



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, March 20, 2023, commencing at 9 a.m. regarding the following:

File: SDAB SO2023-001

Re: Appeal of Stop Order Issued February 3rd, 2023

Legal Description: SE-4-27-18-4; 270014 Hwy 564

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 Monday, March 13, 2023, 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.



STOP ORDER

**Section 645, *Municipal Government Act*,
RSA 2000, c M-26, as amended**

February 3, 2023

VIA: CANADA POST AND E-MAIL

Lawrence Bryden
Box 543
East Coulee, AB
T0J 1B0

and

John Barry Graham

Dear Sir/Madam:

**Re: Manufactured Dwelling Permit Refused in 2016 and Structure Remains Onsite
Multiple Structures Onsite without Permits
Recreational Vehicles Accumulating Onsite without a Permitted Dwelling
Recreational Vehicles Onsite Which Have Been or are Currently Being Occupied**

Location: SE-4-27-18-4; 270014 Hwy 564

In my capacity as a development officer for Wheatland County (the "County") I hereby issue this Stop Order pursuant to section 645 of the *Municipal Government Act*, RSA 2000, c M-26 (the "*MGA*"), with respect to the above noted Lands, which Lands are further legally described in attached Schedule "A" hereto.

Further to the Warning Letter dated December 14, 2022 we advise that development continues on the Lands without the necessary development permit and in contravention of the *Land Use Bylaw* and section 683 of the *MGA*, which contravening development (the contraventions) includes the following:

Under section 616(b) of the *MGA* and 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) an excavation or stockpile and the creation of either of them,
- b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land,
- c) 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 the land or building, or

- d) a change in the intensity of use of land or a building or an act done in relation to 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.

Under Part 2 of the County's *Land Use Bylaw*, Bylaw No. 2016-01 (the "*Land Use Bylaw*"), applicable definitions include but are not limited to the following:

"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.

"Campground (Minor)" means development of land for the short-term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles. See Campgrounds Section for more information.

"Campground (Major)" means development of land (public and private ownership) for the short or long-term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles. Campground (major) may include facilities such as a central office, washrooms, cooking facilities and retail establishments for the sale of convenience items. See Campgrounds Section for more including slide-outs) in width. A recreational vehicle is not considered a dwelling unless it is being used for quarantine or self-isolation information.

"Recreational Vehicle" means a portable fabrication to be carried on a vehicle or to be transported on its own wheels and which is intended to provide temporary living accommodations for travel and recreational purposes. It includes vehicles such as a motor home, a camper, a travel trailer or a tent trailer, but does not include a mobile home, sea-can or any vehicle or trailer over eight (8) feet (not measures).

"Recreational/Leisure Vehicle Storage" means an industrial area of land set aside or otherwise defined for the purpose of storing recreational vehicles, boats, travel trailers, campers, motor bikes, ATV's and other leisure vehicles. No onsite occupancy, repair, or maintenance of recreational/leisure vehicles is permitted.

Under Part 4 of the County's Land Use Bylaw No. 2016-01 applicable sections include the following:

4.2 Development Permits Not Required

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.

Under Part 6 of the Land Use Bylaw applicable sections include the following:

- 6.1.1 No person shall contravene this Bylaw by commencing or undertaking a development or use that is not permitted under this Bylaw.

Under Part 7 of the Land Use Bylaw applicable sections include the following:

7.21.1 The Development Permits Not Required Section of this Bylaw outlines all provisions where no development Permit is required, all other instances require a Development Permit.

Under Part 8 of the County's Land Use Bylaw No. 2016-01 applicable sections include the following:

8.3.1 The following shall apply to all campgrounds:

- a) Adjacent site conditions, the interface with neighboring uses, accessibility to natural areas, physical suitability, serviceability and environmental protection will be key considerations when determining the appropriateness and suitability of a site for a proposed campground development;
- b) Public road access to a proposed campground shall be required, as a condition of development approval, to be constructed or upgraded to a condition acceptable to the County;

Under Part 9.1 of the County's Land Use Bylaw, Bylaw No. 2016-01 – Agricultural General Land Use District:

- 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.

Under Development Permit Application DP 2016-18 Notice of Refusal:

YOUR DEVELOPMENT PERMIT APPLICATION FOR A DWELLING, MOVED ON, A VARIANCE TO THE MINIMUM WIDTH REQUIREMENT AND A VARIANCE THE MINIMUM GROSS FLOOR AREA REQUIREMENT ON THE SUBJECT LANDS WAS REFUSED BY THE MUNICIPAL PLANNING COMMISSION ON May 17th 2016 FOR THE FOLLOWING REASONS:

The used manufactured dwelling was placed on the parcel without obtaining the appropriate permits and does not meet the minimum gross floor area requirement or the minimum width requirement as specified in the Land Use Bylaw.

The refusal of the application by the Municipal Planning Commission was not appealed at the time of decision as is permitted under the Municipal Government Act and the Land Use Bylaw therefore a challenge of the decision is no longer an available option.

The Contraventions

- In 2016 the Manufactured Dwelling located on the subject parcel was refused a permit by the Municipal Planning Commission and should have been removed from the property (DP 2016-18).
- Multiple structures have been placed onsite without obtaining the required development permits including dwellings, accessory buildings/structures, farm buildings, and shipping containers.
- In a recent conversation with Mr. John Graham, he stated that the mobile home was being utilized in order to complete renovations on the dwelling which is onsite. No Safety code permits have been obtained for the renovations to the dwelling or to any other building.

A collection of recreational vehicles has been placed on the parcel without a permitted occupied dwelling unit located onsite.

- Evidence exists that some of the recreational vehicles placed on the subject parcel are connected to various service lines which indicates the RV's may be occupied and are being used for recreation (camping) onsite or as a residence.

