

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
FOR ROCKY VIEW COUNTY AGENDA**

Date: September 9, 2021  
Time: 9:00 AM  
Location: Council Chambers  
262075 Rocky View Point  
Rocky View County, AB T4A 0X2

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**Pages**

**A. CALL MEETING TO ORDER**

**B. DEVELOPMENT APPEALS**

**9:00 AM APPOINTMENTS**

**1. Division 1 File: 05828006; PRDP20212203**

**3**

An affected party appeal against the Development Authority's decision to approve a development permit application for a Home-Based Business, Type II, for health & wellness retreats, workshops, and classes, relaxation of the maximum number of business-related visits, and relaxation of the maximum number of business-related signs at 254065 Towers Trail Lot:1 Block:1 Plan:1811055, SE-28-25-04-W05M and located approximately four (4) kilometres (2 1/2 miles) north of Township Road 252 and on the west side of Range Road 43.

Appellants: Grant Allan Chapman and Jenna Lyn Latham

Applicant: Marni McConnach

Owner: Gwynneth Butler

**10:30 AM APPOINTMENTS**

**2. Division 1 File: 03908057; PRDP20212162**

**67**

An affected party appeal against the Development Authority's decision to approve a development permit application for an Equestrian Centre operation on the subject parcel at 54161 Township Road 232 Lot 4, Block 2, Plan 9411859, NW-08-23-05-W05M and located approximately 1.0 kilometre (2/3 mile) west of Range Road 54 and on the south side of Township Road 232.

Appellants: Jeff and Sharon Foster

Applicant: Christianne Klaudt

Owners: Gary and Christianne Klaudt

### **1:00 PM APPOINTMENTS**

#### **3. Division 9 File: 06708012; PRDP20212083**

112

An affected party appeal against the Development Authority's decision to approve a development permit application for a Home-Based Business (Type II), for a construction and outside storage business at 261141 Glendale Road Lot 3 Block 1 Plan 0815496, NE-08-26-03-05 and located approximately 0.80 km (1/2 mile) south of Township Road 262 and on the west side of Glendale Road.

Appellants: Gary Brooks and Leanne Binertruy, et. al

Applicant: Matt Machula (ML Holdings Ltd.)

Owners: Mateusz R. & Lisa J Machula

#### **C. ADJOURN THE MEETING**

#### **D. NEXT MEETING**

September 30, 2021



**PLANNING AND DEVELOPMENT SERVICES**

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**TO:** Subdivision and Development Appeal Board  
**DATE:** September 9, 2021 **DIVISION:** 1  
**FILE:** 05828006 **APPLICATION:** PRDP20212203  
**SUBJECT:** Development Item: Home-Based Business, Type II / Discretionary use, with Variance

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**APPLICATION:** Home-Based Business, Type II, for health & wellness retreats, workshops, and classes, relaxation of the maximum number of business-related visits, and relaxation of the maximum number of business-related signs.

**GENERAL LOCATION:** Located approximately four (4) kilometres (2 1/2 miles) north of Township Road 252 and on the west side of Range Road 43.

**LAND USE DESIGNATION:** Agricultural, Small Parcel District (A-SML p8.1)

**EXECUTIVE SUMMARY:** The subject application was presented to the Municipal Planning Commission (MPC) on July 14, 2021, and approval was issued on July 15, 2021.

This application is for a Home-Based Business, Type II, for a health and wellness-related business, offering retreats such as yoga classes, yoga workshops, and similar events. Programming will be by appointment only and held one to two times per day within an existing 74.72 sq. m (804.25 sq. ft.) yurt. Two resident employees operate the business, Monday to Friday from 7:00 AM to 10:00 PM and Saturday to Sunday from 9:00 AM to 10:00 PM. This application was the result of enforcement action.

Each event can accommodate up to 16 attendees, meaning a variance to the number of business-related visits is required. The Applicant has also requested a variance to the maximum number of business-related signs to allow for a total of three (3) freestanding signs.

Administration recommended approval for the following reasons: the business offerings are intended to be quiet and relaxing, so it is not anticipated that noise will be a concern; all business parking will be provided on-site only; landscaping will be planted around the perimeter of the yurt for screening, and three (3) letters of support from adjacent neighbors were included in the application package.

On August 10, 2021, the appellant appealed the decision of the Municipal Planning Commission for several reasons, which are noted in the agenda package.

**DECISION:** Approved

**DEVELOPMENT / SUBDIVISION AUTHORITY:** Municipal Planning Commission

**DECISION DATE:**  
July 15, 2021

**APPEAL DATE:**  
August 10, 2021

**ADVERTISED DATE:**  
July 20, 2021

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**Administration Resources**

Sandra Khouri, Planning & Development Services



## AIR PHOTO & DEVELOPMENT CONTEXT:



## VARIANCE SUMMARY:

Regulation	Requirement	Proposed	Variance
Number of daily business-related visits	8	16	100%
Number of business-related signs	1	3	200%

## APPLICATION EVALUATION:

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act</i>;</li> <li>• Subdivision and Development Regulations;</li> <li>• Municipal Development Plan;</li> <li>• Cochrane Intermunicipal Development Plan; and</li> <li>• Land Use Bylaw.</li> </ul>	<b>DISCRETIONARY USE:</b> <ul style="list-style-type: none"> <li>• Home-Based Business, Type II</li> </ul>
	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> Municipal Planning Commission



**APPEAL:**

See attached report and exhibits.

Respectfully submitted,

“Heather McInnes”

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Supervisor  
Planning and Development Services

SK/lt



## ATTACHMENT 'A': APPLICATION INFORMATION

<b>APPLICANT:</b> Marni McConnach	<b>OWNER:</b> Gwynneth Butler
<b>DATE APPLICATION RECEIVED:</b> May 19, 2021	<b>DATE DEEMED COMPLETE:</b> May 21, 2021
<b>MUNICIPAL PLANNING COMMISSION DECISION DATE:</b> July 15, 2021	
<b>APPELLANT:</b> Grant Allan Chapman and Jenna Lyn Latham	
<b>GROSS AREA:</b> ± 8.28 hectares (± 20.46 acres)	<b>LEGAL DESCRIPTION:</b> SE-28-25-04-W05M; Lot:1 Block:1 Plan:1811055
<b>APPEAL BOARD:</b> Subdivision and Development Appeal Board	
<b>HISTORY:</b> <p><b>June 9, 2021:</b> Development permit (PRDP20210965) issued for Bed and Breakfast (out of principal dwelling).</p> <p><b>June 7, 2021:</b> Development permit (PRDP20211006) issued for a Dwelling, Tiny.</p> <p><b>July 31, 2020:</b> Building permit (PRBD20200630) issued for Yurt (waiting for inspection).</p> <p><b>July 31, 2017:</b> Application for a subdivision to create a ± 8.28 hectare (± 20.48 acre) parcel (Lot 1) with a ± 24.86 hectare (± 61.43 acre) remainder (Lot 2) was approved.</p> <p><b>May 1, 2017:</b> Application to redesignate the subject land from Ranch and Farm District to Agricultural Holdings District and Ranch and Farm Two District, in order to facilitate the creation of a ± 8.28 hectare (± 20.48 acre) parcel (Lot 1) with a ± 24.86 hectare (± 61.43 acre) remainder was approved.</p> <p><b>June 24, 1999:</b> Building permit (1999-BP-12863) granted final occupancy for a single-family dwelling.</p>	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was circulated to six (6) adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application, excepting the appeal.</p>	

## PLANNING AND DEVELOPMENT SERVICES

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**TO:** Municipal Planning Commission  
Development Authority  
**DIVISION:** 1

**DATE:** July 14, 2021  
**APPLICATION:** PRDP20212203

**FILE:** 05828006

**SUBJECT:** Home-Based Business, Type II / Discretionary use, with Variances

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**APPLICATION:** Home-Based Business, Type II, for health & wellness retreats, workshops, and classes, relaxation of the maximum number of business-related visits, and relaxation of the maximum number of business-related signs

**GENERAL LOCATION:** Located approximately four (4) kilometres (2 1/2 miles) north of Township Road 252 and on the west side of Range Road 43.

**LAND USE DESIGNATION:** Agricultural, Small Parcel District (A-SML p8.1)

**EXECUTIVE SUMMARY:** This application is for a Home-Based Business, Type II, for a health and wellness-related business. The business, "The Yurt," will offer health and wellness-related retreats such as yoga classes, yoga workshops, and similar events.

Programming will be by appointment only and held one to two times per day within an existing 74.72 sq. m (804.25 sq. ft.) yurt. The Applicant and her husband, who both reside onsite, operate the business. Hours of operation are Monday to Friday from 7:00 AM to 10:00 PM and Saturday and Sunday from 9:00 AM to 10:00 PM. Each event can accommodate up to 16 attendees, meaning a variance to the number of business-related visits is required. The Applicant is also requesting a variance to the maximum number of business-related signs to allow for a total of three (3) freestanding signs.

The Applicant has indicated that the business offerings are intended to be quiet and relaxing, so it is not anticipated that noise will be a concern. All business parking will be provided on-site, and landscaping will be planted around the perimeter of the yurt for screening.

This application is the result of enforcement action. Three (3) letters of support has been submitted by adjacent neighbors and is included in Attachment B.

**ADMINISTRATION RECOMMENDATION:** Administration recommends approval in accordance with Option #1.

### OPTIONS:

- Option #1: THAT Development Permit Application PRDP20212203 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20212203 be refused.

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### Administration Resources

Sandra Khouri, Planning & Development Services





**AIR PHOTO & DEVELOPMENT CONTEXT:**



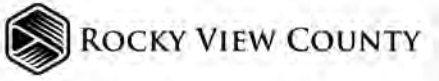
**VARIANCE SUMMARY:**

Variance	Requirement	Proposed	Percentage (%)
Number of daily business-related visits	8	16	100%
Number of business-related signs	1	3	200%

**APPLICATION EVALUATION:**

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act</i>;</li> <li>• Subdivision and Development Regulations;</li> <li>• Municipal Development Plan;</li> <li>• Cochrane Inter-municipal Development Plan;</li> <li>• Land Use Bylaw; and</li> <li>• County Servicing Standards.</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>PERMITTED USE:</b> Home-Based Business, Type II, is a discretionary use in the A-SML district	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> Municipal Planning Commission



Additional Review Considerations

*Access*

- The business will be accessed by way of the existing approach off Towers Trail and driveway located on the property to the south (Lot 2, Block 1, Plan 1811055).
- There is an Access Easement (181 100 607) registered on title between the subject property (Lot 1) and Lot 2.

**CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

"Brock Beach"

"Kent Robinson"

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Acting Executive Director  
Community Development Services

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Acting Chief Administrative Officer

SK/lt

**ATTACHMENTS:**

ATTACHMENT 'A': Development Permit Report Conditions

ATTACHMENT 'B': Maps and Other Information



## ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS

### Description:

- 1) That a Home-Based Business, Type II, for health & wellness retreats, workshops, and classes, may operate on the subject parcel in accordance with the approved plans.
  - a. That the maximum number of business-related visits is relaxed from **8** to **16**.
  - b. That the maximum number of business-related signs is relaxed from **1** to **3**.
- 2) That three (3) freestanding directional signs may be installed on the subject property, in accordance with the approved plans.
  - a. The signs shall not exceed 0.50 sq. m (5.38 sq. ft.) in area or 1.50 m (4.92 ft.) in height, in accordance with the Land Use Bylaw (C-8000-2020).

### Permanent:

- 3) That the number of non-resident employees shall not exceed two (2) at any time.
  - a. That an employee in this Home-Based Business is a person who attends on the property more than once in a seven (7) day period for business purposes.
- 4) That the operation of this Home-Based Business, Type II may generate up to a maximum of 16 business-related visits per day.
  - a. That for the purposes of this permit, one business-related visit would include client arrival and departure.
- 5) That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.
- 6) That the Home-Based Business shall not change the residential character and external appearance of the land and buildings.
- 7) That the operation of this Home-Based Business shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.
- 8) That the Home-Based Business shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of the adjacent residential dwellings shall be preserved and the Home-Based Business use shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
- 9) That the Home-Based Business shall be limited to the dwelling and accessory building.
- 10) That there shall be no outside storage associated with the Home-Based Business at any time.
- 11) That any site landscaping or screening elements approved with the application shall be maintained onsite at all times.
- 12) That there shall be a minimum of 16 parking stalls, including two (2) barrier-free, maintained on-site at all times, in accordance with the approved Site Plan. All customer and employee parking shall be restricted to the subject land and there shall be no offsite parking.
- 13) That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
- 14) That there shall be no parking or signage in the County Road Right-of-Way at any time.





- 15) That all outdoor lighting shall be fully cut-off (shielded) light fixtures that direct light downward and designed to minimize light pollution, glare, and light trespass onto adjacent properties, while maintaining night-time, on-site safety, and security during evening operating hours.
- 16) That this Development Permit shall be valid until **August 31, 2022**.

**Advisory:**

- 17) That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 18) That the County's Noise Bylaw C-8067-2020 shall be adhered to at all times.
- 19) That it is the Applicant/Owner's responsibility to obtain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for the yurt located on the subject site, to facilitate accurate emergency response. *Note: Municipal address is C 254065 Towers Trail.*
- 20) That Building Permit PRBD20200630 shall be issued prior to any construction taking place, and that building occupancy is granted prior to commencement of business operation.



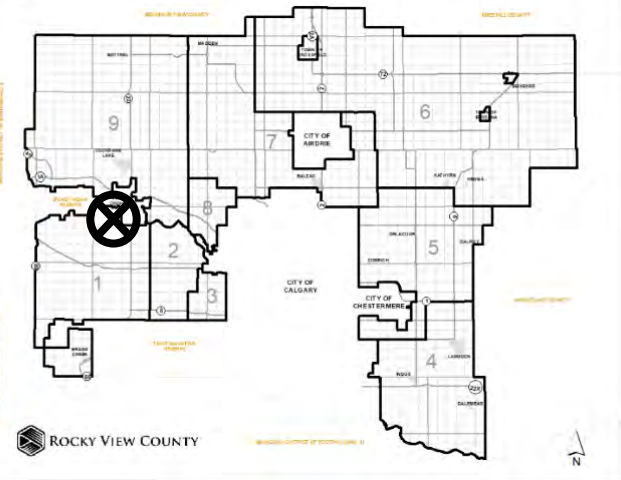
## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

<b>APPLICANT:</b> Marni McConnach	<b>OWNER:</b> Gwynneth Butler
<b>DATE APPLICATION RECEIVED:</b> May 19, 2021	<b>DATE DEEMED COMPLETE:</b> May 21, 2021
<b>GROSS AREA:</b> ± 1.63 hectares (± 4.03 acres)	<b>LEGAL DESCRIPTION:</b> Lot:1 Block:1 Plan:1811055; SE-28-25-04-W05M
<b>APPEAL BOARD:</b> Subdivision and Development Appeal Board	
<b>HISTORY:</b> <p><b>June 9, 2021:</b> Development permit (PRDP20210965) issued for Bed and Breakfast (out of principal dwelling).</p> <p><b>June 7, 2021:</b> Development permit (PRDP20211006) issued for a Dwelling, Tiny.</p> <p><b>July 31, 2020:</b> Building permit (PRBD20200630) issued for Yurt (waiting for inspection).</p> <p><b>July 31, 2017:</b> Application for a subdivision to create a ± 8.28 hectare (± 20.48 acre) parcel (Lot 1) with a ± 24.86 hectare (± 61.43 acre) remainder (Lot 2) was approved.</p> <p><b>May 1, 2017:</b> Application to redesignate the subject land from Ranch and Farm District to Agricultural Holdings District and Ranch and Farm Two District, in order to facilitate the creation of a ± 8.28 hectare (± 20.48 acre) parcel (Lot 1) with a ± 24.86 hectare (± 61.43 acre) remainder was approved.</p> <p><b>June 24, 1999:</b> Building permit (1999-BP-12863) granted final occupancy for a single-family dwelling.</p>	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	

## Location & Context

### Development Proposal

Home-Based Business (Type II) for health & wellness retreats, workshops, and classes, relaxation of the maximum number of business related visits, and relaxation of the maximum number of business related signs



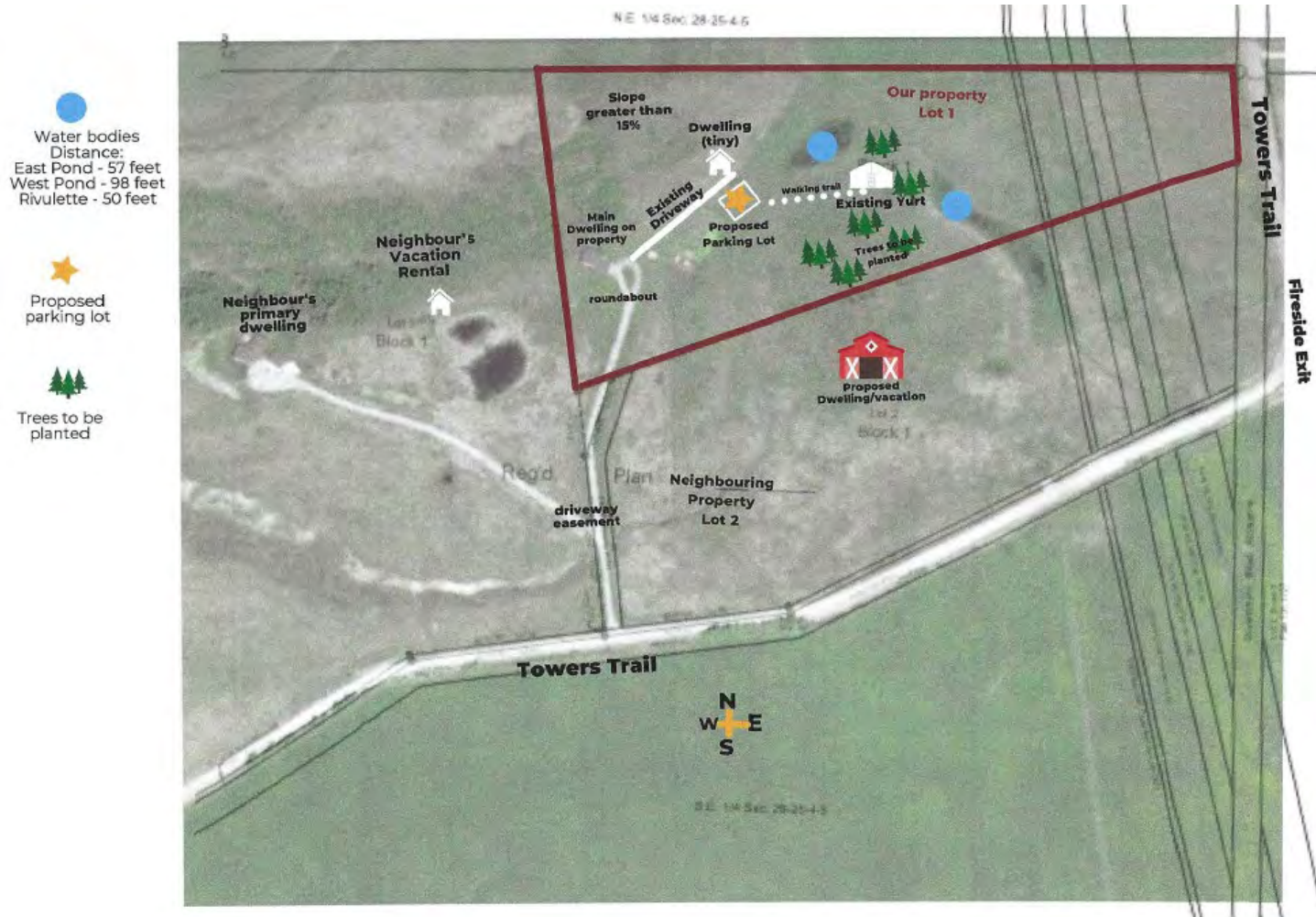
Division: 1  
 Roll: 05828006  
 File: PRDP20212203  
 Printed: June 3, 2021  
 Legal: Lot: 1 Block: 1  
 Plan: 153 of 149-28-25-04-W05M



## Site Plan

### Development Proposal

Home-Based Business (Type II) for health & wellness retreats, workshops, and classes, relaxation of the maximum number of business related visits, and relaxation of the maximum number of business related signs



### Image 5: The Existing Yurt Building (2 of 3)

Building Permit: #PRBD20200630

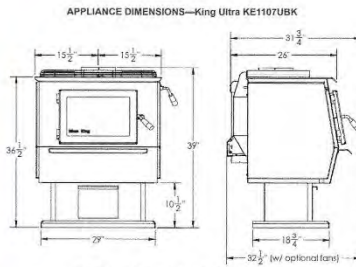
Diameter: 32 ft

Height: 13 ft. 8 Inches

Open concept design to accommodate a range of offerings. One wood stove oven and firewood shelf. Hearth pad 64"x58"  
 Indoor (solar) lighting along the top of lattice walls and 8 strings along ceiling poles from lattice tops up to skylight.



Outdoor wood shed  
 Dimensions: 47"x145" and 79" tall.



Blaze King Model "King Ultra"  
 Wood Stove

### Image 5: The Existing Yurt Building (3 of 3)

Building Permit:  
 #PRBD20200630

Diameter: 32 ft

Height: 13 ft. 8 Inches



Exterior Materials: vinyl siding and roof  
 Colour: burgundy siding with grey roof  
 Grading: Yurt foundation is flush with outdoor ground.  
 Proposed motion detecting ground light fixture: ●



## Yurt Photos

### Development Proposal

Home-Based Business  
 (Type II) for health &  
 wellness retreats,  
 workshops, and classes,  
 relaxation of the maximum  
 number of business  
 related visits, and  
 relaxation of the maximum  
 number of business  
 related signs



## Signage

### Proposed Signage (Continued)

Sign 1  
 32'  
 Wood



Sign 2  
 32'  
 Wood



Sign 3  
 15'  
 Wood



### Proposed Signage

Design: Circular wood sign with black paint/etching



Sign 1

On property fence line leading up to driveway entrance.

Sign 2

At front entrance  
 36 feet from neighbours sign  
 46 feet from public roadway



Sign 3

Where driveway splits

### Development Proposal

Home-Based Business (Type II) for health & wellness retreats, workshops, and classes, relaxation of the maximum number of business related visits, and relaxation of the maximum number of business related signs

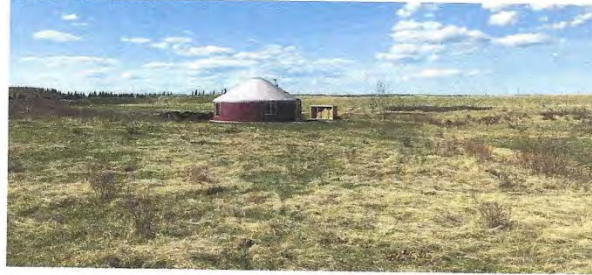
## Site Photos

**May 17, 20201**

Facing West



Facing North



Facing South



Facing East



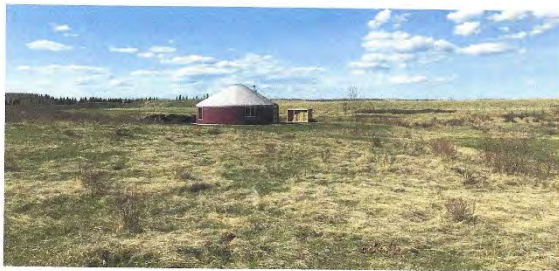
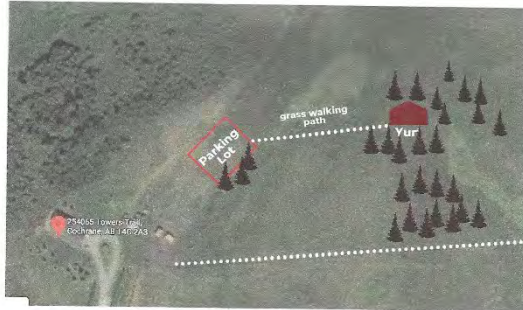
### Development Proposal

Home-Based Business (Type II) for health & wellness retreats, workshops, and classes, relaxation of the maximum number of business related visits, and relaxation of the maximum number of business related signs



**Image 7: Landscaping**

Proposed



Trees will be located around the Yurt and South side for privacy

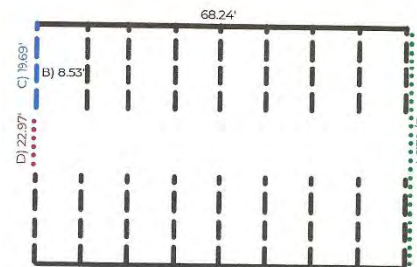


Total area: 82,974.01 ft² (7,708.54 m²)

**Image 6: Proposed Parking**



- A) Angle of parking: 90 degrees
- B) Stall width: 2.6 m (8.53 ft.)
- C) Stall depth perpendicular to aisle: 6.0 m (19.69 ft.)
- D) Aisle width: 7.0 m (22.97 ft.)
- E) Overall Depth: 19.0 m (62.34 ft.)



## Landscaping and Parking

### Development Proposal

Home-Based Business (Type II) for health & wellness retreats, workshops, and classes, relaxation of the maximum number of business related visits, and relaxation of the maximum number of business related signs

Division: 1  
 Roll: 05828006  
 File: PRDP20212203  
 Printed: June 3, 2021  
 Legal: Lot: 1 Block: 1  
 Page 18 of 149  
 25-04-W05M



## Landowner Circulation Area

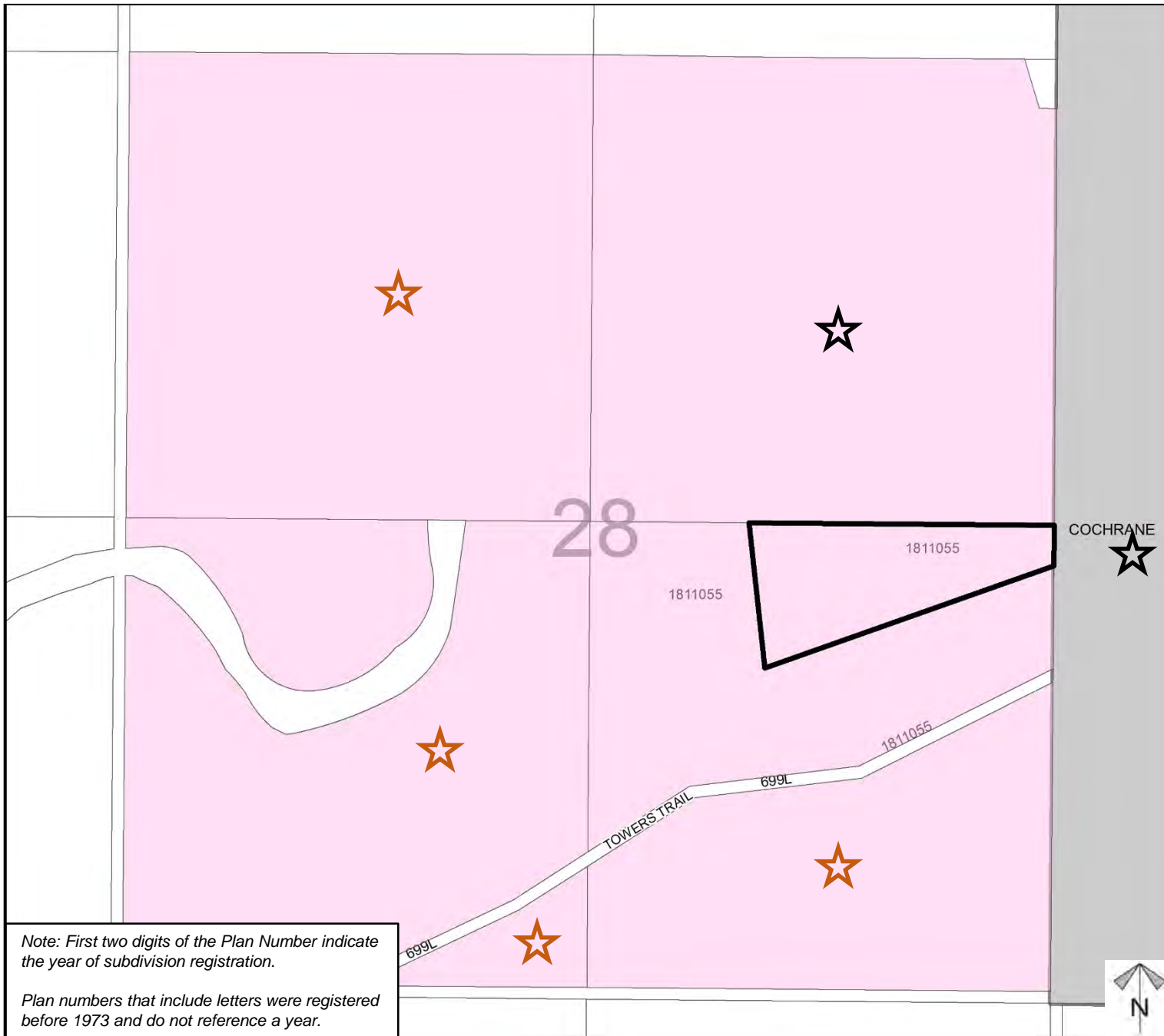
### Development Proposal

Home-Based Business (Type II) for health & wellness retreats, workshops, and classes, relaxation of the maximum number of business related visits, and relaxation of the maximum number of business related signs

### Legend

- Letter of Support 
- One letter of support, same owner 
- Not in Support 

Division: 1  
 Roll: 05828006  
 File: PRDP20212203  
 Printed: June 3, 2021  
 Legal: Lot:1 Block:1  
 Plan: 199 of 149  
 25-04-W05M



Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.

