

AUGUST 1, 2023
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING AGENDA
COUNCIL CHAMBERS AND VIDEOCONFERENCE
2:00 p.m.

1. CALL TO ORDER (2:00 p.m.)

2. SCHEDULE OF HEARINGS:

- | | | |
|-----|--|--------------------------------|
| 2.1 | Appellant: Mikayla Kostiw & Dylan Long | 023-STU-014 Subdivision Appeal |
| 2.2 | Appellant: Donna Tregidgo & Bert McEwen | 023-STU-015 Development Appeal |

3. ADJOURNMENT

Appeal #1

021-STU-014 - Conditional approval of
subdivision



SUBDIVISION & DEVELOPMENT APPEAL BOARD

| | | |
|--|--|--|
| Site Information: | | Severed in line with section 17 of the FOIP Act Date Received Stamp |
| Municipal Address of site: | | |
| Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter’) SW-31-57-23-W4 | | |
| Development Permit number or Subdivision Application number: 2023-S-009 | | |
| Appellant Information: | | |
| Name: Mikayla Kostin & Dylan Long | | Phone: _____ Agent Name: (if applicable) _____ |
| Mailing Address: 23504-Twp Rd 580 | | City, Province: Sturgeon County, AB |
| Postal Code: _____ | | Email: _____ |

APPEAL AGAINST (Check **ONE** Box Only) for multiple appeals you must submit **one** Notice of Appeal

| | |
|---|---|
| Development Permit | Subdivision Application |
| <input type="checkbox"/> Approval | <input checked="" type="checkbox"/> Approval |
| <input type="checkbox"/> Conditions of Approval | <input type="checkbox"/> Conditions of Approval |
| <input type="checkbox"/> Refusal | <input type="checkbox"/> Refusal |

Stop Order

Stop Order

REASON(S) FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons

see attached

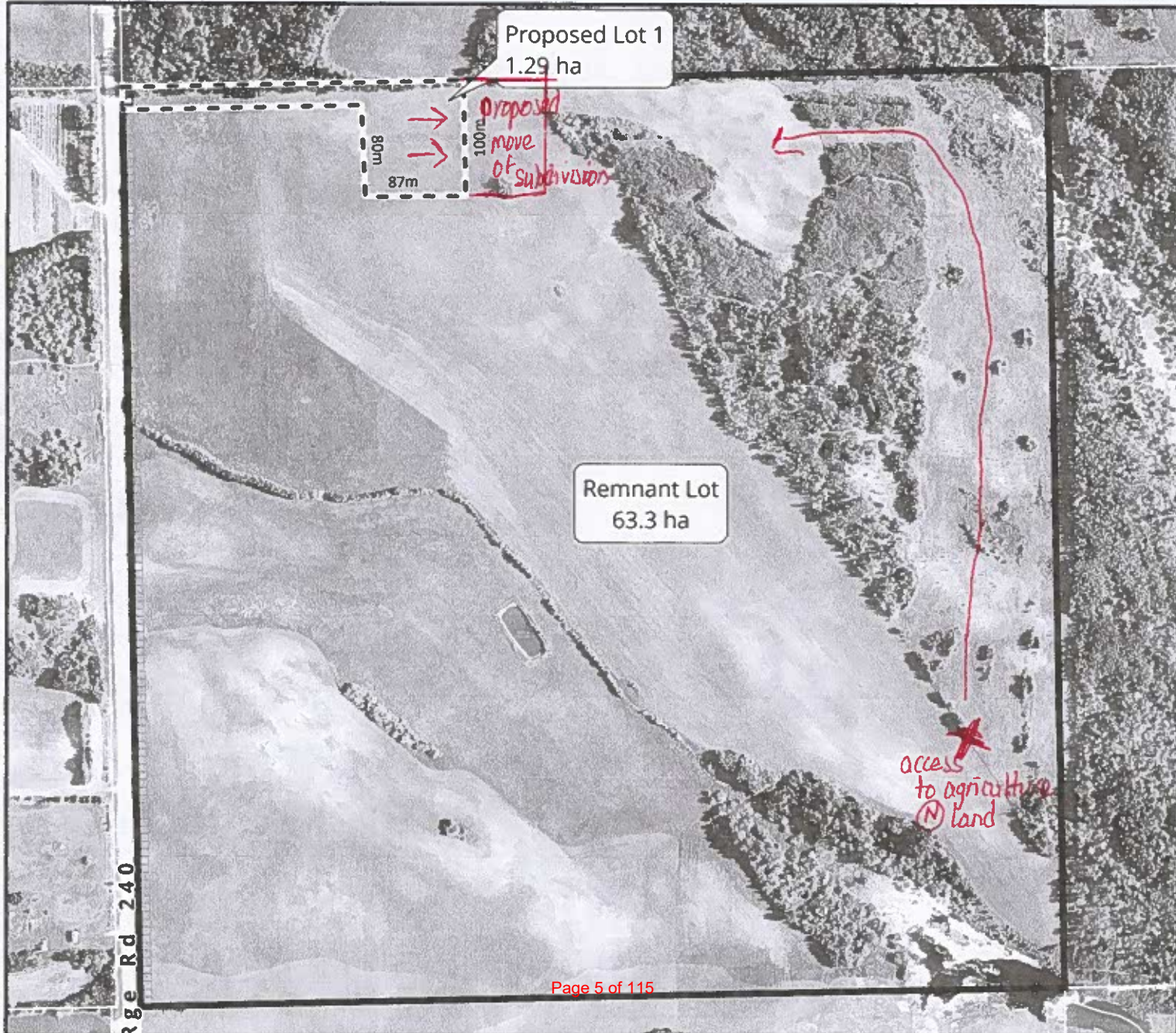
We, Mikayla Kostiw and Dylan Long (applicants) are appealing the approved conditionally proposed Lot 1- Exhibit 2 for the following reasons;

- please see attached map which indicates the remnant landowner who has alternate access to the north agricultural land by other routes so therefore this appeal in moving the lot would not land lock them
- this north agricultural land is only utilized by pasturing cattle in the fall time every couple of years as the soil conditions are not favorable for cropping as it consists of only sandy soil
- by moving the proposed lot up to the tree line and keeping the same dimensions of the lot will enable the remnant landowner better utilization and easier access to agricultural land for cropping with larger equipment etc. for moving around the subdivision
- even though this would extend the panhandle this lot would be in a better position for both the proposed and remnant lots (landowner and applicants)

Thank you for your consideration into this appeal.

Exhibit 2 [Subdivision Authority Recommendation]

File Number: 2023-S-009





Sturgeon County
9613-100 St (780) 939-4321
Morinville, Alberta T8R-1L9
(780) 939-4321 ext.

MIKAYLA, KOSTIW & DYLAN LONG

Receipt Number: 202305407
GST Number: 107747412RT0001
Date: 2023-07-05
Initials: JC

| Account | Description | Prev Bal | Payment | Balance |
|---------|------------------------------|----------|--|-------------------|
| 16APP | APPEAL FEES - LEGISLATIVE SC | | \$100.00 | |
| | | | <u>Subtotal:</u> \$100.00 | |
| | | | Taxes: \$0.00 | |
| | | | <u>Total Receipt:</u> \$100.00 | <u>Cheque No.</u> |
| | | | Debit: \$100.00 | |
| | | | <u>Total Monies Received:</u> \$100.00 | |
| | | | Rounding: \$0.00 | |
| | | | <u>Amount Returned:</u> \$0.00 | |

July 18, 2023

SDAB File Number: 023-STU-014

Dear Mikayla Kostiw & Dylan Long

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: SW 31-57-23-W4
Decision Regarding Proposed Subdivision: The subdivision was conditionally approved

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on July 5, 2023. In accordance with section 680(3) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **August 1, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 721 330 204#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than July 27, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

Should you require further information, call (780) 939-8277 or (780) 939-1377 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

July 18, 2023

SDAB File Number: 023-STU-014

Dear Resident:

**NOTICE OF
APPEAL BOARD HEARING**

Take notice that a hearing has been scheduled concerning the following proposed subdivision:

Legal Description of Subject Property: SW 31-57-23-W4
Subdivision Application Number: 2023-S-009
Decision of Subdivision Authority: The subdivision was conditionally approved

Appellants: Mikayla Kostiw & Dylan Long

Reasons for Appeal (as identified on the Notice of Appeal):

- The remnant landowner has alternate access to the north agricultural land by other routes.
- The north agricultural land is only used every couple of years by pasturing cattle as the soil conditions are not favourable for cropping.
- Moving the lot up to the tree line will allow the landowner easier access for cropping with larger equipment.
- Extending the panhandle allows better positioning for both the proposed and remnant lots.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **August 1, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 721 330 204#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than July 27, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda

**SUBDIVISION and
DEVELOPMENT**

APPEAL BOARD

Sturgeon County
9613-100 Street, Morinville, AB T8R 1L9

package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

For further information, please call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

July 18, 2023

SDAB File Number: 023-STU-014

To Whom it May Concern:

**NOTICE OF
APPEAL BOARD HEARING**

Take notice that a hearing has been scheduled concerning the following proposed subdivision:

Legal Description of Subject Property: SW 31-57-23-W4
Subdivision Application Number: 2023-S-009
Decision of Subdivision Authority: The subdivision was conditionally approved

Appellants: Mikayla Kostiw & Dylan Long

Reasons for Appeal (as identified on the Notice of Appeal):

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- The north agricultural land is only used every couple of years by pasturing cattle as the soil conditions are not favourable for cropping.
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Why am I receiving this information?

When an appeal is received, affected bodies/organizations have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed subdivision. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than July 27, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda

**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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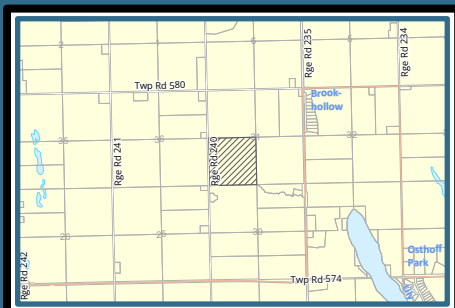
Dianne Mason
Secretary, Subdivision and Development Appeal Board

Exhibit 2 [Subdivision Authority Recommendation]



Sturgeon
COUNTY

File Number: 2023-S-009



Legal Description: 4;23;57;31;SW

Roll Number: 1508000

Total Acres/Hectares: 160.00ac / 64.64ha

Municipal Address: N/A

Land Use: AG - Agriculture

Date: 6/27/2023

Legend

- Dugout
- Road Widening By Caveat
- Road Widening By Survey

Subdivision and Development Appeal Hearing Process

The hearing is a formal meeting and the length of time can vary. Hearings are generally scheduled Tuesday afternoons at the Sturgeon County Centre in the Town of Morinville or via videoconference.

Persons who file an appeal are expected to make a verbal presentation to the Board. Persons who have been notified of the appeal also have the right to present a verbal, written and/or visual presentation to the Board. ***This information should be submitted to the Secretary at least five (5) days in advance of the hearing, so it can be included within the hearing package.*** If desired, parties may have someone, or an agent, speak on their behalf. If a number of appeals are filed on the same subdivision or development, it is recommended that a spokesperson be selected to organize presentations so that evidence is not repetitive.

The Board is not an evidence seeking body. It relies on the written evidence presented, as well as verbal submissions at the hearing, as the basis for their decision. Therefore, it is critical that persons appearing before the Board ensure that sufficient evidence is presented to support their respective positions.

When presenting an appeal, keep in mind the Board does not consider precedent when making its decision. Each application is judged on its own merits.

At the hearing . . .

Anyone in attendance with an interest in the appeal enters the hearing room, joins the videoconference, or dials in just before the scheduled start time of the hearing on the scheduled date of the hearing.

1. The meeting is called to order by the Chair.
2. The Chair welcomes everyone and gives a brief outline as to how the hearing will proceed.
3. The Chair will have all board members, staff and people involved in the appeal introduce themselves and those present are asked if there are any objections to the Board members hearing the appeal.

4. A representative of Sturgeon County Planning and Development will outline the background of the appeal and why the decision was made.
5. The Chairman will then ask:
 - The Appellant to introduce themselves for the record.
 - The Appellant then presents his/her position or concerns with respect to the matter being considered by the Board. Development Appeal Board members question the Appellant.
 - Clearly state your reasons for the appeal.
Information such as photographs, illustrative materials and well-prepared drawings that you wish to present should be submitted to the Secretary at least five (5) days in advance of the hearing, so that the information can be included within the hearing package that is circulated.
 - Stick to the planning facts and support them with quantifiable (measurable) data.
 - State the detailed issues about the site in the context of the surrounding properties and the impact on the community.
 - The Board will then hear from anyone else in favor of the appeal (persons who filed an appeal or support the position of the Appellant). Following each presentation Board members may ask questions.
 - The Board will then hear from anyone opposed to the appeal (persons who oppose the position of the Appellant).
6. After all presentations have been heard, the Chairman will give the Appellants the right to respond to new information. This is an opportunity to refute information and evidence presented since the last time you spoke that you could not have reasonably anticipated. It is not an opportunity to reargue your case or create new argument.
7. The Chairman advises that the Board will deliberate in a Closed Session and a written decision will be mailed within 15 days from the date of the decision as per legislation.

June 29, 2023

Mikayla Kostiw & Dylan Long
23504 Twp Rd 580

Severed in line with section 17 of the FOIP Act

Re: Proposed Subdivision
Our File No: 2023-S-009
Applicant: Mikayla Kostiw & Dylan Long
Landowner: Gary & Sandra Kostiw
Legal Description: SW 31-57-23-W4

Your application for subdivision was **APPROVED CONDITIONALLY** by the Subdivision Authority on **June 29, 2023**, subject to the following conditions:

THE CONDITIONS OF APPROVAL ARE:

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated June 27, 2023 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and the adjacent road shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.

ADVISORY NOTES

- Natural Gas servicing to any new subdivision is the responsibility of the applicant. The applicant will be required to provide the required easements across existing lots or subdivided lots for natural gas servicing, if service is approved by the natural gas provider. Sturgeon County does not allow natural gas servicing lines to be located within the road right of way. Setbacks from the road right of way are required. Easements of private property must be obtained by the applicants or service providers. Any service lines which cross Sturgeon County property will require a crossing agreement with conditions.
- Pursuant to Section 2.4.3 of the LUB, at the development permit stage on any property, it is highly recommended that the developer retain the services of a qualified engineering professional to prepare and submit a geotechnical investigation confirming that the proposed building site on is suitable for development and prescribing any preventative engineering measures to be taken to make the building site suitable for future development or future development suitable for the building site.
- Pursuant to the Water Act and the Alberta Wetland Policy, any future development or site grading which might alter or disturb a wetland may require additional approvals from Alberta Environment and Parks.
- The subject properties shall not be used in any manner or way that impedes or will impede the use of adjacent lands for agricultural purposes or agricultural operations, as defined in the Agricultural Operation Practices Act, RSA 2000 c.A-7.
- The internal driveway should be constructed at a higher elevation and have an adequately sized culvert to ensure the flow of water can be maintained and drainage in the area is not altered.

Reasons for decision are as follows:

- The Subdivision Authority is of the opinion, after considering the factors set out in S. 7 of the Subdivision and Development Regulations, that the lands are suitable for the purpose for which the subdivision is intended because the nature of the lands and proposed configuration of the lot(s) remove any concern regarding these factors except for those specifically addressed by the conditions.
- The Subdivision Authority has not received any comments from adjacent landowners regarding this subdivision.

Developer/Landowner should contact local gas company to ensure that their utility does or does not need to be relocated at the developer/landowner's expense.

This approval will expire on **June 29, 2024**. Pursuant to Section 657 of the Municipal Government Act, an extension beyond this one-year time period may be authorized by the Municipal Council, provided just cause is shown.

When all the conditions of approval have been complied with, one endorsement of Subdivision Authorization Approval Form and two copies of the *Plan*, which is satisfactory to the Registrar of Alberta Land Titles, may be submitted for endorsement by this Municipality.

PLEASE NOTE:

An endorsement fee of \$250 per application (excluding reserve lots and public utility lots) will be required to be paid upon submission of the *Plan*, as well as a parcel fee of \$600.00 per new lot created (or adjusted).

Subdivision and endorsement fees are subject to change. If the subdivision and endorsement fee schedule is amended before you submit the **Plan**, which is satisfactory to the Registrar of Alberta Land Titles, the new fees will apply.

The applicant is urged to contact the appropriate oil/utility company if construction of buildings is required.

Land surveyors are strongly urged to contact planning staff in the event of uncertainties with the approval diagram or with the conditions rendered by the subdivision authority.

SEE ENCLOSURE RE: CONDITIONAL APPROVAL VALIDITY PERIOD AND APPEAL PROCEDURE.

Yours truly,



Martyn Bell
Program Lead, Current Planning

/sg

Encl:

C: Gary & Sandra Kostiw
AltaLink Management Ltd.
Alberta Health Services
Alberta Transportation
Canada Post
Coronado Gas Co-op
Fortis Alberta
Servus Credit Union Ltd
Sturgeon School Division
Telus Access Planning

PLEASE NOTE THAT THIS OFFICE WILL NOT ENDORSE ANY DOCUMENTS OR PLANS UNTIL THE APPEAL PERIOD, AS SET OUT IN THE MUNICIPAL GOVERNMENT ACT, HAS EXPIRED.

If you wish to appeal this decision, contact the Secretary of the Subdivision and Development Appeal Board via email at legislativeservices@sturgeoncounty.ca or via letter at 9613 – 100th Street, Morinville, Alberta, T8R 1L9. Telephone enquires can also be made at 780-939-4321.

Pursuant to Section 678(2) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 14 days after receipt of the written decision.

The final date the appeal can be filed is: **JULY 20, 2023**

For the purpose of Section 678(2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed (date of the letter).

Please note that there is a \$100.00 fee for any appeal.

PART II – APPLICATION FORM



Application for Subdivision

(For proposals involving 1 to 4 parcels and/or property line adjustments)

Office Use Only

Initial Date Submitted:

April 11, 2023

Date Accepted as "Complete":

April 18, 2023

Application Fee: \$

1175.⁰⁰

Receipt No:

202301929

File Number:

2023-S-009

Complete in full (where applicable):

Name of registered owner(s) of property to be subdivided:

Gary and Sandra Kostiw

Mailing address (including postal code):

Telephone:

Email:

(If applicable): Name of authorized applicant(s) acting on behalf of above owner(s):

Mikayla Kostiw +
Dylan Long

Mailing address (including postal code):

Telephone:

Email:

Severed in line with section 17 of the FOIP Act

PROPERTY INFORMATION:

All/part of the: SW ¼ Sec: 31 Twp: 57 Range: 23 West of the: 4th Meridian

OR Lot: Block: Plan: Land Title #

Municipal Address of Property:

Total existing property size (states on land title certificate): hectares 160 acres

What is the purpose of subdivision (check all that apply):

Property Line Adjustment New Agricultural or Residential Property New Industrial or Commercial Property Other

Detailed Description:

A 46 ac (approx) parcel is requested as the proposed residential property will entail a long driveway to have future residence further away from roadway and established on a higher ground as the current parcel is low lying at approach.

Freedom of Information and Protection of Privacy (FOIP) Act

The personal information provided will be used to process the application for subdivision and is collected under the authority of Section 653 of the Municipal Government Act, Section 5 of the Subdivision Development Regulation and Section 33 (c) of the Freedom of Information and Protection of Privacy (FOIP) Act. Personal information you provide may be recorded in the minutes for the Municipal Planning Commission. If you have any questions about the collection and use of this information, please contact the Sturgeon County Access and Privacy Officer at 9613 – 100 Street, Morinville, Alberta, T8R 1L9; or phone 780-939-8366.

