



**NOTICE OF PUBLIC HEARING**  
**Subdivision and Development Appeal Board (SDAB)**

The hearing will be held at the Wheatland County Council Chambers: 242006 Range Road 243 (East of Strathmore off Hwy 1) (mail: 242006 Rge Rd 243, Wheatland County, AB T1P 2C4) on Monday, October 17, 2022, commencing at 9 a.m. regarding the following:

Development Permit 2022-173

Re: Refusal of Development Permit 2022-173 for a Dwelling, Manufactured Type 2

Legal Description – Plan 1211438; Block 1; Lot 1 - NW-1-25-22-W4M

Permit Refused – September 13, 2022 - Municipal Planning Commission

At the hearing(s) the SDAB will hear from the appellant(s) and/or the agent; from any person who claims to be affected by the proposal; and from any other person who wishes to make representation AND whom the SDAB agrees to hear. Comments may be made verbally at the hearing, OR if you wish to present a written submission, you must have copies of the same to be distributed at the commencement of the hearing. Any submissions you make are collected under the authority of subsection 33(c) of the Freedom of Information and Protection of Privacy Act for the purposes set out in sections 678 and 686 of the Municipal Government Act. Submissions will form part of a report available to the public and may be referenced in the Board's public written decision. If you have any questions regarding the collection or retention of this information, contact the Wheatland County FOIP Coordinator at (403) 934-3321.

A time limit may be imposed on verbal submissions, at the discretion of the Chairperson. No comments via telephone will be considered by the SDAB. We would appreciate receiving your written comments by end of day Wednesday, October 12, 2022, regarding this matter.

The complete file for this application may be inspected in the County Office during regular office hours – Monday to Friday, 8:00 a.m. to 4:30 p.m. Information will be posted on the Wheatland County website for public to view prior to the Hearing date.

Should you have any questions or require further information, please do not hesitate to contact Michelle Van Haarlem at the Wheatland County Administration Office (403) 361-2000 or email [sdab@wheatlandcounty.ca](mailto:sdab@wheatlandcounty.ca).

# EXHIBIT A

## Notice of Appeal





## NOTICE OF APPEAL

### SUBDIVISION AND DEVELOPMENT APPEAL BOARD

In accordance with Sections 678, 685 and 686 of the Municipal Government Act and the Wheatland County Land Use Bylaw an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by payment of a **non-refundable \$300.00 filing fee for subdivision appeals** and a **\$200.00 filing fee for development appeals**. Non payment of the fee will result in no hearing being scheduled before the SDAB. For filing instructions and fee payment options, see the reverse side of this form.

<b>Site Information</b>			Date Received Stamp	
Municipal Address of Site			<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> WHEATLAND COUNTY   SEP 27 2022   RECEIVED </div> <p>(Office Use Only)</p>	
Legal Description of Site (must be completed for all appeals)				
Lot 1, Block 1, Plan 1211438 (NW-1-25-22-W4).				
Development Permit Number or Subdivision Application Number				
DP 2022-173				
<b>Appellant Information</b>				
Name of Appellant    Fernando Pinto				
Street Address (for notification purposes)			FOIP s.17(1)	
City	Province	Postal Code	Residential Phone #	
Business Phone #	Fax #	Email Address		
N/A	N/A	pinewoodalberta@live.com		

#### APPEAL AGAINST (Check One Only)

Development Permit	Subdivision Application	Notice of Order
<input type="radio"/> Approval <input type="radio"/> Conditions of Approval <input checked="" type="radio"/> Refusal	<input type="radio"/> Approval <input type="radio"/> Conditions of Approval <input type="radio"/> Refusal	<input type="radio"/> Notice of Order

**REASONS FOR APPEAL** Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal.

I do hereby appeal the decision of the Subdivision or Development Authority for the following reasons:

- (1) The Municipal Planning Commission (MPC) based its decision to refuse the Development Permit on improper and unlawful considerations, including speculation and prejudicial statements to the effect that the Appellant may not comply with the Land Use Bylaw in the future if the Development Permit was granted.

Although the Notice of Refusal states that the MPC based its decision on its discretion to refuse a Development Permit where a manufactured dwelling is "of poor appearance or condition", the recording of the MPC proceedings on September 13, 2022, demonstrates that the MPC relied primarily upon improper considerations which fall outside the scope of its decision-making authority under the Land Use Bylaw and run contrary to the principles of natural justice. The comments made by Commissioners who voted in favour of refusing the Development Permit, and the submissions made by adjacent landowners, primarily focused on speculation and conjecture about the Appellant's future conduct with respect to the Property. Several Commissioners expressed concerns that the Appellant will store "junk" on the Property and will not comply with the conditions attached to the Development Permit, without any evidence to support these concerns. The Appellant had informed the County prior to the hearing on September 13, 2022, that he plans to erect a shop for storage of items on the property. Further, pursuant to the recommendation of the County, the Appellant would also be required to pay a \$5000.00 deposit as a condition of the Development Permit, which would only be refunded upon all the conditions being satisfied. The Commissioners who voted against the motion to deny the Development Permit made several statements to the effect that it was improper for the MPC to deny the Development Permit based on "prejudging" and speculation, and if they did so, that the decision would be vulnerable to appeal.

Lastly, the Notice of Refusal also stated "the proposed dwelling does not fit aesthetically and is not suitable for the surrounding area". Not being an "aesthetic fit" with other dwellings in the surrounding area is not a valid legal reason for the MPC to refuse the Development Permit under the Land Use Bylaw. Upon the required inspection, the proposed dwelling was deemed structurally sound. The proposed conditions attached to the Development Permit would address any concerns about "poor appearance or condition". The proposed conditions required the Appellant to complete the foundation, install exterior stairs, repair exterior finish, roofing, windows, and any other requirements deemed necessary by the development officer. The Appellant indicated he was fully willing to comply with these conditions.

- (2) The MPC based its decision on a mischaracterization or mistake of the relevant facts as it pertains to the appellant moving the manufactured dwelling onto the Property before obtaining a permit.

During the MPC hearing, several Commissioners made comments to the effect of "the application process being ignored", "why should we trust he will follow the rules when he hasn't up to this point", and that he thought it was "better to ask for forgiveness than permission". This is a mistaken characterization of the events that took place prior to the hearing. The Appellant did not simply move the unit on to the land, and then contact the County about obtaining a Development Permit. Upon contacting the County, the Appellant was advised via written correspondence that he was permitted to move the unit onto the Property before obtaining a Development Permit, so long as he paid double the application fee. The Appellant complied and paid double the fee. In correspondence with the County, the double fee was not communicated to the Appellant as being a penalty, but rather a requirement if he wished to move the unit on to the Property before his Development Permit was obtained. He did not disregard any rules. He was specifically advised by the County that this course of action was perfectly appropriate, and the correspondence between the County and the Appellant will corroborate this. The MPC's mistaken reliance on this consideration throughout the hearing tainted its decision and the refusal should also be overturned on this basis.

- (3) The MPC Commissioners' statements indicate a reasonable apprehension of bias against the Appellant

During the MPC hearing on September 13, 2022, the statements of several Commissioners constituted a personal attack on the Appellant, made in a very public setting, which caused unnecessary and unwarranted embarrassment to the Appellant. Furthermore, these statements were made without any evidence before the MPC to support same. These statements were prejudicial to the Appellant and gives rise to a reasonable apprehension of bias on the part of the MPC.

This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 678 and 686. NOTE: THIS INFORMATION WILL FORM PART OF A FILE AVAILABLE TO THE PUBLIC. If you have any questions regarding the collection of this information, contact the FOIP Program Administrator at 934-3321 or Hwy 1, RR1, Strathmore, AB, T1P 1J6.

**Signature of Appellant/ Agent**

Date		
YYYY	MM	DD
2022	09	26

**FOR OFFICE USE ONLY**

Final Date of Appeal YYYY MM DD	SDAB Appeal Number	Fee Paid	Hearing Date YYYY MM DD	Date Applicant Notified YYYY MM DD	Date Appellant Notified YYYY MM DD

242006 RGE RD 243  
 Wheatland County AB T1P 2C4

 Receipt Number: 77669  
 Tax Number: R106989544  
 Date: September 27, 2022  
 Initials: BB

PINTO, FERNANDO

FOIP s.17(11)

Type	Account / Ref. #	Description	Quantity	Amount Paid	Balance Remaining
General	DAPPE	DP Appeal Fee	1	\$200.00	N/A
Subtotal:				\$200.00	
Taxes:				\$0.00	
Total Receipt:				\$200.00	
Interac:				\$200.00	
Total Amount Received:				\$200.00	
Rounding:				\$0.00	
Amount Returned:				\$0.00	

The personal information collected on this receipt is used for the purpose of processing payments and applications, issuing permits, compliance monitoring and verification, satisfaction surveys, and general correspondence. This personal information is collected under the Freedom of Information and Protection of Privacy Act (FOIP), s.33(c). Information may be included in a report presented to Council or made available to the public as required or allowed by legislation. Questions regarding the collection of information can be directed to the FOIP Coordinator at 403-934-3321 or admin@wheatlandcounty.ca.

# EXHIBIT B

## Development Authority Documents





## Subdivision and Development Appeal Board (SDAB)

October 17, 2022

Report prepared by: Suzanne Hayes, Development Officer

### DP 2022-173 Appeal

<b>File Number:</b>	DP 2022-173	<b>Division:</b>	1
<b>Proposal:</b>	Dwelling, Manufactured Type 2		
<b>Location:</b>	1 mile East of the Village of Standard on TWP RD 251		
<b>Legal Description:</b>	Plan 1211438, B1, L1, NW-1-25-22-4		
<b>Title Area:</b>	1.62 ha (4.0 ac)		
<b>Existing Land Use:</b>	Country Residential (CR)		
<b>Proposed Parcels:</b>	n/a		

## Report

### Background:

On September 13, 2022, the Municipal Planning Commission was presented with an application to allow a 36' x 24' modular dwelling without CSA A277 certification (constructed in 1980) to be located on a 4.0 acre parcel within Wheatland County. The dwelling was moved to the property without obtaining the required permits, and the application was made to see if it may be allowed to remain on the property. The complete report from the September 13, 2022 MPC meeting is attached to this report.

### **Summary of the Staff Report and Details of the September 13, 2022 MPC Meeting**

- The manufactured dwelling does not meet the CSA A277 requirement, so is categorized as a Dwelling Manufactured Type 2 within the Land Use Bylaw which has particular submission requirements. The requirements are in place so that the Development Authority can determine if an older manufactured dwelling is structurally sound and suitable for relocation to Wheatland County.

**Dwelling, Manufactured 2** means a prefabricated, transportable single or multiple section dwelling unit that has been previously occupied as a dwelling and is in a good state of repair (to the satisfaction of the Development Authority); and constructed after 1976 to the Canadian Standards Association (CSA) or other applicable standard of the day. See Dwelling, Manufactured Special Use Regulations.

**Section 8.10.7** Applications for a Development Permit for a Manufactured Dwelling 2 shall include:

- a) A pre-application inspection report that is prepared by a registered engineer or a Safety Codes Officer at the expense of the applicant. The pre-application inspection report must identify the dwelling's structural integrity and suitability to be relocated into the County, providing

recommendations on the dwellings overall condition and any updates or renovations that must be made; and

- b) Colour photographs of all elevations (i.e., front, side, and rear view) and additions to the manufactured dwelling.

Photos of the proposed dwelling are included with the original MPC report and is attached to this report.

### **The Inspection Report Submission**

- According to Land Use Bylaw requirements, the applicant submitted the required report completed by a Safety Codes Officer which detailed the following:
  1. Siding in need of repair.
  2. Roofing in need of repair or replacement.
  3. Windows to be repaired and replaced in the near future.
  4. Foundation to be constructed to meet code complete with a way to fasten the unit to concrete.
- The report stated that after a thorough inspection of the double wide at this location it was determined that the structural integrity of the unit is sound.
- Staff acknowledged that the report was not completed prior to the application submission or prior to moving the dwelling onsite however it was completed according to bylaw requirements by a reputable safety codes officer who undertook a thorough onsite inspection.

### **Circulation Process:**

- The Land Use Bylaw stipulates that a complete application must be circulated to surrounding landowners within 1 mile. Although the dwelling had been placed on the land and staff had subsequently received an application, the application was not deemed complete until the inspection report completed by the safety codes officer had been received by staff.
- The MGA requires that once an application is deemed complete a decision must be made within 40 days so staff circulated the application and proceeded to have the application presented to MPC at the September meeting. Upon receiving comments that residents were concerned with the timeline for submitting responses, staff allowed circulation responses up until the date of the MPC meeting, giving landowners an additional week.
- The application details were circulated to surrounding landowners within 1 mile of the subject parcel and 10 responses were received in objection to the application; 5 were included with the MPC agenda package and 5 were submitted after the agenda had been posted to the website so were read into the record during the meeting.

The following is a summary of the concerns identified in response to the circulation of the application prior to the September 13 MPC meeting. The letters in their entirety have been included along with the original MPC report.

- Concerns with the timeline for responding to the circulation letter.

- Concerns with an individual moving from another property and moving a collection of wrecked cars and junk to this new property.
- Comments regarding the original subdivision, and the current enforcement process.
- Concerns with someone moving the mobile to the site without permits, not following the rules that others must follow.
- Statements that the mobile is in a poor state of repair, no assurance the repairs will be completed, concerns with structural integrity prior to moving the dwelling.
- The \$5000 deposit would not be enough to address the repairs if the applicant chose to forfeit the money and not do the required repairs.
- Comments that the dwelling will affect the view, value, and enjoyment of lands owned by existing residents who have well maintained properties.
- Concerns with the dwelling being placed with no safety code permits obtained and whether or not it is in accordance with the safety codes act.
- The pre-application inspection was not completed prior to moving the dwelling onsite, and what makes the dwelling suitable versus not suitable.
- Presence of slum acreages existing in our County.
- Concerns with private sewage system in relation to the creek and concerns that the creek floods.
- Questions over who will supervise the required repairs, and that they should be completed prior to moving a dwelling into our County.
- When will utilities, electrical, gas, skirting etc. be completed?
- Concerns that the residential use will grow into a commercial use.
- Questions on why the inspection deemed the unit to be structurally sound when it still requires repairs to the roof, siding and windows.
- Concerns with the intention of the use of the property based on a property in Rockyford.
- Unsightly storage of items should be addressed before an infraction happens.

#### **Regarding the Original Subdivision:**

- The 4 acre parcel was subdivided from the 80 acre parcel in Dec 2011. At the time, the subdivision application was circulated to surrounding landowners within 800 m and to applicable agencies such as the provincial Environmental department (then known as Alberta Sustainable Resource Development), who reviewed the proposal and stated that “there does not appear to be any Public Land Including Crown owned water bodies) directly involved in this application. ASRD has no concerns.”

#### **Private Sewage System:**

- As part of the 2011 subdivision process, a private sewage report had been completed which stated that a septic system would be acceptable on the west side of the parcel. A current report is required for the private sewage permit for this dwelling due to the length of time that has passed since the report was completed for the subdivision. The report will identify the soil types, best location, and ensure the system will meet the required setbacks to water ways and other constraints.

## **Potential Flooding of Parcel**

- Concerns were raised indicating the parcel is prone to flooding. Staff reviewed historical aerial photos as far back as 2000 and they showed water over the north east corner (at the time the aerial photos were taken). The completed dwelling will need to be placed according to the location approved on the site plan which is approximately 200 ft from the path of the water course which meets the county setback of 100 ft from a water body.

## **Water Well**

- Initially the applicant considered having a cistern installed to provide water to the dwelling, however upon further investigation concluded having a well drilled is preferable.

## **Enforcement Process:**

- The dwelling was moved to the property without obtaining the required permits. Staff commenced the enforcement process and the applicant submitted a development permit application to see if the dwelling may be allowed to remain, if the development permit is not approved, it will have to be removed from the site.
- Concerned residents have questioned why it had not been removed immediately but an enforcement process for removal of a dwelling takes considerable time and legal proceedings. It is the County's typical process in this type of situation that we have the applicant submit an application and go through the approval process to see if it may remain rather than having it removed only to be brought back later if it is approved.

## **Repairs to be Completed:**

- Residents indicated that required repairs should be completed prior to moving a dwelling to a parcel in Wheatland County but this would require the previous owners of the dwelling to allow renovations to occur on their property before it is moved offsite.
- The items in need of repair become part of the development permit conditions along with the necessity for skirting, stairs and other aesthetic renovations. The LUB and Master Fee schedule require a \$5000 deposit until the renovations and repairs are completed as an incentive to complete the work. The Land Use Bylaw requires that all conditions must be completed within 24 months of the effective date. Once the aesthetic repairs are completed staff will review the work to see if it is satisfactory for return of the deposit.
- Safety Code permits are required after the development permit has been issued, since it would be pointless to obtain those permits if the development permit is refused.
- Items identified by the inspection report and any other item requiring a safety code permit such as building, electrical, gas, plumbing or private sewage permits will be inspected by the safety codes officer certified in the respective discipline.

## **Concerns with Potential Unsightly Storage of Items on the Property**

- Adjacent landowners raised concerns that vehicles or other items will be stored on the property in the future causing environmental issues, pollution of the creek, and causing the property to become unsightly. Staff stated that the development authority may only consider the current application and not future issues or any particular person in the decision making process. Issues of an unsightly nature



will need to be addressed if and when they occur. The applicant was made aware of the concerns of the neighbors and he advised that he intends to build a shop for storage in the future.

