

SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

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

June 5, 2019

A CALL MEETING TO ORDER

B DEVELOPMENT APPEALS

9:00 AM APPOINTMENTS

1. Division 1 File: 03913077; PRDP20184945 Page 4

This is an appeal against the Development Authority's decision to CONDITIONALLY 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 One: Craig Nickel, Aaron Matiushyk and Jennifer Liddle
Appellant Two / Applicant: Adam McLane
Owner: 2127145 Alberta Ltd

10:30 AM APPOINTMENTS

2. Division 5 File: 04312120; PRDP20190975 Page 228

This is an appeal against the Development Authority's decision to REFUSE a development permit for the construction of an accessory building (oversize garage), the relaxation of the maximum building area and rear yard setback requirement for the oversize garage, and the relaxation of the total building area for all accessory buildings at 208 East Ridge Bay, SE-12-24-28-W4M, located approximately 0.81 kilometres (1/2 mile) west of Highway 791 and 0.41 kilometres (1/4 mile) south of Township Road 241A.

Appellant/Owner/Applicant: Ernest and Tammy Hird

3. Division 1 File: 05806003 / 05806004; PRDP20191251 Page 250

This is an appeal against the Development Authority's decision to REFUSE a development permit for an existing single detached dwelling, the construction of an addition, and the relaxation of the minimum rear yard setback at 45050 Township Road 250, SW & SE-06-25-04-W5M, located approximately 0.5 miles north of Highway 1 and west of Jumping Pond Road.

Appellant/Applicant: Alvin Kumlin
Owner: Alvin Kumlin / Robyn Kurbel

SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

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

June 5, 2019

1:00 PM APPOINTMENTS

4. Division 3 File: 04702038; PL20180079 Page 273

The Board is continuing an appeal hearing that was adjourned on May 15, 2019. 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

5. Division 5 File: 06208009; PRDP20190626 Page 333

The Board is continuing an appeal hearing that was adjourned on May 15, 2019. This is an appeal against the Development Authority's decision to CONDITIONALLY APPROVE a development permit for a General Industry, Type III (existing), tenancy and signage for an explosives storage company at 274125 Township Road 262, NE-08-26-27-W4M, located approximately 0.81 kilometre (1/2 mile) east of Range Road 275 and on the south side of Highway 566.

Appellant: Catherine Agar (West Kathryn Developments Ltd.)
Owner/Applicant: Austin Powder Ltd. (Trevor Geddes)

2:30 PM APPOINTMENTS

6. Division 6 File: 08201003; PRDP20190217 Page 365

This is an appeal against the Development Authority's decision to REFUSE a development permit for the renewal of a Natural Resource Extraction/Processing, for a sand and gravel pit, the relaxation of the minimum side and rear yard setback requirement to operations, including excavations and stockpiles at NW-01-28-27-W4M, located approximately 0.81 kilometres (1/2 mile) north of Township Road 280 and on the east side of Range Road 271.

Applicant/Appellant: Lafarge Canada Inc. (Jennifer Weslowski)
Owner: Hutterian Brethren (Beiseker)

SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

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

June 5, 2019

7. Division 1 File: 03913100; PRDP20190667

Page 397

This is an appeal against the Development Authority's decision to REFUSE a development permit for an existing accessory building (oversize garage), the construction of an addition, including an accessory dwelling unit (suite within a building), the relaxation to the top of bank setback requirement, the relaxation of the total number of accessory buildings, and the relaxation to the total building area for all accessory buildings at 19 Centre Avenue, SE-13-23-05-W5M, located at the southeast junction of Balsam Avenue and Winter Green Road, in the Hamlet of Bragg Creek.

Appellant/Owner(s): Martin Kniebel and Juliane Kniebel-Huebner
Applicant: Oliver Brown (Rusch Projects)

C CLOSE MEETING

D NEXT MEETING: June 26, 2019



PLANNING & DEVELOPMENT

TO: Subdivision and Development Appeal Board

DATE: June 5, 2019 **DIVISION:** 1

FILE: 03913077 **APPLICATION:** B-1; 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 and April 18, 2019	DEVELOPMENT AUTHORITY DECISION DATE: March 19 2019
APPELLANT: Craig Nickel, Aaron Matiushyk, Jennifer Liddle, Adam McLane	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 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 Development Authority conditionally approved the application on March 19, 2019.

Two separate appellants appealed the decision:

- Craig Nickel, Aaron Matiushyk, and Jennifer Liddle, hence forth referred to as "the Appellants", on April 9, 2019; and
- Adam McLane c/o 2127145 Alberta Ltd., hence forth referred to as "the Applicant/Appellant", on April 18 2019

Both the Appellants' and Applicant/Appellant's Notice of Appeal are included in the agenda package.

The Applicant/Appellant requested an adjournment of the appeal on April 22, 2019. The Board accepted the request and adjourned the hearing to June 5, 2019.

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/ltt



DEVELOPMENT PERMIT REPORT

Application Date: December 5, 2018	File: 03913077
Application: PRDP20184945	Applicant/Owner: Adam McLane/ 2127145 Alberta Ltd.
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) of the Land Use Bylaw.

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:

SECTION 8 DEFINITIONS

8.1 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.



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: ± 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 m – 0.90 m)/1.20 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 m – 10.0 m)/10.0 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 ($\pm 5.81 \text{ m} \times \pm 0.81 \text{ m}$), 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 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 ± 177 sq. m Brewery related spaces).
 - 9 stalls (12 stalls per 100 sq. m gross floor area for Community Event Space x ± 74 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 comply 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 ± 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 microbrewery.
 - 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 riverside 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.

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 & Emergency Management, 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 Mater 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 could not 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;

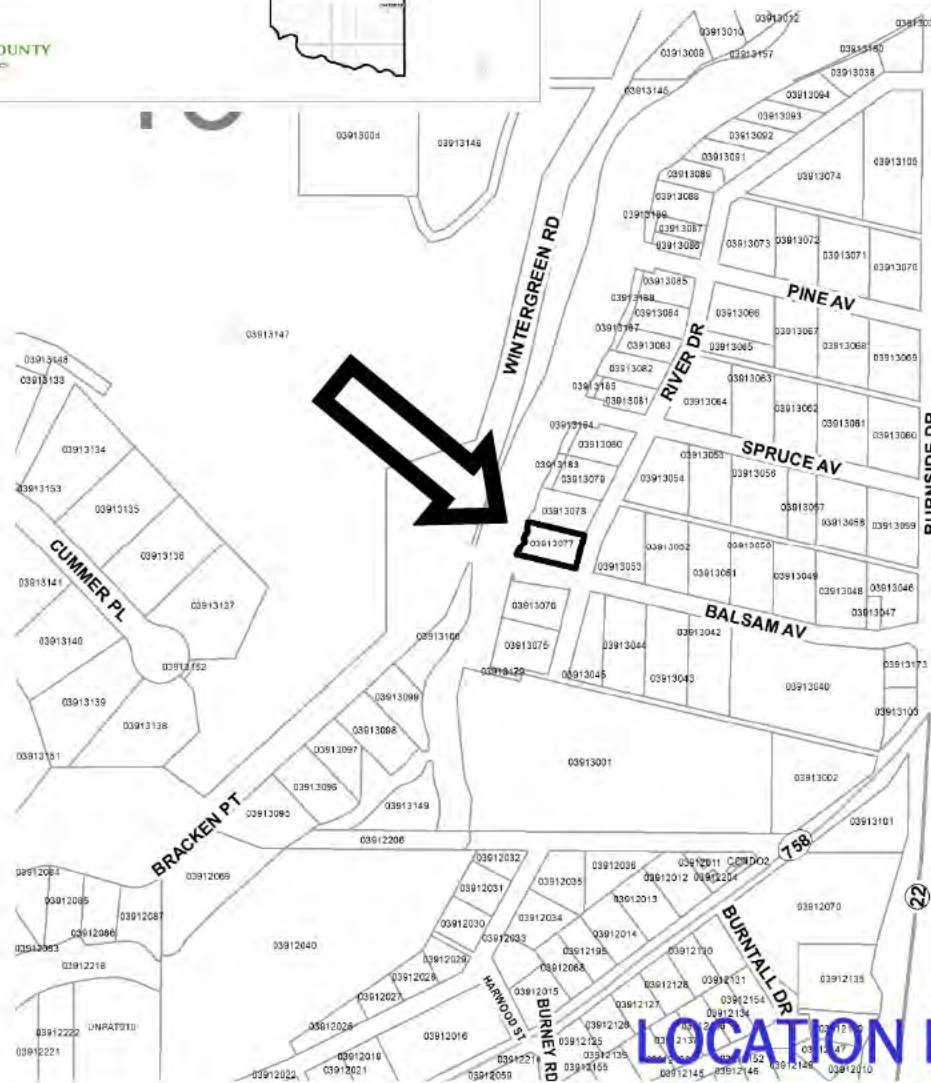
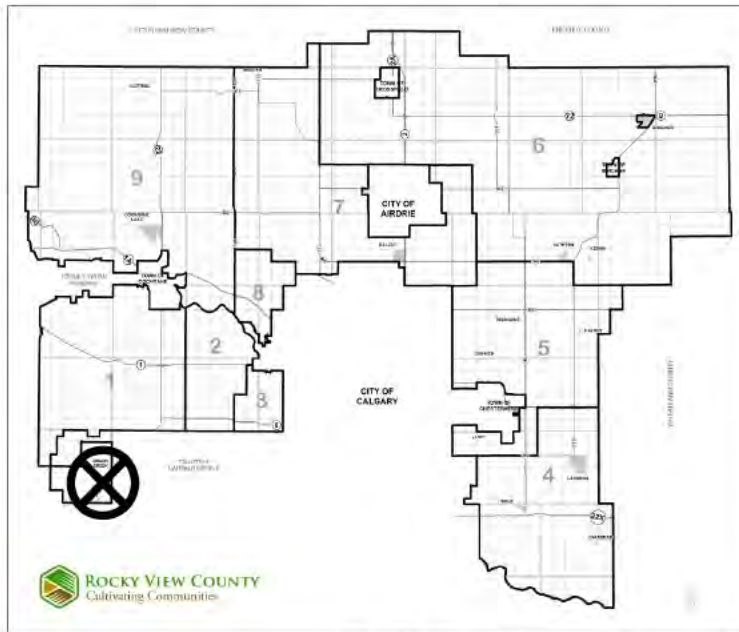
Note: The Development shall conform to the National Energy Code 2011 and Alberta Building Code & it is recommended that the Applicant/Owner schedule a pre-application meeting with Building Services, to go over in detail, any Building Permit application requirements.
- 52) That a Building Demolition permit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



LOCATION PLAN

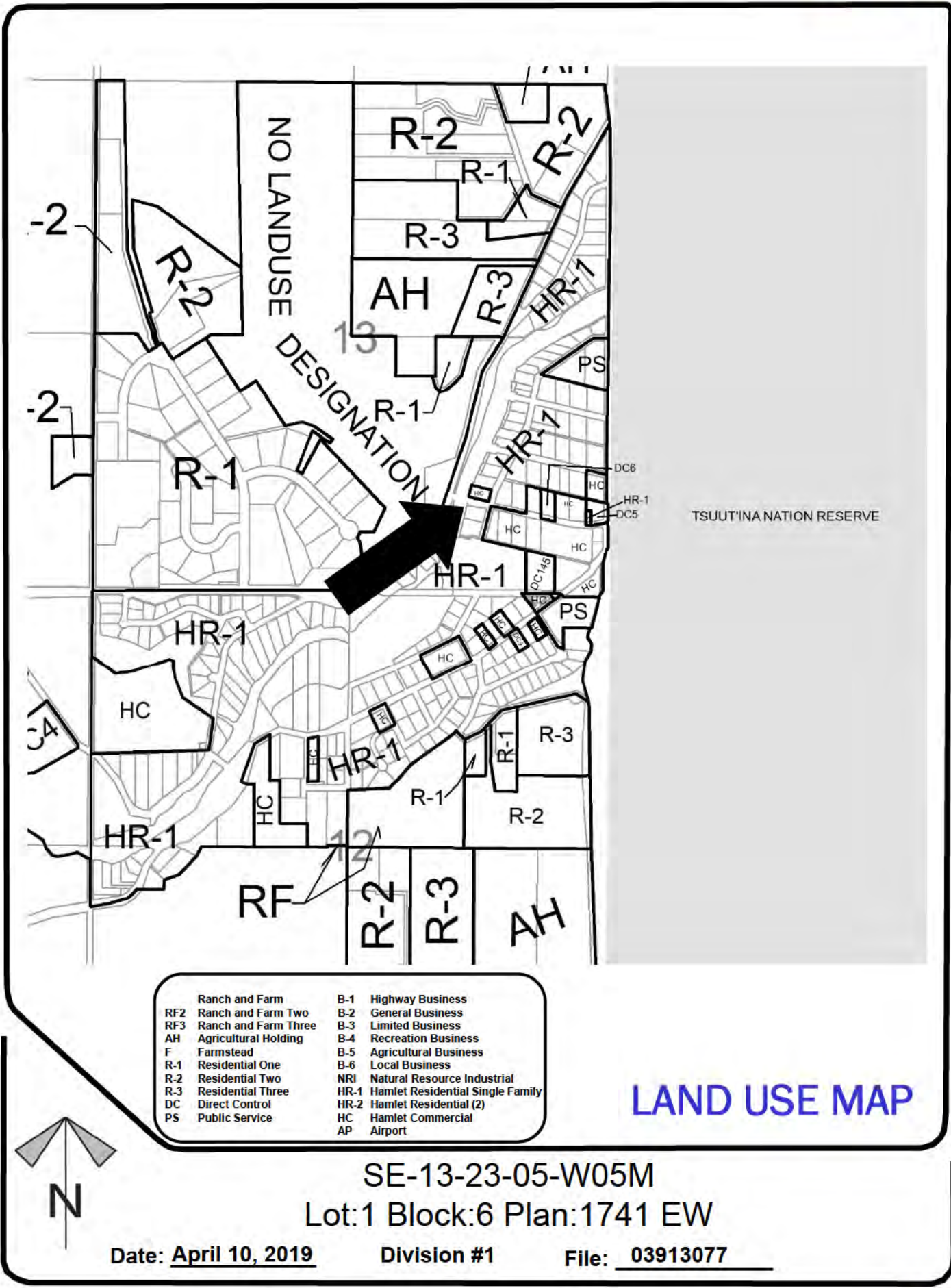
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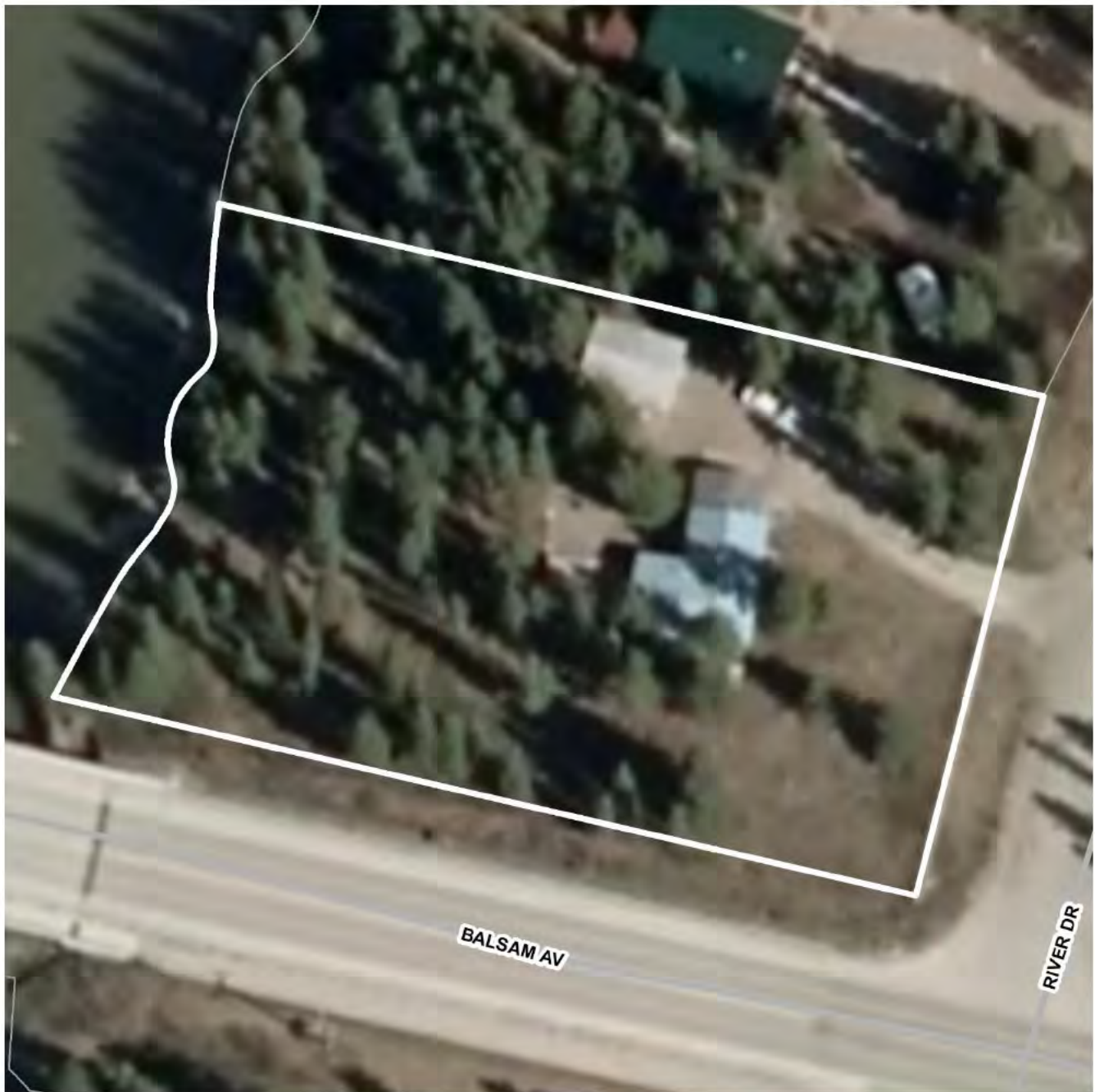
Lot:1 Block:6 Plan:1741 EW

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



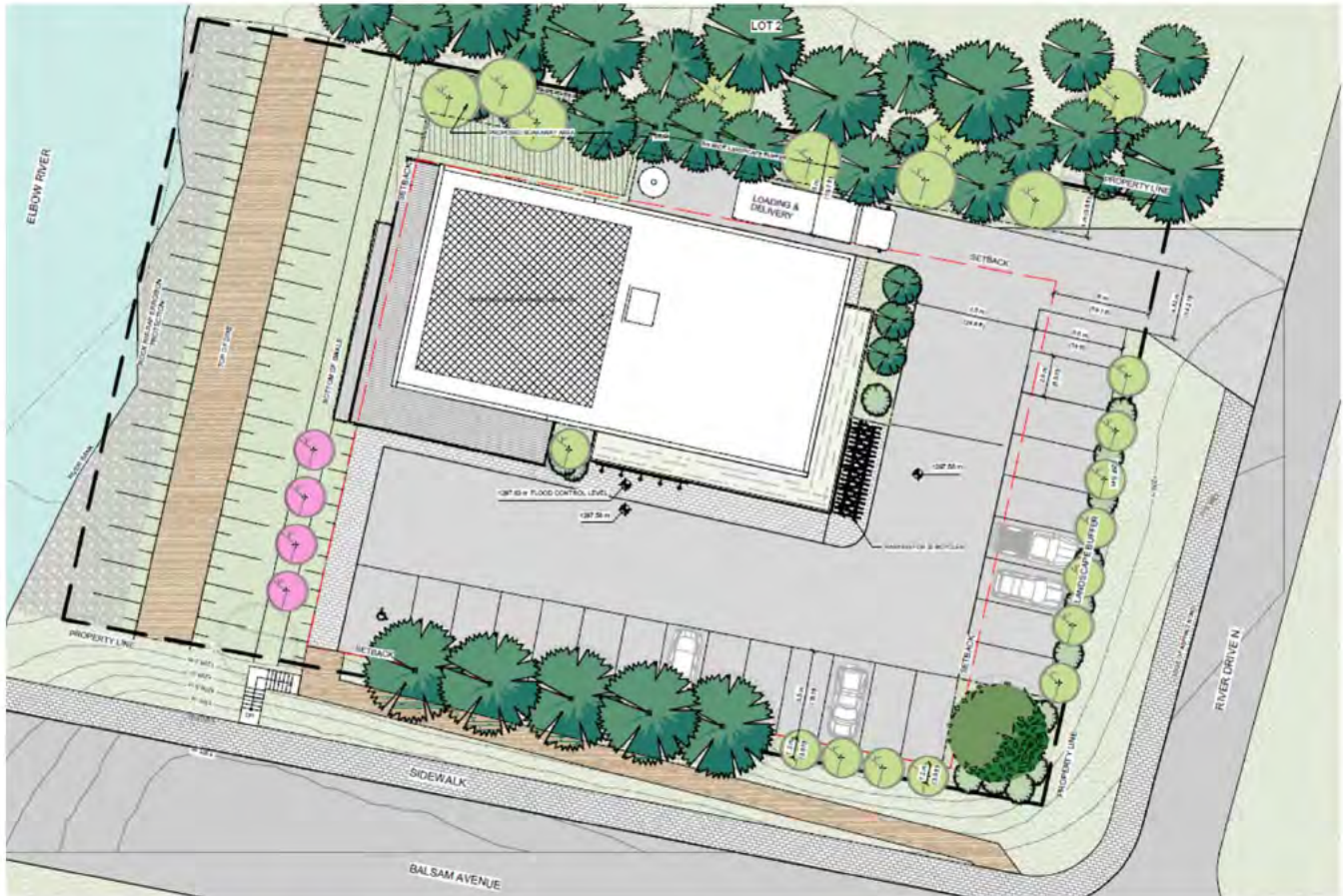
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Lot:1 Block:6 Plan:1741 EW

Date: April 10, 2019

Division #1

File: 03913077

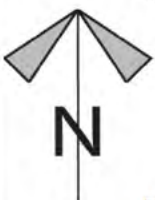


A. RENDERING STUDY - SOUTHEAST LOOKING NORTH WEST



B. RENDERING 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

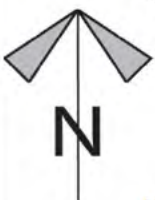


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VIEW FROM SOUTH EAST CORNER DURING DAY TIME

RENDERINGS



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

Date: April 10, 2019

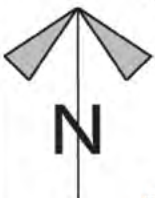
Division #1

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

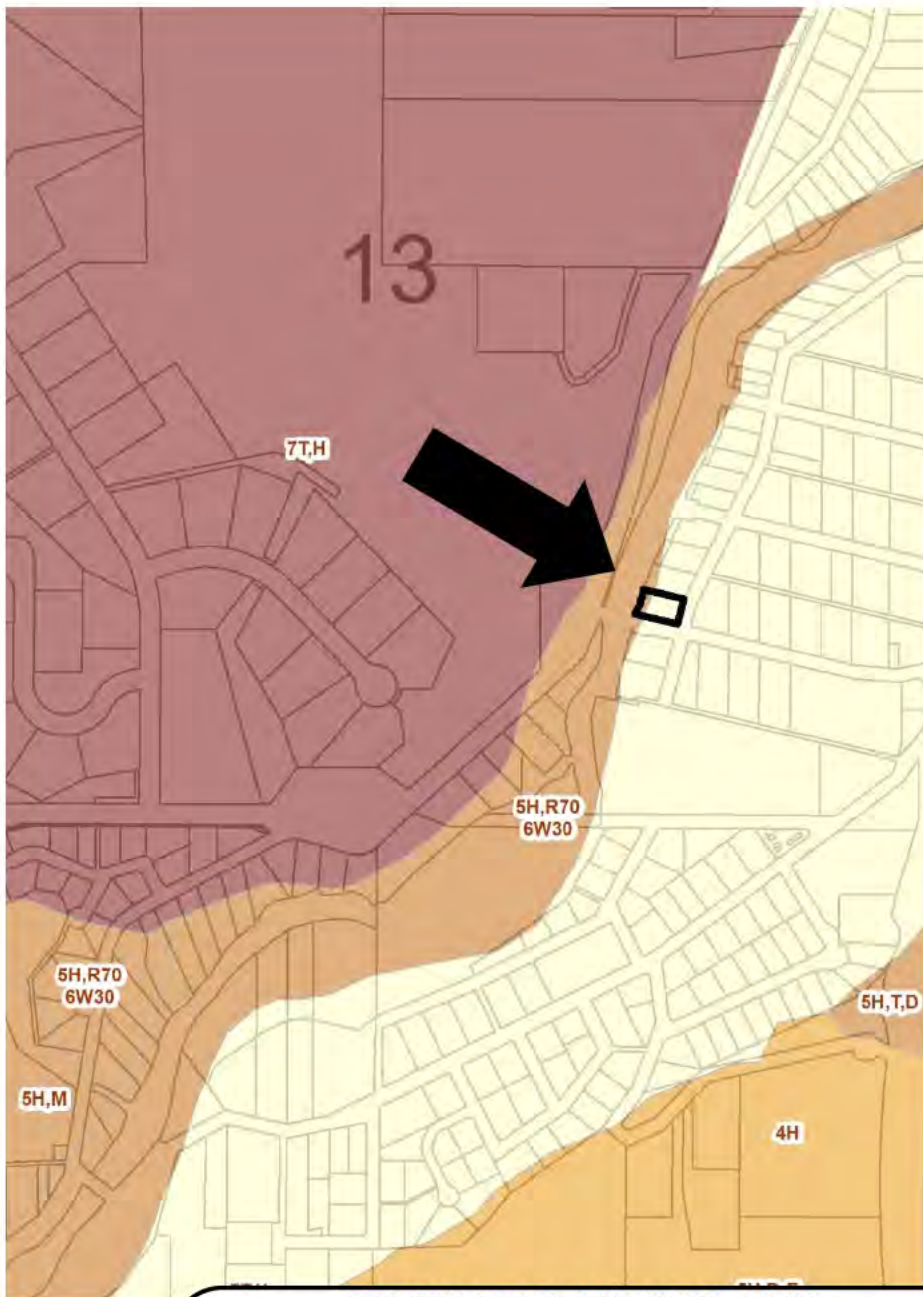


SE-13-23-05-W05M
Lot:1 Block:6 Plan:1741 EW

Date: April 10, 2019

Division #1

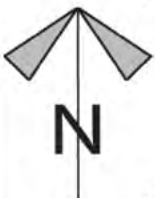
File: 03913077



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

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

SOIL MAP



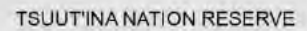
SE-13-23-05-W05M

Lot:1 Block:6 Plan:1741 EW

Date: April 10, 2019

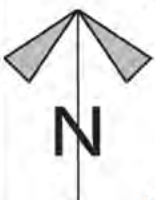
Division #1

File: 03913077



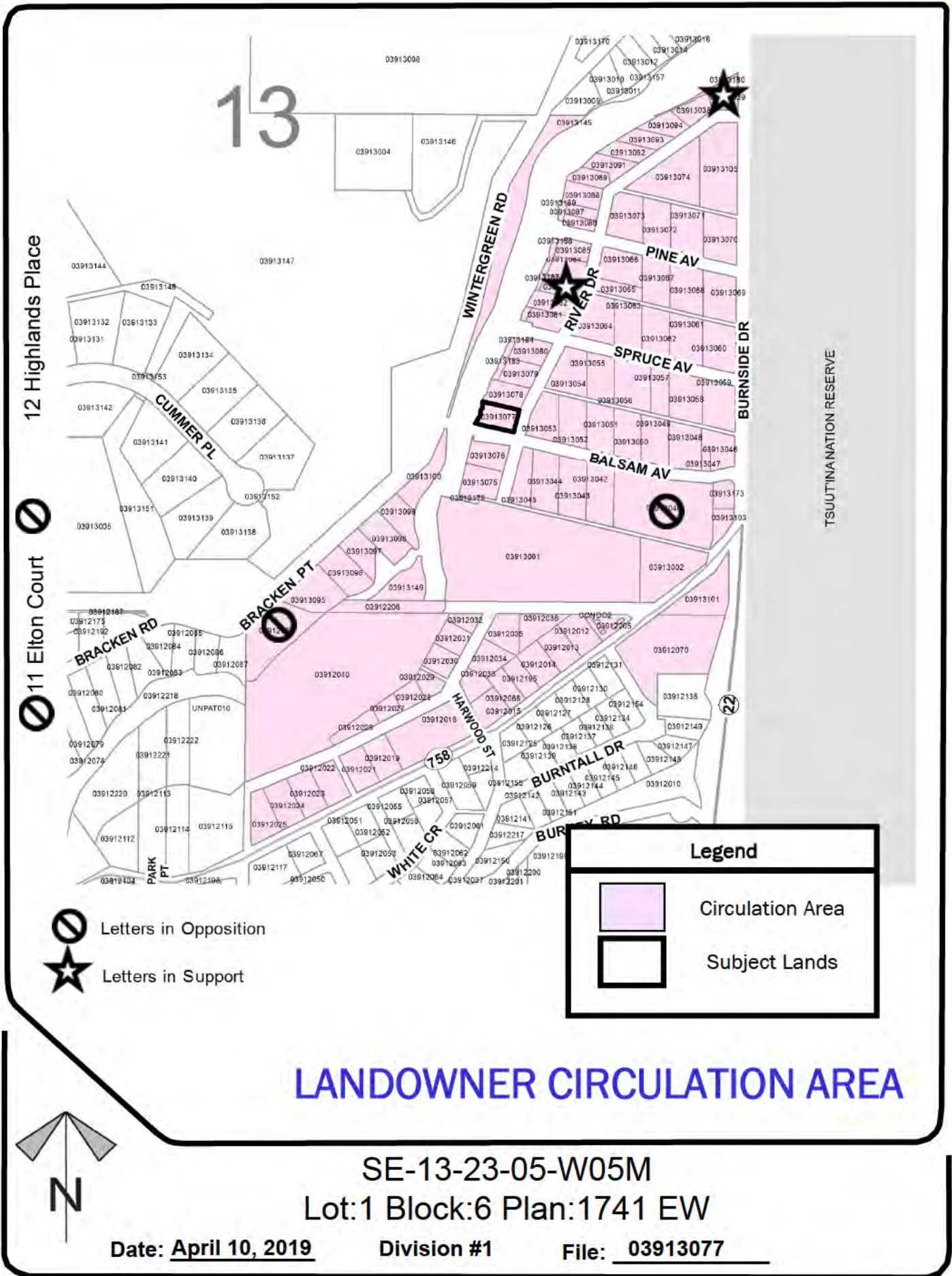
Legend – Plan numbers

- 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



Lot:1 Block:6 Plan:1741 EW

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			
Mailing Address [REDACTED]		Municipality [REDACTED]	Province [REDACTED]
Postal Code [REDACTED]			
Main Phone # [REDACTED]	Alternate Phone # [REDACTED]	Email Address [REDACTED]	
Site Information			
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 <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input 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)			
Please see the attached Schedule "A" <div style="text-align: right; margin-top: 100px;"> </div>			

This information is collected for the Subdivision and Development Appeal Board or Enforcement Appeal Committee of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions regarding the collection or use of this information, contact the Municipal Clerk at 403-238-1401.

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.



Notice of Appeal

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

Appellant Information			
Name of Appellant(s) Adam McLane c/o 2127145 Alberta Ltd.			
Mailing Address [REDACTED]		Municipality [REDACTED]	Province AB
Postal Code [REDACTED]			
Main Phone # [REDACTED]	Alternate Phone # [REDACTED]	Email Address [REDACTED]	
Site Information			
Municipal Address 19 River Drive N.		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Lot 1, Block 6, Plan 1741EW	
Property Roll # 03913077	Development Permit, Subdivision Application, or Enforcement Order # PRDP20184945		
I am appealing: (check one box only)			
Development Authority Decision <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditions of Approval <input 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)			
Please see Schedule A. <div style="text-align: right; margin-top: 100px;"> </div>			

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

Adam McLane
Appellant's Signature

April 18, 2019
Date

Schedule "A"

The appellants are the owners of 19 River Drive N. (and applicant of the subject Development Permit Application) and are appealing six of the Conditions of Approval outlined in the Notice of Decision issued by the Development Authority dated April 4, 2019. Details pertaining to the conditions we are appealing, as well as appeal rationale are described below.

Parking

The expert report provided by Bunt & Associates clearly identifies that 35-38 parking stalls would be adequate to service this development, as opposed to 55 stalls that are required by the Land Use Bylaw. We feel that based on the expert report provided by Bunt & Associates, it is reasonable to grant a relaxation of the parking requirement in the Land Use Bylaw. Further, the imposition of the berm on the property has reduced our capacity to provide all required parking on-site, which we would otherwise had been able to accomplish. It is for these reasons that we are appealing the following parking-related conditions of the development permit:

- 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.
- 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.

Water/Wastewater Servicing

The appellants have been in negotiations with Rocky View County administration regarding water/wastewater capacity and servicing. It is our understanding that Rocky View County accepted a resolution that would determine water/wastewater requirements one year after development completion with a three year term of payment thereafter. It is very difficult to assess the ultimate required demand for capacity at the time of occupancy. A more reasonable solution would be to have this assessed after a period of one year when the project is at full capacity. We were surprised at the change of position. It is for this reason that we are appealing the following water/wastewater-related conditions of the development permit:

- 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.
- 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.
- 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.



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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.



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- 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;



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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 03913077
Date of Receipt Dec 5/12	Receipt #

Name of Applicant Adam McLane Email [REDACTED]

Mailing Address [REDACTED]

Postal Code [REDACTED]

Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

For Agents please supply Business/Agency/ Organization Name [REDACTED]

Registered Owner (if not applicant) [REDACTED]

Mailing Address [REDACTED]

Postal Code [REDACTED]

Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

1. LEGAL DESCRIPTION OF LAND

a) All / part of the ¼ Section Township Range West of Meridian

b) Being all / parts of Lot 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,



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.

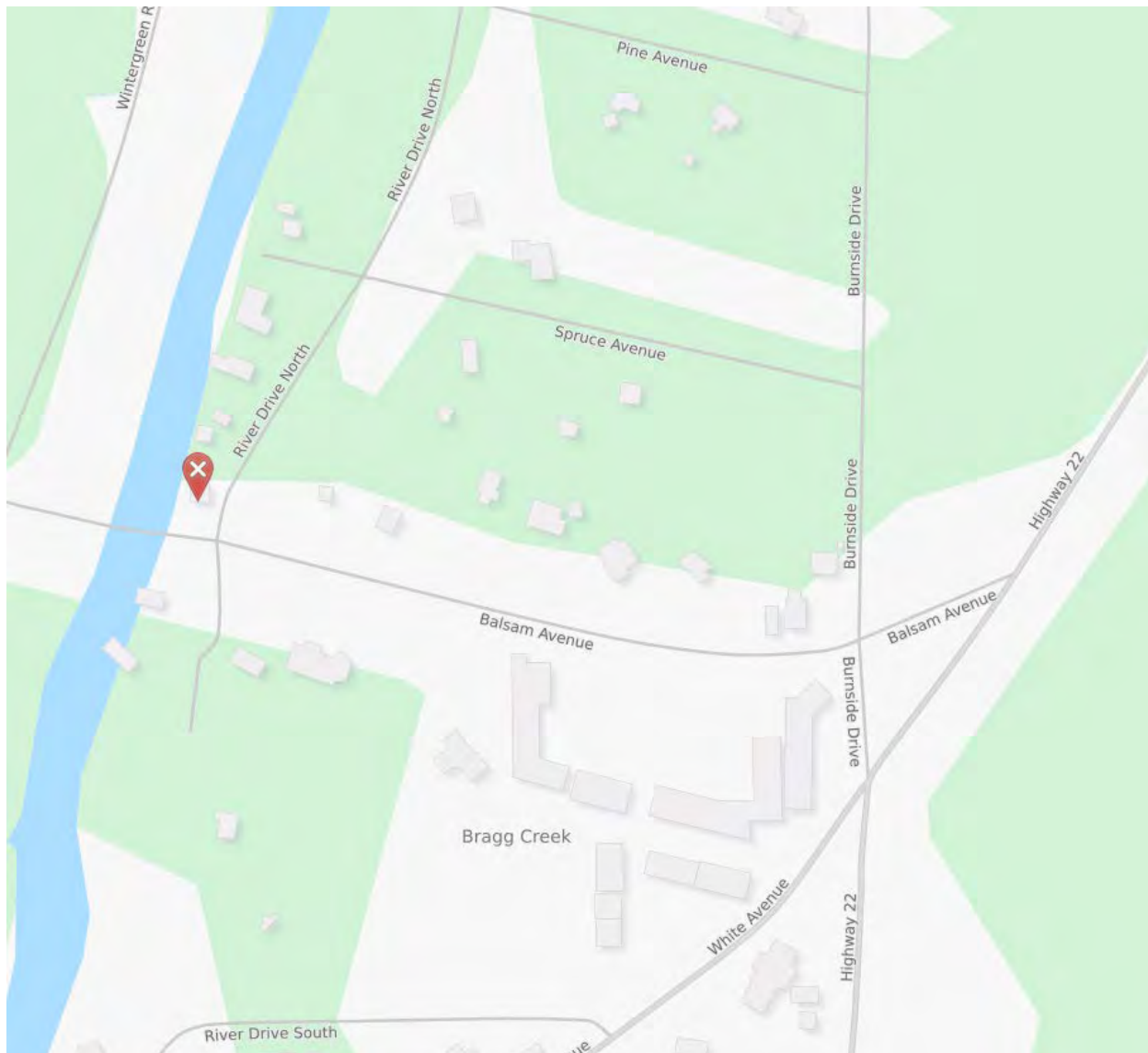


Figure 1: Area Context (Source: Open Street Map)

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.

[illegible]

Figure 2: Location Map and Survey (A 1.0)

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.

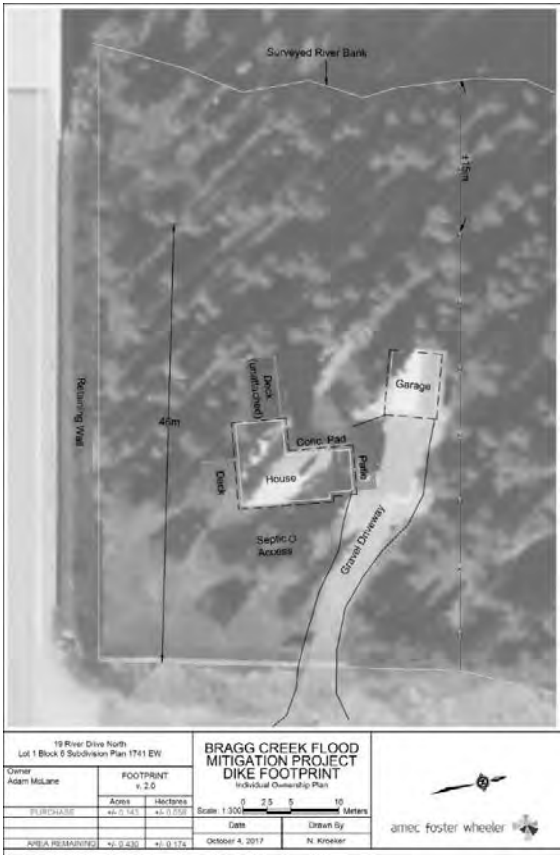


Figure 3: Future Berm Development in Context to Existing Infrastructure (source: Amec Foster Wheeler)

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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[illegible]

Bragg Creek
Brewing Co.

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

Stamp



Development Permit

October 5, 2018

Perspectives and Massing

12" = 1'-0"

A 4.3

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
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19 River Drive N.
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Rocky View County,
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Development Permit

October 6, 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.

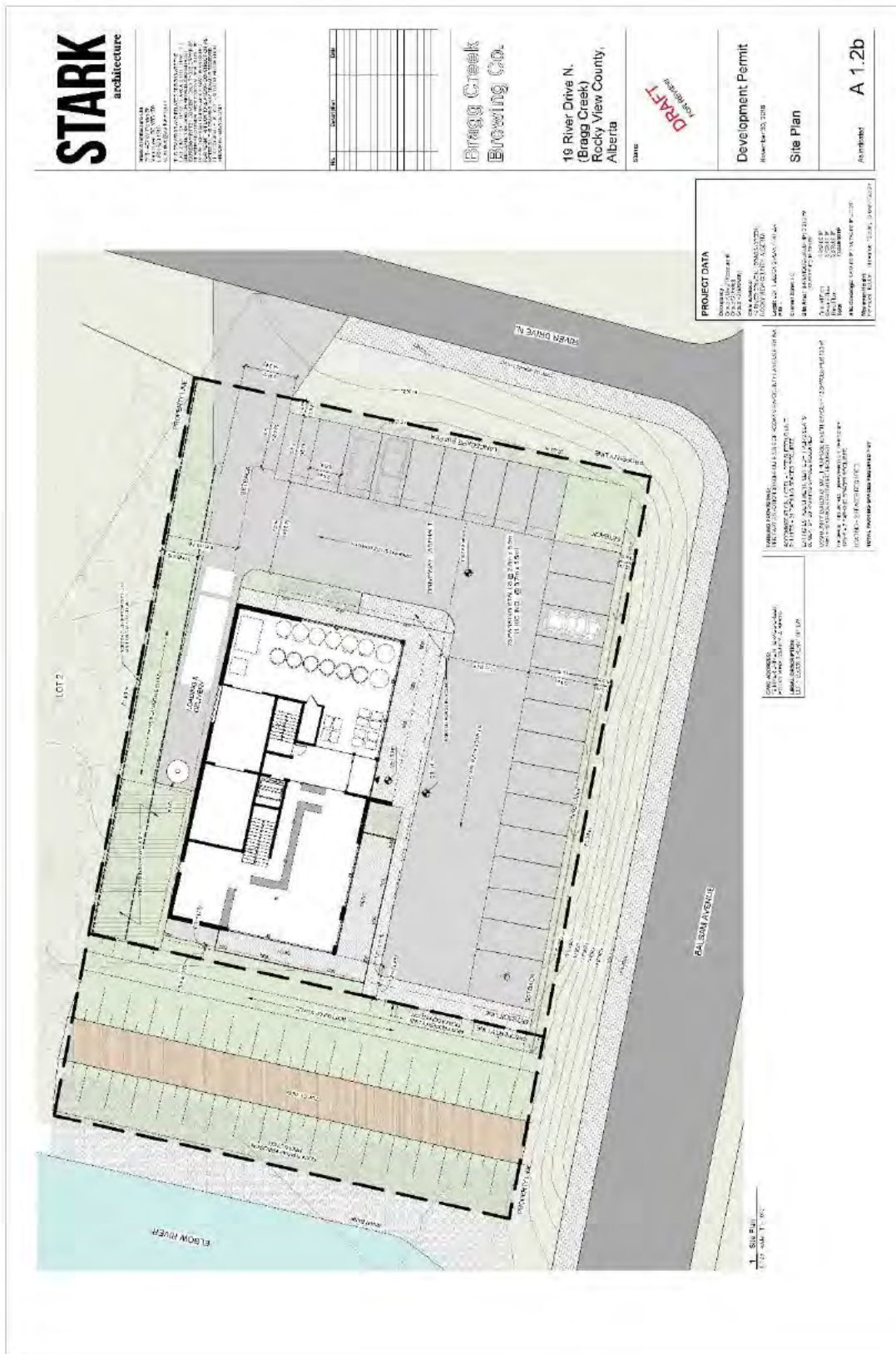


Figure 6: Detailed Site Plan (A 1.2)

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, 2019

Elevations

As indicated

A 4.1



Figure 7: South and West Elevations (A 4.1)

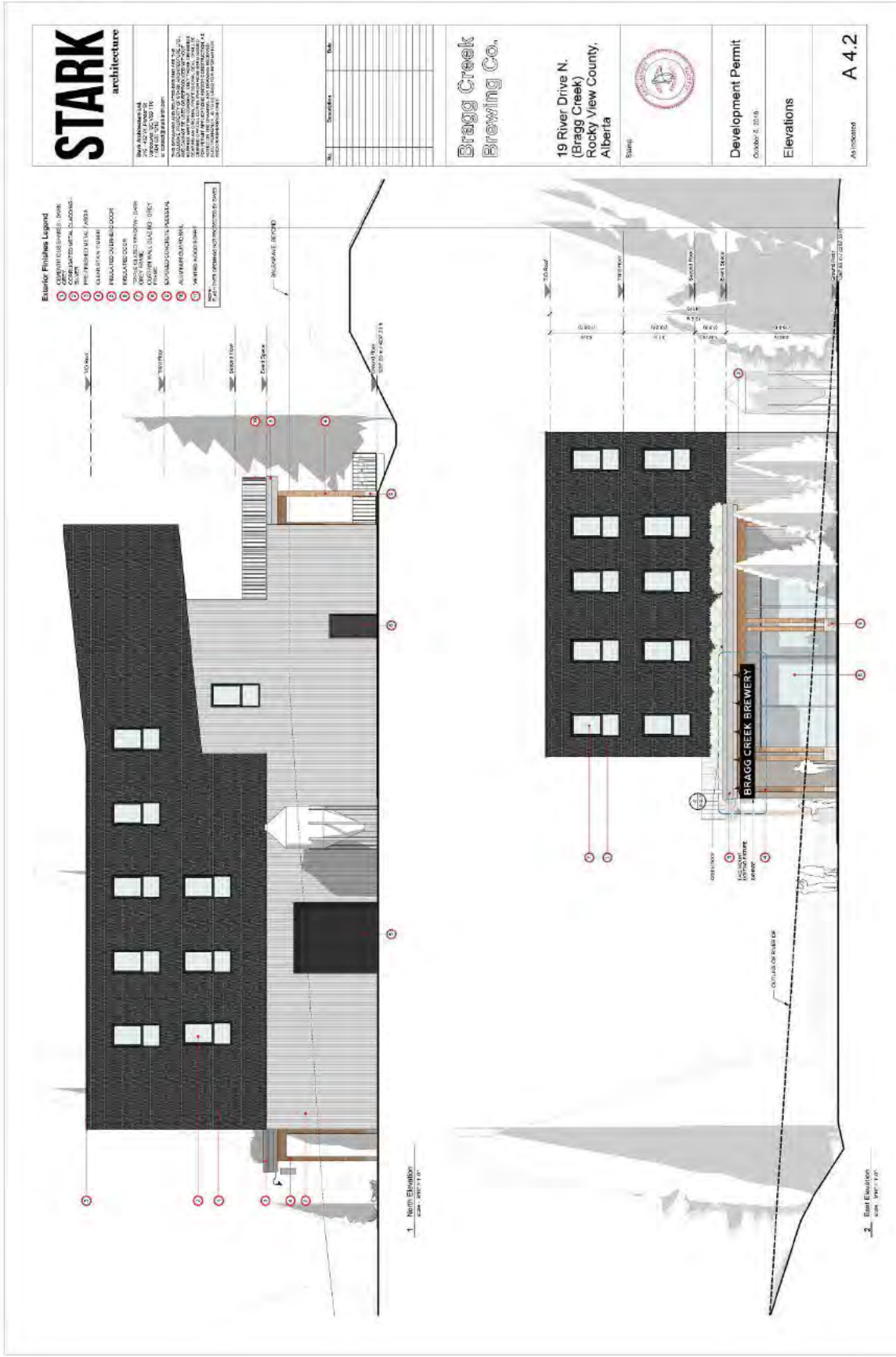


Figure 8: North and East Elevations (A 4.2)



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.

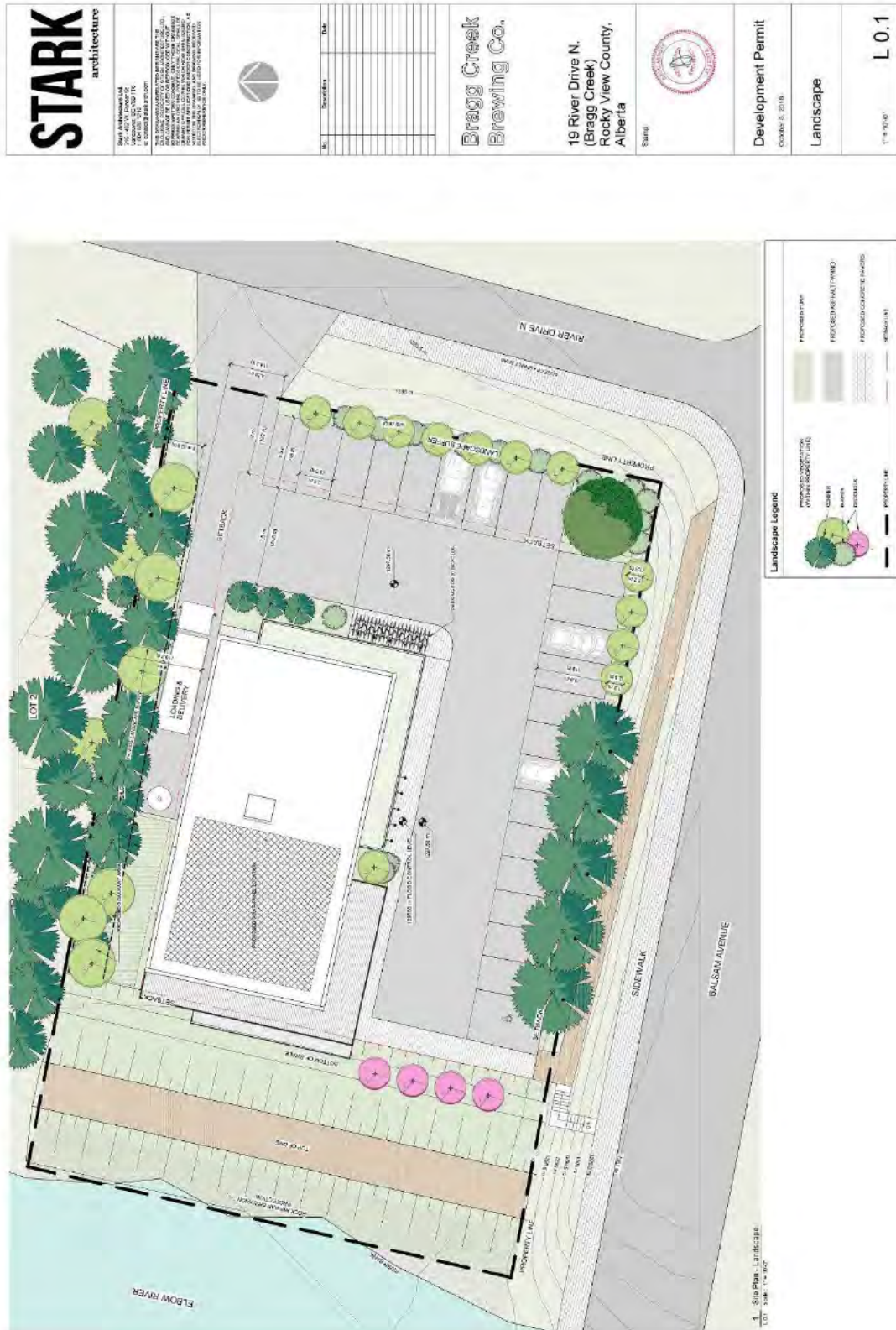


Figure 10: Preliminary Landscaping Plan (L 0.1)

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.

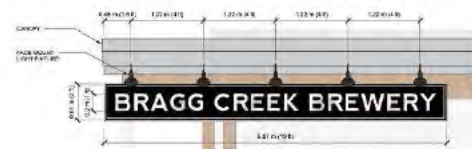
As illustrated in Figure 10, face-mount light fixtures will be used to illuminate two small, individually-mounted signs with raised letters and borders that are consistent with the design of the building and site in terms of scale, materials, finished and colours. This lighting, combined with the beacon 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.



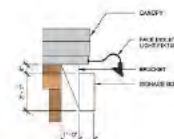
1 View of South West Corner
scale:



2 View of South East Corner
scale:



4 Signage Detail
A & E scale: 3/8" = 1'-0"



5 Signage Detail - Side View
A & E scale: 3/8" = 1'-0"



6 Material Reference
scale:



3 View From Site Entry
scale:

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No.	Description	Date

**Bragg Creek
Brewing Co.**

19 River Drive N.
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Alberta

Stamp:



Development Permit

October 5, 2019

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.

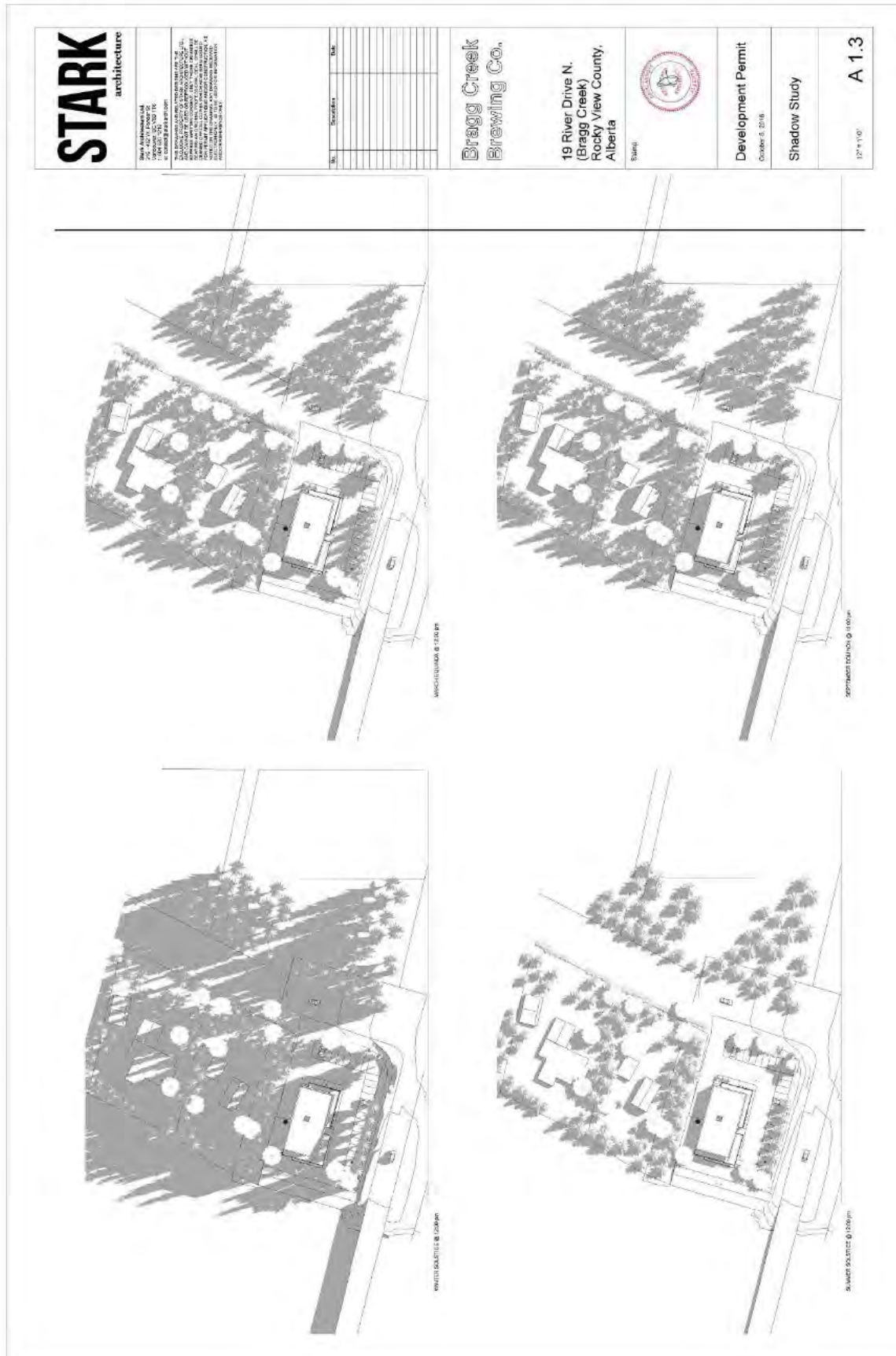


Figure 12: Shadow Analysis (A 1.3)

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 Komer 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		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		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		7 min call - very supportive	Y
10/20/18	in person	Dave Zimmerman	Bragg Creek Resident	Bragg Creek TOL OK0	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 OK0	really likes the architectural 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 OK0	awesome project and vision	Y
10/24/18	in person	Eric Lloyd	Bragg Creek Resident	Bragg Creek TOL OK0	looking forward to opening and accommodation	Y
10/25/18	phone call	Craig & Aaron	Bragg Creek Resident		15 min call oct 25. No questions at this time and were appreciative of the iupdate	
					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.	
10/26/18	phone call	Shelagh O'Neill	Bragg Creek Resident			
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	
					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.	
10/28/18	phone call	Linda Marx	Bragg Creek Resident			
11/20/18	phone call/inperson	James & Stacy Chisholm	Bragg Creek Resident		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		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	Sara Hammer	Bragg Creek Resident		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
Office: 403.949.3442


www.exteriormaintenance.ca

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: [REDACTED]
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

PUBLIC CONSULTATION

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!

B-1
Page 96 of 224

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 - OPERATOR
- LOCAL OWNER WITH A VESTED INTEREST
- WILL CREATE A DESTIN & 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 -
Ux4 ROLLOVER - RUMORS - STUCK IN THE
MUD - HEAVY SNOW - SPEED CAFE

Agenda
Page 99 of 432

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.
~~Baruch~~

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

Bruggers / 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



Stormwater Management Report

Bragg Creek Brewery

Provided By: E2K Engineering

November, 2018



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NOTES:

- NOTES:
1. ALL PLANS SUBJECT TO TERMS OF DEVELOPMENT AGREEMENT.
 2. ALL QUENCHERS ARE IN METERS AND DECIMALS THEREOF.
 3. ALL ELEVATIONS REFERENCED TO 0 m GEODETIC DATUM.
 4. ALL WORK TO BE DONE TO ROCKY WAVE COUNTY SPECIFICATIONS.
 5. ENSURE THAT THE DRAINAGE FROM DOWNSPOUTS IS AWAY FROM BUILDING.
 6. WATER MAINS 1500 OR LARGER SHALL BE PWD DGR.
 7. ALL HYDRANT LEADS OR TO BE PWD DGR.
 8. ALL SANITARY & STORM MAINS 1500 OR LARGER SHALL BE SDR-35.
 9. ALL SANITARY SERVICES 1000 OR SMALLER SHALL BE SDR-35.
 10. ALL WATER SERVICE SHALL BE 1000 OR LARGER.
 11. SAN & STM 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 WAVE COUNTY SPECIFICATIONS.
 13. ALL CONCRETE SEWER PIPES, MANHOLES, CATCH BASIN BARRELS SHALL BE SULPHATE RESISTANT CONCRETE (TYPE SG).
 14. ALL STORM AND SANITARY SERVICES BEHINDS FOR PIPE SIZES 1000mm TO 3750mm TO BE CLASSIFIED IN ACCORDANCE WITH THE UNITED SOL CLASSIFICATIONS IN ASTM D3282.
 15. IF WEEPING IS NECESSARY, CONDUIT TO SUMP PUMP, WEEPING TIE SHALL BE USED TO BRIDGE TO A POINT ABOVE THE DOWNSPOUT, VIA A BASEMENT SUMP PUMP OR PUMP OUTLET VENT.

LEGEND:

LEGEND	PROPOSED	EXISTING
SITE PROPERTY LINE		
EASEMENT LINE		
STORM SEWER		
SANITARY SEWER		
WATER MAIN		
CATCH BASIN		
MANHOLE		
WATER VALVE		
FIRE HYDRANT		
CAPPED PIPE END		
GRIND		
WATER METER		
REDUCER		
CHECK VALVE		
LIGHT STANDARD		

MUNICIPAL ADDRESS

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

LEGAL ADDRESS

LEGAL ADDRESS
LOT 1 BLOCK 6
PLAN 1747 EW
SE 1/4 SEC 13 TWP 23 RGE 05 W5th M

REYNOLDS

[illegible]

PERMIT NUMBER: PG9809
29 May 18

BRAGG CREEK BREWING

BRAGG CREEK
BREWERY

SITE SERVICING PLAN

DATE: 18 NOV 12	DEVELOPMENT PERMIT No. DP	PROJECT No. 1118	DWS No. 02	ISSN 0
SCALE: 1:200	MECHANICAL DRC No. MC			

ALL THE SURFACE LAYOUT, INCLUDING THE CURB LAYOUT, BUILDING LAYOUT, ETC, SHOULD FOLLOW THE LATEST SITE PLAN FROM THE ARCHITECT.

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 2. ALL ELEVATIONS REFERENCED TO 0 GEODETIC DATUM.
 3. ALL WORK TO BE DONE TO ROCKY VIEW COUNTY SPECIFICATIONS.
 4. HEAVY DUTY ASPHALT REQUIRED AS INDICATED.
 5. ALL CURBS REFER TO ARCHITECTURAL DRAWING FOR DETAILS.
 6. ENSURE THAT THE DRAINAGE FROM DOWNSPOUTS IS AWAY FROM BUILDING.
 7. MINIMUM OVERHEAD CLEARANCE REQUIRED FOR DUMPING CONTAINERS IS 5.4m.
 8. MINIMUM VERTICAL CLEARANCE REQUIRED FOR SANITATION VEHICLES IS 4.3m.
 9. HEAVY DUTY ASPHALT TO BE A DEPTH AND CLASS TO CARRY A LOADED COLLECTION VEHICLE (25,000 kg).
 10. ELECTRICAL TRANSFORMERS, LIGHT STANDARDS AND SIGNAL POLES WILL BE LOCATED TO ENSURE EASY COLLECTION VEHICLE ACCESS.
 11. ALL DRIVEWAY APPROXS SHALL BE INSTALLED AS PER ROCKY VIEW COUNTY SPECIFICATIONS.

