Subdivision and Development Appeal Board Meeting

MINUTES

Monday, March 9, 2020, 5:00 PM
Council Chambers
County Administration Building

Present
Chairperson, Laurie Johnson
Board Member, Rick Pries
Board Member, Chris Daniel
Board Member, Everett Matiko
Board Member, Tim Hoogland

Staff Present
SDAB Secretary, Rod Hawken
David Blades, Director of Planning and Development
Jarvis Grant, Development Officer
Recording Secretary, Erin Ballhorn
Municipal Intern, Naomi Finseth
Municipal Intern, Ben Cowan

1. CALL TO ORDER
Secretary Rod Hawken called the meeting to order at 5:14 p.m.

2. APPROVAL OF AGENDA
Resolution SDAB20200309.001
MOVED: by Board Member R. Pries
that the Agenda for Monday, March 9, 2020 be accepted as presented.
Carried Unanimously

3. MINUTES APPROVAL - October 7, 2019
Resolution SDAB20200309.002
MOVED: by Board Member E. Matiko
MOVED: by Board to approve the minutes for the Subdivision and Development Appeal Board, Monday, October 7, 2020 meeting.
Carried Unanimously

4. DELEGATIONS - 5:15 p.m.
Chairperson L. Johnson declared the Hearing open at 5:18 p.m. and a delegation consisting of Cory Bell, Jason Epp and family, Lori David, June Low, Arlene Parsons, Reg Karbonik, and Geraldine Hill entered the meeting.

Chairperson L. Johnson introduced the members of the Subdivision and Development Appeal Board and asked if there were any objections to any of the members sitting on the Board.
No objections were presented.

Rod Hawken, Secretary to the Subdivision and Development Appeal Board presented the Summary of Events.

Chairperson L. Johnson asked the Board if they felt the appeal was submitted properly and acceptable.

The Board was of the opinion the appeal was submitted properly and acceptable.

Chairperson L. Johnson asked the Board if they had any Conflict of Interest.
No conflict of interest was noted.

Chairperson L. Johnson asked if the Appellant if they had any concern with any Board Members.

No concern was noted.

4.1 **Refusal of Development Permit D19/257 - NW 28-46-1-W5M, Lot 15, Block 2, Plan 7921318, Cory Bell, Roll 2998.05**

On November 1, 2019, a Notice Letter was sent from the County's Bylaw Enforcement Department to Jason Epp and Cory Bell. The Notice Letter indicated that a complaint had been made against their property with respect to miniature horses that were being kept on site. The Notice further outlined their ability to apply for a Development Permit or to remove the livestock.

On December 2, 2019, Cory Bell & Jason Epp submitted a Development Permit Application to the County for the three miniature horses that were on site. During the review of the Application, there were a couple of items that were missing that Administration worked with the Applicants to obtain.

On January 23, 2020, the County issued a Notice of Refusal of Development Permit for the ‘3 miniature horses’.

The refusal issued reads as follows:

**NOTICE OF REFUSAL OF DEVELOPMENT PERMIT**

“You are hereby notified that your application for a development permit with regard to the following:

3 Miniature Horses
NW-28-46-1-W5
Lot 15, Block 2, Plan 7921318
BELL, CORY

has been REFUSED for the following reason:

The applicant’s property is 1.27 acres, which would allow for 0.56 animal units. A miniature horse is classified as a foal under 750 pounds as per Appendix A of Land Use Bylaw 2017/48 and therefore has a factor of 3.3. When this factor is multiplied by 0.56, the number of miniature horses that would be allowed is 1.8. Therefore, only one miniature horse is allowed and would not require a development permit.

As per Section of Section 9.2 of Land Use Bylaw 2017/48

9.2 **Animal Restrictions**

9.2.1 Including within Hamlets, Lakeshore Residential, Lakeshore Mixed Use, Recreational Resort Holding, Mixed Recreational Resort, Mobile Home, Rural Conservation, and Urban Residential districts (excluding those lots adjacent to lakeshores or County Reserve land bordering on lakeshores) there shall be allowed four (4) small livestock, but shall be subject to an approved discretionary development permit, which shall be issued solely at the discretion of the Development Officer

a) The Rural Residential, Country Residential, and Restricted Country Residential districts are subject to the following:

i. 0.44 animal units (Animal units are as outlined and defined by the AOPA in Appendix A of this Bylaw) per titled acre with no development permit required. A permit shall not be issued for any proposals above the 0.44 animal unit per acre threshold.