### **Staff Recommendation**

THAT Municipal Planning Commission approve DP 2022-173 for a Dwelling, Manufactured 2 subject to the following conditions:

1. This development permit is issued solely for the purpose of a pre-occupied 36' x 24' modular dwelling without CSA A277 certification (constructed in 1980) – Defined as a Dwelling, Manufactured Type 2.
2. No variances have been granted.
3. Development shall proceed according to Country Residential District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Prior to any work to renovate, repair, construct or alter the dwelling, a Deposit of \$5,000 to be submitted by the applicant and refunded upon:
  - a) Foundation finished with appropriate material.
  - b) Exterior stairs to be installed (if required).
  - c) Exterior finish (i.e.: siding) to the satisfaction of the Development Officer.
  - d) All roofing, windows and paint complete to the satisfaction of the development Officer.
  - e) Any other requirements as deemed necessary by the development Officer.
  - f) Items identified in the Mobile Home Inspection Report dated August 15, 2022 as per the following:
    - Siding to be repaired or replaced.
    - Roofing to be repaired or replaced (requires a Building Permit).
    - Windows to be repaired and replaced (requires a Building Permit).
    - Foundation to be constructed to meet code complete with a way to fasten the unit to concrete (requires a Building Permit).

**Note:** All applicable Safety Code Permits must be obtained prior to any work being completed. This includes; Private Sewage Permit, Gas, Electrical, Plumbing and Building Permits.

### **Discussion by Municipal Planning Commission**

A motion was made to refuse the application and the following items were discussed:

- The proposal does not meet the vision for Wheatland County for acreage development as outlined in the Municipal Development Plan.
- Residents are horrified that the dwelling has been moved to the property without obtaining the required permits and that the applicant has been pushed out of a nearby village for not conforming to their unsightly bylaw. Residents are concerned that the applicant's intention is to move junk onto this property.
- Residents are upset that the applicant has disregarded the proper process and has moved the dwelling onsite without permits which does not allow them the right to protect their property values and to keep their area the beautiful place that it is.
- It was recognized that the applicant has a right to place a home on this property but the chosen residence is in stark contrast to neighboring properties.

- The dwelling has been placed on the parcel on blocks on a previously farmed parcel, without clearing topsoil, or building an access road, or providing for any utilities.
- The proposed dwelling does not reflect the area in Wheatland County where it is proposed to be placed and will greatly affect the neighbor's property values and quality of life.
- Concerns that the applicant is a business owner for the area and knew was aware of what he was doing but found it was easier to beg for forgiveness than ask for permission and is counting on MPC to approve it since it is already onsite.
- Discussion continued about dwellings on other properties and that although this permit should be refused, this is potentially a broader issue than this particular application.
- Members discussed the personal nature of some of the objections and that the dwelling was overall considered safe and repairs to the windows, doors and roof are not structural.
- The \$5000 deposit was discussed and that it is not enough to do the type of renovations required. Also it was confirmed that we cannot make the deposit higher as it is part of the master fee schedule.
- Bylaw officers will need to be at the site continually if the application is approved.
- Further discussion regarding the introduction of the Dwelling Manufactured 2 use which was a recent amendment of the Land Use Bylaw. This age of manufactured dwelling was not previously allowed in the County, but the Land Use Bylaw amendment was for older dwellings that had been well maintained not for this type of building. A building of this nature is not the vision for the County.
- Questions arose regarding the potential to appeal the decision and it was clarified that if it is refused, the applicant could appeal, if it is approved an affected party could appeal. A member stated that it should be up to the person who put the dwelling on the property without permits to have to appeal, not the adjacent landowners.
- Further discussion regarding the age of a house not being relevant, rather it is the maintenance or renovations that matter and that decisions cannot be made based on what may happen in the future on the lands.
- Clarification regarding the financial penalties and it was confirmed that the development permit fee has been doubled and the safety code permits will also be doubled.
- MPC requested clarification on the time to complete renovations and were advised that an applicant has 24 months to complete the development with a possible extension if the process is continuing with reasonable diligence. Concerns with how we evaluate what reasonable diligence?
- If the renovations have not been completed within the required time, what is the recourse for the County? Staff advised that the applicant would then be subject to the enforcement process and could be ticketed or an injunction order could be obtained to remove the dwelling from the property which is a legal process taking considerable time.
- Members emphasized that we cannot consider conjecture, and must be objective in the decision making process, but of primary concern is that it is not consistent with the landscape of the area and it is frustrating that the application process was ignored.
- In support of a refusal of this application the concerns of local residents is a consideration and Section 8.10.1 of the Land Use Bylaw is relevant.

8.10.1 of the Land Use Bylaw was discussed states:

**8.10.1** The Development Authority reserves the right to refuse a Development Permit for a manufactured dwelling that is of poor appearance or conditions.

### **The Decision of Municipal Planning Commission**

Municipal Planning Commission exercised the authority provided under Land Use Bylaw 8.10.1 which states that the Development Authority reserves the right to refuse a Development Permit for a manufactured dwelling that is of poor appearance or condition.

1. It was deemed that the manufactured home was in poor condition and appearance and had been moved onto the property without prior approval and;
2. The proposed dwelling does not fit aesthetically and is not suitable for the surrounding area.

## **Policy Analysis**

### **Land Use Bylaw**

#### **4.6 Notification and Referral of Development Permit Applications**

- 4.6.1 Upon receipt of a complete application for a discretionary use development permit, the Development Officer:
- a) Shall mail a notice in writing to any landowners that are within 1.6 km (1.0 mi) to the parcel containing the proposed development if it is located outside of Hamlet boundaries and/or a Named Area;
  - b) Shall mail a notice in writing to any landowners that are immediately adjacent to the subject parcel and one parcel over (Adjacent + One) containing the proposed development if it is located within Hamlet boundaries and/or a Named Area;
  - c) May post a notice on social media in regards to applications that are deemed by the Development Authority to be of a potentially contentious nature.
- 4.6.2 In all cases, notification shall:
- a) Describe the nature of the use or variance request;
  - b) Detail the location of the proposed use or variance request; and
  - c) State how and where to submit written comments to be considered by the MPC.

**Dwelling, Manufactured 1** means a prefabricated, transportable single or multiple section dwelling unit that conforms to CSA A277 certified standards at time of manufacture. It is ready for residential occupancy upon completion of setup in accordance with required factory recommended installation instructions. The home is typically transported to a site on its own chassis and wheel system or on a flatbed truck. Dwelling, Relocatable Industrial Accommodations (E.g.: camp shacks) in whole or in part are excluded from this use. See Dwelling, Manufactured Special Use Regulations.

**Dwelling, Manufactured 2** means a prefabricated, transportable single or multiple section dwelling unit that has been previously occupied as a dwelling and is in a good state of repair (to the satisfaction of the Development Authority); and constructed after 1976 to the Canadian Standards Association (CSA) or other applicable standard of the day. See Dwelling, Manufactured Special Use Regulations.

## 8.10 Dwelling, Manufactured

- 8.10.1 The Development Authority reserves the right to refuse a Development Permit for a manufactured dwelling that is of poor appearance or conditions.
- 8.10.2 The placement of a manufactured dwelling on a foundation or base must be done in accordance with the requirements of the Alberta Safety Codes Act and is the responsibility of the owner.
- 8.10.3 The roofline of any addition to a manufactured dwelling shall not exceed the maximum building height of the district where the manufactured dwelling will be relocated to.
- 8.10.4 All manufactured dwellings shall be skirted from the ground to floor level with a durable finish that complements the existing exterior finish of the manufactured dwelling.
- 8.10.5 For used manufactured dwellings, a financial security shall be taken as per the Wheatland County Master Fee Schedule. This shall be refunded once all applicable conditions of the Development Permit are met and all exterior features are completed to the satisfaction of the Development Officer.

### Dwelling, Manufactured 1

- 8.10.6 All Manufactured Dwelling(s) 1 shall have Canadian Standards Association (CSA) certification and meet A277 standards. This information must be provided with a Development Permit application in the form of a picture of the related sticker.

### Dwelling, Manufactured 2

- 8.10.7 Applications for a Development Permit for a Manufactured Dwelling 2 shall include:
  - a) A pre-application inspection report that is prepared by a registered engineer or a Safety Codes Officer at the expense of the applicant. The pre-application inspection report must identify the dwelling's structural integrity and suitability to be relocated into the County, providing recommendations on the dwellings overall condition and any updates or renovations that must be made; and
  - b) Colour photographs of all elevations (i.e., front, side, and rear view) and additions to the manufactured dwelling.

## 9.3 Country Residential District (CR)




### Purpose and Intent

The purpose is to provide for acreage development for predominantly residential purposes that is aligned with the policies of the Municipal Development Plan.

### Permitted and Discretionary Uses

- a) The following uses shall be permitted or discretionary with or without conditions provided that the application complies with the regulations of this district and this Bylaw:

Permitted	Discretionary
Accessory Building / Structure	Bed and Breakfast
Agricultural Operation <sup>2</sup>	Dwelling, Accessory
Agricultural Processing - Minor	Dwelling, Manufactured 2 
Day Home	Dwelling, Temporary
Dwelling, Duplex	Equestrian Centre
Dwelling, Manufactured 1	Farm Gate Sales
Dwelling, Modular	Kennel
Dwelling, Moved On	Home-Based Business, Type 3
Dwelling, Secondary Suite	Market Garden
Dwelling, Semi-Detached	Nursery
Dwelling, Single Detached	Show Home
Farm Building <sup>2</sup>	Signs requiring a Development Permit <sup>^</sup>
Greenhouse, Private	Tower
Home-Based Business, Type 2	
Recreational Vehicle for Quarantine or Self-Isolation	
Shipping Container	
Signs not requiring a Development Permit <sup>1</sup>	
Solar Panel, Ground Mount <sup>1</sup>	
Solar Panel, Structure Mount <sup>1</sup>	
Stripping and Grading <sup>1</sup>	
WECS (micro) <sup>1</sup>	
WECS (Category 1) <sup>1</sup>	

### **Technical Review**

- The parcel is accessed via TWP Rd 251 via an existing approach.
- The applicant will construct a new septic system.
- Water will be via a new water well.



## Request for Decision

### Municipal Planning Commission

September 13, 2022

Report prepared by: Suzanne Hayes, Development Officer

### DP 2022-173

<b>File Number:</b>	DP 2022-173	<b>Division:</b>	1
<b>Proposal:</b>	Dwelling, Manufactured Type 2		
<b>Location:</b>	1 mile East of the Village of Standard on TWP RD 251		
<b>Legal Description:</b>	Plan 1211438, B1, L1, NW-1-25-22-4		
<b>Title Area:</b>	1.62 ha (4.0 ac)		
<b>Existing Land Use:</b>	Country Residential (CR)		
<b>Proposed Parcels:</b>	n/a		

## Report

### The Proposal:

The proposal is to allow a 36' x 24' modular dwelling without CSA A277 certification (constructed in 1980) to be located on a 4.0 acre parcel within Wheatland County. The dwelling was moved to the property without obtaining the required permits, this application has been made to see if may be allowed to remain.

Due to a recent amendment, the Land Use Bylaw provides two categories of manufactured dwellings based on the CSA standard which was applicable when the manufactured dwelling was constructed in the factory. The CSA A277 standard typically applies to dwellings constructed from 1992 to present.

**Dwelling, Manufactured 1** means a prefabricated, transportable single or multiple section dwelling unit that conforms to CSA A277 certified standards at time of manufacture. It is ready for residential occupancy upon completion of setup in accordance with required factory recommended installation instructions. The home is typically transported to a site on its own chassis and wheel system or on a flatbed truck. Dwelling, Relocatable Industrial Accommodations (E.g.: camp shacks) in whole or in part are excluded from this use. See Dwelling, Manufactured Special Use Regulations.

**Dwelling, Manufactured 2** means a prefabricated, transportable single or multiple section dwelling unit that has been previously occupied as a dwelling and is in a good state of repair (to the satisfaction of the Development Authority); and constructed after 1976 to the Canadian Standards Association (CSA) or other applicable standard of the day. See Dwelling, Manufactured Special Use Regulations.

Since the dwelling does not meet the A277 requirement, the application falls within the Category of a Dwelling, Manufactured Type 2. The following submission requirements were put in place so that the



Development Authority can determine if an older manufactured dwelling is structurally sound and suitable for relocation to Wheatland County.

### **Land Use Bylaw Submission Requirements:**

Section 8.10.7 Applications for a Development Permit for a Manufactured Dwelling 2 shall include:

- a) A pre-application inspection report that is prepared by a registered engineer or a Safety Codes Officer at the expense of the applicant. The pre-application inspection report must identify the dwelling's structural integrity and suitability to be relocated into the County, providing recommendations on the dwellings overall condition and any updates or renovations that must be made; and
- b) Colour photographs of all elevations (i.e., front, side, and rear view) and additions to the manufactured dwelling.

### **The Report Submission**

Observations/Findings:

After a thorough inspection of the double wide at this location it was determined that the structural integrity of the unit is sound. There are a number of items that need to be addressed:

1. Siding in need of repair.
2. Roofing in need of repair or replacement.
3. Windows to be repaired and replaced in the near future.
4. Foundation to be constructed to meet code complete with a way to fasten the unit to concrete.

### **Conclusion**

The submission requirements of the Land Use Bylaw were put in place to provide sufficient information for staff to make a recommendation and to allow the development authority to make an informed decision on these types of applications.

The comments provided by the Building Safety Codes Officer confirm the structural integrity of the unit is sound and staff were able to use the report to draft appropriate conditions for remaining work to be completed on the dwelling.

### **Recommendation from Administration**

THAT Municipal Planning Commission approve DP 2022-173 for a Dwelling, Manufactured 2 subject to the following conditions:

1. This development permit is issued solely for the purpose of a pre-occupied 36' x 24' modular dwelling without CSA A277 certification (constructed in 1980) – Defined as a Dwelling, Manufactured Type 2.
2. No variances have been granted.
3. Development shall proceed according to Country Residential District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Prior to any work to renovate, repair, construct or alter the dwelling, a Deposit of \$5,000 to be submitted by the applicant and refunded upon:
  - a) Foundation finished with appropriate material.
  - b) Exterior stairs to be installed (if required).

- c) Exterior finish (i.e.: siding) to the satisfaction of the Development Officer.
- d) All roofing, windows and paint complete to the satisfaction of the development Officer.
- e) Any other requirements as deemed necessary by the development Officer.
- f) Items identified in the Mobile Home Inspection Report dated August 15, 2022 as per the following:
  - Siding to be repaired or replaced.
  - Roofing to be repaired or replaced (requires a Building Permit).
  - Windows to be repaired and replaced (requires a Building Permit).
  - Foundation to be constructed to meet code complete with a way to fasten the unit to concrete (requires a Building Permit).

**Note:** All applicable Safety Code Permits must be obtained prior to any work being completed. This includes; Private Sewage Permit, Gas, Electrical, Plumbing and Building Permits.

## **Policy Analysis**

### **Land Use Bylaw**

#### **4.6 Notification and Referral of Development Permit Applications**

4.6.1 Upon receipt of a complete application for a discretionary use development permit, the Development Officer:

- a) Shall mail a notice in writing to any landowners that are within 1.6 km (1.0 mi) to the parcel containing the proposed development if it is located outside of Hamlet boundaries and/or a Named Area;
- b) Shall mail a notice in writing to any landowners that are immediately adjacent to the subject parcel and one parcel over (Adjacent + One) containing the proposed development if it is located within Hamlet boundaries and/or a Named Area;
- c) May post a notice on social media in regards to applications that are deemed by the Development Authority to be of a potentially contentious nature.

4.6.2 In all cases, notification shall:

- a) Describe the nature of the use or variance request;
- b) Detail the location of the proposed use or variance request; and
- c) State how and where to submit written comments to be considered by the MPC.

**Dwelling, Manufactured 1** means a prefabricated, transportable single or multiple section dwelling unit that conforms to CSA A277 certified standards at time of manufacture. It is ready for residential occupancy upon completion of setup in accordance with required factory recommended installation instructions. The home is typically transported to a site on its own chassis and wheel system or on a flatbed truck. Dwelling, Relocatable Industrial Accommodations (E.g.: camp shacks) in whole or in part are excluded from this use. See Dwelling, Manufactured Special Use Regulations.

**Dwelling, Manufactured 2** means a prefabricated, transportable single or multiple section dwelling unit that has been previously occupied as a dwelling and is in a good state of repair (to the satisfaction of the Development Authority); and constructed after 1976 to the Canadian Standards Association (CSA) or other applicable standard of the day. See Dwelling, Manufactured Special Use Regulations.



## 8.10 Dwelling, Manufactured

- 8.10.1 The Development Authority reserves the right to refuse a Development Permit for a manufactured dwelling that is of poor appearance or conditions.
- 8.10.2 The placement of a manufactured dwelling on a foundation or base must be done in accordance with the requirements of the Alberta Safety Codes Act and is the responsibility of the owner.
- 8.10.3 The roofline of any addition to a manufactured dwelling shall not exceed the maximum building height of the district where the manufactured dwelling will be relocated to.
- 8.10.4 All manufactured dwellings shall be skirted from the ground to floor level with a durable finish that complements the existing exterior finish of the manufactured dwelling.
- 8.10.5 For used manufactured dwellings, a financial security shall be taken as per the Wheatland County Master Fee Schedule. This shall be refunded once all applicable conditions of the Development Permit are met and all exterior features are completed to the satisfaction of the Development Officer.

### Dwelling, Manufactured 1

- 8.10.6 All Manufactured Dwelling(s) 1 shall have Canadian Standards Association (CSA) certification and meet A277 standards. This information must be provided with a Development Permit application in the form of a picture of the related sticker.

