

SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

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

April 24, 2019

A CALL MEETING TO ORDER

B DEVELOPMENT APPEALS

9:00 AM APPOINTMENTS

1. Division 4 File: 03305012; PRPD20184940 Page 3

This is an appeal against the Development Authority's decision to REFUSE a development permit for the relaxation of the minimum side yard setback requirement for an existing single detached dwelling; the relaxation to the maximum building area for the existing workshop/accessory building; and the relaxation of the total number of accessory buildings and total building area for the existing 4 accessory buildings at 254020 Township Road 274, SW-05-23-28-W4M, located approximately 1.70 kilometres (1 mile) north of Highway 22x and on the west side of Range Road 284A.

Applicant/Appellant: Tyler Anderson
Owner: Jason & Meaghan Cenaiko

2. Division 1 File: 03908037; PRPD20190199 Page 29

This is an appeal against the Development Authority's decision to REFUSE a development permit for an accessory dwelling unit (suite within a building) that was constructed without permits at 54101 Township Road 232, NE-08-23-05-W5M, located approximately 0.41 kilometres (1/4 mile) west of Range Road 54 and on the south side of Township Road 232.

Applicant/Appellant/Owner: David Bopp and Janet Summerscales

10:30 AM APPOINTMENTS

3. Division 3 File: 04702038; PL20180079 Page 73

This is an appeal against the Subdivision Authority's decision to CONDITIONALLY APPROVE a subdivision application at 240094 Range Road 32, SW-02-24-03-W5M, located 6.5 km (4 miles) west of the City of Calgary, 0.8 kilometres (0.5 mile) south of Highway 8, at the northeast junction of Range Road 32 and West Meadows Estates Road.

Appellant: Robert Homersham of Stikeman Elliott
Owner: Eric S. & Jamie H. Horvath
Applicant: B & A Planning Group

SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

April 24, 2019

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

1:00 PM APPOINTMENTS

4. Division 1 File: 03913077; PRDP20184945 Page 133

This is an appeal against the Development Authority's decision to APPROVE a Brewery (General Industry Type I and II), 21 room Hotel, Restaurant and Drinking Establishment, the construction of a multi-use commercial building, the relaxation of the minimum side yard setback requirement, and the relaxation of the maximum height requirement and signage at 19 River Drive North, SE-13-23-05-W5M, located in the Hamlet of Bragg Creek, at the northwest intersection of Balsam Avenue and River Drive.

Appellant: Craig Nickel, Aaron Matiushyk and Jennifer Liddle
Owner: 2127145 Alberta Ltd
Applicant: Adam McLane

5. Division 3 File: 04714170; PRDP20183706 Page 307

This is an appeal against the Development Authority's decision to REFUSE a development permit for the placement of fill for construction of a Single Detached Dwelling at 242162 Windhorse Way, NE-14-24-03-W5M, located 0.40 kilometre (1/4 mile) south of Whitehorse Drive and on the east side of Windhorse Way.

Appellant/Applicant: KSB Designs Ltd. (Karan Brar)
Owner: Baljit & Sukhchain Saran

C CLOSE MEETING

D NEXT MEETING: May 15, 2019



PLANNING & DEVELOPMENT

TO: Subdivision and Development Appeal Board

DATE: April 24, 2019 **DIVISION:** 04

FILE: 03305012 **APPLICATION:** B-1; PRDP20184940

SUBJECT: Dwelling, Single Detached, Accessory Buildings

PROPOSAL: Dwelling, single detached (existing), relaxation of the minimum side yard setback requirement, accessory building (existing workshop), relaxation to the maximum building area, and accessory buildings (existing [3]), relaxation to the total building area for all accessory buildings.	GENERAL LOCATION: Located approximately 1.70 km (1 mile) north of Hwy. 22x and on the west side of Rge. Rd. 284A
APPLICATION DATE: December 05, 2018	DEVELOPMENT AUTHORITY DECISION: Discretionary – Refused
APPEAL DATE: March 28, 2019	DEVELOPMENT AUTHORITY DECISION DATE: March 25, 2019
APPELLANT: Tyler Anderson	APPLICANT: Tyler Anderson
LEGAL DESCRIPTION: Lot 4, Block 2, Plan 18111163 ; SW-05-23-28-W04M	MUNICIPAL ADDRESS: 230039 RGE RD 284A Rocky View County AB
LAND USE DESIGNATION: Residential Two District (R-2)	GROSS AREA: ± 2.42 hectares (± 6.00 acres)
DISCRETIONARY USE: Dwelling, single detached is a permitted use and accessory buildings are a discretionary use in accordance with Section 50 of the Land Use Bylaw.	DEVELOPMENT VARIANCE AUTHORITY: The requested relaxations are beyond the variance discretion of the Development Authority.
PUBLIC SUBMISSIONS: The proposal was circulated to 27 adjacent landowners. No letters in support or opposition were received.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> • City of Calgary /Rocky View County Intermunicipal Development Plan (C-7078-2011) • County Plan (C-7280-2013) • Land Use Bylaw (C-4841-97)



EXECUTIVE SUMMARY:

The proposal is for a dwelling, single detached (existing), relaxation of the minimum side yard setback requirement, accessory building (existing workshop), relaxation to the maximum building area, and accessory buildings (existing [3]), relaxation to the total building area for all accessory buildings. The application is a result of a compliance review completed on June 26, 2018.

The property is developed with an existing dwelling and three accessory buildings. The parcel is serviced by a water well and septic system and is accessed from Rge. Rd. 284A. The subject lands were subdivided March 22, 2016 to create a 5.90 acre parcel with a 6.00 acre remainder (subject site). Access to subject site is achieved via a panhandle approach, which traverses along the northern property line, resulting in the aforementioned relaxation to the minimum setback requirement (for the existing dwelling).

As the requested amount of relaxation is beyond variance discretion of the Development Authority, the application was refused March 25, 2019 for the following reasons:

- 1) That the maximum building area of the proposed accessory building (existing workshop) exceeds the maximum area as defined in Section 50.2 of the Land Use Bylaw C-4841-97.

Maximum building area permitted – 150.00 sq. m (1,614.59 sq. ft.);
Proposed building area (existing workshop) – 202.97 sq. m (2,184.75 sq. ft.)
Required Variance – 52.97 sq. m (570.16 sq. ft.) or 35.31%

- 2) That the minimum side yard setback requirement for the dwelling, single detached (existing) exceeds the allowed total as defined in Section 50.5(c)(iv) of the Land Use Bylaw C-4841-97.

Minimum requirement setback – 3.00 m (9.84 ft.);
Existing setback – 2.88 m (9.44 ft.);
Required Variance – 0.12 m (0.39 ft.) or 4.00%

- 3) That the requested variance exceeds the total building area for all accessory buildings as defined in Section 50.9 of Land Use Bylaw C-4841-97.

Permitted total building area – 225.00 sq. m (2,421.88 sq. ft.);
Proposed total building area – 349.95 sq. m (3,766.83 sq. ft.);
Required Variance – 124.95 sq. m (1,344.95 sq. ft.) or 55.53%

On March 28, 2019, the Applicant/Appellant appealed the decision of the Development Authority for the reasons noted within the agenda package.

APPEAL:

See attached report and exhibits.

Respectfully submitted,

Sean MacLean
Supervisor, Planning & Development

JK/ltt



DEVELOPMENT PERMIT REPORT

Application Date: December 5, 2018	File: 03305012
Application: PRDP20184940	Applicant/Owner: Tyler Anderson / Jason & Meaghan Cenaiko
Legal Description: Lot 4, Block 2, Plan 18111163 ; SW-05-23-28-W04M	General Location: Located approximately 1.70 km (1 mile) north of Hwy. 22x and on the west side of Rge. Rd. 284A
Land Use Designation: Residential Two District (R-2)	Gross Area: ± 2.42 hectares (± 6.00 acres)
File Manager: Jamie Kirychuk	Division: 04

PROPOSAL:

The proposal is for a dwelling, single detached (existing), relaxation of the minimum side yard setback requirement, accessory building (existing workshop), relaxation to the maximum building area, and accessory buildings (existing [3]), relaxation to the total building area for all accessory buildings .The application is a result of a compliance review completed on June 26, 2018.

The property is developed with an existing dwelling and three accessory buildings. The parcel is serviced by a water well and septic system and is accessed from Rge. Rd. 284A. The subject lands were subdivided on March 22, 2016 to create a 5.90 acre parcel with a 6.00 acre remainder (subject site). Access to subject site is achieved via a panhandle approach, which traverses along the northern property line, resulting in the aforementioned relaxation to the minimum setback requirement (for the existing dwelling).

Property History:

Building Permits:

- PRBD20185051: (Basement Development); Waiting for Inspection Request
- 1984-BP-9712: (Detached garage);

Development Permits:

- No history

Planning Applications:

- Plan 181 1163 registered on May 31, 2018 to create a ± 2.39 hectare (± 5.90 acre) parcel (Lot 1) with a ± 2.43 hectare (± 6.00 acre) remainder parcel (Lot 2).

Assessment History:

- Dwelling, Single Detached (1972)
- Garage, Detached (1988)
- Garage, Detached (1984)
- Garage, Detached (1972)



Land Use Bylaw (C-4841-97) Requirements

Section 8 DEFINITIONS

ACCESSORY BUILDING means a building incidental and subordinate to the principal building, the use of which is incidental to that of the principal building but in no instance shall be used as a permanent or temporary residence, and is located on the same parcel.

Section 12 Decisions on Development Permits Applications

12.2 Use, Discretionary Applications:

Upon review of a completed application for a Development Permit for a use, permitted, the Development Authority shall:

- (c) 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;*
 - (iii) materially interfere with or affect the use, enjoyment or value of the neighbouring properties and the amount of the variance does not exceed 50% of the required yard, front or yard, side, if adjacent to or fronting on a paved road;*

Section 28 Accessory Buildings

28.1 Other than provided for in Section 7, and Part 4 of this Land Use Bylaw, accessory uses and buildings are discretionary in any Land Use District, whether or not the principal use they are accessory to is a use, permitted, or discretionary.

- As relaxations are required to the regulations of Section 48, this use is considered discretionary.*

Section 50 Residential Two District (R-2)

50.2 Uses, Permitted

Accessory buildings less than 150.00 sq. m (1,614.59 sq. ft.) building area

- Not applicable.*

50.3 Uses, Discretionary

Accessory buildings greater than 150.00 sq. m (1,614.59 sq. ft.) building area and less than 225.00 sq. m (2,421.87 sq. ft.) building area

50.5(b)(iii) The minimum required front yard setback for any building from any Internal road is 15.00 m (49.21 ft.)



- 48.5(c)(i) *The minimum required side yard setback for any building from a County road is 45.00 m (147.63 ft.).*
- 48.5(c)(iv) *The minimum required side yard setback for any building from all other is 3.00 m (9.84 ft.)*
- 48.6(d)(ii) *The minimum required rear yard setback for any building from all other is 7.00 m (22.96 ft.)*
- 48.7(b) *The maximum height requirement of an accessory building is 7.00 m (22.96 ft.)*
- 48.8 *Maximum dwelling units per lot is one Dwelling, Single Detached, and one Accessory Dwelling Unit.*
- The subject site contains one dwelling, single detached.
- 48.9 *Total building area for all accessory buildings – 120.00 sq. m (1,291.67 sq. ft.).*
- 48.10 *Maximum number of accessory buildings – 2.*

Building	Building Area	Setback, Front	Setback, Side 1	Setback, Side 2	Setback, Rear	Height
Dwelling, Single Detached	N/A	Bylaw: 15.00 ft. Proposed: Lots	Bylaw: 3.00 ft. Proposed: 2.88 ft. Variance: 4.00%	Bylaw: 3.00 ft. Proposed: lots	Bylaw: 7.00 ft. Proposed: lots	7.00 m (22.96 ft.)
Workshop / Wood Garage / Greenhouse	Bylaw: 225.00 sq. m (2,421.87 sq. ft.) Proposed: 202.97 sq. m (2,184.75 sq. ft.)	Bylaw: 15.00 ft. Proposed: lots	Bylaw: 3.00 ft. Proposed: lots	Bylaw: 3.00 ft. Proposed: 3.22	Bylaw: 7.00 ft. Proposed: lots	3.65 m (12.00 ft.)
Detached Garage (Stucco)	Bylaw: 225.00 sq. m (2,421.87 sq. ft.) Proposed: 93.00 sq. m (1001.15 sq. ft.)	Bylaw: 15.0 ft. Proposed: lots	Bylaw: 3.00 ft. Proposed: 8.79 ft.	Bylaw: 3.00 ft. Proposed: lots	Bylaw: 7.00 ft. Proposed: 159.86	2.43 m (8.00 ft.)



Detached Garage (Wood)	Bylaw: 225.00 sq. m (2,421.87 sq. ft.) Proposed: 53.98 sq. m (581.06 sq. ft.)	Bylaw: 15.00 ft. Proposed: lots	Bylaw: 3.00 ft. Proposed: 8.13	Bylaw: 3.00 ft. Proposed: lots	Bylaw: 7.00 ft. Proposed: 147.92	2.13 m (7.00 ft.)
Bylaw: 3 Proposed Total number of Accessory Buildings: 3 Variance: N/A	Bylaw: 225.00 sq. m (2,421.88 sq. ft.) Proposed Total Building Area: 349.95 sq. m (3,766.83 sq. ft.) Variance: 55.53 %					

STATUTORY PLANS:

The subject property falls under the Rocky View County / City of Calgary Intermunicipal Development Plan (IDP). The City was circulated for comment and responded with “no comments”. The application was also evaluated in accordance with the Land Use Bylaw.

INSPECTOR’S COMMENTS:

- No inspection completed at time of report.

CIRCULATIONS:

Building Services Review

- No comments at time of report.

Enforcement Services Review

- No recommendations at this time.

City of Calgary Review

- No comments.

Western Irrigation District

- No objections.



OPTIONS:

Option #1 (this would allow the relaxations)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for the existing dwelling, single detached and accessory buildings at Lot 4, Block 2, Plan 18111163; SW-05-23-28-W04M (230039 RGE RD 284A 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 dwelling, single detached (existing) and accessory building (existing workshop) may remain on the subject property, in general accordance with the submitted Real Property Report, as prepared by William Pang, File #2018-1649; dated June 7, 2018 and the submitted application.
- 2) That the maximum building area of the proposed accessory building (Existing workshop) is relaxed from **150.00 sq. m (1,614.59 sq. ft.) to 202.97 sq. m (2,184.75 sq. ft.)**.
- 3) That the minimum side yard setback requirement for the dwelling, single detached (existing) is relaxed from **3.00 m (9.84 ft.) to 2.88 m (9.44 ft.)**.
- 4) That the total building area for all accessory buildings is relaxed from **225.00 sq. m (2,421.88 sq. ft.) to 349.95 sq. m (3,766.83 sq. ft.)**.

Permanent:

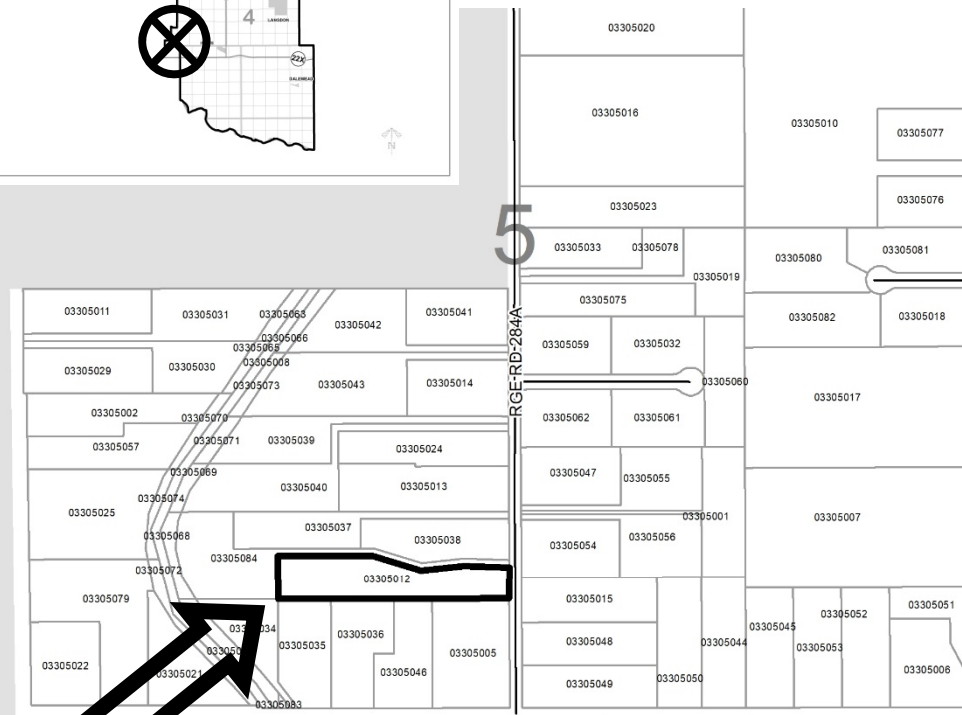
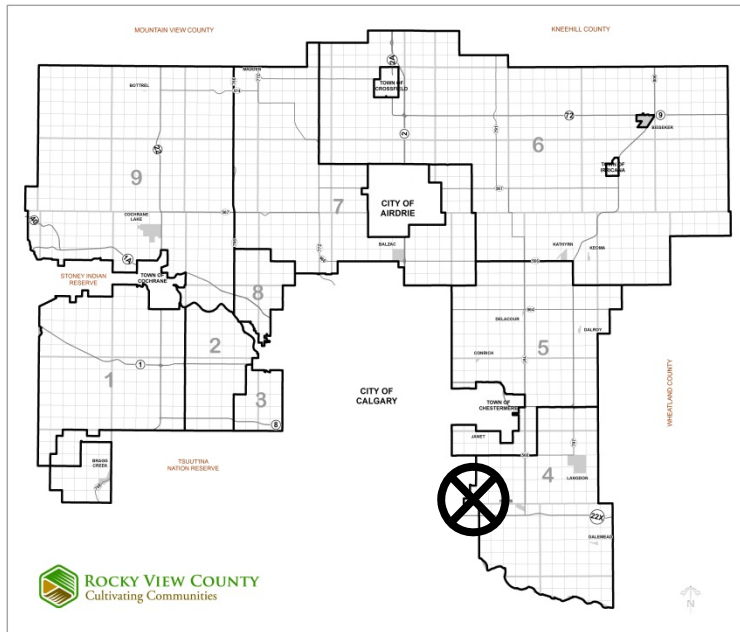
- 5) That the accessory buildings shall not be used for commercial purposes at any time, except for a Home-Based Business, Type I.
- 6) That the accessory buildings shall not be used for residential occupancy purposes at any time.

Advisory:

- 7) That a Building Permit shall be obtained through Building Services for the Workshop, Stucco Garage, and Wood Garage using the accessory building checklist.
- 8) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant.

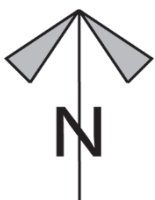
Option #2 (this would not approve the dwelling, single detached and accessory buildings)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for the existing accessory buildings at Lot 4, Block 2, Plan 18111163; SW-05-23-28-W04M (230039 RGE RD 284A Rocky View County AB) be denied, and the decision of the Development Authority be upheld.



City of Calgary

LOCATION PLAN

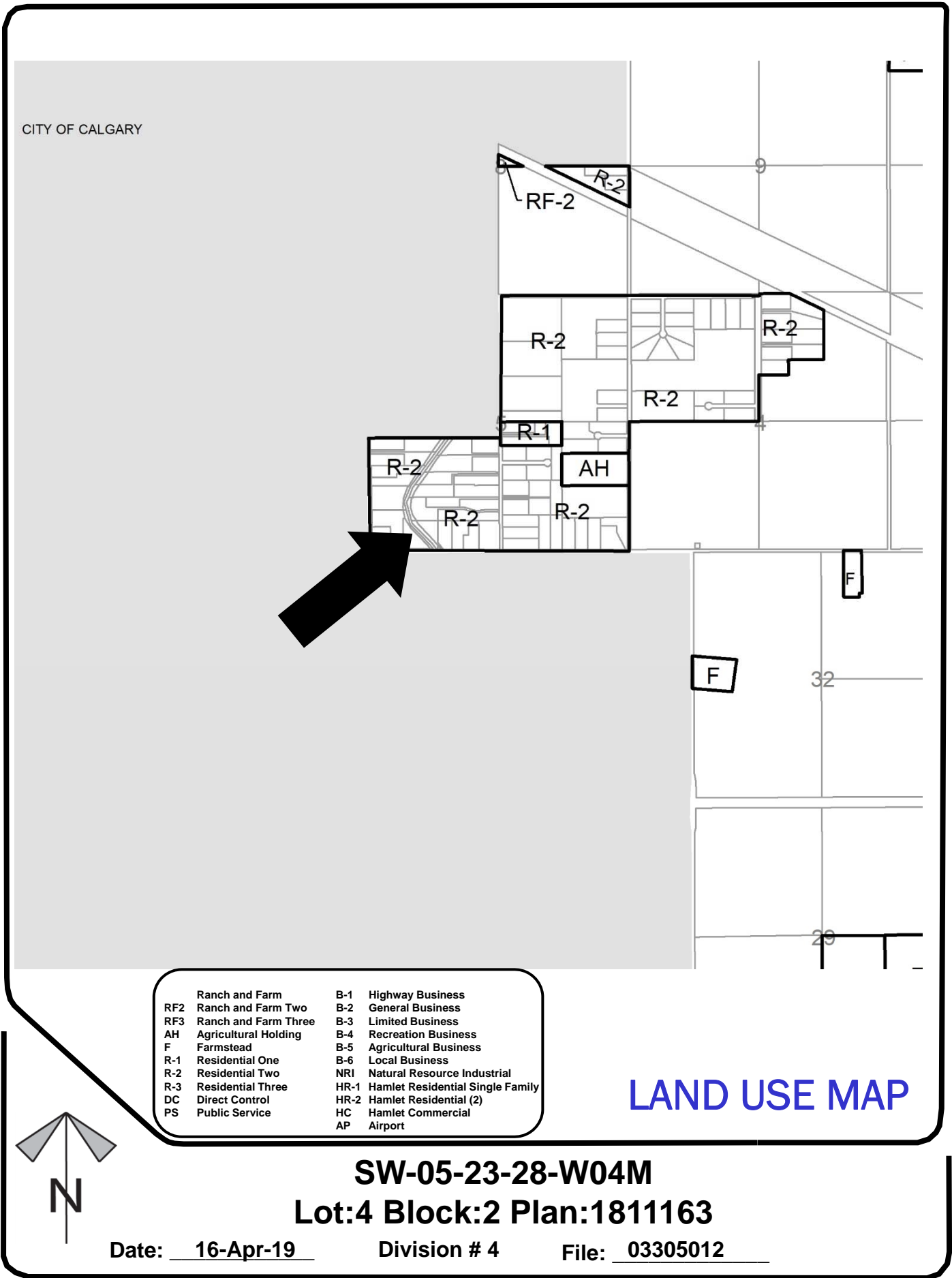


SW-05-23-28-W04M
Lot:4 Block:2 Plan:1811163

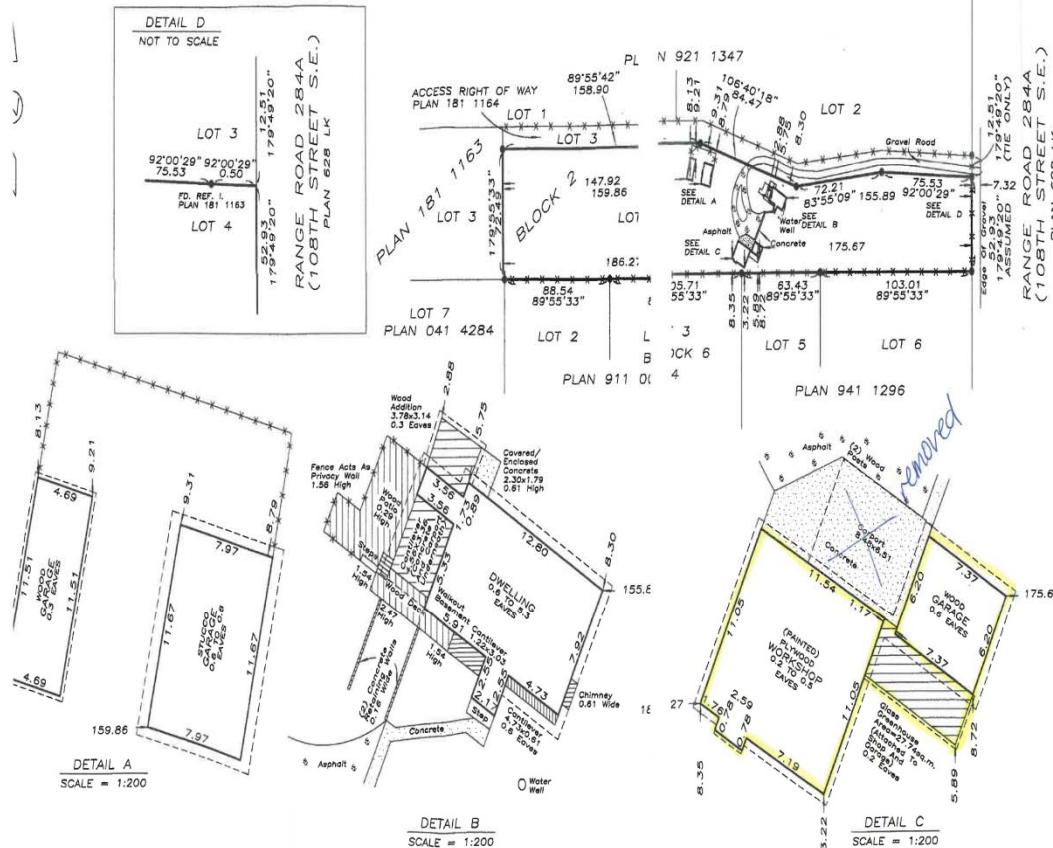
Date: 16-Apr-19

Division # 4

File: 03305012



ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT



LEGAL DESCRIPTION :
LOT 4
BLOCK 2
PLAN 181 1163 (the "Property")
CLIENT : GORSKI (the "Client")
CIVIC ADDRESS :
230039 RANGE ROAD 284A
ROCKY VIEW COUNTY, ALBERTA
Date of Title Search : MAY 31 2018 (File No. 181 111 288 +1)
Date of Survey : AUGUST 8, 2018 TO MAY 22, 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.

PROPERTY IS SUBJECT TO:
8476 LB - RESTRICTIVE COVENANT
751 007 83 - UTILITY RIGHT OF WAY
181 111 290 - EASEMENT PLAN 181 1164 AS SHOWN
181 111 291 - CHALET REC. DEVELOPMENT AGREEMENT
181 111 292 - CHALET REC. DEFERRED SERVICES AGREEMENT

LEGEND :
All dimensions are in metres and decimals thereof.
Statutory Iron Pin found shown thus:
Iron Bar found shown thus:
c.s. denotes corner sunk. denotes break line
Unless otherwise specified, the dimensions shown relate to distances from property boundaries to extent of the foundation walls only of the time of the survey.
Fences are within 1.00 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, or a submission to the municipality for a compliance certificate, etc. Copying is permitted only for the benefit of these parties. Where applicable, registered easements, utility right-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 7 day of JUNE 2018.

William Pang, A.L.S.
(Copyright reserved)
This Report is not valid unless original signature (blue ink) and W. Pang Survey Inc. Permit stamp (red ink).

W. PANG SURVEYS INC.
510, 2840 Macleod Trail S.W.
Calgary, AB T2H 2S4
TEL: 242-8040
FAX: 242-8077
info@wpsurveys.com
W. Pang Survey Inc. Permit stamp (red ink)

SCALE = 1:2000
0 10 20 30 40 50 100m
© COPYRIGHT W. PANG SURVEYS INC. 2018 FILE: 2018-1848 Date Issued: P.6

SITE PLAN

SW-05-23-28-W04M
Lot:4 Block:2 Plan:1811163

Date: 16-Apr-19 Division # 4 File: 03305012



EXISTING DWELLING



SW-05-23-28-W04M
Lot:4 Block:2 Plan:1811163

Date: 16-Apr-19 Division # 4 File: 03305012



EXISTING WORKSHOP



SW-05-23-28-W04M
Lot:4 Block:2 Plan:1811163

Date: 16-Apr-19

Division # 4

File: 03305012



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

AIR PHOTO

Spring 2018



SW-05-23-28-W04M
Lot:4 Block:2 Plan:1811163

Date: 16-Apr-19

Division # 4

File: 03305012



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

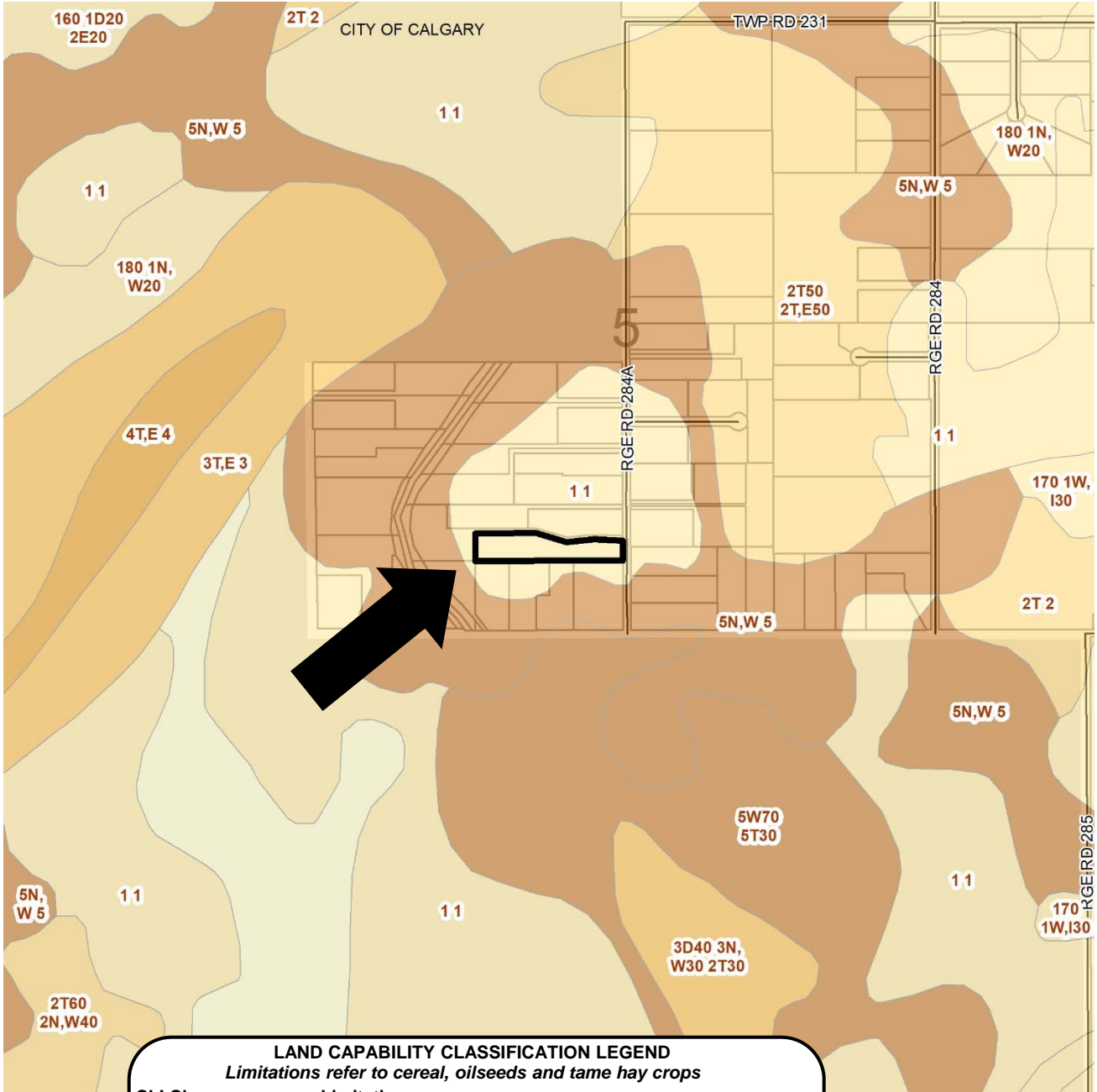


SW-05-23-28-W04M
Lot:4 Block:2 Plan:1811163

Date: 16-Apr-19

Division # 4

File: 03305012



SOIL MAP

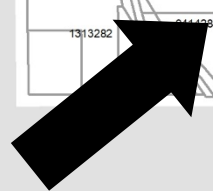
SW-05-23-28-W04M

Lot:4 Block:2 Plan:1811163

Date: 16-Apr-19

Division # 4

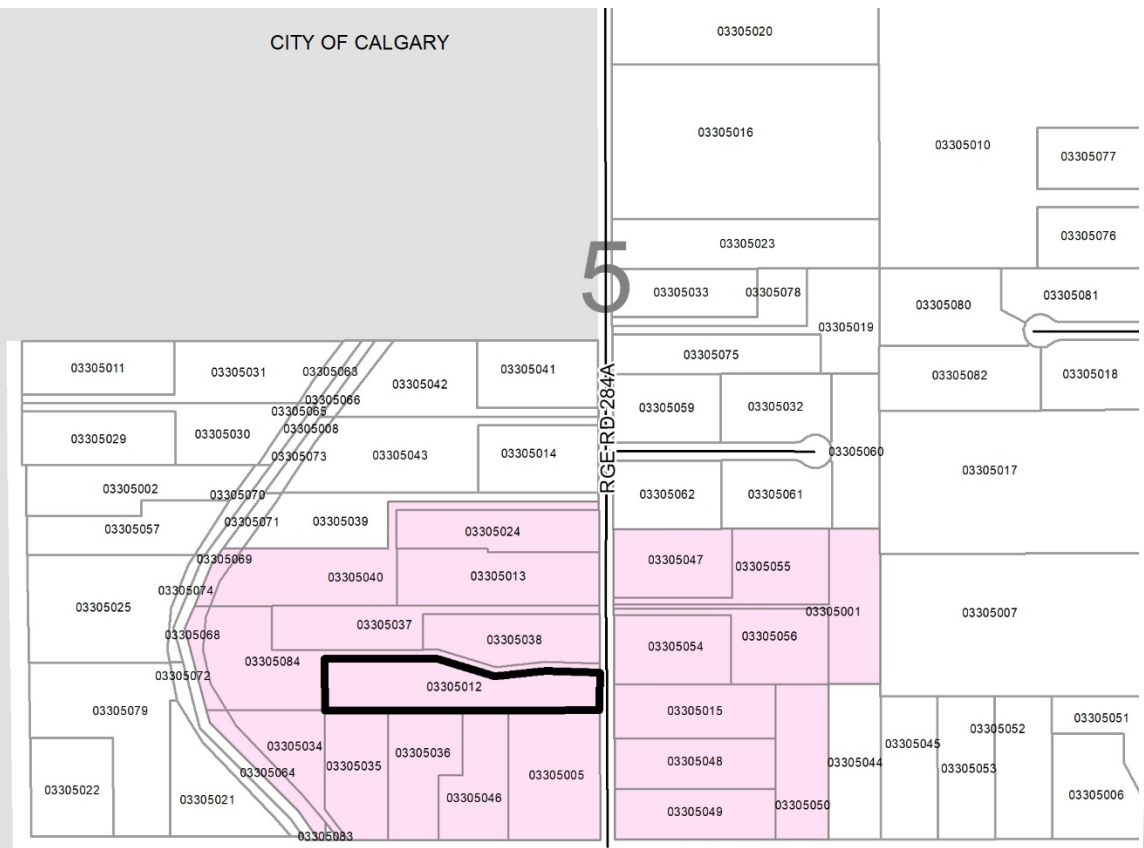
File: 03305012



- 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:4 Block:2 Plan:1811163

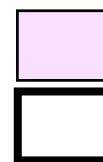
File: 03305012



Letters in Opposition

Letters in Support

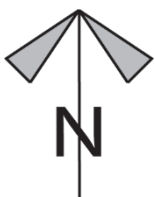
Legend



Circulation Area

Subject Lands

LANDOWNER CIRCULATION AREA



SW-05-23-28-W04M

Lot:4 Block:2 Plan:1811163

Date: 16-Apr-19

Division # 4

File: 03305012



Notice of Appeal

Subdivision and Development Appeal Board

Appellant Information		
Name of Appellant(s) Tyler Anderson for Jason & Meghan Cernaiko		
Site Information		
Municipal Address 230039 RR 284A - Rock View	Legal Land Description (lot, block, plan and/or quarter-section-township-range-meridian) Lot 4, Block 2, Plan 1811163, SW-05-23-28 W4	
Development Permit, Subdivision Application, or Stop Order # PRDP 20184940	Roll # 03305012	
I am appealing: (check one box only)		
Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Decision of Enforcement Services <input type="checkbox"/> Stop Order
Reasons for Appeal (attach separate page if required) <i>see attached letter.</i>		

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 _____

March 27, 2019

CENTRAL ALBERTA ADJUSTERS

215 5114 58 Street, Red Deer, AB T4N 2L8
Ph: 403 340 3516 Fax: 403 340 3583
newclaims@caadjusters.ca
www.caadjusters.ca

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

March 27, 2019

File Number : **007559-03**

Re: Claim Number: 18CAN02012
Type of Loss: Title
Loss Location: 230039 Range Road 284 A, Rocky View, AB T1X 0G8

Please be advised we are the adjusters assigned by, FCT Insurance Company Ltd, to handle claims on behalf of Jason & Meaghan Cenaiko, the owners of the property in question.

As discussed in our development application letter, the Cenaiko's received correspondence via email on June 26, 2018, from Rocky View County concerning several Land Use Bylaw compliance issues. The issues are related to the Accessory Buildings on the property.

During the purchase process of the property, the owners had completed appropriate and reasonable inspections of the property; the compliance issues which they are now facing were not brought to light until several months after the purchase of the property was finalized.

A significant feature of the property which attracted the Cenaiko's to the property were the accessory buildings on the property, they run a small business and these buildings were ideal for storage, the threat of now losing these building may have a significant impact on their small business.

At this time, we would request an appeal of the refusal notice dated March 25, 2019, and specifically request a relaxation of the 3 areas of concern outlined in that notice including:

1. The maximum Area of the existing workshop.
2. The minimum side yard setback requirement for the dwelling
3. The total building area of all accessory buildings.

We recognize that should a relaxation be granted, that all buildings would need to be compliant with current Alberta Building Code requirements.

We thank you for your review and consideration of the appeal and await a date in which the writer and the owners of the property can further discuss this matter.

Yours truly,

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

Tyler Anderson, CIP
Email: tanderson@caadjusters.ca



REFUSAL

Tyler Anderson

Development Permit #: PRDP20184940

Date of Issue: March 25th, 2019

Roll #: 03305012

Your Application dated December 5th, 2018 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

dwelling, single detached (existing), relaxation of the minimum side yard setback requirement, accessory building (existing workshop), relaxation to the maximum building area, and accessory buildings (existing [3]), relaxation to the total building area for all accessory buildings

at Lot 4, Block 2, Plan 18111163, SW-05-23-28-W4M (254020 Township Road 274, 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) That the maximum building area of the proposed accessory building (existing workshop) exceeds the maximum area as defined in Section 50.2 of the Land Use Bylaw C-4841-97.
**(maximum building area permitted – 150.00 sq. m (1,614.59 sq. ft.);
proposed building area (existing workshop) – 202.97 sq. m (2,184.75 sq. ft.)).**
- 2) That the minimum side yard setback requirement for the dwelling, single detached (existing) exceeds the allowed total as defined in Section 50.5(c)(iv) of the Land Use Bylaw C-4841-97.
**(minimum requirement setback – 3.00 m (9.84 ft.);
existing setback – 2.88 m (9.44 ft.)).**
- 3) That the requested variance exceeds the total building area for all accessory buildings as defined in Section 50.9 of Land Use Bylaw C-4841-97.
**(permitted total building area – 225.00 sq. m (2,421.88 sq. ft.);
proposed total building area – 349.95 sq. m (3,766.83 sq. ft.)).**

 for.
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 21 days following the date on which this Notice is dated.



ROCKY VIEW COUNTY
Cultivating Communities

20184940

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY B-1 Page 22 of 26	
Fee Submitted \$265.00	File Number 03305012
Date of Receipt Dec 5/18	Receipt # 2018019266

Name of Applicant Tyler Anderson [Redacted]
Mailing Address 215, 5114 58th Street Red Deer, AB
Postal Code T4N 2L8
(H) _____ Fax _____
For Agents please supply Business/Agency/ Organization Name Central Alberta Adjusters
Registered Owner (if not applicant) Jason Cernaiko & meaghan Cernaiko

1. LEGAL DESCRIPTION OF LAND

a) All / part of the SW ¼ Section 25 Township 23 Range 28 West of 4 Meridian
b) Being all / parts of Lot 4 Block 2 Registered Plan Number 1811163
c) Municipal Address 230039 Range Road 284a Rocky View County, AB T1X 0G8
d) Existing Land Use Designation R-2 Parcel Size 6 acres Division _____

2. APPLICATION FOR

Oversized Accessory Buildings - / Side yard relaxation

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 TYLER ANDERSON 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 [Signature]
Date Dec 5, 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.



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, Tyler Anderson, 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

December 5, 2008
Date



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

APPLICATION FOR AN ACCESSORY BUILDING

Name of Applicant Tyler Anderson

1. DETAILS OF ACCESSORY BUILDING

	Bylaw	Proposed
Accessory building size maximum	2421.87 sq/ft	1) 570 sq ft shed 2) 1064 sq ft Garage 3) 1258 sq ft 4) Shop 5) 1221 sq ft 6) 298 sq ft Greenhouse
Accessory building height	22.96 sq/ft	1) 7 ft 2) 8 ft 3) 12 ft 4) 7 ft
Number of existing accessory buildings on site	3	4
Total size of all accessory buildings	2421.88 sq/ft	3,190 sq ft

Description of Accessory Buildings:

- a) Building materials 1) Stick Built, Plywood exterior. 2) Stick Built, Stucco exterior, Asphalt Roof, Concrete slab. 3) Slab on grade, Stick Built, wood, metal exterior. 4) Plastic Fibreglass exterior, stick framed
- b) Exterior colour 1) Brown 2) Blue 3) Orange & Black 4) N/A
- c) Please include why relaxations for buildings are needed (location, storage needs, tidy property, etc.)
1) Storage needs 2) Storage needs 3) Storage, 4) Residential use (garden)
- d) Date when building permits were issued for existing buildings N/A
- e) If no permits were issued - list age of buildings 1) 30+ years 2) 20+ years 3) 30 years. 4) 30 years.

2. DESCRIBE THE USE OF THE ACCESSORY BUILDING

The buildings were on the property when owners purchased the same. Currently all buildings are used by the homeowners for storage purposes. Shop is used to store carpentry and paint supplies

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:

Dec 5, 2018

CENTRAL ALBERTA ADJUSTERS

215 5114 58 Street, Red Deer, AB T4N 2L8
Ph: 403 340 3516 Fax: 403 340 3583
newclaims@caadjusters.ca
www.caadjusters.ca

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

December 04, 2018

File Number : **007559-03**

Re: Claim Number: 18CAN02012
Type of Loss: Title
Loss Location: 230039 Range Road 284 A, Rocky View, AB T1X 0G8

Please be advised we are the adjusters assigned by, FCT Insurance Company Ltd, to handle claims on behalf of Jason & Meaghan Cenaiko.

Enclosed is the Development Permit application as well as an application for the existing Accessory Buildings, located at the Municipal Location noted above.

The Cenaiko's received correspondence via email on June 26, 2018, from Rockyview County concerning several Land Use Bylaw compliance issues. The issues are related to several Accessory Buildings on the property. The purpose of the enclosed application is to request an appeal to be heard by the Development Appeal Board to consider a relaxation of the compliance issues related to these existing buildings.

We are also aware of there is an addition to the residence that is non-compliant and would request this be considered as part of the application as well.

It is our understanding that should a relaxation be granted, all building would need to be compliant with current Alberta Building Code requirements. We are currently in the process of obtaining estimates from a local, licensed contractor to address any building code issues which may currently be present.

We thank you for your review and consideration of the applications.

Yours truly,



Tyler Anderson, CIP
Email: tanderson@caadjusters.ca

SUMMARY TABLE

	Maximum Building Area (sq. m)	Front Yard Setback (m)	Side Yard Setback (m)	Side Yard Setback (m)	Rear Yard Setback (m)	Height (m)
Bylaw Requirement	N/A	<i>Internal Subdivision or Service Road</i>	<i>Other</i>	<i>Other</i>	<i>Other</i>	10.00
		15.00	3.00	3.00	7.00	

Dwelling							
1	Dwelling	N/A	155.89	2.88	Lots	Lots	
	Variance Required?	N/A	N/A	4.00%	N/A	N/A	

		East	North	South	West	
	Maximum Building Area (sq. m)	Front Yard Setback (m)	Side Yard Setback (m)	Side Yard Setback (m)	Rear Yard Setback (m)	Height (m)
Bylaw Requirement	150.00	<i>Internal Subdivision or Service Road</i>	<i>Other</i>	<i>Other</i>	<i>Other</i>	7.00
	≤ 225.00	15.00	3.00	3.00	7.00	

Total Building Area for all Accessory Buildings (sq. m)	Total Number of Accessory Buildings
225.00	3

1	Wood garage 1	53.98	Lots	8.13	Lots	147.92	
	Variance Required?	N/A	N/A	N/A	N/A	N/A	
2	Stucco garage	93.01	Lots	8.79	Lots	159.86	
	Variance Required?	N/A	N/A	N/A	N/A	N/A	
3	Workshop	129.54	Lots	Lots	3.22	186.27	
	Variance Required?	N/A	N/A	N/A	N/A	N/A	
4	Wood garage 2	45.69	175.67	Lots	8.72	Lots	
	Variance Required?	N/A	N/A	N/A	N/A	N/A	
5	Glass greenhouse	27.74	Lots	Lots	5.89	Lots	
	Variance Required?	N/A	N/A	N/A	N/A	N/A	

349.96	5
55.54%	66.67%

TO: Subdivision and Development Appeal Board

DATE: April 24, 2019 **DIVISION:** 01

FILE: 03908037 **APPLICATION:** B-2; PRDP20190199

SUBJECT: Accessory Dwelling Unit

PROPOSAL: Accessory dwelling unit (suite within a building), constructed without permits, relaxation of the maximum permitted habitable floor area.	GENERAL LOCATION: Located approximately 0.41 km (1/4 mile) west of Rge. Rd. 54 and on the south side of Twp. Rd. 232
APPLICATION DATE: January 18, 2019	DEVELOPMENT AUTHORITY DECISION: Discretionary – Refused
APPEAL DATE: April 01, 2019	DEVELOPMENT AUTHORITY DECISION DATE: March 13, 2019
APPELLANT: David Arthur Bopp	APPLICANT: David Arthur Bopp
LEGAL DESCRIPTION: Lot 2, Block 1, Plan 8911642; NE-08-23-05-W05M	MUNICIPAL ADDRESS: 54101 TWP RD 232
LAND USE DESIGNATION: Residential Two District (R-2)	GROSS AREA: ± 2.02 hectares (± 4.99acres)
DISCRETIONARY USE: An accessory dwelling unit (a suite within a building) is listed as a discretionary use within the Residential Two District.	DEVELOPMENT VARIANCE AUTHORITY: As per Section 12.2(c)(ii) of the Land Use Bylaw, the Development Authority may apply a variance up to 10.00% of the maximum floor area and if the variance would not materially interfere with or affect the use, enjoyment, or value of the neighboring properties.
PUBLIC SUBMISSIONS: The application was circulated to 16 adjacent landowners. The Appellant provided 8 letters in support of the appeal. No letters in opposition were received.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> •County Plan C-7820-2013 •Land Use Bylaw C-4841-97 •Greater Bragg Creek Area Structure Plan C-6260-2006

This application is for an accessory dwelling unit (suite within a building), relaxation of the maximum permitted habitable floor area. The accessory dwelling unit was constructed without permits, in the upper floor of an existing accessory building that is situated at the rear of the subject land and screened



with a large amount of mature trees. The Appellant/Owner is proposing to bring the accessory dwelling unit into compliance, in addition to completing some interior/exterior modifications.

As per Section 28.4(d)(ii) of the Land Use Bylaw, the maximum allowable habitable floor area for an accessory dwelling unit is 110.00 sq. m (1,184.00 sq. ft.); however, the floor area of the existing dwelling unit is 140.85 sq. m (1,516.11 sq. ft.) and the Appellant/Owner is requesting a variance of 28.05%. The request exceeds the discretion of the Development Authority under Section 12 of the Land Use Bylaw, that being up to 10.00% and the application was refused. All other components of the accessory dwelling unit are consistent with the Land Use Bylaw regulations.

The Appellant/Owner appealed the refusal decision of the Development Authority; reasoning for the appeal and detailed submission is included in the agenda package.

PROPERTY HISTORY:

February 25, 1991	Building Permit 1990-BP-1640 issued for an accessory building.
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APPEAL:

See attached report and exhibits.

Respectfully submitted,

Sean MacLean
Supervisor, Planning & Development

LM/lt



DEVELOPMENT PERMIT REPORT

Application Date: January 18, 2019	File: 03908037
Application: PRDP20190199	Applicant/Owner: David Arthur Bopp
Legal Description: Lot 2, Block 1, Plan 8911642; NE-08-23-05-W05M	General Location: Located approximately 0.41 km (1/4 mile) west of Rge. Rd. 54 and on the south side of Twp. Rd. 232
Land Use Designation: Residential Two District (R-2)	Gross Area: ± 2.02 hectares (± 4.99 acres)
File Manager: Lisa Mrozek	Division: 01

PROPOSAL:

The proposal is for the accessory dwelling unit (suite within a building), constructed without permits.

Land Use Bylaw (C-4841-97):

SECTION 8 Definitions

- 8.1 *ACCESSORY DWELLING UNIT (ADU) means a subordinate dwelling unit attached to, created within or detached from the principal dwelling, single detached, where both dwelling units are located on the same parcel. Accessory dwelling units include Secondary Suites, Suites within a Building, and Garden Suites.*

A SUITE WITHIN A BUILDING means a subordinate dwelling unit within or attached to a building other than the principal dwelling, single detached.

- The proposed development complies with the definitions of an accessory dwelling unit and suite within a building, as it is a subordinate dwelling unit located on a parcel with a principal dwelling, single-detached and is located within an existing accessory building (garage).

SECTION 50 Residential Two District

50.3 *An accessory dwelling unit (a suite within a building) is listed as a discretionary use.*

50.5 *Minimum setback requirement*

- Front yard setback from an internal subdivision road
 - **Required:** 45.00 m (147.64 ft.); **Existing:** Lots
- Side yard setback from all other
 - **Required:** 3.00 m (9.84 ft.); **Existing:** 16.05 m (52.66 ft.)/Lots
- Rear yard setback from all other
 - **Required:** 7.00 m (22.96 ft.); **Existing:** 18.19 m (59.68 ft.)

The maximum height requirement for a suite within a building is identified within Section 28 and is assessed below.



SECTION 28 Accessory Building and Uses

28.4 Accessory Dwelling Units:

- (a) *All accessory dwelling units shall be constructed on a permanent foundation.*
 - The existing accessory dwelling unit has been constructed on a permanent foundation.
- (b) *A lot shall be limited to one accessory dwelling unit, unless the lot is approved for two principal dwellings, single-detached.*
 - The subject land includes one principal dwelling and one accessory building, which includes the accessory dwelling unit.
- (c)(ii) *An accessory dwelling unit shall be subordinate to a principal dwelling.*
 - The accessory dwelling unit is subordinate to the principal dwelling: the accessory dwelling unit has a smaller footprint than the principal dwelling, is situated overtop of an accessory building, and is not occupied by the landowners as their main residence.
- (iii) *Shall comply with the height and setback regulations in the applicable land use district, except where otherwise permitted in this Bylaw.*
- (iv) *An accessory dwelling unit shall have a minimum floor area of not less than 36.00 sq. m (387.49 sq.ft.);*
 - The real property report submitted with the application identifies the floor area of the accessory dwelling unit as 140.85 sq. m (1,516.11 sq. ft.).
- (v) *An accessory dwelling unit shall contain at least two rooms and include sleeping, sanitary, and cooking facilities.*
 - The drawings submitted with the application identify two bedrooms, two bathrooms, a kitchen, dining room, and living room.
- (vii) *An accessory dwelling unit shall provide a minimum of one dedicated on-site parking stall in accordance with Section 30 of this Bylaw.*
 - The Applicant/Owner has identified that the accessory dwelling unit has one stall available for use by its occupant.
- (viii)/(ix) *An accessory dwelling unit shall have adequate sanitary sewer servicing and adequate water servicing.*
 - The Applicant/Owner has indicated the accessory dwelling unit uses the existing well and have proposed either an expansion to the existing septic system or installation of a new septic system, depending on the most cost effective option. Confirmation of capacity is requested through a prior to issuance condition, as per Engineering Services.
- (x) *Shall have a distinct County address to facilitate accurate emergency response.*
 - The subject land currently only has an address associated with the dwelling, single-detached; this will be identified as a permanent condition of the Permit.
- (d)(ii) *The maximum allowable habitable floor area of an ADU shall be determined based on all story's including basements, not excluding the garage area and common area of egress, and shall be 110.00 sq. m (1,184.00 sq. ft.) for a Suite within a Building.*

- **Permitted:** 110.00 sq. m (1,184.00 sq. ft.);
Existing: 140.85 sq. m (1,516.11 sq. ft.).
 - The accessory dwelling unit exceeds the allowable habitable floor area and requires a relaxation of 28.05%. As per Section 12.2(c)(ii) of the Land Use Bylaw, the Development Authority may apply a variance up to 10.00% of the maximum floor area and if the variance would not materially interfere with or affect the use, enjoyment, or value of the neighboring properties.
 - Although the accessory dwelling unit is nearly indiscernible to neighboring properties due to significant tree coverage of the subject, the Development Authority is restricted by the 10.00% discretion ability; therefore, the relaxation request must be refused.
- (e)(i) *A Suite within a Building shall be considered part of the total building area of accessory building.*
- **Permitted:** 225.00 sq. m (2,421.88 sq. ft.);
 - **Existing:** 140.85 sq. m (1,516.11 sq. ft.).
- (ii) *A Suite within a Building where an ADU is wholly or partially located above a garage or similar portion of an accessory building, the ADU portion of the building shall not exceed 8.00 m (26.24 ft.) in height, unless otherwise allowed in this Bylaw. Height restrictions on the remainder of the accessory building will be governed by the regulations in the applicable land use district.*
- **Permitted:** 8.00 m (26.24 ft.);
 - **Existing:** 6.68 m (21.92 ft.)
- Note: Height was established from ground to peak at north elevation.
- (g) *In considering a Development Permit application for Accessory Dwelling Units, the Development Authority may consider such factors as:*
- i) *Any significant adverse impacts on the adjacent properties and dwellings (for example: drainage, fire protection, access, sun shadow, view sheds, etc.).*
- The property is predominately covered with large, mature trees, and the dwelling unit itself is attached to an accessory building, making it indiscernible to adjacent properties and not visible from the abutting roadway.
- ii) *The architectural character of the Accessory Dwelling Unit, including:*
1. *The similarity of the Accessory Dwelling Unit to the principal dwelling in architectural design, character, and appearance by use; for example, of the same exterior wall materials, window types, door and window trims, roofing materials, and roof pitch; and the availability of an indoor storage area for use of the residents of the Accessory Dwelling Unit.*
- The Applicant/Owner provided pictures of the principal dwelling and accessory building with the accessory dwelling unit; the two buildings are similar in architectural design and appearance including similar exterior wall materials and coloring and door materials and trims. The Applicant/Owner has indicated they will be adding additional windows for legal egress in the bedrooms (if approved), which will match the window types of the principal dwelling.

- The floor plan for the accessory dwelling unit shows at least one closet for the master bedroom.

(iii) Site design features, including:

1. *The location of the Accessory Dwelling Unit, with preference for its close proximity to the principal dwelling so as to appear as a related building, and is not located directly between the road and the principal dwelling.*
 - The accessory dwelling unit is within close proximity to the principal dwelling (less than 10.00 m southeast of the principal dwelling) and is not located between the road and principal dwelling.
2. *The use of a shared approach.*
 - The accessory dwelling unit shares an approach with the principal dwelling off of Township Road 232.
3. *The availability of outdoor yard space that is useful for the residents of the Accessory Dwelling Unit.*
 - The subject land is ± 2.02 hectares (± 4.99 acres) in size and has outdoor yard space identified to the south of the accessory building with the accessory dwelling unit.

STATUTORY PLANS:

The subject land falls within the Greater Bragg Creek Area Structure Plan (GBCASP) and is identified as Infill Residential Areas (Figure 14). Within Section 7.4 – Residential Development Outside of the Hamlet, Section 7.4.1 – General Residential Policies and Section 7.4.3 – Infill Residential Areas of the GBCASP are applicable; accessory dwelling units are not addressed within these sections.

INSPECTOR'S COMMENTS:

- No inspection to date.

CIRCULATIONS:

Internal	
<i>Building Services</i>	<p>The application for the above DP to approve an accessory dwelling unit is good to proceed in respect to Building Safety Codes Services.</p> <p>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.</p> <p><i>Where a homeowner is constructing a garden suite above a detached storage garage which is acting as a second dwelling unit on the same property not within the primary residence, but where the storage garage is commonly used by both dwelling units, a one-hour fire separation will be required to separate the secondary dwelling and garage from the garage occupied by the main house occupants. Where membrane materials are used to provide the required airtightness in the air barrier system, all joints shall be sealed and structurally supported.</i></p>



<i>Enforcement Services</i>	Enforcement has no recommendations or concerns at this time.
<i>Engineering Services</i>	<p><u>General</u></p> <ul style="list-style-type: none"> 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. <p><u>Geotechnical</u> - Section 300.0 requirements:</p> <ul style="list-style-type: none"> Engineering has no requirements at this time. <p><u>Transportation</u> - Section 400.0 requirements:</p> <ul style="list-style-type: none"> Engineering has no requirements at this time. <p>The applicant is not required to pay the transportation offsite levy, as per the TOL bylaw C-7356-2014, since the TOL is directly associated with the development of a dwelling.</p> <p><u>Sanitary/Waste Water</u> - Section 500.0 requirements:</p> <ul style="list-style-type: none"> The applicant indicated that they will either construct a new PSTS system or expand the existing PSTS on the subject lands. Prior to DP issuance, the applicant is required to provide confirmation from a qualified professional that the new or expanded PSTS has sufficient capacity to service the ADU, as per County policy 411 "Residential Water and Sewer Requirements". <ul style="list-style-type: none"> An inspection report by Titan Water Systems was submitted with the application that showed that the existing system is not sufficient to accommodate the additional flows from the ADU. As a permanent condition, the applicant is responsible for obtaining all permits for newly installed PSTS or the expansion of the existing PSTS. <p><u>Water Supply and Waterworks</u> - Section 600.0 & 800.0 requirements:</p> <ul style="list-style-type: none"> Engineering has no comments at this time. The applicant is proposing to connect to an existing groundwater well on the subject lands. A water well test report by Titan Water Systems was submitted with the application that included a drilling log and a water quality analytics report. <p><u>Storm Water Management</u> – Section 700.0 requirements:</p> <ul style="list-style-type: none"> Engineering has no requirements at this time. Since the ADU is within an existing development it is not expected to have an impact on current stormwater flows. <p><u>Environmental</u> – Section 900.0 requirements:</p> <ul style="list-style-type: none"> Engineering has no requirements at this time.

	<ul style="list-style-type: none"> The ADU is within an existing development and there appears to be no nearby wetlands. The ADU and proposed parking is not expected to have an impact on any wetlands.
<i>Infrastructure and Operations</i>	<p>Utility Services:</p> <ul style="list-style-type: none"> No concerns.

APPROVAL, subject to the following conditions:

Option #1 (this would approve the accessory dwelling unit and relaxation of the floor area)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for an accessory dwelling unit (suite within a building), constructed without permits, relaxation of the maximum permitted habitable floor area at Lot 2, Block 1, Plan 8911642; NE-08-23-05-W05M (54101 TWP RD 232) be upheld, that the decision of the Development Authority be revoked, and that the Development Permit be issued, subject to the following conditions:

Description:

- 1) That an accessory dwelling unit (suite within a building) is approved on the subject land, in accordance with the site plan and details provided with the application.
- 2) That the maximum habitable floor area for the accessory dwelling (suite within a building) is relaxed from **110.00 sq. m (1,184.00 sq. ft.) to 140.85 sq. m (1,516.11 sq. ft.)**.

Prior to Issuance:

- 3) That prior to issuance of this permit, confirmation from a qualified professional shall be provided that the new or expanded private sewage treatment system has sufficient capacity to service the accessory dwelling unit, as per County policy 411 "Residential Water and Sewer Requirements".

Permanent:

- 4) That the accessory dwelling unit (suite within a building) shall have a distinct county address to facilitate accurate emergency response.
- 5) That there shall be a minimum of one parking stall maintained on-site at all times dedicated to the accessory dwelling unit (suite within a building).
- 6) That there shall be adequate water servicing provided for the accessory dwelling unit (suite within a building) and it is the Applicant's/Owner's responsibility to provide water quantity in accordance with the recommendations found in Module 2 of the document "Water Wells That Last for Generations" published by Agriculture and Agri-Food Canada, Alberta Environment, Alberta Agriculture and Food.
- 7) That there shall be adequate sanitary sewer servicing provided for the accessory dwelling unit (suite within a building) and that the Applicant/Owner is responsible for obtaining all permits for the new or expanded private sewage treatment system.
- 8) 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 and includes the following:

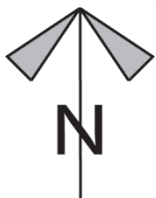
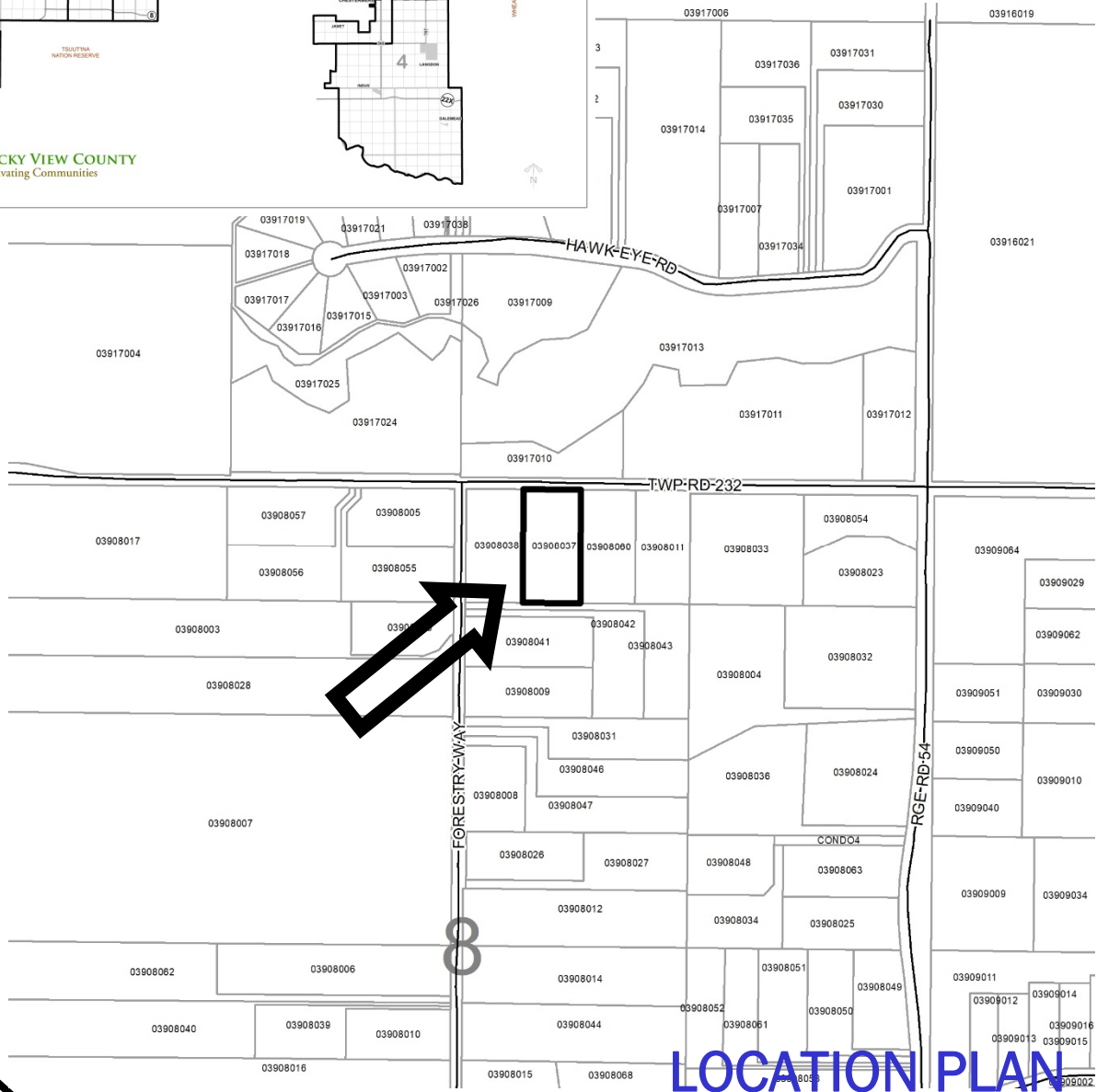
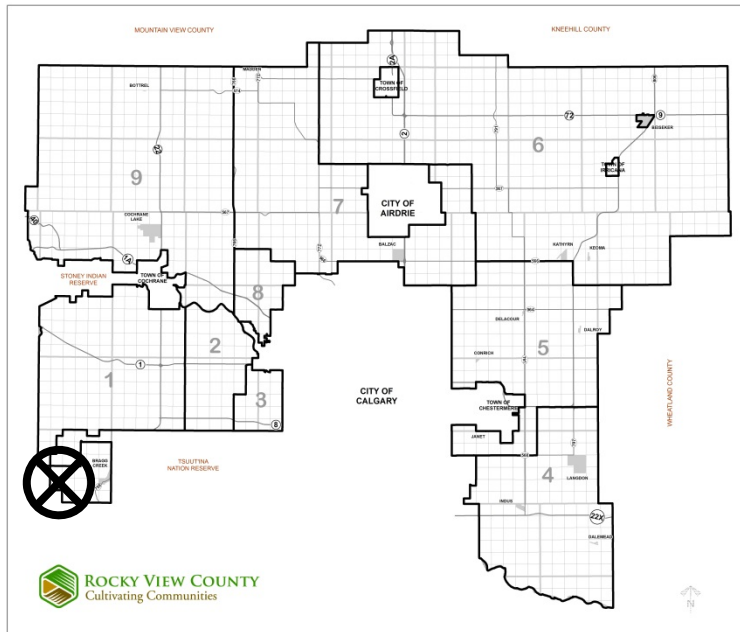


Advisory:

- 9) That a building permit shall be obtained through Building Services for the existing accessory dwelling unit (suite within a building) using the Accessory Dwelling Unit Checklist.
- 10) That any other Federal, Provincial or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 11) That if this Development Permit is not issued by **October 31, 2019** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

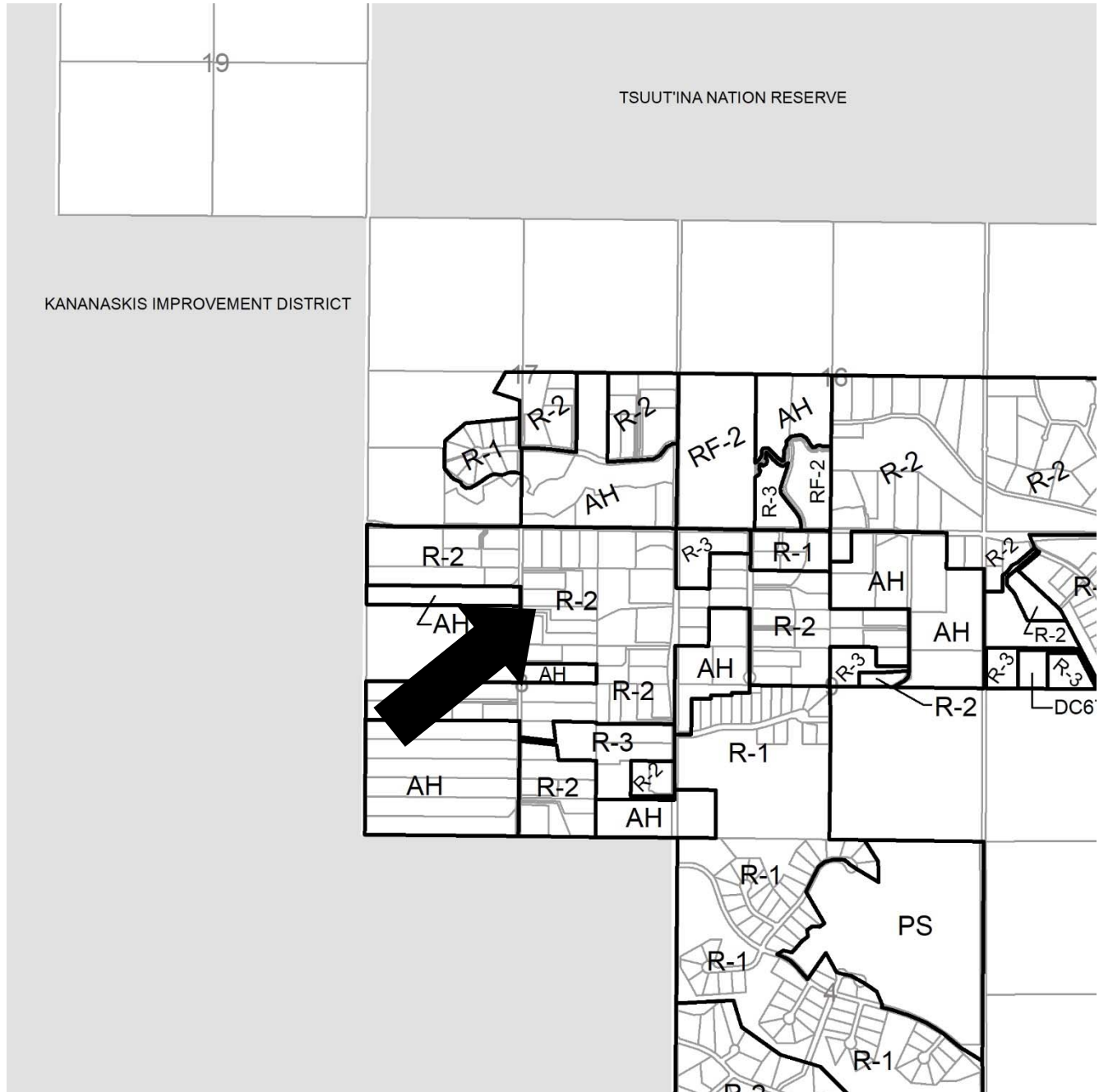
Option #2 (this would not approve the accessory dwelling unit and relaxation of the floor area)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for an accessory dwelling unit (suite within a building), constructed without permits, relaxation of the maximum permitted habitable floor area at Lot 2, Block 1, Plan 8911642; NE-08-23-05-W05M (54101 TWP RD 232) be denied and that the decision of the Development Authority be confirmed.



NE-08-23-05-W05M
Lot:2 Block:1 Plan:8911642

Date: 16-Apr-19 Division # 1 File: 03908037



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



NE-08-23-05-W05M
Lot:2 Block:1 Plan:8911642

Date: 16-Apr-19

Division # 1

File: 03908037



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

AIR PHOTO

Spring 2018



NE-08-23-05-W05M
Lot:2 Block:1 Plan:8911642

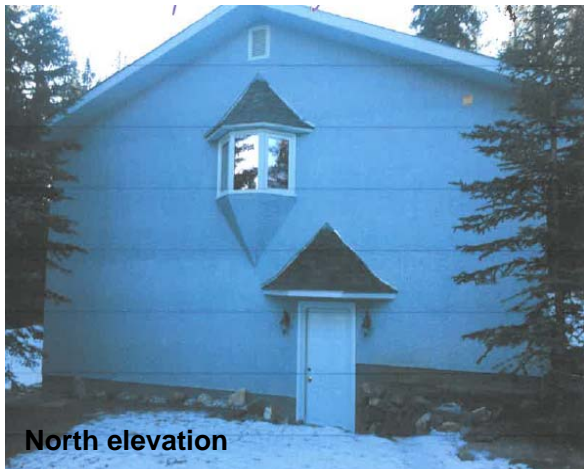
Date: 16-Apr-19

Division # 1

File: 03908037



Date: 16-Apr-19 **Division #** 1 **File:** 03908037



SITE PHOTOS (submitted with application)

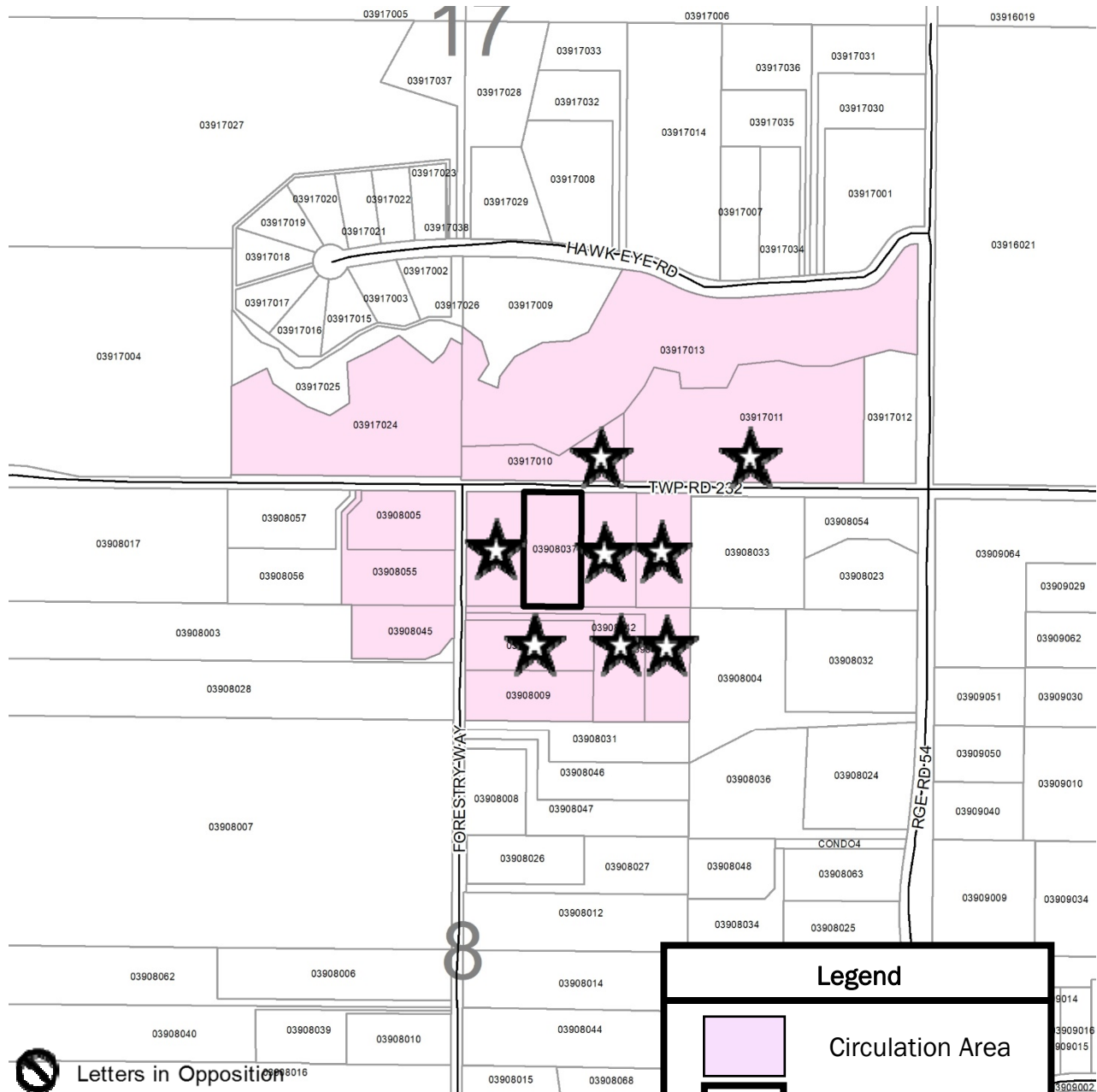




NE-08-23-05-W05M
Lot:2 Block:1 Plan:8911642

Date: 16-Apr-19


Division # 1


File: 03908037



 Letters in Opposition
 Letters in Support

Legend

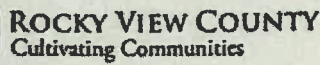
 Circulation Area

 Subject Lands

LANDOWNER CIRCULATION AREA

NE-08-23-05-W05M
Lot:2 Block:1 Plan:8911642

Date: 16-Apr-19 Division # 1 File: 03908037



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

Appellant Information			
Name of Appellant(s) <u>David Bopp</u>			
Municipality [REDACTED]	Province [REDACTED]	Postal Code [REDACTED]	
Site Information			
Municipal Address <u>54101 Twp Rd 232</u>		Legal Land Description (lot, block, plan and/or quarter-section-township-range-meridian) <u>Lot 2, Block 1, Plan 8911642; NE-08-23-05-W05m</u>	
Development Permit, Subdivision Application, or Enforcement Order # <u>PRDP 20190199</u>		Roll # <u>03908037</u>	
I am appealing: (check one box only)			
Development Authority Decision <input type="radio"/> Approval <input checked="" type="radio"/> Conditions of Approval <input checked="" type="radio"/> Refusal	Subdivision Authority Decision <input type="radio"/> Approval <input type="radio"/> Conditions of Approval <input type="radio"/> Refusal	Decision of Enforcement Services <input type="radio"/> Stop Order <input type="radio"/> Compliance Order	
Reasons for Appeal (attach separate page if required)			
<p>To receive an exception to the maximum habitable floor area for an accessory dwelling unit under section 28.4 of the Land Use Bylaw C-4841-97. Proposed habitable floor area of 140.85 sq.m (1516.11 sq.ft) which is 30.85 sq.m (332.11 sq.ft) larger than the bylaw allowed 110.00 sq.m (1184 sq.ft). Please refer to the attached letter for additional information.</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 Manager of Legislative and Legal Services at 403-230-1401.


Appellant's Signature

Rocky View County
Subdivision and Development Appeal Board
262075 Rocky View Point
Rocky View County, AB, T4A 0X2

David Bopp



Re: ADU Development Permit Appeal # PRDP20190199

Appeal Board Members,

I am writing to appeal the refusal for our ADU development permit and ask for an exception to the maximum habitable floor area. The previous owners of the property built a shop/detached garage with a footprint of 140.85 sq. m (1516.11 sq. ft) and on the second floor they built an apartment. They occupied the apartment as they built the house in the mid-1990's but did not apply for an ADU permit. I would like to bring this ADU into legal existence.