May 18, 2021

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

Re: Development Permit + Home Based Business Type II Plus  
Variance + Signage Permit Application  
Applied for by Marni and Kevin McConnach

To Whom It May Concern:


My name is Edith Wearmouth and together with my son Travis Eklund, we own the WineGlass Ranch, which is adjacent to the attached application.

The applicants have been our neighbors for more than 20 years. They are good stewards of the land and considerate of their neighbors.

We feel this application has been very well thought and is a much needed and healthy use of their resources.


This is a letter of support for the attached application.

Sincerely

Edith Wearmouth  


Doug and Cheryl Wearmouth  
254187 Towers Trail  
Cochrane, Alberta T4C 1B7

Marni and Kevin McConnach

  
254065 Towers Trail  
Rocky View County, Alberta T4C 2A3

May 18, 2021

RE: Development Permit + Home Based Business Type II Plus Variance + Signage Permit Application

We would like to thank you for providing us with a copy of the above noted application. Your proactive desire for open, honest communication and input as you developed your business plan was evident. Your transparency and honesty during discussions was very appreciated.

We have no objection to your application as it is submitted. Below were our concerns that you have adequately addressed in your application:

- Noise levels kept to a minimum
- Strict hours of business
- Maximum of two business sessions per day
- Access road to parking lot and parking lot location
- 16 vehicle daily restriction
- Maximum occupancy restrictions
- No trespassing onto adjacent property
- Privacy

We trust that any future changes and variations will be discussed with adjacent and neighboring landowners. We wish you every success in your application and business plans.

Regards,

Doug and Cheryl Wearmouth

May 18, 2021

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

**Re: Marni and Kevin McConnach's Yurt Development Permit Application**

Marnie has asked us for a letter of support for their above-mentioned application.

We have lived at this address for 25 years and live directly east of Marni and Kevin's residence and Yurt and can see them both from our house.

We have met with Marni and she has given us a tour of their Yurt and informed us of their plans for the operation of their business.

We feel that their business plan is very well thought out and they have given thoughtful environmental consideration for the construction and proposed operation of the Yurt. They have also kept their neighboring residents informed of their plans and taken their concerns into consideration.

Businesses that focus on wellness, especially in times like this, are very important for the wellbeing of our community and we support their plans for the development of this operation.

Please feel free to contact us if you have any questions regarding this letter.

Best regards,

Jim and Jean Blyth





## Notice of Appeal

### Subdivision and Development Appeal Board Enforcement Appeal Committee

Appellant Information			
Name of Appellant(s) Grant Allan Chapman and Jenna Lyn Latham			
Mailing Address 254069 Towers Trail		Municipality RVC	Province AB
Postal Code T4C2A3			
Main Phone # [REDACTED]	Alternate Phone # [REDACTED]	Email Address [REDACTED]	
Site Information			
Municipal Address 254065 Towers Trail, Cochrane		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Se Sec 28, Twp 25, R4 W5, Lot 1 Block 1	
Property Roll # unknown		Development Permit, Subdivision Application, or Enforcement Order # PRDP20212203	
I am appealing: (check one box only)			
<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order	
Reasons for Appeal (attach separate page if required)			
<p>The impacts of this discretionary use Development Permit to the adjoining property are significant, damaging, unsafe, interfere with our use and enjoyment, and MPC did not have all relevant information prior to their decision. Furthermore, the Applicant/Owner failed to notify RVC that the Appellants had previously provided numerous written correspondences and concerns, which the applicants repeatedly declined to address, nor further discuss with the appellants. As such, while we do support aspects of the approval, we are now specifically appealing untenable conditions of the approval associated with:</p> <ol style="list-style-type: none"> <li>1. The Variance allowing up to 16 business visits per day. It's noted that this approval did not specify the volume (#) of people nor does it consider the additional business visitation proposed under PRDP20210965. It also doesn't define the scope of the approval to adequately enforce it when the applicants host Special events or Special Function Businesses that are not in compliance with this approval in nature or size. This traffic increase is not supported as it will cause damage to RVC road condition creating dust, noise, fire risk, and servicing issues, while effectively changes the property's permitted uses of AG-SML to 95% non-agricultural. We are also appealing the approval of a site plan that proposes to use an easement which has not granted the right for the applicant or owner to use for client/customer business use.</li> <li>2. The Variance allowing for business hours outside of 8:00 am - 5:00pm for a business which is located approximately 80-90 metres from our April 28th 2021 approved 2nd Dwelling unit. Its foreseeable that presumably 16 visitor vehicles plus several additional on and offsite employee vehicles at a time could be leaving the subject property at 10:00 PM, or arriving at 7:00AM (both in the dark for many days of the year), according to the Planning and Development Services Executive Summary set out in page 1 of Application PRDP20212203. We do not find this to be consistent with the residential and agricultural character of the area. In addition, the proposed access point to the property is a County elementary school children bus stop and our sole access point for our main dwelling, which our 4 young children aged between 5 and 9 years old use at 8:15am and 4pm, 5 days per week.</li> <li>3. The approval of this application without a basic Traffic Impact Assessment, contrary to the guidance set out in Section 14.22 of the County Plan. Of note, the appellants are currently working with RVC Roads and the Town of Cochrane to move Towers Trail encroachment off of our property as currently all traffic headed west from Cochrane trespasses on our land. To increase traffic by up to 6205 vehicle or each of 12,410 vehicle per year (2 way) without redesigning/locating the intersection creates an unreasonable risk to Lot 2 Block 1 and county liabilities.</li> <li>4. The approval of this Application without the condition that the applicants develop their own independent private road access to the business on their private land to Towers Trail, Town of Cochrane. Furthermore, a fencing servicing condition is warranted to ensure their guests and pets remain on the subject property on their southern and eastern bounds.</li> </ol> <p>Generally, we wish to note the following:</p> <ol style="list-style-type: none"> <li>1. The proponents have demonstrated repeatedly over the last 25 months as their neighbours that they cannot prevent/contain their guests, pets, vehicles, fires, and livestock from trespassing onto ours, and the risk of such future trespasses is likely to increase as a result of the approval of this Development Permit. To quote Gwyn Butler, "my husband Rick (former Zone 1 RVC Councillor), and daughters Marni and Cori historically made a game of trespassing onto neighbouring lands to swim in the Jumping Pound Creek, despite being caught in the past.</li> <li>2. We ask that the board consider and review all County information associated with the applicants many recent non-compliance and enforcement actions taken against them. In short, the Applicants have not demonstrated behaviour thus far which indicates that they are willing to be responsible enough, nor should be trusted, to run a Home-Based Business II from their lands without causing significant risk, damage, and inconvenience to neighbours. Our extensive compilation of supporting evidence and elaboration for how this approval unreasonably impacts our property will be provided upon request or during the hearing of the Appeal.</li> </ol>			

This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) 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, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

Appellant's Signature

*Grant Chapman*

Date

*Aug 9-2021*

Last updated: 2020 August 07

*Jenna Latham*  
*Aug 9-2021*

Page 1 of 2



## Decision of the Municipal Planning Commission

This is not a development permit

McConnach, Marni



**Development file #:** PRDP20212203  
**Issue Date:** July 15, 2021  
**Roll #:** 05828006  
**Legal description:** Lot:1 Block:1 Plan:1811055; SE-28-25-04-W05M

The Municipal Planning Commission conditionally approves the following:

### Description:

- 1) That a Home-Based Business, Type II, for health & wellness retreats, workshops, and classes, may operate on the subject parcel in accordance with the approved plans.
  - a. That the maximum number of business-related visits is relaxed from **8** to **16**.
  - b. That the maximum number of business-related signs is relaxed from **1** to **3**.
- 2) That three (3) freestanding directional signs may be installed on the subject property, in accordance with the approved plans.
  - a. The signs shall not exceed 0.50 sq. m (5.38 sq. ft.) in area or 1.50 m (4.92 ft.) in height, in accordance with the Land Use Bylaw (C-8000-2020).

### Permanent:

- 3) That the number of non-resident employees shall not exceed two (2) at any time.
  - a. That an employee in this Home-Based Business is a person who attends on the property more than once in a seven (7) day period for business purposes.
- 4) That the operation of this Home-Based Business, Type II may generate up to a maximum of 16 business-related visits per day.
  - a. That for the purposes of this permit, one business-related visit would include client arrival and departure.
- 5) That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.
- 6) That the Home-Based Business shall not change the residential character and external appearance of the land and buildings.

This is not a development permit

- 7) That the operation of this Home-Based Business shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.
- 8) That the Home-Based Business shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of the adjacent residential dwellings shall be preserved and the Home-Based Business use shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
- 9) That the Home-Based Business shall be limited to the dwelling and accessory building.
- 10) That there shall be no outside storage associated with the Home-Based Business at any time.
- 11) That any site landscaping or screening elements approved with the application shall be maintained onsite at all times.
- 12) That there shall be a minimum of 16 parking stalls, including two (2) barrier-free, maintained on-site at all times, in accordance with the approved Site Plan. All customer and employee parking shall be restricted to the subject land and there shall be no offsite parking.
- 13) That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
- 14) That there shall be no parking or signage in the County Road Right-of-Way at any time.
- 15) That all outdoor lighting shall be fully cut-off (shielded) light fixtures that direct light downward and designed to minimize light pollution, glare, and light trespass onto adjacent properties, while maintaining night-time, on-site safety, and security during evening operating hours.
- 16) That this Development Permit shall be valid until **August 31, 2022**.

**Advisory:**

- 17) That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 18) That the County's Noise Bylaw C-8067-2020 shall be adhered to at all times.
- 19) That it is the Applicant/Owner's responsibility to obtain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for the yurt located on the subject site, to facilitate accurate emergency response.  
*Note: Municipal address is C 254065 Towers Trail.*
- 20) That Building Permit PRBD20200630 shall be issued prior to any construction taking place, and that building occupancy is granted prior to commencement of business operation.

This is not a development permit

It is the responsibility of the applicant to meet and always follow the conditions outlined in this decision. Fines or enforcement action may occur if operating outside of the conditions of approval. Please contact Planning and Development Services at [development@rockyview.ca](mailto:development@rockyview.ca) or 403-520-8158 for assistance with this decision or the process for meeting development conditions.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact Legislative Services at [sdab@rockyview.ca](mailto:sdab@rockyview.ca) or 403-230-1401. More information on the SDAB can also be found at [www.rockyview.ca](http://www.rockyview.ca).

Municipal Planning Commission



Al Schule, Vice-Chair

**This is not a development permit**





# DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20212203
ROLL NO.	05828006
RENEWAL OF	-
FEES PAID	
DATE OF RECEIPT	May 19, 2021

## APPLICANT/OWNER

Applicant Name: Marni McConnach.

Email: [REDACTED]

Business/Organization Name (if applicable): The Yurt

Mailing Address: [REDACTED]

Postal Code: [REDACTED]

Telephone (Primary): [REDACTED]

Alternative: [REDACTED]

Landowner Name(s) per title (if not the Applicant): Gwynneth Butler

Business/Organization Name (if applicable): [REDACTED]

Mailing Address: [REDACTED]

Postal Code: [REDACTED]

Telephone (Primary): [REDACTED]

Email: [REDACTED]

## LEGAL LAND DESCRIPTION - Subject site

All/part of: SE 1/4 Section: 2B Township: 2S Range: 04 West of: 05 Meridian Division: 1All parts of Lot(s)/Unit(s): 1 Block: 1 Plan: 1811055 Parcel Size (ac/ha): 20.46Municipal Address: 254065 Towers Trail, Rocky View Co. Land Use District: Ag-small PB.1

## APPLICATION FOR - List use and scope of work

A 32 foot Yurt to be used as a Homebased business type II for small health & wellness related offerings such as yoga workshops, classes and events

Variance Rationale included: ☒ YES ☐ NO ☐ N/ADP Checklist Included: ☒ YES ☐ NO

## SITE INFORMATION

- a. Oil or gas wells present on or within 100 metres of the subject property(s) ☐ YES ☒ NO
- b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant) ☐ YES ☒ NO
- c. Abandoned oil or gas well or pipeline present on the property ☐ YES ☒ NO  
(Well Map Viewer: <https://extmapviewer.aer.ca/AERAbandonedWells/Index.html>)
- d. Subject site has direct access to a developed Municipal Road (accessible public roadway) ☒ YES ☐ NO

## AUTHORIZATION

I, MARNI MCCONNACH. (Full name in Block Capitals), hereby certify (initial below):mm That I am the registered owner OR mm That I am authorized to act on the owner's behalf.mm That the information given on this form and related documents, is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.mm That I provide consent to the public release and disclosure of all information, including supporting documentation, submitted/contained within this application as part of the review process. I acknowledge that the information is collected in accordance with s.33(c) of the Freedom of Information and Protection of Privacy Act.mm Right of Entry: I authorize/acknowledge that Rocky View County may enter the above parcel(s) of land for purposes of investigation and enforcement related to this application in accordance with Section 542 of the Municipal Government Act.Applicant Signature [Signature]Date May 17, 2021Landowner Signature [Signature]Date May 17, 2021





ROCKY VIEW COUNTY

# HOME-BASED BUSINESS (TYPE II) BED AND BREAKFAST INFORMATION SHEET

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20212203
ROLL NO.	05828006
DISTRICT	A-SML p8.1

DETAILS	USE TYPE/LOCATION
Business-related area within: <u>N/A</u>	<input checked="" type="checkbox"/> Home-Based Business (Type II)
Principal dwelling <u>(m<sup>2</sup> / ft.<sup>2</sup>)</u>	<input type="checkbox"/> * Bed and Breakfast
Accessory building <u>(m<sup>2</sup> / ft.<sup>2</sup>)</u>	Located within:
Outdoors (for storage) <u>(m<sup>2</sup> / ft.<sup>2</sup>)</u>	<input type="checkbox"/> Existing Building <b>OR</b> <input checked="" type="checkbox"/> New Building

**NOTE: If a new accessory building is proposed for Home-Based Business (Type II), submit the Accessory Building(s) - Information Sheet and related documents in addition to this form.**

## BUSINESS OPERATIONS

Business name: The YurtDescribe nature of business: A space for small classes, workshops, retreats and events can take place within the health & wellness sector. ie: Yoga workshops.

Any outdoor area on site being used for business purposes (other than storage/parking)? If yes, describe purpose:

fire pit and green space around the yurt.Days of operation: Monday - SundayHours of operation: M-F: 7<sup>am</sup>-10<sup>pm</sup> S+S 9<sup>am</sup>-10<sup>pm</sup>Total number of employees (including residents/applicant): 2

Part-time:

Full-time: ☒Number of non-resident employees: 0

Part-time:

Full-time:

Number of business-related vehicle visits per day: 16Per week: maximum of 112Location of business-related vehicle parking on site: West of Yurt, just behind (east) of tiny home on property.

Total number and type of vehicles used for business on site (Home-Based Business, Type II only):

16 standard cars/SUVs/trucks.

## SCREENING AND SIGNAGE

Type of screening provided for outdoor storage area (Home-Based Business, Type II only):

☒ Landscaping (specify vegetation): Spruce trees.☐ Fencing (specify material and height): \_\_\_\_\_☐ Other (specify material and height): \_\_\_\_\_

Business signage proposed on site?

☒ **YES** - attach Signage - Information Sheet and documents☐ **NO**

## ADDITIONAL SITE PLAN REQUIREMENTS

☒ Location of parking area☒ Location and dimensions of proposed outdoor storage area(s)☒ Location and type of existing/proposed screening (landscaping, fence etc.), specifically for outdoor storage☒ Location of any proposed signage

\* Bed and Breakfast shall not be permitted in a principal dwelling which has an existing Home-Based Business (Type I) or Home Based Business (Type II) uses. Land Use Bylaw, C-8000-2020

Applicant Signature

Date

May 17, 2021





# SIGNAGE - GENERAL

## INFORMATION SHEET

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20212203
ROLL NO.	05828006
DISTRICT	A-SML p8.1

SIGN DETAILS	SIGN 1	SIGN 2	SIGN 3	SIGNAGE LIST
Located on or off-site?	on	on	on	<b>Sign Type:</b> <ul style="list-style-type: none"> <li>Awning/Canopy</li> <li>Billboard</li> <li>Digital Display</li> <li>Fascia</li> <li>Freestanding</li> <li>Inflatable</li> <li>Portable</li> <li>Projecting</li> <li>Roof</li> </ul> <b>Purpose of Sign:</b> <ul style="list-style-type: none"> <li>Advertisement</li> <li>Directional</li> <li>Information</li> </ul>
Indicate Sign Type:	freestanding	free standing	free standing	
Area of sign (m <sup>2</sup> / ft. <sup>2</sup> )	804 sq inches	178 square inches	804 sq inches	
Length of sign (m / ft.)	circle 32' inches	circle 15' inches	circle 32' inches	
Width of sign (m / ft.)	" "	" "	" "	
Height from grade to bottom of sign (m / ft.)	2.5 feet	flush	1.5 feet	
Indicate Sign Purpose:	Directional	Directional	Directional	
Attached to: structure, building, or vehicle?	structure (fence)	structure (address sign)	structure (fence)	
Method of support	Screws	screws	screws	
Sign material	wood	wood	wood	
Sign illuminated?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

**NOTE:** For digital display signs, attach *Signage - Digital Displays Information Sheet* along with this form.

### SPECIFIC SITE PLAN REQUIREMENTS

**Required on the Site Plan in addition to DP Checklist - General requirements (select if provided):**

- ☒ Show sign location/setbacks in relation to property boundaries and buildings
- ☒ Distance from sign to another similar/distinct sign if present on site (indicate all sign types)
- ☐ Distance from sign to overhead power and service lines, and/or road right of ways (as applicable)
- ☒ Distance from sign to highway, public roadway, and/or back of curb (as applicable)

### SIGN ELEVATIONS AND DESIGN

**Required in addition to DP Checklist - General requirements (select if provided):**

- ☐ Minimum clearance above grade to bottom of sign (for awing/canopy, billboard, and projecting signs)
- ☐ Dimensions of sign projection from structure, building, or vehicles (as applicable)
- ☒ Design samples/digital sketches including sign content, structure, dimensions etc.
- ☒ Type of sign construction and finishing to be utilized
- ☒ Photographs of the proposed site showing adjacent properties and signs within approximately 30.0 m (98.43 ft.) of the proposed sign location
- ☒ Photographs of site and structure(s)/building(s) identifying proposed sign location
- ☐ Details of illuminated or digital signs (For digital signage, *Signage - Digital Displays Information Sheet* to be completed in accordance with Section 212 of the Land Use Bylaw)

**Refer to Section 92(r) of the Land Use Bylaw C-8000-2020 for signs not requiring a development permit.**

**Refer to Signage regulations under Sections 151-153 and 212-224 for sign specific requirements.**

Applicant Signature

Date May 17, 2021



# ROCKY VIEW COUNTY

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

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

## LETTER OF AUTHORIZATION – PLANNING AND DEVELOPMENT SERVICES

I, (We) Gwynneth Butler (print name) Owner 1

\_\_\_\_\_ (print name) Owner 2

being the owner(s) of: Lot: 1 Block: 1 Plan: 1811055

### Legal Description:

NW/NE/SE/SW ¼ Section SE 28 Township 25 Range 04 West of 05 Meridian

give Marni McConnach (print name of Applicant) permission

to act on my (our) behalf for the following application at the above-noted property (**select one**):

- ☒ Development Permit
- ☐ Subdivision
- ☐ Redesignation
- ☐ Local Plan

G. Butler  
Owner 1 Signature

\_\_\_\_\_  
Owner 2 Signature

May 5, 2021  
Date Signed



LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0037 957 256           1811055;1;1           181 100 650

LEGAL DESCRIPTION

PLAN 1811055

BLOCK 1

LOT 1

EXCEPTING THEREOUT ALL MINES AND MINERALS

AREA: 8.28 HECTARES (20.46 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;4;25;28;SE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 181 100 605

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
181 100 650	16/05/2018	TRANSFER OF LAND	\$300,000	NOMINAL

OWNERS

GWYNNEETH BUTLER

[REDACTED]  
[REDACTED]  
[REDACTED]

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
NUMBER		
2115ID .	25/10/1960	CAVEAT CAVEATOR - THE ALBERTA GAS TRUNK LINE CO LTD. "3.03 ACRES ON PLAN ATTACHED"
1349IR .	28/12/1962	CAVEAT CAVEATOR - THE ROYAL TRUST COMPANY. AFFECTED PLAN: 10569ID
2391KQ .	20/01/1970	UTILITY RIGHT OF WAY

( CONTINUED )



## ENCUMBRANCES, LIENS &amp; INTERESTS

PAGE 2

# 181 100 650

## REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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GRANTEE - THE ALBERTA GAS TRUNK LINE CO LTD.  
AS TO PORTION OR PLAN:1056ID  
"3.03 ACRES"

2818KR	20/05/1970	CAVEAT CAVEATOR - PENGROWTH ENERGY CORPORATION. PO BOX 20176, BVRP CALGARY ALBERTA T2P4L2 AGENT - BOB ROSINE "AS TO AN UNDIVIDED 1/2 INTEREST" (DATA UPDATED BY: TRANSFER OF CAVEAT 121016107) (DATA UPDATED BY: CHANGE OF ADDRESS 121212679)
2819KR	20/05/1970	CAVEAT CAVEATOR - PENGROWTH ENERGY CORPORATION. PO BOX 20176, BVRP CALGARY ALBERTA T2P4L2 AGENT - BOB ROSINE "AS TO AN UNDIVIDED 1/2 INTEREST" (DATA UPDATED BY: TRANSFER OF CAVEAT 121016107) (DATA UPDATED BY: CHANGE OF ADDRESS 121212679)
801 003 868	09/01/1980	UTILITY RIGHT OF WAY GRANTEE - ALBERTA ETHANE DEVELOPMENT COMPANY LTD. AS TO PORTION OR PLAN:7911140 "TAKES THE PRIORITY OF C. 791119742 REG'D 28 07 1978--AS TO AN UNDIVIDED 1/4 INTEREST" (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 041294369)
801 003 869	09/01/1980	UTILITY RIGHT OF WAY GRANTEE - ALBERTA ETHANE DEVELOPMENT COMPANY LTD. AS TO PORTION OR PLAN:7911140 "INSTR. 801003869 TAKES PRIORITY OF CAVE NO. 78119743 REGISTERED 28 07 1978--AS TO AN UNDIVIDED 1/4 INTEREST" (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 041294370)
801 003 873	09/01/1980	UTILITY RIGHT OF WAY GRANTEE - ALBERTA ETHANE DEVELOPMENT COMPANY LTD. AS TO PORTION OR PLAN:7911140 "TAKES PRIORITY OF CAVE 781124439 REGISTERED 04 08 1978--AS TO AN UNDIVIDED 1/2 INTEREST" (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT

( CONTINUED )

## ENCUMBRANCES, LIENS &amp; INTERESTS

PAGE 3

# 181 100 650

## REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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OF WAY 041294370)

821 067 096 20/04/1982 UTILITY RIGHT OF WAY  
 GRANTEE - FOOTHILLS PIPE LINES (ALTA). LTD.  
 AS TO PORTION OR PLAN:8011413  
 "TAKES THE PRIORITY OF CAVE 801156839 REGISTERED 01  
 10 1980--AS TO AN UNDIVIDED 1/2 INTEREST"

821 067 098 20/04/1982 UTILITY RIGHT OF WAY  
 GRANTEE - FOOTHILLS PIPE LINES (ALTA). LTD.  
 AS TO PORTION OR PLAN:8011413  
 "TAKES THE PRIORITY OF C. 801157779 REG'D 02 10  
 1980--AS TO AN UNDIVIDED 1/4 INTEREST"

821 067 099 20/04/1982 UTILITY RIGHT OF WAY  
 GRANTEE - FOOTHILLS PIPE LINES (ALTA). LTD.  
 AS TO PORTION OR PLAN:8011413  
 "INSTR. 821067099 TAKES THE PRIORITY OF CAVE NO.  
 801156840 REGISTERED 01 10 1980--AS TO AN UNDIVIDED  
 1/4 INTEREST"

831 199 531 31/10/1983 CAVEAT  
 RE : AMENDING AGREEMENT  
 CAVEATOR - FOOTHILLS PIPE LINES (ALTA). LTD.  
 801 7 AVENUE S.W., CALGARY  
 ALBERTA T2P3P7  
 AGENT - N M GEE  
 "AS TO AN UNDIVIDED 1/4 INTEREST"

831 199 535 31/10/1983 CAVEAT  
 RE : AMENDING AGREEMENT  
 CAVEATOR - FOOTHILLS PIPE LINES (ALTA). LTD.  
 801 7 AVENUE S.W., CALGARY  
 ALBERTA T2P3P7  
 "AS TO AN UNDIVIDED 1/2 INTEREST"

831 199 616 31/10/1983 CAVEAT  
 RE : AMENDING AGREEMENT  
 CAVEATOR - FOOTHILLS PIPE LINES (ALTA). LTD.  
 801 7 AVENUE S.W., CALGARY  
 ALBERTA T2P3P7  
 AGENT - NORMA M GEE  
 "AMENDING AGREEMENT NO. 821067099--AS TO AN  
 UNDIVIDED 1/4 INTEREST"

881 124 615 20/07/1988 UTILITY RIGHT OF WAY  
 GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY  
 LIMITED.  
 "PORTION DESCRIBED IN INSTRUMENT--AS TO AN  
 UNDIVIDED 1/4 INTEREST"

( CONTINUED )

## ENCUMBRANCES, LIENS &amp; INTERESTS

PAGE 4

# 181 100 650

## REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
--------	--------------	-------------

881 124 616	20/07/1988	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED. "PORTION DESCRIBED IN INSTRUMENT--AS TO AN UNDIVIDED 1/2 INTEREST"
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881 124 620	20/07/1988	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED. "PORTION DESCRIBED IN INSTRUMENT--AS TO AN UNDIVIDED 1/4 INTEREST"
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951 266 045	21/11/1995	UTILITY RIGHT OF WAY GRANTEE - AGT LIMITED. AS TO PORTION OR PLAN:9511877 TAKES PRIORITY OF CAVEAT #951017263 REGISTERED 1995/01/16
-------------	------------	--

181 076 748	17/04/2018	CAVEAT RE : UTILITY RIGHT OF WAY CAVEATOR - FORTISALBERTA INC. 320-17 AVE SW CALGARY ALBERTA T2S2V1 AGENT - LOGAN MURIAS
-------------	------------	--

181 100 607	16/05/2018	EASEMENT AS TO PORTION OR PLAN:1811056 OVER AND FOR BENEFIT OF: SEE INSTRUMENT
-------------	------------	--

181 100 608	16/05/2018	CAVEAT RE : DEFERRED RESERVE CAVEATOR - ROCKY VIEW COUNTY. 911 - 32ND AVENUE NE CALGARY ALBERTA T2E6X6
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181 188 058	31/08/2018	UTILITY RIGHT OF WAY GRANTEE - NOVA GAS TRANSMISSION LTD.
-------------	------------	--

TOTAL INSTRUMENTS: 022



THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 9 DAY OF MARCH,  
2021 AT 01:02 P.M.

ORDER NUMBER: 41183060

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

---

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PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING  
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**ALBERTA GOVERNMENT SERVICES  
LAND TITLES OFFICE**

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## THE LAND TITLES ACT

### ACCESS EASEMENT

I/WE, TANNIS HUSHAGEN, ROBERT BUTLER, AND GWYNNETH BUTLER (hereinafter called "the Grantor") being registered **owner** of an estate in fee simple subject, however, to such encumbrances, liens and interests as are notified by Memorandum underwritten, in all that certain tract of land situate in the Province of Alberta being the **Servient Lands** and legally described as:

**Lot 2, Block 1, Plan 181 1055**

**Within Part of S.E. ¼ Sec. 28, Twp. 25, Rge. 4, W.5<sup>th</sup> Mer.**

**Excepting Thereout All Mines and Minerals**

(hereinafter referred to as "the said lands")

DOES HEREBY, in consideration of the sum of ONE (\$1.00) DOLLAR paid to the Grantor, the receipt whereof is hereby acknowledged, and in consideration of the covenants and conditions herein contained grant and transfer unto TANNIS HUSHAGEN, ROBERT BUTLER, AND GWYNNETH BUTLER (hereinafter called "the Grantee") a right, license, privilege and easement to use that portion of the said **Servient Lands** and premises (hereinafter called "the right-of-way"), more particularly described as follows: *all that portion taken as shown on the Access Right-of-Way Plan No. 181 1056*.