We are advising that you must comply with the Land Use Bylaw by:

- i. **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 DP 2016-18.
 - 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.
- ii. **By February 3, 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.
- iii. If development permits are not obtained as specified in clause ii restore the lands to their condition prior to the unauthorized development occurring by **April 30, 2023**.

Please be advised that in the event that this Stop Order is not complied with within the time limits provided, the County may undertake further enforcement measures pursuant to the *Land Use Bylaw* and the *MGA*, including but not limited to the following:

- i. entering onto the Lands and performing the necessary remedial action pursuant to section 542 and 646 of the *MGA*;
- ii obtaining an injunction order from the Court of Queen's Bench pursuant to section 554 of the *MGA*;
- iii issuing a municipal tag; (includes financial penalties) and/or
- iv issuing a violation tag (includes financial penalties).

The County may register the Stop Order on the certificate of title for the Lands pursuant to section 646(2) of the *MGA*. Further, the County may add the costs and expenses incurred by the County in enforcing this Stop Order to the tax roll for the Lands, which amount will be deemed to be a property tax imposed under Division 2 of Part 10 of the *MGA* from the date that such costs are added to the tax roll and will form a special lien against the Lands in favor of the County from the date it is added to the tax roll, in accordance with section 553 of the *MGA*.

You may appeal this Stop Order to the County's Subdivision and Development Appeal Board in accordance with sections 685 and 686 of the *MGA* by providing written notice of appeal to the County's Subdivision and Development Appeal Board before **February 24, 2023** to the following address:

Wheatland County Subdivision and Development Appeal Board
Highway 1, RR 1, Strathmore, AB, T1P 1J6
Attention: SDAB Secretary.

Sincerely,

WHEATLAND COUNTY

Per:



Ms. Suzanne Hayes

Development Officer, Wheatland County
403-361-2013
Suzanne.Hayes@wheatlandcounty.ca

cc. Sherry Baers, Manager of Planning and Development Services

SCHEDULE "A"

Address: 242006 Range Road 243, Wheatland County, AB T1P 2C4 Email: admin@wheatlandcounty.ca Phone: 403-934-3321
www.wheatlandcounty.ca
@WheatlandCounty

S		
LINC	SHORT LEGAL	TITLE NUMBER
0011 529 303	4;18;27;4;SE	041 454 034

LEGAL DESCRIPTION

ALL THAT PORTION OF THE SOUTH EAST QUARTER OF SECTION FOUR (4) IN TOWNSHIP TWENTY SEVEN (27) RANGE EIGHTEEN (18) WEST OF THE FOURTH MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH EAST CORNER OF SAID QUARTER SECTION:

THENCE NORTHERLY ALONG THE EASTERLY BOUNDARY THREE HUNDRED THIRTY FIVE AND TWENTY EIGHT HUNDREDTHS (335.28) METRES;

THENCE WESTERLY AND AT RIGHT ANGLES THERETO NINETY ONE AND FORTY FOUR HUNDREDTHS (91.44) METRES

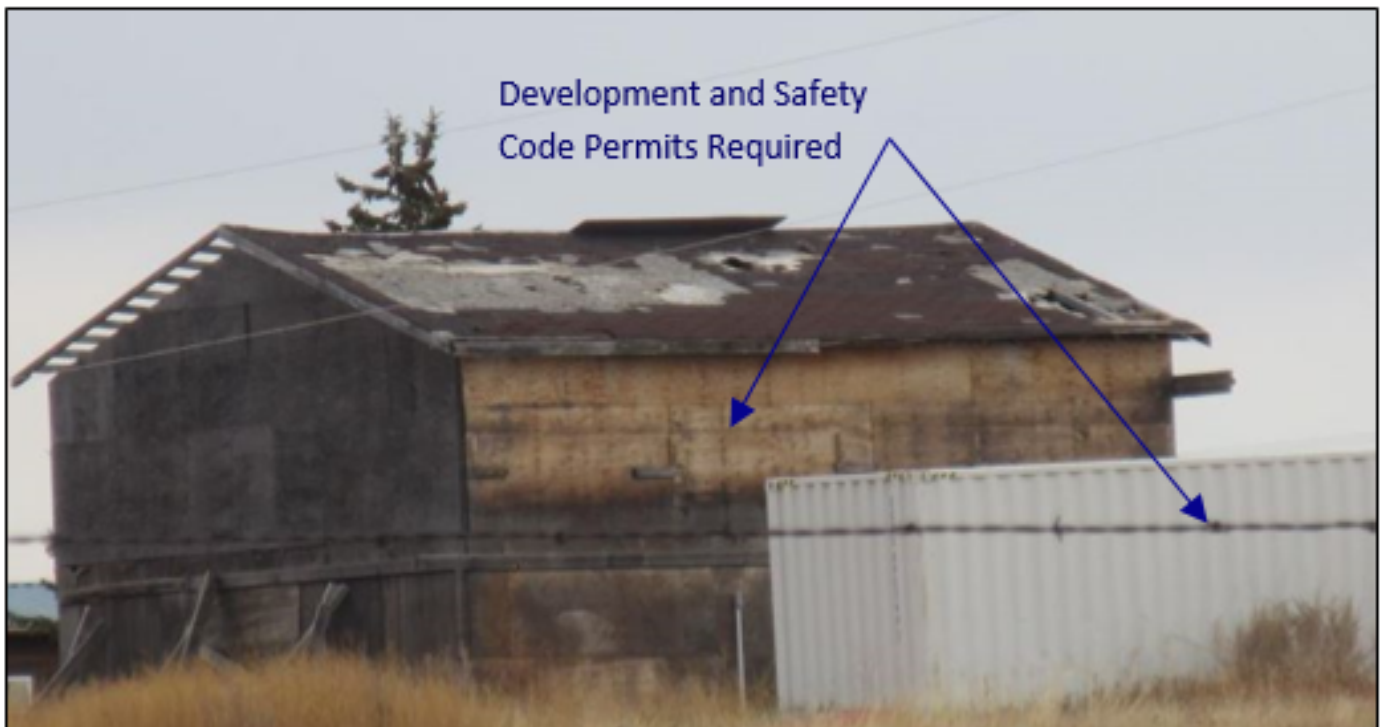
THENCE SOUTHERLY AND AT RIGHT ANGLES THERETO THREE HUNDRED THIRTY FIVE AND TWENTY EIGHT (335.28) METRES TO INTERSECTION WITH THE SOUTH BOUNDARY OF THE SAID QUARTER SECTION

