



## AGENDA

### INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (ISDAB)

### COUNCIL CHAMBER, LEDUC COUNTY CENTRE, NISKU

**Friday, January 21, 2022**

1. **Order and Roll Call** – 9:00 a.m.
2. **Organizational meeting of the Board**
  - a) Nomination of Chair
  - b) Nomination of Vice Chair
3. **Agenda Adoption**
4. **Adoption of Previous Minutes**
  - \* a) October 21, 2021 Intermunicipal Subdivision and Development Appeal Board Meeting
  - \* b) October 29, 2021 Intermunicipal Subdivision and Development Appeal Board Meeting
5. **Subdivision and Development Appeal Hearing SDAB 01-2022 - Stop Order**
  - \* a) **9:00 a.m.**

Apellant(s)	Angela Pauls
Applicant's name	Angela and James Pauls
Landowner's name	Frank and Susan Osterwoldt
Leduc County Municipal Roll #	1509010
Legal description of subject property	Lot 1, Block 1, Plan 1420960, Pt. NE 3-48-26-W4
Municipal address	48052 Range Road 262, Leduc County
Nature of Stop Order	Unauthorized Development (development exceeding municipal approval)
Development permit application #	D21-107 - Home Based Business Type 3 (Petting Zoo)

6. \* **Request for refund** - Development Permit Application D21-170
7. **Next meeting date** - at the call of the Chair
8. **Adjournment**

**Legend**

**\* Items Attached To Agenda**

**MINUTES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON FRIDAY, JANUARY 21, 2022 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.**

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**Order and Roll Call**

The meeting was called to order at 9:00 a.m., Friday, January 21, 2022 by Clerk Joyce Gavan with Board Members Mary-Ann McDonald, Kelly-Lynn Lewis, Pat Rudiger and Dalpreet Viridi present.

Present as well were the following:

- Lynn White, Recording Secretary
- Charlene Haverland, Manager - Development Services (via teams)
- Angela Pauls, Appellant
- Josh Hall, Adjacent landowner

**Organizational Meeting of the Board**

Clerk Joyce Gavan indicated that in accordance with Bylaw No. 33-19 establishing the Intermunicipal Subdivision and Development Appeal Board, the Chair and Vice Chair are to be elected at the first meeting of each year.

**Nominations for Chair**

Clerk Gavan called for nominations for the position of Chair of the Intermunicipal Subdivision and Development Appeal Board.

Board Member Rudiger nominated Board Member Mary-Ann McDonald as Chair.

**Nominations Cease - Chair**

**01-22** Board Member Rudiger -- that nominations cease for Chair of the Intermunicipal Subdivision and Development Appeal Board.

Carried

Clerk Gavan declared Board Member McDonald elected, by acclamation, as Chair of the Intermunicipal Subdivision and Development Appeal Board.

**Assume Chair**

Chair McDonald assumed the Chair.

**Nominations for Vice Chair**

Chair McDonald called for nominations for the position of Vice Chair of the Intermunicipal Subdivision and Development Appeal Board.

Chair McDonald nominated Board Member Rudiger as Vice Chair.

**Nominations Cease - Vice Chair**

**02-22** Board Member Lewis -- that nominations cease for Vice Chair of the Intermunicipal Subdivision and Development Appeal Board.

Carried

Chair McDonald declared Board Member Rudiger elected as Vice Chair of the Intermunicipal Subdivision and Development Appeal Board.



**Agenda Adoption**

**03-22** Board Member Lewis -- that the agenda for the January 21, 2022 Intermunicipal Subdivision and Development Appeal Board meeting be accepted as circulated.

Carried

**Adoption of Previous Minutes - October 21, 2021**

**04-22** Board Member Rudiger -- that the October 21, 2021 (re: D21-032) Intermunicipal Subdivision and Development Appeal Board minutes be confirmed as circulated.

Carried

**Adoption of Previous Minutes - October 29, 2021**

**05-22** Board Member Rudiger -- that the October 29, 2021 (re: Adjournment) Intermunicipal Subdivision and Development Appeal Board minutes be confirmed as circulated.

Carried

**Appeal by Angela Pauls relating to a Stop Order issued on the unauthorized development - development exceeding municipal approval - D21-107 Home Based Business Type 3 (petting zoo) located at Lot 1, Block 1, Plan 1420960, Pt. NE 3-48-26-W4**

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Chair McDonald called the hearing to order at 9:04 a.m. and provided introductory remarks.

Chair McDonald then called upon the Clerk to introduce the subject of this appeal.

Joyce Gavan, Clerk, advised of the appeal by Angela Pauls relating to a Stop Order issued by the development authority for unauthorized development (development exceeding municipal approval, D21-107 Home Based Business Type 3, petting zoo located at Lot 1, Block 1, Plan 1420960, Pt. NE 3-48-26-W4.

