

**January 7, 2025**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**  
**HEARING AGENDA**  
**COUNCIL CHAMBERS AND VIDEOCONFERENCE**  
**2:00 p.m.**

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

**2. SCHEDULE OF HEARINGS:**

2.1. Appellant: Colby Clements                      025-STU-001                      Development Appeal

**3. ADJOURNMENT**

# Appeal #1

025-STU-001 - Appealing the  
Development Authority's refusal  
to operate a Level 3 Home Based  
Business



## NOTICE OF APPEAL

### SUBDIVISION & DEVELOPMENT APPEAL BOARD

<b>Site Information:</b>		severed in line with section 17 of the FOIP Act Date Received Stamp
Municipal Address of site: 55416 RR225		
Legal land description of site: SE 30-55-22W4 (‘plan, block, lot’ and/or ‘range-township-section-quarter’)		
Development Permit number or Subdivision Application number: 305305-24-00290		
<b>Appellant Information:</b>		
Name: Colby Clements	Phone:	Agent Name: (if applicable): Kenneth R. Sockett
Mailing Address: 55416 RR225	City, Province: Sturgeon County, Ab	
Postal Code: T0A 1N0	Email:	

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

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

Appellant did not review what is allowed for Level 3 Home Based Business. Appellant can limit Application to 3 commercial trailers, 3 sixteen wheelers(Kentworth & Wester Star) and can keep other machinery (loaders and excavators) in covered storage. Clients do not come to the property and all oilfield operations are off site. Employees only come sporadically. Appellant can otherwise comply with 6.16 Home Based Business of Sturgeon Country Land Use Bylaw 1385/17 now having reviewed it.
(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: Dec. 12/24
<b>FOR OFFICE USE ONLY</b>	
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: YYYY/MM/DD

severed in line with section 17 of the FOIP Act

## APPEAL SUBMISSION INFORMATION

The Notice of Appeal must be received by the Subdivision and Development Appeal Board, no later than the final date of the appeal, as specified in the *Municipal Government Act*. Otherwise the appeal will not be processed.

## FILING INFORMATION

### MAIL OR DELIVER TO:

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

**\*Please note that the Notice of Appeal form will not be processed until the fee calculated in accordance with the County's current *Fees & Charges Schedule* is received.**

## APPEAL PROCESS

### Who can appeal?

#### Subdivision appeals:

- The applicant for subdivision approval, pursuant to Section 678(1)(a) of the *Municipal Government Act*.
- Government Departments to which subdivision applications are required to be referred for comment, pursuant to Section 678 (1)(b) of the *Municipal Government Act*.
- School authorities on limited issue with respect to allocation of municipal and school, pursuant to Section 678(1)(d) of the *Municipal Government Act*.

Please note: The *Municipal Government Act* does not provide for adjacent owners to appeal but they are entitled to be notified of an appeal and to be heard at the Board hearing.

#### Development appeals:

Development appeals may be filed by anyone who is affected by a decision of the Development Authority in relation to a development proposal. Appeals may not be filed for a permitted use unless the Development Authority relaxed, varied or misinterpreted the Land Use Bylaw.

#### For further information:

If you require additional information regarding the appeal deadlines and the procedures of the Board, please contact the Secretary of the Subdivision and Development Appeal Board at:

Phone: 780.939.4321  
Email: [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca)





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

SOCKETT LAW

Receipt Number: 202408848  
GST Number: 107747412RT0001  
Date: 12/9/2024  
Initials: KB

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

December 17, 2024

SDAB File Number: 025-STU-001

Dear Colby Clements:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	SE 30-55-22-W4 55416 Range Road 225
Development Permit Application Number:	305305-24-D0290
Decision Regarding Proposed Development:	A development permit was refused to operate a home-based business level 3 – oilfield construction (rig matting and access).

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Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on December 12, 2024. 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 SDAB hearing is scheduled for **January 7, 2025 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 450 367 376#. 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](mailto:legislativeservices@sturgeoncounty.ca). **To be included in the SDAB hearing agenda package, written submissions must be submitted no later than January 2, 2025. However, the Board can accept written submissions up to the date of the hearing.**

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](mailto:legislativeservices@sturgeoncounty.ca).

Dianne Mason  
Secretary, Subdivision and Development Appeal Board

December 17, 2024

SDAB File Number: 025-STU-001

Dear Resident:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	SE 30-55-22-W4 55416 Range Road 225
Development Permit Application Number:	305305-24-D0290
Decision Regarding Proposed Development:	A development permit was refused to operate a home-based business level 3 – oilfield construction (rig matting and access).

---

An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on December 12, 2024. 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.

**Appellant: Colby Clements**

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

- The Appellant can limit the number of commercial trailers and sixteen wheelers to what is acceptable for a level 3 home based business along with keeping other machinery in covered storage.

Take notice that this SDAB hearing is scheduled for **January 7, 2025 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 450 367 376#. 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 and/or attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca). **To be included in the SDAB hearing agenda package, written submissions must be submitted no later than January 2, 2025. However, the Board can accept written submissions up to the date of the hearing.**

Please note that any submissions previously provided to the Development Authority are not provided as evidence to the Subdivision and Development Appeal Board and therefore must be resubmitted.

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 email [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

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Dianne Mason  
Secretary, Subdivision and Development Appeal Board

Encl.: Site Map





### Legend

- Parcel
- County Roads
  - Collector, Gravel
  - Local Road, Gravel
- Community Labels
- Community Boundary
- Parcel
- ATS Labels
  - ATS - Quarter Section Labels
    - Quarter Section
  - ATS - Quarters
    - Quarter Section
- River Lots
  - River Lot
  - River Lot
  - River Lot
  - River Lot
  - River Lot
  - River Lot
  - River Lot
  - River Lot
  - River Lot
  - River Lot
  - River Lot
  - River Lot

### Notes

SE 30 55 22 4 Home-Based Business  
Level 3



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



## **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.

## Notification Letter

Date: Nov 21, 2024

Permit Number: 305305-24-D0290

To: Clements, Colby  
55416 Rge Rd 225  
Sturgeon County, ALBERTA  
T0A 1N1

**Re: Decision of the Development Officer**

Please be advised that development permit #305305-24-D0290 to operate a home-based business level 3 - oilfield construction (rig matting and access) contracting was refused on Nov 21, 2024.

This decision may be appealed to an Appeal Board within 21 days (**December 12, 2024**) after the date on which a person qualified to appeal is notified of the decision. Appeal Board information can be found at the bottom of the permit.

If you have any questions regarding the decision, please contact the undersigned at (780)939-8275 or toll free at 1-866-939-9303.

Yours truly,



Carla Williams  
Development Officer

**Development Permit****Land Use Bylaw 1385/17**

Permit No.:	305305-24-D0290
Tax Roll No.:	404000
Decision Date:	Nov 21, 2024

severed in line with section 17 of the FOIP Act

**Applicant**

Name: Clements, Colby  
Address: 55416 Rge Rd 225  
Sturgeon County, ALBERTA  
T0A 1N1  
Phone:  
Cell:  
Email: office@clementscontracting.com

**Owner**

Name: Czarnecki, Jessica & Clements, Colby  
Address: 55416 Rge Rd 225  
Sturgeon County, ALBERTA  
T0A 1N1  
Phone:  
Cell:  
Email:

**Property Description**

**Legal Land Description:** SE 30-55-22-W4  
**Land Use Description:** AG - Agriculture District  
**Rural Address:** 55416 Rge Rd 225

**Description of Work**

To operate a home-based business level 3 - oilfield construction (rig matting and access) contracting – Colby Clements Contracting Ltd.

