

**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
G. Szakaly
T. Tower
P. Metzger-Savoie

Appellant: Janneane Madill

Basis of Appeal: An appeal received on March 28, 2023, against the Municipal Planning Committees decision to REFUSE development permit DP2023-006 for a Home-Based Business Type 3 (HBB 3) to permit a 'Sanctuary for the Care of Rescued, Surrendered, Injured and abandoned Farm Animals; located at NW-17-26-25W4; 262049A Range Road 255.

Finding the Facts:

1. Parcel is located in the NW-17-26-25W4; 262049A Range Road 255
2. Parcel is currently zoned Agriculture General (AG)
3. The Municipal Planning Committee refused the Development Permit for a Home-Based Business Type 3 (HBB 3) to permit a 'Sanctuary for the Care of Rescued, Surrendered, Injured and abandoned Farm Animals; located at NW-17-26-25W4; 262049A Range Road 255 on March 14, 2023.
4. Appellant filed the Notice of Appeal with the Subdivision and Development Appeal Board on March 28, 2023.

Decision:

The decision of the Subdivision and Development Appeal Board is to approve the Appeal and overturn the decision of the Municipal Planning Commission. The decision is to approve DP2023-006 allowing a Home-Based Business Type 3 (HBB 3) to permit a 'Sanctuary for the Care of Rescued, Surrendered, Injured and Abandoned Farm Animals; located at NW 17-26-25-W4M; 262049A Range Road 255. The approval is subject to the following conditions:

1. This Development Permit is issued solely for operating a Sanctuary for the Care of Rescued, Surrendered, Injured and Abandoned Farm Animals – Defined as a Home Based Business Type 3.
2. No variances have been granted.
3. Development shall proceed according to Agricultural General (AG) 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. Development to remain consistent with submitted application, Letter of Intent, and all approved plans and procedures which form the application and have been deemed to be appropriate.
6. Any future modifications or development on or to the lands will require the appropriate development permits in accordance with the Wheatland County Land Use Bylaw.
7. Any expansion or intensification of the business beyond the criteria of a Home Based Business Type 3 may require re-application to an alternate district/use or relocation of the business to an area more appropriate for the use.

8. No disposal of business related trash or any other item or substance at the County Waste transfer site.
9. No parking or stacking of vehicles on Range Road 255.
10. Dust control measures shall be applied annually with initial application applied each year prior to June 1st at the cost of the applicant. Dust control shall be applied in the form of Calcium Chloride (or a County approved alternate) in the locations and for the distances specified in Figure 1 below. The applicant may choose to order dust control from the County prior to the "1st round" application deadline annually in the Spring or hire a contractor to complete the application. The applicant is responsible to maintain the effectiveness of the dust control to the satisfaction of the County throughout each year. If the initial application of dust control has not been completed by June 1st of each year or the effectiveness of the dust control has not been maintained throughout the year to the satisfaction of the County, the County will complete the required dust control and invoice the applicant for the associated costs, per the most current Wheatland County Master Schedule of Fees.

Figure 1: Required Dust Control (depicted in yellow)



11. The Development Permit will expire on **December 31, 2024**.
12. **Recommendation** to consider continuing recording number of vehicles to the sanctuary.
13. **Recommendation** to consider moving the tour walk so it does not take place along the mutual fence line with the adjacent neighbor.

Reasons for Decision:

1. The Board finds that a Home-Based Business Type 3 (HBB 3) to permit a 'Sanctuary for the Care of Rescued, Surrendered, Injured and Abandoned Farm Animals is a discretionary use within the Agricultural General (AG) District in accordance with section 9.1 of the Land Use Bylaw.
2. The Board finds it has the authority to make a decision on this matter pursuant to section 687(3)(d) of the Municipal Government Act.
3. The Land Use Bylaw includes definitions for Agricultural Operation and Livestock. The subject property is designated Agricultural General (AG), and a permit is not required for an Agricultural Operation within the AG district. This permit applies to activities related to the home based business operation such as fundraising and volunteering at the sanctuary.
4. It is unclear to the SDAB Board what information was used and provided to MPC in making their decision.
5. The Board is satisfied that the conditions listed in the Decision will mitigate potential impact on adjacent properties.

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 27 day of April, 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