### Dwelling, Manufactured 2

- 8.10.7 Applications for a Development Permit for a Manufactured Dwelling 2 shall include:
  - a) A pre-application inspection report that is prepared by a registered engineer or a Safety Codes Officer at the expense of the applicant. The pre-application inspection report must identify the dwelling's structural integrity and suitability to be relocated into the County, providing recommendations on the dwellings overall condition and any updates or renovations that must be made; and
  - b) Colour photographs of all elevations (i.e., front, side, and rear view) and additions to the manufactured dwelling.

## 9.3 Country Residential District (CR)




### Purpose and Intent

The purpose is to provide for acreage development for predominantly residential purposes that is aligned with the policies of the Municipal Development Plan.

### Permitted and Discretionary Uses

- a) The following uses shall be permitted or discretionary with or without conditions provided that the application complies with the regulations of this district and this Bylaw:

Permitted	Discretionary
Accessory Building / Structure	Bed and Breakfast
Agricultural Operation <sup>2</sup>	Dwelling, Accessory
Agricultural Processing - Minor	Dwelling, Manufactured 2 
Day Home	Dwelling, Temporary
Dwelling, Duplex	Equestrian Centre
Dwelling, Manufactured 1	Farm Gate Sales
Dwelling, Modular	Kennel
Dwelling, Moved On	Home-Based Business, Type 3
Dwelling, Secondary Suite	Market Garden
Dwelling, Semi-Detached	Nursery
Dwelling, Single Detached	Show Home
Farm Building <sup>2</sup>	Signs requiring a Development Permit <sup>4</sup>
Greenhouse, Private	Tower
Home-Based Business, Type 2	
Recreational Vehicle for Quarantine or Self-Isolation	
Shipping Container	
Signs not requiring a Development Permit <sup>1</sup>	
Solar Panel, Ground Mount <sup>1</sup>	
Solar Panel, Structure Mount <sup>1</sup>	
Stripping and Grading <sup>1</sup>	
WECS (micro) <sup>1</sup>	
WECS (Category 1) <sup>1</sup>	

#### Considerations:

- The dwelling has been inspected by a Safety Code Officer as per the requirements of the Land Use Bylaw.
- A condition has been added for a \$5000 deposit to ensure the required improvements are completed.
- The applicant is required to obtain applicable building, electrical, gas, plumbing, and private sewage permits.

#### Technical Review

- The parcel is accessed via TWP Rd 251 via an existing approach.
- The applicant will construct a new septic system.
- Water will be via a cistern initially.

#### Circulation Comments

AGENCY CIRCULATION	
Not Performed	
INTERNAL CIRCULATION	
No Concerns	
NEIGHBOUR CIRCULATION	

AGENCY CIRCULATION	
To landowners within 1 mile	Five responses with concerns.

**Response Options**

- Option 1: THAT MPC accepts/approves the recommendation as proposed.
- Option 2: THAT MPC does not accept/approve the recommendation as proposed.
- Option 3: THAT MPC accepts/approves an alternate recommendation of MPC’s choosing.

**Follow-up Action / Communications**

Inform applicant of MPC’s decision.


## Report Approval Details

Document Title:	DP 2022-173.docx
Attachments:	- DP 2022-173 Appendices-.docx
Final Approval Date:	Sep 1, 2022

This report and all of its attachments were approved and signed as outlined below:



Sherry Baers



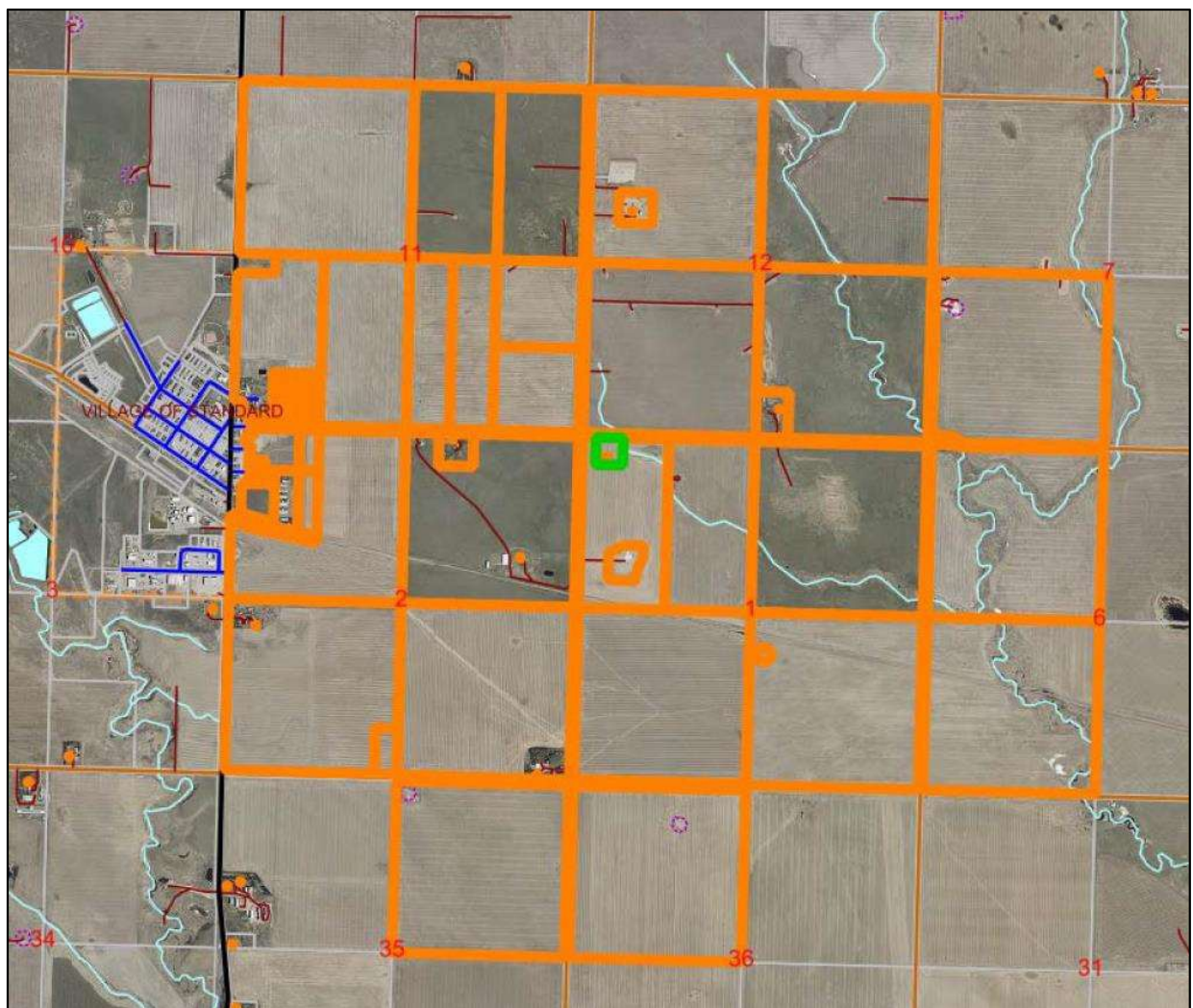
Matthew Boscarol



## Appendix A: Location Plan



## Appendix B: Circulation Area



## Appendix C: Site Plan



## Appendix D: Aerial Photo





## Appendix E: Photos of Dwelling





#### Appendix F: Circulation Response

FOIP s. 17(1)

From: Michael Rasmussen [REDACTED]  
Subject: File#DP 2022-173  
Date: Sep 1, 2022 at 9:54:04 AM  
To: [suzanna.hayes@wheatlandcounty.ca](mailto:suzanna.hayes@wheatlandcounty.ca)

Hi my name is Michael Rasmussen and I live close to this new acreage. A group of us have found that the people that want to come here are from Rockyford and have a large mess of wrecked cars and parts junk there. We ask that you look into this application closer because we don't want a junk pile close to us. Please demand that play by the rules the same as we have to.  
Sent from my iPad



Clare and Verna Nelson

FOIP s.17(1)

September 5, 2022

Wheatland County  
Letter of Objection

Re:

File #DP2022-173(Development Permit)

Division 1

Legal Plan 121143, B1,L1,NW-1-25-22-W4

Area 1.62 (4 Acres)

Land Use: Country Residential

Proposal: Dwelling, Manufactured 2

36' x 24' Modular Dwelling

We own 3 parcels of land to the east and to the north of this application for the modular home. Fifteen years ago, we too subdivided one of these parcels of land for a home to be brought in, and were expected to follow all the proper procedures.

Too see a modular home in this state of repair be placed on this subdivision is surprising, and if this application is approved, little regard is being shown for the surrounding neighbors of this property. The value and enjoyment of surrounding farm sites stands to be impacted when modular homes in this state of repair are placed nearby. By this structure being placed, and allowed to remain on this site, without going through the proper approval RAISES RED FLAGS! in regards to the applicant and the county itself for not having it removed.

This modular home should not be deemed fit to remain on this piece of property.

How can we be assured the replacement of roof, siding, windows and skirting will actually happen now that this dwelling has been placed, and what will that penalty be if not completed?

If the cost of repairs is more than a penalty, there is little incentive for this property to be brought up to standards of the County.

Also, have the issues of all utilities and sewage been addressed, especially with regards to Parflesh Creek in the path for run-off?

In closing, before allowing this manufactured home to remain on site, we ask the Municipal Planning Commission to take a drive to this location and you may empathize with our concerns.

Sincerely,



## Suzanne Hayes

---

**From:** dallas nelson [REDACTED] FOIP s. 17(10)  
**Sent:** Friday, September 02, 2022 2:50 PM  
**To:** Suzanne Hayes  
**Subject:** Fwd: File 2022-173(Development Permit)

You don't often get email from [REDACTED] FOIP s. 17(10)

**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.

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---

**From:** dallas nelson  
**Sent:** Friday, September 2, 2022 7:43:27 AM  
**To:** [REDACTED] FOIP s. 17(10)  
**Subject:** File 2022-173(Development Permit)

Hi, our names our Stephanie & Dallas Nelson and I live directly east of the proposed dwelling. I've got a very serious concern with this proposed dwelling.

Our family has pasture land around this proposed dwelling and the seasonal creek that runs through this 4 acre subdivision runs into some of our pastures. Through the spring and summer months our cows drink from this water. I want to make sure that these cows will continue to drink clean water from this seasonal creek. I want to know the environmental implications of placing this proposed acreage right along a water body, and the guarantee from you the county of this. I have seen many times in years past the spring runoff cover the WHOLE area of this proposed dwelling. IT IS A DISASTER WAITING TO HAPPEN AT THIS PARTICULAR LOCATION. How can you approve anything when you know it's just a matter of time before it will be flooded out. Chemicals, oils, garbage, etc. will all find its way into our cattle's drinking water. I know that you at the county have a strong environmental program, and this clearly does not fit with it at all. So, I want to reiterate that I want my families' cows to continue to drink clean water from this waterbody for the next years and decades ahead, and I don't see how you can promise me this. If you can promise me this, I want a full explanation on how from you the county. This particular area should have never been designated for a subdivision, and I don't ever recall having a letter sent from the county regarding a subdivision application.

Please make the correct decision with this application.

Thank you for your time,

Stephanie & Dallas Nelson

## Suzanne Hayes

---

**From:** stephanie nelson [REDACTED] [FOIP s.17\(1\)](#)  
**Sent:** Friday, September 02, 2022 3:00 PM  
**To:** Suzanne Hayes  
**Subject:** Re:File 2022-173(Development Permit)

You don't often get email from [REDACTED] [FOIP s17\(1\)](#)

**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.

Hi,  
our names our Stephanie & Dallas Nelson and I live directly east of the proposed dwelling. I've got a very serious concern with this proposed dwelling.

Our family has pasture land around this proposed dwelling and the seasonal creek that runs through this 4 acre subdivision runs into some of our pastures. Through the spring and summer months our cows drink from this water. I want to make sure that these cows will continue to drink clean water from this seasonal creek. I want to know the environmental implications of placing this proposed acreage right along a water body, and the guarantee from you the county of this. I have seen many times in years past the spring runoff cover the WHOLE area of this proposed dwelling. IT IS A DISASTER WAITING TO HAPPEN AT THIS PARTICULAR LOCATION. How can you approve anything when you know it's just a matter of time before it will be flooded out. Chemicals, oils, garbage, etc. will all find its way into our cattle's drinking water. I know that you at the county have a strong environmental program, and this clearly does not fit with it at all. So, I want to reiterate that I want my families' cows to continue to drink clean water from this waterbody for the next years and decades ahead, and I don't see how you can promise me this. If you can promise me this, I want a full explanation on how from you the county. This particular area should have never been designated for a subdivision, and I don't ever recall having a letter sent from the county regarding a subdivision application.

Please make the correct decision with this application.

Thank you for your time,

Stephanie & Dallas Nelson

September 2, 2022

**Wheatland County  
Letter of Objection**

**Re:**

**File #DP2022-173(Development Permit)**

Division 1

Legal Plan 121143,B1,L1,NW-1-25-22-W4

Area 1.62(4 acres)

Land Use: County Residential

Proposal: Dwelling, Manufactured 2

36 footX 24 foot Modular Dwelling

**This is my letter of Objection!**

Our notice to object was sent on August 24<sup>th</sup> and due September 5<sup>th</sup>. It is a holiday and a long weekend AND we are in the middle of harvest. Your approval meeting was scheduled and you indicated unchangeable! The house suddenly appeared 3 weeks ago. Where was your letter?

I refer to the following Wheatland County's By Laws

8.10.7 Application for a Developmental Permit for a Manufactured Dwelling 2 must include:

A pre-application inspection report prepared by a registered engineer or a Safety Code Officer at the expense of the applicant.

The report must identify the dwelling's structural integrity and suitability to be relocated into the County providing recommendations on the dwelling, overall condition, and any updates or renovations that must be made.

Color photos of all elevations and additions must be available.

8.10.2 Placement of a manufactured dwelling "on a foundation" must be done in accordance with the requirements of the Alberta Safety Codes act and is the responsibility of the owner.

8.10.4 All manufactured dwellings must be skirted from ground to floor level with a durable finish that compliments the existing exterior.

8.10.5 A financial security shall be taken as per the Wheatland County Master Fee Schedule.....refunded once all the applicable conditions of



the Developmental Permit are met and all the exterior features are completed to the satisfaction of the Developmental Officer.

### My Comments

This is a "pre-application" yet the house has been moved on to the property and the inspection has been done later.

The cart is before the horse.

Your Safety Code Officer, after the fact, has looked at some color photographs, has accepted the structural integrity and suitability, to be "relocated" in the County.

The house is run down and is an eyesore! It is sitting on blocks, the faded and chipped siding is gone here and there, the roof is at best damaged, and the windows are in a sad state. How bad does a house need to be to be refused? Our County standards are apparently very, very low!

Has he been out to look at it? Would he like to move it next to his home?

Do we need a new Safety Code Officer?

This is a new acreage and our County needs to start being vigilant!

You can easily approve applications...we are left to live with your decisions!

Our county residents are very disgruntled by the lack of standards for the acreages littering our lands. Perhaps we need a shuffle and should hire a new Safety Code Inspector!

Clearly, moving the house in without an inspection goes against your own by-law!

Some questions I need answered or reference made to your by-laws....

Is a house set on blocks acceptable in the eyes of our Safety Codes Act?

The house needs siding, a roof, new windows and now it needs a skirt over the cinderblocks? Who is supervising all this?

Your bylaws tell me there is a refundable \$5000 security taken to ensure all the improvements are made. \$5000 is peanuts! What is the County's course of action if the applicant chooses to forgo his security?

When was the subdivision approved and what residents were contacted?

Has the Development been approved and when?

Were all Landowners notified of the Development?

When is the infrastructure addressed....water, sewer, electricity etc.?

The County is supposed to be watching out for me, my family, and our lands.

Your decisions should not have an impact on my land values, or my home!

Through research we have learned our acreage owner is known for his huge extensive collection of "everything old and broken down."

It's your total responsibility to ensure these acreages have regulations in place to keep them well kept and not a parking lot for sea cans, old vehicles, and garbage. It is also your responsibility that the owner is forthcoming with his intention for the land., and you have steps in place to rectify it!

Based on what has transpired to date, I totally object to this application!  
Please email me with an answer or reference to my above questions.

Jackie Jensen



FOIP s. 17(1)

Phone Number:



Email:



FOIP s. 17(1)



Wheatland County  
Letter of Objection



FOIP s. 17(1)

Re:  
File #DP2022-173(Development Permit)  
Division 1  
Legal Plan 121143,B1,L1,NW-1-25-22-W4  
Area 1.62(4 acres)  
Land Use: County Residential  
Proposal: Dwelling, Manufactured 2  
36 footX 24 foot Modular Dwelling

Along with our neighbours, within a 1 mile radius of the above Development, Keith and I are both disturbed and dismayed by the above proposed “Development” within less than 1 mile from our homes and farms. Our letter will address the following concerns and objections regarding this Development Permit.

#### County Notifications

Proper and timely communication and Notification of a Proposed Development of an Acreage/ Subdivision in our County and our Farming Community is extremely important. The letter describing the proposed Development was mailed on August 24<sup>th</sup>, a Wednesday, and our letters of Objection were due September 5, the holiday Monday. That left less than 1 week, including mail service. This is unacceptable, and especially to your farmers who are heavy into harvest. It is vital that your County by-laws protect your County residents with realistic and timely notifications!