County bylaws list the maximum habitable floor area for an ADU at 110 sq. m (1184 sq. ft). The following are reasons to grant this exception for a habitable floor area of 140.85 sq. m (1516.11 sq ft.):

1. The larger habitable floor area would not change the buildings size or structure.
2. Our property and the surrounding properties are heavily wooded. The shop/ADU is not visible to any neighbours. An ADU would not impact neighbours due to these heavy forest zones screening us and the fact that the building already exists and will not change in shape or size.
3. Even if the ADU was visible to neighbours there would be little change. Changes to the exterior of the shop/ADU building will be kept minimal and limited to improving the access to the main entrance and installation of additional glazing for legal egress and natural lighting.
4. Due to the slope of the ground around the shop/ADU building there is only one access into the second floor. As a result, reducing the ADU size to comply with the bylaws would result in a 332 sq. ft storage area which is only accessible from the ADU. This space would be more useful as a legal second bedroom. This ADU will have use of an extended single car garage for storage. Additional storage would not likely be desired or necessary.
5. This development has received support from all our adjacent neighbours. The letters and emails of support are attached.

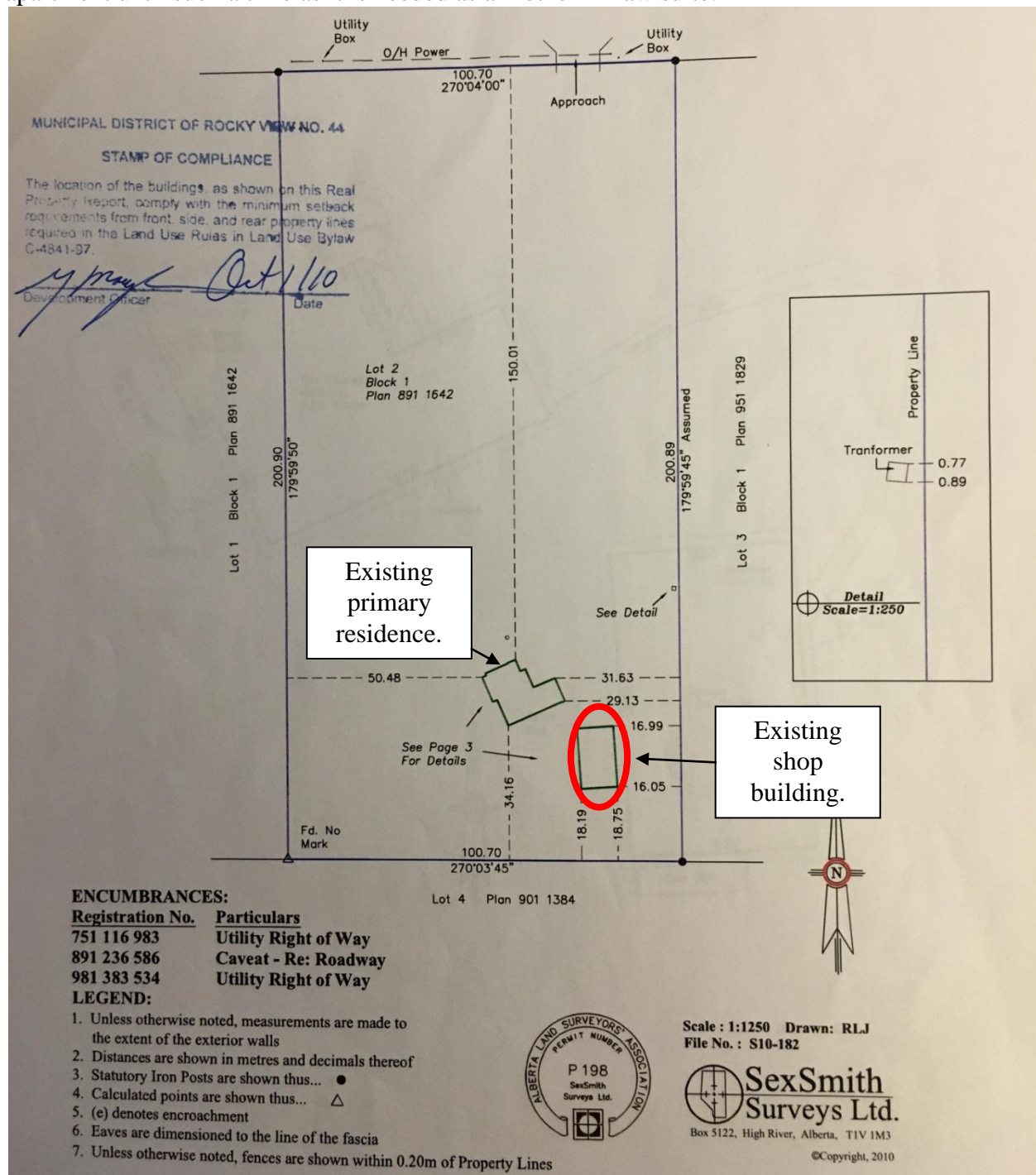
Thank you for considering my request.

Sincerely,

David Bopp

54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

Real Property Report: An unofficial apartment exists in the second floor of the shop building.
We propose to bring it into compliance and remodel it for use as a mother-in-law suite or rental apartment until such a time as it is needed as a mother-in-law suite.



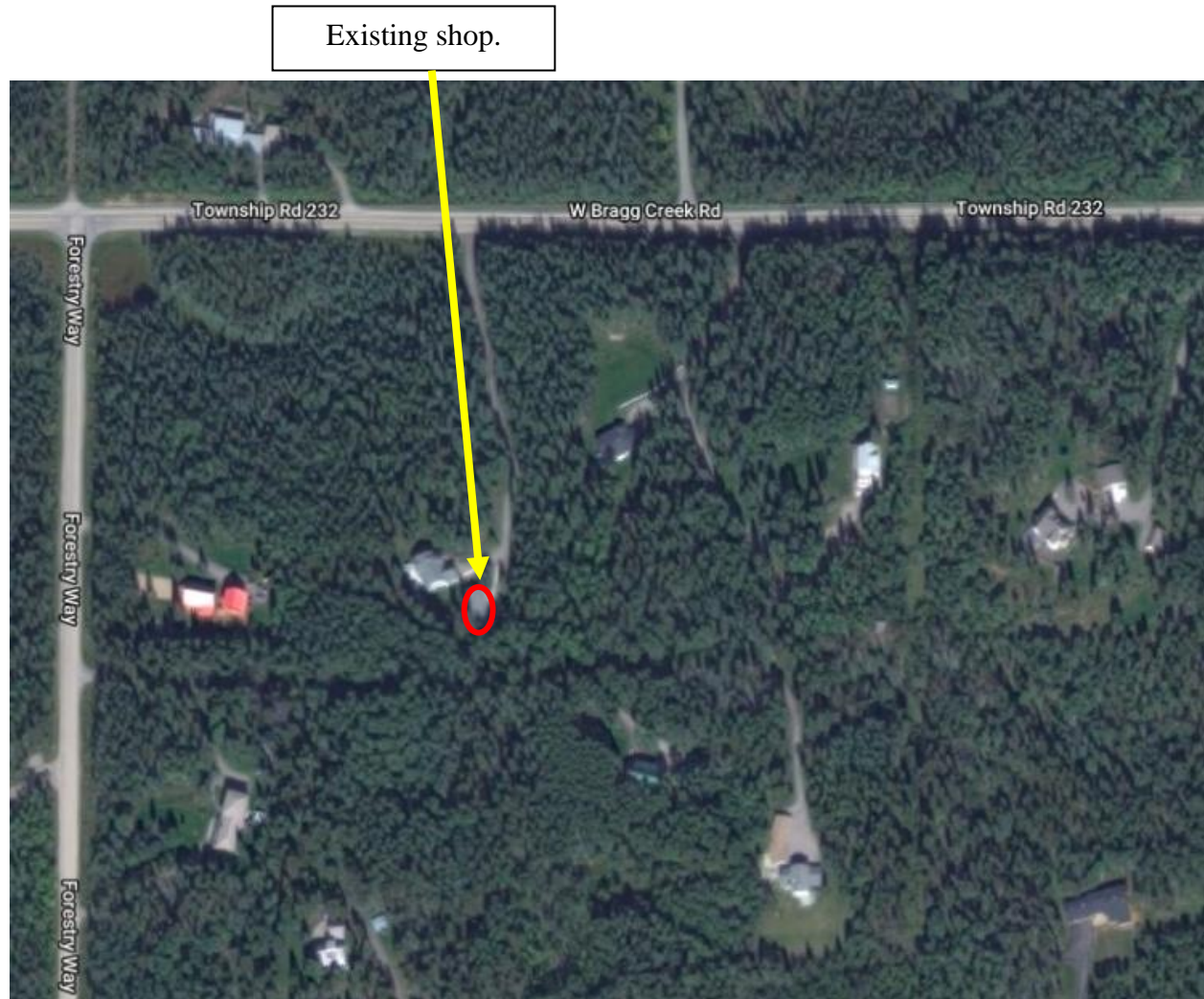
54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

Satellite image of the location of the existing shop building and surrounding properties and houses.



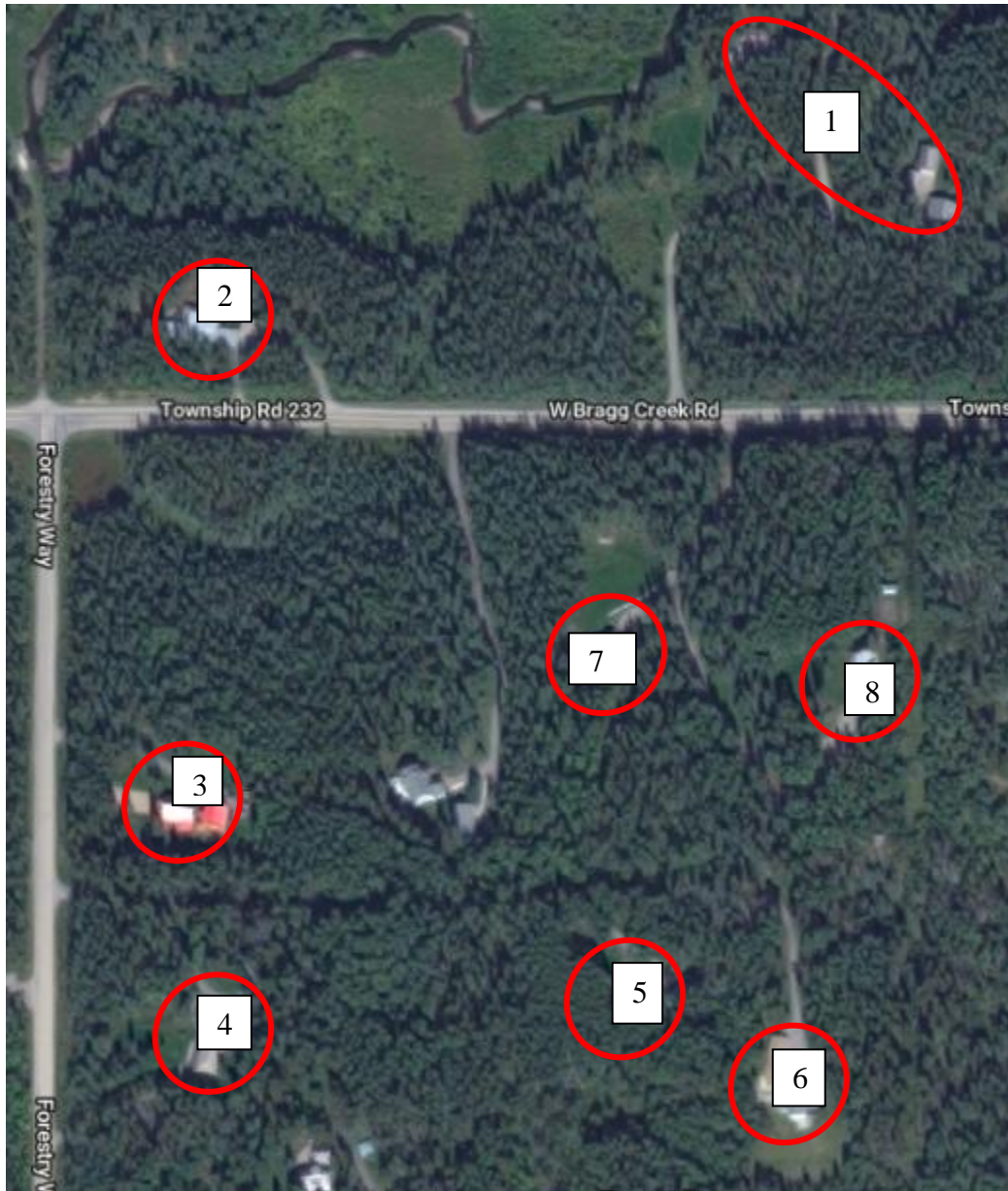
54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

Satellite image of heavily treed buffer zones between the shop and adjoining properties.



54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

I contacted the surrounding properties (1 driveway away from our property) and each provided support for our ADU development as shown below. The numbers refer to the following 8 letter/emails of support.



54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

Letters/emails of support
#1

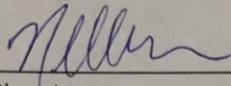
Rocky View County
Subdivision and Development Appeal Board

Re: Development Permit # PRDP20190199

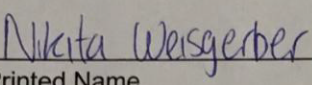
Appeal Board Members,

I am writing to express my support for development of the accessory dwelling unit at 54101 Township Rd. 232 Bragg Creek, AB in the permit referenced above.

Sincerely,

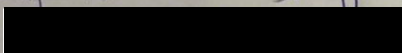


Signature



Printed Name

54080 Township Rd 232 Bragg Creek AB

Physical Address 

#2

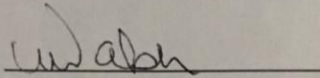
Rocky View County
Subdivision and Development Appeal Board

Re: Development Permit # PRDP20190199

Appeal Board Members,

I am writing to express my support for development of the accessory dwelling unit at 54101 Township Rd. 232 Bragg Creek, AB in the permit referenced above.

Sincerely,



Signature

Mackenzie Walsh

Printed Name

54114 Township Road 232, Rural Rocky View
Physical Address (Bragg Creek)

#3

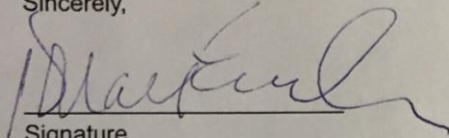
Rocky View County
Subdivision and Development Appeal Board

Re: Development Permit # PRDP20190199

Appeal Board Members,

I am writing to express my support for development of the accessory dwelling unit at 54101
Township Rd. 232 Bragg Creek, AB in the permit referenced above.

Sincerely,


Signature

Donna MacFurland
Printed Name

231238 Forestry Way Bragg Creek AB T0L0K0
Physical Address

#4

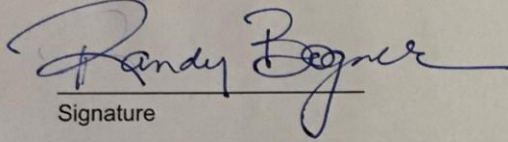
Rocky View County
Subdivision and Development Appeal Board

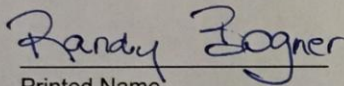
Re: Development Permit # PRDP20190199

Appeal Board Members,

I am writing to express my support for development of the accessory dwelling unit at 54101 Township Rd. 232 Bragg Creek, AB in the permit referenced above.


Sincerely,


Signature


Printed Name


231208 - FORESTRY WAY
Physical Address

#5

 **Karen Smith** Fri, Mar 22, 12:39 PM (2 days ago)
to me ▾

Hi Dave,
No worries, we have no problem with this either as a rental or relatives home. Fine with signing. Will be home in 2 weeks. Hope you are all settled and enjoying neighborhood.
Karen

...

 **Karen Smith** Sat, Mar 23, 3:22 PM (1 day ago)
to me ▾

231222 Forestry Way or NE 8 - twnp 23 - range 5- W5M - lot 3

#6

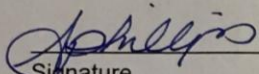
Rocky View County
Subdivision and Development Appeal Board

Re: Development Permit # PRDP20190199

Appeal Board Members,

I am writing to express my support for development of the accessory dwelling unit at 54101 Township Rd. 232 Bragg Creek, AB in the permit referenced above.

Sincerely,


Signature

Ashley Phillips.
Printed Name

231224 Forestry Way. Bragg Creek.
Physical Address

#7

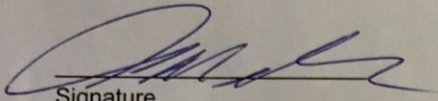
Rocky View County
Subdivision and Development Appeal Board

Re: Development Permit # PRDP20190199

Appeal Board Members,

I am writing to express my support for development of the accessory dwelling unit at 54101 Township Rd. 232 Bragg Creek, AB in the permit referenced above.

Sincerely,



Signature

JONATHAN NICHOLSON
Printed Name

TWP 232 - 54081
Physical Address

#8

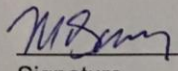
Rocky View County
Subdivision and Development Appeal Board

Re: Development Permit # PRDP20190199

Appeal Board Members,

I am writing to express my support for development of the accessory dwelling unit at 54101
Township Rd. 232 Bragg Creek, AB in the permit referenced above.

Sincerely,



Signature

Mark Sauer.

Printed Name

54065 TWP 232

Physical Address

54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

North aspect of the shop with apartment above. No changes to be made to the exterior.



54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

East aspect of the shop with apartment above. Three windows to be installed for a bedroom and the kitchen.



54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

South aspect of the shop with apartment above. Dog kennel to be removed and sliding glass door to be installed for the living room.



54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

West aspect of the shop with apartment above. No changes to be made to the exterior.



54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

Panoramic view to the East from the shop showing the heavily treed buffer zone separating the shop building from the house on the adjoining property to the East.



Panoramic view to the South from the shop showing the heavily treed buffer zone separating the shop building from the driveway for the houses to the South.



54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

Panoramic view to the West from the shop showing the heavily treed buffer zone separating the shop building from the house on the adjoining property to the West. Also, shows the location of the primary residence next to the shop building.

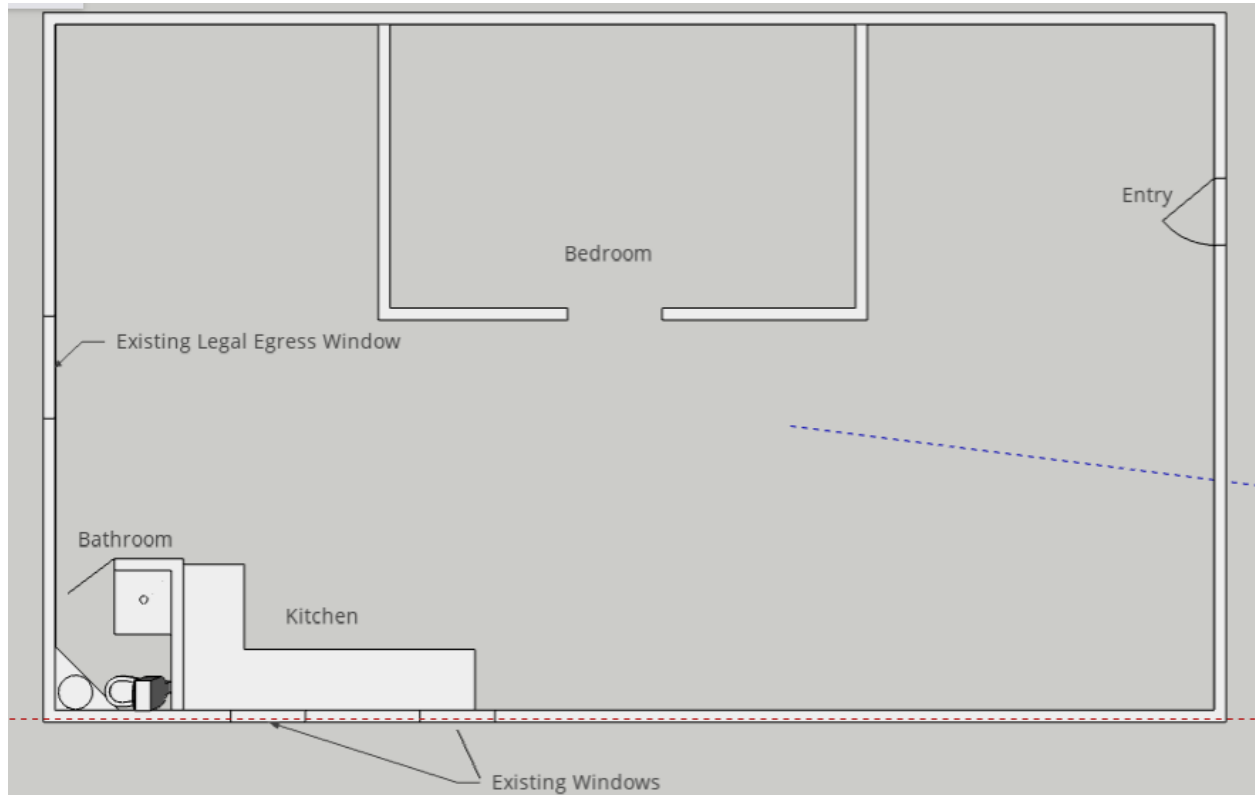


Panoramic view to the North from the shop showing the heavily treed property. Also, shows the location of the primary residence next to the shop building.



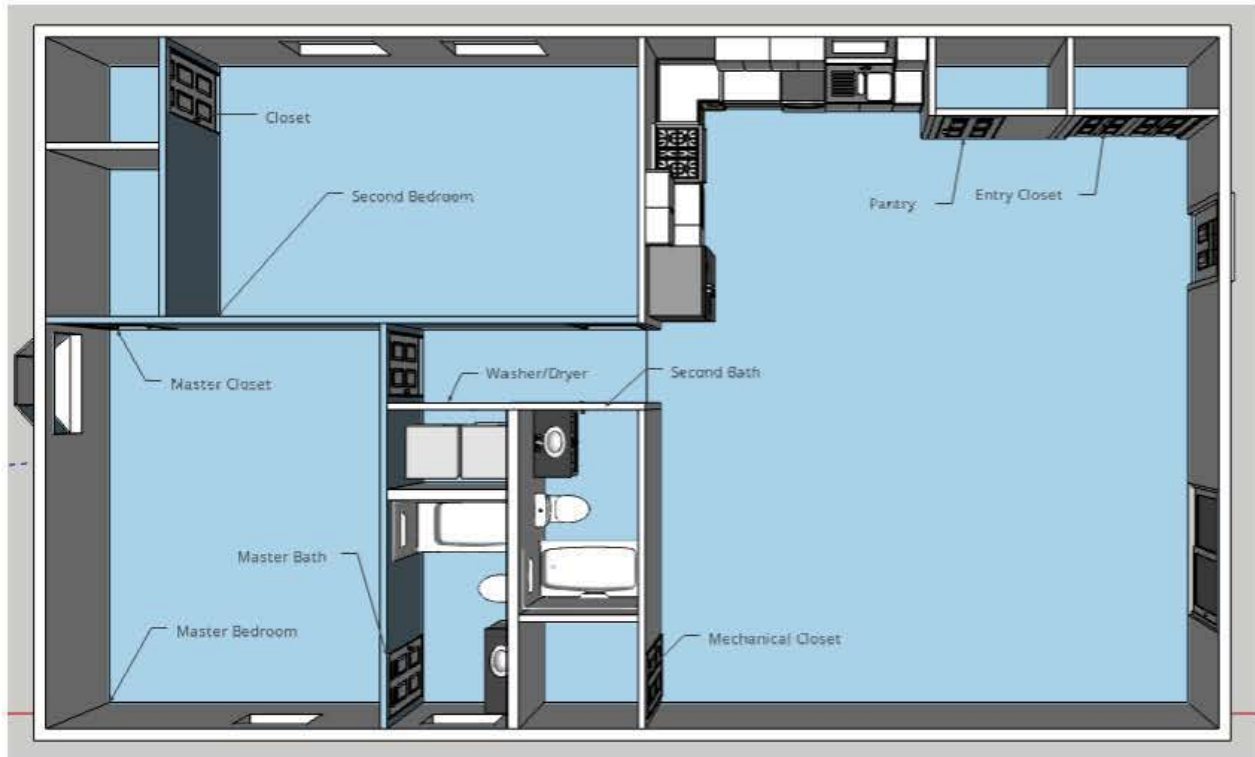
54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

Existing ADU



54101 Township Rd. 232 Bragg Creek, AB
ADU Development Appeal

Proposed ADU Remodel Design



REFUSALBopp, David Arthur
**Development Permit #: PRDP20190199****Date of Issue: March 13, 2019****Roll #: 03908037**

Your Application dated January 18, 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 dwelling unit (suite within a building),
constructed without permits**

at Lot 2, Block 1, Plan 8911642; NE-08-23-05-W05M (54101 TWP RD 232)

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 habitable floor area for the accessory dwelling unit (suite within a building) exceeds the maximum permitted habitable floor area as defined in Section 28.4 of Land Use Bylaw C-4841-97.

Permitted: 110.00 sq. m (1,184.00 sq. ft.); Proposed: 140.85 sq. m (1,516.11 sq. 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 21 days following the date on which this Notice is dated.



ROCKY VIEW COUNTY
Cultivating Communities

20190199

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$550	File Number 03908037
Date of Receipt Jan 18/19	Receipt #

Name of Applicant David Bopp + Janet Summerscales

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 _____ ¼ Section _____ Township _____ Range _____ West of _____ Meridian

b) Being all / parts of Lot 2 Block 1 Registered Plan Number 8911642

c) Municipal Address 54101 Township Rd 232 Bragg Creek, AB

d) Existing Land Use Designation _____ Parcel Size _____ Division _____

2. APPLICATION FOR

ADU development in existing accessory building

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?
(Sour Gas facility means well, pipeline or plant) Yes _____ No ☒
- 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 DAVID BOPP 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 [Signature]

Date January 7, 2019

Owner's Signature [Signature]

Date January 7, 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, David Bopp, 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

January 7, 2019
Date



ROCKY VIEW COUNTY
Cultivating Communities

APPLICATION FOR AN ACCESSORY DWELLING UNIT

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

Name of Applicant David Bopp + Janet Summerscales

[Redacted Address]

1. ACCESSORY DWELLING UNIT

☐ Secondary suite within an existing dwelling ☒ Suite within an accessory building ☐ Garden suite

Total floor area of ADU 1421 Number of parking spaces for ADU 2

Describe availability of storage space accessible to the occupants of ADU Single car garage plus approximately 300 ft² storage on the same level

Describe the outdoor space allocated to the ADU The ADU will have all the space between the ADU + property line on the south - approximately 19 meters distance.

2. WATER SOURCE

☐ Connection to Communal Water System (Provide Letter of Confirmation from system operator)

☒ Share Existing Groundwater Well

☐ New Well

(The location of new or existing wells is to be shown on a site plan; Groundwater Interference Report required when there are 6 or more parcels on a quarter-section)

3. SEWAGE TREATMENT AND DISPOSAL

☐ Connection to Communal Sewage Collection System (Provide Letter of Confirmation from system operator)

☐ Connection to Existing Private Sewage Treatment System (show location on Site Plan)

☒ Expansion of Existing Private Sewage Treatment System (show location on Site Plan)

☒ Construction of New Private Sewage Treatment System (show location on Site Plan)

working to determine costs + final selection

4. ADDITIONAL INFORMATION REQUIRED

Describe how the ADU will complement the primary dwelling (i.e. roof pitch, exterior finishing, windows, etc.)

The building is finished on the outside to match the primary dwelling. All new windows will match existing in exterior facade.

Describe how the impact of the ADU on the neighboring properties is minimized (i.e. location of ADU on parcel, design of building, screening/landscaping etc.)

The addition of the ADU will not be visibly noticeable due to distance to neighbors, trees sheltering it and that the building will not change in size.

Please provide a photograph of the primary dwelling along with a site plan of the proposed development.

Signature of Applicant [Signature] Date: January 7, 2019

NOTE: Remember to apply the Development Permit Application Review Fee (Engineering Services) - \$200.00

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

David Bopp



Re: ADU Development Permit

Rocky View Planning,

I am submitting an application for the development of an ADU on my property (address above). This will be a suite in a building. The previous owners of the property built an apartment over the detached shop/garage building which they occupied as they built the house (in the mid-1990's). They did not apply for an ADU permit. This application is designed to bring this ADU into compliance and legal existence.

Our property is heavily wooded surrounding the accessory building and primary dwelling. An ADU would not impact neighbors due to these heavy forest zones screening us and the fact that the building already exists and will change in shape or size. Exterior structural details of the current accessory building will not be changed. The only modifications planned to the exterior of the structure or space surrounding the structure would be in order to add additional windows for legal egress in bedrooms, enlarge the outside parking area to facilitate entrance to the single car garage for the occupant, and to clear additional space for the ADU occupants outside of the main entrance.

This ADU is designed to be a suite for my mother-in-law to live in as the management of her current acreage exceeds her ability. Until such time as she chooses to occupy it the ADU will be used as a rental or guest space. I am applying for the ADU with total square footage as is: 1421. This is larger than the standard maximum allowed of 1184 in the bylaws. I am asking for this since the apartment currently utilizes all this space and because there would be no additional impact to neighbors.

Included with this application is a floor plan. Final dimensions are being determined and will be available soon. I have also not included a detailed decision on septic for the ADU. Either our current septic will be enlarged or a new septic will be installed. I am working with a certified installer to determine the most cost effective option and will also provide this once completed.

If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Bopp', written over a horizontal line.

David Bopp

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

Page 1 of 3

To: Lee Janson and Ellen Marieka Janson
54101 Twp Road 232
ROCKY VIEW COUNTY

Re: Lot 2 Block 1 Plan 891 1642

Date of Survey: 05 July, 2010

Date of Title Search: 31 May, 2010

Title No.: 901 052 563

(copy attached hereto)

CERTIFICATION:

I hereby certify that this report, which includes the attached plan 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 and 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 7.6 of the Alberta Land Surveyors' Association's Manual of Standard Practice, registered easements and rights-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 rights-of-way affecting the extent of the property.

PURPOSE

This Report and related plan have 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, and only if the plan remains attached. Where applicable, registered easements and utility rights of way affecting the extent of the Property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been placed during the survey for this report. The attached plan 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 High River, Alberta
28 July, 2010

File No. S10-182


Michael L. SexSmith, A.L.S.

This document is not valid unless it bears an original signature (in blue ink)
and a (survey company) permit stamp (in brown ink).



SexSmith Surveys Ltd.

Box 5122, High River, Alberta, T1V 1M3

©Copyright, 2010



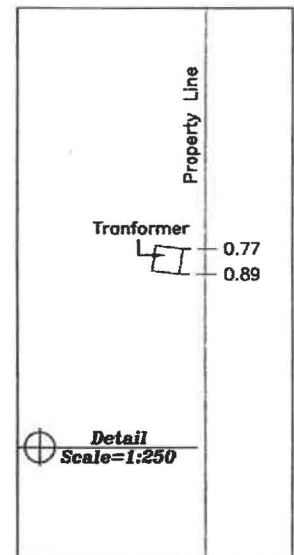
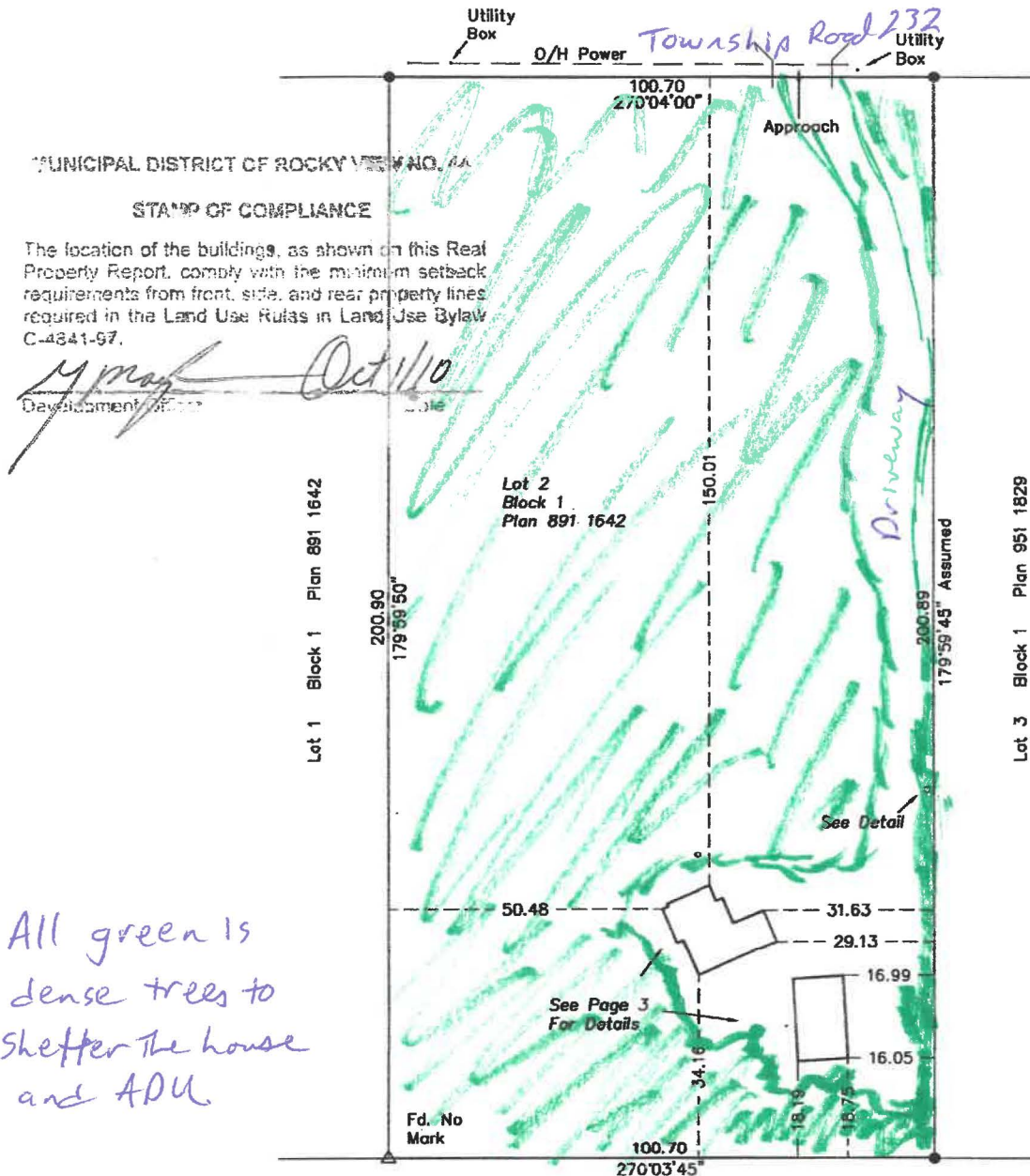
ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT - PLAN

This plan is page 2 of a Real Property Report and is ineffective if it is detached from page 1 or 3.

Page 2 of 3

Legal Description: Lot 2 Block 1 Plan 891 1642

Civic Address: 54101 Twp Road 232
Rocky View County



ENCUMBRANCES:

Registration No.	Particulars
751 116 983	Utility Right of Way
891 236 586	Caveat - Re: Roadway
981 383 534	Utility Right of Way

LEGEND:

1. Unless otherwise noted, measurements are made to the extent of the exterior walls
2. Distances are shown in metres and decimals thereof
3. Statutory Iron Posts are shown thus... ●
4. Calculated points are shown thus... △
5. (e) denotes encroachment
6. Eaves are dimensioned to the line of the fascia
7. Unless otherwise noted, fences are shown within 0.20m of Property Lines



Scale : 1:1250 Drawn: RLJ
File No. : S10-182

SexSmith Surveys Ltd.
Box 5122, High River, Alberta, T1V 1M3
©Copyright, 2010



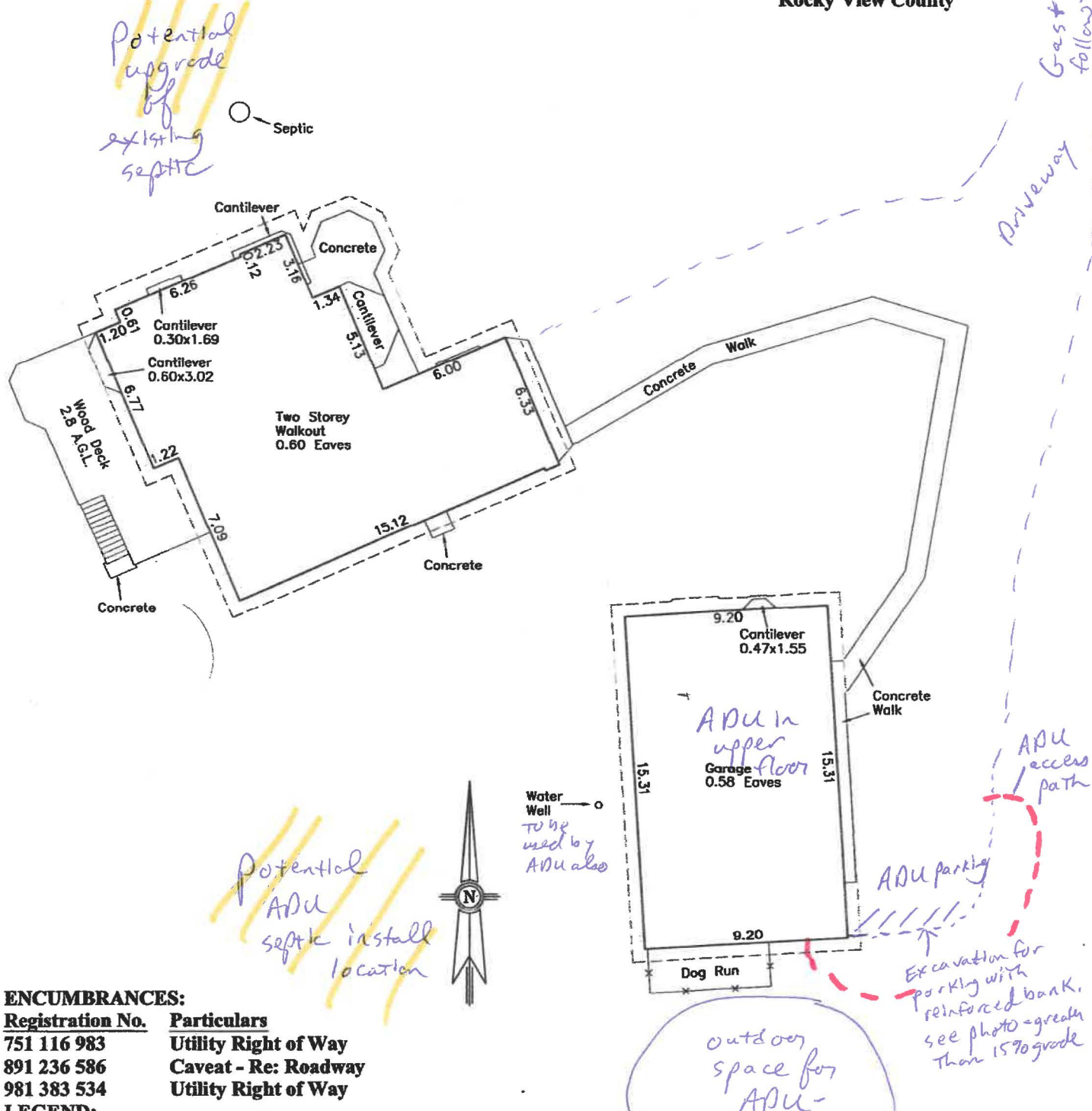
ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT - PLAN

This plan is page 3 of a Real Property Report and is ineffective if it is detached from page 1 or 2.

Page 3 of 3

Legal Description: Lot 2 Block 1 Plan 891 1642

Civic Address: 54101 Twp Road 232
Rocky View County



ENCUMBRANCES:

Registration No.	Particulars
751 116 983	Utility Right of Way
891 236 586	Caveat - Re: Roadway
981 383 534	Utility Right of Way

LEGEND:

1. Unless otherwise noted, measurements are made to the extent of the exterior walls
2. Distances are shown in metres and decimals thereof
3. Statutory Iron Posts are shown thus... ●
4. Calculated points are shown thus... △
5. (e) denotes encroachment
6. Eaves are dimensioned to the line of the fascia
7. Unless otherwise noted, fences are shown within 0.20m of Property Lines



Scale : 1:250 Drawn: RLJ
File No. : S10-182



**SexSmith
Surveys Ltd.**

Box 5122, High River, Alberta, T1V 1M3

©Copyright, 2010

PLANNING & DEVELOPMENT

TO: Subdivision & Development Appeal Board
DATE: April 24, 2019 **DIVISION:** 3
FILE: 04702038 **APPLICATION:** PL20180079
SUBJECT: Subdivision Item – Creation of two (2) new Residential One District parcels

PROPOSAL: To create a \pm 0.82 hectare (\pm 2.02 acre) parcel, a \pm 1.13 hectare (\pm 2.80 acre) parcel with a \pm 4.05 hectare (\pm 10.00 acre) remainder.	GENERAL LOCATION: Located 6.5 km (4 miles) west of the city of Calgary, 0.8 km (0.5 mile) south of Highway 8, at the northeast junction of Range Road 32 and West Meadows Estates Road.
LEGAL DESCRIPTION: Portion of SW-02-24-03-W05M	GROSS AREA: \pm 6.00 hectares (\pm 14.82 acres)
APPLICANT: B & A Planning Group - Ken Venner OWNERS: Eric S. & Jamie H. Horvath	RESERVE STATUS: Municipal Reserves are outstanding in the amount of 10%.
LAND USE DESIGNATION: Residential One District (R-1)	LEVY INFORMATION: Transportation Off-Site Levy is owing on the total gross acreage of the subject lands
DATE SUBDIVISION APPLICATION RECEIVED: June 25, 2018	APPEAL BOARD: Subdivision Development Appeal Board
TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Transportation Review (Bunt & Associates, 2017) • Level 3 PSTS Assessment (Sedulous, 2017) • Conceptual Level Site-Specific Stormwater Implementation Plan (Sedulous, 2017) 	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> • County Plan (C-7280-2013) • Rocky View/Calgary IDP (C-7197-2012) • Land Use Bylaw (C-4841-97)

EXECUTIVE SUMMARY:

On March 12, 2019, the Subdivision Authority approved application PL20180079 subject to conditions. On April 1, 2019, the Applicant appealed Condition #10 of the Subdivision Authority's decision, which pertains to the requirement to provide cash-in-lieu of Municipal Reserve (MR) dedication.

- 10) The provision of Reserve in the amount of 10 percent of the area of Lots 1 & 2, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu pursuant to Section 666(3) of the *Municipal Government Act*.
 - a) The Applicant shall provide a market value appraisal, prepared by a certified appraiser, in accordance with Section 667(1)(a) of the *Municipal Government Act*, and the satisfaction of Rocky View County:
 - b) Reserves for Lot 3 are to be deferred with Caveat, pursuant to Section 669(2) of the *Municipal Government Act*.

The Appellant has provided reasons for appeal, which are included in the Notice of Appeal attached to this report.

DISCUSSION:

On March 12, 2019, the Subdivision Authority considered a proposal to create a ± 1.13 hectare (± 2.80 acre) parcel (Lot 1), a ± 0.82 hectare (± 2.02 acre) parcel (Lot 2), with a ± 4.05 hectare (± 10.00 acre) remainder (Lot 3).

The subject lands consist of a 14.82 acre parcel that accesses West Meadows Estates Road and Range Road 32. The parcel currently contains a dwelling, which is located within the boundaries of proposed Lot 1. Servicing to the existing dwelling is provided by a water well and a private sewage treatment system. Lots 2 and 3 are proposed to be serviced by the same means. The subject lands hold the Residential One District land use designation, which allows for a minimum parcel size of 1.98 acres.

The Subdivision Authority approved the application with no amendments to the conditions provided by Administration. Despite the reasons for appeal provided by the Applicant, Administration notes that the conditions approved by the Subdivision Authority are appropriate. Rationale for these reasons is summarized below.

Background

A comprehensive review of the development history within the subject quarter section has determined that municipal reserves, or cash-in-lieu of municipal reserves, have not been provided by or on behalf of the subject lands. As such, the Subdivision Authority approved the proposed subdivision application with a condition that the lands provide the required reserves, comprising 10% of the value of the subject lands.

The Appellant has not provided a land value appraisal in order to determine the value of this reserve. As such, the value the Board is being asked to waive cannot be conclusively determined. Based on the size and location of the lands, the land use designation, and a 2011 transfer of land figure observed on the land title, a reasonable estimate of the unimproved value of the lands is between \$2,000,000 and \$3,000,000.

Using that estimate, the Appellant has requested that the Board waive MR dedication in the amount of \$200,000 to \$300,000.

Instead of the appraisal, the Applicant has produced an unregistered copy of a deferred reserve caveat (DRC 5621 IH), and claimed that this document constitutes provision of the required municipal reserve dedication. It is important to note that registration of a deferred reserve caveat does not satisfy the provision of municipal reserve. MR dedication is only considered to have been satisfied once land or cash-in-lieu of land has been provided (see below in the discussion regarding the *Municipal Government Act*).

It is important to note that DRC 5621 IH is not currently registered on any active title, and has no legal standing. Originally drafted at the time of the first subdivision within the quarter section in 1961, the document intended to defer the municipal reserve owing on the proposed lot to the remainder. This means that as the remainder lands subdivided in the future, they would have been required to provide municipal reserves for their lands as well as a proportional amount of the deferred reserve dedication.

As the remainder lands were subdivided further in subsequent years, municipal reserves were provided for the amount owing for each new proposal, but the deferred portion was never accounted for. In a legal opinion dated November 21, 2018, Joanne M. Klauer provides clarification on the matter (see attached). In short, as the DRC 5621 IH was registered prior to the 1963 Planning Act, it has no legal standing. As such, it was not legally enforceable, and the owners of the lands proposing subdivision could not be legally compelled to recognize it.

Past development within this quarter section has been undertaken with the understanding that a deferred reserve caveat registered prior to 1963 does not have legal standing under modern legislation. This is the same today as it was in the 1980s and 90s – DRC 5621 IH was (and is) not legally enforceable.

Ultimately, the subject lands have not provided municipal reserve dedication.

Municipal Reserve and the Responsibility of Developers

Land development inherently creates the need for new or expanded infrastructure and services. Throughout the modern history of land development in Alberta, municipalities and the development industry have struck a balance regarding who is responsible for the provision of these services. The provision of Municipal Reserve, which has been a principle in Alberta for over a century, requires that as land is developed, 10% of the area should be set aside to provide recreational and educational opportunities to local residents.

Unless specifically exempted in accordance with Section 663 of the Municipal Government Act, development within Rocky View County is required to provide Municipal Reserves for the betterment of all residents. The lands provided have allowed for the establishment of parks, pathways, and school sites. In areas where lands were not required, cash-in-lieu of land was provided and used to fund recreational programs or the maintenance of existing facilities. When cash-in-lieu is taken, the funds are split between the following entities:

- Rocky View County;
- The local recreation board (Rocky View West Recreation Board in this case); and
- Rocky View Schools.

The Appellant has requested to remove a condition that will effectively waive the requirement to provide approximately \$200,000 to \$300,000 in MR dedication. It is important to note that the majority of these funds will be provided directly to the recreation board and the school board, where they will be used to provide and enhance recreational and educational opportunities to the residents of Rocky View County.

Waiving the requirement for the Appellant to provide their share of these fees will result in this value being provided by the taxpayers of Rocky View County. This is not equitable to the County residents, or to past developers who have provided their MR dedication in good faith.

Municipal Government Act

The legislative authority for municipalities is established by the *Municipal Government Act*. The following sections are relevant to this appeal (emphasis added).

The purpose of *Municipal Government Act* legislation pertaining to planning and development is provided in Section 617:

*“to achieve the **orderly, economical and beneficial development**, use of land and patterns of human settlement, and **to maintain and improve the quality of the physical environment** within which patterns of human settlement are situated in Alberta, **without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.**”*

Legislation requiring the dedication of reserve land is provided in Section 661(b):

“the owner of a parcel of land that is the subject of a proposed subdivision must provide... land for municipal reserve, school reserve, municipal and school reserve, money in place of any or all of those reserves or a combination of reserves and money.”

The use of municipal reserve to provide recreational and educational opportunities to the residents of Rocky View County is certainly in the overall greater public interest. The requirement for individuals who chose to subdivide lands to provide their share of these opportunities is well-established within the *Municipal Government Act*, and is standard practice for planning and development in Alberta.

Section 663 provides four situations where a subdivision authority may not require the dedication of municipal reserves. These are:

- a. *“one lot is to be created from a quarter section of land,*
- b. *land is to be subdivided into lots of 16.0 hectares or more and is to be used only for agricultural purposes,*
- c. *the land to be subdivided is 0.8 hectares or less, or*
- d. ***reserve land, environmental reserve easement or money in place of it was provided*** in respect of the land that is the subject of the proposed subdivision under this Part or the former Act.”

Parts a, b, and c, do not apply in this case. As previously discussed, municipal reserve land or cash-in-lieu has not been provided by or on behalf of the subject lands. In accordance with 663(d), only the provision of land or cash-in-lieu satisfies the municipal reserve requirement. Contrary to the Appellant's rationale, registration of a deferred reserve caveat does not satisfy 663(d).

Appellant Rationale

The Appellant has provided rationale regarding their request for the MR dedication to be waived. Administration provides the following comments with respect to these particular arguments.

- The DRC provided by the applicant is not currently registered on any active title.
- The DRC was registered under the previous planning act, as such it does not have legal standing.
- When lands intended to be subject to the conditions of the DRC were subdivided in the 1990s, Rocky View County was not able to act on the DRC for this reason.
- As such, MR has not been collected on behalf of the subject lands, despite the intention of the DRC.
- A DRC does not constitute provision of MR, only the dedication of land or cash-in-lieu does so.
- As MR has not been previously provided, the Appellant's statement asserting that it would be “inequitable to take MR twice” is not factual.

Summary

To summarize the important considerations with regard to municipal reserve dedication for this parcel:

- Deferred reserve caveat 5621 IH was registered prior to 1963, and is not enforceable under modern legislation. It is not currently registered on an active title;
- Registration of a DRC alone does not satisfy the requirement to provide municipal reserve. Municipal reserve dedication is only considered to be provided once land or cash-in-lieu of land is provided;



- Lands that were subject to 5621 IH in the past have not provided the deferred portion of land or cash-in-lieu of land. Despite the intention of 5621 IH, no municipal reserve dedication has been provided on behalf of the subject lands.

Respectfully submitted,

Sean MacLean
Supervisor, Planning & Development

SK/lt

PLANNING & DEVELOPMENT

TO:	Subdivision Authority	DIVISION:	3
DATE:	March 12, 2019	APPLICATION:	PL20180079
FILE:	04702038		
SUBJECT:	Subdivision Item – Residential One District		

¹POLICY DIRECTION:

The application was evaluated against the terms of Section 654 of the *Municipal Government Act*, Section 7 of the Subdivision and Development Regulations, and the policies within the County Plan, and was found to be compliant:

- The proposal is consistent with the land use designation approved in May 2018;
- The proposal is consistent with the subdivision policies in Section 10 of the County Plan; and
- All technical matters are addressed through the suggested conditions of approval.

EXECUTIVE SUMMARY:

The purpose of this application is to create a ± 1.13 hectare (± 2.80 acre) parcel (Lot 1), a ± 0.82 hectare (± 2.02 acre) parcel (Lot 2), with a ± 4.05 hectare (± 10.00 acre) remainder (Lot 3).

The subject lands consist of a 14.82 acre parcel that accesses West Meadows Estates Road and Range Road 32. The parcel currently contains a dwelling, which is located within the boundaries of proposed Lot 1. Servicing to the existing dwelling is provided by a water well and a private sewage treatment system. Lots 2 and 3 are proposed to be serviced by the same means. The subject lands hold the Residential One District land use designation, which allows for the creation of a 1.98 acre parcel.

Administration determined that the application meets policy.

PROPOSAL: To create a ± 0.82 hectare (± 2.02 acre) parcel, a ± 1.13 hectare (± 2.80 acre) parcel with a ± 4.05 hectare (± 10.00 acre) remainder.	GENERAL LOCATION: Located 6.5 km (4 miles) west of the City of Calgary, 0.8 km (0.5 mile) south of Highway 8, at the northeast junction of Range Road 32 and West Meadows Estates Road.
LEGAL DESCRIPTION: Portion of SW-2-24-3-W5M	GROSS AREA: ± 6.00 hectares (± 14.82 acres)
APPLICANT: B & A Planning Group - Ken Venner OWNER: Eric S. & Jamie H. Horvath	RESERVE STATUS: Municipal Reserves are outstanding, comprising 10% of the subject lands.
LAND USE DESIGNATION: Residential One District	LEVIES INFORMATION: Transportation Off-Site Levy is outstanding

¹ Administration Resources

Stefan Kunz & Eric Schuh, Planning & Development



DATE SUBDIVISION APPLICATION RECEIVED: June 25, 2018	APPEAL BOARD: Subdivision and Development Appeal Board
TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Transportation Review (Bunt & Associates, 2017) • Level 3 PSTS Assessment (Sedulous, 2017) • Conceptual Level Site-Specific Stormwater Implementation Plan (Sedulous, 2017) 	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> • County Plan (C-7280-2013) • Rocky View/Calgary IDP (C-7197-2012) • Land Use Bylaw (C-4841-97)

PUBLIC & AGENCY SUBMISSIONS:

The application was circulated to 44 landowners. At the time of report preparation, no responses were received. The application was also circulated to a number of internal and external agencies. Those responses are available in Appendix 'B'.

HISTORY:

May 8, 2018	Subject lands are redesignated from Residential Two District to Residential One District (PL20180005).
1990-98	Various survey plans are registered, resulting in the creation of approximately 30 parcels within the quarter section. The subject lands are the remainder portion of these subdivisions.
1974	Plan 7410676 is registered, resulting in the creation of ten lots approximately 20 acres in size, a 40 acre remainder (encompassing the subject lands), and an internal access road.
1960	The subject quarter section is subdivided into four 40 acre parcels. Instrument number 5621IH is registered at the time, transferring the provision of municipal reserve from the 40 acre parcel that would subsequently become the subject lands to the remainder of the quarter section.

TECHNICAL CONSIDERATIONS:

This application was evaluated in accordance with the matters listed in Sections 7 and 14 of the Subdivision and Development Regulation, which are as follows:

a) The site's topography

The topography of the land is rather flat and features very little in the way of measureable slopes. There are no significant waterbodies, drainage courses, or stands of natural vegetation located on-site. No constraints to the proposed subdivision were identified with regard to the topography of the site. No further concerns.

Conditions: None

b) The site's soil characteristics

The soils on site are Class 2, with slight limitations due to adverse climate. As the lands are intended for residential purposes, there are no concerns with regard to soil considerations.

Conditions: None



c) Storm water collection and disposal

The applicant provided a Conceptual Level Site-Specific Storm Water Implementation Plan (Sedulous Engineering Inc., December 21, 2017) in support of the application. The report recommends the use of swales and a dry pond with outlet control structure to manage increased runoff in the post-development condition. As this infrastructure is proposed to be located within the remainder portion of the lands, the requirements associated with the development of Lot 3 can be submitted at the time of future subdivision. As a condition of subdivision, a drainage right-of-way is required to be registered along the southern boundary of Lot 2 in order to ensure that the current proposal can be accommodated by the future storm water facilities.

Conditions: 6

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

The lands do not feature any on-site wetlands as identified by Alberta Environment's Wetland Impact Model. The Elbow River is located approximately 1.5 miles to the north; however, the lands are not within the floodway or flood fringe according to Alberta Environment's Flood Hazard Map. Pirmez Creek is located approximately 300 metres to the south, a sufficient distance to ensure that there are no concerns regarding flooding from this drainage course. There are no other drainage courses or waterbodies on site, and there are no concerns with regard to flooding, subsidence, or erosion of the land.

Conditions: None

e) Accessibility to a road

The subject land currently features one existing dwelling located within proposed Lot 1. This dwelling accesses Range Road 32 via a paved approach. Although Lot 2 does not currently contain a dwelling, an approach accessing West Meadows Estates Drive is located within the boundaries of the proposed parcel. Upgrades to this approach are required in order to meet County Servicing Standards. Lot 3 is proposed to be further subdivided in the future. While an internal access road is eventually required to service these future lots, requirement for the construction of the road can be deferred at this time. In the meantime, a new approach to Lot 3 is required to provide access. The approach can be located in a manner conducive to allow further upgrades in order to accommodate the future road.

The Transportation Offsite Levy is outstanding for the total acreage of Lots 1 and 2, and is required to be provided through the conditions of subdivision approval. Lot 3 is greater than 9.88 acres in size and, as such, is deferred at this time.

- Base Levy = \$4,595/acre. Acreage = 4.82 acres. Estimated TOL payment = (\$4,595/acre)*(4.82 acres) = \$22,148

Conditions: 2, 3, 4

f) Water supply, sewage and solid waste disposal

The Applicant provided a Level I Variation Assessment for the existing septic field located within Lot 1 that indicates that the system is in good working order. A Level 3 PSTS Assessment (Sedulous Engineering Inc., December 21, 2017) was provided that indicates that the site is suitable for the additional systems required on Lots 2 and 3. As Lot 2 is proposed to be less than 3.95 acres in size, it is required to construct a Packaged Sewage Treatment Plant in accordance with County Policy 449. As a condition of subdivision, a Site Improvements / Services Agreement is required in order to ensure that the system is constructed in accordance with County standards and national requirements.



Potable water servicing to the existing dwelling is provided via water well. Servicing to Lots 2 and 3 is proposed to be provided by the same means. In support of this, the Applicant submitted a Phase 1 Groundwater Supply Evaluation (Groundwater Information Technologies Ltd., December 5, 2017). The report meets the requirements of the County Servicing Standards and concludes that the aquifer underlying the proposed subdivision can supply water at a rate of 1250m³/year without causing adverse effects on existing users. As a condition of subdivision, new wells within Lots 2 and 3 are required. A Phase 2 Aquifer Testing Report is also required in order to confirm that the new wells are capable of maintaining the County's minimum pump rate.

Lastly, a Deferred Services Agreement shall be registered for each proposed parcel, requiring the owner to tie into municipal services when they become available.

Conditions: 7, 8, 9

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

The lands are located west of the Elbow Valley community and south of the Elbow Valley West community, 0.5 miles south of Highway 8, at the northeast junction of Range Road 32 and West Meadows Estates Road. The lands surrounding the subject site are predominantly residential in nature. Unsubdivided quarter sections and other agricultural uses are located to the west. There are no concerns that the subdivision proposal is in misalignment with the land use in the area.

Conditions: None

h) Other matters

Municipal Reserves

Municipal Reserves are outstanding, comprising 10% of the subject lands. As the lands are 14.82 acres in size, 1.482 acres of municipal reserve land or cash-in-lieu is required to be dedicated for recreation and school board use. As the Applicant has not provided a land value appraisal, the value of this reserve land is not known at this time. Instead of the appraisal, the Applicant has produced an unregistered copy of a deferred reserve caveat (DRC 5621 IH), and claimed that this document constitutes provision of the required municipal reserve dedication.

It is important to note that DRC 5621 IH is not currently registered on any active title, and has no legal standing. Originally drafted at the time of the first subdivision within the quarter section in 1961, the document intended to defer the municipal reserve owing on the proposed lot to the remainder. This means that as the remainder lands subdivided in the future, they would have been required to provide municipal reserves for their lands as well as a proportional amount of the deferred reserve dedication.

As the remainder lands were subdivided further in subsequent years, municipal reserves were provided for the amount owing for each new proposal, but the deferred portion was never accounted for. In a legal opinion dated November 21, 2018, Joanne M. Klauer provides clarification on the matter (see Appendix 'D'). In short, as the DRC 5621 IH was registered prior to the 1963 *Planning Act*, it has no legal standing. As DRC 5621 IH was registered prior to 1963, it was not legally enforceable, and the owners of the lands proposing subdivision could not be legally compelled to recognize it.

Past development within this quarter section has been undertaken with the understanding that a deferred reserve caveat registered prior to 1963 does not have legal standing with respect to the consideration of municipal reserve under modern legislation. This is the same today as it was in the 1980s and 90s – DRC 5621 IH was (and is) not legally enforceable.

The *Municipal Government Act* provides the legislation requiring the dedication of reserve land. Section 661(b) states that:

“the owner of a parcel of land that is the subject of a proposed subdivision must provide... land for municipal reserve, school reserve, municipal and school reserve, money in place of any or all of those reserves or a combination of reserves and money.”

Note that registration of a deferred reserve caveat does not constitute dedication of reserves in accordance with the Act.

To summarize the important considerations with regard to municipal reserve dedication for this parcel:

- Deferred reserve caveat 5621 IH was registered prior to 1963, and is not enforceable under modern legislation. It is not currently registered on an active title;
- Registration of a DRC alone does not satisfy the requirement to provide municipal reserve. Municipal reserve dedication is only considered to be provided once land or cash-in-lieu of land is provided;
- Lands that were subject to 5621 IH in the past have not provided the deferred portion of land or cash-in-lieu of land. Despite the intention of 5621 IH, no municipal reserve dedication has been provided on behalf of the subject lands.

Conditions: 10

POLICY CONSIDERATIONS:

Policy considerations were addressed in redesignation application PL20180005. The Applicant provided a Lot and Road Plan in accordance with the requirements of the County Plan.

CONCLUSION:

The subject lands hold the appropriate land use designation for the proposed parcels, and all technical considerations have been appropriately addressed through the conditions of approval, in accordance with approved Statutory Policy. Therefore, the application meets applicable policies.

OPTIONS:

Option #1: THAT Subdivision Application PL20180079 be approved with the conditions noted in Appendix A.

Option #2: THAT Subdivision Application PL20180079 be refused as per the reasons noted.

Respectfully submitted,

Concurrence,

“Sherry Baers”

“Al Hoggan”

Executive Director
Community Development Services

Chief Administrative Officer

SK/rp

APPENDICES:

APPENDIX 'A': Approval Conditions

APPENDIX 'B': Application Referrals

APPENDIX 'C': Map Set

APPENDIX 'D': County Legal Opinion

APPENDIX 'E': Landowner Comments

APPENDIX A: APPROVAL CONDITIONS

- A. That the application to create a ± 0.82 hectare (± 2.02 acre) parcel, and a ± 1.13 hectare (± 2.80 acre) parcel with a ± 4.05 hectare (± 10.00 acre) remainder from a portion of SW-2-24-3-W5M was evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 7 and 14 of the Subdivision and Development Regulations, and 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 statutory policy;
 2. The subject lands hold the appropriate land use designation;
 3. The technical aspects of the subdivision proposal have been considered, and are further addressed through the conditional approval requirements.
- 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;

Transportation and Access

- 1) The Owner shall upgrade the existing approach on West Meadows Estates Road to a paved standard in order to provide access to Lot 2.
- 2) The Owner shall construct a new paved approach on West Meadows Estates Road in order to provide access to Lot 3.

Fees and Levies

- 3) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to endorsement. The County shall calculate the total amount owing:
 - a) from the total gross acreage of Lots 1 and 2 as shown on the Plan of Survey.
- 4) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of two new lots.

Site Servicing/Developability

- 5) The Owner shall prepare and register a Utility Right-of-Way, satisfactory to the County, on the title of Lot 2:



- a) 6 metre wide drainage easement/utility right-of-way on title along the entire southern boundary of Lot 2, in accordance with the Conceptual SSIP.
- 6) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County that includes the following:
 - a) The installation of a packaged sewage treatment system meeting BNQ or NSF 40 Standards, in accordance with the findings of the Private Sewage Treatment System Assessment and Site Evaluation prepared by SOILWORX (December 2016).
- 7) Water is to be supplied by an individual well on Lots 2 & 3. The subdivision shall not be endorsed until:
 - a) An Aquifer Testing (Phase II) Report is provided, which is to include aquifer testing and the locations of the wells on each lot; and
 - b) The results of the aquifer testing meet the requirements of the Water Act; if they do not, the subdivision shall not be endorsed or registered.
- 8) The Owner is to enter into a Deferred Services Agreement with the County, to be registered on title for each of proposed Lots 1, 2, & 3, indicating:
 - a) Requirements for each future Lot Owner to connect to County piped water, wastewater, and storm water systems at their cost when such services become available;
 - b) Requirements for decommissioning and reclamation once County servicing becomes available.

Municipal Reserves

- 9) The provision of Reserve in the amount of 10 percent of the area of Lots 1 & 2, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu pursuant to Section 666(3) of the *Municipal Government Act*.
 - a) The Applicant shall provide a market value appraisal, prepared by a certified appraiser, in accordance with Section 667(1)(a) of the *Municipal Government Act*, and the satisfaction of Rocky View County:
 - b) Reserves for Lot 3 are to be deferred with Caveat, pursuant to Section 669(2) of the *Municipal Government Act*.

Taxes

- 10) 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, Administration is directed to present the Owner with a Voluntary Recreation Contribution Form and to ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.

APPENDIX 'B': APPLICATION REFERRALS

AGENCY	COMMENTS
<i>School Authority</i>	
Rocky View Schools	No comment.
Calgary Catholic School District	No comment.
Public Francophone Education	No comment.
Catholic Francophone Education	No comment.
<i>Province of Alberta</i>	
Alberta Environment	Not required.
Alberta Transportation	<p>The department recognizes that the land involved in this application is removed from the provincial highway system, and relies on the municipal road network for access. It appears that the two residential parcels being created by this application should not have a significant impact on the provincial highway system.</p> <p>Alberta Transportation has no objection to this proposal and grants an unconditional variance of Section 14 of the Subdivision and Development Regulation. Pursuant to Section 678(2.1) of the Municipal Government Act, Alberta Transportation varies the distance to a highway set out in Section 5 of the Subdivision and Development Regulation. From the department's perspective any appeals to be heard regarding this subdivision application may be heard by the local Subdivision and Development Appeal Board rather than the Municipal Government Board.</p>
Alberta Sustainable Development (Public Lands)	Not required.
Alberta Culture and Community Spirit (Historical Resources)	Not required.
Energy Resources Conservation Board	No comment.
Alberta Health Services	No concerns.
<i>Public Utility</i>	
ATCO Gas	No objection.
ATCO Pipelines	No objection.
AltaLink Management	No comment.

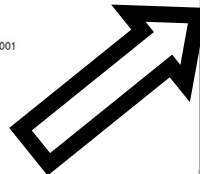
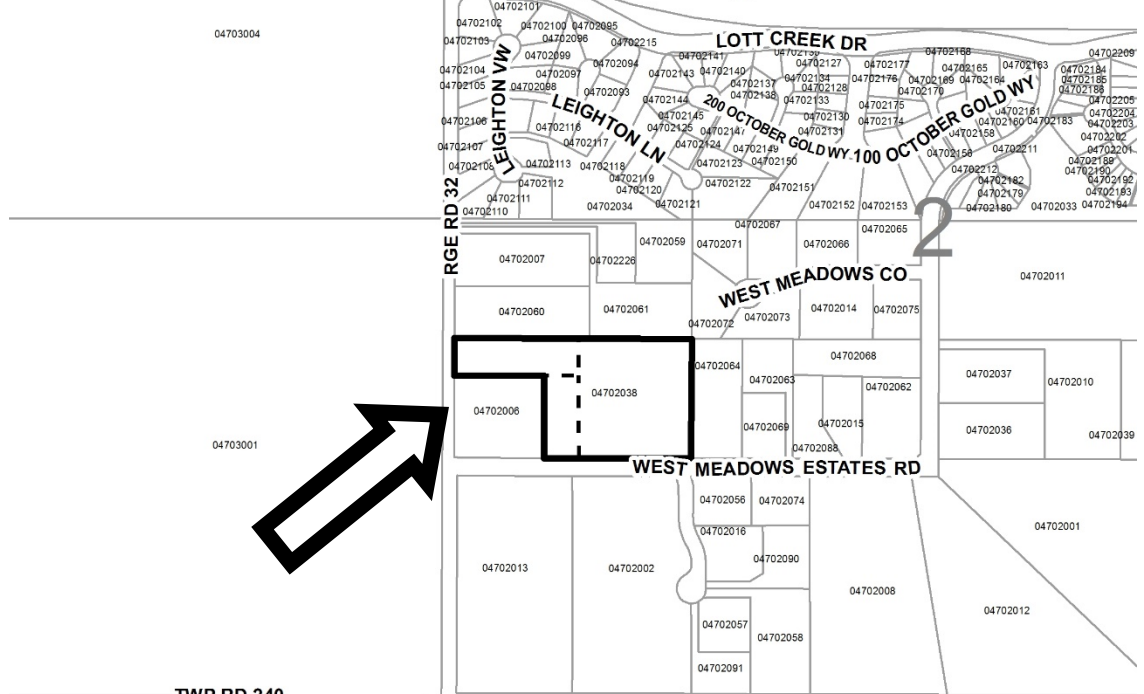
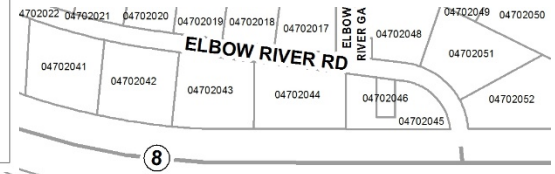
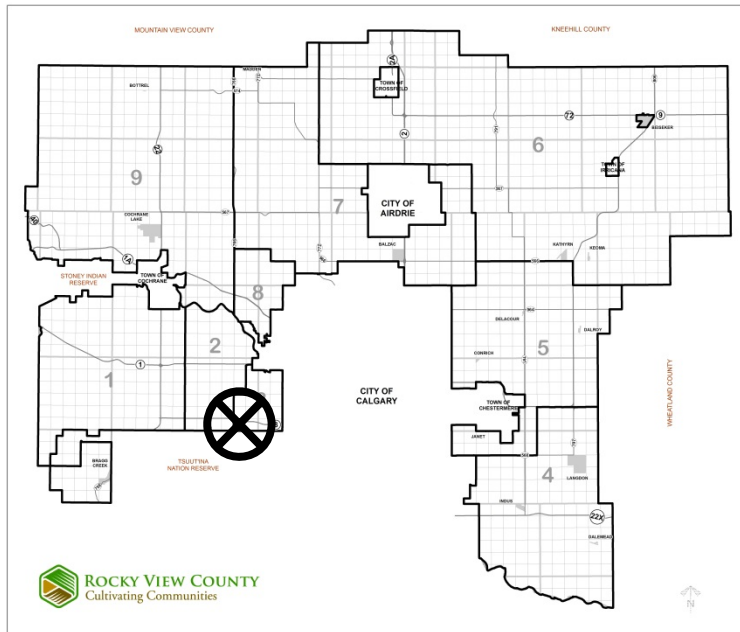
AGENCY	COMMENTS
FortisAlberta	No easement required.
Telus Communications	No concerns.
TransAlta Utilities Ltd.	No comment.
Rockyview Gas Co-op Ltd.	No comment.
<i>Other External Agencies</i>	
EnCana Corporation	No comment.
Canadian Pacific Railway	No comment.
City of Calgary	No comments.
<i>Rocky View County</i>	
<i>Boards and Committees</i>	
ASB Farm Members and Agricultural Fieldmen	No concerns.
Rocky View Central Recreation Board	As Municipal Reserves were previously provided on Plan 9510253, Rocky View Central Recreation District Board has no comments on this circulation.
<i>Internal Departments</i>	
Recreation, Parks & Community Support	No concerns.
Development Authority	No comment.
GIS Services	No comment.
Building Services	No comment.
Municipal Enforcement	No concerns.
Fire Services & Emergency Management	No concerns.
Planning, Development, & Bylaw Services - Engineering	Geotechnical: <ul style="list-style-type: none"> As a condition of future subdivision of the Remainder parcel (Lot 3), the applicant may be required to submit a Geotechnical Investigation Report, in accordance with the requirements of the County Servicing Standards. The report shall provide recommendations for road construction (as identified in previous application PL20180005) and include a

AGENCY	COMMENTS
	<p>Slope Stability Assessment if any slopes greater than 15% are identified.</p> <p>Transportation:</p> <ul style="list-style-type: none"> The applicant submitted a Transportation Review (Bunt & Associates Engineering Ltd. – November 20, 2017) with the previous land use redesignation application (PL20180005). The review concludes that the proposed future subdivision will not have any impacts on the surrounding road network, and that no upgrades are required. Engineering has no further concerns. Proposed Lot 1 is accessed from an existing approach from Range Road 32. Proposed Lot 2 is accessed from an existing approach from West Meadows Estates Road. The proposed Remainder (Lot 3) does not have an existing approach. As a condition of subdivision, the applicant shall be required to construct a new paved approach to the Remainder (Lot 3) and upgrade the existing approach to Lot 2 to a paved standard, in accordance with the requirements of the County Servicing Standards. As a condition of subdivision, the applicant is required to provide payment of the Transportation Off-site Levy in accordance with the applicable levy at time of subdivision approval, for the total acreage of proposed Lots 1 & 2, as the applicant is proposing to subdivide a Residential One District parcel. At this time, TOL shall be deferred on the proposed Remainder (Lot 3), as the parcel is greater than 9.88 acres in size. TOL shall be collected on the Remainder (Lot 3) at the time of future subdivision. <ul style="list-style-type: none"> Base TOL = \$4595/acre. Acreage = 2.8 + 2.02 acres. TOL payment = (\$4595/acre)*(4.82 acres) = \$22,148. In the previous land use redesignation application (PL20180005), the applicant had proposed to dedicate 25 metre wide portion of the subject lands as public road allowance to construct a road from West Meadows Estates Road to access four lots which will be subdivided from the Remainder (Lot 3) in the future. The proposed internal road is aligned with the driveway across West Meadows Estates Road. This proposal aligns with the County Servicing Standards, and shall be accessed by a Country Residential Standard Road (section 400.5), which requires a 25 metre right-of-way. As a condition of future subdivision of the Remainder (Lot 3), the applicant shall enter into a Development Agreement for construction of a Country Residential Standard Road and cul-de-sac, as identified on the proposed plan of subdivision (submitted with previous application PL20180005), in

AGENCY	COMMENTS
	<p>accordance with the County Servicing Standards.</p> <ul style="list-style-type: none"> ○ Some of the construction costs may be recovered through the County's Infrastructure Cost Recovery Policy; ○ If required by the County Road Operations Group, the applicant will be required to enter into a Road Use Agreement. <p>Sanitary/Waste Water:</p> <ul style="list-style-type: none"> • The applicant submitted a Level 3 PSTS Assessment (Sedulous Engineering Inc. – December 21, 2017) with the previous land use redesignation application (PL20180005). The report concludes that the soils of the subject lands are suitable for use of a PSTS. The report acknowledged that in accordance with County Policy 449, for parcel sizes less than 3.95 acres and greater than 1.98 acres, the County requires the use a Package Sewage Treatment Plant meeting BNQ standards, and the septic field was sized accordingly. The Report also included a Level 1 Variation Assessment, which concludes that the existing PSTS system meets the required setback distances and is in good working order. • In accordance with County Policy 449, for parcel sizes less than 3.95 acres and greater than 1.98 acres, the County requires the use a Package Sewage Treatment Plant meeting BNQ standards. • As a condition of subdivision, the Owner is to enter into a Site Improvements / Services Agreement with the County, which shall be registered on title of Lot 2 and Remainder (Lot 3) and shall include the following: <ul style="list-style-type: none"> ○ In accordance with the Level 3 PSTS Assessment prepared by Sedulous Engineering Inc. ○ For the construction of a Packaged Sewage Treatment Plant meeting Bureau de Normalisation du Quebec (BNQ) standards. • As a condition of subdivision, a Deferred Services Agreement shall be registered against each new certificate of title (lot) created, requiring the owner to tie into municipal services when they become available. <p>Water Supply And Waterworks:</p> <ul style="list-style-type: none"> • The applicant has indicated that they approached Westridge Utilities to inquire about water servicing. However, they refused to provide a letter of commitment regarding servicing, so the applicant has chosen to use groundwater wells. • The applicant submitted a Phase 1 Groundwater Supply Evaluation (Groundwater Information Technologies Ltd. –

AGENCY	COMMENTS
	<p>December 5, 2017) with the previous land use redesignation application (PL20180005). The report meets the requirements of the County Servicing Standards and concludes that the aquifer underlying the proposed subdivision can supply water at a rate of 1250m³/year without causing adverse effects on existing users.</p> <ul style="list-style-type: none"> • As a condition of subdivision, the applicant will be required to drill new wells on Lot 2 & Remainder (Lot 3), and provide the County with a Phase 2 Aquifer Testing Report for the new wells, prepared by a qualified professional, in accordance with procedures outlined in the County Servicing Standards. The report shall include a Well Driller's Report confirming a minimum pump rate of 1.0 igpm for each well. • As a condition of subdivision, a Deferred Services Agreement shall be registered against each new certificate of title (lot) created, requiring the owner to tie into municipal services when they become available. • As a condition of future subdivision of the Remainder (Lot 3), the applicant will be required to drill new wells on proposed lots, and provide the County with a Phase 2 Aquifer Testing Report for the new wells, prepared by a qualified professional, in accordance with procedures outlined in the County Servicing Standards. The report shall include a Well Driller's Report confirming a minimum pump rate of 1.0 igpm for each well. <p>Storm Water Management:</p> <ul style="list-style-type: none"> • The applicant submitted a Conceptual Level Site-Specific Stormwater Implementation Report (Sedulous Engineering Inc. – December 21, 2017) with the previous land use redesignation application (PL20180005). The report recommends the use of swales and a dry pond with outlet control structure to manage to increased runoff in the post-development condition. The development meets the requirements of the Springbank Master Drainage Plan. <ul style="list-style-type: none"> ○ This will allow the development to meet the requirements for the Average Annual Runoff Volume Target of 45mm and the Max Release Rate of 1.714 L/s/ha (A Report on Drainage Strategies for Springbank – Westhoff Engineering Resources Inc. – 2004). • As a condition of subdivision, the applicant shall be required to provide and register on title, a 6 metre wide overland drainage utility right-of-way along the entire southern boundary of proposed Lot 2. This shall allow for the future construction of the swale identified in the Conceptual SSIP at the time when Remainder (Lot 3) develops. • As a condition of future subdivision of the Remainder (Lot 3), the applicant shall submit a Site-Specific Stormwater

AGENCY	COMMENTS
	<p>Implementation Plan (SSIP) to address the detailed design of the stormwater management infrastructure, including the swales, dry pond and outlet control structure;</p> <ul style="list-style-type: none"> • As a condition of future subdivision of the Remainder (Lot 3), the applicant shall enter into a Development Agreement for the construction of the stormwater management infrastructure, in accordance with recommendations of the SSIP; • As a condition of future subdivision of the Remainder (Lot 3), the applicant shall provide confirmation of all required Alberta Environment approvals for the Stormwater Management Infrastructure; • As a condition of future subdivision of the Remainder (Lot 3), the applicant shall be required to register a drainage easement/utility right-of-way on title, as identified in the Conceptual SSIP; • As a condition of future subdivision of the Remainder (Lot 3), the applicant shall submit an Erosion and Sedimentation Control Plan, in accordance with the requirements of the County Servicing Standards. <p>Environmental</p> <ul style="list-style-type: none"> • Any approvals required through Alberta Environment shall be the sole responsibility of the Applicant/Owner.
Transportation Services	No issues.
Capital Project Management	No concerns.
Operational Services	Access required.
Agriculture and Environmental Services - Solid Waste and Recycling	No concerns.
Circulation Period: July 13, 2018 to August 3, 2018	



LOCATION PLAN



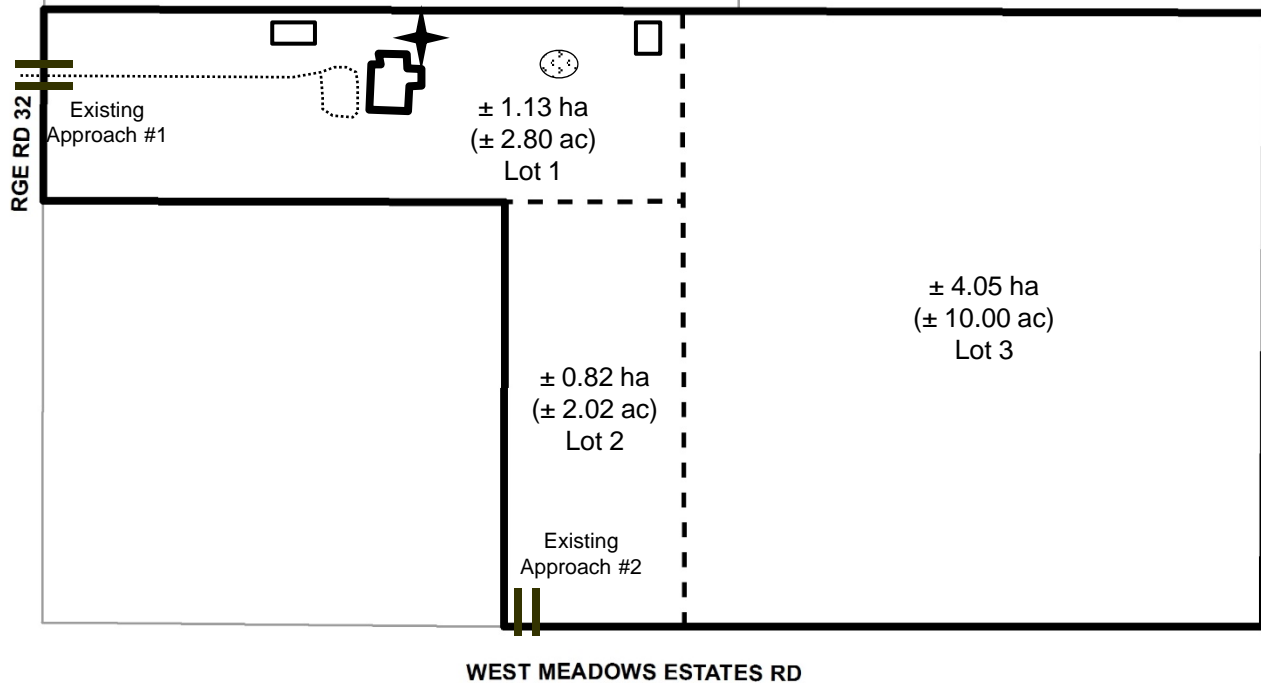
SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

File: 04702038

Subdivision Proposal: To create a ± 0.82 hectare (± 2.02 acre) parcel, a ± 1.13 hectare (± 2.80 acre) parcel with a ± 4.05 hectare (± 10.00 acre) remainder.