**Fees**

Home Based Business - Level Three	\$300.00
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**Permit Decision**

The application to operate a home-based business level 3 is **REFUSED** for the following reasons:

- Pursuant to section 6.16.5 of Land Use Bylaw 1385/17, Home Based-Business, a home-based business shall comply with the requirements provided in Table 6.1:
  - Level 3 - Maximum Number of Commercial Vehicles shall not exceed three (3)**
    - Under Vehicles & Equipment of the Application - Number of Trucks – two (2) Kenworth W900's and two (2) Western Star 4964FX's**
  - Level 3 - Maximum Number of Commercial Trailers shall not exceed three (3)**
    - Under Vehicles & Equipment of the Application - Number of Trailers – two (2) low beds and two (2) super b's.**
- Two (2) wheel loaders and three (3) excavators, noted as machinery on the application form, are stored on the property as part of the business. This type of machinery is heavy industrial equipment. Outdoor Storage is neither permitted nor discretionary use within the AG-Agriculture district. Outdoor Storage means the storage of equipment, goods and materials in the open air. This includes the storage of items accessory to the principal use of a development, as well as laydown yards, **vehicle or heavy equipment storage compounds**, storage of construction material or modular trailers or



storage unrelated to the principal use of the parcel or site. The principal use of the parcel is for residential and farming purposes.

3. Pursuant to section 11.1.2 of Land Use Bylaw 1385/17, as amended, a Home-Based Business Level 3 is a discretionary use within the AG – Agriculture District. Pursuant to section 2.8.1 of Land Use Bylaw 1385/17, Decision Process, (c) the Development Authority may refuse an application for a discretionary use, where the proposed development does not conform to this Bylaw. The number of commercial vehicles and commercial trailers exceed the maximum number allowed and outdoor storage is not a permitted use within the Agriculture district, therefore the application was refused.

**Advisory Notes:**

1. Home-based business means the accessory use of a dwelling, accessory buildings, and parcel for an occupation, trade, profession, or craft to be operated by the permanent residents of the dwelling.
2. Commercial trailer means a non-motorized vehicle towed by a motorized vehicle. It is commonly used for the transport of goods and materials related to the operation of a home-based business.
3. Commercial vehicle means a unit which includes a multi-axle vehicle or trailer, used in relation to a home-based business. Commercial vehicles are those considered to require a Class 1, 2, 3 or 4 driver's license.

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:**



Carla Williams  
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

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**Appeal Information**

Pursuant to Section 685(1) of the Municipal Government Act, an appeal may be filed with the Secretary of the Subdivision and Development Appeal Board via email at [legislativeservices@sturgeoncounty.ca](mailto: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.



You parked near here

Office  
Equipment



Stable

Range Rd 225

Range Rd 225

Range Rd 225





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:	<u>305305-24-D0290</u>
Date Received:	<u>Nov 12, 2024</u>
Received By:	<u>SG</u>

# Development Permit Application for Home Based Business

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

APPLICANT NAME Colby Clements LANDOWNER(S) NAME (IF DIFFERENT THAN APPLICANT) \_\_\_\_\_

MAILING ADDRESS 55416 RR 225 CITY / TOWN Sturgeon County PROVINCE AB POSTAL CODE T0A 1N0

PHONE \_\_\_\_\_ ALTERNATE PHONE \_\_\_\_\_ FAX \_\_\_\_\_

EMAIL \_\_\_\_\_

[office@clementscontracting.com](mailto:office@clementscontracting.com) or [cclements@clementscontracting.com](mailto:cclements@clementscontracting.com)

## LAND INFORMATION

PROPERTY ADDRESS 55416 RR 225 SUBDIVISION NAME \_\_\_\_\_

LEGAL DESCRIPTION: LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ PLAN \_\_\_\_\_ PARCEL SIZE 80 acres

QUARTER SE SECTION 30 TWP 55 RGE 22 W 4

## HOME BUSINESS DESCRIPTION

NAME OF BUSINESS Colby Clements Contracting LTD

PROVIDE A DETAILED DESCRIPTION OF DAY TO DAY OPERATIONS & SERVICES YOU PROVIDE  
(ATTACH A LETTER IF MORE SPACE IS NEEDED)

Colby Clements contracting Rents Space. from Sturgeon view farms, Colby Clements Contracting Does work in the oil field and Stores equipment when there is no jobs or work on the farm land. Semi trucks Come and go from property empty to work out of town, unless hauling equipment from property to out of town.



## VEHICLES & EQUIPMENT

LIST ALL VEHICLE TYPES AND EQUIPMENT ASSOCIATED WITH YOUR BUSINESS

CAR / VAN

two pick ups

TRUCKS(S)

(INDICATE NUMBER, SIZE, TYPE, WEIGHT)

two kenworth w900's, two western star 4964's

MACHINERY (SPECIFY)

(SKID STEER, BACKHOE, FORKLIFT)

two wheel loaders, 3 excavators

TRAILERS (SPECIFY)

two lowbeds, two Super D's.

OTHER (SPECIFY)

Other equipment on property is owned personally or by Sturgeon View farm.

## STORAGE & DELIVERIES

ARE MATERIALS AND/OR EQUIPMENT RELATED TO THE BUSINESS STORED ON THE PROPERTY?

Y ☒ N ☐

HOW MUCH IS STORED AND WHERE?

there is 500 Access mats 8X14 stored by the Hay shed.

ARE THERE ANY DANGEROUS GOODS ON SITE ASSOCIATED WITH YOUR BUSINESS?

Y ☐ N ☒

IF YES, WHAT TYPES?

ARE DELIVERIES MADE TO THE PROPERTY?

Y ☐ N ☒

IF YES, HOW OFTEN ARE DELIVERIES MADE TO THE PROPERTY?

only by our own vehicles.

## BUSINESS SIZE & ADVERTISING

TOTAL FT<sup>2</sup>/M<sup>2</sup> OF HOME

FT<sup>2</sup>/M<sup>2</sup> ALLOCATED FOR BUSINESS

LIST ANY ADDITIONAL BUILDINGS USED IN THE OPERATION OF THE BUSINESS INCLUDING FT<sup>2</sup>/M<sup>2</sup>

Colby Clements Contracting Rents one 12X12 office from Sturgeon View farm's Barn that was on the property previously.

WHAT ADVERTISING SIGNAGE WILL APPEAR ON THE PROPERTY?

there is no signage nor will be



YEARS IN BUSINESS 5 TYPE OF BUSINESS: ☐ BUSINESS TO BUSINESS ☐ BUSINESS TO CONSUMER  
MARKET (ALL THAT APPLY): ☐ LOCAL ☐ REGIONAL ☒ PROVINCIAL ☐ NATIONAL ☐ INTERNATIONAL

### NAICS: (North American Classification System)

Please check off the ONE NAICS category that best applies to your business. This classification is important information for our team and will provide valuable information that can assist greatly with statistical data analysis of our region.

- |  |  |
|--|--|
| <input type="radio"/> 11 Agriculture, forestry, fishing and hunting    | <input type="radio"/> 54 Professional, scientific and technical services                       |
| <input type="radio"/> 21 Mining, quarrying, and oil and gas extraction | <input type="radio"/> 55 Management of companies and enterprises                               |
| <input type="radio"/> 22 Utilities                                     | <input type="radio"/> 56 Administrative and support, waste management and remediation services |
| <input checked="" type="radio"/> 23 Construction                       | <input type="radio"/> 61 Educational services  |
| <input type="radio"/> 31-33 Manufacturing                              | <input type="radio"/> 62 Health care and social assistance                                     |
| <input type="radio"/> 41 Wholesale trade                               | <input type="radio"/> 71 Arts, entertainment and recreation                                    |
| <input type="radio"/> 44-45 Retail trade                               | <input type="radio"/> 72 Accommodation and food services                                       |
| <input type="radio"/> 48-49 Transportation and warehousing             | <input checked="" type="radio"/> 81 Other services (except public administration)              |
| <input type="radio"/> 51 Information and cultural industries           | <input type="radio"/> 91 Public administration   |
| <input type="radio"/> 52 Finance and insurance                         |  |
| <input type="radio"/> 53 Real estate and rental and leasing            |  |

SOCIAL MEDIA: WHERE CAN WE FIND YOU? WE LOVE TO FOLLOW STURGEON COUNTY BUSINESSES!