The reasons for appeal are:

- 1) The Stop Order says we are operating a business exceeding municipal approval. However, we are not running a business any longer.
- 2) The farm is not making a profit nor is it selling any products or services any longer. Instead, we allow friends, family and their friends to visit our animals to find peace and connection in an unexpected and unfortunate time we are living in.
- 3) After the season ended in October, 2021 we decided we no longer wished to be classified as a business, nor do we wish to be classified as a petting zoo. A petting zoom is far from what we offer. Our farm offers an educational and recreational therapeutic visit in an agricultural environment. Our farm/home is not a business; it is a farm life adventure.
- 4) We accept donations and there is no profit; we are not interested in a business to make a profit to take a paycheck; we are only interested in serving others to bring them joy - sharing the love from the animals and bringing peace to the public.
- 5) Operate from 10 am to 5 pm, with an exception of one date night on a Friday evening that only included 2 people. Weekends would be the busiest as it is time when families are together, children are not in school and many parents are not working. To not have the ability to accommodate people on a Sunday has truly impacted the farm and the animals, including the

amount of love and attention they have become accustomed to. Although there is no profit in running the farm, the animal's food, shelter and vet care get taken care of through the generous donations of our visitors.

- 6) The excess traffic that visits our farm is minimal when counting the vehicles that drive down this road.
- 7) When we started Pigtopia, we certainly did not ever foresee the behavior of a few people.
- 8) We ask the Board to look at the benefits of what is happening here and encourage a visit to see exactly what we offer.

Clerk Joyce Gavan advised the following information is attached for the Board:

- 1) Appeal received December 29, 2021 from Angela Pauls.
- 2) Notice of Intermunicipal Subdivision and Development Appeal Board Hearing dated January 4, 2022.
- 3) Notice of Stop Order issued December 8, 2021.
- 4) Development Authority's report.
- 5) Site and Key Plans.
- 6) Notice of Intermunicipal Subdivision and Development Appeal Board Conditional Approval of Development Permit No. D21-107 dated July 22, 2021 with approved site plan.

The Board confirmed the appeal was submitted properly and acceptable to the Board.

Chair McDonald asked if any board members felt a need to step down from this hearing within the boundaries of conflict of interest, and there was no one.

#### Two individuals

Two individuals entered the council chamber at 9:09 a.m.

Chair McDonald asked if anyone had any objection to any of the members of the Intermunicipal Subdivision and Development Appeal Board hearing this appeal, and there was no objection indicated.

Chair McDonald explained the purpose of the hearing, the order of presentation and the procedures to be followed.

Chair McDonald called upon the Development Authority to provide background information.

Charlene Haverland, Manager - Development Services, provided a presentation relating to the Stop Order issued by the Development Authority on December 8, 2021.

- This is an appeal by James and Angela Pauls, against a decision of Leduc County Development Authority, whereby a Stop Order was issued to the applicant and landowner on the grounds that the Home Based Business Type 3 is not operating within the limits set by its previous development permit (D21-107)), which was previously approval by the Intermunicipal Subdivision and Development Appeal Board on July 22, 2021.



- The subject property is a small Agricultural zoned residential lot consisting of 3.53 ac (1.4 ha) located at 48052 Rge Rd 262, approximately 1 km north of township Road 480 and 7km east of Wizard Lake. The site contains an existing dwelling and several accessory buildings. The applicants are tenants of the subject property. There are 3 residential dwellings immediately adjacent to the subject property.
- On December 8, 2021, Leduc County issued a Stop Order against the subject lands for continued breach of condition for operating outside the approved days and hours. This contravenes the Land Use Bylaw:
  - 3.7.1 Conditions imposed on a development permit approval uphold the intent and objectives of the Municipal Development Plan, and any other applicable statutory plan and ensure the orderly and development of land within the County.
  - 3.11.1 If any time after issuing a development permit, the Development Authority is aware the application for development contained a misrepresentation.
- Stop Orders issued under 4.2.1 if a development is found to contravene conditions of a permit or order. A Development Authority may serve the landowner, occupant or other person responsible an order to stop the development or the use of the land in whole as directed by the notice;
- The appellant has appealed the Stop Order on the grounds outlined in the Notice of Appeal, which are summarized as the following:
  - The applicant considers that they are not a business and therefore not subject to municipal approvals,
  - That the business is no longer operating as it is technically not a business,
  - The operations is ran by donations rather than fees and therefore it should be exempt from planning restrictions
  - Pigtopia is limited to weekends and therefore hours of operation will continue on Sundays
  - Pigtopia is only for family, friends and friends of friends, and therefore should be exempted.
- In accordance with the Land Use Bylaw
  - 7.19.1 A Home Based Business shall
    - (b) Not negatively affect neighbouring or adjacent residents by way of excessive lighting, operation at unreasonable times, traffic, noise, dust, or excessive on-street or off-street parking or any other factor considered relevant.
    - (e) Not use a County road for parking.
    - (f) Be limited to one home based business per parcel.
  - 7.19.4 A Home Base Business Type 3 shall
    - (h) Limit client visits and vehicle traffic at the discretion of the Development Authority.
- Agricultural Operation means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes Agriculture, Confined Feeding Operation; Agriculture, Extensive; Agriculture, Horticulture and Agriculture, Livestock.

