CALL TO ORDER

APPROVAL OF AGENDA

MINUTES APPROVAL

5:30 P.M. PUBLIC HEARING

4.1 Refusal of Development Permit D18/040 - Ron Fengstad - 20' x 76' Modular Home with Deck, 30' x 38' x 18' Metal Shop and Enclosed Deck on Existing House- S 1/2 of NW 33-47-25-W4M

NEW BUSINESS

Closed to the Public Agenda

CLOSED TO PUBLIC

INFORMATION ITEMS

ADJOURN
1. CALL TO ORDER
Secretary Rod Hawken called the meeting to order at 5:17 p.m.

2. APPROVAL OF AGENDA
Resolution SDAB20181012.001
MOVED: by Board Member C. Daniel
That the Agenda for December 16, 2018 be accepted as presented.
Carried Unanimously

3. NEW BUSINESS
3.1 Nominations for Chairperson and Vice Chairperson
At the February 6, 2018 Council General meeting, Council passed Bylaw 2018/07 which reads as follows:

"BY-LAW NO. 2018/07 is a by-law of the County of Wetaskiwin No. 10 in the Province of Alberta, to establish the administration of the subdivision of lands and development approvals.

WHEREAS Part 17, Division 3 Planning Authorities of the Municipal Government Act (hence known as the Act) requires that a municipality establish planning authorities.

THEREFORE, pursuant to the Municipal Government Act (the Act), the Council of the County of Wetaskiwin hereby enacts as follows:

A. SUBDIVISION AUTHORITY

1. Establishment of a Subdivision Authority
Pursuant to the provisions Section 623 of the Municipal Government Act, the Subdivision Authority of the County of Wetaskiwin No. 10 is hereby established to exercise subdivision powers and duties on behalf of the County of Wetaskiwin.

2. Composition of the Subdivision Authority
The Subdivision Authority shall be composed of all members of Council who are appointed at the annual Organizational Meeting of the County of Wetaskiwin No. 10.

(a) Duties of the Subdivision Authority:

i) To make decisions on subdivision applications
   a) Approval
   b) Approval with conditions
c) Refusal

The Subdivision Authority may condition the approval of any subdivision within the requirements of the Municipal Government Act. If a refusal is issued, the Subdivision Authority will provide the reasons.

ii) Council may delegate by resolution those duties deemed appropriate by the Subdivision Authority to an employee of the County of Wetaskiwin.

B. DEVELOPMENT AUTHORITY

1. Establishment of a Development Authority

Pursuant to Section 624 of the Act, the authority to exercise development powers and duties under the Land Use By-law is vested in the Development Officer appointed Section Two: Authorities of Land Use By-law.

C. SUBDIVISION AND DEVELOPMENT APPEAL BOARD

1. Establishment of a Subdivision and Development Appeal Board

Pursuant to Section 627 of the Act, the Subdivision and Development Appeal Board (‘the Appeal Board’) is established.

2. Purpose of the Appeal Board

The purpose of the Appeal Board is:

(a) To hear appeals against decisions of the subdivision authority that do not fall under the criteria of Section 678(2)a of the Act; and

(b) To hear and decide upon appeals from decisions of the Development Officer in respect to development permits and stop orders and in this respect perform the duties assigned to the Development Appeal Board under Land Use By-law and amendments thereto.

3. Composition of the Appeal Board:

(a) The Appeal Board shall consist of:

i) five members from the general public who reside in the County of Wetaskiwin with a three member quorum; and shall be appointed by resolution of Council.

1. The terms of the appointed general public members who reside in the County of Wetaskiwin shall include:

2. two members being appointed January 1 previous of the current year and serving for a three year term to expire December 31 (ie: January 1st, 2014 to December 31st, 2016); and

3. two members being appointed January 1 of the preceding two year period of the current year and serving for a three year term to expire December 31 (ie: January 1st, 2013 to December 31st, 2015).

All subsequent appointments will be for a three year term.

1. Each member must receiving training as outlined in the Development Appeal Board Regulation before they may sit in an appeal.

2. Each member must receive refresher training as outlined in the Development Appeal Board Regulation a minimum of every three (3) years.

(b) A vacancy on the Appeal Board may be filled by resolution of Council at any time.

(c) The employees of the West Central Planning Agency or of the County of Wetaskiwin shall not be appointed to the Subdivision and Development Appeal Board.

(d) Appeal Board Procedures:

i) The members of the Appeal Board shall elect from its membership a Chairman and Vice Chairman.

ii) Elections of the Chairman and the Vice Chairman shall occur at the first meeting of the Appeal Board after the adoption of this By-law.

iii) In the event of absence or inability of the Chairman to preside at a meeting, the Vice Chairman shall preside.

iv) In the event of absence or inability of both the Chairman and Vice Chairman to preside at a meeting, the members present in constituting a quorum shall elect one of its members to preside as Chairman for that meeting.

v) Three members of the Appeal Board present shall constitute a quorum.
4. Appeal Board Secretary

1. The Secretary must have received training as outlined in the Development Appeal Board Regulation.

2. The Secretary must receive refresher training as outlined in the Development Appeal Board Regulation a minimum of every three (3) years.

   (b) The Appeal Board Secretary shall:
   
   i) Ensure that the appeal was properly filed on time.
   
   ii) Ensure that notices of the hearings of the Appeal Board are given to all affected parties.
   
   iii) Prepare and provide an information package for each Appeal Board member in advance of the hearing.
   
   iv) Ensure the appropriate material is available for public viewing.

   v) Prepare an agenda and an order of presentation.

   vi) Notify all members of the Appeal Board of the arrangements for the hearings and other meetings of the Appeal Board.

   vii) Prepare and maintain a file of written minutes of the business transacted at all meetings of the Appeal Board, copies of which shall be regularly filed with Council.

   viii) Issue all notices of decision of the Appeal Board.

   ix) Carry out such other administrative duties as the Appeal Board may specify.

5. Method of Decision-Making of the Appeal Board

The Appeal Board shall reserve the right to discuss matters presented at the appeal and take decisions in committee within fifteen (15) days of the completion of the hearing.

6. Filing and Processing of Appeals

The procedure for filing and processing appeals is set out in Sections 678 to 687 of the Act.

7. Establishment of Fee Schedules

Council may, by resolution, establish fees for subdivision and development appeals which shall be sufficient to cover the cost of advertising, administration, and other expenses.

8. Remuneration of Appeal Board Members

Council may, by resolution, establish the remuneration to be paid to the Appeal Board members hearing an appeal.

By-law 2018/07 will repeal By-law 2015/13 in its entirety.”

(Ref Resolution No. CG20180206.1014)

As per Section (d) Appeal Board Procedures of Bylaw 2018/07, the Appeal Board must elect from its membership a Chairperson and Vice Chairperson.

The following Nominations were made:

- Board member Chris Daniel nominated Board Member Laurie Johnson as Chairperson. Board Member Laurie Johnson had accepted the nomination.

- Board Member Laurie Johnson nominated Board Member Chris Daniel as Vice Chairperson. Board Member Chris Daniel had accepted the nomination.

Resolution SDAB20181012.002

MOVED: by Board Member C. Daniel

That the nominations for Chairperson cease.

Carried Unanimously

That Board approve Board Member Laurie Johnson as Chairperson.

Resolution SDAB20181012.003

MOVED: by Chairperson L. Johnson

That the nominations for Vice Chairperson cease.
That the Board approve Board Member Chris Daniel as Vice Chairperson.

4. **MINUTES APPROVAL**

4.1 **August 16, 2018 Subdivision and Development Appeal Board Minutes**

Resolution SDAB20181012.004

MOVED: by Board Member C. Daniel

To approve the minutes for the Subdivision and Development Appeal Board - August 16, 2018 meeting.

Carried Unanimously

5. **5:15 p.m. PUBLIC HEARING**

Chairperson L. Johnson declared the Hearing open at 5:28 p.m. and a delegation consisting of Stan Reiser, Holly Hobbs, and Jarvis Grant, Development Officer 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.

5.1 **Refusal of Development Permit D11/298 - Stan Reiser - Existing Six (6) Cabins within SW 1-47-2-W5M**

On February 4, 2000, County Administration received a development permit application from Stan and Fran Reiser to operate a bed and breakfast business out of their recently constructed house.

On February 16, 2000, Development Permit D00/12 was issued to Mr. and Mrs. Reiser for a bed and breakfast business. As per the land use bylaw at the time, Bylaw 95/54, bed and breakfast businesses were to be operated out of the main residence on the property.

On June 22, 2005, Mr. and Mrs. Reiser submitted a development permit application for a single family home to be built on the lands. At the time of application a seasonal cabin, single car garage and a shop were noted as already existing on the property.

On July 29, 2005, Development Permit D05/140 was issued to Mr. and Mrs. Reiser.

On November 16, 2009, Development Officer Shelley Der spoke with Mr. Reiser on the phone about applying for the necessary approvals for his cabins as well as his hunting outfitting business. In Shelley’s notes she makes specific reference to the fact that the bed and breakfast approval previously granted to the Reiser's does not apply. She further mentions that development permit and Alberta Transportation application forms were sent. It should be noted that on the 2009 General Assessment records of the County that the Resier’s were listed to have one lodge/cookhouse, five (5) rental/bunkhouses and a wash house.

On July 22, 2010, Mr. and Mrs. Reiser were sent a letter from the County of Wetaskiwin following up on their conversation with Shelley Der in November of 2009. Within the letter it discusses how a bed and breakfast approval is not appropriate for what is existing on the property and that a new development permit would be required.

On November 7, 2011, Mr. Reiser was issued a Stop Order from the County of Wetaskiwin for operation of a business without approval and the construction of multiple buildings related to the business without approval. The Stop Order outlined applying for a development permit for
the aforementioned contraventions or ceasing operations and removing the unapproved buildings.

On November 15, 2011, Shelley Der spoke again with Mr. Reiser on the phone regarding the Stop Order. It was noted that Mr. Reiser was going to be applying for the necessary applications.

On December 10, 2011, a cheque for $150.00 was received from Alberta Trophy Hunts for Mr. Reiser’s development permit application but no application was received.

