

WHEATLAND COUNTY
SUBDIVISION & DEVELOPMENT APPEAL BOARD
Notice of Decision

Hearing Held At: Wheatland County Office – Council Chambers

Members Present: J. Anderson
E. Deeg
K. Williams
P. Metzger-Savoie

Appellant: John Graham

Basis of Appeal: The Development Authority issued a Stop Order on the property located at SE 4-27-18-W4M; 270014 Hwy 564 on February 3, 2023. The reasons for the Stop Order were a manufactured dwelling permit refused in 2016 and structure remains on-site, multiple structures on-site without permits, recreational vehicles accumulating on-site without a permitted dwelling, and recreational vehicles on-site which have been or are currently being occupied. An appeal to the Stop Order was received on February 24, 2023.

Finding the Facts:

1. Parcel is located in the SE-4-27-18-W4M; 270014 Hwy 564
2. Parcel is currently zoned Agriculture General.
3. The Development Authority issued a Stop Order February 3, 2023. Reasons for the Stop Order were a manufactured dwelling permit refused in 2016 and structure remains on-site, multiple structures on-site without permits, recreational vehicles accumulating on-site without a permitted dwelling, and recreational vehicles on-site which have been or are currently being occupied.
4. Appellant filed the Notice of Appeal with the Subdivision and Development Appeal Board on February 24, 2023.

Decision:

The decision of the Subdivision and Development Appeal Board is to uphold the Stop Order issued by the Development Officer February 3, 2023, on the parcel located at SE 4-27-18-W4M; 270014 Hwy 564.

Reasons For
Decision:

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

1. The Stop Order was correctly issued in accordance with the requirements of the Municipal Government Act (MGA) and the Land Use Bylaw (LUB) to both the Landowner and Occupant.
2. Under section 645 of the *Municipal Government Act (MGA)*
Stop Order
645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
 - (a) this Part or a land use bylaw or regulations under this Part, or
 - (b) a development permit or subdivision approval,the development authority may act under subsection (2).
 - (2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
 - (a) stop the development or use of the land or building in whole or in part as directed by the notice,

- (b) demolish, remove or replace the development, or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval, within the time set out in the notice.
- (2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.
- (3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.
3. Under Part 2 of the County's *Land Use Bylaw*, Bylaw No. 2016-01 (the "*Land Use Bylaw*"), "Development" is defined to include the following:
- A building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them;
 - A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of land or building; or
 - A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.
4. Under Part 4 of the County's *Land Use Bylaw*, Bylaw No. 2016-01 (the "*Land Use Bylaw*")
- 4.2.20 Recreational Vehicle Storage:
- a) The outdoor storage of unoccupied recreational vehicles on a parcel where there is an existing occupied dwelling unit, as follows:
 - i) Not more than five (5) unoccupied recreational vehicles on parcels greater than 2.02 ha (5.0 ac) located outside of Hamlet boundaries.
5. Under Part 6 of the County's *Land Use Bylaw*, Bylaw No. 2016-01 (the "*Land Use Bylaw*")
- 6.1.1 No person shall contravene this Bylaw by commencing or undertaking a development or use that is not permitted under this Bylaw.
6. Under Part 9.1 of the County's *Land Use Bylaw*, Bylaw No. 2016-01 (the "*Land Use Bylaw*")
- Dwelling, Single Detached, Dwelling, Manufactured, and Accessory Buildings are uses which require a development permit in order to be located onsite.
 - Campground Major, Campground Minor, and Recreational Vehicle Storage are not allowable uses listed within the Agricultural General Land Use District.
7. DP 2016-18 was refused May 17, 2016. The refusal was not appealed and therefore a challenge of this decision is no longer a valid option.
8. **Immediately** ceasing any further work to occupy, complete, maintain, renovate, add to, or continue the Unauthorized Development, including, but not limited to, ceasing each and all of the following:
- a) Occupying or otherwise utilizing the Manufactured Dwelling which was the subject of the Notice of Refusal for development permit application DP2016-18.
 - b) Continuing to allow any existing unpermitted dwellings, accessory buildings, farm buildings, or shipping containers to remain onsite.
 - c) Continuing to renovate, alter or add to any structure to the site without obtaining the required development and/or safety code permits.
 - d) Utilizing the recreational vehicles on the property for residential occupancy.

- e) Utilizing the recreational vehicles on the property for recreation purposes (camping).
 - f) Utilizing the subject property for recreational/leisure vehicle storage.
 - g) Placing any additional recreational vehicles on the property or any further "Development" (as defined in the Land Use Bylaw) of the parcel without obtaining the required zoning and permits.
9. To give a fair opportunity to comply with the requirements set out in the Stop Order issued February 3, 2023, the deadline has been extended from April 30, 2023 to May 31, 2023.

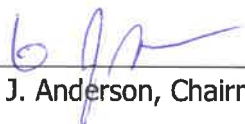
By May 31, 2023

- a) Complete Removal of the Manufactured Dwelling from the parcel.
- b) Obtain the required development and safety code permits for all unpermitted structures including accessory buildings, farm buildings, shipping containers or any other structure which requires a permit according to the Land Use Bylaw 2016-01.
- c) Obtain safety code permits required for any alterations or renovations to the buildings or the lands.
- d) Complete removal of the unauthorized recreational vehicles from the subject parcel.

Closing:

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

Dated at Wheatland County Municipal Office, in the Province of Alberta this the 24 day of March 2023 and signed by the Chair of the Subdivision and Development Appeal Board who agrees that the content of this document adequately reflects the appeal hearing and decision of the Board.



J. Anderson, Chairman