Subdivision and Development Appeal Board Meeting
AGENDA

Tuesday, December 11, 2018
5:15 PM
Council Chambers
County Administration Building

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. NEW BUSINESS

3.1 Nominations for Chairperson and Vice Chairperson

4. MINUTES APPROVAL

4.1 August 16, 2018 Subdivision and Development Appeal Board Minutes

5. 5:15 p.m. PUBLIC HEARING

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

5.2 Recess/Reconvened

5.3 Refusal of Development Permit D11/298 - Stan Reiser

6. 6:00 p.m. PUBLIC HEARING

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

7. CLOSED TO THE PUBLIC

8. UNFINISHED BUSINESS

9. INFORMATION ITEMS

10. ADJOURN
Nominations for Chairperson and Vice Chairperson of the Subdivision and Development Appeal Board

Meeting Date (Report Reference Only): 2018/12/11

Meeting (Report Reference Only): SDAB

Background

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.

NOW 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.

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

a. one member being appointed effective January 1 of the current year to serve a three year term that would expire December 31 (ie: January 1st, 2015 to December 31st, 2017)

b. 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

c. 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.

Each member will sit on the Appeal Board at Council's pleasure.

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

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

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

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.

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**

(a) The Appeal Board Secretary shall be the Chief Administrative Officer or an employee of the municipality as delegated by the Chief Administrative Officer.
   i. The Secretary must have received training as outlined in the Development Appeal Board Regulation.
   ii. 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 at the annual organization meeting 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.

Recommendations

Secretary of the Subdivision and Development Appeal Board Rod Hawken called for nominations from the Board for the positions of Chairperson and Vice Chairperson of the Subdivision and Development Appeal Board.

Recommended Resolution

that Board approve Board Member ** be nominated as Chairperson and Board Member ** be nominated as Vice Chairperson.
Chairman Ken Woitt called the meeting to order at 5:15 p.m.

The Subdivision and Development Appeal Board (SDAB) held an Appeal Hearing in the Council Chambers at the County of Wetaskiwin No. 10 commencing at August 16, 2018 p.m. on 5:15 p.m.

Present were: Ken Woitt, Chairman, Board Members: Everett Matiko, Laurie Johnson, Tim Hoogland and Chris Daniel.

Also present were: Rod Hawken, Secretary to the Subdivision and Development Appeal Board; Naomi Finseth, Municipal Intern, and Amber Tripp, Recording Secretary.

Resolution #SD20180816.1001
MOVED by: Board Member L. Johnson that the Agenda for August 16, 2018 be approved as presented.

Carried Unanimously

Resolution #SD20180816.1002
MOVED: by Board Member T. Hoogland to approve the minutes for the Subdivision and Development Appeal Board- July 16, 2018 meeting amended as follows:

Page 3 of 7 which read as:
Jarvis Grant discussed the following:
• Stated that the height of the building was 12’.

Page 3 of 7 to be amended to read as:
Jarvis Grant discussed the following:
• Stated that the height of the building was 12’ walls.

Carried Unanimously

Jarvis Grant, Development Officer entered the meeting at 5:19 p.m.

Chairman K. Woitt declared the Hearing open at 5:19 p.m. and a delegation consisting of Ken Karpowich, Marj Karpowich, and David Nigh entered the meeting.

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

Chairman K. Woitt introduced the members of the Subdivision and Development Appeal Board and asked if there were any objections of any of the members sitting on the Board.

No objections were presented.

On April 12, 2007, Development Permit D07/14 was issued for a proposed house and attached garage within SE 20-46-22-W4M, Plan 7923126, Block 1, Lot A. The approved front yard setback for the proposed house and attached garage was 10 metres.

On May 5, 2010 a Compliance certificate was requested. On the submitted real property report it had shown the house was located 8.18 m x 9.22 Bungalow with Attached Garage and Existing Shed (6.14 m x 3.1 m)
metres away from the front property line. On September 1, 2010 a Non-Conforming Compliance Certificate was issued which addressed the following:

“The gazebo home encroaches on the adjacent landowner’s property in SE 20-46-22-W4M, This matter shall be dealt with between landowners.

The 3.10 m x 6.16 m Shed encroaches on the Road Allowance between SW 21-46-22-W4M and SE 20-46-22-W4M. The landowner must enter into an encroachment agreement with the County of Wetaskiwin”

At the time the Compliance Certificate was issued, there was no mention about the difference between the 8.18 metres and the 10 metres that was approved for Development Permit D07/14, and there was no permit for the 6.17m x 3.12m Shed.

On June 29, 2018 Administration received a Compliance request from Fielding & Company LLP for SE 20-46-22-W4M, Plan 4923126, Block 1, Lot A.

Upon review of the Real Property report submitted, Administration issued a Certificate of Compliance Non-Complaint Building which addressed the following:

• The gazebo encroaches on the adjacent landowner’s property in SE 20-46-2-W4M. This matter shall be dealt with between landowners. As per Condition No. 4 of Development Permit D10/150:

“...The required side yard setback of 5 metres (16.5 feet) as per Land Use Bylaw 95’54, has been relaxed to allow the existing gazebo to encroach on the adjacent landowner’s property in SE 20-46-22-W4M provided that the Developer obtains a encroachment agreement with the landowner of the adjacent property in SE 20-46-22-W4, A copy of the said agreement is to be provided to the County’s Planning and Development Department.”

The County of Wetaskiwin has not received the mentioned encroachment agreement.

• The 3.10 m x 6.16 m Shed encroaches on the Road Allowance between SW 21-46-22-W4M and SE 20-46-22-W4M. An Encroachment Agreement (102313920) has been registered on Title on September 9, 2010.

• As per Development Permit D07/14 the proposed house and attached garage were to be 10 metres away from the property line of Range Road 224. As per the submitted Real Property Report the deck is 8.18 metres away and the House is 9.04 metres away and are beyond the relaxation ability of County Administration.

• There is no Development Permit for the 6.14 metre x 3.1 metre shed. The County considers the western most property line a side yard with a 5 metre setback as per Land Use Bylaw 2017/48. The current location of the shed is 4.01 metres away.

On July 13, 2018 Administration received the following fax from Fielding & Company:

“As you are aware, we act for David Nigh and Vanna Nigh in connection with the above. Please find enclosed herewith:
1. Certificate of Compliance provided by the County on July 6, 2018 (the “2018 Compliance Certificate”);
2. Real Property Report dated June 27, 2018 (the “2018 RPR”);
3. Certificate of Compliance provided by the County on September 1, 2010 (the “2010 Compliance Certificate”);
4. Real Property Report dated May 5, 2010 (the “2010 RPR”); and
5. Encroachment Agreement dated July 1, 2018 (the “Encroachment Agreement”).

The 2018 Compliance Certificate notes 4 issues with the Property, two of which have been resolved. The Encroachment Agreement resolves the issue of the gazebo encroachment as indicated on the 2018 Compliance Certificate (the “Gazebo Encroachment”). The 2018 Compliance Agreement notes that there is a further encroachment agreement registered at Land Titles as instrument 102313920 which resolves the issue of the 3.10 metre x 6.16 metre shed encroachment (the “Shed Encroachment”).

Two issues noted on the 2018 Compliance Certificate are not resolved: the issue of the deck and the house on the Property being 8.18 metres and 9.04 metres, respectively, from the property line of Range Road 224 and therefore beyond the relaxation ability of County Administration (the “House Issue”) and the issue of the 6.14 metre x 3.1 metre shed being 4.01 metres from the western most property line and the fact that there is no development permit for this shed (the “Shed Issue”).

The relevant history in connection with the Property is as follows: In around July, 2010, Joseph Lapointe and Jo Ann Lapointe (the “Lapointes”) purchased the Property from Larry Schatschneider. In around August, 2010, the Lapointes submitted the 2010 RPR for the purpose of obtaining a certificate of compliance from the County. The 2010 RPR and the 2018 RPR are nearly identical; the 2010 RPR indicates that the deck and the house are 7.74 metres and 9.02 metres from the property line bordering Range Road 224, respectively. Notwithstanding the proximity of the deck and the house to the property line bordering Range Road 224, the County issued the 2010 Compliance Certificate based on the 2010 RPR.

Our clients purchased the Property from the Lapointes in around August, 2014. As the Lapointes had obtained the 2010 Compliance Certificate which represented that the Property complied with Land Use Bylaws in connection with the house, and specifically failed to make any mention of the House Issue nor the Shed Issue, our clients proceeded with the purchase of the Property under the belief that there were no setback issues in this regard.

Our clients subsequently sold the Property to Mr. Roy Becker with the closing to be July 3, 2018. Only when our clients submitted the 2018 RPR for the purpose of selling the Property did the County indicate that the House Issue and the Shed Issue violate Land Use Bylaws and require remedy. Mr. Becker has therefore taken possession of the Property on a “tenancy-at-will” basis pending resolution of the House Issue and the Shed Issue. Our clients’ sale of the Property is now in jeopardy.

The County represented that the Property is compliant with Land Use Bylaws in 2010 as indicated by the 2010 Compliance Certificate, and our clients relied on the County’s representation when they purchased the Property. This reliance is now to our clients’ detriment as the County is reversing its initial position and declaring that the House Issue and the Shed Issue require action to bring within setback minimums. The new purchaser, of course, will not accept the property without compliance as required by the relevant real estate purchase contract.
Our clients seek confirmation from the County that the County will stand behind the 2010 Compliance Certificate and not require any action to be taken in connection with the House Issue and the Shed Issue and setback requirements. Please provide written confirmation of same to the writer within one (1) week of the date of this letter so that we may forward to Mr. Becker’s solicitor. 

FIELDING & COMPANY LLP

On July 18 Jarvis Grant, Development Officer had the following response:

“Good Morning Jonathan,

I have received your fax dated July 13, 2018. Thank you for providing a copy of the encroachment agreement to the County for the Gazebo. You note that the encroachment agreements resolve the issues listed on the zoning compliance. I would just like to clarify and say that with the encroachment agreements in place they enable the buildings to remain but that does not make them compliant. While enforcement will not be occurring against these two developments they are still not compliant with the County’s Land Use Bylaw and will continue to be shown on zoning compliances.

With respect to the house and the shed, I do apologize that they were not shown on the County’s 2010 Zoning Compliance and I can appreciate the situation that it puts the current owners in as they try to sell. However, it is for that very reason that they are listed now. A mistake was made, but perpetuating that mistake forward does not help make the situation any better. Moving forward I would like to provide my opinion on the shed, house and deck.

Shed:
The 6.14m x 3.1m shed that is 4.01m away from the western most property line does not have a permit in place but one could be applied for as the 5m side yard setback that is in place can be relaxed up to 75% by Administration. So in short the 4.01m is well within Administrations ability to grant as a variance.

House and Deck:
Unlike the shed, the location of the house and deck are beyond Administration's ability to relax. Being adjacent to a County Road Allowance means that the eastern most property line has a setback requirement of 40m. Under the Land Use Bylaw Administration can relax setbacks up to 75%, in this case that would be 10m down from the required 40m. As it stands right now if a permit application was ever submitted for any kind of alteration to the house it would be refused with the option to take it to the County’s Subdivision and Development Appeal Board which has the ability to relax setbacks up to 100%. That option remains open even now. If the County were to receive a development permit application to relax the as built setbacks for the house it would be refused and then could be appealed and brought before the SDAB for potential relaxation.

The other option that could be considered would be to have that relevant portion of the road allowance closed for sale.

However, I due believe that this was tried previously for either a lease or sale but with little success.”

On July 18, 2018 Administration received a Development Permit application from David and Vanna Nigh for the Proposed Front Yard Setback Relaxation for Existing 19.63 m x 9.22 Bungalow with Attached Garage and Existing Shed (6.14 m x 3.1 m), within SE 20-46-22-W4M, Plan 7923126, Block 1, Lot A located along Range Road 224.
On July 24, 2018 Administration issued a refusal of Development Permit D18/156 for the Proposed Front Yard Setback Relaxation for Existing 19.63 m x 9.22 Bungalow with Attached Garage and Existing Shed (6.14 m x 3.1 m), within SE 20-46-22-W4M, Plan 7923126, Block 1, Lot A under the following conditions:

As per Land Use Bylaw 2017/48 Section 10.4.8 (a)/9.10.1 (b), the Rural Residential District requires that all development must be located 40 metres from the property line abutting a County Road. Currently the Existing Dwelling and Attached Deck are located 9.04 m (29.65 feet) and 8.18 metres (26.83 feet) away from Range Road 224 respectively. These distances exceed Administration's 75% relaxation ability, granted through Land Use Bylaw 2017/48, Section 3.8.3.

On April 12, 2007 Development Permit D07/14 was approved for a New House and Attached Garage which was to be located 10 metres (32.8 feet) from Range Road 224.

On July 25, 2018 the Secretary of the Subdivision and Development Appeal Board received a letter of appeal from David Nigh that read as follows:

"Re: Appeal for refusal of development permit for the following existing property:
Application number : D18/156
Proposed Front Yard Setback Relaxation for Existing (19.63 m x 9.22 m) bungalow with attached garage and existing shed (6.14 m x 3.1 m)
SE 20-46-22-W4 Lot A, Block 1, Plan 7923126
owners - NIGH, David and Vanna

We are filing this appeal as it is preventing the sale of our above named property which was to close on July 3, 2018. The buyers have moved into the house but monies have not changed hands due to this discrepancy with the real property report. The house and garage were constructed in 2008 and although there is a letter of compliance dated July 15, 2010, our recent request for an updated letter of compliance was denied. There have been no physical changes made to the property or any of it's structures so we feel this is a very unfair situation to us as we have moved out of the province and believed our property to be sold. We have e-transferred the appeal fee to the county office (Reference # J4Q4Y3 ) and are appealing this decision so that we may proceed with the sale of our house. We look forward to hearing from you with a hearing date.
Respectfully,
David and Vanna Nigh"

An Appeal Hearing was set for Thursday, August 16, 2018 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 July 31, 2018.

The Board discussed the following:
- Questioned the bank break on the property.
- Questioned if there is a geotechnical report on file.
- Questioned the outbuildings, do they conform to the zoning and if development permits could be issued.
- Questioned the liability of the County if the bank were to give way.
- Questioned the roads around and surrounding the property.
- Questioned which relaxation is being requested by the Board.
- Were there any letter of objections for the appeal.
Mr. Grant addressed the following:

- The bank break is located on the south end of the property.
- The original application was going to be much closer to the bank which required a geotechnical report. The house is located farther back, and is located 24 metres from the bank.
- As for the outbuildings, they would be able to obtain a permit, however, the applicants had wished to place all the development on one application.
- The relaxation is being requested for both property lines.

David Nigh went over the history of the property and the property has sold based on pervious compliance certificate issued by the County. He mentioned that the west storage shed was used for a horse shelter, and the other shed is a garden shed. He also advised the Board of the current condition of the Road leading into the property

Ken Karpowich questioned if there could be a lot line adjustment on the property to include the shed that is encroaching. He stated that he has no objections to appeal.

Administration recommended that the Subdivision and Development Appeal Board uphold the appeal of refused Development Permit Application D18/156 for David and Vanna Nigh for the proposed front yard setback relaxation for Existing 19.63 m x 9.22 Bungalow with attached Garage and to Permit Two Existing Sheds (6.14 m x 3.1 m and 3.75m x 2.52m) and issue a Development with the following conditions:

1. Proposed Development 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 Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.
4. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.
5. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.
6. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed 80% to the proposed distance of 8.18 metres (26.8 feet) to the property line of the undeveloped road allowance as it appears on the submitted plot plan for the house, attached garage and deck.
7. The site shall be kept in a neat and orderly fashion.
8. There is to be no plumbing in the existing sheds. If at a later date the applicant or a subsequent landowner would like to add plumbing to the structures, permission must first be received from the County of Wetaskiwin Development Officer, who may impose an off-site levy as required.
9. The required rear setback of 10 metres (32.8 feet) to the private property line as per Land Use By-law 2017/48, has been relaxed 60% to the proposed distance of 4.01 metres (13 feet) as it appears on the submitted plot plan for the existing 3.1m x 6.14m shed. The required setback of 40 metres (131 feet) to the property line of the undeveloped road allowance to the west has also been relaxed 69% to 12.5 metres (41 ft).
10. The required front yard setback of 40 metres (131 feet) as per
Land Use By-law 2017/48, has been relaxed 21% to the proposed distance of 31.64 metres (26.8 feet) to the property line of the undeveloped road allowance to the west as it appears on the submitted plot plan for the 3.1m x 6.14m shed.

11. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed 82.4% to the proposed distance of 7.04 metres (23 feet) to the property line of the undeveloped road allowance to the west as it appears on the submitted plot plan for the 3.75m x 2.52m shed.

12. The required bank break setback of 30 metres (98 feet) as per Land Use By-law 2017/48, has been relaxed 59% to the proposed distance of 12.3 metres (40 feet) as it appears on the submitted plot plan for the 3.75m x 2.52m shed.

13. The existing sheds shall not be used as a residence nor contain any sleeping, kitchen, cooking, or plumbing facilities.

14. The existing sheds shall not be used for any commercial or business purpose and shall be used accessory to private residential use only.

Chairman K. Woitt declared the Hearing closed at 5:44 p.m. and the Board thanked the delegation for attending and they left the hearing.

Jarvis Grant, Development Officer left the meeting at 5:44 p.m.

Resolution #SD20180816.1003
MOVED: by Board Member C. Daniel that the Subdivision and Development Appeal Board uphold the appeal of refused Development Permit Application D18/156 for David and Vanna Nigh within SE 20-46-22-W4M, Plan 7923126, Block 1, Lot A, for the proposed front yard setback relaxation for Existing 19.63 m x 9.22 Bungalow with attached Garage and to Permit Two Existing Sheds (6.14 m x 3.1 m and 3.75m x 2.52m) and issue a Development with the following conditions:

1. Proposed Development 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 Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.

4. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.

5. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.

6. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed 80% to the proposed distance of 8.18 metres (26.8 feet) to the property line of the undeveloped road allowance as it appears on the submitted plot plan for the house, attached garage and deck.

7. The site shall be kept in a neat and orderly fashion.

8. There is to be no plumbing in the existing sheds. If at a later date the applicant or a subsequent landowner would like to add plumbing to the structures, permission must first be received from the County of Wetaskiwin Development Officer, who may impose an off-site levy as required.

9. The required rear setback of 10 metres (32.8 feet) to the private property line as per Land Use By-law 2017/48, has been relaxed 60% to the proposed distance of 4.01 metres (13 feet) as it appears on the submitted plot plan for the existing 3.1m x 6.14m shed. The required setback of 40 metres (131 feet) to the property
9. The line of the undeveloped road allowance to the west has also been relaxed 69% to 12.5 metres (41 ft).
10. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed 21% to the proposed distance of 31.64 metres (26.8 feet) to the property line of the undeveloped road allowance to the west as it appears on the submitted plot plan for the 3.1m x 6.14m shed.
11. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed 82.4% to the proposed distance of 7.04 metres (23 feet) to the property line of the undeveloped road allowance to the west as it appears on the submitted plot plan for the 3.75m x 2.52m shed.
12. The required bank break setback of 30 metres (98 feet) as per Land Use By-law 2017/48, has been relaxed 59% to the proposed distance of 12.3 metres (40 feet) as it appears on the submitted plot plan for the 3.75m x 2.52m shed.
13. The existing sheds shall not be used as a residence nor contain any sleeping, kitchen, cooking, or plumbing facilities.
14. The existing sheds shall not be used for any commercial or business purpose and shall be used accessory to private residential use only.

Carried Unanimously

Jarvis Grant, Development Officer re-entered the meeting at 5:51 p.m.

Chairman K. Woitt declared the Public Hearing open at 5:51 p.m. and a delegation consisting of Florence Kosik entered the meeting.

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

Chairman K. Woitt introduced the members of the Subdivision and Development Appeal Board and asked if there were any objections or of any of the members sitting on the Board.

No objections were presented.

On May 4, 2015, Development Permit D15/03 was issued for a 15’ x 32’ House Addition and 30’ x 30’ Single Storey Detached Garage within SE 13-46-6-W5M, Plan 0024368, Block D, Lot 41, located within the Willow Haven Estates Subdivision. The approved side yard setback was 8 metres, and 3 metres for the rear yard.

On August 14, 2017 a Compliance Certificate of Non-Conforming Buildings was issued. Upon review of the submitted Real Property Report the following building locations were not in conformity of the County of Wetaskiwin’s Land Use Bylaw:

- The water well is located on the adjacent County Public Utility Lot; Plan 8320974, Lot 47 PUL.
- There is no development permit for the Sheds (4.95m x 4.89m) and Shed (4.97m x 3.13m). As per Land Use By-law 95/54, buildings over 50 square feet require a development permit.
- The location of the shed (4.95m x 4.89m) is 1.71 metres away from the eastern property line. The minimum setback required to a County reserve parcel within the Lakeshore Residential District is 6 metres.
- The location of shed (3.13m x 4.97m) is located 5.46 metres onto the remainder of SE-13-46-6-WSM. The shed also encroaches onto a County Road Allowance and does not meet the required setback of 40 metres from the property line; as per Schedule A of the County’s Land Use By-law.
- The garage (9.25m x 9.23m) was approved by Development Permit D15/003. The covered carport (9.25m x 9.23m) attached to the garage, is outside the approval granted by Development Permit D15/003 and therefore does not have a Development Permit.
Permit. As per Land Use By-law 95/54, buildings over 50 sq. ft. require a Development Permit. The current location of the covered carport (9.25m x 9.23m) does not meet the setback required to issue a development permit. The minimum setback required adjacent to a County reserve parcel with the Lakeshore Residential District is 6 metres; the carport encroaches onto the adjacent Public Utility Lot by 1.09 metres.

- On June 2, 2015 Ken & Megan Willows entered into an agreement with the County. The agreement states that:

THE DEVELOPER AND THE COUNTY AGREE THAT:
1. In the event the existing Road Allowance and Public Utility Lot which are allowing the owners of the land to use the existing laneway is developed, the owners of lot 41 must create a new approach that enters directly onto the land from Willow Park Drive (Subdivision Plan 8320974) to Lot 41. The installation shall be financed by the developer or subsequent developer of the lot without contribution from the County.
2. The County shall not be liable, directly or indirectly, for any personal injuries that may be suffered or sustained by any person who may be on the Road Allowance and Public Utility lot or for any vehicle, object damage or damage to the driveway itself
3. The Developer hereby agrees to indemnify and save harmless the County of and from any loss, cost, claims, expenses, actions or demands arising out of the developer’s current or future use of the Road Allowance and Public Utility Lot, pursuant to this agreement
4. This agreement shall run with the title of the land and shall remain binding on the future developers of the land; and
5. Pursuant to section 650 of the Municipal Government Act the County may register a caveat on the title of the land to evidence this agreement; and

THE COUNTY AGREES THAT:
6. The signed agreement has been sent to Land Titles for registration.

On August 22, 2017 Jarvis Grant sent the following letter to Ken and Meghan Willows regarding the Zoning Compliance Certificate for SE 13-46-6-W5M, Plan 0024368, Block D, Lot 41:

“Further to your request for a Zoning Compliance which was completed and sent to you, it has been deemed necessary to send a follow up letter so as to address the non-compliance issues that were listed on the Zoning Compliance. The Zoning Compliance outlines the following:

- The water well is located on the adjacent County Public Utility Lot; Plan 8320974, Lot 47PUL.
- There is no development permit for the Sheds (4.95m x 4.89m) and Shed (4.97m x 3.13M). As per Land Use By-law 95/54, buildings over 50 square feet require a development permit.
- The location of the shed (4.95m x 4.89m) is 1.71 metres away from the eastern property line. The minimum setback required to a County reserve parcel within the Lakeshore Residential District is 6 metres.
- The location of the shed (3.13m x 4.97m) is located 5.46 metres onto the remainder of SE 13-46-6-W5M. The shed also encroaches onto a County Road Allowance and does not meet the required setback of 40 metres from the property line; as per Schedule A of the County’s Land Use By-law.
- The garage (9.25m x 9.23m) was approved by Development Permit D15/003. The covered carport (9.25m x 9.23M) attached to the garage, is outside the approval granted by Development Permit D15/003 and therefore does not have a
Development Permit. As per Land Use By-law 95/54, buildings over 50 sq. ft. require a Development Permit. The current location of the covered carport (9.25m x 9.23m) does not meet the setback required to issue a development permit. The minimum setback required adjacent to a County reserve parcel with the Lakeshore Residential District is 6 metres; the carport encroaches onto the adjacent Public Utility Lot by 1.09 metres.

- On June 2, 2015 Ken & Megan Willows entered into an agreement with the County. The agreement states that:
  THE DEVELOPER AND THE COUNTY AGREE THAT:

1. In the event the existing Road Allowance and Public Utility Lot which are allowing the owners of the land to use the existing laneway is developed, the owners of lot 41 must create a new approach that enters directly onto the land from Willow Park Drive (Subdivision Plan 8320974) to Lot 41. The installation shall be financed by the developer or subsequent developer of the lot without contribution from the County.

2. The County shall not be liable, directly or indirectly, for any personal injuries that may be suffered or sustained by any person who may be on the Road Allowance and Public Utility lot or for any vehicle, object damage or damage to the driveway itself:

3. The Developer hereby agrees to indemnify and save harmless the County of and from any loss, cost, claims, expenses, actions or demands arising out of the developer’s current or future use of the Road Allowance and Public Utility Lot, pursuant to this agreement.

4. This agreement shall run with the title of the land and shall remain binding on the future developers of the land; and

5. Pursuant to section 650 of the Municipal Government Act the County may register a caveat on the title of the land to evidence this agreement; and

THE COUNTY AGREES THAT:

6. The signed agreement has been sent to Land Titles for registration.

Moving forward, there are two possible options to pursue for rectifying the encroachments into the County Public Utility Lot.

1. Completely remove the water well and covered carport from the Public Utility Lot by October 2, 2017 (unless a request to enter into an agreement with the County has been received by September 15, 2017). Please be advised that removing the encroaching portion of the covered carport from the Public Utility Lot does not bring the rest of the carport into compliance. The remaining portion of the carport would still not have a development permit in place and would be too close to the property line to have a permit approved administratively. The Subdivision and Development Appeal Board have the ability to relax setbacks up to 100%.

OR

2. Apply to enter into an encroachment agreement with the County by September 15, 2017. Upon receiving the request it will be taken to the next Council for Planning and Economic Development Meeting and brought before Council. If the agreement is denied by Council, then the encroachments must be removed within one (1) month of Council’s date of decision. If the agreement is approved by Council, it will not bring the carport completely into compliance with the County’s Land Use By-law. The carport would still not have a development permit in place and would be too close to the property line to have a permit approved.
administratively. However, it could remain as is until such a time as it be required to be removed which would be outlined within the agreement.

Please note that all other deficiencies outside of encroachments into the Public Utility Lot, listed on the Certificate of Compliance are to be rectified through relocating the structure(s) and applying for a development permit where necessary.
If you have any questions please let me know.

Sincerely,
Jarvis Grant

On December 19, 2017 Administration received a letter from Brian and Florence Kosik to request to purchase Plan 8320974, Lot 47. The request reads as follows:

"Dear Persons of Council,

We, Brian Peter Kosik, and Florence Mitchell Kosik, would like to purchase the Public Utility Lot PUL 47, Plan 832 0974 so that we can own the land on which our well and the corner of our carport are located.

This PUL is adjacent to the lot we purchased in August 2017, in Willow Haven Estates. Lot 41, Block D, plan 0024368 Rural Address 3 55062 TWP 462 Buck Lake T0C 0C0.

Thank you for your consideration of this matter.

Sincerely,
Brian Peter Kosik, and Florence Mitchell Kosik."

At the January 11, 2018 Council for Planning and Economic Development meeting, Council approved the sale of the Public Utility Lot described as SE 13-46-6-W5M, Plan 8320974, Lot PUL 47, to Brian Kosik and Florence Mitchell Kosik subject to the following five (5) conditions:

1. That the sale of the property be done in accordance with Policy 6901 as a priority sale;
2. That the value the property is to be sold at the determined assessed market value of $2,930.00;
3. That Brownlee LLP be utilized to draft up the sale agreement and to act as the legal representation for the County of Wetaskiwin during the transaction;
4. That the newly purchased property must be consolidated with Plan 0024368 Block D Lot 41; and
5. That the purchasers cover all costs and legal fees associated with the sale, transfer, and consolidation of the properties.

(Ref Resolution No. PD20180111.1004)

On July 9, 2018 Plan 1821961, Block D, Lot 42 was registered with Alberta Land Titles.

On July 30, 2018, Administration issued a refusal of Development Permit D18/162 for Two (2) Existing Sheds (3.13 m x 4.97m & 4.95 m x 4.89 m), and Existing Covered Carport (9.25 m x 9.23 m), within SE 13-46-6-W5M, Plan 0024368, Block D, Lot 41 under the following conditions:

As per Land Use Bylaw 2017/48 Section 9.10.1 (b):
All development shall be located at least:
b) 40.0 meters (131 feet) from the property line abutting all other roads excepting internal subdivision roads (see Figure 2);
As shown on the submitted plot plan the existing Covered Carport and existing Shed are located 3.85 m (12.63 ft.) and 5.88 m
(19.29 ft) from a undeveloped County Road allowance. These distances exceed Administrations 75% relaxation ability, granted through Land Use Bylaw 2017/48 Section 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.

On July 31, 2018 Administration received an email from the Florence Kosik stating that they would be able to make the August 16, 2018 appeal hearing. On August 10, 2018 the Secretary of the Board received the following letter:

"To the Secretary of the Board,
We appreciate the counsel and direction we have received from the county administration.

We did not know until a day or two before closure of the purchase of this property that several items were not in compliance with the specifications of the County.

We have worked toward doing out part by purchasing the PUL adjoining our original purchase. Thanks for the sale.

We would like the Board to grant relaxation for the existing carport and two sheds which were part of our original purchase a year ago.

Brian & Florence Kosik"

An Appeal Hearing was set for Thursday, August 16, 2018 and the Notice of Appeal Hearing was sent to the Applicant/Appellant, Adjacent Landowners and the Director of Planning of Economic Development on July 31, 2018.

The Board questioned the following:
- The undeveloped road allowance.
- The location of the shed, and if a development permit can be issued.
- Requested clarification that the water well would need to be moved.
- The water well is now located on their property.
- What the Lakeshore Residential district, and the setback requirements compared to other zonings.
- What the possibility of future development on the Agricultural parcel behind the property.

Mr. Grant addressed the following:
- Stated the shed has been moved, and the County will be able to issue a development permit.
- Stated that the water well will need to be moved.
- Outlined the setbacks requirement for different zonings, and road types.
- Outlined the different access options for the Agricultural parcel if parcel was developed at a future date.

Florence Kosik addressed the Board stating that she would like to have the buildings on the property in compliance.

The Board questioned the covered car port location. Mrs. Kosik stated
they had a quote done to see what it would cost for the car port to be removed.

Administration recommended that the Subdivision and Development Appeal Board uphold the appeal of refused Development Permit application D18/162 for Brian and Florence Kosik for Two (2) Existing Sheds (3.13 m x 4.97m & 4.95 m x 4.89 m), and an Existing Covered Carport (9.25 m x 9.23 m) and issue a Development with the following conditions:

1. Proposed Development 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 Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.

4. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.

5. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.

6. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed 90.4% to the proposed distance of 3.85 metres (12.63 feet) to the property line of the undeveloped road allowance to the east as it appears on the submitted plot plan for the covered carport.

7. The site shall be kept in a neat and orderly fashion.

8. There is to be no plumbing in the existing shed. If at a later date the applicant or a subsequent landowner would like to add plumbing to the structure, permission must first be received from the County of Wetaskiwin Development Officer, who may impose an off-site levy as required.

9. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed 83% to the proposed distance of 6.98 metres (22.9 feet) to the property line of the undeveloped road allowance to the east as it appears on the submitted plot plan for the 4.89m x 4.95m shed.

10. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed 45% to the proposed distance of 22.25 metres (72.99 feet) of the undeveloped road allowance to the east as it appears on the submitted plot plan for the 3.75m x 2.52m shed.

11. The existing sheds and carport shall not be used as a residence nor contain any sleeping, kitchen, cooking, or plumbing facilities.

12. The existing sheds and carport shall not be used for any commercial or business purpose and shall be used accessory to private residential use only.

