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Permit No: PRDP20185188 Appeal No: 08731001

In the matter of an appeal before the Rocky View County Subdivision and Development Appeal Board

BETWEEN:

Maxine McArthur, Patrick and Karen Singer, and Elaine Watson

Appellants

AND:

Chloe Cartwright

Applicant/Owner

WRITTEN SUBMISSIONS OF THE APPELLANTS PATRICK AND KAREN SINGER

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I. OVERVIEW

- At issue on this appeal is the development authority's decision to conditionally approve permit PRDP20185188 for the development of an 81-stall RV park and medieval castle-themed event centre on the land legally described as SE 31-28-3-W5M (the "Subject Land").
- 2. The appellants Patrick and Karen Singer live a quarter section south of the proposed development. They request that the Subdivision and Development Appeal Board (the "Board") exercise its statutory authority to revoke the development authority's decision, and rescind the development permit.¹

II. BACKGROUND

- 3. In April 2007, Mr. and Ms. Singer purchased the quarter section of land legally described as SW 29-28-03-W5M (the "**Singer Land**") with plans to build a home, move out of the city, and eventually retire to the tranquil, rural ranching and farming community of Northwest Rocky View County.² The Singers began construction of their home in the summer of 2009, moved to the property in 2014, and have lived there ever since.³
- 4. In 2012, the applicant Chloe Cartwright applied to have the Subject Land, located a quarter section north of the Singer Land, re-designated from Ranch and Farm ("RF") to Business-Leisure and Recreation ("B-LR") under Land Use Bylaw C-4841-97 (the "Bylaw") in order to facilitate the development of a golf course and lodge.⁴
- 5. At the time, the applicant emphasized that the golf course would add value to the community by providing "pleasant landscapes". She said the barn-inspired⁵ lodge would "enhance and showcase the rural feel of the neighbourhood". The golf course

¹ Municipal Government Act, RSA 2000, c M-26, s 687(3)(c) [TAB A].

Written Statement of Karen Singer dated June 2019, at para 2 [Singer Statement].

Singer Statement at para 3.

Singer Statement at para 4 and TAB 1 (Notice of Application for Re-designation, February 14, 2012).

⁵ Singer Statement at TAB 2 (Article re Chinook Ridge Lodge & Golf Course in the Hitching Post News, pg 4).

⁶ Singer Statement at TAB 2 (Chinook Ridge Lodge & Golf Course Ltd. Brochure, pg 4).

was not to generate much additional traffic, as its clientele would "arrive on tour buses in large groups".⁷

- 6. On November 6, 2012, with a view to facilitating the golf and lodge use proposed by the applicant, Rocky View County Council approved the re-designation of the Subject Land from RF to B-LR (which has now been converted to "B-REC" under *Land Use Bylaw* C-8000-2020, the "**2020 Bylaw**").8
- 7. The applicant applied for and obtained conditional approval for a development permit for the golf and lodge development.⁹ However, the conditions were not satisfied and the permit was never issued.¹⁰
- 8. In December 2018, the applicant submitted the subject application to develop an "Event Hall" and 81-stall "RV Park". 11 The event hall is to resemble a medieval castle, "complete with moat and draw-bridges". 12 It will house a 500-person banquet hall, 16 guest rooms and a large roof-top patio. 13 A medieval themed grand opening party is planned to take place on completion of the project. 14
- 9. The Singers first received notice of the proposed development on May 13, 2019, when they were advised through the County's "Safe & Sound" messaging service that the development had been approved.¹⁵ The approved development was described as follows:

PRDP20185188 - Application for Campground, Tourist (81 RV stalls) and Tourism Uses/Facilities (Recreational), construction of a tourist building including Accommodation Units, compatible with available servicing (16 rooms), relaxation of the maximum building height requirement; SE-31-28-03-05 (285049 RANGE ROAD 35),

Singer Statement at TAB 2 (Email from Chloe Cartwright to Karen Singer, April 18, 2012).

Singer Statement at para 5 and **TAB 3** (Letter from Rocky View County to Ms. Cartwright re Transmittal of Decision, November 16, 2012), **TAB 11** (Rocky View County Land Use Map No. 08, August 4, 2020).

⁹ Development Permit Report (Agenda at B-1, page 5 of 83).

Development Permit Report (Agenda at B-1, page 5 of 83).

Development Permit Application (Agenda at B-1, page 40 of 83).

¹² Singer Statement at **TAB 4** (Applicant's plans); Development Permit Application (Agenda at B-1, page 40 of 83).

Singer Statement at TAB 4 (Applicant's plans) and TAB 6 (Letter from Chloe Cartwright to Karen Singer, June 9, 2019); JCB Engineering Chinook Ridge Lodge Transportation Impact Assessment (March 7, 2019) at p 1 (Agenda at B-1, page 51 of 83).

Singer Statement at **TAB 5** (Website for development).

Singer Statement at para 9 and TAB 8 (Email from Rocky View County, May 13, 2019).

located approximately 1.61 km (1 mile) north of Highway 574 and on the west side of Range Road 35. File: 08731001.¹⁶

- 10. The Singers opposed the proposed development, because it is not compatible with surrounding agricultural uses, it would interfere with the quiet enjoyment of area residents, its design is not appropriate, it would adversely impact traffic safety, it would negatively impact land values, and because it poses a risk to the area water supply.¹⁷ On May 29, 2019, the Singers filed a Notice of Appeal with the County.¹⁸
- 11. On June 26 and August 7, 2019, the initial appeal of the development's approval was heard by the Board. On August 22, 2019, the Board allowed the appeal, on the basis that the proposed development did not comply with the land use policies of the *Bylaw* and that the development would interfere with the amenities of the neighbourhood, as well as the use, enjoyment, or value of neighbouring parcels.
- 12. The applicant further appealed the Board's decision to the Alberta Court of Appeal, which cancelled the Board's decision of August 22, 2019 on procedural grounds and referred the appeal back to the Board for a re-hearing. This is that re-hearing.

III. ISSUES

- 13. The primary issue on appeal is whether the Board, having regard to the *Bylaw*, the *County Plan* and applicable planning principles, should exercise its discretion to rescind the subject development permit. The threshold question of standing is first briefly addressed.
- 14. Notwithstanding introduction of the recent *2020 Bylaw*, the previous Land Use Bylaw (C-4841-97; referred to herein as the "*Bylaw*") applies on this appeal. Section 10 of the *2020 Bylaw* provides that, "All development permit applications received in a complete form prior to the effective date of this bylaw shall be processed based on 'Land Use Bylaw C-4841-97', unless the Applicant requests in writing that the application be processed based on the regulations of this bylaw."¹⁹ The subject

¹⁶ Singer Statement at **TAB 8** (Email from Rocky View County dated May 13, 2019).

¹⁷ Singer Statement at paras 11-40.

Singer Statement at para 10 and **TAB 9** (Notice of Appeal of Patrick and Karen Singer, May 29, 2019).

¹⁹ Rocky View County, By-Law No. C-8000-2020, Land Use Bylaw (September 8, 2020) [2020 Bylaw], s 10 [TAB F].

development permit application was received and processed under the C-4841-97 *Bylaw*, and so that *Bylaw* applies.

IV. SUBMISSIONS

A. The Singers have standing to appeal.

15. The *Municipal Government Act* provides that "any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board".²⁰



- 16. Mr. and Ms. Singer are genuinely and relevantly affected by the proposed development. They live one quarter section south of the Subject Land, and the gravel road that they use to access their property (Range Road 35) is the same road that would be used by RVs and event traffic to access the proposed development.²¹
- 17. The development will adversely affect the use, enjoyment, amenities and value of the Singer Land. As such, the Singers are affected by the decision of the development authority and have standing to appeal to the Board.

²⁰ Municipal Government Act, RSA 2000, c M-26, s 685(2) **[TAB A]**.

²¹ Singer Statement at para 19.

- B. The Board should exercise its discretion and revoke the permit.
- 18. The subject development permit was issued with respect to two uses: a) Campground, Tourist and b) Tourism Uses/Facilities, Recreational. Both uses are "discretionary" uses under the B-LR designation.²²
- 19. As such, the Board may exercise afresh all the discretionary powers of the development authority to assess whether the development should be allowed:

Where an appeal concerns a discretionary use... a subdivision and development appeal board may re-exercise afresh all the discretionary powers of the development authority. In the case of an approval by the authority and an appeal by objectors, a board may overrule the development authority if it is of the opinion, having regard to planning principles, that the discretionary use development should not be allowed to proceed.²³

- 20. The Singers submit that, having regard to the *Bylaw*, the *County Plan* and applicable planning principles, the proposed discretionary use development should not be allowed to proceed, because it:
 - a. is incompatible with surrounding agricultural land uses;
 - b. would adversely affect the quiet enjoyment of community residents due to noise, dust, smoke, and loss of privacy;
 - c. calls for the construction of a structure that is not appropriate for the area;
 - d. would negatively impact traffic safety;
 - e. would negatively impact land value; and
 - f. would negatively impact the area water supply.
- 21. Each of these reasons is addressed in turn.

Frederick A. Laux, *Planning Law and Practice in Alberta*, 3rd ed (Edmonton, AB: Juriliber Limited, 2001) (looseleaf updated 2013) at pg 10-45 [TAB C].

Rocky View County, By-Law No. C-4841-97, Land Use Bylaw (March 26, 2019) [the Bylaw], s 77.3 **[TAB B]**; Also note that under the 2020 Bylaws' B-REC designation, both a "Campground" and "Recreation" which is "(Outdoor)," "(Private)" or "(Public)" is a "discretionary" use: 2020 Bylaws, s 378, see also Part 8 "Definitions" **[TAB F]**.

1. The development is not compatible with surrounding land uses.

- 22. The Subject Land is surrounded for kilometers by ranches and farms.²⁴ Under the *Bylaw*, land in the area was predominantly designated *Ranch and Farm* ("RF"), with a few parcels designated *Farmstead* ("F") and *Residential* ("R-2" and "R-3").²⁵ Under the *2020 Bylaw*, land in the area is similarly designated *Agricultural*, *General District* ("A-GEN"), with a few parcels designated *Residential*, *Rural District* ("R-RUR") and *Agricultural*, *Small Parcel District* ("A-SML").²⁶ Under both *Bylaws*, the purpose and intent of land designated RF or A-GEN is that it be used primarily for agricultural activities.²⁷
- 23. Residents in the vicinity of the Subject Land use their land to grow crops, including hay, peas, barley and canola.²⁸ The Singers lease a portion of their land to a neighbour for that purpose.²⁹ Residents also keep livestock and other animals on their land, including cattle, sheep, donkeys, llamas and horses.³⁰ The Singers keep three horses, one cat and a dog on their land.³¹
- 24. It is County policy to "discourage intrusive and/or incompatible land use in... agricultural area[s]"³² and to "minimize adverse impacts on agricultural operations".³³ The proposed 81-stall RV park and event centre would be intrusive and incompatible with the agricultural land use in the area for a number of reasons.
- 25. First, the influx and efflux of large recreational vehicles (at a rate of up to 81 RVs in a day) and significant event traffic would conflict with the large and often slow-moving agricultural equipment that routinely makes use of area roads during the planting and harvesting seasons, disrupting agricultural operations in the area.³⁴ As recognized in

²⁴ Singer Statement at para 12.

²⁵ Singer Statement at para 12; **Tab 10** (Land Use Map No. 87, February 18, 2016).

Singer Statement at para 12; **Tab 11** (Land Use Map No. 87, August 4, 2020).

²⁷ Land Use Bylaw, s 43.1 [TAB B]; 2020 Bylaw, s 303 [TAB F].

²⁸ Singer Statement at para 13.

²⁹ Singer Statement at para 13.

³⁰ Singer Statement at para 15.

³¹ Singer Statement at para 15.

Rocky View County, By-Law No. C-7280-2013, Rocky View County Plan (April 10, 2018) [Rocky View County Plan], s. 8.25 [TAB D].

Rocky View County Plan, s. 2.3 at pg 8 [TAB D].

³⁴ Singer Statement at para 13.

the *Rocky View County Plan*, "non-agricultural development adjacent to, or near, an agricultural operation may adversely impact that operation".³⁵

26. Agricultural equipment is active on area roads, including Range Road 35 and Highway 574, which are gravel roads.³⁶ As noted by area residents Mr. and Mrs. Taylor:

As farmers, we routinely travel the roads with large, heavy equipment that moves slowly; the more congestion that comes with recreation and passenger vehicles also traveling the same roads increases the possibility of road side accidents occurring. Each time these vehicles meet with farm equipment on the road, it becomes necessary for one of these vehicles to pull over to allow the other to pass. This takes much longer to achieve on the roads that will be affected with this development...³⁷

27. Similar concerns have been expressed by other area residents, including Jim Davies, who wrote:

...I rent land on the road she lives on. That narrow little road is only wide enough for my equipment. Let me farm and make a living.³⁸

And John Shand, of Shand Farms, who wrote:

...We utilize roads... with large farm machinery... It has been our experience that people from outside the community have little patience or understanding of large, slow moving machinery on the road placing both vehicles and machinery in dangerous situations.³⁹

28. RVs encountering agricultural equipment on these roads would in some cases attempt to pass. Given the width of the roads, the lack of shoulder, and the steepness of the ditches, passing attempts may imperil the safety of not only RV occupants, but also equipment operators. Operators encountering RVs or a high volume of pre or post-event traffic may be forced to wait to enter onto the roads out of a concern for safety, resulting in delay.

³⁵ Rocky View County Plan, pg 41 [TAB D].

³⁶ Singer Statement at para 13.

³⁷ Taylor Letter of Support (Page 1 of 2).

³⁸ Davies Letter of Support.

³⁹ Shand Letter of Support.

- 29. Ultimately, allowing the proposed development would be contrary to the County's policy of fostering "safe and timely movement of agricultural equipment and goods". 40
- 30. Second, RV and vehicular traffic would interfere with residents using area roads to move livestock and ride horses.⁴¹ On occasion, Highway 574 and Range Road 35 are used for cattle drives.⁴² Area roads are also used for horse riding, by Ms. Singer and by other residents of the community.⁴³
- 31. RVs and event traffic encountering livestock would in some cases attempt to pass. As with the agricultural equipment, passing may be unsafe. Residents would be forced to adjust their use of area roads as a result. For example, Ms. Singer has stated that she would not be comfortable riding her horses on Range Road 35 with RV or event traffic.⁴⁴ She would be forced to reduce her horse-riding activities as a result. As noted by area residents Mr. and Mrs. Holmberg:

The increased traffic will eliminate Range Road 35 for local recreational use... locals would no longer feel safe taking their kids / dogs for a walk, or horses for a ride...⁴⁵

32. Third, the influx of tourists and partygoers to the area can be expected to have an impact on livestock and other animals in the area.⁴⁶ As more fully described below in relation to quiet enjoyment, the noise generated as a result of the proposed development would be significant. That noise could impact livestock and other animals, making them more difficult to handle and less safe to be around.⁴⁷ As noted by area residents Dirk Brenner and Heike Lippmann:

...The noise and vibrations of people and traffic will... put a lot of stress on the neighboring livestock which could affect the farmers' income.⁴⁸

⁴⁰ Rocky View County Plan, s 8.10, p 38. [TAB D].

⁴¹ Singer Statement at para 14.

⁴² Singer Statement at para 14.

⁴³ Singer Statement at para 14.

⁴⁴ Singer Statement at para 14.

⁴⁵ Holmberg Letter of Support (Page 1 of 1).

⁴⁶ Singer Statement at para 15.

⁴⁷ Singer Statement at para 15.

Brenner and Lippmann Letter of Support (Page 1 of 1).

Moreover, visitors to the RV park would bring dogs that could chase and potentially injure valuable horses, cows and other area livestock.

- 33. Finally, and importantly, the fact that the lands surrounding the proposed development are strictly agricultural, with no trail, pathway or other recreational infrastructure, and with no other business use, also makes the proposed development incompatible with the area.⁴⁹
- 34. Expecting all visitors to remain confined to the RV park for the duration of their stay is not realistic. There would be visitors who decide to venture off into the surrounding lands, whether for a hike, to ride bikes or ATVs, to visit the livestock, or for late night revelry. The lands surrounding the proposed development are not suitable for those types of activities.⁵⁰ There are a range of hazards that make exploration unsuitable for people unfamiliar with the area, including livestock, equipment and machinery, herbicides and pesticides, barbed wire fences, fallen trees, ponds and concealed ground hazards such as rocks and holes.⁵¹ None of these hazards are marked with signage, as they are on rural, private property.⁵² One neighbour described the concern as follows:

If one of their guests walks on my property and gets hurt, who is responsible? Would I have to get more liability insurance?⁵³

35. For all the foregoing reasons, the proposed development is not compatible with the surrounding agricultural land uses. On that basis alone, the Singers submit that the Board should revoke the approval. As succinctly put by area resident Bernice McLean, "it is an unrealistic project within a farming area".⁵⁴

2. The development would adversely affect quiet enjoyment.

36. The County identifies "quiet", "privacy" and "space and distance" as key characteristics of its agricultural areas.⁵⁵ These characteristics were fundamental to the Singers'

⁴⁹ Singer Statement at para 16.

⁵⁰ Singer Statement at para 16.

⁵¹ Singer Statement at para 16.

⁵² Singer Statement at para 16.

⁵³ Robertson Letter of Support (Page 2 of 2).

⁵⁴ McLean Letter of Support (Page 1 of 1).

Rocky View County Plan, pgs 34-35 [TAB D].

decision to invest their life savings to buy, and build their home on, the Singer Land.⁵⁶ They continue to be fundamental to why the Singers enjoy and appreciate where they live today.⁵⁷ Ms. Singer describes the lands surrounding her home as "a sanctuary".⁵⁸ The area is "quiet", "tranquil" and "picturesque".⁵⁹



View from the Singer Land

- 37. The County Plan instructs that the characteristics of "quiet", "privacy" and "space and distance" be "considered in planning, design and development" in the area. 60 It also states that business development outside of a business area, such as the proposed development, should "be limited in size, scale, intensity and scope" and should "minimize adverse impacts on existing residential... uses". 61
- 38. The proposed development is not limited in size, scale, intensity and scope, it does not respect the characteristics of "quiet", "privacy" and "space and distance", and it does not minimize adverse impacts on area residents.
- 39. On the contrary, the development is large with significant scale, intensity and scope, involving the construction of an 81 stall RV park and a 17,500 square foot medieval castle themed event centre. The event centre will have a banquet hall for large

⁵⁶ Singer Statement at paras 3, 18.