WEBSITE \_\_\_\_\_ FACEBOOK \_\_\_\_\_ INSTAGRAM \_\_\_\_\_  
TWITTER \_\_\_\_\_ OTHER \_\_\_\_\_

- ☐ YES I WOULD LIKE TO RECEIVE OCCASIONAL EMAIL UPDATED FROM STURGEON COUNTY ECONOMIC DEVELOPMENT  
☐ YES PLEASE CONTACT ME TO LEARN MORE ABOUT STURGEON COUNTY'S BUSINESS VISITATION PROGRAM

### CLIENTS, CUSTOMERS & EMPLOYEES

DO CLIENTS / CUSTOMERS VISIT YOUR PROPERTY? Y ☐ N ☒  
IF YES, AT WHAT HOURS AND HOW MANY VISITS PER DAY / WEEK? N/A  
HOW MANY NON-RESIDENT EMPLOYEES WILL WORK AT OR VISIT THE PROPERTY? N/A  
HOW MANY PARKING STALLS DO YOU PROVIDE YOUR CLIENTS / CUSTOMERS AND EMPLOYEES? N/A

See email Nov 21, 2024



## SITE PLAN

☒ SITE PLAN (attached)

PLEASE PROVIDE A SITE PLAN INDICATING THE BUILDINGS INTENDED FOR USE BY THE BUSINESS, ONSITE PARKING STALLS FOR CLIENTS/EMPLOYEES, PARKING AREA FOR VEHICLES AND EQUIPMENT RELATED TO THE BUSINESS, EXTERIOR STORAGE AREA (dimensioned) FOR MATERIALS/GOODS, AND ANY PROPOSED OR EXISTING SCREENING OR FENCING.

## APPLICANT AUTHORIZATION

I/we hereby give my/our authorization to apply for this home based business 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 APPLICANT(S)

DATE

November 12 2024

SIGNATURE OF LANDOWNER

DATE

November 12 2024

Severed in line with section 17 of the FOIP Act

SIGNATURE OF LANDOWNER

DATE

## SUPPORT DOCUMENTS

Ensure the listed supporting documentation is included with this permit application, Sturgeon County cannot accept incomplete applications.

☐ ALBERTA TRANSPORTATION APPROVAL OR PROVIDE CURRENT ROADSIDE APPROVAL # \_\_\_\_\_ ☐ N/A  
300 m from a provincial right-of-way or 800 m of the centerline of a highway and public road intersection

☒ LAND TITLE CERTIFICATE  
Searched within 30 days prior to the application. These documents can be obtained at any Provincial Registry Office  
or online at <http://www.spin.gov.ab.ca/>.

☒ CORPORATE REGISTRY ☐ N/A

## FOR OFFICE USE ONLY

HOME BASED BUSINESS LEVEL

1 ☐ 2 ☐ 3 ☒

ROLL 40400

LUB ZONING

AG

FEES 300.00

USE:

☐

PERMITTED

☒

DISCRETIONARY

RECEIPT

202408317

FORM OF PAYMENT

Visa

**FOIP DISCLAIMER:** The personal information provided will be used to process a home based business development permit application and is collected under the authority of Section 642 of the Municipal Government Act 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 of the Municipal Planning Commission. 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.



**From:** [Colby Clements](#)  
**To:** [Carla Williams](#)  
**Cc:** [office@clementscontracting.com](mailto:office@clementscontracting.com)  
**Subject:** Re: Colby Clements Contracting Ltd  
**Date:** November 21, 2024 9:28:25 AM

You don't often get email from [cclements@clementscontracting.com](mailto:cclements@clementscontracting.com). [Learn why this is important](#)

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Hey Carla,  
this is a hard answer to give as the work the guys do is so up and down. For example the three excavators and wheel loaders and truckers were gone from June 1 2024 into northern BC until October month. Which left one trucker coming and going randomly in that time . so for me to give you a solid answer is tough. worst case scenario would be 2 workers coming and going 5 days a week. best case they leave at the start of the week and come back Saturday. let me know if there's any other way I can explain it.

Thanks Colby

On Nov 21, 2024, at 8:50 AM, Carla Williams <[cwilliams@sturgeoncounty.ca](mailto:cwilliams@sturgeoncounty.ca)> wrote:

Good morning Jessica. Thank you for the additional information.  
One more question. How many non-resident employees attend the property to pick up a truck/trailer, on a daily or weekly basis, on average?  
Thanks!  
<image002.png>

---

**From:** Jessica Czarnecki <[jczarnecki@clementscontracting.com](mailto:jczarnecki@clementscontracting.com)>  
**Sent:** November 14, 2024 7:29 PM  
**To:** Carla Williams <[cwilliams@sturgeoncounty.ca](mailto:cwilliams@sturgeoncounty.ca)>  
**Cc:** 'office@clementscontracting.com' <[office@clementscontracting.com](mailto:office@clementscontracting.com)>  
**Subject:** Re: Colby Clements Contracting Ltd

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Hey Carla!

Please see below answers to your questions bolded.

“Colby Clements Contracting rents space from Sturgeon View Farms.. and stores equipment when there is no jobs or work on the farmland” and “Colby Clements

Contracting rents one 12 x 12 office from Sturgeon View Farm's barn that was on the property previously."

- Does this mean the business (Colby Clements Contracting Ltd - office) is run from Sturgeon View Farms, at another location? **We have a barn on the property, in the barn there is a 12x12 office space that CCC rents from SVF.**
- Is 55416 RR 225 being used for storage of equipment/trucks and exterior storage of rig mats only? **Yes.**
- Do non-resident employees ever attend 55416 RR 225 to access equipment/trucks? **Yes, if the need to pick up their truck or trailer to go to work.**
- The application states the business has 2 Kenworth and 2 Western Star trucks, 2 low beds & 2 super b trailers. "Other equipment on property is owned personally or by Sturgeon View farm" – does this mean there could be more than the 2 semi units/trailers being stored on the site, such as the aerial photo below? The aerial photo from April 2024 reveals 8 commercial trucks. **Please see attached aerial photo from April 2024 provided, updated and with reference.**

We appreciate all our questions being answered and your continued guidance in completing the permit.

Please let me know if there is anything further, and I will do my best to respond promptly.

Thanks,

--

Jessica Czarnecki  
Colby Clements Contracting Ltd  
c: 780.289.4447

*Please note- I am on maternity leave. Phone/emails are not monitored.*

---

**From:** [office@clementscontracting.com](mailto:office@clementscontracting.com)

<[office@clementscontracting.com](mailto:office@clementscontracting.com)> on behalf of Carla Williams

<[cwilliams@sturgeoncounty.ca](mailto:cwilliams@sturgeoncounty.ca)>

**Date:** Thursday, November 14, 2024 at 2:14 PM

**To:** 'office@clementscontracting.com' <[office@clementscontracting.com](mailto:office@clementscontracting.com)>

**Subject:** Colby Clements Contracting Ltd

Hi Jessica.

Thank you for submitting a home-based business application. To fully understand and to decide on the application, I need some clarification of the information submitted.

"Colby Clements Contracting rents space from Sturgeon View Farms.. and stores equipment when there is no jobs or work on the farmland" and "Colby Clements Contracting rents one 12 x 12 office from Sturgeon View Farm's barn that was on the property previously."

- Does this mean the business (Colby Clements Contracting Ltd - office) is

run from Sturgeon View Farms, at another location?

- Is 55416 RR 225 being used for storage of equipment/trucks and exterior storage of rig mats only?
- Do non-resident employees ever attend 55416 RR 225 to access equipment/trucks?
- The application states the business has 2 Kenworth and 2 Western Star trucks, 2 low beds & 2 super b trailers. "Other equipment on property is owned personally or by Sturgeon View farm" – does this mean there could be more than the 2 semi units/trailers being stored on the site, such as the aerial photo below? The aerial photo from April 2024 reveals 8 commercial trucks.

Please respond by email so that we have written communication for the file.