THENCE EASTERLY ALONG THE SOUTH BOUNDARY TO THE POINT OF COMMENCEMENT, CONTAINING 3.1 HECTARES (7.58 ACRES) MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME

SCHEDULE “B”**SELECT IMAGES OF UNAUTHORIZED DEVELOPMENT AND
DIAGRAM OF DEVELOPMENT AREA**





2022 Aerial Photo

- Must be removed
- Development and Safety Code Permits Required.



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.

Site Information			Date Received Stamp <div style="border: 1px solid black; padding: 10px; text-align: center;">WHEATLAND COUNTY FEB 24 2023 RECEIVED</div>
Municipal Address of Site 270014 Hwy #564			
Legal Description of Site (must be completed for all appeals) SE-4-27-18-W4			
Development Permit Number or Subdivision Application Number STOP WORK ORDER			
Appellant Information			
Name of Appellant JOHN GRAHAM			(Office Use Only)
Street Address (for notification purposes) P.O. BOX 510			
City EAST COULEE	Province ALBERTA	Postal Code T0F-1B0	
Business Phone # 403-334-6969	Fax #	Email Address grahamranches@gmail.com	
Residential Phone #			

APPEAL AGAINST (Check One Only)

Development Permit <ul style="list-style-type: none"><input type="radio"/> Approval<input type="radio"/> Conditions of Approval<input type="radio"/> Refusal	Subdivision Application <ul style="list-style-type: none"><input type="radio"/> Approval<input type="radio"/> Conditions of Approval<input type="radio"/> Refusal	Notice of Order <ul style="list-style-type: none"><input checked="" type="radio"/> Notice of Order STOP WORK ORDER DATED FEB 3rd 2023
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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:

* THE ACREAGE HAD AN INITIAL DEVELOPMENT PERMIT

* THE RENOVATIONS TO THE OLD HOUSE ARE ONLY COSMETIC

* THE MOBIL HOME WILL BE MOVED IN THE SPRING ONCE WE OBTAIN A DEVELOPMENT PERMIT TO RELOCATE IT

* THE RECREATION VEHICLES, RV'S, ARE ONLY PERSONAL CAMPERAS BEING STORED, ALL OTHERS HAVE BEEN REMOVED

* THE ACCESSORY BUILDINGS, SHEDS, SEA CROWS, ETC, SHOULD BE GRANDFATHERED IN, AS THEY HAVE →

(Attach a separate page if required)

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
	2023	2	24

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

BEEN ON SITE FOR MANY YEARS, AND ARE NORMAL OUTBUILDINGS, AS SEEN ON MOST FARMS, EVEN THOUGH IT IS A SMALL ACREAGE, IT IS USED AS A STORAGE YARD AND FARM YARD FOR OUR FAMILY'S ADJACENT LARGE FARMING AND RANCHING OPERATIONS

* I WILL WORK WITH WHEATLAND COUNTY, AND WILL ABIDE BY ANY DEVELOPMENT DECISIONS THE COUNTY MAKES

* I AM THINKING OF APPLYING TO HAVE THIS ACREAGE SUBDIVIDED INTO THREE PARCELS, WHICH MAY HELP ALLEVIATE MANY OF THE COUNTIES CONCERNS

* I HAVE BEEN, AND WILL CONTINUE TO SLOWLY CLEAN UP THE ACREAGE, HAULING AWAY THE GARBAGE AND JUNK, SO IT WILL BECOME AN ASSET, AS OPPOSED TO AN EYE SORE, AS IT IS NOW

* BESIDES RENOVATING THE OLD HOUSE, WE ARE ALSO HOPEING TO RENOVATE THE OLD SHOP TOO, BUT THESE ARE ONLY COSMETIC, ADDING NEW TIN ROOFS, AND ADDING NEW SIDING, WHICH I DO NOT THINK, NEEDS PERMITS? IF PERMITS ARE REQUIRED, I WILL OBTAIN SUCH

242006 RGE RD 243
Wheatland County AB T1P 2C4

Receipt Number: 81842
Tax Number: R106989544
Date: February 24, 2023
Initials: BB

GRAHAM, JOHN
PO BOX 510
EAST COULEE, AB T0J 1B0
CANADA

Type	Account / Ref. #	Description	Quantity	Amount Paid	Balance Remaining
General	DAPPE	270014 HWY 564 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)

March 20, 2023

Report prepared by: Suzanne Hayes, Development Officer

Appeal Stop Order Issued February 3, 2023

File Number:	EN-119	Division:	7
Subject of Stop Order:	<ul style="list-style-type: none">• Manufactured Dwelling Permit Refused in 2016 and Structure Remains Onsite• Multiple Structures Onsite without Permits• Recreational Vehicles Accumulating Onsite without a Permitted Dwelling• Recreational Vehicles Onsite Which Have Been or are Currently Being Occupied		
Location:	9 km SE of Dalum on HWY 564		
Legal Description:	SE-4-27-18-W4M		
Title Area:	3.07 ha (7.58 ac)		
Existing Land Use:	Agricultural General (AG)		

Report

Background:

2022:

- September 13 – A complaint was received with concerns that there were people camping or living in recreational vehicles on the subject parcel.
- September 16 – An Inquiry Letter was sent to the landowner who responded that John Graham had done the following without their permission:
 - Cut the lock off of the gate to the parcel
 - Allowed the collection of recreational vehicles on the property
 - Moved various items and structures onto the property
- October 27 – Photographs of the Recreational Vehicles (RVs) captured by County Peace Officers showed hoses coming from the RVs and draining downhill onto the neighboring property. The landowner also submitted photos showing extension cords coming from the RVs (photos attached after this report).