⁵⁷ Singer Statement at para 18.

⁵⁸ Singer Statement at para 18.

⁵⁹ Singer Statement at para 18.

⁶⁰ Rocky View County Plan, pgs 34-35 [TAB D].

⁶¹ Rocky View County Plan, 14.22, pg 64 [TAB D].

gatherings of up to 500 people, a stage, 16 guest rooms and a large roof top patio.⁶² It will also have "turrets" that exceed the maximum allowable height permitted under the *Bylaw* by approximately 1 meter. Parking for a minimum of 245 vehicles will be required. The development is intended to host events such as car shows, weddings and archery tournaments, and the applicant already has plans for future expansion, including a "multi-use sports field", "spa" and "fine dining" restaurant.⁶³ A medieval themed party is planned for the castle's grand opening.⁶⁴ The development will also have a "9-hole walking wildlife golf course," open to "local and drop in users when [the development is] not booked for a closed-gate event".⁶⁵

- 40. The large-scale, party-themed nature of the development is antithetical to the characteristics of "quiet", "privacy" and "space and distance" that the County states should be respected in planning, design and development in agricultural areas.
- 41. The development would result in significant noise, thereby adversely impacting the quiet enjoyment of area residents. The applicant asserts that the only sound that would be heard outdoors is the sound of laughter, with the "partying and music" being "indoors in the Castle". 66 With respect, that is not realistic. The reality is that with 81 RVs and 500 attendees at weddings and other celebrations, the noise pollution would be significant, particularly given the otherwise tranquil nature of the area.
- 42. Visitors would be encouraged to enjoy medieval-themed parties not only within the confines of the castle's banquet hall, but also on the large roof top patio, where noise would travel across the otherwise quiet and undeveloped countryside. Even if the noise were only from conversation and "laughter", with potentially a hundred or more people on the roof top, the disturbance would be significant.⁶⁷ In any event, parties often escalate beyond conversation and laughter particularly, it is suggested, medieval themed ones. Visitors would become intoxicated, the parties would become

⁶² Singer Statement at TAB 4 (Applicant's plans) and TAB 7 (Letter from Chloe Cartwright to Karen Singer, June 9, 2019); JCB Engineering Chinook Ridge Lodge Transportation Impact Assessment (March 7, 2019) pg 1 (Agenda at B-1, page 51 of 83).

⁶³ Letter from Chloe Cartwright to Rocky View County, December 21, 2018 (Agenda at B-1, page 40 of 83); Singer Statement at para 8 and TAB 7 (Letter from Chloe Cartwright to Karen Singer, June 9, 2019).

⁶⁴ Singer Statement at para 7 and **TAB 5** (Website for development).

⁶⁵ Singer Statement at para 7 and **TAB 6** (New website for development).

⁶⁶ Singer Statement at **TAB 7** (Letter from Chloe Cartwright to Karen Singer, June 9, 2019).

⁶⁷ Singer Statement at para 20.

raucous, and shouting and screaming would occur. There would also be incidents where amplified music would be played outdoors, whether from the rooftop or elsewhere in the RV park. The noise would be significant, particularly in the evenings and late at night.

- 43. In addition to the noise generated as a result of the RV park and event centre, the influx of traffic to the area would also generate noise pollution. With up to 81 RVs and hundreds of cars before and after events, the impact would be significant. It must be remembered that Highway 574 and Range Road 35, which would be used by traffic to access the Subject Land, are gravel roads.⁶⁸ The noise resulting from just one vehicle passing the Singers' home on Range Road 35 can be significant.⁶⁹ Ms. Singer anticipates that the noise resulting from a steady stream of RVs and event traffic would be "unbearable", particularly late at night after events.⁷⁰
- 44. In addition to noise, the development would result in excessive dust pollution. Dust from Range Road 35 is already a problem for the Singers, even with the relatively low volume of traffic currently on the road.⁷¹ If Ms. Singer is outside when a vehicle passes, particularly in the summer when the road is dry, it can feel like she is "eating dirt".⁷² The Singers' house is close to the road, such that the added RV and event traffic would significantly impact the quality of the air that they breathe.



Location of Singer House on the Singer Land

⁶⁸ Singer Statement at paras 27 and 30.

⁶⁹ Singer Statement at para 21.

⁷⁰ Singer Statement at para 21.

⁷¹ Singer Statement at para 22.

⁷² Singer Statement at para 22.

- 45. As described by one area resident, "The added traffic would… create dust in the area detrimental to people's health, on the buildings, on crops, and to the health of the animals." Another resident, who lives across the road from the proposed development, wrote, "Dust volume is a concern as I have family members with allergies".74
- 46. While it is understood that additional dust control measures would be taken, the Singers' experience is that the effectiveness of such measures depends on many things including the wind and whether there is any humidity in the air for the calcium chloride to absorb.⁷⁵ There can be no question that the influx of traffic would adversely impact air quality for area residents.
- 47. Further, the development would result in increased smoke pollution in the air from the campfires burning at the planned 81 RV camp sites. There will potentially be up to 81 campfires burning throughout the day at the development, 76 which Ms. Singer believes will impact the air quality (including air safety and visibility) in the surrounding area and on her own property. 77
- 48. Bringing significant visitor traffic to the area would also adversely impact the "privacy" and "space and distance" characteristics of the otherwise exclusively agricultural community. Instead of the occasional neighbour passing by on Range Road 35, the Singers would have a steady stream of tourist and other traffic passing directly in front of their previously secluded home.⁷⁸ Moreover, as addressed above, given that the area lacks tourist or business infrastructure, visitors to the development would inevitably venture beyond the confines of the RV park and end up on surrounding lands, further impacting the privacy of area residents.
- 49. Given the foregoing, the proposed development would significantly impact the quiet enjoyment of people living in the community, contrary to the policies set out in the *County Plan* of: a) limiting the size, scale, intensity and scope of business development

⁷³ Mork Letter of Support (Page 1 of 1).

⁷⁴ Robertson Letter of Support (Page 1 of 2).

⁷⁵ Singer Statement at para 22.

⁷⁶ Singer Statement at para 23.

⁷⁷ Singer Statement at para 23.

⁷⁸ Singer Statement at para 19.

outside business areas; b) respecting the characteristics of "quiet", "privacy" and "space and distance" in agricultural areas; and c) minimizing adverse impacts on area residents. For that reason also, the Singers submit that the Board should revoke the approval.

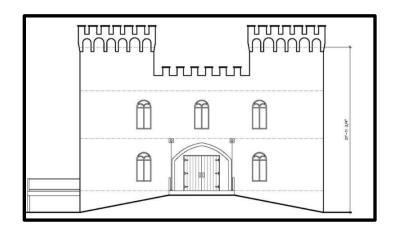
3. The proposed medieval castle is not appropriate for the area.

50. The *Bylaw* mandates for all business development, which includes lands designated B-LR,⁷⁹ that the design, character and appearance of all buildings be appropriate and compatible with the surrounding area:

The design, character, and appearance of all *buildings shall* be appropriate and compatible with the surrounding area...⁸⁰

Use of the word "shall" means that the requirement is mandatory.81

51. This requirement appears to have been missed by the development authority. The "design, character, and appearance" of the event centre, is not in any way appropriate or compatible with the surrounding area. It is designed to resemble a medieval castle. It has turrets, two draw bridges and a moat. It is a novelty building.



⁷⁹ *Bylaw*, s 19.1 **[TAB B]**.

Bylaw, s 25.4(b) **[TAB B]**; Under the 2020 Bylaw, the Development authority may impose more stringent development regulations or standards on a permit for a discretionary use to ensure the development is compatible with and complementary to surrounding land use, and a building's character and appearance may be considered in review of the development with respect to compatibility with nearby buildings; "compatible" means "the characteristics of different uses or activities or designs which allow them to be located near or Adjacent to each other in harmony. Compatibility does not mean 'same as.' Rather, compatibility refers to the sensitivity of development proposals in maintaining the character": 2020 Bylaw, s 71, s 167 and Part 8, "Definitions" **[TAB F]**.

⁸¹ Bylaw, s 8.1, "shall" [TAB B]; 2020 Bylaw, s 15 [TAB F].

52. The proposed structure is large. It has a footprint of 17.07 meters by 31.70 meters.⁸² At 12.9 meters tall, it is the same height as a four-storey building.⁸³ It would be visible from neighbouring lands, from Range Road 35 (where only a stand of trees separates the proposed development site from the road) and from Range Road 40.⁸⁴



Proposed Development Site Looking West from Range Road 35

⁸² Development Permit Report at pg 3 (Agenda at B-1, page 3 of 83).

Basis Development Permit Report at pg 4 (Agenda at B-1, page 4 of 83).

⁸⁴ Singer Statement at para 24.



Proposed Development Site Looking East from Range Road 40

53. Nothing could be more out of place, or less compatible, with the surrounding area, which is characterized by open vistas, mountain views, working agricultural lands, crop fields and livestock.⁸⁵ The existing buildings in the area are bungalow and ranch-style farm houses, barns and outbuildings.⁸⁶



Buildings Adjacent to Subject Land

⁸⁵ Singer Statement at para 24.

⁸⁶ Singer Statement at para 24.

- 54. There are no medieval castles in the neighbourhood.⁸⁷ Nor is there anything about the land or community, which is an authentic ranching and farming community, that suggests a novelty medieval castle would in any way be appropriate or compatible.⁸⁸
- 55. Allowing such a structure to be built would not only violate the requirement that all buildings be "appropriate and compatible with the surrounding area", it would also be contrary to the County's foundational principles of maintaining "the rural landscape and character of dark skies, open vistas, and working agricultural lands" and encouraging "communities to retain their rural character". 90
- 56. One area resident put it this way:

The proposed development is looking to create a medieval English castle resort in the middle of a rural, agricultural community. This is in stark contrast to the surrounding area, which is composed of Canadian wildlife and prairie farmland...⁹¹

57. The proposed development is not appropriate for the area. On that basis as well, the Singers submit that the Board should revoke the approval.

4. The development would negatively impact traffic safety.

58. The Subject Land is situated on the west side of Range Road 35, which intersects with Township Road 290 to the north and Highway 574 to the south.⁹² Township Road 290 and Highway 574 run parallel to each other and intersect with Highway 22 to the west and Highway 766 to the east.⁹³ As noted, the Singers also live on Range Road 35, approximately 650 metres south of the proposed development, adjacent to Highway 574 to the south.⁹⁴

⁸⁷ Singer Statement at para 24.

⁸⁸ Singer Statement at para 24.

⁸⁹ Rocky View County Plan, s 2.0(2) at pg 7 [TAB D].

⁹⁰ Rocky View County Plan, s 2.0(4) at pg 8 [TAB D].

⁹¹ Taylor Letter of Support (Page 1 of 2).

⁹² Singer Statement at para 26.

⁹³ Singer Statement at para 26.

⁹⁴ Singer Statement at para 19.



- **Road Network**
- 59. As the Subject Land is not located within a prescribed business area, section 14.22 of the *County Plan* specifies that the proposed development should "have direct and safe access to a paved County road or Provincial highway."
- 60. With the proposed development in place, Range Road 35 would be rendered unsafe. As such, the Subject Land would not have "safe access" to a paved County road (Township Road 290) or Provincial highway (Highway 574). On that basis alone, the proposed development is inconsistent with the *County Plan*.
- 61. The proposed development would also negatively impact traffic safety more broadly, as it is expected to attract significant traffic to other remote roads in the area, and to a dangerous intersection at Highway 22 and Township Road 290.
- 62. Accordingly, the proposed development is at odds with the prescribed municipal mandate of maintaining "safe and viable" communities.⁹⁶

⁹⁵ For prescribed business areas, see *Rocky View County Plan*, Map 1 p 26; For section 14.22, see *Rocky View County Plan* pp 63-64 **[TAB D]**.

Municipal Government Act, RSA 2000 c M-26 s 3(c) [TAB A].

No "safe access" to paved County road or Provincial highway

- 63. The main entrance to the proposed development will be from Range Road 35.97
- 64. While Range Road 35 intersects with a chip sealed County road to the north (Township Road 290) and a Provincial highway to the south (Highway 574),⁹⁸ it would not provide safe access to either for a high volume of RV, tourist and event traffic.



Range Road 35, Looking North

- 65. Range Road 35 is a narrow gravel road with deep ditches running along both sides. It also has: (a) no road surface markings; (b) no shoulders for vehicles to pull-over; (c) no sidewalks for pedestrians; and (d) no fixed lights to help illuminate the road at night.⁹⁹
- 66. Accordingly, Range Road 35 is not suitable for a high volume of traffic, particularly recreational vehicles, supply trucks, service trucks, staff trucks, and other vehicles driven by people unfamiliar with the road and area.

⁹⁷ Singer Statement at para 27.

⁹⁸ Singer Statement at paras 26, 31-32.

⁹⁹ Singer Statement at para 28.

- 67. If the proposed development proceeds, there will be a greater risk of accidents on Range Road 35, such as head-on collisions from vehicles attempting to pass and vehicles straying into the ditches along the road.
- 68. There will also be a risk of accidents where vehicles, particularly large RVs, attempt to navigate the turn from Range Road 35 onto the Subject Land.
- 69. Section 31.7 of the *Bylaw* requires that lands designated as "outdoor storage, recreational vehicle" shall be accessed by a "paved road... up to the property line where user access to the outdoor storage site is gained". While the proposed development is not an "outdoor storage, recreational vehicle" use, 101 the same safety rationale for requiring paved access applies. A significant volume of large, recreational vehicle traffic will be attempting to navigate the turn from the gravel Range Road 35 onto the Subject Land on a daily basis. If such activity is unsafe and not permitted in the context of "outdoor storage, recreational vehicle" use, there is no principled reason why it would be safe in the current context, which will involve more in-and-out RV traffic than an RV storage lot.
- 70. The risk of accidents on Range Road 35 is even greater when considering that the proposed development is intended to be an entertainment centre, and that some attendees may choose to drive home while impaired by alcohol or drugs (especially those not staying overnight and who cannot secure a taxi due to the remote location).
- 71. As noted above, it can also be expected that some tourists and event-goers will venture off the premises and onto Range Road 35 to explore the area or for other reasons, putting them at risk of being struck by vehicular traffic.
- 72. Further, there is a real danger of vehicles colliding with animals, given that moose, deer, coyotes, cats and dogs are often seen on Range Road 35.¹⁰²

¹⁰⁰ Bylaw, s 31.7 [TAB B].

Section 8 of the *Bylaw* defines "outdoor storage, recreational vehicle" as "an industrial area of land set aside or otherwise defined for the storage of vehicle, recreation and vehicle, motorsport". The term "vehicle, recreation" is defined as "a vehicle designed to be transported on its own wheels or by other means (including units mounted permanently or otherwise on trucks), which will permit its use for sleeping or living purposes for one or more persons on a short term basis" [TAB B].

¹⁰² Singer Statement at paras 14, 29.



Moose on Range Road 35

- 73. If the development proceeds, the Singers are concerned that they, too, may be involved in an accident, since:
 - a. Ms. Singer rides her horse along Range Road 35;
 - b. Mr. and Ms. Singer walk along Range Road 35; and
 - c. when travelling north along Range Road 35 with a horse trailer or flatbed, the Singers need to cross into the southbound lane so that they can turn into their north entrance without entering the ditch this turn is located near the base of a blind hill.¹⁰³
- 74. For the foregoing reasons, the proposed development will make Range Road 35 unsafe. The development will, therefore, not have the requisite "safe access to a paved County road or Provincial highway" and, as such, is inconsistent with section 14.22 of the *County Plan*.¹⁰⁴
- 75. It should also be noted that the conditions attached to the permit are not sufficient to address these safety concerns. The only road upgrade presently required is that Range Road 35 be converted from a Regional Low Volume road into a Regional

¹⁰³ Singer Statement at para 30.

¹⁰⁴ Rocky View County Plan, s 14.22 pp 63-64 **[TAB D]**.

Moderate Volume road.¹⁰⁵ However, aside from a higher design speed (90 km/h versus 70 km/h) and a 1 meter wider surface, the upgraded road will be the same as the existing road (*i.e.*, gravel, two lanes, and ditches on both sides).¹⁰⁶

76. If the Board is not prepared to revoke the permit, then – at a minimum – the permit should be conditional on the applicant entering into a development agreement with the County to upgrade Range Road 35 to a paved road bearing high-visibility surface markings.

Broader negative impact on traffic safety

- 77. As noted above, Range Road 35 intersects with Highway 574 to the south and Township Road 290 to the north. Neither road is suitable for the high volume of RV and event traffic that the proposed development is expected to attract.
- 78. Highway 574 is a gravel road which is wash-boarded, laden with pot holes, becomes muddy and boggy when it rains, and does not handle well even the current rate of traffic.¹⁰⁷ The applicant herself in 2012 characterized Highway 574 as a "road which has been in dire need of paving for several decades." One area resident described Highway 574 this way:

...Highway 574 currently is not well maintained and now there is potential for 81 RV's and up to 400 vehicles per day to the event center... It becomes rough and rutted and the solution is that they put up warning signs in spots that have been problematic for a long time. When it rains heavily the road is slippery. I have had to use 4-wheel drive on this road during the summer; there are hills, curves, and steep ditches and if one gets too close to the edge of the road, a vehicle is easily pulled close to the ditch...¹⁰⁹

79. Another area resident described his concerns with Highway 574 as follows:

...574 has never been properly maintained... When it rains hard, or we have a good snow, quite often 4 wheel drive is needed to even get down this road. How are you going to let city people that just

¹⁰⁵ Notice of Decision, para 8.

Rocky View County, Resolution No 188-13, County Servicing Standards (May 28, 2013) at Table 400-F, pg 67 [TAB E].

¹⁰⁷ Singer Statement at para 31.

Singer Statement at **TAB 2** (Chloe Cartwright, "Chinook Ridge Lodge & Golf Course – Something for Everyone!", *Hitching Post News*, Vol 2, Issue 1A (2012) pg 10).

¹⁰⁹ McLean Letter of Support (Page 1 of 1).

bought a travel trailer or a motorhome drive 2-3 miles down this twice?¹¹⁰

- 80. Moreover, Highway 574 does not have acceleration lanes to handle traffic turning onto it from Range Road 35, or turning lanes to handle traffic turning off of it onto Range Road 35. With 55% of traffic related to the development expected to take Highway 574, this is a significant issue.¹¹¹
- 81. While Township Road 290 is chip sealed, it is nevertheless narrow and unsafe. One area resident described the road as "deeply rutted in places [with] multiple large potholes". 112 It does not have acceleration lanes or turning lanes either. The applicant herself described it as "narrow and ill-prepared to handle more volume", adding that drivers who use it do so "much to their peril." 113
- 82. Township Road 290 ends west at a T-intersection with Highway 22, a major provincial highway running north-south that is regularly used by logging trucks, gravel trucks, oil tankers, school buses, and other large vehicles.¹¹⁴ This intersection is dangerous in many regards.