Applicant's Authorization (Complete only if another party is making application on landowner's behalf)

I/We, Gary Kostiw & Sandra Kostiw being the registered owner(s) of lands legally described as:

All/part of the: SW ¼ Sec: 31 Twp: 57 Range: 23 West of the: 4th Meridian

OR Lot: _____ Block: _____ Plan: _____

Municipal Address of Property: _____

do hereby authorize Mikayla Kostiw and Dylan Long to make an application for subdivision and subsequent endorsement affecting my/our above noted property.

Dated this 2nd day of April, 2023

Signature(s) of ALL Registered Landowners Severed in line with section 17 of the FOIP Act

| | |
|--|--|
| | |
| | |

Abandoned Oil and Gas Wells (Mandatory)

Attach a **map** from the Alberta Energy Regulator's Abandoned Well Map which clearly demonstrates whether or not the property has any abandoned oil or gas well(s) on it.
(Note: A map can be obtained online at <https://geodiscover.alberta.ca/geoportal/#homePanel> or phone the AER's Customer Contact Centre at 1-855-297-8311).

In addition to attaching this map, check one box below:

I do **not** have any abandoned oil or gas well site(s) on the property.

OR

I **do** have an abandoned oil or gas well site(s) located on the property and, when developing in the future, must meet the setback and other potential requirements of the AER's Directive 079.

(See: <https://www.aer.ca/regulating-development/rules-and-directives/directives>)

Freedom of Information and Protection of Privacy (FOIP) Act

The personal information provided will be used to process the application for subdivision and is collected under the authority of Section 653 of the *Municipal Government Act*, Section 5 of the *Subdivision Development Regulation* and Section 33 (c) of the *Freedom of Information and Protection of Privacy (FOIP) Act*. Personal information you provide may be recorded in the minutes for the Municipal Planning Commission. If you have any questions about the collection and use of this information, please contact the Sturgeon County Access and Privacy Officer at 9613 – 100 Street, Morinville, Alberta, T8R 1L9; or phone 780-939-4321.

Map Results



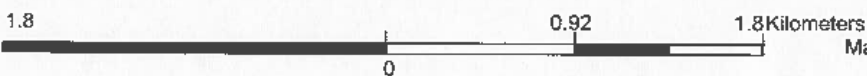
Legend

- ◇ Abandoned Wells (Large Scale)
- Abandoned_Well_Revised (Large Scale)
- Abandoned_Well_Loc_Pointer
- ATS v4_1 Alberta Provincial Boundaries Citations

© Government of Alberta

While every effort is made to ensure data from this site is accurate and current, the Government of Alberta is not liable for any loss or damage arising from the possession, publication, or use of, that data. This information is provided "as is" without warranty.

Monday, March 20, 2023 19:49:52 -06:00



Map Scale: 1: 36,112



Alberta Government
GeoDiscover Alberta

Drinking Water Supply (Mandatory)

Indicate the existing type of water supply on your property (Note: Additionally, please illustrate the specific location in your attached aerial photo):

No Existing Drinking Water Supply

Ground Water Well

Water Cistern (Hauling)

Municipal Water-Line

Other (specify): _____

Note: The Alberta Water Wells Database can be found at <http://groundwater.alberta.ca/WaterWells/d/>

Sewage Disposal (General Information)

As a condition of subdivision approval, existing sewage systems must comply with the below setbacks, and may have to be inspected to verify. Should the system *not* comply, you will be required to either upgrade, relocate or replace your system (at your expense). It is recommended that you research installation costs with accredited private sewage contractors.

| | Property Lines | Drinking Water Source (Well or Cistern) | Building (Any subject to Alberta Building Code) | Septic Tank | Water Course (Lake or Stream) |
|--|----------------|---|---|-------------|-------------------------------|
| Holding Tanks: | 1m (3.25 ft) | 10m (33 ft) | 1m (3.25 ft) | | 10m (33 ft) |
| Treatment Mound: | 3m (10 ft) | 15m (50 ft) | 10m (33 ft) | 3m (10 ft) | 15m (50 ft) |
| Field System: | 1.5m (5 ft) | 15m (50 ft) | Varies | 5m (17 ft) | 15m (50 ft) |
| Open Discharge: | 90m (300 ft) | 50m (165 ft) | 45m (150 ft) | | 45m (150 ft) |
| Lagoons: | 30m (100 ft) | 100m (330 ft) | Varies | | 90m (300ft) |
| Packaged Sewage Treatment Plants: | 6m (20 ft) | 10m (33 ft) | 1m (3.25 ft) | | 10m (33 ft) |

Excerpt from: *Alberta Private Sewage Systems Standards of Practice 2015*

If you have questions regarding sewage disposal, consult either:

Alberta Municipal Affairs

Toll Free: 1-866-421-6929

OR

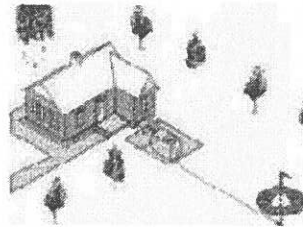
Superior Safety Codes Inc. (Sturgeon County's Agent)

Telephone: 780-489-4777

Toll Free: 1-866-999-4777

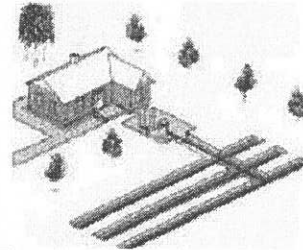
Sewage Disposal (Mandatory)

Indicate the existing type of sewage disposal on your property (Note: Additionally, please illustrate the specific location in your attached aerial photo):



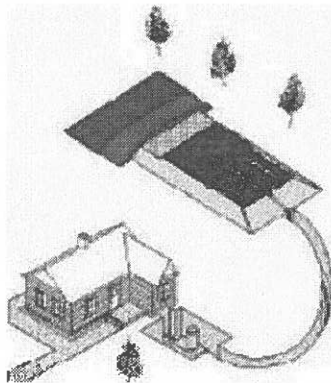
Open Discharge (Pump Out) System

A system designed to discharge effluent to the ground surface to accomplish evaporation and absorption of the effluent into the soil.



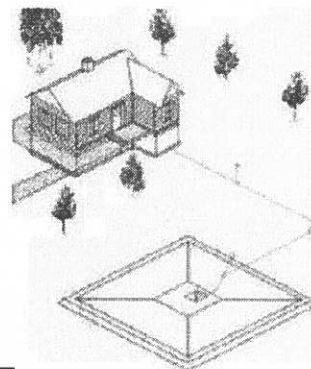
Disposal Field

A system of treatment and disposal that distributes effluent within trenches containing void spaces that are covered with soil.



Treatment Mound

A system where the effluent treatment area includes a bed of sand and is built above ground to overcome limits imposed by proximity to water table or bed rock, or by highly permeable or impermeable soils.

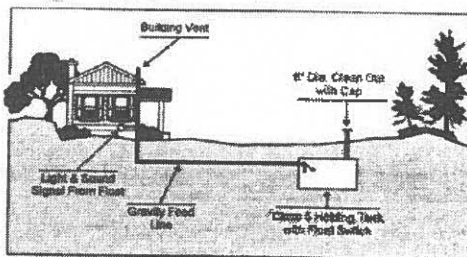


Sewage Lagoon

A shallow artificial pond for the stabilization of sewage or effluent.

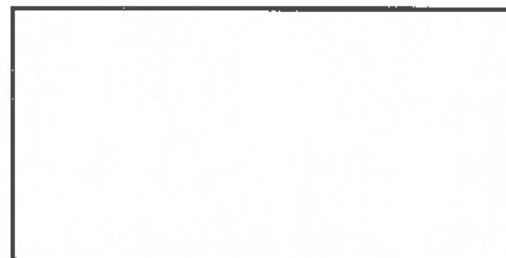
No existing sewage disposal.

Municipal Sanitary Line



Holding Tank

A system where sewage or effluent is retained in a tank until it can be transferred into mobile equipment for disposal elsewhere.



Other: _____

Provide a description and drawing if none of the listed descriptions apply to you.

Right of Entry Authorization (Mandatory)

Read the following statement, and check the box if you agree:

- I/we grant consent for an authorized person of Sturgeon County to enter upon the property to conduct a site inspection regarding this subdivision application.

Indicate any safety issues or special concerns on your property (e.g. guard dog, electric fence):

Affidavit (Mandatory)

I/We,

Gary Kostiw and Sandra Kostiw

hereby certify that

- I am the registered owner,

OR

- I am the agent authorized to act on behalf of the registered owner,

and that the information given on this subdivision application package is **full and complete** and is, to the best of my knowledge, **a true statement of the facts** relating to this application for subdivision approval.

I/We grant consent for an authorized person of Sturgeon County to communicate information electronically as per Section 608 (1) of the Municipal Government Act, R.S.A. 2000., c.M-26

Severed in line with section 17 of the FOIP Act

Application Checklist

In addition to fully-completing and submitting this application form, ensure the following mandatory items are submitted:

- Subdivision Application Fee** – see page 2 for details.
- Attached Abandoned Oil and Gas Well Map** – see page 6 for details.
- Attached Aerial Photographs** – see page 9 for details.
- Land Title Certificate** – available at any Alberta Registries office. Must be up-to-date within one month.
- Corporate Registry (if landowner is a company)** – available from Service Alberta. See page 2 for details.
- Additional Registered Documents** – provide a print-out of any additional caveat(s), right-of-way plan(s), report(s) or other documents referenced on your land title certificate.

Freedom of Information and Protection of Privacy (FOIP) Act

The personal information provided will be used to process the application for subdivision and is collected under the authority of Section 653 of the *Municipal Government Act*, Section 5 of the *Subdivision Development Regulation* and Section 33 (c) of the *Freedom of Information and Protection of Privacy (FOIP) Act*. Personal information you provide may be recorded in the minutes for the Municipal Planning Commission. If you have any questions about the collection and use of this information, please contact the Sturgeon County Access & Privacy Officer at 9613 – 100 Street, Morinville, Alberta, T8R 1L9; or phone 780-939-4321.



Ent. HERE. GOLF COURSE. (P. 200. 8/1/2013) SOURCE: HERE



ENR HERE: Search HERE: Strategy Center, 1/1/2023

PLANNING AND DEVELOPMENT SERVICES REPORT



| FILE INFORMATION: 2023-S-009 | |
|-------------------------------------|---|
| Council Division: | 5 |
| Tax Roll Number: | 1508000 |
| Legal Land Description of Property: | SW 31-57-23-W4 |
| Landowner(s): | Gary and Sandra Kostiw |
| Applicant(s): | Mikayla Kostiw and Dylan Long |
| Staff Recommendation | Conditional Approval |
| Appeal Board (if appealed): | Subdivision & Development Appeal Board |
| Administrative Fees (if approved): | \$250 (subdivision endorsement); plus \$600 per new parcel created/adjusted. |

PART I – APPLICATION DETAILS:

1. As illustrated in Exhibit 1 (see **Appendix 4**), the applicant proposes subdivision of 1.74 hectares (4.30 acres) from 64.7 hectares (160 acres).

PART II – SUBDIVISION HISTORY:

1. Subdivision History:
 - N/A

PART III – REFERRAL SUMMARY:

1. Sturgeon County Development Officer:
 - *Proposed Lot:*
 - o Vacant land.
 - *Remnant Lot:*
 - o All dugouts meet setbacks, no permits are required.
 - o There is a natural watercourse on this parcel. Development should avoid this area.

2. Sturgeon County Engineering Services:
 - *Proposed Lot:*
 - o 5 metres required via plan of survey adjacent to Rge Rd 240.
 - o Existing approach requires upgrades to meet General Municipal Servicing Standards. Due to the low area on the west side, the applicant shall construct the internal driveway at a higher elevation to avoid possible flooding issues. A culvert may be required to ensure water can pass underneath the driveway.
 - o There is an existing drainage channel identified through the lot. Development shall not impact this area.

- *Remnant Lot:*
 - 5 metres required via land acquisition agreement adjacent to Rge Rd 240.
 - Existing approach requires upgrades to meet General Municipal Servicing Standards.
 - Low areas existing inside the remnant lot. Any future development must not alter or impact the existing drainage channel.
3. Sturgeon County Agricultural Services:
 - *Proposed and Remnant Lot:*
 - This area of the County has been identified as relatively low agricultural value as per the Land Suitability Rating System (LSRS).
 - The location of the parcel includes a low producing portion of land given the contouring in the area. The section before the break of trees has the highest elevation which makes sense for the construction of a home.
 - The parcel shape is odd, squaring off the proposed piece would make sense.
 4. Sturgeon County Drainage Operation:
 - *Proposed and Remnant Lot:*
 - Ensure that all structures will be above the 1:100 year flood level of the watercourse.
 - Ensure that the crossing maintains a flow rate greater than a 600mm culvert.
 - Ensure all work and proximity of the stream meets the water act guidelines.
 5. Alberta Transportation:
 - No land dedication or upgrades required.
 - Any appeal of this subdivision may be referred to the local Subdivision and Development Appeal Board.
 6. No Objections:
 - Alberta Health Services, Sturgeon County Protective Services, Sturgeon County Assessment Services, Sturgeon County Open Spaces, Sturgeon County Agriculture Services, Telus, Fortis Alberta.
 7. No Responses:
 - Adjacent landowners, Alberta Energy Regulator, Altalink, Canada Post, Cornado Gas, Sturgeon School District, Servus Credit Union Limited.

PART IV – ANALYSIS:

1. This application is consistent with the Municipal Development Plan’s density standards outlined in “Residential Type 4” policies (see **Appendix 2**), and with the Land Use Bylaw’s “AG - Agriculture” regulations (see **Appendix 3**). However, the size and configuration of the parcel does not comply with the policies and regulations outlined in the Municipal Development Plan and Land Use Bylaw.

The proposed build site would be accessed via a panhandle approach along the northern boundary allowing the home to be constructed at the highest elevation. Typically panhandle subdivisions are not supported as identified in the Municipal Development Plan:

2.2.3 - Should discourage the use of panhandles as a way to provide residential subdivisions with legal and physical access to a municipal roadway.

However in this instance, the use of a panhandle allows for the build site to be at a higher elevation further away from an established drainage channel which decreases the risk of flooding and potential disruption of the channel. Furthermore, the northern boundary of the parcel is a densely treed area which provides a natural divide and ensures that no agricultural land would be fragmented to the north.

The proposed configuration would also cause a portion of currently cultivated farmland to be taken out to production becoming landlocked with no access (as shown in the image below).



2.3.17 - Shall ensure that Acreage Lots minimize the total amount of land being taken out of agricultural production.

The Municipal Development Plan aims to ensure that the subdivision process minimizes the total amount of agricultural land taken out of production. This proposed configuration does not align with Section 2.3.17 of the Municipal Development Plan.

2. To rectify these concerns, administration can support an alternative configuration that still allows the build site to be located on higher land via a panhandle while also ensuring agricultural land is preserved and no portions become landlocked. This is reflected in Exhibit 2. While the inclusion of the panhandle access still makes the lot slightly greater than the standard 1 hectare (2.47 acre) size, it nevertheless complies with 11.1.3(e) of the Land Use Bylaw by mitigating site constraints associated with low lying land/steep topography.
3. Money in lieu of municipal reserve is not required, since only one parcel is being created from an undivided quarter-section as per the Municipal Government Act.

PART V – RECOMMENDATIONS:

This application for subdivision is **APPROVED** subject to the following conditions:

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated June 27, 2023 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and the adjacent road shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.

ADVISORY NOTES

- Natural Gas servicing to any new subdivision is the responsibility of the applicant. The applicant will be required to provide the required easements across existing lots or subdivided lots for natural gas servicing, if service is approved by the natural gas provider. Sturgeon County does not allow natural gas servicing lines to be located within the road right of way. Setbacks from the road right of way are required. Easements of private property must be obtained by the applicants or service providers. Any service lines which cross Sturgeon County property will require a crossing agreement with conditions.
- Pursuant to Section 2.4.3 of the LUB, at the development permit stage on any property, it is highly recommended that the developer retain the services of a qualified engineering professional to prepare and submit a geotechnical investigation confirming that the proposed building site on is suitable for development and prescribing any preventative engineering measures to be taken to make the building site suitable for future development or future development suitable for the building site.

- Pursuant to the Water Act and the Alberta Wetland Policy, any future development or site grading which might alter or disturb a wetland may require additional approvals from Alberta Environment and Parks.
- The subject properties shall not be used in any manner or way that impedes or will impede the use of adjacent lands for agricultural purposes or agricultural operations, as defined in the Agricultural Operation Practices Act, RSA 2000 c.A-7.
- The internal driveway should be constructed at a higher elevation and have an adequately sized culvert to ensure the flow of water can be maintained and drainage in the area is not altered.

Prepared by: 

Jonathan Heemskerk, *Planning and Subdivision Officer*

Reviewed by: 

Martyn Bell, *Program Lead, Current Planning*

NOTE: Appendices Attached...