- November 24 – Peace Officers delivered a Warning Letter to the site, and posted copies on 4 RVs and a mobile home located on the parcel. The Warning Letter was also emailed to the landowner with a response deadline of December 24, 2022.
- November 24 – John Graham called the Development Officer, stating that he is the occupant on the land and is in the process of having the land transferred to his family.
- Staff review of County files revealed that the mobile home located onsite had been moved to the property by John Graham without permits or landowner permission in 2016. An application at that time proposed to allow it to remain on the property, but it was refused because the mobile home did not meet the size requirements prescribed in the Land Use Bylaw of the day (Bylaw 2007-56). The mobile home was supposed to have been removed from the parcel at that time. This review also identified several outbuildings that had been placed on the property without obtaining development permits.
- December 14 – A revised Warning Letter was issued which included the manufactured dwelling and other outbuildings in addition to the recreational vehicles. Deadline for compliance was January 31, 2023.

2023:

- February 3 – A Stop Order was issued which identified Land Use Bylaw infractions regarding the manufactured dwelling, the existing residence and outbuildings, and the recreational vehicles (Bylaw 2016-01). John Graham, who now identified himself as an Occupant, was included as a recipient of the Stop Order in addition to the landowner. Deadline for removal of items was immediate, with an appeal expiry date of February 24, 2023.
- February 9 – Development Officer and General Manager of Planning and Development met with John Graham at the County Office to discuss the Stop Order, as well as a Warning Letter John Graham had received regarding a different property.
- February 13 – John Graham requested a copy of the Land Use Bylaw that had been in effect in 1980, and a copy of the contents of the land file. He was sent the 1980 Land Use Bylaw, but to receive a copy of the file documents he was required to submit a FOIP request since he was not the landowner on title. He was also advised that the FOIP coordinator had 30 days to prepare the redacted documents.
- February 24 - John Graham submitted a FOIP request for the complete land file and submitted an Appeal of the February 3, 2023 Stop Order.

The Stop Order:

- The Stop Order was completed in accordance with the requirements of the Municipal Government Act (MGA) and the Land Use Bylaw (LUB).
- It referenced some applicable Land Use Bylaw definitions, relevant LUB sections, and the Notice of Refusal from 2016 summarized as follows:

Definitions:

- Development
- Dwelling Manufactured Type 2
- Campground, Minor

- Campground, Major
- Recreational Vehicle
- Recreational/Leisure Vehicle Storage

Land Use Bylaw Sections:

4.2 Development Permits Not Required

4.2.20 Recreational Vehicle Storage (where a permitted dwelling exists)

6.1.1 Regarding LUB Contraventions

7.21.1 Regarding the Development Permit not required Section

8.3.1 Regarding Campgrounds

9.1 Agricultural General District uses occurring on the lands that are listed within the AG district but still require permits versus those that are not listed.

- DP 2016-18 Notice of Refusal, for the Dwelling, Manufactured.

Responses to the Appellant's Reasons for Appeal

- *The Acreage had an initial Development Permit.*
 - County Response: Wheatland County does not currently, and has not historically issued a development permit for an acreage. Development permits are issued for structures or specific uses on a parcel of land. The 1982 application for subdivision mentions that the subdivision of the parcel was to accommodate a dwelling which was already under construction, however there is no permit for the dwelling in the Land File. The Land Use Bylaw (LUB) in effect from 1980 to 1986 has the same basic methodology for determining which uses may occur on a parcel as recent Land Use Bylaws. It includes a list of permitted and discretionary uses within a particular land use district. In the 1980-86 LUB, Farm Dwelling (single family) was listed as a permitted use under the General Agriculture Land Use District, indicating a permit was required in 1982.
- *The renovations to the old house are only cosmetic.*
 - Documentation in the Land File states that in 2016, it was estimated the house had not been occupied in the past 10 years (since 2006). Once a development permit has been obtained for the dwelling, an applicant may outline the scope of the renovation work so staff can determine if a building permit is required. Safety code permits are also required for gas, plumbing and electrical work to allow for hookups to the required services. To-date there have not been any permits applied for. These permits require landowner approval.
- *The mobile home will be moved in the spring once they have obtained a development permit to relocate it.*
 - The previous permit submitted for this manufactured dwelling indicated it was manufactured in 1970. Under the current Land Use Bylaw an applicant may apply for a Dwelling, Manufactured Type 2, provided an inspection by a structural engineer or a safety codes officer is submitted in order to determine structural integrity and suitability to be located in

the County. The definition also states that the Manufactured Dwelling must be constructed after 1976, so it may not be possible to relocate this manufactured dwelling in Wheatland County.

- **LUB Definition 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.

LUB 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.
- *The recreational vehicles, RVs are only personal campers being stored, all others have been removed.*
 - The Land Use Bylaw allows up to 5 unoccupied recreational vehicles to be stored on a parcel larger than 5 acres, provided there is a residence legally onsite.

