the site. No additional landscape screening is required for this development." (Page 105)

- (iii) Prior to 2019, the property owner was encroaching onto the road right of way directly onto Sapræ Creek Trail however, Subject Property Owner now utilizes the road allowance adjacent to the pond controlled by a stop sign. (Pages 110 and 126 – photograph 13).
- [25] The Development Permit application was circulated to the Engineering department and the Roads and Maintenance division of the Public Works department, and no comments or concerns were received.
- [26] Upon being questioned by the Subject Property Owner, the Development Officer submitted:
- (i) There is no history of complaints or infractions contained in the property file regarding the Subject Property.
- [27] Upon questioning by the Board, the Development Officer submitted:
- (i) A review of the Subject Property file noted contraventions in the early 2000's prior to the Subject Property being rezoned, related to uses that were not compatible with the Subject Property.
- (ii) A Traffic Impact Assessment was conducted in 2019 when a previous Development Permit Application No. 2019-DP-00212 on the Subject Property was submitted and approved. This Traffic Impact Assessment was considered relevant when reviewing Development Permit Application No. 2025-DP-00106.
- (iii) The adjacent Golden Eagle RV Park is districted Urban Expansion (UE) and is a Storage Facility which is a discretionary use in the Business Industrial district.
- (iv) The Subject Property has been approved for industrial purposes for approximately ten years with temporary development permits. In 2008 it was a Project Accommodation development. Following this, the Subject Property was redesignated as Business Industrial and Highway Commercial Districts. In 2014 it was a Warehouse and Storage development. In 2017 it was General Contractor development (Page 59). No complaints were received regarding these developments.
- (v) The previous developments were of similar nature to the proposed development. As with the proposed development, the previous development permits expired annually.

Submission of the Appellant

- [28] The Appellant indicated that approval of Development Permit No. 2025-DP-00106 would

be a loss for Sapræ Creek residents who use the trout pond and all residents who travel Highway 69.

- [29] The Appellant submitted that Highway 69 has been significantly impacted over the last several years from increased traffic and therefore a new Traffic Impact Assessment should be conducted.
- [30] The Appellant noted that the speed limit at the intersection leading to the Subject Property is 100 km/h and there is no turning lane from either direction. In addition, there is debris coming onto the highway from the roadway leading to the Subject Property which has various impacts such as damage to vehicles.
- [31] The Appellant stated that there is a history of deaths on Highway 69 including a youth in 2022.
- [32] The Appellant submitted that Highway 69 falls under provincial jurisdiction, and is maintained by the Municipality, creating a situation in which neither level of government accepts responsibility.
- [33] The Appellant noted that the access to the roadway leading to the Subject Property has a trout pond, a recreational area that is used often by Sapræ Creek residents. The Appellant submitted that use of the trout pond has been limited due to the excessive amount of traffic, the type of vehicular traffic, noise and dust.
- [34] The Appellant submitted that the lighting coming from the Subject Property affects vision when driving on Highway 69 in the dark or during unfavourable conditions.
- [35] The Appellant indicated that other residents have submitted complaints to the Municipality's Pulse line and have made comments on social media.
- [36] The Appellant also spoke to environmental and health impacts, indicating that they are awaiting a response from Alberta Health Services to ensure that conditions related to sewage are being followed.
- [37] The Appellant reiterated the need for a new Traffic Impact Assessment identifying necessary improvements, along with environmental and health assessments for the recycling activities and further emphasized the importance of consultation with Sapræ Creek and Prairie Creek residents regarding the increased usage on Highway 69 in the area.
- [38] The Appellant argued that the Natural vegetation buffer still allows you to see right into the Subject Property.
- [39] Upon questioning by the Board, the Appellant submitted:

- (i) The distance between the Appellant's property and the Subject Property is approximately 600 metres as the crow flies.
- (ii) Trees that were lost during the 2016 wild fire had previously acted as a sound barrier and provided privacy for the residences. With the loss of the trees the Appellant stated light from the industrial activities now negatively impacts the roadway.
- (iii) Recreational usage of the area is reduced due to safety concerns and risks.
- (iv) Their property has been affected by the increased noise, dust and illumination coming from industrial activity in the area; however, the Appellant indicated they were unable to differentiate if this came from the Subject Property