Legend

- Dwelling
- Accessory Building
- Water Well
- Septic Field
- Driveway

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

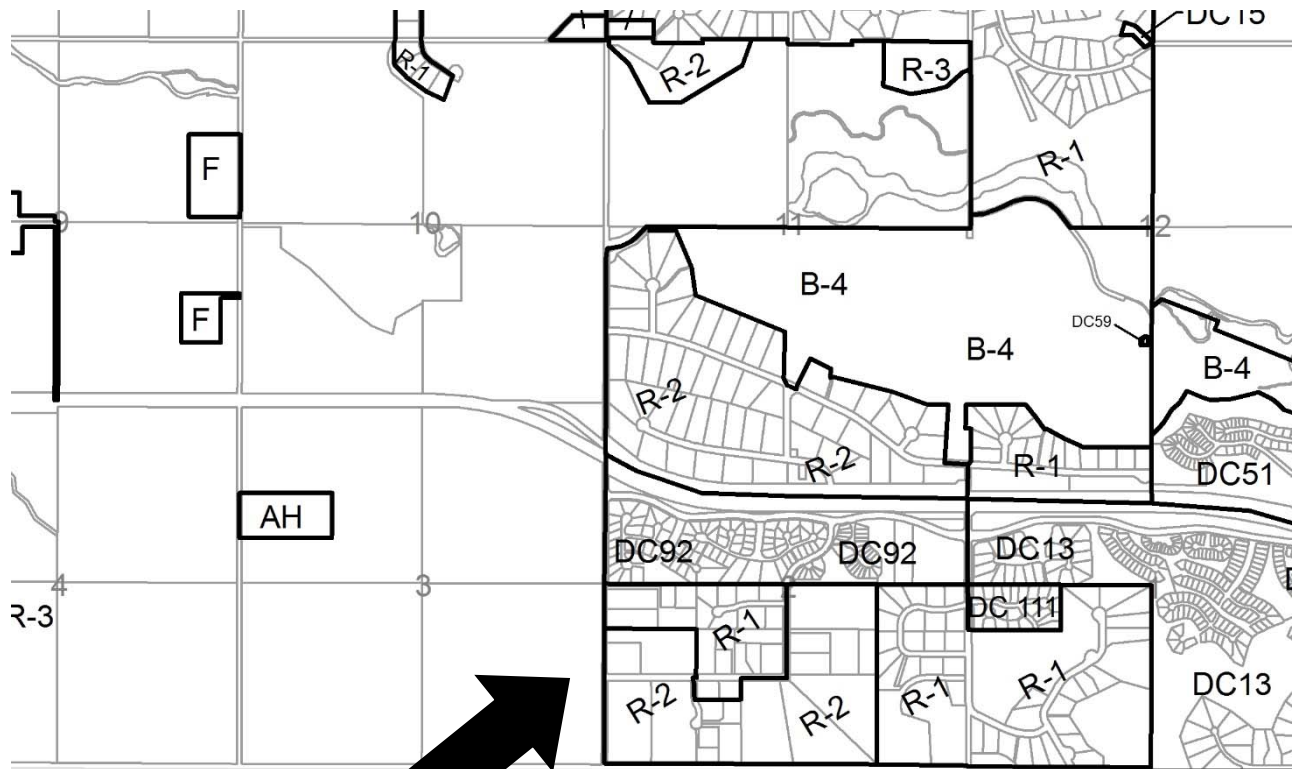


SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

File: 04702038



TSUUT'INA NATION RESERVE

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

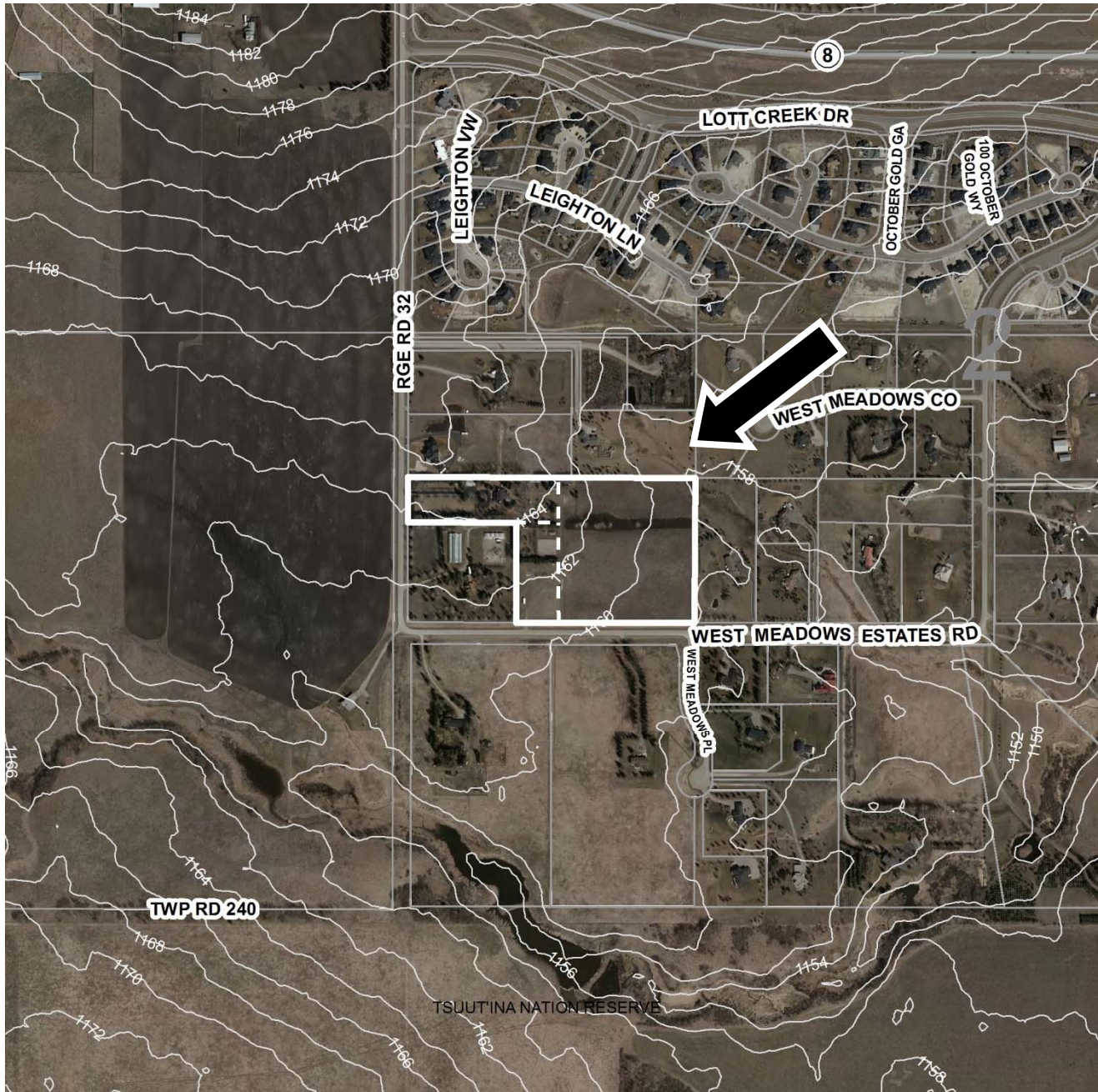


SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

File: 04702038



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



SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

File: 04702038



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

AIR PHOTO

Spring 2016

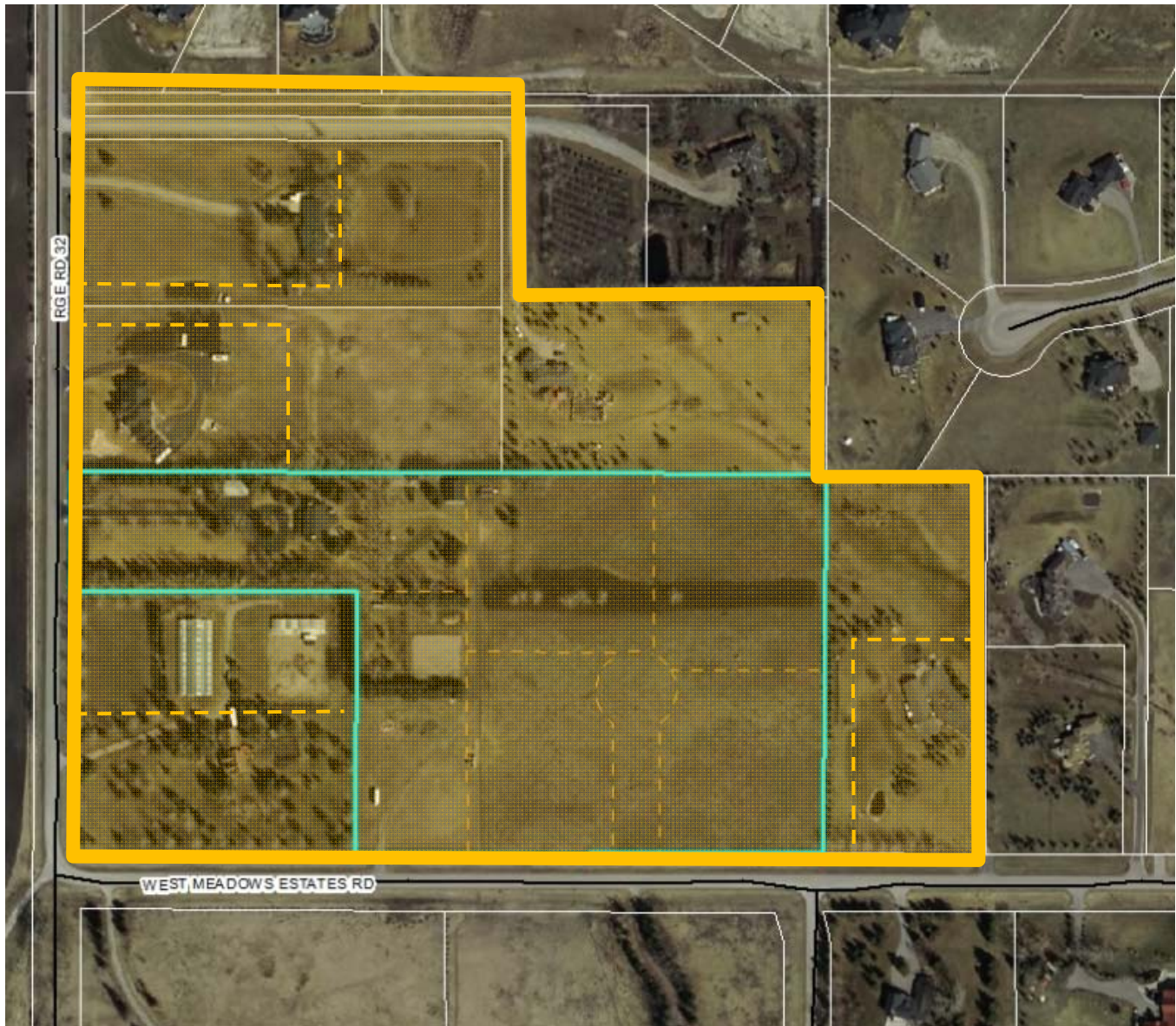


SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

File: 04702038



LOT & ROAD PLAN

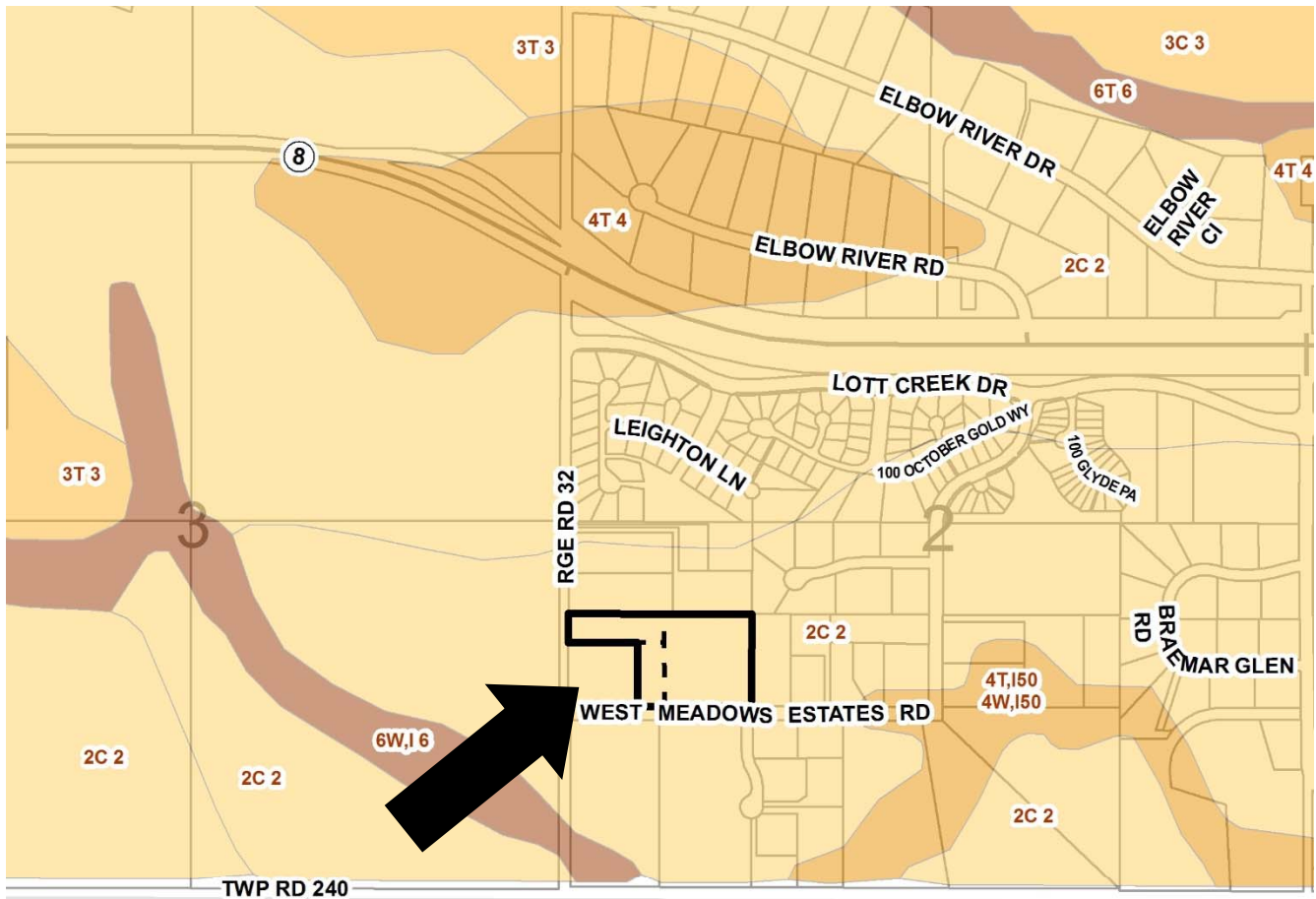


SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

File: 04702038



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

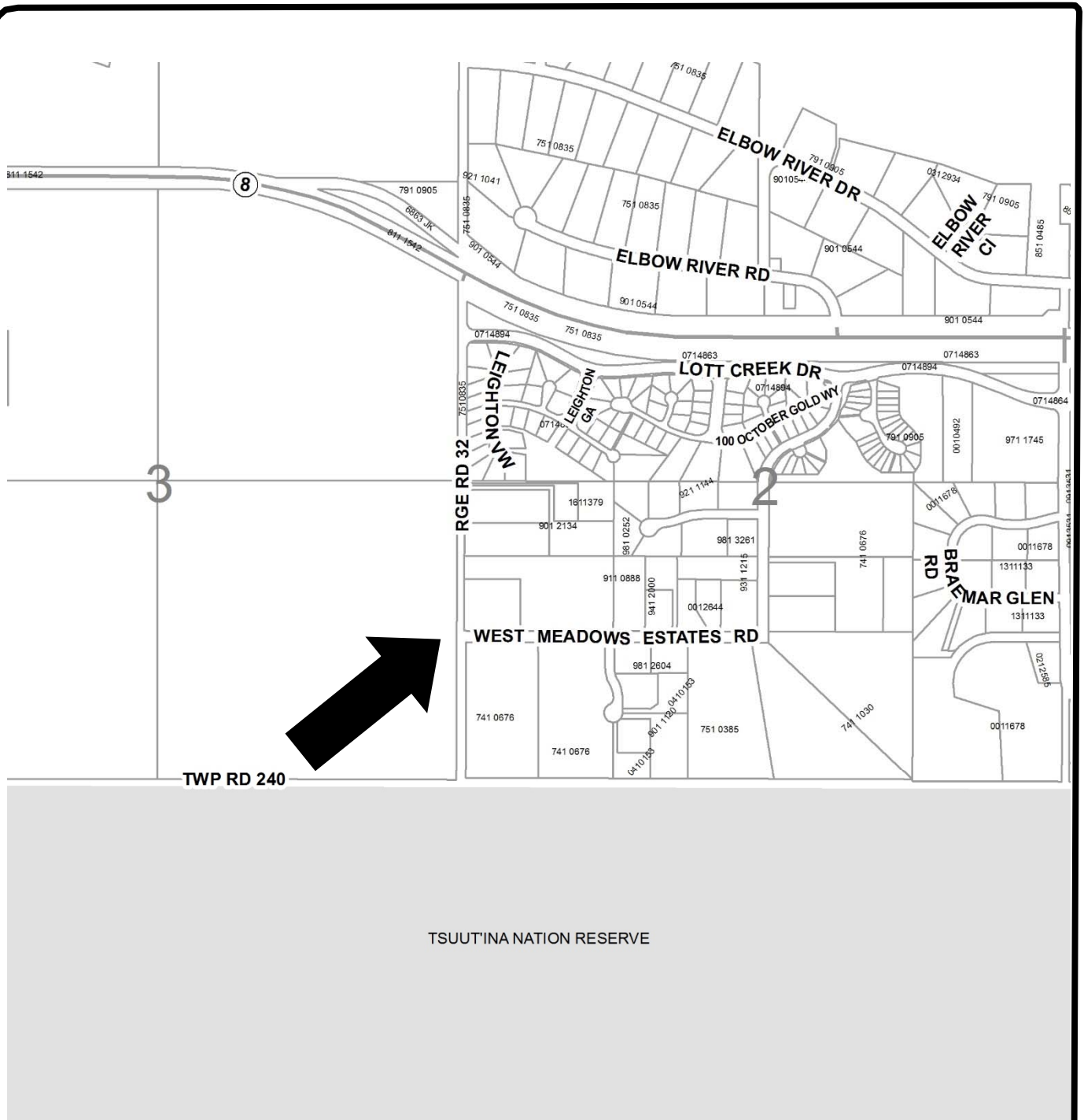


SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

File: 04702038



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

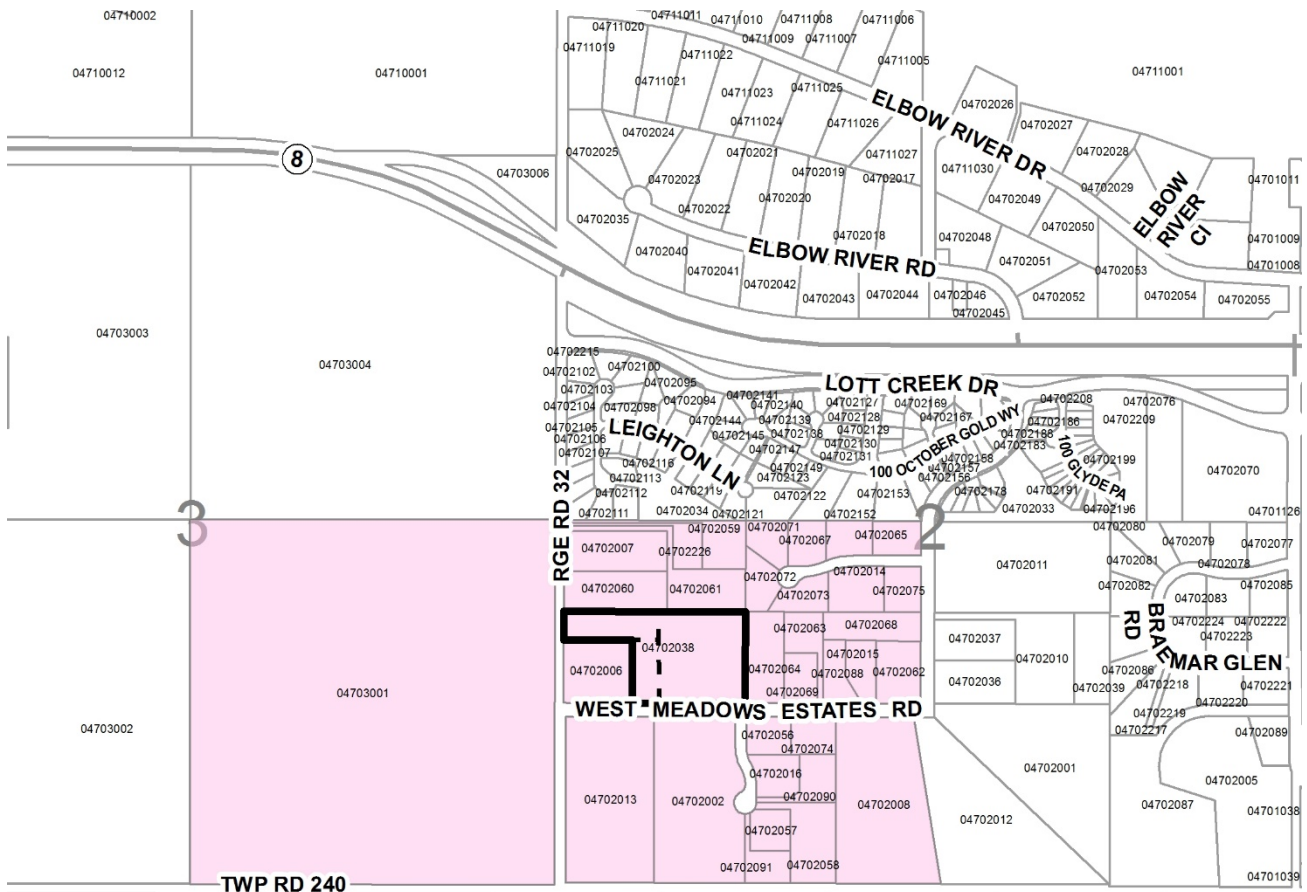
HISTORIC SUBDIVISION MAP

SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

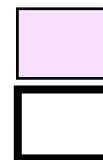
File: 04702038



Letters in Opposition

Letters in Support

Legend



Circulation Area

Subject Lands

LANDOWNER CIRCULATION AREA

SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

File: 04702038



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

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

Date Mailed: Friday, March 15, 2019

B & A Planning Group - Ken Venner
Suite 600, 215 - 9th Avenue SW
Calgary, AB T2P 1K3

File: PL20180079

RE: SUBDIVISION TRANSMITTAL OF DECISION

Pursuant to a decision of the Subdivision Authority for Rocky View County on March 12, 2019, your Subdivision Application was conditionally approved. The conditions of approval are outlined below:

- A. That the application to create a ± 0.82 hectare (± 2.02 acre) parcel, and a ± 1.13 hectare (± 2.80 acre) parcel with a ± 4.05 hectare (± 10.00 acre) remainder from a portion of SW-2-24-3-W5M was evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 7 and 14 of the Subdivision and Development Regulations, and 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 statutory policy;
 - 2) The subject lands hold the appropriate land use designation;
 - 3) The technical aspects of the subdivision proposal have been considered, and are further addressed through the conditional approval requirements.
- 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;

Transportation and Access

- 2) The Owner shall upgrade the existing approach on West Meadows Estates Road to a paved



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

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

standard in order to provide access to Lot 2.

- 3) The Owner shall construct a new paved approach on West Meadows Estates Road in order to provide access to Lot 3.

Fees and Levies

- 4) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to endorsement. The County shall calculate the total amount owing:
 - a) from the total gross acreage of Lots 1 and 2 as shown on the Plan of Survey.
- 5) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of two new lots.

Site Servicing/Developability

- 6) The Owner shall prepare and register a Utility Right-of-Way, satisfactory to the County, on the title of Lot 2:
 - a) 6 metre wide drainage easement/utility right-of-way on title along the entire southern boundary of Lot 2, in accordance with the Conceptual SSIP.
- 7) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County that includes the following:
 - a) The installation of a packaged sewage treatment system meeting BNQ or NSF 40 Standards, in accordance with the findings of the Private Sewage Treatment System Assessment and Site Evaluation prepared by SOILWORX (December 2016).
- 8) Water is to be supplied by an individual well on Lots 2 & 3. The subdivision shall not be endorsed until:
 - a) An Aquifer Testing (Phase II) Report is provided, which is to include aquifer testing and the locations of the wells on each lot; and
 - b) The results of the aquifer testing meet the requirements of the Water Act; if they do not, the subdivision shall not be endorsed or registered.
- 9) The Owner is to enter into a Deferred Services Agreement with the County, to be registered on title for each of proposed Lots 1, 2, & 3, indicating:
 - a) Requirements for each future Lot Owner to connect to County piped water, wastewater, and storm water systems at their cost when such services become available;
 - b) Requirements for decommissioning and reclamation once County servicing becomes available.

Municipal Reserves

- 10) The provision of Reserve in the amount of 10 percent of the area of Lots 1 & 2, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu pursuant to Section 666(3) of the *Municipal Government Act*:
 - a) The Applicant shall provide a market value appraisal, prepared by a certified appraiser, in accordance with Section 667(1)(a) of the *Municipal Government Act*, and the satisfaction of



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Rocky View County, AB, T4A 0X2

403-230-1401
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www.rockyview.ca

Rocky View County:

- b) Reserves for Lot 3 are to be deferred with Caveat, pursuant to Section 669(2) of the Municipal Government Act.

Taxes

- 11) 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, Administration is directed to present the Owner with a Voluntary Recreation Contribution Form and to 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 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.

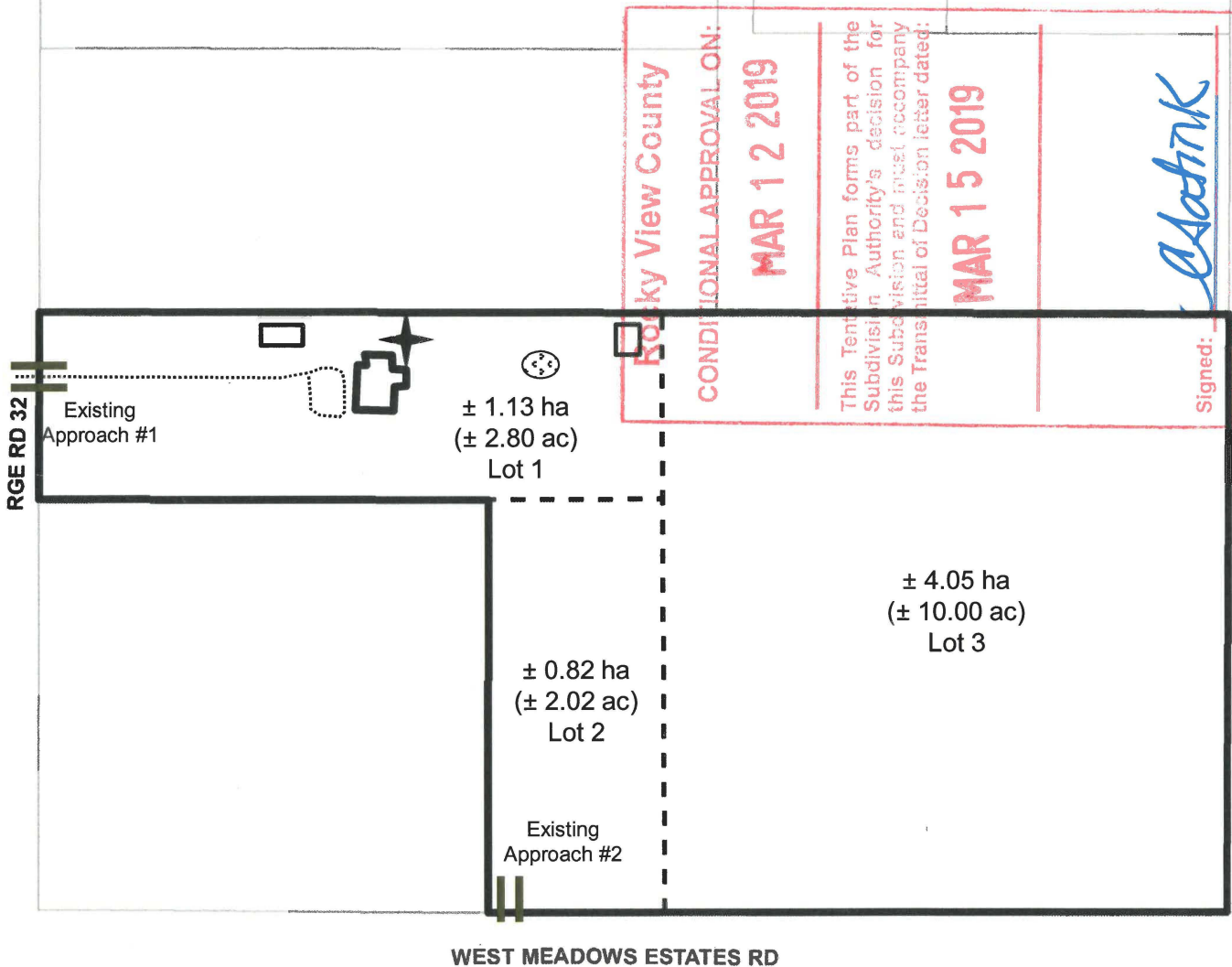
The Subdivision Authority reserves the right to make corrections to any technical or clerical errors or omissions to this decision.

Should you have any questions or concerns, please contact Stefan Kunz at 403-520-3936 for assistance and quote the file number as noted above.

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

cc: Horvath, Eric S. & Jamie H.

Subdivision Proposal: To create a ± 0.82 hectare (± 2.02 acre) parcel, a ± 1.13 hectare (± 2.80 acre) parcel with a ± 4.05 hectare (± 10.00 acre) remainder.

Date: June 27, 2018Division # 3File: 04702038



Notice of Appeal

Subdivision and Development Appeal Board

Appellant Information			
Name of Appellant(s) Eric Horvath and Jamie Horvath, by their solicitors and agents Stikeman Elliott, Attn: Robert Homersham			
Mailing Address c/o Stikeman Elliott, 4300, 888-3 rd St SW		Municipality Calgary	Province AB
		Postal Code T2P 5C5	
Home Phone #	Business Phone # (403) 508-9266	Email Address rhomersham@stikeman.com	

Site Information	
Municipal Address 240094 Range Road 32 Calgary, AB, T3Z 1M3	Legal Land Description (lot, block, plan and/or quarter-section-township-range-meridian) SW 2-24-3-W5M
Development Permit, Subdivision Application, or Stop Order # PL20180079	Roll#

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

Reasons for Appeal (attach separate page if required)	
The Appellants appeal Condition 10 of the Conditions of Approval of Subdivision Application PL20180079	
for the following reasons:	
1. Municipal Reserves ("MR") have already been properly deferred to another parcel and are no longer owing on the subject parcel;	
2. A deferred reserve agreement was entered into in respect of the subject parcel between the then owner of the parent parcel from which the subject parcel was subdivided and the MD of Rocky View No. 44, the predecessor municipality to Rocky View County ("RVC"). This agreement properly documents the deferral of the MR and binds RVC contractually;	
3. This deferral of reserves to another eligible parcel was accepted by the subdivision authority at the time in lieu of an MR dedication of lands or cash-in-lieu of such dedication. The authority for this was under an act, the <i>Surveys and Expropriation Act</i> , 1960, that pre-dates each "former Act" as such is defined in Part 17 of the <i>Municipal Government Act</i> ("MGA"). Notwithstanding this, the language of Sec. 663(d) of the MGA, is permissive rather than mandatory, so does not preclude RVC from exercising its discretion to not take MR again from the subject parcel;	
4. It would be inequitable to take MR twice from the subject parcel;	
5. Such further and other reasons that the Appellants may raise at the hearing of this Appeal.	

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.



 Signature of Agent for the Appellants,
 Robert Homersham

April 1, 2019

Date





MLT Aikins LLP
1600 - 520 - 3rd Avenue S.W.
Calgary, Alberta T2P 0R3
T: (403) 693-4300
F: (403) 508-4349

November 21, 2018

Joanne M. Klauer
Direct Line: (403) 693-4335
E-mail: JKlauer@mltaikins.com

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

Attention: Stefan Kunz, Planner

Dear Sir:

Re: Horvath Subdivision: Deferred Reserve Caveat
File No.: 0051525-New File

Further to the information forwarded by your office, I now provide you with my opinion with respect to the question of whether or not the County can require municipal reserves to be provided with respect to the subdivision of the Horvath lands (PL20180079).

I. Background

The current subdivision application involves a 14.82 acre parcel being subdivided to create two \pm 2 acre parcels with a 10 acre remainder parcel (the "**Lands**").

The Applicant claims that the County cannot impose a municipal reserve requirement on the subdivision because Municipal Reserves have previously been provided in relation to the Lands by way of a deferred reserve caveat in 1960. The Lands are part of a quarter section (SW-2-24-3-W5M) that was originally subdivided in 1961 creating a 40 acre parcel in the NW corner of the quarter section. This 40 acre parcel was then subsequently subdivided into two 20 acre parcels. The Lands are part of the southern 20 acre parcel created from the 40 acre parcel. At the time of the original subdivision of the quarter section, MR was deferred from the 40 acre parcel to the remainder of the quarter section by a deferred reserve caveat (the "**DRC**").

Review of the DRC indicates that it was entered into between William Simpson (the younger) and the County (then the MD) on November 25, 1960 and was originally registered in the Land Titles Office as Document 5621 IH in accordance with Alberta Regulation 185/60: being the "*Subdivision and Transfer Regulations pursuant to the Surveys and Expropriation Act*". While the DRC was acknowledged by County staff to have been registered on certificate of titles to the relevant receiving lands in the 1980's and 1990's, the DRC is no longer registered on title to any lands.

II. Discussion

A. Section 663 of the *Municipal Government Act*

Section 663(d) of the *Municipal Government Act* provides that:

A subdivision authority may not require the owner of a parcel of land that is the subject of a proposed subdivision to provide reserve land or money in place of reserve land if

...

- (d) reserve land, environmental reserve easement or money in place of it was provided in respect of the land that is the subject of the proposed subdivision under this Part or the former Act.

Section 616(g) defines "former Act" as follows:

means the *Planning Act*, RSA 1980 cP-9, *The Planning Act*, 1977, SA 1977 c89, *The Planning Act*, 1970 c276 or *The Planning Act*, SA 1963 c43

As noted above, the DRC was registered in 1960 pursuant to Alberta Regulation 185/60: being the "*Subdivision and Transfer Regulations pursuant to the Surveys and Expropriation Act*". The defined scope of "former Act" does not extend to legislation prior to the 1963 *Planning Act*.

In the text "*Planning Law and Practice in Alberta*", the late Professor Laux notes that there have been regulations in place in Alberta requiring the dedication of reserve land since 1913. Laux states:

The term, "former Act", refers only to planning legislation in effect since the 1963 Planning Act, although reserves were required to be dedicated pursuant to regulations passed under pre-1963 legislation. Accordingly, even though maximum reserves may have been dedicated in respect of the subject land at the time that a previous subdivision was effected prior to 1963, it would appear that such land is nevertheless subject to the reserve requirements of the current Act.

I have found no case authority to support this interpretation. However, in my opinion, the County has a strong argument that as the DRC was registered pursuant to pre-1963 legislation, the Lands are subject to reserve requirements today.

While I think the statutory interpretation argument resolves the issue, I am answering the balance of your questions below.

B. County Questions

1. *When deferring reserves to other lands, at what point is the MR for the sending portion considered to be provided and those lands absolved of further MR requirements?*
 - a. *In other words, is the mere registration of the DRC sufficient, or is it not until the deferred portion of land or cash-in-lieu is actually provided?*
 - b. *In this case, lands in the receiving area were allowed to be subdivided without providing the additional proportional reserve to account for the original sending area. Because the deferred portion was not provided by the receiving lands in accordance with the DRC, is the MR for the sending area considered provided?*

In my opinion, at the time of subdivision of a parcel, the subdivision authority has three options:

1. Don't take any reserves,
2. Take reserves in the form of land and/or cash in lieu from the parcel that is the subject of the proposed subdivision approval, or
3. Direct that the requirement to provide all or part of the reserves be deferred against:
 - a. the remainder of the parcel that is the subject of the proposed subdivision approval, and/or
 - b. other land of the person applying for subdivision approval that is within the same municipality as that parcel of land.

In my opinion, if the subdivision authority opts to defer the reserve requirement on a parcel (the "**Sending Parcel**") pursuant to Section 669 of the **Municipal Government Act** and the municipality has registered the deferred reserve caveat against the other parcel(s) (the "**Receiving Parcels**"), reserves will be considered to have been provided for the Sending Parcel for the purpose of Section 663(d) of the **Municipal Government Act**. In my opinion, the only way that the municipality could take reserves on the Sending Parcel is if the municipality and land owner agree to discharge the deferred reserve caveat from the Receiving Parcel(s) and take the reserves owing from the Sending Parcel. Any other interpretation would permit the municipality to effectively "double dip" by imposing reserves on the Sending Parcel and maintaining the deferred reserve caveat on the Receiving Parcel(s) which clearly cannot be the intention of the legislation.

In my opinion, if the municipality misses the proverbial boat by not taking the additional reserves when the Receiving Parcel(s) is/are subdivided, the municipality cannot then seek to impose the reserves on the Sending Parcel because the subdivision authority originally made the decision to direct that the reserve requirement owing from the Sending Parcel be deferred to the

Receiving Parcel(s). The municipality will simply have to wait for a future subdivision of the Receiving Parcel(s).

2. *Considering it is not listed on any current title in the area, is the instrument registered as 5621 IH legally valid in its current form?*
 - a. *In general, does a DRC need to be registered on an active title in order to be valid? If not, what determines the validity of a DRC?*
 - b. *Is there a question as to the intent of 5621 IH? Could ambiguity in the wording have allowed subdivisions in the receiving area to proceed without providing proportional MR from the sending area?*

In my opinion, the DRC isn't valid because it was imposed pursuant to legislation that pre-dated the 1963 **Planning Act**. While I haven't researched this point, it may well be that the Land Titles Office discharged all deferred reserve caveats registered pursuant to pre-1963 legislation as a result of the limitation to "former Act" as provided in the **Municipal Government Act** which came into effect in 1995.

That being said, in my opinion, generally speaking, in order for a deferred reserve caveat to be valid, it must be registered on a certificate of title. Section 669(2) of the **Municipal Government Act** is clear that if a deferment is directed under Section 669(1), the subdivision authority must file a caveat against the certificate of title to which the direction relates.

The Alberta land titles system is based upon the Torrens System which, simplistically, means that a landowner is entitled to trust that their title to land is only subject to the encumbrances registered on the certificate of title. The exceptions to this assumption are contained in Section 61 of the **Land Titles Act** which include a number of "implied conditions" that can apply to a certificate of title even if there's no registration such as a public highway. A deferred reserve caveat does not come within the list of "implied conditions" in Section 61 of the **Land Titles Act** which means that the deferred reserve caveat would have to be registered on the certificate of title in order for it to be enforceable as against the owner of that parcel.

In my opinion, the wording of the DRC is not ambiguous and I cannot speak to why the additional reserves were not taken when the DRC was registered on title to the receiving lands.

3. *Considering the questions above, are the owners of the three remaining parcels from the 1974 subdivision subject to the deferred MR owed by the original 1961 subdivision?*
 - a. *If so, how would this be identified and enforced without the DRC on title? How would prospective purchasers be aware of their requirement to provide additional MR dedication?*
 - b. *If the County were to receive a subdivision application for these lands and attempt to collect proportional MR from the sending area in addition to the*

10% typically required, what would be the likelihood that this would be successfully appealed? What arguments would you use in order to represent the landowner in an appeal of this decision?

c. What would be your recommended approach to ensure that any outstanding reserves can be collected?

In my opinion, the DRC is a proverbial dead duck without any force or effect because it was registered pursuant to pre-1963 legislation and it's been discharged from all titles. The impact of this is that the original sending parcels cannot avoid having reserves imposed today as a result of the DRC and the original receiving parcels are no longer obligated to provide additional reserves to account for the reserve allocations from the original sending parcels.

In my opinion, if the County's subdivision authority tried to impose proportional MR from the sending area in addition to the 10% reserve requirement required from the receiving area, the likelihood of a successful appeal is approximately 100% for the reasons set out above.

In my opinion, the County is restricted to imposing reserve requirements on the original sending parcels as it is permitted to do so under the *Municipal Government Act* without consideration to the DRC.

I hope my comments are of assistance. Please contact me directly if you have any further questions.

Yours truly,

MLT AIKINS LLP

Per:



JOANNE M. KLAUER

February 27th, 2019

B&A File: #C2185
RVC File: PL20180009

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

Attn: Stefan Kunz – Municipal Planner

Re: Subdivision Application affecting Pt. SW 2-24-3-W5M within West Meadows Estates
Eric & Jamie Horvath
Request for the Subdivision Authority to approve PL20180079 without obligation to
dedicate Municipal Reserve (MR)

Dear Stefan,

Thank you for scheduling PL20180079 for consideration during the regular Council meeting on March 12th, 2019. We thank you for your guidance throughout the application review process.

As we understand, administration is recommending this subdivision application be approved subject to a condition that Municipal Reserves (MR) be dedicated via payment of cash-in-lieu of land.

It is noted that the subdivision application which created title to the original 20 ac parent parcel that is the subject of this application was approved by the County and the Calgary Regional Planning Commission in 1960 with a condition that outstanding 10% MR dedication be deferred and future obligation to dedicate said MR be transferred from the title of the subject lands to the title of the remainder of SW 2-24-3-W5M. A **Deferred Reserve Agreement** was executed between the original landowner and the County which includes specific whereas statements that direct the MR deferral and transfer. The **Deferred Reserve Agreement** was registered with Alberta Land Titles as instrument #5621 IH and attached to this correspondence as Appendix I.

Since the initial above-referenced subdivision application was approved in 1960, the SW 2-24-3-W5M (now referred to as West Meadows Estates) has been subject to a long history of multiple subdivision applications wherein the County provided specific direction relative to the disposition of outstanding MR in a manner that appears consistent with the terms of **Deferred Reserve Agreement #5621 IH**.

To support the review of this subdivision application, administration consulted the County's legal counsel which provided an opinion that claims Municipal Reserves against the title of the subject lands remain outstanding, notwithstanding the terms of the **Deferred Reserve Agreement #5621 IH**. The reason being, the current Municipal Government Act, RSA 2000 governing the disposition of MR via the subdivision process does not refer back to the Provincial planning legislation in effect when the original subdivision was approved (Surveys & Expropriation Act, 1960).

My clients respectfully disagree with the County's legal counsel relative to this matter and subsequently commissioned their own legal counsel undertake a review, which is attached to this correspondence as Appendix II.

The Horvath's believe that outstanding Municipal Reserves relative to their subject lands have already been provided in accordance with the terms of the **Deferred Reserve Agreement #5621 IH**. As such, we ask the Subdivision Authority to consider this correspondence as part of deliberations regarding this matter on March 12th, 2019.

On behalf of the owners Eric & Jamie Horvath, we request that Council (as the Subdivision Authority) honor the terms of **Deferred Reserve Agreement #5621 IH** and consider approving this subdivision application without obligation to dedicate Municipal Reserves.

We have prepared a short presentation to illustrate the subject of this correspondence and hereby request an opportunity to address the Subdivision Authority during the meeting on March 12th, 2019 to clarify the matter accordingly.

Respectfully,



Ken Venner | RPP | MCIP
B&A Planning Group

cc. Eric & Jamie Horvath

Encl. Appendix I – Deferred Reserve Agreement #5621 IH dated November 25, 1960
Appendix II – Correspondence from Stikeman Elliot LLP to MLT Atkins LLP dated December 7, 2018

APPENDIX I – DEFERRED RESERVE COVENANT AGREEMENT #5621 IH

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

5621IH .

ORDER NUMBER: 35219621

ADVISORY

This electronic image is a reproduction of the original document registered at the Land Titles Office. Please compare the registration number on this coversheet with that on the attached document to ensure that you have received the correct document. Note that Land Titles Staff are not permitted to interpret the contents of this document.

Please contact the Land Titles Office at (780) 422-7874 if the image of the document is not legible.

WILLIAM SIMPSON, the younger,
of the City of Calgary, in the
Province of Alberta, farmer
(hereinafter called the "Owner")

OF THE FIRST PART

- and -

The Municipal District of Rocky View
No. 44 a Municipal Corporation in the
Province of Alberta
(hereinafter called the "Municipal
District")

I certify that the within instrument
is duly Entered and Registered in the Land
Titles Office for the South A.S. Land
Registration District at Calgary in the
Province of Alberta, at 1:41
o'clock P.M., on the 30th day
of May, 1961.
as number 5621 Book 144

OF THE SECOND PART

Folio 5621
B. J. Nesbitt & Beaumont
Registrars
S.A.L.C.

REGN. FEE	5
EX. REF.	
ASSCE.	
TOTAL FEES	
CLERK	

BS, NESBITT & BEAUMONT
Barristers and Solicitors
CALGARY ALBERTA

B-3
Page 44 of 60

THIS AGREEMENT made in quadruplicate this 25a day of November, A.D. 1960.

B E T W E E N:

WILLIAM SIMPSON (the younger,)
of the City of Calgary, in the Province
of Alberta, farmer
(hereinafter called the "Owner")

OF THE FIRST PART

- and -

The Municipal District of Rocky View No. 44
a Municipal Corporation in the Province of
Alberta (hereinafter called the "Municipal
District")

OF THE SECOND PART

WHEREAS by virtue of Alberta Regulation 185/60, entitled
the "Subdivision and Transfer Regulations pursuant to the Surveys
and Expropriation Act", it is provided (inter alia) as follows:

- "2.(32) "Subdivision" means the division of land in the manner shown or described by an agreement, by a plan of subdivision or by any instrument which is capable of registration or notification on a certificate of title in a Land Titles Office and which, upon such registration or notification, will or may result in the creation of a new parcel or parcels on a new estate or interest in part of the land greater than a leasehold interest for three years;"
- "22.(1) When land that exceeds two acres in area is subdivided, such parcels as the Director, the approving authority, or the Board may designate and as may be specified by the other provisions of these regulations shall be reserved for provincial or municipal government use and other public purposes, and for parks, school sites and other community purposes.
- (2) The provision of a reserve under clause (1) may be deferred, only when the newly created parcels in the proposed plan of subdivision are in excess of 20 acres each, and where a written covenant is made by the owner to the effect that he will provide the required reserve at a later date. Such covenant shall run with the land and shall specify:

- 2 -

- (a) the area of the reserve, the provision of which is being deferred;
 - (b) the parcel from which the reserve is to be provided; and
 - (c) the circumstances in which the reserve shall be provided.
- (3) A covenant made under clause (2) shall be registered in the Land Titles Office when the plan of subdivision or other instrument effecting the subdivision is registered."

"23.(1) ~~Except as otherwise provided herein,~~ the total area of a reserve or reserves provided shall be not less than ten percent of the whole area to be registered under the plan of subdivision.

- (2) When part of a tract of land which was under single ownership has already been subdivided the reserves to be provided when the remainder thereof is subdivided shall be such that when added to the area of any reserves provided, is not less than ten percent of the area of the whole tract."

"24.(1) The location of each reserve shall be to the satisfaction of the Director, the approving authority, or the Board and in the case of reserves provided for provincial government use, to the satisfaction of the Director of Surveys.

- (2) The land contained in each reserve shall be suitable for the use for which it is intended and shall, as to the average conditions of its topography and the nature of its soil, be of the same general character and quality as the remainder of the land in the subdivision.
- (3) Notwithstanding Regulation 23, where the land to be subdivided contains waste land, or ravines, swamps, natural drainage courses, or other area which in the opinion of the Director or the approving authority are unsuitable for building sites or other private use, the Board, upon recommendation of the Director, or the approving authority, may require that those areas be reserve for park or other public purposes in addition to such reserves as are provided pursuant to Regulation 23".

WHEREAS William Simpson, the younger, is the registered owner of that certain parcel of land situated in the Province of Alberta and described as follows:

The South-West quarter of Section Two (2) in Township Twenty-four (24), Range Three (3) West of the Fifth Meridian in the Province of

- 3 -

Alberta containing One Hundred and sixty (160) acres more or less. Excepting thereout all mines and minerals.

WHEREAS the Owner has made application to the appropriate approving authority being the Calgary District Planning Commission in accordance with the provisions of the said Subdivision and Transfer Regulations for approval of a "subdivision" of a portion of the said lands, such subdivision to contain an area of forty (40) acres more or less, being made up of 2-20 acre parcels, (hereinafter called the "Subdivided Land"); and

WHEREAS pursuant to the said Subdivision and Transfer Regulations made under the provisions of the Surveys and Expropriation Act, the Owner is required to reserve not less than ten (10%) percent of the subdivided area for public purposes, (hereinafter called the "Reserve"); and

WHEREAS it is expedient and in the interests of all parties hereto that the said Public Reserve which would normally be dedicated for public purposes on the said subdivided land be instead derived and dedicated from the balance after subdivision of the said lands; and

WHEREAS it is expedient to delay the assignment of the precise location of the said Public Reserve within the said balance after subdivision of the said lands; and

WHEREAS the Owner has requested that the required Public Reserve from the subdivided lands be dedicated and granted from the balance after subdivision of the said lands and that such dedication be postponed for a reasonable period of time, and the Municipal District has recommended to the Calgary District Planning Commission that such request be approved; and

WHEREAS the Calgary District Planning Commission is prepared to approve the subdivided land provided that the Public Reserve is protected for public use and shall hereafter be designated and dedicated in a like area from the balance after subdivision of the said lands, in substitution for any and all reserve which could now or might hereafter be required from, or in respect of the said subdivided land;

NOW THEREFORE IN CONSIDERATION OF THE FOREGOING THE OWNER COVENANTS AND AGREES WITH THE MUNICIPAL DISTRICT:

1. That it shall provide from the balance after subdivision of the said lands a Reserve of not less than ten (10%) percent of the gross acreage contained in the said subdivision in substitution for the Reserve which would otherwise be derived and dedicated from the subdivided lands.
2. That nothing in this Agreement contained shall in any way be construed so as to reduce or alter any future requirements which may be made for the provision of Reserve from the balance after subdivision of the said lands in the event that the same are in fact subdivided.
3. That the said Reserve to be derived from the balance after subdivision of the said lands when established, shall be to the satisfaction of the Director of Surveys.
4. That the Municipal District shall have the right to have this covenant registered against the said lands pursuant to Section 52, Chapter 170 of the Revised Statutes of Alberta 1955, and amendments thereto.
5. Upon subdivision of the balance of the said lands the Owner agrees that the Reserve shall be surveyed and registered at the Owner's expense; PROVIDED that if subdivision of the said lands is delayed unreasonably the Municipal District may upon sixty (60) days' written notice to the

- 5 -

Owner of its intention so to do, establish the location of the Reserve herein required, and the Municipal District may by its agents or assignees enter upon the said lands for the purpose of surveying the Reserve and all cost of surveying and acquiring title shall be at the expense of the Owner; PROVIDED FURTHER that if the Municipal District shall enter upon the said lands for the purpose of acquiring a part only of the Reserve to which it is by this Covenant Agreement entitled then and so often as the same may occur the Municipal District shall provide the Owner with a duly modified covenant Agreement providing for the appropriate reduction of the Reserve required.

6. That it will as soon as reasonably practical commence and carry out development of the said lands and will co-operate with the Municipal District in the selection and dedication of the Reserve. THE MUNICIPAL DISTRICT COVENANTS AND AGREES WITH THE OWNER that if it desires to make a selection of part only of the Reserve to which it is otherwise entitled the said Municipal District will be responsible for all cost of surveying and acquiring title to the Partial Reserve so selected.

IT IS MUTUALLY UNDERSTOOD AND AGREED that neither party to this Agreement shall either individually or jointly take any action which would lead to the withdrawal and discharge or modification of covenant as herein provided excepting that such action shall be in accordance with the requirements of the said Subdivision and Transfer Regulations and shall bear the approval of the appropriate approving authority for subdivision.

This Covenant Agreement shall be binding upon and shall enure to the benefit of the Owner and the said Municipal District and their respective successors and assigns, and shall be and is deemed to be a covenant running with the land.

- 6 -

IN WITNESS WHEREOF the Municipal District of Rocky View No. 44
has hereunto caused to be affixed its Corporate Seal attested to by
the signatures of its proper signing officers and William Simpson/^{the younger} has
hereunto subscribed and set his hand and seal as of the day and year
above written.

THE MUNICIPAL DISTRICT OF ROCKY VIEW
NO. 44
By:

James Bull
Reeve
W. J. Sandford
Secretary-Treasurer

Signed, Sealed and Delivered
by William Simpson/in the presence of:
the younger

Henry Beane
witness

William Simpson
William Simpson, the
younger

Calgary District Planning Commission

Approved 15 June 1961

A. R. Simpson
Director

CANADA

PROVINCE OF ALBERTA

TO WIT:


AFFIDAVIT OF EXECUTION

I, HENRY M. BEAUMONT, of the City of Calgary, in the
Province of Alberta, Solicitor, MAKE OATH AND SAY:

1. That I was personally present and did see William Simpson, the
younger
who is personally known to me to be person named therein, duly sign
and execute the same for the purpose named therein.
2. That the same was executed at the City of Calgary, in the
Province of Alberta, and that I am the subscribing witness thereto.
3. That I know the said William Simpson/^{the younger}and he is, in my
belief, of the full age of twenty-one years.

SWORN before me at the City
of Calgary, in the Province of
Alberta, this ^{29th} day of
^{December} A.D. 1960.




A COMMISSIONER FOR OATHS in and
for the Province of Alberta

THE DOWER ACT - 1948

CONSENT OF SPOUSE

I, _____ being married to the above
named William Simpson, do hereby give my consent to the disposition
of our homestead made in this instrument, and I have executed this
document for the purpose of giving up my life estate and other dower rights
in the said property given to me by The Dower Act, 1948, to the extent
necessary to give effect to the said disposition.

Signature of Spouse

=====

CERTIFICATE OF ACKNOWLEDGEMENT BY
SPOUSE

1. This document was acknowledged before me by

apart from her husband.
2. _____ acknowledged to me
that she;
 - (a) is aware of the nature of the disposition;
 - (b) is aware that the Dower Act, 1948, gives her a life estate
in the homestead and the right to prevent disposition of the
homestead by withholding consent;
 - (c) consents to the disposition for the purpose of giving up the
life estate and other dower rights in the homestead given to
her, by The Dower Act, 1948, to the extent necessary to give
effect to the said disposition;
 - (d) is executing the document freely and voluntarily without any
compulsion on the part of her husband.

DATED at Calgary, in the Province of Alberta, this _____ day of
A.D. 1960.

A COMMISSIONER FOR OATHS in and for the
Province of Alberta

AFFIDAVIT

I, WILLIAM SIMPSON, the younger
of the City of Calgary, in the Province of Alberta, farmer,
MAKE OATH AND SAY:

1. I am the Grantor named in the within instrument.
2. That neither myself nor my spouse has resided on the within
described land at any time since our marriage.

SWORN at the City of Calgary,
in the Province of Alberta, this
25th day of June.
A.D. 1960.

William Simpson
William Simpson, the younger

BEFORE ME:

[Signature]
A COMMISSIONER FOR OATHS in
and for the Province of Alberta

APPENDIX II – CORRESPONDENCE FROM
STIKEMAN ELLIOT LLP TO MLT ATKINS LLP
RE: LEGAL OPINION

Stikeman Elliott

Stikeman Elliott LLP
Barristers & Solicitors
4300 Bankers Hall West
888 - 3rd Street S.W.
Calgary, AB Canada T2P 5C5

Main: 403 266 9000
Fax: 403 266 9034
www.stikeman.com

Robert Homersham
Direct: (403) 508-9266
RHomersham@stikeman.com

December 7, 2018

MLT Aikins LLP
1600 Centennial Place
520 – 3rd Avenue SW
Calgary, AB T2P 0R3
Attention: Joanne Klauer

By Email

Dear Ms. Klauer:

**Re: Horvath Subdivision of the South Half of Legal Subdivision 5 in the SW 2; 24; 3; W5M
Containing 8.09 Hectares (20 Acres) More or Less (the "Horvath Lands")**

We are writing in response to your email dated November 22, 2018, in which you set out your advice to Rocky View County ("RVC") regarding whether reserves are owing as a condition of subdivision approval of the Horvath lands, which application is currently before RVC. Our position is, and remains, that reserves are no longer owing on the Horvath Lands because they were properly deferred to the remnant SW quarter section when these lands were subdivided in 1960 to create the Horvath Lands. Your position is that reserves were deferred with respect to the Horvath Lands under legislation that pre-dates *The Planning Act*, SA 1963 c43, which is the earliest of "former Acts" as defined in the *Municipal Government Act* ("MGA"), and therefore reserves not already provided under the MGA or former Act do not fit within the exception to the obligation to provide reserves, which exception is described in section 663(d) of the MGA.

We respectfully disagree with your position for the reasons we set out below.

Brief History of Subdivision Application for Horvath Lands (PL20180079)

- The Horvath Lands comprise half of a legal subdivision (40 acres) created by the subdivision of the SW 2; 24; 3; W5M in 1960
- The Subdivision Authority at the time, the Calgary District Planning Commission, chose to defer municipal reserves otherwise owed on the 40 acres to the remainder of the SW quarter section
- An agreement was entered into between the MD of Rocky View No. 44 ("MD") and the then owner of the SW quarter, William Simpson, and that agreement was registered against title to the SW quarter as instrument # 5621H (the "Deferred Reserve Agreement")
- The legislative authority for deferring reserves was the Subdivision and Transfer Regulations passed under section 6 of the *Surveys and Expropriation Act*
- The Horvaths have applied to subdivide their Lands (PL20180079). The MD (now Rocky View County, "RVC") takes the position that municipal reserves are owing on this subdivision,

Stikeman Elliott

notwithstanding that they were provided (ie, properly deferred) in 1960, as evidenced by the Deferred Reserve Agreement.

- In support of its position RVC relies on s. 663(d) of the MGA, which provides one of four exceptions to the subdivision authority's right to demand municipal reserves at the time of subdivision:

Reserves not required

663 A subdivision authority may not require the owner of a parcel of land that is the subject of a proposed subdivision to provide reserve land or money in place of reserve land if

- (a) one lot is to be created from a quarter section of land,
 - (b) land is to be subdivided into lots of 16.0 hectares or more and is to be used only for agricultural purposes,
 - (c) the land to be subdivided is 0.8 hectares or less, or
 - (d) reserve land, environmental reserve easement or money in place of it was provided in respect of the land that is the subject of the proposed subdivision under this Part or the former Act.
- Under Part 17 of the MGA, "former Act" means the *Planning Act*, RSA 1980 cP-9, *The Planning Act*, 1977, SA 1977 c89, *The Planning Act*, RSA 1970 c276 or *The Planning Act*, SA 1963 c43.
 - RVC takes the position that the Deferred Reserve Agreement was entered into under the authority of an act that predates any of the *Planning Acts* that comprise the definition of a "former Act", so the exception under sec. 663(d) does not apply.

We respectfully disagree. Although a plain reading of section 663(d) would have excluded reserves dedicated prior to 1963 as an exception to the general rule that reserves are payable upon subdivision of lands in Alberta, this plain reading leads to an arbitrary result, unsupportable at law.

Legislative History

Alberta Regulation 185/60, the Subdivision and Transfer Regulations, was approved by Cabinet and filed on June 22, 1960. The legislative authority for this Regulation was section 6 of the *Surveys and Expropriation Act*. The deferred reserve agreement that was registered against title to the remnant parcel, when the two 20-acre parcels were created by subdivision plan in 1960, as instrument # 5621IH (the "Deferred Reserve Agreement") was made under the authority of section 22(2) of this Regulation.

Section 152 of the *Planning Act* of 1963 (the first of the "former Acts" under the MGA definition) repealed and replaced, among other sections, section 6 of the *Surveys and Expropriation Act*. With the repeal of section 6 went the legislative authority for the Subdivision and Transfer Regulations thereunder. Accordingly, Alberta Regulation 361/63, the Subdivision and Transfer Regulations, was made pursuant to section 17 of *The Planning Act*.

Comparing Alberta Regulation 185/60 and Alberta Regulation 361/63 – though not identical, both provide comprehensive rules for the subdivision of land in Alberta. For the purposes of our argument I have excerpted the section from each that deals with the "Provision of Reserves" and specifically the deferral of reserves:

Stikeman Elliott

Regulation 185/60

COMMUNITY AND PUBLIC RESERVES

22. *Provision of Reserves*

(1) When land that exceeds two acres in area is subdivided, such parcels as the Director, the approving authority, or the Board may designate and as may be specified by the other provisions of these regulations shall be reserved for provincial and municipal government use and other public purposes, and for parks, school sites and other community purposes.

(2) The provision of a reserve under clause (1) may be deferred, only when the newly created parcels in the proposed plan of subdivision are in excess of 20 acres each, and where a written covenant is made by the owner to the effect that he will provide the required reserve at a later date. Such covenant shall run with the land and shall specify:

- (a) the area of the reserve, the provision of which is being deferred;
- (b) the parcel from which the reserve is to be provided; and
- (c) the circumstances in which the reserve shall be provided.

(3) A covenant made under clause (2) shall be registered in the Land Titles Office when the plan of subdivision or other instrument effecting the subdivision is registered.

(4) Notwithstanding the provisions of clause (1), a reserve need not be provided:

- (a) where the land being subdivided is a parcel created within a previous subdivision which contained reserves amounting in area to not less than ten percent of the total area then registered under a plan of subdivision; or
- (b) where the total holding of the applicant, including the land being subdivided and any other land in the vicinity thereof is less than four acres in area, and the approving authority or Director is of the opinion that a reserve is not required.

Stikeman Elliott

Regulation 361/63

RESERVES

19. *Provision of Reserves*

(1) When a parcel of land that is equal to or is less than 1/3 of an acre is to be subdivided, reserves are not required.

(2) When a parcel of land that exceeds 1/3 acre is to be subdivided, such parcels as the approving authority, or the Board may designate and as may be specified by the other provisions of this Regulation shall be provided as reserves.

(3) Notwithstanding the provisions of Subsection (1), a reserve need not be provided where the land being subdivided is a parcel created within a previous subdivision which contained reserves amounting in area to not less than ten per cent of the total area then registered under a plan of subdivision.

(4) (a) Where the Board orders that the provision of land for reserves be deferred pursuant to Section 25(a) of the Act, such deferral shall be the subject of an agreement made between the applicant and the municipality.

(b) the applicant shall file a certified copy of such agreement with the approving authority prior to the endorsement of the proposed plan of subdivision and who may require the Director to place a caveat relating to the agreement upon the land to be registered.

(5) Where the Board orders that the provision of land for reserves be waived pursuant to Section 25(b) of the Act, then the sum of money paid to the municipality in lieu of such reserves shall be deposited with the municipality.

(a) in the case of a plan of subdivision pursuant to Section 2(n) of the Act prior to the endorsement of the said plan by the approving authority, or

(b) in the case of an instrument pursuant to Section 23 of the Act, prior to the approval of the instrument by the approving authority.

The Regulation under which reserves were deferred in 1960 - Alberta Regulation 185/60, the Subdivision and Transfer Regulations - was replaced on August 1, 1963, by Alberta Regulation 361/63, the Subdivision and Transfer Regulations under *The Planning Act* of 1963. Both Regulations serve the same purpose of providing comprehensive rules for subdividing land in Alberta. There is a clear continuity of subdivision regulations from 185/60 to 361/63. Yet inexplicably section 663(d) of the MGA draws a hard line between them, leading to potentially absurd (and therefore unintended) results. For example, municipal reserves could have been provided as a condition of a subdivision approval on Parcel "A" - whether by dedication of lands, payment of cash-in-lieu, or deferral of either obligation to another parcel - on July 31, 1963. The very next day, August 1, 1963, municipal reserves could have been provided as a condition of a subdivision approval on Parcel "B" - whether by dedication of lands, payment of cash-in-lieu, or deferral of either obligation to another parcel. The satisfaction of each of these conditions would have done under similar regulatory regimes, the Subdivision and Transfer Regulations. However, if Parcel "B" were to be further subdivided today, the subdivision authority may not require municipal reserves. If Parcel "A" were to be further subdivided today, the subdivision authority may require municipal reserves. This is an absurd result.

Stikeman Elliott

Statutory Interpretation

A. Doctrine of Absurdity

Simply disregarding the Deferred Reserve Agreement because it was entered into under the authority of an act that predated the *Planning Acts* included in the definition of "former Act" under the MGA, would be contrary to accepted norms of justice or reasonableness, would lead to an absurd result and would be presumed to have been unintended: (*Waugh v Pedneault*, [1948] BCJ No 1, [1949] 1 WWR 14, at 15 (BCCA); *Ontario v Canadian Pacific Ltd.*, [1995] SCJ No 62, [1995] 2 SCR 1031 at para 65; *Ryan (c.o.b. Ryan Designs) v Dew Enterprises Limited*, [2014] NJ No 54, 2014 NLCA 11 (NLCA); *R v R(TS)*, [2005] AJ No 1053, 257 DLR (4th) 500 (Alta CA); *United States of America v Allard*, [1991] SCJ No 30, [1991] 1 SCR 861 (SCC)). For RVC to again take reserves from the Horvath Lands would defeat the legislative purpose, create irrational distinctions, and is self-evidently unreasonable, unjust and unfair.

(a) Legislative Purpose

The legislative purpose of Part 17 Planning and Development of the MGA is set out in s. 617:

Purpose of this Part

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

(a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and

(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest. (emphasis added)

It is our view that no public interest would be served by taking reserves twice from the Horvath Lands simply because some unfortunate legislative drafting appears to allow for this. The Alberta Court of Appeal in *Love v. Flagstaff (County of) Subdivision and Development Appeal Board*, 2002 ABCA 292 at paragraphs 26-29 reviewed in considerable detail the purpose of Part 17 of the MGA and made the following statements:

These values – orderly and economic development, preservation of quality of life and the environment, respect for individual rights, and recognition of the limited extent to which the overall public interest may legitimately override individual rights – are critical components in planning law and practice in Alberta, and thus highly relevant to the interpretation of the *Bylaw*.

Central to these values is the need for certainty and predictability in planning law. Although expropriation of private property is permitted for the public, not private, good in clearly defined and limited circumstances, private ownership of land remains one of the fundamental elements of our Parliamentary democracy. Without certainty, the economical development of land would be an unachievable objective. Who would invest in land with no clear indication as to the use to which it could be put? Hence the importance of land use bylaws which clearly define the specific uses for property and any limits on them.

The need for predictability is equally imperative. The public must have confidence that the rules governing land use will be applied fairly and equally. This is as important to the

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individual landowner as it is to the corporate developer. Without this, few would wish to invest capital in an asset the value of which might tomorrow prove relatively worthless. This is not in the community's collective interest.

The fundamental principle of consistency in the application of the law is a reflection of both these needs. The same factual situation should produce the same legal result. To do so requires that it be certain. The corollary of this is that if legislation is uncertain, it runs the risk of being declared void for uncertainty in whole or in part. As explained by Garrow, J.A. in *Re Good and Jacob Y. Shantz Son and Company Ltd.* (1911) 23 O.L.R. 544 (C.A.) at 552:

It is a general principle of legislation, at which superior legislatures aim, and by which inferior bodies clothed with legislative powers, such as ... municipal councils ... are bound, that all laws shall be definite in form and equal and uniform in operation, in order that the subject may not fall into legislative traps or be made the subject of caprice or of favouritism – in other words, he must be able to look with reasonable effect before he leaps.

The Court was considering the application of a bylaw passed by Flagstaff County Council but the principles of certainty and predictability enunciated apply equally to the application of subdivision regulations promulgated under the MGA or to provisions under Part 17 of the MGA itself.

The narrow application by RVC of section 663(d) of the MGA and the definition of "former Act" thereunder to justify the re-taking of reserves from the Horvath Lands would only serve to undermine these principles of predictability and certainty. The value of the Horvath Lands, which weren't apparently subject to any further reserve requirements, and the value of the remnant SW quarter, which was apparently subject to reserves triggered by its own further subdivision plus those reserves deferred to it from the Horvath Lands and the adjacent 20-acre parcel – these values will be undermined if RVC is to take reserves from where they have already been provided and not take them from where they haven't.

(b) Irrational Distinctions

RVC's proposed interpretation would result in private landowners who entered into deferred reserve agreements prior to 1963 receiving different treatment for no apparent reason. We were unable to find any judicial consideration of section 663(d) of the MGA and the definition of "former Act", nor any record of debate of such in *Hansard*, so nothing that could guide us to a different conclusion.

(c) Self-Evidently Unreasonable, Unjust and Unfair

As stated by Frederick A. Laux, in *Planning Law and Practice in Alberta, 3rd ed.* (Edmonton: Juriliber, 2001), in his analysis of section 663(d) of the MGA: "[I]t seems patently inequitable that an owner be required to dedicate the full amount of reserves more than once for the same land". (§14.2(3)(a) at footnote 52). I note that you quote from Laux the passage that ostensibly supports your position but not this footnote to it, wherein he questions the reasonableness of taking reserves more than once.

B. Drafting Error

It is our view that the interpretation of section 663(d) you offer and on which RVC would be relying to take reserves again from the Horvath Lands is the result of a legislative mistake or drafting error. The Legislature cannot have intended to produce such an unfair result. The courts have jurisdiction to correct drafting mistakes when there is reason to believe that the text of legislation does not express the rules that the Legislature intended to enact: (*United States of America v Allard*, [1991] SCJ No 30, [1991] 1 SCR 861 (SCC))

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C. Contractual Obligation

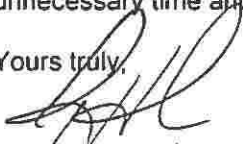
The Deferred Reserve Agreement sets out contractual rights and obligations that are binding on the parties. By its terms and the terms of the legislation under which it was properly entered into, the covenants in the Deferred Reserve Agreement run with the land. The Horvaths, as successors in title to the benefitting lands, have the right to enforce against RVC, as the successor to the MD, the benefit of reserves having been deferred from their Lands. Section 663(d) does not, in our view, obviate this right.

D. May is Permissive

Pursuant to the *Interpretation Act*, "may" shall be construed as permissive and empowering (RSA 2000, c I-8 at s 28(2)(c)). Under section 666 of the MGA a subdivision authority is given the power to take a reserve. However that power is discretionary - the subdivision authority does not have to exercise that power.

We ask that RVC exercise its discretion to not take reserves from the Horvath Lands under the current subdivision application to avoid an absurd and inequitable result, to honour its contractual obligations under the Deferred Reserve Agreement, and to avoid putting the Horvaths to the substantial and unnecessary time and expense of litigating this issue.

Yours truly,



Robert Homersham

RH/



PLANNING & DEVELOPMENT

TO: Subdivision and Development Appeal Board

DATE: April 24, 2019 **DIVISION:** 1

FILE: 03913077 **APPLICATION:** B-4; PRDP20184945

SUBJECT: General Industry Type I and II (Brewery), Hotel (21 room), Restaurant and Drinking Establishment, construction of a multi-use commercial building and signage, with relaxation of the minimum side yard setback requirement and relaxation of the maximum height requirement.

PROPOSAL: General Industry Type I and II (Brewery), Hotel (21 room), Restaurant and Drinking Establishment, construction of a multi-use commercial building and signage, relaxation of the minimum side yard setback requirement and relaxation of the maximum height requirement.	GENERAL LOCATION: Located in the Hamlet of Bragg Creek, at the northwest intersection of Balsam Avenue and River Drive.
APPLICATION DATE: December 5, 2018	DEVELOPMENT AUTHORITY DECISION: Conditionally Approved.
APPEAL DATE: April 9, 2019	DEVELOPMENT AUTHORITY DECISION DATE: March 19 2019
APPELLANT: Craig Nickel, Aaron Matushyk, Jennifer Liddle	APPLICANT: Adam McLane
LEGAL DESCRIPTION: Lot 1 Block 6, Plan 1741 EW, SE-13-23-05-W05M	MUNICIPAL ADDRESS: 19 River Drive North
LAND USE DESIGNATION: Hamlet Commercial District (HC)	GROSS AREA: ± 0.23 hectares (± 0.57 acres)
PERMITTED/DISCRETIONARY USE: <i>Drinking Establishment; Hotel; General Industry Type I and II (Brewery); and Restaurants are all discretionary uses.</i>	DEVELOPMENT VARIANCE AUTHORITY: The Development Authority may grant up to 25% variance of the required distance or height in accordance with Section 12.2 (c) of the Land Use Bylaw.
PUBLIC SUBMISSIONS: The application was circulated to 99 adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> County Plan (C-7280-2013) Greater Bragg Creek Area Structure Plan (C-6260-2006) Land Use Bylaw (C-4841-97)



EXECUTIVE SUMMARY:

The proposal is for General Industry Type I and II (Brewery), Hotel (21 room), Restaurant and Drinking Establishment, construction of a multi-use commercial building and signage, with relaxation of the minimum side yard setback requirement and relaxation of the maximum height requirement.

The two development variances are:

- 1) Relaxation of the minimum side yard setback requirement from **1.20 m (3.94 ft.) to ± 0.90 m (± 3.00 ft.)** from the proposed Public Utility Lot (flood mitigation structure) to the west; and
- 2) Relaxation of the maximum height requirement from **10.00 m (32.81 ft.) to 12.50 m (41.01 ft.)**, *(excluding the parapet wall)*;

The Applicant also submitted a Parking Study prepared by Bunt & Associates, dated November 21, 2018, to justify the adequacy of the proposed parking supply and any mitigation measures that would be used to accommodate any overflow parking should one occur.

The application was conditionally approved by the Development Authority on March 19, 2019, and the decision was appealed by the Appellant on April 9, 2019. The Notice of Appeal is included the agenda package.

The Notice of Decision was sent to the applicant on April 4, 2019. As stated on page 7 of 7 of the Notice of Decision, the applicant has until April 25, 2019 to submit an appeal with regards to the conditions of approval.

PROPERTY HISTORY:

April 6, 2017	Land Use application (PL20170055) to redesignate the subject property from Hamlet Residential Single Family District to Hamlet Commercial Districts was approved by Council.
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APPEAL:

See attached report and exhibits.

Respectfully submitted,

Sean MacLean
Supervisor, Planning & Development

JKwan/lt



DEVELOPMENT PERMIT REPORT

Application Date: December 5, 2018	File: 03913077
Application: PRDP20184945	Applicant/Owner: Adam McLane/ Adam McLane
Legal Description: Lot 1 Block 6, Plan 1741 EW, SE-13-23-05-W05M	General Location: Located in the Hamlet of Bragg Creek, at the northwest intersection of Balsam Avenue and River Drive.
Land Use Designation: Hamlet Commercial District (HC)	Gross Area: ± 0.23 hectares (± 0.57 acres)
File Manager: Johnson Kwan	Division: 01

PROPOSAL:

The proposal is for General Industry Type I and II (Brewery), Hotel (21 room), Restaurant and Drinking Establishment, construction of a multi-use commercial building and signage, with relaxation of the minimum side yard setback requirement and relaxation of the maximum height requirement.