Kind regards,

<image003.png>

<image007.png>

---

**From:** Jessica Czarnecki <[jczarnecki@clementscontracting.com](mailto:jczarnecki@clementscontracting.com)>

**Sent:** November 12, 2024 12:54 PM

**To:** Planning & Development <[PandD@sturgeoncounty.ca](mailto:PandD@sturgeoncounty.ca)>

**Cc:** [office@clementscontracting.com](mailto:office@clementscontracting.com)

**Subject:** Planning and Development- Colby Clements Contracting Ltd

You don't often get email from [jczarnecki@clementscontracting.com](mailto:jczarnecki@clementscontracting.com). [Learn why this is important](#)

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To whom it may concern,

Please see the attached completed Development Permit Application for Home Based Business as well as pertaining documents as requested.

Please use the following contact information for Colby Clements Contracting Ltd:

Colby Clements- Owner

P: 902.215.8051

Jessica Czarnecki- Office Manager

P: 780.289.4447

E: [office@clementscontracting.com](mailto:office@clementscontracting.com)

Any questions or concerns, please let me know!

Thanks,

--

Jessica Czarnecki

Office Manager

c: 780.289.4447 | e: [jczarnecki@clementscontracting.com](mailto:jczarnecki@clementscontracting.com)

<image001.png>

*Please note- I am on maternity leave. Phone/emails are not monitored.*

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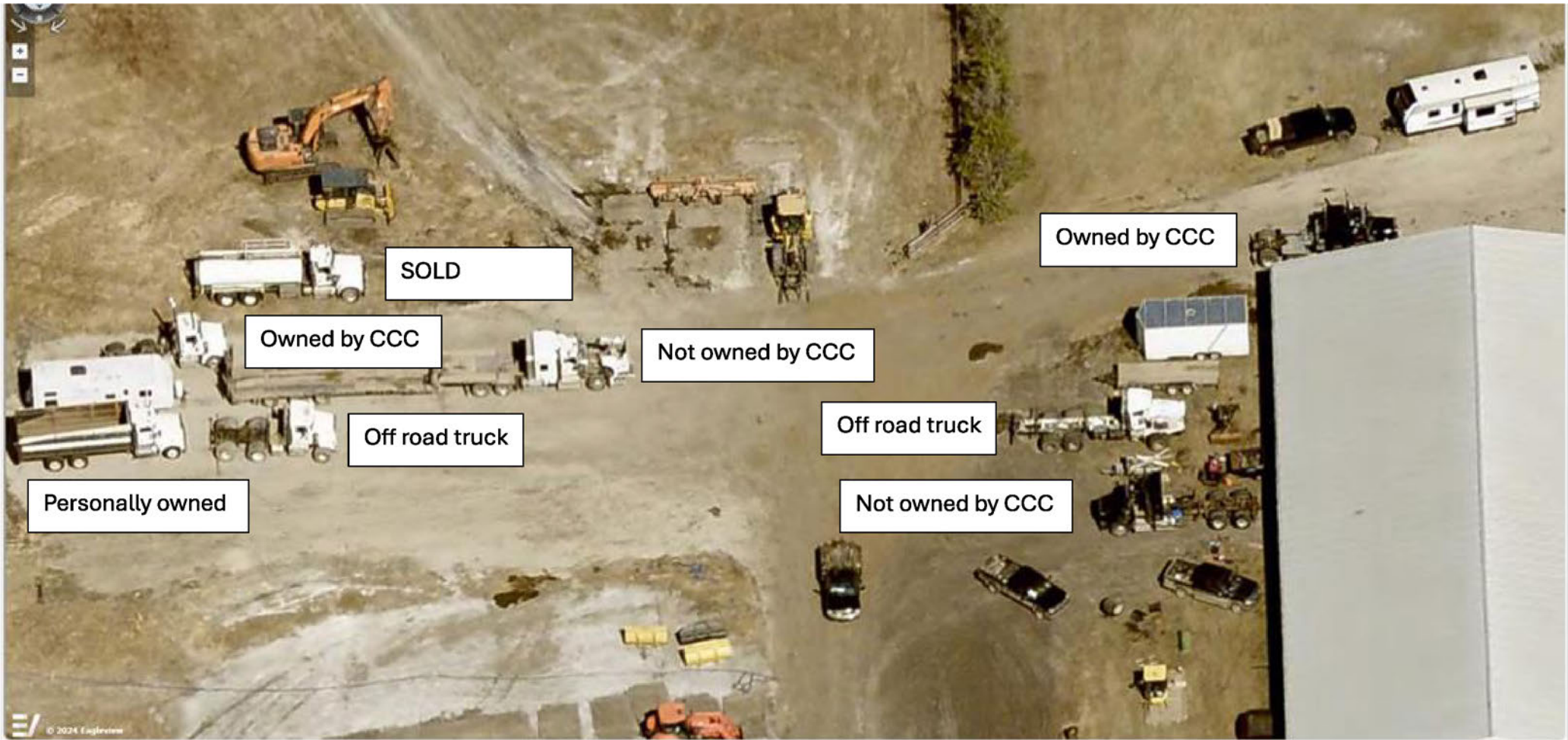


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<CCC- Property Photo.pdf>





# PRELIMINARY MATTER

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Request for adjournment

**From:** [Carla Williams](#)  
**To:** [Legislative Services](#); [Tyler McNab](#)  
**Subject:** RE: Subdivision and Development Appeal Board Hearing  
**Date:** Tuesday, December 17, 2024 4:01:27 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

---

I accept the adjournment request.  
Thank you.

**Carla Williams**  
**DEVELOPMENT OFFICER**  
780-939-1313  
[cwilliams@sturgeoncounty.ca](mailto:cwilliams@sturgeoncounty.ca)  
[sturgeoncounty.ca](http://sturgeoncounty.ca)  
9613 100 Street, Morinville, AB T8R 1L9



---

**From:** Legislative Services <[legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca)>  
**Sent:** December 17, 2024 3:54 PM  
**To:** Tyler McNab <[tmcnab@sturgeoncounty.ca](mailto:tmcnab@sturgeoncounty.ca)>; Carla Williams <[cwilliams@sturgeoncounty.ca](mailto:cwilliams@sturgeoncounty.ca)>  
**Subject:** RE: Subdivision and Development Appeal Board Hearing

Just a little further to this, please respond to this email with your acceptance or objection to the adjournment request.

Thanks

**Dianne Mason**  
**Legislative Advisor**  
780-939-8277  
[dmason@sturgeoncounty.ca](mailto:dmason@sturgeoncounty.ca)  
[sturgeoncounty.ca](http://sturgeoncounty.ca)  
9613 100 Street, Morinville, AB T8R 1L9



---

**From:** Legislative Services  
**Sent:** Tuesday, December 17, 2024 3:32 PM  
**To:** Tyler McNab <[tmcnab@sturgeoncounty.ca](mailto:tmcnab@sturgeoncounty.ca)>; Carla Williams <[cwilliams@sturgeoncounty.ca](mailto:cwilliams@sturgeoncounty.ca)>  
**Cc:** Jesse Sopko <[jsopko@sturgeoncounty.ca](mailto:jsopko@sturgeoncounty.ca)>; Melodie Steele <[msteele@sturgeoncounty.ca](mailto:msteele@sturgeoncounty.ca)>

**Subject:** FW: Subdivision and Development Appeal Board Hearing

Please see the request below for an adjournment of the January 7, 2025 Subdivision and Development Appeal Board hearing.

Of course, the hearing on January 7 would have to be opened as the normal course and the adjournment request dealt with as a preliminary matter. The next available SDAB Hearing date is January 21, 2025.

Should you have any objection, please let me know ASAP.

**Dianne Mason**

Legislative Advisor

780-939-8277

[dmason@sturgeoncounty.ca](mailto:dmason@sturgeoncounty.ca)

[sturgeoncounty.ca](http://sturgeoncounty.ca)

9613 100 Street, Morinville, AB T8R 1L9



---

**From:** Kenneth Sockett <[sockettt@socketttlaw.com](mailto:sockettt@socketttlaw.com)>

**Sent:** Tuesday, December 17, 2024 1:26 PM

severed in line with section 17 of the FOIP Act

**To:** Legislative Services <[legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca)>; [REDACTED] Carla Williams <[cwilliams@sturgeoncounty.ca](mailto:cwilliams@sturgeoncounty.ca)>

**Cc:** Cheyenne Tost <[cheyenne@socketttlaw.com](mailto:cheyenne@socketttlaw.com)>

**Subject:** RE: Subdivision and Development Appeal Board Hearing

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Hello

I am not available on the 7<sup>th</sup> of January, would it be possible to reschedule the dates given the Christmas break, in the interim I would like the opportunity to discuss matters with the development officer with the Sturgeon County.

