

## SUBDIVISION AND DEVELOPMENT APPEAL BOARD FOR ROCKY VIEW COUNTY

<b>File:</b>	2 - 202307-0861 Beale Stop Order
<b>Appellant(s)</b>	Lorraine Beale
<b>Applicant(s)/Owner(s):</b>	Lorraine Beale

<b>Exhibit</b>	<b>Description</b>	<b>Pages</b>
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2.	Notice of Hearing	2
3.	Development Authority Report	12
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# NOTICE OF APPEAL

Subdivision &amp; Development Appeal Board for Rocky View County

Enforcement Appeal Committee for Rocky View County

## APPELLANT INFORMATION

Name of Appellant

Lorraine Beale

Appellant Property Address

28 Yoho Tinda Road

Municipality

ROCKYVIEW Bragg Creek

Province

AB

Postal Code

T0L0K0

Mailing Address (if different than above)

[REDACTED]

Municipality

[REDACTED]

Province

[REDACTED]

Postal Code

[REDACTED]

Primary Phone #

[REDACTED]

Alternate Phone #

[REDACTED]

Email Address

[REDACTED]

## PROPERTY UNDER APPEAL

Address

28 yoho tinda road Bragg Creek

Legal Land Description (Lot, Block, Plan OR Quarter-Section-Township-Range-Meridian)

lot 7 plan 4135 JK pt NE sec. 13 Twp. 23 Rge. 05 W05M

Property Roll #

03913015

Development Permit, Subdivision Application, or Enforcement Order #

PRPRE2023378/202307-0861

## I AM APPEALING THE DECISION ISSUED BY

☒ Development Authority☐ Subdivision Authority☐ Enforcement Services

## REASONS FOR APPEAL (include as much detail as possible as to why you are appealing the decision, attach a separate page if required)

Preservation of Heritage "Treehouse" - Seeking Fair Resolution from the Municipality

I am appealing in hopes to reverse the decision of removal of the building called 'Treehouse' on my property based on historical data and previous communication with Rocky View County and with the understanding this is a discretionary decision.

On July 12, 2023, I received a building inspection report stating the inspection had failed, with Mark Deasy and Adele Woodburn in attendance. As the landowner, I purchased the property on September 3, 2011. At the time of purchase, the building of concern, measuring 2.38m x 2.70m and built in the early 1970s, was already on the property. This structure, standing 1.7m above the ground, demonstrated flood resistance and incurred no damage during the flood of 2013.

Over the years, I diligently addressed safety concerns, including a completely rotten deck and an unsafe handrail. These issues were repaired in 2017 and completely replaced during the summer of 2021, prior to the construction of the berm. At that time, I also made the decision to enclose a portion of the deck, adjoining 3 walls to the Treehouse, measuring 5.28m x 2.38m. In approximately 2021, I received a letter from the taxation department of Rocky View, inquiring about any enhancements to the land. I promptly contacted them to disclose the work done and was informed that there were no concerns from a size and construction perspective.

I was under the understanding that I had fulfilled all necessary requirements. I was informed by Rocky view that the original structure was under a Grandfather clause since it was built prior to 1975. Furthermore, my contract with Rocky View for flood mitigation/remediation included the provision of new underground electrical on my property. This necessitated the removal of the

This information is collected under section 33(c) of the *Freedom of Information and Protection of Privacy Act (FOIP Act)* for the Subdivision and Development Appeal Board or the Enforcement Appeal Committee for Rocky View County and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the *FOIP Act*. Your personal contact information, including your phone number and email address, may be redacted prior to your appeal being made available to the public. If you have questions regarding the collection, use or disclosure of this information, please contact a Legislative Officer at 403-230-1401.

Received by Legislative  
Services on  
February 27, 2024

Preservation of Heritage "Treehouse" - Seeking Fair Resolution from the Municipality

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I was under the understanding that I had fulfilled all necessary requirements. I was informed by Rocky view that the original structure was under a Grandfather clause since it was built prior to 1975. Furthermore, my contract with Rocky View for flood mitigation/remediation included the provision of new underground electrical on my property. This necessitated the removal of the original electric pole, which was located in the middle of the proposed berm. The permit acquired by Rocky View County clearly outlined the scope of work, directing electrical to the treehouse, reaffirming Rocky View's knowledge of the building.

Despite numerous interactions with engineers, consultants, a

The *Municipal Government Act* and Rocky View County's *Master Rates Bylaw* require that an appeal be submitted to the Subdivision and Development Appeal Board ("Board") or the Enforcement Appeal Committee ("Committee") by the appeal deadline and with the required fee.

### When is the deadline to file an appeal?

The legislated deadline to submit an appeal can be found in the notice you receive from Rocky View County. Your appeal and the filing fee must be received by the Board Clerk by the date listed in the notice.

