# SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

## **October 9, 2019**

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

## A CALL MEETING TO ORDER

## B DEVELOPMENT APPEALS

## 9:00 AM APPOINTMENTS

## 1. Division 7 File: 06411034/06411035; PRDP20190898 Page 3

This is an appeal against the Development Authority's decision to CONDITONALLY APPROVE a development permit for a School, Private, Public Building, and Offices (existing building), tenancy and signage (associated with PRDP20174052) at Units 7, 8 and 9 – 261051 Wagon Wheel View, SW-11-26-29-W4M, located approximately 1.61 kilometres (1 mile) south of Highway 566 and on the east side of Range Road 292.

Appellant:	Seaview Investments Ltd. (Len McKeary)
Applicant:	Salim Merchant
Owner:	PKSR Holdings Ltd.

## 2. Division 5 File: 05336004; PRDP20191651 Page 31

This is an appeal against the Development Authority's decision to CONDITONALLY APPROVE a development permit for Cannabis Cultivation (existing building) at 255185 Range Road 280, NE-36-25-28-W4M, located approximately 0.20 kilometres (1.8 mile) south of Township Road 260 and on the west side of Highway 791.

Appellant:Leo David BishopApplicant:Curtis DansereauOwner:Curtis & Richard Dansereau

## **10:30 AM APPOINTMENTS**

## 3. Division 5 File: 03332016; PRDP20191888

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This is an appeal against the Development Authority's decision to REFUSE a development permit for the renewal of a Hobby Kennel (10 dogs) at 235093 Range Road 284, SW-23-23-27-W4M, located approximately 1.21 kilometres (3/4 mile) south of Township Road 240 and the west side of Range Road 284.

Appellant/Owner:Leonard and Gayle StakenasApplicant:Leonard Stakenas

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# SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

## **October 9, 2019**

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

## 4. Division 4 File: 03223500; PRDP20192742

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This is an appeal against the Development Authority's decision to CONDITIONALLY APPROVE a development permit for the single-lot regrading and placement of clean fill at 53 – 4 Street NE, SW-23-23-27-W4M, located at the southeast junction of 4 Street and Lloyd Crescent in the Hamlet of Langdon.

Appellant:Jason RohelOwner/Applicant:John & Patricia Gribble

## **1:00 AM APPOINTMENTS**

## 5. Division 9 File: 06704044; PRDP20192553

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This is an appeal against the Development Authority's decision to CONDITIONALLY APPROVE a development permit for the single-lot regrading and placement of clean fill at 87 Glendale Court, SW-04-26-03-W5M, located 0.4 kilometres (1/4 mile) north of Highway 1A, and to the southeast of Glendale Court.

Appellant:Gordon and Jenica CopithorneApplicant:John SostarOwner:John Sostar and Sophia Magdalek

## 6. Division 2 File: 04734003; PRDP20190666

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This is an appeal against the Development Authority's decision to CONDITIONALLY APPROVE a development permit for Retail, Regional and Retail, Local, the construction of eight (8) retail buildings and signage associated with the Bingham Crossing Development at 32159 Township Road 250, NW-34-24-03-W5M, located at the northeast junction of Highway 1 and Range Road 33.

Appellant:Eagle Butte Ranches Ltd. c/o JSS BarristersApplicant:Alex PidgeonOwner:Bingham Crossing Properties c/o Rencor Development Inc.

## C CLOSE MEETING

## D NEXT MEETING: October 30, 2019



## PLANNING AND DEVELOPMENT SERVICES

- TO: Subdivision and Development Appeal Board
- DATE: October 9, 2019

DIVISION: 7

FILE: 06411034/06411035/06411036

APPLICATION: B-1; PRDP20190898

SUBJECT: School, Private, Public Building, and Offices

<b>PROPOSAL</b> : School, Private, Public Building, and Offices (existing building), tenancy and signage (associated with PRDP20174052)	<b>GENERAL LOCATION</b> : located approximately 1.61 km (1 mile) south of Hwy. 566 and on the east side of Rge. Rd. 292	
APPLICATION DATE: March 26, 2019	<b>DEVELOPMENT AUTHORITY DECISION</b> : Discretionary – Approved	
APPEAL DATE: September 9, 2019	DEVELOPMENT AUTHORITY DECISION DATE: August 20, 2019	
APPELLANT: Salim Merchant	APPLICANT: Salim Merchant	
LEGAL DESCRIPTION/MUNICIPAL ADDRESS: UNIT 6, Plan 16128689; 9, 261051 Wagon Wheel V UNIT 7, Plan 161286898, 8 261051 Wagon Wheel V UNIT 8, Plan 161286897, 7 261051 Wagon Wheel V within SW-11-26-29-W04M	View (06411035)	
LAND USE DESIGNATION: Direct Control Bylaw C-6031-2005 (DC-99) – Cell C	GROSS AREA: ± 0.06 acres	
<b>USES</b> : As per Section 1.4.0 of DC-99, except where specifically noted that Council approval is required, the Development Authority shall consider and decide on applications for development permits for listed uses in each development cell.	<b>DEVELOPMENT VARIANCE AUTHORITY</b> : As per Section 1.2.0 of DC-99, Parts One, Two, and Three of Land Use Bylaw C-4481-97 are applicable, unless otherwise stated with DC-99. Part Two, Section 12, of the Land Use Bylaw outlines the variance discretion of the Development Authority; however, it is not relevant for this proposal.	
<b>PUBLIC SUBMISSIONS</b> : 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.	<ul> <li>LAND USE POLICIES AND STATUTORY PLANS:</li> <li>County Plan</li> <li>Balzac East Area Structure Plan Bylaw C-5177-2000</li> <li>Direct Control Bylaw C-6031-2005</li> <li>Land Use Bylaw C-4841-97</li> </ul>	



## **EXECUTIVE SUMMARY:**

This development proposal is for an expansion to existing uses, *School, Private* and *Offices* that are approved and currently located within two units, Bays 8 and 9, of an existing building. The expansion, for *School, Private, Public Building, and Offices,* will include an additional unit, Bay 7, to accommodate an auditorium/stage area, a lobby area, which comprise the Public Building uses, as well as some minor changes to the previously approved space (including movement of an elevator and an addition of an accessible washroom).

Previous development permit approvals for the wider site allowed construction of two shell buildings (Building A and Building B); both of which were previously assessed under the *General Industry, Type II* use. Consequently, the proposed development for *School, Private, Public Building,* and *Offices* within Building A required a change of use application and re-assessment of specific land use regulations where necessary. Note that of the two shell buildings, to date, Building A has been constructed and Building B has not.

A significant consideration for the proposal was parking; it was determined through Administration's initial assessment of the application that additional stalls would be required to service the development. In order to add further parking to the site, a separate development permit application was submitted (PRDP20192564); the application proposed a reduction to the size of Building B and an increase in the overall parking area, which would provide the required number of parking stalls. That permit was conditionally approved on August 20, 2019, the same date as this permit now brought before the Board. Other considerations, including the traffic impact and water/wastewater usage, are to be addressed through conditional submissions required prior to issuance.

On September 9, 2019, the conditional approval was appealed by an adjacent landowner, on grounds relating to impact on the surrounding road network, insufficient parking available for the development, and the restriction of usage on surrounding properties that a school may have. Full reasoning for the appeal can be found in the agenda package.

PRDP20151026	This was the initial Development Permit issued for the property, for <i>General Industry, Type II</i> , construction of two tenant bay buildings:	
	<ul> <li>South Building (Building A), sized approximately 2,509.00 sq. m (27,000.00 sq. ft.); and</li> <li>North Building (Building B), sized approximately 2,509.00 sq. m (27,000.00 sq. ft.).</li> </ul>	
	The North Building (Building B) was completed within 24 months from the date of issuance of the Permit; however, the South Building (Building A) was not completed within that timeframe and required submission of a new development permit (see PRDP20183467).	
PRDP20174052	This Development Permit is the first approval associated with the subject proposal, issued on December 20, 2017 for tenancy of <i>Offices, General Industry (storage), and School, Private (dance school and recording studio)</i> in an existing building.	
	It includes the private dance school, studio space, recording studio and offices, within <b>Bays 8 and 9</b> of the North Building (Building B). The area proposed to be	

## **PROPERTY HISTORY:**



used as auditorium space associated with PRDP20190898 was previou approved under this application as the <i>General Industry (storage)</i> .	
PRDP20183467	This Development Permit includes construction of the South Building (Building A) that was not completed under PRDP20151026. No changes to the building were proposed.
	The Development Permit was issued for <i>General Industry, Type II</i> , construction of one tenant bay building:
	<ul> <li>South Building (Building A), sized approximately 2,509.00 sq. m (27,000.00 sq. ft.).</li> </ul>
PRDP20192564	This Development Permit includes construction of the South Building (Phase A), which has been revised since PRDP20183467. The intent of this application is to accommodate the subject proposal and accommodate parking requirements, by reducing the building area for Building A by 502.30 sq. m (5,406.71 sq. ft.) and increasing the parking area of the overall site. The Development Permit is conditionally approved for <i>General Industry, Type II</i> , construction of one tenant bay building:
	<ul> <li>South Building (Building A), sized approximately 2,006.70 sq. m (21,600.00 sq. ft.).</li> </ul>

## APPEAL:

See attached report and exhibits.

Respectfully submitted,

O.E mergel

Dominic Kazmierczak Supervisor, Planning and Development Services

LM/IIt



## **DEVELOPMENT PERMIT REPORT**

Application Date: March 26, 2019	File: 06411034/06411035/06411036	
Application: PRDP20190898	Applicant/Owner: Salim Merchant	
Legal Description/Municipal Address: UNIT 6, Plan 16128689; 9, 261051 Wagon Wheel View (06411034)	<b>General Location:</b> Located approximately 1.61 km (1 mile) south of Hwy. 566 and on the east side of Rge. Rd. 292.	
UNIT 7, Plan 161286898, 8 261051 Wagon Wheel View (06411035)		
UNIT 8, Plan 161286897, 7 261051 Wagon Wheel View (06411036)		
within SW-11-26-29-W04M		
Land Use Designation: DC-99 CC	Gross Area: ± 0.06 acres	
File Manager: Lisa Mrozek	Division: 07	

## **PROPOSAL:**

The proposal is for the change of use in an existing building, from General Industry, Type II to *School, Private, Public Building, and Offices* and is an expansion of the existing *School, Private* use approved under a separate Development Permit, PRDP20174052.

The change of use will include an expansion into **Bay 7**, in the North Building (Building B) constructed on the property. The previous Development Permit approval (PRDP20174052) included two units, **Bays 8 and 9**. Therefore, the School, Private use will encompass three units, Bays 7, 8, and 9.

The addition of Bay 7 will accommodate a proposed auditorium/stage area, to be located in the rear of the three units, a lobby area, and some minor changes to the previously approved space (including movement of an elevator and an addition of an accessible washroom). The business moving into the units is the Polaris Centre for Performing Arts.

Uses and Hours of Operation:

Use	Day Use, Weekdays	Evening Use/Weekend Use
Dance/Music/Drama Classes	None	Yes (approximately 15 students/hour)
Community Bands	None	Yes (between 30 to 40 individuals)
Band Camps	Yes (1 to 2 bus loads)	None
Cultural Events	Yes (performers, no public, no amount specified)	Yes (up to maximum capacity <sup>1</sup> )



Recording	Yes (maximum 5 to 10 individuals)	Yes (maximum 5 to 10 individuals)	
Offices	Yes (maximum 3 to 4 individuals)	None	
The application form indicator a maximum consoity of 105 people and has been used for parking calculation purposes			

<sup>1</sup>The application form indicates a maximum capacity of 195 people and has been used for parking calculation purposes.

## **Relevant Development Permit Information:**

PRDP20151026	This was the initial Development Permit issued for the property, for <i>General Industry, Type II</i> , construction of two tenant bay buildings:		
	<ul> <li>South Building (Building A), sized approximately 2,509.00 sq. m (27,000.00 sq. ft.); and</li> <li>North Building (Building B), sized approximately 2,509.00 sq. (27,000.00 sq. ft.).</li> </ul>		
	The North Building (Building B) was completed within 24 months from the date of issuance of the Permit; however, the South Building (Building A) was not completed within that timeframe and required submission of a new development permit (see PRDP20183467).		
PRDP20174052	This Development Permit is the first approval associated with the subject proposal, issued on December 20, 2017 for tenancy of <i>Offices, General Industry (storage), and School, Private (dance school and recording studio)</i> in an existing building.		
	It includes the private dance school, studio space, recording studio and offices, within <b>Bays 8 and 9</b> of the North Building (Building B). The area proposed to be used as auditorium space associated with PRDP20190898 was previously approved under this application as the <i>General Industry (storage)</i> .		
PRDP20183467	This Development Permit includes construction of the South Building (Building A) that was not completed under PRDP20151026. No changes to the building were proposed.		
	The Development Permit was issued for <i>General Industry, Type II</i> , construction of one tenant bay building:		
	<ul> <li>South Building (Building A), sized approximately 2,509.00 sq. m (27,000.00 sq. ft.).</li> </ul>		
PRDP20192564	This Development Permit includes construction of the South Building (Phase A), which has been revised since PRDP20183467. The intent of this application is to accommodate the subject proposal and accommodate parking requirements, by reducing the building area for Building A by 502.30 sq. m (5,406.71 sq. ft.) and increasing the parking area of the overall site. The Development Permit is conditionally approved for <i>General Industry, Type II</i> , construction of one tenant bay building:		



	<ul> <li>South Building (Building A), sized approximately 2,006.70 sq. m (21,600.00 sq. ft.).</li> </ul>
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The subject lands is designated Direct Control Bylaw C-6301-2005 (DC-99), falling with Cell 2.

## Direct Control Bylaw C-6031-2005 (DC-99)

## 2.0.0 Land Use Regulations

2.1.0 The purpose and intent of this District is to provide for the development of the Balzac East Special Development Area #4 Lands for commercial and light industrial uses that do not impact adjacent residential development.

The Balzac East Area Structure Plan further elaborates on the purpose and intent for the area, under Section 4.7.4:

- 4.7.4 Special Development Area #4 (SDA#4)
  - *k)* The overall concept for this area is for a commercial/light industrial area that provides community amenities and breaks up the massing of structures with linear green spaces that are landscaped and maintained.

The proposed development is commercial in nature, providing a service to clients, including music, dance, and drama classes, a recording studio, a practice space for professional bands, and band camps for schools. It also provides amenity space to the community through cultural events and performances.

- 2.5.0 Cell C List of Uses
  - 2.5.17 Offices
  - 2.5.26 Schools public, private and separate
  - 2.5.20 Public Buildings, uses, utilities and services
- SECTION 8 Definitions

SCHOOL, PRIVATE means a place of instruction which is not built or maintained with funds that are primarily public funds and which may offer courses of study different to those offered in a public school.

OFFICES means a facility or portion of a building used primarily for the provision of professional, management, administrative, consulting, or financial services. Typical uses include the offices of lawyers, accountants, engineers, architects, real estate, insurance, clerical, secretarial, employment, telephone answering, and office support services.

PUBLIC BUILDING means a building which is available to the public for the purposes of assembly, instruction, culture or enlightenment, or for a community activity, but does not include a school or a place of public entertainment for which an admission fee is normally charged.

The proposed development is generally consistent with these uses in the district. The space will accommodate educational uses (dance academy, private music instruction, band camps, etc.), public/cultural uses (dance shows and recitals, professional theatre, orchestra performances, etc.) and includes office space.

- 3.0.0 Development Regulations
  - 3.1.0 All development within the subject lands shall conform to the provisions and policies set out in the Balzac East Area Structure Plan, as amended.



The initial development permit was assessed in accordance with the guidelines and requirements set out within the Balzac East Area Structure Plan. Outside of the parking component, the development proposes no other modifications to site layout and building design.

## Parking

The proposed development requires a re-evaluation in parking, due to a change in use from the initial assessment. As per 1.2.0 of DC-99, in the absence of specific parking requirements set out in the Bylaw, the Land Use Bylaw regulations are applicable.

1.2.0 Parts One, Two, and Three of Land Use Bylaw C-4841-97, as amended, are applicable unless otherwise stated in this Bylaw.

## 1. Initial Parking Evaluation:

The initial development permit for the two shell buildings (Building A and Building B), approved under Development Permit PRDP20151026 and PRDP20183467, were evaluated using only one use under Schedule 5 (Parking Schedule) of the Land Use Bylaw:

	SCHEDULE 5 Parking Schedule (Land Use Bylaw)		
	Type of Development (land use)	Required Parking Space	
1	General Industrial	1.00 stalls per 100.00 sq. m gross floor area	

Parking Calculation:

		Land Use Bylaw Requirement (Schedule 5)	Size (sq. m)	Required Stall Numbers	# of Stalls Allocated to Each Bay
	Tenant Bay Buildings (total area of two shell				
1	General Industrial	1.00 stalls per 100.00 sq. m gross floor area	5,018.00	51.00	2.55

## Parking Summary:

Fifty-one (51) parking stalls were required and ninety-three (93) stalls were proposed with the application (including six accessible stalls).

 Note that the majority of stalls were completed under PRDP20151026; however, when Building A was not finished within twenty-four months from the date of issuance, a new permit was required for its construction. The new Development Permit, PRDP20183467, included the completion of Building A, in addition to 28 incomplete parking stalls (including 3 accessible stalls). The site was required to maintain 93 parking stalls overall.

## 2. Re-Evaluation of Parking

With the change of use proposal and the associated changes to Building A (reduction of building size and change to parking area), parking has been re-evaluated with the uses identified. Note that as per Section 30.1(g) of the Land Use Bylaw, the proposed development includes a mix of use classes.



## 30.1 Off-Street Vehicle, Motor Parking

(g) Where a development consists of a mix of use classes, the total off-street parking requirement shall be the sum of the off-street parking requirements for each use class.

Therefore, parking has been assessed using a combination of use classes most representative of the development.

	SCHEDULE 5 Parking Schedule		
_	Type of Development (land use)	Required Parking Space	
1	General Industrial	1 per 100 sq. m gross floor area	
2	School, Commercial	2.2 per 100 sq. m of gross floor area	
3	Spectator Entertainment Establishment	1 per 3.0 seats; plus 1 stall per 2.00 sq. ft. of standing space	
4	Office, Professional	3.4 per 100 sq. m gross floor area	

Parking Calculation:

		Land Use Bylaw Requirement	Size (sq. m)	Seats	Required Stall Numbers
	Tenant Bay Buildings (total area of two shel being used for the da	l buildings, with propo	sed change to Buil	lding A, <u>mi</u>	<u>nus</u> three bays
1	General Industrial	2.2 per 100 sq. m of gross floor area	2,763.00	-	37.63
	Change of Use Develo (three bays being use	opment d for the dance studio)	)		
2	Studio (1) + Rooms (4)	2.2 per 100 sq. m of gross floor area	124.75	-	2.74
3	Auditorium (1)	1 per 3.0 seats; plus 1 stall per 2.0 sq. ft. of standing space;	-	195.00	65.00
4	Offices (3)	3.4 per 100 sq. m gross floor area	65.56	-	2.23
4	Board Rooms (2)	3.4 per 100 sq. m gross floor area	85.17	-	2.90
			TOTAL - chai	nge of use	72.87



TOTAL - overall 1'

111.00

## Parking Summary:

The total number of stalls required specially with the proposal is approximately 73 stalls, and the overall site now requires a total of 111 parking stalls. The proposed site plan provided with PRDP20192564 includes 130 parking stalls, which meets the requirements for the change of use application. As a prior to occupancy condition of this application, the parking associated with Development Permit PRDP20192564 must be completed.

## <u>Signage</u>

Signage has been proposed with the application but no details have been provided. Details will be required prior to installation.

## **INSPECTOR'S COMMENTS:**

No inspection completed to date.

## CIRCLATIONS:

Internal	
Building Services	This type of Use is Not Acceptable within the ABC 2014 with this F-2 Occupancy in this Entire Building. Until the Change of Use, for the "Entire Building" is granted, then No reason to refuse this application
Development Compliance	Development Compliance has no recommendations or concerns at this time.
Planning and Development Services - Engineering	<ul> <li>General</li> <li>That prior to issuance, the applicant is required to pay the development application engineering review fee in accordance with the Master Rates Bylaw.</li> <li>The applicant will be responsible for all required payments of 3rd party reviews and/or inspections as per the Master Rates Bylaw.</li> <li>The circulation package provided indicates the permit is related to a change of use/occupancy only and no changes to the site are being contemplated. Please contact the undersigned should this not be the case.</li> </ul>
	<ul> <li>Geotechnical:</li> <li>No requirements. There are no changes proposed to the existing site development.</li> </ul>
	Transportation:
	<ul> <li>That prior to issuance, the applicant shall provide a letter prepared by a qualified transportation engineer to address if the analysis and traffic volumes in the Balzac Global TIA report (December 2010, as amended) for these lands meet the criteria for the development. The letter will also need to address if the proposed</li> </ul>



	development is in accordance with the Wagon Wheel Industrial Park Traffic Impact Assessment that created this lot, if not, an updated TIA will be required for the site to address the potential for off-site impacts.
	<ul> <li>If the recommendations of the Traffic Impact Assessment require off-site improvements, then a Development Agreement shall be entered into.</li> </ul>
•	Onsite parking required to support this change should be to the satisfaction of the Development Authority.
•	Recommend an advisory condition be placed on the permit that states that there is no parking is permitted on the adjacent public roads at any time.
<u>Sanit</u>	ary/Waste Water and Waterworks:
•	That prior to issuance, the applicant submit a Demand Analysis that confirms and demonstrate calculations for water and waste water usage for the proposed use in the building. It must describe and summarize all proposed water uses within the facility for County records (IE occupant load, washrooms, commercial/industrial uses if any, etc).
	<ul> <li>Should the site require additional servicing capacity to accommodate the new use, then the owner will be required to provide payment for additional capacity in accordance with the Master Rates Bylaw C-7857-2019, as amended.</li> </ul>
•	As an advisory note the applicant should be made aware that the County meters water and sewer services to this site. A customer service agreement exists with the owner and the owner is responsible for ensuring the total demands on the site do not exceed the service commitment/allocation. The purpose of the requested Demand Analysis is to confirm expected water/sewer usage associated with this tenancy so the County can confirm the capacity remains below that allocated to the site. If intensification is expected, beyond the capacity allocated to the site, then the condition above will require servicing capacity be purchased to support the new use.
	<ul> <li>Note: Not included in the condition list – provided comment summary to Applicant/Owner on 08/08/19, which included this information.</li> </ul>
•	Please see comments from Utility Services for any requirements related to waste water quality and discharges to the County sewer system.
	<ul> <li>Note: Followed-up with Utility Services on 08/19/19 to confirm there were no issues regarding waste water quality and discharges. No comments received.</li> </ul>

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	Storm Water Management:
	No requirements as no changes are occurring onsite.
	There are no changes being proposed to the existing site that would result in additional impervious areas.
Operations Division	Capital Project Management:
	- No concerns.
	Utility Services:
	- No Concerns.

## **OPTIONS:**

Option #1 (this would approve the proposed development)

The appeal against the decision of the Development Authority to conditionally approve a Development Permit for *General Industry, Type II* to *School, Private, Public Building, and Offices* (associated with PRDP20174052) at Units 6, 7, and 8, Plan 16128689, within SW-11-26-29-W04M (9, 8, and 7, 261051 Wagon Wheel View) be denied, that the decision of the Development Authority be confirmed, subject to the following conditions:

## **Description:**

- 1. That a change of use from *General Industry*, *Type II* to *School*, *Private*, *Public Building*, and *Offices* (associated with PRDP20174052) may occur within the existing building, associated with tenancy and signage for Bays 7, 8, and 9, in general accordance with the details submitted with the application and conditions of this permit.
  - i. Installation of one (1) fascia sign. Drawing details shall be submitted to the County.

## Prior to Issuance:

- 2. That prior to issuance of this Permit, the Applicant/Owner shall provide a letter prepared by a qualified transportation engineer to address if the analysis and traffic volumes in the Balzac Global Traffic Impact Assessment Report (December 2010, as amended) for these lands meet the criteria for the development. The letter will also need to address if the proposed development is in accordance with the Wagon Wheel Industrial Park Traffic Impact Assessment that created this lot. If not, an updated Traffic Impact Assessment will be required for the site to address the potential for off-site impacts.
  - i. If the recommendations of the Traffic Impact Assessment require off-site improvements, then a Development Agreement shall be entered into.
- 3. That prior to issuance of this permit, the Applicant/Owner shall submit a Demand Analysis that confirms and demonstrates calculations for water and waste water usage for the proposed use in the building. It shall describe and summarize all proposed water uses within the facility for County records (i.e. occupant load, washrooms, commercial/industrial uses if any, etc.).
  - i. Should the site require additional servicing capacity to accommodate the new use, then the Owner shall provide payment for additional capacity in accordance with the Master Rates Bylaw C-7857-2019, as amended.



## **Prior to Occupancy:**

4. That prior to occupancy of Bays 7, 8, and 9, the parking area associated with PRDP20192564 shall be completed.

## Permanent:

- 5. That all conditions of PRDP20151026 and PRDP20192564 shall remain in effect.
- 6. That at minimum, 130 parking stalls shall be maintained off-street and on-site at all times to serve the development, in accordance with the approved Site Plan under PRDP20192564.
- 7. That no storage at any time shall be allowed in the front of the property.
- 8. That the development shall be operated in accordance with the on-site Stormwater Management Plan approved for this site, in perpetuity.
- 9. That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the Development Authority.
- 10. That all garbage and waste for the site shall be stored in weatherproof and animal proof containers and screened from view by all adjacent properties and public thoroughfares.
- 11. That the Applicant/Owner shall be responsible for all required payments of third party reviews and/or inspections as per the Master Rates Bylaw.

## Advisory:

- 12. That a Building Permit shall be obtained through Building Services prior to tenant occupancy and/or any renovations taking places.
- 13. That any future change in use of the building (or tenants) shall require a Development Permit.
- 14. That any approved signage shall be kept in a safe, clean and tidy condition at all times.
- 15. That any other federal, provincial or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner
- 16. That there shall be no parking at any time on adjacent Rocky View County road right-of ways.
- 17. 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.
- 18. That if this Development Permit is not issued by **FEBRUARY 29, 2020**, then this approval is null and void and the Development Permit shall not be issued.

Option #2 (this would not approve the proposed development)

The appeal against the decision of the Development Authority to conditionally approve a Development Permit for *General Industry, Type II* to *School, Private, Public Building, and Offices* (associated with PRDP20174052) at Units 6, 7, and 8, Plan 16128689, within SW-11-26-29-W04M (9, 8, and 7, 261051 Wagon Wheel View) be upheld and the decision of the Development Authority be revoked.





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## **B-1** Page 15 of 28



# Lot: UNIT 6 and 7 Plan: 1612868

Date: September 16, 2019 Division #7

File: \_06411035 / 06411034 Agenda Page 17 of 213

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### **B-1** Page 17 of 28 48'-11" 41-5 EXIT 41'-57 12.6m **DN** ROOM#3 13-0\*x11\*0\* HOOM/2 16-0'x11'-0" ROOMH 16'-0"x11'-0" 59'-9" 18.21m 10 3-6" WIDE 30'-0" [9141] 30'-0" 9144] BAY 7 1405,87sq.n. 1D (130.60sq.m) WOMEN'S WR STACE 10 FOOM#1 11-4\*x13-7\* MEN'S WOH 10'-4'x14'-0' WIRE ELEVATOR 10 19.4 10 37) 3 10 D 0 010 O 0 OPEN TO (EXII BELOW 30'-0" [\$144] BAY B **EXISTING** FILE ROOM 16'-5" x 10'-1" EXISTING OFFICE 1 15'-10" x 19'-9" 67.5 M 81-J EXISTING BOARD ROOM 18'-5" x 16'-6" 23 OPEN TO BELOW - Here 部門 EXISTING OFFICE 3 15'-10" x 12'-0' 00 30'-0" 8144 8AY 9 XIII EXISTING OFFICE 3 15'-10" x 12'-10" KITCHEN / BREAK ROOM 27'-1" X 21'-1"

# FLOOR PLAN (UPPER)

26'-0"

(EXT)

## SW-11-26-29-W04M Lot: UNIT 6 and 7 Plan: 1612868

25'-6"

FLOOR

37'-11

1115701

UPPER

Date: September 16, 2019 Division # 7 File: 06411035 / 06411034 Agenda

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## B-1 Page 19 of 28



ROCKY VIEW CC Cultivating Communitie		SEP 09	2019 Sub		d Develo	ce of Appea pment Appeal Boar t Appeal Committe
Appellant Information	1	20	St.			
Name of Appellant(s) Seav	iew Invest	ments I	td Len Mck	eary)		
Mailing Address 948 West Chestermere	Dr		Municipality Chestermere		Province Alta	Postal Code T1X 1B7
Main Phone #	Alternate Phone #		mail Address			
403 861 4576		1	nckeary@telus.net			
Site Information						
Municipal Address Units 7&8 @ 261051	Wagon Wh	eel View	Legal Land Description (lot, blo W 1/4 SEC. 11 ,TW	P 26, RG	E 29 W4N	township-range-meridian) /
Property Roll #		Development	Permit, Subdivision Applicatio			
	6411034	1K	)P20190899	0		
I am appealing: (check one		Subdivisio	a Authority Desision	Doolol	on of Enfa-	cement Services
Development Authori Approval	Ly Decision		n Authority Decision		Stop Order	
Conditions of Ap	proval		onditions of Approval		Compliance	
Refusal		🗆 Re	efusal			
Reasons for Appeal (atta						
The zoning in this park is Lig properties. The road system not enough parking for even	in the condo com nts without parking n the world. This i s of the industry .H	plex is not de g in front of a ncludes grow lemp has be clothing, ,fun	esigned for traffic that traid djoining condos. The C ving ,packaging, R & D en used in China and the niture, paper, construction and human consumption v	nsports stud annabis and distribution Middle Eas on material, t	ents at lea Hemp indu manufactures st since 800 body lotion. edical bene	st twice a day. There is ustries are one of the re of hemp 10 BC . Hemp is used It is used to make bio- fits. This industry has
astest growing businesses in products , and all other facets in the manufacture of many p liesel , plastic that is bio- de the potential to employ many Seaview will not be able to u reveral hundred thousand do may be drastically reduced b	gradable , . It is us y people directly w se the building fo ollars. This would by a third party. Th	ith many mo r this or any a not be a good ne proposed	alcohol related use . This d message for potential i	these people could result nvestors in f	in the prop Rocky View	erty devalued by that their investment
astest growing businesses in products ,and all other facets in the manufacture of many p diesel , plastic that is bio- de he potential to employ many Seaview will not be able to u several hundred thousand do nay be drastically reduced b change operations in which	gradable , . It is us y people directly w se the building fo ollars. This would by a third party. Th	ith many mo r this or any a not be a good ne proposed	alcohol related use . This d message for potential i	these people could result nvestors in f	in the prop Rocky View	erty devalued by that their investment
astest growing businesses in products , and all other facets in the manufacture of many p diesel , plastic that is bio- de he potential to employ many Seaview will not be able to u several hundred thousand do nay be drastically reduced b	gradable , . It is us y people directly w se the building fo ollars. This would by a third party. Th	ith many mo r this or any a not be a good ne proposed	alcohol related use . This d message for potential i	these people could result nvestors in f	in the prop Rocky View	erty devalued by that their investment

Keary Appellant's Signature

Sept .7 2019 Date

Last updated: 2018 November 13

-

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## Agenda Page 22 of 213



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

Merchant, Salim

Friday, August 23, 2019

Page 1 of 3

Roll: 06411034 / 06411035 / 06411036

## RE: Development Permit #PRDP20190898 UNIT 6, 7 & 8 Plan 1612868, SW-11-26-29-04; (7,8 & 9, 261051 WAGON WHEEL VIEW)

The Development Permit application for School, Private, Public Building, and Offices (existing building), tenancy and signage (associated with PRDP20174052) has been **conditionally-approved** by the Development Officer subject to the listed conditions below (PLEASE READ ALL CONDITIONS):

## **Description:**

- 1. That a change of use from General Industry, Type II to School, Private, Public Building, and Offices (associated with PRDP20174052) may occur within the existing building, associated with tenancy and signage for Bays 7, 8, and 9, in general accordance with the details submitted with the application and conditions of this permit.
  - i. Installation of one (1) fascia sign. Drawing details shall be submitted to the County.