Subdivision and Development Appeal Board

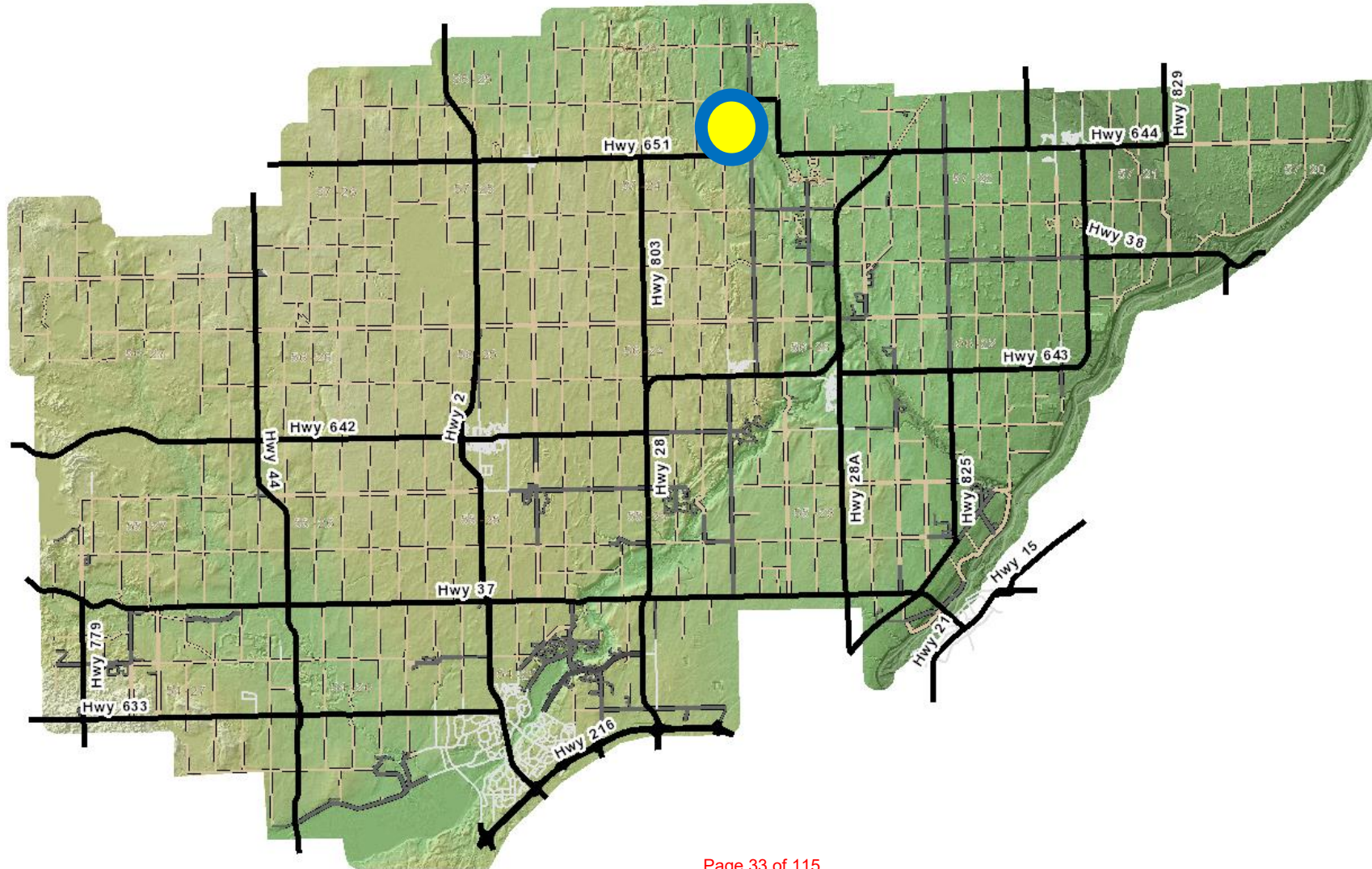
023/STU/013

Jonathan Heemskerck
Planning and Subdivision Officer

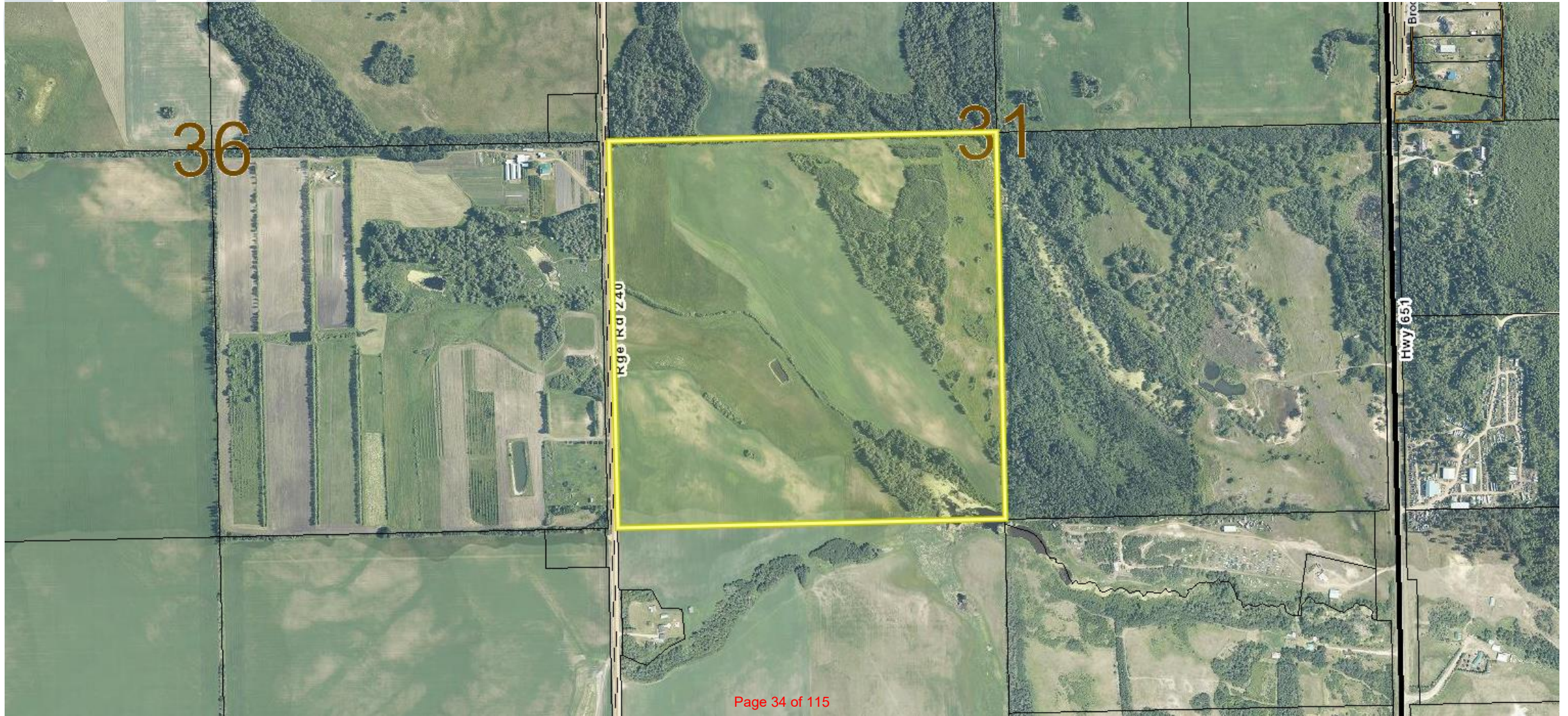


Sturgeon
C O U N T Y

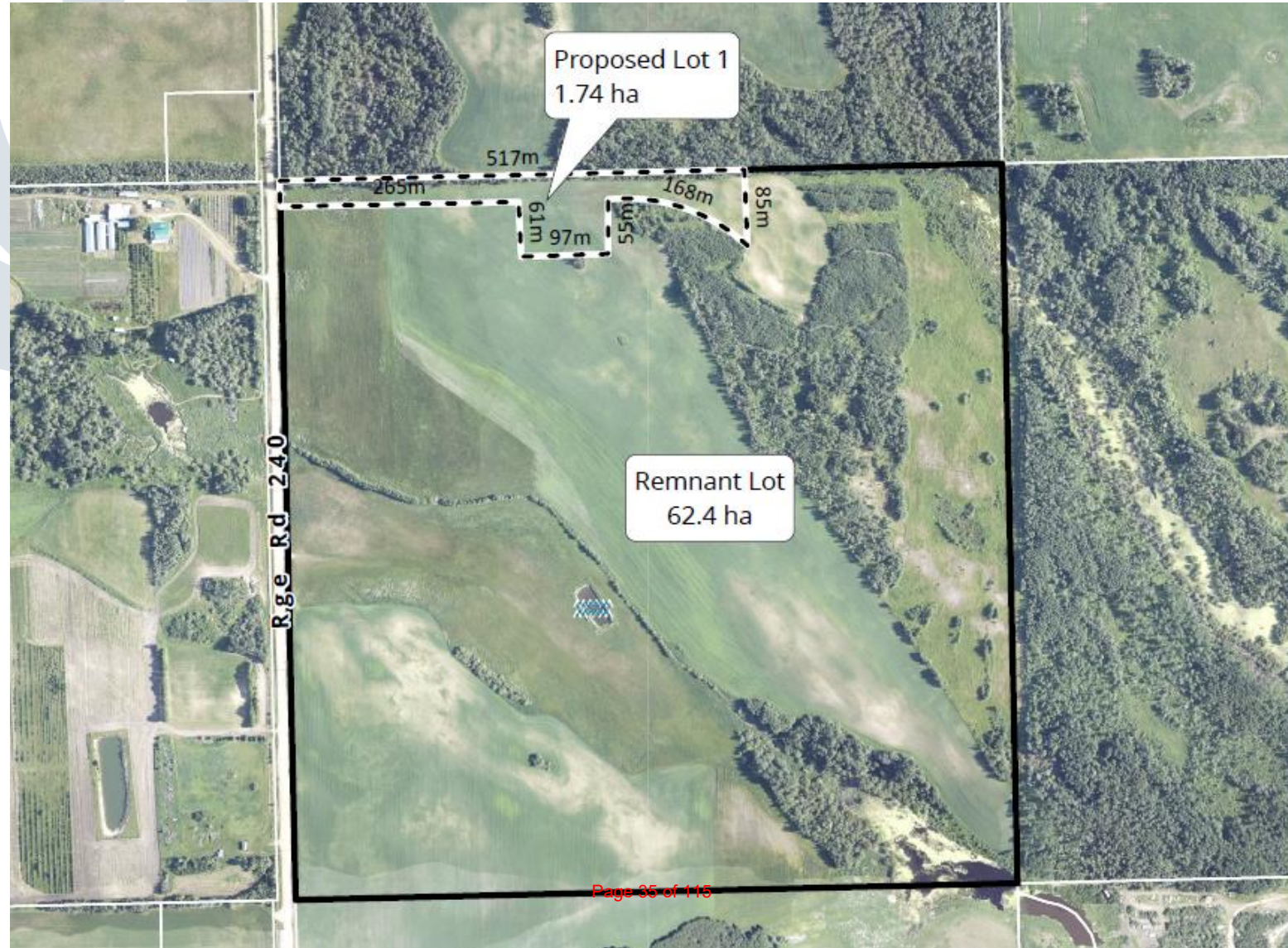
Site Location (Regional)



Site Location (Local)



Proposal



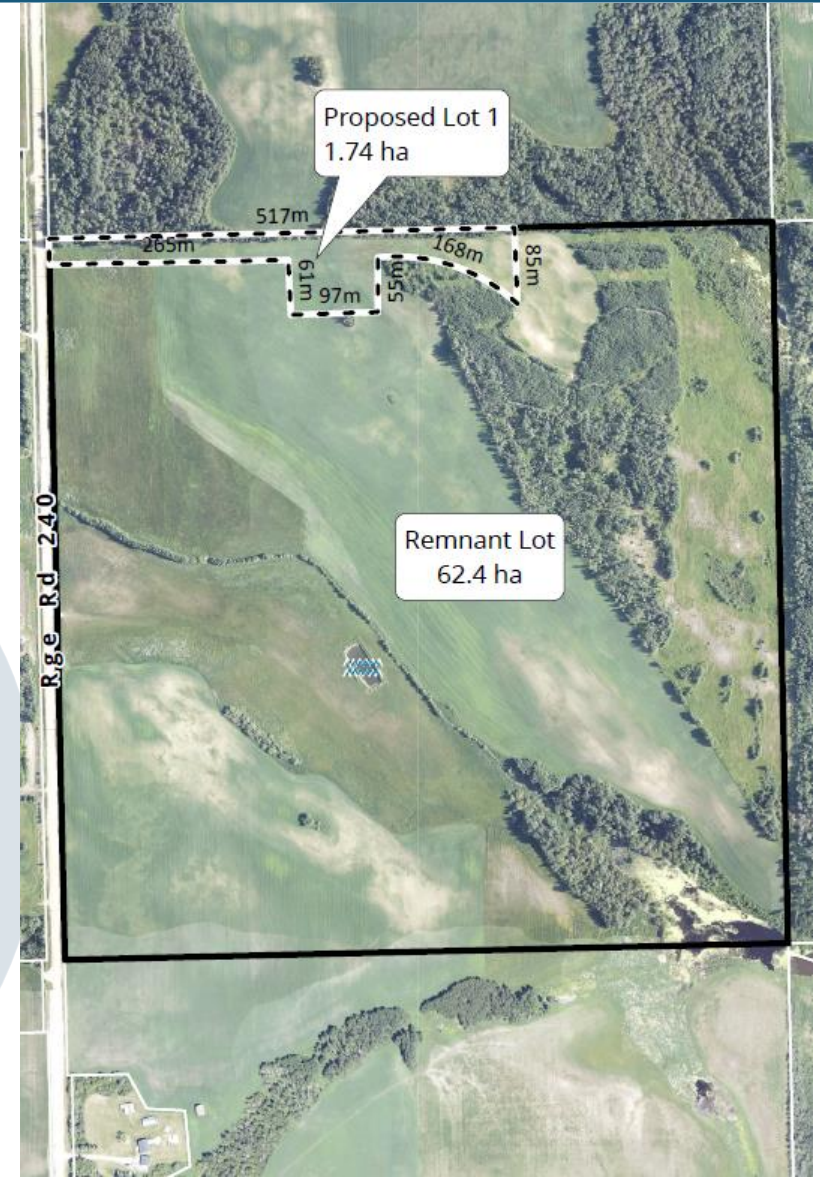
Summary of Circulation Responses

Sturgeon County Development Services

- Proposed Lot:
 - Vacant land, no major concerns.
- Remnant Lot
 - Natural watercourse on the parcel, development should avoid.

Sturgeon County Engineering Services

- Proposed Lot:
 - 5m required via plan of survey along Range Road 240.
 - Existing approach requires upgrades to GMSS.
 - Existing drainage channel identified through the lot.
 - Internal driveway must be constructed at higher elevation to avoid flooding issues. Culvert may be required.
- Remnant Lot:
 - 5m required via caveat along Range Road 240.
 - Existing approach requires upgrades to GMSS.
 - Low areas identified development should avoid these spots.



Summary of Circulation Responses

Sturgeon County Drainage Operation

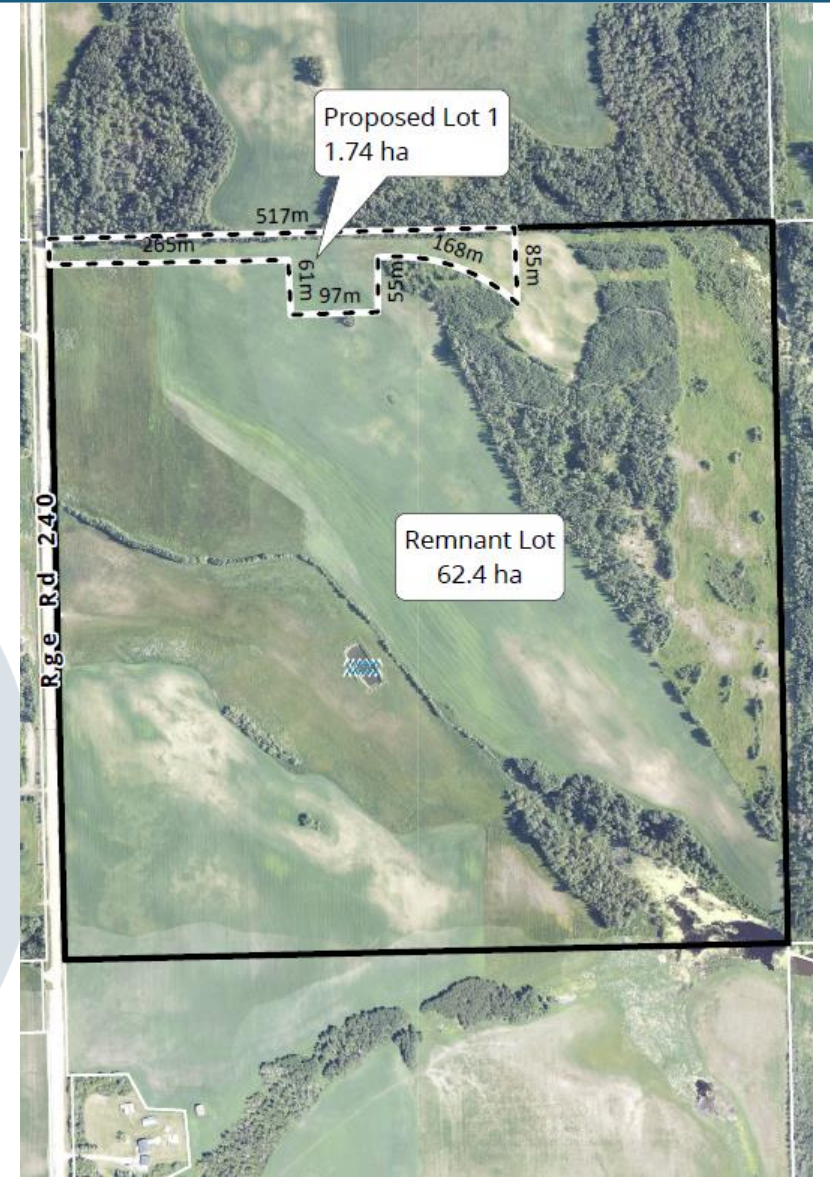
- Ensure all structures are above 1:100 year flood level.
- Ensure that the crossing maintains a flow rate greater than a 600mm culvert.
- Work near streams should meet water act guidelines.

Alberta Transportation and Economic Corridors

- No land dedication or acquisition required.
- Any appeal may be heard by the local SDAB.

Sturgeon County Agricultural Services

- The soil classification system identifies the area as low agricultural value.
- Parcel shape is odd. Squaring off the parcel would be beneficial.
- Development of a home near the break in trees makes sense given the contouring in the area and the low agricultural value of steeply sloping land.



Parcel Context – Contours and Drainage



Issue Analysis

Sturgeon County Policies and Regulations

Municipal Development Plan:

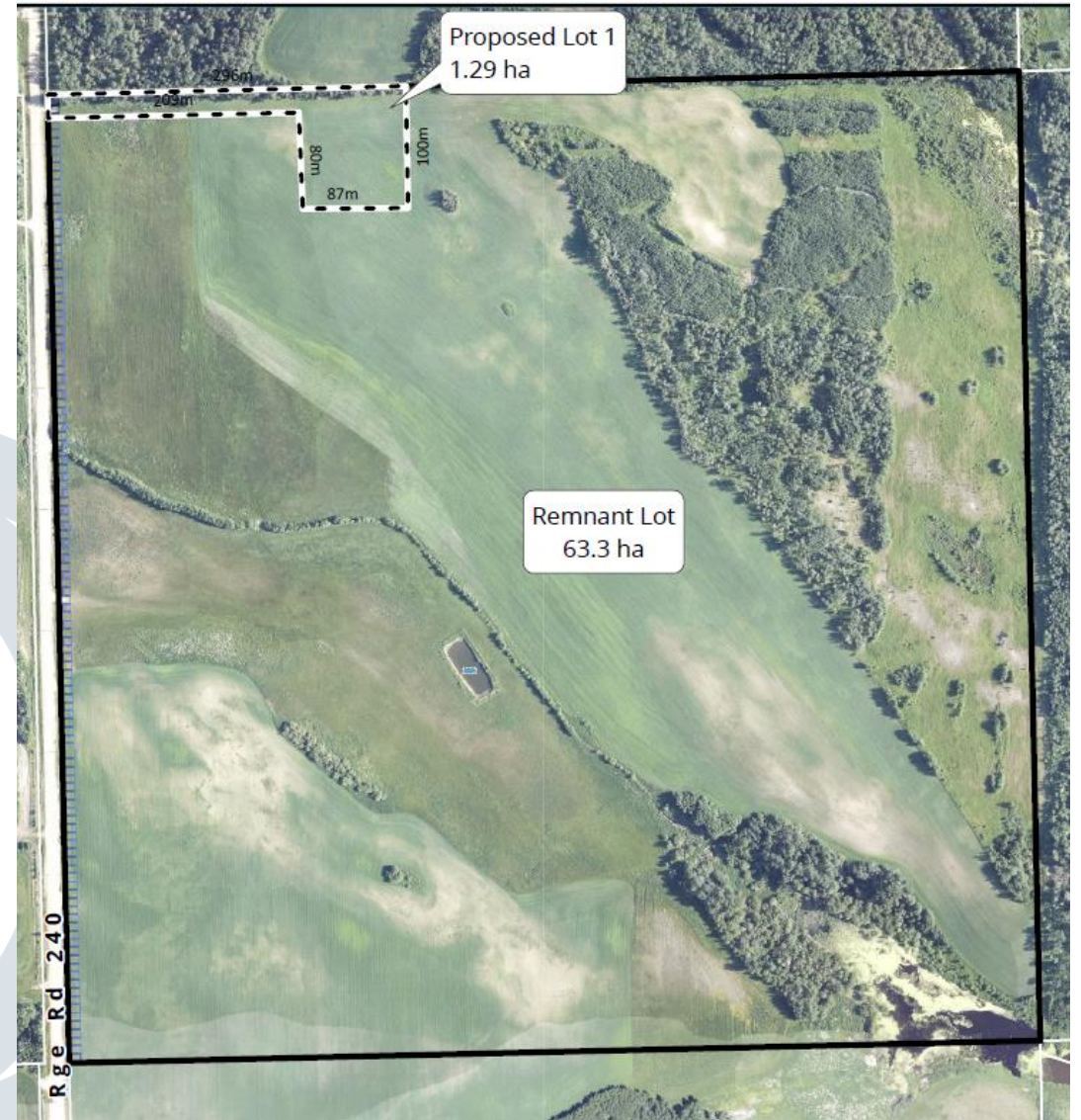
- This proposal aligns with the Residential Type 4 policies in the Municipal Development Plan as it relates to density. However, there was concern about the size and configuration.
- Parcel is accessed via a panhandle; and while typically discouraged by the MDP (Policy 2.2.3) it can be supported in this case given context.
 - Build site at a higher elevation away from drainage course.
 - Northern boundary of parcel is densely treed and ensure limited farmland fragmentation.
- 2.3.17 – Acreage lots shall minimize the total amount of agricultural land taken out of production.
 - The original configuration would cause a portion of currently cultivated farmland to be landlocked with no access.