On December 14, 2011, a registered letter was sent to Mr. Reiser outlining that his cheque had been received but no application had been received. The letter further granted him an extension to the timeline as well as again outlined his need for an Alberta Transportation application to be filled out and submitted.

On December 21, 2011, the County received an email from Mr. Reiser which outlined that he was submitting the applications again.

On December 23, 2011, another $150 payment was received from Alberta Trophy Hunts along with a development permit application.

On June 4, 2012, County Administration sent another letter to Mr. Reiser outlining that we were still waiting on a referral from Alberta Transportation for his development. Along with the letter another Alberta Transportation application was sent.

On February 14, 2013, County Administration sent a list of outstanding development permit applications waiting on Alberta Transportation approval to Alberta Transportation; Mr. Reiser’s application was on the list.

On February, 21, 2013, Alberta Transportation responded to the County indicating that they had not received Mr. Reiser’s application.

On April 23, 2013, County Administration sent a letter to Mr. Reiser following up to the June 4, 2012 letter. In the letter it again outlined that an Alberta Transportation application had not been received and that without any approvals in place, no development was to have been commenced.

On November 20, 2018, County Administration received a fax from Mr. Reiser requesting that he be sent a copy of the development that he had applied for and that he will be appealing the refusal.

On November 3, 2018, County Administration sent a fax to Mr. Reiser again outlining that he could apply for a development permit and all of the information that would be required.

On October 29, 2018, Administration issued a Notice of Refusal of development permit application:

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

Existing Six (6) Cabins SW-1-47-2-W5M, REISER, STANLEY

has been REFUSED for the following reason:

As per Section 3.4.4 of the County's Land Use By-law 2017/48, "Pursuant to Section 683.1(1)
through to (11) of the Act, the following subsections are outlined in relation to development applications:

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 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.

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 refusal.

Your development permit application was submitted to Administration on December 23, 2011. After reviewing your application Administration informed you of the need for the Approval from Alberta Transportation for the Existing Six (6) Cabins and the requirement of the Off-Site Levy fee in the amount of $2,034.00, or proof of a compliant on site treatment system. Administration has made multiple attempts to follow-up to have the application and approval sent to the County of Wetaskiwin and Alberta Transportation, and collect the Off-Site Levy fee. However, as of today’s date we have yet to receive any correspondence of when we would receive the approval the County requires from Alberta Transportation and the Off-Site Levy payment, or proof of a compliant on site treatment system to process your Development Permit Application.”

On November 19, 2018, the Secretary of the Subdivision and Development Appeal Board received a Letter of Appeal from the Applicant/Appellant that read as follows:

"Please find attached the septic field information, and inspection report, as requested. The papers from Alberta Transportation are not here, for the following reasons:

1. The permit application was sent in years ago, to a Gail Long. I also spoke with Ms Long at the time, and she had no problem with the cabins, due to their isolated location from the highway. There is a heavily treed ravine between the highway and the cabins. Traffic flow is extremely low into our site. Approx. 2 to 4 vehicles leaving at 6am, and returning around 7pm. This takes place for only approx. 6 weeks per year. I had submitted an application at that time, but it is missing now.

2. I have had a "Bed and Breakfast" licence since about 2001, which is still valid.

3. At the request of the previous development officer, the premises was inspected, and the county issued me a “food serving permit”.

4. I hold an outfitters licence, from the Govt of Alberta. It is mandatory that I carry a $10 million bond, and insurance. We operate under a DAO from the province. Of the 450 plus outfitters in Alberta, I believe I am the only one subjected to the taxes etc. Imposed upon me. I pay taxes to the county as follows: $2613.66 on my residence, and $3285.50 on the cabins. They were built in 1999, and I have been taxed ever since. . To be asking for this 19 years after the fact seems a little odd.

5. I have asked for, and HAVE NOT RECEIVED a copy of the development permit that is in question. That is, I have been told, because there is NO SUCH PERMIT.

6. Last fall I agreed to resubmit an application to Alberta Transportation. Shortly after I suffered several heart attacks, and literally died several times. I spent 4 months in the U of A hospital, and thus could not submit the application.

I respectfully request, that on receipt of approval from Alberta Transportation, you will put this matter to rest. Please consider my health status and the 19 years retroactive,
And the multiple licences I hold. Thank you

Sincerely Stan Reiser"

A Subdivision and Development Appeal Board Hearing was scheduled for Tuesday, December 11, 2018 and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, the Subdivision and Development Appeal Board members and the Director of Planning and Economic Development on November 20, 2018.

Administration recommended that the Subdivision and Development Appeal Board deny the appeal of Refusal of Development Permit D11/268 for 'six (6) existing cabins' and that the Board not issue a development permit, but rather in accordance with Section 687(3)(c) of the Municipal Government Act, issue a Stop Order which outlines the following:

- Submit a development permit application completed to the satisfaction of the Development Authority, which is to include but is not limited to, a completed Alberta Transportation Roadside Development Application and $2034 or an inspection by Superior Safety Codes, which indicates that the septic system which services the guided hunting business meets code and treats all effluent onsite, no later than February, 8, 2019;
- Remove all structures used in conjunction with the guided hunting business and cease operating the guided hunting business no later than February 8, 2019.

The Board had the following questions for Administration:

- What elements are missing from the Development Permit Application?
- What qualifies as a Minor Business?
- Have there been any complaints regarding the business?
- Is the 2011 Stop Order still valid?

Jarvis Grant, Development Officer replied with the following:

- The missing information for the application is the Alberta Transportation approval and payment for the offsite Levy fee and or the inspection report for the existing unauthorized buildings.
- Based on the Seasonal nature of the business and historical records, a minor business could be applied for. There is also some extensive recreational use as well.
- As of today, there have been no complaints regarding the business.
- The stop order is still valid, but Administration felt it was more appropriate to start over.

Stan Reiser addressed the following:

- The refusal of the development permit may not have been legal as there was no application.
- Alberta Transportation issued a Roadside Development approval today for the 6 Existing Cabins (December 11, 2018).
- Stated the septic field (outflow mound) was installed within cabins that were built in 1999, and was unable to get copies of the permits.
- Mentioned that Stop Order was regarding the Food Service on the property and was resolved, by getting a food service licence
- Stated he has been paying taxes on the Cabins since 1999.
- Stated he has been issued a Bed and Breakfast approval from the County in 2002, and that approval does not have an expiry date.
- Discussed the location and use of the buildings on a site plan provided.
- Stated no other outfitters in the County are being taxed on their buildings.
- There are two to three employee vehicles entering and leaving the property a day.
- These issues that are being brought forward today have been going on for 13-19 years.

The Board had the following questions for Mr. Reiser:

- When did he apply for the Alberta Transportation Roadside Development permit?
- Questioned the Septic Field report. Is there a separate system for the house and accessory buildings?
- How many people does the Business accommodate?
- What type of hook ups are in the cabins?
Mr. Resier replied to the Boards questions as follows:

• Stated he had just recently applied for the Roadside Development Permit.
• Mentioned that the mound that was installed was legal in 1999, it is not with the house not the cabins. The house and cabins have different systems. Stan went over his site plan.
• Stated that the business accommodated four to six people a week.
• The cabins only have power.

5.2 Recess/Reconvened

The meeting recessed at 6:10 p.m.
The meeting reconvened at 6:22 p.m.

Discussion continued regarding the refusal of Development Permit D11/298 for Stan Reiser, the Board and Administration then were provided with the Roadside Development Application approval given to Mr. Reiser earlier that day (December 11, 2018).

Mr. Grant stated to the Board, that the issued Roadside Development Application seems to be sufficient, the applicant still would require the inspection of the existing wastewater system for the cabins.

Mr. Reiser stated that there are no dog kennels and there are only three (3) dog runs on the property for clients who bring their dogs.

Chairperson L. Johnson declared the hearing closed at 6:38 p.m. and thanked the delegation for attending and they left the hearing.

Chairperson L. Johnson stated that due to time constraints the Board will continue discussion later in the meeting.

6. 6:00 p.m. PUBLIC HEARING

Chairperson L. Johnson declared the Hearing open at 6:40 p.m. and a delegation consisting of Montgomery Blanchard, Jarvis Grant, Development Officer 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 of the Subdivision and Development Appeal Board Hearing presented the Summary of Events.

6.1 Refusal of Development Permit D18/241 - Charlene Blanchard - Giftware and Retail Store, "Pipestone Trading Post" in existing building within NE 13-47-27-W4M

On September 5, 2018 Administration received a request from Harold Sande for Compliance Certificate for NE 13-47-24-W4M. On the basis of the Real Property Report dated September 17, 2018, Administration issued Certificate of Compliance for Non-Compliant Building. The locations of the buildings within the property were not in conformity with the present provisions of the County of Wetaskiwin’s Land Use Bylaw 2017/48 as follows:

The County notes that based on the year the following were established:

• Commercial Building (9.24 x 7.41)
• Shed (4.37 x 5.00)
• Commercial Building (5.34 x 8.40 x 7.99 x 20.71 x 9.16 x 6.99)
• Mobile Home and Dwelling
• Commercial Building (11.71 x 7.44)
The above listed structures may continue to be used subject to Section 643 of the Municipal Government Act.

Section 643(5) states:

A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

1. to make it a conforming building,
2. for routine maintenance of the building, if the development authority considers it necessary, or
3. in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

The location of the Commercial Building (5.34 x 2.23 x 8.40 x 7.99 x 20.71 x 9.16 x 6.99 x 1.08) being 1.27 metres (4.16 feet) from the front property line is beyond the relaxation ability of County Administration.

- As shown on the Real Property Report the Commercial Building (5.34 x 2.23 x 8.40 x 7.99 x 20.71 x 9.16 x 6.99 x 1.08) is located 6.62 metres (21.71 feet) from the south property line. As per the Land Use Bylaw 2017/48 the required front yard setback is 40 metres (131 feet).

The location of the Commercial Building (5.34 x 2.23 x 8.40 x 7.99 x 20.71 x 9.16 x 6.99 x 1.08) being 6.62 metres (21.71 feet) from the front property line is beyond the relaxation ability of County Administration.

- As shown on the Real Property Report the Commercial Building (9.24 x 7.41) is located 1.11 metres (3.64 feet) from the east property line. As per the Land Use Bylaw 2017/48 the required front yard setback is 50 metres (164 feet).

