

Balwinder DP

May 26, 2021 SDAB Appeal Hearing at 9:00am

Western Pacific Transport Ltd

Lot 1 Block 1 Plan 0214125

Regional Site Plan



Site Plan



A Brief History of Facts

- Western Pacific Transport (WPT Ltd) is a private limited trucking company established on 2004 in Delta, BC. (The owner of this site in question)
- A small family-owned trucking operation that started from nothing.
- It has gradually grown over the decades into a company with about 45 trucks.
- Much of the company's business consists of deliveries from Vancouver across Western Canada.
- In late 2019, they started looking for expansion into Alberta.
- They saw Calgary as a great Trans-Canada connection.
- This area is ideal due to the proximity to Glenmore Trail and Hwy 1.
- It was also a part of the Shepard Industrial ASP which designated this whole area as industrial development. (See attachments in Appendix I)

A Brief History of Facts continued

- Given these facts, this property is located in a Major Industrial Area. (Shepard Industrial Area Structure Plan, SIASP -- see Appendix I)
- Also with the property on both sides already approved for industrial uses, WPT Ltd jumped at the opportunity when this site became available.
- An offer was accepted and the property transferred into WPT's name on March 27, 2020.
- Improvements were necessary to groom the site into what WPT needed.
- A knowledgeable Local Contractor was sought out to do the work. (Appendix IV)
- Contractor was precisely instructed to make sure ALL LOCAL RULES AND REGULATIONS were strictly adhered to. (Contractor said that he would fully follow all rules and regulations).
- Stripping and grading commenced in late March 2020.
- Construction proceeded from April and was completed by mid June 2020.
- The New Landowner was managing the work long distance from Vancouver.

Brief History of Facts continued

- On June 2020 it became known to WPT for the first time, that the contractor who had been given a strict instruction to abide by all local rules and regulations, did not follow the rules when he is obliged to do so.
- The contractor was immediately fired and the construction ceased.
- Local Consultants were immediately retained; Planners, (Planning Protocol, Engineers, Osprey Engineering, Surveyors, CIMMA, Geomatics, Geotechnical Engineers, Almor testing.
- Proper applications we prepared and submitted to the County; Development Permit (DP change of use), Stripping and grading DP July 23, 2020 (See Appendix IV)

Brief History of Facts continued

- During the construction period of March - June 2020, a legal surveyor was retained to determine the precise legal boundaries so a perimeter fence could be constructed. (See Appendix V RPR CIMA Geomatics)
- The legal survey determined that many of the neighbours items encroached onto the applicant's property such as mobile home, bee factory, and many more miscellaneous parked items.
- Neighbour was asked politely, to please remove the said encroaching items and given time to do so, and was told that a fence would be installed 2 feet inside our property line. The encroaching items were removed by the appellant, but we feel this appeal is essentially sour grapes due to having to remove encroaching items which have essentially encroached for free for years. (see Appendix of Former Aerial Photo of Encroachments)

Clarification of Facts

Appellant asserts that “storm water flows from our property to his.”

Clarification: We have completed stripping and grading to ensure that no drainage travels onto his property. Our drainage is designed to specifically ensure that doesn't happen. Small portions of the site did require lifting in order to ensure positive drainage to our storm pond.

Appellant asserts that “the contractor raised the whole site by a meter or more.”

Clarification: There was a huge amount (2 – 2 ½ ft) of topsoil stripped off and then replaced by clean mineral fill, topped with pit run to bring it back up to original grade. The only exception to this is one or two isolated areas in order to achieve positive drainage towards our storm pond. All storm water will be retained on site and directed to our storm pond. The work is not complete as all construction ceased pending DP approval and now this appeal.

Clarification of Facts

Appellant asserts that “the prime cause of their septic tank failure is our storm water run off onto their land”.

Clarification: From the outset it has always been the applicant’s objective to contain ALL storm water on site. It is precisely for this purpose the contractor and other professionals were retained. From investigation of the appellant’s site, the real estate listing boasts passive income of \$125,000.00 annually from two rental suites in the house, two rental suites in the shop and another rental from a RV that is hooked up to onsite year-round water and sewer services. This in addition to the actual residence itself. A total of 6 residential units all contributing to the septic system. We assert that it is the sheer number of contributing residential units that contribute to the sewer system failure and not runoff from our site.

Clarification: the applicant has taken, and will take all steps necessary to contain all storm water on our site. We have an interim storm pond, and will, once the DP is approved, complete a storm water plan for our site.

- **Also to be noted**, that there is no storm pond on the appellant’s parcel. This combined with the fact that the appellant does not seem to have a drainage plan in place may contribute to the septic system failure and overall drainage issues on the that site. In other words, we assert that their issues are mostly self induced and don’t result from external sources.

Appeal for DP May 27th 9:00 AM Zoom Meeting

- The owner of our site has spent a lot of money, time and effort to make sure that no drainage goes from our site onto any neighbour's lands.
- Site contour and drainage - the site and area around the site all drains off the west. There is a catchment storm pond in the south west portion of the lot which collects all of the site drainage.
- The appellant is also alleging that we have artificially raised our site thereby contributing to storm water issues on his parcel. On the contrary, what has actually happened is our site was stripped of topsoil and the amount of topsoil that was removed was replaced with good construction grade material (Pit run) to bring it back up to normal grade.
- This new material was only imported in order to sustain large truck traffic.
- I met with the realtor who is selling the property next door to the north (the Appellant lands) on April 12, 2021. That parcel is listed on the market, so I thought it would be a good idea to be informed about the party that is appealing our DP approval. During the hour long visit I was able to toured the entire residence and land and shops and other boundary conditions on site.