The said portions to be used for Access to lands, being the Dominant Lands, adjacent to the said lands with the **Dominant Lands** being owned by the Grantee and legally described as:

**Lot 1, Block 1, Plan 181 1055**

**Within Part of S.E. ¼ Sec. 28, Twp. 25, Rge. 4, W.5<sup>th</sup> Mer.**

**Excepting Thereout All Mines and Minerals**

1. The Grantee shall have the right to do whatever may be requisite for the enjoyment of the rights herein granted, including the trimming and removal of all parts of trees within the right-of-way.
2. Upon the execution of those present and at all times hereafter, the Grantee (its agents, employees and contractors and with or without vehicles, machinery and equipment) may enter upon and occupy the right-of-way.
3. The Grantee shall be entitled to obtain access to the said right-of-way for the purposes aforesaid, across the said lands. The Grantee shall indemnify and save harmless the Grantor from any and all damage, loss or expense suffered by the Grantor or anyone claiming under the Grantor as a result of the exercise by the Grantee of the power given to the Grantee by this paragraph, and the Grantee shall restore the said lands to the same condition in which they were prior to the exercise by the Grantee of the right granted by this paragraph.



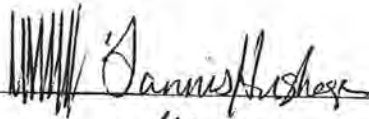
4. The Grantor agrees that the municipal services to be constructed, installed and maintained under the said right-of-way by the Grantee shall remain chattels and notwithstanding any rule of law to the contrary, shall remain property of the Grantee.
5. The Grantor will not erect any improvements buildings or structures upon, over or under the right-of-way without consent of the Grantee.
6. The Grantor agrees that the Grantee performing and observing the covenants and conditions herein contained shall peaceably hold and enjoy all the rights, privileges, liberties and covenants hereby granted.
7. The Grantor shall have the right to use and enjoy the said right-of-way so long as such use and enjoyment does not interfere with the rights granted to the Grantee pursuant to this easement.
8. The Grantee shall at all times, indemnify and hold harmless the Grantor from any and all liabilities, damages, costs, claim, suit or action arising from or in any way related to the exercise by the Grantee or the servants, agents or contractors of the Grantee of any of the rights granted by this easement.
9. This Easement shall not be removed without written consent from Rocky View County.
10. All notices to be given hereunder shall be delivered by registered letter addressed, or such other addresses as the Grantor and Grantee may respectively from time to time designate in writing, and any such notice shall be deemed to have been given to and received by the addressee 14 days after mailing thereof; postage prepaid:  
  
To the Grantor:      Name Tannis Huslagen, Robert Butler and Gwynneth Butler  
                                 Address 254069 Towers Trail      254065 Towers Trail  
  
To the Grantee:      Name Tannis Huslagen, Robert Butler and Gwynneth Butler  
                                 Address 254069 Towers Trail      254065 Towers Trail
11. This easement is and shall be of the same force and effect to all intents and purposes as a covenant running with the land, and these presents, including all the terms and conditions herein contained, shall extend to, be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the Grantor and Grantee respectively.

IN WITNESS WHEREOF the Grantor has hereunto subscribed and set his signature and the Grantee have caused to be hereunto affixed his signature on this 4th day of December 2017.

FOR: THE GRANTOR

  
Signature of Witness

Rachel De Castro  
Witness: Print Name

  
Butler

FOR: THE GRANTEE

  
Signature of Witness

Rachel De Castro  
Witness: Print Name

  
Butler

**AFFIDAVIT OF EXECUTION**

Plan prepared by

**ARTHUR M. MILLER, A.L.S.**  
**AMAR SURVEYS LTD.**

Registration Information

FTP Site: FTPSP420

File Number: 17SUB2082

Drawing: 17SUB2082ROW.dwg

I, Karen Barrett of the Town of Cochrane, in the Province of Alberta, make oath and say that:

1. I was personally present; ROBERT BUTLER  
TAMMIS HUSHAORN  
SUNNETH BUTLER who, on the basis of the identification provided to me, I believe to be the persons named in the annexed instrument, duly sign the instrument;
2. The instrument was signed at the Town of Cochrane, in the Province of Alberta, and I am subscribing witness thereto.
3. I believe the person whose signature I witnessed is at least eighteen (18) years of age.

SWORN before me at

Town of Cochrane,

in the Province of Alberta,

this 4th day of December 2017

K Barrett

A Commissioner for Oaths in and for  
the Province of Alberta.

Deca Siro

Signature of Witness

**KAREN L BARRETT**

A Commissioner for Oaths

in and for the Province of Alberta

My Commission Expires March 30, 2019



Marni McConnach

May 17, 2021

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

RE: Development Permit + Home Based Business Type II Plus Variance  
+ Signage Permit Application

I have grown up on what we have called our "Field of Dreams" the property where I was raised for the past 23 years and where my husband and myself continue to reside in a tiny home next door to my mother. We have experienced great joy and peace living on this incredible piece of land that was once part of the historical Wine Glass Ranch. I have always dreamed of welcoming others to enjoy this "sanctuary" while being a steward of the land.

Our proposed project of The Yurt is our way of making this dream into a reality as an environmentally low impact, quiet retreat from the bustle of life. My husband and I built this Yurt this past December (2020) with building permit approval #PRBD20200630 to run small events, wellness workshops, classes and retreats.

The operational details are provided below:

1. **Days:**

We intend to run Yurt programming 1-2 times each day of the week, Monday-Sunday. This could be a yoga class in the morning and a yoga workshop in the evening or a half day or full day retreat on the weekend. There will also be days where there are no offerings scheduled at all. The business will not operate as a steady revolving door, but instead provide off scheduled offerings where sign up and registration will be required beforehand.

2. **Hours:**

The Land Use Bylaw states that Home-Based Business (Type II) shall not operate between the hours of 18:00 and 8:00 if the business generates noise. Because we will not be generating noise (peace and quiet is an important element of the business itself) we intend to operate between the hours of 7am and 10pm from Monday-Friday and 9am-10pm on weekends.

According to Rocky View's Noise Bylaw: "daytime" means the period: (i) beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on weekdays and; (ii) beginning at 9:00 A.M. and ending at 10:00 P.M. of the same day on a weekend.

We are very sensitive to noise factors ourselves being the nearest adjacent resident to the Yurt so we intend to be diligent in this matter. We fully intend to keep all business operation noise levels to a minimum so we can maintain the peaceful quiet of nature that we value so greatly.

**3. Employees:**

My husband and myself will be the only employees. We will be in charge of locking and unlocking the Yurt each day, creating the schedule and registering and managing clients.

**4. Parking and Site Access: Image 6**

Designated parking can be found in **Image 1** highlighted with the yellow star or **Image 6** for a closer picture. Parking will include barrier-free outdoor parking stalls and will be freely accessible during the periods of facility operation. There is no vertical clearance to report.

According to the Land Use Bylaw, a Home Based Business (Type II) must have 2 additional stalls to the dwelling. Because we will not have more than 16 visitors (if variance approved) at once, the parking lot will accommodate a maximum of 16 cars.

If we were to have building stalls in accordance to the Recreation (Public) standards it would be 5 cars per 100.0 m<sup>2</sup> (1076.39 ft<sup>2</sup>) gross floor area. The Yurt is 804 square feet and therefore a minimum of 7 stalls are suggested. However, we will ensure a minimum of 8 parking stalls with a maximum of 16 if our variance is approved.

Parking is located directly off the existing gravel driveway at a 459 feet away from the Yurt. Clients will then walk along a pathway to the Yurt for program sessions. This ensures minimal environmental impact, makes the Yurt more visually appealing for neighbouring properties and enhances our low impact philosophy. We do not want to have a parking lot in the middle of the open field near the Yurt. We wish for the Yurt and space around it to be a tranquil destination thereby encouraging more connection to nature. The walking path leading from the parking lot to the Yurt can be reached by car across the field surface if it is required for emergency/accessibility purposes and for maintenance/servicing needs.

An existing approaching gravel driveway leads up to the parking lot area and would only need to be extended to accommodate the parking area. The types of visitor vehicles expected will be cars, trucks, vans and SUV's. The parking lot dimensions for 16 cars will be 69 ft. x 63 ft.

Traffic will be managed by having start and end times for Yurt functions where cars are flowing in during designated times in one direction to enter and again to exit. There is



enough space on the driveway (16 feet width) to have cars pass. There is also an existing roundabout (**Image 6**) which cars can use to allow for passing vehicles.

**5. Signage: Image 9**

We have attached our Signage information sheet and photos detailed in image 9.

**6. Landscaping: Image 7**

The majority of the focus for landscaping is on trees to offer the maximum amount of privacy for ourselves and our neighbours. Spruce trees ranging from 4 - 15 feet tall will be planted around the Yurt and property lines to create privacy through visual/sound screening and maintain consistency of appearance with the rest of the property. We plan to transplant ~20 existing property trees (4-10 feet spruce trees) in 2021 with additional larger spruce trees (10-15 feet) each subsequent year to build up continued privacy screens. We are moving trees using a professional tree spade. We will consult with landscape specialists on additional plants that are native and will grow well on our land.

We will maintain the Landscape Standards of Section 260 in the Land Use Bylaw of

- One tree for every 40.0 m<sup>2</sup> (430.56 ft<sup>2</sup>) of the required landscaped area, to a minimum of four trees.
- One shrub for every 60.0 m<sup>2</sup> (645.83 ft<sup>2</sup>) of landscaped area shall be provided, to a minimum of six shrubs.

Method of watering: Transportable water tank.

**7. Outside Storage:**

A small outdoor storage shed for firewood is located near the Yurt and does not exceed 400.0 m<sup>2</sup>. Dimensions: 47"x145" and 79" tall.

**8. Lighting:**

All indoor and outdoor lighting will operate using solar power. Small solar powered lights will be illuminated near the parking lot and along the footpath that goes from the parking lot to the Yurt. These lights will illuminate the path (**image 6**), not up in the sky and for safety purposes. A small motion detector outdoor light at the Yurt entrance will ensure safety to visitors entering and exiting the building when it is dark outside. This light will be ground level and illuminate towards the yurt to reduce any light pollution to adjacent properties (**image 5**). Protecting the dark night sky as much as possible is of high value to us.

**9. Bathroom facilities:**

We are presently looking at two options for outdoor bathroom facilities and are willing to work with Rocky View on the most suitable option. Bathroom facilities will be placed

We are presently looking at two options for outdoor bathroom facilities and are willing to work with Rocky View on the most suitable option. Bathroom facilities will be placed several feet away from the doors on the East side of the Yurt (**image 11**). We are choosing not to tie into an existing septic line because it is cost prohibitive, disruptive to the land and we would like to create a more eco-friendly/off grid option. The two options are outlined below.

- 1) Compost Toilet: Similar to many eco-friendly venues, a small building adjacent to the Yurt would house a compost toilet. Contents would then be disposed of safely on a regular basis.
  - 2) Porta-Potty: We would purchase a porta-potty and construct an attractive wood shell exterior siding consistent with the look and feel of the Yurt and environment. This porta-potty would then be professionally serviced as needed. A local company has been approached who has already agreed to sell and service a porta-potty if we go with this option.
10. **Garbage and Recycling:** Only small daily amounts of garbage/recycling will need to be collected based on the types of activities that occur within the Yurt. Indoor bins will be provided and garbage/recycling disposed of at the nearby Cochrane Ecocentre. No disposal bins will be located outside the Yurt.

#### **VARIANCE:**

We are applying for a variance to our permit regarding the amount of business related vehicles we are allowed per day. According to the Land Use Bylaw Home-Based Business (Type II) may generate up to eight (8) business-related visits (cars) per day as an Agricultural Small District. Eight (8) cars allowable per day will make it very difficult to operate a successful business.

Our business plan is to provide intimate gatherings utilizing yoga mats, pillows or chairs on the floor. Our primary business goal is to provide opportunities for people to gather in restorative spaces for enhanced mental, emotional and physical well-being. Post Covid, we anticipate that mental health and well-being opportunities will be in demand. With only 8 vehicles a day we are unable to build strong and impactful community support groups. Therefore, we are requesting an increase to 16 business-related vehicles per day. Further, 16 visits would allow flexibility for two small gatherings each day such as a morning and an evening yoga class. Class sizes would be capped appropriately to accommodate the limited cars allowed daily.

We have met and talked with surrounding neighbours and have received very positive feedback regarding the Yurt's visual and activity impacts (**letters of approval attached**). Neighbours were emailed December 14, 2020 with our general plans, then followed up with more detail and an invite to visit the Yurt during March, 2021. Neighbours provided valuable feedback which we welcomed and have made efforts to mitigate any concerns. Being open about our plans is



important to us as we have maintained good relations with our neighbours for over 23 years and want to keep it that way.

We are very mindful of the impact we may cause to surrounding land parcels so we are actively seeking out strategies to mitigate any negative impacts outlined below.

1. Driveway Easement: Access to our property is from a driveway easement with the adjacent property at 254069 Towers Trail. There is 656 feet of shared driveway to boundary lines. **(see image 1 and image 8)**. This shared driveway and entrance could pose a concern for the adjacent landowners due to an increase in business related traffic. Below we will outline how we plan to mitigate any negative impacts our variance of 16 over 8 vehicles a day may have.
  - a. Reduced speed limit on driveway: Clients will be required to keep to a posted 30 km/hour speed limit which would be expected of any visitor regardless. Children and animals are on the property and need to be safe. A reduced speed limit will:
    - i. Reduce dust from the gravel road
    - ii. Ensure safety to cars and pedestrians
    - iii. Reduce the sound of traffic
  - b. Flow of traffic: Traffic will be entering at specific times depending on the exact schedule and exiting afterwards. This will create a flow of traffic that can be accommodated on the driveway. There is enough space on the driveway (16 feet width) to have cars pass if necessary. Additionally, there is a roundabout **(Image 6)** which cars can use to allow vehicles to pass.
  - c. Request guests to car-pool when possible.
  - d. Maintenance of the joint driveway access from the split in the driveway has historically been our ongoing responsibility (grading/gravelling/shovelling) which we will continue.
2. Privacy: We highly value our own privacy therefore are very mindful of privacy impacts for those living adjacent to us:

Our most directly affected neighbours have plans for building an accessory dwelling/ vacation rental and eco-tourism business adjacent to our property **(see image 4)**. Our joint business activities will increase the general use of the road easement and impact the visual landscape of the area.

This proposed accessory dwelling/vacation rental home will be directly south of the current Yurt **(see image 4)** and will be at a higher elevation than the Yurt which is nestled into a low and unassuming part of the natural landscape. Although this new proposed neighbouring accessory dwelling would directly impact the privacy of both our property's primary private residential dwelling and the privacy of the Yurt, we plan to mitigate these negative impacts as follows:

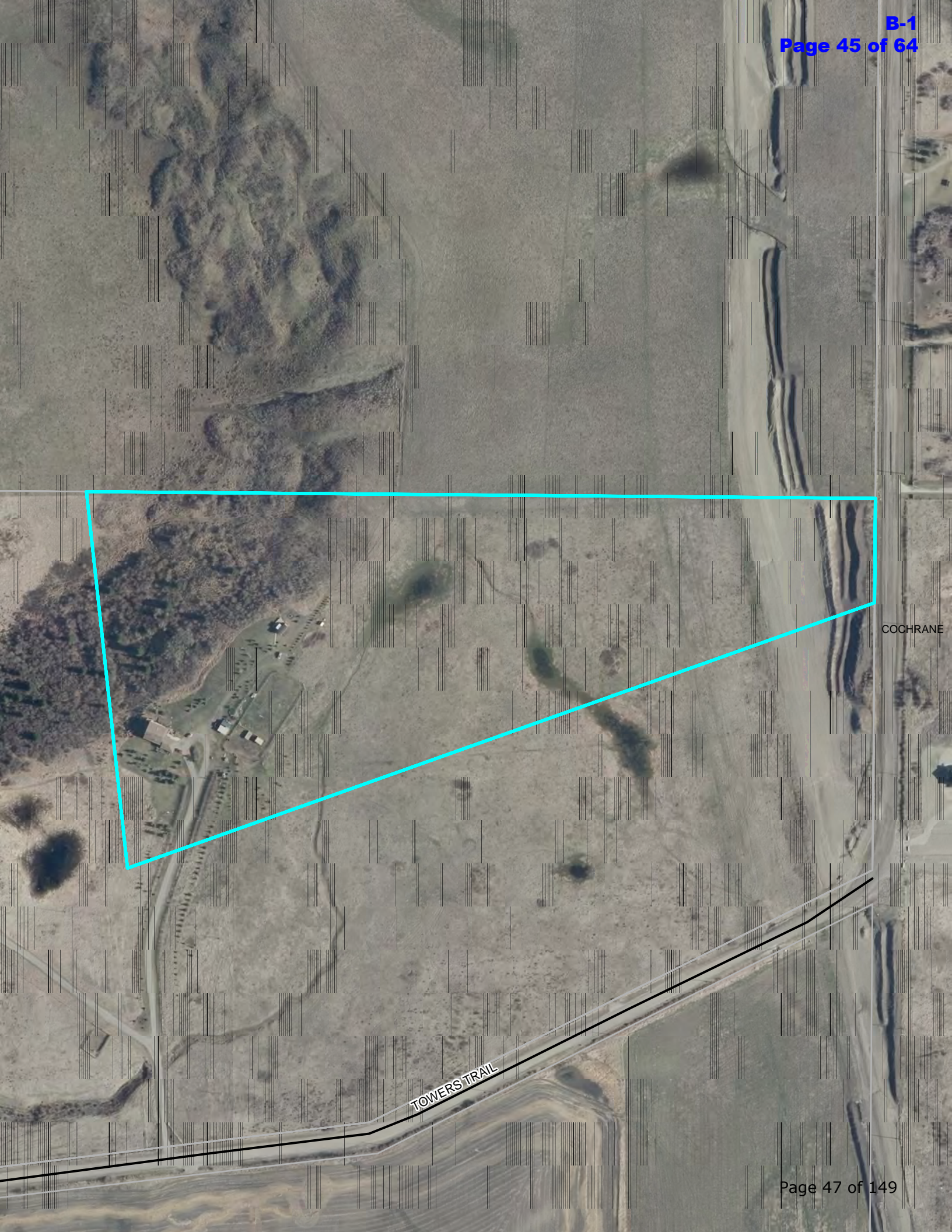
- a. Cooperation and Communication: We will commit to maintaining increased and ongoing communication with all affected neighbours in order to ensure we address any concerns as they arise.
- b. Trees: We will be planting mature trees around the Yurt and along property and visual lines between the Yurt and the neighbouring proposed accessory dwelling. This will aid in providing privacy for both our visitors and for the adjacent vacation rental. **See image 7.** We hope the neighbour will also make efforts to do the same on their side of the fence.
- c. Fence Line: There is a fence separating the two parcels which is a clear marker of property lines and will deter any visitors from trespassing.
- d. Signage: Directional signage to the Yurt will reduce guests having difficulty finding the Yurt.
- e. Both the parking lot and Yurt are located completely out of view from the neighbour's private dwelling's direct line of sight. Conversely, their accessory dwelling unit is and will be directly affecting our line of sight and privacy.

Thank you for your consideration of our permit application.

Regards,

Marni and Kevin McConnach







STONE INDIAN  
RESERVE NO.  
142, 143-144

GEORGE FOX TRAIL

HWY 22

HWY 1A

COCHRANE

R-CRD

TOKI RD

A-SML

32

33

29

26

A-SML  
p8.1

A-SML

A-SML  
p8.1

20

21

22

23

TOWERS TRAIL

17

16

15

14

RCERD 43

R-RUR  
p4.0

TWP RD 252

22

HWY 22

TAYLOR TERRACE

A-SML  
p12.1

A-SML

A-SML  
p8.1





Questions about your permit, please contact: ph: 403-230-1401 and ask to speak with a Safety Codes Technician or email: [building@rockyview.ca](mailto:building@rockyview.ca)

<b>BUILDING PERMIT</b>	<b>DATE ISSUED</b>	31 Jul 2020	<b>EXPIRATION DATE</b>	31 Jul 2021	<b>ROLL #</b>	05828006	<b>PERMIT #</b>	PRBD20200630
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15-Garage/Carport/Accessory Tent  
Structure

Yurt - Workshop with Wood Fireplace

Municipal Address	254065 TOWERS TRAIL, Rocky View County AB						Unit/Bay #	
Legal Description	Lot 1	Block 1	Plan 1811055	Pt. SE	Sec.28		Twp. 25	Rge. 04 W05M

Property Owner	Butler, Gwynneth				Phone:		Res/Cell:	
Applicant	Butler, Gwynneth				Bus:		Fax:	
					Phone:		Res/Cell:	
					Bus:		Fax:	

Floor Area: 66 sq m	The personal information provided as part of this application is collected under the Safety Codes Act and the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. The name of the permit holder and the nature of the permit is available to the public upon request. If you have any questions about the collection or use of the personal information provided, please contact Rocky View County.		Existing DW. Units: 1	No. of Acres: 20.46
Storeys: 1			New DW. Units: 0	Estimated Value: \$30,000.00
Exterior Finish: canvas			I certify that I am the named owner/agent in this application	
Fireplace:			SIGNATURE <original signed>	
ALL PERMITS REQUIRE INSPECTIONS FOR BUILDING INSPECTIONS CALL 403.520.1656				
Permit: \$270.00	Development Permit	Permit Issued By		
	No.	John Kennedy	D#: 9338	
SCF: \$10.80	Date issued:	Building Inspector	Signature	Date Issued:
Permit Cost: \$280.80		Subject to conditions on plans and in plan examination report 31 Jul 2020		

Warning: In accordance with the provision of the Alberta Building Code, no person shall use or occupy or allow the occupancy of any building, or part thereof, unless the owner has obtained an occupancy permit from Rocky View County.

The above signed hereby applies for a permit according to the Plans and Specifications herewith submitted and agrees to comply with all Bylaws and Municipal regulations, it being expressly understood that the issuing of a permit does not relieve the applicant from complying with all said Bylaws of Municipal regulations, though not called for in the specifications or shown on the plans submitted. The applicant further agrees that if a permit is revoked for any cause or irregularity or non-conformance of the said Bylaws or Regulations that in consideration of the issuing of the permit all claims are waived arising therefore against the Corporation of Rocky View County.

#### 2.2.10.9. Responsibility for Compliance

1) Neither the issuance of a permit, nor inspections made by the authority having jurisdiction, shall in any way relieve the owner of a building from full responsibility for carrying out the construction or having the construction carried out in accordance with the requirements of the Safety Codes Act and regulations made pursuant to that Act, this Code, or the permit, including compliance with any special conditions required by the authority having jurisdiction.

## **Proposed Signage (Continued)**

Sign 1  
32'  
Wood



Sign 2  
32'  
Wood



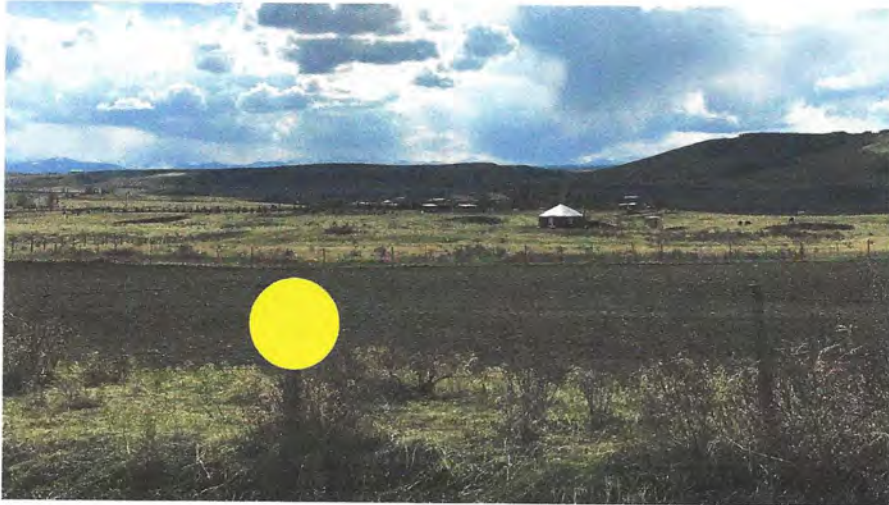
Sign 3  
15'  
Wood





## Proposed Signage

Design: Circular wood sign with black paint/etching



**Sign 1**

On property fence line leading up to driveway entrance.

**Sign 2**

At front entrance  
36 feet from neighbours sign  
46 feet from public roadway



**Sign 3**

Where driveway splits

## Image 5: The Existing Yurt Building (2 of 3)

Building Permit: #PRBD20200630

Diameter: 32 ft

Height: 13 ft. 8 Inches

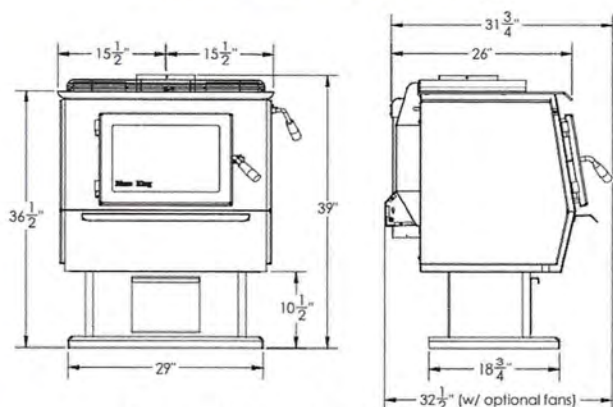
Open concept design to accommodate a range of offerings. One wood stove oven and firewood shelf. Hearth pad 64'x58'

Indoor (solar) lighting along the top of lattice walls and 8 strings along ceiling poles from lattice tops up to skylight.



Outdoor wood shed  
 Dimensions: 47"x145" and 79" tall.

APPLIANCE DIMENSIONS—King Ultra KE1107UBK



Blaze King Model "King Ultra"  
 Wood Stove



### **Image 5: The Existing Yurt Building (3 of 3)**

Building Permit:  
#PRBD20200630

Diameter: 32 ft  
Height: 13 ft. 8 Inches



Exterior Materials: vinyl siding and roof  
Colour: burgundy siding with grey roof  
Grading: Yurt foundation is flush with outdoor ground.  
Proposed motion detecting ground light fixture: ●





**Project:** 32 feet diameter Yurt installation,  
254065 Towers Trail, Alberta.

Date: March 19, 2021.

**Legal:** Lot 2, Block 1, SE ¼ Sec 28, TWP 25, Range 4, W 5<sup>th</sup> M.

**Subject:** Review of the as-built structural of the Yurt at the above location.

To whom it may concern.

As per the request of the builder, a review of the as-built structure of the Yurt at the above location and following are the comments.

### Foundation:

34 feet x 34 feet hexagonal foundation pad with 32 feet diameter 4" thick concrete slab on top for the yurt structure has been built as per approved drawing. Refer to attached photographs below.



Recommended to install 4" diameter weeping tile around the foundation and was done as per recommendation as shown in the photograph below.



## Yurt Structure and installation:

An over all reviewed of the as-built structure was conducted On January 20, 2021. Refer to attached photos below.



Certified that all the structural work for the concrete foundation the platform for the Yurt and the installation of the Yurt structure is adequate and as per my review no further work will be necessary.

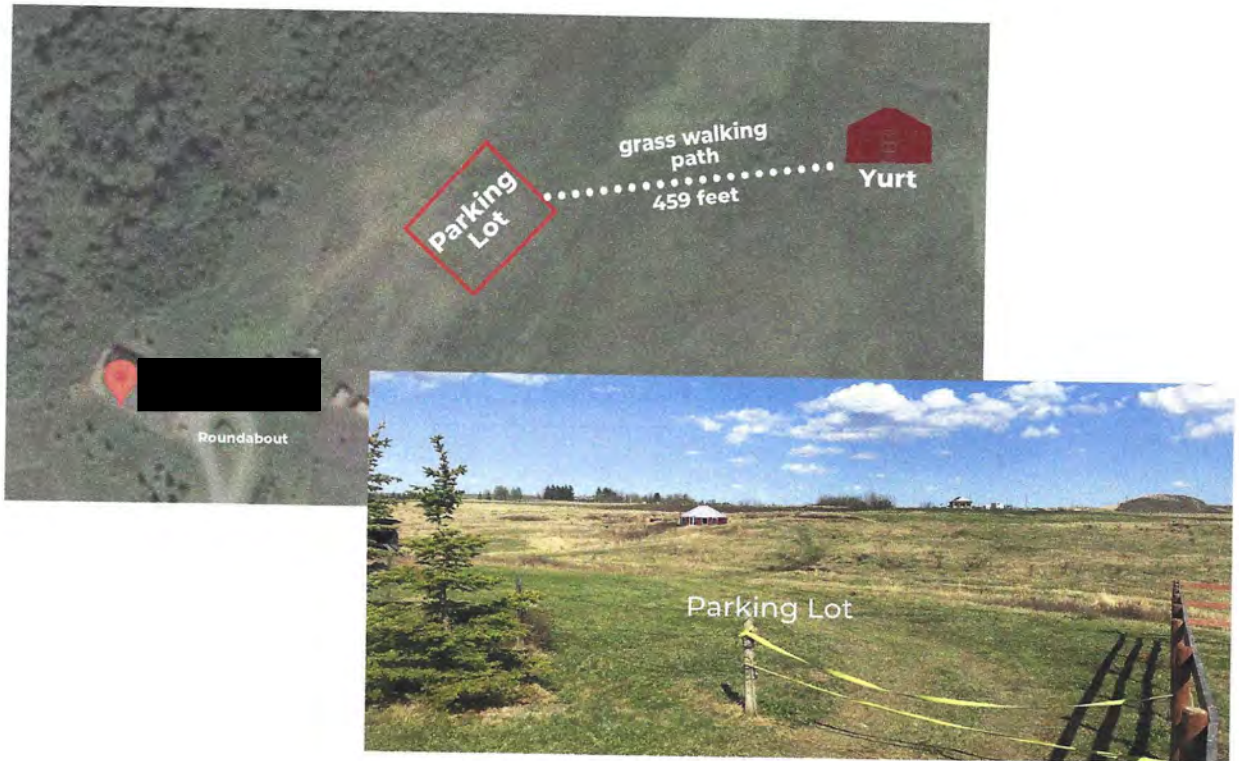
If you require further information, please contact under signed at your convenience.