The location of the Commercial Building (9.24 x 7.41) being 1.11 metres (3.64 feet) from the front property line is beyond the relaxation ability of County Administration.

- As shown on the Real Property Report the Commercial Building (7.44 x 11.72) is located 6.88 metres (22.57 feet) from the south property line. As per the Land Use Bylaw 2017/48 the required front yard setback is 40 metres (131 feet).

The location of the Commercial Building (7.44 x 11.72) being 6.88 metres (22.57 feet) from the front property line is beyond the relaxation ability of County Administration.

- As shown on the Real Property Report the Mobile Home and Dwelling is located 14.21 metres (46.62 feet) from the south property line. As per the Land Use Bylaw 2017/48 the required front yard setback is 40 metres (131 feet). As per Land Use Bylaw 2107/48 only one (1) dwelling is allowed on properties under 80 acres in size.

- The location of the Sign encroaches onto the Provincial Highway Road Allowance 1.04 metres (3.41 feet), and does not meet the required setback of 50 metres (131 feet) from the property line; as per the County of Wetaskiwin’s Land Use Bylaw 2017/48.

- As shown on the Real Property Report the Commercial Building (9.24 x 7.41) is located 3.92 metres (5 feet) from the north property line. As per the Land Use Bylaw 2017/48 the required side yard setback is 5 metres (16 feet).

- As shown on the Real Property Report the Commercial Building (9.24 x 7.41) is located 13.74 metres (45.07 feet) from the east property line. As per the Land Use Bylaw 2017/48 the required front yard setback is 50 metres (164 feet).

On October 24, 2018 Administration received two applications for approval of Business located on the property, each proposal is located in a different building on the property. The first application was for "The Pipestone Family Café" which already had County approval, but since the ownership had changed, Administration requested they apply for Business Approval. The second application was for the Pipestone Trading Post. After review of the application,
the applicant was emailed on November 7, 2018 stating that they would be required to fill out a Development Permit application and fill out a Roadside Development to be sent to Alberta Transportation.

On November 15, 2018 Administration received a Development Permit application for Giftware and Retail Store, "Pipestone Trading Post" in existing building located at NE 13-47-27-W4M.

On November 23, 2018 Administration issued a Notice of Refusal for the Development Permit application:

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

**Giftware and Retail Store, "Pipestone Trading Post" in existing building, NE-13-47-27-W4M, BLANCHARD, CHARLENE MARIE**

has been **REFUSED** for the following reason:

**As per Section 3.8. of Land Use Bylaw 2017/48**

3.8 Variance Provisions

3.8.1 With the exception of Section 9.10.4 the Development Officer may relax the setback standards of this Bylaw by up to 75%.

3.8.3 The Development Officer may relax the setback standards of this Bylaw by up to 75%, for non-conforming buildings that are permitted or discretionary uses under the Bylaw provided there are no objections from the affected road authority or adjacent landowners.

As shown on the Real property report the Giftware and Retail Store, "Pipestone Trading Post" in existing building is located 6.88 metres (22.57 feet) from the front property line.

As per the Land Use Bylaw 2017/48 the required front yard setback is 40 metres (131 feet). The location of the Giftware and Retail Store, "Pipestone Trading Post" in existing building being 6.88 metres (22.57 feet) from the front property line is beyond the relaxation ability of County Administration. Even though the building is existing, the use of the building as a giftware and retail store is a new use and must meet the current requirements of the County's Land Use Bylaw.

On November 29, 2018 the Secretary of the Subdivision and Development Appeal Board received an email requesting the Appeal from the Applicant/Appellant the email stated:

"Good morning Amber and Lindsay,
I hope you are both having a wonderful Christmas Season. It seems to start earlier and earlier each year!
I have attached the statement, pertinent pics and documents needed to be submitted along with the Appeal. I have also made the appeal fee payment of $150, (included the proof of payment).
I am not going to be able to be present at the meeting, how do I make sure my statement and documents are all read to the board members?
Should I send a family member in my stead to read the appeal statement? Will either of you be at the meeting and be able to make sure it is presented thoroughly?
Could you please print these off and give them to the Secretary of the Appeal Board for me? If not, I will do my best to have them delivered in person.
Thank you both very much for answering all my questions and your assistance in this matter."
The Appeal Letter reads as follows:

"Appeal to Refusal of Business Change:

Good evening,

I have submitted this to appeal the decision of "refusing the change in use" of an existing building.

Previously the building was used as a Salon and I would like to change the use of the building to a gift/retail store.

Please allow me to take a minute of your time and explain. We recently purchased the Pipestone Café and Salon from the owners who had it since 1974 and were respected pillars of the Pipestone Community. Our family has lived 4 miles from the store for 4 generations, and our vision for the café and store are to keep the heritage and genuine history of the local farming community alive.

The Café is to be an old fashioned restaurant that serves homemade meals and the Salon [Pipestone Trading Post with your approval], will be a place where the folks can go to step back in time and walk through their own heritage. The community members are very supportive and have offered historic pictures of local homesteads as well as nostalgic antiques and black and white pictures of great, great grandparents for the walls.

Based on when the buildings were built, (some as early as 1937) they now have nonconforming setbacks and have been grandfathered by the County due to their locations. One of these buildings is the subject of this appeal.

This appeal is to the recent 'refusal for business change' and is based on The Municipal Government Act, section 643(5) which states: A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except for provisions a,b & c.

I would like to be very clear that there are no changes to be made to the structure of the building. Simply, the use of the building is going to change from a hair salon to a retail store. There is to be one employee, who will simply be in charge of the store rather than the Salon. It would be a very straight forward change in the business name, and rather than selling hair products and hair cuts, we would like to sell nostalgic giftware and other retail items which will compliment the historic and rural theme of the cafe.

I have obtained a permit from Alberta Transportation to allow for the change, and now appeal to this board to allow this as well.

Thank you very much for your time, I truly wish I could have been there in person to make my appeal.

If you are undecided or are negatively inclined would you please allow me the opportunity to come and speak with the appeal board in May? I am unfortunately out of the country until then.

Have a wonderful evening.

Kind Regards,

Charlene Blanchard"

After conforming to Ms. Blanchard that Administration would schedule a Hearing for Tuesday, December 11, 2018 and Administration would recommend the Board rescheduled the Appeal Hearing, Ms. Blanchard sent the following email:

"Thank you Amber,

I am happy with the secretary reading the letter to the board members. If it is possible to have the business change approved on December 11th, that would be great.
Subdivision and Development Appeal Board - December 11, 2018

We aren't positive when we will be back in May, so maybe it is best that we just put everything through the appeal process December 11th and if it's declined I will reapply when I return.

Kind Regards,

Charlene

On November 29, 2018 Administration sent the Notice of Refusal to the Public Works Department to get their comments on the location of the building with the proximity to Township Road 472A. On December 3, 2018 Administration received the following comments from Director of Public Works, Neil Powell:

"Considering that this is an existing building and the proximity to the restaurant, I do not have a specific objection regarding the location of the building containing a new business and its setback to the property line. Due to the existing parking lot in place for the restaurant, the roadway (TR 472A) is shifted to the south to accommodate. My only comment regarding this new application is that some conditions should be placed on the owner specifying that the existing parking lot (which is on public ROW) cannot be expanded any further within public right-of-way. In other words, additional parking requirements should be directed to the north on private property and away from the road ROW."

A Subdivision and Development Appeal Board Hearing was Scheduled for Tuesday, December 11, 2018 and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowner, the Subdivision and Development Appeal Board and the Director of Planning and Economic Development on November 29, 2018.

Administration recommended that the Board uphold the appeal as submitted by Charlene Blanchard and consider the issuance of a Development Permit for application D18/241 for Giftware and Retail Store, "Pipestone Trading Post" in existing building within NE-13-47-27-W4M. Due to the change in use of the development from historically being a hair salon to a new giftware/retail store, a development permit is required as it would no longer fall under Section 643 of the Municipal Government Act as a non-conforming use. With the existing building being beyond the relaxation ability of the development authority a refusal had to be issued. However, with the conditional support of the affected Road Authority, the Subdivision and Development Appeal Board has the provisions within the Municipal Government Act and Land Use Bylaw to issue a development permit with the required 82.8% relaxation.

The Board had the following questions:

• Questioned the location of parking on the property.
• What would happen if applicant wanted to renovate or have a change in use within the buildings?
• Questioned the Minor Business definition?
• What will be the number of employee at the gift shop and cafe be?

Mr. Grant had the following responses:

• Stated that there is Section 9.14 within the Land Use Bylaw that states regulations for onsite parking.
• They would have to reapply for a Development Permit, and Administration would have to refuse based on the setbacks that they surpass 75% relaxation allowance.
• Discussed that Administration has no issues indentifying this proposal as a Minor Business. Administration had looked at intensity of use, during the Winter months it will be as busy and was given approval from Alberta Transportation.
• Mentioned that within the applications it was stated that Gift shop will have one (1) employee plus the land owner, and the Cafe will have (3) plus the landowner.

Montgomery Blanchard read the appeal letter sent by Charlene Blanchard from November 29, 2018.

The Board had the questions:
Subdivision and Development Appeal Board - December 11, 2018

- Is someone is living on the property?
- Was there any approval for the Salon?
- Can the applicant change their hours of operation?

Mr. Blanchard stated the buildings are rented out, but stated there is the possibility of himself or sister to move onto the property in the future.

Mr. Grant stated Administration could not find any approval for the salon. If the applicant wished to expand the hours of operation they would be required to apply for another Development Permit.

The Board requested that Mr. Grant go over the proposed Development Permit conditions for Mr. Blanchard.

Mr. Blanchard questioned the parking condition.

Chairperson L. Johnson declared the Hearing closed at 7:08 p.m. and thanked the delegation for attending and they left the hearing.

Resolution SDAB20181012.005
MOVED: by Board Member T. Hoogland
That that the Board uphold the refusal a Development Permit for application D18/241 proposing the operation of a Giftware and Retail Store, "Pipestone Trading Post" in an existing building within NE-13-47-W4M. The Board was of the opinion that the proposed use does not meet the definition of Minor Business as the proposed business (giftware and retail store) is not operated from or subordinate to the residential use of the site.