## Prior to Issuance:

- 2. That prior to issuance of this Permit, the Applicant/Owner shall provide a letter prepared by a qualified transportation engineer to address if the analysis and traffic volumes in the Balzac Global Traffic Impact Assessment Report (December 2010, as amended) for these lands meet the criteria for the development. The letter will also need to address if the proposed development is in accordance with the Wagon Wheel Industrial Park Traffic Impact Assessment that created this lot. If not, an updated Traffic Impact Assessment will be required for the site to address the potential for off-site impacts.
  - i. If the recommendations of the Traffic Impact Assessment require off-site improvements, then a Development Agreement shall be entered into.
- 3. That prior to issuance of this permit, the Applicant/Owner shall submit a Demand Analysis that confirms and demonstrates calculations for water and waste water usage for the proposed use in the building. It shall describe and summarize all proposed water uses within the facility for County records (i.e. occupant load, washrooms, commercial/industrial uses if any, etc.).



**B-1** 

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

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

Merchant, Salim Page 2 of 3 #PRDP20190898

i. Should the site require additional servicing capacity to accommodate the new use, then the Owner shall provide payment for additional capacity in accordance with the Master Rates Bylaw C-7857-2019, as amended.

## **Prior to Occupancy:**

4. That prior to occupancy of Bays 7, 8, and 9, the parking area associated with PRDP20192564 shall be completed.

## Permanent:

- 5. That all conditions of PRDP20151026 and PRDP20192564 shall remain in effect.
- 6. That at minimum, 130 parking stalls shall be maintained off-street and on-site at all times to serve the development, in accordance with the approved Site Plan under PRDP20192564.
- 7. That no storage at any time shall be allowed in the front of the property.
- 8. That the development shall be operated in accordance with the on-site Stormwater Management Plan approved for this site, in perpetuity.
- 9. That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the Development Authority.
- 10. That all garbage and waste for the site shall be stored in weatherproof and animal proof containers and screened from view by all adjacent properties and public thoroughfares.
- 11. That the Applicant/Owner shall be responsible for all required payments of third party reviews and/or inspections as per the Master Rates Bylaw.

## Advisory:

- 12. That a Building Permit shall be obtained through Building Services prior to tenant occupancy and/or any renovations taking places.
- 13. That any future change in use of the building (or tenants) shall require a Development Permit.
- 14. That any approved signage shall be kept in a safe, clean and tidy condition at all times.
- 15. That any other federal, provincial or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner
- 16. That there shall be no parking at any time on adjacent Rocky View County road right-of ways.
- 17. 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.
- 18. That if this Development Permit is not issued by **FEBRUARY 29, 2020**, then this approval is null and void and the Development Permit shall not be issued.



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

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

Merchant, Salim Page 3 of 3 #PRDP20190898

If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **Friday, September 13, 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 Email: <u>development@rockyview.ca</u>

THIS IS NOT A DEVELOPMENT PERMIT

			Page 24 of 28
	20190898	FOR OFFIC	E USE ONLY
1		Fee Submitted	File Number
	ROCKY VIEW COUNTY Cultivating Communities	10.0	009/1030
1	APPLICATION FOR A	Date of Receipt	Receipt #
	DEVELOPMENT PERMIT	1 arch Alg	/17
1.	Name of Applicant PKSR Heidings       Email _ dKrd         Mailing Address       Bay       8 200 051 umgs       Postal Code	Fax Y View Control Cont	
2.	APPLICATION FOR Polaris Centre PESA Holdings und		
3.	ADDITIONAL INFORMATION a) Are there any oil or gas wells on or within 100 metres of the subject property(s)?	Yes	No
			No V
	(Sour Gas facility means well, pipeline or plant)		1
	even even even even even even even even		No
	d) Does the site have direct access to a developed Municipal Road?	Yes	No
4.	REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF		
		to act on the owne	
	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 Corpor here if owner as a nam numbered c	is listed ed or
	Applicant's Signature Owner's Signature Date Date Date	Xu Da	2019

**Development Permit Application** 

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**B-1** 

## 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, <u>Ann Raffer</u> disclosure of all information contained wit development process.		consent to the pupporting documenta	
Signature	Mar 26/2019 Date		

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ROCKY VIEW COUNTY Cultivating Communities	20190898	FOR OFFICE USE ONLY Fee Submitted File Number
APPLICA FIRST BUSIN	TION FOR ESS TENANCY	Date of Receipt Receipt # Harch 26/19
Business Name: Polaris Centre for Land Use District: DC-79.	Dectorning Arts.	
Business Details: space for instru a) dance, drama + musi	ction, rehearsal,	and performance
Does the Business Use require a change of Buildir	ng Classification? (Please confirm	with Building Services) YES/NO
1. PARKING		
How many parking spaces are assigned to the uni	it?_12	
How will overflow of parking be managed?	their at designated	lot (40 spaces)
plus evening + weekends f	non other Zban	
2. EMPLOYEES		
How many people are employed by the business?	3	
Full Time:	Part Time:	
3. OPERATION		
What are your days and hours of operation?	Mag to Guo	; 6 a.m./p.m to 1/ a.m/p.m.
	(days) at-Sunday 10am - 11pm	(time) (circle one) (circle one)
4. STORAGE AND SIGNAGE		
	low much is being requested (sq	. ft./sq. m)? utside storage area will be located
	Please provide a detailed sketch of	
$\cup$		b. ebeere e.g.
5. ADDITIONAL INFORMATION		OPE -
MAYINUM NUMBER OF 21		
Signature of Applicant:	Date:MAR	34 26 2019.
PLEASE PROVIDE A COVERING LETTE	ER PROVIDING DETAILS OI	THE NATURE OF THE BUSINESS

.

-

PLEASE PROVIDE ALL OF THE ABOVE INFORMATION, EVEN IF THIS IS A RENEWAL. THANK YOU

Page | 1

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## **Development Permit Checklist**

The following information must be included with your application. Without it, your application will be considered incomplete, and will not be processed until it has been supplied.

1000

## APPLICATION FEE

See Development Permit Fee Schedule.

# CURRENT COPY OF THE CERTIFICATE OF TITLE INCLUDING NON-FINANCIAL CAVEATS AND COVENANTS REGISTERED ON THE TITLE

Searched within 30 days prior to the application, the copy of the title may be obtained from any Provincial Registry Office.

## SITE PLAN OF THE PROPOSED DEVELOPMENT

Showing all dimensions and setbacks - refer to the example in this package.

Please show all slopes steeper than 15%

## APPLICATION FORM(S)

The form is to be completed in full and signed by the registered owner of the land and/or the person authorized to act on their behalf (if any).

## I AUTHORIZATION FROM REGISTERED OWNER

Provided either by signing the Development Permit Application or an attached letter from owner giving authorization.

## AFFIDAVIT, LETTER, AND/OR COMPANY SEAL

An affidavit or Company Seal is required when the registered owner shown on the title of the property is listed as a Company. If you do not have a Company Seal, have an affidavit Commissioned, granting you authorization to legally act on behalf of the Company. If you have a Company Seal, please affix said seal to every place that your signature is required, including the Letter of Authorization.

## COVER LETTER

A cover letter, detailing the nature of the business or tenancy, **must** accompany all Home Based Businesses or Tenancy applications. A cover letter for all other development permit applications will be requested when deemed necessary.

## OTHER DOCUMENTATION

All other required documents specific to the Development Permit in question, must accompany the application. To determine what other documents will be required, please speak to a planning representative or review the requirements on <u>www.rockyview.ca</u>. Additional items may be requested upon receipt and after review of the application, depending on the nature of the application.



HB		
BUILDING CODE - NORTH AND SOUTH B	005	
AND	CODE 2	110 01
RTH	ALBERTA BUILDING CODE 2006	11 000 101 100 0010
-NC	<b>NLBERTA</b>	00 001
CODE		
<b>DNIC</b>	BASIS OF CODE CHECK:	THOUTON OTHER IN
1	OF	-
BUI	BASIS	10 10 10

GROUP F2 MEDIUM HAZARD INDUSTR NUMBER OF STOREYS: 1 STOREY MAIN FLOOR AREAS: 2509 SQ.M.	RROUP F2 MEDIUM HAZARD INDUSTR NUMBER OF STOREYS: 1 STOREY MAIN FLOOR AREAS: 2509 SO.M. CONSTRPLICTION: CONSTRPLICTION: 7 NON-CON		ASSIF	<b>X</b>	KATION	
ü	ö			<b>GROUP F2</b>	MEDIUM HAZARD IND	DUSTR
		NUMBER OF STO	OREYS:		1 STOREY	
		MAIN FLOOR AR	REAS:		2509 SQ.M.	

	ION REQUIREMENTS: (3.2.2.70)	- SPRINKLERED	- 2 STOREY	- 4800 SQ. M. PERMITTED BLDC	- COMBUSTIBLE OR NON-C	
--	------------------------------	---------------	------------	------------------------------	------------------------	--

STRE	IG REQU
- COMBUSTIBLE OR NON-COMB CONSTRUCTION PERMITTED - FACES 2 STREETS - FIRE SEPARATION WITH 3/4	- ND RATIN

# ARPUICABLE TO PARKING, BUILDING ACCESS & WASHROOM FACILITES (3.8)

OCCUPANT LOAD GROUND FLOOR;

GRASSES (SEED MIX ZONE 4)

( CHIP OVER WEED MATT

2509 SQ. M. / 46 SQ. M. PER PERSON STORAGE:

И

TOTAL:

IF B

TOTAL DCCUPANT LOAD: (FROM TABLE 3.1.17.1) ACTUAL OCCUPANT LOAD:

54.5 54.5 54.5 T.B.D.

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## **PLANNING & DEVELOPMENT SERVICES**

TO:	Subdivision and Development Appeal Board		
DATE:	October 9, 2019	DIVISION:	5
FILE:	05336004	APPLICATION:	B-2; PRDP20191651
SUBJECT:	Cannabis Cultivation		
<b>PROPOSAL</b> : The proposal is for Cannabis Cultivation, to grow cannabis within an existing accessory building (shop/barn); permitting of the accessory building; and, relaxation of the accessory building area and height.			<b>ATION</b> : Located approximately e) south of Twp. Rd. 260 and on the /. 791.
APPLICATION DATE: May 24, 2019		<b>DEVELOPMENT AUTHORITY DECISION</b> : Discretionary – Approved	
APPEAL DATE: September 23, 2019		<b>DEVELOPMENT AUTHORITY DECISION DATE</b> : September 17, 2019	
APPELLANT: Leo David Bishop		APPLICANT: Curtis Dansereau	
LEGAL DESCRIPTION: Lot 1, Block 1, Plan 1611080, NE-36-25-28-W04M		MUNICIPAL AD	DRESS: 255185 Rge. Rd 280
LAND USE DESIGNATION: Agricultural Holdings DIstrict (AH)		GROSS AREA:	± 23.38 acres
<b>DISCRETIONARY USE</b> : Cannabis Cultivation and Accessory buildings exceeding 190.00 sq. m (2,045.14 sq. ft.) <i>building area</i> are a discretionary use in the Agricultural Holdings District when in accordance with Section 46 of the Land Use Bylaw.		<b>DEVELOPMENT VARIANCE AUTHORITY</b> : The Development Authority has the ability to grant a variance for accessory building height provided it does exceed not 25% of the height.	
<b>PUBLIC SUBMISSIONS</b> : The application was circulated to 11 adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application		County P	ICIES AND STATUTORY PLANS: Plan (C-7280-2013) Bylaw (C-4841-97)

## **EXECUTIVE SUMMARY:**

The proposal is for Cannabis Cultivation in order to grow cannabis within an existing accessory building (shop/barn). As the accessory building exceeds 190.00 sq. m (2,045.14 sq. ft.), it is a discretionary use. Additionally, the accessory building will require a height relaxation, as it exceeds the maximum height for the land use district, being 6.40 m tall (21.00 ft.).



The property has direct access from Highway 791 and currently contains an existing single family dwelling totaling as well as multiple accessory buildings.

The application has been assessed in accordance with Sections 12, 20, and 46 of the Land Use Bylaw.

As per Section 20.9, the requirements for locating a Cannabis Cultivation are detailed, and have been met. As such, the Development Authority approved the application.

As per Section 46.3, the accessory building is discretionary when exceeding 2,045.14 sq ft, and there is no maximum area defined.

As per Section 46.7, the permitted building height for accessory buildings on the property is 5.50 m (18.04 ft.); this falls within the maximum 25% discretionary relaxation that the Development Authority can apply to an accessory building's height.

On September 23, 2019, an adjacent landowner appealed the decision of the Development Authority noting their opposition to the application.

## **PROPERTY HISTORY:**

PRDP20190329	Renewal of Home Based Business, type II for fence rental and sales business
PRDP20174389	Construction of two (2) accessory buildings (oversize shop & barn constructed without permits) – permit on hold
	Note: One of the two buildings is the accessory building being proposed for the cannabis cultivation
PRDP20173520	Home-Based Business, Type II, for a fence rental and sales business

## APPEAL:

See attached report and exhibits.

Respectfully submitted,

tel

Dominic Kazmierczak Supervisor, Planning and Development Services ON/IIt

## **DEVELOPMENT PERMIT REPORT**

Application Date: May 24, 2019	File: 05336004	
Application: PRDP20191651	Applicant: Curtis Dansereau Owner: Curtis and Richard Dansereau	
Legal Description: Lot 1, Block 1, Plan 1611080, NE-36-25-28-W04M	<b>General Location:</b> Located approximately 0.20 km (1.8 mile) south of Twp. Rd. 260 and on the west side of Hwy. 791	
Land Use Designation: Agricultural Holdings District	Gross Area: 23.38 acres	
File Manager: Oksana Newmen	Division: 5	

## PROPOSAL:

The proposal is for Cannabis Cultivation, to grow cannabis within an existing accessory building (shop/barn). The existing building does not have a development permit nor does it have a building permit. As the accessory building exceeds 190.00 sq. m (2,045.14 sq. ft.), it is a discretionary use. Additionally, the accessory building will require a height relaxation, as it exceeds the maximum height for the land use district, being 6.40 m tall (21.00 ft.).

- Cannabis cultivation will take place in an existing accessory building (shop/barn).
- Accessory building is one of several already existing on-site, and measures 283.87 m (3,055.60 sq. ft.) the dimensions are 15.49 m x 18.35 m.
- The Applicant will provide water using rainwater collection, anticipating 110,000 litres for watering needs, and estimating the rainwater collection will provide approximately 210,000 litres per year.
- This business will operate Monday to Sunday, 9:00 a.m. to 5:00 p.m.
- The Applicant anticipates operating the cultivation operation with himself and his wife, who live on site, and utilizing an office person and driver from his existing fencing rental business.
- The Applicant does not require outside storage at this time.
- The Applicant does not require signage at this time.
- All activities will be conducted according to federal and provincial regulations.
- Four parking spaces are being provided on the north side of the building.

## LAND USE BYLAW:

Section 8 Definitions

CANNABIS CULTIVATION means the growing and harvesting of cannabis as licensed by Health Canada.

Section 20.9 Cannabis Cultivation and Cannabis Facility

- i. Cannabis Cultivation and/or Cannabis Facility shall not occur in a building where a residential use is located.
  - The proposed development will take place within the existing shop/barn. There is an existing residence on site, however, no cultivation operations will occur in the dwelling.



- ii. A Health Care Site for the purposes of Section 20.9 of this Bylaw means the lot(s) or parcel(s) on which a Health Care Practice or Health Care Services is situated.
  - There is no health care site in the vicinity.
- iii. A School Site for the purposes of Section 20.9 of this Bylaw means the lot(s) or parcel(s) on which a School, public or separate, a School, private, or a Child Care Facility is situated.
  - There is no school site in the vicinity.
- iv. The minimum separation distance between Cannabis Cultivation and/or Cannabis Facility and other uses shall be established by measuring the shortest distance between the Cannabis Cultivation and/or Cannabis Facility building or field and the other building. If the requirement states a minimum distance to a site, then the distance shall be established by measuring the shortest distance between the Cannabis Cultivation and/or Cannabis Facility building or field and the other site.
  - Noted; separation distances discussed in section f), below.
- v. In the B-2, I-IA, and B-AS districts, Cannabis Cultivation and/or Cannabis Facility must be located at least 75 m from a residential site.
  - Not applicable in this case, as the subject land is designated Agricultural Holdings District.
- vi. In all other districts, Cannabis Cultivation and/or Cannabis Facility must be located:
  - (i) At least 150 m from a Health Care Site or School Site;
  - (ii) At least 100 m from a site that is designated as a school reserve on title;
  - (iii) At least 100 m from a residential site.
  - The proposal meets the requirement, as there are no health care site, school site on neighboring lands within the prescribed distance. The nearest residential site is 148 m to the north, exceeding the minimum distance.
- vii. A Development Permit for Cannabis Cultivation and/or Cannabis Facility shall be limited, and the term of the Development Permit shall not exceed three years.
  - The permit shall be conditioned to be limited to one year initially, and will be considered for greater time at renewal.
- viii. A residential development constructed or created on a site after the approval of a Cannabis Cultivation and/or Cannabis Facility use shall not be considered a residential site for the purposes of interpreting Section 20.9(e) and Section 20.9 (f) of this Bylaw.
  - Noted.

Section 46 Agricultural Holdings District

46.3 Uses, Discretionary

Accessory buildings

- Accessory Buildings greater than 190.00 sq. m (2,045.14 sq. ft.) building area on parcels less than 16.20 hectares (40.03 acres).
  - The existing accessory building (shop/barn) is 283.87 m (3,055.60 sq. ft.).
  - A Development Permit application (PRDP20174389) was placed on hold.
     As the building is proposed for this use, it can be included in the proposed use alongside the cannabis cultivation application.



## Cannabis Cultivation

• The proposed cannabis cultivation is discretionary use, therefore, a Development Permit is required.

## 46.5 Minimum Requirements

The proposed development will take place within the existing accessory building (barn/shop).

46.5 (b) Front yard setback (from the county road to the south)

- Required: 45.00 m (147.64 ft.)
- Existing: Lots; meets the requirement
- 46.5 (c) Side yard setback (from others lands to the west and east)
  - Required: 6.00 m (19.69 ft.)
  - Existing: Lots/Lots, meets the requirement

46.5 (d) Rear yard setback (from others lands to the north)

- Required: 15.00 m (49.21 ft.)
- Existing: Lots, meets the requirement

46.7 Maximum height of buildings

(ii) accessory building - 5.50 m (18.04 ft.).

• The existing accessory building (shop/barn) averages 6.40 m (21.00 ft.) in height, exceeding the maximum for the district. As such, a relaxation of 16.41% is required. This falls within the Development Authority delegation, and is therefore able to be approved administratively.

## PARCEL INFORMATION

## **Development Permit History:**

- PRDP20190329 Renewal of Home Based Business, type II for fence rental and sales business
- PRDP20174389 Construction of two (2) accessory buildings (oversize shop & barn constructed without permits) permit on hold
  - Note: One of the two buildings is the accessory building being proposed for the cannabis cultivation
- PRDP20173520 Home-Based Business, Type II, for a fence rental and sales business

## **STATUTORY PLANS:**

The subject land does not fall within any Area Structure Plan and Intermunicipal Development Plan, therefore, the application was assessed in accordance with the Land Use Bylaw.

## **INSPECTOR'S COMMENTS (July 18, 2019):**

- Building not visible from the road
- Heavy tree line along east property line for screening
- · Property to east undeveloped; no impact to north property
- Commercial fencing operation on site w/ vehicles & equipment sign on approach
- Structure (wood/steel bldg) no equipment inside for ag only fencing equipment



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• Well screened from all sides

## **CIRCULATIONS:**

## Alberta Health Services

- Thank you for inviting our comments on the above-referenced application. Alberta Health Services Environmental Public Health (AHS-EPH) understands that this application proposes to construct and operate a cannabis cultivation facility on the subject property.
- Based on the information provided, we recommend the following considerations:
  - 1. Confirmation that there is an adequate water supply available for the proposed use, and that use of the projected volumes of water will not adversely affect neighboring properties' water supplies.
  - 2. Consider the types and volume of chemicals (such as pesticides, solvents, cleaning products and fertilizers) that will be stored onsite for the proposed operation. Ensure the proposed methods and location of chemical storage, utilization and disposal does not create hazardous conditions for the facility or adjacent properties.
  - 3. Chemicals and hazardous materials must be handled appropriately so as to not contaminate cannabis products intended for consumption.
  - 4. The waste management plan for the proposed operation should specify the type and volume of waste materials. The manner in which waste material will be handled, stored and disposed of must not create a situation that could harm the health of the public.
  - 5. Choose construction materials that facilitate sanitary maintenance. For example, building materials for walls should be smooth, impermeable, and easy to clean.
  - 6. Prevent mould growth with control of heat and humidity levels in the growing environment. HVAC (heating ventilation and air conditioning) system requirements and queries should be referred to safety code inspectors
  - 7. Implement mitigation strategies to ensure that odours from the proposed facility are controlled so as not to affect neighbouring properties.
  - 8. Consider installing monitors to assist in maintaining carbon monoxide levels within safe parameters.
  - 9. If edibles become legal in the future, producers of edibles should be aware they need to contact AHS-EPH to determine if a food handling permit is required prior to sale. AHS-EPH is available for health consultation or food permit inquiries (if edibles are legalized) at: (403) 943-2296, or calgaryzone.environmentalhealth@ahs.ca.
- Please call (403) 912-8551 or e-mail darcy.chrisp@albertahealthservices.ca if you have any questions.

## Alberta Transportation

- In reviewing the application, the proposed development falls within the control distance of a provincial highway as outlined in the Highways Development and Protection Act / Regulation.
- The proposed development, however, will not cause any concern for ongoing highway operation or future highway expansion.
- Pursuant to Section 25(3)(c) of the Highways Development and Protection Regulation, Alberta Transportation issues an exemption from the permit requirements to for the development listed above.
- Pursuant to Section 25(4) of the Highways Development and Protection Regulation the department has the following conditions on the permit exemption:
  - 1. All highway accesses are to be considered temporary. No compensation shall be payable to the Permittee or their assigns or successors when the Department removes or relocates the temporary access or if highway access is removed and access


provided via service road, or additional subdivision or intensified development requires the permittee or landowner to relocate the access at their expense.

2. The Permittee shall not place any signs contrary to Alberta Regulation 326/2009. The separate "SIGN APPLICATION" form shall be submitted for any proposed sign.

#### Fire Services, Rocky View County:

- Having reviewed the circulation, the Fire Service has the following comments:
  - 1. Dependent on the occupancies, the Fire Service recommends that the buildings be sprinklered, if applicable, as per the National Building Code.
  - 2. The Fire Service also recommends that the water co-op be registered with Fire Underwriters.
  - 3. Please ensure that access routes are compliant to the designs specified in the National Building Code and RVC's servicing standards.
- There are no further comments at this time.

#### Municipal Enforcement, Rocky View County:

• No comments received

#### Building Services, Rocky View County

- As per the cover letter submitted, the owners will need to reduce the size of the building to meet the requirements of 200 square meters as per Health Canada Micro Cultivation regulations.
- Advisory condition Building shall conform to the National Energy Code 2017, with documentation/design at Building Permit stage. <u>http://www.rockyview.ca/Portals/0/Files/BuildingPlanning/Building/resources/NECB-Submission-Requirements.pdf</u>
- d) 3.2.5.5.Location of Access Routes
  - 1. Access routes required by Article 3.2.5.4. shall be located so that the principal entrance and every access opening required by Articles 3.2.5.1. and 3.2.5.2. are located not less than 3 m and not more than 15 m from the closest portion of the access route required for fire department use, measured horizontally from the face of the building.
  - 2. Access routes shall be provided to a building so that
    - c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45 m.
  - 3. If a portion of a building is completely cut off from the remainder of the building so that there is no access to the remainder of the building, the access routes required by Sentence (2) shall be located so that the unobstructed path of travel from the vehicle to one entrance of each portion of the building is not more than 45 m.

#### e) 3.2.5.6.Access Route Design

- 1. A portion of a roadway or yard provided as a required access route for fire department use shall
  - a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory,
  - b) have a centreline radius not less than 12 m,
  - c) have an overhead clearance not less than 5 m,
  - d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m,



- e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,
- f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and
- g) be connected with a public thoroughfare.

#### Operations Division, Rocky View County

- Capital Delivery: No concerns
- Utility Services: No concerns
- Maintenance: No comments received.
- Transportation Services: No comments received.
- Solid Waste: No comments received

#### Planning and Development Services - Engineering

#### 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.

#### Geotechnical - Section 300.0 requirements:

- The site slopes are less than 15%.
- Engineering have no requirements at this time.

Transportation - Section 400.0 requirements:

- Access to the lot is provided by a mutual approach off Range Road 290.
- As the proposed development is within 800 m of Highway 791, 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.
- Applicant expects 4 seasonal employees and 1 trip per week for the proposed development. Applicant anticipates compost delivery once every two months and some trips to the store. At the harvest time, applicant expects delivery trips to a licensed producer. There won't be any private/individual sales transactions. This is unlikely to increase significant traffic on local road networks. Traffic Impact Assessment is not required.
- As this is a renewable permit, Transportation off-site levy is not required.
- Engineering have no requirements at this time.

#### Sanitary/Waste Water - Section 500.0 requirements:

- Site will be serviced by on-site porta potty.
- Engineering have no requirements.

Water Supply And Waterworks - Section 600.0 & 800.0 requirements:

- Site will be serviced by water coolers for drinking and rainwater for harvesting.
- Engineering have no requirements.

#### Storm Water Management – Section 700.0 requirements:

- No significant site runoff increase is expected as a result of proposed development.
- Engineering have no requirements at this time.

#### **Environmental** – Section 900.0 requirements:

- No environmental constraints are present on site.
- Engineering have no requirements at this time.



#### Rocky View Gas Co-op Ltd.

- In regards to the Rocky View Application: PRDP20191651, Rockyview Gas Co-op Ltd. has no requirements or conditions for this development permit.
- We have no comments to submit and have no objections with the development permit application proceeding.
- Should you have any questions, concerns or require anything else please do not hesitate to contact the office. Thank you.

**Decision:** Discretionary – Approved

Date of Decision: September 17, 2019

Development Authority

#### **OPTIONS:**

<u>Option #1</u> (this would allow the cannabis cultivation, accessory building, and relaxation of the accessory building height)

That the appeal against the Development Authority to approve a Development Permit for Cannabis Cultivation in order to grow cannabis within an existing accessory building (shop/barn), permitting of the accessory building, and relaxation of the accessory building height on Lot 1, Block 1, Plan 1611080, NE-36-25-28-W04M be overturned, and that a Development Permit be conditionally approved, subject to the following conditions:

#### **Description:**

- 1) That *Cannabis Cultivation*, within an existing accessory building (shop/barn), may commence on the subject lands in general accordance with the application and site plan.
  - i. That the maximum building area of the accessory building (shop/barn) is relaxed from 190.00 sq. m (2,045.14 sq. ft.) to 283.87 m (3,055.60 sq. ft.).
  - ii. That the maximum height of the accessory building (shop/barn) is relaxed from **5.50 m** (18.04 ft.) to 6.40 m (21.00 ft.)

#### Permanent:

- 2) That this approval does not include a *Cannabis Retail Store, Cannabis Facility or Cannabis Sales*.
- 3) That there shall be no water discharged offsite from the subject property at any time.
- 4) 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 designs that reduces the extent of spill-over glare, and eliminates glare as viewed from nearby residential properties.
- 5) That no outdoor storage shall be allowed at any time for the proposed business use.
- 6) That the entire site shall be maintained in a neat and orderly manner at all times, to the satisfaction of the Development Officer.
- 7) That any waste containers, garbage or recycling shall be completely screened from view from all adjacent properties and public thoroughfares.



- 8) That any future signage for the development shall require separate development permit approval.
- 9) That should this proposed development not proceed, the Applicant/Owner should obtain a separate Development Permit for the accessory building (shop/barn), to bring the building into compliance with the County's Land Use Bylaw.
- 10) 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.

#### Advisory:

- 11) That the site shall be maintained in compliance with County Bylaw No. C-7690-2017, the "Nuisance and Unsightly Property Bylaw", at all times. Any debris or garbage generated on the site shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- 12) That the County Bylaw C-5772-2003, the "Noise Bylaw", shall be adhered to at all times.
- 13) That the site shall remain free of restricted and noxious weeds and maintained in accordance with the Alberta Weed Control Act.
- 14) That any future change in use of the building, including any exterior changes or additions, or change in tenants shall require a Development Permit for the use and signage.
- 15) That a Building Permit shall be obtained through Building Services, for the accessory building (shop/barn), prior to commencement of the proposed development. The application shall include but is not limited to: Building Code Classification, engineered stamped drawings for the Mechanical Ventilation, Spatial Separations, and an as-built sign off from an Engineer for the building structure.

Note: The size of the accessory building may need to be reduced, in order to meet the requirements of 200 square meters as per Health Canada Micro Cultivation regulations. The building shall conform to the National Energy Code 2017, with documentation provided at Building Permit stage.

- 16) That any other federal, provincial or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
  - i. That the Applicant/Owner shall obtain any required Health Canada and Alberta Health Services approval(s).
  - ii. That all cannabis waste shall be managed in accordance with Alberta Cannabis Waste Management Fact Sheet.
  - iii. That all highway access points are to be considered temporary. No compensation shall be payable to the Applicant/Owner or their assigns or successors when the Alberta Transportation removes or relocates the temporary access or if highway access is removed and access provided via service road, or additional subdivision or intensified development requires the Applicant/owner to relocate the access at their expense.
    - 1. That no signage shall be placed contrary to Alberta Regulation 326/2009 unless a separate application form is submitted and approved for any proposed signage.
- 17) That this Development Permit, once issued, shall be valid until **October 9, 2020**.
- Note: The Applicant/Owner shall be responsible for all Alberta Environment and Parks approvals/compensation if any wetland is impacted by the development on the proposed land.



<u>Option #2</u> (this would not allow the cannabis cultivation, accessory building, and relaxation of the accessory building height)

That the appeal against the decision of the Development Authority to approve a Development Permit for Cannabis Cultivation in order to grow cannabis within an existing accessory building (shop/barn), permitting of the accessory building, and relaxation of the accessory building height at NE-36-25-28-W04M be upheld, and that the decision of the Development Authority be revoked.



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# **Notice of Appeal**

Subdivision and Development Appeal Board Enforcement Appeal Committee

Appellant Information				
Name of Appellant(s) LEO DOWID BISHOP				
Site Information				
Municipal Address 255185 Range Rd E	XSD Legal Land Description (lot, blo	ck, plan OR quarter-section-township-range-meridian) - $28$ - $C4$		
Property Roll # 05336004	Development Permit, Subdivision Application	n, or Enforcement Order #		
I am appealing: (check one box only)				
Development Authority Decision	Subdivision Authority Decision	Decision of Enforcement Services		
Approval Conditions of Approval	Approval Conditions of Approval	Stop Order		
Refusal	Refusal			
Reasons for Appeal (attach separate pa	age if required)			
Next door Neighbur appased to the proposed facility.				
the proposed facility.				
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		No. SSS		
MUNICIPAL CLERKS				

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 Leo D Bishop Last updated: 2018 November 13

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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

Dansereau, Curtis & Richard

Page 1 of 3

Tuesday, September 17, 2019

Roll: 05336004

#### RE: Development Permit #PRDP20191651

#### Lot 1 Block 1 Plan 1611080, NE-36-25-28-04; (255185 RGE RD 280)

The Development Permit application for Cannabis Cultivation (existing building) has been **conditionally-approved** by the Development Officer subject to the listed conditions below **(PLEASE READ ALL CONDITIONS)**:

#### **Description:**

- 1) That *Cannabis Cultivation*, within an existing accessory building (shop/barn), may commence on the subject lands in general accordance with the application and site plan.
  - i. That the maximum building area of the accessory building (shop/barn) is relaxed from 190.00 sq. m (2,045.14 sq. ft.) to 283.87 m (3,055.60 sq. ft.).
  - ii. That the maximum height of the accessory building (shop/barn) is relaxed from **5.50 m** (18.04 ft.) to 6.40 m (21.00 ft.)