LEGEND

PROPOSED GRADE	
PROPOSED SLOPE	
EXISTING GRADE	
SLAB ELEVATION	

MUNICIPAL ADDRESS
13 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

NO.	DATE	BY	DESCRIPTION	APPROVAL
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

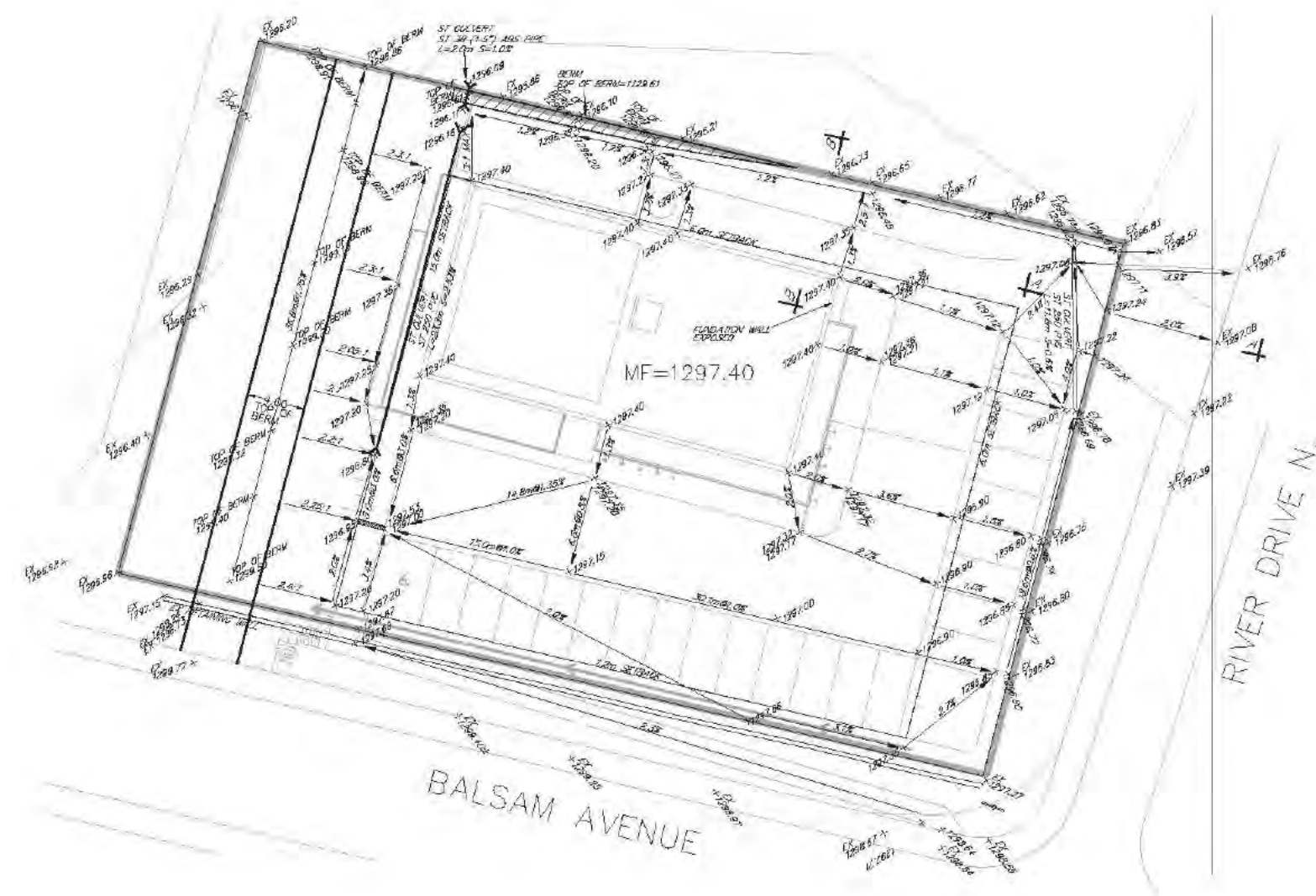


BRAGG CREEK BREWING

BRAGG CREEK
BREWERY

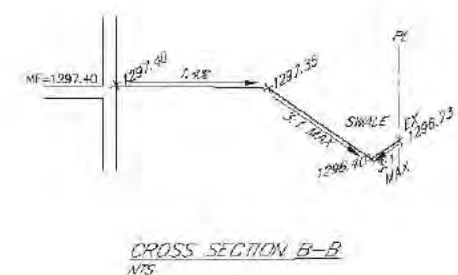
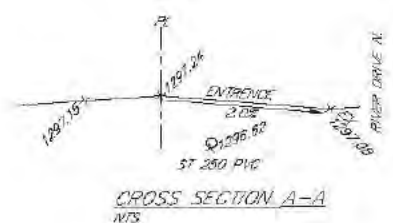
SITE GRADING
PLAN

DATE:	18 NOV 12	DESIGNED BY:	DP	PROJECT NO.	1118	DATE:	02	REV:	00
SCALE:	1:200	MECHANICAL, CIVIL, ELEC:	MC						



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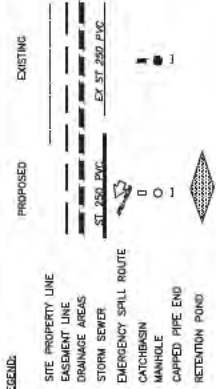
CONSULTING ENGINEERS

#202, 2621-27th ST. NE CALGARY, AB, T2Y 7B2

PHONE: (403) 232-5878 FAX: (403) 232-5868

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MUNICIPAL ADDRESS
10011 BLOCK 6
RIVER DRIVE N (BRIDGE CREEK)
ROCKY VIEW COUNTY, ALBERTA

LEGAL ADDRESS
10011 BLOCK 6
RIVER DRIVE N (BRIDGE CREEK)
SE 1/4 SEC. 13, TWP. 23 RGE. 05, W3th. M.

REVISIONS

REV	NO	DATE	DESCRIPTION	BY	CHK
0	10	11	12	FOR APPROVAL	ZS RL
REV	7	1	0	1006/REVISION DESCRIPTION	1006 OK



CLIENT

BRAGG CREEK BREWING

PROJECT

BRAGG CREEK
BREWERY

OVERLAND DRAINAGE
PLAN

DESIGN	RL	SCALE	1:200
DRAWN	ZS	DATE	18 NOV 12
CHECKED	RL	PROJECT NO.	1118
DATE	18 NOV 12	DESIGNER	DP
SCALE	1:200	MECHANICAL	MC
PROJECT NO.	1118	DATE	03
DESIGNER	DP	SCALE	00

STORM CALCULATIONS

TOTAL SITE AREA = 0.2312 ha
0.0284 ha (10m FROM WEST PL) IS DESIGNED TO BE FUTURE CITY LAND
TOTAL ALLOWABLE FLOW TO CITY MAIN
 $Q_c = (0.2312 - 0.0284) \times 6 \text{ l/s} = 1.2 \text{ l/s}$

EXISTING CONDITIONS

TOTAL AREA = 0.2028 ha

ROOF AREA	0.0152 ha	(IMPERVIOUS AREA)
CONCRETE AREA	0.0037 ha	(IMPERVIOUS AREA)
GRAVEL AREA	0.0114 ha	(PERVIOUS AREA)
GRASS AREA	0.1723 ha	(ABSORBENT LANDSCAPING AREA)

AS PER THE WATER BALANCE SHEET
EXISTING CONDITION AVERAGE RUNOFF IS 19.8mm

PROPOSED CONDITIONS

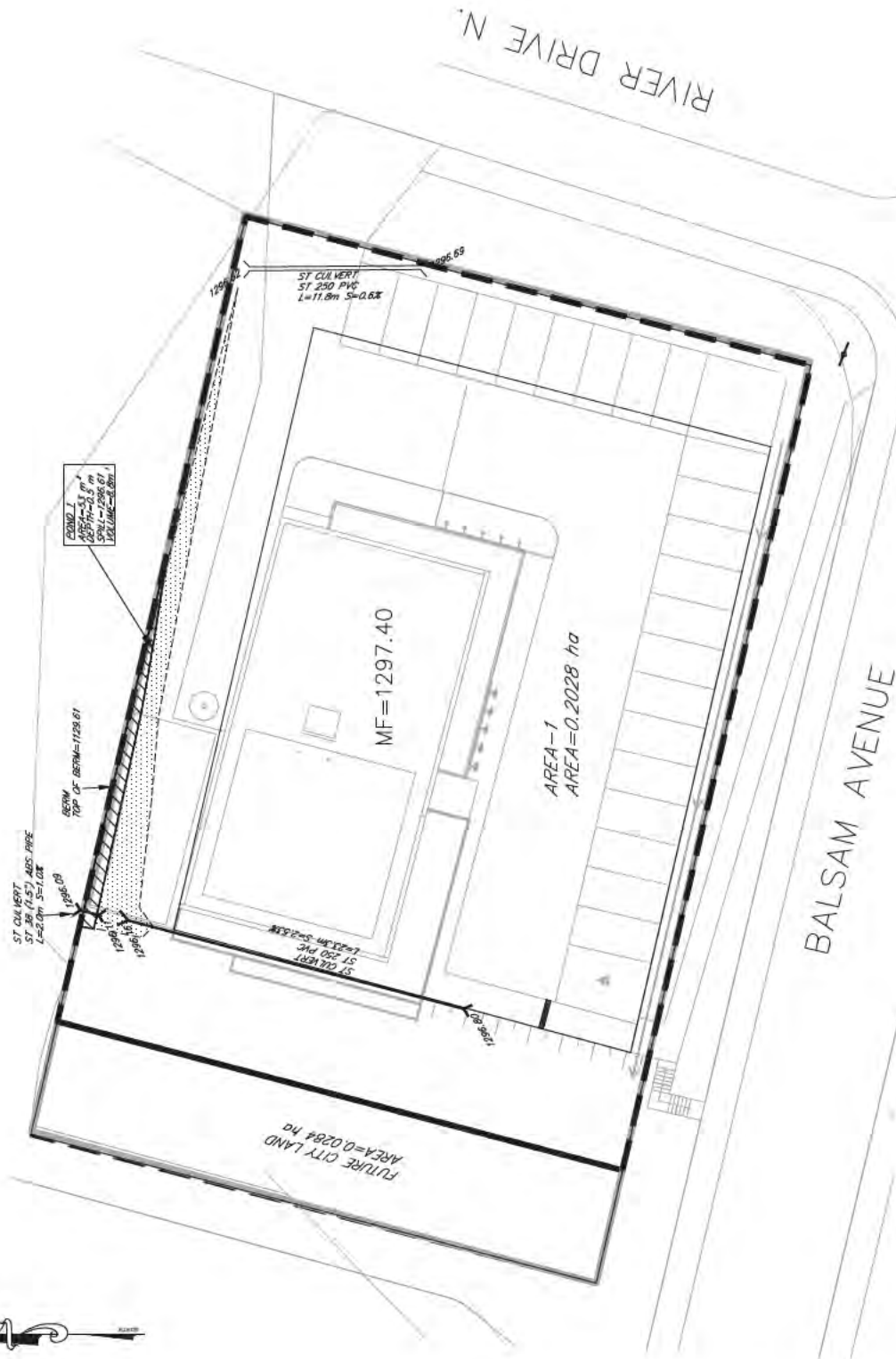
TOTAL AREA = 0.2028 ha

ROOF AREA = 0.0	0.0469 ha	(IMPERVIOUS AREA)
CONCRETE AREA = 0.0	0.0083 ha	(IMPERVIOUS AREA)
GRAVEL AREA = 0.15	0.0554 ha	(ABSORBENT LANDSCAPING AREA)

FLOW DIRECTION
USING 1.0" (25mm) ABS PIPE FOR THE OUTLET PIPE
DISCHARGE RATE = 2.0 l/s

POND PROVIDED = 8.8 m³
Pond PROVD = 8.8 m³

AS PER THE WATER BALANCE SHEET
PROPOSED CONDITION AVERAGE RUNOFF IS 17.7mm
THERE IS NO OVERFLOW
OK



ALL THE SURFACE LAYOUT, INCLUDING THE
CURB LAYOUT, BUILDING LAYOUT, ETC.,
SHOULD FOLLOW THE LATEST SITE PLAN
FROM THE ARCHITECT.

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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	(mm)	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 DISCHARGES TO	POND #1 OUTFALL	CATCHMENT AREA SIZE								
		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)	Inflow (m3)	Direct Precipitation (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**

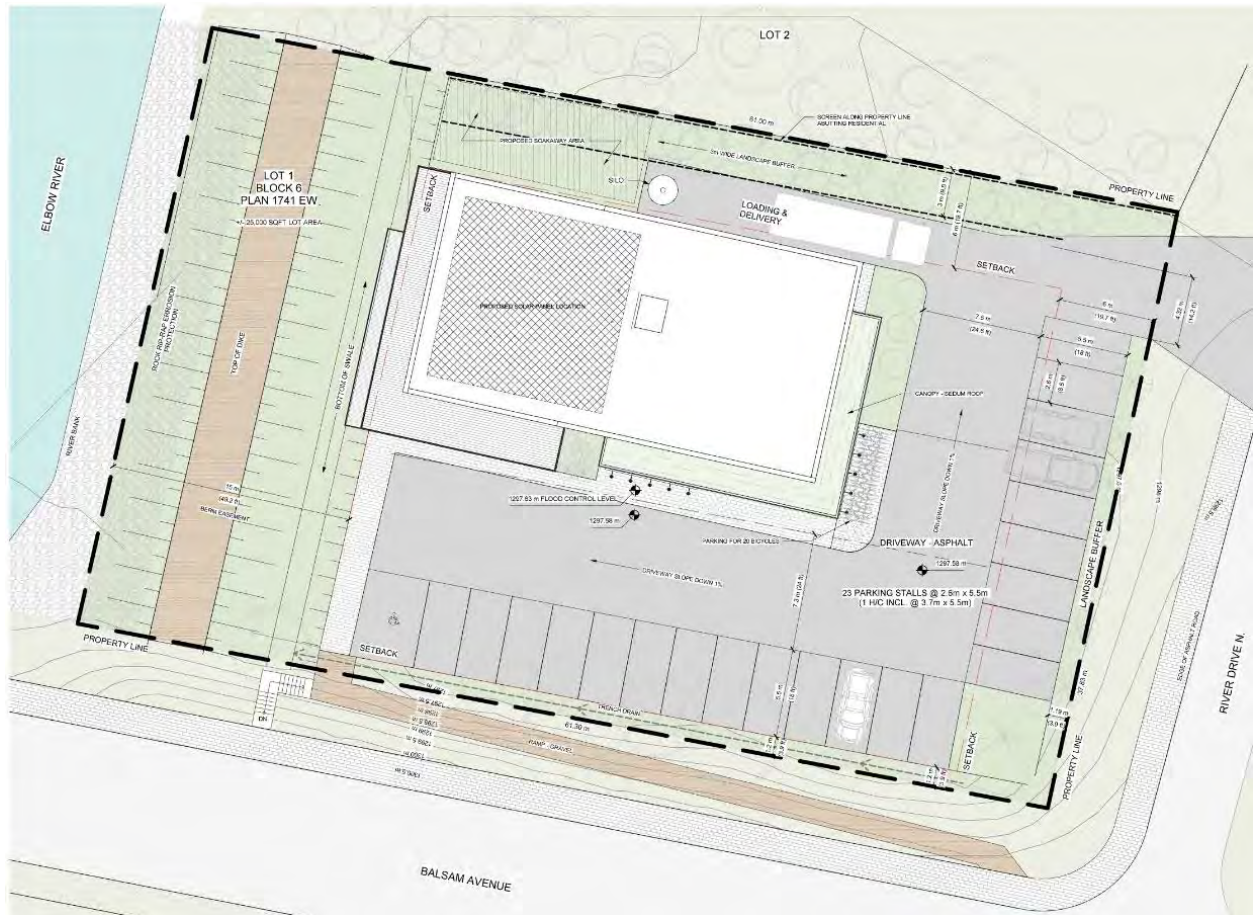
Bunt & Associates was retained by Bragg Creek Brewing Company to complete a parking study in support of their development permit application for a proposed development at 19 River Drive N in Bragg Creek, Alberta. The site is zoned Hamlet Commercial HC. The proposed land use densities for the site are 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

[REDACTED]

[REDACTED]

[REDACTED]

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.

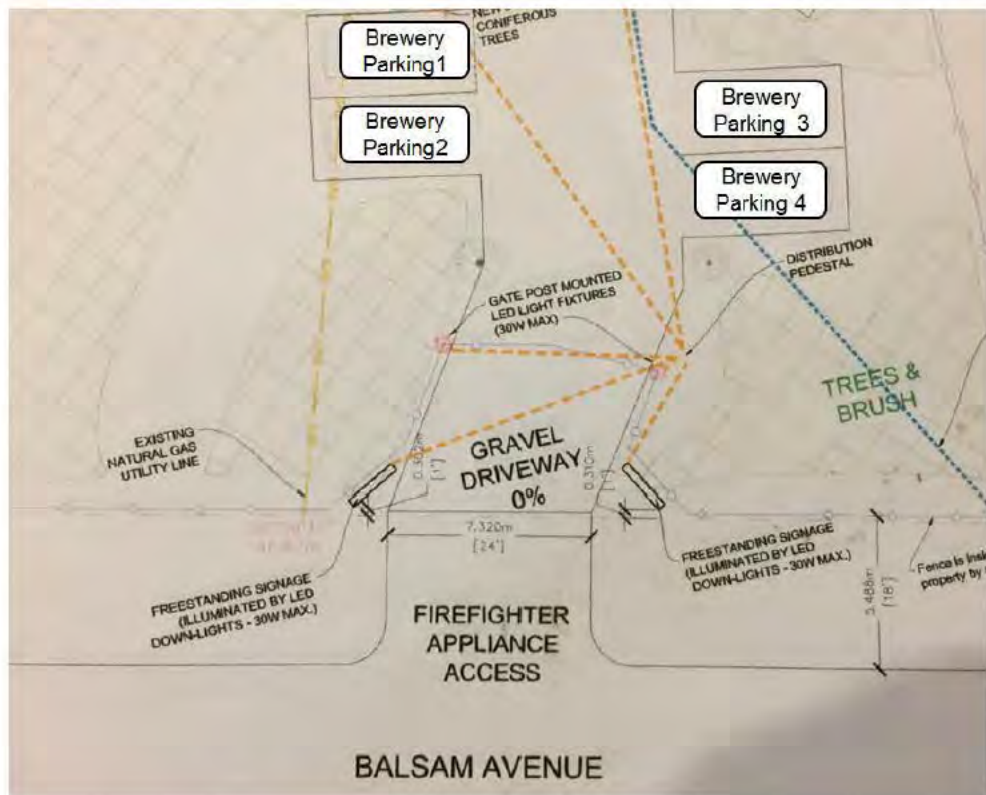
Parking spaces at 24 Balsam Avenue have been underutilized since the business opened so there may be opportunities for additional parking during the week. We can certainly discuss the matter further as plans for your development and business requirements evolve.

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

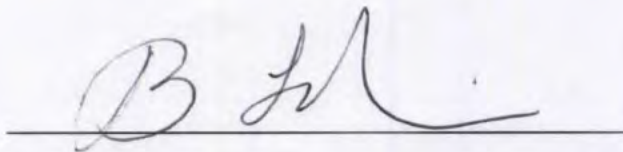


PROOF OF INSURANCE covering parking stall users
Required so I can provide to my insurance company.

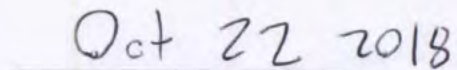
Auxiliary Parking Agreement

This is an agreement between
Bragg Creek Brewing Company Ltd. (Brewery)
and
Kevin Onespot (Parking Partner)

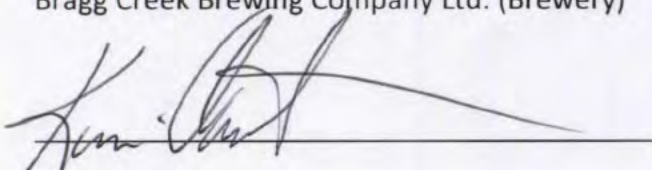
Under this agreement, the Brewery is granted auxiliary parking access to 34 parking stalls located on business property of the Parking Partner within the Hamlet of Bragg Creek. The purpose of these stalls are to supplement the existing stalls the Brewery has on site and will be used only with prior notice 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.



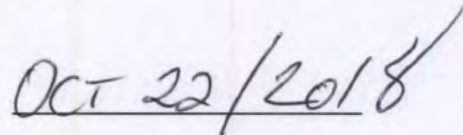
Bragg Creek Brewing Company Ltd. (Brewery)



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

Page | 12

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

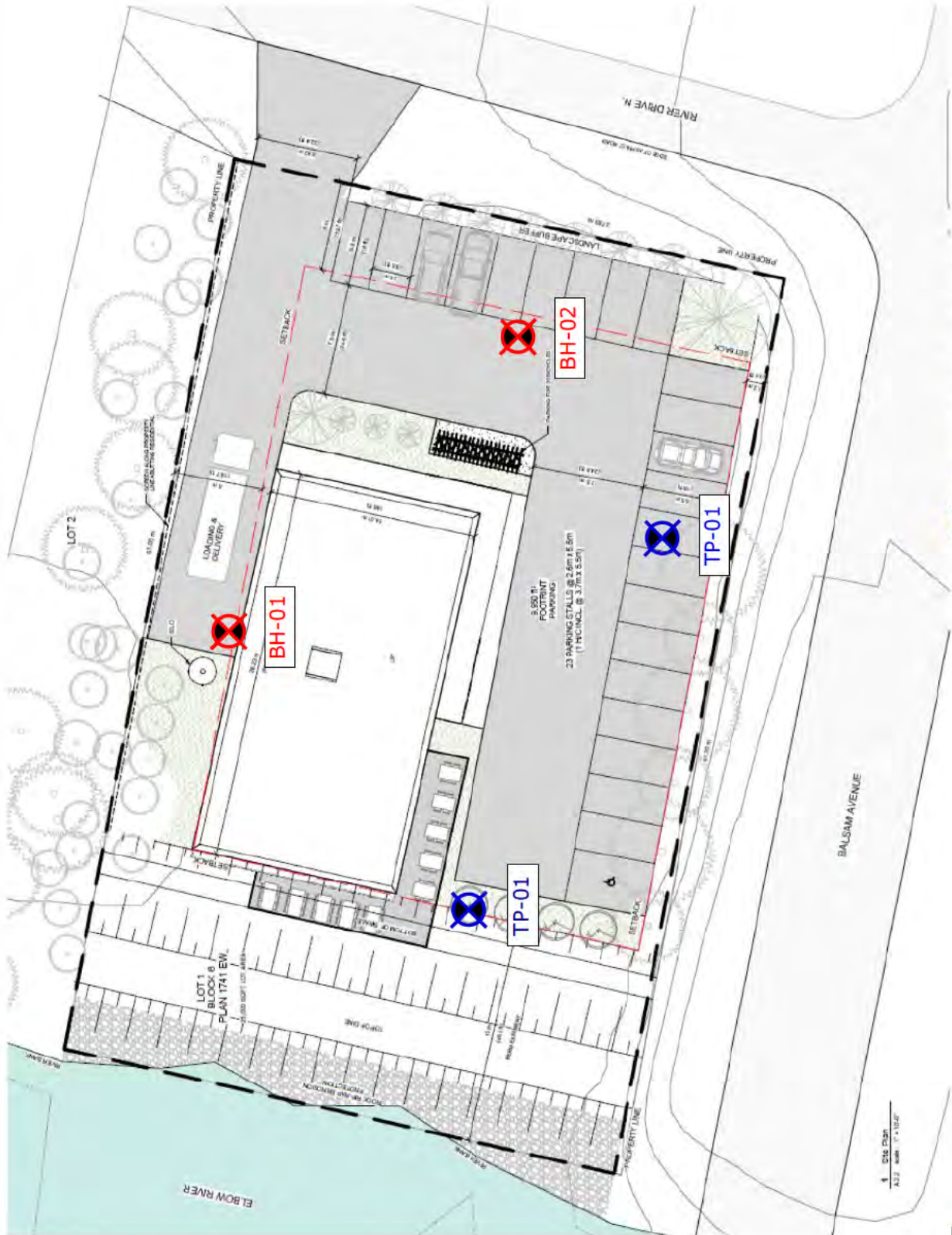
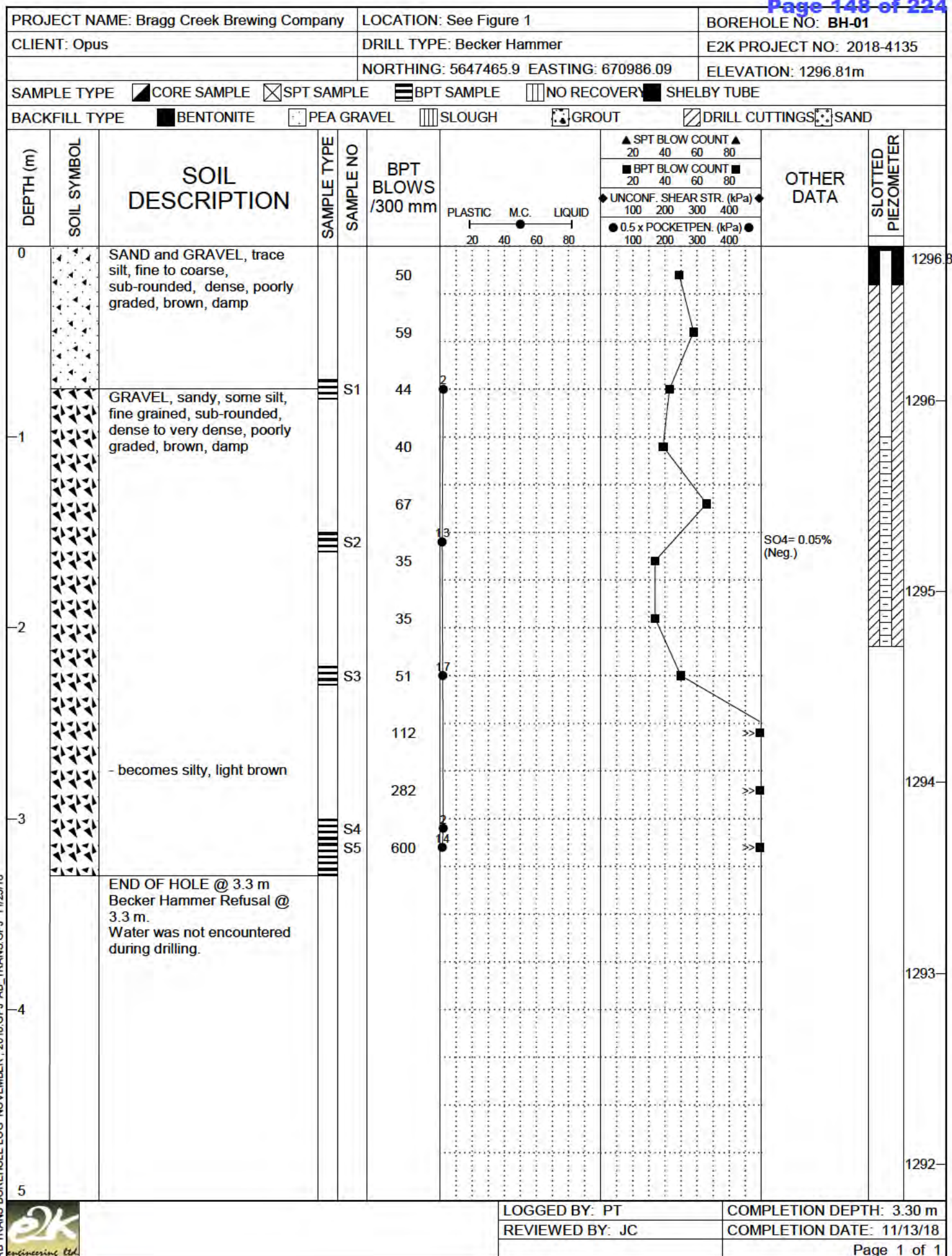
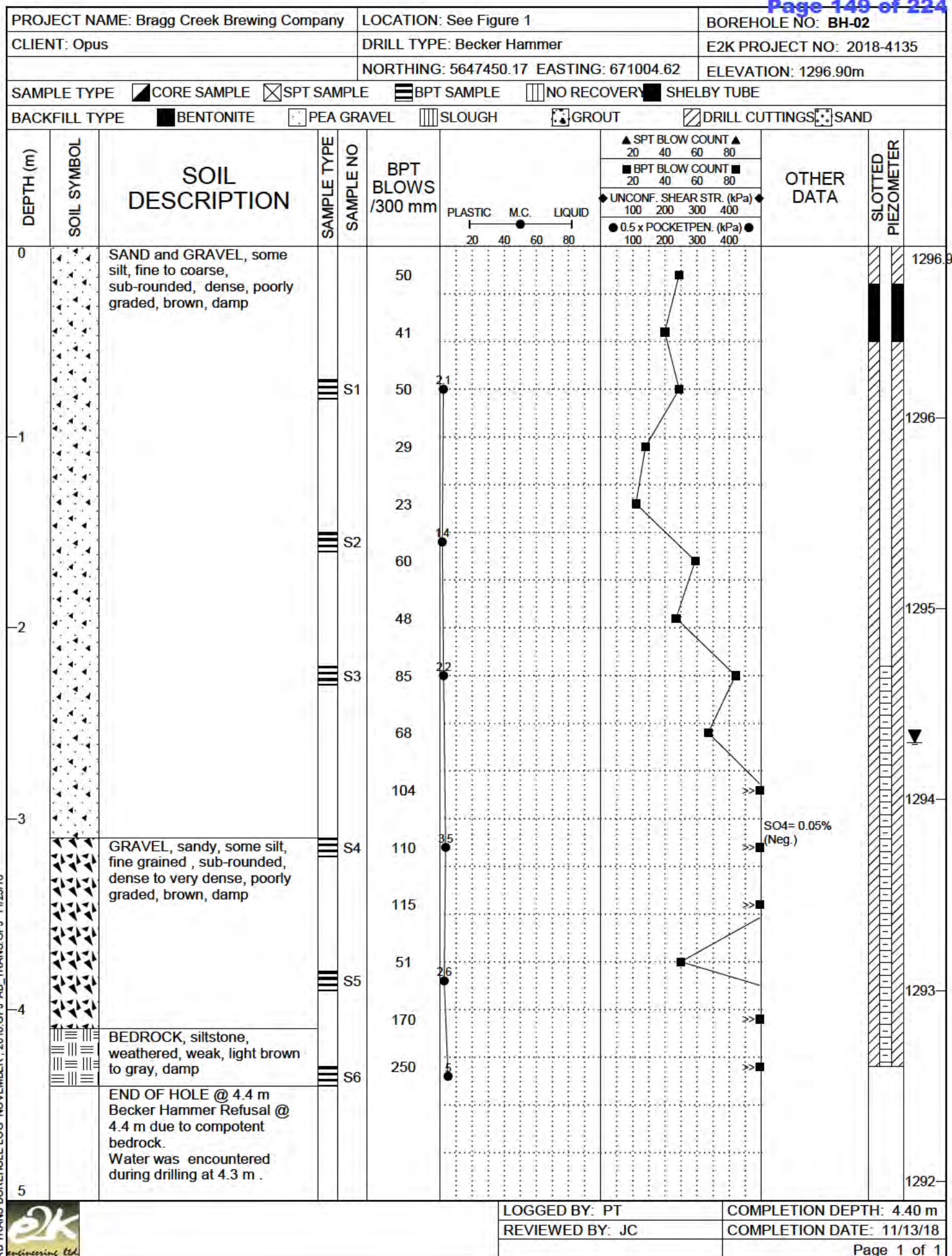


Figure 1

Approximate Test Pit Location
Approximate Borehole Location








AB TRANS BOREHOLE LOG NOVEMBER, 2018.GPJ AB_TRANS.GPJ 11/23/18



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 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	PLASTIC M.C. LIQUID 20 40 60 80	▲ SPT BLOW COUNT ▲	■ BPT BLOW COUNT ■	OTHER DATA	
							20 40 60 80	20 40 60 80		
0		Topsoil								1295.1
		SAND and GRAVEL, trace silt, fine to coarse, sub-rounded, dense, poorly graded, brown, damp								1295
1		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	

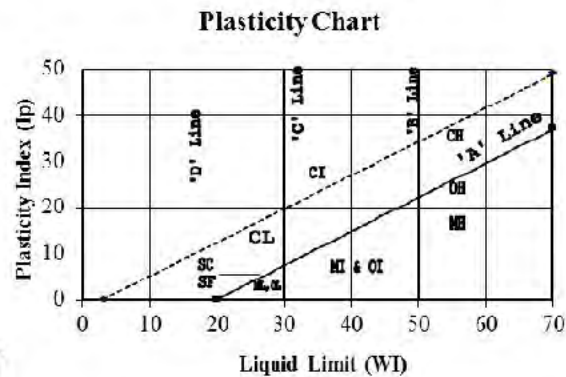
EXPLANATION OF TERMS AND SYMBOLS

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

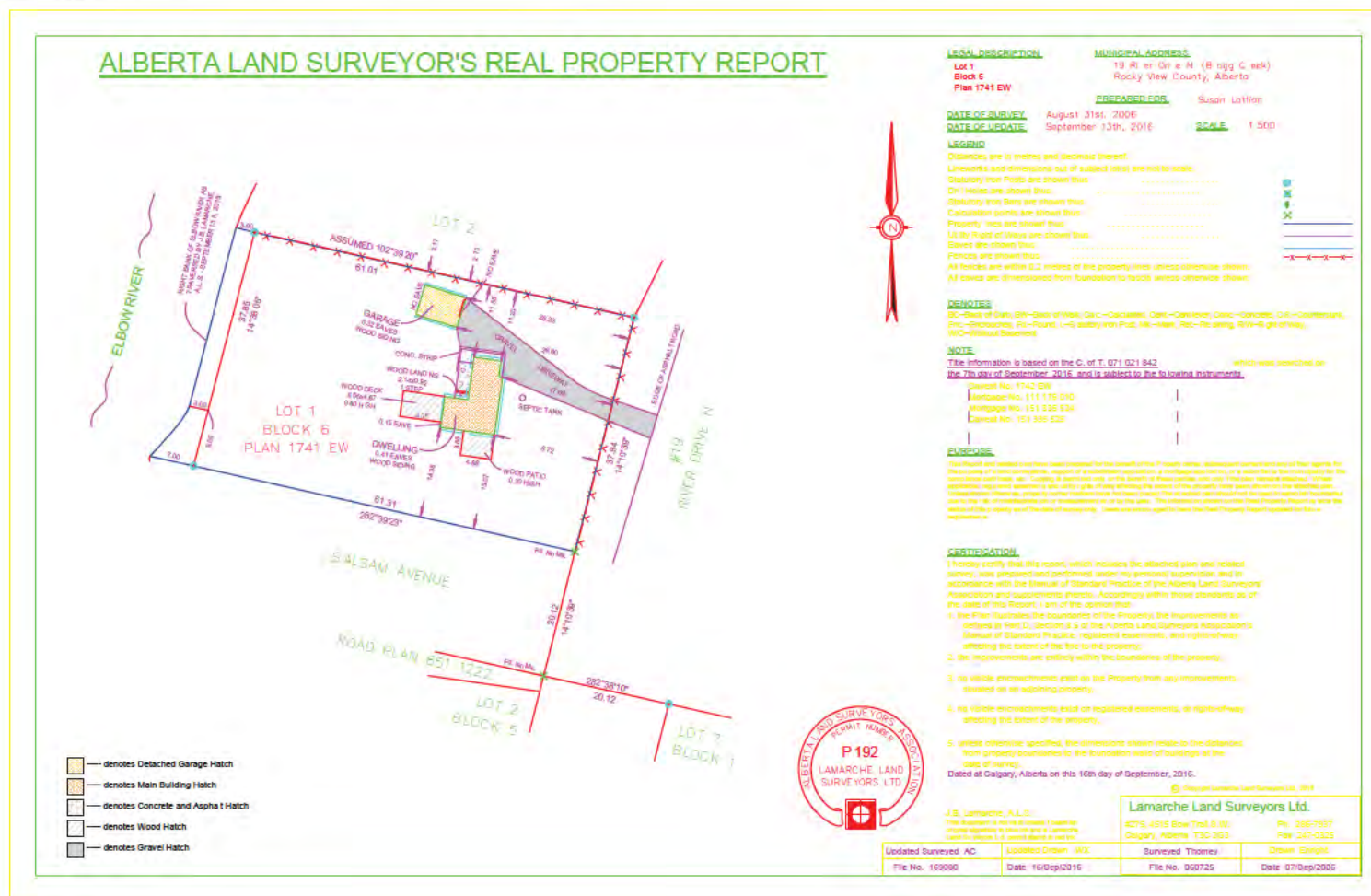
architecture

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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





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LEGAL DESCRIPTION:
LOT 1 BLOCK 6 PLAN 1741 EW

Bragg Creek
Brewing Co.

Stamp

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Location Map & Survey

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

LEGAL DESCRIPTION:
LOT 1 BLOCK 8 PLAN 1741 EW

[illegible]

Bragg Creek
Brewing Co.

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

Stamp



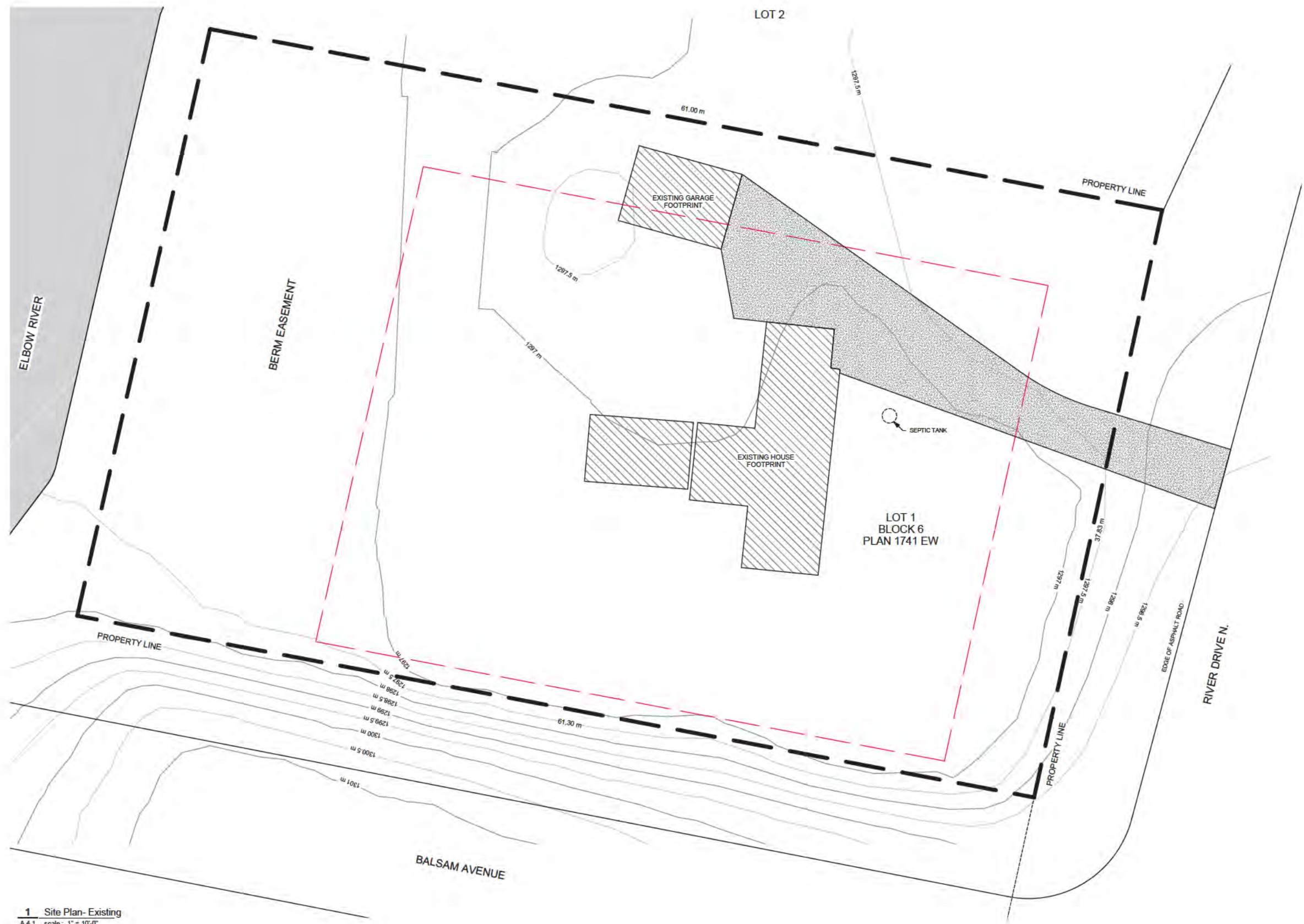
Development Permit

October 5, 2018

Site Plan - Existing

As indicated

A 1.1



1 Site Plan- Existing
A 4.1 scale: 1" = 10'-0"

[illegible]

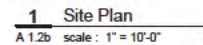
19 River Drive N.
(Bragg Creek)
Rocky View County,
Alberta

DRAFT
FOR REVIEW

November 30, 2018

As indicated

A 1.2b



Maximum Height:
Permitted: 10.00m; Allowance: 12.50m; Shown: 12.50m

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[illegible]

Bragg Creek
Brewing Co.

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

Stamp



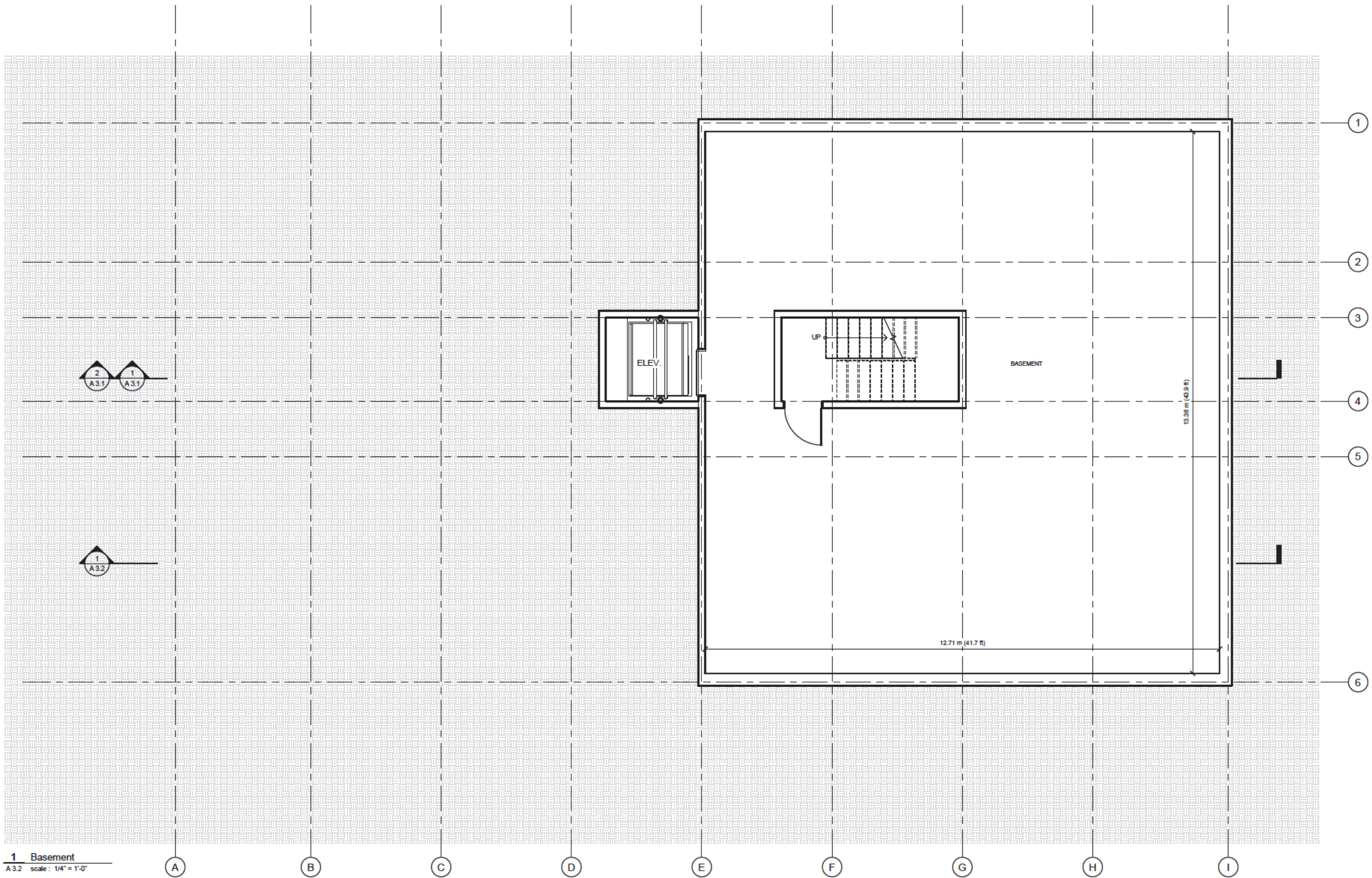
Development Permit

October 5, 2018

Basement

$$1/4'' = 1'-0''$$

A 2.1



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[illegible]

Bragg Creek
Brewing Co.

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

Stamp



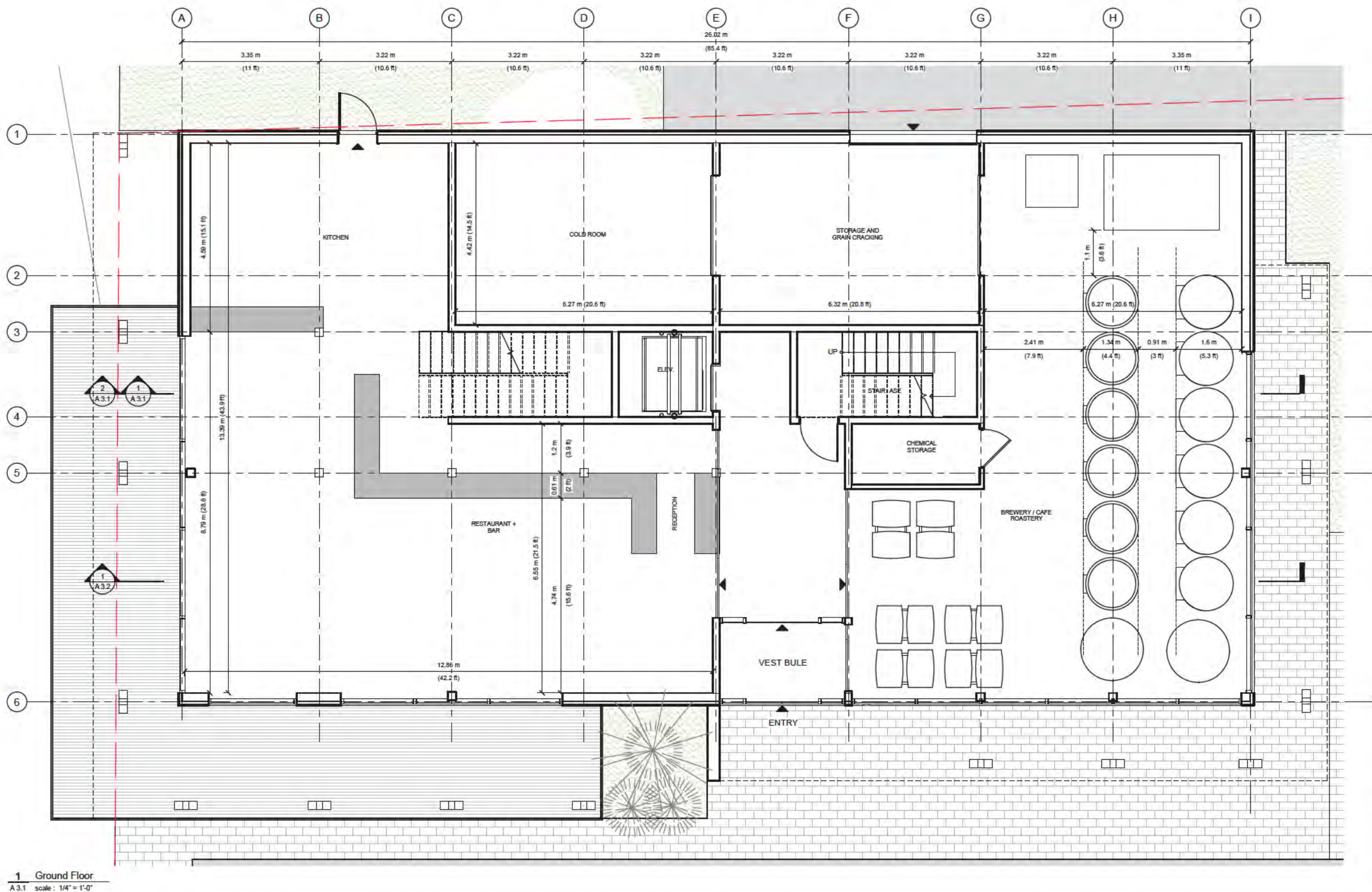
Development Permit

October 5, 2018

Ground Floor

$$1/4" = 1'-0"$$

A 2.2



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[illegible]

Bragg Creek
Brewing Co.

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

Stamp



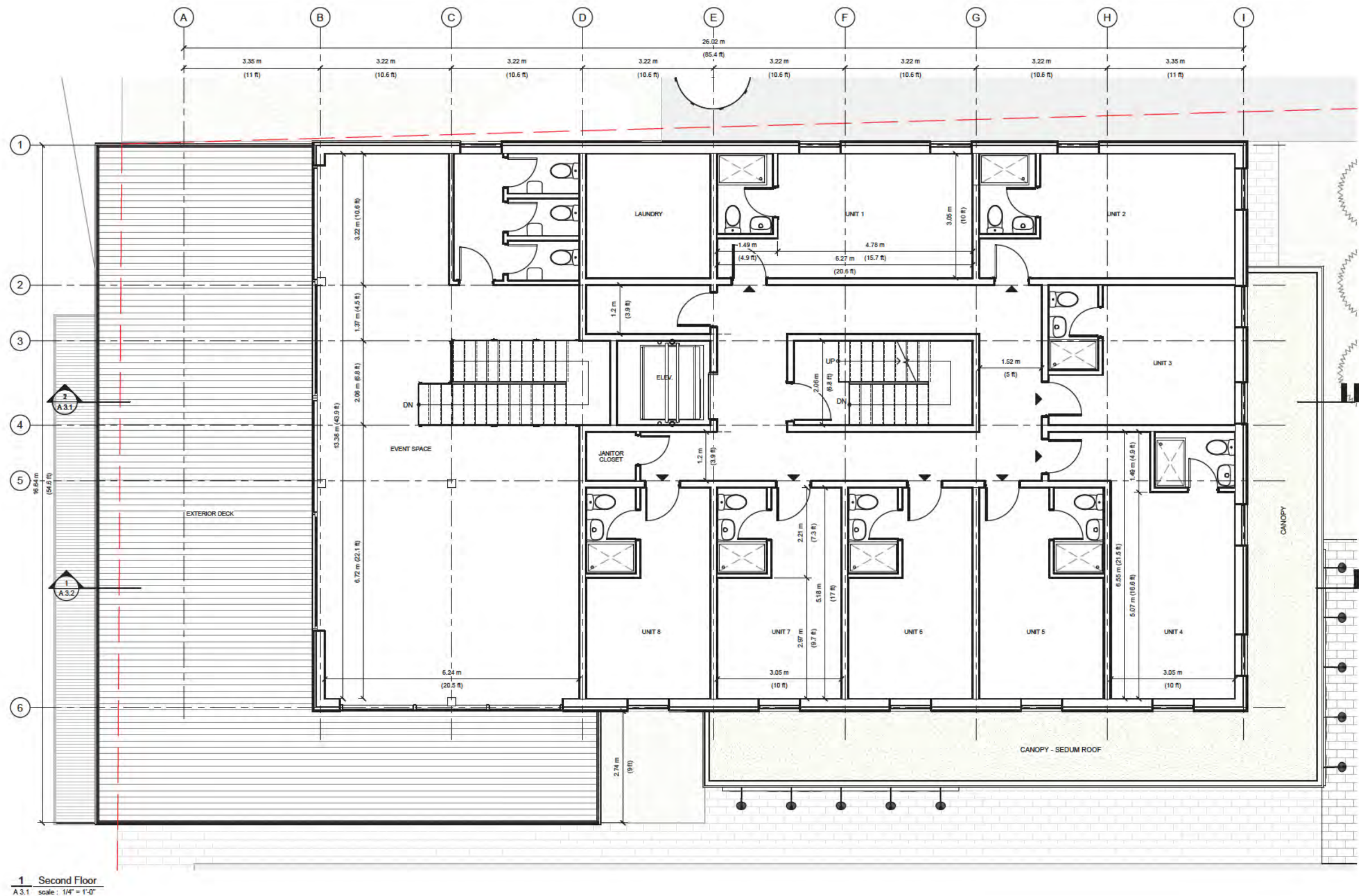
Development Permit

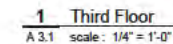
October 5, 2018

Second Level

$$1/4" = 1'-0"$$

A 2.3





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[illegible]

Bragg Creek
Brewing Co.

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

Stamp



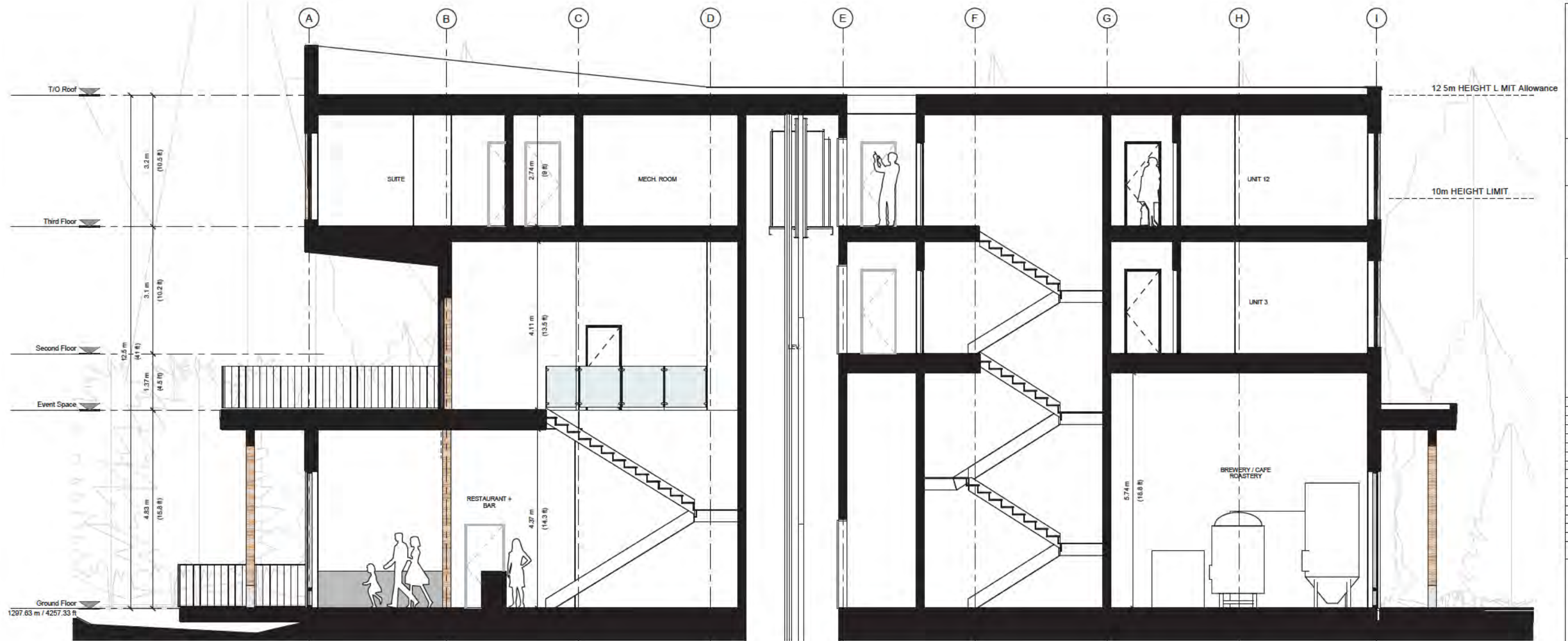
Development Permit

October 5, 2018

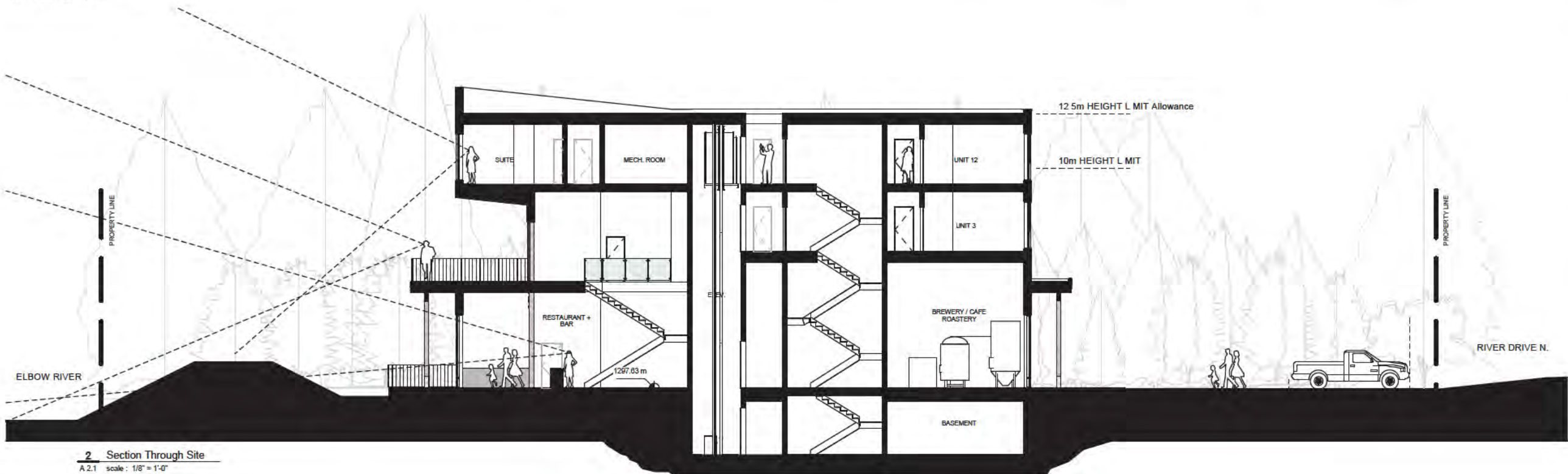
Sections

As indicated

A 3.1



1 Longitudinal Section 1
A 2.1 scale: 1/4" = 1'-0"



2 Section Through Site
A 2.1 scale : 1/8" = 1'-0"

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[illegible]

Bragg Creek
Brewing Co.

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

Stamp



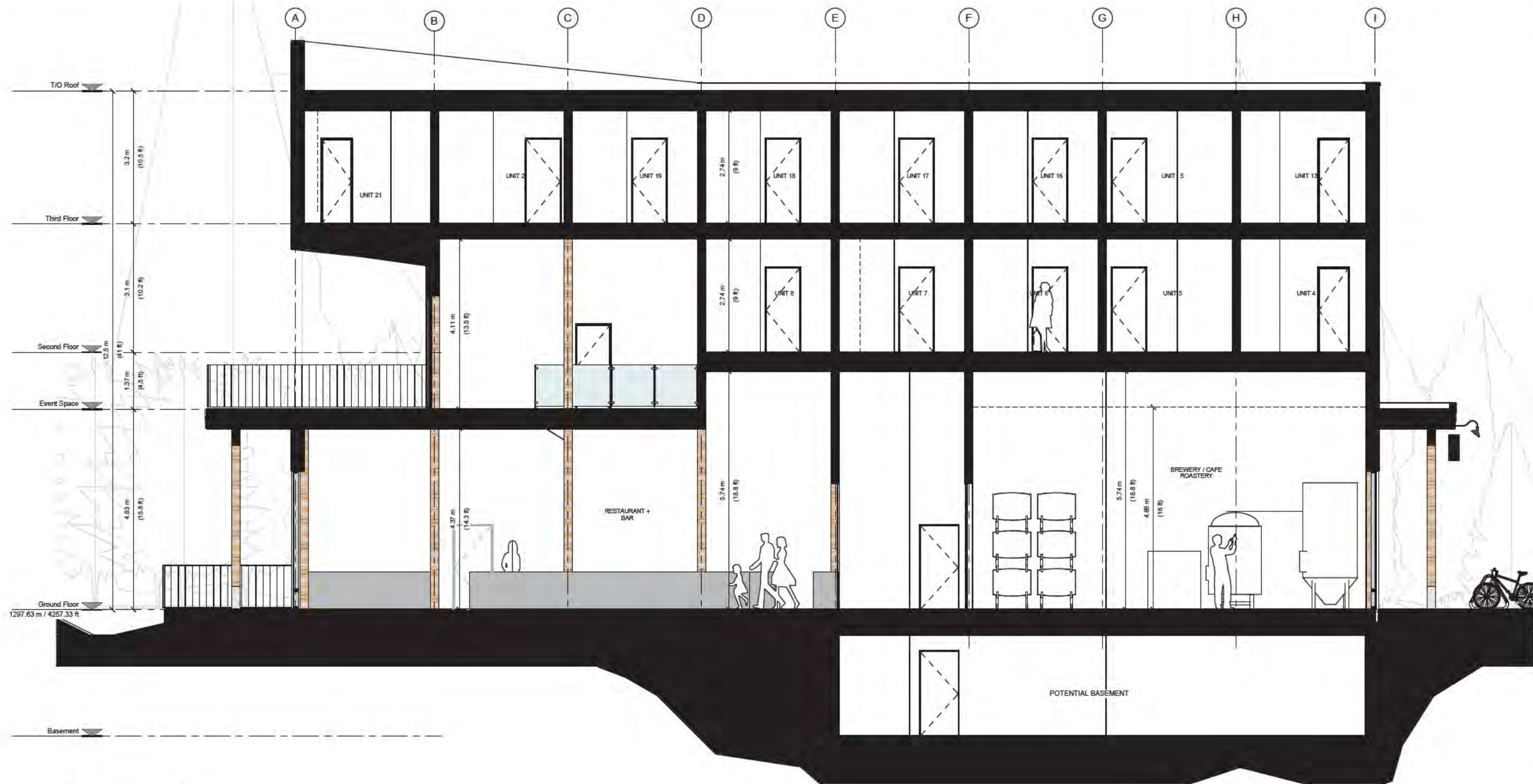
Development Permit

October 5, 2018

Sections

$$1/4'' = 1'-0''$$

A 3.2



1 Longitudinal Section 2
A 2.1 scale : 1/4" = 1'-0"

- 1 CEMENTITIOUS SHAKES - DARK GREY
- 2 CORRUGATED METAL CLADDING - SILVER
- 3 PRE-FINISHED METAL FASCIA
- 4 CLEAR STAIN TIMBER
- 5 INSULATED OVERHEAD DOOR
- 6 INSULATED DOOR
- 7 TRIPLE GLAZED WINDOW - DARK GREY FRAME
- 8 CURTAIN WALL GLAZING - GREY FRAME
- 9 EXPOSED CONCRETE PEDESTAL
- 10 ALUMINUM GUARD RAIL
- 11 VENTED WOOD SOFFIT

NOTE :
FLASH OVER OPENINGS NOT PROTECTED BY EAVES



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Bragg Creek
Brewing Co.