Proposed Uses

General Industry Type I and II (brewery) and *Hotel* are discretionary uses on Lot 1, Block 6, Plan 1741 EW (the subject land) for the purposes of a brewery in accordance with Section 63.3 (a) (i).

Drinking Establishment is a discretionary use listed under Section 63.3.

Restaurant is a discretionary use listed under Section 63.9.

The definitions for the proposed uses are as follows:

- *Drinking Establishment* means an establishment, licensed by the Alberta Gaming and Liquor Commission, in which alcoholic beverages are served for a fee for consumption on the premises, any preparation or servicing of food is accessory thereto, and includes a licensed lunch that is accessory thereto, and includes a licensed lounge that is ancillary to a restaurant.
- *General Industry Type I* means those developments where activities and uses are primarily carried on within an enclosed building and no significant nuisance factor is created or apparent outside an enclosed building...
- *General Industry Type II* means those developments in which all or a portion of the activities and uses are carried on outdoors, without any significant nuisance or environmental factors such as noise, appearance, or odour, extending beyond the boundaries of the site. Any development where the risk of interfering with the amenity of adjacent or nearby sites, because of the nature of the site, materials or processes, cannot be successfully mitigated shall be considered a General Industrial Type III.
- *Hotel* means a building which provides sleeping accommodation for which there is a fee charged and which may also contain commercial uses and such additional facilities or services as a restaurant, a dining room, room services or public convention room.



- *Restaurant* means an establishment where food is prepared and served on the premises for sale to the public. Ancillary activities may include entertainment and the servicing of alcoholic beverages when licensed by the Alberta Gaming and Liquor Commission.

Master Site Development Plan Submission

In accordance with the Hamlet of Bragg Creek Design Standards (Section 3.2.2 f), a Master Site Development Plan (MSDP) is required in support of development with three to four storey buildings.

The Applicant submitted a MSDP which provides:

- A description of the proposed project and phasing;
- Site plans with details of development on site;
- Building elevations and placement; and
- Details such as landscaping, lighting, parking and architectural treatments.

In addition to the information above, the Applicant also provided the following information as part of the MSDP submission:

- A summary of the Applicant's community consultation and results; and
- Technical studies, including a geotechnical investigation, storm water management plan, traffic and parking assessment, and shadow analysis.

Public Engagement Requirement:

In accordance with the Hamlet of Bragg Creek Design Standards (Section 1.5.1), public engagement in the form of an Open House or Public notification within 400 m radius is required as part of the Development Permit application for new construction of commercial and mixed-uses building.

The Applicant outlines the community consultation undertaken for the proposal in Section 11.0 of the MSDP. Overall, there were two stages of community consultation:

Stage 1) Land Use Redesignation (May – October 2017): during this stage, an open house was advertised and held in the Hamlet of Bragg Creek to showcase the plans for development and to solicit feedback from local residents. At the end of this stage, the Applicant collected 70 letters of support for the project from local community residents and businesses.

Stage 2) prior to submission of Development Permit (October – December 2018): during this stage, the Applicant initiated a public notification campaign that included all resident and business properties within 400 metres of the property. All addresses were visited initially on a door-to-door basis, concluding in hours of face-to-face interaction, with follow up via phone, email or text. A log of community interactions and collected feedback forms was provided as part of the MSDP submission.

Building Dimensions:

- Site Area: 1,745.09 sq. m (18,784 sq. ft.)
- Building footprint: 354.24 sq. m (3,813 sq. ft.)
- Site Coverage: 354.24 sq. m / 1,745.09 sq. m = ± 20%



- Building area:
 - Ground Floor: ± 354.24 sq. m (3,813 sq. ft.)
 - Second Floor: ± 318 sq. m (3,423 sq. ft.)
 - Third Floor: ± 354.24 sq. m (3,813 sq. ft.)
 - Total gross area: $\pm 1,026.49$ sq. m (11,049 sq. ft.)
- Setbacks (Section 63.5):
 - Minimum Yard Front: 6.00 m (19.69 ft.)
 - Proposed Yard Front: 15.53 m (50.95 ft.) facing Balsam Avenue to the south
 - Minimum Yard Side: 6.00 m (19.69 ft.) adjacent to a residential district
 - Proposed Yard Side: more than 13 m (42.65 ft.) facing River Drive N. to the east
 - Minimum Yard Side: 1.20 m (3.94 ft.) for all others
 - Proposed Yard Side: 0.90 m (3 ft.) from proposed public utility lot to the west.
 - **Requested Yard Side variance: $(1.20 \text{ m} - 0.90 \text{ m})/1.20 \text{ m} = 25\%$**
 - In accordance with Section 12.2 (c), the Development Authority may grant up to 25% variance for the required setback, if, in the opinion of the Development Authority, the granting of the variance would not (i) unduly interfere with the amenities of the neighbourhood; and (ii) materially interfere with or affect the use, enjoyment or value of the neighbouring properties.
 - Given the fact that the proposed side yard setback variance is facing the proposed public utility lot (flood mitigation structure with berm and pathway), and that no building is anticipated on the public utility lot, the Development Authority is satisfied that the granting of this variance would meet the intent of Section 12.2 (c).
 - Minimum Yard Rear: 6.00 m (19.69 ft.)
 - Proposed Yard Rear: more than 6.00 m (19.69 ft.) to the north.
- Maximum Height:
 - Permitted: 10.00 m (32.81 ft.) for principal building
 - Proposed: 12.50 m (41.01 ft.) to Peak of Roof
 - **Requested Variance: $(12.50 \text{ m} - 10.0 \text{ m})/10.0 \text{ m} = 25\%$**
 - In accordance with Section 12.2 (c), the Development Authority may grant up to 25% variance for the maximum height, if, in the opinion of the Development Authority, the granting of the variance would not (i) unduly interfere with the amenities of the neighbourhood; and (ii) materially interfere with or affect the use, enjoyment or value of the neighbouring properties.
 - Given the fact that the surrounding area is heavily landscaped with trees as tall as 10.00 m (35.00 ft.) or more, and that the building has been designed to appear as a two storey building with darker colour materials on the upper floors contrast with lighter colour materials at the bottom floor, the Development Authority is satisfied that the granting of this variance would meet the intent of Section 12.2 (c).
 - It should be noted that the elevation drawings (A 4.1 and A 4.2, by STARK architecture, dated October 5, 2018) illustrate that a part of the building on the western portion extends beyond the maximum building height (± 1.0 m from the peak of the roof).



- The Applicant indicated that this portion of the building serves as a parapet wall to screen off the mechanicals and add visual interests to the building.
- According to Section 8.1 of the Land Use Bylaw, *Building Height* means 'the vertical distance between average building grade and the highest point of a building; excluding an elevator housing, a mechanical skylight, ventilating fan, steeple, chimney, fire wall, parapet wall, flagpole, or similar device not structurally essential to the building'. For this reason, the proposed parapet wall is not considered as part of the building height calculation.

Landscaping

- Section 63.7 (a) (i) requires a minimum of 10% of the site area be landscaped
 - Original Site Area: $\pm 2,306.70$ sq. m ($\pm 24,829.11$ sq. ft.)
 - Reduced Site Area after the County acquires a portion of the site for flood mitigation purposes: $\pm 1,745.09$ sq. m ($\pm 18,784$ sq. ft.)
 - Required landscaped area: ± 174.5 sq. m ($\pm 1,878.4$ sq. ft.)
 - The Applicant submitted a preliminary landscaping plan (L 0.1, prepared by STARK architecture, dated October 5, 2018); however, the landscaping plan does not specify the amount of landscaping being provided on site. As a prior to issuance condition, the Applicant/Owner shall submit an updated landscaping plan that confirms the amount of landscaping being provided on site.

It is estimated that the proposed turf area is approximately 360.37 sq. m (3,878.99 sq. ft.), with 14 x conifer trees, 14 x bushes, and 22 x deciduous trees. The Applicant also indicated that the existing trees on site will be retained as much as possible.

- Section 26.5 requires that all yards and all open spaces on the site of business development (excluding parking stalls; on-site circulation, outdoor storage, display and service areas) shall be required to be landscaped with trees, shrubs, sod, or suitable hard landscaping.

The number of trees required pursuant to this section, may be determined on the basis of a minimum of one (1) tree for each 46.00 sq. m (495.14 sq. ft.) of any required yard or setback at grade, or as required pursuant to a Landscaping Plan as a condition of a Development Permit.

- Required landscaped area: 174.5 sq. m (1,878.4 sq. ft.)
 - Required number of trees: $(174.5 \text{ sq. m} / 46 \text{ sq. m}) \times 1 \text{ tree} = 3.79 \text{ trees} = 4 \text{ trees}$.
 - The proposed landscaping plan illustrates 14x conifer trees, 14x bushes, and 22 x deciduous trees, which exceeds the Land Use Bylaw requirements.
- Section 26.11 (d) requires that a landscaped strip of at least 4.00 m width shall be provided in front yards and side yards adjacent to a road. Alternative configurations that provide for equivalent area of landscaping with a minimum width of 1.00 m, may be allowed at the discretion of the Development Authority.

- The Applicant proposed a 1.2 m wide landscaping area with conifer trees facing Balsam Avenue, and a 1.2 m wide landscaping area with deciduous trees facing River Drive North.
- The Development Authority is satisfied with the proposed landscaping along Balsam Avenue and River Drive North, given that the surrounding area is heavily landscaped and that the proposed landscaping on site already exceeds the Land Use Bylaw requirements.

Screening

- Section 63.7 (b) (i) requires that all sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.
 - The subject land is abutting a residential district to the north, and the Applicant proposed a minimum of 3 m wide landscaping buffer along the northern boundary.
- Section 63.7 (b) (ii) requires all apparatus on the roof be screened to the satisfaction of the Development Authority.
 - The Applicant proposed an architectural feature along the western edge of the building to screen the views of the apparatus on the roof.
- Section 63.7 (b) (iii) requires that outside storage areas shall be screened from adjacent sites and public thoroughfares to the satisfaction of the Development Authority.
 - The Applicant did not propose any outside storage area on site. The loading area will be located on the northern portion of the site, and will be screened by a minimum of 3 m wide landscaping buffer with various conifer and deciduous trees.

Lighting

- Section 27.1 requires that all outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, interfere with the use and enjoyment of neighbouring lands, or interfere with the effectiveness of any traffic control devices or the vision/safety of motorists.
 - There is no freestanding outdoor lighting proposed on site. The Applicant proposed face-mount light fixtures to illuminate two individually-mounted signs (± 5.81 m x ± 0.81 m), one at the front entrance facing Balsam Avenue and the other facing River Drive (see Drawing A 5.1. and A.5.2, prepared by STARK architecture, dated October 5, 2018).
 - The Applicant indicated that the face-mount light fixtures combined with the beacon of light from the lower floors, shielded from above by the canopy overhang will provide adequate lighting for safety, security and pedestrian comfort, while adhering to dark skies design principles.

Signage

- Section 35.1 indicates that in considering a Development Permit application for signs, or advertising material, the Development Authority may consider such factors as location of the proposed signage, distance from roadway, size, height, method of illumination and such other considerations as the Development Authority may deem to be relevant.



- The Applicant proposed two individually-mounted signs ($\pm 5.81 \text{ m} \times \pm 0.81 \text{ m}$), one at the front entrance facing Balsam Avenue and the other facing River Drive (see Drawing A 5.1. and A.5.2, prepared by STARK architecture, dated October 5, 2018). The Development Authority is satisfied with the proposed signage.

Parking

- Section 30.1 (b): The minimum number of off-street vehicle, motor parking stalls required for each use class is specified in the Parking Schedule (Schedule 5).

Where the use is not listed in Schedule 5 of this Bylaw, the number of spaces shall be determined by the Development Authority, having regard for similar uses listed in Schedule 5 and the estimated traffic generation and attraction of the proposed use.

Extract from Schedule 5 –Parking Schedule

- **Accommodation, Hotel:**
 - 1 per sleeping unit, plus;
 - 1 per each 10 units for employees, plus;
 - 1 per 3 seats of any associated Eating Establishment, plus;
 - 1 per 2 seats of any associated Drinking Establishment.
- **General Industrial:** 1 stalls per 100 sq. m (1,076.4 sq. ft.) gross floor area.
- **Community Building, Multi-Purpose:** 12 stalls per 100 sq. m (1,076.4 sq. ft.) gross floor area.

- Section 30.1 (c), if a fractional number is yielded, the required number of stalls shall be the next highest whole number.
- Section 30.1 (h): Parking stall for the disabled: (i) shall be provided in accordance with the Alberta Building Code; (ii) shall be designated as parking stall for the disabled using appropriate signage in accordance with Provincial standards; and (iii) shall be included in the calculation of the applicable minimum parking requirement.
 - **Number of Parking Stalls required: 55 stalls in total**
 - 22 stalls (1 per sleeping unit x 22 units), plus,
 - 2 stalls (1 per each 10 units for employee x 22 units), plus,
 - 20 stalls (1 per 3 seats of any associated Eating Establishment, plus 1 per 2 seats of any associated Drinking Establishment).
 - 2 stalls (1 per 100 sq. m gross floor area for General Industrial – Brewery x $\pm 177 \text{ sq. m}$ Brewery related spaces).
 - 9 stalls (12 stalls per 100 sq. m gross floor area for Community Event Space x $\pm 74 \text{ sq. m}$).

- **Number of Parking Stalls Proposed on site: 22 stalls**
 - The original site plans (A 1.2b prepared by STARK architect, dated November 30, 2018) illustrates 23 stalls provided on site.
 - One parking stall facing River Drive North was subsequently removed to accommodate Fire Truck access as per discussion with Emergency and Fire Services.
 - The Applicant submitted a revised site plan (A 1.2b prepared by STARK architect, dated December 5, 2018), which illustrates 22 parking stalls.
- **Number of Parking Stalls Proposed off-site: 42 stalls**
 - Bragg Creek Physiotherapist, located ± 200 m from the subject land along Balsam Avenue, with 4 parking stalls available all weekend.
 - Chad Fehr Professional Corporation, located ± 300 m from the subject land along Balsam Avenue, with 4 parking stalls available between 5:00 pm and 8:30 am.
 - Kevin Onespot Site, located ± 400 m from the subject land at the east end of Balsam Avenue, with 34 parking stalls available at all times.
- **Total Number of Proposed Parking Stalls (on and off-site): 64 stalls**
 - In accordance with Section 8.1 of the Land Use Bylaw, Parking Stall means ‘a space set aside for the parking of one vehicle, motor’.
 - Unlike the parking requirements for residential uses [Section 30.1 (j)(i)], the Land Use Bylaw does not specify that business uses parking stalls have to be located on the subject property. This implies that the Bylaw allows for parking arrangement, where the proposed parking stalls can be located on other properties (i.e. off-site) as long as the parking are off the street.
 - The Applicant proposed parking arrangement that includes both parking on-site and parking offsite.
- Section 30.1 (f) to facilitate the determination of parking requirements, a Parking Assessment, prepared by a qualified person, may be submitted to the Development Authority to document the parking demand and supply characteristics associated with the proposed development. The Development Authority shall not be bound by any recommendations of such as a Parking Assessment.
- The Applicant submitted a Parking Study prepared by Bunt & Associates, dated November 21, 2018, to justify the adequacy of the proposed parking supply and any mitigation measures that would be used to accommodate any overflow parking should one occur.
Section 1 of the Parking study noted that:
 - It is the traffic consultant’s opinion that the site would not need 54 stalls for its operations and that the bylaw requirement is excessive for this modest development in a hamlet of approximately 600 people.
 - The bylaw parking requirement would mean up to 20% of the population would be at this development, which is highly unlikely.

- As a result of the estimated bylaw deficit, Bunt & Associates completed a need analysis based on industry standard and their database, based on bigger population's parking demand (Section 2 of the Parking Study).

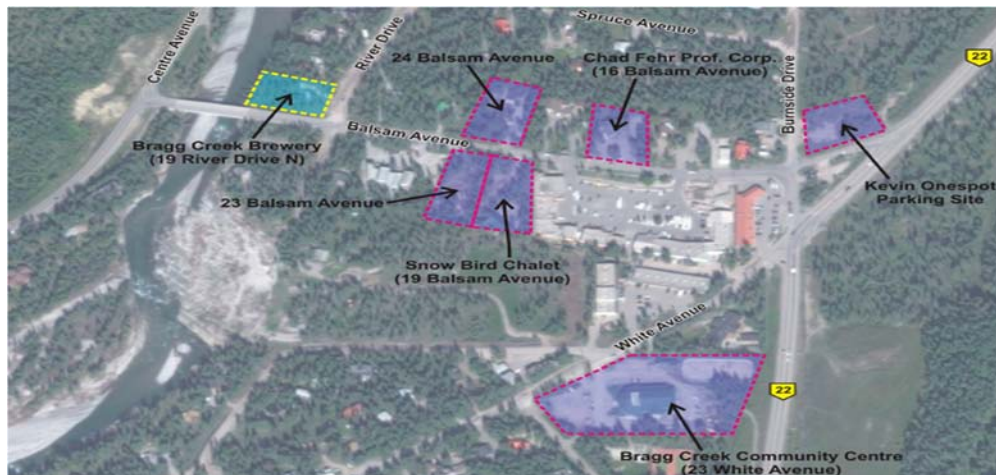
Summary of the consultant's parking calculation is illustrated in the following table:

Table 3: Parking Need Based First Principles and Bunts Database

Use	Size	Expected Parking Ratio	Parking Need
Hotel	21 Rooms (Optimistic occupancy is 72% therefore, the max that can be occupied is 15 rooms) ¹	1 stall/occupied room	15
Restaurant	166 m ² GFA (60 seats)	10 stall/ 100 m ² GFA ²	17
Brewery	177 m ² GFA (3 employees) ³	1 stall/employee	3
Community Event Space	74 m ² GFA	10 stalls/100 m ² (same as restaurant) ⁴	8
TOTAL			43
SUPPLY (Onsite)			23
SURPLUS/(DEFICIT)			(20)

- The consultant stated that assuming there is no synergetic use of parking spaces between the four uses; the maximum parking that would be needed is 43 stalls (based on their methodology). This would lead to a parking need deficit of 20 stalls.
- The consultant indicated that the Applicant has entered into a parking agreement with three businesses within walking distance of the proposed development (all within 200 m to 400m radius). The arrangement covers those times of the day when the proposed development's parking demand is at its peak (weekdays after 5pm and all weekends). The three offsite parking spaces with signed agreement will supply 42 overflow stalls, which is sufficient to mitigate any bylaw parking shortage. The following figure illustrates the location of the proposed offsite parking locations relative to the location of the proposed development.

Figure 1 - Offsite Parking Location





The consultant concluded that the bylaw parking requirement seems excessive for the proposed site, especially given its location and its mixed-use operation. A parking need analysis and shared parking review confirm that between 35-38 stalls would be adequate to service the site under the best demand condition.

The Development Authority has reviewed the parking study and the offsite parking agreements, and is satisfied that the proposed arrangement should be able to address the parking demand for the proposed development.

- As a condition of the development permit, the Applicant is required to monitor the parking situation and provide updated parking agreements on an annual basis to ensure any overflow parking are not interfering with the surrounding properties.

Loading

- Section 30.2 (a): The number of off-street loading spaces required for each use class is specified in the Loading Schedule (Schedule 6).
 - **Required:** 1 loading spaces per 1,900.00 sq. m or fraction thereof for Industrial Uses.
 - **Proposed:** 1 loading space

STATUTORY PLANS:

Interim Growth Plan

- The Hamlet of Bragg Creek is considered as an existing settlement area under the Interim Growth Plan (IGP). Section 3.4.1 pertains to intensification and infill development in existing settlement areas.
- As noted in the IGP, this form of development and type of growth provides an opportunity to increase population and employment density in existing settlement areas, with the aim to optimize existing infrastructure and services, and contribute to the creation of strong and sustainable communities.
- Section 3.4.1.2 states that intensification and infill in existing settlement areas in hamlets and other unincorporated urban communities within rural municipalities shall be planned and developed to:
 - a. Achieve an efficient use of land;
 - b. Achieve higher density development in central core areas;
 - c. Accommodate residential and/or mixed-use development at a higher density than currently exists;
 - d. Provide for a mix of uses including community services and facilities, where appropriate; and,
 - e. Make efficient and cost effective use of existing and planned infrastructure through agreements with service providers.



- The proposed development meets the intent of the IGP, with a mixed-use building that would be developed at a higher density than what currently exists in the Hamlet of Bragg Creek. The proposed development will also be tied into the County's water and wastewater servicing system, and will make efficient and cost effective use of the existing infrastructure.
- In accordance with Section 3.3.2, development in provincially identified flood fringe areas shall include floor protection measures to mitigate risk at the 1:100-year flood event level. The subject land, along with the majority of the Hamlet of Bragg Creek is located within the flood fringe area according to the provincial flood hazard mapping.
- The County, with the support of the Province of Alberta, is undertaking the Bragg Creek Flood Mitigation Project to protect the entire hamlet from future flooding. The project consisted of:
 - Construction of 3.4 km of earth dykes with rock erosion protection;
 - Raise the existing bracken road dyke and Bragg Creek dyke; and,
 - Construction of swale drainage with gated pipes through the dykes to protect the entire hamlet.
- The project was initiated in 2014 and is still ongoing at the time of this report being prepared. Further Flood Mitigation requirements will be addressed at the Building Permit stage in accordance with the Alberta Building Code.

County Plan (Bylaw C-7280-2013)

- The County Plan supports the development of the Hamlet of Bragg Creek as a rural community with basic services in accordance with the associated area structure plan (Section 5.2). Section 29.1 of the County Plan states:

'All planning or development applications, and any associated infrastructure construction should meet the technical requirements of the County Plan, Land Use Bylaw, area structure plans, subordinate plans, Servicing Standards, County Policy, and provincial and federal requirements.'

Request for variations from County requirements must include technical justification with all relevant studies, reports, and tests. The County will make a decision to approve, approve with conditions, or deny a request to vary from County requirements as the County deems appropriate after reviewing all supporting information.'

- As discussed in the sections above, the Applicant submitted a Master Site Development Plan, geotechnical investigation, parking study, public consultation summary, storm water management plan, and detailed site plan and architectural drawings in support of this application.

Greater Bragg Creek Area Structure Plan (Bylaw C-6260-2006)

- The subject land is located within the Hamlet Core, as identified in Figure 10 of the Greater Bragg Creek Area Structure Plan.



- According to Section 7.3.3 of the ASP, drinking establishment, mixed-use building and developments, overnight accommodation, and restaurants are part of the desirable uses in the Hamlet Core.
- In accordance with Section 7.3 Hamlet Commercial Development Vision:
'Commercial development within the hamlet has continued to occur in response to market demand, maintaining a concentrated commercial core with its unique character and small town atmosphere.'

Expansion of the commercial as it was in 2005 has occurred through infilling and redevelopment of adjacent residential lands in a logical and sequential manner, guided by development standards and architectural controls that have ensured that new development harmonizes with existing development, the natural environment, and with adjacent residential areas.

Overnight accommodation, available in either bed and breakfast homes or modestly scaled country inns, is an integral component of the viability of commercial businesses in the hamlet, providing potential for spin off business to other commercial establishments that are dependent upon walk up traffic'.

- The proposed development is in alignment with the vision of the hamlet commercial development with small scale overnight accommodation and associated restaurant and drinking establishment.
- The proposed also addresses the Hamlet of Bragg Creek Design standards, which is further discussed in the following section.

Hamlet of Bragg Creek Design Standards

- In accordance with the Greater Bragg Creek Area Structure Plan (Policy 7.3.2 b and 7.3.5), new commercial, mixed-use, and overnight accommodation development in the hamlet shall be in compliance with the Hamlet of Bragg Creek Design Standards.

Tree Management

- Section 3.1.1 a) Trees and associated vegetation shall be retained where possible during site preparation and construction to retain the "cabin in the woods" effect that is a unique characteristic of the hamlet.
 - The Applicant indicated that the existing landscape on site would be retained as much as possible. Landscaping will also be provided along the north, east and south side of the property to retain the "cabin in the woods" effect.

Resilience Design

- Section 3.1.2 b) indicates that Conifer trees are highly flammable and shall not be planted within 10 metres (32.8 feet) of new development.



- The Applicant submitted a Landscaping Plan (L 0.1, prepared by STARK Architect, dated October 5, 2018), which illustrate several conifer trees to be planted on the north side and on the east side of the proposed building.
As a prior to issuance condition, a revised landscaping plan would be required to replace the conifer trees located within 10 m of the building with other species as suggested in the provincial FireSmart vegetation guidelines. **(Condition 2)**
- Section 3.1.2 d) all roofs shall be constructed of fire-resistant materials, in compliance with the Alberta Building Code, as amended. Metal, tile, asphalt, ULC-rated treated shakes, and non-combustible materials are the most fire-resistant, and remain effective under severe fire exposure. Unrated wood shakes provide no fire protection.
- Section 3.1.2 e) Building exterior shall be constructed of fire-resistant materials, in compliance with the Alberta Building Code, as amended. Non-combustible siding such as stucco, brick, cement shingles, concrete block, poured concrete, and rock off superior fire resistance.
 - The Applicant has been in discussion with Fire Services and Building Services in regards to the Alberta Building Code requirement. The exterior finishes of the proposed building are mainly cementitious shakes on the upper floor, pre-finished metal façade facing the north, and corrugated metal cladding to the south.

Building Placement

- Section 3.2.1 a) Building shall be oriented parallel to the street, to maximize the frontage along the street.
 - The proposed building's main façade and front entrance are oriented towards Balsam Avenue, which is the main street in the hamlet of Bragg Creek. The building's design also considered frontage onto River Drive and provides a smooth transition by using curtain wall glazing on all three side of the building.
- Section 3.2.1 b) where a desirable setback pattern already exists, buildings and additions should be positioned to follow the established setback of adjacent buildings to maintain the rhythm and structure of the streetscape.
 - The proposed building is located approximately 15 m from Balsam Avenue, which is similar to the existing business development on the north side of Balsam Avenue (approximately 20 to 30 m).
 - The Applicant indicated that the building is positioned in a way that provides sufficient buffering to the residential property to the north (approximately 6 metres separation, with 3 metres landscaping along the north side).
- Section 3.2.1 c) Building should be positioned close to the property edge, with windows and entrances fronting onto the street, in order to create a sense of enclosure, safety and comfort. Variance in setback may be considered, at the discretion of the development authority and in accordance with the Land Use Bylaw.
 - The County and the Applicant explored the option of placing the building further south in proximity to the property edge fronting Balsam Avenue and River Drive; however, both Balsam Avenue is raised towards the west. The Applicant indicated that the



higher road elevations may negatively impact the proposed hotel located at the upper floors, and therefore located the building slightly further from Balsam Avenue.

- Section 3.2.1 g) Special considerations shall be given to highly visible buildings located at major focal points, which may include, but are not limited to, major intersections, ends of streets, and corner lots. Considerations include:
 - i) Inclusion of public open space, such as a small pocket-park or seating area;
 - ii) Pedestrian connections with adjacent properties;
 - iii) Building oriented to face onto multiple street, to activate the public realm;
 - iv) Slight lines for drivers; and
 - v) Inclusion of street furnishing, wayfinding features, and public art.
- The Applicant proposed a pedestrian connection to Balsam Avenue to the south and 20 bicycle parking stalls facing River Drive. The revised landscaping plan will confirm the landscaping treatment proposed at the Balsam Avenue and River Drive intersection to ensure transition and connection with adjacent properties, as well as safe slight lines for drivers.

Building Proportions and Scale

- Section 3.2.2 a) Small, one-of-a kind business developments are encouraged, with a building footprint not exceeding 15% of the lot area for two-storey construction, or 20% of the lot area for single storey construction.
 - The proposed site coverage is $\pm 20\%$. The County recognize that the increased in site coverage is partly due to the proposed Public Utility Lot (flood mitigation structure) which took away a portion of the subject land to the west (± 526 sq. m). Without the proposed Public Utility lot, the proposed building would result in $\pm 15\%$ site coverage.

Section 3.2.2 b) Building larger than 1,000 sq. m ($\pm 10,000$ sq. ft.) shall be de-emphasized by:

- i) Visually dividing the building into a minimum of three sections and/or components, through changes in materials, building projects, columns, or other vertical architectural elements; and
- ii) Physically dividing the building into a variety of massing elements and/or shapes to help reduce the perceived scale of the structure, including horizontal and vertical elements that help add perceived separations.
- The Applicant indicated that the three storey building has been designed to appear as a two storey building, with an over-height lower floor, containing the restaurant/ taproom, coffee roaster, and micro-brewery.
- The full height glazing in these areas provide natural light for occupants, while allowing views from passing traffic into the operations and uses of the building. The intention is to have a beacon of activity and light from this lower floor to encourage passing traffic to stop and ensuring comfort and natural light to the patrons.



- The canopy on the south and east side of the building provides a change in depth and secondary roofline that breaks up the building and provides visual interest while consciously providing shade and snow protection to pedestrian areas.
 - Internally, restaurant and congregation areas have been positioned to the river-side to take in the views and to shield neighbours from the activity of these spaces.
 - Large heavy timber canopies will soften the entrances and provide a rustic, human scale to the buildings lower floor. Wood beams, posts and a timber canopy as well as a tactile feature entry wall will provide warmth and a link to heritage materials used within the Hamlet.
- Section 3.2.2 d) Buildings shall be scaled so that they do not interfere with neighbouring buildings, or create a significant contrast in scale and appearance between adjacent buildings, which is visually disruptive. Development should take cues regarding height and width from surrounding high quality buildings, and achieve complementary massing form.
 - The Applicant provided 3D renderings, shadow analysis, and perspective drawings as per the County's request to illustrate how the proposed development would fit into the surrounding context without interfering with the adjacent neighbours.
 - The County recognizes that the adjacent properties to the north and to the east are currently designated as Hamlet Residential Single Family District (HR-1), and is identified as part of the Hamlet Core for future development.
- Section 3.2.2 e) Building height should be limited to two storeys, and generally should not extend beyond 10 metres (32 feet). Height relaxation may be considered to accommodate desirable architectural detailing.
 - The Applicant indicated that the two upper floors have been clad in a darker shingle material with minimal window openings, so as to contrast with the lower floor blending into the trees behind during the day, and disappearing during the night. (see day and night rendering for reference).
 - The Applicant stated that this contrast of a dark upper and light lower is a crucial aspect of the design and will ultimately deliver on the success of this project through providing the perception that the building is smaller and lower and the passerby's eye is drawn to the ground floor as opposed to the mass of the building.
- Section 3.2.2 f) Buildings with three to four storeys may be considered in the hamlet core, if the development is supported by a conceptual scheme or master site development plan.
 - The Applicant submitted a Master Site Development Plan in support of this development permit application.

Building Style

- Section 3.2.3 b) Designs incorporating rustic characteristic are encouraged. The architectural impression should give the appearance of being indigenous, natural and handcrafted in style.
- Section 3.2.3 e) Flat roofs and large unarticulated roof surfaces should be discouraged. A combination of the primary roofline with secondary roofs is encouraged, to breakdown the scale of buildings.



- The Applicant indicated that a small parapet has been added to the roofline on the west side, which in combination with the slightly rising covered patio area on the second floor, provides a visual interest reminiscent of the classic hog-back ridges in nearby Kananaskis, thus rooting an iconic design element with existing local heritage.
- Section 3.2.3 h) Transparent glass shall be used for commercial, institutional, and mixed-use development to provide clear views of storefront displays, provide a pedestrian oriented environment, and allow natural surveillance of the street and adjacent outdoor spaces.
 - The majority of the facade facing Balsam Avenue (south), River Drive (east) and the proposed Public Utility Lot (flood mitigation structure to the west) is made of curtain wall glazing, which provide natural light for occupants while allowing views from passing traffic into the operations and uses of the building.

Building Material and Colour

- Section 3.2.4 a) Building facades shall be composed of principal 'base materials', limited to one or two materials, as well as possible secondary 'accent' materials limited to two or three materials.
 - i) Base materials for cladding include logs and heavy timber, stone, and other materials as deemed appropriate by the development authority.
 - ii) Accent materials may include concrete, stucco, and other materials as deemed appropriate by the development authority.
 - The Applicant stated that a contrast between traditional materials and modern materials has been used, with corrugated metal used in small areas on the lower floor to suggest an industrial past, while complimenting and softening through the use of large areas of local softwood.
 - The fiber cement shingles on the upper floors will provide the detail and tactile look of more traditional cedar shingles, while being maintenance free and of a more modern solid colour.
- Section 3.2.4 c) materials selected for a building's façade shall be of high quality, durable, easily maintained, complementary to one another, and appropriate for the building's architectural style.
- Section 3.2.4 d) Building should use natural, muted shades for primary materials or colour theme. Brighter, more vibrant colours should be reserved for minor accents and highlights only. Painted surfaces should favor matte or stain finishes.
- Section 3.2.4 e) The appearance of all sides of the building should be considered. Consistent exterior materials and colours should be used for all building facades.

INSPECTOR'S COMMENTS:

January 10, 2019

- Existing Single Family Detached and detached garage
- Heavily treed property, especially to the north, south, and west.



- Corner lot on the main road (Balsam)
- No indication that development has commenced
- Surrounding residences all appear to be one storey high.

CIRCULATIONS:

Alberta Health Services

Health Approval

- Alberta Health Services (AHS) requires that building plans specific to any food outlets in the facility be sent to us for our approval. If there will be any swimming facilities in the hotel, such as a pool or hot tubs, these plans must also be submitted to AHS for our approval. Building plans for these facilities should be forwarded to our department for approval before the building permit is granted. This will ensure that the proposed facilities will meet the requirements of the Public Health Act and its regulations.
- Please note that health approval of facilities as noted above are required after final construction, but before the facilities are operational. For more information regarding health approval and plan examination, applicants can contact the writer at (403) 851-6171.

Other Agency Approvals

- If the applicant has not already done so, they will need to apply for a Class E License from Alberta Gaming, Liquor and Cannabis to construct and operate the micro-brewery.

Water and Wastewater Services

- AHS understands that the proposed development will be serviced by the local municipal water and wastewater systems operated by the County of Rocky View. The County must ensure that their water and waste water systems will be capable of handling the expected increase in flows if this development proceeds.

Decommissioning Wells

- Any existing water wells on the subject site, if no longer used, must be decommissioned according to Alberta Environment & Parks standards and regulations.

Solid Waste Management

- AHS would like clarification on the solid waste management plan for the proposed facility. Waste materials from the brewing process, the food operations and the hotel must all be managed in a manner that will not create a nuisance either on-site or off-site.

If any evidence of contamination or other issues of public health concern are identified at any phase of development, AHS wishes to be notified.

Alberta Transportation

- In reviewing the application, it appears that the applicant wishes to construct a multi-use commercial building at the above noted location. As this proposal falls within the referral distance of Alberta Transportation, a Roadside Development Permit will be required from this office.



- By copy of this letter, a Roadside Development Application will be forwarded to the applicant for completion and returned to this office. Therefore, we suggest delaying issuance of your permit until such time that a Roadside Development Permit has been issued by the department.
- Please note that the Roadside Development Application must identify the means of access from the highway to the proposed development as well as a detail drainage plan for the proposed work.

Building Services, Rocky View County

- Building Permit Application to follow Commercial, Industrial and Institutional application checklist. At the preliminary review, the items below must be addressed:
 - Confirm height calculation (parapet to be included in calculation)
 - Complete Code Analysis
 - Water supply for firefighting 3.2.5.7 ABC
 - Access route to meet 3.2.5.6 ABC
 - Confirm flood elevation
 - Barrier free design, must address all requirements of 3.8 of ABC, currently barrier free parking, washrooms do not meet requirements
 - Existing does not meet ABC requirements for number of exits required, 2 exits required from public corridors.
- It is recommended that the applicant schedule pre-application meeting with building services.

Bylaw and Municipal Enforcement, Rocky View County

Recommendations:

- Recommend that all construction debris and garbage be contained at all times during construction.
- Recommend that all garbage be stored in weather and animal proof containers.

Fire Services, Rocky View County

Recommendations:

- Please ensure that water supplies and hydrants for the development are sufficient for firefighting purposes.
- Dependent on the occupancies, the Fire Service recommends that the buildings be sprinklered, if applicable, as per the Alberta Building Code.
- Please ensure that access routes are compliant to the design specified in the Alberta Building Code and RVC's servicing standards. Please show that the entrance is a minimum of 6 m in width and that the access route has 12 m centerline turning radius.

Planning & Development, (Engineering), Rocky View County

General

- 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.
- Land Use is HC. Parcel size is 0.57 acres.



- The subject lands are fully serviced by piped water and wastewater.
- The subject lands, purchased water and wastewater capacity under the Bragg Creek Local Improvement Tax – current allocation is approximately 1m³/day average day demand for water and wastewater.
- There are no instruments of concern on the Land Title of the parcel.
- Prior to the issuance, the applicant shall submit a Construction Management Plan, prepared by a qualified professional, addressing noise mitigation measures, traffic accommodation, sedimentation and dust control, management of storm water during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, hazardous material containment and all other relevant construction management details.

Geotechnical - Section 300.0 requirements:

- The applicant submitted a Geotechnical Investigation Report (E2K Engineering Ltd. November 29, 2018), which gives recommendations for site grading, compaction, pavement structures, utilities and building construction.
- As a permanent condition, if any areas will have a fill depth greater than 1.2m, the applicant shall submit a deep fill report.
- The applicants are aware that the County will be acquiring a 15 metre wide strip of the subject lands along the bank of the Elbow River for construction of the flood mitigation berm.

Transportation - Section 400.0 requirements:

- In accordance with the Greater Bragg Creek Area Structure Plan (GBCASP) 6.2.5, a traffic impact assessment shall be prepared in support of subdivision and/or developments to evaluate vehicular and pedestrian traffic.
- The applicant has submitted a Trip Generation Exercise (Bunt & Associates - March 31, 2017).
 - It was determined the development will generate 19 AM peak hour trips and 18 PM peak hour trips. It was concluded that this amount of traffic generation is not significant enough to reduce the level of service on the adjacent road network and does not warrant a full Transportation Impact Assessment.
- Due to the proposed developments close proximity to the Hamlet Core and Balsam Avenue pathway, pedestrian traffic can be easily accommodated.
- In accordance with the Land Use Bylaw (section 30 & schedule 5) the development requires 54 parking stalls. However, the proposed site plan only accommodates 23 parking stalls.
- The applicant submitted a Parking Study (Bunt & Associates – November 21, 2018) to justify a relaxation of the parking requirements of the Land Use Bylaw and utilize offsite parking. This study concludes that 38 stalls would be adequate for this development. However, 23 onsite stalls and 42 overflow stalls are provided.
 - This study notes that the County LUB requires 54 onsite parking stalls, but provides alternative estimates of the parking requirements, based on historical data collected Bunt & Associates. The study writer concludes that 38 total parking stalls would be adequate for the proposed development, due to the mixed-use nature of the development.
 - The Parking Study identifies 2 additional sites within the Hamlet Core and 1 within Tsuut'ina Nation that may be used for brewery overflow parking. These sites are:



- Kevin Onespot Site: located at the NE corner of Balsam Ave and Burnside Drive with 34 stalls available for the Brewery at all times, subject to 24hrs notice.
- Chad Fehr Professional Corporation: located at 16 Balsam Ave with 4 stalls available between 5:00pm and 8:30am Mon-Fri and 24hrs a day Saturday and Sunday.
- Bragg Creek Physio Therapy: located at 24 Balsam Ave with 4 stalls available Saturday and Sunday.
- Prior to issuance, the applicant shall contact County Road Operations to determine if a Road Use Agreement is required.
- Prior to issuance, the applicant is required to provide payment of the Transportation Off-site Levy in accordance with the applicable levy at time of Development Permit approval, for the total gross acreage of the lands. This shall not include the lands that the County is purchasing for construction of the Flood Mitigation Berm.

Sanitary/Waste Water - Section 500.0 requirements:

- In accordance with GBCASP 6.1.1, developments within hamlet service area shall use strategies that promote efficient use of water resources. The applicants have demonstrated compliance with this policy through their plans to implement an onsite treatment system which will reduce water used for brewing operations and improve quality of wastewater discharged into the municipal system.
- Prior to issuance, the applicant shall provide a water and wastewater servicing assessment, prepared by a qualified professional to determine the water demands and wastewater generation of the proposed development. This shall be based on the full buildout of the development.
 - This assessment shall include further information on the pre-treatment system that shall be provided, including details of the strength and composition of wastewater that will be discharged into the Bragg Creek Wastewater Collection System.
 - It shall be demonstrated that wastewater released from the development shall not be overstrength in accordance with the terms of the Water & Wastewater Utilities Bylaw (C-7662-2017).
 - The applicant has indicated that they intend to use an ECONSE Bru Clean System for onsite pretreatment for wastewater.
- As the existing water and wastewater utilities main connections and service connections to the subject lands have been sized for a residential land use, it must be determined if upgrades are required to meet the increased demands of the proposed development. If the water and wastewater servicing assessment determines that the capacities required are beyond that which can be provided by the existing connections, the applicant shall be required to construct appropriately sized & designed water and wastewater utilities main connections & service connections. All work shall be done in accordance with the County Servicing Standards and the Water & Wastewater Utilities Bylaw (C-7662-2017), including:
 - Prior to issuance:
 - If an upgraded utilities main connection and service connection to sanitary sewer within the River Drive North right-of-way is required, the applicant shall submit engineered design drawings of the connections for review by the



County. Written approval of the design drawings shall be obtained from the Manager of Utility Services prior to construction commencement.

- If an upgraded sanitary utilities main connection and service connection is required, the applicant will be required to provide the necessary security for the tie-in to the existing sanitary sewer, based on estimated construction costs prepared by a qualified professional.
- As a test manhole is required for wastewater sampling, the applicant is required to provide a design drawing showing the location of the sanitary sewer service connection and test manhole for the County's review and approval. The test manhole must be located in the gravity portion of the sanitary sewer service connection, as close as practically possible to the east property line, in an easily accessible area.
- **Prior to occupancy:**
 - After approval of the utilities main connection and service connection designs by the Manager of Utility Services, the applicant shall provide 14 days' written notice to the County prior to utility construction commencing. The applicant shall arrange to have County personnel present to supervise construction at their expense, in accordance with the County's Water & Wastewater Utilities Bylaw (C-7662-2017).
 - All utility construction shall be to the satisfaction of the County.
 - All ground disturbances shall be restored to pre-existing or superior conditions, to the satisfaction of the County.
 - All engineering and construction costs shall be borne by the applicant/owner.
- Prior to issuance, the Applicant/Owner shall enter into an access easement or utility right-of-way agreement with the County, to allow the County representatives to enter the subject lands and access the test manhole to obtain samples to verify that wastewater is in compliance with the County's Water & Wastewater Utilities Bylaw (C-7662-2017).
- Prior to issuance, the applicant shall enter into a Customer Servicing Agreement with the County, for the water and wastewater utility services provided to the subject lands.
- Prior to occupancy, the applicant shall purchase additional wastewater capacity required to service the development, as determined by the water & wastewater servicing assessment, in accordance with the County's Master Rates Bylaw (C-7751-2018), as amended.
- Prior to occupancy, the applicant shall submit as-built drawings of the site that are certified by a professional engineer. The as-built drawings shall include verification of as-built sanitary infrastructure and test manhole.
- As a permanent condition, water and wastewater volumes used by the development shall be within the amounts allocated to the subject lands, and all overages shall be billed in accordance with the Master Rates Bylaw (C-7751-2018) and the Water & Wastewater Utilities Bylaw (C-7662-2017). Wastewater released from the development found to be overstrength shall be subject to overstrength wastewater surcharge specified within the Master Rates Bylaw and the Water & Wastewater Utilities Bylaw.

Water Supply And Waterworks - Section 600.0 & 800.0 requirements:

- In accordance with GBCASP 6.1.1, developments within hamlet service area shall use strategies that promote efficient use of water resources. The applicants have demonstrated



compliance with this policy through their plans to implement an onsite treatment system which will reduce water used for brewing operations and improve quality of wastewater discharged into the municipal system.

- Prior to issuance, the applicant shall provide a water and wastewater servicing assessment, prepared by a qualified professional to determine the water demands and wastewater generation of the proposed development. This shall be based on the full buildout of the development.
- As the existing water and wastewater utilities main connections and service connections to the subject lands have been sized for a residential land use, it must be determined if upgrades are required to meet the increased demands of the proposed development. If the water and wastewater servicing assessment determines that the capacities required are beyond that which can be provided by the existing connections, the applicant shall be required to construct appropriately sized & designed water and wastewater utilities main connections & service connections. All work shall be done in accordance with the County Servicing Standards and the Water & Wastewater Utilities Bylaw (C-7662-2017), including:
 - Prior to issuance:
 - If an upgraded utilities main connection and service connection to the water main within the River Drive North right-of-way is required, the applicant shall submit engineered design drawings of the connections for review by the County. Written approval of the design drawings shall be obtained from the Manager of Utility Services prior to construction commencement.
 - If an upgraded water utilities main connection and service connection is required, the applicant will be required to provide the necessary security for the tie-in to the existing water main, based on estimated construction costs prepared by a qualified professional.
 - Prior to occupancy:
 - After approval of the utilities main connection and service connection designs by the Manager of Utility Services, the applicant shall provide 14 days' written notice to the County prior to utility construction commencing. The applicant shall arrange to have County personnel present to supervise construction at their expense, in accordance with the County's Water & Wastewater Utilities Bylaw (C-7662-2017).
 - All utility construction shall be to the satisfaction of the County.
 - All ground disturbances shall be restored to pre-existing or superior conditions, to the satisfaction of the County.
 - All engineering and construction costs shall be borne by the applicant/owner.
- Prior to issuance, the applicant shall enter into a Customer Servicing Agreement with the County, for the water and wastewater utility services provided to the subject lands. Prior to issuance, the applicant shall confirm the location and volume of an onsite water reservoir to be used for fire suppression.
 - The applicant has indicated that they intend to use the municipal water system for fire suppression. The applicant has been made aware in the past that the Bragg Creek Water distribution system is not capable of providing water pressures for fire suppression. Therefore, any fire suppression systems required by the building code must be accommodated with onsite storage and pressurization.



- Prior to occupancy, the applicant shall purchase additional wastewater capacity required to service the development, as determined by the water & wastewater servicing assessment, in accordance with the County's Master Rates Bylaw (C-7751-2018), as amended.
Prior to occupancy, the applicant shall submit as-built drawings of the site that are certified by a professional engineer. The as-built drawings shall include verification of as-built water infrastructure.
- As a permanent condition, water and wastewater volumes used by the development shall be within the amounts allocated to the subject lands, and all overages shall be billed in accordance with the Master Rates Bylaw (C-7751-2018) and the Water & Wastewater Utilities Bylaw (C-7662-2017).

Storm Water Management – Section 700.0 requirements:

- The critical requirements of the Bragg Creek Master Drainage Plan are to incorporate LID practices to manage storm water onsite and limit runoff release rate to 6L/s/ha and ensure that post-development runoff volumes do not exceed pre-development runoff volumes.
- The applicant submitted a Storm Water Management Plan (Richview Engineering Inc. – February 1, 2019). A full review of this report was not able to be completed before issuing a Notice of Decision on this Development Permit, so a prior to issuance condition for a Storm water Management Plan remains.
- Prior to issuance, the applicant shall submit a Storm Water Management Plan (SWMP). The SWMP shall demonstrate that the site can manage storm water in accordance with the requirements of the County Servicing Standards and the Bragg Creek Master Drainage Plan (BCMDP).
 - The SWMP shall comment on pre and post-development water quality, release rates, and runoff volume control targets.
 - The SWMP shall demonstrate how any negative impacts to the Elbow River will be mitigated both during and post construction, in accordance with County Policy 419: Riparian Land Conservation and Management.
 - The SWMP shall include a site grading plan, and give consideration to berm construction for the Bragg Creek Flood Mitigation Project.
 - Alberta Environment approvals may be required if any storm water ponds are required.
- The applicant has submitted an ESC Plan (Richview Engineering Inc. – November 18, 2018).
- As a permanent condition, the applicant shall adhere to the recommendations of the ESC Plan (Richview Engineering Inc. – November 18, 2018).
- Prior to occupancy, the applicant shall submit as-built drawings of the site that are certified by a professional engineer. The as-built drawings shall include verification of as-built storm water management infrastructure.

Environmental – Section 900.0 requirements:

- As a permanent condition, any approvals required through Alberta Environment shall be the sole responsibility of the Applicant/Owner.



Operational Services, Rocky View County

Capital Project Management:

- The County potable water infrastructure in the hamlet cannot support fire suppression. Confirm fire suppression requirements with Building Services.
- Storm water management should be prepared by a storm water professional and in accordance with the County's Servicing Standards.
- Parking – Auxiliary Parking Agreements have a 30 days' cancellation clause.
- Building on a floodplain – even though a berm will be constructed, the developed lands on the property still have to be constructed above the 1:100-year flood elevation as required in the County Land Use Bylaw.

Transportation:

- No comments.

Utility Services:

- No comments.

OPTIONS:

APPROVAL, subject to the following conditions:

Option #1 (This would allow the proposed General Industry Type I and II (Brewery), Hotel (21 room), Restaurant and Drinking Establishment, construction of a multi-use commercial building and signage)

That the appeal against the decision of the Development Authority to approve a Development Permit for the General Industry Type I and II (Brewery), Hotel (21 room), Restaurant and Drinking Establishment, construction of a multi-use commercial building and signage, with relaxation of the minimum side yard setback requirement and relaxation of the maximum height requirement at Lot 1 Block 6, Plan 1741 EW, SE-13-23-05-W05M be denied, and that a Development Permit be conditionally approved, subject to the following conditions:

Description:

- 1) That General Industry Type I and II (Brewery), Hotel (21 room), Restaurant and Drinking establishment, construction of a multi-use commercial building may take place on the subject site in general accordance with the Site Plan and Architectural Drawings prepared by STARK architecture, dated October 5, 2018, subject to the amendments required in accordance with the conditions of this approval and includes:
 - i. Construction of a multi-use commercial building with a footprint of ± 354.24 sq. m. (3,813 sq. ft.) and total gross building area of $\pm 1,026.49$ sq. m (11,049 sq. ft.);
 - ii. Relaxation of the minimum side yard setback requirement from **1.20 m (3.94 ft.) to ± 0.90 m (± 3.00 ft.)** from the proposed Public Utility Lot (flood mitigation structure) to the west;
 - iii. Relaxation of the maximum height requirement from **10.00 m (32.81 ft.) to 12.50 m (41.01 ft.)**, (excluding the parapet wall); and
 - iv. Signage including 2 freestanding, 2 façade and onsite/offsite parking wayfinding (as required).



Prior to Issuance:

Developability

- 2) That prior to issuance of this permit, the Applicant/Owner shall submit a revised landscaping plan that identifies the proposed amount of landscaping to be incorporated/maintained onsite, to the satisfaction of Rocky View County [*"the County"*]. Note, the landscaping plan shall be in compliance with the Provincial FireSmart Guidelines and the Hamlet of Bragg Creek Design Standards.
- 3) That prior to issuance of this permit, the Applicant/Owner shall submit a revised parking plan, identifying the minimum required barrier free parking stalls (two [2]), stall dimensions and associated signage for the subject site, in accordance with the Land Use Bylaw and Alberta Building Code 2014, to the satisfaction of the County.
- 4) That prior to issuance of this permit, the Applicant/Owner shall register on title, the appropriate parking agreement between each consenting property, to accommodate the proposed offsite parking agreements. The instrument shall remain on title for the life of the development unless updated or replaced with alternative parking locations.

Servicing

- 5) That prior to the issuance of this permit, the Applicant/Owner shall submit a water and wastewater servicing assessment to the satisfaction of the County. The water and wastewater servicing assessment shall be prepared by a qualified professional and determine the water demands and wastewater generation of the proposed development at full build out.
 - i. The servicing assessment shall determine if upgrades are required to meet the increased servicing demands based on the full buildout of the development;
 - ii. The servicing assessment shall include further information on the pre-treatment system that shall be provided, including details of the strength and composition of wastewater that will be discharged into the Bragg Creek Wastewater Collection System;
 - iii. The servicing assessment shall demonstrate that wastewater released from the development shall not be over strength in accordance with the terms of the Water & Wastewater Utilities Bylaw (C-7662-2017).
- 6) That prior to the issuance of this permit, the Applicant/Owner shall be required to provide the necessary security for the tie-in to the existing water main, based on estimated construction costs prepared by a qualified professional, if an upgraded water and/or sanitary utilities main connection and service connection is required.
- 7) That prior to the issuance of this permit, the Applicant/Owner shall submit engineered design drawings of the utility connections for review and acceptance by the County, if an upgraded utilities main connection and service connection to the water main and/or the sanitary sewer within the River Drive North right-of-way is required. Written approval of the design drawings shall be obtained from the County Utility Services manager, prior to construction commencement.
- 8) That prior to the issuance of this permit, the Applicant/Owner shall submit design drawing(s) showing the location of the sanitary sewer services connection and test manhole, to the satisfaction of the County.
 - i. The test manhole shall be located in the gravity portion of the sanitary sewer service connection, as close as practically possible to the east property line, in an easily accessible area for wastewater sampling.



- 9) That prior to the issuance of this permit, the Applicant/Owner shall enter into an access easement or utility right-of-way agreement with the County and register on title, to allow the County representatives to enter the subject lands and access the test manhole to obtain samples to verify that wastewater is in compliance with the County's Water & Wastewater Utilities Bylaw (C-7662-2017).
- 10) That prior to the issuance of this permit, the Applicant/Owner shall confirm the location and volume of an onsite water reservoir to be used for fire suppression, to the satisfaction of the County.

Note: That the Bragg Creek Water distribution system is not capable of providing water pressures for fire suppression. Therefore, any fire suppression systems required by the building code must be accommodated with onsite storage and pressurization.

Storm Water Management

- 11) That prior to the issuance of this permit, the Applicant/Owner shall submit a Storm Water Management Plan (SWMP), to the satisfaction of the County. The SWMP shall demonstrate that the site can manage storm water in accordance with the requirements of the County Servicing Standards and the Bragg Creek Master Drainage Plan.
 - i. The SWMP shall comment on pre and post-development water quality, release rates, and runoff volume control targets.
 - ii. The SWMP shall demonstrate how any negative impacts to the Elbow River will be mitigated both during and post construction, in accordance with *County Policy 419: Riparian Land Conservation and Management*.
 - iii. The SWMP shall include a site grading plan, and give consideration to berm construction for the Bragg Creek Flood Mitigation Project.

Note: Any Alberta Environment approvals may be required if any storm water ponds are required.

Construction Management

- 12) That prior to the issuance of this permit, the Applicant/Owner shall submit a Construction Management Plan, to the satisfaction of the County. The Plan shall be prepared by a qualified professional, addressing noise mitigation measures, traffic accommodation, sedimentation and dust control, management of storm water during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, and all other relevant construction management details. Road Use Agreement
- 13) That prior to the issuance of this permit, the Applicant/Owner shall contact County Road Operations to determine if a Road Use Agreement and/or any Road Data Permits are required for the importing of fill and topsoil, removal of any excess fill, and for the mobilization and demobilization of any construction equipment to and from the subject site utilizing any County Roads.
 - i. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permit shall be obtained unless otherwise noted by County Road Operations.

Fees & Levies

- 14) That prior to the issuance of this permit, the Applicant/Owner shall submit payment of the Transportation Off-site Levy in accordance with the applicable levy at time of Development Permit approval (Bylaw C-7356-2014), for the total gross acreage of the lands.



Note: The Transportation Off-site Levy shall not include the lands that the County is purchasing for construction of the Flood Mitigation Berm.

- 15) That prior to issuance of this permit, the Applicant/Owner shall confirm acceptance or refusal to participate in the Voluntary Recreation Contribution for Community Recreation Funding on the form provided by the County. If accepted, the contribution is calculated at \$800.00 per acre.

Prior to Occupancy:

Landscaping

- 16) That prior to occupancy of the site, all landscaping and final site surfaces shall be completed.
 - i. That should permission for occupancy of the site be requested during the months of October through May inclusive and prior to the required landscaping and site surface completion, then occupancy may be allowed provided that an Irrevocable Letter of Credit is received by the County.
 - ii. The Irrevocable Letter of Credit shall be in the amount of 150.00% of the total cost of completing all the landscaping and final site surfaces that is not yet completed. A contractor's/engineer's quote shall accompany the Letter of Credit describing the work to be carried out and shall be placed with Rocky View County to guarantee the works shall be completed by the 30th day of June immediately thereafter.

Servicing

- 17) That prior to the occupancy of the site, the Applicant/Owner shall enter into a Customer Servicing Agreement with the County, for the water and wastewater utility services provided to the subject lands.
- 18) That prior to occupancy of the site, after approval of the utilities main connection and service connection designs by the County's Utility Services manager, the Applicant/Owner shall provide 14 days' written notice to the County prior to utility construction commencing. The Applicant/Owner shall arrange to have County personnel present to supervise construction at their expense, in accordance with the County's Water & Wastewater Utilities Bylaw (C-7662-2017).
 - i. All utility construction shall be to the satisfaction of the County.
 - ii. All ground disturbances shall be restored to pre-existing or superior conditions, to the satisfaction of the County.
 - iii. All engineering and construction costs shall be borne by the Applicant/Owner.
- 19) That prior to occupancy of the site, the Applicant/Owner shall purchase additional water and wastewater capacity required to service the development, as determined by the Water & Wastewater servicing assessment, in accordance with the County's Master Rates Bylaw (C-7751-2018), as amended.
- 20) That prior to occupancy of the site, the Applicant/Owner shall submit as-built drawings of the site that are certified by a professional engineer. The as-built drawings shall include verification of any as-built water, sanitary, stormwater management infrastructure and the test manhole.
 - i. Following receipt of the as-built drawings from the Applicant's consulting engineer, the County shall complete an inspection of the site to verify the stormwater infrastructure has been completed as per the stamped "*examined drawings*".



- 21) That prior to occupancy of the site, the Applicant/Owner shall contact County Utility Operations for an inspection of the water meter, sanitary sewer service connection, and the sanitary test manhole.

Permanent:

Servicing

- 22) That water and wastewater volumes used by the development shall be within the amounts allocated to the subject lands, and all overages shall be billed in accordance with the Master Rates Bylaw (C-7751-2018) and the Water & Wastewater Utilities Bylaw (C-7662-2017).
 - i. That if the wastewater released from the development is found to be over strength, the Applicant/Owner shall be subject to over strength wastewater surcharge specified within the Master Rates Bylaw and the Water & Wastewater Utilities Bylaw.
- 23) That connection to existing sanitary mains, waste mains, and water mains shall not be permitted without the authorization of the County's Utility Operations.

Construction Management

- 24) That the Applicant/Owner shall submit a deep fill report, with compaction results, if any areas shall have a fill depth greater than 1.2 m.
- 25) That no topsoil shall be removed from the subject property.
- 26) That during construction, dust control shall be maintained on the site and that the Applicant/Owner shall take whatever means necessary to keep visible dust from blowing onto adjacent lands.
- 27) That any dirt removed from the site during construction shall be hauled off in a covered trailer/truck that will prevent the blowing of dust/small rocks onto the road, and prevent issues with other vehicles on the road.
- 28) That the clean-up of any mud tracking and/or dirt that enters onto adjacent County roads during construction shall be the responsibility and cost of the Applicant/Owner.
- 29) That the entire site shall be maintained in a neat and orderly manner at all times. All waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways.
- 30) That any flood proofing measures shall be followed in accordance with the Alberta Building Code, good engineering practice and recommendations stated in the Bragg Creek Area Structure Plan.
- 31) That the Applicant/Owner shall ensure that all habitable floor levels are above the 1 in 100 flood level. Any construction below this flood level may require engineered flood proofing measures.

Note: The required flood elevation level is 1297.63 m

Solid Waste & Recycling Management

- 32) That the garbage containers shall be screened from view from adjacent properties and public thoroughfares. All garbage and waste shall be stored in weatherproof and animal proof containers and be in a location easily accessible to containerized garbage pickup.



Signage & Lighting

- 33) That any future signage, not included within this application, shall require separate Development Permit approval and shall adhere to the Hamlet of Bragg Creek Design Standards and the Land Use Bylaw.
- 34) That no temporary signage shall be placed on the site at any time except any temporary signs required during development or building construction.
- 35) That all on site lighting shall be "dark sky" and all private lighting, including site security lighting and parking area lighting, shall be designed to conserve energy, reduce glare, and reduce uplight. All development shall be required to demonstrate lighting design that reduces the extent of spill-over glare and eliminates glare as viewed from nearby residential properties.

Parking

- 36) That the site shall maintain a minimum of 22 parking stalls and one loading bay onsite at all times, in accordance with the approved Parking Study.
- 37) That a minimum of 33 parking stalls shall be available at all times via the registered off-site parking arrangements and shall be maintained on title for the life of the development permit.
- 38) That no parking shall be permitted on the adjacent County road system.

Landscaping

- 39) That all landscaping shall be in accordance with the approved Landscape Plan.
- 40) That the existing trees and terrain shall be retained except as required to meet conditions of this permit and any disturbed areas shall be replanted with vegetation similar to existing predevelopment ground cover.
- 41) That no outdoor display areas, storage areas, parking or marshalling yards shall be allowed within landscaped yards.
- 42) That the quality and extent of the landscaping shall be maintained over the life of the development and any deceased vegetation shall be replaced within 30 days or before June 30th of the next growing season.
- 43) That there shall be no potable water used for irrigation and landscaping purposes, and that no exterior hose bibs shall be installed.

Other

- 44) That it is the Applicant/Owner's responsibility to obtain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for the proposed development located on the subject site, to facilitate accurate emergency response.
- 45) That if the facility changes commercial usage, the Owner shall submit to the County a revised description of process and subsequent water and wastewater requirements.
- 46) That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application or in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity and includes but is not limited to (as amended):
 - i. Geotechnical Investigation Report, as prepared by E2K Engineering Ltd, dated November 29, 2018);
 - ii. Trip Generation Exercise, as prepared by Bunt & Associates, dated March 31, 2017;



- iii. Parking Study, as prepared by Bunt & Associates, dated November 21, 2018;
- iv. Stormwater Management Plan, as prepared by Richview Engineering Inc., dated February 1, 2019;
- v. Erosion & Sediment Control Plan, as prepared by Richview Engineering Inc., dated November 18, 2018;

Advisory:

- 47) That during construction, the County's Noise Control Bylaw C-5772-2003 shall be adhered to at all times.
- 48) That during construction, all construction and building materials shall be maintained onsite 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.
- 49) That the site shall remain free of restricted or noxious weeds, in accordance with the Weed Control Act.
- 50) That the Applicant/Owner shall be responsible for all required payments of third party reviews and/or inspections, as per the Master Rates Bylaw.
- 51) That a Building Permit with applicable subtrade permits, shall be obtained through Building Services, prior to any construction taking place and shall require:
 - i. The Commercial, Industrial and Institutional application checklist;
 - ii. A completed 3.2.2 Code Analysis;

Note: The Development shall conform to the National Energy Code 2011 and Alberta Building Code & it is recommended that the Applicant/Owner schedule a pre-application meeting with Building Services, to go over in detail, any Building Permit application requirements.

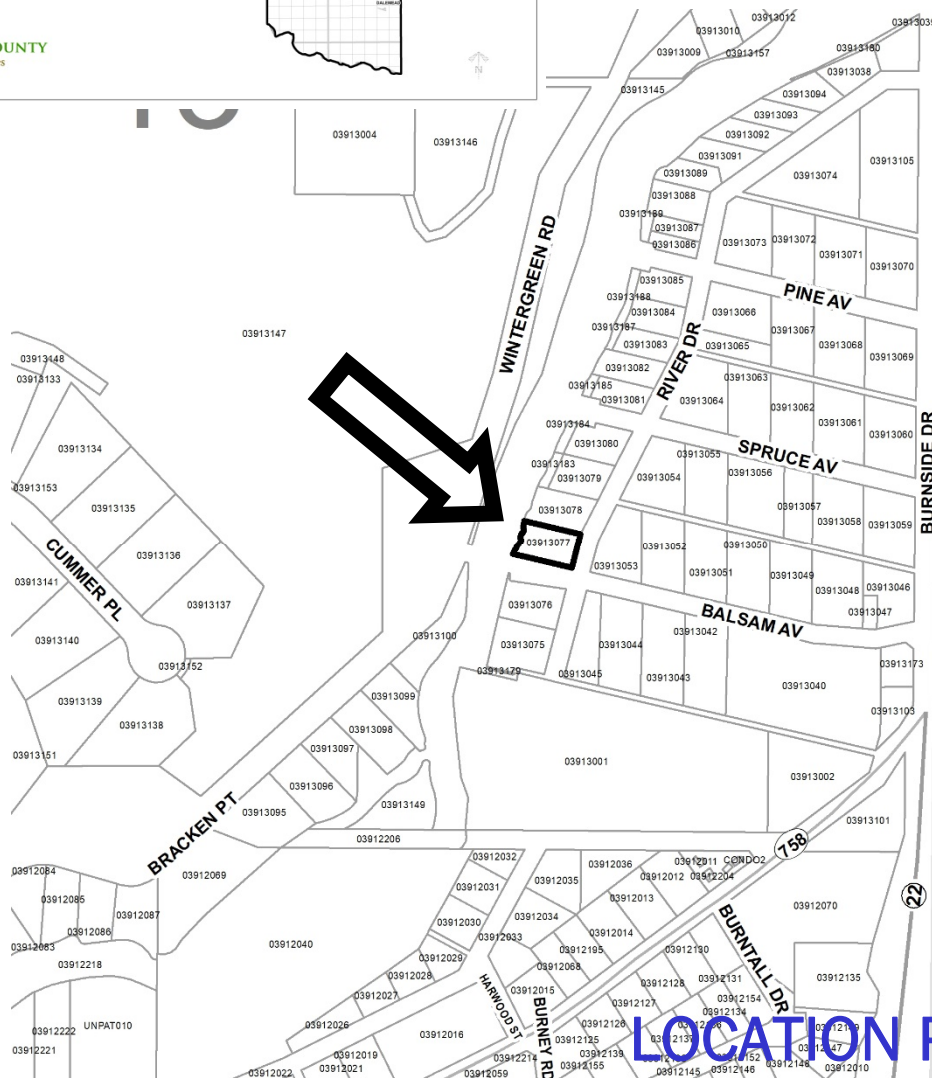
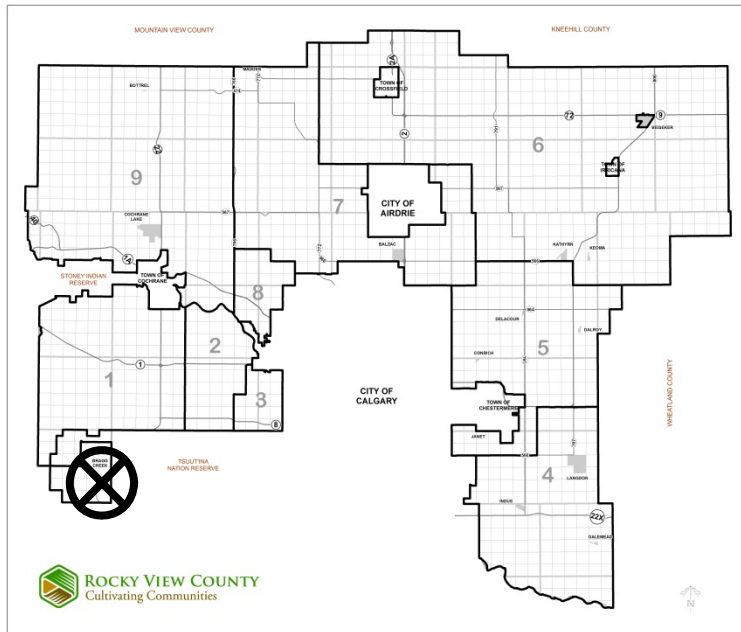
- 52) That a Building Demolition permit shall be obtained through Building Services, prior to any demolition of any existing building onsite.
- 53) That all other government compliances and approvals are the sole responsibility of the Applicant/Owner and include:
 - i. An issued Roadside Development Permit through Alberta Transportation;
 - ii. Any Alberta Health Services approvals.
- 54) 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 36 months of the date of 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.
- 55) That if this Development Permit is not issued by **December 31, 2020** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Note: The Applicant/Owner shall be responsible for all Alberta Environment and Park (AEP) approvals for any impact to any wetland areas or for on-site stormwater Infrastructure



Option #2 (this would not allow the proposed General Industry Type I and II (Brewery), Hotel (21 room), Restaurant and Drinking Establishment, construction of a multi-use commercial building and signage)

That the appeal against the decision of the Development Authority to approve a Development Permit for the General Industry Type I and II (Brewery), Hotel (21 room), Restaurant and Drinking Establishment, construction of a multi-use commercial building and signage, with relaxation of the minimum side yard setback requirement and relaxation of the maximum height requirement at Lot 1 Block 6, Plan 1741 EW, SE-13-23-05-W05M be upheld, and that the decision of the Development Authority be revoked.