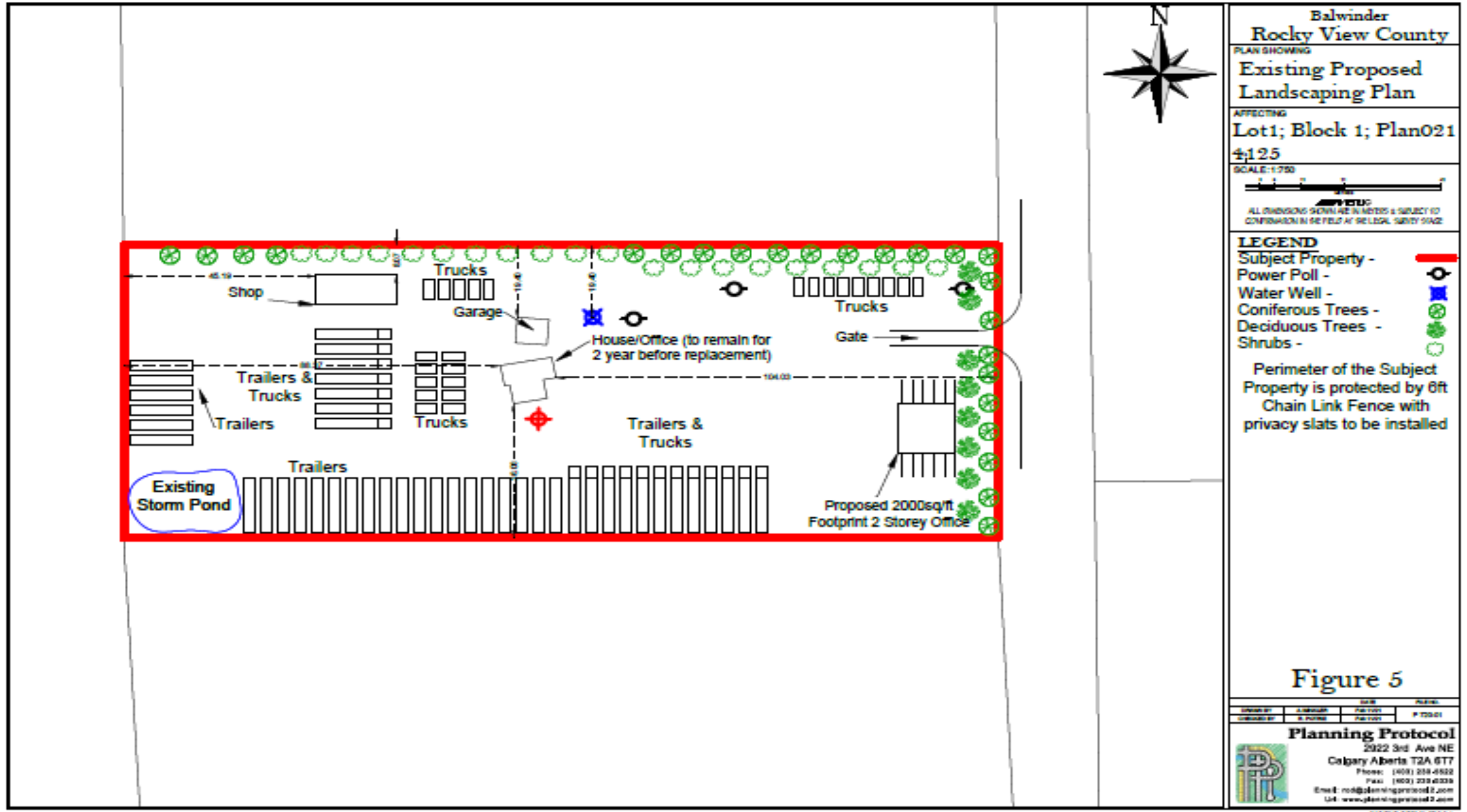
Improvements completed and or committed to, to Appease Appellant and their suite renter's concerns

- Working with neighbours and suite renters to see if each can work together.
- Site coverage has been reduced (due to adjacent landowner concerns)
- Chain Link Fencing added (with future security slats added due to adjacent landowner concerns)
- Security Surveillance System added (24/7)
- Reduced hours of operation, due to adjacent landowner concerns (7:00 am to 6:00 pm with only occasional variation)
- Moved many of the trucks to the west and south side of our site, so as not to affect suite renter's on appellant's site.
- Included landscaping on north, east and south sides (see landscaping plan), so as not to affect the suite renters on appellant's site.

Improvements completed and or committed to, to Appease Appellant and their suite renter's concerns

- Front yard and north site setbacks has been accommodated as well as landscaping
- Working to utilize existing buildings and then transition to new buildings (office and shop). Anticipated 2 year time frame.
- Will restrict truck noises and movements after hours and minimize noises during operational hours, due to appellant's and suite renter's concerns
- The intent is to not have any weekend activity, due to appellant's and suite renter's concerns
- There is about 10–15 trucks a day that leave once in the morning and then return in the evening after delivery.
- The truckers are advised to not back up in the early or late hours of the day to avoid back up beepers. They are instructed to make a large U turn and always move forward, due to adjacent landowner and suite renter's concerns.