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

Stamp



October 5, 2018

As indicated

A 4.1



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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 and Massing

$$12'' = 1'-0''$$

A 4.3



1. VIEW FROM BRIDGE TOWARDS BUILDING



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



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



4. MASSING STUDY - SOUTH EAST LOOKING NORTH WEST



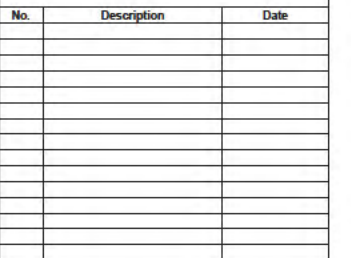
5. MASSING STUDY - NORTH EAST LOOKING SOUTH WEST



1 South Elevation Copy 1
A 4.4 scale : 3/16" = 1'-0"

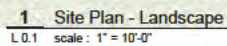


2 East Elevation Copy 1
A 4.4 scale : 3/16" = 1'-0"



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

0.1



Landscape Legend

PROPOSED VEGETATION

(WITHIN P

CONIFER

BLIND

BUSHES

DECIDUOUS

PROPERTY

PROPERTY

PROPOSED TURF

PROPOSED ASPHALT PAVING

PROPOSED C

1

SETBACK LINE

TABLE 1. *Continued*

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CIV C ADDRESS:
19 RIVER DRIVE N. (BRAGG CREEK)

LEGAL DESCRIPTION:
LOT 1 BLOCK 8 PLAN 17 1 EW

[illegible]

Bragg Creek
Brewing Co.

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

Stamp



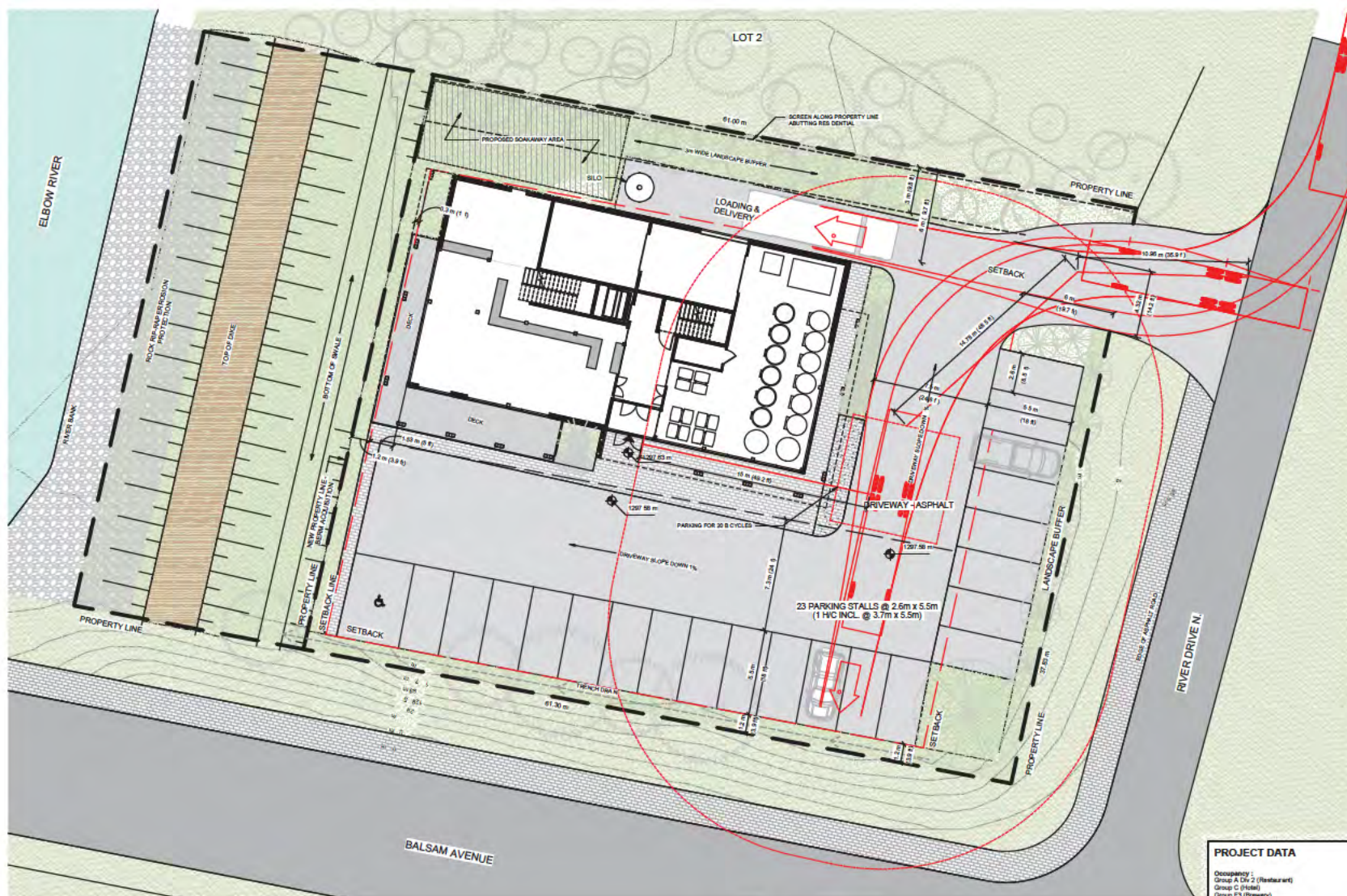
Development Permit

December 5, 2018

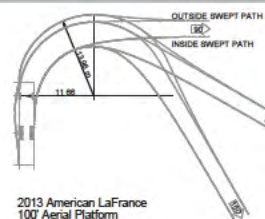
Site Plan W/ Ground Floor

As indicated

A 1.2b



1 Site Plan W/ Ground Floor
A 1.2b scale: 1" = 10'-0"



2013 American LaFrance
100' Aerial Platform
2 Typical Fire Truck Turning
Scale: 1" = 10'

PARKING PROVISIONS: 217
PER PART 3 SECTION 500 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
80 SEATS = 20 PARKING SPACES REQUIRED

COMMUNITY BUILDING, MULT. PURPOSE (EVENT SPACE) = 12 SPACES PER 100m²
7 m² = 12 SPACES PROVIDED REQUIRED

GENERAL INDUSTRIAL (BREWERY) = 1 PER 100m²
177m² = 2 PARKING SPACES REQUIRED

LOADING = 2 SPACES REQUIRED

0 AL. PARKING SPACES REQUIRED = 57

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 8 PLAN 17 1 E

PID: -

Site Area: (PREVIOUS) 2,897 R² / 2,313 m²
(CURRENT) 18.78 ac

Ground Floor	3,813.00	sq
Second Floor	3,233.00	sq
Third Floor	3,813.00	sq

Site Coverage: $3,815.00 \text{ m}^2 / 18,780.00 \text{ m}^2 = 0.20$

Maximum Height:
Permitted: 10.00m; Allowance: 12.50m; Shown: 12.50m

Letter of Support of Development



Bhavani Food (Canada) Corporation
Unit No. 102, 7 Balsam Avenue,
Bragg Creek, T0L 0K0
Calgary, Alberta

April 22, 2019

To

Rocky view County Subdivision and Development Appeal Board

262075 Rocky view point,

Rocky view county, Alberta T4A 0X2

RE: Letter of Support for Development of Brewery (Industry type 1 & 2), 21 rooms Hotel Restaurant and Drinking Establishment

Please consider this letter is to Support for new development of **Brewery (Industry type 1 & 2), 21 rooms Hotel Restaurant and Drinking Establishment – File no. 03913077, PRDP20184945.**

We need new community development in Bragg creek area to support the local businesses. Local businesses are already struggle so much due to economy as well as there is no new development in the community, which attract tourists and support local people requirement. It is also note that Bragg creek Revitalization plan (Published December 2015) support the new development in the community and local businesses still waiting for years to implement this plan and any new development in the Bragg creek.

Please consider this letter of support as a vote and feel free to contact me if you required any additional information and/or any further action to support this development.

Sincerely,

A handwritten signature in blue ink, appearing to read "Reshma", with a horizontal line underneath.

Reshma Patel

(Owner of Braggcreek Carl's Jr.)



Bhavani (Canada) Corporation
Unit No. 100, 7 Balsam Avenue,
Bragg Creek, T0L 0K0
Calgary, Alberta

April 22, 2019

To
Rocky view County Subdivision and Development Appeal Board
262075 Rocky view point,
Rocky view county, Alberta T4A 0X2

RE: Letter of Support for Development of Brewery (Industry type 1 & 2) , 21 rooms
Hotel Restaurant and Drinking Establishment

Please consider this letter is to **Support** for new development of **Brewery (Industry type 1 & 2), 21 rooms Hotel Restaurant and Drinking Establishment – File no. 03913077, PRDP20184945.**

We need new community development in Bragg creek area to support the local businesses. Local businesses are already struggle so much due to economy as well as there is no new development in the community, which attract tourists and support local people requirement. It is also note that Bragg creek Revitalization plan (Published December 2015) support the new development in the community and local businesses still waiting for years to implement this plan and any new development in the Bragg creek.

Please consider this letter of support as a vote and feel free to contact me if you required any additional information and/or any further action to support this development.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Patel".

Pramod Patel
(Owner of Bragg creek ESSO)

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 [REDACTED]
[REDACTED])

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

Letter of Support of Development

[REDACTED]
[REDACTED]
[REDACTED]

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

Letter of Support of Development

RE: NOTICE OF HEARING, BRAGG CREEK BREWERY/HOTEL

FROM: FRED KONOPAKI, [REDACTED].

I am a resident of Bragg Creek; I am also a business owner in Bragg Creek.

I solidly **SUPPORT THE APPROVAL** of this project:

1. This project meets the criteria set out in the Bragg Creek Revitalization Plan
2. Since the flooding of 2013 businesses in the area have seen steadily declining sales. This project is a much needed influx of investment in a dying community
3. I am asked weekly why there is no hotel in the area, a sorely needed addition that would definitely boost the economy of Bragg Creek
4. I have reviewed both the Business Plan and the proposed design of this venture. In my opinion, both fit with local values and cultural identity
5. I firmly believe this project-and a proposed local distillery-will improve the local economy while causing minimal negative consequences for residents.
6. This project will drive further positive investment in the area

Regards,

Fred Konopaki

Bragg Creek

Letter of Opposition of Development

[REDACTED]
April 16, 2019



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

Dear Sir or Madam:

**RE: File 03913077; PRDP 20184945 Appeal against Decision to Approve
Brewery/Hotel/Restaurant/Drinking Establishment/Coffee Roaster at 19 River
Drive N., Bragg Creek SE-13-23-05-W5M**

I support this appeal for the following reasons:

1. Although Bragg Creek needs overnight accommodation, the scope of this proposal is much too large for this lot which is adjacent to a residential neighbourhood, Balsam Ave. Bridge, and Elbow River floodway and riparian areas. From the start, this project appears to keep growing and becoming more intrusive on the River Drive North community residents. With the riparian areas bylaws and the flood mitigation measures, the lot will become even smaller for development.
2. The relaxation of side yard minimum setback and maximum height and signage requirements makes it very obvious that this development is too large for the lot size. Those maximum heights and minimum setbacks were the result of many community consultations that went into development of the Hamlet Plan and the Bragg Creek Area Structure and Revitalization Plans. These plans were put in place by the community to prevent such developments as this – oversized and over-height developments that do impinge on the beauty and character of the area that we came here to enjoy. Exempting these requirements for this development sets a dangerous precedent for future developments and makes a mockery of the community time and effort put into the Hamlet, Area Structure, and Revitalization Plans to set these standards.
3. Increased traffic that this project will generate will cause difficulty getting onto Balsam Avenue or result in more traffic through the residential areas on Pine and Spruce Avenues, thereby disrupting the lifestyle of the residents who moved to beautiful Bragg Creek to get away from traffic and noise. It will also cause more issues with traffic coming from West Bragg Creek over the bridge because of the project's too close proximity to said bridge.
4. Parking will be a huge problem with this development. At capacity, a 21- room hotel, brewery, drinking establishment, coffee roaster, and restaurant would generate upwards of 40 vehicles including employees and patrons. Where are they going to park? On the roads throughout the northern residential end of the community, blocking driveways and causing disruption to the peaceful lives of the residents? Not having full on-site parking leads to trespass on private property and potential for crime.



Letter of Opposition of Development

5. Light pollution continues to be a concern. Increased street and commercial lighting plus signage lighting does not fit in with the dark skies policies that we moved here to enjoy. This will be another disruption to the residents' lives.
6. With the goal for more people to come and live in Bragg Creek, this flies in the face of that goal. The loss of another rental accommodation discourages new, young residents from coming to Bragg Creek.

I continue to maintain that this is a project that is best suited to another larger area in the commercial core, perhaps down White Avenue's Heritage Mile. As I have stated in previous letters regarding this development, this mega-project does not fit into the residential neighbourhood on River Drive North nor does it fit on the lot as proposed without becoming oversized and over-height. I urge you to support the appeal for the reasons given.

Thank you for your consideration in this matter which will negatively affect the lives of area residents if it goes through as planned.


Yours truly,



Joan MacKenzie



Letter of Opposition of Development


May 23, 2019



Subdivision & Development Appeal Board
Rocky View County
262075 Rocky View Point
Rocky View County, Alta.
T4A 0X2

Dear Sir or Madam:

**RE: Appeal Against Decision to Conditionally Approve
Brewery/Hotel/Restaurant/Drinking Establishment at 19 River Drive North,
Bragg Creek SE-13-23-05-W5M**

I **support** this appeal for the reasons stated in my April 16 letter which I shall summarize here as follows:

1. This proposal is much too large for the lot adjacent to a residential neighbourhood, Balsam Avenue Bridge, and the Elbow River floodway and riparian areas. Riparian area regulations and flood mitigation measures will make the lot even smaller than it already is for this development.
2. Relaxation of side yard minimum setbacks and height restrictions further prove that this is a project too big for the size of the lot. Those setbacks and restrictions were put in place through extensive Area Structure Plan public consultations in order to preserve the skylines and the distances between properties in the hamlet, thus helping to ensure the lifestyle that residents moved here to enjoy and pay dearly for through our taxes.
3. Increased traffic will cause difficulties exiting onto Balsam Ave. at the bridge and will result in people shortcutting through the residential neighbourhoods. This will disrupt the lifestyle that residents moved out here to enjoy – away from excess noise and traffic. It will also cause traffic problems for residents from West Bragg and Wintergreen coming across the bridge due to this project's close proximity to the bridge. During the Wintergreen golf season and with large numbers of year-round recreationists and cyclists coming and going over the bridge pursuing adventures in our area, traffic problems at that intersection will increase dramatically.
4. There needs to be full on-site parking to prevent the need for parking on roadways, blocking driveways, and disruption to residents by trespassers. With the possibility of at least 40 vehicles including patrons and employees, this is a big concern.
5. Relaxation of signage requirements is also a concern. Light pollution through increased commercial lighting and signage lighting does not fit with our dark skies policies and further disrupts residents' lives.

Letter of Opposition of Development

6. This development also results in the loss of another residential/rental property which goes against the revitalization goal of encouraging more young residents to come to Bragg Creek.

I continue to maintain that, although we do need overnight accommodation in Bragg Creek, this project is best suited to a larger area elsewhere in the commercial core. Any mega-project that requires relaxations for over-size, over-height, and signage should not be allowed in a residential neighbourhood. Therefore, I **support** this appeal for the reasons given above.

Thank you for your consideration in this matter which will negatively impact residents, tourists accessing recreational opportunities, and golfers in our community.

Yours truly,



Joan F. MacKenzie

[Redacted]

Letter in Opposition of Development

Joni and Duane Peperkorn

April 23, 2019

Rocky View County Council
c/o Johnson Kwon
Rocky View County Planning Services
911- 32 Avenue NE
Calgary, Alberta
T2E 6X6

Re: Support of Appeal to Development Permit Conditionally Issued for File no.: 03913077

Dear Mr. Kwan,

I received notification of hearing based on an appeal from Craig Nickel, Aaron Matiushyk and Jennifer Liddle. I would like to add my support to their appeal.

I have reviewed the hearing agenda and the conditional development permit and I have the following concerns:

- Application defines Balsam Avenue as “Front” Property boundary (south property line).
 - Current front property boundary is River Drive N (east property line), and all vehicle access will be from River Drive N.
 - Application proposes a sidewalk be constructed along Balsam Avenue to allow pedestrian access which would change front from the East of the property to the South.
 - There is no space along the road for access here.
 - A sidewalk for safe access would require a retaining wall along the road allowance and a railing on both sides for safe access to the property from the south side.

I request that the County add the construction of safe access to the property from the South side as a condition to the development permit **OR** Consider the “front” of the property the current East Boundary, and revise the spacing requirements for the West Boundary to 6m rather than 1.2m.

- The building drawings show part of the building protruding over the drainage swale that will be constructed as part of the flood mitigation plan.
 - The easement for the swale stipulates no permanent structures allowed for swale maintenance.
 - The building plans compromise the flood mitigation system in Bragg Creek.

I request the County add the condition that the building does not interfere with the flood mitigation plan.

- The agenda documents state that this property requires to access points for vehicles. The parking plan and site drawings only show one access point.

I request that the County have the Applicant revise the drawings and parking plan to show two (2) vehicle access points per the requirements and adjust the parking numbers accordingly.

Letter in Opposition of Development

- There is no storage shown on the property at this time
 - The agenda documents state that this property requires a water tank and pressurized fire suppression system.
 - There are no garbage bins shown in the drawings.

I request that the County adds the condition that the applicant account for outdoor storage as part of their footprint and landscape plans.

Finally, I fully support and applaud the County for the following condition on the permit. Thank you for taking protective measures like this for residents like me.

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.

Sincerely,



Joni Peperkorn

H. J. (Rick) Grol, LLB, LLM



April 22, 2019

Via Email: sdab@rockyview.ca

Subdivision & Development Appeal Board
Rocky View County
262075 Rocky View Point
Rocky View County, Alberta T4A 0X2

Dear Chair and Board Members:

**RE: SDAB Hearing April 24, 2019
Appeal File 03913077; Application B-4, PRDP20184945; Proposal: General Industry
Type I and II (Brewery), Hotel (21 rooms), Restaurant and Drinking Establishment,
construction of multi-use commercial building and signage with relaxation of the
minimum side yard setback requirement and relaxation of the maximum height
requirement. Application for Bragg Creek Brewery at the property: 19 River Drive
North, Hamlet of Bragg Creek**

I have been retained by the Applicant Mr. Adam McLane and 2127145 Alberta Ltd., the registered property owner of 19 River Drive N., Bragg Creek, with respect to the aforementioned appeal and development permit application.

Respectfully our client is requesting an adjournment of the hearing. Several circumstances have transpired which have put my client's team in a position of being ill-prepared for the scheduled hearing on April 24, 2019:

- Key members of the client's team, including the Architect and Mr. McLane, have prior commitments and are unavailable to attend the hearing;
- The Easter weekend meant that people were away, which limited the client's team ability to adequately prepare for the hearing;
- The delay in receiving notice from the municipality of the Development Authority's approval of the development permit and conditions of approval;

- The Applicant filed a Notice of Appeal (April 18, 2019) against some of the conditions of approval of the development permit;
- The Applicant is reaching out to the municipality seeking to resolve parking and water-related permit conditions of approval;
- My client is reaching out to the Appellants to resolve the appeal issues of the adjacent property owners as much as possible; and
- I would need more time to prepare for the hearing of these appeals.

I will be in attendance at the hearing on April 24 to speak to the adjournment request.

Respectfully,



Rick Grol, Agent for the Applicant & 2127145 Alberta Ltd.

Cc: Client (c/o Adam McLane and Baruch Laskin)
Appellants
Sean MacLean, Development Authority's Representative

Rocky View County Subdivision and Development Appeal Board Hearing

Hearing Dates: April 22, 2019 and June 5, 2019

Item: B-4

File: 03913077 / PRDP20184945

Address: 19 River Drive North

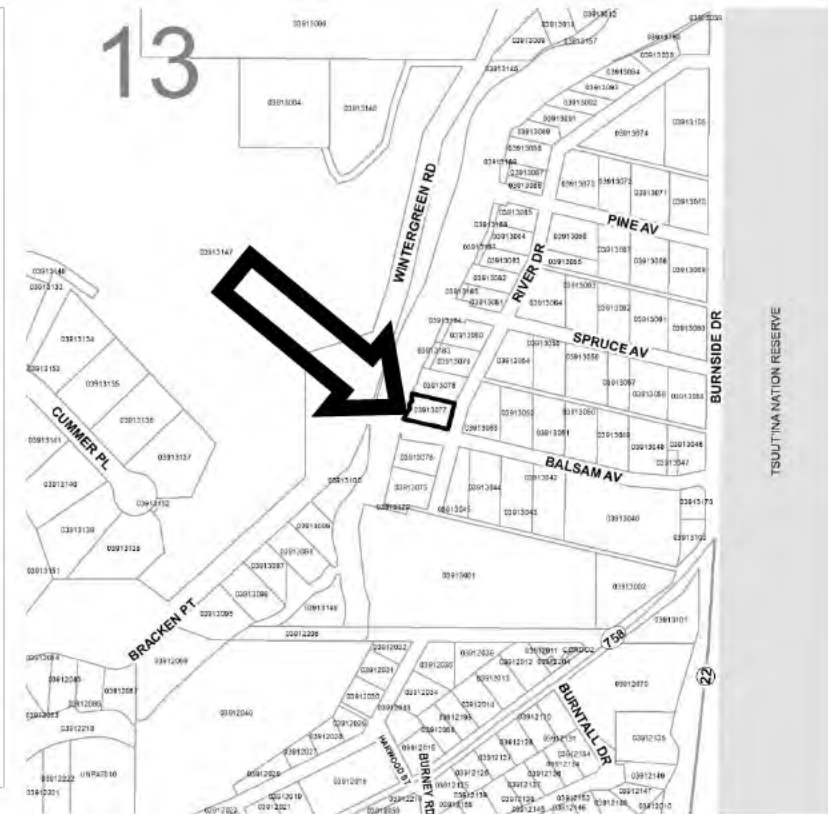
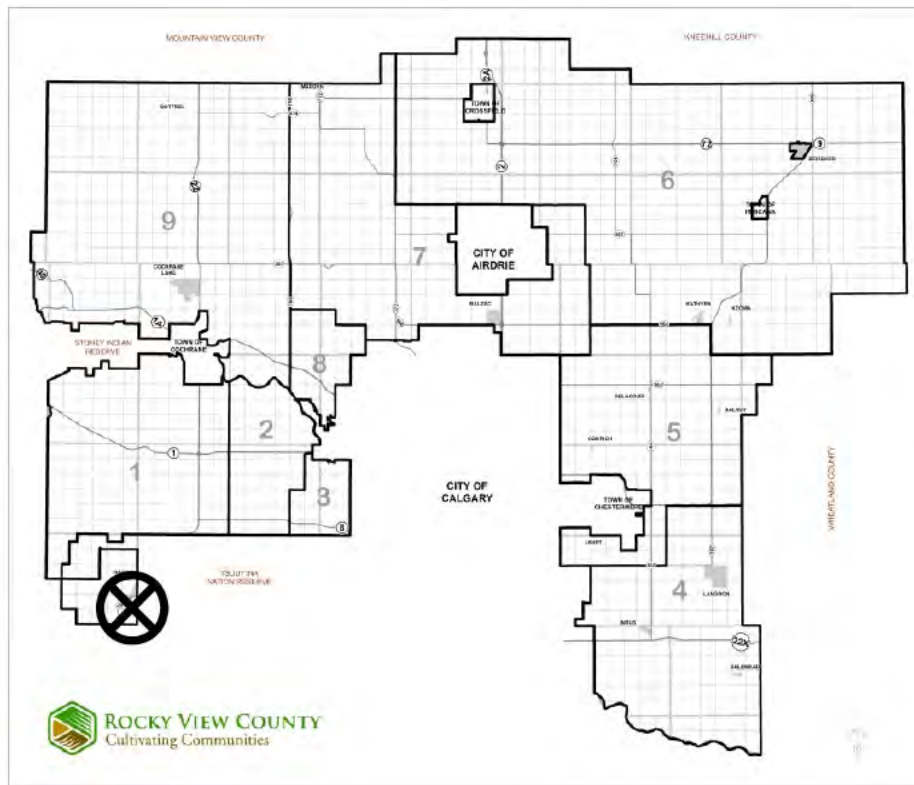
Applicant/Appellant: Adam McLane c/o 2127145 Alberta Ltd.

Appellants: Craig Nickel, Aaron Matiushyk, Jennifer Liddle



ROCKY VIEW COUNTY

Location Plan



Hamlet of Bragg Creek
NW intersection of Balsam Avenue and River Drive



ROCKY VIEW COUNTY

Appellants

- Applicant/Appellant
 - Adam McLane c/o 2127145 Alberta Ltd.
- Appellants ☒
 - Craig Nickel, Aaron Matiushyk, Jennifer Liddle



Reasons for Appeal

Applicant/Appellant – In Support of the Development

- Conditions listed in Notice of Appeal
 - Parking Conditions: 4, 36, 37, 38
 - Water/Wastewater Servicing Conditions: 17, 19, 22
 - Applicant/Appellant no longer appealing conditions 17, 36, and 38.

Appellants – In Opposition of the Development

- Reasons listed in Notice of Appeal
 - Engagement
 - Neighbourhood Character
 - Noise, Security, Hours of Operation, Density, Privacy, etc.
 - Height
 - Screening/Setback
 - Parking



Land Use



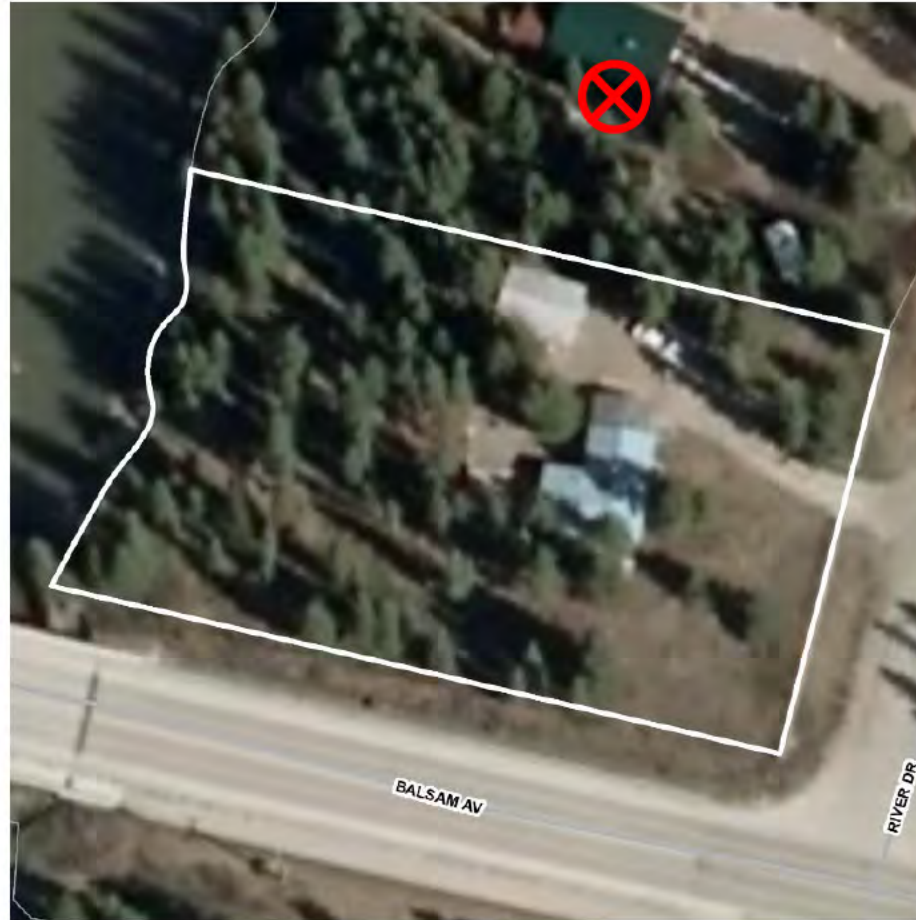
Oct 10, 2017

Lands redesignated HR-1 to HC and added two site specific discretionary uses: Hotel and General Industry Type I and Type II (brewery).



ROCKY VIEW COUNTY

Air Photo



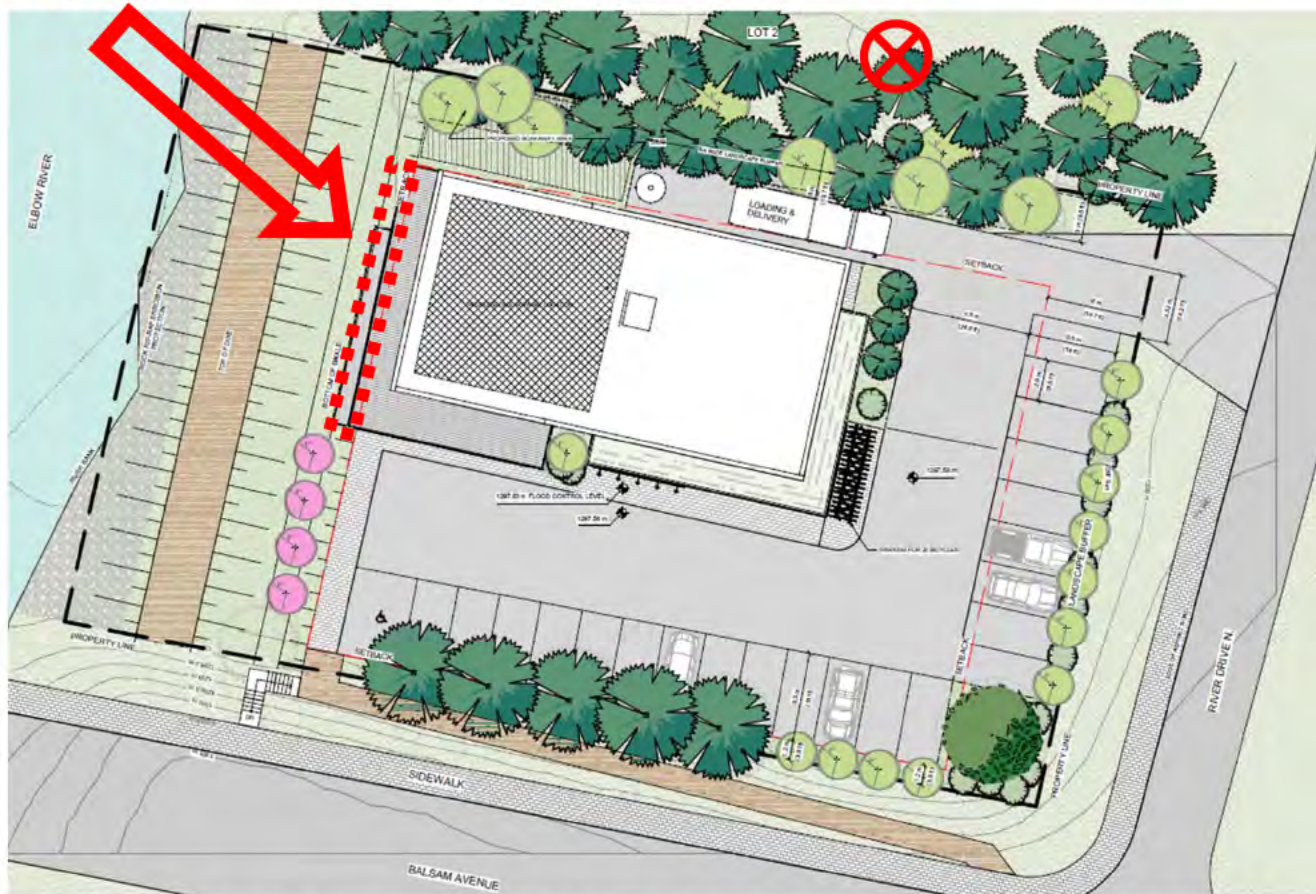
Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.



ROCKY VIEW COUNTY

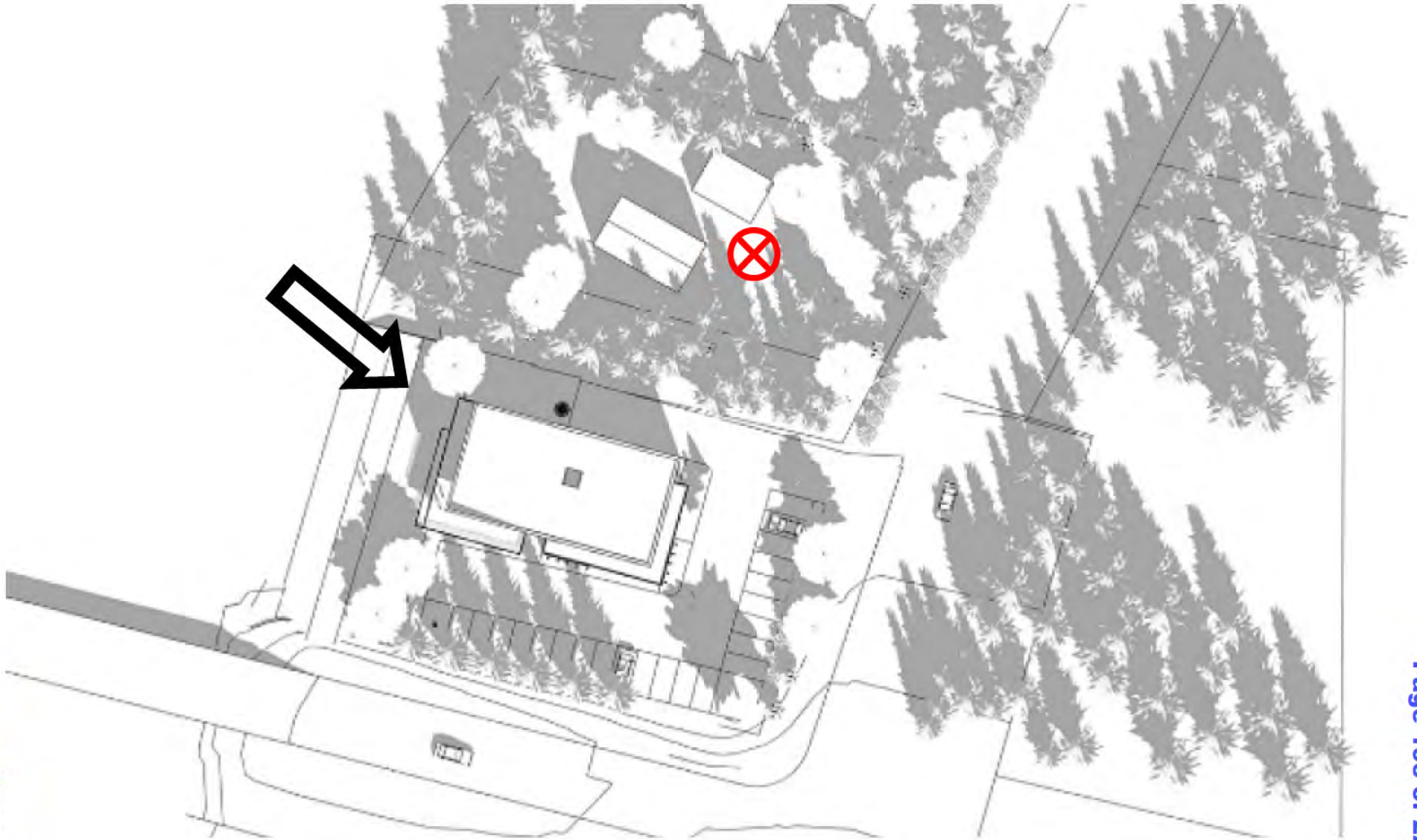
Site Plan

Relaxed Side Yard Setback Area

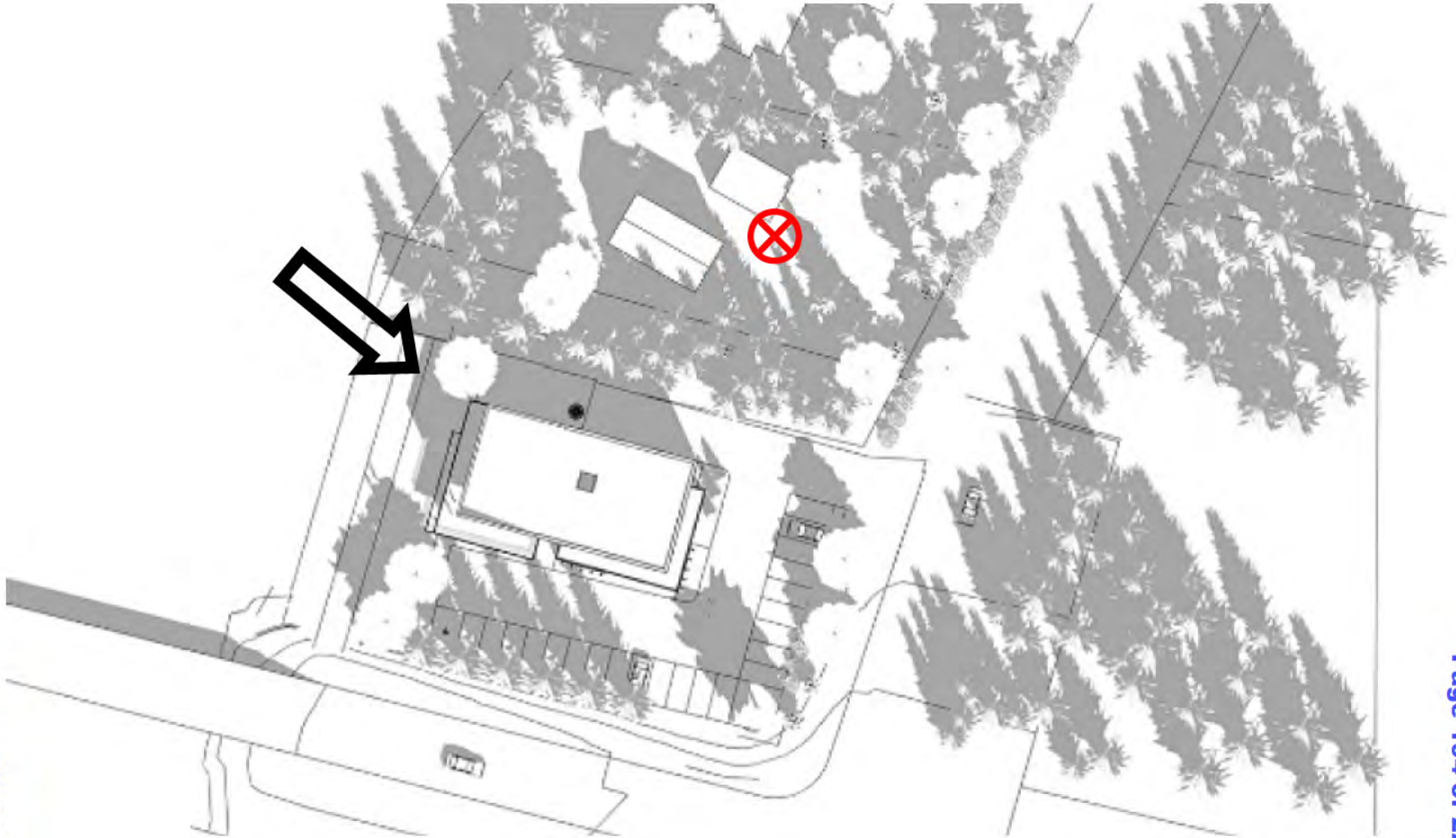


Relaxation to the west side yard setback: **1.20 m to 0.90 m**

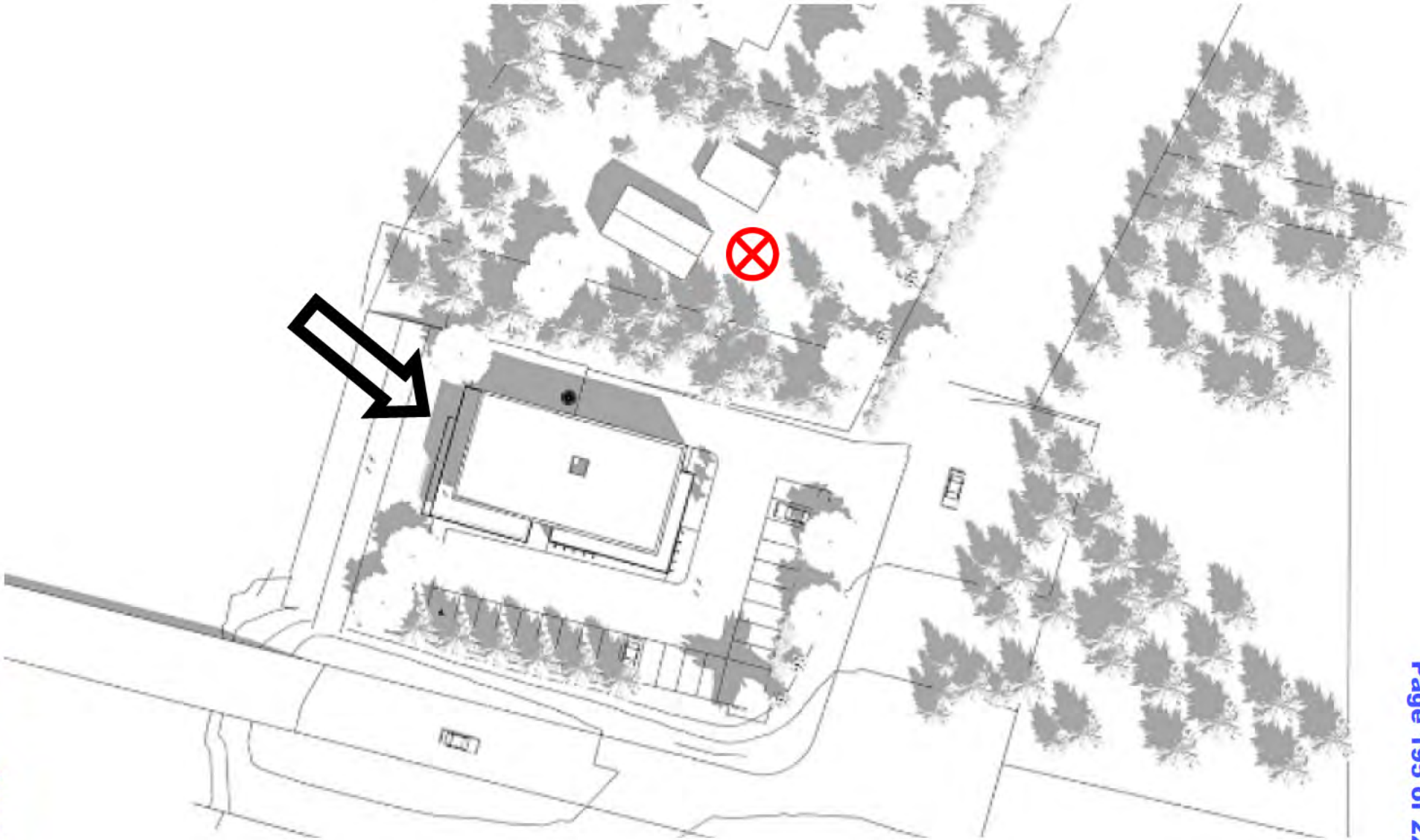
Shadow Study – September Equinox



Shadow Study – March Equinox

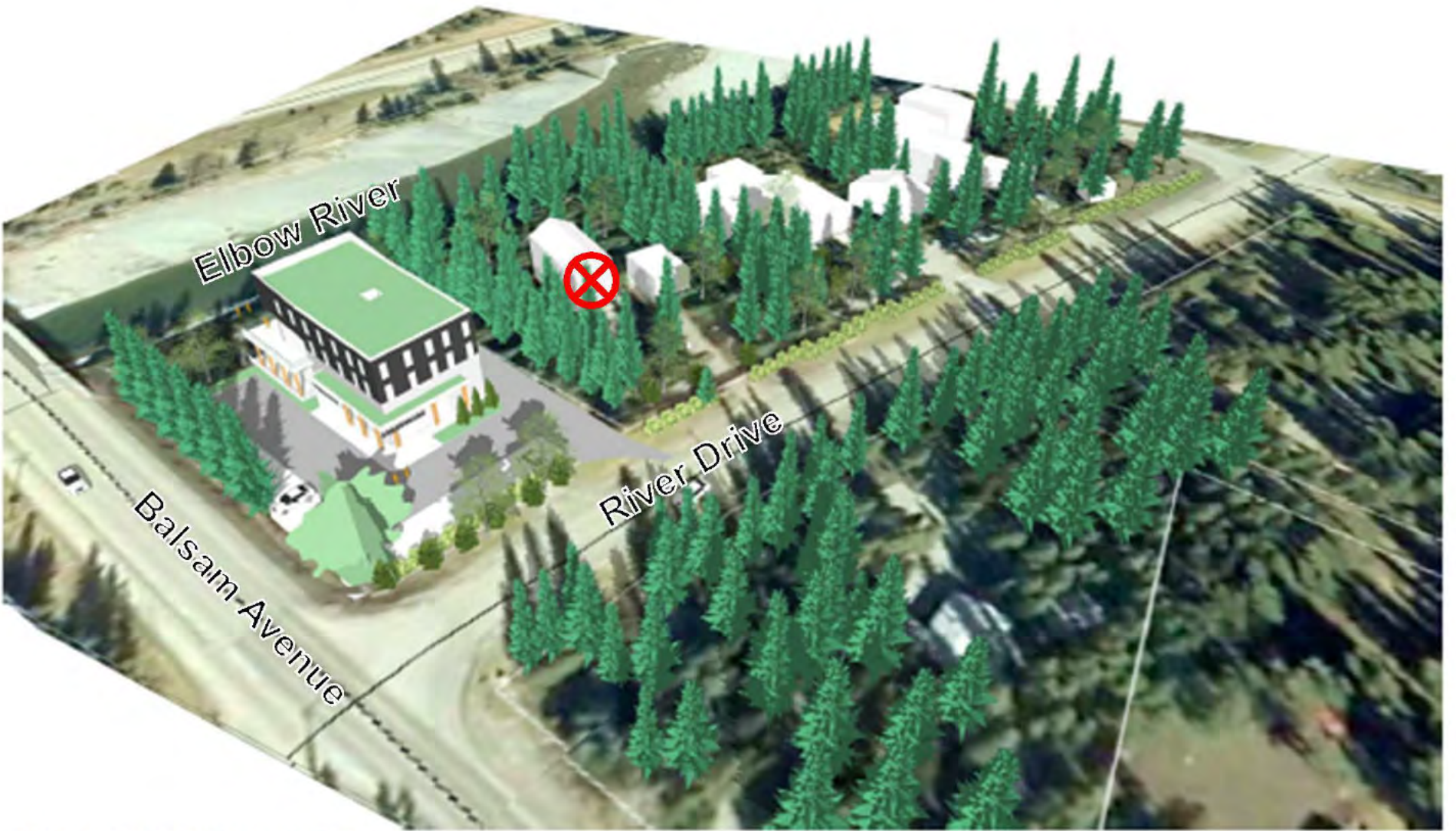


Shadow Study – Summer Solstice (June)



Shadow Study – Winter Solstice (Dec)





4. MASSING STUDY - SOUTH EAST LOOKING NORTH WEST



5. MASSING STUDY - NORTH EAST LOOKING SOUTH WEST



ROCKY VIEW COUNTY

Screening of
mechanical equipment
Exempt from Height
Calculation (LUB 8.1)

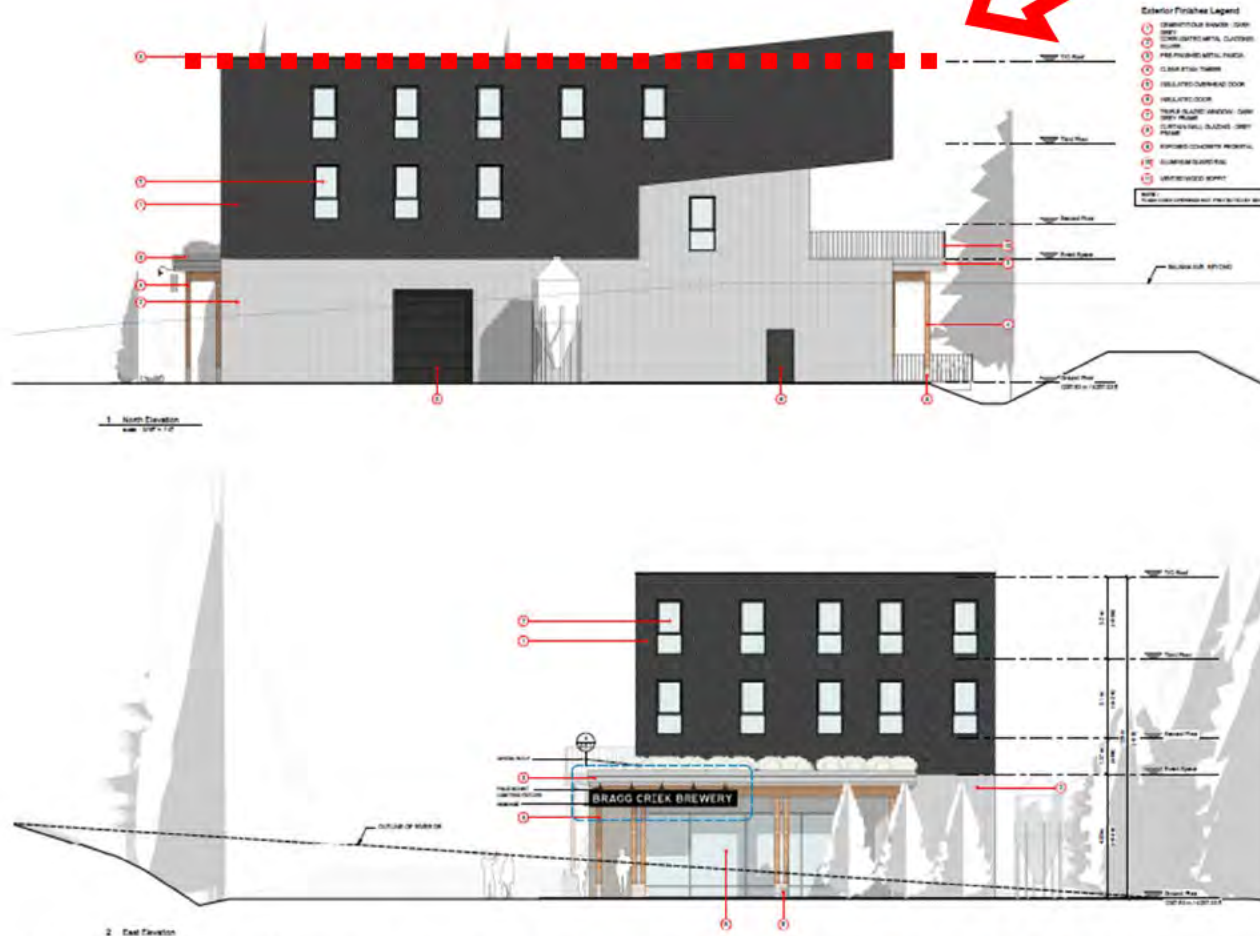
Elevations



Relaxation of maximum height: **10.00 m to 12.50 m**

Elevations

Screening of
mechanical equipment
Exempt from Height
Calculation (LUB 8.1)



Relaxation of maximum height from 10.00 m to 12.50 m



Rendering

Screening of
mechanical equipment
Exempt from Height
Calculation (LUB 8.1)



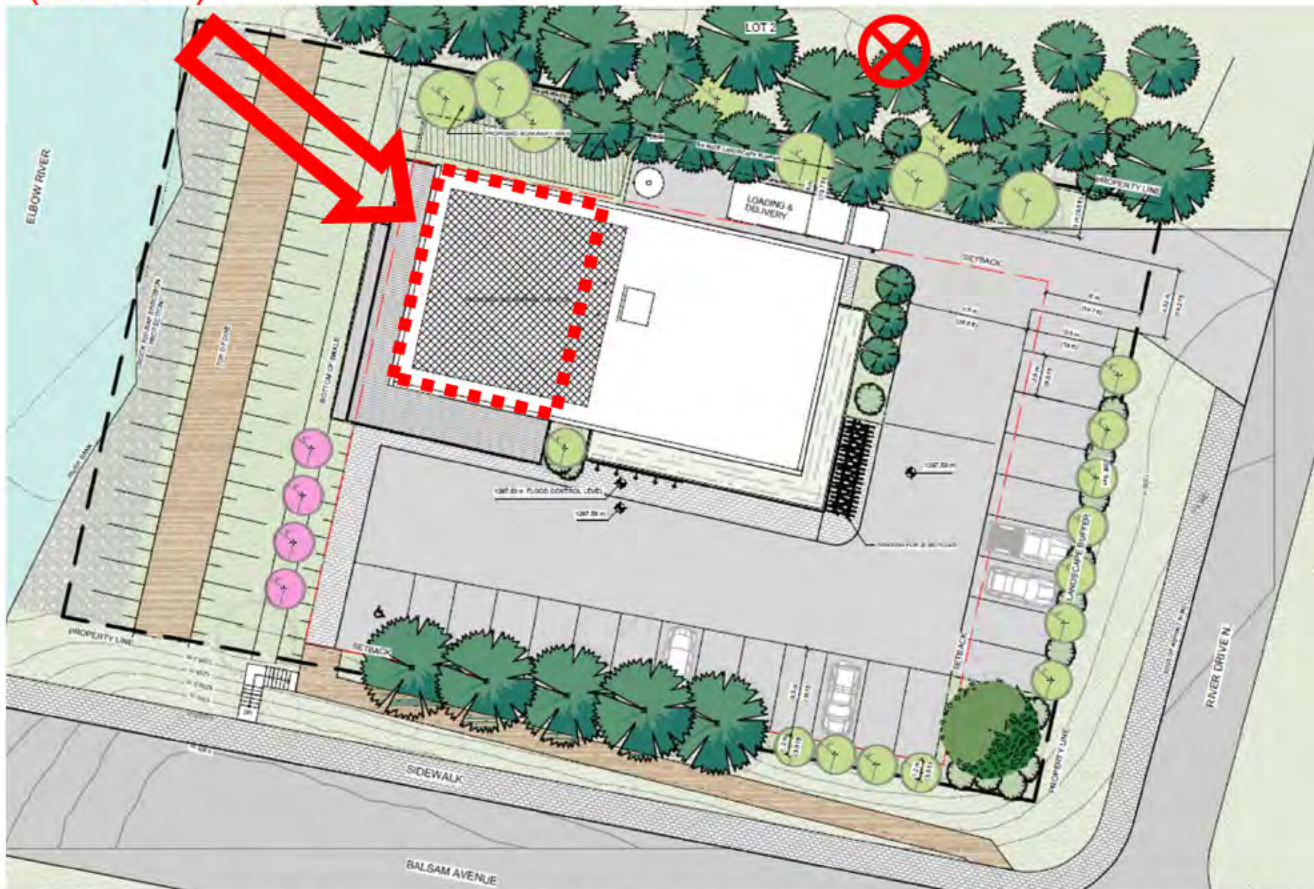
VIEW FROM SOUTH EAST CORNER DURING DAY TIME



ROCKY VIEW COUNTY

Approx. Area of
Screening for
mechanical equipment
Exempt from Height
Calculation (LUB 8.1)

Site Plan



Relaxation to the west side yard setback: **1.20 m to 0.90 m**

Façade Example



Example building with similar façade treatment (submitted by the Applicant/Appellant)



ROCKY VIEW COUNTY

LUB Section 30 Excerpts

SECTION 30 PARKING AND LOADING

30.1 Off-Street Vehicle, Motor Parking

- (a) Where residential, *business*, and institutional *development* is proposed, off-street vehicle, motor parking, shall be provided and maintained by the property Owner in accordance with the requirements of this *Bylaw*.

Number of Spaces

- (e) Where the Parking Schedule does not clearly define requirements for a particular development, the single use class or combination of use classes most representative of the proposed development shall be used to determine the parking requirement.
- (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 a Parking Assessment.



Parking

• Accommodation, Hotel:	42 Stalls
• General Industrial:	02 Stalls
• Community Building, Multi-Purpose:	<u>+ 09 Stalls</u>
• Total LUB Requirement:	55 Stalls



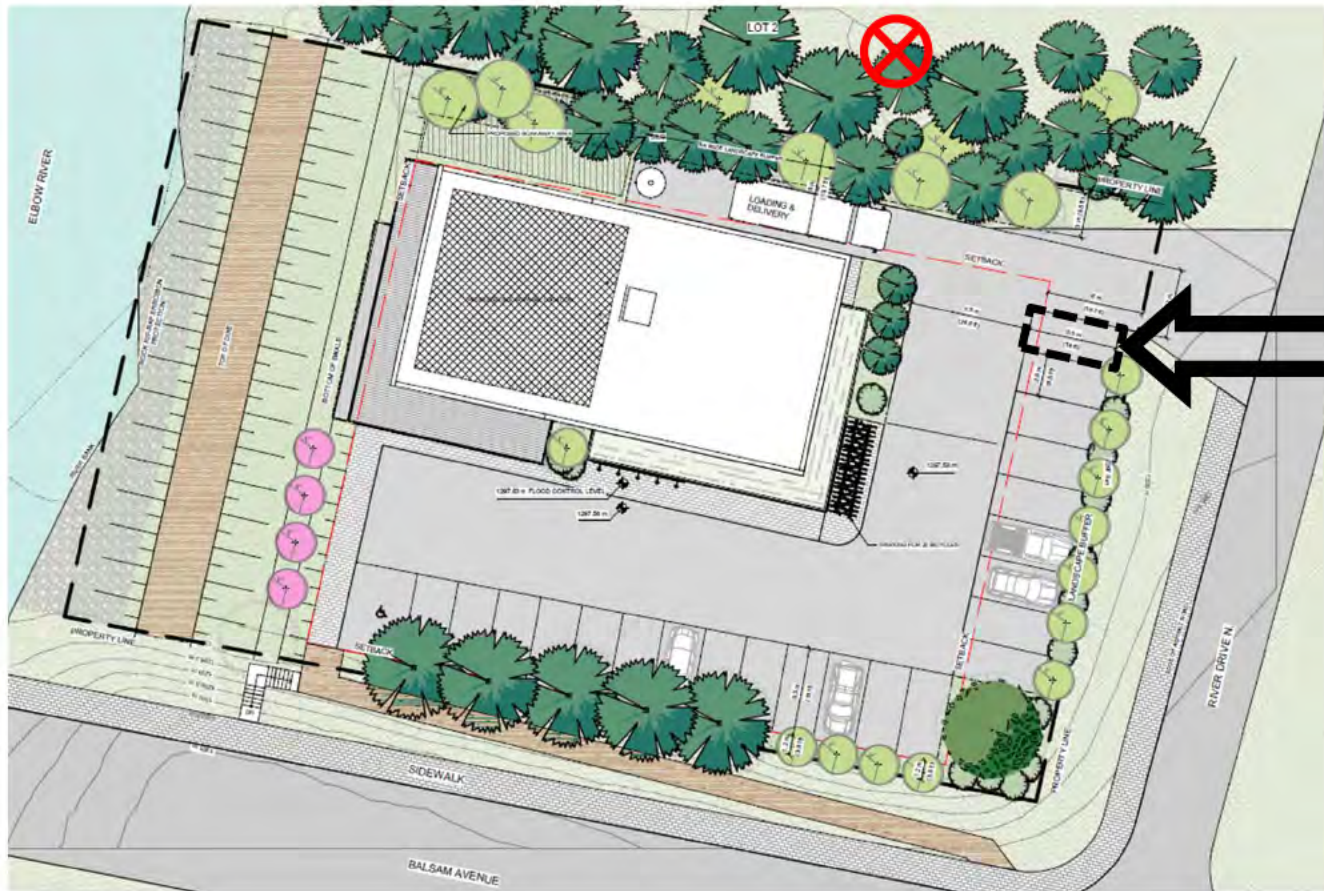
Submitted Parking Study

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 22
SURPLUS/(DEFICIT)			(20) 21



Site Plan

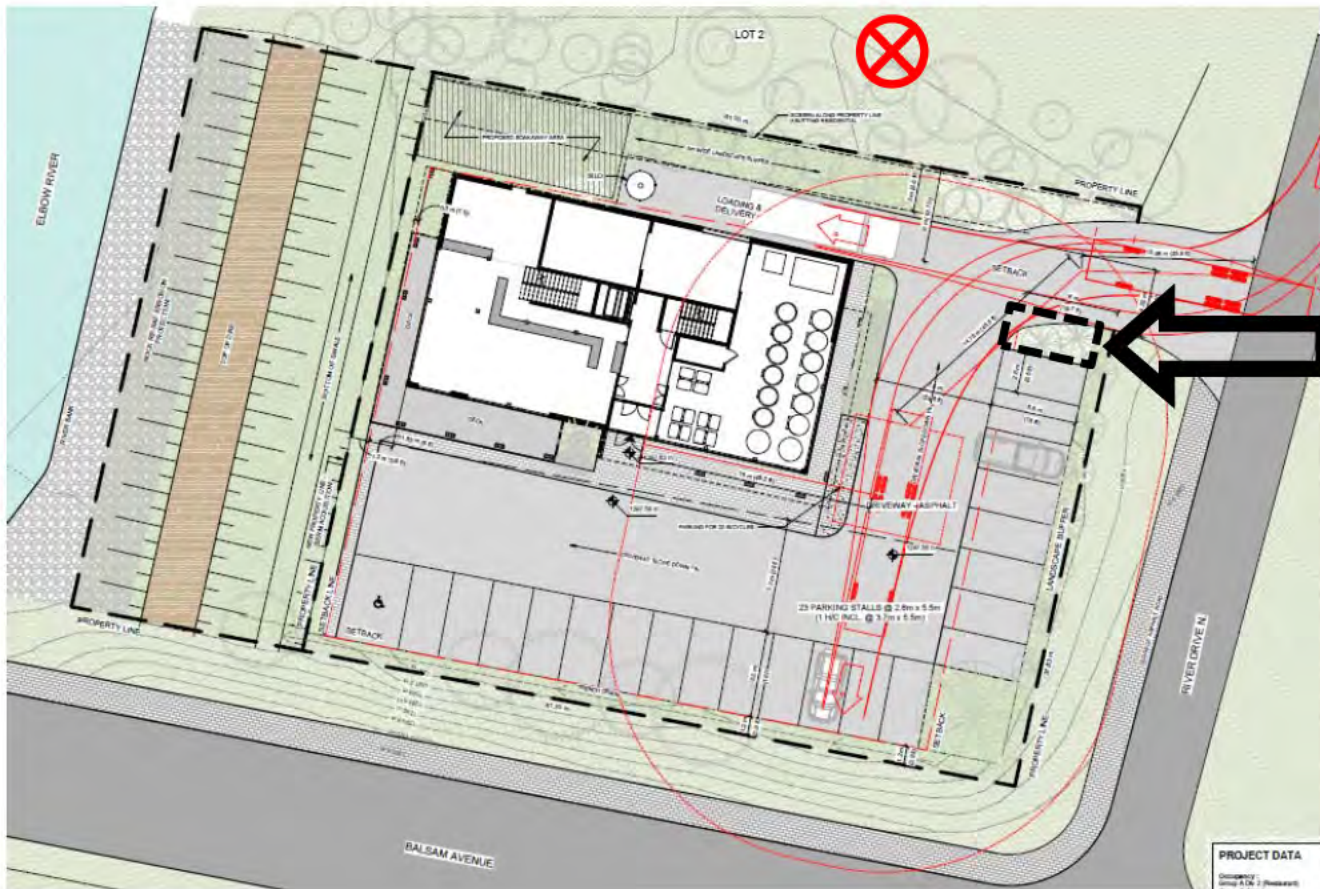


Stall area
needed for
truck turning
radius



ROCKY VIEW COUNTY

Site Plan



Stall area
needed for
truck turning
radius



ROCKY VIEW COUNTY

Proposed Parking

Total LUB Requirement:	55 Stalls
Parking Study (individual uses)	43 Stalls
Parking Study (shared parking):	35-38 Stalls
• Accepted Proposed Stalls (On Site):	22 Stalls
• Proposed Stalls (Off Site):	+ 42 Stalls
	<hr/>
• Total Proposed Stalls:	64 Stalls



Parking Study Off Site Locations



ROCKY VIEW COUNTY

Off Site Parking Distances



ROCKY VIEW COUNTY

Submitted Off Site Agreements

- Can be cancelled by either the Applicant/Appellant or off site provider with 30 days notice.
 - County would not be notified if agreements are cancelled by either party.
- LUB 30.1 requires parking “*shall be provided and maintained*”.
- Parking is required for the life of a development.