#### Permanent:

- 2) That this approval does not include a Cannabis Retail Store, Cannabis Facility or Cannabis Sales.
- 3) That there shall be no water discharged offsite from the subject property at any time.
- 4) 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 designs that reduces the extent of spill-over glare, and eliminates glare as viewed from nearby residential properties.
- 5) That no outdoor storage shall be allowed at any time for the proposed business use.
- 6) That the entire site shall be maintained in a neat and orderly manner at all times, to the satisfaction of the Development Officer.
- 7) That any waste containers, garbage or recycling shall be completely screened from view from all adjacent properties and public thoroughfares.



403-230-1401 questions@rockyview.ca www.rockyview.ca **B-2** 

Dansereau, Curtis & Richard #PRDP20191651 Page 2 of 3

- 8) That any future signage for the development shall require separate development permit approval.
- 9) That should this proposed development not proceed, the Applicant/Owner should obtain a separate Development Permit for the accessory building (shop/barn), to bring the building into compliance with the County's Land Use Bylaw.
- That any plan, technical submission, agreement, matter or understanding submitted and 10) approved as part of the application, in response to a prior to issuance or occupancy condition. shall be implemented and adhered to in perpetuity.

#### Advisory:

- That the site shall be maintained in compliance with County Bylaw No. C-7690-2017, the 11) "Nuisance and Unsightly Property Bylaw", at all times. Any debris or garbage generated on the site shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- That the County Bylaw C-5772-2003, the "Noise Bylaw", shall be adhered to at all times. 12)
- That the site shall remain free of restricted and noxious weeds and maintained in accordance 13) with the Alberta Weed Control Act.
- That any future change in use of the building, including any exterior changes or additions, or 14) change in tenants shall require a Development Permit for the use and signage.
- That a Building Permit shall be obtained through Building Services, for the accessory building 15) (shop/barn), prior to commencement of the proposed development. The application shall include but is not limited to: Building Code Classification, engineered stamped drawings for the Mechanical Ventilation, Spatial Separations, and an as-built sign off from an Engineer for the building structure.

Note: The size of the accessory building may need to be reduced, in order to meet the requirements of 200 square meters as per Health Canada Micro Cultivation regulations. The building shall conform to the National Energy Code 2017, with documentation provided at Building Permit stage.

- 16) That any other federal, provincial or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
  - That the Applicant/Owner shall obtain any required Health Canada and Alberta Health i. Services approval(s).
  - ii. That all cannabis waste shall be managed in accordance with Alberta Cannabis Waste Management Fact Sheet.
  - iii. That all highway access points are to be considered temporary. No compensation shall be payable to the Applicant/Owner or their assigns or successors when the Alberta Transportation removes or relocates the temporary access or if highway access is removed and access provided via service road, or additional subdivision or intensified development requires the Applicant/owner to relocate the access at their expense.
    - 1. That no signage shall be placed contrary to Alberta Regulation 326/2009 unless a separate application form is submitted and approved for any proposed signage.



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

Dansereau, Curtis & Richard **#PRDP20191651** Page 3 of 3

17) That this Development Permit, once issued, shall be valid until October 9, 2020.

# Note: The Applicant/Owner shall be responsible for all Alberta Environment and Parks approvals/compensation if any wetland is impacted by the development on the proposed land.

If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **Tuesday, October 8, 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,

lagun

Development Authority Phone: 403-520-8158 Email: development@rockyview.ca



## PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: October 9, 2019

DIVISION: 5

**FILE**: 03332016

APPLICATION: B-3; PRDP20191888

**SUBJECT**: Hobby Kennel (10 dogs)

<b>PROPOSAL</b> : Renewal of a Hobby Kennel (10 dogs)	<b>GENERAL LOCATION</b> : Located approximately 1.21 km (3/4 mile) south of Twp Rd 240 and the west side of Rge Rd 284	
APPLICATION DATE: April 30, 2019	<b>DEVELOPMENT AUTHORITY DECISION</b> : Discretionary - Refused	
APPEAL DATE: September 9, 2019	DEVELOPMENT AUTHORITY DECISION DATE: August 21, 2019	
APPELLANT: Stakenas, Leonard M	APPLICANT: Stakenas, Leonard M	
LEGAL DESCRIPTION: Lot 2 Block 2 Plan 9210992, SE-32-23-28-04	MUNICIPAL ADDRESS: 235093 RGE RD 284	
LAND USE DESIGNATION: Residential Two District (R-2)	GROSS AREA: ± 4.67 acres	
<b>PERMITTED USE</b> : A hobby kennel is listed as a discretionary use in the Residential Two District.	<b>DEVELOPMENT VARIANCE AUTHORITY</b> : The Development Authority has the authority to double the number of dogs allowed from three (3) to six (6) dogs.	
<b>PUBLIC SUBMISSIONS</b> : 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.	<ul> <li>LAND USE POLICIES AND STATUTORY PLANS:</li> <li>County Plan</li> <li>City of Calgary Inter-Municipal Development Plan</li> <li>Janet Area Structure Plan</li> <li>Land Use Bylaw</li> </ul>	

#### **EXECUTIVE SUMMARY:**

The application is a renewal request for a Hobby Kennel at no greater than six (6) dogs, relaxation in the number of dogs from six (6) to ten (10).

In accordance with the Land Use Bylaw, on a parcel designated as Residential Two the permitted number of dogs shall not exceed three (3). The Development Authority may allow up to six (6) dogs



through a Development Permit. The applicant has requested to keep up to ten (10) dogs to breed on the subject land. The Development Authority has no discretion to allow more than six (6) dogs on the parcel and the application was refused.

The refusal decision was appealed by the Applicant; the Applicant asserts that the Hobby Kennel should be able to remain as a long-established operation on the subject lands, and the previous approvals granted by the Board. There have been no registered complaints from adjacent landowners related to the Kennel operation.

#### **PROPERTY HISTORY:**

PRDP20141143	Renewal of Hobby Kennel (10 dogs)
2009-DP-13582	Renewal of Hobby Kennel (10 dogs)
2004-DP-10849	Renewal of Hobby Kennel (10 dogs)
2001-DP-9246	Renewal of Hobby Kennel (10 dogs)
1999-DP-8243	Hobby Kennel (10 dogs)
1998-BP-12579	Construction of an Accessory Building
1998-BP-12507	Construction of a Single Family Dwelling

#### APPEAL:

See attached report and exhibits.

Respectfully submitted,

mens

Dominic Kazmierczak Supervisor, Planning and Development Services

CL/IIt

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# **DEVELOPMENT PERMIT REPORT**

Application Date: April 30, 2019	File: 03332016	
Application: PRDP20191888	Applicant/Owner: Stakenas, Leonard M	
Legal Description: Lot 2, Block 2, Plan 9210992, SE-32-23-28-04	<b>General Location:</b> Located approximately 1.21 km (3/4 mile) south of Twp Rd 240 and the west side of Rge Rd 284	
Land Use Designation: Residential Two District (R-2)	Gross Area: ±4.67 acres	
File Manager: Christina Lombardo	Division: 5	

#### PROPOSAL:

The proposal is for the renewal of a Hobby Kennel (10 dogs)

Land Use Bylaw Requirements

Section 8 Definitions

KENNELS means a facility for the keeping, breeding, boarding, caring, or training of dogs and/or other domestic pets over three months of age, excluding livestock and norway rats;

KENNELS, HOBBY means the keeping of dogs that are the personal property of a resident of the parcel

#### Section 23 Keeping of Dogs

- 23.1 Unless a Development Permit has been issued for a kennel, hobby or a kennel, the keeping of dogs is permitted in all land use districts providing the number of dogs does not exceed the following;
  - (a) three (3) dogs over three months of age;
  - (b) three (3) dogs over three months of age for all parcels of land in Districts not described in (a) except that six (6) working dogs may be kept on a parcel 80 acres or greater;
  - (c) greater than six (6) working dogs may be kept on a parcel 80 acres or greater if a Development Permit has been issued. In considering an application for working dogs the Development Authority may consider the following:
  - (d) In granting a Development Permit for a kennel, hobby, conditions of approval shall:
    - (i) limit the term of the permit to a period not exceeding 3 years;
    - (ii) limit the number of dogs over 3 months of age to a maximum of six (6);
    - (iii) require that all dogs be kept indoors from 9 p.m. to 7 a.m.;
    - (iv) require that any outside runs be enclosed with fences a minimum of 1.20 m (3.94 ft.) in height; and



- (v) require that Dog Licenses be obtained yearly from Rocky View County Finance Department for each of the dogs involved.
- Section 50 Residential Two (R-2)
  - 50.3 Uses, Discretionary

Kennels, Hobby

#### Kennel Information:

- "Sanekats Perm Registered Kennels"
- Animals: Ten (10) Alaskan Malamutes
- Breeding occasionally throughout the year
- Employees: Two (Both the homeowners, living on the residence)
- Days of operation are 7 days a week from 7am to 10pm

#### Additional Information:

- No signage requested
  - Soundproofing the kennel buildings
    - o R20 Insulation throughout and blown insulation above
    - o Solid waste disposal
    - o Double bagged, 4 yard BFI bin and taken to local dump station once every 30 days
  - Waste water disposal
  - Septic System

#### STATUTORY PLANS:

This property falls under the City of Calgary Inter-Municipal Development Plan and the City of Chestermere Notification area. Both municipalities have been circulated on previous applications and have no objections or comments.

The property falls under the Janet Area Structure Plan. The subject property falls under the Residential Transition Lands of the plan, which supports residential development until change to industrial development is deemed desirable. The plan gives no guidance on the nature of this application.

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

#### Inspection date: (July 31, 2019)

- Seven adult Malamutes present at time of inspection
- One new litter
- Kennel in rear, screened with six foot fence, in good shape
- No barking upon arrival
- All dogs appear well behaved socialized and healthy
- No signage observed

#### CIRCULATIONS:

#### City of Calgary (June 26, 2019)

• No concerns.



#### Alberta Health Services (July 5, 2019)

• No concerns.

#### Enforcement Services Review (July 16, 2019)

• No comments received at time of report preparation.

#### Utility Services (June 18, 2019)

• No concerns.

#### **OPTIONS:**

Option #1 (this would allow for the increase to the number of dogs allowed)

That the appeal against the decision for the Development Authority to refuse to issue a Development Permit for the hobby kennel, relaxation in the number of dogs from six (6) to ten (10), at Lot 2, Block 2, Plan 9210992; SE-32-23-28-W4 (235093 RANGE ROAD 284) be upheld, that the decision of the Development Authority be revoked, and that a Development Permit be conditionally approved, subject to the following conditions:

#### **Description:**

 That a hobby kennel with ten (10) dogs, may continue to operate on the subject property SE-32-23-28-W4 (235093 RANGE ROAD 284) in accordance with the approved site plan as submitted with the application.

#### Permanent:

- 1) That all dogs involved in the hobby kennel operation shall be privately owned by the Applicant/Owner.
- 2) That all dogs must be kept indoors between the hours of 9:00 p.m. and 7:00 a.m.
- 3) That any outside runs shall be enclosed with fences a minimum of 2.00 m. (6.56 ft.) in height and shall be a solid visual barrier.
- 4) That the 2.00 m. (6.56 ft.) high chain link fence dog run shall remain in place.
- 5) That there shall be no boarding of dogs, not owned by a resident of the parcel at any time.
- 6) That all waste shall be stored in solid metal or plastic containers, and shall be disposed of offsite.
- 7) That any dogs that cause a nuisance by barking shall be kept indoors at all times.

#### Advisory:

- 8) That Dog Licenses shall be obtained yearly from Rocky View County Finance Department for each of the ten (10) dogs involved in the Hobby Kennel.
- 9) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
- 10) That this Development Permit shall be valid until June 1, 2024.

Option #2: (this would not allow for an increase to the number of dogs)

That the appeal against the decision for the Development Authority to refuse to issue a Development Permit for the hobby kennel, relaxation in the number of dogs from six (6) to ten (10), at Lot 2, Block 2,



Plan 9210992; SE-32-23-28-W4 (235093 RANGE ROAD 284) be denied and that the decision of the Development Authority be confirmed.

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CITY OF CALGARY



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**B-3** 



#### Subdivision and Development Appeal Board Enforcement Appeal Committee

Appellant Information				
Name of Appellant(s) MRYMUS LEONARD & GAYLE STAKENAS				
THEFINITS DEDNALLY + CANDO STATIOPAS				
Site Information				
Municipal Address	Legal Land Description (lot, blo	ck, plan OR quarter-section-township-range-meridian)		
235093 RANGE ROAD 28	4 LOTZBLOCK2	PLAN 9210942		
Property Roll # 03332016	Development Permit, Subdivision Application	n, or Enforcement Order #		
	11001			
I am appealing: (check one box only) Development Authority Decision	Subdivision Authority Decision	Decision of Enforcement Services		
	Approval	Stop Order		
Conditions of Approval	Conditions of Approval	Compliance Order		
Refusal	Refusal			
Reasons for Appeal (attach separate pa				
For the past Dyrs.	we have operated	our Hobby Kennel		
For the past Doyrs we have operated our Hobby Kennel with several accepted renewals as required. There have				
Not been any complaints ever registered against our				
kennel operation. We have also been in				
complete compliance with all regulations placed				
by Rocky View County.				
Recently adjacent properties to the South and				
West have been rezoned industrial land with no				
further residential issues.				
At this time we have boidult dogs, our request for 10 dog is is me need to care for a puppy longer than 8 wks or to rehome or forster a Matamute in need of Core.				
rehome or forster a Malamute in need of Care.				
This information is collected for the Subdivision and Development Appeal Board or Enforcement Appeal Committee of Rocky View County				

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 Last updated: 2018 November 13

SEPT 3/204 Date

SEP 0 9 2019 MUNICIPAL CLF Page 1 of 2

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

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

#### REFUSAL

Stakenas, Leonard M

Development Permit #: PRDP20191888

Date of Issue: August 21, 2019

Roll #: 03332016

**Your Application** dated June 10, 2019 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

#### renewal of a Hobby Kennel (10 dogs)

at Lot 2 Block 2 Plan 9210992, SE-32-23-28-04; (235093 RGE RD 284, Rocky View County AB)

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

1. The existing number of dogs on the subject parcel of land exceeds the maximum permitted as defined in Section 23.1 (d)(ii) of the Land Use Bylaw C-4841-97.

2. The "breeding" of dogs constitutes a "kennel" as defined in Section 8 of the Land Use Bylaw C-4841-97.

3. "Kennels" are not a permitted or discretionary use on Residential Two District (R-2) parcels as defined in Section 50 of the Land Use Bylaw C-4841-97.

4. The number of dogs being kept on the subject parcel does unduly impact adjacent parcels.

If you require further information or have any questions regarding this development, please contact your file manager, Christina Lombardo at 403-520-1185 or email clombardo@rockyview.ca.

Regards,

Development Authority Phone: 403.520.8158 E-Mail: <u>development@rockyview.ca</u>

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.

		B-3			
3		Page 18 of 28			
	20191888	FOR OFFICE USE ONLY			
K	ROCKY VIEW COUNTY	Fee Submitted File Number			
Ų	Cultivating Communities	Date of Receipt Receipt #			
	APPLICATION FOR A	June 10 19 2019021036			
		newal of PRDP20141143			
	Name of Applicant COMAND STAKENAS Email				
_	Mailing Address				
	Postal Code				
	Telephone (B) (H)	_ Fax			
	For Agents please supply Business/Agency/ Organization Name	AM REG KENNEL			
	Registered Owner (if not applicant)				
	Mailing Address				
	Postal Code				
	Telephone (B) (H)	Fax			
1.	LEGAL DESCRIPTION OF LAND				
	a) All / part of the <u>SE</u> ¼ Section <u>32</u> Township <u>23</u> Range <u>28</u> West of <u>04</u> Meridian				
	b) Being all / parts of Lot Block Registered Plan Number	4210492			
	c) Municipal Address 235093 RANGE DOAD 284	-			
	d) Existing Land Use Designation KESIDENTIAL Parcel Size 4.67	_ Division5			
2.	RENEWAL & A HOBBY KENNEL (10 DOGS)				
	NOTE: THERE ARE ONLY 6 DOGS METHES AND ALCOURTED				
3.	ADDITIONAL INFORMATION WITH EXTRA CAPACITY SOL SECIAL GI	NUNSTACES.			
	a) Are there any oil or gas wells on or within 100 metres of the subject property(s)?	Yes No			
	<ul> <li>b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? (Sour Gas facility means well, pipeline or plant)</li> </ul>	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 No			
4.	REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF	R12 284			
	(Full Name in Block Capitals) hereby certify that I am the registered owner				
	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			
	AM				
	Applicant's Signature Owner's Signature				
	Date Date				

**Development Permit Application** 

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# Agenda Page 71 of 213

#### 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.

1.

\_\_\_, 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

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Development Permit Application
# B-3 Page 20 of 28

- -	21			
ROCKY VIEW COUN	NO CHAN	CFS	FOR OFFICE Fee Submitted	USE ONLY
Cultivating Communities	APPLICATION FOR	ellovs.	Date of Receipt	Receipt #
KENNELS	COMMERCIAL ANI	d Hobby)		
Name of Business	SATS PERM REE	G KENNEL	(CKC)	
Address of Business				
		Postal Code		
Telephone (B)	(H)		Fax	
1. KENNEL DETAILS	N . N .			
a. Name of kennel? SANEKAT	IS EAM REB KEN	WEL		
b. Type of kennel (e.g. boarding, br	reeding, training, hobby			
c. Number of dogs to be boarded	Ø			
d. Breed? (only if breeding kennel)	ALASKAD MALAMU	TE		
e. Size of animals? Small/M	ledium/Large			
2. OPERATION				
What are your days of operation?		/hat are your hours o	of operation?	
3. EMPLOYEES				
Total number of employees Numb	per of residential employees	Number of non- I	residential employ	ees
4. SIGNAGE				
Will a sign be required? Yes/No If y	/es - Please provide detailed s	ketches of the propo	sed sign on a sen	arate sheet
			sou sign on a sop	
5. ADDITIONAL INFORMATION REQU	IRED			
How will you soundproof the kennel build	ling(s)?			
Method of solid waste disposal?				
Method of waste water disposal				
พอนายน ยา พลอเอ พลเอา นเอมยรลเ				
~ ~ ~	$\langle \rangle \Lambda$	4	20	1
Signature of Applicant	THS	Date	KIL30	12010
			/	-47

PLEASE SEE REVERSE FOR ADDITIONAL INFORMATION

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NO CHANGES MON ALEVIOUS

Please show the following on the site plan submitted with your application: APPULATION

A detailed drawing of the kennel(s) showing:

- a. Inside and outside dog runs
- b. Fences
- c. Site soundproofing methods (i.e. landscaping, berms)

Parking plan (commercial general 2.7 per 1,076.4 sq. ft. gross floor area)

Setbacks from property lines for new construction.



		Summary			
Roll Number		03332016			
Legal Desc		SE-32-23-28-W04M			
Divison		05			
Lot Block Plan		Lot:2 Block:2 Plan:9210992			
Linc Number		22568647			
Title Number		981353191			
Parcel Area		4.67000			
Municipal Address		235093 RGE RD 284	235093 RGE RD 284		
Contact Information		Stakenas, Leonard M			
		00000000	00000		
Land Use Information		R-2 (RESIDENTIAL TWO)			
		Plan			
Planning Application {There is no related App Area Structure Plan Plan Name Janet	plication}	RV Number			
Conceptual Schem					
27.					
Conceptual Schem {There is no related Co		Permit			
		Permit Date Issued Fri Sep 25, 1998 Wed Sep 16, 1998			
There is no related Co Building Permit Permit Number 1998-BP-12579 1998-BP-12507	pnceptual Scheme} Permit Type Building Building	Date Issued Fri Sep 25, 1998			
{There is no related Co Building Permit Permit Number 1998-BP-12579 1998-BP-12507 Development Permit Permit Number	pnceptual Scheme} Permit Type Building Building	Date Issued Fri Sep 25, 1998 Wed Sep 16, 1998 Date Issued			
There is no related Co Building Permit Permit Number 1998-BP-12579 1998-BP-12507 Development Permi Permit Number PRDP20141143	pnceptual Scheme} Permit Type Building Building	Date Issued Fri Sep 25, 1998 Wed Sep 16, 1998 Date Issued Friday, August 15, 2014			
There is no related Co Building Permit Permit Number 1998-BP-12579 1998-BP-12507 Development Permi Permit Number PRDP20141143 2009-DP-13582	pnceptual Scheme} Permit Type Building Building	Date Issued Fri Sep 25, 1998 Wed Sep 16, 1998 Friday, August 15, 2014 Friday, May 22, 2009			
There is no related Co Building Permit Permit Number 1998-BP-12579 1998-BP-12507 Development Permi Permit Number PRDP20141143	pnceptual Scheme} Permit Type Building Building	Date Issued Fri Sep 25, 1998 Wed Sep 16, 1998 Date Issued Friday, August 15, 2014			

ps://parcelinfo.mdrockyview.ab.ca/app/PrintFriendly.aspx?EntityUID=03332016\_235093 RGE RD 284, 2014 - 06/21/20

JessicaS

CE

September 12,

O CEWC20160679

Case Number: CEWC20160679 Case Description: Profile Profile Prennial sow thistle. Jessica Schlosser 09/12/2016 8:31 AM



2016	Perenniai sow mistle. Jessica Schlosser 09/12/2016 8:31 AM			
Geospatial Boundary				
Boundary	Category			
Division	5			
Area Structure Plan	Janet			
Conceptual Scheme	No Conceptual Scheme			
IDP	CALGARY IDP Study Area			
Airport Vincinity	No APVA			
Engineer	Angela Yurkowski			
Water Coop	No Water Coop			
Gas Coop Service	ATCO GAS			
No.of Lots Within 600 M	13			
No.of App Subdiv Within 600 M	0			
Developed Road Allowance	Yes			
Riparian Area	Yes			
School .	No School Boundary			
Recreation	Chestermere-Conrich			
Fire District	LANGDON			
Primary Fire Station	111			
Secondary Fire Station	107			
Tertiary Fire Station	116			

Geospatial Adjacency		
Boundary	Category	Distance
Closest Highway	No HWY within 800 Meter	
Closest Gravel Pit	River Pit	16326.83 M
Sour Gas	No Sour Gas Pipe passes	From closest sour pipe:771.78 M
Closest Road Name	RGE RD 284( Surface Type:Paved )	7.98 M
Closest Railway	CNR	957.22 M
Closest Western Irrigation Districts	Within 10Km	5311.41 M
Closest Waste Water Treatment	Within 10Km	7243.97 M
Closest Waste Transfer Site	Within 3 Km	
Closest Municipality	CITY OF CHESTERMERE	1017.87 M
Closest Confined Feeding Operation	Within 10 KM	120.41 M









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

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

# **RECEIPT OF PAYMENT**

Receipt Number: Receipt Date: Date Paid: Full Amount: GST Amount:	2019021036 06/10/2019 06/10/2019 \$200.00 \$0.00		
Payment Details:	Payment Method Cheque	Amount Tendered \$200.00	<b>Cheque Number</b> 044
Amount Tendered:	\$200.00		
Change /	\$0.00		
Overage: Contact:	Stakenas, Leonard M,		

# **FEE DETAILS:**

Fee Description	Reference Number	Amount Owing	<b>Amount Paid</b>
Renewals (except	PRDP20191888	\$200.00	\$200.00
gravel pits)			

# Agenda Page 79 of 213

INSIDE RONS Door 8×8-6:18' 6:8'. 16×6' 67 ×6 676 MAD. DOR DOOR. RUNS 9 GAUGE CHAR LINK.

1

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# PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: October 9, 2019

DIVISION: 4

**FILE**: 03223500

**APPLICATION**: B-4; PRDP20192742

SUBJECT: Single-lot regrading and placement of clean fill

<b>PROPOSAL</b> : Single-lot regrading and placement of clean fill	<b>GENERAL LOCATION</b> : Located in the hamlet of Langdon	
APPLICATION DATE: August 2, 2019	DEVELOPMENT AUTHORITY DECISION: Approved	
APPEAL DATE: September 23, 2019	DEVELOPMENT AUTHORITY DECISION DATE: September 3, 2019	
APPELLANT: Jason Rohel	APPLICANT: John & Patricia Gribble	
<b>LEGAL DESCRIPTION</b> : Lot 12, Block 14, Plan 9810012, SW-23-23-27-04	MUNICIPAL ADDRESS: 53 4 STREET NE	
LAND USE DESIGNATION: Hamlet Residential Single Family District (HR-1)	GROSS AREA: ± 0.29 acres	
<b>PERMITTED USE</b> : Placement of fill is a discretionary use in all districts when in compliance with Section 33.	DEVELOPMENT VARIANCE AUTHORITY: N/A	
<b>PUBLIC SUBMISSIONS</b> : The application was circulated to (20) adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application, excepting the appeal.	<ul> <li>LAND USE POLICIES AND STATUTORY PLAN</li> <li>County Plan</li> <li>Land Use Bylaw</li> <li>Langdon Area Structure Plan</li> </ul>	

# **EXECUTIVE SUMMARY:**

The subject land is included in the Hamlet Residential Single Family District (HR-1), located in the hamlet of Langdon. There is an existing home and accessory building on the subject lands.

The Applicant indicates that the purpose of this Development Permit is to improve drainage on the lands. The Applicant indicates that this will have no effect on the existing drainage, as they intend to ensure positive drainage in the current direction of flows, towards the existing drainage swale [Plan 9810014] at the rear of the property.



The Land Use Bylaw provides for this in Section 33.6, where placement of fill and site grading is a discretionary use in all districts where in compliance with the regulations therein and the County Servicing Standards.

The proposal was assessed in accordance with the relevant sections of the Land Use Bylaw and the County Servicing Standards and the application was conditionally approved on September 3, 2019 subject to conditions. Conditions of approval include a Road Use Agreement (if required) and conformance with the Stormwater Management Plan for the community. Please note a typo in the notice of decision was corrected in the suggested conditions below to accurately reflect the volume of material proposed to be placed.

On Monday, September 23, 2019, the Appellant appealed the decision of the Development Authority as detailed in the appeal form.

# **PROPERTY HISTORY:**

January 5, 1998 Plan 9810012 was registered to create the subject ± 0.29 acre parcel and fifty others.

# APPEAL:

See attached report and exhibits.

Respectfully submitted,

Dominic Kazmierczak Supervisor, Planning and Development Services

JA/IIt

# Agenda Page 83 of 213



# **DEVELOPMENT PERMIT REPORT**

Application Date: August 2, 2019	File: 03223500
Application: PRDP20192742	Applicant/Owner: Gribble, John & Patricia
Legal Description: Lot 12, Block 14, Plan 9810012, SW-23-23-27-04	<b>General Location:</b> Located at the southeast junction of 4 Street and Lloyd Crescent in the Hamlet of Langdon.
Land Use Designation: Hamlet Residential Single Family District	Gross Area: 0.29 acres
File Manager: Jessica Anderson	Division: 4

# PROPOSAL:

The proposal is for the single-lot regarding and placement of clean fill to improve runoff.

Fill placement details:

- Height: 0.10 m to 0.15 m
- Width: average 9.5 m (3 m + 18 m)
- Length: approx. 47 m
- Area: 446.5 sq. m. [staff calculation based on site plan]
- Volume: 69.98 cubic metres based on details provided

The Applicant indicates that this will have no effect on the existing drainage, as they intend to ensure positive drainage in the current direction of flows, towards the existing drainage swale at the rear of the property.

# Land Use Bylaw:

# SECTION 33.6 - Placing of fill

- (a) The placing or storage of fill and topsoil may be allowed in any land use district, providing that a Development Permit and/or other County approved mechanism for approval has been issued to verify there is no adverse effect on adjacent lands as a result of any drainage alteration. Requirement and conditions of the permit may include but not be limited to:
  - (i) a Site Specific Stormwater Management/Implementation Plan;
    - Existing Langdon Crossing Phase 9 Surface Improvements prepared by Lee Maher Engineering Associates LTD.; Job No. 230-06-01; Drawing No. SW
    - Condition 7
  - (ii) a Deep Fill Report, if the fill is more than 1.20 m (3.94 ft.) in depth;
    - Condition 4
  - (iii) a Biophysical Impact Study, if the fill may impact a body of water. Such as a wetland or natural watercourse;
    - No existing wetlands or drainage courses on site.



- (iv) an Erosion and Sediment Control Plan;
  - Condition 6
- (v) a Reclamation Plan;
  - Not applicable.
- (vi) registration of Drainage Easement(s) and/or other agreements on the title;
  - Existing Plan 9810014
- (vii) confirmation that the fill does not contain construction rubble or any contaminants; and
  - Condition 5
- (viii) a Road Use Agreement permitting the hauling of fill.
  - Condition 2

The fill will be top-dressed with top soil and seeded to grass.

A Letter of Credit (LOC) at \$5,000 per disturbed acre is typically required for placement of fill to ensure that the fill is graded with topsoil and seeded to grass. In this case, where the amount of fill and area impacted is minimal the security will not be required.

# STATUTORY PLANS:

The Langdon Area Structure Plan affects the subject lands; however, no direction is given for the placement of fill, and as such, this application was assessed in accordance with the Land Use Bylaw.

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

No inspection completed at time report was prepared.

# **CIRCULATIONS:**

**Development Compliance Officer Review** 

No comments provided.

Planning and Development Services - Engineering Review (August 22, 2019)

The Applicant plans on adding 4"-6" of topsoil fill in an approximate area of 300 m2 in their backyard to redirect the drainage because of historic ponding issues

The proposed grading appears to adhere to the overall drainage plan for the subdivision

As a permanent condition the Applicant is required to adhere the overall drainage plan for the subdivision

The County previously did grading work to improve the drainage in this area to move water to the roadside ditch, the applicants plan adheres to this as well

As a permanent condition the Applicant will be required to seed all disturbed lands

As a permanent condition the Applicant will be required implement all necessary ESC measures to prevent the transfer of sediment into adjacent properties and roadways

There are no further comments from Engineering at this time



# **OPTIONS:**

Option #1 (this would allow the grading to occur)

The appeal against the decision of the Development Authority to issue a Development Permit for Single-lot regrading and placement of clean fill on Lot 12, Block 14, Plan 9810012, SW-23-23-27-04; (53 4 STREET NE) be denied, that the decision of the Development Authority be confirmed and that a Development Permit be conditionally approved subject to the following conditions:

# Description:

1) That single-lot regrading and the placement of clean fill (approximately **69.98 cubic metres**) may commence in accordance with the drawings submitted with the application.

### Prior to Issuance:

- 2) That prior to issuance of this permit, the Applicant/Owner shall contact County Road Operations with haul details of equipment or material to determine if any Road Data Permits / Road Use Agreements are required for any fill to be hauled to the property using the County road network:
  - a. Written confirmation shall be received from Road operations confirming the status of this condition. Any required permits or agreements shall be obtained unless confirmed by Road Operations.

### Permanent:

- 3) 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 the required Site Grading Plan.
- 4) That the Applicant/Owner shall provide a record of compaction testing, prepared by a qualified professional, providing the compaction testing results for all areas filled greater than 1.2 m in depth.
- 5) That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.
- 6) That the Applicant shall implement all necessary Erosion and Sediment Control measures to prevent the transfer of sediment into adjacent properties and roadways.
- 7) That the Applicant shall adhere the overall drainage plan for the subdivision [Langdon Crossing Phase 9 Surface Improvements prepared by Lee Maher Engineering Associates LTD.; Job No. 230-06-01; Drawing No. SW] in perpetuity.
- 8) That no topsoil shall be removed from the site.
- 9) That the Applicant shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
- 10) That the fill areas shall have a minimum of six inches of topsoil placed on top, which shall then be seeded to native vegetation or landscaped to the satisfaction of the County.
- 11) That the Applicant shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.