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Section Four of this Bylaw. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Subdivision Appeal Board not later than twenty-one (21) days following the date of decision of this notice. The notice of appeal shall contain a statement of the grounds of appeal as well as $150.00 for appeal fee."
On February 20, 2020, Administration received an appeal from Cory Bell. The appeal letter stated the following:

"This is letter is supplement to the appeal of 18 Aspen Acres in regards to the decision to not allow our 2 miniature horses and pony stay on our property.

The horses Dora, Biscuit and Oreo have been a part of our family now for a year and half. We took on responsibility for Dora and Biscuit due to the fact that they could no longer be cared for by their previous owner. Dora used to be a therapy horse for children at the Stollery hospital in Edmonton, and Biscuit was rescued from an abusive home. Our family including 3 children fell in love with them immediately, we had been keeping them at friends of ours over the winter at their horse ranch, however this was proving to cause them problems as to the fact that their breed does not due well in open pasture (they have a tendency to founder). In the spring after we contacted the county to see if it would be a problem, and we’re told that you could not foresee any, we began to build them a dry pen which is much more suitable. We cleared a more than ample space, fenced it, and built a suitable shelter for them. We then, to the joy of our kids (especially our 3 year old daughter) moved them in along with our other pony which we had also been keeping at the ranch as they developed a great friendship, a herd within the herd you could say. They are provided with quality hay, oats and treats and are well groomed and maintained. Many of our neighbours stop to say hello and people who walk through our development always stop for a look as well. Then for some reason we were visited by a officer from your by-law department and informed that they could not stay. We contacted the county to inquire why as we were already given the impression that there would be no issue. Upon further contact we were informed that we were only zoned for 1.8 foals based on some sort of calculation (how you can have 0.8 of an animal still confuses us, and why should it be rounded down to 1, not the math I was taught in school). Furthermore we were told that the miniature horses were being judged on the same scale as a foal, a foal is significant larger than a miniature horse.

The main point of this letter is that we believe given the circumstances mentioned above, the care we provide and the smiles and happiness that these animals bring. Not to mention the costs we incurred to provide a great life for these animals and the cost it would be to re purpose their pen, why does the county simply let their decision come down to an equation. These animals have taught our children responsibilities by way of chores, and both of our boys’ grades in school have improved since the horses have arrived. We are people, our horses are beings with feelings and emotions. The passers by and well wishers are people. These animals harm no one, they do not cause noise, they do not escape their pen. Their waste is hauled away bi-weekly. We find it disappointing that a rural governing body, would not take any of this into consideration. These are the joys that made us want to move out of the city and into this community.

We hope upon reading this you think long and hard before you decide to take away a little girls mini horses, instead of just punching your data into spreadsheet and it spitting out an answer.

Sincerely the family at 18 Aspen Acres”

On February 28, 2020, Administration received a letter of concern from Otto and Carolynn Lehner. The letter of concern stated the following:

"We, the owners of a residential/recreational property of Lot 26, Block 2, number five Sir William Crescent, object to the approval of the above mentioned application. We strongly oppose the approval for the following reasons:

Aspen Acres is zoned as residential/recreational property and assessed taxes accordingly. Should there be livestock allowed, we expect a downgrade in taxes to the agricultural designation.

The application was submitted only after a complaint was made. The corral and horses were introduced in fall of 2019 without a regard for established process and without any notification to adjacent property owners.

The presence of livestock is in the contradiction to the approved land use. Notwithstanding the fact, it detracts from the overall appearance, and decreases the
property values. The concentration of horse manure emanates foul odors that will only get worse in the summer. It will also breed hundreds of flies and insects.

While we are unable to attend the hearing in person March 9, 2020, we expect this letter of objection will be read for the record at the hearing.

Regards,

Otto and Carolynn Lehner”

On March 2, 2020, Administration received a letter of concern from Otto and Carolynn Lehner. The letter of concern stated the following:

"We, Arlene & Lew Parsons, the owners of 3 Residential/recreational properties, consisting of lots – 21, 22 and 23 Aspen Acres strongly oppose this permit. Our reasons are:

#1 – When we purchased our property’s it was understood that we were in a Residential zone, not Agricultural, with a possibility of Livestock, and pay taxes accordingly.

#2 – Cory Bell and Jason Epp, proceeded to bring in 3 miniature horses with no Regard for neighbourhood concerns! They only applied for a permit after a compliant was issued.

#3 – We live here full time and even though it’s winter, the smell is foul. We can imagine how bad it will be in the summer, bringing flies, insects and Rodents.

#4 – the appearance.

The Corral is positioned in the front yard, and quite an eyesore to see these animals walking in their own feces with limited space which is also shared with chickens.

Regard’s,

Arlen & Lew Parsons”

A Subdivision and Development Appeal Board Hearing was scheduled for Monday, March 9, 2020, and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, the Subdivision and Development Appeal Board, and the Director of Planning and Economic Development on February 24, 2020.