TSUUTINA NATION RESERVE

LOCATION PLAN



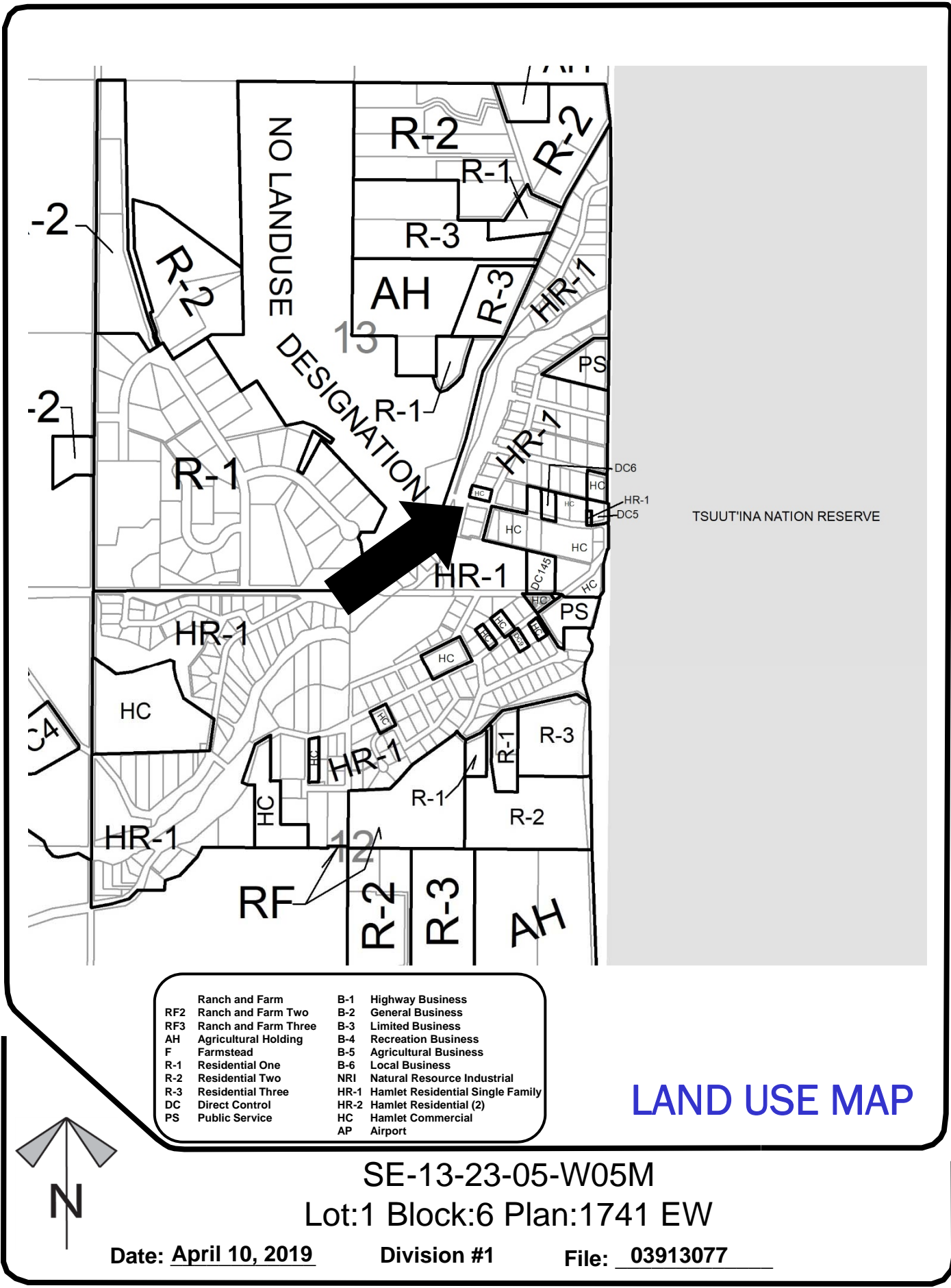
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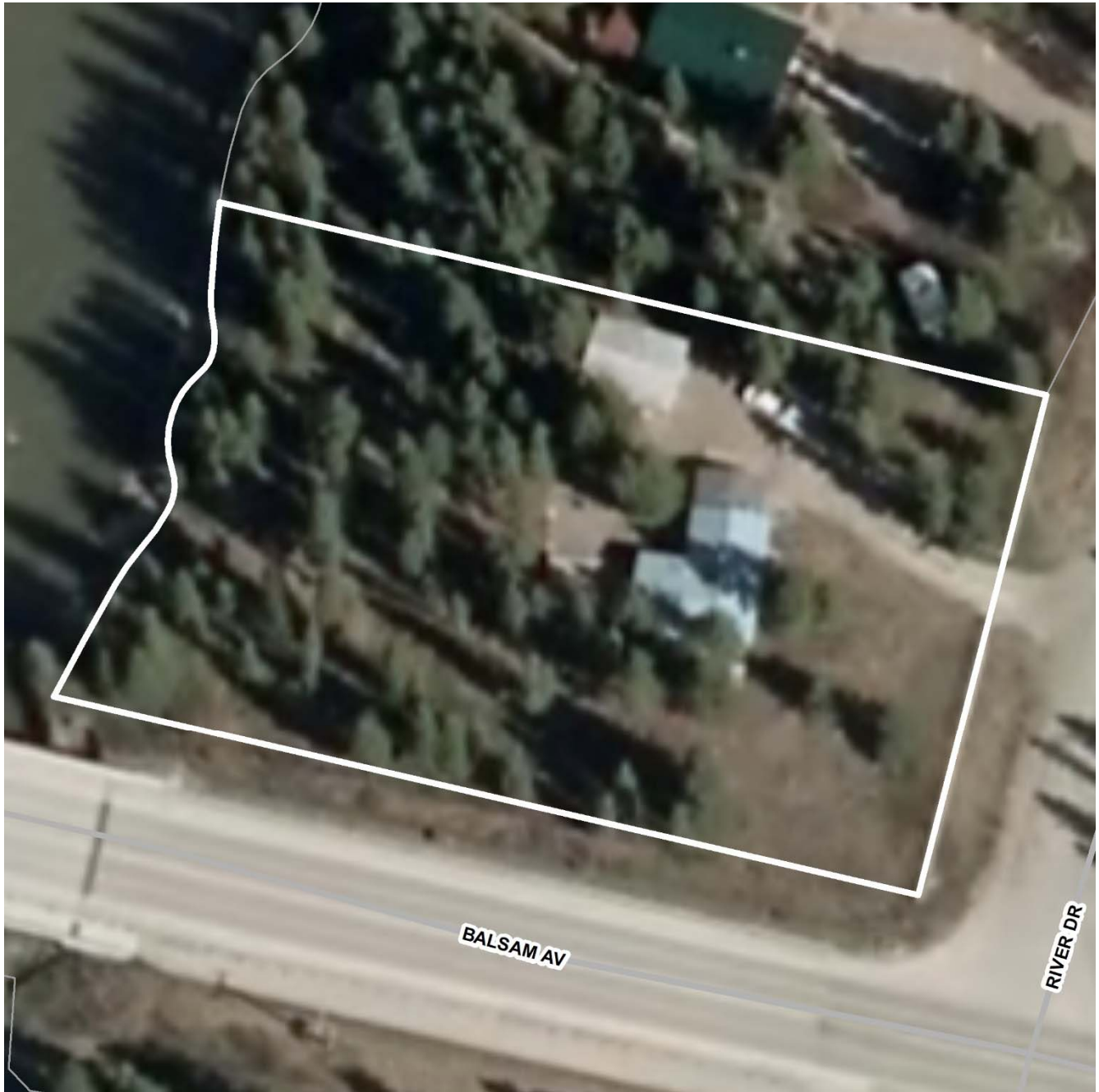
Lot:1 Block:6 Plan:1741 EW

Date: April 10, 2019

Division #1

File: 03913077





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

AIR PHOTO

Spring 2018



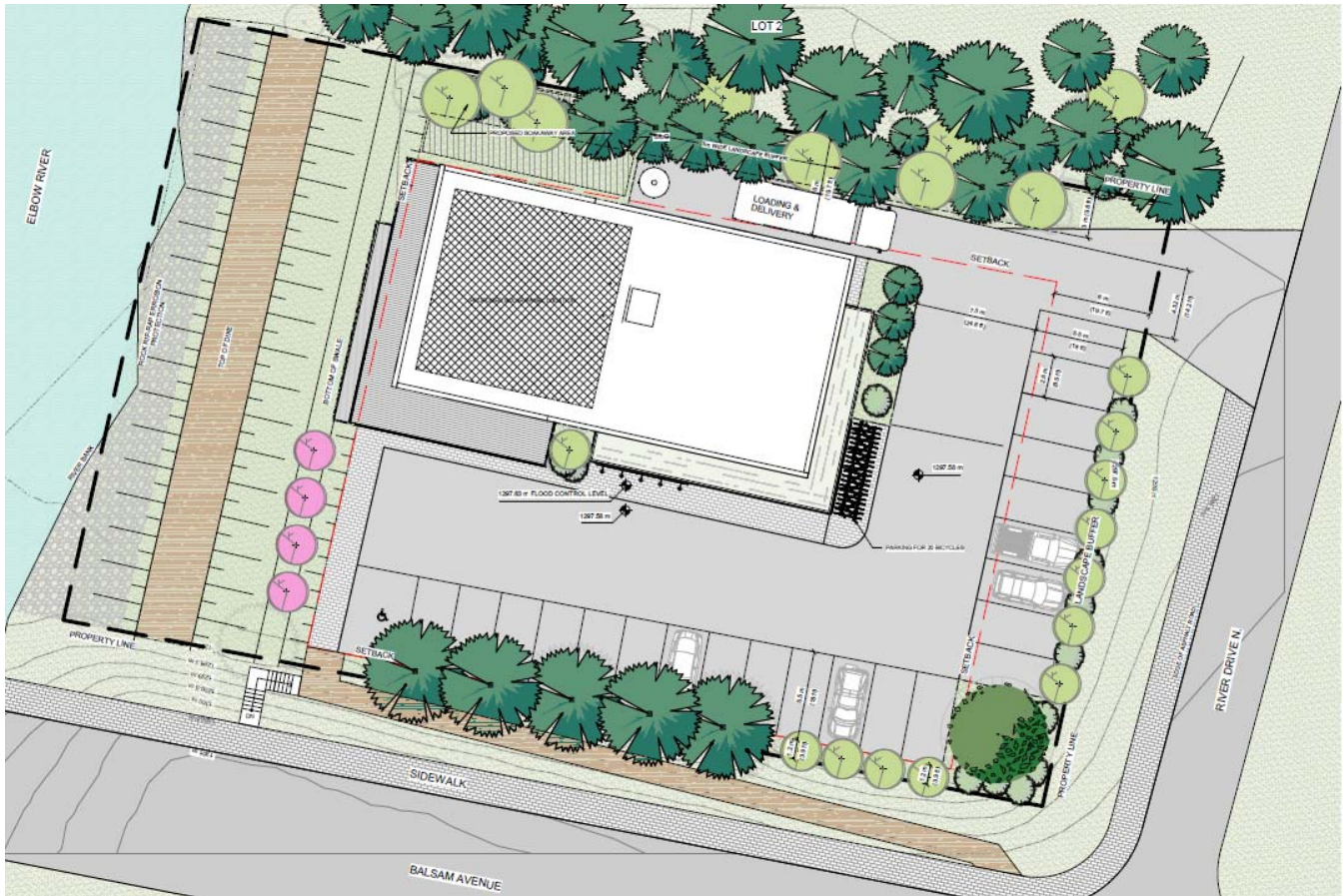
SE-13-23-05-W05M

Lot:1 Block:6 Plan:1741 EW

Date: April 10, 2019

Division #1

File: 03913077



4 MASSING STUDY - SOUTH EAST LOOKING NORTH WEST



5 MASSING STUDY - NORTH EAST LOOKING SOUTH WEST

SITE PLAN



SE-13-23-05-W05M
Lot:1 Block:6 Plan:1741 EW

Date: April 10, 2019

Division #1

File: 03913077



File: 03913077



VIEW FROM SOUTH EAST CORNER DURING DAY TIME

RENDERINGS

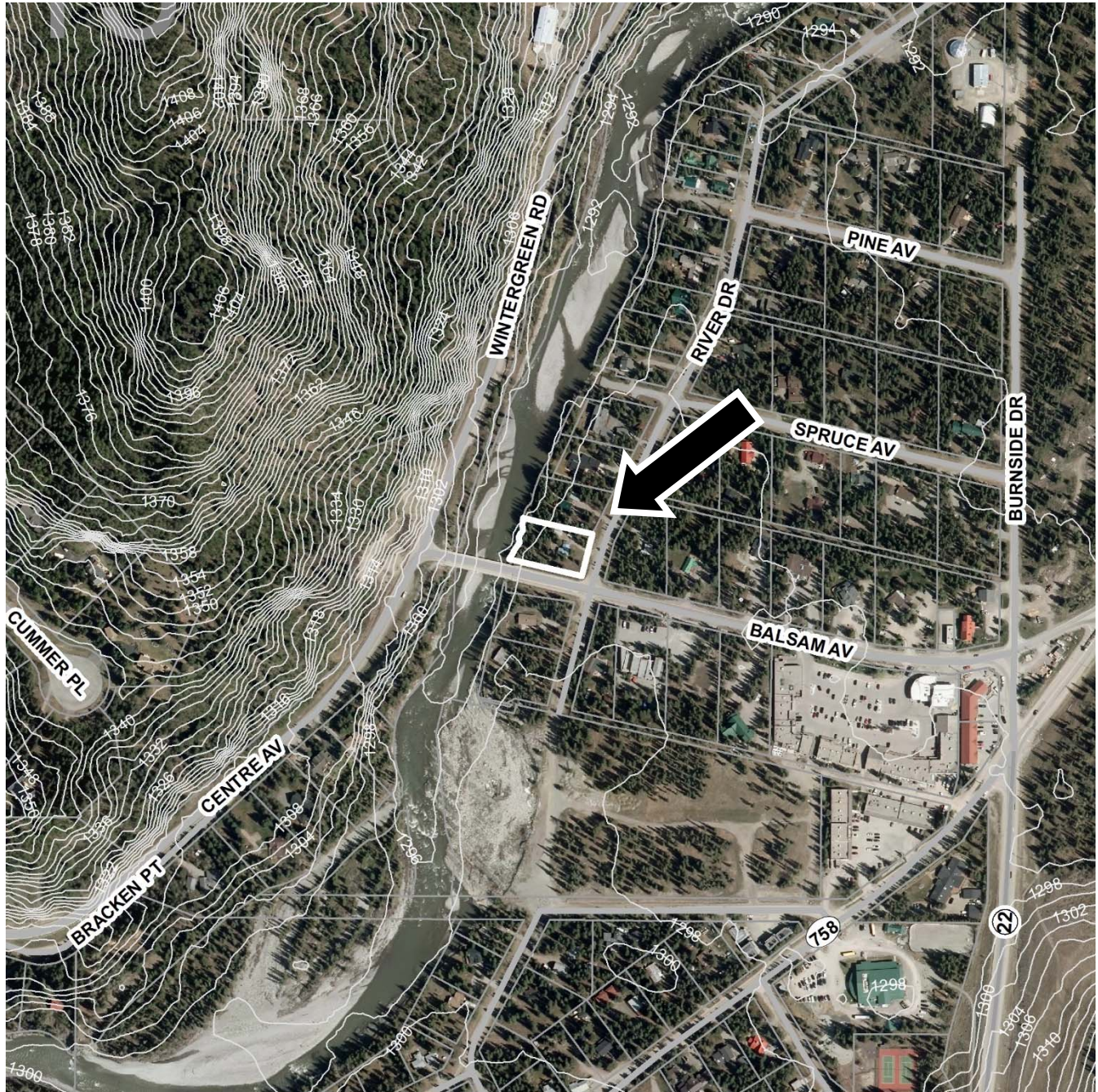


SE-13-23-05-W05M
Lot:1 Block:6 Plan:1741 EW

Date: April 10, 2019

Division #1

File: 03913077



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

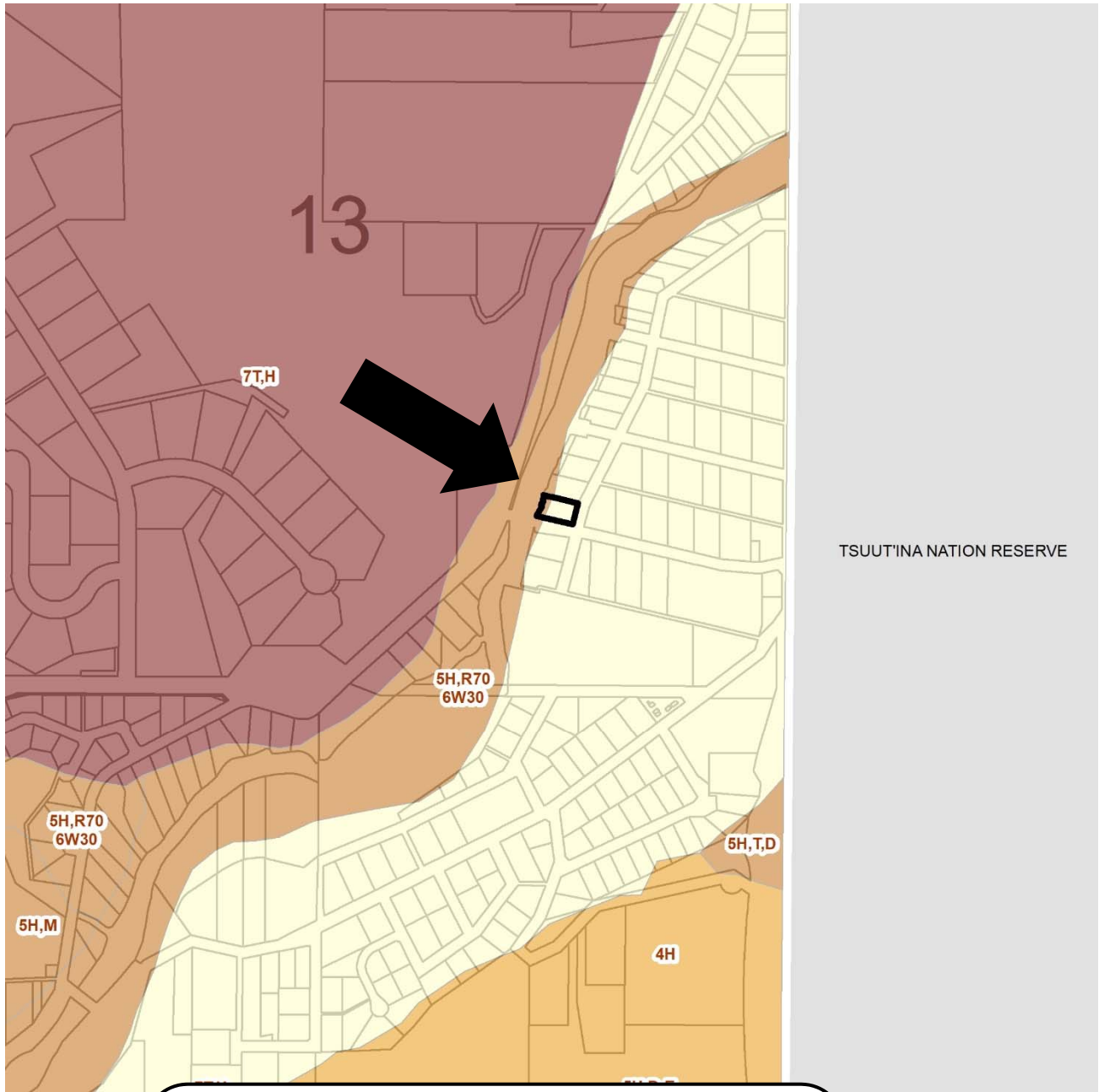


SE-13-23-05-W05M
Lot:1 Block:6 Plan:1741 EW

Date: April 10, 2019

Division #1

File: 03913077



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



SE-13-23-05-W05M

Lot:1 Block:6 Plan:1741 EW

Date: April 10, 2019

Division #1

File: 03913077



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

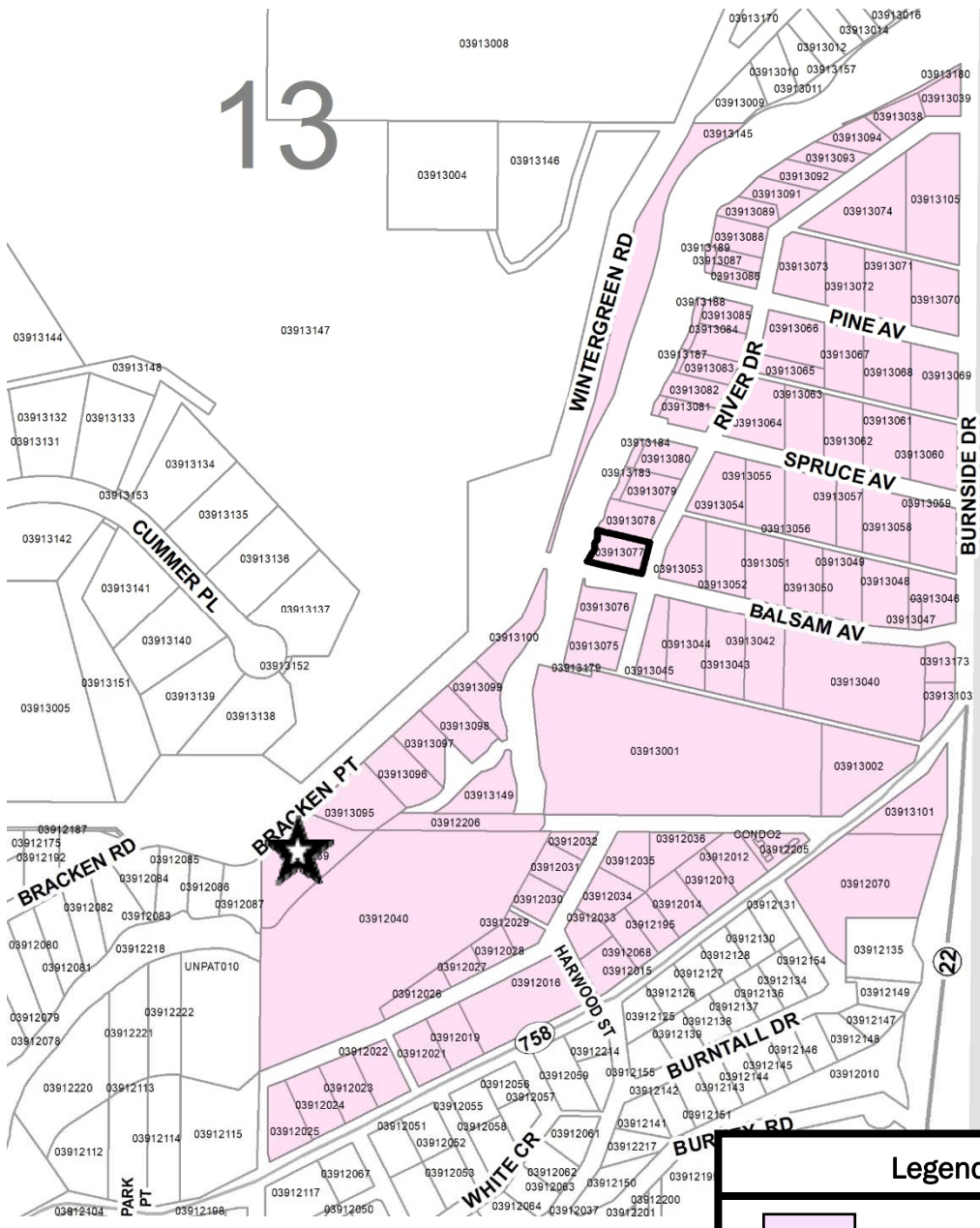
SE-13-23-05-W05M

Lot:1 Block:6 Plan:1741 EW

Date: April 10, 2019

Division #1

File: 03913077



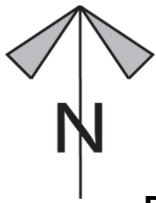
- Letters in Opposition
- Letters in Support

Legend

Circulation Area

Subject Lands

LANDOWNER CIRCULATION AREA



SE-13-23-05-W05M
Lot:1 Block:6 Plan:1741 EW
Date: April 10, 2019 Division #1 File: 03913077



Notice of Appeal
Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information

Name of Appellant(s) **Craig Nickel, Aaron Matiushyk, Jennifer Liddle**

Municipal Address
19 RIVER DRIVE NORTH

Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian)
Lot 1, Block 6, Plan 1741 EW

Property Roll #
03913077

Development Permit, Subdivision Application, or Enforcement Order #
PRDP20184945

I am appealing: (check one box only)

Development Authority Decision

- ☒ Approval
☐ Conditions of Approval
☐ Refusal

Subdivision Authority Decision

- ☐ Approval
☐ Conditions of Approval
☐ Refusal

Decision of Enforcement Services

- ☐ Stop Order
☐ Compliance Order

Reasons for Appeal (attach separate page if required)

Please see the attached Schedule "A"



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 403-238-1401.


Appellant's Signature

APRIL 9, 2019
Date

SCHEDULE “A”

The appellants are the owners and/or occupants of 23 River Drive North, Bragg Creek, Alberta (the “**Land**”).

The following document provides: (1) information about the appellant’s Land in relation to the proposed development at issue; (2) history of engagement with the appellants in respect of the proposed development at issue; and (3) the appellant’s concerns with the proposed development at issue.

The Properties

The appellants purchased the Land in June of 2015. The Land is currently improved with a log cabin, guest cabin, garage, fencing, and a deck overlooking the Elbow River. The log cabin underwent significant interior renovations following purchase, to preserve the historic aesthetic while bringing the building to code as a permanent residence. The Land is currently used as a part-time residence, and a quiet recreational retreat. It is located on River Drive North, which is a quiet residential street with minimal traffic and noise, and no on-street parking.

The site at issue, 19 River Drive North, Bragg Creek, Alberta (the “**Site**”), is located immediately adjacent to the south of the Land. The Site is improved with a house, garage, deck, and fencing. It is currently used as a residential premises occupied by tenants. It is also located on River Drive North, which is a quiet residential street with minimal traffic and noise, and no on-street parking.

The Proposed Development on the Site

After the Site was purchased, the appellants were approached by Mr. Baruch Laskin, who introduced himself as a representative of the group that had purchased the Site. At no point in time have the appellants been in contact with, or received any communication from the applicant / owner, Adam McLane.

- After initial discussions, Mr. Laskin advised the appellants that the intention was to build a quaint brewery and coffee roastery on the Site that would be mindful and respectful of the neighbours and neighbourhood. Mr. Laskin had no substantive details or drawings to share with the appellants at that point in time, but stressed his commitment to being a good neighbour and keeping the neighbours informed as to further plans as they became available. At this time there was no mention of a hotel or event space, and the appellants were led to believe that any development would be similar to other small restaurants in the hamlet, based on the small acreage of land available on the Site and the description provided by Mr. Laskin.
- While Mr. Laskin remained in regular contact with the appellants, he did not mention or inform the appellants of the public engagement session(s) associated with the rezoning application. The appellants then asked if the owners would be willing to provide any of the information presented in the session by email. No information was provided by email at this time. Based on conversations with Mr. Laskin, the appellants continued to operate under the premise that information and plans regarding the development of the Site would be communicated with them and feedback would be solicited prior to plans being finalized.
- When the appellants received notice of the rezoning application for the Site, they were surprised to discover the inclusion of a hotel and event space, something that had not been previously made known to the appellants. The appellants once again requested the information from any public engagement

sessions to be shared with them through email, but none was provided. The appellants were not aware of the magnitude of the development at this point in time, particularly in respect to the hotel or event space.

- No further indications, invitations or mentions of public engagement sessions were brought to the attention of the appellants by Mr. Laskin, despite requests to be informed of the scheduling of such events. No information from the public engagement session(s) associated with the development permit application were provided to the appellants.
- In March 2019, the appellants received notice of a development permit approval for the Site including a 21-room hotel, brewery, restaurant and drinking establishment, and construction of a multi-use commercial building and signage. Further requests by the appellants for Site development plans and/or drawings were not met by Mr. Laskin, so the appellants contacted Rocky View County for the drawings and plans associated with the development permit and received them from Rocky View County.

As the applicant and/or the applicant's representatives had not provided substantive details regarding the proposed development of the site prior to receipt of the permit approval notification, the appellants were not aware of the scope of the development, in terms of layout, size, intensity and impact on the Land.

Appellants' concerns with the Proposed Development on Site

The appellants submit that the development proposed on the Site materially interferes with or affects the use, enjoyment, or value of the Land in the following ways:

- The proposed development, as presented, would result in the construction of a 12.5 m (and higher at certain points) commercial complex adjacent to the property line of the Land, which effectively blocks out direct sunlight for large portions of the Land, impacting both enjoyment and natural vegetation on site. The proposed building height also does not comply with Section 63.6(a)(i) of the Hamlet Commercial District Zoning, which imposes a maximum height of 10 m for a principal building.
- The proposed development has inadequate screening measures for privacy, especially given that the commercial complex is proposed to be constructed as close as possible to the property line shared with the Land. The commercial complex would have a public patio partially facing the Land on Floors 1 and 2, and hotel rooms facing the Land on Floors 2 and 3. Patrons and hotel guests will be able to look directly into the Land, giving the appellants no privacy, especially when taking into account the vantage point provided by the higher floors. The site plan and proposed development do not allow for adequate screening, as the development will not be screened from the view of the adjacent residential property, under the intent and spirit of Section 63.7 (b) of the Hamlet Commercial District Zoning. The Site plan proposed simply does not properly screen the Land from a three-story building, especially from patrons and guests located in the higher vantage points of the building. Further, the rear of the complex and patios does not comply with Section 63.5 of the Hamlet Commercial District Zoning, which requires a minimum rear yard setback of 6 m. The Site plan only proposes a 0.9 m rear yard setback.
- The proposed development places a commercial loading zone and silo within 3 m of the property line shared with the Land, directly adjacent to the main cabin on the Land. The appellants will be

subjected to noise and disruption of privacy with supplier trucks utilizing this area on a regular basis. Further, this proposed area does not comply with Section 63.5(d)(i) of the Hamlet Commercial District Zoning, which has a minimum side yard requirement of 6 m when adjacent to a residential district. The Site plan contains a driveway, loading and delivery area, and silo encroaching onto the side yard area, effectively bringing the proposed development closer to the Land than the minimum requirements.

- The proposed development includes 23 parking spaces on Site. However, the Site plan itself states that the actual requirement for parking stalls to align with zoning requirements is 57 parking stalls. The appellants submit that, when the parking lot is full, the most likely scenario will be patrons and guests seeking overflow parking in the flat ditch area in front of the Land or along other parts of River Drive North, as opposed to parking off-site and walking to the Site. Presently, River Drive North is a quiet residential street with no on-street parking.
- The appellants use the Land as a quiet residential retreat, and this will be negatively impacted by a high-density drinking establishment and event space, including increased traffic and noise during the long and late hours of operation generally associated with these types of establishments.
- The appellants have heightened security concerns for the Land, given the presence of a proposed drinking establishment and event space. The density of use being requested could mean that there could be easily 50 - 100 people on an approximately 0.4 acre Site at any given time.
- Such further or other particulars as may be raised at an appeal of this matter.

The appellants respectfully request that the Subdivision and Development Appeal Board:

- (a) revoke or vary the order, decision, or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own, with the effect of refusing the development permit in full or part;
- (b) refuse to make an order or decision or issue or confirm the issue of a development permit where the proposed development does not comply with the land use bylaw because the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or
- (c) such further or other order or decision as the Subdivision and Development Appeal Board deems fit.



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Rocky View County, AB, T4A 0X2

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THIS IS NOT A DEVELOPMENT PERMIT

Please note that the appeal period *must* end before this permit can be issued and that any
Prior to Issuance conditions (if listed) *must* be completed.

NOTICE OF DECISION

McLane, Adam

Page 1 of 7

Thursday, April 4, 2019

Roll: 03913077

RE: Development Permit #PRDP20184945

Lot 1 Block 6 Plan 1741 EW, SE-13-23-05-05; (19 RIVER DRIVE NORTH)

The Development Permit application for General Industry Type I and II (brewery), Hotel (21 rooms), Restaurant and Drinking Establishment, construction of a multi-use commercial building and signage has been **conditionally-approved** by the Development Officer subject to the listed conditions below (**PLEASE READ ALL CONDITIONS**):

Description:

- 1) That General Industry Type I and II (Brewery), Hotel (21 room), Restaurant and Drinking establishment, construction of a multi-use commercial building may take place on the subject site in general accordance with the Site Plan and Architectural Drawings prepared by STARK architecture, dated October 5, 2018, subject to the amendments required in accordance with the conditions of this approval and includes:
 - i. Construction of a multi-use commercial building with a footprint of ± 354.24 sq. m. (3,813 sq. ft.) and total gross building area of $\pm 1,026.49$ sq. m (11,049 sq. ft.);
 - ii. Relaxation of the minimum side yard setback requirement from **1.20 m (3.94 ft.)** to **± 0.90 m (± 3.00 ft.)** from the proposed Public Utility Lot (flood mitigation structure) to the west;
 - iii. Relaxation of the maximum height requirement from **10.00 m (32.81 ft.)** to **12.50 m (41.01 ft.)**, (excluding the parapet wall); and
 - iv. Signage including 2 freestanding, 2 façade and onsite/offsite parking wayfinding (as required).

Prior to Issuance:

Developability

- 2) That prior to issuance of this permit, the Applicant/Owner shall submit a revised landscaping plan that identifies the proposed amount of landscaping to be incorporated/maintained onsite, to the satisfaction of Rocky View County [*the County*]. Note, the landscaping plan shall be in compliance with the Provincial FireSmart Guidelines and the Hamlet of Bragg Creek Design Standards.
- 3) That prior to issuance of this permit, the Applicant/Owner shall submit a revised parking plan, identifying the minimum required barrier free parking stalls (two [2]), stall dimensions and associated signage for the subject site, in accordance with the Land Use Bylaw and Alberta Building Code 2014, to the satisfaction of the County.



McLane, Adam #PRDP20184945

Page 2 of 7

- 4) That prior to issuance of this permit, the Applicant/Owner shall register on title, the appropriate parking agreement between each consenting property, to accommodate the proposed offsite parking agreements. The instrument shall remain on title for the life of the development unless updated or replaced with alternative parking locations.

Servicing

- 5) That prior to the issuance of this permit, the Applicant/Owner shall submit a water and wastewater servicing assessment to the satisfaction of the County. The water and wastewater servicing assessment shall be prepared by a qualified professional and determine the water demands and wastewater generation of the proposed development at full build out.
 - i. The servicing assessment shall determine if upgrades are required to meet the increased servicing demands based on the full buildout of the development;
 - ii. The servicing assessment shall include further information on the pre-treatment system that shall be provided, including details of the strength and composition of wastewater that will be discharged into the Bragg Creek Wastewater Collection System;
 - iii. The servicing assessment shall demonstrate that wastewater released from the development shall not be over strength in accordance with the terms of the Water & Wastewater Utilities Bylaw (C-7662-2017).
- 6) That prior to the issuance of this permit, the Applicant/Owner shall be required to provide the necessary security for the tie-in to the existing water main, based on estimated construction costs prepared by a qualified professional, if an upgraded water and/or sanitary utilities main connection and service connection is required,.
- 7) That prior to the issuance of this permit, the Applicant/Owner shall submit engineered design drawings of the utility connections for review and acceptance by the County, if an upgraded utilities main connection and service connection to the water main and/or the sanitary sewer within the River Drive North right-of-way is required. Written approval of the design drawings shall be obtained from the County Utility Services manager, prior to construction commencement.
- 8) That prior to the issuance of this permit, the Applicant/Owner shall submit design drawing(s) showing the location of the sanitary sewer services connection and test manhole, to the satisfaction of the County.
 - i. The test manhole shall be located in the gravity portion of the sanitary sewer service connection, as close as practically possible to the east property line, in an easily accessible area for wastewater sampling.
- 9) That prior to the issuance of this permit, the Applicant/Owner shall enter into an access easement or utility right-of-way agreement with the County and register on title, to allow the County representatives to enter the subject lands and access the test manhole to obtain samples to verify that wastewater is in compliance with the County's Water & Wastewater Utilities Bylaw (C-7662-2017).
- 10) That prior to the issuance of this permit, the Applicant/Owner shall confirm the location and volume of an onsite water reservoir to be used for fire suppression, to the satisfaction of the County.

Note: That the Bragg Creek Water distribution system is not capable of providing water pressures for fire suppression. Therefore, any fire suppression systems required by the building code must be accommodated with onsite storage and pressurization.



McLane, Adam #PRDP20184945

Page 3 of 7

Storm Water Management

- 11) That prior to the issuance of this permit, the Applicant/Owner shall submit a Storm Water Management Plan (SWMP), to the satisfaction of the County. The SWMP shall demonstrate that the site can manage storm water in accordance with the requirements of the County Servicing Standards and the Bragg Creek Master Drainage Plan.
 - i. The SWMP shall comment on pre and post-development water quality, release rates, and runoff volume control targets.
 - ii. The SWMP shall demonstrate how any negative impacts to the Elbow River will be mitigated both during and post construction, in accordance with *County Policy 419: Riparian Land Conservation and Management*.
 - iii. The SWMP shall include a site grading plan, and give consideration to berm construction for the Bragg Creek Flood Mitigation Project.

Note: Any Alberta Environment approvals may be required if any storm water ponds are required.

Construction Management

- 12) That prior to the issuance of this permit, the Applicant/Owner shall submit a Construction Management Plan, to the satisfaction of the County. The Plan shall be prepared by a qualified professional, addressing noise mitigation measures, traffic accommodation, sedimentation and dust control, management of storm water during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, and all other relevant construction management details. Road Use Agreement
- 13) That prior to the issuance of this permit, the Applicant/Owner shall contact County Road Operations to determine if a Road Use Agreement and/or any Road Data Permits are required for the importing of fill and topsoil, removal of any excess fill, and for the mobilization and demobilization of any construction equipment to and from the subject site utilizing any County Roads.
 - i. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permit shall be obtained unless otherwise noted by County Road Operations.

Fees & Levies

- 14) That prior to the issuance of this permit, the Applicant/Owner shall submit payment of the Transportation Off-site Levy in accordance with the applicable levy at time of Development Permit approval (Bylaw C-7356-2014), for the total gross acreage of the lands.

Note: The Transportation Off-site Levy shall not include the lands that the County is purchasing for construction of the Flood Mitigation Berm.
- 15) That prior to issuance of this permit, the Applicant/Owner shall confirm acceptance or refusal to participate in the Voluntary Recreation Contribution for Community Recreation Funding on the form provided by the County. If accepted, the contribution is calculated at \$800.00 per acre.

Prior to Occupancy:

Landscaping

- 16) That prior to occupancy of the site, all landscaping and final site surfaces shall be completed.
 - i. That should permission for occupancy of the site be requested during the months of October through May inclusive and prior to the required landscaping and site surface completion, then



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occupancy may be allowed provided that an Irrevocable Letter of Credit is received by the County.

- ii. The Irrevocable Letter of Credit shall be in the amount of 150.00% of the total cost of completing all the landscaping and final site surfaces that is not yet completed. A contractor's/engineer's quote shall accompany the Letter of Credit describing the work to be carried out and shall be placed with Rocky View County to guarantee the works shall be completed by the 30th day of June immediately thereafter.

Servicing

- 17) That prior to the occupancy of the site, the Applicant/Owner shall enter into a Customer Servicing Agreement with the County, for the water and wastewater utility services provided to the subject lands.
- 18) That prior to occupancy of the site, after approval of the utilities main connection and service connection designs by the County's Utility Services manager, the Applicant/Owner shall provide 14 days written notice to the County prior to utility construction commencing. The Applicant/Owner shall arrange to have County personnel present to supervise construction at their expense, in accordance with the County's Water & Wastewater Utilities Bylaw (C-7662-2017).
 - i. All utility construction shall be to the satisfaction of the County.
 - ii. All ground disturbances shall be restored to pre-existing or superior conditions, to the satisfaction of the County.
 - iii. All engineering and construction costs shall be borne by the Applicant/Owner.
- 19) That prior to occupancy of the site, the Applicant/Owner shall purchase additional water and wastewater capacity required to service the development, as determined by the Water & Wastewater servicing assessment, in accordance with the County's Master Rates Bylaw (C-7751-2018), as amended.
- 20) That prior to occupancy of the site, the Applicant/Owner shall submit as-built drawings of the site that are certified by a professional engineer. The as-built drawings shall include verification of any as-built water, sanitary, stormwater management infrastructure and the test manhole.
 - i. Following receipt of the as-built drawings from the Applicant's consulting engineer, the County shall complete an inspection of the site to verify the stormwater infrastructure has been completed as per the stamped "*examined drawings*".
- 21) That prior to occupancy of the site, the Applicant/Owner shall contact County Utility Operations for an inspection of the water meter, sanitary sewer service connection, and the sanitary test manhole.

Permanent:

Servicing

- 22) That water and wastewater volumes used by the development shall be within the amounts allocated to the subject lands, and all overages shall be billed in accordance with the Master Rates Bylaw (C-7751-2018) and the Water & Wastewater Utilities Bylaw (C-7662-2017).
 - i. That if the wastewater released from the development is found to be over strength, the Applicant/Owner shall be subject to over strength wastewater surcharge specified within the Master Rates Bylaw and the Water & Wastewater Utilities Bylaw.
- 23) That connection to existing sanitary mains, waste mains, and water mains shall not be permitted without the authorization of the County's Utility Operations.



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Construction Management

- 24) That the Applicant/Owner shall submit a deep fill report, with compaction results, if any areas shall have a fill depth greater than 1.2 m.
- 25) That no topsoil shall be removed from the subject property.
- 26) That during construction, dust control shall be maintained on the site and that the Applicant/Owner shall take whatever means necessary to keep visible dust from blowing onto adjacent lands.
- 27) That any dirt removed from the site during construction shall be hauled off in a covered trailer/truck that will prevent the blowing of dust/small rocks onto the road, and prevent issues with other vehicles on the road.
- 28) That the clean-up of any mud tracking and/or dirt that enters onto adjacent County roads during construction shall be the responsibility and cost of the Applicant/Owner.
- 29) That the entire site shall be maintained in a neat and orderly manner at all times. All waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways.
- 30) That any flood proofing measures shall be followed in accordance with the Alberta Building Code, good engineering practice and recommendations stated in the Bragg Creek Area Structure Plan.
- 31) That the Applicant/Owner shall ensure that all habitable floor levels are above the 1 in 100 flood level. Any construction below this flood level may require engineered flood proofing measures.

Note: The required flood elevation level is 1297.63 m

Solid Waste & Recycling Management

- 32) That the garbage containers shall be screened from view from adjacent properties and public thoroughfares. All garbage and waste shall be stored in weatherproof and animal proof containers and be in a location easily accessible to containerized garbage pickup.

Signage & Lighting

- 33) That any future signage, not included within this application, shall require separate Development Permit approval and shall adhere to the Hamlet of Bragg Creek Design Standards and the Land Use Bylaw.
- 34) That no temporary signage shall be placed on the site at any time except any temporary signs required during development or building construction.
- 35) That all on site lighting shall be "dark sky" and all private lighting, including site security lighting and parking area lighting, shall be designed to conserve energy, reduce glare, and reduce uplight. All development shall be required to demonstrate lighting design that reduces the extent of spill-over glare and eliminates glare as viewed from nearby residential properties.

Parking

- 36) That the site shall maintain a minimum of 22 parking stalls and one loading bay onsite at all times, in accordance with the approved Parking Study.
- 37) That a minimum of 33 parking stalls shall be available at all times via the registered off-site parking arrangements and shall be maintained on title for the life of the development permit.
- 38) That no parking shall be permitted on the adjacent County road system.

Landscaping

- 39) That all landscaping shall be in accordance with the approved Landscape Plan.



McLane, Adam #PRDP20184945

Page 6 of 7

- 40) That the existing trees and terrain shall be retained except as required to meet conditions of this permit and any disturbed areas shall be replanted with vegetation similar to existing predevelopment ground cover.
- 41) That no outdoor display areas, storage areas, parking or marshallings yards shall be allowed within landscaped yards.
- 42) That the quality and extent of the landscaping shall be maintained over the life of the development and any deceased vegetation shall be replaced within 30 days or before June 30th of the next growing season.
- 43) That there shall be no potable water used for irrigation and landscaping purposes, and that no exterior hose bibs shall be installed.

Other

- 44) That it is the Applicant/Owner's responsibility to obtain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for the proposed development located on the subject site, to facilitate accurate emergency response.
- 45) That if the facility changes commercial usage, the Owner shall submit to the County a revised description of process and subsequent water and wastewater requirements.
- 46) That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application or in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity and includes but is not limited to (as amended):
 - i. Geotechnical Investigation Report, as prepared by E2K Engineering Ltd, dated November 29, 2018);
 - ii. Trip Generation Exercise, as prepared by Bunt & Associates, dated March 31, 2017;
 - iii. Parking Study, as prepared by Bunt & Associates, dated November 21, 2018;
 - iv. Stormwater Management Plan, as prepared by Richview Engineering Inc., dated February 1, 2019;
 - v. Erosion & Sediment Control Plan, as prepared by Richview Engineering Inc., dated November 18, 2018;

Advisory:

- 47) That during construction, the County's Noise Control Bylaw C-5772-2003 shall be adhered to at all times.
- 48) That during construction, all construction and building materials shall be maintained onsite 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.
- 49) That the site shall remain free of restricted or noxious weeds, in accordance with the Weed Control Act.
- 50) That the Applicant/Owner shall be responsible for all required payments of third party reviews and/or inspections, as per the Master Rates Bylaw.
- 51) That a Building Permit with applicable subtrade permits, shall be obtained through Building Services, prior to any construction taking place and shall require:
 - i. The Commercial, Industrial and Institutional application checklist;
 - ii. A completed 3.2.2 Code Analysis;



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Note: The Development shall conform to the National Energy Code 2011 and Alberta Building Code & it is recommended that the Applicant/Owner schedule a pre-application meeting with Building Services, to go over in detail, any Building Permit application requirements.

- 52) That a Building Demolition permit shall be obtained through Building Services, prior to any demolition of any existing building onsite.
- 53) That all other government compliances and approvals are the sole responsibility of the Applicant/Owner and include:
 - i. An issued Roadside Development Permit through Alberta Transportation;
 - ii. Any Alberta Health Services approvals.
- 54) That if the development authorized by this Development Permit is not commenced with reasonable diligence within 24 months from the date of issue, and completed within 36 months of the date of 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.
- 55) That if this Development Permit is not issued by **JUNE 30, 2020** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Note: The Applicant/Owner shall be responsible for all Alberta Environment and Park (AEP) approvals for any impact to any wetland areas or for on-site stormwater Infrastructure

If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **Thursday, April 25, 2019**, a Development Permit may be issued, unless there are specific conditions which need to be met prior to issuance. If an appeal is received, then a Development Permit will not be issued unless and until the decision to approve the Development Permit has been determined by the Development Appeal Committee.

Regards,

Development Authority

Phone: 403-520-8158

E-Mail: development@rockyview.ca

THIS IS NOT A DEVELOPMENT PERMIT



ROCKY VIEW COUNTY
Cultivating Communities

20184945

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$815.68	File Number 039/3077
Date of Receipt Dec 5/12	Receipt #

Name of Applicant Adam McLane

Postal Code _____

(H) _____

Fax _____

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 _____ ¼ Section _____ Township _____ Range _____ West of _____ Meridian

b) Being all / parts of Lot 1 Block 6 Registered Plan Number 1741EW

c) Municipal Address 19 River Drive N.

d) Existing Land Use Designation HC Parcel Size 0.56 acres Division _____

2. APPLICATION FOR

Development of multi-use commercial building housing a micro-brewery, coffee roaster, restaurant and boutique Inn.

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 Adam McLane 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 Adam McLane

Date December 4, 2012

Owner's Signature Adam McLane

Date December 4, 2012

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.

Adam McLane

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

Adam McLane

Signature

December 5, 2018

Date

Bragg Creek Brewery

19 River Drive N., Bragg Creek, Alberta T0L0K0

December 5, 2018

Johnson Kwan
Municipal Planner
Rocky View County
262075 Rocky View Point, Rocky View County, Alberta, T4A0X2

Dear Johnson Kwan:

Please accept this application and the accompanying supporting documents for consideration of development permit approval for the Bragg Creek Brewery. As requested, we have compiled our application in the form of a Master Site Development Plan (MSDP) so that we can fully explain our plans for development and our design rationale. Within this package, you will find our comprehensive development permit document, along with our architectural package printed in large format, a geotechnical investigation, a stormwater management report, a parking assessment, a public consultation summary, the application form, the certificate of title, and the development permit checklist.

Our team, along with the community of Bragg Creek are excited to move forward on this project. We would like to thank-you for your consideration on this matter and would be pleased to answer any questions you may have.

Sincerely,

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

Baruch Laskin, Co-Founder
Bragg Creek Brewery

Development Permit Application

BRAGG CREEK BREWERY
DECEMBER 5, 2018

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1.0 INTRODUCTION

This document represents the compilation of information in support of the development permit application for the Bragg Creek Brewery, which will include a craft micro-brewery, small restaurant/taproom, coffee roaster and boutique Inn, within the Hamlet of Bragg Creek. The intent of the document is to establish expectations regarding how the proposed development will be implemented within the context of Rocky View County's municipal policies and development regulations. Herein, we establish our project vision and rationale; provide area context; describe how municipal policy framework applies to this project; describe the existing conditions of the subject lands; outline our development concept, architectural design and landscaping; discuss transportation and parking impacts; discuss utility servicing for the project; outline stormwater management; and describe our extensive community consultation up to this point. This document references architectural images as figures within the text which will also be provided in a supplementary full-colour package (more information is available in the Supporting Technical Information Section). There is a tremendous amount of community support for this project and we are excited to be taking this step forward in partnership with Rocky View County.

2.0 PROJECT VISION AND RATIONALE

Our vision for the Hamlet of Bragg Creek is one that embraces its identity as the *Gateway to Kananaskis*, where people come to recreate, socialize, and rejuvenate in a beautiful mountain setting. Although we see the potential of the Hamlet, presently it lacks connectivity, a central community hub, a diversification of business (especially accommodations) and is in need of beautification and community enhancement. We believe that there is a market opportunity to establish a world-class, multi-use commercial facility within the Hamlet that will address all of these issues and act as a catalyst for the revitalization of Bragg Creek. The project location is situated directly adjacent to the Elbow River on an under-utilized parcel right beside the Balsam Avenue Bridge, benefited by exposure to traffic heading to and from the West Bragg Creek Trail network and Wintergreen and placed perfectly to increase connectivity to the river. Rocky View County council agrees with our vision, highlighted by the unanimous decision to rezone our property from Residential to Hamlet Commercial for the purposes of building our proposed development.

We desire to become a strong corporate citizen of Bragg Creek and Rocky View County and we feel this proposed development of the Bragg Creek Brewery will help us achieve that goal.



3.0 AREA CONTEXT

The proposed development is located on River Drive N. within the Hamlet Core of Bragg Creek on an under-utilized property right on the Elbow River and adjacent to the Balsam Avenue Bridge that provides access to West Bragg Creek and Wintergreen (marked in Figure 1). The intersection of Balsam Avenue and River Drive N. provides access between the proposed development and the rest of the Hamlet Core. Additionally, Burnside Drive provides two opportunities for access via Spruce Drive and Pine Avenue. The Hamlet of Bragg Creek is serviced by Highway 22, which links directly to Balsam Avenue. Alberta Transportation owns and maintains Highway 22, providing convenient and efficient access to Highway 1 and Highway 66.

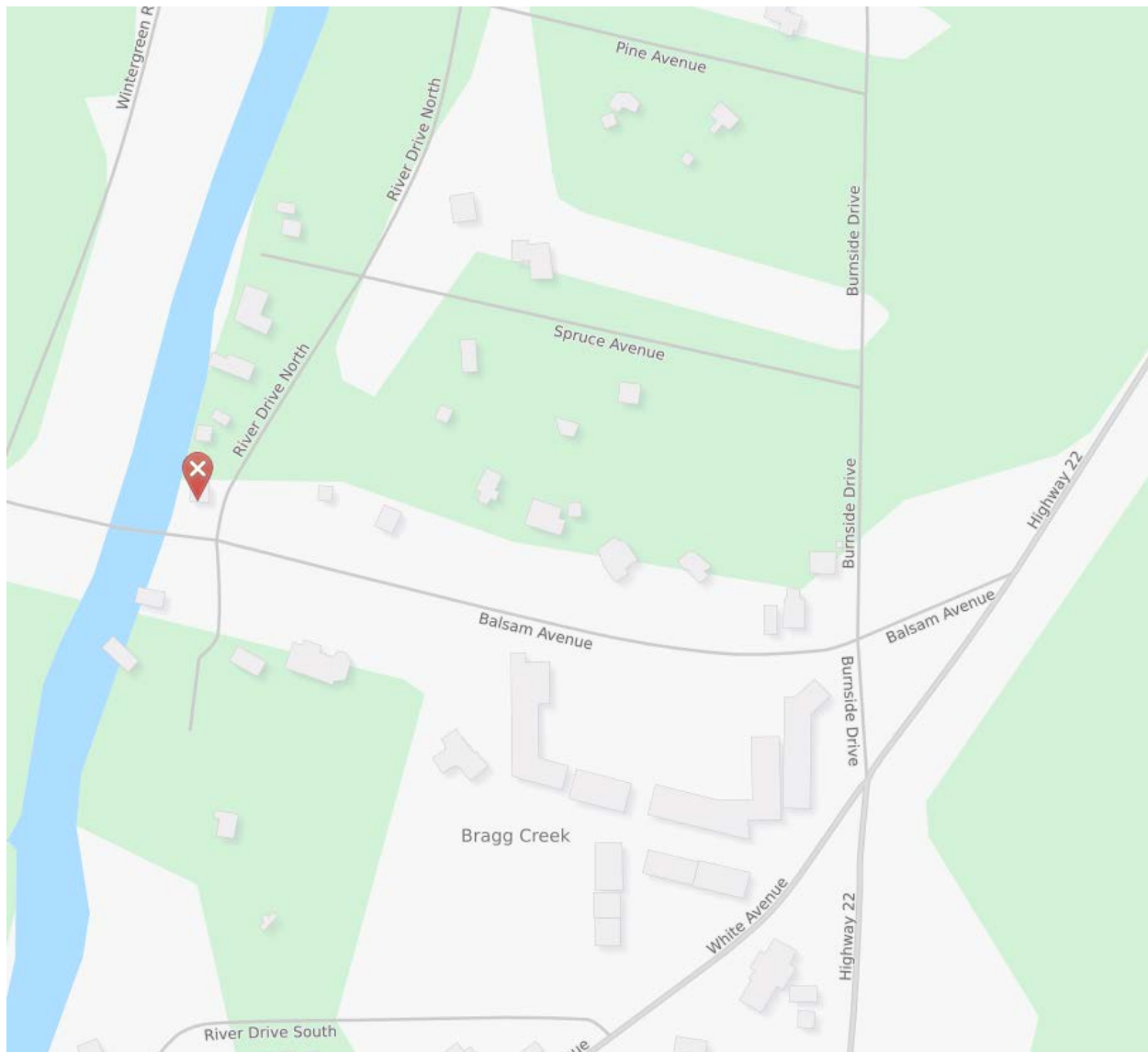


Figure 1: Area Context (Source: Open Street Map)

4.0 MUNICIPAL POLICY FRAMEWORK

4.1 Greater Bragg Creek Area Structure Plan

Commercial development within the Hamlet of Bragg Creek is subject to rules and regulations outlined in the Greater Bragg Creek Area Structure Plan (GBCASP). The GBCASP encourages commercial development within the Hamlet Commercial Core, as defined by *Figure 10: Hamlet Core* within the GBCASP. Desirable uses within the Hamlet Core include: drinking establishment, brewery, restaurant, overnight accommodation, tourism uses/facilities, and arts and cultural center. The subject lands where the Bragg Creek Brewery will reside fall within the Hamlet Core, are zoned as Hamlet Commercial and will provide all of the noted desirable uses in a compact and vibrant space.

4.2 Hamlet of Bragg Creek Design Standards

In addition to the GBCASP, commercial development with the Hamlet of Bragg Creek is also subject to the Hamlet of Bragg Creek Design Standards (HBCDS). A successful design is evaluated in accordance with the following criteria: building placement, building proportions and scale, building style, building material and colour, utility and service areas, parking and site access, landscaping, lighting, and business signage. The Bragg Creek Brewery development will be in alignment with the HBCDS.

4.3 Development Plan Requirements

At the request of Rocky View County Administration, we are preparing the supporting material for our development permit application in the form of a Master Site Development Plan (MSDP). A MSDP is usually completed in preparation for a re-zoning application, sets guidelines for long-term development of a site over a specified period of time, and typically refer to large sections of land that are proposed to facilitate limited subdivision. A traditional MSDP is expected to address:

1. a description of the proposed project and phasing;
2. site plans with details of all development on the project site;
3. building elevations and placement; and
4. details such as landscaping, lighting, parking and architectural treatments.

In addition to this information above, we are also including the following information, as requested by Rocky View County Administration:

5. a summary of the applicant's community consultation and results; and
6. technical issues identified by the County that are necessary to determine the project's viability and offsite impacts including (but not necessarily limited to): a geotechnical investigation, storm-water management plan, traffic and parking assessment and shadow analysis.

The various sections of this supporting document have been prepared in accordance with the above-references content requirements.

5.0 EXISTING CONDITIONS

As illustrated in the location map and survey in Figure 2, the proposed development area is located at 19 River Drive N. (Lot 1, Block 6, Subdivision Plan 1741 EW). The parcel is zoned as Hamlet Commercial (HC). The original survey on this property was completed and registered in 1937, indicating the overall area of the parcel to be 25,000 ft².

5.1 Berm Right-of-Way Considerations

Rocky View County is currently planning a proposed flood mitigation berm development within Bragg Creek. The proposed berm will traverse the subject lands from south to north and will be a 1.8 m high sloping hill structure comprised of dirt, gravel and large stone riprap material, transitioning to a 1.8 m high retaining wall structure contained within a sloping hill. The berm structure will not exceed 15m from the outer-most extent of the surveyed river bank (Figure 3). The development contemplated by this application will not negatively impact this future berm infrastructure. Rocky View County’s Land Use Bylaw (C-4841-97) section 63.5(e) dictates that the yard, side setback for buildings is 1.25 m for Hamlet Commercial properties. Through discussions with Rocky View County, we reached an agreement with the Development Authority that since the front entrance of our business and majority of our frontage is facing south on to Balsam Avenue, that this would be considered our yard, front designation. As such, the west side of the property along the river and in the future along the berm structure will be considered our yard, side designation. The Development Authority has also confirmed that we can be granted a variance of 25% on the 1.25 m, which would alter the setback to 0.9 m. Our development will not encroach on this 0.9 m setback from the new yard, side property line once the berm lands are acquired.

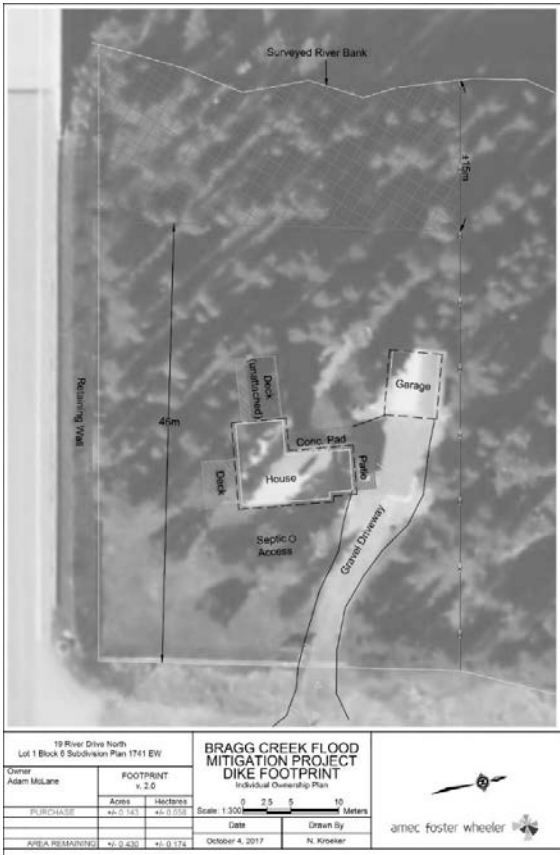


Figure 3: Future Berm Development in Context to Existing Infrastructure (source: Amec Foster Wheeler)

5.2 Geotechnical Considerations

A Geotechnical Investigation was completed within the subject lands to support our development permit application. The report's conclusions indicate that the subsurface characteristics are considered suitable for the proposed development. Groundwater was located approximately 2.6 m - 4.5 m below the existing grade surface, which may impact utility, basement and foundation design. We are currently in consultation with engineering professionals that will recommend a number of building techniques to overcome any geotechnical challenges, which will be outlined in detail at the building permit stage.

6.0 THE DEVELOPMENT CONCEPT

As illustrated in Figure 4, the perspectives and massing of the proposed development will include: our building containing the micro-brewery, coffee roaster, restaurant/taproom and boutique Inn; loading and delivery area on the north side; bicycle parking on the east side; on-site parking stalls; landscape buffers; and area designated for the berm on the west side along the river.

Access will be provided by an approach from River Drive N. that will be designed and constructed in accordance with Rocky View County's engineering standards. Potable water and wastewater servicing will be provided through municipal connections already existing on-site. Upgrades to connections will be completed in accordance with Rocky View County's engineering standards. Stormwater will be managed on-site via a comprehensive system of overland conveyance and infiltration areas and will be designed in accordance with the Rocky View County's Servicing Standards so as to limit the impact of the development on the downstream lands and water bodies. The project area will be professionally landscaped in accordance with Rocky View County's Land Use Bylaw requirements. Landscape buffer areas will be installed along River Drive N., Balsam Avenue, and the adjacent residential property to the north. Screening along the property line to the north will also be installed if desired. The development is expected to be constructed in a single phase and all structures and supporting infrastructure is expected to be developed in accordance with the provisions of the Rocky View County's development permit application process.

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No.	Description	Date

Bragg Creek
Brewing Co.

19 River Drive N.
(Bragg Creek)
Rocky View County,
Alberta



Development Permit
October 5, 2018
Perspectives and
Massing

12" = 1'-0" A 4.3



1. VIEW FROM BRIDGE TOWARDS BUILDING



2. VIEW AT INTERSECTION OF BALSAM AVE. AND RIVER DR. LOOKING TOWARDS RIVER DR.



3. VIEW FROM RIVER DR. LOOKING TOWARDS BALSAM AVE.



4. MASSING STUDY - SOUTH EAST LOOKING NORTH WEST



5. MASSING STUDY - NORTH EAST LOOKING SOUTH WEST

Figure 4: Perspectives and Massing (A 4.3)

7.0 ARCHITECTURAL DESIGN AND LANDSCAPING

7.1 Architectural Design Considerations

As illustrated in the renderings in Figure 6, the styling of our building and the improvements on the subject lands will be rich, eye-catching, and in the style of *Modern Rocky Mountain Western*, a phrase coined by the famous architect and consulting member of the Hamlet of Bragg Creek Revitalization Plan, Michael Von Hausen. Michael attributed the term to our overall design when he was consulted on this project. The architectural form of the building has been the driving principle in creating a space that is both respectful and appropriate to the Bragg Creek area, whilst being capable of drawing in visitors and increasing exposure to the Hamlet and its surrounding amenities and businesses.

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No.	Description	Date

Bragg Creek
Brewing Co.

19 River Drive N.
(Bragg Creek)
Rocky View County,
Alberta

Stamp



Development Permit

October 5, 2018

Renderings

1/2" = 1'-0"

A 5.2



VIEW FROM SOUTH EAST CORNER DURING DAY TIME



VIEW FROM SOUTH EAST CORNER DURING NIGHT TIME

Figure 5: Architectural Renderings (A 5.2)

The detailed site plan in Figure 6 displays the building size, setbacks and height of the new structure, which is in accordance with the applicable requirements of Rocky View County's Land Use Bylaw (C-4841-97). The building is oriented in a logical fashion along Balsam Avenue so as to provide sufficient frontage for vehicles crossing the bridge, while also minimizing height and visibility along River Drive N., as well as provide maximum sun exposure to the building. Placing the building away from Balsam Avenue which gradually rises up to the bridge, allows the building to appear seated lower on the site.

The footprint of our main floor is 3813 ft², which comprises 15% of the current total lot area (25,000 ft²). Assuming berm construction takes place and the future property size is reduced, the footprint will increase to 20% of the total lot area. While the HBCDS does encourage building footprint not exceed 15% of total lot area, Rocky View County Land Use Bylaw (C-4841-97) section 12.2(b)(i) empowers the Development Authority to grant a variance if it does not unduly interfere with the amenities of the neighborhood. Through discussions with Rocky View County prior to submission, we and the Development Authority are in agreement that this small increase in percentage due to changes to the property size that are outside of our control does not unduly interfere.

The overall building height will be 12.5 m from the ground elevation to the top of the roof, allowing for three stories which accommodate the multiple uses of the building and provide the critical mass necessary to make the business operations within sustainable. A parapet will extend slightly beyond the roof to add a visual element and will not contribute to the overall height calculation, as previously agreed upon in consultation with the Development Authority. While section 3.2.2 (e) of the HBCDS state that buildings generally should not extend beyond 10 m and be limited to two stories, it also states in 3.2.2 (e) that height relaxation may be considered to accommodate desirable architecture and in 3.3.3(f) that buildings with three or four stories may be considered in the hamlet core, if the development is supported by a master site development plan. As previously agreed upon with the Development Authority prior to submission, section 12.2(b) (ii) of the Rocky View County Land Use Bylaw (C-4841-97) enables us to request a variance in height of 25%, which is reflected in our desire to build to 12.5 m. Also previously agreed upon with the Development Authority prior to submission is that our development permit submission would be in the form of an MSDP, thus supporting our request to build three stories within the overall dimensions of the structure.

Detailed preliminary plans for the basement, ground floor, second level and third level can be found in the Architecture Package, referenced in the Supporting Technical Documents Information.

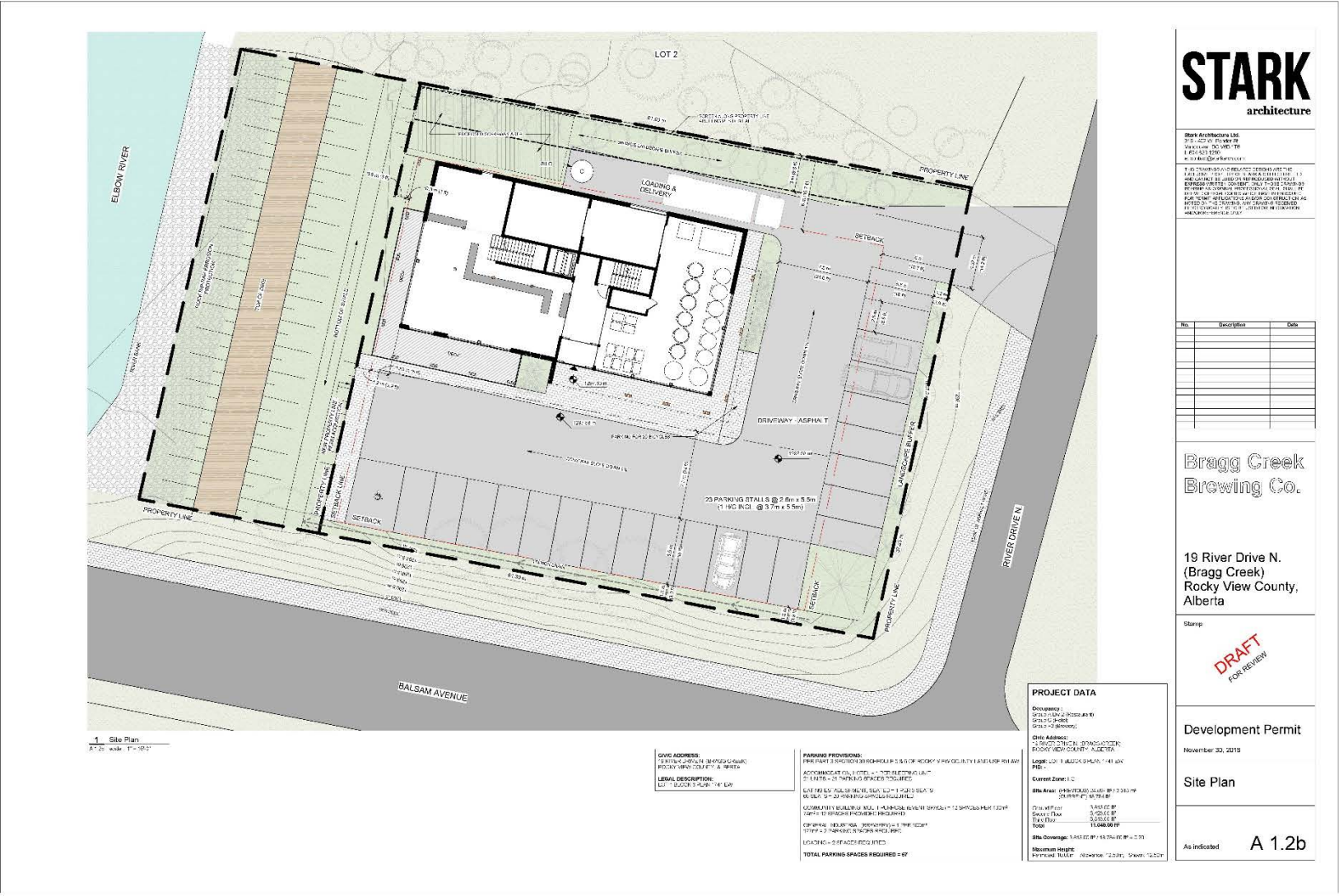


Figure 6: Detailed Site Plan (A 1.2)

As illustrated in the building elevations in Figure 7 and Figure 8, the three storey building has been designed to appear as a two storey building, with an over-height lower floor, containing the restaurant/taproom, coffee roaster and micro-brewery. This added height allows for sufficient space for these uses, and full height glazing in these areas provide natural light for occupants, whilst allowing views from passing traffic into the operations and uses of the building. The intention is to have a beacon of activity and light from this lower floor to encourage passing traffic to stop and ensuring comfort and natural light to the patrons. The canopy on the south and east side of the building provides a change in depth and secondary roofline that breaks up the building and provides visual interest while consciously providing shade and snow protection to pedestrian areas. Internally, restaurant and congregation areas have been positioned to the river-side to take in the views and to shield neighbours from the activity of these spaces. Large heavy timber canopies will soften the entrances and provide a rustic, human scale to the buildings lower floor. Wood beams, posts and a timber canopy as well as a tactile feature entry wall will provide warmth and a link to heritage materials used within the Hamlet.

The two upper floors have been clad in a darker shingle material with minimal window openings, so as to contrast with the lower floor blending into the trees behind during the day, and disappearing during the night. We believe this contrast of a dark upper and light lower is a crucial aspect of the design and will ultimately deliver on the success of this project through providing the perception that the building is smaller and lower and the passerby's eye is drawn to the ground floor as opposed to the mass of the building. A small parapet has been added to the roofline on the west side, which in combination with the slightly rising covered patio area on the second floor, provides a visual interest reminiscent of the classic hog-back ridges in nearby Kananaskis, thus rooting an iconic design element with existing local heritage.

A contrast between traditional materials and modern materials has been used, with corrugated metal used in small areas on the lower floor to suggest an industrial past, whilst complimenting and softening through the use of large areas of local softwood. The fiber cement shingles on the upper floors will provide the detail and tactile look of more traditional cedar shingles, whilst being maintenance free and of a more modern solid colour. A colour board highlighting these materials can be found in Figure 9.

Overall, careful consideration of the HBCDS has been taking into account within the design concept. According to the HBCDS, small, one-of-a-kind business developments are encouraged, which is precisely what we endeavor to provide. Ultimately, the building's design is one that wishes to *stand out quietly*, neither being too bold nor too retiring. A building that is sympathetic to its beautiful surroundings.

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No.	Description	Date

Bragg Creek
Brewing Co.

19 River Drive N.
(Bragg Creek)
Rocky View County,
Alberta

Stamp



Development Permit

October 5, 2018

Elevations

As indicated

A 4.1



Figure 7: South and West Elevations (A 4.1)

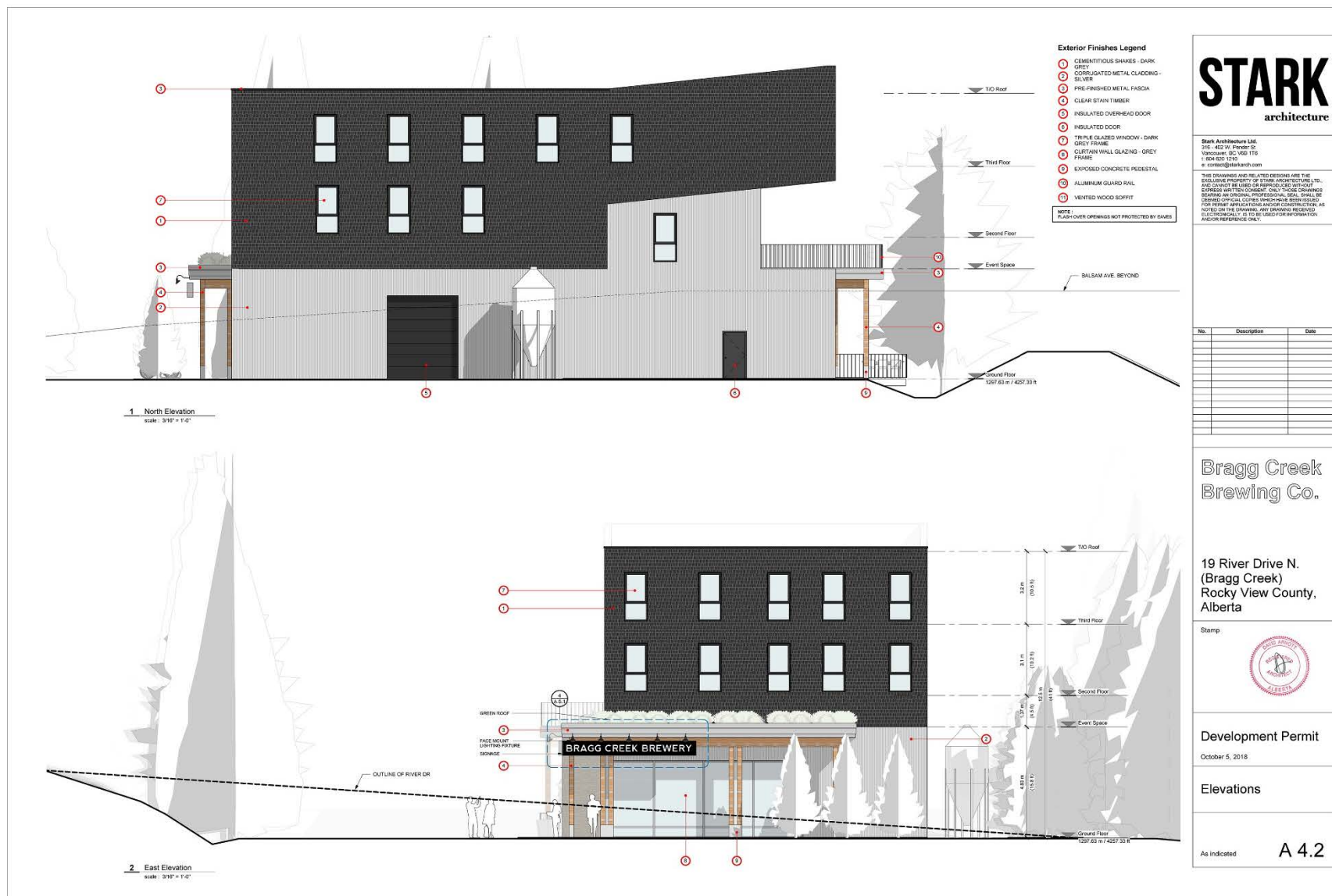




Figure 9: Architectural Colour Board (A 4.4)

7.2 Landscaping Objectives and Criteria

According to the HBCDS and the Rocky View County Land Use Bylaw (C-4841-97), a minimum of 10% of the subject lands should be landscaped and the design goal for landscaping is to take into consideration and coordinate with the surroundings, provide adequate screening for adjacent properties and complement development on site. The standards for landscaping according to the HBCDS are as such:

- Where a commercial development abuts or lies adjacent to a residential area, a dense landscaping strip of a minimum 3 meters (10 ft.) in perpendicular width, composed of native and newly planted indigenous species, should be installed adjacent to the residential area for screening and buffering purposes.
- Plant material selected for the landscaping in parking areas shall be suitable to the growing environment. Species that are hardy, drought-and salt-tolerant, and resistant to the stresses of compacted soils and weather exposure should be used.
- A variety of deciduous and coniferous trees and shrubs shall be incorporated for year-round interest and appearance; including native grasses, wildflowers, groundcover, shrubs, and trees if possible.
- Landscaping and low-level screening should be provided around the perimeter of parking areas to soften and screen parking lot edges, create pleasant pedestrian conditions, and maximize shade and stormwater benefits.
- Rainwater and snowmelt shall be managed on-site with designs that encourage infiltration and water re-use.

As illustrated in our preliminary landscaping plan in Figure 9, the desire of the design team is to retain as much existing landscaping as possible. The site will have hardy indigenous tree species of both coniferous and deciduous varieties replanted in key areas to buffer residential areas, soften the edges of the buildings, create pleasant pedestrian conditions, and to break up any large surfaces. The large timber canopies that define the lower levels will have a native sedum roof that will attenuate rainfall and reduce outflow. In the summer months, the sedum will flower and these wildflowers will attract and support bees as well as local birds.



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No.	Description	Date

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Rocky View County,
Alberta

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Development Permit

October 5, 2018

Landscape

1" = 10'-0"

L 0.1

Figure 10: Preliminary Landscaping Plan (L 0.1)

7.3 Lighting

According to the HBCDS, the design goal of lighting for commercial developments is such that: exterior building lighting complements the individual architecture of the building and extends the life of the streetscape into the nighttime hours; site lighting design provides a sense of safety, security, and pedestrian comfort; lighting avoids excessive lighting levels and glare; and lighting adheres to the dark skies design principles. In terms of exterior façade lighting standards, façade lighting elements shall be evaluated based on their aesthetics and their consistency with the type and style of lighting standards in the hamlet, with the scale and style of light fixtures consistent with the architectural details and the orientation in a night-sky friendly fashion. Principles of Crime Prevention Through Environmental Design (CPTED) should be incorporated to illuminate entranceways and recessed areas on a building's façade.

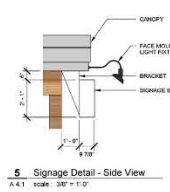
As illustrated in Figure 10, face-mount light fixtures will be used to illuminate two small, individually-mounted signs with raised letters and borders that are consistent with the design of the building and site in terms of scale, materials, finished and colours. This lighting, combined with the beacon of light from the lower floor, shielded from above by the canopy overhang will provide adequate lighting for safety, security and pedestrian comfort, while adhering to dark skies design principles.



1 View of South West Corner
Scale: 1/8" = 1'-0"



4 Signage Detail
Scale: 3/8" = 1'-0"



5 Signage Detail - Side View
Scale: 3/8" = 1'-0"



6 Material Reference
Scale: N.S.



2 View of South East Corner
Scale: 1/8" = 1'-0"



3 View From Site Entry
Scale: 1/8" = 1'-0"

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No.	Description	Date

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October 5, 2018

Perspectives

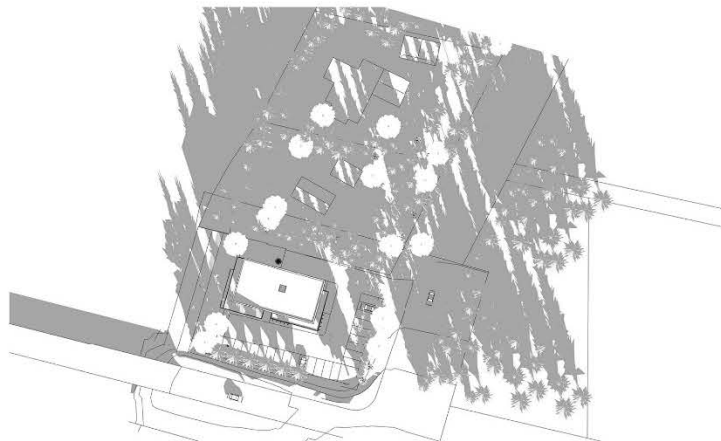
As indicated

A 5.1

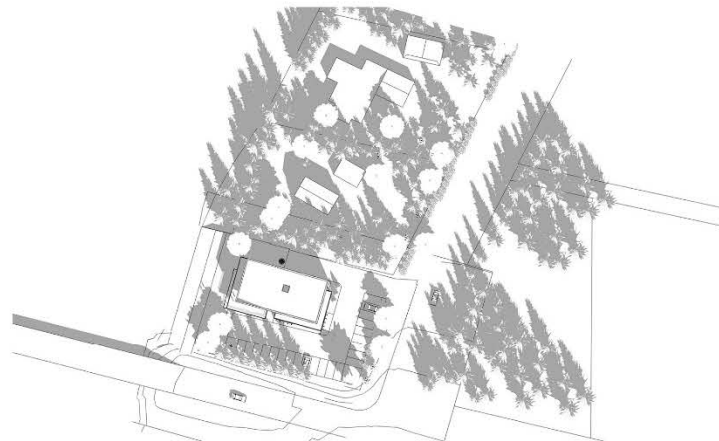
Figure 11: Perspectives Highlighting Lighting and Signage Detail (A 5.1)

7.4 Shadow Analysis

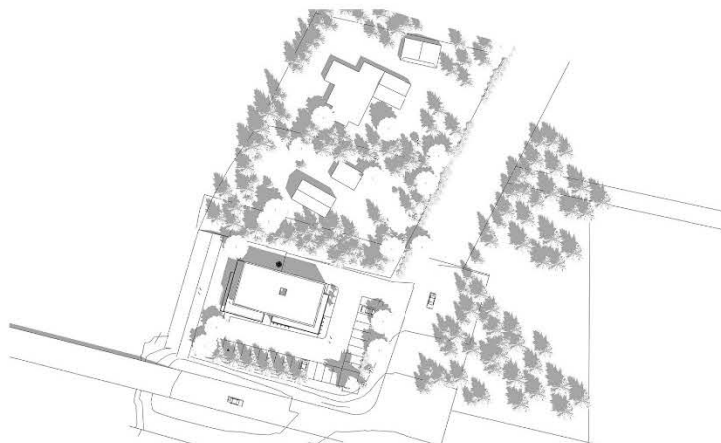
As illustrated in Figure 11, a shadow analysis of our proposed building was completed by our Architect, Stark Architecture, as requested by Rocky View County Administration. Shadows created by the building were modeled for noon during the winter solstice, March equinox, summer solstice and September equinox. As one can see, the building does not create any additional shadowing compared to existing trees and vegetation in the area, even when the sun is at its lowest point in the sky during the winter solstice. The building will blend in nicely with the existing setting.



WINTER SOLSTICE @ 12:00 pm



MARCH EQUINOX @ 12:00 pm



SUMMER SOLSTICE @ 12:00 pm



SEPTEMBER EQUINOX @ 12:00 pm

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October 5, 2018

Shadow Study

1/2" = 1'-0"

A 1.3

Figure 12: Shadow Analysis (A 1.3)

8.0 TRANSPORTATION

8.1 Trip Generation Exercise

As agreed upon with the Development Authority and affirmed by a qualified traffic engineer professional from Bunt & Associates, a full transportation impact assessment was not required for this development. Rather, prior to approval for re-zoning a trip generation exercise was completed, which revealed that the magnitude of traffic during the peak hour is not enough to change the operation of the intersection of River Drive N. and Balsam Avenue. Therefore, our proposed development will not appreciably alter the level of driving experience either on River Drive or Balsam Avenue in the vicinity of the site.

8.2 Parking Assessment

We recognize that according to the Rocky View County Land Use Bylaw (C-4841-97), we do not have adequate parking on-site to accommodate our proposed use of the building. While parking requirements are currently under review, it is our desire to be in alignment with current bylaws. As such, we have engaged in discussion with other local business owners and have secured additional overflow parking spaces within the Hamlet of Bragg Creek to accommodate peak parking demand. Further, we have retained a qualified traffic engineer professional, Bunt & Associates, to perform a Parking Assessment using our on-site spaces as well as the additional overflow spaces in order to confirm we are in alignment with the Rocky View County Land Use Bylaw (C-4841-97) and Alberta Transportation regulations. The result of that assessment is that the parking need for this development is 43 stalls, with an operating deficit of 20 stalls, since there are 23 stalls on-site. With 42 overflow stalls available with signed agreements, as well as several more available through community access, accommodation for parking is adequate to mitigate any bylaw parking shortage. The parking assessment report is referenced in the Supporting Technical Information Section and provided as a supplementary package.

9.0 UTILITY SERVICING

9.1 Potable Water, Wastewater and Fire Suppression

It is our desire to utilize existing municipal infrastructure for potable water, fire suppression and wastewater. We recognize that upgrades to municipal connections will need to be performed in order to meet future demands of our facility and will provide detailed plans for those upgrades at the building permit stage. As agreed upon with Rocky View County Administration, we will submit our development permit with a facility water and wastewater demand of 1 m³/day and will assess our actual water and wastewater usage after one year of operation, which will be used to determine the amount of water levy required. The amount of \$17,877.62 per cubic meter per day was agreed upon with Rocky View County Administration, however usage will need to be determined. A full report by a qualified mechanical engineering professional for water and wastewater demand will be completed at the building permit stage, which will be compared to actual usage at a later date. Wastewater from the facility will comply with the Rocky View County Land Use Bylaw (C-4841-97) in terms of BOD, COD and TSSs. Fire suppression will be serviced through municipal water connection and will be designed and maintained in accordance with the National Fire Protection Association (NFPA), the Alberta Building Code (ABC) and the Alberta Fire Code (AFC).

10.0 STORMWATER MANAGEMENT AND DRAINAGE

A stormwater management report was prepared in support of this document by a qualified civil engineering professional, Richview Engineering, to establish expectations for managing stormwater in association with the planned development (see Supporting Technical Information section and supplementary report). The report identifies a strategy to accommodate the collection, safe conveyance, storage and ultimate discharge of surface drainage. Topography within the subject lands slopes generally from southeast towards the northwest and into the Elbow River. The design of the stormwater management system is intended to respect existing topography in order to minimize the extent of site grading.

11.0 COMMUNITY CONSULTATION

A comprehensive community consultation was undertaken in two stages regarding this proposed development: one prior to successful re-zoning and one prior to submission of the development permit. The first stage was completed in compliance with the HBCDS and guidance from Rocky View County Administration and took place beginning in May of 2017 and extended to October 2017. During this period, an open house was advertised and held within the Hamlet of Bragg Creek in order to showcase our plans for the development of the site and solicit feedback from local residents. The open house was well attended and we received a wealth of positive feedback, including a dire need for accommodations within the Hamlet. Rocky View County also circulated our re-zoning application through a formal public notification during this

time period and collected feedback on our behalf for our vision. At the end of this period, we collected a further 70 letters of support for our project from local community residents and businesses.

The second stage of community consultation was completed in compliance with the HBCDS, whereby a public notification campaign was performed over a period of 61 days, initiated on October 5, 2018, concluding on December 5, 2018, and included all residents and businesses properties within 400 meters of the property. All addresses were visited initially on a door-to-door basis, culminating in dozens of hours of face-face interaction, with follow up via phone, email or text. Residents and business owners were presented with a public consultation package about the Bragg Creek Brewery project which included an outline of our vision, an update on project timelines, a map of the project location, a project description, a site plan, massing and placement of the building, architectural elevations, and finally a feedback form asking for their input. The results of this second stage of public consultation within the community were also overwhelmingly positive, with a common sentiment that people loved the concept, especially the boutique Inn aspect and hoped it would be built soon. A quantitative analysis of responder feedback for those who saw the design package was performed, with 90% of people liking the overall design, including the contrast between dark upper floors and lighter lower floor. The design also has the support of both the Bragg Creek Revitalization Committee and the Bragg Creek Chamber of commerce, both of whom wrote letters of support stating as such. Further, the design has the full support of the Division 1 Councilor, Mark Kamachi. A copy of the package, a log of community interactions and collected feedback forms can be found in a separate cover, referenced in the Supporting Technical Information section.

12.0 SUPPORTING TECHNICAL INFORMATION

All supporting technical information can be found under separate cover.

1. Architecture Package, Stark Architecture, October 2018
2. Geotechnical Investigation, e2K Engineering, November 2018
3. Stormwater Management Report, Richview Engineering, November 2018
4. Parking Assessment, Bunt & Associates, November 2018
5. Public Consultation Summary, Bragg Creek Brewing Company, November 2018

Bragg Creek Brewery

Public Consultation Summary

This package summarizes the latest public consultation that the directors of the Bragg Creek Brewery have performed in support of the forthcoming development permit application. Over a period of 61 days between October 5, 2018 and December 5, 2018, we went door-to-door within the Hamlet engaging with people about our project, walking them through our Public Consultation Package (included herein) and asking them for their feedback. For those that wanted them, we offered feedback forms with a series of questions they could answer in order to better understand their comments pertaining to our project. Some people also chose to provide feedback via email, as well as via text, letter form and spoken work. We logged all of these interactions (included herein) and have provided all written feedback we received (included herein). We believe this public consultation was comprehensive and provided ample opportunity for feedback from the community.