# Advisory:

- 12) That the Applicant/Owner shall take effective measures to control weeds and to ensure compliance with the Alberta Weed Control Act.
- 13) The Applicant/Owner shall be responsible for all required payments of third party reviews and/or inspections as per the Master Rates Bylaw, based on the County's discretion or requirement.
- 14) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant.
- 15) That once this Development Permit is issued (after all prior to issuance conditions have been met), the single-lot regrading and placement of clean fill proposal shall be completed within twelve (12) months from date of issue.
- 16) That if this Development Permit is not issued by **February 29**, **2020** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.
- Note: That the Applicant/Owner shall be responsible for all Alberta Environment approvals/ compensation as there may be wetlands on site that could be impacted by the proposed placement of topsoil.

Option #2 (this would not allow the grading to occur)

The appeal against the decision of the Development Authority to issue a Development Permit for Single-lot regrading and placement of clean fill on Lot 12, Block 14, Plan 9810012, SW-23-23-27-04; (53 4 STREET NE) be upheld and that the decision of the Development Authority be revoked.

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# **Notice of Appeal**

Subdivision and Development Appeal Board Enforcement Appeal Committee

	ick, plan OR quarter-section-township-range-meridian) n 9810012, SW-23-23-27-04			
Development Permit, Subdivision Application	n, or Enforcement Order #			
FNDF20192142				
Subdivision Authority Desision	Decision of Enforcement Services			
	Stop Order			
	Compliance Order			
	E compnance order			
ige if required)				
Mr. and Mrs. Gribble currenty have an active lawsuit against myself and Dallas Ruckaber - who is the neighbour on the other side of my residence. The lawsuit is in regard to the grading issues Mr/Mrs. Gribble intends to rectify/modify with this development permit. The development permit's proposed changes are in the exact area I outlined in my Court filed affadavit as the source of the alledged grading issue Mr and Mrs. Gribble claim. I contend that no changes should be made to the Gribble's property until the lawsuit is concluded or abandoned.				
SEP 23 2019				
	Lot 12 Block 14 Pla Development Permit, Subdivision Application PRDP20192742  Subdivision Authority Decision Approval Conditions of Approval Refusal  rege if required)  e an active lawsuit against m on the other side of my reside intends to rectify/modify wit nanges are in the exact area dged grading issue Mr and M			

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

SEPT 23/2019 Date

Last updated: 2018 November 13

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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

Gribble, John & Patricia

Page 1 of 3

Tuesday, September 03, 2019

Roll: 03223500

# RE: Development Permit #PRDP20192742

Lot 12 Block 14 Plan 9810012, SW-23-23-27-04; (53 4 ST NE)

The Development Permit application for single-lot regrading and placement of clean fill has been **conditionally-approved** by the Development Officer subject to the listed conditions below (**PLEASE READ ALL CONDITIONS**):

# **Description:**

1) That single-lot regrading and the placement of clean fill (approximately 874.00 sq. m.) may commence in accordance with the drawings submitted with the application.

# Prior to Issuance:

- 2) That prior to issuance of this permit, the Applicant/Owner shall contact County Road Operations with haul details of equipment or material to determine if any Road Data Permits / Road Use Agreements are required for any fill to be hauled to the property using the County road network:
  - a. Written confirmation shall be received from Road operations confirming the status of this condition. Any required permits or agreements shall be obtained unless confirmed by Road Operations.

# Permanent:

3) 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 the required Site Grading Plan.

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

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

Gribble, John & Patricia (Page 2 of 3) **#PRDP20192742** 

- 4) That the Applicant/Owner shall provide a record of compaction testing, prepared by a qualified professional, providing the compaction testing results for all areas filled greater than 1.2 m in depth.
- 5) That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.
- 6) That the Applicant shall implement all necessary Erosion and Sediment Control measures to prevent the transfer of sediment into adjacent properties and roadways.
- 7) That the Applicant shall adhere the overall drainage plan for the subdivision [Langdon Crossing Phase 9 Surface Improvements prepared by Lee Maher Engineering Associates LTD.; Job No. 230-06-01; Drawing No. SW] in perpetuity.
- 8) That no topsoil shall be removed from the site.
- 9) That the Applicant shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
- 10)That the fill areas shall have a minimum of six inches of topsoil placed on top, which shall then be seeded to native vegetation or landscaped to the satisfaction of the County.
- 11)That the Applicant shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.

# Advisory:

- 12)That the Applicant/Owner shall take effective measures to control weeds and to ensure compliance with the Alberta Weed Control Act.
- 13)The Applicant/Owner shall be responsible for all required payments of third party reviews and/or inspections as per the Master Rates Bylaw, based on the County's discretion or requirement.
- 14)That any other government permits, approvals, or compliances are the sole responsibility of the Applicant.
- 15)That once this Development Permit is issued (after all prior to issuance conditions have been met), the single-lot regrading and placement of clean fill proposal shall be completed within twelve (12) months from date of issue.
- 16)That if this Development Permit is not issued by **February 29**, **2020** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.



**B-4** 

Rocky View County, AB, T4A 0X2

\_\_\_\_403-230-1401 questions@rockyview.ca www.rockyview.ca

Gribble, John & Patricia (Page 3 of 3) **#PRDP20192742** 

# Note: That the Applicant/Owner shall be responsible for all Alberta Environment approvals/ compensation as there may be wetlands on site that could be impacted by the proposed placement of topsoil.

If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **Tuesday, September 24, 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 Email: <u>development@rockyview.ca</u>

THIS IS NOT A DEVELOPMENT PERMIT

			FOR OFFICE USE ONLY			
6	ROCKY VIEW COUNTY 2	0192742	Fee Submitted File Number			
	Cultivating Communities		Date of Receipt Receipt #			
			Aug 2/19 02/667			
	DEAEFOLUMEMILL					
	Name of Applicant John + Patricia Gribble	Email				
		Postal Code				
	Telephone (B) (H)		Fax			
	For Agents please supply Business/Agency/ Organization Name					
	Registered Owner (if not applicant) Same as above	2				
	Mailing Address					
	Telephone (B) (H)		Fax			
1.	LEGAL DESCRIPTION OF LAND					
	a) All / part of the <u>SW</u> <sup>1</sup> / <sub>4</sub> Section <u>23</u> Township					
	b) Being all / parts of Lot Block Registered Plan Number _ <u>_981_0012</u>					
	c) Municipal Address 53 - 4street Lange					
	d) Existing Land Use Designation Parcel S					
2.	APPLICATION FOR wiffeld Regrading to a position to acre	improve d;	Jainage (less than			
3.	ADDITIONAL INFORMATION					
	a) Are there any oil or gas wells on or within 100 metres of the	subject property(s)?	Yes NoX			
	<ul> <li>b) Is the proposed parcel within 1.5 kilometres of a sour gas fac (Sour Gas facility means well, pipeline or plant)</li> </ul>	cility?	Yes No			
	c) Is there an abandoned oil or gas well or pipeline on the prop	erty?	Yes NoX			
	d) Does the site have direct access to a developed Municipal R	load?	Yes No			
4.	REGISTERED OWNER OR PERSON ACTING ON HIS E					
	I <u>TOHN + PATRICIA GRIBBLE</u> hereby certify that _ (Full Name in Block Capitals)	A I am the registe	red owner\$			
	-	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	Affix Corporate Seal			
	of the facts relating to this application.	Statement	here if owner is listed as a named or			
	HAA		numbered company			
	Jeffer Mu	1	all I			
	Applicant's Signature	wner's Signature	Catlen Mr			
	Date July 5, 2019	Date J	Gly 5, 2019			

**Development Permit Application** 

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**B-4** 

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### 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, <u>Tethy Grainzle</u>, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.

Sianature

2 Aug 2019

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		P	age 21 of 2
0		FOR OFFICE	
ROCKY VIEW COUNTY Cultivating Communities		Fee Submitted ↓465.0	File Number 0 3 2 2 3 5 0 0
STRIPPING, FILLING	G, EXCAVATION Ding	Date of Receipt	Receipt # 02/66 7
Name of Applicant John + Patricia Gribb	e		
Address of Applicant			
Telephone (C) (H)		(Fax)_	
1. NATURE OF THE APPLICATION Type of application (Please check off all that apply):			
Site stripping	Re-contouring		
Filling	Stockpiling		
□ Excavation (including removal of topsoil)	Construction of artificial wat	ter bodies and/ord	ugouts
D Grading	Other		
2. PURPOSE			
What is the intent of the proposal? Is to put grading grade, so water will run off the pr top soil to fill 4"-6" in depth. Add it grade properly so the water can drain Indicate the effect(s) on existing drainage patterns or environment applicable)	operty properly. The reason for gro a ditch at the West n. While doing so, the s	Will be ding is 10 on Hoyd Cre surveyor pin w	
The fill does not contain construction rubble or any hazardo	us substances (please check)		

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3. TYPE			
Height 4"-6" depth		Volume300	meters cubed
Width 2 see attached	_	Truckload2	(approximately)
Length) drawing.	_	Slope Factor 1/2 ° /o grade	(if applicable)
Area 300	_square metres	0	

\* Please show all measurements in detail on your site plan.

### 4. TERMS AND CONDITIONS

(a) General statement about conditions:

- 1. The Development Authority may include any condition necessary to satisfy a Land Use Bylaw provision, a County Plan, Area Structure Plan, Conceptual Scheme, Master Site Development Plan policy and/or County Servicing Standard.
- 2. Where on-site works are proposed the County may, by condition, require the provision of a Construction Management Plan and/or Stormwater Management Plan.
- 3. The Development Authority may impose any condition to meet a requirement of the Municipal Government Act or Subdivision and Development Regulation.
- 4. As a condition of development approval, the Development Authority may include the requirement to update technical reports submitted with the application.

- The Development Authority shall impose relevant requirements for the payment of levies associated with Bylaws for transportation, wastewater, water supply and stormwater:
  - i. Transportation Offsite Levy Bylaw;
  - ii. Water and Wastewater Offsite Levy Bylaw; and
  - iii. Such other Bylaws as may be in force or come into force and be applicable to development or activities on or services provided to the subject land from time to time.
- 6. The Development Authority shall determine any oversizing requirements for services and infrastructure required to be constructed as part of the proposed development. The County will determine Cost Recovery arrangements through preparation and execution of documents prior to endorsement of a plan of survey for registration.

(b) *Technical reports* are defined as any report or any information regarding a matter identified in the Municipal Government Act, Subdivision and Development Regulations, Statutory Plan, County Policy, Servicing Standards or Bylaw.

(c) General statement about technical reports:

1. Additional technical reports may be required after the time of application, based upon the ongoing assessment of the application.

(e) All costs of development are borne by the landowner / applicant including, but not limited to, all on and off-site construction works, infrastructure development, securities, levies, contributions, additional fees associated the preparation and review of reports and technical assessments, endorsement fees imposed by the County, registration fees and such other costs as may be associated with the development of the land. Further, that it is the landowner / applicant responsibility to identify and consider all costs of development.

(f) The applicant and landowner acknowledge that not providing the information required in this form or failing to provide accurate information may prejudice the assessment of the application.

(g) The applicant and landowner acknowledge that the County including individual staff members have not provided an advisory role with respect to the preparation and making of this application and that the decision to make the application is entirely that of the applicant and landowner.

(h) It should be noted that while every effort is made to ensure the applicants are provided with clear information regarding the requirement for application, that over the course of the application assessment process, particularly following a full technical review and also following submissions from agencies, additional technical information may be required. In addition to the requirement for further technical information, further justification regarding the merits of a development proposal may also be required.

# 5. ADDITIONAL INFORMATION

John + Patricia Gribble hereby certify that	I am the registered owner
(Print Full Nama)	lom outborized to get an help if

(Print Full Name)

l am authorized to act on behalf of the registered owner

and that the information given on this form and the material provided with this application is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval. Further, I have read, understood and accept the contents, statements and requirements contained and referenced in this document – **STRIPPING, FILLING, EXCAVATION AND GRADING.** 

### PLEASE PROVIDE ALL OF THE ABOVE INFORMATION. THANK YOU.

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# **PLANNING & DEVELOPMENT SERVICES**

TO:	Subdivision and Development Appeal Board		
DATE:	October 9, 2019	DIVISION:	9
FILE:	06704044	APPLICATION:	B-5; PRDP20192553
SUBJECT:	Stripping and Grading		
	L: Stripping and Grading, to allow for action of a dwelling		<b>ATION</b> : Located 0.4 km (1/4 mile) A, and to the southeast of Glendale
<b>APPLICAT</b> July 24, 20	TION DATE: 19	<b>DEVELOPMEN</b> Discretionary – <i>I</i>	T AUTHORITY DECISION: Approved
APPEAL D September		<b>DEVELOPMEN</b> September 3, 20	T AUTHORITY DECISION DATE: 019
APPELLA	NT: Gordon and Jenica Copithorne	APPLICANT: M	agdalek, Sophia & Sostar, John
	SCRIPTION: Lot 11, Block 4, Plan	MUNICIPAL AD	DRESS: 87 Glendale
	<b>DESIGNATION</b> : Two District (R-2)	GROSS AREA:	± 3.67 acres
	<b>DNARY USE</b> : Stripping and cement of fill a discretionary use in all stricts.	DEVELOPMEN	T VARIANCE AUTHORITY: None
<b>PUBLIC SUBMISSIONS</b> : The application was circulated to 16 adjacent landowners. No letters had been received at the time this report was prepared.		<ul><li>County Plan</li><li>Bearspaw A</li></ul>	LICIES AND STATUTORY PLANS: (C-7280-2013) rea Structure Plan vlaw (C-4841-97)

# **EXECUTIVE SUMMARY:**

The proposal is for the stripping and grading and placement of fill, to allow for the construction of a dwelling. The application was submitted as a result of enforcement action, with the works being commenced prior to submission of a development permit application.

According to the Applicant, the purpose of the site grading is to "create a flat home-site suitable for construction of a slab-on-grade post frame home." The area in question is approximately 36.58 m (120.00 ft.) by 30.48 m (100.00 ft.), or approximately 1,114.84 sq. m (12,000.00 sq. ft.) in size. The depth of fill approximately 0.91 sq. m (3.00 ft.).

The site was subject to a subdivision application in 2014 (PL20140161); the stormwater management plan submitted with that application confirmed that the development as a whole could accommodate



additional drainage and discharge. As a condition of approval, Administration required the Applicant to provide an update to the stormwater plan with assurances that the site grading would not adversely affect drainage in the area.

As this and other requirements could be confirmed through conditions of approval, Administration approved the application on September 3, 2019.

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

# **PROPERTY HISTORY:**

2018	Stripping and Grading/placement of fill commences on site.	
2017	Plan 1711297 is registered, resulting in the creation of the subject lands.	
2016	Stormwater Management Plan submitted.	
2014	Application PL20140161 is submitted for the creation of one lot with one remainder.	

# APPEAL:

See attached report and exhibits.

Respectfully submitted,

D. tomegat

Dominic Kazmierczak Supervisor, Planning and Development Services

SK/IIt

# **DEVELOPMENT PERMIT REPORT**

File Manager: Stefan Kunz	Division: 9
Land Use Designation: Residential Two District (R-2)	Gross Area: ± 3.67 acres
Legal Description: Lot 11, Block 4, Plan 1711297, SW-4-26-3-W5M	<b>General Location:</b> Located 0.4 km (1/4 mile) north of Hwy. 1A, and to the southeast of Glendale Court.
Application: PRDP20192553	<b>Applicant/Owner:</b> Magdalek, Sophia & Sostar, John
Application Date: July 24, 2019	File: 06704044

# PROPOSAL:

The proposal is for Stripping and Grading, to allow for the construction of a dwelling.

- Application received as result of enforcement action;
  - o Compliance file 201808-0805
  - Site inspection indicated "that fill material had been placed on the property, raising the grade by approximately 8 feet."
  - o Double fee paid at time of application.
- According to the Applicant, the purpose of the application is:
  - "To create a flat home-site suitable for construction of a slab-on-grade post frame home."
  - "Shave top of round hill flat, pushing access soil to edges, thereby creating a flat homesite with no effect on natural drainage."
- Area in question is approximately 36.58 m (120.00 ft.) by 30.48 m (100.00 ft.), with an area approximately 1,114.84 sq. m (12,000.00 sq. ft.) in size.
- Depth of fill approximately 0.91 (3.00 ft.);

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

The application has been evaluated in accordance with Section 33 Stripping, Filling, Excavation, and Grading of the Land Use Bylaw.

- Section 33.2 A Development Permit application for site stripping, filling, excavation, grading, and/or re-contouring (including construction of artificial water bodies and dugouts) shall include the following information:
  - a) location and area of the site on which the development is proposed;
  - b) existing land use and vegetation;
  - c) type of excavation, stripping, or grading proposed, showing the dimensions of the operation or the area of the land and depth to which the topsoil is to be removed, and the effect on existing drainage patterns;
  - d) location on the lot where the excavation, stripping, or grading is to be made on the lot; and
  - e) condition in which the excavation, stripping, or grading is to be left when the operation is complete (including submission of Site Grading or Re-contouring Plans if required by the Development Authority), or the use of the area from which the topsoil is removed.



# STATUTORY PLANS:

Bearspaw Area Structure Plan

County Plan

Land Use Bylaw

# **INSPECTOR'S COMMENTS:**

No inspection completed at the time of report preparation.

# **CIRCULATIONS:**

# Calgary Airport Authority - Springbank (August 6, 2019)

• No concerns.

# Development Compliance, Rocky View County (August 19, 2019)

- Recommend that pre and post work grades prepared and submitted to the County by a qualified professional, in order to demonstrate compliance with any approvals;
- Recommend that dust control measures be required.

# Planning and Development Services - Engineering, Rocky View County (August 27, 2019)

# General

- The Applicant shaved approximately 3' of fill off a high area to flatten this area for the construction of a slab on grade foundation for a home
- The homestead will be approximately 120' by 100'
- The applicant also built a gravel access by removing 4" of topsoil and adding 6 truckloads of pit run
- As part of the gravel access the applicant installed a 20" culvert to retain natural drainage

### Geotechnical

- Applicant indicated that there are no fill areas greater than 1.2m thus there will be no requirements for a deep fill report
- As a permanent condition applicant is required to provide a deep fill report for fill areas greater than 1.2m

### Transportation

• Engineering has no further comments at this moment

### Sanitary/Waste Water

• Engineering has no requirements at this time

### Water Supply And Waterworks

• Engineering has no requirements at this time.

### Storm Water Management

- Applicant previously provided a storm water management plan as part of subdivision application (PL20140161). As a permanent condition applicant shall be required to adhere to this plan.
- Prior to issuance applicant should supply a site grading plan that aligns with the overall storm water management plan for the site.



• As a permanent condition the applicant should supply an as-built drawing of the infrastructure construction on-site.

# **Environmental**

- The subject lands do not appear to contain any wetland areas.
- Engineering has no further concerns.

# Transportation Services, Rocky View County (August 22, 2019)

- 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.
- Site Grading, fill placement, temporary stockpile placement and berm construction are not to negatively impact existing surface drainage or direct additional surface drainage into adjacent County road allowance.

# **OPTIONS:**

### Option #1 (this would allow the stripping and grading to remain)

The appeal against the decision of the Development Authority to issue a Development Permit for stripping and grading/placement of fill to allow for the construction of a dwelling on Lot 11, Block 4, Plan 1711297, SW-4-26-3-W5M be denied, that the decision of the Development Authority be upheld, and that a Development Permit be issued, subject to the following conditions:

### **Description:**

1) That stripping and grading, for construction of a dwelling, approximately 1,114.84 sq. m (12,000.00 sq. ft.), may take place on the subject land, in general accordance with the site plan submitted with the application and conditions of this permit.

### Prior to Issuance:

- That prior to issuance, the Applicant/Owner shall contact County Road Operations, to determine if a Road Use Agreement and/or Road Data Permits are required for the purposes of Stripping & Grading and future construction.
  - a. Written confirmation shall be received from County Road Operations regarding the status of this condition. Note, any agreement or data permits required shall be issued by County Road Operations.
- 3) That prior to issuance, the Applicant/Owner shall provide a Post Development Site Grading Plan, complete with pre and post-development impact assessment due to the regrading and filling of the site. The assessment shall be completed by a Professional Engineer, to the satisfaction of the County.
  - a. That should the Site Plan or Site Grading Plan that aligns with the overall storm water management plan for the site, and indicates that the proposed fill depth exceeds 1.20 m, the Applicant/Owner shall submit a Deep Fill Report, in accordance with the County's servicing standards.

# Permanent:

- 4) That the Applicant/Owner shall supply an as-built drawing of the infrastructure construction on-site.
- 5) That the Applicant/Owner shall not screen and/or sell the excess topsoil to others without written approval from the County, as there is potential for additional off-site impacts.


- 6) That any copies of all testing and inspection reports shall be submitted to the County within 14 days of the inspection.
- 7) That should a Deep Fill report be required, the Applicant/Owner shall implement and follow the recommendations of the report, and shall keep records of compaction testing in areas that exceed 1.20 m.
- 8) That stormwater shall be managed in accordance with the Stormwater Management Plan submitted in support of subdivision application PL20140161.
- 9) That the Applicant/Owner shall take effective measures to control dust in the stripping and grading areas of the subject properties, so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
- 10) That any fill removed from the site shall be hauled off in a covered trailer/truck, which will prevent blowing of dust/small rocks onto the road or cause issues with other vehicles on the road.
- 11) That the Applicant/Owner shall take whatever means necessary to avoid the transfer of dirt onto public roadways.
- 12) That Rocky View County staff or agents shall have access to the site at all times.
- 13) That all stripped and graded areas shall be seeded or treated within 45 calendar days of completion of stripping and grading. Within 45 calendar days of stockpiling of material, if no substantial relevant work has been carried out, the County reserves the right to treat and/or seed the stockpile and/or graded untreated areas utilizing the securities held by the County.
- 14) That the Applicant/Owner shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
- 15) That the fill shall not contain construction rubble or any hazardous substances, including but not limited to large concrete, rebar, asphalt, building materials, organic materials, or other metal.
- 16) That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the Development Officer.
- 17) 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 condition, shall be implemented and adhered to in perpetuity.

## Advisory:

- 18) That the Applicant/Owner shall be responsible for weed control and shall adhere to the regulations in the Alberta Weed Control Act at all times.
- 19) That the Applicant/Owner shall be responsible for all required payments of 3<sup>rd</sup> party reviews and/or inspections as per the Master Rates Bylaw based on the County's discretion or requirement.
- 20) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant.
- 21) That the hauling of fill and site grading shall be completed within twelve (12) months from the date of issuance of this permit.
- 22) That if this Development Permit is not issued by **March 31, 2020** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.



<u>Option #2</u> (this would not allow the stripping and grading to remain)

The appeal against the decision of the Development Authority to issue a Development Permit for stripping and grading/placement of fill to allow for the construction of a dwelling on Lot 11, Block 4, Plan 1711297, SW-4-26-3-W5M be upheld, and that the decision of the Development Authority be revoked.



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# **Notice of Appeal**

Subdivision and Development Appeal Board Enforcement Appeal Committee

Appellant Information				
lame of Appellant(s)	TENICA COPITHORNE			
CIERDEN AND	LENICH COPILHORNS			
ite Information				
Aunicipal Address	Legal Land Description (lot, blo			
	Lot 11 Block 4		50.04-26-0	03
10 CG 70 40 44	Development Permit, Subdivision Applicatio PRDP 20192553	n, or Enforcement Order #		
	1110120141030			
am appealing: (check one box only) Development Authority Decision	Subdivision Authority Decision	Decision of Enforce	ement Services	
Approval	Approval	Stop Order		
Conditions of Approval	Conditions of Approval	Compliance	Order	
Refusal	Refusal			
Reasons for Appeal (attach separate pa	age if required)	a texternet and		
The land owner	began altering	the land	Por	
The land owner purposes of constru	uction before per	mitting. The	filling	
process was not	monitored and the	brefore is	not	
packed and appear				
ue of the understo	anding that a g	property car	not	
be altered in this	way nor a he	ruse built	on fill.	
We, along with a	other area reside	nts, are co	meened	
bout the negative	impacts on the	community	value	
bout the negative inclappeal, as well	as drainage issues	from what	Hey	
have done.			V	

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 of where the formation, contact the Municipal Clerk at 403-230-1401.

ppellant's Signature

2019 Date



Last updated: 2018 November 13



# PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: October 9, 2019

DIVISION: 2

**FILE**: 04734003

APPLICATION: B-6; PRDP20190666

**SUBJECT**: Retail, Regional and Retail, Local

PROPOSAL:	
Retail, Regional and Retail, Local, construction of eight (8) retail buildings and signage associated with the Bingham Crossing Development	Located at the northeast junction of Hwy. 1 and Rge. Rd. 33, approximately 2.20 miles west of the City of Calgary.
APPLICATION DATE:	DEVELOPMENT AUTHORITY DECISION:
March 5, 2019	Conditionally Approved
	DEVELOPMENT AUTHORITY DECISION DATE:
September 24, 2019	September 3, 2019
APPELLANT:	APPLICANT:
Eagle Butte Ranches Ltd. c/o JSS Barristers	Alex Pidgeon
	MUNICIPAL ADDRESS:
NW-34-24-03-W05M	(32159 TWP RD 250)
LAND USE DESIGNATION:	GROSS AREA:
Direct Control District 148 – Cell B & C	± 152.98 acres
USES:	DEVELOPMENT VARIANCE AUTHORITY:
Retail Store, Local, Retail Store, Regional and Signage are all listed uses in Direct Control District 148.	Section 1.5.7 of Direct Control District 148 provides a 10% variance authority to the Development Authority with respect to Front, Side and Rear yards.
PUBLIC SUBMISSIONS:	LAND USE POLICIES AND STATUTORY PLANS:
The application was circulated to (30) adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application, excepting the appeal.	<ul> <li>County Plan</li> <li>Land Use Bylaw</li> <li>North Springbank Area Structure Plan (NSASP)</li> <li>Direct Control District 148 (DC 148)</li> <li>Bingham Crossing Conceptual Scheme (CS)</li> <li>Bingham Crossing Master Site Development Plan (MSDP)</li> </ul>



## EXECUTIVE SUMMARY:

On March 5, 2019, the Applicant submitted a Development Permit application to construct eight (8) retail buildings and signage associated with the Bingham Crossing Development. Previous approvals have provided for the redesignation and subdivision of the lands, earthworks to prepare the site, and to construct the wastewater treatment plant and associated spray irrigation systems.

The lands are designated Direct Control District 148. Located in Springbank at the northeast junction of Hwy. 1 and Rge. Rd. 33, lands in the vicinity of the site are generally a mix of commercial, institutional and agricultural.

Council has considered and approved each of the following documents to provide a framework to guide development on the subject lands.

- o Land Use Bylaw (September, 1998)
- North Springbank Area Structure Plan (May, 1999)
- o Bingham Crossing Conceptual Scheme (September, 2012)
- o Direct Control District 148 (November, 2012)
- County Servicing Standards (May, 2013)
- o Bingham Crossing Master Site Development Plan (July, 2013)

The application was assessed in accordance with each of these documents and found to be compliant.

On September 3, 2019, the Development Authority granted an approval subject to conditions.

On September 23, 2019, the Appellant appealed the decision of the Development Authority. The reasons for the appeal are detailed in the agenda package, but generally the concerns are as follows:

- 1. The associated Development Permit (PRDP20171150) for the wastewater treatment plant has not been issued and the prior to issuance matters associated with that permit are critical pieces of information to assess if Bingham Crossing as a whole, are complaint with:
  - (a) Section 12 of the Subdivision and Development Regulation, AR 43/2002;
  - (b) The Wastewater and Storm Drainage Regulation, AR 119/93;
  - (c) Rocky View County POL-449 and PR0-449, Performance Requirements for Wastewater Treatment Systems;
  - (d) Alberta Environment and Sustainable Resource Development Approval and Amending Approval #333897-00-00 (AESRD Approvals); and,
  - (e) Rocky View County County Plan, Bylaw C-7280-2013, as amended, in particular sections 7.6, 17.2 and 17.9-13, and the goals and policies stated in sections 2.0, 7.0 and 17.0.
- 2. Until the conditions in the wastewater permit are satisfied, the subject permit is premature.
- 3. The granting of the subject permit would cause irreparable harm to the Appellants lands, which contain many fresh water springs and wells, which would be put at risk by pollution and otherwise denigrated and degraded.

#### MGA Direction on Appeals within Direct Control Districts:

As per Section 686(1) of the Municipal Government Act, if a decision with respect to a Development Permit application in respect of a direct control district is made by a Development Authority, the appeal is limited to whether the Development Authority followed the directions of Council. If the Subdivision and Development Appeal Board finds that the Development Authority did not follow the directions, it may, in accordance with the directions, substitute its decision for the Development Authority's decision.



Therefore, the Board must consider this appeal with respect to the proposal's alignment with Council's direction.

Development Authority's Response to Appeal:

Condition 10 (PRDP20190666: Notice of Decision dated September 3, 2019) requires that the Applicant/Owner shall enter into a Special Improvements Development Agreement for the Bingham Crossing Waste Water Treatment Plant in accordance with the conditions of subdivision approval PL20140054. This Agreement is also a prior to issuance requirement of the Wastewater Treatment Development Permit (PRDP20171150). This agreement must be entered into prior to issuance of both Development Permits and subdivision endorsement for the site. Further, Conditions 19 and 21 require that prior to occupancy of the site, the Applicant/Owner shall complete the off-site waste water treatment and disposal infrastructure, to the satisfaction of the County.

The assessment of the proposed development against the County Plan, *Subdivision and Development Regulations,* County Policy 449 and Procedure 449: *Performance Requirements for Wastewater Treatment Systems* and other statutory plans was completed during the review the associated conceptual scheme, master site development plan, land use and subdivision approvals.

Compliance with provincial regulations including *Wastewater and Storm Drainage Regulation*, AR 119/93 and *Alberta Environment and Sustainable Resource Development Approval and Amending Approval #333897-00-00 (AESRD Approvals)* are the responsibility of the Applicant/Owner. The County is not authorized to enforce these regulations.

The conditions of approval applied to the subject application have been strategically aligned with the related subdivision and Development Permit approvals to ensure that Council's direction is successfully implemented during construction and occupancy stages of the development.

## **RELEVANT PROPERTY HISTORY:**

- June 6, 2018 A Development Permit was approved for installation of two (2) freestanding signs (PRDP20180948).
- October 3, 2017 A Development Permit was approved to stockpile topsoil (extension of PRDP20160596).

December 30, 2016 A Development Permit was approved to stockpile topsoil (PRDP20160596).

## APPEAL:

See attached report and exhibits.

Respectfully submitted,

Dominic Kazmierczak Supervisor, Planning and Development Services

JA/IIt



# **DEVELOPMENT PERMIT REPORT**

Application Date: March 5, 2019	File: 04734003
Application: PRDP20190666	Applicant/Owner: Alex Pidgeon
Legal Description: NW-34-24-03-W05M	<b>General Location:</b> Located at the northeast junction of Hwy. 1 and Rge. Rd. 33
Land Use Designation: DC-148 Cell B & Cell C	Gross Area: 152.98 acres
File Manager: Jessica Anderson	Division: 2

## PROPOSAL:

The proposal is for Retail, Regional and Retail, Local, construction of eight (8) retail buildings and signage relating to the Bingham Crossing Development.

The subject lands fall within the Bingham Crossing Conceptual Scheme, MSDP, and Direct Control District 148.

The submitted application noted ten (10) new retail buildings; however, two (2) buildings have been noted as future development and therefore are not included within this Development Permit assessment. Future tenants would obtain tenancy development permits and the uses for each building would be further defined at that time

Subdivision application PL20140054 is currently in processing and upon endorsement would provide for all internal roads, site servicing, stormwater infrastructure and the LOA to manage these aspects.

There are also two other open Development Permits:

PRDP20171150 – Wastewater Treatment DP [several prior to issuance conditions outstanding]; expiry April 30, 2020

PRDP20173181 – Stockpiling DP [one outstanding prior to issuance condition]; expiry February 29, 2020

The proposed buildings are located within both the Lifestyle Zone and the Highway Edge Zone of DC-148 as follows:

## 3.0 Development Cell B - Lifestyle Zone

3.1 Purpose and Intent

The purpose and intent of the Cell B is to create an area for shopping and socializing and have buildings with varying heights and storefronts with the potential for offices above the main floors. Cell B is to have a pedestrian focus and be designed so it will hold community events.