- Home Based Business Type 3 means a secondary use of an occupied principal dwelling, its accessory buildings and site, or a combination thereof, by at least one (1) permanent resident of the dwelling, to conduct a business.
- Development:
  - (c) a change of use of land in relation to land 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 an act done in relation to land that results in or is likely to result in a change in the intensity of use of the land
- Recreation, Outdoor means a facility where patrons participate in sports and other outdoor recreational activities and it may include on-site restaurants and commercial retail services. Typical uses include golf courses, driving ranges, ski hills, tennis courts, swimming pools, waterslides, sports fields, equestrian trails, boating facilities and recreational trails.
- On April 12, 2021, Leduc County Development Authority received a Development Permit application for a proposed Home Based Business Type 3 "Petting Zoo." The development was operational prior to the decision being rendered. In response to the development proposal, four letters of concern were received from adjacent landowners objecting to the proposal
- Noted Neighbour Concerns: Road for parking, Noise concerns, Dust, Privacy Issues, Operating outside proposed hours of operation, multiple businesses operating and or advertised from property, exceeding outdoor storage area maximums. On June 25, 2021, the Development Authority refused the application based on the following reasons: excessive operational hours, excessive vehicle trips, potential impact on adjacent properties by way of noise, dust and garbage concerns, concerns of parking on County roads.
- On July 22, 2021 the Intermunicipal Subdivision and Development Appeal Board allowed the appeal by the applicant and overturned the decision of the Development Authority. The Intermunicipal Subdivision and Development Appeal Board Hearing Notice of Decision approved the development with the following conditions that were implemented to ensure the development did not impact adjacent neighbours;
- Applicable Conditions:
  - #4. There shall be no overnight camping for business purposes.
  - #10. The Outdoor Recreational Facility shall not impose any impact on adjacent and nearby properties, such as noise, smoke, steam, odor, dust, vibration, glare or traffic that is offensive or excessive in the opinion of the development authority.
  - #13. Hours of operation shall be limited to Monday to Saturday between the hours of 10:00am to 8:00pm, by appointment only.
  - #14. The seasonal operation shall be from May to October.
- To date there has been continued non-compliance. It has been brought to the County's attention several times that Pigtopia are operating on Sundays. The County issued a warning letter on August 10, 2021 regarding the operating of hours, parking on County roadway and overnight camping. The County continued to receive complaints that the business was operating outside the approval. In addition the applicant's continues to advertise Sunday activities.





- D21-107 was approved by the Intermunicipal Development and Subdivision Board after the applicant presented that the proposed development of a Home Based Business Type 3 “Petting Zoo” will not negatively affect neighbouring or adjacent residents.
- The continued complaints received against the use on the property demonstrate that a home based business type 3 is not compatible or in character with surrounding properties.
- The appellant advised that Pigtopia is no longer operating for profit and therefore a development permit is not required to conduct its operation. Should the business no longer be operating, the development permit will be considered null and void and no outdoor recreational activity shall take place on the subject lands – including a petting zoo.
- In accordance with the Land Use Bylaw, development means a “change of use or change in the intensity of use of land. Therefore activities on the subject lands shall not be permitted to continue, whether operated for profit purposes or based on donations. A development permit does not approve a business for profit or non-profit, a development permit does however approve the use of the land for a specified purpose.
- The County was notified on multiple occasions the operating outside of approved hours and non-compliance confirmed with advertisements on social media.
- Agricultural is defined by an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward. The subject parcel is approximately 3 acres of land and is not considered agricultural. The intent on the subject parcel is the displaying of animals for public viewing. The current activity demonstrates a petting zoo, which is deemed a home business type 3. The County’s opinion is that amending the entry requirement from a ‘payment’ to a ‘donation’ has no bearing on the ‘use’ of the lands and that a development permit is still required and the applicant shall abide by the conditions of any development permit.
- Whether the applicant wishes to circumnavigate planning requirements by calling the use a home based business, education service, outdoor recreation facility, zoo or an event facility, it clearly demonstrates that the subject lands are being utilized for a specific purpose, a ‘development’ and ‘use’.
- Furthermore, the use cannot be considered as a development permit-exempt under the definition of agriculture as the Land Use Bylaw clearly defines that an agricultural operation means ‘an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward’.
- Based on the appellants own description of the use, it cannot be deemed to be an ‘agricultural operation’ and therefore must be considered a use that requires a valid development permit.
- The Development Authority is of the opinion the Intermunicipal Subdivision and Development Appeal Board should uphold the Stop Order due to continued non-compliance with the operational conditions of their own decision issued in 2021.
- The Notice of Decision does not permit for operation on Sundays. The applicants have clearly identified they will continue to use the land for a petting zoo, especially through the weekends. A development permit is only concerned with the “use” of land; it does not establish whether a home-based-business is approved for profit or non-profit purposes as that is not a material planning consideration. In addition, whether the activity is for ‘family, friends and friends or friends’ or the ‘general public’ has no relation to defining the requirement for a development permit. A home-

based-business type 3 does not require an operation to be making a profit in order to be classified as 'development' as it is concerned strictly with the 'use' of the lands for a specified operation.