13. The developer is to enter into an agreement with the County, which is to be registered on the Title of the lands by way of caveat, requiring the removal of any development located five (5) metres away from the property line adjacent to the undeveloped portion of Range Road 60, if required to do so to enable any potential development of the road in the future.

Chairman K. Woitt declared the Hearing closed at 6:07 p.m. and Council thanked the delegation for attending and they left the hearing.

Jarvis Grant, Development Officer left the meeting at 6:07 p.m.

Resolution #SD20180816.1004
MOVED: by Board Member E. Matiko that the Subdivision and Development Appeal Board uphold the appeal of refused Development Permit application D18/162 for Brian and Florence Kosik for Two (2) Existing Sheds (3.13 m x 4.97m & 4.95 m x 4.89 m), and an Existing Covered Carport (9.25 m x 9.23 m) within SE 13-46-6-W5M, Plan 0024368, Block D, Lot 41 and issue a Development with the following conditions:

1. Proposed Development 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 Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.

4. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.

5. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.

6. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed 90.4% to 3.85 metres (12.63 feet) to the property line abutting the undeveloped road allowance to the east as it appears on the submitted plot plan for the covered carport.

7. The site shall be kept in a neat and orderly fashion.

8. There is to be no plumbing in the existing shed. If at a later date the applicant or a subsequent landowner would like to add plumbing to the structure, permission must first be received from the County of Wetaskiwin Development Officer, who may impose an off-site levy as required.

9. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed 83% to the proposed distance of 6.98 metres (22.9 feet) to the property line of the undeveloped road allowance to the east as it appears on the submitted plot plan for the 4.89m x 4.95m shed.

10. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed 45% to 22.25 metres (72.99 feet) from the property line abutting the undeveloped road allowance to the east as it appears on the submitted plot plan for the 3.75m x 2.52m shed.

11. The existing sheds and carport shall not be used as a residence nor contain any sleeping, kitchen, cooking, or plumbing

12. The existing sheds and carport shall not be used for any commercial or business purpose and shall be used accessory to private residential use only.

13. The developer is to enter into an agreement with the County, which is to be registered on the Title of the lands by way of caveat, requiring the removal of any development located five (5) metres away from the property line adjacent to the undeveloped portion of Range Road 60, if required to do so to enable any potential development of the road in the future.

Carried Unanimously

Resolution #SD20180816.1005
MOVED: by Board Memeber L. Johnson that Administration request a legal opinion for validity of caveats regarding future development conditions.

Carried Unanimously

Adjournment  Resolution #SD20180816.1006
MOVED: by Board Member L. Johnson that the Subdivision and Development Appeal board hearing be adjourned.
Time of adjournment 6:25 p.m.

Carried Unanimously

__________________________________________________
CHAIRMAN

__________________________________________________
SECRETARY

MINUTES APPROVED:
Ref: Resolution # ____________________________
Background

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-W5**

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.

**Recommendations**

Administration recommends 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 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.

**Recommended Resolution**

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 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.
July 22, 2010

Reiser, Stanley and Frances
Box 1226
Cochrane, Alberta
T0L 0W0

Dear Stanley and France Reiser,

**RE: Operations without Development Permit granted for:**

1) Minor Business (Alberta Trophy Hunt);
2) Construction of 4 cabins, all containing sleeping quarters;
3) Construction of building(s) for shower facilities;
4) Construction of cook-house/dining room building; and
5) Operation of kennel services

As per our conversation on November 16, 2009, I am completing a follow-up regarding development permits for your outfitting business and the structures that have been added to the property. Upon further investigation, it was revealed that we do not have development permits for 4 of the 5 existing cabins, the existing shower facility, the existing cook-house/dining room building, or the existing kennel service.

I have reviewed Development Permit 00/12 and we have determined that your previous request for a Bed and Breakfast was not the proper Use that was applied for since Land Use Bylaw 95/54 states that a Bed and Breakfast is “a commercial business accessory to the residential use of a dwelling, which provides accommodation in guest-rooms and where one meal is provided to registered guests in a common room”. In addition to this, Development Permit 00/12 stated that it was for a “house situated at & is a two bedroom log structure. Will include photo.” (see attached). Based on information gathered through our conversation which revealed that you operate an outfitting business, a Bed and Breakfast Development Permit Application 00/12 is not valid and a new development permit application will be required.

Development under the County of Westaskiwin’s Land Use Bylaw 95/54 is defined as follows:

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 likely to result in a change in the intensity of use of the land or building.

Development Permits also ensure that the proposed development meet the requirements of the zoning for the area to ensure that setbacks from the property lines are in place and that the development complies with all applicable municipal, provincial and federal regulations. Developing without a permit is an infraction of Land Use By-law 95/54. A copy of the County of Wetaskiwin Land Use Bylaw can be retrieved through our website at http://www.county.wetaskiwin.ab.ca or it can be viewed at the County office during regular office hours.

The County will be performing inspections in the upcoming months to ensure that properties are in compliance. Any development which has not received a permit may be required to correct the infractions at the land owner’s expense.

Please find attached to this letter a Development Permit application. If you have a development or land use which has not received a permit, please fill out the Development Application and return it to the County Office with signatures from all owners, with the appropriate fee ($50.00 for residential, $150.00 for commercial) by August 23, 2010. Please make copies of the Development Permit application if necessary.

In addition to the County of Wetaskiwin Development Permit Application, since you are located within ½ mile (800 metres) of a numbered highway, you shall also apply to Alberta Transportation for a permit. A Roadside Development form has been attached for your convenience.

In addition to this, should you be adding additional structures in the next year, you may add this information to both applications.

Any development permit application for this property that is received at the County Office on August 24, 2010 and thereafter will be subject to a new fee schedule as follows:

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<thead>
<tr>
<th>Permit Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Development Permits</td>
<td>$250.00</td>
</tr>
<tr>
<td>Commercial/Industrial Permits</td>
<td>$750.00</td>
</tr>
</tbody>
</table>

Please be aware that you may be required to apply for rezoning of land if we deem it appropriate. We will forward you the appropriate forms when necessary.

Failure to comply may result in further action that may include the removal of the infraction at the Landowners cost and/or a Stop Order by the County. If a Stop Order is
issued to a Landowner, the cost of a Development Permit for this property will further increase according to County policy.

If you have any questions or concerns in regards to this letter or any other matter related to planning and development in the County of Wetaskiwin, please contact the undersigned at extension 290.

Sincerely,

Shelley Der, BA
Development Officer
County of Wetaskiwin No. 10

1-800-661-4125 – Toll Free

c. N. Watson – Division 6
COUNTY OF WETASKIWIN NO. 10
APPLICATION FOR DEVELOPMENT PERMIT

I hereby make application under the provisions of the Land Use Bylaw for a Development Permit, in accordance with the plans and supporting information submitted herewith and which form part of this application.

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: Stan & Fran Reiser

Address: Box 1226, Cochrane, AB, T0L 1W0

Telephone: 403-932-5942

Present Registered Owner: (same as above/or)

Address: 

Telephone: 403-932-5942

Quarter

Section

Township

Range

West of the 4th/5th Meridian

OR: Lot

Block

Registered Plan:

NAME OF SUBDIVISION (if applicable):

Present Use of Land in this Parcel:

Proposed Use of Land in this Parcel:

Type of Development Proposed:

Existing Buildings (ie: residence, etc.):

Proximity to Intensive (Confinement) Animal Operation:

Any Hobby, Sideline or Business Proposed or Existing:

If parcel is a subdivided lot:

Lot Width

Lot Length

Lot Area

Estimated cost of the project or contract price:

Estimated date of commencement:

Estimated date of completion:

Date of Application:

Signature of Applicant

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.

Receipt No. 26149

Roll No. 204 3243.00

DATE

SIGNATURE OF OWNER

Page 30 of 156
House situated at X is a two bedroom log structure, will include photo.

Copy Application Form, Permit, Site Plan, (Registered Owner Form, 2nd Dwelling Form and any other relevant information) for:

✓ Applicant ✓ Councillor Division # 60

✓ Assessor / Inspection Report Given to Assessment:
November 7, 2011

Reiser, Stanley
RR 1
Westerose, Alberta T0C 2V0

Dear Stanley Reiser,

RE: Operation without Development Permit granted for:

1) Minor Business (Alberta Trophy Hunt) or Extensive Recreational Use;
2) Construction of 4 guest cabins, all containing sleeping quarters;
3) Construction of building(s) for shower facilities;
4) Construction of cook-house/dining room building; and
5) Operation of kennel services

Further to my letter dated July 22, 2010 and our conversation on November 16, 2009, in my capacity as Development Officer I hereby issue a Stop Order pursuant to Section 645 of the Municipal Government Act, with respect to the aforementioned Lands.

The County of Wetaskiwin No. 10 Land Use Bylaw 95/54 states:

Accessory building or use means a building or use, which is subordinate and incidental to the principal building or use located on the same site and shall not precede the principal building or use.

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.

Extensive Recreational Use means a recreational land use located in a rural area to take advantage of a natural setting for dispersed, low-impact activities including but not limited
to walking, hiking, cross-country skiing and bird-watching and which may include small cabins or chalets for short-term use on a commercial basis that may be subordinate to a principal dwelling.

**Guest house** means a building in a lakeshore residential district which has sleeping accommodation but does not contain kitchen facilities or plumbing services and which is not intended for year-round use as a dwelling.

**Kennel** means any premises on which small domestic animals are maintained, boarded, bred, trained or cared for in return for remuneration or kept for the purposes of sale.

**Minor business** means a minor business operated from but subordinate to an agricultural operation or residential use.

**SECTION THREE: DEVELOPMENT PROCESS**

3.1 Development in the County is subject to Section 683 of the Act which says that, except as otherwise provided in this By-law, a person may not commence a development unless the person has been issued a development permit in respect of it pursuant to the Land Use By-law.

**SCHEDULE B: REGULATIONS FOR LAND USE DISTRICTS**

1. **AGRICULTURAL DISTRICT (AG)**

1.1 **Purpose**

The purpose of the district is to maintain and preserve land for productive agricultural uses.

1.2 **Permitted Uses** *(amended by By-law 2004/11)*

(a) Extensive agriculture
(b) New houses of conventional construction
(c) New manufactured and modular houses
(d) Intensive livestock operations situated at least 400 metres away from any land not classified as Agricultural
(e) Buildings and uses accessory to the above

1.3 **Discretionary Uses**

(a) Moved-in buildings, included used manufactured houses (mobile homes) and modular houses *(amended by By-law 2004/11)*
(b) Intensive agricultural use
(c) Intensive livestock operations within 400 metres of any land not classified as Agricultural under this by-law *(amended by By-law 2002/17)*
(d) Tree farm
(e) Bed and breakfast business
(f) Home occupation
(g) Minor business
(h) Kennel
(i) Public utility
(j) Government service
(k) Resource extraction operation Type A (Amended by By-law 2009/08)
(l) Resource extraction operation Type B (Amended by By-law 2009/08)
(m) Public park
(n) Airstrip
(o) Extensive recreational use
(p) Accessory building or use
(q) A single subdivided parcel containing an existing residence or services (Amended by By-law 2000/96)

1.5 Setbacks

(a) Front yard: see General Regulations, Section 9
(b) Side yard: 5 metres (16.5 ft.)
(c) Rear yard: 10 metres (32.8 ft.)

SCHEDULE A: GENERAL REGULATIONS

9. SETBACKS

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

(a) for parcels of land bordering a highway, all development must be located at least 50 metres (164 ft.) from the property line abutting the highway (see Figure 1);

(b) for parcels of land bordering onto all other roads in the County, all development must be located at least 40 metres (131 ft.) from the property line abutting the road (see Figure 1);

(c) obstructions to visibility are not allowed within 10 metres (32.8 ft) of the property line abutting a highway, secondary highway, or road (see Figure 1);

(d) on parcels of land located at the junction of two roads, one of which is a highway or County road, no access, development, or obstructions to visibility are allowed within the "site triangles" shown on Figure 1; and

(e) for parcels of land including or adjacent to a bank break, no development may be located within 30 metres of a bank break.
Further, Part 17 of the Municipal Government Act and Section 5.1 of the County of Wetaskiwin Land Use Bylaw allows a Development Officer to issue a Stop Order where a development or use of land or buildings does not comply with the Municipal Government Act, the Land Use Bylaw, or a development permit or subdivision approval.

At present, the Lands do not comply with the Municipality's Land Use Bylaw given:

Your operation (Alberta Trophy Hunts) is operating without Development Permits granted for:

1) Minor Business (Alberta Trophy Hunt) or Extensive Recreational Use (if subordinate to a principal dwelling);
2) Construction of 4 guest cabins, all containing sleeping quarters;
3) Construction of building(s) for shower facilities;
4) Construction of cook-house/dining room building; and
5) Operation of kennel services

Accordingly, you are hereby ordered to stop the unauthorized development and use of the aforementioned lands and the buildings thereon and comply with the Land Use Bylaw by:

a. Applying with a Development Permit at the Stop Order Rate of $1,500.00 for the operation of Alberta Trophy Hunts including:

1) Minor Business (Alberta Trophy Hunt) or Extensive Recreational Use (if subordinate to a principal dwelling);
2) Construction of 4 guest cabins, all containing sleeping quarters;
3) Construction of building(s) for shower facilities;
4) Construction of cook-house/dining room building; and
5) Operation of kennel services,
within fifteen (15) days of receiving this Stop Order; or

b. Permanently ceasing the operation/business within fifteen (15) days of receiving this Stop Order and the permanent removal of the 4 guest cabins, shower buildings, cook house/dining room; and kennel operation within six (6) months of receiving this Stop Order.

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, written notice of an appeal together with the applicable appeal fee of $150.00 must be received by the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days of receipt of this letter.
Please be advised that the County of Wetaskiwin has the authority, in the event that this Stop Order is not complied with within the time limit provided, to enter onto your lands to take whatsoever actions are determined by the County of Wetaskiwin to bring the lands into compliance, including seeking an Injunction or other relief from the Court of Queen's Bench of Alberta. Further, the County of Wetaskiwin has the authority to add the costs and expenses for carrying out this Stop Order to the tax roll for your Lands pursuant to Section 553(1)(h.1) of the Municipal Government Act.

If you have any questions or concerns in regards to this letter or any other matter related to planning and development in the County of Wetaskiwin, please contact the undersigned at extension 290.

Sincerely,

[Signature]

Shelley Der, BA
Development Officer
County of Wetaskiwin No. 10

1-800-661-4125 – Toll Free

c. Division 6
Alberta Trophy Hunts

Accommodation & Equipment

Our hunting camp complex is owned exclusively by Alberta Trophy Hunts and was constructed solely for the purpose of outfitting hunts. It is your private get-away while you are hunting with us. The camp consists of 5 sleeping cabins, a shower house facility, and of course a main lodge for dining, relaxing and visiting. The facilities are modern and are serviced with both electricity and gas. The complex offers shower facilities for both ladies and men. Both units are equipped with washer/dryer units.

We at Alberta Trophy Hunts believe in good equipment, and we offer you, as part of your hunt, the use of some of the best there is to offer. To access our vast areas, we all of course drive 4 x 4's. Quads and if needed, snow machines are available for everything from getting duck boats to water, deer blinds to remote areas, hunters to blinds, decoys to fields and of course the retrieval of game. Waterfowl hunters can enjoy some of the most modern gear available. We use Final Approach and Stealth layouts. Avery, Greenhead and Bigfoot decoys are put to use in big numbers.
There are kennels on site, should you wish to hunt with your own dog. Lakes and ponds are accessed with Jonboats and Go Devils. We go where the birds are! Deer hunters enjoy a variety of blinds, most which are equipped for heat should we need it. The camp hosts several freezers and a meat house for processing and storing your game. We have, as you can see invested a lot in your hunt, and it often makes the difference in success and enjoyment.
ALBERTA TROPHY HUNTS
Booking & Fees

50% deposit required

Balance of hunt fee due 60 days in advance.

Licence fees not included

Fly into Edmonton International Airport.

Airport pickup & return included - all hunts.

