1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. MINUTES APPROVAL - July 30, 2020

4. DELEGATIONS - 5:15 p.m.

   4.1 Refusal of Development Permit D20/085 - NW 14-47-28-W4M Plan 7820401, Block 8, Lot 11 - McNabb - Roll 2733.33

5. INFORMATION ITEMS

6. ADJOURN
1. **CALL TO ORDER**
   Chairperson L. Johnson called the meeting to order at 5:17 p.m.

2. **APPROVAL OF AGENDA**
   Resolution SD20200708.001
   MOVED: by Board Member E. Matiko
   to approve the following addition to the agenda pursuant to Procedural Bylaw 2018/04, Section 8:
   "Set date for upcoming SDAB Hearing for Mr. McNabb"
   and that the agenda be approved as amended.
   **Carried Unanimously**

3. **APPROVAL OF MINUTES - July 8, 2020**
   Resolution SD20200730.002
   MOVED: by Board Member R. Pries
   that the minutes for the July 8, 2020 Subdivision and Development Appeal Board meeting be approved as presented.
   **Carried Unanimously**

4. **DELEGATIONS - 5:15 p.m.**
   Chairperson L. Johnson declared the Hearing open at 5:24 p.m. and a delegation consisting of Andrew Royea and Jarvis Grant, Development Officer entered the meeting.
   Ben Cowan, Secretary to the Subdivision and Development Appeal Board, presented the Summary of Events.
   Chairperson L. Johnson asked the Board if they felt that the appeal was submitted properly and was acceptable.
   The Board was of the opinion that the appeal was submitted properly and was acceptable.
   Chairperson L. Johnson asked the Board if they had any conflict of interest.
   No conflict of interest was noted.
   Chairperson L. Johnson asked the Appellant if he had any concern with any Board Members.
No concern was noted.

4.1 Refusal of Development Permit D20/073 - NE 34-47-27-W4M Plan 1620478, Block 1, Lot 1 - ROYEA - Roll 2573.00

On June 4, 2020, the County received a development permit application from Andrew and Leanne Royea for a 40’ x 60’ x 18’ shop.

On June 19, 2020, Mr. Royea followed up on a previous phone conversation with an email to County staff outlining that with the 18 foot high walls the overall height of the shop was to be 23 feet and 10 inches. It should be noted that in that same phone conversation Mr. Royea verbally outlined that he wanted the shop to have an 18 foot ceiling height to accommodate an overhead crane so that he could use the crane to pull augers out of feed mixers. It was not specified if this would be an agricultural or commercial operation.

On June 29, 2020, a Notice of Refusal of Development Permit was issued to Mr. and Mrs. Royea for the 40’ x 60’ shop.

The refusal issued reads as follows:

**NOTICE OF REFUSAL OF DEVELOPMENT PERMIT**

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

40’ x 60’ Stick Built Shop

NE-34-47-27-W4

Lot 1, Block 1, Plan 1620478

ROYEA, ANDREW & LEANNE

has been REFUSED for the following reason:

As per your submitted development permit application, the height of the 40’ x 60’ Shop has a proposed wall height of 18 feet and an overall height of 23 feet, 10 inches. Both of these dimensions exceed the 16 foot wall height restriction and 20 foot maximum accessory building height restriction.

As stated in the Wizard Lake Watershed District, Section 10.24.8 Building Height

a) the maximum building height of all principal buildings shall be 10.0 metres (33 feet)

b) the maximum height of an accessory building shall be 6.0 (20 feet)

As per Section 9.18.3 (b) of the County’s Land Use Bylaw 2017/48:

“9.18.3 (b) Accessory buildings on an individual site shall not exceed a site coverage and wall height (unless otherwise specified in a District) as follows

Country Residential Lots, High Density Rural Residential, Rural Conservation, Restrictive Country Residential, Rural Residential, Recreational (less than 5 acres), Watershed Protection (less than 80 acres), Recreational Resort Holdings (less than 5 acres), Wizard Lake Watershed (less than 80 acres) accessory building square footage shall not exceed a square footage equal to that of 3.5% of the titled area of the lot, with no one building larger than 4,000 square feet and a maximum cumulative square footage of 6,000 square feet. The buildings shall not exceed a 4.88 metre (16 foot) wall height unless approved by the Development Officer.”

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

On July 7, 2020, payment for the Appeal of the Notice of Refusal was submitted. The applicants forwarded an email from their builder as a part of their appeal. The email reads as follows:
"In regards to lowering the shop this can easily be accomplished however it is in my opinion the building would not serve your needs well nor for any future owners for several reasons:
1. If the overhead door is lower than 14’ any storage of a holiday trailer will be impossible
2. For a 14’ door to work it requires 20” above it for the door to open as the panels rise significantly higher than the door opening itself
3. In 2014 the provincial government made a huge step for the betterment of all structures being built in Alberta to comply with a National Energy Code 9.36, this code requires all new structures built to comply to lower energy consumption for the heating buildings and residences. Therefore in all attics there is an area of a roof truss to wall assembly that now requires full insulation on top of the wall as well as a venting area above. So gone like the dodo bird are the old ways of having low heal truss’s and huge heat losses out the corner of the buildings this directly affects the overall height of buildings which is something that should be considered in the near future by all municipalities with height restrictions. Our old assembly details would have used 7 1/4” heal trusses and now we use up to 24” heals on the trusses to comply with this energy Code. This is over 16” in height gain. I have a attached a cross section from your shop blueprints to help show this area.

The math looks like this: 168” door
20” for door clearance
18” truss heal
80” trusses this is a 4/12 roof pitch which is as shallow as I recommend for safety of snow loading
286” total tall building

In Summary with the heights of recreation vehicles getting taller, and new Energy Codes the municipalities must just not have had time to react yet to the needs of their people when building accessory buildings. I believe this should be the height restriction for buildings in a recreation zoned area.

Thank you.

Michael Jacob
Mikes Homes Ltd."

It is the opinion of the Development Authority that the appeal of Refusal of Development Permit D20/073 for the 40’ x 60’ shop be denied.

The recommendation is made for the following reasons:

With the overall height of the building exceeding the height restriction as outlined in Section 10.24.8 the Development Authority does not have the discretion to provide a variance. Further to this, the Development Authority does have concerns that if the Board provide the requested variances that it would enable uses of the Lands to occur that were not intended for the Wizard Lake Watershed District.

Jarvis Grant, Development Officer reviewed the Development Officer's report, including the availability for County Administration to relax Development Permit height restrictions.

The Board questioned the following:

- Which supersedes the other - the Wizard Lake Watershed District or the Land Use Bylaw Section 10.24.8;

Mr. Grant advised that the Wizard Lake Watershed Area Concept is a concept plan and not binding, the Land Use Bylaw is binding.

Mr. Grant advised that one section of the County’s Land Use Bylaw references wall height (ceiling height) and one section references peak height.

Mr. Grant confirmed the following:

- Use of the proposed shop;
- Allowable uses in the Wizard Lake Watershed District;
Offsite versus Onsite Occupation definition clarification;
Intent of the building, whether it is for personal or commercial use or for a home occupation;
Cumulative total square footage of accessory buildings on the site; and
Restrictions on equipment in the Type 1 Discretionary uses in the Wizard Lake Watershed District.