- The 'Pigtopia' website and facebook page clearly demonstrates the desire to inform the public regarding the use of the land. The applicants, through social media advise the clear intent not to adhere to the conditions of the approval. They now deem the operation a 'charity' rather than a 'business'. Again, this does not warrant an exemption from any planning requirements.
- In summary, the Development Authority is of the opinion the stop order was issued correctly. There is clear breach of the conditions of approval. The applicant have not demonstrated any desire to comply with the conditions and regulations set out for them. The Stop Order was issued in accordance with the Municipal Government Act and Land Use Bylaw. As a result of this, and in order to uphold the integrity of the enforcement directives the issuance of the Stop Order should be upheld and the development permit be revoked.

Chair McDonald asked if there were any questions by the Board members of Development Authority Staff.

In response to questions from Board members, Mrs. Haverland advised of the following:

- A home based business shall not negatively affect adjacent property owners; cannot use County road for parking; and you are limited to one business per parcel.
- If you have show animals or breeding animals, it is considered an agricultural operation as they will be sold for profit and gain. When you have spectators come to visit animals, it's considered an event, similar to a zoo.
- A home based business is a discretionary use. The appellant has a permit for a home based business. One of the conditions of the permit states that they are not allowed to operate on Sundays and they continue to provide events on Sundays which makes them non-compliant.
- The subject land is approximately 3.53 acres and is zoned agricultural, however, the land is taxed as residential due to its size.

Chair McDonald called upon the appellant(s) to speak to the Stop Order.

Angela Pauls, appellant, provided the following:

- Did not fully understand what the Stop Order was for when it was first received.
- Was not happy that one of the conditions was that they were not allowed to operate on Sundays.
- Have only had one event on a Sunday since the permit was granted. It was for a birthday party that could not be rescheduled.
- Received a warning letter from the County. Someone said there was a bus parked on the County road. The person that reported that was lying. The bus was not there for the full duration of the visit. It dropped off the visitors and then went and parked somewhere else.
- Our own children and family come out and visit. As soon as there are extra vehicles on the property, the neighbours are complaining.
- The neighbours complain about the loud music. I listen to music when I'm out feeding the animals.





- Feel like I am being harassed.
- Moved to property in 2019 after losing previous home in a house fire. The pigs were pets but when Covid hit, it gave friends a place to bring their kids to play during lockdown. We follow health restrictions. Are blessed to be able to help people with depression, grief, etc.
- Do not consider operation similar to a petting zoo. Had no idea so many people were so unhappy with our operation.
- We only invite friends to come. Husband works out of town so have friends who come help me to feed animals and shovel snow.
- Rent the property we are on. Have approval from landlord to have animals and friends visit. Nothing has changed since 2019.
- Neighbours are calling in and blatantly telling lies.
- Feel I am being discriminated against by Planning and Development.
- When completing the initial permit application, I may have overextended the hours, days of week and amount of traffic on the form. Guessed we may have 70 vehicles visiting the property. Have started keeping a detailed log which reflects no more than 30 cars per month.
- Share cost of dust control with neighbour.
- Started counting number of vehicles that drive past our house. From Monday to Friday, there could be 50-65 vehicles. Only three of them were coming to my house. They don't speed.
- When advertising our events, we specifically state not to use neighbour's driveways to turn around and suggest they go to the next intersection.

Chair McDonald asked if there were any questions by the Board members of the appellant.

In response to questions from Board members, Ms. Pauls advised of the following:

- Yes, understand the conditions set out in the permit.
- Have only operated once on a Sunday since receiving the permit.
- Hosted a Santa event in December for our own family. There were others who were interested so we let them come out.
- Not being able to operate outside of May to October is difficult. Want to be inclusive because you can't do some things indoors and you can do so many more activities outside.
- People who are passing by the property would not know whether the people on her property are there for personal reasons or for a public event.
- Was told that she could not appeal any of the conditions. Was told she would need a whole new application.

Chair McDonald asked if there was anyone who wished to speak in support of the appeal (opposed to the issuance of the Stop Order).

Susan Osterwoldt, owner of the subject property, in support of the appeal, provided the following:



- Rented property to Angela and James in the fall of 2019.
- We knew they had animals.
- Always try not to take sides and look at all points of view.
- Angela is compassionate about people and animals. She desires to be at home with her animals.
- Have read through all the neighbours complaints. There are only a couple valid ones; most are frivolous. The complaints won't stop until she is shut down - whether complaints are real or imagined.
- Have always been taxpayers. Can hardly believe the amount of money that has been spent on this Stop Order.

Chair McDonald asked Board members if they had any questions for Ms. Osterwoldt, and there were none.

