

**ROCKY VIEW COUNTY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

Board Order No.: 2019-SDAB-005

File No.: 04328012; PRDP20184099

Appeal by: Baljit Johal for 569411 Alberta Ltd.

Appeal Against: Development Authority of Rocky View County

Hearing Date: 2019 February 20

Decision Date: 2019 March 07

Board Members: D. Kochan, Chair
D. Henn, Vice-Chair
I. Galbraith
H. George
S. Hartley

DEVELOPMENT APPEAL DECISION

INTRODUCTION

[1] This is an appeal to the Rocky View County Subdivision and Development Appeal Board (the Board) from a decision of the Rocky View County Development Authority issued November 27, 2018. In this decision the Development Authority conditionally approved a renewal of a development permit for a Campground, Tourist, for a holiday trailer park at 244024 Conrich Road (the Lands).

[2] Upon notice being given, this appeal was heard on February 20, 2019 in Council Chambers of Rocky View County's County Hall, located at 262075 Rocky View Point, Rocky View County, Alberta.

DECISION

[3] The appeal is allowed in part and the decision of the Development Authority is varied. A development permit shall be issued subject to the following conditions.

Description:

- 1) That a Campground, Tourist (for a holiday trailer park with a maximum of 40 sites used for long-term stays, 132 sites used for short-term stays, and 20 sites used for

over-winter storage) may continue to operate on the subject parcel in accordance with the approved Site Plan submitted with the application.

Permanent:

- 2) That for the purposes of this development permit, short-term stays are considered to be equal to or less than 30 consecutive days.
- 3) That for the purposes of this development permit, long-term stays are considered to be greater than 30 consecutive days up to 180 consecutive days.
- 4) That any short-term stays shall not exceed 30 consecutive days and any long-term stays shall not exceed 180 consecutive days.
- 5) That the storage of recreational vehicles in the over-winter storage sites shall only occur between September 1 and May 1 and there shall be no residential occupancy of the recreational vehicles parked in the over-winter storage sites during this time.
- 6) That no commercial vehicles may be parked in any of the long-term stay sites or any of the over-winter storage sites.
- 7) That a maximum of two sites may be occupied year-round by employees carrying out maintenance work on the property. There shall be no other permanent residential occupancy of any other sites at any time.
- 8) That the operator shall maintain a log book of all sites.
- 9) That the log book shall be made immediately available to the County for inspection upon request, and the log shall contain, for all the long-term sites, the name of the recreational vehicle occupant/owner, the date of arrival, the date of departure, the make and model of the recreational vehicle, the vehicle identification number, and the site number.
- 10) That the Applicant/Owner shall file the most current water wells report with Rocky View County for information.
- 11) That no recreational vehicle shall have any skirting or other construction placed around the perimeter of the unit except for factory manufactured skirting.
- 12) That there shall be no sheds or similar storage facilities on any of the camping sites at any time.
- 13) That there shall be no shelters erected on any of the camping sites other than awnings connected to the recreational vehicle.
- 14) That there shall not be more than two (2) motor vehicles, other than the travel trailer or recreational vehicle, on any camping site at any time.
- 15) That the exterior appearance of all recreational vehicles shall be of a high standard, as determined by the Development Authority.
- 16) That the operator shall provide adequate dump station facilities and adequate sewage and garbage collection.
- 17) That the existing identification and directional signage on the property may remain on site.

Advisory:

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

19) That if and when this Development Permit is issued it shall be valid until October 15, 2021.

BACKGROUND

[4] On October 9, 2018, Mountain View Camping (the Applicant) submitted an application to renew their development permit for an existing campground.

[5] The Lands are located at SW-28-24-28W4M, at the northeast junction of Highway 1 and Range Road 284. The Lands are approximately 6.99 hectares (17.27 acres) in area and are owned by Heinrich Braeutigam (the Owner).

[6] The Lands' land use designation is Recreation Business District, which is regulated in section 55 of the Rocky View County, *Land Use Bylaw C-4841-97* [the *Land Use Bylaw*].

[7] On November 27, 2018, the Development Authority granted a renewal of the development permit for a Campground, Tourist.

[8] On December 5, 2018, Baljit Johal of 569411 Alberta Ltd. (the Appellant), appealed the Development Authority's decision. The Notice of Hearing was circulated to 12 adjacent landowners in accordance with the *Municipal Government Act*, RSA 2000, c M-26 [*Municipal Government Act*] and Rocky View County Council Policy C-327, *Circulation and Notification Standards* [*Circulation Standards*].