Landscaping Plan



APPENDIX I

Shepard Industrial Park ASP



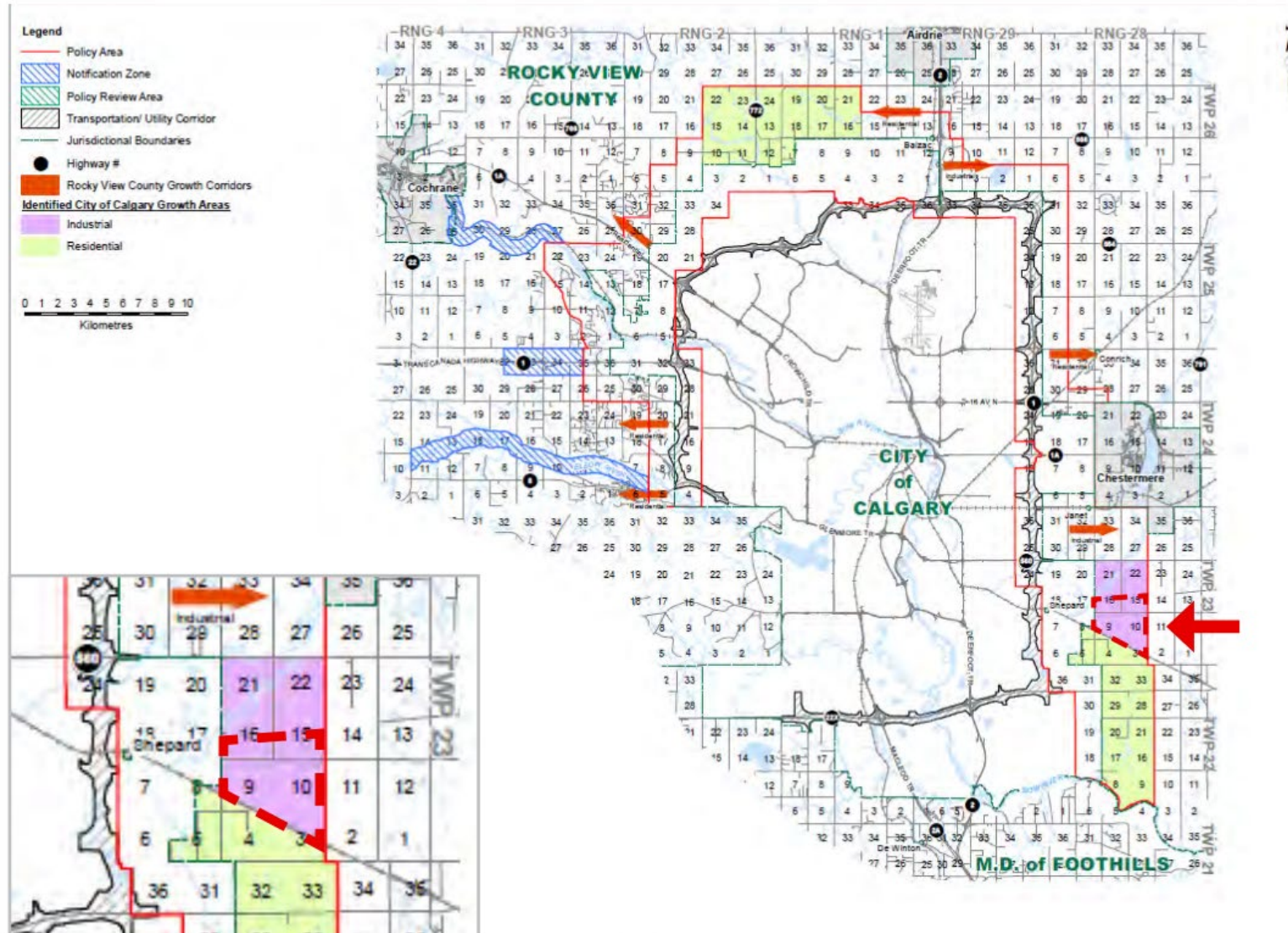
Draft 6: March 4, 2021

Shepard Industrial Park ASP (continued)

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1250 acres part of a 2500 acre industrial development

FIGURE 2 | COUNTY-CITY IDP GROWTH AREAS



CALGARY METROPOLITAN REGION BOARD - INTERIM GROWTH PLAN (IGP)

The Calgary Metropolitan Region Board's Interim Growth Plan (IGP) guides growth, development and infrastructure planning at a regional level. The Shepard Industrial ASP is consistent with the policies of the IGP.

CALGARY – ROCKY VIEW COUNTY INTERMUNICIPAL DEVELOPMENT PLAN (IDP)

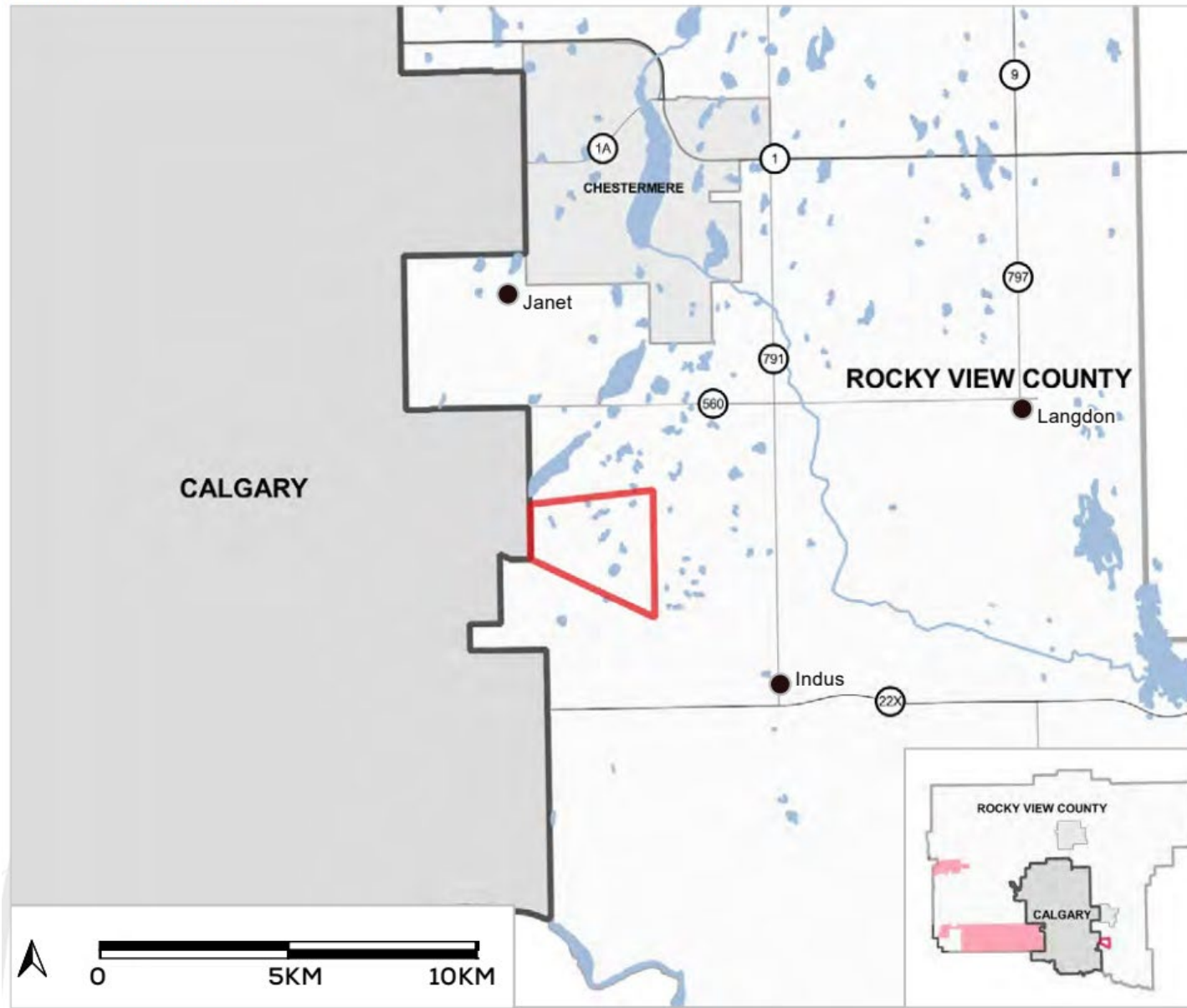
The Plan area is located within the Calgary - Rocky View County IDP and more specifically within the City of Calgary Identified Growth Area – Industrial (see Figure 3: County-City IDP Growth Areas). This means the Plan area could be a target for future annexation by the City of Calgary. The IDP outlines a requirement for collaborative planning in the Identified Growth Areas.