Chair McDonald asked if there was anyone who wished to speak against the appeal (in support of the issuance of the Stop Order).

Josh Hall, adjacent landowner who lives at 48044 RR262, spoke against the appeal, providing the following information:

- Angela Pauls was operating her business before she applied for the initial permit.
- When permit was first issued, we didn't have all the evidence that we have now. After two years, we have more evidence of cars parked on the road, dates of events, etc.
- Angela can tug at your heart strings. She clearly doesn't respect her neighbours, the County, councillors or the rules. We are being harassed by her. She talks ill of her neighbours. She has gone against everything.
- People attending her events pull into our driveways and attempt to park there.
- Have threats from Angela. She was suppose to put up a fence but she never did. So I put a privacy fence. You can look at the documentation where she threatened to destroy my property.
- The last incident was in December during her Santa event. I was shooting clays on my property with my brother. Out of the trees comes Angela, dressed in her pig outfit, and she was videoing me.
- I have criminal charges against her - evidenced based and fact based. There is an RCMP file number which can be provided upon request.

Chair McDonald asked Board members if they had any questions for Mr. Hall.

In response to questions by Board members, Mr. Hall provided the following:

- Yes, own my property.
- Photos of vehicles parked on County road were taken during her Halloween event. Some were double-parked.
- Vehicles were coming and going for 43 minutes.



Chair McDonald asked if there was anyone else who wished to speak against the appeal (in support of the issuance of the Stop Order).

Jeanette Dunnett, adjacent landowner who lives at 48043 RR262, spoke against the appeal, providing the following information:

- Ever since Angela started her business, there is more dust on the road. Had to pay for dust suppression for the first time this year as there was dust rolling across my property.
- Angela says that the traffic hasn't increased but I have seen lots more traffic. People slow down and stare into my yard. People stop and ask all the time how to find Pigtopia.
- Chose to live in the country for peace of mind and the quiet. Can hear noise echoing off the trees from Pigtopia during the summer.
- Angela says she is not running a business but she is not registered as a charity or a non-profit. Holds all kinds of event.
- Vehicles parked on the road create safety issues for the community.
- I have lost my privacy. People are staring at me.
- Angela claims she has vindictive neighbours.
- Angela's yard is full of garbage and animal feces which needs to be properly disposed of.
- Other neighbours have 30 foot tall trees and can still hear the music coming from her yard.

Chair McDonald asked Board members if they had any questions for Ms. Dunnett.

In response to questions by Board members, Ms. Dunnett provided the following:

- Yes, own my property.
- Was not able to attend previous hearing as I had to work that day. Did provide a submission.
- If Angela had followed all the conditions set out in the permit (no parties, no sleepovers, no community dances, no markets), I would have been okay with that.
- Pigtopia guests are still doing stuff they're not supposed to do.

Chair McDonald asked if there was anyone else to speak to appeal, and there was no one.

Chair McDonald called upon administrative staff to provide final comments.

Mrs. Haverland provided the following final comments:

- In summary, Planning and Development is asking the Board to consider that the Stop Order was issued correctly, and if so, the applicants are in contravention of Development Permit D21-107. Administration believes it is clear that there is a contravention.
- The development permit deals with the use of land, not with material profit or not-for-profit. Concerned strictly with the use of land.
- The applicants clearly demonstrate activity on the property as indicated through Facebook, etc.



- There is clear intent of not following the approved conditions. Whether they operate as a charity or business, it does not exempt them from what was approved in the development permit.
- Concerns from the neighbours do not seem to matter to them.
- The County clearly sees a breach of the development permit, e.g., advertising for Sunday events and parking on County roadways.
- In addition, after the County issued a warning letter to the applicants, they advertised on their website a posting, "Will be inviting all friends, family and their friends to a party soon! It will be on a Sunday and it will be awesome! Want to walk up and down the property line screaming the national anthem? ok! Don't want to wear clothes? ok! Want to dance to the baby shark song for 5 hours straight? ok! We will do it all. People think they are going to stop me from doing what I love but sorry folks. Get ready for the volume to be turned up. And my fks, not given anymore. We have been here almost 2 years and we have been quiet and apparently that was not the way to be. So we are gonna fix that".
- The Development Authority is of the opinion that the activity is classified as development and based on the inability to comply with existing conditions of approval, deem the operation incompatible with the surrounding residential uses. In consideration of the information contained within the Stop Order, the Development Authority considers that the Stop Order was correctly issued in response to the Land Use Bylaw infractions demonstrated on the property. As a result of this, the issuance of the Stop Order should be upheld.
- The Board also has the option to revoke the development permit.

Chair McDonald asked Board Members if they had any questions of Administration.

In response to a question from a Board Member, Mrs. Haverland indicated that there was a verbal discussion regarding fencing, but this was not set out as a condition of the development permit.

Chair McDonald asked Board members if they have any further questions, and there were none.