[9] On December 19, 2018, as a preliminary matter, the Board heard a request for adjournment from the Development Authority for an adjournment. The Development Authority and the Appellant requested more time to review the appeal matter. The Board granted this request and adjourned the hearing to February 20, 2019.

[10] On February 4, 2019, the Notice of Hearing for the February 20, 2019 hearing was circulated to 12 adjacent landowners in accordance with the *Municipal Government Act* and *Circulation Standards*.

SUMMARY OF EVIDENCE

[11] The Board heard verbal submissions from:

- (1) Sandra Khouri, Municipal Planner, for the Development Authority;
- (2) Sean Maclean, Supervisor Planning and Development, for the Development Authority;
- (3) Gurbir Nijjar, Municipal Engineer, for the Development Authority;
- (4) Mike Hindmarsh, for the Appellants; and
- (5) Chris Braeutigam, Kara Braeutigam, and Henry Braeutigam, for the Applicant.

[12] The Board received no letters in support of or opposition to the appeal.

Development Authority's Submissions

[13] The Lands have been developed as a Recreational Vehicle Campground. The campground has been on site since 1984 and contains 172 serviced campsites, a private residence, a Quonset, and an office. There are two storm water ponds that are associated with the implementation of the 2008 Storm water Management Plan.

[14] The campground is operational year round. There are forty of the campsites that permit long term camping of up to 180 days. The remainder of the campsites are short term sites that allow a stay of no more than 30 days. An additional 20 sites are used for the over winter storage of Recreational Vehicles, from September through May. Finally, two sites are occupied by employees of the campground.

[15] The previous development permit renewal included changes to the length of the long term stay, increased from 120 days to 180 days, and the increased over winter storage sites from sixteen to twenty. The servicing throughout the site was also upgraded. Engineering Services had no concerns with storm water management plan during the last renewal.

[16] In 2009, the development permit application for the Quonset was appealed by an adjacent landowner over drainage concerns. The Board asked for the implementation of an updated storm water management plan. At that time, an engineering consultant verified that no changes were needed to the storm water management plan with the addition of the Quonset.

[17] With development permit renewals, the file is reviewed to determine if there are complaints against the Lands. If there are complaints, the Development Authority completes an inspection. Inspections are not completed on all properties on a routine basis. In this case, the Development Authority is not aware of any enforcement complaints.

[18] Soil maps, such as the one on page 19 of the Development Authority's report to the Board, come from the Alberta provincial government. These are produced every few years and are created using provincial data. They do not replace a detailed assessment of a site.

[19] There was no verification during the site inspection if the skirting around Recreational Vehicles appears to be factory made and not added to the sites after the fact.

[20] In its report to the Board, the Development Authority offers an updated option to the conditions that includes a new storm water management plan to mitigate drainage issues onsite. If there are any changes needed due to the issuance of a new storm water management plan, it will fall to the Applicants to make the necessary changes.

[21] The Development Authority found that campground users were staying longer than what was permitted.

Appellant's Submissions

[22] Mike Hindmarsh spoke on behalf of the Appellants.

[23] The Appellant owns the property directly to the east of the Lands. The Appellant has no objection whatsoever to the campground or the Owners. The Appellant's concern is that he believes the water is draining into the Appellant's property from the north, the east and the west,

where the Applicant's campground is. This water is damaging the Appellant's land causing a loss of value to the land. Currently, the land is impossible to sell and impossible to use.

[24] A Flood Investigation for a County Subdivision Lot report by Western Water Resources Inc. was provided to the Board. This report is based on inspection and modelling.

[25] Land was purchased by the Appellant in the 1998. In 2002, the berm around the building was constructed. Mike Hindmarsh began work on the project in 2015 and met with Rocky View County about the issues in 2016. Alberta Environment and Sustainable Resource Development granted a Temporary Diversion Licence, for a total water quantity of 1,100 cubic metres, to temporarily divert water from the property from May 6, 2016 to August 31, 2016.

[26] Aerial photos from 2002 to 2017 show increasing drainage issues over the years with development around the Appellant's property. The Lands, west of the Appellant's property, was developed into a campground. The property to the east of the Appellant's property was developed into a gravel yard for the storage of recreational vehicles and boats.