Issue Analysis

Alternative Configuration

- This alternative configuration allows the build site to be located on higher land via the panhandle.
- Ensures no portion becomes landlocked.
- While the total lot is slightly larger than the standard 1 hectare acreage, it nevertheless complies with 11.1.3 (e) of the Land Use Bylaw.
 - By mitigating site constraints associated with low lying land and steep topography.



Subdivision Authority Decision

The Subdivision Authority's decision for **conditional approval with an alternative configuration** is consistent with:

- Sturgeon County Municipal Development Plan policies.
- Sturgeon County Land Use Bylaw regulations.
- Municipal Government Act

Conditions – Approved

- 1) Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- 2) The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 2, dated June 27, 2023 and submit it in a manner that is acceptable to Land Titles.
- 3) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 4) Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 2 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and the adjacent road shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- 5) All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County Engineering Services and/or Sturgeon County Transportation Services *before* this subdivision is endorsed.

Conditions – Summary

1. Ensure taxes are paid
2. Retain a surveyor
3. 5m by plan of survey on the proposed lot
4. 5m by caveat on the remnant lot
5. Approach upgrades

APPELLANT SUBMISSIONS RECEIVED

***NOTE:**

No submissions were received at the
time of publication of the Agenda

WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS

*NOTE:

No submissions were received at the
time of publication of the Agenda

Appeal #2

021-STU-015 Appealing the
Development Authority's approval to leave
an existing accessory building as built



SUBDIVISION & DEVELOPMENT APPEAL BOARD

| | | |
|--|-----------------|-----------------------------|
| Site Information: | | |
| Municipal Address of site: 27414 Twp Rd 544 | | |
| Legal land description of site: Lot 1 Block 1 (plan, block, lot and/or Plan 0621672 'range-township-section-quarter) | | |
| Development Permit number or Subdivision Application number: 305305-23-D0175 | | |
| Date Received Stamp | | |
| Appellant Information: | | |
| Name: Please see attached sheet | Phone: | Agent Name: (if applicable) |
| Mailing Address: | City, Province: | |
| Postal Code: | Email: | |

APPEAL AGAINST (Check ONE Box Only) for multiple appeals you must submit another Notice of Appeal

| | |
|---|---|
| Development Permit | Subdivision Application |
| <input checked="" type="checkbox"/> Approval | <input type="checkbox"/> Approval |
| <input type="checkbox"/> Conditions of Approval | <input type="checkbox"/> Conditions of Approval |
| <input type="checkbox"/> Refusal | <input type="checkbox"/> Refusal |
| Stop Order | |
| <input type="checkbox"/> Stop Order | |

REASON(S) FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons

| | |
|---|--------------------------------------|
| Please see attached appeals. | |
| | |
| | |
| Severed in line with section 17 of the FOIP Act | (Attach a separate page if required) |

The personal information collected will be used to process your request for a hearing before the Subdivision and Development Appeal Board and is collected under the authority of the Municipal Government Act (MGA) and the Freedom of Information and Protection of Privacy Act (FOIP). Your information will form part of a file available to the public. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613-100 Street, Morinville, Alberta, T8R 1L9 (780) 939-4321.

| | |
|-------------------------------|--|
| Signature of Appellant/Agent: | Date: July 09, 2023 |
| FOR OFFICE USE ONLY | |
| SDAB Appeal Number: | Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | Hearing Date: YYYY/MM/DD |

July 5 2023

To : The Subdivision and Development Appeal Board

RE: Development permit no. 305305-23-D0175

Permit approval notification for office trailer for 'home based' business

The CCan operation is not a typical 'home based' business for this area. **This is an industrial sized operation that belongs in an industrial park.** Typical home based businesses have offices based in the home or garage and the businesses are small and do not interrupt the neighbors. We've been here 25 years and have had no issues with any other neighbors businesses until the CCan operation moved in and knowingly started up the industrial sized operation. **They had NO intention of a small 'home based' business, only industrial from day one.**

This excessively huge office trailer was knowingly brought in from day one to accommodate the huge manufacturing operation that is still operating today. The company is not a 'home based' business by this area's permit conditions. This is an industrial sized company that belongs in an industrial park, away from residents. This company is right beside a residential subdivision, Hansens Estates. We all moved to the country for the quiet life. Instead, all of us residents are constantly bombarded with excess noise and disruption of daily life due to this company. We can't sit outside and relax without the banging, sawing and industrial vehicles coming and going at that property. Last year the CCan company hired a sound monitoring company to record their noise level. They simply shut down operations for the few days the monitoring was taking place. It was noticeably quiet in the neighborhood for those few days, then they resumed operations and the high industrial noises continued.

The office trailer manages the large exterior manufacturing operations. We do not approve of the permit request as the owner will not only continue to operate the oversized exterior manufacturing operations but also continue to increase manufacturing as they have done before causing even more problems for the surrounding families affected by it.

The office trailer came in on a truck and it should be sent off the property in the same manner, to an industrial park. They didn't bother with an office permit until now, much like everything else on their property, so asking for one now should be a clear sign that they have no intention of reducing their operations. It will only increase, causing more issues. There is no reason why this building should have been allowed to be left on the property for this long. This is an Ag property and the owners have continuously abused the permit conditions from day one. The constant issues with this company should encourage the county to have more property inspections and more enforced consequences for all the abused and neglected permit conditions. How many times do we all have to complain to get more action on this industrial manufacturing company?

Come out and witness this operation first hand to see what's going on. They use the 'farm' excuse to look like they're utilizing the property for Ag, but it's just a cover for the industrial manufacturing company. An actual farm would be very welcome as a neighbor. There is a lot going on, on that property that the county needs to assess. This has affected everyone in the area, not only by the noise but also the decreased land values. Who wants to live by an industrial yard? The county arial maps provided for this permit approval notice are years old and do not depict the current state of the property and the actual state of the extensive industrial operations. The county should update the maps to provide everyone from the county board, to the public, accurate information.

Thank you for your time, We look forward to progress on this issue.

Donna Tregidgo

Bert McEwen

Severed in line with section 17 of the FOIP Act



Sturgeon County
 9613-100 St (780) 939-4321
 Morinville, Alberta T8R-1L9
 (780) 939-4321 ext.

RECEIVED

JUL 11 2023

8:49am.

STURGEON COUNTY

Severed in line with section 17 of the FOIP Act

TREGIDGO, DONNA

Receipt Number: 202305569
 GST Number: 107747412RT0001
 Date: 2023-07-11
 Initials: JC

| Account | Description | Prev Bal | Payment | Balance |
|---------|------------------------------|----------|---------------------------------|-------------------|
| 16APP | APPEAL FEES - LEGISLATIVE SI | | \$100.00 | |
| | | | Subtotal: \$100.00 | |
| | | | Taxes: \$0.00 | |
| | | | Total Receipt: \$100.00 | <u>Cheque No.</u> |
| | | | Cash: \$100.00 | |
| | | | Total Monies Received: \$100.00 | |
| | | | Rounding: \$0.00 | |
| | | | Amount Returned: \$0.00 | |

July 18, 2023

SDAB File Number: 023-STU-015

Dear Donna Tregidgo & Bert McEwen:

**NOTICE OF
APPEAL BOARD HEARING**

| | |
|--|---|
| Legal Description of Subject Property: | Plan 0621672, Block 1, Lot 1 27414 Township Road 544 |
| Decision Regarding Proposed Development: | Development Permit approved to leave an existing accessory building as built (office trailer for a home-based business) |

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on July 11, 2023. In accordance with section 686(2) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **August 1, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 721 330 204#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than July 27, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

Sturgeon County
9613-100 Street, Morinville, AB T8R 1L9

Should you require further information, call (780) 939-8277 or (780) 939-1377 or by email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

July 18, 2023

SDAB File Number: 023-STU-015

Dear Marley Broda:

**NOTICE OF
APPEAL BOARD HEARING**

| | |
|--|---|
| Legal Description of Subject Property: | Plan 0621672, Block 1, Lot 1 27414 Township Road 544 |
| Development Permit Number: | 305305-23-D0175 |
| Decision Regarding Proposed Development: | Development Permit approved to leave an accessory building as built (office trailer for home-based business) |

An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on July 11, 2023. In accordance with section 686(2) of the *Municipal Government Act*, the SDAB must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Reasons for Appeal (as identified on the Notice of Appeal):

- This is an industrial sized operation, not a home-based business and belongs in an industrial park.
- Residents are impacted by constant excess noise and disruption of daily life.
- The office trailer manages large exterior manufacturing operations and does not meet the intent of a home-based business permit.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **August 1, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 721 330 204#. This should connect you directly into the hearing.

When an appeal is received, the Applicant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than July 27, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

Should you require further information, call (780) 939-8277 or (780) 939-1377 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

July 18, 2023

SDAB File Number: 023-STU-015

Dear Resident:

**NOTICE OF
APPEAL BOARD HEARING**

Take notice that a hearing has been scheduled concerning the following proposed development:

| | |
|--|---|
| Legal Description of Subject Property: | Plan 0621672, Block 1, Lot 1 27414 Township Road 544 |
| Decision Regarding Proposed Development: | Development Permit approved to leave an existing accessory building as built (office trailer for a home-based business) |

Reasons for Appeal (as identified on the Notice of Appeal):

- This is an industrial sized operation, not a home-based business and belongs in an industrial park.
- Residents are impacted by constant excess noise and disruption of daily life.
- The office trailer manages large exterior manufacturing operations and does not meet the intent of a home-based business permit.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **August 1, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 721 330 204#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed development. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date and must include your current email address. **Therefore, written submissions are due to be submitted no later than July 27, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

For further information, please call (780) 939-8277 or (780) 939-1377 or by email at legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board



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Prepared By: _____
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Subdivision and Development Appeal Hearing Process

The hearing is a formal meeting and the length of time can vary. Hearings are generally scheduled Tuesday afternoons at the Sturgeon County Centre in the Town of Morinville or via videoconference.

Persons who file an appeal are expected to make a verbal presentation to the Board. Persons who have been notified of the appeal also have the right to present a verbal, written and/or visual presentation to the Board. ***This information should be submitted to the Secretary at least five (5) days in advance of the hearing, so it can be included within the hearing package.*** If desired, parties may have someone, or an agent, speak on their behalf. If a number of appeals are filed on the same subdivision or development, it is recommended that a spokesperson be selected to organize presentations so that evidence is not repetitive.

The Board is not an evidence seeking body. It relies on the written evidence presented, as well as verbal submissions at the hearing, as the basis for their decision. Therefore, it is critical that persons appearing before the Board ensure that sufficient evidence is presented to support their respective positions.

When presenting an appeal, keep in mind the Board does not consider precedent when making its decision. Each application is judged on its own merits.

At the hearing . . .

Anyone in attendance with an interest in the appeal enters the hearing room, joins the videoconference, or dials in just before the scheduled start time of the hearing on the scheduled date of the hearing.

1. The meeting is called to order by the Chair.
2. The Chair welcomes everyone and gives a brief outline as to how the hearing will proceed.
3. The Chair will have all board members, staff and people involved in the appeal introduce themselves and those present are asked if there are any objections to the Board members hearing the appeal.

4. A representative of Sturgeon County Planning and Development will outline the background of the appeal and why the decision was made.
5. The Chairman will then ask:
 - The Appellant to introduce themselves for the record.
 - The Appellant then presents his/her position or concerns with respect to the matter being considered by the Board. Development Appeal Board members question the Appellant.
 - Clearly state your reasons for the appeal.
Information such as photographs, illustrative materials and well-prepared drawings that you wish to present should be submitted to the Secretary at least five (5) days in advance of the hearing, so that the information can be included within the hearing package that is circulated.
 - Stick to the planning facts and support them with quantifiable (measurable) data.
 - State the detailed issues about the site in the context of the surrounding properties and the impact on the community.
 - The Board will then hear from anyone else in favor of the appeal (persons who filed an appeal or support the position of the Appellant). Following each presentation Board members may ask questions.
 - The Board will then hear from anyone opposed to the appeal (persons who oppose the position of the Appellant).
6. After all presentations have been heard, the Chairman will give the Appellants the right to respond to new information. This is an opportunity to refute information and evidence presented since the last time you spoke that you could not have reasonably anticipated. It is not an opportunity to reargue your case or create new argument.
7. The Chairman advises that the Board will deliberate in a Closed Session and a written decision will be mailed within 15 days from the date of the decision as per legislation.



Planning and Development
9613-100 Street
Morinville, AB T8R 1L9
Phone (780) 939-8275
Fax (780) 939-2076
Email: PandD@sturgeoncounty.ca

Development Permit Approval Notification

Jun 21, 2023

Development Permit No. **305305-23-D0175**

Property Owner,

Please be advised that the Development Officer has approved a development permit **to leave an existing accessory building as built (Office Trailer for Home Based Business)** located on **Lot 1, Block 1, Plan 0621672; 27414 Twp Rd 544**. Please refer to the enclosed development permit and site plan for further details.

Why am I receiving the information?

When a development permit is approved as a discretionary use or a variance was granted, Section 2.10.2 of Land Use Bylaw 1385/17 requires adjacent landowners to be notified, should they want to exercise their right to appeal.

Appeal

As an adjacent landowner, you may file an appeal objecting the development or a condition of the approved development permit. Should you wish to file an appeal, you can find the Appeal Board information at the bottom of the permit. Appeals must be received by the correct Appeal Board by **Jul 12, 2023**.

Additional Information

If you have any questions or require further clarification regarding this development approval or an appeal, please contact the undersigned at (780) 939-8275.

Regards,

A handwritten signature in black ink, appearing to read 'Yvonne Bilodeau', written over a light grey rectangular background.

Yvonne Bilodeau
Development Officer

Development Permit

Land Use Bylaw 1385/17

Permit No.: 305305-23-D0175
 Tax Roll No.: 4421003
 Decision Date: Jun 21, 2023
 Effective Date: Jul 12, 2023

Applicant

Name: [Redacted]
 Address: Severed in line with Section 17
 of the FOIP Act
 Phone: [Redacted]
 Cell: [Redacted]
 Email: [Redacted]

Owner

Name: [Redacted]
 Address: Severed in line with Section 17
 of the FOIP Act
 Phone: [Redacted]
 Cell: [Redacted]
 Email: [Redacted]

Property Description

Legal Land Description: 0621672; 1; 1
Land Use Description: Agriculture District
Rural Address: 27414 Twp Rd 544

Description of Work

To leave an existing accessory building as built (Office Trailer for Home Based Business)

Fees

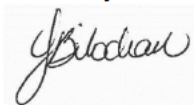
Accessory Building \$310.00

Permit Conditions

1. The approval is to leave an existing office trailer, accessory to the home based business, to remain as shown on the site plan.
2. A separate building permit shall be obtained. Minimum construction standards will conform to the requirements of the current Alberta Building Code.
3. The accessory building shall not be used as a dwelling.
4. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. In the event that the drainage of a development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.

If you have any questions or concerns about your application or any conditions listed above, please contact the Current Planning and Development Department at 780-939-8275.

Issued By:



Yvonne Bilodeau
 Development Officer

Municipality

Sturgeon County
 9613 – 100 Street Morinville, AB T8R 1L9
 Phone: (780) 939-8275
 Fax: (780) 939-2076
 Toll Free: 1-866-939-9303

Appeal Information

Pursuant to Section 685(1) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 21 days of the decision date. If you wish to appeal this decision, please choose the correct appeal body having jurisdiction.

If the application is the subject of a license, permit, approval, or other authorization granted by the Minister of Environment and Parks or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act, or granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission - Appeals shall be filed with the Land and Property Rights Tribunal at lpvt.appeals@gov.ab.ca or by mail to 2nd Floor, Summerside Business Center, 1229 91 Street SW, Edmonton, AB, T6X 1E9. Telephone enquiries can be made to 780-427-2444.

All others appeals not subject to the above can be filed with the Secretary of the Subdivision and Development Appeal Board via email at legislativeservices@sturgeoncounty.ca or via mail to Sturgeon County Centre 9613 – 100 Street Morinville, AB, T8R 1L9. Telephone enquiries can be made at 780-939-4321



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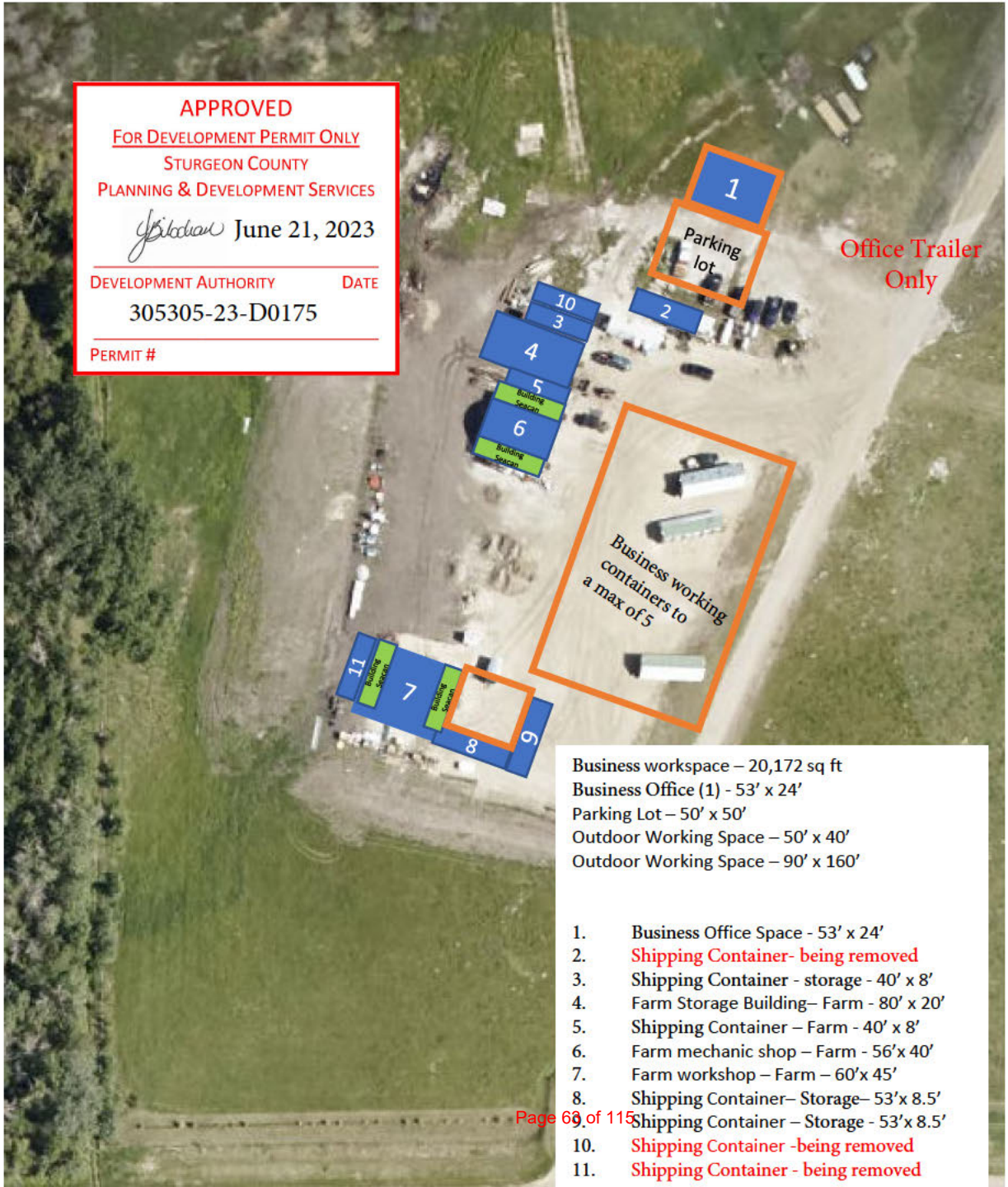


APPROVED
FOR DEVELOPMENT PERMIT ONLY
 STURGEON COUNTY
 PLANNING & DEVELOPMENT SERVICES

J. K. ... June 21, 2023

DEVELOPMENT AUTHORITY DATE
 305305-23-D0175

PERMIT #



Business workspace – 20,172 sq ft
 Business Office (1) - 53' x 24'
 Parking Lot – 50' x 50'
 Outdoor Working Space – 50' x 40'
 Outdoor Working Space – 90' x 160'

1. Business Office Space - 53' x 24'
2. ~~Shipping Container- being removed~~
3. Shipping Container - storage - 40' x 8'
4. Farm Storage Building– Farm - 80' x 20'
5. Shipping Container – Farm - 40' x 8'
6. Farm mechanic shop – Farm - 56'x 40'
7. Farm workshop – Farm – 60'x 45'
8. Shipping Container– Storage– 53'x 8.5'
9. Shipping Container – Storage– 53'x 8.5'
10. ~~Shipping Container -being removed~~
11. ~~Shipping Container - being removed~~

APPROVED
FOR DEVELOPMENT PERMIT ONLY
STURGEON COUNTY
PLANNING & DEVELOPMENT SERVICES

J. Stodan June 21, 2023

DEVELOPMENT AUTHORITY DATE
305305-23-D0175

PERMIT #



23/03/2023 15:11



Planning and Development
 9613-100 Street
 Morinville, AB T8R 1L9
 Phone (780) 939-8275
 Fax (780) 939-2076
 Email: PandD@sturgeoncounty.ca

| | |
|-----------------------|-----------------|
| For Office Use | |
| Permit Number: | 305305-23-D0175 |
| Date Received: | 16 June 2023 |
| Received By: | DC |

DEVELOPMENT PERMIT APPLICATION

Application is hereby made under the provisions of Land Use Bylaw 1385/17 to develop in accordance with the plans and supporting information submitted herewith and which form part of this application.

