

# SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

**Rocky View County  
Council Chambers  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2**

**April 3, 2019**

**A CALL MEETING TO ORDER**

**B DEVELOPMENT APPEALS**

## **9:00 AM APPOINTMENTS**

**1. Division 3 File: 04711031; PL20180049 Page 3**

The Subdivision and Development Appeal Board is continuing an appeal that was adjourned on January 30, 2019. This appeal against the Development Authority's conditional approval of a Subdivision Application with respect to 242008 Range Road 32, NW-11-24-03-W5M, general location 6.3 kilometers (3.9 miles) west of the city of Calgary, approximately 1.3 kilometers (4/5 mile) west of Range Road 31, and approximately 1.6 kilometers (1 mile) south of Lower Springbank Road.

Appellant/Applicant/Owner: Kevin Peterson

**2. Division 8 File: 05619060; PRPD20190508 Page 138**

This is an appeal against the Development Authority's decision to REFUSE the relaxation of the total number of accessory buildings with respect to 78 Campbell Drive, NW 19-25-02-W5M, located at the south west of Highway 1A, and on the north side of Campbell Drive.

Applicant/Appellant: Betty Kost  
Owner: Andrew & Erin Nguyen

## **10:30 AM APPOINTMENTS**

**3. Division 2 File: 04727035; PRPD20190054 Page 168**

This is an appeal against the Development Authority's decision to REFUSE a development permit for construction of an accessory building (oversize shop), relaxation of the maximum building area, relaxation of the maximum total building area for all accessory buildings, and relaxation of the maximum height requirement with respect to 218 Huggard Road, NW-27-24-03-W5M, located approximately 0.41 kilometre (1/4 mile) east of Range Road 33 and on the north side of Huggard Road.

Applicant/Appellant: Barry Johnson  
Owner: Patricia Anne Bury

# SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

ROCKY VIEW COUNTY  
COUNCIL CHAMBERS  
262075 ROCKY VIEW POINT  
ROCKY VIEW COUNTY, AB  
T4A 0X2

**April 3, 2019**

**4. Division 6 File: 07526006; PRPD20190408 Page 190**

This is an appeal against the Development Authority's decision to REFUSE a development permit for an accessory building, relaxation of the building area requirement, building height requirement, front yard setback requirement and side yard setback requirement with respect to 274242 Range Road 12, NW 26-27-01-W5M, located 1 mile north of the City of Airdrie at the south east junction of Township Road 275 and Range Road 12.

Applicant/Appellant/Owner: Antoni Cote Caron

**1:00 PM APPOINTMENTS**

**5. Division 5 File: 04333030; PL20180111 Page 214**

This is an appeal against the Subdivision Authority's decision to REFUSE a subdivision of a Residential 2 parcel into two Residential 2 lots with respect to 283128 Township Road 245A, NW-33-24-28-W4M, located approximately 4 kilometres east of the city of Calgary, immediately east of the hamlet of Conrich, 0.81 kilometres (1/2 mile) south of Township Road 250 and 0.81 kilometres (1/2 mile) west of Range Road 283.

Applicant/Appellant: Val Dickie (816264 Alberta Ltd.)  
Owner: Dean Guidolin

**6. Division 2 File: 04722004; PRDP20190117 Page 245**

This is an appeal against the Development Authority's decision to REFUSE a development permit for renewal of a Home-Based Business, Type II, for school bus operation and repair, the relaxation to the number of business-related visits per day, the relaxation to the number of non-resident employees, and the relaxation of the maximum outside storage area with respect to 32023 Springbank Road, NE-22-24-03-W5M, located at the southwest junction of Springbank Road and Range Road 32.

Applicant/Appellant: William Charles Young  
Owner: Bradley Wayne Young, Rose M Brower-Young

**C CLOSE MEETING**

**D NEXT MEETING: April 24, 2019**



## PLANNING & DEVELOPMENT

<b>TO:</b>	Subdivision & Development Appeal Board	<b>DIVISION:</b>	3
<b>DATE:</b>	April 3, 2019	<b>APPLICATION:</b>	B-1; PL20180049
<b>FILE:</b>	04711031		
<b>SUBJECT:</b>	Subdivision Item – Residential One District		

<b>PROPOSAL:</b> To create a $\pm 0.82$ hectare ( $\pm 2.02$ acre) parcel (Lot 1) with a $\pm 1.37$ hectare ( $\pm 3.39$ acre) remainder parcel. (Lot 2)	<b>GENERAL LOCATION:</b> Located 6.3 kilometers (3.9 miles) west of the city of Calgary, approximately 1.3 km (4/5 mile) west of Range Road 31, and approximately 1.6 kilometers (1 mile) south of Lower Springbank Road.
<b>LEGAL DESCRIPTION:</b> Lot 1, Block 1, Plan 0611520 within NW-11-24-03-W05M	<b>GROSS AREA:</b> $\pm 2.24$ hectares (5.54 acres)
<b>APPLICANT:</b> Kevin Peterson <b>OWNER:</b> Kevin and Jolene Peterson	<b>RESERVE STATUS:</b> Municipal Reserves were provided on the panhandle of proposed Lot 1 (Plan 0611508); they are owing on the balance of the lands in question.
<b>LAND USE DESIGNATION:</b> Residential One District (R-1)	<b>LEVIES INFORMATION:</b> Transportation Off-Site Levy is applicable in this case
<b>DATE APPLICATION DEEMED COMPLETE:</b> May 17, 2018	<b>APPEAL BOARD:</b> Subdivision & Development Appeal Board
<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>Level 3 Private Sewage Treatment System (PSTS) Assessment of Site Suitability (Sedulous Engineering, May 2018)</li> <li>Conceptual Level Site-Specific Storm Water management Plan Report Private Site (Sedulous Engineering, May 1, 2018)</li> <li>Slope Stability Assessment – Revision 1 (E2K Engineering Ltd., March 19, 2018)</li> <li>Slope Stability Assessment – Revision 2 (E2K Engineering Ltd., April 26, 2018)</li> <li>Slope Stability Assessment – Revision 3 (E2K Engineering Ltd., September 19, 2018)</li> </ul>	<b>LAND USE POLICIES AND STATUTORY PLANS:</b> <ul style="list-style-type: none"> <li>County Plan (C-7280-2013)</li> <li>Central Springbank Area Structure Plan (Bylaw C-5354-2001)</li> </ul>

### PRELIMINARY MATTER:

On Jan 11, 2019, the Applicant's Notice of Appeal was received by Administration.

Administration submits that the appellant is out of time and that the deadline for appeal is December 25, 2018, per section 678(2) of the *Municipal Government Act*.

**678(2)** An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681.

The appellant had constructive notice of the approval on December 11, 2018 placing the deadline for appeal on December 25, 2018. Constructive notice has been upheld by the Court of Appeal in **Coventry Home Inc. v. Beaumont** (2001) and **Masellis v. Edmonton** (2011).

As stated in court's analysis of **Coventry Home Inc. v. Beaumont** (2001):

"The Dictionary of Canadian Law (2d ed.) contains the following definition of actual and constructive notice:

ACTUAL NOTICE. "...[A]ctual knowledge of the very fact required to be established, whereas constructive notice means knowledge of other facts which put a person on inquiry to discover the fact required to be established. ..."

The Court found in **Coventry Home Inc. v. Beaumont** (2001) that the appellant had earlier knowledge (constructive notice) of a permit being issued (actual notice). Since the appellant in that case had knowledge of the approval more than 14 days before submitting the appeal, the Court deemed the appellant was out of time when the appeal was filed.

Professor Frederick A. Laux, QC provides a helpful explanation of the importance of constructive notice through the following comments with regards to **Masellis v. Edmonton** (2011) in his book *Planning Law and Practice in Alberta*:

"The case of **Masellis v. Edmonton** (Subdivision and Development Appeal Board) illustrates that once an affected party has some indication, through telephone communications for example, that a permit is issued and it may have been with a variance, it is incumbent on the party seeking to appeal to do so within fourteen dates of acquiring such knowledge, even though the state of knowledge is superficial and even though the fact of a variance is denied by the municipal planning administration. Delaying in order to find out more information which takes the matter beyond the fourteen days is not a good idea. Once there is some knowledge about a development permit it is wise to file the appeal immediately and ask questions later. The rather hard line taken by the court in **Masellis** is reflective of the need for certainty and finality in planning matters and is likely fair in the overall scheme of things."

Therefore, regardless of if the Subdivision and Development Appeal Board calculates the deadline for appeal from either the date of receiving actual notice (December 19, 2018) or when the appellant had constructive notice (December 11, 2018), the appeal was made too late and is out of time.

A timeline of the appeal process is as follows:

December 11, 2018	Council acting as the Subdivision Authority conditionally approves application PL20170030. (Constructive Notice)
December 19, 2018	The decision transmittal letter was sent to the applicant. (Actual Notice)
December 25, 2018	The deadline for the appellant to submit the based on constructive notice of the approval. (Constructive Notice)
January 9, 2019	The deadline for the appellant to submit the notice of appeal per 678(3) of the <i>Municipal Government Act</i> . (Actual Notice)
Jan 11, 2019	Notice of Appeal is received by Administration.

## EXECUTIVE SUMMARY:

On December 11, 2018, Council acting as the Subdivision Authority conditionally approved application PL20180049. The conditions of approval are intended to satisfy the requirements of the *Municipal Government Act*, the Subdivision and Development Regulations, statutory plans, bylaws, County policies, and Servicing Standards.



Should SDAB find that the appeal is within prescribed time limits, the Subdivision Authority notes the following:

On January 11, 2019, the Applicant appealed Council's decision to include conditions numbered 9 and 12, which read:

- 9) The provision of Reserve in the amount of 10 percent of the area of Lots 1 and 2, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per acre value as listed in the land appraisal<sup>1</sup>, pursuant to Section 666(3) of the *Municipal Government Act*.
- 12) The Owner shall legally amend the existing Homeowners' Association (HOA), and an encumbrance or instrument shall be concurrently registered against the title of each new lot created (Lot 1), requiring that each individual Lot Owner is a member of the Home Owners' or Lot Owners' Association:
  - a) The HOA agreement shall specify the future maintenance obligations of the Homeowners' Association for on-site pathways and community landscaping, residential solid waste collection at minimum.

The Applicant requested that Council remove the requirement for Municipal Reserves and Transportation Off-site Levy. Council declined the request for removal of Municipal Reserves, but amended the requirement for Transportation Off-site Levy to the proposed new parcel only, excluding the remainder parcel with the existing single family dwelling. The conditions of approval from Council are attached to this report (Appendix 'B')

The Applicant has provided reasons for appeal, which are included in the Notice of Appeal attached to this report (Appendix 'C').

#### Home Owner's Association

The existing development in Grand View Estates is part of a Homeowners' Association (HOA), which is responsible for maintenance of the trail system, among other community benefits. As with the other landowners in the Grand View Estates subdivision, those using the facilities and services are members of the HOA. Lot 1 would be required to join the existing HOA immediately, as it would access the existing Grand View Estates subdivision via the existing panhandle access point that was created with the original approval of the Grand View Estates in 2006.

The remainder parcel, Lot 2, containing the existing single family residence, would not be required to join the HOA, but would instead be required to use the existing access through the adjacent parcel to the north.

#### Municipal Reserve

The requirement to provide municipal reserve at the time of subdivision is enacted in section 661 of the *Municipal Government Act*. Reserves are collected when a parcel has limited further subdivision potential under current statutory policies; therefore, reserve is to be collected on both Lots 1 and 2. As the resulting parcels cannot be subdivided any further, Municipal Reserves are now required. Further, Legal and Land Administration recommended that reserves be provided by taking cash in lieu.

#### Summary

As detailed in the original staff report (Appendix 'A'), Administration recommended approval of this subdivision application, subject to specific conditions of approval presented for Council's consideration that were intended to satisfy the requirements of the *Municipal Government Act*, the Subdivision and Development Regulations, statutory plans, bylaws, and County policies. Administration does not recommend the removal of any of the conditions as approved by Council,

<sup>1</sup> Wernick Omura Singh Inc., dated December 1, 2018.



as each has been included to ensure that the Subdivision Authority's obligations under the *Municipal Government Act* have been met.

Administration is prepared to discuss this application and provide further information at the appeal hearing.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "M. Wilson for", written over a horizontal line.

Matthew Wilson  
Manager, Planning & Development Services

ON/lt

**APPENDICES:**

APPENDIX 'A': Original December 11, 2018 Staff Report

APPENDIX 'B': Transmittal of Decision (December 19, 2018)

APPENDIX 'C': Notice of Appeal Form

## **PLANNING & DEVELOPMENT SERVICES**

<b>TO:</b>	Subdivision Authority	<b>DIVISION:</b>	3
<b>DATE:</b>	December 11, 2018	<b>APPLICATION:</b>	PL20180049
<b>FILE:</b>	04711031		
<b>SUBJECT:</b>	Subdivision Item - Residential One District		

### **<sup>1</sup>POLICY DIRECTION:**

The application was evaluated against the terms of Section 654 of the *Municipal Government Act*, Section 7 of the Subdivision and Development Regulations, the policies found within the Central Springbank Area Structure Plan (CSASP), and the Grand View Estates Conceptual Scheme and was found to be compliant:

- The application is consistent with the Central Springbank Area Structure Plan (CSASP);
- The proposal is consistent with the Grand View Estates Conceptual Scheme;
- The subject lands hold the appropriate land use designation; and
- The technical aspects of the subdivision proposal were considered and are further addressed through the conditional approval requirements.

### **EXECUTIVE SUMMARY:**

The purpose of this application is to create a ±0.82 hectare (2.02 acre) parcel (Lot 1), with a ±1.37 hectare (3.39 acre) remainder (Lot 2).

The subject lands consist of a 5.54 acre parcel that currently accesses Range Road 32 via an existing access easement agreement with the adjacent lot to the north. The parcel currently contains a dwelling, which is located within the boundaries of proposed Lot 2. Servicing to the existing dwelling is provided via private sewage treatment system (PSTS) and water connection to Westridge Utilities. Lot 1 is proposed to be serviced by the same means. Proposed Lot 1 has panhandle access to Grandview Rise, which would require construction of an approach. The subject lands hold the Residential One District land use designation, which allows for the creation of a 2.00 acre parcel.

The applicant prepared a slope stability assessment in consideration of the steep slopes located on the southern portion of the parcel, which was used by both the Level 3 PSTS Assessment and Conceptual Stormwater Management Plan to provide guidance on setbacks for septic (15 m) and structure (10m) from the crest of the slope, and the recommendations were accepted and included as conditions of approval as appropriate.

The applicant would also be required to join the existing Homeowner's Association for proposed Lot 1. Lot 2 would not be required to join the Homeowner's Association, as access to the parcel is separate. The Applicant would be required to update the existing access easement for Lot 2 with the adjacent landowner, stating that only Lot 2 shall use the access.

Administration determined that the application meets policy.

**PROPOSAL** To create a ± 0.82 hectare (± 2.02 acre) parcel (Lot 1) with a ± 1.37 ha (± 3.39 acre) remainder parcel. (Lot 2)

**GENERAL LOCATION** Located 6.3 kilometers (3.9 miles) west of the city of Calgary, approximately 1.3 km (4/5 mile) west of Range

### **<sup>1</sup> Administration Resources**

Oksana Newmen, Planning & Development Services  
Erika Bancila, Planning & Development Services

	Road 31, and approximately 1.6 kilometers (1 mile) south of Lower Springbank Road.
<b>LEGAL DESCRIPTION:</b> Lot 1, Block 1, Plan 0611520 within NW-11-24-03-W05M	<b>GROSS AREA:</b> ±2.24 hectares (5.54 acres)
<b>APPLICANT:</b> Kevin Peterson <b>OWNER:</b> Kevin and Jolene Peterson	<b>RESERVE STATUS:</b> Municipal Reserves were provided on the panhandle of proposed Lot 1 (Plan 0611508); they are owing on the balance of the lands in question.
<b>LAND USE DESIGNATION:</b> Residential One District	<b>LEVIES INFORMATION:</b> Transportation Off-Site Levy is applicable in this case
<b>DATE APPLICATION RECEIVED:</b> May 9, 2018 <b>DATE DEEMED COMPLETE:</b> May 17, 2018	<b>APPEAL BOARD:</b> Subdivision and Development Appeal Board
<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• Level 3 Private Sewage Treatment System (PSTS) Assessment of Site Suitability (Sedulous Engineering, May 2018)</li> <li>• Conceptual Level Site-Specific Storm Water management Plan Report Private Site (Sedulous Engineering, May 1, 2018)</li> <li>• Slope Stability Assessment – Revision 1 (E2K Engineering Ltd., March 19, 2018)</li> <li>• Slope Stability Assessment – Revision 2 (E2K Engineering Ltd., April 26, 2018)</li> <li>• Slope Stability Assessment – Revision 3 (E2K Engineering Ltd., September 19, 2018)</li> </ul>	<b>LAND USE POLICIES AND STATUTORY PLANS:</b> <ul style="list-style-type: none"> <li>• Central Springbank Area Structure Plan (Bylaw C- C-5354-2001)</li> <li>• County Plan (C-7280-2013)</li> </ul>

#### **PUBLIC & AGENCY SUBMISSIONS:**

Five letters in opposition to the application were received out of 106 landowners notified (see Appendix 'D'). The application was also circulated to a number of internal and external agencies. The responses are available in Appendix 'B'.

#### **HISTORY:**

<b>May 8, 2018</b>	Redesignation from Residential Two to Residential One District (PL20170186)
<b>May 5, 2006</b>	Plan 0611520 was registered, consolidating a portion of plan 0611508 (road panhandle) with Lot 4, Block 1, Plan 9510791 (subject lands)
<b>March 31, 1995</b>	Building Permit 1995-BP-4528 was issued for a single family dwelling.
<b>March 29, 1995</b>	Plan 9510791 was registered, creating a 1.62 ha parcel and a 2.03 ha (subject lands) parcel.

#### **TECHNICAL CONSIDERATIONS:**

This application was evaluated in accordance with the matters listed in Section 7 of the Subdivision and Development Regulation, which are as follows:





a) The site's topography

The topography of the lands contain a relatively flat portion, as well as a portion of steep terrain. The flat portion, generally around 3% slope, is located at the top of a slope that extends downwards to Springbank Creek. The existing home is located on the flat portion, and the proposed building area for Lot 1 is also located in the flat area. The sloped area varies from 15% to 30% slope, and is covered in trees and associated undergrowth. The slope area is not developed, and remains unused and undisturbed. Furthermore, the sloped area located on the southern portion of the property is under a restrictive covenant. Restrictions require that the lands not be developed or used for anything other than single family residential purposes, and that no buildings or structure except a deck or patio shall be constructed within the designated area.

Conditions: None

b) The site's soil characteristics

Discussions with County Engineering staff yielded that the area is prone to impacts by underground springs. The applicant submitted two geotechnical reports by E2K Engineering that reference a February 2018 Geotechnical investigation completed by Lone Pine Geotechnical Ltd. The Level III PSTS Analysis also notes that the soil structure is of medium texture and has good structure, which is moderately well drained and has good to moderate permeability.

In summary, the reports found that using a 10 m setback from the slope would "meet or exceed the required industry standard stability safety factors", and that the proposed residence on Lot 1 can be constructed with a minimum setback of 10m from the crest of the slope. The report goes on to note that if a smaller setback was required for the proposed development, additional options such as retaining walls, slope reinforcement, or deep foundation could be explored. The report also noted that "both the current and proposed conditions were modeled to show that the addition of a home at this location would not affect the overall stability of the slope."

The report noted that no additional fill should be added to the property within 10 m of the crest of the slope, that drainage should be maintained so that no ponding of water could occur near the top of the slope, that septic fields should be kept away from the crest of the slope by a minimum of 15 m, that any re-configuration of the topography of the land should be verified prior to modification, and that any changes to the loading conditions from either the house or additional grade supported elements in the yard should be reviewed by a professional geotechnical expert.

Based on review of the submitted reports, Administration has determined that soil characteristics are not an issue with either the proposed subdivision or the subsequent construction of a single family residence on the site when abiding by the recommendations in the geotechnical studies.

Conditions: None

c) Stormwater collection and disposal

The Conceptual Level Site-Specific Storm Water Management Plan Report prepared for the site indicates that the proposed Lot 1 is suitable for the intended purposes of the subdivision from a stormwater perspective. It concludes that no formal stormwater pond or other stormwater infrastructure is required for the development.

Condition: 8



d) Any potential for flooding, subsidence, or erosion of the land

As discussed above, steep slopes exist on the southern portion of the subject property. Guidelines regarding development of the site include setbacks from the slope. The presence of an existing restrictive covenant also adds security to slope impacts from development.

The slope stability assessment also noted that since historical slope movement has somewhat stabilized, as evidenced by many years of stable conditions, and with improved drainage, movement that occurred in the past is not expected to occur outside of a significant precipitation event.

The Level III PSTS Assessment noted that the site appears to be well drained with no evidence of standing water, and that the Elbow River is approximately 280 m to the southwest. In consideration of these points, the report concluded that the lands are not identified as being in a floodway, flood fringe, or overland flow flood fringe as per the AEP Flood Hazard Mapping, and that the lands did not flood during recent heavy precipitation events (i.e. 2005, 2007, or 2013 as per information received from the landowner).

The Landowner/Applicant also stated a willingness to plant willow stakes along the steep southern slope in an effort to support slope stability.

Condition: None

e) Accessibility to a road

The subject lands consist of a 5.54 acre parcel that currently accesses Range Road 32 via an existing access easement agreement with the adjacent lot to the north.

Proposed Lot 1 has panhandle access to Grandview Rise, which would require construction of an approach.

*Transportation Offsite Levy*

Payment of the Transportation Offsite Levy is required for the total gross acreage of the lands proposed to be subdivided and is required to be provided through the conditions of subdivision approval, in accordance with Bylaw C-7356-2014:

- Base Levy = \$4,595/ac x 5.54 ac = \$25,456
- Special Area 4 Levy = \$11,380/ac x 5.54 ac = \$63,045

Estimated TOL payment = \$25,456 + \$63,045 = \$88,501

Conditions: 4, 5, 10

f) Water supply, sewage and solid waste disposal

The Applicant has entered into a Water Supply Agreement with Doran Consulting Services Ltd. for supply of water from the Westridge Utility System. Westridge has committed to the provision of potable water to the future lot development. The existing home is also provided water service by Westridge.

A Level 3 Private Sewage Treatment System Assessment was submitted, which indicates that the proposed new parcel is suitable for a PSTS. Specifically, the report recommends the use of a packaged sewage treatment system for the new lot due to the relatively high density in the surrounding area, and in order to adhere to County Policy. The Central Springbank ASP also states that parcels greater than 2 acres in size having suitable site conditions may employ a private sewage system. (Section 2.8.3)

The Level 3 Assessment notes that the existing septic field for the existing house may need to be relocated in order to meet the recommended setbacks from the property line. The Applicant





agreed to relocate it should it be necessary and indicated that the existing septic system is in good working order.

The proposed septic system (and potential relocation of the existing one) must also observe a 15 m setback from the crest of the slope.

The Applicant currently transports their own solid waste off-site to their business site for disposal. The applicant indicated that the HOA does not currently include solid waste as part of the servicing, as multiple waste pickup services are in operation through private contracts with homeowners in the subdivision.

The Applicant is in discussions with the Grand View Estates Home Owner's Association regarding membership, and based on feedback from the Applicant, both sides have a preliminary understanding regarding the scope of the agreement terms. The County would require that the new parcel join the HOA, and that the existing home-site parcel would continue to gain access through the access agreement with the parcel to the north, not through Grand View Estates.

Conditions: 3, 6, 12

g) The use of the land in the vicinity of the site

The subject site is located within the Grand View Estates Conceptual Scheme, which is residential and is consistent with the Central Springbank Area Structure Plan. To the north is the entirety of the Grand View Estates residential area, to the east and south is a large residential parcel with adjacent ranch and farm use, and to the west is agricultural use.

Residential parcels in Grand View Estates are designated Residential One District, with minimum parcel sizes of 1.98 acres. Therefore, as this site is of the same land use designation, the proposed parcels at 2.02 and 3.39 acres are consistent with land use and parcel sizes in the area.

As the site is included in "Area B" of the Grand View Estates Conceptual Scheme (Bylaw C-5936-2004), the proposed subdivision and subsequent anticipated residential development of Lot 1 is consistent with land use in the area.

Conditions: None

h) Other matters

While Municipal Reserve was provided for the panhandle portion of Lot 1 (0.156 hectares) when the subject lands were originally subdivided, the reserve calculations did not include the remainder of the subject parcel. Municipal Reserves were calculated based on Area 'A' of the Grand View Estates subdivision, and did not include Area 'B'. As such, Municipal Reserves are required for the subject parcel, excluding the panhandle.

- Lot 2: 3.39 acres X 10% = 0.339 acres owing to be provided by cash in lieu (approximate calculation \$61,773.33, final amount to be determined by plan of survey), in accordance with the Appraisal Report prepared by R Home Appraisals, file 1816047, dated October 17, 2018, in the amount of \$182,222.22 per acre.
- Lot 1 (excluding panhandle of 0.39 acres) = [2.02 - 0.39 = 1.63]: 1.63 acres X 10% = 0.163 acres owing to be provided by cash in lieu (approximate calculation \$29,702.22, final amount to be determined by plan of survey), in accordance with the Appraisal Report prepared by R Home Appraisals, file 1816047, dated October 17, 2018, in the amount of \$182,222.22 per acre.

Condition: 9

**POLICY CONSIDERATIONS:**Interim Growth Plan

The lands are within the Central Springbank Area Structure Plan, which is contemplated in the Interim Growth Plan. As such, this application is consistent.

Intermunicipal Development Plan

The lands are within the Policy Area of the Rocky View County/City of Calgary Intermunicipal Development Plan, and in accordance with the policies of that document, the City of Calgary was notified of the application. The City has no concerns with the proposal.

County Plan

The lands are located in an area designated as Country Residential, which requires development to proceed in accordance with the Central Springbank Area Structure Plan. As this proposed subdivision is in conformance, the site is consistent with the County Plan.

Land Use Bylaw

The Residential One District land use designation allows for parcels a minimum of 0.80 hectares (1.98 acres) in size and is intended for primarily residential purposes. The proposed parcel meets the minimum size provision, and the proposal is in alignment with the provisions of the Land Use Bylaw.

Central Springbank Area Structure Plan

The Central Springbank ASP identifies the subject lands as “New Residential Areas.” Section 2.9.2 of the Central Springbank ASP identifies the general residential development policies and requires a conceptual scheme for this area; the Grand View Estates Conceptual Scheme (GVECS) was adopted in 2005 and is applicable to the subject lands.

Section 2.9.4 of the Central Springbank ASP provides guidance on development in the New Residential Areas. Policies 2.9.4(e) and 2.9.4(f) of the ASP are the most relevant to this development proposal. Policy 2.9.4(e) requires a minimum parcel size of 0.8 hectares (2.0 acres), and policy 2.9.4(f) requires a maximum of 64 lots per quarter section. This application proposes lots that are greater than 2 acres in size, and given that the subject lands span across two quarter sections, the proposal does not exceed the maximum requirement of 64 lots per quarter. Therefore, the application is consistent with the Central Springbank ASP.

Policy 4.3.3 of the conceptual scheme requires that redesignation and subdivision proposals that seek to create more than two lots be supported by an Outline Plan. As the application only seeks the ultimate creation of two lots, and given that the proposed parcel sizes do not allow for further subdivision, an Outline Plan is not required at this time.

Grand View Estates Conceptual Scheme

The proposed subdivision would result in parcels of 0.82 hectares (2.02 acres) and 1.37 hectares (3.39 acres). The Conceptual Scheme requires a minimum parcel size of 0.8 hectares (1.98 acres), and requires the maximum number of residential parcels on a quarter section to be 64. The proposed subdivision aligns with these requirements.

The GVECS requires that redesignation and subdivision proposals that seek to create more than two lots be supported by an Outline Plan. As the application only seeks the ultimate creation of two lots (one new lot), and given that the proposed parcel sizes do not allow for further subdivision, an Outline Plan is not required.

The Applicant provided a subdivision design that is consistent with the relevant plans and existing development and addresses all technical concerns in accordance with these policies.

The existing development in Grand View Estates (Area A) is part of a Homeowners' Association (HOA),

which is responsible for maintenance of the trail system, among other community benefits. In collaboration with the existing HOA, Lot 1 would be required to join the existing HOA immediately, while Lot 2 would be required to use the existing access through the adjacent parcel to the north.

The proposed subdivision is compliant with the relevant Conceptual Scheme policies in terms of parcel size and servicing, and the remainder would be required to comply with as appropriate.

#### Grand View Estates Outline Plan

The Grand View Estates Conceptual Scheme includes an Appendix that pertains specifically to the subject site, and the Grand View Estates Subdivision. Section 1.2 notes that only Area A is subject to the rules of the Outline Plan, and Area B (which includes the subject property) would be required to complete their own background and site analysis prior to redesignation and subdivision. Policy 1.2.1 states that, as part of the redesignation and subdivision process, Area B shall be required to demonstrate that any further subdivision is feasible and consistent with the GVECS and the Central Springbank ASP. The proposed subdivision complies with this policy.

The Outline Plan also calls out the panhandle proposed for access of the subject parcel to “ultimately provide access and to integrate the two existing residential parcels into Grand View Estates”, and to be used for water, sanitary sewer, and private utilities. This was already accomplished, and Municipal Reserve was paid on this portion.

#### **CONCLUSION:**

The application meets the spirit and intent of the Central Springbank ASP, and the subject lands hold the appropriate land use designation for the intended parcel sizes. It appears as though a suitable building envelope is provided on proposed Lot 1. The most significant technical issue with the application pertains to stormwater management and placement of the septic system. Necessary setbacks from the steep slope for septic and structures would be provided as outlined in the technical and geotechnical studies, and as such, these technical issues are appropriately addressed through the conditions of approval.

#### **OPTIONS:**

- Option #1: THAT Subdivision Application PL20180049 be approved with the conditions noted in Appendix A.
- Option #2: THAT Subdivision Application PL20180049 be refused per the reasons noted.

Respectfully submitted,

Concurrence,

“Sherry Baers”

“Rick McDonald”

---

Executive Director  
Community Development Services

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Interim County Manager

ON/rp

#### **APPENDICES:**

- APPENDIX ‘A’: Approval Conditions  
APPENDIX ‘B’: Application Referrals  
APPENDIX ‘C’: Map Set  
APPENDIX ‘D’: Landowner comments

**APPENDIX A: APPROVAL CONDITIONS**

- A. That the application to create an  $\pm 0.82$  hectare ( $\pm 2.02$  acre) parcel (Lot 1) with a  $\pm 1.37$  hectare ( $\pm 3.39$  acre) remainder (Lot 2) from Lot 1, Block 1, Plan 0611520 within NW-11-24-03-W05M has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulations. Having considered adjacent landowner submissions, it is recommended that the application be approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Central Springbank Area Structure Plan;
  2. The subject lands hold the appropriate land use designation; and,
  3. The technical aspects of the subdivision proposal were considered, and there are no technical limitations to the proposal.
- B. The Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the condition will be met, in accordance with all County Policies, Standards and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a Qualified Professional, licensed to practice in the Province of Alberta, within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Owner from ensuring all permits, licenses, or approvals required by Federal Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application is approved subject to the following conditions of approval:

*Plan of Subdivision*

- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
- 2) The Owner is to provide a Site Plan, prepared by an Alberta Land Surveyor, which illustrates the following in relation to the new property lines:
  - a) The Site Plan is to confirm that all existing private sewage treatment systems are located within the boundaries of Lot 2, in accordance with the The Alberta Private Sewage Systems Standard of Practice 2009.

*Development Agreement – Site Improvements/Services Agreement*

- 3) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County and shall:
  - a) Be in accordance with the Level 3 Private Sewage Treatment Systems (PSTS) Assessment of Site Suitability of Lot 1, Block 1, Plan 0611520 prepared by Sedulous Engineering for the construction of a packaged Private Sewage Treatment System; and
  - b) Be in accordance with the Slope Stability Assessment (Revision 3) prepared by e2K Engineering Ltd.

*Transportation and Access*

- 4) The Owner shall construct a new paved approach on Grandview Rise in order to provide access to Lot 1. If a mutual approach is constructed, the Owner shall:
  - a) Provide an access right of way plan; and
  - b) Prepare and register respective easements on each title, where required, with those lots using the access route, and then be required to join the Homeowner's Association.
- 5) The Applicant/Owner shall enter into an Access Easement Agreement with the adjacent landowner at Lot 3, Block 1, Plan 9510791, within SW-14-24-3-W5M to provide access to Lot 2 only, as per the approved Tentative Plan, which shall include:
  - a) Registration of the applicable access right-of-way plan.

*Water Servicing*

- 6) The Owner is to provide confirmation of tie-in for connection to the Westridge Utility System, an Alberta Environment licensed piped water supplier, for Lot 1, as shown on the Approved Tentative Plan. This includes providing the following information:
  - o Documentation proving that water supply has been purchased for proposed Lot 1;
  - o Documentation proving that all necessary water infrastructure is installed.

*Erosion and Sediment Control Plan*

- 7) The Owner is to provide a Sediment Control Plan.

*Stormwater Conditions*

- 8) The Owner is to provide and implement a Site Specific Stormwater Management Plan, which meets the requirements outlined in the Springbank Master Drainage Plan.:
  - a) Should the (Site Specific) Stormwater Management Plan indicate that improvements are required, the Applicant/Owner shall enter into a Development Agreement (Site Improvements/Services Agreement) with the County;
  - b) Provision of necessary Alberta Environment and Parks registration documentation and approvals for the stormwater infrastructure system.

*Municipal Reserves*

- 9) The provision of Reserve in the amount of 10 percent of the area of Lots 1 and 2, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per acre value as listed in the land appraisal<sup>2</sup>, pursuant to Section 666(3) of the *Municipal Government Act*:

*Payments and Levies*

- 10) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014. The County shall calculate the total amount owing.
  - a) From the total gross acreage of the Lands to be subdivided as shown on the Plan of Survey.
- 11) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one new Lot.

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<sup>2</sup> R Home Appraisals, File 18106047 dated October 25, 2018



### *Homeowners Association*

- 12) The Owner shall legally amend the existing Homeowners' Association (HOA), and an encumbrance or instrument shall be concurrently registered against the title of each new lot created (Lot 1), requiring that each individual Lot Owner is a member of the Home Owners' or Lot Owners' Association:
  - a) The HOA agreement shall specify the future maintenance obligations of the Homeowners' Association for on-site pathways and community landscaping, residential solid waste collection at minimum.

### *Taxes*

- 13) All taxes owing, up to and including the year in which subdivision is to be registered, are to be paid to Rocky View County prior to signing the final documents pursuant to Section 654(1) of the *Municipal Government Act*.

### D. SUBDIVISION AUTHORITY DIRECTION:

- 1) Prior to final endorsement of the Subdivision, the Planning Department is directed to present the Owner with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.

**APPENDIX B: APPLICATION REFERRALS**

<b>AGENCY</b>	<b>COMMENTS</b>
<i>School Authority</i>	
Rocky View Schools	No objection.
Calgary Catholic School District	No response.
Public Francophone Education	No response.
Catholic Francophone Education	No response.
<i>Province of Alberta</i>	
Alberta Environment	Not required for circulation.
Alberta Transportation	Not required for circulation.
Alberta Sustainable Development (Public Lands)	Not required for circulation.
Alberta Culture and Community Spirit (Historical Resources)	Not required for circulation.
Alberta Energy Resources Conservation Board	No response.
Alberta Health Services	<p>Thank you for inviting our comments on the above-referenced application. Alberta Health Services (AHS) understands that this application is proposing to subdivide the subject lands to create a 2.02 acre parcel with 3.39 remaining. We provide the following comments for your consideration with regard to planning future development on the site:</p> <ol style="list-style-type: none"> <li>1. The application indicates that potable water will be supplied by Westridge Utilities. AHS recommends that it is confirmed that the existing water system will be able to meet any increased water demand resulting from this proposed development.</li> <li>2. Any existing or proposed private sewage disposal systems should be completely contained within the proposed property boundaries and must comply with the setback distances</li> </ol>



AGENCY	COMMENTS
	<p>outlined in the most recent Alberta Private Sewage Systems Standard of Practice. Prior to installation of any sewage disposal system, a proper geotechnical assessment should be conducted by a qualified professional engineer and the system should be installed in an approved manner.</p> <p>3. The property must be maintained in accordance with the Alberta Public Health Act, Nuisance and General Sanitation Guideline 243/2003 which stipulates,</p> <p><i>No person shall create, commit or maintain a nuisance. A person who creates, commits or maintains any condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.</i></p> <p>If any evidence of contamination or other issues of public health concern are identified at any phase of development, AHS wishes to be notified.</p> <p>Please call (403) 912-8459 or e-mail <a href="mailto:carol.brittain@ahs.ca">carol.brittain@ahs.ca</a> if you have any questions.</p>
<b>Public Utility</b>	
ATCO Gas	No response.
ATCO Pipelines	No concerns.
AltaLink	No response.
FortisAlberta	<p>Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.</p> <p>FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.</p> <p>Please contact FortisAlberta land services at <a href="mailto:landserv@fortisalberta.com">landserv@fortisalberta.com</a> or by calling (403) 514-4783 for any questions.</p>



<b>AGENCY</b>	<b>COMMENTS</b>
Telus Communications	No response.
Direct Energy	Not circulated.
TransAlta	No response.
Calgary Airport Authority	Not required for circulation.
<i>Adjacent Municipality</i>	
The City of Calgary	No objection.
<i>Other External Agencies</i>	
EnCana Corporation	No response.
Enmax	No response.
<i>Rocky View County Boards and Committees</i>	
Agricultural Service Board Farm Members and Agricultural Fieldman	Not required for circulation.
Rocky View West Recreation Board	Cash in lieu.
<i>Internal Departments</i>	
Legal and Land Administration	This location has not been identified for future Municipal Reserve acquisition to support public park, open space, pathway or trail development; therefore, the Municipal Lands office recommends the taking cash in lieu of land dedication for any outstanding reserves owing associated with lands subject to this application.
Development Authority	No objections or comments.
GeoGraphics	No response.

AGENCY	COMMENTS
Bylaw and Municipal Enforcement	No comments.
Fire Services	<p>Having reviewed the circulation, The Fire Service has only one comment which is to ensure that the grade of the driveway does not exceed the grade required in the RVC Servicing Standards or the Alberta Building Code.</p> <p>No further comments at this time.</p>
Planning & Development Services - Engineering	<p><b>General</b></p> <ul style="list-style-type: none"> <li>The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and procedures.</li> </ul> <p><b>Geotechnical</b> - Section 300.0 requirements:</p> <ul style="list-style-type: none"> <li>Due to steep slopes present on the property, the Applicant has been required to prepare a Slope Stability Assessment. <ul style="list-style-type: none"> <li>A slope stability Assessment dated March 19, 2018 has been prepared by E2K and an updated report dated April 26. To assess the global stability of the site, two sections deemed representative worst-case scenarios were analyzed. The report demonstrated that the addition of a home positioned with a setback of 10 m from the crest of the slope, will not affect the stability of the slope. A safety factor of 1.6 was calculated, which is above the industry standard of 1.5. The area is known to have high groundwater levels and there were slope movements in the past (2005). Since then, it is expected the area has somewhat stabilized, now has improved drainage patterns and therefore the same movement is not expected to occur outside of a significant precipitation event (1:50 or 1:100). The Geotechnical Engineer's opinion is that the proposed development will not have a negative impact on the slopes and the slopes condition would be the same as under post-development.</li> </ul> </li> <li>The subject lands have a restrictive covenant in place with the following stipulations: <ul style="list-style-type: none"> <li>The lands shall not be developed or used other than for single family residential purposes;</li> <li>No buildings or structure except a deck or patio shall be constructed within the Area Required for Restrictive Covenant Purposes, Plan 9412692.</li> </ul> </li> <li>The Applicant has demonstrated the new lot has over 1 acre</li> </ul>

AGENCY	COMMENTS
	<p data-bbox="678 289 1425 352">developable area through Figure 4, prepared by Sedulous Engineering dated September 18, 2018.</p> <p data-bbox="621 422 1218 453"><b>Transportation - Section 400.0 requirements:</b></p> <ul data-bbox="621 474 1461 1213" style="list-style-type: none"> <li data-bbox="621 474 1461 569">• The applicant currently has access to RGE RD 32 through a registered access easement agreement with the owner of the north adjacent lot (instrument 171 1489);</li> <li data-bbox="621 579 1461 705">• As a condition of Subdivision endorsement, the applicant will be required to build a single paved road approach connecting to Grandview Rise Road, as per Rocky View County standards;</li> <li data-bbox="621 716 1461 810">• Prior to the installation of the approaches, the developer shall make a road approach application with the Road Operations Department;</li> <li data-bbox="621 821 1461 1062">• As a condition of Subdivision, if a mutual (shared) access is to be used benefitting the existing as well as new parcel, the applicant shall provide a Right-of-Way Plan and Access Easement Agreement to register on the title of each parcel. <ul data-bbox="678 968 1429 1062" style="list-style-type: none"> <li data-bbox="678 968 1429 1062">○ It is noted the panhandle does not meet current Rocky View County standards of 12.5 m due to the existing approximately 10 m ROW;</li> </ul> </li> <li data-bbox="621 1083 1461 1213">• The applicant has registered access easement agreement benefitting the owner of the south adjacent lot (Kestrel Farms) for RR 32 access (instrument 941 2691). It is noted this is the main/most used access to Kestrel Farms lands.</li> </ul> <p data-bbox="621 1234 1461 1497">As a condition of Subdivision endorsement, the applicant will be required to provide payment of the Transportation Offsite Levy (TOL) in accordance with applicable levy at time of Subdivision and/or Development Permit approval, as amended, for the total gross acreage of 5.54 acres. The estimated levy payment owed at time of subdivision endorsement is \$88,501 (Base = \$4,595/ac x 5.54 ac = \$25,456; Special Area 4 = \$11,380/ac x 5.54 ac = \$63,045).</p> <p data-bbox="621 1518 1312 1549"><b>Sanitary/Waste Water - Section 500.0 requirements:</b></p> <ul data-bbox="621 1570 1461 1919" style="list-style-type: none"> <li data-bbox="621 1570 1461 1833">• As a condition of Subdivision, the owner shall enter into a Site Improvements/ Services Agreement (SISA) with the County to ensure construction of a Packaged Sewage Treatment System to the satisfaction of the County; The SISA will also ensure recommendations of the April 26<sup>th</sup> 2018 Slope Stability Assessment Report prepared by E2K Engineering are followed at future Development Permit/Building Permit stage. <ul data-bbox="678 1854 1429 1919" style="list-style-type: none"> <li data-bbox="678 1854 1429 1919">○ As per Policy 449, for residential developments relying on PSTS, where lot sizes are equal to, or greater than,</li> </ul> </li> </ul>

AGENCY	COMMENTS
	<p>1.98 acres but less than 3.95 acres the County requires the use of Packaged Sewage Treatment Plant on individual lots which meet the Bureau de Normalisation du Quebec (NBQ) standards for treatment and the requirements set out in Procedure 449;</p> <ul style="list-style-type: none"> <li>○ Septic fields should be kept away from the crest of the slope by a minimum 15 m setback.</li> </ul> <p><b>Water Supply And Waterworks</b> - Section 600.0 &amp; 800.0 requirements:</p> <ul style="list-style-type: none"> <li>• The Applicant/ Owner had entered into a Water Supply Agreement with Doran Consulting Services for the Supply of Water from the Westridge Utility System. A confirmation letter dated January 2, 2018 has been provided that the water supply is available for the proposed Lot 2 and 3;</li> <li>• As a condition of subdivision, the Owner is to provide confirmation of the tie-in for connection to Westridge Utility. This includes providing the following information: <ul style="list-style-type: none"> <li>○ Documentation proving that water supply has been purchased for the newly created lot;</li> <li>○ Documentation proving that water supply infrastructure requirements including servicing to the properties have been installed or installation is secured between the developer and water supplier, to the satisfaction of the water supplier and the County.</li> </ul> </li> </ul> <p><b>Storm Water Management</b> – Section 700.0 requirements:</p> <ul style="list-style-type: none"> <li>• As a condition of Subdivision, a site specific storm water management report (SSIP) report will be required in accordance with the Springbank Master Drainage Plan prepared 2016 MPE Engineering. The report has to demonstrate site drainage will not negatively impact the site slope stability. Should the SSIP indicate that improvements are required the Applicant/Owner shall enter into a Site Improvement/Services Agreement with the County for the implementation of specific improvements;</li> <li>• Any re-configuration of the topography of the land should be verified by E2K prior to modification, to ensure slope stability meets the required safety factor. <ul style="list-style-type: none"> <li>○ The applicant has submitted a conceptual level site specific storm water management report (SSIP) prepared by Sedulous Engineering, dated May 1, 2018. The report indicates the land that is proposed to be subdivided, is suitable for the purpose for which the subdivision is intended, from a storm water management perspective and no formal stormwater pond or other formal stormwater infrastructure is required for this</li> </ul> </li> </ul>

AGENCY	COMMENTS
	<p>development. Also, the site conforms to the MDP criteria.</p> <ul style="list-style-type: none"> <li>○ Drainage should be maintained so that no ponding water can occur near the top of the slope.</li> </ul> <p><b>Environmental</b> – Section 900.0 requirements:</p> <ul style="list-style-type: none"> <li>• As a condition of subdivision, an Erosion and Sediment Control plan will be required.</li> <li>○ Approximately 3000 m<sup>3</sup> of the southwest portion of the remainder parcel is labeled as riparian area in the Alberta Merged Wetland Inventory. A very small portion of the newly created lot falls in the riparian area category. These lands fall within Section 41 regulation of the current land use bylaw in effect (Bylaw C-4841-97) and also form part of the restrictive covenant area.</li> </ul>
Transportation Services	<p>Property access must be from Grandview Rise and not from private driveway to the south.</p> <p>Application for approach off Grandview Rise has been approved.</p>
Capital Project Management	No concerns.
Utility Services	<p>Because this parcel falls within the Central Springbank ASP, (formerly) Agricultural Services has no concerns.</p>
Circulation Period: June 6, 2018 – July 9 2018	



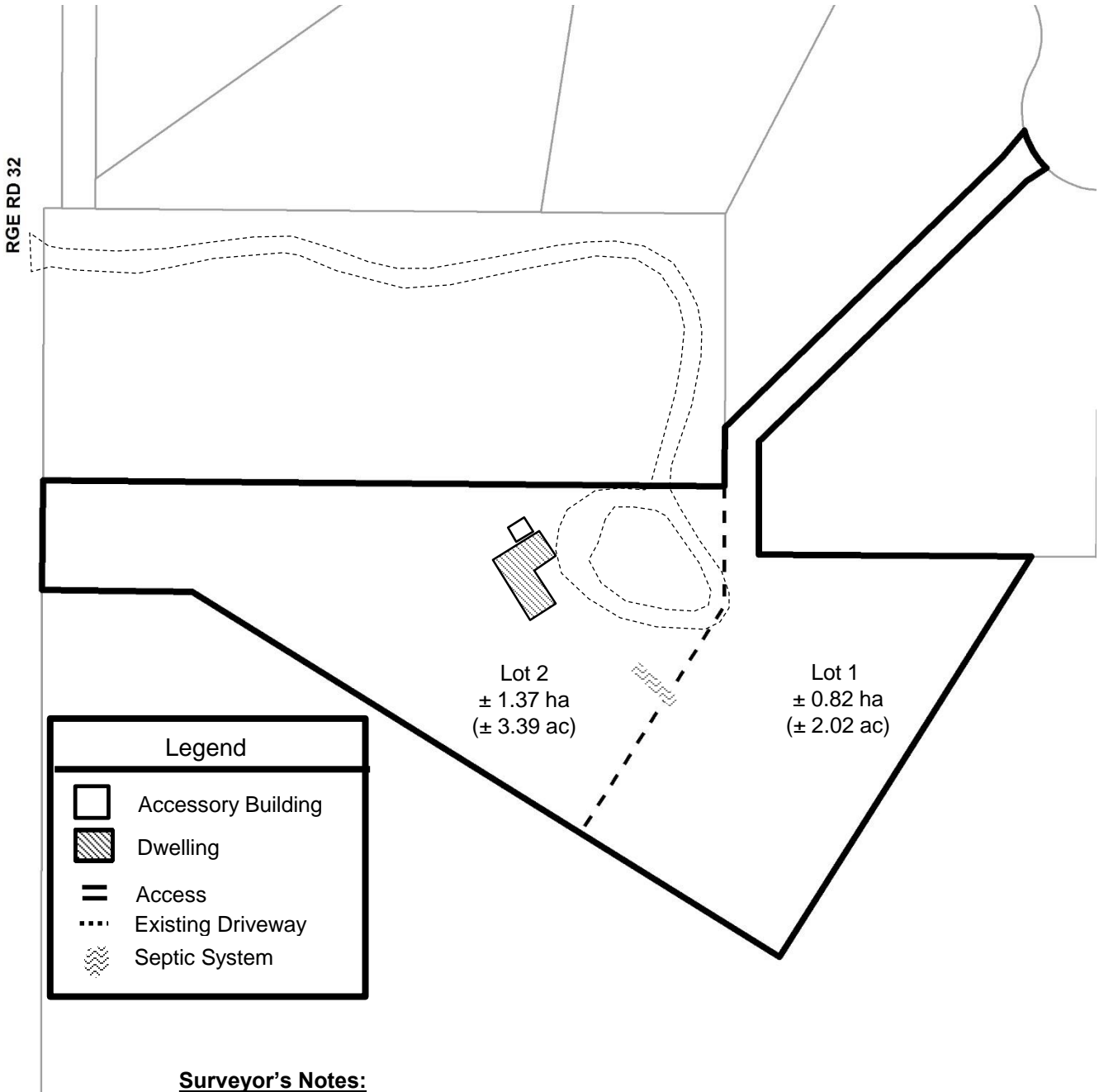
**NW-11-24-03-W05M**

## Agenda

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**Subdivision Proposal:**

To create a  $\pm 0.82$  hectare ( $\pm 2.02$  acre) parcel with  $\pm 1.37$  hectare ( $\pm 3.39$  acre) remainder.

**Surveyor's Notes:**

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-4841-97.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

**TENTATIVE PLAN**

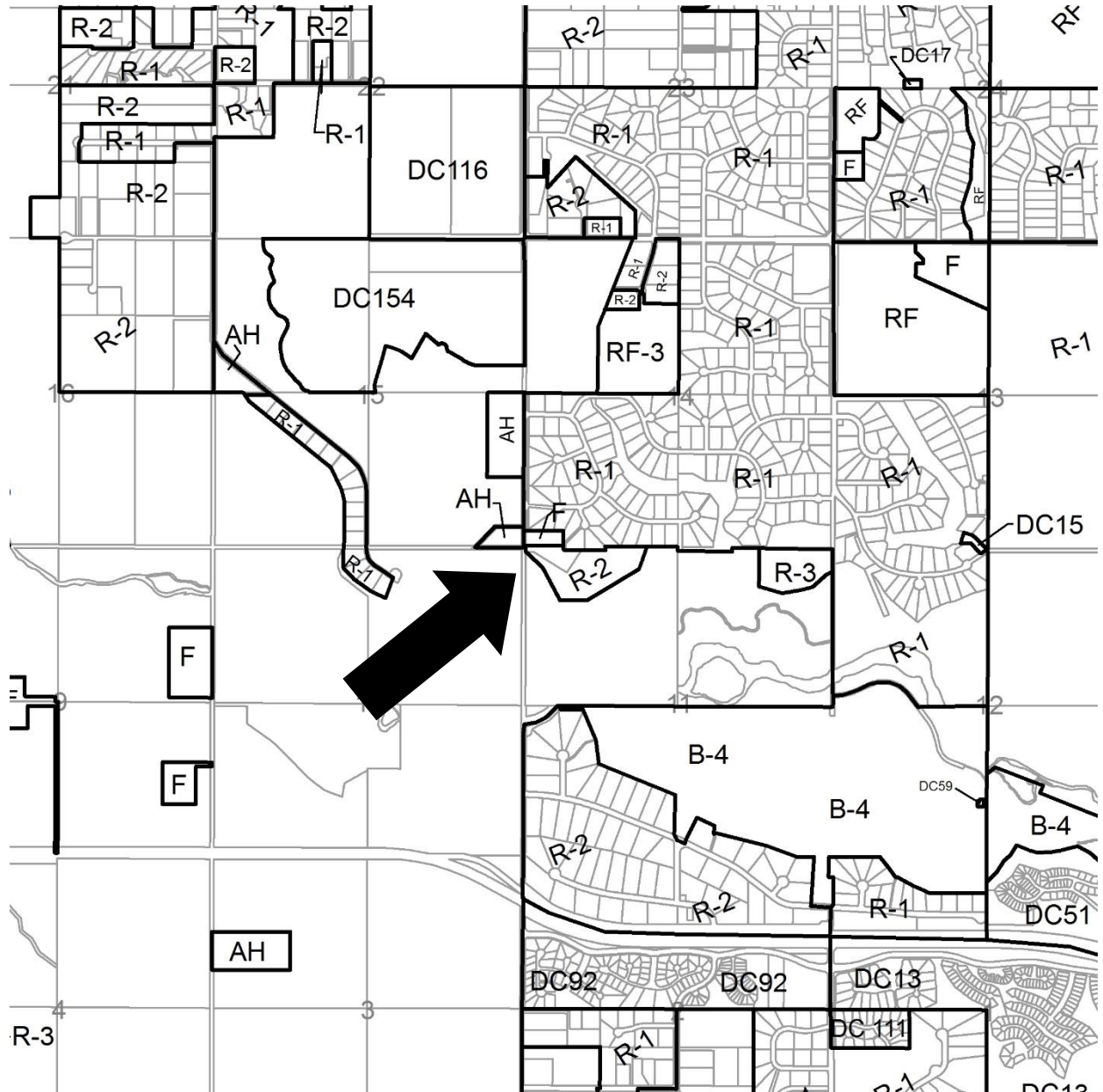
**Lot:1 Block:1 Plan:0611520**  
**NW-11-24-03-W05M**

Date: May 23, 2018

Division # 3

File: 04711031





Ranch and Farm	B-1 Highway Business
RF2 Ranch and Farm Two	B-2 General Business
RF3 Ranch and Farm Three	B-3 Limited Business
AH Agricultural Holding	B-4 Recreation Business
F Farmstead	B-5 Agricultural Business
R-1 Residential One	B-6 Local Business
R-2 Residential Two	NRI Natural Resource Industrial
R-3 Residential Three	HR-1 Hamlet Residential Single Family
DC Direct Control	HR-2 Hamlet Residential (2)
PS Public Service	HC Hamlet Commercial
	AP Airport

## LAND USE MAP

Lot:1 Block:1 Plan:0611520  
NW-11-24-03-W05M





Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

## TOPOGRAPHY

*Contour Interval 2 M*

**Lot:1 Block:1 Plan:0611520**  
**NW-11-24-03-W05M**

Date: May 23, 2018

Division # 3

File: 04711031

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Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO**

*Spring 2016*

**Lot:1 Block:1 Plan:0611520  
NW-11-24-03-W05M**

Date: May 23, 2018

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File: 04711031

**Agenda**

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**Lot:1 Block:1 Plan:0611520**  
**NW-11-24-03-W05M**

Date: May 23, 2018

Division # 3

File: 04711031

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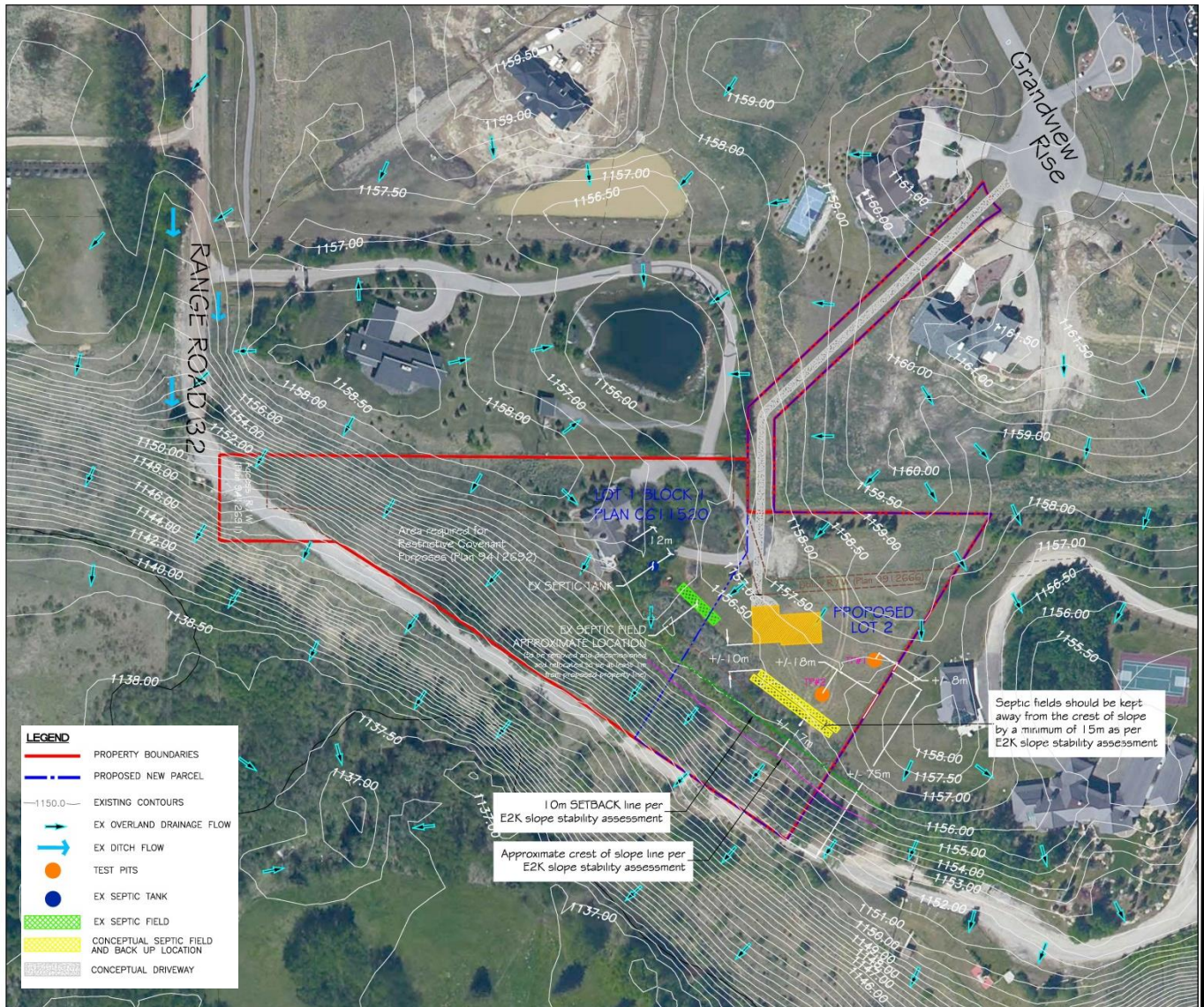
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Lot:1 Block:1 Plan:0611520  
NW-11-24-03-W05M





## LEVEL 3 PSTS MAP

(By Sedulous Engineering)