LEGEND



Shepard Industrial Park ASP (continued)

MAP 1 | PLAN AREA



4.1 PLAN AREA MAPS

The boundaries and locations of areas shown on the maps within the Plan boundary are not intended to define exact areas except where they coincide with clearly recognizable features or fixed boundaries such as municipal boundaries, property lines, or road or utility rights-of-way. Furthermore, the locations of symbols depicting specific features on the maps are approximate only, not absolute, and should be interpreted as such. The precise location of these boundaries and areas will be determined by the County at the time of consideration and approval.

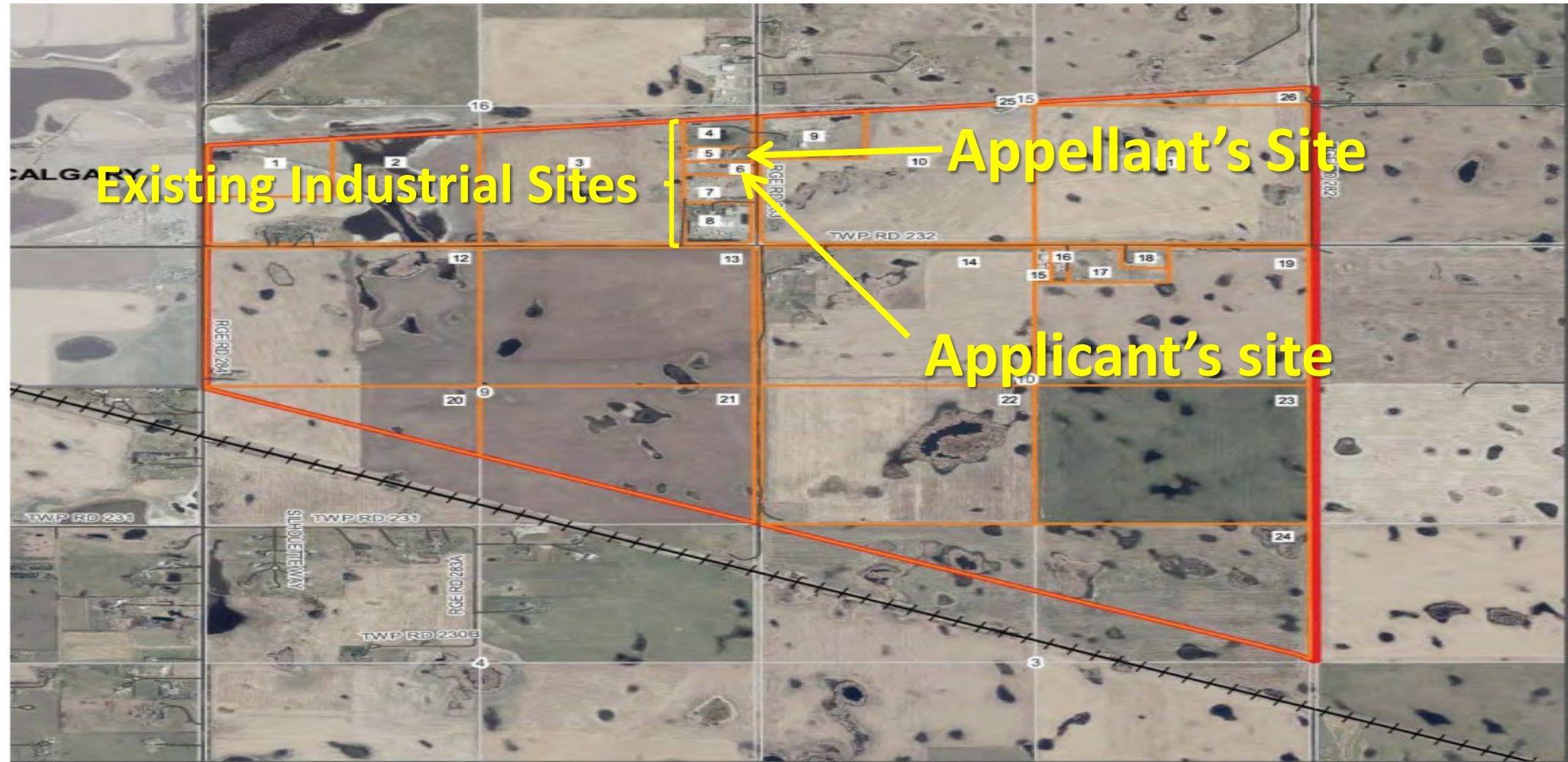


Shepard Industrial Park ASP (continued)

