



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

April 14, 2022

Re: Appeal of Stop Order DEN00633
Appellant: Last Chance Cat Ranch
Land Use: Low Density Residential (R-L)



DECISION

Upon hearing representation made by the Development Officer, the Appellant and other interested parties on Thursday, March 31, 2022, it is the decision of the Subdivision and Development Appeal Board that the appeal is **DENIED** and the decision of the Development Officer regarding Stop Order DEN00633 on March 4, 2022 to stop operating an animal rescue without the requisite Development Permit or rezoning at 3321 6 Avenue South is hereby **VARIED by changing 1a. to “limit the number of volunteers attending at the Premises to a maximum of 9 volunteers in a 24 hour period and a maximum of 3 volunteers at any given time;” and CONFIRMING all other conditions of the Stop Order.**

The following submissions were received:

1. Last Chance Cat Ranch, appellant (both oral and written)
2. Angie Olsen, Development Officer (both oral and written)
3. Numerous written submissions
4. Esther Murillo (both oral and written)
5. Laurie Olmsted (both oral written)
6. Kristen Kargard (oral)
7. Maureen Hawkins (oral)
8. Michelle Hanson (oral)
9. Chelsey Rathwell (both oral and written)
10. Heather McCloy (both oral and written)
11. Nicole Pries (both oral and written)
12. Natasha West (oral)
13. Nancy Giles (oral)
14. Jennifer Durell (oral)
15. Rhonda Day (oral)
16. Sandy Webb Arnett (oral)
17. Susan Geraff (oral)

18. Colby Robertson (oral)
19. Chris Verstrag (both oral and written)
20. Elizabeth Ginn (both oral and written)
21. Online petition on change.org requesting the removal and immediate discontinuation of the order containing 1,263 signatures of which 574 were from Lethbridge
22. Physical petition requesting the removal and immediate discontinuation of the order containing 576 signatures of which 463 were from Lethbridge
23. Survey of 18 properties within the neighbourhood

PRELIMINARY MATTERS

At the outset of the appeal hearing the Board Chair confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The Board Chair outlined how the appeal hearing would be conducted, including the order of appearance of the parties and time limits for oral presentations, and no opposition was noted.

The appeal was filed on time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

REASONS FOR DECISION

AND UPON CONSIDERING the relevant provisions of the South Saskatchewan Regional Plan, Municipal Government Act, the Municipal Development Plan, the Land Use By-law, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows:

1. The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
2. The Board found that the initial Stop Order was issued February 17, 2022 and a corrected Stop Order was issued March 4, 2022.
3. The Board found the Stop Order was properly issued by a duly authorized officer of the City of Lethbridge.
4. The Board found that the parcel is zoned Low Density Residential.
5. Based on the evidence submitted by all of the parties, the Board found the appellant has developed and was operating an "Animal Care, Major"
6. The Board found that no permit had been issued for "Animal Care, Major".
7. The Board found that "Animal Care, Major" is not an allowable use in the Low Density Residential District.
8. Having regard for the *Animal Protection Act*, the Board has varied the number of volunteers permitted at the Premises to ensure proper care of the animals residing at the Premises.
9. Having regard to the merits of the application and sound planning considerations, the Board, based on the evidence and aforementioned factors, finds that the development from a planning perspective is not appropriate for the site under its current zoning.

CONCLUSION:

For the reasons set out above, the appeal is denied and the decision of the Development Officer is VARIED, as follows:

Accordingly, The Last Chance Cat Ranch Society is hereby ordered to:

1. Immediately upon being served with this Order:
 - a. **Limit the number of volunteers attending at the Premises to a maximum of 9 volunteers in a 24 hour period and a maximum of 3 volunteers at any given time;**
 - b. Limit the delivery of food to no more than once per 7 days; and
2. Within 30 days of being served with this Order:
 - a. Cease all emissions of offensive odours entering neighbouring properties, or within 20 days of being served with this Order, provide a plan, acceptable to the Development Officer for addressing offensive odours;
 - b. Remove all advertisements and references to Premises from the LCCR website and social media platforms;
3. Within 365 days of being served with this Order:
 - a. Cease the use of the Premises as Animal Care Major, or bring the use into compliance by applying for a rezoning and applicable Development Permit.

We are hereby providing notice pursuant to Section 542 of the Municipal Government Act, that a site inspection will be requested by a Development Officer, on or around (30 Days) to assess compliance with #1 and #2 of this Order. Additional inspections may be required to ensure ongoing compliance with this Order, and the City will provide notice of when such inspections may be required.

Failure to comply with this Order may result in a caveat being registered against the property, in addition to other remedies available to the Development Authority, including injunctive relief from the Courts, or other remedies available under applicable legislation.

Additionally, failing to comply with this Order may also result in an offence ticket, pursuant to Bylaw 6300, and the Provincial Offences Procedure Act of Alberta, which may result in a fine of up to \$10,000.00.

An appeal against this decision may be made to the Alberta Court of Appeal on a question of law or jurisdiction only. Should you wish to do so, it is recommended that you retain legal counsel.

Please contact this Office if you have any questions regarding the decision. A copy of this decision has been mailed to the owner of the property, and the persons who filed the appeal.

Yours truly,



David Gurr, Board Chair,
Subdivision & Development Appeal Board

cc Development Officer
Neighbouring Property Owners