The Applicant/Appellant, Mr. Andrew Royea, discussed the following:
Preference for the existing and proposed shops to match aesthetically and height wise;
The existing quonset will be removed from the property;
No intention of farming the property;
The height of the existing shop followed previous height requirements in the County's previous Land Use Bylaw;
Height of the proposed shop will not impact anyone as there are no nearby neighbours;
There is a 2500lb limit crane and a compost mixer is on the property, both for private use, not commercial;
No big equipment comes to the yard other than yard maintenance equipment, and no commercial use;

The Board and the Applicant discussed the following:
Reasoning for the Applicant choosing Wizard Lake Watershed districting for the property;
Mr. Royea advised that he voluntarily rezoned the twenty-seven (27) acres to Wizard Lake Watershed;
Location of the proposed cold storage shop;
Options for reducing ceiling height;
Inefficiency for heating if ceiling height is reduced;
The Agricultural District does not have accessory building height restrictions; and
Explaining what types of items are stored in the buildings on the property.

Mr. Grant summarized Administration's recommendation.

The Board questioned the following:
The steps required to go from Wizard Lake Watershed districting back to Agricultural; and
Clarification regarding what provisions are given to the Development Authority to relax height requirements.

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

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

The Decision of the Subdivision and Development Appeal Board is final and binding on all persons subject only to an appeal upon question of law or upon a question of jurisdiction pursuant to Section 688 of the Municipal Government Act.

Chairperson L. Johnson declared the hearing closed at 6:04 p.m. and the Board thanked the delegation for attending and he, as well as Jarvis Grant left the hearing.
The Board discussed the following to come to a decision:
Land Use Bylaw 2017/48 - Section 3.8.4 Variance Provisions

3.8.4 The subdivision and Development Appeal Board may relax the setback standards of this Bylaw up to 100%, provided there are no objections from the affected road authority or from adjacent landowners.

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

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

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

Reasons for the Board Decision:

- The proposed 40' x 60' x 18' shop does not comply with Land Use Bylaw 2017/48, specifically Sections 10.24.8 that state "the maximum height of an accessory building shall be 6 metres (20 feet)" and Section 9.18.3(b) that states "accessory buildings on Wizard Lake Watershed parcels less than 80 acres shall not exceed a wall height of 4.88 metres (16 feet) unless approved by the Development Officer."

- Section 10.24.1 of the Land Use Bylaw states that the purpose of the Wizard Lake Watershed District is to preserve existing tree and watershed cover in the Wizard Lake Watershed District Area. It is the Board’s understanding that height restrictions have been placed on development in the Wizard Lake in order to limit the intensity of development and conserve the ecosystem in the Wizard Lake District;

- The Applicant requested the proposed 40' x 60' x 18' shop to match the height and appearance of the existing building. The Board was of the opinion that matching the 40' x 60' x 18' shop to the existing building that does not have development permit approval does not have planning merit;

- The Applicant had indicated to the Board that he had other options for the storage of his equipment and other belongings.

Resolution SDAB20200830.003
MOVED: by Board Member T. Hoogland

that the Board deny the appeal submitted by Andrew and Leanne Royea for the Refusal of Development Permit D20/073, for the 40’ x 60’ x 18’ shop.

Carried Unanimously

7. INFORMATION ITEMS

The Board set a date for the next Subdivision and Development Appeal Board Hearing for August 24 at 5:15 p.m. for Donald McNabb.

8. ADJOURN

Resolution SDAB20200730.004
MOVED: by Board Member R. Pries

that the meeting adjourn at 6:47 p.m.

Carried Unanimously
Background

In April of 2012, there was an enforcement file started against the Lands for an accessory building that had been constructed without a development permit. During the process of bringing the Lands into compliance, photographic documentation along with a signed statement were provided by the owner at the time showing that the one (1) shed in existence was being utilized strictly for storage. Once the use was confirmed, Development Permit D12/113 was issued for a one storey A-Frame shed.

On April 13, 2016, the County received a request for the completion of a Zoning Compliance Report for the Lands by the previous owner. The Real Property Report (RPR) that was submitted showed a dwelling, garage, and four (4) moveable sheds. It did not indicate any other cabins to be present on the Lands.

On April 19, 2016, a Non-Conforming Certificate of Compliance was issued based on the submitted RPR. The Certificate indicated that two (2) of the sheds required development permits. If Administration had been made aware of the true uses of the sheds at that time, mention of the non-compliant cabins would have been made.

On May 16, 2020, a County Bylaw Enforcement Officer attended the Lands after having received a complaint about two (2) sheds being utilized as sleeping quarters. While in attendance at the Lands, the Officer documented that there were two (2) cabins along with a principle residence located on the Lands.

On May 22, 2020, a Notice Letter was sent to Mr. McNabb which outlined that the Country Residential district only allows for one principal residence with no secondary residences or guest cabins. It further mentioned that on an RPR dated June 5, 2012, it did not list the presence of cabins, only moveable sheds, a dwelling and a garage.

After the Notice was sent out, two (2) phone conversations took place between the Development Officer and Mr. McNabb. The Notice was discussed along with different avenues for coming into compliance. Mr. McNabb also indicated that he had purchased the property as it was and that it was even advertised as such.

On June 19, 2020, the County received a development permit application from Mr. McNabb for the two (2) existing cabins. Mr. McNabb’s application included a copy of the listing from when
the property was for sale which clearly listed the two (2) cabins as being utilized as guest cabins.

On June 29, 2020, the County issued a Notice of Refusal of Development Permit for the two (2) cabins.

The refusal issued reads as follows:

NOTICE OF REFUSAL OF DEVELOPMENT PERMIT

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

Two Existing Cabins (15' x 24' and 12' x 24')

NW-14-47-28-W4

Lot 11, Block 8, Plan 7820401

MCNABB, DONALD

has been REFUSED for the following reason:

Guest Cabins are a land use provided for within certain districts of the County's Land Use Bylaw. However, the Lands are zoned as Country Residential, which does not provide "Guest Cabin" as either a permitted or discretionary Land Use.

A Guest Cabin is defined as: "a building not to exceed 29.7 square metres (320 square feet) with a maximum of six beds used for sleeping accommodation, but that does not contain a kitchen facility, bathroom or washroom facility and where the maximum occupancy shall not exceed 240 days in one calendar year. Sleeping accommodations attached to or above a garage or another accessory building may be deemed to be a Guest Cabin. This use does not include hotel, motel, manufactured homes and/or Recreational Units of any type."

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

On July 20, 2020, the County received an Appeal from Mr. McNabb for the Refusal of Development Permit D20/085.

A Subdivision and Development Appeal Board Hearing was scheduled for Monday August 24, 2020 and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, and the Subdivision and Development Appeal Board and the Director of Planning and Economic Development on August 17, 2020.
Recommendations
Administration recommends that the appeal of Refusal of Development Permit D20/085 for the 'Two Cabins (15’ x 24’ and 12’ x 24’)' be denied.

The recommendation is made for the following reasons:
Due to guest cabins not being a proscribed use under the Country Residential District the Development Officer nor the Subdivision and Development Appeal Board have the authority to issue a development permit.