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Our two sites form part of the first phase of development

MAP 2 | PARCELS INDEX



Shepard Industrial Parcels Index

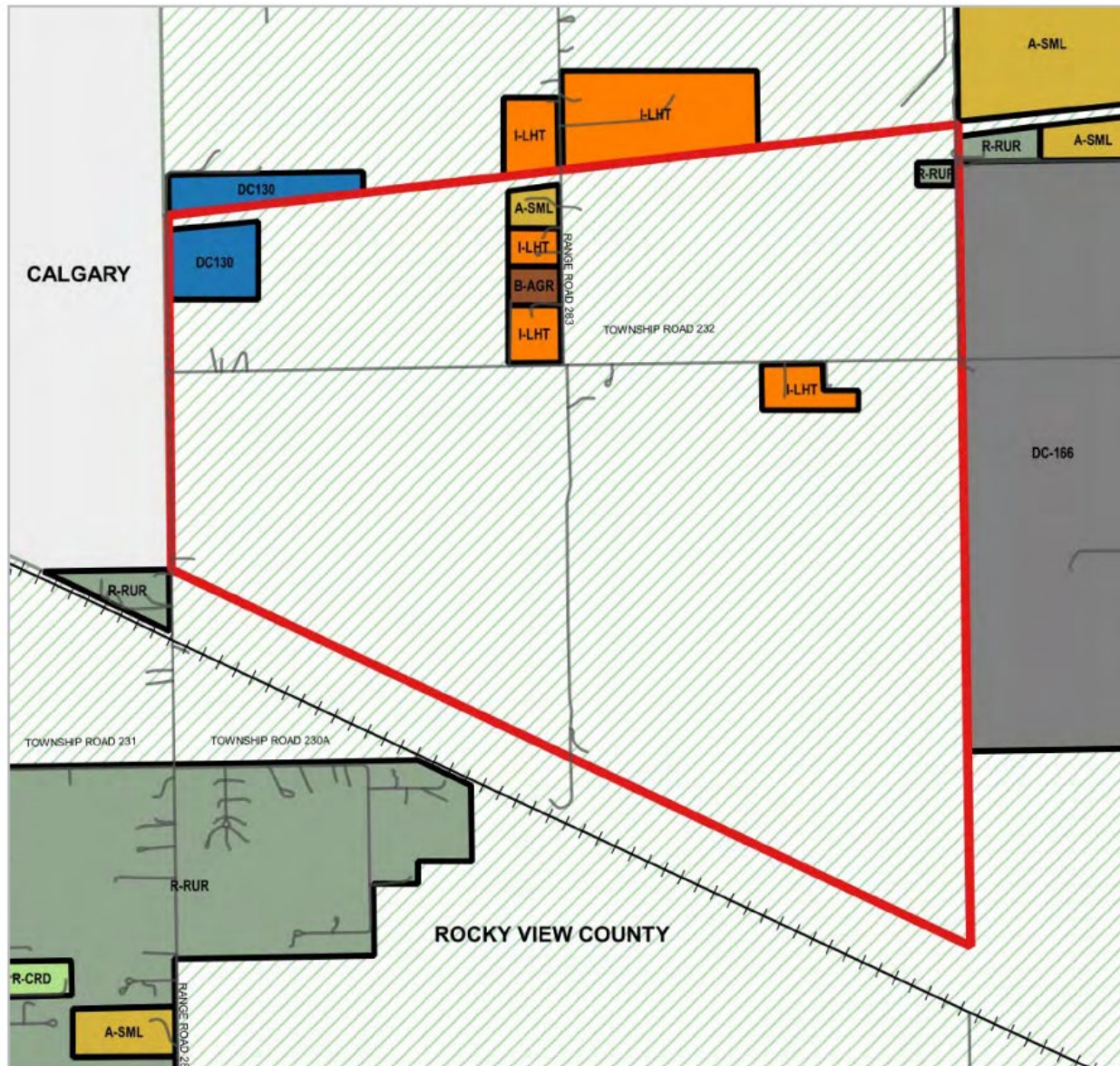
Area structure plan Legal Parcels

0 0.5 1 1.5 km



Shepard Industrial ASP (continued)

MAP 4 | EXISTING LAND USE DISTRICTS (ZONING)



5.1 EXISTING LAND USE

On September 8, 2020 the County adopted a new *Land Use Bylaw* (LUB), which changed many of the land use districts within the LUB. The majority of the plan area is now designated as Agricultural – General (A-GEN) district (see [Map 4: Existing land Use Districts \(Zoning\)](#)). The exceptions include parcels designated as Light Industrial (I-LHT), Agricultural Business (B-AGR), Agricultural Small Parcel, and Direct Control (#130).