It is the opinion of the Development Authority that the appeal of Refusal of Development Permit D19/257 for the ‘3 miniature horses’ be denied for the following reason:

- The applicant’s property is 1.27 acres, which would allow for 0.56 animal units. A miniature horse is classified as a foal under 750 pounds as per Appendix A of Land Use Bylaw 2017/48 and therefore has a factor of 3.3. When this factor is multiplied by 0.56, the number of miniature horses that would be allowed is 1.8. Therefore, only one miniature horse is allowed and would not require a development permit.

J. Grant, Development Officer, reviewed the Development Officer’s report, including the calculation completed to arrive at the allowed number of animals for Lot 15, Block 2, Plan 7921318.

The Board questioned the amount of discretion provided to Administration.

Mr. Grant verified that Administration may only operate within the maximum intensities as established by Council within Land Use Bylaw 2017/48.

The Board requested clarification of the dates on the application.

Mr. Grant reviewed the timeline of discussions and documents exchanged over the past months.

The Board questioned how many animals were requested to remain.

Mr. Grant stated it is understood that two animals are requested to remain.

Mr. Epp stated the following:
It was understood, as of last summer, that they were allowed two animals;
The miniature horses weigh approx 250 pounds and expressed concern comparing
the miniature horses to a 750 pound animal; and
The miniature horses were rescued as they had no where to go.

The Board questioned the following:
The location and space available to the livestock;
Do the miniature horses leave the pen; and
The age of the horses.

Mr. Bell stated the following:
described a dry paddock which is approximately 3000 square feet,
The animals are in close proximity to the house;
They are led outside of the pen; and
Two of the horses are approximately 10 years old and one is approximately 17
years old.

The Board asked for details of manure management.
Mr. Epp and Ms. Bell stated manure is picked in a wheel barrow and disposed of in a
dumpster. They also stated the ponies will be leaving for eight weeks in the
beginning of April to allow the grass to regenerate.

The Board questioned the drainage from the property.
Mr. Epp stated the drainage is designed to grade toward the south County ditch and
toward the west agriculture parcel, depending on rainfall.

The Board asked where the pen is located.
Ms. Bell explained the following:
The pen is located at the front of the property;
There was a fire at the front of the property, the trees were removed and the
paddock developed;
They rescued the ponies and have committed to long term well being;
The difference of dates from the date on the application to the date Administration
received the application;
Manure management is handled as per the Manure Management Regulations for
Horse Owners; and
The value invested in the paddock.

Ms. Bell submitted the following letters of support:

"To Whom It May Concern,
I am writing this letter in support of Cory Bell keeping her three miniature horses at
her residence. I believe keeping the miniature horses at their current location is a
benefit to the community. These horses teach many lessons including responsibility,
kindness and emotions to the many children that come to Cory Bell's home. My own
children have benefited a great deal interacting with the horses when they are at
Cory's dayhome. As a teacher, I can see the benefit these horses have to children of
all ages. It would be a great loss to have them removed from their home.
If you have any further questions or need further information please contact me
Sincerely,
Elise Gillies"

Received from Melissa Polnik:
"Hello my name is Melissa Polnik and I've known Cory and her family for the past 2+ years, she watches my 2 1/2 yr old daughter on occasion. When Cory mentioned she was building a nice pen and having the ponies stay at their house I was so excited! They are truly wonderful, well behaved, quiet, content ponies. They have never been out of their pen, their poop is cleaned up on a regular basis, they are extremely quiet and everyone just lights up when they see them. In my opinion and my husbands the waste tanks the county put at the end of the range road smell far far worse then the ponies ever have, I smell it from the tanks almost every time I drive by and then once you're in the cul de sac there is no more rotten egg smell.

I myself have a very deep involvement in the well being of animals, and work with animals on a daily basis, I have a certificate in animal behavior from OLDS college, CPDT, and also I am a board member of Alberta Force Free Alliance and I first hand have seen the impact these ponies have made on the children in the family as well as friends. They clean up after them, feed them, brush them, have spent hours bonding with them and treat them with great respect, which is something our society needs more of. A child who learns to take responsibility of a animal likely has more patience and understanding, and learns to respect all living beings and their specified needs. Which in turn I have seen with Cory's children, they have learnt a lot and generally happier and light up when they go out to tend to the ponies. The fact that they can have 1.8 of a horse (which itself is completely illogical and makes no sense how do you get .8 of a horse?) But not these three which would be very similar in size to "1.8 horses" seems irrational and unfair. Also add in the fact of why she would create an $8000 pen for these ponies if she didn't think she was allowed and didn't have verbal permission is very unrealistic.