Recommended Resolution
Administration recommends that the Subdivision and Development Appeal Board deny the appeal submitted by Donald McNabb for the Refusal of Development Permit D20/085, for Two Cabins (15’ x 24’ and 12’ x 24’).
COUNTY OF WETASKIWIN NO.10
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
August 24 – 5:15 PM

APPEAL OF DEVELOPMENT PERMIT REFUSAL TWO CABINS (15’ X 24’ AND 12’ X 24’)
NW 14-47-28-W4M, PLAN 7820401, BLOCK 8, LOT 1

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

BACKGROUND/CONTEXT:

The proposal for the two (2) cabins are located on Plan 7820401, Block 8, Lot 11 within the Cameron Highlands area of the Hamlet of Mulhurst Bay. The Lands are comprised of an approximate 2.33 acres and are zoned as Country Residential. The Hamlet of Mulhurst Bay is located adjacent to Pigeon Lake and Provincial Highway 616.
In April of 2012, there was an enforcement file started against the Lands for an accessory building that had been constructed without a development permit. During the process of bringing the Lands into compliance, photographic documentation along with a signed statement were provided by the owner at the time showing that the one (1) shed in existence was being utilized strictly for storage. Once the use was confirmed, Development Permit D12/113 was issued for a one storey A-Frame shed.

On April 13, 2016, the County received a request for the completion of a Zoning Compliance Report for the Lands by the previous owner. The Real Property Report (RPR) that was submitted showed a dwelling, garage, and four (4) moveable sheds. It did not indicate any other cabins to be present on the Lands.

On April 19, 2016, a Non-Conforming Certificate of Compliance was issued based on the submitted RPR. The Certificate indicated that two (2) of the sheds required development permits. If Administration had been made aware of the true uses of the sheds at that time, mention of the non-compliant cabins would have been made.

On May 16, 2020, a County Bylaw Enforcement Officer attended the Lands after having received a complaint about two (2) sheds being utilized as sleeping quarters. While in attendance at the Lands, the Officer documented that there were two (2) cabins along with a principle residence located on the Lands.

On May 22, 2020, a Notice Letter was sent to Mr. McNabb which outlined that the Country Residential district only allows for one principal residence with no secondary residences or guest cabins. It further mentioned that on an RPR dated June 5, 2012, it did not list the presence of cabins, only moveable sheds, a dwelling and a garage.

After the Notice was sent out, two (2) phone conversations took place between the Development Officer and Mr. McNabb. The Notice was discussed along with different avenues for coming into compliance. Mr. McNabb also indicated that he had purchased the property as it was and that it was even advertised as such.

On June 19, 2020, the County received a development permit application from Mr. McNabb for the two (2) existing cabins. Mr. McNabb’s application included a copy of the listing from when the property was for sale which clearly listed the two (2) cabins as being utilized as guest cabins.

On June 29, 2020, the County issued a Notice of Refusal of Development Permit for the two (2) cabins.

On July 20, 2020, the County received an Appeal from Mr. McNabb for the Refusal of Development Permit D20/085.
DISCUSSION

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

**Reason 1: Guest Cabins are Not a Prescribed Use of the Country Residential District**

Guest Cabins are a land use provided for within certain districts of the County's Land Use Bylaw. However, the Lands are zoned as Country Residential, which does not provide "Guest Cabin" as either a permitted or discretionary Land Use.

A Guest Cabin is defined as: "a building not to exceed 29.7 square metres (320 square feet) with a maximum of six beds used for sleeping accommodation, but that does not contain a kitchen facility, bathroom or washroom facility and where the maximum occupancy shall not exceed 240 days in one calendar year. Sleeping accommodations attached to or above a garage or another accessory building may be deemed to be a Guest Cabin. This use does not include hotel, motel, manufactured homes and/or Recreational Units of any type."

**Reason 2: Board Authority Limitations as per the MGA**

Although the SDAB has many discretionary abilities granted to it through the Municipal Government Act, Section 687(3)(d)(ii) of the MGA limits the Board’s authority over land uses. If the proposed use of the land is not listed as a permitted or discretionary land use of the applicable district, the Board would not have the authority to grant the approval of a development permit for the unprescribed land use. Section 687(3)(d)(ii) states that:

“In determining an appeal, the subdivision and development appeal board
(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not
   (A) unduly interfere with the amenities of the neighbourhood, or
   (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw”

**RECOMMENDATION:**

It is the opinion of the Development Authority that the appeal of Refusal of Development Permit D20/085 for the ‘Two Cabins (15’ x 24’ and 12’ x 24’)’ be **denied**.
The recommendation is made for the following reasons:

Due to guest cabins not being a prescribed use under the Country Residential District the Development Officer nor the Subdivision and Development Appeal Board have the authority to issue a development permit.

**SUMMARY:**

In conclusion, the Development Authority’s recommendation to the SDAB is to deny the appeal of the Refusal of Development Permit D20/085
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) a 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 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.

Guest Cabin means a building not to exceed 29.7 square metres (320 square ft.) with a maximum of six beds used for sleeping accommodation, but that does not contain a, kitchen facility, bathroom or washroom facility and where the maximum occupancy shall not exceed 240 days in one calendar year. Sleeping accommodation attached to or above a garage or another accessory building may be deemed to be a Guest Cabin. This use does not include hotel, motel, manufactured homes and/or Recreational Units of any type.

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.
The purpose of this Subdivision and Development Appeal Board Hearing is to review the appeal of refused Development Permit Application D20/085 from Donald McNabb for Two Existing Cabins (15’ x 24’ and 12’ x 24’) within NW 14-47-28-W4M PLAN 7820401, Block 8, Lot 11 located within Mulhurst Bay.

In April of 2012, there was an enforcement file started against the Lands for an accessory building that had been constructed without a development permit.

On April 19, 2016, a Non-Conforming Certificate of Compliance was issued based on the submitted RPR. The Certificate indicated that two (2) of the sheds required development permits.

On May 16, 2020, a County Bylaw Enforcement Officer attended the Lands after having received a complaint about two (2) sheds being utilized as sleeping quarters.

On May 22, 2020, a Notice Letter was sent to Mr. McNabb which outlined that the Country Residential district only allows for one principal residence with no secondary residences or guest cabins.

On June 19, 2020, the County received a development permit application from Mr. McNabb for the two (2) existing cabins.

On June 29, 2020, the County issued a Notice of Refusal of Development Permit for the two (2) cabins.

On July 20, 2020, the County received an Appeal from Mr. McNabb for the Refusal of Development Permit D20/085.

On August 18, 2020, Administration sent the Board Members of the Subdivision and Development Appeal Board a copy of the Agenda Package which included the following:

1. Development Officer’s Report
2. Notice of Appeal Hearing
3. Refusal of Development Permit D20/085
4. Development Permit Application
5. Site Plan
6. Country Residential District (Land Use Bylaw 2017/48)
7. Section 1.2 “Development” and “Guest Cabin” Definition (Land Use Bylaw 2017/48)
8. Section 9.8 Number of Dwellings on a Lot (Land Use Bylaw 2017/48)
9. Aerial Photos

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
RELEVANT FACTS FOR THE BOARD’S CONSIDERATION:

1. In April of 2012, there was an enforcement file started against the Lands for an accessory building that had been constructed without a development permit. During the process of bringing the Lands into compliance, photographic documentation along with a signed statement were provided by the owner at the time showing that the one (1) shed in existence was being utilized strictly for storage. Once the use was confirmed, Development Permit D12/113 was issued for a one storey A-Frame shed.

2. On April 13, 2016, the County received a request for the completion of a Zoning Compliance Report for the Lands by the previous owner. The Real Property Report (RPR) that was submitted showed a dwelling, garage, and four (4) moveable sheds. It did not indicate any other cabins to be present on the Lands.