### How can I file an appeal?

You can file an appeal by submitting the completed notice of appeal form in one of the following ways:

<b>Email:</b>	sdab@rockyview.ca
<b>Mail, drop-off, or in person during business hours:</b>	Board Clerk c/o Legislative & Intergovernmental Services 262075 Rocky View Point Rocky View County, AB T4A 0X2

### What should the notice of appeal form include?

The form should include your contact information, the property under appeal, and specific reasons supporting your appeal. Being comprehensive in your submission will help the Board or Committee understand your appeal. You can also submit additional documents such as site plans, photographs, etc. to support your appeal.

### What is the filing fee?

<b>Subdivision and Development Appeal Board</b>	<b>Fee</b>
Appeal of a Development Authority decision filed by the landowner/applicant	\$350.00
Appeal of a Development Authority decision filed by an affected party	\$250.00
Appeal of a Stop Order issued by the Development Authority	\$500.00
Appeal of a Subdivision Authority decision (paid at time of subdivision application and credited to endorsement fee if no appeal is filed)	\$1,000.00
<b>Enforcement Appeal Committee</b>	<b>Fee</b>
Appeal of a Compliance Order issued as per the <i>Municipal Government Act</i>	\$500.00

### How can I pay the filing fee?

You can pay the filing fee over the phone, in-person at County Hall, or by mailing a cheque (payable to Rocky View County). Your appeal is not considered received until the fee has been paid. It is your responsibility to ensure the completed notice of appeal form and filing fee have been received by the Board Clerk.

### When will my appeal be heard?

Your appeal will be heard by the Board or Committee within 30 days from the date it has been received by the Board Clerk. You will be notified in writing of the date, time, and place of the hearing. The Board Clerk will notify adjacent neighbours, if applicable.

For more information about filing an appeal or hearing procedures, please contact the Board Clerk at 403-230-1401 or sdab@rockyview.ca.

**ROCKY VIEW COUNTY**262075 Rocky View Point  
Rocky View County, AB, T4A 0X2403-230-1401  
questions@rockyview.ca  
www.rockyview.ca**STOP ORDER****Section 645 Municipal Government Act****February 7th, 2024****Lorraine Beale**☐ **HAND DELIVERED**☐ **REGISTERED MAIL**☐ **OTHER** **EMAIL****Roll #: 03913015**  
**Case Report # 202307-0861**

Dear Ms Beale,

**RE: NE-13-23-05-W05M**  
**Lot:7 Plan: 4135 JK**  
**Linc number: 19583971**  
**Title Number: 111251225**  
**Parcel area: 0.51 Acres**

HEREIN AFTER REFERRED TO AS THE "LANDS"

In my capacity as Development Officer for **Rocky View County** I hereby issue to the above-named Recipient, a Stop Order pursuant to Section 645 of the *Municipal Government Act*, with respect to the aforementioned Lands.

Rocky View County's Land Use Bylaw states:

**195** All development in a Flood Hazard Area is considered to be discretionary, notwithstanding any other section of the Bylaw.**196** No development shall be permitted within a Floodway, except for the:

- a) Repair or maintenance of existing buildings, or

- b) Replacement of existing buildings, provided flood-proofing design measures are undertaken, which do not involve construction below the Floodway.

Further, Part 17 of the *Municipal Government Act* and Section 36 of Rocky View County's Land Use Bylaw authorizes a Development Officer to issue a Stop Order where a development or use of land or buildings does not comply with the *Municipal Government Act*, the Land Use Bylaw, or a development permit or subdivision approval.

At present, the Lands do not comply with Rocky View County's Land Use Bylaw given:

**That a structure on the Lands has been developed inside the Bragg Creek Floodway.**

Accordingly, you are hereby ordered to **stop the unauthorized development, use of the Lands and/or the buildings thereon and comply with the Land Use Bylaw** by:

**The Property Owner shall remove the building on the Lands situated in the Floodway**

**Or**

**Apply for a development permit to relocate the structure to a portion of the property that is not in the floodway and out of any utility right of way. The development permit must be approved by the Development Authority.**

These requirements must be completed by:

April 3rd, 2024.

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, written notice of an appeal *together with the applicable appeal fee of \$500.00*, must be received by the Secretary of the Subdivision and Development Appeal Board within Twenty-one (21) days of the date this Order was made. The address for filing an appeal is:

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

**Appeal must be received by: February 28<sup>th</sup> 2024.**

Be advised that Rocky View County has the authority, in the event that this Stop Order is not complied with within the time limit provided, to enter onto your lands in accordance with Section 542 of the *Municipal Government Act* to take whatsoever actions are determined by Rocky View County to be necessary to bring the lands into compliance, and may seek an Injunction or other relief from the Court of King's Bench of Alberta pursuant to Section 554 of the *Municipal Government Act*. Further, **Rocky View County** has the authority to add the costs and expenses for carrying out this Stop Order to the tax roll for your Lands pursuant to Section 553(1)(h.1) of the *Municipal Government Act*. It is Rocky View County's practice to seek legal costs on a solicitor-client basis.

This Order may be registered as a caveat against the Certificate of Title for the Lands subject to this Order, until such time as the contraventions set out herein have been remedied, pursuant to section 646(2) of the *Municipal Government Act*.