Highway 22, Looking South

¹¹⁰ Gustafson Letter of Support (Page 1 of 2).

¹¹¹ Singer Statement at para 31.

¹¹² Delgado Letter of Support (Page 1 of 2).

Singer Statement at **TAB 12** (Letter from Chloe Cartwright to Dr Ted Morton dated October 27, 2011).

¹¹⁴ Singer Statement at para 32.

- a. The intersection is just before the crest of a steep hill, so southbound highway traffic turning left (east) onto Township Road 290 risk colliding with northbound highway traffic whose vision is obstructed by the hill.
- b. Similarly, as there is no auxiliary lane to accelerate and merge onto the highway, vehicles exiting off of Township Road 290 onto Highway 22 risk being struck by northbound highway traffic whose vision is obstructed by the hill.
- c. Highway 22 has no left turning lane at the intersection, so southbound highway traffic risk being rear-ended or side-swiped as they decelerate to turn onto Township Road 290, especially by large vehicles attempting to pass rather than gearing-down while climbing the hill.
- d. Similarly, northbound highway traffic exiting onto Township Road 290 risk being rear-ended or side-swiped as they decelerate to turn right (east), as there is no right turning lane and the turn is immediately after the crest of the hill.¹¹⁵
- 83. The applicant herself recognizes the dangers associated with this intersection, and in 2011 even went so far as to write a letter to the MLA for Foothills-Rocky View requesting that the safety of the intersection be improved:

I am writing to request your attention to what I perceive as a dangerous 'T' intersection at Township Road 290 ... and Provincial Highway #22. The problem is that a lack of turn lanes on Highway 22 affording drivers the opportunity of properly slowing down to take the turn onto Twp Rd 290 safely.

. . .

There have been several instances of vehicles getting side swiped by other vehicles trying to pass someone that has slowed down to turn.

...

Vehicles traveling north on the 22 face similar problems, they must slow down to take a sharp right turn onto the 290 but vehicles behind them are often unprepared for a sudden stop and pass them

¹¹⁵ Singer Statement at para 33.

using the oncoming traffic lane which results in either an accident or somebody heading for the ditch.

. . .

Whether travelling north or south on the 22 this is an unsafe intersection. 116

- 84. The applicant further acknowledged the dangers posed by Township Road 290 in a Facebook post, stating that it has a "very dangerous corner" with "poor line of sight" and "very steep embankments to the east side" of Highway 22, as well as "no turn lanes and no room to build turn lanes." 117
- 85. An area resident whose land abuts the Township Road 290 and Highway 22 intersection described the danger as follows:

This comer of highway 22 and twp 290 is very dangerous. To assume that it won't be affected is absurd. I have seen many vehicles go into my families' land and my neighbour's land several times... Very very steep banks on each side of the road. Very poor visibility. Very dangerous when busy with traffic or ice or fog. People have died there...¹¹⁸

- 86. Even though no safety improvements have been made, the applicant is pushing ahead with the proposed development, which her own Transportation Impact Assessment states would add 68 more vehicles to the intersection <u>each day</u>. 119
- 87. Given the foregoing, it is submitted that the proposed development will negatively impact traffic safety in the surrounding area. Neither Highway 574 nor Township Road 290 are suitable for the high volume of RV and event traffic that the development is expected to attract. Moreover, the development would draw significantly more traffic to the dangerous intersection at Highway 22 and Township Road 290.

¹¹⁶ Singer Statement at para 34 and **TAB 12** (Letter from Chloe Cartwright to Dr Ted Morton dated October 27, 2011).

¹¹⁷ Singer Statement at para 35 and **TAB 13** (Facebook post from Chinook Ridge dated December 7, 2011).

¹¹⁸ Graham Letter of Support (Page 2 of 2).

JCB Engineering Chinook Ridge Lodge Transportation Impact Assessment (March 7, 2019) Table 4-1, pg 7 (Agenda at B-1, page 57 of 83) ["Transportation Impact Assessment"].

88. Accordingly, the proposed development is at odds with the objective of maintaining "safe and viable" communities, 120 and on that basis as well, the permit should be revoked.

Issues with the Transportation Impact Assessment

- 89. The Transportation Impact Assessment submitted in support of the development concludes that no improvements are required to the intersections or roadways surrounding the Subject Land, other than upgrading Range Road 35 from a Regional Low Volume road to a Regional Moderate Volume road. 121
- 90. But there are three primary limitations with the assessment.
- 91. First, it is narrow in scope since it only assesses whether upgrades are required for Range Road 35 and Township Road 290. Despite being primary travel routes to and from the proposed development, neither Highway 574 (which the report states would handle 55% of development-related traffic) nor the dangerous Highway 22 / Township Road 290 intersection are assessed.
- 92. Second, the assessment's conclusion is premised solely on its finding that the <u>volume</u> of post-development traffic does not warrant further upgrading either Range Road 35 or Township Road 290.¹²³
- 93. This purely quantitative analysis is problematic, because it does not consider the nature of the traffic the development is expected to attract (such as partygoers and tourists unfamiliar with the area, driving large recreational vehicles) or the many specific hazards associated with high traffic on the subject roads, as particularized above.
- 94. Third, even the quantitative analysis is questionable, as it is unclear whether the assessment accounts for ancillary traffic required for operation of the development (employees, service trucks, etc.) or whether it accounts for tourist in-and-out traffic.

¹²⁰ Municipal Government Act, RSA 2000 c M-26 s 3(c) [TAB A].

¹²¹ Transportation Impact Assessment pg 8 (Agenda at B-1, page 58 of 83).

¹²² *Ibid* pgs 7-8 (Agenda at B-1, pages 57-58 of 83).

¹²³ *Ibid* pg 8 (Agenda at B-1, page 58 of 83).

95. Accordingly, it is submitted that the assessment should not be relied on as a definitive document in these regards and be given little weight on the issue of traffic safety.

5. The development would negatively impact land value.

- 96. As a result of the issues identified above *i.e.*, that the proposed development: 1) is not compatible with surrounding agricultural land uses; 2) would adversely affect the quiet enjoyment of community residents due to noise, dust, traffic and loss of privacy; 3) calls for the construction of a structure that is not appropriate for the area; and 4) would negatively impact traffic safety the Singers submit that the value of their land will be materially and adversely affected.
- 97. The Singers have not had the opportunity to obtain an appraisal of their land value without the proposed development and with the proposed development, so the Singers rely on "common sense" to make this submission. 124 A rural property located a short distance from an 81-stall RV park and medieval themed event centre will have a lower market value than a rural property surrounded only by other rural properties.
- 98. This concern is echoed by other area residents. For example, Dirk Brenner and Heike Lippman wrote, "The value of our properties will decrease as nobody wants to live next to a noisy tourist location" 125 and David and Amanda Holmberg wrote that the development, "could have a direct (negative) effect on surrounding property value(s), as it is not desirable to be located within a close proximity to a busy campsite". 126

6. The development would negatively impact the water supply.

- 99. The Singers also have concerns about the impact the proposed development would have on the local water supply. 127
- 100. The County's objective is to "provide for a safe, secure, and reliable drinking water supply". 128 Its policy is to "protect ground water and ensure use does not exceed carrying capacity". 129 Residents in the area, including the Singers, rely on wells for

¹²⁴ Singer Statement at paras 37-38.

¹²⁵ Brenner and Lippmann Letter of Support (Page 1 of 1).

¹²⁶ Holmberg Letter of Support (Page 1 of 1).

¹²⁷ Singer Statement at para 39.

Rocky View County Plan, s 7.0 at pg 29 [TAB D].

Rocky View County Plan, s 7.4 at pg 30 [TAB D].

water.¹³⁰ The Singers are concerned that the operation of a 500-person banquet hall and an 81 stall RV park will restrict the amount of water available for area residents and livestock.¹³¹

- 101. It appears from the Development Permit Report prepared by the development authority that the applicant submitted a 2011 report addressing supply and aquifer testing in the context of the previously proposed golf course and lodge development. The development authority determined that report was "not relevant" to the current proposed development. Instead of rejecting the application, the development authority approved it with the condition that the applicant demonstrate adequate servicing of potable water prior to issuance of the permit.
- 102. With respect, that is insufficient. It should be incumbent on the applicant to demonstrate <u>as part of her application</u> that the water supply is adequate, so that the appellants and other interested parties have the opportunity to review the reports submitted and raise any potential objections, whether at the development authority level or before the Board, <u>before</u> the permit is granted.
- 103. In October 2020, the applicant obtained a water report from Solstice Environmental Management. This report was reviewed by a hydrogeologist engaged by the Singers, who determined, with respect to that report, that:
 - a. The annual water demands were mis-estimated "on the assumption that all facilities operate all year-round", as in "actuality, the peak water demand for campsites typically occur[s] in the summer".
 - b. The presence of "what appears to be a continuous confining unit (till) across the entire conceptual hydrogeological cross-section" actually suggests that aquifer recharge in the immediate vicinity of the development may be fairly low.

¹³⁰ Singer Statement at para 39.

¹³¹ Singer Statement at para 39.

Development Permit Report at pg 8 (Agenda at B-1, page 8 of 83).

¹³³ *Ibid*.

¹³⁴ *Ibid*.

- c. The lack of hydraulic connection between the aquifer used by the development's well and the Singers' well is highlighted throughout the report, but this finding is based on historic records for water well drilling which "often" feature "inconsistencies in the records."
- d. The results of the pump test outlined in the report in fact "do not suggest that the [development's] well is in an aquifer of limited extent". 135
- 104. Since the applicant has failed to establish that the water supply is adequate for the proposed development, the Singers submit the Board should revoke the approval.

V. RELIEF REQUESTED

105. For all the foregoing reasons, the Singers respectfully request that the Board allow the appeal, revoke the decision of the development authority, and rescind the development permit.

RESPECTFULLY SUBMITTED, this December 14, 2020.

Code Hunter LLP

Per:

Rob Moyse Counsel for the

Counsel for the Appellants Patrick and Karen Singer

Alex McKay

Counsel for the Appellants Patrick and Karen Singer

¹³⁵ Singer Statement at para 40 and TAB 14 (Email from Tim McBride dated October 19, 2020).

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TAB A



MUNICIPAL GOVERNMENT ACT

Revised Statutes of Alberta 2000 Chapter M-26

Current as of February 1, 2019

Office Consolidation

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Section 2

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(c) the council, committee or other body holding the meeting holds any discussions separate from the public during the meeting or part of the meeting.

RSA 2000 cM-26 s1;2005 c14 s2;2013 c17 s2; 2015 c8 s2; 2016 c24 s4;2017 c13 s1(2);2017 c22 s38;2018 c6 s2

Application of Act

- **2(1)** This Act applies to all municipalities and improvement districts.
- (2) If there is an inconsistency between this Act and
 - (a) repealed 1995 c24 s3,
 - (b) the Parks Towns Act, or
 - (c) a special Act forming a municipality,

the other Act prevails.

1994 cM-26.1 s2;1995 c24 s3

Indian reserves

2.1 No municipality, improvement district or special area constituted under the Special Areas Act includes land set apart as an Indian reserve.

2016 c24 s5;2017 c13 s2(2)

Part 1 **Purposes, Powers and Capacity** of Municipalities

Municipal purposes

- 3 The purposes of a municipality are
 - (a) to provide good government,
 - (a.1) to foster the well-being of the environment,
 - (b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality,
 - (c) to develop and maintain safe and viable communities, and
 - (d) to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

RSA 2000 cM-26 s3;2016 c24 s6;2017 c13 s1(3)

Corporation

4 A municipality is a corporation.

1994 cM-26.1 s4

Section 684

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- (9) If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.
- (10) Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.
- (11) If the development authority refuses the application for a development permit, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reasons for the refusal.

2016 c24 s125

Development Appeals

Permit deemed refused

- **684(1)** The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b).
- (2) A time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority.
- (3) If the development authority does not make a decision referred to in subsection (1) within the time required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be refused.
- (4) Section 640(5) does not apply in the case of an application that was deemed to be refused under section 683.1(8).

RSA 2000 cM-26 s684;2016 c24 s126;2018 c11 s13

Grounds for appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

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Section 686

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the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

- (2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.
- (3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).
- (4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district
 - (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
 - (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

RSA 2000 cM-26 s685;2015 c8 s73;2016 c24 s127

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

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or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3) The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing
 - (a) to the appellant,
 - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
 - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
 - (a) the application for the development permit, the decision and the notice of appeal, or
 - (b) the order under section 645.
- **(4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).
- (5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

 RSA 2000 cM-26 s686;2016 c24 s128;
 2017 c13 s1(65);2018 c11 s13

Hearing and decision

687(1) At a hearing under section 686, the subdivision and development appeal board must hear

(a) the appellant or any person acting on behalf of the appellant,

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- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
- (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and
- (d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.
- (2) The subdivision and development appeal board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the subdivision and development appeal board

- (a) must act in accordance with any applicable ALSA regional plan;
- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- (b) must have regard to but is not bound by the subdivision and development regulations;
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not

Section 688

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- (A) unduly interfere with the amenities of the neighbourhood, or
- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.
- (4) In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).

RSA 2000 cM-26 s687;2009 cA-26.8 s83; 2015 c8 s74;2017 c21 s28;2018 c11 s13

Court of Appeal

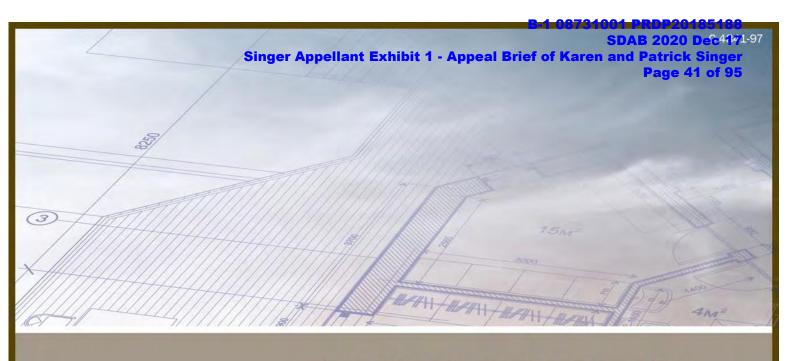
Law, jurisdiction appeals

688(1) An appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to

- (a) a decision of the subdivision and development appeal board, and
- (b) a decision made by the Municipal Government Board
 - (i) under section 619 respecting whether a proposed statutory plan or land use bylaw amendment is consistent with a licence, permit, approval or other authorization granted under that section,
 - (ii) under section 648.1 respecting the imposition of an off-site levy or the amount of the levy,
 - (iii) under section 678(2)(a) respecting a decision of a subdivision authority, or
 - (iv) under section 690 respecting an intermunicipal dispute.
- (2) An application for permission to appeal must be filed and served within 30 days after the issue of the decision sought to be appealed, and notice of the application for permission to appeal must be given to
 - (a) the Municipal Government Board or the subdivision and development appeal board, as the case may be, and

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TAB B

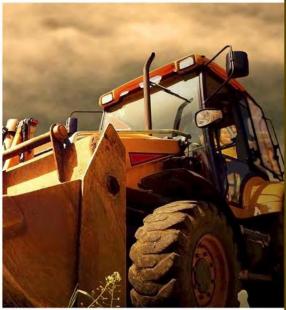


LAND USE BYLAW













SECTION 8 DEFINITIONS

8.1 Current Definitions

ABUTTING means to have a common boundary, to border on;

ACCESSORY BUILDING means a *building* incidental and subordinate to the *principal building*, the use of which is incidental to that of the *principal building* but in no instance *shall* be used as a permanent or temporary residence, and is located on the same *parcel*;

ACCESSORY DWELLING UNIT (ADU) means a subordinate *dwelling unit* attached to, created within or detached from the principal *dwelling, single detached*, where both *dwelling units* are located on the same *parcel*. Accessory *dwelling units* include Secondary Suites, Suites within a Building, and Garden Suites;

ACCESSORY USE means a use or *development* customarily incidental and subordinate to the *principal use* or *building* and is located on the same *parcel* as such *principal use* or *building*;

ACCOMMODATION UNITS means any room or group of rooms designed to provide accommodation to the traveling or recreational public including a room in a *hotel*, motel, resort or tourist establishment, a rental cottage or cabin or a tent or a trailer *site*;

ACT means the Municipal Government Act Statutes of Alberta 1994, Chapter M-26.1 and amendments thereto;

ADDITION means adding onto an existing *building*, provided that there are no structural changes to the existing *building*, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing *building* to the portion added thereto and there is a common structural connection from the existing *building* to the *addition* that includes a *foundation or a roof*, constructed to the minimum standards outlined in the Alberta Building Code;

LUB 13/10/2015

ADJACENT LAND means land or a portion of land that is contiguous to the *parcel* of land that is subject to a *development* application and/or subdivision application and includes land or a portion of land that would be contiguous if not for a public roadway, primary highway, river or stream; or reserve *lot*;

AGRICULTURAL PROCESSING, MAJOR means a large-scale business operation that includes the use of land or a building for the upgrading of a product for distribution or for sale that is originally produced in an agricultural operation, but does not include *Cannabis Facility*. Due to the large scale of the business, the agricultural products are often produced in an off-site agricultural operation, and there may be some off-site impacts such as noise, appearance, or odour;

LUB 11/09/2018

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BUILDING HEIGHT means the vertical distance between average *building* grade and the highest point of a *building*; excluding an elevator housing, a mechanical skylight, ventilating fan, steeple, chimney, fire wall, parapet wall, flagpole, or similar device not structurally essential to the *building*;

BUILDING means any structure used or intended for supporting or sheltering any use or occupancy;

BUILDING UNIT means a space that is situated within a *building* and described as a Unit within a Condominium Plan by reference to floors, walls, and ceilings within the *building*;

BUSINESS means:

- (a) a commercial, merchandising or industrial activity or undertaking;
- (b) a profession, trade, occupation, calling or employment; or
- (c) an activity providing goods and services, whether or not for profit and however organized or formed, including a co-operative or association of persons.