3. On April 19, 2016, a Non-Conforming Certificate of Compliance was issued based on the submitted RPR. The Certificate indicated that two (2) of the sheds required development permits. If Administration had been made aware of the true uses of the sheds at that time, mention of the non-compliant cabins would have been made.

4. On May 16, 2020, a County Bylaw Enforcement Officer attended the Lands after having received a complaint about two (2) sheds being utilized as sleeping quarters. While in attendance at the Lands, the Officer documented that there were two (2) cabins along with a principle residence located on the Lands.

5. On May 22, 2020, a Notice Letter was sent to Mr. McNabb which outlined that the County Residential district only allows for one principal residence with no secondary residences or guest cabins. It further mentioned that on an RPR dated June 5, 2012, it did not list the presence of cabins, only moveable sheds, a dwelling and a garage.

6. After the Notice was sent out, two (2) phone conversations took place between the Development Officer and Mr. McNabb. The Notice was discussed along with different avenues for coming into compliance. Mr. McNabb also indicated that he had purchased the property as it was and that it was even advertised as such.

7. On June 19, 2020, the County received a development permit application from Mr. McNabb for the two (2) existing cabins. Mr. McNabb’s application included a copy of the listing from when the property was for sale which clearly listed the two (2) cabins as being utilized as guest cabins.

8. On June 29, 2020, the County issued a Notice of Refusal of Development Permit for the two (2) cabins.

9. On July 20, 2020, the County received an Appeal from Mr. McNabb for the Refusal of Development Permit D20/085.

10. On August 18, 2020, Administration sent the Board Members of the Subdivision and Development Appeal Board a copy of the Agenda Package.

RELEVANT LEGISLATION FOR THE BOARD’S CONSIDERATION:

1. Municipal Government Act, R.S.A. 2000, c.M-26, Sections 627;
2. Municipal Government Act, R.S.A. 2000, c.M-26, Sections 638.2(1) through (4);
4. Municipal Government Act, R.S.A. 2000, c.M-26, Sections 640 (1);
5. Municipal Government Act, R.S.A. 2000, c.M-26, Sections 642(1) through (4);
6. Municipal Government Act, R.S.A. 2000, c.M-26, Sections 683 through to and including 687;
7. County of Wetaskiwin No. 10 Land Use Bylaw 2017/48: Regulations for Land Use Districts, Section 10.24 Wizard Lake Watershed District (WLW);
8. County of Wetaskiwin No.10 Land Use Bylaw 2017/48: Safety and Suitability of Sites, Section 9.12.2(n);
9. County of Wetaskiwin No.10 Land Use Bylaw 2017/48: Definitions, Section 1.2 – On Site Home Occupation (Type 1);

SPECIFIC CONCERNS REGARDING THE PROPOSED DEVELOPMENT:

1. The Applicants/Appellant would like the guest cabins to remain as that’s how the property was sold to him.
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?
August 17, 2020

NOTICE OF APPEAL HEARING

This is to notify you that an appeal has been made to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD regarding Development Permit D20/085 described as follows:

MCNABB, DONALD
Two Existing Cabins (15’ x 24’ and 12’ x 24’)
NW-14-47-28-W4 Lot 11, Block 8, Plan 7820401

PLACE OF HEARING: Council Chambers
County of Wetaskiwin Administration Office. Approximately 1.6 kilometres west of Wetaskiwin on Highway 13 on south side of the Highway.

DATE OF HEARING: Monday, August 24, 2020

TIME OF HEARING: 5:15 p.m.

Any persons affected by the proposed development have the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons requesting to be heard at the meeting, but are unable to attend the meeting, shall submit written briefs to the Secretary of the Subdivision and Development Appeal Board no later than 5:15 p.m., Monday, August 24, 2020.

NOTE: This notice does not require your attendance; however, if you wish to speak at the hearing, this is your opportunity. Information pertaining to this hearing can be obtained by contacting the Planning and Economic Development Department at the County of Wetaskiwin Administration Office.

Date: August 17, 2020

BEN COWAN
Secretary
Subdivision & Development Appeal Board
10.5 **Country Residential District (CR)**

10.5.1 **Purpose**

The purpose of the Country Residential District (CR) is to allow for the subdivision and development on non-productive agricultural land of non-farm dwellings.

10.5.2 **Permitted Uses**

a) Dwelling, Detached

b) Dwelling, Modular – New

c) Buildings and uses accessory to the above

10.5.3 **Discretionary Uses**

a) Dwelling, Moved-in

b) Dwelling, Mobile – New

c) Dwelling, Mobile – Used

d) Dwelling, Modular – Used

e) Dwelling, Secondary Suite

f) Bed and Breakfast

g) Public Utility

h) Show Home

i) Offsite Home Occupation (Type 1) *(amended by Bylaw 2019/55)*

j) Offsite Home Occupation (Type 2) *(amended by Bylaw 2019/55)*

k) Onsite Home Occupation (Type 1) *(amended by Bylaw 2019/55)*

l) Onsite Home Occupation (Type 2) *(amended by Bylaw 2019/55)*

m) Onsite Home Occupation (Type 3) * 2nd Parcel out only *(amended by Bylaw 2019/55)*

n) Market Garden (allowed only in lots not located in a subdivision) *(amended by Bylaw 2019/55)*

o) Buildings and uses accessory to the above

10.5.4 **Parcel Size**

a) Minimum: 0.40 ha (1 acre)

b) Maximum: 2.02 ha (5 acres)
10.5.5 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)
   d) No development can be located within 8.0 meters (26 feet) of the property line adjacent to an internal subdivision road;
   e) Obstructions to visibility are not allowed within 3.0 meters (10 feet) of the property line adjacent to an internal subdivision road.

10.5.6 Animal Restrictions
   See Section 9.2.

10.5.7 Subdivision Standards
   a) Site suitability testing is required before subdivision approval and includes but is not limited to water supply, water table levels, percolation rates, environmental impact assessment, etc.
   b) Density restrictions shall be at the discretion of Council, based on factors including but not limited to tests listed under Section 10.3.7(a). Density greater than 24 parcels on a quarter section shall be considered as being of a higher density and may be subject to requirements for infrastructure above the general County standard. Subdivision creating more than 2 lots per quarter section, or resubdivision of a previously developed quarter, may be subject to a requirement for the adoption of or amendment to an Area Structure Plan.
   c) A proposal to subdivide an existing acreage lot(s) will be subject to County Policy 61.1.5 “Resubdivision in Multiple Lot Subdivisions” and amendments thereto and Section 7.9 of the Bylaw.

10.5.8 Building Height
   a) The maximum building height of all buildings shall be 10.0 meters (33 feet)
   b) The maximum height of an accessory building shall be 6.0 meters (20 feet).

10.5.9 Recreational Units
   Recreational Units may be authorized as outlined in Section 3.12, Recreational Units.

10.5.10 Sewage and Wastewater
   Sewage and wastewater systems are required as outlined in Section 3.12.1(g), Recreational Units.