Yours truly,

Adele Woodburn  
Bylaw Officer / Designated Officer

SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
FOR ROCKY VIEW COUNTY

262075 Rocky View Point  
Rocky View County, Alberta T4A 0X2  
403-230-1401 | sdab@rockyview.ca

NOTICE OF HEARING

Issued: March 18, 2024

An appeal has been filed with the Subdivision and Development Appeal Board for Rocky View County (“Board”) against the Development Authority’s decision to issue a stop order under section 645 of the *Municipal Government Act*.

INFORMATION ABOUT THE PROPERTY UNDER APPEAL	
File:	03913015; 202307-0861
Location:	28 Yoho Tinda Road; Lot 7 Plan 4135JK within the NE-13-23-05-W05M located in the Hamlet of Bragg Creek
Appellant(s):	Lorraine Beale
Applicant(s):	N/A
Owner(s):	Lorraine Beale

APPEAL HEARING INFORMATION	
Further information about the appeal will be available in the Board’s agenda six days before the hearing on <a href="http://www.rockyview.ca">www.rockyview.ca</a> .	
Date and time:	March 28, 2024 at or after 10:30 a.m.
Location:	Council Chambers - County Hall 262075 Rocky View Point, Rocky View County, Alberta T4A 0X2

HOW TO PARTICIPATE IN THE HEARING	
If you feel you are affected by this appeal, you can provide a submission or present at the hearing as noted below.	
Before the hearing:	<div>In your submission, clearly state how you are affected and include where you live in relation to the property under appeal. Submissions are due by 9:00 a.m. the last business day before the hearing. It is at the Board’s discretion whether late submissions are accepted. Submissions can be provided by:</div> <ul style="list-style-type: none"><li>email to <a href="mailto:sdab@rockyview.ca">sdab@rockyview.ca</a>; or</li><li>mail to the SDAB Clerk at 262075 Rocky View Point, Rocky View County, Alberta T4A 0X2</li></ul>
At the hearing:	Add your name to the sign-in sheet to present to the Board at the hearing

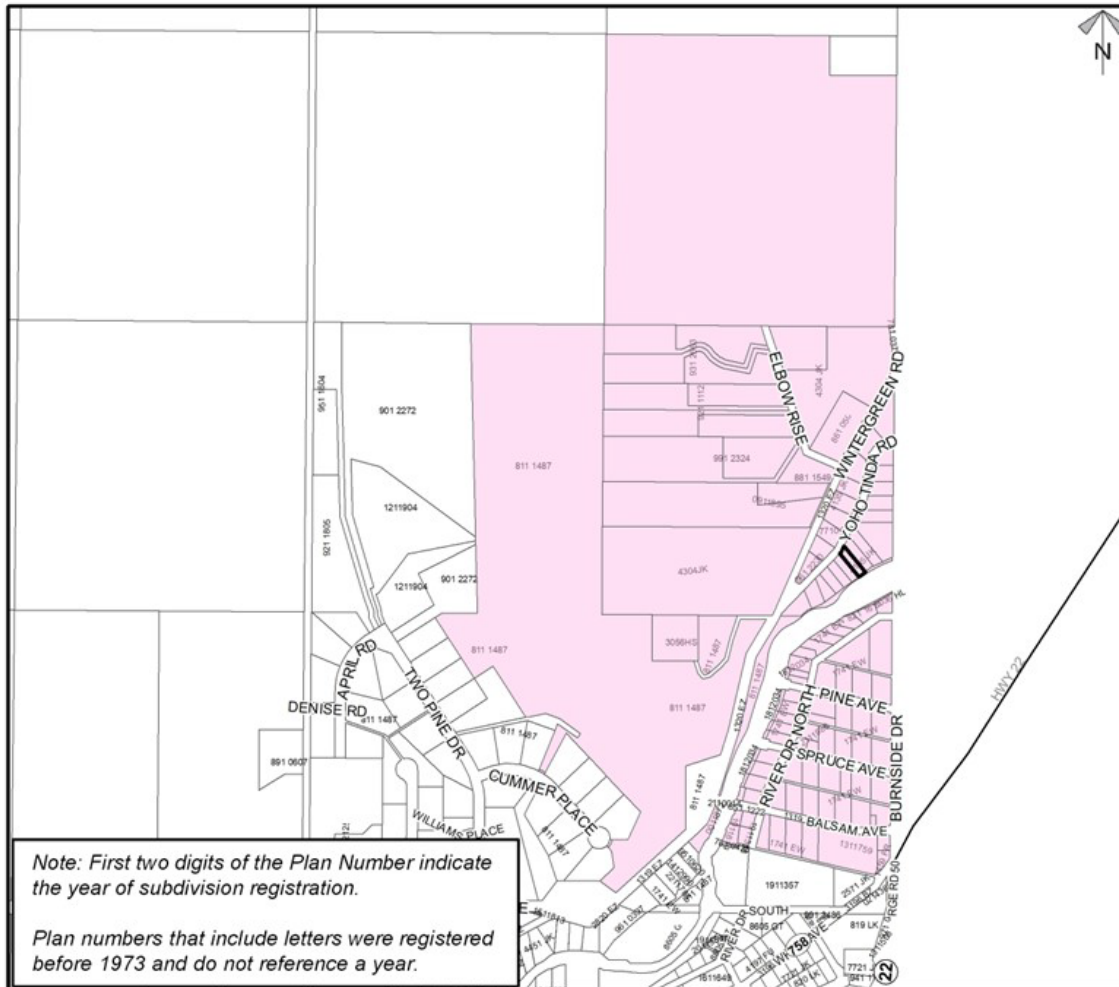
If you have questions about the development permit application, contact Planning Services at [development@rockyview.ca](mailto:development@rockyview.ca). For inquiries about the hearing procedure, contact the Board clerk at [sdab@rockyview.ca](mailto:sdab@rockyview.ca).