3.2 Uses

- Retail Store, Local
- Signs



## 4.0 Development Cell C - Highway Edge Zone

#### 4.1 Purpose and Intent

The purpose and intent of Cell C is to accommodate comparatively more significant retail uses than in Cells A and B. The location of Cell C adjacent to Highway 1 and separated from residential uses to the north provides an opportunity for a natural progression in retail commercial scale, form and use.

- Retail store, regional
- Retail Store, Local
- Signs

#### SETBACKS AND BUILDING DIMENSIONS

\*\*\*Non-compliant items listed in **bold** 

Building	<u>Front (</u> Required: ( <i>b</i> ) 6.00 <i>m</i> (19.69 <i>ft) all other</i> )	Side (Required: (b) Minimum of 0.00 m (0.0 ft) all other)	Rear (Required: (b) Minimum of 6.00 m (19.69 ft) all other)	<u>Height</u> 12.00 m (39.37 ft)	<u>Size</u>	<u>Phase</u>	<u>CRU's</u> Proposed
1	6.00 m	0.00 m	6.00 m	26.8 ft.	<u>Max:</u> E < 5109 sq. m (< 55,000 sq. ft.) <u>Proposed:</u> 47,086 sq. ft. (4,374.48 sq. m.)	A	2
2	n/a	n/a	n/a	n/a	Future	Future	n/a
3	n/a	n/a	n/a	n/a	Future	Future	n/a
4	3.95 m (34.16%) ** variance granted to maximum of 5.40 m(10%). Subdivision boundary will be adjusted to accommodate the building.	0.00 m	6.00 m	36.00 ft.	<u>Max:</u> A< 4,645 sq. m (< 50,000 sq. ft.) <u>Proposed:</u> 43,571 sq. ft. (4,047.89 sq. ft.)	В	16
5	7.38 m	0.00 m	6.00 m	33.00 ft.	<u>Max:</u> B < 3,716 sq. m (< 40,000 sq. ft.) <u>Proposed:</u> 20,157 sq. ft. (1,872 sq. m.)	С	11



					[5 & 6 combined = 39,996 sq. ft.]		
6	5.89 m (1.87%)	0.00 m	6.00 m	32.10 ft.	<u>Max:</u> B < 3,716 sq. m (< 40,000 sq. ft.)	D	4
					<u>Proposed:</u> 19,839 sq. ft. (1,843.11 sq. m.)		
					[5 & 6 combined = 39,996 sq. ft.]		
7	6.00 m	0.00 m	6.00 m	32.00 ft.	<u>Max:</u> C < 6,967 sq. m (< 75,000 sq. ft.) each <u>Proposed:</u> 32,098 sq. ft. (2,981.96 sq. m.)	E	6
8	6.00 m	0.00 m	6.00 m	35.00 ft.	<u>Max:</u> C < 6,967 sq. m (< 75,000 sq. ft.) each <u>Proposed:</u> 20,471 sq. ft. (1,901.78 sq. m.)	F	10
9	6.00 m	0.00 m	6.00 m	36.00 ft.	<u>Max:</u> C < 6,967 sq. m (< 75,000 sq. ft.) each <u>Proposed:</u> 22,170 sq. ft. (2,059.66 sq. m.)	G	9
10	6.00 m	0.00 m	6.00 m	35.00 ft.	<u>Max:</u> C < 6,967 sq. m (< 75,000 sq. ft.) each <u>Proposed:</u> 48,671 sq. ft. (4,521.67 sq. m.)	Н	7



1.5.2 Minimum Yard, Front for Buildings:

(a) 60.00 m (196.85 ft.) from any road, highway;

- (b) 6.00 m (19.69 ft.) all other.
- 1.5.3 Minimum Yard, Side for Buildings:
  - (a) 60.00 m (196.85 ft.) from any road, highway;
  - (b) Minimum of 0.00 m (0.0 ft.) all other.
- 1.5.4 Minimum Yard, Rear for Buildings:
  - (a) 60.00 m (196.85 ft.) from any road, highway;
  - (b) Minimum of 6.00 m (19.69 ft.) all other.
  - All buildings are consistent with the minimum setback requirements except buildings 4 and 6 (front yards) where relaxations have been granted.
- 1.5.5 Maximum Height of Buildings:
  - (a) 12.00 metres (39.37 ft.)
  - All buildings are consistent with the maximum height requirement as proposed.
- 1.5.6 The Subdivision Authority may grant a variance to each site's minimum lot size by a maximum of 5%.
  - Not applicable at this time.
- 1.5.7 The Development Authority may grant a variance to each site's minimum Yard, Front, Yard, Side and Yard, Rear of 10%, providing it is determined that such a variance does not have a significant negative impact upon the amenity of the adjoining parcel.
  - Not applicable at this time.
- 1.5.8 The Development Authority may grant a variance to each site's Maximum Height of Buildings provision of 10%, providing it is determined that such a variance does not have a significant negative impact upon the amenity of the adjoining parcel.
  - Not applicable at this time.
- 1.5.9 A building may be occupied by a combination of one or more uses listed in the Cell where the land is located and each use shall be considered as a separate use, and each use shall obtain a Development Permit. A Development Permit may include a number of uses and/or units within a building.
  - Noted, at tenancy stage each tenant will apply for a Development Permit specifying the use of each unit.

Emergency Response Plan (Section 5.2.11 of DC 148) and a Weed Management Plan (Section 5.2.2 DC 148) both provided with subdivision file PL20140054.



## Bingham Crossing Conceptual Scheme

**Overall Policies:** 

- Policy 5.1.5: An outdoor lighting plan shall be completed that demonstrates how the outdoor lighting meets the County's Dark Sky policy and the guidelines of the Dark Sky Association.
  - Lighting locations shown on drawing DPE1.0, 2.0, 2.1 full details required as prior to issuance condition.
- Policy 5.1.6: Architectural controls shall be prepared by the developer and be applied to all design elements of the project.
  - Condition #25 of PL20140054. Shall be reviewed and accepted prior to endorsement.
- Policy 5.1.7: Landscaping plans shall be included with all development permit applications and address proposed pathways, open spaces, Municipal Reserves and public utility lots.
  - Landscaping plans submitted and assessed in detail below.

## 5.3 Lifestyle Zone

- Policy 5.3.1: Uses shall be located within a pedestrian friendly, market environment that will allow opportunities for interaction, congregating, and socializing through the use of meeting places, public squares, outdoor patios, landscaping, and other design elements.
  - Each of these elements are included in the proposal.
- Policy 5.3.2: Buildings contained within the main street shall be varied in height and appropriately articulated with façade treatments on all sides using trellises, canopies, arcades, and awnings to soften building edges materials such as fieldstone, river rock, timber, copper, and slate.
  - Each of these elements are included in the proposal.
- Policy 5.3.3: Open spaces shall be a multipurpose, easily adaptable area for a variety of uses and special events such as: farmer's markets, open air concerts, community events, and informal play and meeting spaces.
  - Open spaces are versatile in design and landscape elements include seating and open areas to allow for a variety of functions.
- Policy 5.3.4: The developers of Bingham Crossing should encourage community-oriented or nonprofit groups to locate within the civic core area using incentives such as rent reduction, subsidies, services-in-kind, and/or partnerships.
  - Individual unit users have not been selected as of yet.
- Policy 5.3.5: Neighbourhood-scale recreational, cultural and institutional uses should be encouraged to be located within the Lifestyle Zone.
  - Individual unit users have not been selected as of yet.
- Policy 5.3.6: In the design of the Lifestyle Zone, emphasis shall be placed on the relationship between the buildings and the street to ensure a pedestrian oriented development.
  - See design review below.

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- Policy 5.3.7: The streetscape within the Lifestyle Zone should incorporate elements such as wide sidewalks, benches, bike racks, pedestrian lighting, planters and street trees to enhance the pedestrian experience.
  - CS defines wide sidewalks as 8'. Applicant confirmed all sidewalks meet this as a minimum width.
  - Benches are provided as illustrated in drawings DPL1.1 to DPL1.5 and DPL2.0 to DPL2.1.
  - Bike racks provided as per updated drawing DP0.08 dated August 12, 2019.
  - Lighting as per Policy 5.1.5.
  - Planters and trees as per landscaping details assessed below.

#### 5.4 Highway Edge

- Policy 5.4.1: Small format retail uses, offices or business uses may be allowed on smaller parcels to provide a variety of uses within the district.
  - Noted.
- Policy 5.4.2: Buildings shall use pedestrian scaled elements such as detailed entrances, projections, peaked roofs, and articulated walls to encourage street level presence.
  - Each of these elements are included in the proposal; see design table below for building specifics.
- Policy 5.4.3: Landscaping, landscaped parking areas and low intensity lighting shall be integrated throughout this area to ensure a comfortable, positive experience for pedestrians.
  - See detailed landscaping, parking and lighting assessments below.
- Policy 5.4.4: Accommodation and tourist destination uses may be located within the Highway Edge Zone.
  - Not proposed at this time.
- Policy 5.4.5: An edge condition containing a linear greenbelt and pathways, high quality building design materials, landscaping, fencing, or berms along the TransCanada Highway should preserve view corridors to the entranceway to the City of Calgary and Rocky View County with respect to existing viewsheds and landscape corridors. As a gateway to the Rockies, Bingham Crossing will serve as an entryway celebrating the surrounding environment of prairies meeting the mountains.
  - Each of these elements are included in the proposal.
- Policy 5.4.6: Buildings along the southerly edge of Bingham Crossing, adjacent to the TransCanada Highway, should complement viewsheds and contribute to the visual interest of the Highway corridor through enhanced architectural detail on each facade of the building. Materials and finishes shall be consistent with major landscape features (Rocky Mountains meets the Prairies), fully screened garbage and loading areas, low intensity, downward directed lighting, and heavily landscaped side and rear yards.
  - Each of these elements are included in the proposal.
- Policy 5.4.7: Portions of the commercial uses adjacent to Highway 1 (TransCanada) shall be screened from the highway by a linear park and pathways, and landscaped with trees, fencing, and/or berms to ensure an effective visual barrier and transition that is sensitive to existing viewsheds and landscape character.



- Each of these elements are included in the proposal.
- Policy 9.4.1: The following items shall be submitted in a report with each development permit or subdivision application:
  - a site plan that shows the general integration of key site design elements such as general building locations, pedestrian elements, open space features
    - o DP0.01 & DPL1.1
  - public amenities to be provided for the subject phase
    - o DP0.01 & DPL1.1
  - a pedestrian circulation plan
    - o DP0.01 & DPL1.1
    - Sufficient detail provided through landscaping and site plans to demonstrate pedestrian circulation.
  - a landscaping plan, in accordance with Section 26 of the Land Use Bylaw, for Municipal Reserve parcels, open spaces, pedestrian circulation components, and parking areas that integrates stormwater infrastructure as recommended by the Stormwater Management Plan for that phase
    - o submitted, see landscaping assessment below.
  - a parking lot plan, in accordance with Section 30 of the Land Use Bylaw
    - o submitted, see parking assessment below.
  - updated calculations for municipal reserve owing status detailing the amount of land is being provided as credit municipal reserve dedication and/or a cash-in-lieu payment. As well as updated calculations of the amount of land deferred for MR owing in future phase(s).
    - o subdivision matter

#### **Bingham Crossing MSDP**

#### Material Palette

The color palette utilized for Bingham Crossing will draw on the surrounding nature and townscapes of Western Alberta; integrating the classic base colors of the region, including but not limited to natural earth tones such as tan, beige, and brown.

Roses, pinks, plums and violets will be avoided.

Vibrant accents will be used in limited quantities at appropriate locations. Accents will be of high quality materials and used to promote a vibrant street life.

The material palette includes: stone, masonry, metal panels, metal siding, wood trim, wood siding, EIFS (in limited quantity), metal roofing, shingles (asphalt or wood).

Large expanses of flat walls along district streets are not desirable. Where large amounts of mass are required, the façade will be broken down by changes in plane, reveals or decorative details. High quality materials such as stones and brick will be used for architectural details and accents whenever appropriate. A more generous use of details and materials will be used at entries and the ground floor along district streets.



## Bingham Crossing

High quality durable base material, such as brick or stone, will be used for building facades abutting the sidewalk along district streets. The base should be a minimum of 24" (610mm) in height and proportioned and detailed for the facade of the building. Roof shingles will be of high quality. Different materials and colors of roof materials that promote variety and individuality to buildings within an overall compatible palette of materials are incorporated.

#### Retail/Office/Commercial

Retail, office and commercial building design will focus on enhancing the pedestrian environment through creating visual interest at a pedestrian scale. Buildings will be articulated through changes in wall plane, material, and texture along with clearly demarcated entrances and human-scaled design elements such as canopies and awnings where appropriate. Additionally, transparency of façade elements such as windows and doors will enhance visual interest for pedestrians and contribute to the public realm.

• This section addressed in detail below for each building.

## **Building Height**

DC148 describes a maximum building height of 12.00 m (39.37 ft.) for all buildings on site; this includes any retail, commercial, office and seniors' housing buildings.

• See table above.

#### **Building Sizes and Dimensions**

Bingham Crossing Stage 1 is projected to develop approximately +25,083 sq. m (+ 270,000 sq. ft.) of retail, office and commercial uses and approximately +17,187 sq. m (+ 185,000 sq. ft.) of the Stage 1 seniors' community. As discussed previously, there has been an increase in area to the seniors' complex to allow for more community amenities. Servicing requirements, unit numbers and unit sizes are not affected by this area increase. Final building placement and sizes will be determined at the Development Permit stage; however, as seen in Figure 6, building envelopes with maximum building floor areas have been established.

• All buildings footprints appear to be within the envelopes established.

The floor area of individual buildings may grow/shrink within their respective building envelope; however, the total floor area for Stage 1 of the seniors' community may not exceed the projected area of approximately +17,187sq. m (+ 185,000 sq. ft.), while all retail, office and commercial buildings may not exceed the projected area of approximately +25,083 sq. m (+270,000 sq. ft.).

- Of the 8 buildings proposed in this application (2 additional buildings are shown as future) the total square footage comes to 254,078 sq. ft.
- Following issuance of this DP 15,922 sq. ft. will remain

No single commercial tenant space within a building shall exceed 5,109 sq. m (55,000 sq. ft.).

• Applicant confirmed in letter dated August 9, 2019.

## Maximum Building Floor Areas:

A < 4,645 sq. m (< 50,000 sq. ft.) B < 3,716 sq. m (< 40,000 sq. ft.) C < 6,967 sq. m (< 75,000 sq. ft.) each D < 929 sq. m (< 10,000 sq. ft.) each



E < 5109 sq. m (< 55,000 sq. ft.)

• Assessed in Table 1 above.

#### Signage:

Clear, consistent and multi-modal signage is important to establish a sense of place in Bingham

Crossing. Pedestrians, cyclists and vehicles alike will enjoy high quality, architectural signage to announce the development and facilitate efficient on-site movements. The final sign locations are subject to refinement.

Types of signs that may be installed include:

- Bingham Crossing identification signage
- site signs
- directional signs
- tenant and seniors' community identification signage
- tenant identification signs located on building facades
- Noted

#### **Dark Sky Policy**

Bingham crossing will establish and maintain an outdoor lighting system that complies with the

County's Dark Sky Policy as well as the International Dark Sky Association guidelines.

• See lighting assessment below.

Along pedestrian movement corridors and plaza areas, low mounted lighting will be utilized to

reinforce the pedestrian scale. Service area lighting is to be provided within surface mounted wall fixtures with concealed lighting sources. Materials will be metal, with colours selected to meet the design theme, and the pole foundation will be poured in place concrete. In general, the following minimum light levels will be achieved:

- parking lot 2 foot candles
- entrances 5 foot candles

A detailed lighting plan will be submitted with the Development Permit for each parcel and/or building.

• See lighting assessment below.

#### Landscaping:

#### **Village Centre**

The village centre is at the heart of Bingham Crossing. It is Bingham's meeting place, 'main street' and town square. Small shops, boutiques, coffee houses and cafes with sidewalk patios are set in a 'landscape dominant' space. Opportunities prevail in the 'multi use' central space for special events, programmed uses, community functions and variable seasonal activities. Warm inviting spaces greet you in the central streetscape space. Close attention will be paid to the comfort level in all areas of the project, but especially the main street area. Annual and perennial planters will animate café spaces, building entrances and street corners.

Boulder formations using the same material as the rock outcrops will be located at feature nodes. Street furniture will complement the architecture and maximize pedestrian opportunities. The community main street feel will be reinforced with linear street tree planting and perennial or shrub understory in appropriate locations. Coniferous trees will be grouped in select areas for winter interest or to provide shelter from the wind.



- the lot owners' association, merchants' association or such other agency or association will
  maintain the landscape installations at Bingham Crossing, including MR's, setbacks and public
  utility lots
  - condition of subdivision
- all areas of the site will be landscaped in accordance with the rocky view county land use bylaw
   o condition of subdivision and see below for development specific landscaping.
- planting islands will be provided in all parking areas in accordance with the rocky view land use bylaw
  - see below for development specific landscaping.

## **Building Design Principles**

Depending on the individual building's size, scale, and function, certain design principles are appropriate. These principles give direction for entryways, building orientation, building massing and general aesthetics.

## Anchor Buildings [Building 1]

Anchor Buildings refer to buildings that draw a considerable number of people as result of their function allowing other facilities within the area to benefit from the increased exposure. Grocery stores are typical uses located within Anchor Buildings.

#### **Orientation & Massing**

- orient main entrances towards a parking field. Secondary entrances may be oriented towards pedestrian spaces, including sidewalks and pedestrian walkways
- use simple, yet varied massing; in particular, introduce strong forms to accentuate primary store entrances for maximum impact from near or far distances. Entrances that afford a "sense of entry" are encouraged

## Architectural Guidelines

- articulate all building elevations visible from publicly accessible areas. Expansive blank and unadorned wall surfaces will be minimized
- use fenestration (i.e., windows and doors), as well as changes in wall plane, material, texture, color, etc., to create deep shadow lines and articulate building walls
- provide highly visible store entrances
- entrances should be clearly demarcated with recesses, overhangs, and other architectural details

## Entrances

- generous storefront window and expansive displays are located at main entries
- clear plate glass or functional glazing is recommended; the use of reflective, opaque and darkly tinted glass is strongly discouraged.

Use architectural details to enhance the building's appearance.

Careful detailing, including human-scaled elements is especially appropriate at street level.

- Building 1 (DP1.0)
- South elevation, east and west are consistent with guidelines above.
- North elevation (facing Range Road 33 and entrance road) does not include sufficient architectural interest/change/implementation of the above guidelines.
- Revisions should include breaking up the massing through color, texture or material changes and/or recessing/projections on the face or roof lines.



Drawings revised August 13, 2019 to include roof projections along north elevation. Changes sufficient.

#### Inline Retail [Buildings 4 to 10]

Inline Retail refers to multiple commercial storefront spaces abutting one another and arranged in a single building.

#### **Orientation & Massing Guidelines**

- orient primary shop entrances towards key pedestrian space, including sidewalks and pedestrian walkways. Secondary entrances may be oriented to pedestrian passages and parking areas.
- incorporate compatible changes in architectural form and roofline to emphasize a building corner and/or primary shop entrances.
- configure buildings to maintain a continuous edge along the sidewalk and define public space.
- provide a frequent cadence of shop entrances along the street; encouraging walk-in traffic at the street level.
- express roofs in a visually interesting fashion. Flat roof forms incorporate an attractive cornice or parapet.

#### Architectural Design Guidelines

- all visible sides of the retail building are articulated and provide visual interest. Blank, unadorned walls are strongly discouraged.
- use fenestration (i.e., windows and doors), as well as changes in wall plane, material, texture, color, etc., to create shadow lines and articulate building walls.
- provide visible entrances. Entrances should be clearly expressed with recesses, overhangs (including canopies or awnings), special materials, and/or detailing.
- incorporate human-scaled details and elements such as canopies and awnings, display windows, architectural lighting, etc., especially where pedestrian activity is expected.
- a high degree of transparency along sidewalks and heavily trafficked areas. The use of reflective, opaque, and darkly tinted glass is discouraged.
- continue details, materials, and colors around the entire building.
- ensure that a compatible combination of attractive architectural lighting and appropriate security lighting on all elevations enhances onsite safety.

[copied from above for reference]

- Policy 5.3.2: Buildings contained within the main street shall be varied in height and appropriately articulated with façade treatments on all sides using trellises, canopies, arcades, and awnings to soften building edges materials such as fieldstone, river rock, timber, copper, and slate.
- Policy 5.4.2: Buildings shall use pedestrian scaled elements such as detailed entrances, projections, peaked roofs, and articulated walls to encourage street level presence.
- Policy 5.4.5: An edge condition containing a linear greenbelt and pathways, high quality building design materials, landscaping, fencing, or berms along the TransCanada Highway should preserve view corridors to the entranceway to the City of Calgary and Rocky View County with respect to existing viewsheds and landscape corridors. As a gateway to the Rockies, Bingham Crossing will serve as an entryway celebrating the surrounding environment of prairies meeting the mountains.



Policy 5.4.6: Buildings along the southerly edge of Bingham Crossing, adjacent to the TransCanada Highway, should complement viewsheds and contribute to the visual interest of the Highway corridor through enhanced architectural detail on each facade of the building. Materials and finishes shall be consistent with major landscape features (Rocky Mountains meets the Prairies), fully screened garbage and loading areas, low intensity, downward directed lighting, and heavily landscaped side and rear yards.

Policy 5.4.7: Portions of the commercial uses adjacent to Highway 1 (TransCanada) shall be

screened from the highway by a linear park and pathways, and landscaped with trees, fencing, and/or berms to ensure an effective visual barrier and transition that is sensitive to existing viewsheds and landscape character.

Building No.	Drawing No.	Features	Compliant
4	DP1.3	Some roof changes, material changes, appropriate colors, materials, projections/regressions to break up massing, canopies used	<ul> <li>For review: flat roofs, lack of stone (abutting streets 24" minimum along base of walls), limited timber</li> <li>Revisions to drawings include additional timber and wood look aluminum siding.</li> </ul>
5	DP1.4	Some roof changes, material changes, appropriate colors, materials, projections/regressions to break up massing, canopies used	<ul> <li>North elevation requires additional "break up" of massing</li> <li>For review: flat roofs, lack of stone (abutting streets 24" minimum along base of walls), limited timber</li> <li>➢ Revisions include color changes between the units to break up the massing.</li> </ul>
6	DP1.5	Some roof changes, material changes, appropriate colors, materials, projections/regressions to break up massing, canopies used	<ul> <li>For review: flat roofs, lack of stone (abutting streets 24" minimum along base of walls), limited timber</li> <li>➢ Revisions include material/color change along north elevation.</li> </ul>
7	DP1.6	Some roof changes, material changes, appropriate colors, materials, projections/regressions to break up massing, canopies used	<ul> <li>South elevation may require some break up of massing. Colors are beige to cream so perhaps a material change</li> <li>For review: flat roofs, lack of stone (abutting streets 24" minimum along base of walls), limited timber</li> <li>➢ Revisions to drawings include addition of wood look aluminum siding and demonstrated break up of massing through landscaping elevations.</li> </ul>
8	DP1.7	Sufficient roof changes, material changes, appropriate colors, materials, projections/regressions to break up massing, canopies used	<ul> <li>For review: lack of stone (abutting streets 24" minimum along base of walls), limited timber</li> <li>Applicant provided a detailed response on use of materials, colors, texture and façade</li> </ul>



			designs to meet the intent of the CS and MSDP.
9	DP1.8	Sufficient roof changes, material changes, appropriate colors, materials, projections/regressions to break up massing, canopies used	<ul> <li>For review: lack of stone (abutting streets 24" minimum along base of walls), limited timber</li> <li>Applicant provided a detailed response on use of materials, colors, texture and façade designs to meet the intent of the CS and MSDP.</li> </ul>
10	DP1.9	Sufficient roof changes, material changes, appropriate colors, materials, projections/regressions to break up massing, canopies used	<ul> <li>For review: lack of stone (abutting streets 24" minimum along base of walls), limited timber</li> <li>➢ Applicant provided a detailed response on use of materials, colors, texture and façade designs to meet the intent of the CS and MSDP.</li> </ul>

Freestanding Pads [Future buildings 2 and 3 to be assessed at future DP stage]

Freestanding Pads are standalone buildings free of attachment and tend to be located in close proximity to Anchor Buildings.

#### **Orientation & Massing Guidelines**

- Locate pad building to define project entrances and gateways
- Explore opportunities to group pad retail buildings to frame and share outdoor space such as small plazas and pedestrian Passages
- Orient main entrances towards pedestrian spaces, including sidewalks and important pedestrian walkways. Consider compatible changes in architectural form and roofline to emphasize gateways and / or a primary shop entrance Express the roof in a visually interesting fashion. Flat roof forms should incorporate an attractive cornice or parapet.
- Locate service, loading, and storage areas away from public places

## Architectural Design Guidelines

- All facades of a pad retail building are articulated and provide visual interest. Blank, unadorned walls are strongly discouraged
- Use fenestration (i.e., windows and doors), as well as changes in wall plane, material, texture, color, etc., to create shadow lines and articulate building walls
- Provide visible entrances. Entrances should be clearly expressed with recesses, overhangs (including canopies or awnings), special materials, and/or detailing
- Incorporate human-scaled details and elements such as canopies and awnings, display windows, architectural lighting, etc., especially where pedestrian activity is expected
- Require a high degree of transparency along sidewalks and heavily trafficked areas. The use of reflective, opaque, and darkly tinted glass is discouraged
- Continue details, materials, and colors around the entire building
- Ensure that a compatible combination of attractive architectural lighting and appropriate security lighting on all elevations enhances onsite safety

## Outdoor Display and Sales

Exterior display areas, where permitted will be properly sited and landscaped.

• No exterior display areas proposed.



## Loading / Garbage Areas

Loading areas shall be screened from the surrounding roads with either landscaping or screen walls. The treatment of screen walls shall be consistent with the adjacent architectural façade. Garbage areas will be located in freestanding enclosures or within the buildings.

• All loading areas are proposed within buildings. Standard condition for screening will be included.

#### Screening of Mechanical Units and Service Areas

All mechanical units will be screened from public view, preferably with cohesive design elements such as roof forms that contribute to the overall design intent.

• All units appear to be screened as per drawings submitted. Standard condition will apply.

#### Pedestrian Passage

Pedestrian Passages are designed to enhance the pedestrian environment through the use of light, shade, color, texture, special building materials and are typically framed by buildings that create an intimate scale. These passages are characterized with details that enhance a pedestrian environment such as special materials, and intimate scale. Shops that front the passages should provide special design elements that address this condition.

- Blade signage is the preferred signage in these areas
- Other design elements to break down scale and provide a high quality pedestrian environment are encouraged, including canopies, building mounted lights, planters, trellises, draping fabric banners that span the public right of way, special tile work, niches with fountains, etc The goal is to create an interesting environment of light, shade, color, and texture.
- Pedestrian passages appear to be consistent with guidelines.

## SECTION 25.4 Business Developments (Land Use Bylaw)

- 25.4(b) The design, character, and appearance of all buildings shall be appropriate 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.
  - See above
- 25.4(d) The exterior design and finishing materials of all buildings shall be as shown on the approved plan and subject to the approval of the Development Authority.
  - See above
- 25.4(e) Facades of buildings which exceed 31 m measured horizontally and facing public roadways shall incorporate visual and physical characteristics to add visual interest, by including at least three of the following architectural elements:
  - o (i) Colour change;
  - o (ii) Texture change;
  - o (iii) Material module change; or
  - (iv) Expression of architectural or structural bay through a change in plane such as an offset, reveal, or projecting ribs or recesses extending at least 20% of the length and 3% of the depth of the façade.
  - See above



## **LANDSCAPING**

# **SECTION 26**

- 26. 11 (c) Landscaping Required 10%
  - o Required: 3.35 acres (13,556.97 sq. m. [145,926.00 sq. ft.])
    - Site Area: 33.52 acres
      - Lot 3: 10.65 acres
      - Lot 4: 3.21 acres
      - Lot 5: 3.23 acres
      - Lot 6: 9.10 acres
      - Lot 7: 7.33 acres
    - {33.52 acres \* 0.10 = 3.35 acres}
  - Proposed: 5.79 acres (23,421.00 sq. m [252,101.5 sq. ft.]); 17%
  - Proposed landscaping is sufficient.

26.11 (d)

A landscaped strip of at least 4.00 m width shall be provided in front yards and side yards adjacent to a road. Alternate 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.

- Landscaping is proposed along each setback area as identified in drawing DPL3.0 as follows:
  - Front (abutting Bingham Way): 6.00 m
  - o Sides: 6.00 m
  - o Rear (abutting highway): 30.00 m
- 26.5: All yards and all open spaces on the site of business developments (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.
  - o Required: 295 trees
    - {(135,620.63 sq. m.) / 45.00 sq. m) = 295 trees}
  - Proposed: 553 trees
    - {355 deciduous, 198 coniferous Shrubs: 850 deciduous, 565 coniferous}
- 26.3: All trees/shrubs and tree/shrub planting required pursuant to this section shall be hardy to the Calgary Region and shall be required to conform to the following:
  - (a) evergreen shrubs shall be at least 40.00 cm (15.70 in.) in height when planted. Deciduous shrubs shall be at least 60.00 cm (23.60 in.) height when planted;
    - o See table below.



- (b) the proportion of deciduous to evergreen trees shall be approximately 60:40, unless the Landscaping Plan is designed by a registered professional Landscape Architect; and
  - 295 trees = deciduous 177 / coniferous 118
- (c) trees required shall be at least 4.50 cm (1.77 in.) calliper for deciduous trees, and at least 2.00 m (6.56 ft.) in height for evergreen trees.
  - o See table below.

As per DPL1.1

Trees:	Quantity:	Calliper Required	Calliper Proposed
Deciduous	355	4.50 cm	5.00 cm to 8.00 cm
Coniferous	198	2.00 m	2.00 m to 3.00 m
Total:	553		
Shrubs:			
Deciduous	850	60.00 cm	60.00 cm
Coniferous	565	40.00 cm	40.00 cm
Total:	1,415		

# PARKING

## SECTION 30 – Parking and Loading (Land Use Bylaw)

- 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).
  - Schedule 5 Shopping Centers (>5 stores)
    - 7 stalls per 100.00 sq. m (1,076.40 sq. ft.) of gross leasable area
- 30.2 (b): The number of off-street loading spaces required for each use class is specified in the Loading Schedule (Schedule 6). Where the use is not listed in Schedule 6 of this Bylaw, the number of spaces shall be determined by the Development Authority, having regard for similar uses listed in Schedule 6 and the estimated loading needs of the proposed use.
  - o Schedule 6 Commercial Uses
    - 1.00 loading spaces per 1,900.00 sq. m (20, 451.43 sq. ft.)

## Parking Stall Numbers: (DP0.01)

- **Required**: 1,652 stalls, including twenty (20) barrier free (in accordance with Alberta Building Code)
  - [23,604.59 sq. m / 100.00 sq. m \* 7] = 1,652.32 stalls}
- **Proposed**: 1,106 stalls and 46 barrier free



- A revised Parking Plan will be required to show sufficient parking count in accordance with the Land Use Bylaw.
- A parking assessment was submitted dated August 2, 2019 prepared by Bunt and Associates. The Assessment is in review so the condition is listed as a prior to issuance matter.

## Parking Stall Dimensions:

- SECTION 30.1 (k)(i) Parking Stall Width:
  - o Required: 2.59 m (8.50 ft.)
  - **Proposed:** 2.60 m (8.50 ft.)
- SECTION 30.1 (k)(i) Stall Length:
  - Required: 5.48 m (17.98 ft.)
  - **Proposed:** 5.50 m (17.98 ft.)

Barrier Free Parking Stall Dimensions:

- Stall Width (in accordance with Alberta Building Code):
  - Required: 2.40 m (7.87 ft.) stall; 2.40 m (7.87 ft.) access aisle
  - Proposed: 3.68 m (12.46 ft.); access aisle widths confirmed at 7.2 m

Loading Spaces: (DP0.01)

- **Required:** 12 loading spaces
  - [23,604.59 sq. m / 1,900.00 sq. m] = 12.42 loading spaces}
- Proposed: 12.43 loading spaces

Loading Space Dimensions:

- SECTION 30.2 (g) Loading Space Area:
  - Required: 28.00 sq. m (301.39 sq. ft.)
  - **Proposed:** 28.00 sq. m. (301.39 sq. ft.)
- SECTION 30.2 (g) Loading Space Width:
  - **Required:** 4.00 m (13.12 ft.)
  - **Proposed:** 4.00 m (13.12 ft.)