Chair McDonald called upon the appellant to provide final comments:

Angela Pauls provided the following closing comments:

- The August 15<sup>th</sup> event was advertised prior to receiving the development permit with the conditions laid out. The event did not happen. Enforcement services drove past three times that day.
- Only hosted one summer market in May 2021 and the rest were cancelled.
- Regarding the photos taken during their Halloween event - the people that parked on the road were asked to move into our yard. There was one other vehicle parked on the Osterwold's driveway and they had approval to do so.
- When the police were called in regarding the fence post issues, the police told us to learn to live with our neighbours.
- We were told that the neighbours do not have permission to shoot guns on their land.
- The feces on our property is used in our gardens and lawn.
- The music is for my own enjoyment.



- One of our biggest compliments is how quiet our animals are. They do get excited when they're being fed.
- Josh has no concern for the animals when firing his guns.
- As far as people parking on neighbours driveways - can't control other people.
- Have not hosted anything on a Sunday since permit was issued.
- Santa event was on a Saturday.

Chair McDonald asked if Board members had any questions for Ms. Pauls.

In response to questions from Board members, Ms. Pauls provided the following.

- Yes, understand conditions but not sure what I'm doing wrong. I invite family out to help out with the animals while my husband is away.
- Had one Sunday birthday party.
- When the pigs have litters, we keep all of them. They become part of the adoption program.
- Received advice from Doug Ruel during the appeal hearing in July 2021. He said I didn't need a permit if I wasn't charging a fee for people to attend the events.

Chair McDonald asked the appellant, Angela Pauls if she felt she received a fair hearing, and she responded affirmative.

#### **Conclusion of Public Hearing**

Chair McDonald declared the hearing concluded at 10:28 a.m.

Ms. Pauls, staff member Haverland and 3 individuals

Ms. Pauls, staff member Haverland and 3 individuals exited the meeting at 10:29 a.m.

#### **Recess**

The hearing recessed at 10:30 a.m. and reconvened at 10:37 a.m. with the following people in attendance: Chair Mary-Ann McDonald and Board Members Kelly-Lynn Lewis, Pat Rudiger and Dalpreet Viridi.

Present as well were the following:

- Joyce Gavan, Clerk
- Lynn White, Recording Secretary

#### **In-Camera**

**06-22** Board Member Rudiger -- that the Intermunicipal Subdivision and Development Appeal Board meet in-camera.

Carried

The in-camera session commenced at 10:37 a.m.



**Revert to Intermunicipal Subdivision and Development Appeal Board Meeting**

**07-22** Board Member Lewis -- that the in-camera session revert to the Intermunicipal Subdivision and Development Appeal Board meeting.

Carried

The in-camera session reverted to the Intermunicipal Subdivision and Development Appeal Board meeting at 11:02 a.m.

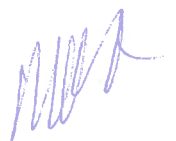
**Appeal by Angela Pauls relating to a Stop Order issued on the unauthorized development - development exceeding municipal approval - D21-107 Home Based Business Type 3 (petting zoo) located at Lot 1, Block 1, Plan 1420960, Pt. NE 3-48-26-W4**

**08-22** Board Member Rudiger -- that the Intermunicipal Subdivision and Development Appeal Board disallow the appeal by Angela Pauls to set aside the Stop Order and upholds the issuance of the Stop Order by the Development Authority dated December 8, 2021; and

that the Intermunicipal Subdivision and Development Appeal Board revokes Development Permit Application D21-107 on the grounds that the Home Based Business Type 3 is not operating within the limits set by the conditional approval by the Intermunicipal Subdivision and Development Appeal Board on Development Permit D21-107 dated July 22, 2021.

**Findings of Fact**

1. The Board is satisfied that the Stop Order complies with the technical requirements of s. 645 of the *Municipal Government Act*, and was received by James and Angela Pauls, appellants; and Frank and Susan Osterwoldt, landowners, on the day it was made, and therefore was issued properly.
2. The appellants and landowners were provided a warning letter on August 10, 2021 by the development authority identifying the conditions that were breached and provided notice that should the operation continue to operate outside the above perimeters a Stop Order would be issued.
3. The Development Authority submitted that there has been continued instances of non-compliance on the conditional approval e.g. operating on Sundays and operating outside of operating hours; parking on County roadway; and overnight camping.
4. The Board received evidence from two adjacent landowners, whereby Condition #10 is being breached specifically, "*The Outdoor Recreational Facility shall not impose any impact on adjacent and nearby properties, such as noise, smoke, steam, odor, dust, vibration, glare or traffic that is offensive or excessive in the opinion of the development authority*". These breaches have resulted in involving the R.C.M.P. and a file created with allegations of threats, trespassing and privacy.
5. The Board received evidence, as submitted by the Development Authority as well as from the two adjacent landowners, displaying copies of posts found on the Pigtopia website and their Facebook account which demonstrates the applicant is contravening the conditions of the Leduc County Land Use Bylaw and Development Permit Application:
  - Condition 4 - **There shall be no overnight camping for business purposes.**  
Evidence submitted by adjacent landowner - screenshots of webpage/facebook posts "*Camping and Cuddling with Pigs; Camper/RV hosted by Angela*" (photos of camper/RV,





calendar dates to select between August, 2021 - September, 2021, rates for overnight camping; reviews by clients were included).