## SITE MAP

## LEGEND

**Bolded:** property under appeal  
**Shaded:** notification area



Submissions may be made available to the public on [www.rockyview.ca](http://www.rockyview.ca) in accordance with section 40(1)(c) of the *Freedom of Information and Protection of Privacy Act* ('FOIP Act'). Personal information contained in your submission is collected under section 33(c) of the FOIP Act for the purpose of public participation in the Board's decision-making process. Your name, legal land description, street address, and any opinions provided in your submission will be made available to the public and form part of the public record. Your personal contact information, including your phone number and email address, may be redacted prior to making your submission available to the public. If you have questions regarding the collection, use or disclosure of this information, please contact a Legislative Officer at 403-230-1401.



ENFORCEMENT

TO:	Subdivision and Development Appeal Board		
DATE:	March 28, 2024	DIVISION:	1
ROLL #:	03913015	APPLICATION:	N/A
SUBJECT:	Appeal of Stop Order for Enforcement File 202307-0861		

EXECUTIVE SUMMARY:

The subject property owner, Ms. Lorraine Beale, has developed a pre-existing structure inside the floodway of the Elbow River, in Bragg Creek.

Attempts have been made to bring the property into compliance with Section 196 of the Rocky View County Land Use Bylaw, which prohibits development within any floodway, via the issuance of a Bylaw Compliance Notice, and direct contact with Ms. Beale to facilitate either the demolition of the structure, or the movement of the structure to a location outside the floodway, applying for a development permit for the new location.

To date, the property is noncompliant.

As the property continues to be in violation of the Land Use bylaw, a Stop Order was issued requesting demolition of the structure or relocation to a portion of the property outside the floodway which does not impede or obstruct any utility right of way, and applying for a development permit.

OVERVIEW:

Landowner	Ms. Lorraine Beale
Proposal	N/A
Subject Site(s)	28 Yoho Tinda Road, Bragg Creek
Parcel Area	0.51 Acres
Land Use District	R-URB
Surrounding Uses	R-URB
Applicable Regulations	Rocky View County Land Use Bylaw C-8000-2020

POLICY/LAND USE BYLAW REVIEW:

The subject property is Zoned as R-URB, (Residential, Urban District).

The Rocky View County Land Use Bylaw C-8000-2020 states that:

- 196 No development shall be permitted within a floodway, except for the:
- a) Repair or maintenance of existing buildings, or
  - b) Replacement of existing buildings, provided flood-proofing design measures are undertaken, which do not involve construction below the floodway.



- 197 No building or structure shall be developed where the location of the building or structure is on a site where the undisturbed ground elevation:
- Is less than 6.0 m (19.69 ft.) above the normal summer low water level and is less than 1,200.0 m (3937.01 ft.) from the edge of the normal summer water channel of a watercourse, major, or
  - Is less than 3.0 m (9.84 ft.) above the normal summer low water level and is less than 300.0 m (984.25 ft.) from the edge of the normal summer water channel of a watercourse, minor, or
  - Unless the ground elevation adjacent to and within 5.0 m (16.40 ft.) of the building or structure is 1.0 m (3.28 ft.) above the 1:100-year flood elevation as determined by Alberta Environment and Parks.
- 200 In addition to Sections 195 to 198, the following provisions apply to properties along the Elbow River:
- No development shall take place in the floodway, except for:
    - Roads and bridges
    - Flood or erosion protection measures or devices,
    - Pathways that are constructed level with the existing natural grades, and
    - Recreation (Outdoor), provided there are no buildings, structures, or other obstructions to flow in the floodway'
  - All development shall be such that during construction and upon completion there shall not be a negative impact on lands in terms of 1:100 flood levels of water flow velocity upstream and downstream of the site. The Development Authority may require an applicant to provide a Flood Modelling Study to demonstrate this requirement.

**ALBERTA MUNICIPAL GOVERNMENT ACT:**

Section 645 of the Act reads as follows:

- 645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- this Part or a land use bylaw or regulations under this Part, or
  - a development permit or subdivision approval, the development authority may act under subsection (2).
- (2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- stop the development or use of the land or building in whole or in part as directed by the notice,
  - demolish, remove, or replace the development, or
  - carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit, or a subdivision approval, within the time set out in the notice.