Submission of the Subject Property Owner

- [40] The agent for Subject Property Owner (Subject Property Owner) indicated that there has been a number of uses on the Subject Property over the years which have never received a complaint.
- [41] It was indicated that the Golden Eagle RV Park is owned by the property owner and submitted that it is a storage facility, and it is not used for camping or residential use.
- [42] It was submitted that the property owner has taken meaningful steps to ensure community safety including the installation of fencing, picking up garbage and maintaining the roadway and pathways to the pond.
- [43] The Subject Property owner noted that the Subject Property creates economic opportunities and jobs.
- [44] The Subject Property Owner argued that there are multiple businesses that use Highway 69 that are closer to Sapræ Creek Estates that contribute to increased traffic, including Vista Ridge, Rotary Links, Mackenzie Kennels, Auto Wreckers, Acden and AP Maintenance.
- [45] It was confirmed that the owners of the Subject Property are residents of Sapræ Creek.
- [46] The Subject Property Owner requested that the Board uphold the decision of the Development Authority and approve Development Permit No. 2025-DP-00106 and the related Land Use Bylaw and recognize the compatibility with the community and the significant contribution to Fort McMurray.
- [47] Upon questioning by the Appellant, the Subject Property Owner submitted:

- (i) The uses on the Subject Property are not growing, they are being materially changed with the intent of establishing permanent solutions on the Property.
- (ii) The Subject Property is owned whereas similar surrounding properties are leased. And the business on the properties closer to Sapræ Creek are doing much larger scale projects than those found on the Subject Property.

[48] Upon questioning by the Board, the Subject Property Owner submitted:

- (i) There are approximately 20-30 vehicles per day entering and exiting the Subject Property with traffic primarily directed north on Highway 69, rather than south toward Sapræ Creek, in the opposite direction.
- (ii) There is no growth on the Subject Property resulting from the proposed Development Permit application.

Submission(s) of Affected Persons in Favour of the Appeal

[49] There were no affected persons registered to speak in favour of the Appeal.

Submission(s) of Affected Persons in Opposition to the Appeal

[50] There were no affected persons registered to speak in opposition of the Appeal

Final Questioning

[51] Upon final questioning by the Board:

- (i) The Development Officer submitted that there are currently two permanent structures and three accessory buildings on the Subject Property.
- (ii) The trout pond located near the Subject Property is Crown Land under provincial jurisdiction.

Closing Comments from the Municipality

[52] The Development Officer addressed the Appellant's concerns as follows:

- (i) The Subject Property is located within the Highway 69 and Clearwater Area Structure Plan and is one of several industrial sites situated along Highway 69. Within the vicinity, there are five Business Industrial areas, including the Sapræ Industrial Park and the CN facility (railyard) which functions as critical transfer point for freight bound for the Oil Sands. These operations may be a source of the noise concerns raised by the Appellant.

- (ii) With respect to illumination, it was clarified that the surrounding Business Industrial areas, most notably the railyard and the Sapræ Creek Industrial Park adjacent to the airport—may also contribute to the lighting impacts submitted by the Appellant.
- (iii) The Subject Property is part of the high priority employment zone established by Council in the Municipal Development Plan (Page 113).
- (iv) In relation to noise, the Development Officer suggested that the Appellant contact Bylaw Services as there are Municipal bylaws that regulate noise.
- (v) Advisory Note No. 18 on the Development Permit (page 17) states:

” If the developer seeks a permanent development permit, it may be subject to applicable off-site levies and security fees.”

This provision could potentially capture road repairs and road modifications for a more permanent use.

Closing Comments from the Subject Property Owner

- [53] The Subject Property Owner reiterated that the property owners reside in Sapræ Creek Estates and care about the Community.
- [54] The Subject Property Owner voiced the importance of supporting business in the Municipality.