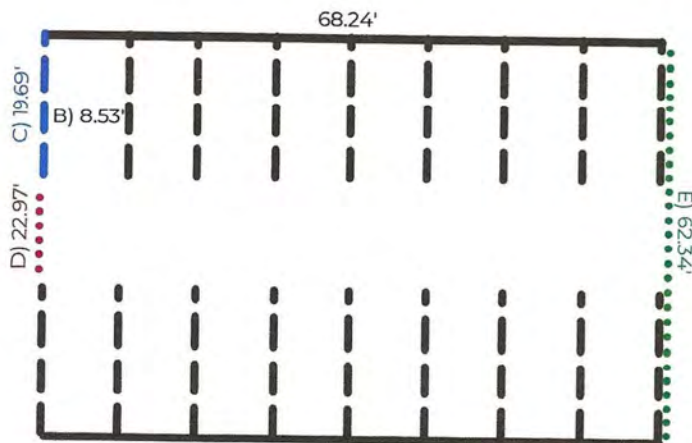
March 19, 2021  
Arup Goswami, P.Eng.



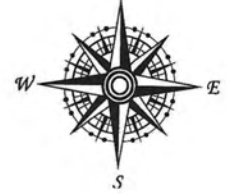
**Image 6: Proposed Parking**



- A) Angle of parking: 90 degrees
- B) Stall width: 2.6 m (8.53 ft.)
- C) Stall depth perpendicular to aisle: 6.0 m (19.69 ft.)
- D) Aisle width: 7.0 m (22.97 ft.)
- E) Overall Depth: 19.0 m (62.34 ft.)

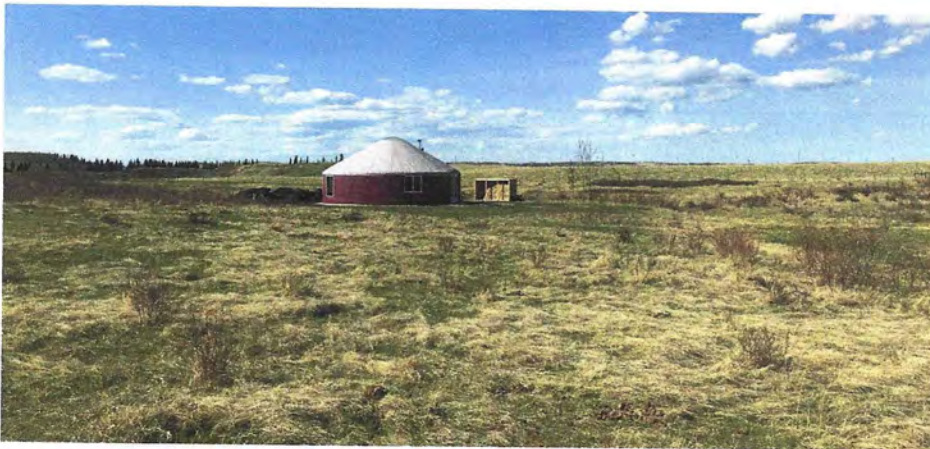
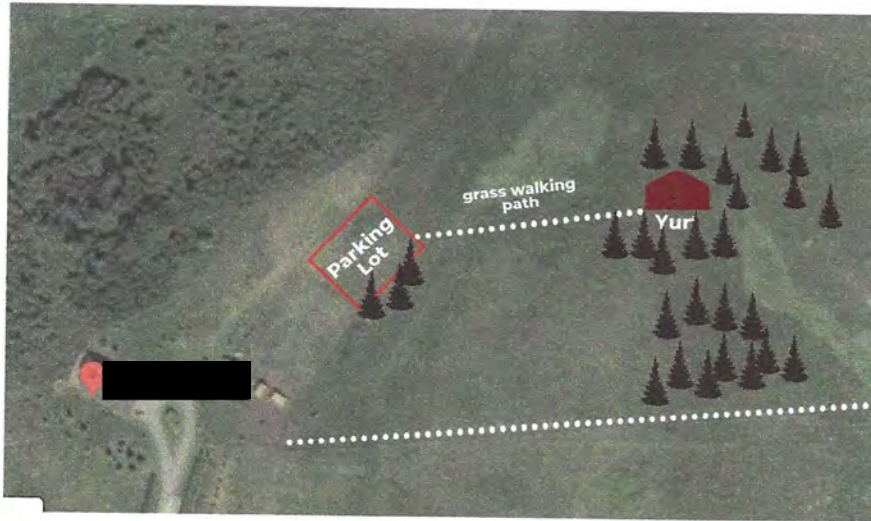






## Image 7: Landscaping

Proposed



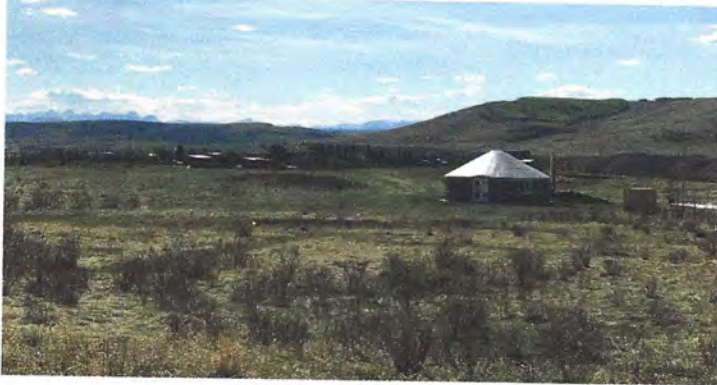
Trees will be located around the Yurt and South side for privacy



Total area: 82,974.01 ft<sup>2</sup> (7,708.54 m<sup>2</sup>)

**Image 10: Photos of all sides of site**  
**May 17, 2020**

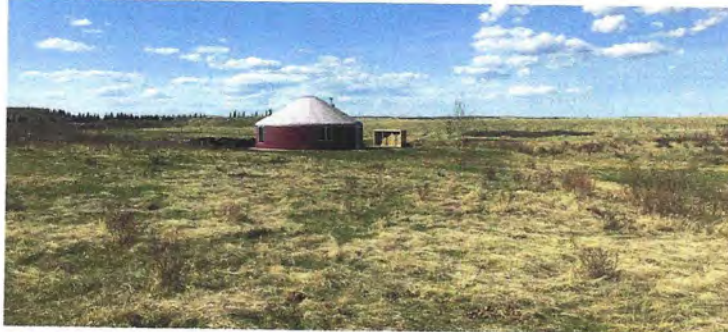
Facing West



Facing East



Facing North



Facing South





## **Image 11: Phasing for Site Plans**



Phase 1: Spring/Summer 2021  
Outdoor bathroom facilities several feet from East entrance.



Phase 2: Spring/Summer 2022  
Deck & small entrance space/bootroom (8"x10") to be built off West facing entrance



PLAN No. \_\_\_\_\_  
 ENTERED AND REGISTERED  
 ON \_\_\_\_\_  
 INSTRUMENT No. \_\_\_\_\_  
 \_\_\_\_\_  
 A.D. REGISTRAR  
 Land Titles Office

PLAN SHOWING SURVEY OF  
ACCESS RIGHT-OF-WAY  
AFFECTING  
Lot 2, Block 1,  
Registered Plan \_\_\_\_\_  
WITHIN PART OF  
S.E. 1/4 Section 28,  
Township 25, Range 4, W.5th Meridian  
ROCKY VIEW COUNTY - ALBERTA  
2017  
By ARTHUR M. MILLER, A.L.S.

### Notes

- [illegible]

Legend

- [illegible]

SURVEYOR: Arthur M. Miller, A.L.S.  
Surveyed between the dates of September 25th and October 14th, 2017  
Surveyed in accordance with the provisions of the Surveys Act.

Registered Owners:

Part E: 1/4 Sec. 25-25-4-015  
 Tidallumber: 121 191 295  
 Tavis Hushagen } 75% Interest  
 Robert Butler }  
 Gwyneth Butler - 25% Interest

Scale 1:2000

File No: YTSU32082	Cited by: AMM	Drawn by: DB Date: Nov-2017
ANKAT SURVEYS LTD.	Computer File P:\SPRINT\TDS\BROOKLYN\DWG	Reviewed by: A.A.B.M

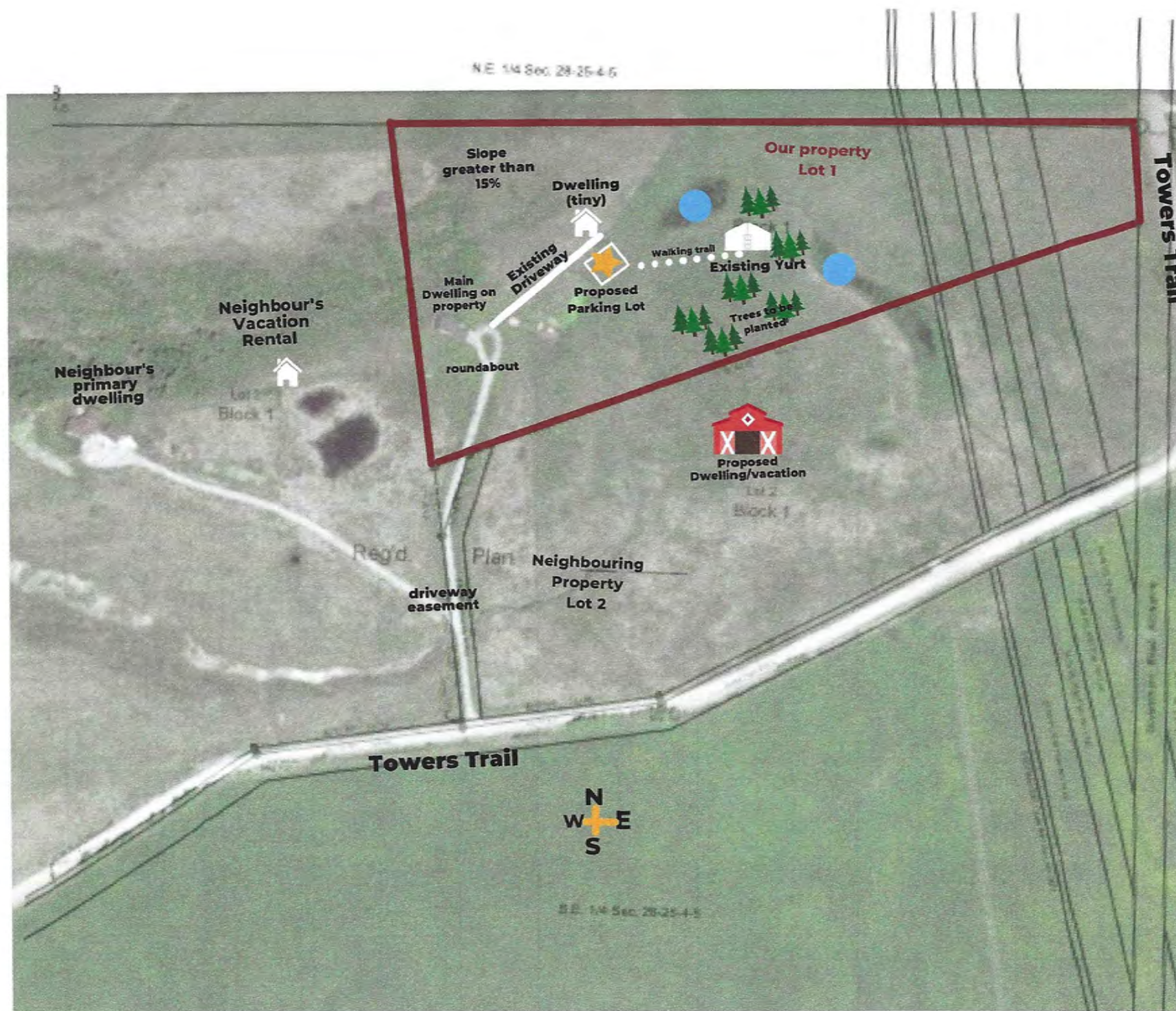


Image 1 - Master

Water bodies  
Distance:  
East Pond - 57 feet  
West Pond - 98 feet  
Rivulette - 50 feet

Proposed parking lot

Trees to be planted



Image 3: Existing Utilities



- Fortis Power Line** .....
- Easement** .....
- Telephone Line** .....
- Atco Gas** .....
- Pipeline corridor**

- Well** ★
- Septic** ★

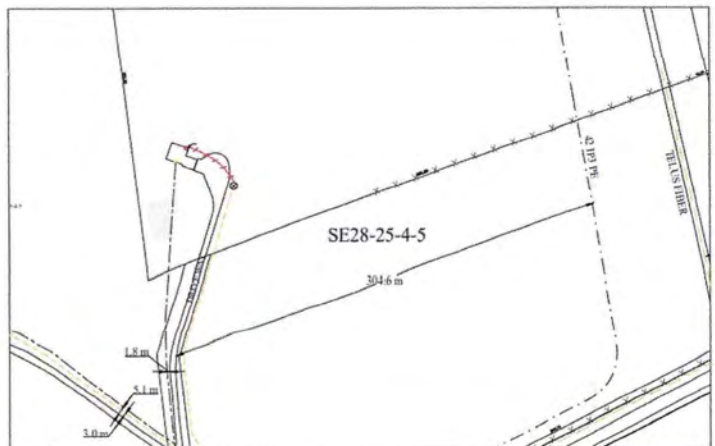
20212009530  
TICKET NUMBER

Aidan M  
LOCATOR

2021-05-15  
DATE



ADDRESS : 254065 Towers Trail Cochrane, AB





## Image 4 - Neighbours property and proposed plans

Neighbours proposed Dwelling/Vacation Home with variance  
The Yurt



Neighbours proposed Dwelling/Vacation Home Plans



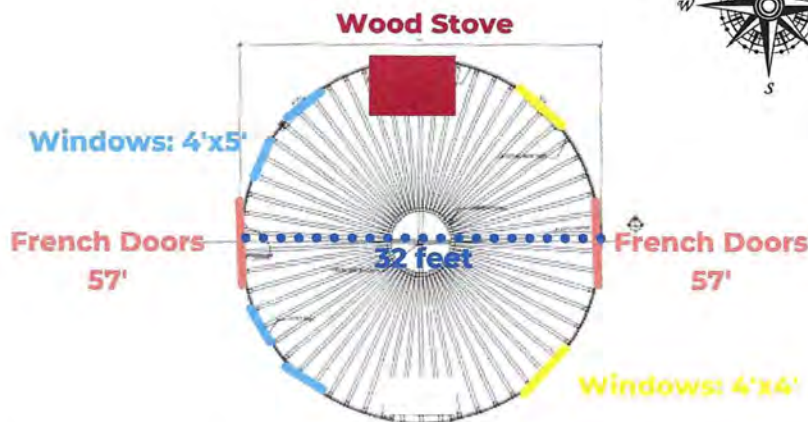
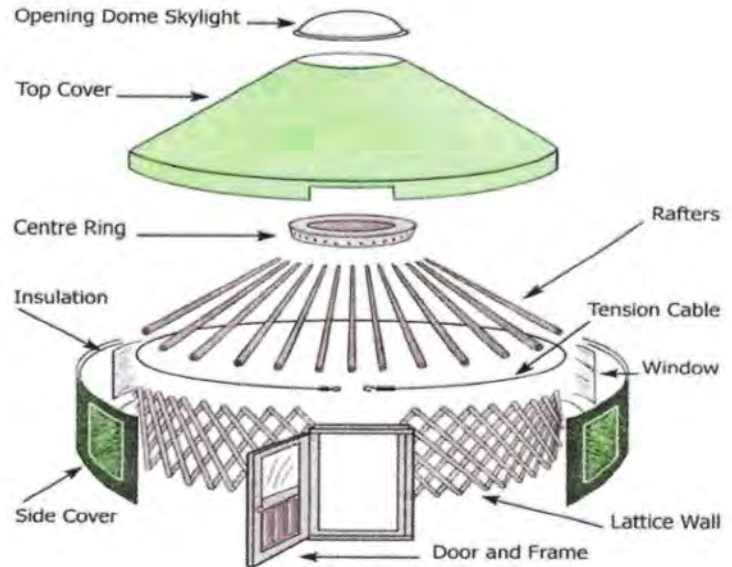
## Image 5: The Existing Yurt Building (1 of 3)

Building Permit:  
#PRBD20200630

Diameter: 32 ft  
Height: 13 ft. 8 Inches

Open concept design to  
accommodate a range of  
offerings.

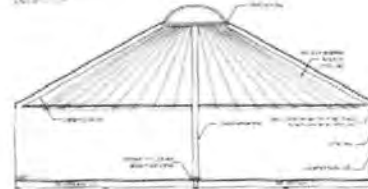
Outdoor bathroom.



JOINT FRAMING PLAN (BY OTHERS)



RAFTER FRAMING PLAN



13'8"



MG Design & Drafting  
1000 10th Ave S.E. #100  
Edmonton, Alberta T6A 1A1  
Canada  
Tel: (780) 443-1111  
Fax: (780) 443-1112

KNH Engineering Ltd.  
1000 10th Ave S.E. #100  
Edmonton, Alberta T6A 1A1  
Canada  
Tel: (780) 443-1111  
Fax: (780) 443-1112

Engineer's Seal

NO.	DATE	REVISION
1	2020-06-30	Initial Design
2	2020-07-15	Final Design

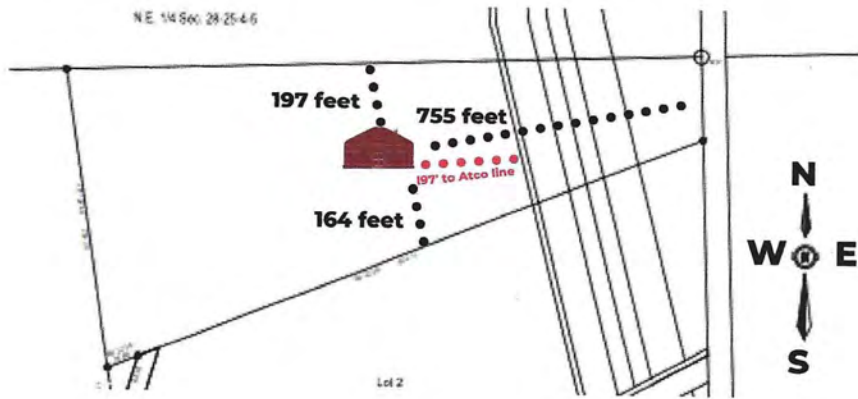
NOTES:

1. All dimensions are in feet and inches.
2. All materials are to be of the highest quality.
3. All work is to be done in accordance with the latest edition of the National Building Code of Canada.
4. All work is to be done in accordance with the latest edition of the Alberta Building Code.
5. All work is to be done in accordance with the latest edition of the International Building Code.

PROJECT	
Yurtz By Design 32' Yurt	
ADDRESS	
LOCATION	OWNER
DESIGNED BY	DATE
DRAWN BY	DATE
SCALE	1/4" = 1'-0"
PAGE	1 of 1



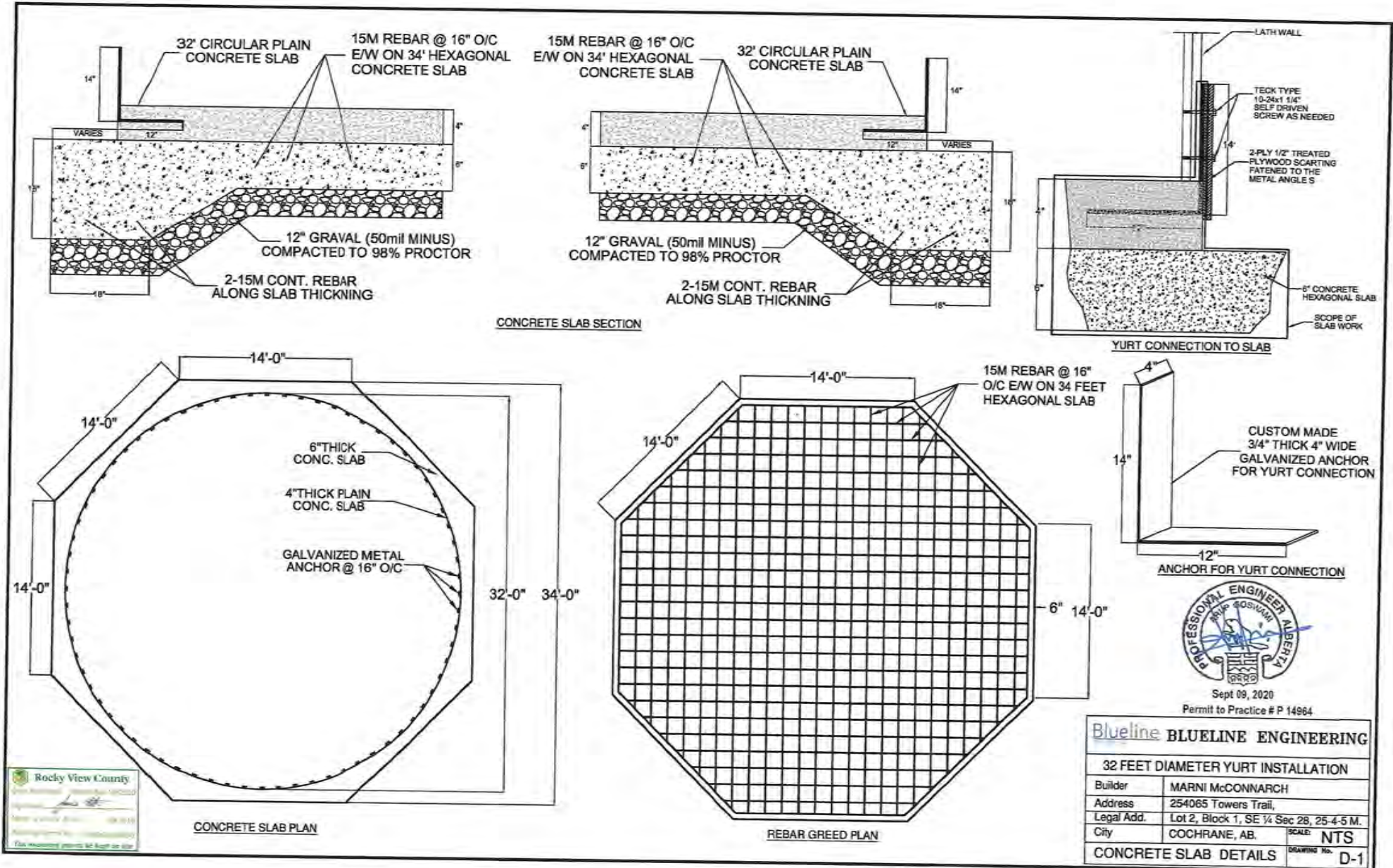
## Image 8: Setbacks & Approaches



Total driveway =  
0.32km  
1050 feet  
320 metres



Existing Approaches:  
Width of driveway throat: 16"  
Width of driveway flare: 36.5"





## PLANNING AND DEVELOPMENT SERVICES

<b>TO:</b>	Subdivision and Development Appeal Board	
<b>DATE:</b>	September 9, 2021	<b>DIVISION:</b> 1
<b>FILE:</b>	03908057	<b>APPLICATION:</b> PRDP20212162
<b>SUBJECT:</b>	Development Item: Equestrian Centre / Discretionary use, with no Variances	

**APPLICATION:** Equestrian Centre (existing building)

**GENERAL LOCATION:** Located approximately 1.0 kilometre (2/3 mile) west of Range Road 54 and on the south side of Township Road 232.

**LAND USE DESIGNATION:** Residential, Rural District (R-RUR) under Land Use Bylaw C-8000-2020

**EXECUTIVE SUMMARY:** The application was presented to the Municipal Planning Commission on July 14, 2021, and was conditionally approved.

The Applicant is proposing to operate an equestrian centre within an existing building on the subject parcel. There are no events or arena-type structures required or proposed. The Applicant states that the intent of the equestrian centre is for the visiting of special needs children to spend time with and ride horses for therapy and teaching purposes. The children would visit the centre, for an hour duration, with one (1) to three (3) visitors (parents, siblings, aids). The Applicant also has three (3) horses on-site. The application appears to be compliant with Residential, Rural District (R-RUR) regulations and there are no variances requested.

On July 20, 2021, the Notice of Decision was circulated to 12 adjacent landowners. The decision was appealed on August 10, 2021, by an affected party, and the reasons for the appeal are included in the Notice of Appeal.

**DECISION:** Conditionally-Approved

**DEVELOPMENT / SUBDIVISION AUTHORITY:** Municipal Planning Commission

<b>DECISION DATE:</b>	<b>APPEAL DATE:</b>	<b>ADVERTISED DATE:</b>
July 14, 2021	August 10, 2021	July 20, 2021

### AIR PHOTO & DEVELOPMENT CONTEXT:



### Administration Resources

Bronwyn Culham, Planning & Development Services

**APPLICATION EVALUATION:**

The application was evaluated based on the information and site plan submitted with the application and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act;</i></li> <li>• Land Use Bylaw C-8000-2020;</li> <li>• Greater Bragg Creek Area Structure Plan</li> </ul>	<b>DISCRETIONARY USE:</b> <ul style="list-style-type: none"> <li>• Equestrian Centre is a discretionary use in the Residential, Rural District (R-RUR)</li> </ul>
	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>• Municipal Planning Commission</li> </ul>

**APPEAL:**

See attached report and exhibits.

Respectfully submitted,

“Heather McInnes”

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Supervisor Development & Compliance

BC/llt





## APPLICATION INFORMATION

<b>APPLICANT:</b> Christianne Klaudt	<b>OWNER:</b> Gary & Christianne Klaudt
<b>DATE APPLICATION RECEIVED:</b> May 14, 2021	<b>DATE DEEMED COMPLETE:</b> May 20, 2021
<b>DEVELOPMENT AUTHORITY DECISION DATE:</b> July 14, 2021	
<b>APPELLANT:</b> Jeff & Sharon Foster	
<b>GROSS AREA:</b> ± 1.98 hectares (± 4.89 acres)	<b>LEGAL DESCRIPTION:</b> Lot 4, Block 2, Plan 9411859, NW-08-23-05-W05M (54161 Twp. Rd. 232)
<b>APPEAL BOARD:</b> Subdivision & Development Appeal Board	
<b>HISTORY:</b> <ul style="list-style-type: none"><li>• PRDP20210935: keeping of animal units no greater than three (3)</li><li>• PRDP20175048: renewal of animal units no greater than two (2)</li><li>• PRDP20145110: renewal of animal units no greater than two (2)</li><li>• 2013-DP-15613: accessory building</li><li>• 2013-DP-15612: keeping of animal units no greater than two (2)</li></ul>	
<b>AGENCY SUBMISSIONS:</b> <p>The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	



## **PLANNING AND DEVELOPMENT SERVICES**

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<b>TO:</b>	Municipal Planning Commission Development Authority	<b>DIVISION:</b>	1
<b>DATE:</b>	July 14, 2021	<b>APPLICATION:</b>	PRDP20212162
<b>FILE:</b>	03908057		
<b>SUBJECT:</b>	Equestrian Centre / Discretionary use, with no Variances		

---

**APPLICATION:** Equestrian Centre operation on the subject parcel.

**GENERAL LOCATION:** Located approximately 1.0 kilometre (2/3 mile) west of Range Road 54 and on the south side of Township Road 232.

**LAND USE DESIGNATION:** Residential, Rural District (R-RUR) under Land Use Bylaw C-8000-2020

**EXECUTIVE SUMMARY:** The Applicant is proposing to operate an equestrian centre on the subject parcel. There are no events or arena-type structures required or proposed. The Applicant has three (3) horses on the parcel. The Applicant states that the intent of the equestrian center is for special needs children to visit the centre, for an hour duration, with one (1) to three (3) people (parents, siblings, aids) and for the child can spend time and ride the horses either as a therapy and/or teaching purposes.

**ADMINISTRATION RECOMMENDATION:** Administration recommends approval in accordance with Option #1.

### **OPTIONS:**

- Option #1: THAT Development Permit Application PRDP20212162 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20212162 be refused for the following reasons:
1. That is the opinion of the Municipal Planning Commission; the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.