This term incorporates both Commercial Business and *Industrial Business*, as defined separately in this *Bylaw*;

BUSINESS AREA means regional business centres, highway business areas, hamlet business centres, or areas of business identified in an area structure plan or conceptual scheme;

LUB 10/12/2013

BUSINESS PARK means a comprehensively planned commercial *development* with common functional characteristics that may contain a range of *business* activities in a number of *buildings* situated within a *campus-like* setting;

BYLAW means the County Land Use Bylaw;

CAMPGROUND, INSTITUTIONAL means a group camp having such joint use facilities such as *dormitories* and kitchens and operated by not-for-profit organizations;

CAMPGROUND, TOURIST means *development* of land for the use of holiday trailers, motor homes, tents, campers, and similar *vehicles, recreation*, and is not normally used as year-round storage, or accommodation for residential uses;

CAMPUS-LIKE means *development* that emphasizes the following design and functional qualities: comprehensive subdivision planning, with a comprehensive pedestrian network that provides interconnections between separated structures, and usable open space is provided with high-quality *landscaping*;

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

LUB 11/09/2018

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OFFICE PARKS means a *development* on a tract of land that contains a number of separate office *buildings*, accessory and supporting uses and open space and is designed, planned, constructed, and managed on an integrated and coordinated basis;

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

OUTDOOR CAFE means a facility where food or beverages are served or offered for sale for consumption on or within a portion or portions of such facility that are not contained within a fully enclosed *building*;

OUTDOOR DISPLAY AREA means outdoor areas used for the display of examples of equipment, vehicles, products, or items related to the *business* use located on the site containing the display area;

OUTDOOR PARTICIPANT RECREATION SERVICES means a *development* providing facilities for sports and active recreation conducted outdoors. Typical facilities would include golf courses, driving ranges, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, *campgrounds*, *tourist*, Scout/Guide camps, religious outdoor retreat camps, and parks;

OUTDOOR STORAGE, RECREATIONAL VEHICLE means an industrial area of land set aside or otherwise defined for the outdoor storage of *vehicle*, *recreation and vehicle*, *motor sport*;

OUTDOOR STORAGE, TRUCK TRAILER means an industrial area of land set aside or otherwise defined for the outdoor storage of *truck trailers*;

OUTSIDE STORAGE means the storing, stockpiling or accumulating of products, goods, equipment, vehicles, or material in an area that is open or exposed to the natural elements:

LUB 13/10/2015

OVERLAND FLOW means special areas of the flood fridge, as determined by the Province of Alberta:

LUB 13/10/2015

PARACHUTING SCHOOLS AND CLUBS means the use of a site for ground training in preparation for parachuting and/or the use of a site as a designated landing site for parachuting activities carried out on a group basis;

PARCEL means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

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

SCHOOL, PUBLIC OR SEPARATE means a place of instruction operated with public funds pursuant to the School Act;

SCREENING means a *fence*, earth *berm*, trees, hedge, or established *shelterbelt* used to visually and/or physically separate areas or functions;

SECONDARY SUITE means a subordinate *dwelling unit* located within or attached to a *dwelling, single detached*;

SERVICING STANDARDS means the County's technical requirements that govern infrastructure design, construction, testing, inspection, maintenance, and transfer of public works;

LUB 10/12/2013

SERVICE STATION means an establishment for the sale of automotive fuels, lubricating oils, and associated automotive fluids or the routine servicing and minor repair of motor vehicles or both, excluding automotive specialty and auto body and paint shop uses, and may also include the following accessory uses: convenience store, towing service, car wash, or the sale of automotive accessories;

SETBACK means the perpendicular distance as measured between that part of a *building* nearest to the front, side or *rear property* lines of the *building site*. In the case of a *setback* involving a *yard, front*, it means the distance measured perpendicularly from the *front property line* of the *lot*, to the nearest point of the *building*;

SHALL is an operative word which means the action is obligatory;

SHELTERBELT means a planting made up of one or more rows of trees or shrubs planted in such a manner as to provide shelter from the wind and to protect soil from erosion:

SHOPPING CENTRE, LOCAL means a shopping centre providing to local clientele the sale of convenience goods and personal services for day-to-day living needs. It *may* be built around a junior department store and/or a local *grocery store*. It does not provide services for the wide market-base or contain regional *retail stores* or *warehouse* stores typically found in a regional shopping centre or include *Cannabis Sales*;

LUB 11/09/2018

SHOPPING CENTRE, REGIONAL means a shopping centre providing for the sale of general merchandise, apparel, furniture, and home furnishings in full depth and variety and convenience goods and personal services. It may be built around one or more regional retail stores and provides services to a regional market-base and clientele, but does not include *Cannabis Sales*;

LUB 11/09/2018

LUB 11/09/2018

TOURISM USES/FACILITIES, GENERAL means the use of land for providing entertainment, recreation, cultural or similar facilities for use mainly by the general touring or holidaying public and *may* include eating establishments, *automotive* services, accommodation units, and the retail sale of arts and crafts, souvenirs, antiques, and the like, but does not include *Cannabis Retail Stores* or *Cannabis Sales*;

LUB 11/09/2018

TOURISM USES/FACILITIES, RECREATIONAL means an establishment which operates throughout all or part of a year which *may* or *may* not furnish accommodation and facilities for serving meals and furnishes equipment, supplies, or services to persons in connection with angling, hunting, camping, or other similar recreational purposes;

TRACTOR TRAILER SERVICE DEPOT means a facility for the storage of highway truck trailers and highway truck tractors which *may* or *may* not be joined to create one tractor trailer unit and *may* include a *building* for *maintenance* of vehicles and the use of the existing residential *building* for an administrative office;

TRUCK STOP means any *building*, premises or land in which or upon which a *business*, service or industry involving the *maintenance*, servicing, storage, or repair of commercial vehicles is conducted or rendered. It includes the dispensing of motor fuel or petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A *truck stop* also *may* include *convenience store* and *restaurant* facilities, and *may* include overnight accommodation facilities solely for the use of truck crews;

TRUCK TRAILER means all vehicles and/or trailers which may or may not be joined and has a *gross vehicle weight* of 12,000 kilograms or greater;

TRUCK TRAILER SERVICE means a facility for the *maintenance* of *truck trailers* and *may* include temporary storage of *truck trailers* when associated with *maintenance*;

UNSUBDIVIDED QUARTER SECTION means a titled area of 64.7 hectares (160 acres) more or less, or a gore strip greater than 32.38 hectares (80 acres) in size that has not been subdivided, excluding subdivisions for boundary adjustments, road widening, and public uses such as a school site, community hall, road, railroad, and canal right-of-way;

LUB 10/12/2013

USE, DISCRETIONARY means the use of land or a *building* provided for in this *Bylaw* for which a *Development Permit may* be issued upon a *Development Permit* application having been made and subject to the enabling conditions for each *use, discretionary* being satisfied;

USE, PERMITTED means the use of land or a *building* provided for in this *Bylaw* for which a *Development Permit shall* be issued with or without conditions by the *Development Authority* upon application having been made to the *Development Authority*;

UTILITY (UTILITIES) means the components of sewage, stormwater, or solid waste disposal systems or a telecommunication, electrical power, water, or gas distribution system;

VEHICLE, AGRICULTURE means a vehicle, motor, implements of husbandry and trailers that are commonly used in an agricultural, general operation including but not limited to combines, tractors, cattle liners, grain trucks and carts, and horse/stock trailers;

LUB 13/10/2015

VEHICLE, COMMERCIAL means a vehicle, motor, used for commercial or industrial business operations, such as gravel trucks, gravel trailers, highway truck tractors, highway truck trailers, crane trucks, welding trucks, and vacuum trucks, any vehicle or trailer displaying logos or signage advertising a business, and any vehicle not meeting the definition of a "private passenger vehicle" in the Traffic Safety Act;

VEHICLE, MOTOR means a motor vehicle as defined in the *Traffic Safety Act, R.S.A.* 2000 Chapter T-6;

LUB 13/10/2015

VEHICLE, MOTOR SPORT means a vehicle used for personal recreation as in a boat, seadoo, skidoo, motorcycle, quad, or similar type of vehicle;

VEHICLE, RECREATION means a vehicle designed to be transported on its own wheels or by other means (including units mounted permanently or otherwise on trucks), which will permit its use for sleeping or living purposes for one or more persons on a short term basis:

WAREHOUSE means the use of a *building* or portion thereof for the storage and distribution of materials, goods or products, but does not include a *warehouse store*;

WAREHOUSE STORE means the use of a *building* for the retail sale of a limited range of bulky goods, the size and nature of which typically require large *floor areas* for direct display to the purchaser, and include, but are not limited to, such bulky goods as furniture, carpets and floor coverings, major appliances, paints and wall coverings, light fixtures, plumbing fixtures, and *building* materials and equipment, but does not include the sale of food, clothing, *Cannabis Sales*, or other personal goods, wares, substances, articles, or things;

LUB 11/09/2018

WASTE TRANSFER SITE means the use of land or a facility for the collection of waste, recyclables, household hazardous waste, and compost into bulk containers for sorting and preparation for further transport to a land fill site, recycling facility, or other waste disposal facility;

WATER BODY means any location where water flows, is standing or is present, whether or not the flow or the presence of water is continuous, intermittent, or occurs only during a flood, and includes but is not limited to wetlands and aquifers, but does not include part of irrigation works if the irrigation works are subject to a license and the irrigation works are owned by the licensee, except in the circumstances prescribed in the Water Act:

SECTION 19 APPLICABILITY

19.1 Within each Section of Part 3: General Regulations, the regulations under the subheading of "Business *Development*" shall apply to the following land use districts:

Land Use District	Abbreviation
Commercial - Point Commercial	C-PT
Commercial – Village Centre	C-VC
Commercial – Local Commercial	C-LC
Commercial – Regional Commercial	C-RC
Business – Highway Frontage	B-HF
Business - Business Campus	B-BC
Business – Industrial Campus	B-IC
Industrial - Industrial Activity	I-IA
Industrial – Storage and Sales	I-SS
Business - Recreation Destination	B-RD
Business - Leisure and Recreation	(B-LR)
Business – Agricultural Services	B-AS
Commercial – Springbank Court	C-SC

LUB 21/09/2010

The General Regulations shall apply to all land and development in the *County*, unless otherwise exempted in this Part.

19.3 Business Development

- (a) These regulations will be applied as a condition of a *Development Permit*;
- (b) These regulations apply to the redevelopment of existing *building* and facilities as well as all new development;
- (c) Where regulations outlined for *Business Development* conflict with other regulations of this *Bylaw*, the more restrictive of the provisions will take precedence;
- (d) Where developments are designed to have double frontage, these Business Development regulations will apply to both frontages;
- (e) A lot or unit may have more than one principal business use on the lot or unit.

SECTION 20 GENERAL DEVELOPMENT REGULATIONS

- The Development Authority may consider with respect to land that is the subject of an application for a Development Permit:
 - (a) its topography;
 - (b) its soil characteristics:
 - (c) the collection and disposal of stormwater from the land;
 - (d) its potential for flooding, subsidence, or erosion;
 - (e) its accessibility to a public roadway or highway, constructed to appropriate County or provincial standards;
 - (f) the availability and adequacy of a potable water supply;
 - (g) the adequacy of a sewage disposal system and the disposal of solid waste;
 - (h) the availability and/or adequacy of *County* services, which, without restricting the generality of the foregoing, *may* include fire protection, education services, student transportation, and police protection;
 - (i) the need to maintain an adequate separation distance between different or incompatible land uses. The separation distance shall be as prescribed by the Development Authority, recognizing the type and magnitude of both the development and surrounding land uses;
 - (j) proximity to environmentally sensitive areas;
 - (k) necessity/requirement of a site grading plan or detailed geo-technical engineering studies; and
 - (I) such other matters as the Development Authority deems appropriate.
- The Development Authority shall attach as conditions of a Development Permit approval those conditions it feels are necessary to address or resolve any development concerns or issues associated with those items listed in Section 34, Protection from Hazards.
- There shall be no more than one (1) dwelling unit per parcel unless otherwise allowed by this *Bylaw*.
- In all land use districts where a *building* has been constructed in accordance with the setbacks as set out in a *Development Permit* or *Building* Permit issued prior to the passing of this *Bylaw*, the setbacks are deemed to comply with this *Bylaw*. The setbacks for all *building*s constructed prior to March 12, 1985, are deemed to comply with this *Bylaw*.

SECTION 25 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS AND STRUCTURES

- The quality of exterior treatment and design of all *buildings shall* be to the satisfaction of the *Development Authority*.
- 25.2 Pursuant to Sub-Section (1), the *Development Authority may* consider the following when reviewing *development* proposals in all Districts:
 - (a) the design, character, and appearance of all *buildings* with respect to their compatibility with any other *buildings* existing in the vicinity;
 - (b) the design of the *building* must be consistent with the purpose of the Land Use District in which it is located; and
 - (c) the *building shall* comply with any provisions of any Statutory Plan which sets out specific guidelines as to the design, character, appearance, or building materials to be used within a District or area.
- A Commercial Communications Facility will meet the requirements of being stealth and therefore, qualify as having satisfied Section 7.24 when, in the opinion of the *Development Authority*, the design of the facility, based on an evaluation of the massing, form, colour, material, and other decorative elements, will blend the appearance of the facility into and with the surrounding lands.

25.4 Business Development

(a) Separation between *buildings* and construction of separating walls *shall* be in accordance with the Alberta Building Code.

Building Materials and Appearance

- (b) (The design, character, and appearance of all *buildings shall* be appropriate) and compatible with the surrounding area and *shall* be constructed of durable (materials designed to maintain the initial quality throughout the life of the project.
- (c) Extensions to existing *buildings* shall be constructed with compatible materials to the existing *building* and be satisfactory to the *Development Authority*.
- (d) The exterior design and finishing materials of all *buildings shall* be as shown on the approved plan and subject to the approval of the *Development Authority*.
- (e) Facades of *buildings* which exceed 31 m measured horizontally and facing public roadways *shall* incorporate visual and physical characteristics to add visual interest, by including at least three of the following architectural elements:
 - (i) Colour change;

- The Development Authority may require that exposed projections outside the building such as mechanical and electrical equipment, heating ventilating, air conditioning (HVAC), transformer ducts, cooling towers, and materials handling equipment, excepting solar panels, be screened from view from any public roadway other than a lane, or from adjacent sites if, in its opinion, such projections are inconsistent with the character and appearance of surrounding development.
- 31.5 The *Development Authority may* require that the appearance of metal, or concrete block walls exposed to public view from beyond the *site*, be improved where, in its opinion, such walls are inconsistent with the finishing materials or appearance characteristic of surrounding *development*.

Business Development Performance Standards

31.6 Except where permitted to do so by the *County*:

- (a) No use or operation on the Development Lands *shall* cause or create air contaminants, visible emissions, or particulate emissions beyond the *site* which produces them;
- (b) No use or operation on the *Development* Lands should cause or create the emission of noxious matter or vapour beyond the *building* or *site* which contains the use or operation in accordance with Alberta Environment guidelines;
- (c) No use or operation on the *Development* Lands should cause or create the emission of excessive noise or vibrations beyond the *building* or site which contains the use or operation; and
- (d) No use or operation on the *Development* Lands *shall* cause or create the emission of toxic matter beyond the *site* that produces it. The handling, storage, clean-up, and disposal of any toxic and/or hazardous materials or waste *shall* be in accordance with the regulations of any Government Authority having jurisdiction.

In addition:

- (e) Airborne particulate matter originating from storage areas, yards, parking areas, or access roads shall be minimized by appropriate surface treatments, as considered appropriate by the County, in accordance with Alberta Environment guidelines;
- (f) All uses or operations which stores, manufactures, utilizes materials, or products which may be hazardous due to their flammable or explosive characteristics shall comply with provincial fire codes, the requirements of the County and/or in accordance with the Emergency Management and Response Plan as required by this *Bylaw*; and
- (g) Where available, services for water supply and distribution and wastewater management should be via a piped system constructed, licensed, and

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permitted by Alberta Environment, or connected to a licensed wastewater treatment facility.

All outdoor storage, outdoor storage, recreational vehicle, and mini-storage development shall be accessed by a paved road that meets or exceeds County Standards, up to the property line where user access to the outdoor storage site is gained.

SECTION 32 LANDFILLING, SANITARY OR DRY WASTE DEVELOPMENT REGULATIONS

- Unless provided for in a specific *Direct Control District, Sanitary, or Dry Waste*landfilling development is neither a use, permitted nor discretionary within the land use districts of this *Bylaw*.
- Council shall, in the Direct Control Bylaw and/or an applicable Development Permit, establish such conditions of approval that it deems appropriate and, in that regard, may consider such requirements as listed below:
 - (a) limitations on the years, months, weeks, days, and/or hours of operation;
 - (b) requirement to provide and maintain sufficient dust control to the satisfaction of the *County*;
 - (c) posting of adequate *signage*, including emergency phone numbers, to warn of possible site or operational hazards and dangers;
 - (d) requirement to identify and/or number trucks or equipment involved in any hauling aspects of the *development*;
 - (e) limitations on the height of the landfill development;
 - (f) specific requirements related to any stripping, *filling*, excavation, and grading associated with a landfill *development*;
 - (g) landfill *development* to be subject to all provincial requirements and approvals, including the Regional Health Authorities Act.

SECTION 33 STRIPPING, FILLING, EXCAVATION AND GRADING

33.1 Site stripping, filling, excavation, grading, and/or re-contouring (including construction of artificial water bodies and dugouts) require a Development Permit.

LUB 21/09/2010

(a) Notwithstanding Section 33.1, the following uses do not require a Development Permit:

SECTION 43 RANCH AND FARM DISTRICT (RF)

43.1 Purpose and Intent

The purpose and intent of this District is to provide for agricultural activities as the primary land use on a quarter section of land or on large balance lands from a previous subdivision, or to provide for residential and associated minor agricultural pursuits on a small first parcel out.

43.2 Minimum Parcel Size

In order to facilitate the purpose and intent of this District and ensure the sustainability of agricultural uses within the District, for the purpose of subdivision applications, the Minimum Parcel Size in this District is as follows:

- (a) an unsubdivided quarter section;
- (b) the area in title at the time of passage of this *Bylaw*;
- that portion of a *parcel* remaining after approval of a redesignation which facilitates a subdivision and after the subsequent registration of said subdivision reduces the area of the parent *parcel* providing the remainder is a minimum of 20.23 hectares (50.00 acres); or
- (d) the portion created and the portion remaining after registration of an *First Parcel Out* subdivision.