There is adequate access to the loading space, with backing and turning movement not causing interference with traffic on adjoining or abutting streets. There is also adequate space available for vehicles to load and unload, while business operations commence onsite.

## GARBAGE ENCLOSURE & OUTSIDE STORAGE & FENCING:

## SECTION 25.4 Business Developments (Land Use Bylaw)

- 25.4(k) Garbage and waste must be stored in weatherproof and animal proof containers and be in a location easily accessible to containerized garbage pickup.
  - See above



## SIGNAGE:

One identification sign is noted on drawing DP0.06 at the entrance of Bingham Way. No details provided.

## Signage to be considered under a separate DP.

LIGHTING:

## SECTION 27 – Lighting of Sites/Development (Land Use Bylaw)

27.2 (a) Outdoor lighting on any development shall comply with the following provisions:

- (i) All developments shall use full cut-off (shielded) outdoor light fixtures that direct the light downward;
- Lighting has been shown on DPE2.0 Electrical Site Plan, but the details of each lighting fixture type are not shown. A condition of approval will require a detailed lighting plan.
  - (ii) no light structure shall exceed a height of 7.62 m (25.00 ft.); and no light shall be attached to a structure above a height of 7.62 m (25.00 ft.) along that structure
- See above.

#### ADDITIONAL INFORMATION:

Subdivision History:

 PL20140054 subdivision to create the Bingham Crossing Development including the subject lots is pending. A prior to occupancy condition will require endorsement and registration at land titles.

## STATUTORY PLANS:

This property falls under the North Springbank Area Structure Plan. This application was also evaluated in accordance with the Land Use Bylaw and DC 148. Any applicable policies have been noted throughout the report.

## NON STATUTORY PLANS:

This property falls under the Bingham Crossing Conceptual Scheme and Bingham Crossing MSDP. Any applicable policies have been noted throughout the report.

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

Inspection date: May 8, 2019

- No changes to site other than 1 new harmony sign (directional sign for show home)
- Topsoil stockpile located in the middle of the parcel
- No construction activity
- Multiple low spots filled with water

#### CIRCULATIONS:

#### Alberta Transportation (April 24, 2019)

In reviewing the application, the proposed development falls within the control distance of a provincial highway as outlined in the Highways Development and Protection Act / Regulation, and will require a



roadside development permit from Alberta Transportation. The Stage 1 upgrades to the Highway 1 and Range Road 33 interchange will be a condition of development permit approval.

The application form and instructions can be obtained from the department's website, at <u>http://www.transportation.alberta.ca/2629.htm</u>

The completed application must be forwarded to <u>TransDevelopmentCalgary@gov.ab.ca</u> or by mail at the address listed below.

#### Calgary Airport Authority (April 15, 2019)

The purpose of this letter is to reply to your request of March 28, 2019, to review the Application Number PRDP20190666 with respect to the proposed Bingham Crossing Development consisting of Retail, Regional and Retail, Local, construction of eight (8) retail buildings and signage. Please be advised that the Calgary Airport Authority has the following comments:

#### Noise Exposure

The proposed development is located within close proximity to the Springbank Airport and that the County and prospective landowners must be aware that immediately over these lands, training aircraft are typically maintaining a lower altitude, in higher power settings than in a descent phase of flight. There is also a high likelihood that rotary wing aircraft will transit the area during arrival and departing procedures. The applicant is encouraged to follow acoustical requirements as set out in the Alberta Building Code for areas within Airport Vicinity Protection Areas for any buildings to be constructed.

#### Building Height and Use of Cranes

The highest point above sea level of any building, structure or object is to be used when calculating the final height of the development. This includes parapets, rooftop equipment, antennas, and all other objects. The applicant must ensure there is adequate room for all objects to ensure conformity with the Springbank Airport Zoning Regulations. It is also important to note that use of construction equipment such as cranes may also have an impact on Airport Zoning and cannot violate the regulations during the construction of these buildings.

#### Springbank Airport Zoning Regulations

The proposed development is located within the Outer Surface as defined in the Springbank Airport Zoning Regulations and is therefore subject to regulated height restrictions. The maximum height for any structure in this area is 1243.58m above sea level.

The applicant must contact Transport Canada directly for a thorough review and determination of any restrictions on their proposal, for both the building and cranes that may be used during construction.

Transport Canada Aerodrome Safety, Air Navigation and Airspace, Prairie and Northern Region Email: caspnr-sacrpn@tc.gc.ca

Website: <u>http://www.tc.gc.ca</u>

#### Electronic Zoning Regulations

The proposed development is affected by the Electronic Facilities Protection Area Zoning Plan, and is located within the critical area of the Transmitter/Receiver of the Springbank Airport. Structure height limits exist in this area.


The applicant must contact Nav Canada directly for a thorough review and determination of any restrictions on their proposal, for both the building and any cranes that may be used during construction.

NAV CANADA AIS Data Collection Unit and Land Use Office 1601 Tom Roberts Road P.O. Box 9824, Station T Ottawa, Ontario, K1G 6R2 Phone: 866.577.0247 Fax: 613.248.4094 Email: landuse@navcanada.ca Website: <u>http://www.navcanada.ca</u>

### Bird Hazard Considerations

Incompatible land uses that attract bird activity by providing food sources or water must be avoided or mitigated. For further information on mitigation measures please contact the Calgary Airport Authority Environmental Group at 403.735.1405.

### Land Use in the Vicinity of Airports

As this development is occurring outside of the Springbank Airport property boundary, the proposed development should ensure compatibility to the land use recommendations and guidelines as set out in TP1247 – Land Use in the Vicinity of Airports.

### City of Calgary

No comments received.

Capital Project Management

No concerns

### Solid Waste

Has a solid waste management plan been submitted by the applicant? Can we see their plan for managing the wastes and recyclables and organics generated during construction and at build-out stages? This would include what they expect to be generated and what the plan is to manage the materials, for both front of house (public facing) and back of house (how the retailers will be handle their materials). Targets for diversion should also be included.

### **Transportation Services**

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. Site Grading, fill placement, temporary stockpile placement and berm construction are not to negatively impact existing surface drainage or direct additional surface drainage into adjacent County road allowance.

Height and location of proposed structure/berm/stockpile/sign are not to interfere with motorist sight lines along County roads.

Applicant to confirm duration of stockpile placement. Applicant to be responsible for dust, weed and erosion control for duration of stockpile placement.

Recommend Applicant submit a Traffic Impact Assessment (TIA) to confirm if traffic generated from the development/business will require upgrade to County Road Network.

Any on site exterior lighting to be "dark sky" compliant.



Applicant to confirm mail service to the development. Any mailbox pullouts will be constructed by the applicant to current County Servicing Standards.

Application involves Development along Alberta Transportation Road Allowance. Therefore applications to be circulated to Alberta Transportation for review and comments.

Applicant to be reminded no business signage to be installed within the County Road Allowance.

Applicant to be reminded to adhere to the conditions identified within the County Noise Bylaw.

### **Utility Services**

Occupancy of the proposed development should not be allowed until the developer has extended water services to the proposed development and has constructed and fully commissioned the wastewater collection, treatment and disposal system.

### GeoGraphics - Address & Road Naming Review (March 29, 2019)

Need to set up addressing and road naming for this development – Applicant to complete a road naming application and send it over to GIS Solutions for approval.

https://www.rockyview.ca/CountyServices/MapsAddressing/RoadSubdivisionNaming.aspx

### Fire Services & Emergency Management Review (April 09, 2019)

Having reviewed the circulation, the Fire Service has the following comments:

Please ensure that water supplies and hydrants are sufficient for firefighting purposes. Please contact the Fire Service to propose a design for a private hydrant systems if it is required.

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 designs specified in the Alberta Building Code and the Rocky View County Servicing Standards. Please show the road width and turning radius on drawings.

Please ensure that there is adequate access throughout all phases of development and that the access complies with the requirements of the Alberta Building Code & NFPA 1141. Because of the size of the development, there will always need to be a secondary access road throughout all phases of construction.

There are no further comments at this time.

# Planning and Development Services - Engineering Review (July 8, 2019)

### General

- It is acknowledged that Bingham Crossing is currently in the process of meeting all requirements for signing the on-site Development Agreement for the Bingham Crossing project. Prior to issuance it is recommended that the on-site Development Agreement has been executed by the Developer and the County.
- Prior to issuance the Applicant is required to submit development Site Servicing Plans outlining how the development will be serviced for wastewater, potable water, fire suppression and irrigation infrastructure. As part of this, the relevant engineering drawings shall also be submitted for ES review which shall include tie in locations for piped services. If the Applicant intends to operate any portion or all of the site with interim servicing plans, these plans shall be included as part of the Site Servicing Plan.



- As a permanent condition, the applicant will be required to operate the site in accordance with the examined Site Servicing Plan.
- Prior to issuance the applicant is required to submit a Construction Management Plan in accordance with the County Servicing Standards.
  - As a permanent condition, the applicant will be required to operate the site in accordance with the examined Construction Management Plan.
- Prior to occupancy of the site, ES requires that all infrastructure is constructed and as-built drawings certified by a professional engineer are submitted to the County for all underground and surface works required to be constructed as part of the on-site Development Agreement for Bingham Crossing under approval PL20140054. This includes (but not limited to) the following; waste water collection / storage and disposal infrastructure, potable water storage and distribution infrastructure, fire suppression infrastructure including hydrants, storm water infrastructure, roadways, pathways, landscaping, irrigation infrastructure and hydrants. Once received, ES will perform an inspection of the site and upon successful inspection, site occupancy will be released.
  - The County may consider release of occupancy in the absence of all of the above reference infrastructure being constructed if an appropriate interim servicing strategy is in place and appropriate waivers are executed.

# Geotechnical

- Prior to issuance the Applicant is required to submit compaction testing records for the Development Area in accordance with the recommendations and requirements of the Stripping and Grading Development Permit (2013-DP-15327) and examined Deep Fill Report.
- As a permanent condition the applicant is required to comply with all recommendations of the Tetra Tech EBA Geotechnical Evaluation for the Bingham Crossing Project (January, 2016).

### Transportation

- Prior to issuance the applicant will be required to provide payment of Transportation Offsite Levy for the proposed development in accordance with the applicable Transportation Offsite Bylaw at time of Development Permit approval for the gross area of the proposed development.
  - If TOL has previously been paid under PL20140054, it will not be required as part of this Development Permit and similarly, if TOL is paid for this DP, the area will be deducted from the TOL required under PL20140054.
- Prior to issuance it is required that a Special Improvements Development Agreement has been entered into for off-site transportation improvements required at the HWY 1 / Range Road 33 interchange in accordance with the conditions of subdivision approval PL20140054.
- Prior to occupancy it is required that the off-site transportation improvements at the HWY 1 / Range Road 33 interchange are completed to the satisfaction of Rocky View County and Alberta Transportation.

# Sanitary/Waste Water

- Prior to issuance, the applicant shall submit a detailed site wastewater servicing design that will tie into the Bingham Crossing wastewater collection and treatment system. The design shall include the location of sanitary sewer connections(s) to each building on the site and tie-ins to the off-site mains for review and approval by the County.
- Prior to issuance is it required that a Special Improvements Development Agreement has been entered into for the Bingham Crossing Waste Water Treatment Plant in accordance with the conditions of subdivision approval PL20140054.



- As a permanent condition, the applicant will be required to tie into the waste water servicing for Bingham Crossing when such servicing becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.
- Prior to occupancy it is required that the off-site wastewater treatment and disposal infrastructure is completed to the satisfaction of Rocky View County.

# Water Supply and Waterworks

- Prior to issuance, the applicant shall submit a detailed site potable water servicing, including adequate fire protection for the site, which will tie into the Bingham Crossing water treatment and distribution system. The design shall include the location of water connections(s) to each building on the site and tie-ins to the off-site mains for review and approval by the County.
- As a permanent condition the applicant will be required to tie into the overall water distribution network for the Bingham Crossing development when such servicing becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.

# Site-Specific Storm water Implementation Plan (SSIP)

- Prior to issuance, the Applicant is required to submit a development Site Specific Storm Water Management Plan (SSIP) in accordance with the County Servicing Standards and the Bingham Crossing Staged Master Drainage Plan and Pond Report.
  - As a permanent condition, the Development Permit shall be structure such that it is an ongoing requirement (in perpetuity) of the DP that the Owner operate the site in accordance with the approved SSIP.
  - The applicant is responsible for any related EPEA or Water Act approvals for the onsite storm water infrastructure.
- As a permanent condition the site shall be required to tie into the overall Bingham Crossing storm water management infrastructure when it becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.
- As a permanent condition, the site is required to operate in accordance with the Bingham Crossing Staged Master Drainage Plan and Pond Report.

# Irrigation

- Prior to issuance, the applicant shall submit an irrigation plan that complies with the recommendations of the SSIP and the overall irrigation design for the Bingham Crossing Development.
  - As a permanent condition, the applicant will be required to operate the site in accordance with the approved Irrigation plan.
- As a permanent condition the site shall be required to tie into the overall Bingham Crossing irrigation infrastructure when it becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.
- As a permanent condition it is required that a minimum of 300 mm of topsoil be utilized for all landscaped areas.

# Lot Grading & Erosion and Sediment Control

- Prior to issuance, an Erosion and Sediment control report is required.
  - As a permanent condition, the applicant is required to follow the recommendations of the approved Erosion and Sediment Control report.



# Agricultural and Environmental Services Comments (April 15, 2019)

Because this parcel falls within the North Springbank Area Structure Plan, Agricultural Service has no concerns.

### Development Compliance Services Review (April 17, 2019)

- Recommend that dust control measures be required during construction;
- Recommend that all building debris and garbage be contained at all times during construction;
- Recommend that all exterior garbage containers be weather and animal proof.

### Building Services Review (April 9, 2019)

- Prior to Issuance provide 3.2.2 Building Code analysis to Building Services and Fire Services for each building structure planned. Separate building permits for each base building will be required.
- b) Prior to issuance provide Hydrant location, the hydrant location depends on the 3.2.2 classification, Access Routes location and design and water supply.

Dimensioned site plan with dimensions to the hydrant and Siamese connection/front entry, access route design and water supply that conform to the ABC 2014 articles below.

- c) Advisory condition All Buildings shall conform to the National Energy Code 2011, with documentation/design at Building Permit stage. <u>http://www.rockyview.ca/Portals/0/Files/BuildingPlanning/Building/resources/NECB-Submission-Requirements.pdf</u>
- d) Advisory condition- Applicant is required to submit a Building permit application using our industrial/commercial/institutional checklist-<u>https://www.rockyview.ca/Portals/0/Files/BuildingPlanning/Building/checklists/Commercial-Industrial-Institutional\_Checklist.pdf</u>
- e) Advisory condition- New Building, Fire and Energy Efficiency codes will be in full force by approximately October 01, 2019. A 6-month transition date will be given once the new codes are released and available electronically as outlined by the province. Once this date is established, 6 months later will be the definitive cut off for submitting any building permits under the outgoing codes with a substantially complete application. Once the transition period has lapsed, the National Building & Fire Code 2019 Alberta Edition and the National Energy Code for Buildings (2017 Edition) will be in effect for all building permits to follow.
- f) The drawings and information listed in the checklist from items 1-11 (as applicable) shall be submitted as part of the Building permit application in a complete and satisfactorily manner.

### ABC articles for applicant/designer information

- a. 3.2.5.16. Fire Department Connections
  - 1) The fire department connection for a standpipe system shall be located so that the distance from the fire department connection to a hydrant is not more than 45 m and is unobstructed.
  - The fire department connection for an automatic sprinkler system shall be located so that the distance from the fire department connection to a hydrant is not more than 45 m and is unobstructed.
  - 3) The fire department connection referred to in Sentences (1) and (2) shall be located no closer than 3 m and no further than 15 m from the principal entrance to the building.



# c. 3.2.5.4. Access Routes

A building which is more than 3 storey's in building height or more than 600 sq. m in building area shall be provided with access routes for fire department vehicles

- a) to the building face having a principal entrance, and
- b) to each building face having access openings for firefighting as required by Articles 3.2.5.1. and 3.2.5.2.
- d) 3.2.5.5.Location of Access Routes
- Access routes required by Article 3.2.5.4. shall be located so that the principal entrance and every access opening required by Articles 3.2.5.1. and 3.2.5.2. are located not less than 3 m and not more than 15 m from the closest portion of the access route required for fire department use, measured horizontally from the face of the building.
- 2) Access routes shall be provided to a building so that
  - a) for a building provided with a fire department connection, a fire department pumper vehicle can be located adjacent to the hydrants referred to in Article 3.2.5.16.,
  - b) for a building not provided with a fire department connection, a fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 90 m, and
  - c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45 m.
- 3) The unobstructed path of travel for the firefighter required by Sentence (2) from the vehicle to the building shall be measured from the vehicle to the fire department connection provided for the building, except that if no fire department connection is provided, the path of travel shall be measured to the principal entrance of the building.
- 4) If a portion of a building is completely cut off from the remainder of the building so that there is no access to the remainder of the building, the access routes required by Sentence (2) shall be located so that the unobstructed path of travel from the vehicle to one entrance of each portion of the building is not more than 45 m.

e. 3.2.5.6. Access Route Design

- 5) A portion of a roadway or yard provided as a required access route for fire department use shall
  - a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory,
  - b) have a centreline radius not less than 12 m,
  - c) have an overhead clearance not less than 5 m,
  - d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m,



- e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,
- f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and
- g) be connected with a public thoroughfare.

# f. 3.2.5.7.Water Supply

- Except as required in Sentences (3) and (4), and except for a building that is neither more than 3 storeys in building height nor more than 600 sq. m in building area, a building shall have a supply of water available for firefighting purposes that is not less than the quantity derived from the following formula:
- 2) The private water supply referred to in Clause (1)(b) shall be
  - a) capable of being delivered at a rate of not less than
    - i) 2 700 L/min for a *building* required to have a quantity less than 75 000 L, and
    - ii) 3 800 L/min for a *building* requiring a quantity of 75 000 L and greater, and
  - b) provided with a
    - i) dry hydrant conforming to Chapter 8 of NFPA 1142, "Water Supplies for Suburban and Rural Fire Fighting," or
    - ii) pressurized hydrant conforming to the requirements of NFPA 24, "Installation of Private Fire Service Mains and their Appurtenances."
- 3) Capacity requirements under Sentence (1) do not apply to a *building* having a standpipe system conforming to the requirements

# **OPTIONS:**

APPROVAL, subject to the following conditions:

Option #1 (this would allow the development to proceed)

That the appeal against the decision of the Development Authority to issue a Development Permit for Retail, Regional and Retail, Local, construction of eight (8) retail buildings and signage associated with the Bingham Crossing Development on NW-34-24-03-W05M (32159 TWP RD 250), be denied, that the decision of the Development Authority be upheld, and that a Development Permit be issued subject to the following conditions:

# **Description:**

- 1) That *Retail, Regional* and *Retail, Local*, construction of eight (8) retail buildings and signage may take place in accordance with the drawings prepared by Dialog, dated March 4, 2019 and August 13, 2019 as amended and includes the following:
  - i. Construction of eight (8) retail buildings including:



- 1. Building 1 (approximately 47,086 sq. ft. (4,374.48 sq. m.) in area);
- 2. Building 4 (approximately 43,571 sq. ft. (4,047.89 sq. ft.) in area);
- 3. Building 5 (approximately 20,157 sq. ft. (1,872 sq. m.) in area);
  - 4. Building 6 (approximately 19,839 sq. ft. (1,843.11 sq. m.) in area);
- 5. Building 7 (approximately 32,098 sq. ft. (2,981.96 sq. m.) in area);
- 6. Building 8 (approximately 20,471 sq. ft. (1,901.78 sq. m.) in area);
- 7. Building 9 (approximately 22,170 sq. ft. (2,059.66 sq. m.) in area);
- 8. Building 10 (approximately 48,671 sq. ft. (4,521.67 sq. m.) in area);
- ii. Site grading in accordance with Grading Plans (B-1 to B-6); and,
- iii. One (1) freestanding/pylon sign and on-site wayfinding signage as required; details to be submitted and approved prior to installation.
- 2) That all buildings shall comply with the required setback requirements as per section 1.5.2 1.5.4 of Direct Control District 148 with the noted exceptions below:
  - i. That the minimum front yard setback requirement for Building 4 is relaxed from **6.00 m.** (19.69 ft.) to 5.40 m (17.72 ft.).
  - ii. That the minimum front yard setback requirement for Building 6 is relaxed from **6.00 m.** (19.69 ft.) to 5.89 m (19.32 ft.).

### Prior to Issuance:

Payments and Levies:

- 3) 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 \$26,816.00 calculated at \$800.00 per acre for 33.52 acres.
- 4) That prior to the issuance of this permit, the Applicant/Owner shall provide payment of Transportation Offsite Levy for the proposed development in accordance with the applicable Transportation Offsite Bylaw at time of Development Permit approval for the gross area of the proposed development.
  - i. If TOL has been previously been paid under PL20140054, it will not be required as part of this Development Permit and similarly, if TOL is paid for this DP, the area will be deducted from the TOL required under PL20140054.

Site Developability:

- 5) That prior to issuance of this permit, the Applicant/Owner shall submit an Outdoor Lighting Plan, in accordance with Section 5.2.14 of DC 148 and Section 27 of the Land Use Bylaw, detailing the proposed building and site lighting for the development. The lighting shall be compliant with the County's dark sky lighting regulations.
- 6) That prior to issuance of this permit, the Applicant/Owner shall submit a Signage Plan, including number of signs, type, size, dimensions, and design details, in accordance with Section 35 of the Land Use Bylaw.
- 7) That prior to issuance of this permit, the Applicant/Owner shall submit a Road Naming application for the development addressing, to the County for review and approval.



### Technical:

- 8) That prior to issuance of this permit, the Applicant/Owner shall enter into a Development Agreement for the on-site infrastructure improvements identified in the conditions of subdivision approval PL20140054.
- 9) That prior to the issuance of this permit, the Applicant/Owner shall enter into the Special Improvements Development Agreement for off-site transportation improvements required at the HWY 1 / Range Road 33 interchange in accordance with the conditions of subdivision approval PL20140054.
- 10) That prior to the issuance of this permit, the Applicant/Owner shall enter into the Special Improvements Development Agreement for the Bingham Crossing Waste Water Treatment Plant in accordance with the conditions of subdivision approval PL20140054.
- 11) That prior to the issuance of this permit, the Applicant/Owner shall submit a detailed a Site Servicing Plan addressing how the development will be serviced for wastewater, potable water, fire suppression and irrigation infrastructure. This shall include (but not be limited to) the following;
  - i. Engineering drawings for all on-site potable water, wastewater, firewater and irrigation infrastructure showing all applicable building connections as well as appropriate tie-ins to the overall Bingham Crossing servicing infrastructure;
  - ii. A wastewater demand analysis confirming the site design conforms to the overall design of the Bingham Crossing waste water treatment collection/treatment and disposal infrastructure;
  - iii. A potable water demand analysis confirming the site design conforms to the overall design for the Bingham Crossing water distribution system and network;
  - A firewater demand analysis confirming the site design conforms to the overall design for the Bingham Crossing fire water distribution system and network including confirmation of reservoir sizing;
  - v. An irrigation plan that complies with the recommendations of the SSIP and the overall irrigation design for the Bingham Crossing Development; and,
  - vi. If the Applicant intends to operate any portion or all of the site with interim servicing plans, these plans shall be included as part of the site servicing plan.
- 12) That prior to the issuance of this permit, the Applicant/Owner shall submit a development Site-Specific Stormwater Management Plan (SSIP) in accordance with the County's Servicing Standards and the Bingham Crossing Staged Master Drainage Plan and Pond Report.
  - i. The Applicant/Owner shall be responsible for any related EPEA or Water Act approvals for the on-site stormwater infrastructure.
- 13) That prior to the issuance of this permit, the Applicant/Owner shall submit a Construction Management Plan in accordance with Section 5.2.1 of DC 148 and the County's Servicing Standards.
- 14) That prior to the issuance of this permit, the Applicant/Owner shall submit an Erosion and Sediment control report, in accordance with County Servicing Standards.
- 15) That prior to the issuance of this permit, the Applicant/Owner shall submit compaction-testing records for the Development Area in accordance with the recommendations and requirements



of the Stripping and Grading Development Permit (2013-DP-15327) and examined Deep Fill Report.

- 16) 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 requirement agreement or permits shall be obtained unless otherwise noted by County Road Operations.
- 17) That prior to the issuance of this permit, the Applicant/Owner shall submit a Site Plan demonstrating that a secondary access road is available during all phases of construction. The access shall be compliant to the National Building Code and to the County Servicing Standards.
- 18) That prior to the issuance of this permit, the Applicant/Owner shall submit a solution for water supply for firefighting during construction, compliant to the National Building Code and to the County Servicing Standards. Note, this may require a formal alterative solution.
- 19) That prior to the issuance of this permit, the Applicant/Owner shall submit a Fire Safety Plan for the development in accordance with Alberta Fire Code 2006 (Division B, Section 5.6.1.2.(1)) to the satisfaction of the County.

### Other

- 20) That prior to issuance of this permit, the Applicant/Owner shall submit a Solid Waste Management Plan, in accordance with Section 5.2.7 of DC 148, Section 8.5 of the CS and the Main Street Development Principles of the MSDP, to the satisfaction of the County. The plan shall also detail how the development will manage the waste, recyclables and organics generated during construction and operation of the development including proposed targets for diversion.
- 21) That prior to the issuance of this permit, the Applicant/Owner shall submit a 3.2.2 Building Code analysis, for each building structure planned, and a Site Plan confirming the hydrant location and Siamese connection/front entry, access route design and water supply that conform to the applicable ABC 2014 articles to the satisfaction of the County.

### **Prior to Occupancy:**

- 22) That prior to occupancy of the site, all infrastructure shall be constructed and as-built drawings certified by a professional engineer be submitted to the County for all underground and surface works required to be constructed as part of the on-site Development Agreement for Bingham Crossing under approval PL20140054. This includes (but not limited to) the following:
  - i. waste water collection infrastructure;
  - ii. potable water storage and distribution infrastructure;
  - iii. fire suppression infrastructure including hydrants;
  - iv. storm water infrastructure;
  - v. roadways;
  - vi. pathways;



vii. landscaping; and,

viii. irrigation infrastructure.

Following receipt of the as-built drawings from the consulting engineer, the County shall make an inspection of the site to verify infrastructure has been completed as per the stamped "examined drawings".

Note: The County may consider release of occupancy in the absence of all of the above reference infrastructure being constructed if an appropriate interim servicing strategy is in place and appropriate waivers are executed.

- 23) That prior to occupancy of the site, the Applicant/Owner shall complete the required off-site transportation improvements at the Highway 1 & Range Road 33 interchange to the satisfaction of the County and Alberta Transportation.
- 24) That prior to occupancy of the site, the Applicant/Owner shall complete the off-site waste water treatment and disposal infrastructure to the satisfaction of the County.
- 25) That prior to occupancy of the site, subdivision file PL20140054 shall be registered at Alberta Land Titles.
- 26) That prior to occupancy of the site, all development addressing shall be placed and installed onsite. Note, addressing may be placed and installed per phase development.
- 27) That all landscaping and final site surfaces shall be in place prior to occupancy of the site.
  - i. That should permission for occupancy of the site be requested during the months of October through May inclusive, occupancy may be allowed without landscaping and final site surface completion provided that an Irrevocable Letter of Credit in the amount of 150.00% of the total cost of completing all the landscaping and final site surfaces shall be placed with Rocky View County to guarantee the works shall be completed by the 30th day of June immediately thereafter.
  - ii. That upon each phase completion, a landscaping cost breakdown shall be submitted to the County, detailing the outstanding landscaping works for that phase. Upon completion and inspection by the County, the associated phase security shall be released back to the Applicant.

# Permanent:

- 28) That the Applicant/Owner shall tie into the waste water servicing for Bingham Crossing when such servicing becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.
- 29) That the Applicant/Owner shall tie into the overall water distribution network for the Bingham Crossing development when such servicing becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.
- 30) That the subject lands shall tie into the overall Bingham Crossing storm water management infrastructure when it becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.
- 31) That the Applicant/Owner shall tie into the overall Bingham Crossing irrigation infrastructure when it becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.
- 32) That a minimum of 300mm of topsoil be utilized for all landscaped areas.



- ROCKY VIEW COUNTY Cultivating Communities
- 33) That, if required, any topsoil/dirt removed from the site shall be hauled off in a covered trailer/truck, which will prevent blowing of dust/small rocks onto the road or cause issues with other vehicles on the road.
- 34) 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.
- 35) That during construction and operation of the business, dust control shall be maintained onsite and that the Developer shall take whatever means necessary to keep visible dust from blowing onto adjacent lands.
- 36) That the garbage containers shall be screened from view from all adjacent properties and public thoroughfares, in accordance with the submitted site plan. The garbage and waste material on site shall be stored in weatherproof and animal-proof containers located within buildings or adjacent to the side or rear of buildings.
- 37) 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 each principal building located on the subject site, to facilitate accurate emergency response.
- 38) That the subject property shall obtain water from the Bingham Crossing Water Distribution system.
- 39) That prior to the installation of any approaches, the Applicant/Owner shall contact and submit a Road Approach Application with County Road Operations and upon completion shall contact Road Operations for an inspection.
- 40) That any future signage, not approved within this development permit, shall require a separate Development Permit approval and shall adhere to the Bingham Crossing Conceptual Scheme, the Bingham Crossing Master Site Development Plan and Section 35 of the Land Use Bylaw.
- 41) That all signage shall be kept in a safe, clean, and tidy condition at all times.
- 42) That no temporary signs shall be place on the site at any time except any temporary signs required during development or building construction. That no signage shall be placed within the County Road Allowance at any time.
- 43) That any mailbox pullouts or installations shall be constructed in accordance with County Servicing standards.
- 44) That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the Development Officer.
- 45) That all landscaping shall be in accordance with the landscaping details provided on the Landscape Plan, as revised.
- 46) That the Applicant/Owner shall be responsible for the irrigation and maintenance of the landscaped areas (include pathways) including the replacement of any deceased trees, shrubs, or plants within 30 days or by June 30th of the next growing season.
- 47) That all on site Lighting shall be "dark sky", and all private lighting, including site security lighting and parking area lighting, should be designed to conserve energy, reduce glare and reduce uplight. All development will be required to demonstrate lighting design that reduces the extent of spillover glare and eliminates glare as viewed from nearby residential properties.
- 48) That the minimum number of parking stalls, being sixteen hundred fifty two (1,652) parking stalls, including barrier free stalls shall be maintained on site at all times, or as determined by an approved Parking Assessment, to the satisfaction of the County.



- 49) There shall be no parking of any kind along the adjacent County Road System.
- 50) That water conservation strategies shall be implemented and maintained at all times.
- 51) That there shall be no hose bibs installed on the exterior of the building as no potable water can be used for any irrigation purposes.
- 52) That no outside storage of supplies and/or materials shall be permitted.
- 53) 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:
  - i. The approved Site Servicing Plan;
  - ii. The approved Construction Management Plan;
  - iii. The approved Erosion and Sedimentation Control Plan; and,
  - iv. The approved Site Specific Storm Water Management Plan (SSIP).
- 54) That the Applicant/Owner shall comply with all recommendations of the Tetra Tech EBA Geotechnical Evaluation for the Bingham Crossing Project (January 2016).
- 55) That the Applicant/Owner shall operate the site in accordance with the Bingham Crossing Staged Master Drainage Plan and Pond Report.
- 56) That on-site wayfinding signage including for direction and information purposes shall be permitted, where in keeping with the design of the overall development, to the satisfaction of the County. Business advertising including monument, pylon signage or similar shall require a separate Development Permit.