[27] Photos show a green pipe extending from the Lands into the Appellant's property. It appears to be draining water from a small storage pond on the Lands. There also appears to be a pipe bringing water into the Appellant's property from the Lands.

[28] Water is also directed in from the north side through a culvert owned by Rocky View County, as well as draining from Highway 1.

[29] The Appellant asks the Board to grant approval of the development permit conditional to the Applicant's provision of a storm water management report, or have the Applicant's submit a new application with a storm water management plan. The Appellants also ask that the neighbours are given an opportunity to consult on any storm water management plan for the Lands.

Applicant's Submissions

[30] The campground is underwater as well. A significant effort is made every year to mitigate storm water and standing water issues on the Lands. Storm water is used for irrigation on the Lands and excess water, if any, is hauled away by vac truck at a significant cost to the Applicant.

[31] There is a verbal agreement with Appellant to pump out of his storm water pond. The Applicants use Appellant's storm water for irrigation as well as they have a significant need for water that surpasses the water in their ponds. Pumps are run for 10 hours a day for around 100 days to pump the water out of the Appellant's property to avoid flooding.

[32] Dirt from the Appellant's property was used by the municipality to upgrade Conrich Road. This left the Appellant's property with a significant dugout of 120 by 300 feet at 5 feet deep. The previous owner filled this dugout. Approximately 65,000 cubic meters of fill was used. The current owner has brought in approximately 6,000 cubic meters of fill.

[33] A berm was created between the two properties by the campground owner. Water then comes from other properties onto the Lands. Photos submitted by the Applicants show the water levels over the years.

[34] In regards to the skirting conditions, skirting helps to maintain temperature within the Recreational Vehicle's during the colder months.

[35] Two recreational vehicles are occupied year round by employees. This is a condition of the Operating Permit.

FINDINGS OF FACT

[36] Campground, Tourist, is a discretionary use in the Recreation Business District, in accordance with section 55 of the *Land Use Bylaw*.

[37] Mountain View Camping has been on-site and operating since 1984. A campground development is in line with the policies of the Conrich Area Structure Plan. The City of Calgary and Alberta Transportation had no concerns with the campground.

[38] The Board heard evidence that storm water management is an issue for the Appellant, the Applicant, and the area in general. The Development Authority indicated that Rocky View County is developing a storm water management plan for the entire area.

[39] The Development Authority confirmed that the Storm Water Management Plan had been implemented in 2008 and that it had no concerns regarding storm water as previous requirements by the Board had been satisfied.

[40] No changes to the Lands have occurred since the last development permit was approved. The Applicants are also not proposing any changes to the Lands.

[41] The Applicant had a verbal agreement to pump water for irrigation from the Appellants' adjacent property during the summer. This provided an additional benefit to the Appellant of lowering the water level on the Appellant's property.

[42] The Appellants indicated that they had no issues with the campground's operating activities. The Appellant is concerned with the storm water flows from the Lands.

REASONS FOR DECISION

[43] The campground meets the discretionary use for Recreation Business District.

[44] The applicant continues to follow the conditions of the Jubilee Storm Water Management Plan prepared on April 28, 2008.

[45] There have been no changes to the Lands and none are proposed at this time that necessitates a new storm water management plan to be created.

[46] The Board exercised its discretion to clarify some renewal conditions and remove conditions that no longer apply.

[47] Given the above findings and pursuant to section 687(3)(d) of the *Municipal Government Act*, the Board finds that the proposed development would not unduly interfere with the amenities of the neighborhood, or materially interfere with or affect the use, enjoyment or value of neighboring parcels of land. The Board also finds the proposed development conforms to the use prescribed for the Lands in the *Land Use Bylaw*.

CONCLUSION

[48] For the reasons set out above, the appeal is allowed in part and the decision of the Development Authority is varied. A development permit shall be issued subject to the above-noted conditions.

Dated at Rocky View County, in the Province of Alberta on March 7, 2019



Don Kochan, Chair
Subdivision and Development Appeal Board

EXHIBIT LIST

DOCUMENTS PRESENTED AT THE HEARING AND CONSIDERED BY THE BOARD

NO.	ITEM
1.	Appellant's Report to the Board on December 19, 2018 (36 Pages)
2.	Development Authority's Report to the Board on February 20, 2019 (35 pages)
3.	Photographs from the Applicant (3)
4.	Site Maps (2)