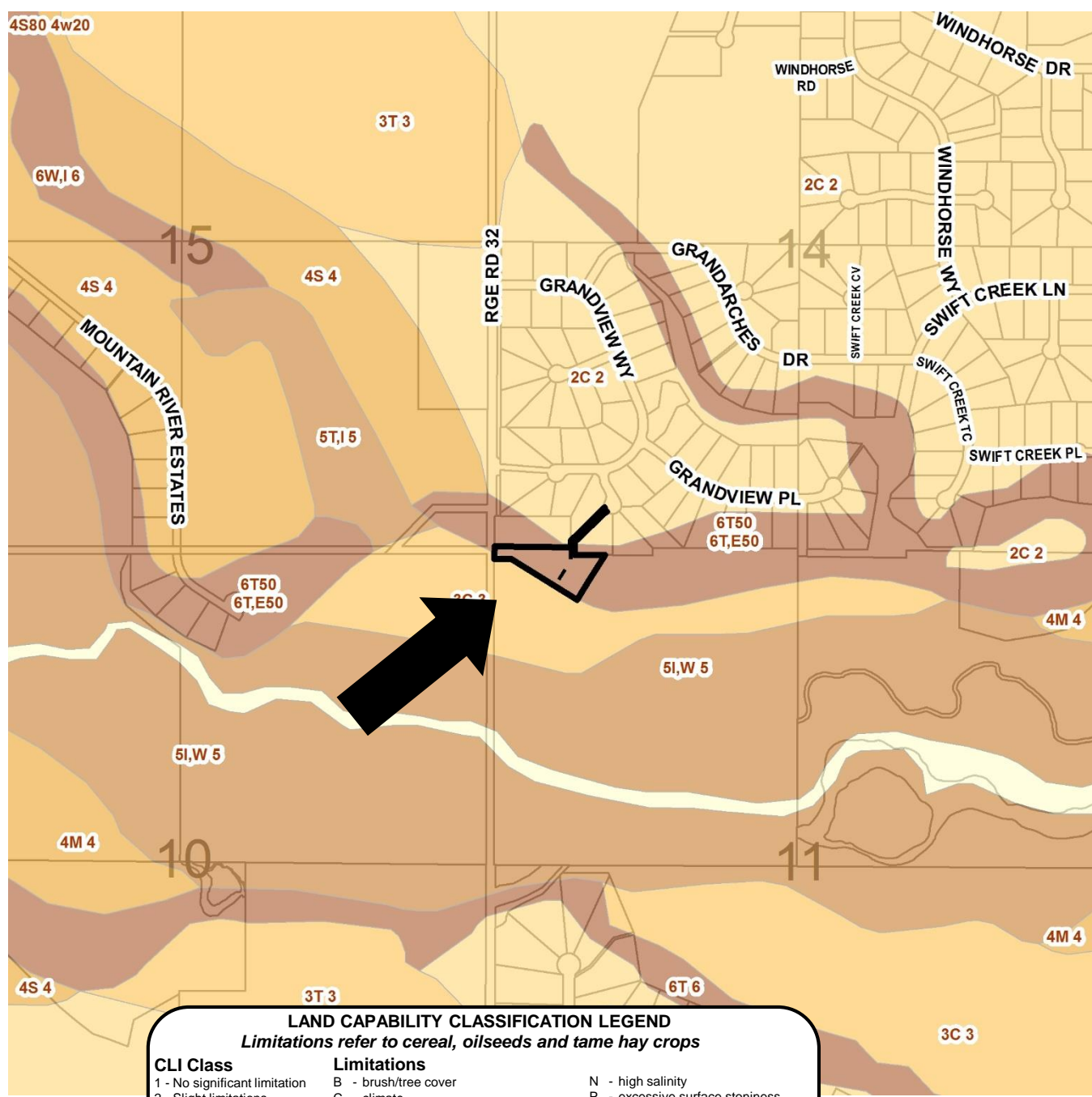
**Lot:1 Block:1 Plan:0611520**  
**NW-11-24-03-W05M**

Date: May 23, 2018

Division # 3

File: 04711031

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**LAND CAPABILITY CLASSIFICATION LEGEND**  
*Limitations refer to cereal, oilseeds and tame hay crops*

CLI Class	Limitations	
1 - No significant limitation	B - brush/tree cover	N - high salinity
2 - Slight limitations	C - climate	P - excessive surface stoniness
3 - Moderate limitations	D - low permeability	R - shallowness to bedrock
4 - Severe limitations	E - erosion damage	S - high sodicity
5 - Very severe limitations	F - poor fertility	T - adverse topography
6 - Production is not feasible	G - Steep slopes	U - prior earth moving
7 - No capability	H - temperature	V - high acid content
	I - flooding	W - excessive wetness/poor drainage
	J - field size/shape	X - deep organic deposit
	K - shallow profile development	Y - slowly permeable
	M - low moisture holding, adverse texture	Z - relatively impermeable

**SOIL MAP**



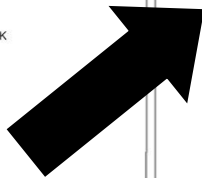
**Lot:1 Block:1 Plan:0611520**  
**NW-11-24-03-W05M**

Date: May 23, 2018

Division # 3

File: 04711031



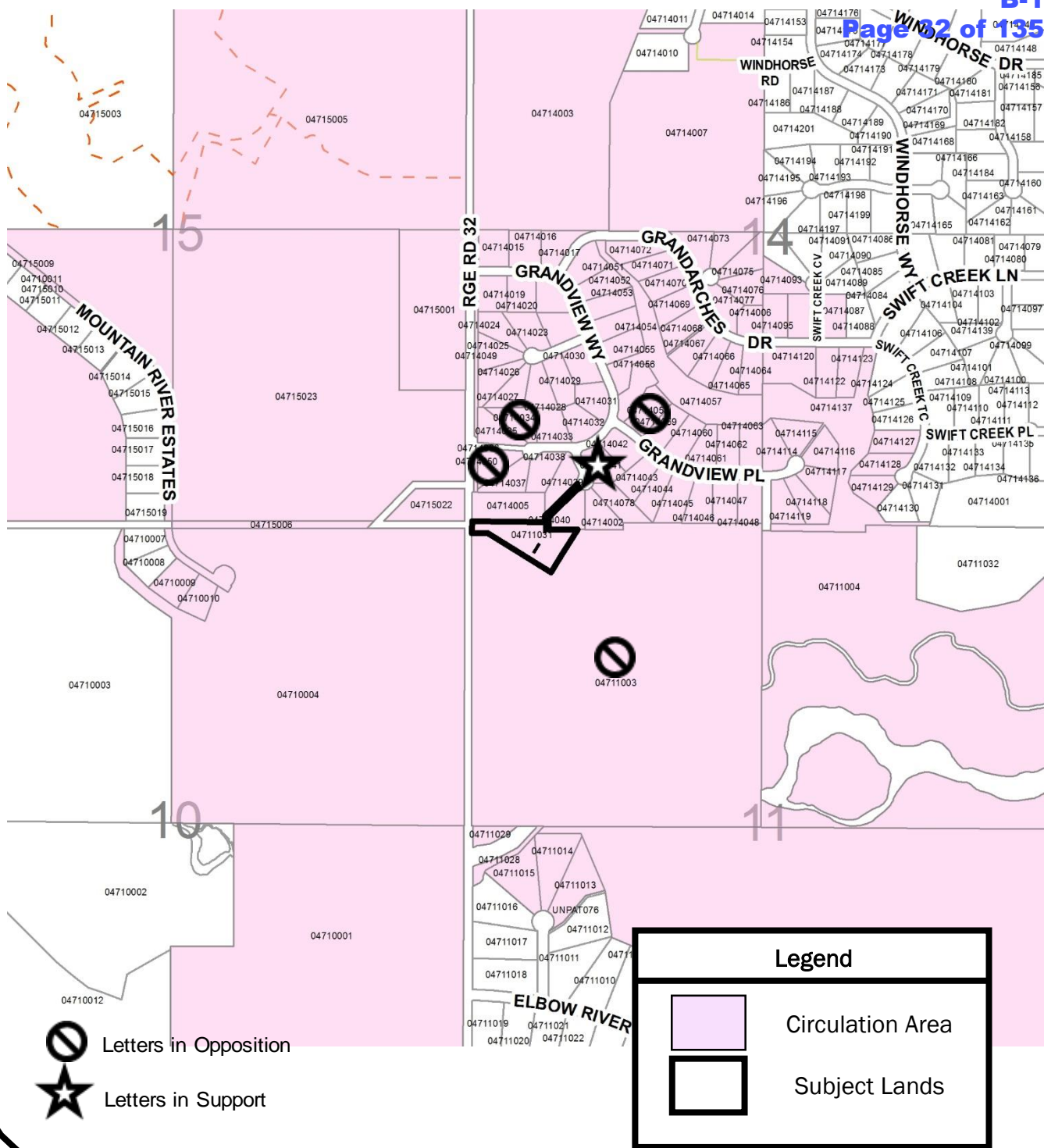


- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

**Lot:1 Block:1 Plan:0611520**  
**NW-11-24-03-W05M**

**Agenda**  
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## LANDOWNER CIRCULATION AREA

Lot:1 Block:1 Plan:0611520  
NW-11-24-03-W05M

Date: May 23, 2018

Division # 3

File: 04711031

**Agenda**  
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**Oksana Newmen**

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**From:** [REDACTED]  
**Sent:** Thursday, June 21, 2018 10:42 PM  
**To:** Oksana Newmen  
**Subject:** File number: 04711031 / Application Number: PL20180049 Division 3

Attention to the Planning Services Department Rocky View County,

In response to a notice that I received in the mail from Rocky View County, I would like to forward my concerns on several issues that concern me. I am against the subdivision and these are the points that I feel are important for the planning department to consider when they make their decision.

I am the owner of Kestrel Ridge Farm, and we are adjacent to the property that Kevin Peterson is looking to subdivide. Our driveway, which is the only way in or out of the property is at south boundary of said property.

1. If I understand correctly, the lot is in total 5.54 acres. There is an existing residence on this property. How is it allowed that there would be 3 locations on 5.54 acres? I have understood that our area is zoned for properties no less than 2 acres.
2. The plan is for each new lot to have a septic field. Adding additional septic fields will add to additional ground water levels. These levels are already a serious concern. Rocky View County allowed the development of Grandview back in 2005. Since then Kestrel Ridge has experienced yearly flooding of Springbank creek. This has been costly for Kestrel with land erosion and road erosion and the loss of use of paddocks that are needed for horse turnout. Not only is their excess water run off from all of the impervious surfaces in Grandview, but there are 2 ponds, one in Grandview and one in the property that the Petersons are subdividing. Neither ponds are lined which further add to heightened ground water levels.
3. The south boundary of the Petersons property is sloughing away yearly. The boundary fence has slowly been pulling the cemented posts out of the ground and leaving gapping opening for dogs to get out. In a geotechnical Assessment Report that we did independently in the fall of 2006, it indicates that this instability will continue and any additional development could create slope instability. The concern here is that our drive way is right at the base of this property and the chances of it sloughing away are very real. In 2005, and 2006 and 2007 we had to rebuild our driveway due to the excess water and abnormally high ground water levels. This has been very expensive for Kestrel. We continue to have to do yearly maintenance in order for safe access for my family and my horse farm. A copy of this report was given to Byron Ryman for Rocky View County in 2006 to review and for their information.

Kestrel Ridge Farm has been in existence since 2000. We have experienced some severe problems due to the development of Grandview. Our only access to our property is constantly being compromised. We have had serious problems with trespassers who feel they have rights to go thru our land to access the river with free running dogs who leave their mark. Springbank Creek is a yearly spring threat of overland flooding. Any additional developments can only compromise the stability of the slope which in turn could be the loss of our road.

We ask that you please take into consideration my concerns when it comes to making your decisions.

I have the Geotechnical Report which you are welcome to make a copy of if the County archives do not have it. I will also include a couple of photos in the subsequent email.

I look forward to meeting with Oksana Friday, June 22, 2018.

Regards,

Julia Vysniauskas  
Kestrel Ridge Farm (owner)









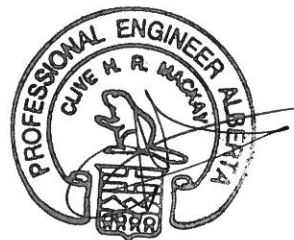


**KESTREL RIDGE FARM  
GEOTECHNICAL ASSESSMENT OF LANDSLIDES**

Report  
To  
Kestrel Ridge Farm

C.H. MacKay & Associates Ltd.,  
Calgary Alberta

Association of Professional Engineers,  
Geologists and Geophysicists of  
Alberta Permit to Practice P8435



September 4, 2006

Clive Mackay, P. Eng.  
Senior Engineer

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## **1. INTRODUCTION**

### **1.1 General**

This report presents the results of a geotechnical assessment carried out by C.H. MacKay and Associates Ltd. for Kestrel Ridge Farm Ltd. The assessment involved an evaluation of landslides on three sections of river valley slope within the Kestrel Ridge Farm property and adjacent statutory right of way.

The work was carried out in general accordance with the scope of work outlined in my letter of proposal provided to Ms. Julia Vysniauskas on November 21, 2005. Authorization to proceed was provided by Mr. Tony Vysniauskas. The site was initially visited on November 16, 2005 to inspect the slides and discuss the scope of work.

The use of this report is subject to the Statement of General Conditions, which is included at the end of the text. The reader's attention is specifically drawn to these conditions as it is considered essential that they be followed for proper use and interpretation for this report.

### **1.2 Scope of Work**

The purpose of the study was to conduct a geotechnical investigation on the stability of the three existing slides and identify alternative measures for improving the stability of the slopes and reducing the potential for future instability at these locations.

The following activities were included in the scope of services:

1. Review available site plans, air photos and geological or geotechnical reports for the area.
2. Conduct a limited geotechnical investigation, to gain a better understanding of the site geology and ground water conditions using a combination of bore holes and test pits. A topographic survey was completed of the three slide areas.

3. Develop recommendations for slope remediation based on an evaluation of slide conditions.
4. Prepare a letter providing an assessment of the stability condition of the slide closest to Range Road 32. Include recommendations for additional work to ensure long term stability of the slide and adjacent access road.

Assessment of environmental issues, including soil contamination and permitting issues related to possible work in Spring Bank Creek was not within the scope of work of this investigation,

## **2. METHOD OF INVESTIGATION**

### **2.1 Investigation Program**

A field investigation program was conducted between December 2 and 16, 2005. Four test pits, TP05-1 to TP05-4 were excavated on the main body of the slide above the barns (the East slide) with a John Deere 590 excavator on December 02. Three test holes, TH05-1 to TH05-3 were drilled from the access road along the top of the slides with a truck mounted solid stem auger drill rig on December 15 and 16.

The soil from all test pits and test holes was visually logged, noting material type and thickness as well as zones of seepage and sloughing ground conditions. Standard Penetration Tests were taken in all test holes to assess the in-situ density and consistency of the soil. Representative samples were retained for laboratory testing.

A standpipe piezometer consisting of a 25 mm PVC pipe with a 2 - 3 m slot zone was installed above the base of each test hole. The sand pack surrounding the slot zone for each hole was sealed with a 1 m bentonite plug. The remainder of each hole was backfilled to the ground surface with drill cuttings.

The survey of the site, including test pit and test hole locations was carried out by Tronnes Surveys. Test pits and test hole locations are shown on Figure 1, appendix A. Detailed logs for the test pits and test holes are contained in the Appendix B.

## **2.2 Laboratory Testing**

Laboratory testing program included visual classification and natural moisture content determinations for all soil samples. Atterberg Limit tests were performed on two samples to test for the plasticity of the soil. The results of the laboratory tests are presented on the test pit and test hole logs.

## **3. BACKGROUND**

### **3.1 Surface Conditions**

Kestrel Ridge Farm is located in Lower Spring Bank, on the North West Quarter of Section 11, Township 24, Range 3, West of the 5<sup>th</sup> Meridian. The property is located within the valley of the Elbow River, encompassing the north valley slopes and flood plain. The farm operates as an equestrian centre with barns and paddocks on the flood plain north of the Elbow River. The Vysniauskas residence is located north of the valley crest. Access to the farm is via Range Road 32, where it connects with the northwest corner of the property. An access road runs eastward on a statutory easement from Range Road 32 along the valley crest to the Vysniauskas property.

### **3.2 Geotechnical**

There are no known previous geotechnical investigations or studies of slope instability at the site. A geotechnical investigation was undertaken to assess foundation conditions for the Vysniauskas house in about 1999 / 2000; however, the information from this earlier investigation was not available for review.

### **3.3 Climatic Conditions**

The spring of 2005 was one of the wettest on record for the Calgary area. The Environment Canada weather station at Spring Bank Airport located approximately 8 km northwest of the farm, recorded 379.4 mm of rainfall during June 2005. This was almost five times the average June rainfall of 79.8 mm for Calgary based on long term measurements at the Calgary International Airport. Similarly, over the three month period May, June and July, 2005, the Spring Bank Airport station



recorded a total of 418.4 mm rainfall, which amounts to about 2.1 times the long term average of 198.7 mm for the same period, based on measurements from the Calgary International Airport. In terms of extreme daily rainfall results the 128 mm recorded on June 17 at the Spring Bank Airport is about 1.6 times the extreme daily rainfall of 79.2 mm recorded at the Calgary International Airport. Long term statistics were not available for the Spring Bank Airport, requiring comparison of the 2005 events to long term records from the Calgary International Airport

### **3.4 Local development**

Prior to the summer of 2005, the quarter section immediately north of Kestrel Ridge Farm, (Section 13, Township 24, Range 3, west of the fifth Meridian) was primarily used as farm land. Two homes are located immediately to the north of the slope crest, the west house adjacent to Range Road 32 is owned by Dick Shaw and the east house is reported to be owned by his daughter. During the summer of 2005, grading and utility installation started on the Grandview Park Subdivision consisting of about 60 small acreage lots, each approximately two acres in size. Engineering and planning studies including geotechnical reports prepared for the subdivision application have not been available for this review. Photo 14, Appendix C shows high water levels in what is reported to be a storm water storage pond located at the south end of the subdivision, immediately adjacent to the Shaw pond. It is believed that neither pond is lined.

## **4. SITE DESCRIPTION**

### **4.1 Surficial Geology**

The published surficial geology of the area, (Surficial Geology of the Calgary Urban Area, Moran, 1986) shows the site is underlain by deposits of sand, silt and clay of post glacial origin. Deep boreholes in the area referenced by Moran (1986) indicate a glacial till of the Lower Spy Hill Formation may be present below the glacial lacustrine sediments. Sandstone and shale bedrock of the Porcupine Hills Formation underlies the surficial deposits. Test pit and test hole logs (included in Appendix B) indicate the soils underlying the site are predominantly clays and silts of glacial lacustrine origin, with interbeds with glacial fluvial sands. The sand unit is expected to be variable over the site, which is consistent with the results of the investigation. The till unit was not encountered in any of the test holes or test pits.

Bedrock underlying the surficial deposits was inferred from drill refusal in the three test holes and excavator refusal in one of the test pits.

#### **4.2 Subsurface Conditions**

A generalized description of the soil conditions encountered during the investigation is given below. The test hole and test pit logs in the Appendix B should be referenced for the detailed stratigraphy at each location.

The soil sequence underlying the roadway at the top of the slope above the East slide, TH05-1, encountered interbedded sediments consisting of clayey silt and silty sand, from a depth of 0 to 7.5 m, overlying firm to stiff silty clay extending to a depth of 16.8 m. Auger refusal at 16.8 m was interpreted as top of bedrock.

Test hole, TH05-2 located north of the road at the western most slide site encountered interbeds of clayey silt and silty sand from 0 to 9.1 m and firm to stiff silty clay from 9.1 to 13.3 m. Auger refusal at 13.3 m was interpreted as top of bedrock.

Test hole, TH05-3 located on the south shoulder of the road near the back scarp of the centre slide encountered gravel fill from 0 to 2.2 m and firm to stiff silty clay from 2.2 to 7.5 m. Auger refusal at 7.5 m was interpreted as top of bedrock.

#### **4.3 Surface Water and Groundwater Conditions**

Groundwater levels at the site were inferred from surface observations and from seepage encountered in the test pits and test holes and water. Piezometers were installed in the test holes and two test pits to allow future measurement of ground water levels.

The area along the lower valley is an area of ground water discharge, with ground water levels expected to be at or close to the ground surface on a long term basis, resulting from ground water flow toward the valley from the north. Local variations in ground water levels along the valley slope are expected, resulting from a number of factors including local topography, bedrock surface elevations, and presence of more permeable sands interbedded within the silts and clays lacustrine deposits.



Springs along the base of the slope confirmed locations with ground water levels at surface. Surface ice was observed on the lower slopes of the three slide areas during the November and December site visits, resulting from ground water discharge.

The pond located on the Dick Shaw property, (located on the extreme SW corner of Section 13, Township 24, Range 3, west of the 5<sup>th</sup> Meridian), is approximately 50 m north of the valley slope crest. It is reported that the pond was developed some years ago at the location of a wetland. Water levels in the pond were very high during the spring of 2005. Normal operational levels of the pond are unknown.

The back scarps of the centre and west slides are from 110 to 120 m south of the Shaw pond. This pond and others on the uplands to the north of the valley provide evidence of naturally high ground water levels underlying the uplands to the north of the site.

It is reported that water seepage occurred in the basements of two residences in the spring of 2005; the Dick Shaw residence located northwest of the farm adjacent to Range Road 32 and the Vysniauskas residence. The basement of the Vysniauskas residence experienced further water inflows into sub-floor air plenum during the spring of 2006.

## **5. DESCRIPTION OF SLOPE INSTABILITY**

### **5.1 General**

Three separate failures occurred on the slope below the access road in the late spring of 2005. The slides shown on Figure 1 are described in this report as the East slide, the Centre slide and the West slide. The East slide is located directly north of the equestrian barns and south of the Vysniauskas residence.

The Centre and West slides are located on the slope below the access road. Back scarps for these two slides extend to the roadway and resulted in temporary closure of the road following the 2005 failure. The roadway was initially repaired in 2005. Additional maintenance work on the Centre slide in the spring of 2006

involved placement of import gravel to restore the road profile, following further downward movement of the slide.

## **5.2 East Slide**

The East slide is the largest of the three slides, measuring approximately 90 m in length. The slide toe is coincident with the base of the slope at the north edge of the flood plain and is between 30 and 40 m wide, measured horizontally from the slope toe to the upper slide scarp. The back scarp of the slide is between 8 and 10 m above the floodplain and between 4 and 8 m below the access road to the north. The slide surface has a slope angle in the range of 20 to 25 degrees and is covered with grass. The slide has a well developed back scarp, with up to 2 m of vertical displacement and open tension cracks. Seepage was observed at several locations along the toe of the slide in late 2005. At the nearest point, the slide toe is approximately 2 m from the corner of the north barn. It is understood that a small pre-existing slide occupied the west portion of the current slide footprint at the time the property was purchased by the Vysniauskas in 1999. A buried gas line providing service to the barns was severed by the slide and relocated along the toe of the slide in November 2005. No discernable movement of the slide was reported during the spring of 2006.

## **5.3 Centre Slide**

The Centre slide is located about 150 m west of the iron-gate entrance to the farm and 160 m east of where the west end of the access road joins Range Road 32. The slide has a length of about 40 m, along the access road, defined by a visible depression of the road profile. The slide extends from the access road down to Spring Bank Creek, over a height of about 7 to 8 m. The length of the slide at flood plain level is estimated to be about 80 m. A narrow trail traverses the edge of the flood plain and toe of slide. Spring Bank Creek flows along to the toe of the active slide.

The back scarp of the slide is estimated to have dropped approximately 1.2 m during 2005 and a further 300 mm between 2005 and mid 2006. Repair work in 2005 involved placement of granular fill to restore the road profile and installation of a new corrugated metal pipe culvert under the road. The centre portion of the



slide below the road is within a small grove of poplar trees, many that have toppled and rotated backward from the recent slope movement.

During December 2005, ice was visible where standing water had frozen in the ditch upslope of the road. Ice was also present along more or less continuous seeps at the base of the slide.

This slide below the road was active during the spring of 2006. The culvert installed in 2005 sustained vertical deflection of about 200 mm approximately along the mid point of the access road, resulting from downward movement of the active slide block relative the upslope section of road. A section of trail along the toe of the slope, about 15 m in length, was washed out by flow in Spring Bank Creek during the spring of 2006. This location was previously occupied by a beaver dam, and the loss of the beaver dam may have contributed to the loss of the adjacent bank and trail.

A slight bulging of the slope is visible immediately upslope of the access road in the Centre slide. This section of slope is below the Shaw daughter's residence and the two ponds, the one on Dick Shaw's property and the new pond on Grand View Developments. The separation between the back scarp of the lower slide and the bulging slope toe along the fence line is in the order of 8 to 10 m. Ground water levels are believed to be high within the section of slope between the fence line and the slope crest, with standing water in the ditch along the upslope edge of the road and the water in the adjacent ponds.

#### **5.4 West Slide**

The West slide is the closest to the Range Road 32, with the mid point of the slide back scarp about 80 m east of the south end of Range Road 32. As with the Centre slide, failure of the slope at this location included the roadway. The slide is estimated to be about 50 m in length and ranges from 7 to 8 m in height. The surface of the slide is devoid of vegetation, resulting from surface restoration work completed in the summer of 2005. Seepage from a small spring located about 4 m above the slope toe at about the mid point of the slide had formed surface ice at the time of the December site investigation.

It is reported that during periods of heavy rainfall in June 2005, surface runoff originating from the ditches of Range Road 32 collected and ponded in a shallow ditch immediately upslope of the West slide. The ponding is reported to have occurred prior to the slide event. Repairs to this slide were completed by the Municipal District of Rocky View. Repairs consisted of placement of granular fill, regarding the slope, restoring the roadway surface. It is reported that portions of the slope failed as a flow slide, with free flowing ground water discharging from the slide. Significant effort with equipment and material was required to stabilize the slope. A culvert was installed under the road by the contractors working for the Municipal District, to provide positive drainage the low lying upslope ditch. The culvert presently discharges onto an unprotected section of slope. The remedial work did not correct surface drainage flowing within the east ditch of Range Road 32 onto the access road leading to the Vysniauskas property.

Open tension cracks along the down slope edge of the access indicate the slide has a low factor of safety. No further movements of the slope or access road were noted during the spring of 2006.

## **6. STABILITY ANALYSIS**

Analysis of the stability of the east slide was performed using Geo-Slope Slope/W slope stability software package. Slope/W uses two dimensional limit equilibrium theory to compute the factor of safety for soil and rock slopes. The stability analysis provides the means for evaluating the range of soil strength and ground water conditions that account for the present stability of the slopes as well as evaluating the impact of a variety of measures for improving the stability of the slopes. All analyses were conducted using Bishop, Ordinary, Janbu and Morgenstern – Price analysis methods.

One slope profile was selected for analysis, representing the section of the East slide above the horse barns, representing the maximum height difference between the base of the slide and the upper slide scarp.

Data obtained from site observations and survey, drill holes, test pits and laboratory testing was used to estimate critical landslide geometries and to predict soil shear strength parameters. Soil parameters used in the analysis are



summarized in Table 1. Soil shear strengths for the soils were obtained through empirical correlation with laboratory data. For purposes of the analysis, cohesion was not used in the stability calculations. It is likely a small amount of cohesion is present in the clayey silts and silty clays; however, it is not considered significant for the present analysis. The underlying bedrock has considerably higher strength than the overlying soils. Critical slip surfaces calculated in the stability analysis indicated the base of sliding was well within the basal clay unit.

TABLE 1: SOIL PARAMETERS USED IN STABILITY ANALYSIS		
Soil Type	Total Unit Weight(kN/m <sup>3</sup> )	Friction Angle (degrees)
Sandy Silt	18	27
Clay	19	23
Bedrock	23	45

The initial stability analysis or back analysis, assumed the existing slopes were in a marginally stable condition. The assumed ground water conditions within the slope were based on observations from test holes, test pits and groundwater discharge to surface. The analysis of the east slide provided a reasonable match between assumed soil strength and ground water conditions for the existing condition of marginal stability. The results of the back analysis are used as the 'calibrated' slope stability model. The calibrated model was used to evaluate the effectiveness of potential slope stabilization options.

## 7. GEOTECHNICAL EVALUATION AND RECOMMENDATIONS

### 7.1 General

The present study has involved a preliminary assessment of stability conditions of three slides within the property of the Kestrel Ridge Farm and the statutory right of way leading to the farm. The study focused on the slides active during the spring of 2005. The investigation included limited fieldwork and subsurface investigation.

Natural ground water levels underlying the uplands to the north of the farm are high, as demonstrated by the water levels in the pond adjacent to the top of slope and periodic seepage into the Shaw and Vysniauskas basements. The lower

sections of the valley slopes are natural ground water discharge zones, with ground water levels at or close to the ground surface.

The area underlying the slopes within the study area is expected to be geologically similar, consisting of deposits of silt and clays, with interbeds of sand overlying bedrock. The degree of geological variability is not known, including the location and extent of sand lenses and the depth to the underlying bedrock surface.

It is suspected that the slopes within the entire study area, from the east end of the East slide to the west end of the West slide are marginally stable, with the present failures representing the most critical locations.

The potential for further slope movements is considered high, if mitigative measures are not implemented. Further movements have the potential to include lateral or northward expansion of the existing slides or movement in areas currently stable.

The potential for upslope expansion of the Centre slide is a particular concern. This assessment has not included an evaluation of a potential upper slide on this section of slope.

Prior to development of the pond on the Shaw property, natural ground water levels on the adjacent slope would vary in response to climatic cycles including periods of dry conditions with lower ground water levels and wetter periods with high ground water levels. Ponding of water in close proximity to the slope crest, first from the pond on the Shaw property and now with the new pond on the Grand View Development property, has introduced a changed groundwater recharge condition. It is suspected that this change has resulted in higher steady state ground water levels within the section of slope below the ponds. Increased ground water levels within a section of slope already unstable or marginally stable, increases the potential for the slide to increase in size and for rates of movement to increase.

Drainage and or slope geometry modification are the most effective measures to improve the stability of the slides. Typical drainage measures for landslide stabilization include gravel-filled trenches, "French" drains, or drilled horizontal



drains fitted with a slotted drainpipe. Slope geometry modification includes regrading the slope to a lower overall angle and / or construction of berms along the base of the slope.

Soft wet ground conditions exist on all of the slides. Test pits excavated on body of the East showed test pit sidewalls are prone to collapse. These conditions will require further evaluation to confirm feasibility of construction measures required for safe and effective installation of trench drains. Gravel filled trench drains more robust than drilled horizontal drains, as they can continue to provide drainage with ongoing movement of a slide. Horizontal drains fitted with slotted pipe are susceptible to shearing and blockage from localized slide movements. All drainage measures may require maintenance or replacement in time, particularly if slope movements continue.

The following sections of the report provide a discussion on measures for stabilizing each of the three slides. Recommended measures have been adapted to the specific constraints and ground conditions of each slide.

## **7.2 East Slide**

The 2005 event resulted in enlargement and eastward spread of a small pre-existing slide. The East slide is the largest of the three slides, measuring approximately 90 m long by 30 to 40 m wide. The toe of the slope is coincident with the toe of the slide. Sections of the slope toe are within 2 m of the north barn. Reactivation of the slide is likely during periods of wet weather. There is little room along the base of the slide for additional slope movement. Further movement of the East slide could result in damage to the barn from movement at the slide toe, or regression of the slide scarp to the north, affecting the access road along the crest of the slope.

Active drainage measures are required to increase the stability of the slope. Recommended measures include:

1. Construction of gravel filled trench drains installed perpendicular to the slope. Drains would extend across the full width of the failed slope to a depth of 3 to 4 m. Typical drain spacing would be about 6 m. Drains are to

be backfilled with a free draining well-graded granular pit run sand and gravel to a depth of about 1 m from the base of the drain. The remainder of the drain should be backfilled with native material from the trench. Where possible, a perforated 150 mm filter fabric wrapped slotted drainpipe should be installed at the base of the granular drain material. Initially construct a trial section to assess the difficulty in installing trench drains on this slide and develop a safe and effective working method. Trench stability concerns require that no personnel be allowed to enter an open trench.

2. Drilled horizontal drains may be required, should wet conditions preclude the safe installation of trench drains. Drains would be drilled from the slope toe, perpendicular to the slope and extend through the slide mass, with a length of approximately 30 m for each drain and spacing between drains of between 3 and 5 m. Drains may be drilled in a fan orientation from the base of the slide, allowing installation in close proximity to adjacent structures.
3. Following completion of drainage activities, ensure the surface of the slide is planted with grasses and / or woody phreatophyte plant species. Possible species include poplar, dogwood or willow.

### 7.3 Centre Slide

The centre slide is the most active of the three slides. Erosion of material from the toe of the slope by the Spring Bank creek was responsible for loss of a section of access trail in the spring of 2006. The main body of the slide below the road contains toppled trees, resulting largely from the recent movement. Curved tree trunks on the lower slide suggest this slide has been active for a number of years. The fence line along the base of the slide has bulged from movement of the slide toe. Ground water is present at the surface of the slide, both at the road as well as at the toe of the slide. Substantial volumes of winter ice form along the toe of the slide. The slide has been active since the spring of 2005, with movement rates appearing to increase during periods of wet weather. This slide has the potential to move suddenly.

The slide is located directly downslope of the two ponds adjacent to the slope crest. An inspection in June 2006 identified slight bulging on the slope above the back scarp of the Centre slide. Upslope regression of the Centre slide, joining with



a low stability zone on the upper slope, has the potential to create a single failure from the slope toe to the crest. This event would not only make access to the farm difficult to maintain, it would also potentially create a back scarp close to the house adjacent to the slope crest.

There is insufficient information available to develop detailed recommendations for this slide. Additional work is required, to both understand better the nature of slide movements and develop solutions for mitigating the slide hazards at this location.

The following are a preliminary list of measures for mitigating the slope hazards at this location and are subject to revision from additional studies:

1. Drilled horizontal drains are the recommended measures for the intercepting and draining water from both the lower zone of this slide as well as the section of slope above the road. Drains would need to extend to a depth of 10 to 15 m. Drain spacing should be in the range of 3 to 5 m. Replacement of the trail along the base of the slope is required to allow construction access. Installation of horizontal drains from mid way on the slope is feasible, as discussed on site with Mid West Foundations. Good access exists for installation of drains above the access road. Because of ongoing slope movement, drilled horizontal drains may sustain damage or loss, requiring periodic maintenance or replacement. French drains are not feasible at this location given the difficulties experienced in apparent similar conditions on the West slide.
2. The proximity of Spring Bank Creek to the base of the Centre slide must be considered in developing drainage measures for this slide. The narrow trail along the base of the slope has been lost along a section of this slide. Restoration of the trail along the base of the slope is required to provide construction access and provide additional support for the toe of the slide. Work within the creek and on the banks immediately adjacent to the creek requires permits from both Alberta Environment and the Federal Department of Fisheries and Oceans.
3. Relocation of the creek and construction of a granular toe berm along the base of the slope is a possible means for increasing the stability of the lower section of the slide.
4. Replacement of the culvert installed in 2005 with a heavy walled steel pipe will be required to ensure continued drainage of the upslope ditch. The new



culvert should be installed at a lower the elevation to improve drainage of the upslope ditch. A gravel filled sub drain could be installed directly under the culvert at the time of culvert replacement. Local stability conditions will limit the safe depth for sub drain construction.

#### **7.4 West Slide**

Movement of the West slide occurred during the period of high ground water and surface water runoff in the spring of 2005. The details of the extent of the initial failure and repairs are not available. The access road was closed at the time of failure. A contractor working for the Municipal District conducted repairs. It is understood that the initial repair efforts resulted in further failure by a flow slide, accompanied by free water discharging onto the slope. Reports indicate the repairs included placement of a significant volume of imported granular fill.

The centre of the West slide appears at a prominent spring below the road. The spring is evidence of high ground water levels within the slope. The current slope angle is in the range of 33 degrees, which is very steep for a slope in a near saturated condition. The road across the top of the slide appears to be stable; however, tension cracks are present along the outer edge of the roadway. The tension cracks are believed to be an indication of a low factor of safety. Recommended measures for this site are as follows:

1. Avoid excavation into this slope, given the reported problems with flowing ground during the repairs in 2005.
2. The overall slope angle should be reduced to an overall slope angle of 2.5 H:1 V. Import granular fill should be used to form the bottom three metres of the fill to ensure adequate drainage for seepage discharging from the slope.
3. The Municipal District should be requested to install a culvert under RR 32 maintain surface runoff within the public easement occupied by the public Right of Way. Redirection of surface water flow is required to limit the amount of water flowing to the ditch above the slide.
4. Install a flume below the new culvert to carry water discharging from the culvert to the base of the slide and prevent erosion from water discharging directly on the slope and reduce potential for transportation of silt to the nearby Spring Bank Creek.

5. Restore vegetation on the slope with woody phreatophyte plant species following completion of grading work. The slope was vegetated prior to the failure and initial restoration work.

### **7.5 Impact of Ponds**

The function of the new pond located at the south end of the Grandview Park Subdivision is believed to be for use as a storm water retention pond. Depending on the mode of operation, as unlined structures, this pond and the Shaw pond have the potential to alter the ground water levels in the area, including the adjacent slopes.

The change in land use from farm to residential will potentially have an impact on the surface and subsurface drainage of the site. The design and operating plan for managing surface and subsurface water for the subdivision should be reviewed to determine if there is a potential that seepage from the new plus existing ponds will have a negative impact on the stability of the adjacent slopes. This review has not been undertaken and is beyond the scope of this study.

### **7.6 Further Work**

The present study has identified measures to increase the stability of the three slides. Additional work is required in several areas:

1. Confirm constructability of trench drains for the East slide.
2. Conduct additional studies on the Centre slide and adjacent area, including an assessment of slope above the existing slide, the impact of the ponds on the stability of adjacent slopes and permitting issues associated with Spring Bank Creek. The scope of this work is to be developed.
3. A monitoring program to evaluate ground water levels and surface movements is recommended for all three slide areas.
4. Monitoring and construction activities must be conducted under the direction and supervision of a geotechnical engineer.



**STATEMENT OF GENERAL CONDITIONS****1. STANDARD OF CARE**

This study and Report have been prepared in accordance with generally accepted engineering consulting practices in this area. No other warranty, express or implied, is made.

**2. COMPLETE REPORT**

All documents, records, data and files, whether electronic or otherwise, generated as part of this assignment are part of the Report which is of a summary nature and is not intended to stand alone without reference to the instructions given to us by the Client, communications between us and the Client, and to any other reports, writings, proposals or documents prepared by us for the Client relative to the specific site described herein, all of which constitute the Report.

IN ORDER TO PROPERLY UNDERSTAND THE SUGGESTIONS, RECOMMENDATIONS AND OPINIONS EXPRESSED HEREIN, REFERENCE MUST BE MADE TO THE WHOLE OF THE REPORT. WE CANNOT BE RESPONSIBLE FOR USE BY ANY PARTY OF PORTIONS OF THE REPORT WITHOUT REFERENCE TO THE WHOLE REPORT.

**3. BASIS OF REPORT**

The Report has been prepared for the specific site, development, design objectives and purpose that were described to us by the Client. The applicability and reliability of any of the findings, recommendations, suggestions or opinions expressed in the document are only valid to the extent that there have been no material alteration to or a variation from any of the said descriptions provided to us unless we are specifically requested by the Client to review and revise the Report in light of such alteration or variation.

**4. USE OF REPORT**

The information and opinions expressed in the Report, or any document following the Report, are for the sole benefit of the Client. NO OTHER PARTY MAY USE OR RELY UPON THE REPORT OR ANY PORTION THEREOF WITHOUT OUR WRITTEN CONSENT. WE WILL CONSENT TO ANY REASONABLE REQUEST BY THE CLIENT TO APPROVE THE USE OF THIS REPORT BY OTHER PARTIES AS "APPROVED USERS". The contents of the Report remained our copyright property and we authorize only the Client and Approved Users to make copies of the Report only in such quantities as are reasonably necessary for the use of the Report by those parties. Client and Approved Users may not give, lend, sell or otherwise make the Report or any portion thereof available to any party without our written permission. Any uses which a third party makes of the Report, or any portion of the Report, are the sole responsibility of such third parties. We accept no responsibility for damages suffered by any third party resulting from unauthorized use of the Report.

**5. INTREPRETATION OF REPORT**

- a. Nature and Exactness of Descriptions: Classification and identification of soils, rocks, and geological units, contaminant materials, and engineering estimates have been based on investigations performed in accordance with the standards set out in Paragraph 1. Classification and identification of those factors are judgmental in nature and even comprehensive sampling and testing programs, implemented with the appropriate equipment by experienced personnel, may fail to locate some conditions. All investigations utilizing the standards of Paragraph 1 will involve an inherent risk that some conditions will not be detected and all documents or records summarizing such investigations will be based on assumptions of what exists between the actual points sampled. Actual conditions may vary significantly between the points investigated and all persons making use of such documents or records should be aware of, and accept, this risk. Some conditions are subject to change over time and those making use of the Report should be aware of this possibility and understand that the Report only presents the conditions at the sample points at the time of sampling. Were special concerns exist, or the Client has special considerations or requirements, the Client should disclose them so that additional or special investigations may be undertaken which would not otherwise be within the scope of investigations made for the purpose of the Report.



- b. Reliance on provided information: the evaluation and conclusions contained in the Report have been prepared on the basis of conditions in evidence at the time of site inspections and on the basis of information provided to us. We have relied in good faith upon representations, information and instructions provided by the Client and others concerning the site. Accordingly, we cannot accept responsibility for any deficiency, misstatements or inaccuracy contained in the Report as a result of misstatements, omissions, misrepresentations, or fraudulent acts of persons providing information.

## **6. RISK LIMITATION**

Geotechnical engineering consulting projects all have the potential to encounter pollutants are hazardous substances and the potential to cause an accidental release of those substances. In consideration of the provision of the services by us, and which are for the Clients benefit, the Client agrees to hold harmless and to indemnify and defend us and our directors, officers, servants, agents, employees, workmen and contractors (hereinafter referred to as the "Company") from and against any and all claims, losses, damages, demands, and disputes, liability and legal investigative costs of defence, whether for personal injury including death, or any other loss whatsoever, regardless of any action or omission on the part of the Company, that result from an accidental release of pollutants or hazardous substances occurring as a result of carrying out this Project. This indemnification shall extend to all claims brought or threatened against the Company under any federal or provincial statute as a result of conducting work on this project. In addition to the above indemnification, the Client further agrees not to bring any claims against the Company in connection with any of the aforementioned causes.

## **7. LIMITATION OF LIABILITY**

Notwithstanding anything to the contrary, the aggregate liability of CH Mackay and Associates, its directors, officers and employees, including liability for negligence, negligent misrepresentation and breach of contract, shall be limited to the amount of Professional Liability Insurance available to CH Mackay and Associates at the time any claim is made.

Client's failure to accept the professional recommendations and advice of CH Mackay and Associates with respect geotechnical conditions at the Project shall relieve CH Mackay and Associates from any and all legal liability, whether in contract, or tort, to Client for all manner of loss and damage, which arise out of the CH Mackay and Associates services.

CH Mackay Associates liability in contract, or tort shall be limited to two years from the date of completion of the Project.

## **8. SERVICES OF SUB CONSULTANTS AND CONTRACTORS**

The conduct of engineering studies frequently requires hiring the services of individuals and companies with special expertise and/or services which we do not provide. We may arrange the hiring of these services as a convenience to our Clients. As these services are for Clients' benefit, the Client agrees to hold the Company harmless and to indemnify and defend us from and against all claims arising through such hirings to the extent that the Client would incur had he hired those services directly. This includes responsibility for payment for services rendered and pursuit of damages for errors, omissions or negligence by those parties in carrying out their work. In particular, these conditions apply to the use of drilling, excavation and laboratory testing services.

## **9. CONTROL OF WORK AND JOB SITE SAFETY**

We are responsible only for the activities of our employees on the jobsite. The presence of our personnel on the site shall not be construed in any way to relieve the Client or any contractors on site from their responsibilities for site safety. The Client acknowledges that he, his representatives, contractors or others retain control of the site and that we never occupy a position of control of the site. The Client undertakes to inform us of all hazardous conditions, or other relevant conditions of which the Client is aware. The Client also recognizes that our activities may uncover previously unknown hazardous conditions or materials and that such a discovery may result in a necessity to undertake emergency procedures to protect our employees as well as the public at large and the environment in general. These procedures may well involve additional costs outside any budgets previously agreed to. The Client agrees to pay us for any expenses incurred as a result of such discoveries and to compensate us through payment of additional fees and expenses for time spent by us to deal with the consequences of such discoveries. The Client also acknowledges that in some cases the discovery of the hazardous conditions



and materials will require that certain regulatory bodies be informed and the Client agrees that notification of such bodies by us will not be a cause of action or dispute.

#### **10. INDEPENDENT JUDGEMENT OF CLIENT**

The information, interpretations and conclusions in the Report are based on our interpretation of conditions revealed through limited investigation conducted within a defined scope of services. We cannot accept responsibility for independent conclusions, interpretations, interpolations and/or decisions of the Client, or others who may come into possession of the Report, or any part thereof, which may be based on information contained in the Report. This restriction of liability includes decisions made to either purchase or sell land.

### List of References

1.0 Moran, S.R., 1986. Surficial Geology of the Calgary Urban Area, Alberta  
Research Council Bulletin No. 53.

## **APPENDIX A**

### **FIGURES**





THIS FIGURE IS PART OF A C.H. MACKAY AND ASSOCIATES LTD 'REPORT' AND ITS USE IS SUBJECT TO C.H. MACKAY & ASSOCIATES LTD. STATEMENT OF GENERAL CONDITIONS

**NOTES:**

- 1. TEST PIT LOCATIONS AS PROVIDED BY TRONNES SURVEYS
- 2. DIGITAL BASE PLAN PROVIDED BY THE ORTHO SHOP

**LEGEND:**

- ⊕ TH-05-01 TEST HOLE LOCATION
- ⊞ TH-05-01 TEST PIT LOCATION

**KESTREL RIDGE FARM**

**TEST HOLE AND TEST PIT LOCATION PLAN**

**C.H. MACKAY & ASSOCIATES LTD.**  
CALGARY, ALBERTA  
PH. 403-243-4222

DESIGN BY: CHM	DRAWN BY: GT
DATE: APRIL 12, 2008	
SCALE 1:1000 (full size drawing)	
SCALE 1:2000 (11x17)	FIGURE 1



**APPENDIX B**  
**TEST HOLE LOGS**

**LOG OF TEST HOLE: TH05-01**  
**CH MacKay & Associates Ltd.**

PROJECT: Kestrel Ridge Farm  
LOCATION: Top of east slide, on edge of access road  
DRILLING CO.: Beck  
METHOD: Solid Stem Auger

SHEET: 1 of 2  
DATUM: Grnd Surface  
BORING DATE: 15-Dec-05  
INSPECTOR: CHM

Depth (m)		Soil Profile	Samples			Standard Penetration Test		Water Content (%)							
		Description	No.	Type	Depth	Blows	N - Value	20	40	60	80				
1		SAND, stity, fine grained, moist, brown SM	1	GB	0.00 - 0.76										
		CLAY, silty, brown, CI-CL (WC=27.6%)	2	GB	0.76 - 1.52				x						
2		(WC=28.5%)	3	SS	1.52 - 1.98	3-5-7	12		x						
		(WC=27.8%)	4	GB	2.13 - 2.44				x						
3															
4		fine sand interbeds (WC=20.8%)	5	SS	3.05 - 3.51	8-7-6	13		x						
		(WC=22.2%)	6	GB	3.66 - 4.27				x						
5		fine sand interbeds													
6		(WC=29.1%)	7	SS	4.57 - 5.03	5-4-8	12		x						
		SAND, silty, wet with sandy silt interbeds (WC=27.2%)	8	GB	5.18 - 5.79				x						
7		CLAY, grey, trace sand & gravel CI Firm to stiff	9	SS	6.1 - 6.55	2-2-3	5			x					
8		(WC=27.6%)	10	GB	7.01 - 7.32				x						
		(WC=25.2%)	11	GB	7.3 - 7.62				x						
		(WC=29.7%)	12	SS	7.62 - 8.08	2-3-3	6		x						
9		(WC=29.5%)	13	GB	8.23 - 8.53				x						
		(WC=24.3%)	14	BG	8.53 - 8.84				x						
		(WC=26.2%)	15	SS	9.14 - 9.60	2-3-3	6		x						
10		(WC=19.8%)	16	GB	9.75-10.06				x						



**LOG OF TEST HOLE: TH05-01**  
**CH MacKay & Associates Ltd.**

PROJECT: Kestrel Ridge Farm  
LOCATION: Top of east slide, on edge of access road  
DRILLING CO.: Beck  
METHOD: Solid Stem Auger

SHEET: 2 of 2  
DATUM: Grnd Surface  
BORING DATE: 15-Dec-05  
INSPECTOR: CHM

Depth (m)	Soil Profile		Samples			Standard		Water Content (%)				
	Description		No.	Type	Depth	Blows	N - Value	20	40	60	80	
-		SILT, sandy with clay interbeds, grey CI, (WC=30.5%)	17	GB	10.06-10.36				x			
- 11		CLAY, grey, firm to stiff CI (WC=24.4%)	18	SS	10.67-11.13	4-5-7	12		x			
-		pebbles, (WC=24.4%) (WC=24.5%) (WC=25.6%) (WC=23.6%) (WC=28.9%)	19	GB	11.58-11.73				x			
- 12			20	SS	12.19-12.65	4-5-9	14		x			
-			21	GB	13.11-13.26							
- 13			22	SS	13.72-14.17	3-4-7	11		x			
-			23	GB	14.33-14.63				x			
- 14			24	SS	15.24-15.70	3-4-8	12					
-			25	GB	15.85-16.00				x			
- 15												
-												
- 16												
-												
- 17		Auger refusal at 16.90, assumed bedrock (WC=12.4%) End of hole 10.07m	26	SS	16.76-17.07	15-30/4"			x			
-												
- 18												
-												
- 19												
-												
- 20												

**LOG OF TEST HOLE: TH05-02**  
**CH MacKay & Associates Ltd.**

PROJECT: Kestrel Ridge Farm  
LOCATION: North ditch line adjacent to west slide  
DRILLING CO.: Beck  
METHOD: Solid Stem Auger

SHEET: 1 of 2  
DATUM: Grnd Surface  
BORING DATE: 15-Dec-06  
INSPECTOR: CHM

Depth (m)		Soil Profile	Samples			Standard Penetration Test		Water Content (%)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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1		CLAY, tr silt, brown, moist to wet, CI firm  (WC=21.4%)  (WC=20.5%)	1	GB	0.91-1.07																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					

**LOG OF TEST HOLE: TH05-02**  
**CH MacKay & Associates Ltd.**

PROJECT: Kestrel Ridge Farm  
LOCATION: North ditch line adjacent to west slide  
DRILLING CO.: Beck  
METHOD: Solid Stem Auger

SHEET: 1 of 2  
DATUM: Grnd Surface  
BORING DATE: 15-Dec-06  
INSPECTOR: CHM

Depth (m)		Soil Profile	Samples			Standard Penetration Test		Water Content (%)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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1		CLAY, tr silt, brown, moist to wet, CI firm (WC=33.0%)	1	GB	0.91-1.07																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											



**LOG OF TEST HOLE: TH05-03**  
**CH MacKay & Associates Ltd.**

PROJECT: Kestrel Ridge Farm  
LOCATION: South side of road, centre slide  
DRILLING CO.: Beck  
METHOD: Solid Stem Auger

SHEET: 1 of 1  
DATUM: Grnd Surface  
BORING DATE: 16-Dec-05  
INSPECTOR: CHM

Depth (m)		Soil Profile	Samples			Standard Penetration Test		Water Content (%)							
		Description	No.	Type	Depth	Blows	N - Value	20	40	60	80				
1		GRAVEL, sandy, (Fill), brown, moist (WC=3.8%)	1	GB	0.91-1.52			x							
2															
3		CLAY, some sand, tr gravel, lt brown moist (WC=19.8%)	2	GB	2.44-2.74				x						
4		tr sand, gravel & organics (WC=23.5%)	3	SS	3.05-3.51	2-4-4	8			x					
		tr sand, (WC=23.8%)	4	GB	3.66-4.27					x					
5		tr organics, (WC=22.8%)	5	SS	4.57-5.03	0-1-3	4			x					
6		tr sand, (WC=31.1%)	6	GB	5.49-5.79						x				
7		tr sand, (WC=33.1%)	7	SS	6.10-6.55	4-5-6	11				x				
		tr sand, (WC=22.6%)	8	GB	7.01-7.32					x					
8		Auger refusal at 7.62 m, assumed bedrock, sandstone chips in SPT barrel tip.													
9															
10															

[illegible]

Project: Kestrel Ridge Farm		CH MacKay & Associates Ltd.		TP-05-2					
Date: 02 Dec 05		Location: Mid Slide Above							
Digging Method: ID 590 Excavator		Logged By: CHM							
Depth (m)	Soil Description	Sample Type	Pocket Penetrometer	Density / Consistency	Plasticity	Color	Grain Size	USCS	Test Pit / Location Sketch
0	Brown Sandy Silt								- TP in small alcove below back scarp - approx 2m vertical displacement on scarp at this location
1.5	- Seepage, Sidewall Collapse								
3.66	Grey Silty Clay - (Stiff)								
4.9	Grey silty clay (Stiff)								
	END OF TEST PIT								



Project: Kestrel Ridge Farm		CH MacKay & Associates Ltd.		TP- 05-3					
Date: 02 Dec 05		Location: West Shoulder Main Rock scarp							
Digging Method: JD 590 Excavator		Logged By: CHM							
Depth (m)	Soil Description	Sample Type	Pocket Penetrometer	Density / Consistency	Plasticity	Color	Grain Size	USCS	Test Pit / Location Sketch
0	Very soft Brown silty clay mottled, irregular								- west Flank of East Slide Near backscarp
1.5	Stiff - Firm, Brown silty clay								
3.7	Firm Grey Silty Clay								
5.5	- END OF TEST PIT								

[illegible]

**APPENDIX C**  
**SELECT PHOTOGRAPHS**





Photo 1: View looking west over east slide, showing narrow gap between base of slope and barn and slide scarp on below bushes on upper slope, (Nov 05).



Photo 2: Ground water discharge forming ice sheet at base of east slide, (Nov 05).





Photo 3: View of east slide, showing upper slide scarp, (Nov 05).



Photo 4: Test pit through silty clay on lower part of east slide, (Dec 05).





Photo 5: backfilling test pit on east slide, (Dec 05).



Photo 6: View west across centre slide after resurfacing roadway, (June 06).





Photo 7: View of drill set up on TH3, centre slide. Note approximately 1 m high roadway fill over down dropped slide block, (Dec 05) .



Photo: 8: Standing water at culvert inlet on centre slide, (Dec 05).





Photo 9: View of ice formed by heavy ground water discharge along toe of centre slide. Note tilted fence posts from slide movement, (Dec 05).



Photo 10: Looking east along top of west slide. Open tension crack visible along edge of roadway, (Nov 05).





Photo 11: View west along access road over west slide area. Ditch to right collects surface drainage flowing along east side of Range Road 32. Note new culvert installed by MD in summer 2005, (Nov 05).

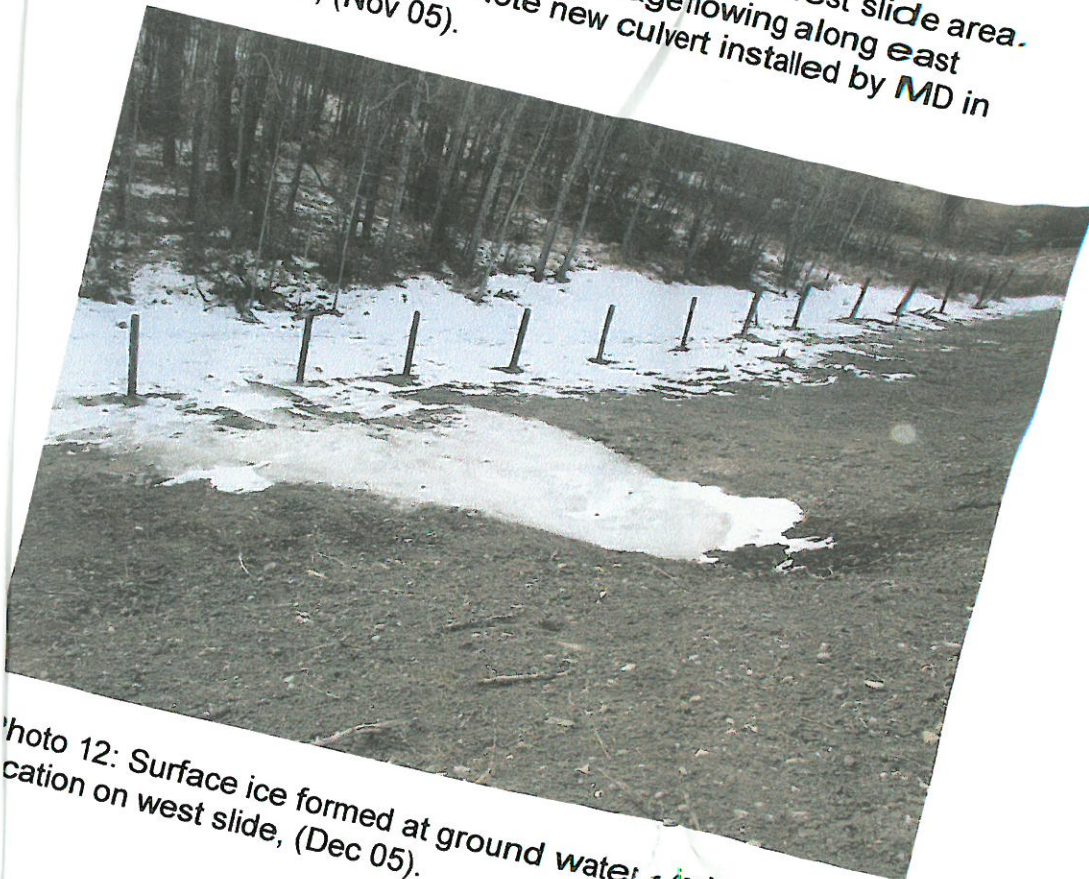


Photo 12: Surface ice formed at ground water discharge on west slide, (Dec 05).





Photo 13: View of artificial pond on Dick Shaw Property. (Dec 05).



Photo 14: View looking west at storm water drainage ditch at south end of Grandview Park Subdivision. (Dec 05)

**Oksana Newmen**

---

**From:** KATHY HILL [REDACTED]  
**Sent:** Tuesday, June 26, 2018 9:52 AM  
**To:** Oksana Newmen  
**Subject:** File # 04711031, Application # PL20180049

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Morning,

In regards to the above noted application I would like to make comment as we are in the close vicinity and have received notice.

My only concern with this application is access. This property does not belong to Grandview Park which is a private community that is maintained through a strata. That being said the access to the property being proposed would be through our community of Grandview Park. I would like to not allow access through our community due to the fact that we have children, dogs and families on these roads daily and extra construction traffic could be dangerous and an inconvenience for a property that does not belong to Grandview park. Secondly the cost of road repair and maintenance falls on our community strata therefore extra construction vehicles through our community for a non community parcel should not be accepted. Finally this proposed parcel has perfect access from RR 32 so why isn't access there instead of through a residential community??