10.5.11 Utility Hookups
   Utility hookups are required as outlined in Section 3.12.1(h), Recreational Units.
10.5.12 Enforcement

Offences and fines are outlined in Section 5, Contravention.
COUNTY OF WETASKIWIN NO. 1  APPLICATION FOR DEVELOPMENT PERMIT

I hereby make an 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 INFORMATION:

Name of Applicant:  \[\text{Given Name} \] \[\text{Surname} \]
Mailing Address: \[\text{Address} \], \[\text{City} \], \[\text{Province} \], \[\text{Postal Code} \]
Phone Number: \[\text{Number} \]
Email Address/Fax Number: \[\text{Email} \], \[\text{Fax} \]
Are you the Registered Owner [ ] Yes [ ] No, if no complete the next box

If No as above, presented Registered Owner(s) according to Alberta Land Titles: [ ] (We)(please print) \[\text{Name} \] 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.
Address: \[\text{Address} \] Telephone

Signature of Present Registered Owner(s): \[\text{Signature} \]

LAND INFORMATION:

Does your property have a County approved approach [ ] Yes [ ] No, If No, you will be required to have the approach built to County Standards prior to the issuance of a Development Permit. Please fill out the Approach Application on Page 12 of this application.

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<td>OR</td>
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Is your property located within 1/2 mile or 800 metres 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 or at http://www.transportation.alberta.ca/2629.htm

Roadside Development Application Sent on: [ ] Yes [ ] No
Method Application sent by: [ ] Mail [ ] Fax [ ] Email
Sent by: [ ]

For Office Use Only:

Application No.: [ ]
Roll No.: [ ]
Land Use District: [ ]
Receipt No.: [ ]
Received Date: [ ]
Division: [ ]
Subdivision: [ ]
Per/Dis: [ ]
PROPOSED DEVELOPMENT(S)

Development Proposal(s): Type of Development (Include Dimensions & Number of Storeys)
*Any structure that is 108 sq. ft./10 m² or over requires a development permit
*Decks 2 ft./0.61 m or higher require a development permit *If this application is for a Business please go to Page 4.
* All residential buildings require Blueprints to be submitted electronically to wpermits@county10.ca before the permit application will be processed.

Size of Proposed Development:
*Please note some districts within the County of Wetaskiwin have a maximum cumulative accessory building square footage of 1508 sq. ft. There is also site coverage and height restrictions.
Please circle if Dimensions are in feet/metres:

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Type of Construction: ☐ Conventional Construction  ☑ Moved in, describe type:

If Moved In (check one) ☑ New (Direct from factory) ☐ Used, Year built 2008
*pictures must be provided for all used buildings

Will there be plumbing within the proposed Structure ☐ No ☑ Yes, if so please check that all apply
☐ Sink ☐ Toilet ☐ Tap for Garden Hose ☐ Other

Will there be kitchen facilities within the proposed structure ☐ No ☑ Yes

List all existing building(s)/structure(s) on the Property (i.e Dwelling(s), Garage(s), shed(s), etc.) and label accordingly on the site plan to be provided with this application on Page 6.

PROPERTY REPORT ENCLOSED

Estimated Cost of Project (for statistic purpose only): $

Estimated Date of Commencement:  
Estimated Date of Completion:  

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): __________________________
SITE PLAN

*Please note that by including development/building(s) solely on a drawing that this may not preclude it from the development permit application process nor does it approve its use, and it may be required to be applied for unless it is exempted according to the County of Wetaskiwin's Land Use Bylaw or is under Section 643 of the MGA. 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.

REAL PROPERTY REPORT ENCLOSED

THE CABINS WERE ON THE LAND WHEN I PURCHASED THE PROPERTY AND ADVERTISED AS CABINS FOR EXTRA SLEEPING QUARTERS. THEY HAVE BEEN ON THE LAND FOR AT LEAST 10 YEARS.

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
JUNE 7/20
Signature of Owner(s)
DON M. NASB
Please Print Name(s)

All Development Permits are mailed out when completed, when your permit is complete would you like to also be notified by:

Fax No. ______________________ Email: ____________________________
### Property Details

**Address:** 1102 Highland Brae, TDC 2CD, Legal Plan: 7620401, Legal Block: 8

- **Community:** Mulhurst Bay
- **Zone:** Zone 95
- **Nearest Town:** Mulhurst Bay
- **Year Built:** 1990
- **Style:** 1 and Half Storey
- **Road Access:** Gravel
- **Lin #:** 0013911603
- **Directions:** Head South on NW entrance into Mulhurst. Go left on Scott Av to 49th, then turn left then 1st right into Cameron Highlands

**Dimensions:**
- **Main:** 7.02x4.71 M
- **UL:**
- **ML:** 5.11x3.42 M
- **LG:**
- **Total Area:** 120.70 SqM, 1,299.21 SqPt

**Exterior:**
- **Building:** Detached Single Family
- **Total Acres:** 2.33
- **Lot Dim Info:**
- **Phone Dese:** PAID
- **Power:** Paid For
- **Goods Exc:** Ethanol fireplace
- **Septic/Septic:** Septic Tank & Field
- **Sewer:**
- **Heat Paid:** PAID
- **Heating Fuel:** Natural Gas
- **Heat Type:** Forced Air-1
- **Water Supply:** Drilled Well
- **Virtual Tour:**
- **Appt Phone #:** 780-619-2564, **Appt Names:** Dawn
- **Seller Names:** Denis Tailfeather
- **List Agent:** Dawn Heisler - Ph: 780-986-2900
- **List Agent Email:** dawnheisler@remax.net
- **List Firm:** Re/Max Real Estate - Off#: 780-986-2900
- **List Agent 2:**
- **Listing Date:** 2/26/2016, **Expiration Date:** 10/15/2016
- **Title to Land:** Fee Simple, **Occupancy:** Seller
- **Pricing:** $399,000
- **Ownership:** Private
- **Restrictions:** Restrictive Covenant-Big
- **Appointments:** Call Lister, Ksae-Call Before Showing
- **Tax Amount:** $2,221, **Tax Year:** 2015
- **Warranty:**
- **List Agent Web:**
- **List Firm 2:**
- **List Firm 2:**
- **List Firm 2:**
- **Commission:** 3.5% on 1st $100000, 1.5% on bal
- **Possession:** 15, negotiable
- **DOM:** 1
- **Pending Date:**
- **Sold Date:** Sold Price:
- **Agent Detail 2.0:**

---

**Additional Notes:**

Beautiful private retreat or a great place to call home at Mulhurst Bay, Pigeon Lake. The main house boasts stunning vaulted ceilings, a large media room for entertaining with patio doors out to a massive wrap around deck. Cozy eat in kitchen with oak cabinets, a farmhouse sink, eric stainless steel appliances. Many upgrades in this home including laminate floors, lighting, furnace, hot water tank, pressure tank water filtration system, renovated bathroom and porch...the list goes on. The master bedroom in the loft is spacious with room to accommodate an ensuite and also features vaulted ceilings. Additional large guest bedrooms are in the 15x24 ft. cabin and the 12x24 ft. A-frame with loft. Outside you'll find peace and tranquility with tall spruce, private fireplace, sunny deck and plenty of storage with a triple garage and storage sheds. Beds and some furnishings included.
NOTICE

May 22, 2020

Donald Mcnabb
2310 Ashcroft Cape SW
Edmonton, Alberta
T6W 2J1

Dear Mr. Mcnabb,

Re: Plan 7820401, Block 8, Lot 11 “the Lands”, Unauthorized Cabins

As you are aware on May 16, 2020, the County’s Bylaw Enforcement Officer attended your property due to having received a complaint. While attending your property the Officer documented that there were at least two cabins located on the property along with a principal residence. Your property is zoned as Country Residential under the County’s Land Use Bylaw 2017/48 which under this zoning and in conjunction with Section 9.8 Number of Dwellings on a Lot, there is to be only one principal residence on a property with no secondary residences or guest cabins.