Overall, feedback was extremely positive and the vast majority of people (90%) within the community support this project, our vision, and the overall design of the space. We did have some suggestions about building design, colours, features, etc. that people thought might make the building suit their personal tastes, which we noted and considered. We love our overall design and in general, so too do the people of Bragg Creek!

Public Consultation Log						
Date	Communication Type	Name	Business	Address	Response	Design
10/05/18	text	Lowell Harder	Bragg Creek Chamber	Bragg Creek T0L 0K0	received Feedback Sheet	Y
10/05/18	text	Richard Brown	Revitalization Committee	Bragg Creek T0L 0K0	received Feedback Sheet	Y
10/06/18	in person	Tanya & Mark	AdMaki	27 Balsam Ave	both Mark and Tanya fully support the project	Y
10/06/18	in person	Uwe	Bragg Creek Family Foods	Unit 416, 15 Balsam Ave	He loves the concept and drawings and is looking forward to the addition of the accommodation	Y
10/06/18	in person	Pauline	Spirits West	Unit 414, 15 Balsam Ave	received from both Pauline and Fred	N
10/06/18	in person	Josef	Italian Farmhouse	20 Balsam Ave	He is now very excited for the project as he recognized the benefit to his business of the accommodation and how it will support him.	Y
10/06/18	in person	Reed	Cowtown Beef Shack	15 Balsam Ave	received Feedback Sheet	Y
10/06/18	in person	Emma & Ben	Rockies Tavern & Grill	Unit 404, 15 Balsam Ave	they are both in support of the Brewery and are like both the concept and building design. Especially the Boutique Inn.	Y
10/06/18	in person	Marissa	Mountain Bistro	7 Balsam Ave	she is in support of the Brewery - the design is beautiful	Y
10/06/18	in person	Julie	Sugar Shake	#4 16 White Ave	Julie and another employee really liked the design and materials as well as the accommodation option which is missing from BC.	Y
10/06/18	in person	Michelle Headon	Bragg Creek Resident	Bragg Creek T0L 0K0	she is in favour of everything we are doing	Y
10/06/18	in person	Birgit	Bragg's Korner Kitchen	#8 16 White Ave	she completely supports us and the concept - loves the accommodation	Y
10/06/18	in person	June & Sean	Creekers Bistro	20 White Ave	Sean and June both are in favour of the entire concept and design	Y
10/06/18	in person	Rick & Josee	Neighbour	63 River Dr	verbal support of the project and they love the design	Y
10/06/18	in person	Eric Rohantinky	Bavarian Inn	75 White Ave	received Feedback Sheet	Y
10/08/18	text	John & Angela Lowry	Neighbour	31 River Dr N	had multiple texts trying to coordinate a time to meet but didn't work for either of us	
10/08/18	in person	Rose & Jeff	Powderhorn Saloon	Unit 414, 15 Balsam Ave	supportive of Brewery	N
10/06/18	text	Fred Konapaki	Spirits West	Unit 414, 15 Balsam Ave	received Feedback Sheet	Y
10/08/18	text	Mingyu	Creekers Liquor	20 White Ave	no response	?
10/08/18	in person	Zelda	the Studio & Gallery	12 Balsam Ave	In support of Project	Y
10/08/18	in person	Marina Cooke	the Studio & Gallery	12 Balsam Ave	In support of Project	Y
10/08/18	in person	Pablo and Cailen	the Heart	12 Balsam Ave	received Feedback Sheet	Y
10/08/18	in person	Mark Betts	Moose Mountain	7 Balsam Ave	received Feedback Sheet	Y
10/08/18	in person	Elizabeth Hertz	Suncatcher's Design Studio	55 Burntall Dr	supports the Brewery	Y
10/08/18	in person	Harry Singh	Esso	7 Balsam Ave	he really likes the look and feel of the Brewery	Y
10/08/18	in person	Devanee Clark	Cinnamon Spoon (employee)	1 White Ave	she loves the look of the building and knows BC needs accommodation	Y

Public Consultation Log						
Date	Communication Type	Name	Business	Address	Response	Design
10/08/18	in person	Bob & Candy Cook	Branded Visuals	1 White Ave	received Feedback Sheet	N
10/19/18	in person/email	Steve Resta	BC Physio	24 Balsam Ave	he supports our Project	Y
10/19/18	in person/email	Mike Woertman	Cinnamon Spoon	1 White Ave	supportive	N
10/18/18	phone call	Cathy and Bob Martin	Bragg Creek Resident	28 River Dr N	7 min call - very supportive	Y
10/20/18	in person	Dave Zimmerman	Bragg Creek Resident	Bragg Creek TOL 0K0	great design and vision	Y
10/20/18	in person	Derek Lee	Cycle 22x	#14, 20 White Ave	Support the entire Brewery project	Y
10/20/18	in person	Steve McNeil	Bragg Creek Resident	Bragg Creek TOL 0K0	really likes the architechual look and feel	Y
10/22/18	in person	Bryce Hleucka	Redwood Meadows	Redwood Meadows	can't wait for opening	Y
10/22/18	in person	Troy Delfs	Bragg Creek Resident	Bragg Creek TOL 0K0	awesome project and vision	Y
10/24/18	in person	Eric Lloyd	Bragg Creek Resident	Bragg Creek TOL 0K0	looking forward to opening and accommodation	Y
10/25/18	phone call	Craig & Aaron	Bragg Creek Resident	23 River Dr N	15 min call oct 25. No questions at this time and were appreciative of the iupdate	
10/26/18	phone call		Bragg Creek Resident	16 River Dr	12 min call. She is very pleased that we got our rezoning and knew that the county would not have approved it if they did not have the foresight to see how it was going to improve the community. She is definitely and support and believes Bragg Creek needs something like this that is different and not already here.	
10/27/18	phone call	Mark Bowden	BC Physio Property Owner and Resident	24 Balsam Ave	he likes the idea of our project and know it will help Bragg Creek as a community	
10/28/18	phone call	Linda Marx	Bragg Creek Resident	32 Balsam Ave	14 minute call and she is supportive but wanted to know if we had parking taken care of and I let her know our plan. She also asked me if I knew a good lawyer and/or accountant to help her transfer her property into her daughter's name. I told her that we would maybe be interested in her place some day in the future.	
11/20/18	phone call/inperson	James & Stacy Chisholm	Bragg Creek Resident	27 River Dr N	they still support our project and are looking forward to the day it opens.	Y
11/24/18	in person	Joe & Michelle Longo	Bragg Creek Resident	83 River Dr N	they like the fact that this project is "huge" for the community and know it will be a great addition	Y
11/24/18	in person	Victoria Fielding	Bragg Creek Animal Hospital	16 Balsam Ave	in full support	Y
11/24/18	in person	Chad Fehr	Chad Fehr Professional Corp	16 Balsam Ave	received feedback sheet	Y
11/26/18	in person		Bragg Creek Resident	36 River Dr N	very supportive	
12/4/18	phone call/email	Michael von Hausen	MVH Urban PLanning & Design Inc	Bragg Creek Consultant	great feedback	Y

To Whom it May Concern:

As a member and chair of the Bragg Creek Revitalization Committee I support the Bragg Creek Brewing Company's plans for the development of a Brewery, Restaurant and small hotel in Bragg Creek.

The Revitalization Plan's vision is "to invigorate the community and the economy of Bragg Creek for long term health and resilience". The three pillars of the plan are enhancing the Bragg Creek character, have a connected community and develop a thriving economy. The Revitalization Plan also identified a high priority to expand overnight accommodation.

Private investment, such as the plans of the Bragg Creek Brewing Company is absolutely necessary to meet some of the objectives of the plan, including;

- Attracting visitors
- Increasing tourism
- Enhancing image
- And through increased investment by private interests, increasing land and property values

By achieving some or all of the above objectives there will be spin off benefits that should drive more traffic to existing businesses, improving the local economy. In addition to the above benefits the plan objectives are also to establish the riverfront as a central feature of Bragg Creek.

A development that meets the Area Structure Guidelines such as the plan being developed by the Bragg Creek Brewing Company is consistent with the objectives of the revitalization of Bragg Creek.

Regards,

A handwritten signature in blue ink, appearing to read 'Richard Brown', with a long horizontal flourish extending to the right.

Richard Brown

Chair, Bragg Creek Revitalization Committee

Baruch

Trust this works for an email

Community Contribution

- 1 - Increases eating options for local residents
- 2 - Attracts people to the community/ encourages them to stay in the Hamlet - increasing the length of stay increases the amount of spending
- 3 - Creates joint marketing opportunities with other businesses
- 4 - Increases employment opportunities for young people in the Rockyview Area

Name of first beer

Elbow growler

This is a great project and hope that you will have tremendous success. As the local Chamber President, and owner of 2 local businesses I think that this venture will increase the overall business vitality of our community and broader area.

Sincerely,

Lowell Harder



1) How do you see our project contributing to the vitality of our community?

- The plans that you showed me look very ambitious. I think that there are components of the overall project that I am more excited and optimistic about than others. The boutique hotel, and brewery are very intriguing. Just some advice regarding the cafe style eatery; you would be entering into a currently rather 'saturated' market when it comes to a food establishment (there are currently 14 eateries already in town) and take it from me, it is an extremely difficult market at the moment. So I would just caution you with regards to spending capital on the cafe portion if there is somewhere else you could allocate the funding.

2) Did we miss something? is there anything that you do not see that you think we should consider?

- I only had a preliminary look at what you had with regards to your drawings and overall vision of the entirety of the project, so there isn't much for me to comment on here. Just to be clear on my comments in #1, I am all for the continued responsible development of Bragg Creek. We need more investment!

3) What do you think the name of our first beer should be?

- Prospector Porter/ale/lager

4) Do you have any additional comments?

- I am excited to see this project break ground and open up! I think it is advantageous to develop a project that has the potential for multiple income streams, and hope that it is as successful as you envision it to be!

1. Seriously, any growth in Bragg Creek is positive. Having 12 rooms for rent is a no-brainer.
2. Don't listen to the haters.
3. Something to do with the Round House or Jake Fullerton.
4. The ESSO sucks because it looks like they dropped a box on top of it. Look around Calgary and you will see many office towers that look the same, as if the architect couldn't figure out how to finish the job-like a 5 year old playing with LEGO. Don't let your building look like that! Mix modern and progressive with classic mountain design. Don't cheap out.

Fred Konopaki
Spirits West owner and resident

Hi Baruch,

First let me say that I'm excited about your venture and support it as a great step forward for our community.

There are just two concerns that I have based on the brief viewing of the plans/drawings.

1. Parking ... Is there adequate parking such that full capacity doesn't impact neighboring streets or the main mall parking lot. The Italian Farmhouse is a perfect example of a local restaurant that doesn't have enough on-site parking when at full capacity.
2. Building Façade ... The revitalization guidelines make it pretty clear as to what type of theme/materials should be incorporated into exterior design as per the communities input. I would like to see more evidence of this on the upper portion of your hotel. The county website has pictures to illustrate the styles I'm referring to.

Regards,

Bob Cook
Branded Visuals Inc.
B232, Bay 4, #1 White Ave. (Trading Post Mall)
Bragg Creek, Alberta - Canada
T0L 0K0
Gallery: (403) 949-3000
Cell: (403) 519-9958
www.brandedvisuals.com

WE WANT TO HEAR FROM YOU!

Your feedback is integral to this process and will continue to help shape this project. Please answer the following questions so that we can incorporate your thoughts into our design. If you think of anything else please contact Baruch via email: baruch@braggcreekbrewing.ca.

1) How do you see our project contributing to the vitality of the community?

Hotel rooms will allow tourists to spend more time in town increasing retail and entertainment spending. Brewery will draw more tourists in.

2) Did we miss something? Is there anything that you do not see that you think we should consider?

3) What do you think the name of our first beer should be?

*THE CHAD :-)
GNARL*

4) Do you have any additional comments for us?

Best wishes ! Great Idea

WE WANT TO HEAR FROM YOU!

Your feedback is integral to this process and will continue to help shape this project. Please answer the following questions so that we can incorporate your thoughts into our design. If you think of anything else please contact Baruch via email: baruch@braggcreekbrewing.ca.

1) How do you see our project contributing to the vitality of the community?

HAVING THE BREWERY WILL ADD MORE FOR
PEOPLE TO COME VISIT BRAGG CREEK AND
HAVE A PLACE TO STAY.

2) Did we miss something? Is there anything that you do not see that you think we should consider?

NOT SURE IF THERE WAS A PATIO
IN THE DRAWINGS BUT PATIO WOULD LOOK
GREAT ON THE BUILDING

3) What do you think the name of our first beer should be?

COWBOY TRAIL PALE ALE?

4) Do you have any additional comments for us?

I THINK YOU HAVE A FANTASTIC DESIGN
AND AM EXCITED FOR YOU GUYS TO OPEN!

WE WANT TO

HEAR FROM YOU!

Your feedback is integral to this process and will continue to help shape this project. Please answer the following questions so that we can incorporate your thoughts into our design. If you think of anything else please contact Baruch via email: baruch@braggcreekbrewing.ca.

1) How do you see our project contributing to the vitality of the community?

- ATTRACTIVE DESIGN
- ENTHUSIASTIC OWNER - OPERATORS
- LOCAL OWNER WITH A VESTED INTEREST
- WILL CREATE A DRAW & DESTINATION

2) Did we miss something? Is there anything that you do not see that you think we should consider?

- LOOKS SO GOOD
- EXCITING PROJECT BUYS!
- BEST OF LUCK!

3) What do you think the name of our first beer should be?

BEER NAMES THAT CELEBRATE THE AREA, THE ACTIVITIES AND MAYBE INSPIRED BY LOCAL BUSINESSES IE:

HAMMER & NAIL - TARP & TENT - BAKED GOODS -
THE GIFTED ONE - BACK COUNTRY TRIAL -
SALOON NIGHTS - MEAT ON A BUN -
GO POSTAL - THE FAN BELT - RUN DEER RUN -
4x4 ROLLOVER - RUMORS - STUCK IN THE
MUD - HEAVY SNOW - SPEED CAFE

WE WANT TO HEAR FROM YOU!

Your feedback is integral to this process and will continue to help shape this project. Please answer the following questions so that we can incorporate your thoughts into our design. If you think of anything else please contact Baruch via email: baruch@braggcreekbrewing.ca.

1) How do you see our project contributing to the vitality of the community?

Very Well - Destination

2) Did we miss something? Is there anything that you do not see that you think we should consider?

Building too high at 3 levels plus the elevation. Too Modern, does not fit with current style (country) or Western.
~~Feedback~~

3) What do you think the name of our first beer should be?

Braggers / Redwood Red Ale / Gateway

4) Do you have any additional comments for us?

Good luck with project.

Here you go.

How do you see our project contributing to the vitality of the community?
I believe Bragg Creek needs a bit of a face lift. A lot of the businesses around look the same as they did a long time ago. The town needs some re-branding and a new feel and this new wave of businesses is doing that.

Did we miss something?
The project looks great. My concern would be the space available to fit all cars. Unfortunately there is little to no infrastructure in town, so my concern would be for those who are looking for a place to park and can't find any and neighboring areas being affected.

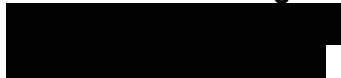
Name of the beer?
Something MD related.

Good luck guys. Look forward to seeing the project kick in.

The Heart Cafe

R

Pablo Torres
Fraud & Risk Manager



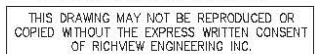
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Stormwater Management Report

Bragg Creek Brewery

Provided By: E2K Engineering

November, 2018



1. ALL PLANS SUBJECT TO TERMS OF DEVELOPMENT AGREEMENT.
2. ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF.
3. ALL ELEVATIONS REFERENCED TO 0 m GEODETIC DATUM.
4. ALL WORK TO BE IN ACCORDANCE TO ROCKY VUE COUNTY SPECIFICATIONS.
5. ENSURE THAT THE DRAINAGE FROM DOWNSPOUTS IS AWAY FROM BUILDING.
6. WATER MAINS 150R OR LARGER SHALL BE PVC D1818.
7. ALL HYDRANT LEADS OR TO BE PVC D1818.
8. ALL SANITARY & STORM MAINS 150R OR LARGER SHALL BE SDR--35.
9. ALL SANITARY SEWER MAINS 150R OR LARGER SHALL BE SDR--28.
10. ALL PE WATER SERVICES SHALL BE DR 11.
11. SAN & STORM SERVICES ARE TO BE BROUGHT TO 1.5m INSIDE THE FOUNDATION WALL, WATER SERVICES ARE TO BE BROUGHT INTO THE METER ROOM.
12. MANHOLES TO BE TYPE SA SULPHATE RESISTANT CONCRETE AND TO BE INSTALLED IN ACCORDANCE WITH ROCKY VUE COUNTY SPECIFICATIONS.
13. ALL CONCRETE SEWER PIPES, MANHOLES, CATCH BASIN BARRELS SHALL BE SULPHATE RESISTANT CONCRETE.
14. ALL SANITARY AND SANITARY SEWER PIPE BEDDINGS FOR PIPE SIZES 100mm TO 375mm TO BE CLASS II IN ACCORDANCE WITH THE UNIFIED SOIL CLASSIFICATIONS IN ASTM D2321.
15. IF IT IS NEEDED, CONNECT TO SLUMP PUMP, WEEDING TILE SHALL BE PUMP TO GRADE TO A PERMIT PAST THE DOWNSPOUTS VIA A BASEMENT SLUMP PUMP AND, AS PER ALBERTA BUILDING CODE.


	PROPOSED	EXISTING
SITE PROPERTY LINE		
EASEMENT LINE		
STORM SEWER	<u>ST 250 PVC</u>	<u>EX ST 250 PVC</u>
SANITARY SEWER	<u>S 250 PVC</u>	<u>EX S 250 PVC</u>
WATER MAIN	<u>W 250 PVC</u>	<u>EX W 250 PVC</u>
CATCHBASIN		
MANHOLE		
WATER VALVE		
FIRE HYDRANT		
CAPPED PIPE END GRADE		
WATER METER		
REDUCER		
CHECK VALVE		
LIGHT STANDARD		
ICD		

MUNICIPAL ADDRESS
19 RIVER DRIVE N. (BRAGG CREEK)
ROCKY VIEW COUNTY, ALBERTA

LEGAL ADDRESS
LOT 1 BLOCK 6
PLAN 1741 EW
SE 1/4 SEC 13 TWP 23 RGE 05 W5th M

[illegible]

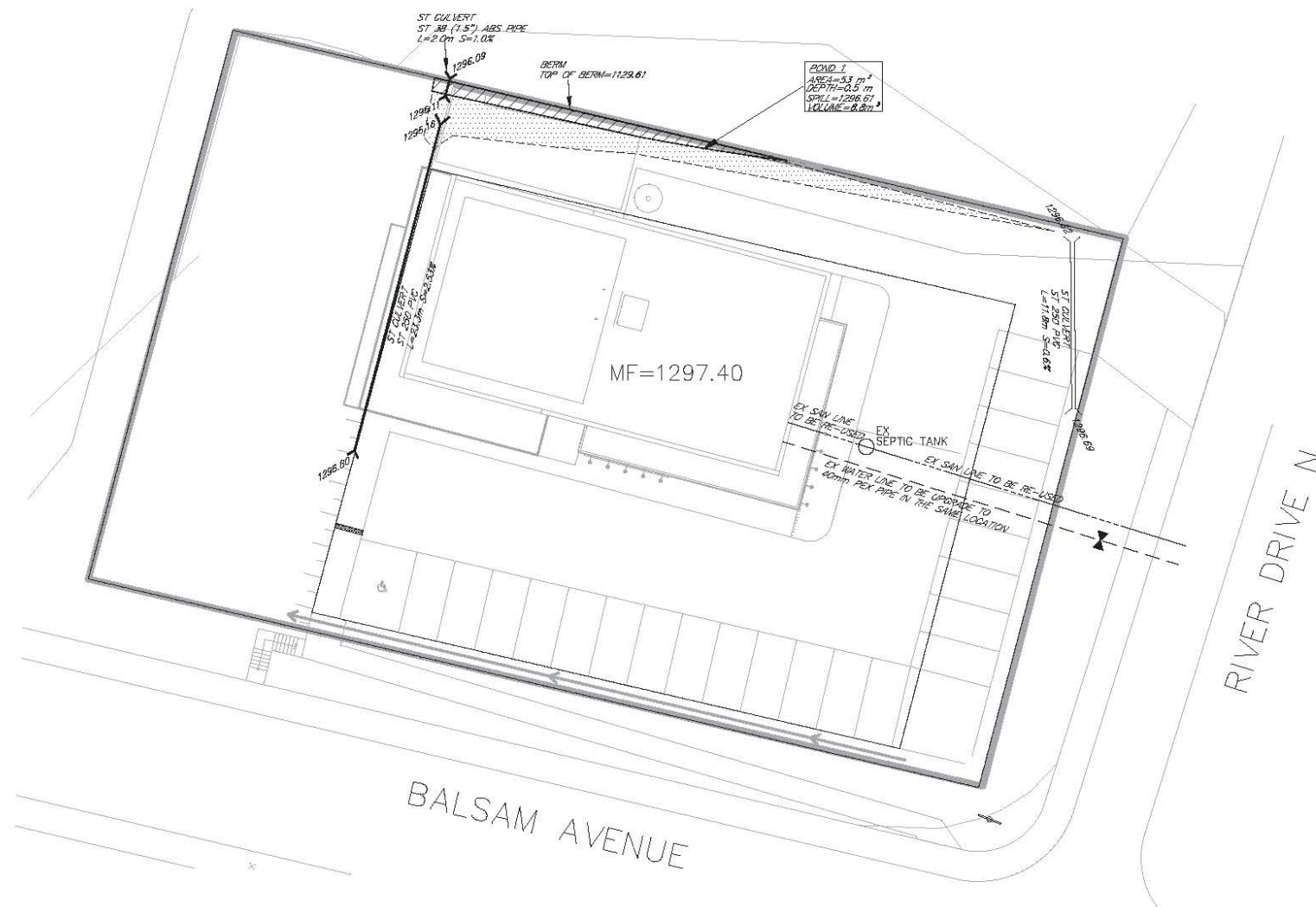
Q	18	11	12	FOR APPROVAL	ZS	RL
REV.	Y	M	D	ISSUE/REVISION DESCRIPTION	DRN	CHK


 PERMIT NUMBER: P09809
 29 Nov 18

BRAGG CREEK BREWING

SITE SERVICING PLAN

DESIGN:	RL	<h1 style="text-align: center;">SITE SERVICING PLAN</h1>			
DRAWN:	ZS				
CHECKED:					
RL					
DATE:	18 NOV 12	DEVELOPMENT PERMIT No. DP	PROJECT No.	DWG. No.	ISS/REV
SCALE:	1:200	MECHANICAL, OPRD. No. MC	1118	02	00



IF THIS DRAWING IS TO BE USED FOR SURVEY
PURPOSE. THE SURVEYOR NEED TO INPUT
THIS DRAWING INTO HIS OWN COORDINATE
SYSTEM FOR SURVEY LAYOUT

NOT FOR CONSTRUCTION
UNTIL FINAL APPROVAL IS GRANTED
BY THE ROCKY VIEW COUNTY

1. NOTES:
2. ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF.
3. ALL ELEVATIONS REFERENCED TO 0 GEODETIC DATUM.
4. ALL WORK TO BE DONE TO ROCKY VIEW COUNTY SPECIFICATIONS.
5. HEAVY DUTY ASPHALT REQUIRED AS INDICATED.
6. ALL CURBS REFER TO ARCHITECTURAL DRAWING FOR DETAILS.
7. ENSURE THAT THE DRAINAGE FROM DOWNSPOUTS IS AWAY FROM BUILDING.
8. MINIMUM OVERHEAD CLEARANCE REQUIRED FOR DUMPING CONTAINERS IS 6.5M.
9. MINIMUM VERTICAL CLEARANCE REQUIRED FOR SANITATION VEHICLES IS 4.3M.
10. HEAVY DUTY ASPHALT TO BE A DEPTH AND CLASS TO CARRY A LOADED COLLECTION VEHICLE (25,000 kg).
11. ELECTRICAL TRANSFORMERS, LIGHT STANDARDS AND SIGNAL POLES WILL BE LOCATED TO ENSURE EASY COLLECTION VEHICLE ACCESS.
12. ALL DRIVEWAY APRONS SHALL BE INSTALLED AS PER ROCKY VIEW COUNTY SPECIFICATIONS.

LEGEND

PROPOSED GRADE	$\times 47.75$
PROPOSED SLOPE	$\frac{1.00\%}{\leftarrow}$
EXISTING GRADE	$\times 47.75$ EX.
SLAB ELEVATION	MF=48.75

MUNICIPAL ADDRESS
19 RIVER DRIVE N. (BRAGG CREEK)
ROCKY VIEW COUNTY, ALBERTA

LEGAL ADDRESS
LOT 1 BLOCK 6
PLAN 1741 EW
SE 1/4 SEC 13 Twp 23 RGE 05 W5th M

REVISIONS									

ENGINEER



PERMIT NUMBER: P09809
29 Nov 18

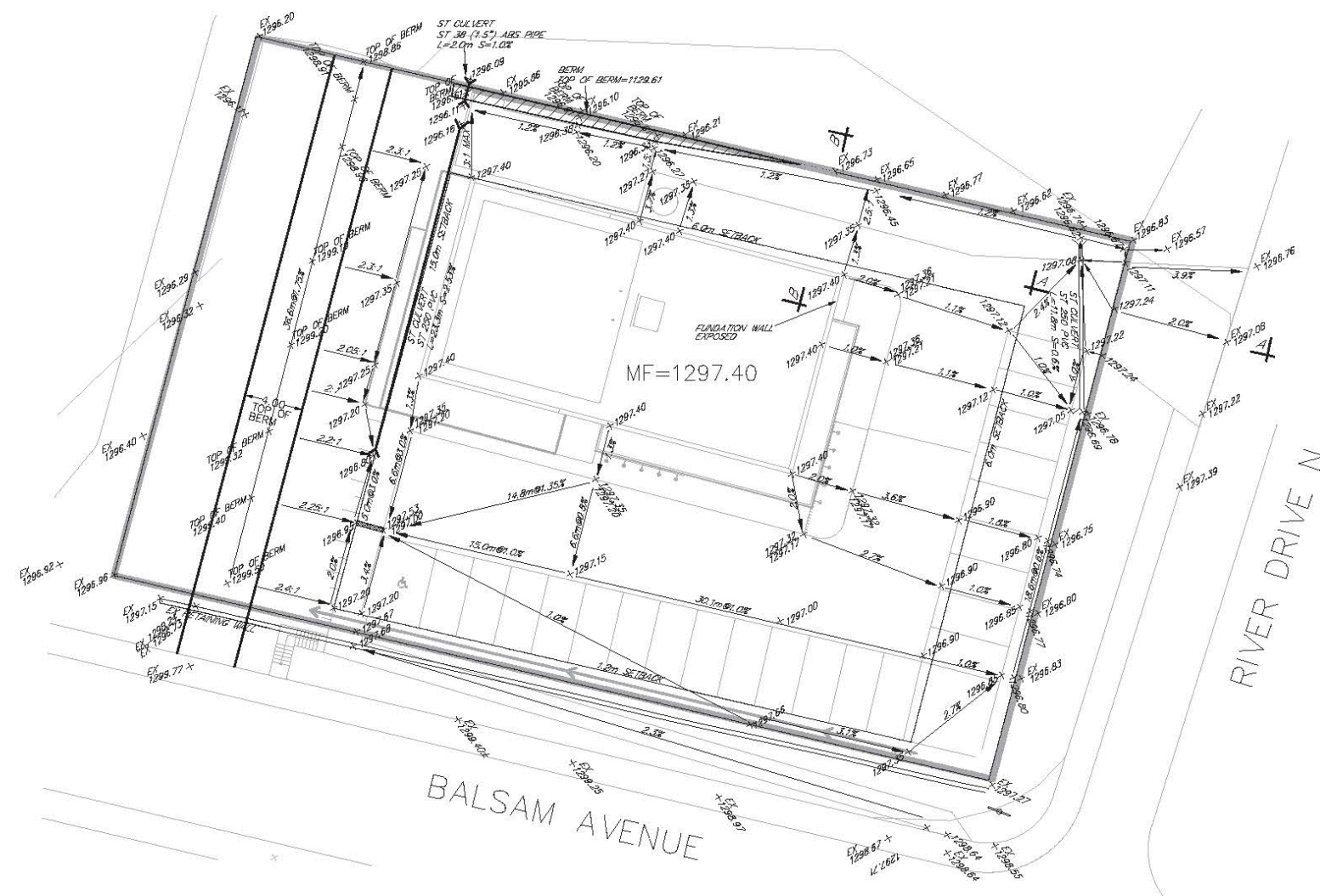
CLIENT

BRAGG CREEK BREWING

BRAGG CREEK
BREWERY

SITE GRADING PLAN

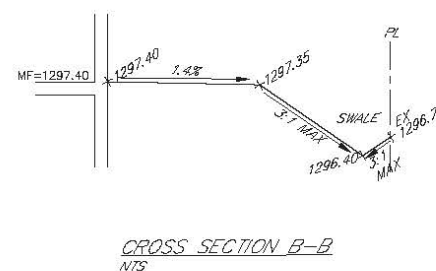
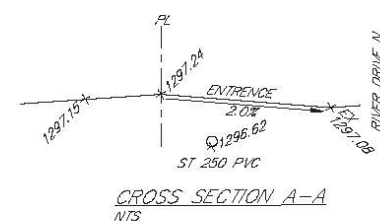
DESIGN: RL	<div style="text-align: center;"> <h1>SITE GRADING PLAN</h1> </div>			
DRAWN: ZS				
CHECKED: RL				
DATE: 18 NOV 12	DEVELOPMENT PERMIT No. DP	PROJECT No. 1118	DWG. No. 02	ISS/REV 00
SCALE: 1:200	MECHANICAL CIRCUIT No. MC			

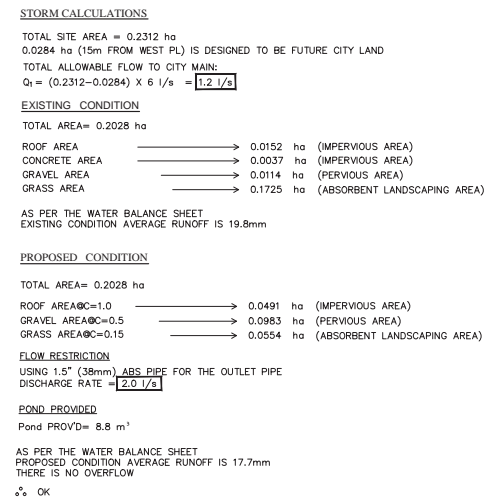


ALL THE SURFACE LAYOUT, INCLUDING THE CURB LAYOUT, BUILDING LAYOUT, ETC., SHOULD FOLLOW THE LATEST SITE PLAN FROM THE ARCHITECT.

IF THIS DRAWING IS TO BE USED FOR SURVEY
PURPOSE. THE SURVEYOR NEED TO INPUT
THIS DRAWING INTO HIS OWN COORDINATE
SYSTEM FOR SURVEY LAYOUT

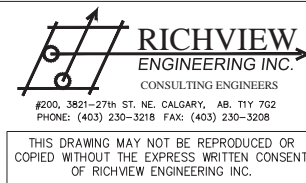
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NOT FOR CONSTRUCTION
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BY THE ROCKY VIEW COUNTY



NOTES:

1. ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF.
2. ALL ELEVATIONS REFERENCED TO 0 GEODETIC DATUM.
3. ALL WORK TO BE DONE TO ROCKY VIEW COUNTY SPECIFICATIONS.

LEGEND:

	PROPOSED	EXISTING
SITE PROPERTY LINE	-----	-----
EASEMENT LINE	-----	-----
DRAINAGE AREAS		
STORM SEWER	ST 250 PVC	EX ST 250 PVC
EMERGENCY SPILL ROUTE		
CATCHBASIN		
MANHOLE		
CAPPED PIPE END		
RETENTION POND		

MUNICIPAL ADDRESS
19 RIVER DRIVE N. (BRAGG CREEK)
ROCKY VIEW COUNTY, ALBERTA

LEGAL ADDRESS
LOT 1 BLOCK 6
PLAN 1741 EW
SE 1/4 SEC 13 TWP 23 RGE 05 W5th M

REVISIONS								
D	18	11	12	FOR APPROVAL			ZS	RL
REV.	Y	M	D	ISSUE/REVISION DESCRIPTION			DRN	CHK



CLIENT

BRAGG CREEK BREWING

PROJECT				
BRAGG CREEK BREWERY				
DESIGN: RL	OVERLAND DRAINAGE PLAN			
DRAWN: ZS				
CHECKED: RL				
DATE: 18 NOV 12	DEVELOPMENT PERMIT No. DP	PROJECT No. 1118	DWG. No. 03	ISS/REV 00
SCALE: 1:200	MECHANICAL CIRC. No. MC			

WBSCC

Water Balance Spreadsheet for the City of Calgary
Version 1.2

PROJECT SUMMARY SHEET

Project Name:	BRAGG CREEK BREWERY
Project Description:	EXISTING CONDITION
Location:	19 RIVER DRIVE N, BRAGG CREEK
Date:	2018-11-29
Designed by:	Jacky Wang
Company Name:	Richview Engineering Inc.
Reviewed by:	Robin Li

WBSCC - PROJECT DATA SHEET - Environmental Information

Minimum Temperature to Trigger Runoff (°C)	0
Sublimation Losses (%)	0
Precipitation Multiplication Factor (% Decrease)	0

Month	Is Winter or Summer?	Crop Water Requirement (mm/month)			
		KENTUCKY BLUE GRASS	SAGE BRUSH	Unnamed 1	Unnamed 2
January	Winter	0	0	0	0
February	Winter	0	0	0	0
March	Winter	0	0	0	0
April	Summer	0	0	0	0
May	Summer	110	50	0	0
June	Summer	110	50	0	0
July	Summer	110	60	0	0
August	Summer	110	50	0	0
September	Summer	110	50	0	0
October	Summer	0	20	0	0
November	Winter	0	0	0	0
December	Winter	0	0	0	0

Catchment Area Data

Sub-Catchment	Description of Sub-catchment Use	Area (ha)
Sub-Catchment 1		0.2028
Sub-Catchment 2		0
Sub-Catchment 3		
Sub-Catchment 4		
Sub-Catchment 5		
Total		0.2028

Pond Area Data

Pond	Description of Pond	Pond Area (m ²)
Pond 1		0
Pond 2		0

WBSCC - PROJECT DATA SHEET - Environmental Information (Cont'd.)

Actual to Potential Evapotranspiration Modification Factors

Sand		Silt		Clay		Customized Media	
AW/AWC	F	AW/AWC	F	AW/AWC	F	AW/AWC	F
0	0	0	0	0	0	0	0
0.2	1	0.2	0.1	0.2	0.05	0.2	0.1
0.4	1	0.4	0.8	0.4	0.3	0.4	0.5
0.6	1	0.6	1	0.6	0.6	0.6	0.7
0.8	1	0.8	1	0.8	0.95	0.8	0.9
1	1	1	1	1	1	1	1
50	1	50	1	50	1	50	1
100	1	100	1	100	1	100	1

AW: Available Water Content (mm)
AWC: Available Water Capacity (mm)

WBSCC - PROJECT DATA SHEET - Sub-Catchment 1: Parameters, Runoff Allocation

Usage:

Sub-catchment Parameters	Cover Type					
	Impervious Surface	Pervious Surface	Absorbent Landscaping	Green Roof Media	Bioretention/ Bioswale Medium	Unassigned Area
Area (Total: 0.2028) (ha)	0.0189	0.1839	0	0	0	0
Depression Loss (mm)	1.6					
Soil Type: Sand				100	90	
Silt		100	100	0	10	
Clay		0	0			
Custom			0			
Unassigned		0	0	0	0	
Soil or Media Depth (mm)		150	600	200	1000	
Porosity		0.46	0.46	0.512	0.469	
Field Capacity		0.271	0.271	0.132	0.092	
Wilting Point		0.126	0.126	0.057	0.038	
Saturated Hydraulic Conductivity (m/s)		1.00E-07	5.00E-06	2.50E-05	3.50E-05	
Sub-soil Hydraulic Conductivity (m/s)		1.00E-08	1.00E-08		1.00E-06	
Ponding Depth (mm)		0	0	0	300	
Inv. Slope of Log. Tension Moisture Curve		4.98	4.98	4.55	4.32	
Subdrain Invert (above bottom of media) (mm)					0	
Subdrain Capacity (m ³ /s)					0	

% of Runoff Allocated To:	Runoff Allocated from Cover Type/ Facility:						
	Impervious Surface	Pervious Surface	Absorbent Landscaping	Green Roof Media	Bioretention/ Bioswale Media	Storage/ Reuse Tank	Discharge
Pervious Surface	100			0			
Absorbent Landscaping	0	0		0			
Green Roof Media	0						
Storage/ Reuse Tank	0	0	0	0			
Bioretention/Bioswale Media	0	0	0	0			
Discharge	0	100	100	100	100	100	
Pond 1/Pond 2							POND #1

WBSCC - PROJECT DATA SHEET - Sub-Catchment 1: Crops, Irrigation, Storage/Reuse Tank

Storage/ Reuse Tank Parameters	Values
Tank Water Surface Area (assumed bath tub) (m ²)	
Spill Crest Elevation, above Tank Floor (m)	
Starting Water Level (m)	
Minimum Tank Water Elevation for Recharge (m)	
Maximum Tank Water Elevation for Recharge (m)	
Use Recharge from Storm Ponds	No
Recharge Source	POND #1
Additional Non-Potable Demand (l/s)	0
Municipal Supply Available	No

Ground Cover Crop-Mix Profiles (Mix as %)

Crops	Profile #1	Profile #2	Profile #3
KENTUCKY BLUE GRASS	90	100	50
SAGE BRUSH	10	0	50
Unnamed 1	0	0	0
Unnamed 2	0	0	0
Unassigned	0	0	0

Irrigation Crop Profile or Scheduling Assignment:

Pervious Surface Cover Type			
Use Irrigation Schedule	No	Schedule Number	1
Use Crop Demand Profile	No	Profile Number	1
Absorbent Landscaping Cover Type			
Use Irrigation Schedule	No	Schedule Number	1
Use Crop Demand Profile	No	Profile Number	1
Green Roof Media			
Use Irrigation Schedule	No	Schedule Number	1
Use Crop Demand Profile	No	Profile Number	1

WBSCC - PROJECT DATA SHEET - Sub-Catchment 1: Weekly Watering Schedule

Weekly Watering Schedule #1 (Depth of Irrigation) (mm)

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Jan							
Feb							
Mar							
Apr							
May						10	
Jun			10			15	
Jul		10		10		15	
Aug		10		10		15	
Sep			10			15	
Oct							
Nov							
Dec							

Weekly Watering Schedule #2 (Depth of Irrigation) (mm)

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Jan							
Feb							
Mar							
Apr							
May							30
Jun							30
Jul							30
Aug							30
Sep							30
Oct							
Nov							
Dec							

Precipitation treshold (mm) during irrigation day and preceding two days

10

SUBCATCHMENT 1	(mm)	(m3)
TOTAL MSC PRECIPITATION	20897.0	42379.1
AVERAGE PRECIPITATION	409.7	
MEDIAN PRECIPITATION	404.7	
TOTAL RUNOFF (INCLUDING SUBDRAIN)	1012.1	2052.5
% OF RAINFALL AS RUNOFF	4.8	
AVERAGE RUNOFF (INCLUDING SUBDRAIN)	19.8	40.2
MEDIAN RUNOFF (INCLUDING SUBDRAIN)	15.6	31.6
TOTAL IRRIGATION DEMAND	0.0	0.0
MAXIMUM RUNOFF (ANY TIMESTEP)	52.8	107.0
AVERAGE EVAPORATION	373.2	756.8
AVERAGE PERCOLATION	7.2	14.5
TOTAL RUNOFF + EVAP + PERCOLATION	400.2	811.6

SC1: IMPERVIOUS AREA	(mm)	(m3)
TOTAL MSC PRECIPITATION	20897.0	3949.5
TOTAL RUNOFF	15856.8	2996.9
% OF RAINFALL AS RUNOFF	75.9	
AVERAGE RUNOFF	310.9	58.8
MEDIAN RUNOFF	307.0	58.0
MAXIMUM RUNOFF (ANY TIMESTEP)	91.0	17.2
TOTAL RUNON	0.0	0.0
TOTAL DEP STORAGE (EVAPORATION LOSS)	5033.6	951.4
TOTAL SUBLIMATION LOSS	0.0	0.0
SNOW PACK AT THE END OF SIMULATION	6.6	1.2
WATER BALANCE (OVER PERIOD OF RECORD)	0.0	0.0

ANNUAL SUMMARIES

IMPERVIOUS SURFACE

YEAR	MSC PRECIP	TOTAL RUNOFF	% RUNOFF	MAX RUNOFF
	(mm)	(mm)	(-)	(mm)
1960	373.0	277.4	74.4	34.1
1961	392.1	305.6	77.9	35.7
1962	285.3	187.2	65.6	27.4
1963	425.0	341.6	80.4	41.1
1964	392.4	283.1	72.1	38.5
1965	590.2	491.5	83.3	49.2
1966	403.7	322.4	79.9	53.3
1967	256.4	181.2	70.7	20.6
1968	358.6	253.0	70.6	38.3

WBSCC

Water Balance Spreadsheet for the City of Calgary
Version 1.2

PROJECT SUMMARY SHEET

Project Name:	BRAGG CREEK BREWERY
Project Description:	PROPOSED CONDITION
Location:	19 RIVER DRIVE N, BRAGG CREEK
Date:	2018-11-29
Designed by:	Jacky Wang
Company Name:	Richview Engineering Inc.
Reviewed by:	Robin Li

WBSCC - PROJECT DATA SHEET - Environmental Information

Minimum Temperature to Trigger Runoff (°C)	0
Sublimation Losses (%)	0
Precipitation Multiplication Factor (% Decrease)	0

Month	Is Winter or Summer?	Crop Water Requirement (mm/month)			
		KENTUCKY BLUE GRASS	SAGE BRUSH	Unnamed 1	Unnamed 2
January	Winter	0	0	0	0
February	Winter	0	0	0	0
March	Winter	0	0	0	0
April	Summer	0	0	0	0
May	Summer	110	50	0	0
June	Summer	110	50	0	0
July	Summer	110	60	0	0
August	Summer	110	50	0	0
September	Summer	110	50	0	0
October	Summer	0	20	0	0
November	Winter	0	0	0	0
December	Winter	0	0	0	0

Catchment Area Data

Sub-Catchment	Description of Sub-catchment Use	Area (ha)
Sub-Catchment 1		0.2028
Sub-Catchment 2		0
Sub-Catchment 3		
Sub-Catchment 4		
Sub-Catchment 5		
Total		0.2028

Pond Area Data

Pond	Description of Pond	Pond Area (m ²)
Pond 1		53
Pond 2		0

WBSCC - PROJECT DATA SHEET - Environmental Information (Cont'd.)

Actual to Potential Evapotranspiration Modification Factors

Sand		Silt		Clay		Customized Media	
AW/AWC	F	AW/AWC	F	AW/AWC	F	AW/AWC	F
0	0	0	0	0	0	0	0
0.2	1	0.2	0.1	0.2	0.05	0.2	0.1
0.4	1	0.4	0.8	0.4	0.3	0.4	0.5
0.6	1	0.6	1	0.6	0.6	0.6	0.7
0.8	1	0.8	1	0.8	0.95	0.8	0.9
1	1	1	1	1	1	1	1
50	1	50	1	50	1	50	1
100	1	100	1	100	1	100	1

AW: Available Water Content (mm)
AWC: Available Water Capacity (mm)

WBSCC - PROJECT DATA SHEET - Sub-Catchment 1: Parameters, Runoff Allocation

Usage:

Sub-catchment Parameters		Cover Type					
		Impervious Surface	Pervious Surface	Absorbent Landscaping	Green Roof Media	Bioretention/ Bioswale Medium	Unassigned Area
Area (Total: 0.2028)	(ha)	0.0491	0.0983	0.0554	0	0	0
Depression Loss	(mm)	1.6					
Soil Type: Sand					100	90	
Silt			100	100	0	10	
Clay			0	0			
Custom				0			
Unassigned			0	0	0	0	
Soil or Media Depth	(mm)		150	300	200	1000	
Porosity			0.46	0.46	0.512	0.469	
Field Capacity			0.271	0.271	0.132	0.092	
Wilting Point			0.126	0.126	0.057	0.038	
Saturated Hydraulic Conductivity	(m/s)		1.00E-07	5.00E-06	2.50E-05	3.50E-05	
Sub-soil Hydraulic Conductivity	(m/s)		1.00E-08	1.00E-08		1.00E-06	
Ponding Depth	(mm)		0	0	0	300	
Inv. Slope of Log. Tension Moisture Curve			4.98	4.98	4.55	4.32	
Subdrain Invert (above bottom of media)	(mm)					0	
Subdrain Capacity	(m ³ /s)					0	

% of Runoff Allocated To:	Runoff Allocated from Cover Type/ Facility:						
	Impervious Surface	Pervious Surface	Absorbent Landscaping	Green Roof Media	Bioretention/ Bioswale Media	Storage/ Reuse Tank	Discharge
Pervious Surface	50			0			
Absorbent Landscaping	50	100		0			
Green Roof Media	0						
Storage/ Reuse Tank	0	0	0	0			
Bioretention/Bioswale Media	0	0	0	0			
Discharge	0	0	100	100	100	100	
Pond 1/Pond 2							POND #1

WBSCC - PROJECT DATA SHEET - Sub-Catchment 1: Crops, Irrigation, Storage/Reuse Tank

Storage/ Reuse Tank Parameters	Values
Tank Water Surface Area (assumed bath tub) (m ²)	
Spill Crest Elevation, above Tank Floor (m)	
Starting Water Level (m)	
Minimum Tank Water Elevation for Recharge (m)	
Maximum Tank Water Elevation for Recharge (m)	
Use Recharge from Storm Ponds	No
Recharge Source	POND #1
Additional Non-Potable Demand (l/s)	0
Municipal Supply Available	No

Ground Cover Crop-Mix Profiles (Mix as %)

Crops	Profile #1	Profile #2	Profile #3
KENTUCKY BLUE GRASS	90	100	50
SAGE BRUSH	10	0	50
Unnamed 1	0	0	0
Unnamed 2	0	0	0
Unassigned	0	0	0

Irrigation Crop Profile or Scheduling Assignment:

Pervious Surface Cover Type			
Use Irrigation Schedule	No	Schedule Number	1
Use Crop Demand Profile	No	Profile Number	1
Absorbent Landscaping Cover Type			
Use Irrigation Schedule	No	Schedule Number	1
Use Crop Demand Profile	No	Profile Number	1
Green Roof Media			
Use Irrigation Schedule	No	Schedule Number	1
Use Crop Demand Profile	No	Profile Number	1

WBSCC - PROJECT DATA SHEET - Sub-Catchment 1: Weekly Watering Schedule

Weekly Watering Schedule #1 (Depth of Irrigation) (mm)

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Jan							
Feb							
Mar							
Apr							
May						10	
Jun			10			15	
Jul		10		10		15	
Aug		10		10		15	
Sep			10			15	
Oct							
Nov							
Dec							

Weekly Watering Schedule #2 (Depth of Irrigation) (mm)

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Jan							
Feb							
Mar							
Apr							
May							30
Jun							30
Jul							30
Aug							30
Sep							30
Oct							
Nov							
Dec							

Precipitation treshold (mm) during irrigation day and preceding two days

10

Pond 1 Parametrs	Values
Base Elevation (m)	1296.11
Starting Water Elevation (m)	1296.11
Starting Discharge Elevation (UNWL) (m)	1296.11
High Water Level (HWL) (m)	1296.61
Lower Normal Water Level (LNWL) (m)	1296.11
Seepage Rate (mm/hr)	0.00
Discharge and Overflow Routed to:	OUTFALL

Pond 1 Pertinent Volumes (m ³)	Values
Volume at Base Elevation	0
Volume at Staging Water Elevation	0
Volume at LNWL	0
Volume at UNWL	0
Volume at HWL	14

Pond 1 Bed Soil Parameters		
Soil Type: Sand		
Silt		100
Clay		
Custom		
Unassigned		0
Soil or Media Depth	(mm)	150
Porosity		0.46
Field Capacity		0.271
Wilting Point		0.126
Saturated Hydraulic Conductivity	(m/s)	5.00E-06
Sub-soil Hydraulic Conductivity	(m/s)	1.00E-08
Ponding Depth		0
Inv. Slope of Log. Tension Moisture Curve		4.98

[illegible]

SUBCATCHMENT 1	(mm)	(m3)
TOTAL MSC PRECIPITATION	20897.0	42379.1
AVERAGE PRECIPITATION	409.7	
MEDIAN PRECIPITATION	404.7	
TOTAL RUNOFF (INCLUDING SUBDRAIN)	900.5	1826.3
% OF RAINFALL AS RUNOFF	4.3	
AVERAGE RUNOFF (INCLUDING SUBDRAIN)	17.7	35.8
MEDIAN RUNOFF (INCLUDING SUBDRAIN)	9.1	18.4
TOTAL IRRIGATION DEMAND	0.0	0.0
MAXIMUM RUNOFF (ANY TIMESTEP)	48.5	98.4
AVERAGE EVAPORATION	356.3	722.5
AVERAGE PERCOLATION	11.6	23.5
TOTAL RUNOFF + EVAP + PERCOLATION	385.5	781.8

SC1: IMPERVIOUS AREA	(mm)	(m3)
TOTAL MSC PRECIPITATION	20897.0	10260.4
TOTAL RUNOFF	15856.8	7785.7
% OF RAINFALL AS RUNOFF	75.9	
AVERAGE RUNOFF	310.9	152.7
MEDIAN RUNOFF	307.0	150.7
MAXIMUM RUNOFF (ANY TIMESTEP)	91.0	44.7
TOTAL RUNON	0.0	0.0
TOTAL DEP STORAGE (EVAPORATION LOSS)	5033.6	2471.5
TOTAL SUBLIMATION LOSS	0.0	0.0
SNOW PACK AT THE END OF SIMULATION	6.6	3.2
WATER BALANCE (OVER PERIOD OF RECORD)	0.0	0.0

ANNUAL SUMMARIES

IMPERVIOUS SURFACE

YEAR	MSC PRECIP	TOTAL RUNOFF	% RUNOFF	MAX RUNOFF
	(mm)	(mm)	(-)	(mm)
1960	373.0	277.4	74.4	34.1
1961	392.1	305.6	77.9	35.7
1962	285.3	187.2	65.6	27.4
1963	425.0	341.6	80.4	41.1
1964	392.4	283.1	72.1	38.5
1965	590.2	491.5	83.3	49.2
1966	403.7	322.4	79.9	53.3
1967	256.4	181.2	70.7	20.6
1968	358.6	253.0	70.6	38.3

POND 1	POND #1	CATCHMENT AREA SIZE							
DISCHARGES TO	OUTFALL	0.2 ha - DIRECT							
		0.2 ha - TOTAL							
		MAX	MIN	AVG	MEDIAN				
VOLUME (m3)	0.0	0.0	0.0	0.0					
LEVEL (m)	1296.1	1296.1	1296.0	1296.1	UNIT AREA RESULTS BASED ON TOTAL CATCHMENT SIZE				
	MAX	TOTAL	AVG	MEDIAN	MAX	TOTAL	AVG	MEDIAN	
INFLOW (m3)	211.0	1865.0	36.6	18.7 (mm)	104.0	919.6	18.0	9.2	
DIRECT PRECIPITATION (m3)	0.1	2.1	0.0	0.0 (mm)	0.0	1.0	0.0	0.0	
EVAPORATION LOSS (m3)	0.1	3.9	0.1	0.1 (mm)	0.0	1.9	0.0	0.0	
SEEPAGE LOSS (m3)	0.0	0.0	0.0	0.0 (mm)	0.0	0.0	0.0	0.0	
DISCHARGE (m3)	211.0	1866.3	36.6	18.7 (mm)	104.0	920.3	18.0	9.2	
OVERFLOW (m3)	0.0	0.0	0.0	0.0 (mm)	0.0	0.0	0.0	0.0	
MAKE-UP WATER (m3)	0.0	0.0	0.0	0.0 (mm)	0.0	0.0	0.0	0.0	
DEMAND (m3)	0.0	0.0	0.0	0.0 (mm)	0.0	0.0	0.0	0.0	
WATER BALANCE (m3)		-3.0							

ANNUAL SUMMARIES

YEAR	POND #1		VOLUME MIN (m3)	LEVEL MAX (m)	LEVEL MIN (m)	Inflo w (m3)	Direct Precipitatio (m3)	Evaporation (m3)	Seepage (m3)	Discharge (m3)	
	VOLUME MAX (m3)										
1960		0.0	0.0	1296.1	1296.1	0.0	0.0	0.1		0.0	0.0
1961		0.0	0.0	1296.1	1296.1	55.4	0.0	0.1		0.0	55.4
1962		0.0	0.0	1296.1	1296.1	0.0	0.0	0.1		0.0	0.0
1963		0.0	0.0	1296.1	1296.1	11.8	0.0	0.1		0.0	11.8
1964		0.0	0.0	1296.1	1296.1	48.4	0.0	0.1		0.0	48.4

OUTFALL					Pond #1	0.0 ha								
0.2 ha - TOTAL					Pond #2	0.0 ha								
									0.2 ha - Including Ponds					
					UNIT AREA RESULTS BASED ON TOTAL CATCHMENT SIZE					UNIT AREA RESULTS BASED ON TOTAL CATCHMENT + POND SIZE				
	MAX	TOTAL	AVG	MEDIAN		MAX	TOTAL	AVG	MEDIAN		MAX	TOTAL	AVG	MEDIAN
PRECIPITATION (m3)					(mm)		20897.0	409.7	404.7	(mm)		20897.0	409.7	404.7
DISCHARGE (m3)	211.0	1866.3	36.6	18.7	(mm)	104.0	920.3	18.0	9.2	(mm)	101.4	896.8	17.6	9.0
RATIO (%)							4.4	4.4	2.3			4.3	4.3	2.2



November 21, 2018
02-18-0199

Baruch Laskin
Bragg Creek Brewing Company
24 Sleigh Drive
Redwood Meadows, AB T3Z 1A1

Dear Baruch,

**Re: 19 River Drive N. Bragg Creek
Parking Study**

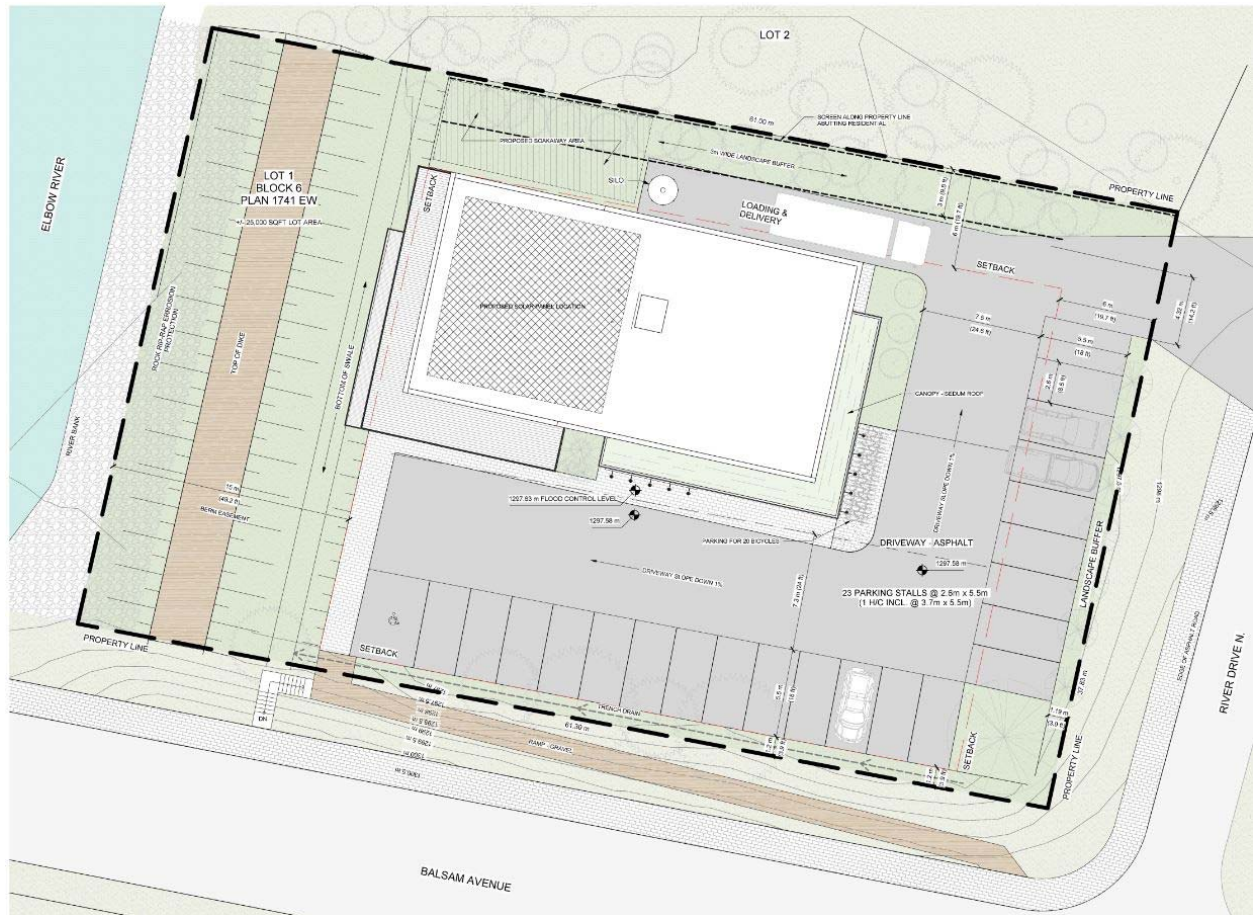
Bunt & Associates was retained by Bragg Creek Brewing Company to complete a parking study in support of their development permit application for a proposed development at 19 River Drive N in Bragg Creek, Alberta. The site is zoned Hamlet Commercial HC. The proposed land use densities for the site are presented in **Table 1**. The site is proposing 23 parking stalls, which was understood to be less than bylaw requirement for the uses at the site. The County has requested a parking study to justify the adequacy of the proposed parking supply and any mitigation measures that would be used to accommodate any overflow should one occur.

Table 1: Proposed Land Use Densities

Land Use	Size
Hotel	21 Rooms
Restaurant	166 m ² GFA (60 seats)
Brewery	177 m ² GFA
Community Event Space	74 m ² GFA

The proposed site plan is illustrated in **Figure 1**.

Figure 1: Site Plan



1. BYLAW PARKING CALCULATION

The Bylaw parking calculation is based on Rocky View County Land Use Bylaw C4841-97, Part 3 Section 30, Schedule 5. Summary of the Bylaw requirement is presented in **Table 2**.

Table 2: Summary of Bylaw Calculation (LUB C-4841-97, Part 3, Sec 30, Schedule 5)

Use	Size	Bylaw Parking Ratio	Bylaw Parking
Hotel	21 Rooms	1 stall/room +1 stall/10 units for employees	23.1
Restaurant	166 m ² GFA (60 seats)	1 stall/3 seats	20
Brewery	177 m ² GFA	1 stall/100 m ²	1.77
Community Event Space	74 m ² GFA	12 stalls/100 m ²	8.88
TOTAL			53.75 =54
SUPPLY (Onsite)			23
SURPLUS/(DEFICIT)			(31)

As can be seen from Table 2, the bylaw requires 54 stalls, with 23 stalls on the, there will be a bylaw deficit of 31 stalls. It is Bunt's opinion that the site would not need 54 stalls for its operations and that the bylaw requirement is excessive for this modest development in a hamlet of approximately 600 people. The bylaw parking requirement would mean up to 20% of the population would be at this development, which is highly unlikely. We recognize though that Highway 22 nearby could be a conduit for out of town patrons if the site is marketed as a destination to visit.

As a result of the estimated bylaw deficit, we completed a need analysis based on industry standard and our database, which in themselves are not based on small towns' parking demand but on bigger populations' parking demand.

2. PARKING NEED BASED BUNT'S DATABASE AND FIRST PRINCIPLES

2.1 Hotel

The parking need of a hotel is based on occupancy and staff needs. Hotels' occupancy is typically 70%, that is all rooms are hardly ever occupied, whereas service estimates are based on occupancy. With 21 rooms proposed, only about 14 to 15 rooms can be reasonably occupied and planned for. If a parking space is assigned to each occupied room, then only about 15 spaces would be needed at night. Since janitorial staff would work during the day, and hotel parking is lowest during the day, there would be a synergetic use of space between employees and guests, meaning, the 15 spaces estimated would be adequate for the hotel.

2.2 Restaurant

The County's bylaw prescribes 1 stall for each 3 seats restaurant, which produces a minimum of 20 stalls for 60 seats. However, the restaurant area is small and unless there is a special occasion, it would be difficult to have 60 customers at a restaurant in Bragg Creek.

The City of Calgary requires 1.7 stalls per 10 m² of public space for neighbourhood restaurant. If we assume public space is 50 percent of the 166 m² restaurant, only 14 spaces would be needed.

Bunt's counts at 3 big suburban restaurants in Calgary confirm a demand parking ratio of approximately 10 stalls per 100 m² of gross floor area. If this ratio were applied, the restaurant would need 17 stalls.

2.3 Brewery

The assumption is there would be maximum of 3 employees during a shift. If these 3 employees drive, they will need 3 parking spaces.

2.4 Community Event Space

The community event space is an extension of the restaurant and it is only 74 m². A safe assumption would be to apply the restaurant's parking ratio to this space so that in the best case, the two uses would be one continuous space. By doing so, the event space would require 8 spaces.

2.5 Shared Parking Opportunity

Since all the 4 uses are at the same site, it is expected that there would be synergetic use of parking space. Bunt's previous study has shown that up to 30% of patrons at a restaurant attached to a hotel comes from the hotel. It is therefore possible that up to 5 rooms would be patrons at the restaurant. This could reduce demand for parking by up to 5 spaces. As well, the brewery staff may have gone home by 7PM when demand for parking at the restaurant is highest. If this were so, there is opportunity for 2 to 3 extra spaces that could be used by the restaurant's guests. Therefore, under shared use scenario, the site would need only 35 to 38 stalls during peak demand period.

2.6 Summary of Parking Needs

This methodology produces a parking need of 43 spaces if all the uses were stand alone. Since this is a mixed used site, the expected parking need could be as low as 35 stalls. The summary is shown in **Table 3**.

Table 3: Parking Need Based First Principles and Bunts Database

Use	Size	Expected Parking Ratio	Parking Need
Hotel	21 Rooms (Optimistic occupancy is 72% therefore, the max that can be occupied is 15 rooms) ¹	1 stall/occupied room	15
Restaurant	166 m ² GFA (60 seats)	10 stall/ 100 m ² GFA ²	17
Brewery	177 m ² GFA (3 employees) ³	1 stall/employee	3
Community Event Space	74 m ² GFA	10 stalls/100 m ² (same as restaurant) ⁴	8
TOTAL			43
SUPPLY (Onsite)			23
SURPLUS/(DEFICIT)			(20)

As can be seen from Table 3, and assuming there is no synergetic use of parking spaces between these 4 uses, the maximum parking that would be needed is 43 stalls, which would theoretically lead to a parking need deficit of 20 stalls.

It is known that up to 30%⁵ of restaurant guests could be from adjoining hotels. In which case, the restaurant's parking demand can be reduced by up to 5 stalls. Therefore, the actual need could be as low as 38 (43-5=38) and the on-site deficit could be as low as 15 stalls. The task therefore is to find between 15 and 20 stalls within walking distance of the proposed development.

3. OVERFLOW PARKING ARRANGEMENT

BCBC has entered into parking agreement with 3 businesses within walking distance of the proposed development. The arrangement covers those times of the day when the proposed development's parking demand is at its peak. The signed agreements and the location of the over flow parking are attached. The 3 locations are:

Kevin Onespot Site: This offsite parking is located on Burnside Drive approximately 400 metres from the proposed development. This site will be available at all times but with at least 24 hours prior notice to Kevin Onespot. This site will make 34 parking spaces out of its approximately 100 spaces available to BCBC and there will be signage to direct patrons to this location.

¹ ITE Parking Generation Manual 4th Edition, 2010. LUC 310 - Hotel

² Bunt & Associates database- Counts conducted at suburban Moxie's, Boston Pizza and Black Swan Ale House

³ Assumed

⁴ This space is part of the restaurant's space and will demand just as the restaurant

⁵ Study conducted by Bunt & Associates in Edmonton for Sandman's Hotel and Denny's.

Chad Fehr Professional Corporation: This site is located at 16 Balsam Avenue, which is approximately 300 metres from the proposed development. This site will be available between 5PM and 8:30 AM on weekdays and 24 hours on Saturdays and Sundays. This site will make 4 out of its 8 parking spaces available to the patrons of BCBC at the aforementioned times and these 4 spaces will be clearly signed so they remain available when they are needed.

Bragg Creek Physiotherapist: This site is located at 24 Balsam Avenue which is approximately 200 metres to the proposed development. There will be 4 stalls out of 22 spaces available all weekend. These stalls will be signed to ensure they remain available to BCBC customers.

Summary of Parking Supply at Offsite (Overflow) lots

The 3 offsite parking spaces with signed agreement will supply 42 stalls overflow stalls. As noted earlier, the bylaw parking deficit is 31 stalls. Therefore, the proposed offsite stalls are adequate to mitigate any bylaw parking shortage. As well, the expected parking need was estimated to be 43 stalls and operational deficit of 20 stalls can clearly be accommodated at the offsite lots.

4. PARKING AVAILABILITY AT OFFSITE LOTS

Bunt & Associates completed hourly parking counts at the 3 locations to confirm that there are indeed enough spaces to accommodate any overflow parking from the proposed development. Counts were conducted on Friday November 9, 2018 from 4PM to 8PM. The summary of the counts is presented in **Table 4**.

Table 4: Summary of Offsite (Overflow) Parking Availability

Time	Off-Site Parking Locations				Total
	Kevin One Spot	Chad Fehr Prof Corp (16 Balsam Av)	Bragg Creek Physiotherapy (24 Balsam Av)	Bragg Creek Community Centre	
Supply	100	8	22	80	210
16:00	2	1	1	8	12
17:00	2	0	0	6	8
18:00	2	0	0	4	6
19:00	2	0	0	2	4
20:00	2	0	0	2	4
Unused Supply	98	7	21	72	198
Proposed Usage	34	4	4	0	42

As can be seen from Table 4, each of the offsite locations has enough vacancy to accommodate the overflow parking agreement signed with BCBC.

5. CONCLUSION

Based on the analysis completed, the bylaw parking requirement of 57 stalls seems excessive for the proposed site, especially given its location and its mixed-use operation. A parking need analysis and shared parking review confirm that between 35 and 38 stalls would be adequate to service the site under the best demand condition.

The developer has secured agreements with 3 neighbouring businesses that allow a combined parking overflow capacity of 42 stalls. In addition to the 23 stalls provided on site, these overflow lots, which are within reasonable walking distance of the site, will provide enough parking spaces to meet the parking need of the site.

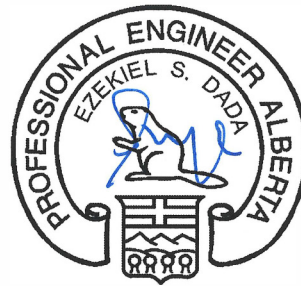
Bunt & Associates therefore respectfully urges the County to grant the parking relaxation sought for this development.

Yours truly,

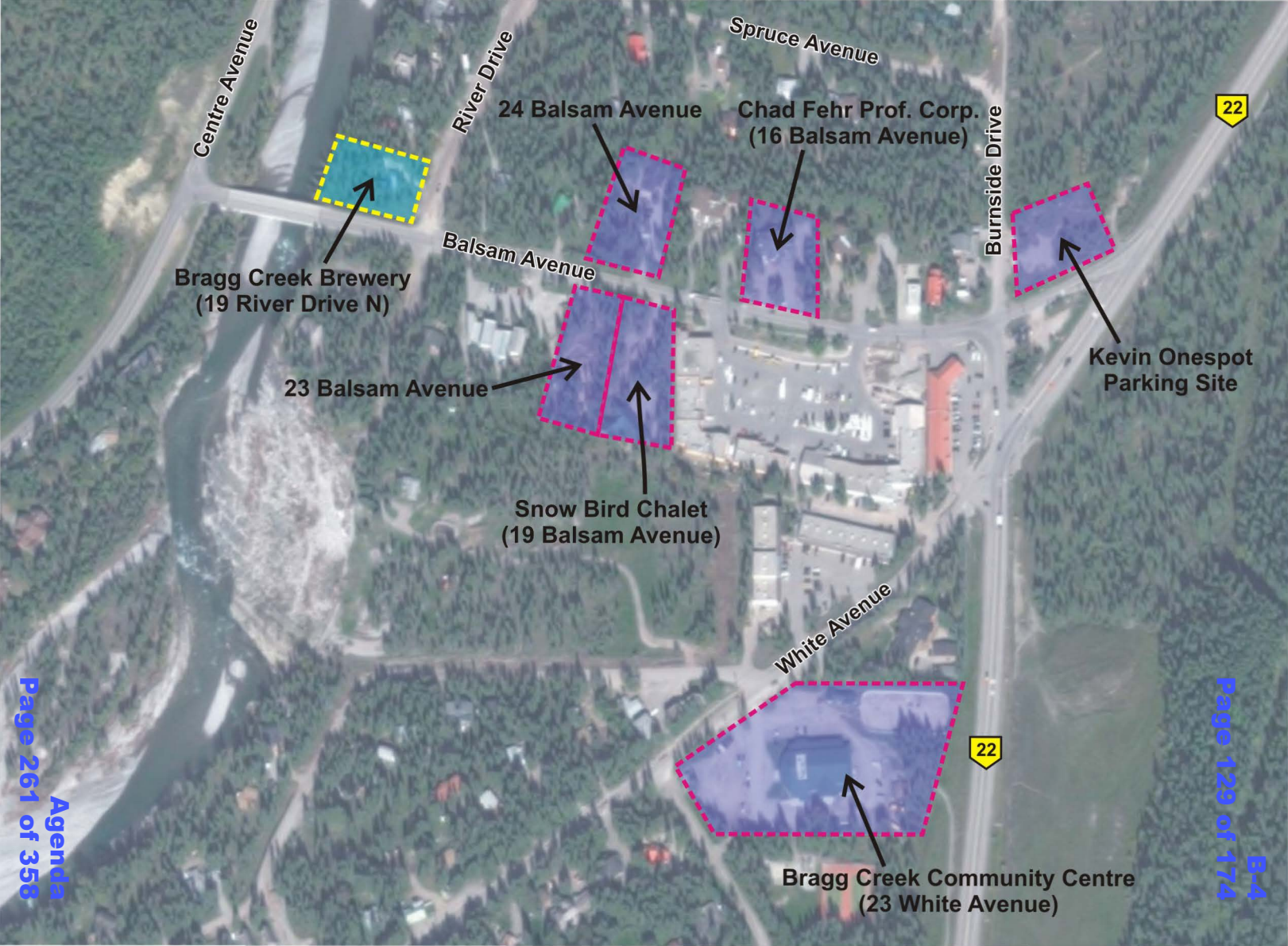
Bunt & Associates



Ezekiel Dada, Ph.D., P.Eng.
Principal



November 21/2018



Centre Avenue

River Drive

Spruce Avenue

24 Balsam Avenue

Chad Fehr Prof. Corp.
(16 Balsam Avenue)

22

Bragg Creek Brewery
(19 River Drive N)

Balsam Avenue

Burnside Drive

23 Balsam Avenue

Kevin Onespot
Parking Site

Snow Bird Chalet
(19 Balsam Avenue)

White Avenue

22

Bragg Creek Community Centre
(23 White Avenue)

Mark BOWDEN

24 Balsam Avenue

Bragg Creek, AB

TOL OKO

November 04, 2018

Baruch LASKIN

19 River Drive

Bragg Creek, AB

TOL OKO

Re: Bragg Creek Brewing Co – Parking at 24 Balsam Avenue

Dear Baruch,

Further to recent discussions regarding the potential for Brewery overflow parking, I attach a plan to identify four (4) spaces that could be utilized by your business for parking on weekends. These spaces are closest to Balsam Avenue and would avoid any conflicts with exterior property maintenance activities that are generally undertaken on weekends and out of normal physiotherapy business operating hours.

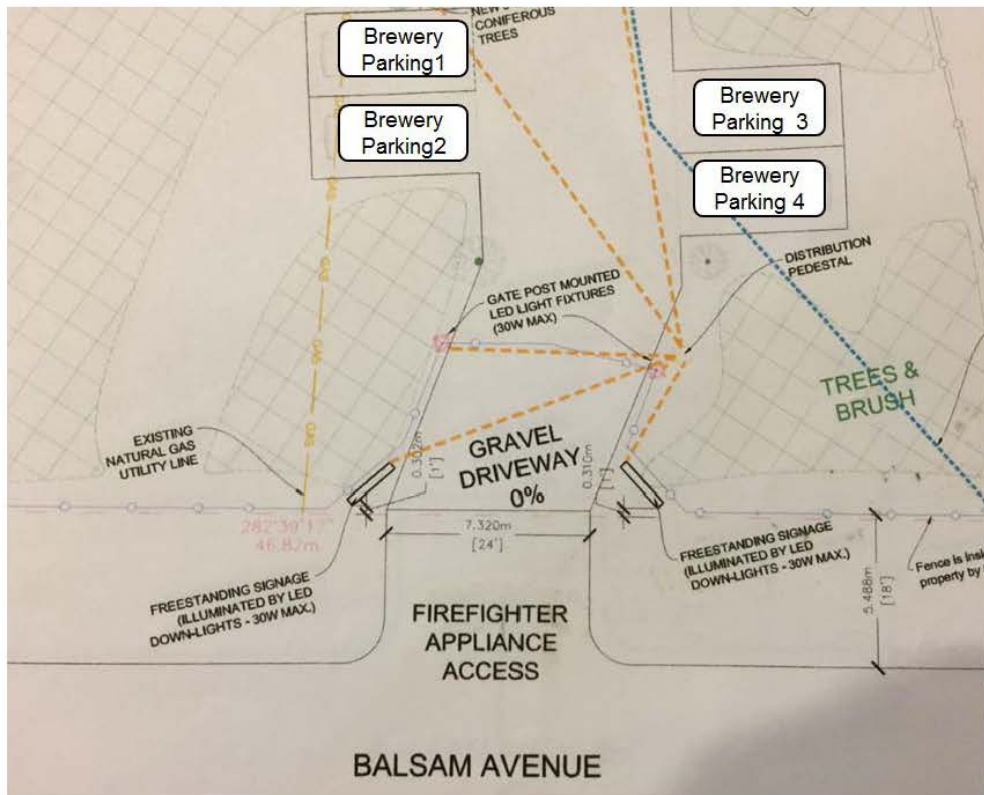
Parking spaces at 24 Balsam Avenue have been underutilized since the business opened so there may be opportunities for additional parking during the week. We can certainly discuss the matter further as plans for your development and business requirements evolve.

Sincerely,



Mark BOWDEN

24 Balsam Avenue – Bragg Creek Brewing Co. Parking Spaces



Auxiliary Parking Agreement

This is an agreement between

Bragg Creek Brewing Company Ltd. (Brewery)

and

CHAD FEHR PROF. CORP. (Parking Partner).

Under this agreement, the Brewery is granted auxiliary parking access to 4 parking stalls located on business property of the Parking Partner within the Hamlet of Bragg Creek. The purpose of these stalls are to supplement the existing stalls the Brewery has on site and will be used only with prior notice given. Notice will not occur less than 24 hours from time of use. The specific location of the parking stalls are outlined in the schematic (Schedule A). The Brewery agrees to pay the Parking Partner \$10 per usage for each stall, paid quarterly. The Brewery will include the Parking Partner as an *additional insured* on its business insurance to cover any damages caused by auxiliary parking usage. This agreement can be cancelled at any time by either party with 30 days written notice.



Bragg Creek Brewing Company Ltd. (Brewery)

OCT 25/18

Date



Parking Partner

OCT 25/18

Date

CONSENT PROVIDED BY CHAD FEHR PROF CORP.'S LESSOR
to sign agreement.

Schedule A

M-F AVAILABILITY

5pm - 8:30am

S-S + STATS

24 HOURS

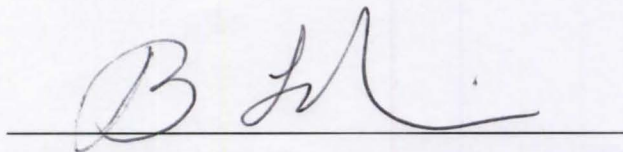


PROOF OF INSURANCE covering parking stall users
Required so I can provide to my insurance company.

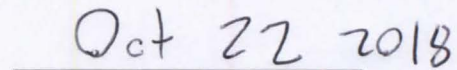
Auxiliary Parking Agreement

This is an agreement between
Bragg Creek Brewing Company Ltd. (Brewery)
and
Kevin Onespot (Parking Partner)

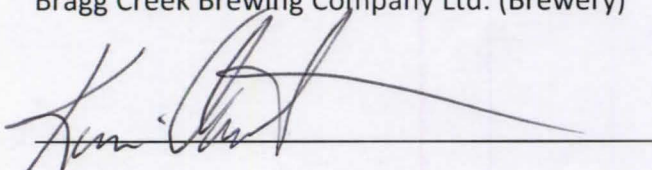
Under this agreement, the Brewery is granted auxiliary parking access to 34 parking stalls located on business property of the Parking Partner within the Hamlet of Bragg Creek. The purpose of these stalls are to supplement the existing stalls the Brewery has on site and will be used only with prior notice given. Notice will not occur less than 24 hours from time of use. The specific location of the parking stalls are outlined in the schematic (Schedule A). The Brewery agrees to pay the Parking Partner \$10 per usage for each stall, paid quarterly. The Brewery will include the Parking Partner as an *additional insured* on its business insurance to cover any damages caused by auxiliary parking usage. This agreement can be cancelled at any time by either party with 30 days written notice.



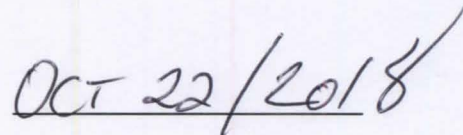
Bragg Creek Brewing Company Ltd. (Brewery)



Date



Parking Partner



Date



November 29, 2018

File: 2018-4135

Opus
#500, 5119 Elbow Drive S.W.
Calgary, AB T2V 1H2

Attention: Mr. Andrew Wallace

**Re: Geotechnical Investigation - Revised
Bragg Creek Brewing Co.
19 River Drive N.
Bragg Creek, Alberta**

As requested, E2K Engineering Ltd. (E2K) has completed a geotechnical investigation for the proposed commercial development located at the above noted address in Bragg Creek, Alberta. It is understood that the proposed development will include a Brew Pub/ Hotel with one level of basement level.