Thank you for considering.

Kathy Hill  
[REDACTED]

Oksana Newmen

---

**From:** Glenda Johnston [REDACTED]  
**Sent:** Wednesday, June 27, 2018 11:29 PM  
**To:** Oksana Newmen  
**Subject:** Comments on Subdivision Proposal

Attention Planning Services Department, Rocky View County  
911 – 32 Ave NE, Calgary, AB T2E 6X6

File # 04711031  
Appl # PL20180049

Regarding the above File and Application, as residents of Grandview Park Development in Springbank, I wish to provide the following comments:

At the hearing for the re-zoning approval for the properties in question, I believe there was considerable confusion on several issues, and I would like to try to provide some clarity.

1. At the recent Hearing for re-designation by this applicant, there was considerable confusion around whether or not the subject properties are a part of the Development of Grandview Park. At the inception of the Grandview Home Owner's Association, all of the lots in Grandview were deemed to be sold – either to a future home owner or to a Builder that would continue to offer the lot for sale. All lot owners, including Builders still looking to sell lots, were expected to, and have paid, annual fees to the Home Owner's Board and these fees are used to maintain and upgrade the appearance of the common areas of the Development. To date, each Home or Lot Owner has paid a total of \$8,250.
2. The HOA Board was not aware that the two properties that border the Development to the South, are considered to be a part of Grandview. The original owners of these properties were resident before Grandview began to develop. They have never paid fees to Grandview, they have never been included in activities or meetings of the Home Owners Association nor have they been considered governed or **connected in any way** to Grandview. These properties have recently changed ownership and the Residents of Grandview Park are faced with weighing in on two residences that were not considered to be a part of the neighbourhood and that intend to impact the existing community in a negative manner.
3. The possibility of having one additional residence on the property that is south of the “deemed” border of Grandview, in my opinion, would not affect the community in any significant way provided that sightlines and reasonable architectural standards are observed, **however**, developing a roadway through an established cul-de-sac that would be extremely intrusive to the Homeowners on either side of this roadway and all residents of the cul-de-sac, **does not seem safe or reasonable**.
4. The Homeowner of the lot that directly borders Grandview has an access road to RR32 and is agreeable to allowing the residents of the home on Lot 2 to continue to use this road. The Homeowner of Lot 2 is proposing to subdivide and build a second home on his property (Lot 1). The residents of this new build would **not** be allowed to use the same access to RR32 and the builder and owner of the subject property is proposing to build an access through the existing cul-de-sac in Grandview Rise.
5. There is another **existing** road that is used by the residents of Kestral Farms to access RR32. This road borders Lot 2 and Lot 1. It would be simple, logical, more direct and totally unobtrusive for both Lots 1 & 2 to use the Kestral Farms road to access RR32.
6. With respect to the residents of the new Build becoming a part of Grandview Park officially, I would recommend that it be required that the house be constructed according to the original Grandview Park Guidelines and that fees for past development and improvements be required from the new owners as well as ongoing fees for future improvements in the same amount as current residents of Grandview pay. If this is not amenable to the Builder (and owner of Lot 2), I propose that a legal separation in title be considered for the 3 properties that border the “recognized” boundary of Grandview Park so that these issues will not arise in the future.

Glenda Johnston



**Oksana Newmen**

---

**From:** martin teitz [REDACTED]  
**Sent:** Wednesday, June 27, 2018 7:32 PM  
**To:** Oksana Newmen  
**Subject:** Comments for PL20180049  
**Attachments:** Grandview Design\_Guidelines\_2006.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

File# 04711031  
Appl # PL20180049  
Div # 03

This is Martin Teitz , I reside at 24 Grandview Rise and I am also the current President of the Grandview Park HOA.

I personally am not opposed to the 2 acre development now that re-designation has been approved.

I currently have two main recommendations:

- 1) The panhandle driveway from the 2 acre lot to Grandview Rise is to be used to access the newly created 2 acre lot exclusively. The two homes built prior to the Grandview development and adjacent to the panhandle driveway are to use existing access from RR32.
- 2) The 2 acre parcel in question should become part of the Grandview Park community and be subject to the architectural guidelines and homeowner fees that all lot and homeowners must accept.

I have attached the guidelines for your use and information. The current annual HOA fees are \$1,000, payable January 1.

The fees are used by the HOA to maintain and enhance the following: west entrance water fall feature, community pathways and green spaces, mail box kiosk, east entrance rock feature, ice skating pond, fishing pond, and Christmas light display.

Thank you

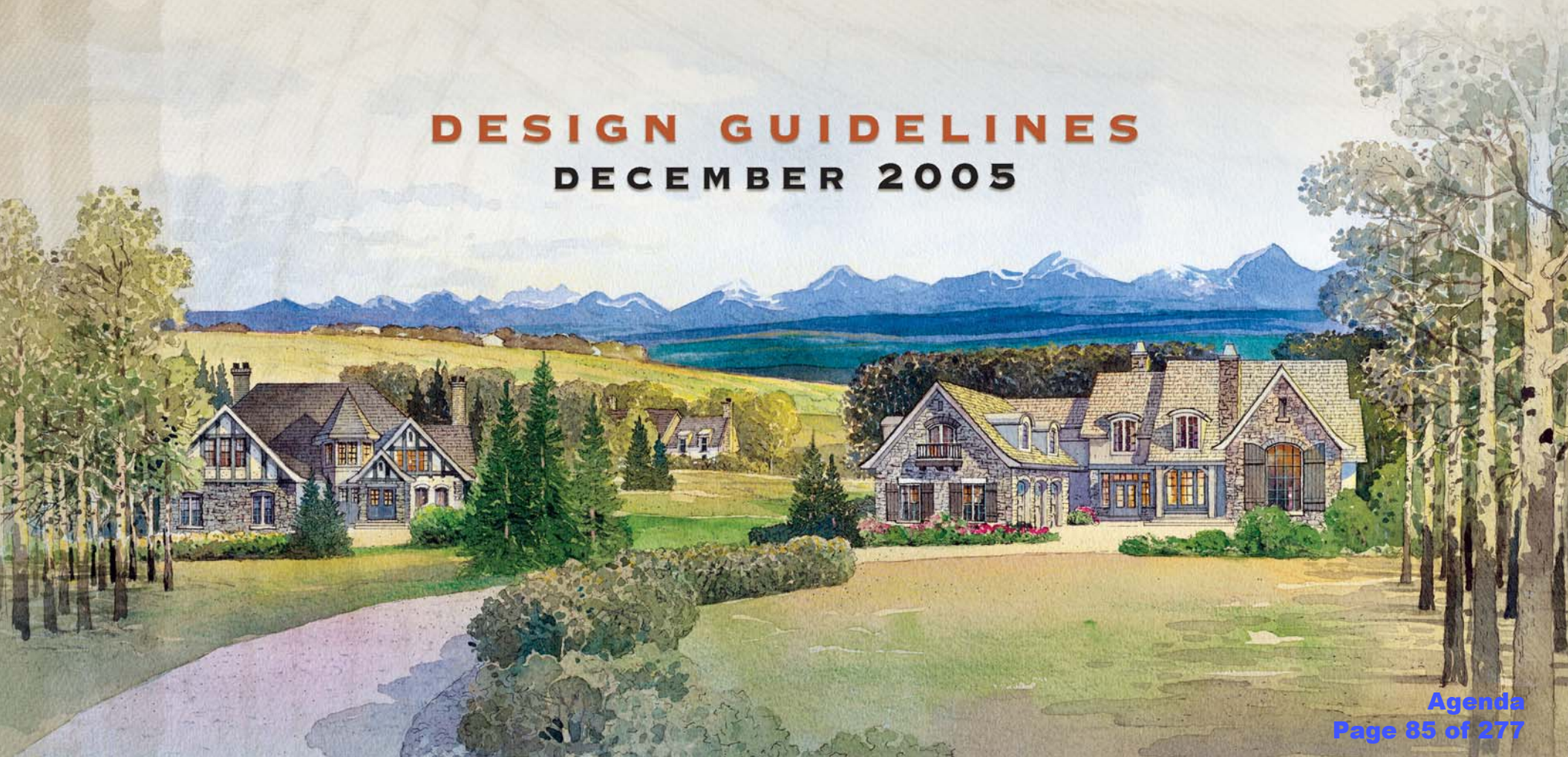
Martin Teitz  
President Granview Park Homeowners Association



*Nature's Hidden Splendour*

# DESIGN GUIDELINES

## DECEMBER 2005







*Nature's Hidden Splendour*



# DESIGN GUIDELINES

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## **INTRODUCTION**

### **SETTING**

Grandview Park is found in a peaceful park-like setting overlooking and bordering the scenic Elbow River Valley. The gently rolling uplands of the site encompass both lush meadows and thriving groves of poplar and aspen. A small herd of grazing deer may often be observed in the natural coulee that runs through the land and many soaring birds make this their home. Extraordinary views of the Rocky Mountains and the beautiful rolling terrain create an abundance of home and site development opportunities for the new residents of Grandview Park.

### **VISION**

The Grandview Park development philosophy is infused with a sense of respect for the integrity of the land. With this respect for the natural surroundings and the thoughtful creation of beautiful homes of old world quality, a community of uncompromising quality will emerge. Ample opportunity for individuality of design is offered through these Design Guidelines with home styles true to the 1920's theme. Through the preservation, restoration and enhancement of natural areas, the environmental integrity of Grandview Park and the surrounding area will be improved, further enhancing the quality of life. Traditional architecture, classic finishing, quality materials, and thoughtful landscape design will culminate to create a joyful harmony in the community. Life's simple pleasures – beauty, vitality, comfort, and enrichment are all in the “grand” design.

### **HISTORICAL ROOTS**

Grandview Park already has roots within our community. Archeological studies have shown the land to have numerous prehistoric campsites, as well as a bison kill site within its boundaries. Some of the buried archeological finds have dated back to over 6,800 years ago. Through the study and preservation of these sites Grandview Park looks to the future, with significant ties to the past.



### **RECENT HISTORY**

In more recent times the oldest known title to the lands of Grandview Park shows the ownership to the property was granted to Thomas Michael and Ruth Michael in May of 1906. The property was sold to Robert Wellington Robinson in April of 1910 and later willed to his son David Lawrence Robinson in 1933. The property was later sold to Richard Griffith Reese and was sold from his wife's estate in 1993 to Springshire Developments Ltd. In 2001, Grand Development Corp. purchased the land from Springshire Developments Ltd. and commenced an application with the MD of Rocky View. Subdivision approval was received on May 24, 2005.

## DESIGN PRINCIPLES

### HOUSE BEAUTIFUL MOVEMENT

The Grandview Park Design Guidelines embrace the architecture of the House-Beautiful Movement of North America. The House-Beautiful Movement came about between 1900-1920 during an unprecedented burst in home building. It was a time when finally each family could not only own a home, but have some choice in its site and style. The movement strove for unity of design, humanization of labour and quality for everyone. The ornamentation of houses made them more saleable, as purchasers found styled houses more attractive and preferable to unadorned ones. A home built during this period had three basic qualities:

- Security (Home as a refuge)
- Roots in the Past (A sense of history)
- Virtue (Family stability)

People fundamentally believed that design could change people's lives, that the design of objects mattered and that the built up environment mattered. In terms of housing it was believed that people living in these houses, having these objects and raising their children in these houses would result in a wholesome life, upstanding citizens and a peaceful and prosperous country.



**VICTORIAN  
(QUEEN ANNE)**



**PRAIRIE**



**ARTS AND CRAFTS  
(SHINGLE STYLE)**



**TUDOR**



**CRAFTSMAN**



**FRENCH COUNTRY**



## 1920's REVIVAL STYLES

What are now termed the 1920's revival styles are typical of the House-Beautiful Movement. These styles include:

### **TUDOR**

An eclectic style, Tudor encompasses Elizabethan and Jacobean architecture. The half timbering often found on this style can be real or applied, but should be designed to look structural, like the bones of the building, and not applied to be fanciful or pretentious.

### **DEFINING CHARACTERISTICS**

- Steeply pitched roofs
- Multiple front gables
- Prominent chimneys
- Grouped casement windows
- Stucco or masonry cladding



## CRAFTSMAN

The qualities of hand craftsmanship are the basis for the Craftsman Style of architecture. Influenced through the mastery of Gustave Stickley and the Greene brothers the style persisted throughout the 1920's. The style is characterized by the extensive use of natural, often rustic materials, broad overhangs with exposed rafter tails and even extensive use of pergolas and trellises over the always appropriate front porches.

## DEFINING CHARACTERISTICS

- Cross gable roofs
- Side gables
- Bracketed eaves with broad overhangs
- Battered bases
- Extensive trim work
- Grouped transom windows



## FRENCH COUNTRY

Care and restraint come into play when designing within this style of architecture. French Country or French Rural architecture is subtle and refined in its detailing and should not be confused with the overly embellished stylings of the neo-french eclectic architecture often found throughout the suburbs. The works of Mellor, Meigs & Howe displays some of the most elegant work within this style from the 1920's. This style of architecture is characterized by steeply pitched roofs that flare ever-so subtly at the eaves, circular stair towers and substantial, uncoursed stonework

## DEFINING CHARACTERISTICS

- Steeply pitched roofs
- Subtly flared curves at eaves
- Towered roof lines
- Casement windows
- Extensive uncoursed stone work



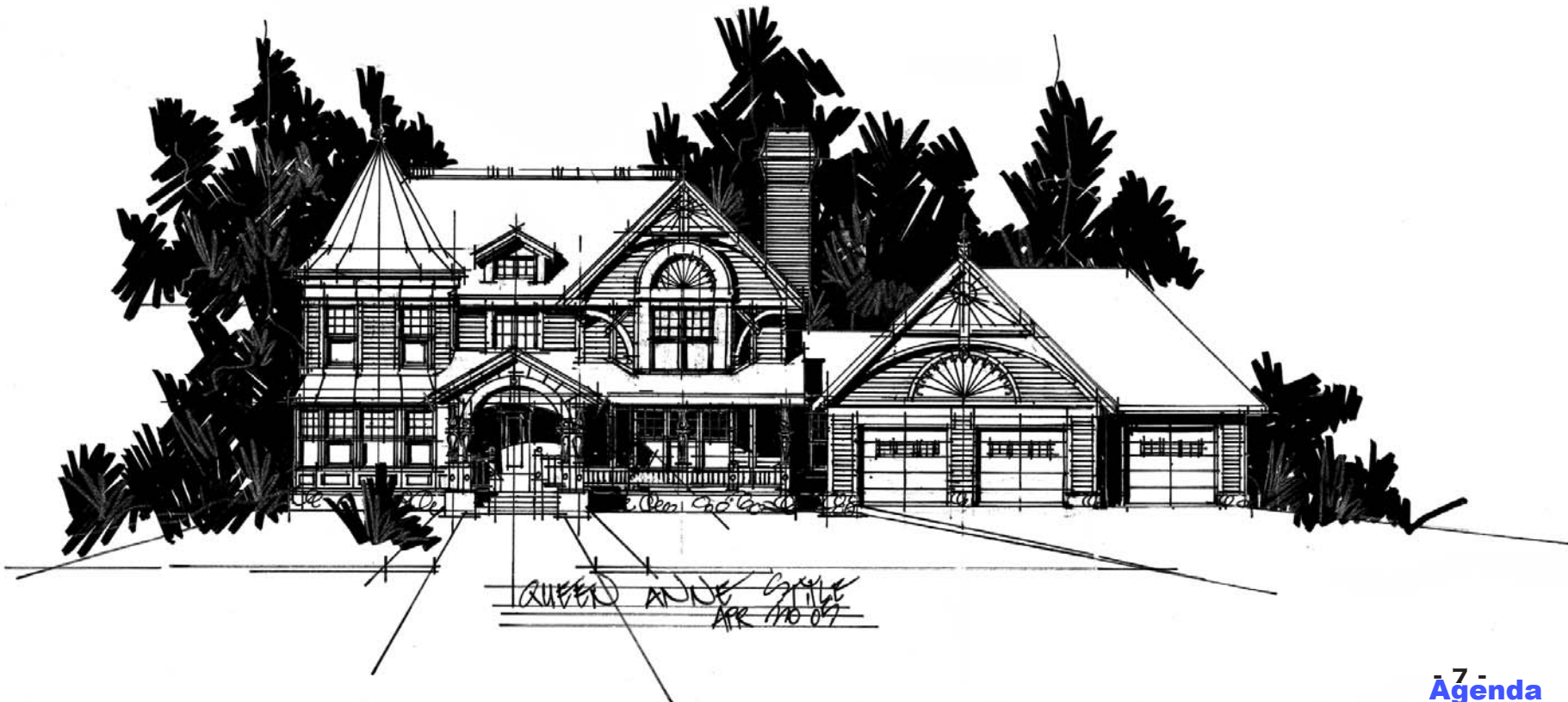


### VICTORIAN (QUEEN ANNE)

This style evolved in England as an outgrowth of the House Beautiful and Arts and Crafts Movements. The English interpretation of this style differs widely from the American version. English Queen Anne houses were built of brick with detailing often taking place within the stone work itself. Varied shingle patterns and wall surfaces and wrap-around porches characterized this style. The use of mass produced "Victorian" details should be used with restraint as the emphasis, as with the other styles mentioned here, is on the hand-crafted feel of the architecture.

### DEFINING CHARACTERISTICS

- Towered roof lines
- Half timbering
- Assertive chimneys
- Varied surface patterns
- Use of knees braces, brackets and spindles
- Generous front porches



## PRAIRIE

The Prairie style is one of the only truly regional styles listed here. Developed by Frank Lloyd Wright the Prairie school invented new decorative motifs and rejected all details that derived from European precedent. Open planning, strong horizontal emphasis and bands of casement windows define the style. Stucco boxes with low sloped roofs are not enough to characterize this style and careful attention to detailing needs to be undertaken when working to re-create a Prairie style home.

## DEFINING CHARACTERISTICS

- Shallow pitched roofs
- Generous overhangs with dentilled fascia
- Strong geometric shapes
- Parapeted railings
- Extensive coursed stone or brick work



### ARTS AND CRAFTS (SHINGLE STYLE)

This style is drawn from the Queen Anne , the vernacular colonial styles, and the Colonial Revival styles to create something new and fresh. This style is organic with a very open and fluid feel. Often the lower courses, even the entire main floor were of masonry construction and the upper courses of shingles were left to weather. The style is casual but still ordered, disciplined and comfortable and evokes a sense of casual dignity.

### DEFINING CHARACTERISTICS

- Steeply pitched roofs
- Double hung sash windows
- Wrap-around porches
- Extensive use of shingles
- Lower courses of masonry





## **BUILDING FORMS**

Building forms should be appropriate to the style they embody. Different roof pitches, material placements and detailing all vary based on the style you chose. Styles should maintain a consistency of theme and architectural authenticity. French style turrets have no place on a Prairie style home, while deep overhangs with heavy eave brackets don't belong on a Victorian.

### **Minimum sizes of homes vary based on the following type:**

#### **Bungalows**

minimum 2000 square feet on the main floor.

#### **Two-storey and Split-levels**

Minimum 2800 square feet total, with at least 1500 square feet of the total being on the main floor.

#### **One and One Half Storeys**

Minimum 1800 square feet on the main floor.

The intent of these minimums is to maintain a feeling of consistency throughout the community, and preventing one home from being dominated by all the others.

When two storeys are desired on a walk-out lot, the upper floor must be set back to be incorporated into the roof structure. All homes are subject to a 7.0m (23') eave height, measured from grade on all sides. As well, a maximum overall height of 10.0m (32.8') will be allowed, calculated as the average of the heights on all elevations. All lots will be subject to a maximum impervious coverage of 20% of the total lot area.

An individual development permit for an over height roof line can be applied for from the MD of Rocky View and will be approved provided the roof height does not exceed 10.67m (35') and upon the review of the architectural build package of the home. Over height applications for shallow pitch roof styles such as the Prairie will not be approved. Allow a minimum of an additional 8 weeks to the building permit process.

## **VARIETY**

Each house will be assessed based on its surroundings and home styles should be complementary to other homes that may already be present. No plan will be allowed to be duplicated in Grandview Park without major revisions to the exterior elevations. Homes should have their own individual identity and repetition will not be permitted.

## **DESIGN GUIDELINES**

### **BUILDING FORM**

When beginning the design of a new home, certain principles will dictate the overall form the house will take. The process should begin with an examination of what the specific site has to offer. Sun patterns, prevailing wind, view lines and the relationship of each room to not only the site, but to each other within the interior space. The shape of the lot should be considered. Is it deep or wide and where do the location of outdoor amenity spaces make the most sense? Are there sheltered areas and how will the natural slope of the land affect things? As a three dimensional image begins, consideration should be given to the roof. How does it relate to not only the style of your home, but to the land forms and vegetation particular to your site.

The objective is to make the new home fit naturally into its setting. A house should take its place in the community complementing the landscape, as if it had always existed there.

### **PROPORTION**

Proportion is perhaps the single most important aspect in designing a good home. Developing good proportion in a design demands that a house should not only relate to its site, but also to itself. Its order and elements should all relate to one another. This requires a skilled designer who will refine and adjust details along the way to achieve the correct result. A well balanced home should have no dominating elements and it should be in scale to its surroundings.



## ROOF SHAPES

Roof design shall be reviewed based upon its appropriateness to the style of the home. A roof slope of 5/12 minimum can be used, but would be much more appropriate to the Craftsman and Prairie styles, where 12/12 is more applicable to Tudor, French and Arts & Crafts styles. In all cases, restraint should be employed when designing the roof. Focus should be placed upon important elements, and roof lines should not compete for attention. Dormers, overhangs and chimneys are encouraged as design features when incorporated into the design as a whole. None of these elements should be subordinate to the home and should never give the impression they have been “tacked-on”.

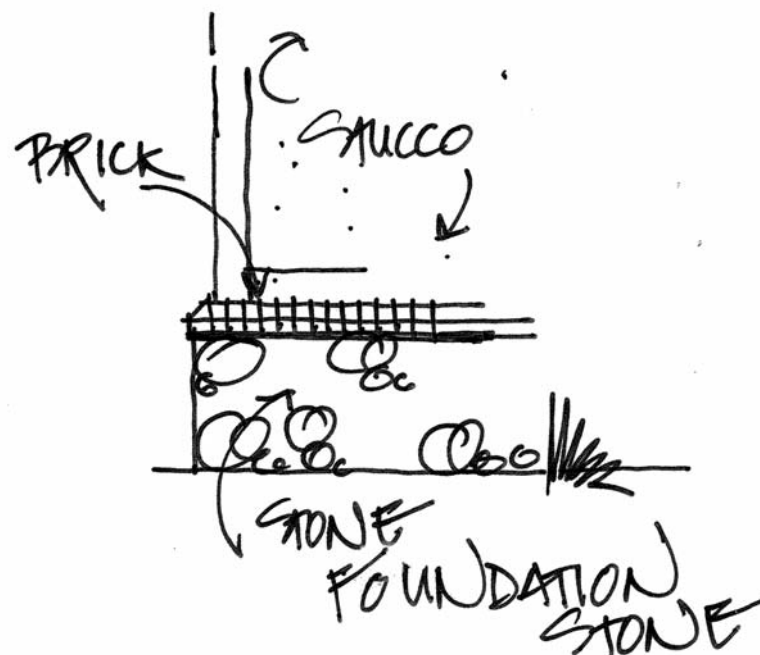
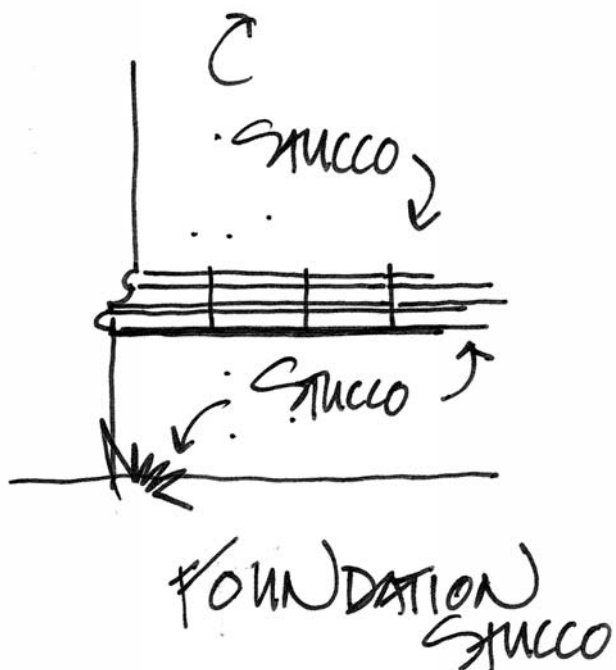
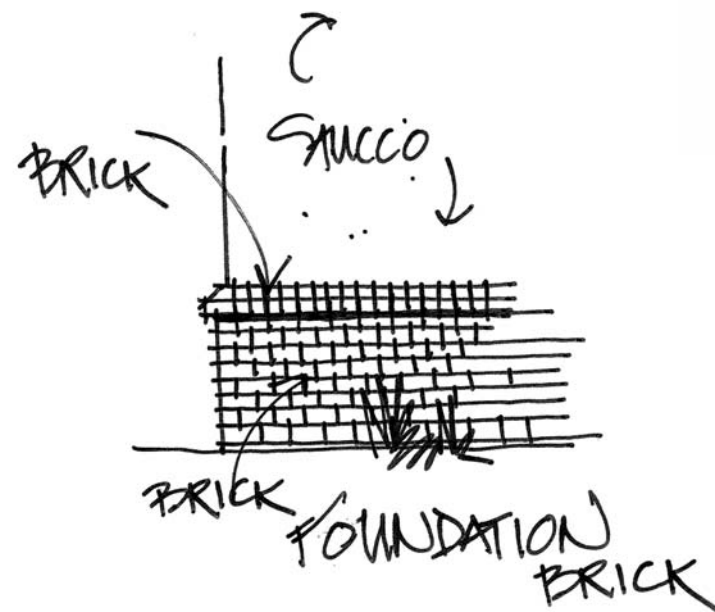
Skylights will be discouraged but will be considered when designed into the roof line and not visible from the road or front of the home. No bubble skylights will be allowed.





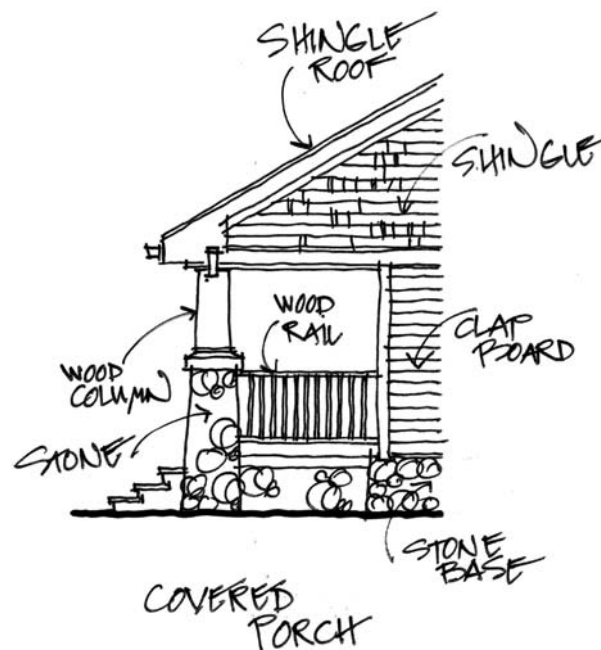
## FOUNDATIONS

Homes in Grandview Park should all maintain an anchored feeling to their surroundings. To accomplish this all homes will be required to have a base detail. Bases can be built-out stucco (2" minimum projection), shingle flare, or masonry. Wing walls, stairs and planters may be considered as a means of providing a transition from house to grade where appropriate.



## PORCHES AND OUTDOOR ROOMS

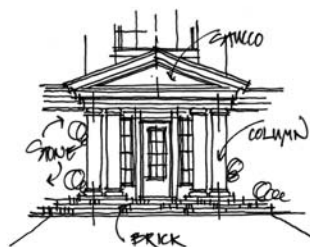
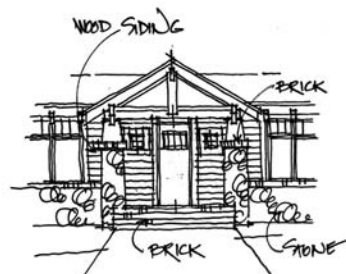
Due to the nature of the weather around Calgary, outdoor spaces are encouraged to take advantage of the many hours of sunshine received here. Areas such as screened porches, pergolas and courtyards are best planned during the preliminary stages of design. These elements can add a lot of charm to a house and should be designed as integral elements of the home and not appear as obtrusive add-ons. Details should be consistent with those of the main body of the home and finished to the same standard. Pre-fab sunroom kits will not be allowed in Grandview Park.



## ENTRANCES

Entrances need to be well articulated on the front of the home and clearly identifiable. Sheltering overhangs should be provided, and where appropriate porches and patios are strongly encouraged. Front porches are proven in facilitating casual socializing and aiding in building a strong sense of community, very much in keeping with the intent of Grandview Park.

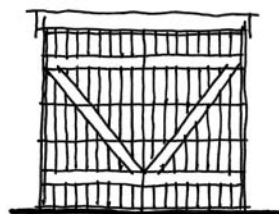
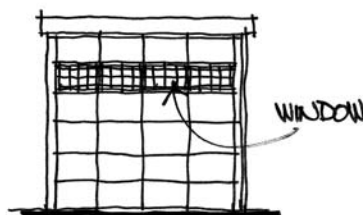
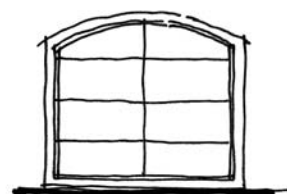
Entries need to be proportioned to the scale of the front door. No two storey entries will be allowed. Soffits over entries and porches are to be of wood. Front doors are to be of wood or wood composite materials with no standard steel doors being permitted. A minimum width of 3'-6" will be required for the front entrance for a single door, and 5'-0" minimum for a set of double doors.



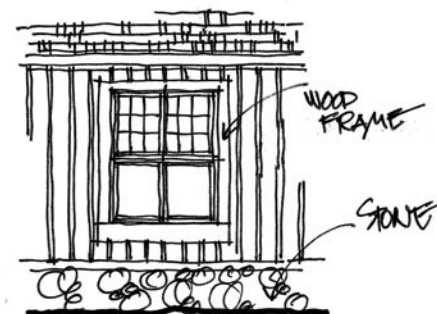
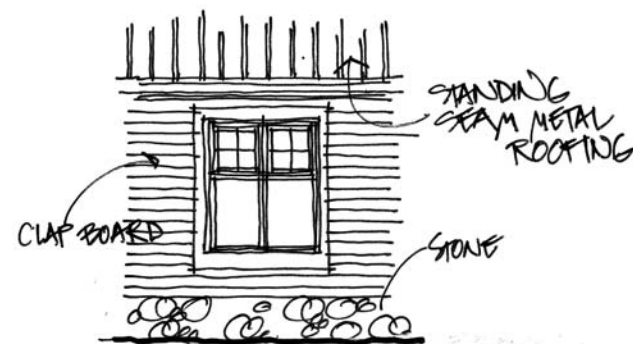
## WINDOWS AND DOORS

Special care and attention must be paid in the placement and number of openings on a house. They should be designed with visual interest and rhythm in mind. When placing windows, a designer should consider the function of interior and exterior spaces, as well as the principles of classical ordering and the centrelines of roofs, gables, dormers, entrances and other exterior elements.

Windows in Grandview Park should portray traditional detailing and authenticity. Where grilles are to be used, they are to be simulated divided lights with a minimum 3/4" width. No plastic, brass or pewter grilles will be allowed. Windows are to maintain a minimum 3" trim. Where no additional trim is provided a 2" brick mould in combination with a 1" sash detail will be deemed acceptable. Stucco battens will not be permitted as brick mould detail.



WOOD  
GARAGE DOORS





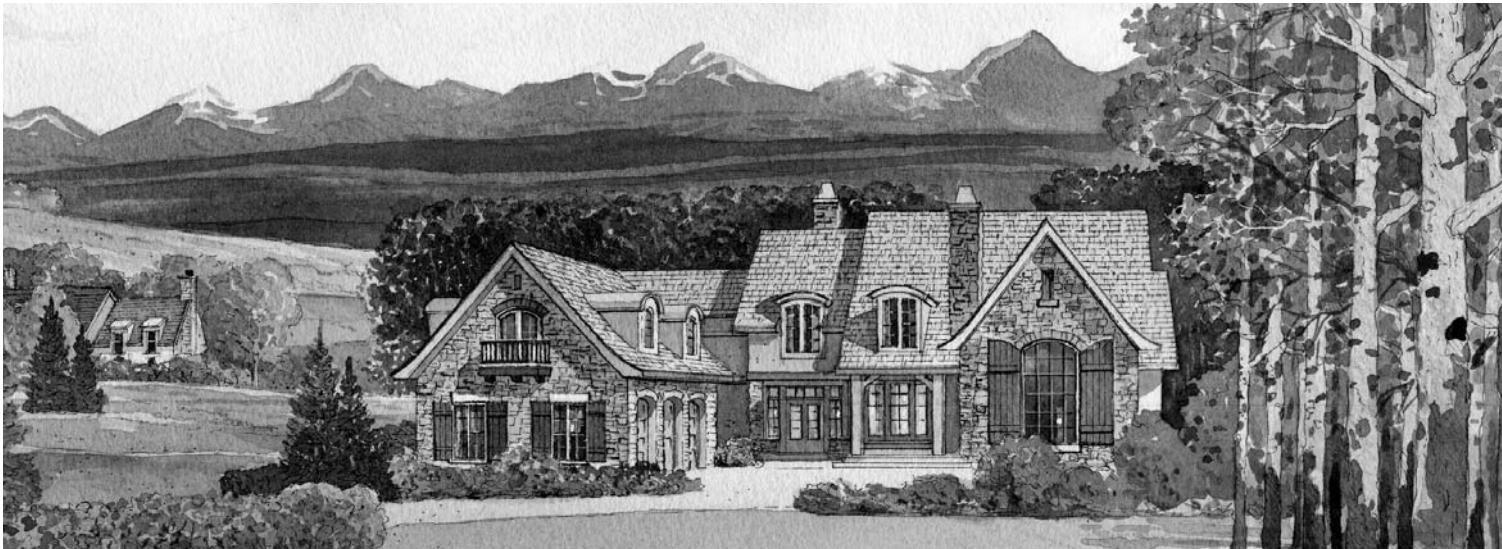
## **GARAGES AND DRIVEWAYS**

Placement of garages should be done so to minimize visual impact from the street. Garages placed at the front of the house and that dominate the front elevation will not be allowed. Garages should never detract from the front entrance, and they should be placed to the side of the home and set back of the front facade whenever possible. If three separate doors are required for the garage, no more than two doors may be on the same plane. Architectural details should be consistent with the style of the house, and doors should be clad to match the detailing of the house proper. If windows are to be used within the garage door, they should be compatible to the house style. Garage doors are to be of wood or wood composite materials and no standard steel doors will be allowed.

Triple garages are the minimum allowed, but where additional parking is required, creative alternatives to a multi-doored attached garage are encouraged. Coach Houses and drive-under parking in the basements of houses are preferred alternatives to multiple garage doors.

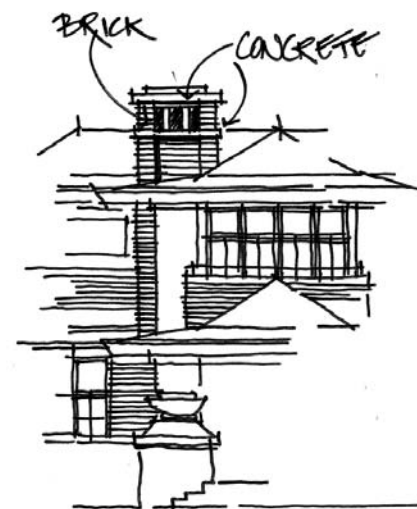
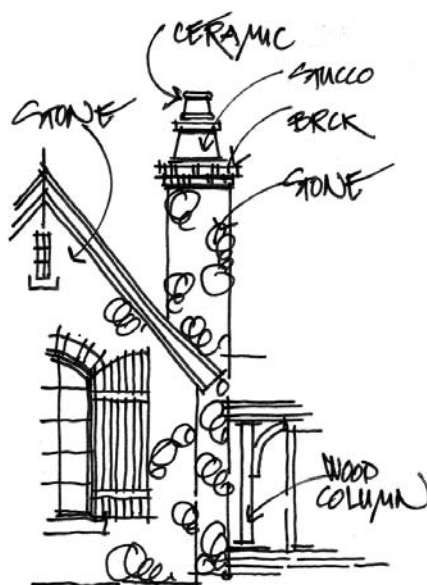
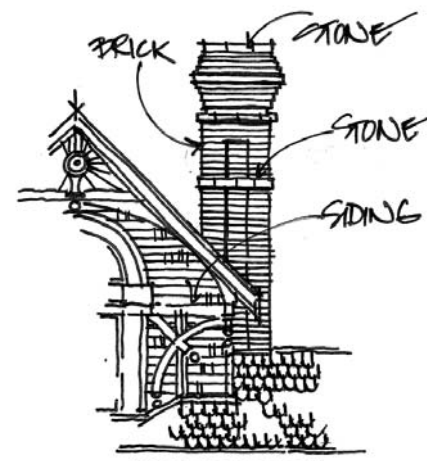
Driveways are to be tapered between the entry approach and the garage area to a narrower width. Asphalt driveways with a stamped asphalt border on both sides are the minimum allowed. Stamped concrete and aggregate driveways are encouraged.

Where RV doors are necessary, they should be placed in such a way as to keep the tops of all overhead doors consistent. This may be accomplished through stepping the grade down to drop the perceived height of the door.



## CHIMNEYS

The hearth has traditionally played a very important part in the family home, and the chimney, as an extension of the hearth needs to be detailed with this in mind. Chimneys should be of substantial proportion and should appear strong and stable. Chimneys should extend fully to grade, and windows above or below a chase will not be considered. Masonry, stucco, siding and shingles are all appropriate finishes for the chimney. Creative shapes are encouraged as long as the overall theme is kept in mind. Exposed metal flues without a chase will not be allowed. Direct vent fireplaces must be non-obtrusive to the street and will be required to be screened and painted to match the house finish.

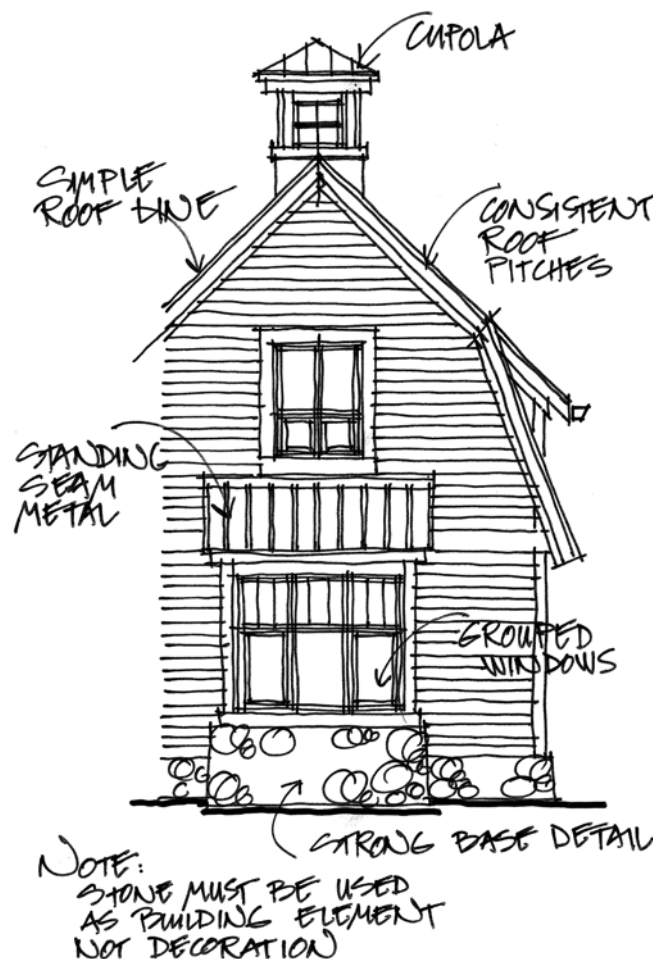


## MATERIALS AND DETAILS

When selecting the outside finishes for new homes, the intention should be to create a sense of belonging within Grandview Park. Locally available, natural materials are strongly encouraged.

The use of masonry is strongly encouraged to provide a feeling of strength and stability. Sandstone, Riverstone, Rundle Rock and Limestone are all readily available around Calgary and have traditionally been used on many of the heritage homes in the area. Stonework patterns and styles vary and their use should suit the theme of the home. Cut stone in coursed patterns evoke a more formal appeal, while split-faced stone in random patterns is much more casual. Brick should be used in colours common to Calgary, red/brown earth-tones would be appropriate, while pinks and greys would not. Stone & brick combinations are applicable to many of the 1920's styles and can be quite dramatic if used properly. When using masonry on your home, placing a base of stone on solely the front elevation will not be allowed. As such, masonry when used, should be used on key elements and will be required to be on all elevations. If masonry is not employed, more detailing and more materials variation will be required. Cultured stone and manufactured concrete tile products are not permitted.

Acrylic and rock dash Stucco are acceptable when their use is appropriate to the style of the home. Cementitious standard stucco in washed-out colours will not be allowed nor will troweled patterns and glass-dash.

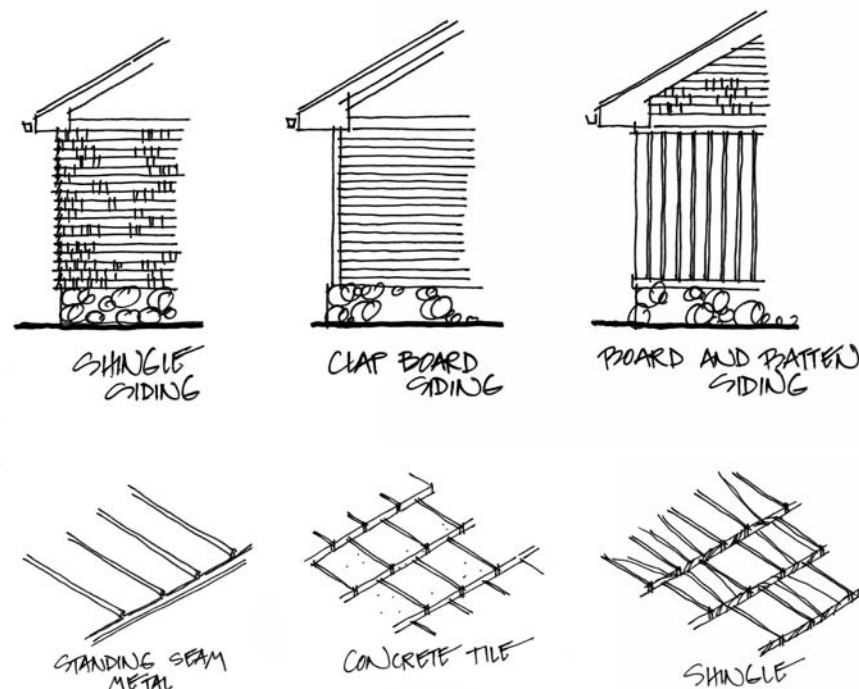




Wood siding, wall shingles, board & batten and timber trims are all encouraged. Wood can be used horizontally or vertically, rough or smooth. Composite low-maintenance wood products are a nice alternative that still maintain a natural appearance. Vinyl or aluminum versions, however, are not appropriate. All exposed fascias are to be of wood or composite material, but aluminum will be permitted where eaves trough is installed.

Roofing materials should be chosen to enhance the architecture of the home. Slate, or flat concrete tiles, taper-sawn cedar shakes and architectural asphalt are all acceptable. Wavy ceramic or clay tiles, pine shakes and metal tiles will not be allowed. Three tab standard shingles will not be considered and all asphalt products are to be 25 year minimum. Standing seam metal roofing may be used as a feature, but must be an earth-tone. Primary colours will not be permitted.

Details should be used to provide visual interest to each home. As such, the materials used should be employed in such a way as to be true to the nature of the material itself. Stone has a substantial quality and should be used with this in mind. Stone should never appear to rest upon a roof structure, and when used properly should give the appearance of solid masonry construction. Wood is much more versatile and can be used in numerous applications but should be made to appear hand-crafted as if by traditional methods. Built-out stucco trim and manufactured concrete products will not be permitted.



## COLOUR

Colour is the final consideration in creating that sense of belonging for a new home in its surroundings. Colours should be chosen from the natural landscape with the use of earth-tones. Contrast should be provided between the body of the house and its trim, and accent colour used judiciously to enhance architectural details. Primary colours will not be permitted as colours should be more muted in tone. Deep earth-tones are encouraged and washed-out colours will not be allowed. Exact duplication of house colours will not be permitted.

## SITING GUIDELINES

### **BUILDING HEIGHT**

Building height will be measured as follows. A height of 7.0m (23') to the eaves from grade on all sides and an overall building height of 10.0m (32.8') as the average heights of all elevations. Also, any two storey home on a walk-out lot requires that the upper floor be set into the roof structure, no three storey elements will be permitted.

An individual development permit for an over height roof line can be applied for from the MD of Rocky View and will be approved provided the roof height does not exceed 10.67m (35') and upon the review of the architectural build package of the home. Over height applications for shallow pitch roof styles such as the Prairie will not be approved. Allow a minimum of an additional 8 weeks to the building permit process.

### **VIEW CORRIDORS**

One of the main benefits of Grandview Park are the panoramic views, and view corridors have been designed to allow all residents to benefit from these views. View corridors ensure that all homes have vistas from many of their rooms and that no one home will block the view of another. To ensure this, any development that may impact the view corridor of another lot will be subject to tighter restrictions and further scrutiny by the design review committee. Proposed development within these areas will be reviewed on a site specific/design specific basis.



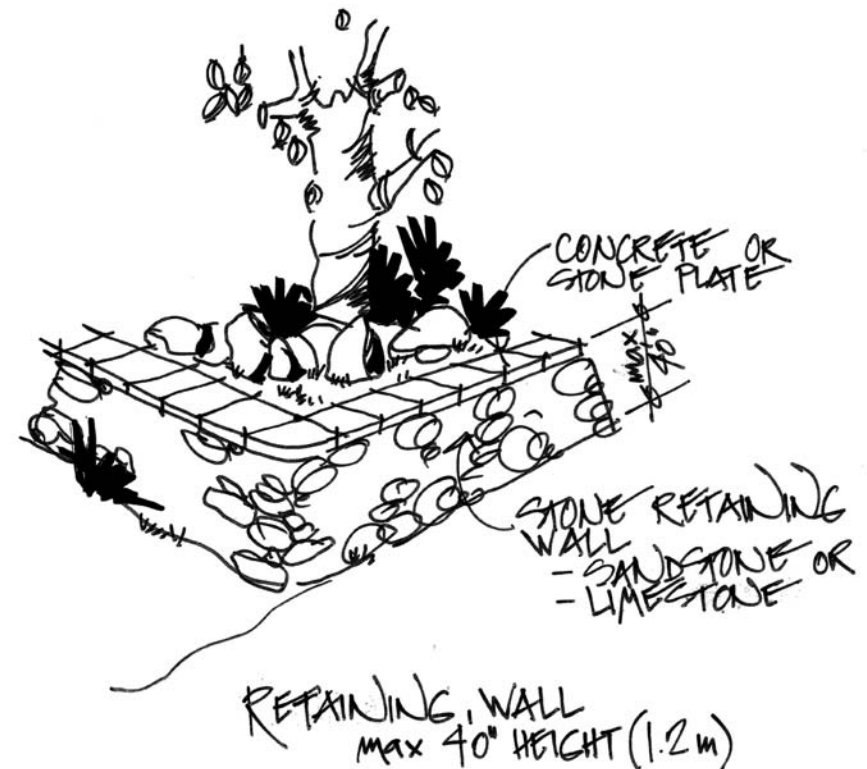
## RETAINING WALLS

To maintain an overall sense of continuity and community theme, any proposed retaining must be of one of the approved materials. Natural Sandstone, Rundle Rock, Riverstone or Limestone will be used for all the Community landscaping and any retaining on the home sites must be the same. Use of other materials may be considered at the design committee's discretion. Retaining walls should step with the grade and no walls should be more than 1.2m (4') in height.

## SITE FIXTURES AND FEATURES

There is an abundance of opportunities to take full advantage of the site features each home site has to offer. Courtyards, Terraces, Decks, Pergolas and Barbecue areas can really enhance the home. Privacy walls, fences, arbours and trellises should be designed as an integral part of the whole and should appear as natural features that have grown out of the site. Terraces and Patios are favoured, but decks are permitted and when used, structural support of decks should be substantial in size and not appear spindly.

\* See landscaping section for more information

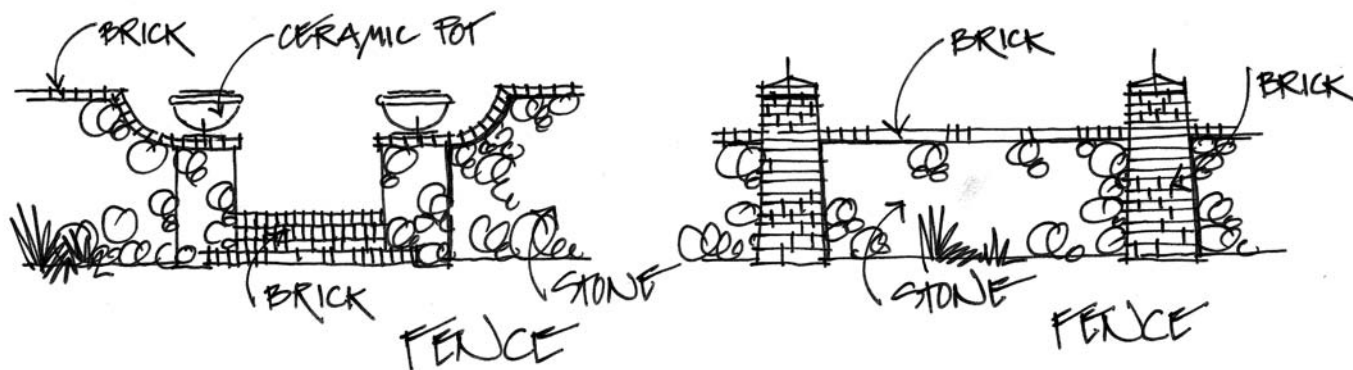




If fencing is desired for privacy, keep in mind that creative plantings oftentimes are even more effective to this end. Where fences are used, they should appear natural and architecturally compatible with the house proper. Fence heights are restricted to 1.6m (5'-6") maximum with privacy fencing in the rear yard only. Dog runs need to be incorporated into the overall design and must not be visible from the street. Chainlink is not allowed, but other alternatives will be reviewed. Fencing along property lines to define land is not permitted, and fenced area is not to exceed the footprint of the house.

## GRADING AND DRAINAGE

Care needs to be taken to maintain, wherever possible, natural drainage patterns and minimize disturbance to the natural landscape. Wholesale grading of lots to provide flat yards will not be allowed. Floor plans, decks and terraces should step with the natural grade. Any retaining walls and drainage swales should be designed to tie smoothly into the existing land. All grading must be in accordance with the storm water plan for the community, and the applicant must supply a grading/drainage plan at the time of their application.



### **LIGHTING**

Lighting must be designed to have low impact to both the street and neighbouring properties. Lighting should be subtle and non-glare, used to enhance architectural features. Bright illumination and flood lights will not be allowed. Provision of power for each entrance feature is the owner's responsibility.

Satellite dishes are to be located in such a way as to be unobtrusive from both the street and neighbouring properties.

### **GARBAGE STORAGE**

All garbage is to be stored inside the home except for on the day of pick-up, commencing 12 hours prior.

### **PANELS AND METERS**

All panels and meters must be clearly identified on the plans and should be located in an enclosed space. Where they cannot be enclosed, they must be recessed and screened.

Smaller Solar Panels with the latest solar panel technology will only be considered in design review.

Geothermal Heating Systems shall be allowed depending on the home site design and construction methods. Perpendicular directional drilling is permitted however parallel trenching will only be considered on certain home sites.



## **ARCHITECTURAL APPROVALS**

### **PROCESS**

Architectural approvals will be done on a committee basis, with submissions being reviewed once a week. Plans will be reviewed at three different stages of the design process to ensure everyone involved is keeping the direction of the community in mind.

#### **Concept Design Review**

At this stage preliminary drawings should be submitted for review to give the Committee a sense of the direction your new home will take. Hand drawn sketches will be allowed at this stage, provided they are to scale and legible. A Concept Design Review submission consists of three sets of the following:

- Completed Concept Design Review Form
- Conceptual site/landscape plan with the information listed on the application form
- Proposed grading with drainage plan and top of sub floor elevation
- Conceptual floor plans of all levels
- Conceptual elevations of all four sides
- Perspective sketch

Once your conceptual drawings have been approved, you may move on to the final design stage. Take time to refine your drawings, taking into account the comments from the Design Review Committee.

#### **Final Design Review**

This stage drawings should be thought out in detail. CADD drawings are required for this stage of the process and hard-copies will not be received. A Final Design Review submission consists of the following:

- Completed Final Design Review Form
- Finalized site plan with the information listed on the application form
- Landscaping plan
- Floor plans of all levels including the basement
- Detailed elevations of all four sides
- Revised perspective sketch

Submissions for both conceptual and final design stages that need to be reviewed more than three times at any design stage will be subject to further fees due to extensive review time and failure to comply with these guidelines.



### **Working Drawings Review**

With the Design Review Committee's approval of the final design of your home, the design process is now complete. Now your designer will provide construction documents (working drawings) and specifications to build your home. Once this is complete, these documents must be submitted to ensure no changes have been made to the design of your home. Once this has been verified, a grade slip can be issued to get the construction for your home underway. Required information for the Working Drawings Review includes four copies of the following:

- Completed Working Drawings Review Form
- \$15,000.00 construction compliance deposit
- \$5,000.00 landscape compliance deposit
- The Builder's Certificate of Insurance
- Updated Site Plan including the information listed on the application form, and showing building corner points and proposed tops of footings and joists.
- Construction Drawings
- Completed Proposed Exterior Colours and Materials Form

### **Grade Slip / Building Permit**

Once Working Drawings have been reviewed and approved a grade slip is issued to your builder. You may now submit your completed drawings to the municipality for a Building Permit. Officials will check for compliance with the Alberta Building Code and all municipal regulations.

A Bearing Certificate is recommended for all home sites.

### **Final Inspection**





**FORMS**

**GRANDVIEW PARK  
CONCEPT DESIGN REVIEW FORM**

Date: _____	Lot: _____
Owner: _____	
Address: _____	Phone: _____
Architect/Designer: _____	
Address: _____	Phone: _____
Builder: _____	
Address: _____	Phone: _____

For the Design Review Committee to fully review this application, all of the following must be included:

- Conceptual Site/Landscape Plan at 1:200 showing property lines, setbacks, all proposed buildings, driveway, walks, patios, decks, any proposed retaining and any outdoor features and existing vegetation. Site plan to include grades of lot four corner points, centre grade and contour of elevations.
- Proposed grading with drainage plan and top of sub floor elevation.
- Schematic Floor Plans for all levels min. scale 1/8"=1'-0" (3 copies).
- Schematic Elevations for all four sides min. scale 1/8"=1'-0" (3 copies).
- Perspective Sketch of the most prominent view.
- If requested by the Design Review Committee, additional perspective sketches may be required.

Plans should be submitted in the form of CADD Drawings.

Submittal Date: _____	Meeting Date: _____
Submitted By: _____	
Additional Comments: _____	
_____	
_____	





**GRANDVIEW PARK  
FINAL DESIGN REVIEW FORM**

Date: _____	Lot: _____
Owner: _____	
Address: _____	Phone: _____
Architect/Designer: _____	
Address: _____	Phone: _____
Builder: _____	
Address: _____	Phone: _____

For the Design Review Committee to fully review this application, all of the following must be included:

- Conceptual Site/Landscape Plan at 1:200 showing property lines, setbacks, contours, spot elevations with any proposed changes, all proposed buildings, driveway noting width and slopes, walks, patios, decks, any proposed retaining and any outdoor features and existing and proposed vegetation. Site plan to include grades of lot four corner points, centre grade and contour of elevations.
- Proposed grading with drainage plan and top of sub floor elevation.
- Schematic Floor Plans for all levels min. scale 1/4"=1'-0".
- Schematic Elevations for all four sides min. scale 1/4"=1'-0".
- Perspective Sketch of the most prominent view.
- If requested by the Design Review Committee, additional perspective sketches may be required.

Plans must be submitted in the form of CADD Drawings.

Submittal Date: _____	Meeting Date: _____
Submitted By: _____	
Additional Comments: _____	
_____	
_____	





**GRANDVIEW PARK  
WORKING DRAWINGS REVIEW FORM**

Date:	Lot:
Owner:	
Address:	Phone:
Architect/Designer:	
Address:	Phone:
Builder:	
Address:	Phone:

For the Design Review Committee to fully review this application, all of the following must be included:

- Updated Site plan showing all final grading, spot elevations at building corner points proposed top of footing and top of joist elevations.
- Completed set of complete Construction Drawings complete with any Specifications.
- Plans should show any changes completed due to the first two stages of Design Review, all finish materials and height calculations on all four sides.
- \$15,000.00 construction compliance deposit.
- \$5,000.00 landscape compliance deposit.
- Builder's Certificate of Insurance.
- Completed Exterior Colours and Materials form.



**GRANDVIEW PARK**  
**PROPOSED EXTERIOR COLOURS AND MATERIALS FORM**

<b>Building Surface</b>	<b>Material</b>	<b>Manufacturer</b>	<b>Colour</b>
Roof Surface			
Primary Wall Surface			
Secondary Wall Surface			
Foundation			
Trim			
Window Frames			
Window Trim			
Chimney			
Soffit			
Fascia			
Eaves Trough			
Rainwater Leaders			
Porch/Deck Surface			
Railings			
House Doors			
Garage Doors			
Driveways			





## **LANDSCAPE GUIDELINES**



### **SITE FEATURES AND FIXTURES**

Outdoor features enhance a residential property, creating a pleasant transition between indoor and outdoor spaces, and between natural and man-made environments. These features can also make the outdoors more enjoyable by enhancing views, catching the sun's warmth, or providing shelter from the wind. Site features may include:

- Courtyards, terraces and decks,
- Privacy walls and fencing
- Arbours and trellises
- Sports courts, swimming pools and spas
- Play structures
- Barbeque areas.

These elements should be considered at the preliminary design phase. When poorly handled, they can seriously detract from an otherwise attractive home and garden. To create the charm of traditional country homes, features and fixtures in Grandview Park should respond to landforms and

natural conditions, and must be integrated into the site design as a whole. When treated as an extension of the residence, they will appear to have grown together with the house and garden to become a natural feature.

Terraces should be of natural stone or brick, so they complement the house and enhance the landscape. Ground level terraces or patios are preferable to large, above-ground decks. Decks above grade should be kept to a minimum and should not appear to be tacked on as an afterthought. They must be framed with substantial timbers, stone, or brick columns so they don't look like add-ons. Retaining walls, if needed, must be of natural materials such as stone.