0 0.5 1 1.5 km

1:25,000

LEGEND

Area structure plan

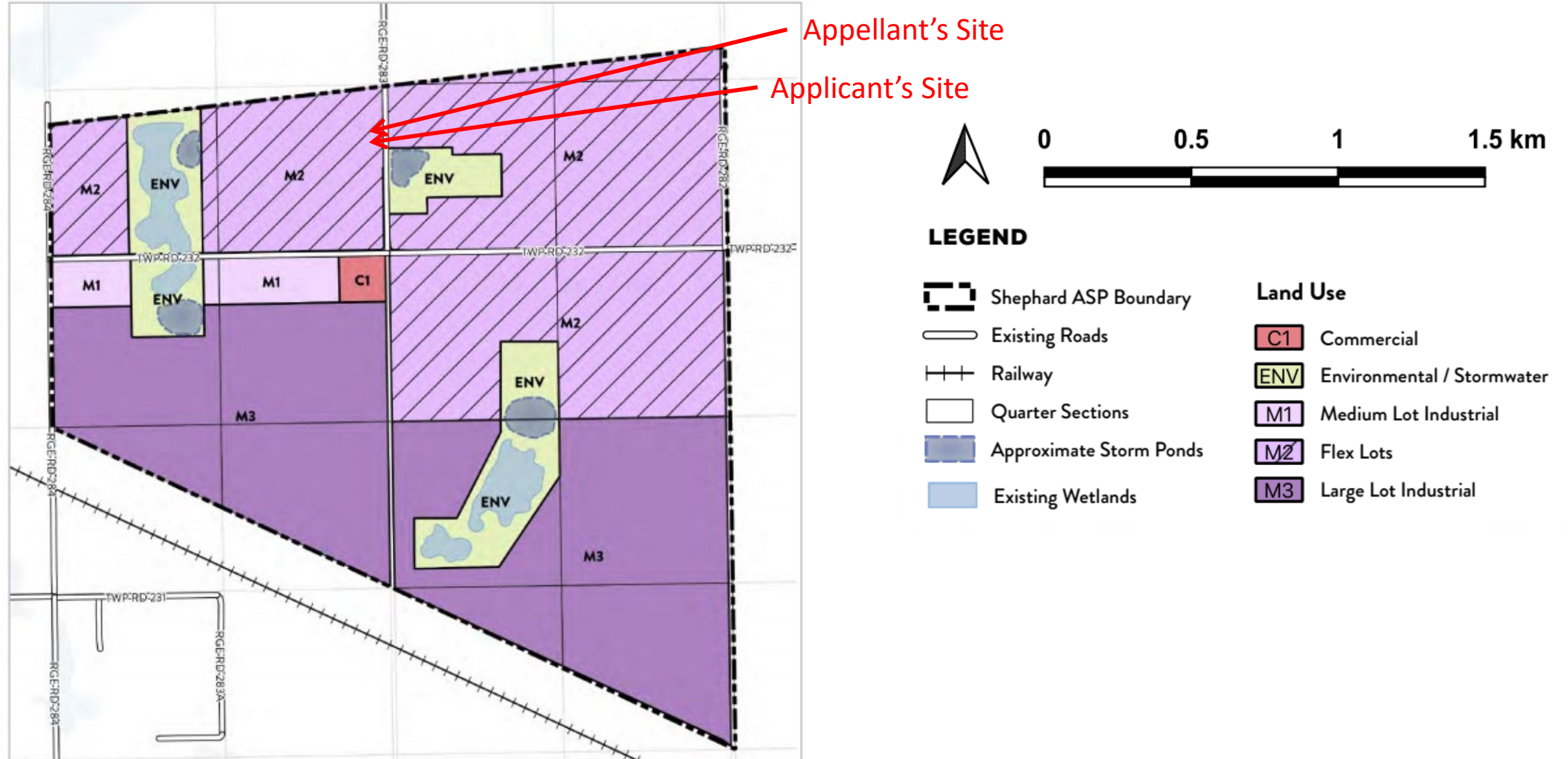
Shepard Existing Zoning Area

- A-SML, Agriculture, Small Parcel District
- B-AGR, Business, Agriculture District
- B-LWK, Business, Live-Work District
- DC-130, Direct Control Bylaw
- DC-166, Direct Control Bylaw

- I-LHT, Industrial, Light District
- R-CRD, Residential, Country Residential District
- R-RUR, Residential, Rural District
- A-Gen, Agricultural, General District

Proposed Land Use

MAP 6 | LAND USE CONCEPT



Appendix II

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Historical Photo Showing Encroachments

Mobile Home, Out buildings, Bee Farm, numerous miscellaneous items



Appendix IIA

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Historical Photo Showing Encroachments

Mobile Home, Out buildings, Bee Farm, numerous miscellaneous items



Appendix III

Copy of Real Estate listing of Appellant Site



40 / 40



\$3,000,000.00

Active

232095 Range Road 283

Rural Rocky View County, Alberta T1X 0K7

MLS@#: A1038276

Beds 3

Total Baths 3

SqFt 1,675

Year Built 1985

Style Acreage with
Residence

4.17 Acres- COMMERCIAL with a yearly
INCOME of over \$125,000. This acreage
features a modern updated...

Courtesy of REAL ESTATE PROFESSIONALS
INC.

Appendix IV

Contractor Contract

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SOUTHWOOD PAVING & PATCHING LTD.
728 80th AVE SW
Calgary, Alberta T2W 0H2
403-803-8321 southwood@shaw.ca

QUOTE
Date: March 20, 2020
Valid Until: Paving Season 2020

Customer
Western Pacific Transport Ltd.
232071 Range RR 283
804-897-3611
bali@westernpacifictransport.ca

Description of Services

- 1. Tree Removal**
-removal of all trees on property
-removal of all wooden fence and front steel gate
Upon completion of Phase 1 payment in full due: **\$15,000.00 + GST**
- 2. Supply pitrun**
-after material is hauled on site material will be paid in full
Upon completion of Phase 2 payment in full due: **\$40,000.00 + GST**
- 3. Pond**
-excavation of retaining pond
-not included bladder, rocks (County decision) extra charge will apply
Upon completion of Phase 3 payment in full due: **\$10,000.00 + GST**
- 4. Excavation of black dirt**
-excavate approx. 12" in depth and haul off site
Upon completion of Phase 4 payment in full due: **\$10,000.00 + GST**
- 5. Place and compact all pitrun to approx. grade**
Upon completion of Phase 5 payment in full due: **\$45,000.00 + GST**

Note:
-survey work completed by client
-any additional work not described in above quote will result in additional charges

Deposit of \$25,000.00 required to begin above project

Terms & Conditions
Any alterations from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above this estimate. WCB coverage in effect. Upon completion of project payment Net 30 days.