Carried Unanimously

5. 5:15 p.m. PUBLIC HEARING

5.3 Refusal of Development Permit D11/298 - Stan Reiser
Discussion continued regarding the refusal of Development Permit D11/298 for Stan Reiser.

The Board continued their discussion:
- Issuing a New Stop Order
- Discussed the number of cabins
- The number of Clients
- The Bed and Breakfast requires the proper approval

Resolution SDAB20181012.006
MOVED: by Board Member R. Pries
That the Subdivision and Development Appeal Board deny the appeal of Refusal of Development Permit D11/268 for 'six (6) existing cabins' and that the Board not issue a development permit, but rather in accordance with Section 687(3)(c) of the Municipal Government Act, issues a Stop Order which outlines the following:
- Submit a new development permit application completed to the satisfaction of the Development Authority, which is to include but is not limited to,
  - A detailed site plan to include all buildings
  - Detailed description of the operation of the Business
  - A completed Alberta Transportation Roadside Development Application and,
  - Pay $2034 or request an inspection by Superior Safety Codes, which indicates that the septic system which services the guided hunting business meets code and treats all effluent onsite, no later than May 31, 2019;

Page 5 of 43
If the above conditions are not met, the remove of all structures used in conjunction with the guided hunting business and cease operating the guided hunting business no later than May 31, 2019.

Carried Unanimously

7. CLOSED TO THE PUBLIC

Council will be discussing a response from Brownlee LLP, 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 27 Privileged information.

Resolution SDAB20181012.007
MOVED: by Board Member T. Hoogland

That the meeting be closed to the public, at 8:28 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 27 Privileged information to discuss the Legal response from Brownlee.

Carried Unanimously

Resolution SDAB20181012.008
MOVED: by Board Member C. Daniel

That the Board move out of closed to the public at 8:35 p.m.

Carried Unanimously

Resolution SDAB20181012.009
MOVED: by Board Member T. Hoogland

That the Board accept the Legal opinion provided by Brownlee LLP as information.

Carried Unanimously

10. ADJOURN

Resolution SDAB20181012.010
MOVED: by Board Member C. Daniel

That the Subdivision and Development Appeal Board hearing be adjourn at 8:36 p.m.

Carried Unanimously

_________________________
CHAIRPERSON

_________________________
SECRETARY
Refusal of Development Permit D18/040- Ron Fengstad- NW 33-47-25-W4M (File# 1698.00)

Meeting Date (Report Reference Only): 2019/01/21
Meeting (Report Reference Only): SDAB

Background

On April 2, 2018, County Administration received a development permit application from Ron Fengstad for a modular home with deck, the addition of a covered deck to an existing residence and a metal building.

On April 4, 2018, County Administration sent the following email to Mr. Fengstad regarding his Development Permit application:

"Good Morning Ron,
In reviewing your development Permit application we require a little more information before we can process with the permit.

• Please provide us with the reason for the modular home as this will not be approved as stated in the application.
• We also need to know the reason for an 18’ ceiling in the new garage. What will it be used for?

Thank you,
Carmen Weiss"

Mr. Fengstad had the following response to Mrs. Weiss’ email:

• Please provide us with the reason for the modular home as this will not be approved as stated in the application.
  o "It Would be used for a family member to assist in operations- most likely my sons."
• We also need to know the reason for an 18’ ceiling in the new garage. What will it be used for?
  o "This is a prefab building that I have had in inventory for several years and have not been able to sell. I can’t purchase a standard garage package for what I
might get for this at an auction. The 18 ft. is at the peak and would be suitable to park an RV farm equipment in.”

Administration then requested further information regarding what type of operations a family member would be assisting with and if it was business related? Mr. Fengstad had the following response for Administration:

“this is a small farm which I treat as a business—we have several horses and we are looking into other livestock as well as some large scale gardening. I am 72 years old and live by myself and although is not enough income from the farm to sustain us both, the work load will be too much for just myself. This would give us the flexibility for one or the other to work out and still maintain operations here.

I do some volunteer work in 3rd world countries and with the break-ins in the area as well as the work load here it would give additional security as well as hand on help when I am away.”

On April 6, 2018, another email was sent to Mr. Fengstad requiring again further clarification with his application:

“Good morning Ron,
We will require further clarification to proceed with your development permit. As per Land Use Bylaw 95/54 you must have 80 acres or more to have a secondary dwelling. Your parcel is 75.5 acres, therefore we require a thorough review of why this second dwelling is required prior to authorizing the permit.

Below is the bylaw information:
8.1 No person is allowed to construct or locate or cause to be constructed or located more than one dwelling on a lot or parcel unless otherwise authorized by this By law.
8.2 Notwithstanding Section 8.1. the Development Officer may issue a development permit to:
(a) permit the construction or location of a 2nd dwelling on a parcel with a minimum area of 32.3 hectares (80 acres) where the dwelling is a permitted or discretionary use for the district
The following information is required for consideration of this permit;

What would “other” livestock be?
• Types, numbers, purpose (breeding, boarding, training)
• How many horses and what will the purpose be? (hobby, training, boarding, breeding)
Please supply more information on the large scale gardening. Is this for market gardening, or having people come in and plant their own plots?

Please clarify, will a family member (son) be living in the secondary dwelling?
I thank you for your patience.
Carmen Weiss”

On April 13, 2018, Mr. Fengstad replied with the following response:

"1. I understand that Alberta Transportation required right-of-way for Hwy. 2 so ROW was taken out for this purpose reducing the 80 acre parcels to what they are now.
2. We have worked up approx. 55 acres of old unproductive pasture and are presently growing cereal crops on it to restore the land to better condition. The intention is to put it back to pasture when the land is nurtured and prepared properly. The other option would be to grow vegetable garden for marketing which is very labor intensive.
3. I presently have 4 horses we are working with. We were boarding and working with 21 a year ago. We have pastured as many as 35-40 head of beef cattle and at other times 25 or so cow calf pairs. Goats or sheep are also an option, but I again, we need to have adequate pasture.
4. I presently have 100 open range chickens and 30 turkeys on hold at a hatchery
5. I presently have 1000 tree seedlings on hold for shelter belt or possible tree farm.
6. I am looking for ways to make this small piece of farm land into producing revenue as per zoning. What is the best use that I can make of what I have? What options exist?
7. As stated earlier, I am 72 years old and although in pretty good health, the work load for myself is getting to be a bit more than I care to handle on my own. I would like to reside on the farm for as long as possible and be able to contribute to society and my community.
8. As earlier stated, I do volunteer outreach work in 3rd world and wherever required. Having my son residing as extra help would be very beneficial.
9. With all the break-ins in the area, the addition of another residence would aid in security.
10. Meanwhile I have a modular home that is vacant. I am paying lot rent and upkeep on it in the park. Renting it out or selling it is not the preferred option for me at this time. The small piece of property to the the north of my residence is a natural for another residence and could serve as a good home for my son as we endeavor to produce some income and still work within the perimeters of the County land use. A good part of the summer would be required to set up the home, shop and utilities.
Thanks for your consideration
Ron Fengstad”
On April 25, 2018, Administration responded to Mr. Fengstad and indicated to him that his request for an additional dwelling did not meet the Land Use Bylaw, but that it would be possible for him to pursue a secondary suite.

On June 22, 2018, Administration sent an email to Mr. Fengstad following up on his application as no response had been received to the April 25, 2018 email.

On December 6, 2018, the Development Authority issued a Notice of Refusal of Development Permit for Development Permit D18/040.

On December 27, 2018, Mr. Fengstad submitted the following letter of Appeal which reads as follows:

"Attn: Mr. Jarvis Grant Development officer
RE: NW-33-47-25-W4 Application #: D18/040 Tax Roll: 169801
Thank you for the opportunity to appeal the County decision, "NOTICE OF REFUSAL "as attached. Following are some items I would like you to take into consideration:

1] The Land Title Certificate shows the land as being 32.4 hectares or 80 acres more or less except for 1.82 hectares [4.49 acres] for road plan 4602LZ. The 4.49 acres for road allowance was given in co-operation with provincial development. I feel allowance should be made available for this.
2] The approx. 2.5 acre location where I propose the development does not have reasonable access for connecting to other farm operation and would fit nice with existing property. The 38 Meter wide parcel sits on north side of existing home and the north boundary of the property and is separated by a tree shelter. The proposed development would fit nicely with existing landscape.
3] Even though the property is not ideally situated for current farm operation, it still needs to be maintained for weed control and curb appeal.
4] I will soon be 73 years old and although in good health, the workload is getting more difficult. The added residence would make available accommodations for additional help. I love living here on the farm and hope to be able to do so for many years to come.

Attached:
-Cheque #361 in the amount of $150.00 appeal fee
-County appeal form
--google map showing proposed development
A Subdivision and Development Appeal Board Hearing was scheduled for Monday, January 21, 2019 and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, the County of Leduc, and the Subdivision and Development Appeal Board and the Director of Planning and Economic Development on January 3, 2019.

**Recommendations**

Administration recommends that the Board deny the appeal from Ron Fengstad for the refusal of Development Permit D18/040 for modular home with deck, the addition of a covered deck to an existing residence and a metal building located within the S1/2 NW 33-47-25-W4M.

**Recommended Resolution**

That the Board deny the appeal from Rod Fengstad for the refusal of Development Permit D18/040 for modular home with deck, the addition of a covered deck to an existing residence and a metal building located on the S ½ of NW 33-47-25-W4M.
APPEAL OF DEVELOPMENT PERMIT REFUSAL 20’ x 76’ MODULAR HOME WITH DECK, 30’ X 38’ X 18’ METAL SHOP AND ENCLOSED DECK ON EXISTING HOUSE S1/2 OF NW 33-47-25-W4M

TO: The County of Wetaskiwin No. 10 Subdivision & Development Appeal Board
FROM: Jarvis Grant Development Officer
REFUSAL: County of Wetaskiwin
APPELANT: Ron Fengstad

BACKGROUND/CONTEXT:

The proposal for the modular home, two decks and shop are located on the S1/2 of the NW 33-47-25-W4M, which is comprised of an approximate 75.5 acres and is zoned as Agricultural. The parcel is located directly adjacent to Highway 2 and Range Road 254 and is a half a mile north of Highway 13.
On April 2, 2018, the County received a development permit application from Ron Fengstad for a modular home with deck, the addition of a covered deck to an existing residence and a metal building.