I hope the county realizes how much of a benefit and positive influence these ponies have in the community and that they have every right to be there, I cannot see one negative point of them being there, not one. Making Cory get rid of them after all the hard work has been put into them with time, money and especially the emotional impact on the kids seems unfair, petty and illogical according to your own county guidelines. Thank you for your time
Melissa Polnik"

Received from Stephanie Wilson:

"It is my privilege and honour to write this letter in support of the three miniature horses that belong to Cory Bell and are located at NW-28-46-1-W5 Lot 15, Block 2, Plan 7921318. Cory Bell takes exceptional care of her three miniature horses.

The horses and cleaned, fed, and cared for on a daily basis. They are exceptional horses with very people friendly personalities. They make no noise and do not cause any disruptions to the community. If anything these horses have added value to the community. Animals give children an opportunity to build work ethic and understand what is required of them as a care giver. The horses are able to bond with the children in the community. I have often taken a moment to stop and appreciate the horses with my son. He enjoys petting them and giving them a carrot on occasion. Losing the horses would not only be a loss for Cory's own children but children in the community. Please feel free to contact me if you have any questions.
Thank you,
Stephanie Wilson"

Received from Shelly Hoffart:

"I live in Rimbey and I have known Cory Bell and her family for 7 years. I lived on a farm out by Pigeon Lake for 5 years, and met Cory as she was looking for somewhere for her little man to learn to ride horses. I had a miniature pony named Oreo. I contacted her and made arrangements for her and Kaleb to come and meet Oreo. It was love at first sight for Kaleb and Oreo. He connected with him immediately. That horse would let him lead him around the arena and the yard and if Kaleb fell down, because he was only 2, the horse would stop and wait for him to get back up. Kaleb would fall asleep riding Oreo but didn't want to get off. If Kaleb came to visit Oreo would come running to him as soon as he heard his voice. They were two peas in a pod. So, when I had to move into town, I offered him to Cory for the kids. He is a huge part of this family and very well cared for."
I have been to visit them on numerous occasions and the horses are very well cared for and look amazing. The kids are so in love with them. These little ponies would never hurt anyone and are so much fun for the kids. I know people that have dogs bigger than these ponies. I know that Cory has worked hard to assure the ponies are safe and to give the kids that responsibility of doing chores has made a huge difference in the kids attitudes. I would sooner see kids being in love with horses than drugs. Makes such a difference in their lives, gives them confidence and makes them learn responsibility and respect. There are enough kids out their that have the entitled attitudes and I can tell you one thing, these children will never have this attitude. Justin used to train with myself and brother in law, teaching 4 month old ponies to halter train, and then moved up to the 2 year old's as his confidence grew. I don't believe he would have had that opportunity without the little ponies to learn on.

Not only Cory, but the kids ensure that the pen for the ponies is as clean as possible at all times. The ponies are always fed and hooves trimmed regularly. Oreo has foundered living at my brother in laws house and I had to get him out of there. The best place for Oreo is with Cory and Jason and the kids so he can be monitored on his feed and he is doing so much better now.

I do not understand why anyone would want to take away part of someone's family. That just shows me that these people have no compassion for children and families and that is what is wrong with society now. No one cares about what is good for people. How would they feel if someone took away their children? That is what these ponies are to Cory and Jason, their CHILDREN!!

This property is zoned for livestock, so I really do not see any issues. The county gave her verbal permission to have them, and now they are trying to take them away. These 3 ponies don't add up to one large horse, so really don't see the problem. I feel the problem is these city people that move out to the country and want to bring the city with them and they should move on.

I really hope you can find it in yourselves to see that Cory and Jason are doing what is best for their family and don't bother anyone and live life with so much fun and enthusiasm.

If you have any further questions, please let me know.

Sincerely,

Shelley Hoffart"
the pony pen very clean, and with the exception of one, no one I know of finds her property offensive in any way, shape, or form. Actually we all find it quite charming. So do our community a favour and do not judge this appeal from your desk.

Come out and see Cory's Mini Ranch and daycare for yourself. I'm sure Cory will welcome you with open arms.

On the way home you can stop by Lakedell School and drop off a little cash for the Feed the Kids program. That way you know you had a worthwhile trip.

P.S.

If the dumpster issue is also on your desk, dumpsters can be an eyesore. This particular dumpster is kept very clean, odour free and is obviously better than a row of garbage cans or God forbid trash bags. Maybe we could petition the supplier to let the kids paint flowers all over it, so it too, with the exception of one, will become A NON ISSUE!