Food & Lodging for entirety of hunts

Licenced & Bonded

Member of Alberta Provincial Outfitters Society

Member of Wildfowl Outfitters of Alberta

Jack Lamb of N.C. with a great Whitetail!
Joe Marendino with a 191 - 6X7 Muley

HUNTING BIG GAME WITH ALBERTA TROPHY HUNTS
2006 ALBUM  2005 ALBUM  2004 ALBUM
2003 ALBUM  2002 ALBUM  2001 ALBUM  2000 ALBUM

WING SHOOTING WITH ALBERTA TROPHY HUNTS

FISHING WITH ALBERTA TROPHY HUNTS

BOOKING & FEES

ACCOMMODATION & EQUIPMENT

CONTACT US

HOME

Alberta Trophy Hunts
Stan Reiser
R.R. 1
Westerose, Alberta, Canada TOC 2V0
info@albertatrophyhunts.ab.ca
Lodge Phone: 780-586-2184
Cell Phone: 403-850-3292

Web Design by Grizzly Web Designers
Thank You for Visiting Alberta Trophy Hunts Web Site

If you would like more information about our big game or waterfowl outfitting services please take a moment to complete the information on this page. Please ensure your e-mail address is entered correctly so we may respond to your questions about our services. The information you provide to us is strictly confidential.

Harry Cross from N.Y. with his 182 Whitetail

Name: 
E-mail Address: 
Street Address: 
City: 
State/Province: 
Country: 
Zip/Postal Code: 
Telephone Number: 

Would you like us to call you on the telephone? Yes
Would you like us to reply via e-mail? Yes

Return E-mail Address:

If you have any questions about our services or hunting packages, please ask.

To book your hunt with Alberta Trophy Hunts please contact Stan Reiser by telephoning 780-586-2184 or by e-mail at info@albertatrophyhunts.ab.ca.

Stan Reiser - with a 181 Boone & Crockett Gross Whitetail
Alberta Trophy Hunts
Stan Reiser
R.R. 1
Westerose, Alberta, Canada T0C 2V0
info@albertatrophyhunts.ab.ca
Lodge Phone: 780-586-2184
Cell Phone: 403-850-3292

Web Design by Grizzly Web Designers
December 14, 2011

Reiser, Stanley
RR 1
Westerose, Alberta
T0C 2V0

Dear Stanley Reiser,

RE: Operation without Development Permit granted for:
  1) Minor Business (Alberta Trophy Hunt);
  2) Construction of 4 guest cabins, all containing sleeping quarters;
  3) Construction of building(s) for shower facilities;
  4) Construction of cook-house/dining room building; and
  5) Operation of kennel services

Further to our conversation on November 15, 2011, I agreed to reduce the cost of your development permit application since you stated that the Warning Letter dated July 22, 2010 was not received. I agreed that if you applied with the development permit application with the $150 rate and these were received on the following week, this would satisfy my Stop Order sent to you by registered letter. As of December 12, 2011, we had not received an application with a fee for your operation.

On December 13, 2011, we received a cheque number 1203, dated November 23, 2011 in the amount of $150.00 regarding a development permit application; however, no form was enclosed. The envelope which was received with your payment is dated March 10, 2011, which was stamped by the post office in Westerose, AB. (see attached).

Our agreement was for the application and the fee to be paid sometime within the week ending November 27, 2011, but it seems that our arrangement has not been met since the timeline nor the submission of the form has been adequately addressed. However, if the timelines were not clear to you, I will further extend the timeline for you to complete the development permit application so that it can be received and stamped at the County by January 4, 2012 by no later than 4:30 p.m. Please be aware that your application must be complete including a detailed site plan and that there will be no further extensions to complete your application.

In the event the development permit is received on January 4, 2012 at 4:31 p.m. or thereafter, the information on the Stop Order concerning the time lines for compliance is relevant and the cost of a development permit application is five hundred dollars for a residential application ($500) and fifteen hundred dollars ($1,500) for a commercial application.
I have enclosed another copy of a development permit application for your convenience.

In addition to the County's development permit application, since you are located within a half-mile of an Alberta highway, we will also require for you to apply with Alberta Transportation for your operation. I have attached a form for your convenience. There is no charge for this application but it should be applied for at the same time that you submit your application to the County.

Should you have any questions regarding the above, please contact the undersigned at extension 290 or send me an e-mail at sder@county.wetaskiwin.ab.ca.

Sincerely,

[Signature]

Shelley Der
Development Officer

Encls - Documents received on December 13, 2011;
- Development permit application; and
- Alberta Transportation Roadside Development Application
Main Identity

From:  
"albertatrophyhunts.ab.ca" <trophyhunts@nucleus.com>

To:    
"WebMonitor mail" <info@albertatrophyhunts.ab.ca>

Sent:  December 16, 2011 11:40 AM

Shelley

You may or may not be aware of the fact that my wife passed away last December. It has been extremely difficult dealing with that, alone, nevermind everything that comes after. She did all our paper work, and now that is my chore. Also, I have been away working from Jan thru Oct, with others picking up mail and forwarding it to me. This it seems has been less than perfect. As you are aware, the houses, one of which is now called the "lodge" have all been built under building permits and inspections completed—some since 1999. It is upsetting at the least to be going thru this all again! Please find enclosed the "new" applications" and put this to bed once and for all. Thanking you in advance, Stan Reiser
June 4, 2012

Stan Reiser
RR 1
Westerose, Alberta
TOC 2V0

Dear Stan,

Re: County of Wetaskiwin Development Permit Application for Cabins SW 01-47-02-W5M

Further to your development permit application to the County, we are waiting for the referral from Alberta Transportation for this development before we can process your application. Have you applied to Alberta Transportation yet?

I have attached a copy of the forms for your convenience. Please forward these within the next 2 weeks.

If you have any questions on filling out these forms, please contact Gail Long at Alberta Transportation (1-403-340-7179) directly.

Sincerely,

County of Wetaskiwin No. 10

Shelley Der
Development Officer
Div. 6
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.

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: October 29, 2018
Appeal Deadline: November 19, 2018

*Attention - Jarvis Grant*

Please Fax me a copy of the development permit I applied for.

In 2017 I spent several months in the UofA hospital recovering from 5 heart attacks. Hence did not get back to you promptly. I am still recovering at home, but will try to get you the info you need. I will be appealing.

Jarvis Grant
Development Officer
County of Wetaskiwin No. 10
November 3, 2018

Stan Reiser
RR1
Westerose, Alberta
T0C 2V0

Dear Mr. Reiser,

Re: Notice of Refusal

I have received your fax in response to the Notice of Refusal dated October 29, 2018 and I am sorry to hear of your medical circumstances. To clarify for you, there has never been a development permit in place as the County has never received all of the information necessary to make a decision on the application. It is for that reason we had to issue a refusal.

Moving forward there is another option open to you other than appealing the refusal. If you resubmitted another development permit application completed to the County's satisfaction, the County would review the application. Information and items required of you would be, but not limited to:

- completed Alberta Transportation application;
- $200 application fee;
- hours of operation;
- offsite levy ($2034) or an inspection report from an accredited agency which states that the septic system treats the waste onsite and meets the appropriate code requirements;
- hours of operation;
- activities that occur on the property in relation to the guiding business;
- number of people who utilize the facilities; and
- floor plan for the cabins, do they all have kitchen and bathroom facilities.

However, if you still wish to appeal the refusal that is your right. Please keep in mind that in order to do so you must submit a completed Appeal Form which was attached to your refusal along with a $150 fee before November 19, 2018.
If you have any further questions please let me know.

Sincerely,

[Signature]

Jarvis Grant  
Development Officer  
County of Wetaskiwin No. 10  
780-362-6222  
jgrant@county.wetaskiwin.ab.ca
NOTICE OF REFUSAL OF DEVELOPMENT PERMIT

REISER, STANLEY
RR 1
WESTEROSE, AB T0C 2V0

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

Existing Six (6) Cabins
SW-1-47-2-W5
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.

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: October 29, 2018
Appeal Deadline: November 19, 2018

Jarvis Grant
Development Officer
County of Wetaskiwin No. 10
NOTICE OF APPEAL HEARING

This is to notify you that an appeal has been made to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD regarding the refusal of Development Permit D11/298 described as follows:

REISER, STANLEY

Existing Six (6) Cabins

SW-1-47-2-W5M

PLACE OF HEARING: County 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: Tuesday, December 11, 2018

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 5:00 p.m., Tuesday, December 11, 2018.

November 20, 2018

Date

ROD HAWKEN
SECRETARY
Subdivision & Development Appeal Board

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.
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 of Development Permit: D11/298 of SW-1-47-2-W5, for Existing Six (6) Cabins

<table>
<thead>
<tr>
<th>Date of Appeal Application:</th>
<th>Nov 19, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Appellant(s):</td>
<td>Stan Reiser</td>
</tr>
<tr>
<td>Appellant Phone Number:</td>
<td>780-586-2184 403-850-3292</td>
</tr>
<tr>
<td>Appellant Email:</td>
<td><a href="mailto:info@albertatrophynets.ca">info@albertatrophynets.ca</a></td>
</tr>
<tr>
<td>Appellant Mailing Address:</td>
<td>AB</td>
</tr>
</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: ____________________________
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 Transportlon. 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
PRIVATE SEWAGE DISPOSAL SYSTEM PERMIT

Permit #: ALB-316182  Date of Issue: NOVEMBER 21/05

Permit Type: Certified PSDS Contractor

MUNICIPALITY: Town, Village, County or M.D.:
Street Address/Subdivision/Acreage Name:
Brief Directions:
PREMISES OWNED BY:
Mailing Address:
DAYTIME PHONE NUMBER:

WE PROPOSE TO DO AN INSTALLATION AT THE ABOVE PREMISES CLASSED AS:

DESCRIPTION OF INSTALLATION: 

First Private Sewage System Component (check applicable component and complete all applicable items):
- Sewage Holding Tank (litres): 1530
- Septic Tank: working Capacity (litres): 1800
- Packaged Sewage Treatment Plant
- Sewage Lagoon: Storage Capacity (litres):

Effluent Treatment Components (check applicable component and complete all applicable items):
- Name of Person conducting the tests:
- Sizing Method:
- Disposal Field (Size): 1530 ft²
- Depth to Water Table if less than 3m from ground surface (metres):
- Soil Classification:

System drawings and details: Attach a detailed drawing including location from property lines, and (as applicable) length of weeping tile and laterals, location of diverter box, location of water supply, cross section(s) etc.

The Permit Holder hereby certifies that this installation will be completed in accordance with the Alberta Safety Codes Act and Regulations and shall be commenced within 90 days. The permit will expire in one year. Owner's signature/declaration (homeowner permits only) “I hereby declare I am the owner of the premises in which the work will be conducted and reside on the property. I am doing the work myself and assume responsibility for compliance with the applicable Act and Regulations.”

Permit Fee: 155.25  Job Value: 
Type of Payment:  Visa  MC  Cheque  Cash
Card Holder Name:

INVOICE

Designated SCO Name:  Designation:
SCU Signature:  

Edmonton: 12204 - 145 Street T5L 4V7 Phone (780) 455-6363 or 1-800-461-8706
Fax (780) 447-2373 or 1-800-292-6754

Calgary: 2348, 1935 - 22 Avenue N.E. T2E 7C8 Phone (403) 219-3577 or 1-888-461-8706
Fax (403) 219-3072 or 1-888-219-3072

Edmonson: 40-1501 90 Street 98A Phone (403) 345-6300 or 1-866-345-6306
Fax (403) 345-6303 or 1-866-345-6303
PRIVATE SEWAGE DISPOSAL SYSTEM (PSDS)

Complete and attach to Permit Application

Installer's Name and Phone Number:

Alex Baumann
786-3843

Permit Number and Date of Installation:

AB-316182, issued Nov 20/05

TO THE HOMEOWNER

You have a private sewage disposal system installed which requires periodic maintenance.

YOU SHOULD:

1. Have your septic tank pumped out at least every second year, to remove the sludge (keep record).
2. Keep the surface area of your disposal field free of heavy growth, keep the weeds and grass short.
3. Allow no vehicles, pathways or livestock on your disposal field at any time, to prevent freezing compaction and broken pipe.

The Sketch below indicates:

1. The location of your building(s) and (a) septic tank (b) field (c) other method.
2. The number of meters (feet) of weeping tile in your field.
3. The length of each lateral.
4. Location of water supply.

Drawing & Details below to be completed by installer.

As built drawings required (be specific). Show distances from a fixed point.
## SITE INSPECTION REPORT

### Code Violation(s) Observed
- **Foundation**
- **Ground Work**
- **Framing**
- **Stacks**
- **Rough-In**
- **Insulation**
- **HVAC**
- **In Progress**

### Visual portion OK.

- The work inspected complies with the intent of the Safety Codes Act and applicable regulations.
- Satisfactory when the above items are completed in compliance with the Safety Codes Act and applicable regulations.
- Work may not comply as a Safety Codes Officer was unable to gain entry for the required site inspection(s).
- Work may not comply as the permit has expired.
- No more Site Inspections are required.

---

**Inspected by:**

**Signature:**

**Designation Number:** 2071-2

---

**Means of Verification:**

- **Written**
- **Verbal**
- **Site Inspection by SCO**
- **Other**

---

**Copies given on site:**

- **Contractor**
- **Owner**

---

**Edmonton**

- **Address:** #204, 9636 - 51 Avenue T6E 6A5
- **Phone:** 780-455-6363 or 1-800-461-8706
- **Fax:** 780-447-2373 or 1-800-292-6754

**Calgary**

- **Address:** #248, 1938 - 32 Avenue N.E. T2E 7C8
- **Phone:** 403-219-3577 or 1-888-461-8706
- **Fax:** 403-219-3072 or 1-888-219-3072

**Fort McMurray**

- **Address:** Bay #3, 10005 - Marshall St. T9H 1X6
- **Phone:** 780-790-2726
- **Fax:** 780-790-2726

**Grande Prairie**

- **Address:** #204, 10005 - 101 Avenue T8V 0Y1
- **Phone:** 780-539-2131 or 1-800-411-9511
- **Fax:** 780-831-2926 or 1-800-729-8325

**Lethbridge**

- **Address:** #5, 320 WT Hill Boulevard T1J 4W9
- **Phone:** 780-790-2726
- **Fax:** 780-791-2770

**Red Deer**

- **Address:** #11 7711 - 40 Avenue T4P 1M7
- **Phone:** 780-343-2777 or 1-800-282-6145
- **Fax:** 403-343-2766 or 1-800-282-6555
# Analytical Report

**Project**
- ID: 
- Names: Stan Riser
- Location: 
- LSD: SW 1-2-47 W5M
- P.O.: 
- Acct. Code: 

**NWL Lot ID:** 411023
- Control Number: E244627
- Date Received: Sep 26, 2005
- Date Reported: Sep 28, 2005
- Report Number: 752166

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## Physical and Aggregate Properties

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**Approval:**

Anthony Neumann, MSc
Laboratory Operations Manager
OFFICIAL RECEIPT

REISER, STAN  
RR1  
WESTEROSE AB T0C 2V0

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** Payment Total: 150.00

Interac Debit Card

150.00
April 25, 2018

VIA EMAIL “jgrant@county.wetaskiwin.ab.ca”

County of Wetaskiwin No. 10
PO Box 6960
Wetaskiwin, AB T9A 2G5

Attention: Jarvis Grant, Development Officer

Dear Sir:

Re: Land Use Bylaw Changes – Impacts to Development Permits

This letter is further to our discussion today respecting which Land Use Bylaw (“LUB”) applies to a Development Permit Application – the LUB in force when the Application was received or the LUB in force when the decision is made on the permit.

Our Court of Appeal has provided that the law in effect at the time the decision is made is usually the operative law. Therefore, provided that the County’s LUB amendments were made pursuant to valid procedure, absent “bad faith”, and with valid planning purposes, the permits received but awaiting decision should be processed and determined on the basis of the amended (new) LUB. Put another way, the applicable LUB is the LUB in place at the time of making the decision on the permit, subject to some exceptions that may arise depending on the details of the specific permit or LUB amendment.

We provide the following excerpt from Love v. Flagstaff (County of) Subdivision and Development Appeal Board, 2002 ABCA 292 for a good summary on this question,

“It is true that any permitted use acquired rights are not absolute, notwithstanding section 642(1) of the Act. They may well be defeated by a change in the law occurring before a decision is made on the application. Since s. 643(1) of the Act provides that a change in a land use bylaw does not affect the validity of a permit granted on or before the change, this has been interpreted to mean that a permit application may be defeated by a change in the law that occurs between the date of

{B2760032.DOCX;1}
filing of the application and the final decision on the application... Thus, the law in effect at the
time that the decision is made is usually the operative law.