The objective of this geotechnical investigation is to evaluate the site soil and groundwater conditions within the proposed buildings and parking lot areas to provide recommendations related to the geotechnical aspects of the proposed development.

This report provides recommendations regarding site preparation, shallow foundations, slab-on-grade, groundwater considerations, concrete requirements, preliminary pavement design, and excavation and backfill.

1.0 SITE DESCRIPTION

The project site is located east of River Drive N in Bragg Creek, Alberta and backs onto the Elbow River. The site is currently partially occupied by an existing building and surface parking lot. The boreholes were positioned in the grassed areas around the existing building and the driveway for easy access. Borehole and test pit locations are shown on Figure 1 in the Appendix of this report.

The site is relatively flat and was covered with grass and trees at the time our investigation. The drainage pattern is towards the Elbow River.

2.0 DETAILS OF THE INVESTIGATION

The geotechnical investigation performed at this site consisted of excavating two (2) test pits, drilling two (2) boreholes, and installing two (2) 25 mm PVC standpipes. The Boreholes BH-01 and BH-02 were advanced to depths of 3.3 m and 4.4 m below the existing grade, respectively. Test Pits TP-01 and TP-02 were advanced to a depth of 1.5 m below grade. Standpipes were installed in each borehole to allow for groundwater monitoring.

The investigation was conducted using a backhoe for excavation of the test pits and a percussion drill rig to drill the boreholes due to the expected gravelly conditions. The test pitting was completed on October 29, 2018 using a Backhoe by B&M Trenching Company of Calgary, Alberta and the drilling was completed on November 13, 2018 using a Becker Hammer drill rig supplied by Earth Drilling Co. Ltd. of Calgary, Alberta. Hammer blows per foot of penetration with the Becker Hammer were recorded in order to assess the density of the soils.

The subsurface soil conditions were continuously logged using the Modified Unified Soil Classification System which includes soil types, depths, moisture conditions, and descriptions. Disturbed soil samples were obtained from the test pits and the Becker Hammer cyclone at regular intervals.

Samples were tested in the E2K geotechnical laboratory for moisture content, and soluble sulphate content.

Following drilling, the boreholes were backfilled with the drill cuttings and then sealed with bentonite.

3.0 SUBSURFACE CONDITIONS

The stratigraphy at the subject site generally consisted of sand and gravel deposits. Topsoil was also encountered at the surface of the test pits. Detailed soil descriptions are provided on the borehole logs in the Appendix, and are discussed in the following sections. Variations in the thickness and condition of materials observed in the boreholes and test pits could be encountered in areas of the site not investigated.

It should be noted that the site has likely been previously disturbed during construction of buildings, parking lot construction, and utility installations. Therefore, non-engineered fill soils are likely present within the site.

3.1 Topsoil

Approximately 100 mm of topsoil was present at the surface of the test pits. The topsoil was described as sandy silt, containing trace clay, brown to dark brown in colour, and damp to moist.

3.2 Sand and Gravel

Underlying the topsoil at the test pit locations and at the surface of Boreholes BH-01 and BH-02, a layer of sand and gravel was encountered and extended to the termination depth of the drilling. The sand and gravel was described as poorly graded, fine to coarse grained, sub-rounded, containing trace to some silt, dense to very dense, brown in color, and dry. It should

be noted that due to variations in the sand and gravel contents, this material was classified as sand or gravel as shown on the borehole and test pit logs.

Becker Hammer blow counts within the sand and gravel materials ranged from 23 to 600, indicative of the dense to very dense in-situ condition.

Moisture content tests performed on samples of the gravel resulted in values ranging from 1.3% to 5.0%.

3.4 Groundwater

Groundwater was encountered during the drilling program at an approximate depth of 4.3 m below grade in Borehole BH-02. A 25 mm PVC standpipe was installed in each borehole for future groundwater measurement. On November 22, 2018, the water level was measured at 2.6 m in BH-02 and Borehole BH-01 was dry. It is recommended to complete additional groundwater readings prior to construction.

It should be noted that the groundwater level appears to be hydraulically connected to the Elbow River due to its proximity to the site. During the spring months and times of heavy precipitation, the long term groundwater table elevation is anticipated to fluctuate. It should be noted that the groundwater elevation varies with seasonal conditions including precipitation, temperature, site drainage characteristics, etc.

3.5 Frost Susceptibility

Frost susceptibility refers to the degree to which a soil is prone to frost heaving and subsequent thaw weakening. Based on the frost susceptibility classification system outlined in Table 13.1 of the Canadian Foundation Engineering Manual (CFEM), the subgrade soils at this site are considered to have an "F4" classification, which indicates a very high degree of susceptibility to frost heave.

3.6 Frost Depth Prediction

The design frost penetration depth can be estimated based on the thermal conductivity method outlined in the CFEM. A freezing index of 995 degree days freezing based on the 25 years period records was taken for Bragg Creek Area. Typical moisture contents were assumed. Based on these assumptions, a design frost depth of 3.2 m was calculated for this site.

4.0 COMMENTS AND RECOMMENDATIONS

Based on the results of the investigation, the testing carried out, and our understanding of the proposed development, we submit the following comments and recommendations related to geotechnical aspects of the development. A basement level has been proposed for the site. The proposed basement level will extend below the measured groundwater level and, as such,

construction dewatering and basement tanking measures are to be taken. The worst-case water levels of the Elbow River must be considered in the design.

4.1 Site Preparation

It is anticipated that substantial increases to the existing grade will not be necessary. In areas requiring subgrade support such as beneath slabs and footings it is recommended to remove non-engineered fill soils and any soils containing organics, frost, construction debris or other deleterious materials.

It is recommended that the exposed subgrade in parking areas requiring subgrade support be proof rolled in order to identify soft or loose areas, particularly for large areas. Where soft or loose soils are identified, specific remediation measures for the encountered conditions should be recommended by a qualified geotechnical engineer.

4.2 Site Grading and Drainage

It is understood that the proposed development will contain a basement. The basement walls will therefore be constructed within the sand and gravel materials. The seasonal groundwater elevation is anticipated to be above the basement elevation, but it is understood that the basement structure is to be tanked and the installation of weeping tile will not be necessary.

The finished grades in the vicinity of the proposed building should be sloped away from the foundation elements of the buildings. Concrete sidewalks or pathways adjacent to the proposed buildings should also be sloped away from the foundation elements of the buildings. A minimum slope of 2% is recommended to promote drainage away from the foundation, and minimize potential saturation and degradation of subgrade soils.

Site grading should be provided in paved areas, both during and following construction such that water is rapidly shed from the surface of the parking area to a positive drainage system. Water should not be allowed to pond on, or adjacent to, the proposed pavement areas. A minimum slope of 2% is recommended.

If possible, the upper 0.5 m of backfill around the structure should consist of a locally available low permeability material. Alternatively, a low permeability surfacing or other synthetic barrier may be used. The low permeability barrier should extend a minimum of 3.0 m away from the structure in all directions.

4.3 Fill Recommendations

This section provides information regarding backfill material, placement and compaction, and settlement of backfilled areas.

4.3.1 Backfill Material

Fill material should consist of a well graded crushed gravel with a maximum particle size of 20 mm to 80 mm. The fill should contain little to no fines. Alternatively, low to medium plastic clay materials can be used for backfilling. Proposed fill materials should be reviewed and approved by a geotechnical engineer.

Fill materials must not contain organics, frozen soils, construction debris, concrete, or any other deleterious materials.

4.3.2 Placement and Compaction

It is recommended to place and compact fill to a minimum of 98% of the Standard Proctor Maximum Dry Density (SPMDD) for the full thickness and extents of the lift, in uniform lifts not exceeding 200mm loose thickness. Thicker lifts may be accepted provided that it can be demonstrated that the compaction equipment available on site can achieve compaction requirements for the full thickness of the lift. Uniformity of compaction and uniformity of fill materials will be critical to minimizing differential settlement.

Fill must not be placed on frozen ground. Where clay fill is used, clods or lumps should be broken up as much as possible prior to placement. Where cohesionless backfill is used, compaction with vibratory methods is recommended. Where clay backfill is used, sheepfoot rollers are recommended.

It is recommended to perform compaction testing at a minimum of once per lift of placed fill.

4.3.3 Settlement

For gravel fills placed and compacted to 98% SPMDD, settlement of up to 0.5% of the lift thickness is anticipated. For clays compacted to 98% SPMDD, settlement of up to 1.0% of the lift thickness is anticipated. It is anticipated that the majority of the settlement would occur during the first freeze-thaw cycle.

4.4 Excavation Recommendations

It is anticipated that excavations will be required at this site for utility service installations, and constructions of footings, basement and frost walls. Excavations with cut slopes are considered feasible.

For the typical excavations at this site, cut slopes of 1H:1V are anticipated to be suitable subject to a site inspection approval by a qualified geotechnical engineer upon commencement of the excavation works. Shoring would be required for steeper excavations.

The degree of stability of excavated trench walls typically decreases with time. Therefore, it is recommended that excavation work be planned such that the length of time excavations remain

open is minimized. If signs of instability such as surficial cracking, tension cracks, or sloughing are observed, it is recommended that the trench be cut back or shored based on the recommendations of a qualified geotechnical engineer.

Stockpiles of material and excavated soil should be placed away from the slope crest by a distance equal to the depth of the excavation. Similarly, wheel loads should be kept back at least 1m from the crest of the excavation. The applicable sections of the Occupational Health and Safety Act must be followed.

4.5 Underground Services

The burial depths for water lines should be established on the basis of the 25-year return period with an added embedment depth as a safety. Where the water lines will be covered with primarily clay backfill, the minimum burial depth should be taken as 2.8 m and increased to 3.3 m where granular backfill is used. The local burial depth requirements should be met. It is also recommended to use proper insulation to protect the underground utilities against frost-related effects.

Pipe support using conventional bedding methods is anticipated to be suitable for this site. To prevent the migration of fines into the bedding gravel, the installation of plugs consisting of compacted clay or lean concrete is recommended at frequent intervals around the pipe and manholes. In addition, weepers should be connected into the storm system upstream of the plugs. This will reduce water flow through the bedding gravel and minimize migration of fine grained soils. In some cases, a non-woven geotextile filter fabric may be required to separate fine grained silt and sand from bedding gravel. E2K can provide further recommendations for plug frequency and filter fabric requirements upon request.

4.6 Shallow Foundations

Based on the investigation performed by E2K, shallow foundations consisting of strip footings and pads would be suitable for the proposed development.

4.6.1 Ultimate Limit States Parameters

For shallow foundations founded at a minimum depth of 1.5 m in native gravel and sand material, a factored bearing capacity of 200 kPa may be utilized for design.

4.6.2 Serviceability Limit States Parameters

In addition to the assessment of Ultimate Limit States (ULS) foundation bearing resistance, Serviceability Limit States (SLS) must be addressed. SLS is an assessment of settlement experienced under unfactored structural loading conditions.

The exact calculation of settlement is complex and difficult without significant laboratory soil testing and a complete understanding of foundation loading conditions. The following expression can be used to estimate the settlement of shallow foundations under SLS conditions.

$$S = KP / LE$$

Where:

S	=	Foundation settlement (m)
K	=	$[0.453 \times \ln (L / B)] + 0.788$
L	=	Footing length (m)
B	=	Footing width (m)
P	=	Unfactored load at the base of the footing (kN)
E	=	Elastic Modulus of the foundation soil, use 16,000 kPa

An elastic modulus, E of 16,000 kPa should be used for footings placed upon the native sand and gravel materials found on this site.

Based on the above equation, and maximum acceptable settlement of 25 mm, the maximum spread footing size for an SLS pressure of 170 kPa would be 3m x 3m.

The maximum width for a strip footing for an SLS pressure of 100 kPa would be 1.2 m. The minimum footing width should be 0.45 m.

The footings must not be founded on un-compacted fill, loosened or disturbed native or fill soils, or organic soils. The base of the footing excavations should be thoroughly cleaned of all loosened or disturbed soil prior to pouring concrete. Soft or weak areas should be removed and replaced with a more suitable material.

4.6.3 Construction Considerations

The footings must not be founded on un-compacted fill, loosened or disturbed native or fill soil, frozen soil, or soils containing organics. The base of the footing excavation should be thoroughly cleaned of all loosened or disturbed soil prior to pouring concrete. A smooth bucket could be used to clean the base of the footing excavation.

Foundation excavations should not be exposed to rain, snow, freezing temperatures and/or ponded water prior to footing construction. In the instance where seepage is encountered within the footing excavation, construction dewatering is required prior to pouring concrete.

If the construction of the foundations is taking place during winter conditions, steps should be taken to insulate and heat the foundation elements, as well as protect them from the elements to prevent frost from developing underneath the footings. If frost develops underneath the footings, foundation movement and poor performance of the structure is to be expected.

4.6.4 Inspection

It is recommended that a bearing inspection be completed by a qualified geotechnical engineer prior to pouring of concrete. The purpose of the bearing inspection is to confirm that the base conditions and bearing capacity are consistent with initial geotechnical findings presented in this report. If the bearing capacity is insufficient, remediation options could include sub-excavation and replacement of the soil with well graded crush gravel, installation of reinforcement such as geogrid or geosynthetic combined with gravel, or enlarging the footings. Specific remediation options should be provided based on the encountered conditions during construction. Given the possible presence of fill soils and disturbed soils from prior construction disturbance, remediation work should be anticipated.

4.7 Slab-on-Grade

All organic material, pavements, un-compacted fill, and loose or soft areas should be removed from beneath slab areas. A 150 mm thick course of 20 mm crush gravel compacted to 98% SPMDD should be placed beneath any floor slab. The gravel should be well graded to promote lateral drainage.

The potential of any heave movements can be reduced by implementing dewatering or tanking measures.

Small vertical movements are inevitable for a grade supported floor slab due to settlement of fill and shrink-swell cycles. Slabs should be allowed to float on the subgrade and tied into the foundation walls or grade beams only at doorways. To further reduce the potential effects of vertical slab movement, the following design provisions should be implemented to allow the slab to move independently of the structural components of the building:

- Partition and non-bearing walls should **not** be rigidly connected to bearing walls or columns.
- Slabs should be allowed to float on the subgrade and be tied into the foundation walls or grade beams only at doorways.
- Concrete slabs should be reinforced and articulated at regular intervals to provide for controlled cracking.
- The installation of buried water supply lines beneath the floor slab should be avoided wherever possible. Waste water lines beneath the floor slabs should consist of PVC pressure pipe with welded joints.
- Positive site drainage should be provided away from the proposed building footprint.

- Frost should not be allowed to penetrate beneath the floor slab just prior to, during or after construction.

4.8 Modulus of Subgrade Reaction

The modulus of subgrade reaction is a difficult number to estimate as there are many variables that come into play. One method for calculating the modulus would be performing a plate load test where a pressure is exerted on a plate of specific dimensions until a certain deflection of the subgrade soils is reached. Therefore the modulus depends on the compressibility of the underlying soils to a depth of approximately 2 to 3 meters. As no plate load test was conducted at this site, calculation of an accurate modulus value is not possible. However, based on modulus values published by others for different soils types, the following values can be used for the soils on this site:

Table 1: Modulus of Subgrade Reaction

Depth (m)	Soil Type	Modulus of Subgrade Reaction (MN/m ³)
0.8 -2.2	Sand and Gravel	50

4.9 Requirements for Foundation Concrete

To determine the potential of sulphate attack on any concrete in contact with soils at the site, three (3) soil samples were taken from boreholes to test for water-soluble sulphate concentrations. The results of the chemical tests are summarized in the following table.

Table 2: Summary of Water-Soluble Sulphate Concentration

Borehole No.	Depth (m)	Sulphate Concentration (%)	Degree of Exposure
BH-01	1.5	0.05	Negligible
BH-02	3.0	0.05	Negligible
TP-01	1.2	0.09	Negligible

The sulphate content revealed a “negligible” potential for sulphate attack. Therefore as per CSA guidelines, all concrete in contact with soils on this site may be made using CSA Type GU (General Use) Portland cement. Any imported soils should be tested to determine water soluble sulphate concentration and associated sulphate exposure classification. An air entrainment agent is recommended for improved workability and durability.

4.10 Preliminary Pavement Sections

Subgrade preparation for paved driveways and roads should be carried out as recommended in Section 4.1. The pavement design recommendations are provided based on the assumption that the traffic conditions will consist primarily of cars and light trucks.

The completed subgrade for pavement areas should be proof rolled to confirm that the surface deflections are minimal under the influence of construction traffic and to verify that an acceptable degree of compaction has been obtained. Any weak subgrade soils should be removed and replaced with engineered fill. The degree of compaction in the upper 150 mm of the engineered backfill beneath pavement should be increased to 100% of SPMDD to minimize pavement deformation, and to extend the design life.

Pavement design should be performed according to relevant requirements and specifications. The required minimum pavement section is provided in the following table. This pavement section is based on an adequately prepared subgrade, an assumed California Bearing Ratio (CBR) of 5, maximum axle loads of 80 kN (18 kips), and traffic loading conditions consisting of 5×10^4 repetitions of an Equivalent Single Axle Load (ESAL).

Table 3: Minimum Pavement Section – Light Duty

Pavement Component	Minimum Thickness (mm)
Asphalt Concrete Thickness	75
Granular Base Thickness (20mm)	100
Crushed Granular Sub-base Thickness (80mm)	200

In areas subject to heavy truck traffic (entrances, access ways, warehouse area), the loading conditions were assumed to consist of 4.0×10^5 ESAL. For these loading conditions, the pavement section listed in the table below may be used.

Table 4: Minimum Pavement Section – Heavy Duty

Pavement Component	Minimum Thickness (mm)
Asphalt Concrete Thickness	100
Granular Base Thickness (20mm)	150
Crushed Granular Sub-base Thickness (80mm)	300

The pavement materials should be provided and constructed in accordance with the applicable specifications of the City of Calgary. Surface runoff should not be allowed to accumulate on or adjacent to the proposed roadway alignment.

If the traffic loading conditions for the light or heavy-duty pavement areas differ from the values assumed above, the above recommendations may require adjustment.

4.11 Seismic Classification

Seismic design for various structures is based on the 2014 Alberta Building Code (ABC). The primary objective of the ABC earthquake resistant design requirements is to protect the life and safety of the public in response to strong ground shaking. Structures designed in conformance to the code may undergo structural damage but should not collapse as a result of the ground shaking.

The 2014 ABC seismic design procedures are based on the ground motion parameters (e.g. peak ground acceleration, (PGA) and spectral acceleration, S_a values) having a 2% probability of exceedance in 50 years; i.e. the 2475 year return period earthquake event. Based on the results of the E2K field investigation, it is appropriate to classify the ground conditions at the subject site as a Class D site, in accordance with the 2014 ABC.

5.0 LIMITATIONS

Recommendations made within this report are based on the interpreted findings encountered within the two (2) excavated test pits and the two (2) boreholes drilled. It should be noted that natural conditions are innately variable particularly in glacial deposits and glacially modified areas. Should conditions other than those reported herein, be identified at any stage of development, E2K should be notified and given the opportunity to re-evaluate current information, if required.

The recommendations presented herein, are subject to an adequate level of inspection during construction. Levels of inspection are generally set out by the Alberta Building Code (ABC) and therefore should be followed to not contravene relevant code requirements. The ABC Schedules are an integral part of the development process and stipulates that a “Geotechnical Engineer of Record” shall be assigned to each project falling under code jurisdiction. This title shall not infer any overall responsibility for geotechnical aspects of this construction project, without prior consent of E2K and written clarification of project responsibility.

This report has been prepared with accepted soil and foundation engineering practices for the project specified in Section 1.0 of this report. No third party may rely on the information contained within this report without the express written permission of E2K. No other warranty is expressed or implied.

Geotechnical Investigation (Revised)
Bragg Creek Brewery Co.
Bragg Creek, Alberta

E2K File:2018-4135

November 2018

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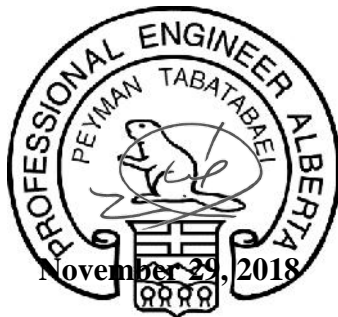
6.0 CLOSURE

We trust the information contained herein meets your present requirements. Should you require inspection services, or further information regarding the geotechnical aspects of this project, please do not hesitate to contact our office.

Yours truly,

E2K Engineering Ltd.

APEGA Permit to Practice: P9582



Peyman Tabatabaei, P.Eng.
Project Geotechnical Engineer

Attachments: Figure 1: Site Plan
 Borehole Logs
 Explanation of Terms and Symbols

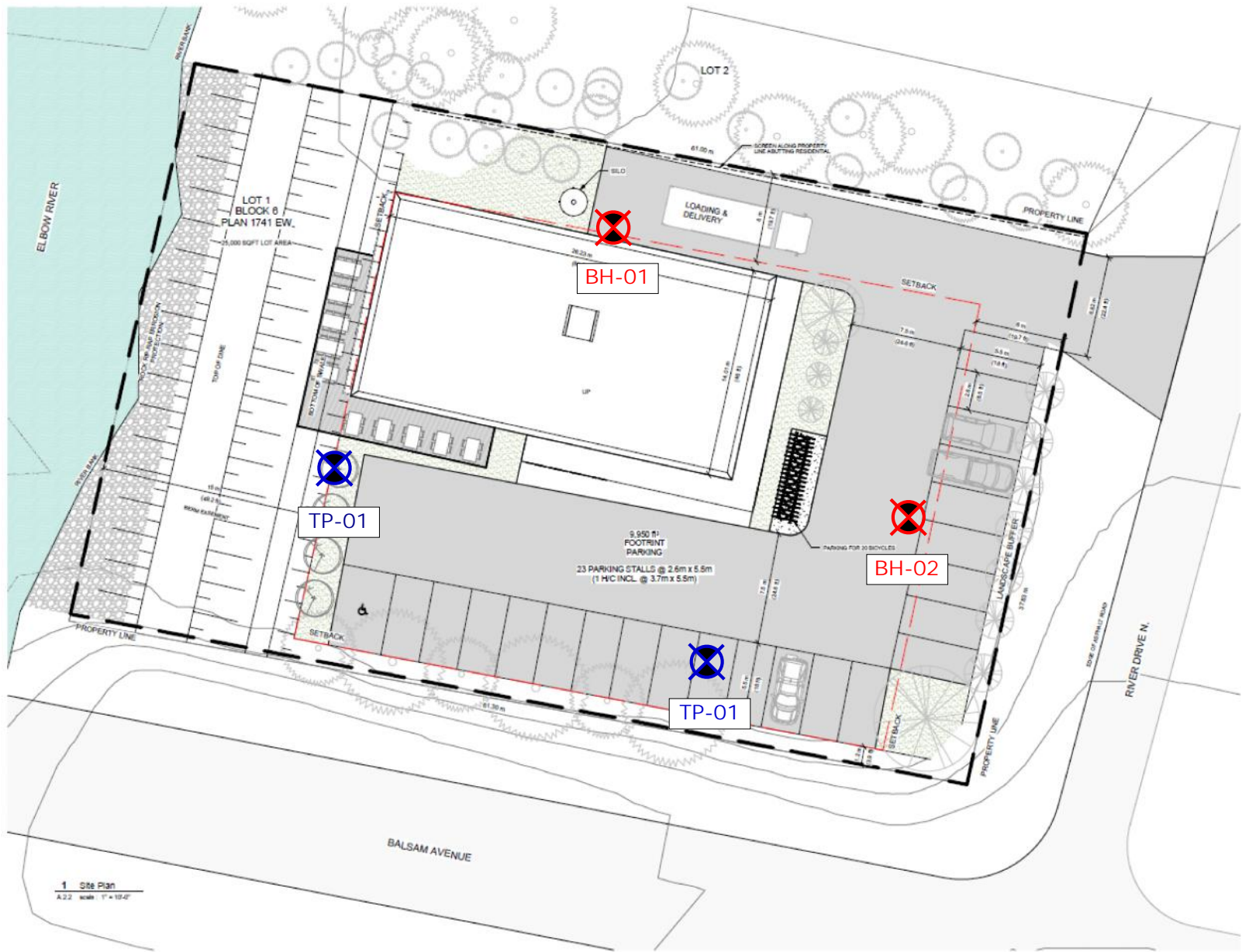
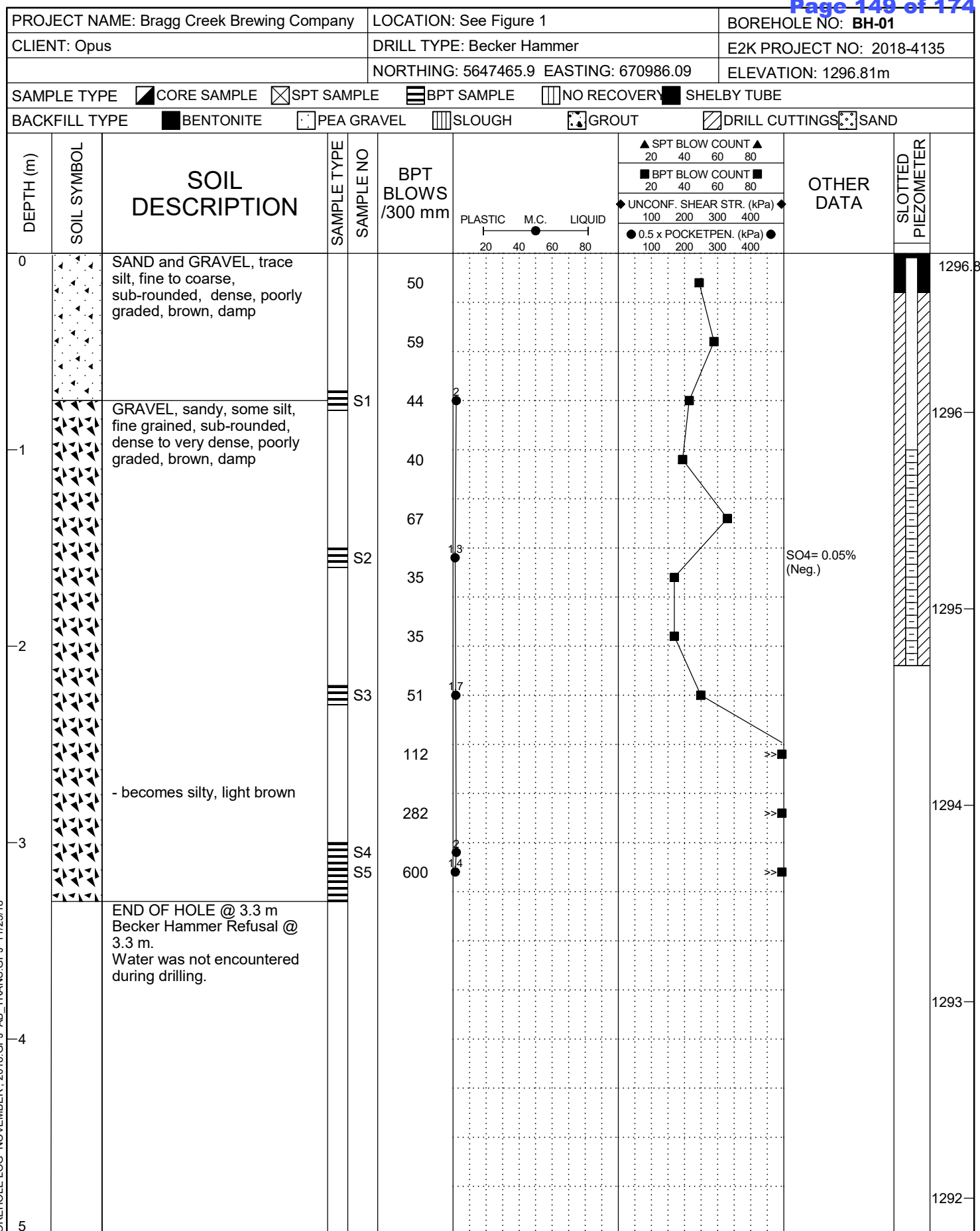


Figure 1

- Approximate Test Pit Location
- Approximate Borehole Location





AB TRANS BOREHOLE LOG NOVEMBER, 2018.GPJ AB_TRANS.GPJ 11/23/18



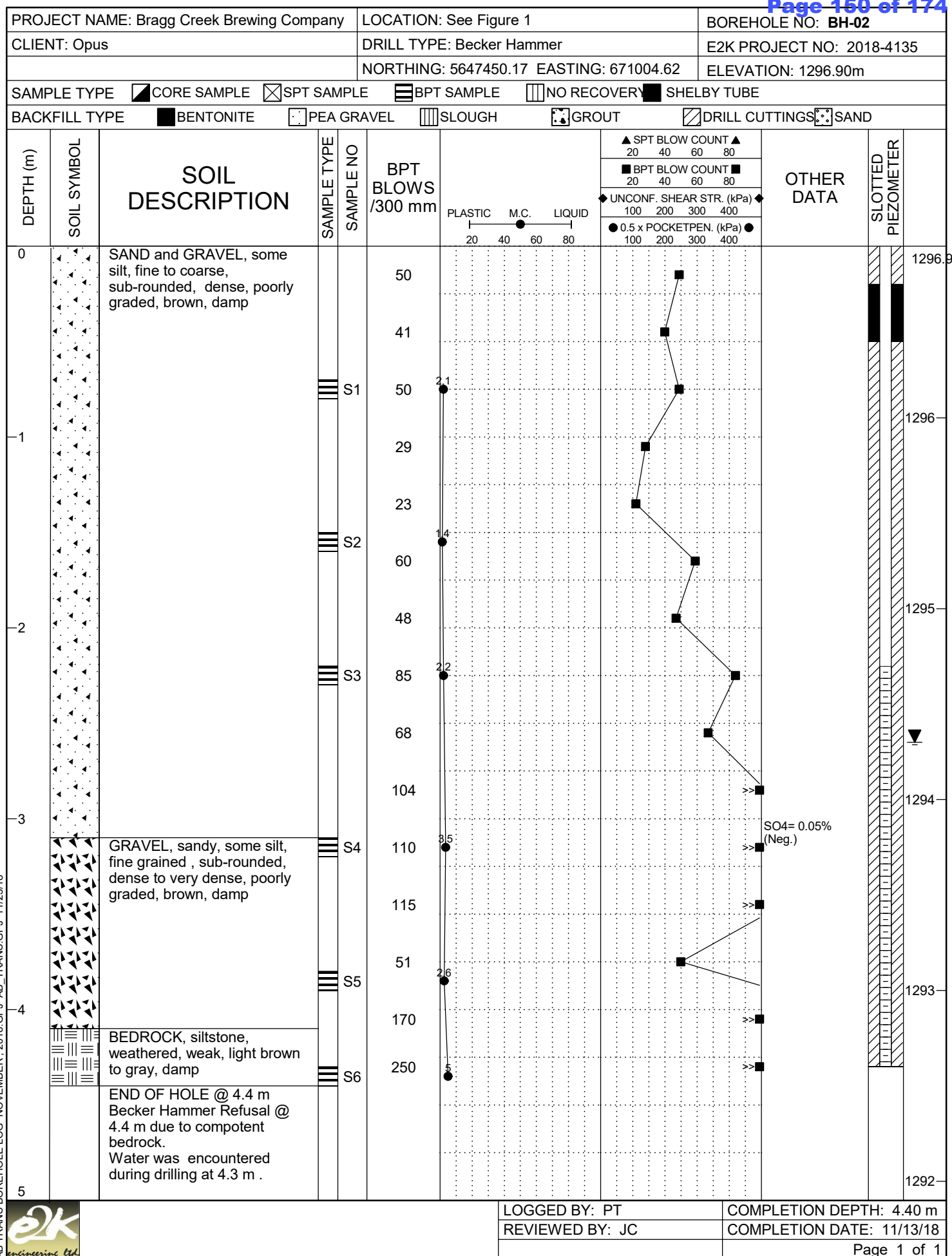
LOGGED BY: PT

REVIEWED BY: JC

COMPLETION DEPTH: 3.30 m

COMPLETION DATE: 11/13/18




Page 1 of 1



AB TRANS BOREHOLE LOG NOVEMBER, 2018.GPJ AB_TRANS.GPJ 11/23/18



AB TRANS BOREHOLE LOG NOVEMBER, 2018.GPJ AB TRANS.GPJ 11/23/18

PROJECT NAME: Bragg Creek Brewing Company			LOCATION: See Figure 1			BOREHOLE NO: TP-02						
CLIENT: Opus			DRILL TYPE:			E2K PROJECT NO: 2018-4135						
			NORTHING: 5647439.21 EASTING: 670988.57			ELEVATION: 1295.11m						
SAMPLE TYPE <input checked="" type="checkbox"/> CORE SAMPLE <input checked="" type="checkbox"/> SPT SAMPLE <input checked="" type="checkbox"/> BPT SAMPLE <input type="checkbox"/> NO RECOVERY <input type="checkbox"/> SHELBY TUBE												
DEPTH (m)	SOIL SYMBOL	SOIL DESCRIPTION	SAMPLE TYPE	SAMPLE NO	BPT BLOWS /300 mm	<div style="display: flex; justify-content: space-around; font-size: small;"> PLASTIC M.C. LIQUID </div> <div style="text-align: center; margin-top: 5px;"> </div>	<div style="display: flex; justify-content: space-between; font-size: x-small;"> ▲ SPT BLOW COUNT ▲ 20 40 60 80 </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> ■ BPT BLOW COUNT ■ 20 40 60 80 </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> ◆ UNCONF. SHEAR STR. (kPa) ◆ 100 200 300 400 </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> ● 0.5 x POCKETPEN. (kPa) ● 100 200 300 400 </div>				OTHER DATA	
0		Topsoil										1295.1
		SAND and GRAVEL, trace silt, fine to coarse, sub-rounded, dense, poorly graded, brown, damp										1295
		GRAVEL, sandy, some silt, fine grained, sub-rounded, dense to very dense, poorly graded, brown, damp - occasional cobbles		S1								1294
		END OF PIT @ 1.5 m Boulder encountered at 1.5 m. Water was not encountered during drilling.		S2								1293
3												

AB TRANS BOREHOLE LOG NOVEMBER, 2018.GPJ AB_TRANS.GPJ 11/23/18



LOGGED BY: PT	COMPLETION DEPTH: 1.50 m
REVIEWED BY: JC	COMPLETION DATE: 10/29/18
Page 1 of 1	

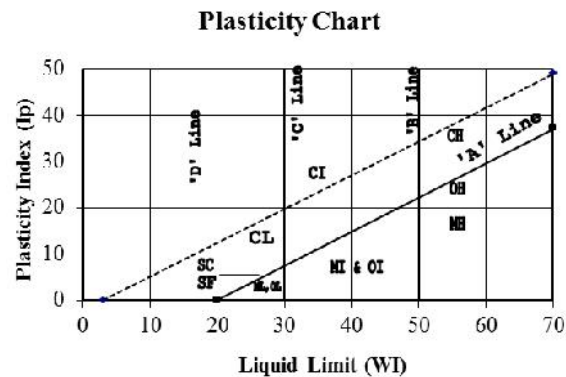
EXPLANATION OF TERMS AND SYMBOLS

The terms and symbols used on the borehole logs to summarize the results of the field investigation and subsequent laboratory testing are described below. It should be noted that materials, boundaries, and conditions have been established only at the borehole locations at the time of investigation and are not necessarily representative of subsurface conditions elsewhere across the site.

SOIL DESCRIPTIONS

The soils in the borehole logs have been described using the Modified Unified Soil Classification System in conjunction with description guidelines from the Canadian Foundation Engineering Manual 4th Edition.

Secondary Constituents	
Descriptor	Percentage by Weight
And	> 35%
y/ey	20 – 35%
Some	10 – 20%
Trace	< 10%



Consistency of Cohesive Soils		
Classification	Undrained Shear Strength (kPa)	"N" Blow Count
Very Soft	< 12	< 2
Soft	12 – 25	2 – 4
Firm	25 – 50	4 – 8
Stiff	50 – 100	8 – 15
Very Stiff	100 – 200	15 – 30
Hard	> 200	> 30

Relative Density of Non-Cohesive Soils	
Classification	SPT – N
Very Loose	0 – 4
Loose	4 – 10
Compact	10 – 30
Dense	30 – 50
Very Dense	> 50

SYMBOLS

Asphalt	High Plasticity Clay	Intermediate Plasticity Clay	Low Plasticity Clay	Fill	Poorly Graded Gravel	Well Graded Gravel	High Plasticity Silt	Intermediate Plasticity Silt
Low Plasticity Silt	Low Plasticity Organics	Clayey Sand	Silty Sand	Poorly Graded Sand	Well Graded Sand	Shale	Sandstone	Measured water level

MODIFIED UNIFIED SOIL CLASSIFICATION SYSTEM

Major Division			Symbol	Description	Criteria	
Coarse Grained Soils	Gravel (More than half coarse grains larger than 4.75 mm)	Clean Gravel (little or no fines)	GW	Well graded gravels, little or no fines	$C_u = \frac{D_{60}}{D_{10}} > 4$ $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}} = 1 \text{ to } 3$	
			GP	Poorly graded gravels and gravel-sand mixtures, little or no fines	Not meeting above criteria	
		Gravel with fines	GM	Silty gravels, gravel-sand-silt mixtures	Fines content > 12%	Atterberg Limit below "A" Line, $w_p < 4$
			GC	Clayey gravels, gravel-sand-clay mixtures		Atterberg Limit above "A" Line, $w_p > 7$
	Sand (More than half of coarse grains smaller than 4.75 mm)	Clean Sand (little or no fines)	SW	Well graded sands, gravelly sands, little or no fines	$C_u = \frac{D_{60}}{D_{10}} > 6$ $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}} = 1 \text{ to } 3$	
			SP	Poorly graded sands, little or no fines	Not meeting above criteria	
		Sand with fines	SM	Silty sand, sand-silt mixtures	Fines content > 12%	Atterberg Limit below "A" Line, $w_p < 4$
			SC	Clayey sand, sand-clay mixtures		Atterberg Limit above "A" Line, $w_p > 7$
Fine Grained Soils	Sils (Below "A" line, negligible organic content)	$W_L < 50$	ML	Inorganic silts and very fine sands, rock flour, silty sands with low plasticity	See plasticity chart	
		$W_L > 50$	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils		
	Clays (Above "A" line, negligible organic content)	$W_L < 30$	CL	Inorganic clays of low plasticity, gravelly, sandy, or silty clays, lean clays		
		$30 < W_L < 50$	CI	Inorganic clays of medium plasticity, silty clays		
		$W_L > 50$	CH	Inorganic clays of high plasticity, fat clays		
	Organic silts and clays (Below "A" line)	$W_L < 50$	OL	Organic silts and organic silty clays of low plasticity		
		$W_L > 50$	OH	Organic clays of high plasticity		
	Highly Organic Soils		Pt	Peat and other highly organic soils	Strong colour or odour, often fibrous texture	

- The soil of each stratum is described using the Unified Soil Classification System modified slightly so that an inorganic clay of "medium plasticity" is recognized
- "REC" denotes percentage sample recovery
- SPT "N" values represent the number of blows by a 63.6 kg hammer dropped 760 mm to drive a 50 mm diameter open sampler a distance of 300 mm after an initial penetration of 150 mm

Bragg Creek Brewing Co.

19 River Drive N. (Bragg Creek)
Rocky View County, Alberta

Development Permit

October 5, 2018

STARK

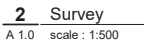
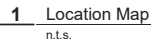
architecture

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Vancouver, BC V6B 1T6
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ARCHITECTURAL DRAWING INDEX

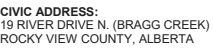
- A 1.0 Location Map & Survey
- A 1.1 Site Plan - Existing
- A 1.2 Site Plan - Proposed
- A 1.3 Shadow Study
- A 2.1 Basement
- A 2.2 Ground Floor
- A 2.3 Second Level
- A 2.4 Third Floor
- A 3.1 Sections
- A 3.2 Sections
- A 4.1 Elevations
- A 4.2 Elevations
- A 4.3 Perspectives and Massing
- A 4.4 Colour Board
- A 5.1 Perspectives
- A 5.2 Renderings
- L 0.1 Landscape





A 1.0

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LEGAL DESCRIPTION:
LOT 1 BLOCK 6 PLAN 1741 EW

[illegible]

19 River Drive N.
(Bragg Creek)
Rocky View County,
Alberta

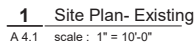
Stamp



October 5, 2018

As indicated

A 1.1



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19 River Drive N.
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Rocky View County,
Alberta

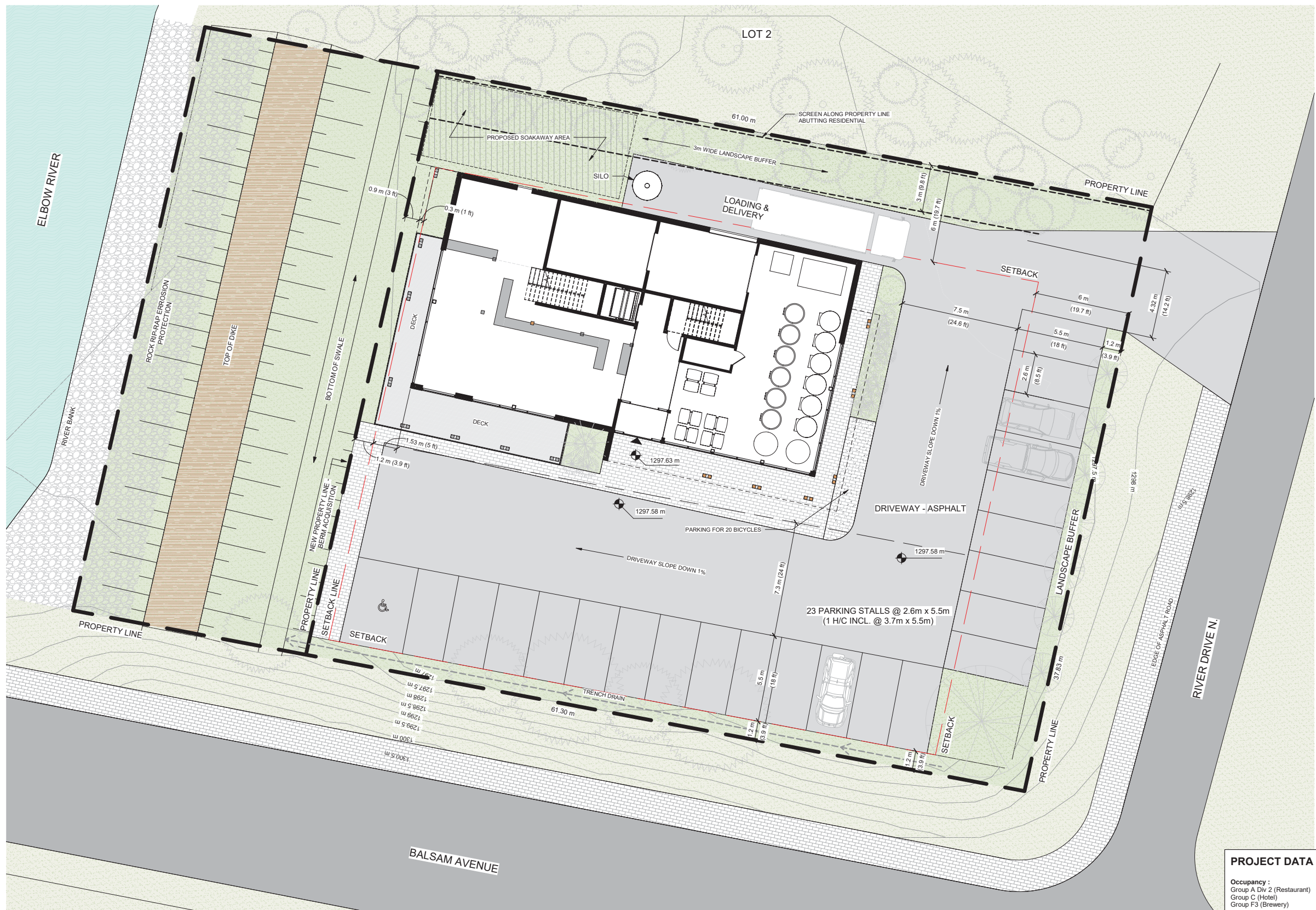
Stamp

DRAFT
FOR REVIEW

November 30, 2018

As indicated

A 1.2b



PROJECT DATA

Occupancy :
Group A Div 2 (Restaurant)
Group C (Hotel)
Group F3 (Brewery)

Civic Address:
19 RIVER DRIVE N. (BRAGG CREEK)
ROCKY VIEW COUNTY, ALBERTA

Legal: LOT 1 BLOCK 6 PLAN 1741 EW
PID: -

Current Zone: HC

Site Area: (PREVIOUS) 24,897 ft² / 2,313 m²
(CURRENT) 18,784 ft²

Ground Floor	3,813.00 ft ²
Second Floor	3,423.00 ft ²
Third Floor	3,813.00 ft ²
Total	11,049.00 ft²

Site Coverage: 3,813.00 ft² / 18,784.00 ft² = 0.20

Maximum Height:
Permitted: 10.00m; Allowance: 12.50m; Shown: 12.50m

CIVIC ADDRESS:
19 RIVER DRIVE N. (BRAGG CREEK)
ROCKY VIEW COUNTY, ALBERTA

LEGAL DESCRIPTION:
LOT 1 BLOCK 6 PLAN 1741 EW

PARKING PROVISIONS:
PER PART 3 SECTION 30 SCHEDULE 5 & 6 OF ROCKY VIEW COUNTY LAND USE BYLAW

ACCOMMODATION, HOTEL = 1 PER SLEEPING UNIT
21 UNITS = 21 PARKING SPACES REQUIRED

EATING ESTABLISHMENT, SEATED = 1 PER 3 SEATS
60 SEATS = 20 PARKING SPACES REQUIRED

COMMUNITY BUILDING, MULTI-PURPOSE (EVENT SPACE) = 12 SPACES PER 100m²
74m² = 12 SPACES PROVIDED REQUIRED

GENERAL INDUSTRIAL (BREWERY) = 1 PER 100m²
177m² = 2 PARKING SPACES REQUIRED

LOADING = 2 SPACES REQUIRED

TOTAL PARKING SPACES REQUIRED = 57

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[illegible]

Bragg Creek Brewing Co.

19 River Drive N.
(Bragg Creek)
Rocky View County,
Alberta

Stamp



Development Permit

October 5, 2018

Basement

$$1/4'' = 1'-0''$$

A 2.1

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[illegible]

Bragg Creek Brewing Co.

19 River Drive N.
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Rocky View County,
Alberta

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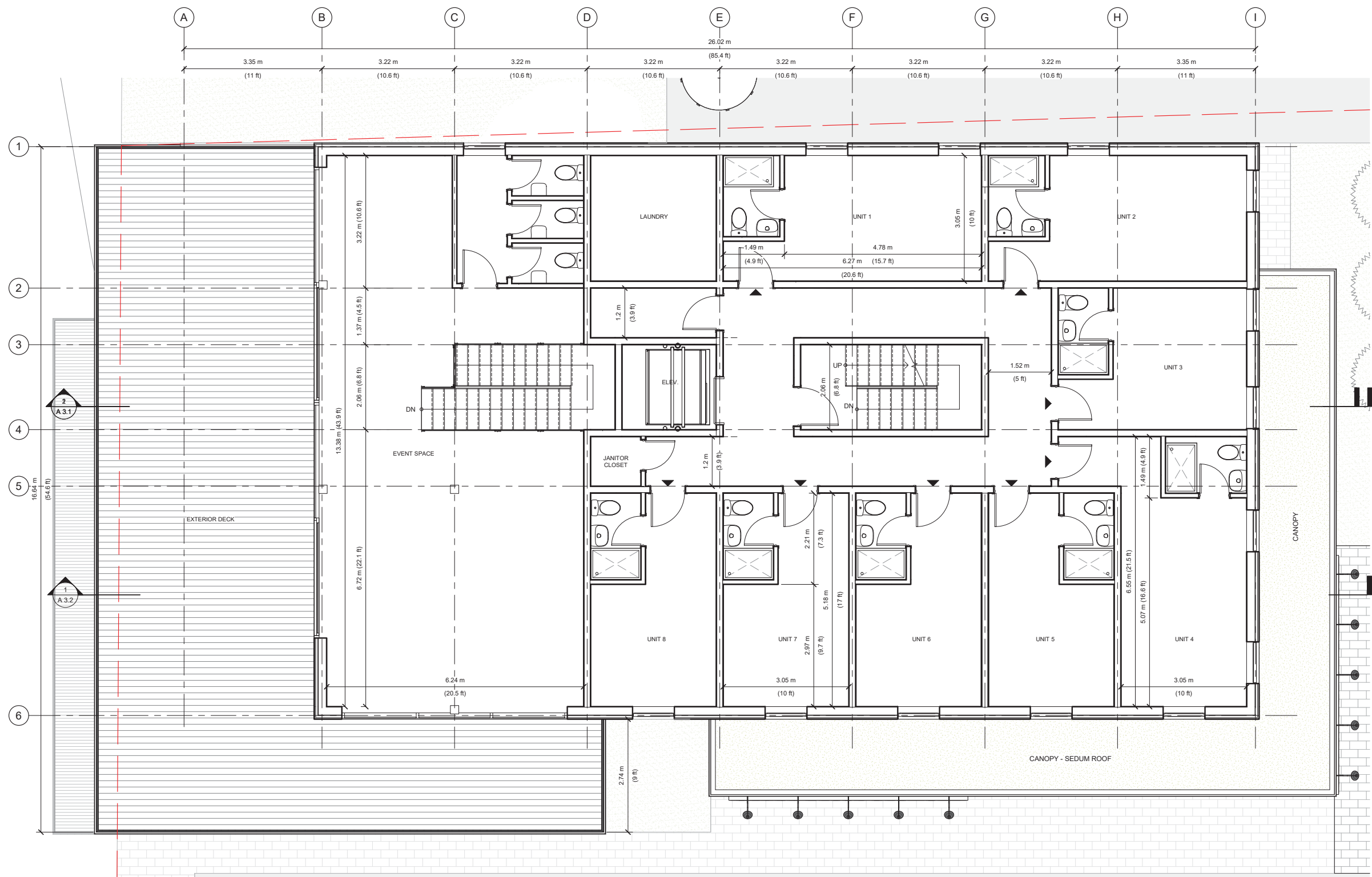
Development Permit

October 5, 2018

Second Level

$$1/4'' = 1'-0''$$

A 2.3



1 Second Floor
A 3.1 scale : 1/4" = 1'-0"

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[illegible]

Bragg Creek Brewing Co.

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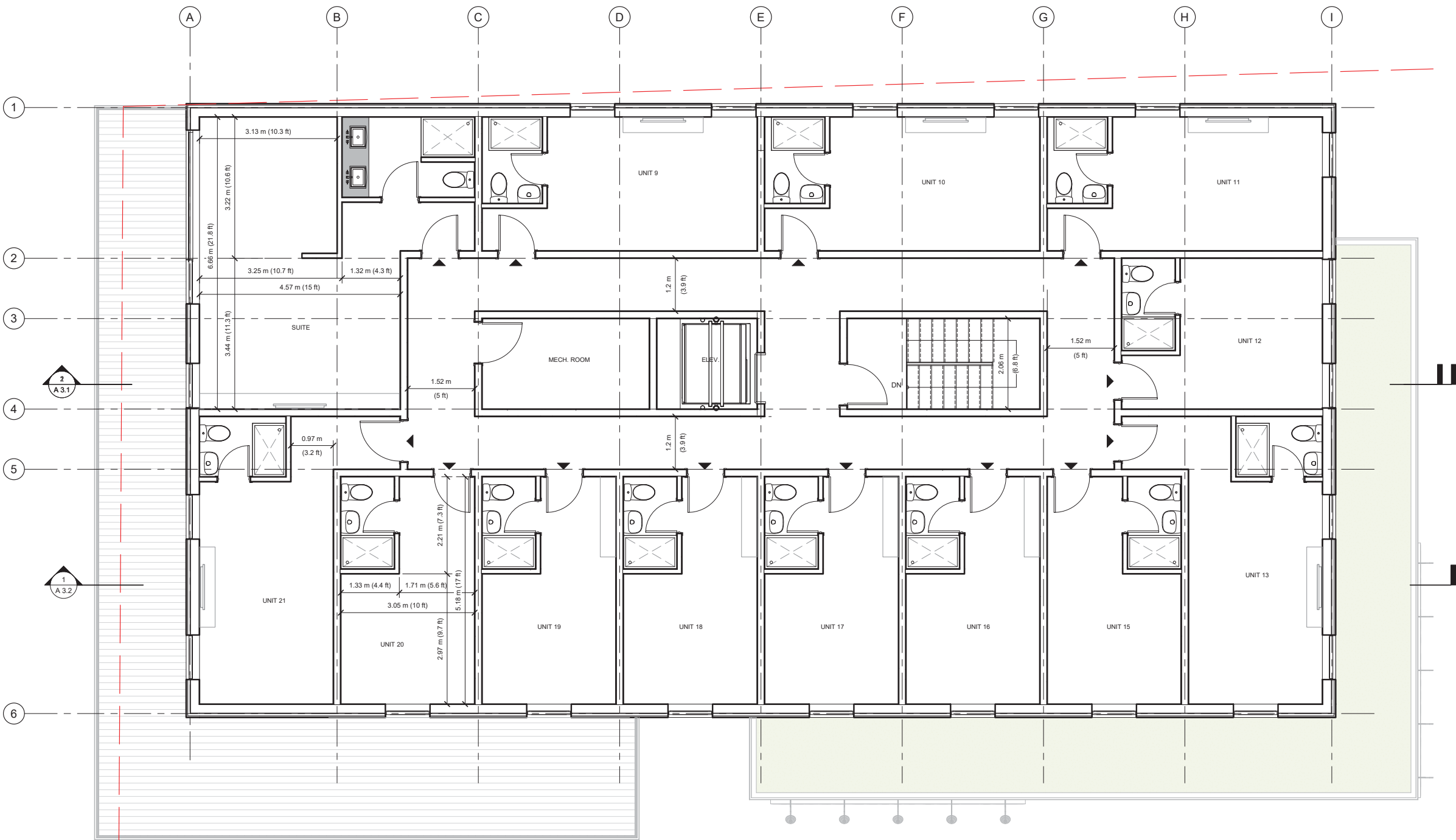
Development Permit

October 5, 2018

Third Floor

$$1/4'' = 1'-0''$$

A 2.4



1 Third Floor
A 3.1 scale : 1/4" = 1'-0"

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Vancouver, BC V6B 1T6
t: 604 620 1210
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[illegible]

Bragg Creek Brewing Co.

19 River Drive N.
(Bragg Creek)
Rocky View County,
Alberta

Stamp



Development Permit

October 5, 2018

Elevations

As indicated

A 4.1



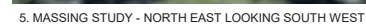


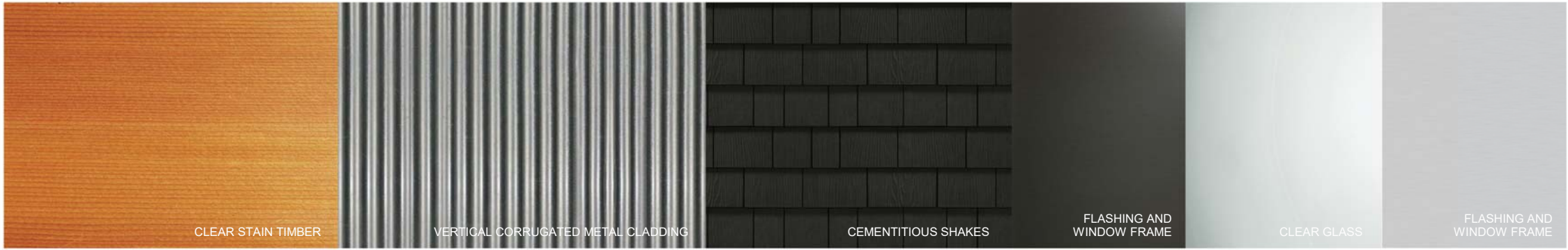
STARK

architecture

[illegible]

$$12'' = 1'-0''$$

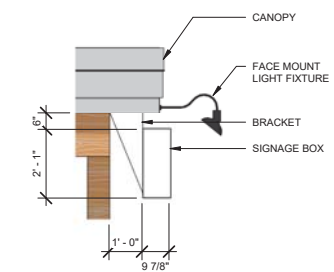
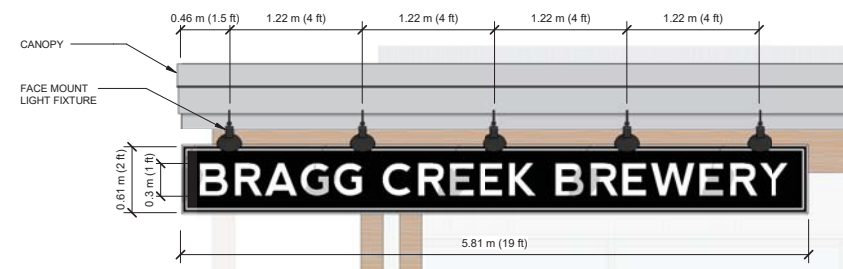




1 South Elevation Copy 1
A 4.4 scale : 3/16" = 1'-0"



2 East Elevation Copy 1
A 4.4 scale : 3/16" = 1'-0"



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[illegible]

Bragg Creek
Brewing Co.

19 River Drive N.
(Bragg Creek)
Rocky View County,
Alberta

Stamp



Development Permit

October 5, 2018

Perspectives

As indicated

A 5.1

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[illegible]

Bragg Creek Brewing Co.

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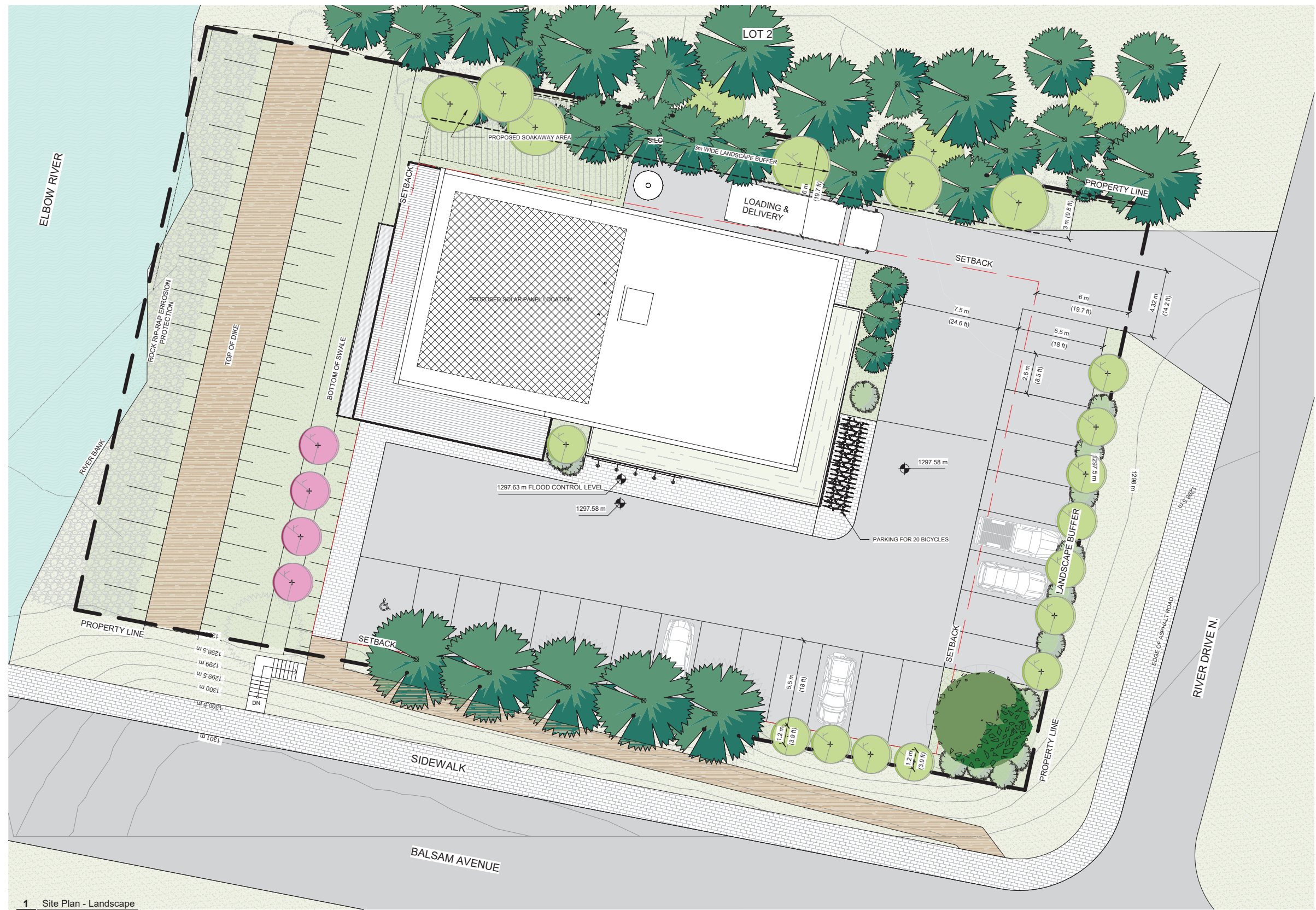
Development Permit

October 5, 2018

Landscape

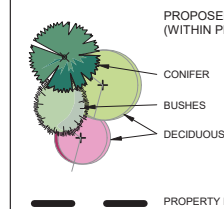
$$1'' = 10'-0''$$

L 0.1



1 Site Plan - Landscape
L 0.1 scale : 1" = 10'-0"

Landscape Legend



PROPOSED VEGETATION
(WITHIN PROPERTY LINE)

— BUSHES

DECIDUOUS

PROPERTY

PROPOSED TURF

PROPOSED ASPHALT PAVING

PROPOSED CONCRETE PAVERS

SETBACK LINE

Michelle Mitton

From: Laureen Harper [REDACTED]
Sent: Sunday, April 14, 2019 8:56 PM
To: PAA_ SDAB
Subject: File no: 03913077, PRDP20184945 (Bragg Creek Development)

Regarding the Notice of Hearing on the 19 River Drive North Development Permit.

I would like to be on notice that my husband and I, Stephen Harper, are FOR this development. (we are 55 Bracken Poiint)

It will affect us as we will be passing by this address every single day.

We think it is a good development for Bragg Creek.

We do not know the people involved in this business.

Laureen Harper

11 Elton Court
Bragg Creek, AB
TOL OKO

To whom it may concern,

I have been a resident of Bragg Creek since 2014. I have worked for local businesses within the food and beverage/ liquor industry for 4 years. I fully support the addition of a new business which would provide another great destination in Bragg Creek. This community is in dire need of more accommodation. From time to time I am asked about what accommodation is available while I am work. I will call local B & B's and 9 times out of 10 will not be able to get in touch with anyone. I will then send people to Cochrane or Calgary. It is fairly absurd that we don't currently have a hotel/lodge as Bragg Creek is an incredibly popular destination for hiking, biking, horse-back riding, skiing, snow-shoeing as well as reunions, weddings and stag/stagettes. As far as the addition of a brewery I think this will be very positive. We will then be competitive with every other community in this province with a brewery.

Best regards,

Alison Kippen



PLANNING & DEVELOPMENT

TO: Subdivision and Development Appeal Board

DATE: April 24, 2019 **DIVISION:** 03

FILE: 04714170 **APPLICATION:** B-5; PRDP20183706

SUBJECT: Placement of fill for construction of a Single Detached Dwelling

PROPOSAL: Placement of fill for construction of a Single Detached Dwelling	GENERAL LOCATION: Located approximately 0.40 km (1/4 mile) south of Whitehorse Drive and on the east side of Windhorse Way.
APPLICATION DATE: September 14, 2018	DEVELOPMENT AUTHORITY DECISION: Refused.
APPEAL DATE: April 12, 2019	DEVELOPMENT AUTHORITY DECISION DATE: March 22, 2019
APPELLANT: Karan Brar	APPLICANT: Karan Brar
LEGAL DESCRIPTION: Lot 15, Block 3, Plan 0914791; NE-14-24-03-W05M	MUNICIPAL ADDRESS: 242162 Windhorse Way
LAND USE DESIGNATION: Residential One District (R-1)	GROSS AREA: ± 0.81 hectares (± 2.00 acres)
PERMITTED/DISCRETIONARY USE: Site stripping, filling, excavation, grading and/or re-contouring require a Development Permit in accordance with Section 33 of the Land Use Bylaw	DEVELOPMENT VARIANCE AUTHORITY: N/A
PUBLIC SUBMISSIONS: The application was circulated to 55 adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> Interim Growth Plan County Plan (C-7280-2013) Central Springbank Area Structure Plan (C-6678-2008) Land Use Bylaw (C-4841-97)



EXECUTIVE SUMMARY:

Development Authority Decision

The proposal is for placement of fill and regrading to is for the purposes of placement of a single detached dwelling. All stripping, filling, excavation, grading and/or re-contouring requires a Development Permit under Section 33.1 of the Land Use Bylaw.

The application was refused by the Development Authority on March 22, 2019, and the decision was appealed by the Applicant/Appellant on April 12, 2019.

The application was refused for the following reason:

The placement of fill will unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment, or value of the neighbouring properties per Section 12.2 of the Land Use Bylaw C-4841-97.

The grading plan submitted by the Applicant/Appellant indicated that fill would be placed on the neighbours property and their grades changed. Between the last correspondence from the Applicant/Appellant (Dec 3, 2018) and the date of decision (March 22, 2019), 109 days passed. As development has occurred on the property without a development permit (see property history below). A decision on the application was rendered and sent to the Applicant/Appellant.

Revised Grading Plan

The applicant has submitted site grading plans which identify the existing lot grades and the proposed lot grades. The proposed lot grading is consistent with the Windhorse Building Grade Plan, and no negative impacts to adjacent properties are anticipated.

PROPERTY HISTORY:

Apr 12, 2019	Notice of Appeal submitted to the County by the Applicant/Appellant.
Apr 10, 2019	Email from the Applicant/Appellant providing revised grading plans.
Mar 22, 2019	Notice of Decision, refusal, emailed to Applicant/Appellant.
Jan 24, 2019	Follow up email to Applicant/Appellant indicating outstanding fees and requesting revised grading plan. Email indicated that if no response is received by Feb 7, 2019 then the File Manager will assume that the drawings submitted are the intended development and will render a decision based on that information.
Dec 6, 2018	Applicant/Appellant did not show to meeting. Email to the Applicant/Appellant asking if they would like to reschedule the meeting, but not response received.
Dec 3, 2018	File Manager confirms meeting with Applicant/Appellant a meeting with Planning and Engineering on Dec 6, 2018.
Dec 2, 2018	Email from Applicant/Appellant indicating the intention to revise the grading plan and requesting a meeting with the County.



Nov 26, 2018	Follow up email to Applicant/Appellant regarding previously requested information email correspondence.
Nov 13, 2018	<p>Email to the Applicant/Appellant that an application for the neighbouring property had not been received. Two options were identified to the Applicant/Appellant:</p> <p><u>Option 1</u></p> <p>Submit an updated site plan showing the new grades on both properties, and potentially an updated geotechnical investigation.</p> <p><u>Option 2</u></p> <p>Amend the grading plan to tie into the existing grades of the neighbouring properties (meet the existing grade at the property line).</p> <p><u>Option 3</u></p> <p>Identify the size, design, and location of a retaining wall(s) that would be required along the property line.</p>
Nov 12, 2018	Email from Applicant/Appellant indicating 3,500 m ³ and that the intention both the subject property and the neighbor to the west (24168 Windhorse Way) will place fill and grade their properties together to drain both parcels to the pond east of the subject lands. The Applicant/Appellant indicated that the correspondence regarding grading with the neighbor was verbal.
Nov 8, 2018	Email from Applicant/Appellant indicating that information requested is in process of being collected. Email indicated that the requested information would be submitted by the end of the week.
Nov 7, 2018	Follow up email to Applicant/Appellant with regards to requested information in Oct 23, 2018 email correspondence.
Oct 29, 2018	Email to Applicant/Appellant indicating that an inspection of the property was conducted and identified that development without a development permit has commenced. Per the Master Rates Bylaw an additional \$400 application fee is therefore required.
Oct 23, 2018	<p>Email to Applicant/Appellant requesting the volume of fill in cubic meters, correspondence with adjacent landowner, and revised grading plan.</p> <p>The grading plan submitted indicated fill would be placed on the neighbours property and their grades changed.</p>
Sept 14, 2018	Development Permit Application submission by the Applicant/Appellant.



ROCKY VIEW COUNTY
Cultivating Communities

APPEAL:

See attached report and exhibits.

Respectfully submitted,

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

Sean MacLean
Supervisor, Planning & Development

SM/ilt

DEVELOPMENT PERMIT REPORT

Application Date: Sept 14, 2018	File: 04714170
Application: PRDP20183706	Applicant/Owner: Karan Brar
Legal Description: Lot 15, Block 3, Plan 0914791; NE-14-24-03-W05M	General Location: Located 0.40 km (1/4 mile) south of Whitehorse Drive and on the east side of Windhorse Way
Land Use Designation: Residential One (R-1)	Gross Area: ± 0.81 hectares (± 2.00 acres)
File Manager: Sean MacLean	Division: 03

PROPOSAL:

The proposal is for single-lot regrading and the placement of fill. Under Section 33.1 of the Land Use Bylaw, all stripping, filling, excavation, grading and/or re-contouring requires a Development Permit.

The applicant has stated that the reason for the grading and placement of fill is to raise the lot enough the water table before constructing a dwelling. A stormwater PUL abuts the subject lands to the south and east.

Placement of fill (central to the property):

- **Height:** unable to be determined based on submitted plans
- **Width:** 78.58 m (257.81 ft.)
- **Length:** 155.58 m (510.43 ft.)
- **Area:** 8,093.71 sq. m (87,120 sq. ft.)
- **Volume:** 3,500.00 cubic metres

The applicant estimates that approximately 60 to 70 truckloads will be required to bring in the fill.

The applicant states that the fill will be brought in from sites in the surrounding area that require fill to be removed.

The submitted site grading plans showing pre and post fill elevations, however the font for the spot elevations are not legible due to the small size. A high level review of the contour shown in the grading plan indicates that the fill is being placed over the entirety of the property and appears to be changing the grades along all property lines.

Based on the contours it there will be requirements for retaining walls at the north property line and potentially the south property line, however without legible spot elevations the File Manager is not able to determine the height of these retaining walls.

Numerous emails requesting either revise the submitted drawings to either:

- Have legible font and identify the size and extent of any retaining wall required; or
- Have legible font and match the existing grades at the property line.

The applicant has not elected to make either series of revisions. The File Manager therefore cannot determine if the proposed development aligns with the Windhorse Building Grade Plan.

Development Permit History:

- There are no development permits on file.

Land Use Bylaw Requirements:

Section 33 Stripping, Filling, Excavation And Grading

33.6 Placing of Fill

(a) The placing or storage of fill and topsoil may be allowed in any land use district, providing that a Development Permit and/or other County approved mechanism for approval has been issued to verify there is no adverse effect on adjacent lands as a result of any drainage alteration. Requirement and conditions of the permit may include but not be limited to:

- (i) a Site Specific Stormwater Management/Implementation Plan;*
- (ii) a Deep Fill Report, if the fill is more than 1.20 m (3.94 ft.) in depth;*
- (iii) a Biophysical Impact Study, if the fill may impact a body of water. Such as a wetland or natural watercourse;*
- (iv) an Erosion and Sediment Control Plan;*
- (v) a Reclamation Plan;*
- (vi) registration of Drainage Easement(s) and/or other agreements on the title;*
- (vii) confirmation that the fill does not contain construction rubble or any contaminants; and*
- (viii) a Road Use Agreement permitting the hauling of fill.*
 - Should the application be approved, a number of prior to issuance conditions have been added to require a revised grading plan that aligns with the Windhorse Building Grade Plan, Revision 4 (Jubilee Engineering Consultants Ltd. – July 8, 2011). Should a deep fill be required it shall be submitted by the Applicant/Owner.

Section 12 Decisions on Development Permit Applications

12.2 Upon receipt of a completed application for a Development Permit for a use, discretionary, the Development Authority may:

- c) 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 the 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.

- Based on the proposed contours submitted by the applicant, the application proposes to place fill over the full extent of the parcel, from property line to property line.
- The Applicant/Owner has not provided site grades to the File Manager to determine the height of the fill throughout the property and the height of any potentially required retaining walls. The File Manager therefore cannot determine the height of the fill, how drainage will be managed on the property, and how the proposed fill will not unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment, or value of the neighbouring properties.
- The refusal of this permit aligns with paragraph 41 of Board Order 41-18 issued August 2, 2018 which states:
 - *[41] In submitting a development permit application for the placement of fill and re-grading, the onus is on the Applicant to demonstrate that the proposed filling will not adversely affect adjacent lands as a result of any drainage alternations the development may cause pursuant to section 33.6(a) of the Land Use Bylaw.*
- **Reason for refusal**

To summarize, the reasons for refusal include:

- 1) The placement of fill will unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment, or value of the neighbouring properties per Section 12.2 of Land Use Bylaw C-4841-97.

STATUTORY PLANS:

Central Springbank ASP

- Policy 2.4.4.c of the Central Springbank ASP states:

“Modification to any established landscaping, roadside ditches or any site grading should be done in concert with the prepared Site Implementation Plan.”

 - The Applicant/Owner has not provided site grades to the File Manager to determine the height of the fill throughout the property and the height of any potentially required retaining walls. The File Manager therefore cannot determine if the proposed development aligns with the Windhorse Building Grade Plan.

Montebello Conceptual Scheme

- The subject lands are located in Cell A of the Montebello Conceptual Scheme. Policy 6.6.8 of the Montebello Conceptual Scheme defers stormwater requirements to the conclusions and recommendations of the Storm Water Management Plan.



INSPECTOR'S COMMENTS:

- Fill appears (at least in part) to have been placed on site prior to approval.
- There appears to be a low wet area in the centre of the lot. Applicant will need to need to contact and comply with Alberta Environment and Parks requirements.

CIRCULATIONS:

ATCO Gas

- ATCO Gas has no objection to the proposed development.

ATCO Pipelines

- ATCO PIPELINES has no objection.

City of Calgary

- The City of Calgary has no comments regarding Application # PRDP20183706 – Placement of fill for construction of a Single Detached Dwelling.

Building Services

- A building permit for the dwelling is required, follow the single family dwelling checklist.
- Subtrade permit applications will be required at time of building permit application.
- Depending on backfill height foundation engineering may be required.

Enforcement Services, Rocky View County

- No concerns

Engineering Services, Rocky View County

General:

- 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.
- Parcel size is 2 acres. Land Use is R1

Geotechnical - Section 300.0 requirements:

- The applicant submitted a Geotechnical Investigation Report (Lone Pine Geotechnical Ltd – July 5, 2018).
- As a permanent condition, for areas of fill which are greater than 1.2 metres in depth, the applicant shall submit a Deep Fill Report, in accordance with the requirements of the County Servicing Standards, to confirm adequate compaction.
- ES has no requirements at this time.

Transportation - Section 400.0 requirements:

- The application indicates that 60-70 truckloads of fill will be hauled to site.



- Prior to issuance, the applicant is required to contact County Road Operations to determine if a Road Use Agreement is required to haul fill to the subject lands.

Sanitary/Waste Water - Section 500.0 requirements:

- ES has no requirements at this time.

Water Supply And Waterworks - Section 600.0 & 800.0 requirements:

- ES has no requirements at this time.

Storm Water Management – Section 700.0 requirements:

- The applicant submitted site grading plans (Alpha Geomatics Inc. – March 25, 2019) showing existing and proposed elevations. The site grading plans are consistent with the Windhorse Building Grade Plan (Jubilee Engineering Consultants Ltd. – July 8, 2011), and therefore, no negative impacts to adjacent properties are anticipated to result from the proposed filling.
- As a permanent condition, the proposed site grading works shall not alter the grades within the Easement (Instrument 091 327 339, Plan 0914793) or Utility Right-of-Way (Instrument 091 327 337, Plan 0914792) that are registered on title of the subject lands.

Environmental – Section 900.0 requirements:

- As a permanent condition, any approvals required through Alberta Environment shall be the sole responsibility of the Applicant/Owner.

OPTIONS:

Option #1 (This would allow the proposed Placement of fill for construction of a Single Detached Dwelling)

That the appeal against the decision of the Development Authority to refuse a Development Permit for Placement of fill for construction of a Single Detached Dwelling at 242162 Windhorse Way, NE-14-24-03-W5M be revoked, and that a Development Permit be conditionally approved, subject to the following conditions:

APPROVAL, subject to the following conditions:

Description:

- 1) That single-lot regrading and the placement of approximately 3,500.00 cubic metres of fill shall be permitted in general accordance with the drawings submitted with the application and the conditions of this permit.

Prior to Issuance:

- 2) Prior to the issuance of this permit, the Applicant/Owner shall pay \$400.00 Development Application 200% fee for Confirmed that development has commenced without a Development Permit having been issued in accordance with the Master Rates Bylaw.
- 3) That the Applicant/Owner shall confirm that all waste material has been removed from the property, to the satisfaction of the County.



- 4) That the Applicant/Owner shall confirm whether topsoil from offsite is being used on the subject land, and if so, provide a soil testing analysis completed on the proposed topsoil, which includes where the topsoil originated from and confirm that:
 - i. Texture is balanced and not over 40.00% clay;
 - ii. Organic matter is a minimum of 3.00%, and equal to or greater than the organic matter of the soil on the application site;
 - iii. SAR/EC rating is at least “good”; and
 - iv. PH value is in the “acceptable” range for crop growth.

Permanent:

- 5) If any areas of fill are greater than 1.2 metres in depth, the applicant shall submit a Deep Fill Report, in accordance with the requirements of the County Servicing Standards, to confirm adequate compaction.
- 6) Site grading works shall not alter the grades within the Easement (Instrument 091 327 339, Plan 0914793) or Utility Right-of-Way (Instrument 091 327 337, Plan 0914792) that are registered on title of the subject lands.
- 7) That if any fill is to be imported onto the property, the Applicant/Owner shall contact Rocky View County Road Operations with haul details to determine if a Road Use Agreement is required for use of the County road system for hauling of fill material onto the property.
- 8) That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application or in response to a Prior to Issuance or Occupancy condition shall be implemented and adhered to in perpetuity.
- 9) That it shall be the responsibility of the Applicant/Owners to ensure the fill has been placed in a safe manner that does not cause slope stability issues, slumping, or any other related safety issues.
- 10) That no topsoil shall be removed from the site.
- 11) That the Applicant/Owners shall ensure no organic material is buried and capped in a manner that will cause methane gas related issues.
- 12) That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.
- 13) That the Applicant/Owners shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
- 14) That if no future development of the proposed graded area occurs, the proposed graded area shall have a minimum of six (6) inches of topsoil placed on top which shall then be spread and seeded to native vegetation, farm crop, or landscaped to the satisfaction of the County.
- 15) That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
- 16) That the site shall remain free of restricted and noxious weeds and maintained in accordance with the Alberta Weed Control Act.
- 17) That the subject land shall be maintained in a clean and tidy fashion at all times and all waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent



property or roadways. That all garbage and waste shall be stored in weatherproof and animal proof containers and be in a location easily accessible to containerized garbage pickup.