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### **Administration Resources**

Wayne Van Dijk, Planning and Development





## AIR PHOTO & DEVELOPMENT CONTEXT:



## APPLICATION EVALUATION:

The application was evaluated based on the information submitted with the application and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act;</i></li> <li>• Land Use Bylaw C-8000-2020; and</li> <li>• Greater Bragg Creek Area Structure Plan</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• None</li> </ul>
<b>DISCRETIONARY USE:</b> <ul style="list-style-type: none"> <li>• Equestrian Centre</li> </ul>	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>• Municipal Planning Commission</li> </ul>

### Additional Review Considerations

Previous development permits have authorized the keeping of livestock at a density of 3 animal units on the parcel.

The Applicant states that there are no events or overnight camping on the parcel.

The Applicant states they have been providing riding lessons and therapy for special needs children for approximately eight (8) years. A Development Permit (PRDP20210935) was obtained for the increase of permitted animal units from two (2) to three (3) was recently approved and expires on May 25, 2026.

## CONCLUSION:

Subject to the proposed Development Permit conditions, the application is recommended for approval.



Respectfully submitted,

Concurrence,

"Brock Beach"

"Kent Robinson"

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Acting Executive Director  
Community Development Services

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Acting Chief Administrative Officer

WV/lt

**ATTACHMENTS:**

ATTACHMENT 'A': Development Permit Report Conditions

ATTACHMENT 'B': Maps and Other Information



## ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS

### Option #1:

Approval subject to the following conditions:

#### **Description:**

1. That an Equestrian Centre (existing building), including riding lessons may commence on the subject parcel in general accordance with the submitted application and conditions of this permit.
2. That for purposes of this permit, an equestrian event is an activity that involves the training of horses and/or horse riders, horsemanship lessons, equine or student learning programs, day camps, day sessions, and the boarding of horses.

#### **Permanent:**

3. That the Pasture and Grazing Management Plans, as submitted with the application, shall be practiced at all times.
  - i. That if overgrazing becomes evident on the property, revised grazing procedures may need to be implemented onsite or the number of livestock animal units may need to be decreased, to the satisfaction of the County.
4. That the Manure Management Plan, as submitted with the application, shall be practiced at all times. Manure shall be collected and disposed of on a continual basis, in accordance with the submitted management plan.
  - i. That if there is a deemed excessive build-up of manure, that manure shall be removed immediately.
  - ii. Upon request of the County, the Applicant/Owner may have to update or revise the approved Manure and Grazing management plan if any issues arise or complaints are received on the property, to the satisfaction of the County.
5. That the maximum livestock animal units kept onsite overnight shall not exceed three (3) unless otherwise approved by the County.
6. That the Applicant/Owner shall ensure the property contains adequate livestock fencing, to ensure all livestock units (horses) remain on the subject property at all times.
7. That if there is an excessive build-up of manure, the manure must be removed immediately.
8. That the onsite parking area(s) shall be available at all times. All parking of vehicles, including trailers and participant/spectator parking, shall be limited to the parking areas. At no time shall there be parking on the County's Road Right of Way(s).

#### **Advisory:**

9. 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]*.
10. That it is recommended that the Applicant/Owner obtain a Premises Identification number, through the Province of Alberta, if not already obtained.
11. That the Applicant/Owner shall adhere to the County's Noise Bylaw (C-8067-2020) at all times.
12. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.





## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

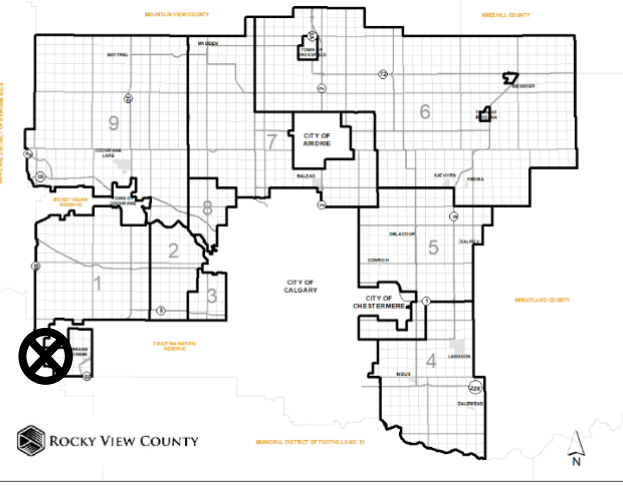
<b>APPLICANT:</b> Christianne Klaudt	<b>OWNER:</b> Gary and Christianne Klaudt
<b>DATE APPLICATION RECEIVED:</b> May 14, 2021	<b>DATE DEEMED COMPLETE:</b> May 20, 2021
<b>GROSS AREA:</b> ± 1.98 hectares (± 4.89 acres)	<b>LEGAL DESCRIPTION:</b> Lot 4, Block 2, Plan 9411859, NW-08-23-05-W05M (54161 Twp. Rd. 232)
<b>APPEAL BOARD:</b> Subdivision & Development Appeal Board	
<b>HISTORY:</b> <ul style="list-style-type: none"> <li>• PRDP20210935: keeping of animal units no greater than three (3)</li> <li>• PRDP20175048: renewal of animal units no greater than two (2)</li> <li>• PRDP20145110: renewal of animal units no greater than two (2)</li> <li>• 2013-DP-15613: accessory building</li> <li>• 2013-DP-15612: keeping of animal units no greater than two (2)</li> </ul>	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> The application was circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	



## Location & Context

### Development Proposal

Equestrian Centre  
(existing building)  
including riding lessons



Division: 1  
Roll: 03908057  
File: PRDP20212162  
Printed: May 20, 2021  
Legal: Lot: 4 Block: 2  
Page 85 of 149  
23-05-W05M



## Aerial Imagery

### Development Proposal

Equestrian Centre  
 (existing building)  
 including riding lessons



Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.



Division: 1  
 Roll: 03908057  
 File: PRDP20212162  
 Printed: May 20, 2021  
 Legal: Lot: 4 Block: 2  
 Plan: 23-05-W05M  
 Page 10 of 45



## Site Plan

### Development Proposal

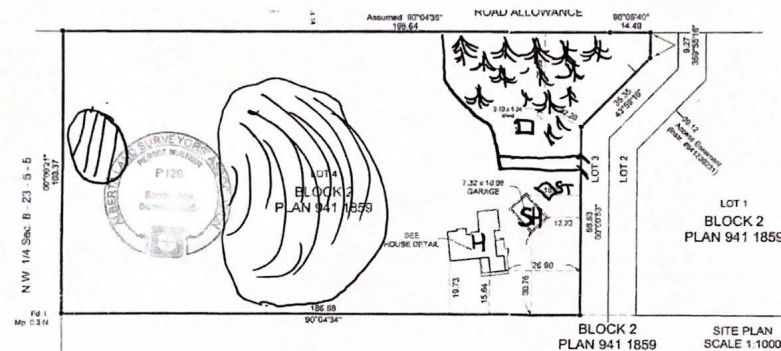
Equestrian Centre  
(existing building)  
including riding lessons

## SITE PLAN.

Nothing has changed since 2014, with exception of North Property fencing, and cross fencing at meadow and backyard.

← Riding

N ↑



- 60 ft. diameter Riding ring-outdoors, in trees (uphill from meadow)
- Meadow, (downhill from H (house) SH (shop) ST (storage shed))
- Treed Paddock for horses.
- Riding: We ride directly to GBCT (Greater Bragg Creek Trails) from our property. The trails are approx. 1-8 km away. (We consistently ride at the trails-)

Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.



## Cover letter

### Development Proposal

Equestrian Centre  
(existing building)  
including riding lessons

May 14, 2021

Rocky View County  
Building and Planning Department  
Calgary, Alberta  
[development@rockyview.ca](mailto:development@rockyview.ca)

Dear Development and Planning Officials,

Thank you for reviewing this request for an application for Equestrian Centre on our property.

Attached are forms, as required. In our application of March, 2021, we requested a variance on bringing in a third horse, which application was approved, however, there is a notice of Notice of Hearing for appeal by a neighbour (03908057 PRDP20210935) set for May 27th at 2:30 pm. At the time of making the application for variance of animal units, I had also attached the required form for Equestrian Centre, which is a copy of what I have submitted again, now.

As stated in our original letter, on our acreage (4.89 acres) we currently have two horses that were approved by Rocky View County in 2014. We have a number of wee riders, many with special needs that come to see us simply to ride as we 'side-walk' and lead them on horse back. This activity has been outstanding during COVID for them and permitted by protocols that we strictly adhere to. The work that we have always done, and continue to do to keep our land free of any standing water or manure is to exceed expectations for horse ownership. Horses and the work involved to keep them is not difficult for us, it is a lifestyle we embrace.

At present, I have only one to two vehicles that come per day to bring a child who will take riding lessons. I would like to register our property properly as an Equestrian Centre, and pay the appropriate fees.

Thank you again for the time you have taken to read and review this request.

Christianne and Gary Klaudt.



## Site Photos

### Development Proposal

Equestrian Centre  
(existing building)  
including riding lessons







## Notice of Appeal

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

Appellant Information			
Name of Appellant(s) Foster, Jeff & Sharon			
Mailing Address 3, 550 Hurricane Drive		Municipality Calgary	Province Alberta
Postal Code T3Z 3S8			
Main Phone # [REDACTED]	Alternate Phone # [REDACTED]	Email Address [REDACTED]	

Site Information	
Municipal Address 54161 TWP RD 232	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Lot 4, Block 2, Plan 9411859, NW 08-23-05-05
Property Roll # 03908057	Development Permit, Subdivision Application, or Enforcement Order # PRDP20212162

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

Reasons for Appeal (attach separate page if required)
<div style="border: 2px solid red; border-radius: 15px; padding: 10px; color: red; font-weight: bold;">           Received by Legislative Services August 10, 2021         </div>

This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) 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, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

Appellant's Signature

Date



## **Notice of Appeal**

### **Subdivision and Development Appeal Board**

### **Enforcement Appeal Committee**

### **Submitting an Appeal**

**Appeals must be submitted on time and with the required fee**

Sections 547, 645, 678, and 686 of the *Municipal Government Act*, RSA 2000, c M-26, and Rocky View County's *Master Rates Bylaw* require that your Notice of Appeal be submitted to the Subdivision and Development Appeal Board (SDAB) or Enforcement Appeal Committee (EAC) within the legislated timeframe and with the required fee. Fees are as follows:

<b>Subdivision and Development Appeal Board</b>	<b>Fee</b>
Development Authority decision – appeal by the owner of the subject property	\$350.00
Development Authority decision – appeal by an affected party	\$250.00
Development Authority decision – appeal of a Stop Order issued under section 645 of the <i>Municipal Government Act</i>	\$500.00
Subdivision Authority decision (paid at time of application and used as a credit on endorsement fees except where the owner appeals the subdivision)	\$1,000.00
<b>Enforcement Appeal Committee</b>	
Compliance Order - appeal as per section 545 or 546 of the <i>Municipal Government Act</i>	\$500.00

**How to submit your appeal and pay your fee**

You can submit your Notice of Appeal by mail or deliver it in person. Arrangements can also be made to e-mail your Notice of Appeal and pay over the phone. If you e-mail your appeal to the SDAB clerk, you must call the SDAB clerk for verbal confirmation of receipt. Regardless of how you submit your Notice of Appeal, it must be received on or before the final appeal deadline.

*Mail or deliver to:*

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

Please make cheques payable to "Rocky View County".

**What happens after my appeal is submitted?**

Once your Notice of Appeal is submitted on time and with the required fee, the appeal will be heard by the SDAB or EAC within 30 days. The Clerk of the SDAB will be in touch with you about the appeal hearing. You and the landowners who are adjacent to the property in question will receive a written Notice of Hearing.

**More information**

For more information about filing an appeal or SDAB/EAC procedures, please contact the SDAB Clerk at:

Phone: 403-230-1401

Email: [sdab@rockyview.ca](mailto:sdab@rockyview.ca)

Website: [www.rockyview.ca](http://www.rockyview.ca)

**ROCKY VIEW COUNTY**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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**DEVELOPMENT APPEAL**

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**BACKGROUND**

1. The Land ("**Land**") that is the subject of this Appeal is approximately 1.98 hectares (4.89 acres) in area and owned by Gary and Christianne Klaudt (the "**Applicant**").
2. The Land is designated as Residential, Rural District (R-RUR) under Rocky View County (the "**County**") Land Use Bylaw C-8000-2020 (the "**Bylaw**").
3. On March 9, 2021, the Applicant submitted a development permit application ("**Original Application**") seeking a variance for the keeping of livestock (horses) at a density greater than two (2) animal units on a parcel between 1.40 to 2.00 ha, specifically from two (2) to three (3) animal units (horses).
4. On April 14, 2021, the Development Authority issued the written conditional approval ("**Original Approval**") for the variation of animal units on the Lands.
5. On May 6, 2021, Sharon Foster (the "**Appellant**") filed an affected party appeal ("**Original Appeal**") of the Development Authority's decision to conditionally approve the Original Application for the variation of animal units.
6. On June 10, 2021 the Rocky View County Subdivision and Development Appeal Board issued its decision to deny the Original Appeal and uphold the Original Approval.
7. On May 14, the Applicant filed a second application (the "**Second Application**"), this time for an Equestrian Centre ("**Equestrian Centre Application**").
8. On July 14, 2021, the County's Planning and Development Services issued a recommendation on the Second Application recommending that the Second Application be approved ("**Equestrian Centre Approval**") with conditions ("**Conditions**").
9. On July 20, 2021, the County sent a letter to the Appellant confirming the Equestrian Centre Approval and confirming the Appellant's right to submit a notice of Appeal of the Equestrian Centre Approval.
10. This is the Appellant's appeal of the Equestrian Centre Approval.



## **LAND USE**

11. Pursuant to the Bylaw, the Land that is the subject of the Equestrian Centre Application is designated R-RUR Residential, Rural District. According to Section 315 of the Bylaw, the purpose of this type of area is "to provide for residential uses in a rural setting on parcels which can accommodate limited agricultural pursuits."
12. The numerated permitted uses in the Bylaw for an R-RUR Residential, Rural District are:
  - Accessory Building  $\leq 190 \text{ m}^2$  (2045.14 ft<sup>2</sup>)
  - Dwelling, Single Detached
  - Beekeeping
13. While there are other allowable discretionary uses, including an equestrian centre, it is clear from the Bylaw that the primary nature of a R-RUR Residential, Rural District is rural-residential. Items such as equestrian centre are discretionary so that the County can determine whether a specific rural-residential district is the proper place for such a development, and the Appellant submits that this development is not the proper place for an Equestrian Centre for the reasons set out below.

## **UPKEEP AND MAINTENANCE**

14. The northerly slope of the paddock on the Applicant's Land swales into a ditch in a culvert on Township Road 232 and manure is entering this culvert.
15. Previously the Applicant provided a photo of the culvert when it was dry, and while there are times that the culvert is dry, this obviously does not accurately reflect the status of the culvert during the changing weather conditions throughout the year. The Applicant's pasture slopes more than 10% towards the culvert. During heavy rain and a quick melt, the nutrients enter the culvert and there is nothing the Applicant can do about it. An increase in livestock will add to this problem.
16. The Appellant's property is down wind of the Applicant's Land making the Appellant's property subject to odors and the various detritus resultant from horses no matter how diligent the Applicant is about manure removal cleaning up after the horses, and regardless of how passionate the Applicant is about horses.
17. The downwind location also leads to an increase of weeds, stray oats, and bugs on the Appellant's property.
18. The Applicant's Land includes a stream with a bridge over it, which is fed by an artesian well from a neighbouring property. It would take constant observation to ensure that horse manure is not entering this stream.
19. Even the most efficient and earnest maintenance of the Applicant's Land and the horses by the Applicant cannot thwart the effects of wind, weather, drainage, and other naturally occurring events.
20. Obviously, if one horse brings with it odor, flies and other similar items, it stands to reason that each addition horse will increase these issues.

**WELL**

21. The Applicant's well only produces five gallons/minute, and goes dry in the winter months. They do not have a cistern.
22. As a general rule, a horse at rest needs to drink 1 gallon of water per 100 pounds of weight every day. This means that horses need to drink between 5 and 15 gallons of water every day. This amount will increase if the horse's workload is high. The Applicant acknowledges that their requirement for more horses is an indication that the existing horses are working as hard as is recommended.
23. The Applicant has acknowledged that they already "*notice issues if someone is showering, running the dishwasher, and doing laundry at the same time,*" and yet maintains that the water supply is fine and an extra horse will not further negatively affect the existing water shortage issues.
24. The Applicant is clearly already at or past their water capacity and granting an Equestrian Centre will only make this issue worse.

**MAXIMUM NUMBER OF PARTICIPANTS**

25. The Applicant's application sets out that they expect one (1) participant and one (1) to three (3) spectators per horse, but is too broad in its possible interpretation. The Conditions put no limit on the total number of participants or spectators at any one time. For example, as currently set out, the Applicant could have three (3) participants simultaneously, along with three (3) spectators, resulting in as many as nine (9) people there at any given time, causing increased traffic and parking congestion.
26. In addition, Section 138 of the Bylaw state that an Equestrian Centre Development Permit must set out the "*the maximum number of animals to participate in an event, which shall be in addition to the animals kept on the site.*" The current Equestrian Centre Application and Conditions set no limit on the number of animals that can be on the Applicant's land for an event, only that no more than three (3) horses shall be kept overnight. As it stands, the Applicant could have up to one hundred (100) animals at the Equestrian Centre as long as they do not stay overnight.
27. The Conditions state that for the purpose of the Equestrian Centre Application, an equestrian event is "*an activity that involves the training of horses and/or horse riders, horsemanship lessons, equine or student learning programs, day camps, day sessions, and the boarding of horses.*" Given this, and the other terms of the Equestrian Centre Application and Conditions, the Applicant would be able to hold an event with up to one hundred (100) participants so long as they did not board the horses overnight or allow overnight camping.
28. The Equestrian Centre Application states that the Applicants "*do not ever allow eventing on their property.*" However, the Conditions do not state that they "*will not*" allow eventing on their property.

**TRAFFIC & ACCESS**

29. The Applicant and Appellant (among others) share a common road which runs from RR232 (West Bragg Creek Road).

30. The Applicant already has six (6) vehicles which come and go from their Land, not including the additional vehicles related to the Applicant's horse business. The Appellant has three (3) vehicles, one (1) adjacent neighbour who attends their property every other weekend, and another adjacent neighbour who is in the early stages of building on their property. The nature of this rural-residential development is not designed to service the increased traffic from an Equestrian Centre.
31. The Applicant states that they do not charge for the service they provide. While the Appellant will not comment on the veracity of this statement, there is nothing in the Equestrian Centre Application or Conditions that would prohibit them from doing so. The requirements for a HOME-BASED BUSINESS (TYPE I) ("**Type 1 Home Business**") in Section 142 of the Bylaw fit almost identically with the Applicant's set-up:
- an accessory use of a principal dwelling;
  - shall have no employees that are not permanent residents of the dwelling;
  - shall not operate between the hours of 18:00 and 8:00 if the business generates noise; and
  - businesses include private tutoring.
32. In addition, the maximum allowed for a Type 1 Home Business is four (4) vehicles daily. This amount is currently already often exceeded and the introduction of an Equestrian Centre will only increase the traffic.
33. The Applicant should not be permitted to couch a Type 1 Home Business as an Equestrian Centre to thwart the objectives of the Bylaw.

#### **ROAD UPKEEP**

34. The Appellant completes 90% of the maintenance of the driveway. The Applicant has contributed gravel to these efforts one (1) or two (2) times over the past eight (8) years.
35. Since the Appellant has moved in, they have done almost all of the driveway maintenance.
36. The increased use of the shared road will increase the maintenance required on the road, which traditionally has fallen to the Appellant to complete.
37. The increased traffic from an Equestrian Centre will thus unfairly burden the adjacent landowners, including the Appellant.

#### **PARKING**

38. In the Equestrian Centre Application, the Applicant sets out "n/a" under "Number of parking spaces."
39. The Conditions state that "the onsite parking area(s) shall be available at all times. All parking of vehicles, including trailers and participant/spectator parking, shall be limited to parking areas."
40. Section 235 of the Bylaw states that an Equestrian Centre shall have one (1) parking space per



spectator (as determined within the Development Permit). Currently neither the Equestrian Centre Application nor the Conditions set out how many parking stalls the Applicant must have, nor whether they are able to provide such space. In addition, as set out above, without any limits on what constitutes an event, the Applicant may require up to one hundred (100) parking spaces.

## **LAND VALUE**

41. The Applicant has previously relied on the opinion of Megan Stuart to argue that the Applicant's proposed Equestrian Centre will not affect land values. The Applicant maintains that Stuart is a realtor who the Applicant suggests "works in the area," but in reality, does not work in the Bragg Creek area with any regularity. In addition, the Applicant relies on Stuart's opinion to support the Applicant's position that "the value of agricultural properties are not affected by being surrounded by other agriculture properties." As noted above, the subject properties are not agricultural properties, but rather rural-residential. Stuart's opinion in the matter is moot given her lack of experience in the location of the subject properties, and the Applicant's assertion that Stuart's opinion relates to the value of agricultural properties confirms the Applicant's misunderstanding of the County's Bylaw and the stated purpose of an R-RUR Residential, Rural District as rural-residential, and not agricultural.
42. The development is rural residential, and as such, its main purpose is to provide for rural residential properties. While there will be some smells, sounds, and other issues that are necessarily different from an urban residential environment, these developments are approved as rural residential and thus are distinctly different from other possible categories such as agricultural.
43. When the Appellant purchased their property, the allowance for a horse was one (1). Since that time the County has approved an increase to two (2), and has now allowed an increase to three (3) in the Original Application. Although these properties are in a rural area, they are part of a residential cul-de-sac which was not designed nor intended for equestrian use beyond a single horse per family. The value of the lands adjacent to the Applicants can only be negatively impacted each time the County approves these applications and changes the nature of the land use.
44. The County has twenty-five (25) different Land Use Districts. The necessity for so many designations is that each District has their own unique attributes. There are eight (8) different Districts just for agricultural and residential use alone. This development is part of a cul-de-sac and while owners may have some small livestock or a horse, the purpose of the area is not in keeping with the design nor purpose of this development. If it was, the Bylaw provides for many other designations that would allow for this. Any derogation from the designation as Rural-Residential is unfair to neighbouring landowners who are entitled to rely on the status of the development being maintained, and should not have to be subject to potential changes in land value resulting from such changes.

## **NATURE OF AN EQUESTRIAN CENTRE**

45. The Bylaw defines an Equestrian Centre as follows:

*"public facilities (buildings, shelters or other structures) at which horses are exercised or trained, training in equestrian skills or equestrian competitions or shows rodeos or other similar events are held, where a fee has been paid to*

*participate, attend or use the facilities”*

46. The Equestrian Centre Application has stated a desire to increase the number of horses the Applicant has from two (2) to three (3). The Original Application granted this.
47. The Applicant, in their own submissions in the Original Application stated that “prior to COVID-19, they had one rider every other day and now they have more special needs riders and have applied to become an Equestrian Centre.” As the Applicant has confirmed, their desire to increase the number of horses and the designation of their property is not for personal reasons, nor in keeping with rural-residential designation, but rather for commercial reasons.
48. The Applicant’s already have fences erected for a sixty (60) -foot ring and a shop. If this is not enough to facilitate their stated goal of offering non-commercial riding, with an increase to three (3) horses from two (2), there must be other plans for additional use of the Equestrian Centre.

## CONCLUSION

49. If the Development and Appeal Board determines that the Equestrian Centre Application should still be approved, as set out above, there are a number of conditions that must be added to the Conditions including, but not limited to, confirming:
  - the maximum number of participants and spectators that will attend the Applicant’s property at any given time;
  - how many parking spots this necessitates and whether the Applicant can provide this;
  - that no events will be held;
  - that Applicant will be responsible for maintenance of the shared road; and
  - that the Equestrian Centre is for teaching and tutoring and is not for commercial purposes, and if the Applicant desires to turn it in to a commercial enterprise they will be required to apply for the proper permits and designations.
50. The approval of the Equestrian Centre Application unduly interferes with the amenities of the neighborhood and materially interferes with and affects the use, enjoyment, and value of the neighboring parcels of land, and should be denied for the following reasons:
  - The land is designated R-RUR Residential, Rural District, the purpose of this type of area is “to provide for residential uses in a rural setting on parcels which can accommodate limited agricultural pursuits.” Any derogation from the designation as Rural-Residential is unfair to other neighbouring landowners who are entitled to rely on the status of the development being maintained, and should not be subject to potential changes in land value resulting from such changes;
  - Even the most efficient and earnest maintenance of the Applicant’s land and the horses by the Applicant cannot thwart the effects of wind, weather, drainage, and other naturally occurring events, to the detriment of neighboring landowners;
  - The Applicant’s well does not provide adequate water for the increased horses or

activity of an Equestrian Centre;

- Neither the Equestrian Centre Application nor the Conditions state that the Applicant “will not” allow eventing on their property;
  - The Applicant’s Equestrian Centre Application and the Conditions put no limit on the total number of participants or spectators at any one time. They suggest it may be no more than three (3), but no limit is specified. Currently, the Applicant would be able to hold an event with up to one hundred (100) participants so long as they did not board the horses overnight or allow overnight camping;
  - The increased use of the shared road will increase the maintenance required on the road, which traditionally has fallen to the Appellant to complete; and
  - The development is rural residential, and as such, its main purpose is to provide for rural residential properties. These developments are approved as rural residential as distinctly different from other possible categories.
51. The Equestrian Centre Application states as its purpose the increase from two (2) horses to three (3) to facilitate the visiting of special needs children to spend time with and ride horses for therapy and teaching purposes. However, granting the Original Application to allow a third horse provided for this. Extending the designation of the Applicant’s land to include an Equestrian Centre does not provide the Applicant with anything that they do not already have under the Original Application.
52. Given this, one can only surmise that the Applicant’s plans for the Equestrian Centre are more than the stated purpose of providing up to three (3) horses for the visiting of special needs children to spend time with and ride horses for therapy/teaching purposes.





## Decision of the Municipal Planning Commission

This is not a development permit

Klaudt, Gary & Christianne

**Development file #:** PRDP20212162

**Issue Date:** July 15, 2021

**Roll #:** 03908057

**Legal description:** Lot 4, Block 2, Plan 9411859, NW-08-23-05-W05M

The Municipal Planning Commission conditionally approves the following:

### Description:

1. That an Equestrian Centre (existing building), including riding lessons may commence on the subject parcel in general accordance with the submitted application and conditions of this permit.
2. That for purposes of this permit, an equestrian event is an activity that involves the training of horses and/or horse riders, horsemanship lessons, equine or student learning programs, day camps, day sessions, and the boarding of horses.

### Permanent:

3. That the Pasture and Grazing Management Plans, as submitted with the application, shall be practiced at all times.
  - i. That if overgrazing becomes evident on the property, revised grazing procedures may need to be implemented onsite or the number of livestock animal units may need to be decreased, to the satisfaction of the County.
4. That the Manure Management Plan, as submitted with the application, shall be practiced at all times. Manure shall be collected and disposed of on a continual basis, in accordance with the submitted management plan.
  - i. That if there is a deemed excessive build-up of manure, that manure shall be removed immediately.
  - ii. Upon request of the County, the Applicant/Owner may have to update or revise the approved Manure and Grazing management plan if any issues arise or complaints are received on the property, to the satisfaction of the County.
5. That the maximum livestock animal units kept onsite overnight shall not exceed three (3) unless otherwise approved by the County.

This is not a development permit

6. That the Applicant/Owner shall ensure the property contains adequate livestock fencing, to ensure all livestock units (horses) remain on the subject property at all times.
7. That if there is an excessive build-up of manure, the manure must be removed immediately.
8. That the onsite parking area(s) shall be available at all times. All parking of vehicles, including trailers and participant/spectator parking, shall be limited to the parking areas. At no time shall there be parking on the County's Road Right of Way(s).

**Advisory:**

9. 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]*.
10. That it is recommended that the Applicant/Owner obtain a Premises Identification number, through the Province of Alberta, if not already obtained.
11. That the Applicant/Owner shall adhere to the County's Noise Bylaw (C-8067-2020) at all times.
12. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.

It is the responsibility of the applicant to meet and always follow the conditions outlined in this decision. Fines or enforcement action may occur if operating outside of the conditions of approval. Please contact Planning and Development Services at [development@rockyview.ca](mailto:development@rockyview.ca) or 403-520-8158 for assistance with this decision or the process for meeting development conditions.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact Legislative Services at [sdab@rockyview.ca](mailto:sdab@rockyview.ca) or 403-230-1401. More information on the SDAB can also be found at [www.rockyview.ca](http://www.rockyview.ca).