LUB 10/12/2013

LUB 10/04/2018

REGULATIONS FOR SMALL PARCELS LESS THAN OR EQUAL TO 8.10 HECTARES (20.00 ACRES) IN SIZE

10/04/2018

43.3 Uses, Permitted

Accessory buildings less than 185.81 sq. m (2,000 sq. ft.) building area Agriculture, General
Dwelling, single detached
Home-Based Business, Type I
Keeping of livestock (See Section 24 for regulations)
Private Swimming Pool

LUB 21/09/2010

43.4 Uses, Discretionary

LUB 10/04/2018

Accessory buildings greater than 185.81 sq. m (2,000 sq. ft.) but no more than 371.61 sq. m (4,000 sq. ft.)

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

Animal Health Care Services

76.8 Other Requirements

- (a) A Development Authority may require a greater building setback for the proposed development which, in the opinion of a Development Authority, may interfere with the amenity of adjacent sites;
- (b) A Development Authority may require an Environmental Impact Assessment where there is uncertainty as to potential impacts of potential significant risk from the proposed development;
- (c) No vehicle storage shall be located in the front yard setback;
- (d) There shall be no storage of hazardous materials or goods on site;
- (e) No overnight or long term camping shall be allowed on site;
- (f) There shall be no storage for the salvage of, or for derelict vehicles and equipment, used building or domestic products and similar discarded or recyclable materials;
- (g) All outdoor storage, recreation vehicle sites shall have a dump station;
- (h) A minimum of 10% of the lands shall be landscaped in accordance with a Landscape Plan.

SECTION 77 BUSINESS – LEISURE AND RECREATION (B-LR)

77.1 Purpose and Intent

The purpose and intent of this district is to accommodate *business development* that provides primarily outdoor participant recreational services, tourism opportunities, and entertainment services that *may* be located outside of adopted Area Structure Plans, Conceptual Schemes, and Hamlet Plans. Developments within this district are meant to serve both a local and regional clientele. *Accommodation Units may* be included as ancillary to the principal *business* undertaking, and should be appropriate to the level of servicing available, at the discretion of the *County*, and in accordance with an adopted Area Structure Plan, Conceptual Scheme, or Hamlet Plan.

77.2 Uses, Permitted

Accessory uses
Building Accessory buildings
Commercial Communications Facilities (Types A, B, C)
Dwelling unit, accessory to the principal business use
Government Services
Signs
Tourist information services and facilities

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77.3 Uses, Discretionary

Accommodation Units, compatible with available servicing Amusement and Entertainment Services Athletic and recreation services Bed and breakfast home Campground, institutional

Campground, tourist

Golf Driving Range Lodging Houses and Country Inn Indoor Participant Recreation Services
Outdoor Participant Recreation Services
Patio, accessory to the principal business use
Public Park
Restaurant

Tourism Uses/Facilities, Agricultural

Tourism Uses/Facilities, General

Tourism Uses/Facilities, Recreational

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district

LUB 11/12/2012

77.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

77.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

77.6 Minimum and Maximum Requirements

- (a) Parcel Size:
 - (i) The minimum parcel size shall be 2.02 hectares (4.99 acres).
- (b) Minimum Yard, Front for Buildings:
 - (i) 30.00 m (98.43 ft.) from any road, *County*;
 - (ii) 60.00 m (196.85 ft.) from any road, highway;
 - (iii) 15.00 m (49.21 ft.) from any road, internal subdivision;
 - (iv) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
 - (v) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County.
- (c) Minimum Yard, Side for Buildings:
 - (i) 30.00 m (98.43 ft.) from any road, County;

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- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
- (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County;
- (v) 6.00 m (19.69 ft.) all other.

(d) Minimum Yard, Rear for Buildings:

- (i) 30.00 m (98.43 ft.) from any road;
- (ii) 15.00 m (49.21 ft.) all other.

77.7 **Building Height**

(a) Maximum of 12.00 m (39.37 ft.).

SECTION 78 BUSINESS – RECREATION DESTINATION (B-RD)

78.1 Purpose and Intent

The purpose and intent of this district is to accommodate *business development* that provides primarily indoor participant recreational services, tourism opportunities, and entertainment services within an area of the *County* identified by an Area Structure Plan, Conceptual Scheme, or Hamlet Plan as an appropriate location. *Developments* within this district are meant to serve both a local and regional clientele. *Accommodation Units may* be included as ancillary to the principal *business* use, and should be appropriate to the level of servicing available, at the discretion of the *County* and in accordance with an adopted Area Structure Plan, Conceptual Scheme, or Hamlet Plan.

78.2 Uses, Permitted

Building Accessory buildings Commercial Communications Facilities (Types A, B, C) Dwelling unit, accessory to the principal business use Government Services Signs

LUB 21/09/2010

78.3 Uses, Discretionary

Accessory uses
Accommodation Units, compatible with available servicing
Amusement and entertainment services
Arts and cultural centre

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TAB C

PLANNING LAW AND PRACTICE IN ALBERTA

Third Edition

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> Updated to March, 2013 Update No. 3

Juriliber

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POWERS OF AN APPEAL BOARD IN RENDERING A DECISION

development authority at the behest of objectors. As is noted in Chapter & occasionally development standards are not couched in objective language. For example, a land use bylaw may prescribe that the landscaping for a permitted use must be "to the satisfaction of the development officer". In such a case, affected objectors or the applicant likely are entitled to appeal the landscape requirement imposed by a development authority in a permit approval to the board. The board has jurisdiction to substitute such requirements as it considers appropriate, subject to it remaining within the limits prescribed by law for the exercise of a discretionar power.

§10.7(1)(b) Discretionary Uses

Where an appeal concerns a discretionary use, whether filed by the applicar against a refusal to issue a permit or by objectors in the case of an approva a subdivision and development appeal board may re-exercise afresh all the discretionary powers of the development authority. In the case of an approval be the authority and an appeal by objectors, a board may overrule the development authority if it is of the opinion, having regard to planning principles, that the discretionary use development should not be allowed to proceed. Conversely in the case of a refusal of a permit and an appeal by the applicant, the board may, in its discretion, reverse the development authority and issue a permit Where a discretion is conferred on a development authority over the development standards to be applied to a discretionary use, a board may similarly re-exercise that discretion at the behest of either the developer or objectors.

In short, wherever a discretion has been conferred in a land use bylaw or a development authority, whether it is in connection with uses or development standards, a subdivision and development appeal board has power to canvasthe merits of the development authority's decision in that regard and substitute it own conclusions. In so doing, however, the board must remain within the confine established by the common law for the exercise of discretion by a statutory tribuna

§10.7(2) THE VARIANCE POWER

Plans and land use bylaws prescribe uses and development standards that are common to all lands in a given conventional district or zone. The standards set of are the general average that the community, through its elected council, consider appropriate. However, there will be instances where that average standard is not appropriate for a variety of reasons in respect of a given development project on given parcel of land and, if applied, could result in an unfair decision. Consequently planning enabling legislation in most Canadian jurisdictions confers a power on planning agencies to relieve against the strict application of the otherwise mandatory prescriptions contained in the applicable plans or bylaws. This power

²⁴¹ See §6.3(8).

²⁴² While the obtainment of a discretionary use permit is a matter of discretion, an appeal boar cannot reject an application without having some legitimate planning reason for so doing. If n good reason exists, there is ipso facto an abuse of discretion.

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2.0 VISION AND PRINCIPLES

The County Plan's vision and principles serve as a guide for county development and the future aspirations of county residents.

Vision

Rocky View is an inviting, thriving, and sustainable county that balances agriculture with diverse residential, recreational, and business opportunities.

Principles

The following principles provide a framework to guide decision making when implementing the goals, policies, and actions of the County Plan.

1. Growth and Fiscal Sustainability

Rocky View County will direct new growth to designated development areas, and in doing so it will remain fiscally responsible. The County will:

- Encourage a 'moderate' level of residential growth that preserves and retains the County's rural character.
- Attract business development to specified areas, thereby providing jobs and strengthening the County's fiscal situation.

2. The Environment

Rocky View County will develop and operate in a manner that maintains or improves the quality of the environment. The County will:

- Manage stormwater and wastewater systems in a manner that does not adversely impact surface or groundwater, while providing for a safe and reliable drinking water supply.
- Undertake a wide range of measures to support the conservation of land, water, watersheds, energy, and other natural resources.
- Maintain the rural landscape and character of dark skies, open vistas, and working agricultural lands.
- Provide a variety of well-designed parks, open spaces, pathways, and trails that connect communities and accommodate residents' recreation and cultural needs.

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3. Agriculture

Rocky View County respects, supports, and values agriculture as an important aspect of the County's culture and economy. The County will:

- Facilitate diverse and sustainable agriculture operations and agriculture businesses.
- Support partnerships and education to increase operator knowledge and opportunities.
- Help minimize adverse impacts on agriculture operations and support agriculture diversity through land use policy.

4. Rural Communities

Rocky View County will support the development and retention of well-designed rural communities. The County will:

- Encourage agriculture, hamlets, and country residential communities to retain their rural character and maintain a strong sense of community.
- Support communities in providing attractive, well-designed, and distinct, residential neighbourhoods, gathering places, parks, and open spaces.

Rural Service

Rocky View County will strive to provide an equitable level of rural service to its residents. The County will:

- Provide access to high quality services and facilities for residents of all ages, income levels, skills, and lifestyles while remaining fiscally sustainable.
- Empower and support residents and organizations in improving their community.

6. Partnerships

Rocky View County will maintain a strong web of partnerships to help extend the range of services it provides to its residents. The County will:

- Develop and strengthen partnerships with communities, stakeholders, and neighbouring municipalities.
- Support volunteerism, collaboration, and community participation to strengthen and enhance communities.

Rocky View County provides a wide range of services such as:

- · Fire protection
- Libraries
- · Enforcement Service
- · Waste transfer and recycling
- Weed Control
- · Road Maintenance
- Snow Plowing

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3.0 PLAN ORGANIZATION AND PROJECT OVERVIEW

Plan Organization

The County Plan has been organized into four parts.

PART I INTRODUCTION: This part of the Plan summarizes the context in which the Plan was written, the vision and guiding principles, a description of how the goals, policies and actions are to be used to achieve the Plan's vision, and the legislative framework under which it operates.

PART II COUNTY DEVELOPMENT: This part of the Plan addresses how the County is to develop. Part II is subdivided into three sections. Section A addresses County growth in the context of remaining fiscally and environmentally sustainable. Section B provides guidance on community design and emphasizes the importance of retaining the county's rural character. Section C recognizes the importance of community services to Rocky View residents and the challenge of providing service in a rural setting.

PART III REGIONS: This part of the Plan recognizes the wide variety of landscapes, communities, and approaches to rural living within the county. Identifying regions provides additional context by which to interpret the policies of the County Plan when evaluating applications for land use and development.

PART IV IMPLEMENTATION AND MONITORING: This part of the Plan describes the ongoing activities to implement the plan. It summarizes the various Actions that will be conducted over the life of the plan and proposes monitoring tools to measure the success of the Plan.

Goals, Policies, and Actions

The Plan's vision and principles are achieved through its goals, policy, and actions as described below:

GOALS are specific objectives and/or targets for individual policy sections that achieve the County's vision and principles.

POLICY provides guidance to decision makers and the public throughout the life of the Plan. Policy provides direction and/or evaluation criteria that allow the County to achieve specific goals.

ACTIONS are activities that need to be done in the future to achieve a specific goal or policy. Actions include studies, regulation changes, and programs. A study may be necessary as an action before proceeding to a program or regulation.

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Language

The following describes the meaning of some of the key words that are contained in a policy:

SHALL: a directive term that indicates that the actions outlined are mandatory and therefore must be complied with, without discretion, by administration, the developer, the Development Authority and the Subdivision Authority.

SHOULD: a directive term that indicates or directs a strongly preferred course of action by Council, administration and/or the developer but one that is not mandatory.

MAY: a discretionary term, meaning the policy in question can be enforced by the County if it chooses to do so, dependent on the particular circumstances of the site and/or application.

SUPPORT: means to provide for, or to aid the cause or interest of something. Generally, when the word support is used, administration is in agreement with the proposal or premise, if other relevant policy is met.

Definitions

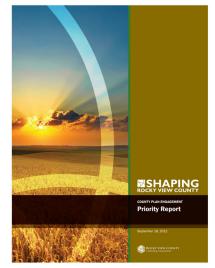
All definitions are italicized. Where they first occur, definitions are defined on the side bar and are grouped in Appendix B.

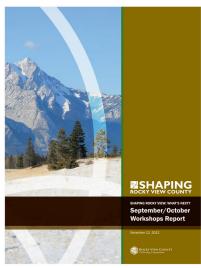
Public Engagement Process

Rocky View residents were made aware of the County Plan project through a variety of media including two direct mail outs, advertising, road signs, radio, media articles, and the County website. A total of 617 participants signed up to receive direct email notification about the County Plan process.

The County engaged participants in five separate sessions and reported back to participants on the results of the first four sessions:

- June to September (2012): 1,276 residents and land owners were surveyed and asked to rank their priorities either in-person or online¹.
- September/October (2012): in-person and online workshops were conducted to seek participants' input on growth, economic, social, and environmental issues. The workshops were held at seven locations around the county. A total of 204 participants attended the workshops with an additional 194 participants² providing input online.

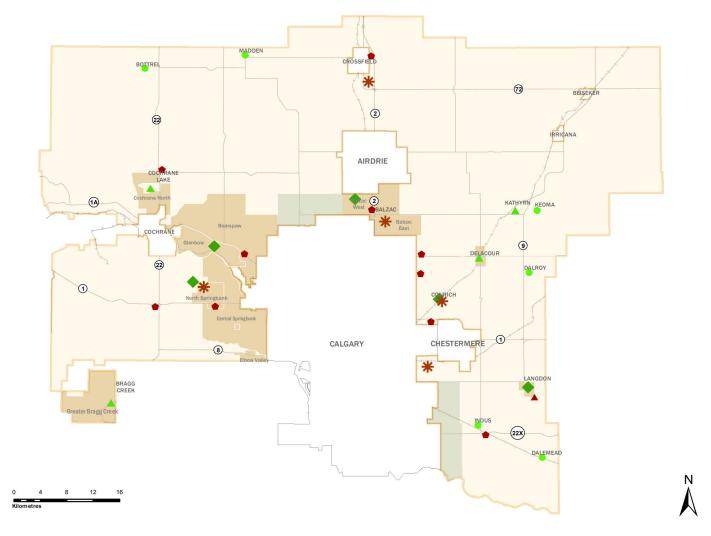




¹ County Plan Engagement Priority Report, 2012, Rocky View County

² September/October Workshops Report, 2012, Rocky View County

MAP 1-MANAGING GROWTH



Residential Communities

- Hamlet-Full Service
- Hamlet-Growth as per the adopted plan
- **Small Hamlet**
- Country Residential (Area Structure Plan)

Business Areas



Regional Business Centers



Highway Business Area

Hamlet Business Area

Future Urban Growth Areas



Calgary Growth Areas

(Rocky View County/Calgary Intermunicipal Development Plan)

General Legend



Rocky View Boundary

City/Town/Village



Highway



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7.0 ENVIRONMENT

County residents have a strong connection to the natural environment; valuing water, *watersheds*, working agricultural land, and wildlife. However, by the very nature of building communities, developing business parks, and farming and ranching, the environment is affected.

The County approves where development is located, how it is built, and how it operates. The County Plan supports decisions that minimize the adverse impacts of development on the environment. The Plan's policies in this section are supported and guided by the following provincial direction:

- Municipal Government Act that provides the legislative framework for statutory plans that "...maintain and improve the quality of the physical environment."
- Land Use Framework Strategy, which encourages conservation, land stewardship, healthy ecosystems, and the efficient use of land.
- Water for Life strategy goals of:
 - o a safe, secure drinking water supply;
 - healthy aquatic ecosystems; and
 - o reliable, quality water supplies for a sustainable economy.

Achieving a sustainable environment requires integration across the Plan. In addition to the policies and actions listed below, other policies addressing land stewardship, water, wastewater, stormwater, and the efficient use of land are captured in the agriculture, managing growth, building communities, utility, and solid waste sections.

GOALS

- Manage private development and County operations in a way that maintains and improves the quality of the natural environment.
- Encourage partnerships and public education initiatives that contribute to environmental awareness and management.
- Provide for a safe, secure, and reliable drinking water supply.
- Treat and manage stormwater and wastewater to protect surface water, riparian areas, and wetlands.
- Practice sound land use planning in order to protect agricultural operations, native habitat, environmentally sensitive areas, and wildlife corridors.
- Retain rural landscapes, dark skies, open vistas, and agriculture lands.
- Promote and implement conservation measures to reduce waste, improve water use, reduce land consumption, and increase building energy efficiency.

Watershed is the area of land where surface water from rain and melting snow or ice converges to a single point such as a major river.

Did you know? Both the Red Deer watershed and the Bow River watershed drain land within the County. The two rivers join together in Saskatchewan.

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POLICY

Education and Partnering

- 7.1 Educate county residents and developers on:
 - a. water conservation;
 - b. invasive weed control and pest management; and
 - c. small parcel environmental stewardship.
- 7.2 Facilitate education for agricultural producers on Beneficial Land Management Practices to reduce the impact of farm operations on the environment.
- 7.3 Support and participate in environmental management initiatives undertaken by:
 - a. watershed councils and water stewardship groups;
 - b. the regional air shed working group; and
 - c. agricultural and regional invasive weed management groups.

Water

- Protect ground water and ensure use does not exceed 7.4 carrying capacity by:
 - a. supporting long term ground water research and monitoring programs;
 - b. mitigating the potential adverse impacts of development on groundwater recharge areas;
 - c. adhering to provincial ground water testing requirements, as part of the development approval process; and
 - d. encouraging and facilitating the capping of abandoned water wells to protect against ground water leakage and cross contamination.
- 7.5 Use relevant watershed management plans as guiding documents and planning tools.

Did You Know? Rocky Page 68 of 95 participates and supports five watershed councils and stewardship groups

- Bow River Basin Council
- Red Deer River Watershed Alliance
- Elbow River Watershed Partnership
- Nose Creek Watershed Partnership
- Jumpingpound Creek Watershed Partnership

Carrying capacity is the ability of a watershed, air shed, and/or landscape to sustain activities and development before it shows unacceptable signs of stress or degradation.

Riparian land is the vegetated (green zone) area adjacent to rivers, creeks, lakes, and wetlands.

Wetlands are marshes and ponds that vary in terms of water saturation and permanence. Riparian areas and wetlands:

- improve water quality
- contribute to groundwater recharge
- reduce erosion and flooding
- provide recreation
- protect biodiversity

Low Impact Development (LID) uses a variety of techniques to treat and manage stormwater runoff close to the areas where rain falls. LID focuses on site design and stormwater control options such as green roofs. stormwater capture and re-use, and landscaping that increases the absorption and filtering of rainwater.