### Advisory:

- 57) That the Applicant/Owner shall be responsible for all required payments of 3<sup>rd</sup> party reviews and/or inspections as per the Master Rates Bylaw based on the County's discretion or requirement.
  - Note: For any 3<sup>rd</sup> party review work completed prior to Issuance of the Development Permit, the invoices shall be paid prior to the Development Permit being issued. For any work completed after Permit issuance but before Permit Occupancy, the invoices shall be paid prior to Development Occupancy.
- 58) That the site shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
- 59) That the site shall remain free of restricted or noxious weeds, in accordance with the Weed Control Act.
- 60) 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.
- 61) That separate building permits (per building) and all applicable sub-trade permits shall be obtained, through Building Services, prior to any construction taking place, using the Commercial/Industrial checklist and shall include:
  - i. The approved 3.2.2. Building Code Analysis
  - ii. A dimensioned site plan with dimensions to the hydrant locations, Siamese connection/front entry (if applicable), Access route design and water supply



- Note: The Development shall conform to the National Energy Code 2011, NFPA 1142, and any requirements of the Alberta Building Code. New Building, Fire and Energy Efficiency codes will be in full force as of Dec 01, 2019. The 6 month transition period to submit a Building permit under the current and outgoing codes will lapse on Nov 30<sup>th</sup>, 2019. Once the transition period has lapsed, the National Building & Fire Code - 2019 Alberta Edition and the National Energy Code for Buildings – 2017 Edition will be in effect for all building permits to follow.
- 62) That separate Development Permits shall be issued for each tenant prior to occupancy of any unit.
- 63) That separate Development Permits shall be issued for Buildings 2 and 3.
- 64) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner includes any Alberta Transportation or NAV Canada requirements.
- 65) That the buildings and/or works completed under this permit prior to the end of the validity of this permit remain subject to the terms and conditions of this permit.
- 66) That the buildings and/or works not completed under this permit are subject to a new Development Permit subject to the satisfaction of the County.
- 67) 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 48 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.
- 68) That if this Development Permit is not issued by **FEBRUARY 29, 2021**, or by an 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 development to proceed)

That the appeal against the decision of the Development Authority to issue a Development Permit for Retail, Regional and Retail, Local, construction of eight (8) retail buildings and signage associated with the Bingham Crossing Development on NW-34-24-03-W05M (32159 TWP RD 250), be upheld and that the decision of the Development Authority be revoked.

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# B-6 Page 45 of 91



# **Notice of Appeal**

Subdivision and Development Appeal Board Enforcement Appeal Committee

Appellant Information						
Name of Appellant(s) Eagle Butte Ranches Ltd. c/o JSS Barristers						
Mailing Address #800, 304-8th Ave SW			Municipalit Calgary	Municipality		Postal Code T2P 1C2
Main Phone # Alternate Phone # 403-571-4316			Email Address marshalld@jssbarristers.ca			
Site Information						
Municipal Address 32163 TWP RD 250			Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) NW-34-24-03-05;			
Property Roll # n/a	Development Permit, Subdivision Application, or Enforcement Order # PRDP20190666					
I am appealing: (check one box only)						
Development Authority Decision		Subdivision Authority Decision Approval Conditions of Approval Refusal			Decision of Enforcement Services	
Reasons for Appeal (attach separate page if required)						
					OUN ALL SEP	W COUNTY ENED 2 4 2019
This information is collected for	ales Cole Judates and	d Daveler	ant Annal Daard -	r Enforcer	Anna Anna	af Dadu Sh

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.

September 24, 2019

Appellant's Signature

Date

Last updated: 2018 November 13

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Direct Line: Email: Assistant - Dara Trusdale File No: (403)571-4316 marshalld@jssbarristers.ca (403)571-1060 14201-002

COURIER

September 24, 2019

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

Dear Sir/Madam:

# Re: Notice of Appeal of Development Permit #PRDP20190666

We have enclosed for service upon you the Notice of Appeal of Eagle Butte Ranches Ltd. of PRDP20190666 (**Permit**), along with a cheque for the appeal fee. We have also enclosed a copy of the Permit for your reference.

We trust the foregoing to be in order.

Yours truly, Jensen Shawa Solomon Duguid Hawkes LLP

David J. Marshall

DM:dt Encl. c.c. client (via email)



# Appeal of PRDP20190666 by Eagle Butte Ranches Ltd. - Schedule 'A'

- Eagle Butte Ranches Ltd. (EBR) is the owner and occupant of the premises immediately adjacent to NE-34-24-03-W5M (Subject Lands) to the East, i.e. NW 35-24-03W5M (EBR Lands).
- The Development Permit under appeal (Subject Permit) is a "derivative" permit to two permits previously granted by Rocky View County (County), being PRDP20171150 (Wastewater Permit) and PL20140054 (Subdivision Approval).
- 3. The Wastewater Permit was granted conditionally with 12 prior-to-issuance conditions (Conditions).
- 4. As of July 17, 2019, the County informed EBR that 10 of the Conditions remained unsatisfied, and that an extension had been granted to April 30, 2020 for those outstanding conditions to be satisfied.
- 5. The outstanding Conditions include:
  - (a) That prior to issuance of this permit the Applicant/Owner shall provide a Geotechnical Investigation Report for the Subject Lands.
  - (b) That prior to issuance of this permit the Applicant/Owner shall provide a Land Irrigation Assessment for the Subject Lands.
  - (c) That prior to issuance of this permit, the Applicant/Owner shall provide detailed engineering drawings and enter into a Special Improvement Development Agreement pursuant to Section 655 of the *Municipal Government Act* respecting provision of the following:
    - (i) Wastewater treatment plant and associated infrastructure;
    - (ii) Treated wastewater irrigation infrastructure;
    - (iii) Treated wastewater storage facility;
    - (iv) Irrigation pump house;
    - (v) Water reservoir; and
    - (vi) Water treatment plant/booster pump station and associated infrastructure.
  - (d) That prior to issuance of this permit, the Applicant/Owner shall provide a Site-Specific Stormwater Implementation Plan (SSIP). The SSIP shall demonstrate how additional runoff arising from the proposed development will be managed in

accordance with Rocky View County's Servicing Standards and Springbank Master Drainage Plan (April 2016). If the SSIP requires improvements, prior to issuance, the Applicant/Owner shall enter into a Development Agreement to implement the recommendations.

- 6. EBR appealed the Wastewater Permit on the grounds that it would cause irreparable harm to the EBR Lands for the following reasons (Wastewater Permit Appeal):
  - (a) The EBR Lands are down slope and down wind of the wastewater project and due to this fact is subject to overland runoff onto, into, and through the EBR lands;
  - (b) The wastewater that will be sprayed by the Bingham Crossing Waste Water System will not be potable, the treated water will still contain biological contaminants that will be carried by any runoff and wind onto and into the EBR Lands;
  - (c) The windborne spray from the wastewater system will also be carried onto the EBR Lands as well as dust contaminated by the spray;
  - (d) Both the runoff and windborne spray will severely and negatively impact the EBR Lands, residences, and residents as well as fresh water springs, wells, reservoirs, and the Bow River tributary creek that flows through those lands and which enters into the Bearspaw Reservoir that provides drinking water to the City of Calgary.
- 7. The Wastewater Permit Appeal was denied on August 9, 2017, on the grounds that, among other things:
  - the "conditions of the development permit will mitigate any undue effect on adjacent parcels"; and
  - (b) That, notwithstanding EBR's concerns that several required reports were not submitted at the time the Wastewater Permit was granted, that these reports would be required prior to final issuance of the Wastewater Permit.
- 8. The Applicant/Owner now purports to secure the Subject Permit to construct buildings which require the facilities described in the Wastewater Permit to be approved and constructed despite the Conditions thereto not yet being satisfied. For example, the Subject Permit requires:
  - (a) That, prior to issuance of this permit, the Applicant/Owner shall submit a detailed Site Servicing Plan addressing how the development will be serviced for wastewater, potable water, and fire suppression and irrigation infrastructure. This shall include:

- A wastewater demand analysis confirming the site design conforms to the overall design of the Bingham Crossing water distribution system and network; and
- (ii) An irrigation plan that complies with the recommendations of the SSIP and the overall irrigation design for the Bingham Crossing Development.
- (b) That, prior to issuance of this permit, the Applicant/Owner shall submit an Erosion and Sediment control report, in accordance with County Servicing Standards.
- 9. These are critical pieces of information that are required in order to assess the degree of harm that will be sustained by EBR and the EBR Lands as a result of the Subject Permit, Wastewater Permit, and Subdivision Approval.
- 10. This information is also critical to assess whether the Wastewater plant, and therefore Bingham Crossing as a whole, are compliant with:
  - (a) Section 12 of the Subdivision and Development Regulation, AR 43/2002;
  - (b) The Wastewater and Storm Drainage Regulation, AR 119/93;
  - Rocky View County POL-449 and PRO-449, Performance Requirements for Wastewater Treatment Systems;
  - (d) Alberta Environment and Sustainable Resource Development Approval and Amending Approval #333897-00-00 (AESRD Approvals); and
  - Rocky View County County Plan, Bylaw C-7280-2013, as amended, in particular sections 7.6, 17.2 and 17.9-13, and the goals and policies stated in sections 2.0, 7.0 and 17.0

(collectively, the Permitting Requirements).

- 11. Until the Conditions in the Wastewater Permit are satisfied, the Subject Permit is premature and cannot be granted, even conditionally, as it necessarily does not yet meet the Permitting Requirements.
- 12. Further, and in the alternative, the granting of the Subject Permit would cause irreparable harm to the EBR Lands, which contain many fresh water springs and wells which would be put at risk by pollution and otherwise denigrated and degraded.

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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

Dialog Design (Alex Pidgeon)

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Tuesday, September 03, 2019

Roll: 04734003

#### RE: Development Permit #PRDP20190666

#### NW-34-24-03-05; (32159 and 32163 TWP RD 250)

The Development Permit application for Retail, Regional and Retail, Local, construction of eight (8) retail buildings and signage associated with the Bingham Crossing Development has been **conditionally-approved** by the Development Officer subject to the listed conditions below (PLEASE **READ ALL CONDITIONS**):

#### Description:

- 1. That *Retail, Regional* and *Retail, Local*, construction of eight (8) retail buildings and signage may take place in accordance with the drawings prepared by Dialog, dated March 4, 2019 and August 13, 2019 as amended and includes the following:
  - i. Construction of eight (8) retail buildings including:
    - 1. Building 1 (approximately 47,086 sq. ft. (4,374.48 sq. m.) in area);
    - 2. Building 4 (approximately 43,571 sq. ft. (4,047.89 sq. ft.) in area);
    - 3. Building 5 (approximately 20,157 sq. ft. (1,872 sq. m.) in area);
    - 4. Building 6 (approximately 19,839 sq. ft. (1,843.11 sq. m.) in area);
    - 5. Building 7 (approximately 32,098 sq. ft. (2,981.96 sq. m.) in area);
    - 6. Building 8 (approximately 20,471 sq. ft. (1,901.78 sq. m.) in area);
    - 7. Building 9 (approximately 22,170 sq. ft. (2,059.66 sq. m.) in area);
    - 8. Building 10 (approximately 48,671 sq. ft. (4,521.67 sq. m.) in area);
  - ii. Site grading in accordance with Grading Plans (B-1 to B-6); and,
  - iii. One (1) freestanding/pylon sign and on-site wayfinding signage as required; details to be submitted and approved prior to installation.



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### Dialog Design (Alex Pidgeon) #PRDP20190666

- 2. That all buildings shall comply with the required setback requirements as per section 1.5.2 1.5.4 of Direct Control District 148 (DC 148) with the noted exceptions below:
  - i. That the minimum front yard setback requirement for Building 4 is relaxed from 6.00 m. (19.69 ft.) to 5.40 m (17.72 ft.).
  - ii. That the minimum front yard setback requirement for Building 6 is relaxed from 6.00 m. (19.69 ft.) to 5.89 m (19.32 ft.).

### Prior to Issuance:

### Payments and Levies:

- 3. 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 \$26,816.00 calculated at \$800.00 per acre for 33.52 acres.
- 4. That prior to the issuance of this permit, the Applicant/Owner shall provide payment of Transportation Offsite Levy (TOL) for the proposed development in accordance with the applicable Transportation Offsite Bylaw at time of Development Permit approval for the gross area of the proposed development.
  - i. If TOL has been previously been paid under PL20140054, it will not be required as part of this Development Permit and similarly, if TOL is paid for this DP, the area will be deducted from the TOL required under PL20140054.

Site Developability:

- 5. That prior to issuance of this permit, the Applicant/Owner shall submit an Outdoor Lighting Plan, in accordance with Section 5.2.14 of DC 148 and Section 27 of the LUB, detailing the proposed building and site lighting for the development. The lighting shall be compliant with the County's dark sky lighting regulations.
- That prior to issuance of this permit, the Applicant/Owner shall submit a Signage Plan, including number of signs, type, size, dimensions, and design details, in accordance with Section 35 of the LUB.
- 7. That prior to issuance of this permit, the Applicant/Owner shall submit a Road Naming application for the development addressing, to the County for review and approval.

#### Technical:

- That prior to issuance of this permit, the Applicant/Owner shall enter into a Development Agreement for the on-site infrastructure improvements identified in the conditions of subdivision approval PL20140054.
- That prior to the issuance of this permit, the Applicant/Owner shall enter into the Special Improvements Development Agreement for off-site transportation improvements required at the HWY 1 / Range Road 33 interchange in accordance with the conditions of subdivision approval PL20140054.



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#### Dialog Design (Alex Pidgeon) #PRDP20190666

- 10. That prior to the issuance of this permit, the Applicant/Owner shall enter into the Special Improvements Development Agreement for the Bingham Crossing Waste Water Treatment Plant in accordance with the conditions of subdivision approval PL20140054.
- 11. That prior to the issuance of this permit, the Applicant/Owner shall submit a detailed a Site Servicing Plan addressing how the development will be serviced for wastewater, potable water, and fire suppression and irrigation infrastructure. This shall include (but not be limited to) the following;
  - i. Engineering drawings for all on-site potable water, wastewater, firewater and irrigation infrastructure showing all applicable building connections as well as appropriate tie-ins to the overall Bingham Crossing servicing infrastructure;
  - ii. A wastewater demand analysis confirming the site design conforms to the overall design of the Bingham Crossing waste water treatment collection/treatment and disposal infrastructure;
  - iii. A potable water demand analysis confirming the site design conforms to the overall design for the Bingham Crossing water distribution system and network;
  - A firewater demand analysis confirming the site design conforms to the overall design for the Bingham Crossing fire water distribution system and network including confirmation of reservoir sizing;
  - v. An irrigation plan that complies with the recommendations of the SSIP and the overall irrigation design for the Bingham Crossing Development; and,
  - vi. If the Applicant intends to operate any portion or all of the site with interim servicing plans, these plans shall be included as part of the site servicing plan.
- 12. That prior to the issuance of this permit, the Applicant/Owner shall submit a development Site-Specific Stormwater Management Plan (SSIP) in accordance with the County's Servicing Standards and the Bingham Crossing Staged Master Drainage Plan and Pond Report.
  - The Applicant/Owner shall be responsible for any related EPEA or Water Act approvals for the on-site stormwater infrastructure.
- 13. That prior to the issuance of this permit, the Applicant/Owner shall submit a Construction Management Plan in accordance with Section 5.2.1 of DC 148 and the County's Servicing Standards.
- 14. That prior to the issuance of this permit, the Applicant/Owner shall submit an Erosion and Sediment control report, in accordance with County Servicing Standards.
- 15. That prior to the issuance of this permit, the Applicant/Owner shall submit compaction testing records for the Development Area in accordance with the recommendations and requirements of the Stripping and Grading Development Permit (2013-DP-15327) and examined Deep Fill Report.

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# Dialog Design (Alex Pidgeon) **#PRDP20190666**

**ROCKY VIEW COUNTY** 

- 16. 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 requirement agreement or permits shall be obtained unless otherwise noted by County Road Operations.
- 17. That prior to the issuance of this permit, the Applicant/Owner shall submit a Site Plan demonstrating that a secondary access road is available during all phases of construction. The access shall be compliant to the National Building Code and to the County Servicing Standards.

### Other

18. That prior to issuance of this permit, the Applicant/Owner shall submit a Solid Waste Management Plan, in accordance with Section 5.2.7 of DC 148, Section 8.5 of the Bingham Crossing Conceptual Scheme (CS) and the Main Street Development Principles of the Bingham Crossing Master Site Development Plan (MSDP), to the satisfaction of the County. The plan shall also detail how the development will manage the waste, recyclables and organics generated during construction and operation of the development including proposed targets for diversion.

### **Prior to Occupancy:**

- 19. That prior to occupancy of the site, all infrastructure shall be constructed and as-built drawings certified by a professional engineer be submitted to the County for all underground and surface works required to be constructed as part of the on-site Development Agreement for Bingham Crossing under approval PL20140054. This includes (but not limited to) the following:
  - i. waste water collection infrastructure;
  - ii. potable water storage and distribution infrastructure;
  - iii. fire suppression infrastructure including hydrants;
  - iv. storm water infrastructure;
  - v. roadways;
  - vi. pathways;
  - vii. landscaping; and,
  - viil. irrigation infrastructure.

Following receipt of the as-built drawings from the consulting engineer, the County shall make an inspection of the site to verify infrastructure has been completed as per the stamped "examined drawings".

Note: The County may consider release of occupancy in the absence of all of the above reference infrastructure being constructed if an appropriate interim servicing strategy is in place and appropriate waivers are executed.



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- 20. That prior to occupancy of the site, the Applicant/Owner shall complete the required off-site transportation improvements at the Highway 1 & Range Road 33 interchange, to the satisfaction of the County and Alberta Transportation.
- 21. That prior to occupancy of the site, the Applicant/Owner shall complete the off-site waste water treatment and disposal infrastructure, to the satisfaction of the County.
- 22. That prior to occupancy of the site, subdivision file PL20140054 shall be registered at Alberta Land Titles.
- 23. That prior to occupancy of the site, all development addressing shall be placed and installed onsite. Note, addressing may be placed and installed per phase development.
- 24. That all landscaping and final site surfaces shall be in place prior to occupancy of the site.
  - i. That should permission for occupancy of the site be requested during the months of October through May inclusive, occupancy may be allowed without landscaping and final site surface completion provided that an Irrevocable Letter of Credit in the amount of 150.00% of the total cost of completing all the landscaping and final site surfaces shall be placed with Rocky View County to guarantee the works shall be completed by the 30th day of June immediately thereafter.
  - ii. That upon each phase completion, a landscaping cost and site surfacing breakdown shall be submitted to the County, detailing the outstanding works for that phase. Upon completion and inspection by the County, the associated phase security shall be released back to the Applicant/Owner.

### Permanent:

- 25. That the Applicant/Owner shall tie into the waste water servicing for Bingham Crossing when such servicing becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.
- 26. That the Applicant/Owner shall tie into the overall water distribution network for the Bingham Crossing development when such servicing becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.
  - i. That during construction, if the permanent water supply is not available, the Applicant/Owner shall implement a temporary solution for water supply for firefighting compliant to the National Building Code and to the County Servicing Standards. Note, this may require a formal alterative solution.
- 27. That the subject lands shall tie into the overall Bingham Crossing storm water management infrastructure when it becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.
- 28. That the Applicant/Owner shall tie into the overall Bingham Crossing irrigation Infrastructure when it becomes available, including decommissioning of any temporary infrastructure at the Owner's expense.
- 29. That a minimum of 300 mm of topsoil be utilized for all landscaped areas.



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- 30. That, if required, any topsoil/dirt removed from the site shall be hauled off in a covered trailer/truck, which will prevent blowing of dust/small rocks onto the road or cause issues with other vehicles on the road.
- 31. 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.
- 32. That during construction and operation of the business, dust control shall be maintained onsite and that the Developer shall take whatever means necessary to keep visible dust from blowing onto adjacent lands.
- 33. That the garbage containers shall be screened from view from all adjacent properties and public thoroughfares, in accordance with the submitted site plan. The garbage and waste material on site shall be stored in weatherproof and animal-proof containers located within buildings or adjacent to the side or rear of buildings.
- 34. 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 each principal building located on the subject site, to facilitate accurate emergency response.
- 35. That the subject property shall obtain water from the Bingham Crossing Water Distribution system.
- 36. That prior to the installation of any approaches, the Applicant/Owner shall contact and submit a Road Approach Application with County Road Operations and upon completion, shall contact Road Operations for an inspection.
- 37. That any future signage, not approved within this development permit, shall require a separate Development Permit approval and shall adhere to the CS, the MSDP and Section 35 of the LUB.
- 38. That all signage shall be kept in a safe, clean, and tidy condition at all times.
- 39. That on-site wayfinding signage including for direction and information purposes shall be permitted, where in keeping with the design of the overall development, to the satisfaction of the County. Business advertising including monument, pylon signage or similar shall require a separate Development Permit.
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- That any mailbox pullouts or installations shall be constructed in accordance with County Servicing standards.
- 42. That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the Development Officer.
- 43. That all landscaping shall be in accordance with the landscaping details provided on the Landscape Plan, as revised.



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- 44. That the Applicant/Owner shall be responsible for the irrigation and maintenance of the landscaped areas (include pathways) including the replacement of any deceased trees, shrubs, or plants within 30 days or by June 30th of the next growing season.
- 45. That all on site Lighting shall be "dark sky", and all private lighting, including site security lighting and parking area lighting, should be designed to conserve energy, reduce glare and reduce uplight. All development will be required to demonstrate lighting design that reduces the extent of spill-over glare and eliminates glare as viewed from nearby residential properties.
- 46. That the minimum number of parking stalls including barrier free stalls shall be maintained on site at all times as determined by the approved Parking Assessment prepared by Bunt & Associates, dated August 2, 2019, to the satisfaction of the County.
- 47. There shall be no parking of any kind along the adjacent County Road System.
- 48. That water conservation strategies shall be implemented and maintained at all times.
- 49. That there shall be no hose bibs installed on the exterior of the building as no potable water can be used for any irrigation purposes.
- 50. That no outside storage of supplies and/or materials shall be permitted.
- 51. 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.
- 52. That the Applicant/Owner shall comply with all recommendations of the Tetra Tech EBA Geotechnical Evaluation for the Bingham Crossing Project (January 2016).
- 53. That the Applicant/Owner shall operate the site in accordance with the Bingham Crossing Staged Master Drainage Plan and Pond Report, as prepared by Urban Systems, dated August 2007.

### Advisory:

- 54. That the Applicant/Owner shall be responsible for all required payments of 3<sup>rd</sup> party reviews and/or inspections as per the Master Rates Bylaw based on the County's discretion or requirement.
  - Note: For any 3rd party review work completed prior to Issuance of the Development Permit, the invoices shall be paid prior to the Development Permit being issued. For any work completed after Permit issuance but before Permit Occupancy, the invoices shall be paid prior to Development Occupancy.
- 55. That the site shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
- 56. That the site shall remain free of restricted and noxious weeds and be maintained in accordance with the Alberta Weed Control Act [Statutes of Alberta, 2008 Chapter W-5.1; Current as of December 15, 2017].
- 57. 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.



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### Dialog Design (Alex Pidgeon) #PRDP20190666

- 58. That individual building permits (per building) and all applicable sub-trade permits shall be obtained, through Building Services, prior to any construction taking place, using the Commercial/Industrial checklist and shall include:
  - i. A 3.2.2. Building Code Analysis
  - ii. A dimensioned site plan with dimensions to the hydrant locations, Siamese connection/front entry (if applicable), Access route design and water supply
  - iii. A Fire Safety Plan for the development in accordance with Alberta Fire Code 2006 (Division B, Section 5.6.1.2.(1)) to the satisfaction of the County.
  - Note: The Development shall conform to the National Energy Code 2011, NFPA 1142, and any requirements of the Alberta Building Code. New Building, Fire and Energy Efficiency codes will be in full force as of Dec 01, 2019. The 6 month transition period to submit a Building permit under the current and outgoing codes will lapse on Nov 30<sup>th</sup>, 2019. Once the transition period has lapsed, the National Building & Fire Code - 2019 Alberta Edition and the National Energy Code for Buildings – 2017 Edition will be in effect for all building permits to follow.
- 59. That separate Development Permits shall be issued for each tenant prior to business occupancy of any unit.
- 60. That separate Development Permits shall be issued for development of Buildings 2 and 3.
- 61. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner includes any Alberta Transportation or NAV Canada requirements.
- 62. That the buildings and/or works completed under this permit prior to the end of the validity of this permit remain subject to the terms and conditions of this permit.
- 63. That the buildings and/or works not completed under this permit are subject to a new Development Permit subject to the satisfaction of the County.
- 64. 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 48 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.
- 65. That if this Development Permit is not issued by **FEBRUARY 28, 2021**, or by an 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.



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If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **Tuesday, September 24, 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 Email: development@rockyview.ca

THIS IS NOT A DEVELOPMENT PERMIT

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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

Dialog Design (Alex Pidgeon) 300, 134 - 11th Ave SE Calgary, AB T2G 0X5

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Tuesday, September 03, 2019

Roll: 04734003

### RE: Development Permit #PRDP20190666

#### NW-34-24-03-05; (32159 and 32163 TWP RD 250)

The Development Permit application for Retail, Regional and Retail, Local, construction of eight (8) retail buildings and signage associated with the Bingham Crossing Development has been **conditionally-approved** by the Development Officer subject to the listed conditions below (**PLEASE READ ALL CONDITIONS**):

### **Description:**

- 1. That *Retail, Regional* and *Retail, Local*, construction of eight (8) retail buildings and signage may take place in accordance with the drawings prepared by Dialog, dated March 4, 2019 and August 13, 2019 as amended and includes the following:
  - i. Construction of eight (8) retail buildings including:
    - 1. Building 1 (approximately 47,086 sq. ft. (4,374.48 sq. m.) in area);
    - 2. Building 4 (approximately 43,571 sq. ft. (4,047.89 sq. ft.) in area);
    - 3. Building 5 (approximately 20,157 sq. ft. (1,872 sq. m.) in area);
    - 4. Building 6 (approximately 19,839 sq. ft. (1,843.11 sq. m.) in area);
    - 5. Building 7 (approximately 32,098 sq. ft. (2,981.96 sq. m.) in area);
    - 6. Building 8 (approximately 20,471 sq. ft. (1,901.78 sq. m.) in area);
    - 7. Building 9 (approximately 22,170 sq. ft. (2,059.66 sq. m.) in area);
    - 8. Building 10 (approximately 48,671 sq. ft. (4,521.67 sq. m.) in area);
  - ii. Site grading in accordance with Grading Plans (B-1 to B-6); and,
  - iii. One (1) freestanding/pylon sign and on-site wayfinding signage as required; details to be submitted and approved prior to installation.



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- 2. That all buildings shall comply with the required setback requirements as per section 1.5.2 1.5.4 of Direct Control District 148 (DC 148) with the noted exceptions below:
  - i. That the minimum front yard setback requirement for Building 4 is relaxed from 6.00 m. (19.69 ft.) to 5.40 m (17.72 ft.).
  - ii. That the minimum front yard setback requirement for Building 6 is relaxed from 6.00 m. (19.69 ft.) to 5.89 m (19.32 ft.).

### Prior to Issuance:

### Payments and Levies:

- 3. 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 \$26,816.00 calculated at \$800.00 per acre for 33.52 acres.
- 4. That prior to the issuance of this permit, the Applicant/Owner shall provide payment of Transportation Offsite Levy (TOL) for the proposed development in accordance with the applicable Transportation Offsite Bylaw at time of Development Permit approval for the gross area of the proposed development.
  - i. If TOL has been previously been paid under PL20140054, it will not be required as part of this Development Permit and similarly, if TOL is paid for this DP, the area will be deducted from the TOL required under PL20140054.

Site Developability:

- 5. That prior to issuance of this permit, the Applicant/Owner shall submit an Outdoor Lighting Plan, in accordance with Section 5.2.14 of DC 148 and Section 27 of the LUB, detailing the proposed building and site lighting for the development. The lighting shall be compliant with the County's dark sky lighting regulations.
- 6. That prior to issuance of this permit, the Applicant/Owner shall submit a Signage Plan, including number of signs, type, size, dimensions, and design details, in accordance with Section 35 of the LUB.
- 7. That prior to issuance of this permit, the Applicant/Owner shall submit a Road Naming application for the development addressing, to the County for review and approval.

### Technical:

- That prior to issuance of this permit, the Applicant/Owner shall enter into a Development Agreement for the on-site infrastructure improvements identified in the conditions of subdivision approval PL20140054.
- That prior to the issuance of this permit, the Applicant/Owner shall enter into the Special Improvements Development Agreement for off-site transportation improvements required at the HWY 1 / Range Road 33 interchange in accordance with the conditions of subdivision approval PL20140054.

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- 10. That prior to the issuance of this permit, the Applicant/Owner shall enter into the Special Improvements Development Agreement for the Bingham Crossing Waste Water Treatment Plant in accordance with the conditions of subdivision approval PL20140054.
- .11. That prior to the issuance of this permit, the Applicant/Owner shall submit a detailed a Site Servicing Plan addressing how the development will be serviced for wastewater, potable water, and fire suppression and irrigation infrastructure. This shall include (but not be limited to) the following;
  - i. Engineering drawings for all on-site potable water, wastewater, firewater and irrigation infrastructure showing all applicable building connections as well as appropriate tie-ins to the overall Bingham Crossing servicing infrastructure;
  - ii. A wastewater demand analysis confirming the site design conforms to the overall design of the Bingham Crossing waste water treatment collection/treatment and disposal infrastructure;
  - iii. A potable water demand analysis confirming the site design conforms to the overall design for the Bingham Crossing water distribution system and network;
  - A firewater demand analysis confirming the site design conforms to the overall design for the Bingham Crossing fire water distribution system and network including confirmation of reservoir sizing;
  - v. An irrigation plan that complies with the recommendations of the SSIP and the overall irrigation design for the Bingham Crossing Development; and,
  - vi. If the Applicant intends to operate any portion or all of the site with interim servicing plans, these plans shall be included as part of the site servicing plan.
- 12. That prior to the issuance of this permit, the Applicant/Owner shall submit a development Site-Specific Stormwater Management Plan (SSIP) in accordance with the County's Servicing Standards and the Bingham Crossing Staged Master Drainage Plan and Pond Report.
  - i. The Applicant/Owner shall be responsible for any related EPEA or Water Act approvals for the on-site stormwater infrastructure.
- 13. That prior to the issuance of this permit, the Applicant/Owner shall submit a Construction Management Plan in accordance with Section 5.2.1 of DC 148 and the County's Servicing Standards.
- 14. That prior to the issuance of this permit, the Applicant/Owner shall submit an Erosion and Sediment control report, in accordance with County Servicing Standards.
- 15. That prior to the issuance of this permit, the Applicant/Owner shall submit compaction testing records for the Development Area in accordance with the recommendations and requirements of the Stripping and Grading Development Permit (2013-DP-15327) and examined Deep Fill Report.

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Following receipt of the as-built drawings from the consulting engineer, the County shall make an inspection of the site to verify infrastructure has been completed as per the stamped "examined drawings".

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  - iii. A Fire Safety Plan for the development in accordance with Alberta Fire Code 2006 (Division B, Section 5.6.1.2.(1)) to the satisfaction of the County.
  - Note: The Development shall conform to the National Energy Code 2011, NFPA 1142, and any requirements of the Alberta Building Code. New Building, Fire and Energy Efficiency codes will be in full force as of Dec 01, 2019. The 6 month transition period to submit a Building permit under the current and outgoing codes will lapse on Nov 30<sup>th</sup>, 2019. Once the transition period has lapsed, the National Building & Fire Code - 2019 Alberta Edition and the National Energy Code for Buildings – 2017 Edition will be in effect for all building permits to follow.
- 59. That separate Development Permits shall be issued for each tenant prior to business occupancy of any unit.
- 60. That separate Development Permits shall be issued for development of Buildings 2 and 3.
- 61. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner includes any Alberta Transportation or NAV Canada requirements.
- 62. That the buildings and/or works completed under this permit prior to the end of the validity of this permit remain subject to the terms and conditions of this permit.
- 63. That the buildings and/or works not completed under this permit are subject to a new Development Permit subject to the satisfaction of the County.
- 64. 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 48 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.
- 65. That if this Development Permit is not issued by **FEBRUARY 28, 2021**, or by an 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.