On April 19, 2016, the County issued a Non-conforming Building Certificate based on a Real Property Report (RPR) dated June 5, 2012. On the RPR there were no cabins listed only moveable sheds, a dwelling and a garage.

Moving forward there are three options available for you pursue:

1. Submit a completed development permit application ($100) for the structures to the County for processing no later than June 19, 2020. If the application is to keep the cabins to be utilized for human habitation the application will be refused. If refused, you can appeal the decision to the County’s Subdivision and Development Appeal Board. However, if the application for the structures is to turn them into storage sheds, then the application will be processed and reviewed accordingly. A site inspection would be required to confirm the transition from cabin to accessory building.
OR


Failure to comply with the above stated options may result in the issuance of a Warning Letter. Upon the issuance of a Warning Letter, the development permit application fee increases by five (5) times from $100 to $500 as per By-law 2020/19. If you have any questions, please feel free to contact me.

Sincerely,

Jarvis Grant
Development Officer
County of Wetaskiwin No. 10
780-361-6222
jgrant@county10.ca
County of Wetaskiwin No. 10
CERTIFICATE OF COMPLIANCE
Non-Conforming Building

Legal Description:

<table>
<thead>
<tr>
<th>NW</th>
<th>Quarter of Section</th>
<th>14</th>
<th>Township</th>
<th>47</th>
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<th>28</th>
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<tr>
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<td>Block</td>
<td>8</td>
<td>Plan</td>
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1. On the basis of information available (as per Real Property Report dated June 5, 2012 and statutory declaration dated April 19, 2016), subject to the qualifications listed below, it is hereby certified:

(a) That the property is located within a Country Residential district under the provisions of the County of Wetaskiwin Land Use By-law 95/54.
(b) The permitted and discretionary uses for the district include:

**Permitted Uses:**
- Detached dwelling
- Accessory building or use
- New modular dwelling of a standard similar to a dwelling of conventional construction

**Discretionary Uses:**
- Mobile of moved-in dwelling
- Used modular dwelling
- Home occupation
- Bed and breakfast business
- Public utility
- Public park
- Accessory building or use

(c) The location of the buildings within the property may not be in conformity with the present provisions of the County of Wetaskiwin Land Use By-law 95/54 as follows:

All structures over 50 sq. ft. require a development permit from the County. The moveable shed with landing (4.75m x 7.42m) does not have a development permit. All structures over 50 sq. ft. require a development permit from the County. The moveable shed (2.48m x 2.50m) with 9.41m x 3.10m and 2.49m x 2.56 x 1.66 deck does not have a development permit.

2. All non-conforming certificates of compliance are subject to enforcement

3. It should be noted that as per the County's Land Use By-Law 95/54, amended by By-Law 2015/10, Section 6.1, "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."

4. This Certificate is subject to the following qualifications:

(a) The County is relying entirely on the survey certificate (copy attached) supplied by or on behalf of the applicant with respect to the location of buildings within the property and the County makes no representations as to the actual location of the buildings.
(b) The County has not conducted an inspection of the property.
(c) The right to continue any non-conforming building will terminate in accordance with the terms and provisions of the Municipal Government Act, Section 643.
(d) The County assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact set forth in Part 1 of this Certificate which arises from the information supplied by or on behalf of the applicant.
(e) This Certificate of Compliance relates only to the requirements of the County of Wetaskiwin Land Use By-law 95/54, and does not relate to the requirements of any federal, provincial or other municipal legislation nor to the terms or condition of any easement, covenant, building scheme, agreement or other document affecting the building(s) or land.
(f) This Certificate in no way indicates compliance with provincial building codes, fire codes or health regulations. Also, the municipality has no knowledge of the type or condition of sewage disposal system serving this building or whether it complies with the Alberta Private Sewage Systems Standard of Practice or constitutes a potential health hazard.

April 19, 2016
Date Effective

Jarvis Grant
Development Officer
County of Wetaskiwin No. 10
Statutory Declaration

CANADA
Province of Alberta

In the matter of REAL PROPERTY COMPLIANCE

To Wit:

1. DENIS TAILLEFER

Of 1102 HIGHLAND BRAE DRIVE

In the HAMLET OF MULCHIST BAY, ALBERTA

do solemnly declare that:

THE REAL PROPERTY REPORT PROVIDED TO LINDSAY JACOBSEN OF THE COUNTY OF WETASKIWIN ON APRIL 13, 2016, TO BE ACCURATE WITH NO CHANGES TO ANY LOCATION OF BUILDINGS OR ENCODRAMENTS ON NEIGHBORING PROPERTIES AS DESCRIBED ON THE REAL PROPERTY REPORT.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Declared before me at DUNCAN B.C.
in the PROVINCE OF B.C.
this 19 day of APRIL, 2016

MICHAEL H. GENCE
Lawyer & Notary Public
144 FOURTH STREET
DUNCAN BC V9L 5J8
PHONE: (250) 746-8779

(Signature of Declarant)

(Print or Stamp Name of Commissioner)

N/A
(Expiry Date of Commission or Office)
COUNTY OF WETASKIWIN NO. 10  
Box 6960, Wetaskiwin, AB T9A 2G5  
Tel 780-352-3321, Fax 780-352-3486  

Land Use By-Law 95/54  
DEVELOPMENT PERMIT  

June 07, 2012  
Development Permit Number: D12/113  

TAILLEFER, DENIS & BONNIE  
1102 HIGHLAND BRAE DR  
BOX 72  
MULHURST BAY, AB, T0C 2C0  

Dear TAILLEFER, DENIS & BONNIE;  

RE: Proposed Development: One Storey A-Frame Shed (14’)  
Land Location: NW-14-47-28-W4  
Municipal Address: 1102 HIGHLAND BRAE DR  
Lot 11, Block 8, Plan 7820401  
Tax Roll Number: 273333  

This will acknowledge that your completed development permit application submitted to our office May 24, 2012 for the above described development has been APPROVED by the Development Officer subject to the following conditions:  

1. Building not to encroach on Registered Rights of Ways or Utility Service Lines. In addition to this, the applicant is advised that it is their responsibility to contact Alberta-One-Call at 1-800-242-3447 to locate buried facilities if there is a plan to excavate or disturb the ground in Alberta prior to the excavation or ground disturbance and meet these set-backs as required.  
2. Location and use of proposed development shall be as specified by documents submitted by applicant.  
3. The applicant shall be responsible to contact an Accredited Safety Codes Agency for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by a Safety Codes Agency or Municipal Affairs also be provided for County file records prior to the commencement of any development. A list of agencies authorized by Alberta Municipal Affairs to issue permits and conduct inspections is attached.  
4. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.  
5. The proposed shed shall be used for personal storage only and not be used as a residence nor contain any kitchen, cooking, plumbing or sleeping facilities set up for use, at any time.  
6. The proposed shed shall not be used for any commercial or business purpose and shall be used for private storage only.  

This is a permitted use as specified by Section 3.2 (b) of Schedule B, Land Use By-law 95/54.  

Failure to comply with any of the above conditions will render this permit null and void.  