Municipal Planning Commission



Al Schule, Vice-Chair

This is not a development permit



# DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20212162
ROLL NO.	03908057
RENEWAL OF	
FEES PAID	700.00
DATE OF RECEIPT	May 14, 2021

## APPLICANT/OWNER

Applicant Name: Christianne Klaudt	Email: [REDACTED]
Business/Organization Name (if applicable):	
Mailing Address: [REDACTED]	Postal Code: [REDACTED]
Telephone (Primary): [REDACTED]	Alternative:
Landowner Name(s) per title (if not the Applicant):	
Business/Organization Name (if applicable):	
Mailing Address:	Postal Code:
Telephone (Primary):	Email:

## LEGAL LAND DESCRIPTION - Subject site

All/part of: NW ¼	Section: 8	Township: 23	Range: 5	West of: 5	Meridian	Division:
All parts of Lot(s)/Unit(s): 4		Block: 2	Plan: 9411859	Parcel Size (ac/ha): 4.89		
Municipal Address: 54161 TWP. Rd. 232 W., Bragg Creek, AB T0L0K0				Land Use District: R-RUR		

## APPLICATION FOR - List use and scope of work

Equestrian Centre

Variance Rationale included: ☐ YES ☐ NO ☒ N/A

DP Checklist Included: ☒ YES ☐ NO

## SITE INFORMATION

- |   |   |
|---|---|
| a. Oil or gas wells present on or within 100 metres of the subject property(s)  | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant)  | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| c. Abandoned oil or gas well or pipeline present on the property<br>(Well Map Viewer: <a href="https://extmapviewer.aer.ca/AERAbandonedWells/Index.html">https://extmapviewer.aer.ca/AERAbandonedWells/Index.html</a> ) | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| d. Subject site has direct access to a developed Municipal Road (accessible public roadway)   | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |

## AUTHORIZATION

I, CHRISTIANNE KLAUDT (Full name in Block Capitals), hereby certify (initial below):

☒ That I am the registered owner **OR** ☐ That I am authorized to act on the owner's behalf.

☒ That the information given on this form and related documents, is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

☒ That I provide consent to the public release and disclosure of all information, including supporting documentation, submitted/contained within this application as part of the review process. I acknowledge that the information is collected in accordance with s.33(c) of the *Freedom of Information and Protection of Privacy Act*.

☒ **Right of Entry:** I authorize/acknowledge that Rocky View County may enter the above parcel(s) of land for purposes of investigation and enforcement related to this application in accordance with Section 542 of the Municipal Government Act.

Christianne Klaudt (digitally signed)

Applicant Signature	Christianne Klaudt (digitally signed)	Landowner Signature	Dr. Gary W. Klaudt (digitally signed)
Date	May 14, 2021	Date	May 14, 2021





# EQUESTRIAN CENTRE/LIVESTOCK/ RIDING ARENA INFORMATION SHEET

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20212162
ROLL NO.	03908057
DISTRICT	R-RUR

ANIMALS ON SITE		SITE PLAN REQUIREMENTS
<b>Number</b>	<b>Type</b>	Select all provided on plan:
2	Horses	<input type="checkbox"/> Labels for existing/proposed Equestrian Centre
		<input type="checkbox"/> Setbacks to property lines
		<input type="checkbox"/> Dimension of building(s)
		<input type="checkbox"/> Location of on-site stock trailer and participant/spectator parking area(s)
		<input type="checkbox"/> Confinement and grazing areas (in acres/sq. m)
		<input type="checkbox"/> Feeding site(s) and methods (Feeders/racks/ground etc.)
		<input type="checkbox"/> Watering site(s) and methods (Tank/waterer/creeks etc.)
		<input type="checkbox"/> Location of wells, sloughs, ponds, water runs, coulees etc.
		<input type="checkbox"/> Property slopes (grade elevations)
		<input type="checkbox"/> Type of screening provided (natural or built)
		<input type="checkbox"/> Distance to neighbouring developments/livestock (if any)
<b>BUILDING DETAILS (Equestrian Centre or Riding Arena only)</b> Building total floor area _____ (m <sup>2</sup> / ft. <sup>2</sup> ) Height of building _____ (m / ft.) New or existing building? Age of building (if existing) _____ <b>ON-SITE PUBLIC PARTICIPATION (Equestrian Centre only)</b> Number of spectators anticipated 1 - 3 - parents, siblings or Aides Overnight camping allowed on site? no Total number of persons allowed _____ Total number of nights allowed _____ Number of parking spaces n/a Days of public participation varies. Single riders only. Hours of public participation varies. Special needs kids spend time with horses for an hour each time.		<b>Refer to DP Checklist - General for standard Site Plan requirements</b>
<b>SITE INFORMATION</b> Topography: <input checked="" type="checkbox"/> Flat <input checked="" type="checkbox"/> Rolling <input checked="" type="checkbox"/> Steep Grass/Foliage Species: <input type="checkbox"/> Alfalfa <input type="checkbox"/> Brome <input checked="" type="checkbox"/> Fescue <input type="checkbox"/> Timothy <input checked="" type="checkbox"/> Other: bluegrass, meadow grass Supplemental Feed (specify if provided): High quality hay, hay cubes, beet pulp with minerals and supplements Wetland/Riparian areas present on site? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO small pie shape wetland/bog section at far SW corner Interested in Rocky View County's Green Acreages Program? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (already participating) <a href="https://www.rockyview.ca/NewsEvents/News/tabid/145/Article/1291/Rocky-View-County-s-Green-Acreages-Guide-Program.aspx">https://www.rockyview.ca/NewsEvents/News/tabid/145/Article/1291/Rocky-View-County-s-Green-Acreages-Guide-Program.aspx</a>		
<b>VARIANCE(S) REQUESTED (Variance rationale letter must be provided)</b>		
<b>**</b> <input checked="" type="checkbox"/> Increase number of animals permitted on site Approved <input type="checkbox"/> Increase number of participants permitted on site (Equestrian Centre only) <input type="checkbox"/> Increase number of persons or nights for overnight camping on site (Equestrian Centre only)		<input type="checkbox"/> Building setbacks, area or height (specify variance): _____ <input type="checkbox"/> Other (specify): _____

**\*\***Variance request for 1 more horse. Riders are kids who visit and walk with our horses, and ride with us on property. Nothing else required.



<b>MANURE MANAGEMENT</b>
<p><b>On-site manure storage:</b></p> <p>Method of storage: <input checked="" type="checkbox"/> Compost <input type="checkbox"/> Stockpile <input checked="" type="checkbox"/> Spread &amp; Incorporated</p> <p>How long will the manure be stored? <u>Never. It is gathered &amp; spread for composting immediately every day.</u></p> <p><b>Off-site manure storage (if applicable):</b></p> <p>Identify location and method of storage: <u>n/a</u></p> <p><b>Note:</b> <i>Manure storage facility construction must comply with the Agricultural Operation Practices Act.</i></p>
<b>GRAZING AND FREEZING STRATEGIES</b>
<p>Describe grazing and feeding strategies (i.e. year-round grazing, rotational pastures with supplemental feed, etc.):</p> <p><u>Year-round feeding by hay with supplemental grazing in summertime in lower meadow and at offsite pastures. We spend 5 hours a day on average with our horses, riding, visiting with kids, mucking out, watering, grooming, walking. Someone here is always on property, and the horses are our family and lifestyle. (I understand the word 'grazing' in the querie, but the 'freezing' gave a good grin.)</u></p>
<b>RUNOFF MANAGEMENT</b>
<p>Describe method(s) employed to prevent manure from contaminating water bodies on site (e.g. wetlands, sloughs, dugouts): How is the runoff kept out of wells and other water areas on the subject property?</p> <p><u>We have conducted sucessful land management, grading surfaces for rain water to be intercepted into swales. Forested paddock is graded yearly so that there are no areas for standing water to accumulate. There is no runoff from manure or animals that affect any property but our own. All rain and water runoff through this northeast end of the property, where the horses reside in their 1 acre paddock, has been managed so that it runs west through the property, and downward to our pond in our meadow</u></p> <p>Describe how runoff will be kept within the subject property (<i>NOTE: It is an offence under the Alberta Environmental Enhancement and Protection Act to allow manure and its nutrients to move off site.</i>):</p> <p><u>All areas horses may occupy, as well as areas where manure is gathered and spread are managed so that there is no run off. Grading is done in the forested paddock so that rain can not create standing water, swales are created to intercept rain water and guide it to trees through the paddock. Manure composting is burmed at the west of the paddock and above the slope heading down toward meadow, where any water running through the compost will head down this slope into brush, grasses and trees. (We also water the meadow with runoff and pond water). The meadow, is also graded to ensure there is no standing water. The back west section of the property is also graded to ensure as horses ride in this area, there is no standing water, and all rain water runs toward a culvert leading into our pond.</u></p>
<b>PEST AND WEED CONTROL</b>
<p>Describe how insects, flies, and other pests will be managed so they don't affect your neighbours:</p> <p><u>Please see attached article, "Where the wild flies roam", by Christianne Klauadt. All manure is managed daily by compost which is covered and spread. Diatomaceous earth covers all manure. "CatchMaster disposable baited fly traps" will be hung near the paddock and changed three times per week experimentally in 2021. The results will help us to determine which flies, quantity and associated environmental conditions for articles.) We use ecologically friendly products and plants to deter pests. We do not see swarms of flies other than cluster flies, which are not related to manure or livestock. There is no breeding place for flies in standing water in the paddock, meadow or riding areas, and all manure is gathered for compost, covered and dusted with diatoms daily. We do not have any other pest that bothers our property, other than possibly a human or two. These are managed by offerings of food and sent packing.</u></p> <p>Do you have a weed control program in place? <input checked="" type="checkbox"/> YES, describe program below <input type="checkbox"/> NO</p> <p><u>The only weeds that we experience are thistle. These are only found in our meadow, where horses graze. We pull these thistles up when they are over 6 inches high, and cook the taproot. Some thistles are allowed to propagate in one area near our pond, and the flowers gathered. When allowed to propagate, this patch is maintained so that it does not spread. Dandelion grows in small abundance. We gather the heads to consume, competing for this treat with our equine friends.</u></p>
<b>PUBLIC PARTICIPATION ON SITE</b>
<p>Describe how garbage will be managed during events involving public participation:</p> <p><u>N/a (we do not ever allow eventing on property.) Of no real interest to this form or request, garbage that is household is maintained in bear-proof bins that is held in our garage and sprayed with eucalyptus or cinnamon oil, or occassionally with ammonia when we really need it to be unpleasant. We have never had an intruder in the garbage. (Not even human).</u></p>
<p><b>NOTE: A Water and Wastewater Servicing Plan and Traffic Impact Analysis shall be submitted if maximum number of spectators is anticipated to exceed one hundred (100) persons, Land Use Bylaw C-2020-8000.</b></p>

**Applicant Signature** Christianne Klauadt (digital signature)  
Dr. Gary W. Klauadt (digitally signed)

**Date** March 5, 2021



### DEVELOPMENT PERMIT APPLICATION CHECKLIST - GENERAL

All plans shall be submitted as one (1) legible hard copy and in DIGITAL form (pdfs)

Select [✓] all that are included within application package. Incomplete applications may not be accepted for processing

- ☒ **APPLICATION FORM(S) AND CHECKLIST:** All parts completed and signed.
- ☒ **APPLICATION FEE:** Refer to Planning and Development Fee Schedule within the [Master Rates Bylaw](#). (Please call for VISA)
- ☒ **CURRENT LAND TITLES CERTIFICATE COPY - dated within 30 days of application, and:**
  - ☐ Digital copy of non-financial instruments/caveats registered on title
- ☒ **LETTER OF AUTHORIZATION:** Signed by the registered landowner(s) authorizing person acting on behalf (if not the Applicant). If registered owner on title is a company, authorization to be provided on a company letterhead or as an affidavit (signed by a Commissioner of Oaths).
- ☒ **COVER LETTER, shall include:**
  - ☐ Proposed land use(s) and scope of work on the subject property
  - ☐ Detailed rationale for any variances requested
  - ☐ For businesses - Complete operational details including days/hours of work, number of employees, parking provisions, types of vehicles, outdoor storage areas, site access/approach, traffic management, etc.
  - ☐ Reference to any *Supporting Documents*, images, studies, plans etc. provided within application package
- ☐ **SITE PLAN, shall include:**
  - ☐ Legal description and municipal address
  - ☐ North arrow
  - ☐ Property dimensions (all sides)
  - ☐ Setbacks/dimensions from all sides of the property line(s) to existing/proposed buildings, structures (cantilevers, decks, and porches), outdoor storage areas etc.
  - ☐ Dimensions of all buildings/structures
  - ☐ Location and labels for existing/proposed approach(s)/access to property
  - ☐ Identify names of adjacent internal/municipal roads and highways
  - ☐ Identify any existing/abandoned/proposed oil wells, septic fields/tanks, or water wells on site, including their distances to existing/proposed buildings
  - ☐ Identify any existing/proposed site features such as trees, shelterbelts, canals, waterbodies, etc.
  - ☐ Identify site slopes greater than 15% and distances from structures
  - ☐ Location and labels for easements and/or rights-of-way on title
- ☐ **FLOOR PLANS/ELEVATIONS, shall include:**
  - ☐ Overall dimensions on floor plans for all buildings/structures (for new construction, additions, renovations etc.)
  - ☐ Indicate floor area and existing/proposed uses on floor plans and height(s) on elevations
  - ☐ Indicate type of building/structure on floor plans and elevations
- ☐ **COLOUR PHOTOGRAPHS (Min. 3) - one hard and digital copy:** Of existing site, building(s), structure(s), signage, site features, taken from all sides including surrounding context, and when existing floor plans/elevations are not available
- ☐ **SUPPORTING DOCUMENTS (as applicable):** Include technical studies/reports and any additional plans relating to the proposed development (lot grading, site lighting, storm water management plans etc.). Refer to the Land Use Bylaw for use or district specific requirements.

### FOR OFFICE USE ONLY

Proposed Use(s): <b>Equestrian Centre</b>	Land Use District: <b>R-RUR</b>
Applicable ASP/CS/IDP/MSDP: <b>Greater Bragg Creek ASP</b>	
Included within file: <input checked="" type="checkbox"/> Information Sheet <input checked="" type="checkbox"/> Parcel Summary <input checked="" type="checkbox"/> Site Aerial <input checked="" type="checkbox"/> Land Use Map Aerial <input checked="" type="checkbox"/> Site Plan	
<b>NOTES:</b>	
Staff Signature: <u>Steven Lam</u>	





LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0026 157 355           9411859;2;4           131 217 898

LEGAL DESCRIPTION  
PLAN 9411859  
BLOCK 2  
LOT 4  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 1.98 HECTARES (4.89 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 5;5;23;8;NW

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 121 313 045

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
131 217 898	30/08/2013	TRANSFER OF LAND	\$875,000	\$875,000

OWNERS

GARY KLAUDT

AND

CHRISTIANNE KLAUDT

BOTH OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
941 224 878	29/08/1994	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.

## ENCUMBRANCES, LIENS &amp; INTERESTS

PAGE 2

# 131 217 898

## REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
941 226 603	30/08/1994	UTILITY RIGHT OF WAY GRANTEE - AGT LIMITED.
941 229 050	01/09/1994	UTILITY RIGHT OF WAY GRANTEE - FORTISALBERTA INC. 320 - 17 AVENUE S.W. CALGARY ALBERTA T2S2Y1 (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 001301384) (DATA UPDATED BY: CHANGE OF NAME 051028494)
941 239 231	14/09/1994	EASEMENT OVER LOTS 2 AND 3 FOR BENEFIT OF LOTS 1 AND 4 BLOCK 2 PLAN 9411859 (PORTIONS DESCRIBED)
131 217 899	30/08/2013	MORTGAGE MORTGAGEE - FIRST NATIONAL FINANCIAL GP CORPORATION. 100 UNIVERSITY AVE, SUITE 700 NORTH TOWER TORONTO ONTARIO M5J1V6 ORIGINAL PRINCIPAL AMOUNT: \$525,000

TOTAL INSTRUMENTS: 005

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 11 DAY OF MARCH,  
2021 AT 11:11 A.M.

ORDER NUMBER: 41200643

CUSTOMER FILE NUMBER: PRDP20210935



\*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.

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) .





## LETTER OF AUTHORIZATION – PLANNING AND DEVELOPMENT SERVICES

I, (We) Christianne Klaudt (print name) Owner 1

Dr. Gary W. Klaudt (print name) Owner 2

being the owner(s) of: Lot: 4 Block: 2 Plan: 9411859

### Legal Description:

NW/NE/SE/SW ¼ Section NW 8 Township 23 Range 5 West of 5 Meridian  
give Wayne Van Dijk (Development officer, Rocky View County) (print name of Applicant) permission

to act on my (our) behalf for the following application at the above-noted property (**select one**):

- ☒ Development Permit
- ☐ Subdivision
- ☐ Redesignation
- ☐ Local Plan

Christianne Klaudt (digitally signed)

**Owner 1 Signature**

Dr. Gary W. Klaudt (digitally signed)

**Owner 2 Signature**

May 14, 2021

**Date Signed**

---

**FROM THE DESK OF DR. GARY & CHRISTIANNE KLAUDT**

[REDACTED]

[REDACTED]

May 14, 2021

Rocky View County  
Building and Planning Department  
Calgary, Alberta  
[development@rockyview.ca](mailto:development@rockyview.ca)

Dear Development and Planning Officials,

Thank you for reviewing this request for an application for Equestrian Centre on our property.

Attached are forms, as required. In our application of March, 2021, we requested a variance on bringing in a third horse, which application was approved, however, there is a notice of Notice of Hearing for appeal by a neighbour (03908057 PRDP20210935) set for May 27th at 2:30 pm. At the time of making the application for variance of animal units, I had also attached the required form for Equestrian Centre, which is a copy of what I have submitted again, now.

As stated in our original letter, on our acreage (4.89 acres) we currently have two horses that were approved by Rocky View County in 2014. We have a number of wee riders, many with special needs that come to see us simply to ride as we 'side-walk' and lead them on horse back. This activity has been outstanding during COVID for them and permitted by protocols that we strictly adhere to. The work that we have always done, and continue to do to keep our land free of any standing water or manure is to exceed expectations for horse ownership. Horses and the work involved to keep them is not difficult for us, it is a lifestyle we embrace.

At present, I have only one to two vehicles that come per day to bring a child who will take riding lessons. I would like to register our property properly as an Equestrian Centre, and pay the appropriate fees.

Thank you again for the time you have taken to read and review this request.

Christianne and Gary Klaudt.



ii

Summary		
Roll Number	03908057	
Legal Desc	NW-08-23-05-W05M	
Divison	01	
Lot Block Plan	Lot:4 Block:2 Plan:9411859	
Linc Number	26157355	
Title Number	131217898	
Parcel Area	4.89000	
Municipal Address	54161 TWP RD 232	
Contact Information	Klaudt, Gary & Christianne	00000000000000
		00000000000000
Land Use Information	R-RUR	

Plan



## Planning Applications Information

{There is no related Application}

### Area Structure Plan

Plan Name

Greater Bragg Creek

RV Number

### Conceptual Scheme

{There is no related Conceptual Scheme}

### Permit

#### Building Permit

Permit Number	Permit Type	Date Issued
2005-EP-5796	Electrical	Fri Nov 18, 2005
2005-GP-5169	Gas	Fri Nov 18, 2005
2004-BP-17495	Building	Wed Jun 23, 2004
2003-BP-16532	Building	Wed Jun 11, 2003
2001-BP-15159	Building	Mon Dec 10, 2001
2000-BP-14057	Building	Mon Aug 21, 2000
2000-EP-503	Electrical	Fri Aug 11, 2000
2000-GP-461	Gas	Fri Aug 11, 2000
1996-BP-10643	Building	Fri Sep 20, 1996

#### Development Permit Information

Permit Number	Date Issued
PRDP20175048	Wednesday, February 7, 2018
PRDP20145110	Wednesday, February 4, 2015
2013-DP-15613	Wednesday, November 27, 2013
2013-DP-15612	Wednesday, November 13, 2013
PRDP20210935	

### Alert

Department	Issued By	Date Issued	Date Closed	Status	Reference No.	Description	Severity
		Thursday, August 15, 2013		O		Stamp of Compliance requested on August 15, 2013 - RPR's returned non-compliant - Shed is encroaching into the front yard setback - Applicant stated that new homeowners are accepting the property as is	1

### Geospatial Boundary

#### Boundary

#### Category

Division

1

Area Structure Plan

Greater Bragg Creek

Conceptual Scheme	No Conceptual Scheme
IDP	No IDP
Airport Vicinity	No APVA
Engineer	
Water Coop	
Gas Coop Service	
No.of Lots Within 600 M	30
No.of App Subdiv Within 600 M	0
Developed Road Allowance	Yes
Riparian Area	Yes
School	No School Boundary
Recreation	Rocky View West
Fire District	REDWOOD
Primary Fire Station	120
Secondary Fire Station	101
Tertiary Fire Station	102

Geospatial Adjacency		
Boundary	Category	Distance
Closest Highway	No HWY within 800 M	
Closest Gravel Pit	Copithorne Pit	12890.52 M
Sour Gas	No Sour Gas Pipe passes	From closest sour pipe:12463.51 M
Closest Road Name	TWP RD 232( Surface Type:ChipSeal )	11.65 M
Closest Railway	CPR	22056.55 M
Closest Western Irrigation Districts	Within 10Km	
Closest Waste Water Treatment	Within 10Km	6483.46 M
Closest Waste Transfer Site	Within 3 Km	

Closest Municipality

KANANASKIS IMPROVEMENT DISTRIC

418.29 M

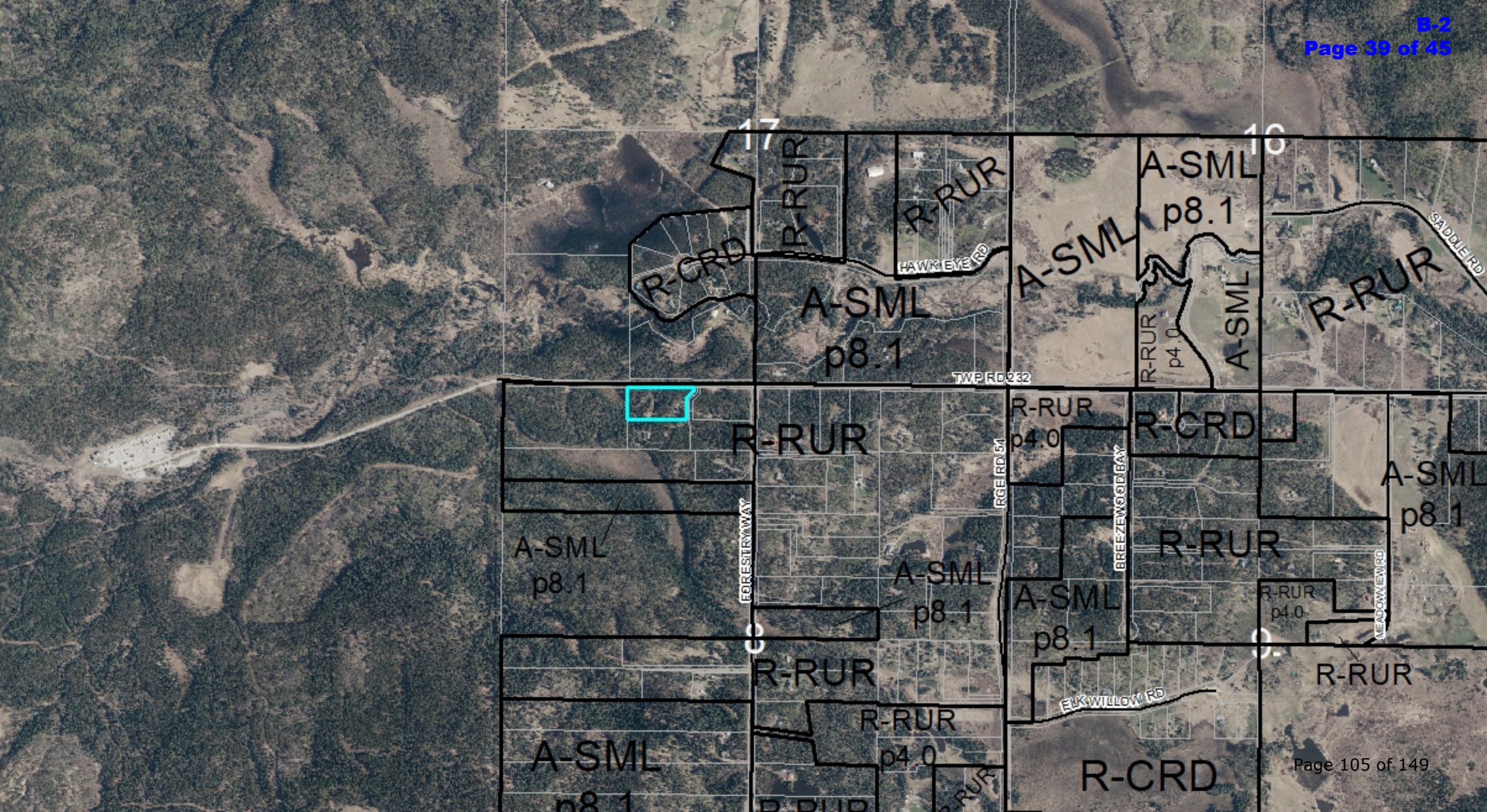
Closest Confined Feeding Operation

1995.85 M





























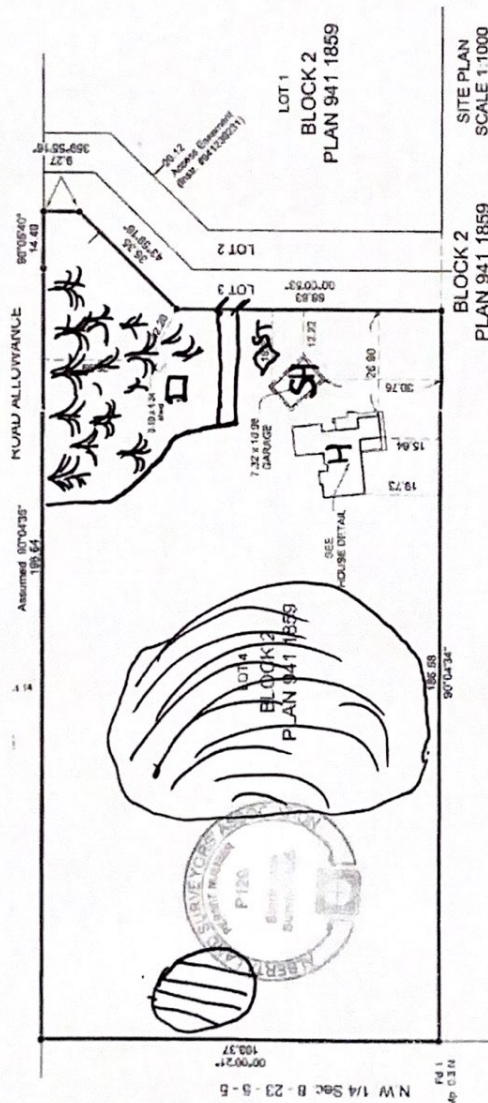


# SITE PLAN.

Nothing has changed since 2014, with exception of North Property fencing, and cross fencing at meadow and backyard.

N ↑

← Riding



- 60 ft. diameter Riding ring-outdoors, in trees (uphill from meadow)
- Meadow, (downhill from H (house) SH (shop) ST (storage shed))
- Treeed paddock for horses.
- Riding: We ride directly to GBC (Greater Bragg Creek Trails) from our property. The trails are approx. 1-8 km away. (we consistently ride at the trails.)

## PLANNING AND DEVELOPMENT SERVICES

<b>TO:</b>	Subdivision and Development Appeal Board	
<b>DATE:</b>	September 9, 2021	<b>DIVISION:</b> 9
<b>FILE:</b>	06708012	<b>APPLICATION:</b> PRDP20212083
<b>SUBJECT:</b>	Development Item: Home-Based Business (Type II) / Discretionary use, with no Variances	

**APPLICATION:** Home-Based Business (Type II), for a construction and outside storage business.

**GENERAL LOCATION:** Located approximately 0.80 kilometres (1/2 mile) south of Township Road 262 and on the west side of Glendale Road.

**LAND USE DESIGNATION:** Residential, Rural District (R-RUR) under Land Use Bylaw C-8000-2020

**EXECUTIVE SUMMARY:** The application was presented to the Municipal Planning Commission on July 28, 2021 and was conditionally approved.

The application is for a Home-Based Business, Type II, for a construction and outdoor storage company. This development permit application is the result of enforcement action. The business uses a laydown storage area, approximately 161.65 sq. m (1,740.00 sq. ft.) in footprint, to store materials, small equipment, and a trailer, which is screened by a 1.82 m (6.00 ft.) tall wooden fence. The business operates Monday to Saturday, 8:00 AM to 6:00 PM. There are four (4) employees, two (2) of which are non-resident. Approximately three to four business-related vehicle visits are anticipated per week. The application appears to comply with all Home-Based Business (Type II) requirements.