But there are exceptions even to this rule... Hence, it does not follow that no rights are acquired
under any circumstances on filing a permitted use application. Indeed this Court expressly left
open the question of whether a Bylaw change post-dating an application for a permitted use will
defeat that permitted use: Bouchard."

As an additional note, we encourage you to carefully review whether the permit applications at
issue remain “alive” in view of the “deemed refusal” provisions and other MGA amendments
since October 26, 2017, (e.g. MGA section 683.1).

We would be pleased to discuss this issue further or review any particular permit applications of
concern at the County’s request.

Yours truly,

BROWNLEE LLP
PER:

[Signature]

KELLEY L. FISKE-NIELSEN
KFN/kd
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.
SCHEDULE B: REGULATIONS FOR LAND USE DISTRICTS

1. AGRICULTURAL DISTRICT (AG)

1.1 Purpose

The purpose of the district is to maintain and preserve land for productive agricultural uses.

1.2 Permitted Uses *(amended by By-law 2004/11)*

(a) Extensive agriculture
(b) New houses of conventional construction
(c) New manufactured and modular houses
(d) Intensive livestock operations situated at least 400 metres away from any land not classified as Agricultural
(e) Buildings and uses accessory to the above

1.3 Discretionary Uses

(a) Moved-in buildings, included used manufactured houses (mobile homes) and modular houses *(amended by By-law 2004/11)*
(b) Intensive agricultural use
(c) Intensive livestock operations within 400 metres of any land not classified as Agricultural under this by-law *(amended by By-law 2002/17)*
(d) Tree farm
(e) Bed and breakfast business
(f) Home occupation
(g) Minor business
(h) Kennel
(i) Public utility
(j) Government service
(k) Resource extraction operation Type A *(Amended by By-law 2009/08)*
(l) Resource extraction operation Type B *(Amended by By-law 2009/08)*
(m) Public park
(n) Airstrip
(o) Extensive recreational use
(p) Accessory building or use
(q) A single subdivided parcel containing an existing residence or services *(Amended by By-law 2000/96)*
(r) Industry Work Camp *(Amended by By-law 2015/06)*
(s) Recreational Vehicle Use (greater than 80 acres, where no dwelling exists — maximum 3 year permit. If the landowner wants the use to continue, they must reapply for the use prior to the expiry of the permit).

1.4 Parcel size *(amended by By-law 2000/52)*

*(8/01/15)*
(a) 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
(i) To allow a parcel to follow natural boundaries, or
(ii) To allow for existing or proposed subdivisions for public or quasi-public purposes, or
(iii) Proportionally where the original quarter section title was less than 64.7 hectares (160 acres).

(b) The minimum size for a parcel intended to be used for a commercial scale intensive agricultural operation shall be at the discretion of the Subdivision Authority, and before exercising discretion the Authority shall consult the appropriate specialist employed by Alberta Agriculture, Food and Rural Development and can consult with the Director of Agricultural Services for the County of Wetaskiwin No. 10.

1.5 Setbacks

(a) Front yard: see General Regulations, Section 9
(b) Side yard: 5 metres (16.5 ft.)
(c) Rear yard: 10 metres (32.8 ft.)

1.6 Number of Lots (amended by By-law 2005/28)

1.6.1 A quarter section may be subdivided to create one of the following:
   - a yard site,
   - a natural split, or
   - a division of the quarter into two approximately equal parts.

1.6.2 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.

1.6.3 Any subdivisions in excess of one per quarter section will require rezoning from Agricultural to another use.

1.6.4 Subdivisions for public purposes may be allowed without rezoning in addition to those allowed under section 1.6.1."

NOTE: Small parcels of land on which the primary use is residential are deemed under this By-law to be a Rural Residential use and the standards of that district apply.
1.7 **Recreational Vehicles**

Recreational Vehicles may be authorized as outlined in Section 3.31, Recreational Vehicles.

1.8 **Sewage and Wastewater**

Sewage and wastewater systems are authorized as outlined in Section 3.31 (g), Recreational Vehicles.

1.9 **Utility Hookups**

Utility hookups are authorized as outlined in Section 3.31 (h), Recreational Vehicles.

1.10 **Enforcement**

Offences and fines are outlined in Section 5, Contravention.
TO:      The County of Wetaskiwin No. 10  
        Subdivision & Development Appeal Board

FROM:  Jarvis Grant  
       Development Officer

REFUSAL:  County of Wetaskiwin

APPELANT:  Stan Reiser

BACKGROUND/CONTEXT:

The proposal for existing six (6) cabins to be used for an existing guided hunting business is located on 
the remainder of SW 1-47-2-W5M. The quarter section is located on the western side of Pigeon Lake 
and is directly adjacent to Highway 771 on its southern and western boundaries. The property in 
question is zoned as Agricultural and is approximately 145 acres in size.
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 for the single family home.
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 made specific reference to the fact that the bed and breakfast approval previously granted to the Reiser’s did not apply. She further mentioned that development permit and Alberta Transportation application forms were sent. It should be noted that on the 2009 General Assessment records of the County, the Reiser’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 discussed how a bed and breakfast approval was 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 indicated that he 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 deadline 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 that 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.

Since 2014 I have spoken with Mr. Reiser several times on the phone outlining to him again our need for an Alberta Transportation application as well as now a septic inspection or payment of the Mulhurst Bay Offsite Levy. After each conversation with Mr. Reiser no action was taken. On October 29, 2018, after nine (9) years and numerous attempts by County staff to work with Mr. Reiser a Notice of Refusal was issued for his development permit application D11/298 for six (6) existing cabins.

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 23, 2018, County Administration sent a fax to Mr. Reiser again outlining that he could re-apply for a development permit and all of the information that would be required.

On November 19, 2018, a Letter of Appeal was received by the County from Mr. Reiser. As a part of his Appeal Letter Mr. Reiser included an inspection from Alberta Permit Pro for his sewage disposal system for his newest house which did not include any information or statement surrounding any other development on his property.

**DISCUSSION**

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

**Reason 1: Insufficient Information to Deem Application Complete**

Under the County’s previous Land Use Bylaw 95/54 which was in effect at the time of the application having been received, it states under Section Two: Authorities that:

“3.6 An application will not be deemed complete until the required information and fees have been provided.”

The County’s current land use bylaw, Bylaw 17/48, has a similar clause in which it states that:
“3.4.3 An application will not be deemed complete until the required information and fees have been provided.”

Over a period of 9 years it has been communicated to Mr. Reiser numerous times that his application was incomplete due to required information and documents not having been submitted. As seen in communication from Alberta Transportation in 2013 as well as more recently in 2018, it has been confirmed that they do not have an application on file for Mr. Reiser. The need for this application and subsequent approval of Alberta Transportation could be seen in Land Use Bylaw 95/54, Schedule A: General Regulations, Section 5. Highways as it stated:

“The Development Officer must refer development permit applications to Alberta Transportation and Utilities where the application affects land adjacent to or within 300 metres (984.2 ft.) of a highway right-of-way. The Development Officer must have regard to any comments provided by Alberta Transportation and Utilities.”

Within the County’s current Land Use Bylaw 17/48, this provision still remains under Section 9.5 Development near Highways:

“9.5.1 The Development Officer must refer development permit applications to Alberta Transportation where the application affects land adjacent to or within 300.0 meters (984 feet) of a highway right-of-way.”

Further to the Alberta Transportation application requirement, it has also been brought to Mr. Reiser’s attention that he is located within the Mulhurst Offsite Levy area established by Bylaw 2008/42. And that with his proposal for an existing development generating effluent, he is subject to this Bylaw with the option of either paying the $2034.00 levy or submitting an inspection report from an accredited agency that indicates the septic system which services the development treats the effluent on site and meets the applicable code.

Along with Mr. Reiser’s Letter of Appeal he included an inspection report from Alberta Permit Pro. This inspection unfortunately was only completed for the system which services the house.

Reason 2: Insufficient Information for the SDAB to Issue a Permit

The Subdivision and Development Appeal Board has the authority under Section 687(3)(c) of the 2010 and 2018 editions of the MGA to issue a development permit. This is strongly recommended against by the Development Authority due to the incomplete status of the application as indicated above in Reason #1. Further, the Development Authority also strongly recommends against the issuance of a development permit with conditions that further information be provided after the issuance of the permit due to the applicant’s past negligence.
Reason 3: Process

If the Board limits their decision to just denying the appeal and grants no further direction to the appellant, the Development Authority would need to again either pursue the applicant for an application or removal of the buildings and business. This would be done through a Stop Order in accordance with Section 645 of the MGA, which could result in another appeal with the same information being brought before the Board. However, if the Board issued a Stop Order as a part of their decision, as per Section 687(3)(c) of the MGA and required the appellant to either submit a completed development permit application or to remove the structures and business the appellant could not appeal the Stop Order. Non-compliance with this Stop Order could then be directly enforced by the Development Authority through various means.

RECOMMENDATION:
It is the opinion of the Development Authority that the appeal of Refusal of Development Permit D11/268 for ‘six (6) existing cabins’ be denied 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 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 recommendation is made for the following reasons:

Reason 1: Insufficient Information to Deem Application Complete

Over a period of 9 years it has been communicated to Mr. Reiser numerous times that his application was incomplete due to required information and documents not having been submitted. As seen in communication from Alberta Transportation in 2013 as well as more recently in 2018, it has been confirmed that they do not have an application on file for Mr. Reiser. The need for this application and subsequent approval of Alberta Transportation can be seen in Land Use Bylaw 95/54 as well as the County’s current Land Use Bylaw 17/48.

Further to the Alberta Transportation application requirement, it has also been brought to Mr. Reiser’s attention that he is located within the Mulhurst Offsite Levy area established by Bylaw 2008/42. And that with his proposal for an existing development generating effluent, he is subject to this Bylaw with the option of either paying the $2034.00 levy or submitting an inspection report from an accredited
agency that indicates the septic system which services the development treats the effluent on site and meets the applicable code.

Reason 2: Insufficient Information for the SDAB to Issue a Permit

The Subdivision and Development Appeal Board has the authority under Section 687(3)(c) of the 2010 and 2018 editions of the MGA to issue a development permit. This is strongly recommended against by the Development Authority due to the incomplete status of the application as indicated above in Reason #1.

Reason 3: Process

If the Board issues a Stop Order as a part of their decision as per Section 687(3)(c) of the MGA for the appellant to either submit a completed development permit application or to remove the structures and business the appellant could not appeal the Stop Order. Non-compliance with this Stop Order could then be directly enforced by the Development Authority through various means.

SUMMARY:
In conclusion, the Development Authority’s recommendation to the SDAB is to deny the 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 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.
Appendix 1 – Applicable Legislation

Municipal Government Act

Municipal Government Act 2010 Edition

624(1) Subject to section 641, a council must by bylaw provide for a development authority to exercise development powers and perform duties on behalf of the municipality.

(2) A development authority may include one or more of the following:
   (a) a designated officer;
   (b) a municipal planning commission;
   (c) any other person or organization.

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.

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.

(2) A land use bylaw
   (a) must divide the municipality into districts of the number and area the council considers appropriate;
   (b) must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,
      (i) the one or more uses of land or buildings that are permitted in the district, with or without conditions, or
      (ii) the one or more uses of land or buildings that may be permitted in the district at the discretion of the development authority, with or without conditions, or both;
   (c) must establish a method of making decisions on applications for development permits and issuing development permits for any development, including provision for
      (i) the types of development permit that may be issued,
      (ii) applying for a development permit,
      (iii) processing an application for, or issuing, cancelling, suspending or refusing to issue, a development permit,
(iv) the conditions that are to be attached, or that the development authority may attach, to a development permit, either generally or with respect to a specific type of permit,
(v) how long any type of development permit remains in effect,
(vi) the discretion that the development authority may exercise with respect to development permits, and
(vii) any other matters necessary to regulate and control the issue of development permits that to the council appear necessary;
(d) must provide for how and to whom notice of the issuance of a development permit is to be given;
(e) must establish the number of dwelling units permitted on a parcel of land.

(3) A land use bylaw may identify additional land as adjacent land for the purposes of section 692.

(4) Without restricting the generality of subsection (1), a land use bylaw may provide for one or more of the following matters, either generally or with respect to any district or part of a district established pursuant to subsection (2)(a):

(a) subdivision design standards;
(b) the ground area, floor area, height, size and location of buildings;
(c) the amount of land to be provided around or between buildings;
(d) the landscaping of land or buildings;
(e) the location, height and maintenance of fences and walls;
(f) the establishment and maintenance of
   (i) off-street or other parking facilities, and
   (ii) loading and unloading facilities,
   and any other similar matters;
(g) the design, character and appearance of buildings;
(h) the location and amount of access to lots from roads and ensuring that there is at least one means of access from each lot to a road;
(i) the lighting of land, buildings or other things;
(j) the enlargement, alteration, repair, removal or relocation of buildings;
(k) the excavation or filling in of land;
(l) the development of buildings
   (i) on land subject to flooding or subsidence or that is low lying, marshy or unstable,
   (ii) on land adjacent to or within a specified distance of the bed and shore of any lake, river, stream or other body of water, or
   (iii) subject to regulations made under section 693 or 694, within a specified area around an airport;
(m) the construction, placement or use of billboards, signboards or other advertising devices of any kind, and if they are permitted at all, governing their height, size and character;
(n) the removal, repair or renovation of billboards, signboards or other advertising devices of any kind;
the density of population in any district or part of it;
(p) the designation of a district as a direct control district in accordance with section 641;
(q) the establishment of any related agreements, forms, fees or procedural matters;
(r) issuing orders under section 645.

(6) A land use bylaw may authorize a development authority to decide on an application for a development permit even though the proposed development does not comply with the land use bylaw or is a non-conforming building if, in the opinion of the development authority,

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

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

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, 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 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 it must be given to the applicant.

(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 An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a development authority is not made within 40 days after receipt of the application unless the applicant has entered into an agreement with the development authority to extend the 40-day period.

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

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

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 within 14 days,

(a) in the case of an appeal made by a person referred to in section 685(1), after
   (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
   (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires, or
(b) in the case of an appeal made by a person referred to in section 685(2), 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.

(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 the land use policies and statutory plans and, subject to clause (d), the 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.

Municipal Government Act 2018 Edition

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.

683.1(1) A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.
(2) An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a).

(4) If the development authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

(7) If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

(9) If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.

(10) Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

(11) If the development authority refuses the application for a development permit, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reasons for the refusal.
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

Land Use Bylaw 95/54

1.2 DEFINITIONS

Deemed incomplete means a decision to refuse a development permit or subdivision application because the applicant has provided insufficient information to process the application, or where the applicant indicates in writing that they no longer wish to continue with the application.

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.

SECTION THREE: DEVELOPMENT PROCESS

CONTROL OF DEVELOPMENT
3.1 Development in the County is subject to Section 683 of the Act which says that, except as otherwise provided in this By-law, a person may not commence a development unless the person has been issued a development permit in respect of it pursuant to the Land Use By-law.

PERMISSION FOR DEVELOPMENT
3.6 An application will not be deemed complete until the required information and fees have been provided.

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

3.28 All decisions of the Development Officer on development permit applications must be in writing and a copy of the decision must be sent to the applicant and/or landowner.

3.29 When the Development Officer refuses an application for a development permit or deems an application incomplete the decision must contain reasons.

SCHEDULE A: GENERAL REGULATIONS

5. HIGHWAYS
5.1 The Development Officer must refer development permit applications to Alberta Transportation and Utilities where the application affects land adjacent to or within 300 metres (984.2 ft.) of a highway right-of-way. The Development Officer must have regard to any comments provided by Alberta Transportation and Utilities.

Land Use Bylaw 17/48

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.

Deemed Incomplete means a decision to refuse a development or subdivision application because the applicant has provided insufficient information to process the application, or where the applicant indicates in writing that they no long wish to continue with the application.