On April 4, 2018, County Administration sent an email to Mr. Fengstad requesting more information surrounding the reason for a second residence on the property, as well as why the ceiling height on the garage was to be so tall. That same day Mr. Fengstad replied with that the modular would be most likely for one of his sons to assist with his operations and that the 18ft height for the shop was to the peak of the building.

Further on April 4, 2018, Administration asked for further clarification from Mr. Fengstad as to what type of operations the family member might be assisting with. Shortly after, Mr. Fengstad replied that it would be for farming as he had several horses and was looking at other livestock as well as some larger scale gardening, but that there would not be enough income to sustain them both. He also stated that rational for the second residence being due to his age and that he would not be able to keep up the work load on his own.

On April 6, 2018, another email was sent to Mr. Fengstad requiring again further clarification with his application. To be considered for a farm hand residence, the scope of Mr. Fengstad agricultural operations needed to be determined.
On April 13, 2018, Mr. Fengstad replied with several general possible plans to utilize the land in an agricultural fashion but none of which were concrete.

On April 25, 2018, Administration responded to Mr. Fengstad and indicated to him that his request for an additional dwelling did not meet the Land Use Bylaw, but that it would be possible for him to pursue a secondary suite.

On June 22, 2018, Administration sent an email to Mr. Fengstad following up on his application as no response had been received to the April 25, 2018 email.

On December 6, 2018, the Development Authority issued a Notice of Refusal of Development Permit for Development Permit D18/040.

On December 21, 2018, Mr. Fengstad submitted a Letter of Appeal.

DISCUSSION

For the reasons explained in detail below, the Development Authority recommends that this appeal denied.

Reason 1: Number of Residences on less than 80 acres
Under Section 9.8 of the County’s Land Use Bylaw it states that, “No person is allowed to construct or locate or cause to be constructed or located more than one principal dwelling on a lot or parcel unless otherwise authorized by this Bylaw.” Further to that statement, the Land Use Bylaw does provide for specific circumstances in which additional residences can be added to a parcel. These are:

- A secondary dwelling on a parcel with a minimum area of 80 acres;
- The placement of a second dwelling, being solely a mobile dwelling, on an agricultural parcel less than 80 acres for the purpose of accommodating a person hired by the operator of an intensive agricultural operation, an intensive livestock operation or confined feeding operation, for a minimum period of six consecutive months;
- The placement of a second or third dwelling, being solely a mobile dwelling, on an agricultural parcel with a minimum area of 80 acres for the purpose of accommodating one or two persons (one per dwelling) hired by the operator of an intensive agricultural operation, intensive livestock operation or confined livestock operation, for a minimum period of six consecutive months;
- The placement of a third or fourth dwelling, being solely mobile dwelling, on an agricultural parcel with a minimum area of 80 acres for the purpose of accommodating persons hired by the
operator of a confined feeding operation, with an NRCB registration/approval, for a minimum period of six consecutive months;

- The placement of a second dwelling, being solely a mobile dwelling, if the second mobile dwelling is a permitted or discretionary use and shall be used by a person(s) who require full-time care being provided by the primary resident of the parcel. Such person must provide detailed written reasons from a physician;

- Permit the construction or location of a building with two or more dwelling units where the building is a permitted or discretionary use for the district.

Out of all of the allowances provided by the Land Use Bylaw for an extra residence(s) to be placed on a parcel of land, Mr. Fengstad does not meet the necessary provisions to be approved under any of them. Mr. Fengstad has well under 80 acres, has stated to be in good health, does not currently have an intensive livestock operation, and does not have an approval or registration with the NRCB.

**Reason 2: Subdivision**

By developing in essence another yard-site with a residence and accessory building that is separate from and not dependant on the main yard-site, it quite often leads to a false sense of ability to subdivide. Even within Mr. Fengstad’s Letter of Appeal he refers to the development location as its own “38 meter wide parcel”. As it is now, any proposed subdivision of the NW 33-47-25-W4M would be in contravention of the County’s Municipal Development Plan. While the subdivision application would be and is its own process, allowing further development that may potentially be viewed as a potential subdivision for a future source of income by Mr. Fengstad or even his family in years to come should be avoided.

**Reason 3: Viable Option**

In the April 25, 2018 email to Mr. Fengstad, it was outlined to him that there was the option for him to pursue the development of a secondary suite with his application. A secondary suite under Land Use Bylaw 17/48 is defined as a designated area within a detached dwelling that provides accommodation as a separate dwelling that may include a kitchen independent from the primary dwelling and may include rental or lease arrangements. If Mr. Fengstad chose to pursue a secondary suite it would provide him with everything that he is hoping to achieve while still meeting the requirements of the Land Use Bylaw 17/48.

**RECOMMENDATION:**

It is the opinion of the Development Authority that the appeal of Refusal of Development Permit D18/040 for the ‘Modular Home, Two Decks and Shop’ be denied.

The recommendation is made for the following reasons:
Out of all of the allowances provided by the County’s Land Use Bylaw for an extra residence(s) to be placed on a parcel of land, Mr. Fengstad does not meet the necessary provisions to be approved under any of them. Further, there is a viable option through the development of a secondary suite that would provide Mr. Fengstad with the security and maintenance help that he seeks while being in compliance with the County’s Land Use Bylaw 17/48.

SUMMARY:
In conclusion, the Development Authority’s recommendation to the SDAB is to deny the appeal of the Refusal of Development Permit D18/040
Appendix 1 – Applicable Legislation

Municipal Government Act

627(1) A council must by bylaw
(a) establish a subdivision and development appeal board, or
(b) authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board, or both.

638.2(1) Every municipality must compile and keep updated a list of any policies that may be considered in making decisions under this Part
(a) that have been approved by council by resolution or bylaw, or
(b) that have been made by a body or person to whom powers, duties or functions are delegated under section 203 or 209,

and that do not form part of a bylaw made under this Part.

(2) The municipality must publish the following on the municipality’s website:
(a) the list of the policies referred to in subsection (1);
(b) the policies described in subsection (1);
(c) a summary of the policies described in subsection (1) and of how they relate to each other and how they relate to any statutory plans and bylaws passed in accordance with this Part;
(d) any documents incorporated by reference in any bylaws passed in accordance with this Part.

(3) A development authority, subdivision authority, subdivision and development appeal board, the Municipal Government Board or a court shall not have regard to any policy approved by a council or by a person or body referred to in subsection (1)(b) unless the policy is set out in the list prepared and maintained under subsection (1) and published in accordance with subsection (2).

(4) This section applies on and after January 1, 2019.

639 Every municipality must pass a land use bylaw.

640(1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.

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
decision was made and containing any other information required by the regulations, must be given or
sent to the applicant on the same day the decision is made.

(4) If a development authority refuses an application for a development permit, the decision must
include the reasons for the refusal.

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.

684(1) The development authority must make a decision on the application for a development permit
within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or,
if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b).

(2) A time period referred to in subsection (1) may be extended by an agreement in writing between the
applicant and the development authority.

(3) If the development authority does not make a decision referred to in subsection (1) within the time
required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be
refused.

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 to the
subdivision and development appeal board.

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a
notice of the appeal, containing reasons, with the board
   (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 decision is made 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.

(2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The subdivision and development appeal board 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 subdivision and development appeal board 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.

687(1) At a hearing under section 686, the subdivision and development appeal board 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 subdivision and development appeal board 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 subdivision and development appeal board
   (a) must act in accordance with any applicable ALSA regional plan;
   (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 clause (d), must comply with any land use bylaw in effect;
   (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

**Land Use Bylaw**

1.2 Definitions

**Development** means:

a) an excavation or stockpile and the creation of either of them;
b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;
c) change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

**Dwelling, Secondary Suite** means a designated area within a dwelling, detached, County of Wetaskiwin providing accommodation as a separate dwelling that may include a kitchen independent from the primary dwelling and may include rental or lease arrangements.

**Section 3 Development Process**

3.1 Control of Development
3.1.1 Unless exempted from requiring a development permit by this Bylaw or by federal or provincial legislation, any use or development of land, buildings or signs in the County requires a valid development permit.

3.4 Development Permit Application
3.4.8 In making a decision on a development permit application, the Development Officer may:
   a) approve an application without conditions; or
   b) approve an application with conditions; or
   c) refuse the application; or
   d) deem the application to be incomplete.

9.8 Number of Dwellings on a Lot
9.8.1 No person is allowed to construct or locate or cause to be constructed or located more than one principal dwelling on a lot or parcel unless otherwise authorized by this Bylaw.

9.8.2 Notwithstanding Section 9.8.1, the Development Officer may issue a development permit to:

   a) permit the construction or location of a secondary dwelling on a parcel with a minimum area of 32.3 hectares (80 acres) where the dwelling is a permitted or discretionary use for the district;

   b) permit the placement of a second dwelling, being solely a mobile dwelling, on an agricultural parcel less than 32.3 hectares (80 acres) for the purpose of accommodating a person hired by the operator of an intensive agricultural operation, an intensive livestock operation or confined feeding operation, for a minimum period of six consecutive months (183 consecutive days). The mobile dwelling shall be removed when it is no longer being used for the purpose stated herein or upon the expiry of any associated development permit authorizing said use;

   c) permit the placement of a second or third dwelling, being solely a mobile dwelling, on an agricultural parcel with a minimum area of 32.3 hectares (80 acres) for the purpose of accommodating one or two persons (one per dwelling) hired by the operator of an intensive agricultural operation, intensive livestock operation or confined livestock operation, for a minimum period of six consecutive months (183 consecutive days). The mobile dwelling(s) shall be removed when it is no longer being used for the purpose stated herein or upon the expiry of any associated development permit authorizing said use;

   d) permit the placement of a third or fourth dwelling, being solely mobile dwelling, on an agricultural parcel with a minimum area of 32.3 hectares (80 acres) for the purpose of accommodating persons hired by the operator of a confined feeding operation, with an NRCB registration/approval, for a minimum period of six consecutive months (183 consecutive days). The mobile dwelling(s) shall be removed when it is no longer being used for the purpose stated herein or upon the expiry of any associated development permit authorizing said use;

   e) in accordance with Sections 9.8.2 a), b) and c), permit the placement of a second dwelling, being solely a mobile dwelling, on a lot not designated as Lakeshore Residential District, Lakeshore Mixed Use District, Recreational Resort Holdings District, Mixed Recreational Residential District, Urban Residential
District, or Country Residential District, in a Multi-Lot Residential Subdivision only, if the second mobile dwelling is a permitted or discretionary use and shall be used by a person(s) who require full-time care being provided by the primary resident of the parcel. Such person must provide detailed written reasons from a physician. The mobile dwelling(s) shall be removed when it is no longer being used for the purpose stated herein or upon the expiry of any associated development permit authorizing said use;

f) permit the construction or location of a building with two or more dwelling units where the building is a permitted or discretionary use for the district.