The design of courtyards can extend the living areas of the home and should be designed with the same attention to detail as the home itself. When fencing is desired materials such as stone, brick, or timbers should be used and must be architecturally compatible with the house proper. Fence heights are restricted to 1.6 m (5'6") maximum in the rear yard, and 1.1 m (3'6") high in the front yard. An entry gate to the front courtyard is allowed. The total fenced area is not to exceed the footprint of the house. Fencing along property lines to define the land is not permitted. Gates at driveway approaches and property lines are not allowed.

Dog runs need to be incorporated into the overall design and must not be visible from the street. Chain link is not allowed, but other alternatives will be reviewed and considered by the design committee.

## **VEGETATION AND LANDSCAPING**

At Grandview Park, landscaping will enhance the area's natural beauty. Artificial hard landscaping materials such as concrete or asphalt paving should be minimized. Instead of concrete walks, for example, homeowners could design stone pathways, which have much more natural appeal.

Vegetation and plant material offer a rich array of colours and shapes to accent the property. Appropriate plant material enhances architecture, defines outdoor spaces, frames views and knits structures to the site. This should be kept in mind during the design phase, so advantage can be taken of existing trees and shrubs, and to ensure that new plantings complement the existing vegetation. Be sure to include "function" in the design process. For example, deciduous trees provide shade in summer, while letting sunshine in during the winter when the leaves are gone. Evergreen trees and shrubs screen undesirable views and provide excellent windbreaks.

Make the most of natural colour to highlight each season. Flowering shrubs and wildflowers bloom through the spring, bringing an otherwise pale earth to life. Many hues of green brighten the summer landscape, ending with a blaze of colour in the fall. Evergreens add a cheerful note in the winter.

Lots backing onto the natural ravine, in particular, should keep manicured lawns to a minimum, immediately adjacent to the residence. Make sure the manicured grass makes a natural transition to the natural vegetation at the back of the property. Native plant cover on site should be carefully

preserved. Lots on former agricultural lands, without native plant growth have more flexibility for creating ornamental and manicured settings. All home sites in Grandview Park will be required to have a minimum of 25% natural landscaping while home sites supporting existing native vegetation will be required to maintain a minimum of 33% up to 40% of natural landscaping. This percentage will be evaluated at the discretion of the review committee.

Selection and placement of new plant material will vary from property to property, but several key principles apply to all sites:

Place plants to enhance continuity between indoor and outdoor spaces by creating outdoor "rooms" or framing views, taking care not to block other homeowners' views.

Cluster plants in groupings, avoiding an individual planting or a straight row of plants. Avoid plants that contrast with existing vegetation. Native materials will look more natural.

Be sure the plant material is native to the Calgary area. In addition to helping to preserve the area's natural character, native species are hardy, and tend to need less care. Planting species that are not native to our prairie setting will be discouraged. Rehabilitating and re-establishing natural prairie grasses in open spaces and retained areas is an attractive option.

All plant material must be nursery grown and must conform to the standards of the Canadian Nursery Trades Association. A comprehensive list of appropriate plant species is included on the following page.



## **NATIVE TREES AND SHRUBS**

	<i>Botanical Name</i>	<i>Common Name</i>
EVERGREEN TREES	<i>Picea glauca</i>	White Spruce
	<i>Picea pungens</i>	Colorado Spruce
	<i>Pinus contorta latifolia</i>	Lodgepole Pine
DECIDUOUS TREES	<i>Betula nigra</i>	River Birch
	<i>Betula papyrifera</i>	Paper Birch
	<i>Populus balsamifera</i>	Balsam Poplar
	<i>Populus x 'Brooks #6'</i>	Brooks #6 Poplar
	<i>Populus sargentii</i>	Plains Cottonwood
	<i>Populus tremuloides</i>	Trembling Aspen
	<i>Prunus pensylvanica</i>	Pin Cherry
	<i>Prunus virginiana melanocarpa</i>	Chokecherry
EVERGREEN SHRUBS	<i>Juniperus communis</i>	Common Juniper
	<i>Juniperus horizontalis</i>	Creeping Juniper
	<i>Juniperus sabina</i>	Savin Juniper
	<i>Juniperus scopulorum</i>	Rocky Mountain Juniper
	<i>Pinus mugo pumilo</i>	Dwarf Mugo Pine
	<i>Pinus mugo mugo</i>	Mugo Pine

## **NATIVE TREES AND SHRUBS**

### **DECIDUOUS SHRUBS**

#### *Botanical Name*

Amelanchier alnifolia  
 Arctostaphylos uva-ursi  
 Cornus stolonifera  
 Elaeagnus commutata  
 Ledum groenlandicum  
 Lonicera involucrata  
 Potentilla fruticosa  
 Prunus pensylvanica  
 Ribes alpinum  
 Ribes hudsonianum  
 Ribes oxycanthoides  
 Rosa acicularis  
 Rosa woodsii  
 Rubus idaeus  
 Rubus pubescens  
 Salix bebbiana  
 Salix discolor  
 Salix exigua  
 Salix glauca  
 Shepherdia canadensis  
 Symphoricarpos albus  
 Symphoricarpos occidentalis

#### *Common Name*

Saskatoon  
 Bearberry  
 Red Osier Dogwood  
 Wolf Willow  
 Labrador tea  
 Twinberry Honeysuckle  
 Shrubby cinquefoil  
 Pin Cherry  
 Alpine Currant  
 Wild Black Currant  
 Wild Gooseberry  
 Prickly Rose  
 Common Wild Rose  
 Wild Red Raspberry  
 Dewberry  
 Beaked Willow  
 Pussy Willow  
 Sandbar Willow  
 Smooth Willow  
 Russet Buffaloberry  
 Snowberry  
 Buckbrush

**ORNAMENTAL TREES**

For lots where a more ornamental and manicured character is appropriate, the following species of deciduous trees could be considered.

	<i>Botanical Name</i>	<i>Common Name</i>
ORNAMENTAL TREES	Acer negundo	Manitoba Maple
	Crateagus succulenta	Fleshy Hawthorne
	Fraxinus nigra "Fallgold"	Fallgold Black Ash
	Fraxinus pennsylvanica	Green Ash
	Malus x 'Makamik'	Makamik Crabapple
	Maulus 'Strathmore'	Strathmore Flowering Crabapple
	Prunus pensylvanica	Mayday Tree
	Prunus virginiana melanocarpa	Chokecherry





## **GRADING AND DRAINAGE**

Grandview Park has been engineered to provide adequate drainage for each lot without the need for further grading. With careful design, all homes can be placed in such a way that the natural landscape can be maintained as much as possible.

Innovative planning and slope-adaptive design, such as stepping foundations, not only create dynamic interior spaces, but will limit disturbance of the site. This holds true for decks and patios too. Terraced outdoor spaces should step with the natural grade. Grading to create a flat building site on existing slopes will not be allowed.

Grading, where necessary, should be primarily limited to the Site Development Envelope and any grade outside this envelope should remain intact. Where grading is used, no slope should exceed 3:1. Where possible, grading should

divert runoff water to benefit existing vegetation and/or new plantings. Grading must be in accordance with the storm water plan. Applicants must supply a grading/drainage plan at the time of application.

Any and all retaining walls must be designed to tie into the character of the residence. Masonry retaining walls and landscape boulders are encouraged, and will help tie the home to the site. Bare concrete retaining walls will not be permitted; walls must be clad in masonry and should match the masonry of the home. If the home does not contain masonry elements, retaining walls must be finished with sandstone, riverstone, rundle rock, or limestone. Use of other materials may be considered at the design committee's discretion. Retaining walls should not exceed 1.20m in height, so any drop greater than that must be handled as a series of stepping walls.



## NOTES





42 ~ 118 Strathcona Road SW  
Calgary • Alberta • T3H 1P3  
Telephone: 403 240-3388  
Facsimile: 403 240-3360

[www.grandviewpark.ca](http://www.grandviewpark.ca)



**Oksana Newmen**

---

**From:** Grant Christie [REDACTED]  
**Sent:** Thursday, June 14, 2018 11:42 AM  
**To:** Oksana Newmen  
**Subject:** Application Number PL20180049

Oksana,

I received a notice in the mail for a subdivision and access way to Grandview Rise, Application Number PL20180049. I have several concerns over this application and have concerns over it moving forward. The concerns are:

1. The lot is currently being used to store numerous items of landscaping equipment, something that would not be permitted in Grandview Park. The bylaws of Grandview Park do not permit trailers or storage of heavy equipment on the lot
2. The owner of the Lot is running a landscape business from their premises, something also not permitted. With respect to this point, and the point above, Grandview Park is a residentially zoned area and as such it has been developed to look, feel, and provide a quiet residential area. Providing access to the lots in question, where they are clearly running a commercial business, storing excavation and landscaping equipment, and moving in and out heavy trucks and equipment daily, is not in keeping with the zoning of Grandview Park, and is not aligned with the requirements of all other residents of Grandview Park.
3. Considerable investment has been made in to developing Grandview Park by way of planting trees, gardens and building infrastructure such as paths and structures for the general benefit of the residence. This has been paid by the residents of the Grandview Park subdivision. Providing access to Grandview Park as proposed, gives benefits to the subdivided block through accessing an already developed residence to which they have not contributed. I believe this sets a troubling precedence for land development and land developers if the efforts of the primary developers can be openly taken advantage of without providing consideration for the infrastructure and investments that have been made to bring up the value of the area.
4. By virtue of the zoning of Grandview Parkway, it is a residential area. Currently the owner of the lot, by operating his landscaping business from this location, transports in and out heavy equipment everyday as already mentioned. This equipment being transported through our neighbourhood as a matter of daily access will devalue the neighbourhood and will pose a new and constant hazard to the residents.
5. There are no sidewalks on many of the roads in the neighbourhood. As such, residents often walk on the side of the road. With heavy equipment being routinely transported through the neighbourhood, this will pose considerably additional risk to the children, elderly, and numerous dog walkers who use the roads as sidewalks. As an absolute minimum, sidewalk paths would need to be provided, cross walks, and additional infrastructure will be required to ensure residents are kept out of harms way with the additional heavy traffic. There would be considerably protest in the neighbourhood if this infrastructure were to be required, not to mention the change in look and feel of the development.
6. The Lot in question already has an access way directly on to Range Road 32. As such, it is unclear to myself why this could not be utilized for the subdivision. This would provide the most direct round and minimum alteration to traffic patterns in the area. Furthermore, the access road is already in place. Should the subdivision share a driveway the heavy traffic would only impact one residence, the currently land owner of the lot in question. Providing access in to Grandview Park, will inconvenience 40+ residences with the additional traffic.

In summary, I do not support the subdivision gaining access in to Grandview Park. Given the current use of the land, this access will have material impacts on the residents of Grandview Park by way of reduced property value and increased

risk from heavy landscaping equipment being regularly transported through the neighbourhood. While infrastructure, such as paths and cross walks, could be added, this is counter to the look and feel of the development and is an expense that the residents of Grandview Park should not have to accommodate. Furthermore, the new subdivision should not be able to “piggy back” on the investments in to the Grandview Park without due consideration being made. Lastly, given there is already access to Range Road 32 from the current lot, I believe access to any such subdivision, would be best served by this driveway.



262075 Rocky View Point  
Rocky View County, AB, T4A 0X2

403-230-1401  
questions@rockyview.ca  
www.rockyview.ca

Date Mailed: Wednesday, December 19, 2018

Peterson, Kevin

File: PL20180049

## RE: SUBDIVISION TRANSMITTAL OF DECISION

Pursuant to a decision of the Subdivision Authority for Rocky View County on December 11, 2018, your Subdivision Application was conditionally approved. The conditions of approval are outlined below:

- A. That the application to create an  $\pm 0.82$  hectare ( $\pm 2.02$  acre) parcel (Lot 1) with a  $\pm 1.37$  hectare ( $\pm 3.39$  acre) remainder (Lot 2) from Lot 1, Block 1, Plan 0611520 within NW-11-24-03-W05M has been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 of the *Subdivision and Development Regulations*. Having considered adjacent landowner submissions, it is recommended that the application be approved as per the Tentative Plan for the reasons listed below:
  - 1) The application is consistent with the Central Springbank Area Structure Plan;
  - 2) The subject lands hold the appropriate land use designation; and,
  - 3) The technical aspects of the subdivision proposal were considered, and there are no technical limitations to the proposal.
- B. The Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the condition will be met, in accordance with all County Policies, Standards and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a Qualified Professional, licensed to practice in the Province of Alberta, within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Owner from ensuring all permits, licenses, or approvals required by Federal Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application is approved subject to the following conditions of approval:

### Plan of Subdivision

- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
- 2) The Owner is to provide a Site Plan, prepared by an Alberta Land Surveyor, which illustrates





## ROCKY VIEW COUNTY

262075 Rocky View Point  
Rocky View County, AB, T4A 0X2

403-230-1401  
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the following in relation to the new property lines:

- a) The Site Plan is to confirm that all existing private sewage treatment systems are located within the boundaries of Lot 2, in accordance with the The Alberta Private Sewage Systems Standard of Practice 2009.

### *Development Agreement – Site Improvements/Services Agreement*

- 3) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County and shall:
  - a) Be in accordance with the Level 3 Private Sewage Treatment Systems (PSTS) Assessment of Site Suitability of Lot 1, Block 1, Plan 0611520 prepared by Sedulous Engineering for the construction of a packaged Private Sewage Treatment System; and
  - b) Be in accordance with the Slope Stability Assessment (Revision 3) prepared by e2K Engineering Ltd.

### *Transportation and Access*

- 4) The Owner shall construct a new paved approach on Grandview Rise in order to provide access to Lot 1. If a mutual approach is constructed, the Owner shall:
  - a) Provide an access right of way plan; and
  - b) Prepare and register respective easements on each title, where required, with those lots using the access route, and then be required to join the Homeowner's Association.
- 5) The Applicant/Owner shall enter into an Access Easement Agreement with the adjacent landowner at Lot 3, Block 1, Plan 9510791, within SW-14-24-3-W5M to provide access to Lot 2 only, as per the approved Tentative Plan, which shall include:
  - a) Registration of the applicable access right-of-way plan.

### *Water Servicing*

- 6) The Owner is to provide confirmation of tie-in for connection to the Westridge Utility System, an Alberta Environment licensed piped water supplier, for Lot 1, as shown on the Approved Tentative Plan. This includes providing the following information:
  - a) Documentation proving that water supply has been purchased for proposed Lot 1;
  - b) Documentation proving that all necessary water infrastructure is installed.

### *Erosion and Sediment Control Plan*

- 7) The Owner is to provide a Sediment Control Plan.

### *Stormwater Conditions*

- 8) The Owner is to provide and implement a Site Specific Stormwater Management Plan, which meets the requirements outlined in the Springbank Master Drainage Plan.:
  - a) Should the (Site Specific) Stormwater Management Plan indicate that improvements are required, the Applicant/Owner shall enter into a Development Agreement (Site Improvements/Services Agreement) with the County;



## ROCKY VIEW COUNTY

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- b) Provision of necessary Alberta Environment and Parks registration documentation and approvals for the stormwater infrastructure system.

### *Municipal Reserves*

- 9) The provision of Reserve in the amount of 10 percent of the area of Lots 1 and 2, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per acre value as listed in the land appraisal (R Home Appraisals; File 18106047 dated October 25, 2018), pursuant to Section 666(3) of the *Municipal Government Act*.

### *Payments and Levies*

- 10) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014. The County shall calculate the total amount owing.
  - a) From the total gross acreage of Lot 1 to be subdivided as shown on the Plan of Survey; and
  - b) That payment of the Transportation Off-Site Levy on Lot 2 to be subdivided as shown on the Plan of Survey be deferred.
- 11) The Owner shall pay the County subdivision endorsement fee, in accordance with the *Master Rates Bylaw*, for the creation of one new Lot.

### *Homeowners Association*

- 12) The Owner shall legally amend the existing Homeowners' Association (HOA), and an encumbrance or instrument shall be concurrently registered against the title of each new lot created (Lot 1), requiring that each individual Lot Owner is a member of the Home Owners' or Lot Owners' Association:
  - a) The HOA agreement shall specify the future maintenance obligations of the Homeowners' Association for on-site pathways and community landscaping, residential solid waste collection at minimum.

### *Taxes*

- 13) All taxes owing, up to and including the year in which subdivision is to be registered, are to be paid to Rocky View County prior to signing the final documents pursuant to Section 654(1) of the *Municipal Government Act*.

### D. SUBDIVISION AUTHORITY DIRECTION:

- 1) Prior to final endorsement of the Subdivision, the Planning Department is directed to present the Owner with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the *Master Rates Bylaw*.

**Prior to the submission of any final documents, we advise that it is the applicant's responsibility to ensure that all conditions of approval have been met and all approval fees paid within ONE YEAR of the approval date, and that the Municipality has received documented evidence to this effect.**

Pursuant to the *Municipal Government Act*, and in keeping with the instructions set out in the attached



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Rocky View County, AB, T4A 0X2

403-230-1401  
questions@rockyview.ca  
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Notice of Appeal form, an appeal or dispute from this decision, or the conditions, may be commenced within 21 days from the date of this letter by:

- a) the applicant;
- b) a Government Department where a referral is required pursuant to the Subdivision and Development Regulation; and/or
- c) a school authority with respect to Reserve

An appeal to this decision rests with the Subdivision and Development Appeal Board. Use of the attached Notice of Subdivision Appeal form is required for submission of the appeal.

DUE TO THE POSSIBILITY OF APPEALS, any development or steps necessary to meet the conditions of approval should not occur within 21 days from the date of this letter.

*The Subdivision Authority reserves the right to make corrections to any technical or clerical errors or omissions to this decision.*

Should you have any questions or concerns, please contact Oksana Newmen at 403-520-7265 for assistance and quote the file number as noted above.

Charlotte Satink  
**Municipal Clerk**  
403-520-1651  
csatink@rockyview.ca

cc: Peterson, Kevin & Jolene



**Subdivision Proposal:**

To create a  $\pm 0.82$  hectare ( $\pm 2.02$  acre) parcel with  $\pm 1.37$  hectare ( $\pm 3.39$  acre) remainder.

RGE RD 32

**Rocky View County****CONDITIONAL APPROVAL ON:****DEC 11 2018**

This Tentative Plan forms part of the  
Subdivision Authority's decision for  
this Subdivision and must accompany  
the Transmittal of Decision letter dated:

**DEC 19 2018**

Signed:

*Elia Fink***Legend**

-  Accessory Building
-  Dwelling
-  Access
-  Existing Driveway
-  Septic System

Lot 2  
 $\pm 1.37$  ha  
( $\pm 3.39$  ac)

Lot 1  
 $\pm 0.82$  ha  
( $\pm 2.02$  ac)

**Surveyor's Notes:**

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-4841-97.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

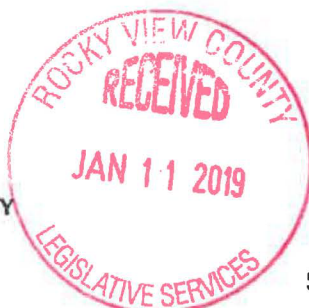
**TENTATIVE PLAN**

**Lot:1 Block:1 Plan:0611520**  
**NW-11-24-03-W05M**

Date: May 23, 2018Division # 3File: 04711031



**ROCKY VIEW COUNTY**  
Cultivating Communities



## Notice of Appeal

Subdivision and Development Appeal Board

<b>Appellant Information</b>			
Name of Appellant(s) <i>Kevin Peterson</i>			
Mailing Address [REDACTED]	Municipality [REDACTED]	Province [REDACTED]	Postal Code [REDACTED]
Home Phone # [REDACTED]	Business Phone # [REDACTED]	Email Address [REDACTED]	
<b>Site Information</b>			
Municipal Address <i>042009 RB32</i>	Legal Land Description (lot, block, plan and/or quarter-section-township-range-meridian) <i>Lot 1 Block 1 Plan 0611520</i>		
Development Permit, Subdivision Application, or Stop Order # <i>File # 04711031</i>		Roll # <i>20180049</i>	
I am appealing: (check one box only)			
<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order	
<b>Reasons for Appeal (attach separate page if required)</b>			
<p>① - Municipal reserves were paid according to County Admin up to &amp; including rezoning. In addition the method of calculation for land value was fractionalized &amp; skewed to over double the value.</p> <p>② Appealing the requirement to gain Grandview Home Owners Assoc. I am a Rockyview tax payer accessing a Rockyview Roadway.</p>			

This information is collected for the Subdivision and Development Appeal Board of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected under the authority of the Freedom of Information and Protection of Privacy Act, section 33(c) and sections 645, 678, and 686 of the Municipal Government Act. If you have questions regarding the collection or use of this information, contact the Manager of Legislative and Legal Services at 403-230-1401.


Appellant's Signature

Last updated: November 16, 2017

Date

*Jan 8, 2019*


Page 1 of 2



**Sent:** Friday, January 11, 2019 8:01 AM  
**To:** Oksana Newmen  
**Subject:** Fw: Kevin Peterson Appeal - Jan 11, 2019

Oksana  
Find attached my notice of appeal  
Not sure whether it was the mail strike or Christmas but  
I only received the letter 1st of this week  
Kevin

----- Forwarded Message -----



**Sent:** Friday, January 11, 2019, 07:54:28 AM MST  
**Subject:** Kevin Peterson Appeal - Jan 11, 2019

Scanned with TurboScan.





## PLANNING & DEVELOPMENT

**TO:** Subdivision and Development Appeal Board

**DATE:** April 3, 2019 **DIVISION:** 08

**FILE:** 05619060 **APPLICATION:** B-2; PRDP20190508

**SUBJECT:** Accessory Building

<b>PROPOSAL:</b> Accessory building; relaxation of total number of accessory buildings.	<b>GENERAL LOCATION:</b> Located south of Highway 1A, on the north side of Campbell Drive.
<b>APPLICATION DATE:</b> February 19, 2019	<b>DEVELOPMENT AUTHORITY DECISION:</b> Discretionary – Refused
<b>APPEAL DATE:</b> March 11, 2019	<b>DEVELOPMENT AUTHORITY DECISION DATE:</b> February 28, 2019
<b>APPELLANT:</b> Betty Kost (Lynn Woods Law Office)	<b>APPLICANT:</b> Betty Kost (Lynn Woods Law Office)
<b>LEGAL DESCRIPTION:</b> Lot 2, Block 9, Plan 9912049, NW 19-25-02-W05M	<b>MUNICIPAL ADDRESS:</b> 78 Campbell Drive, Rocky View County AB
<b>LAND USE DESIGNATION:</b> Residential One District (R-1)	<b>GROSS AREA:</b> ± 0.83 hectares (± 2.04 acres)
<b>DISCRETIONARY USE:</b> An accessory building is a discretionary use in accordance with Section 48 of the Land Use Bylaw.	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> The requested amount of relaxation is beyond variance discretion of the Development Authority.
<b>PUBLIC SUBMISSIONS:</b> The application was circulated to 23 adjacent landowners. No letters in support or opposition were received.	<b>LAND USE POLICIES AND STATUTORY PLANS:</b> <ul style="list-style-type: none"> <li>• County Plan (C-7280-2013)</li> <li>• Bearspaw Area Structure Plan (C-4129-1993)</li> <li>• Land Use Bylaw (C-4841-97)</li> </ul>

### EXECUTIVE SUMMARY:

The application is for accessory buildings (existing), for relaxation of the total number of accessory buildings. The property contains one dwelling, one detached garage, two wood sheds, and one plastic greenhouse. The Applicant submitted a Real Property Report for a Certificate of Compliance. Administration determined that the Real Property Report cannot be stamped as there are too many accessory buildings. The Applicant was advised to either remove two accessory buildings, to meet the requirement of the Land Use Bylaw, or apply for a Development Permit requesting that the number of accessory buildings be relaxed from two (2) to four (4).

The application was assessed in accordance with Section 12 and Section 48 of the Land Use Bylaw. As the existing number of accessory buildings exceeds the maximum requirement outlined in Section



48, and are beyond the variance discretion of the Development Authority defined in Section 12, the application was refused on February 28, 2019. The reasons for refusal are as follows:

1. The existing number of accessory buildings exceeds the maximum requirement as defined in Section 48.10 of Land Use Bylaw C-4841-97.

**Permitted:** Two (2);

**Proposed:** Four (4);

**Variance:** 100%

On March 11, 2019, the Applicant/Appellant appealed the decision of the Development Authority for the reason that the existing accessory buildings would not affect adjacent landowners. The Applicant/Appellant also provided a letter from an adjacent landowner to the west, demonstrating that the neighbor has no issue with the accessory buildings.

**APPEAL:**

See attached report and exhibits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. MacLean", written over a horizontal line.

Sean MacLean  
Supervisor, Planning & Development

XD/rp



## DEVELOPMENT PERMIT REPORT

<b>Application Date:</b> February 19, 2019	<b>File:</b> 05619060
<b>Application:</b> PRDP20190508	<b>Applicant:</b> Betty Kost (Lynn Woods Law Office) <b>Owner:</b> Andrew & Erin Nguyen
<b>Legal Description:</b> Lot 2, Block 9, Plan 9912049, NW 19-25-02-W05M	<b>General Location:</b> Located south of Highway 1A, on the north side of Campbell Drive.
<b>Land Use Designation:</b> Residential One District (R-1)	<b>Gross Area:</b> ± 0.83 hectares (± 2.04 acres)
<b>File Manager:</b> Xin Deng	<b>Division:</b> 08

### PROPOSAL:

The application is for Accessory buildings (existing), for relaxation of total number of accessory buildings.

- The property contains one dwelling, one detached garage, one plastic greenhouse, and two wood sheds.

Garage	80.37 sq. m (865.13 sq. ft.)	3.66 m (12.00 ft.) high
Greenhouse	8.72 sq. m. (93.91 sq. ft.)	2.44 m (8.00 ft.) high
Two Sheds	9.24 sq. m. (99.48 sq. ft.) each	2.44 m (8.00 ft.) high

- The Applicant submitted a Real Property Report (RPR) and requested a Certificate of Compliance. Administration reviewed the RPR and determined that it could not be stamped due to the excess number of accessory buildings, which do not comply with the Land Use Bylaw.
- The Applicant was advised to either remove two accessory buildings, in order to meet the requirement of the Land Use Bylaw, or to apply for a Development Permit requesting a relaxation from two (2) to four (4) accessory buildings.

### Land Use Bylaw (C-4841-97):

#### SECTION 12 Decisions on Development Permit Applications

*Section 12.1(b) Upon review of a completed application for a Development Permit for a use, permitted, the Development Authority shall decide upon an application for a Development Permit, notwithstanding that the proposed development does not comply with required yard, front, yard, side, yard, rear or building height dimensions set out in this Bylaw, if, in the opinion of the Development Authority the granting of a variance would not:*

- i) unduly interfere with the amenities of the neighbourhood;*
- ii) materially interfere with or affect the use, enjoyment, or value of the neighbouring properties and the amount of the variance does not exceed 25% of the required distance or height, or does not exceed 10% of the required maximum building*





*area for an accessory building or does not exceed 10% of the required maximum floor area for an Accessory Dwelling Unit;*

**Section 48**     *Residential One District (R-1)*

**48.2**     *Uses, Permitted*

*Accessory buildings less than 80.27 sq. m (864.01 sq. ft.) building area*

- The existing two wood sheds are 9.24 sq. m. (99.48 sq. ft.) in size each. Therefore, neither a Development Permit nor a Building Permit is required;
- The existing greenhouse is 8.72 sq. m. (93.91 sq. ft.) in size. Therefore, neither a Development Permit nor a Building Permit is required.

**48.3**     *Uses, Discretionary*

*Accessory buildings greater than 80.27 sq. m (864.01 sq. ft.) building area and less than 120.00 sq. m (1,291.67 sq. ft.) building area*

- The existing garage has a Development Permit (2002-DP-10108) to allow for 88.00 sq. m (947 sq. ft.); however, the garage was completed at 80.37 sq. m (865.13 sq. ft.).

**48.5**     *Minimum Requirements*

*(b) Front yard setback (from the internal subdivision road to the south):*

- Required: 15.00 m (49.21 ft.);
- Existing Garage: lots - meets the requirement;
- Existing Sheds: lots - meets the requirement; and
- Existing Greenhouse: lots - meets the requirement.

*(c)(iv) Side yard setback (from all other lands to the west/east):*

- Required: 3.00 m (9.84 ft.);
- Existing Garage: 6.04 m (19.82 ft.) /lots - meets the requirement;
- Existing Sheds: lots - meets the requirement; and
- Existing Greenhouse: lots - meets the requirement.

*(d)(ii) Rear yard setback (from the other lands to the north):*

- Required: 7.00 m (22.96 ft.);
- Existing Garage: 17.40 m (57.09 ft.) - meets the requirement;
- Existing Sheds: 13.56 m (44.49 ft.) - meets the requirement; and
- Existing Greenhouse: 11.35 m (37.24 ft.) - meets the requirement.

**48.7**     *Maximum height of buildings*

*(b) Accessory buildings:*

- Required: 7.00 m (22.96 ft.)
- Existing Garage: 3.66 m (12.00 ft.) - meets the requirement
- Existing Sheds: 2.44 m (8.00 ft.) - meets the requirement
- Existing Greenhouse: 2.44 m (8.00 ft.) - meets the requirement

**48.9**     *Maximum total building area for all accessory buildings*

- Required: 120.00 sq. m (1,291.67 sq. ft.)
- Existing: 107.57 sq. m (1,157.87 sq. ft.) - meets the requirement



48.10 *Maximum number of accessory buildings*

- Required: Two (2)
- Existing: Four (4)
  - Development Authority has no variance discretion for the total number of accessory building. **Reason for Refusal.**

Additional Information:

*Planning Application History:*

- 1996-RV-95: The subject land was created through this subdivision application, and plan was registered on Plan 99102049.

*Development Permit History:*

- 2002-DP-10108: Development Permit for “dwelling and accessory building (garage), moved-in, and relaxation of the maximum building area (garage)” was issued on January 17, 2003.

*Building Permit History:*

- 2003-BP-16141: Building Permit for “single detached dwelling” was issued on January 20, 2003.
- 2003-BP-14143: Building Permit for “detached garage” was issued on January 20, 2003; however, it never received final inspection.

**STATUTORY PLANS:**

The subject land falls within the Bearspaw Area Structure Plans. However, the Plan does not provide guidelines for the nature of the application. Therefore; the application was evaluated in accordance with the Land Use Bylaw.

**INSPECTOR’S COMMENTS:**

- There are a dwelling and detached garage;
- Two wood sheds and greenhouse are behind the garage.

**CIRCULATIONS:**

Alberta Transportation

- The buildings are existing and from the information provided appear to meet required Alberta Transportation setbacks. Therefore, in this case a Roadside Development Application and subsequent permit is not required from the department.

Building Services, Rocky View County

- Any Accessory Buildings that remain and is over 10 m<sup>2</sup> will require an As Built Building Permits Applications.

Municipal Enforcement, Rocky View County

- No recommendations or concerns at this time.

Fire Services & Emergency Management, Rocky View County

- No comment.

**OPTIONS:**

Option #1 (this would approve the existing accessory buildings)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for the existing accessory buildings at Lot 2, Block 9, Plan 9912049, NW 19-25-02-W05M (78 Campbell Drive, Rocky View County AB) be upheld, that the decision of the Development Authority be revoked, and that a Development Permit be issued, subject to the following conditions:

**Description:**

- 1) That the existing accessory buildings may remain on the subject land, in general accordance with the approved site plan and conditions of this permit.
- 2) That the maximum total number of accessory buildings is relaxed from **Two (2) to Four (4)**.

**Permanent:**

- 3) That the accessory building (oversize barn) shall not be used for commercial purpose at any time, except for a Home-Based Business Type I.
- 4) That the accessory buildings shall not be used for residential occupancy purposes at any time.
- 5) That any plan, technical submission, agreement, or other matter submitted and approved as part of the Development Permit application, or submitted in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity.

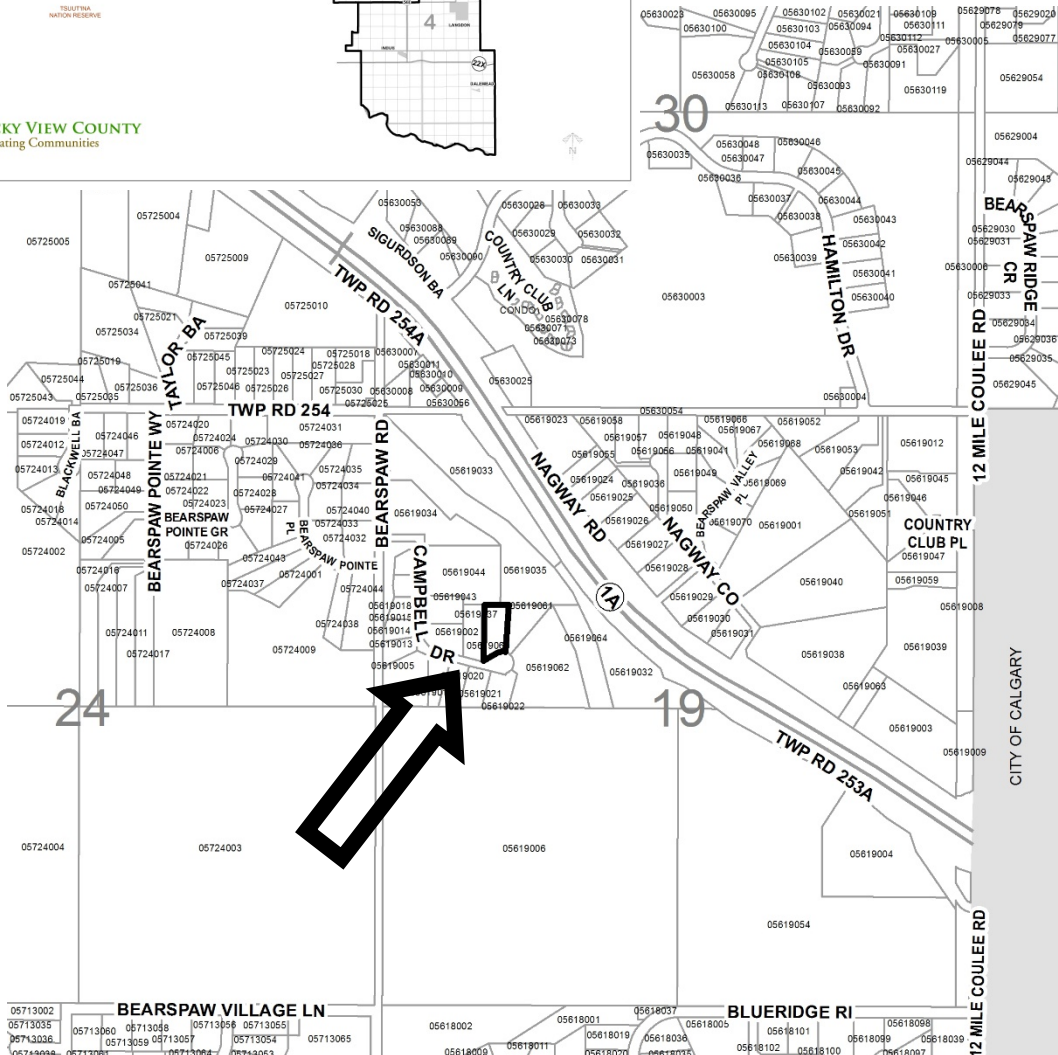
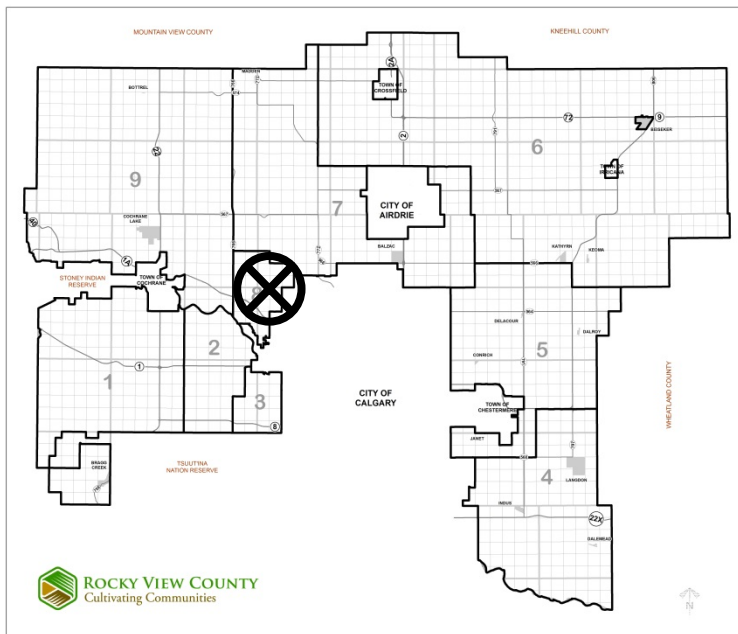
**Advisory:**

- 6) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.

Option #2 (this would not approve the accessory buildings)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for the existing accessory buildings at Lot 2, Block 9, Plan 9912049, NW 19-25-02-W05M (78 Campbell Drive, Rocky View County AB) be denied, and the decision of the Development Authority be upheld.





## LOCATION PLAN

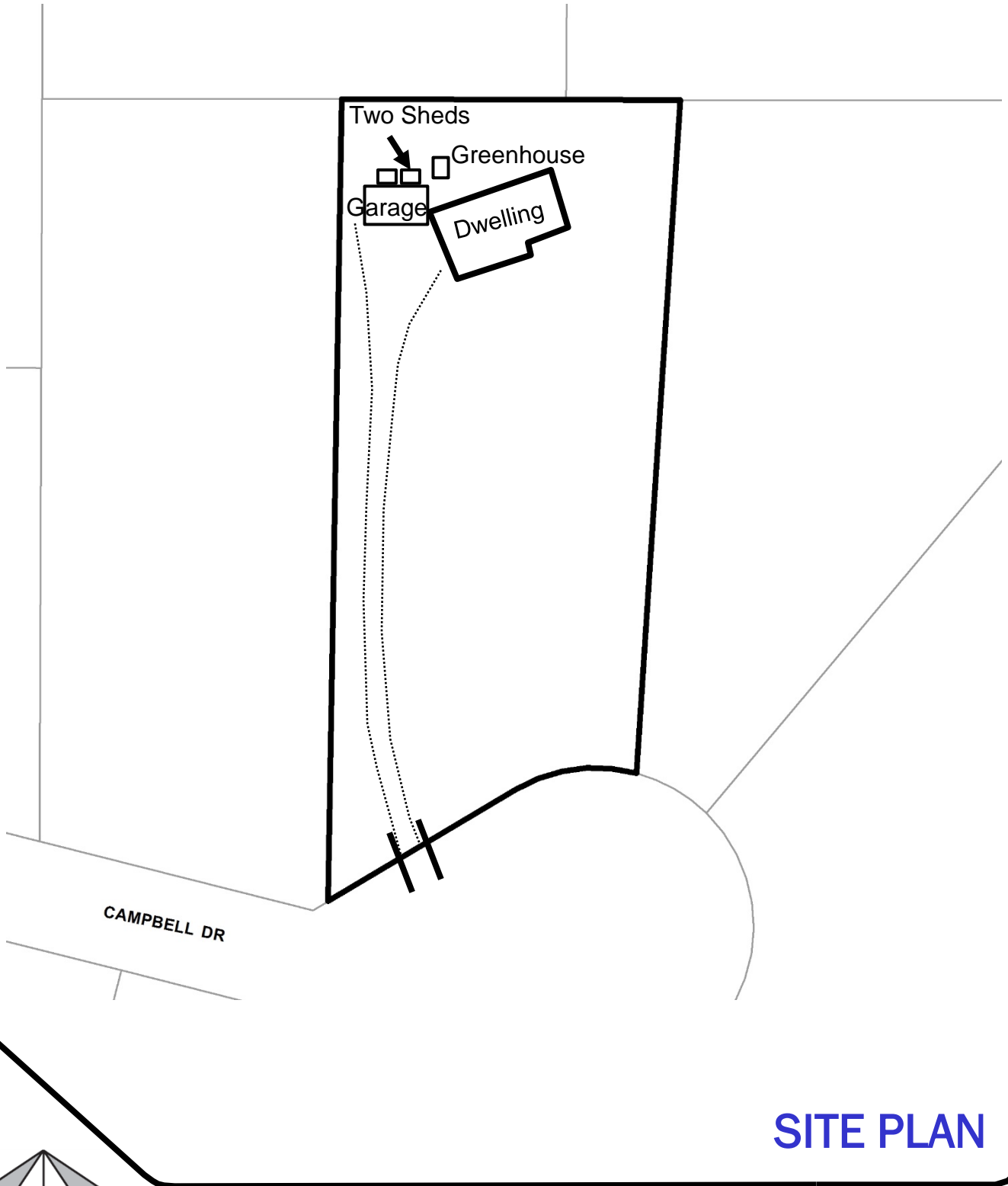


Lot 2, Block 9, Plan 9912049, NW-19-25-02-W05M

Date: 19-Mar-19

Division # 8

File: PRDP20190508 - 05619600



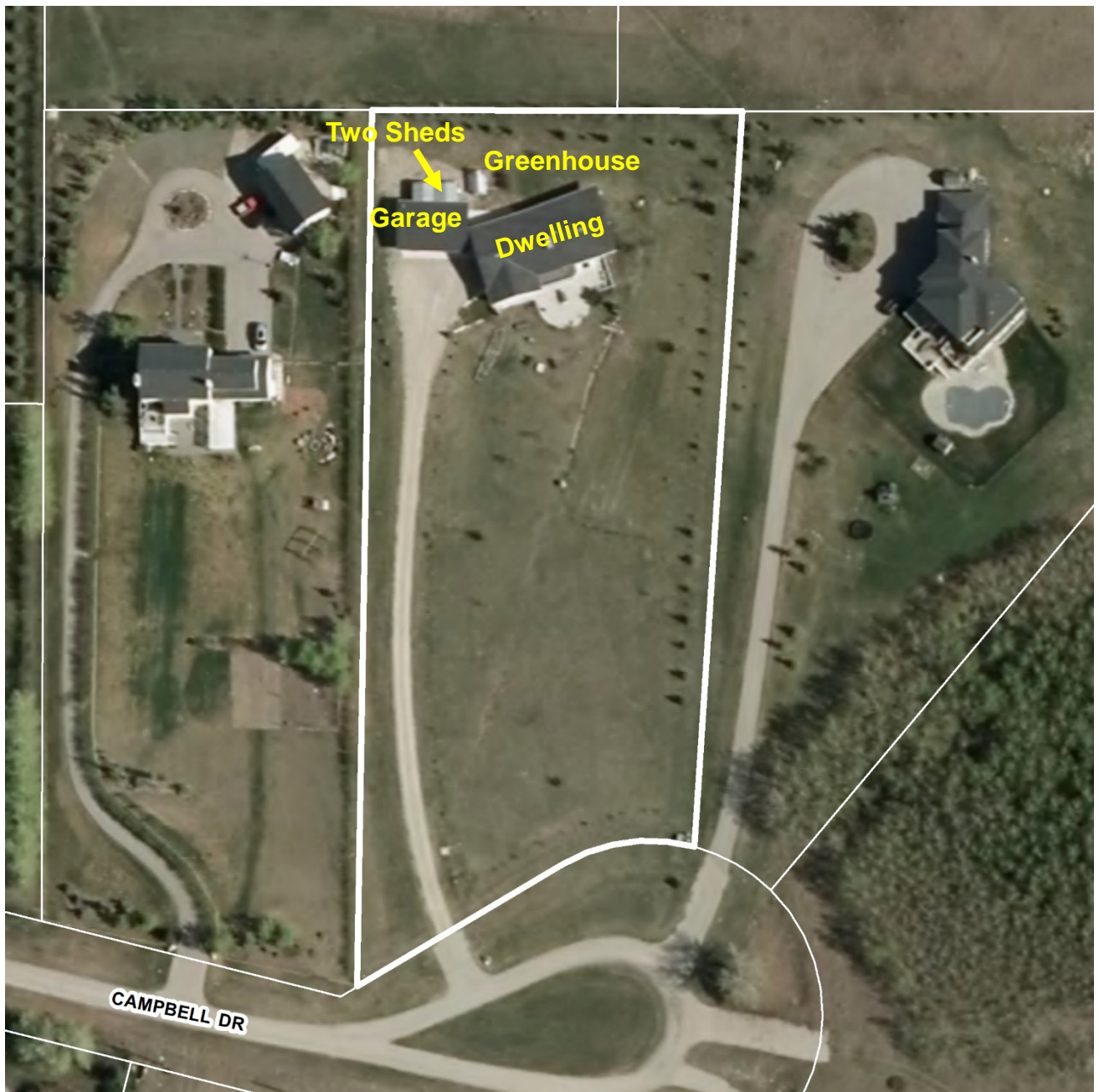
**SITE PLAN**

Lot 2, Block 9, Plan 9912049, NW-19-25-02-W05M

Date: 19-Mar-19

Division # 8

File: PRDP20190508 - 05615900



Note: Post processing of raw aerial  
photography may cause varying degrees  
of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*



Lot 2, Block 9, Plan 9912049, NW-19-25-02-W05M

Date: 19-Mar-19

Division # 8

File: PRDP20190508 - 0561500

**Agenda**  
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## Site Photos

(site inspection on March 14, 2019)

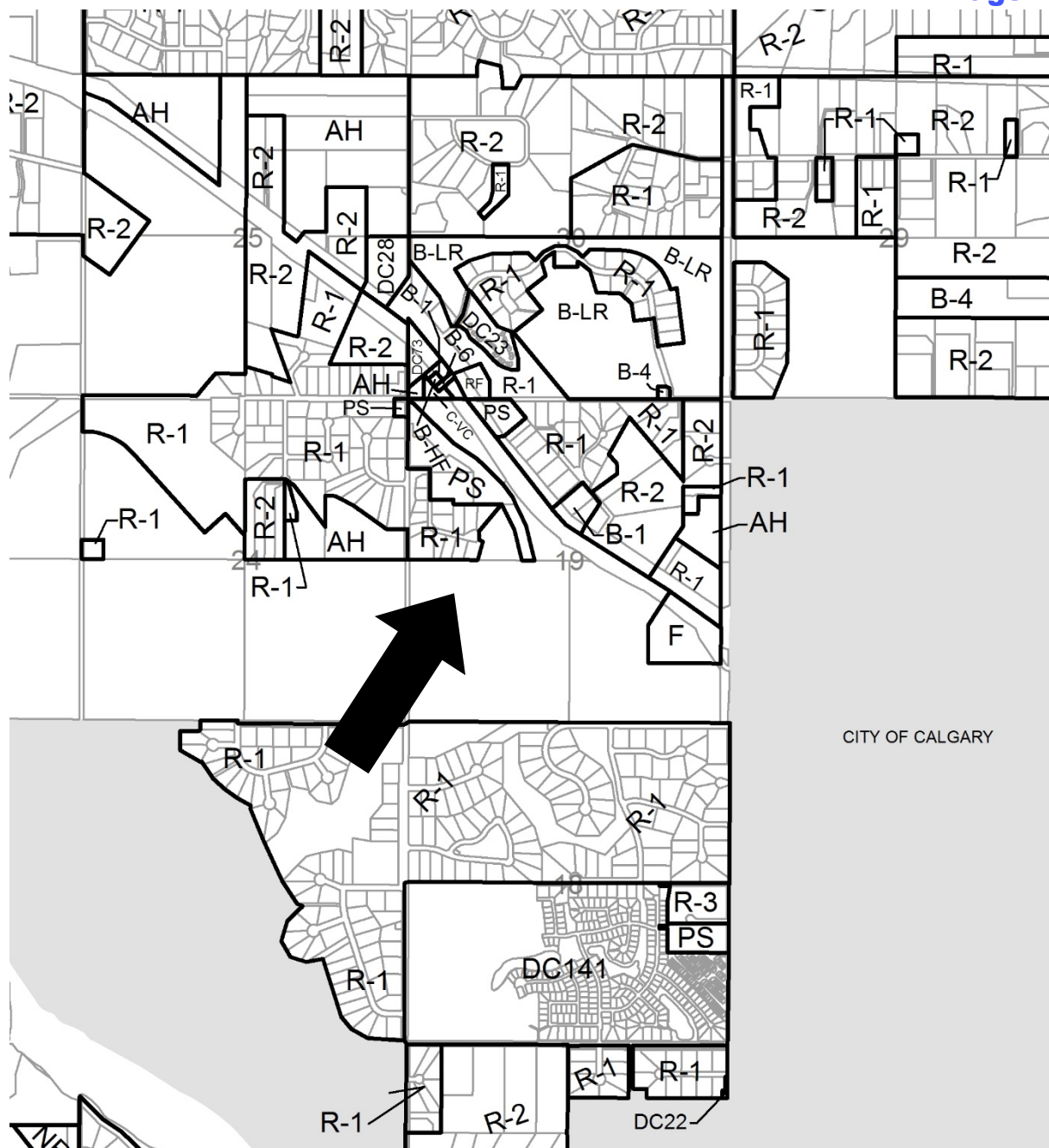


Lot 2, Block 9, Plan 9912049, NW-19-25-02-W05M

Date: 19-Mar-19

Division # 8

File: PRDP20190508 - 0561



Ranch and Farm	B-1 Highway Business
RF2 Ranch and Farm Two	B-2 General Business
RF3 Ranch and Farm Three	B-3 Limited Business
AH Agricultural Holding	B-4 Recreation Business
F Farmstead	B-5 Agricultural Business
R-1 Residential One	B-6 Local Business
R-2 Residential Two	NRI Natural Resource Industrial
R-3 Residential Three	HR-1 Hamlet Residential Single Family
DC Direct Control	HR-2 Hamlet Residential (2)
PS Public Service	HC Hamlet Commercial
	AP Airport

## LAND USE MAP

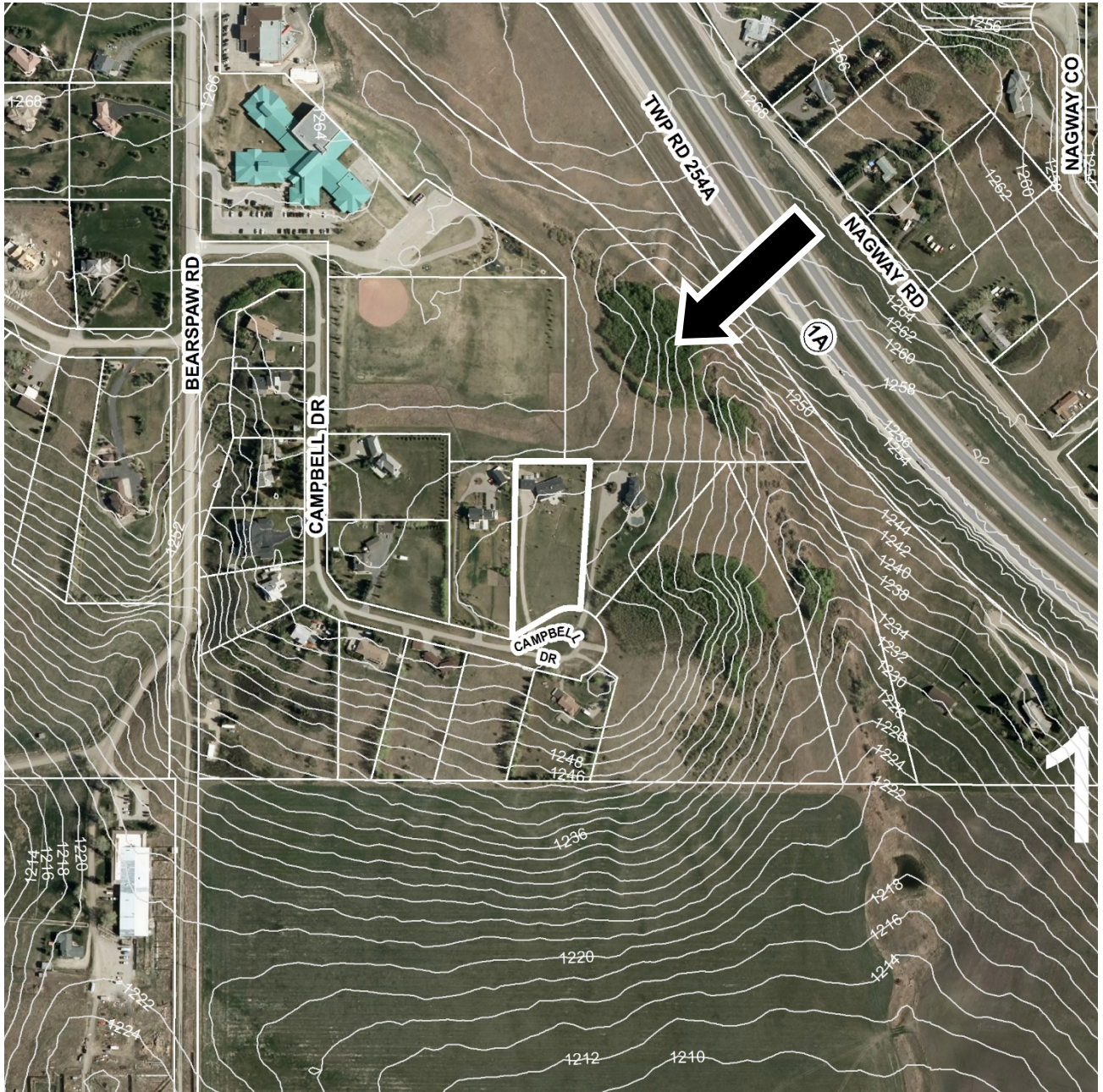
Lot 2, Block 9, Plan 9912049, NW-19-25-02-W05M

Date: 19-Mar-19

Division # 8

File: PRDP20190508 - 0561  
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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

**TOPOGRAPHY**  
Contour Interval 2 M



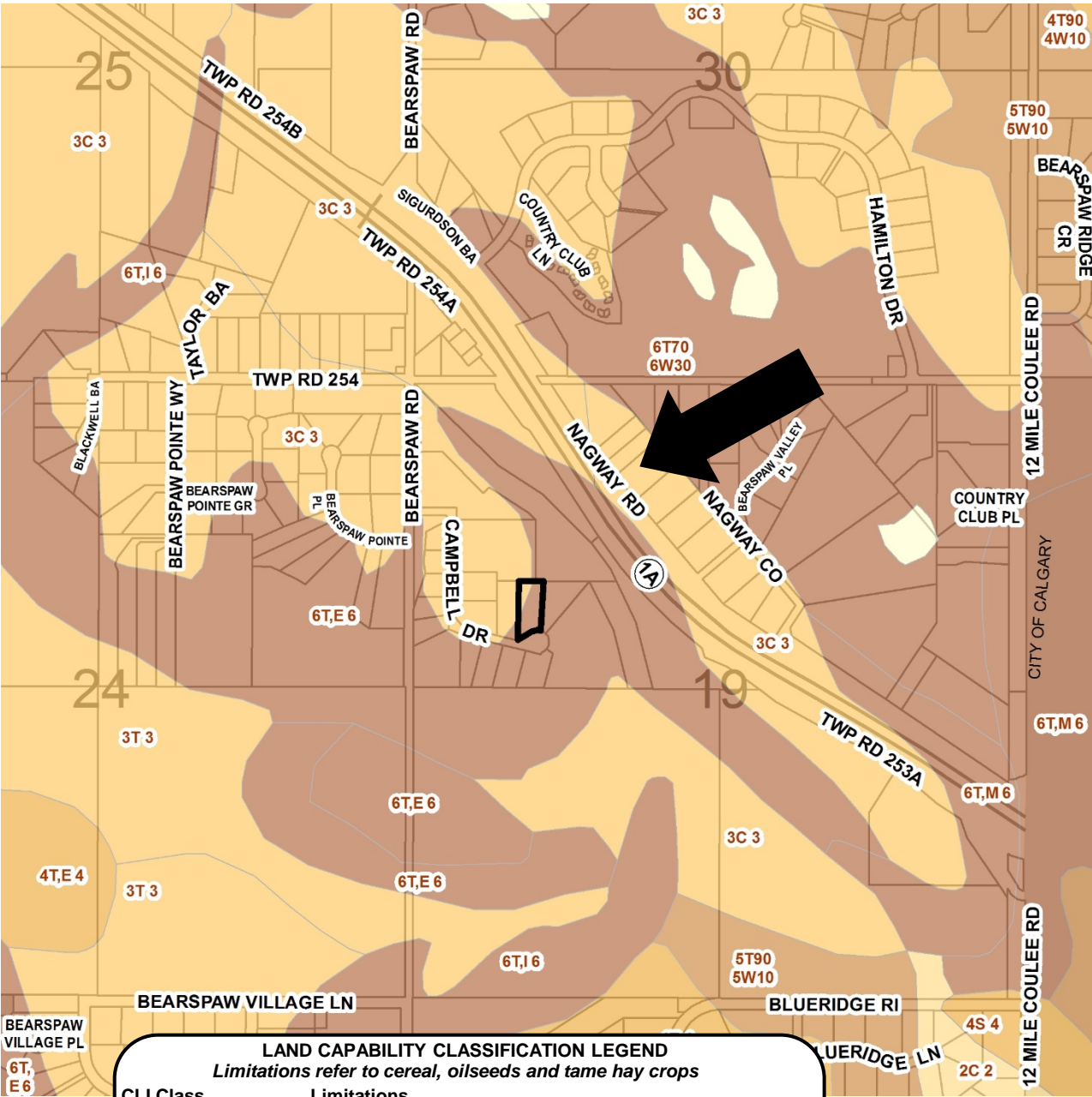
Lot 2, Block 9, Plan 9912049, NW-19-25-02-W05M

Date: 19-Mar-19

Division # 8

File: PRDP20190508 - 05613900  
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# SOIL MAP

Lot 2, Block 9, Plan 9912049, NW-19-25-02-W05M

Date: 19-Mar-19

Division # 8

File: PRDP20190508 - 0561

**Legend – Plan numbers**

- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

# HISTORIC SUBDIVISION MAP

Lot 2, Block 9, Plan 9912049, NW-19-25-02-W05M

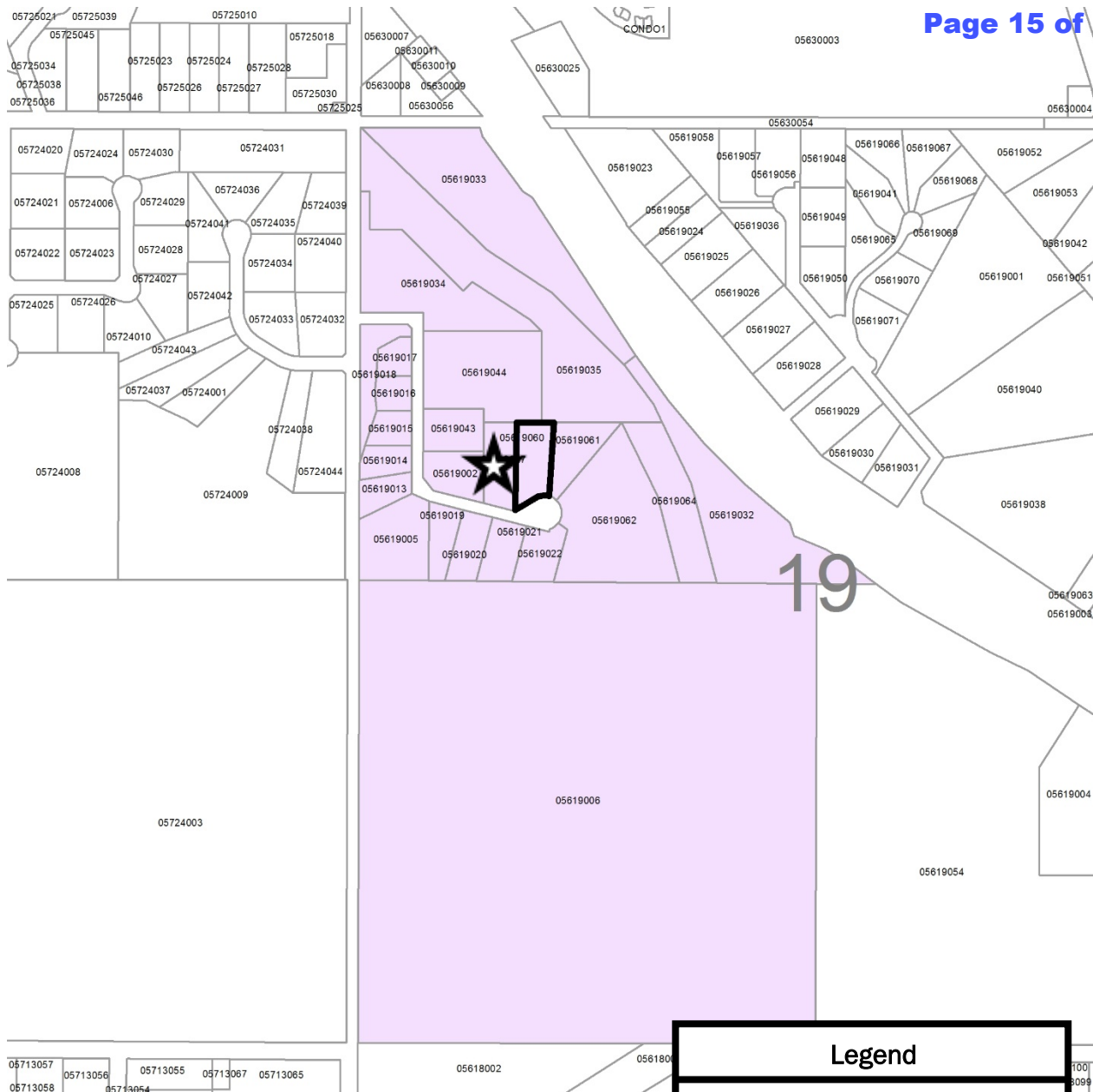
Date: 19-Mar-19



Division # 8

File: PRDP20190508 - 0561

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 Letters in Opposition  
 Letters in Support

**Legend**

Circulation Area

Subject Lands

## LANDOWNER CIRCULATION AREA



Lot 2, Block 9, Plan 9912049, NW-19-25-02-W05M

Date: 19-Mar-19

Division # 8

File: PRDP20190508 - 05619060



# LYNN WOODS LAW OFFICE

Professional Corporation\*  
P.O. Box 2335  
#101, 318 - 3rd Avenue  
Strathmore, AB  
T1P 1K3

Lynn A. Woods\*  
Barrister, Solicitor & Notary

Kimberly DesLandes  
Barrister, Solicitor & Notary

February 8, 2019

Rocky View County  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2

Attention: Sonya Hope

Dear Madam:

RE: Appeal of Refusal of Development Permit - Order #PRDP20190508  
Plan 9912049 Block 9 Lot 2 (78 Campbell Drive)

Further to the above matter, we advise that we are the solicitors for the Appellant, Betty Kost. Enclosed please find our client's Notice of Appeal along with our cheque in the amount of \$350.00 in payment of your fee.