The applicant is also advised of the following:  

1. The development shall comply with all applicable Provincial and Federal Regulations.  
2. A permit is issued in accordance with the notice of decision is valid for a period of one (1) year from the date of issue. If at the expiry of this period, the development has not been commenced of carried out with reasonable diligence, this permit shall be null and void.  
3. This issuance of this development permit does not supersede or suggest violation of any caveat, easement, restrictive covenant or other encumbrance shown on the back of the Certificate of Title. It is the responsibility of the applicant/owner to research the Certificate of Title for the existence of any
4. The applicant is advised that it is their responsibility to contact the Energy Resource Conservation Board (ERCB) Information Services by telephone at 403-297-8311 (select 2), by fax at 403-297-7040 or by e-mail inquiries@ercb.ca, with respect to required setback distances from abandoned wells, surface developments and/or active Oil and Gas facilities.

5. The applicant is advised that the development may be in a rural area in which may be subject to typical agricultural operation uses on adjacent or nearby lands including, but not limited to, confined feeding operations and manure storage facilities as defined under the Agricultural Operation Practices Act, and any nuisance that may arise from such uses.

6. Pursuant to the provisions of Section 685 (3) of the Municipal Government Act, no appeal lies respecting the issuance of this development permit for a permitted use, unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.

7. No physical excavation or construction may legally begin prior to the effective date (or such later date should an appeal be received). Any excavation or construction started prior to the effective date will be done at the sole risk and cost of the applicant.

DATE OF DECISION: June 05, 2012

Lindsay Mosand
Assistant Development Officer
County of Wetaskiwin No. 10

cc: Assessment Department
Councillor 4
COUNTY OF WETASKIWIN NO. 10 - APPLICATION FOR DEVELOPMENT PERMIT

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 any development unless the person has been issued a development permit in respect of it pursuant to the Land Use Bylaw. 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: DENIS AND BONNIE TAILLEFER

ADDRESS: BOX 72 1102 HIGHLAND BRAE DRIVE, MULHURST, AB, T0C 2C0

TELEPHONE: 780 485 2215 E-MAIL (optional): denis.taillefer@shaw.ca

Present Registered Owner: (if same as above or)

Address: 

Telephone: 

Quarter Section Township Range West of the 4th/5th Meridian

OR: Registered Plan Block Lot 

Type of Development Proposed (include the height of development above grade i.e. number of storeys):

ONE STOREY / 14 Feet - A-frame shed.

Type of Construction:

☑ Conventional Construction
✓ Moved In, describe type: 

If Moved In (check one), ☐ New (direct from factory), or ☑ Used, 2006, year Built in 2006.

♦ Will there be plumbing within the proposed structure: ☐ Yes or ☑ No

♦ Will there be kitchen facilities within the proposed structure: ☐ Yes or ☑ No

List All Existing Buildings on the Property (i.e. garage, shed, house, etc.): Garage sheds (2)

house

Is your property located within ½ mile or 800 metres of a highway or secondary highway?

☒ No or ☐ Yes

If yes, please complete and provide Alberta Transportation with a roadside development application form. The application can be obtained at the County of Wetaskiwin office.

Estimated cost of the project: $6000.00

Estimated date of commencement: 2006

Estimated date of completion: COMPLETED

FOR OFFICE USE ONLY:

Application No.: DP121113

Receipt No.: 1700117

Div.: 5 (levy)

Per/Dis: Permitted

Tax Roll No.: 2733.33

Zoning: CR

Section: 3.2(b) Schedule B.
**TYPE OF SEWAGE DISPOSAL SYSTEM FOR PROPOSED DEVELOPMENT:**
(Please Explain)  
\[ N/A \]

**REGISTERED OWNER:**
Is applicant registered owner?  
Yes \[ x \] No
If NO, execute the following:

I(We) 

*DENIS & BONNIE TAILLEFER* 

(registered owner(s))

property, authorize 

AS ABOVE 

(applicant) 

to develop as stated on application.

**SECONDARY DWELLING:**
Is this a secondary dwelling?  
Yes \[ x \] No
If YES, please read the following:

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. As such, the two residences cannot be sold separately unless the parcel is subdivided and two separate lots are created. I further understand that I have no automatic right to have the land subdivided, and an application to subdivide may well be refused if it conflicts with the Regional Plan or any County By-Law.

**DEVELOPMENT NEAR CONFINED FEEDING OPERATION:**
Is the proposed development with 800m (½ mile) of a confined feeding operation?  
Yes \[ x \] No
If YES, please read the following:

I choose to build here, knowing that I may suffer from smells, noises, flies, etc. from animals or Manure. However, I realize 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 and/or if it is close to a confined feeding operation.

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

<table>
<thead>
<tr>
<th>Type of Business:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days &amp; Hours of Operation:</td>
<td>N/A</td>
</tr>
<tr>
<td>Number of employees:</td>
<td>N/A</td>
</tr>
<tr>
<td>Outside Storage of Materials Required: Yes or No, if Yes please describe.</td>
<td></td>
</tr>
</tbody>
</table>

Is there going to be excess noise created: Yes or No
Increased Traffic: Yes or No
Does the road providing access to the business have a seasonal/year round road ban: Yes or No
Additional comments:
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.

May 15, 2012
Date of Application

Signature of Applicant

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.

May 15, 2012
Date

Signature of Owner

EXCEPT AS OTHERWISE PROVIDED IN THE COUNTY OF WETASKIWIN’S 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. A DECISION WILL ONLY BE ISSUED IN WRITING.

Applicant’s Checklist:

- Application Form Completed *
- drawing with details as required on page 6 of this development permit application
- Site Plan Completed
- Reviewed Statutory Declarations
- Submit Fees
- Require Application from Alberta Transportation? N/A
- Photos Required/Submitted?
- Floor Plan Submitted?

Date: December 2010

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NEW DEVELOPMENT

DIMENSIONS:
BUILDING
12' WIDE x 24' LONG
DECK
6' W x 12' LONG
HEIGHT: 14'

SITE PLAN

HIGHLAND ROAD

* If a drawing is to be submitted on another page, please address the following on the attachment.

PLEASE INDICATE:

✓ Property Lines
✓ Label North on Site Plan
✓ Size of existing & proposed buildings (include the height of buildings)
✓ County Roads/Highways/Internal Subdivision Road (RR/TWP/HWY)
✓ Measurements and Setbacks: Front yard/ Side yard/ Rear yard from proposed development to all property lines in metres or feet
✓ Rivers and bodies of water
✓ Bank Breaks or Valley Ridges
County Of Wetaskiwin NO. 10
Plan: 7820401
Block: 8
Lot: 11
1102 Highland Brae Drive
Mulhurst Bay, Alberta
T0C2C0
780 485-7715
denistaillefer@shaw.ca

May 15, 2012

This is to inform you that the building described in the application for development permit, is strictly used for storage of lawn tractor, lawn mowers, acreage equipment and storage. The said building is not used for sleeping, housing of individuals and does not have power, water, and sanitation facilities.

Sincerely,

Denis & Bonnie Taillefer
April 11, 2012

Taillefer, Denis and Bonnie
1102 Highland Brae Dr.
Box 72
Mulhurst, Alberta
T0C 2C0

Dear Dennis and Bonnie,

Re: Unauthorized Development
Country Residential Zoning
Lot 11, Block 8, Plan 782 0401; Legal: NW 14-47-28-W4M

We tried calling you regarding recent development noted above on your Lot; however, we were unable to do so since we do not have a phone number in our records.

I have also attached an excerpt from the Land Use Bylaw for Country Residential zoning which is the zoning for your property and a photograph of the development for your information, as well, a Zoning Compliance Certificate issued by this office in 1997.

Please contact the undersigned within thirty (30) days of this letter to discuss this further.