9.9 Dwelling, Secondary Suite

a) The registered owner of a lot shall:
   i. be limited to one secondary suite, unless otherwise allowed within the district; and
   ii. not subdivide title for a secondary suite. The restriction of subdivision shall be fundamental to the secondary suite use.

b) A secondary suite shall:
   i. be an accessory use to and be within the principal dwelling;
   ii. not be located within an accessory building or structure;
   iii. create minimal structural changes to the front exterior of the principal building, which shall appear as a single dwelling unit;
   iv. have a maximum floor area of:
      a. 80 square metres (861.11 square feet) within Urban Residential land use district;
      b. 100 square metres (1076.39 square feet) outside Urban Residential land use district;
      c. 40% of the gross floor area of the principal dwelling, whichever is less.
   v. have a minimum floor area of 30 square metres (322.92 square feet);
   vi. contain at least two rooms in which a bedroom, cooking facilities and a bathroom are provided;
   vii. have full utility services through service connection from the principal dwelling for those developments located within Urban Residential districts;
   viii. comply with the Alberta Building Code and all other Municipal and Provincial regulations and Alberta Plumbing Code;
   ix. be provided with off-street parking and not interfere with on-street or adjacent landowners parking;
   x. where applicable, not be considered in the maximum density described for the neighbourhood in which it is located.

c) A secondary suite shall not be developed within the same dwelling containing a group home, care centre, family care dwelling or bed and breakfast.

Municipal Development Plan

1.1.2 An unsubdivided quarter section in agricultural land may be subdivided to create:
   a) a farm site with existing improvements;
   b) a parcel for future development; or
   c) two 32 ha (80 ac.), more or less, parcels of equal size.
I hereby make application under the provisions of the County of Wetaskiwin's Land Use Bylaw for a Development Permit, in accordance with the plans and supporting information submitted herewith and which form part of this application. Except as otherwise provided in the Land Use Bylaw, a person may not commence development unless the person has been issued a development permit; a decision will only be issued in writing.

It is the responsibility of the applicant/owner to ensure that all development carried out complies with any caveat, easement, restrictive covenant or other encumbrance noted on the back of the Certificate of Title.

APPLICANT: Ron FENGSTAD
MAILING ADDRESS: Box 38 Millet, AB POSTAL CODE: T0C-1Z0
TELEPHONE: 780-940-9290 EMAIL/FAX: ron@norexcanada.com

Are you the registered Owner(s) □ Yes or □ No (if no, registered owner must complete the next)

If No as above, present Registered Owner(s) according to Alberta Land Titles:
Address: __________________________ Telephone: __________________________

I (We) (please print) __________________________ as the registered owner(s) (as per Land Titles) of the aforementioned property, authorize (applicant(s) "as above") to develop which I have fully reviewed and fully endorse.

Signature of Present Registered Owner(s):

✓ If owner is a corporate body, he or she must be listed on the Corporate registry as authorized person(s) to sign. Proof of authority to sign MAY BE required.
✓ If additional signatures are required, attach to application as necessary.

Is your property located within 1/2 mile or 800 meters of a highway or secondary highway?
□ No or □ Yes
If yes, Please complete and provide Alberta transportation with a road side development application form. The application can be obtained at the County of Wetaskiwin Office.

Date Roadside Development Application sent: 3rd April 2018.
Method □ Mail; □ Fax; □ Other: Emailed. __________. Sent by: Carmen W.

When your permit is ready, how would you like to be notified?
□ Phone □ Mail □ Fax no: __________________________ □ Email: ron@norexcanada.com

For office use only:
Application No.: D181040
Receipt No.: 307282
Land Use District: AG
Per / Dis.: __________
Roll No.: 169801
Received on: 4 April 2018
Division: __________
Subdivision: __________
DEVELOPMENT PROPOSAL(S):

*Any structure that is 50 sq. ft./4.6m² or over requires a development permit
*Decks 2 ft./0.61 m or higher require a development permit

Type of Development Proposed (Include dimensions & number of storeys): 

| Modular Home 20' x 76' | Metal Building 30' x 38' x 18'H |

Type of Construction:

☐ Conventional Construction  ☐ Moved in, describe type: 

If Moved In (check one), ☐ New (Direct from factory), ☒ Used,Year built: 2007 (if used include pictures)

Will there be plumbing within the proposed structure: ☒ Yes or ☐ No  If yes (check all that apply) 

☐ Sink ☐ Toilet ☐ Shower ☐ Tap for Garden Hose ☐ Other ________________________________  

- Will there be kitchen facilities within the proposed structure: ☒ Yes or ☐ No

List all existing building(s)/structure(s) on the Property (i.e dwelling(s), garage, shed(s), etc.) and label accordingly on the site plan see below: 

Estimated cost of the project: $150,000

Estimated date of commencement: Immediate  Estimated date of completion: Dec 1, 2018

IF THIS APPLICATION IS FOR A PROPOSED BUSINESS PLEASE DESCRIBE THE FOLLOWING:

Home based business? No or if Yes, please speak to someone in the Planning and Development Department

Type of Business (describe in detail):

______________________________________________________________

Name of Business: ____________________________________________

Hours of Operation (Indicate Open to Close)

Monday __________ Tuesday __________ Wednesday __________ Thursday __________

Friday __________ Saturday __________ Sunday __________ Holidays __________

Number of employees (excludes occupant of dwelling/principal operator): ______________________

Will there be outside storage of materials: ☐ No or ☒ Yes, if yes where: ______________________

Is there going to be excess noise created: ☐ No or ☒ Yes, if yes please describe: ______________________

Increased Traffic: ☒ Yes or ☐ No

Be sure to indicated parking for staff and number of spaces that will be used to service the business on the site plan.
CONFINED FEEDING OPERATION
Is the proposed development within 800 metres (1/2 mile) of a CFO?

☐ No or ☐ If Yes, please read the following and sign below:

I choose to build here knowing that I/we may suffer from smells, noise, flies, etc. from animals or manure; however, I realize that this is a farming area and that these nuisances are unavoidable if I choose to live here. I also understand that land cannot be subdivided if it is too close to a Confined Feeding Operation.

Applicant Signature(s): ____________________________

SECONDARY DWELLING
Is this a secondary dwelling?

☐ No or ☐ If Yes, please read the following and sign below:

I understand that if I build a second residence on my land, the residence will not stand on a separate parcel. It will stand on the same parcel as the first house and as such, the 2 residences cannot be sold separately unless the parcel is subdivided and 2 separate lots are created. I further understand that I have no automatic right to have the land subdivided, and an application to subdivide may be refused if it conflicts with the regional plan or any County by-law.

Applicant Signature(s): ____________________________

Except as otherwise provided in the County of Wetaskiwin No 10 Land Use Bylaw, a person may not commence any development unless the person has been issued a development in respect of it pursuant to the Land Use Bylaw. A decision will be issued in writing. I hereby make application under the provisions of the County of Wetaskiwin Land Use Bylaw for a Development Permit, in accordance with the plans and supporting information submitted herewith and which form part of this application.

By signing this application, I hereby authorize representative(s) of the County of Wetaskiwin No. 10 to enter onto the above described land for the purpose of performing inspections.

The personal information on this form is collected under the authority of Section 33 (c) of the Alberta Freedom of Information and Protection of Privacy Act. The information will be used to process your application(s) and your name and address may be included on reports that are available to the public. If you have any questions on the collection and use of this information, please contact the FOIP Coordinator at (780) 352-3321.

Date of Application: Aug 26, 2018

Signature of Owner(s): ____________________________

Please Print Name(s): ____________________________

Applicant Checklist:
☐ Site Plan completed (see page 5 of 11)
☐ Reviewed Declarations
☐ Submit Fees (Rural Address sign and/or Off-site levy if applicable, see page 7 of 11 and page 8 of 11)
☐ Requires Application from Alberta Transportation?
☐ Photos Submitted
☐ Application Form Completed
**SPECIFICATION NAMEPLATE**

Moduline Industries (Canada) Ltd.

**USINE**
1421 Brier Park Cres., Medicine Hat, Alberta T1C 1T8

20980 SERIAL NO./NO DE SERIE 016-5828

**NCE DE DESTINATION** Alberta

**TEME DE CHARPENTE**
Model 20980

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Model 20980

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**TEME ELECTRIQUE**
Model 20980

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**TEME DE CHAUFFAGE**
Model 20980

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**HEAT LOSS REQUIREMENTS**

**DESIgn TEMPERATURES:**

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<td>R21.5 (total).</td>
<td>R</td>
</tr>
<tr>
<td>21.1 / 72.0 Kw/MBTUH</td>
<td>R36 (insulation only), R37.5 (total).</td>
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</table>

**NOTES:**

1. CETTE MAISON N'EST PAS CONFORME EN AHEAD A LA TEMPERATURE EXTERIEURE DE -40°C.

**FOR AREAS WHERE THE GROUND SNOW LOAD SPECIFIED ABOVE.**
New never used Style X Metal building 30W X 38L X 18 H c/w insulation pack.