Respectfully

Scott McDonald"

Received from Anna Jensdottir:

"To whom it may concern;
I live in Poplar Bay, which is the summer community that is just a short walk away from where Ms. Bell lives on her acreage. I frequent her street on a regular basis, as going down a forest road onto her street makes for a nice loop for me to walk with my young dog. I have gotten to know Ms. Bell more and more through my neighbour, and am always impressed with the amount of care that her and her family put towards the animals that live with them.

With a young dog it is important to expose them to as many different things that one finds out in real life, such as miniature horses. When walking my dog, I have often stopped at Ms. Bell's place to have a short training session, and admittedly, so I can have my dose of petting the horses too. These miniatures have never been anything but willing accomplices in my quest for a good dog. They are quiet, kept clean with trimmed hooves and good coats, and their pens are always as clean as they can be.

As anyone would be able to understand, in the winter things can get harder to maintain, but it seems that Ms. Bell and her family find a way to ensure that the pen is kept to a high standard. Spring in a rural community brings about interesting smells to the nose, but I never notice this pen to be the culprit. More often it is the smells from the farms in the area, or sewage being pumped out. In addition, I know that Ms. Bell sends them to a trusted place to allow the pen to turn into a grazing area for the summer. Everything seems to have been thought of for these little creatures.

The fact that Ms. Bell keeps treats out for people to be able to engage with these horses speaks volumes to me. If these animals were being treated in any unfair way by this family, they would not be so friendly towards curious people wanting to say hello. I understand that one is a horse that has faced much trauma before being rescued by Ms. Bell, and I have been able to say hello and give it a treat. That shows me how much work her and her family have put into making sure these horses are healthy and happy. The affection and responsibility I've seen the children display towards them also speaks volumes.

I will be saddened if the voice of one will take away what the voice of many enjoy and appreciate. I hope the voice of reason will speak up, and allow these miniatures to stay. They are a welcome sight on every walk, a quiet and peaceful member of our community, and such a pleasure to interact with.

Sincerely,

Anna Jensdottir"

Received from Laura Mare:
"The miniature horses on the property are always in their pen and always well taken care of. There are many homes in the County with livestock. There are full sized horses, cows, donkey and so on. Compared to some of these animals, the miniature horses are the least disruptive. They are not noisy, are always clean and are seen as an attractive feature in the area. They are friendly and many people come to enjoy the. it would be a sad day to see them have to be removed.

Sincerely,
Laura Mare"

Received from Carolyn Mergaert:

"To whom it may concern,

I am writing this letter in support of Cory Bell and her horses. I have known Cory for the last three years as a friend and as an employee. I have grown to love all of her animals as much as I do her family. The horses are important part of their lives and are a benefit to so many peoples lives when they come to visit and see them. I live in Grandview not even 5 minutes away from her. I have house and animal sat for her on numerous occasions and Cory knows that if she ever needs me to feed or tend to them I will be there in a heartbeat. I sincerely hope this helps to see that taking them away from her and her family would be devastating not only to her but the community.

Sincerely
Carolyn Mergaert"

Received from Brenda Tylke:

"To whom it may concern,

I have known Cory and her family for 4 years. Cory has a lot of experience and patience for children and animals. Her heart is 10 times larger than most people's when it comes for love.

The miniature ponies she has at her house have the best life they could ask for. Cory and her family make sure the corrals are cleaned regularly. The mini ponies have hay, water, shelter and straw for warmth. They are very well looked after and not in need for anything.

The children and neighbors love to see these 3 small ponies. The mini ponies have a calming effect just to watch them or to pet them. I have heard numerous times many neighbors have told her that they love to see these miniature ponies in their neighborhood.

The miniature ponies are quiet and well looked after.
If you have any questions, please feel free to contact me at the number below.
Sincerely,
Brenda Tylke"

Received from Amy Kuntz:

"To whom it may concern,

My name is Amy Kuntz and I am a resident of the community of Westerose for 11 years. Cory Bell has worked for me for several years; she has always been a contributing member to the community in so many ways. The sweet animals she has at her residence are a positive mark on our community and we ask that you do not break up her family by asking her to remove them. Cory's family is the best place for these animals they will be well taken care of with the Bell family. She provided them with shelter, food, grooming and love from the children. There is more than enough
space for them to roam and get exercise. We support Cory Bell and her family with her Appeal to keep the animals at her residence.

If there is anything further, I can do to show support for Cory Bell and her family please contact me and I will do anything needed to support the Bell Family.