4.2.20 Development Permits Not Required for the following:

- 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.
- *The accessory buildings, sheds, sea cans, etc. should be grandfathered in as they have been on the site for many years, and are normal outbuildings, as seen on most farms, even though it is a small acreage, it is used as a storage yard and farm yard for our family's adjacent large farming and ranching operations.*
 - For a building to be grandfathered, it has to have been legally on the property at one time and made illegal due to bylaw changes. The dwelling and outbuildings located onsite have been constructed or moved there over the years without permits. The current Land Use Bylaw requires that any building larger than 100 sq. ft. obtain a development permit. Similarly, since 1982 when the acreage was subdivided, all versions of the LUB have required accessory buildings larger than 100 sq. ft. to obtain a development permit.
 - The quarter section originally belonged to Mr. Graham's extended family, however in 2004 it was sold to the current landowner.
- *The appellant will work with Wheatland County and will abide by any development decisions the County makes.*

- The landowner on title must sign all permit applications for onsite development as he remains as the registered landowner.
- *The appellant is thinking of applying to have the acreage subdivided into three parcels, which may alleviate many of the Counties' concerns.*
 - The appellant is not the landowner, any applications submitted for subdivision would require the signature of the current titled landowner. Staff are not of the opinion that the infractions listed on the Stop Order would be addressed by subdividing the land.
- *I have been and will continue to slowly clean up the acreage, hauling away the garbage and junk, so it will become an asset and not an eyesore, as it is now.*
 - Staff agree that cleaning up the site would be a benefit to both the County and the current landowner if he is willing to grant access to allow it.
- *Besides renovating the old house, we are also hoping to renovate the old shop too, but these are only cosmetic, adding new tin roofs, and adding new siding which I do not think needs permits? If permits are required, I will obtain such.*
 - The appellant is not the titled landowner, any renovations (or access to the lands) will require landowner permission and potentially safety code permits based on the scope of the work.

Recommendation from Administration

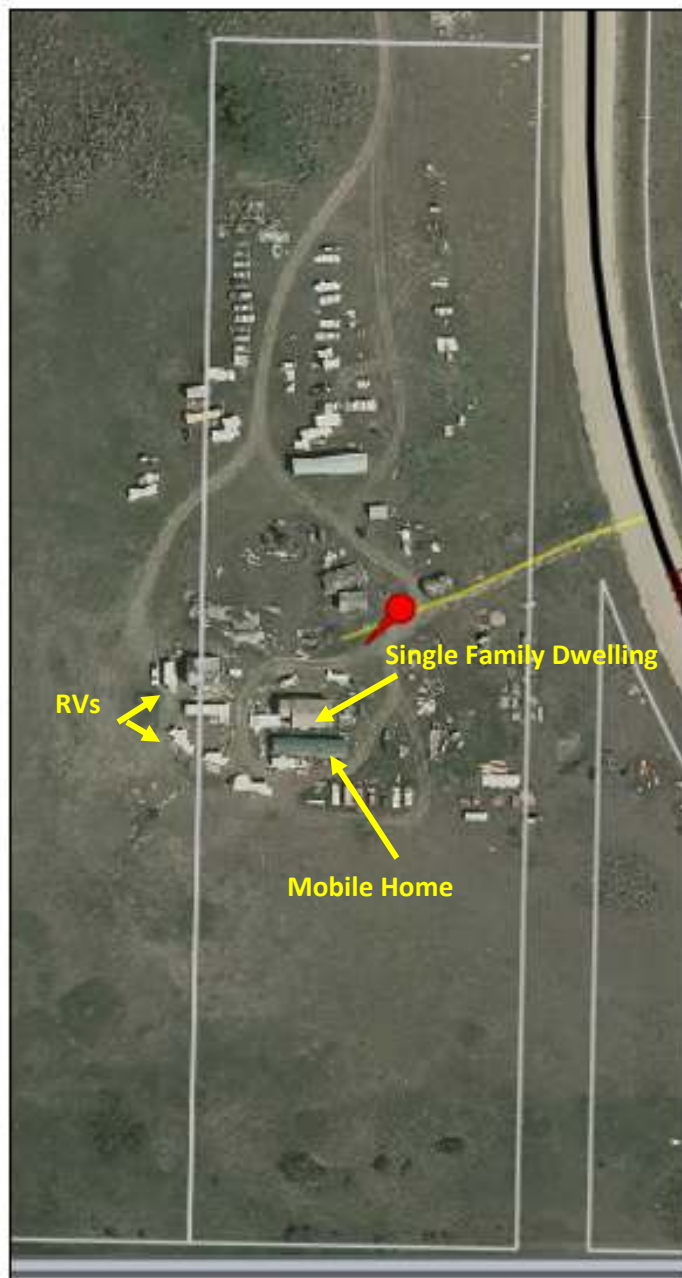
Staff recommend that the Stop Order be upheld. Additionally, any permit applications made to bring the site into compliance or to allow any of the items identified on the Stop Order to remain onsite, should be made by the landowner.

Appendix A: Location Plan



Appendix B: Historical Aerial Photos

2022



2020



2018



2016



2014



2012



2010



2007



2005



2000



Appendix C: Site Photos

RVs with Hoses October 27, 2022



Landowner Photos November 23, 2022







2020









2016







Appendix E: Land Use Bylaw Excerpts

May 2016- to Present Land Use Bylaw (LUB 2016-01)

Under section 616(b) of the MGA and 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) an excavation or stockpile and the creation of either of them,
- b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land,
- c) 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 the land or building, or
- d) a change in the intensity of use of land or a building or an act done in relation to 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.

Under Part 2 of the County's *Land Use Bylaw*, Bylaw No. 2016-01 (the "*Land Use Bylaw*"), applicable definitions include but are not limited to the following:

"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.

“Campground (Minor)” means development of land for the short-term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles. See Campgrounds Section for more information.