Kindly advise our offices once the Appeal has been heard and a decision has been made.

We trust you will find the foregoing to be in order and we thank you for your assistance.

Yours truly,

LYNN WOODS LAW OFFICE

PER: *[Signature]*

LYNN A. WOODS  
LAW/kh

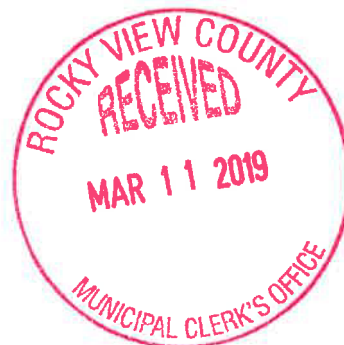
Attach





# **Notice of Appeal** Subdivision and Development Appeal Board Enforcement Appeal Committee

<b>Appellant Information</b>			
Name of Appellant(s) <u>Betty Kost</u>			
Mailing Address <u>c/o Box 2335</u>	Municipality <u>Strathmore</u>	Province <u>AB</u>	Postal Code <u>T1P 1K3</u>
Main Phone # [REDACTED]			
Municipal Address <u>78 Campbell Dr. Rocky View County</u>		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) <u>Plan 9912049 Block 9 Lot 2</u>	
Property Roll # <u>05619060</u>	Development Permit, Subdivision Application, or Enforcement Order # <u>PRDP20190508</u>		
<b>I am appealing:</b> (check one box only)			
<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order	
<b>Reasons for Appeal</b> (attach separate page if required)			
<u>Please see attached Schedule A.</u>			



This information is collected for the Subdivision and Development Appeal Board or Enforcement Appeal Committee of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions regarding the collection or use of this information, contact the Municipal Clerk at 403-230-1401.

Betty Kost.  
Appellant's Signature

Mar. 7/19  
Date

**SCHEDULE "A"**

1. This property has been sold and as the seller, I am required to provide the buyer with a Real Property Report with Rocky View County Certificate of Compliance.
2. Rocky View County did not grant Compliance because there are 4 accessory buildings on the property. As per Section 48 of the Land Use Bylaw, the maximum permitted number of accessory buildings is 2.
3. The accessory buildings include a detached garage, greenhouse and 2 sheds. The new owners of the property wish to keep all of the buildings, as they were all included in the Purchase Price.
4. The 2 wooden sheds are each 3.03m x 3.05m and 8ft high. They are used for storage of garden tools and miscellaneous items used to maintain the property. These sheds are both moveable. The sheds were constructed sometime between 2005-2010, and are in excellent condition.
5. The plastic greenhouse is 3.62m x 2.41m and 8ft high and is moveable. The greenhouse was constructed sometime between 2005-2010, and is in excellent condition.
6. The detached garage is 10.98m x 7.31m, and is in excellent condition. It was on the property when I purchased the property in 2004.
7. I have attached a copy of an email I received from one of my neighbors, advising that they have no issue with the number or location of the accessory buildings on the property. The contact information for my neighbor, Carrie Cline is included in the email if you wish to contact her.
8. I have attached a picture of the buildings which shows that the greenhouse and sheds are located behind the house and garage and are not visible from the main road.
9. Given the above, with reference to Section 687(3)(d)(i) of the *Municipal Government Act*, I believe that the proposed development would not:
  - A. unduly interfere with the amenities of the neighbourhood, or
  - B. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - C. The proposed development conforms with the use prescribed for that land or building in the land use bylaw.



**Kathy Hermanson**

---

**From:** Betty Kost [REDACTED]  
**Sent:** March 4, 2019 6:59 AM  
**To:** Kathy Hermanson  
**Subject:** Fwd: Outbuildings on 78 Campbell Drive

Hello Kathy my neighbor sent me this email to say that they are okay with the shed. Will this be okay to send to county

Betty Kost

----- Forwarded message -----

**From:** Carrie Cline [REDACTED]  
**Date:** Sun, Mar 3, 2019, 7:56 PM  
**Subject:** Outbuildings on 78 Campbell Drive  
**To:** Betty Kost [REDACTED]

Dear Ms.Woods,

This letter is to inform Rocky View County that, being adjacent to the above address, we have no issue with the additional outbuildings nor the location of these outbuildings (that being two sheds and one green house) on the property. If you have any questions please feel free to contact me.

Regards,  
Carrie Cline  
72 Campbell Drive  
[REDACTED]











# ROCKY VIEW COUNTY

262075 Rocky View Point  
Rocky View County, AB, T4A 0X2

403-230-1401  
questions@rockyview.ca  
www.rockyview.ca

## REFUSAL

Betty Kost  
Lynn Woods Law Office  
Box 2335  
Strathmore, AB T1P 1K3

**Development Permit #: PRDP20190508**

**Date of Issue: February 28, 2019**

**Roll #: 05619060**

**Your Application** dated February 6, 2019 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

**Accessory building, relaxation of total number of accessory building**

at Lot 2, Block 9, Plan 9912049, NW 19-25-02-W05M (78 Campbell Drive, Rocky View County AB)  
has been considered by the Development Authority and the decision in the matter is that your application be **REFUSED** for the following reasons:

- 1) The existing number of accessory buildings exceed the maximum requirement as defined in Section 48.10 of Land Use Bylaw C-4841-97.

**Permitted – Two (2); Existing – Four (4)**

**Matthew Wilson**  
Manager, Planning & Development Services

**NOTE:** An appeal from this decision may be made to the Subdivision and Development Appeal Board of Rocky View County. Notice of Appeal to the Subdivision and Development Appeal Board from this decision shall be filed with the requisite fee of \$350.00 with Rocky View County no later than 14 days following the date on which this Notice is dated.



ROCKY VIEW COUNTY  
Cultivating Communities

20190508

# APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$265	File Number 05619060
Date of Receipt Feb 19/19	Receipt #

Name of Applicant Betty Kost Email [REDACTED]  
Mailing Address c/o Box 2335  
Strathmore AB Postal Code T1P 1K3  
Telephone (B) [REDACTED] Fax [REDACTED]  
For Agents please supply Business/Agency/ Organization Name Lynn Woods Law Office

☒ Registered Owner (if not applicant) Andrew Minh Nguyen + Erin Madeline Nguyen  
Mailing Address 78 Campbell Drive  
Calgary, Alberta Postal Code T3L 2P5  
Telephone (B) [REDACTED] Fax [REDACTED]

## 1. LEGAL DESCRIPTION OF LAND

a) All / part of the \_\_\_\_\_ ¼ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ West of \_\_\_\_\_ Meridian  
b) Being all / parts of Lot 2 Block 9 Registered Plan Number 9912049  
c) Municipal Address 78 Campbell Drive  
d) Existing Land Use Designation R-1 Parcel Size 2.04 Division \_\_\_\_\_

## 2. APPLICATION FOR

Relax total # of Accessory Buildings to four (4)

## 3. ADDITIONAL INFORMATION

a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes \_\_\_\_\_ No ☒  
b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? Yes \_\_\_\_\_ No ☒  
(Sour Gas facility means well, pipeline or plant)  
c) Is there an abandoned oil or gas well or pipeline on the property? Yes \_\_\_\_\_ No ☒  
d) Does the site have direct access to a developed Municipal Road? Yes \_\_\_\_\_ No ☒

## 4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I WILLIAM S. PLETT hereby certify that \_\_\_\_\_ I am the registered owner  
(Full Name in Block Capitals)

☒ I am authorized to act on the owner's behalf

and that the information given on this form  
is full and complete and is, to the best of my knowledge, a true statement  
of the facts relating to this application.

Affix Corporate Seal  
here if owner is listed  
as a named or  
numbered company

Applicant's Signature Betty Kost  
Date Feb 1, 2019

Owner's Signature [Signature]  
Date January 25, 2019

5. RIGHT OF ENTRY

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.



Applicant's/Owner's Signature

*Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 911 – 32 Ave NE, Calgary, AB, T2E 6X6; Phone: 403-520-8199.*

I, Betty Kost, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.

  
Signature

Feb 1, 2019  
Date





ROCKY VIEW COUNTY  
Cultivating Communities

## APPLICATION FOR AN ACCESSORY BUILDING

FOR OFFICE USE ONLY	
Fee Submitted	File Number
Date Received	Receipt #

Name of Applicant Betty Kost Em [REDACTED]  
Mailing Address 16 Box 2335  
Strathmore, AB T1P 1K3 Postal Code T1P 1K3  
Telephone (B) [REDACTED] Fa [REDACTED]

### 1. DETAILS OF ACCESSORY BUILDING

	Bylaw	Proposed
Accessory building size maximum	804.01 sf	99.48 sf
Accessory building height	22.96'	
Number of existing accessory buildings on site	2	4
Total size of all accessory buildings	1291.67 sf	1158 sf

#### Description of Accessory Buildings:

- a) Building materials Wood
- b) Exterior colour \_\_\_\_\_
- c) Please include why relaxations for buildings are needed (location, storage needs, tidy property, etc.)  
Relax total number of Accessory Buildings to 4
- d) Date when building permits were issued for existing buildings N/A
- e) If no permits were issued - list age of buildings \_\_\_\_\_

### 2. DESCRIBE THE USE OF THE ACCESSORY BUILDING

Storage

### 3. ADDITIONAL REQUIREMENTS

The following items must be provided in addition to your application:

- ☐ Elevation drawing(s) / floor plan(s)  
☐ Site plan(s) showing all dimensions and setbacks

RPR Attached

Signature of Applicant Betty Kost Date: Feb. 1, 2019



ROCKY VIEW COUNTY  
Cultivating Communities

FOR OFFICE USE ONLY	
Fee Submitted	File Number
Date Received	Receipt #

## APPLICATION FOR AN ACCESSORY BUILDING

Name of Applicant Betty Kost Email [REDACTED]  
Mailing Address 16 Box 2335  
Strathmore, AB T1P 1K3 Postal Code T1P 1K3  
Telephone [REDACTED] Fax [REDACTED]

### 1. DETAILS OF ACCESSORY BUILDING

	Bylaw	Proposed
Accessory building size maximum	864.01 sf	93.91
Accessory building height	22.96'	
Number of existing accessory buildings on site	2	4
Total size of all accessory buildings	1291.67 sf	1158 sf

#### Description of Accessory Buildings:

- a) Building materials Metal/Plastic
- b) Exterior colour \_\_\_\_\_
- c) Please include why relaxations for buildings are needed (location, storage needs, tidy property, etc.)  
Relax total number of Accessory Buildings to 4
- d) Date when building permits were issued for existing buildings N/A
- e) If no permits were issued - list age of buildings \_\_\_\_\_

### 2. DESCRIBE THE USE OF THE ACCESSORY BUILDING

Storage Greenhouse

### 3. ADDITIONAL REQUIREMENTS

The following items must be provided in addition to your application:

- ☐ Elevation drawing(s) / floor plan(s)  
☐ Site plan(s) showing all dimensions and setbacks

RPR Attached

Signature of Applicant Betty Kost Date: Feb 1, 2019



ROCKY VIEW COUNTY  
Cultivating Communities

## APPLICATION FOR AN ACCESSORY BUILDING

FOR OFFICE USE ONLY	
Fee Submitted	File Number
Date Received	Receipt #

Name of Applicant Betty Kost Email [REDACTED]  
Mailing Address 16 Box 2335  
Strathmore AB T1P 1K3 Postal Code T1P 1K3  
Telephone (B [REDACTED] F [REDACTED]

### 1. DETAILS OF ACCESSORY BUILDING

	Bylaw	Proposed
Accessory building size maximum	864.01sf	79.48
Accessory building height	22.96'	
Number of existing accessory buildings on site	2	4
Total size of all accessory buildings	1291.67sf	1158sf

#### Description of Accessory Buildings:

- a) Building materials Wood
- b) Exterior colour \_\_\_\_\_
- c) Please include why relaxations for buildings are needed (location, storage needs, tidy property, etc.)  
Relax total number of Accessory Buildings to 4
- d) Date when building permits were issued for existing buildings N/A
- e) If no permits were issued - list age of buildings \_\_\_\_\_

### 2. DESCRIBE THE USE OF THE ACCESSORY BUILDING

Storage

### 3. ADDITIONAL REQUIREMENTS

The following items must be provided in addition to your application:

- ☐ Elevation drawing(s) / floor plan(s)  
☐ Site plan(s) showing all dimensions and setbacks

RPR Attached

Signature of Applicant Betty Kost Date: Feb. 1, 2019





ROCKY VIEW COUNTY  
Cultivating Communities

## APPLICATION FOR AN ACCESSORY BUILDING

FOR OFFICE USE ONLY	
Fee Submitted	File Number
Date Received	Receipt #

Name of Applicant Betty Kost Email [REDACTED]  
Mailing Address 46 Box 2335,  
Strathmore, AB T1P 1K3 Postal Code T1P 1K3  
Telephone (B) [REDACTED] Fax [REDACTED]

### 1. DETAILS OF ACCESSORY BUILDING

	Bylaw	Proposed
Accessory building size maximum	864.01 sf	865.13
Accessory building height	22.96'	
Number of existing accessory buildings on site	2	4
Total size of all accessory buildings	1291.67 sf	1158 sf

#### Description of Accessory Buildings:

- Building materials Wood
- Exterior colour \_\_\_\_\_
- Please include why relaxations for buildings are needed (location, storage needs, tidy property, etc.)  
Relax total number of Accessory Buildings to 4
- Date when building permits were issued for existing buildings  
Inspection Report dated Nov. 26/03 attached
- If no permits were issued - list age of buildings \_\_\_\_\_

### 2. DESCRIBE THE USE OF THE ACCESSORY BUILDING

Storage Garage

### 3. ADDITIONAL REQUIREMENTS

The following items must be provided in addition to your application:

- ☐ Elevation drawing(s) / floor plan(s)  
☐ Site plan(s) showing all dimensions and setbacks

RPR Attached

Signature of Applicant Betty Kost Date: Feb 1, 2019



December 6, 2018

W. Pang Surveys Inc.  
Attn: Emily Clelland  
610, 5940 Macleod Trail SW  
Calgary, AB T2H 2G4

Roll: 05619060

COPY

**RE: Certificate of Compliance Request: Lot 2, Block 9, Plan 9912049 (78 CAMPBELL DRIVE)**

On November 19, 2018, a Certificate of Compliance was requested for the above noted property.

During the compliance review it was determined that the accessory buildings are not in compliance with the Residential One District (R-1) regulations.

There are a total of four (4) accessory buildings on the property, including two (2) sheds, a greenhouse, and a detached garage. As per Section 48.10 of the Land Use Bylaw, the maximum permitted number of accessory buildings is two (2). In order to bring the property into compliance, two (2) of the accessory buildings will need to be removed or a development permit to relax the total number to four (4) would need to be obtained.

Further, the building permit for the detached garage (2003-BP-16143) never received a final inspection; therefore, a new building permit is required for the detached garage.

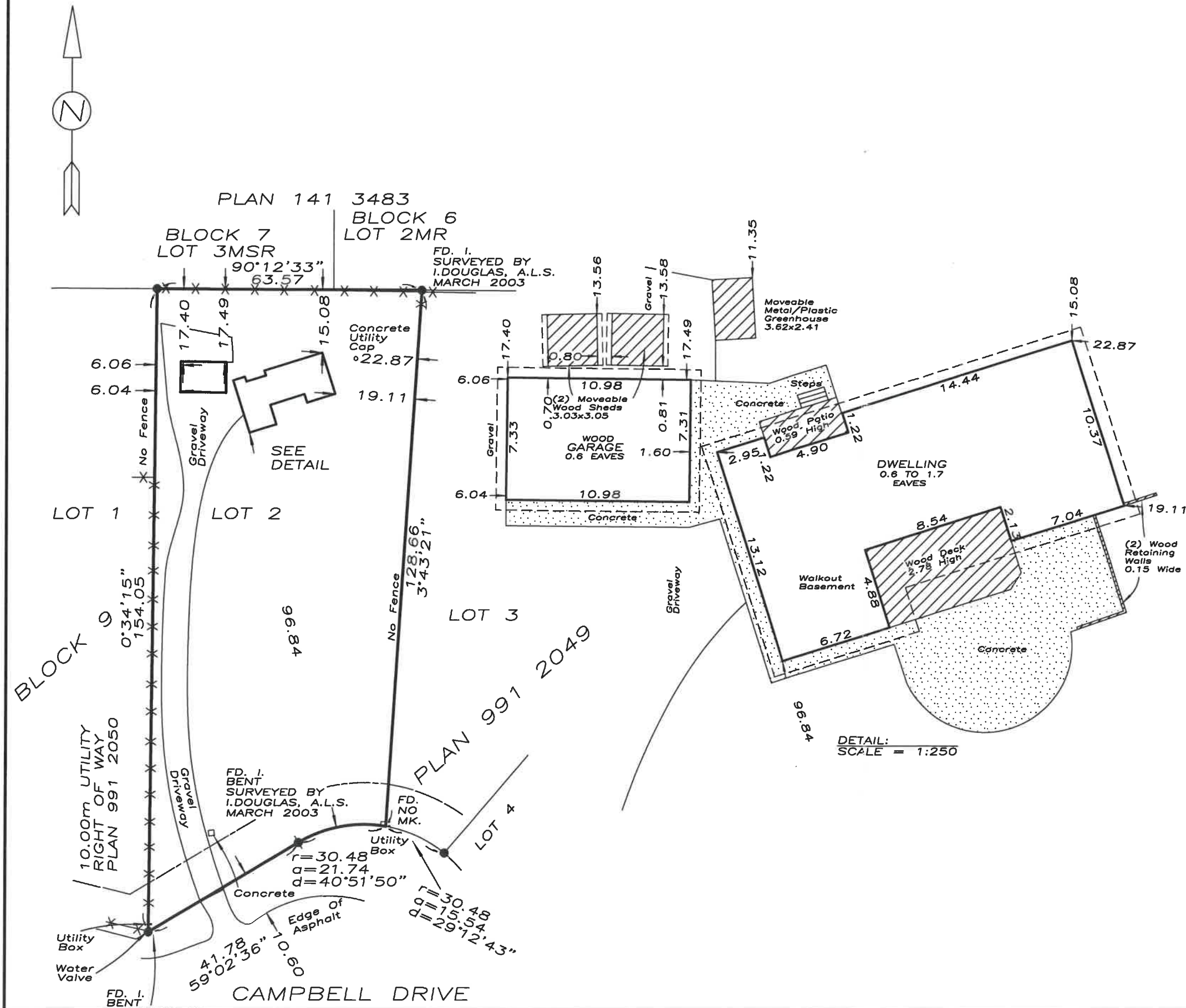
The applicant has requested that the Real Property Reports be returned unstamped. Once the property has been made compliant, the Real Property Reports can be resubmitted for review.

If you have any questions or require further information, please contact the undersigned.

Sincerely,

Sandra Khouri  
Development Assistant, Planning Services  
Phone: 403-520-3934  
Email: SKhouri@rockyview.ca

## ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

**LEGAL DESCRIPTION :**

**LOT** 2  
**BLOCK** 9  
**PLAN** 991 2049 (the "Property")  
**CLIENT :** KOST ( the "Client")

CIVIC ADDRESS :

78 CAMPBELL DRIVE  
ROCKY VIEW COUNTY, ALBERTA

Date of Title Search : OCTOBER 29 ,2018 ; Title No. 041 160 405

Date of Survey : NOVEMBER 5, 2018.

**CERTIFICATION :**

I hereby certify that this report and related survey, was prepared and performed under my personal supervision and in accordance with the Manual of Standard Practice of the Alberta Land Surveyors' Association and supplements thereto. Accordingly within those standards and as of the date of this report, I am of the opinion that:

1. the Plan illustrates the boundaries of the property, the improvements as defined in Part D, Section 8.5 of the Alberta Land Surveyors Association's Manual of Standard Practice, registered easements and right-of-way affecting the extent of the title to the property;
2. the improvements are entirely within the boundaries of the property;
3. no visible encroachments exist on the Property from any improvements situated on an adjoining property;
4. no visible encroachments exist on registered easements, or right-of-way affecting the extent of the property.
5. *PROPERTY IS SUBJECT TO:*  
981 083 830 - UTILITY RIGHT OF WAY  
991 191 499 - UTILITY RIGHT OF WAY PLAN 991 2050 AS SHOWN  
021 207 012 - RESTRICTIVE COVENANT

**LEGEND :**

All dimensions are in metres and decimals thereof.

Statutory Iron Post found shown thus : ●

Iron Bar found shown thus :

c.s. denotes counter sunk.      ~~//~~ denotes break line

Unless otherwise specified, the dimensions shown relate to distances from property boundaries to extent of the foundation walls only at the time of the survey.

Fences are within 1.0 metres of property line unless otherwise noted.

Fences shown thus :

Eaves are dimensioned to the fascia line and shown thus:

Subject property is outlined thus :

**PURPOSE :**

This Report has been prepared for the benefit of the Property owner, subsequent owners and any of their agents, for the purpose of (a land conveyance, support of a subdivision application, a mortgage application, a submittal to the municipality for a compliance certificate, etc.) Copying is permitted only for the benefit of these parties. Where applicable, registered easements, utility rights-of-way and other legal interests affecting the extent of the property have been shown on this report. Unless shown otherwise, property corner markers have not been placed during the survey for this report. This report should not be used to establish boundaries due to the risk of misinterpretation or measurement error by the user. The information shown on this Real Property Report reflects the status of this property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

Dated at Calgary, Alberta  
this 13 day of NOVEMBER 2018.



William Pang, A.L.S.  
(Copyright reserved)

This Report is not valid unless original signature (blue ink),  
and W. Pang Surveys Inc. Permit stamp (red ink).


*SCALE = 1:1000*



© COPYRIGHT W. PANG SURVEYS INC. 2018.

**W PANG SURVEYS INC.**  
610, 5940 Macleod Trail S.W.  
Calgary, AB T2H 2G4  
TEL: 242-8040  
FAX: 242-8017  
info@pangsurveys.com  
**FILE: 2018-2578**

**INC.**  
**S.W.**



Drawn by P.C.



## PLANNING & DEVELOPMENT

---

**TO:** Subdivision and Development Appeal Board

**DATE:** November 22, 2017      **DIVISION:** 02

**FILE:** 04727035      **APPLICATION:** B-3; PRDP20190054

**SUBJECT:** Accessory Buildings

---

<b>PROPOSAL:</b> Construction of an accessory building (oversize shop), relaxation of the maximum building area, relaxation of the total building area for all accessory buildings and relaxation of the maximum height requirement	<b>GENERAL LOCATION:</b> Located approximately 0.41 km (1/4 mile) east of Rge. Rd. 33 and on the north side of Huggard Rd., approximately 5.00 miles west of the city of Calgary.
<b>APPLICATION DATE:</b> January 07, 2019	<b>DEVELOPMENT AUTHORITY DECISION:</b> Discretionary – Refused
<b>APPEAL DATE:</b> March 4, 2019	<b>DEVELOPMENT AUTHORITY DECISION DATE:</b> March 1, 2019
<b>APPELLANT:</b> Barry Johnson	<b>APPLICANT:</b> Barry Johnson
<b>LEGAL DESCRIPTION:</b> Lot 5, Plan 7710490, NW-1/4-27-24-03-W05M	<b>MUNICIPAL ADDRESS:</b> 218 HUGGARD ROAD
<b>LAND USE DESIGNATION:</b> Residential Two District (R-2)	<b>GROSS AREA:</b> ± 1.62 hectares (± 4.00 acres)
<b>PERMITTED USE:</b> An accessory building is a permitted use in the Residential Two District when in accordance with Section 50 of the Land Use Bylaw.	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> The Development Authority has the ability to grant a variance to maximum building area only in districts where this is no maximum total building area for all accessory buildings. The Development Authority has no authority to vary the maximum total building area for all accessory buildings. The Development Authority has the ability to grant a variance provided it does not exceed 25.00% of the maximum height.
<b>PUBLIC SUBMISSIONS:</b>  The application was circulated to 24 adjacent landowners. At the time this report was prepared; two (2) letters were received in support or objection to the application.	<b>LAND USE POLICIES AND STATUTORY PLANS:</b> <ul style="list-style-type: none"> <li>•County Plan</li> <li>•Land Use Bylaw</li> <li>•Central Springbank Area Structure Plan</li> </ul>

## EXECUTIVE SUMMARY:

On January 07, 2019 the Appellant submitted an application for a Development Permit to relaxation of the maximum building area, relaxation of the total building area for all accessory buildings and relaxation of the maximum height requirement, to allow for construction of an accessory building on the subject land.

An accessory building is a discretionary use in the Residential Two District (R-2) with an area between 150.00 sq. m (1,614.59 sq. ft.) and 225.00 sq. m. (2,421.87 sq. ft.). The proposed accessory building (oversize shop) is 245.26 sq. m (2,640.00 sq. ft.) in area, which exceeds the authority of the Development Authority to approve in accordance with Section 12 of the Land Use Bylaw, therefore the application was refused.

The Land Use Bylaw maximum combined area of all accessory buildings is 2,421.88 sq. ft. (225.00 m). The proposed accessory building is 245.26 sq. m (2,640.00 sq. ft.), which exceeds the maximum total building area as per Section 50.9 of the Land Use Bylaw. The Development Authority has no discretion to relax the maximum total building area; therefore, the application is refused. The Land Use Bylaw maximum height requirement is 7.00 m (22.96 ft.). The height of the proposed accessory buildings is 8.32 m (27.30 ft.), which exceeds the Land Use Bylaw requirement by 19%. The Development Authority has discretion to vary this requirement by 25%.

The Development Authority reviewed the variances both individually and cumulatively. It was determined that while the height variance is within the authority of the Development Authority, when reviewed in conjunction with the other two variances it was not supported and is a listed reason for refusal.

	Permitted	Proposed	Requested Variance	Development Authority Discretion
Maximum building area	150.00 sq. m (1,614.59 sq. ft.)	245.26 sq. m (2,640.00 sq. ft.)	63.50%	N/A
Maximum total building area for all accessory buildings	225.00 sq. m (2,421.88 sq. ft.)	245.26 sq. m (2,640.00 sq. ft.)	9%	N/A
Maximum height	7.00 m (22.96 ft.)	8.32 m (27.30 ft.)	19%	25%

The proposal complies with all other requirements of the Land Use Bylaw, including setbacks and number of accessory buildings.

On Monday, March 4, 2019, the Appellant appealed the decision of the Development Authority. Reasons for the appeal are included in the agenda package.

## PROPERTY HISTORY:

<b>1979</b>	A dwelling was constructed with attached garage.
<b>March 31, 1977</b>	Plan 7710490 was registered creating seven (7) new lots including the subject ± 1.62 hectares (± 4.00 acres) parcel.



**APPEAL:**

See attached report and exhibits.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Matthew Wilson", written over a horizontal line.

Matthew Wilson  
Manager, Planning & Development Services

JA/ltt



## DEVELOPMENT PERMIT REPORT

<b>Application Date:</b> January 07, 2019	<b>File:</b> 04727035
<b>Application:</b> PRDP20190054	<b>Applicant/Owner:</b> Barry Johnson
<b>Legal Description:</b> Lot 5, Plan 7710490, NW-27-24-03-05	<b>General Location:</b> Located approximately 0.41 km (1/4 mile) east of Rge. Rd. 33 and on the north side of Huggard Rd.
<b>Land Use Designation:</b> Residential Two District	<b>Gross Area:</b> 4.00 acres
<b>File Manager:</b> Jessica Anderson	<b>Division:</b> 02

### PROPOSAL:

This proposal is for the construction of an accessory building (oversize shop), relaxation of the maximum building area, relaxation of the total building area for all accessory buildings and relaxation of the maximum height requirement.

- The subject parcel is located approximately 0.41 km (1/4 mile) east of Rge. Rd. 33 and on the north side of Huggard Road. It is surrounded by primarily residential parcels in the immediate vicinity, with a large agricultural parcel to the north.
- The subject land is included in the Residential Two District (R-2). An accessory building with less than 150.00 sq. m (1,614.59 sq. ft.) in building area is a permitted use in this District. An accessory building with an area between 150.00 sq. m (1,614.59 sq. ft.) and 225.00 sq. m. (2,421.87 sq. ft.) is a discretionary use in this District.
- The proposed accessory building (oversize shop) is 245.26 sq. m (2,640.00 sq. ft.) in area, which exceeds the authority of the Development Authority to approve in accordance with Section 12 of the Land Use Bylaw, therefore the application is refused.

### Land Use Bylaw Requirements (C-4841-97)

- The Land Use Bylaw minimum requirement for the front yard from any internal road is 15.00 m (49.21 ft.). The proposed accessory building (oversize shop) is 96.01 m (315.00 ft.) from the internal road, which complies with the Land Use Bylaw requirement.
- The Land Use Bylaw minimum requirement for the side yard is 3.00 m (9.84 ft.) from all other. The proposed accessory building (oversize shop) is approximately 28.40 m (93.17 ft.) from the west, and approximately 40.89 m (134.16 ft.) from the east boundary, which complies with the Land Use Bylaw requirement.
- The Land Use Bylaw minimum requirement for rear yard setback is 7.00 m (22.96 ft.) from all other. The proposed accessory building (oversize shop) is 79.55 m (261.00 ft.) from the north boundary, which complies with the Land Use Bylaw requirement.
- The Land Use Bylaw maximum number of accessory buildings is three. There are no existing accessory buildings on the lands so with one new building complies with the Land Use Bylaw requirement.
- The Land Use Bylaw maximum combined area of all accessory buildings is 2,421.88 sq. ft. (225.00 m). There is one proposed accessory building (oversize shop) so the total building area is 245.26 sq. m (2,640.00 sq. ft.) in area, which exceeds the Land Use Bylaw requirement. The Development Authority has no discretion to vary this requirement therefore the application is refused. The requested variance is approximately 9%.

- The Land Use Bylaw maximum height requirement is 7.00 m (22.96 ft.). The height of the proposed accessory buildings is 8.32 m (27.30 ft.), which exceeds the Land Use Bylaw requirement. The Development Authority has discretion to vary this requirement by 25%. The requested variance is approximately 19%; however, because there are other reasons for refusal the height is refused as well.
- The accessory building (oversize shop) is proposed in a location approximately 75.00 m from the nearest dwelling and is unlikely to be within the principal viewing aspect of the house. Additionally, the building is proposed to be a pole structure with metal roof and siding in a brown color. There is screening in the form of vegetation on the subject and adjacent lands to provide screening from the proposed building. The size of the building is consistent with other accessory buildings in the area, and it is proportional to the size of the existing dwellings. Therefore, there are no concerns.

#### **STATUTORY PLANS:**

The Central Springbank Area Structure Plan affects the subject lands, but provides no guidance on the nature of this application; therefore, the proposal was assessed in accordance with the Land Use Bylaw.

#### **INSPECTOR'S COMMENTS:**

- No inspections completed at time report was prepared.

#### **CIRCULATIONS:**

##### Building Services Review (January 30, 2019)

- The application for the above DP to construct an oversized accessory building exceeding the maximum building area and relaxation of the maximum height requirement is good to proceed in respect to Building Safety Codes Services.
- A building permit will be required prior to any work to be done. Mechanical, electrical, plumbing, gas and sewer permit applications [if applicable] will be required once the DP has been approved.

##### Enforcement Services Review (February 05, 2019)

- Enforcement has the following recommendation
  - Recommend that all construction debris and garbage be contained at all times during construction.

#### **OPTIONS:**

APPROVAL, subject to the following conditions:

##### Option #1 (this would grant the requested relaxations)

The appeal against the decision of the Development Authority to refuse to issue a Development Permit for an accessory building (oversized shop), relaxation of the maximum building area, relaxation of the total building area for all accessory buildings and relaxation of the maximum height requirement on Lot 5, Plan 7710490, NW-1/4-27-24-03-W05M (218 HUGGARD ROAD) be upheld, that the decision of the Development Authority be revoked, and that a Development Permit be issued, subject to the following conditions:

**Description:**

- 1) That an accessory building (oversize shop), may be constructed on the subject lands in accordance with the site plan, elevation drawings and floor plans as submitted with the application and conditions #2 to #4.
- 2) That the maximum building area, in accordance with the approved site plan, elevation drawings and floor plans as submitted with the application, is relaxed from **225.00 sq. m (2,421.88 sq. ft.) to 245.26 sq. m (2,640.00 sq. ft.)**.
- 3) That the maximum total building area for all accessory buildings, in accordance with the approved site plan, elevation drawings and floor plans as submitted with the application, is relaxed from **225.00 sq. m (2,421.88 sq. ft.) to 245.26 sq. m (2,640.00 sq. ft.)**.
- 4) That the maximum height requirement for the accessory building (oversize shop), in accordance with the approved site plan, elevation drawings and floor plans as submitted with the application, is relaxed from **7.00 m (22.96 ft.) to 8.32 m (27.30 ft.)**.

**Permanent:**

- 5) That the proposed accessory building (oversize shop) shall not be used for commercial purposes at any time, except for a Home-Based Business, Type I or an approved Home-Based Business, Type II.
- 6) That the proposed accessory building (oversize shop) shall not be used for residential occupancy purposes at any time.

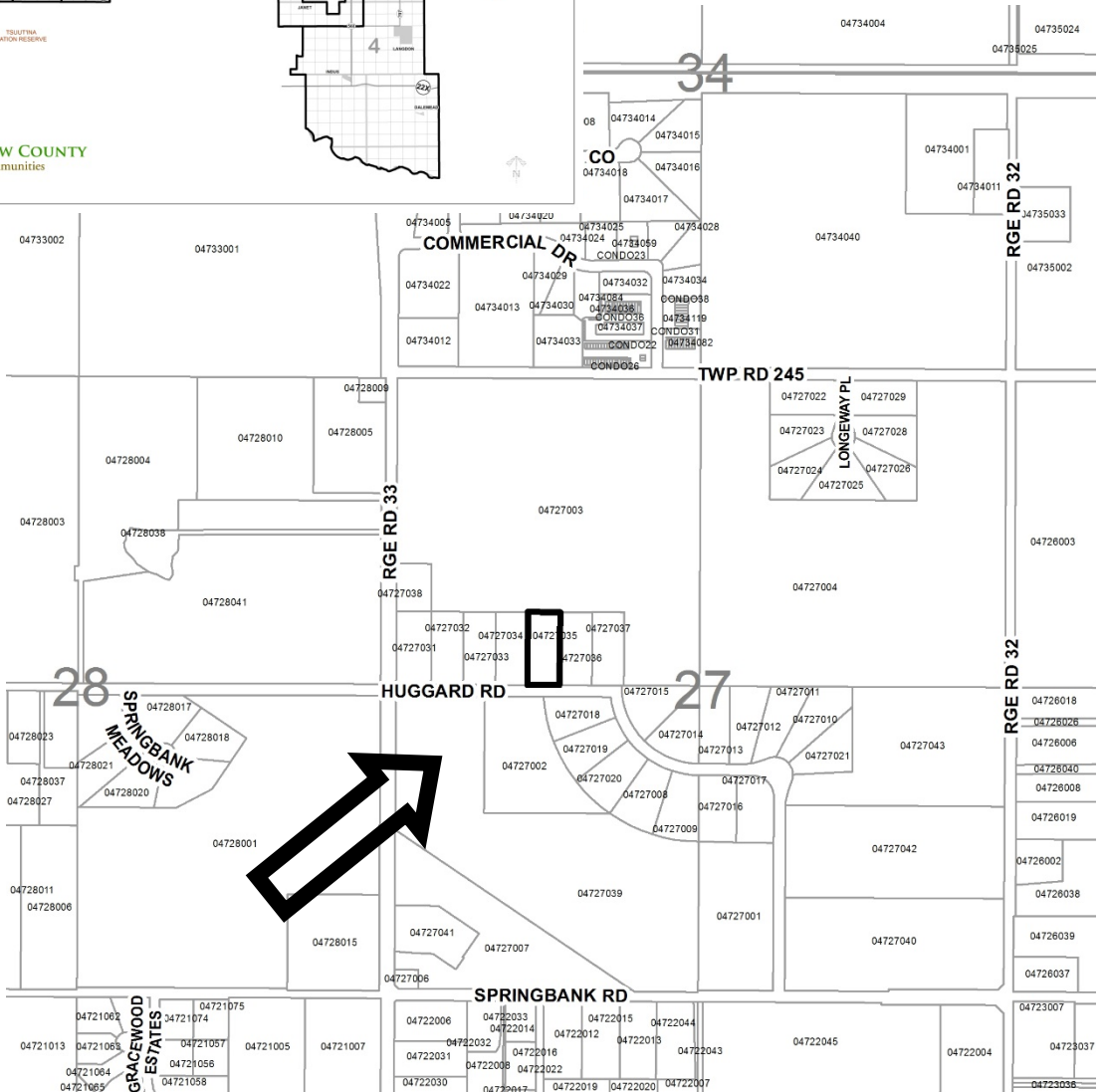
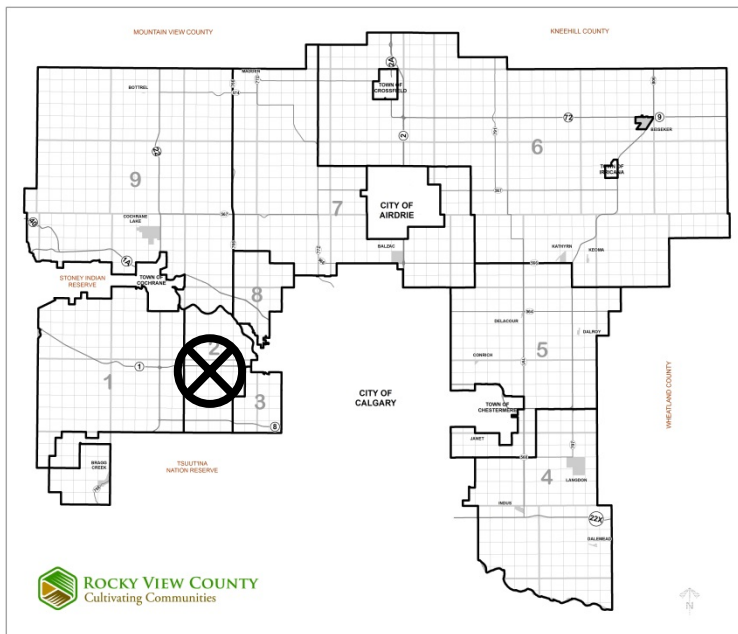
**Advisory:**

- 7) That during construction of the accessory building, all construction and building materials shall be maintained on site, in a neat and orderly manner. Any debris or garbage shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- 8) That a Building Permit and sub-trade permits shall be obtained through Building Services, prior to any construction taking place.
- 9) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant.
- 10) That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Authority.

**Option #2** (this would not grant the requested relaxations)

The appeal against the decision of the Development Authority to refuse to issue a Development Permit for an accessory building (oversized shop), relaxation of the maximum building area, relaxation of the total building area for all accessory buildings and relaxation of the maximum height requirement on Lot 5, Plan 7710490, NW-1/4-27-24-03-W05M (218 HUGGARD ROAD) be denied, that the decision of the Development Authority be confirmed.





## LOCATION PLAN

**NW-27-24-03-W05M**  
**Lot:5 Plan:7710490**

Date: March 12, 2019

Division # 2

File: 04727035

**Agenda**  
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SITE PLAN



NW-27-24-03-W05M  
Lot:5 Plan:7710490

Date: March 12,2019

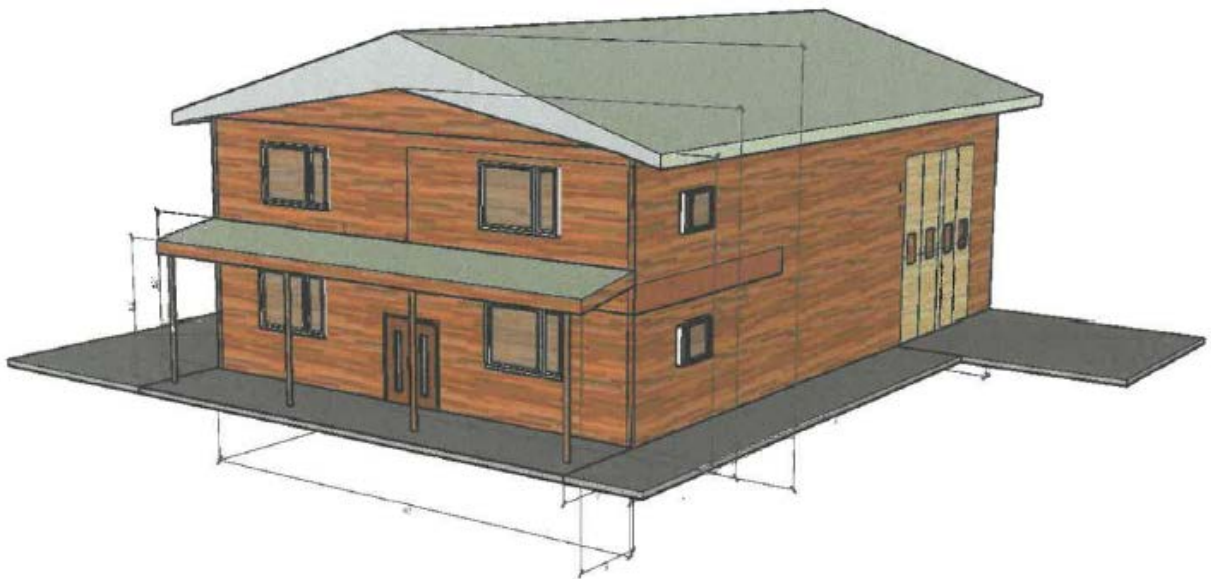
Division # 2

File: 04727035

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218 Huggard Road

Front Perspective



ELEVATIONS



NW-27-24-03-W05M  
Lot:5 Plan:7710490

Date: March 12,2019

Division # 2

File: 04727035

Agenda  
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Note: Post processing of raw aerial  
photography may cause varying degrees  
of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*



**NW-27-24-03-W05M**

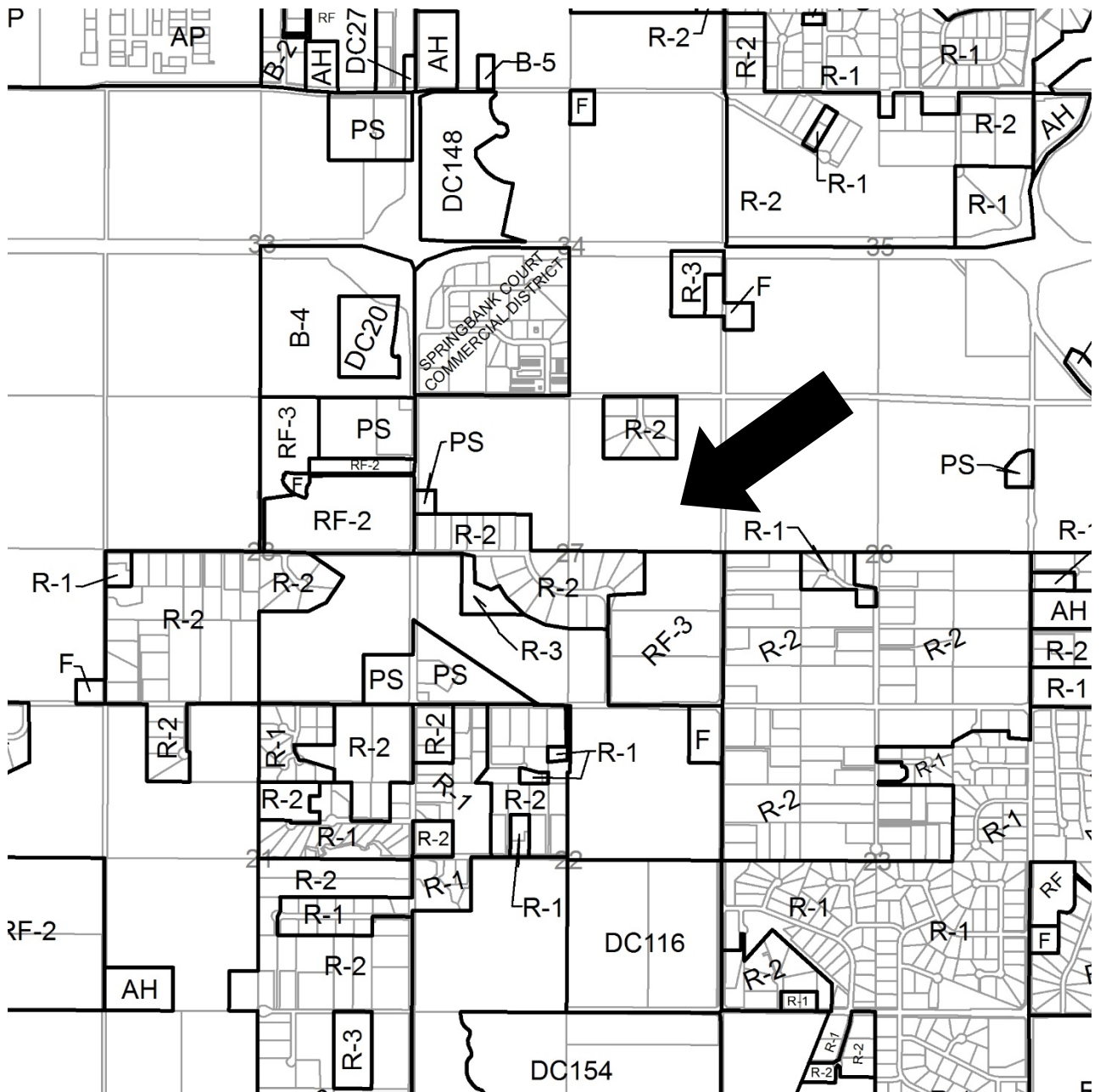
**Lot:5 Plan:7710490**

Date: March 12,2019

Division # 2

File: 04727035

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- |                          |                                       |
|--------------------------|---------------------------------------|
| RF2 Ranch and Farm Two   | B-1 Highway Business                  |
| RF3 Ranch and Farm Three | B-2 General Business                  |
| AH Agricultural Holding  | B-3 Limited Business                  |
| F Farmstead              | B-4 Recreation Business               |
| R-1 Residential One      | B-5 Agricultural Business             |
| R-2 Residential Two      | B-6 Local Business                    |
| R-3 Residential Three    | NRI Natural Resource Industrial       |
| DC Direct Control        | HR-1 Hamlet Residential Single Family |
| PS Public Service        | HR-2 Hamlet Residential (2)           |
|                          | HC Hamlet Commercial                  |
|                          | AP Airport                            |

## LAND USE MAP

**NW-27-24-03-W05M**  
**Lot:5 Plan:7710490**

Date: March 12,2019

Division # 2

File: 04727035

**Agenda**  
**Page 178 of 277**







Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

**TOPOGRAPHY**  
Contour Interval 2 M



**NW-27-24-03-W05M**  
**Lot:5 Plan:7710490**

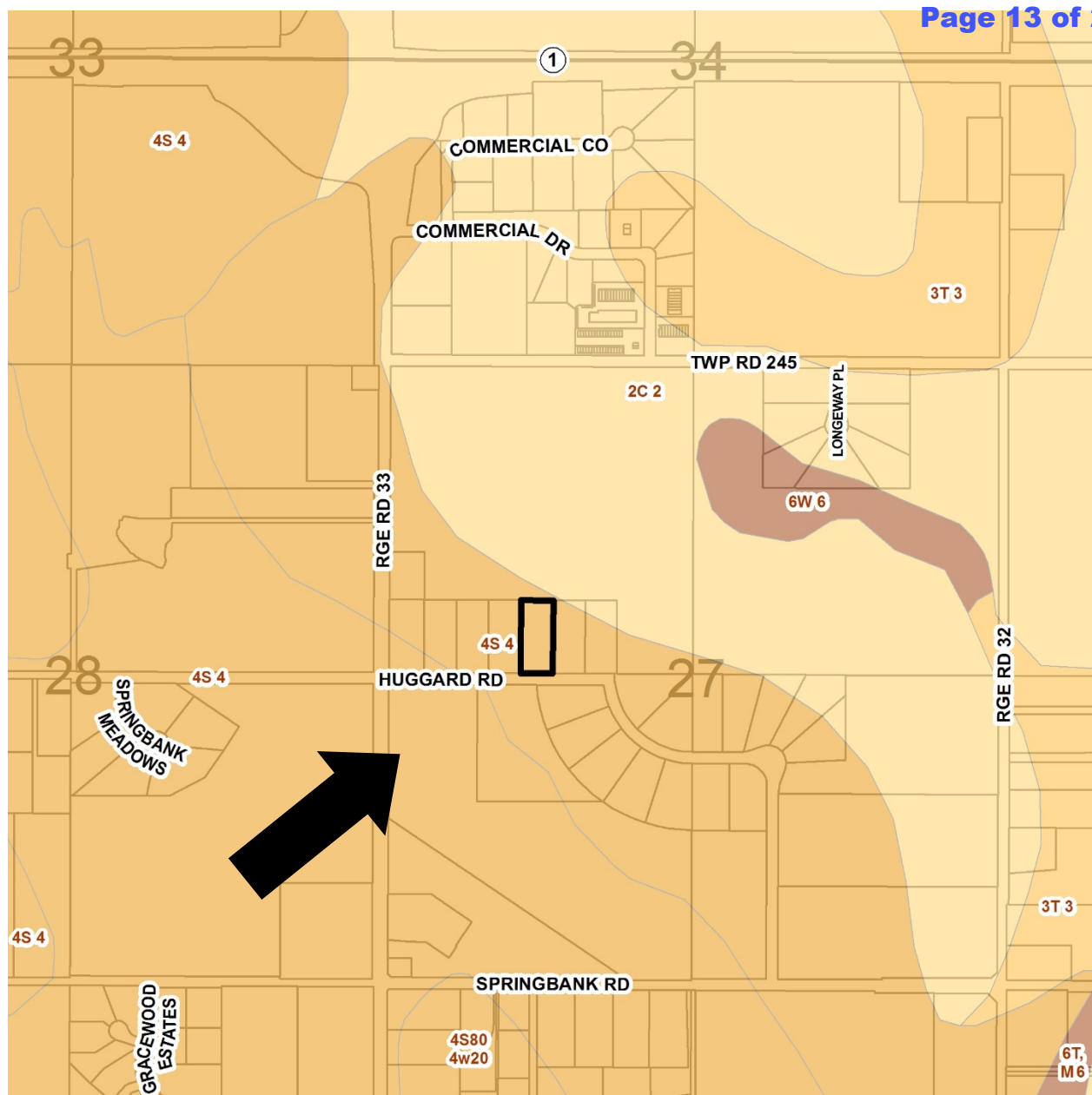
Date: March 12,2019

Division # 2

File: 04727035

**Agenda**  
**Page 179 of 277**





### LAND CAPABILITY CLASSIFICATION LEGEND

*Limitations refer to cereal, oilseeds and tame hay crops*

#### CLI Class

- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

#### Limitations

- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile development
- M - low moisture holding, adverse texture
- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high sodicity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable

## SOIL MAP

### NW-27-24-03-W05M

### Lot:5 Plan:7710490

Date: March 12, 2019

Division # 2

File: 04727035

**Agenda**

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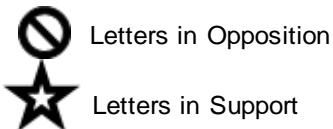


- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

**NW-27-24-03-W05M**  
**Lot:5 Plan:7710490**

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## Notice of Appeal

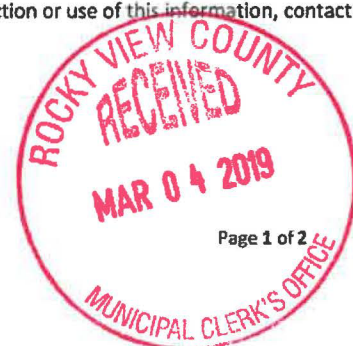
**Subdivision and Development Appeal Board**  
**Enforcement Appeal Committee**

<b>Appellant Information</b>			
Name of Appellant(s) <b>Barry Johnson</b>			
Mailing Address [REDACTED]		Municipality [REDACTED]	Province [REDACTED]
Postal Code [REDACTED]			
Main Phone # [REDACTED]	Alternate Phone # [REDACTED]	Email Address [REDACTED]	
<b>Site Information</b>			
Municipal Address <b>218 Huggard Road</b>		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) <b>Lot 5 Block Plan 7710490, NW-27-24-03-05; (218 HUGGARD ROAD)</b>	
Property Roll # <b>04727035</b>		Development Permit, Subdivision Application, or Enforcement Order # <b>PRDP20190054</b>	
<b>I am appealing: (check one box only)</b>			
<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order	
<b>Reasons for Appeal (attach separate page if required)</b>			
<p>The application is to build a 40'x60' hobby woodworking shop is for personal use.</p> <p>There is to be an interior mezzanine in the front of the building. The pitch of the roof to keep height minimized will be 4/12. For woodworking 10 feet of clearance is preferable for handling of sheet goods for safety. There will be 2 feet allowed for the mezzanine floor thickness. Allowing 8 feet of clearance above the mezzanine floor results in a maximum height of building of 27'3".</p> <p>The extra square footage for the shop is for an overhang awning of 6 feet width running in the width in front of the building. This will enhance the visual interest and appearance of the building.</p> <p>The roof is to be metal with a colour to match to house roofing. The siding will be also of metal and will be brown to match the colour of the siding of the house.</p>			

This information is collected for the Subdivision and Development Appeal Board or Enforcement Appeal Committee of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions regarding the collection or use of this information, contact the Municipal Clerk at 403-230-1401.

Appellant's Signature

1 March 2019  
Date



Last updated: 2018 November 13

Page 1 of 2

REFUSAL

Barry Johnson  


**Development Permit #: PRDP20190054**  
**Date of Issue: February 28, 2019**  
**Roll #: 04727035**

Your Application dated January 07, 2019 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

**construction of an accessory building (oversize shop),  
relaxation of the maximum building area,  
relaxation of the maximum total building area for all accessory buildings,  
and  
relaxation of the maximum height requirement**

at Lot 5 Block Plan 7710490, NW-27-24-03-05; (218 HUGGARD ROAD)

has been considered by the Development Authority and the decision in the matter is that your application be **REFUSED** for the following reasons:

- 1) The maximum building area exceeds the allowable area as defined in Section 50.3 of Land Use Bylaw C-4841-97.  
**required – 225.00 sq. m (2,421.88 sq. ft.); proposed – 245.26 sq. m (2,640.00 sq. ft.)**
- 2) The maximum total building area for all accessory buildings exceeds the maximum total building area requirement as defined in Section 50.9 of Land Use Bylaw C-4841-97.  
**required – 225.00 sq. m (2,421.88 sq. ft.); proposed – 245.26 sq. m (2,640.00 sq. ft.)**
- 3) That the height proposed for the accessory building (oversize shop) exceeds the maximum height requirement as defined in Section 50.7 (b) of Land Use Bylaw C-4841-97.  
**required – 7.00 m (22.96 ft.); proposed – 8.32 m (27.30 ft.)**

If you require further information or have any questions regarding this development, please contact Planning Services at 403-520-8158 or email [development@rockyview.ca](mailto:development@rockyview.ca) and include the application number.

Regards,   
ROCKY VIEW COUNTY

NOTE: An appeal from this decision may be made to the Subdivision and Development Appeal Board of Rocky View County. Notice of Appeal to the Subdivision and Development Appeal Board from this decision shall be filed with the requisite fee of \$350 with Rocky View County no later than 21 days following the date on which this Notice is dated.