“Registered letters” should be mailed to stakeholders! Both the County and the Stakeholders will be certain the notification has been received.

As many of us still had not received our letters by September 2, and through many email conversations back and forth with Suzanne, we were finally able to receive a September 13<sup>th</sup> extension. We “are trusting” this gives our letters time to be read and scrutinized.



## County Bylaws

8.10.7 Application for a Developmental Permit for a Manufactured Dwelling 2 must include:

- A pre-application inspection report prepared by a registered engineer or a Safety Code Officer at the expense of the applicant.
- The report must identify the dwelling's structural integrity and suitability to be relocated into the County providing recommendations on the dwelling, overall condition, and any updates or renovations that must be made.
- Color photos of all elevations and additions must be available

1. An “unsuitable” and “unsightly” house has suddenly been moved into the midst of our well-loved homes, acreages, farms and countryside. It is sitting on unsightly blocks. The photograph provided in our letter does the house more justice than it deserves.

2. Our beautiful view over our beautiful County has a “so-called house” plopped in the middle. Our County is in need of defining what they deem “suitable”, and their standards are in need of upgrading. It is not suitable to us, and it should not be deemed “suitable” to be moved into our County..

3. The pre-application inspection Bylaw 8.10.7 has been ignored. The house has arrived without a preapplication inspection and the house is already located...it had not been approved to be re-located in our County.

4. Your letter states “*the house is in a good state of repair and to the satisfaction of the Developmental Authority...it was constructed after 1976 to CSA Standards, and is deemed structurally sound by a Safety Code Inspector. “Required Repairs include Replacement of Roof, Siding, and Windows...*

We need to ask your Safety Code Inspector a question about his report. How can a dwelling in need of new siding, a new roof, and new windows be deemed suitable to be moved into our County? It may be structurally sound, but “it is not” suitable, nor does it have “integrity”. A poor roof, poor siding, and poor windows all sitting on cement blocks IS “the sum total of its “appearance”! The bylaws have clearly been ignored....*the house* has been relocated without inspection, it has been inspected “AFTER” it has been moved , and it IS NOT suitable to be relocated!



5. Approval of ANY Development in our County should be taken seriously and processed with diligence. Bylaws should be constantly reviewed and updated based on past experience. And those bylaws must be followed without exception. That is why they are there! The slum-acreages scattered around our County means there are improvements to be made. Many acreages are simple, neat, and tidy, and there is pride in their home, their yard, and respect for their neighbours and their homes. The house in question instantly raises a red flag and has already become a detriment to our homes and our Community!

6. This is a “new development” on a virgin acreage, and now is the time to have stringent infrastructure by-laws in place. Now, not later, is the time to control whether or not it is an asset to the County and its neighbours, or a liability. Too late is too late!

7. Any house moved into our County can be modest but it is essential they are aesthetically desirable and “suitable”! Yes, a house has to be deemed structurally sound! But the exterior recommendations can be completed “before” the application is accepted. Perhaps the house needs a new roof, but the need of a new roof, new siding, “and” new windows is unacceptable. Would you be happy if a house in need of so many exterior repairs was looking back at you every time you looked out your window or sat on your porch? And given the timeline for so many repairs, we will be looking at that for “too” long. Please put yourself in our shoes!

8. Living on an acreage is very, very costly. But if someone can afford to purchase an acreage, put in a well, a sewer system, and utilities, build a foundation, and purchase and move in a house, they can afford to repair the exterior of that house, before it is moved!

If this house is deemed “suitable to be relocated into the County”, the beautiful photographs of our County on your website, should be removed and replaced with its “acceptable acreage developments”.

## 9. Further County Bylaws

8.10.2 Placement of a manufactured dwelling “on a foundation” must be done in accordance with the requirements of the Alberta Safety Codes act and is the responsibility of the owner.

This house is on blocks. It does not have a foundation. Until there is a permanent foundation, the County will have no idea about the required set-back.

8.10.4 All manufactured dwellings must be skirted from ground to floor level with a durable finish that compliments the existing exterior.

This house has nothing to skirt, and who is going to supervise the quality of the skirting and the compliment to the existing exterior, when the entire exterior must be replaced.

8.10.5 A financial security of \$5000 shall be taken as per the Wheatland County Master Fee Schedule.....refunded once all the applicable conditions of the Developmental Permit are met and all the exterior features are completed to the satisfaction of the Developmental Officer.

\$5000 in 2022 is “a penny”! If an applicant chooses to ignore the conditions of the Developmental Permit, he will lose a \$5000 security deposit. The cost of replacing a roof, siding, and windows will be 10X that! It would be much less costly to give up the Security Deposit! This County By-law must be updated.

### Further Concerns we Need Addressed

- a. The applicant’s timeline for a waterwell, mounded sewage system, electricity and gas.
- b. The sewage and environmental issues in relation to Parflesh Creek!  
This acreage has, across the eastern diagonal, the watershed for Parflesh Creek. We assume the County went through the proper Environmental channels to authorize this subdivision.

In wetter years the entire north end of the 80 acre parcel this acreage is sitting on, is flooded. The water makes its way into Parflesh Creek....and is the main source of water for cattle along its path. You will have received letters with these concerns and perhaps a photograph of one of those years. We have been in a drought for two to three years so caution must be exercised in regards to Parflesh, not only in the sewage system, but use of the acreage for storage of derelict vehicles, equipment and garbage.

- c. A residential permit means the occupants are living full time in the home.
- d. The Residential permit will not grow into a Commercial Permit

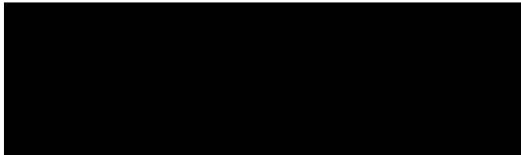
We love our homes, and our lands! We need to know that the County of Wheatland stands behind us and loves our land as we do. We need to know there are bylaws in place for the “use” of a new acreage....what can be on the property and what cannot., what it can it be used for and what it cannot!

We will hold the County responsible for our land values, and our beautiful countryside!

We strongly object to the Approval of this Application! The house has been re-located without pre-application, and given the numerous and “major” exterior requirements, is “not suitable” to be on this property or located in our Community and County.

Thankyou for listening.

Sincerely,  
Keith Nelson and Donna Sanden Nelson



FOIP s. 17(1)

## Suzanne Hayes

---

**From:** [REDACTED] FOIP s. 17(1)  
**Sent:** Thursday, September 08, 2022 8:24 AM  
**To:** Suzanne Hayes  
**Subject:** Re:Refusal to Building Permit

FOIP s. 17(1)

You don't often get email from [REDACTED] [Learn why this is important](#)

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FOIP s. 17(1)

On Sep. 8, 2022 8:11 a.m., [REDACTED] wrote:

To Municipal Planning Commission

FOIP s. 17(1)

I am writing today in regards to the letter received on September 3 2022. I, Helga Matthews, being the landowner of the land located at [REDACTED] object to the house that is going to be moved to that location. After conversing with the renters of my land, I have determined that the house being moved there will seep sewage into the creek that is located on the land, which would have a negative affect on the wildlife and environment. I have also spoken with several other people from around the area and discovered that the person wishing to place the house there is a known collector of "items" and I do not wish to have "junk" on that land as I fear it will never be cleaned up. As I was just willed this land, I feel that I was not given enough notice for this house to be moved. I've only had a week to contemplate this situation. I strongly oppose to placement of any home on aforementioned land.

Thank you kindly  
Helga Matthews



## Suzanne Hayes

---

**From:** Dallas [REDACTED] [FOIP s.17\(1\)](#)  
**Sent:** Thursday, September 08, 2022 8:56 PM  
**To:** Suzanne Hayes  
**Cc:** Administration Mail  
**Subject:** Development Permit DP 2022-173

[FOIP s.17\(1\)](#)

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

**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.

Dear Wheatland County Development Officer,

We received your letter dated August 24, 2022 in regard to:

File Number; DP 2022-173  
Division: 1  
Legal Description: Plan 1211438, B1, L1, NW-1-25-22-4  
Land Use District; Country Residential (CR)  
Proposal: Dwelling, Manufactured 2

The reply date indicates Sept 5, however I received a telephone call from a neighbor saying that the reply date was extended to Sept 8, 2022.

Thank you for the extension as it was the weekend and Sept 5 was a Stat holiday.

According to the information in your letter, I have 3 comments:

1. First of all, your letter indicates that a decision needs to be made in order for this “dwelling” to be approved to be located on the site.

However, I have driven past this site and the dwelling is already on the site. That makes no sense.

If it has not been approved, then why is it on the site already ?

2. Secondly, your letter indicates that the “dwelling” was inspected and was deemed “structurally sound” but “requires repairs and/or replacement

of the roofing, siding and windows”. Are the roof, siding and windows not part of the structure?

So, if these need repair and/or replacement then why is the dwelling already at this site without these required repairs and/or replacements?

These should be completed prior to moving this structure to this site.

3. Third, there are no references in your letter regarding water, sewage, electricity and gas for this property.

How are these important environmental issues going to be addressed prior to approval ?

Regarding the by-laws:

**8.10.2 Placement of a manufactured dwelling “on a foundation” must be done in accordance with the requirements of the Alberta Safety Codes act and is the responsibility of the owner.**

There is currently no foundation. Is there a timeline for this foundation? Before or after the required repairs and replacements are completed?

If those are not completed, then no foundation is needed because then the dwelling should not be approved.

**8.10.4 All manufactured dwellings must be skirted from ground to floor level with a durable finish that compliments the existing exterior.**

First, the siding must be repaired or replaced, then the structure may be approved to be located on this site. Following that approval, then the foundation and then the skirting has to compliment the exterior. What is the timeline for this?

How and when is this approved in the development process?

**8.10.5 A financial security shall be taken as per the Wheatland County Master Fee Schedule.....refunded once all the applicable conditions of the Development Permit are met and all the exterior features are completed to the satisfaction of the Development Officer.**

How much is the financial security?

If the cost of the repairs and replacements and foundation and skirting far exceed the financial security, why would the owner spend thousands of dollars when the

financial security is far less a price to pay?

**8.10.7 Application for a Development Permit for a Manufactured Dwelling 2 must include:**

- a. A pre-application inspection report prepared by a registered engineer or a Safety Code Officer at the expense of the applicant.**
- b. The report must identify the dwelling's structural integrity and suitability to be relocated into the County providing recommendations on the dwelling, overall condition, and any updates or renovations that must be made.**
- c. Color photos of all elevations and additions must be available.**

Following this by-law, why are the recommendations for repairs and/or replacement of roofing, siding and windows not to be completed prior to the dwelling moving onto the site ?

Why is there no mention in the application regarding water, sewage, electricity and gas for this property? Should this not be addressed in the application?

**If the dwelling is not suitable and water, sewage, electricity and gas are also not currently planned and are not environmentally appropriate for this site, then this dwelling should not be approved for this country residential site.**

Regards,  
Dallas and Sandy Jensen

FOIP s.17(1)

## Suzanne Hayes

---

**From:** Maggie Glynn [REDACTED] FOIP s.17(1)  
**Sent:** Thursday, September 08, 2022 9:59 PM  
**To:** [REDACTED] Suzanne Hayes FOIP s.17(1)  
**Subject:** Complaint DP 2022-173  
**Attachments:** DC51CBBE-69EC-4771-8BD4-615DFA5F8B30.jpeg

FOIP s.17(1)

You don't often get email from [REDACTED] [Learn why this is important](#)

**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.

Thursday September 8, 2022  
Regarding Development of Parcel NW 1 25 22 4.  
File number DP 2022-173

To Whom it May Concern,

Regarding the dumping of an old and unsightly mobile home across the road [REDACTED] FOIP s.17(1). This unsuitable structure was literally placed there on topsoil on wooden blocks. No ground preparation and no services in place. The creek which is sometimes dry in late summer turns onto this small parcel for about 10-15 feet.

While I was told by Suzanne Hayes of the Wheatland County Office that [REDACTED] FOIP s.17(1) did not realize he needed a development permit among other permits. It is my opinion that his ignorance is highly unlikely. FOIP s.17(1)

I believe [REDACTED] knows exactly what he is doing in flouting permits, bylaws etc. ( again public information) and I dare say he knows exactly what he intends to do with his new acreage. It is public knowledge that [REDACTED] has been in a drawn out battle with the Village of Rockyford over the condition of his (several ) properties and subsequent junk piles including many, many derelict vehicles. FOIP s.17(1)

My husband was informed by [REDACTED] himself, in our yard, that he would be moving a used mobile home onto the property but saw no need for services, saying that he would use the creek (he called it a dugout) as a water source. He also told our neighbours he would do this.

FOIP s.17(1)  
Does [REDACTED] intend to use the creek for his own personal sewage as well?

The creek is the head waters of the Parflesh Creek a subsidiary of the Crowfoot Creek.  
(See aerial photo)

FOIP s.17(1)  
Upon hearing the details of the conversation between my husband and [REDACTED] I immediately called Alberta Environment File #401206 with our concerns over his intentions for this new subdivision zoned Country Residential.

I also spoke to Chris Permann of the Wheatland County, who said to notify him as soon as we saw a house moved onto the property. Will this be the case also when the junk pile arrives also? And then we shall have another "Wiseman Corner" directly on a watershed and in an otherwise beautiful farming

FOIP s.17(1)

neighbourhood. As instructed the County was notified on or around Thursday July 21 by my husband [REDACTED] that there was now a very old and dilapidated double wide mobile home sitting on blocks, on topsoil, with no foundation or groundwork. No permits, nothing.

Being told to wait until bylaws are violated is a conundrum and counter productive. Now the ruin sits there. Supposedly inspected after the fact.

And now when the junk collection of commercial proportions starts moving in (again a matter of public record) it will prove bylaws have no teeth and those overseeing the enforcement of them are relying on future neighbours to go to be at odds with each other. Why, when the county already has bylaws in place?

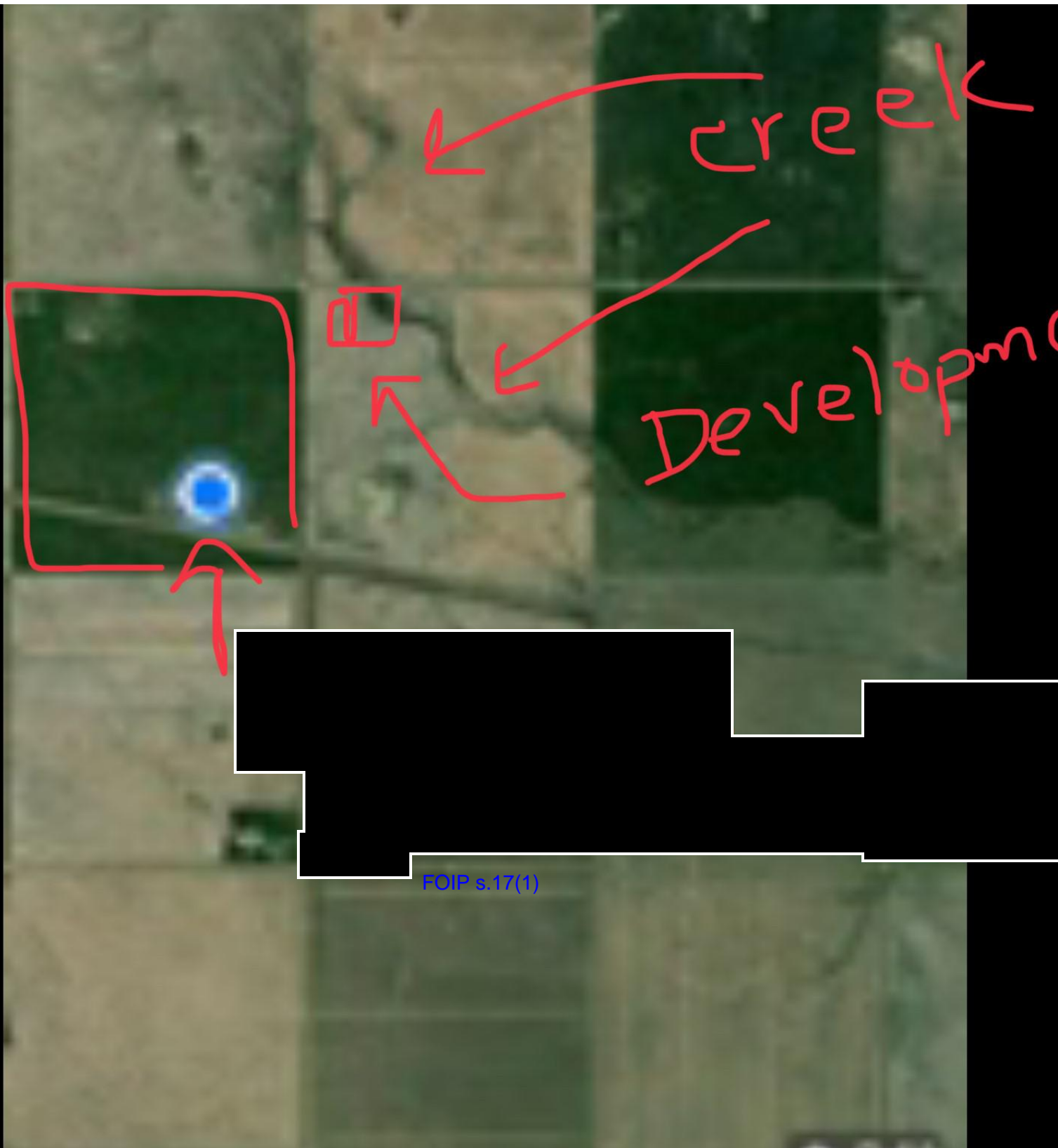
The environmental concerns to this watershed are staggering let alone the esthetics and It should not be up to the neighbours to police and fight to enforce bylaws. We have been told the county has within its power to have the mobile home removed and Country Residential zoning enforced. Which I hope means the acreage cannot be used to store derelict sheds/houses and vehicles and parts and what not.