Sincerely,

County of Wetaskiwin No. 10

Shelley Der, BA
Development Officer

Div. 5

780-352-3321 – Office (Ext. 290)
780-352-3486 – Fax
780-429-0198 – Edmonton Direct
1-800-661-4125 – Toll Free
Description: Country Residential

Address: 1102 HIGHLAND BRAE DR
          BOX 72, MULHURST BAY, AB, T0C 2C0

Zoning: Assbl. Land Area: 2.33 Acres

Actual Use: Primary: R10190

Market Loc: 2070 CAMERON HIGHLANDS

Econ.Zone: Econ 5

Assbl. Party: Individual

Owner: TAILLEFER, DENIS & BONNIE

        1102 HIGHLAND BRAE DR
        BOX 72, MULHURST BAY, AB, T0C 2C0

Market Value Land

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<thead>
<tr>
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<th>Base Code</th>
<th>Site Area</th>
<th>Services</th>
<th>Location Adj.</th>
<th>Asmt Code</th>
<th>Reg</th>
<th>Assessment</th>
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<tr>
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<td>1</td>
<td>2.33 Acres</td>
<td>100%</td>
<td>100%</td>
<td>4</td>
<td>100%</td>
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Improvements

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<th>MT- Qu- St</th>
<th>Description</th>
<th>Area (P2)</th>
<th>Year</th>
<th>Eff.</th>
<th>Asmt Code</th>
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<tbody>
<tr>
<td>186003372</td>
<td>004-05-06</td>
<td>SFD - After 1970</td>
<td>1,242</td>
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<td>Garage</td>
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<td>Summer Cottage</td>
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<td>100.0</td>
<td>29,550</td>
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<td>050-03-01</td>
<td>Summer Cottage</td>
<td>325</td>
<td>2012</td>
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<td>4</td>
<td>100.0</td>
<td>45,520</td>
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Assessment Totals

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<th>Tax Status</th>
<th>Code</th>
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<th>Impr.</th>
<th>Other</th>
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<td>4</td>
<td>RESIDENTIAL</td>
<td>170,560</td>
<td>277,000</td>
<td>0</td>
<td>447,560</td>
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Grand Totals: 170,560 277,000 0 447,560

Rural Assessment Policy

Unit: 186030815
Name: O'BRIEN, DARREN

Buildings: Roll Priority ImprID MT-Qu-St Assessment
273333 1 186003372 004-05-06 178,600

Total Buildings: 176,600

Inspections

Outside Complete 10/04/2012 BOUTIN, Rene Added 2 cabins
Visual Exterior 20/10/2009 DUMONT, Pat hamlet & adjoining subd. inspected over a 5-6 day period
Outside Complete 19/06/1993 EVANS, Darvin Quality adjustment due to size

Revisions

11/03/2008 YEAR END PROCESS, Requisition Body Changed

Sales

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<th>Price</th>
<th>Adj. Price</th>
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<th>Type</th>
<th>Ratio</th>
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<td>30 ARMS-LENGTH</td>
<td>Improved</td>
<td>279%</td>
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<tr>
<td>05/11/1997</td>
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<td>30 ARMS-LENGTH</td>
<td>Improved</td>
<td>281%</td>
<td>972341774</td>
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</table>
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 (AOPA). *(amended by Bylaw 2019/44)*

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:

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; *(amended by Bylaw 2019/55)*

b) permit the construction or location of a second dwelling on a parcel that is a minimum of 28.3 hectares (70 acres) in size only if:

i. An 32.0/32.0 hectare (80/80 acre) split has occurred and the titled area of the quarter was less than 64.7 hectares (160 acres); and/or
ii. An 32.0/32.0 hectare (80/80 acre) split has occurred and due to physical features of the land one parcel was created larger/smaller than the other (this includes the “soft 80” concept); and/or

iii. An 32.0/32.0 hectare (80/80 acre) split has occurred and either highway or road widening or a service road dedication was required

c) permit the placement of a second dwelling, being solely a mobile dwelling, on an agricultural parcel less than 28.32 hectares (70 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;

d) permit the placement of a second or third dwelling, being solely a mobile dwelling, on an agricultural parcel with a minimum area of 28.32 hectares (70 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;

e) permit the placement of a third or fourth dwelling, being solely mobile dwelling, on an agricultural parcel with a minimum area of 28.32 hectares (70 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;

f) 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(s) 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;

g) 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.

(Section 9.8.2 was amended by Bylaw 2019/44)
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; and

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:
Lindsay Jacobsen

From: Rita Alspach <ritaalspach@gmail.com>
Sent: August 21, 2020 8:06 AM
To: wpermits
Subject: DONAL MCNABB APPEALS HEARING

Please be advised that we are definitely not in favor of these types of structures being approved by our County officials. You may not know this but there are several lots in Cameron Highlands that now have this same type of structure on them being used for sleeping quarters. Structures of this type just take away from the real estate values and should NOT be approved by our County.

Thank you for sending us this letter of the Appeal Hearing.

Sincerely,
Ed and Rita Alspach
Cameron Highlands Subdivision
Mulhurst Bay

If forwarding this email, PLEASE delete my address, and use BCC SAY NO TO SPAMMERS!
Lindsay Jacobsen

From: Kathleen Marchand <angelkay@telus.net>
Sent: August 21, 2020 10:57 AM
To: wpermits
Subject: Re: McNabb Property Appeal Hearing. To County of Wetaskiwin No 10 Att. Ben Cowan

We do not approve of small buildings made into cabins, or sleeping areas in our subdivision. Now it seems many people from the city’s are looking for recreational property. If we keep our standards high, they will be building homes rather than small cabins keeping all areas in Mulhurst Bay looking nice, and property values up. Fm. Henry & Kathleen Marchand. 401 Bonnie Drive Mulhurst Bay.
Ab. T0C2C0 ph 780-3893367

Sent from my iPhone
In regards to development permit D20/085 NW-14-47-28-W4 Lot 11, Block 8, Plan 7820401, we oppose the application to add two additional Cabins or if the case may be to renovate the two existing sheds to cabins. We feel that multiple RVs or multiple Cabins do not conform to a Country Residential community. Thank you Jerry and Jan Royer.
Mr. Russell Crook  
Development Officer  
County of Wetaskiwin No. 10  
6109 - 51 Street  
Wetaskiwin, Alberta  
T9A 2A5  

Dear Mr. Crook:

Thank you for your letter and report regarding development of residences within 300 metres of the abandoned landfills at Mulhurst and Silver Beach. It is acknowledged that substantial development has already occurred within the 300 metre setback distance at both locations.

Pursuant to Section 13 (3) of the Subdivision and Development Regulation (AR 212/95), I hereby give my consent for the County of Wetaskiwin to reduce the setback requirement from 300 metres to 1.5 metres for residential development on the remaining lots adjacent to the Mulhurst abandoned landfill, located at Lot 19 Bk 4 Plan 782 2472 in Pt. NW 14-47-28-W4M, on the condition that the groundwater monitoring program proposed in Stanley Associates August 1996 report be implemented.

With respect to the abandoned Silver Beach site, there is not sufficient information to provide the necessary consent at this time. Please continue to work with Mr Alvin Beier on this matter.

Sincerely,

J. R. Nichols  
Acting Deputy Minister

cc: Honourable Ty Lund  
Minister of Environmental Protection

Mr. Alvin Beier  
Environmental Protection