Amy Kuntz,"

Received from Darren Brown:

"To whom it may concern;
The miniature horses, Dora, Biscuit and Oreo were boarded at our farm for several months. They are quiet and well-behaved ponies. Cory and her children saw them almost daily. They took very good care of the horses and retained the responsibility to feed them and care for them even though I offered to do so. The horses had their own pen with water and Cory and her children never let them go hungry, cleaned their pen regularly and cared for them with vaccinations, worm medication and regular hoof care. Cory and/or her oldest son spent a lot of time exercising them when the ponies lived at our farm. It was and is very evident to my wife and I that they are very much in love with the ponies.
We have a lot of visitors at our farm and the first thing that they and their children did was go to the pen to see the ponies and to spend time with them. Everyone that has been around these ponies loves them as much as Cory and her children do. It would be a shame if the ponies cannot stay in their current location with Cory and her family.

Regards,
Darren Brown
Northern Walkers Ventures Ltd."

Received from Misty Duckett:

"To Whom It May Concern,
I am writing this letter in regards to the Notice of Appeal Hearing scheduled for March 9 2020 for Cory Bell and the three miniature horses that are in question. I have known Cory and her family for 4 years. I put out a call for support on social media when I needed help with my dogs to have someone let them out when I worked late. Cory and her family responded. The thing is with the Bell family, they are the first to respond to a lot of community members in Pigeon Lake if someone needs assistance with their animals or just in general. They are well known in the community as thoughtful and helping people.
The pen that they have set out for the three miniature ponies in question is well taken care of; the animals show no sign of neglect or distress. They are not loud or bothersome to the neighbors.
Science has proven that horses can offer an extraordinary amount of emotional support. Horses allow people to be emotionally aware, to be assertive, build social skills and confidence, to have trust in yourself and others, caring for them involves a sense of empathy, teaches impulse control, increases problem solving skills and last not least is developing and maintain relationships with community members that they may have not had if the horses were not there.
All of the above mentioned skills are not just for adults, but for her children that she is trying to raise to love and appreciate animals even more than she does. They are learning how to develop trust, communicate effectively with the animals and others who are around the horses, they are learning how to work toward meeting a personal goal or milestone, they are learning to focus on their presence, being mindful of where their attention is, what are their boundaries, they are learning to read nonverbal cues from the miniature horses, and from people. They are building a work ethic because they have to participate in tasks that are not always easy or pleasant. The rhythmic movement of horses assists heavily with motor and sensory problems. The horses bring a sense of peace.
Along with the number of ways miniature horses are beneficial to the mental and
physical wellbeing of people, they also create a fun sense of community where people can come and connect to nature.

**Isn’t that what lake living is all about?**

I strongly hope you will reconsider asking the Bell family to remove their miniature horses from their property. There is way more benefit to keeping them in our community as outlined by your land use objectives:

- To maintain and enhance the quality of life by providing opportunities to attain individual and community aspirations
- To foster planned efficient economical and beneficial development that provides a diversity of CHOICE, lifestyle, and environment!

**Just because this is not your choice, or what you think is beneficial, or your lifestyle, does not make it wrong. It just makes our community diverse, fun, and educational.**

Kind Regards

Misty Duckett"

Received from Brad D Chalupa:

"Dear whom this may concern
Wetaskiwin county
Since I have known Cory Bell and her family they care so much for there horses that they have on their property. Even if they have to their to look after the horses that they have feed and water and that they are well taken care of. I have been to there home when they they are always well looked after with feed to eat and water to drink, the horse poop is always cleaned up, and their shelter that they have needing feed or water and you don’t even hear the horses make a sound. I can say in mind Cory Bell and her family look after the horse, would trust them to look after any animals that I have if I had to leave my place for any given time. Her children would be crushed if the Cory Bell has some many people that will drop everything for her family that will look after her horses if she has to be gone for a period can say Wetaskiwin County should have more people like Cory Bell and her family to have animals since children can learn how to take heart and my mind that you should find that Cory Bell and her family should be allowed to keep the horses on there property.

Thank you
Brad D Chalupa"

Ms. Bell reviewed the following:

- The objectives of the County; and
- That they have tried to ensure the property is kept in a neat and orderly fashion.

The Board questioned when the development was completed.

Ms. Bell stated the pen was completed at the end of September and the horses arrived October 9, 2019.

Caleb Bell spoke in support of the miniature horses.

Justin Bell spoke in support of the miniature horses.

Laurie David voiced the following concerns:

- The odor produced by the miniature horses;
- Addressed the size of the miniature horses;
- Diminished property values;
- Stagnant water in ditches;
- Run off direction and overall lake health; and
- Health of the horses and space provided for three animals.
The Board stated that Mr. Epp and Ms. Bell would still have the opportunity to have a horse under 750 lbs without the requirement of a permit.