“Campground (Major)” means development of land (public and private ownership) for the short or long-term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles. Campground (major) may include facilities such as a central office, washrooms, cooking facilities and retail establishments for the sale of convenience items. See Campgrounds Section for more including slide-outs) in width. A recreational vehicle is not considered a dwelling unless it is being used for quarantine or self-isolation information.

“Recreational Vehicle” means a portable fabrication to be carried on a vehicle or to be transported on its own wheels and which is intended to provide temporary living accommodations for travel and recreational purposes. It includes vehicles such as a motor home, a camper, a travel trailer or a tent trailer, but does not include a mobile home, sea-can or any vehicle or trailer over eight (8) feet (not measures.

“Recreational/Leisure Vehicle Storage” means an industrial area of land set aside or otherwise defined for the purpose of storing recreational vehicles, boats, travel trailers, campers, motor bikes, ATV’s and other leisure vehicles. No onsite occupancy, repair, or maintenance of recreational/leisure vehicles is permitted.

Under Part 4 of the County’s Land Use Bylaw No. 2016-01 applicable sections include the following:

4.2 Development Permits Not Required

4.2.1 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.

4.2.6 Accessory Building: a) An accessory structure/building less than 9.29 m² (100 ft²) in area. b) Grain Bins for agricultural purposes; and c) Silos for agricultural purposes

Under Part 6 of the Land Use Bylaw applicable sections include the following:

6.1.1 No person shall contravene this Bylaw by commencing or undertaking a development or use that is not permitted under this Bylaw.

Under Part 7 of the Land Use Bylaw applicable sections include the following:

7.21.1 The Development Permits Not Required Section of this Bylaw outlines all provisions where no development Permit is required, all other instances require a Development Permit.

Under Part 8 of the County’s Land Use Bylaw No. 2016-01 applicable sections include the following:

8.3.1 The following shall apply to all campgrounds:

- a) Adjacent site conditions, the interface with neighboring uses, accessibility to natural areas, physical suitability, serviceability and environmental protection will be key considerations when determining the appropriateness and suitability of a site for a proposed campground development;
- b) Public road access to a proposed campground shall be required, as a condition of development approval, to be constructed or upgraded to a condition acceptable to the County;

Under Part 9.1 of the County’s Land Use Bylaw, Bylaw No. 2016-01 – Agricultural General Land Use District:

- 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.

9.1 Agricultural General District (AG)



Purpose and Intent

The purpose and intent of this district is to promote and accommodate agricultural land uses that support the goals and objectives of the Municipal Development Plan and preserve the agrarian character of the County.

Permitted and Discretionary Uses

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

Permitted	Discretionary
Accessory Building / Structure	Abattoir
Agricultural Operation ¹	Agricultural Processing – Major
Agricultural Processing – Minor	Bed and Breakfast
Dwelling, Clustered Farm	Cannabis Cultivation
Dwelling, Manufactured 1	Composting Facility
Dwelling, Modular	Day Home
Dwelling, Moved On	Dwelling, Accessory
Dwelling, Secondary Suite	Dwelling, Manufactured 2
Dwelling, Single Detached	Dwelling, Temporary
Farm Building	Equestrian Centre
Greenhouse, Private	Farm Gate Sales
Home-Based Business, Type 2	Greenhouse, Public
Recreational Vehicle for Quarantine or Self-Isolation	Home-Based Business, Type 3
Shipping Container	Kennel
Signs not requiring a Development Permit ¹	Nursery
Solar Panel, Ground Mount ¹	Shooting Range, Minor
Solar Panel, Structure Mount ¹	Signs requiring a Development Permit [^]
Stripping and Grading ¹	Solar Facility ²
WECS (micro) ¹	Stockpile
WECS (Category 1) ¹	Tower
	WECS (Category 2) ²

2007-2016 Land Use Bylaw (LUB 2007-56)

4.3 Development Permit Not Required

- 4.3.1 A development permit is not required for the following development but shall otherwise comply with the provisions of this Bylaw.

4.3.11 Any accessory building less than 10 m² (100 ft²) if the building is portable and placed upon a moveable base.

8.3 Agricultural General District (A-G)

8.3.1 Purpose and Intent

The purpose and intent of the Agricultural General District is to provide for the conservation of extensive areas of land for Agricultural production

8.3.2 Permitted Uses

Accessory building/structure
Agricultural building/structure
Agricultural Processing-Minor
Agricultural Operations
Dwelling, manufactured
Dwelling, modular
Dwelling, single detached
Dwelling, temporary (During construction of a principal dwelling)
Extensive Agricultural Pursuits
Greenhouse, private
Market garden (Bylaw 2012-102)
Nursery (Bylaw 2012-102)
Public Market
Sign (Advertising, Identification)
Solar Panel, Ground Mounted (Bylaw 2014-26)

8.3.3 Discretionary Uses

Abattoir
Agricultural Processing-Major
Airports and Landing Strips
Animal Hospital and Shelter
Auction-mart
Bed and breakfast
Clustered Farm Dwellings (Bylaw 2011-39)
Confined Feeding Operations
Composting Facility
Community Building and Facilities
Dwelling, Duplex
Dwelling, temporary (Special care and farm help)
Dwelling, security
Dwelling, moved on (All types-unless otherwise stated) (Bylaw 2008-43)
Dwelling, multiple unit
Equestrian Facility
Essential Public Service
Food and Beverage Production

Greenhouse
Kennel
Lodging facilities
Natural Resource Extractive
Recycling Facility
School, private (Bylaw 2011-39)
Secondary Use Business
Secondary Suite
Signs (Directional)
Tower
WECS Category 1 (Bylaw 2012-27)
WECS Category 2 (Bylaw 2012-27)
Worship Facilities (Bylaw 2011-39)

1980-1986 Land Use Bylaw (LUB 80-09)

17.1.0 DEVELOPMENT PERMITS NOT REQUIRED

17.1.1 It shall not be necessary to obtain a Development Permit prior to commencement of the following developments but the development shall otherwise comply with the provisions of this Bylaw:

- (i) Works or maintenance or repair to any building including basement development and interior and exterior repairs provided that
 - (a) such works do not include additions to buildings or major works of renovations.
- (ii) The completion of a building which has a valid development permit construction at the date of the first publication of the official notice required by Section 67(2) (e) of the Act, provided that:
 - (a) the building is completed in accordance with the terms of any permit granted by the Council, subject to the conditions of that permit; and
 - (b) the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the date of the first publication of the aforesaid official notice.