Parking Conditions Under Appeal

Condition #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.

Condition Rationale

- Ensures that the required parking is provided and maintained for the life of the development.
- Agreement(s) can be removed if replaced with agreements with alternative parking location(s).



Parking Conditions Under Appeal

Condition #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.

- May 27, 2019 email from the Applicant/Appellant indicates this condition is no longer being appealed.

Condition Rationale

- Ensures that the required parking is provided and maintained for the life of the development.
- Site Plan identifies 23 stalls, however 1 stall falls within required turning radius, therefore 22 stalls meet requirements.



ROCKY VIEW COUNTY

Parking Conditions Under Appeal

Condition #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.

Condition Rationale

- Ensures that the required parking is provided and maintained for the life of the development.
- Works with conditions 4 and 37 to ensures LUB requirement of 55 stalls is provided.



Parking Conditions Under Appeal

Condition #38

That no parking shall be permitted on the adjacent County road system.

- May 27, 2019 email from the Applicant/Appellant indicates this condition is no longer being appealed.

Condition Rationale

- Aligns with LUB 30.1, which requires parking be located “*Off Street*”.



Applicant/Appellant Requested Parking Condition Changes

4. That prior to issuance of this permit, the Applicant/Owner shall **submit to the satisfaction of the Development Authority,** ~~register on title,~~ the ~~appropriate~~ parking agreements **for the proposed development, as referenced in permanent conditions numbers 37 to 37.1. The sum of the parking stalls within the offsite parking stalls shall be no less than 12 stalls.** ~~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.~~
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.

Note: The above condition wording is proposed by the Applicant/Appellant, not a recommendation by administration.



ROCKY VIEW COUNTY

Applicant/Appellant Requested Parking Condition Changes

37. That a minimum of ~~33~~**12** parking stalls shall be available at all times ~~via the registered at~~ off-site locations **in accordance with parking agreements between the Applicant/Owner and the Owners of the parcels on which the offsite parking stalls are available for the proposed development. The required offsite parking stalls** ~~parking arrangements~~ and shall be maintained on title for the life of the development permit.
- 1. If any of the offsite parking stalls cease to be available for the development, the Applicant/Owner must notify the Development Authority and immediate alternate parking stalls must be secured to the satisfaction of the Development Authority.**
 - 2. Staff of the development must park their motor vehicles at offsite parking locations.**
 - 3. All customers/patrons of the development must be advised of the locations of the offsite parking stalls.**
38. That no parking shall be permitted on the adjacent County road system.

Note: The above condition wording is proposed by the Applicant/Appellant, not a recommendation by administration.



ROCKY VIEW COUNTY

Servicing

- Conditions 17, 19, and 22 fall under the purview of the Master Rates Bylaw and the Water & Wastewater Utilities Bylaw, not the LUB.
- In accordance with the Municipal Government Act the scope of the appeal regarding whether the Master Rates Bylaw was applied correctly.



Servicing Conditions Under Appeal

Condition #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.

- May 27, 2019 email from the Applicant/Appellant indicates this condition is no longer being appealed.

Condition #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.



Servicing Conditions Under Appeal

Condition #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.



Applicant/Appellant Requested Servicing Condition Changes





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.
- ~~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.~~
- ~~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.~~

Note: The above condition wording is proposed by the Applicant/Appellant, not a recommendation by administration.



ROCKY VIEW COUNTY

Letters Received

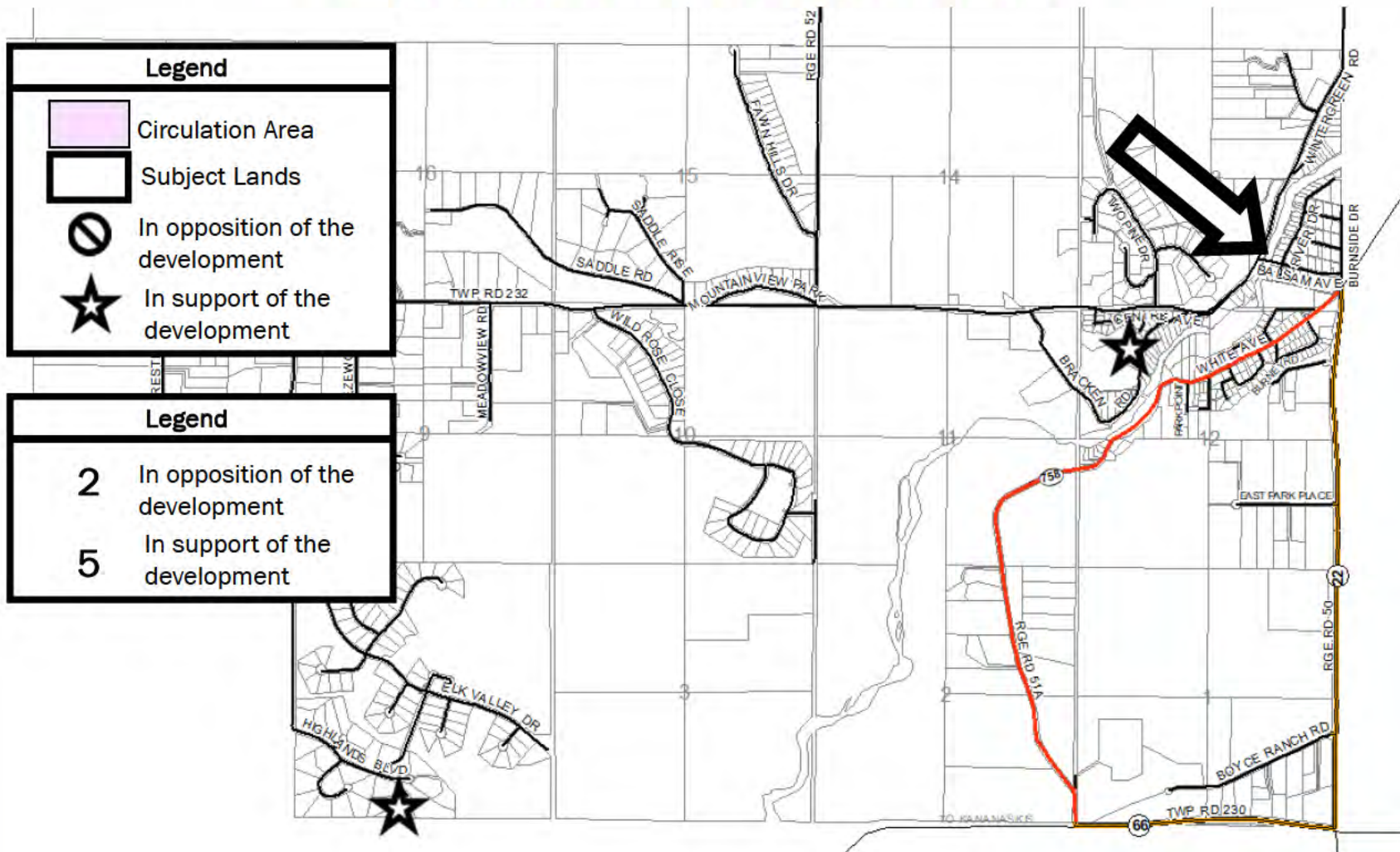
Legend	
	Circulation Area
	Subject Lands
	In opposition of the development
	In support of the development

Legend	
2	In opposition of the development
5	In support of the development



ROCKY VIEW COUNTY

Letters Received



PLANNING & DEVELOPMENT

TO: Subdivision and Development Appeal Board

DATE: June 5, 2019

DIVISION: 05

FILE: 04312120

APPLICATION: B-2; PRDP20190975

SUBJECT: Construction of an accessory building (oversize garage/shop)

PROPOSAL: Construction of an accessory building (oversize garage/shop), relaxation of the maximum building area for an accessory building (oversize garage/shop), relaxation of the rear yard setback requirement (oversize garage/shop), and relaxation of the total building area for all accessory buildings.	GENERAL LOCATION: Located approximately 0.81 km (1/2 mile) west of Hwy. 791 and 0.41 km (1/4 mile) south of Twp. Rd. 241A.
APPLICATION DATE: April 2, 2019	DEVELOPMENT AUTHORITY DECISION: Discretionary – Refused
APPEAL DATE: May 9, 2019	DEVELOPMENT AUTHORITY DECISION DATE: May 7, 2019
APPELLANT: Ernest & Tammy Hird	APPLICANT: Ernest & Tammy Hird
LEGAL DESCRIPTION: Lot 6, Block 4, Plan 0011913; SE-12-24-28-W04M	MUNICIPAL ADDRESS: 208 East Ridge Bay
LAND USE DESIGNATION: Residential One District (R-1)	GROSS AREA: ± 0.98 hectares (± 2.02 acres)
DISCRETIONARY USE: An accessory building is discretionary within the Residential One District with an area between 80.27 sq. m (864.01 sq. ft.) and 120.00 sq. m (1,291.67 sq. ft.).	DEVELOPMENT VARIANCE AUTHORITY: As per Section 12 of the Land Use Bylaw, the Development Authority may apply a variance up to 10.00% of the maximum building area for an accessory building and 25.00% to the required setback, 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 34 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) •Land Use Bylaw (C-4841-97)

EXECUTIVE SUMMARY:

This application is for construction of an accessory building (oversize garage/shop), including a relaxation of the maximum building area for an accessory building, relaxation of the rear yard setback, and relaxation of the total building area for all accessory buildings.

The subject land is designated as Residential One (R-1) and currently includes a dwelling, single-detached and an accessory building (garage). The property falls within the East Ridge Estates, Phase 3 subdivision and borders other similar residential lands, as well as undeveloped land in the City of Chestermere to the west.

After assessing the application against the regulations of the district, the proposal has been refused for the following reasons:

1. Accessory buildings between 80.27 sq. m (864.01 sq. ft.) and 120.00 sq. m (1,291.67 sq. ft.) are discretionary uses within R-1. The proposed size of the accessory building (oversize garage/shop) is 234.12 sq. m (2,520.04 sq. ft.) and requires a relaxation of 95.10% to the upper discretionary amount. While the Development Authority may apply a variance to the size of an accessory building, this proposal exceeds the discretionary ability and included as a reason for refusal.
2. The required rear yard setback is 7.00 m (22.96 ft.) within R-1. The proposed rear yard setback of the accessory building (oversize garage/shop) is 6.55 m (21.49 ft.) and requires a relaxation of 6.43%. While the Development Authority may apply a variance up to 25.00% of the required setback, due to other reasons of refusal with the application, this is also included as a reason for refusal.
3. The maximum total building area for all accessory buildings is 120.00 sq. m (1,291.67 sq. ft.) within R-1. The total building area including the existing accessory building and proposed building is 283.23 sq. m (3,048.66 sq. ft.) and requires a relaxation of 136.03%. The Development Authority has no variance discretion related to total building for all accessory buildings and included as a reason for refusal.

The application was refused by the Development Authority on May 7, 2019 and appealed by the Appellant/Owner on May 9, 2019.

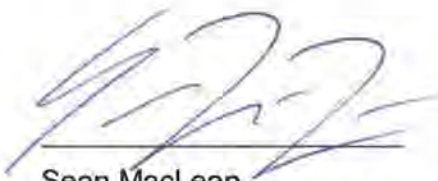
PROPERTY HISTORY:

No relevant property history.

APPEAL:

See attached report and exhibits.

Respectfully submitted,



Sean MacLean
Supervisor, Planning & Development

LM/lt



DEVELOPMENT PERMIT REPORT

Application Date: April 2, 2019	File: 04312120
Application: PRDP20190975	Applicant/Owner: Ernest & Tammy Hird
Legal Description: Lot 6, Block 4, Plan 0011913; SE-12-24-28-W04M	General Location: Located approximately 0.81 km (1/2 mile) west of Hwy. 791 and 0.41 km (1/4 mile) south of Twp. Rd. 241A
Land Use Designation: Residential One District (R-1)	Gross Area: ± 0.82 hectares (± 2.02 acres)
File Manager: Lisa Mrozek	Division: 5

PROPOSAL:

The proposal is for the construction of an accessory building (oversize garage/shop), relaxation of the maximum building area for an accessory building (oversize garage/shop), relaxation of the rear yard setback requirement (oversize garage/shop), and relaxation of the total building area for all accessory buildings.

The property is located in the East Ridge Estates, Phase 3 subdivision and borders other residential subdivision, as well as undeveloped land in the City of Chestermere, directly to the west. The site includes a dwelling, single-detached, an accessory building (garage), approximately 49.12 m in size, and is screened on most frontages with mature trees. Note that the existing buildings on-site comply with the Land Use Bylaw setback requirements and height restrictions.

SECTION 48 RESIDENTIAL ONE DISTRICT (R-1)

48.1 Purpose and Intent

The purpose of this District is to provide for a residential use on a small parcel of land which does not accommodate agriculture, general.

The proposed development is consistent with the purpose and intent of the district, as the accessory building is intended to support the existing residential use.

48.3 Uses, Discretionary

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

Proposed: 234.12 sq. m

The proposed accessory building is 234.12 sq. m in size and the Applicant is requesting a variance of 95.10% from the upper discretionary amount $\{(234.12 \text{ sq. m} - 120.00 \text{ sq. m}) / 120.00 \text{ sq. m} \times 100\}$. As per Section 12 of the Land Use Bylaw, the Development Authority may apply a variance up to 10.00% of the maximum building area for an accessory building and if the variance would not materially interfere with or affect the use, enjoyment, or value of the neighboring properties. The request of 95.10% is well outside of the Development Authority's discretion, and is included as a reason for refusal.



48.5 Minimum and Maximum Requirements

(b) Yard, Front:

(iii) 15.00 m (49.21 ft.) from any road, internal subdivision or road, service

Proposed: Lots

(c) Yard, Side:

(iv) 3.00 m (9.84 ft.) all other

Proposed: 27.74 m/Lots

(d) Yard, Rear:

(ii) 7.00 m (22.96 ft.) all other

Proposed: 6.55 m

The rear yard setback for the proposed accessory building (oversize garage/shop) does not meet the minimum setback requirement of 7.00 m and the Applicant is requesting a variance of 6.43% $\{((7.00\text{ m} - 6.55\text{ m})/7.00\text{ m}) * 100\}$. As per Section 12 of the Land Use Bylaw, the Development Authority may apply a variance up to 25.00% of the required setback and if the variance would not materially interfere with or affect the use, enjoyment, or value of the neighboring properties. The request of 6.43% is within the discretion of the Development Authority, the accessory building (oversize garage/shop) is located well away from adjacent dwellings at the back of the site, and the property includes sufficient screening in the form of mature trees; however, due to other reasons for refusal of the application, this is also included as a reason for refusal.

48.7 Maximum height of buildings

(b) accessory buildings - 7.00 m (22.96 ft.)

Proposed: 4.88 m

48.9 Maximum total building area for all accessory buildings – 120.00 sq. m (1,291.67 sq. ft.)

Proposed: 283.23 sq. m

{234.12 sq. m [Proposed accessory building (oversize garage/shop)] + 49.12 sq. m. [Existing accessory building (garage)]}

The total building area of the proposed accessory building (oversize garage/shop) and existing accessory building (garage) exceed the permitted amount of 120.00 sq. m and the Applicant is requesting a variance of 136.03% $\{((120.00\text{ sq. m} - 283.23\text{ sq. m})/120.00\text{ sq. m}) * 100\}$. The Development Authority has no discretion under Section 12 of the Land Use Bylaw related to total building area for all accessory buildings.

48.10 Maximum number of accessory buildings – Two (2)

Proposed: Two

Additional Information:

- An overland drainage right-of-way is registered under Plan 001 1915 along the west side of the property, approximately 0.16 hectares (0.40 acres in size); the proposed accessory building falls outside of the overland drainage right-of-way.

STATUTORY PLANS:

The subject land does not fall within an area structure plan or conceptual scheme.

**INSPECTOR'S COMMENTS:**

No inspection complete at the time of report preparation.

CIRCULATIONS:

Internal	
Building Services	No objection to accessory building, subject to BP.
Planning & Development	No comments received.
Operations	<p>Capital Project Management:</p> <ul style="list-style-type: none"> • No concerns <p>Transportation Services:</p> <ul style="list-style-type: none"> • Applicant to contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions. • Construction and location not to impact existing storm water retention facility identified on Plan 0011915. <p>Utility Services:</p> <ul style="list-style-type: none"> • No concerns
External	
City of Chestermere	No comments received.

OPTIONS:

Option #1 (this would approve the construction of the accessory building with relaxations)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for construction of an accessory building (oversize garage/shop) with relaxation of the maximum building area for an accessory building (oversize garage/shop), relaxation of the rear yard setback requirement (oversize garage/shop), and relaxation of the total building area for all accessory buildings at Lot 6, Block 4, Plan 0011913; SE-12-24-28-W04M (208 East Ridge Bay) 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 building (oversize garage/shop) may be constructed on the subject land in accordance with the site plan and drawings provided with the application.



- 2) That the rear yard setback requirement for the accessory building (oversize garage/shop) is relaxed from **7.00 m (22.96 ft.) to 6.55 m (21.49 ft.)**.
- 3) That the maximum building area for the accessory building (oversized garage/shop) is relaxed from **120.00 sq. m (1,291.67 sq. ft.) to 234.12 sq. m (2,520.05 sq. ft.)**.
- 4) That the total building area for all accessory buildings is relaxed from **120.00 sq. m (1,291.67 sq. ft.) to 283.23 sq. m (3,048.66 sq. ft.)**.

Prior to Release:

- 5) The Applicant/Owner shall, to the satisfaction of the Development Authority, submit Building Elevations of all sides of the accessory building (oversize garage/shop) to Rocky View County Planning and Development Services. The Building Elevations shall address the following to the satisfaction of the Development Authority:
 - a. Building height;
 - b. Building massing; and
 - c. Building exterior façade treatment.

Permanent:

- 6) That the accessory building (oversize garage/shop) shall not be used for commercial purposes at any time, except for a Home-Based Business, Type I, or an approved Home-Based Business, Type II.
- 7) That the accessory building (oversize garage/shop) shall not be used for residential occupancy at any time.
- 8) That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the issue, the permit is deemed to be null and void.
- 9) That if this Development Permit is not issued by **November 30, 2019** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Advisory:

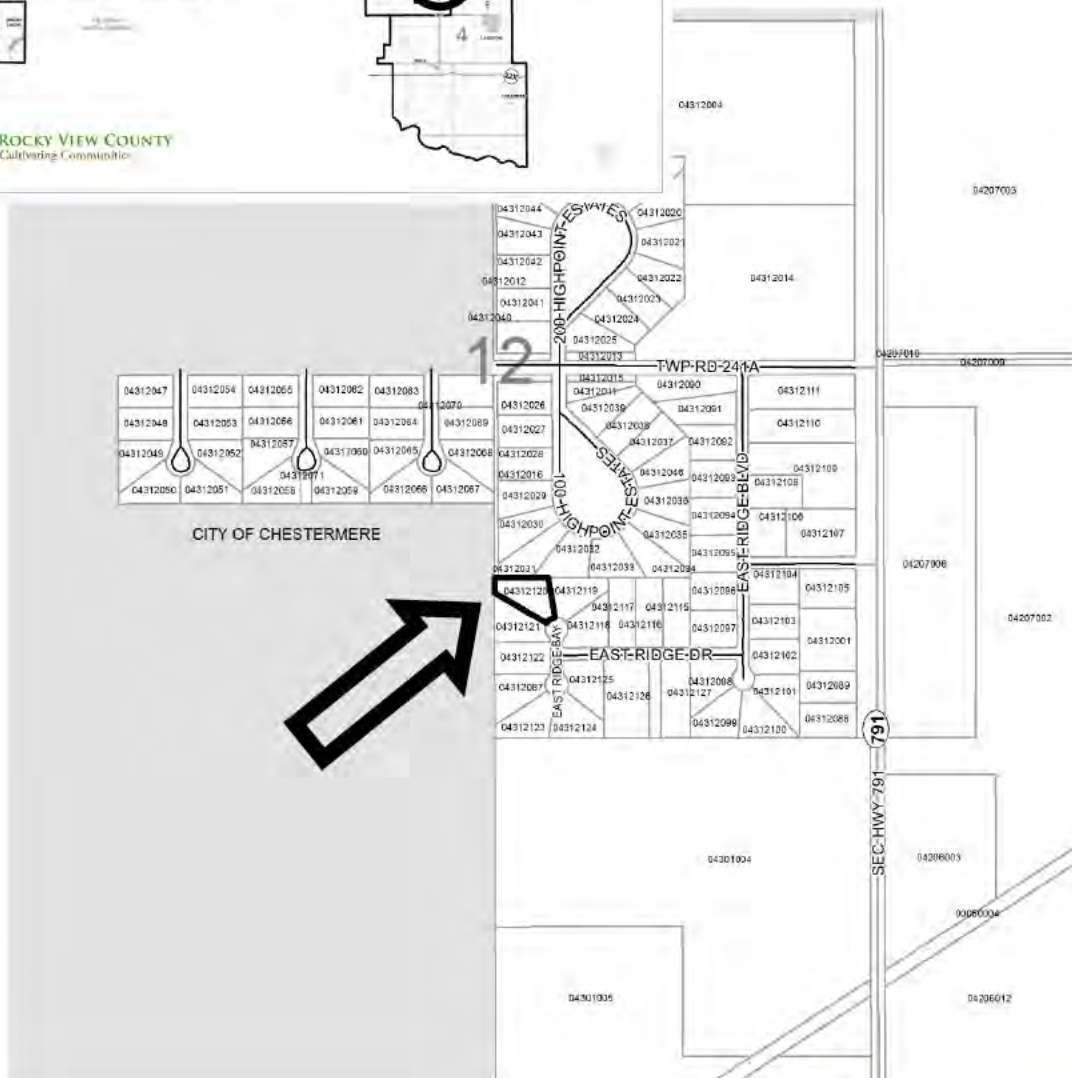
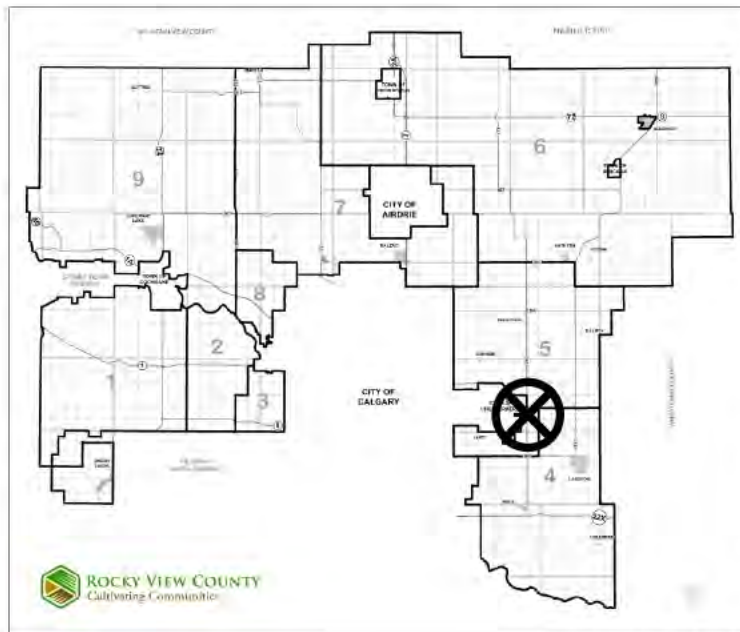
- 10) That the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions
- 11) That any required building permits and/or sub-trade permits for the accessory building (oversize garage/shop) shall be obtained through Building Services.
- 12) That any other federal, provincial or County permits, approvals, and/or compliances, are the sole responsibility of the Applicants/Owners.

Option #2 (this would not approve the construction of the accessory building with relaxations)

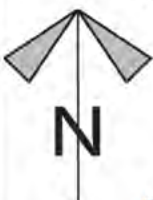
That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for construction of an accessory building (oversize garage/shop), with relaxation of the maximum building area for an accessory building (oversize garage/shop), relaxation of the rear yard setback requirement (oversize garage/shop), and relaxation of the total building area for all accessory buildings at Lot 6, Block 4, Plan 0011913; SE-12-24-28-W04M (208 East Ridge Bay) be denied and that the decision of the Development Authority be confirmed.

SUMMARY TABLE

		Building Area (sq. m)	Front Yard Setback (m)	Side Yard Setback (m)	Side Yard Setback (m)	Rear Yard Setback (m)	Height (m)	Total Building Area for all Accessory Buildings (sq. m)	Total Number of Accessory Buildings
Bylaw Requirement		80.00	Internal Subdivision or Service Road	Other	Other	Other	7.00	120.00	2
		≤ 120.00	15.00	3.00	3.00	7.00			
Accessory Buildings									
1	Proposed garage	234.12	Lots	Lots	27.74	6.55	4.88	283.24	2
	Variance Required?	95.10%	N/A	N/A	N/A	6.43%	N/A	136.03%	N/A
2	Existing garage	49.12	Lots	6.09	Lots	35.73	Not identified		
	Variance Required?	N/A	N/A	N/A	N/A	N/A	N/A		



LOCATION PLAN

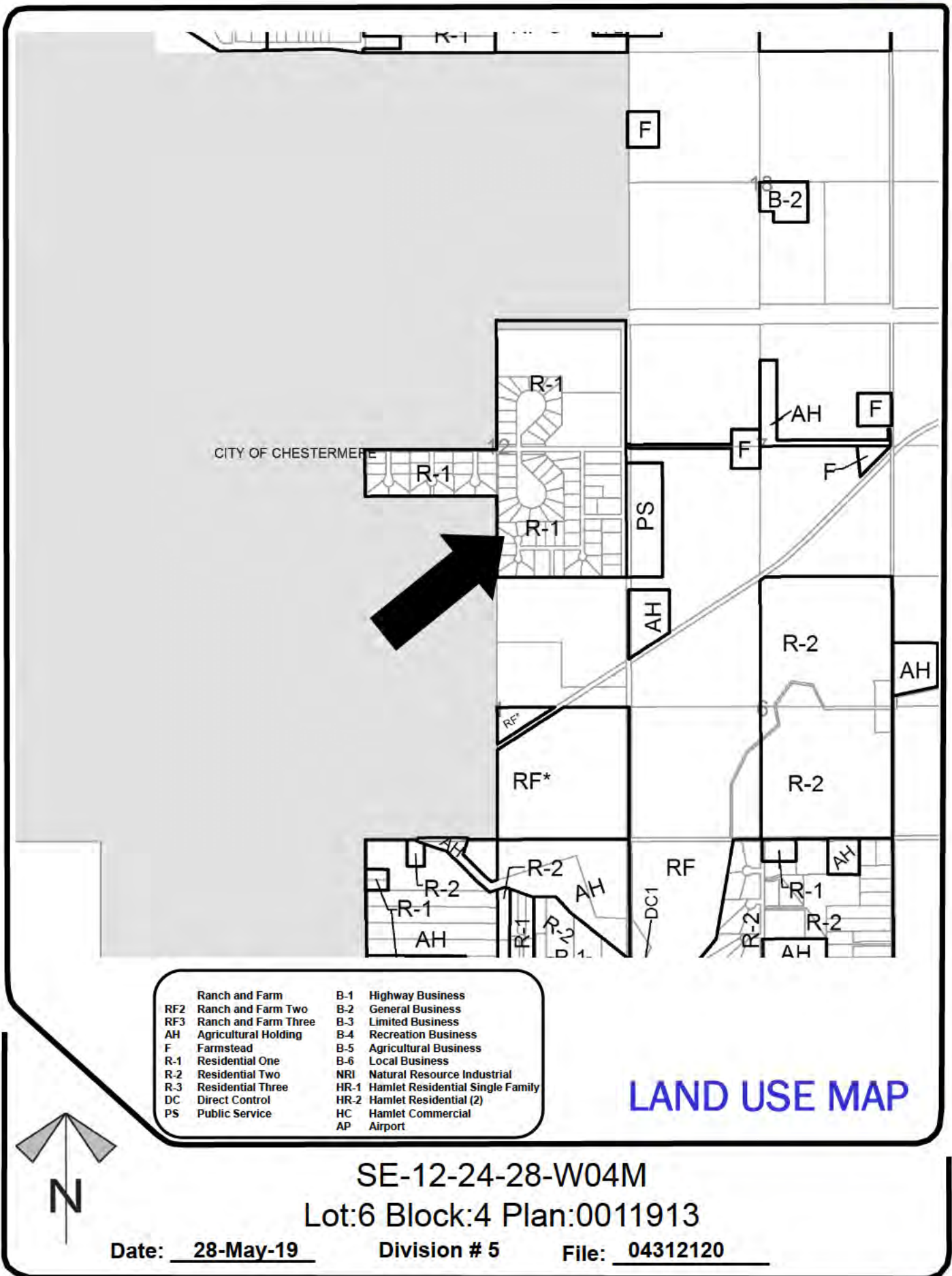


SE-12-24-28-W04M
Lot:6 Block:4 Plan:0011913

Date: 28-May-19

Division # 5

File: 04312120





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

AIR PHOTO

Spring 2018

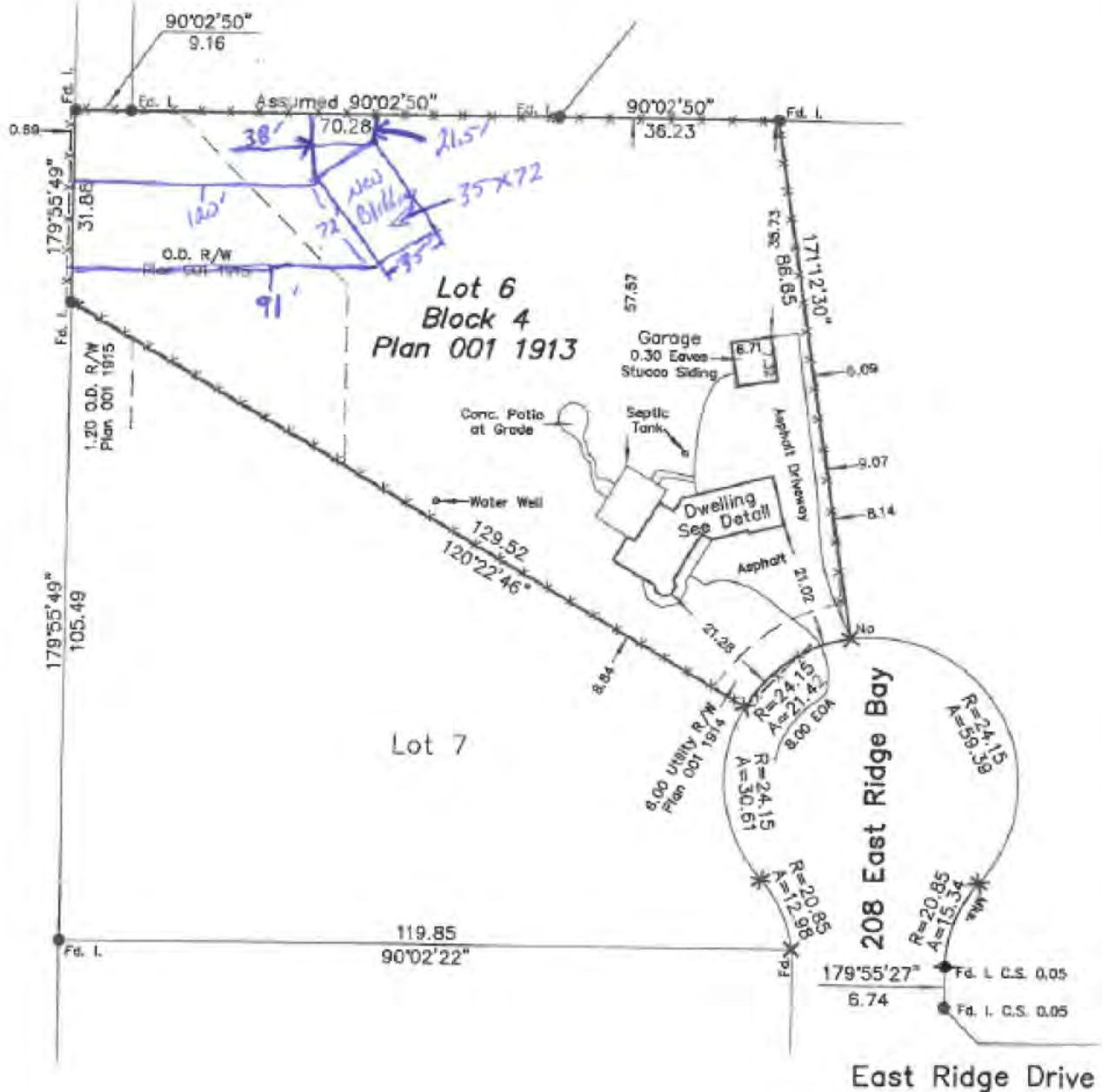


SE-12-24-28-W04M
Lot:6 Block:4 Plan:0011913

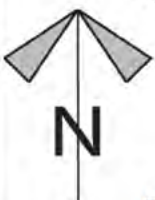
Date: 28-May-19

Division # 5

File: 04312120



SITE PLAN

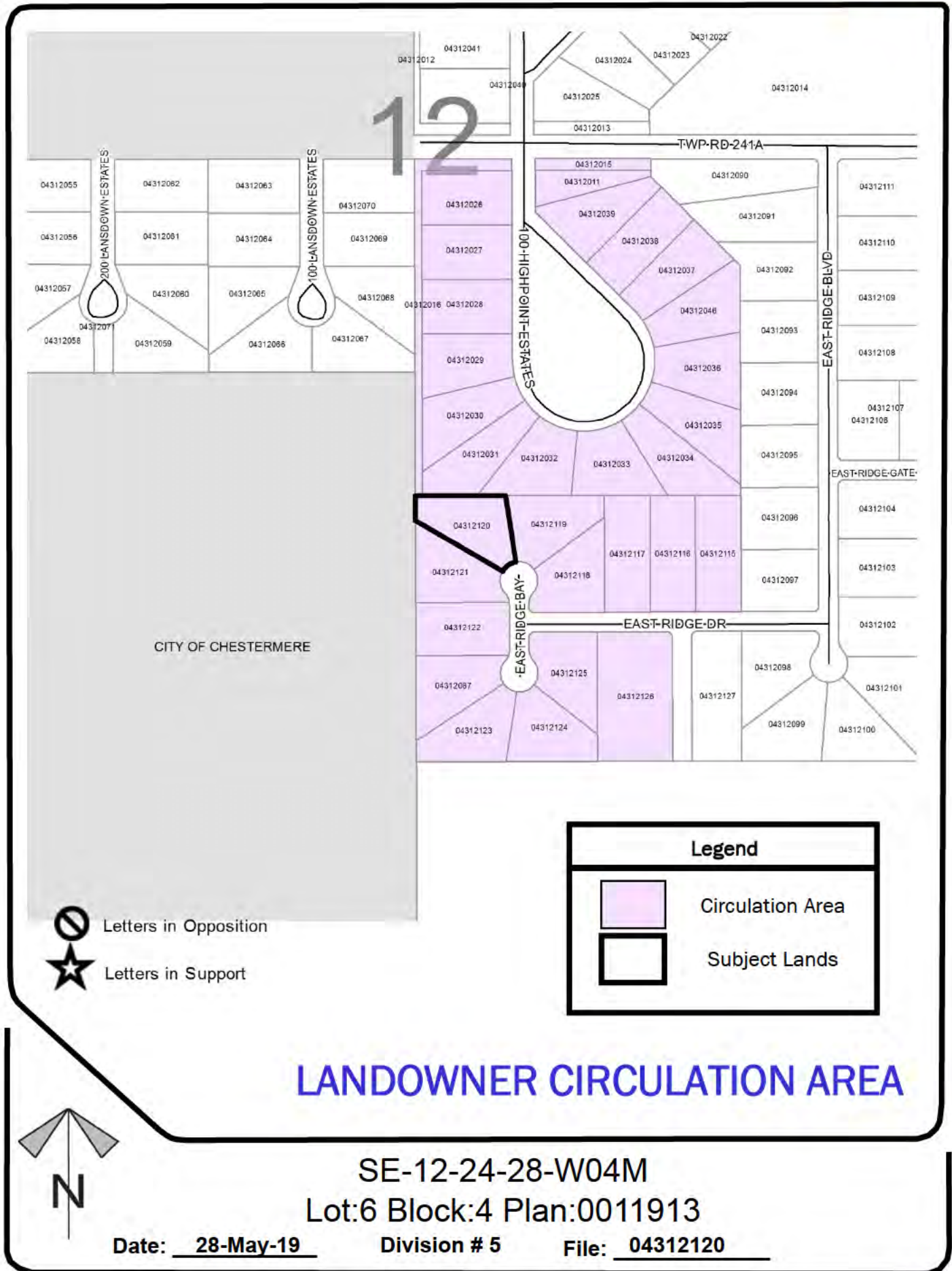


SE-12-24-28-W04M
Lot:6 Block:4 Plan:0011913

Date: 28-May-19

Division # 5

File: 04312120





Notice of Appeal

Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information

Name of Appellant(s)

Mailing Address

Province

Postal Code

Main Phone #

Alternate Phone #

Email Address

Site Information

Municipal Address

Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian)

Development Permit, Subdivision Application, or Enforcement Order #

Property Roll #

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)

Tools, Land Tools, equipment, clean up,



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 a Rocky View County Municipal Clerk at 403-230-1401.

Appellant's Signature

Date



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

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

REFUSAL

Hird, Ernest & Tammy

Development Permit #: PRDP20190975

Date of Issue: May 7, 2019

Roll #: 04312120

Your Application dated April 02, 2019 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

**construction of an accessory building (oversize garage),
relaxation of the maximum building area for an accessory building (oversize garage),
relaxation of the rear yard setback requirement (oversize garage, and
relaxation of the total building area for all accessory buildings**

at Lot 6, Block 4, Plan 0011913; SE-12-24-28-W04M (208 EAST RIDGE BAY)

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 size of the proposed accessory building (oversize garage/shop) exceeds the discretionary area under Section 48.3 of Land Use Bylaw C-4841-97.
Discretionary: 120.00 sq. m (1,291.67 sq. ft.); **Proposed:** 234.12 sq. m (2,520.05 sq. ft.)
- 2) The rear yard setback proposed for the accessory building (oversize garage/shop) does not meet the minimum requirement under Section 48.5 of Land Use Bylaw C-4841-97.
Required: 7.00 m (22.96 ft.); **Proposed:** 6.55 m (21.49 ft.)
- 3) That the total building area of the proposed and existing accessory building exceeds the permitted area under Section 48.9 of Land Use Bylaw C-4841-97.
Permitted: 120.00 sq. m (1,291.67 sq. ft.); **Proposed:** 283.23 sq. m (3,048.66 sq. ft.)

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

Development Authority
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 \$350.00 with Rocky View County no later than 21 days following the date on which this Notice is dated.



ROCKY VIEW COUNTY
Cultivating Communities

20190975

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$265	File Number 04312120
Date of Receipt April 2/19	Receipt #

Name of Applicant Ernest + Tammy Hird Email [REDACTED]
 Mailing Address [REDACTED] Postal Code [REDACTED]
 Telephone (B) [REDACTED] (H) [REDACTED] Fax 203.209.1141
 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 SE $\frac{1}{4}$ Section 12 Township 24 Range 28 West of 4 Meridian
 b) Being all / parts of Lot 6 Block 4 Registered Plan Number 0011913
 c) Municipal Address 208 East Ridge Bay Rocky View County
 d) Existing Land Use Designation R1 Parcel Size 2.02 Division 5

2. APPLICATION FOR

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 Ernest Hird 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 April 2 2019

Owner's Signature [Signature]
 Date April 2 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, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.

I, Ernest Hird, 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

April 2 2019
Date

20190975



ROCKY VIEW COUNTY
Cultivating Communities

APPLICATION FOR AN ACCESSORY BUILDING

FOR OFFICE USE ONLY	
Fee Submitted \$265	File Number 04312120
Date Received April 2/19	Receipt #

Name of Applicant Ernest + Tammy Hird Email [REDACTED]
Mailing Address [REDACTED] Postal Code [REDACTED]
Telephone (B) [REDACTED] (H) [REDACTED] Fax NA

1. DETAILS OF ACCESSORY BUILDING

	Bylaw	Proposed
Accessory building size maximum	1291.67'	2520.0'
Accessory building height	22.96'	16'
Number of existing accessory buildings on site	2	2
Total size of all accessory buildings	1291.67'	3048.0'

Description of Accessory Buildings:

- a) Building materials Lookat Paper work. (wood/steel)
b) Exterior colour Same as house (white/gray)
c) Please include why relaxations for buildings are needed (location, storage needs, tidy property, etc.)
Storage, Tidy, Home work shop.
d) Date when building permits were issued for existing buildings UNKNOWN all Building were there at Time of Purchase.
e) If no permits were issued - list age of buildings UNKNOWN all Building's were there at Time of Purchase

2. DESCRIBE THE USE OF THE ACCESSORY BUILDING

Storage, Tidy up Property, storage of Tools and Equipment, Home work shop for hobby

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: April 2 2019

Quote #14319

2019-03-27

YOUR NEW BUILDING SPECS ARE ...

Job Type: Acreage

Building Type: Shop

Exterior:

Size: 35' wide x 72' long x 16' high

Soffits: Yes Soffit size: 24"

Post Size:

- 3 ply 2 x 8 Engineered Laminated Posts complete with uplift protection and spaced @ 6' along the eave walls
- 4 ply 2 x 8 Engineered Laminated Posts complete with uplift protection beside the overhead doors
- Posts to be set on a 2" x 12" concrete block
- ¾" washed rock for setting of posts (**Not Included**).

Walls:

- 2 x 8 Treated bottom base board around the exterior of the building.
- 2 x 6 strapping @ 2' centers
- 29 Gauge colored metal including all necessary trims around corners, windows and doors
- Wall metal is fastened at every 2' strap.

Roof:

- 1 Set of **Commercial / Industrial Engineered trusses** complete with all specified bracing
- Additional "W" bracing in the trusses for additional building strength
- 2 x 6 strapping @ 2' centers
- 29 Gauge colored metal including all necessary trims around corners and ridge
- Install vented ridge cap along the entire ridge of the roof

Quote #14319

2019-03-27

Overhead Doors:

- 1 – 12' x 12' white, insulated overhead door located in the gable wall complete with all framing, a chain hoist, 3 window inserts and installation.

Man Doors:

- 1 – 3' Light commercial, white, insulated man door complete with white metal frame and lockset.

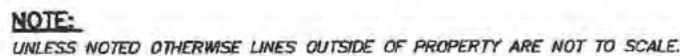
Windows:

- 4 – 4' x 3' Low E double pane slide opening windows complete with framing, trims and installation located in the future office area on main level.
- 4 – 4' x 3' Low E double pane slide opening windows complete with framing, trims and installation located up high in the future storage area above the office.

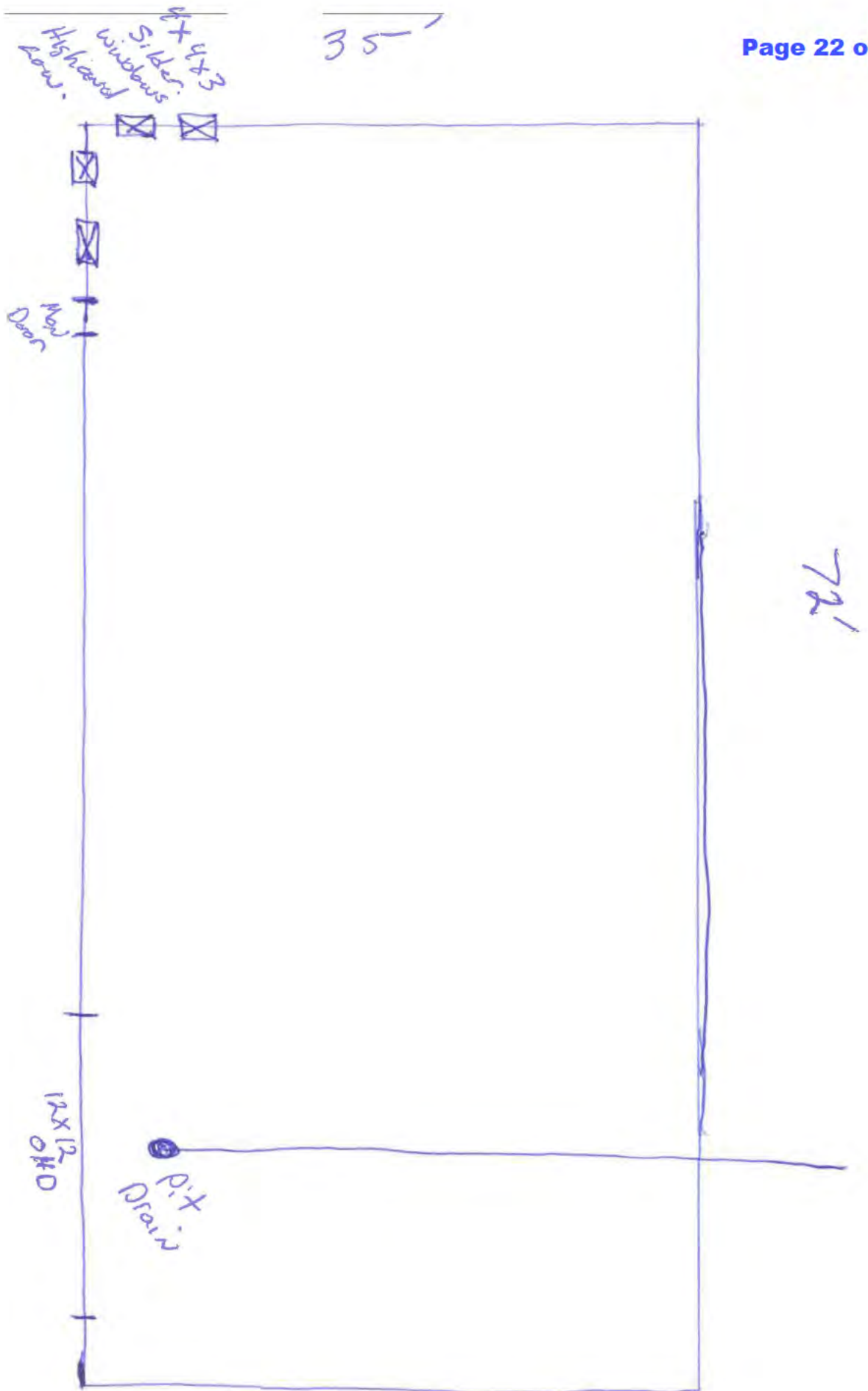
Engineered Drawings:

- Supply of stamped structural engineered drawings detailing new building to allow for building permits. (Excludes schedules, site drawings, or energy audit that some counties may require)

Total Exterior Solution: [REDACTED] + GST









PLANNING & DEVELOPMENT

TO: Subdivision and Development Appeal Board

DATE: June 5, 2019 **DIVISION:** 01

FILE: 05806003 / 05806004 **APPLICATION:** B-3; PRDP20191251

SUBJECT: Existing Dwelling

PROPOSAL: Construction of addition to the existing dwelling, relaxation of minimum rear yard setback requirement.	GENERAL LOCATION: Located approximately 0.5 miles north of Highway 1 and west of Jumping Pond Road.
APPLICATION DATE: April 23, 2019	DEVELOPMENT AUTHORITY DECISION: Discretionary – Refused
APPEAL DATE: May 13, 2019	DEVELOPMENT AUTHORITY DECISION DATE: May 13, 2019
APPELLANT: Alvin Kumlin	APPLICANT: Alvin Kumlin & Robyn Kurbel
LEGAL DESCRIPTION: SW & SE-06-25-04-W05M	MUNICIPAL ADDRESS: 45050 Township Road 250
LAND USE DESIGNATION: Ranch and Farm District (RF)	GROSS AREA: ± 129.08 hectares (± 318.97 acres)
DISCRETIONARY USE: Farm dwelling, single detached	DEVELOPMENT VARIANCE AUTHORITY: The requested amount of relaxation is beyond variance discretion of the Development Authority.
PUBLIC SUBMISSIONS: The application was circulated to 9 adjacent landowners. No letters in support or opposition were received.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> County Plan (C-7280-2013) Land Use Bylaw (C-4841-97)

EXECUTIVE SUMMARY:

The application is for construction of an addition to the existing dwelling, relaxation of minimum rear yard setback requirement.

The existing 110.37 sq. m (1188 sq. ft.) bungalow was built in 1982. The dwelling was built on the property line between the subject land and the land to the west. The southwest corner of the dwelling falls within the neighbor's property to the west. The Applicant indicated the he owned the both lands at that time. The dwelling is considered a non-conforming building at that time.

Per Section 20.4, the dwelling as it currently exists (not including the addition) is considered grandfathered.

Section 20.5 applies where an addition does not further encroach into the affected yard. However, the proposed addition further encroaches into the affect yard, crossing the property line.



The request relaxation of rear yard setback requirement beyond variance discretion of the Development Authority, the application was refused on May 13, 2019. The reasons for refusal are as follows:

1. The rear yard setback for the dwelling, single detached (existing) on SE-06-25-04-W05M does not meet the minimum rear yard setback requirement, as defined in Section 43.12 of Land Use Bylaw C-4841-97.

Permitted – 15.00 m (49.21 ft.)

Proposed – 0.00 m (0.00 ft.)

Variance Required: 15.00 m (49.21 ft.) or 100%

2. The rear yard setback for the dwelling, single detached (existing) on SW-06-25-04-W05M does not meet the minimum rear yard setback requirement, as defined in Section 43.12 of Land Use Bylaw C-4841-97

Permitted – 15.00 m (49.21 ft.)

Proposed – 0.00 m (0.00 ft.)

Variance Required: 15.00 m (49.21 ft.) or 100%

On the same day, the Applicant/Appellant appealed the decision of the Development Authority for the reason that the addition to the existing dwelling would not affect adjacent landowners.

APPEAL:

See attached report and exhibits.

Respectfully submitted,

Sean MacLean
Supervisor, Planning & Development

XD/lt

DEVELOPMENT PERMIT REPORT

Application Date: April 23, 2019	File: 05806003 / 05806004
Application: PRDP20191251	Applicant: Alvin Kumlin & Robyn Kurbel Owner: Alvin Kumlin & Robyn Kurbel
Legal Description: SW & SE-06-25-04-W05M	General Location: Located approximately 0.5 miles north of Highway 1 and west of Jumping Pound Road.
Land Use Designation: Ranch and Farm District (RF)	Gross Area: ± 129.08 hectares (± 318.97 acres)
File Manager: Xin Deng	Division: 01

PROPOSAL:

The application is for construction of an addition to the existing dwelling, relaxation of minimum rear yard setback requirement.

- The property contains two single detached dwellings, and several accessory buildings and structures.
- One of the existing dwellings built in 1982 is a 110.37 sq. m (1188 sq. ft.) bungalow. The dwelling was built on the property line between the subject land and the land to the west. The southwest corner of the dwelling falls within the neighbor's property to the west.
- The Applicant indicated the he owned both lands. The applicant indicated that they transferred the adjacent land to the west to their daughter recently.

LAND USE BYLAW (C-4841-97):

Section 12 Decisions on Development Permit Applications

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

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

Section 20 General Development Regulations

- 20.4 In all land use districts where a building has been constructed in accordance with the setbacks as set out in a Development Permit or Building Permit issued prior to the passing of this Bylaw, the setbacks are deemed to comply with this Bylaw. The setbacks for all buildings constructed prior to March 12, 1985, are deemed to comply with this Bylaw.*



- The existing dwelling is considered grandfather as it was built 1982 prior to the adoption of the Land Use Bylaw. The existing setbacks are considered to comply with the setback requirements, if the dwelling remains untouched and no changes are proposed.

20.5 *An addition may be made to an existing single-family dwelling which does not comply with the setbacks prescribed for in that District, provided that the addition is no closer to the affected yard, and that the encroachment does not exceed 50% of the setback prescribed for the District*

- The proposed an addition will fall within the affect yard and will cross the property line to further west, and therefore, this policy does not apply.

Section 43 *Ranch and Farm District (RF)*

43.9 *Uses, Permitted*

Farm dwelling, single detached

- The existing single detached dwelling is permitted use.

43.12 *Minimum Requirements*

(a) *Front yard setback (from the county road to the east):*

- Required: 45.00 m (147.64 ft.)
- Existing dwelling: Lots - meets the requirement

(b)(i) *Side yard setback (from the county road to the south):*

- Required: 45.00 m (147.64 ft.)
- Existing dwelling: Lots - meets the requirement

(b)(iv) *Side yard setback (from other lands to the north):*

- Required: 6.00 m (19.69 ft.)
- Existing dwelling: Lots - meets the requirement

(c)(ii) *Rear yard setback (from other lands to the west):*

- Required: 15.00 m (49.21 ft.)
- Existing dwelling: 0.00 m (0.00 ft.)
 - As the southwest corner of the existing dwelling falls within the adjacent land to the west, the rear yard setback exceeds the minimum requirement, with the variance request of 100%. This amount is beyond the variance discretion of the Development Authority under Section 12, that being up to 25.00% of the required minimum setback requirement.

Reason for Refusal.

43.13 *Minimum Habitable floor area, excluding basement*

- Required: 92.00 sq. m (990.28 sq. ft.) single storey dwelling
- Existing dwelling: 110.37 sq. m (1188 sq. ft.) - meets the requirement.

Additional Information:

Planning Application:

- There is no history for planning applications



Development Permit:

- There is no history for development permit applications

Building Permit History:

- PRBD20191010: The Applicant applied for a Building Permit for “addition to the existing home (including: 140 sq. ft. entrance area, and 200 sq. ft. extension for the live room)”. Administration in the Building Services reviewed the plan and advised the applicant to apply for a Development Permit to request relaxation of minimum rear yard setback requirement.
- 1982-BP-9182: Building Permit for “single detached dwelling” was issued on August 9, 1982.

STATUTORY PLANS:

The subject land does not fall under any Area Structure Plans. Therefore, the application was evaluated in accordance with the Land Use Bylaw.

INSPECTOR’S COMMENTS:

- The land is flat with some deep slopes around the jumping pound creek area and ravine.
- One dwelling is located in the middle of the property, and the other dwelling is situated at the south portion of the property
- Several accessory buildings are located in the south portion of the property

CIRCULATIONS:

Alberta Transportation

- No response.

Building Services, Rocky View County

- Advisory condition – Prior to building permit issuance a letter must be signed by both property owners (Robyn Kurbel and Alvin Kumlin) stating that they are aware that the existing building with the proposed addition and any future development including development on the neighbouring lot (SW-06-25-04-W05M Division: 01 Linc Number: 21356457 Title Number: 191059017 +1) must comply with Subsection 9.10.15./9.10.14. using a limiting distance defined by an imaginary line between the two buildings or fire compartments as if they were on the same property rather than a limiting distance defined by the distance to the property line.
- ABC articles for applicant/designer information
1.4.1.2. Division A – Limiting distance means the distance from an exposing building face to a property line, the centre line of a street, lane or public thoroughfare, or to an imaginary line between 2 buildings or fire compartments on the same property, measured at right angles to the exposing building face.

Municipal Enforcement, Rocky View County

- Recommend that building debris, waste, and garbage be contained at all times during construction.

Fire Services & Emergency Management, Rocky View County

- No comment.

Planning and Development - Engineering, Rocky View County

- 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.



Geotechnical:

- Engineering has no requirements at this time.
- It appears that there is a slope that is steeper than 30% and greater than 3 m in height on the subject lands. Being that the subject lands are located in the Ranch and Farm land use district and are large in size, the applicant is not required to submit a soil stability analysis to address the slopes.

Transportation:

- Engineering has no requirements at this time.
- The subject lands are accessed via a road approaches off of Jumping Pound Road and Township Road 250.
- The applicant will not be required to pay the transportation offsite levy, as per the applicable TOL bylaw at time of DP issuance, since the proposed development is directly associated with the construction of a dwelling.

Sanitary/Waste Water:

- Engineering has no requirements at this time.
- The applicant is not required to demonstrate adequate servicing since the subject lands are located in the Ranch and Farm land use district and are each greater than 30 acres in size, as per the County's *Residential Water and Sewer Requirements Policy (C-411)*.

Water Supply And Waterworks:

- Engineering has no requirements at this time.
- The applicant is not required to demonstrate adequate servicing since the subject lands are located in the Ranch and Farm land use district and are each greater than 30 acres in size, as per the County's *Residential Water and Sewer Requirements Policy (C-411)*.

Storm Water Management:

- Engineering has no requirements at this time.
- The proposed development is expected to have minimal impact to stormwater drainage.

Environmental:

- Engineering has no requirements at this time.
- A natural drainage course runs through the subject lands. The proposed development does not appear to overlap with the riparian setback. Any future proposed developments in the riparian setback will require a development permit and the application shall follow County policy 419 *Riparian Land Conservation and Management*.
- The proposed development does not appear to have a direct impact on any wetlands. Should the owner propose development that has a direct impact on any wetlands, the applicant will be responsible for obtaining all required AEP approvals.

OPTIONS:

Option #1 (this would approve relaxation of minimum rear yard setback requirement)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for construction of an addition to the existing dwelling at SW & SE-06-25-04-W05M (45050 Township Road 250, 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 construction of an addition to the existing dwelling may take place on the subject land, in general accordance with the approved site plan and conditions of this permit.
- 2) That the minimum rear yard setback for the existing dwelling on SE-06-25-04-W05M is relaxed from **15.00 m (49.21 ft.) to 0.00 m (0.00 ft.)**.
- 3) That the minimum rear yard setback for the existing dwelling on SW-06-25-04-W05M is relaxed from **15.00 m (49.21 ft.) to 0.00 m (0.00 ft.)**.

Permanent:

- 4) That the Applicant/Owner shall take effective measures to control dust in the area so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity of the area.
- 5) That there shall be no more than 1.00 m (3.28 ft.) of fill and/or topsoil placed adjacent to or within 15.00 m (49.21 ft.) of the proposed dwelling, single detached that is used to establish approved final grades unless a separate Development Permit has been issued for additional fill and topsoil.
- 6) That the Applicant/Owner shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
- 7) That no topsoil shall be removed from the subject property.

Advisory:

- 8) That the Applicant/Owner shall contact County Road Operations to determine if any Road Data permits are required for the mobilization or demobilization of construction equipment and/or the hauling of clean fill to the subject site using the County road system for the proposed dwelling, single detached.
- 9) That the site shall remain free of restricted and/or noxious weeds.
- 10) That during construction, the County's Noise Control Bylaw C-5772-2003 shall be adhered to at all times.
- 11) 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.
- 12) That a Building Permit shall be obtained, through Building Services prior to any construction taking place, using the Single Family Dwelling checklist.
- 13) That prior to issuance of a Building Permit, a letter must be signed by both property owners (Robyn Kurbel and Alvin Kumlin) stating that they are aware that the existing building with the proposed addition and any future development including development on the neighbouring lot (SW-06-25-04-W05M Roll: 05806004) must comply with Subsection 9.10.15./9.10.14. using a limiting distance defined by an imaginary line between the two buildings or fire compartments

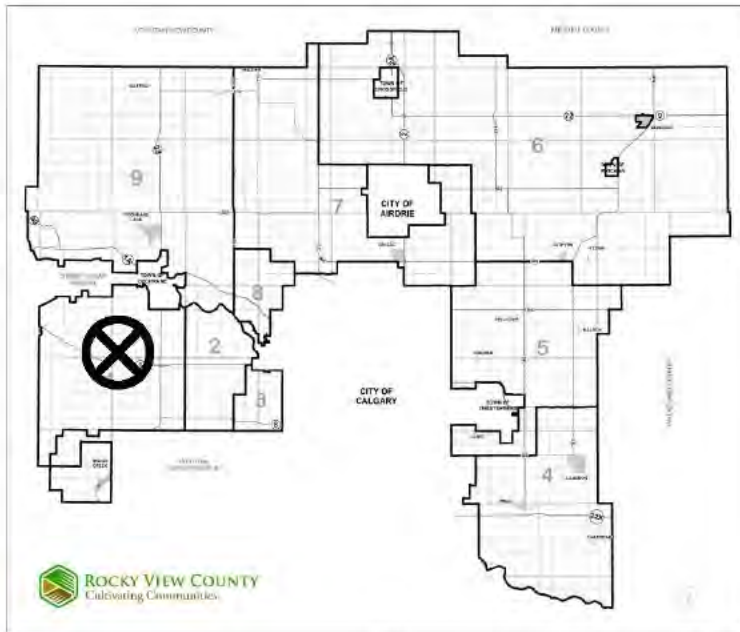


as if they were on the same property rather than a limiting distance defined by the distance to the property line.