Reg Karbonik voiced the following concerns:
- The drainage direction from the property is toward the west and south;
- The size of the corral provided for the miniature horses;
- The odours occurring;
- If the calculations for livestock include poultry and dogs; and
- The letters of support are from property owners outside subdivision should hold different weight.

The Board questioned if the fence construction visible, why not voice concerns during that time.

Mr. Karbonik stated several properties have installed fences along property boundaries, without housing livestock.

June Low voiced the following concerns:
- The calculations of the number of animals per acre versus per lot;
- The odours occurring;
- The lack of communication during the entire process; and
- Understood the neighbours were to be consulted during the permit process.

Geraldine Hill stated the following concerns:
- Runoff in spring;
- Seepage into the water table; and
- The water well's close proximity of a well head to paddock.

The Board questioned if there is a community well.

Ms. Hill stated each property would have its own well.

Arlene Parsons stated the following concerns:
- Lack of consultation regarding the miniature horses;
- Size, location, and appearance of the corral; and
- Odour already occurring.

J. Grant, Development Officer, provided closing comments which included:
- The applicants would be allowed four dogs as per the Dog Control Bylaw;
- The property is allowed to have up to 50 chickens, as per the recent amendment to the Land Use Bylaw 2017/48. Animal health is regulated by the SPCA;
- Intensive livestock operations are determined by the number animal units for a determined square footage; and
- Recommended the appeal be denied as the application exceeds the permissible animals units as per Land Use Bylaw 2017/48.

The Board requested clarification on the following:
- How many animals are the applicants allowed to have on their property;
- Has there been considerations made for service animals; and
- Specifications of an Intensive Livestock Operation.

Mr. Grant provided clarification of the following:
- The applicants are allowed one horse under 750 pounds on their property without permit;
• The County does not have provisions for service animals; and
• Reviewed the definition and regulations of an Intensive Livestock Operation.

Mr. Epp provided final comments which included the following:
• They applied for horses are smaller than the maximum 750 pound foal;
• They will work to reduce odour;
• Requested to keep two miniature ponies;
• Reviewed the animals amenities; and
• Confirmed the chickens will be leaving the property.
• The livestock will be leaving the property at the beginning of April for 8 weeks to
allow the ground to harden after spring thaw.

Chairperson L. Johnson questioned the appellants if they felt they had a fair hearing. The appellants stated that they felt they had a fair hearing.

Chairperson L. Johnson stated that with Provincial Legislation, the Board is required to
issue a decision within 15 days from the date of today’s hearing. No decision is
binding on the Board until it issues a written decision.

The Decision of the Subdivision and Development Appeal Board is final and binding on
all person’s subject only to an appeal upon question of law or upon a question of
jurisdiction pursuant to Section 688 of the Municipal Government Act, Chapter M-26.

Chairperson L. Johnson declared the hearing closed at 6:45 p.m. and the Board
thanked the delegation for attending and they left the hearing.

The Board discussed the following to come to a decision:

**Land Use Bylaw 2017/48 - Section 9.2.1 (a)(i) Animal Restrictions**

9.2.1 Including within Hamlets, Lakeshore Residential, Lakeshore Mixed Use,
Recreational Resort Holding, Mixed Recreational Resort, Mobile Home, Rural
Conservation, and Urban Residential districts (excluding those lots adjacent to
lakeshores or County Reserve land bordering on lakeshore) there shall be allowed four
(4) small livestock, but shall be subject to an approved discretionary development
permit, which shall be issued solely at the discretion of the Development Officer.

a) The Rural Residential, Country Residential, and Restricted Country
Residential districts are subject to the following:

i. 0.44 animal units (Animal units are as outlined and defined by the
AOPA in Appendix A of this Bylaw) per titled acre with no
development permit required. A permit shall not be issued for
any proposals above the 0.44 animal unit per acre threshold.

**Municipal Government Act - Section 687 (3)(d)**

(3) In determining an appeal, the subdivision and development appeal board

(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.

Reasons for the Board Decision:
• The applicant indicated other animal home alternatives existed;
In accordance with Section 9.2 of the Land Use Bylaw 2017/48, the applicant is allowed one horse under 750 pounds without a permit;

The Board was of the opinion that no evidence was provided that property values would be reduced as a result of the addition of the miniature horses;

The Board was of the opinion that insufficient evidence was provided to ensure drainage and runoff contamination is addressed;

The Board was of the opinion that insufficient evidence was provided to alleviate concerns of the impact on adjacent water wells and the water quality of Pigeon Lake;

The Land Use Bylaw stipulates that the Animal Restrictions in the Country Residential district shall be in accordance with Section 9.2. Section 9.2.1 (a) of the Land Use Bylaw stipulates:

a) The Rural Residential, Country Residential, and Restricted Country Residential districts are subject to the following:

ii) Where a lot is located within a multi-lot subdivision and Section 9.2(b)(i) would enable more than fifty (50) individual animals based on the 0.44 animal units per acre, poultry units shall be limited to a maximum of fifty (50) birds individual animals, with an additional 0.44 animal units per lot (i.e. 2 goats or 1 horse) granted.