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

3.4.2 The Development Officer may require any or all of the following as part of the application:

a) a site plan showing the legal description of the site, the location of the development(s), the front, rear and side yard setbacks, and access to and from the site;

b) a site plan showing how off-street loading and/or parking is to be provided;

c) floor plans, elevations and sections;

d) estimated start-up and completion dates for the development;

e) estimated cost of the project;

f) a Real Property Report;

g) an engineer’s report and/or environmental impact assessment that certifies a safe building site;

h) an engineer’s report and/or environmental impact assessment which establishes the boundaries of a 1:100 year floodplain;

i) a detailed landscaping plan indicating grading, loading and parking areas, tree planting and/or removal and playgrounds and parks;
j) photographs, and a statement of what improvements will be made, if necessary, to structures that are relocated;
k) any additional information which, in the opinion of the Development Officer, is necessary to make a decision on an application for a development permit;
l) the prescribed fees;
m) a completed application form; and
n) where a golf course is proposed in the Pigeon Lake or Wizard Lake drainage basins, a nutrient budget prepared by a professional agrologist.

3.4.3 An application will not be deemed complete until the required information and fees have been provided.

3.4.4 Pursuant to Section 683.1(1) through to (11) of the Act, the following subsections are outlined in relation to development applications:
1. A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.
2. An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application.
3. The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use Bylaw made pursuant to section 640.1(a).
4. If the development authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.
5. If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use Bylaw that the application is complete.
6. If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use Bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.
7. If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use Bylaw that the application is complete.
8. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.
9. If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in the form and manner provided for in the land use Bylaw that the application has been refused and the reason for the refusal.
10. Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

11. If the development authority refuses the application for a development permit, the development authority must issue to the applicant a notice in the form and manner provided for in the land use Bylaw that the application has been refused and the reasons for the refusal.

3.4.5 The Development Officer must receive, consider and decide on all development permit applications.

3.4.6 Pursuant to Section 684 of the Act the following subsections are outlined regarding permits deemed refused:

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.

4) Section 640(5) does not apply in the case of an application that was deemed to be refused under section 653.1(1)(8) or 683.1(1)(8).

3.4.7 The Development Officer:

a) may refer any development permit application to West Central Planning Agency, Alberta Transportation and Utilities, Alberta Environmental Protection, Alberta Agriculture, Food and Rural Development, Alberta Labour, the Fire Advisor, Alberta Health Services the Alberta Energy Regulator, an affected railway authority, an adjacent municipality, an Indian Band Council or any other department or agency the Development Officer may consider necessary. The purpose of the referral will be to receive comments and/or recommendations.

b) A development permit or rezoning application, which affects land, zoned Agricultural/Intermunicipal Development Plan (A/ID) must be referred to the City of Wetaskiwin for comment. A development permit or rezoning application which affects land zoned Urban Fringe adjacent to the Town of Millet must be referred to the Town for comment.

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.

Section 4 Development Appeal

Development appeals are governed by Sections 683-687 of the Municipal Government Amendment Act Chapter M-26 as amended. Sections 683-687 are reprinted in APPENDIX E for the reader's convenience.
9.5 Development near Highways

9.5.1 The Development Officer must refer development permit applications to Alberta Transportation where the application affects land adjacent to or within 300.0 meters (984 feet) of a highway right-of-way.
RELEVANT FACTS FOR THE BOARD’S CONSIDERATION:

- 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 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 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, 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 November 19, 2018, a Letter of Appeal was received by the County from Mr. Reiser.

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;

SPECIFIC CONCERNS REGARDING THE PROPOSED DEVELOPMENT:

SPECIFIC CONCERNS THAT GOES ON THE RELEVANT FACTS:

- Insufficient Information to Deem Application Complete
- Insufficient Information for the Subdivision and Development Appeal Board to Issue a Permit

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 D11/298 from Stan Reiser for a Existing Six (6) Cabins within SW-1-47-2-W5M.


On November 19, 2018, The Secretary of the Subdivision and Development Appeal Board received a letter of appeal from Stan Reiser.

An Appeal Hearing was set for Tuesday, December 11, 2018 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 November 20, 2018.

On December 5, 2018, 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
- November 23, 2018 Letter
- November 2, 2018 Fax
- June 4, 2012 Letter
- December 16, 2011 Email
- December 14, 2011 follow up letter
- November 7, 2011 Stop Order
- July 22, 2010 Letter "Operations without a Development Permit"
- 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
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: Stan Keiser
ADDRESS: RR 1, Westrose, T0C 2W0

TELEPHONE: 780-586-2649 E-MAIL (optional):

Present Registered Owner: (same as above or)

Address: __________________________ Telephone: __________________________

Quarter SW Section 1 Township 47 Range 2 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):

| Type of Construction |  
|----------------------|---|
| Cabins - 1 storey |  

Type of Construction:

- Conventional Construction
- Moved In, describe type: __________________________

If Moved In (check one), New (direct from factory), or Used, ________ year

- Will there be plumbing within the proposed structure: [X] Yes or [ ] No [ ] Two

- Will there be kitchen facilities within the proposed structure: [X] Yes or [ ] No [ ] One

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

Is your property located within ½ mile or 800 metres of a highway or secondary highway? [X] Yes or [ ] No

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: 100,000
Estimated date of commencement: June 11, 1999
Estimated date of completion: Oct 1999

FOR OFFICE USE ONLY:
Application No.: 111293
Receipt No.: 1116619
Tax Roll No.: 3243.00
Div.: Le
Zoning: AG
Per/Dis: __________________________
Section: __________________________
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.

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.

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?
- Photos Required/Submitted?
- Floor Plan Submitted?

Date: December 2010
**TYPE OF SEWAGE DISPOSAL SYSTEM FOR PROPOSED DEVELOPMENT:**
(Please Explain)

Feild - permitted

**REGISTERED OWNER:**
Is applicant registered owner?
If NO, execute the following:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If NO, execute the following:

<table>
<thead>
<tr>
<th>I(We)</th>
<th>as the registered owners of the</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>mentioned property, authorize</td>
</tr>
<tr>
<td></td>
<td>to develop as stated on</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(applicant)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

**SECONDARY DWELLING:**
Is this a secondary dwelling?
If YES, please read the following:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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?
If YES, please read the following:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 avoidable 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: Outfitting Fishermen / Tourist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days &amp; Hours of Operation: 200 days - 24 hrs</td>
</tr>
<tr>
<td>Number of employees: 2</td>
</tr>
<tr>
<td>Outside Storage of Materials Required: Yes or No, if Yes please describe. No</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:

Nothing other than passenger vehicles
ROADSIDE DEVELOPMENT APPLICATION FOR DEVELOPMENT NEAR A PROVINCIAL HIGHWAY

Alberta Transportation Permit #

A/E/G Existing approaches North.

7 - existing Farm house "1999"
   permitted 1999

8 - New Farm house - permitted 2005

9 - Farm shop

1-6 - small cabins - "1999"
on skids other than #3

Note: distances may be shown in metres or feet

SITE PLAN

Signature of Registered Owner or Authorized Agent

Page 102 of 156
principles and policies to act as a guideline for new developments or growth in a predetermined area as identified by Council.

**Area Structure Plan (ASP)** means a statutory plan prepared pursuant to Section 633 of the Act that applies to a defined area of land that provide a framework for more detailed subdivision and development, staging of development, land uses and infrastructure matters that must be addressed as defined by County Policy.

**Assistant Development Officer** means that person appointed according to the procedures authorized by County Council to act as Assistant Development Officer.

**Aquaculture** means land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals.

**Auction Facility** means a development intended for the auctioning of livestock, goods, and equipment, including the temporary storage of such livestock, goods and equipment.

**Auto Salvage and Auto Recycling Yard** means a site in an industrial district used in whole or partially for the collection of damaged or aged vehicles for the purpose of salvaging and recycling automotive parts which are sold for re-use.

**Auto Wrecking Yard** means a site on which vehicle bodies are stored and processed for parts and other materials and may include a crusher.

**Bank Break** means the point at which the land begins to slopes sharply downward to a water-body, watercourse or valley floor and is above the elevation of a floodplain.

**Bareland Condominium** means a condominium development with bareland units as defined in the Condominium Property Act, RSA 2000, (C-22).

**Basement** means a storey or storeys of building located below the first storey

**Basement, Walkout** means a storey or storeys of a building located below the first level and having at least one wall above grade.

**Bathroom** means a sink, toilet, shower, bathtub or a combination thereof.

**Bed and Breakfast** means an accessory use of a dwelling to provide commercial accommodation in guest-rooms and where breakfast may be provided to registered guests in a common room. This use shall be subordinate to the principal use of the dwelling and does not include a hotel, motel or guest house. The residential character of the dwelling unit must be retained.

**Bingo Hall** see Casino (gambling establishment).

**Boat-house** means a building intended solely for the storage of boats.

**Borrow Site** means an area from which sub-soils and/or clay has been or is to be taken for use in constructing or maintaining roads or other earth structures.

**Building** means anything constructed or placed on, in, over, or under land but does not
of public administration and services, or for the purposes of assembly. This use includes fire hall, health facility and schools, rest areas or post office.

**Public Utility** means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- water or steam;
- sewage disposal;
- irrigation;
- drainage;
- fuel;
- electric power;
- heat;
- waste management;
- telecommunications
- Government owned or managed Resource Extraction and Stockpile;
- and includes the thing that is provided for public consumption, benefit, convenience or use.

**Public Utility Lot (PUL)** means land required to be used for public utility purposes.

**Public Park** means a publicly owned area of land and or development specifically designed or reserved for the general public for active or passive recreational use. This use includes such facilities and buildings that are consistent with a public park whether publicly operated or operated by other organizations under agreement with the public authority, and includes but is not limited to picnic grounds, walking paths, playgrounds, and playing fields for soccer, baseball and other sports.

**Race Track** means an area of land used for racing events involving horses, bicycles or motor-powered vehicles (including but not limited to automobiles and motorcycles).

**Real Property Report (RPR)** means a plan prepared by an Alberta Land Surveyor to the standards of the Alberta Land Surveyors Act which shows property lines, the location of development relative to property lines, other features such as wells and sewer systems, and encroachments (if any).

**Recreation Trails** means a system of paths cut through an area of land for use by but not limited to horses, hikers, or skiers.

**Recreational, Commercial** means a use or building where patrons participate in a recreational activity, which, due to the nature of the activity or required equipment, requires a substantial area for each participant, and in which there is minimal provisions for spectators. This use includes, but is not limited to, go-cart tracks, paintball operations and snowmobile rentals.

**Recreational, Extensive** means a recreational land use located in a rural area to take advantage of a natural setting for dispersed, low impact activities including, but not limited
to, walking, hiking, cross-country skiing, riding horses and bird watching and which may include cabins in an institutional district for short-term use on a commercial basis that may be subordinate to a principal dwelling or to a Place of Worship.

Recreational Vehicle means a mobile unit meant for use as temporary accommodation and includes, but is not limited to, holiday trailers, tent trailers, fifth-wheel trailers, truck campers, motor homes, park model trailers and recreational units that do not meet Part 9 of the Alberta Building Code (ABC).

Recreational Vehicle Use means the intermittent use of land (upon which there is no permanent dwelling) for the parking of one (1) Recreational Vehicle that is used as temporary accommodation for users engaged in recreational or seasonal pursuits.

Recreational Vehicle Dealer means a development used for the retail sale or rental of new or used recreational or off-road vehicles, and providing maintenance services and parts sales.

Recreational Vehicle Park means an area of land with sewer, water and power services used for the short-term accommodation of recreational vehicles on a private land title lease or rental basis and includes a sanitary pump out site for the disposal of wastes from the recreational vehicles. This may include recreational vehicle oriented Bareland condominium unit developments, subject to all infrastructure including roads, utilities, water and sewer which would normally be municipal or local improvements being constructed to minimum County standards.

Recreational Vehicle (R.V.) Storage means the storage, outdoors or inside a permanent structure, of Recreational Vehicles. The maximum numbers of Recreational Vehicles allowed on a parcel of land for Recreational Vehicle (R.V.) Storage are as follow:

a) A parcel of land under five (5) acres = One (1) Recreational Vehicle;

b) A parcel of land of five (5) acres or more but less than ten (10) acres = Two (2) Recreational Vehicles; or

c) A parcel of land of ten (10) acres or more = Three (3) Recreational Vehicles

Recreational Vehicle (RV) Storage (Commercial) means the storage of Recreational Vehicles in excess of the maximum number authorized by Recreational Vehicle (RV) Storage.

Recycling Depot means a development used for the buying and temporary storage of beverage containers, newsprint, and similar domestic materials for reuse where all storage is contained within an enclosed building.

Regulation means Alberta Regulation AR 43/2002 as amended, being the Subdivision and Development Regulation.

Resource Extraction Operation Type A means the on-site removal and/or extraction and/or processing of raw materials found on or under the site, including but not limited to gravel, sand and clay pits. Type A pits shall have an overall development area of more than 5.0 ha (12.5 acres) in total scope excluding any access road as determined by the
guidance intended.

**Medical Cannabis Production Facility** means a federally-licensed facility used for the cultivation, processing, testing, destruction, packaging or shipping of cannabis used for medical purposes as permitted under the federal government’s *Marihuana for Medical Purposes Regulations* or any subsequent legislation which may be enacted in substitution thereof.

**Minor** means where added as a prefix to a Permitted of Discretionary use, a use which due to its natural or relative small size will, at the discretion of the Development Authority, have a limited impact on surrounding uses on which is intended to serve a small or local rather than a major or municipal area.

**Minor Business** means a business operated from but subordinate to an agricultural operation or residential use.

**Minor Renovations** means work carried out which does not change the use, size and/or shape of a development.

**Mobile Dwelling** see Dwelling, Mobile.

**Mobile Home Subdivision (also referred to as a “Mobile Home Park”)** means a parcel of land planned and subdivided into lots for the long term accommodation of mobile dwellings. A Mobile Home Subdivision may also include a condominium plan whereby mobile homes are planned and approved with each mobile home located on a single unit under a condominium plan.

**Modular Dwelling** see Dwelling, Modular.

**Motel** means a commercial development on a site providing sleeping units complete with washing and sanitary facilities and with adjoining or conveniently located parking spaces designed and operated for the purpose of providing temporary accommodation to the travelling public. A motel may include laundry facilities, restaurant, meeting rooms, personal services businesses, liquor and retail stores.

**Moved-in Dwelling** see Dwelling, Moved-in.

**Multi-lot Residential Subdivision** means a subdivision of land, registered by plan of survey or descriptive plan, that creates more than three (3) lots out of a quarter section and have been created for, or are being principally used for, residential purposes.

**Multiple Dwelling** see Dwelling, Multiple.

**Municipality** means the County of Wetaskiwin No. 10.

**Municipal Development Plan (MDP)** means the plan adopted by Council as a Municipal Development Plan.

**Municipal Improvements** mean improvements including, but not limited to, roads and accesses which are or will become owned by the municipality and shall mean the same as
Refusal of Development Permit D18/241 – Charlene Blanchard- Giftware and Retail Store, "Pipestone Trading Post" in existing building- NE 13-47-27-W4M (File 2489.01)

Meeting Date (Report Reference Only): 2018/12/11
Meeting (Report Reference Only): SDAB

Background

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

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

- 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 1.27 metres (4.16 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 (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 Shed (4.37 x 5.00) 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).
The County notes that historically there has been approval for a Cafe in the Commercial Building (6.99 x 1.08 x 5.34 x 8.40 x 7.99 x 20.71 x 9.16). If there are any changes to the use or intensity of the building the property may potentially require rezoning and development permits. Alberta Transportation's approval will also be required.

The County notes that there are no approvals for any businesses to be run out of any other buildings as shown on the real property report. If there are any changes to the use or intensity of the buildings the property may potentially require rezoning and will require development permits. Alberta Transportation's approval will also be required.

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:

NOTICE OF REFUSAL OF DEVELOPMENT PERMIT
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-W4
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.
Kind Regards
Charlene”

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 we would schedule a Hearing on 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.

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.
Recommendations

Administration recommends 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.

Recommended Resolution

That the Board Administration recommends 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 subject to the following conditions:

1. Based on Section 9.14 of the County’s Land Use Bylaw 17/48, 2 parking stalls must be provided entirely on private property, orientated east/west, so as to service the approximate 82 square metre ground floor area retail store.
2. Proposed Development 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.
3. Location and use of proposed development shall be as specified by documents submitted by applicant.
4. The applicant shall be responsible to contact Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.
5. All drainage must drain towards a County ditch, public utility lot, or reserve lot.
6. No drainage shall impact adjacent lots. No natural drainage courses shall be changed, entering in or out of County ditches; natural flows are to be maintained.
7. As specified in an approval to be obtained from Alberta Transportation.
8. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed to the proposed distance of 6.88 metres (22.5 feet) as it appears on the submitted plot plan.
9. The number of employees for the Pipestone Trading Post will be limited to one employee, in addition to the landowner of the property.
10. The operating hours of the business shall be set between 10 a.m. to 7 p.m. Monday to Thursday and 10 am to 8pm Friday to Saturday.
the Board Administration recommends 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 subject to the following conditions:

1. Based on Section 9.14 of the County’s Land Use Bylaw 17/48, 2 parking stalls must be provided entirely on private property, orientated east/west, so as to service the approximate 82 square metre ground floor area retail store.