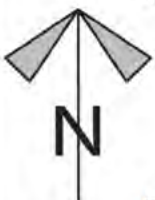
- 14) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant.
- 15) That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Authority.

Option #2 (this would not approve relaxation of minimum rear yard setback requirement)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for construction of an addition to the existing dwelling at SW & SE-06-25-04-W05M (45050 Township Road 250, Rocky View County, AB) be denied, and the decision of the Development Authority be upheld.



LOCATION PLAN



SE & SW-06-25-04-W05M

Date: 2028-May-19

Division # 1

PRDP20191251
File: 05806003 / 05806004



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

AIR PHOTO

Spring 2018



SE & SW-06-25-04-W05M

PRDP20191251

Date: 2028-May-19

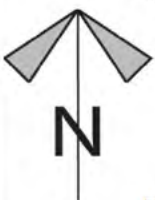
Division # 1

File: 05806003 / 05806004



Development Proposal

Spring 2018

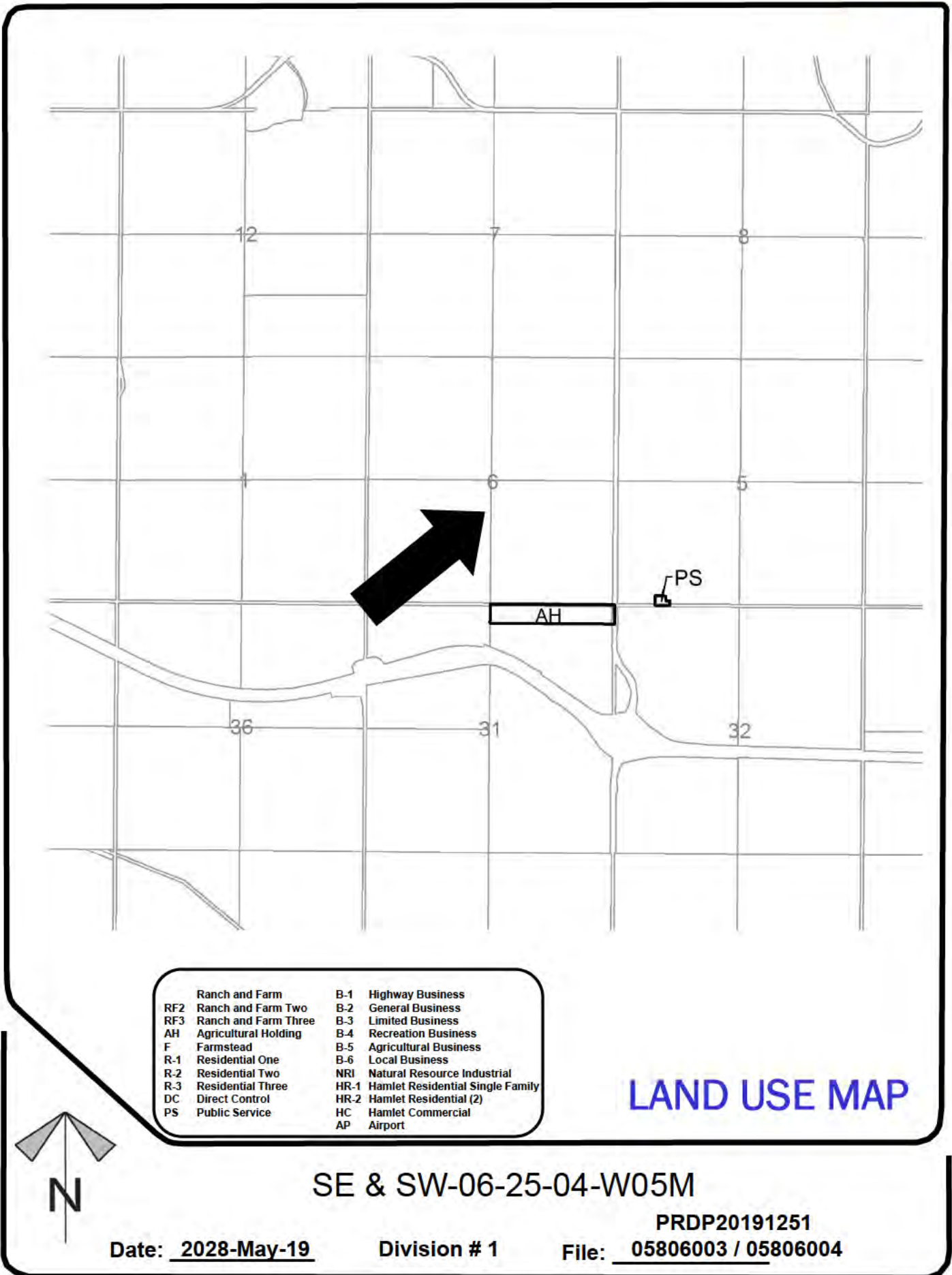


SE & SW-06-25-04-W05M

Date: 2028-May-19

Division # 1

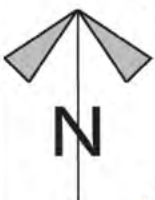
PRDP20191251
File: 05806003 / 05806004





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

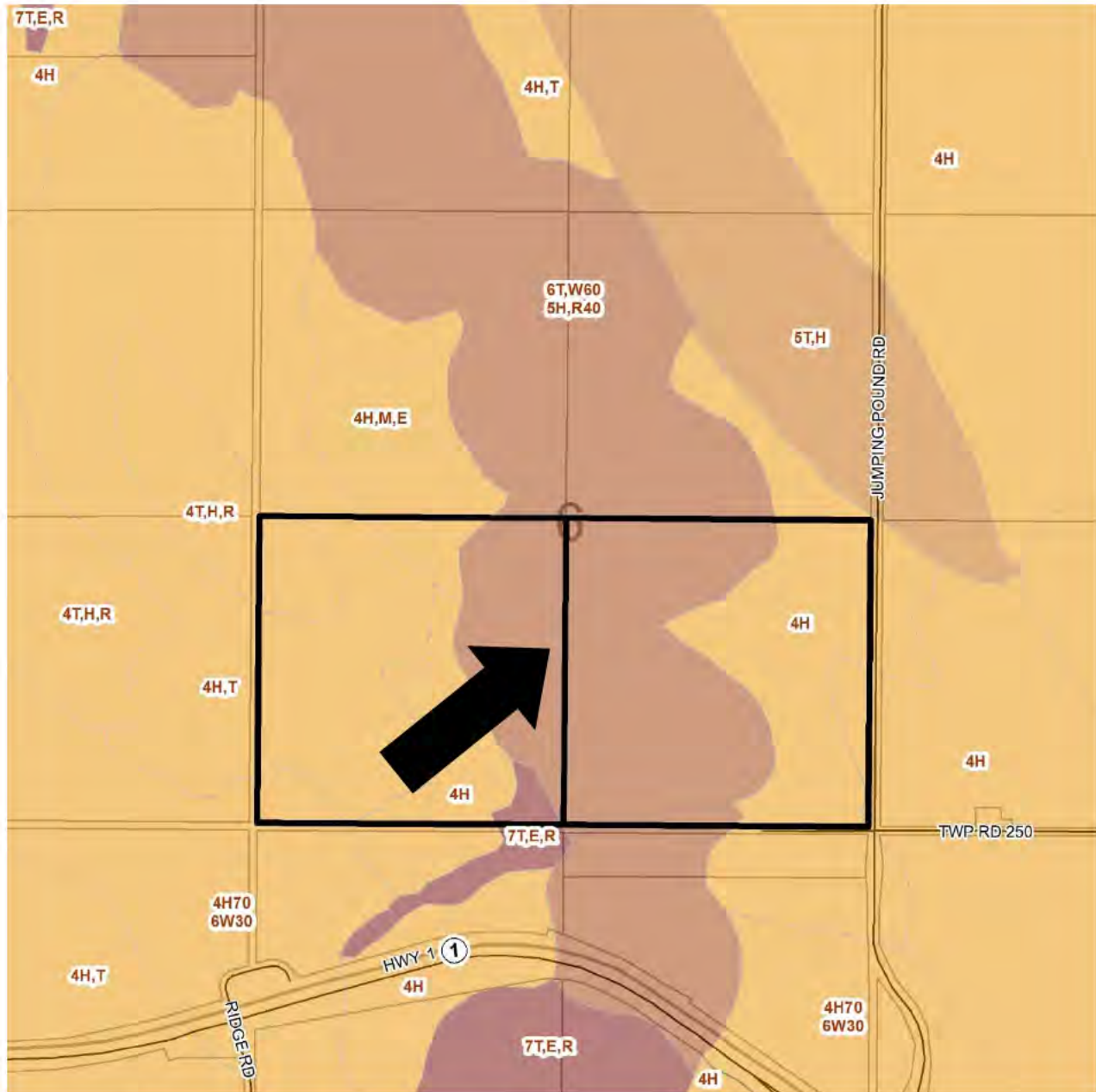


SE & SW-06-25-04-W05M

Date: 2028-May-19

Division # 1

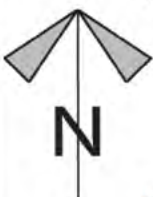
PRDP20191251
File: 05806003 / 05806004



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

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

SOIL MAP



SE & SW-06-25-04-W05M

Date: 2028-May-19

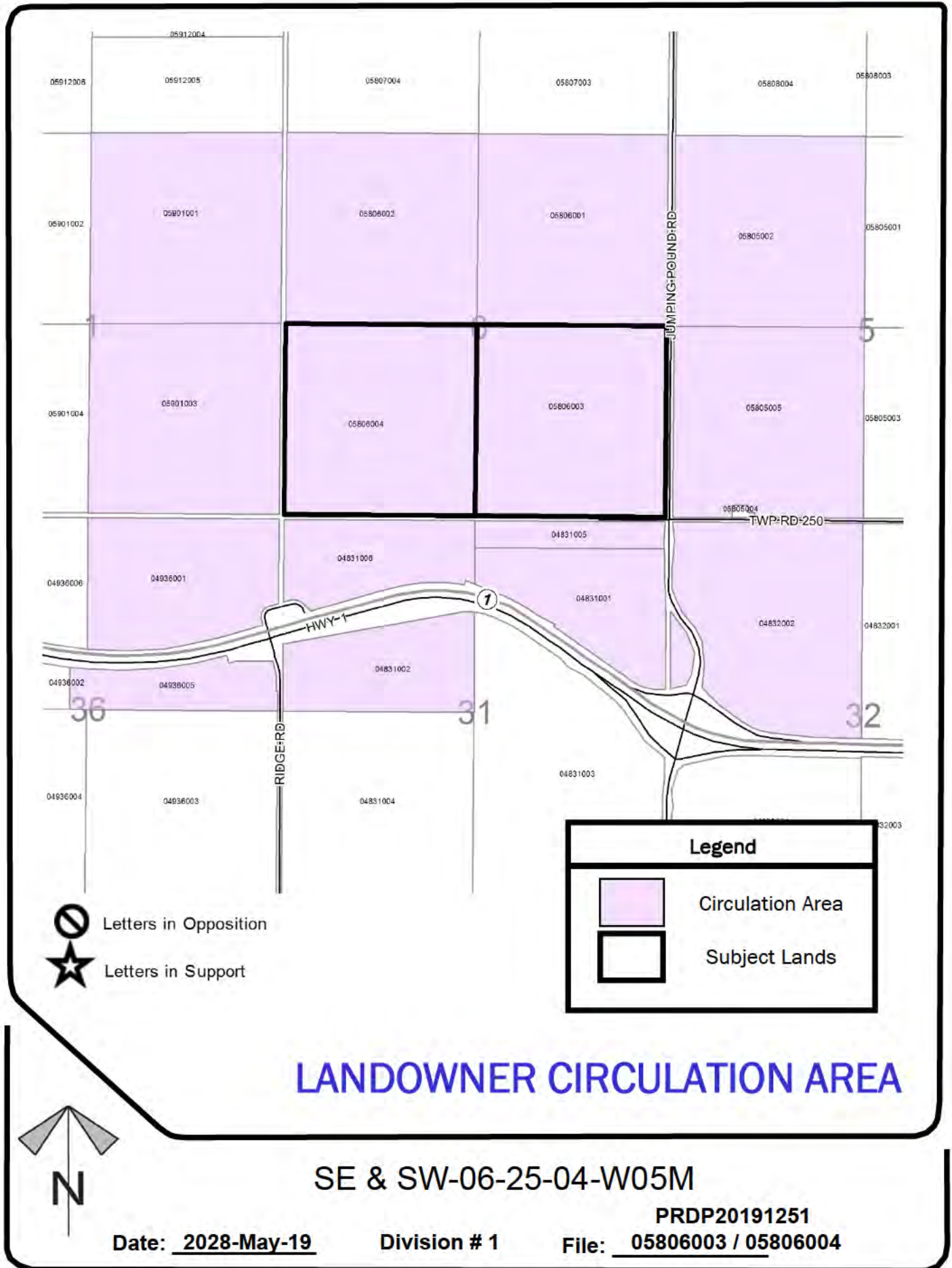
Division # 1

PRDP20191251
File: 05806003 / 05806004



- 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

File: 05806003 / 05806004





Notice of Appeal

Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information		
Name of Appellant(s) Alvin Kumin		
[Redacted Address]		
Main Phone #	Alternate Phone #	Email Address
[Redacted]	[Redacted]	[Redacted]
Site Information		
Municipal Address 45050 Twynshp Rd 250	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) SW + SE - 06-25-04-WSM	
Development Permit, Subdivision Application, or Enforcement Order # PRDP 2019 1251	Property Roll # 05806 0131 05806 034	
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)		
THE SINGLE STORY BUNGALOW IN QUESTION WAS MD PERMITTED AND CONSTRUCTED IN 1982. AT THE TIME OF BUILD THE PROPERTY LINE FOR SE 1 SW 06-25-4-WS WAS NOT IDENTIFIED AND/OR AN ISSUE		
OUR FAMILY HAS OWNED BOTH QUARTERS SINCE 1885, WHEN THE SITE WAS ORIGINALLY HOMESTEADED. WITH SUCCESSION PLANNING I STILL OWN SE-06-25-4-5 AND OUR DAUGHTER - ROBYN KURBEL NOW OWNS SW 06-25-4-WS. THIS TRANSFER WAS RECENTLY COMPLETED IN MARCH, 2019.		
HER FAMILY WISHES TO DO A 14' X 22' ADDITION WHICH HAS BEEN APPROVED SUBJECT TO APPROVAL OF THE DEVELOPMENT PERMIT IN QUESTION.		

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 a Rocky View County Municipal Clerk at 403-230-1401.

A.T. Kumin
Appellant's Signature

MAY 13, 2019
Date





ROCKY VIEW COUNTY

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

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

REFUSAL

Alvin Kumlin

Development Permit #: PRDP20191251

Date of Issue: May 13, 2019

Roll #: 05806003 / 05806004

Your Application dated April 23, 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:

**Dwelling, single detached (existing), construction of an addition,
relaxation of the minimum rear yard setback requirement**

at SW & SE-06-25-04-W05M (45050 TOWNSHIP ROAD 250)

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 rear yard setback for the dwelling, single detached (existing) on SE-06-25-04-W05M does not meet the minimum rear yard setback requirement, as defined in Section 43.12 of Land Use Bylaw C-4841-97

Permitted – 15.00 m (49.21 ft.); Proposed – 0.00 m (0.00 ft.)

- 2) The rear yard setback for the dwelling, single detached (existing) on SW-06-25-04-W05M does not meet the minimum rear yard setback requirement, as defined in Section 43.12 of Land Use Bylaw C-4841-97

Permitted – 15.00 m (49.21 ft.); Proposed – 0.00 m (0.00 ft.)

If you require further information or have any questions regarding this development, please contact Xin Deng at 403-520-3911 or email XDeng@rockyview.ca and include the application number.

Development Authority
Phone: 403.520.8158
E-Mail: development@rockyview.ca

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

20191251



ROCKY VIEW COUNTY
Cultivating Communities

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$315.-	File Number 05806003/04
Date of Receipt April 23, 2019	Receipt # 2019020530

Name of Applicant ALVIN KUMLIN ROBYN KURBEL Email [REDACTED]

Mailing Address [REDACTED]

Postal Code [REDACTED]

Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

For Agents please supply Business/Agency/ Organization Name [REDACTED]

Registered Owner (if not applicant) ROBYN KURBEL

Mailing Address [REDACTED]

Postal Code [REDACTED]

Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

1. LEGAL DESCRIPTION OF LAND

- a) All / part of the SE & SW $\frac{1}{4}$ Section 6 Township 25 Range 4 West of 5th Meridian
- b) Being all / parts of Lot [REDACTED] Block [REDACTED] Registered Plan Number [REDACTED]
- c) Municipal Address 250129 JUMPING POUND ROAD
- d) Existing Land Use Designation AGRICULTURE Parcel Size 160 ACRES Division [REDACTED]

2. APPLICATION FOR

ONE STOREY BUNGALOW THAT SITS ON PROPERTY LINE
SEE ATTACHED LETTER

3. ADDITIONAL INFORMATION

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

4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

ALVIN KUMLIN
ROBYN KURBEL hereby certify that ✓ we are ✓ the registered owner
(Full Name in Block Capitals)

[REDACTED] 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 A.T. Kumlin

Date APRIL 23, 2019

Owner's Signature A.T. Kumlin R. Kurbel

Date APRIL 23, 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.

A.T. Bunn R. Kubel

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

A.T. Bunn R. Kubel

Signature

Date

April 23, 2019

Rocky View County

262075 Rocky View Point

Rocky View County, AB

T4A 0X2

SUBJECT: Re: Approved PRBD 20191010 @ 250129 Jumping Pound Road and subsequent application for
Development Permit.

Dear sir/madam:

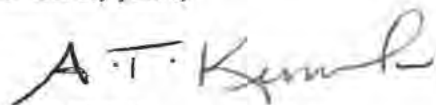
PURPOSE: As per our discussion with Bryan Skrypnek of Upper Hut Renovations and direction from Mr. Nicholas Ko of Rocky View County, we are applying for a Development Permit for a single storey bungalow at 250129 Jumping Pound Road, Rocky View County. As outlined by Mr. Ko, the house sits on the property line between the SW and SE 1/4's 6-25-R4-W5th and a Development Permit is necessary.

BACKGROUND: The 1188 sq. ft. bungalow was constructed in 1982. The chosen location was ideal, resulting in the house being placed on the property line. Both of the mentioned ¼'s were in my name, Alvin Kumlin at the time of construction and have remained in our family to this date. Most recently, March 25, 2019, my wife and I transferred the SW ¼-6-25-R4-W5th to our daughter, Robyn Kurbel. Our daughter and her family live in the house and are planning the referenced addition.

If there are any questions please feel free to contact me at [REDACTED] or email in advance.

. Thank you

Sincerely yours,



Alvin Kumlin



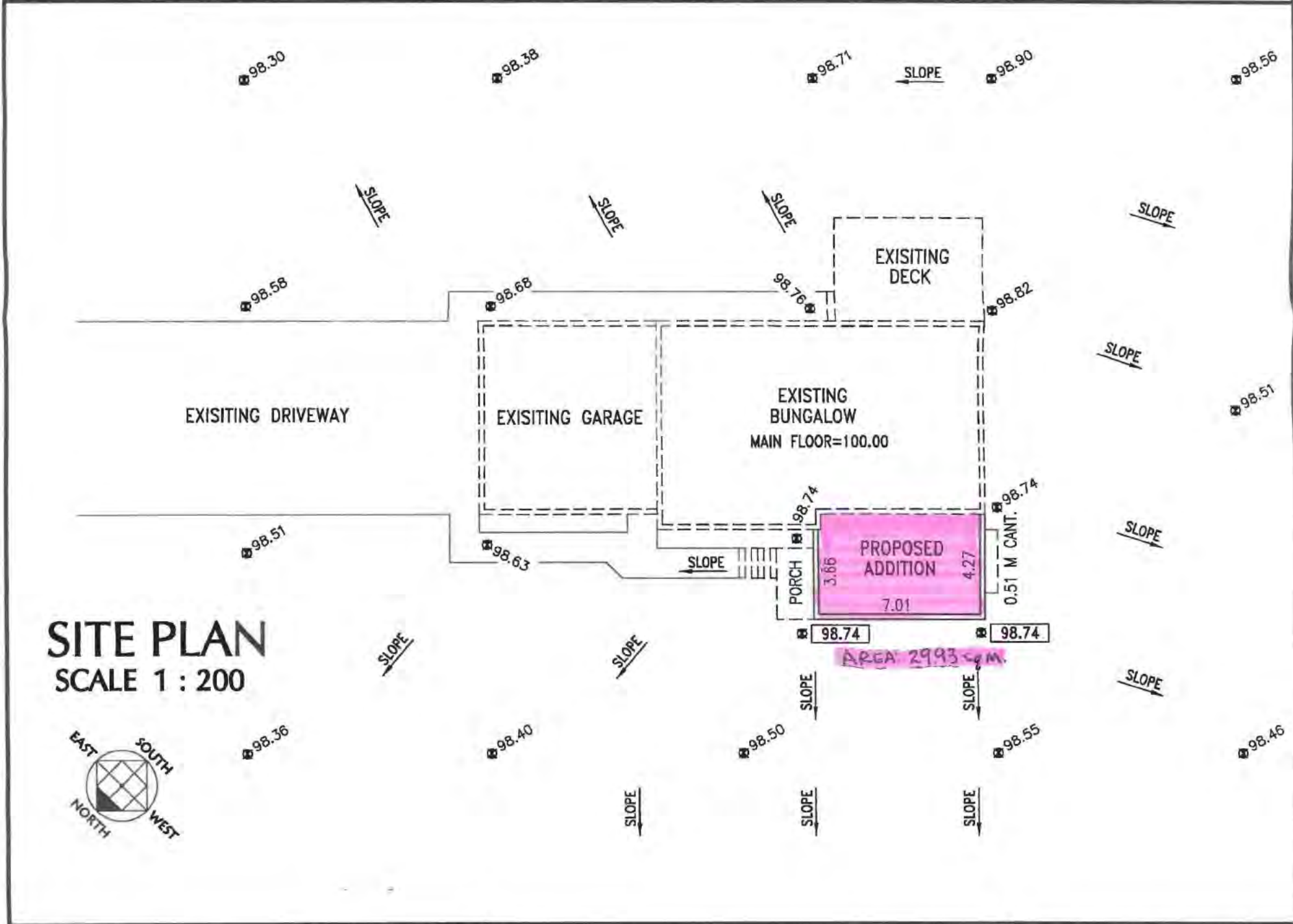
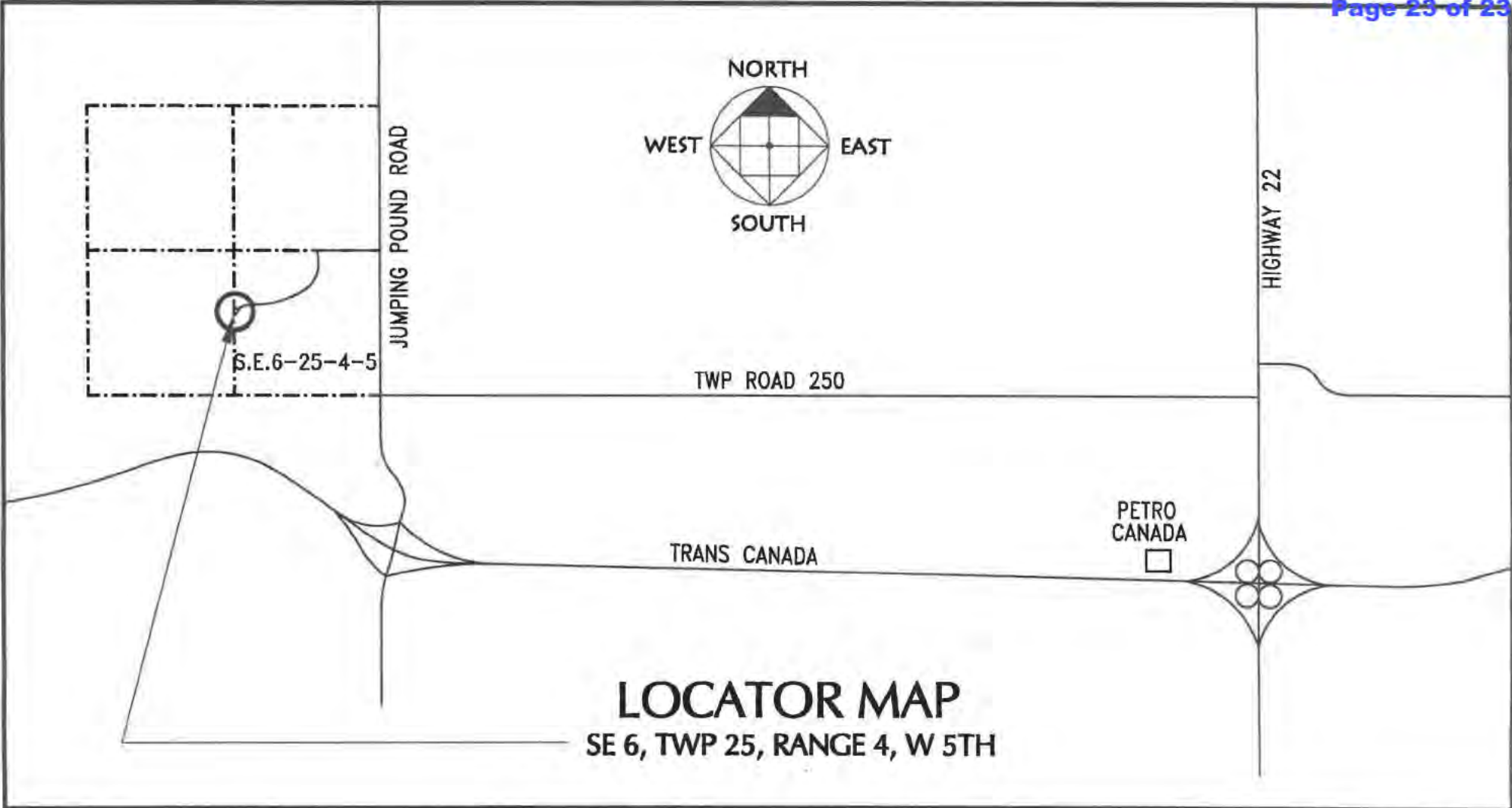
TWP RD 250




HWY 1

1

RODGE RD

31



<p>LEGAL: S.E.6-25-4-5</p> <p>ADDRESS: 250129 ROCKY VIEW COUNTY</p> <p>ZONING: RF - RANCH AND FARM DISTRICT</p>	<p>SITE AREA: MIN. 1 SECTION</p> <p>BUILDING AREA:</p> <p>EXISTING BUILDING AREA: 110.4 SQ. METERS</p> <p>PROPOSED ADDITION AREA: 31.0 SQ. METERS</p> <p>TOTAL BUILDING AREA: 141.4 SQ. METERS</p> <p>BUILDING COVERAGE: NEGLIGIBLE</p>	<p>GRADING LEGEND</p> <p> - EXISTING GRADE</p> <p> - PROPOSED GRADE</p> <p>ENSURE POSITIVE DRAINAGE AWAY FROM ADDITION (2% MIN.)</p>
 <p>CASAL DESIGN GROUP LIMITED</p> <p>SCOTT WASHINGTON SUITE 748, 710-20 CROWFOOT CRES. NW P: 403-990-3062</p>	<p>ACREAGE - BUNGALOW - ADDITION</p>	
	<p>SCALE: 1:200 (11"x17")</p> <p>JOB NO.: HO-19-05</p> <p>DATE: APR. 2, 2019</p>	<p>SITE PLAN</p>

PLANNING & DEVELOPMENT

TO:	Subdivision & Development Appeal Board	DIVISION:	3
DATE:	June 5, 2019	APPLICATION:	B-4; PL20180079
FILE:	04702038		
SUBJECT:	Subdivision Item – Creation of two (2) new Residential One District parcels		

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-02-24-03-W05M	GROSS AREA: ± 6.00 hectares (± 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.

This appeal was originally scheduled for the Subdivision and Development Authority Board meeting of April 24, 2019, but was rescheduled to May 15, 2019 due to a scheduling conflict on behalf of the Appellant.

At the May 15, 2019 hearing, the Board determined that they did not have sufficient information to render a decision. The Board indicated that they would seek legal counsel prior to closing the hearing, and would reconsider the matter at the June 5, 2019 meeting if further information was required from Administration or the Appellant.

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 are subdivided going forward, they will be 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, and 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 for 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,

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

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.

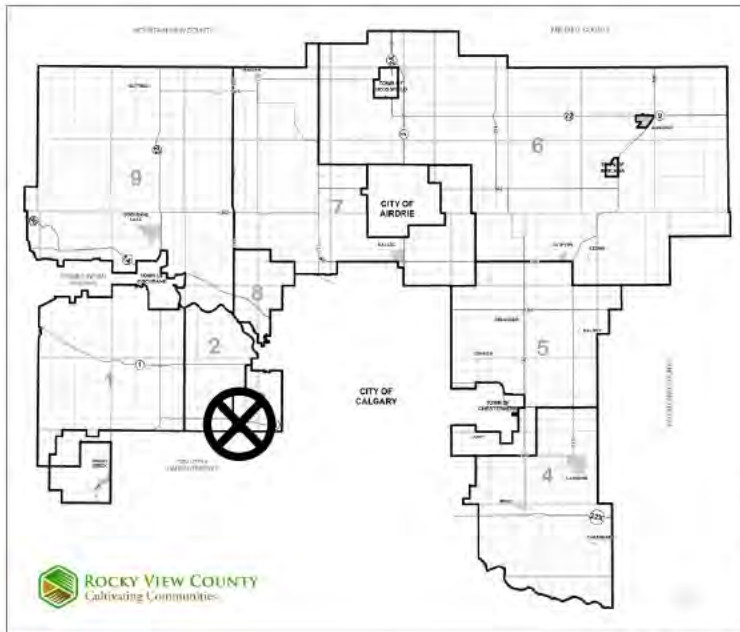
AGENCY	COMMENTS
FortisAlberta	No easement required.
Telus Communications	No concerns.
TransAlta Utilities Ltd.	No comment.
Rockyview Gas Co-op Ltd.	No comment.
<i>Other External Agencies</i>	
EnCana Corporation	No comment.
Canadian Pacific Railway	No comment.
City of Calgary	No comments.
<i>Rocky View 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 data-bbox="678 262 1430 325">Slope Stability Assessment if any slopes greater than 15% are identified.</p> <p data-bbox="618 346 834 378">Transportation:</p> <ul style="list-style-type: none"> <li data-bbox="618 399 1463 630">• 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. <li data-bbox="618 640 1446 798">• 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. <li data-bbox="618 808 1463 966">• 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. <li data-bbox="618 976 1463 1354">• 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"> <li data-bbox="678 1291 1414 1354">○ Base TOL = \$4595/acre. Acreage = 2.8 + 2.02 acres. TOL payment = (\$4595/acre)*(4.82 acres) = \$22,148. <li data-bbox="618 1375 1446 1743">• 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. <li data-bbox="618 1753 1463 1908">• 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

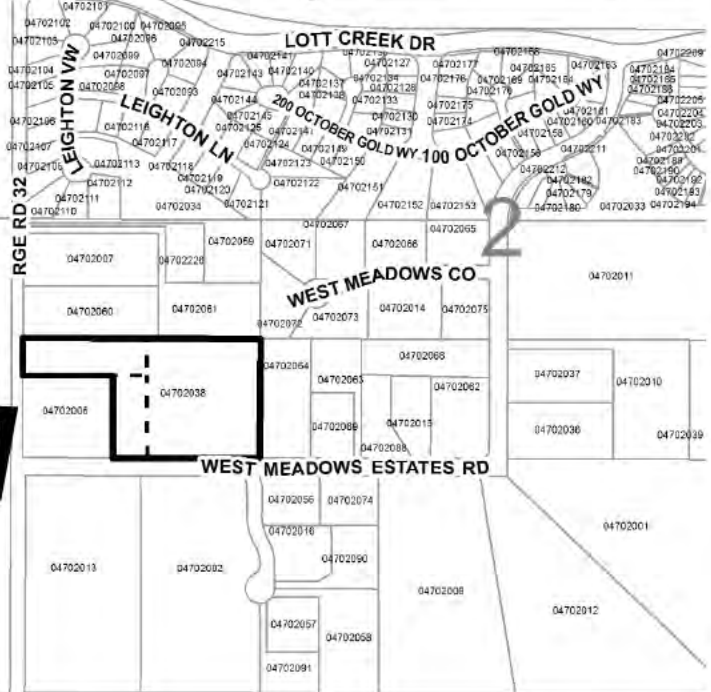
AGENCY	COMMENTS
	<p>accordance with the County Servicing Standards.</p> <ul style="list-style-type: none"> ○ Some of the construction costs may be recovered through the County's Infrastructure Cost Recovery Policy; ○ If required by the County Road Operations Group, the applicant will be required to enter 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	



04703004

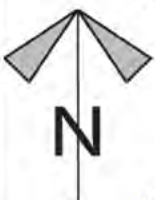


04703001

TWP RD 240

TSUUTINA NATION RESERVE

LOCATION PLAN



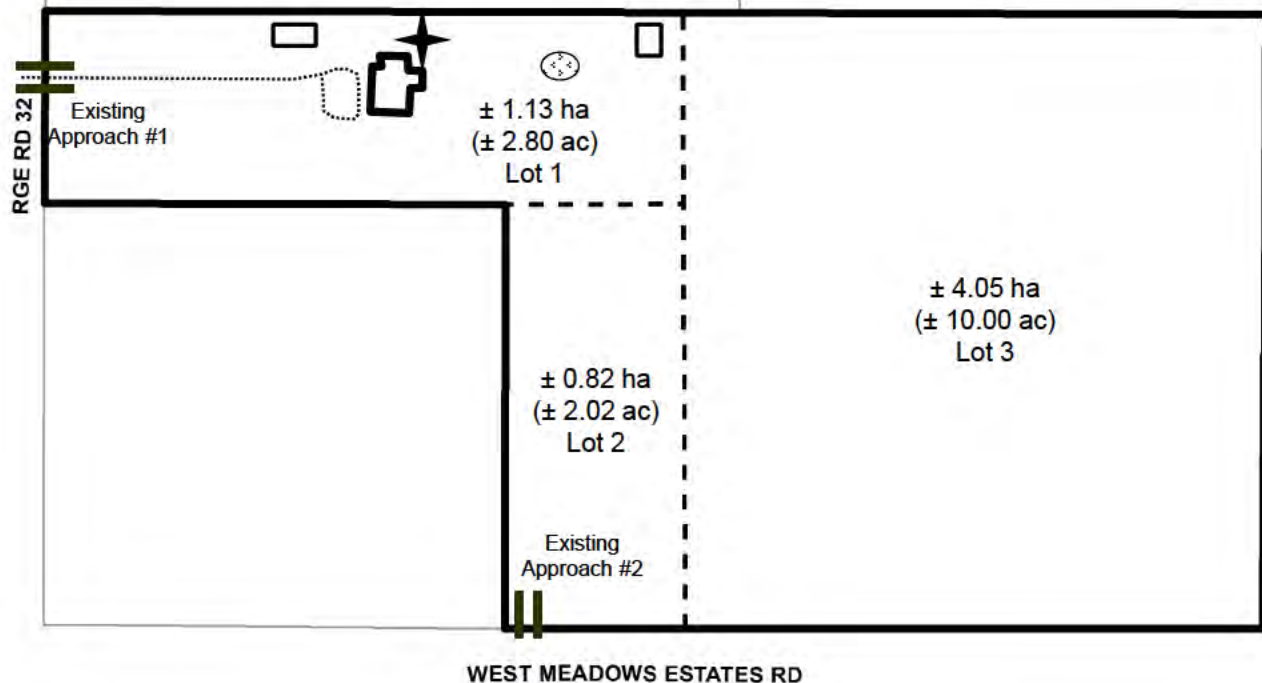
SW-02-24-03-W05M

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.

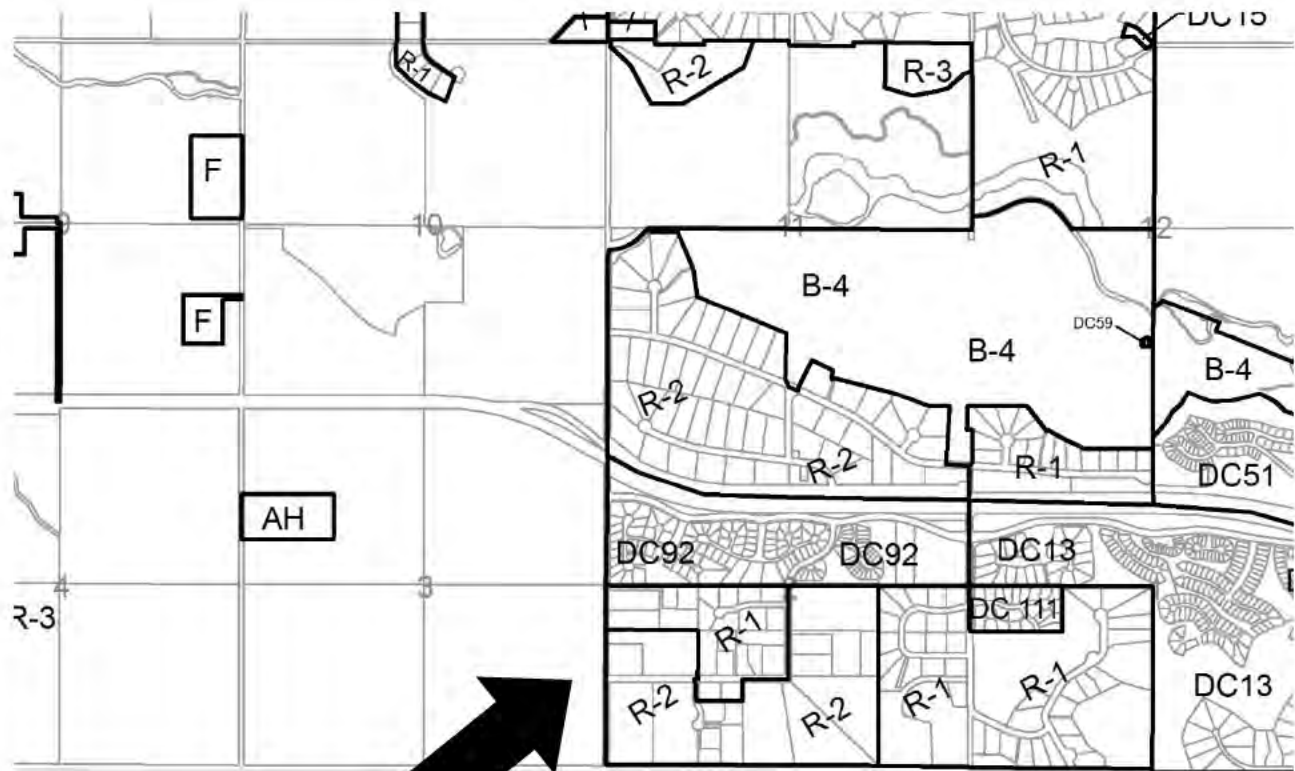
TENTATIVE PLAN

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

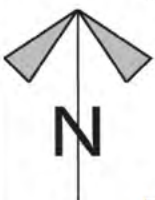
Division # 3

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

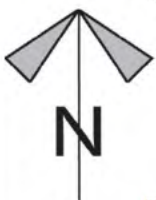
Date: June 27, 2018

Division # 3

File: 04702038



LOT & ROAD PLAN

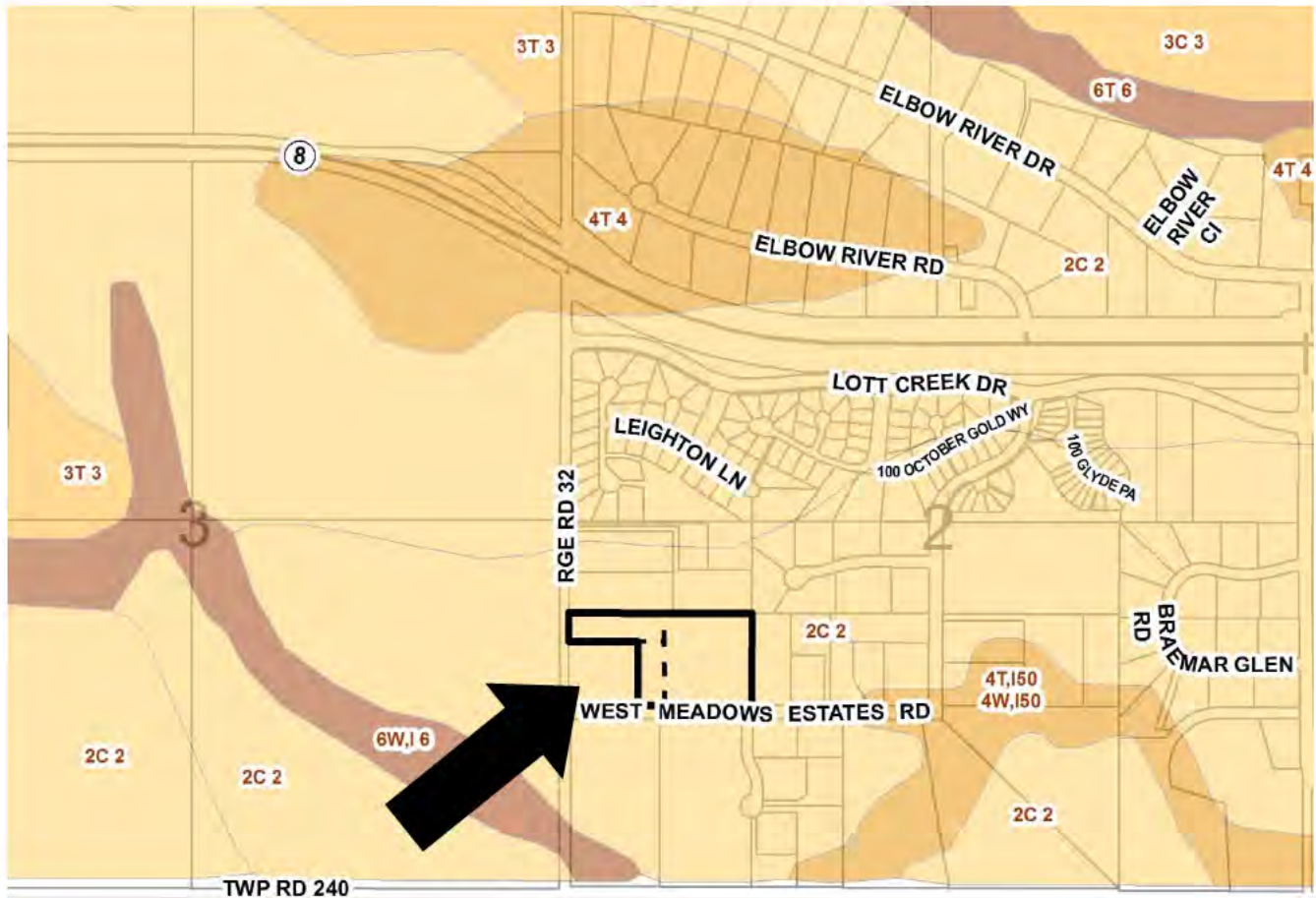


SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

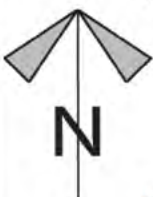
File: 04702038



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

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

SOIL MAP

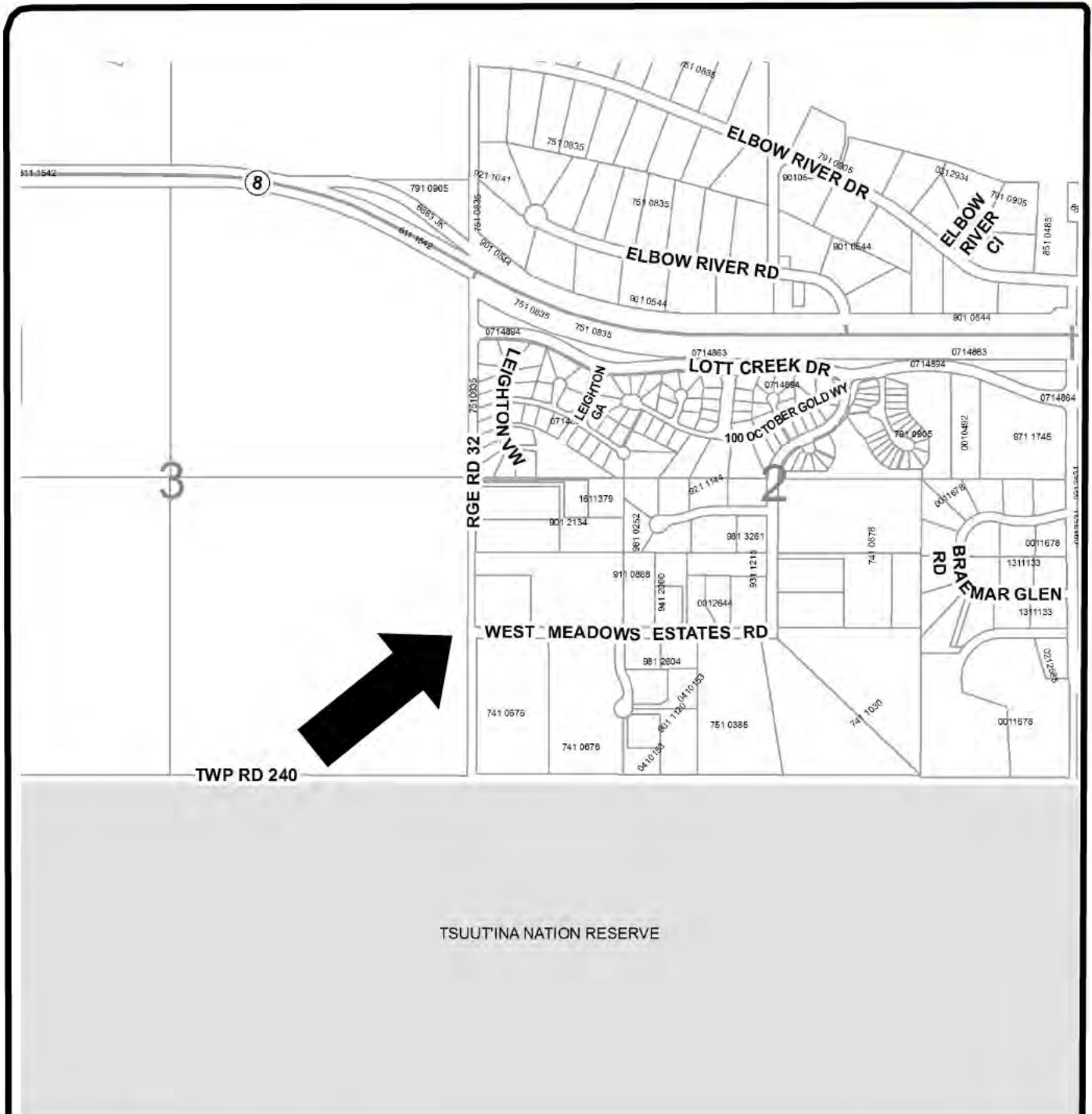


SW-02-24-03-W05M

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

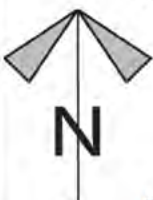
HISTORIC SUBDIVISION MAP

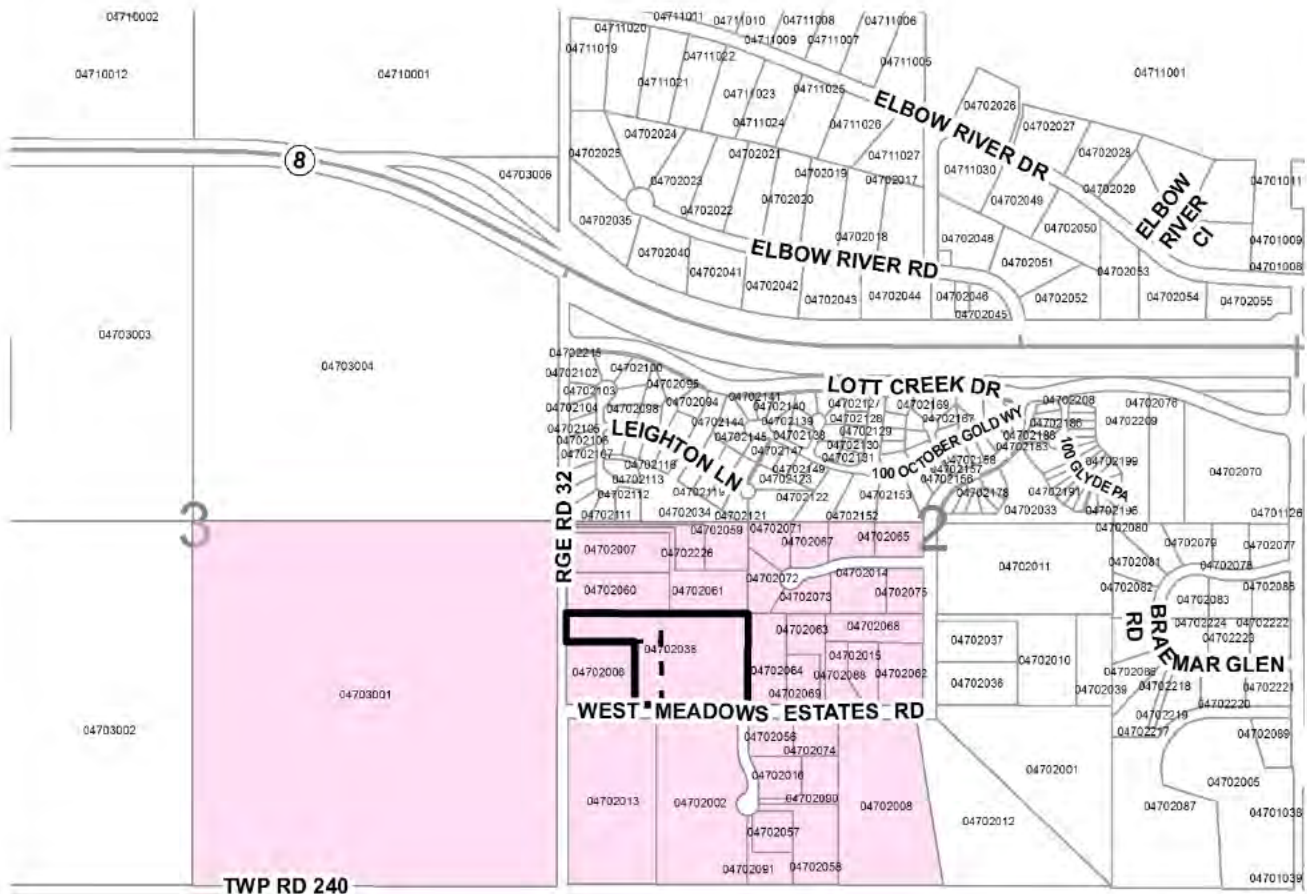
SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

File: 04702038





TSUUT'INA NATION RESERVE



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



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Rocky View County, AB, T4A 0X2

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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



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

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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.

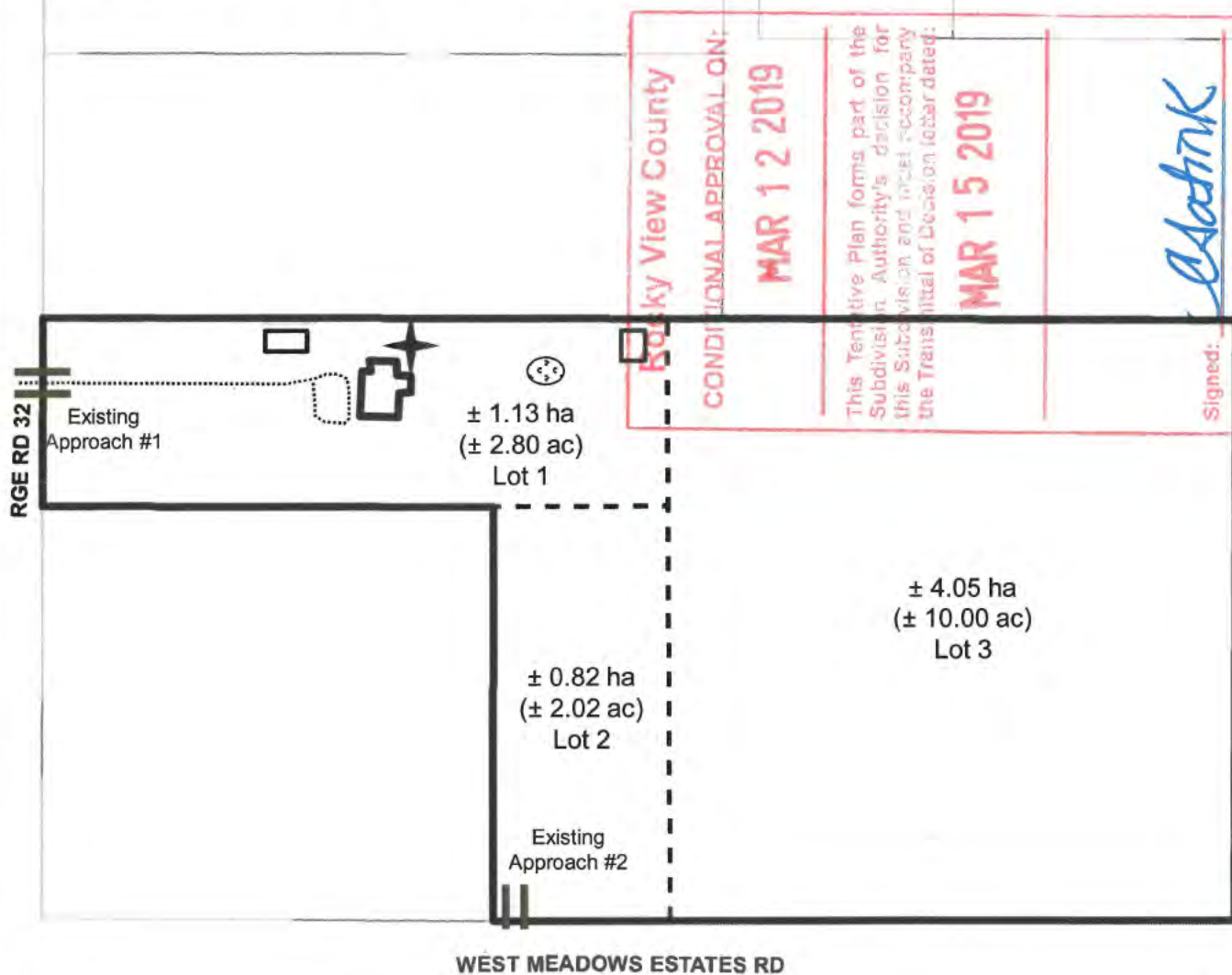
The Subdivision Authority reserves the right to make corrections to any technical or clerical errors or omissions to this decision.

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, 2018

Division # 3

File: 04702038



Notice of Appeal

Subdivision and Development Appeal Board

Appellant Information			
Name of Appellant(s) Eric Horvath and Jamle 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



Ken Venner
Partner
BA, RPP, MCIP

d | 403 692 4530
c | 403 614 2185
kvenner@bapg.ca

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 West of Land
Registration District at Calgary in the
Province of Alberta, at 1:41
o'clock P.M., on the 30th day
of May 1921.

OF THE SECOND PART

as number 5621 Sub H
Folio 657
B. J. Nesbitt & Beaumont
Registrar
SALES

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

W. B. 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, ^{by} 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:

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- (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.

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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 Bean
witness

William Simpson
William Simpson, the
younger

Calgary District Planning Commission

Approved 15 June 1961

A. R. Smith
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 - 1948CONSENT 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:

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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.

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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

Stikeman Elliott

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))

Stikeman Elliott

C. Contractual Obligation

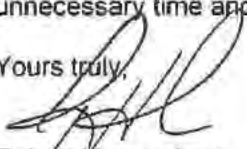
The Deferred Reserve Agreement sets out contractual rights and obligations that are binding on the parties. By its terms and the terms of the legislation under which it was properly entered into, the covenants in the Deferred Reserve Agreement run with the land. The Horvaths, as successors in title to 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: June 5, 2019 **DIVISION:** 05

FILE: 06208009 **APPLICATION:** B-5; PRDP20190626

SUBJECT: General Industry, Type III (existing), tenancy and signage for an explosives storage company

PROPOSAL: General Industry, Type III (existing), tenancy and signage for an explosives storage company	GENERAL LOCATION: located approximately 0.81 km (1/2 mile) east of Rge. Rd. 275 and on the south side of Hwy. 566
APPLICATION DATE: February 19, 2019	DEVELOPMENT AUTHORITY DECISION: Discretionary-Approved
APPEAL DATE: April 23, 2019	DEVELOPMENT AUTHORITY DECISION DATE: April 2, 2019
APPELLANT: WestCreek Developments (Catherine Agar)	APPLICANT: Austin Powder Ltd. (Trevor Geddes)
LEGAL DESCRIPTION: NE-08-26-27-W04M	MUNICIPAL ADDRESS: (274125 TWP RD 262)
LAND USE DESIGNATION: Ranch and Farm District (RF) Limited Business District (B-3)	GROSS AREA: ± 37.75 hectares (± 93.28 acres) (Ranch and Farm) ± 3.34 hectares (± 8.25 acres) (Limited Business)
PERMITTED USE: General Industry, Type III is listed as a discretionary use within the Limited Business District (B-3) and is not a listed use within the Ranch and Farm District (RF).	DEVELOPMENT VARIANCE AUTHORITY: No variances have been requested with this application.
PUBLIC SUBMISSIONS: The application was circulated to 15 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) Land Use Bylaw (C-4841-97)

SUBDIVISION & DEVELOPMENT HEARING SUMMARY:

This application was opened at the May 15, 2019 Subdivision and Development Appeal Board hearing. Upon hearing administration, the Applicant, and Appellants, the Board tabled the item to the



June 5, 2019 hearing to allow time for Administration to correspond with the Rocky View School division, in relation to proximity of the development to the Kathryn School.

Rocky View School Division was circulated the Development Permit application on May 15, 2019 and additional correspondence on May 22, 2019. On May 17, 2019, Rocky View School Division requested written confirmation for onsite compliance for safety standards. Administration provided written confirmation on May 22, 2019. Rocky View School Division responded on May 28, 2019 citing no objections to the subject proposal.

EXECUTIVE SUMMARY:

This application is for General Industry, Type III (existing), tenancy and signage for an explosives storage company.

The subject land is located adjacent to the Hamlet of Kathryn and includes split land zoning. The proposed business would operate on the Limited Business District zoned portion of the land, ± 3.34 hectares (± 8.25 acres) (General Business) in area. The site includes direct access from Hwy. 566 and includes no primary buildings.

The land was rezoned in 2001, from Ranch and Farm to Business Limited District, to allow the subject business use and business to start operations. The site was occupied by a previous business of the same nature from March 2002 to December 2011, under Development Permit #2011-DP-9517.

As per Section 20.11 of the Land Use Bylaw, the approved business use or development was discontinued, therefore the issued Development Permit became null and void. Therefore, a new Development Permit for the new business tenancy was required.

The business, Austin Powder Ltd., is an explosives supplier for various industries including mining, seismic and construction. To support the application, the Applicants submitted updated Site, Fire Safety, Site Security and an Emergency Response Assistant plans. The Development Authority assessed the submitted application and technical reports against the policies of the Land Use Bylaw. As the application appeared consistent with the Land Use Bylaw requirements, the application was conditionally-approved the development application on April 2, 2019.

On April 23, 2019, the Appellant, an affected party, appealed the decision of the Development Authority on the grounds that *"the land use as it will have a detrimental effect on future development of Kathryn."* The full appeal submission and rational is included within this report package.

PROPERTY HISTORY:

February 13, 2007	Planning File #2006-RV-603 was approved by Rocky View Council (<i>To redesignate a portion of the subject lands from Ranch and Farm District to Farmstead District in order to facilitate the subdivision of a +/- 20 acre parcel with a +/- 142 acre remainder. To create a +/- 20 acre parcel with a +/- 142 acre remainder</i>)
April 18, 2002	Building Permits 2001-BP-15041, 2001-BP-15042 and 2001-BP-15043 issued by Building Services (<i>Explosives Storage Magazines</i>); No inspection information visible
March 26, 2002	Development Permit #2001-DP-9517 was issued by the Development Authority (<i>General Industry, Type III, for explosives storage</i>)



October 2, 2001	Planning File #2001-RV-143 was approved by Rocky View Council <i>(To redesignate a portion of the subject lands from Ranch and Farm District to Business Three District (B-3) in order to facilitate an explosives magazine storage site) [Parcel Parent #06208004]</i>
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APPEAL:

See attached report and exhibits.

Respectfully submitted,

Sean MacLean
Supervisor, Planning & Development

JT/llt



DEVELOPMENT PERMIT REPORT

Application Date: February 19, 2019	File: 06208009
Application: PRDP20190626	Applicant/Owner: Austin Powder Ltd. (Trevor Geddes)
Legal Description: NE-8-26-27-W4M	General Location: located approximately 0.81 km (1/2 mile) east of Rge. Rd. 275 and on the south side of Hwy. 566
Land Use Designation: Ranch and Farm District (RF) Limited Business District (B-3)	Gross Area: ± 37.75 hectares (± 93.28 acres) (Ranch and Farm) ± 3.34 hectares (± 8.25 acres) (General Business)
File Manager: Jacqueline Targett	Division: 5

PROPOSAL:

The proposal is for General Industry, Type III (existing), tenancy and signage for an explosives storage company.

This subject property is ±101.53 acres in area, with land uses of Ranch and Farm [± 37.75 hectares (± 93.28 acres)] and Limited Business District [± 3.34 hectares (± 8.25 acres)]. The subject business is located within the Limited Business District area only. The previous business, Western Explosives operated onsite from March 2002 to December 2011. The subject business, of the same nature, is looking to re-occupy the site. As per Section 20.11 of the Land Use Bylaw, a new tenancy application was required.

20.11 Where a Development Permit has been issued for a business or development, in the event that the approved business use or development is discontinued or abandoned for two or more consecutive years, the Development Permit shall be deemed to be null and void. A new Development Permit shall be required before the business use or development and any related construction or other activity may recommence.

The site submitted for redesignation in 2001. Public circulation included Alberta Transportation, ATCO Gas, Canadian National Railway, Natural Resources Canada Explosives Regulatory Division, the Kathryn School and the Western Irrigation District. Through a public hearing, the application was approved by Rocky View Council, as the proposed facility appeared consistent with the County's Municipal Development Plan and Business Development Policies.