## ROCKY VIEW COUNTY

- (2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.
- (3) A person who receives a notice referred to in subsection (2) may appeal the order in the notice in accordance with section 685.

**HISTORY:**

1. A complaint was received on July 11<sup>th</sup>, 2023, alleging that the subject property owner at 28 Yoho Tinda Road, in Bragg Creek, had built a cabin in the floodway that they believed was illegal and not permitted.
2. On July 11<sup>th</sup>, 2023, the file was assigned to Officer Adele Woodburn.
3. On July 12<sup>th</sup>, 2023, Officer Woodburn attended the subject property with Mark Deasty, Safety Codes Officer for Rocky View County Building Services. At that time Officer Woodburn observed and took photos of a large cabin situated behind a berm area near to the river.
4. On July 12<sup>th</sup>, 2023, Officer Woodburn was emailed a copy of an inspection report from Building Services that directed Ms. Beale to either remove/demolish the structure, relocate it to another part of the subject property that was not in the floodway, and to obtain the relevant development permit.
5. On August 11<sup>th</sup>, 2023, Ms. Beale was emailed a demolition permit and given a deadline of August 31<sup>st</sup>, 2023, to apply for a development permit.
6. On September 6<sup>th</sup>, 2023, correspondence was received from the Ms. Beale, enquiring with the development authority if a partial demolition would be acceptable. This was declined.
7. On October 11<sup>th</sup>, 2023, Officer Woodburn had a telephone conversation with Ms. Beale, who requested that Officer Woodburn make enquiries on her behalf of a compassionate nature (due to illness) to see what could be done by the County (if anything) to allow the structure to remain in situ.
8. On October 12<sup>th</sup>, 2023, a request was made to the Ms. Beale to supply any documents regarding historical data as to when the building was initially constructed. No new information was supplied.
9. On November 7<sup>th</sup>, 2023, Officer Woodburn emailed Ms. Beale a Bylaw Compliance Notice that directed her to demolish the structure or move it out of the floodway - obtaining the required permits in the process. The Compliance Notice had a date of completion of December 20<sup>th</sup>, 2023.
10. On January 4<sup>th</sup>, 2024, Officer Woodburn spoke on the phone with Ms. Beale, who again asked for clemency for personal reasons. Ms. Beale advised that she had spoken with her local councillor regarding the matter. Ms. Beale requested that Officer Woodburn escalate the file with her supervisors on her behalf.
11. On January 9<sup>th</sup>, 2024, Officer met with the Enforcement Services Supervisor and Manager, the Supervisor of Development, and the Supervisor of Building Services to discuss the file. It was determined that legal guidance be requested in the matter.
12. On February 5<sup>th</sup>, 2024, a legal recommendation was received, advising that a stop order be mailed to Ms. Beale, giving her the option to demolish the structure or to relocate it to another part of the property outside of the floodway, and obtain the relevant development permit.
13. On February 7<sup>th</sup> 2024, a stop order was sent to Ms. Beale via registered mail. Ms. Beale was given until April 3rd, 2024 to comply.



14. On March 6<sup>th</sup>, 2024, an email from Legislative Services was sent to Enforcement Services notifying them that an appeal of the Stop Order had been received and was scheduled to be heard March 28<sup>th</sup>, 2024.

**APPEAL BOARD JURISDICTION:**

Section 645 of the Municipal Government Act authorizes the Development Authority to issue a Stop Order when a development, land use, or use of a building does not comply with any of Part 17 of the Municipal Government Act, the Subdivision and Development Regulations, or a Development Permit or subdivision approval. A Stop Order may require any one of or more including the landowner, the person in possession of the land, or the person responsible for the contravention, to:

- Stop the development or use of the land.
- Demolish, remove, or replace the development, or;
- Take any other actions required to bring the development or use of the land or building into compliance.

The Subdivision and Development Appeal Board (SDAB) jurisdiction on a Stop Order Appeal is based solely on the following:

- Whether the SDAB felt the Stop Order was issued properly and legally; and
- Whether enough time has been provided for compliance.

The SDAB is not responsible for determining if this is an appropriate use for the property or determining the outcome of any permits proposed, as that jurisdiction falls back to either Council or Administration for consideration.

**OPTIONS:****Option #1:**

That the appeal against the Stop Order for the demolition or relocation of the structure on 28 Yoho Tinda Road, Bragg Creek be dismissed, and that the property be brought into compliance by April 3<sup>rd</sup>, 2024.

**Option #2:**

That the appeal against the Stop Order for the demolition or relocation of the structure on 28 Yoho Tinda Road, Bragg Creek be partially upheld and that the Stop Order be varied to June 14<sup>th</sup>, 2024 to allow time for the appellant to bring the property into compliance.