2. Proposed Development 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.

3. Location and use of proposed development shall be as specified by documents submitted by applicant.

4. The applicant shall be responsible to contact Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.

5. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.

6. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.

7. As specified in an approval to be obtained from Alberta Transportation.

8. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed to the proposed distance of 6.88 metres (22.5 feet) as it appears on the submitted plot plan.

9. The number of employees for the Pipestone Trading Post will be limited to one employee, in addition to the landowner of the property.

10. The operating hours of the business shall be set between 10 a.m. to 7 p.m. Monday to Thursday and 10 am to 8pm Friday to Saturday.
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 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: Chardene Blanchard
MAILING ADDRESS: Box 311, site 3 RR 2, Thorsby
TELEPHONE: 780-216-2434 EMAIL/FAX: cdffamily6@gmail.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.

QUARTER NE SECTION 13 TOWNSHIP 47 RANGE 27 WEST OF THE 4TH/5TH MERIDIAN
OR: REGISTERED PLAN ___________ BLOCK ___________ LOT ___________

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: ______ 20__, Already approved Nov. 14, 2018
Method ☐ Mail; ☐ Fax; ☐ Other: ___________________ Sent by: ___________________

When your permit is ready, how would you like to be notified?
☐ Phone ☐ Mail ☐ Fax ☐ Email: ______________________________

For office use only:
Application No.: D18/241 Roll No.: 2489.01
Receipt No.: 325622 Received on: Nov. 15/18
Land Use District: RR Division: 4
Per / Dis.: 3.8.1 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): ____________________________________________________________

Type of Construction:

☐ Conventional Construction ☐ Moved in, describe type: __________________________

If Moved In (check one), ☐ New (Direct from factory), ☐ Used, Year built _______ (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: $ __________________

Estimated date of commencement: ____________ Estimated date of completion: ____________

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

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

Type of Business (describe in detail):

Giftware, Retail store "Pipestone Trading Post" to operate as a business in existing building (previously used as a salon)

Name of Business: Pipestone Trading Post

Hours of Operation (Indicate Open to Close)

Monday 10-7 pm Tuesday 10-7 Wednesday 10-7 Thursday 10-7

Friday 10-8 Saturday 10-8 Sunday Not sure Holidays Not sure

Number of employees (excludes occupant of dwelling/principal operator): 1

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.

County of Wetaskiwin No. 10 - Development Permit Application Page 3 of 11
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.

Nov 15, 2018
Date of Application

Charles Blanchard
Chadene Blanchard
Signature of Owner(s)
Please Print Name(s)

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

County of Wetaskiwin No. 10 - Development Permit Application Page 4 of 11
NOTICE OF REFUSAL OF DEVELOPMENT PERMIT

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-W4

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.

You are further notified that you may appeal this decision to the Development Appeal Board in...
according 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: November 23, 2018

Appeal Deadline: December 14, 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 of Development Permit: D18/241 of NE-13-47-27-W4, for Giftware and Retail Store, "Pipestone Trading Post" in existing building

| Date of Appeal Application: |
| Name of Appellant(s): |
| Appellant Phone Number: |
| Appellant Email: |
| Appellant Mailing Address: |

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 Hearing has been scheduled:

__________________________
Signature of Appellant(s):

For Office Use Only:
Date Received: ____________________________
Receipt Number: ____________________________
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 non-conforming 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 straightforward 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 café.

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
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 of Development Permit:** D18/241 of NE-13-47-27-W4, for Giftware and Retail Store, "Pipestone Trading Post" in existing building

<table>
<thead>
<tr>
<th>Date of Appeal Application:</th>
<th>Nov. 29, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Appellant(s):</td>
<td>Charlene Blanchard</td>
</tr>
<tr>
<td>Appellant Phone Number:</td>
<td>780-216-2434</td>
</tr>
<tr>
<td>Appellant Email:</td>
<td><a href="mailto:cdbfamily6@gmail.com">cdbfamily6@gmail.com</a></td>
</tr>
<tr>
<td>Appellant Mailing Address:</td>
<td>Box 11, Site 3, RR2, Thorsby, AB T0C 2N0</td>
</tr>
</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 Hearing has been scheduled:

_I am unfortunately unable to attend any meetings until April/May 2019._

**Signature of Appellant(s):** Charlene Blanchard *(away on business)*
November 14, 2018

Charlene Blanchard
Box 11, Site 3, RR 2
Thorsby, Alberta T0C 2P0
Email: cdbfamily6@gmail.com

Subject: Approval for the items identified below within County Of Wetaskiwin No. 10 ("Municipality")

Regarding application for the following:

Operation of a business from an existing building

<table>
<thead>
<tr>
<th>Permit / File Number</th>
<th>Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSDP023608-1</td>
<td>Operation of a business from an existing building Giftware Retail Store &quot;Pipestone Trading Post&quot;</td>
<td>Highway 795 NE-13-47-27-4</td>
</tr>
</tbody>
</table>

Alberta Transportation Permit No. RSDP023608 is issued to Charlene Blanchard (Permittee) under the Highways Development and Protection Regulation authorizing the above noted development(s). Issuance of this permit does not excuse violation of any regulation, bylaw or act which may affect the proposed project. This permit is subject to the conditions shown and should be carefully reviewed.

1. This permit is subject to the provisions of Section 11-19 inclusive of the Highways Development and Protection Act (Chapter H-8.5 2004), amendments thereto, and Highways Development and Protection Regulation (Alberta Regulation 326/2009) and amendments thereto,
2. The Permittee shall not place any signs contrary to Alberta Regulation 326/2009. The separate "SIGN APPLICATION" form shall be submitted for any proposed sign,
3. The proposed business is to be operated from an existing building,
4. The Department accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof,
5. This permit is issued subject to the approval of the Municipality,
6. This permit approves only the development contained herein, and a further application is required for any changes or additions,
7. No direct highway access will be permitted. Access shall be via the local municipal road,

Permission is hereby granted to Charlene Blanchard to carry out the development in accordance with the plan(s) and specifications attached hereto and subject to the conditions shown above.
If the development has not been carried out by **November 14, 2019** this permit expires and the Permittee must reapply for a new permit if they wish to proceed.

If you have any questions about the permit or any of the conditions, please contact the undersigned Development and Planning Technologist.

Signed:

Carly Cowles  
Assist. Develop&Planning Tech.  
carly.cowles@gov.ab.ca  
cc: County Of Wetaskiwin No. 10
ROADSIDE DEVELOPMENT APPLICATION FOR DEVELOPMENT NEAR A PROVINCIAL HIGHWAY

(Application please)

Alberta Transportation Permit # RSDP023600

Applicant's Name: Charlene Blanchard

Mailing Address: Box 11, Site 3, RR 2

Phone #: 780-216-24134

e-mail: djbfamily6@gmail.com

City/Town/Village: Thorby

Province: AB

Postal Code: T0C 2R0

Landowner's Name (if different from above):

Mailing Address:

Phone #: Fax #: e-mail:

APPLICATION IS HEREBY MADE TO: (Please provide a description of the proposed development including all proposed above and below ground installations. Attach a detailed report if necessary.) due to Wetaskiwin County requirements we are applying to change the existing permitted use of a "grandfathered" located building from a Salon to a pharmacy retail store named "Pharmacy Trading Post." No physical changes to the structure or to traffic. Also attach a plan showing in detail the location of all existing and proposed development and access.

Property Information

Lot Block Plan Number Parcel size (acres or hectares)

Highway No. 795 23 kilometres south of Coaldale (City, Town or Village)

Distance of the proposed development to the highway right-of-way boundary 60.56 metres

County of Wetaskiwin: Rural Residential

Name of Municipality: Existing/Proposed Land Use: Previously a Salon Use

Estimated cost of proposed development

It is understood that all works will be constructed, altered, maintained or operated at the sole expense of the undersigned, and that any work must not begin before a permit has been issued by Alberta Transportation.

In consideration of any permit issued in respect to this application, the Applicant shall indemnify and hold harmless Alberta Transportation, its employees and agents from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly from anything done or omitted to be done in the construction, maintenance, alteration or operation of the works authorized. The Applicant also consents to a person designated by Alberta Transportation to enter upon land for the purpose of inspection during the processing of this application.

The issuance of a permit by Alberta Transportation does not relieve the holder of the responsibility of complying with relevant municipal bylaws and this permit once issued does not excuse violation of any regulation, bylaw or act which may affect this project.

Charlene Blanchard hereby certify that I am the registered owner Charlene Blanchard

(print full name) Signature

__________________________

Charlene Blanchard hereby certify that I am authorized to act on the owner's behalf Signature

__________________________

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of facts relating to this application for roadside development.

(Date) Nov 9, 2018

Page 125 of 156
NOTICE OF APPEAL HEARING

This is to notify you that an appeal has been made to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD regarding the refusal of Development Permit D18/241 described as follows:

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

PLACE OF HEARING: County 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: Tuesday, December 11, 2018
TIME OF HEARING: 6:00 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 5:00 p.m., Tuesday, December 11, 2018.

November 29, 2018
Date

ROD HAWKEN
SECRETARY
Subdivision & Development Appeal Board

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.
3.6 **Non-conforming Uses and Non-conforming Buildings**

3.6.1 Non-conforming uses and non-conforming buildings are governed by Sections 643 of the Municipal Government Amendment Act Chapter M-26 as amended. Section 643 is reprinted in APPENDIX D for the reader's convenience.

3.7 **Use or Building Not Provided in the Bylaw**

3.7.1 If a proposed use of land or of a building is not provided under a district of this Bylaw the Development Officer may determine that the proposed use or building is similar to a permitted or discretionary use prescribed for the district and may issue a development permit for the use or building but only as a discretionary use.

3.7.2 The Development Officer may decide on an application for a development even though the proposed development does not comply with the Bylaw or is a non-conforming building if, in the opinion of the Development Officer:

a) the proposed development will not:
   i. unduly interfere with the amenities of the neighbourhood; or
   ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties; and

b) the proposed development conforms with the use prescribed for the land or building in this Bylaw.

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%.

3.8.2 The Development Officer may relax a bank break setback required under Section 9.10.4 by 50% or may require an Engineer's report to certify the safety of future development within the reduced setback. The Development Officer must not relax a bank break setback by more than 50% without an Engineer's report which certifies that the building site is safe.

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.

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

3.9 **Conditions of Subdivision**

3.9.1 For multi-lot subdivisions of land, the Development Officer may issue a development permit or require the applicant to enter into a Development Agreement for work required to satisfy the conditions of subdivision. Development Permits and Notices
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 shown on Figure 2 at the junction of roads and/or highways

9.10.6 Regulations governing sour gas facilities, oil and gas wells and setbacks from wastewater treatment facilities, waste sites and landfills are re-printed from the Subdivision and Development Regulation (AR 43/2002) in Appendix C for the reader’s convenience.

9.11 Signs

General Sign Regulations

9.11.1 Development permits are required for signs with the exception of:

a) one (1) sign located on a single lot more than 300.0 meters (984 feet) from the right-of-way of a highway or road and 1.2 meters (4 feet) by 0.6 meters (2 feet) in size or less;

b) signs for an election campaign posted 60 days before and 5 days after the relevant federal, provincial or municipal election date;

c) signs posted for a community event or auction posted 14 days before the date the event or auction occurs and removed on the day after the event or auction;

d) signs offering for sale or rent the lot or parcel on which the sign(s) is posted; and

e) signs for municipal, municipal public works, emergency, or Alberta Transportation purposes.

9.11.2 All content on erected signs must be relevant to the land use and/or land ownership on which the sign is located.

9.11.3 A maximum of one (1) sign per lot is permitted.

9.11.4 All signs shall be discretionary.

9.11.5 The maximum size of a sign, that is not within either a commercial or industrial district, shall be no greater than 8.9 square meters (96 square ft.)

9.11.6 The maximum size of a sign within either a commercial or industrial district shall be no greater than 12.0 square metres (130 square ft.).

9.11.7 Applications for illuminated or animated signs will be considered on a case-by-case basis. A permit may be granted, provided that:

a) the sign conforms to all other regulations in this Bylaw; and

b) the illumination or animation will not cause safety hazards or interfere with the use or enjoyment of any adjacent properties, as per the discretion of the Development Officer.
10.4 Rural Residential District (RR)

10.4.1 Purpose

The purpose of the Rural Residential District (RR) is to allow for the subdivision and/or development of a single residential parcel on an agricultural quarter section, where this is compatible with adjacent land uses.

For the purposes of section 654(2)(b) and 680(2)(b) of the Municipal Government Act:

- Any land which is in agricultural production; and
- Sloughs and watercourses; and
- Pens and livestock feeding areas; and
- Any planted or natural shelterbelt situated more than 100 metres from a dwelling; and
- Barns and outbuildings situated more than 100 metres from the dwelling

are deemed to be agricultural and not residential land uses.

10.4.2 Permitted Uses

a) Dwelling, Detached
b) Dwelling, Mobile – New
c) Dwelling, Modular – New
d) Buildings and uses accessory to the above

10.4.3 Discretionary Uses

a) Agriculture, Extensive (limited and compatible with adjacent land uses)
b) Dwelling, Mobile – Used
c) Dwelling, Modular – Used
d) Dwelling, Moved-in
e) Dwelling, Secondary Suite
f) Bed and Breakfast
g) Home Occupation
h) Public or Quasi-Public Use
i) Veterinary Clinic
j) Minor Business
k) Public Utility
l) Buildings and uses accessory to the above

10.4.4 Subdivision Standards - Existing Yard site

a) the residential use on the proposed parcel must be compatible with adjacent land uses;
b) the proposed parcel must have a habitable dwelling, a working water well, an approach to a gravelled County road or developed secondary highway, a driveway, a power pole and transformer, and a private sewer system;

c) parcel size is to be determined by the minimum number of acres required to include residential improvements but not including any other land or buildings;

d) provided it does not include any land which is cleared or in production, a proposed lot served by an existing open discharge sewer system may be created large enough to allow open discharge to be used after subdivision.

10.4.5 Subdivision Standards - New or Abandoned Yard site

a) the proposed parcel must have a suitable building site;

b) the proposed residential use must be compatible with adjacent land uses;

c) the maximum parcel size is 2.02 hectares (5 acres);

d) the proposed parcel must be improved with three of the six improvements below prior to endorsement of a subdivision instrument:

i. approach to a gravelled County road or highway;

ii. shelterbelt or planted shelter;

iii. power pole and transformer;

iv. private sewer system;

v. working water well; or

vi. dwelling completed to the framing stage and/or connected to utilities

10.4.6 Subdivision Standards - Second Parcel on a Quarter Section (in accordance with Second Yard Site Subdivisions Policy #6607)

a) the proposed parcel must have a suitable building site;

b) the proposed parcel must be entirely located on poor agricultural land;

c) there must be, where possible, a suitable building site on poor agricultural land on the balance of the parcel being subdivided;

d) the proposed residential use must be compatible with adjacent land uses;

e) the maximum parcel size is 2.02 hectares (5 acres);

f) the proposed parcel must be improved with three of the six improvements below prior to endorsement of a subdivision instrument:

i. approach to a gravelled County road or highway;

ii. shelterbelt or planted shelter

iii. power pole and transformer

iv. private sewer system;

v. working water well; or

vi. dwelling completed to the framing stage and/or connected to utilities
10.4.7 Subdivision Standards - Severance

a) the proposed parcel must have a suitable building site with both legal and physical public access;

b) is no greater than 2.13 hectares (7 acres) for this district;

c) the proposed residential use must be compatible with adjacent land uses;

d) the parcel must be improved with three of the six improvements below prior to endorsement of a subdivision instrument:
   i. approach to a gravelled County road or developed secondary highway;
   ii. shelterbelt or planted shelter;
   iii. power pole and transformer;
   iv. private sewer system;
   v. working water well; or
   vi. dwelling completed to the framing stage and/or connected to utilities.