Kenneth R. Sockett

severed in line with section 17 of the FOIP Act

---

**From:** Legislative Services <[legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca)>

**Sent:** December 17, 2024 1:17 PM

**To:** [REDACTED] Kenneth Sockett <[sockettt@socketttlaw.com](mailto:sockettt@socketttlaw.com)>

# PLANNING AND DEVELOPMENT SERVICES REPORT

**Subdivision & Development Appeal Board**  
**File Number 024-STU-001**

**FILE INFORMATION**

Department File:	305305-24-D0290
Legal Land Description:	SE 30-55-22-4
Address:	55416 Rge Rd 225
Appellant:	Kenneth R. Socket (Socket Law)
Landowner:	Colby Clements & Jessica Czarnecki
Description of Appeal:	Appealing the Decision of the Development Authority of Refusal to Operate a Home-Based Business Level 3
Land Use Bylaw District:	AG – Agriculture (Major)
Tax Roll Number:	404000

**BACKGROUND**

- Country Transportation notified Planning & Development regarding a substantial number of rig mats being stored on the subject property. An email was sent to the landowner enquiring if a business was being operated from the site.
- An application to operate a home-based business was received in November 2024. The business is a contracting company operating as Colby Clements Contracting Ltd.
- The application states the operations of the business, “Colby Clements Contracting rents space from Sturgeon View Farms, does work in the oilfield and stores equipment when there are no jobs or work on the farmland. Semi trucks come and go from the property empty to work out of town, unless hauling equipment from property to out of town.”
- The home-based business application form included the following details under Vehicles & Equipment:
  - Trucks
    - Two (2) pick-ups
    - Two (2) Kenworth W900’s
    - Two (2) Western Star 4964FX
  - Machinery
    - Two (2) wheel loaders
    - Three (3) excavators
  - Trailers
    - Two (2) low beds
    - Two (2) super B’s
- Regarding the number of non-resident employees that attend the site, an email dated November 21, 2024, confirmed a “worst-case scenario of two workers coming and going 5 days a week.”

- The number of commercial vehicles and trailers exceed the number that can be approved to operate a Home-Based Business on an AG parcel. Outdoor Storage of heavy equipment and materials is neither a permitted nor discretionary use within the AG district and therefore the application was refused.

## PROPERTY INFORMATION

- The property is 32.4ha (80ac) in area currently developed with a single detached dwelling (Permit #442-79) and farm use accessory buildings.

## RELEVANT POLICY/LEGISLATION

- There is no Local Planning Document (i.e., Area Structure Plan) for this area, therefore the County's Municipal Development Plan provides the overarching land use policies for this application.
  - **Municipal Development Plan (MDP) 1313/13**
    - Economic Health, Part 5.4 Implementing Responsible Non-Residential Subdivision and Development Practices
      - 5.4.6 *Shall direct Non-residential development that exceeds the intent, purpose and intensity outlined in Sturgeon County's regulations to relocate to lands appropriately designated for their intended use.*
  - **Land Use Bylaw 1385/17**, as amended.
    - Outdoor Storage means *the storage of equipment, goods and materials in the open air. This includes the storage of items accessory to the principal use of a development, as well as laydown yards, vehicle or heavy equipment storage compounds, storage of construction material or modular trailers or storage unrelated to the principal use of the parcel or site.*
    - Major Contractor Service means *a premise used for the provision of building and construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require exterior storage and warehouse space and may include manufacturing activities.*
    - A Home-Based Business Level 3 is a discretionary use within the AG district.
    - Home-Based Business means *the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession, or craft to be operated by the permanent residents of the dwelling.*



- Commercial Vehicle means *a unit which includes a multi-axle vehicle or trailer, used in relation to a home-based business. Commercial vehicles are those considered to require a Class 1, 2, 3, or 4 driver's license.*
- Commercial Trailer means *a non-motorized vehicle towed by a motorized vehicle. It is commonly used for the transport of goods and materials related to the operation of a home-based business.*
- Home-based businesses shall comply with the requirements provided in Table 6.1:

Table 1.1: Home-Based Business Requirements

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

	Level 1	Level 2	Level 3
<i>parking stall requirements</i>			
<b>Signage</b>	In accordance with Part 7		

## ANALYSIS

- MDP policy requires development that exceeds the intent, purpose and intensity of LUB regulations is to be relocated to lands appropriately designated for the intended use.
- The intent of a home-based business is to be an accessory use to the dwelling, accessory building(s) and the parcel. An accessory use is to be incidental and subordinate to the principal use of the parcel. Given the subject parcel is districted as AG, the principal use of the land is intended to be for residential and agricultural purposes.
- The business conforms with the Home-Based Business regulations with respect to the number of non-resident employees and client visits.
- A home-based business level 3 shall comply with the requirements provided in Table 6.1:
  - Level 3 - Maximum Number of Commercial Vehicles shall not exceed three (3)
  - Level 3 - Maximum Number of Commercial Trailers shall not exceed three (3).
- An aerial photo dated April 23, 2024, was referenced as part of the review of the application. The photo confirmed the number of commercial vehicles and commercial trailers being stored on site exceed the number stated on the application form. The landowner noted which trucks were owned by Colby Clements Contracting Ltd, which were sold, and which trucks are owned by others being stored on the property. The Development Authority must review the application as submitted and take into consideration the activities and land use occurring on the property.
- The LUB allows Outdoor Storage and Major Contractor Services use within industrial and direct control districts. The commercial vehicles and commercial trailers, wheel loaders, excavators and rig mats are used for industrial activities and are not typically stored or used on lands districted for AG purposes.
- A variance should not be applied to a "use." A relaxation of the Bylaw is not intended to be used as way to undermine the intent of the regulations. The number of commercial trucks/trailers and heavy equipment being stored on the site, in the opinion of the Development Authority, would be more appropriated located on industrial lands as an Outdoor Storage or Major Contractor Services use.
- Pursuant to section 2.8.1 of Land Use Bylaw 1385/17, Decision Process, (c) the Development Authority may refuse an application for a discretionary use, where the proposed development does not conform to the Bylaw. The number of commercial

vehicles and trailers stored on the site exceed the number that can be approved to operate a Home-Based Business Level 3. Outdoor Storage and is neither a permitted nor discretionary use within the AG district and therefore the application was refused.

## CONCLUSION

- The Board must comply with the following:
  - Any applicable statutory plan (*MGA* s. 687(3)(a.2)).
    - In the opinion of the Development Authority the application is incompatible with respect to MDP Policy 5.4.6.
    - The Board may interpret this policy independently.
  - Application must conform with the prescribed uses of the Land Use Bylaw (*MGA* s. 687(3)(d)(ii)).
    - In the opinion of the Development Authority the Home-Based Business operations exceed the intent of a Level 3. The Outdoor Storage or Major Contractor Service use would be better suited to operate from an industrial land use district.
    - The Board may independently interpret the use of the land.
- The Board may consider the following:
  - If the existing development unduly interferes with the amenities of the neighbourhood; or materially interferes with or affects the use, enjoyment, or value of neighbouring properties.
  - No formal complaints were received regarding the vehicles or outdoor storage. The only inquiry on record was received from County Transportation regarding the number of rig mats being stored.
  - Special circumstances that may be applicable to the subject property such as size, shape, topography, location, buildings, or surroundings.
- Should the Board uphold the Appeal and approve the application as a Home-Based Business Level 3 to operate in accordance with the submitted application, the following conditions are recommended:
  1. No more than one level 3 home-based businesses shall be allowed on the parcel.
  2. The home-based business shall not occupy more than 30% of the gross floor area of the dwelling and 100% of the gross floor area of the accessory building referred to on the site plan.
  3. **A separate development permit shall be submitted and approved for a change of use (Farm Building to Commercial Building) for the accessory building being used for the business.**
  4. A Road Use Agreement shall be entered into with Sturgeon County Transportation Services, if required.