## PRE-DEVELOPMENT







POST DEVELOPMENT







## POST DEVELOPMENT

SHOWS STRUCTURE IN FLOODWAY







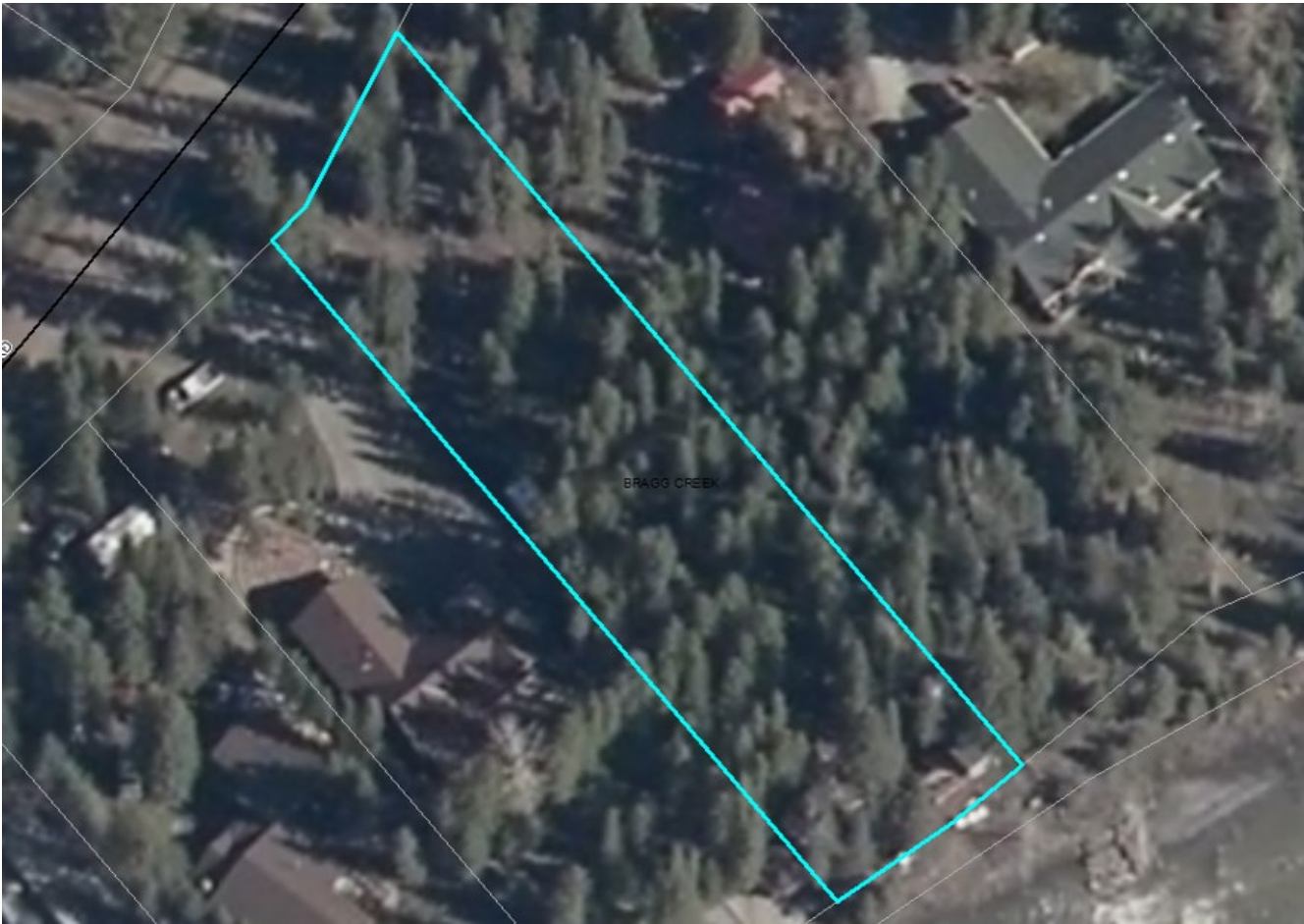
**POST DEVELOPMENT  
SHOWS FLOODWAY**







AERIAL PHOTO - 2020





AERIAL PHOTO 2022





**AERIAL PHOTO WITH FLOODWAY OVERLAY**

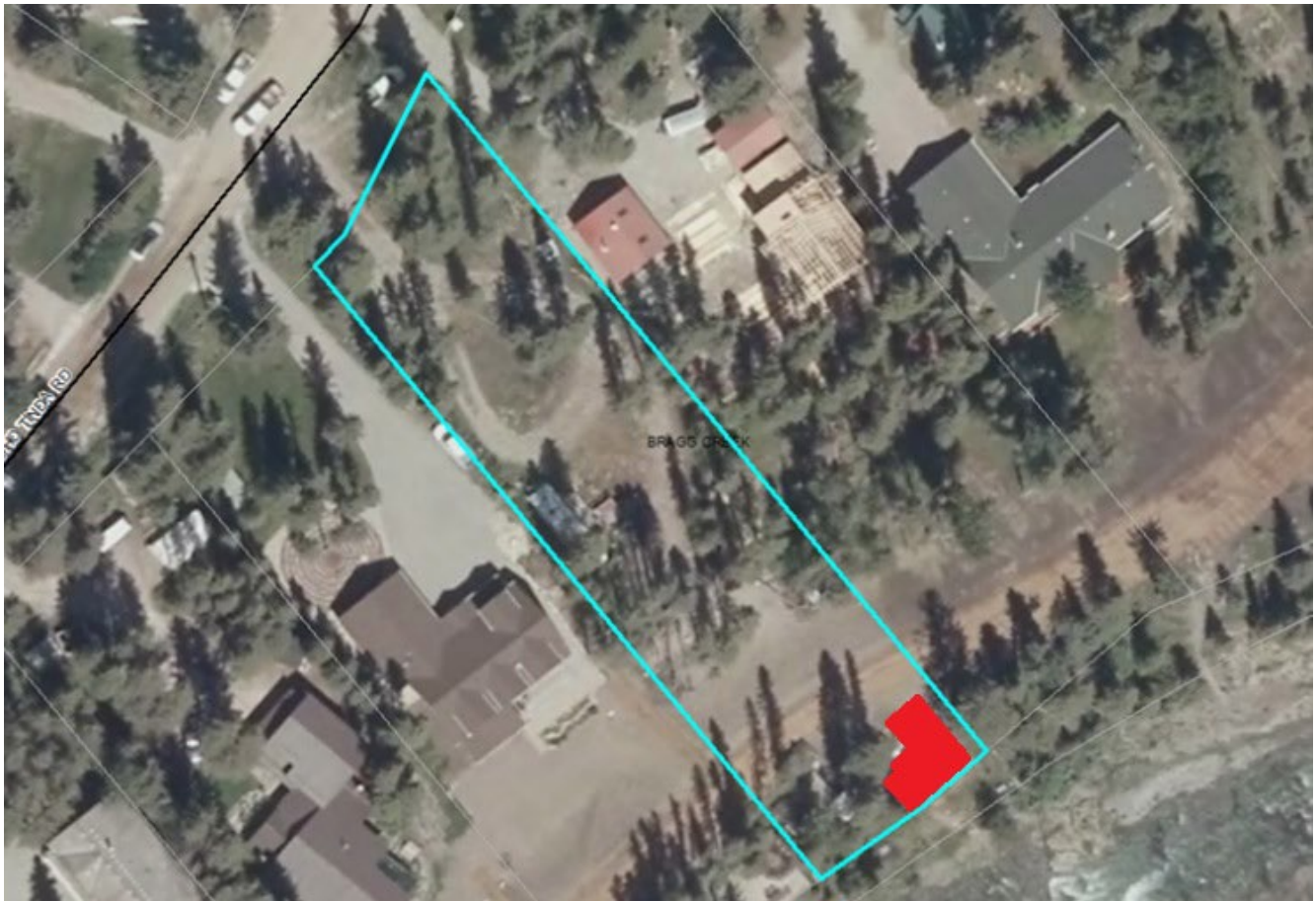
BLUE GRID: FLOOD FRINGE

SOLID BLUE: FLOODWAY



**AERIAL PHOTO 2022**

STRUCTURE HIGHLIGHTED TO SHOW LOCATION WITHIN FLOODWAY





# SUBDIVISION AND APPEAL BOARD

28 YOHO TINDA ROAD