- **Condition 10 - The outdoor recreational facility shall not impose any impact on adjacent and nearby properties, such as noise, smoke, steam, odor, dust, vibration, glare of traffic that is offensive or excessive in the opinion of the development authority.**

Evidence submitted by the development authority and adjacent landowner - screenshots of a post by appellant, Angela Pauls *"inviting all friends, family and their friends to a party soon! ... on Sunday ... walk up and down the property line screaming the national anthem? Ok! Want to dance to baby shark song for 5 hours straight? Ok! We will do it all... Get ready for the volume to be turned up."*

- **Condition 12 - There shall be no parking of vehicles within a Leduc County road right-of-way.**  
Evidence submitted by adjacent landowner - 4 photographs of vehicles on County roadway.
- **Condition 13 - Hours of operation shall be limited to Monday to Saturday between the hours of 10:00 am and 8:00 pm, by appointment only.**

- **Condition 14 - The seasonal operation shall be from May to October.**

Evidence submitted by development authority and 2 adjacent landowners - screenshots of posts on Facebook and/or Pigtopia webpage:

- Pigtopia Farm Tours: Friday, Saturday, Sunday & Monday

- *"Have you seen the weather for Sunday? +9! What a day for a tour! Email [info@pigtopia.ca](mailto:info@pigtopia.ca)"*

- Upcoming events:

- May to September, (Sundays) 11 am to 5 pm. Summer Market Fun! The last Sunday of every month
- June 27 (Tuesday) 11 am, Community Market and Yard Sale
- July 3 (Saturday) Family Dance 5 pm to 11 pm
- Aug. 15 (Sunday) 8 am to 7 pm Pancake Breakfast Fun and Bouncy House
- October 16 (Saturday) 1:00 pm, Happy Precious Piggy Birthday
- October 30, (Saturday) 4:00 pm, Happy Halloween
- Dec 4 (Saturday) 10:00 am, Santa visit (photos with Santa and the Grinch)

6. The appellant indicated she feels discriminated by the County and harassed by the neighbours. The appellant stated she was confused why the stop order was issued as approval was given through Development Permit D21-107. The following reasons were submitted in dispute of the issuance of the Stop Order:

- We are not running a business any longer. We are not making a profit nor selling any products or services any longer. Instead, we allow friends, family, and their friends to visit our animals.
- We no longer wish to be classified as business, nor as a petting zoo.
- The Stop Order was issued after we had a visit from Santa in December; which was hired to come out and visit with people and encourage the community; it was not a business event, although people gave money for this, there was no profit made as the money went to the photographer and Santa.

7. In response to a question by a Board Member, the appellant indicated she clearly understood the conditional approval conditions and further stated she was not sure what she is doing wrong by inviting family and friends out to help while her husband was away. The appellant stated there was

only one Sunday event that was already scheduled prior to receiving the conditional approval by the ISDAB.

8. The Board concludes:

- The Development Permit Application D21-107 was conditionally approved as the proposed development met the definition of a Home Based Business Type 3, the outdoor activity proposed a petting zoo with limited client visits, and conditions were imposed to mitigate concerns relating to traffic, hours of operating and use of roadway.
- A development permit is only concerned with the “use” of land; it does not establish whether a home-based-business is approved for profit or non-profit purposes.
- A home based business does not require an operation to be making a profit in order to be classified as “development” as it is concerned with the “use” of the lands for a specified operation.
- The posts submitted from the Pigtopia website and their Facebook page demonstrates the desire to inform the public regarding the activity and intended use of the land.
- The subject Home Based Business is negatively affecting neighbouring and adjacent residents by way of traffic, dust suppression, noise, privacy and trespassing to the extent that the RCMP have become involved.
- The applicants are not operating within the parameters of their development permit issued; and their posts made on social media implies they do not intend to adhere to the conditions of the Development Permit D21-107 approval.
- The applicants are in contravention to the following conditions of Development Permit Application D21-107, in accordance with Leduc County Land Use Bylaw:
  - Condition 4 - There shall be no overnight camping for business purposes.
  - Condition 10 - The outdoor recreational facility shall not impose any impact on adjacent and nearby properties, such as noise, smoke, steam, odor, dust, vibration, glare of traffic that is offensive or excessive in the opinion of the development authority.
  - Condition 12 - There shall be no parking of vehicles within a Leduc County road right-of-way.
  - Condition 13 - Hours of operation shall be limited to Monday to Saturday between the hours of 10:00 am and 8:00 pm, by appointment only.
  - Condition 14 - The seasonal operation shall be from May to October.

The Board considered the following legislation in making their decision:

**Municipal Government Act - Section 645 Stop Order**

- (1) 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.