Business Details:

Austin Powder Inc. is an explosives supplier for various industries including mining, seismic and construction. The site will include a bulk truck onsite, stored within an accessory building (tent). The tent is 111.48 sq. m (1,200.00 sq. ft.) in area [6.09 m (20.00 ft.) w x 18.28 m (60.00 ft.) long x 6.09 m (20.00 ft.) high]. The tent would be used for additional storage of equipment and misc. small repairs.

The site will be storing:

- Emulsion Storage: one 30,000 kg. Insulated Vertical Storage Tank EM in a silo
- Ammonium Nitrate Prill Storage: one 30,000 kg. in a silo.



The site will be accessed 1-2 times a week for deliveries. All onsite employees are extensively trained and have the required provincial/federal screening authorization.

Site Security / Fire Safety Information:

The subject business, Austin Powder Inc. has identified the following possible security risks:

- Bulk ammonium nitrate
- Bulk emulsion storage
- MPU's W/Heel

Procedures:

- All dense growth within 10.00 m of the storage vicinity has been removed
- No trespassing signs installed
- Security gates installed
- Emulsion tanks and Ammonium nitrate storage are located within a secure mine site
- Security lighting installed
- No smoking or open flames are permitted onsite
- Fire Extinguishers installed onsite
- The site has extensive onsite Emergency & Reporting Procedures in case of incident

Existing Site Conditions:

From the previous Development Permit application, the site was approved with:

- Three accessory buildings (storage buildings for Explosive Storage Magazines), 37.83 sq. m (407.1 sq. ft.) in area [3.10 m (10.17 ft.) x 12.20 m (40.02 ft.)]
 - These accessory buildings have been removed from the subject site. The Applicant will be placing one accessory building (tent) and up to three (3) new sea containers for storage purposes
- Perimeter fencing [1.83 m (6.00 ft. high), with 0.30 m (1.00 ft.) barbed-topping], entrance lockable gates, and gravel access road [3.50 m (11.48 ft.) wide x 600.00 m (1,968.80 ft.) long]
 - From the existing approach, the gated entrance is located 20.00 m from Highway #566. This was designed to allow Delivery Trucks adequate space to pull off the highway onsite the subject property
 - The subject fence remains onsite
- Berming along Gravel Access Road
 - Three berms were constructed in accordance with 2003 Development Permit approval drawings, *"the Overhead View and Cross-Section as prepared by Western Explosives Ltd., Job #011137, and Dated November 5, 2001"*;
 - One berm, [35.00 m (114.82 ft.) long x 2.95 m (9.67 ft.) high x 6.75 m (22.14 ft.) wide] was constructed parallel to each of the Explosive Storage Magazines. The berm included an opening of 5.0 m (16.40 ft.), to allow for vehicular access.
 - One large topsoil pile was placed onsite by the property owner, over the existing berms, slightly enlarging the berms in size and height and creating one (1) large berm. The change enhances the screening aspect of the berm. The berm will have to be re-seeded to native grass



Surrounding Properties:

- The subject property is located approximately 0.81 km (1/2 mile) east of Rge. Rd. 275 and on the south side of Hwy. 566. The property is predominately surrounded by country agricultural quarter sections, with first parcel outs and borders the Canadian National Railway along the south property. The nearest dwelling is located 740 m northeast of the proposed product storage area.

Application Submissions:

- *Site Plan*
- *Fire Safety Plan*, as prepared by Austin Powder Ltd., dated February 2019
- *Site Security Plan (revised)*, as prepared by Austin Powder Ltd., Revision 1:0; dated February 2019
- *Emergency Response Assistant Plan (ERAP)*, as prepared by Austin Powder Ltd., dated July 2016

Land Use Bylaw:

Section 8: Definitions

GENERAL INDUSTRY means the following activities:

- (a) the processing of raw, value added, or finished materials;*
- (b) the manufacturing or assembling of goods, products, or equipment;*
- (c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;*
- (d) the storage or transshipping of materials, goods and equipment, including petro-chemical products and supplies;*
- (e) the training of personnel in general industrial operations; and*
- (f) It may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial uses.*

GENERAL INDUSTRY TYPE III means those developments which may have an effect on the safety, use, amenity, or enjoyment of adjacent or nearby sites due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods;

Section 26 *Parking Regulations*

- The previous permit calculated that a minimum of 1 parking space was required for business operations [3 x 37.83 sq. m. = 113.46 sq. m/100=1.1346 x 1] = 1 parking stalls.
- The site has been developed to include five parking stalls

Section 54 *Limited Business District*

54.1 *Purpose and Intent*

The purpose and intent of this District is to provide for industrial uses that may have large land requirements and may have some nuisance effects on adjacent sites and which must be mitigable.



- The proposed industrial tenancy falls within a discretionary use under this district

54.3 *Uses, Discretionary*

General Industry Type III

54.5 (a)(i) *Yard, Front:*

- **Required:** 15.00 m (49.21 ft.);

Proposed Accessory Buildings

- **Proposed:** >15.00 m (49.21 ft.);

54.5 (b)(i) *Yard, Side:*

- **Required:** 15.00 m (49.21 ft.);

Proposed Accessory Buildings

- **Proposed:** ~28.00 m (~91.86 ft.) from the west property line
- **Proposed:** ~20.00 m (~65.61 ft.) from the east property line

54.5 (c)(i) *Yard, Rear;*

- **Required:** 15.00 m (49.21 ft.);

Proposed Accessory Buildings

- **Proposed:** >15.00 m (49.21 ft.)

54.6 *Additional Regulations*

(a) *A Development Authority may require a greater building setback for an industrial development which, in the opinion of a Development Authority, may interfere with the amenity of adjacent sites.*

- As the subject site does not include immediate residences, with the closest residence being 740.00 m (2,427.82 ft.) away, is largely surrounded by agricultural fields, an is screened with berming and natural topography, a larger building setback does not appear to be required in this application

(b) *A Development Authority may require an Environmental Impact Assessment where there is uncertainty as to potential impacts or potential significant risk from the proposed development.*

- It is the interpretation of the Development Authority that an EIA is not required for this application

54.7 *Building Requirements*

(a) Building Design

(i) *The design, character, and appearance of all buildings shall be appropriate to and compatible with the surrounding area and shall be constructed of durable materials designed to maintain the initial quality throughout the life of the project.*

- The subject business is utilizing standard-design commercial accessory buildings for storage of product and equipment. The accessory buildings are required for product storage and therefore is composed of durable materials.



54.8 Special Requirements

A minimum of 10% of the site area shall be landscaped.

- As per the previous Development Permit, the site was landscaped with four berms in lieu of tree landscaping.

STATUTORY PLANS:

The subject property does not fall under any approved Area Structure plan, Conceptual Scheme, or Intermunicipal Development Plan. The application was evaluated in accordance with the Land Use Bylaw.

INSPECTOR'S COMMENTS:

Inspection: March 22, 2019

- No access; gated
- Berms visible along the west side of the property from roadway
- Fencing visible, buildings not visible

CIRCULATIONS:

Alberta Transportation

- The proposed development is located greater than 400 metres from the highway right-of-way, a Roadside Development Permit from Alberta Transportation is not required.

CN Railway

- Thank you for circulating CN Rail on this application. I also appreciate the time this afternoon to discuss this application and the previous land use. I have some concerns about this use as it is approximately 350 m from our rail line.
 - Would you be able to look in the municipal files from the previous owner and see what comments CN Rail submitted at that time?
 - *County Response to CN:*
 - Planning Circulation Response: Applicant to install a 1.83 m chain link fence along the mutual property line. Any disruption in drainage affecting the railway property must be mitigated to the satisfaction of the Railway. Owner to engage a consultant to analysis noise and vibration affecting the site and to mitigate any adverse impact to the satisfaction of the MD
 - *CN Response to County:*
 - The 2001 comment would have been a standard submission, but I can confirm that we not concerned about noise from the facility.
 - I would also be interested if the applicant could confirm any federal regulations regarding the siting of their operation and the setback required from transportation infrastructure.
 - Should this use be approved, I would also ask that the contact information for CN Police are included in the emergency procedures for the facility. I can confirm with CN Police the contact information that should be included.



- I would request that you include the emergency number for CN Polices in the facility emergency manual in the event there is a major incident and there could be an impact on the rail line. Even when there is an incident in proximity to the line and not directly affecting the line, it can be a good idea to let CN know. Given the types of freight we haul and the materials that your facility is storing, there is a potential for a conflict.
 - *Applicant Response to CN:*
 - Applicant provided answered follow-up questions and regulations on March 28, 2019
 - Applicant added CN Emergency Number to the Emergency Contacts for the site on April 2, 2019

AG Services Review

- No agricultural concerns

Alberta Health Services

- Given the volatile nature of the product to be stored we recommend the development of a communications plan to help ensure all neighbouring residents (including Kathryn School) are aware of the facility's existence and are able to incorporate its presence into any safety plans they may have.
- AHS would also like to suggest that the Applicant stays in contact with Rocky View County Fire Services regarding best management practices on the site for matters like chemical storage, spill response, etc.

Alberta Environment and Parks

- No response received at the time of this report.

Ember

- No response received at the time of this report.

Building Services Review

- No Concerns with existing storage.
- Any new or additional Buildings will require Building Permits.

Municipal Enforcement Review

- Recommend that all garbage be contained in weather and animal proof containers.

Planning & Development, Engineering Review

General

- The review of this file is based upon the application submitted. These conditions/recommendations may be subjected to change to ensure best practices and procedures.
- Parcel Size is 101.53 acres. Current Land Use is B-3.
- At this time, the application is to be circulated to fire services for their review and comment. Should fire services have any concerns, all fire service concerns should be addressed prior to issuance

Geotechnical - Section 300.0 requirements:

- Engineering have no requirements at this time.



Transportation - Section 400.0 requirements:

- Access to the parcel is from a gravel approach off Township Road 262.
- At this time, the application is to be circulated to AT for their review and comment. Should AT have any concerns, all AT concerns should be addressed prior to issuance
- The site would be accessed 1-2 times a week for the deliveries. No access to general public will be provided.
- Engineering have no requirement at this time.

Sanitary/Waste Water - Section 500.0 requirements:

- No information was provided. It is estimated that site is not serviced as the site is to be used for storage of trucks and liquid emulsion.
- Engineering have no requirement at this time.

Water Supply And Waterworks - Section 600.0 & 800.0 requirements:

- No information was provided. It is estimated that site is not serviced.
- Engineering have no requirement at this time.

Storm Water Management – Section 700.0 requirements:

- No impervious surface is present on site.
- ES have no requirements at this time.

Environmental – Section 900.0 requirements:

- Provide chemical management/handling plan addressing how material and spill shall be handled on site.

Fire Services Review

- Site visit is required to discuss items below. I appreciate you making that connection.
 - Vehicle oils and separation from product
 - Access to all parts of the site / site layout
 - Fencing
 - Emergency Response Plan
- This is a high hazard site, initial isolation distances appear adequate; however, additional measures may need to be taken to ensure the protection of the farm house to the NE & the Kathryn school.

Transportation Services Review

- Application involves Development along Alberta Transportation Road Allowance, Therefore, application to be circulated to Alberta Transportation for review and comment
- No County roads impacted
- Please circulate Emergency Services, Fire Services and CN Rail for comments

Utility Services Review

- No Concerns



Natural Resources Canada (NRC) Explosives Offices [formerly Natural Resources Canada Explosives Regulatory Division]

- As the federal regulator responsible for licensing explosives sites, it would not be appropriate for me to comment on this development permit. We licence sites only after receiving all required documentation and verifying that the site/operations meet the Explosives Regulations.
- However, I would like to clarify that this site would be required to have a wash facility for the truck.

OPTIONS:

Option #1 (this would allow the subject tenancy onsite)

That the appeal against the decision of the Development Authority to approve a Development Permit for General Industry, Type III (existing), tenancy and signage for an explosives storage company on NE-08-26-27-04 (274125 TWP RD 262) be denied, that the decision of the Development Authority be confirmed, and that the Development Permit be conditionally approved, subject to the following conditions:

Description:

1. That General Industry, Type III (existing), tenancy and signage for an explosives storage company may take place on the subject site in accordance with the submitted application and includes:
 - a. Storage of explosives materials within designated Silos;
 - b. Construction/placement of one accessory building (tent), approximately 111.48 sq. m (1,200 sq. ft.) in area;
 - c. Three accessory buildings [sea containers], 37.82 sq. m (407.09 sq. ft.) in area, for storage;
 - d. One Berms [existing onsite];
 - e. Minor Regrading (if required) + placement of clean topsoil (*existing onsite*);
 - f. Signage (identification, site wayfinding and security as required).

Permanent:

2. That the existing earth berm shall remain and be maintained on the subject property at all times.
3. That the existing earth berm shall be covered with 6.00 inches of topsoil and seeded to natural prairie grasses at all times.
4. That no additional topsoil or fill may be placed on the subject property, unless a separate Development Permit application is approved.
5. That all signage on-site shall be kept in a safe, clean, and tidy condition. At no point, shall any signage be flashing or animated.
6. 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 demonstrate lighting design that reduces the extent of spill-over glare, and eliminates glare as viewed from nearby residential properties.
7. That there shall be a minimum of five (5) parking stalls maintained on site at all times.



8. That the existing 1.82 m (6.00 ft.) high barbwire perimeter fence or a fence of a higher standard, shall be maintained onsite at all times. The perimeter fence shall enclose the storage area and include a lockable gate at the entrance.
9. That all garbage and waste shall be stored in weather and animal proof containers and shall be completely screened from view from adjacent properties and the public thoroughfares.
10. 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 subject principal use on the subject site, to facilitate accurate emergency response.

Note: The Municipal Address is 274125 TWP RD 262

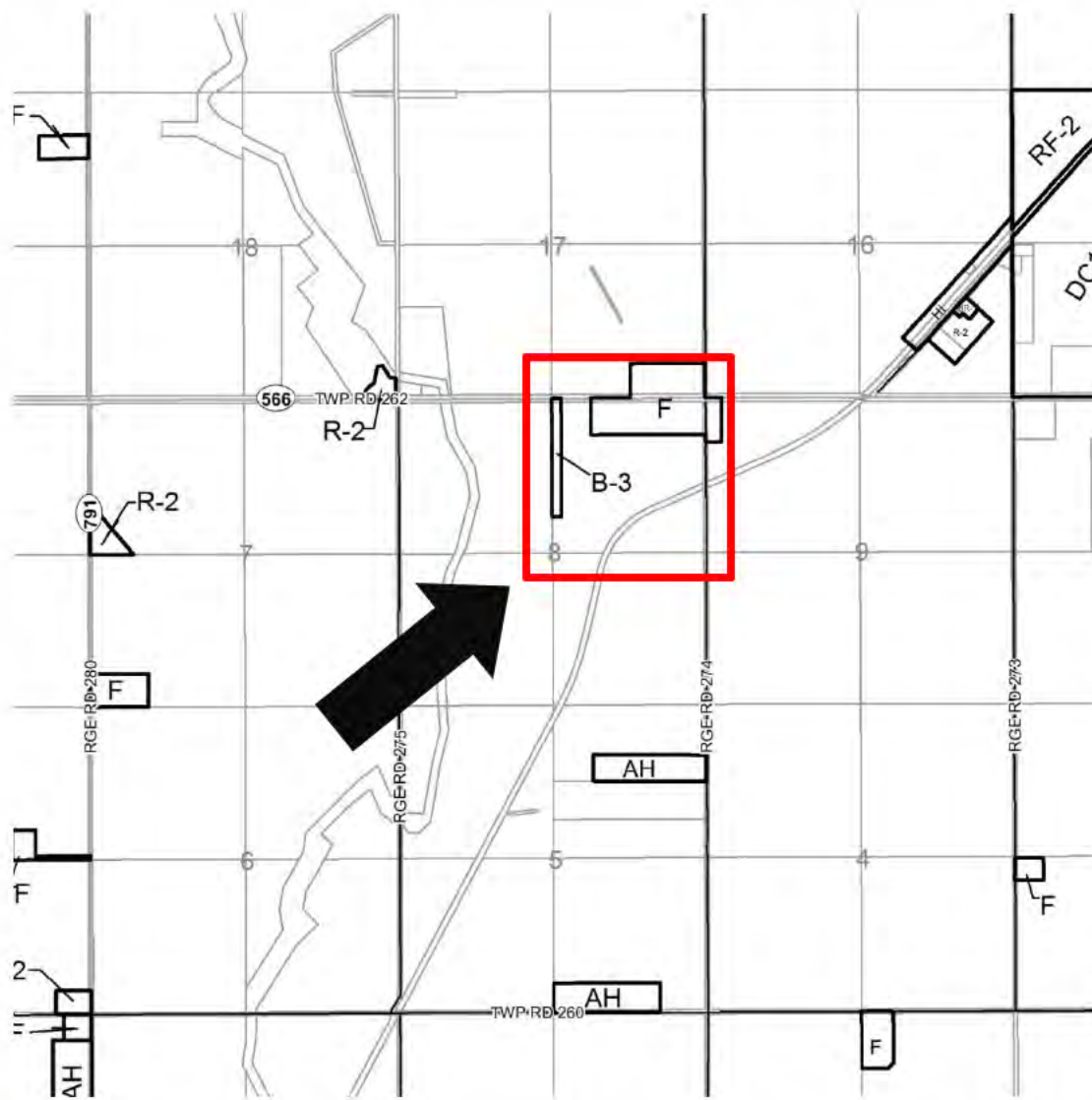
11. That the Applicant/Owner shall request a site inspection, to be completed by County Fire Services, within 30 days of permit issuance or site occupancy (whichever occurs first) to discuss site operations.
 - a. The Applicant/Owner shall implement any recommendations arising from the Site Inspection, to the satisfaction of the County Fire Services.
12. 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.
 - a. That the Applicant/Owner shall adhere to the approved Site Security, Fire Safety Plan, and ERAP, as approved by the County.
 - i. If any recommendations or changes are required or arise by the County, the Applicant/Owner shall adhere and implement those recommendations in keeping with safe Fire Safety Practices as per the Alberta Fire Code.

Advisory:

13. That it is recommended that the Applicant/Owner install a truck wash facility, as per Federal requirements.
14. That the business and associated development area shall adhere to the Weed Control Act [*Statutes of Alberta, 2008 Chapter W-5.1*], at all times.
15. That all other Federal, Provincial or Municipal approvals, permits and compliances are the sole responsibility of the Applicant/Owner.
16. That if the development authorized by this Development Permit is not commenced with reasonable diligence within twelve (12) months from the date of issue, and completed within twenty-four (24) months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.

Option #2 (this would not allow the subject tenancy onsite)

That the appeal against the decision of the Development Authority to approve a Development Permit for General Industry, Type III (existing), tenancy and signage for an explosives storage company on NE-08-26-27-04 (274125 TWP RD 262) be upheld, that the decision of the Development Authority be revoked, and that the Development Permit be denied.



Land Use:

Ranch and Farm District (RF)

±93.28 acres

Limited Business District (B-3)

±8.25 acres

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-08-26-27-W4M
Division 5; File 06208009





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

AIR PHOTO
Spring 2018

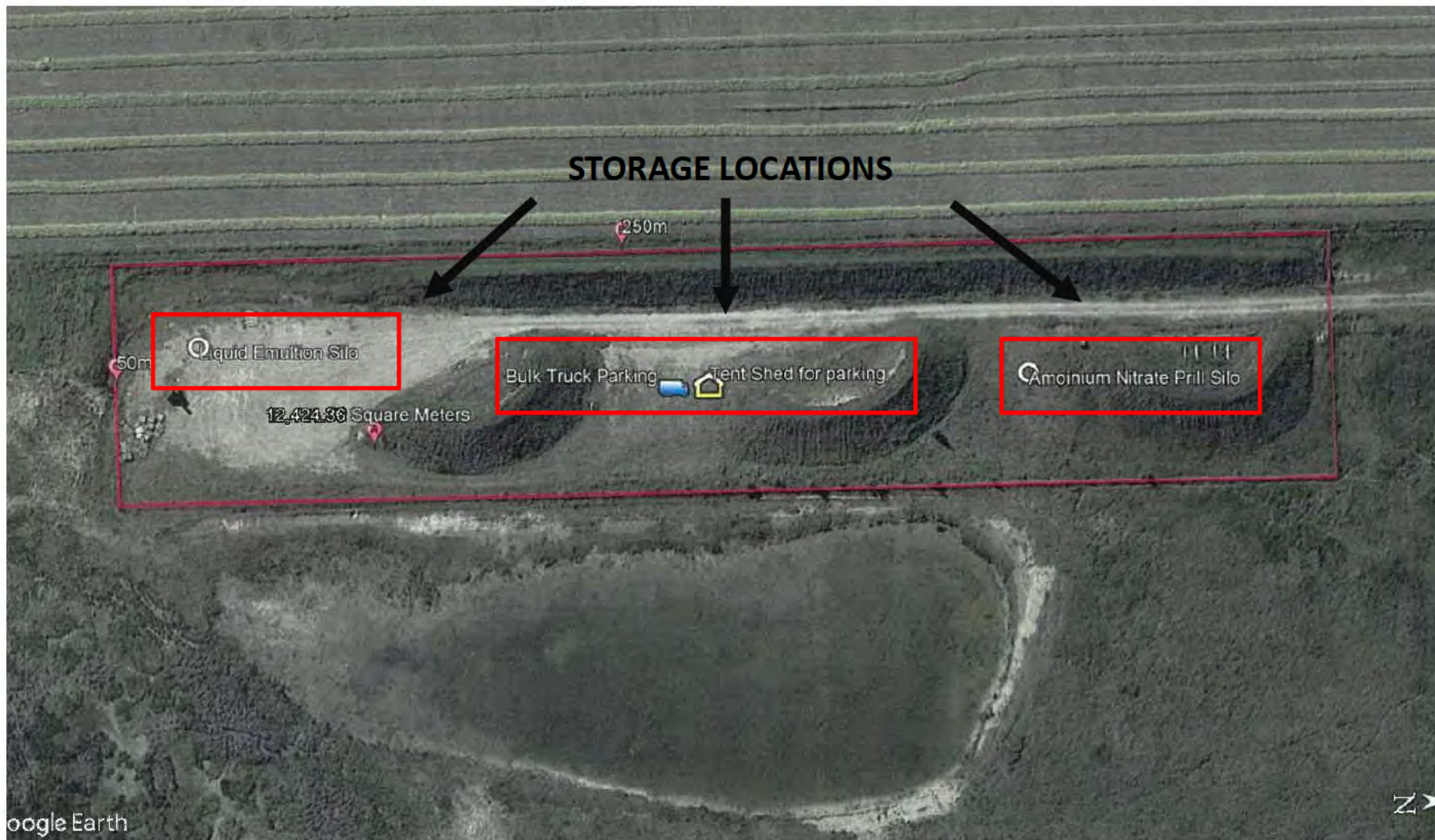
NE-08-26-27-W4M
Division 5; File 06208009

 **ROCKY VIEW COUNTY**



Inspection Date:
March 22, 2019



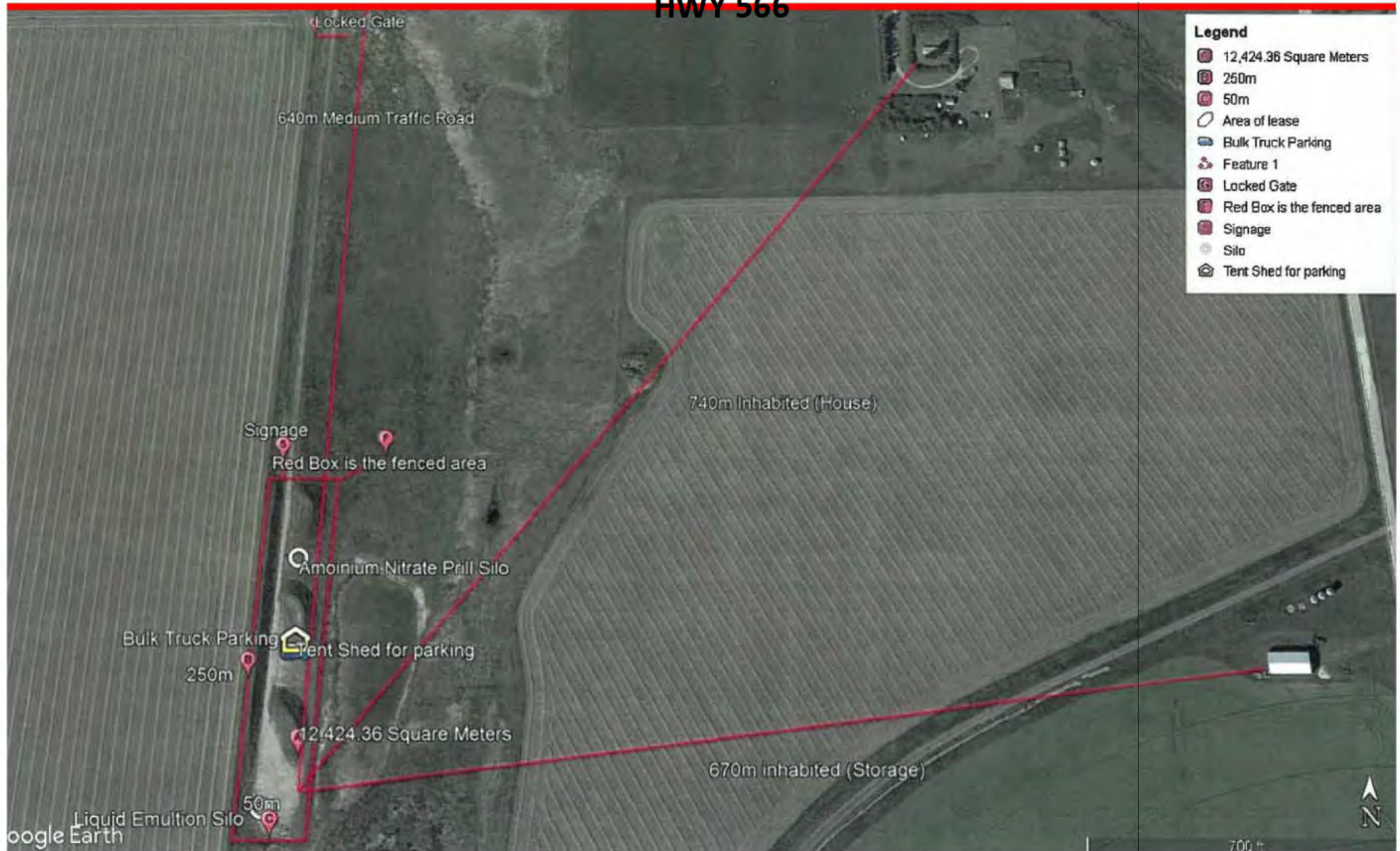


SITE PLAN

NE-08-26-27-W4M
Division 5; File 06208009



HWY 566



SITE PLAN

NE-08-26-27-W4M
Division 5; File 06208009

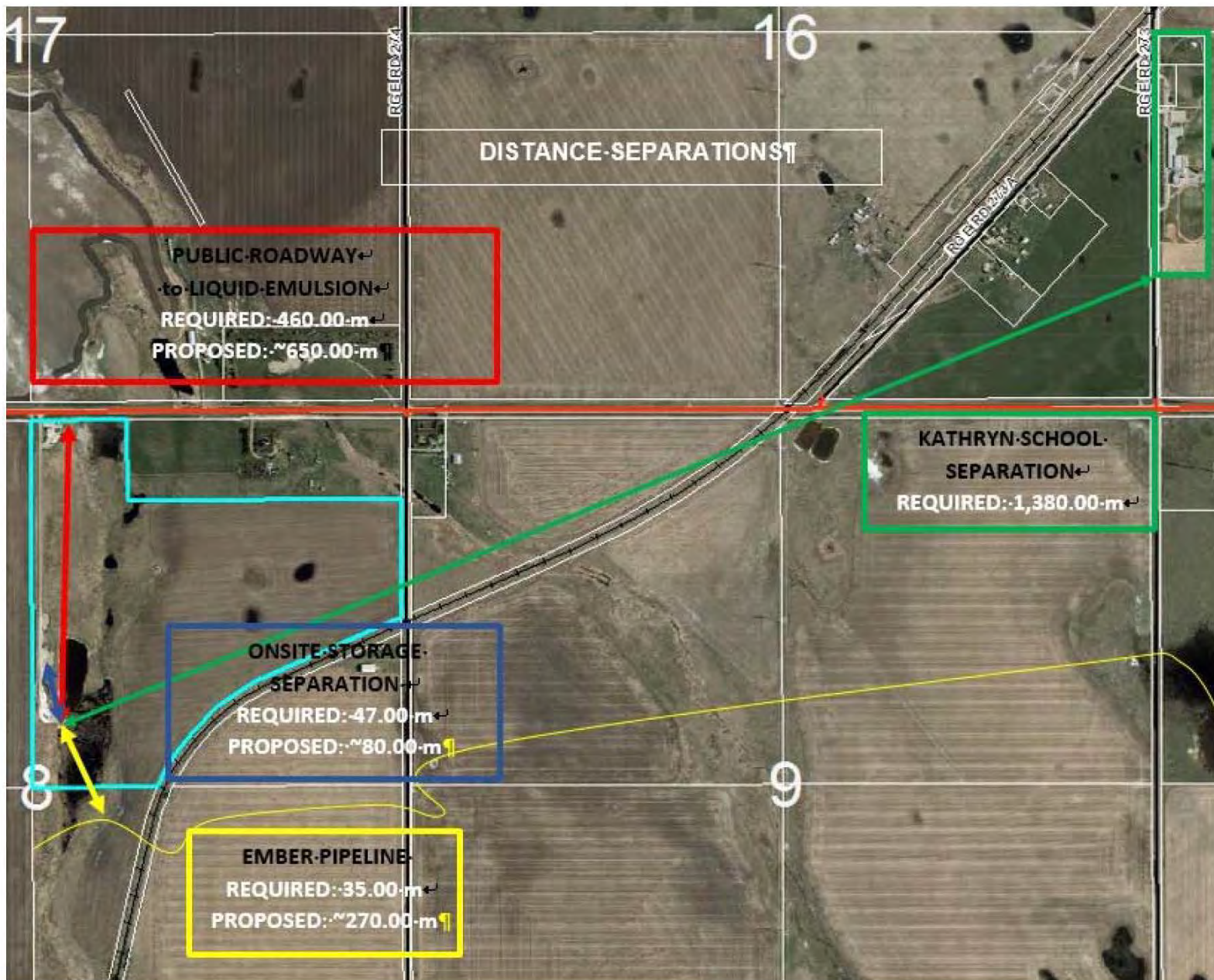
 ROCKY VIEW COUNTY



SITE PLAN

NE-08-26-27-W4M
Division 5; File 06208009



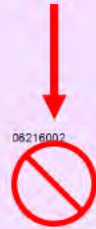


SITE PLAN

NE-08-26-27-W4M
Division 5; File 06208009



APPELLANT



Circulation Responses

- Circulated to 15 adjacent landowners
- No letters in support
- No letters in opposition

Legend



Circulation Area

Subject Lands

SE-27-24-27-W04M

LANDOWNER CIRCULATION AREA

Lot 4, Block 4, Plan 0312137
Division 5; File 04227009



ROCKY VIEW COUNTY



Notice of Appeal

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

Appellant Information

Name of Appellant(s)

Catherine Agar

Site Information

Municipal Address

Legal Land Description (lot, block, plan and/or quarter-section-township-range-meridian)

NE-08-26-27-W4M

Development Permit, Subdivision Application, or Enforcement Order #

PRDP20190626

Roll #

06208009

I am appealing: (check one box only)

Development Authority Decision

- ☒ Approval
☐ Conditions of Approval
☐ Refusal

Subdivision Authority Decision

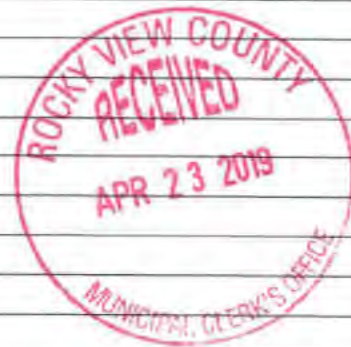
- ☐ Approval
☐ Conditions of Approval
☐ Refusal

Decision of Enforcement Services

- ☐ Stop Order
☐ Compliance Order

Reasons for Appeal (attach separate page if required)

see next page



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


Date

April 22, 2019

Jacqueline Targett
Rocky View County, Planning & Development
262075 Rocky View Point
Rocky View County, AB T4A 0X2

Dear: Jacqueline

Re: Appeal for Application PRDP20190626

WestCreek Developments Ltd, on behalf of West Kathryn Developments Ltd, received notice that a Development Permit has been approved for the lands adjacent to our property, illustrated in Figure 1. It is our understanding that Application Number PRDP20190626 is an application for General Industry, Type III (existing), tenancy and signage for an explosives storage company.

West Kathryn Developments (West Kathryn) is opposed to this land use as it will have a detrimental affect on the future development of Kathryn. On September 4, 2007, The Hamlet of Kathryn Conceptual Scheme was approved. The ultimate build out of this area encompasses approximately 884 acres, 2100 residences and 6500 people. The purpose of the Conceptual Scheme was to provide a comprehensive planning framework for the subject lands, illustrated in Figure 2. The Conceptual Scheme and its supplementary information provide clear and concise policy direction for the development of the subject lands, including redevelopment of the existing Hamlet.

On December 1, 2009 Council approved a Direct Control Bylaw for Stage 1 of the Conceptual Scheme, which includes approximately 250 acres. The Bylaw introduces a fully serviced community consisting of predominantly residential land uses, a possible future local commercial node and complementary recreational land uses around the existing Kathryn school and on the future Municipal Reserve parcels.

It should be noted that the Hamlet of Kathryn has been described as a Community Core, which is to be the "local focus for community services and amenities, providing services such as schools, community halls, senior's facilities and a host of other services to the surrounding areas".

West Kathryn is extremely concerned about the future viability of the Hamlet of Kathryn if an explosives storage company is located adjacent to these lands. WestCreek firmly believe that we will have difficulty selling lots given the close proximity of the explosives storage facility, as it does not create a desirable location for future residents and businesses. WestCreek has recently begun to look at servicing options in order to move forward with this development, however we may have to reconsider given the outcome of the approval of this Development Permit.

WestCreek respectfully opposes Application PRDP20190626 as we believe it will have an adverse affect on the future viability of the Hamlet of Kathryn.

Regards,



Catherine Agar
Manager of Planning
WestCreek Developments Ltd.



Figure 1
Conceptual Scheme Boundary
 Hamlet of Kathryn Conceptual Scheme

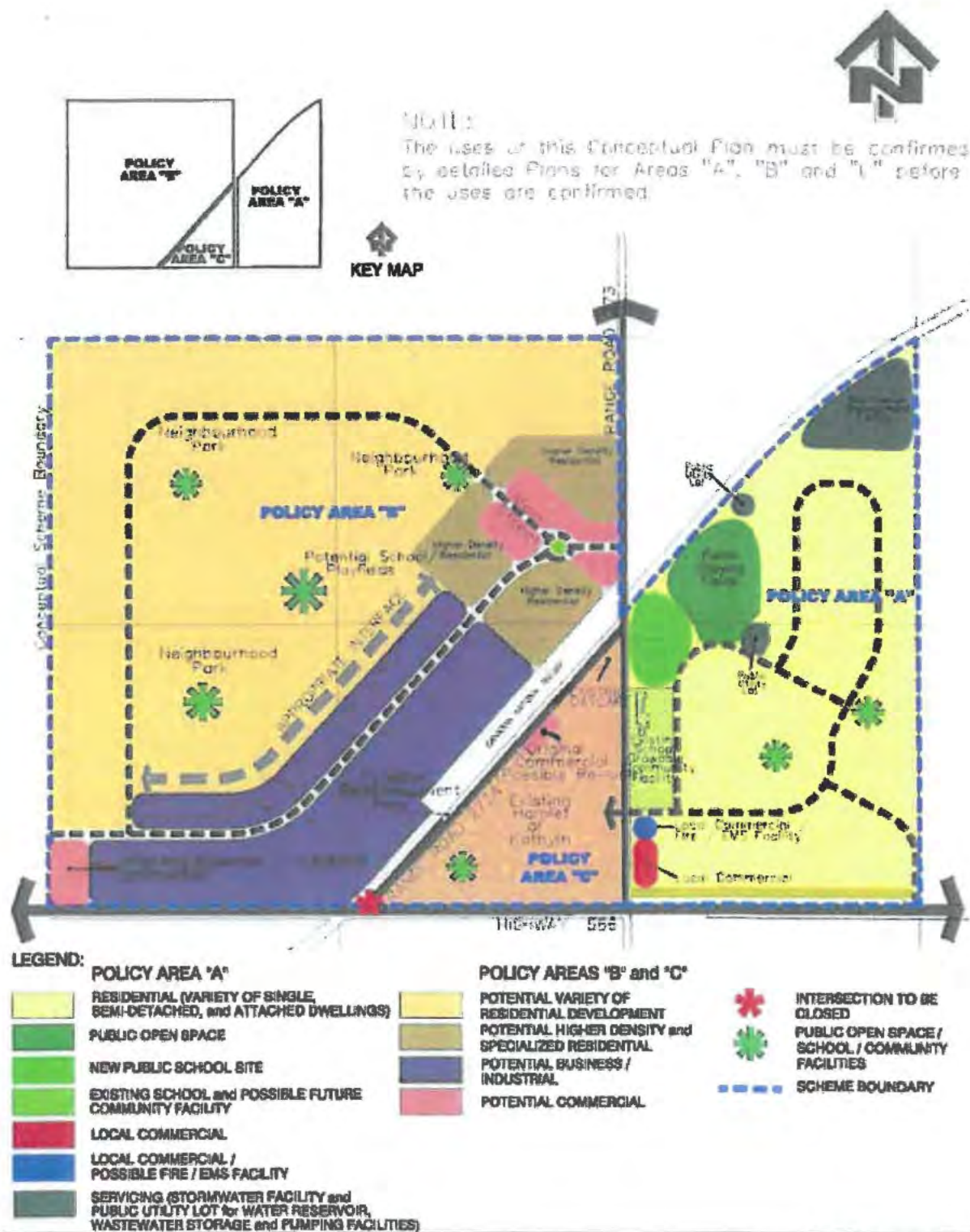


Figure 2
Generalized Land Use Concept Plan
Hamlet of Kathryn Conceptual Scheme



ROCKY VIEW COUNTY

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

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

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 V2.0

Austin Powder Ltd. (Trevor Geddes)
3810 - 7th Street SE
Calgary, AB T2G 2Y8

Page 1 of 3

Wednesday, April 24, 2019

Roll: 06208009

RE: Development Permit #PRDP20190626

NE-08-26-27-04;

The Development Permit application for General Industry, Type III (existing), tenancy and signage for an explosives storage company has been **conditionally-approved** by the Development Officer subject to the listed conditions below (**PLEASE READ ALL CONDITIONS**):

Description:

1. That General Industry, Type III (existing), tenancy and signage for an explosives storage company may take place on the subject site in accordance with the submitted application and includes:
 - i. Construction/placement of one accessory building (tent), approximately 111.48 sq. m (1,200 sq. ft.) in area,
 - ii. Three accessory buildings [sea containers], 37.82 sq. m (407.09 sq. ft.) in area, for storage
 - iii. One Berms [existing onsite]
 - iv. Minor Regrading (if required) + placement of clean topsoil (*existing onsite*)
 - v. Signage (identification, site wayfinding and security as required)

Permanent:

2. That the existing earth berm shall remain and be maintained on the subject property at all times.
3. That the existing earth berm shall be covered with 6.00 inches of topsoil and seeded to natural prairie grasses at all times.
4. That no additional topsoil or fill may be placed on the subject property, unless a separate Development Permit application is approved.



ROCKY VIEW COUNTY

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

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

Austin Powder Ltd. (Trevor Geddes) Page 2 of 3
#PRDP20190626

5. That all signage on-site shall be kept in a safe, clean, and tidy condition. At no point, shall any signage be flashing or animated.
6. 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 demonstrate lighting design that reduces the extent of spill-over glare, and eliminates glare as viewed from nearby residential properties.
7. That there shall be a minimum of five (5) parking stalls maintained on site at all times.
8. That the existing 1.82 m (6.00 ft.) high barbwire perimeter fence or a fence of a higher standard, shall be maintained onsite at all times. The perimeter fence shall enclose the storage area and include a lockable gate at the entrance.
9. That all garbage and waste shall be stored in weather and animal proof containers and shall be completely screened from view from adjacent properties and the public thoroughfares.
10. 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 subject principal use on the subject site, to facilitate accurate emergency response.

Note: The Municipal Address is 274125 TWP RD 262

11. That the Applicant/Owner shall request a site inspection, to be completed by County Fire Services, within 30 days of permit issuance or site occupancy (whichever occurs first) to discuss site operations.
 - i. The Applicant/Owner shall implement any recommendations arising from the Site Inspection, to the satisfaction of the County Fire Services.
12. 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.
 - i. That the Applicant/Owner shall adhere to the approved Site Security, Fire Safety Plan, and Emergency Response Assistant Plan, as approved by the County.
13. If any recommendations or changes are required or arise by the County, the Applicant/Owner shall adhere and implement those recommendations in keeping with safe Fire Safety Practices as per the Alberta Fire Code.

Advisory:

14. That it is recommended that the Applicant/Owner install a truck wash facility, as per Federal requirements.
15. That all other Federal, Provincial or Municipal approvals, permits and compliances are the sole responsibility of the Applicant/Owner.
16. That if the development authorized by this Development Permit is not commenced with reasonable diligence within twelve (12) months from the date of issue, and completed within twenty-four (24) months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.



ROCKY VIEW COUNTY

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

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

Austin Powder Ltd. (Trevor Geddes) Page 3 of 3
#PRDP20190626

If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **Wednesday, May 15, 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

PRDP20190626

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$530.00	File Number 06208009
Date of Receipt Feb 28/19	Receipt #

Name of Applicant Trevor Geddes Email Trevor.Geddes@Austin Powder.ca
Mailing Address 3810-7th st SE

Postal Code T2G 2Y8
Telephone (B) 403-243-5566 (H) 403-815-8690 Fax 403-287-2353
For Agents please supply Business/Agency/ Organization Name Austin Powder Ltd

Registered Owner (if not applicant) _____

Mailing Address _____

Postal Code _____
Telephone (B) _____ (H) _____ Fax _____

1. LEGAL DESCRIPTION OF LAND

- a) All / part of the NE $\frac{1}{4}$ Section 8 Township 24 Range 27 West of 4 Meridian
b) Being all / parts of Lot _____ Block _____ Registered Plan Number _____
c) Municipal Address _____
d) Existing Land Use Designation RF/B-3 Parcel Size 101.53 Division 5

2. APPLICATION FOR

Explosives storage site

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 _____ 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 2/19/2019

Owner's Signature _____
Date _____



AUSTIN POWDER

Trevor Geddes – Location Manager
Calgary AB.

To whom it may concern,

Austin Powder Ltd is an explosives supplier for many industries including but not limited to, Mining, seismic, and construction which would be considered the main industries.

Austin Powder Ltd is looking to use the land to store one silo of 30000kgs liquid emulsion which is considered 1.5D, and 1 silo of 30 000kgs ammonium nitrate.

We would have a bulk truck on site which will be used to deliver the products stored in the silos to mining quarries in the area. The bulk truck would be stored in a tent which we would have on site for storage and misc small repairs.

The site would be accessed 1-2 times a week for the deliveries.

The site is fenced off from the general public and has a gate which is locked when not at site.

There will be no trespassing signs up at the front gate as well as Safety signs of proper PPE.

Site is 420m in from highway 566.



LAND USE BYLAW OF
THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-4841-97

DEVELOPMENT PERMIT NO. **2001-DP-9517**
DATE OF ISSUE: March 26, 2002
FILE(S) **06208004**
TO: Western Explosives Ltd. c/o Synterra Tech. Ltd.
#208, 214-11 Ave. S.E.
Calgary, Alberta
T2G-0X8

YOUR APPLICATION dated September 28, 2001 for a Development Permit in accordance with the provisions of the Land Use Bylaw in respect of:

General Industry Type III, explosives storage

at NE-1/4-08-26-27-W04M; (274055 TWP. RD. 262)

has been considered by the Development Officer and the decision in the matter is that your application be **approved** subject to the following conditions:

- 1) That a General Industry, Type III, for explosives storage may take place on the subject site in accordance with the Overhead View as prepared by Western Explosives Ltd., Job #011137, and Dated November 5, 2001.
- 2) That this approval includes the construction of three (3.1m x 12.2m) 37.82 m² explosive magazine storage buildings in accordance with the Overhead View as prepared by Western Explosives Ltd., Job #011137, and Dated November 5, 2001.
- 3) That this approval includes the construction of three (3) earth berms in accordance with the Overhead View and Cross-Section as prepared by Western Explosives Ltd., Job #011137, and Dated November 5, 2001; in addition a 35 metre earth berm which is 2.95 metre in height and 6.75 metre in width at the base shall be constructed parallel to each of the Explosive Storage Magazines with an opening of no more than 5.0 m to allow for vehicular access to the Magazines.
- 4) That all earth berms constructed on site shall be covered with no less than 6 inches of topsoil and seeded to natural prairie grasses no later than June 30, 2002.
- 5) That a Management Plan for the safe handling and storage of hazardous goods, substances, or other materials proposed to be either generated on-site or brought to the site, shall be prepared by a qualified professional to the satisfaction of the Development Officer, and submitted to the Municipal District of Rocky View No. 44 prior to the issuance of this permit.
- 6) That an Emergency Management and Response Plan which shall include, but is not limited to emergency accesses and measures to prevent the threat of and assist in the containment of fire, hazardous materials or the like, shall be submitted to the satisfaction of the Development Officer prior to the issuance of this permit.
- 7) That a Hazardous Goods Transportation Management Plan shall be prepared by a qualified professional to the satisfaction of the Development Officer, and shall include, but is not limited to, a detailed description of the routes by which explosive materials will be brought to, and shipped from the Lands on all roads and highways within the Municipality, and submitted to the Municipal District of Rocky View No. 44 prior to the issuance of this permit.
- 8) That there shall be a minimum of five (5) parking stalls maintained on site at all times.
- 9) That there shall be a six (6) foot high barbwire fence or a fence of a higher standard, approved by the Development Officer, around the storage area, and a lockable gate at the entrance, prior to any use of the buildings.
- 10) That all garbage and waste shall be stored in weather proof and animal proof containers.
- 11) That all other government approvals, permits and compliances are the sole responsibility of the applicant/owner.
- 12) That if the development authorized by this Development Permit is not commenced with reasonable diligence within twelve (12) months from the date of issue, and completed within twenty-four (24) months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
- 13) That this Development Permit shall not be issued unless and until Conditions #5, #6 and #7 have been met.
- 14) That if this Development Permit is not issued by **APRIL 30, 2002** then this approval becomes null and void.


Graham W. Smith
Development Officer

NOTE: It is the responsibility OF THE APPLICANT to ensure that all conditions of approval are met.



May 22, 2019

Rocky View School Division
Colette Winters, Director of Facilities Planning
2651 Chinook Winds Drive SW
Airdrie, AB T4B 0B4

Our file: PRDP20190626 / Roll 06208004

Dear Colette,

Further to your email correspondence dated May 17, 2019, this letter confirms that the proposed General Industry, Type III, tenancy and signage for an explosives company complies with the Natural Resource Canada (NRC) Explosives Office, "*Quantity Distance Principles*" for minimum distances from a Public Traffic Route Distance, School site, and onsite storage separations.

The principles require appropriate separation distances to ensure the location of these facilities do not adversely affect adjacent land uses. The distances are determined based on the type and quantity of the materials/products being stored onsite.

The most applicable federal regulation requirements (based on the quantity) are below, including the proposed distances from Austin Powder Ltd.:

1. The required separation distance from a public roadway [*classified as D5*] to the Liquid Emulsion Silo is 460.00 m; **Proposed:** 650.00 m
2. The required separation distance from a public School is 1,380.00 m; **Proposed:** 2,600.00 m
3. The required onsite separation distance between both Silos is 47.00 m; **Proposed:** 80.00 m

As the above regulations are being complied with, public safety of highway users and adjacent sites appeared to be satisfied.

Sincerely,

Jacqueline Targett
Development Officer, Planning & Development Services
403-520-8161
jtargett@rockyview.ca

cc. Austin Powders Ltd, 3810 – 7th Street SE, Calgary, AB T2G 2Y8



PLANNING & DEVELOPMENT

TO: Subdivision and Development Appeal Board

DATE: June 5, 2019 **DIVISION:** 06

FILE: 08201003 **APPLICATION:** B-6; PRDP20190217

SUBJECT: Renewal of Natural Resource Extraction/Processing.

PROPOSAL: Renewal of Natural Resource Extraction/Processing, for a sand and gravel pit, relaxation of the minimum side and rear yard setback requirement to operations, including excavations and stockpiles	GENERAL LOCATION: Located approximately 0.81 km (1/2 mile) north of Twp. Rd. 280 and on the east side of Rge. Rd. 271
APPLICATION DATE: January 21, 2019	DEVELOPMENT AUTHORITY DECISION: Discretionary – Refused
APPEAL DATE: May 23, 2019	DEVELOPMENT AUTHORITY DECISION DATE: May 9, 2019
APPELLANT: Lafarge Canada Inc. (Jennifer Weslowski)	APPLICANT: Lafarge Canada Inc. (Jennifer Weslowski)
LEGAL DESCRIPTION: NW-01-28-27-W04M	MUNICIPAL ADDRESS: N/A
LAND USE DESIGNATION: Natural Resource Industrial District (NRI)	GROSS AREA: ± 64.75 hectares (± 160 acres)
PERMITTED USE: Natural Resource Extraction/Processing is a discretionary use under Section 58.3.	DEVELOPMENT VARIANCE AUTHORITY: The Development Authority may grant up to a 25% variance to the minimum side and rear yard setback requirement. The variance requested on this application exceeds 25%.
PUBLIC SUBMISSIONS: The application was circulated to three 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 • Land Use Bylaw

EXECUTIVE SUMMARY:

This proposal is a request for the renewal of natural resource extraction/processing, for a sand and gravel pit, and a relaxation to the minimum side yard (north) and rear yard (east) setback requirements.

The Development Authority refused the application on May 9, 2019, for the following reasons:

1. The side yard setback to extraction operations does not meet the minimum side yard setback requirement, as defined in Section 55.4 of Land Use Bylaw C-4841-97.

Permitted: 15.00 m (49.21 ft.)
Existing: 0.00 m (0.00 ft.)
Maximum variance: 25%
Requested variance: 100%

2. The rear yard setback to extraction operations does not meet the minimum rear yard setback requirement, as defined in Section 55.4 of Land Use Bylaw C-4841-97.

Permitted: 15.00 m (49.21 ft.)
Existing: 0.00 m (0.00 ft.)
Maximum variance: 25%
Requested variance: 100%

The Applicant/Appellant appealed the decision on May 23, 2019. The Notice of Appeal is included in the agenda package. As identified in the Notice of Appeal, the Applicant/Appellant has indicated that the relaxation would not interfere with or affect adjacent properties as the lands to the north and east are gravel extraction sites and this would allow for the contiguous mining and reclamation of the adjacent lands.

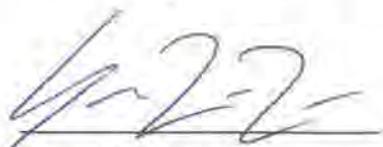
PROPERTY HISTORY:

PRDP20140817	<p>Issued February 3, 2015</p> <ul style="list-style-type: none"> • Renewal of Natural Resources Extraction/Processing, for a sand and gravel pit. • Relaxation of the front, side, and rear yard setback to operations. • Approved by the Subdivision and Development Appeal Board.
2008-DP-13356	<p>Issued July 31, 2009</p> <ul style="list-style-type: none"> • Natural Resources Extraction/Processing, for a sand and gravel pit. • Relaxation of the front, side, and rear yard setback to operations. • Approved by the Subdivision and Development Appeal Board.

APPEAL:

See attached report and exhibits.

Respectfully submitted,



Sean MacLean
Supervisor, Planning & Development

SKh/lt

DEVELOPMENT PERMIT REPORT

Application Date: January 21, 2019	File: 08201003
Application: PRDP20190217	Applicant/Owner: Lafarge Canada Inc. (Jennifer Weslowski)
Legal Description: NW-01-28-27-W04M	General Location: Located approximately 0.81 km (1/2 mile) north of Twp. Rd. 280 and on the east side of Rge. Rd. 271
Land Use Designation: Natural Resource Industrial District (NRI)	Gross Area: ±64.75 hectares (±160 acres)
File Manager: Sandra Khouri	Division: 06

PROPOSAL:

The proposal is for the renewal of Natural Resource Extraction/Processing, for a sand and gravel pit, relaxation of the minimum side and rear yard setback requirement to operations, including excavations and stockpiles.

Application History

- This is the second renewal application.
- The previous two approvals were granted by the Subdivision and Development Appeal Board (SDAB).
 - The applicant requested a relaxation of the minimum front, side, and rear yard setback requirement to operations, including excavations and stockpiles, to zero metres from the property line.
 - As this request exceeds the Development Authority's variance ability the applications were approved by the SDAB.
- The previous renewal (PRDP20140817) was issued on February 3, 2015, and expired on December 31, 2018.
- The original application, 2008-DP-13356, was approved on July 31, 2009 and expired on December 24, 2013.

Application Details

Size, Lifespan, Phasing

This aggregate extraction site is a sand and gravel pit operated by Lafarge on land leased from the Hutterian Brethren Church of Beiseker. The total area of the pit is 64.75 hectares (160 acres) with the current active area being 38.1 hectares (94.1 acres) in size as per the 5 Year Report submitted to Alberta Environment and Parks.

Processing of aggregate is done with the use of portable processing plants. These plants can be set up in any area of the designated mine phase. Set up location can be influenced by a number of factors including: distance to mine face, available stockpile area, amount of material to be processed, and other planned activities at the site. The actual mining operation will consist of a rubber tired front end loader excavating pitrun from the bank and feeding it directly to a conventional portable processing plant. The processing plant typically consists of a feeder, jaw, cone crusher, vibratory screeners, and conveyers or trucks for stockpiling the finished product. The processing plant will mainly produce crushed gravel for use as road base, road topping gravel, asphalt aggregates, and wash plant feed for the wash plant located on SW 12.



Reclamation

Progressive reclamation will occur throughout the life of the pit. Suitable materials available on site will be used for reclamation purposes, such as silt from the wash ponds which will be placed on top of overburden and covered with topsoil. Slopes around the periphery of the mining areas will be relatively flat so that the land can eventually be seeded with grass and farmed effectively.

As per the site plan submitted with the application, only 1.34 hectares (3.31 acres) of land has been reclaimed. An analysis of aerial photography throughout the life of the pit shows that some areas have been seeded with grass, though not officially reclaimed.

Access Management

Access to the pit is by way of a private access road that was constructed across three quarter sections to the west and northwest of the subject parcel (NE-2-, SE-11-, and NE-11-28-27-W04M). The approach is approximately eight metres wide and is located off of Highway 72. The private access road has approximately an 8.0 meter cross section and approaches Highway 72 at a T-intersection. This intersection is consistent with Alberta Transportation Type 1c intersection. Highway 72 is a paved two-lane road with a 9.0 m pavement width. The posted speed limit is 100 km/h. Bunt & Associates Engineering provided an update to the Traffic Impact Assessment on September 8, 2014. Previous assessments were based on the fact that Lafarge, Hard Rock, and Rocky View County were all using the access road. Both the Hard Rock and Rocky View County Pit been mined out and the access road is now only used by Lafarge resulting in lower traffic volumes to and from the Pit.

A gate and signs have been installed at the Pit entrance identifying the operation and its location. An emergency telephone number will be made available on site during operations in the event of a spill or other environmental matter. Signage has been posted around the entire perimeter of the Pit warning civilians of the hazards associated with entering the lands. All public safety issues such as fencing and signage will be reviewed periodically and properly re-installed as soon as a problem or failure is observed.

Environmental

The following weed prevention and control measures will be undertaken to ensure weeds are properly managed in accordance with regulations.

- Reclaimed areas and stockpiles will be vegetated to provide erosion control and prevent the emergence of weeds.
- Reclaimed and operational areas will be inspected on an annual basis for the presence of prohibited noxious and noxious weeds.
- Identified weeds will be controlled immediately through the use of herbicide or by mowing. Reclaimed area will be quickly re-vegetated to prevent non-native or invasive plant invasion.

Wetlands & Stormwater

MMM Group Report supplied a Stormwater Management Report dated April 2009 to address how runoff would be managed from the site after the pit is mined. The post development condition of the pit will exhibit a large depression that will retain all drainage and act as a storage faculty during runoff events and will serve as an infiltration/evaporation pond. All runoff generated during post development will drain towards the depression and disposal will take place via evaporation and infiltration. The storage capacity of the pond is large enough to store the 100-year storm event with very mild side slopes of approximately 50:1. The final reclamation plan for the site remains unchanged for all the findings of the report are still applicable.

Noise

All operations within the Pit will be conducted in accordance with all municipal and provincial regulations governing noise levels. As per Rocky View County standards, noise generated on site will

be limited to 55 dB and 60 dB at the nearest residence. During operations, the following measures will be implemented to minimize noise.

- Equipment will be properly maintained and located in such a manner as to minimize the impact of noise generating activity
- Strobe lights will be used during hours of darkness instead of back up beeper alarm systems.
- All trucks hauling from the site will be in good working order.
- The use of engine retarder brakes will be prohibited within the Pit and along the haul route.
- Continue to maintain and monitor results of the sound monitoring station located in the SW corner of the Pit. The sound monitor will be activated whenever operations commence at the Pit.

Dust

Mitigation measures to control dust will include watering and/or the application of dust control agents to all internal haul roads as required. Drivers will ensure that all loose gravel is removed from hitches, bumpers, sideboards and tailgates prior to leaving the Pit. Trucks hauling for Lafarge will also be responsible for cleaning any spilled sand, gravel, or other debris that is a result of truck traffic associated with the gravel operation. Crushers will be equipped with a dust suppression system and if dust cannot be controlled within the Pit during windy conditions, then Lafarge will temporarily suspend the Pit operations until the dust can be controlled. Whenever possible, product stockpiles will be shaped in such a way as to reduce dust generation. All long term stockpiles of reclamation material will be seeded to a grass mix and progressive reclamation techniques will be employed to reduce the overall disturbance at any one time.

LAND USE BYLAW (C-4841-97):

58.3 Uses, Discretionary Natural Resource Extraction/Processing

58.4 Setbacks

- *Front Yard:*
Required: 30.00 m (west property line)
Proposed: 30.00 m
- *Side Yards:*
Required: 15.00 m (north/south property line)
Proposed: 0.00 m/45.00 m
- *Rear Yard*
Required: 15.00 m (east property line)
Rear Yard Proposed: 0.00 m

Refusal Reason: The Development Authority does not have a variance to allow a zero metre setback from the front and side property lines. As such, this application has been refused.

STATUTORY PLANS:

The subject property is not located within any Area Structure Plan, Conceptual Scheme, Intermunicipal Development Plan, or Master Site Development Plan. Therefore, the application was evaluated in accordance with the Land Use Bylaw.

INSPECTOR'S COMMENTS:

January 31, 2019

- Photos taken from Range Road 280
- 4 office trailers on site
- Digging and stockpiling in process
- Various other stockpiles are present
- 7 heavy machineries visible from the road
- Work occurring away from the road, appears organized
- No other issues

CIRCULATIONS:

CN Railway

- CN Rail has no objections to this permit application

Alberta Transportation

- As you mention, the location of the gravel pit is located beyond 800m from the centre of highway and intersection of a road, therefore in this case a roadside development application and subsequent permit is not required from Alberta Transportation. Has the County ever requested a Traffic Impact Assessment (TIA) at this location? The department is not aware of any issues or concerns with highway traffic at this location, however if the County is aware of any safety concerns due to increased traffic at this location perhaps a TIA should be requested.

Municipal Enforcement, Rocky View County

Municipal Enforcement has the following recommendation

- Recommend that the conditions of the previous Development Permit should apply.

Operations General Manager Review

- Capital Project Management: No Concerns
- Utility Services: No Concerns
- Operational Services:
 - 1) Applicant to be reminded of CAP Levy requirements as detailed in County CAP Levy Bylaw.
 - 2) Recommend circulation to Alberta Transportation for review comments because Applicant is using Hwy 72 to access the gravel pit.

OPTIONS:

Option #1 (this would grant the requested relaxations)

The appeal against the decision of the Development Authority to refuse to issue a Development Permit for the renewal of Natural Resource Extraction/Processing, for a sand and gravel pit, relaxation of the minimum side and rear yard setback requirement to operations, including excavations and stockpiles, on NW-01-28-27-04W5M 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 natural resource extraction processing (mining of sand and gravel) may continue to operate on the subject site and shall be in accordance with the approved drawings submitted with the application dated September 28, 2018, and conditions of this permit.

2. That the setbacks to operations, including excavations and stockpiles shall be: side setback (north) relaxed from 15.00 m (49.21 ft.) to 0.00 m (0.00 ft.) and rear setback (east) relaxed from 15.00 m (49.21 ft.) to 0.00 m (0.00 ft.)

Permanent:

3. That Alberta Environment and Park's registration shall remain in effect at all times.
4. That the area of the site that is open and not reclaimed, excluding material processing and storage areas, shall not exceed 94.1 acres at any one time.
5. That within any single operating year the total surface area reclaimed shall equal the total area stripped for extraction.
6. That no topsoil shall be removed from the site.
7. That all equipment associated with the gravel extraction operation shall be located on the land that is designated NRI.
8. That no water may be used for washing of gravel unless and until written approval has been received from Alberta Environment and Parks.
9. That no wash water shall be discharged off of the site or into any water channel.
10. That there shall not be any storage of any materials or vehicles on the property that are not directly related to the operation of the sand and gravel pit.
11. That all sanitary sewage and water services shall be supplied in accordance with Alberta Safety Codes Act and Alberta Environment.
12. That dust control measures shall be utilized for all vehicles during mining and transport of material and dust control measures applied to haul and access roads so that no visible dust is allowed on adjacent lands from the site.
13. That access to the site shall be by a private access road across SW1/4-12-28-27-W04 and NE1/4-11-28-27-W04.
14. That all improvements, required in the Traffic Impact Assessment shall be at the expense of the applicant/owner to the satisfaction of the County and Alberta Infrastructure and Transportation and shall be completed prior to any further gravel extraction from the subject site.
15. That the applicant shall provide payment of the Community Aggregate Payment Levy in accordance with Bylaw C-6214-2006, as amended, in the amount of \$0.25 per ton of aggregate extracted and removed.
16. That this approval does not include any blasting.
17. That the berms, overburden stockpiles, and similar earthworks shall be seeded and maintained using erosion control measures.
18. That noise control measures that limit noise to 55 dba and 60 at the nearest residence, shall be followed including the crusher to be enclosed for noise attenuation.
19. That in the case of any spillage of hazardous materials, Alberta Environment and the Municipality shall be notified immediately and the appropriate clean-up procedures shall be implemented.
20. That fire suppression and abatement measures shall be followed to the satisfaction of the Municipality.