- (iii) The use of any building referred to in Section 17.1.0 for the purpose for which construction was commenced.
- (iv) The erection, the construction, or the maintenance of gates, fences, walls, or other means of enclosure six (6) feet or less in height provided that the erection of such fence, wall or gate does not contravene any other provision of this Bylaw.
- (v) The erection or the installation of machinery needed in connection with operations for which a Development Permit has been issued, for the period of those operations.
- (vi) The construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement.
- (vii) The use by the County of land of which the County is the legal or equitable owner for a purpose approved by a two-thirds majority vote of Council in connection with any public utility carried out by the County.
- (viii) On parcels of land exceeding 16 ha (40 acres) used for extensive agricultural purposes, the carrying out of construction, excavation, or other operations requisite for the continued use of that land for agricultural purposes except that this shall not apply to:
 - (a) any dwelling on the land:
 - (b) any building or other structure proposed to be erected within
 - (i) The required setback area
 - (ii) 304.8 m (1,000 feet) from a primary highway.
- (ix) The use of a building or part thereof as a temporary polling station for a Federal, Provincial or Municipal election or referendum.
- (x) An official notice, sign, placard, or bulletin required to be displayed pursuant to the provisions of Federal, Provincial or Municipal legislation.

SECTION 6.0.0 GENERAL AGRICULTURAL DISTRICT (GA) LAND USE RULES

6.0.1 PURPOSE AND INTENT

6.0.2 The purpose and intent of this Land Use District is to provide for the conservation of extensive areas of land for agricultural purposes.

6.1.0 PERMITTED USES

6.1.1 Farm Dwellings (single-family)

6.1.2 Accessory Building and Uses

6.1.3 Extensive Agricultural Pursuits

6.1.4 Mobile Homes

6.1.5 Modular Homes

6.2.0 DISCRETIONARY USES

6.2.1 Cemeteries

6.2.2 County Recreational Centres

6.2.3 Intensive Agricultural Pursuits

6.2.4 Home Occupations

6.2.5 Natural Resource Extractive Industries

6.2.6 Public Buildings Utilities and Services

6.2.7 Radio and TV towers

6.2.8 Signs

6.2.9 Agricultural Processing Industry

6.2.10 Hazardous Industry

6.2.11 Campgrounds

6.2.12 Multi-Family Dwellings

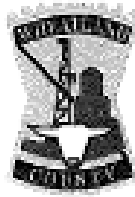
6.2.13 Airports and Landing Strips

6.2.14 Outside Storage Industry

6.2.15 Repair and Sales Industry

6.2.16 Manufacturing and Distribution Industry

6.2.17 Churches and Institutional Uses



WHEATLAND COUNTY

Where There's Room to Grow

**DEVELOPMENT PERMIT 2016-18
REFUSED
SE 4-27-18-W4M**

YOUR DEVELOPMENT PERMIT APPLICATION FOR A DWELLING MOVED ON, A VARIANCE TO THE MINIMUM WIDTH REQUIREMENT AND A VARIANCE TO THE MINIMUM GROSS FLOOR AREA REQUIREMENT ON THE SUBJECT LANDS WAS REFUSED BY THE MUNICIPAL PLANNING COMMISSION ON MAY 17th, 2016 FOR THE FOLLOWING REASONS:

The used manufactured dwelling was placed on the parcel without obtaining the appropriate permits and does not meet the minimum gross floor area requirement or the minimum width requirement as specified in the Land Use Bylaw.

Date of Decision: May 17th, 2016

Notice of Decision: May 25th, 2016

Appeal Expiry date: June 8th, 2016

If you wish to appeal, a letter of appeal on the proper form along with appropriate fees must be submitted on or before the appeal expiry date to:


Attn: Alan Parkin, SDAB Secretary, Wheatland County
HWY # 1 RR # 1, STRATHMORE, AB T1P 1J6


Each Subdivision & Development appeal to Wheatland County must be accompanied by an appeal application form and a \$400.00 non-refundable fee.


**Suzanne Hayes, Development Officer
Wheatland County**


2016 Drawing Regarding Permit Status Sent to Landowner



 Must be removed – Permit has been refused.

 Must be removed or moved to meet setbacks and a permit must be obtained. Or an encroachment agreement must be signed with the neighbor and a variance applied for.

 Must be removed or a permit obtained for an accessory building or dwelling. (A permit for a dwelling may only be obtained if it is the only dwelling on the parcel).

 Accessory Buildings – Must be removed, permits must be obtained for each building.


 Dwelling – Must be removed or permit must be obtained and must go to Municipal Planning Commission for approval because it does not meet the minimum size requirement.

EXHIBIT C

Appellant Documents

NO SUBMISSIONS

EXHIBIT D

Public in Favor of
Stop Order

Michelle Van Haarlem

From: Morley Kjargaard [REDACTED] FOIP s.17(1)
Sent: Tuesday, March 14, 2023 3:04 PM
To: Sub Division Appeal Board
Cc: Suzanne Hayes; PD Graham
Subject: Fw: Wheatland County SDAB - File SDAB SO2023-001 Re: Appeal of Stop Order Issued February 3, 2023 - Written Submission

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.