Benefits:

- Offers slightly more interior space
- Sloped walls and peaked roof
- Style X 30W X 38L X 18 H C/W Insulation package

Typical Uses Include:

- Garages car or truck shop
- Boat Shops or RV storage
- Automobile Dealerships
- Mechanic Repair Shops
- Trade Shops
- Industrial Shop
- Convenience Stores
- Grocery Stores
- Studios

Ron Fengstad
780-940-9290
NOTICE OF REFUSAL OF DEVELOPMENT PERMIT

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

20' x 76' Modular Home with Deck, 30' x 38' x 18' Metal Shop and Enclosed Deck on Existing House
NW-33-47-25-W4
FENGSTAD, RON

has been REFUSED for the following reason:

This property is under 80 acres in size and as per section 9.8 of the Land Use Bylaw 2017/48 a minimum of 80 acres is required for a second residence.

9.8 Number of Dwellings on a Lot

9.8.1 No person is allowed to construct or locate or cause to be constructed or located more than one principal dwelling on a lot or parcel unless otherwise authorized by this Bylaw.

9.8.2 Notwithstanding Section 9.8.1, the Development Officer may issue a development permit to:

a) permit the construction or location of a secondary dwelling on a parcel with a minimum area of 32.3 hectares (80 acres) where the dwelling is a permitted or discretionary use for the district;

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.

DATE OF DECISION: December 06, 2018

Appeal Deadline: December 27, 2018

Jarvis Grant
Development Officer
County of Wetaskiwin No. 10
County of Wetaskiwin No. 10
Development Permit Appeal Form

Upon receiving this completed Appeal Form a Hearing will be scheduled within 30 days. The Hearing will be scheduled after 5:15 p.m. Monday - Thursday. You will be notified of the scheduled Hearing by Registered Mail.

PLEASE NOTE:
The County of Wetaskiwin No. 10 requires that a non-refundable fee of $150.00 for an appeal to be sent to the Secretary of the Subdivision and Development Appeal Board. The fee may be paid by debit, cash, or a cheque made payable to the County of Wetaskiwin No. 10.

With this written submission, the information that you provide may be made public subject to the provisions of the Freedom of Information and Protection of Privacy Act.

Appeal the Refusal of Development Permit: D18/040 of NW-33-47-25-W4, for 20’ x 76’ Modular Home with Deck, 30’ x 38’ x 18’ Metal Shop and Enclosed Deck on Existing House

<table>
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<tr>
<th>Date of Appeal Application:</th>
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<tbody>
<tr>
<td>Name of Appellant(s):</td>
</tr>
<tr>
<td>Appellant Phone Number:</td>
</tr>
<tr>
<td>Appellant Email:</td>
</tr>
<tr>
<td>Appellant Mailing Address:</td>
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</tbody>
</table>

You must attach a letter stating your grounds for Appeal to this application.

Please indicate if there are any date(s) and times within 30 days of this application that you would not be able to attend a Hearing, also please indicate the best way to contact you when the a Hearing has been scheduled:

Signature of Appellant(s): ________________________________ ________________________________

For Office Use Only:
Date Received: ____________________
Receipt Number: ____________________

Page 2 of 2
NOTICE OF REFUSAL OF DEVELOPMENT PERMIT

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

20' x 76' Modular Home with Deck, 30' x 38' x 18' Metal Shop and Enclosed Deck on Existing House
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DATE OF DECISION: December 06, 2018

Appeal Deadline: December 27, 2018

Jarvis Grant
Development Officer
County of Wetaskiwin No. 10
Ron Fengstad  
Box 38  
Millet, Ab. T0C 1Z0  
Ph 780-940-9290  

County of Wetaskiwin #10  

Attn: Mr. Jarvis Grant Development officer  

RE: NW-33-47-25-W4 Application #: D18/040 Tax Roll: 169801  

Thank you for the opportunity to appeal the County decision, "NOTICE OF REFUSAL" as attached. Following are some items I would like you to take into consideration:  

1] The Land Title Certificate shows the land as being 32.4 hectares or 80 acres more or less except for 1.82 hectares [4.49 acres] for road plan 4602LZ. The 4.49 acres for road allowance was given in cooperation with provincial development. I feel allowance should be made available for this.  

2] The approx. 2.5 acre location where I propose the development does not have reasonable access for connecting to other farm operation and would fit nicely with existing property. The 38 Meter wide parcel sits on north side of existing home and the north boundary of the property and is separated by a tree shelter. The proposed development would fit nicely with existing landscape.  

3] Even though the property is not ideally situated for current farm operation, it still needs to be maintained for weed control and curb appeal.  

4] I will soon be 73 years old and although in good health, the workload is getting more difficult. The added residence would make available accommodations for additional help. I love living here on the farm and hope to be able to do so for many years to come.  

Attached:  
--Cheque #361 in the amount of $150.00 appeal fee  
--County appeal form  
--google map showing proposed development  
--Survey map showing proposed development  
--copy of Land Title certificate  

Thanks for your consideration  
Yours truly,  
Ron Fengstad
LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL
0023 105 514 4;25;47;33;NW

TITLE NUMBER
132 273 603

LEGAL DEPARTMENT

MERIDIAN 4 RANGE 25 TOWNSHIP 47
SECTION 33
THE SOUTH HALF OF THE NORTH WEST QUARTER
CONTAINING 32.4 HECTARES (80 ACRES) MORE OR LESS
EXCEPTING THEREOUT:
1.82 HECTARES (4.495 ACRES) MORE OR LESS, FOR ROAD
AS SHOWN ON ROAD PLAN 4602LZ
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: COUNTY OF WETASKIWIN NO. 10

REFERENCE NUMBER: 112 337 470

------------------------------------------------------------------------------------------------------------------
| REGISTRATION | DATE (D/M/Y) | DOCUMENT TYPE          | VALUE     | CONSIDERATION |
------------------------------------------------------------------------------------------------------------------
| 132 273 603   | 30/08/2013   | TRANSFER OF LAND       | $500,000  | NIL           |
------------------------------------------------------------------------------------------------------------------

OWNERS

RON FENGSTAD
OF BOX 38
MILLET
ALBERTA TOC 1Z0

------------------------------------------------------------------------------------------------------------------

ENCUMBRANCES, LIENS & INTERESTS

------------------------------------------------------------------------------------------------------------------
| REGISTRATION NUMBER | DATE (D/M/Y) | PARTICULARS                                      |
------------------------------------------------------------------------------------------------------------------
| 102 030 565          | 27/01/2010   | UTILITY RIGHT OF WAY
GRANTEE - ALTAGAS UTILITIES INC.
| 132 310 872          | 30/09/2013   | MORTGAGE
MORTGAGEE - ROYAL BANK OF CANADA.

( CONTINUED )
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**Payment Total:** 150.00

361 Cheque 150.00
10.1 **Agricultural District (AG)**

10.1.1 **Purpose**

The purpose of the Agricultural District (AG) is to maintain and preserve land for productive agricultural uses and to allow for limited subdivision and development for residential use compatible in the farming community.

10.1.2 **Permitted Uses**

a) Agriculture, Extensive  
b) Dwelling, Detached  
c) Dwelling, Mobile – New  
d) Dwelling, Modular – New  
e) Intensive Livestock Operation - situated at least 400.0 meters (1312 feet) away from any land not districted as Agricultural or Severed Agricultural  
f) Buildings and uses accessory to the above

10.1.3 **Discretionary Uses**

a) Dwelling, Communal  
b) Dwellings, Moved-in  
c) Dwelling, Mobile – Used  
d) Dwelling, Modular – Used  
e) Dwelling, Secondary Suite  
f) Agricultural, Intensive  
g) Intensive Livestock Operation - within 400.0 meters (1312 feet) of any land not classified as Agricultural or Severed Agricultural under this Bylaw  
h) Tree Farm  
i) Bed and Breakfast  
j) Home Occupation  
k) Industry Work Camp  
l) Kennel  
m) Public Utility  
n) Public or Quasi-Public Use  
o) Resource Extraction Operation Type A  
p) Resource Extraction Operation Type B  
q) Resource Processing Operation  
r) Recreational, Extensive  
s) Abattoir
t) Greenhouse
u) Veterinary Clinic
v) Minor Business
w) Equestrian Center
x) Recreation Vehicle Use (greater than 80 acres, where no dwelling exists – maximum 3 year permit. If the landowner wishes the use to continue, they must re-apply for the use prior to the expiry of the permit).
y) Buildings and uses accessory to the above

10.1.4 **Parcel size**

The minimum size for a parcel intended to be used for extensive agriculture is 32.3 hectares (80 acres), but this minimum size may be relaxed:

a) to allow a parcel to follow natural boundaries, or
b) to allow for existing or proposed subdivisions for public or quasi-public purposes, or
c) proportionally where the original quarter section title was less than 64.7 hectares (160 acres).

The minimum size for a parcel intended to be used for an intensive agricultural operation shall be at the discretion of the Subdivision Authority, who may consult with appropriate specialists from the Province or consult with the Director or Agricultural Services for the County.

10.1.5 **Setbacks**

a) Front yard: see Section 9.10.1
b) Side yard: 5.0 meters (16 feet)
c) Rear yard: 10.0 meters (33 feet)

10.1.6 **Number of Lots**

A quarter section may be subdivided to create one of the following:

a) an existing farm yard site;
b) a new yard site;
c) two approximately equal parts;
d) a natural or severed split.

10.1.7 Regulations for the creation of a yard site subdivision shall be as in the Rural Residential district, and after subdivision, the regulations for Rural Residential apply, even though the land retains its Agricultural zoning. Note: Small parcels of land on which the primary use is residential are deemed under this Bylaw to be a Rural Residential use and the standards of that district apply.
10.1.8 Rezoning Requirements
   a) Any subdivisions creating in excess of two parcels per quarter section will require rezoning from Agricultural to another district.
   b) Subdivisions for public purposes may be allowed without rezoning in addition to those allowed under Section 10.1.6.

10.1.9 Recreational Vehicles
   Recreational Vehicles may be authorized as outlined in Section 3.12, Recreational Vehicles.

10.1.10 Sewage and Wastewater
   Sewage and wastewater systems are required as outlined in Section 3.12(g), Recreational Vehicles.

10.1.11 Utility Hookups
   Utility hookups are required as outlined in Section 3.12.1(h), Recreational Vehicles.

10.1.12 Enforcement
   Offences and fines are outlined in Section 5, Contravention.
operator to prevent manure runoff negatively affecting such lakes.