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B. Building Communities

Participants in the County Plan engagement process strongly supported the following statement.

"The rural nature and importance of country residential, hamlet, and agricultural communities must be maintained."12

At the same time, some participants questioned whether parts of the County are truly rural. What does it mean to be rural? Rural is a difficult word to define and it depends on whom you ask and where they live.13

Without question, farms and ranches, which produce crops and livestock are considered rural. What about the small hamlets, villages, and towns that started as places to trade commodities and provide services to the surrounding agriculture area? They have some of the physical characteristics of an urban centre, but because of their size and location in the county, have a very different feel and sense of community from their urban counterparts. And what about country residential communities; are they considered to be rural? These communities often arise because of their proximity to large urban centres. Nevertheless, residents of these communities strongly value the features that characterize the rural landscape.

The challenge to county residents, landowners, and developers is to build communities that retain a rural sense and feel. The following table captures some of the characteristics of Rocky View's three types of rural communities. These characteristics should be considered in planning, design, and development of a rural community.

¹² September/October (2012) Workshops Report, 2012, Rocky View County

¹³ Putting Smart Growth to Work in Rural Communities International City/County Management Association

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Table 3: Characteristics of Rocky View's Rural Communities

	Agriculture Area	Hamlet	Country Residential
The 'sense' of living in the country	self-reliant and independent	connection and participation	self-reliant and independent
	heritage and community	friendly, community spirit	community
	privacy	safety, family, and neighbours	privacy
	quiet	quiet	quiet
	space and distance	space and distance	space and distance
	livestock and wildlife	countryside	nature and wildlife
	associated with a distinct community or area	small and distinct community	part of a distinct community
Physical Characteristics	working land	surrounded by working or conservation land	interconnected with working land
	dark skies	dark countryside and public lighting	dark skies
	barns, corrals, granaries, livestock, fields, grain, pasture, noise, smells, and equipment	main street, central park, and/or commercial crossroad	paved roads connecting dispersed acreage communities
	farm homes with isolated country residential homes and gravel roads	larger residential lots with opportunity for a mix of residential uses and lot sizes	primarily residential development, variety of lot sizes, unique houses, and landscaping
	no local commercial services and amenities, distant community centres, and ball diamonds	some commercial services, amenities, a community hall, and playing fields	limited commercial services and amenities, a community centre, and sports fields in the general area
	wells and septic systems	piped water and wastewater, wells, and septic systems	piped water and wastewater, wells, and septic systems
	distant schools	schools	may be schools in the general area
	limited regional pathways	sidewalks and pathways for recreation and local transportation	recreational trails, opportunities for walking, riding, and cycling

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8.0 AGRICULTURE

Agriculture has been a mainstay of the County's economy and has guided its settlement pattern since the early 1900's. Most of the hamlets in the county started as places to trade livestock and grain and provide service to the surrounding area. Traditional agriculture still dominates the rural landscape, but in recent times new agricultural ventures are emerging.

The County Plan envisions Rocky View as a community where:

- traditional farming and ranching continues to be valued and respected;
- agriculture flourishes through innovation and diversification; and
- agriculture is promoted and recognized as vital to the County's social, economic, and environmental integrity.

Achieving this vision requires a comprehensive approach to education, the business of agriculture, and land use planning. The County can assist by providing services, encouraging business opportunities, and supporting the diversity and flexibility of agriculture operations.

GOALS

- · Foster an agriculture sector that is diverse, sustainable, and viable.
- Promote partnerships and education initiatives that support the agriculture sector and contribute to increased operator knowledge and opportunities.
- Support individual agriculture producers and related business to help them be successful.
- Support agriculture operators in going about their day-to-day business with minimum adverse impacts from non-agricultural land uses.
- Encourage and support new forms of agriculture innovation and diversification through land use policy.

POLICY

Partnering, Education, and Food Production

Maintaining a viable and sustainable agricultural sector requires practical hands-on support to educate agricultural producers and county residents, and facilitate the broadening of agriculture markets and regional food production.

In the years ahead "traditional agriculture uses including large scale crop and cattle production still dominate the landscape. However, the industry has been revitalized through a renewed global emphasis on food production... the next generation of producers and general diversification and innovation."

- vision from the Agriculture Master Plan

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Business

Agricultural operators and the entire agricultural sector make an important contribution to the economy and employment levels in the County.

- 8.7 Support and encourage agriculture operations and agricultural related economic activity.
- 8.8 Support and encourage *small scale*, *value-added agriculture* and *agriculture services* to locate in proximity to complementary agricultural producers.
- 8.9 Direct large scale value-added agriculture and agriculture services to develop in identified and comprehensively planned business centres.
- 8.10 Provide a road network that allows for the safe and timely movement of agricultural equipment and goods.
- 8.11 Provide for increased home based business opportunities.
- 8.12 Support the province in recognizing, preserving, and accounting for the *natural capital* of land.
- 8.13 Support and encourage the use of agricultural land for small scale production of renewable sources of energy.

Land Use

Agriculture viability and diversity requires the recognition of different types and scales of agriculture operations; and the need to allow operators to go about their day-to-day business without new land uses adversely impacting their operation.

- 8.14 Support traditional agriculture and new, innovative agricultural ventures.
- 8.15 Support and encourage the viability and flexibility of the agriculture sector by allowing a range of parcel sizes, where appropriate.
- 8.16 All redesignation and subdivision approvals shall address the development requirements of section 29.

First Parcel Out

- 8.17 A subdivision to create a first parcel out that is a minimum of 1.60 hectares (3.95 acres) in area should be supported if the proposed site:
 - a. meets the definition of a first parcel out;
 - b. has direct access to a developed public roadway;
 - c. has no physical constraints to subdivision;
 - d. minimizes adverse impacts on agricultural operations by meeting agriculture location and agriculture boundary design guidelines; and
 - e. the balance of the *un-subdivided quarter section* is maintained as an agricultural land use.

accounted for \$4.7 billion of evenues 95 and employed 61,000 Albertans.

Value-added agriculture

involves the processing of primary agricultural products and services into secondary products to increase overall product value.

Agriculture services assist the agricultural operator in the production of primary and value-added agriculture products and services.

Small scale means activities that are minor in nature, as per the land use bylaw; and limited in scope, extent, traffic, and employees. Small scale, value-added agriculture and agriculture services may not require upgrades to the road network if traffic volumes can be safely accommodated. Examples of small scale, value-added production and agriculture services include:

- · berries to jam
- meat to sausage
- agri-tourism
- farrier services
- welding shop

Natural Capital is the land resource that supports economic activity (agriculture, forestry, recreation). It includes physical resources (minerals, timber, and petroleum) as well as the ecosystems (grasslands, wetlands, and forests) that produce ecological goods and services (clean water and air).

Physical Constraint means a natural feature or human made hazard that impacts or restricts site suitability for development. Constraints include; rivers, water bodies, wetlands, ravines, escarpments, steep slopes, land that is subject to flooding, and land that is, in the opinion of the subdivision authority, unstable.

Un-subdivided Quarter Section is a titled area of:

- I. 64.7 hectares (160 acres) more or less; or
- II. a *gore strip* greater than 32.38 hectares (80 acres) in size,

that has not been subdivided, excluding subdivisions for boundary adjustments; road widening; and public uses such as a school site, community hall, and rights of way of roads, railroads, and canals.

Gore Strip means a fractional ¼ section of land created to allow for the convergence of meridian lines.

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Minimize Land Use Conflict

Non-agricultural development adjacent to, or near, an agricultural operation may adversely impact that operation. One way of addressing land use compatibility is to emphasize the importance of buffering and setbacks.

- 8.25 Discourage intrusive and/or incompatible land use in the agricultural area.
- 8.26 Applicants proposing new residential, institutional, commercial, and industrial land uses shall design and implement measures to minimize their adverse impacts on existing agriculture operations, based on the County's 'agriculture boundary design guidelines.'
- 8.27 Encourage houses in residential areas adjacent to agricultural land to be set back an appropriate distance from the agricultural land so as to minimize the impact on both the agriculture operations and the house owners.
- 8.28 Work with adjacent municipalities to minimize the adverse impact of new land uses within their jurisdiction on existing agriculture operations in Rocky View County. Ensure joint planning with adjacent municipalities respects and addresses the County's 'agriculture boundary design guidelines'.

ACTIONS

- Review the Land Use Bylaw home based business uses and regulations to provide greater opportunity on larger parcels of land (policy 8.11).
- Explore the use of provincial tools to compensate landowners for the natural capital of agricultural land (policy 8.12).
- Review the Land Use Bylaw to allow for the development of renewable energy sources. (policy 8.13).
- Amend the Land Use Bylaw to allow a first parcel out for an agriculture subdivision, and agriculture subdivision of isolated land without redesignation (policies 8.18 to 8.19).
- Develop a Right to Farm Policy which aligns with provincial legislation and, where feasible, enhances provincial objectives (policies 8.29 to 8.30).
- Develop and apply 'agriculture boundary design guidelines' to minimize negative impacts on agricultural land from new nonagricultural land uses, including a consideration of increased building setbacks (policy 8.31).

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14.0 BUSINESS DEVELOPMENT

A strong local economy provides multiple benefits to the social, economic, and environmental fabric of the County. Businesses provide:

- · employment and services
- · a commercial focus adding to the vitality of a hamlet
- · taxes to help provide community services
- local employment to reduce vehicle use

The County Plan provides a number of business areas and development forms which accommodate the wide variety of businesses wishing to locate in the county. This Plan identifies regional business centres, highway business areas, and hamlet business areas as areas where the majority of commercial and industrial development should locate. By focusing development in these locations, the County provides for orderly growth and economic efficiencies in the development of its transportation and infrastructure systems.

The County Plan supports and encourages a robust market-driven economy by facilitating economic development and providing planning policies that help foster private and public investment in the county.

GOALS

- Provide a range of well-designed *business areas* that serve county residents and the Calgary region.
- Direct the majority of new commercial and industrial businesses to locate in the business areas identified on Map 1.
- Support the growth of a variety of business areas, agriculture businesses, and home based businesses.
- Support hamlets in developing main streets or central commercial areas that add to the social fabric of the hamlet and provide enhanced services to the local area.
- Support business development that meets the County's community and environmental goals.
- Increase the business assessment base to support the financial sustainability of the County's operations, while reducing reliance on the residential tax base.

Environmental reserves are defined in the Municipal Government Act as lands dedicated to prevent development in hazard areas (e.g. floodways or escarpments), reduce water pollution, and provide access to lakes and rivers. Environmental reserves are dedicated as public land.

Environmental reserve easements have the same goals and obligations as environmental reserves under the Municipal Government Act, but are allowed to remain privately owned.

A conservation easement is a method to protect significant natural landscape features or agriculture land whereby a landowner voluntarily gives up all or some of the rights to develop the land.

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Hamlet Main Street

Commercial and institutional development on a main street, crossroads, or central area contributes to the fabric of a hamlet by providing a community meeting place, adding visual interest to the hamlet, and offering services to the local area. The ability of the hamlet to support commercial development and institutional development is related to the size of the local population and the location of other commercial areas.

- 14.15 Support and encourage existing hamlets in developing and improving their main street, crossroads, or central area.
- 14.16 Hamlet main streets or central areas are encouraged to develop with a consistent design theme.
- 14.17 Hamlet area structure plans and/or subordinate plans shall address the design and function of the hamlet's main street, crossroads, or central area.

Agriculture

Agricultural operators and the entire agricultural sector make an important contribution to the County's economy and employment levels. The agricultural service goals, strategies, and policies that support the business of agriculture are found in policies 8.7 to 8.13.

Home Based Business

Home based business is encouraged as a self-employment opportunity for residents as long as the business has minimal impact on adjacent home owners and County infrastructure.

14.18 Home based business is encouraged and supported when it is in accordance with any applicable area structure plan, subordinate plan, and the Land Use Bylaw.

Other Business Development

Substantive planning, time, and public and private investment have resulted in identifying and developing business areas. This Plan encourages new businesses to locate within the existing business areas as identified on Map 1 and does not support business development on business area boundaries. Proposals for small scale business development away from identified business areas must justify their need and location.

- 14.19 Applications to redesignate land for business uses adjacent to, or in the vicinity of, the boundaries of an identified business area shall not be supported.
- 14.20 Small scale value-added agriculture and agriculture services, natural resource extraction, and business as defined in relevant Federal or Provincial legislation may be

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supported adjacent to, or near, a business area.

- 14.21 Applications to redesignate land for business uses outside of a business area shall provide a rationale that justifies why the proposed development cannot be located in a business area (e.g. requirement for unique infrastructure at the proposed location).
- 14.22 Proposals for business development outside of a business area should:
 - a. be limited in size, scale, intensity, and scope;
 - b. have direct and safe access to a paved County road or Provincial highway;
 - c. provide a traffic impact and intersection assessment; and
 - d. minimize adverse impacts on existing residential, business, or agricultural uses.

Industrial Storage

Location and design are important factors when considering redesignation and subdivision applications for industrial storage. Unless they are properly sited and designed, industrial storage facilities may adversely impact land values and agricultural operations. They may also create traffic problems in an area by increasing traffic volume and dust.

- 14.23 Applications to redesignate land for industrial storage shall:
 - a. Adhere to policies 14.19 to 14.22;
 - b. Locate in a manner that minimizes traffic and dust on nearby lands;
 - c. Provide a landscape and site development plan to reduce visual impact through the use of existing landscaping or topographical elements and visually attractive perimeter screening that incorporates vegetation, fencing, and/or berms; and
 - d. Provide a management plan for the handling and storage of waste materials, including leakage from vehicles or other sources.

Economic Development

- 14.24 Support business development, in accordance with the policies of the County Plan.
- 14.25 Facilitate economic development by providing assistance and reducing barriers to companies wishing to invest in the County.
- 14.26 Facilitate investment opportunities for a variety of investor groups.
- 14.27 Link investors and developers to investment opportunities.
- 14.28 Work with producers and commodity specialists to add

