

WHEATLAND COUNTY
SUBDIVISION & DEVELOPMENT APPEAL BOARD
Notice of Decision

Hearing Held At: Wheatland County Office – Council Chambers

Members Present: K. Williams
T. Tower
J. Anderson
S. Holkovic
E. Deeg

Appellant: Nariman Bashiri Majd

Basis of Appeal: The Development Authority issued a Stop Order on the property located at NE 7-22-26-W4M - Plan 0412931; Block 4; Lot 1 on July 28, 2021. The stop order stated the reason for the stop order was the operation of a salvage yard without the proper development permit or proper land use designation. An appeal to the stop order was received on August 13, 2021.

Finding the Facts:

1. Parcel is located in the NE 7-22-26-W4M - Plan 0412931; Block 4; Lot 1
2. Parcel is currently zoned Industrial General.
3. The Development Authority issued a Stop Order July 28, 2021. Reason for the stop order was the operation of a salvage yard without the proper development permit or proper land use designation.
4. Appellant filed the Notice of Appeal with the Subdivision and Development Appeal Board on August 13, 2021.

Decision:

The decision of the Subdivision and Development Appeal Board is to uphold the Stop Order issued by the Development Officer July 28, 2021 on the parcel located in the NE 7-22-26-W4M - Plan 0412931; Block 4; Lot 1.

Reasons For
Decision:

The Subdivision and Development Appeal Board is upholding the Stop Order for the following reasons:

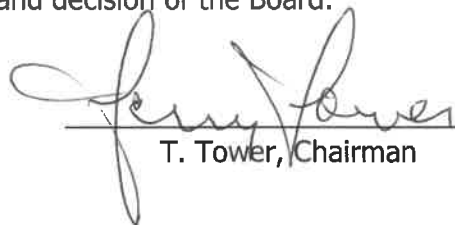
1. Under Part 2 of the County's *Land Use Bylaw*, Bylaw No. 2016-01 (the "*Land Use Bylaw*"), "salvage yard" is defined to include the following:
 - a. "Salvage Yard" means land or buildings where motor vehicles, tires, and parts are disassembled, repaired, and/or stored and may be sold."

2. Under section 4.1.1 of the *Land Use Bylaw*:
 - a. "Except as provided in the Development Permits Not Required section of this Bylaw, no person shall commence any development unless a Development Permit has been issued for the development pursuant to this Bylaw. All development shall proceed in accordance with the terms and conditions of the Development Permit issued in respect of the development."
3. Under Part 6 of the *Land Use Bylaw*:
 - a. 6.1.1 No person shall contravene this Bylaw by commencing or undertaking a development or use that is not permitted under this Bylaw.
 - b. 6.1.4 The Development Authority may enforce the provisions of this Bylaw, the Act and its regulations, the conditions of a subdivision approval or Development Permit approval.
 - c. 6.1.6 Pursuant to the Act, the County may enforce or contact the relevant agency to enforce the provisions of the Act and its regulations, other government regulations, a subdivision approval, the conditions of a Development Permit, and all of the rules and regulations of this Bylaw:
 - a) All rules, regulations, policies, or conditions which are applicable pursuant to this Bylaw, a Development Permit, subdivision approval, or any other enactment the County has the authority to enforce, may be subject to enforcement action if found to be in contravention;
 - b) Enforcement may take the form of a written notice of contravention, written stop order notice, financial penalty or any other authorized action to ensure compliance.
 - d. The MGA also requires that a person may not commence any development unless they have been issued a development permit (section 683, MGA).
4. Contraventions of the Land Use Bylaw and section 683 of the MGA, which include the following:
 - a. A "salvage yard" is operating on the lands without receiving the required development approval.
 - b. The subject parcel is currently zoned Industrial General (IG) and a "salvage yard" is not a use listed within that Land Use District.

Closing:

This decision can be appealed to the Court of Appeal on a question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found in Section 688 of the *Municipal Government Act*, R.S.A 2000 Chapter M-26 which requires an application for permission to appeal to be filed and served within 30 days of this decision.

Dated at Wheatland County Municipal Office, in the Province of Alberta this the 10 day of September, 2021 and signed by the Chair of the Subdivision and Development Appeal Board who agrees that the content of this document adequately reflects the appeal hearing and decision of the Board.


T. Tower, Chairman