APPLICANT INFORMATION

Complete if different from Applicant

| | | | |
|--|-----------|---|-----------|
| Name of Applicant: <u>Marley Broda</u> | | Name of Registered Land Owner: <u>Severed in line with section 17 of the FOIP Act</u> | |
| Mailing Address: _____ | | Mailing Address: _____ | |
| City: _____ | | City: _____ | |
| Postal Code: _____ | PH: _____ | Postal Code: _____ | PH: _____ |
| E-mail Address: _____ | | Email Address: _____ | |
| Contact Name: _____ | | | |

LAND INFORMATION

Legal Description of Property All/Part 1/4 1/4 Section 29 Twp. 54 Rge. 27 West of the 4 Meridian
 OR Lot 1 Block 1 Plan No. 0620672 Hamlet or Subdivision _____
 Parcel Size: 50.63 Rural Address: 27914 Twp Rd 544 Sturgeon County, AB T8R 2B4

DEVELOPMENT INFORMATION – Please Mark (X) ALL that Apply

| | | | | |
|--|--|---|-------------------------------------|--|
| <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Accessory Building | <input type="checkbox"/> Kennel | Brief Description: <u>Office</u> | Development Details: Size: <u>53' x 24'</u> Height: <u>19'</u> Start Date: <u>existing</u> End Date: <u>existing</u> Estimated Project Value: <u>55,000.00</u> (cost of material & labour) |
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Addition | <input type="checkbox"/> RV Storage | | |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Attached Garage | <input type="checkbox"/> Single Family Dwelling | | |
| <input type="checkbox"/> Institutional | <input type="checkbox"/> Site Grading | <input type="checkbox"/> Secondary Dwelling | | |
| | <input type="checkbox"/> Deck | <input type="checkbox"/> Dugout | | |
| | <input type="checkbox"/> Other | | | |

APPLICANT AUTHORIZATION

I/we hereby give my/our authorization to apply for this development permit application and allow authorized persons the right to enter the above land and/or building(s) with respect to this application only. I/we understand and agree that this application and any development permit issued pursuant to this application or any information thereto, is not confidential information and may be released by Sturgeon County.
 I/We grant consent for an authorized person of Sturgeon County to communicate information electronically as per Section 608 (1) of the Municipal Government Act, R.S.A. 2000., c.M-26.

Signature of Authorized Applicant(s) _____ Date May 31, 2023 Signature of Landowner _____ Date May 31, 2023

All landowners listed on title must sign this permit or a letter of authorization. _____
 If the land is titled to a company, a copy of the Corporate Registry must be provided. _____ Date May 31, 2023

Severed in line with section 17 of the FOIP Act

FOR OFFICE USE ONLY

| |
|--|
| Permitted Use <input type="checkbox"/> Discretionary Use <input type="checkbox"/> |
| Fee \$ <u>310</u> Penalty \$ _____ Receipt# <u>202304155/202304018</u> Tax Roll# <u>4421003</u> District <u>AG</u> |
| Payment Method: <u>Cash / Cheque / Debit / VISA / Mastercard</u> |
| M/C or Visa Number _____ Expiry Date _____ |
| Name (as it appears on card) _____ Authorized Signature _____ |

PLANNING AND DEVELOPMENT SERVICES REPORT

Subdivision & Development Appeal Board
023-STU-015**FILE INFORMATION**

Department File: 305305-23-D0175
Civic Address: 27414 Twp Rd 544
Legal Land Description: Lot1; Block1; Plan 0621672
Relative Location: 3km south of Calahoo
Appellant: Donna Tregidgo and Bert McEwen
Landowner: Broda, Norman and Marley
Description of Appeal: Appealing the Decision of the Development Authority to leave an existing accessory building as built (Office Trailer for Home Based Business)
Land Use Bylaw District: AG - Agricultural
Tax Roll Number: 4421003

BACKGROUND

- On September 10th 2020 Development Permit 305305-20-D0183 was issued to allow a Home Based Business - Level Three - Carpentry Services.
- In 2022, two Stop Orders and a Cancellation of the Development Permit was issued due to non-compliance of conditions of the permit and complaints received.
- Non-compliance and complaints received cited excessive employees and employees' vehicles, number of commercial vehicles, noise and number of sea cans.
- Administration was of the opinion that the activity on the lands was not conducive to a carpentry business but rather an industrial use in retrofitting shipping containers.
- The landowners filed an appeal of the Stop Orders and Cancellation of the Development Permit wherein the decision of the Subdivision and Development Appeal Board were as follows:
 - 022-STU-007 – (Appendix 1) - The Board does not have the jurisdiction to hear the Stop Order issued on April 11, 2022.
 - 022-STU-008 – (Appendix 2) - The Board upholds the Stop Order issued by the Development Authority on May 20, 2022, and varies the order as follows:
 - References to the cancellation of Development Permit 305305-20-D0183 are struck.
 - References of non-compliance related to misrepresentation of the business, deviation from the approved drawings, and absence of development and building permits for the three accessory buildings and trailer(s) (Violations 2, 3, and 4) are struck.
 - Directions to relocate the business to lands that have an Industrial Use zoning, apply for developing permits for the existing business, and apply for development and building permits for all accessory buildings (Directions 1 and 2) are struck.

- The deadline to comply with the Stop Order is extended from June 10, 2022 to January 20, 2023.
- 022-STU-009 (Appendix 3) – The Board revokes the decision of the Development Authority issued May 20, 2022 to cancel the Development Permit 305305-20-D0183.
- Administration performed a site inspection with the owners on March 23, 2023. The site was cleared of all business use shipping containers that were stored on the property and the site was organized to the satisfaction of the Development Authority. It was determined that permits would be required for the office trailer and any of the accessory building used for the business.
- A development permit was received and issued for the existing office trailer and a Farm Building Declaration (Appendix 4) was received for all other buildings as the landowners claim they are farm use and not for the business.

PROPERTY INFORMATION

- The property is 20.4ha in size, zoned AG- Agricultural, with the bulk of the property generally used for agricultural purposes.
- The property is adjacent to Hansen's a multi parcel subdivision with 17 Country Residential parcels.
- Development Permit 305305-10-D0387 was issued on August 18th 2010, for an existing Mobile Home.
- A Compliance Certificate C-122-2013 was issued August 29, 2013 and included 1 Mobile Home and 1-6m² shed as the only buildings on the property.
- Development Permit 305305-20-D0183 was issued on September 10th 2020, to allow a Home Based Business - Level Three - Carpentry Services.
- Development Permit 305305-22-D0099 was issued on June 10th 2022, for a Single Detached Dwelling
- Development Permit 305305-23-D0175 was issued for the Existing Office.

RELIVANT POLICY/LEGISLATION

- Land Use Bylaw 1387/17
 - Section 6.16 Home Based Business Regulations Table 6.1 Business Size (maximum) states that 100% of the gross floor area of accessory building(s) can be used for business use at the Discretion of the Development Authority.
- Bylaw 1611/22 – Fees and Charges Schedules.
 - Penalties – Development that occurs prior to development permit issuance is subject to Double the current application fee.

ANALYSIS

- The permit was issued in accordance with the regulations of Land Use Bylaw mentioned above. Accessory buildings identified as being for business use have been approved at the discretion of the Development Authority.
- Since the office building was placed without permits, the applicant was charged a double fee penalty as per the Fees and Charges Schedule totalling \$620.00. The building permit fee will also be charged the double fee penalty.
- At the March 23, 2023 site inspection, the Development Authority witnessed improvements in site conditions and the landowners stated that they plan to continue to remove more shipping containers as noted on the approved site plan.
- The Development Authority does not consider one building being declared as business use as excessive.
- The appellant listed the reasons of appeal in a letter stating that:
 - *“This is an industrial sized operation that belongs in an industrial park.”* This point was deliberated before this Board in the appeal hearings held on July 5, 2022 as mentioned above. The reason for decision with respect to the permit cancellation [46] states: *Based on the evidence provided, the Board finds that the Appellant did not misrepresent the business as a carpentry business. “Carpentry” is not defined in the Land Use Bylaw. The Southern Alberta Institute of Technology (SAIT) Carpenter Program Information submitted to the Board establishes that carpentry is not limited to woodworking but includes “the construction, erection, and repair of wood, wood substitutes, steel, and other materials.” It is apparent to the Board that there is not a single definition of “carpentry” that can be relied upon to conclude that the Appellant misrepresented the nature of their business at the time of application. The Development Authority could have requested additional details to clarify the business activities and to ensure appropriate development permit conditions were imposed.* Therefore, the decision has been made that the business activities align with what was approved in the Home Based Business permit.
 - *“We do not approve of the permit request as the owner will not only continue to operate the oversized exterior manufacturing operations but also continue to increase manufacturing as they have done before causing even more problems for the surrounding families affected by it.* Sturgeon County has hired a dedicated Compliance Officer for enforcement of the Land Use Bylaw and conditions of permits, who will continue to monitor the operations to ensure they do not exceed the conditions of the Home Based Business permit.

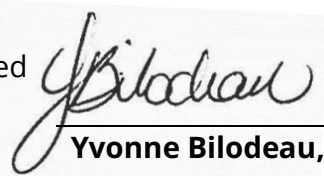
CONCLUSION

- In conclusion Administration recommends that the Board uphold the decision of the Development Authority and the conditions of permit 305305-23-D0175 to leave the existing accessory building as built (Office Trailer for Home Based Business).
- Alternatively, the Board could uphold the appeal and revoke the decision of the Development Authority and direct the office trailer be removed from the property by a reasonable date as determined by the Board.

ATTACHMENT(S)

- Appendix 1 – 022-STU-007
- Appendix 2 – 022-STU-008
- Appendix 3 – 022-STU-009
- Appendix 4 – Farm Building Declaration

Prepared
By:



Yvonne Bilodeau, Development Officer

Reviewed
By:

Tyler McNab

Digitally signed by Tyler McNab
Date: 2023.07.21 14:37:14
-06'00'

Tyler McNab, Program Lead, Development & Safety Codes

Appeal File Number: 022-STU-007
Appeal Against: Development Authority of Sturgeon County
Appellant: Marley Broda
Date and Location of Hearing: July 5, 2022
Council Chambers and Through Electronic Communications
Date of Decision: July 19, 2022
SDAB Members: Chair Julius Buski, Lee Danchuk, Alanna Hnatiw, Allan Montpellier, Amanda Papadopoulos

NOTICE OF DECISION

IN THE MATTER OF an appeal by Marley Broda against the Development Authority's issuance of a Stop Order dated April 11, 2022 for property located at 0621672; 1; 1; SE 29-54-27-W4 (27414 TWP 544) 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*, RSA 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 Stop Order dated April 11, 2022;
 - Planning and Development Services Report;
 - The Appellant's submission; and
 - The Adjacent Landowners' submissions.

PROCEDURAL MATTERS

- [4] There were no objections to the proposed hearing process as outlined by the Chair.
- [5] There were no objections to the composition of the Board hearing the appeal.

PRELIMINARY MATTERS

[6] The Board noted that section 686(1)(ii) of the *Municipal Government Act* requires the appeal of a stop order to be filed within 21 days of its issuance. The Stop Order was issued on April 11, 2022, and the appeal was received 59 days later on June 9, 2022. The Chair asked the parties to make submissions with respect to this preliminary matter.

APPELLANT'S SUBMISSIONS ON THE PRELIMINARY MATTER

[7] Gary Zimmerman, Counsel for the Appellant, provided the following submissions:

- The Alberta Court of Appeal has applied Supreme Court of Canada authority confirming that the law of promissory estoppel applies to a public body, including the SDAB.
- County Administration has conducted themselves in a way to give surety to the Appellant that an appeal was not necessary. There were communications with various members of County Administration that suggested that there was a plan in place for a July 2022 compliance timeframe and the Appellant was working towards that.
- If the Board finds that the Administration is not estopped from enforcement of the Stop Order, the appeal should still be heard based on procedural fairness principles. Government makes decisions that are not purely legislative in nature that impact the rights, privileges, and interests of a party that are encompassed by the principles of natural justice and attract procedural fairness.
- It would be unfair for the Appellant to be penalized from appealing the first Stop Order when the second Stop Order builds on it and is related to it.
- In summary, the Board has jurisdiction to hear the appeal based on two tenets: estoppel and procedural fairness.

DEVELOPMENT AUTHORITY'S SUBMISSION ON THE PRELIMINARY MATTER

[8] Tyler McNab, Program Lead, Development and Safety Codes, Planning & Development Services, provided the following submissions:

- The Development Authority does not have a position on the Board's jurisdiction to hear arguments related to the Stop Order.
- The two Stop Orders before the Board have essentially the same requirements.

DECISION OF THE BOARD

[9] **The Board does not have jurisdiction to hear the Stop Order issued on April 11, 2022.**

REASONS FOR THE DECISION

[10] Section 686(1)(ii) of the *Municipal Government Act* requires the appeal of a stop order to be filed within 21 days of its issuance. The Stop Order was issued on April 11, 2022, and the appeal was received 59 days later on June 9, 2022

- [11] The Counsel for the Appellant submits that, although the appeal was filed out of time, the Board should consider the tenets of estoppel and procedural fairness.
- [12] The Appellant's Counsel cited case law regarding the application of promissory estoppel to a public body. The Board was not persuaded by this evidence and finds that its jurisdiction is derived from the *Municipal Government Act*, which is explicit in that an appellant has 21 days after the issuance of a stop order to file an appeal. The Board finds that it does not have the authority to extend these timelines.
- [13] Further, the Board notes that the Appellant has appealed a second Stop Order dated May 20, 2022, which was filed within the legislated timelines and is substantially similar to the Stop Order in question. Dismissal of the April 11, 2022 Stop Order does not prevent the Appellant from making submissions regarding the May 20, 2022 Stop Order.
- [14] For these reasons, the Board finds that it does not have jurisdiction to hear the appeal.

Dated at the Town of Morinville, in the Province of Alberta, this 19th day of July, 2022.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Sturgeon County



Julius Buski, Chair

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 Stop Order;
- Planning and Development Services Report;
- The Appellant's submissions; and
- The Adjacent Landowners' submissions

Appeal File Numbers: 022-STU-008
Application Number: 305305-20-D0183
Appeal Against: Development Authority of Sturgeon County
Nature of Appeal: Stop Order
Appellant: Marley Broda
Date and Location of Hearing: July 5, 2022
Council Chambers and Through Electronic Communications
Date of Decision: July 19, 2022
SDAB Members: Chair Julius Buski, Lee Danchuk, Alanna Hnatiw, Allan Montpellier, Amanda Papadopoulos

NOTICE OF DECISION

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- [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 Stop Order dated May 20, 2022;
 - Planning and Development Services Report;
 - The Appellant's submission; and
 - The Adjacent Landowners' submissions.

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] The Board is satisfied that it has jurisdiction to deal with this matter.
- [7] The parties agreed to make concurrent submissions on Appeal File Numbers 022-STU-008 (May 20, 2022 Stop Order) and 022-STU-009 (Cancellation of Development Permit 305305-20-D0183). As such, the Board is issuing a single set of reasons addressing both appeals.

ISSUES

- [8] The Appellant raised the following grounds of appeal:
- The requirements of the Development Permit have been fully or substantially complied with throughout the course of the business operations.
 - The business on the lands has been operated consciously in a manner that would not disrupt or impact neighbouring and adjacent properties.
 - Considerable measures have been taken to reduce the scale of the operations in a commercially reasonable manner, all while ensuring a positive working relationship with the County and with no abrupt or reckless measures taken that would unduly impact the livelihoods of the employees.

DEVELOPMENT AUTHORITY'S SUBMISSION

- [9] A development permit was issued in September 2020 to allow a Home Based Business Level 3 – Carpentry Services to operate on the property with conditions, including requiring that the development of future buildings have separate permits, restricting exterior storage, limiting the number of employees to 4, and requiring the development not to be a nuisance to adjacent properties.
- [10] In December 2020, the Development Authority began to receive complaints citing excessive employees and employee vehicles, number of commercial vehicles, and number of sea cans.
- [11] At that time, the Appellant indicated that she would voluntarily comply by reducing the number of sea cans from 10 to 5 in line with the requirements of the Land Use Bylaw.
- [12] In April 2021, the Appellant applied for an electrical permit to retrofit sea cans to data centres, which was refused since this is not permitted under the development permit issued.
- [13] In November 2021, the Development Authority received complaints that an excessive number of sea cans were located on the property. Upon investigation, it was estimated that there were 30 sea cans on the property.
- [14] On December 3, 2021, the Development Authority issued a warning letter seeking the Appellant to file a voluntary compliance plan by December 17, 2021. Upon negotiations, an updated deadline to January 21, 2022 to submit the voluntary compliance plan was agreed upon.