Thank you

Margerit Jensen (Maggie)

[REDACTED]  
[REDACTED] FOIP s.17(1)





## GORDARA FARMS LTD.

Brian & Shelley Rasmussen

FOIP s.17(1)

September 7, 2022

Wheatland County

RE: OBJECTION to Development Permit File # DP2022-173

Division 1

Legal Plan 121143, B1, L1, NW 1-25-22W4

Land Use: County Residential

Proposal: Dwelling, manufactured 36' X 24' modular dwelling

We have grave concerns that the applicant for the development permit has not followed Wheatland County bylaws:

Was this dwelling moved onto the property after a development permit was obtained? (LUB 8.12 Dwelling Moved On).

When we examined the dwelling, we have concerns that this is not a "suitable" dwelling (by the County's LUB definitions of Dwelling, Manufactured 1, 2, Modular or Moved On). Was this dwelling inspected before it was moved on the site? (LUB 8.10.7). Is it indeed in a "good state of repair" and passes the Canadian Standards Association requirements? What is the extent of the repairs that are needed to be completed on the dwelling? What guarantee does the County have that the repairs will be made to this dwelling in a timely manner?

Will this applicant be required to install utilities? i.e sewer and water well. Is there a timely manner in which this will be done? What repercussions does the applicant face if an "open sewer pit" is utilized?

Will there be restrictions of use due to watershed issues?

We voice these concerns as we are legacy farming operation and strive to keep our home acreage, and all our lands, in good presentation. A tidy yard does not happen by accident, it is a constant and ongoing process. We also strive to do our very best to be excellent stewards of the land. We have seen many instances in Wheatland County where occupants, farming, or acreage, seem to flout the bylaws of the County. It seems almost impossible for the County to get residents to comply with bylaws once a mess has been amassed. If someone is showing blatant disregard to the rules from the outset, this is an indication that all due diligence should be followed by the County in order to stave off a disaster down the road!

We want new neighbors to be aware and follow all applicable County Land Use Bylaws!

Sincerely,  
Shelley & Brian Rasmussen

# EXHIBIT C

## Appellant Documents

OCT 12 2022

RECEIVED

# **DP 2022-173**

Standard, Alberta  
(NW-1-25-22-W4)

**Fernando Pinto Sr.**

Appeal to  
Wheatland County

October 12, 2022



To: Subdivision and Development Appeal Board

To Whom it may concern.

During the recent decision to cancel Fernando Pinto's DP 2022-173 in

Standard Alberta (NW-1-25-22-W4)

Several complaints were made and many of the accusations and judgement passed, including councils' judgement, were in fact incorrect and had no merit and were very inaccurate and full of bias and prejudice.

Mr. Fernando Sr. Pinto and Mrs. Florinda Pinto moved permanently to Rockyford in November of 2021 from the Lethbridge County, where he owned a 4-acre parcel and resided there for 30 years, it was sold last Fall 2021.

In the past 10 years Mr. Pinto sr. purchased an older 1912 home in the village of Rockyford as his wife's health has been declining and her mobility is very limited, and to be closer to homecare and his family supports nearby. He also owns a small commercial parcel that is right in the village of Rockyford. My parents are 73 years old.

Mr. Pinto's son who also has the same name Fernando Pinto jr. also owns a home and commercial building on main street and uses the land which is owned by my Father Fernando sr. for storage of vehicles and equipment, this has been a point of contention for the village, with my brother and not my dad, my brother Fernando Jr. is a car wrangler for Universal pictures and often stores vehicles (which is allowed) for motion pictures and his job, the last one being Ghost Busters which was filmed in the Drumheller area and busses used for the movie were stored there, which are no longer on the property.

Several fallacies were made which are disturbing and in fact rumor and gossip

-he is a local businessman and should know the rules (false)

-He is retired and had cancer for the past five years (true)

-he owns a junkyard and was pushed out of Rockyford (False)

-He lives in Rockyford and is currently still there on [REDACTED] (true)

-He put the mobile home without any permit and knew he was doing something without permission (False)

-He enquired and was told he would have to pay double for the permit if he moved it onto the land early, he in fact paid 600\$ to date for the double permit and made the application right at the wheatland county office with the help of the officer as he has a very bad language barrier being an immigrant to Canada from Portugal (true)

-He plans on using the land to store junk and never live there (false)

-he plans on using the land to live with my mom as she can no longer go up and down the two story house they currently live in, she sleeps downstairs in the living room in a single bed and my dad upstairs

FOIP s.  
17(1)

in another bedroom and my dad would like to live out the rest of his days with my mom together as they have been married 50 years and the separation is very frustrating. She also receives homecare everyday, and my dad would like for her to have more space to move about with her walker. (true)

-the modular home is a piece of junk and looks terrible and is not fit to live in (False)

-the home was indeed older, 1980, but CSA approved and under the type 2 in the bylaw was inspected by the safety codes officer, paid 420\$ and in fact good shape but needs to be cosmetically beautified with new windows, roof and siding, he has every intention of doing this before he is given an occupancy permit, he does not have the budget to buy a Big farm house to please the masses, and he does not need a mansion for just him and my mom, he also is not a farmer but he purchased a country residential lot in the county and has every right to live there without being ripped apart, ridiculed, embarrassed publicly for something he has not done.(true)

-there is no foundation for the trailer and why did he not do this, and it looks awful(False)

-he has not laid a foundation as we do not have the DP approval nor can he have it until he does, it does look abandoned and not placed as its not allowed as of yet, the county issued a letter stating he could touch or repair the trailer until the DP is approved, he also had the authorities called on him for being at the trailer with his friend when they were cleaning it, surely someone with the intention to just leave it there as junk would never do that .(true)

-he was heard saying that he was going to use some sort of creek, not sure where this creek is, as a place where he will get water to drink and use it to dispose of his personal sewer (false)

-my mother and my father are not animals, they are honest hard working kind and generous people that have raised seven wonderful children, this one really got me, if you knew who my dad is you would understand that he has built hundreds of septic fields and worked as cementer for years, hard, hard back breaking work and he maybe knows how to build a better foundation and septic than anyone I know, that its easy to spew lies and gossip than to talk to the actual person and use second hand information as fact. (true)

-the house before moved could have been fixed onsite at previous address(False)

-Fernando has the right to fix the required items identified by the building inspector(who is a professional) in the time allotted to him under the building permit and once occupancy is allowed, he is also paying the \$5,000.00 deposit that is required by the county of Wheatland. He cannot please the people yet until he's allowed to fix the issues (True)

-he has no permits for gas, power, and water(False)

-He has already contacted Fortis to have power brought to the home his project manager is Mason Bidulka you can reach at [Mason.Bidulka@fortisalberta.com](mailto:Mason.Bidulka@fortisalberta.com), he has also contacted Gerritson Drilling for a well quote, Bow Valley propane to supply LP for the heating, and will be designing an approved septic field with a professional company once he has a DP approval, he will also apply for all permits. (true)

The bottom line here is that the application is in fact valid, and he has not done anything outside of the county's bylaws, he will continue to abide by the actual rules and expectations, and not by what is being said about him. today's meeting was appalling and very unprofessional in my opinion, decisions should be made when the law and the rules stand above the mob like mentality that was heard today not only from letters but by decision makers at the council level, the way the entire meeting was conducted made my dad feel isolated and unwelcomed, this does not sit well as he would like to be an active and friend to those living around him.

I look forward to the appeal process and the decision being made by the letter of the law, not by personal attacks and opinions.

Sincerely

Paula Beekman on behalf of Fernando Pinto

Fernando Pinto Sr.

Appeal

June 1<sup>st</sup>, 2022

- 1... When we contacted the County initially to enquire about the modular home, to see if it could be purchased, and moved onto the parcel.  
The date is important as several accusations of the of the dwelling being moved on without contacting the County about permission.

July 19<sup>th</sup>, 2022

- 2... We contacted the County again as the owner of the modular home gave Fernando a small window of opportunity to move the dwelling onto the property.  
We had a conversation and were told that a double fee would be applied if it was moved on before the Development Permit was approved.

Dwelling was moved on to the parcel **July 22, 2022.**

August 15<sup>th</sup>, 2022

- 3... As required by the County, the dwelling was inspected and an application for the Developmental permit was made.

September 1<sup>st</sup>, 2022

- 4... Fernando made the application and paid the Double Fee as required by the County, to move the dwelling earlier than the Developmental Approval.

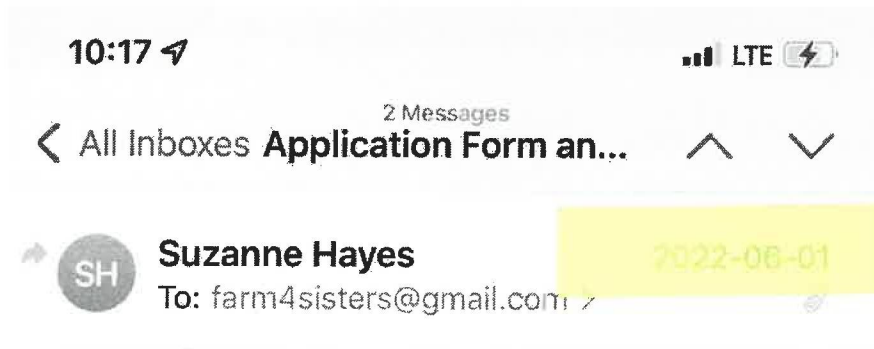
August 24<sup>th</sup>, 2022

- 5... The completed application notice that deems the application complete by the Wheatland County.

Fortis Alberta: 50010745 ;

- 6... Proof of contact of Fernando getting utilities on the property.  
Please note several comments were made that there was no intention of Mr. Pinto getting utilities. These were made without proof or merit.





Hi Paul,

I forgot that our new bylaw amendment allowing a dwelling that does not have the A277 sticker (The Dwelling, Manufactured 2) is now a discretionary use meaning it would have to go to Municipal Planning Commission. Please review the attached Dwelling Manufactured section to see the submission requirements for an older manufactured dwelling. The next available meeting date will be July 12, 2022.

**Dwelling, Manufactured 1** means a prefabricated, transportable single or multiple section dwelling unit that conforms to CSA A277 certified standards at time of manufacture. It is ready for residential occupancy upon completion of setup in accordance with required factory recommended installation instructions. The home is typically transported to a site on its own chassis and wheel system or on a flatbed truck. Dwelling, Relocatable Industrial Accommodations (Eg: camp sheds) in whole or in part are excluded from this use. See Dwelling, Manufactured Special Use Regulations.

**Dwelling, Manufactured 2** means a prefabricated, transportable single or multiple section dwelling unit that has been previously occupied as a dwelling and is in a good state of repair (to the satisfaction of the Development Authority); and constructed after 1976 to the Canadian Standards Association (CSA) or other applicable standard of the day. See Dwelling, Manufactured Special Use Regulations.

Please let me know if you have any questions.

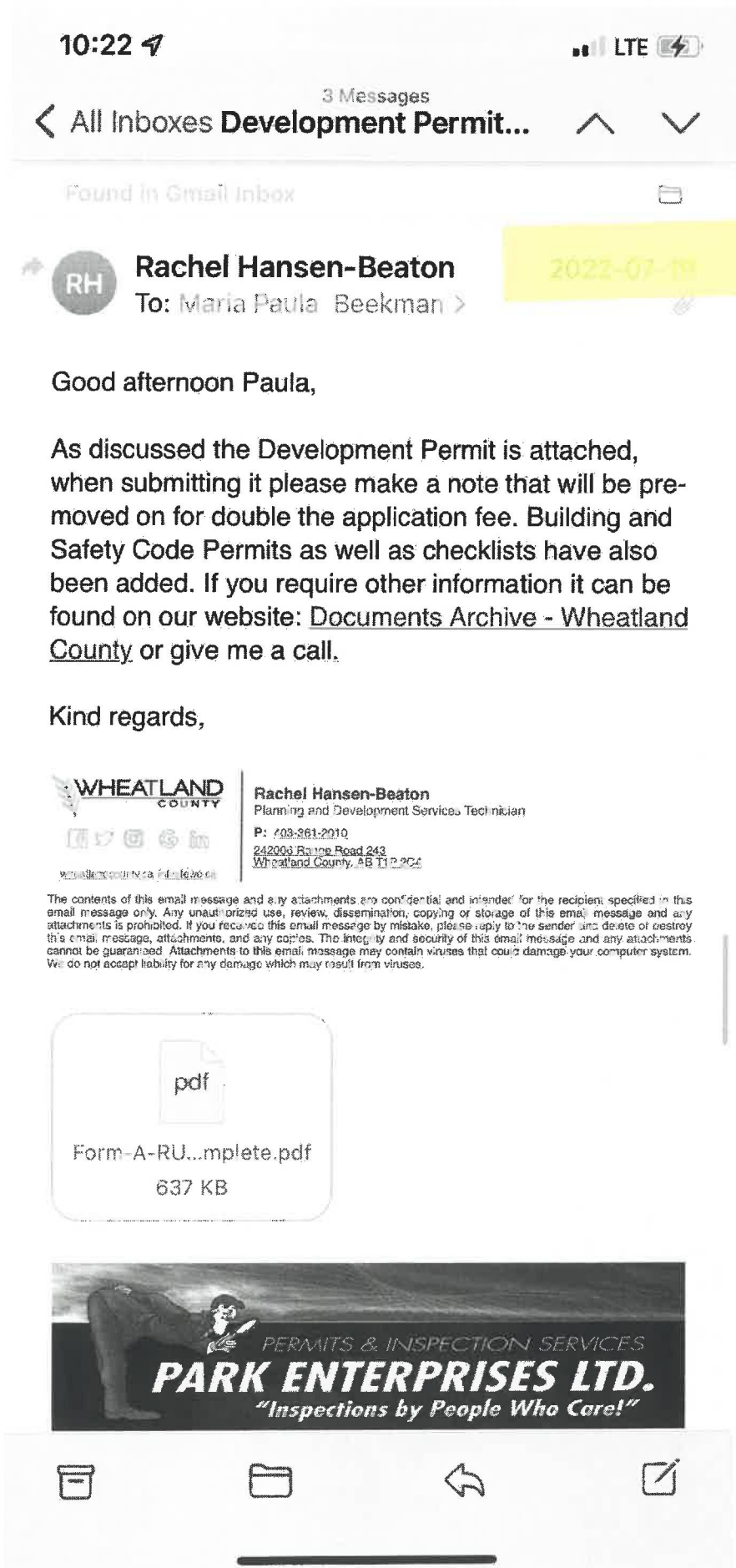
Regards,  
Suzanne



**Suzanne Hayes**  
Development Officer  
P: 403-381-2013  
247005 Range Road 243  
Wheatland County, AB T1P 2C4

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### Site Inspection Report

Please note: The following notes & observations are the professional opinion of the undersigned. This safety inspection is for general safety of the site/project/building. The safety codes officer cannot comment on anything that is concealed in the walls or by any other means. It is not the purpose of this inspection to determine quality of workmanship nor compliance to the current Building/Electric/Plumbing/Gas/PSDS Safety Codes.

#### **Private Inspection Report**

**File Number: PI-220804**

#### **Applicant**

Name: Fernando Pinto



FOIP s. 17(1)

Mailing Address: Box 192 Rockyford, AB  
T0J 2R0

Report to be CC'd to:

**Site Location: NW-1-25-22 W4; Plan 1211438 Block 1 Lot 1**

**Description of work / Purpose of inspection: Inspect a mobile home that was moved into the County**

#### **Observations/Findings:**

After a thorough inspection of the double wide at this location it was determined that the structural integrity of the unit is sound. There are a number of items that need to be addressed

- 1- Siding in need of repair.
- 2- Roofing in need of repair or replacement.
- 3- Windows to be repaired and replaced in the near future.
- 4- Foundation to be constructed to meet code complete with a way to fasten the unit to concrete.

**Note Approval tags are on the unit.**

X

SCO Name

Aug 15/22

Date

ABE FEHR  
Building Safety Codes Officer  
Park Enterprises Ltd

10:25



&lt; Inbox

**Suzanne Hayes**

To: fernando pinto &gt;

2022-09-01



## Development Permit Application Fee

Hello Fernando,

When you came in to the office and applied for your development permit I was supposed to have charged you double fee since you began the development without obtaining permits.

My apologies for the error but can you please submit the remaining fee of \$300 at your earliest convenience.

The applicable part of our fee schedule is below:

When it is submitted the Development Fee associated with a building, or spending, will have a credit Development Permit having been issued. The application fee is non-refundable for the amount paid in advance.

\$300.00 - Dwelling: Single Detached, Garden Suite, Moved-On, Manufactured, Modular

Normal fee is \$300 which is what I charge you, but should have been doubled to \$600.

Please submit the attached form and we will call you for your credit card number or you can come to the office to pay.

Regards,  
Suzanne







August 24, 2022

## **COMPLETE DEVELOPMENT PERMIT APPLICATION NOTICE**

File #: DP 2022-173

Applicant: Fernando Pinto

Date Application

Date Deemed

Received: August 3, 2022

Complete: August 24, 2022

Roll #: 4358010

Legal Description: Plan 1211438 Block 1 Lot 1,  
NW-1-25-22-W4

Application Description: Modular Home

Reviewer: Suzanne Hayes

Dear Applicant,

Please be advised that the above-noted Development Permit has been deemed complete. A decision on your application will be made within 40 days of the date the application has been deemed complete.