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

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

> > Page 9 of 9

Dialog Design (Alex Pidgeon) #PRDP20190666

If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **Tuesday, September 24, 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 Email: <u>development@rockyview.ca</u>

THIS IS NOT A DEVELOPMENT PERMIT

Agenda Page 189 of 213

	20190666 Soutivating Communities APPLICATION FOR A DEVELOPMENT PERMIT
	Name of Applicant Alex Pidgeon Email apidgeon@dialogdesign.ca
	Mailing Address 300, 134 - 11 Avenue SE, Calgary, AB
	Postal Code T2G 0X5
	Telephone (B) 403.398.2567 (H) Fax
	For Agents please supply Business/Agency/ Organization Name DIALOG
	Registered Owner (if not applicant) Rencor Developments
	Mailing Address5010 Richard Road SW, Suite 310, Calgary, AB Postal CodeT3E 6L1
	Telephone (B)         403.263.4449         (H)         Fax         403.261.4998
1.	a) All / part of the <u>N.W</u> ½ Section <u>34</u> Township <u>24</u> Range <u>3</u> West of <u>5</u> Meridian
	b) Being all / parts of Lot Block _2 Registered Plan Number
	c) Municipal Address 32163 Twp Rd 250
	d) Existing Land Use Designation DC148 Parcel Size 160 acres Division
2.	APPLICATION FOR 152.90 acres
	New retail mall development - 8 buildings (commercial)
3.	ADDITIONAL INFORMATION
	a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes No
	<ul> <li>b) Is the proposed parcel within 1.5 kilometres of a sour gas facility?</li> <li>Yes No</li> <li>(Sour Gas facility means well, pipeline or plant)</li> </ul>
	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
	Alex Pidgeon 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 Owner's Signature
	Date march 4 2019. Date march 4 2019.

Development	Permit	Applicat	ion
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### Agenda Page 190 of 213

### 5. R . IT OF ENTRY

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

Applicant's/Owner's Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 911 - 32 Ave NE, Calgary, AB, T2E 6X6; Phone: 403-520-8199. QEDAND' K ON OLO \_, hereby consent to the public release and 1, disclosure of all information contained within this application and supporting documentation as part of the development process. 010001 4. 2019. Signature Date

Page 2 of 2

# Seven Commercial, Office & Industrial

**Only applications that are complete will be accepted.** Applications and materials submitted must be clear, legible and precise. Plans submitted should be to a professional drafting standard. These requirements will ensure that your application is processed in a more efficient manner. Thank you for your co-operation.

Completed by Applicant	Office Use Only	APPLICATION SUBMISSION REQUIREMENTS
		1. Application Fee (See Development Permit Fee Schedule)
P	Ø	<ol> <li>A copy of the current Certificate(s) of Title (less than 30 days old from the date of application)</li> </ol>
		3. Current copies of any Restrictive Covenants, Utility Rights-of-Way, Easements, or Caveats registered on the Title (excluding financial documents)
	-	4. Application Form
		The form is to be completed in full and signed by the registered owner of the land and/or the person authorized to act on their behalf (if any)
		5. A Letter of Authorization from the registered owner of the land, their agent, or other persons having legal or equitable interest in the parcel
0 0	0 0	where the applicant is an agent acting for the owner, a letter from the owner must be provided verifying the agent's authority to make the application where the registered owner is a Corporation, a seal on the application or a Corporate Search is required, verifying the Directors of the Corporation
	Ø	<ol> <li>A detailed written proposal of the development (i.e. type of business, employee hours and days of operation)</li> </ol>
		<b>7. Colour Photographs (minimum of four different views) showing:</b> <i>Photographs must fit into an 8.5" x 14" (21.5 x 35.5 cm) file</i>
$\bigcirc$	0	site from front and rear
Ø	0	all four directions from site (N, S, E, W)
0	0	unique features and aspects of significance to development of the parcel
Ø	0	details of curbs, driveways, sidewalks, garbage enclosures and overhead poles (if applicable)
-X	0	label, date and identify each photograph
9	0	indicate on a key plan or the site plan, the direction and location of photos

Completed by Applicant	Office Use Only	APPLICATION SUBMISSION REQUIREMENTS, PAGE 2			
		<ol> <li>*One (1) copy of the Site Plans (See attached Site Plan Requirements, Table 2)</li> </ol>			
đ		<ol> <li>*One (1) copy of the Landscaping Plans (See attached Landscaping Plan Requirements, Table 3)</li> </ol>			
		Note: Landscaping plans may be combined with site plans if the site plan does not become cluttered			
		10. *One (1) copy of the Elevation Drawings (See attached Elevation Drawing Requirements, Table 5)			
		<ol> <li>*One (1) copy of the Floor Plans (See attached Floor Plan Requirements, Table 4)</li> </ol>			
		12. * One (1) PDF of the site plans (including #8, 9,10 and 11)			
		* Information required to be included in each type of plan is provided in the attached tables. An application submission will only be considered if these checklists are complete.			
		All plans submitted must:			
\$	0	be to metric scale, minimum 1:100, with scale bar included or (for Floor Plans and Elevation Drawings) imperial scale, minimum 3/16"=1"			
0	0	include north arrow, pointing to top or left of page (Site Plans and Landscaping Plans only)			
0	0	include labels for all elements of the plan as existing and proposed			
0	0	have a title block including:			
0	00	Municipal address (i.e. street address) and legal address (i.e. lot, block, plan) uses, project name, applicant name and contact information			
0	00	be sorted into sets: sets should be folded to a size no larger than 81/2" x 14" (21.5 x 35.5 cm)			
0	0	each set must be stapled or taped together			
0	•	sets may be accordion-pleated, provided they can be hole punched in the top left- hand corner			
0	000	paper size:			
0	0	all drawings in the set must be on the same sized paper drawings are clear and legible			
O O	0	only one set of drawings are to be larger then 11" x 17" drawings must be contained on each page (one plan should not span two pages)			
		13. Other technical reports and support information that may be required			
	L	Please refer to the Land Use Bylaw C-4841-97, Section 31.2, Table 31, for a list of additional information that may be required to support a Development Permit			

### Rocky View County Application Submission Package for Commercial, Office and Industrial Development Permit Applications

		application			
Completed	0	8. SITE PLAN REQUIREMENTS			
by Applicant	Office Use Only	Note: Landscaping plans may be combined with site plans if the site plan does not become cluttered			
0	0	Plot and dimension property lines:			
0	0	label existing and proposed			
0	0	label parcel area in square metres			
0	0	Easements, Utility Rights-of-Way, etc:			
0	0	dimension width, depth and location to building(s)			
0	0	label type of easement and registration number			
0	0	Utilities on and adjoining the parcel (if applicable):			
0	0	water, storm and sanitary sewer			
0	0	gas			
0	0	electrical			
0	0	cable, telephone			
0	0	Floodway, flood fringe and overflow:			
0	0	indicated on the Floodway/Flood Fringe Maps (Schedule 7 of the Land Use Bylaw			
0	0	dimension distance to buildings and structures			
0	0	Geodetic datum points/contours:			
0	0	at the corners of the parcel			
0	0	at the back of sidewalk or curb			
0	0	at primary corners of the building			
0	0	main floor and roof peak of building			
0	0	geodetic contours at 0.5 metres intervals, including berming for the site			
0	0	label existing and proposed geodetic datum points			
0	0	Outline and dimension buildings:			
0	0	label projections and structures (i.e. bay windows, cantilevers, window wells, stairs and decks)			
0	0	detached buildings and structures (i.e. sheds, garages)			
0	0	mechanical equipment & screening proposed			
0	0	use area within the building (i.e. tenant locations)			
0	0	label uses to be located in each use area			
0	0	label existing and proposed buildings (or portions of buildings with gross floor area			
0	0	location of all openings (i.e. windows, doors, overhead doors)			
0	0	Setbacks:			
0	0	dimension front, side and rear building setbacks from property lines			
0	0	draw, label and dimension required setback areas (as prescribe in the Land Use Bylaw)			

Continued

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Completed by	Office Use Only	8. SITE PLAN REQUIREMENTS, PAGE 2		
Applicant		Site Plan Checklist, Page 1		
0	0	Garbage and recycling collectio		
õ	õ	plot location		
õ	õ	dimensions of enclosures or buildings		
0	0	type of container		
0	0	method of screening		
0	0	Parking areas, drive aisles, circulation roads, sidewalks & pathways:		
0	0	include curbs and sidewalks		
0	0	crosswalks & pathways (provide detail if raised)		
0	0	label all surface materials used (both vehicular & pedestrian)		
0	0	dimension widths of all aisles and roads		
0	0	provide details on vehicle circulation (i.e. direction of travel and signage)		
0	0	provide details on hydrant placement, turning radius and driveway widths for Fire Department access		
0	0	Motor vehicle parking stalls:		
0	0	provide calculations for motor vehicle parking stall requirement as per Schedule 5 of the Land Use Bylaw		
0	0	label as commercial vehicles, employee, or visitor		
0	0	dimension width and depth		
0	0	provide barrier-free stalls (detail width and depth)		
0	0	Loading stalls:		
0	0	dimension width and depth		
0	0	dimension overhead clearance		
0	0	label surface material of loading areas		
0	0	turning radius (sweep path) for large vehicle access to drive aisles, garbage and loading areas		
0	0	Approaches:		
0	0	label proposed or existing		
0	0	dimension width of driveway at throat and flare (adjacent to street)		
0	0	dimension distance to adjacent approaches		
0	0	Fencing and retaining walls:		
0	0	label height (include height of retaining walls)		
0	0	cross reference to an elevation (for each type of fence/wall and label all materials used)		
0	0	label height (provide height of fences on top of wall)		
0	0	provide geodetic datum points at top and bottom of wall		
0	0	for retaining walls 1.2 meters or higher, provide structural design drawings, including a cross-section		

Continued

Completed by Applicant	Office Use Only	8. SITE PLAN REQUIREMENTS. PAGE 3
Applicant		Site Plan Checklist, Page 2 -
0	0	Lighting:
0	0	plot locations of building light fixtures and free standing light standards
0	0	plot maximum wattage of fixtures
0	0	provide detail of light fixture, including method of shielding (drawing or specification) <b>Note: A Site Lighting plan, as per Section 27.2.1 of the Land Use Bylaw, may be requested during the review of this application.</b>
0	0	Signage:
0	0	outline and label the location of all proposed canopy, fascia and freestanding signage
0	0	label the source of illumination for the signage (backlit, etc)
0	0	plot location of all existing signage on the parcel (if applicable)
0	0	dimension distance from property lines to signage
0	0	Phasing for multi-building developments must be included:
0	0	outline areas encompassed by each phase
0	0	label the sequence of phasing



Completed	Office Use	9. LANDSCAPING PLAN REQUIREMENTS			
by Applicant	Only	Note: Landscaping plans may be combined with site plans if the site plan does not become cluttered)			
0	0	Outline and dimension buildings:			
Ō	0	include projections and structures (i.e. bay windows, cantilevers)			
õ	0	include detached buildings and structures (i.e. sheds, garages)			
õ	0	include mechanical equipment (and method of screening)			
0	0	label existing and proposed buildings (or portions of buildings)			
0	0	Draw, label and dimension required setback areas			
0	0	Plot and label:			
0	0	fencing			
0	0	retaining walls			
0	0	sidewalks (dimension width)			
0	0	Trees and shrubs:			
0	0	plot location of trees by symbol (each symbol should be unique to size and type o tree)			
0	0	plot shrubbed areas			
0	0	label number of shrubs in each shrubbed area (only include shrubs that are greater than 0.6 metres in height or spread)			
0	0	indicate trees and shrubs to be added, removed and retained			
0	0	show final calculation of all trees and shrubs including ratios (coniferous to deciduous) and any substitutions (shrub to tree ratio as per Section 26.11.20 of the Land Use Bylaw)			
0	0	Landscape legend:			
0	0	label by symbol (each symbol should be unique to size and type of tree and shrub			
0	0	provide species			
0	0	provide caliper of deciduous trees			
0	0	provide height of coniferous trees			
0	0	provide height of shrubs (greater than 0.6 metres)			
0	0	provide total of each type of tree and shrub (by height and size)			
0	0	Landscaped area:			
0	0	surface treatment of all soft surfaced landscaped areas (i.e. grass, plant cover)			
0	0	surface treatment of all hard surfaced landscaped areas (i.e. decorative pavers, brick, stamped concrete)			
0	0	label new landscaped areas and areas to be retained			
0	0	Irrigation:			
0	0	method of irrigation (watering)			
0	0	label all soft surface landscaping to be irrigated or plot specific areas			
0	0	demonstrate if rainwater captured from rooftops will be utilized for irrigation			

Completed by Applicant	Office Use Only	10. ELEVATION DRAWING REQUIREMENTS
0	0	Include elevations for:
õ	0	buildings
õ	Õ	fences
0	0	retaining walls (over 0.5 metres in height)
0	0	garbage collection facilities
0	0	screening (i.e. mechanical equipment)
0	0	additional walls or structures (i.e. exhaust fan shed)
0	0	cross reference with other plans, where applicable
0	0	Include on elevations:
0	0	doors, windows, overhead doors
0	0	projections and decorative elements
0	0	screening (i.e. service meters, privacy screens)
0	0	dimension all doors, windows and overhead doors
0	0	Label finishing materials:
0	0	exterior materials (i.e. brick, stucco, vinyl siding)
0	0	roof materials (i.e. asphalt, cedar shakes, concrete tile)
0	0	colours of all major exterior materials
0	0	Lighting:
0	0	plot location of light fixtures
0	0	dimension height of fixtures from grade to bottom of fixture
0	0	Grade:
0	0	plot existing and proposed grade
0	0	Building height (indicate on all elevations):
	0	plot line for main floor
0	0	plot line for roof when concealed by parapet
0	0	dimension height of building from existing and proposed grade
0	0	dimension height of main floor from existing and proposed grade
0	0	dimension height of structures (i.e. fences, retaining walls) from existing and proposed grade
0	0	Signage (where appropriate, provide separate sign elevation):
0	0	label materials, lettering details, copy and colours
0	0	dimension sign and signable area
0	0	dimension distance from grade to bottom of sign
0	0	label means of supporting sign (i.e. structures, guy wires, brackets, bracing)
0	0	label physical form of sign (i.e. cabinet, box, individual letters)
0	0	provide details on external lighting, label if internally illuminated

Completed by Applicant	Office Use Only	11. FLOOR PLAN REQUIREMENTS
0	0	Outline and dimension walls:
0	0	interior and exterior dimensions (dimension to centre line of common walls)
0	0	plot location of interior and exterior openings (i.e. windows, doors, overhead doors)
0	0	label uses to be located in each use area
0	0	label the purpose of spaces (i.e. kitchen, living room, bathroom, interior/exterior stairways, mechanical rooms, meter room, corridors, washrooms)
0	0	label existing and proposed rooms and portions of the building

	OFFICE USE O	NLY	
	NAND LAND USE MA	PS,	
	DC 148	IRF	
	MENT (AS PER LUB)	Commensal	Buildings
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CONCEPT PLAN / ASP	INFO North Sp	nigbank/Bin	igham crossing/
PRE-APPLICATION ME	ETING / AIMTRAC NO	TES	Calgary IND
	Road Type	Bylaw	Proposed
Front Yard Setback Minimum			
Side Yard Setback Minimum			
Rear Yard Setback Minimum			
Height Maximum			
Principal Building Size			
		RATE	
Comments:			
	and the second second	D	
		Lenta	do
		Staff S	Signature

Floor Plan Checklist Agenda Page 199 of 213



LAND TITLE CERTIFICATE

S SHORT LEGAL LINC TITLE NUMBER 0021 293 543 5;3;24;34;NW 131 310 868 LEGAL DESCRIPTION MERIDIAN 5 RANGE 3 TOWNSHIP 24 SECTION 34 QUARTER NORTH WEST CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS EXCEPTING PLAN NUMBER HECTARES ACRES MORE OR LESS NO. 1 HIGHWAY 3850JK 1.66 4.10 2.63 CONNECTING ROAD 3850JK 1.10 ROAD WIDENING 7611222 0.29 0.117 EXCEPTING THEREOUT ALL MINES AND MINERALS ESTATE: FEE SIMPLE MUNICIPALITY: ROCKY VIEW COUNTY REFERENCE NUMBER: 131 310 866 -----REGISTERED OWNER(S) REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION \_\_\_\_\_ 131 310 868 03/12/2013 SEPARATION -INTERESTS OWNERS TRILLIUM BINGHAM CROSSING INC. OF 206 400 CROWFOOT CRESCENT NW CALGARY ALBERTA T3G 5H6 AS TO AN UNDIVIDED 50% INTEREST (DATA UPDATED BY: CHANGE OF ADDRESS 161289390) ENCUMBRANCES, LIENS & INTERESTS REGISTRATION NUMBER DATE (D/M/Y) PARTICULARS \_\_\_\_\_ 741 109 023 27/11/1974 UTILITY RIGHT OF WAY

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EGISTRATION NUMBER		(D/M/Y)	# 131 310 868 PARTICULARS
			GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED. "20 FT STRIP"
61 141 577	17/:	L1/1976	ZONING REGULATIONS SUBJECT TO SPRINGBANK AIRPORT ZONING REGULATIONS
91 190 155	09/1	L1/1979	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED. "6 FT STRIPS"
41 419 028	03/1	L1/2004	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD. PORTION AS DESCRIBED
31 310 922	03/1		MORTGAGE MORTGAGEE - BINGHAM CROSSING PROPERTIES INC. 200, 808-4 AVE SW CALGARY ALBERTA T2P3E8 ORIGINAL PRINCIPAL AMOUNT: \$100,000,000
41 105 016	05/0		MORTGAGE MORTGAGEE - ALBERTA TREASURY BRANCHES. 600, 444-7TH AVENUE SW CALGARY ALBERTA T2P0X8 ORIGINAL PRINCIPAL AMOUNT: \$100,000,000
41 105 019	05/0		POSTPONEMENT OF MORT 131310922 TO MORT 141105016
OTAL INSTRUM	œnts :	007	

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 4 DAY OF MARCH, 2019 AT 10:28 A.M.

ORDER NUMBER: 36797951

CUSTOMER FILE NUMBER: RW100000439



\*END OF CERTIFICATE\*

( CONTINUED )

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S LINC SHORT LEGAL TITLE NUMBER 0021 293 543 5;3;24;34;NW 131 310 868 +1 LEGAL DESCRIPTION MERIDIAN 5 RANGE 3 TOWNSHIP 24 SECTION 34 QUARTER NORTH WEST CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS EXCEPTING PLAN NUMBER HECTARES ACRES MORE OR LESS NO. 1 HIGHWAY 3850JK 4.10 1.66 CONNECTING ROAD 3850JK 1.10 2.63 ROAD WIDENING 7611222 0.117 0.29 EXCEPTING THEREOUT ALL MINES AND MINERALS ESTATE: FEE SIMPLE MUNICIPALITY: ROCKY VIEW COUNTY REFERENCE NUMBER: 131 310 866 \_\_\_\_\_ REGISTERED OWNER(S) REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION 131 310 868 03/12/2013 SEPARATION -INTERESTS OWNERS BINGHAM CROSSING PROPERTIES INC. OF 200, 808-4 AVE SW CALGARY ALBERTA T2P 3E8 AS TO AN UNDIVIDED 50% INTEREST ENCUMBRANCES, LIENS & INTERESTS REGISTRATION NUMBER DATE (D/M/Y) PARTICULARS 741 109 023 27/11/1974 UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY ( CONTINUED )

### Agenda Page 203 of 213

**B-6** Page 82 of 91 ENCUMBRANCES, LIENS & INTERESTS PAGE 2 REGISTRATION # 131 310 868 +1 NUMBER DATE (D/M/Y) PARTICULARS LIMITED. "20 FT STRIP" 761 141 577 17/11/1976 ZONING REGULATIONS SUBJECT TO SPRINGBANK AIRPORT ZONING REGULATIONS 791 190 155 09/11/1979 UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED. "6 FT STRIPS" 041 419 028 03/11/2004 UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD. PORTION AS DESCRIBED 131 310 921 03/12/2013 MORTGAGE MORTGAGEE - TRILLIUM BINGHAM CROSSING INC. 1033 1 AVENUE NE CALGARY ALBERTA T3B5S8 ORIGINAL PRINCIPAL AMOUNT: \$100,000,000

131 310 923 03/12/2013 CAVEAT RE : RIGHT OF FIRST REFUSAL CAVEATOR - TRILLIUM BINGHAM CROSSING INC. C/O TRILLIAM PROPERTY GROUP 1033 - 1ST AVENUE NE CALGARY ALBERTA T2E9C6 AGENT - ELIZABETH RAFFERTY

141 105 016 05/05/2014 MORTGAGE MORTGAGEE - ALBERTA TREASURY BRANCHES. 600, 444-7TH AVENUE SW CALGARY ALBERTA T2P0X8 ORIGINAL PRINCIPAL AMOUNT: \$100,000,000

141 105 018 05/05/2014 POSTPONEMENT OF CAVE 131310923 MORT 131310921 TO MORT 141105016

TOTAL INSTRUMENTS: 008

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 4 DAY OF MARCH, 2019 AT 10:28 A.M.

ORDER NUMBER: 36797962

CUSTOMER FILE NUMBER: RW100000439



\*END OF CERTIFICATE\*

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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### Agenda Page 205 of 213

1100, 2 Bloor Street East Toronto, Ontario M4W 1A8 Edmonton, Alberta T5J1B1 Calgary, Alberta T2G 0X5 Vancouver, BC V6A 1E1 TEL 416 966 0220

100, 10237-104<sup>th</sup> Street TEL 780 429 1580

300, 134-11<sup>th</sup> Avenue SE TEL 403 245 5501

406, 611 Alexander Street TEL 604 255 1169

R.6 500 Sansonie die 84 of San Francisco, CA 94111 TEL 628 444 6130

DIALOC

March 4, 2019

**Rocky View County** 911 32 Avenue NE Calgary, AB T2E 6X6

To Whom It May Concern:

#### Re: **Development Permit Application Bingham Crossing Waste Water Treatment Plant** Our File No.: 03008C0701

On behalf of Rencor Developments, DIALOG® Alberta Architecture Engineering Interior Design Planning Inc. (DIALOG) are pleased to submit the Development Permit Application for proposed Bingham Crossing Development.

The Development follows the approved MSDP and is comprised of 8 individual buildings located on the south side of the NW quarter section, as per the MSDP drawings.

Bingham Crossing lifestyle centre will be a unique shopping destination and lifestyle centre reflecting the Springbank atmosphere, providing a variety of high guality shops, services and amenities. The architecture has been developed to create a unique village centre at the heart of the development. punctuated by a central 'square'. A comprehensive set of architectural controls have been used to ensure that each building includes a series of highly developed architectural elements.

The landscape and architecture work harmoniously and have been designed to promote walkability with wide, animated sidewalks and multiple gathering spaces. The thoroughfares have been attractively landscaped with design elements such as banners, ornamental lighting, and planting to create an intimate village atmosphere.

The lighting design of the site has been developed to allow for sufficient lighting levels for security and wayfinding to each building while being dark sky compliant. With this in mind, the number of pole mounted fixtures has been kept to a minimum.

We look forward to working collaboratively with Rocky view County to achieve an approval of this Development Permit Submission. We trust that this letter and the attached drawings and documents sufficiently addresses the requirements for a Development Permit from Rocky View County, Should there be any additional questions, required information or clarification on the submission please do not hesitate to contact our office at your earliest convenience.

JIM GOODWIN, ARCHITECT, AAA

RALPH HILDENBRANDT, P.ENG.

ADRIAN LAO, ARCHITECT, AAA

IANICE LIERE ARCHITECT. AAA

GEORG JOSI, P.ENG. DARIA KHACHI, P.ENG.

GRANT KIDD. P.ENG.

DARRELL HALLWELL, ARCHITECT, AAA VANCE HARRIS, ARCHITECT, AAA

RONALD B. MCINTYRE, ARCHITECT, AAA

Yours truly,

## DIALOG® Alberta Architecture Engineering Interior Design Planning Inc. Per:

Alex Pidgeon Architectural Designer

PRINCIPALS ROB ADAMSON, ARCHITECT, AAA JIM ANDERSON, ARCHITECT, AAA CRAIG APPLEGATH, ARCHITECT, AAA NARESH ARORA, P.ENG. NARESH AROHA, P.ENG. JOOST BAKKER, ARCHITECT, AAA ALAN BONIFACE, ARCHITECT, AAA DOUGLAS CARLYLE, AALA GERALD CARSON, P.ENG. SUSAN CARTER, LID DAVID CERNY

DIALOGOESIGN.CA

DOUG CINNAMON, ARCHITECT, AAA ROBERT CLAIBORNE, ARCHITECT, AAA DONNA CLARE, ARCHITECT, AAA JEFF DIBATTISTA, P.ENG. TYLER DIXON, ARCHITECT, AAA GERRY DOERING, ARCHITECT, AAA RAUL DOMINGUEZ, P.ENG. HENRY DOORNBERG, P.ENG. FADI CHORAVER PENG ANTONIO GÓMEZ-PALACIO, RPP

DIALOG ALBERTA ARCHITECTURE ENGINEERING INTERIOR DESIGN PLANNING INC

DAVID MINER, ARCHITECT, AAA JIM MONTGOMERY, P.ENG. DIEGO MORETTIN, ARCHITECT, AAA MATTHEW PARKS, ARCHITECT, AAA HLL ROBERTSON AALA NEIL ROBSON, P.ENG. JOHN SOULELES, ARCHITECT, AAA ROBERT SWART, ARCHITECT, AAA CAMERON VERES, ARCHITECT, AAA LYNN WEBSTER, ARCHITECT. AAA

THOMAS WU. P.ENG. TAIZIOLA, ARCHITECT, AAA

' DENOTES "LICENSED INTERIOR DESIGNER, AAA

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February 27, 2019

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

### RE: BINGHAM CROSSING – DIALOG Architects DEVELOPMENT PERMIT APPLICATION

Dear Sir or Madam

Please accept this letter as authorization for DIALOG architects to apply for a Development Permit on behalf of the owners of the Bingham Crossing Project.

Should you have any questions or need further information, please do not hesitate to contact me.

Yours very truly

**BINGHAM CROSSING PROPERTIES INC.** 

Ron Renaud Secretary

Ross Fraser President

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Summary

Roll Number	04734003	
Legal Desc	NW-34-24-03-W05M	
Divison	02	
Lot Block Plan		
Linc Number	21293543	
Title Number	131310868	
Parcel Area	152.98000	
Municipal Address	32159 TWP RD 250	
Contact Information	Bingham Crossing Properties In	40326344490000
	Calgary AB T3E 6L1	000000000000000000000000000000000000000
		000000000000000000

Land Use Information

DC148 (B-HF : HIGHWAY FRONTAGE BUSINESS)

Plan

Planning Applications Information				
Application No.	Name	Status	Planner	Application Date
97016	Strandberg DC Bylaw	Closed - Refused	LaurieK	Monday, February 3, 1997
2013082	Urban Systems/Bingham Crossing Properties	Closed - Expired	MatthewW	Monday, July 29, 2013
2013082	Urban Systems/Bingham Crossing Properties	Closed - Expired	MatthewW	Monday, July 29, 2013
2013082	Urban Systems/Bingham Crossing Properties	Closed - Expired	MatthewW	Monday, July 29, 2013
2013082	Urban Systems/Bingham Crossing Properties	Closed - Expired	MatthewW	Monday, July 29, 2013
2013019	Urban Systems/Bingham Crossing Prop	Approved	MatthewW	Thursday, February 28, 2013
2012041	Urban Systems Ltd./Bingham Crossing Properties Inc	Closed - Approved	MattW	Thursday, March 1, 2012
2012036	Urban Systems Ltd./Bingham Crossing Properties Inc	Closed - Approved	MattW	Thursday, March 1, 2012
2006406	Urban Systems/B & J Imports/Bingham Crossing	Closed - Refused	StephenP	Saturday, July 1, 2006
2006406	Urban Systems/B & J Imports/Bingham Crossing	Closed - Refused	StephenP	Saturday, July 1, 2006
2006294	Urban Systems/B & J Imports	s Closed - Refused	StephenP	Friday, May 5, 2006
2006294	Urban Systems/B & J Imports	s Closed - Refused	StephenP	Friday, May 5, 2006
2002105	Anterra Retail Properties/Strandberg		KenV	Wednesday, April 17, 2002

ps://parcelinfo.mdrockyview.ab.ca/app/PrintFriendly.aspx?EntityUID=04734003\_32159 TWP RD

Page 20 Page 87 of 91 2008-RV-160 North Springbank **Conceptual Scheme** Plan Name **RV Number** Planner **BINGHAM CROSSING** 2012-RV-041 MATTHEW WILSON Permit **Building Permit** Permit Number Permit Type Date Issued PRBD20181974 Building Mon May 28, 2018 **Development Permit Information** Permit Number Date Issued PRDP20180948 Wednesday, June 6, 2018 2013-DP-15327 Tuesday, April 30, 2013 2010-DP-13947 Tuesday, May 11, 2010 2005-DP-11624 Tuesday, September 20, 2005 2004-DP-11051 Tuesday, September 7, 2004 2003-DP-10494 Tuesday, September 9, 2003 2002-DP-9969 Thursday, September 5, 2002 2001-DP-9456 Tuesday, September 4, 2001 2000-DP-8971 Tuesday, September 5, 2000 PRDP20173793 PRDP20173181 1998-DP-7960 2011-DP-14375 1999-DP-8505 Misc **Dog License** {There are no related Dog License} Alert Date Date Issued Status Reference No. Department Issued By Description Severity Closed Thursday, September 14, 0 EF-2465 Contravention: Signage 2 2017 Geospatial Boundary Boundary Category Division 2 Area Structure Plan North Springbank BINGHAM CROSSING **Conceptual Scheme** IDP CALGARY IDP Study Area **Airport Vincinity** No APVA Engineer Eric Schuh Water Coop No Water Coop Gas Coop Service ATCO GAS No.of Lots Within 600 M 7 No.of App Subdiv Within 600 M 0 Developed Road Allowance Yes

**Riparian Area** 

School

Recreation

Yes

ps://parcelinfo.mdrockyview.ab.ca/app/PrintFriendly.aspx?EntityUID=04734003\_32159 TWP RD 250\_20071188 3/5/2 Page 209 of 213

No School Boundary Rocky View West

		<b>B-6</b> Page 88 <sup>Page</sup> 9 <sup>3</sup> 1 <sup>0:</sup>
Primary Fire Station	102	Page 88'07'91
Secondary Fire Station	101	
Tertiary Fire 2	151	
	Geospatial Adjacency	

Boundary	Category	Distance
Closest Highway	No HWY within 800 Meter	
Closest Gravel Pit	Kennel Pit	3542.41 M
Sour Gas	No Sour Gas Pipe passes	From closest sour pipe:12267.84 M
Closest Road Name	TWP RD 250( Surface Type:Paved )	7.24 M
Closest Railway	CPR	3720.63 M
Closest Western Irrigation Districts	Within 10Km	
Closest Waste Water Treatment	Within 10Km	1423.7 M
Closest Waste Transfer Site	Springbank	212.02 M
Closest Municipality	CITY OF CALGARY	3258.26 M
Closest Confined Feeding Operation		1171.63 M









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

### **RECEIPT OF PAYMENT**

<b>Receipt Number:</b>	2019020075
Receipt Date:	03/05/2019
Date Paid:	03/05/2019
Full Amount:	\$27,464.40
GST Amount:	\$0.00

Payment Details:	Payment Method Cheque	Amount Tendered \$27,464.40	Cheque Number 1593
Amount Tendered:	\$27,464.40		
Change / Overage:	\$0.00		
Contact:	Bingham Crossing Project		

### **FEE DETAILS:**

Fee Description Comm/Ind/Inst: New Construction	Reference Number PRDP20190666	<b>Amount Owing</b> \$9,761.40	Amount Paid \$9,761.40
Engineering Review Commercial, Industrial, Institutional	PRDP20190666	\$17,703.00	\$17,703.00

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