BRAGG CREEK, AB

ROCKY VIEW COUNTY ROLL # 03913015

Property Owner: Lorraine Beale

*Division: 1  
Roll: 03913015  
File: 28 Yoho Tinda Road  
Printed: Mar 18, 2024  
Legal: A portion of NE-13-23-  
5-W5M*



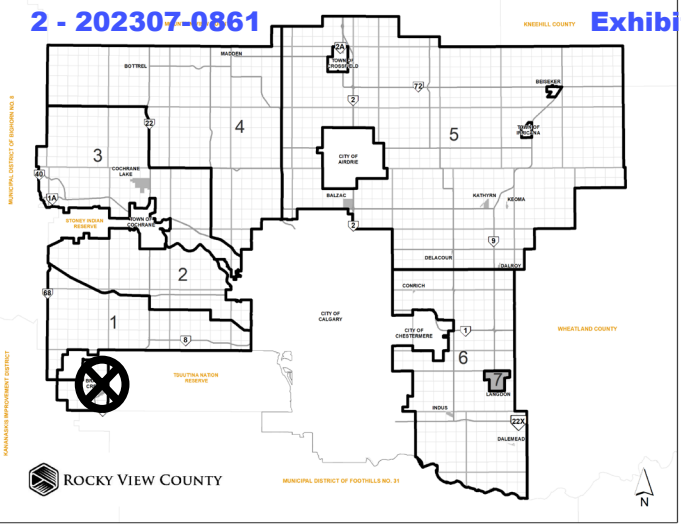


## ENFORCEMENT ACTION

Stop Order issued for  
violating Land Use Bylaw  
C-8000-2020

## LOCATION AND CONTEXT

Division: 1  
Roll: 03913015  
File: 28 Yoho Tinda Road  
Printed: Mar 18, 2024  
Legal: A portion of NE-13-23-  
5-W5M







