
Appeal File Number:	020-STU-014
Application Number:	305305-20-D0172
Appeal Against:	Development Authority of Sturgeon County
Appellant:	Sheila Kazimirchuk
Date and Location of Hearing:	September 29, 2020 Held via Teleconference
Date of Decision:	October 13, 2020
SDAB Members:	Chair Julius Buski, Wayne Bokenfohr, Lee Danchuk, David Kluthe, Amanda Papadopolous

NOTICE OF DECISION

IN THE MATTER OF an appeal by Sheila Kazimirchuk against the Development Authority’s approval of a development permit to operate a Guest Ranch located at NE 15-57-23-W4 within Sturgeon County.

- [1] This is the decision of the Sturgeon County Subdivision and Development Appeal Board (the “SDAB” or “Board”) on an appeal filed with the SDAB pursuant to section 685 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (the “MGA” or “Act”).
- [2] In making this decision, the Board reviewed all the evidence presented and considered provisions of the *Municipal Government Act*, Sturgeon County’s Land Use Bylaw 1385/17 (the Land Use Bylaw or LUB) and Sturgeon County’s Municipal Development Plan (MDP), and any amendments thereto.
- [3] The following documents were received prior to the hearing and form part of the record:
- The Notice of Appeal;
 - A copy of the development permit application with attachments;
 - The Development Officer’s written decision;
 - Development Support Services Report; and
 - The Applicant’s written submission.

PRELIMINARY MATTERS

- [4] There were no preliminary matters addressed at the hearing.

PROCEDURAL MATTERS

- [5] The appeal was filed on time and in accordance with section 686 of the MGA.

- [6] There were no objections to the proposed hearing process as outlined by the Chair. The Appellant agreed to proceed with the hearing via videoconference as permitted by the Meeting Procedures (COVID-19) Suppression Regulation.
- [7] There were no objections to the composition of the Board hearing the appeal.
- [8] The Board is satisfied that it has jurisdiction to deal with this matter.

ISSUE

- [9] The Appellants raised the following grounds of appeal:
- Concern that there is not adequate fencing between the properties.
 - There are many trees surrounding the area and clarification is requested if the Guest Ranch will be allowed open fires.
 - Concern that this approval will limit development on the Appellant's property.

RECOMMENDATION OF THE DEVELOPMENT AUTHORITY

Carla Williams, representative for the Development Authority, provided a presentation which outlined the Development Authority's approval of development permit application 305305-20-D0172 for the following reasons:

- [10] A Guest Ranch is listed as a discretionary use within the AG district of the Land Use Bylaw and defined as a private owner-occupied single-family dwelling, including sleeping facilities, which are rented on a daily basis to registered guests, and meals are prepared in a residential kitchen. A guest ranch does not include a hotel or motel.
- [11] The parcel is 30ha (75.5ac) in area and is currently developed with a single detached dwelling constructed in 2008, a pole shed for cold storage constructed in 2007, and a number of accessory buildings being used for farm purposes.
- [12] Municipal Development Plan Bylaw 1313/13 states: *Vision and Guiding Principles, Economic Health, encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment. To enable economic health, Sturgeon County strives to promote small business, including value-added agriculture, secondary industrial growth and emerging sectors that complement each of the individual Neighbourhoods.*

Neighbourhood D, Economic Health states, *a) Ensuring that proposed non-Primary Industry development in the Neighbourhood (and outside of existing subdivisions) will have limited adverse impact on agricultural or heavy industrial operations, activities, or industry. b) Developing, in conjunction with Sturgeon County agritourism and eco-tourism operators, a Tourism Strategy that supports sector growth while accounting for the impacts to Sturgeon County's infrastructure networks. c) Encouraging Non-Residential Type 4 HBB that complement local agricultural activities (such as agritourism, value-added agriculture and agricultural support services).*

- [13] The development, as proposed, would not unduly interfere with the amenities of the neighbourhood or materially interfere or affect the use, enjoyment, or value of neighbouring properties.

SUMMARY OF APPELLANT'S POSITION

- [14] The Appellant has reviewed the site plans and does not have much issue with the proposed development.
- [15] The concern was that there are many trails on her property that she did not want guests of the Ranch to be accessing her land and trails. The plans indicate the back area will be fenced and that satisfies the concern.
- [16] There is lots of dry, large wood around the homes, but it seems the fire pits are situated with enough distance, so she is also satisfied with that solution.

DECISION

- [17] **The Board DENIES the appeal, UPHOLDS the decision of the Development Authority made on August 14, 2020 to approve development permit application 305305-20-D0172 with conditions, and APPROVES the development permit with the conditions as recommended by the Development Authority.**

REASONS FOR THE DECISION

- [18] The Board finds that a Guest Ranch is a discretionary use within the AG – Agriculture District and that the proposed development conforms with that prescribed use.
- [19] In presenting her appeal, the Appellant identified that the reasons for her appeal, namely fencing, concerns regarding fire pits, and impacts of the proposed development on her property, have been resolved by information provided to her since the time of her appeal. Therefore, the Board finds that there is no live issue before it.
- [20] For all of these reasons, the Board has decided to deny the appeal, uphold the decision of the Development Authority, and approve the development permit with the conditions recommended by the Development Authority.

Dated at the Town of Morinville, in the Province of Alberta, this 13th day of October, 2020.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Sturgeon County



Julius Buski, Chair

Pursuant to Section 688(1)(a) of the Municipal Government Act (MGA), an appeal of a decision of the Subdivision and Development Appeal Board lies with the Alberta Court of Appeal on a matter of law or jurisdiction. In accordance with Section 688(2)(a), if a decision is being considered, an application for permission to appeal must be filed and served within 30 days after the issuance of the decision and, notice of the application for permission must be provided to the Subdivision and Development Appeal Board and in accordance with Section 688(2)(b), any other persons that the judge directs.

APPENDIX "A"
List of Submissions

- The Notice of Appeal;
- A copy of the development permit application with attachments;
- The Development Officer's written decision;
- Development Support Services Report; and
- The Applicant's written submission.