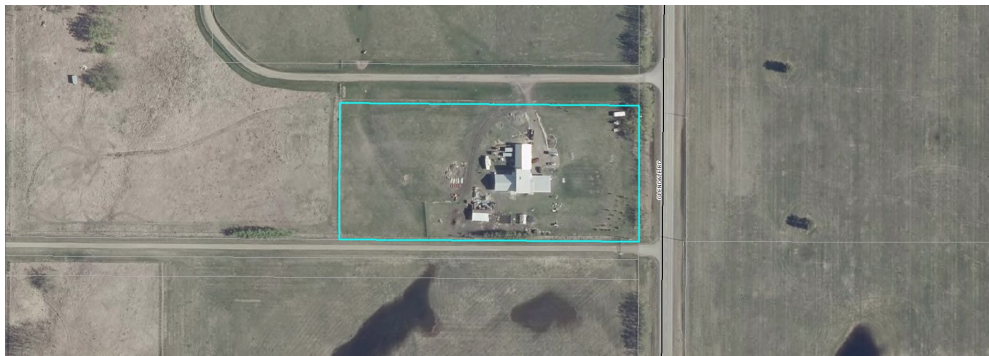
On August 3, 2021, the Notice of Decision was circulated to 11 adjacent landowners. The decision was appealed on August 19, 2021, by an affected party, and the reasons for the appeal are included in the Notice of Appeal.

**DECISION:** Conditionally-Approved

**DEVELOPMENT / SUBDIVISION AUTHORITY:** Municipal Planning Commission

<b>DECISION DATE:</b>	<b>APPEAL DATE:</b>	<b>ADVERTISED DATE:</b>
July 28, 2021	August 19, 2021	August 3, 2021

### AIR PHOTO & DEVELOPMENT CONTEXT:



### Administration Resources

Bronwyn Culham, Planning & Development Services



**APPLICATION EVALUATION:**

The application was evaluated based on the information and site plan submitted with the application and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act;</i></li> <li>• Bears paw Area Structure Plan; and</li> <li>• Land Use Bylaw (LUB).</li> </ul>	<b>DISCRETIONARY USE:</b> <ul style="list-style-type: none"> <li>• A Home-Based Business, Type II is a discretionary use in the Residential, Rural (R-RUR) district.</li> </ul>
	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>• Municipal Planning Commission</li> </ul>

**APPEAL:**

See attached report and exhibits.

Respectfully submitted,

“Heather McInnes”

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Supervisor Development & Compliance

BC/llt



## APPLICATION INFORMATION

<b>APPLICANT:</b> Matt Machula (ML Holdings Ltd.)	<b>OWNER:</b> TD Canada Trust Machula, Mateusz R. & Lisa J.
<b>DATE APPLICATION RECEIVED:</b> May 10, 2021	<b>DATE DEEMED COMPLETE:</b> June 11, 2021
<b>DEVELOPMENT AUTHORITY DECISION DATE:</b> July 28, 2021	
<b>APPELLANT:</b> Jeff & Sharon Foster	
<b>GROSS AREA:</b> ± 1.61 hectares (± 4.00 acres)	<b>LEGAL DESCRIPTION:</b> Lot 3 Block 1 Plan 0815496, NE-08-26-03-05; (261141 GLENDALE ROAD)
<b>APPEAL BOARD:</b> Subdivision & Development Appeal Board	
<b>HISTORY:</b> <p><b>Feb 08, 2016:</b> Building Permit (PRBD20160400) As Built Wood Burning Fireplace – PSR – in Compliance</p> <p><b>Dec 11, 2015:</b> Building Permit (PRBD20154944) Seacan Accessory building – PSR – in Compliance</p> <p><b>Apr 15, 2010:</b> Building Permit (2010-BP-22882) Single Family Dwelling – PSR – Not in Compliance</p> <ul style="list-style-type: none"> <li>• There are no related planning applications</li> <li>• There are no related development permit applications</li> </ul>	
<b>AGENCY SUBMISSIONS:</b> <p>The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	

## PLANNING AND DEVELOPMENT SERVICES

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**TO:** Municipal Planning Commission  
**DATE:** July 28, 2021 **DIVISION:** 9  
**FILE:** 06708012 **APPLICATION:** PRDP20212083  
**SUBJECT:** Home-Based Business (Type II) / Discretionary use, with no Variances

---

**APPLICATION:** Home-Based Business (Type II), for a construction and outside storage business

**GENERAL LOCATION:** Located approximately 0.80 km (1/2 mile) south of Township Road 262 and on the west side of Glendale Road.

**LAND USE DESIGNATION:** Residential, Rural District (R-RUR)

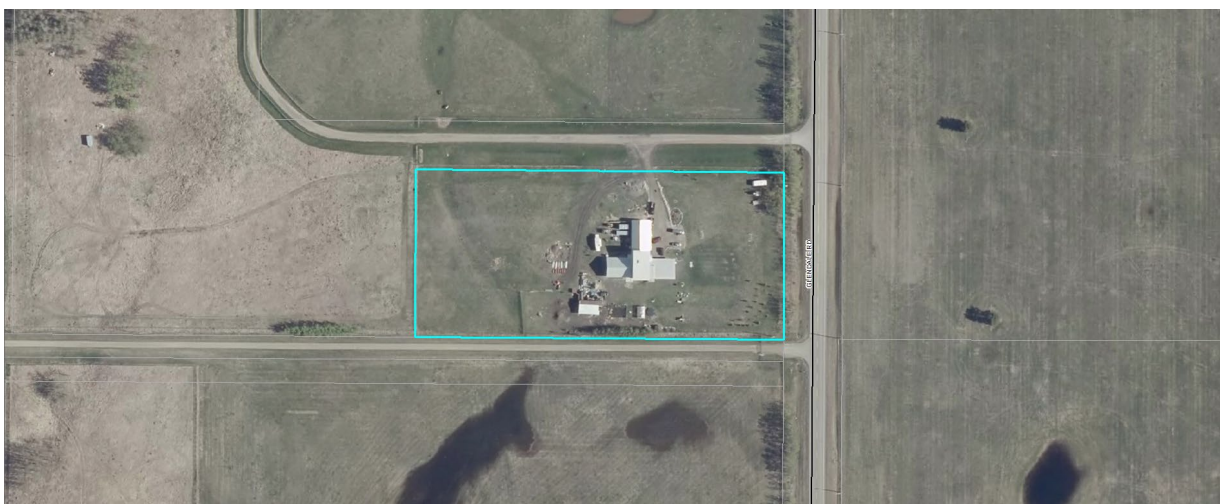
**EXECUTIVE SUMMARY:** The application is for a Home-Based Business, Type II, for a construction and outdoor storage company. This development permit application is the result of enforcement action. The business uses a laydown storage area, approximately 161.65 sq. m (1,740.00 sq. ft.) in footprint, to store materials, small equipment, and a trailer, which is completely screened by a 1.82 m (6.00 ft.) tall wooden fence. The business operates Monday to Saturday, 8:00 AM to 6:00 PM. There are four (4) employees, two (2) of which are non-resident. Approximately three to four business-related vehicle visits are anticipated per week. The application appears to comply with all Home-Based Business (Type II) requirements.

**ADMINISTRATION RECOMMENDATION:** Administration recommends Approval in accordance with Option #1.

### OPTIONS:

- Option #1: THAT Development Permit Application PRDP20212083 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20212083 be refused.

### AIR PHOTO & DEVELOPMENT CONTEXT:




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**Administration Resources**  
Bronwyn Culham, Planning and Development Services



**APPLICATION EVALUATION:**

The application was evaluated based on the information and site plan provided and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act</i>;</li> <li>• Bears paw Area Structure Plan; and</li> <li>• Land Use Bylaw (LUB).</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• None provided</li> </ul>
<b>PERMITTED USE:</b> <ul style="list-style-type: none"> <li>• A Home-Based Business, Type II is a discretionary use in the Residential, Rural (R-RUR) district.</li> </ul>	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>• Municipal Planning Commission</li> </ul>

Additional Review Considerations

The application was assessed in accordance with Sections 145 to 147 and Sections 315 to 323 of the LUB.

The site is developed with a dwelling, single-detached and several existing accessory buildings including sea can containers, a greenhouse, and a lean-to structure located on the property. The dwelling and accessory buildings appear to be non-compliant with the LUB, as multiple buildings are encroaching into the rear and side yard setbacks. A separate Development Permit will be required to bring the property into compliance.

**CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

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Acting Executive Director  
Community Development Services

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Acting Chief Administrative Officer

BC/llt

**ATTACHMENTS:**

ATTACHMENT ‘A’: Development Permit Conditions

ATTACHMENT ‘B’: Maps and Other Information

**ATTACHMENT 'A': DEVELOPMENT PERMIT CONDITIONS****Description:**

- 1) That a Home-Based Business, Type II, for a construction and outdoor storage business, may operate on the subject parcel in accordance with the approved Site Plan, application, and conditions of this permit.

**Prior to Release:**

- 2) That prior to release of this permit, that the Applicant/Owner shall install the proposed outside storage area screening in accordance with the approved site plan.
  - i) Once the screening for the outside storage area is installed, a site inspection shall be completed by the County, to confirm that the outdoor storage area is screened in accordance with the approved site plan, to the satisfaction of the County.

**Permanent:**

- 3) That an employee in this Home-Based Business is a person who attends on the property more than once in a seven (7) day period for business purposes.
- 4) That the operation of this Home-Based Business may generate up to a maximum of four (4) business-related visits per day.
- 5) That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.
- 6) That the Home-Based Business shall not change the residential character and external appearance of the land and buildings.
- 7) That the operation of this Home-Based Business shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.
- 8) That the Home-Based Business shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of the adjacent residential dwellings shall be preserved and the Home-Based Business use shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
- 9) That the Home-Based Business shall be limited to the dwelling, accessory building, and outside storage area.
- 10) That all outside storage that is a part of the Home-Based Business, Type II shall be completely screened from adjacent lands, shall meet the minimum setback requirements for buildings, and **shall not exceed 1,740.00 sq. ft. (161.65 sq. m)**
- 11) That all vehicles, trailers, or equipment that are used in the Home-Based Business shall be kept within a building or the storage area in accordance with the approved Site Plan.
- 12) That there shall be no signage, exterior display, or advertisement of goods or services discernible from the outside of the building.
- 13) That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
- 14) That if this Development Permit is not issued by **February 28, 2022**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.
- 15) That this Development Permit, once issued, shall be valid until **August 25, 2022**.

**Advisory:**

- 16) That the applicant/owner shall ensure that post-development drainage does not exceed pre-development drainage and there are no stormwater implications to neighboring property due to proposed development.





- 17) That the applicant/owner shall implement appropriate ESC measures during the construction of the proposed development in accordance with County's servicing standards.
- 18) That any buildings that are encroaching into the minimum setback requirements and are non-compliant with the County's Land Use Bylaw shall require a Development permit, to bring the property into compliance.
- 19) That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 20) That the County's Noise Bylaw C-8067-2020 shall be adhered to at all times.
- 21) That a Building Permit and sub-trade permits shall be obtained through Building Services, for the proposed or change of use permit for the existing accessory buildings, used for business operations prior to any construction or business activity taking place (if required).

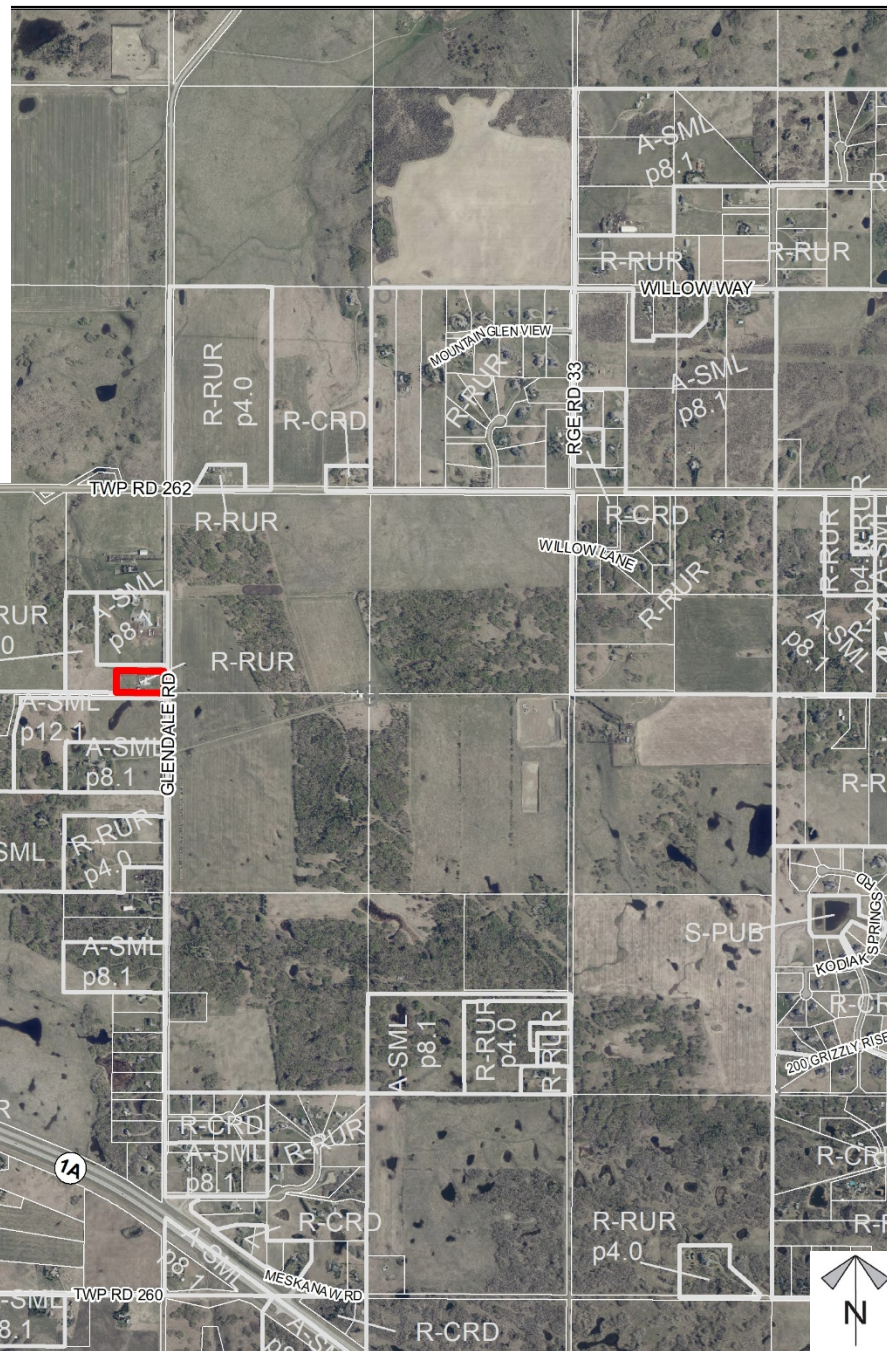
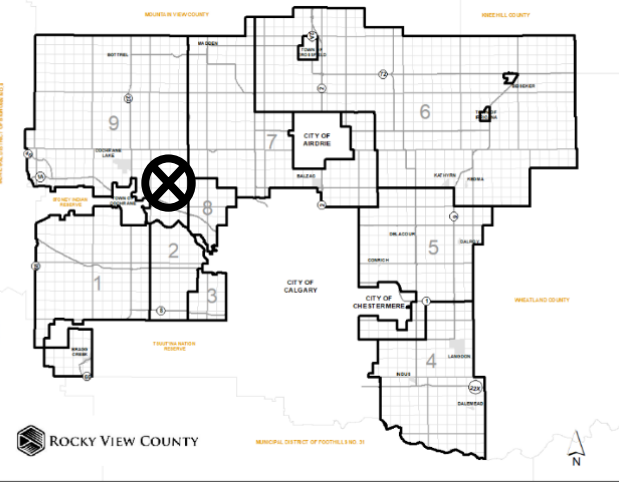
**ATTACHMENT 'B': MAPS AND OTHER INFORMATION**

<b>APPLICANT:</b> Matt Machula (ML Holdings Ltd.)	<b>OWNER:</b> TD Canada TrustMachula, Mateusz R. & Lisa J.
<b>DATE APPLICATION RECEIVED:</b> May 10, 2021	<b>DATE DEEMED COMPLETE:</b> June 11, 2021
<b>GROSS AREA:</b> ± 1.61 hectares (± 4.00 acres)	<b>LEGAL DESCRIPTION:</b> Lot 3 Block 1 Plan 0815496, NE-08-26-03-05; (261141 GLENDALE ROAD)
<b>APPEAL BOARD:</b> Subdivision and Development Appeal Board	
<b>HISTORY:</b> <p><i><b>Feb 08, 2016:</b></i> Building Permit (PRBD20160400) As Built Wood Burning Fireplace – PSR – in Compliance</p> <p><i><b>Dec 11, 2015:</b></i> Building Permit (PRBD20154944) Seacan Accessory building – PSR – in Compliance</p> <p><i><b>Apr 15, 2010:</b></i> Building Permit (2010-BP-22882) Single Family Dwelling – PSR – Not in Compliance</p> <ul style="list-style-type: none"> <li>• There are no related planning applications</li> <li>• There are no related development permit applications</li> </ul>	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	

## Location & Context

### Development Proposal

Home-Based Business  
 (Type II), for a  
 construction and outside  
 storage business



Division: 9  
 Roll: 06708012  
 File: PRDP20212083  
 Printed: June 21, 2021  
 Legal: Lot:3 Block:1  
 Page 11 of 14  
 26-03-W05M



## Location & Context

### Development Proposal

Home-Based Business  
(Type II), for a  
construction and outside  
storage business

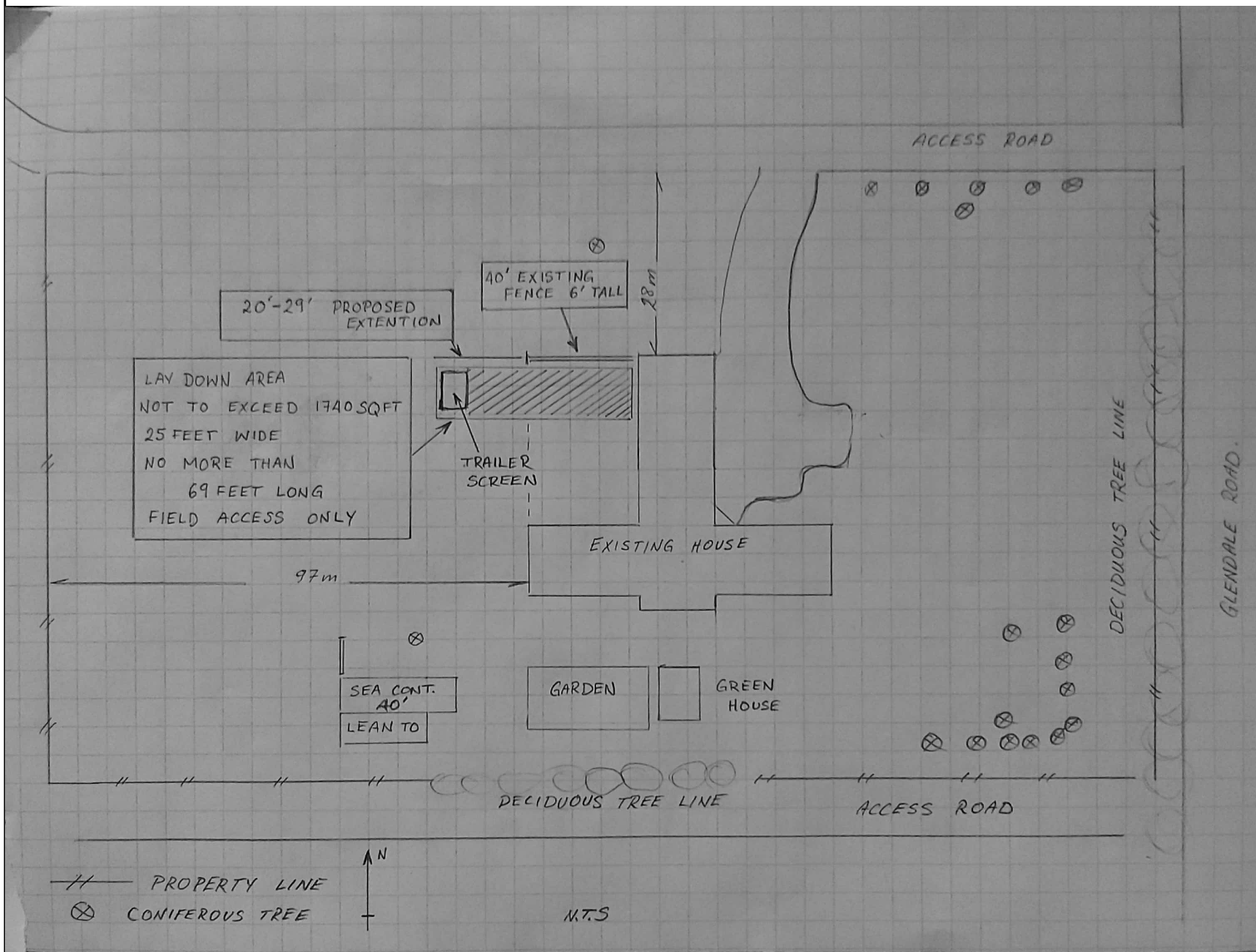


Division: 9  
Roll: 06708012  
File: PRDP20212083  
Printed: June 21, 2021  
Legal: Lot:3 Block:1  
Page 11 of 38  
Rocky View County  
26-03-W05M

## Site Plan

### Development Proposal

Home-Based Business  
 (Type II), for a  
 construction and outside  
 storage business







# Notice of Appeal

Subdivision and Development Appeal Board  
Enforcement Appeal Committee

<b>Appellant Information</b>			
Name of Appellant(s) GARY BROOKS & LEANNE BINETRY			
Mailing Address 11 Glen Mara Dr	Municipality Rocky View Cty.	Province AB	Postal Code T4C 2Z2
Main Phone #	Alternate Phone #	Email Address	
<b>Site Information</b>			
Municipal Address 261141 Glendale Road		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Lot 3, Block 1, Plan 0815496, NE-08-26-03-05	
Property Roll # 06708012	Development Permit, Subdivision Application, or Enforcement Order # PRDP20212083		

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

<b>Reasons for Appeal (attach separate page if required)</b>  <p>The decision by Rocky View County is to provide the above noted site the ability to have outdoor storage.</p> <p>We purchased our property, 261143 Glendale in January 2020 and we hold the restrictive covenant on the property. We understand the owners, Matt MacLuska do not respect the current conditions of h.s property</p> <p>- House is unfinished, and not in agreement with restricted covenant, yard is not in accordance either.</p>
---

This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) 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, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

  
Appellant's Signature

Aug 15, 2021  
Date



## Notice of Appeal

Subdivision and Development Appeal Board  
Enforcement Appeal Committee

### Submitting an Appeal

#### Appeals must be submitted on time and with the required fee

Sections 547, 645, 678, and 686 of the *Municipal Government Act*, RSA 2000, c M-26, and Rocky View County's *Master Rates Bylaw* require that your Notice of Appeal be submitted to the Subdivision and Development Appeal Board (SDAB) or Enforcement Appeal Committee (EAC) within the legislated timeframe and with the required fee. Fees are as follows:

Subdivision and Development Appeal Board	Fee
Development Authority decision – appeal by the owner of the subject property	\$350.00
Development Authority decision – appeal by an affected party	\$250.00
Development Authority decision – appeal of a Stop Order issued under section 645 of the <i>Municipal Government Act</i>	\$500.00
Subdivision Authority decision (paid at time of application and used as a credit on endorsement fees except where the owner appeals the subdivision)	\$1,000.00
Enforcement Appeal Committee	
Compliance Order - appeal as per section 545 or 546 of the <i>Municipal Government Act</i>	\$500.00

#### How to submit your appeal and pay your fee

You can submit your Notice of Appeal by mail or deliver it in person. Arrangements can also be made to e-mail your Notice of Appeal and pay over the phone. If you e-mail your appeal to the SDAB clerk, you must call the SDAB clerk for verbal confirmation of receipt. Regardless of how you submit your Notice of Appeal, it must be received on or before the final appeal deadline.

#### Mail or deliver to:

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

Please make cheques payable to "Rocky View County".

#### What happens after my appeal is submitted?

Once your Notice of Appeal is submitted on time and with the required fee, the appeal will be heard by the SDAB or EAC within 30 days. The Clerk of the SDAB will be in touch with you about the appeal hearing. You and the landowners who are adjacent to the property in question will receive a written Notice of Hearing.

#### More information

For more information about filing an appeal or SDAB/EAC procedures, please contact the SDAB Clerk at:

Phone: 403-230-1401

Email: [sdab@rockyview.ca](mailto:sdab@rockyview.ca)

Website: [www.rockyview.ca](http://www.rockyview.ca)





ROCKY VIEW COUNTY

# DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY

APPLICATION NO.	PRDP20212083
ROLL NO.	06708012
RENEWAL OF	
FEES PAID	585.00
DATE OF RECEIPT	May 10, 2021

**APPLICANT/OWNER**

Applicant Name: MATT MACHULA Email: matt@cambi contracting.com  
 Business/Organization Name (if applicable): ML HOLDINGS Ltd.  
 Mailing Address: 261141 GLENDALE Rd Postal Code: T4C 2Y8  
 Telephone (Primary): 403-899-2295 Alternative: 403-899-2285

Landowner Name(s) per title (if not the Applicant):

Business/Organization Name (if applicable):

Mailing Address: Postal Code:

Telephone (Primary): Email:

**LEGAL LAND DESCRIPTION - Subject site**

All/part of: NE 1/4 Section: 08 Township: 26 Range: 03 West of: 5 Meridian Division:  
 All parts of Lot(s)/Unit(s): 3 Block: 1 Plan: 0815496 Parcel Size (ac/ha): 4 ac  
 Municipal Address: 261141 GLENDALE Rd. Land Use District:

**APPLICATION FOR - List use and scope of work**

Lay down storage area for materials and trailer  
One enclosed trailer to be used as screen (west side)

Variance Rationale included: ☐ YES ☒ NO ☐ N/ADP Checklist Included: ☐ YES ☒ NO**SITE INFORMATION**

- a. Oil or gas wells present on or within 100 metres of the subject property(s) ☐ YES ☒ NO  
 b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant) ☐ YES ☒ NO  
 c. Abandoned oil or gas well or pipeline present on the property ☐ YES ☒ NO  
 (Well Map Viewer: <https://extmapviewer.aer.ca/AERAbandonedWells/Index.html>)  
 d. Subject site has direct access to a developed Municipal Road (accessible public roadway) ☐ YES ☒ NO

**AUTHORIZATION**I, MATT MACHULA (Full name in Block Capitals), hereby certify (initial below):MM That I am the registered owner OR \_\_\_\_\_ That I am authorized to act on the owner's behalf.MM That the information given on this form and related documents, is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

\_\_\_\_ That I provide consent to the public release and disclosure of all information, including supporting documentation, submitted/contained within this application as part of the review process. I acknowledge that the information is collected in accordance with s.33(c) of the Freedom of Information and Protection of Privacy Act.