5. The home-based business shall be operated by the permanent resident(s) of the principal dwelling and there shall be no more than two (2), non-resident employees on site.
6. Parking for non-resident employees shall be provided for onsite.
7. **There shall be no more than four (4) commercial vehicles, two (2) passenger vehicles and four (4) trailers used for business purposes and be parked on-site OR the Board's recommendation.**
8. **Outdoor storage of heavy equipment and rig mats shall be located behind the accessory buildings. The storage area shall not exceed 1% or 3,237m<sup>2</sup> of the parcel. Heavy equipment shall be limited to two (2) wheel loaders and three (3) excavators at any given time.**
9. **The outdoor storage area shall be always kept in a clean and orderly manner.**
10. At all times, the privacy of the adjacent residential dwelling(s) shall be preserved, and the operations of the business shall not, in the opinion of the Development Authority, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.
11. Only one on-site, commercially produced sign to identify the business, shall be allowed. The sign dimensions shall be a maximum of 1m (3.3ft) in length and 0.6m (2ft) in height. The sign shall be displayed as a window sign, be affixed to a building, or be located in the front yard adjacent to the front parcel boundary and either be self-supporting or attached to existing fencing. There shall be no off-site signage associated with this home-based business.
12. The home-based business shall operate between 7:00 a.m. to 8:00 p.m. only.
13. The development permit is issued to the applicant and is non-transferable. Should the applicant move or sell the business, the permit will become void.

#### **Advisory Notes:**

1. Home Based Business means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession, or craft to be operated by the permanent residents of the dwelling.
2. A building permit will be required for a change of use (Farm Building to a Commercial Building) for the accessory building being used for the business operations.

Prepared By:



---

**Carla Williams**, Development Officer

Reviewed By:



---

**Tyler McNab**, Program Lead Development & Safety Codes

Digitally signed by Tyler McNab  
Date: 2025.01.02 09:47:32 -07'00'