9.6.11 A new intensive livestock operation shall be separated from a third party’s existing residence by the Minimum Distance Separation (MDS) set out in the regulations under AOPA, for the smallest size of that type of operation.

(Example: 300 head is the smallest beef finisher operation recognized as a CFO. The MDS for that size of operation to a single residence is 245 meters (804 feet). Therefore, 245 meters is the MDS for any beef finisher operation that qualified as an intensive livestock operation under the Bylaw definition above).

9.6.12 A new residence is not permitted within the Minimum Distance Separation of an existing Confined Feeding Operation/Intensive Livestock Operation, unless the residence is associated with the operation or the applicant has provided a written waiver to the satisfaction of the Development Officer.

9.6.13 Within the Millet-Wetaskiwin Acreage Study Area, the setback distance outlined in Section 9.6.12 may be relaxed by up to 25% of the minimum distance separation required by the Alberta Agricultural Code of Practice.

9.7 Moved-In Buildings

9.7.1 Any person who applies to move a building onto a lot as a principal or accessory building must:

a) apply for a development permit;

b) inform the Development Officer of the present location and use of the building.

9.7.2 The Development Officer may inspect the building or, at the applicant’s expense, make arrangements to have the building inspected to assess the structural integrity of the building and its suitability for the proposed use.

9.7.3 The Development Officer may require the applicant to repair and/or upgrade the building and prepare the proposed building site as a condition of issuing a development permit.

9.7.4 The Development Officer may require photographs or other acceptable description to provide to persons who may inquire about the quality of the building.

9.8 Number of Dwellings on a Lot

9.8.1 No person is allowed to construct or locate or cause to be constructed or located more than one principal dwelling on a lot or parcel unless otherwise authorized by this Bylaw.

9.8.2 Notwithstanding Section 9.8.1, the Development Officer may issue a development permit to:

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b) permit the placement of a second dwelling, being solely a mobile dwelling, on an agricultural parcel less than 32.3 hectares (80 acres) for the purpose of accommodating a person hired by the operator of an intensive agricultural
operation, an intensive livestock operation or confined feeding operation, for a minimum period of six consecutive months (183 consecutive days). The mobile dwelling shall be removed when it is no longer being used for the purpose stated herein or upon the expiry of any associated development permit authorizing said use;

c) permit the placement of a second or third dwelling, being solely a mobile dwelling, on an agricultural parcel with a minimum area of 32.3 hectares (80 acres) for the purpose of accommodating one or two persons (one per dwelling) hired by the operator of an intensive agricultural operation, intensive livestock operation or confined livestock operation, for a minimum period of six consecutive months (183 consecutive days). The mobile dwelling(s) shall be removed when it is no longer being used for the purpose stated herein or upon the expiry of any associated development permit authorizing said use;

d) permit the placement of a third or fourth dwelling, being solely mobile dwelling, on an agricultural parcel with a minimum area of 32.3 hectares (80 acres) for the purpose of accommodating persons hired by the operator of a confined feeding operation, with an NRCB registration/approval, for a minimum period of six consecutive months (183 consecutive days). The mobile dwelling(s) shall be removed when it is no longer being used for the purpose stated herein or upon the expiry of any associated development permit authorizing said use;

e) in accordance with Sections 9.8.2 a), b) and c), permit the placement of a second dwelling, being solely a mobile dwelling, on a lot not designated as Lakeshore Residential District, Lakeshore Mixed Use District, Recreational Resort Holdings District, Mixed Recreational Residential District, Urban Residential District, or Country Residential District, in a Multi-Lot Residential Subdivision only, if the second mobile dwelling is a permitted or discretionary use and shall be used by a person(s) who require full-time care being provided by the primary resident of the parcel. Such person must provide detailed written reasons from a physician. The mobile dwelling(s) shall be removed when it is no longer being used for the purpose stated herein or upon the expiry of any associated development permit authorizing said use;

f) permit the construction or location of a building with two or more dwelling units where the building is a permitted or discretionary use for the district.

### 9.9 Dwelling, Secondary Suite

a) The registered owner of a lot shall:
   i. be limited to one secondary suite, unless otherwise allowed within the district; and
   ii. not subdivide title for a secondary suite. The restriction of subdivision shall be fundamental to the secondary suite use.

b) A secondary suite shall:
   i. be an accessory use to and be within the principal dwelling;
   ii. not be located within an accessory building or structure;
   iii. create minimal structural changes to the front exterior of the principal building, which shall appear as a single dwelling unit;
   iv. have a maximum floor area of:
      a. 80 square metres (861.11 square feet) within Urban Residential land use
district;
b. 100 square metres (1076.39 square feet) outside Urban Residential land use district;
c. 40% of the gross floor area of the principal dwelling, whichever is less.
v. have a minimum floor area of 30 square metres (322.92 square feet);
vi. contain at least two rooms in which a bedroom, cooking facilities and a bathroom are provided;
vii. have full utility services through service connection from the principal dwelling for those developments located within Urban Residential districts;
viii. comply with the Alberta Building Code and all other Municipal and Provincial regulations and Alberta Plumbing Code;
ix. be provided with off-street parking and not interfere with on-street or adjacent landowners parking;
x. where applicable, not be considered in the maximum density described for the neighbourhood in which it is located.
c) A secondary suite shall not be developed within the same dwelling containing a group home, care centre, family care dwelling or bed and breakfast.

9.10 Setbacks

The following setback standards apply in all districts except where noted otherwise.

9.10.1 Front yard

All development shall be located at least:

a) 50.0 meters (164 feet) from the property line abutting a highway (see Figure 2); and
b) 40.0 meters (131 feet) from the property line abutting all other roads excepting internal subdivision roads (see Figure 2); and
c) 8.0 meters (26 feet) from the property line abutting internal subdivision roads (see Figure 2).

9.10.2 Side Yard: 5.0 meters (16 feet)

9.10.3 Rear yard: 10.0 meters (33 feet).

9.10.4 For parcels of land including or adjacent to a bank break, no development may be located within 30.0 meters (98 feet) of a bank break unless approved otherwise under the Variance Provisions of this Bylaw.

9.10.5 Sight Lines:

a) obstructions to visibility are not allowed within 10.0 meters (33 feet) of the property line abutting a highway, secondary highway or road excepting internal subdivision roads (see Figure 2);
b) obstructions to visibility are not allowed within 3.0 meters (10 feet) of the property line abutting an internal subdivision road
c) obstructions to visibility and no access are allowed within the “sight triangles” as
RELEVANT FACTS FOR THE BOARD’S CONSIDERATION:

- On April 2, 2018, the County received a development permit application from Ron Fengstad for a modular home with deck, the addition of a covered deck to an existing residence and a metal building.
- Between April 4, 2018 and April 25, 2018 there were several emails between County Administration and Mr. Fengstad regarding the Development Permit application, and requesting further information and clarifications.
- On April 25, 2018, Administration responded to Mr. Fengstad and indicated to him that his request for an additional dwelling did not meet the Land Use Bylaw, but that it would be possible for him to pursue a secondary suite.
- On June 22, 2018, Administration sent an email to Mr. Fengstad following up on his application as no response had been received to the April 25, 2018 email
- On December 6, 2018, the Development Authority issued a Notice of Refusal of Development Permit for Development Permit D18/040.
- On December 21, 2018, Mr. Fengstad submitted a Letter of Appeal.
- On December 27, 2018, the Secretary of the Subdivision and Development Appeal Board received the appeal application.
- A Subdivision and Development Appeal Board Hearing was scheduled for Monday, January 21, 2019 and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, the County of Leduc, the Subdivision and Development Appeal Board and the Director of Planning and Economic Development on January 3, 2019.

RELEVANT LEGISLATION FOR THE BOARD’S CONSIDERATION:

4. Municipal Government Act, R.S.A. 2000, c.M-26, Sections 683 through to and including 687;
5. Municipal Government Act, R.S.A., 2000, c.M-26, Section 627;
6. County of Wetaskiwin No. 10 Land Use Bylaw 2017/48: Regulations for Land Use Districts, Section 10.1. Agricultural District
SPECIFIC CONCERNS REGARDING THE PROPOSED DEVELOPMENT:

The Applicants/Appellants would like to have a second residence on a parcel under 80 acres.

PLANNING MERITS FOR THE BOARD’S CONSIDERATION:

When evaluating a development appeal, board members shall ask themselves the following:

1. How does this proposal contribute to the orderly, economic, and beneficial development, use of land or pattern or human settlement?
2. Does the proposal maintain or improve the quality of the human environment?
3. How does the proposal impact the individual rights and the public interest? Which is more important in this case and why?
4. Does the proposed development conform with the use prescribed for the land or building in the land use bylaw?
5. Have all concerns raised regarding the proposed development been adequately addressed?
The purpose of this Subdivision and Development Appeal Board Hearing is to review the appeal of refused Development Permit Application D18/040 from Ron Fengstad for a 20' x 76' Modular Home with Deck, 30' x 38' x 18' Metal Shop and Enclosed Deck on Existing House within NW-33-47-25-W4M.

On December 06, 2018, Administration issued a refusal of Development Permit D18/040 for the 20' x 76' Modular Home with Deck, 30' x 38' x 18' Metal Shop and Enclosed Deck on Existing House within NW-33-47-25-W4M, as per Section 9.8 of Land Use Bylaw 2017/48.

On December 27, 2018, The Secretary of the Subdivision and Development Appeal Board received a letter of appeal from Ron Fengstad.

An Appeal Hearing was set for Monday, January 21, 2019 and the Notice of Appeal Hearing was sent to the Applicant/Appellant, Registered Owners, Adjacent Landowners and the Director of Planning and Economic Development on January 3, 2019.

On January 16, 2019, Administration sent the Board Members of the Subdivision and Development Appeal Board a copy of the Agenda Package which included the following:

- Development Officer's Report
- Development Permit Application
- Notice of Appeal Hearing
- Letter of Appeal
- Notice of Refusal
- Section 9.8 and 9.9 Land Use Bylaw 2017/48
- Agricultural District (Land Use Bylaw 95/54 & 2017/48)

Other information that has been received and provided to the Board Members of the Subdivision and Development Appeal Board, prior to the hearing is as follows:

1. Relevant Facts