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TAB E

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2013

COUNTY SERVICING STANDARDS



APPROVED BY RESOLUTION NO. 188-13

ON MAY 28th 2013

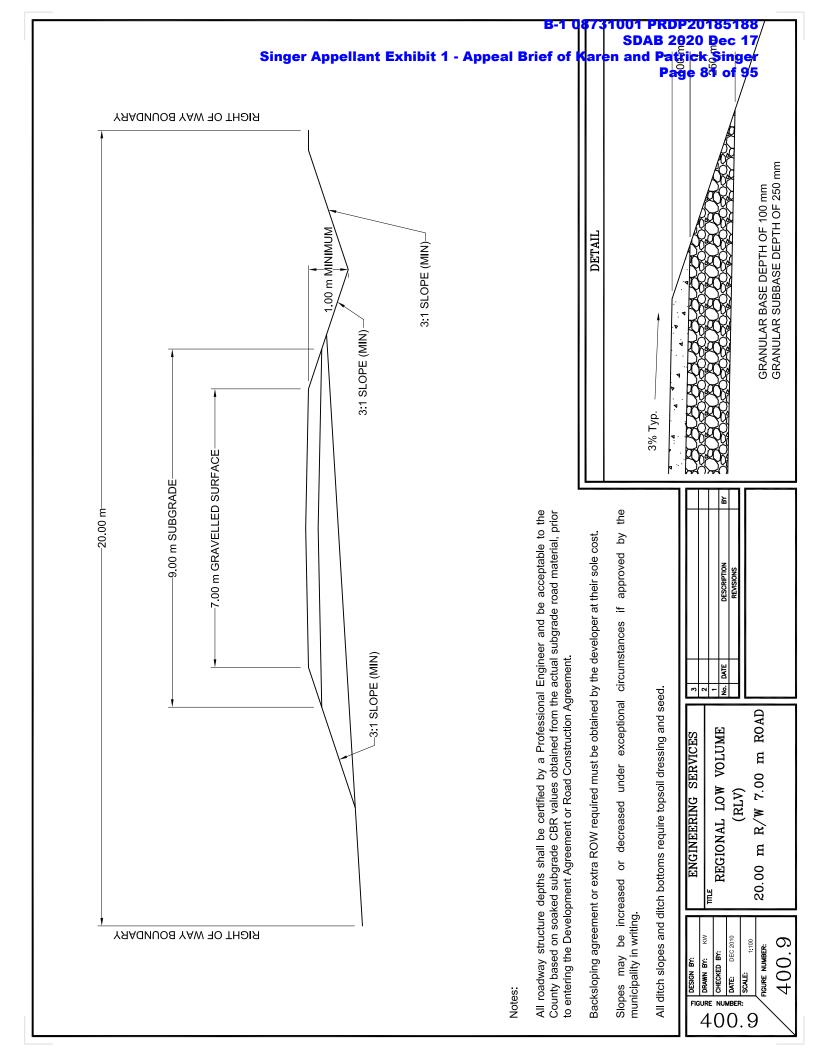
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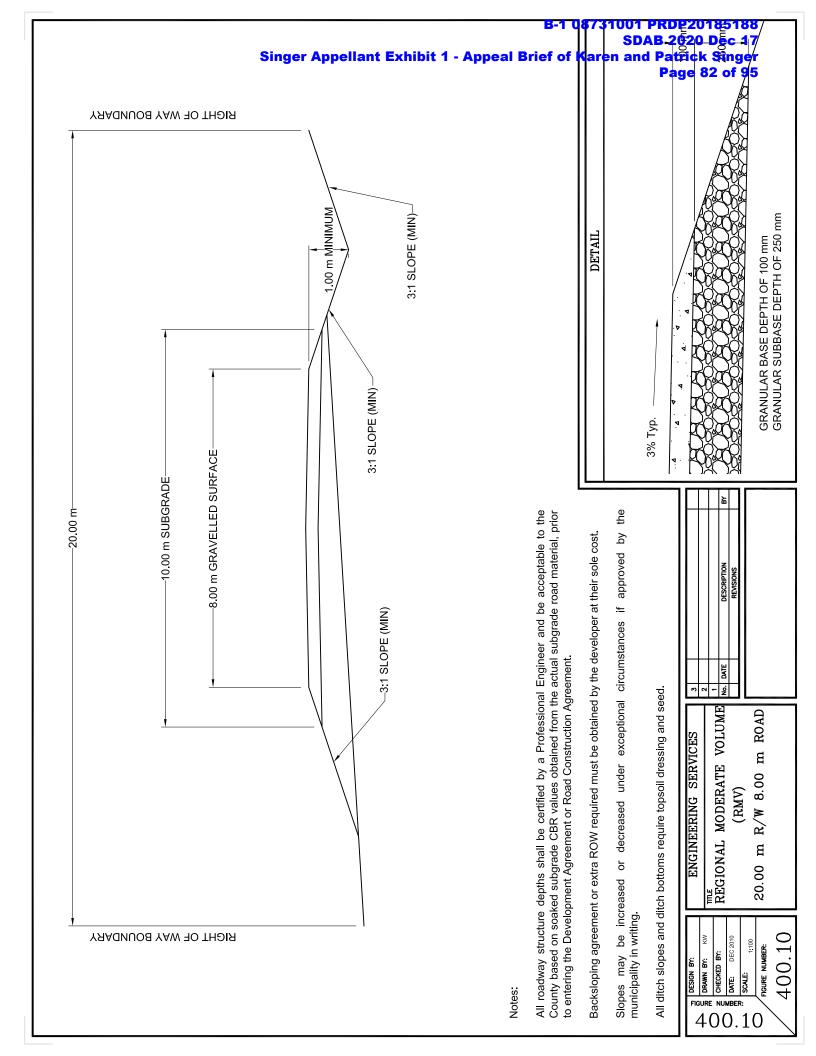
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Road Structure	Granular Base Depth (mm)			Şir	ıger	V Bb	ellan	t Ex	hibit	1001	Appe	a <u>k</u> B	rie	of of	Kare	n _ള ar	ıd _g Pa	atgic	k Singer 79 of 95
Roa	Asphaltic Concrete Depth (mm)			20	06	120	130	130	06	120	130	150		,		120	120	150	67 Pa
Alginment	Max. / Min. Gradient (road ditch) / (%)			9.0 / 0.9	7 / 0.6	7 / 0.6	9'0/2	4 / 0.6	7 / 0.6	7 / 0.6	4 / 0.6	7 / 0.6		8/0.6	8/0.6	8/0.6	9/0/9	e	
	Minimum Sag (k)				12	20	20	12	12	20	12	35		25	40	40	40	90	
	tearO muminiM (K)			,	12	50	20	12	12	20	12	35		25	55	92	55	75	
	euibeЯ muminiM (m)				80	120	120	120	80	120	120	230		170	300	300	300	390	
Gross Section Elements	Minimum Ditch Depth								1-	~	-	-		-	-	-	-	-	
	Min. Bottom Ditch Width (m)				Curb & Gutter	Curb & Gutter	Curb & Gutter	Curb & Gutter	2.5 may vary	2.5 may vary	2.0 may vary	2.0 may vary		V ditch	V ditch	V ditch	2.5 may vary	3.5 may vary	
	Side/Back Slope Ratio						1	1	3:1	3:1	1.7	4:1 / 3:1		3:1	3.1	3:1	1:1	4:1	
	Min. Surface Width / Minimum Subgrade width (M)				9.0 / 12.0	11.5 / 13.5	14.0 / 16.0	9.5 / 11.5	7.0 / 9.0	8.0 / 10.0	10.0 / 13.5	18.0 / 21.4		7.0 / 9.0	8.0/10.0	8.0/10.0	9.0 /12.5	10	
	Min Rright-of-Way (M)			φ	15	20	27	19	25	25	30	36		20	20	20	30	30	
	Min. Corner Radius				თ	10.5	10.5	:	10	15	:	‡		10	10	10	‡	*	
	Posted Speed ¹⁰				40	90	90	90	40	20	20	0.2		09	08	08	08	06	
	Design Speed (km/h)			ଛ	20	09	09	09	90	09	09	08		20	06	06	06	100	
	Surface Type			Paved	Paved	Paved	Paved	Paved	Paved	Paved	Paved	Paved		Gravel	Gravel	Paved	Paved	Paved	
	Number of Lanes				7	2	2 or 4	2	2	7	74	2 or 4		2	2	2	2	5	
	Daily Traffic Volumes (VPD)				<1000	1000	5000	N/A	<200	200	N/A	N/A		<200	<500	200-1000	501 - 2500	>2500	
	Description and Notes ^{1,2}			Access to back of lots in urban subdivisions.	Access lots < 2 acres. Sidewalk and parking on both sides. 2.5m driving lanes and 2.0m parking lane	Collects traffic from Urban Residential. Sidewalk and parking on both sides. 3.5m driving lanes and 2.25m parking lanes	Collects traffic from other Collectors. Sidewalk on both sides, no parking allowed, 3.5m driving lanes. Reduced ROW for undivided.	Urban local industrial road servicing lots. Separated sidewalk on both sides, no parking allowed, 4.75m driving lanes, Add 2.5m pavement for parking on one side	Internal rural residential road accessing less than 10 lots and is not a through road.	Minor residential collector accessing more than 10 lots and/or is a through road.	Directly services lots in industrial / commercial subdivisions.	Main access road that services all aspects of industrial and commercial subdivisions.		Not applicable to internal roads. Not a through road with max 200 VPD from new access to nearest developed intersection of RMV Standard or higher	Moderate traffic volume regional network road. Through and non through road with less than 500 VPD	Moderate traffic volume regional network road. For use when limitations of existing ROW exist and a paved standard is required.	High traffic volume regional network road.	High traffic volume road.	
TABLE 400-F	Classification	Internal Subdivision Roads	Residential Back Lane	(BL)	Urban Residential (400.1) (UR)	Urban Residential Collector (400.2) (URC)	Urban Primary Collector (400.3) (UPC)	Urban Industrial / Commercial (UI/C)	Country Residential (400.4) (CR)	Country Collector (400.5) (CC)	Industrial / Commercial³ (400.6) (I/C)	Industrial/Commercial Collector ⁴ (400.7) (I/CC)	Municipal Grid Roads	Regional Low Volume ⁵ (400.8) (RLV)	Regional Moderate Volume ^{5,6} (400.9) (RMV)	Regional Transitional Paved ^{5,6} (400.10) (RMVP)	Regional Collector ⁷ (400.11) (RC)	Regional Arterial ⁸ (400.12) (RA)	

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Minimum cul-de-sac bulb radius may include sidewalks when rolled curbs and subgrade to match road design is implemented
 For urban cross section refer to City of Calgary Design Guidelines for Subdivsion Servicing Undivided Major (Sheet 13)
 Same classification as UCU50 in TAC Geometric Design Standards Manual.
 Same classification as UCU80 in TAC Geometric Design Standards Manual.
 Regional transportation network roads encompass all of the originally surveyed government road allowance, which are generally gravel surfaced with a 9.0 m subgrade width, within 20 m right-of-way, however may remain undeveloped at this time.
 Same classification as RCU80 in TAC Geometric Design Standards Manual.
 Same classification as RCU90 in TAC Geometric Design Standards Manual.
 Same classification or Playground zones must be posted at 30km/h
 See Section 405
 Refer to current TAC Geometric Design Standards Manual.





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TAB F

Rocky View County Land Use Bylaw







BYLAW C-8000-2020

A Bylaw of Rocky View County to adopt the Land Use Bylaw, pursuant to Section 639 of the *Municipal Government Act*

The Council of Rocky View County enacts as follows:

PART 1 - TITLE

This Bylaw shall be known as the "Land Use Bylaw".

PART 2 - EFFECT OF BYLAW

THAT Schedule 'A' of Bylaw C-8000-2020 is adopted as the "Land Use Bylaw", to regulate and control the use and development of land and buildings in Rocky View County.

PART 3 – TRANSITIONAL

Bylaw C-8000-2020 comes into force when it receives third reading, and is signed by the Reeve and CAO or Designate, as per the *Municipal Government Act*.

Division: All File: 1015-565

READ A FIRST TIME IN COUNCIL this

PUBLIC HEARING WAS HELD IN COUNCIL this

READ A SECOND TIME IN COUNCIL this

READ A THIRD TIME IN COUNCIL this

28th day of January, 2020

25th day of Tune , 2020

28th day of July , 2020

28th day of July , 2020

Reeve

CAO or Designate

Date Bylaw Signed

RELATIONSHIP TO OTHER LAWS AND REGULATIONS

- 5 Nothing in this Bylaw shall exempt any person from any obligation to comply with the requirements of any other municipal, regional, provincial, or federal law, bylaw, or regulation. This includes, but is not limited to, compliance with the following:
 - a) The Bylaw is consistent with the MGA as amended or replaced from time to time. The MGA takes precedence in a case of dispute on the meanings of all words or clauses,
 - b) The Bylaw is consistent with the *Alberta Land Stewardship Act* (ALSA), as amended or replaced from time to time,
 - c) The Bylaw is consistent with the South Saskatchewan Regional Plan (SSRP), as amended or replaced from time to time,
 - d) The Bylaw is not a statutory plan and is therefore outside of the scope of the Calgary Metropolitan Region Board's purview,
 - e) The Bylaw is consistent with the 'County Plan C-7280-2013,' as amended or replaced from time to time, and
 - f) The Bylaw shall be used in conjunction with policies and procedures as adopted and amended by Council including, but not limited to, Area Structure Plans, Area Redevelopment Plans, and any Infrastructure Master Plans as they pertain to transportation, water, sanitary and/or stormwater management infrastructure.

EFFECTIVE DATE & TRANSITION

- **6** Bylaw C-4841-97, being the Rocky View County Land Use Bylaw and amendments thereto, are rescinded upon this Bylaw passing and communing into full force and effect.
- **7** Bylaw C-8000-2020 being the Rocky View County Land Use Bylaw, is passed when it receives third reading and is signed pursuant to the MGA.
- **8** Bylaw C-8000-2020 being the Rocky View County Land Use Bylaw, comes into full force and effect on September 8, 2020.
- **9** All amendments to the Bylaw, any Redesignation, or Development Permit applications received on or after the effective date of the Bylaw shall be processed and considered upon the provisions outlined herein.
- 10 All Development Permit applications received in a complete form prior to the effective date of this Bylaw shall be processed based on 'Land Use Bylaw C-4841-97,' unless the Applicant requests in writing that the application be processed based on the regulations of this Bylaw.
- Direct Control Bylaws that were passed pursuant to previous Land Use Bylaws and which are denoted within Schedule B Land Use Map are hereby incorporated into, and form part of, this Bylaw.

FEES AND CHARGES

12 All fees and charges under and pursuant to the Bylaw, are established within the 'Master Rates Bylaw C-7857-2019,' as amended or replaced from time to time.

INTERPRETATION

Language

- 13 Words used in the singular include the plural, and words in the plural include the singular.
- 14 Words used in the present tense include the other tenses and derivative forms.
- 15 The words "shall" and "must" require mandatory compliance except where a variance has been granted pursuant to the MGA or the Bylaw.
- **16** The word "may" is to be construed as permissive.



DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

- 69 The Development Authority, in making a decision on a Development Permit application for:
 - a) A Permitted Use that meets all requirements:
 - i. Shall approve the application, with or without conditions, if the proposed development conforms with the Bylaw,
 - b) A Permitted Use that does not meet all requirements:
 - i. May approve the application, with or without conditions, if the proposed development conforms with the Bylaw, or
 - ii. May approve the application, with or without conditions, if the proposed development does not conform with the Bylaw, subject to the approval of any required variances,
 - c) A Discretionary Use:
 - i. May approve the application, with or without conditions, if the proposed development conforms with the Bylaw,
 - ii. May approve the application, with or without conditions, if the proposed development does not conform with the Bylaw, subject to the approval of any required variances, or
 - iii. May refuse the application even though it meets the requirements of the Bylaw,
 - d) A Discretionary Use in a Direct Control District:
 - i. May consider and approve the application providing it meets the direction set out by Council, where Council has delegated the decision to the Development Authority.

REVIEWING DEVELOPMENT PERMIT APPLICATIONS

- 70 In reviewing a Development Permit application for a Permitted Use with a proposed variance or a Discretionary Use, the Development Authority shall have regard to:
 - a) The purpose and intent of the applicable District,
 - b) Any Statutory Plan adopted by the County,
 - c) The purpose and intent of any other plan and pertinent policy adopted by the County, and
 - d) The circumstances and merits of the application.
- 71 Notwithstanding the provisions of the Bylaw, the Development Authority may impose more stringent development regulations or standards on a Development Permit for a Discretionary Use in order to ensure that the Development is compatible with and complementary to surrounding land use and other planning considerations.
- 72 In reviewing a Development Permit application for a parcel not serviced by a piped sewer system, the Development Authority must be satisfied that an adequate sewage disposal system exists and is not a public health hazard.

DEEMED REFUSALS

- 73 An application for a Development Permit shall be deemed to be refused in the following circumstances:
 - a) Outstanding information requested as part of the determination of completeness is not submitted by the Applicant,
 - b) The Development Authority does not make a decision on a Development Permit within the review period identified in Section 61.
 - c) The Development Authority does not make a decision on a Development Permit within an agreed upon 'Time Extension Agreement'.



- b) Shall impose a condition that removes the County from any liability regarding costs related to cessation of the development,
- c) Shall impose a condition that requires the site to be restored to a condition acceptable to the Development Authority, and
- d) May require the applicant to post a security.
- 99 When a Temporary Development Permit expires the permit is void and a new application shall be required.

Development Permit Conditions

CONDITIONS OF APPROVAL

100 The Development Authority, in imposing conditions on a Development Permit may:

- a) For a Permitted Use, impose conditions only to ensure compliance with this Bylaw, or
- b) For a Discretionary Use, impose conditions as deemed appropriate, so long as they serve a legitimate planning objective and do not sub-delegate the Development Authority's discretionary powers.

VARIANCES

- **101** Unless a specific provision of the Bylaw provides otherwise, the Development Authority may allow a variance under one or more of the following circumstances:
 - a) The proposed development, with variance, would not unduly interfere with neighbouring parcels, or
 - b) The variance is specific to the parcel, building or sign to which it applies, not shared by a significant number of other properties in the surrounding area, or
 - c) The variance is a result of an error in the situating of a building or structure, and the rectifying of the error would create unnecessary hardship to the registered owner.
- 102 The Development Authority shall require a supporting rationale from the applicant in support of a variance.
- 103 The amount of an individual variance is at the sole discretion of the Development Authority.
- 104 Variances shall not be considered by the Development Authority in the following situations:
 - a) Height within an Airport Vicinity Protection Overlay, and
 - b) Setbacks to a riparian area.
- **105** In the event that a variance is granted, the Development Authority shall specify that a variance has been granted in the public notification.

ENCROACHMENT AGREEMENTS

106 If an applicant applies for a Development Permit for a building or structure that encroaches on property owned by the County, the Development Authority may as a condition of approval require the applicant to enter into an Encroachment Agreement with the County.

DEVELOPMENT AGREEMENTS

- **107** As a condition of approval, the Development Authority may require the applicant to enter into a 'Development Agreement' with the County, in accordance with the MGA, and may require the applicant to:
 - a) Construct, install or pay for any improvements and utilities that are needed to serve the development or access to it, and/or
 - b) Pay a Security or Levy, and/or



PART FIVE General Regulations



This part outlines general regulations that apply to development within the County.

Buildings and Structures

ADDRESSING

165 All Principal Buildings shall have the civic address clearly displayed and easily visible from the street.

SERVICING

166 All buildings shall have sanitary and sewer servicing to the satisfaction of the Development Authority.

BUILDING DESIGN

167 A building's character and appearance may be considered in the review of proposed developments with respect to:

- a) Consistency with the prescribed District,
- b) Compatibility with nearby buildings, and
- Compliance to the provisions of any Statutory Plan, which sets out specific guidelines as to the design, character, appearance, or building materials used in a development.

MECHANICAL HOUSING

168 In all Non-Agriculture Districts, a building's mechanical housing shall be screened, to the satisfaction of the Development Authority.

BUILDING HEIGHT

- **169** The height of a building is determined by the average height of all elevations.
- 170 The average height of an elevation shall be determined based on the finished grade to the highest point of the building.
- **171** The highest point of a building shall not include the following: elevator housing, mechanical housing or its screening, roof stairway entrance, ventilation fans, a skylight, a steeple, a smokestack, a parapet wall, a flagpole, or similar device not structurally essential to the building.
- **172** The finished grade shall be determined by the average of the highest and lowest grade adjacent to the façade of the building.



A-GEN Agricultural, General District

303 PURPOSE: To provide for agricultural activities as the primary use on a Quarter Section of land or larger or on large remnant parcels from a previous subdivision, or to provide for residential and associated minor agricultural pursuits on a small first parcel out.

304 PERMITTED USES:

Accessory Building \leq 930 m² (10010.40 ft²)

Accessory Dwelling Unit Agriculture (General)

Beekeeping

Dwelling, Single Detached

DISCRETIONARY USES:

Accessory Building > 930 m^2 (10010.40 ft^2)

Agriculture (Intensive)
Agriculture (Processing)
Animal Health (Inclusive)
Bed and Breakfast

Cannabis Cultivation Care Facility (Child) Care Facility (Clinic) Care Facility (Group)

Communications Facility (Type A) Communications Facility (Type B) Communications Facility (Type C)

Dwelling, Manufactured

Dwelling, Tiny

Dwelling Unit, accessory to principal use

Equestrian Centre Farm Gate Sales Farmers Market

Home-Based Business (Type II)

Kennel

Recreation (Culture & Tourism)

Riding Arena

Special Function Business

Vacation Rental

Those uses which are not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the above and conform to the purpose of this District may be Discretionary Uses.