Should you have any further questions regarding your Development Permit application or the process under which it is reviewed, please contact the Planning & Development Department.

Sincerely,

Suzanne Hayes  
Development Officer - Wheatland County

In accordance with the Municipal Government Act,

Section 683.1(1) A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

Section 683.1(5) If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

Section 683.1(10) Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

This information is being collected for the purpose of applying for a development permit pursuant to the provision of the Municipal Government Act and its regulations or the Freedom of Information and Protection of Privacy Act.

Address: 242006 Range Road 243, Wheatland County, AB T1P 2C4 Email: [dp@wheatlandcounty.ca](mailto:dp@wheatlandcounty.ca) Phone: 403-934-3321

[www.wheatlandcounty.ca](http://www.wheatlandcounty.ca)  
@WheatlandCounty





August 24, 2022

Wheatland County has received an application in your vicinity for a Dwelling, Manufactured 2 and is informing you in accordance with the requirements of the *Land Use Bylaw*. Please see the enclosed location map and additional information below.

**File Numbers:** DP 2022-173 (Development Permit)  
**Division:** 1  
**Legal Description:** Plan 1211438, B1, L1, NW-1-25-22-4  
**Area:** 1.62 ha (4.0 ac)  
**Land Use District:** Country Residential (CR)

**Proposal:** Dwelling, Manufactured 2

The proposal is to allow a 36' x 24' modular dwelling which was constructed in 1980 to be located the subject parcel; defined as a Dwelling, Manufactured Type 2 under the Land Use Bylaw.

*Dwelling, Manufactured 2 means a prefabricated, transportable single or multiple section dwelling unit that has been previously occupied as a dwelling and is in a good state of repair (to the satisfaction of the Development Authority); and constructed after 1976 to the Canadian Standards Association (CSA) or other applicable standard of the day.*

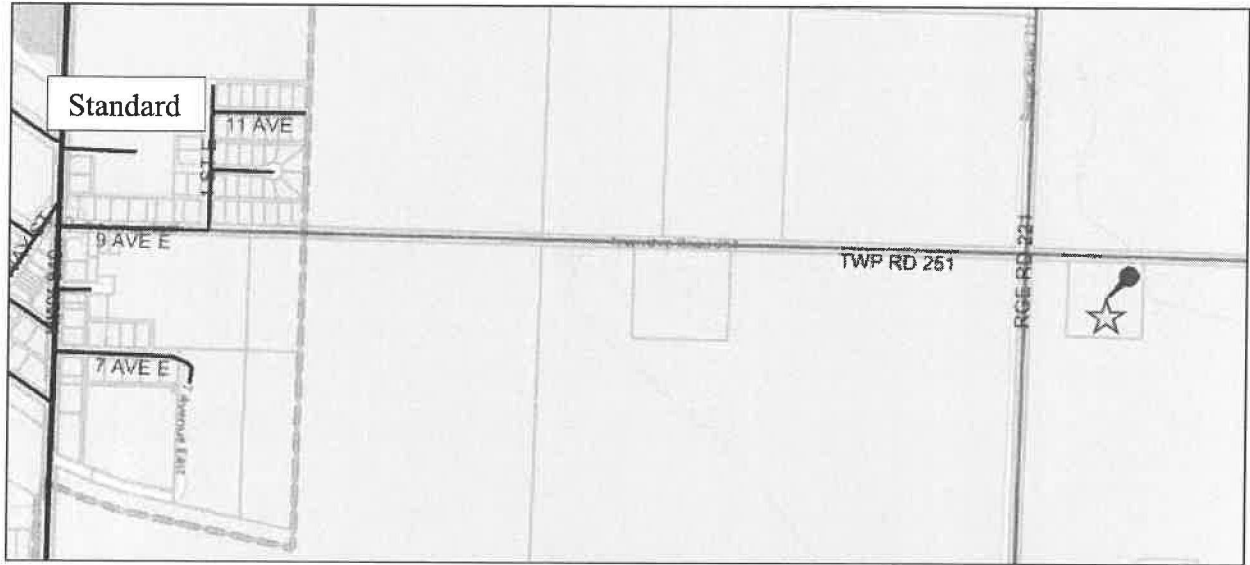
As per Land Use Bylaw requirements the dwelling has been inspected by a Safety Codes Officer and was found to be structurally sound. The report also identified required repairs which include repairs and/or replacement of the roofing, siding, and windows. This application will be presented to the Development Authority (Municipal Planning Commission) for a decision.

**Reply By:** September 5, 2022

Discretionary Use applications must go to Municipal Planning Commission (MPC) for approval. If you wish to provide comments regarding this application, please submit them in writing via email, post, or fax. The file for this application may be reviewed in the County office by appointment, during regular office hours – Monday to Friday 8.00am to 4.30pm. All submissions will become part of the public record and may be released to Council, MPC, the applicant or third parties upon request.

Sincerely,

Suzanne Hayes, Development Officer,  
Wheatland County, [suzanne.hayes@wheatlandcounty.ca](mailto:suzanne.hayes@wheatlandcounty.ca)





10:31



&lt; Inbox

2 Messages

**Fortis Alberta 500107455**  
**Sys Mail Num:0778653**

Due to the current high volumes of projects that have been requested by customers such as yourself, we are expecting that we will be able to have a Project Planner assigned to quote your project in approximately 6-8 weeks. Once a Project Planner has been assigned, they will reach out to you within 7 business days and get all the required information to provide an Estimate.

Your satisfaction on the progress of your project is important to us.

Mason Bidulka Supervisor Projects can be reached

[Mason.Bidulka@fortisalberta.com](mailto:Mason.Bidulka@fortisalberta.com), if you need to make contact ahead of time.

**New Message**

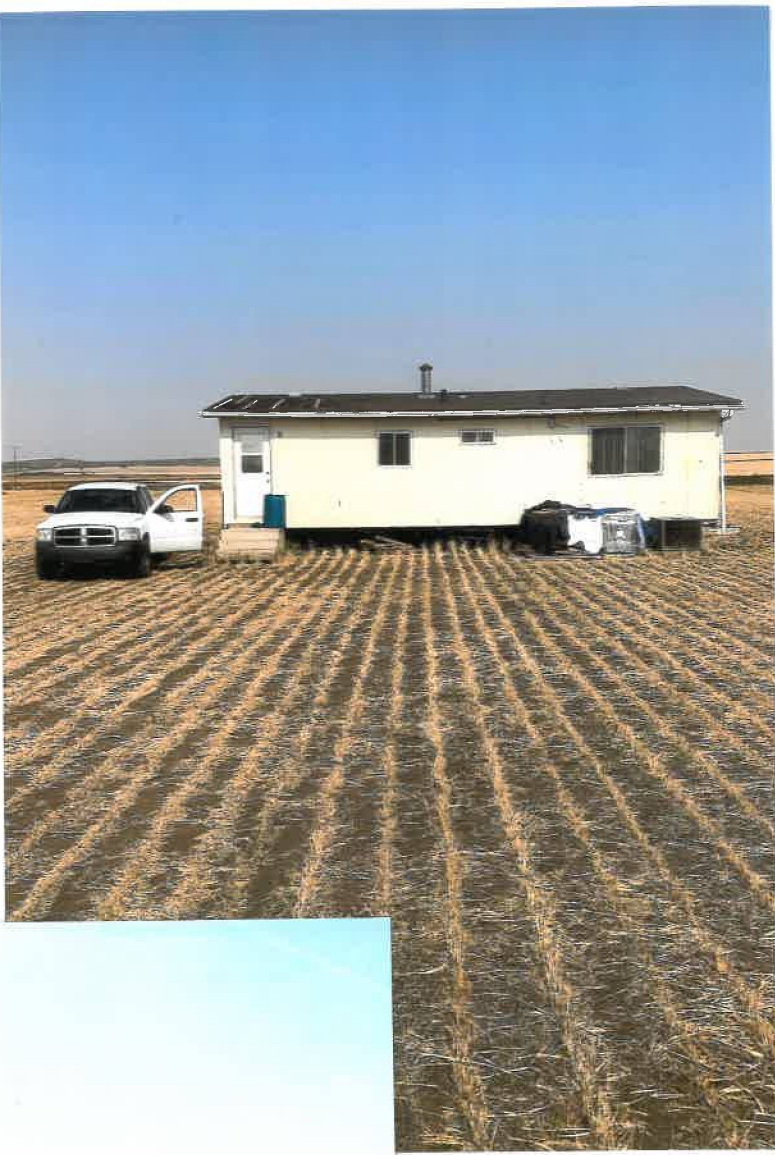












# EXHIBIT D

Public in Favor of  
Appeal



# EXHIBIT E

Public in  
Opposition to  
Appeal

Box 233  
Standard, AB  
T0J 3G0

## Subdivision Development Appeal Board

### Letter of Objection to the Appeal

***Attached: Photos(Telephoto Lens)***

### File #DP2022-173(Development Permit)

*Division 1*

*Legal Plan 121143,B1,L1,NW-1-25-22-W4*

*Area 1.62(4 acres)*

*Land Use: County Residential*

*Proposal: Dwelling, Manufactured 2*

*36 foot 24 foot Modular Dwelling*

Along with our many neighbours, within a 1 mile radius, Keith and I are both disturbed and dismayed by the above proposed “Development”!

An “unsightly” house on haphazard wooden blocks “suddenly appeared” without any notification, into the midst of our well-kept and well-loved homes, acreages, farms, and countryside.

We have read every County By-Law re: Development, so much so we have committed them to memory. Below we have cited the lack of diligence in following them. Be patient as we list those Bylaws, and our comments regarding each one.

### ***County Bylaws***

#### ***8.10.1 Dwelling, Manufactured***

***The Development Authority reserves the right to refuse a Development Permit for a manufactured dwelling that is of poor appearance or conditions.***

This manufactured 2 dwelling is a “wart” on the landscape of our homes and our County. It’s appearance and condition would not be acceptable in any Community, whether it be a Village, a City, or any County! Clearly, this Bylaw has been ignored! *(Please refer to the attached photos!)*

.

**8.10.7 Application for a Developmental Permit for a Manufactured Dwelling 2 must include:**

- A pre-application inspection report prepared by a registered engineer or a Safety Code Officer at the expense of the applicant.**
- The report must identify the dwelling's structural integrity and suitability to be "relocated" into the County, providing recommendations on the dwelling, overall condition, and any updates or renovations that must be made.**

The pre-application inspection Bylaw has been ignored.

The house has arrived without a pre-application inspection and the house is already located...it had not been approved to be re-located in our County. It was inspected after it was moved in, and without any notice. This is unacceptable!

***The County's Safety Code Inspector states:***

*"the house is in a good state of repair and to the satisfaction of the Developmental Authority...it was constructed after 1976 to CSA Standards, and is deemed structurally sound by a Safety Code Inspector.*

*"Required Repairs include Replacement of Roof, Siding, and Windows...*

We expect to question our County's Safety Code Inspector about his/her report, and we would welcome a second opinion of our choosing, and at our expense.

How can a 41 year old manufactured dwelling 2, in need of replacement siding, a replacement roof, and replacement windows be deemed in good overall condition, and again, suitable to be moved into our County? A poor roof, poor siding, and poor windows all sitting on haphazard wooden blocks

**IS** "the sum total of its "appearance" and "overall condition." Our Development Authority clearly has unacceptably low standards!

**4.3.2**

***The proposed development would not:***

***unduly interfere with the amenities of the neighborhood; materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land.....***

Would you be happy if this house was moved next door to you?

Would you enjoy looking out your window every day to see this?

Would you purchase a property in close proximity to this house?

Given the state of this structure, we are even further upset and dismayed by the unacceptable “timelines” in the email below! This eyesore could potentially be sitting in front of us for up to two years..perhaps more! Given these lax timelines should it not be the responsibility of the County’s Development Team to be vigilant regarding the overall appearance and suitability of the structure?

*Susanne Hayes, Wheatland’s Development Officer has stated.....*

*and I quote.....”The County does not have bylaws regarding a water well timeline. The required house repairs have to begin in one year and have a timeline of two years. They did apply for a private sewage system but that has expired so they will have to apply for a new one. Once they apply for electricity they have 3 months to get it inspected, they have 2 years for plumbing and 2 years for gas. Two years?*

#### **8.10.5**

***A financial security of \$5000 shall be taken as per the Wheatland County Master Fee Schedule.....refunded once all the applicable conditions of the Developmental Permit are met and all the exterior features are completed to the satisfaction of the Developmental Officer.***

\$5000 in 2022 is “a penny”! If an applicant chooses to ignore the conditions of the Developmental Permit, he will lose a \$5000 security deposit. The cost of replacing a roof, siding, and windows will be 10X that! The cost of a new well, sewer and all the utilities will far exceed that! It would be much less costly to give up the Security Deposit!

Approval of ANY Development should be taken seriously and processed with diligence. Bylaws must be followed without exception. Now, not later, is the time to control whether or not it will be an asset to the County and its neighbours, or a liability. Too late is too late!

Many acreages are simple, neat, and tidy, and there is pride in their home, their yard, and respect for their neighbours and their homes...we welcome these neighbours with open arms.

The fact that a house in this state of repair, and requirements for such extensive repairs, has been moved in, without a DP, or even been allowed to stay, with total disregard for our Bylaws, instantly, and rightly so, raises a red flag!



And also truly, and rightly so, we immediately question whether, without any respect for Bylaws and Community, this is going to indeed be a residence and home or used either as an “under the table” business, or, for storage of derelict vehicles and equipment!

Our County Councillors have rejected this Development.

We urge you, our Appeal Board, to reject this Appeal. Clearly, our Bylaws have not been followed!

A reminder, the house has been re-located against our County Bylaws, and given the “numerous and major” exterior requirements, is “not suitable” to be on this property or located in our Community and County. The house should be moved off the property, and a pre-application for a “suitable” house should be revisited.

We love our homes, and our lands! We need to know that the County of Wheatland has stringent Bylaws in place to protect us, and our Development Authority is following them with diligent and realistic decisions regarding them.

Thank you for listening.

Respectfully,

Keith Nelson and Donna Sanden Nelson

*We represent 2 separate parcels within a 1 mile radius of this Development*

Box 233, Standard, AB T0J3G0



FOIP s. 17(1)



## Michelle Van Haarlem

---

**From:** Maggie Glynn [REDACTED]  
**Sent:** October 11, 2022 3:43 PM  
**To:** Sub Division Appeal Board  
**Subject:** Appeal Board Regarding Development of Parcel NW 1 25 22 4.

FOIP s.  
17(1)

FOIP s. 17(1)

You don't often get email from [REDACTED] [Learn why this is important](#)

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Appeal Board  
Regarding Development of Parcel NW 1 25 22 4.  
File #DP2022-173(Development Permit)  
Division 1  
Legal Plan 121143,B1,L1,NW-1-25-22-W4  
Area 1.62(4 acres)  
Land Use: County Residential  
Proposal: Dwelling, Manufactured 2  
36 footX 24 foot Modular Dwelling

Subject: Objection to the Appeal

To Whom it may Concern,

Greetings,

My name is Maggie Glynn

(since my divorce returning to my maiden name) I am on title as Margerit Jensen. I own and reside at NE 2 25 22 W4. My husband and I lovingly and painstakingly care for the home, yards and subsequent farm buildings on this, my home quarter. Our neighbours' farms and homes are also beautiful and tidy whether they be grain or livestock...in my case horses and hay. This was a nice area. We have invested much monetary and physical effort into having our farms be a pleasing sight to all driving thru or living in the area.

Now causing great distress in our area is the use of a newly subdivided parcel directly across the road from myself; which unfortunately is in full view from everywhere on my land, my house, and daily chore route(x2). It has diminished the enjoyment of my day when I catch sight of the structure that has been deposited there. I believe with all my heart that, if ignored, this view is only going to get worse.

This derelict, illegal structure is not fit to live in and logic would dictate that if the intention was to salvage the structure as a residence several things would have taken place already. Number one being a new roof.



The structure has no permanent foundation and my guess is it would need to be moved twice now to put a foundation under it. The top soil was not prepared to put a base under the structure that sits on wooden block stacks.

If you refer back to my first letter, which is a part of this file, it may sound like a personal attack on Mr. Pinto, it sincerely is not.

Mr. Pinto as my first letter explains came in our yard and during the course of conversation told my husband what he planned to do....or more importantly what he planned not to do.

To recap a portion of my first letter;

"It is public knowledge that Mr. Pinto has been in a drawn out battle with the Village of Rockyford over the condition of his (several ) properties and subsequent junk piles including many, many derelict vehicles.

My husband was informed by Mr. Pinto himself, in our yard, that he would be moving a used mobile home onto the property but saw no need for services, saying that he would use the creek (he called it a dugout) as a water source. He also told our neighbours he would do this.

Does Mr. Pinto intend to use the creek for his own personal sewage as well?

The creek is the head waters of the Parflesh Creek a subsidiary of the Crowfoot Creek.  
(See aerial photo)

Upon hearing the details of the conversation between my husband and Mr. Pinto I immediately called Alberta Environment File #401206 with our concerns over his intentions for this new subdivision zoned Country Residential. " end excerpt

The facts point not to a "residential" plan but a plan to run some sort of parts or vehicle storage .