File SDAB SO2023-001
Re: Appeal of Stop Order Issued February 3, 2023
Legal Description: SE-4-27-18-4: 270014 Hwy 564

Attention: Wheatland County– Subdivision and Development Appeal Board (SDAB)

My sister, Patty Dawn Graham, and I, Lori-Jo Graham, are Self-Appointed Representatives of the Estate of William Graham. The Estate of William Graham co-owns several parcels of land adjacent to and surrounding this property.

We object to a campground, recreational vehicle storage, and related buildings and structures on this property. We object to any drainage of hoses or any other devices that would drain onto our property or that would affect surface water, underground water or any waterways. We are concerned about the possibility of campers on this property accessing our property. We are concerned about safety and liability issues with people accessing our lands to use and store possessions.

We object to and do not support any changes in land use designation. We object to and do not support any applications for development permits as we want the land to be for agricultural purposes only.

We are concerned about the Prairie Coulee Wilderness Campground at SE-11-27-18-4 and SW 12-27-18-4, which is subject to another Stop Order issued by Wheatland County on March 3, 2023, and its proximity to this property. We are concerned that any or all the camping and recreational vehicles units, cargo trailers, ATVs, trucks, cars, large tanks, barrels, buildings, vehicles, other structures and moveable items, could be potentially relocated or reconstructed on this property. These all pose potential hazards and liability issues. We are concerned about potential hazards and safety for livestock and liability issues. We believe that campfires pits, barbeques, propane stoves and portable propane fire rings/bowls pose a high risk to ignite wildfires and create safety and liability issues. A wildfire would have the potential to spread to other properties in the County and beyond.

We are concerned and opposed to any commercial or recreational campground, recreational vehicle storage, recreational vehicle uses or accompanying materials be located on this site which potentially could detrimentally affect our property.

We are available to answer any questions.

Sincerely,
Lori-Jo Graham

Lori-Jo Graham
[REDACTED]

FOIP s.17(1)

Michelle Van Haarlem

From: Barbara Letawsky [REDACTED]
Sent: March 14, 2023 5:11 PM
To: Sub Division Appeal Board
Subject: Regarding Larry Bryden & John Barry Graham

FOIP s.17(1)

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

FOIP s.17(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.

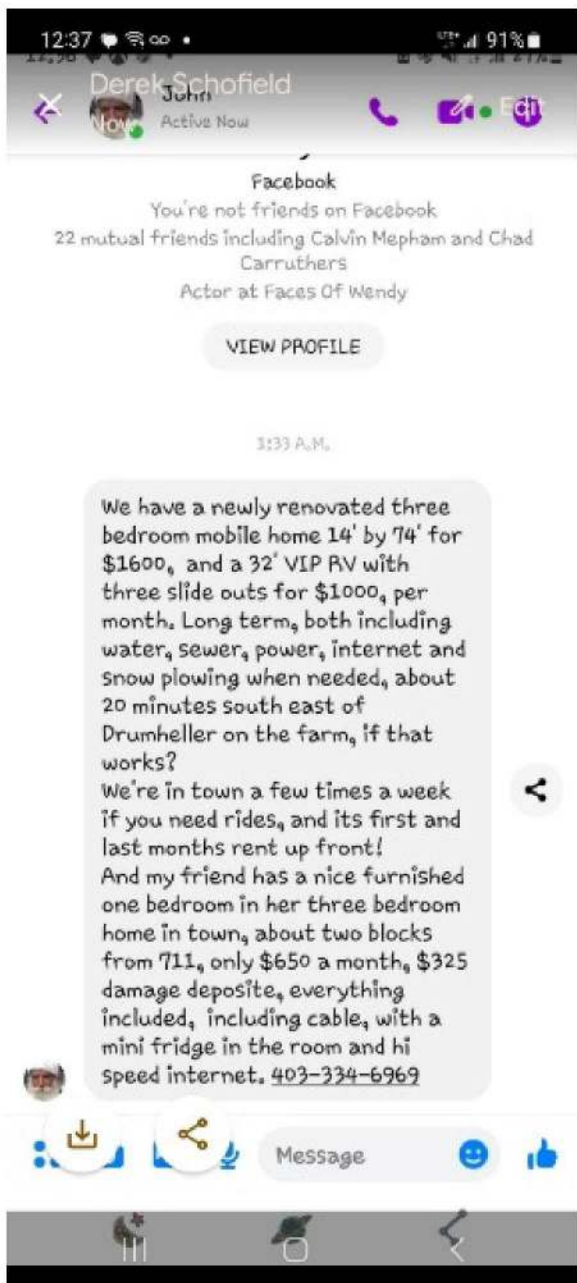
I used to live on the piece of property that John Barry Graham calls his own. I even lived in the mobile home because it was mine. Larry Bryden told me I could live there for free as long as I pay the utilities, so that I could watch the place for him.

I still have the bill of sale, it is in the possession of Colin Kloot. The mobile home was sold to Larry Bryden after I moved off the property. I had called the power company at that time to tell them that it was not a legal property as told to me by Wheatland County when they served me with papers to tell me I can't live there, back in 2016, because it was only 14ft wide.

Larry Bryden asked me to send you this attachment to you as we had found that he has been renting it out & is trying to rent it out again.

If you have any more questions as to anything that's happened up at that piece of property, please don't hesitate to call me, Barbara, at [REDACTED]

FOIP s.17(1)



[Sent from Yahoo Mail on Android](#)

EXHIBIT E

Public in
Opposition to
Stop Order

NO SUBMISSIONS