

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD****DECISION**

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- Hearing held at: Mountain View County Office  
Council Chambers
- Date of Hearing: June 15, 2017
- Members Present: Greg Harris  
Keith Branter  
Debbie Bennett  
Rudy Durieux
- Basis of Appeal: This is an appeal to a development permit refused by the Olds Intermunicipal Planning Commission on May 16, 2017. The Appellant has cited the following as the Reason for Appeal:
- The property is suitable for three residences and they all currently are serviced and in use on the subject property.

Appealed By: Wayne Cipperley

**Description of Application:**

On June 15, 2017 the Intermunicipal Subdivision and Development Appeal Board heard an appeal by Wayne Cipperley, in regards to the refusal of a development permit by the Intermunicipal Planning Commission for a third Dwelling Unit on the NE 20-32-1-W5M.

The essential issue that the Intermunicipal Subdivision and Development Appeal Board must address in this appeal is whether approval of a third dwelling is consistent with:

- Land Use Bylaw 15/15, Section 9.8 Dwelling Density
- Land Use Bylaw 15/15, Section 11.1 Agriculture District Uses and Site Regulations

**Findings of Fact:**

1. The subject parcel is an un-subdivided quarter section that contains 157.26 acres and is zoned Agricultural.
2. The Town of Olds and Mountain View County created a Intermunicipal Development Plan on September 19, 2007 through Bylaw 14/07. The parcel of land that is the subject of this appeal remains under the jurisdiction of Mountain View County Land Use policies; however the County has agreed to share decision making authority with the Town of Olds within the Intermunicipal Development Plan Area recognizing that both municipalities have mutual interest in decisions made in close proximity to the Town.
3. Bylaw 18/08 establishes the authority for the Town of Olds and Mountain View County to create a Intermunicipal Subdivision and Development Appeal Board that consists of representatives from both municipalities.

4. The Parcel of Land is located within the Mountain View County and Town of Olds Intermunicipal Development Plan Fringe area.
5. Temporary Development Permit PLDP20120176 was issued in 2012 approving the accommodation of 3 dwellings on the subject parcel. Lee Armstrong was the applicant and Wayne Cipperley was the landowner.
6. Temporary Development Permit PLDP20120176 expires on August 17, 2017.
7. The temporary development permit was issued for a manufactured home placed on pilings.
8. In a letter of support for the 2012 temporary permit, the applicant for the third dwelling stated that within 5 years the older residence on the property would be demolished, bringing the property back into compliance with the maximum number of dwelling units, which was two.
9. The landowner does not reside on the property and all three dwellings are currently occupied by long term tenants.
10. Two of the dwellings have no involvement in agricultural operations on the property, while the third dwelling occupied by Mr. Armstrong provides some minor assistance with the neighbour's (Briggs) Bison operation.
11. The landowner leases the balance of the quarter section not being used for residential purposes to the Briggs who use it for grazing Bison.
12. Dwelling density policies for this application is determined by Land Use Bylaw 15/15 section 9.8, and 11.1
13. Land Use Bylaw 15/15 does not list Third Dwellings as a listed Use in Agricultural Districts.

**Decision:**

The decision of the Intermunicipal Subdivision and Development Appeal Board (ISDAB) is to deny the appeal and uphold the decision of the Intermunicipal Planning Commission to refuse the application for a third dwelling:

**Reasons:**

1. Section 9.8 (3) of Land Use Bylaw 15/15 states that the maximum number of dwelling units on a parcel of land greater than 28.33 ha (70 acres) is 2.
2. The Development Permit issued in 2012 allowing for a third dwelling was a temporary permit with a 5 year expiry date. Land Use Bylaw 15/15 does not list Third Dwellings as a listed Use in Agricultural Districts.

**Evidence:**

The Board considered the following evidence in making its decision:

- Exhibit A Notice of Development Appeal
- Exhibit B Background to Development Permit Application
- Exhibit C Municipal Planning Commission Notice of Decision
- Exhibit D Respondents Package Submitted by Development Officer
  - Request for Decision
  - Location, Land Use and Ownership Map
  - Olds IDP Map
  - Site Plan submitted by Applicant
  - Environmental Scan Map
  - Aerial Photographs
  - Request for Decision for May 16, 2017

- May 16, 2017 Adopted Minutes
- Exhibit E Appellant's Letter of Reason Submitted by Landowner Wayne Cipperley  
Exhibit F Copy of Lee Armstrong's 2012 Letter of Intent for Modular Home

Verbal presentation to the Subdivision and Development Appeal Board by the following:

- Appellant
- Planning and Development Department
- Adjacent landowners

**Appeals:**

If you wish to appeal this decision, you must follow the procedure prescribed in Section 688 of the Municipal Government Act as follows:

Section 688(1)

The appeal must be to the Court of Appeal of the Province on a question of law or jurisdiction with respect to a decision of the Subdivision and Development Appeal Board.

Section 688(2)

An application for leave to appeal pursuant to subsection (1) must be made to a judge of the Court of Appeal within 30 days after the issue of the decision sought to be appealed, and notice of the application must be given to:

- (a) the Subdivision and Development Appeal Board; and
- (b) any other persons that the judge directs.

Section 688(3)

On hearing the application and the representations of those persons who are, in the opinion of the judge, affected by the application, the judge may grant leave to appeal if the judge is of the opinion that the appeal involves a question of law of sufficient importance to merit a further appeal and has a reasonable chance of success.

**INTERMUNICIPAL SUBDIVISION AND  
DEVELOPMENT APPEAL BOARD OF MOUNTAIN  
VIEW COUNTY**

Per: \_\_\_\_\_

**Chair**



Date Signed: June 27, 2017