# 305305-24-D0290 Home Based Business Level 3

Development Authority Report for SDAB Appeal 025-STU-001

---

2025-01-07

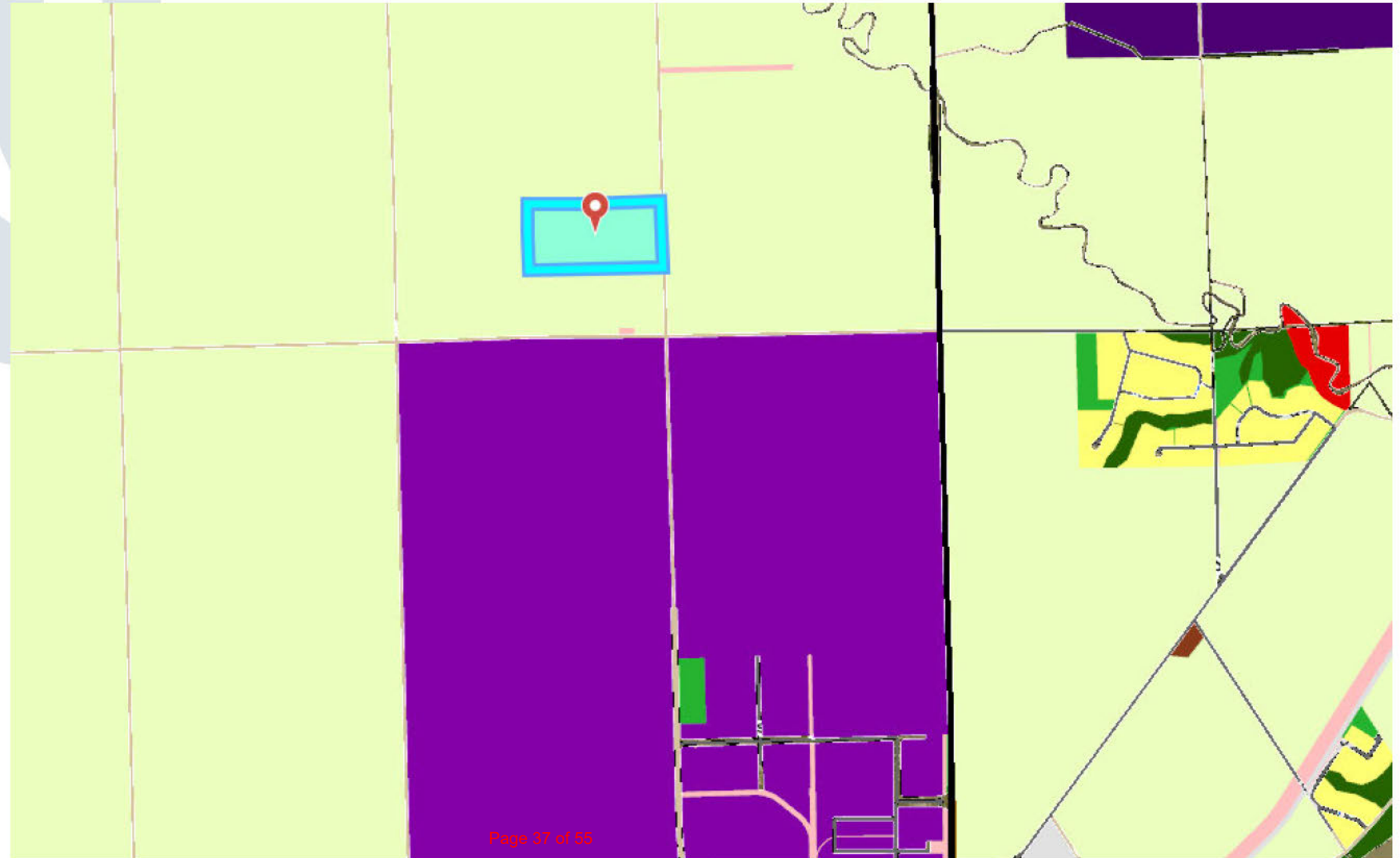


Sturgeon  
C O U N T Y

# Site Location

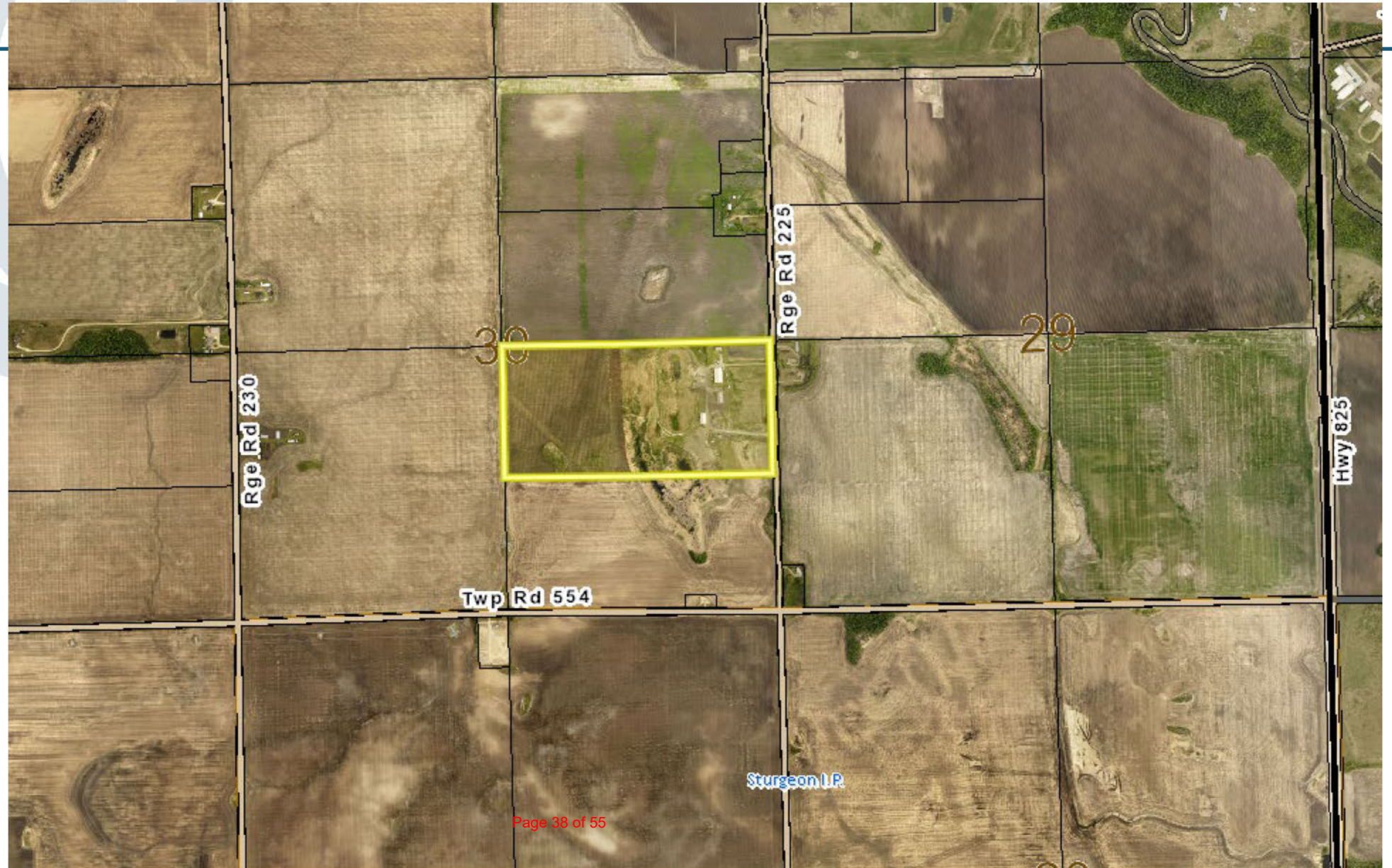
55416 RGE RD 225

AG Parcel north of  
Sturgeon Industrial  
Park (SIP)  
SIP undeveloped area





# Site Location





# Property Information



**SE 30-55-22-4**

- **AG - Agricultural Major (80 acres)**
- **SDD and Farm Buildings**

# Application Details

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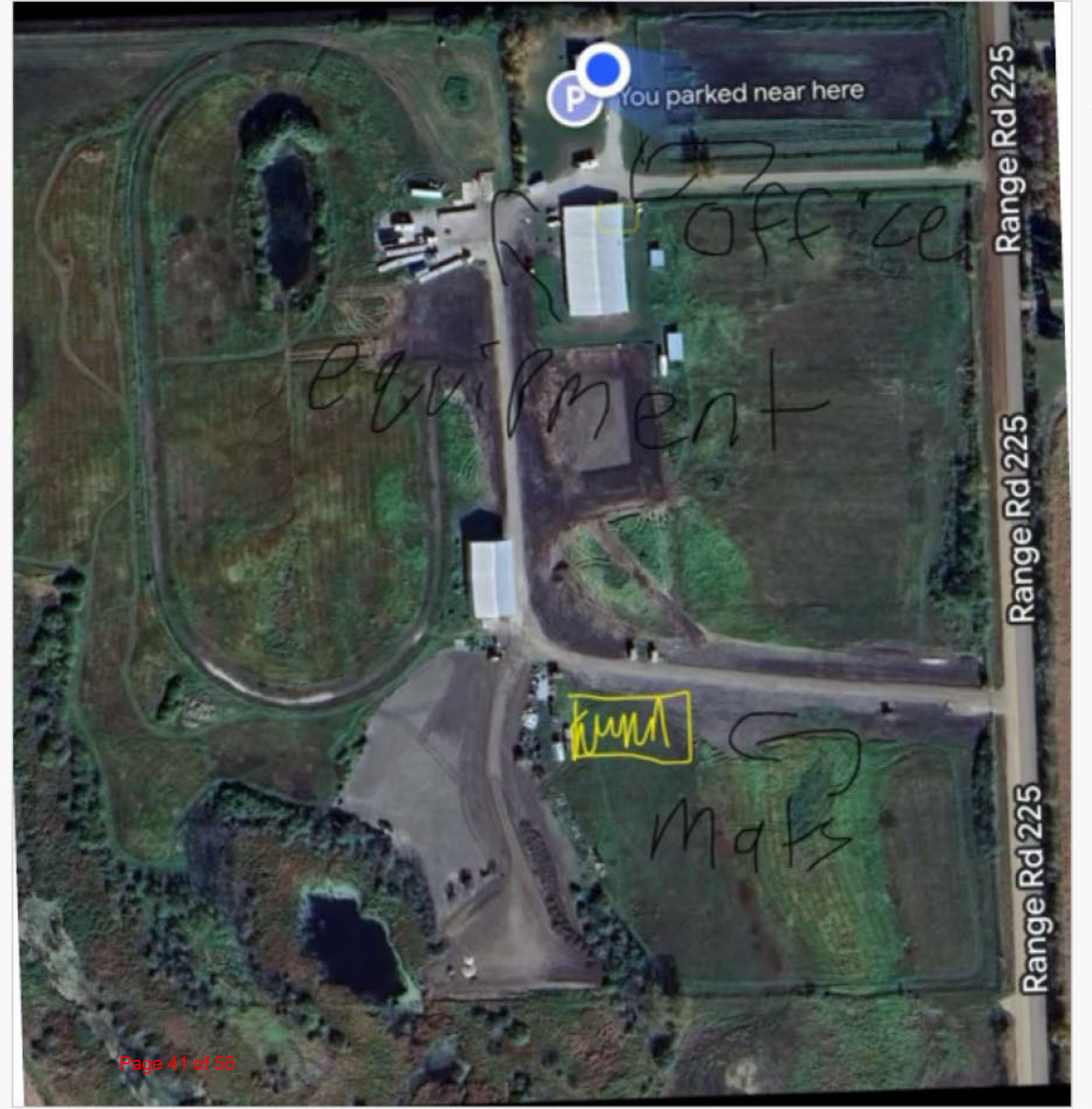
A completed application was accepted by the Development Authority and included the following details:

- Colby Clements Contracting – oilfield work (rig mats/access) and storage of equipment on site
- 2 non-resident employees would work or visit the property – 5 days a week
- **Vehicles & Equipment**
  - **2 pick up trucks**
  - **4 Commercial (Semi)**
  - **2 Wheel Loaders**
  - **3 Excavators**
  - **4 Trailers**
- No jobs or work on the farmland. Semi trucks come and go from the property.
- Storage



# Site Plan

- Office within Farm Building
- Equipment/Trucks/Trailers
- Exterior Storage – Rig Mats