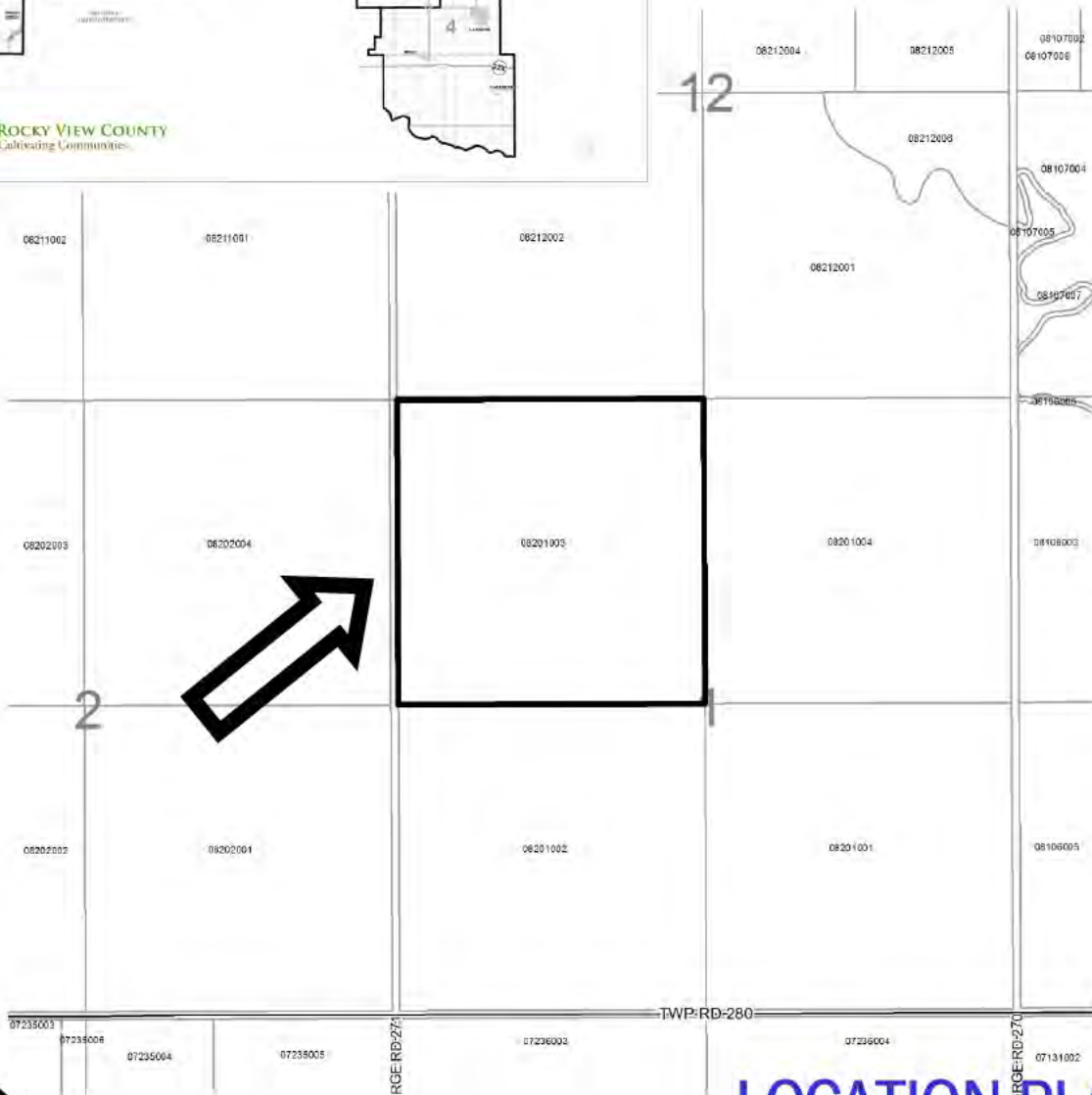
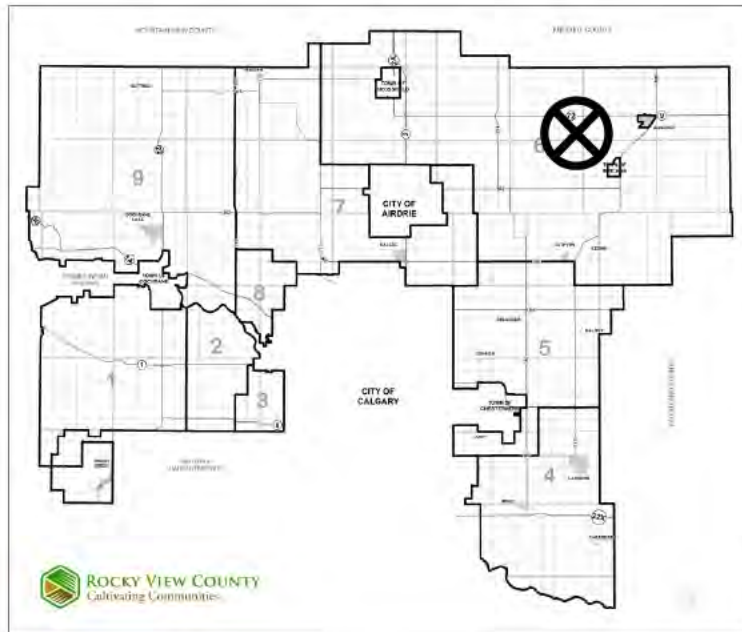
Advisory:

21. That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.

22. That a 5 Year Report be submitted to Alberta Environment and Parks every five years after the date of the registration.
23. Unless otherwise conditioned within this permit, the subject development shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
24. 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.
25. That this Development Permit if and when issued shall be valid until **DECEMBER 31, 2021**.

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

The appeal against the decision of the Development Authority to refuse to issue a Development Permit for the renewal of Natural Resource Extraction/Processing, for a sand and gravel pit, relaxation of the minimum side and rear yard setback requirement to operations, including excavations and stockpiles on NW-01-28-27-04W5M be denied, that the decision of the Development Authority be confirmed.



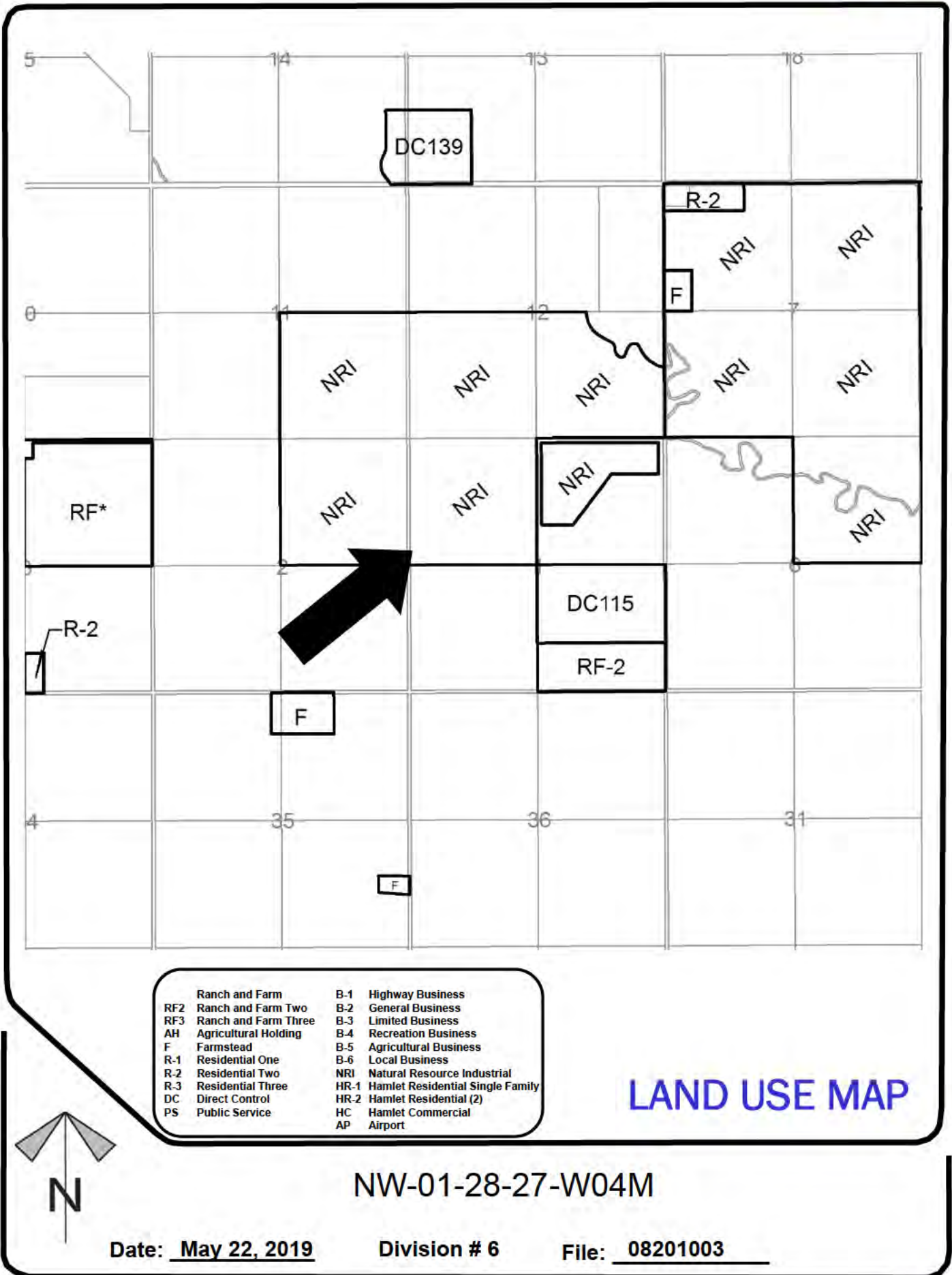
LOCATION PLAN

NW-01-28-27-W04M

Date: May 22, 2019

Division # 6

File: 08201003

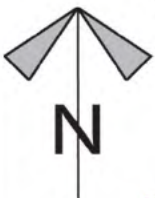




Note: Post processing of raw aerial
photography may cause varying degrees
of visual distortion at the local level.

AIR PHOTO

Spring 2018

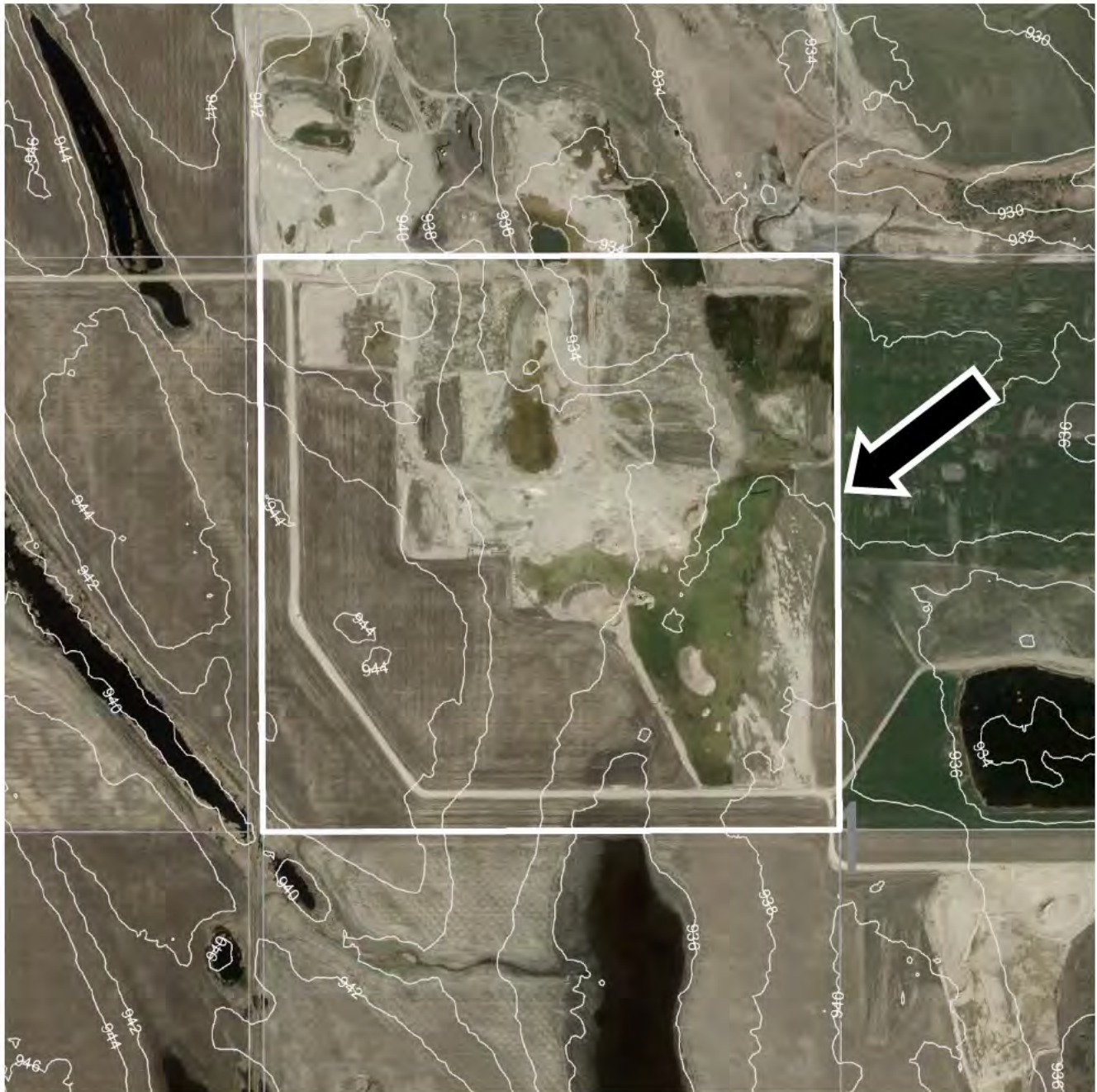


NW-01-28-27-W04M

Date: May 22, 2019

Division # 6

File: 08201003



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

TOPOGRAPHY
Contour Interval 2 M



NW-01-28-27-W04M

Date: May 22, 2019

Division # 6

File: 08201003



INSPECTION PHOTOS

January 31, 2018



NW-01-28-27-W04M

Date: May 22, 2019

Division # 6

File: 08201003



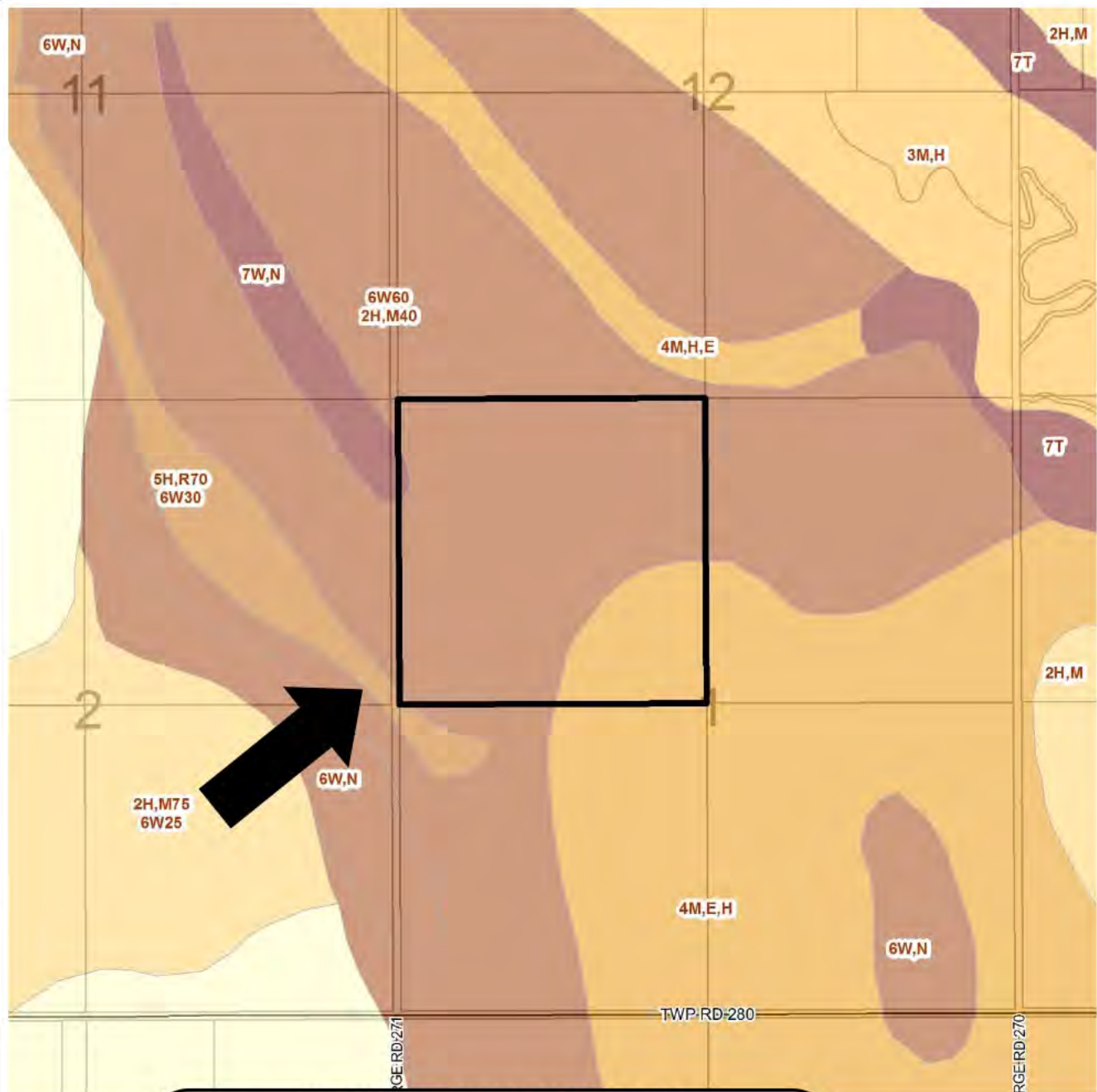
SITE PLAN

NW-01-28-27-W04M

Date: May 22, 2019

Division # 6

File: 08201003



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

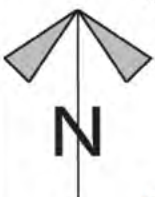
CLI Class

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

Limitations

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

SOIL MAP

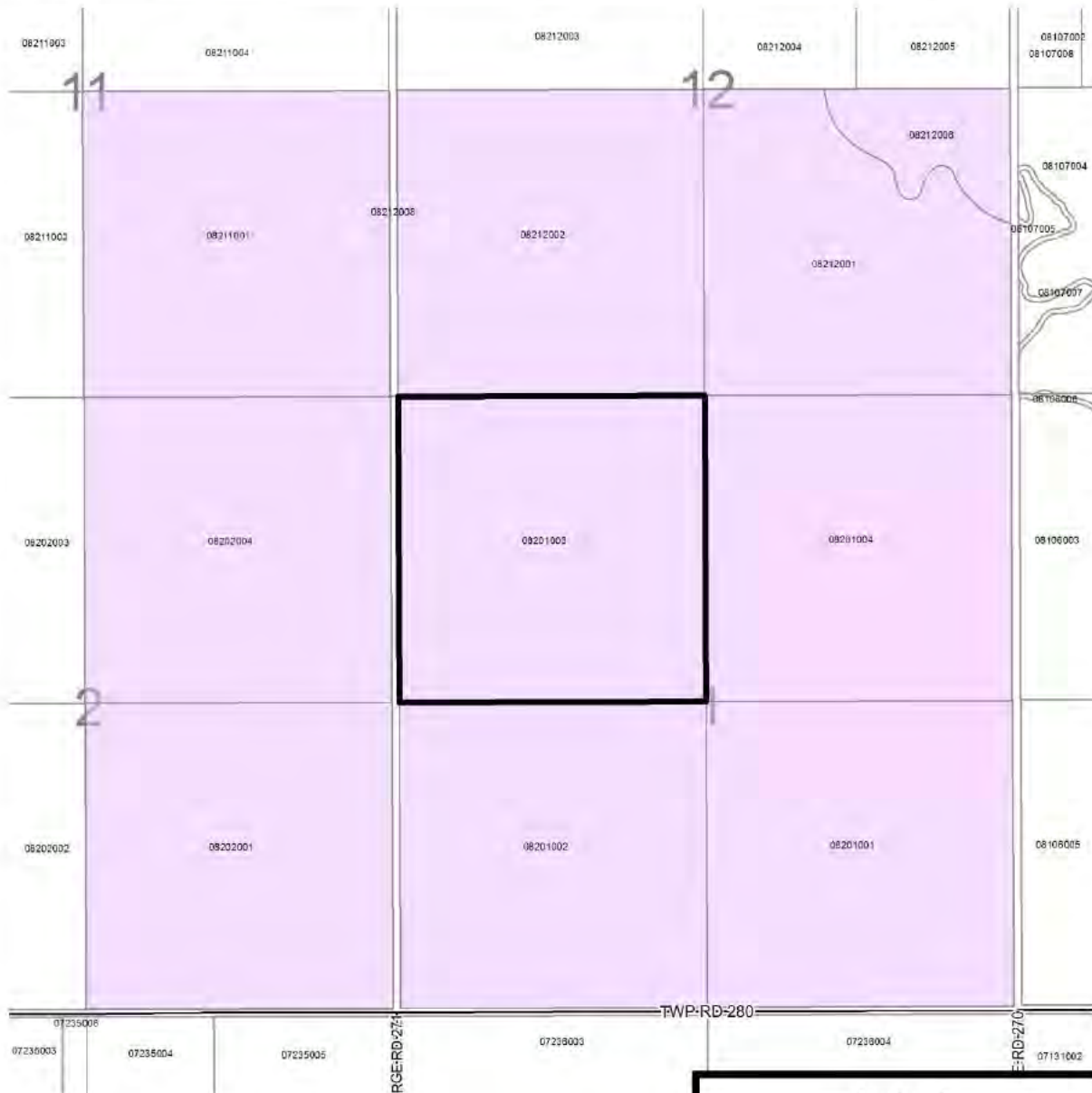


NW-01-28-27-W04M

Date: May 22, 2019

Division # 6

File: 08201003



Letters in Opposition

Letters in Support

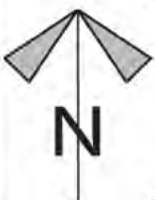
Legend



Circulation Area

Subject Lands

LANDOWNER CIRCULATION AREA



NW-01-28-27-W04M

Date: May 22, 2019

Division # 6

File: 08201003



Notice of Appeal

Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information			
Name of Appellant(s) Lafarge Canada Inc.			
Mailing Address 2213 50 Avenue SE		Municipality Calgary	Province AB
		Postal Code T2B 0R5	
Main Phone # (403) 351-9022	Alternate Phone # (403) 312-0480	Email Address jennifer.weslowski@lafargeholcim.com	
Site Information			
Municipal Address		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) NW-01-28-27-W4M	
Property Roll # 08201003		Development Permit, Subdivision Application, or Enforcement Order # PRDP2019*0217	
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>Lafarge is requesting a variance to the minimum side and rear yard setbacks from 15.0m to 0.0 m. Granting of the variance will not interfere or affect the adjacent properties as the lands to the north and east are gravel extraction sites (zoned NRI) and this will allow for the contiguous mining and reclamation of the adjacent lands.</p> <div style="text-align: right; margin-top: 100px;"> </div>			

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

Appellant's Signature

MAY 22 2019
Date



ROCKY VIEW COUNTY

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

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

REFUSAL

Lafarge Canada Inc. (Jennifer Weslowski)
2213 50 Avenue SE
Calgary, AB T2B 0R5

Development Permit #: PRDP20190217

Date of Issue: May 9, 2019

Roll #: 08201003

Your Application dated January 21, 2019 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

**renewal of Natural Resource Extraction/Processing,
for a sand and gravel pit,
relaxation of the minimum side
and rear yard setback requirement to operations,
including excavations and stockpiles**

at NW-01-28-27-04

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 side yard setback to extraction operations does not meet the minimum side yard setback requirement, as defined in Section 55.4 of Land Use Bylaw C-4841-97.
Permitted – 15.00 m (49.21 ft.) Proposed – 0.00 m (0.00 ft.)
- 2) The rear yard setback to extraction operations does not meet the minimum rear yard setback requirement, as defined in Section 55.4 of Land Use Bylaw C-4841-97.
Permitted – 15.00 m (49.21 ft.); Proposed – 0.00 m (0.00 ft.)

If you require further information or have any questions regarding this development, please contact Sandra Khouri at 403-520-3934 or email SKhouri@rockyview.ca and include the application number.

Development Authority
Phone: 403.520.8158
E-Mail: development@rockyview.ca

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



ROCKY VIEW COUNTY
Cultivating Communities

20190217

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY

Fee Submitted

File Number

Date of Receipt

Receipt #

\$21,420.00 08201003
Jan 21/19

Name of Applicant LAFARGE CANADA INC. Email jennifer.weslowski@lafargeholcim.com

Mailing Address 2213 50 AVENUE SE

CALGARY, AB Postal Code T2B 0R5

Telephone (B) (403) 312-0480 (H) Fax

For Agents please supply Business/Agency/ Organization Name

Registered Owner (if not applicant) HUTTERIAN BRETHREN CHURCH OF BEISEKER

Mailing Address PO BOX 329

BEISEKER, AB Postal Code T0M 0G0

Telephone (B) (403) 947-2191 (H) (403) 947-2181 Fax (403) 947-2189

1. LEGAL DESCRIPTION OF LAND

a) All / part of the NW $\frac{1}{4}$ Section 1 Township 28 Range 27 West of 4 Meridian

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

c) Municipal Address

d) Existing Land Use Designation NRI Parcel Size ~160 ACRES Division

2. APPLICATION FOR

RENEWAL OF NATURAL RESOURCE EXTRACTION / PROCESSING, FOR A SAND & GRAVEL PIT

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?
(Sour Gas facility means well, pipeline or plant) Yes No X

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 No X

4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I JENNIFER WESLOWSKI hereby certify that I am the registered owner

(Full Name in Block Capitals)

X 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 Jennifer Weslowski

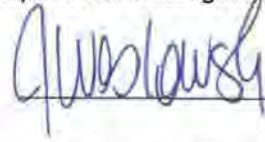
Date DECEMBER 13, 2018

Owner's Signature Rev. Sam M. Holt

Date Dec 18 - 2018

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, JENNIFER WESLOWSKI, 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 13, 2018
Date

File:001-242881

July 25, 2013

Lafarge Canada Inc.
10511 15 St. SE
Calgary Alberta
T2P 7H7

Dear Shawn Thurber:

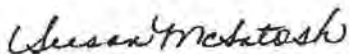
Subject: 5 Year Report
Registration No. 242881-00-00
Lafarge Biesecker Colony Pit
LSD 11, 12, 13, 14 NW 1-28-27-W4M

Thank you for submitting the 5 Year Report (Schedule 4 – Part 1) for the above mentioned pit.
The report has been reviewed and the security has been updated.

The next 5 year update (Schedule 4) will be required in May of 2018. Please note, any changes
to the activities plan must be submitted to Environment and Sustainable Resources
Development for authorization prior to commencement.

If you have any questions, please call Steve Demkiw at 403 381-5491 or email
Steve.Demkiw@gov.ab.ca.

Yours truly,



Susan McIntosh, P. Biol.
Industrial Approvals Manager

cc: Regulatory Approvals Center (RAC)
MD of Rocky View No. 44

REGISTRATION
PROVINCE OF ALBERTA

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT
R.S.A. 2000, c.E-12, as amended

REGISTRATION NO.: 242881-00-00

APPLICATION NO.: 001-242881
00-242881

EFFECTIVE DATE: May 20, 2008

REGISTRATION HOLDER: Lafarge Canada Inc.

Registration is issued for the following activity:

The construction, operation or reclamation of a pit located in the NW 1 – 28 – 27 – W4M as described in the Activities Plan submitted with the registration application.

Designated Director under the Act

Kevin Wilkinson

Kevin Wilkinson

Date Signed

May 20, 2008

Jennifer WESLOWSKI <jennifer.weslowski@lafargeholcim.com>

Beiseker Pit DP Applications

1 message

Jennifer WESLOWSKI <jennifer.weslowski@lafargeholcim.com>
To: skunz@rockyview.ca

Thu, Dec 20, 2018 at 1:49 PM

Hi Stephan,

As per our conversation earlier, Shawn Thurber dropped off 2 Development Permits for the Beiseker Pit.

- Development Permit PRDP20140817 (NW 1)
- Development Permit PRDP20164736 (Asphalt Plant SW12)

The fees for SW12 have been paid however I won't be able to get a check delivered to you for NW1 until the New Year. I also noticed an error in the write up related to the disturbed area. The original application stated **94 acres** and it should read **89.5**. Attached is a copy of the amended document, so please swap out the signed DP application pages and use this going forward.


Thanks,

Jennifer Weslowski
Land Manager, GCA & WCAN Cement
Lafarge Canada Inc.
2213 - 50th Avenue SE Calgary, AB T2B 0R5
Phone (403) 225-5406 **Mobile** (403) 312-0480
Email jennifer.weslowski@lafargeholcim.com



A Member of LafargeHolcim

This e-mail is confidential and intended only for the use of the above named addressee. If you have received this e-mail in error, please delete it immediately and notify us by e-mail or telephone.

 **Beiseker (NW1) DP Application_Dec-2018.pdf**
2913K

DEVELOPMENT PERMIT APPLICATION

BEISEKER COLONY PIT

(NW-1-28-27 W4M)

Prepared For:



ROCKY VIEW COUNTY
Cultivating Communities

Prepared By:



Lafarge Canada Inc.

2213 – 50th Avenue SE
Calgary, Alberta T2B 0R5

December 2018

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APPENDICES

Appendix A:	Development Permit Application
Appendix B:	Certificate of Title
Appendix C:	Code of Practice for Pits Registration 242881-00-01
Appendix D:	Drawings

1. INTRODUCTION

Lafarge is submitting this report as supporting documentation for the renewal of Development Permit PRDP20140817 for a sand and gravel pit located on NW 1-27-27 W4M which is due to expire on December 31, 2018. Lafarge has a Lease Agreement with the landowners, the Hutterian Brethren Church of Beiseker. The Pit has been in operation since 2009 and the property encompasses a total area of ~64.75 ha (160 acres), of which approximately 38.1 ha (89.5 acres) are currently disturbed. Operations include soil salvage and stockpiling, excavation and processing of sand and gravel and reclamation activities.

2. DEVELOPMENT PLANNING

2.1. Location & Land Use

The Pit is located at NW 1-28-27 W4M, which is in the North East portion of Rocky View County. It is approximately 12 km west of The Village of Beiseker and 1.5 km south of Highway 72. Topography in the area is relatively flat with the Rosebud River Valley located to the NE of the subject area. The Pit is located on 160 acres, which is designated Natural Resource and Restricted Industry District (NRI). The purpose of this land use district is to provide for the development of industrial uses related to agricultural and the oil and gas industry and industry requiring large areas of land. Gravel pits are listed as a discretionary use under this land use designation.

2.2. Surrounding Activities

The Pit is located south of Lafarge's current mining area which is located on the S ½ 12-28-27 W4M. The surrounding area is predominantly agricultural; however, there is a significant area of land located around the Pit that is zoned Natural Resource Industrial District (NRI).

3. OPERATIONS PLANNING

3.1. Access to the Pit

Access to the Pit is by way of a private access road across NE 11 and SW 12-28-27 W4M. The private access road has approximately an 8.0 meter cross section and approaches Highway 72 at a T-intersection. This intersection is consistent with Alberta Transportation Type 1c intersection. Highway 72 is a paved two-lane road with a 9.0m pavement width. The posted speed limit is 100 km/h. Bunt & Associates Engineering provided an update to the Traffic Impact Assessment on September 8, 2014. Previous assessments were based on the fact that Lafarge, Hard Rock, and Rocky View County were all using the access road. Both the Hard Rock and Rocky View County Pit been mined out and the access road is now only used by Lafarge resulting in lower traffic volumes to and from the Pit.

3.2. Setbacks

In previous approvals, Rocky View County has allowed for 0.00m setbacks on all property lines to allow for the contiguous reclamation of adjacent properties. This will remain the same for the North and East property lines and a 30.0 meter undisturbed buffer will continue to be maintained from the west property line and 60.0 m from the south to maintain required setbacks for the Encana haul road and TAQA Pipeline ROW.

3.3. Soil Handling

Topsoil and subsoil will be salvaged from all areas disturbed by mining activities. To minimize the risk of compaction and admixing, soil will not be stripped during wet or frozen ground conditions. A minimum pre-stripped topsoil and subsoil buffer of 5 m and 3 m respectively will be maintained in front of all Pit faces during soil stripping operations. Whenever possible topsoil, subsoil, and overburden will be direct placed on previously mined

areas. If soils do need to be stockpiled, a location will be selected that allow for the long term storage while still allowing for operation requirements.

3.4. Aggregate Processing

Processing of aggregate is done with the use of portable processing plants. These plants can be set up in any area of the designated mine phase. Set up location can be influenced by a number of factors including: distance to mine face, available stockpile area, amount of material to be processed, and other planned activities at the site.

The actual mining operation will consist of a rubber tired front end loader excavating pitrun from the bank and feeding it directly to a conventional portable processing plant. The processing plant typically consists of a feeder, jaw, cone crusher, vibratory screeners, and conveyers or trucks for stockpiling the finished product. The processing plant will mainly produce crushed gravel for use as road base, road topping gravel, asphalt aggregates, and wash plant feed for the wash plant located on SW 12.

3.5. Stormwater Management

MMM Group Report supplied a Stormwater Management Report dated April 2009 to address how runoff would be managed from the site after the pit is mined. The post development condition of the Pit will exhibit a large depression that will retain all drainage, and act as a storage facility during runoff events and will serve as an "infiltration/evaporation pond". All runoff generated during post development will drain towards the depression and disposal will take place via evaporation and infiltration. The storage capacity of the pond is large enough to store the 100-year storm event (~20,710.0 m³) with very mild side slopes of approximately 50 horizontal to 1 vertical. The final reclamation plan for the site remains unchanged, there for all findings in this report are still applicable.

3.6. Reclamation Plan

Progressive reclamation will continue throughout the life of the Pit. The NE corner has been backfilled and contoured to approximate grade with progressive reclamation in the remainder of the pit actively taking place. All suitable materials available on site will be used for reclamation purposes. Silt from the wash ponds will be placed on top of the overburden and then topsoil will be evenly spread throughout the site. Slopes around the periphery of the mining areas will be 4:1 (horizontal to vertical) or flatter so that they can be farmed effectively. The Pit will be seeded to grass for the use as agriculture pasture/hay lands.

Monitoring and maintenance are critical for the success of reclamation. Monitoring is a site verification that addresses issues of physical nature (soil stability, resistance to erosion, drainage efficiency) and biological nature (species richness, plant density, seed production, weed control, and productivity) on a regular basis to ensure viability and success of reclamation.

Maintenance will consist of implementing corrective measure, or complimentary interventions to improve the original reclamation work. Erosion problems that may occur can be corrected with stabilization techniques mentioned earlier. Newly planted areas will be monitored to ensure proper survival rates and additional seeding, watering, amendments to the soil, and controlling pests may be necessary to regulate the development of plant communities.

4. GENERAL OPERATIONS & MITIGATION PLANNING

4.1. Dust Control Measures

Mitigation measures to control dust will include watering and/or the application of dust control agents to all internal haul roads as required. Drivers will ensure that all loose gravel is removed from hitches, bumpers, sideboards and tailgates prior to leaving the Pit. Trucks hauling for Lafarge will also be responsible for cleaning any spilled sand, gravel, or other debris that is a result of truck traffic associated with the gravel operation.

Crushers will be equipped with a dust suppression system and if dust cannot be controlled within the Pit during windy conditions, then Lafarge will temporarily suspend the Pit operations until the dust can be controlled. Whenever possible, product stockpiles will be shaped in such a way as to reduce dust generation. All long term stockpiles of reclamation material will be seeded to a grass mix and progressive reclamation techniques will be employed to reduce the overall disturbance at any one time.

4.2. Fencing and Signage

A gate and signs have been installed at the Pit entrance identifying the operation and its location. An emergency telephone number will be made available on site during operations in the event of a spill or other environmental matter. Signage has been posted around the entire perimeter of the Pit warning civilians of the hazards associated with entering the lands. All public safety issues such as fencing and signage will be reviewed periodically and properly re-installed as soon as a problem or failure is observed.

4.3. Noise Control Measures

All operations within the Pit will be conducted in accordance with all municipal and provincial regulations governing noise levels. As per Rocky View County standards, noise generated on site will be limited to 55 dba and 60 dba at the nearest residence. During operations, the following measures will be implemented to minimize noise.

- Equipment will be properly maintained and located in such a manner as to minimize the impact of noise generating activity
- Strobe lights will be used during hours of darkness instead of back up beeper alarm systems.
- All trucks hauling from the site will be in good working order.
- The use of engine retarder brakes will be prohibited within the Pit and along the haul route.
- Continue to maintain and monitor results of the sound monitoring station located in the SW corner of the Pit. The sound monitor will be activated whenever operations commence at the Pit.

4.4. Waste Management

Portable sanitary waste facilities will be located onsite and all sanitary waste collected from these facilities will be hauled to an approved municipal wastewater treatment system. All domestic waste will be collected in bins for storage on site and disposed of at an approved municipal landfill or recycled at an approved facility.

There will be no storage of old equipment or any materials on the site that are not directly related to the gravel extraction operation. Used oil from the servicing of equipment will be collected in leak proof containers and disposed of offsite at a proper recycling facility in Calgary. All major equipment repairs will be performed at the Lafarge shop in Calgary.

4.5. Weed Control Measures

The following weed prevention and control measures will be undertaken to ensure weeds are properly managed in accordance with regulations.

- Reclaimed areas and stockpiles will be vegetated to provide erosion control and prevent the emergence of weeds.
- Reclaimed and operational areas will be inspected on an annual basis for the presence of prohibited noxious and noxious weeds.
- Identified weeds will be controlled immediately through the use of herbicide or by mowing. Reclaimed area will be quickly re-vegetated to prevent non-native or invasive plant invasion.

4.6. Noise Control Measures

All operations within the Pit will be conducted in accordance with all municipal and provincial regulations governing noise levels. As per Rocky View County standards, noise generated on site will be limited to 55 dba and 60 dba at the nearest residence. During operations, the following measures will be implemented to minimize noise.

- Equipment will be properly maintained and located in such a manner as to minimize the impact of noise generating activity
- Strobe lights will be used during hours of darkness instead of back up beeper alarm systems.
- All trucks hauling from the site will be in good working order.
- The use of engine retarder brakes will be prohibited within the Pit and along the haul route.
- Continue to maintain and monitor results of the sound monitoring station located in the SW corner of the Pit. The sound monitor will be activated whenever operations commence at the Pit.

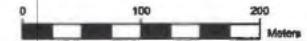


**PLAN SHOWING
COP 5 YEAR RENEWAL
REG. 242881-00-01**

**2018 BEISEKER COLONY PIT
NW 1-28-27 W4M**

LEGEND

	LIMIT OF DISTURBANCE	(56.0 Ha)
	UNDISTURBED AREA	(18.4 Ha)
	ACTIVE AREA	(36.2 Ha)
	RECLAIMED AREA	(1.34 Ha)
	SOIL PILES	(REJECT 32,300 m³) (TS 38,780 m³)



LAFARGE CANADA INC.
2213 50 Ave S.E.
Calgary, Alberta T2B 0R5

**LEGAL LAND DESCRIPTION
NW 1 TWP28 RGE27 W4M**



DATE:
Sep 28, 2016

SCALE:
AS SHOWN

DATE REVISED:
Dec. 14, 2018

DRAWN BY:
A WROLSON

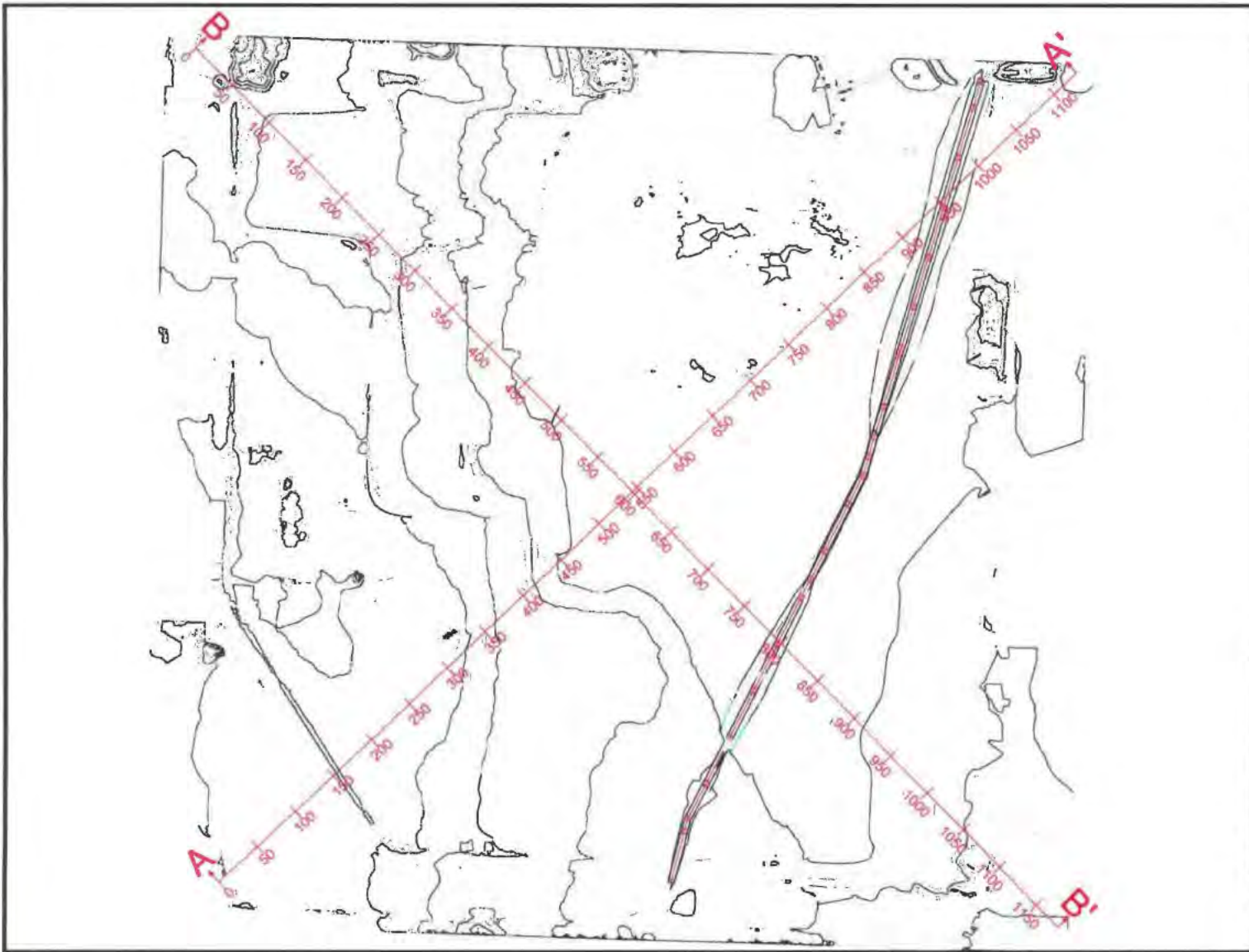
DRAWING:
FIGURE 1

REVISED BY:
S THURBER

FILE: 2018_BEISEKER_COLONY NW 1-28-27 W4M COP 5 YEAR RENEWAL.DWG

AIR PHOTO TAKEN: Nov 08, 2017 (panoramic)
Aug 10, 2018 (area of interest)

DATE PRINTED: December 20, 2018



**PLAN SHOWING
FINAL RECLAMATION CONTOURS**

**2018 BEISEKER COLONY PIT
NW 1 TWP28 RGE27 W4M**

LEGEND

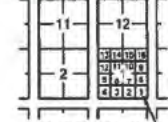
Cross Section(s)



LAFARGE CANADA INC.
2213 - 50 Ave, S.E.
Calgary, Alberta T2B 0P5

LEGAL LAND DESCRIPTION

SW 12 TWP28 RGE27 W4M



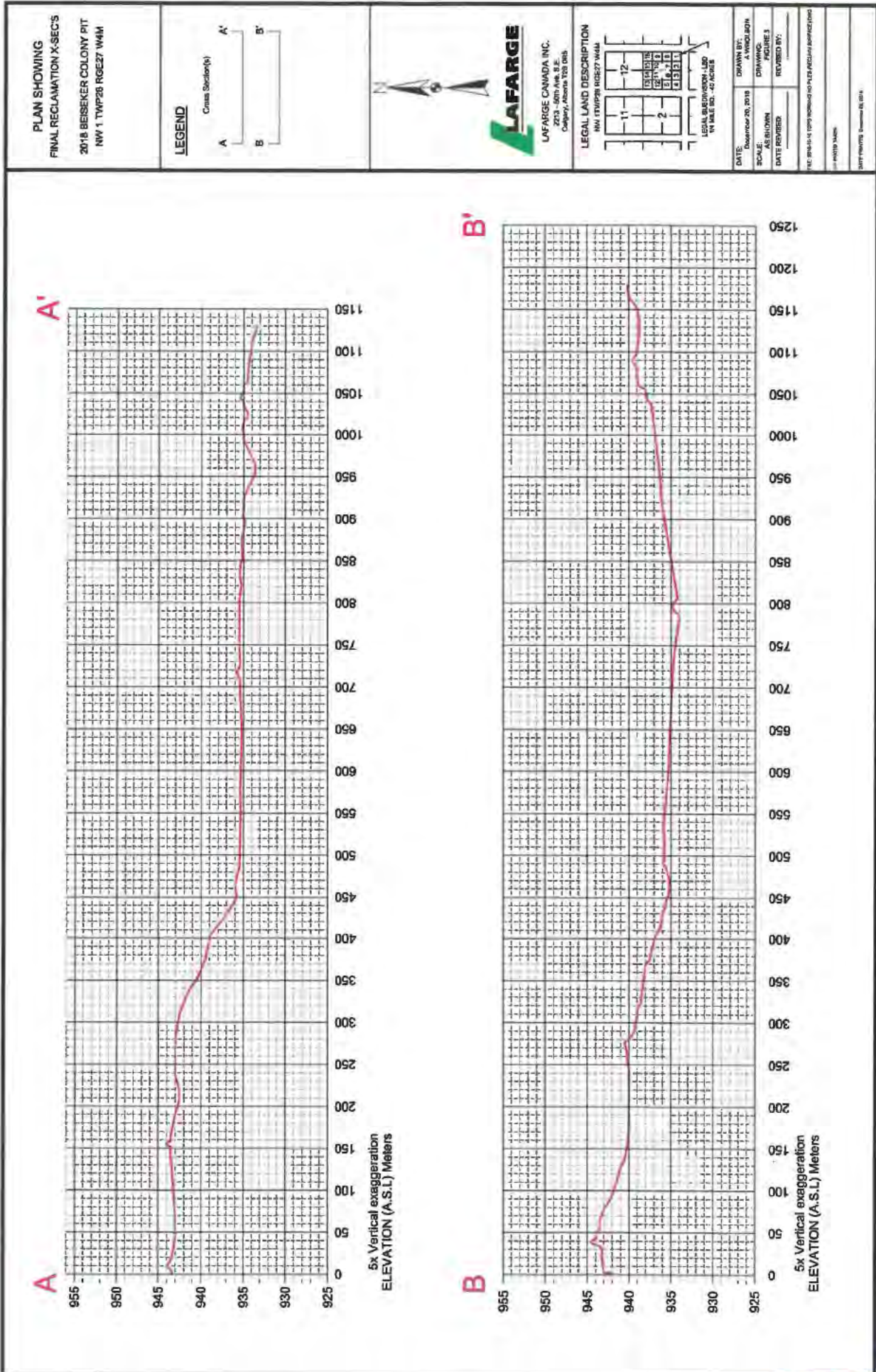
LEGAL SUBDIVISION - L20
1/4 MILE SQ. - 40 ACRES

DATE: December 30, 2018	DRAWN BY: A. WROXSON
SCALE: 1:1,500	DRAWING: FIGURE 2
DATE REVISED:	REVISED BY:

FILE: 2018-10-15 10P0 WORKING HD FILES (RECLAM BLN/FZCZ).DWG

AIR PHOTO TAKEN:

DATE PRINTED: December 20, 2018



PLANNING & DEVELOPMENT

TO: Subdivision and Development Appeal Board

DATE: June 5, 2019 **DIVISION:** 01

FILE: 03913100 **APPLICATION:** B-7; PRDP20190667

SUBJECT: Accessory Building including an Accessory Dwelling Unit

PROPOSAL: Accessory building (oversize garage [existing]), construction of an addition, including an Accessory Dwelling Unit (suite within a building), relaxation to the top of bank setback requirement, relaxation of the total number of accessory buildings and relaxation to the total building area for all accessory buildings	GENERAL LOCATION: Located at the southeast junction of Balsam Avenue and Centre Avenue in the Hamlet of Bragg Creek
APPLICATION DATE: March 5, 2019	DEVELOPMENT AUTHORITY DECISION: Refused
APPEAL DATE: May 24, 2019	DEVELOPMENT AUTHORITY DECISION DATE: May 24, 2019
APPELLANT: Rusch Projects 2010 Ltd.	APPLICANT: Rusch Projects 2010 Ltd.
LEGAL DESCRIPTION: Lot 44, Block 9, Plan 0011872, SE-13-23-05-W05M	MUNICIPAL ADDRESS: 19 Centre Ave
LAND USE DESIGNATION: Hamlet Residential Single Family District (HR-1)	GROSS AREA: ± 0.34 hectares (± 0.84 acres)
PERMITTED USE: Accessory buildings and Accessory Dwelling Units are discretionary uses in the Hamlet Residential Single Family District (HR-1) within Bragg Creek.	DEVELOPMENT VARIANCE AUTHORITY: The Development Authority has discretion to grant a 10% variance to building area; however, there is no variance discretion for total building area or number of accessory buildings.
PUBLIC SUBMISSIONS: The application was circulated to seven (7) 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 • Land Use Bylaw • Greater Bragg Creek Area Structure Plan



EXECUTIVE SUMMARY:

On March 05, 2019 the Appellant submitted a development permit application for an existing accessory building (oversize garage), construction of an addition, including an accessory dwelling unit (suite within a building), relaxation to the top of bank setback requirement, relaxation of the total number of accessory buildings and relaxation to the total building area for all accessory buildings.

The subject land is included in the Hamlet Residential Single Family District (HR-1), located at the southeast junction of Balsam Avenue and Centre Avenue in the Hamlet of Bragg Creek. There is an existing dwelling on the subject lands, two sheds and an existing garage with a studio above connected to the dwelling via a catwalk and patio. The proposal is an addition to the garage/studio and to convert the studio into a dwelling space.

An accessory building is a discretionary use in the Hamlet Residential Single Family District (HR-1) [Bragg Creek Exception] up to 65.00 sq. m (699.65 sq. ft.) in size. The proposed accessory building with the addition is 69.49 sq. m (748.00 sq. ft.). The Development Authority has the ability to grant a variance provided it does not exceed 10.00% of the maximum building area for an accessory building; however, in this case, any relaxation of building area would also require a relaxation to total building area and number of accessory buildings, which is discussed below.

The three existing accessory buildings (plus addition) have a total building area of 108.05 sq. m (1,163.00 sq. ft.); which exceeds the maximum total building area for all accessory buildings as per Section 59.6 9 (d) of the Land Use Bylaw. The Development Authority has no discretion to relax the maximum total building area; therefore, the application is refused.

The maximum number of accessory buildings is two (2); however, there are three (3) existing buildings on site. The Development Authority has no discretion to relax the maximum number of buildings; therefore, the application is refused. The proposal complies with all other requirements of the Land Use Bylaw, including height and setbacks.

On Friday, May 24, 2019, the Appellant appealed the decision of the Development Authority. The reasons for the appeal are included in the agenda package.

PROPERTY HISTORY:

June 12, 2017	A Building Permit (PRBD20172127) was issued for a hot tub.
July 12, 2002	A Building Permit (15602) was issued for construction of a dwelling.
January 8, 2002	A Development Permit (2001-DP-9595) was issued for a home based business, Type II yoga studio.
December 12, 2000	A Development Permit (2000-DP-9105) was issued for a home based business, Type II yoga studio.
July 24, 2000	Plan 0011872 was registered to create the subject ± 0.34 hectares (± 0.84 acres) parcel.

APPEAL:

See attached report and exhibits.



Respectfully submitted,

Sean MacLean
Supervisor, Planning & Development

JA/ltt

DEVELOPMENT PERMIT REPORT

Application Date: March 5, 2019	File: 03913100
Application: PRDP20190667	Applicant/Owner: Rusch Projects 2010 Ltd.
Legal Description: Lot 44, Block 9, Plan 0011872; SE-13-23-05-W05M	General Location: Located at the southeast junction of Balsam Avenue and Winter Green Road, in the Hamlet of Bragg Creek.
Land Use Designation: Hamlet Residential Single Family District (HR-1)	Gross Area: ± 0.34 hectares (± 0.84 acres)
File Manager: Jessica Anderson	Division: 01

PROPOSAL:

The proposal is for an existing accessory building (oversize garage), construction of an addition, including an accessory dwelling unit (suite within a building), relaxation to the top of bank setback requirement, relaxation of the total number of accessory buildings and relaxation to the total building area for all accessory buildings.

There is an existing garage with a studio above connected to the dwelling via a catwalk and patio. The proposal is to add an addition to the garage and studio and to renovate the studio to be a dwelling space.

	Area (sq. m)	Area (sq. ft.)
Proposed Accessory Building		
1. Garage (first storey)		
Existing area	49.05	528.00
Proposed area	20.44	220.00
TOTAL	69.49	748.00
Accessory Dwelling Unit (second story)		
Existing	32.33	348.00
Proposed	10.22	110.00
TOTAL	42.55	458.00
Deck (second story)		
Existing	16.72	180.00
Proposed	26.01	290.00
TOTAL	42.73	470.00
Existing Accessory Buildings		
2. Shed A	29.64	319.00
3. Shed B	8.92	96.00
TOTAL ACCESSORY BUILDING AREA	108.05	1,163.00



The subject land is included in the Hamlet Residential Single Family District (HR-1).

59.8 Bragg Creek Exception

Notwithstanding 59.2, in the Hamlet of Bragg Creek, as shown on Land Use Map 39-1, the following uses shall be considered Discretionary Uses:

Accessory buildings less than 65.00 sq. m (699.65 sq. ft.) buildings area

- The proposed accessory building with the addition is 69.49 sq. m (748.00 sq. ft.), which exceeds the discretionary amount. In accordance with Section 12, the Development Authority may grant a relaxation to 71.50 sq. m (769.62 sq. ft.) or 10.00%; however, because there are other reasons for refusal this relaxation is refused as well.

Accessory Dwelling Unit (may be a Secondary Suite, a Suite within a Building, or a Garden Suite)

- An Accessory Dwelling Unit (Suite within a building) is a discretionary use in this district, where it is less than 110.00 sq. m (1,184.00 sq. ft.). The proposed ADU is 42.55 sq. m. (458.00 sq. ft.) in area, which complies with the LUB requirement.

59.5 Minimum Requirements

Setbacks

<i>Front:</i>	Required:	6.00 m (19.69 ft.)
	Proposed:	6.09 m
<i>Sides:</i>	Required:	3.00 m (9.84 ft.) street side / 0.60 m (1.97 ft.) other
	Proposed:	lots [street side] / 2.54 m [other]
<i>Rear:</i>	Required:	1.00 m (3.28 ft.)
	Proposed:	lots

59.6 Maximum Limits

Site Coverage:

Permitted: 10.00% for accessory buildings

Proposed/existing: ~ 3.18% $\{(1,163.00 \text{ sq. ft.} / 36,590.40 \text{ sq. ft.}) * 100.00 = 3.18\}$

Height:

Permitted: 5.50 m (32.81 ft.) for accessory buildings

Proposed: 5.38 m (17.67 ft.)

Dwellings per lot:

Permitted: One dwelling per lot

Proposed: Two dwellings (including ADU)

Note however, that the Bragg Creek area exception allows for an accessory dwelling unit as a discretionary use, and therefore, negates the regulation of one dwelling unit per lot.



Total building area for all accessory building:

Permitted: 90.00 sq. m (968.75 sq. ft.)

Proposed: 108.05 sq. m (1,163.00 sq. ft.); This is a relaxation request of 20.05% and exceeds the Development Authority's variance discretion and is a reason for refusal

Maximum number of accessory buildings:

Permitted: Two

Proposed/existing: Three; This is a relaxation request of 50% and exceeds the Development Authority's variance discretion and is a reason for refusal

LAND USE BYLAW REQUIREMENTS:

Section 28 *Accessory Buildings and Uses*

In accordance with section 28.4 (c)(v), "the ADU *shall contain at least two rooms and includes sleeping, sanitary, and cooking facilities*". Interior drawings were provided with the application, and the ADU includes a living room, and kitchen, one bedroom, and one bathroom.

In accordance with section 28.4 (vii), there appears to be sufficient room on the premises to accommodate one parking stall in addition to the minimum of two required for a single detached dwelling, and the applicant proposed one (1) parking space for the ADU.

In accordance with section 28.4 (viii), the ADU is to be serviced by the existing Private Sewage Treatment System.

In accordance with 28.4 (ix), the ADU is to be serviced by the existing water well.

In accordance with 28.4 (x), the requirement to obtain a unique address is addressed as a condition.

In accordance with section 28.4 (d) (ii) of the LUB, the maximum allowable habitable floor area for a Suite within a Building or a Garden Suite is *110.00 sq. m. (1184.00 sq. ft.)*.

- The proposed ADU is 42.55 sq. m. (458.00 sq. ft.) in area, which complies with the LUB requirement.

28.4 (e) *A Suite within a Building:*

(i) shall be considered part of the total building area of an accessory building

- The ADU has been assessed above in accordance with this regulation.

(ii) 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.

- The ADU is located above the existing attached garage and is 5.38 m (17.67 ft.) in height

28.4 (g)(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 ADU is a suite within a building.
2. *the use of a shared approach;*
 - The ADU and existing dwelling, single detached will share one approach from Centre Avenue.
3. *the availability of outdoor yard space that is useful for the residents of the accessory dwelling unit;*
 - There is sufficient yard space for the accessory dwelling unit as the parcel is approximately 0.84 acres in area.
4. *the need for landscaping or screening to provide privacy between the accessory dwelling unit and adjacent properties or dwellings;*
 - The ADU is a suite within a building.

28.4 (g)(iv) *the use of water conservation measures such as low-flow toilets, shower heads and other water conserving devices*

- Meeting water conservation measures are a condition of approval;

SECTION 34 PROTECTION FROM HAZARDS

34.1 *Where land is situated adjacent to or includes the banks of any watercourse, and where the slope of the bank adjacent to any watercourse is in excess of 15%, no building or other structure shall be permitted:*

(b) where the height of bank is between 6.00 m (19.68 ft.) and 23.00 m (75.46 ft.), within a distance that is two times the height of bank, from the top of the bank.

- The proposed addition is located within the minimum distance, as such, a Geotechnical Report will be required.

STATUTORY PLANS:

The Bragg Creek Area Structure Plan affects the subject lands.

Policies

7.2.1 *General Residential Development Policies within the Hamlet*

- a) *All new residential development, redevelopment, and residential additions greater than 50% of the gross existing floor area shall be required to install fire protection measures in accordance with the Alberta Building Code.*
 - The proposed addition is greater than 50% of the existing gross floor area therefore fire protection measures will be required in accordance with the Alberta Building Code.
- b) *Future subdivision/development should limit the removal of existing vegetation to accommodate additional building sites while encouraging implementation of Fire Smart design principles.*



- The applicant has indicated that there are minimal trees on the property currently and that no additional trees will be removed to accommodate the addition.

d) *New residential development within the hamlet should conform to the “Hamlet of Bragg Creek.”*

Design Standards “which forms Appendix A of this Plan”.

- See below.

7.2.2 Single Detached Residential Development / Redevelopment

d) *Development of accessory dwelling units should be supported if the following criteria are met:*

- The proposed lot is at least 0.46 acres ($\pm 1,858$ sq. m) in size;
- The proposed access is acceptable to the County;
- There are no physical constraints to the proposed accessory dwelling unit;
- The proposed accessory dwelling unit meets the Land Use Bylaw requirements; and
- The proposal is consistent with section 7.2.2.

Hamlet of Bragg Creek Design Standards 1.5 Application Process and Requirements

1.5.1 Public Engagement Requirements

a) *The applicant shall gather public input from Bragg Creek residents and landowners as part of the application submission, through either an open house or public notification, at the discretion of the development authority.*

These requirements shall apply to:

- new construction of commercial, institutional, mixed-use building, and multi-residential development; and*
 - infill and re-development of an existing commercial and institutional site that is equal to or greater than 50% of the existing building footprint.*
- The proposal is not a multi-residential development, therefore the public engagement requirements do not apply.

With respect to the private realm guidelines in Section 3.0, the proposal is an addition to an existing accessory building and proposed to maintain the style and location of the existing building.

INSPECTOR’S COMMENTS:

No inspection completed at time report was prepared.

CIRCULATIONS:

Alberta Transportation

- Alberta Transportation has no concerns or requirements with respect to this proposal.

Alberta Environment and Parks

- No comments received.



Building Services Rocky View County

- Full Building Permit for Addition and 2nd Floor.

Municipal Enforcement Rocky View County

- Enforcement has no recommendations at this time.

Planning & Development – Engineering, Rocky View County

- 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.

Geotechnical - Section 300.0 requirements:

- At this time, the applicant is required to submit a Geotechnical Report that includes a Soil Stability Analysis conducted by a qualified professional geotechnical engineer to address the slope on the subject lands since the slope is in excess of 15%, the height of the bank is between 6.00 m and 23.00 m, and the proposed development is within a distance that is two times the height of bank, from the top of the bank (as per Section 34.1.b of the applicable Land Use Bylaw at time of approval).