- [15] The voluntary compliance plan was submitted but deemed insufficient to address all outstanding compliance issues, including reducing the number of sea cans on the property to 5, bringing the proposed site plan into compliance with the approved development permit, removing unapproved structures including three fabric Quonsets and office trailer(s), addressing exterior storage exceedances, and screening exterior storage from roads. The voluntary compliance plan also did not address the nature of the business as a carpentry business, number of employees, hours of operation, or nuisance to neighbouring properties.
- [16] A Stop Order was issued on April 11, 2022 with a compliance date of May 9, 2022. The Stop Order sought an application for development and business permits for all accessory buildings, application for a new development permit for a home based business or rezoning of the property, and reduction of the number of sea cans on the property to 5.
- [17] On May 6, 2022, the Appellant submitted a report to the Development Authority indicating sea can relocation efforts and compliance with the exterior storage requirements of the approved development permit.
- [18] On May 20, 2022, a second Stop Order was issued, requiring, by June 10, 2022, that the landowners relocate the business to lands that have the appropriate zoning for an industrial use, rezone the existing lands, or apply for a new development permit to allow for more than 5 sea cans.

APPELLANT'S SUBMISSION

- [19] The Home Based Business Level 3 for a carpentry business is the best fit for this development. The Appellant did not mislead the Development Authority as to the nature of the carpentry business.
- [20] Carpentry services is not a term defined in the Land Use Bylaw. The Southern Alberta Institute of Technology (SAIT) Carpenter Program Information submitted to the Board establishes that carpentry is not limited to woodworking but includes "the construction, erection, and repair of wood, wood substitutes, steel, and other materials." Crypto container construction seems very technical and new and therefore not traditionally considered carpentry, but the Board must open its mind to metal fabrication as a carpentry business.
- [21] The Appellant made efforts to work with the Development Authority. The Appellant reduced the number of shipping containers on the lands from 38 to 4. There has been substantial, if not full, compliance with the Stop Order.
- [22] The development has not substantially impacted neighbouring property owners. There is a 10-metre tree stand between the Hansen's subdivision and the property. Some of closest neighbours live 150 away and 300 metres away, approximately, which is a significant distance.
- [23] A Noise Audit has been provided, which demonstrates that the noise emanating from the property is not offensive and is in the range of inside average urban home noises, a quiet street, normal conversation at 1 metre, and moderate rainfall. The property is nearby other types of developments that cause noise, including gravel extraction, an airport, and extensive agricultural operations.
- [24] Letters have been submitted by adjacent landowners both in support and in opposition to the proposed development, submitted in approximately equal numbers. Some of the information submitted in opposition to the development is inaccurate and cannot be substantiated.

- [25] Had the Appellant heard concerns with respect to business operations, she would have taken measures to address them. When the County raised concerns, the Appellant took measures to address them, regardless of the merit of the concerns. The Appellant wants to maintain a positive working relationship with the County.
- [26] The Appellant is a steward of the County. She employs local people. She offers an innovative business. She is a proponent of agriculture in the area. Her operations, both farming and carpentry business, are beneficial to the community and accord with the Municipal Development Plan and other comments that the County has raised with respect to the development and retention of businesses throughout the County.
- [27] In addition to the carpentry business, this property is a working farm. There are 97 cows, including 75 that are supposed to be calving this year. The Appellant has certain farming rights, including agricultural buildings without the requirement of permits. The Development Authority has not recognized this.
- [28] This is a small business run by the Appellant. Ms. Broda recently gave birth, right at the time that the Stop Order was issued. She has four children and works hard to raise them all, on top of operating an active farm. There is need to give an appropriate amount of time for her and her small team to come up with a solution to this very significant problem.
- [29] This development permit is not transferrable to any future landowners. The Appellant is a reputable business owner, and the Board does not need to be concerned with the future of the business should the Brodas sell their property in the future.

SUBMISSIONS BY ADJACENT LANDOWNERS

- [30] Darcy and Shauna Grainger and Chase Majeau attended the hearing and spoke in favour of the appeal. The Board also received a written submission from Brett Majeau in favour of the appeal.
- [31] The Board received written submissions from Brian and Trudy Wohlgemuth, Dennis and Terry Dutton, Donna Tregidgo and Bert McEwen, and Karen Lore opposing the appeal.

DECISION OF THE BOARD WITH RESPECT TO THE STOP ORDER

- [32] **The Board UPHOLDS the Stop Order issued by the Development Authority on May 20, 2022 and VARIES the Order as follows:**

- **References to the cancellation of Development Permit 305305-20-D0183 are struck.**
- **References of non-compliance related to misrepresentation of the business, deviation from the approved drawings, and absence of development and building permits for the three accessory buildings and trailer(s) (Violations 2, 3, and 4) are struck.**
- **Directions to relocate the business to lands that have an Industrial Use zoning, apply for developing permits for the existing business, and apply for development and building permits for all accessory buildings (Directions 1 and 2) are struck.**
- **The deadline to comply with the Stop Order is extended from June 10, 2022 to January 20, 2023.**

REASONS FOR THE DECISION WITH RESPECT TO THE STOP ORDER

- [33] In addressing the Stop Order, the Board's inquiry is confined to whether or not the Stop Order was properly issued by the Development Authority. In order to make this determination, the Board must determine whether there has been a contravention of the Municipal Government Act, the Land Use Bylaw, or Development Permit conditions.
- [34] The Board finds that the property in question is districted AG – Agricultural, and that the development permit was issued for a Home Based Business Level 3, which is a discretionary use in the AG district.
- [35] The Board finds that Development Permit 305305-20-D0183 does not regulate the number of shipping containers (sea cans) on the property and therefore the general provisions of the Land Use Bylaw apply.
- [36] The Board finds that, pursuant to section 6.27.1 of the Land Use Bylaw, the maximum number of shipping containers without a development permit in the AG district is 5. Therefore, the Appellant is permitted to have no more than 5 sea cans on the property and any exceedances constitute a breach of the Land Use Bylaw.
- [37] The Board received evidence in the form of photographs supplied by the Development Authority, dated May 26, 2022, 6 days after the issuance of the Stop Order, that there were more than 5 sea cans on the property. While the exact number of sea cans is indeterminable due to the varying angles of the photographs taken from public property or adjacent landowners' properties given the absence of a formal inspection, it is clear to the Board that the number of sea cans exceeds the 5 permitted by the Land Use Bylaw.
- [38] The Board considered the other non-compliance matters identified in the Stop Order, including absence of development permits and business permits for the three accessory buildings (fabric Quonsets) and trailer(s). The Board received submissions that the property operates an extensive agricultural operation in addition to the carpentry business. The Board heard from the Development Authority that it is the County's practice to request farm building confirmation attestations from landowners in such situations to confirm which buildings are related to extensive agricultural operations and which are accessory to another development.
- [39] Prior to issuing the Stop Order, the Board finds that the proper processes were not followed to confirm the use of the buildings. The Board is persuaded by the Appellant that she was never advised of the requirement for farm building confirmation attestations for the extensive agricultural operation. The Development Authority did not undertake a formal inspection process pursuant to the Municipal Government Act and therefore the Board cannot conclude that these structures are accessory to the home based business. For these reasons, the Stop Order is varied to strike any requirement for the Appellant to apply for development or business permits for the structures on the property.
- [40] Apart from the number of sea cans, the alleged violations of the Land Use Bylaw and Development Permit were not established on the evidence before the Board.

- [41] The Stop Order has a compliance date of June 10, 2022, which occurs in the past due to the filing of the appeal, and therefore an extension is warranted. Having determined that there has been a contravention of the Land Use Bylaw, the Board finds that it may exercise its discretion and give the recipient more time to comply with the terms of the Order.
- [42] In determining the length of time reasonable for the Appellant to comply with the varied Stop Order, the Board considered the submissions of the parties. The Appellant requested a 6-month extension to come into compliance, given the personal situation of the landowners and the reliance of employees on the business. The Development Authority responded that the Appellant has essentially been on notice since the December 2021 warning letter that the property is non-compliant with the Land Use Bylaw and therefore such an extension may not be reasonable.
- [43] In granting a 6-month extension to January 20, 2023, the Board weighed the arguments of the parties, recognizing that the Appellant must consider her options, and that a decision to redistrict the lands, for example, would take a number of months to process. Based on the submissions received, the Appellant has significantly reduced the number of sea cans on the property, and therefore the impacts to neighbouring property owners, if any, should be mitigated until such time that the Appellant is able to determine the long-term plan for the business.

DECISION OF THE BOARD WITH RESPECT TO THE CANCELLATION OF THE DEVELOPMENT PERMIT

- [44] **The Board REVOKES the decision of the Development Authority issued May 20, 2022 to cancel Development Permit 305305-20-D0183.**

REASONS FOR THE DECISION WITH RESPECT TO THE PERMIT CANCELLATION

- [45] The Development Authority relied on section 2.12.1(a) and (d) of the Land Use Bylaw in cancelling the development permit, and the permit was cancelled due to alleged misrepresentation of the business as a carpentry business and because the development deviated from the approved drawings regarding exterior storage.
- [46] Based on the evidence provided, the Board finds that the Appellant did not misrepresent the business as a carpentry business. "Carpentry" is not defined in the Land Use Bylaw. The Southern Alberta Institute of Technology (SAIT) Carpenter Program Information submitted to the Board establishes that carpentry is not limited to woodworking but includes "the construction, erection, and repair of wood, wood substitutes, steel, and other materials." It is apparent to the Board that there is not a single definition of "carpentry" that can be relied upon to conclude that the Appellant misrepresented the nature of their business at the time of application. The Development Authority could have requested additional details to clarify the business activities and to ensure appropriate development permit conditions were imposed.
- [47] The Appellant submitted that the Development Authority does not have authority to cancel a development permit. The Appellant argued that the authority to do so is granted by Sturgeon County's Land Use Bylaw but is not expressly authorized by the Municipal Government Act or other legislation, and the Development Authority has misinterpreted section 640(2)(c)(iii) of the Municipal Government Act, which provides that the Land Use Bylaw must establish a method of making decisions on applications for development permits and issuing development permits for any development, including provisions for processing an application for or issuing, cancelling, suspending or refusing to issue a development permit. The Appellant argued that the "cancellation" of a permit

in this context is at the time of application, not after a development permit has been issued, with the mechanism to address concerns of non-compliance with an approved development permit being section 645 and the issuance of a stop order, not cancellation of an approved permit.

- [48] The Board received submissions that the property operates an extensive agricultural operation in addition to the carpentry business. The Board heard from the Development Authority that it is the County's practice to require farm building confirmation attestations in such situations to determine which buildings are related to extensive agricultural operations and which are accessory to another development.
- [49] Prior to issuing the Stop Order, the Board finds that the proper processes were not followed to confirm the use of the buildings. The Board is persuaded by the Appellant that they she was never advised of the requirement for farm building confirmation attestations for the extensive agricultural operation. The Development Authority did not undertake a formal inspection process pursuant to the Municipal Government Act and therefore the Board cannot conclude that these structures are accessory to the home based business. For these reasons, the Board cannot conclude that the development deviated from the approved drawings regarding exterior storage.
- [50] The Board heard from the Development Authority of complaints received regarding number of employees, number of employee vehicles, and number of commercial properties. However, neither the Development Authority nor submissions from adjacent landowners provided persuasive evidence that the Appellant was operating outside of these development permit conditions except with respect to the number of sea cans without a development permit.
- [51] The Board finds that, on the specific facts of this case, cancellation of the Development Permit was not warranted. Therefore, the Board grants the appeal of the cancellation of the Development Permit.
- [52] The Board seeks to make clear that its decision is to vary the conditions of the Stop Order, and that the Development Permit conditions continue to apply.

Dated at the Town of Morinville, in the Province of Alberta, this 19th day of July, 2022.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Sturgeon County



Julius Buski, Chair

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"

STOP ORDER

AS AMENDED BY THE STURGEON COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Pursuant to Section 645
Municipal Government Act
R.S.A. 2000, Chapter M-26, As Amended

F20/1348

July 19, 2022

Broda, Norman and Marley

Email:

**RE: CONTRAVENTION OF Land Use Bylaw 1385/17
Lot 1, Block 1, Plan 0621672; Pt SE 29-54-27-W4
Sturgeon County**

Severed in line with section 17 of the FOIP Act

This **STOP ORDER** is issued pursuant to Section 645 of the Municipal Government Act with respect to the aforementioned lands.

Part 17 of the Municipal Government Act and Part 4, Section 4.4 of Sturgeon County Land Use Bylaw 1385/17 allows a Development Authority to issue a Stop Order where a development, land use or use of a buildings is not in accordance with the Municipal Government Act; the Land Use Bylaw; Subdivision and Development Regulation; development permit; development agreement; or subdivision approval.

THIS STOP ORDER IS ISSUED UNDER THE AUTHORITY OF MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, Chapter M-26, AS AMENDED.

At present, development on the Lands does not comply with the Land Use Bylaw 1385/17 given:

- 1. The applicant failed to comply with the conditions of the Stop Order dated April 11, 2022.**
- 2. The number of shipping containers on the property exceeds the maximum of 5 permitted for AG Major parcels without a development permit.**

Accordingly, you are hereby ordered to stop the unauthorized development and use of aforementioned lands and comply with the Land Use Bylaw 1385/17 by:

- 1. Removing the shipping containers from the parcel to a maximum of five (5) for storage purposes only or applying for a development permit for more than five (5) for storage purposes only.**

All by January 20, 2023.

Please be advised that the Municipality has the authority to put the costs and expenses for carrying out this Stop Order on the tax roll for the Lands pursuant to Section 553(1)(h.1) of the Municipal Government Act.

If you do not comply with this Stop Order, Sturgeon County may, under the provisions of Sections 646(1) and 542 of the Municipal Government Act, R.S.A., 2000, Chapter M-26, as amended:

- Enter onto the land and take such action necessary to carry out the order under the provisions of Sections 646(1) and 542 of the Municipal Government Act, and/or
- Obtaining a permanent and mandatory injunction from the Court of Queen's Bench pursuant to section 554 of the Municipal Government Act; and/or
- Issue a provincial violation ticket with a minimum fine of \$1,000 and an additional fine for every calendar day the offence continues, under the provisions of Section 4.5 of Land Use Bylaw 1385/17, as amended

Yours truly,

STURGEON COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD

APPENDIX "B"
List of Submissions

- The Notice of Appeal;
- A copy of the Stop Order;
- Planning and Development Services Report;
- The Appellant's submissions; and
- The Adjacent Landowners' submissions

APPENDIX 3

Appeal File Numbers: 022-STU-009
Application Number: 305305-20-D0183
Appeal Against: Development Authority of Sturgeon County
Nature of Appeal: Stop Order
Appellant: Marley Broda
Date and Location of Hearing: July 5, 2022
Council Chambers and Through Electronic Communications
Date of Decision: July 19, 2022
SDAB Members: Chair Julius Buski, Lee Danchuk, Alanna Hnatiw, Allan Montpellier, Amanda Papadopoulos

NOTICE OF DECISION

IN THE MATTER OF an appeal by Marley Broda against the Development Authority’s cancellation of Development Permit 305305-20-D0183 – Home Based Business Level 3 - Carpentry Services for property located at 0621672; 1; 1; SE 29-54-27-W4 (27414 TWP 544) 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*, RSA 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 Stop Order dated May 20, 2022;
 - Planning and Development Services Report;
 - The Appellant’s submission; and
 - The Adjacent Landowners’ submissions.

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] The Board is satisfied that it has jurisdiction to deal with this matter.
- [7] The parties agreed to make concurrent submissions on Appeal File Numbers 022-STU-008 (May 20, 2022 Stop Order) and 022-STU-009 (Cancellation of Development Permit 305305-20-D0183). As such, the Board is issuing a single set of reasons addressing both appeals.

ISSUES

- [8] The Appellant raised the following grounds of appeal:
- The requirements of the Development Permit have been fully or substantially complied with throughout the course of the business operations.
 - The business on the lands has been operated consciously in a manner that would not disrupt or impact neighbouring and adjacent properties.
 - Considerable measures have been taken to reduce the scale of the operations in a commercially reasonable manner, all while ensuring a positive working relationship with the County and with no abrupt or reckless measures taken that would unduly impact the livelihoods of the employees.

DEVELOPMENT AUTHORITY'S SUBMISSION

- [9] A development permit was issued in September 2020 to allow a Home Based Business Level 3 – Carpentry Services to operate on the property with conditions, including requiring that the development of future buildings have separate permits, restricting exterior storage, limiting the number of employees to 4, and requiring the development not to be a nuisance to adjacent properties.
- [10] In December 2020, the Development Authority began to receive complaints citing excessive employees and employee vehicles, number of commercial vehicles, and number of sea cans.
- [11] At that time, the Appellant indicated that she would voluntarily comply by reducing the number of sea cans from 10 to 5 in line with the requirements of the Land Use Bylaw.
- [12] In April 2021, the Appellant applied for an electrical permit to retrofit sea cans to data centres, which was refused since this is not permitted under the development permit issued.
- [13] In November 2021, the Development Authority received complaints that an excessive number of sea cans were located on the property. Upon investigation, it was estimated that there were 30 sea cans on the property.
- [14] On December 3, 2021, the Development Authority issued a warning letter seeking the Appellant to file a voluntary compliance plan by December 17, 2021. Upon negotiations, an updated deadline to January 21, 2022 to submit the voluntary compliance plan was agreed upon.

- [15] The voluntary compliance plan was submitted but deemed insufficient to address all outstanding compliance issues, including reducing the number of sea cans on the property to 5, bringing the proposed site plan into compliance with the approved development permit, removing unapproved structures including three fabric Quonsets and office trailer(s), addressing exterior storage exceedances, and screening exterior storage from roads. The voluntary compliance plan also did not address the nature of the business as a carpentry business, number of employees, hours of operation, or nuisance to neighbouring properties.
- [16] A Stop Order was issued on April 11, 2022 with a compliance date of May 9, 2022. The Stop Order sought an application for development and business permits for all accessory buildings, application for a new development permit for a home based business or rezoning of the property, and reduction of the number of sea cans on the property to 5.
- [17] On May 6, 2022, the Appellant submitted a report to the Development Authority indicating sea can relocation efforts and compliance with the exterior storage requirements of the approved development permit.
- [18] On May 20, 2022, a second Stop Order was issued, requiring, by June 10, 2022, that the landowners relocate the business to lands that have the appropriate zoning for an industrial use, rezone the existing lands, or apply for a new development permit to allow for more than 5 sea cans.

APPELLANT'S SUBMISSION

- [19] The Home Based Business Level 3 for a carpentry business is the best fit for this development. The Appellant did not mislead the Development Authority as to the nature of the carpentry business.
- [20] Carpentry services is not a term defined in the Land Use Bylaw. The Southern Alberta Institute of Technology (SAIT) Carpenter Program Information submitted to the Board establishes that carpentry is not limited to woodworking but includes "the construction, erection, and repair of wood, wood substitutes, steel, and other materials." Crypto container construction seems very technical and new and therefore not traditionally considered carpentry, but the Board must open its mind to metal fabrication as a carpentry business.
- [21] The Appellant made efforts to work with the Development Authority. The Appellant reduced the number of shipping containers on the lands from 38 to 4. There has been substantial, if not full, compliance with the Stop Order.
- [22] The development has not substantially impacted neighbouring property owners. There is a 10-metre tree stand between the Hansen's subdivision and the property. Some of closest neighbours live 150 away and 300 metres away, approximately, which is a significant distance.
- [23] A Noise Audit has been provided, which demonstrates that the noise emanating from the property is not offensive and is in the range of inside average urban home noises, a quiet street, normal conversation at 1 metre, and moderate rainfall. The property is nearby other types of developments that cause noise, including gravel extraction, an airport, and extensive agricultural operations.
- [24] Letters have been submitted by adjacent landowners both in support and in opposition to the proposed development, submitted in approximately equal numbers. Some of the information submitted in opposition to the development is inaccurate and cannot be substantiated.