No sewer

No power

No water

No services

No liveable residence

I am guessing no requests were ever made for these services. For that would have have led Mr Pinto to being informed that he indeed needed permits to do anything! If in fact he needed the informing?

While letters referring to this very broken bylaw will no doubt be read to you or by you, I am aware of the "rules" as my place was built a mere 15 years ago. With permits and inspections being respectfully adhered to; I find this current situation a bit hard to swallow. I cannot give



you an education on what you already know. Though our concerns for the watershed on this subdivision leave us mystified as to how it was ever approved in the first place the Parflesh Creek must now be stringently protected. Please see my original letter with aerial photo

I and my neighbours pay taxes to have Wheatland County employees look after these things. I can imagine that enforcing bylaws etc. is not always pleasant but it is a very necessary part of their job.

It is most unfortunate that a group of neighbours are having to proceed against an appeal that goes against the very proper enforcement of our already in place by laws. I feel our Councillors were correct in their assessment of this case.

The original approval of this structure set a very low bar for our County and the heartbreaking demise of our beautiful farming neighborhood. Our hope is that, once again, development and environmental rules/bylaws will be taken seriously by those with the authority to do so.....and adhered to as our County Councillors bravely voted to stand by our County bylaws at the first hearing. Thank you for listening.

Most Sincerely  
Maggie Glynn  
Margerit Jensen  
NE 2 25 22 W4

## Page 2 of 5

-Forcefully cite your concern in regards to the Bylaw, if the Bylaw has not been followed, and how it will affect you personally, and your home as you know it.

The Bylaws and where they have not followed them, will be our biggest clout, and they must be the precedent for our argument against this appeal. And it is a good thing to add of your concern for Parflesh Creek and your worry about the reputation of this man. The state of the house has automatically raised a red flag as a potential acreage amongst us with a machinery lot full of derelict vehicles.

(We know this man has a serious reputation in regards to his hoarding and huge derelict collection of all kinds of vehicles and parts. We also know his son has a furnace cleaning business with multiple trucks and equipment.)

Unfortunately we can't make this a personal attack "on the man" that will draw away from the main focus about the Bylaws being broken re the house.

can subtly touch on the derelict acreages around our County, and the reason for our concern with "any" acreage going up. He is claiming he didn't understand the Permit Process. He has been living in the County for a long time, with property in Rockyford...he know the Bylaws!

In regards to a house in this condition and how long it will stay that way...the house could be sitting in the condition is it in for up to two years or longer. Its unacceptable!

Take this

"quote this from Suzanne Hayes, the County's Development Officer"...

"The County does not have bylaws regarding a water-well timeline. The required house repairs have to begin in one year and have a timeline of two years. They did apply for a private sewage system but that has expired so they will have to apply for a new a new one. Once they apply for electricity they have 3 months to get it inspected, they have 2 years for plumbing and 2 years for gas.

And if acreage does start "going south", what is the follow-up by our Development Officer and our Safety Code Inspector?

We must make them aware that we will make them accountable for their decisions regarding our homes and our property values!

## **Page 3 of 5**

### **4.3.1**

#### **Development Permits Required**

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. Development completed on behalf of Wheatland County and / or on County-owned land shall be required to obtain a Development Permit

### **4.3.2**

The proposed development would not:

- i. Unduly interfere with the amenities of the neighborhood;
- Materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land.....

### **4.4.1**

An application for a Development Permit must be made by submitting to the Development Officer in writing the following:

- a) A completed Development Permit application; and

b) The application fee prescribed in the Planning and Development Fee Schedule

#### 8.10.1

##### Dwelling, Manufactured

The Development Authority reserves the right to refuse a Development Permit for a manufactured dwelling that is of poor appearance or conditions. The placement of a manufactured dwelling on a foundation or base must be done in accordance with the requirements of the Alberta Safety Codes Act and is the responsibility of the owner.

#### 8.10.3 to 8.10.6

The roofline of any addition to a manufactured dwelling shall not exceed the maximum building height of the district where the manufactured dwelling will be relocated to. All manufactured dwellings shall be skirted from the ground to floor



## Page 4 of 5

level with a durable finish that complements the existing exterior finish of the manufactured dwelling. For used manufactured dwellings, a financial security (of \$5000) shall be taken as per the Wheatland County Master Fee Schedule. This shall be refunded once all applicable conditions of the Development Permit are met and all exterior features are completed to the satisfaction of the Development Officer.

### 8.10.7

#### Dwelling, Manufactured 2

Applications for a Development Permit for a Manufactured Dwelling 2 shall include: a) A pre-application inspection report that is prepared by a registered engineer or a Safety Codes Officer at the expense of the applicant. The pre-application inspection report must identify the dwelling's structural integrity and suitability to be relocated into the County, providing recommendations on the dwellings overall condition and any updates or renovations that must be made; and b) Colour photographs of all elevations (i.e., front, side, and rear view) and additions to the manufactured dwelling.

### 8.12.1-8.12.3

All moved on dwellings are subject to an approved Development Permit. All applications to relocate a building/structure shall be accompanied by a series of photographs including all four sides of the building and the interior taken within 30 days of receipt of a complete application. For all moved on dwellings, a financial security shall be taken as per the Wheatland County Master Fee Schedule. This shall be refunded once all applicable conditions of the Development Permit are met and all exterior features are completed to the satisfaction of the Development Officer.

Perhaps further Concerns the sewage and environmental issues in relation to Parflesh Creek!

This acreage has, across the eastern diagonal, the watershed for Parflesh Creek. If a sewer is not required for such a long period of time, where in the meantime is the waste going?

In wetter years the entire north end of the 80 acre parcel this acreage is sitting on, is flooded. The water makes its way into Parflesh Creek....and is the main source of water for cattle along its path. You will have

To how it many Concern

My name is Sandy Harris and I have just learned of an acreage that is up steam from my farm. This property has one of the many head water branches for the Parfleash Creek on it which in turn empties into the Crowfoot Creek. There is limited space there for a sewer line to be properly installed because it will not meet the limit of the minimal distance. I was told by the Alberta Government the the distance for a sewer line or septic field shall not be located not less than 90M (300 ft) from the stream or creek.

That piece of land is also low land and the area over the past years has been completely under water making anything placed on the land a hazard to the water eg. (Old oil antifreeze or field chemicals) this can all end up in the runoff water and as a cattle farmer will impact the way I summer water my cattle.

The possible runoff of any chemical or sewage of this property will affect the water quality further down the creek. This will cause an environmental impact on people, livestock and wildlife of the surrounding areas.

Very concerned land owner

Sandy Harris

## Michelle Van Haarlem

---

**From:** Dallas <crowfootcattle@gmail.com>  
**Sent:** October 11, 2022 3:32 PM  
**To:** Michelle Van Haarlem  
**Cc:** Sub Division Appeal Board  
**Subject:** Subdivision and Development Appeal Board Fwd: Development Permit DP 2022-173

Some people who received this message don't often get email from crowfootcattle@gmail.com. [Learn why this is important](#)

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Wheatland Board of Appeal  
Subdivision and Development Appeal Board

Letter of Objection

Re:

File: #DP 2022-173 (Development Permit)

Division 1

Legal Plan: 121143, B1, L1, Nw-1-25-22-W4

Area: 1.62 (4 acres)

Land Use: County Residential

Proposal: Dwelling, Manufactured 2

36 foot x 24 foot Modular Dwelling

Attn: Michelle Vanhaarlem  
Wheatland Board of Appeal

It has come to our attention that the original request for this dwelling was denied by Wheatland County.

Also, that an appeal has been filed.

This Letter of Objection is in response to the appeal and addressed to the Wheatland Board of Appeal, Subdivision and Development Appeal Board.

Thank you for your consideration of our comments and concerns.

Please read our original letter sent to the Development Officer, attached below, then you can see our comments, which have not changed;  
unless the repairs and/or replacement of the structure (roof, windows, siding, foundation) have been completed and environmental issues with water and sewage have been addressed.  
Otherwise, our objection still stands.

I would like to expand on the water, sewage and environmental issues that have come to our attention:

1. Does Wheatland County have bylaws regarding a water well timeline? Am I correct that the required timeline for plumbing is 2 years?

How can someone live there for 2 years with no plumbing? Is there a written plan in the development permit for this issue?

This acreage has a watershed for Parflesh Creek. The water, waste and other runoff from this acreage will make its way into Parflesh Creek and will affect residents and everything downstream,

especially cattle, if this is their main source of water.

If a sewer is not required for 2 years, where will the waste go?

What happens if the area is flooded? That would be an environmental disaster downstream and then who is responsible? the county or the owner or both?

**Plumbing and waste removal should be considered for this subdivision because of the environmental issues in relation to Parflesh Creek prior to the approval of the dwelling.**

**What does the Water Act of Alberta state?**

Description: The Act supports and promotes the conservation and management of water, through the use and allocation of water in Alberta. It requires the establishment of a water management framework and sets out requirements for the preparation of water management plans. The Act addresses: Albertans' rights to divert water and describes the priority of water rights among users; the types of instruments available for diversion and use of water and the associated processes for decision-making; and the range of enforcement measures available to ensure the goals of the Act are met.

**UPDATED**

June 2, 2021

**2. Consideration: If this site is not suitable for a dwelling because the watershed/wetlands area has been overlooked in the granting of this area as a subdivision, then the legality of this subdivision should be reviewed first, prior to any approval for a dwelling.**

**Objection:**

**First of all, the subdivision should be reviewed in regards to the environmental affect on the Parflesh Creek.**



Secondly, if the water and sewage environmental issues for this site are not in accordance with the county by-laws and Water Act of the province; then no dwelling should be approved for this site.

Last of all, if those issues are resolved satisfactorily, then a dwelling could be considered. However, if this dwelling is not suitable and repairs and/or replacement of the structure's integrity (roof, windows and siding) are not completed, then this particular dwelling should not be approved for this county residential site.

Thank you again for your consideration of our concerns.

Dallas and Sandy Jensen  
Crowfoot Cattle Company  
P.O. Box 388  
Standard, Alberta  
T0J 3G0

Begin forwarded message:

**From:** Dallas <[crowfootcattle@gmail.com](mailto:crowfootcattle@gmail.com)>  
**Subject:** Development Permit DP 2022-173  
**Date:** September 8, 2022 at 8:56:21 PM MDT  
**To:** [suzanne.hayes@wheatlandcounty.ca](mailto:suzanne.hayes@wheatlandcounty.ca)  
**Cc:** [admin@wheatlandcounty.ca](mailto:admin@wheatlandcounty.ca)

Dear Wheatland County Development Officer,

We received your letter dated August 24, 2022 in regard to:

File Number; DP 2022-173  
Division: 1  
Legal Description: Plan 1211438, B1, L1, NW-1-25-22-4  
Land Use District; Country Residential (CR)

Proposal: Dwelling, Manufactured 2

The reply date indicates Sept 5, however I received a telephone call from a neighbor saying that the reply date was extended to Sept 8, 2022.

Thank you for the extension as it was the weekend and Sept 5 was a Stat holiday.

According to the information in your letter, I have 3 comments:

1. First of all, your letter indicates that a decision needs to be made in order for this “dwelling” to be approved to be located on the site.

However, I have driven past this site and the dwelling is already on the site. That makes no sense.

If it has not been approved, then why is it on the site already ?

2. Secondly, your letter indicates that the “dwelling” was inspected and was deemed “structurally sound” but “requires repairs and/or replacement of the roofing, siding and windows”. Are the roof, siding and windows not part of the structure?

So, if these need repair and/or replacement then why is the dwelling already at this site without these required repairs and/or replacements?

These should be completed prior to moving this structure to this site.

3. Third, there are no references in your letter regarding water, sewage, electricity and gas for this property.

How are these important environmental issues going to be addressed prior to approval ?

Regarding the by-laws:

**8.10.2 Placement of a manufactured dwelling “on a foundation” must be done in accordance with the requirements of the Alberta Safety Codes act and is the responsibility of the owner.**

There is currently no foundation. Is there a timeline for this foundation? Before or after the required repairs and replacements are completed?

If those are not completed, then no foundation is needed because then the dwelling should not be approved.

**8.10.4 All manufactured dwellings must be skirted from ground to floor level with a durable finish that compliments the existing exterior.**

First, the siding must be repaired or replaced, then the structure may be approved to be located on this site. Following that approval, then the foundation and then the skirting has to compliment the exterior. What is the timeline for this?

How and when is this approved in the development process?

**8.10.5 A financial security shall be taken as per the Wheatland County Master Fee Schedule.....refunded once all the applicable conditions of the Development Permit are met and all the exterior features are completed to the satisfaction of the Development Officer.**

How much is the financial security?

If the cost of the repairs and replacements and foundation and skirting far exceed the financial security, why would the owner spend thousands of dollars when the financial security is far less a price to pay?

**8.10.7 Application for a Development Permit for a Manufactured Dwelling 2 must include:**

- a. A pre-application inspection report prepared by a registered engineer or a Safety Code Officer at the expense of the applicant.**
- b. The report must identify the dwelling's structural integrity and suitability to be relocated into the County providing recommendations on the dwelling, overall condition, and any updates or renovations that must be made.**
- c. Color photos of all elevations and additions must be available.**

Following this by-law, why are the recommendations for repairs and/or replacement of roofing, siding and windows not to be completed prior to the dwelling moving onto the site ?

Why is there no mention in the application regarding water, sewage, electricity and gas for this property? Should this not be addressed in the application?

**If the dwelling is not suitable and water, sewage, electricity and gas are also not currently planned and are not environmentally appropriate for this site, then this dwelling should not be approved for this country residential site.**

Regards,  
Dallas and Sandy Jensen

Box 388  
Standard, Alberta  
T0J 3G0

OCT 07 2022

RECEIVED

## Wheatland Board of appeal

S D A B

Re File # DP2022-173 Development Permit  
Division 1Legal Plan 121143, Bl, L1, NW-1-25-22-104  
Area 1.62 (4 acres)

Land use: County Residential

Proposal: Dwelling, Manufacture 2

36 X 24 Modular Dwelling

Jackie Jensen

Box 144  
Standard Alto  
TO 1360

I am writing this letter of objection because of several things

- ① House arrived on acreage without appropriate approval off permits.
- ② House needs replacement of roof, siding and windows, may not be structurally sound.
- ③ House is on wood blocks which will deteriorate in time making them unstructurally unsound.
- ④ House is on an acreage that is in a flood plane off Parflesh creek. This subdivision should never have been approved.





- ⑤ House should be removed off of acreage until all permits have been met. 4.3.1, 4.3.2, 4.4.1, 8.10.1, 8.10.3-8.10.6, 8.10.7, 8.12.1-8.12.3

If this house and acreage is left in a delapidated state it will devalue my land and acreages which are right next door.

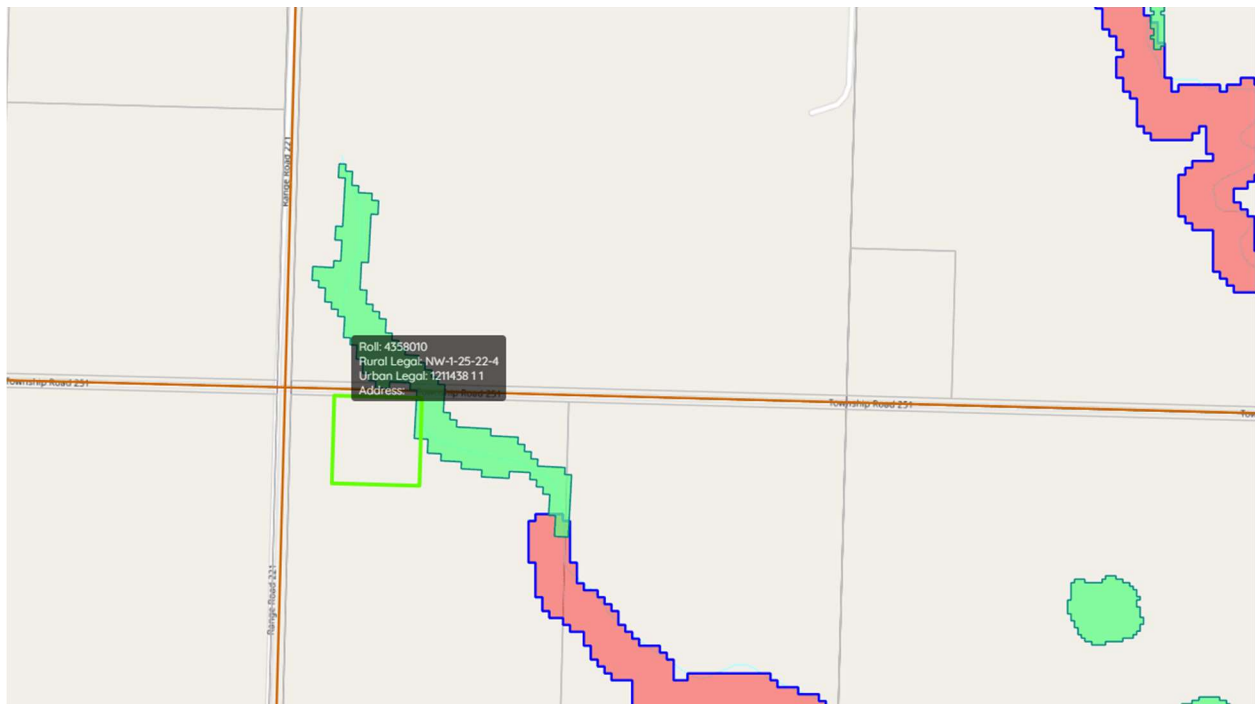
File #DP2022-173(Development Permit)  
Division 1  
Legal Plan 121143,B1,L1,NW-1-25-22W4  
Area 1.62(4 acres)  
Land Use: County Residential  
Proposal: Dwelling, Manufactured 2  
36 foot x 24 foot Modular Dwelling