#### **Section 646 Enforcement of Stop Order**

- (1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.
- (2) A municipality may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.
- (3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

#### **Section 685 Grounds for Appeal**

- (1) If a development authority
  - (c) issues an order under section 645, the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

### **4.2 Stop Orders**

- 4.2.1 If a development, land use, or *building* is found to contravene provisions of this *Bylaw* or conditions of a permit or order issued under this *Bylaw*, a Development Authority may serve the *landowner*, occupant or other person responsible with an order to:
  - (a) stop the *development* or the 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 action required by the notice to ensure compliance with this *Bylaw* or the conditions of a permit or order issued under this *Bylaw*.
- 4.2.2 An order issued under this section *shall* specify a date for completing the required action.

### **4.3 Enforcement of Stop Orders**

- 4.3.1 The *County* may register a caveat against the Certificate of Title for land that is the subject of an order under Section 4.2 of this *Bylaw*. The caveat shall be discharged upon achieving compliance with the order.
- 4.3.2 Costs to the *County* resulting from enforcement actions taken to achieve compliance with an order under Section 4.2 of this *Bylaw* may be added to the tax roll of lands subject to the order.

### **4.4 Offences and Penalties**

- 4.4.1 A person who contravenes or fails to comply with provisions of this *Bylaw* and any decision, condition or order made under it, or who obstructs or hinders any person in the administration or enforcement of this *Bylaw*, is guilty of an offence under the *Act*.
- 4.4.2 A person who is guilty of an offence under the *Act* is liable to a fine and/or imprisonment.

**Leduc County Land Use Bylaw No. 7-08**

**3.11 Cancellation or Suspension of Development Permits**

3.11.1 If any time after issuing a development permit, the Development Authority is aware that:

- (a) the application of development contained a misrepresentation;
- (b) facts which should have been disclosed at the time the application were not disclosed.

**4.1 General Provisions**

4.1.1 No person shall commence any development or take any action that is contrary to the provisions of the Bylaw or to any permit or order issued under it.

4.1.2 A Development Authority may enforce the provisions of the Bylaw, and any permit or order issued under it.

4.1.3 After serving reasonable notice, a designated officer may enter a property in order to verify that a contravention exists or that an action required under Section 4.2 of this Bylaw has been completed.

4.1.4 If a person fails to comply with an order issued under Section 4.2 of the bylaw, a designated officer may take whatever lawful action is necessary to ensure compliance.

**4.2 Stop Orders**

4.2.1 If a development, land use, or building is found to contravene provisions of this Bylaw or conditions of a permit or order issued under this Bylaw, a Development Authority may serve the landowner, occupant or other person responsible with an order to:

- (a) stop the development or the 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 action required by the notice to ensure compliance with this Bylaw or the conditions of a permit or order issued under this bylaw.

4.2.2 An order issued under this section shall specify a date for completing the required action.

**4.3 Enforcement of Stop Orders**

4.3.1 The County may register a caveat against the Certificate of Title for land that is the subject of an order under Section 4.2 of this Bylaw. The caveat shall be discharged upon achieving compliance with the order.

4.3.2 Costs to the County resulting from enforcement actions taken to achieve compliance with an order under Section 4.2 of this Bylaw may be added to the tax roll of lands subject to the order.

**Conclusion**

In consideration of the above, the Board concludes that the subject lands do not comply with Leduc County Land Use Bylaw No. 7-08 and accordingly, the appellant/landowner is hereby ordered to **Stop** all unauthorized activities at the subject lands and comply with the Land Use Bylaw 7-08 by taking the following actions:

- (1) immediately cease all business activities upon receipt of this order dated January 27, 2022; and
- (2) effective February 1, 2022 Development Permit Application D21-107 is hereby revoked.

In the event that this Stop Order is not complied with within the time limit provided, Leduc County has the authority to enter onto the lands in accordance with Section 542 of the Municipal Government Act to take whatsoever actions are determined by Leduc County to bring the lands into compliance, and may seek an Injunction or other relief from the Court of Queen's Bench of Alberta pursuant to Section 554 of



the Municipal Government Act. Further, Leduc County has the authority to add the costs and expenses to carry out this Stop Order to the tax roll for the lands pursuant to Section 553.1(1) of the Municipal Government Act.

Carried

**Request for refund - appeal by Shirley Jolly re: Development Permit Application D21-170**

Board Member Lewis declared a bias and abstained from discussion and voting on the following motion.

**09-22** Chair McDonald -- that the Intermunicipal Subdivision and Development Appeal Board approves the request for refund of appeal fees in the amount of \$157.00 by Shirley Jolly on Development Permit D21-170.

Carried

**Next Meeting**

The next scheduled Intermunicipal Subdivision and Development Appeal Board meeting will be held at the call of the Chair.

**Adjournment**

**10-22** Board Member Lewis -- that the Intermunicipal Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Intermunicipal Subdivision and Development Appeal Board meeting concluded at 11:11 a.m.

  
Chair  
Clerk