Accept Quotation: _____ Date: March 20 / 2020

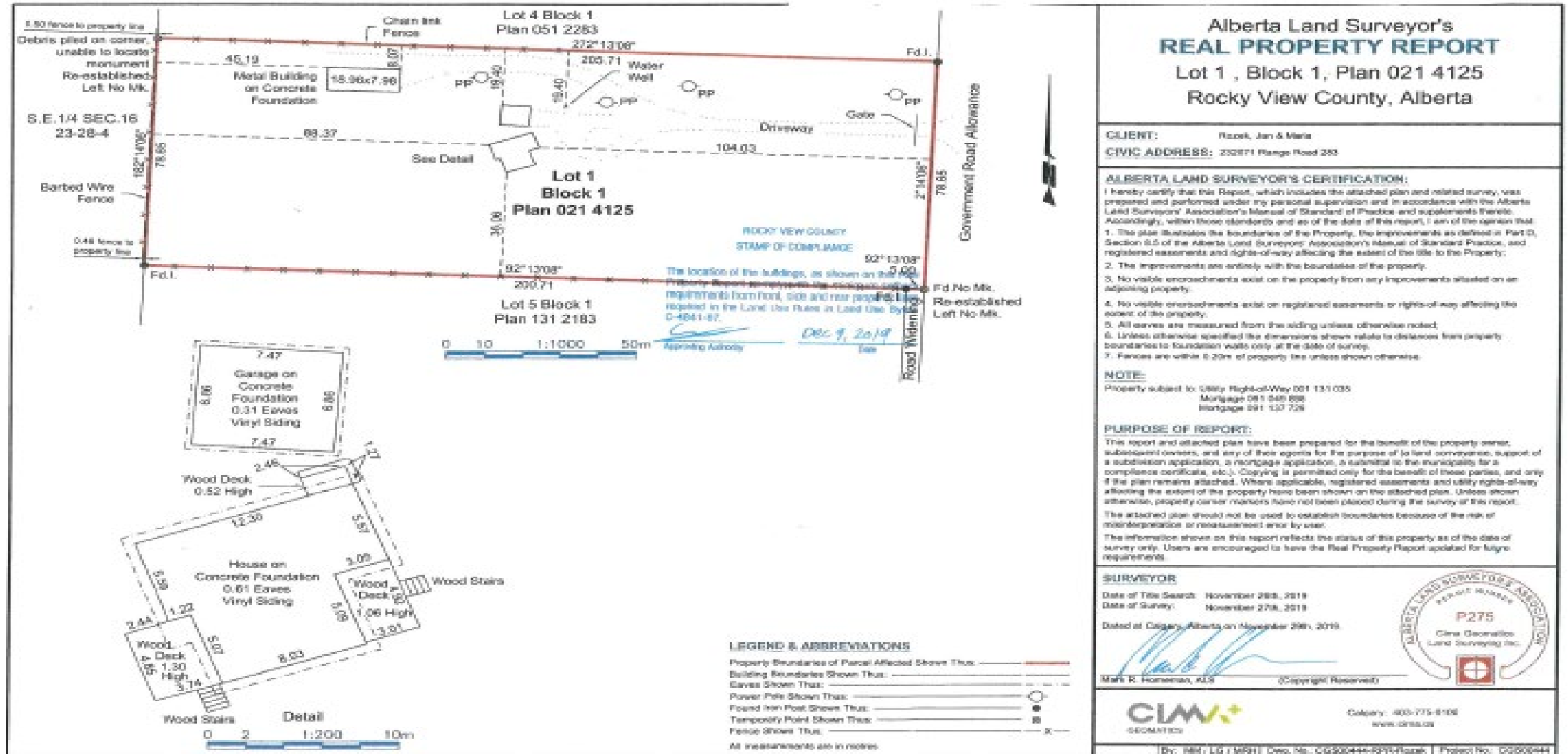
Appendix V CIMA Real Property Report

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Appendix VI

Aerial Video of Both Properties

The SDAB Clerk has removed the video from this exhibit due to software size constraints. The video will be made available to the SDAB Board Members and Appellant through other means.
Please email sdab@rockyview.ca with any questions.

Appendix VII

Photos of the Sites

Appellant's Site

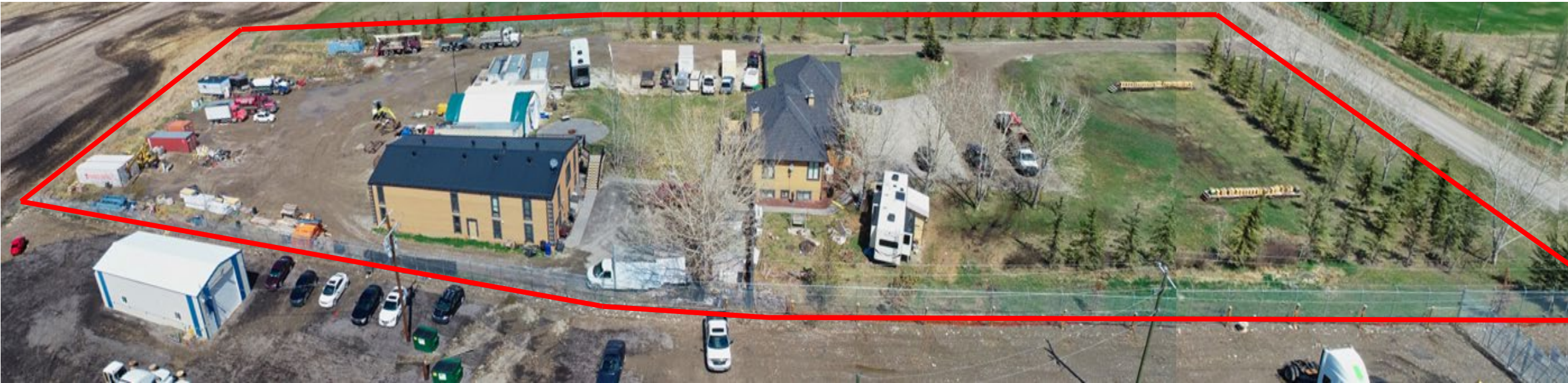
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Appendix VII

Photos of the Sites

Appellant's Site



Appendix VII

Photos of the Sites

Applicant's Site in Relation to Appellant's Site



Appendix IX



ROCKY VIEW COUNTY
Cultivating Communities

CHANGE OF USE OF LAND OR AN EXISTING BUILDING

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

Business Name: WP TRANSPORT AB LTD

Business Details: _____

What is the current approved use? Industrial / Open Storage

Will you be making any changes to the building and/or land? YES ☒ NO ☐

If YES – Please describe: Land cleaning and grading

1. PARKING

How many daily customer visits are anticipated? 0 we don't have any customer visitors

How many assigned parking spaces are there? only drivers and admin/dispatch employees

How will overflow of parking be managed? visit this place. Around 6 to 10 drivers, visits on daily basis.