**ROCKY VIEW COUNTY**  
Cultivating Communities

20190054

## APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$280.00	File Number 04727035
Date of Receipt Jan 7/19	Receipt # 2019019527

Name of Applicant Barry Johnson Email [REDACTED]  
 Mailing Address [REDACTED]  
[REDACTED] Postal Code [REDACTED]  
 Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]  
 For Agents please supply Business/Agency/ Organization Name \_\_\_\_\_

Registered Owner (if not applicant) PATICIA ANNE BURY  
 Mailing Address 218 Huggard Road  
Rocky View Country , Alberta Postal Code T3Z 2C3  
 Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

### 1. LEGAL DESCRIPTION OF LAND

- a) All / part of the NW  $\frac{1}{4}$  Section 027 Township 24 Range 3 West of 5 Meridian  
 b) Being all / parts of Lot 5 Block - Registered Plan Number 7710490  
 c) Municipal Address 218 Huggard Road  
 d) Existing Land Use Designation R2 Parcel Size 4 acres Division 2

### 2. APPLICATION FOR

Accessory Building - Oversized + Overheight

### 3. ADDITIONAL INFORMATION

- a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes \_\_\_\_\_ No NO  
 b) Is the proposed parcel within 1.5 kilometres of a sour gas facility?  
 (Sour Gas facility means well, pipeline or plant) Yes \_\_\_\_\_ No NO  
 c) Is there an abandoned oil or gas well or pipeline on the property? Yes \_\_\_\_\_ No NO  
 d) Does the site have direct access to a developed Municipal Road? Yes YES No \_\_\_\_\_

### 4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I Barry Johnson hereby certify that \_\_\_\_\_ I am the registered owner  
 (Full Name in Block Capitals)  
 \_\_\_\_\_ yes I am authorized to act on the owner's behalf

and that the information given on this form  
 is full and complete and is, to the best of my knowledge, a true statement  
 of the facts relating to this application.

**Affix Corporate Seal  
 here if owner is listed  
 as a named or  
 numbered company**

Applicant's Signature [Signature]  
 Date 7 Jan 2019

Owner's Signature \_\_\_\_\_  
 Date \_\_\_\_\_



**5. RIGHT OF ENTRY**

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.



Applicant's/Owner's Signature

*Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.*

I, Barry Johnson, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.

  
Signature7 Jan 2019  
Date



**ROCKY VIEW COUNTY**  
Cultivating Communities

## APPLICATION FOR AN ACCESSORY BUILDING

FOR OFFICE USE ONLY	
Fee Submitted	File Number
Date Received	Receipt #

Name of Applicant Barry Johnson Email [REDACTED]  
 Mailing Address [REDACTED]  
[REDACTED] Postal Code [REDACTED]  
 Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

### 1. DETAILS OF ACCESSORY BUILDING

	<b>Bylaw</b>	<b>Proposed</b>
Accessory building size maximum	2421.88	2400+240=2640
Accessory building height	22.96	27.25
Number of existing accessory buildings on site	Up to 3	0
Total size of all accessory buildings	2421.88	2640

#### Description of Accessory Buildings:

- a) Building materials Pole structure, Metal roof, metal siding
- b) Exterior colour Brown
- c) Please include why relaxations for buildings are needed (location, storage needs, tidy property, etc.)  
Height to accommodate working area under mezzanine and office above, sq foot to add appearance to front of building
- d) Date when building permits were issued for existing buildings 1979 for existing house
- e) If no permits were issued - list age of buildings 1979

### 2. DESCRIBE THE USE OF THE ACCESSORY BUILDING

Building to be used as hobby woodworking shop. Existing woodworking equipment to be brought in.

### 3. ADDITIONAL REQUIREMENTS

The following items must be provided in addition to your application:

- ☒ Elevation drawing(s) / floor plan(s)  
☒ Site plan(s) showing all dimensions and setbacks

Signature of Applicant [Signature] Date: 7 Jan. 2019

Curtis and Meredith Cann  
234 Huggard Road  
Calgary, Ab  
T3Z 2C3

February 15, 2019

Rocky View County  
Permitting Department

**Re: Non-objection Letter**

To Whom it may concern,

We have no objection to our neighbors proposed new building.

Regards

A handwritten signature in black ink, appearing to read 'Curtis Cann', with a long horizontal flourish extending to the right.

Curtis Cann



Jens and Tina Christiansen  
194 Huggard Road  
Calgary, AB T3Z 2C3

February 15, 2019

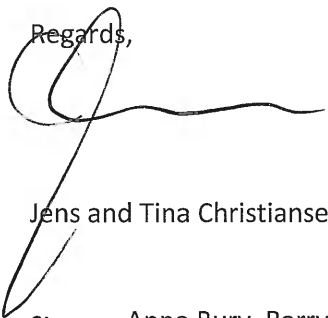
Rockyview County  
Permitting Department

**Re: Non-Objection Letter**

To Whom It May Concern,

We have no objection to our neighbour's proposed building.

Regards,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a small flourish.

Jens and Tina Christiansen

c: Anne Bury, Barry Johnson, Rob Muir  
JC/jc



## PLANNING & DEVELOPMENT

**TO:** Subdivision and Development Appeal Board

**DATE:** April 3, 2019 **DIVISION:** 06

**FILE:** 07526006 **APPLICATION:** B-4; PRDP20190408

**SUBJECT:** Accessory Building

<b>PROPOSAL:</b> Accessory building (oversized shop), relaxation of building height requirement, building area requirement, front yard setback requirement, and side yard setback requirements.	<b>GENERAL LOCATION:</b> Located 1 mile north of the City of Airdrie and at south east junction of Township Road 275 and Range Road 12.
<b>APPLICATION DATE:</b> February 6, 2019  (The file was assigned on February 14, 2019)	<b>DEVELOPMENT AUTHORITY DECISION:</b> Discretionary – Refused
<b>APPEAL DATE:</b> March 12, 2019	<b>DEVELOPMENT AUTHORITY DECISION DATE:</b> February 28, 2019
<b>APPELLANT:</b> Antoni Cote Caron	<b>APPLICANT:</b> Antoni Cote Caron
<b>LEGAL DESCRIPTION:</b> NW 26-27-01-W05M	<b>MUNICIPAL ADDRESS:</b> 274242 RGE RD 12, Rocky View County AB
<b>LAND USE DESIGNATION:</b> Farmstead District (F)	<b>GROSS AREA:</b> ± 0.81 hectares (± 2.0 acres)
<b>DISCRETIONARY USE:</b> An accessory building is a discretionary use in accordance with Section 47 of the Land Use Bylaw.	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> The requested amount of relaxation is beyond variance discretion of the Development Authority.
<b>PUBLIC SUBMISSIONS:</b> The application was circulated to 13 adjacent landowners. No letters in support or opposition were received.	<b>LAND USE POLICIES AND STATUTORY PLANS:</b> <ul style="list-style-type: none"> <li>• City of Airdrie /Rocky View County Intermunicipal Development Plan (C-5385-2001)</li> <li>• County Plan (C-7280-2013)</li> <li>• Land Use Bylaw (C-4841-97)</li> </ul>

### EXECUTIVE SUMMARY:

The application is for construction of a new accessory building (oversize shop), relaxation of building height requirement, building area requirement, front yard setback requirement, and side yard setback requirement.



The proposed new accessory building will be an oversized shop to store RV and personal items. The applicant indicated that once the new shop is built, the rest of accessory buildings will be removed from the property. The existing garage and the shed located south of the dwelling will remain on the property. The application was assessed in accordance with Section 12 and Section 47 of the Land Use Bylaw. As the requested amount of relaxation is beyond variance discretion of the Development Authority, the application was refused on February 28, 2019. The reasons for refusal are as follows:

1. The proposed building area for the new accessory building (shop) exceeds the maximum requirement as defined in Section 47.3 of Land Use Bylaw C-4841-97.  
**Permitted – 223 sq. m (2,400.35 sq. ft.);**  
**Proposed – 289.86 sq. m (3120.00 sq. ft.);**  
**Variance Required: 66.86 sq. m (719.65 sq. ft.) or 29.98%**
  
2. The proposed front yard setback for the new accessory building (shop) exceeds the minimum requirement as defined in Section 47.5 of Land Use Bylaw C-4841-97.  
**Permitted – 45.00 m (147.64 ft.);**  
**Proposed – 30.00 m (98.43 ft.);**  
**Variance Required: 15.00 m (49.21 ft.) or 33.33%**
  
3. The proposed side yard setback for the new accessory building (shop) exceeds the minimum requirement as defined in Section 47.5 of Land Use Bylaw C-4841-97.  
**Permitted – 45.00 m (147.64 ft.);**  
**Proposed – 30.00 m (98.43 ft.);**  
**Variance Required: 15.00 m (49.21 ft.) or 33.33%**
  
4. The proposed building height for the new accessory building (shop) exceeds the maximum requirement as defined in Section 47.7 of Land Use Bylaw C-4841-97.  
**Permitted – 5.50 m (18.04 ft.);**  
**Proposed – 7.92 m (26.00 ft.);**  
**Variance Required: 2.42 m (7.94 ft.) or 44.00%**

On March 12, 2019, the Applicant/Appellant appealed the decision of the Development Authority for the reason that the new shop would be harmony with the existing buildings.

**APPEAL:**

See attached report and exhibits.

Respectfully submitted,

Sean MacLean  
Supervisor, Planning & Development Services

XD/lt





## DEVELOPMENT PERMIT REPORT

<b>Application Date:</b> February 6, 2019 (The file was assigned on February 14, 2019)	<b>File:</b> 07526006
<b>Application:</b> PRDP20190408	<b>Applicant:</b> Antoni Cote Caron <b>Owner:</b> Antoni Cote Caron
<b>Legal Description:</b> NW 26-27-01-W05M	<b>General Location:</b> Located 1 mile north of the City of Airdrie and at south east junction of Township Road 275 and Range Road 12.
<b>Land Use Designation:</b> Farmstead District (F)	<b>Gross Area:</b> ± 0.81 hectares (± 2.0 acres)
<b>File Manager:</b> Xin Deng	<b>Division:</b> 06

### PROPOSAL:

The application is for Accessory building, relaxation of building height requirement, building area requirement, front yard setback requirement, and side yard setback requirement.

- The property contains a dwelling, one detached garage and several accessory buildings and structures.
- The proposed new accessory building will be an oversized shop to store RV and personal items. The new shop will be 289.86 sq. m. (3120.00 sq. ft.) in size, and 7.92 m (26.00 ft.) high.
- The applicant indicated that once the new shop is built, two accessory buildings will be removed from the property, the existing garage and the shed located south of the dwelling will remain on the property.
- As the existing garage and shed will remain on the property, they will be assessed along with the proposed new shop in accordance with the Land Use Bylaw.

### Land Use Bylaw (C-4841-97):

#### *SECTION 12 – Decisions on Development Permit Applications*

*Section 12.1(b): Upon review of a completed application for a Development Permit for a use, permitted, the Development Authority shall decide upon an application for a Development Permit, notwithstanding that the proposed development does not comply with required yard, front, yard, side, yard, rear or building height dimensions set out in this Bylaw, if, in the opinion of the Development Authority the granting of a variance would not:*

- unduly interfere with the amenities of the neighbourhood;*
- materially interfere with or affect the use, enjoyment, or value of the neighbouring properties and the amount of the variance does not exceed 25% of the required distance or height, or does not exceed 10% of the required maximum building area for an accessory building or does not exceed 10% of the required maximum floor area for an Accessory Dwelling Unit;*

Section 47 Farmstead District (F)



#### 47.2 *Uses, Permitted*

*Accessory buildings less than 80.00 sq. m (861.00 sq. ft.) building area*

- The existing garage is 53.51 sq. m. (576 sq. ft.) in size. Therefore, a Development Permit is not required.
- The existing shed is 133.38 sq. m. (144 sq. ft.) in size. Therefore, a Development Permit is not required.

#### 47.3 *Uses, Discretionary*

*Accessory buildings in excess of 80.00 sq. m (861.00 sq. ft.) but no more than 223.0 sq. m (2,400.35 sq. ft.)*

- The proposed 289.86 sq. m. (3120.00 sq. ft.) new shop exceeds the maximum requirement, with the variance request of 29.98 %. This amount is beyond the variance discretion of the Development Authority under Section 12, that being up to 10.00% of the required maximum building area. **Reason for refusal.**

#### 47.5 *Minimum Requirements*

##### *(b) Front yard setback (from the county road to the north):*

- Required: 45.00 m (147.64 ft.)
- Proposed New Shop: 30.00 m (98.43 ft.)
  - The proposed setback exceeds the minimum setback requirement, with the variance request of 33.33%. This amount is beyond the variance discretion of the Development Authority under Section 12, that being up to 25.00% of the required minimum setback. **Reason for Refusal.**
- Existing Garage: Lots - meets the requirement
- Existing Shed: Lots - meets the requirement

##### *(c)(i) Side yard setback (from the county road to the west):*

- Required: 45.00 m (147.64 ft.)
- Proposed New Shop: 30.00 m (98.43 ft.)
  - The proposed setback exceeds the minimum setback requirement, with the variance request of 33.33%. This amount is beyond the variance discretion of the Development Authority under Section 12, that being up to 25.00% of the required minimum setback. **Reason for Refusal.**
- Existing Garage: 35.05 m (114.99 ft.)
  - The setback for the existing garage exceeds the minimum setback requirement, with the variance request of 22.11%. This amount is within the variance discretion of the Development Authority under Section 12, that being up to 25.00% of the required minimum setback. Therefore, the side yard setback for the existing garage can be relaxed from 45.00 m (147.64 ft.) to 35.05 m (114.99 ft.).
- Existing Shed: 34.09 m (111.84 ft.)
  - The setback for the existing shed exceeds the minimum setback requirement, with the variance request of 24.24%. This amount is within the variance discretion of the Development Authority under Section 12, that



being up to 25.00% of the required minimum setback. Therefore, the side yard setback for the existing shed can be relaxed from 45.00 m (147.64 ft.) to 34.09 m (111.84 ft.).

(c)(iii) *Side yard setback (from the other lands to the east)*

- Required: 6.00 m (19.69 ft.)
- Proposed New Shop: Lots - meets the requirement.
- Existing Garage: Lots - meets the requirement
- Existing Shed: Lots - meets the requirement

(d)(ii) *Rear yard setback (from the other lands to the south):*

- Required: 15.00 m (49.20 ft.);
- Proposed New Shop: Lots - meets the requirement.
- Existing Garage: Lots - meets the requirement
- Existing Shed: Lots - meets the requirement

47.7 *Maximum height of buildings*

(b) *Accessory buildings:*

- Required: 5.50 m (18.04 ft.)
- Proposed New Shop: 7.92 m (26.00 ft.)
  - The proposed building height exceeds the maximum requirement, with the variance request of 44%. This amount is beyond the variance discretion of the Development Authority under Section 12, that being up to 25.00% of the required maximum building height. **Reason for Refusal.**
- Existing Garage: 5.49 m (18.00 ft.) - meets the requirement
- Existing Shed: 3.66 m (12.00 ft.) - meets the requirement

Additional Information:

*Planning Application History:*

- None.

*Development Permit History:*

- None.

*Building Permit History:*

- The existing dwelling was built in 1950, in accordance with the "2015 Building List".
- The existing detached garage was built after construction of the dwelling.

**STATUTORY PLANS:**

The subject land does not fall under any Area Structure Plans. Although it is located within the Intermunicipal Development Plan with the City of Airdrie, the Plan does not provide guidelines for the nature of the application. Therefore; the application was evaluated in accordance with the Land Use Bylaw.





### INSPECTOR'S COMMENTS:

- The land is flat with screened by trees and shrubs.
- One dwelling, one detached garage, and one shed are located in the middle of the property
- Four sheds are located on the west side of the property
- One shed is located on the north side of the property

### CIRCULATIONS:

#### City of Airdrie

- Given the information provided, Planning has no comments or objections to the application as the proposed development will not negatively impact the adjacent parcels located within the City of Airdrie boundary.

#### Building Services, Rocky View County

- Full Accessory Building Application along with Engineering.

#### Municipal Enforcement, Rocky View County

- Recommend that construction debris be contained at all times during construction.
- Recommend that storm water run-off not be directed towards adjacent properties as the result of placement of development.

#### Fire Services & Emergency Management, Rocky View County

- No comment.

### OPTIONS:

#### Option #1 (this would approve the new accessory building)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for the existing accessory buildings at NW 26-27-01-W05M (274242 RGE RD 12, Rocky View County AB) be upheld, that the decision of the Development Authority be revoked, and that a Development Permit be issued, subject to the following conditions:

#### **Description:**

- 1) That the proposed new accessory building may take place on the subject land, in general accordance with the approved site plan and conditions of this permit.
- 2) That the maximum building area for the new accessory building (shop) is relaxed from **223.0 sq. m (2,400.35 sq. ft.) to 289.86 sq. m. (3120.00 sq. ft.)**
- 3) That the minimum front yard setback for the new accessory building (shop) is relaxed from **30.00 m (98.43 ft.) to 45.00 m (147.64 ft.)**
- 4) That the minimum side yard setback for the new accessory building (shop) is relaxed from **30.00 m (98.43 ft.) to 45.00 m (147.64 ft.)**
- 5) That the maximum building height for the new accessory building (shop) is relaxed from **5.50 m (18.04 ft.) to 7.92 m (26.00 ft.)**
- 6) That the minimum side yard setback for the existing shed is relaxed from **45.00 m (147.64 ft.) to 35.05 m (114.99 ft.)**.
- 7) That the minimum side yard setback for the existing shed is relaxed from **45.00 m (147.64 ft.) to 34.09 m (111.84 ft.)**.



**Prior to Issuance:**

- 8) That prior to issuance of this permit, the Applicant/Owner shall provide updated drawings demonstrating the accurate building area of 289.86 sq. m. (3120.00 sq. ft.) and building height of 7.92 m (26.00 ft.) for the new accessory building (shop).

**Permanent:**

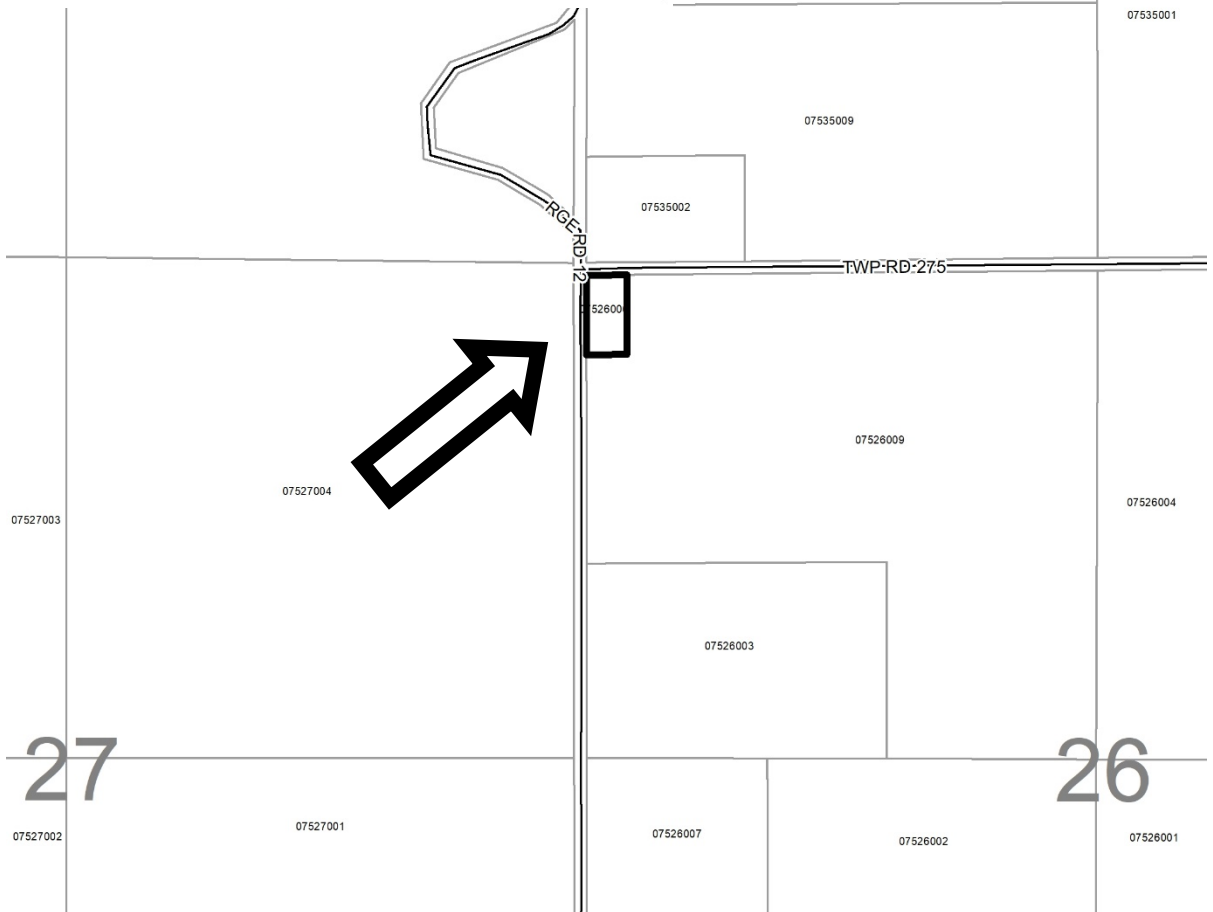
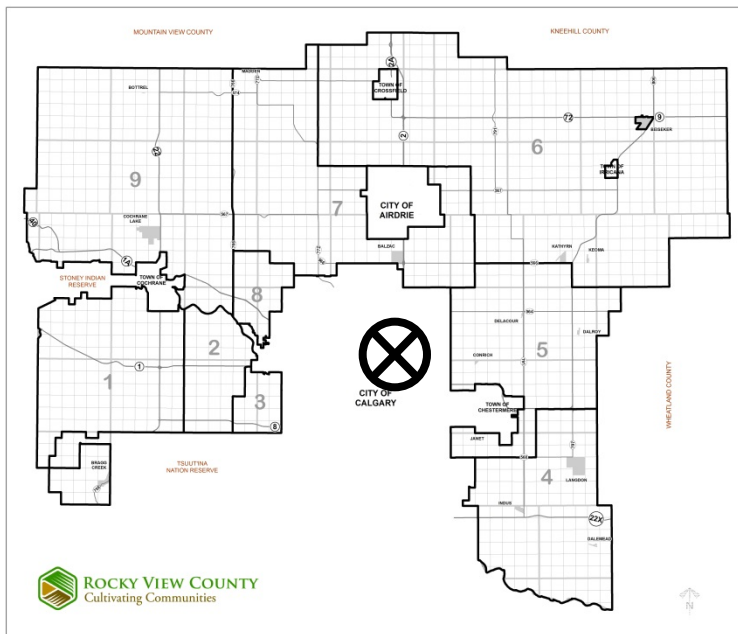
- 9) That the accessory building (oversize barn) shall not be used for commercial purpose at any time, except for a Home-Based Business Type I.
- 10) That the accessory buildings shall not be used for residential occupancy purpose at any time.
- 11) That any plan, technical submission, agreement, or other matter submitted and approved as part of the Development Permit application, or submitted in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity.

**Advisory:**

- 12) That during construction, all construction and building materials shall be maintained on site in a neat and orderly manner. Any debris or garbage shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- 13) That during construction, the County's Noise Bylaw C-5772-2003 shall be adhered to at all times.
- 14) That a Building Permit/Farm Building Location Permit shall be obtained through Building Services prior to any construction taking place.
- 15) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
- 16) That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Authority.

Option #2 (this would not approve the accessory buildings)

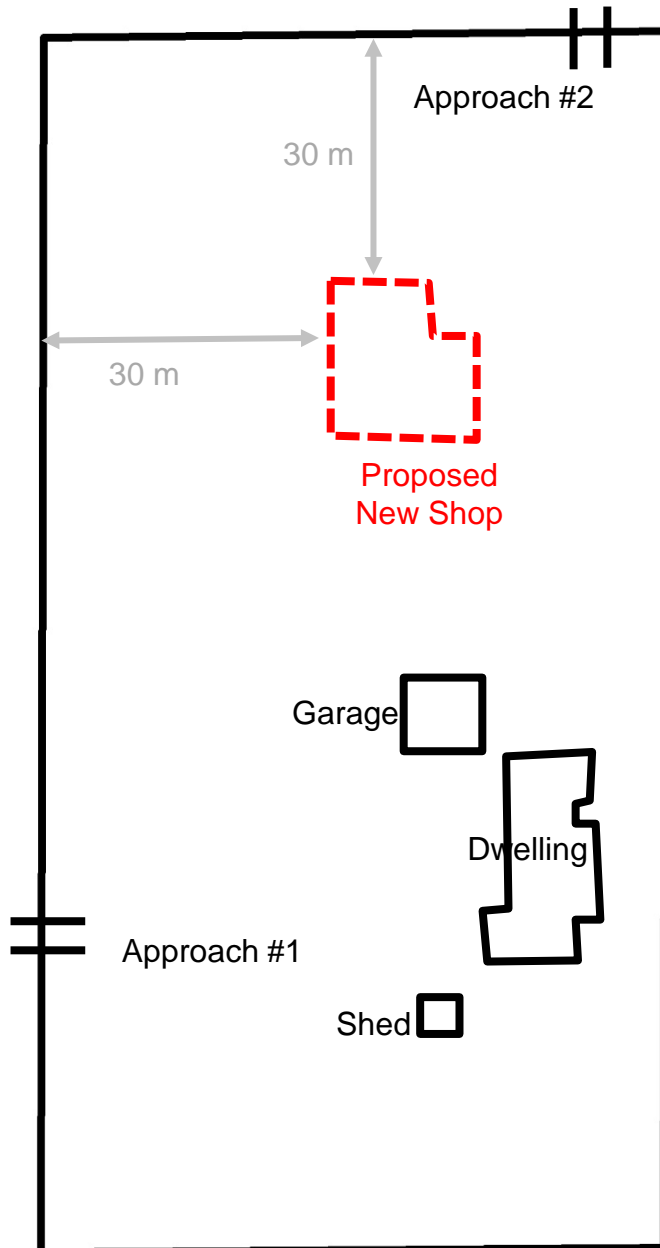
That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for the existing accessory buildings at NW 26-27-01-W05M (274242 RGE RD 12, Rocky View County AB) be denied, and the decision of the Development Authority be upheld.



**LOCATION PLAN**

**NW 26-27-01-W05M**





**Proposed Building Area:**  
289.86 sq. m. (3120.00 sq. ft.)

**Proposed Building Height:**  
7.92 m (26.00 ft.)

## SITE PLAN

NW 26-27-01-W05M



Date: 19-Mar-19

Division # 6

File: PRDP20190408 - 03924009



Note: Post processing of raw aerial  
photography may cause varying degrees  
of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*

**NW 26-27-01-W05M**

Date: 19-Mar-19

Division # 6

File: PRDP20190408 - 03924009

**Agenda**  
**Page 199 of 277**







**From left: Garage, Dwelling, and Shed  
(these buildings will remain)**



**Several Sheds located on the western portion of the property  
(these buildings will be removed)**

## SITE PHOTOS



**NW 26-27-01-W05M**

Date: 19-Mar-19

Division # 6

File: PRDP20190408 - 03924009





The new approach from the north side of the property



Location for the proposed new shop

## SITE PHOTOS



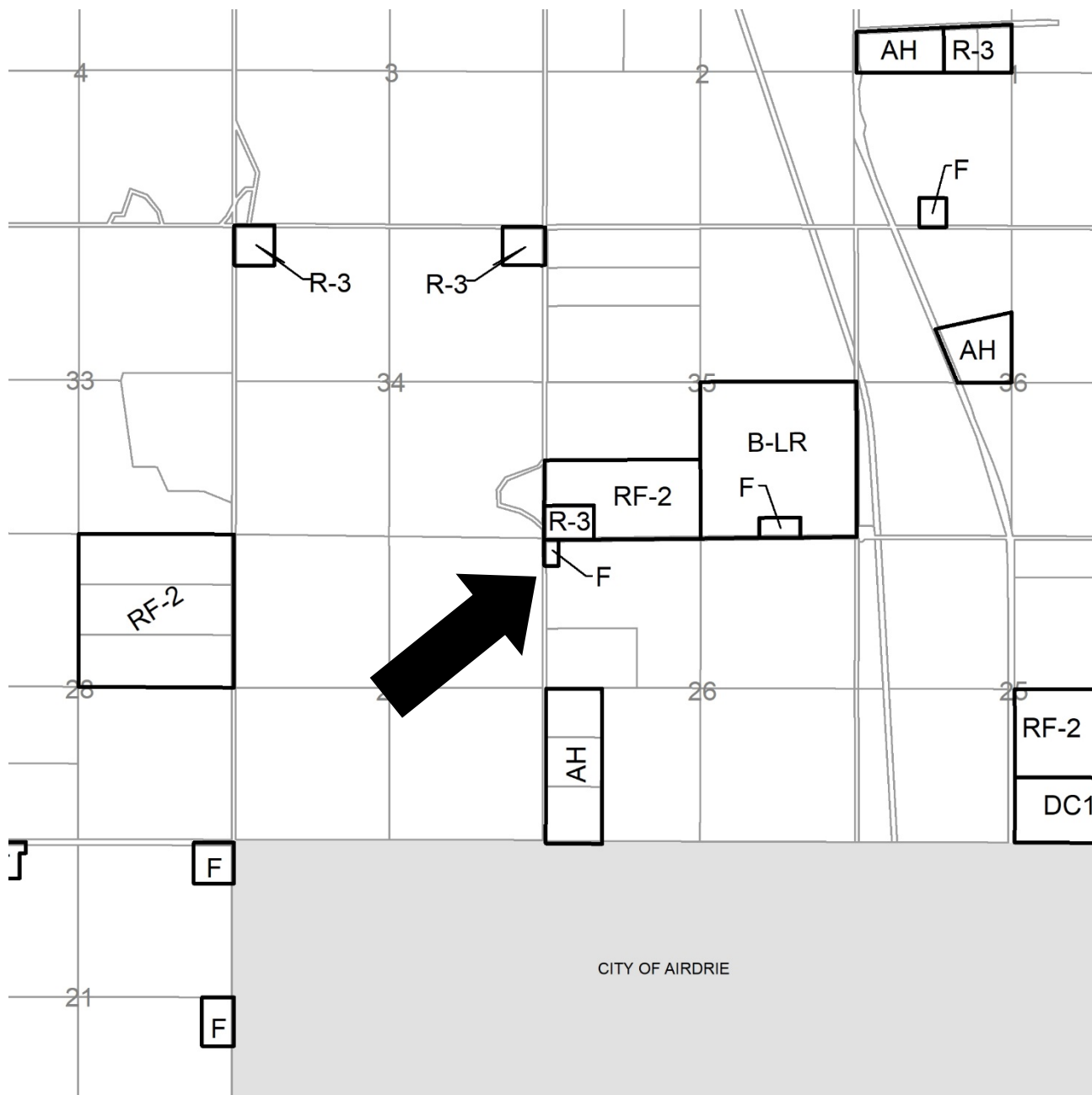
NW 26-27-01-W05M

Date: 19-Mar-19

Division # 6

File: PRDP20190408 - 0392400

Agenda  
Page 201 of 277



RF2	Ranch and Farm	B-1	Highway Business
RF3	Ranch and Farm Two	B-2	General Business
AH	Ranch and Farm Three	B-3	Limited Business
F	Agricultural Holding	B-4	Recreation Business
R-1	Farmstead	B-5	Agricultural Business
R-2	Residential One	B-6	Local Business
R-3	Residential Two	NRI	Natural Resource Industrial
DC	Residential Three	HR-1	Hamlet Residential Single Family
PS	Direct Control	HR-2	Hamlet Residential (2)
	Public Service	HC	Hamlet Commercial
		AP	Airport

## LAND USE MAP

NW 26-27-01-W05M

Date: 19-Mar-19

Division # 6

File: PRDP20190408 - 03924009

Agenda  
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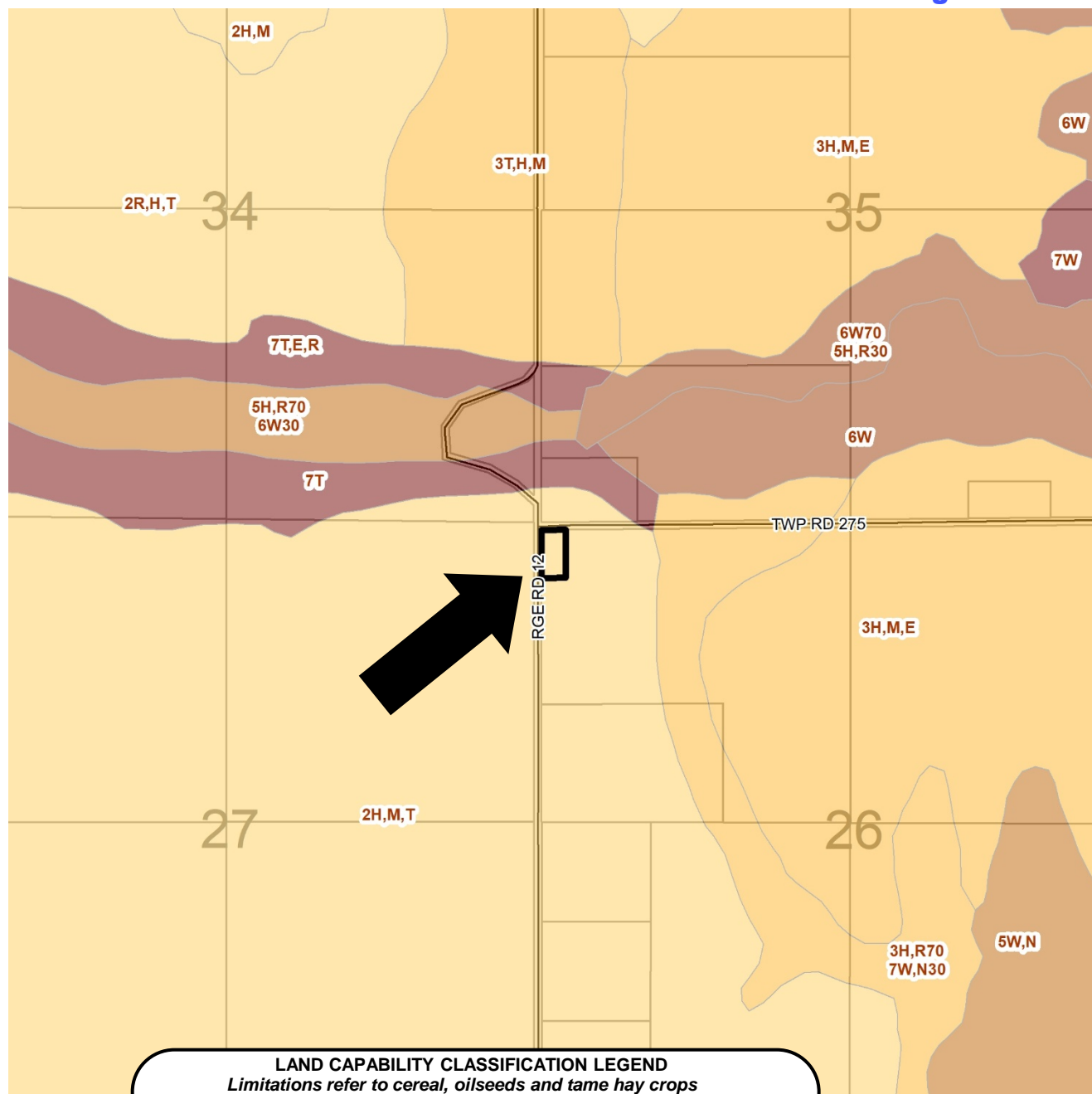
# TOPOGRAPHY

*Contour Interval 2 M*



**NW 26-27-01-W05M**





**LAND CAPABILITY CLASSIFICATION LEGEND**  
*Limitations refer to cereal, oilseeds and tame hay crops*

**CLI Class**

- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

**Limitations**

- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile development
- M - low moisture holding, adverse texture
- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high sodicity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable

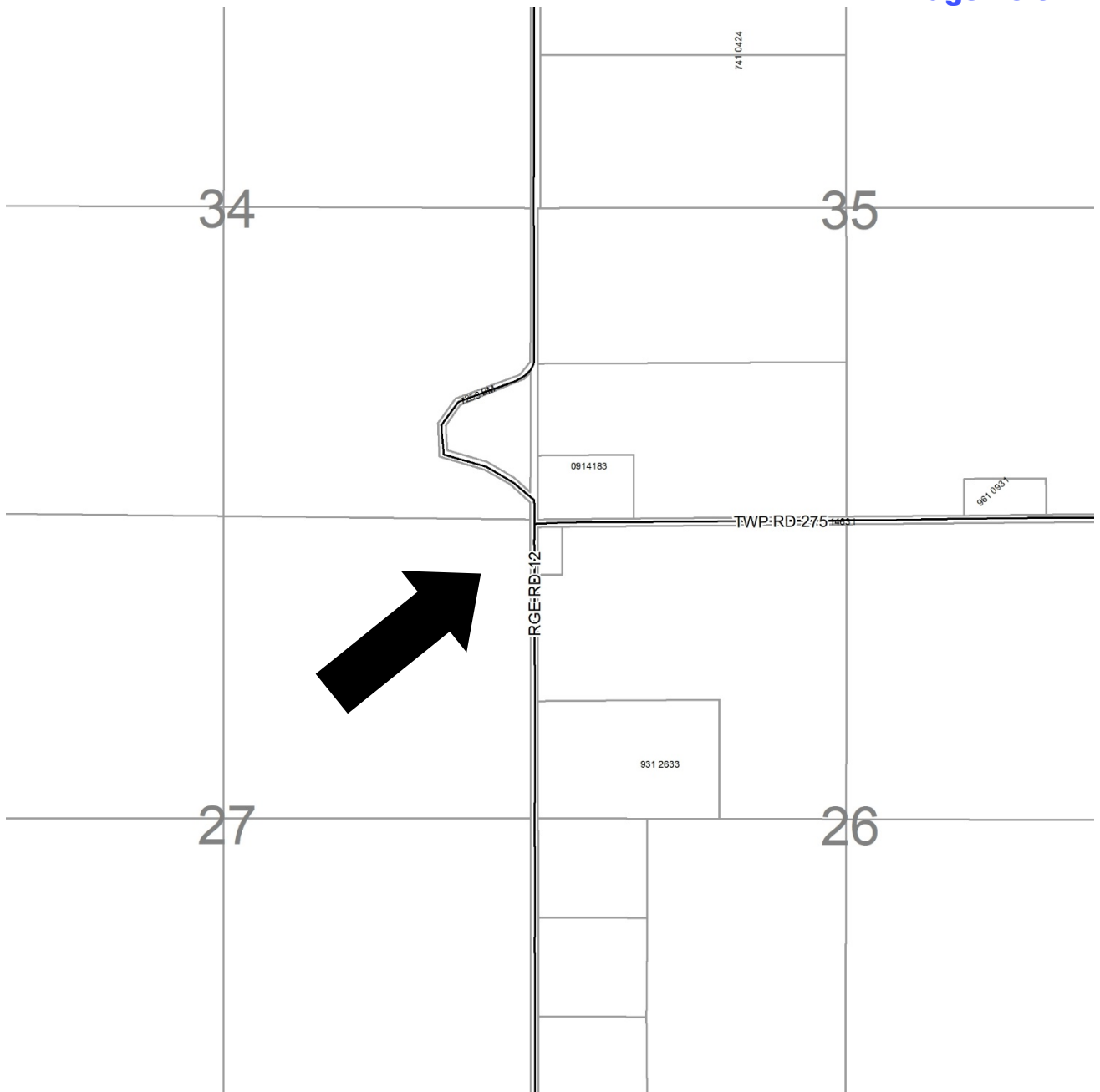
**SOIL MAP**

**NW 26-27-01-W05M**

Date: 19-Mar-19

Division # 6

File: PRDP20190408 - 03924009



**Legend – Plan numbers**

- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

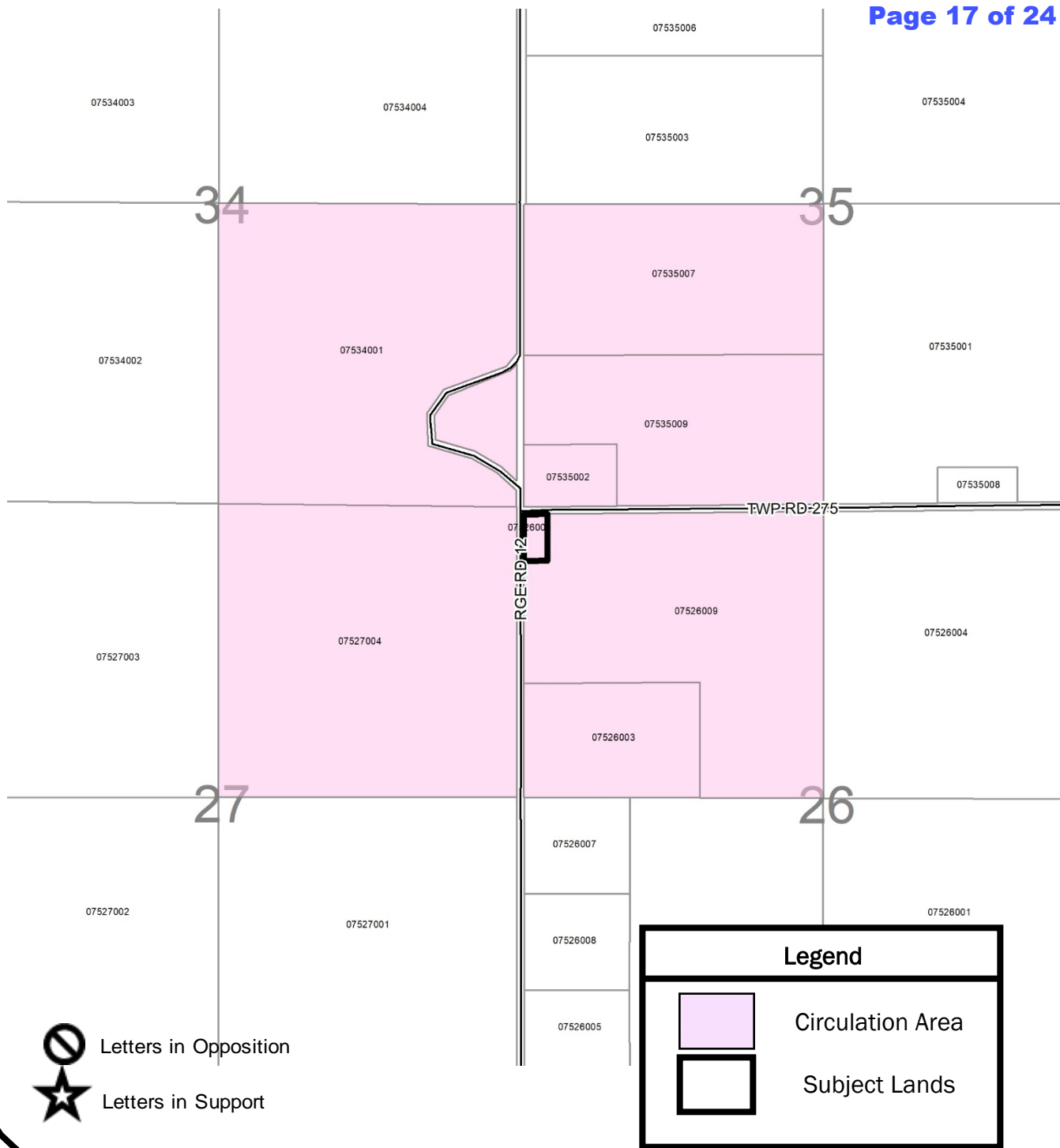
## HISTORIC SUBDIVISION MAP

**NW 26-27-01-W05M**

Date: 19-Mar-19

Division # 6

File: PRDP20190408 - 03924009



## LANDOWNER CIRCULATION AREA

NW 26-27-01-W05M





# Notice of Appeal

Subdivision and Development Appeal Board  
Enforcement Appeal Committee

<b>Appellant Information</b>			
Name of Appellant(s) <u>Antoni Caron</u>			
Mailing Address	Municipality	Province	Postal Code
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Main Phone #	Alternate Phone #		
[REDACTED]	[REDACTED]		

<b>Site Information</b>	
Municipal Address <u>274242 Rgd 12</u>	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) <u>NW 26-27-01 W 05 M</u>
Property Roll # <u>07526006</u>	Development Permit, Subdivision Application, or Enforcement Order # <u>PRDP20190408</u>

<b>I am appealing:</b> (check one box only)		
<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order

<b>Reasons for Appeal</b> (attach separate page if required)
<div style="text-align: center;"> </div>

This information is collected for the Subdivision and Development Appeal Board or Enforcement Appeal Committee of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions regarding the collection or use of this information, contact the Municipal Clerk at 403-230-1401.

Antoni Caron  
 Appellant's Signature

03/01/19  
 Date

Antoni Cote-Caron  
[REDACTED]  
[REDACTED]  
[REDACTED]

Rocky View County  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2

Monday March 4<sup>th</sup>, 2019

**RE: DEVELOPMENT PERMIT #PRDP20190408 REFUSAL**

The proposed building area for the accessory building exceed the maximum square footage allowed. I am looking to build a 40 X 60 shop with an attached 12' wide carport along the 60' side. The proposed front & side yard set back is at 45 meters. This takes roughly ¾ of my property and doesn't make much sense for my application. I have a septic field that needs to be taken in consideration – I can't build near or on top of it. I am also hoping to center the new accessory building as much as I can so that it's in harmony with the existing buildings and, with the existing garage. The wind can be bad around here, and I am looking to have a door on the South side. With that said, I need enough clearance from the existing garage to the new shop to be able to get in and out with my vehicles.

The proposed building height exceed the 18 feet allowance. I would like the shop to have 16 feet tall walls to accommodate an RV or camping trailer. I would like to match the roof pitch of the house, so I would need at least 5/12. By having a 40 feet wide shop, the roof pitch would be 25 feet 2 inches. I am hoping to build a shop that will match the house, as much as possible. With the additional storage space, I will be able to remove some of the older sheds and the portable carports. The property will look much cleaner that way. I am planning on building the shop with the same siding that I have on the house and the existing garage, so that all the buildings are the same.

Sincerely,



# ROCKY VIEW COUNTY

262075 Rocky View Point  
Rocky View County, AB, T4A 0X2

403-230-1401  
questions@rockyview.ca  
www.rockyview.ca

## REFUSAL

Antoni Cote Caron



**Development Permit #: PRDP20190408**

**Date of Issue: February 28, 2019**

**Roll #: 07526006**

**Your Application** dated February 6, 2019 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

**Accessory building, relaxation of building area requirement, building height requirement, front yard setback requirement and side yard setback requirement**

at NW 26-27-01-W05M (274242 Range Road 12, Rocky View County AB)

has been considered by the Development Authority and the decision in the matter is that your application be **REFUSED** for the following reasons:

- 1) The proposed building area for the accessory building (new shop) exceeds the maximum requirement as defined in Section 47.3 of Land Use Bylaw C-4841-97.  
**Permitted – 223 sq. m (2,400.35 sq. ft.); Proposed – 289.86 sq. m (3120.00 sq. ft.)**
- 2) The proposed front yard setback for the accessory building (new shop) exceeds the minimum requirement as defined in Section 47.5 of Land Use Bylaw C-4841-97.  
**Permitted – 45.00 m (147.64 ft.); Proposed – 30.00 m (98.43 ft.)**
- 3) The proposed side yard setback for the accessory building (new shop) exceeds the minimum requirement as defined in Section 47.5 of Land Use Bylaw C-4841-97.  
**Permitted – 45.00 m (147.64 ft.); Proposed – 30.00 m (98.43 ft.)**
- 4) The proposed building height for the accessory building (new shop) exceeds the maximum requirement as defined in Section 47.7 of Land Use Bylaw C-4841-97.  
**Permitted – 5.50 m (18.04 ft.); Proposed – 7.92 m (26.00 ft.)**

**Matthew Wilson**  
Manager, Planning & Development Services

**NOTE:** An appeal from this decision may be made to the Subdivision and Development Appeal Board of Rocky View County. Notice of Appeal to the Subdivision and Development Appeal Board from this decision shall be filed with the requisite fee of \$350.00 with Rocky View County no later than 14 days following the date on which this Notice is dated.





**ROCKY VIEW COUNTY**  
Cultivating Communities

20190408

## APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted <u>\$265</u>	File Number <u>07526006</u>
Date of Receipt <u>Feb 6/19</u>	Receipt # <u>2019019829</u>

Name of Applicant Antoni Cote Caron Email [REDACTED]  
 Mailing Address [REDACTED]  
 Telephone [REDACTED] (H) [REDACTED] Fax [REDACTED]  
 Postal Code [REDACTED]  
 For Agents please supply Business/Agency/ Organization Name \_\_\_\_\_

Registered Owner (if not applicant) \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Telephone (B) \_\_\_\_\_ (H) \_\_\_\_\_ Fax \_\_\_\_\_  
 Postal Code \_\_\_\_\_

### 1. LEGAL DESCRIPTION OF LAND

- a) All / part of the NW  $\frac{1}{4}$  Section 26 Township 27 Range 1 West of 5 Meridian  
 b) Being all / parts of Lot \_\_\_\_\_ Block \_\_\_\_\_ Registered Plan Number \_\_\_\_\_  
 c) Municipal Address \_\_\_\_\_  
 d) Existing Land Use Designation \_\_\_\_\_ Parcel Size \_\_\_\_\_ Division \_\_\_\_\_

### 2. APPLICATION FOR

Building Oversized shop, relaxation of height, relaxation of front + side yard setbacks.

### 3. ADDITIONAL INFORMATION

- a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes \_\_\_\_\_ No X  
 b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? Yes \_\_\_\_\_ No X  
 (Sour Gas facility means well, pipeline or plant)  
 c) Is there an abandoned oil or gas well or pipeline on the property? Yes \_\_\_\_\_ No X  
 d) Does the site have direct access to a developed Municipal Road? Yes X No \_\_\_\_\_

### 4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I Antoni Cote Caron hereby certify that X I am the registered owner  
 (Full Name in Block Capitals)

\_\_\_\_\_ I am authorized to act on the owner's behalf

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

**Affix Corporate Seal  
here if owner is listed  
as a named or  
numbered company**

Applicant's Signature Antoni Cote Caron

Date \_\_\_\_\_

Owner's Signature [Signature]

Date 02/02/19

**5. RIGHT OF ENTRY**

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.

Antoni Caron

Applicant's/Owner's Signature

*Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.*

I, Antoni Cole Caron, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.

Antoni Cole Caron  
Signature

02/02/19  
Date



ROCKY VIEW COUNTY  
Cultivating Communities

## APPLICATION FOR AN ACCESSORY BUILDING

FOR OFFICE USE ONLY	
Fee Submitted	File Number
Date Received	Receipt #

Name of Applicant Antoni Cote Caron Em [REDACTED]  
Mailing Address [REDACTED]  
Postal Code [REDACTED]  
Telephone (B) [REDACTED] Fax [REDACTED]

### 1. DETAILS OF ACCESSORY BUILDING

	Bylaw	Proposed
Accessory building size maximum	2400'²	2840
Accessory building height	18.04'	26'
Number of existing accessory buildings on site	1	2
Total size of all accessory buildings		3456'²

#### Description of Accessory Buildings:

- a) Building materials James Hardie and Metal sheet/asphalt single  
b) Exterior colour Iron Grey matching the house  
c) Please include why relaxations for buildings are needed (location, storage needs, tidy property, etc.)  
Septic field in the way/existing garage/access location  
d) Date when building permits were issued for existing buildings N/A Unknow  
e) If no permits were issued - list age of buildings 15-20 Years (Unknow)

### 2. DESCRIBE THE USE OF THE ACCESSORY BUILDING

RV Parking / Shop for maintenance / storage of my own stuff to protect against hail

### 3. ADDITIONAL REQUIREMENTS

The following items must be provided in addition to your application:

- ☐ Elevation drawing(s) / floor plan(s)  
☐ Site plan(s) showing all dimensions and setbacks

Signature of Applicant Antoni Caron Date: 02/02/19



**Jacqueline Targett**

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**From:** Jacqueline Targett  
**Sent:** Friday, February 08, 2019 2:22 PM  
**To:** [REDACTED]  
**Subject:** RE: DEVELOPMENT PERMIT ANTONI COTE CARON

Hi Antoni,

Sure, I can update the file to request the 3,120.00 sq. ft. area instead of the smaller figure.

Thanks,  
Jacqueline

**JACQUELINE TARGETT**  
Development Officer | Planning & Development Services

**ROCKY VIEW COUNTY**  
Effective October 9, 2018 our new address is:  
262075 Rocky View Point | Rocky View County | AB | T4A 0X2  
Phone: 403-520-8161  
[jtargett@rockyview.ca](mailto:jtargett@rockyview.ca) | [www.rockyview.ca](http://www.rockyview.ca)

This e-mail, including any attachments, may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution or copying of this information is prohibited and unlawful. If you received this communication in error, please reply immediately to let me know and then delete this e-mail. Thank you.

**From:** Antoni Caron [REDACTED]  
**Sent:** Thursday, February 07, 2019 11:23 AM  
**To:** Jacqueline Targett  
**Subject:** RE: DEVELOPMENT PERMIT ANTONI COTE CARON

Hi Jaqueline

I was wandering yestherday abiut the toral sq/footage of my shop and I think we should go for 3120sq/ft just in case I decide to extend the side shed to 60 feet instead of 40.

Please let me know your though on that and if its not to late.  
Sorry for the inconvinience....and thank you

[Sent from Yahoo Mail on Android](#)

On Wed, 6 Feb 2019 at 9:27 AM, [JTargett@rockyview.ca](mailto:JTargett@rockyview.ca)  
<[JTargett@rockyview.ca](mailto:JTargett@rockyview.ca)> wrote:

Hi Antoni,

1 p.m. should work fine.

## PLANNING & DEVELOPMENT

**TO:** Subdivision & Development Appeal Board  
**DATE:** April 3, 2019 **DIVISION:** 5  
**FILE:** 04333030 **APPLICATION:** B-5; PL20180111  
**SUBJECT:** Subdivision Item – Residential Two District

<b>PROPOSAL:</b> To create a $\pm 2.34$ hectare ( $\pm 5.78$ acre) parcel (Lot 1) and $\pm 4.57$ hectare ( $\pm 11.29$ acre) parcel (Lot 2).	<b>GENERAL LOCATION:</b> Located approximately 4 km east of the city of Calgary, immediately east of the hamlet of Conrich, 0.81 kilometers (1/2 mile) south of Township Road 250 and 0.81 kilometers (1/2 mile) west of Range Road 283.
<b>LEGAL DESCRIPTION:</b> Block 11, Plan 7410505 within NW-33-24-28-W04M	<b>GROSS AREA:</b> 6.91 hectares (17.07 acres)
<b>APPLICANT:</b> Dean Guidolin <b>OWNER:</b> Valetta June Dickie, 816264 Alberta Ltd.	<b>RESERVE STATUS:</b> Municipal Reserves for the parcel dedicated as Block R-1 on Plan 1657LK when it was subdivided in 1973.
<b>LAND USE DESIGNATION:</b> Residential Two District	<b>LEVIES INFORMATION:</b> Transportation Off-Site Levy, Water Offsite Levy, and Storm water Offsite Levy are applicable.
<b>DATE APPLICATION DEEMED COMPLETE:</b> September 21, 2018	<b>APPEAL BOARD:</b> Subdivision & Development Appeal Board
<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>None</li> </ul>	<b>LAND USE POLICIES AND STATUTORY PLANS:</b> <ul style="list-style-type: none"> <li>Conrich Area Structure Plan (Bylaw C-7468-2015)</li> <li>Land Use Bylaw (Bylaw C-4841-97)</li> </ul>

### EXECUTIVE SUMMARY:

On February 12, 2019, Council refused application PL20180111, citing Policy 7.1 of the Conrich Area Structure Plan and *Municipal Government Act* Section 654(1)(b).

The subject land is located within the policy area of the Conrich Area Structure Plan (ASP). The ASP identifies this area as 'Future Policy Area'. Policy 7.1 of the Conrich Area Structure Plan states that new subdivision shall not be supported within the Future Policy Area until such time that the area has been comprehensively planned. The intent of this policy is to prevent further fragmentation in the area until the Future Policy Area of the Conrich Area Structure Plan has been amended.

Municipal Government Act (MGA) Section 654(1)(b) states:

*"A subdivision authority must not approve an application for subdivision approval unless the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,"*

The applicant was advised of the policy considerations at the time of application, and shortly after initial review of the application package by the file manager. The applicant indicated they wished to

proceed, seeking Subdivision and Development Appeal Board (SDAB) approval if Council were to refuse the application.

On March 12, 2019, the Applicant appealed Council's decision to refuse the application.

Briefly, the applicant notes two reasons for appeal: first, that as the site is designated as Residential Two District, and the subdivision is compliant with the District and with development in the area and that the approval of the Future Policy Area would take time; and second, that due to an atypical road right-of-way relating to the existing road, approval of the subdivision would remedy the issue. The detailed Applicant-provided reasons for appeal are included in the Notice of Appeal attached to this report (Appendix 'C').

It should be noted that the Terms of Reference for the Future Policy Area were adopted by Council on November 27, 2018, and planning for the area has commenced. Anticipated adoption of the ASP amendment is anticipated by the end of 2019.

The application is not in compliance with Policy 7.1 of the Conrich Area Structure Plan (ASP), which specifies that a new subdivision shall not be supported within the Future Policy Area until such time that the area has been comprehensively planned.

Without the comprehensive planning for the Future Policy Area, it is premature to consider the proposed subdivision at this time. Further to this, the *Municipal Government Act* Section 654 (1)(b), states that a subdivision authority must not approve a subdivision application unless the proposal conforms to the statutory plan.

#### Summary

As detailed in the original staff report (Appendix 'A'), Administration recommended refusal of this subdivision application as per Policy 7.1 of the Conrich Area Structure Plan and Section 654(1)(b) of the Municipal Government Act.

Administration determined that the application does not meet policy, and Council agreed, refusing the application by citing the above references.

As the Conrich Area Structure Plan is a statutory plan, it is Section 4.2 that is important to understand the intent of how the Interim Growth Plan (IGP) is to be implemented.

IGP Section 4.2 states:

#### *4.2 Planning for Growth through Statutory Plans*

*Statutory plans establish a common planning system for the Region, allowing the CMRB to implement the Principles, Objectives, and Policies of the Interim Growth Plan.*

As the proposed subdivision is not in compliance with the policies of the Conrich Area Structure Plan there is the potential for the application not to be in accordance with the IGP, which is the Calgary region's ALSA regional plan.

Should the SDAB wish to approve the application, the SDAB will need to determine how the proposal meets Section 680(2), subsections (a) through (d), of the MGA where the application does not conform to the Conrich Area Structure Plan.

MGA Section 680(2), subsections (a) through (d), states:

*680 (2) In determining an appeal, the board hearing the appeal*

*(a) must act in accordance with any applicable ALSA regional plan;*

*(a.1) must have regard to any statutory plan;*

*(b) must conform with the uses of land referred to in a land use bylaw;*





- (c) *must be consistent with the land use policies;*
- (d) *must have regard to but is not bound by the subdivision and development regulations;*

The Subdivision Authority would also request application of the Conditions of Approval provided in Appendix A.

Administration is prepared to discuss this application and provide further information at the appeal hearing.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "M. Wilson", followed by a horizontal line and the word "for." in blue ink.