- [25] Had the Appellant heard concerns with respect to business operations, she would have taken measures to address them. When the County raised concerns, the Appellant took measures to address them, regardless of the merit of the concerns. The Appellant wants to maintain a positive working relationship with the County.
- [26] The Appellant is a steward of the County. She employs local people. She offers an innovative business. She is a proponent of agriculture in the area. Her operations, both farming and carpentry business, are beneficial to the community and accord with the Municipal Development Plan and other comments that the County has raised with respect to the development and retention of businesses throughout the County.
- [27] In addition to the carpentry business, this property is a working farm. There are 97 cows, including 75 that are supposed to be calving this year. The Appellant has certain farming rights, including agricultural buildings without the requirement of permits. The Development Authority has not recognized this.
- [28] This is a small business run by the Appellant. Ms. Broda recently gave birth, right at the time that the Stop Order was issued. She has four children and works hard to raise them all, on top of operating an active farm. There is need to give an appropriate amount of time for her and her small team to come up with a solution to this very significant problem.
- [29] This development permit is not transferrable to any future landowners. The Appellant is a reputable business owner, and the Board does not need to be concerned with the future of the business should the Brodas sell their property in the future.

SUBMISSIONS BY ADJACENT LANDOWNERS

- [30] Darcy and Shauna Grainger and Chase Majeau attended the hearing and spoke in favour of the appeal. The Board also received a written submission from Brett Majeau in favour of the appeal.
- [31] The Board received written submissions from Brian and Trudy Wohlgemuth, Dennis and Terry Dutton, Donna Tregidgo and Bert McEwen, and Karen Lore opposing the appeal.

DECISION OF THE BOARD WITH RESPECT TO THE STOP ORDER

- [32] **The Board UPHOLDS the Stop Order issued by the Development Authority on May 20, 2022 and VARIES the Order as follows:**

- **References to the cancellation of Development Permit 305305-20-D0183 are struck.**
- **References of non-compliance related to misrepresentation of the business, deviation from the approved drawings, and absence of development and building permits for the three accessory buildings and trailer(s) (Violations 2, 3, and 4) are struck.**
- **Directions to relocate the business to lands that have an Industrial Use zoning, apply for developing permits for the existing business, and apply for development and building permits for all accessory buildings (Directions 1 and 2) are struck.**
- **The deadline to comply with the Stop Order is extended from June 10, 2022 to January 20, 2023.**

REASONS FOR THE DECISION WITH RESPECT TO THE STOP ORDER

- [33] In addressing the Stop Order, the Board's inquiry is confined to whether or not the Stop Order was properly issued by the Development Authority. In order to make this determination, the Board must determine whether there has been a contravention of the *Municipal Government Act*, the Land Use Bylaw, or Development Permit conditions.
- [34] The Board finds that the property in question is districted AG – Agricultural, and that the development permit was issued for a Home Based Business Level 3, which is a discretionary use in the AG district.
- [35] The Board finds that Development Permit 305305-20-D0183 does not regulate the number of shipping containers (sea cans) on the property and therefore the general provisions of the Land Use Bylaw apply.
- [36] The Board finds that, pursuant to section 6.27.1 of the Land Use Bylaw, the maximum number of shipping containers without a development permit in the AG district is 5. Therefore, the Appellant is permitted to have no more than 5 sea cans on the property and any exceedances constitute a breach of the Land Use Bylaw.
- [37] The Board received evidence in the form of photographs supplied by the Development Authority, dated May 26, 2022, 6 days after the issuance of the Stop Order, that there were more than 5 sea cans on the property. While the exact number of sea cans is indeterminable due to the varying angles of the photographs taken from public property or adjacent landowners' properties given the absence of a formal inspection, it is clear to the Board that the number of sea cans exceeds the 5 permitted by the Land Use Bylaw.
- [38] The Board considered the other non-compliance matters identified in the Stop Order, including absence of development permits and business permits for the three accessory buildings (fabric Quonsets) and trailer(s). The Board received submissions that the property operates an extensive agricultural operation in addition to the carpentry business. The Board heard from the Development Authority that it is the County's practice to request farm building confirmation attestations from landowners in such situations to confirm which buildings are related to extensive agricultural operations and which are accessory to another development.
- [39] Prior to issuing the Stop Order, the Board finds that the proper processes were not followed to confirm the use of the buildings. The Board is persuaded by the Appellant that she was never advised of the requirement for farm building confirmation attestations for the extensive agricultural operation. The Development Authority did not undertake a formal inspection process pursuant to the Municipal Government Act and therefore the Board cannot conclude that these structures are accessory to the home based business. For these reasons, the Stop Order is varied to strike any requirement for the Appellant to apply for development or business permits for the structures on the property.
- [40] Apart from the number of sea cans, the alleged violations of the Land Use Bylaw and Development Permit were not established on the evidence before the Board.

- [41] The Stop Order has a compliance date of June 10, 2022, which occurs in the past due to the filing of the appeal, and therefore an extension is warranted. Having determined that there has been a contravention of the Land Use Bylaw, the Board finds that it may exercise its discretion and give the recipient more time to comply with the terms of the Order.
- [42] In determining the length of time reasonable for the Appellant to comply with the varied Stop Order, the Board considered the submissions of the parties. The Appellant requested a 6-month extension to come into compliance, given the personal situation of the landowners and the reliance of employees on the business. The Development Authority responded that the Appellant has essentially been on notice since the December 2021 warning letter that the property is non-compliant with the Land Use Bylaw and therefore such an extension may not be reasonable.
- [43] In granting a 6-month extension to January 20, 2023, the Board weighed the arguments of the parties, recognizing that the Appellant must consider her options, and that a decision to redistrict the lands, for example, would take a number of months to process. Based on the submissions received, the Appellant has significantly reduced the number of sea cans on the property, and therefore the impacts to neighbouring property owners, if any, should be mitigated until such time that the Appellant is able to determine the long-term plan for the business.

DECISION OF THE BOARD WITH RESPECT TO THE CANCELLATION OF THE DEVELOPMENT PERMIT

- [44] **The Board REVOKES the decision of the Development Authority issued May 20, 2022 to cancel Development Permit 305305-20-D0183.**

REASONS FOR THE DECISION WITH RESPECT TO THE PERMIT CANCELLATION

- [45] The Development Authority relied on section 2.12.1(a) and (d) of the Land Use Bylaw in cancelling the development permit, and the permit was cancelled due to alleged misrepresentation of the business as a carpentry business and because the development deviated from the approved drawings regarding exterior storage.
- [46] Based on the evidence provided, the Board finds that the Appellant did not misrepresent the business as a carpentry business. "Carpentry" is not defined in the Land Use Bylaw. The Southern Alberta Institute of Technology (SAIT) Carpenter Program Information submitted to the Board establishes that carpentry is not limited to woodworking but includes "the construction, erection, and repair of wood, wood substitutes, steel, and other materials." It is apparent to the Board that there is not a single definition of "carpentry" that can be relied upon to conclude that the Appellant misrepresented the nature of their business at the time of application. The Development Authority could have requested additional details to clarify the business activities and to ensure appropriate development permit conditions were imposed.
- [47] The Appellant submitted that the Development Authority does not have authority to cancel a development permit. The Appellant argued that the authority to do so is granted by Sturgeon County's Land Use Bylaw but is not expressly authorized by the Municipal Government Act or other legislation, and the Development Authority has misinterpreted section 640(2)(c)(iii) of the Municipal Government Act, which provides that the Land Use Bylaw must establish a method of making decisions on applications for development permits and issuing development permits for any development, including provisions for processing an application for or issuing, cancelling, suspending or refusing to issue a development permit. The Appellant argued that the "cancellation" of a permit

in this context is at the time of application, not after a development permit has been issued, with the mechanism to address concerns of non-compliance with an approved development permit being section 645 and the issuance of a stop order, not cancellation of an approved permit.

- [48] The Board received submissions that the property operates an extensive agricultural operation in addition to the carpentry business. The Board heard from the Development Authority that it is the County's practice to require farm building confirmation attestations in such situations to determine which buildings are related to extensive agricultural operations and which are accessory to another development.
- [49] Prior to issuing the Stop Order, the Board finds that the proper processes were not followed to confirm the use of the buildings. The Board is persuaded by the Appellant that they she was never advised of the requirement for farm building confirmation attestations for the extensive agricultural operation. The Development Authority did not undertake a formal inspection process pursuant to the Municipal Government Act and therefore the Board cannot conclude that these structures are accessory to the home based business. For these reasons, the Board cannot conclude that the development deviated from the approved drawings regarding exterior storage.
- [50] The Board heard from the Development Authority of complaints received regarding number of employees, number of employee vehicles, and number of commercial properties. However, neither the Development Authority nor submissions from adjacent landowners provided persuasive evidence that the Appellant was operating outside of these development permit conditions except with respect to the number of sea cans without a development permit.
- [51] The Board finds that, on the specific facts of this case, cancellation of the Development Permit was not warranted. Therefore, the Board grants the appeal of the cancellation of the Development Permit.
- [52] The Board seeks to make clear that its decision is to vary the conditions of the Stop Order, and that the Development Permit conditions continue to apply.

Dated at the Town of Morinville, in the Province of Alberta, this 19th day of July, 2022.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Sturgeon County



Julius Buski, Chair

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"

STOP ORDER

AS AMENDED BY THE STURGEON COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Pursuant to Section 645
Municipal Government Act
R.S.A. 2000, Chapter M-26, As Amended

F20/1348

July 19, 2022

Broda, Norman and Marley

Email:

**RE: CONTRAVENTION OF Land Use Bylaw 1385/17
Lot 1, Block 1, Plan 0621672; Pt SE 29-54-27-W4
Sturgeon County**

Severed in line with section 17 of the FOIP Act

This **STOP ORDER** is issued pursuant to Section 645 of the Municipal Government Act with respect to the aforementioned lands.

Part 17 of the Municipal Government Act and Part 4, Section 4.4 of Sturgeon County Land Use Bylaw 1385/17 allows a Development Authority to issue a Stop Order where a development, land use or use of a buildings is not in accordance with the Municipal Government Act; the Land Use Bylaw; Subdivision and Development Regulation; development permit; development agreement; or subdivision approval.

THIS STOP ORDER IS ISSUED UNDER THE AUTHORITY OF MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, Chapter M-26, AS AMENDED.

At present, development on the Lands does not comply with the Land Use Bylaw 1385/17 given:

- 1. The applicant failed to comply with the conditions of the Stop Order dated April 11, 2022.**
- 2. The number of shipping containers on the property exceeds the maximum of 5 permitted for AG Major parcels without a development permit.**

Accordingly, you are hereby ordered to stop the unauthorized development and use of aforementioned lands and comply with the Land Use Bylaw 1385/17 by:

- 1. Removing the shipping containers from the parcel to a maximum of five (5) for storage purposes only or applying for a development permit for more than five (5) for storage purposes only.**

All by January 20, 2023.

Please be advised that the Municipality has the authority to put the costs and expenses for carrying out this Stop Order on the tax roll for the Lands pursuant to Section 553(1)(h.1) of the Municipal Government Act.

If you do not comply with this Stop Order, Sturgeon County may, under the provisions of Sections 646(1) and 542 of the Municipal Government Act, R.S.A., 2000, Chapter M-26, as amended:

- Enter onto the land and take such action necessary to carry out the order under the provisions of Sections 646(1) and 542 of the Municipal Government Act, and/or
- Obtaining a permanent and mandatory injunction from the Court of Queen's Bench pursuant to section 554 of the Municipal Government Act; and/or
- Issue a provincial violation ticket with a minimum fine of \$1,000 and an additional fine for every calendar day the offence continues, under the provisions of Section 4.5 of Land Use Bylaw 1385/17, as amended

Yours truly,

STURGEON COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD

APPENDIX "B"
List of Submissions

- The Notice of Appeal;
- A copy of the Stop Order;
- Planning and Development Services Report;
- The Appellant's submissions; and
- The Adjacent Landowners' submissions

APPENDIX 4



Planning and Development
9613-100 Street
Morinville, AB T8R 1L9
Phone (780) 939-8275
Fax (780) 939-2076
Email: PandD@sturgeoncounty.ca

FARM BUILDING DECLARATION

LANDOWNER INFORMATION

Severed in line with section 17 of the FOIP Act

| | | |
|---|-----|-------|
| Name of Registered Landowner(s): <u>Morley Breeda and Norman Breeda</u> | | |
| Mailing Address | | |
| City: <u>1</u> | | |
| Postal Code: | Ph: | Email |

LAND INFORMATION

| | | |
|-------------------------------|----------|--|
| Legal Description of Property | All/Part | <u>1/4</u> Section <u>29</u> Twp. <u>54</u> Rge. <u>27</u> West of the <u>4</u> Meridian |
| OR Lot | Block | Plan <u>0621672</u> Rural Address <u>27414 Twp Rd 544</u> |

To meet the requirements of a Farm Building, the proposed development must meet all of the following:

- A building of low human occupancy associated with the operation of the farm on which it is located, where the building is used for the:
 - housing of livestock,
 - storage or maintenance of equipment, or
 - storage of materials or produce,
- Building does not contain any other occupancy (eg. residential, commercial, processing, ect)

And provide the following information:

- Provide a site plan (template attached)
- A drawing of all four sides of the building showing dimensions, doors and windows. (If the building already exists, photos can be provided instead of a drawing.)

Please be advised that:

- A farm building does not include uses for public access such as greenhouses or riding arenas, etc.
- A building located on land 300 m from a provincial right-of-way and /or 800 m of the centerline of a highway and public road intersection. You can visit [Alberta Transportation](#) for more information. If this applies to your development, the approval must form part of this declaration.
- Any new structure or addition to an existing structure that is to be larger than 47m² (505ft²) in building area requires a map identifying the location to confirm the absence or presence of any abandoned wells within the parcel. This map can be obtained online <https://extmapviewer.aer.ca/AERAbandonedWells/Index.html>. If this applies to your development, this map must form part of this declaration.

“Low Importance Category Buildings”

Low human-occupancy farm buildings are defined in the National Farm Building Code of Canada 1995 as having an occupant load of 1 person or less per 40 m² of floor area. Minor storage buildings include only those storage buildings that represent a low direct or indirect hazard to human life in the event of structural failure, either because people are unlikely to be affected by structural failure, or because structural failure causing damage to materials or equipment does not present a direct threat to human life.

“Farm Buildings”

Farm buildings may include, but are not limited to, produce storage facilities, livestock and poultry housing, milking centres, manure storage facilities, grain bins, silos, feed preparation centres, farm workshops and horse riding, exercise and training facilities not used by the public. Farm buildings may be classed as low or high human occupancy, depending on the occupant load.

Examples of farm buildings likely to be classed as low human occupancy as defined in Article 1.2.1.2. of the National Farm Building Code of Canada are livestock and poultry housing, manure and machinery storage facilities and horse exercise and training facilities where no bleachers or viewing areas are provided.

Examples of buildings that would be classed as other than low human occupancy include farm retail centres for feed, horticultural and livestock produce, auction barns and show areas where bleachers or other public facilities are provided. Farm work centres where the number of workers frequently exceeds the limit for low human occupancy are also in this category.

Declaration:

By signing this document, I confirm that the structure noted above is a farm building and will only be used as a farm building. I understand and agree that if the use of the structure changes to be used for a purpose other than a Farm Building, the landowner will apply for a Development and Building permit. I understand the building is not exempt from conforming to setback regulations as per Land Use Bylaw 1385/17 nor the requirement for electrical, gas, plumbing and private sewage disposal permits under the Safety Codes Act. I have read and understand the information contained within this document.

Signature of landowner _____ Date May 31, 2023

Signature of landowner _____ Date May 31, 2023

Severed in line with section 17 of the FOIP Act

Please note that all landowners registered on title must sign this declaration. If the land is registered to a company the corporate registry must be submitted to prove authorized signatories.

Office Use Only

| | | |
|----------------|--------------------------|---------------|
| Date Received: | Tax roll: 4421003 | Zoning: AG |
| Reviewed by: | <i>J. P. [Signature]</i> | |

The personal information provided will be used to process a Farm Building Confirmation and is collected under the authority of Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act. If you have any question about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 100 Street, Morinville, Alberta, T8R 1L9 or phone 780 939-8366