#### Subdivision Development Appeal Board

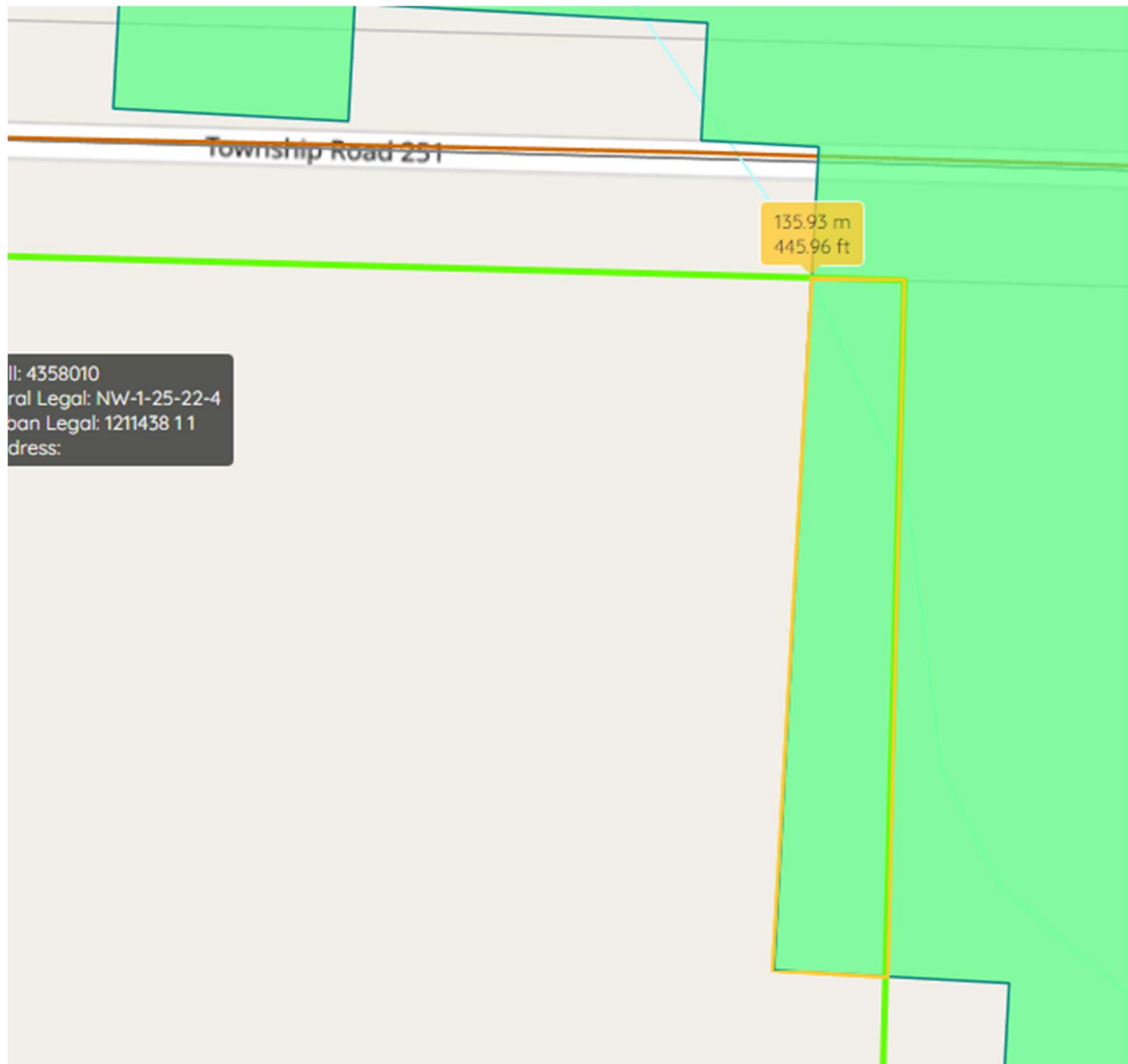
Hi, our names are Stephanie & Dallas Nelson, and we've got a very serious concern with this proposed dwelling.

This house has been moved in without ANY pre-application. The bylaws have been ignored! The house is not acceptable by any standards! I will explain why any sewer for this house, and any machinery storage, among other things, could end up being a very serious problem.

Our family has pastureland around this proposed dwelling and the seasonal creek that runs through this 4-acre subdivision runs into some of our pastures. Through the spring and summer months our cows drink from this water. I want to make sure that these cows will continue to drink clean water from this seasonal creek. I want to know the environmental implications of placing this proposed acreage that includes a wetland in it. Here is a picture directly from the county website showing that part of this subdivision is considered a marsh wetland which is in green.



Now, if you inspect further there is roughly around 446 ft of marsh wetland inside of this subdivision



The following statement says that ANY project with the potential to impact the boundaries of a wetland are subject to the WATER ACT.

Marshes (Green): - Government of Alberta Definition: A mineral wetland with water levels near, at, or above the ground surface for variable periods during the year, which supports grass vegetation in the deepest portion of the wetland in the majority of years. Marshes are rich in nutrients and have

emergent reeds, rushes, cattails, and sedges. Water remains within the root zone of these plants for most of the growing season.

A Water Act Approval is required whenever a project has the potential to impact the boundaries of a wetland, or the quantity of water held in a wetland basin, where the wetland basin is of Class III or above (Class III: Seasonal, Class IV: Semi-Permanent, Class V: Permanent, Class VI: Intermittent). If a proposal is going to cause more or less water to move onto an adjacent property, or there will be diversions into or out of a natural waterbody, then the Water Act applies

In the Water Act here are just a few examples that HAVE to be followed

(2) The framework for water management planning must include a strategy for the protection of the aquatic environment, as described in section 8, and may include RSA 2000 Section 8 Chapter W-3  
WATER ACT 20

- (a) water management principles,
- (b) the geographical limits or boundaries within which water management planning is to be carried out in the Province, including limits or boundaries for the development of strategic and operational plans,
- (c) criteria for establishing the order in which water management plans are to be developed,
- (d) an outline of the processes for developing, implementing, reviewing and revising water management plans, including opportunities for local and regional involvement,
- (e) matters relating to integration of water management planning with land and other resources, and
- (f) matters relating to the development of water conservation objectives.

(3) The Minister must, in a form and manner that the Minister considers appropriate, consult with the public during the development of the framework for water management planning

The purpose of the Water Act says that

Purpose of Act 2 The purpose of this Act is to support and promote the conservation and management of water, including the wise allocation and use of water, while recognizing (a) the need to manage and conserve water resources to sustain our environment and to ensure a healthy environment and high quality of life in the present and the future;

Clearly already many rules have not been followed by the applicant, not including ANYTHING regarding water and the environment. If this appeal is to be reversed, what is the point in having any of these rules in place.

I have seen many times in years past the spring runoff cover the WHOLE area of this proposed dwelling. IT IS A DISASTER WAITING TO HAPPEN AT THIS PARTICULAR LOCATION. How can you approve anything when you know it's just a matter of time before it will be flooded out. Chemicals, oils, garbage, etc. will all find its way into our cattle's drinking water. I know that you at the county have a strong environmental program, and this clearly does not fit with it at all. So, I want to reiterate that I want my families' cows to continue to drink clean water from this waterbody for the next years and decades ahead, and I don't see how you can promise me this. If you can promise me this, I want a full explanation on how from you the county. This particular area should have never been designated for a subdivision, and I don't ever recall having a letter sent from the county regarding a subdivision application.

Please make the correct decision with this application.

Thank you for your time,  
Stephanie & Dallas Nelson



Clare and Verna Nelson  
Box 314  
Standard, AB T0J 3G0

October 11, 2022

Wheatland County  
Letter of Objection

Re:

File #DP2022-173(Development Permit)

Division 1

Legal Plan 121143, B1,L1,NW-1-25-22-W4

Area 1.62 (4 Acres)

Land Use: Country Residential

Proposal: Dwelling, Manufactured 2

36' x 24' Modular Dwelling

We own 3 parcels of land to the east and to the north of this application for the modular home. We would like to thank the County Councillors for turning down this development, and this correspondence is too add to our original letter, now that an appeal has been made with regards to this decision. Reference will be made to specific bylaws.

#### **4.3.2**

The proposed development would not:

- i. Unduly interfere with the amenities of the neighborhood;  
Materially interfere with the use, enjoyment or **value** of neighboring  
Parcels of land

Too see a modular home in this state of repair be placed on this subdivision is surprising, and if this application is approved, little regard is being shown for the surrounding neighbors of this property. The **value** and enjoyment of surrounding farm sites stands to be impacted when modular homes in this state of repair are placed nearby.

#### **8.12.1-8.12.3**

All moved on dwellings are subject to an approval Development Permit. All applications to relocate a building/structure shall be accompanied by a series of photographs including all four sides of the building and the interior taken within 30 days of receipt of a complete application. For all moved on dwellings, a financial security shall be taken as per the Wheatland County Master Fee Schedule. This shall be refunded once all applicable conditions of the Development Permit are met and all exterior features are completed to the satisfaction of the Development Officer.

**By this structure being placed, and allowed to remain on this site, without going through the proper approval RAISES RED FLAGS! in regards to the future intent of the applicant and the county itself for not having it removed.**

#### **8.10.1**

Dwelling, Manufactured

The Development Authority reserves the right to refuse a Development Permit for a manufactured dwelling that is of poor appearance or conditions. The placement of a manufactured dwelling on a foundation or base must be done in accordance with the requirements of the Alberta Safety Codes Act and is the responsibility of the owner.

This modular home should not be deemed fit to remain on this piece of property.

Concerning the timeline for completion of repairs, sewage, utilities:

From Susanne Hayes "The County does not have bylaws regarding a water-well timeline. The required house repairs have to begin in one year and have a timeline of two years. They did apply for a private sewage system but that has expired so they will have to apply for a new one. Once they apply for electricity they have 3 months to get it inspected, they have 2 years for plumbing and 2 years for gas"

#### **8.10.5**

A financial security of \$5000.00 shall be taken as per the Wheatland County Master Fee Schedule...refunded once all the applicable conditions of the Development Permit are met and all the exterior features are completed to the satisfaction of the Development Officer.

#### **8.10.2**

Placement of a manufactured dwelling "on a foundation" must be done in accordance with the requirements of the Alberta Safety Codes act and is the responsibility of the owner.

#### **8.10.4**

All manufactured dwellings must be skirted from ground level with a durable finish that compliments the existing exterior.

How can we be assured the replacement of roof, siding, windows, foundation and skirting will actually happen now that this dwelling has been placed, and what will that penalty be if not completed?

**If the cost of repairs is more than a penalty, there is little incentive for this property to be brought up to standards of the County.**

Also ,have the issues of all utilities and sewage been addressed, especially with regards to Parflesh Creek in the path for run-off? We run cattle to the east of this property and so are very concerned as to the proper sewage system being in place.

As stated in our original letter, we also did a subdivision just to the north east of this subdivision location and were required to follow the proper protocols.

If this development can be approved under the conditions, in which has transpired to date, sets a very "slippery slope" precedent for further cases.

Thank you for hearing our concerns.

Sincerely,

*Clare Nelson*

*Verna Nelson*

Clare Nelson and Verna Nelson



FOIP s. 17(1)

## GORDARA FARMS LTD.

Brian & Shelley Rasmussen

Box 363, Standard, AB, T0J 3G0 \* Email: [razmataz@rasaq.ca](mailto:razmataz@rasaq.ca) \* Phone: 403-934-8342

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October 7, 2022

Wheatland County  
Subdivision Appeal Board  
Michelle Van Haarlem

RE: **OBJECTION to Development Permit 2022-173**

Re: Refusal of Development Permit 2022-173 for a Dwelling, Manufactures Type 2

Legal Description: Plan 12114338, Block 1, Lot 1, NW-1-25-22-W4M

Permit Refused – September 13, 2022 – Municipal Planning Commission

We have grave concerns that the applicant for the development permit has not followed Wheatland County bylaws. After our initial letter of objection (September 7, 2022), Suzanne Hayes, Development Officer, emailed clarification to our initial questions. The clarification did not allay our concerns, only escalated them in the fact that it seems too easy to “go around” Wheatland County Bylaws!

Suzanne Hayes clarification in her email to us:

- “The dwelling was not inspected prior to being moved to the site; it was inspected after it was moved there. Although not the ideal situation the applicant pays the required financial penalties in these instances and must still go through the development permit process to see if the dwelling may be allowed to remain.”

**Our concerns:** What is the penalty for not having the building inspected before it was moved on?

Bylaw 8.10.7 “a) a pre-application inspection report that is prepared by a registered engineer or a Safety Codes Office at the expense of the applicant.” The dwelling should not be allowed to remain for the simple fact that there was no permit applied for.

What is the penalty for not having a Development Permit? Bylaw 4.3.1: “All development shall proceed in accordance with the terms and conditions of the Development Permit issued....”

Wheatland County covers a very large area and is under constant pressure for more acreages. Can we afford to let applicants run roughshod over the bylaws? Gone are the days when you could “do whatever you want” in the County. It is one thing with unsightly established farmyards; new acreages need to be held to a reasonable standard to deter applicants from creating “junk grounds or parking lots”.

Suzanne Hayes clarification:

- “The dwelling did pass the CSA requirements when it was constructed in 1980 but does not pass today's requirements since they changed in 1992. That is why we require a Dwelling Manufactured 2 to be inspected by a safety codes officer.
- After a thorough inspection of the double wide at this location it was determined that the structural integrity of the unit is sound. There are a number of items that need to be addressed:
  1. Siding in need of repair,



2. Roofing in need of repair or replacement,
3. Windows to be repaired and replaced in the near future,
4. Foundation to be constructed to meet code complete with a way to fasten the unit to concrete.”

**Our concerns:** A question of the structures “...integrity and suitability to be relocated into the County...” (Bylaw 8.10.7). After a “thorough inspection” was done, how can it be determined that a structure is sound when it needs new siding, roofing, and windows? If the structure needs a new roof, what is the extent of water damage inside? Was the Safety Code Inspector under pressure to approve the dwelling since it was already on site? Since the structure was moved in *before* it was inspected, should Bylaw 8.10.7 be disregarded? No, the structure should be moved off and the bylaws properly followed.

**Suzanne Hayes clarification:**

- “For all development permits, our Land Use Bylaw requires that construction be completed within 24 months.”

**Our concern:** Will this “structure” be sitting on dangerous wooden blocks waiting for a year before renovations are required to begin? Then, after the “24 months”, what are the parameters of designating the construction “completed”?

**Suzanne Hayes clarification:**

- “Water well drilling is regulated by the province and must be completed by a person certified by the province to drill a well. Alternatively, a person may use a water cistern which the applicant was considering, however has since advised that his preference will be to dig a well.
- All dwellings require a private sewage system to be constructed according to provincial standards with a permit obtained through our office.
- The private sewage system report will advise of a required setback for a septic system from any water course. The dwelling is proposed to be located twice the distance of the required setback (100 ft) from a water course.”

**Our Concern:** If acreages are not required to have appropriate basic utilities (water, sewer, power), before they apply to have a dwelling moved in, what is the deterrent by the County that the acreage not be developed into a private “storage” yard?

In examining the site of this subdivision and, from personal knowledge of flooding in the spring at this site, what kind of septic system is required? With the issue of annual flooding, the “100ft set back”, for the ‘dwelling’ is not as important as the set back for the sewer field. Who determines what happens in circumstances such as flooding? Do the pipelines beneath this subdivision affect the placement of the septic system? Is the applicant aware of all the potential issues with this piece of land? Another question: was this subdivision indeed legal given all the sensitive areas? (i.e. pipelines and watershed).

We have lived and farmed in Wheatland County our whole lives, being the 4<sup>th</sup> generation on the same farm to do so, celebrating 100 years in 2009. We now have the 6<sup>th</sup> generation living on the homestead and hope they will continue with the farms’ tradition. Our family was honored to receive the BMO/Stampede “Farm Family Award” in 2018. Jens Rasmussen (great grandfather) was one of the first

delegates to pioneer in Standard, in 1909, establishing a Danish community. This farm has always strived to be “a good steward of the land”, it is distressing to watch yards of any kind deteriorate into unsightly messes.

Quoting Wheatland County Bylaw 4.3.2 “The proposed development would not unduly interfere with the amenities of the neighborhood; materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land....” This area already has unsightly yards that interfere with the beauty of the surrounding area. If the County cannot proactively protect our land from indifferent landowners on new subdivisions, what recourse do we have?

Sincerely,  
Shelley & Brian Rasmussen

From: Michael Rasmussen [REDACTED]  
Subject: File # dp2022-173 legal plan121143B1,L1,NW 1-25-22-W4  
Date: Oct 7, 2022 at 9:01:38 AM  
To: michelle.vanhaartem@wheatlandcounty.ca

I am sending you this message because I have concerns over the new subdivision. I am worried that there will never be anyone living there because water will be near impossible to get and proximity to the paraflesh will make the septic drain into the creek. The house that is there is in disrepair and I hear nothing needs to be done for 2 years however he can bring more things in to further make the property more cluttered. I hope the development board will look into making sure all permits are pulled and everything will be done properly. I have lived in the community all my life and have seen that area flood 3 times. All I am asking is look into every aspect of the subdivision.

Sent from my iPad. Thank you for your help with this. Michael Rasmussen  
Standard Alta