\_\_\_\_ **Right of Entry:** I authorize/acknowledge that Rocky View County may enter the above parcel(s) of land for purposes of investigation and enforcement related to this application in accordance with Section 542 of the Municipal Government Act.Applicant Signature Matt MachulaLandowner Signature Matt MachulaDate May 10, 2021Date May 10, 2021





ROCKY VIEW COUNTY

# HOME-BASED BUSINESS (TYPE II) BED AND BREAKFAST INFORMATION SHEET

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20212083
ROLL NO.	06708012
DISTRICT	R-RUR

DETAILS		USE TYPE/LOCATION
Business-related area within:		<input checked="" type="checkbox"/> Home-Based Business (Type II)
Principal dwelling	(m <sup>2</sup> /ft. <sup>2</sup> )	<input type="checkbox"/> * Bed and Breakfast
Accessory building	(m <sup>2</sup> /ft. <sup>2</sup> )	Located within:
Outdoors (for storage)	1740 (m <sup>2</sup> /ft. <sup>2</sup> )	<input checked="" type="checkbox"/> Existing Building OR <input type="checkbox"/> New Building
<b>NOTE: If a new accessory building is proposed for Home-Based Business (Type II), submit the Accessory Building(s) - Information Sheet and related documents in addition to this form.</b>		
<b>BUSINESS OPERATIONS</b>		
Business name: <u>ML HOLDINGS Ltd.</u>		
Describe nature of business: <u>Construction</u>		
Any outdoor area on site being used for business purposes (other than storage/parking)? If yes, describe purpose:		
<u>STORAGE</u> NO		
Days of operation: <u>Mon - Sat</u>		Hours of operation: <u>800-1800</u>
Total number of employees (including residents/applicant):		Part-time: <u>1</u> Full-time: <u>3</u>
Number of non-resident employees:		Part-time: <u>1</u> Full-time: <u>1</u>
Number of business-related vehicle visits per day: <u>0.5 - 0.67</u>		Per week: <u>3 - 4</u>
Location of business-related vehicle parking on site: _____		
Total number and type of vehicles used for business on site (Home-Based Business, Type II only):		
<u>Non-commercial vehicles only</u>		
<b>SCREENING AND SIGNAGE</b>		
Type of screening provided for outdoor storage area (Home-Based Business, Type II only):		
<input type="checkbox"/> Landscaping (specify vegetation): _____		
<input checked="" type="checkbox"/> Fencing (specify material and height): <u>WOOD 6 Foot Tall</u>		
<input checked="" type="checkbox"/> Other (specify material and height): <u>ENCLOSED TRAILER METAL 9 Foot Tall</u>		
Business signage proposed on site? <input type="checkbox"/> YES - attach Signage - Information Sheet and documents <input checked="" type="checkbox"/> NO		
<b>ADDITIONAL SITE PLAN REQUIREMENTS</b>		
<input type="checkbox"/> Location of parking area		
<input checked="" type="checkbox"/> Location and dimensions of proposed outdoor storage area(s)		
<input checked="" type="checkbox"/> Location and type of existing/proposed screening (landscaping, fence etc.), specifically for outdoor storage		
<input type="checkbox"/> Location of any proposed signage		
* Bed and Breakfast shall not be permitted in a principal dwelling which has an existing Home-Based Business (Type I) or Home Based Business (Type II) uses. Land Use Bylaw, C-8000-2020		

Applicant Signature

Date

May 10, 2021

Home-Based Business (Type II)/Bed and Breakfast - Information Sheet

Page 1 of 1



### DEVELOPMENT PERMIT APPLICATION CHECKLIST - GENERAL

All plans shall be submitted as one (1) legible hard copy and in DIGITAL form (pdfs)

Select [✓] all that are included within application package. Incomplete applications may not be accepted for processing

- ☒ **APPLICATION FORM(S) AND CHECKLIST:** All parts completed and signed.
- ☐ **APPLICATION FEE:** Refer to Planning and Development Fee Schedule within the [Master Rates Bylaw](#).
- ☐ **CURRENT LAND TITLES CERTIFICATE COPY - dated within 30 days of application, and:**
  - ☐ Digital copy of non-financial instruments/caveats registered on title
- ☐ **LETTER OF AUTHORIZATION:** Signed by the registered landowner(s) authorizing person acting on behalf (if not the Applicant). If registered owner on title is a company, authorization to be provided on a company letterhead or as an affidavit (signed by a Commissioner of Oaths).
- ☐ **COVER LETTER, shall include:**
  - ☐ Proposed land use(s) and scope of work on the subject property
  - ☐ Detailed rationale for any variances requested
  - ☐ For businesses - Complete operational details including days/hours of work, number of employees, parking provisions, types of vehicles, outdoor storage areas, site access/approach, traffic management, etc.
  - ☐ Reference to any *Supporting Documents*, images, studies, plans etc. provided within application package
- ☒ **SITE PLAN, shall include:**
  - ☐ Legal description and municipal address
  - ☐ North arrow
  - ☐ Property dimensions (all sides)
  - ☐ Setbacks/dimensions from all sides of the property line(s) to existing/proposed buildings, structures (cantilevers, decks, and porches), outdoor storage areas etc.
  - ☐ Dimensions of all buildings/structures
  - ☐ Location and labels for existing/proposed approach(s)/access to property
  - ☐ Identify names of adjacent internal/municipal roads and highways
  - ☐ Identify any existing/abandoned/proposed oil wells, septic fields/tanks, or water wells on site, including their distances to existing/proposed buildings
  - ☐ Identify any existing/proposed site features such as trees, shelterbelts, canals, waterbodies, etc.
  - ☐ Identify site slopes greater than 15% and distances from structures
  - ☐ Location and labels for easements and/or rights-of-way on title
- ☐ **FLOOR PLANS/ELEVATIONS, shall include:**
  - ☐ Overall dimensions on floor plans for all buildings/structures (for new construction, additions, renovations etc.)
  - ☐ Indicate floor area and existing/proposed uses on floor plans and height(s) on elevations
  - ☐ Indicate type of building/structure on floor plans and elevations
- ☒ **COLOUR PHOTOGRAPHS (Min. 3) - one hard and digital copy:** Of existing site, building(s), structure(s), signage, site features, taken from all sides including surrounding context, and when existing floor plans/elevations are not available
- ☐ **SUPPORTING DOCUMENTS (as applicable):** Include technical studies/reports and any additional plans relating to the proposed development (lot grading, site lighting, storm water management plans etc.). Refer to the Land Use Bylaw for use or district specific requirements.

#### FOR OFFICE USE ONLY

Proposed Use(s): **Home-Based Business (Type 2)**

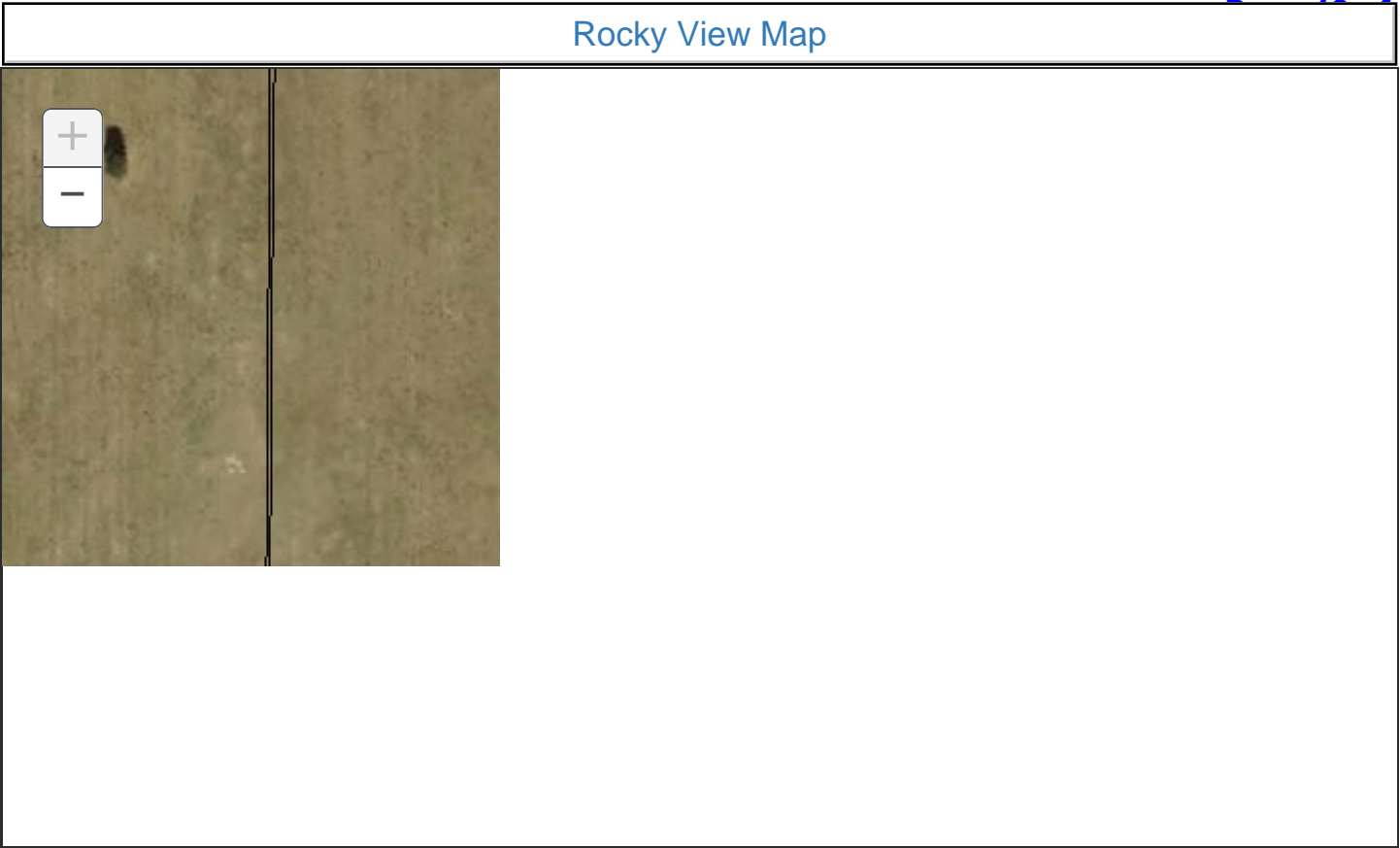
Land Use District: **R-RUR**

Applicable ASP/CS/IDP/MSDP: **Bearspaw ASP**

Included within file: ☒ Information Sheet   ☒ Parcel Summary   ☒ Site Aerial   ☒ Land Use Map Aerial   ☒ Site Plan

**NOTES:**

**Staff Signature:** Steven Lam



ii

Summary

Roll Number	06708012	
Legal Desc	NE-08-26-03-W05M	
Divison	09	
Lot Block Plan	Lot:3 Block:1 Plan:0815496	
Linc Number	33642521	
Title Number	091158397	
Parcel Area	4.00000	
Municipal Address	261141 GLENDALE ROAD	
Contact Information	Machula, Mateusz R. & Lisa J. [Redacted]	[Redacted]
Land Use Information	R-RUR	

Plan



## Planning Applications Information

{There is no related Application}

### Area Structure Plan

Plan Name

Bearspaw

RV Number

### Conceptual Scheme

{There is no related Conceptual Scheme}

## Permit

### Building Permit

Permit Number	Permit Type	Date Issued
PRBD20160400	Building	Mon Feb 08, 2016
PRBD20154944	Building	Fri Dec 11, 2015
2010-PS-2825	Private Sewage	Mon Aug 22, 2011
2010-BP-22882	Building	Thu Apr 15, 2010
2010-EP-10249	Electrical	Thu Apr 15, 2010
2010-GP-10307	Gas	Thu Apr 15, 2010
2010-PL-6334	Plumbing	Thu Apr 15, 2010
2010-EP-10343	Electrical	Tue Mar 09, 2010

### Development Permit Information

{There is no related Development Permits}

## Alert

Department	Issued By	Date Issued	Date Closed	Status	Reference No.	Description	Severity
		Sunday, November 22, 2015	Wednesday, December 16, 2015	C		EF-2255 Contravention: Accessory Building	2

## Geospatial Boundary

### Boundary

### Category

Division

9

Area Structure Plan

Bearspaw

Conceptual Scheme

No Conceptual Scheme

IDP

No IDP

Airport Vicinity

No APVA

Engineer

Water Coop

Gas Coop Service

No.of Lots Within 600 M 7

No.of App Subdiv Within 600 M 0

Developed Road Allowance Yes

Riparian Area Yes

School No School Boundary

Recreation Ranch Lands

Fire District BEARSPAW

Primary Fire Station 103

Secondary Fire Station 151

Tertiary Fire Station 102

## Geospatial Adjacency

Boundary	Category	Distance
Closest Highway	No HWY within 800 M	
Closest Gravel Pit	Glendale Pit	4288.51 M
Sour Gas	No Sour Gas Pipe passes	From closest sour pipe:15551.42 M
Closest Road Name	GLENDAL RD( Surface Type:Paved )	14.88 M
Closest Railway	CPR	4856.59 M
Closest Western Irrigation Districts	Within 10Km	
Closest Waste Water Treatment	Within 10Km	7394.54 M
Closest Waste Transfer Site	Within 3 Km	
Closest Municipality	TOWN OF COCHRANE	3139.82 M
Closest Confined Feeding		3627.09 M

To whom it may concern:

I the undersigned am a construction professional. I intend to use the 1% of the area of my home acreage (approximately 1700 square feet) to help in the functioning of the business. This area would be used for storage of materials and small equipment, such as stucco wire, scaffolds and trailer. The business is operated primarily by me and there are very infrequent visits from employees. Employees may not visit this location for several week or even a month at a time; so it would most commonly be accessed by me.

The North end of the proposed storage area is already concealed by 6-foot fence 30 feet long. The East side it is concealed by the home garage. On the West a cargo trailer is used to reduce view of the storage area and on the South side, section of the house as well as our garden shed reduce the direct view of this area. With time and when required, the North fence will be extended another 20 to 30 feet to take full advantage of the area allotted as indicated on the drawing provided in the application.

No chemicals, toxic or dangerous materials will be stored in this area.

Access to this area would be over the native grass field on the West side of the house.





LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0033 642 521           0815496;1;3           091 158 397

LEGAL DESCRIPTION  
PLAN 0815496  
BLOCK 1  
LOT 3  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 1.619 HECTARES (4 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 5;3;26;8;NE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 081 454 832

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
091 158 397	08/06/2009	TRANSFER OF LAND	\$394,000	\$394,000

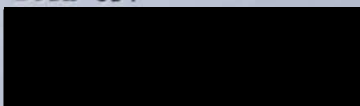
OWNERS

MATEUSZ R MACHULA

AND

LISA J MACHULA

BOTH OF:



AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
4902LH	05/06/1972	CAVEAT CAVEATOR - THE CALGARY REGIONAL PLANNING COMMISSION.

( CONTINUED )

## REGISTRATION

PAGE 2

# 091 158 397

NUMBER DATE (D/M/Y)

PARTICULARS

## DEFERRED RESERVE CAVEAT

741 078 138 14/08/1974 UTILITY RIGHT OF WAY  
GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY  
LIMITED.

761 141 577 17/11/1976 ZONING REGULATIONS  
SUBJECT TO SPRINGBANK AIRPORT ZONING REGULATIONS

081 454 836 08/12/2008 UTILITY RIGHT OF WAY  
GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO.  
44.  
AS TO PORTION OR PLAN:0815498

091 158 396 08/06/2009 RESTRICTIVE COVENANT

121 053 670 05/03/2012 MORTGAGE  
MORTGAGEE - THE TORONTO DOMINION BANK.  
500 EDMONTON CITY CENTRE EAST  
10205- 101ST STREET, 5TH FLOOR  
EDMONTON  
ALBERTA T5J5E8  
ORIGINAL PRINCIPAL AMOUNT: \$792,117

TOTAL INSTRUMENTS: 006

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 18 DAY OF MAY,  
2021 AT 10:18 A.M.

ORDER NUMBER: 41697535

CUSTOMER FILE NUMBER: walkin



\*END OF CERTIFICATE\*

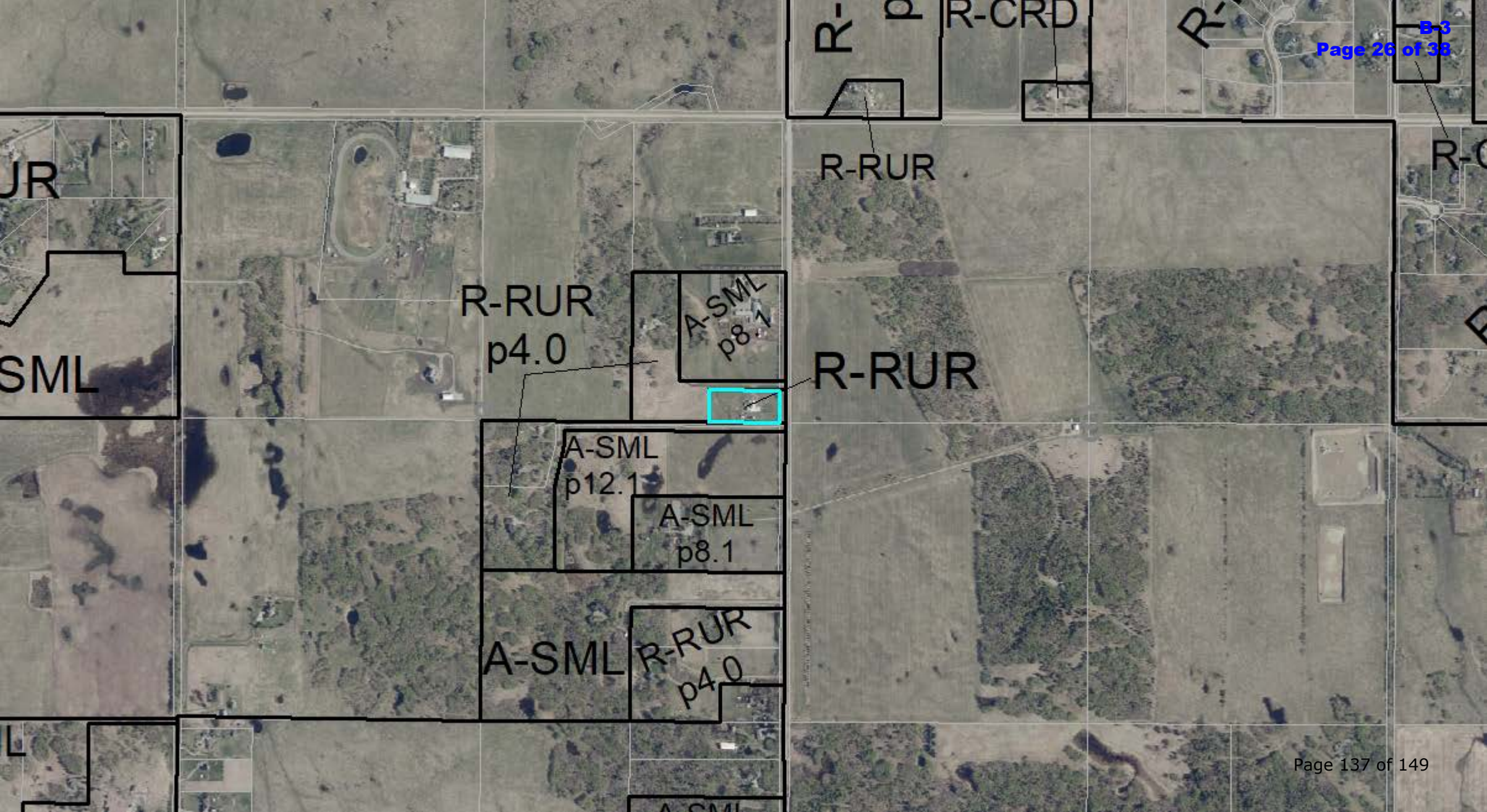
THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED  
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,  
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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).























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High Efficiency Building Systems

info@cambiocontracting.com  
www.cambiocontracting.com  
403.899.2295

**ADDRESS**  
Plan 0815496  
Block 1 Lot 3  
NE 1/4 Sec 08 Twp 26 Rng 03 W5M  
Glendale Road, MD Rockyview

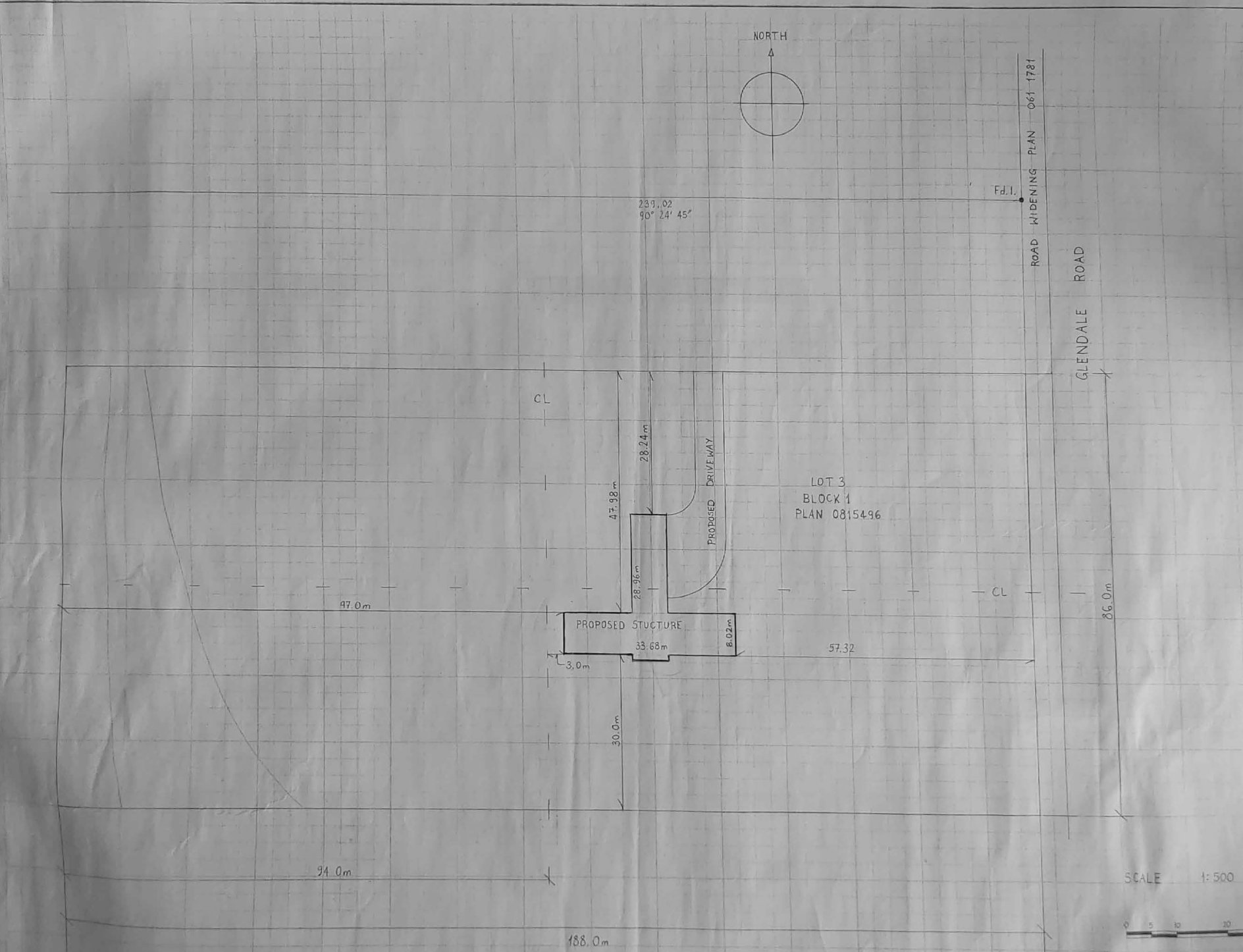
**Project Information**  
Name Machula Residence  
Location Section NE8  
Township 26  
Range 03  
W5M  
Glendale Road, MD Rockyview

**NOTES**

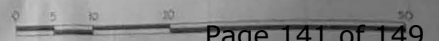
This drawing is the property of Cambio Contracting and any reproduction is prohibited without prior written approval from the designer.

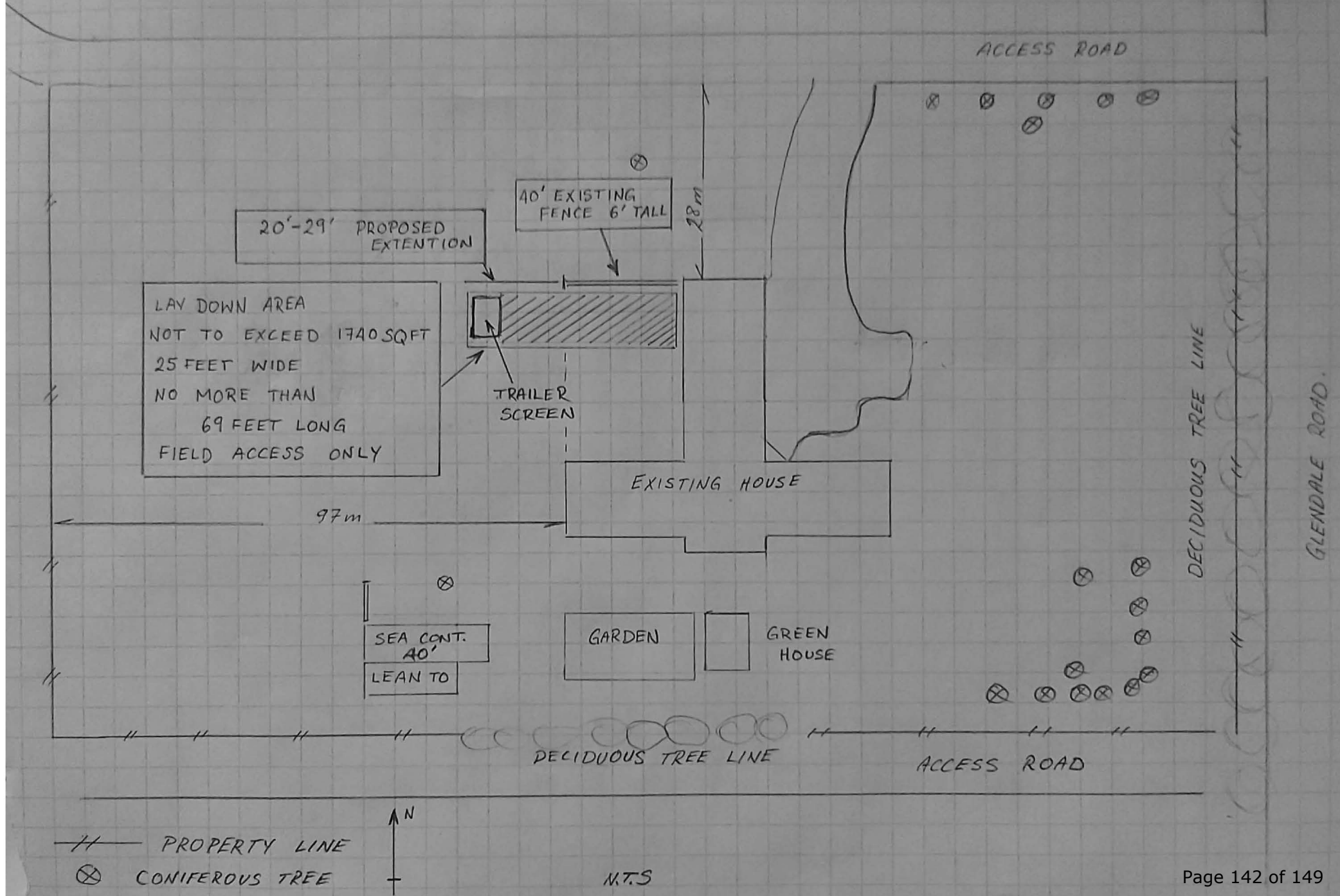
In addition to the content of this documentation, the Contractor and subtrades must comply with valid A.B.C. manufacturers specifications to apply materials, safety codes, good construction practices etc. to ensure the safety and quality of the constructed building.

This drawing must not be scaled



SCALE 1:500









## Decision of the Municipal Planning Commission

This is not a development permit

Matt Machula

**Development file #:** PRDP20212083  
**Issue Date:** July 29, 2021  
**Roll #:** 06708012  
**Legal description:** NE-08-26-03-W05M

The Municipal Planning Commission conditionally approves the following:

### Description:

- 1) That a Home-Based Business, Type II, for a construction and outdoor storage business, may operate on the subject parcel in accordance with the approved Site Plan, application, and conditions of this permit.

### Prior to Release:

- 2) That prior to release of this permit, that the Applicant/Owner shall install the proposed outside storage area screening in accordance with the approved site plan.
  - i) Once the screening for the outside storage area is installed, a site inspection shall be completed by the County, to confirm that the outdoor storage area is screened in accordance with the approved site plan, to the satisfaction of the County.

### Permanent:

- 3) That an employee in this Home-Based Business is a person who attends on the property more than once in a seven (7) day period for business purposes.
- 4) That the operation of this Home-Based Business may generate up to a maximum of four (4) business-related visits per day.
- 5) That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.
- 6) That the Home-Based Business shall not change the residential character and external appearance of the land and buildings.
- 7) That the operation of this Home-Based Business shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.

This is not a development permit

- 8) That the Home-Based Business shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of the adjacent residential dwellings shall be preserved and the Home-Based Business use shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
- 9) That the Home-Based Business shall be limited to the dwelling, accessory building, and outside storage area.
- 10) That all outside storage that is a part of the Home-Based Business, Type II shall be completely screened from adjacent lands, shall meet the minimum setback requirements for buildings, and **shall not exceed 1,740.00 sq. ft. (161.65 sq. m)**
- 11) That all vehicles, trailers, or equipment that are used in the Home-Based Business shall be kept within a building or the storage area in accordance with the approved Site Plan.
- 12) That there shall be no signage, exterior display, or advertisement of goods or services discernible from the outside of the building.
- 13) That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
- 14) That if this Development Permit is not issued by **February 28, 2022**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.
- 15) That this Development Permit, once issued, shall be valid until **August 25, 2022**.

**Advisory:**

- 16) That the applicant/owner shall ensure that post-development drainage does not exceed pre-development drainage and there are no stormwater implications to neighboring property due to proposed development.
- 17) That the applicant/owner shall implement appropriate ESC measures during the construction of the proposed development in accordance with County's servicing standards.
- 18) That any buildings that are encroaching into the minimum setback requirements and are non-compliant with the County's Land Use Bylaw shall require a Development permit, to bring the property into compliance.
- 19) That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 20) That the County's Noise Bylaw C-8067-2020 shall be adhered to at all times.
- 21) That a Building Permit and sub-trade permits shall be obtained through Building Services, for the proposed or change of use permit for the existing accessory buildings, used for business operations prior to any construction or business activity taking place (if required).

This is not a development permit

It is the responsibility of the applicant to meet and always follow the conditions outlined in this decision. Fines or enforcement action may occur if operating outside of the conditions of approval. Please contact Planning and Development Services at [development@rockyview.ca](mailto:development@rockyview.ca) or 403-520-8158 for assistance with this decision or the process for meeting development conditions.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact Legislative Services at [sdab@rockyview.ca](mailto:sdab@rockyview.ca) or 403-230-1401. More information on the SDAB can also be found at [www.rockyview.ca](http://www.rockyview.ca).

Municipal Planning Commission



Al Schule, Vice-Chair

This is not a development permit