**ENFORCEMENT ACTION**

Stop Order issued for  
violating Land Use Bylaw  
C-8000-2020

**2022 AERIAL PHOTO**



*Division: 1  
Roll: 03913015  
File: 28 Yoho Tinda Road  
Printed: Mar 18, 2024  
Legal: A portion of NE-13-23-  
5-W5M*



**ENFORCEMENT ACTION**

Stop Order issued for  
violating Land Use Bylaw  
C-8000-2020

# OVERVIEW

- The subject property owner, Ms. Lorraine Beale, has developed a pre-existing structure inside the floodway of the Elbow River, in Bragg Creek.
- Violations : Section 196 & 200 of the Rocky View County Land use Bylaw.
- The Rocky View County Land Use Bylaw C-8000-2020 states that:

**s.196** No development shall be permitted within a Floodway, except for the:

- a) Repair or maintenance of existing buildings, or
- b) Replacement of existing buildings, provided flood-proofing design measures are undertaken, which do not involve construction below the Floodway.

**ENFORCEMENT ACTION**

Stop Order issued for  
violating Land Use Bylaw  
C-8000-2020

**ELBOW RIVER DEVELOPMENT RESTRICTIONS**

**s.200** In addition to **Sections 195 to 198**, the following provisions apply to properties along the Elbow River:

- a) No development shall take place in the floodway, except for:
  - i. Roads and bridges
  - ii. Flood or erosion protection measures of devices,
  - iii. Pathways that are constructed level with the existing natural grades, and
  - iv. Recreation (Outdoor), provided there are no buildings, structures, or other obstructions to flow in the floodway



**ENFORCEMENT ACTION**

Stop Order issued for  
violating Land Use Bylaw  
C-8000-2020

**PRE-DEVELOPMENT**

PHOTO PROVIDED BY  
APPELLANT



*Division: 1  
Roll: 03913015  
File: 28 Yoho Tinda Road  
Printed: Mar 18, 2024  
Legal: A portion of NE-13-23-  
5-W5M*





**ENFORCEMENT ACTION**

Stop Order issued for  
violating Land Use Bylaw  
C-8000-2020

**PRE-DEVELOPMENT**

PHOTO PROVIDED BY  
APPELLANT



*Division: 1  
Roll: 03913015  
File: 28 Yoho Tinda Road  
Printed: Mar 18, 2024  
Legal: A portion of NE-13-23-  
5-W5M*



## Post Development



### ENFORCEMENT ACTION

Stop Order issued for  
violating Land Use Bylaw  
C-8000-2020

### POST-DEVELOPMENT

PHOTO TAKEN BY  
OFFICER WOODBURN,  
SHOWING A SUBSTANTIAL  
ADDITION

*Division: 1  
Roll: 03913015  
File: 28 Yoho Tinda Road  
Printed: Mar 18, 2024  
Legal: A portion of NE-13-23-  
5-W5M*





## ENFORCEMENT ACTION

Stop Order issued for  
violating Land Use Bylaw  
C-8000-2020

## POST-DEVELOPMENT

PHOTO TAKEN BY  
OFFICER WOODBURN,  
SHOWING FLOODWAY,  
AND PROXIMITY OF  
STRUCTURE TO WATER



*Division: 1  
Roll: 03913015  
File: 28 Yoho Tinda Road  
Printed: Mar 18, 2024  
Legal: A portion of NE-13-23-  
5-W5M*



**ENFORCEMENT ACTION**

Stop Order issued for  
violating Land Use Bylaw  
C-8000-2020

**POST-DEVELOPMENT**

PHOTO TAKEN BY  
OFFICER WOODBURN,  
SHOWING FLOODWAY,  
AND PROXIMITY OF  
STRUCTURE TO WATER



*Division: 1  
Roll: 03913015  
File: 28 Yoho Tinda Road  
Printed: Mar 18, 2024  
Legal: A portion of NE-13-23-  
5-W5M*





**ENFORCEMENT ACTION**

Stop Order issued for  
violating Land Use Bylaw  
C-8000-2020

**2022 AERIAL PHOTO**

STRUCTURE  
HIGHLIGHTED



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**ENFORCEMENT ACTION**

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**ELBOW RIVER  
FLOODWAY**

NOTE THAT  
STRUCTURE IS WELL  
WITHIN THE FLOODWAY



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**ENFORCEMENT ACTION**

Stop Order issued for  
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C-8000-2020

Enforcement recommends Option #2:

**Option #1:**

That the appeal against the Stop Order for the demolition or relocation of the structure on 28 Yoho Tinda Road, Bragg Creek be dismissed, and that the property be brought into compliance by April 3<sup>rd</sup>, 2024.

**Option #2:**

That the appeal against the Stop Order for the demolition or relocation of the structure on 28 Yoho Tinda Road, Bragg Creek be partially upheld and that the Stop Order be varied to June 14<sup>th</sup>, 2024 to allow time for the appellant to bring the property into compliance.