Matthew Wilson  
Manager, Planning & Development Services

ON/lt

**APPENDICES:**

APPENDIX 'A': Original February 12, 2019 Staff Report

APPENDIX 'B': Transmittal of Decision (February 20, 2019)

APPENDIX 'C': Notice of Appeal Form

## **PLANNING & DEVELOPMENT SERVICES**

<b>TO:</b>	Subdivision Authority	<b>DIVISION:</b>	5
<b>DATE:</b>	February 12, 2019	<b>APPLICATION:</b>	PL20180111
<b>FILE:</b>	04333030		
<b>SUBJECT:</b>	Subdivision Item - Residential Two District		

### **<sup>1</sup>POLICY DIRECTION:**

The application was evaluated against the terms of Section 654 of the *Municipal Government Act*, Section 7 of the Subdivision and Development Regulations, the policies found within the Conrich Area Structure Plan (ASP), and was found to be non-compliant:

- The application is inconsistent with Policy 7.1 of the ASP; and,
- The application is inconsistent with Section 654 (1)(b) of the *Municipal Government Act*.

### **EXECUTIVE SUMMARY:**

The purpose of this application is to create a ±2.34 hectare (±5.78 acre) parcel (Lot 1) and a ±4.57 hectare (±11.29 acre) parcel (Lot 2). The subject land is located within the Future Policy Area of the Conrich Area Structure Plan, just east of the hamlet of Conrich, and is designated as Residential Two District.

The site currently contains two dwellings, with one listed as unoccupied; a barn; six wood sheds, and two wood structures; as well as extensive vehicle and truck trailers stored on site. The houses are serviced by well and septic field, and the Applicant proposes well and septic for the proposed new parcel.

While the proposed subdivision is technically viable, the application is not in compliance with Policy 7.1 of the Conrich Area Structure Plan (ASP), which specifies that a new subdivision shall not be supported within the Future Policy Area until such time that the area has been comprehensively planned. It should be noted, that the Terms of Reference for the Future Policy Area were adopted by Council on November 27, 2018, and planning for the area will commence in 2019.

Without the comprehensive planning for the Future Policy Area, it is premature to consider the proposed subdivision at this time. Further to this, the *Municipal Government Act* Section 654 (1)(b), states that a subdivision authority must not approve a subdivision application unless the proposal conforms to the statutory plan.

Administration determined that the application does not meet policy .

<p><b>PROPOSAL:</b> To create a ±2.34 hectare (±5.78 acre) parcel (Lot 1) and ±4.57 hectare (±11.29 acre) parcel (Lot 2).</p>	<p><b>GENERAL LOCATION:</b> Located approximately 4 km east of the city of Calgary, immediately east of the hamlet of Conrich, 0.81 kilometers (1/2 mile) south of Township Road 250 and 0.81 kilometers (1/2 mile) west of Range Road 283.</p>
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<sup>1</sup> **Administration Resources**

Oksana Newmen & Erika Bancila, Planning & Development Services

<b>LEGAL DESCRIPTION:</b> Block 11, Plan 7410505 within NW-33-24-28-W04M	<b>GROSS AREA:</b> 6.91 hectares (17.07 acres)
<b>APPLICANT:</b> Dean Guidolin <b>OWNER:</b> Valetta June Dickie, 816264 Alberta Ltd.	<b>RESERVE STATUS:</b> Municipal Reserves for the parcel dedicated as Block R-1 on Plan 1657LK when it was subdivided in 1973.
<b>LAND USE DESIGNATION:</b> Residential Two District	<b>LEVIES INFORMATION:</b> Transportation Off-Site Levy, Water Offsite Levy, and Stormwater Offsite Levy are applicable.
<b>DATE APPLICATION RECEIVED:</b> September 17, 2018 <b>DATE DEEMED COMPLETE:</b> September 21, 2018	<b>APPEAL BOARD:</b> Subdivision and Development Appeal Board
<b>TECHNICAL REPORTS SUBMITTED:</b> • None	<b>LAND USE POLICIES AND STATUTORY PLANS:</b> • Conrich Area Structure Plan (Bylaw C-7468-2015) • Land Use Bylaw (Bylaw C-4841-97)

#### **PUBLIC & AGENCY SUBMISSIONS:**

No letters were received in response to the 109 landowner notifications sent. The application was also circulated to a number of internal and external agencies. Those responses are available in Appendix 'B'.

#### **HISTORY:**

**November 27, 2018** Council approved Terms of Reference for the Conrich Area Structure Plan Future Policy Area Review.

**December 11, 1973** Calgary Regional Planning Commission approved the subdivision creating the subject parcel and a second parcel, each totaling 17.07 acres. Municipal Reserves were provided under Block R-1 Plan 1657LK.

#### **TECHNICAL CONSIDERATIONS:**

This application was evaluated in accordance with the matters listed in Section 7 of the Subdivision and Development Regulation, which are as follows:

a) The site's topography

The site is largely flat, with slopes primarily around 1%; some in the northeastern corner approaching 4%. The existing developed area of the site (including all dwellings, sheds, and buildings) is slightly raised above the remainder of the parcel at 1062 m elevation, with the majority of the remainder at 1060 m elevation.

Conditions: None

b) The site's soil characteristics

The site contains Class 1 soils with no significant limitations. There are no concerns as a result of soil conditions on site.

Conditions: None





c) Storm water collection and disposal

The County is currently working with adjoining municipalities, the Western Irrigation District, Alberta Environment, and Ducks Unlimited to develop a comprehensive and regional approach to storm water management in the area, which is referred to as the Cooperative Stormwater Management Initiative (CSMI). Map 11 within the Conrich ASP illustrates the regional conveyance system located approximately ½ mile south of the subject land.

Policy 24.2 of the Conrich ASP states, “until such time as a regional conveyance system is finalized, the stormwater drainage system (conveyance and storage areas) shall be designed to comply with the Shepard Regional Drainage Plan, the Cooperative Stormwater Management Initiative (CSMI) Plan, the Conrich Master Drainage Plan, and the Western Headworks Stormwater Management Agreement (2013).

The Applicant did not submit a Storm Water Management Report with the application. As a condition of subdivision, the Applicant would be required to provide a Stormwater Management Report (SSIP) for Lot 1 in accordance with the County Servicing Standards, the Conrich ASP, and the Conrich Master Drainage Plan.

As a condition of subdivision, the Applicant would be required to provide payment of the Storm Water Offsite Levy, in accordance with Bylaw C-7535-2015, for the total gross acreage of the Lot 1 (5.78 acres). As per the current levy bylaw, the estimated levy payment owed at time of subdivision endorsement is \$31,720.

Conditions: 6, 11

d) Any potential for flooding, subsidence or erosion of the land

The site is not subject to flooding, subsidence, or erosion.

Conditions: None

e) Accessibility to a road

The subject lands are currently accessed through an existing approach from Township Road 245A. The proposed Lot 2 would require direct access onto Township Road 245A. The Applicant would be required to construct a new graveled approach onto Township Road 245A as per Rocky View County standards.

It is noted that Township Road 245A ends approximately ±65.00 m (213.26 ft.) west of the east boundary of proposed Lot 2 in a cul-de-sac bulb encroaching Lot 2. To legally permit this encroachment, the Owner would be required to prepare and register a Utility Right-of-Way (access) Plan and associated agreement to the satisfaction of the County.

Conditions: 2, 3

*Transportation Offsite Levy*

Payment of the Transportation Offsite Levy in accordance with Bylaw C-7356-2014 is required to be paid on Lot 1. TOL for proposed Lot 2 would be deferred at this time, as the lot size is greater than 9.88 acres. In addition, the site is located within Special Area 2, and would therefore be subject to that levy as well. These levies are payable at the time of subdivision.

- Base Levy = \$4,595/acre x 5.78 acres = \$26,559
- Special Area 2 = \$5,833/acre x 5.78 acres = 33,715
  - Estimated Total TOL payment = \$60,274

Conditions: 9



f) Water supply, wastewater and solid waste disposal

*Water supply*

As per Conrich ASP Policy 23.9, all new development shall connect to the County's potable water system. As the subject lands are located within the Conrich Transmission Main Service area, and a distribution line is already available adjacent to the subject lands, Lot 1 and Lot 2 would be required to connect to municipal water services at their own expense.

The Owner would be required to enter into a Customer Service Agreement with the County for water services provided for Lot 1 and Lot 2.

The Owner would also be required to provide payment of the Water Offsite Levy in accordance with the applicable levy for Lot 1 and Lot 2:

- Based on current Rocky View County Water and Wastewater Off-Site Levy Bylaw C7273-2013, the estimated levy payment is \$17,147.40 x 2 lots x 0.950 m<sup>3</sup> / lot (projected average day residential water demand ), totaling \$34,294.85 .

*Wastewater*

As per Conrich ASP Policy 23.15, all new development shall connect to the County's wastewater system. Where not yet available, the ASP provides for private sewage treatment in accordance with County policy and provincial regulation.

As the subject lands are not near the County's wastewater collection system at this time, the Applicant/Owner would be required to prepare a Level II PSTS report to address the site suitability for a PSTS and any pertinent requirements.

As the subject lands are near a proposed future wastewater collection system, the Applicant/Owner would be required to enter into a Deferred Site Service Agreement with the County to connect to the future sanitary collection system.

*Solid waste disposal*

As per Conrich ASP Policy 25.5, solid waste management shall be the responsibility of property owners in country residential and agricultural areas.

Conditions: 4,5,12,7,8

g) The use of the land in the vicinity of the site

The area in the vicinity of the site is developed as a mixture of residential to the east and southwest, large-parcel farming, and industrial uses (CN Logistics) to the north.

The subdivision proposes an application consistent with existing land uses and parcel sizes in the area.

Conditions: None

h) Other matters

*Municipal Reserves*

Municipal Reserves were provided when the subject lands were originally subdivided in 1973 with the dedication of Block R-1 on Plan 1657LK.

**POLICY CONSIDERATIONS:**

In accordance with Section 654(1)(b) of the *Municipal Government Act*:

*"A subdivision authority must not approve an application for subdivision approval unless the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any*

*statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,”*

The application was assessed based on the Conrich Area Structure Plan (Bylaw C-7468-2015) and the Land Use Bylaw (Bylaw C-4841-97).

#### Interim Growth Plan

The IGP provides guidance on land use, population and employment growth, and infrastructure planning related to matters of regional significance on an interim basis in the Calgary Metropolitan Region until such time as the *Growth Plan* is adopted by 2021.

This application was evaluated against the plan; however, the proposal does not appear to be regionally significant, and the scope of the proposal is not considered in the plan's policies.

#### Intermunicipal Development Plan

The proposed subdivision is located within the Rocky View County/City of Calgary IDP area, as well as the Chestermere Notification area.

As required by the IDP, the County referred the application to the City of Calgary, which had no comments. The County did not receive a response from the Town of Chestermere.

Based on a review of the policies, the proposed subdivision is consistent with the IDP.

#### Conrich Area Structure Plan

The subject land is located within the policy area of the Conrich Area Structure Plan (ASP). The ASP identifies this area as 'Future Policy Area', which would include a hamlet boundary, a community core, and residential areas.

In accordance with Policy 7.1 of the ASP, new subdivision shall not be supported within the Future Policy Area until such time that the area has been comprehensively planned. The intent of this policy is to prevent further fragmentation in the area.

The comprehensive planning framework for the Future Policy Area has not yet been established. Allowing the proposed subdivision to proceed at this time would be inconsistent with Policy 7.1 of the Conrich Area Structure Plan. It should be noted, that the Terms of Reference for the Future Policy Area were adopted by Council on November 27, 2018, and planning for the area will commence in 2019.

In accordance with Section 654(1) (b) of the *Municipal Government Act*, a subdivision authority must not approve a subdivision application unless the proposal conforms to the statutory plan. In this case, the proposed subdivision does not conform to the Conrich Area Structure Plan.

#### Land Use Bylaw

The subject land is designated as Residential Two District, which allows for a minimum lot size of 1.60 hectares (3.95 acres). The proposed parcel sizes are in compliance with the Land Use Bylaw requirement.

#### **CONCLUSION:**

The technical aspects of the subdivision proposal were considered and are further addressed through the conditional approval requirements; however, the application is not consistent with Section 654 of the *Municipal Government Act*, the Conrich Area Structure Plan, or the Interim Growth Plan.

The Conrich ASP states that new subdivision shall not be supported within the Future Policy Area until such time that the area has been comprehensively planned. Approving the proposed subdivision will further fragment the area, making it more difficult to coordinate comprehensive planning efforts in the future.





In accordance with Section 654(1) (b) of the *Municipal Government Act*, a subdivision authority must not approve a subdivision application unless the proposal conforms to the statutory plan. In this case, the proposed subdivision does not conform to the Conrich Area Structure Plan.

Administration reviewed the application and determined that:

- The application is non-compliant with the Conrich Area Structure Plan; and,
- Section 654 (1)(b) of the *Municipal Government Act* states that a subdivision authority must not approve a subdivision application unless the proposal conforms to the statutory plan.

#### **OPTIONS:**

Option #1: THAT Subdivision Application PL20180111 be approved with the conditions noted in Appendix A.

Option #2: THAT Subdivision Application PL20180111 be refused for the following reasons:

- 1) The application is not in compliance with Policy 7.1 of the Conrich Area Structure Plan;
- 2) Approving the proposed subdivision would further fragment the area; and
- 3) Section 654 (1)(b) of the *Municipal Government Act* states that a subdivision authority must not approve a subdivision application unless the proposal conforms to the statutory plan.

Respectfully submitted,

Concurrence,

“Sherry Baers”

“Al Hoggan”

---

Executive Director  
Community Development Services

---

Chief Administrative Officer

ON/rp

#### **APPENDICES:**

APPENDIX ‘A’: Approval Conditions  
APPENDIX ‘B’: Application Referrals  
APPENDIX ‘C’: Map Set

**APPENDIX A: APPROVAL CONDITIONS**

- A. Should the Subdivision Authority wish to approve the application to create a  $\pm 2.34$  hectare ( $\pm 5.78$  acre) parcel (Lot 1) and  $\pm 4.57$  hectare ( $\pm 11.29$  acre) parcel (Lot 2) from Block 11, Plan 7410505 within NW-33-24-28-W04M the written decision of the Subdivision Authority must include the reasons for the decision, including an indication of how the Subdivision Authority has considered submissions made by adjacent landowners and the matters listed in Section 7 of the Subdivision and Development Regulation. The following reasons are to be provided:
- 1.
  - 2.
  - 3.
- B. The Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the condition will be met, in accordance with all County Policies, Standards and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a Qualified Professional, licensed to practice in the Province of Alberta, within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application is approved subject to the following conditions of approval:

*Plan of Subdivision*

- 1) Subdivision to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.

*Transportation*

- 2) The Owner shall construct a new graveled approach onto Township Road 245A in order to provide access to Lot 1.
- 3) The Owner shall prepare and register a Utility Right-of-Way (access) plan & associated agreement, satisfactory to the County, for the encroachment of the cul-de-sac portion of Township Road 245A on the subject lands. The survey plan shall encompass both the road area, ditches, and approaches associated with Twp Rd 245A. In addition, the Owner shall:
  - a) Provide an access right of way plan; and
  - b) Prepare and register respective easements on each title, where required.

*Water Servicing*

- 4) The Owner is to provide connection to the County's piped municipal water system in accordance with Bylaw C-7662-2017. This includes the following:
  - a) Design and construction of the connection;
  - b) Engineering design drawings detailing the service connections to the potable water main within the Twp Rd 254A right-of-way, for review by the County. Written approval of the



design drawings shall be obtained from the Manager of Utility Services prior to construction commencement; the proposed service connections are to be within the boundary of the respective parcel.

- c) After approval of the service connection designs by the Manager of Utility Services, the applicant shall provide 14 days written notice to the County prior to construction commencing. The Owner shall arrange to have County personnel present to inspect and approve construction, in accordance with County's Water & Wastewater Utilities Bylaw (C-7662-2017).
  - d) All utility construction shall be to the satisfaction of the County,
  - e) All ground disturbances shall be restored to pre-existing or superior conditions, to the satisfaction of the County.
  - f) All engineering and construction costs shall be borne by the Applicant/Owner.
- 5) The Owner is to enter into a Customer Service Agreement with the County for water services provided for Lot 1 and Lot 2.

#### *Stormwater Conditions*

- 6) The Owner is to provide and implement a (Site Specific) Stormwater Management Plan (SSIP) that meets the requirements outlined in the Conrich Master Drainage Plan & County Servicing Standards. Should the (Site Specific) Stormwater Management Plan indicate that improvements are required, the Applicant/Owner shall enter into a Development Agreement (Site Improvements/Services Agreement) with the County. Implementation of the Stormwater Management Plan may include:
- a) Registration of any required easements and / or utility rights-of-way;
  - b) Provision of necessary approvals and compensation to Alberta Environment and Parks for wetland loss and mitigation;
  - c) Provision of necessary Alberta Environment and Parks registration documentation and approvals for the stormwater infrastructure system;

#### *Site Servicing*

- 7) The Owner shall submit a Level 2 PSTS Assessment, prepared by a qualified professional as indicated in the Model Process for Subdivision Approval and Private Sewage document, to the satisfaction of the County. If the recommendations of the Model Process Assessment indicate improvements are required, the Owner shall enter into a Site Improvements/Services Agreement with the County.
- 8) The Owner is to enter into a Deferred Services Agreement with the County, to be registered on title for each proposed Lot(s) 1 and 2, indicating:
- a) Requirements for each future Lot Owner to connect to County piped wastewater, and storm water systems at their cost when such services become available;
  - b) Requirements for decommissioning and reclamation once County servicing becomes available.

#### *Payments and Levies*

- 9) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014. The County shall calculate the total amount owing:
- a) From the total gross acreage of Lot 1 as show on the Plan of Survey;



- b) That the payment of Transportation Off-Site Levy on Lot 2 as shown on the Plan of Survey be deferred.
- 10) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one new Lot.
- 11) The Owner shall pay the Stormwater Off-Site Levy in accordance with Bylaw C-7535-2015, for the gross area of Lot 1.
- 12) The Owner shall pay the Water Off-Site Levy in accordance with Bylaw C-7273-2013. The County shall calculate the total amount owing:
  - a) based on projected usage, as detailed in Schedule D, Tables D.1 and D.2, of Bylaw C-7273-2013 for Lot 1 and Lot 2.

**Taxes**

- 13) All taxes owing, up to and including the year in which subdivision is to be registered, are to be paid to Rocky View County prior to signing the final documents pursuant to Section 654(1) of the *Municipal Government Act*.

**D. SUBDIVISION AUTHORITY DIRECTION:**

- 1) Prior to final endorsement of the Subdivision, the Planning Department is directed to present the Owner with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.



**APPENDIX B: APPLICATION REFERRALS**

<b>AGENCY</b>	<b>COMMENTS</b>
<i><b>School Authority</b></i>	
Rocky View Schools	No response.
Calgary Catholic School District	No response.
Public Francophone Education	No response.
Catholic Francophone Education	No response.
<i><b>Province of Alberta</b></i>	
Alberta Environment	Not required for circulation.
Alberta Transportation	Not required for circulation.
Alberta Sustainable Development (Public Lands)	Not required for circulation.
Alberta Culture and Community Spirit (Historical Resources)	No response.
Alberta Energy Resources Conservation Board	No response.
Alberta Health Services	I would like to confirm that Alberta Health Services, Environmental Public Health has received the above-noted submission. At this time we do not have any concerns with the information as provided. Please contact me if the application is changed in any way, or you have any questions or concerns.
<i><b>Public Utility</b></i>	
ATCO Gas	No response.
ATCO Pipelines	No objection.
AltaLink	No response.

AGENCY	COMMENTS
FortisAlberta	<p>Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta. FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.</p> <p>Please contact FortisAlberta land services at <a href="mailto:landserv@fortisalberta.com">landserv@fortisalberta.com</a> or by calling (403) 514-4783 for any questions.</p>
Telus Communications	No objections.
Direct Energy	Not circulated.
TransAlta	No response.
Calgary Airport Authority	Not required for circulation.
<i>Adjacent Municipality</i>	
The City of Calgary	The City of Calgary has <b>no comments</b> regarding <b>Application # PL20180111</b> – To create a ± 4.57 hectare (11.29 acre) parcel (Lot 1) and a ±2.34 hectare (5.78 acre) parcel (Lot 2).
Tsuut'ina Nation	Not circulated.
<i>Other External Agencies</i>	
EnCana Corporation	No response.
Enmax	Not circulated.
<i>Rocky View County</i>	
<i>Boards and Committees</i>	
Agricultural Service Board Farm Members and Agricultural Fieldman	Not circulated.

<b>AGENCY</b>	<b>COMMENTS</b>
Chestermere-Conrich Recreation Board	Given that Municipal Reserves were provided by a cash-in-lieu payment on Plan 1657LK, the Chestermere-Conrich Recreation Board has no comments on this circulation.
<i>Internal Departments</i>	
Recreation, Parks and Community Support	The Municipal Lands Office has no concerns with this subdivision application as applicable reserves have been previously dedicated as per Plan 1657 L.K.
Development Authority	No comments.
GIS Services	The preliminary address for these subdivided property is <b>283136 TWP RD 245A</b> , Rocky View County. This may change based on the location of the approach.
Fire Services	The Fire Service has no comments at this time.
Planning & Development Services - Engineering	<p><b>General</b></p> <ul style="list-style-type: none"> <li>The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and procedures.</li> <li>Given the location of the subject lands within the core area of Hamlet of Conrich and proximity to piped servicing, any further development/subdivision of the subject lands require tie-in to piped services. Given that the subject lands fall within the Future Policy Area of the Conrich ASP, should this application be approved, servicing the lands will allow for the further development/subdivision of the lands given the outcome of the future policy area of the Conrich ASP.</li> </ul> <p><b>Geotechnical</b> - Section 300.0 requirements:</p> <ul style="list-style-type: none"> <li>ES has no requirements at this time.</li> </ul> <p><b>Transportation</b> - Section 400.0 requirements:</p> <ul style="list-style-type: none"> <li>Access to the proposed new lot is from TWP Rd 245A, a gravel surfaced municipal road ending in a circular off-set cul-de sac located west of the east property boundary.</li> <li>As a condition of Subdivision endorsement, the applicant will be required to construct a new gravelled approach from Lot 1, directly onto Twp Rd 245 A. as per Rocky View County standards.</li> <li>As a condition of Subdivision endorsement, the applicant will be required to provide payment of the Transportation Offsite Levy (TOL) in accordance with applicable levy at time of Subdivision and/or Development Permit approval, as amended. As per Bylaw C-7356-2014 currently in effect, the</li> </ul>

AGENCY	COMMENTS
	<p>TOL is applicable for proposed Lot 1 only measuring approximately 5.78 acres. TOL will be deferred for proposed Lot 2, as the remainder is a residential lot greater than 9.98 acres, as per section 5 e) of the above mentioned bylaw.</p> <ul style="list-style-type: none"> <li>○ The estimated levy payment owed at time of subdivision endorsement is \$60,274 (Base = \$4,595/ac x 5.78 ac = \$26,559; Special Area 2 = \$5,833/ac x 5.78 ac = \$33,715).</li> <li>• As a condition of Subdivision, the Applicant shall prepare and register a Utility Right of Way Plan (access) plan &amp; associated agreement to allow for the encroachment of the cul-de-sac portion of Twp Rd 245 A onto the subject lands. The survey plan shall encompass both the road area, ditches and approaches associated with Twp Rd 254 A. In addition, the Owner shall: <ul style="list-style-type: none"> <li>a) Provide an access right of way plan</li> <li>b) Prepare and register respective easements on each title, where required.</li> </ul> </li> </ul> <p><b>Sanitary/Waste Water - Section 500.0 requirements:</b></p> <ul style="list-style-type: none"> <li>• As per Conrich ASP Policy 23.15, all new development shall connect to the County's wastewater system. There is no existing wastewater system in the area at this time.</li> <li>• Should the subdivision be approved, as a condition of subdivision, the Applicant/Owner is required to submit a Level II PSTS report prepared by a qualified professional to address the site suitability for a PSTS and any pertinent requirements. <ul style="list-style-type: none"> <li>○ The Applicant has submitted a Level 1 Variation Assessment for Proposed Lot 2 and confirmed the system is in good operating condition.</li> </ul> </li> <li>• As the subject lands are near a proposed/ future wastewater collection system, the County requires the proposed lot and remainder parcel to enter into a Deferred Site Service Agreement with the County to tie into the future sanitary collection system.</li> </ul> <p><b>Water Supply And Waterworks - Section 600.0 &amp; 800.0 requirements:</b></p> <ul style="list-style-type: none"> <li>• As per Conrich ASP Policy 23.9, all new development shall connect to the County's potable water system;</li> <li>• As the subject lands are located within the Conrich Transmission Main Service area, and a distribution line is already available within TWP Rd 245A Utility Right of Way, the County requires the proposed Lot 1 and Lot 2 to tie into piped municipal services, in accordance with Bylaw C-7662-</li> </ul>



AGENCY	COMMENTS
	<p>2017. The applicant will be required to provide:</p> <ul style="list-style-type: none"> <li>○ Design and construction of connection to each lot;</li> <li>○ Engineered design drawings detailing the connections to the potable water main, for review by the County. Written approval of the design drawings shall be obtained from the Manager of Utility Services.</li> <li>○ The Applicant shall provide 14 days written notice to the County prior to construction commencing. The applicant shall arrange to have County personnel present to inspect and approve construction, in accordance with RVC Water/ Wastewater Utilities Bylaw C-7662-2017.</li> <li>○ All utility construction shall be to the satisfaction of the County.</li> <li>○ All ground disturbances shall be restored to pre-existing or superior conditions, to the satisfactions of the County.</li> <li>○ All engineering and construction costs shall be borne by the Applicant/Owner.</li> <li>○ Each service connection shall be entirely within the boundary of its respective lot.</li> </ul> <ul style="list-style-type: none"> <li>• The Owner is to enter into a Customer Service Agreement with the County for water services provided for Lot 1 and Lot 2.</li> <li>• As a condition of subdivision, the applicant will be required to provide payment of the Water Offsite Levy in accordance with applicable levy at time of Subdivision approval. Based on the current Rocky View County Water and Wastewater Off-Site Levy Bylaw No.C-7273-2013, the estimated levy payment owed at time of subdivision endorsement is \$33,257 (2 Lots X \$17,503.92) based on 950 m<sup>3</sup>/day projected average day water demand.</li> </ul> <p><b>Storm Water Management – Section 700.0 requirements:</b></p> <ul style="list-style-type: none"> <li>• As a condition of subdivision, the applicant will be required to provide payment of the Stormwater Offsite Levy in accordance with applicable levy at time of Subdivision approval for proposed Lot 1. The estimated levy payment owed at time of subdivision endorsement is \$31,720 (Base = \$5,488/ac x 5.78 ac = \$31,720). The stormwater levy shall be deferred for proposed lot 2, as the remainder is a residential lot greater than 9.98 acres.</li> <li>• As a condition of subdivision, the applicant is required to prepare a site specific storm water management report (SSIP) which meets the requirements outlined in the County Servicing Standards, the Shepard Regional Drainage Plan, the Cooperative Stormwater Management Initiative (CSMI) Plan, the Conrich Master Drainage Plan, and the 2013 Western Headworks Stormwater Management Agreement. Should the SSIP indicate that stormwater infrastructure</li> </ul>

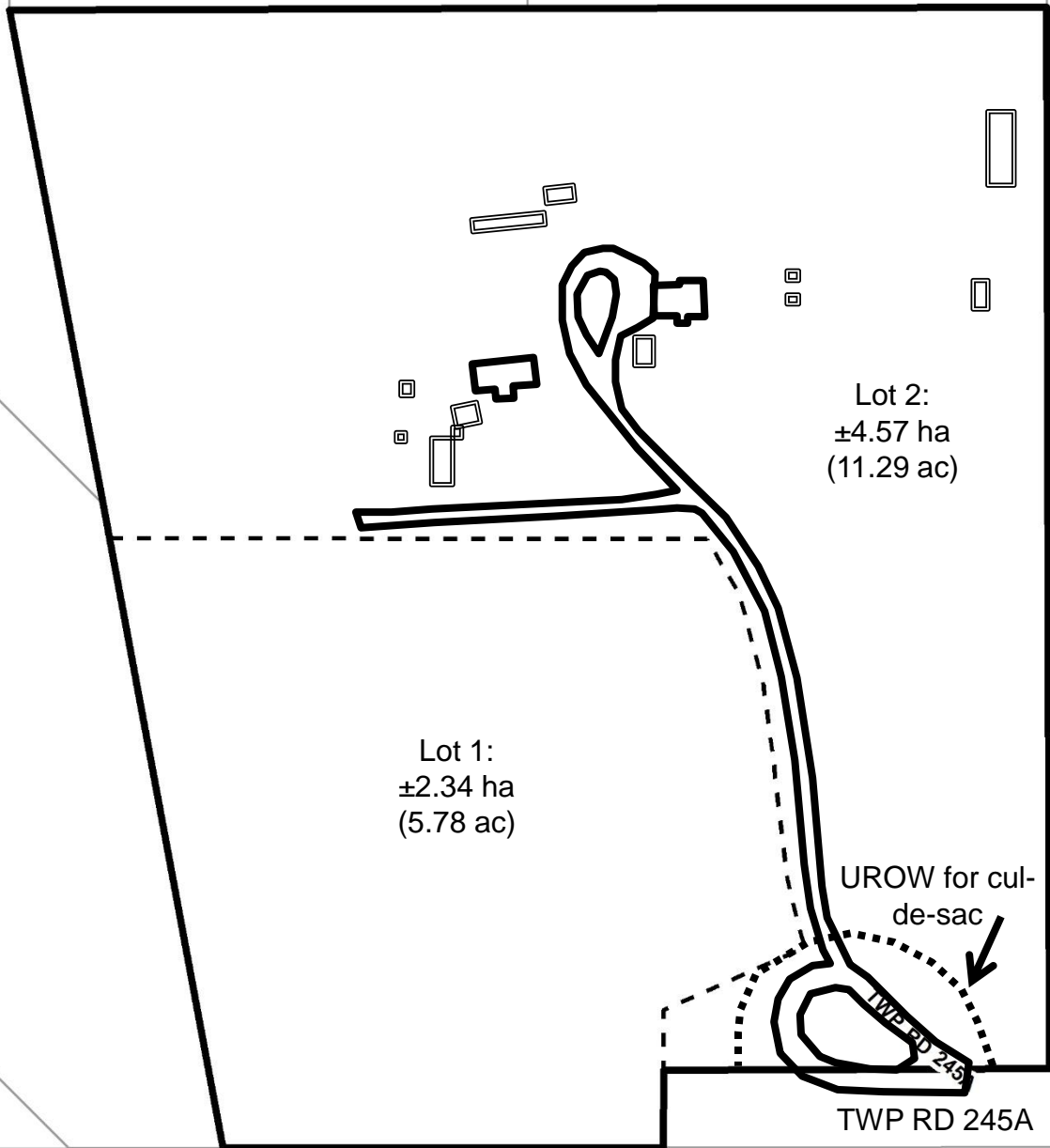
AGENCY	COMMENTS
	<p>improvements are required the Applicant/Owner shall enter into a Site Improvement/Services Agreement (SISA) with the County for the implementation of those specific improvements.</p> <p><b>Environmental – Section 900.0 requirements:</b></p> <ul style="list-style-type: none"> <li>• .The County’s wetland impact model does not indicate any wetlands on the subject lands. Engineering has no further concerns at this time.</li> </ul>
Transportation	<p>Does RVC have an easement agreement for existing loop at west end of Twp. Rd 245A? If not, road dedication or easement needs to be established.</p> <p><i>Note: This has been addressed in conditions of approval.</i></p>
Capital Project Management	No issues.
Operational Services	No issues.
Utility Services	No issues.
Agriculture and Environment Services	Agricultural Services Staff Comments: Because this parcel falls within the Conrich Area Structure Plan, Agricultural Services has no concerns.

Circulation Period: September 27, 2018 – October 29, 2018



**Agenda**  
**Page 232 of 277**

**PROPOSAL:** To create a 2.34 hectare (5.78 acre) parcel (Lot 1) and a 4.57 hectare (11.29 acre) parcel (Lot 2).



**Surveyor's Notes:**

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-4841-97.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

## TENTATIVE PLAN

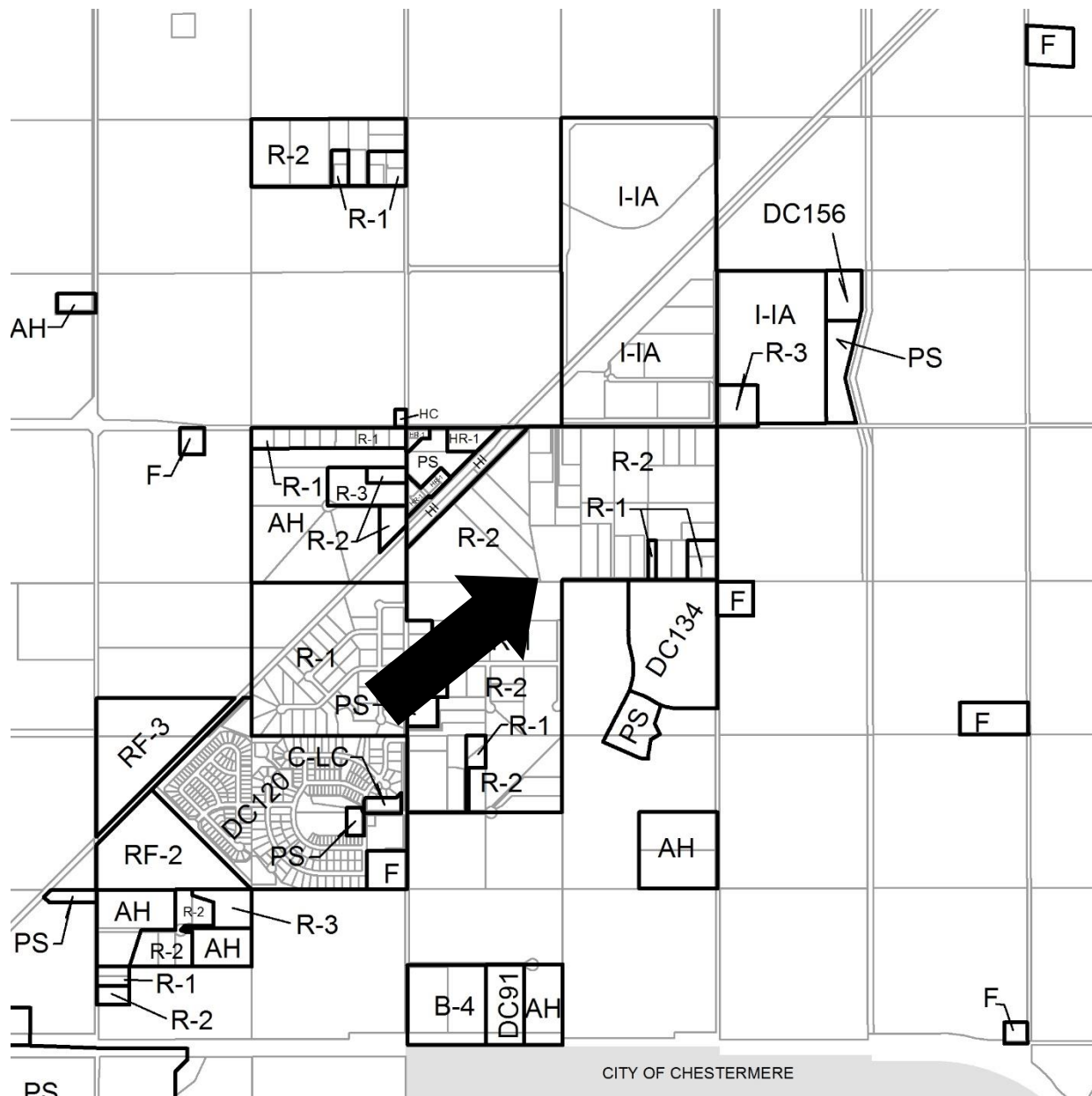
**NW-33-24-28-W04M**  
**Block:11 Plan:7410505**

**Date:** 30-Jan-19

## Division # 5

**File: 04333030**





	Ranch and Farm	B-1	Highway Business
RF2	Ranch and Farm Two	B-2	General Business
RF3	Ranch and Farm Three	B-3	Limited Business
AH	Agricultural Holding	B-4	Recreation Business
F	Farmstead	B-5	Agricultural Business
R-1	Residential One	B-6	Local Business
R-2	Residential Two	NRI	Natural Resource Industrial
R-3	Residential Three	HR-1	Hamlet Residential Single Family
DC	Direct Control	HR-2	Hamlet Residential (2)
PS	Public Service	HC	Hamlet Commercial
		AP	Airport

# LAND USE MAP

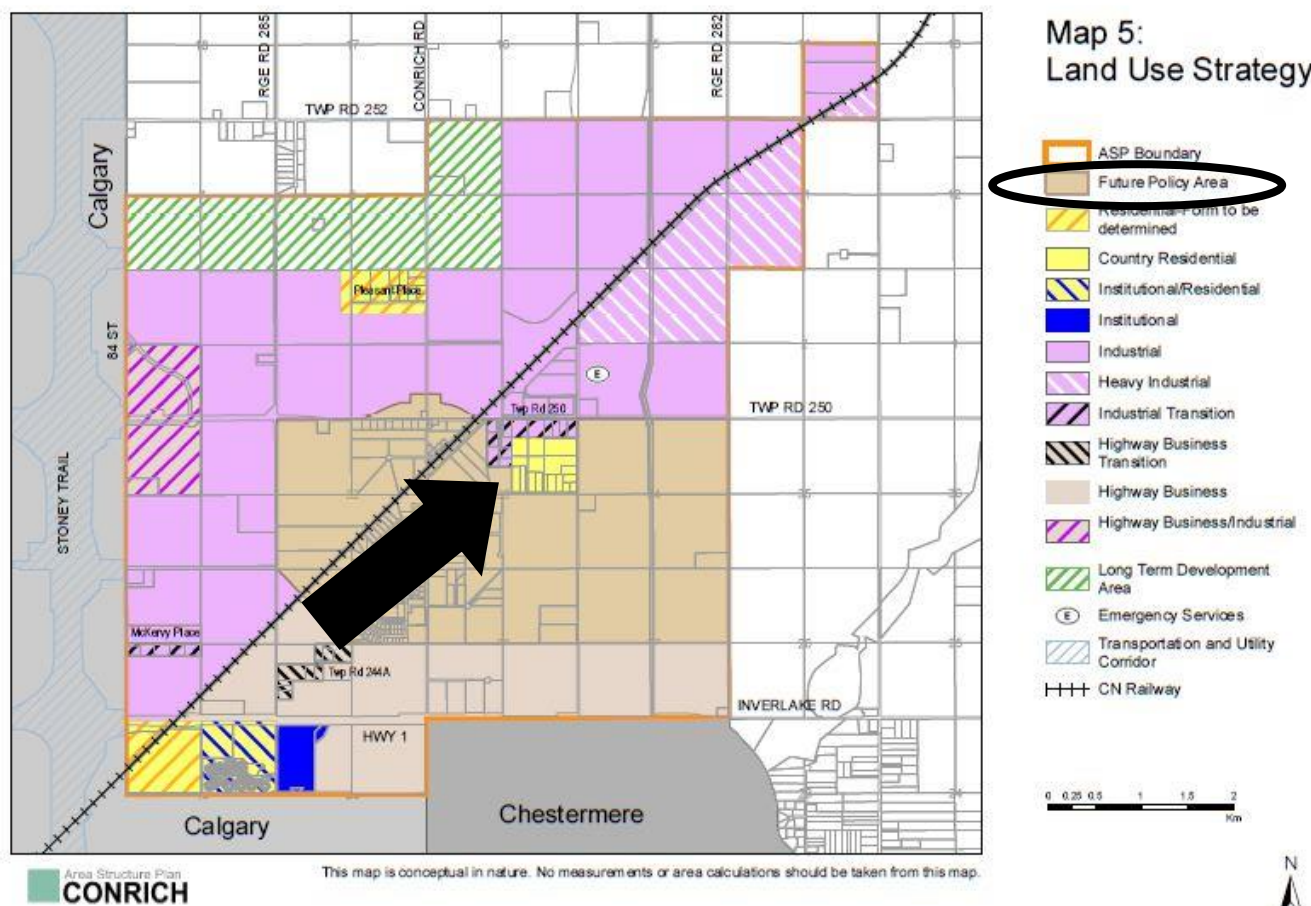
**NW-33-24-28-W04M**  
**Block:11 Plan:7410505**

**Date: 30-Jan-19**

## Division # 5

**File: 04333030**

**Agenda**  
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## CONRICH ASP LAND USE MAP

**NW-33-24-28-W04M**  
**Block:11 Plan:7410505**

Date: 30-Jan-19

Division # 5

File: 04333030

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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

## TOPOGRAPHY

*Contour Interval 2 M*

**NW-33-24-28-W04M**  
**Block:11 Plan:7410505**

Date: 30-Jan-19

Division # 5

File: 04333030

**Agenda**

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Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*

**NW-33-24-28-W04M**  
**Block:11 Plan:7410505**

Date: 30-Jan-19

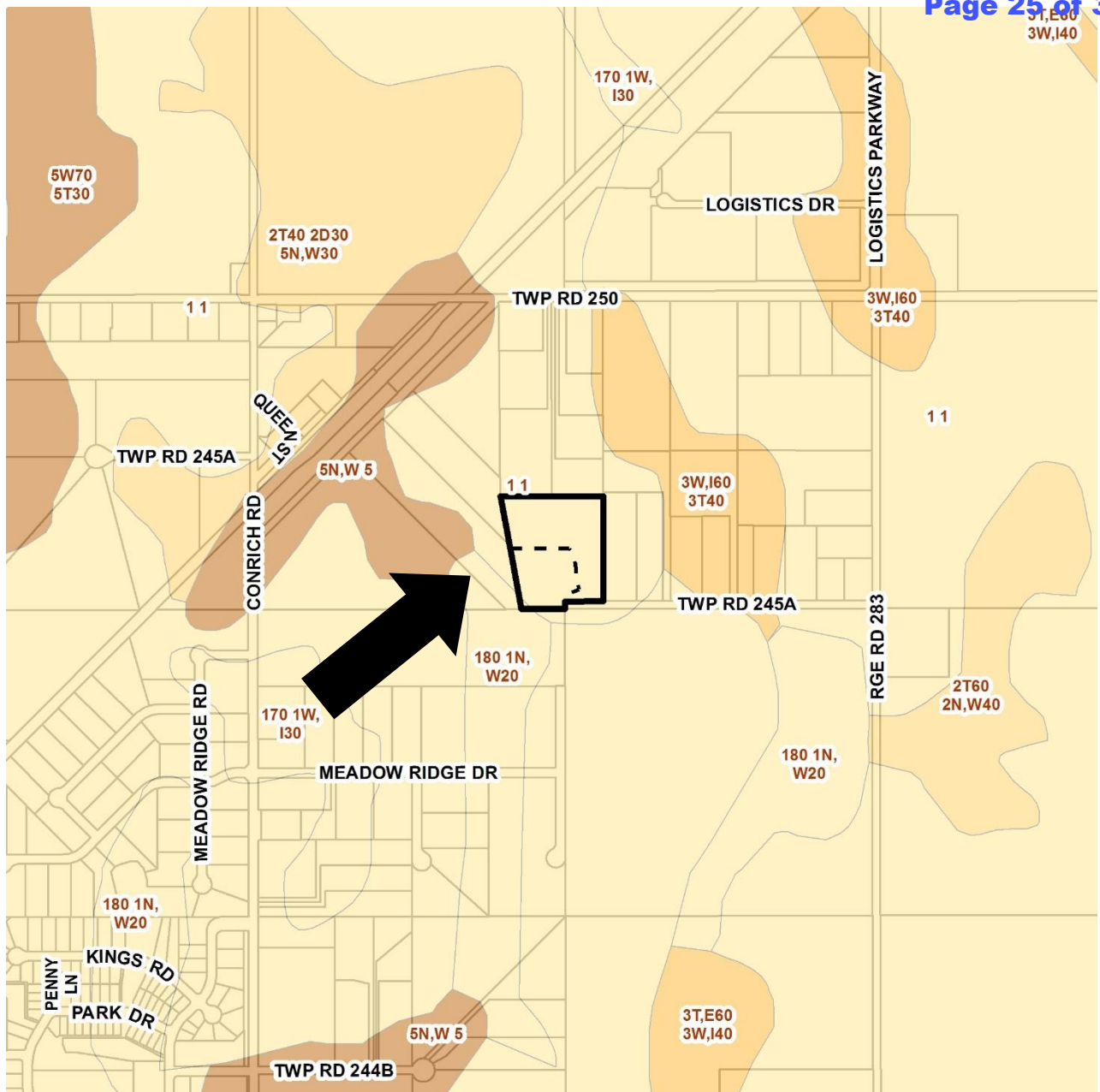
Division # 5

File: 04333030

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**LAND CAPABILITY CLASSIFICATION LEGEND***Limitations refer to cereal, oilseeds and tame hay crops***CLI Class**

- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

**Limitations**

- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile development
- M - low moisture holding, adverse texture
- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high sodicity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable

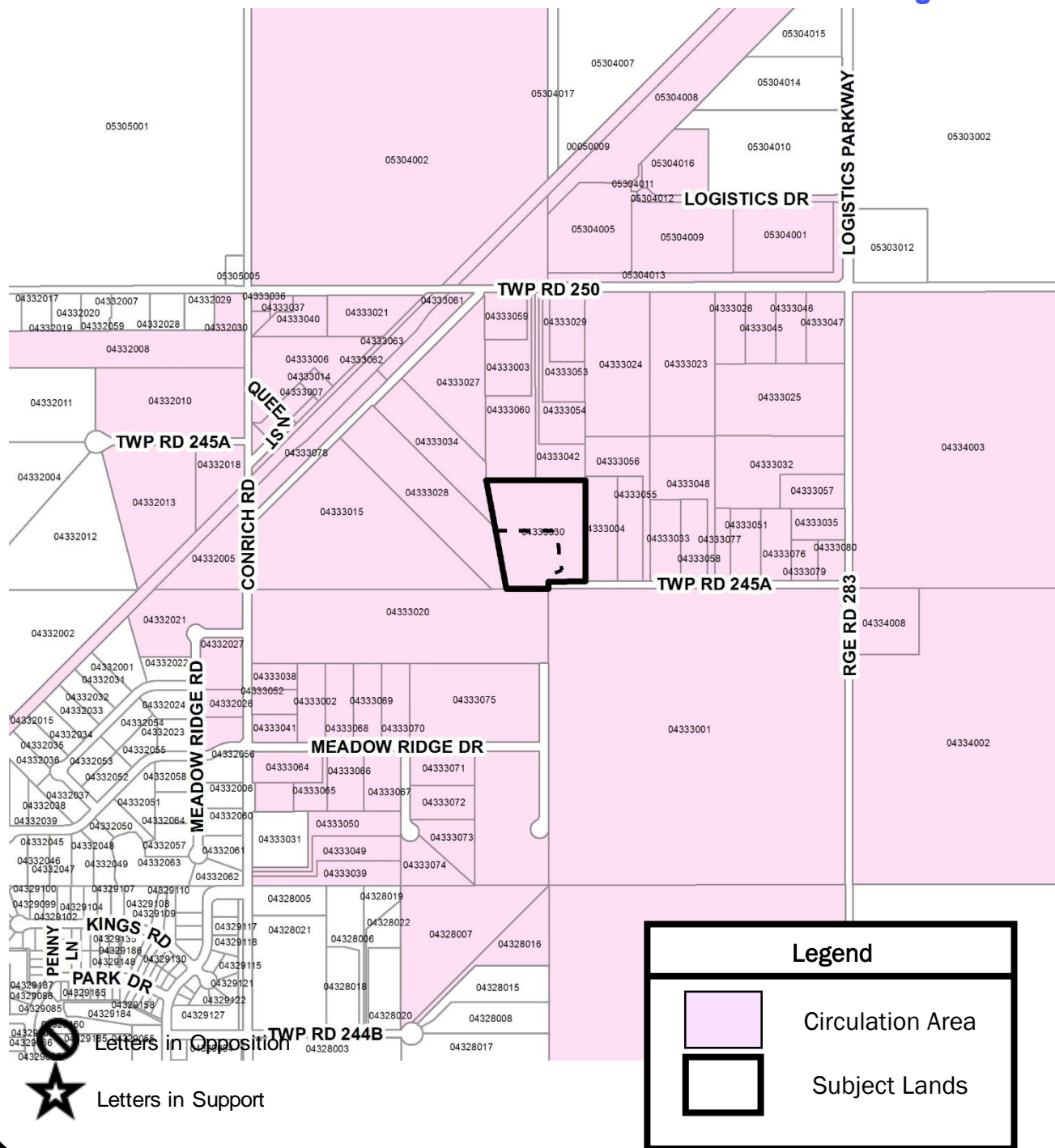
**SOIL MAP**

**NW-33-24-28-W04M**  
**Block:11 Plan:7410505**

Date: 30-Jan-19Division # 5File: 04333030**Agenda****Page 238 of 277**

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## LANDOWNER CIRCULATION AREA

**NW-33-24-28-W04M**  
**Block:11 Plan:7410505**

Date: 30-Jan-19

Division # 5

File: 04333030

**Agenda**  
**Page 240 of 277**



262075 Rocky View Point  
Rocky View County, AB, T4A 0X2

403-230-1401  
questions@rockyview.ca  
www.rockyview.ca

Date Mailed: Wednesday, February 20, 2019

Dean Guidolin  
[REDACTED]

File: PL20180111

**RE: SUBDIVISION TRANSMITTAL OF DECISION**

Pursuant to a decision of the Subdivision Authority for Rocky View County on February 12, 2019, your Subdivision Application was refused for the following reasons:

- 1) The application is not in compliance with Policy 7.1 of the Conrich Area Structure Plan;
- 2) Approving the proposed subdivision would further fragment the area; and
- 3) Section 654(1)(b) of the *Municipal Government Act* states that a subdivision authority must not approve a subdivision application unless the proposal conforms to the statutory plan.

Following refusal of the subdivision application, the Council of Rocky View County passed the following motion:

*MOVED by Deputy Reeve Schule that the applicants of J-1 be allowed to resubmit a subdivision application after the Conrich ASP has been amended at no additional cost to the applicant.*

*Carried*

Pursuant to the *Municipal Government Act*, and in keeping with the instructions set out in the attached Notice of Appeal form, an appeal or dispute from this decision, or the conditions, may be commenced within 21 days from the date of this letter by:

- a) the applicant;
- b) a Government Department where a referral is required pursuant to the Subdivision and Development Regulation; and/or
- c) a school authority with respect to Reserve

An appeal to this decision rests with the Subdivision and Development Appeal Board. Use of the attached Notice of Subdivision Appeal form is required for submission of the appeal.

*The Subdivision Authority reserves the right to make corrections to any technical or clerical errors or omissions to this decision.*

Should you have any questions or concerns, please contact Oksana Newmen at 403-520-7265 for assistance and quote the file number as noted above.





**ROCKY VIEW COUNTY**

~~Charlotte Satink~~  
~~Municipal Clerk~~  
403-520-1651  
csatink@rockyview.ca

*Tyler Andreassen*  
*A/Municipal Clerk*

cc: 816264 Alberta Ltd  
Dickie, Valetta June

262075 Rocky View Point  
Rocky View County, AB, T4A 0X2

403-230-1401  
questions@rockyview.ca  
www.rockyview.ca



**ROCKY VIEW COUNTY**  
Cultivating Communities

## Notice of Appeal

## Subdivision and Development Appeal Board

<b>Appellant Information</b>			
Name of Appellant(s) <b>VAL DICKIE (DIRECTOR) 816264 ALBERTA LTD.</b>			
Mailing Address <b>BOX 18, SITE 4, RR 6</b>		Municipality <b>CALGARY</b>	Province <b>ALBERTA</b>
Postal Code <b>T2M 4L5</b>			
Home Phone # <b>403-590-6369</b>	Business Phone # <b>403-850-0711</b>	Email Address <b>tstockburger@shaw.ca.</b>	
<b>Site Information</b>			
Municipal Address <b>28312A RR 283</b>		Legal Land Description (lot, block, plan and/or quarter-section-township-range-meridian) <b>NW 1/4 SEC 33, TWP 24 R. 28 W 4TH.</b>	
Development Permit, Subdivision Application, or Stop Order # <b>PL. 20180111</b>		Roll # <b>---</b>	
<b>I am appealing: (check one box only)</b>			
<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order	
<b>Reasons for Appeal (attach separate page if required)</b>			
<div style="font-size: 24px; font-weight: bold; margin-bottom: 20px;">11</div> <div style="font-size: 24px; font-weight: bold; margin-bottom: 20px;">SEE ATTACHED DOCUMENT</div>			

This information is collected for the Subdivision and Development Appeal Board of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected under the authority of the *Freedom of Information and Protection of Privacy Act*, section 33(c) and sections 645, 678, and 686 of the *Municipal Government Act*. If you have questions regarding the collection or use of this information, contact the Manager of Legislative and Legal Services at 403-230-1401.

Appellant's Signature

**Last updated: November 16, 2017**

MARCH 11, 2019  
Date

Date \_\_\_\_\_

Page 1 of 2

Reasons for the Appeal of PL20180111.

No Land Use Re-designation is requested for this application, and the two proposed parcels (if approved), will remain fully compliant with the current R2 (Country Residential), designation as indicated on Map 3 (page 15), of the Conrich Area Structure Plan. However, the subject parcel is shown as a Future Policy Area on Map 5 (page 29), of the ASP. With no clear timeline indicated for further development opportunities within this area. Section 9.0 of the ASP as Country Residential, further identifies that *"Country residential development within the hamlet of Conrich shall be supported in the areas identified as 'country residential' on Map 5., under section 9.1 (Policies).*

The purpose of this requested subdivision is to provide a newly created parcel, and to construct an new single family residence for the current owner of the parcel. This development is congruent to several existing properties directly to the East of the subject site. The second reason for this subdivision, is the need to address the currently existing turn around at the East end of TWP RD 245A, where the turnaround exists mostly on the subject property, and not within a typical road allowance. There is no registered right of way or agreement in place for this turn around to exist. The proposed subdivision of the subject property addresses this issue, and should be considered by the development authority.

For the reasons as identified above, this application should be re-considered by the Subdivision and Development Appeal Board.

## PLANNING & DEVELOPMENT

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**TO:** Subdivision and Development Appeal Board

**DATE:** April 3, 2019 **DIVISION:** 02

**FILE:** 04722004 **APPLICATION:** B-6; PRDP20190117

**SUBJECT:** Renewal of a Home-Based Business, Type II.

---

<b>PROPOSAL:</b> Renewal of a Home-Based Business, Type II, for school bus operation and repair.	<b>GENERAL LOCATION:</b> Located at the southwest junction of Springbank Rd. and Range Road 32.
<b>APPLICATION DATE:</b> January 11, 2019	<b>DEVELOPMENT AUTHORITY DECISION:</b> Discretionary – Refused
<b>APPEAL DATE:</b> March 15, 2019	<b>DEVELOPMENT AUTHORITY DECISION DATE:</b> February 28, 2019
<b>APPELLANT:</b> Young, William Charles	<b>APPLICANT:</b> Young, William Charles
<b>LEGAL DESCRIPTION:</b> Lot 1 Block 1 Plan 0613841, NE-22-24-03-W05M	<b>MUNICIPAL ADDRESS:</b> 32023 SPRINGBANK ROAD
<b>LAND USE DESIGNATION:</b> Farmstead District (F)	<b>GROSS AREA:</b> ±4.57 hectares (±11.30 acres)
<b>PERMITTED USE:</b> A Home-Based Business, Type II, is a discretionary use within the Farmstead District.	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> N/A
<b>PUBLIC SUBMISSIONS:</b> The application was circulated to 85 adjacent landowners. At the time this report was prepared four (4) letters were received in support of the application and one (1) letter was received in opposition of the application.	<b>LAND USE POLICIES AND STATUTORY PLANS:</b> <ul style="list-style-type: none"> <li>• County Plan (C-7280-2013)</li> <li>• Land Use Bylaw (C-4841-97)</li> <li>• Springbank Creek CS (C-7298-2013)</li> <li>• Central Springbank ASP (C-5354-2001)</li> </ul>



## **EXECUTIVE SUMMARY:**

The subject land is located in the Springbank area, is ±4.57 hectares (±11.3 acres) in size, and designated Farmstead District. The proposal is for the renewal of a Home-Based Business, Type II, for school bus operation and repair, relaxation to the number of business-related visits per day, relaxation to the number of non-resident employees, and relaxation of the maximum outside storage area. The business has been operational since the 1980's. The previous approval was granted by the Board on March 27, 2014. No changes have been proposed with this renewal.

The application was assessed in accordance with Section 21 of the Land Use Bylaw. It was refused by the Development Authority for the following reasons:

1. The number of business-related visits exceeds the maximum number permitted in Section 21.3 (b).  
**Permitted:** 8  
**Actual:** 35  
**Requested variance:** 337.50%  
**Development Authority variance:** none
2. The continued operation of the home-based business generates excessive and unacceptable increases in traffic within the neighbourhood or immediate area, which is in contravention of Section 21.1 (d).
3. The continued operation of the home-based business generates noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare or refuse matter considered offensive or excessive, which is in contravention of Section 21.1 (f).
4. The business use is not secondary to the residential use of the parcel, which is in contravention of Section 21.3 (c).
5. The business use has changed the residential character and external appearance of the land and buildings, which is in contravention of Section 21.3 (d) and 21.1(c).
6. The number of non-resident employees exceeds the maximum number permitted in Section 21.3 (e).  
**Permitted:** 2  
**Actual:** 28  
**Requested variance:** 1,300%  
**Development Authority variance:** none
7. The amount of outside storage exceeds the amount permitted in Section 21.3 (g).  
**Permitted:** 400.00 sq. m. (4,305.56 sq. ft.);  
**Actual:** 5,759.99 sq. m (62,000.00 sq. ft.).  
**Requested variance:** 1,440.00%  
**Development Authority variance:** none



The decision was appealed by the Applicant/Appellant on the grounds that the business is beneficial to the surrounding community and there have been no changes to the operation since the previous approval.

#### PROPERTY HISTORY:

PRBD20164317	Addition to single family dwelling
PRDP20130726	Renewal of HBB, Type II
2010-DP-13960	Construction of an addition to an existing accessory building (shop), relaxation of the maximum building area
2009-DP-13427	Renewal of a HBB, Type II
2007-BP-20703	Detached garage
2003-DP-10628	Renewal of HBB, Type II
1999-DP-8604	Renewal of a Home-Based Business, Type II, for school bus operation and repair
1999-BP-13583	Office for repair shop (addition)
1982-BP-9293	Storage shed/barn

#### APPEAL:

See attached report and exhibits.

Respectfully submitted,

Matthew Wilson

Manager, Planning and Development Services

SK/lt

## DEVELOPMENT PERMIT REPORT

<b>Application Date:</b> January 11, 2019	<b>File:</b> 04722004
<b>Application:</b> PRDP20190117	<b>Applicant/Owner:</b> Young, William Charles
<b>Legal Description:</b> Lot 1, Block 1, Plan 0613841, NE-22-24-03-W05M	<b>General Location:</b> Located at the southwest junction of Springbank Road and Range Rd. 32.
<b>Land Use Designation:</b> Farmstead District (F)	<b>Gross Area:</b> ±4.57 hectares (±11.3 acres)
<b>File Manager:</b> Sandra Khouri	<b>Division:</b> 02

### PROPOSAL:

The proposal is for the renewal of a Home-Based Business, Type II, for school bus operation and repair, relaxation to the number of business-related visits per day, relaxation to the number of non-resident employees, and relaxation of the maximum outside storage area.