The applicant’s property is 1.27 acres, which would allow for 0.56 animal units. A miniature horse is classified as a foal under 750 pounds as per Appendix A of Land Use Bylaw 2017/48 and therefore has a factor of 3.3. When this factor is multiplied by 0.56, the number of miniature horses that would be allowed is 1.8. Therefore, only one miniature horse is allowed and would not require a development permit;

Section 687(3) of the Municipal Government Act stipulates that in determining an appeal, the subdivision and develop appeal board 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, the proposed development would not unduly interfere with amenities or the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and the proposed development conforms with the use prescribed for that land or building in the land use bylaw. Based on the evidence provided, the Board was of the opinion the proposal for 3 miniature horses would interfere with the use and enjoyment of neighbouring parcels.

Resolution SDAB20200309.003

MOVED: by Board Member E. Matiko

that the Board deny the appeal from Cory Bell and Jason Epp within NW 28-46-1-W5M, Plan 792 1318, Block 2, Lot 15 for the Refusal of Development Permit D19/257 for the ‘3 miniature horses’.

Reasons:

• The applicant indicated other animal home alternatives existed;

• In accordance with Section 9.2 of the Land Use Bylaw 2017/48, the applicant is allowed one horse under 750 pounds without a permit;

• The Board was of the opinion that no evidence was provided that property values would be reduced as a result of the addition of the miniature horses;

• The Board was of the opinion that insufficient evidence was provided to ensure drainage and runoff contamination is addressed;

• The Board was of the opinion that insufficient evidence was provided to alleviate concerns of the impact on adjacent water wells and the water quality of Pigeon Lake;
• The Land Use Bylaw stipulates that the Animal Restrictions in the Country Residential district shall be in accordance with Section 9.2. Section 9.2.1 (a) of the Land Use Bylaw stipulates:
  a) The Rural Residential, Country Residential, and Restricted Country Residential districts are subject to the following:
  ii) Where a lot is located within a multi-lot subdivision and Section 9.2(b)(i) would enable more than fifty (50) individual animals based on the 0.44 animal units per acre, poultry units shall be limited to a maximum of fifty (50) birds individual animals, with an additional 0.44 animal units per lot (i.e. 2 goats or 1 horse) granted.

The applicant’s property is 1.27 acres, which would allow for 0.56 animal units. A miniature horse is classified as a foal under 750 pounds as per Appendix A of Land Use Bylaw 2017/48 and therefore has a factor of 3.3. When this factor is multiplied by 0.56, the number of miniature horses that would be allowed is 1.8. Therefore, only one miniature horse is allowed and would not require a development permit;

• Section 687(3) of the Municipal Government Act stipulates that in determining an appeal, the subdivision and develop appeal board 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, the proposed development would not unduly interfere with amenities or the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and the proposed development conforms with the use prescribed for that land or building in the land use bylaw. Based on the evidence provided, the Board was of the opinion the proposal for 3 miniature horses would interfere with the use and enjoyment of neighbouring parcels.

Carried Unanimously

Closed to the Public Agenda

6. CLOSED TO PUBLIC

The board will be discussing legal opinions, therefore the meeting should be closed to the public, pursuant to Section 197 of the Municipal Government Act, 2000, Chapter M-26 and amendments thereto, and the Freedom of Information and Protection of Privacy Act, Part 1, Division 2 Exceptions to Disclosure, Section 24 Advice from Officials.

Resolution SDAB20200309.004
MOVED: by Board Member C. Daniel

that the meeting be closed to the public, at 7:20 p.m., pursuant to Section 197 of the Municipal Government Act, 2000, Chapter M-26 and amendments thereto, and the Freedom of Information and Protection of Privacy Act, Part 1, Division 2 Exceptions to Disclosure, Section 24 Advice from Officials, to discuss a legal opinion.

Carried Unanimously

Resolution SDAB20200309.005
MOVED: by Board Member C. Daniel

that the meeting be opened to the public at 7:30 p.m.

Carried Unanimously

8. ADJOURN

Resolution SDAB20200309.006
MOVED: by Board Member R. Pries

that the meeting adjourn at 7:31 p.m.
Carried Unanimously

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CHAIRPERSON

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SECRETARY