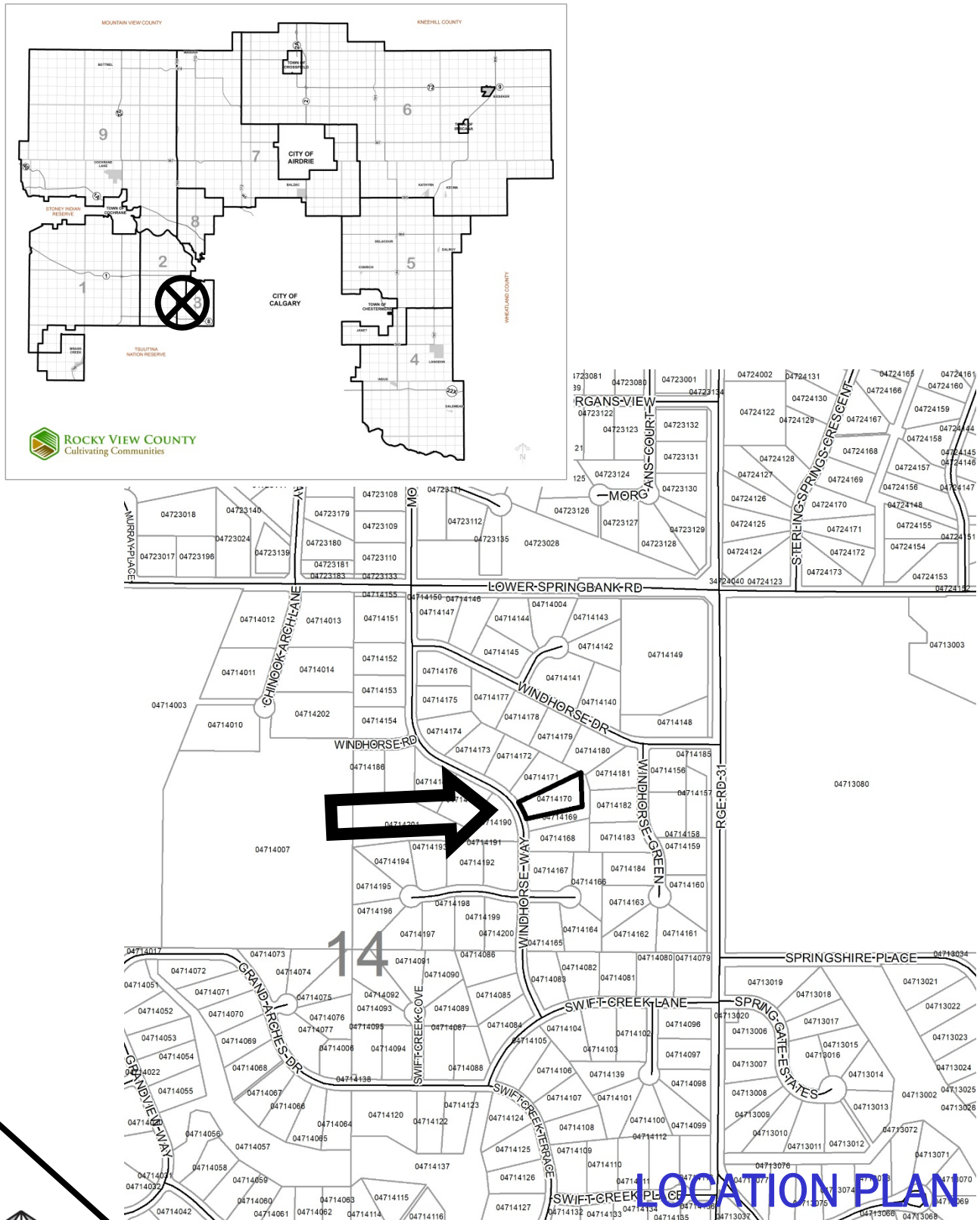
Advisory:

- 18) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owners.
- 19) That if the development authorized by this Development Permit is not completed within six months of the date of issuance, the permit is deemed to be null and void.
- 20) That if this Development Permit is not issued by **October 24, 2019** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Note: The Applicant/Owner shall be responsible for all Alberta Environment approvals/compensation if any wetland is impacted by the placement of the fill.

Option #2 (this would not allow the Placement of fill for construction of a Single Detached Dwelling)

That the appeal against the decision of the Development Authority to refuse a Development Permit for the Placement of fill for construction of a Single Detached Dwelling at 242162 Windhorse Way, NE-14-24-03-W5M be upheld, and that the decision of the Development Authority be confirmed.

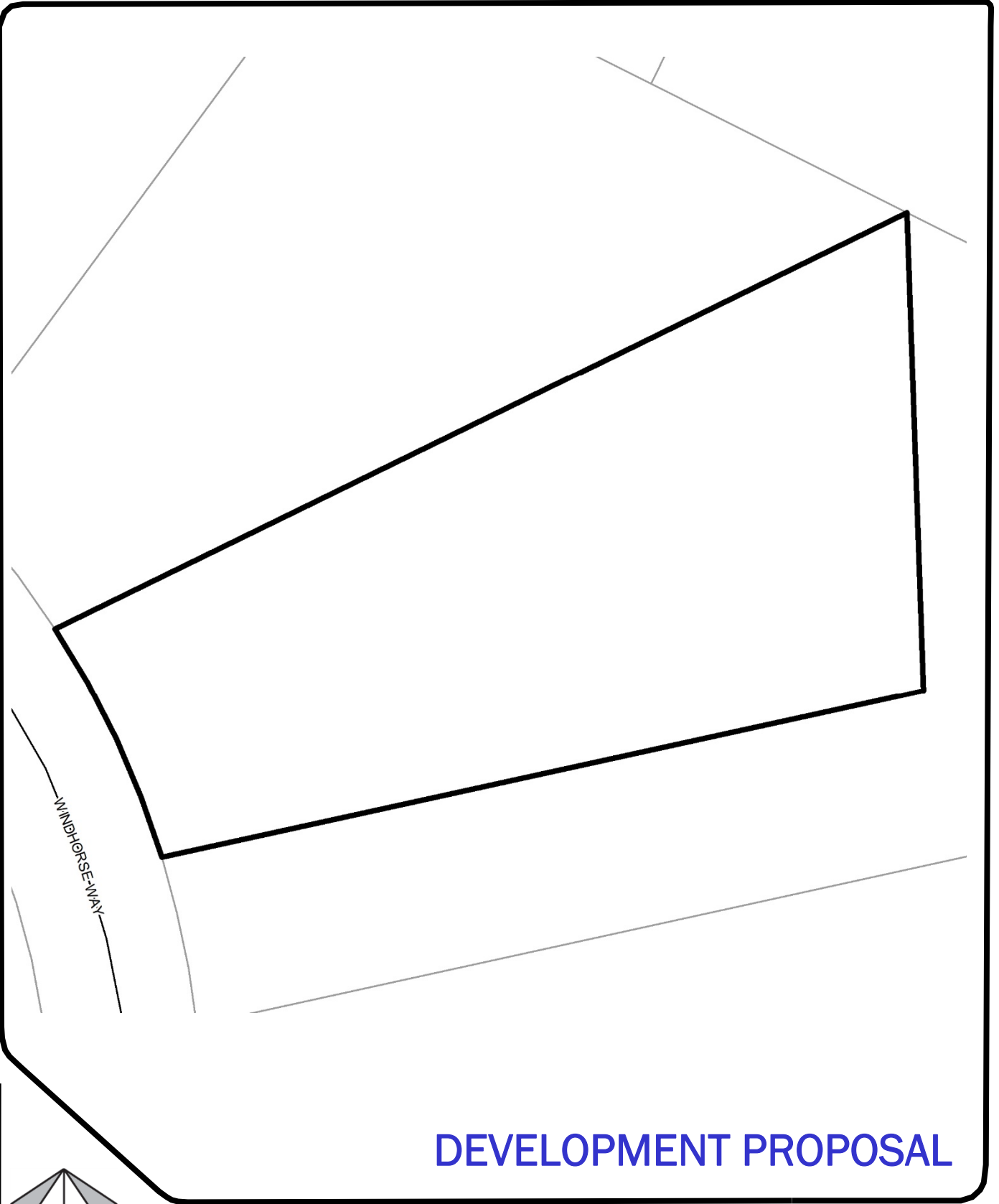


NE-14-24-03-W05M
Lot:15 Block:3 Plan:0914791

Date: 16-Apr-19

Division # 3

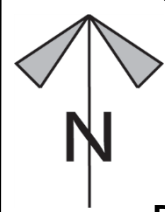
File: 04714170

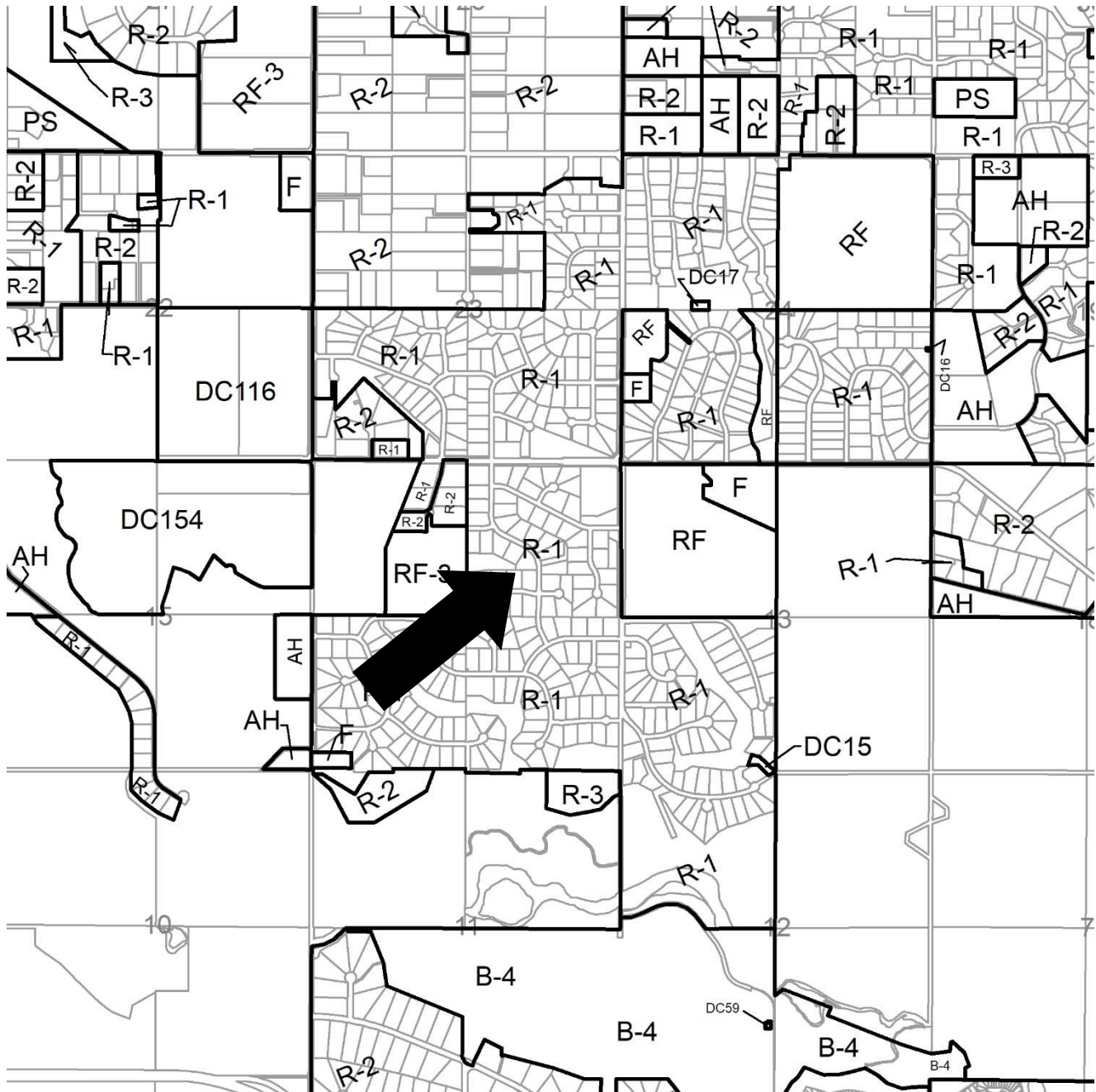


DEVELOPMENT PROPOSAL

NE-14-24-03-W05M
Lot:15 Block:3 Plan:0914791

Date: 16-Apr-19 Division # 3 File: 04714170





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



NE-14-24-03-W05M
Lot:15 Block:3 Plan:0914791

Date: 16-Apr-19 Division # 3 File: 04714170



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



NE-14-24-03-W05M
Lot:15 Block:3 Plan:0914791

Date: 16-Apr-19 Division # 3 File: 04714170



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

AIR PHOTO

Spring 2018

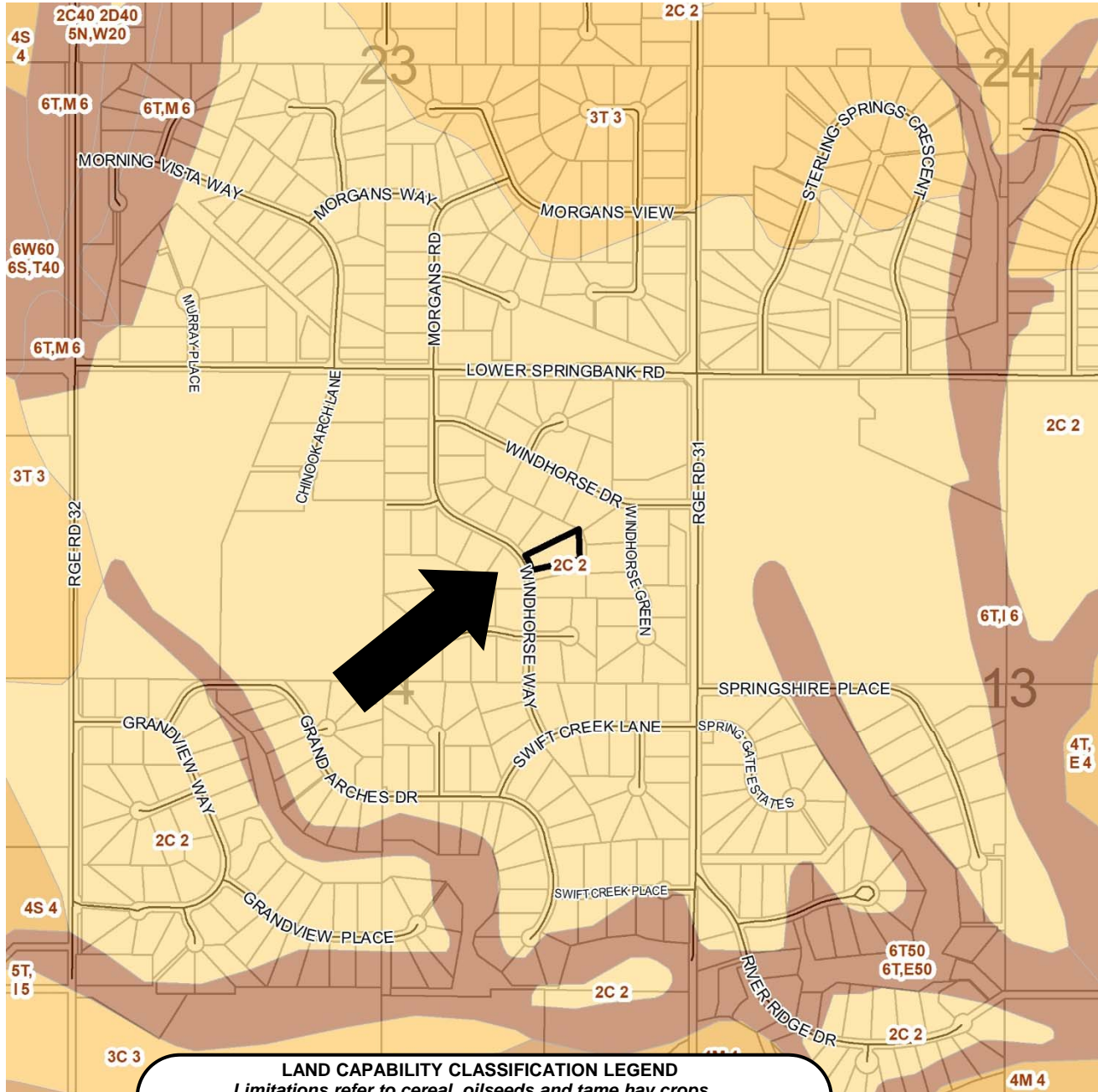


NE-14-24-03-W05M
Lot:15 Block:3 Plan:0914791

Date: 16-Apr-19

Division # 3

File: 04714170



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

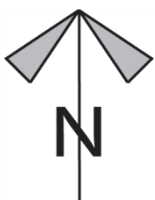
CLI Class

- 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

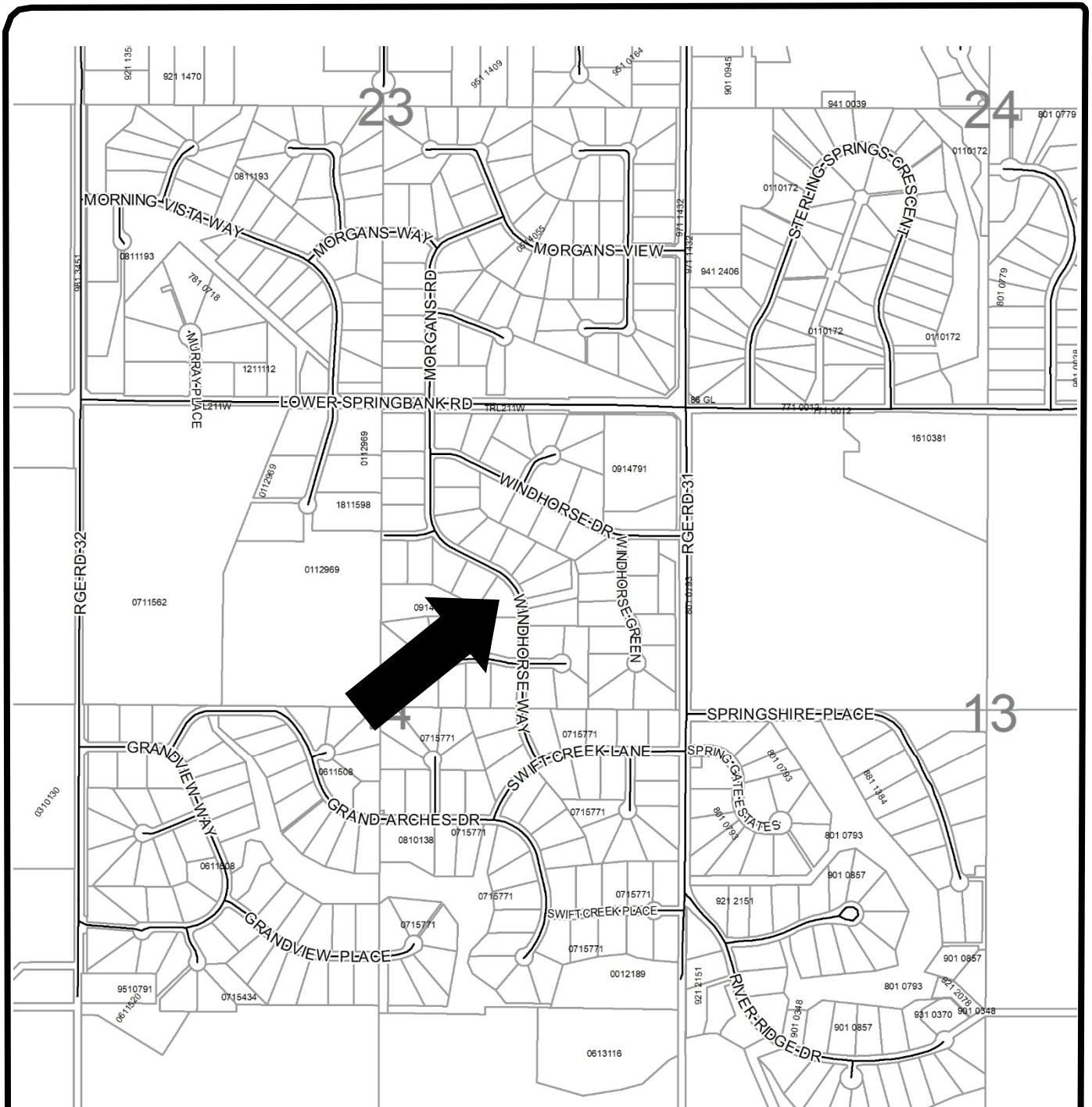


NE-14-24-03-W05M
Lot:15 Block:3 Plan:0914791

Date: 16-Apr-19

Division # 3

File: 04714170



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

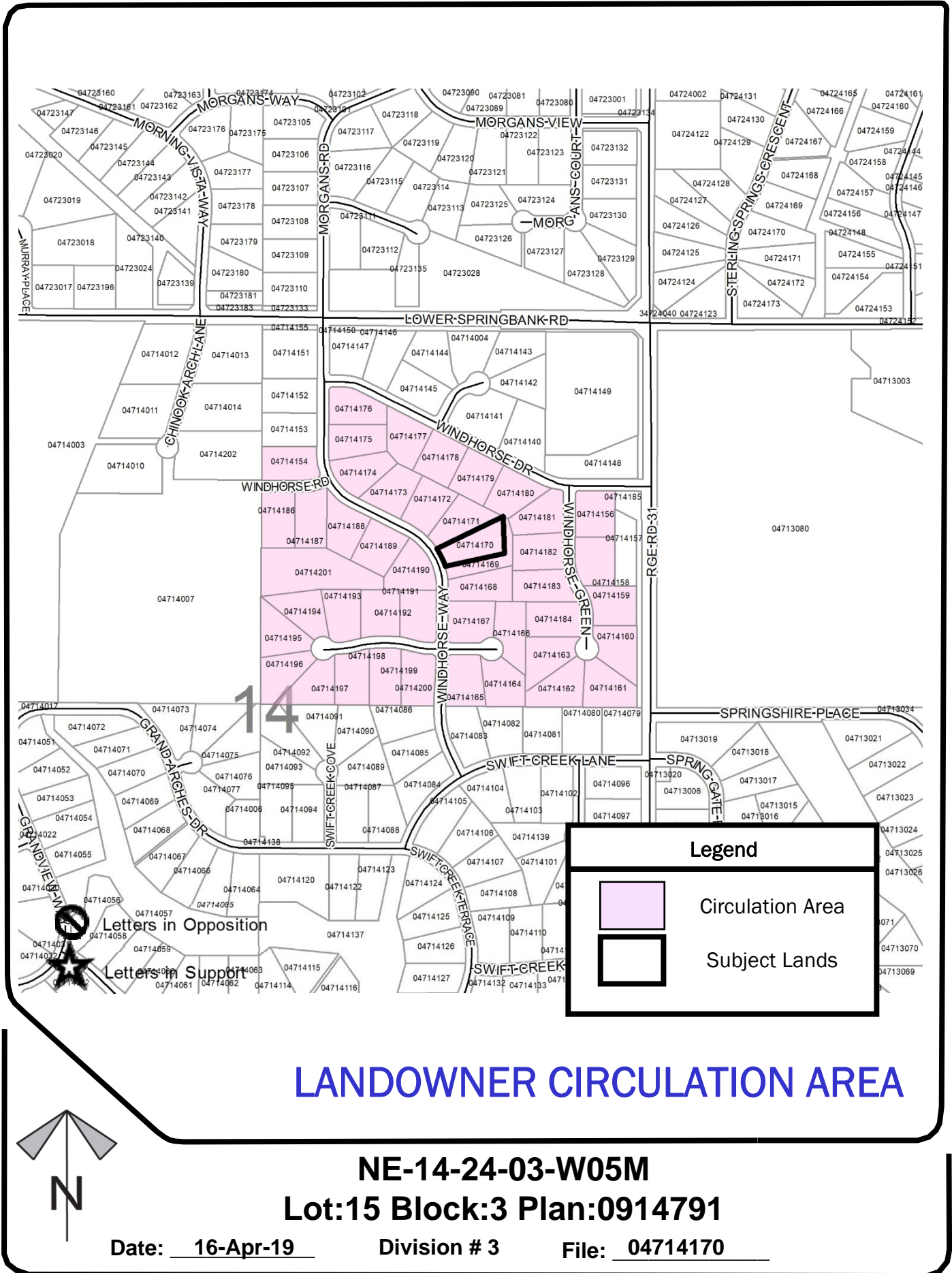


NE-14-24-03-W05M
Lot:15 Block:3 Plan:0914791

Date: 16-Apr-19

Division # 3

File: 04714170





ROCKY VIEW COUNTY
Cultivating Communities

Notice of Appeal

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

Appellant Information			
Name of Appellant(s) KSB Designs Ltd (Karan Brar)			
Mailing Address 43 Sage Valley Close NW	Municipality Calgary	Province AB	Postal Code T3R 0E1
Main Phone # 403-978-0390	Alternate Phone # 403-978-0390	Email Address KSB Designs Ltd@gmail.com	

Site Information	
Municipal Address 242162 Windhorse Way SW	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian)
Property Roll # 04714170	Development Permit, Subdivision Application, or Enforcement Order # PRPD20183704

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

Reasons for Appeal (attach separate page if required)
<p>I applied for the DP before I went on my trip to India. My relatives wanted to raise their lot enough to avoid having the footings in above the water table. We have since revised the elevation of the lot to be slightly higher than the approach. Our goal is to regrade the lot and make it more attractive to buyers, since we are already having issues with the community association we may just sell the lot.</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.

Karan Brar
Appellant's Signature

April 10th/19
Date





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

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

REFUSAL

KSB Designs Ltd.
43 Sage Valley Close NW
Calgary, AB T3R 0E1

Development Permit #: PRDP20183706

Date of Issue: March 22, 2019

Roll #: 04714170

Your Application dated September 14, 2018 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

<p>Placement of fill for construction of a Single Detached Dwelling</p>
--

at Lot 15 Block 3 Plan 0914791, NE-14-24-03-05; (242162 WINDHORSE WAY, 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 placement of fill will unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment, or value of the neighbouring properties per Section 12.2 of Land Use Bylaw C-4841-97.

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 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

20183706

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$600	File Number 04714770
Date of Receipt Sept 14/18	Receipt #

Name of Applicant Karan Brar Email KSBDesignsLtd@gmail.com
Mailing Address 43 Sage Valley Close NW,
Calgary, AB Postal Code T3B 0E1
Telephone (B) 403-978-0390 (H) " Fax

For Agents please supply Business/Agency/ Organization Name KSB Designs Ltd

Registered Owner (if not applicant) Baljit & Sukhchain Saran

Mailing Address

Postal Code

Telephone (B)

Fax

1. LEGAL DESCRIPTION OF LAND

- a) All / part of the 1/4 Section Township Range West of Meridian
b) Being all / parts of Lot 15 Block 3 Registered Plan Number 0914791
c) Municipal Address 242162 Windhorse Way SW
d) Existing Land Use Designation Parcel Size Division

2. APPLICATION FOR

To Remove top soil from the lot, and backfill and raise lot enough to get above water table before building the house

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 KARAN BRAR 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 Karan Brar
Date May 18th / 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.

Karan Brar

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

Karan Brar
Signature

May 18th / 2018
Date



STRIPPING, FILLING, EXCAVATION AND GRADING

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

Name of Applicant KSB Designs LTD

Address of Applicant 43 Sage Valley Close NW

Telephone (C) 403-978-0390 (H) _____ (Fax) _____

1. NATURE OF THE APPLICATION

Type of application (Please check off all that apply):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Site stripping | <input type="checkbox"/> Re-contouring |
| <input checked="" type="checkbox"/> Filling | <input type="checkbox"/> Stockpiling |
| <input checked="" type="checkbox"/> Excavation (including removal of topsoil) | <input type="checkbox"/> Construction of artificial water bodies and/or dugouts |
| <input checked="" type="checkbox"/> Grading | <input type="checkbox"/> Other _____ |

2. PURPOSE

What is the intent of the proposal? We would like to raise the area where the house is going to be built to a safe height where the basement will be above the water level, while draining the rest of the water away from the future location of the home and towards the storm drain or ditch.

Indicate the effect(s) on existing drainage patterns or environmentally sensitive areas (i.e. riparian, wetland, waterbodies) (if applicable) No affect on wetlands or drainage patterns as the lot is supposed to be draining to those locations anyways.

☐ The fill does not contain construction rubble or any hazardous substances (please check)

3. TYPE

Height _____	Volume _____ meters cubed
Width _____	Truckload <u>60-70</u> (approximately)
Length _____	Slope Factor _____ (if applicable)
Area _____ square metres	

*** Please show all measurements in detail on your site plan.**

4. TERMS AND CONDITIONS

(a) General statement about conditions:

1. The Development Authority may include any condition necessary to satisfy a Land Use Bylaw provision, a County Plan, Area Structure Plan, Conceptual Scheme, Master Site Development Plan policy and/or County Servicing Standard.
2. Where on-site works are proposed the County may, by condition, require the provision of a Construction Management Plan and/or Stormwater Management Plan.
3. The Development Authority may impose any condition to meet a requirement of the Municipal Government Act or Subdivision and Development Regulation.
4. As a condition of development approval, the Development Authority may include the requirement to update technical reports submitted with the application.

5. The Development Authority shall impose relevant requirements for the payment of levies associated with Bylaws for transportation, wastewater, water supply and stormwater:
- Transportation Offsite Levy Bylaw;
 - Water and Wastewater Offsite Levy Bylaw; and
 - Such other Bylaws as may be in force or come into force and be applicable to development or activities on or services provided to the subject land from time to time.
6. The Development Authority shall determine any oversizing requirements for services and infrastructure required to be constructed as part of the proposed development. The County will determine Cost Recovery arrangements through preparation and execution of documents prior to endorsement of a plan of survey for registration.

(b) *Technical reports* are defined as any report or any information regarding a matter identified in the Municipal Government Act, Subdivision and Development Regulations, Statutory Plan, County Policy, Servicing Standards or Bylaw.

(c) General statement about technical reports:

- Additional technical reports may be required after the time of application, based upon the ongoing assessment of the application.

(e) All costs of development are borne by the landowner / applicant including, but not limited to, all on and off-site construction works, infrastructure development, securities, levies, contributions, additional fees associated the preparation and review of reports and technical assessments, endorsement fees imposed by the County, registration fees and such other costs as may be associated with the development of the land. Further, that it is the landowner / applicant responsibility to identify and consider all costs of development.

(f) The applicant and landowner acknowledge that not providing the information required in this form or failing to provide accurate information may prejudice the assessment of the application.

(g) The applicant and landowner acknowledge that the County including individual staff members have not provided an advisory role with respect to the preparation and making of this application and that the decision to make the application is entirely that of the applicant and landowner.

(h) It should be noted that while every effort is made to ensure the applicants are provided with clear information regarding the requirement for application, that over the course of the application assessment process, particularly following a full technical review and also following submissions from agencies, additional technical information may be required. In addition to the requirement for further technical information, further justification regarding the merits of a development proposal may also be required.

5. ADDITIONAL INFORMATION

Most if not all the fill will be brought in from sites in the surrounding areas that need fill removed.

I Karan Brar hereby certify that
(Print Full Name)

- ☐ I am the registered owner
☒ I am authorized to act on behalf of the registered owner

and that the information given on this form and the material provided with this application is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval. Further, I have read, understood and accept the contents, statements and requirements contained and referenced in this document – **STRIPPING, FILLING, EXCAVATION AND GRADING.**

PLEASE PROVIDE ALL OF THE ABOVE INFORMATION. THANK YOU.

KSB Designs LTD
43 Sage Valley Close N.W. Calgary Alberta, T3R0E1
Cell – (403) 978-0390
KSBDesignsLTD@gmail.com

September 12th, 2018
Rocky View County, Development and Permits

To whom this may concern:

My clients purchased a lot in the Windhorse community a few months ago and are looking to build a house on the lowest section of the lot. Due to the water level being very high in the area and some houses already having issues with flooding our goal is to build the house at a level where the footing of the home is above the water level.

We have already had the geotechnical report done for how we should go about preparing the lot for next year build. The water was originally supposed to drain into the storm pond next to the lot but over the years the center of the lot has settled down from standing water and is no longer draining that way.

We plan to raise the location of where the house is going to be roughly 1 meter above the grade of the approach coming onto the lot, and grading the rest of the lot to drain towards the storm pond and ditch that cover 3 sides of the lot. The neighboring lot to the NW is also planning on doing the same and will transition his grading to match what we plan on doing.

We have already spoken with other houses going up in the surrounding area, and plan to truck in construction fill from lots that need to truck it out, we should be able to cover our fill needs with this, while reducing trucking time. The existing top soil will be stripped and piled on one corner of the lot and spread once the house is finished.

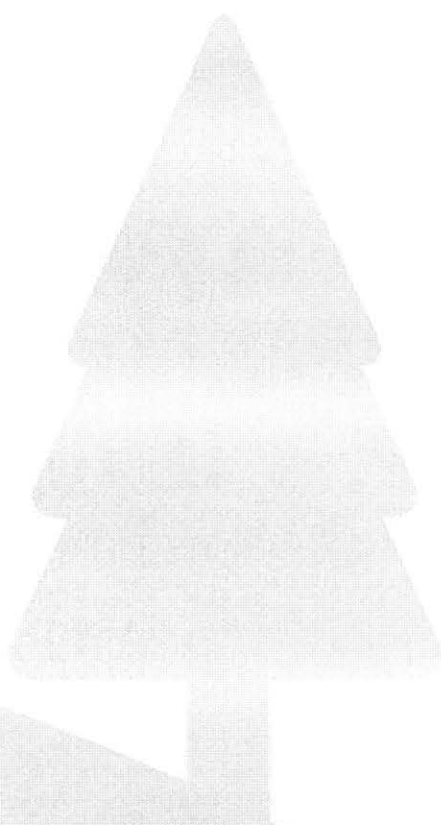
For any other information feel free to contact me through email or phone.

Sincerely,

Karan Brar
KSB Designs LTD

Geotechnical Investigation

Single Family Residence
242162 Windhorse Way
Rocky View County, Alberta



Submitted To:
KSB Designs Ltd.
Calgary, Alberta

Submitted By:
Lone Pine Geotechnical Ltd.
Calgary, Alberta

Date: July 5, 2018
Project No: 1072



Geotechnical Investigation
Single Family Residence
242162 Windhorse Way, Rocky View County, Alberta

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Geotechnical Investigation
Single Family Residence
242162 Windhorse Way, Rocky View County, Alberta

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Appendix A

Figure 1 – Site Location Plan
Figure 2 – Borehole Location Plan
Figure 3 – Photographs

Appendix B

Borehole Logs
Laboratory Test Results
Explanation of Terminology and Symbols

1. Introduction

This report summarizes the findings of the geotechnical investigation undertaken by Lone Pine Geotechnical Ltd. for the proposed single family residence at 242162 Windhorse Way, in Rocky View County, Alberta. The purpose of the investigation was to assess the soil and groundwater conditions at the site and provide geotechnical recommendations for the design and construction of the residence.

The scope of work for the investigation was outlined in our proposal dated May 19, 2018 (Proposal No. 1119-18). Authorization to proceed with the investigation was given by Mr. Karan Brar of KSB Designs Ltd. on June 6, 2018.

2. Site and Project Details

The site is located within the Windhorse Manor subdivision, in Rocky View County, Alberta. The civic address of the site is 242162 Windhorse Way and the legal address is Lot 15, Block 3, Plan 0914791. The location of the site is shown on Figure 1 in Appendix A.

The site is a 2.0 acre undeveloped residential property. At the time of the investigation, the majority of the site was grassed. A large low lying area vegetated with cattails, weeds, and grass was present in the centre of the site. Recently placed soil stockpiles were present along the south and west property lines and an old overgrown topsoil stockpile was present near the west property line. Surface grades throughout the site were generally less than 15 percent. The site was bordered by a similar residential property to the north, Windhorse Way to the west, and a stormwater detention area to the south and east. Photographs taken on June 13, 2018, are presented on Figure 3 in Appendix A.

Planning for the single family residence is presently in its conceptual stages and the architectural drawings are not yet available. However, it is understood that a two storey residence with a walkout basement is being considered. It is expected that the basement will extend to a depth of 2 to 3 m below exterior grade surrounding the residence.

3. Investigation Methodology

3.1 Field Work

Three boreholes were drilled at the site on June 15, 2018, using a portable tracked drilling rig operated by Dark Horse Drilling Ltd. The boreholes were drilled to depths of 8.0, 6.0, and 3.5 m below existing grade. The locations of the boreholes are shown on Figure 2 in Appendix A.

The soils encountered in the boreholes were visually examined and logged by Lone Pine Geotechnical Ltd. in accordance with the Modified Unified Soil Classification System (MUSCS). Standard Penetration Tests (SPTs) were performed at 1.5 m intervals and soil samples were collected at selected depths in the boreholes.

Standpipe piezometers were installed in the boreholes at the completion of drilling. The groundwater levels in the piezometers were measured nineteen days after drilling on July 4, 2018. The elevations of the boreholes were surveyed by Lone Pine Geotechnical Ltd. The elevations were referenced to a benchmark with a known geodetic elevation, a water valve near the northwest corner of the site. The benchmark was surveyed by Tronnes Surveys Ltd. on February 28, 2018.

3.2 Laboratory Testing

Laboratory tests were performed on selected soil samples collected from the boreholes. The tests included moisture content, plasticity, and sulphate concentration. The laboratory test results are presented in Appendix B.

4. Subsurface Conditions

Based on a cursory review of published geological maps and information, this area of Rocky View County consists of lacustrine clay deposits to a depth of about 30 to 50 m below grade, underlain by glacial till of the Spy Hill formation, underlain by bedrock of the Porcupine Hills formation.

The detailed soil and groundwater conditions encountered in the boreholes drilled at the site are summarized on the borehole logs in Appendix B, along with explanations of the classification system, symbols, and terminology used on the logs.

4.1 Soil Conditions

The following is a summary of the soil conditions encountered in the boreholes:

- A 250, 300, and 1600 mm thick layer of topsoil was encountered in Boreholes 1, 2, and 3, respectively. The topsoil was organic, black, and moist to wet. The topsoil is considered highly compressible under load. Based on visual observations at the site and the abnormally thick layer of topsoil encountered in Borehole 3, it appears that some of the topsoil was brought to and stockpiled at the site, possibly during the development of the surrounding area.
- Clayey silt deposits were encountered below the topsoil and extended to a depth of 2.8 m below grade in Borehole 2. The clayey silt contained some sand and was firm and low to medium plastic. The moisture contents of two samples tested were 29 and 27 percent.

- Lacustrine silty clay deposits were encountered below the topsoil and clayey silt and extended beyond the 8.0, 6.0, and 3.5 m depths drilled in Boreholes 1, 2, and 3, respectively. The silty clay contained trace to some sand and was medium to high plastic. The moisture contents of eight samples tested ranged from 27 to 43 percent. The SPTs in the boreholes indicated that the silty clay was firm to stiff.

4.2 Groundwater Conditions

Standpipe piezometers were installed in the boreholes at the completion of drilling. The groundwater levels in the piezometers were measured nineteen days after drilling on July 4, 2018. The following table summarizes the measurements:

Table 1 – Groundwater Level Measurements

Borehole	Ground Elevation (m)	Groundwater on July 4, 2018	
		Depth (mbg)	Elevation (m)
1	1155.05	0.47	1154.58
2	1155.08	0.55	1154.53
3	1155.91	1.24	1154.67

Shallow groundwater levels such as those measured in the piezometers are common in this area of Rocky View County. The groundwater level at the site will fluctuate seasonally but is expected to stay at about the existing ground surface throughout most of the year.

5. Geotechnical Recommendations

The soil and groundwater conditions at the site are considered suitable for the proposed single family residence provided that certain precautions are followed during design and construction.

The predominant geotechnical issue at this site is the shallow groundwater level. It is recommended that the existing site grades and the proposed basement floor slab elevation be raised to address this issue. The basement floor slab should be raised to an elevation of at least 1156.40 m. In order to achieve this, it is expected that up to about 3.5 m of fill will need to be placed at the site. This recommendation is further discussed in Sections 5.1 and 5.5 below.

5.1 Site Preparation

All topsoil, vegetation, and deleterious soils should be stripped from the areas to be developed. The old overgrown topsoil stockpile near the west property line should be completely removed. The topsoil may be reused for landscaping surrounding the residence.

General engineered fill used to raise the grade at the site should consist of low to medium plastic clay. High plastic clay should not be used. The fill should be free of organics and deleterious soils. The existing medium plastic silty clay at the site is considered suitable for use as general engineered fill provided that it can be placed to the required level of compaction. Any soils imported to the site for use as fill should be approved by Lone Pine Geotechnical Ltd. prior to placement.

General engineered fill should be placed in uniform lifts compacted to at least 99 percent of Standard Proctor Maximum Dry Density (SPMDD). The maximum compacted lift thickness should not exceed 200 mm. The fill should be placed at moisture contents within 2 percent of the Optimum Moisture Content (OMC). Moisture conditioning (ie. drying, wetting, mixing) may be required to achieve the required level of compaction. General engineered fill should not be placed on exposed grades steeper than 20 percent.

The ability of construction equipment to achieve the required level of compaction is an important consideration. Clay fills are best compacted with vibrating sheepfoot or padfoot rollers. The time of year that the fill is placed is also an important consideration. The compaction of fill during freezing atmospheric conditions can be very challenging. Fill cannot be allowed to freeze prior to placement and moisture conditioning is rarely possible during the fall and winter months. Methodology and equipment should be reviewed if compaction during freezing conditions is proposed.

5.2 Footings

The site is suited to standard residential strip and spread footings bearing on native soils or up to 2.0 m of properly compacted general engineered fill. Footings may be designed using a maximum allowable bearing pressure of 80 kPa (1670 psf). The design and construction of foundations should conform to the Alberta Building Code. Recommendations for the design and construction of footings are provided below:

- For protection against the harmful effects of frost, perimeter footings in continuously heated structures should be founded at least 1.4 m below grade. Isolated exterior footings and footings in unheated structures should be founded at least 2.1 m below grade.
- All footings at the site should bear on native soils or up to 2.0 m of properly compacted general engineered fill. If weak or unsuitable soils are encountered at the footing depths during construction, they must be subcut and replaced with lean mix concrete with a minimum 56 day compressive strength of 5 MPa, or granular fill compacted to at least 100 percent of SPMDD. Filter fabric may be required between the subgrade and the granular fill to minimize the migration of fines. The depth and extent of the subcut and the need for filter fabric should be at the discretion of a geotechnical engineer.

- If surface water inflow or groundwater seepage occurs into footing excavations during construction, ditches, sumps, and pumps should be installed and used for dewatering.
- Prolonged exposure of bearing surfaces to the elements should be avoided. Bearing surfaces should not be allowed to become disturbed, saturated, dried out, or frozen during and after construction. Footings founded on frozen soils may settle when the soils are weakened by thawing.
- All engineered fill below footings should be tested by a geotechnical technician during placement to confirm that the required level of compaction is achieved. All bearing surfaces should be inspected by a geotechnical engineer prior to concrete placement.

5.3 Grade Supported Slabs

Grade supported floor slabs are expected to perform adequately at the site provided certain precautions are followed. Recommendations for the design and construction of floor slabs are provided below:

- If any weak or unsuitable soils are encountered on the exposed subgrade below floor slabs prior to gravel and concrete placement, they must be subcut and replaced with suitable fill compacted to at least 99 percent of SPMDD. The depth and extent of the subcut should be at the discretion of a geotechnical engineer.
- Lightly loaded grade supported floor slabs should be underlain with at least 150 mm of 25 mm crushed gravel compacted to at least 99 percent of SPMDD. Other granular materials could also be considered upon review by Lone Pine Geotechnical Ltd.
- Floor slabs should be dimensioned and provided with reinforcement, wire mesh, control joints, and/or saw cuts, in accordance with the structural engineer's requirements.
- Reinforcement positioned too low within floor slabs can have a negative effect on slab performance.
- Floor slabs should be constructed independently of all walls and columns. Service connections into the residence and piping below slabs should be designed to permit some flexibility. Non-load bearing walls should also be designed to tolerate some vertical movement.
- If heavily loaded floor slabs subjected to static loads greater than 20 kPa are proposed, the recommendations above should be reviewed by Lone Pine Geotechnical Ltd. and revised if required.

Minor movement between grade supported floor slabs and walls and columns is normal and should be expected. If the recommendations in this report are followed, this movement should be acceptably small. If this movement cannot be tolerated, structurally supported floor slabs should be considered.

5.4 Lateral Earth Pressures

The basement walls and any other retaining structures at the site should be designed to resist lateral earth pressures. The following table provides the recommended design parameters for the determination of these pressures:

Table 2 – Lateral Earth Pressure Parameters

Design Parameter	
Coefficient of At-Rest Earth Pressure (k_o)	0.52
Coefficient of Active Earth Pressure (k_a)	0.35
Coefficient of Passive Earth Pressure (k_p)	2.88
Total Unit Weight (γ in kN/m ³)	19.0

The design parameters above assume that the backfill against retaining structures consists of low to medium plastic clay compacted to 97 percent of SPMDD. The lateral earth pressure distribution used behind or in front of retaining structures should be determined considering the worst-case scenario porewater pressure, frost, surcharge loading, point loading, and seismic loading conditions.

5.5 Weeping Tile

The predominant geotechnical issue at this site is the shallow groundwater level. It is recommended that the existing site grades and the proposed basement floor slab elevation be raised to address this issue. The basement floor slab should be raised to an elevation of at least 1156.40 m. In order to achieve this, it is expected that up to about 3.5 m of fill will need to be placed at the site. The final design grades should be reviewed by a geotechnical engineer prior to construction.

A permanent subdrainage system consisting of weeping tile drains is recommended below and around the outside perimeter of the basement. Lateral weeping tile drains spaced at a maximum 6 m apart are recommended below the basement floor slab. The weeping tile drains should consist of a minimum 100 mm diameter perforated plastic pipe surrounded by free draining washed rock. The rock should provide at least 150 mm of cover over the pipe and should be wrapped in non-woven filter fabric. The pipes should be sloped towards one or multiple collection sumps. Each sump should be equipped with pumps for dewatering. The subdrainage system should include clean outs to allow the pipes to be flushed in the event of siltation.

A 500 mm medium plastic clay cap is recommended above the weeping tile drains around the outside perimeter of the basement. Surface water inflow into weeping tile drains can be significantly increased by poor drainage and improperly directed roof downspouts. Proper grading in the area surrounding the residence is very important and is discussed in Section 5.7 below.

If a basement floor slab elevation deeper than 1156.40 m is considered during later stages of the project, Lone Pine Geotechnical Ltd. must be notified and the recommendations in this report should be reviewed and revised, as required.

5.6 Excavations

Standard excavators will be suitable for excavations into the soils at the site. Temporary side slopes should be cut back to 1H:1V for excavations up to 4.0 m in depth. For excavations in competent silty clay, the lower 1.5 m of the excavation may be cut vertical. Flatter side slopes may be required for excavations through groundwater, organics, or deleterious soils. All temporary surcharge loads, such as stockpiles, should be kept back from the edge of excavations a distance of at least the excavation depth. Notwithstanding the above recommendations, all excavations must be undertaken in accordance to Alberta Occupational Health and Safety (OHS) regulations.

The stability of temporary side slopes decreases with time, so the length of time that excavations stay open should be minimized. All excavations should be protected from the inflow of surface water and groundwater seepage. If inflow or seepage occurs, pumping from collector sumps is recommended.

5.7 Backfill

Backfill should only be placed against basement walls once the concrete has gained enough strength to support the lateral earth pressures exerted by the backfill. Careful attention should be paid to the compaction effort exerted on the backfill to prevent excessive pressures from developing on walls. Only light hand operated compaction equipment should be used within 1.5 m of walls.

The area surrounding the residence should be graded to shed surface water away during and after construction. A grade of at least 5 percent over a distance of at least 3 m is recommended away from the basement walls. Roof downspouts should discharge well clear of the residence.

5.8 Concrete

The concentrations of water soluble sulphates in two soil samples tested as part of this investigation were less than 0.10 percent. However, the concentration in a soil sample tested as part of a similar investigation recently undertaken by Lone Pine Geotechnical Ltd. on a nearby property was 0.87 percent. This indicates a severe potential for sulphate attack on buried

Geotechnical Investigation
Single Family Residence
242162 Windhorse Way, Rocky View County, Alberta

concrete and sulphates are known to migrate with groundwater. Therefore, Sulphate Resistant (Type HS) cement is recommended for use in concrete in contact with the soils at this site. Any soils imported to the site for use as fill should be tested for water soluble sulphates.

Concrete used at the site should be chosen in accordance with CSA Standard CAN-A23.1-14. All concrete exposed to freezing temperatures should be air entrained and protected from freezing temperatures for at least 72 hours during curing. Good finishing practices should be followed during the placement of concrete.

6. Limitations

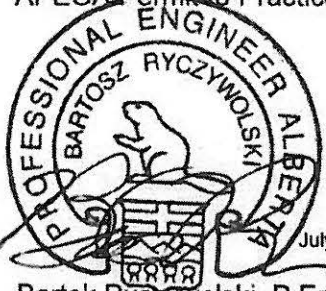
This report has been prepared for the exclusive use of KSB Designs Ltd. for the specified application to the proposed single family residence at 242162 Windhorse Way, in Rocky View County, Alberta. It may not be used by any third party without the express written consent of KSB Designs Ltd. and Lone Pine Geotechnical Ltd. Any use of this report by a third party is the responsibility of such third party.

This report is based on the findings at three borehole locations, soils laboratory testing, and a review of available information. If different subsurface conditions or information are encountered during later stages of the project, Lone Pine Geotechnical Ltd. must be notified, and the recommendations submitted should be reviewed and revised, as required. This report has been prepared in accordance with generally accepted geotechnical engineering practices. No other warranty, either expressed or implied, is made. Recommendations pertaining to environmental contaminants in soil or groundwater are outside the scope of this report.

7. Closure

Lone Pine Geotechnical Ltd. trusts that this report meets your present requirements. If you have any questions or comments, please contact the undersigned.

Respectfully Submitted,
Lone Pine Geotechnical Ltd.
APEGA Permit to Practice P13802


July 5, 2018
Bartek Ryczywolski, P.Eng.
Principal Geotechnical Engineer

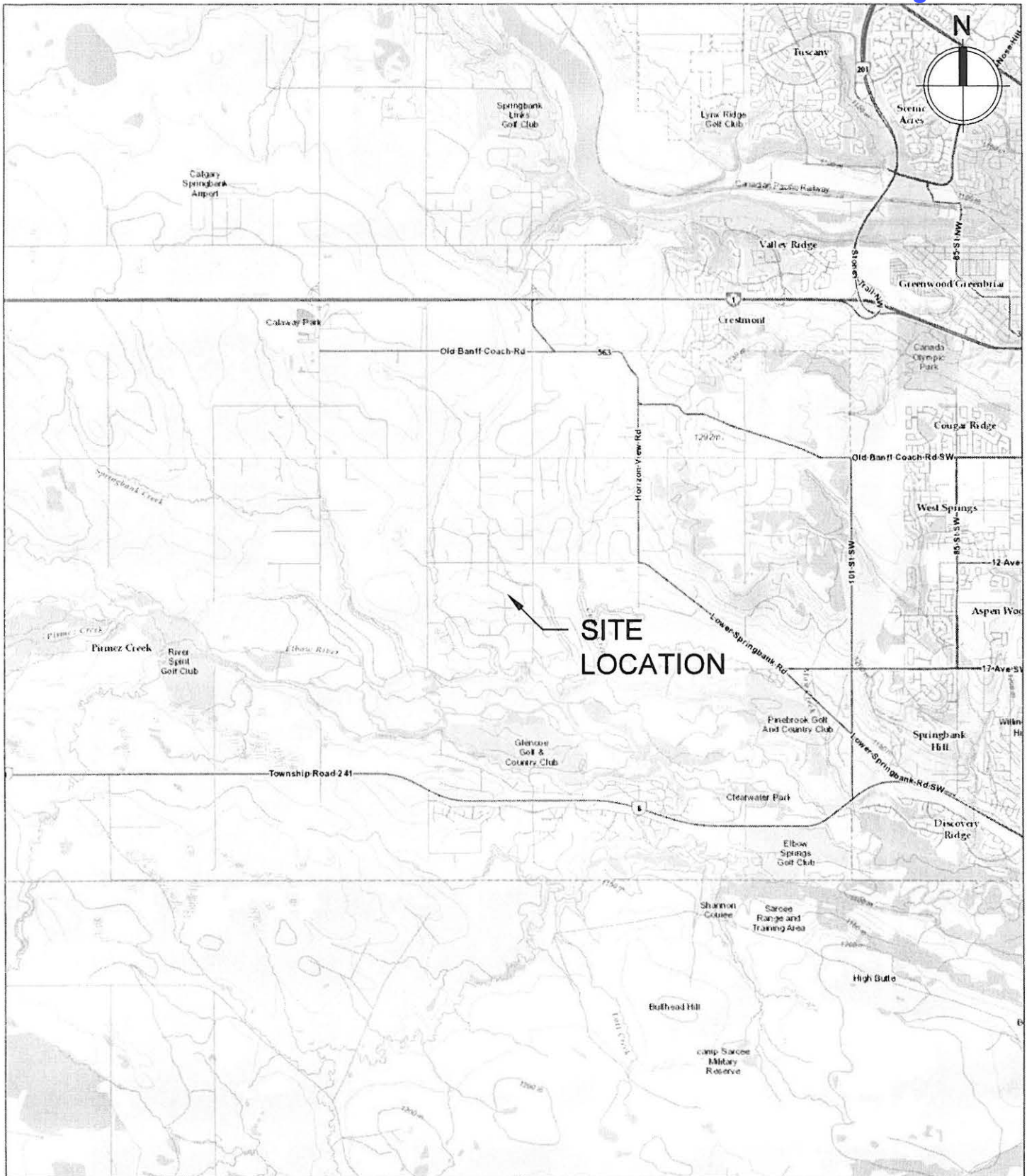



Project No. 1072
July 5, 2018
Page 8 of 8

Geotechnical Investigation
Single Family Residence
242162 Windhorse Way, Rocky View County, Alberta


Appendix A

Figure 1 – Site Location Plan
Figure 2 – Borehole Location Plan
Figure 3 – Photographs



CONSULTANT	CLIENT	TITLE		
 LONE PINE GEOTECHNICAL LTD	KSB DESIGNS LTD.		SITE LOCATION PLAN	
	PROJECT GEOTECHNICAL INVESTIGATION SINGLE FAMILY RESIDENCE 242162 WINDHORSE WAY ROCKY VIEW COUNTY, ALBERTA		DRAWN BY BR	REVISION NO. 0
			DATE JUL 2018	SCALE PROJECT NO. 1072 FIGURE NO. 1



CONSULTANT	CLIENT	TITLE		
 LONE PINE GEOTECHNICAL LTD	KSB DESIGNS LTD. PROJECT GEOTECHNICAL INVESTIGATION SINGLE FAMILY RESIDENCE 242162 WINDHORSE WAY ROCKY VIEW COUNTY, ALBERTA	BOREHOLE LOCATION PLAN		
		DRAWN BY	REVISION NO.	SCALE
		DATE	PROJECT NO.	FIGURE NO.
		JUL 2018	1072	2




PHOTOGRAPH 1:
SOIL STOCKPILES ALONG THE SOUTH
AND WEST PROPERTY LINES



PHOTOGRAPH 2:
LARGE LOW LYING AREA IN THE
CENTRE OF THE SITE



PHOTOGRAPH 3:
STORMWATER DETENTION
AREA SOUTH OF THE SITE

CONSULTANT	CLIENT	TITLE		
 LONE PINE GEOTECHNICAL LTD	KSB DESIGNS LTD. PROJECT GEOTECHNICAL INVESTIGATION SINGLE FAMILY RESIDENCE 242162 WINDHORSE WAY ROCKY VIEW COUNTY, ALBERTA	PHOTOGRAPHS		
		DRAWN BY	REVISION NO.	SCALE
		DATE	PROJECT NO.	FIGURE NO.
		JUL 2018	1072	3

Geotechnical Investigation
Single Family Residence
242162 Windhorse Way, Rocky View County, Alberta

Appendix B

Borehole Logs
Laboratory Test Results
Explanation of Terminology and Symbols

CLIENT: KSB DESIGNS LTD.
PROJECT: SINGLE FAMILY RESIDENCE
PROJECT NO: 1072
LOCATION: 242162 WINDHORSE WAY, ROCKY VIEW COUNTY, ALBERTA
NOTES:

BOREHOLE 1

(Page 1 of 1)

Depth (m)	Elevation (m)	Soil Symbol	Soil Description	Sample Type	Sample No.	MC (%)	Moisture Content (%)	SPT (N)	Standard Penetration Test (N)	Other Data	Piezometer Installation
0	1155		TOPSOIL (250 mm), highly organic, black, wet.								
1	1154		CLAY, silty, trace sand, firm, medium plastic, mottled brown and grey, occasional rust stains, occasional precipitates, wet.	G1	43					Sulphate Conc. = 0.04 %	
2	1153		~ no rust stains, brown, moist to wet at 1.5 m.	S1				7			
3	1152		~ firm to stiff at 3.0 m.	G2	27					Plasticity: LL = 35 % PL = 17 % PI = 18 %	
4	1151			S2				8			
5	1150			G3	27						
6	1149			S3				7			
7	1148			G4	29						
8	1147			S4				8			
9	1146			G5	28						
10				S5				12			
			End of borehole at 8.0 m. Standpipe piezometer installed. Backfilled with auger cuttings and sealed with bentonite. Wet upon completion. Water level at 0.47 m on July 4, 2018.								



DRILLED BY: DARK HORSE DRILLING LTD.
DRILL RIG: GEOPROBE 7822DT
DRILL METHOD: SOLID STEM AUGER
NOTES:

LOGGED BY: TB
DRILLED ON: JUNE 15, 2018
GROUND ELEVATION: 1155.05 m

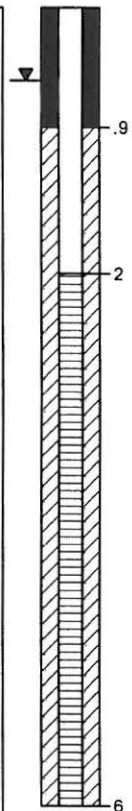
07-05-2018 C:\Lone Pine Geotechnical Ltd\Projects\1072 - Single Family Residence\Borehole Logs\1072 - BH1.bor

CLIENT: KSB DESIGNS LTD.
PROJECT: SINGLE FAMILY RESIDENCE
PROJECT NO: 1072
LOCATION: 242162 WINDHORSE WAY, ROCKY VIEW COUNTY, ALBERTA
NOTES:

BOREHOLE 2

(Page 1 of 1)

Depth (m)	Elevation (m)	Soil Symbol	Soil Description	Sample Type	Sample No.	MC (%)	Moisture Content (%)	SPT (N)	Standard Penetration Test (N)	Other Data	Piezometer Installation
							LL MC PL				
0	1155		TOPSOIL (300 mm), highly organic, black, wet.								
1	1154		SILT, clayey, some sand, firm, low to medium plastic, mottled brown and grey, wet.	G1	29					Plasticity: LL = 41 % PL = 19 % PI = 22 %	
2	1153			S1				5			
3	1152		CLAY, silty, trace sand, firm, medium to high plastic, brown, occasional precipitates, moist to wet.	G2	27					Sulphate Conc. = 0.07 %	
4	1151		~ firm to stiff at 4.0 m.	S2				6			
5	1150			G3	28						
6	1149			S3				9			
7	1148			G4	28						
8	1147										
9	1146										
10			End of borehole at 6.0 m. Standpipe piezometer installed. Backfilled with auger cuttings and sealed with bentonite. Wet upon completion. Water level at 0.55 m on July 4, 2018.								



DRILLED BY: DARK HORSE DRILLING LTD.
DRILL RIG: GEOPROBE 7822DT
DRILL METHOD: SOLID STEM AUGER
NOTES:

LOGGED BY: TB
DRILLED ON: JUNE 15, 2018
GROUND ELEVATION: 1155.08 m

CLIENT: KSB DESIGNS LTD. PROJECT: SINGLE FAMILY RESIDENCE PROJECT NO: 1072 LOCATION: 242162 WINDHORSE WAY, ROCKY VIEW COUNTY, ALBERTA NOTES:							BOREHOLE 3 (Page 1 of 1)				
Depth (m)	Elevation (m)	Soil Symbol	Soil Description	Sample Type	Sample No.	MC (%)	Moisture Content (%)	SPT (N)	Standard Penetration Test (N)	Other Data	Piezometer Installation
0			TOPSOIL (1600 mm), organic, black, moist.								
1	1155			G1	47						
2	1154		CLAY, silty, some sand, firm, medium plastic, mottled brown and grey, occasional precipitates, moist to wet.	S1				7			
3	1153		~ firm to stiff at 3.0 m.	G2	27						
				S2				9			
4	1152		End of borehole at 3.5 m. Standpipe piezometer installed. Backfilled with auger cuttings and sealed with bentonite. Wet upon completion. Water level at 1.24 m on July 4, 2018.								
5	1151										
6	1150										
7	1149										
8	1148										
9	1147										
10	1146										

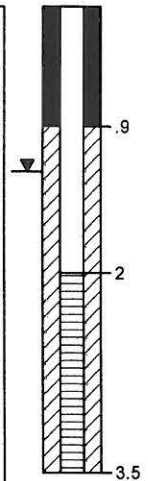
Plasticity:
LL = 38 %
PL = 20 %
PI = 18 %

LONE PINE
GEOTECHNICAL LTD

DRILLED BY: DARK HORSE DRILLING LTD.
DRILL RIG: GEOPROBE 7822DT
DRILL METHOD: SOLID STEM AUGER
NOTES:

LOGGED BY: TB
DRILLED ON: JUNE 15, 2018
GROUND ELEVATION: 1155.91 m

Plasticity:
LL = 38 %
PL = 20 %
PI = 18 %



DRILLED BY: DARK HORSE DRILLING LTD.
 DRILL RIG: GEOPROBE 7822DT
 DRILL METHOD: SOLID STEM AUGER
 NOTES:

LOGGED BY: TB
 DRILLED ON: JUNE 15, 2018
 GROUND ELEVATION: 1155.91 m

333 50th Ave. S.E.
Calgary, AB, T2G 2B3
Phone (403) 297-0868
Fax: (403) 297-0869



ANALYTICAL REPORT

Client: Lone Pine Geotechnical Ltd.
Unit 103, 2845 23 Street NE
Calgary, AB, T2E 7A4

Attention: Bartek Ryczywolski

KaizenLAB JOB #:	192966
DATE RECEIVED:	15-Jun-2018
DATE REPORTED:	21-Jun-2018
PROJECT ID:	1072 Single Family Residence
LOCATION:	

KaizenLAB Sample #: 192966_001 **Sample ID:** 1G1 @ 1.0 m
Date Sampled: 15-Jun-2018 **Matrix:** Soil

Parameter Description	Units	Result	Detection Limit
Sulphate (%)	%	0.0424	0.0050

KaizenLAB Sample #: 192966_002 **Sample ID:** 2G2 @ 2.5 m
Date Sampled: 15-Jun-2018 **Matrix:** Soil

Parameter Description	Units	Result	Detection Limit
Sulphate (%)	%	0.0714	0.0050

Test Methodologies

Water-Soluble Sulfate in Soil: Modified from ASTM C1580

Final Review by:

Daniella Matthews
Client Services Administrator

Note: The results in this report relate only to the items tested. Information is available for any items in 5.10.2 of ISO/IEC 17025 that cannot be put on a test report.

EXPLANATION OF TERMINOLOGY AND SYMBOLS



MODIFIED UNIFIED SOIL CLASSIFICATION SYSTEM								
MAJOR DIVISION		GROUP SYMBOL	PLOT SYMBOL	TYPICAL DESCRIPTION	LABORATORY CLASSIFICATION CRITERIA			
COARSE GRAINED SOILS More than 50 % retained on 75 µm sieve	GRAVELS More than 50 % of coarse fraction retained on 4.75 mm sieve	CLEAN GRAVELS						
		GW		Well graded gravels, gravel-sand mixtures, little or no fines	Less than 5 % passes 75 µm sieve	$C_u = D_{60} / D_{10} > 4$ $C_c = (D_{30})^2 / D_{10}D_{60} = 1 \text{ to } 3$		
		GP		Poorly graded gravels, gravel-sand mixtures, little or no fines		Not meeting both criteria for GW		
		GRAVELS WITH FINES						
	SANDS More than 50 % of coarse fraction passes 4.75 mm sieve	CLEAN SANDS	SW		Well graded sands, gravelly sands, little or no fines	Less than 5 % passes 75 µm sieve	$C_u = D_{60} / D_{10} > 6$ $C_c = (D_{30})^2 / D_{10}D_{60} = 1 \text{ to } 3$	
			SP		Poorly graded sands, gravelly sands, little or no fines		Not meeting both criteria for SW	
		SANDS WITH FINES	SM		Silty sands, sand-silt mixtures	More than 12 % passes 75 µm sieve	Atterberg limits below A-line or plasticity index less than 4	
			SC		Clayey sands, sand-clay mixtures		Atterberg limits above A-line or plasticity index more than 7	
		FINE GRAINED SOILS More than 50 % passes the 75 µm sieve	SILTS Below A-line Neg. organics	LIQUID LIMIT			Soil classification is based on the plasticity chart 	
				< 50	ML			
CLAYS Above A-line Neg. organics	LIQUID LIMIT							
	> 50		MH					
	< 30		CL					
	30 - 50		CI					
	> 50		CH					
ORGANIC SILTS AND CLAYS Below A-line	LIQUID LIMIT							
	< 50		OL					
> 50	OH							
HIGHLY ORGANIC SOILS		PT		Peat and other highly organic soils	Strong colour or odour and often fibrous texture			

1. Boundary classification for soil with characteristics of two groups are given combined group symbols (ie. GW-GC is a well graded gravel sand mixture with clay binder between 5 % and 12 %).

2. Soil classification is in accordance with the Unified Soil Classification System (ASTM D2487) with the exception that inorganic clays of medium plasticity (CI) are recognized.

EXPLANATION OF TERMINOLOGY AND SYMBOLS



Grain Sizes of Soils – The following table presents the grain size ranges for soils.

Soil	Grain Size (mm)
Boulders	> 300
Cobbles	75 – 300
Coarse Gravel	19 – 75
Fine Gravel	4.75 – 19
Coarse Sand	2.00 – 4.75
Medium Sand	0.425 – 2.00
Fine Sand	0.075 – 0.425
Silt & Clay	< 0.075

Minor Soil Fractions – The following descriptors are used for describing minor soil fractions on borehole logs.

Descriptor*	Example	Percentage by Weight (%)
"and"	"and gravel"	> 35
"y" adjective	"silty"	20 – 35
"some"	"some sand"	10 – 20
"trace"	"trace clay"	1 – 10

* Descriptors not necessarily applicable for soil classification based on the plasticity chart.

Compactness of Cohesionless Soils – The following terms are used for describing the relative density of cohesionless soils on borehole logs.

Descriptive Term	Relative Density (%)	SPT N Value*
Very Loose	< 20	0 – 4
Loose	20 – 40	4 – 10
Compact	40 – 60	10 – 30
Dense	60 – 80	30 – 50
Very Dense	> 80	> 50

* SPT N Value from SPT Test performed in accordance with ASTM D1586. Uncorrected for overburden pressure effects.

Consistency of Cohesive Soils – The following terms are used for describing the undrained shear strength of cohesive soils on borehole logs.


Descriptive Term	Undrained Shear Strength (kPa)	SPT N Value*
Very Soft	< 12	0 – 2
Soft	12 – 25	2 – 4
Firm	25 – 50	4 – 8
Stiff	50 – 100	8 – 15
Very Stiff	100 – 200	15 – 30
Hard	> 200	> 30

* SPT N Value from SPT Test performed in accordance with ASTM D1586. Uncorrected for overburden pressure effects. Correlation is very approximate for cohesive soils and should be used with caution.



1 Site Plan Existing
Scale 1:250

General Notes



Designs

Survey done by
Alpha Geomatics

5948 Dalcastle Dr. NW
July 22, 2018
Calgary, AB, T3A 2B3
Phone 403-891-2252

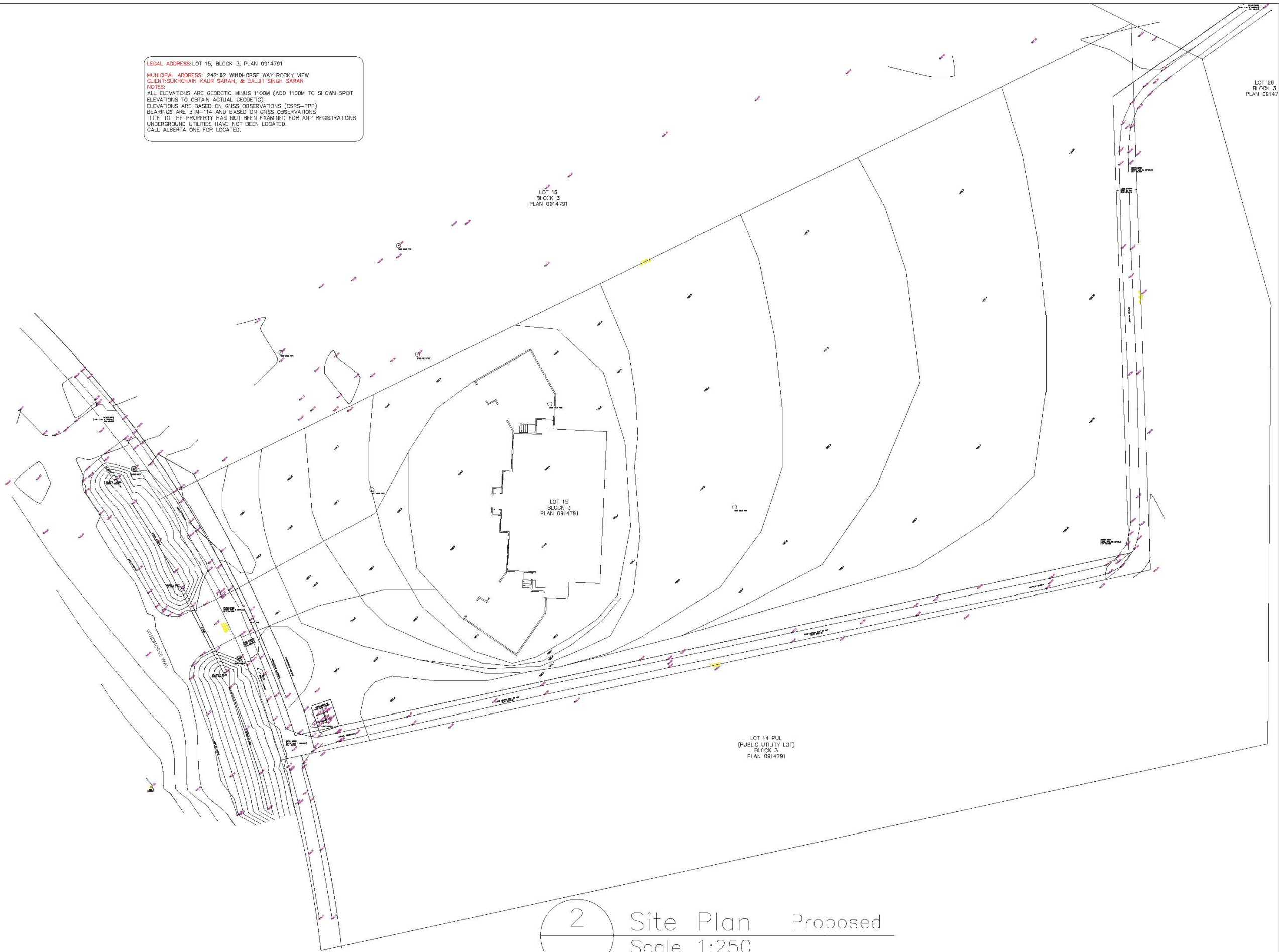
No.	Revision/Issue	Date

Firm Name and Address
KSB Designs LTD
43 Sage Valley Close NW

Project Name and Address
Project: Residential
Address: 242162 Windhorse Way SW,
Rocky View County

Project Sukh House	Sheet
Date 31/08/18	
Scale 1:250	

LEGAL ADDRESS: LOT 15, BLOCK 3, PLAN 0914791
MUNICIPAL ADDRESS: 242162 WINDHORSE WAY ROCKY VIEW
CLIENT: SUKHCHAI KADU SARAN, & BALJIT SINGH SARAN
NOTES:
ALL ELEVATIONS ARE GEODETIC MINUS 1100M (ADD 1100M TO SHOWN SPOT ELEVATIONS TO OBTAIN ACTUAL GEODETIC)
ELEVATIONS ARE BASED ON GNSS OBSERVATIONS (CSRS-PPP)
BEARINGS ARE 3TM-114 AND BASED ON GNSS OBSERVATIONS
TITLE TO THE PROPERTY HAS NOT BEEN EXAMINED FOR ANY REGISTRATIONS
UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
CALL ALBERTA ONE FOR LOCATED.



2 Site Plan Proposed
Scale 1:250

General Notes

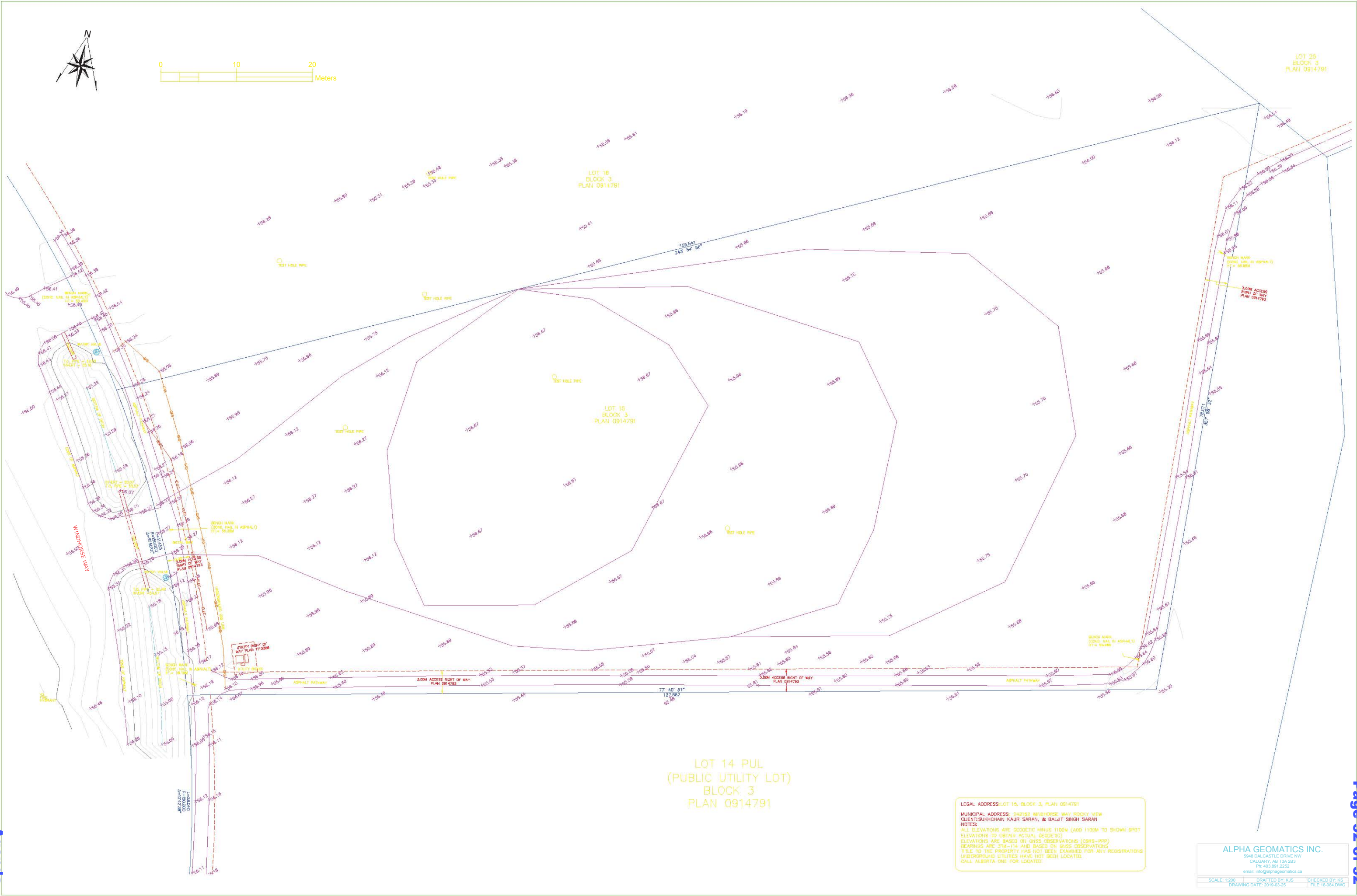
KSB
Designs

No.	Revision/Issue	Date

Firm Name and Address
KSB Designs LTD
43 Sage Valley Close NW

Project Name and Address
Project: Residential
Address: 242162 Windhorse Way SW,
Rocky View County

Project Sukh House	Sheet
Date 31/08/18	
Scale 1:250	



LEGAL ADDRESS: LOT 15, BLOCK 3, PLAN 0914791
MUNICIPAL ADDRESS: 242153 WINDHORSE WAY ROCKY VIEW
CLIENT: SUKHCHARN KAUH SARAN, & BALJIT SINGH SARAN
NOTES:
ALL ELEVATIONS ARE GEODETIC MINUS 1100M (ADD 1100M TO SHOWN SPOT ELEVATIONS TO OBTAIN ACTUAL GEODETIC)
ELEVATIONS ARE BASED ON GNSS OBSERVATIONS (CSRS-PPP)
BEARINGS ARE 3TM-174 AND BASED ON GNSS OBSERVATIONS
TITLE TO THE PROPERTY HAS NOT BEEN EXAMINED FOR ANY REGISTRATIONS
UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED
CALL ALBERTA ONE FOR LOCATED

ALPHA GEOMATICS INC.
5948 DALCASTLE DRIVE NW
CALGARY, AB T3A 2B3
PH: 403.891.2252
email: info@alphageomatics.ca

SCALE: 1:200
DRAWING DATE: 2019-03-25

DRAFTED BY: KJS
CHECKED BY: KS
FILE: 18-084.DWG