# Aerial Photo April 2024

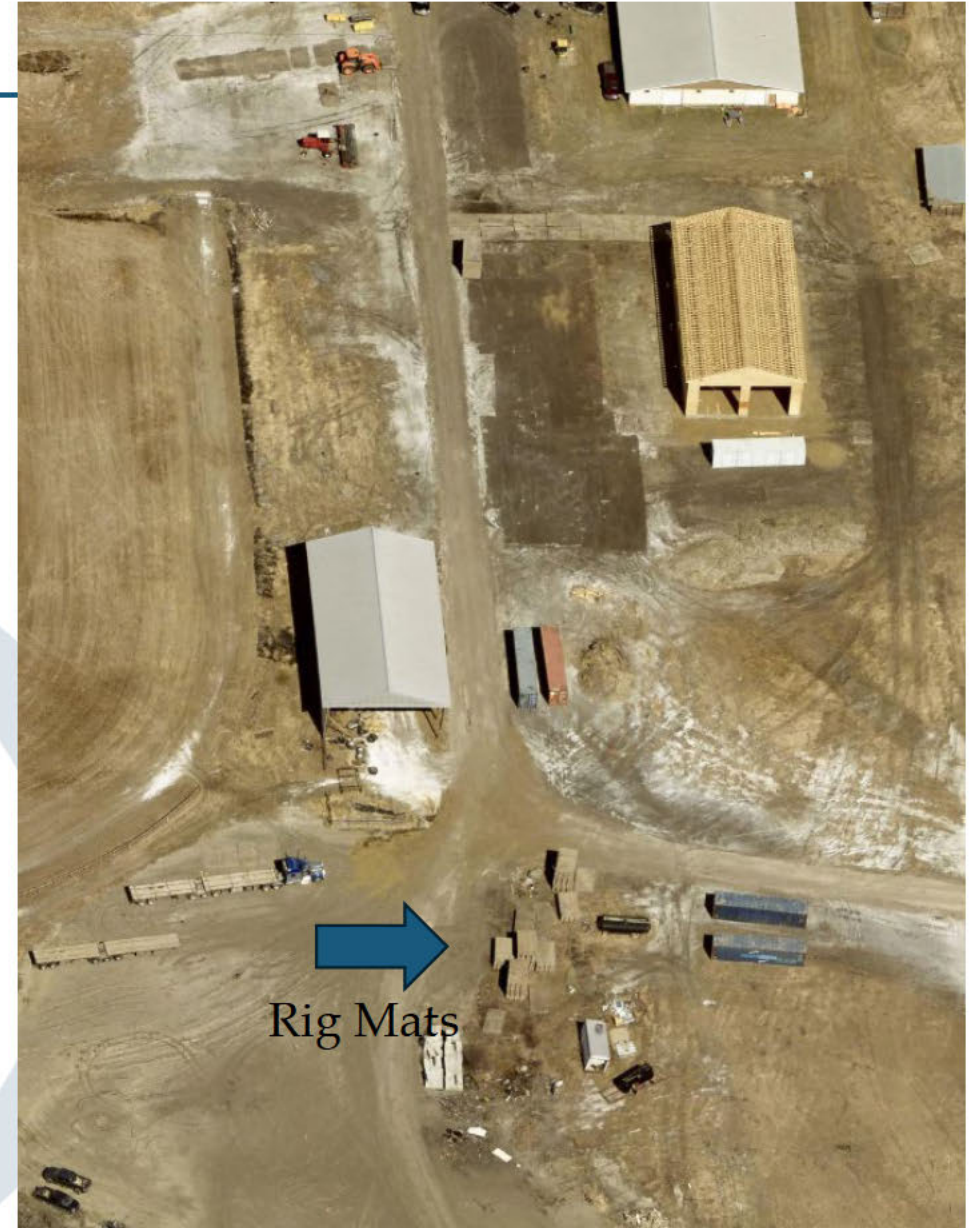




# Aerial Photos April 2024



Additional Truck and Trailer  
Shipping Containers (5) allowed on AG Major





# Equipment Photos

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[www.clementscontracting.cca](http://www.clementscontracting.cca)





# Relevant Policy & Legislation

---

## Municipal Development Plan 1313/13

- Economic Health, Part 5.4 Implementing Responsible Non-Residential Subdivision and Development Practices
  - Part 5.4.6 *Shall direct Non-Residential development that exceeds the intent, purpose and intensity outlined in Sturgeon County's regulations to relocate to lands appropriately designated for their intended use.*

# Relevant Policy & Legislation

---

## Land Use Bylaw 1385/17

### Industrial or Direct Control Use

**Outdoor Storage** means the storage of equipment, goods and materials in the open air. This includes the storage of items accessory to the principal use of a development, as well as laydown yards, vehicle or heavy equipment storage compounds, storage of construction material or modular trailers or storage unrelated to the principal use of the parcel or site.

**Major Contractor Service** means a premise used for the provision of building and construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require exterior storage and warehouse space and may include manufacturing activities.

# Relevant Policy & Legislation

## Land Use Bylaw 1385/17

**Home-Based Business** means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession, or craft to be operated by the permanent residents of the dwelling.

**Commercial Vehicle** means a unit which includes a multi-axle vehicle or trailer, used in relation to a home-based business. Commercial vehicles are those considered to require a Class 1, 2, 3, or 4 driver's license.

**Commercial Trailer** means a non-motorized vehicle towed by a motorized vehicle. It is commonly used for the transport of goods and materials related to the operation of a home-based business.

Table 1.1: Home-Based Business Requirements

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

# Analysis

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- MDP policy
- Intent of Home-Based Business
  - ❑ Accessory use to principal use (residential/agricultural)
- Conforms – Number of non-resident employees/client visits
- Number of Commercial Vehicles/Trailers exceed three (3)
- Outdoor Storage and Major Contractor Service is neither a permitted nor discretionary use in AG – Agricultural District
  - ❑ Heavy Equipment and Rig Mats – Industrial Uses
- Conforms – Number of non-resident employees/client visits
- Variance – should not be applied to a use
- Development Authority Discretion



# Conclusion

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The Board must comply with the following:

- Any applicable statutory plan (*MGA* s. 687(3)(a.2)).
  - In the opinion of the Development Authority the business exceeds the intent and is incompatible with respect to MDP Policy 5.4.6
  - The Board may interpret this policy independently.
- Application must conform with the prescribed uses of the land (*MGA* s. 687(3)(d)(ii)).
  - In the opinion of the Development Authority the proposed use better falls under an Outdoor Storage use or Major Contractor Services and would be more suited to lands districted as Industrial.
  - The Board may independently interpret the use.

# Conclusion

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The Board may consider the following:

- If the existing development unduly interferes with the amenities of the neighbourhood; or materially interferes with or affects the use, enjoyment, or value of neighbouring properties.
- No formal complaints on record
- Special circumstances that may be applicable to the subject property such as size, shape, topography, location, buildings, or surroundings

# Recommended Conditions

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**Should the Board uphold the appeal and approve the application as a Home-Based Business Level 3, the following conditions are recommended:**

1. No more than one level 3 home-based businesses shall be allowed on the parcel.
2. The home-based business shall not occupy more than 30% of the gross floor area of the dwelling and 100% of the gross floor area of the accessory building referred to on the site plan.
- 3. A separate development permit shall be submitted and approved for a change of use (Farm Building to Commercial Building) for the accessory building being used for the business.**
4. A Road Use Agreement shall be entered into with Sturgeon County Transportation Services, if required.
5. The home-based business shall be operated by the permanent resident(s) of the principal dwelling and there shall be no more than two (2), non-resident employees on site.
6. Parking for non-resident employees shall be provided for onsite.



# Recommended Conditions

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7. **There shall be no more than four (4) commercial vehicles, two (2) passenger vehicles and four (4) trailers used for business purposes and be parked on-site OR THE BOARD'S DECISION**
8. **Outdoor storage of heavy equipment and rig mats shall be located behind the accessory buildings. The storage area shall not exceed 1% or 3,237m<sup>2</sup> of the parcel. Heavy equipment shall be limited to two (2) wheel loaders and three (3) excavators at any given time.**
9. **The outdoor storage area shall be always kept in a clean and orderly manner.**
10. **At all times, the privacy of the adjacent residential dwelling(s) shall be preserved, and the operations of the business shall not, in the opinion of the Development Authority, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.**
11. **Only one on-site, commercially produced sign to identify the business, shall be allowed. The sign dimensions shall be a maximum of 1m (3.3ft) in length and 0.6m (2ft) in height. The sign shall be displayed as a window sign, be affixed to a building, or be located in the front yard adjacent to the front parcel boundary and either be self-supporting or attached to existing fencing. There shall be no off-site signage associated with this home-based business.**

# Recommended Conditions

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12. The home-based business shall operate between 7:00 a.m. to 8:00 p.m. only.
13. The development permit is issued to the applicant and is non-transferable. Should the applicant move or sell the business, the permit will become void.

## **Advisory Notes:**

1. Home Based Business means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession, or craft to be operated by the permanent residents of the dwelling.
2. A building permit will be required for a change of use (Farm Building to a Commercial Building) for the accessory building being used for the business operations.

# APPELLANT SUBMISSIONS RECEIVED

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**\*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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\*NOTE:

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