1. Farm Building 80' x 30'
2. Farm Building 56' x 40'
3. Farm Building 60'x 45'

023-STU-015

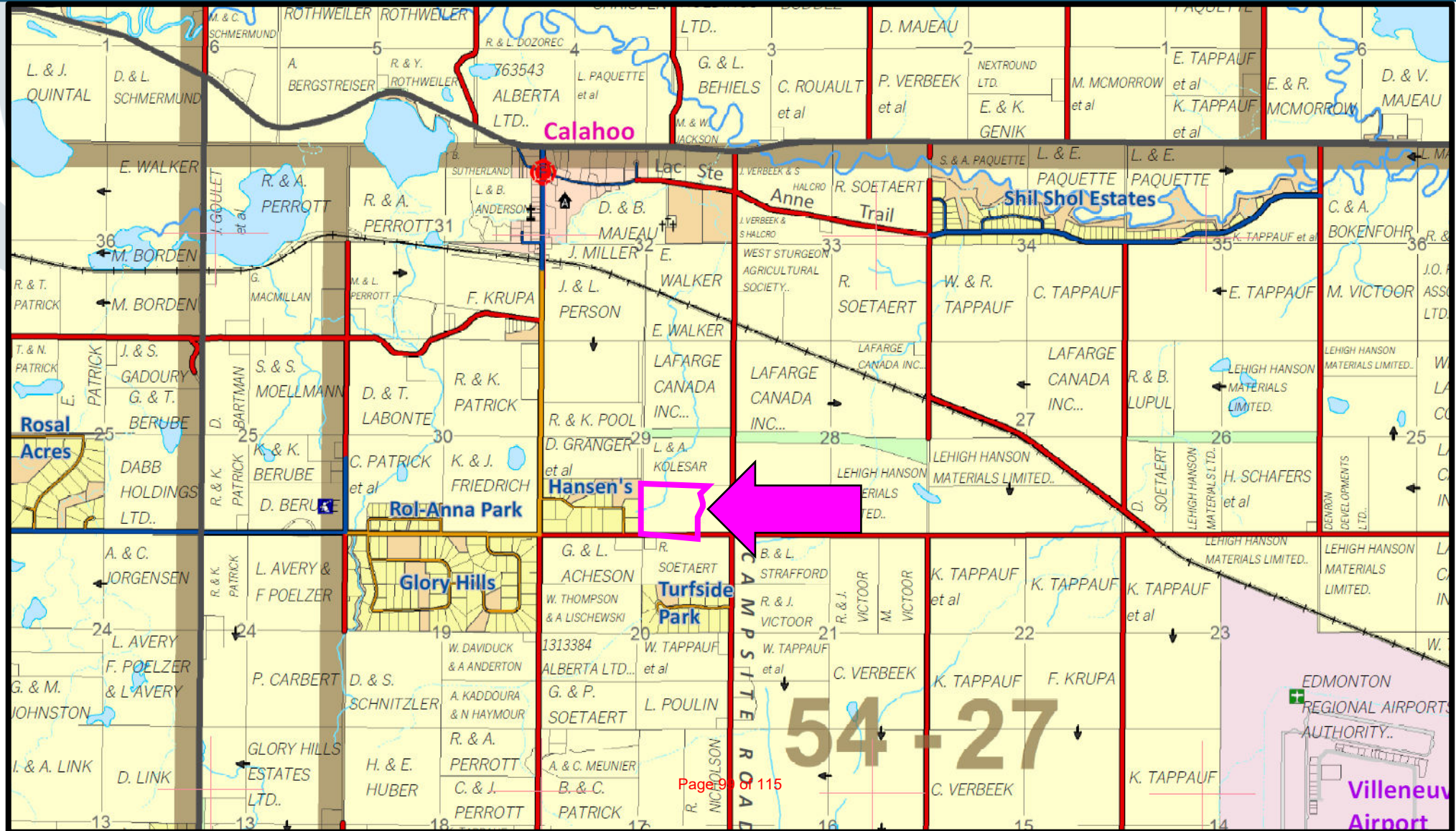
Development Authority Report

August 1,
2023

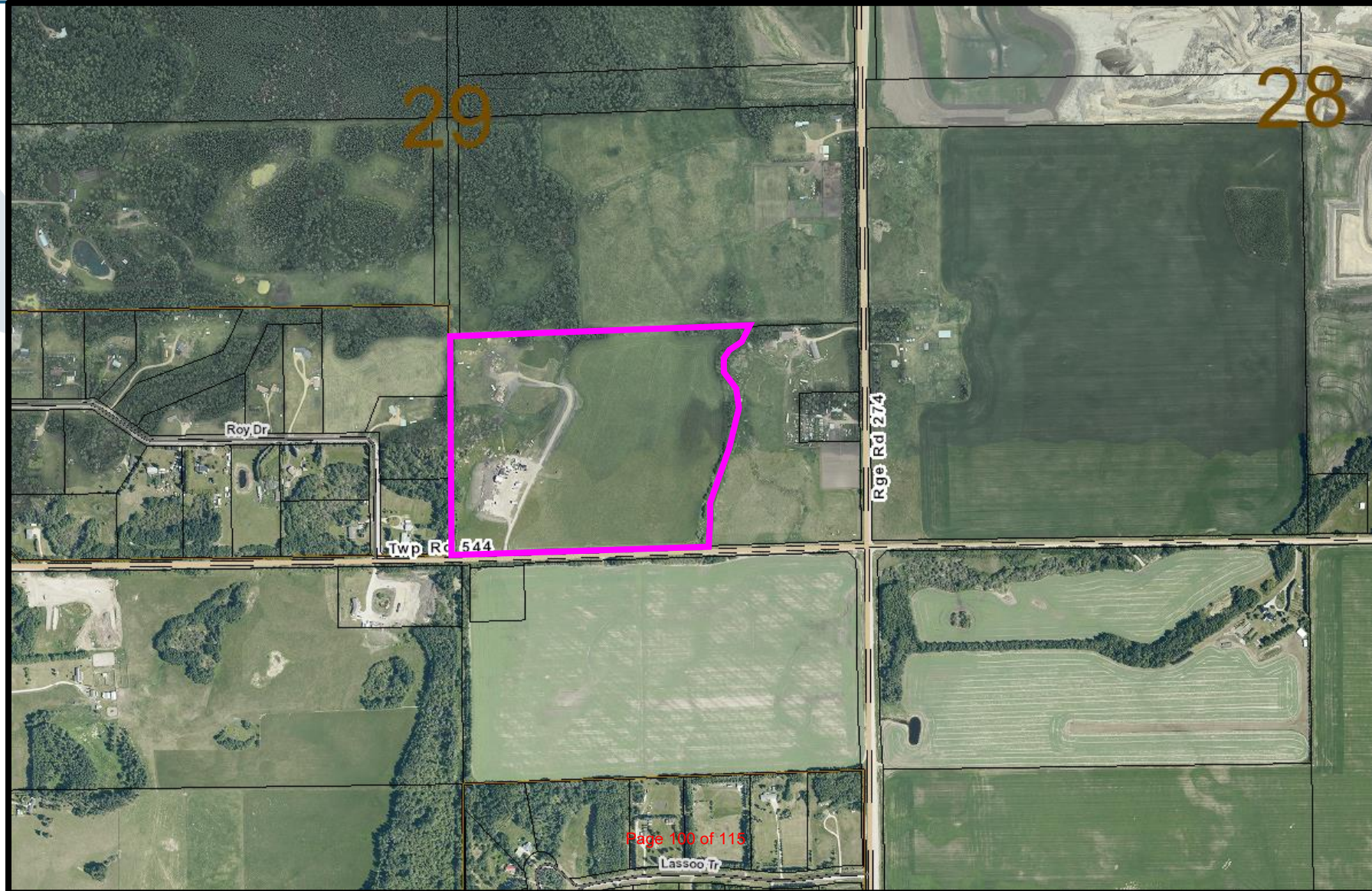


Sturgeon
C O U N T Y

Site Location (Local)



Site Location (Site)



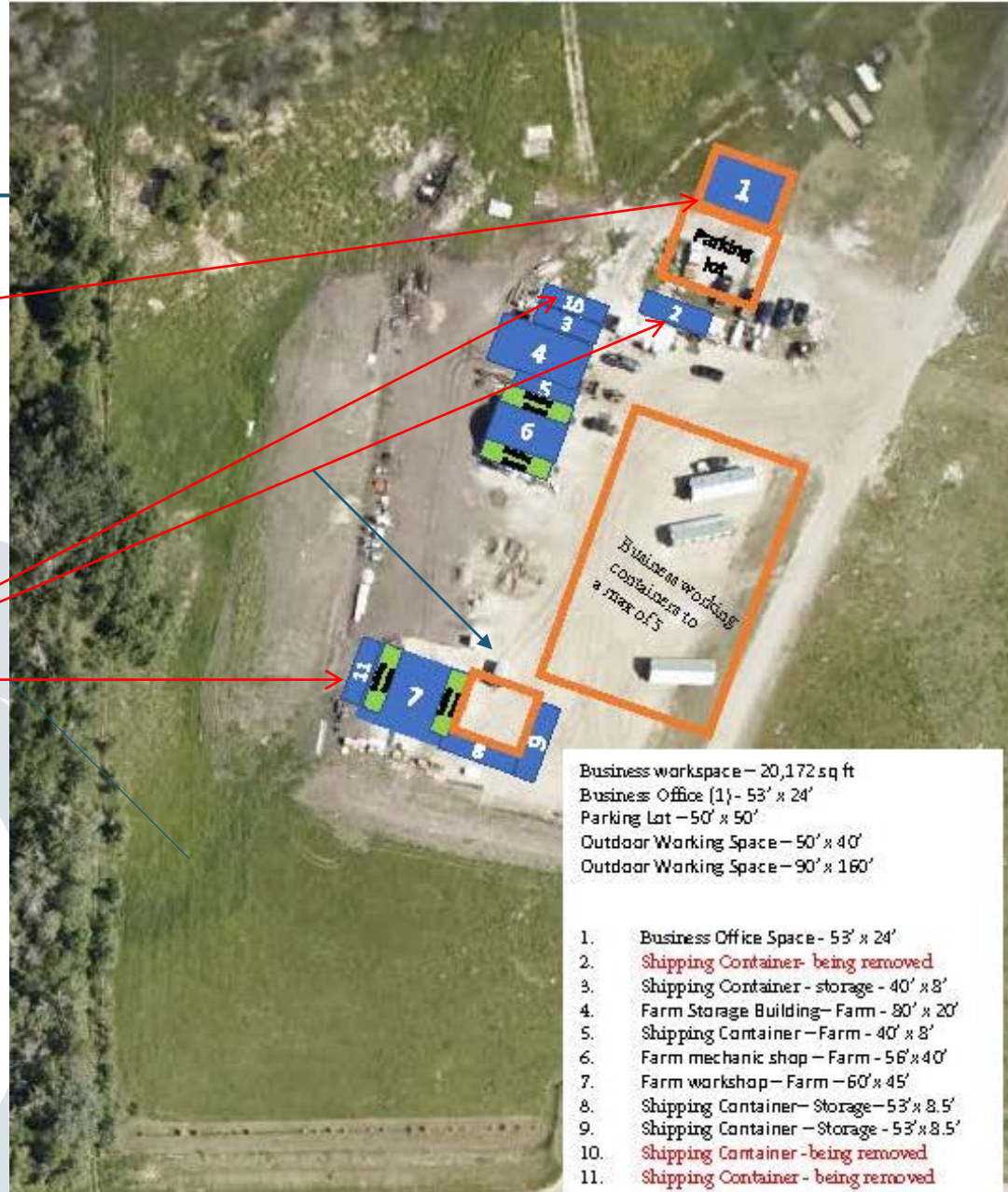
Background

- September 2020 – Issue Development Permit 20-D0183
- 2022 – Issued two Stop Order’s and Cancellation of Development Permit
- Landowner filed an appeal
- Decisions of the Subdivision and Development Appeal Board Hearing of July 5, 2022
 - 022-STU-007 - The Board does not have the jurisdiction to hear the Stop Order issued on April 11, 2022.
 - 022-STU-008 - The Board upholds the Stop Order issued by the Development Authority on May 20, 2022, and varies the order.
 - 022-STU-009 – The Board revokes the decision of the Development Authority issued May 20, 2022, to cancel the Development Permit 305305-20-D0183.
- May 2023 Administration performed a site inspection
- Development Permit received for the existing office building as well as a farm use declaration for all other accessory buildings.

Site Plan

Office Building

Shipping Containers to be removed, leaving only 4 on the parcel.



Property Information

27414 Twp Rd 544

Lot1; Block1; Plan 0621672

- 20.44 ha in size
- AG - Agriculture District
- Bulk of property used for Agriculture
- Adjacent to Hansen's Multi Parcel Subdivision
- Development Permits & Information
 - 305305-10-D0387 for existing Mobile Home
 - C-122-2013 Compliance Certificate Approved
 - 305305-20-D0183 - Home Based Business - Level Three - Carpentry Services
 - 305305-22-D0099 for Single Detached Dwelling
 - 305305-23-D0175 Existing Office for Business (Subject of Appeal)



Relevant Policy & Legislation

Land Use Bylaw 1387/17

- Section 6.16 – Home Based Business Regulations Table 6.1:
 - 100% of the gross floor area of accessory buildings

Bylaw 1611/22 Fees and Charges Schedule

- Penalties – Development that occurs prior to development permit issuance. Price – Double the current application fee.

Table 1.1: Home-Based Business Requirements

| | Level 1 | Level 2 | Level 3 |
|--|---|---|---|
| Business Size (maximum) | <ul style="list-style-type: none"> 10% of the gross floor area of the dwelling | <ul style="list-style-type: none"> 30% of the gross floor area of the dwelling Area of accessory building(s) at the discretion of the Development Authority | <ul style="list-style-type: none"> 30% of the gross floor area of the dwelling 100% of the gross floor area of accessory building(s) at the discretion of the Development Authority |
| Equipment and/or material storage | <ul style="list-style-type: none"> Shall be located within the dwelling | <ul style="list-style-type: none"> No exterior storage. Any storage shall be located within the dwelling or accessory building(s). | <ul style="list-style-type: none"> Exterior storage shall not exceed 1% of the parcel size in accordance with Section 5.7 |
| Client traffic generation (maximum) | <ul style="list-style-type: none"> None permitted | <ul style="list-style-type: none"> Eight vehicle visits per 24-hour period in the AG district Four vehicle visits per 24-hour period in all other districts | <ul style="list-style-type: none"> Ten vehicle visits per 24-hour period |
| Non-resident employees on site (maximum) | <ul style="list-style-type: none"> None permitted | <ul style="list-style-type: none"> Two | <ul style="list-style-type: none"> Four |
| Commercial vehicles (maximum) | <ul style="list-style-type: none"> None permitted | <ul style="list-style-type: none"> One (not exceeding 4,800kg if located in a residential district) | <ul style="list-style-type: none"> Three |
| Commercial trailers (maximum) | <ul style="list-style-type: none"> None permitted | <ul style="list-style-type: none"> One | <ul style="list-style-type: none"> Three |
| Passenger vehicles (maximum) | <ul style="list-style-type: none"> One | <ul style="list-style-type: none"> One | <ul style="list-style-type: none"> Two |
| Hours of operation | <ul style="list-style-type: none"> No limit | <ul style="list-style-type: none"> 7:00a.m. to 8:00p.m. | <ul style="list-style-type: none"> 7:00a.m. to 8:00p.m. |
| Additional on-site parking stall requirements | In accordance with Part 9 | | |
| Signage | In accordance with Part 7 | | |

Analysis

- The permit was issued in accordance with the regulations of Land Use Bylaw
- The landowner was charged a penalty of double the application fees
- Site inspection demonstrated improved site conditions with pending removal of more shipping containers
- The Development Authority does not consider one building being declared as business use as excessive.
- This Board made the decision that the home based business aligned with the conditions of the permit and can include the use of accessory buildings.
- Compliance Officer to monitor the property for continued compliance of permit conditions.

Conclusion

Recommendation

- In conclusion Administration recommends that the Board uphold the decision of the Development Authority and the conditions of permit 305305-23-D0175 to leave the existing accessory building as built (Office Trailer for Home Based Business).
- Alternatively, the Board could uphold the appeal and revoke the decision of the Development Authority and direct the office trailer be removed from the property by a reasonable date as determined by the Board.

023-STU-015

Development Authority Report

August 1, 2023

APPELLANT SUBMISSIONS RECEIVED

***NOTE:**

No submissions were received at the
time of publication of the Agenda

APPLICANT'S SUBMISSION RECEIVED

***NOTE:**

No submissions were received at the
time of publication of the Agenda

WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS

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Small text on the right edge of the page, possibly a scanning artifact or a reference to a specific document.

"To the Subdivision & Development appeal board."

Permit# 305305-23-00175 July 10/23

to whom it may Concern

We are right behind the office in #1 Hansen estates. So let me understand this, as long as you buy live stock you can change all your buildings to farm containers. So as the County do you not check on all those buildings we had to get permits for everything do all those buildings have permits. We appeal this and nothing happens, why do we appeal. If hes a farmer fine we have no problem with that. Any industrial business should be in an industrial park. period. I think someone needs to go and look to see what he has there. Anyone can say its a farm building. Just go look.

[Redacted] Terry & Dennis Sutton.

Cory & Cherrisse Hochreiter
4-27420 Twp Rd 544

Severed in line with section 17 of the FOIP Act

July 8, 2023

Attention: Secretary, Subdivision & Development Appeal Board
9613 100 Street
Morinville, AB T8R 1L9

RE: Development Permit No. 305305-23-D0175

To Whom it May Concern,

We are concerned residents of Hansen Estates, the subdivision directly adjacent to the approved permit of the accessory building on 27414 Twp Rd 544. Our wish is to appeal this approval.

We bought our acreage and were attracted to this area of Sturgeon County because it took us out of the city and away from busy traffic, loud trucks and industrious areas. We were grateful to find a place in the country surrounded by farmer's fields and treed areas. We did not expect the constant sounds of banging and continuous loud trucks to follow us out here. And this is exactly what started happening with the so-called "home based" business that set up shop just down the road from us. Allowing this development to stay in place invites future permit requests and expansion of this business that truly belongs in an industrial yard.

We are not against home-based businesses in this area if it didn't disrupt every-day life of the residents in our subdivision, or potentially decrease the value of our home and land by being so close to an industrial operation. We only wish for the peace and quiet and country-living views that comes with being in an Agriculture District, that attracted us to this area in the first place.

Thank you for your consideration in this appeal.

Sincerely,

Cory & Cherrisse Hochreiter

Severed in line with section 17 of the FOIP Act

From: [Karen Lore](#)
To: [Legislative Services](#)
Subject: Appeal of Permit no. 305305-23-D0175
Date: July 24, 2023 8:22:03 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender, and know the content is safe. If you are unsure of the contents of this email, please reach out to IT at ISSupport@sturgeoncounty.ca

July 24, 2023

To: The Subdivision and Development Appeal Board

Re: Development permit no. 305305-23-D0175

Permit approval notification for office trailer for 'home based' business

My name is Karen Lore. I live at 14 Roy Drive in the Hansen Subdivision. I am writing in regards to the permit No. 305305-23-D0175. I would like to voice my concerns about the SeaCan company operating behind our subdivision that was recently granted this permit. Although I do not directly back on to this business it affects me because of increased traffic and noise levels. I have two young children and there are often trucks from this company speeding through the 40 zone in the subdivision where my children ride their bikes. This area is not suitable for a company of this size and by granting this permit you are legitimising it.

Thank you for taking the time to listen to my objections to this company
Karen

To: The Subdivision and Development Appeal Board

Re: Development Permit no. 305305-23-D0175

Permit approval notification for office trailer for home based business

I live in Hanson estates #9 Roy Drive

I would like speak in regarding to the development permit no. 305305-23-D0175.

It is my understanding that the building was already built then a permit for development was applied for and granted. Using this logic, a person could build any number of buildings then apply for a permit and get them approved. There are a number flaws in this logic, they are:

1. A person could expand out buildings and subvert the permitting process.
2. This expansion could conceivably lead to enough infrastructure being in place to warrant an application to change the bylaw to more heavy industrial application.
3. The result of this would not only effect the two households just to the west the property in question but also to all the residents of Roy Dr. and everyone else in the area.
4. Affecting property values and a way of life we all have come to expect from Sturgeon County.
5. There will be increased traffic up and down 544 . Trucks from one ton to semi trailers, this is what was happening when they were operating illegally before I see no reason this would change now.
6. When they were operating before, they were operating in 12 hour shifts. The noise from grinders, torches, equipment moving the c cans around, not to mention in the winter, with no leaves on the trees the industrial type flood lights

This may seem extreme, but I have seen this in St. Albert years ago and heard of this sort of thing in other Municipalities and Counties over the years. The residents generally do not have much say, even when there are public hearings..

We live at 9 Roy Dr. in Hanson estates and have noticed a significant increased noise from the property in question.

Thank for your time
Kim Rockwell

Severed in line with section 17 of the FOIP Act

July 24, 2023

To: The Subdivision and Development Appeal Board

Re: Development permit no. 305305-23-D0175; permit approval notification for office trailer for "home based" business

Our names are Brian and Trudy Wohlgemuth. We have resided in Hansen Subdivision in Sturgeon County (2 – 27420 Twp Rd 544) since purchasing the land and building a home on our acreage 49 years ago. Unfortunately, for the past two years, residents of Lot 1, Block 1, Plan 0621672; 27414 Twp Rd 544 have been operating a business refurbishing industrial sea-cans, which has had a direct negative impact on our quality of life. We are therefore writing this letter to express concerns regarding the following:

1. Legality – The permit for this business was approved for carpentry purposes only. We feel this business is operating in an industrial fashion, which is not appropriate for the residential area in which it is located. We have been informed that the county has cancelled said business permit and issued a stop-work order, which the business is appealing. Even during this current period, following the stop-work order, we feel that the activity of this business is still incredibly disruptive. Furthermore, the company has now requested their office building to be approved; the need for an office building as significant as an industrial size trailer implies increased production. If the appeal or the building permit are approved, it could set precedent in our area so that other businesses can obtain permits to conduct industrial-level operations on our traditionally residential and agricultural lands.
2. Noise – We choose to live on an acreage, away from the noise that is typical of larger towns or cities. This business has brought significant, industrial-level, noise to our place of residence with the welding, grinding and pounding of metal that is involved with the refurbishment of these sea-cans. There is additional noise due to the large machinery and trucking operations involved.
3. Agricultural Impact – To our knowledge, the said land is zoned for agricultural purposes and, in our time of residence, has only been used for farming. This business is clearly operating outside of that scope. This land is directly adjacent to residential properties, impacting both the ecology of the space and, again, the lives of those living in the area.
4. Road Damage – The road west of this property (Roy Drive) was recently rebuilt and repaved, with taxpayer dollars, and is meant only for personal vehicles, not commercial trucks. There is video evidence of a semi-trailer, hauling two sea-cans, driving on this newly refurbished road. If activity such as this were to continue, we predict quick deterioration of the road and, as such, the need to rebuild and repave again in the near future which comes with high costs.
5. Property Value – This business is unsightly and noisy. This may have a direct negative impact on the property values in the area. Prospective buyers of acreages are likely looking for natural scenery, as well as peace and quiet, that is normally found in a rural area. The operations of this business, both with its appearance and noise-level, would likely dissuade prospective buyers, thereby reducing property values for residential owners.

Thank you for taking our concerns on this matter into consideration. We understand the importance of business to the economy, but we feel that a business of this scope should operate in a commercial area. It is simply too disruptive to the residents of the area and the land to continue in its current space.