Closing Comments from the Appellant

- [55] The Appellant noted that they are not against industry; however, industry is growing towards the Community of Sapræ Creek Estates.
- [56] The Appellant indicated that the Community of Sapræ Creek Estates is not supportive of the nearby railyard, or the scrap yard.
- [57] community members were not supportive of the Land Use change approved by Council prior to the 2016 wildfire.
- [58] Upon conclusion, the Chair asked the parties present, if they felt that the hearing was conducted in a fair manner. No issues were brought to the Board’s attention.

FINDINGS OF FACT

[59] The Board makes the following findings of fact:

- (i) The Subject Property is located in the BI Business Industrial District along Highway 69 and the proposed development is General Industrial and Accessory Buildings
- (ii) The use is a discretionary use, and the use of the subject property has not changed;
- (iii) The development permits expire annually;
- (iv) There is no evidence that the proposed development is inconsistent with any applicable land use policies.

DECISION

[60] **It is the decision of the Subdivision and Development Appeal Board to DENY the Appeal. The application for General Industrial and Accessory Buildings is APPROVED. All conditions found in the Development Permit are upheld and form part of this development approval pursuant to section 27 of Land Use Bylaw 99/059.**

REASONS FOR THE DECISION

[61] The Board notes that its jurisdiction is found within Section 687(3) of the *Municipal Government Act, RSA 2000, c.M-26* (the “MGA”). In making this decision, the Board has examined the provisions of the Land Use Bylaw and has considered the oral and written submissions provided by the Municipality, the Appellant and Subject Property Owner.

[62] First, the Board must determine if the Appellant is an affected party under the provisions of the *Municipal Government Act*, the Board considers whether there is evidence of a direct and material impact on the Appellant’s use, enjoyment, or value of their property arising from the proposed development. The Board considered the following to determine if the Appellant is an affected party:

Proximity to the Subject Property:

- (i) The Appellant is a resident of Saprae Creek Estates whose property is located approximately 600 metres (“as the crow flies”), with evidence to support that this distance is greater, from the Subject Property. It was noted that there are other industrial and commercial properties as well as an airport situated near or between the Appellant and Subject property..

- (ii) The Board finds that the distance between the Subject Property and the Appellant's property is substantial, therefore the Board does not find the Appellant is affected due to proximity to the Subject Property.

Impacts of Subject Property – Noise, Illumination and Dust:

- (iii) After considering the submissions of the Appellant, the Board finds the Appellant was unable to demonstrate that the noise, illumination, or dust experienced by the Appellant at their property directly correlates to the uses at the Subject Property. The Board found that existing industrial and commercial uses in closer proximity to the Subject Property would more likely impact the Appellant than the Subject Property would.
- (iv) The Board was not persuaded that the proposed development, would directly and negatively impact or materially interfere with or affect the use and enjoyment of the Appellant's property.

Impacts of Subject Property – Traffic and Safety:

- (v) With respect to the Appellants argument regarding increased traffic, no evidence was presented to substantiate the Appellant's submission that the proposed development would lead to increased traffic and safety concerns on Highway 69.

[63] The Board concluded that the Appellant is not an affected party. The Appellant was not able to persuade the Board that they would be a direct or material impact on the Appellant's use, enjoyment, or value of their property by the proposed development.

[64] It is so ordered.

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this 11th day of September 2025.

CHAIR:

ATIA s. 20(1)

Dean Cleaver

APPENDIX "A"

DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

Exhibit No.	Description	Filed by	Filing Date
	Subject Area Map	Clerk's Office	2025-06-10
P1.	Development Authority Merit Hearing Availability	Development Authority	2025-06-18
P2.	Appellant Merit Hearing Availability	Appellant	2025-06-23
P3.	Preliminary Hearing Decision	Clerk's Office	2025-07-08
1.	Notice of Appeal	Appellant	2025-06-05
2.	Development Permit No. 2025-DP-00106	Development Authority	2025-06-06
3.	Development Authority – Evidence Disclosure	Development Authority	2025-08-21

APPENDIX "B"

REPRESENTATIONS

Person Appearing	Capacity
Crystal Mills	Appellant
Matthew Mills	Appellant
Elias Biolley-Villalobos	Development Officer
Shailesh Makwana	Development Authority Supervisor
Robbie Picard	Representative - Subject Property Owner