Transportation - Section 400.0 requirements:

- Engineering has no requirements at this time.
- The proposed development is expected to have minimal impact to existing traffic conditions.
- The application is required to be circulated to Alberta Transportation for review and comment since the development is within the 1.6 km setback from SEC Highway 758 and Highway 22.
- The applicant is not required to pay the transportation offsite levy as per the applicable TOL bylaw at time of approval since the proposed development is directly associated with the construction of a dwelling.

Sanitary/Waste Water - Section 500.0 requirements:

- Engineering has no requirements at this time.
- The applicant indicated that the ADU will be serviced by connecting to the existing PSTS on the subject land.

Water Supply And Waterworks - Section 600.0 & 800.0 requirements:

- Engineering has no requirements at this time.
- The applicant indicated that the water supply for the proposed development will be from an existing well on the subject land.

Storm Water Management – Section 700.0 requirements:

- Engineering has no requirements at this time.

Environmental – Section 900.0 requirements:

- Engineering has no requirements at this time.
- At this time, the applicant is required to submit an erosion and sediment control plan to outline ESC measures (i.e. silt fence, stabilization, seeding of topsoil, etc.) to be implemented during the construction of the ADU and in perpetuity as the proposed development is an addition to an existing building and will be constructed more than 2.00 m closer to the center of the watercourse (as per Section 41.12 of the applicable Land Use Bylaw at time of approval).



I&O Review

Utility Services: No Concerns.

- No concerns with the work proposed under the development permit, it does not impact the Bragg Creek Flood Mitigation Project.

OPTIONS:

APPROVAL, subject to the following conditions:

Option #1 (this would allow the addition and accessory dwelling unit)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for an accessory building (oversize garage [existing], construction of an addition, including an Accessory Dwelling Unit (suite within a building), relaxation to the top of bank setback requirement, relaxation of the total number of accessory buildings and relaxation to the total building area for all accessory buildings on Lot 44, Block 9, Plan 0011872; SE-13-23-05-W05M (19 CENTRE AVE), 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 construction of an addition to the accessory building (garage), including an accessory dwelling unit (suite within a building) may be constructed in accordance with the site plan and drawings prepared by Rusch Projects, dated May 14, 2019, as submitted with the application, including the following:
 - i) Construction of an addition, 42.55 sq. m (458.00 sq. ft.) in area, to the garage, with a total building area of approximately 69.49 sq. m (748.00 sq. ft.) in size;
 - ii) Construction of an accessory dwelling unit, approximately 42.55 sq. m (458.00 sq. ft.) in size; and
 - iii) Construction of an addition to the deck, approximately 42.73 sq. m (470.00 sq. ft.) in size.
- 2) That the top of bank setback requirement is relaxed in accordance with an approved Geotechnical Report, as required in Condition #6.
- 3) That the maximum number of accessory buildings permitted onsite is relaxed from **two (2) to three (3).**
- 4) That the total building area for all accessory buildings is relaxed from **90.00 sq. m (968.75 sq. ft.) to 108.05 sq. m (1,163.00 sq. ft.).**

Prior to Issuance:

- 5) 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, and that the contribution, if accepted, is \$800, calculated at \$800.00 for each new residential unit.
- 6) That prior to issuance of this permit, the Applicant/Owner shall submit a Geotechnical Report that includes a Soil Stability Analysis conducted by a qualified professional geotechnical engineer to address the slope on the subject lands as the slope is in excess of 15%, the height of the bank is between 6.00 m and 23.00 m, and the proposed development is within a distance that is two times the height of bank, from the top of the bank, in accordance with the County Servicing Standards.

- 7) That prior to issuance of this permit, the Applicant/Owner shall submit an Erosion and Sediment Control (ESC) Plan, in accordance with the County Servicing Standards. The plan shall outline ESC measures (i.e. silt fence, stabilization, seeding of topsoil, etc.) to be implemented during the construction of the addition and accessory dwelling unit and in perpetuity as the proposed development is an addition to an existing building and will be constructed more than 2.00 m closer to the center of the watercourse.

Permanent:

- 8) That if any new Private Sewage Treatment System (PSTS) infrastructure is required, the Applicant/Owner shall be required to obtain all necessary permits for the installation of a new PSTS.
- 9) 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.
- 10) That it is the Applicant/Owner's obligation/responsibility to undertake water quality testing in accordance with the Guidelines for Canadian Drinking Water Quality and Alberta Health Services criteria. Should there be any adverse results, or should questions arise concerning the interpretation of the results of the analyses, it will be the obligation/responsibility of the Owner/Applicant to contact the local Public Health Inspector for recommendations/ requirements.
- 11) That there shall be a minimum of one (1) parking stall maintained on site at all times dedicated to the Accessory Dwelling Unit (Suite within a building).
- 12) That the Accessory Dwelling Unit (Suite within a building) shall be subordinate to the dwelling, single detached.
- 13) 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.
- 14) That the Applicant/Owner shall take effective measures to control dust in the area, so that dust originating therein shall not cause annoyance, or become a nuisance to adjoining property Owners and others in the vicinity of the subdivision area.
- 15) 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.
- 16) 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 1299.13m

- 17) 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.
- 18) That any plan, technical submission, agreement, matter, or understanding submitted and approved as part of the application, in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity including any recommendation of the required Geotechnical Report and Erosion and Sediment Control Plan.



Advisory:

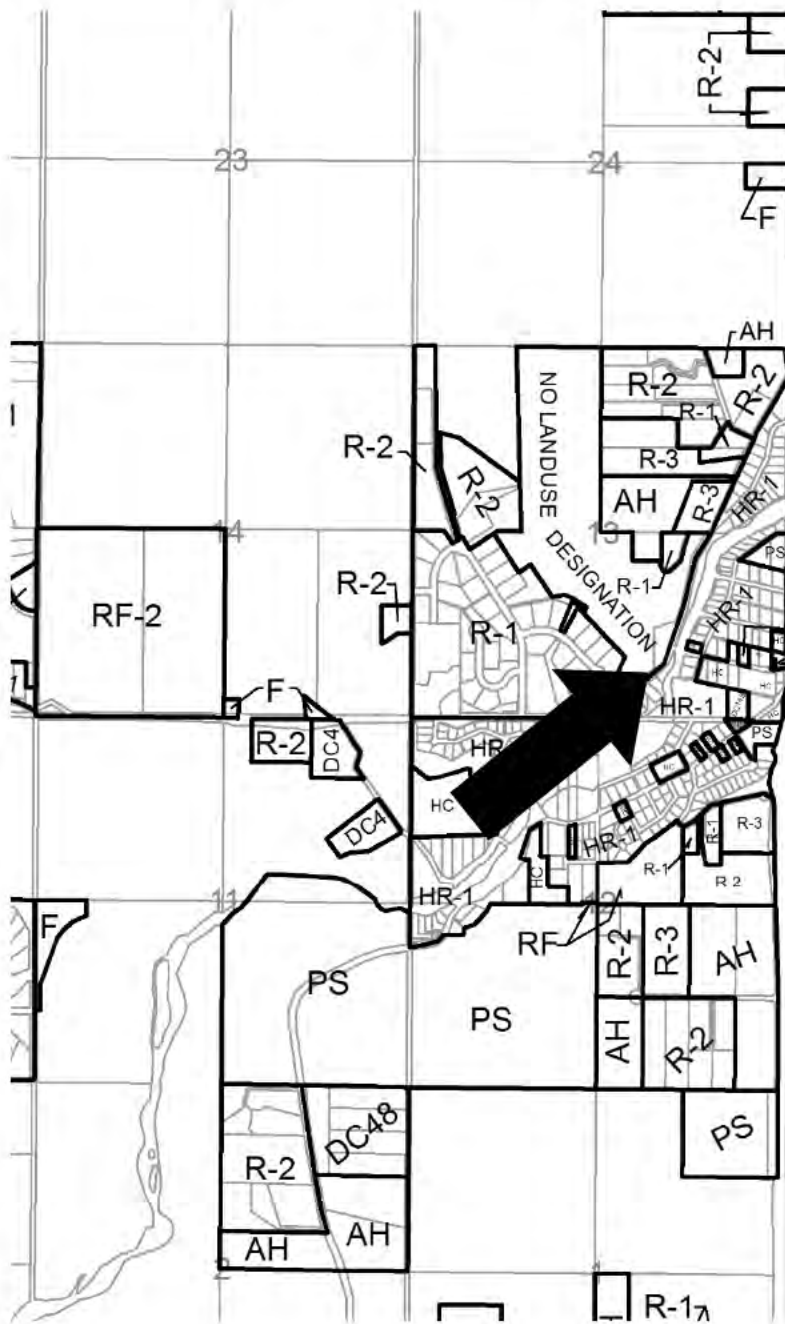
- 19) That during construction, all construction and building materials shall be maintained on site in a neat and orderly manner. Any debris or garbage shall be stored / placed in garbage bins and disposed of at an approved disposal facility.
- 20) That a Building Permit shall be obtained through Building Services, prior to any construction taking place and shall include fire protection measures in accordance with the Alberta Building Code.
- 21) That water conservation measures shall be implemented in the Accessory Dwelling Unit (Suite within a building), such as low-flow toilets, shower heads, and other water conserving devices.
- 22) That any other government permits, approvals, or compliances are the sole responsibility of the Owner/Applicant.
- 23) That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
- 24) That if this Development Permit is not issued by **DECEMBER 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 allow the addition and accessory dwelling unit)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for an accessory building (oversize garage [existing], construction of an addition, including an Accessory Dwelling Unit (suite within a building), relaxation to the top of bank setback requirement, relaxation of the total number of accessory buildings and relaxation to the total building area for all accessory buildings on Lot 44, Block 9, Plan 0011872; SE-13-23-05-W05M (19 CENTRE AVE), be denied, and that the decision of the Development Authority be confirmed.



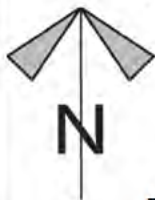
File: 03913100



TSUUT'INA NATION RESERVE

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

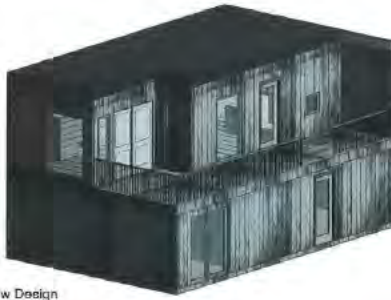


SE-13-23-05-W05M
Lot:44 Block:9 Plan:0011872

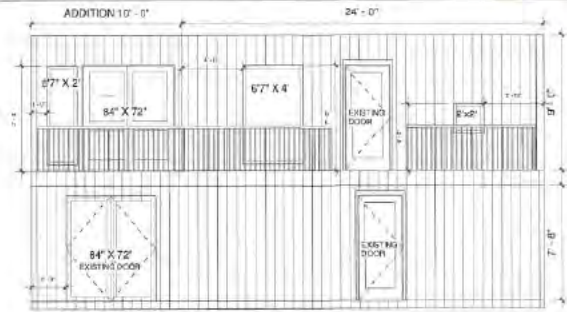
Date: May 24, 2019 Division # 1 File: 03913100



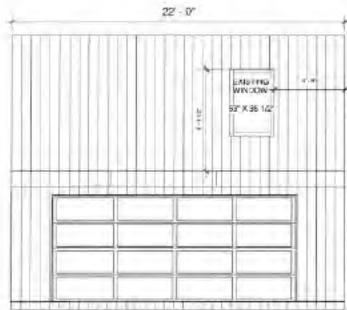
Date: May 24, 2019 **Division #** 1 **File:** 03913100



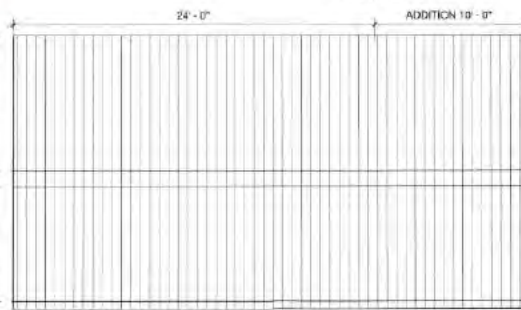
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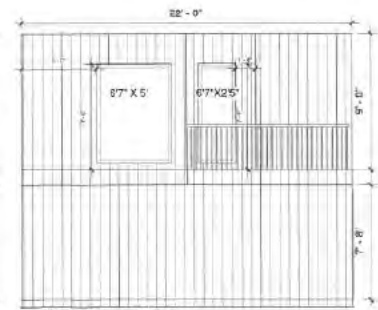
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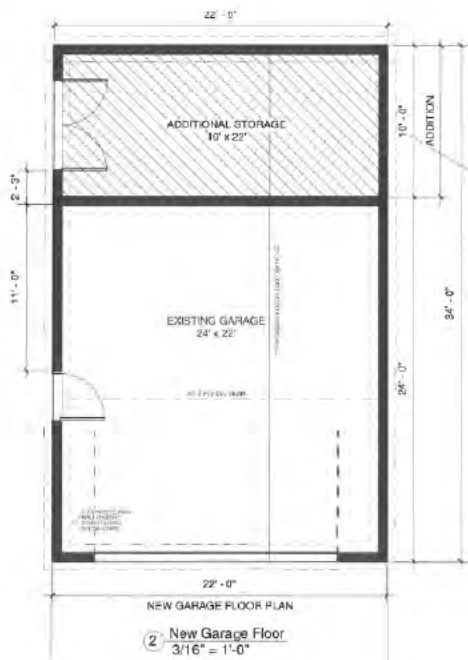
3 New Front Elevation
3/16" = 1'-0"



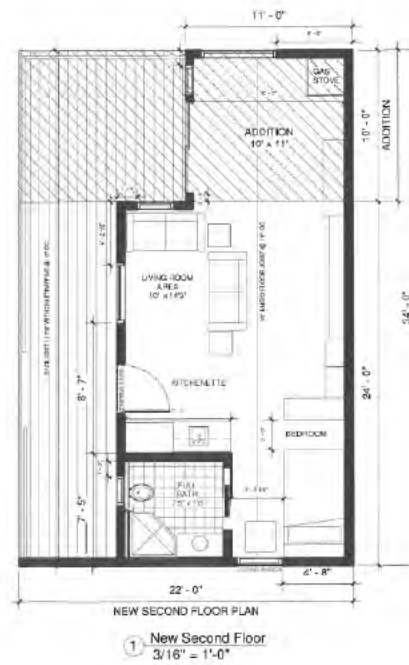
5 New Right Elevation
3/16" = 1'-0"



4 New Rear Elevation
3/16" = 1'-0"



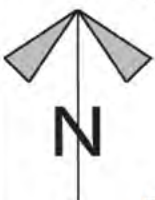
2 New Garage Floor
3/16" = 1'-0"



1 New Second Floor
3/16" = 1'-0"

INTERNAL NOTES:
LEAVE THE EXISTING SINGLE DOOR IN PLACE. KEEP THE STAIR WINDOW ON THE STREET SIDE WALL WITH 4" OFFSET FROM THE EXTERIOR WALL.
THE DOUBLE GLASS DOOR WILL BE MOVED ON THE GARAGE ADDITION FLOOR.

ELEVATION & FLOOR PLANS



SE-13-23-05-W05M
Lot:44 Block:9 Plan:0011872

Date: May 24, 2019

Division # 1

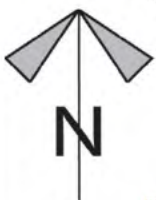
File: 03913100



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:44 Block:9 Plan:0011872

Date: May 24, 2019

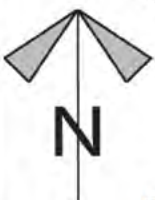
Division # 1

File: 03913100



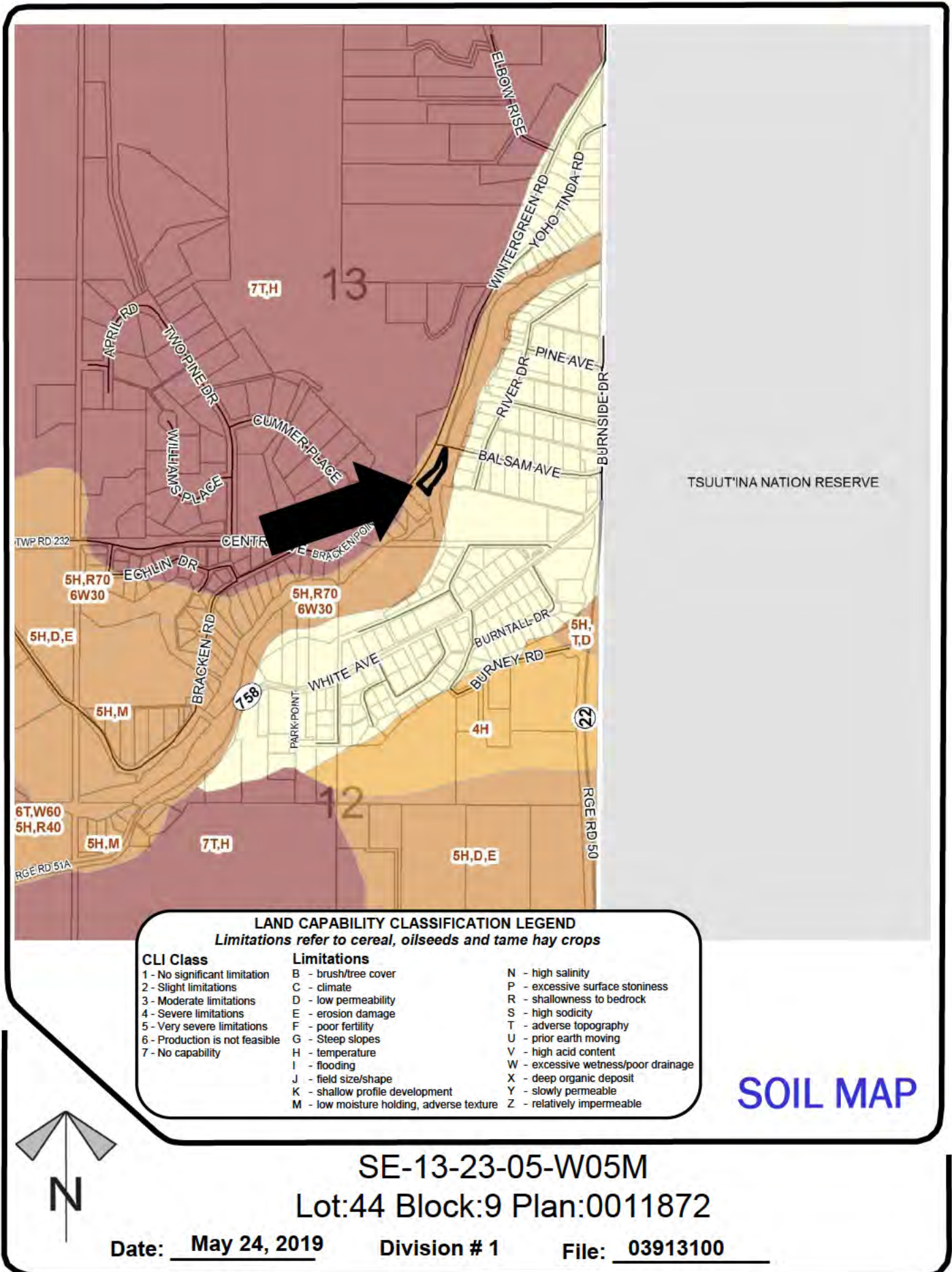
Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

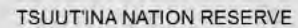
TOPOGRAPHY
Contour Interval 2 M



SE-13-23-05-W05M
Lot:44 Block:9 Plan:0011872

Date: May 24, 2019 Division # 1 File: 03913100



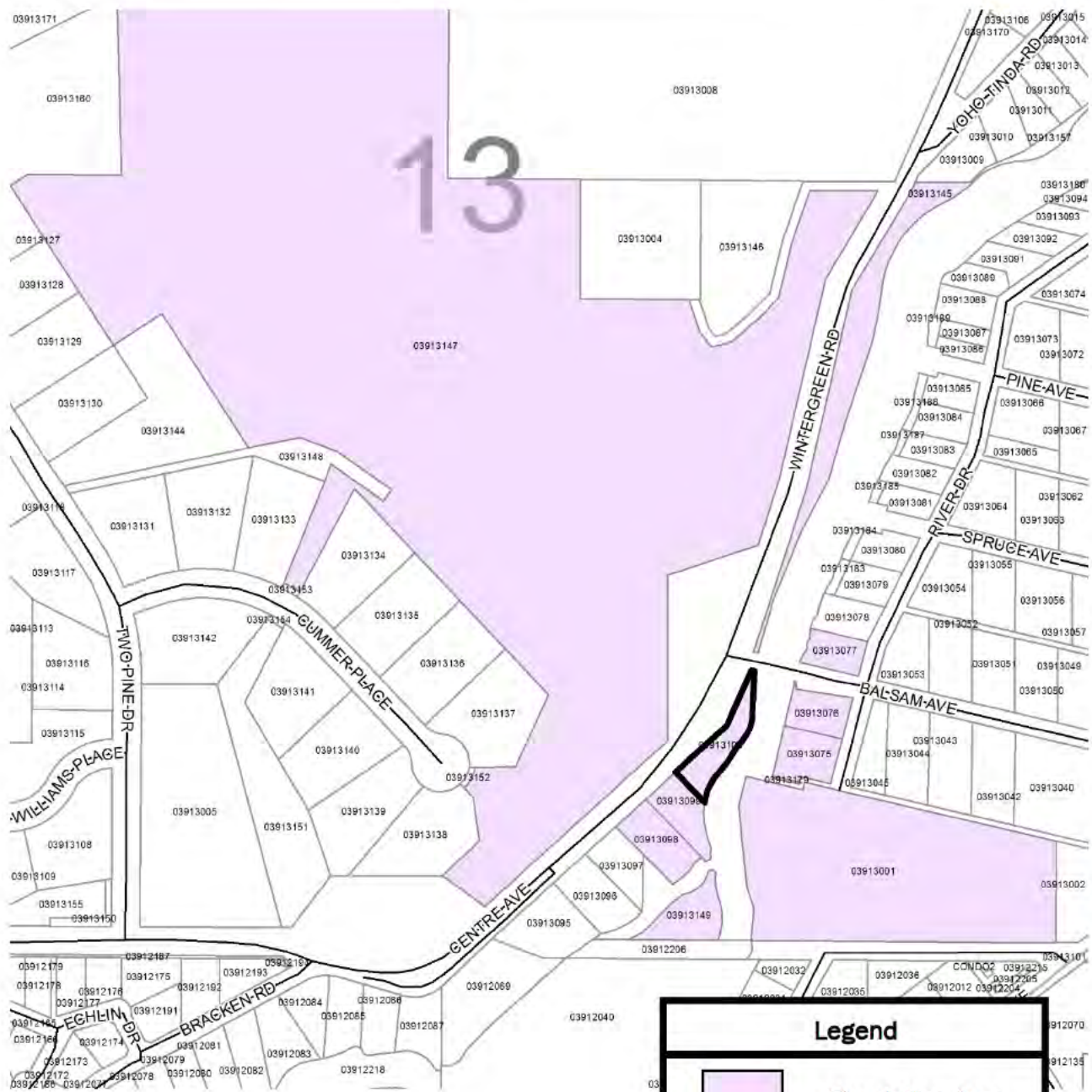


- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

HISTORIC SUBDIVISION MAP

SE-13-23-05-W05M
Lot:44 Block:9 Plan:0011872

Date: May 24, 2019 **Division #** 1 **File:** 03913100



Letters in Opposition

Letters in Support

Legend

Circulation Area

Subject Lands

LANDOWNER CIRCULATION AREA

SE-13-23-05-W05M
Lot:44 Block:9 Plan:0011872

Date: May 24, 2019

Division # 1

File: 03913100



Notice of Appeal

Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information			
Name of Appellant(s) Juliane and Martin Kniebel			
Mailing Address [REDACTED]		Municipality [REDACTED]	Province [REDACTED]
Postal Code [REDACTED]			
Main Phone # [REDACTED]	Alternate Phone # [REDACTED]	Email Address [REDACTED]	
Site Information			
Municipal Address Lot 44, Block 9, Plan 0011872		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) SE-13-23-05-W05M (19 CENTRE AVE)	
Property Roll # 03913100		Development Permit, Subdivision Application, or Enforcement Order # PRDP20190667	
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)			
Please see the attached Letter of Appeal. <div style="text-align: right; margin-top: 100px;"> </div>			

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

Appellant's Signature

May 24, 2019
Date

Juliane and Martin Kriebel

May 24, 2019

DELIVERED BY EMAIL
janderson@rockyview.ca

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

Attention: Jessica Anderson, Municipal Planner/ Planning and Development

Dear Madam:

Re: May 24th, 2019 Refusal in Respect to Development Permit # PRDP20190667

We write to the above-noted matter with respect to the correspondence of the Rocky View County Development Authority dated May 24, 2019 (the "Refusal"). The Decision rejects our submission dated March 05, 2019 for a Development Permit for the construction of an extension of an exiting building.

It is our understanding that the Refusal is based on three required relaxations:

1. A required relaxation of the discretionary area of the proposed accessory building to exceed the 65 sq m by 4.49 m sq to a total of 69.49 m sq.
2. A required relaxation of the total building area of the proposed and existing accessory building area to exceed the permitted 90 sq m by 18.05 m sq to a total of 108.05 m sq.
3. A required relaxation of the total number of accessory buildings from the permitted two to three.

We disagree with the decision and are submitting the within information in response to the advice of the possibility of an appeal respectfully asking the County to re-consider the Refusal.

1. In the real property report the garage with existing studio is shown in red hatch, which is indicating "denotes Main Building Hatch". The different hatch "denotes Detached Garage Hatch" was NOT used at all on this RPR. We did not have the intention of establishing an additional building on the property but were assuming to "simply" extend the exiting Main Building.

2. The existing space is already established as a living space and directly connected to the larger dwelling permanently connected to each other by
 - Permanent wood and steel wall towards the main road
 - Utility lines (gas and electricity)
 - Stairs and walkways
 - One foundation and wooden deck
3. The Main Building including the existing space currently appear and will after the extension appear as one building.
4. The extension of the existing building continues to honor all setbacks form property lines. the extension will hardly be visible to the public or the neighbour due to fencing and existing trees on the property. The impact on neighbours is therefore limited.
5. A formerly existing accessory building on the property (Gazebo) has already been removed.
6. The reason for the extension is to accommodate for a retirement space for the owner's ageing father, who was recently widowed and is re-locating from Germany to live with his only left relative, his daughter.

For the reasons outlined above, we respectfully ask that the County re-consider the Refusal and overturn the Decision and allow for the listed relaxations of the permitted accessory building space and total building area. We further ask to either continue to consider the extension of the existing space to be part of the Main Building, not requiring a relaxation of the maximum permitted accessory building or relaxing the permitted accessory building from Two to Three.

We thank the County for the opportunity to provide these further submissions.

We are looking forward to you reconsidering our request. If you have any questions regarding our submissions, please do not hesitate to contact the undersigned.

Yours truly,



Juliane Kniebel-Huebner

cc: Martin Kniebel
Oliver Brown; Rusch Projects 2010 Ltd.



REFUSAL

Rusch Projects 2010 Ltd.
3612 Burnsland Road SE
Calgary, AB T2G 3Z2

Development Permit #: PRDP20190667

Date of Issue: May 24, 2019

Roll #: 03913100

Your Application dated March 05, 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:

**existing accessory building (oversize garage), construction of an addition,
including an accessory dwelling unit (suite within a building),
relaxation to the top of bank setback requirement,
relaxation of the total number of accessory buildings,
and relaxation to the total building area for all accessory buildings**

at Lot 44, Block 9, Plan 0011872; SE-13-23-05-W05M (19 CENTRE AVE)

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 size of the proposed accessory building (garage) exceeds the discretionary area under Section 59.2 of Land Use Bylaw C-4841-97.
Discretionary: 65.00 sq. m (699.65 sq. ft.); **Proposed:** 69.49 sq. m (748.00 sq. ft.)
- 2) The total building area of the proposed and existing accessory building exceeds the permitted area under Section 59.6 of Land Use Bylaw C-4841-97.
Permitted: 90.00 sq. m (968.75 sq. ft.); **Proposed:** 108.05 sq. m (1,163.00 sq. ft.)
- 3) The total number of the proposed and existing accessory buildings exceeds the maximum amount permitted under Section 59.6 of Land Use Bylaw C-4841-97.
Permitted: Two; **Proposed:** Three

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.

Development Authority
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 \$350.00 with Rocky View County no later than 21 days following the date on which this Notice is dated



ROCKY VIEW COUNTY
Cultivating Communities

20190667

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY

Fee Submitted \$515	File Number 03913100
Date of Receipt March 5/19	Receipt #

Name of Applicant Oliver Brown Email oliver@ruschprojects.com
Mailing Address 3612 Burnside Rd SE

Postal Code 126322

Telephone (B) 403.457.2950 (H) 403.836.9647 Fax _____

For Agents please supply Business/Agency/ Organization Name Rusch Projects 2010 Ltd

Registered Owner (if not applicant) Juliane Knebel - Hübner

Mailing Address _____

Postal Code _____

Telephone (B) _____ (H) _____ Fax _____

1. LEGAL DESCRIPTION OF LAND

- a) All / part of the 5 $\frac{1}{4}$ Section 5 Township 23 Range 13 West of SE Meridian
b) Being all / parts of Lot 44 Block 9 Registered Plan Number 0011872
c) Municipal Address 19 Center Avenue Bragg Creek
d) Existing Land Use Designation HR-1 Parcel Size 0.84 ac Division _____

2. APPLICATION FOR

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

OLIVER BROWN hereby certify that _____ I am the registered owner
(Full Name in Block Capitals)

X 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 5 March 2019

Owner's Signature _____
Date _____

20190667



ROCKY VIEW COUNTY
Cultivating Communities

APPLICATION FOR AN ACCESSORY DWELLING UNIT

FOR OFFICE USE ONLY	
Fee Submitted \$515	File Number 05913100
Date of Receipt March 5/19	Receipt #

Name of Applicant Oliver Brown Email oliver@ruschprojects.com
Mailing Address 3612 Burnsland Road SE
Postal Code T2G 3Z2
Telephone (B) 403-457-2950 (H) 403-830-9647 Fax _____

1. ACCESSORY DWELLING UNIT

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

Total floor area of ADU 473 sq ft Number of parking spaces for ADU 1

Describe availability of storage space accessible to the occupants of ADU closet in suite cabentry

Describe the outdoor space allocated to the ADU Deck

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)

4. ADDITIONAL INFORMATION REQUIRED

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

Match existing finishes on exterior

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.)

minimal trees in yard etc.

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

Signature of Applicant

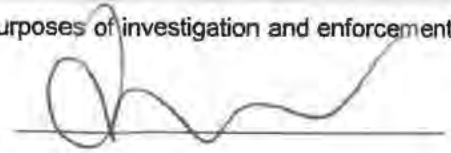
Date:

5 March 2019

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

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, Oliver Brown, 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

5 March 2019
Date



911 - 32 Avenue NE, Calgary, AB T2E 6X6
TEL 403-230-1401 FAX 403-277-3068
WEB www.rockyview.ca / email: building@rockyview.ca

Private Sewage Treatment Systems for Additions & Renovations Verification Form

Date (Month/Day/Year): _____ Related Building Permit Number (if applicable): _____

Property Owner Name(s): Martin + Juliana Kriebel
Mailing Address: _____ City: _____ Prov: _____ Postal Code: _____
Phone: _____ Fax: _____ Cell: 403.801.3528
Email: _____

Project Location:
Municipal Address: 19 Center Avenue Bragg Creek
Legal Address: Part of: _____ Section: _____ Township: _____ Range: _____ West of: _____
Subdivision Name (if applicable): _____ Lot: 44 Block: 9 Plan: 001 1872
Directions / Comments: _____

The subject property is serviced by a private sewage treatment system.
It is a **REQUIREMENT** of Rocky View County that:
1) The applicant provides documentation from a certified installer to verify that the existing septic system is large enough to accommodate the addition of bedrooms and/or increase of load rates.
OR
2) A certified installer conducts an onsite examination of the existing system to determine the appropriate size required for additional bedrooms and/or load rates. The certified installer will then complete the portion below, indicating whether the system is of sufficient size to accommodate extra usage, or if it will require upgrading or replacement.

CERTIFIED INSTALLER: Please confirm your findings and complete this form to be brought in by the home owner and/or applicant along with the building permit application. The building permit will not be released until this form is completed and verified by the authority having jurisdiction. Certified Installer information:

Contractor (Company): TERREX CONSTRUCTION LTD Address: Box 524
City: Edmonton Prov: AB Postal Code: T5S 1A7 Phone: 403-371-8858
Fax: _____ Cell: 403-888-8890 Email: terrexhd@gmail.com
Certified Installers ticket #: 9490 Installer's Name: MARK ROBINSON

I, MARK ROBINSON have inspected the existing private sewage treatment system at the above noted location and have determined that for the **EXISTING** 4 bedrooms, and for the **ADDITION** of 1 bedrooms in the proposed newly developed area: (please check the applicable box below)

- ☒ the existing system is sufficient to accommodate the above additional bedrooms and/or load rate
☐ the existing system is **NOT** sufficient at this time, to properly accommodate the above additional bedrooms and/or load rate and will require a Private Sewage Treatment System Permit. Please submit Private Sewage Permit Application

Description of Private Sewage Treatment System that was inspected: HOLDING TANK
ie. Holding tank & field, etc.

Installer's Signature: [Signature]

The personal information provided as part of this application is collected under the Safety Codes Act and the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. The name of the permit holder and the nature of the permit is available to the public upon request. If you have any questions about the collection or use of the personal information provided, please contact the municipality.

FOR OFFICE USE ONLY:

☐ Certified Installer verified with AMA (Alberta Municipal Affairs) Checked by SCT _____
http://www.municipalaffairs.alberta.ca/CP_PrivateSewageContractorList



ROCKY VIEW COUNTY

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

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

LETTER OF AUTHORIZATION

I, (We) JULIANE KRIESEL-HÜBNER being the owner (s) of


Lot Block Plan

Legal:

NW/NE/SE/SW Section Township Range W M

give Oliver Brown / Rusch Projects permission to act on my

(our) behalf in applying for a Development Permit for the above subject property.


Signature

Signature

March 1, 2019
Date

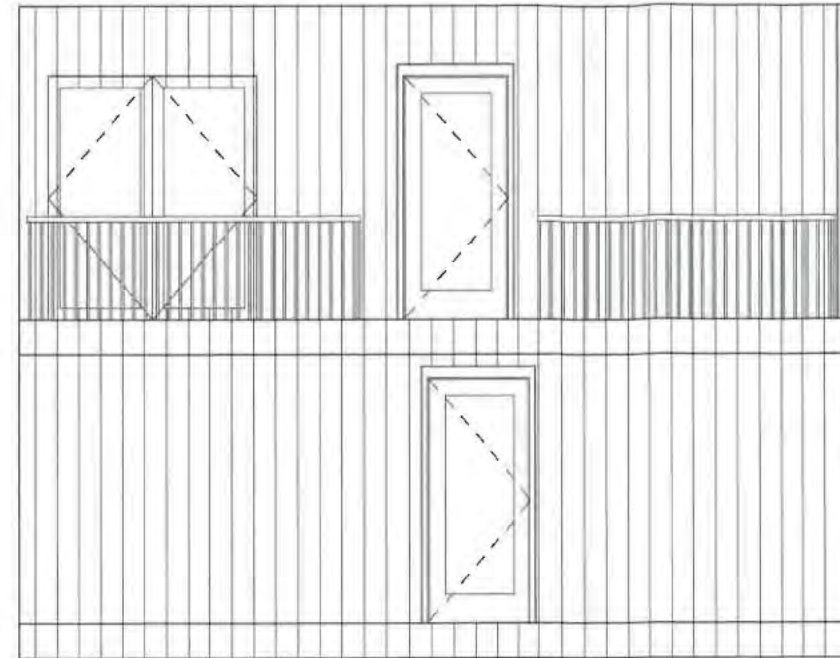




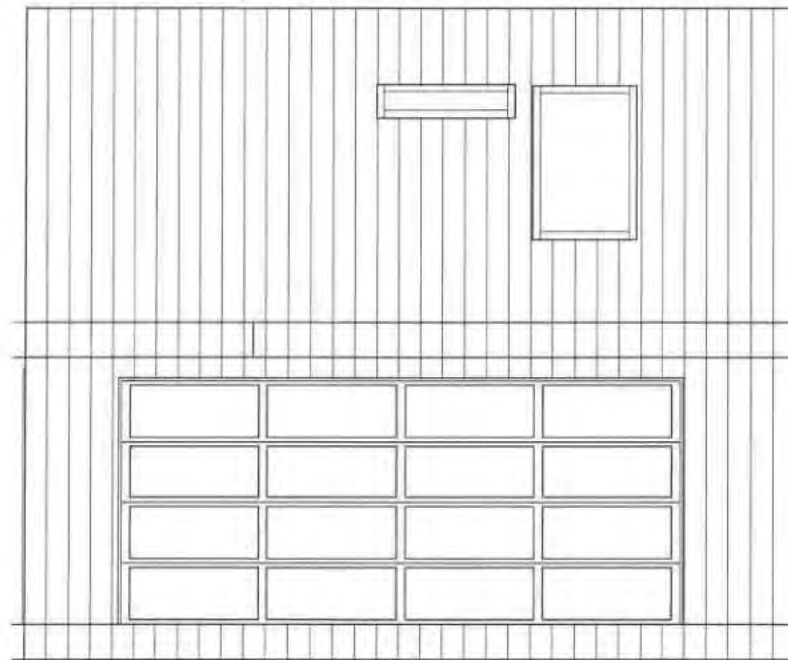


1. Cedar siding

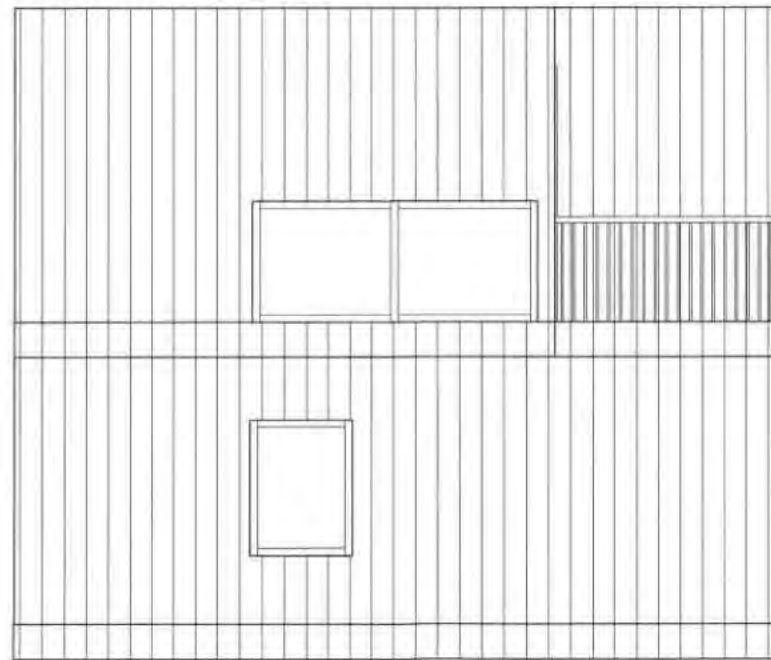
1 Existing Building



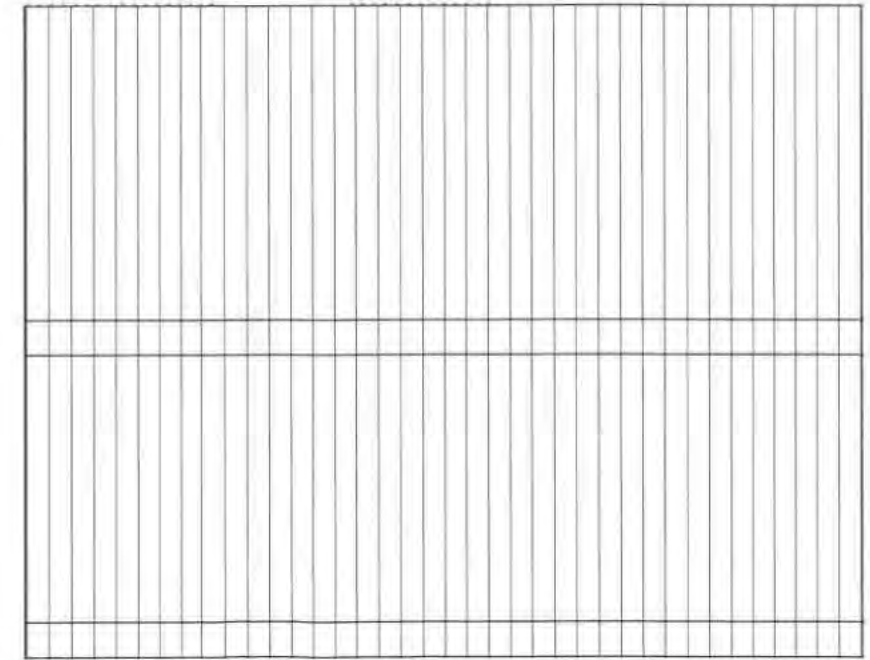
2 Existing Left Elevation
3/16" = 1'-0"



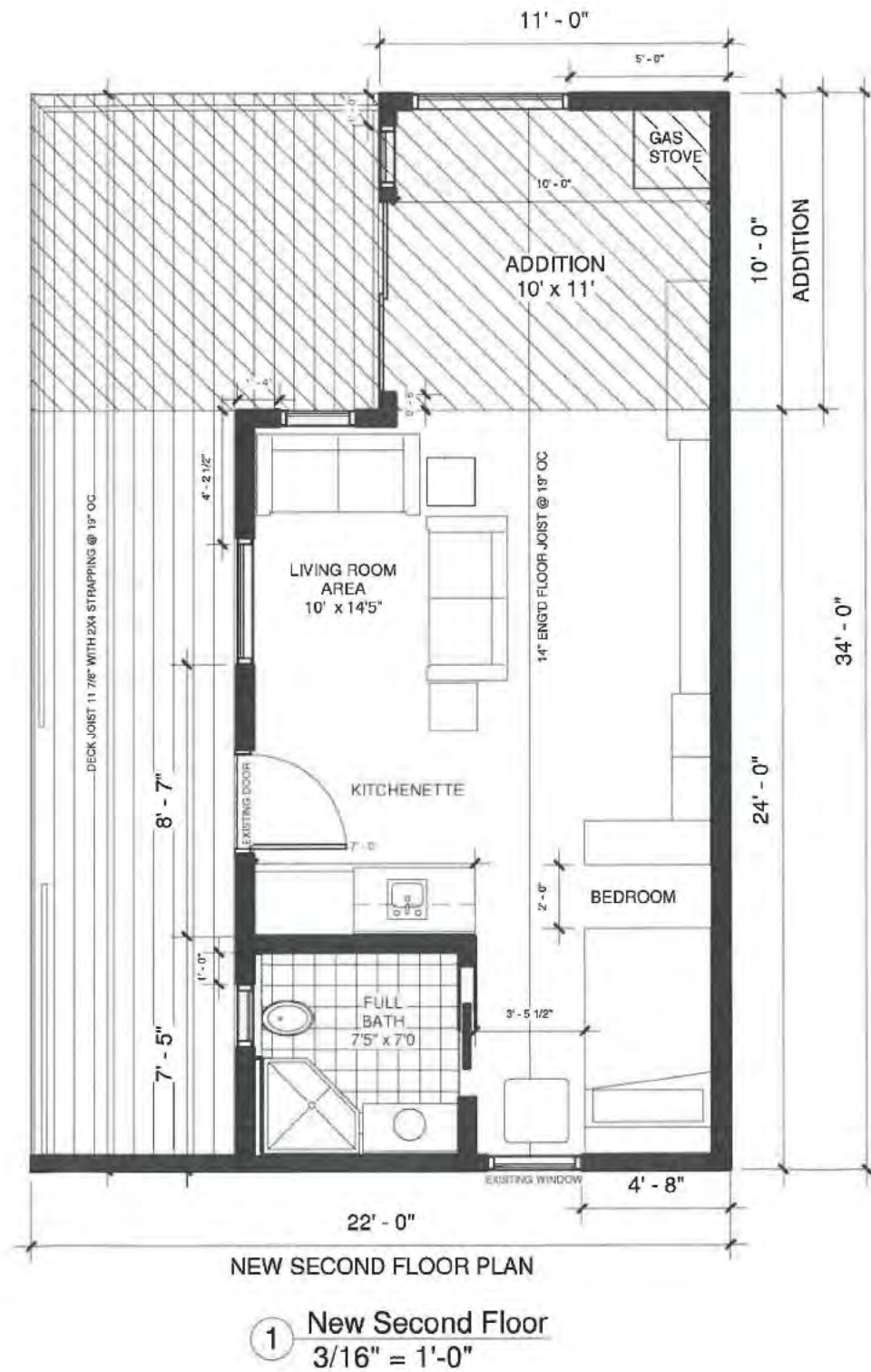
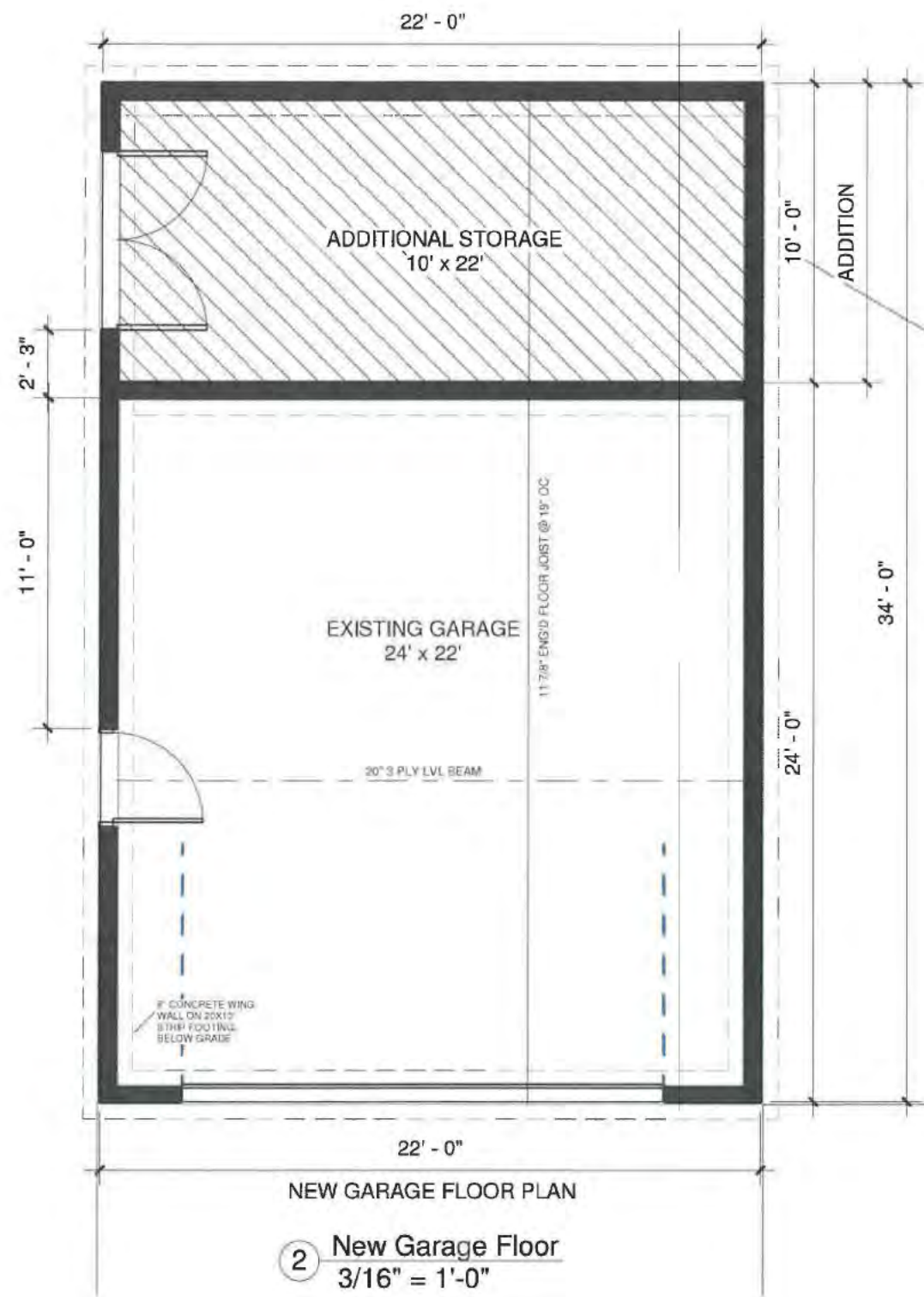
3 Existing Front Elevation
3/16" = 1'-0"



4 Existing Rear Elevation
3/16" = 1'-0"



5 Existing Right Elevation
3/16" = 1'-0"



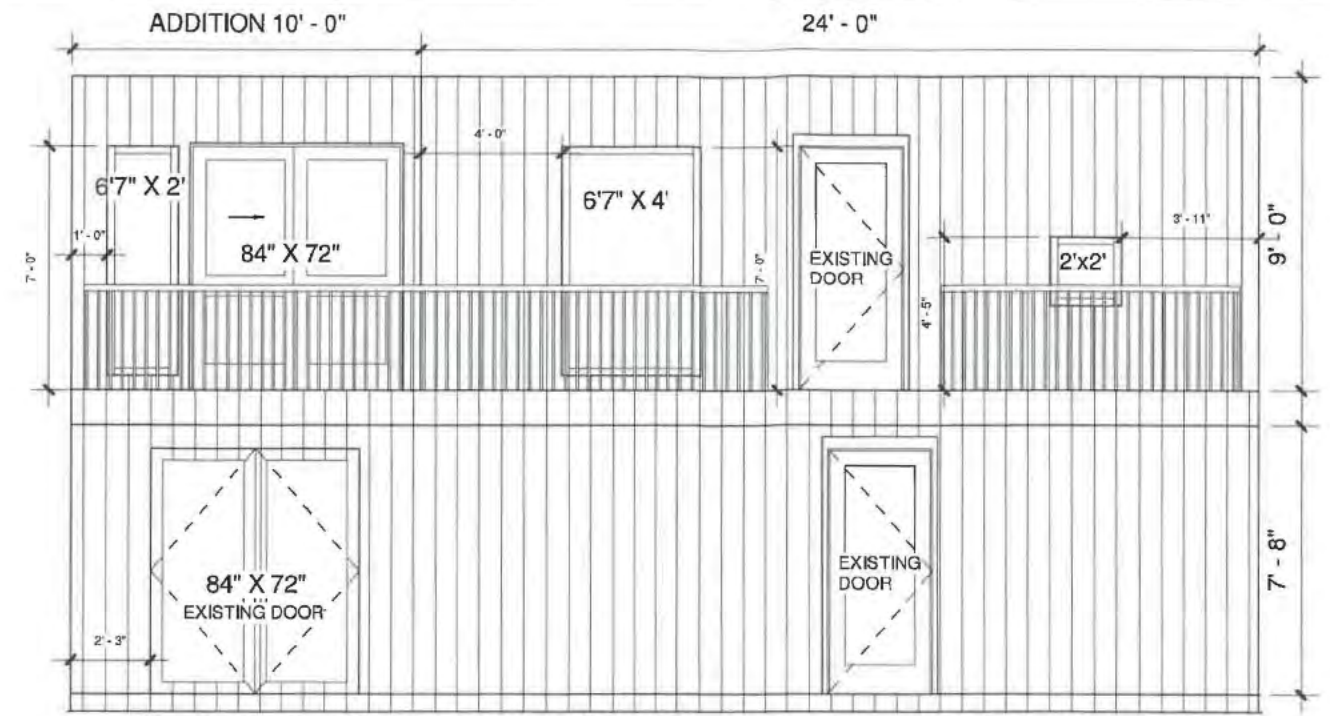
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LEAVE THE EXISTING SINGLE DOOR IN PLACE. KEEP THE 53"X28" WINDOW ON THE STREET SIDE WALL WITH 4'-8" OFFSET FROM THE EXTERIOR WALL.

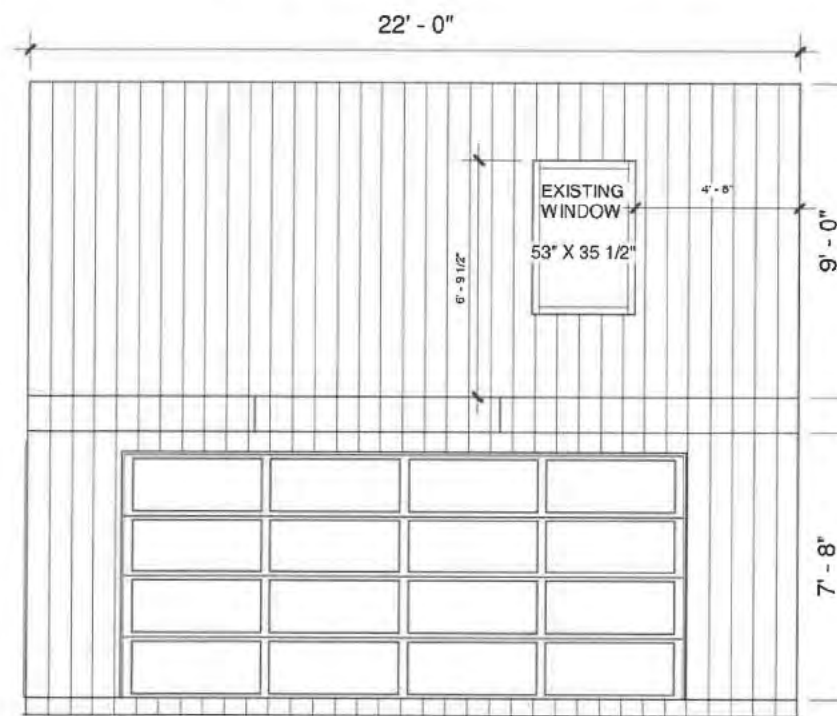
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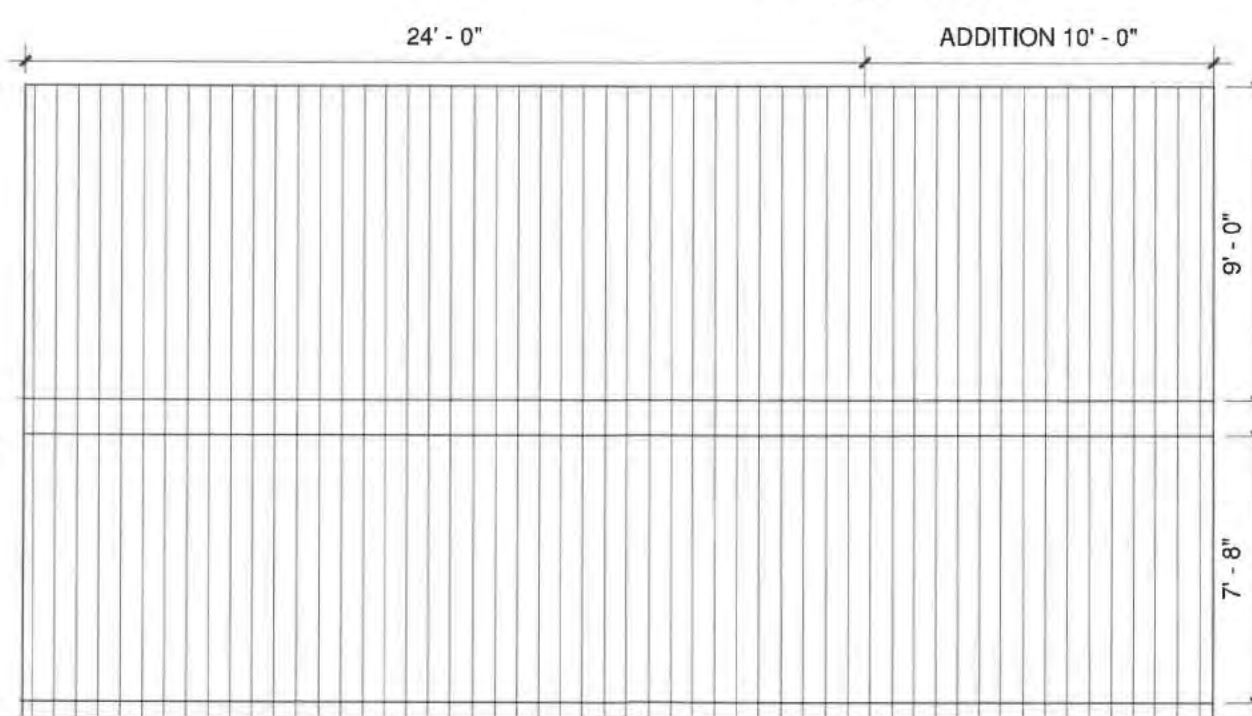
1 New Design



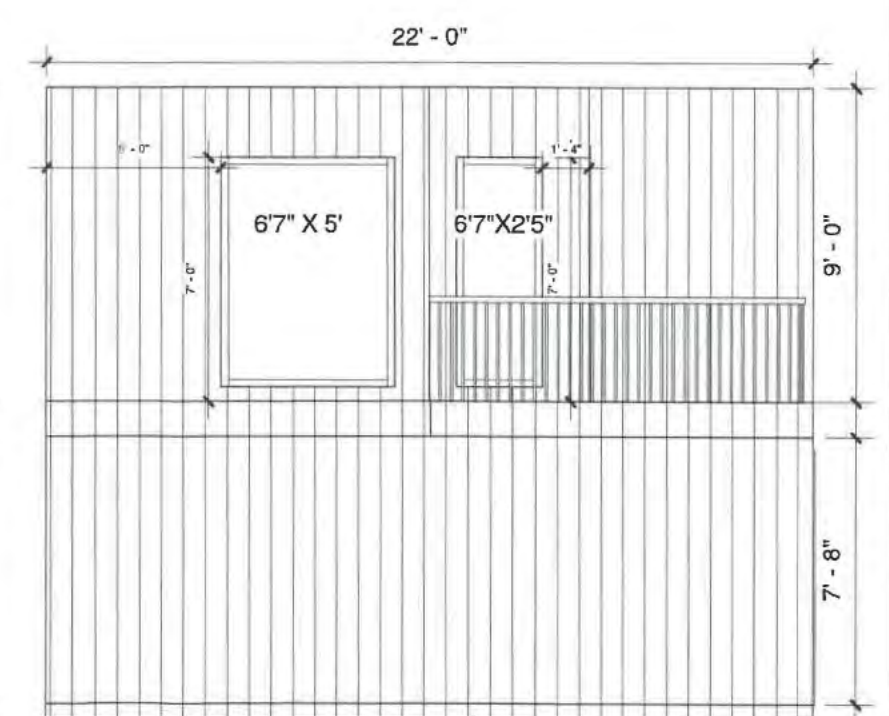
2 New Left Elevation
3/16" = 1'-0"



3 New Front Elevation
3/16" = 1'-0"



5 New Right Elevation
3/16" = 1'-0"



4 New Rear Elevation
3/16" = 1'-0"



19-10 Martin and Juliane
Addition

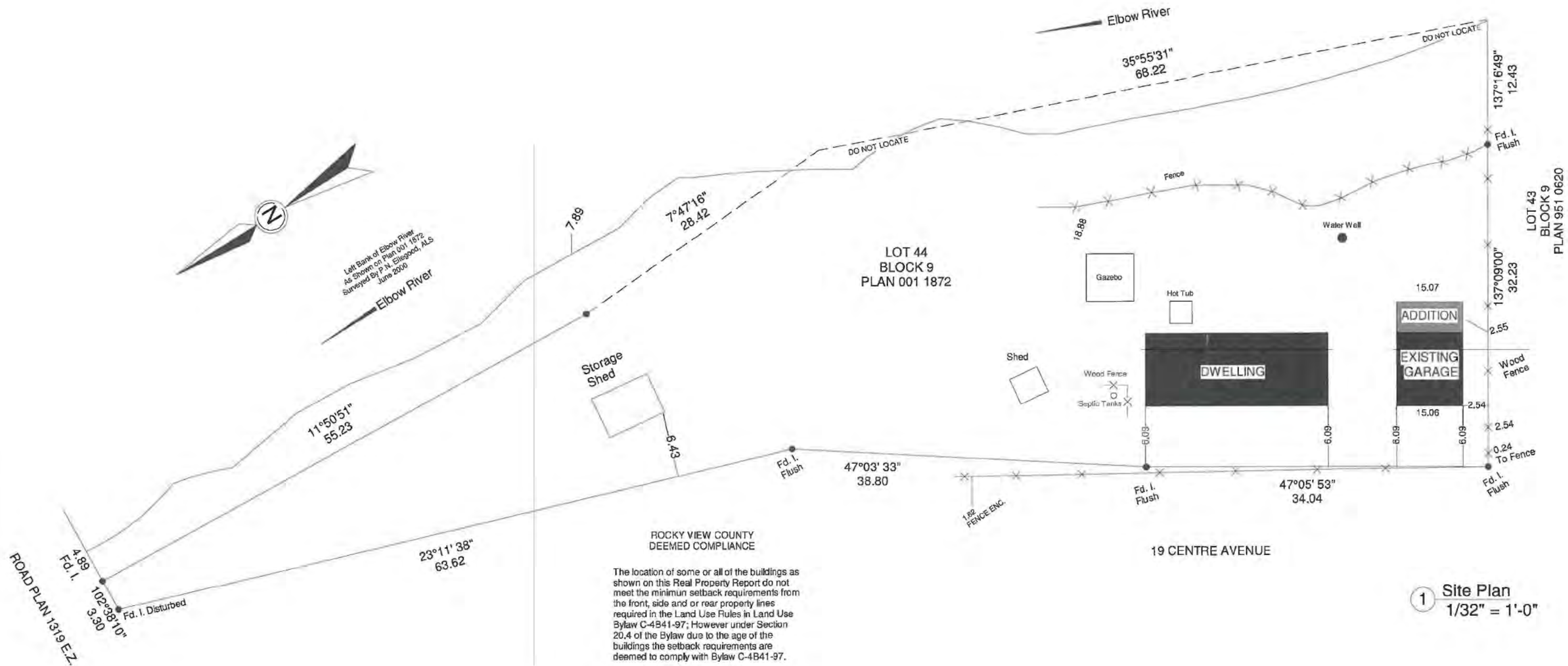
No.	Description	Date

New Elevations

Date 02-25-2019
Drawn by Ann Tablico
Checked by Checker

A3

Scale 3/16" = 1'-0"



Rusch Projects
CUSTOM HOMES

19-10 Martin and Juliane Addition

No.	Description	Date

Site Plan

Date	02-25-2019
Drawn by	Ann Tablico 403 457 2950
Checked by	Checker

A7

Scale 1/32" = 1'-0"