2. EMPLOYEES

How many people are employed by the business? 6 Full Time: 6 Part Time: N/A

3. OPERATION

Total area of business: 4 acres (sq. ft. / sq. m)

What are your days and hours of operation? Days: Monday to Saturday Hours: 8 am to 5 pm

4. STORAGE AND SIGNAGE

Is outside storage required? YES ☒ NO ☐ If YES – Total outside storage area 4 acres (sq. ft. / sq. m)

Will any sign(s) be required? YES ☒ NO ☐

If YES – Number of sign(s) required: 2 Type of sign(s) required: Free Standing

5. ADDITIONAL INFORMATION

☒ Site Plan ☐ Sign Details ☒ Cover Letter

Signature of Applicant: _____

Date: _____

July 23rd 2020

Appendix IX (continued)



ROCKY VIEW COUNTY
Cultivating Communities

STRIPPING, FILLING, EXCAVATION AND GRADING

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

Name of Applicant 2249324 ALBERTA LTD
Address of Applicant #232071 RANGE ROAD 283 Rocky View
Telephone (C) 604 897 9611 (H) _____ (Fax) _____

1. NATURE OF THE APPLICATION

Type of application (Please check off all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Site stripping | <input type="checkbox"/> Re-contouring |
| <input checked="" type="checkbox"/> Filling | <input type="checkbox"/> Stockpiling |
| <input type="checkbox"/> Excavation (including removal of topsoil) | <input type="checkbox"/> Construction of artificial water bodies and/or dugouts |
| <input checked="" type="checkbox"/> Grading | <input type="checkbox"/> Other _____ |

2. PURPOSE

What is the intent of the proposal? To use it for TRUCK TRAILER Storage

Indicate the effect(s) on existing drainage patterns or environmentally sensitive areas (i.e. riparian, wetland, waterbodies) (if applicable) _____

Reports for Geo Tech + Storm water Management
will be submitted in two week (by Aug 15th 2020)

Appendix VIII

Development Permit Approval

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ROCKY VIEW COUNTY

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

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

Decision of the Municipal Planning Commission

This is not a development permit

Planning Protocol 3 Inc. (Rodney Potrie)
2922 3 Ave NE
Calgary, AB T2A 6T7

Development file #: PRDP20202115

Issue Date: March 25, 2021

Roll #: 03316008

Legal description: SE-16-23-28-W04M; Lot 1, Block 1, Plan 0214125

The Municipal Planning Commission conditionally approves the following:

Description:

1. That Industrial (Medium) & Outdoor Storage, may take place on the subject site in general accordance with the revised application and drawings prepared by Planning Protocol 3 Ltd., File No. 720-01; dated August 2020 & February, 2021, subject to the amendments required in accordance with the conditions of this approval and shall including the following:
 - i. Transportation Company, including truck trailer and commercial vehicle outdoor storage;
 - ii. Conversion of the existing Dwelling, Single Detached to an Office and existing Accessory Buildings (shop & garage) for business use and storage;
 - iii. Parking & Storage of Truck Trailers and Commercial Vehicles;
 - a. That the minimum rear yard setback requirement for Parking & Storage **shall be relaxed from 6.00 m (19.68 ft.) to 0.00 m. (0.00 ft.);**
 - b. That the location of the Parking & Storage locations is permitted in accordance with the final site plan, as proposed;

Summary & Conclusions

1. The Applicant may have started out innocently and unknowingly not obeying the rules. However, upon being made aware of this he immediately took corrective actions by firing the errant contractor and hiring professionals to do the job right.
2. The Applicant was committed to doing things right from the start and always have been. The Applicant just made the innocent error of hiring a bad contractor who swore he would follow ALL the rules.
3. All construction immediately ceased upon being made aware of errant contractor. Contractor fired and consultants hired.
4. No further construction will take place until all approvals are in place.
5. Proper applications were prepared and submitted to the county for immediate processing.
6. Professionals were immediately retained to complete all appropriate approvals.
7. Once the applicant was made aware of adjacent landowner concerns, all reasonable measure possible have been taken to mitigate those concerns. (of which there are many)

Summary & Conclusions (continued)

8. It must be remembered that this entire area is primarily an industrial area including the appellant's parcel. (See Shepard Industrial ASP excerpts provided in Appendix I)
9. Hours of operation reduced, landscaping added, fence latticing added for screening and noise attenuation.
10. Stormwater drainage is being designed. An Engineer is working on it subject to DP and appeal hearing outcome. (All water kept on site)
11. Truck back up beepers eliminated via full turnarounds and strobe lights.
12. Additional security is added.
13. Reefer trucks relocated to south side of the lot. (An additional 200 ft. South to further reduce any noise emission.)
14. Additional setbacks and landscaping along North boundary adjacent to appellant's parcel.
15. We note that no other landowners for a mile around has ever complained a single thing about this approved DP.
16. We are taking all measures to make ALL proper and appropriate applications and approvals, we are not sure that the appellant is doing the same ie (are the rental suites approved ?, is there an approved storm water plan on their lot? Is their septic system sized appropriately to accommodate 6 residential unitsetc)



PLANNING PROTOCOL

2922 3rd Ave NE Calgary, Alberta T2A 6T7

Work: [403] 230 - 5522

Cell: [403] 703 - 1726

www.planningprotocol.com

THE END

Thank you! Any Questions?

Rodney R Potrie MCIP, RPP, BaSc, CET, AACIP , ACP, ADOA
President & CEO