- This business is for a school bus operator with a fleet of 60 buses that operate within Springbank and Calgary. The majority of the buses are parked at either the drivers' properties or at other locations along the bus routes. A maximum of 25 buses are parked on site at any time. The subject property is mainly used for repair and dispatching services.
- The business has operated on site since 1999. The business has operated on site since the 1980's. There are no proposed changes to the development at this time.
- As the relaxations required for the business are not approvable by the Development Authority, all previous approvals have been granted by the Subdivision and Development Appeal Board. As such, this application has been refused.

### Business Information

- **Name:** Willco Transportation Ltd.
- **Property Information:** Business operations are carried out onsite within 263.84 sq. m (2,840.00 sq. ft.) of the repair shop and approximately 5,759.99 sq. m (62,000.00 sq. ft.) of outside area.
- **Vehicles:** Approximately 35 visits per day and 175 per week.
  - There are a total of 60 buses associated with the business, 25 of which are parked on site. The remaining buses are taken to other locations.
- **Employees:** There are five (5) full-time employees, one (1) of whom resides on the property; there are 25 part-time employees, one (1) of whom resides on the property; the total number of non-resident employees is 28.
- **Operation:** Monday to Friday from 6:00 a.m. to 5:00 p.m.
- **Storage:** Approximately 5,759.99 sq. m (62,000.00 sq. ft.) of outside storage for bus parking is located to the north and east of the repair shop.
  - The business operations are adequately screened by mature trees to the north and east.
- **Signage:** No signage has been requested on this application.

### Application History

- The business has been operational since the 1980's.

- The previous permit (PRDP20130726) was issued by the Development Appeal Board on March 27, 2014, and expired on January 21, 2019.
- There are no open Enforcement Files on this property.
- No changes are being requested on this renewal.

Land Use Bylaw (C4841-97)

**SECTION 8** *Definitions:*

**Section 8.1:** *Home-Based Business means the operation of a business or occupation within a dwelling and/or its accessory building(s), or on a parcel on which a dwelling is located and where one or more residents of the parcel is/are involved in the occupation or business”.*

**SECTION 47 – Farmstead District (F)**

**Section 47.3:** *Uses, Discretionary*

Home-Based Business, Type II

**Section 47.5** *Setback Requirements*

All buildings and outside storage associated with the Home-Based Business comply with setback requirements.

**SECTION 21** *Home-Based Business*

**21.3** *Home-Based Business, Type II*

- (a) *shall be limited to the dwelling and its accessory buildings, and may include outside storage as described in 21.3(g);*
  - Business operations are carried out onsite within 263.84 sq. m (2,840.00 sq. ft.) of the repair shop and approximately 5,759.99 sq. m (62,000.00 sq. ft.) of outside area.
- (b) *may generate up to eight (8) business-related visits per day in an agricultural district and up to four (4) business-related visits per day in all other districts;*
  - Eight (8) visits are permitted on a Farmstead parcel;
  - There are approximately 35 visits per day and 175 per week;
    - Note: The application forms indicate 30 visits; however, the Applicant/owner has requested 35 visits on the Notice of Appeal, which was also approved on the previous permits.
  - Refusal reason #1: The number of business-related visits exceeds the maximum number permitted in Section 21.3 (b) of the Land Use Bylaw.
  - Refusal reason #2: The continued operation of the home-based business generates excessive or unacceptable increases in traffic within the neighbourhood or immediate area, which is in contravention of Section 21.1 (d) of the Land Use Bylaw.
  - Refusal reason #3: The continued operation of the home-based business generates noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare or refuse matter considered offensive or excessive, which is in contravention of Section 21.1 (f) of the Land Use Bylaw.



- (c) *the business use must be secondary to the residential use of the parcel;*
  - Refusal reason #4: While there is a residence on the property, the business use is not secondary to the residential use of the parcel, which is in contravention of Section 21.3 (c) of the Land Use Bylaw.
- (d) *shall not change the residential character and external appearance of the land and buildings;*
  - The scale of the business has an effect on the external appearance and residential character of the land.
  - Refusal reason #5: The business use has changed the residential character and external appearance of the land and buildings, which is in contravention of Section 21.3 (d) and 21.1(c) of the Land Use Bylaw.
- (e) *the number of non-resident employees shall not exceed two (2) at any time;*
  - There are five (5) full-time employees, one (1) of whom resides on the property; there are 25 part-time employees, one (1) of whom resides on the property; and the total number of non-resident employees is 28.
  - Refusal reason #6: The number of non-resident employees exceeds the maximum number permitted in Section 21.3 (e) of the Land Use Bylaw.
- (f) *does not include general retail stores;*
  - The business does not meet the definition of a general retail store.
- (g) *outside storage, if allowed in a condition of a Development Permit, shall be completely screened from adjacent lands, shall meet the minimum setback requirements for buildings, and shall not exceed 1% of the parcel or 400.00 sq. m (4305.56 sq. ft.), whichever is the lesser;*
  - $11.3 \text{ acres} \times 0.01 = 0.11 \text{ acres}$  or  $445.15 \text{ sq. m}$  ( $4,791.60 \text{ sq. ft.}$ )
  - As this is greater than  $400.00 \text{ sq. m}$  ( $4,305.56 \text{ sq. ft.}$ ), the maximum permitted amount of outside storage is  $400.00 \text{ sq. m}$ . ( $4,305.56 \text{ sq. ft.}$ ).
  - The Applicant has requested  $5,759.99 \text{ sq. m}$  ( $62,000.00 \text{ sq. ft.}$ ) of outside storage.
  - Refusal Reason #7: The amount of outside storage exceeds the amount permitted in Section 21.3 (g) of the Land Use Bylaw.
  - The storage area is located to the north and to the east of the repair shop. The site appears to be adequately screened by mature trees.
- (h) *all vehicles, motor, trailers, or equipment that are used in the home-based business shall be kept within a building or a storage area as described in 21.3.(g).*
  - The Applicant/Owner has indicated that the vehicles associated with the business are parked within the designated outside storage area identified in the Site Plan.

The Land Use Bylaw does not grant a variance for any of the above regulations. Therefore, this application has been refused.

### 21.1 PERMIT EXPIRY

- (g) *The term of a Development Permit issued for a Home-Based Business shall not exceed one (1) year.*
- (i) *Notwithstanding Section 21.1(g), at the discretion of the Development Authority, a Development Permit may be issued for a period not exceeding three (3) years if the following conditions have been met:*
- 1. The Home-Based Business is applying for a renewal of its Development Permit;*
  - 2. The Home-Based Business has met the requirements of Section 21 of this Bylaw, and the conditions of its Development Permit;*
  - 3. There are no active Bylaw enforcement orders related to the home-based business.*
    - As there are no active Enforcement Files on this property, the proposed term of this renewal, if approved, will be three (3) years.

Note: Previous approvals were granted with a five (5) year term by the Subdivision and Development Appeal Board.

### **STATUTORY PLANS:**

The subject property is located within the Central Springbank Area Structure Plan and the Springbank Creek Conceptual Scheme.

#### **Central Springbank ASP**

- Section 2.10 Business Development states: “Home-based business will continue to be permitted in accordance with the Land Use Bylaw.”

#### **Springbank Creek CS:**

- No policy guidance for Home-Based Businesses.

### **INSPECTOR’S COMMENTS:**

February 28, 2019

- 6 school buses present on site
- Approximately 8 accessory buildings – some very old/falling apart
- Employees on site at time of inspection
- Many vehicles parked around HBB accessory building
- Heavy screening from RR 32 and Springbank Rd
- Appears organized
- No other issues

### **CIRCULATIONS: Requested comments by February 1, 2019**

Enforcement Services Review (January 18, 2019)

Enforcement has the following recommendation

- Recommend that all previous. Conditions remain in effect if there are no changes to business operations.

**OPTIONS:**

Option #1 (this would allow the Home-Based Business, Type II, to continue to operate)

That the appeal against the decision of the Development Authority to refuse a Development Permit for the renewal of a Home-Based Business, Type II, for school bus operation and repair, relaxation to the number of business-related visits per day, relaxation to the number of non-resident employees, and relaxation of the maximum outside storage area on Lot 1 Block 1 Plan 0613841, NE-22-24-03-W05M (32023 SPRINGBANK ROAD) be upheld, that the decision of the Development Authority be revoked, and that a Development Permit be issued, subject to the following conditions:

**Description:**

- 1) That a Home-Based Business, Type II, for school bus operation and repair may continue to operate on the subject parcel in accordance with the approved Site Plan.
- 2) That the maximum number of business-related visits per day is relaxed from eight (8) to thirty-five (35).
- 3) That the maximum number of non-resident employees is relaxed from two (2) to twenty-eight (28).
- 4) That the maximum amount of outside storage is relaxed from 400.00 sq. m. (4,305.56 sq. ft.) to 5,759.99 sq. m (62,000.00 sq. ft.).

**Permanent:**

- 5) That the number of non-resident employees shall not exceed twenty-eight (28) at any time.
- 6) That an employee in this home-based business is a person who attends on the property more than once in a seven (7) day period for business purposes.
- 7) That the Home-Based Business shall not change the residential character and external appearance of the land and buildings.
- 8) That the operation of this Home-Based Business shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.
- 9) That the Home-Based Business shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of the adjacent residential dwellings shall be preserved and the Home-Based Business use shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
- 10) That the Home-Based Business shall be limited to the accessory buildings and the outside storage area in accordance with the approved Site Plan.
- 11) That all outside storage that is a part of the Home-Based Business shall be completely screened from adjacent lands, shall meet the minimum setback requirements for buildings, and shall not exceed 62,000 sq. ft. (5,759.98 sq. m.) in accordance with the approved Site Plan.
- 12) That all vehicles, trailers, or equipment that are used in the Home-Based Business shall be kept within a building or the storage area in accordance with the approved Site Plan.
- 13) That there shall be no signage, exterior display or advertisement of goods or services discernible from the outside of the building.
- 14) That no off-site advertisement signage associated with the Home-Based Business shall be permitted.

- 15) That the operation of this Home-Based Business may generate up to a maximum of thirty-five (35) business-related visits per day.
- 16) That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.

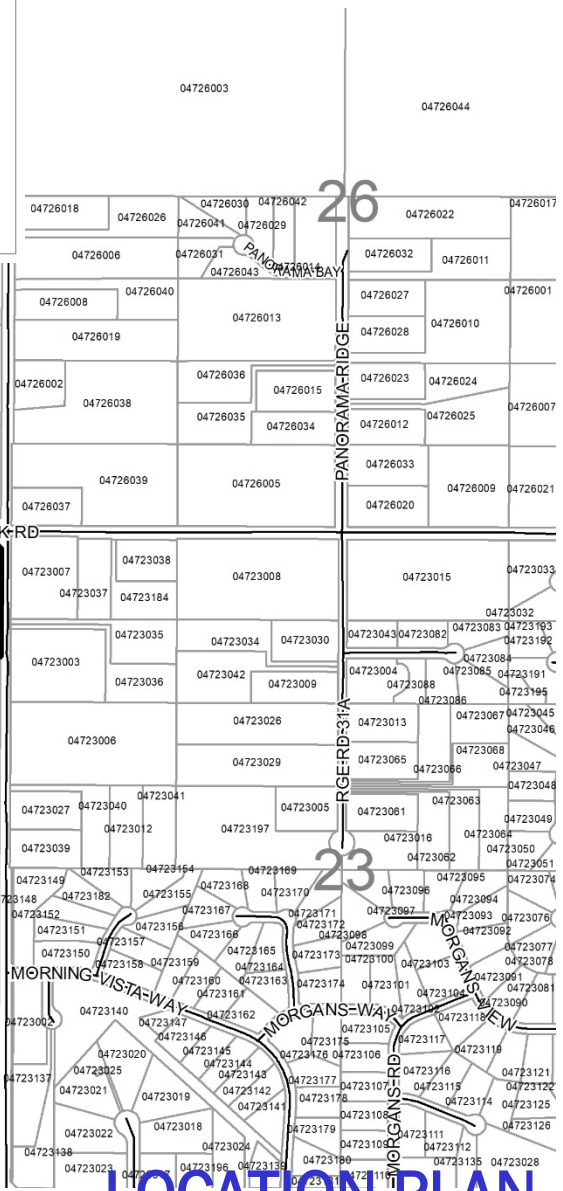
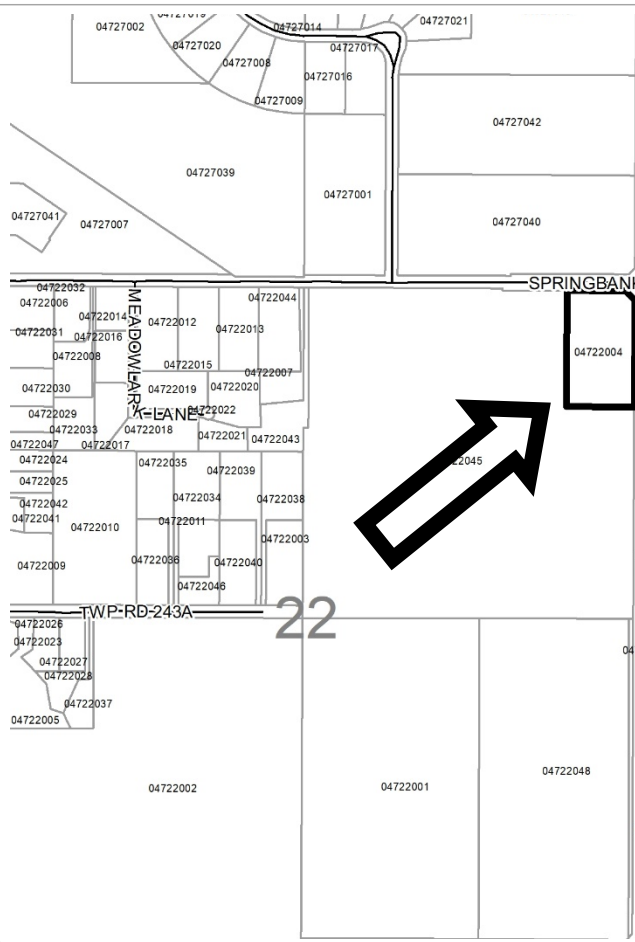
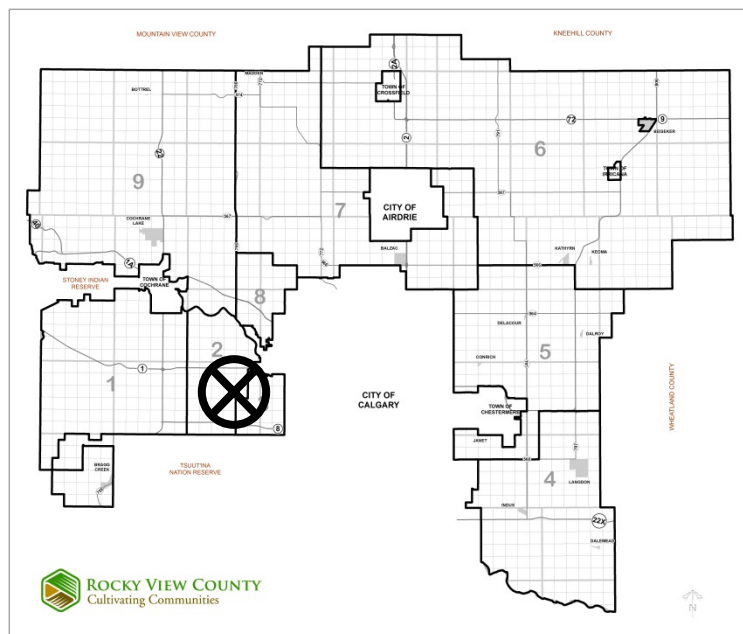
**Advisory:**

- 17) That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 18) That this Development Permit shall be valid until **JANUARY 21, 2022.**

Option #2 (this would not allow the Home-Based Business, Type II, to continue to operate)

That the appeal against the decision of the Development Authority to refuse a Development Permit for the renewal of a Home-Based Business, Type II, for school bus operation and repair, relaxation to the number of business-related visits per day, relaxation to the number of non-resident employees, and relaxation of the maximum outside storage area on Lot 1 Block 1 Plan 0613841, NE-22-24-03-W05M (32023 SPRINGBANK ROAD) be denied and that the decision of the Development Authority be upheld.





**NE-22-24-03-W05M**  
**Lot:1 Block:1 Plan:0613841**

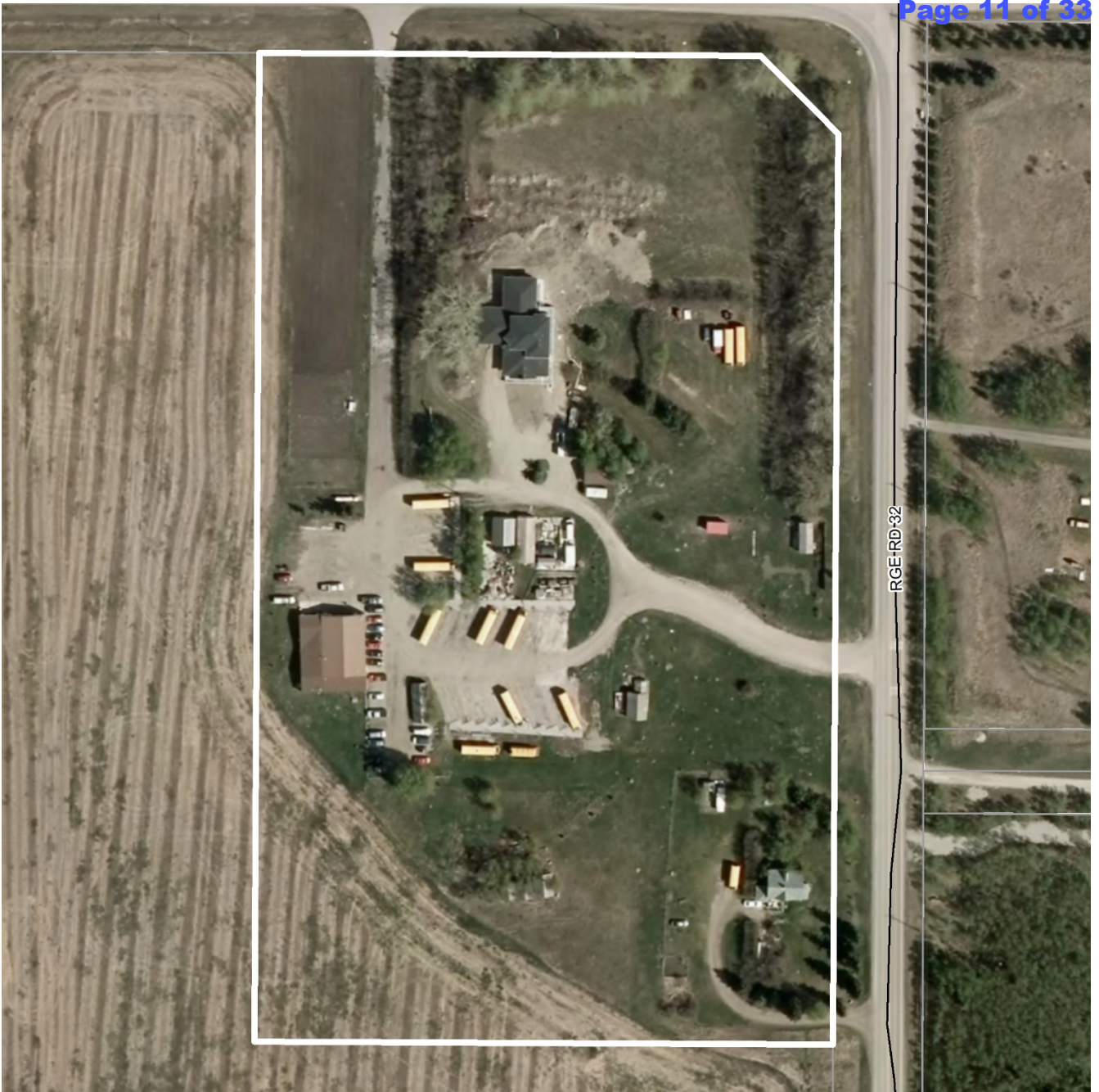
Date: **26-Mar-19**

Division # **2**

File: **04722004**

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**LOCATION PLAN**



Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*



**NE-22-24-03-W05M**  
**Lot:1 Block:1 Plan:0613841**

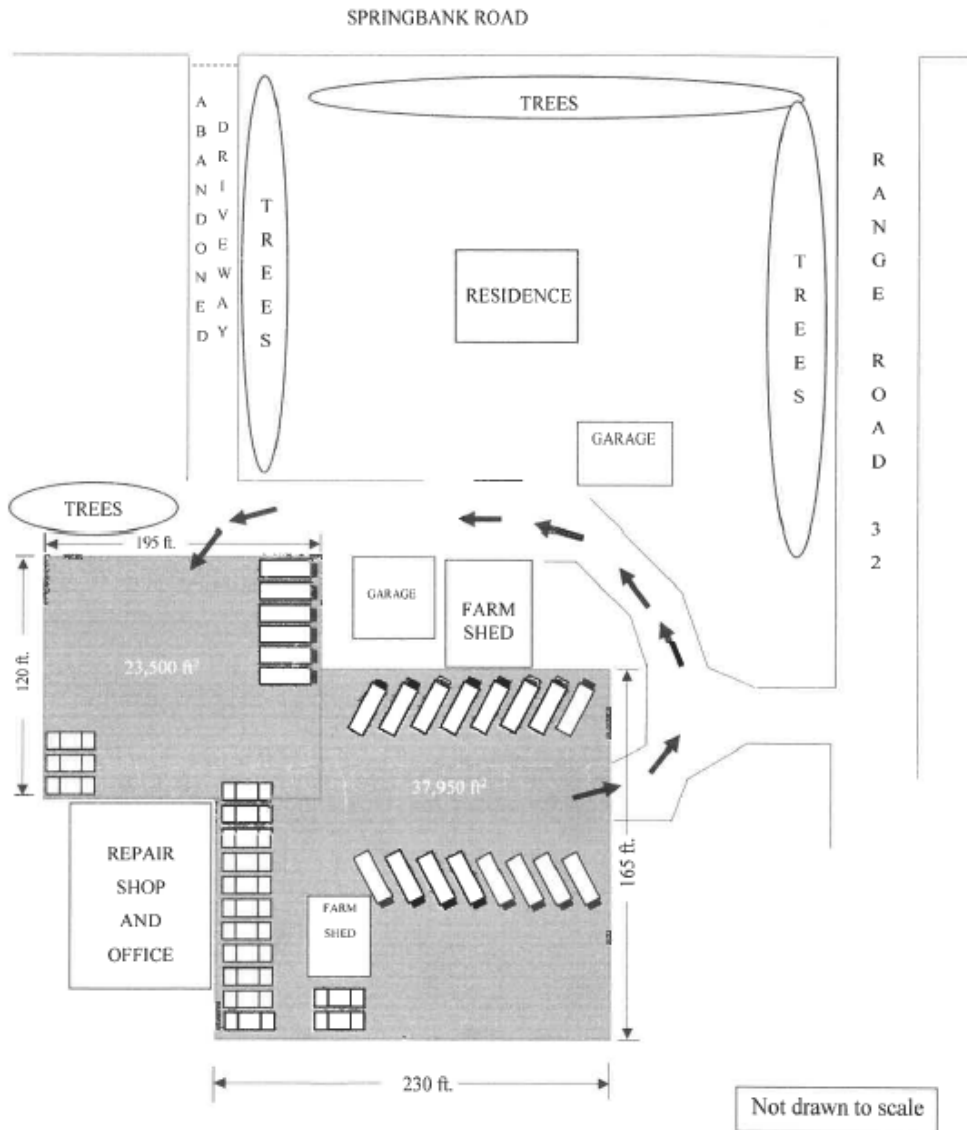
Date: 26-Mar-19

Division # 2

File: 04722004

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WILLCO TRANSPORTATION LTD.  
32023 Springbank Road, Calgary



SITE PLAN

NE-22-24-03-W05M  
Lot:1 Block:1 Plan:0613841

Date: 26-Mar-19

Division # 2

File: 04722004

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## INSPECTION PHOTOS

February 28, 2019

NE-22-24-03-W05M  
Lot:1 Block:1 Plan:0613841

Date: 26-Mar-19

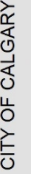
Division # 2

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	Ranch and Farm
RF2	Ranch and Farm Two
RF3	Ranch and Farm Three
AH	Agricultural Holding
F	Farmstead
R-1	Residential One
R-2	Residential Two
R-3	Residential Three
DC	Direct Control
PS	Public Service

# LAND USE MAP

**NE-22-24-03-W05M**

**Lot:1 Block:1 Plan:0613841**

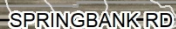
**Date:** 26-Mar-19

## Division # 2

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# TOPOGRAPHY

*Contour Interval 2 M*



**NE-22-24-03-W05M**  
**Lot:1 Block:1 Plan:0613841**

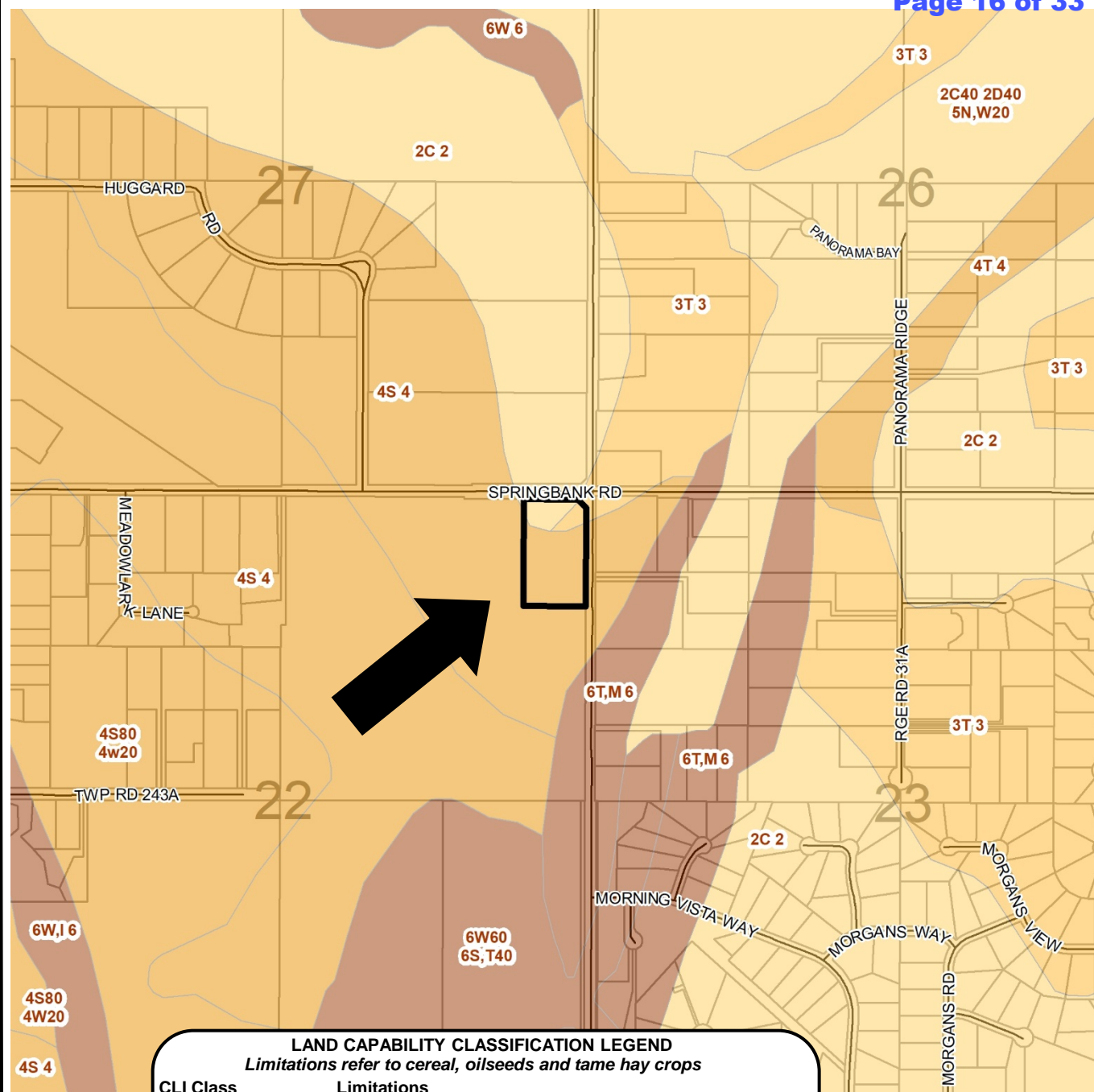
**Date:** 26-Mar-19

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**LAND CAPABILITY CLASSIFICATION LEGEND**  
*Limitations refer to cereal, oilseeds and tame hay crops*

**CLI Class**

- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

**Limitations**

- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile development
- M - low moisture holding, adverse texture
- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high sodicity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable

**SOIL MAP**

**NE-22-24-03-W05M**

**Lot:1 Block:1 Plan:0613841**

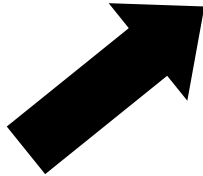
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Division # 2

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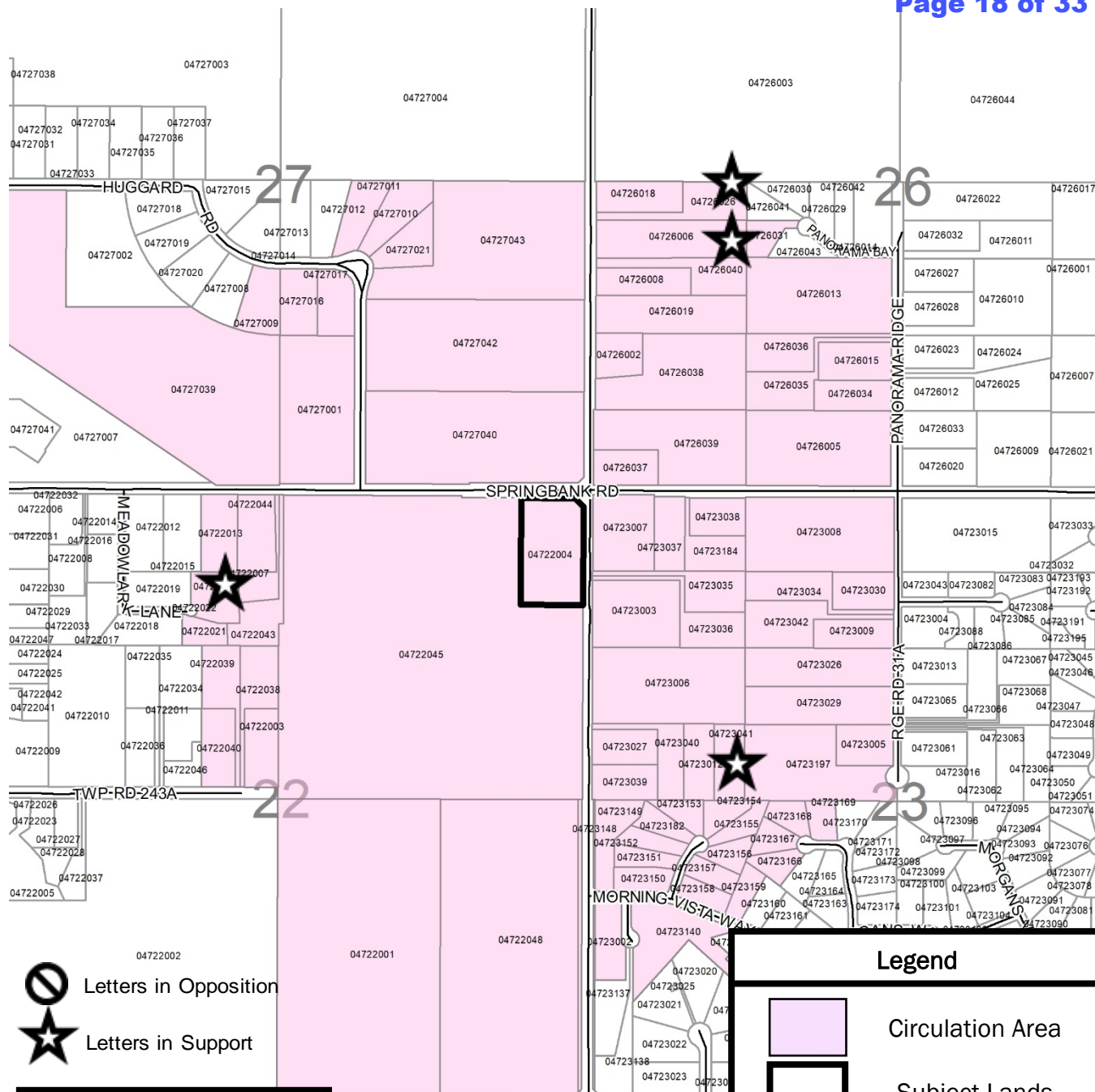
- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

**NE-22-24-03-W05M**  
**Lot:1 Block:1 Plan:0613841**

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## LANDOWNER CIRCULATION AREA

NE-22-24-03-W05M

Lot:1 Block:1 Plan:0613841

Date: 26-Mar-19

Division # 2

File: 04722004

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# Notice of Appeal

Subdivision and Development Appeal Board  
Enforcement Appeal Committee

<b>Appellant Information</b>			
Name of Appellant(s) WILLIAM CHARLES YOUNG			
Mailing Address [REDACTED]		Municipality [REDACTED]	Province [REDACTED]
Postal Code [REDACTED]			
Main Phone # [REDACTED]	Alternate Phone # [REDACTED]	Email Address [REDACTED]	
<b>Site Information</b>			
Municipal Address 32023 SPRINGBANK ROAD, CALGARY		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) LOT 1, BLOCK 1, PLAN 0613891 NE-22-24-03-05	
Property Roll # 04722004	Development Permit, Subdivision Application, or Enforcement Order # PRDP20190117		
<b>I am appealing: (check one box only)</b>			
<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order	
<b>Reasons for Appeal (attach separate page if required)</b>			
ATTACHED. <div style="text-align: right;"> </div>			

This information is collected for the Subdivision and Development Appeal Board or Enforcement Appeal Committee of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions regarding the collection or use of this information, contact the Municipal Clerk at 403-230-1401.

W. Young  
Appellant's Signature

MARCH 15, 2019  
Date

**Development Permit #:** PRDP20190117  
**Date of Issue:** February 28<sup>th</sup>, 2019  
**Roll #:** 04722004

Reasons for appeal

1. A portion of the business done by this company benefits the surrounding community.
2. The external appearance of the land and buildings has not changed, with the following exception: My brother, Brad Young, and his wife have renovated the house that he and I grew up in on this property, and now reside in the house. Brad also works full-time for our bus company. There has been no change to the external appearance of the land and buildings as a result of the operations of the business.
3. The outside storage being used by the business has not changed since our previous application (62,000 sq. ft.)
4. The number of visits generated by this company has not changed since our last application which was approved for 35 per day.
5. The amount of traffic generated by the business has not increased since our last application. Due to the nature of this business, a large portion of the traffic would be in the community, even if this business were not located at this location.
6. As far as I am aware, none of our neighbors, in any direction, has filed any complaints about noise, odor, dust, fumes, or any other offensive substance generated by this company.
7. The number of employees is the same as it was on our previous application (28 non-resident employees).

Subdivision and Development Appeal Board  
Rocky View County  
262075 Rocky View Point  
Rocky View County, Alberta  
T4A 0X2

Re:

Development Permit #: PRDP20190117

Date of Issue: February 28<sup>th</sup>, 2019

Roll #: 04722004

I am a ~~landowner~~ and resident of property that is adjacent to 32023 Springbank Road. I am in support of the application by Mr. William C. Young to renew the Development Permit described above, to operate a school bus company on the property owned by him and his brother.

Name: Dale + Joan Harvey

Address: 244098 Rge Rd 32  
Calgary AB.  
T3Z 2E3

Date: Mar 9/19

Signature: Harvey



Subdivision and Development Appeal Board  
Rocky View County  
262075 Rocky View Point  
Rocky View County, Alberta  
T4A 0X2

Re:

Development Permit #: PRDP20190117

Date of Issue: February 28<sup>th</sup>, 2019

Roll #: 04722004

I am a landowner and resident of property that is adjacent to 32023 Springbank Road. I am in support of the application by Mr. William C. Young to renew the Development Permit described above, to operate a school bus company on the property owned by him and his brother.

Name: Rhonda Stil & Family Ltd.

Address: 244114 Range Road 32

Calgary, AB  
T3Z 2E3

Date: March 9, 2019

Signature: Mrs Rhonda Stil

Subdivision and Development Appeal Board  
Rocky View County  
262075 Rocky View Point  
Rocky View County, Alberta  
T4A 0X2

Re:

Development Permit #: PRDP20190117

Date of Issue: February 28<sup>th</sup>, 2019

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Name: A. R. HOWARD

Address: 245160 RR 32

CALGARY

Date: MARCH 9 2019

Signature: 



262075 Rocky View Point  
Rocky View County, AB, T4A 0X2

403-230-1401  
questions@rockyview.ca  
www.rockyview.ca

## REFUSAL

Young, William Charles  
[REDACTED]

**Development Permit #: PRDP20190117**

**Date of Issue: February 28, 2019**

**Roll #: 04722004**

**Your Application** dated January 11, 2019 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

**renewal of a Home-Based Business, Type II,  
for school bus operation and repair,  
relaxation to the number of business-related visits per day,  
relaxation to the number of non-resident employees,  
and relaxation of the maximum outside storage area**

at Lot 1 Block 1 Plan 0613841, NE-22-24-03-05; (32023 SPRINGBANK ROAD)

has been considered by the Development Authority and the decision in the matter is that your application be **REFUSED** for the following reasons:

- 1) The number of business-related visits exceeds the maximum number permitted in Section 21.3 (b) of Land Use Bylaw C-4841-97.

**Permitted – eight (8) visits per day; Actual – thirty (30) visits per day.**

- 2) The continued operation of the home-based business could generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area, which is in contravention of Section 21.1 (d) of Land Use Bylaw C-4841-97.
- 3) The continued operation of the home-based business could generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare or refuse matter considered offensive or excessive, which is in contravention of Section 21.1 (f) of Land Use Bylaw C-4841-97.
- 4) The business use does not appear to be secondary to the residential use of the parcel, which is in contravention of Section 21.1 (c) of Land Use Bylaw C-4841-97.
- 5) The business use has changed the residential character and external appearance of the land and buildings, which is in contravention of Section 21.1 (d) of Land Use Bylaw C-4841-97.
- 6) The number of non-resident employees exceeds the maximum number permitted in Section 21.3 (e) of Land Use Bylaw C-4841-97.

**Permitted – two (2); Actual – twenty-eight (28).**

- 7) The amount of outside storage exceeds the amount permitted in Section 21.3 (g) of Land Use Bylaw C-4841-97.

**Permitted – 400.00 sq. m. (4,305.56 sq. ft.); Proposed – 5,759.99 sq. m (62,000.00 sq. ft.).**

If you require further information or have any questions regarding this development, please contact Sandra Khouri at 403-520-3934 or email SKhouri@rockyview.ca and include the application number.

A handwritten signature in blue ink, appearing to read "SKhouri", is written over a horizontal line. Below the line, the text "Development Authority" is printed in a small, sans-serif font.



## REFUSAL

Young, William Charles

**Development Permit #:** PRDP20190117

**Date of Issue:** February 28, 2019

**Roll #:** 04722004

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If you require further information or have any questions regarding this development, please contact Sandra Khouri at 403-520-3934 or email SKhouri@rockyview.ca and include the application number.

Development Authority  
Phone: 403.520.8158  
E-Mail: [development@rockyview.ca](mailto:development@rockyview.ca)

**NOTE:** An appeal from this decision may be made to the Subdivision and Development Appeal Board of Rocky View County. Notice of Appeal to the Subdivision and Development Appeal Board from this decision shall be filed with the requisite fee of \$350 with Rocky View County no later than 21 days following the date on which this Notice is dated.





ROCKY VIEW COUNTY  
Cultivating Communities

## APPLICATION FOR A DEVELOPMENT PERMIT

20190117

renewal of PRDP20130726 B-6  
Page 28 of 33

FOR OFFICE USE ONLY	
Fee Submitted \$200	File Number 04722004
Date of Receipt Jun 11/19	Receipt #

Name of Applicant WILLIAM C. YOUNG Email [REDACTED]  
Mailing Address [REDACTED]  
Postal Code [REDACTED]  
Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]  
For Agents please supply Business/Agency/ Organization Name \_\_\_\_\_

Registered Owner (if not applicant) \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Postal Code \_\_\_\_\_  
Telephone (B) \_\_\_\_\_ (H) \_\_\_\_\_ Fax \_\_\_\_\_

### 1. LEGAL DESCRIPTION OF LAND

- a) All / part of the NE ¼ Section 22 Township 24 Range 3 West of 5 Meridian  
b) Being all / parts of Lot 1 Block 1 Registered Plan Number 0613841  
c) Municipal Address 32023 SPRINGBANK ROAD, CALGARY  
d) Existing Land Use Designation \_\_\_\_\_ Parcel Size \_\_\_\_\_ Division \_\_\_\_\_

### 2. APPLICATION FOR

RENEWAL OF A HOME-BASED BUSINESS, TYPE II, FOR SCHOOL BUS OPERATION AND REPAIR  
DEVELOPMENT PERMIT # PRDP20130726

### 3. ADDITIONAL INFORMATION

- a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes \_\_\_\_\_ No ☒  
b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? Yes \_\_\_\_\_ No ☒  
(Sour Gas facility means well, pipeline or plant)  
c) Is there an abandoned oil or gas well or pipeline on the property? Yes \_\_\_\_\_ No ☒  
d) Does the site have direct access to a developed Municipal Road? Yes ☒ No \_\_\_\_\_

### 4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I WILLIAM CHARLES YOUNG hereby certify that ☒ I am the registered owner  
(Full Name in Block Capitals)

☐ I am authorized to act on the owner's behalf

and that the information given on this form  
is full and complete and is, to the best of my knowledge, a true statement  
of the facts relating to this application.

**Affix Corporate Seal  
here if owner is listed  
as a named or  
numbered company**

Applicant's Signature Willy  
Date December 3, 2018

Owner's Signature \_\_\_\_\_  
Date \_\_\_\_\_

## 5. RIGHT OF ENTRY

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.

Will C

Applicant's/Owner's Signature

*Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.*

I, WILLIAM C. YOUNG, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.

Will C                      December 3, 2018  
Signature                      Date

renewal of PRDP20130726



**ROCKY VIEW COUNTY**  
Cultivating Communities

## APPLICATION TO OPERATE A HOME-BASED BUSINESS

FOR OFFICE USE ONLY

Fee Submitted

\$200

File Number

0472004

Date of Receipt

Jan 11/19

Receipt #

Name of Business WILCO TRANSPORTATION LTDAddress of Business 32023 SPRINGBANK ROADCALGARY, ALBERTAPostal Code T3Z 2E3Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

### 1. PROPERTY INFORMATION

Is this on your property? Yes/NoAt your customers locations? Yes/NoBoth? Yes/No

How many square feet are being used for business purposes in the following:

House 0 Accessory Building 2840 Outdoors 62,000

### 2. VEHICLES

How many vehicles come to your home/property Per day ~30 Per week       Please describe the number and type of vehicles used in the business 60 SCHOOL BUSESWhere will these vehicle(s) be parked? ~25 AT THIS LOCATION - REMAINDER AT VARIOUS OTHER LOCATIONS

\*Please show parking and storage area on your site plan.

### 3. EMPLOYEES

Including the Applicant, how many people are employed by the Home-Based Business?

(An employee is a person who attends the site more than once in a seven (7) day period for business purposes)

Full Time 5 Part Time ~25

Including the Applicant, how many of the above persons live on this property?

Full Time Employees 1 Part Time Employees 1

### 4. OPERATION

What are your days of operation? MONDAY - FRIDAY What are your hours of operation? 6:00 AM - 5:00 PM

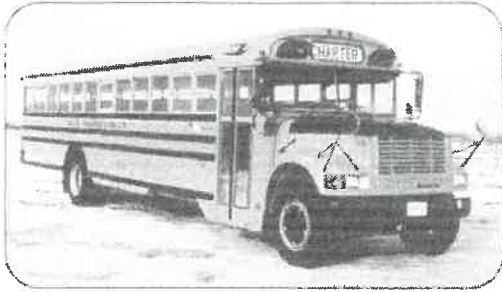
### 5. STORAGE AND SIGNAGE

Is outside storage requested? YES/NOIf yes - how many square feet? 62,000Will a sign be required? YES/NO If yes - Please provide detailed sketches of the proposed sign on a separate sheet

### 6. ADDITIONAL INFORMATION

Signature of Applicant [Signature] Date: December 3, 2018

**PLEASE PROVIDE A COVERING LETTER DETAILING THE NATURE OF THE BUSINESS**  
**PLEASE PROVIDE ALL OF THE ABOVE INFORMATION, EVEN IF THIS IS A RENEWAL. THANK YOU**



## Willco Transportation Ltd.

32023 Springbank Road  
Calgary, Alberta  
T3Z 2E3



December 3<sup>rd</sup>, 2018

Jacqueline Targett  
c/o Rocky View County  
262075 Rocky View Point  
Rocky View County, Alberta  
T4A 0X2

**RE: DEVELOPMENT PERMIT #PRDP20130726 - RENEWAL**

Dear Ms. Targett:

I have received your letter, dated November 28, 2018. I was unable to complete the enclosed applications prior to the date that you requested them (November 20, 2018), but I trust that you will still consider my request.

Enclosed, please find my application, along with supporting documents and the required payment, to renew our home-based business permit. Willco Transportation Ltd. operates school buses in Springbank and throughout Calgary. I have indicated on my application that we operate 60 school buses. This is the number of buses that we have in our entire fleet. It is very rare during the school year that more than 25 of these buses are parked at the location described in the attached application, since many of our drivers park their buses at their homes or in other locations that are more convenient to their bus routes than our yard is. The location described in our application is primarily used for servicing our buses and for dispatching them – a process that is done mostly by 2-way radio or telephone.

Our office is open Monday through Friday from 6:00 AM until 5:00 PM, to accommodate the hours that school buses must be on the road. From time to time there are buses that must leave or return to the yard at other times, including weekends, due to school sport trips or other charters. The major portion of the work that is done at this location is to support the service that we provide to residents of this community.

As you are probably aware, we began operating this business at this location in the early 1980's. It has always been our desire to maintain a good relationship with our neighbors, and I am not aware of any concerns or problems between us and any of them during our many years of operation. The location and lay of our property allows a considerable amount of buffer around our yard, resulting in virtually no disturbance from noise, and we also attempt to keep any visible part of our yard arranged in a manner that is attractive to neighbors and members of the general public who may be driving past.

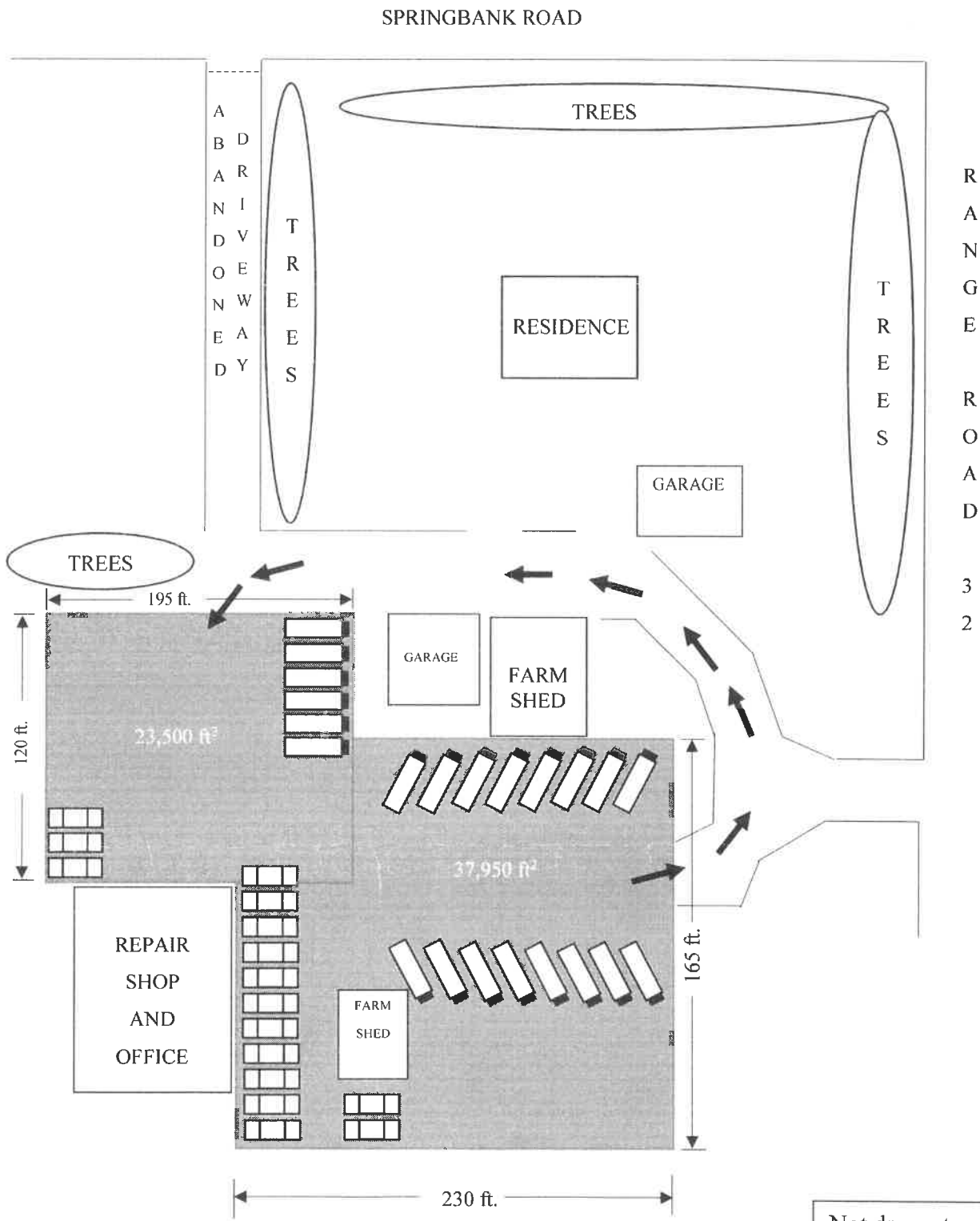
Thank you for your consideration of this application. I trust that you will find everything to be in order. If you have any questions, I will be happy to answer them to the best of my ability. I look forward to your favorable response in the near future.

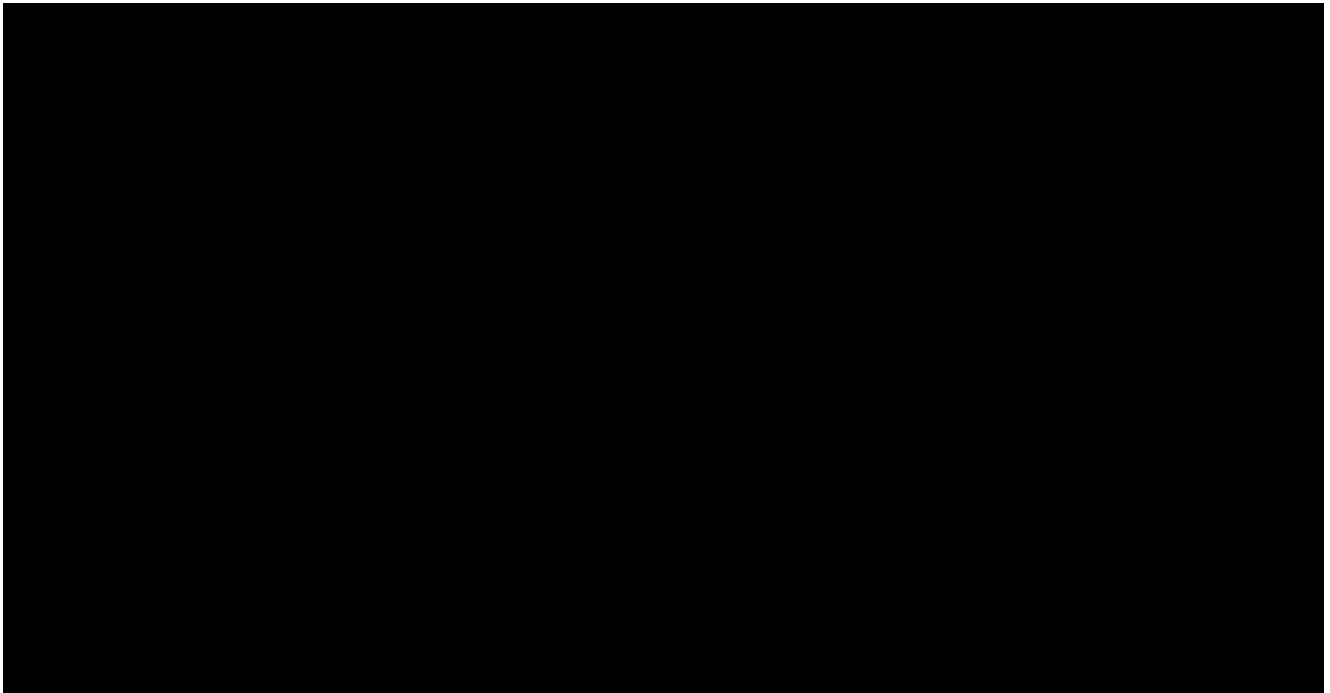
Sincerely,

William C. Young  
- President



WILLCO TRANSPORTATION LTD.  
32023 Springbank Road, Calgary





**From:** Cynthia Rose [REDACTED]  
**Sent:** Thursday, March 21, 2019 4:21 PM  
**To:** PAA\_ SDAB  
**Subject:** File no."04722004; PRPD20190117

Re: 32023 Springbank Road NE 22-24-03-W5M

I received the notice of the hearing for the refused development permit for the School Bus operation at the above property.

I am in **SUPPORT** of them being able to continue operations, as they have done for as long as I have been living out here, since 1991.

Their access point has been changed at some point in all that time, but I had no issue with the old entry, or the current. The newer entry took it off the busier road, but with the trimming off of the hill top, that the county did at some point since I've been here, it could easily be returned to the older one, in my opinion, or even shifted, closer to Hadden Road, if deemed more suitable.

The newer entry is now closer to the other residents that have driveways on Range Road 32, but they are well back of the property line so it should not disturb them. The road there is fairly open with ease of visibility for the buses and other vehicles, to make the turn out onto the road.

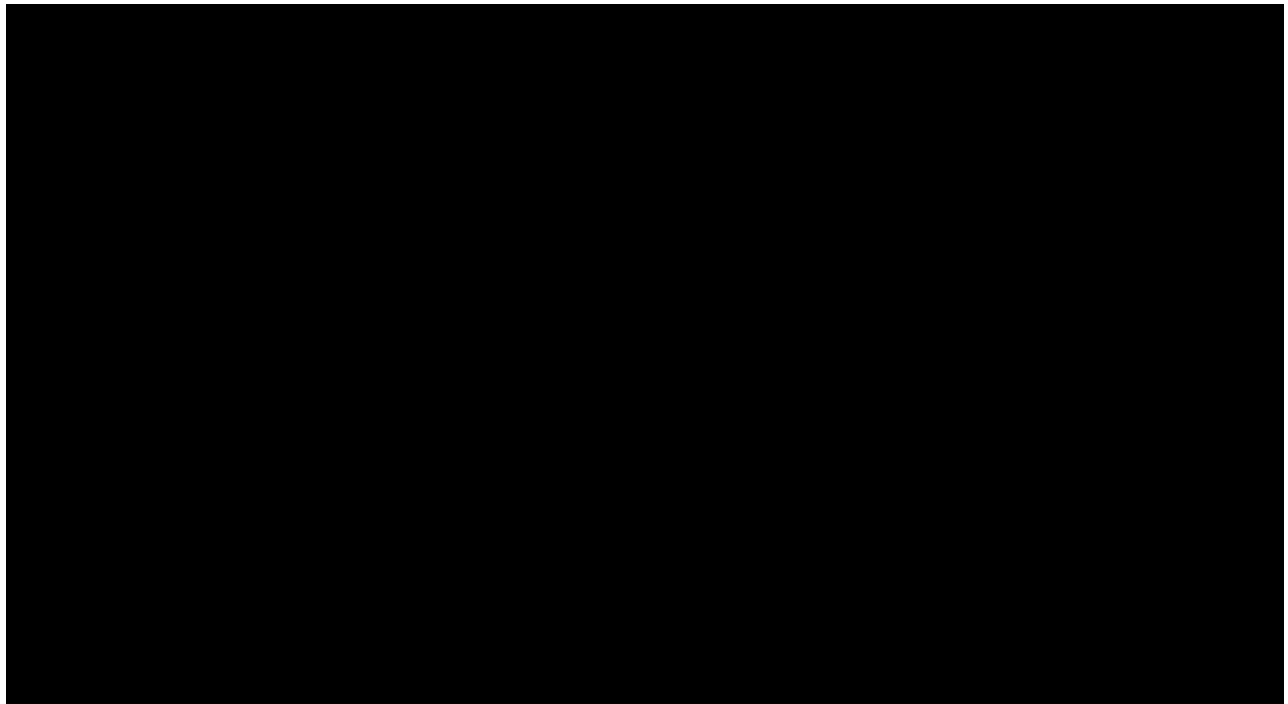
In fact because they keep their side so well cleared, year round, at the point of entry, that you can see any personal vehicles better and more easily than the nearby residents who are leaving their nearby densely forested properties, and thus somewhat hidden driveways. The big yellow buses are of course even more easily seen.

The majority of the bus traffic is consistent, with regular morning and afternoon timings, and can easily be avoided or accommodated.

I am below them, and I have not had any concerns with their Busing Business from that location. The outside looks almost the same as it always does thought the yearly seasons, and I am able to drive by the property easily and comfortably. I don't hear any noise, or smell any fumes or feel unduly affected in anyway, shape, or form.

The letter of notice, does not state the concerns that have caused the refusal of renewing their permit, so I can not speak to what my response might be to the reasoning behind that decision.

Sincerely,  
Cynthia Johansen,  
27 Meadowlark Lane,  

**From:** TrCompany [REDACTED]  
**Sent:** Saturday, March 23, 2019 1:28 PM  
**To:** PAA\_ SDAB  
**Subject:** Notice of Hearing File:04722004 PRPD201190117

Property 32023 Springbank Road

Our family lives very close to this property and has for over a decade. While we don't mind the current business that is conducted on this property, we completely agree with Rocky Veiw in its decision to deny the relaxation of related business visits, number of non resident employees and the relaxation of the maximum outside storage area on this property.

The traffic in this area has increased substantially in the past 5 years and this growth would only add to the increasing problem.

We do not support this applicants appeal against the Developments Authority's decision.

Concerned Springbank Family