10.4.8 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)

10.4.9 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 5.0 meters (16 feet).

10.4.10 With the exception of hamlets and areas zoned for Country Residential uses, any lot or parcel on which the primary use is a dwelling with private services (e.g. a well, a septic tank and open discharge, field or mound, and a power pole and transformer), a built approach off a highway or road, and on which there may be a shelterbelt and a garage or other accessory outbuildings is deemed to be districted Rural Residential for the purposes of this Bylaw.

10.4.11 Recreational Vehicles

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

10.4.12 Sewage and Wastewater

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

10.4.13 Utility Hookups

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

Offences and fines are outlined in Section 5, Contravention.
CERTIFICATE OF COMPLIANCE
Non-Compliant Building
for
NE-13-47-27-W4M

1. On the basis of information available (as per Real Property Report dated September 17, 2018), subject to the qualifications listed below, it is hereby certified:

(a) That the property is located within a Rural Residential District under the provisions of the County of Wetaskiwin Land Use By-law 2017/48.

(b) The permitted and discretionary uses for the district include:

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>Discretionary Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Dwelling, Detached</td>
<td>• Agriculture, Extensive (limited and compatible with adjacent land uses)</td>
</tr>
<tr>
<td>• Dwelling, Mobile — New</td>
<td>• Dwelling, Mobile — Used</td>
</tr>
<tr>
<td>• Dwelling, Modular— New</td>
<td>• Dwelling, Modular— Used</td>
</tr>
<tr>
<td>• Buildings and uses accessory to the above</td>
<td>• Dwelling, Secondary Suite</td>
</tr>
<tr>
<td></td>
<td>• Bed and Breakfast</td>
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<td></td>
<td>• Home Occupation</td>
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<td>• Public or Quasi-Public Use</td>
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<td>• Veterinary Clinic</td>
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<td>• Minor Business</td>
</tr>
<tr>
<td></td>
<td>• Public Utility</td>
</tr>
<tr>
<td></td>
<td>• Buildings and uses accessory to the above</td>
</tr>
</tbody>
</table>

(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 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

a. to make it a conforming building,

b. for routine maintenance of the building, if the development authority considers it necessary, or

c. in accordance with a land use bylaw that provides minor variance powers to the
development authority for the purposes of this section.

• 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 1.27 metres (4.16 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 (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 Shed (4.37 x 5.00) 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).

• The County notes that historically there has been approval for a Cafe in the Commercial Building (6.99 x 1.08 x 5.34 x 8.40 x 7.99 x 20.71 x 9.16). If there are any changes to the use or intensity of the building the property may potentially require rezoning and development permits. Alberta Transportation's approval will also be required.

• The County notes that there are no approvals for any businesses to be run out of any other buildings as shown on the real property report. If there are any changes to the use or intensity of the buildings the property may potentially require rezoning and will require development permits. Alberta Transportation's approval will also be required.

All non-compliant certificates of compliance are subject to enforcement.

2. 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 2017/48, and does not relate to the requirements of any federal, provincial or other municipal.

(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.

September 10, 2018
Effective Date

Jarvis Grant
Development Officer
County of Wetaskiwin No 10
APPEAL OF DEVELOPMENT PERMIT REFUSAL FOR GIFTWARE AND RETAIL STORE IN EXISTING BUILDING
NE 13-47-27-W4M, APPROXIMATELY 2 ACRES

TO: The County of Wetaskiwin No. 10
Subdivision & Development Appeal Board
FROM: Jarvis Grant
Development Officer
REFUSAL: County of Wetaskiwin
APPELLANT: Charlene Blanchard

BACKGROUND/CONTEXT:

The proposal for the giftware and retail store to be operated out of an existing building is located on an approximate 2 acre parcel in the southeast corner of NE 13-47-27-W4M. The parcel section is located at the intersection of Highway 795 and Township Road 472A. The property in question is zoned as Rural Residential.
On May 24, 2011, the County of Wetaskiwin issued a letter to Elva Schell who was the operator of ‘Charle’s Place’ within the old Pipestone Café building, which stated an Application for Approval of Business was attached and was required to be completed.

On June 1, 2011, the County received a completed Application for Approval of Business for ‘Charle’s Place’.

On November 7, 2011, the County issues an approved Request to Operate Business for ‘Charle’s Place’.

On November 14, 2011, the County received an Application for Approval of Business for ‘The Country Touch’ from Nadine Elder. The application outlined that it would sell home décor and gifts from within a small shed type building on skids. It further outlined that a salon and café already existed on the property.
On November 16, 2011, Shelley Der Development Officer for the County of Wetaskiwin, contacted Nadine Elder and informed her that with the addition of a building and a business that Alberta Transportation approval would need to be obtained, potentially rezoning to Rural Commercial would need to be completed as well as a development permit would need to be granted from the County.

On November 18, 2011, the landowner of the property at the time applied for rezoning of the lands from Rural Residential to Rural Commercial.

On December 30, 2011, Alberta Transportation responded to the County’s referral with respect to the rezoning application. Alberta Transportation indicated that “prior to the redesignation or approval of any additional development on this site, the Department will require the completion of a Traffic Impact Assessment to review and make recommendations regarding access management at the site as well as to determine if intersectional improvements will be required.”

On March 16, 2012, the County sent the landowner an email that listed several engineering firms that would be able to complete a Traffic Impact Assessment for them to enable to rezoning to move forward. A Traffic Impact Assessment was never completed and the rezoning and Application for Approval of Business were abandoned.

On October 12, 2012, Charmayne Bremner applied to operate ‘Charle’s Café’ out of the old Pipestone Café’ building and on October 18, 2012, Ms. Bremner’s application was approved.

On August 28, 2014, Emily Sillito submitted a Request to Operate Business on the lands for ‘Gail’s Country Café’. Her application was approved on September 3, 2014.

On September 18, 2015, Terri Furlotte applied with an Application for Approval of Business for the operation of ‘TailG8Rs Café’. This application was approved on August 31, 2015.

On September 5, 2018, Harold Sande who has been the owner of the property through all of the aforementioned applications and approvals, applied for a Certificate of Compliance from the County.

On September 10, 2018, the County issued a Non-Compliant Certificate of Compliance to Mr. Sande. As a part of the Certificate there were several non-compliant points listed. However, three of the most relevant to this application were:

- “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.”
- “The County notes that historically there has been approval for a Café in the Commercial building (6.99 x 1.08 x 5.34 x 8.40 x 7.99 x 20.71 x 9.16). If there are any changes to the use or intensity of
On October 24, 2018, Charlene Blanchard submitted two Application for Approval of Businesses; one was for a retail store ‘The Pipestone Trading Post’ out of an existing building which did not have any previous County approvals in place and the other was for the ‘Pipestone Family Café’.

On November 6, 2018, an approval was granted for the ‘Pipestone Family Café’ while Ms. Blanchard was informed that a development permit would be required for the ‘Pipestone Trading Post’ and that it would most likely be refused due to the building’s proximity to the County road allowance.

On November 14, 2018, Ms. Blanchard received Alberta Transportation approval for the operation of the ‘Pipestone Trading Post’. Shortly after on November 15, 2018, the County received Ms. Blanchard’s development permit application for the ‘Pipestone Trading Post’.

On November 23, 2018, the County issued a Notice of Refusal of Development Permit for the ‘Pipestone Trading Post’.

On November 29, 2018, a Letter of Appeal was submitted by Charlene Blanchard.

DISCUSSION

For the reasons explained in detail below, the Development Authority recommends that this appeal be considered for issuance of a development permit.

Reason 1: New Use

Historically, there has been a hair salon operating out of the building in which the Pipestone Trading Post is being proposed to be located in. However, due to the new use being different then the historical use, a development permit is required and must comply with the current legislation and bylaws. With the use of the existing building changing, Section 643 of the Municipal Government Act is no longer applicable. As seen in the September 10, 2018 Certificate of Compliance,

“The County notes that there are no approvals for any businesses to be run out of any other buildings as shown on the real property report. If there are any changes to the use or intensity of the buildings the property may potentially require rezoning and will require development permits. Alberta transportation’s approval will also be required.”
As explained above, it has been established that since the proposed use is a new use it must comply with the current Land Use Bylaw. Within Land Use Bylaw 17/48 it requires a 40 metre setback to the property line adjacent to a County road allowance, with the provision granted to the Development Officer to grant a 75% relaxation ability. As seen on the real property report dated August 17, 2018, the building in which the new use is to be located is 6.88 metres away from the property line adjacent to Township Road 472A; which would require an 82.8% variance.

With a 40 metre setback requirement and a 75% relaxation ability, the Development Officer can only provide a relaxation to 10 metres. This is in accordance with Sections 3.8 and 9.10 of Land Use Bylaw 17/48. Further to the variance ability granted to the Development Officer, the Subdivision and Development Appeal Board is granted the ability to relax the setbacks of the County’s Land Use Bylaw 17/48 100% subject to support of the adjoining road authority; this is also in accordance with Section 3.8.

**Reason 2: Conditional Support of the Road Authority**

As mentioned within Reason 1 above, in order for the Subdivision and Development Appeal Board to utilize their variance provision as seen within the County’s Land Use Bylaw 17/48, they need to have no objections from either the affected road authority or adjacent landowners. In comments received from Neil Powell Director of Public Works for the County of Wetaskiwin on December 3, 2018, he supports the application for the Pipestone Trading Post subject to conditions.

“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.”

With the conditional support of the Road Authority, the Subdivision and Development Appeal Board could issue a development permit in accordance with Section 687 of the Municipal Government Act.

**RECOMMENDATION:**

It is the opinion of the Development Authority that the appeal of Refusal of Development Permit D18/241 for the ‘Pipestone Trading Post’ be **considered for the issuance of a development permit**.

The recommendation is made for the following reasons:

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.

**SUMMARY:**
In conclusion, the Development Authority’s recommendation to the SDAB is to consider the appeal of the Refusal of Development Permit D18/241 for the issuance of a development permit subject to the following conditions:

1. Based on Section 9.14 of the County’s Land Use Bylaw 17/48, 2 parking stalls must be provided entirely on private property, orientated east/west, so as to service the approximate 82 square metre ground floor area retail store.

2. Proposed Development 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.

3. Location and use of proposed development shall be as specified by documents submitted by applicant.

4. The applicant shall be responsible to contact Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.

5. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.

6. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.

7. As specified in an approval to be obtained from Alberta Transportation.

8. The required front yard setback of 40 metres (131 feet) as per Land Use By-law 2017/48, has been relaxed to the proposed distance of 6.88 metres (22.5 feet) as it appears on the submitted plot plan.

9. The number of employees for the Pipestone Trading Post will be limited to one employee, in addition to the landowner of the property.
10. The operating hours of the business shall be set between 10 a.m. to 7 p.m. Monday to Thursday and 10 am to 8pm Friday to Saturday.
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.
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.

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.

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

If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
(a) to make it a conforming building,
(b) for routine maintenance of the building, if the development authority considers it necessary, or
(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.
(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

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

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.

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%.

3.8.2 The Development Officer may relax a bank break setback required under Section 9.10.4 by 50% or
may require an Engineer’s report to certify the safety of future development within the reduced
 setback. The Development Officer must not relax a bank break setback by more than 50% without an Engineer’s report which certifies that the building site is safe.

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.

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

9.1 Setbacks
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).

9.14 Parking and Loading
9.14.1 The following on-site parking provisions apply to all districts. The minimum number of on-site vehicle parking stalls required for each use is specified in the following table:
<table>
<thead>
<tr>
<th>Use</th>
<th>Required Parking Stalls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Business</strong></td>
<td></td>
</tr>
<tr>
<td>Abattoir</td>
<td>1.0 per 100.0 m² ground floor area (GFA)</td>
</tr>
<tr>
<td>Business Service</td>
<td>3.4 per 100.0 m² GFA</td>
</tr>
<tr>
<td>Equestrian Centre</td>
<td></td>
</tr>
<tr>
<td>Oilfield Service Business</td>
<td>As determined by Development Officer</td>
</tr>
<tr>
<td>Greenhouse</td>
<td>1.0 per 30.0 m² GFA</td>
</tr>
<tr>
<td>Kennel</td>
<td>1.0 per 25.0 m² GFA</td>
</tr>
<tr>
<td>Personal Service</td>
<td></td>
</tr>
<tr>
<td>Veterinary Clinic</td>
<td>1.0 per 40.0 m² GFA</td>
</tr>
<tr>
<td><strong>Public</strong></td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>10.0 per ha</td>
</tr>
<tr>
<td>Community Hall</td>
<td>1.0 per 10 seats</td>
</tr>
<tr>
<td>Education Facility</td>
<td></td>
</tr>
<tr>
<td>Elementary/Junior High</td>
<td>1.0 per 10 students</td>
</tr>
<tr>
<td>High School</td>
<td>1.0 per 5 students</td>
</tr>
<tr>
<td>Funeral Service</td>
<td>1.0 per 5 seats of public seating, plus 1 stall per funeral home vehicle</td>
</tr>
<tr>
<td>Government Services</td>
<td></td>
</tr>
<tr>
<td>Public Park</td>
<td>As determined by Development Officer</td>
</tr>
<tr>
<td>Public Utility</td>
<td></td>
</tr>
<tr>
<td>Rest Area</td>
<td></td>
</tr>
<tr>
<td>Place of Worship</td>
<td>1.0 per 10 seating spaces</td>
</tr>
<tr>
<td>Recycling Depot</td>
<td>1.0 per 100.0 m² GFA</td>
</tr>
<tr>
<td><strong>Retail and Service</strong></td>
<td></td>
</tr>
<tr>
<td>Casino</td>
<td>1.0 per 5 seats or 1.0 per 10.0 m² GFA used by patrons</td>
</tr>
<tr>
<td>Bulk Fuel Dealer</td>
<td>As determined by Development Officer</td>
</tr>
<tr>
<td>Convenience Store</td>
<td></td>
</tr>
<tr>
<td>Retail Store</td>
<td>Below 2,000.0 m² GFA: 2.2 per 100.0 m²;</td>
</tr>
<tr>
<td>Retail Liquor Store</td>
<td>2,000 to 20,000.0 m² GFA: 3.2 per 100.0 m²; or</td>
</tr>
<tr>
<td></td>
<td>Above 20,000.0 m² GFA: 4.3 per 100.0 m²</td>
</tr>
<tr>
<td>General Contractor</td>
<td>1.0 per 100.0 m² GFA; or 3 per tenant or establishment</td>
</tr>
<tr>
<td>Farm Supply and Services Dealer</td>
<td></td>
</tr>
<tr>
<td>RV/OHV Dealer and/or Storage</td>
<td>1.0 for every inventory vehicle on the lot</td>
</tr>
<tr>
<td>Heliport</td>
<td>As determined by Development Officer</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1.0 per 4 seats</td>
</tr>
<tr>
<td>Motor Vehicle Sales</td>
<td>1.0 per every inventory vehicle</td>
</tr>
</tbody>
</table>
RELEVANT FACTS FOR THE BOARD’S CONSIDERATION:


- On October 24, 2018 Administration received an application for approval of Business. The application was for the Pipestone Trading Post located within NE 13-47-24-W4M. 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

- On November 29, 2018 the Secretary of the Subdivision and Development Appeal Board received the appeal application

- 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.

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 10.4. Rural Residential District
7. County of Wetaskiwin No. 10 Land Use Bylaw 2017/48:Section Front Yard Setbacks 9.10.1 (b)
SPECIFIC CONCERNS REGARDING THE PROPOSED DEVELOPMENT:

The Applicants/Appellants would like the minimum required front yard setbacks relaxed.

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 D18/241 from Charlene Blanchard for a Giftware and Retail Store, "Pipestone Trading Post" in existing building within NE-13-47-27-W4M.


On November 29, 2018, The Secretary of the Subdivision and Development Appeal Board received a letter of appeal from Charlene Blanchard.

An Appeal Hearing was set for Tuesday, December 11, 2018 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 November 29, 2018.

On December 5, 2018, 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
- Appeal Package submitted by Applicant
- Notice of Refusal
- Section 3.8 Land Use Bylaw 2017/48: Variance Provisions
- Section 9.10 Land Use Bylaw 2017/48: Setbacks of Land Use Bylaw
- Section 10.4 Land Use Bylaw 2017/48: Rural Residential District
- September 10, 2018 Certificate of Compliance Non-Compliant Building

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