305 MINIMUM PARCEL SIZE:

- a) An un-subdivided Quarter Section
- b) The portion created and the portion remaining after registration of a First Parcel Out subdivision

306 MAXIMUM DENSITY:

- a) On parcels less than 32.4 ha (80.0 ac), a maximum of 2 Dwelling Units one Dwelling, Single Detached and one other Dwelling Unit
- b) On parcels greater than or equal to 32.4 ha (80.0 ac), a maximum of 4 Dwelling Units two Dwelling, Single Detached and two other Dwelling Units

307 MAXIMUM BUILDING HEIGHT:

a) Dwelling Units: 12.0 m (39.37 ft.)

b) All others: None

308 MINIMUM SETBACKS:

Front Yard Side Yard Rear Yard
45.0 m (147.64 ft.) from County roads 45.0 m (147.64 ft.) from County roads 30.0 m (98.43 ft.) from any road



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60.0 m (196.85 ft.) from Highways 15.0 m (49.21 ft.) from service roads 60.0 m (196.85 ft.) from Highways 15.0 m (49.21 ft.) from service roads 6.0 m (19.69 ft.) from other parcels 15.0 m (49.21 ft.) from other parcels

309 EXCEPTIONS:

- a) Parcels designated by the letter "o" on the Land Use Map shall provide for one (1) additional First Parcel Out subdivision after September 29, 1998, and
- b) On parcels less than 4.0 ha (9.88 ac), the uses within the R-RUR District shall apply



B-REC Business, Recreation District

377 PURPOSE: To provide local and regional recreational services, tourism opportunities, and entertainment services.

378 PERMITTED USES:

Accessory Building ≤ 500 m² (5381.96 ft²)
Recreation (Culture & Tourism)
Communications Facility (Type A)
Communications Facility (Type B)

PERMITTED USE IN AN EXISTING APPROVED BUILDING; DISCRETIONARY USE OTHERWISE:

Establishment (Eating)

Establishment (Drinking)
Care Facility (Child)

DISCRETIONARY USES:

Accessory Building > 500 m² (5381.96 ft²)

Agriculture (General)
Bed and Breakfast

Campground

Communications Facility (Type C)
Dwelling Unit, accessory to principal use

Establishment (Restricted)

Film Production Hotel/Motel Office Retail (Small)

Recreation (Outdoor)
Recreation (Private)
Recreation (Public)

Special Function Business

Those uses which are not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the above and conform to the purpose of this District may be Discretionary Uses.

379 MINIMUM PARCEL SIZE:

- a) 2.0 ha (4.94 ac)
- b) The minimum size of parcels designated with the letter "p" is the number indicated on the Land Use Map

380 MAXIMUM BUILDING HEIGHT:

- a) 12.0 m (39.37 ft.)
- b) The maximum height on parcels designated with the letter "h" is the number indicated on the Land Use Map

381 MINIMUM BUILDING SETBACKS:

Front Yard	Side Yard	Rear Yard
60.0 m (196.85 ft.) from Highways	60.0 m (196.85 ft.) from Highways	30.0 m (98.43 ft.) from any road
30.0 m (98.43 ft.) from County roads	30.0 m (98.43 ft.) from County roads	15.0 m (49.21 ft.) from other parcels
15.0 m (49.21 ft.) from other roads	15.0 m (49.21 ft.) from other roads	
	6.0 m (19.69 ft.) from other parcels	



PART EIGHT Definitions

8

This part provides definitions for terms used within the Land Use Bylaw.

Please note, definitions pertaining to specific uses are **HIGHLIGHTED** below:

"Abutting" means to have a common boundary, to border on.

"Accessory Building" means a detached building, with or without a permanent foundation, which is subordinate or incidental to the Principal Use or Principal Building located on the same site. Typical accessory buildings include, but are not limited to, fabric covered buildings, garages, sheds, chicken coop etc. Accessory Building does not include Accessory Structure.

"Accessory Structure" means a detached unenclosed structure which is subordinate or incidental to the Principal Use or Principal Building located on the same site. Typical accessory structures include, but are not limited to, flagpoles, grain bins, three sided stock shelters less than 27.87 m² (300.00 ft²), personal swimming pools, personal hot tubs, satellite dishes, personal play structures, utility covers, personal ground mounted solar collectors, etc.

"Accessory Dwelling Unit" means a subordinate Dwelling Unit that may be located within a principal building or an accessory building. An Accessory Dwelling Unit that is external to the principal building shall be on a permanent foundation and has a minimum gross floor area (GFA) of 37.1 m² (399.34 ft²).

"Accessory Use" means a use customarily incidental and subordinate to the principal use or building and is located on the same parcel as such principal use or building.

"Adjacent" means contiguous or would be contiguous if not for an easement, right-of-way, road (excluding a highway), or natural feature.

"Agriculture (General)" means the raising of crops or the rearing of livestock, either separately or in conjunction with one another and includes buildings and other structures limited to the regulations of the District. This use does not include Cannabis Cultivation or Cannabis Processing.

"Agriculture (Intensive)" means a use where plants or animals are intensively grown and processed for food or non-food use. Typical uses include greenhouses, nurseries, tree farms, market gardens, mushroom farming, vermiculture and aquaculture. This use does not include Cannabis Cultivation or Cannabis Processing.



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"Care Facility (Clinic)" means a use where the principal use is to provide medical and health care services on an outpatient basis only. Typical uses include medical and dental offices, health care clinics, pre-natal clinics and counseling services.

"Care Facility (Group)" means a use where individuals who are either disabled or in need of supervision reside on a temporary or long-term basis, in accordance with their individual needs. Typical uses include foster or boarding homes for children, group homes, family homes and long-term care facilities.

"Care Facility (Seniors)" means a use where accommodation with moderate care provisions for residents in a congregate setting. Residents do not require continuous access to professional services or on-site professional services. Room and board services, light housekeeping services, twenty-four (24) hour availability of assistance and oversight with personal care and social and recreation support may be provided. Typical uses include lodges and senior homes.

"Care Facility (Medical)" means a development providing room, board, and surgical or other medical treatment for the sick, injured, or infirm including out-patient services and accessory staff residences. Typical facilities would include hospitals, sanitariums, convalescent homes, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

"Communications Facility (Type A)" means a commercial communications facility with an antennae that is incorporated within or are mounted on existing structures, no more than 4.00 meters (13.12 feet) above the highest point of the structure.

"Communications Facility (Type B)" means a commercial communications facility with either a tower or pole structures between 4.00 and 20.00 meters (13.12 to 65.62 feet) in height, to which antennae are mounted for the purpose of telecommunications broadcast or signal transmission.

"Communications Facility (Type C)" means a commercial communications facility with either a tower or pole structures greater than 20.00 meters (65.62 feet) in height, to which antennae are mounted for the purpose of telecommunications broadcast or signal transmission.

"Compatible" means the characteristics of different uses or activities or designs which allow them to be located near or Adjacent to each other in harmony. Compatibility does not mean "same as". Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing developments.

"Comprehensively Planned Area" means areas of the County that are guided by a comprehensive plan such as an Area Structure Plan, Area Redevelopment Plan, Conceptual Scheme, Hamlet Plan, and/or Master Site Development Plan. These plans recognize the physical, economic, social, political, aesthetic, and related factors of the community involved.

"Conceptual Scheme" means a non-statutory plan that provides detailed land use direction, subdivision design, and development guidance. A Conceptual Scheme is subordinate to an area structure plan, and may be adopted by bylaw or resolution.

"Conference Centre" means an establishment used for the holding of meetings, conventions, seminars, workshops, product and trade shows, or similar activities, and may include dining and lodging facilities for the use of participants, as well as compatible accessory facilities.

"Construct" means to build, rebuild, or relocate and without limiting the generality of the word, also includes: any preliminary operation such as excavation, filling or draining; altering an existing building or structure by addition, enlargement, extension, or other structural change; and any work which requires a Building Permit.

"Council" means the Council for the County.

"County" means Rocky View County.

"County Road" means a road owned and maintained by Rocky View County, including Township and Range Roads.

"Density" means the number of Dwelling Units on a site expressed in units per hectare (uph).



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"Parcel, Double Fronting" means a parcel which abuts two (2) non-intersecting streets (excluding lanes).

"Parcel, Interior" means a parcel which is bounded by only one (1) street.

"Park" means a use where land is designated for active or passive recreational use by the public which does not require dedicated facilities beyond supporting accessory buildings or structures and landscaping. Typical uses include playspaces, walkways, trails, nature interpretation areas, picnic areas, athletic fields and similar uses.

"Parking Lot" means a portion of land or of a building set aside for the short-term parking of motor vehicles.

"Portable Grain Bins" means a manufactured cylindrical steel bin that is less than 5.60 m in diameter and less than 6,000 bushels in capacity and is placed on skids.

"Post-Secondary" means a building or facility of a post-secondary institution such as a technical college, college or university.

"Principal Building" means a building, which in the opinion of the Development Authority occupies the major or the central portion of a site, or is the chief or the main one among the buildings on the site, or constitutes by reason of its use the-primary purpose for which the site is used.

"Principal Use" means the use of a site or of a building which in the opinion of the Development Authority constitutes the primary purpose for which the site is used.

"Property Line" means any boundary of a lot or parcel, and includes the rear, front and side property lines of a lot.

"Quarter Section" means a titled area of: 64.7 ha (160 ac) more or less; or a gore strip greater than 32.38 ha (80 ac) in size, that has not been subdivided, excluding subdivisions for boundary adjustments, road widening, and public uses such as a school site, community hall, and rights of way of roads, railroads, and canals.

"Recreation (Culture & Tourism)" means a use where public or private cultural or tourism recreation occurs. Typical uses include tourist information centres, libraries, museums, or other cultural facilities, but does not include Recreation (Public) facilities.

"Recreation (Outdoor)" means a use where outdoor recreation occurs. Typical uses include outdoor skating rinks, lawn bowling greens, tennis courts, swimming and wading pools, water spray parks, rodeo grounds, go-cart tracks, miniature golf, theme parks and golf courses.

"Recreation (Private)" means a use where sports or recreation, that is privately owned, occurs within an enclosed Building. Typical uses include private clubs or lodges, health or fitness clubs, or private recreation facilities such as bowling alleys, arcades or racquet courts.

"Recreation (Public)" means a use where sports or recreation, that is open to the public, occurs within an enclosed building. Typical uses include recreation centres, community halls, public swimming pools, curling rinks and arenas, but does not include Government Services.

"Recycling/Compost Facility" means the use of premises for the collection and sorting of garbage or compost, and the packaging of paper, newspapers, clothing, cans, or bottles and similar domestic or commercial garbage. This use does not include a manure storage facility as defined in the *Agricultural Operation Practices Act*, as amended or replaced from time to time.

"Redesignation" means the conversion of land from one land use to another.

"Reserve, Municipal (MR)" means the land designated as Municipal Reserve per the MGA.

"Reserve, Environmental (ER)" means the land designated as Environmental Reserve per the MGA.

"Religious Assembly" means a development owned by a religious organization used for worship and related religious, philanthropic, or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories, and other buildings. Typical facilities would include churches, chapels, mosques, temples, synagogues, parish halls, convents, and monasteries.



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Permit No: PRDP20185188 Appeal No: 08731001

In the matter of an appeal before the Rocky View County Subdivision and Development Appeal Board

BETWEEN:

Maxine McArthur, Patrick and Karen Singer, and Elaine Watson

Appellants

AND:

Chloe Cartwright

Applicant/Owner

WRITTEN STATEMENT OF KAREN SINGER (APPELLANT)

Code Hunter LLP

850, 440 2nd Avenue SW Calgary, Alberta T2V 3C4

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Email: robert.moyse@codehunterllp.com

Rob Moyse and Alex McKay

Counsel for the Appellants Patrick and Karen Singer

 I make this statement in support of my appeal of the development authority's decision to conditionally approve development permit PRDP20185188 for the construction of an 81-stall RV park and a medieval castle themed event centre on the land legally described as SE 31-28-3-W5M (the "Subject Land").

Background

- 2. In April 2007, my husband (Patrick Singer) and I purchased the quarter section of land legally described as SW 29-28-03-W5M with plans to build a home, move out of the city, and eventually retire to the rural ranching and farming community of northwest Rocky View County (the "County").
- We began construction of our home in the summer of 2009, moved to the property in 2014, and have lived there ever since. We invested our life savings to buy and build this home.
- 4. In 2012, Ms. Chloe Cartwright applied to have the Subject Land, located a quarter section north of our home, re-designated from Ranch and Farm to Business-Leisure and Recreation in order to facilitate the future development of a golf course and lodge. Attached at TAB 1 is a copy of the notice I received from the County regarding that re-designation application, and attached at TAB 2 are writings by Ms. Cartwright promoting the planned golf course and lodge.
- 5. On November 6, 2012, the County Council re-designated the Subject Land from Ranch and Farm to Business-Leisure and Recreation. Attached at **TAB 3** is a copy of the County Council's Transmittal of Decision regarding that re-designation that Ms. Cartwright recently provided to me.
- 6. I understand from review of the Development Permit Report prepared by the development authority in this matter that Ms. Cartwright applied for and obtained conditional approval for a development permit for the golf and lodge development. However, the conditions were not satisfied and the permit was never issued.
- 7. I also now understand that in December 2018, Ms. Cartwright submitted the subject application to develop an 81-stall RV park and "event centre". The event centre is to

resemble a medieval castle, complete with draw bridges and a moat. A medieval-themed grand opening party is planned to take place on completion of the project. Attached at **TAB 4** are architectural drawings for the event centre, and attached at **TAB 5** is a screenshot of the website for the development referencing the grand opening party, taken on June 20, 2019. Attached at **TAB 6** is a screenshot of the development's new website, describing the 9-hole walking wildlife golf course open to local and drop in users planned for the development.

- 8. Ms. Cartwright has communicated to me that she already has plans for future expansion, including a "multi-use sports field", "spa" and "fine dining" restaurant. Attached at **TAB 7** is a letter dated June 9, 2019, from Ms. Cartwright to me referencing said expansion plans (enclosures omitted).
- 9. My husband and I first received notice of the proposed development on May 13, 2019, when we were advised through the County's "Safe & Sound" messaging service that the development had been approved. Attached as **TAB 8** is a copy of said notice.
- 10. On May 29, 2019, my husband and I filed a Notice of Appeal in respect of the development with the County. Attached at **TAB 9** is a copy of my Notice of Appeal.

Impact on Agricultural Land Uses

- 11. I believe the proposed development is not compatible with surrounding land uses.
- 12. The Subject Land is surrounded for kilometers by ranches and farms:
 - a. At the time of the development authority's decision to conditionally approve the development permit, the surrounding land in the area was predominantly designated Ranch and Farm ("RF"), with a few parcels designated Farmstead ("F") and Residential ("R-2" and "R-3") under *Bylaw* C-4841-97. Attached at **TAB 10** is a copy of the County's Land Use Map for the area in effect as of February 18, 2016 and at the time of that decision.
 - b. Pursuant to the new *Bylaw* C-8000-2020, land in the area is predominantly designated Agricultural, General District ("A-GEN"), with a few parcels designated Residential, Rural District ("R-RUR") and Agricultural, Small Parcel

District ("A-SML"). Attached at **TAB 11** is a copy of the County's Land Use Map for the area as of August 4, 2020.

- 13. First, I believe the proposed development is incompatible with surrounding land use, because the influx of RVs and event traffic will conflict with agricultural equipment on area roads, resulting in safety issues and disruption to agricultural operations.
 - a. Residents in the vicinity of the Subject Land use their land to grow crops, including hay, peas, barley and canola. My husband and I lease a portion of our land to a neighbour for that purpose.
 - b. Agricultural equipment is active on area roads, including Range Road 35 and Highway 574, particularly in the spring for breaking up the ground, seeding and fertilizing, and then again at harvest time, which can range from July to October or later in the fall, depending on the crop and the weather conditions.
 - c. The agricultural equipment is typically slow moving.
- 14. Second, I believe the proposed development is incompatible with surrounding land use, because it will interfere with residents using area roads to move livestock and ride horses.
 - a. On occasion, Highway 574 and Range Road 35 are used for cattle drives.
 - b. More regularly, the roads are used for horse riding, by me and by other residents of the community. I currently have a horse boarded at my property and my boarder frequently rides her horse along Range Road 35 and surrounding area roads.
 - c. I plan to ride my horses more frequently as I transition to retirement, and I would not be comfortable riding my horses on area roads with RV or event traffic.
- 15. Third, I believe the proposed development is incompatible with surrounding land use, because it may result in harm to area livestock.

- a. Residents keep livestock and other animals on their land, including cattle, sheep, donkeys, llamas and horses. We keep three horses, one cat and a dog on our land.
- b. I am concerned about the noise impact that the development will have on these animals, and also the impact that the dogs and other pets brought to the area may have.
- 16. Fourth, I believe the proposed development is incompatible with surrounding land use, because the area is not equipped to properly and safely handle an influx of tourists.
 - a. The lands surrounding the proposed development are strictly agricultural, with no trail, pathway or other recreational infrastructure, and are not suitable for tourist activities, such as hiking, bike riding or riding ATVs.
 - b. The lands also contain hazards that make exploration unsuitable for people unfamiliar with the area, including livestock, equipment and machinery, herbicides and pesticides, barbed wire fences, fallen trees, ponds and concealed ground hazards such as rocks and holes. None of these hazards are marked with signage, as they are on rural, private property.

Impact on Quiet Enjoyment

- 17. I believe the proposed development would adversely affect the quiet enjoyment of area residents.
- 18. The area surrounding the Subject Land is quiet, private and offers space and distance. These characteristics were fundamental to why my husband and I decided to buy land, and build a home, in the area. The land surrounding our home is quiet, tranquil, picturesque, and has become a sanctuary to us.
- 19. We live one quarter section south of the Subject Land (650 metres), and the gravel road adjacent to our property (Range Road 35) is the same road that would be used by RVs and other traffic to access the proposed development.

- 20. First, I believe that the development would adversely affect the quiet enjoyment of area residents, because of the noise that the party-goers and RVers will generate.
 - a. At present, our neighborhood is a very quiet one.
 - b. Sound travels a great distance across the open landscape.
 - c. I believe the sound of partygoers on the roof-top patio, or otherwise outside the castle banquet hall, will be significant and highly intrusive, particularly at night.
 - d. I also believe the sound generated by 81 RV groups will be significant.
- 21. Second, I believe that the development would adversely affect the quiet enjoyment of area residents, because of the noise that the RV and event traffic will generate.
 - a. The noise resulting from just one vehicle passing my home on Range Road 35 can be significant.
 - b. Therefore, the noise resulting from a steady stream of RVs and event traffic would be unbearable, particularly late at night after events.
- 22. Third, I believe that the development would adversely affect the quiet enjoyment of area residents, because of the dust that the RV and event traffic will generate.
 - a. Dust from Range Road 35 is already a problem for my husband and I, even with the relatively low volume of traffic currently on the road.
 - b. If I am outside when a vehicle passes, particularly in the summer when the road is dry, it can feel like I am eating dirt.
 - c. In my experience, the effectiveness of dust mitigation measures depends on many things, including the wind and whether there is any humidity in the air for the calcium chloride to absorb.
- 23. Fourth, I believe that the development would adversely affect the quiet enjoyment of area residents, because of the impact on air quality that the partygoers and RVers' campfires will generate:

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- a. The campground development will include 81 RV sites, which means that there will potentially be 81 campfires burning throughout the day.
- b. I believe that the smoke from the campfires will impact air quality by causing a strong odour and air pollution in the area, including on my property due to drifting smoke, which I believe will be detrimental to my and my husband's enjoyment of our property as well as our health and safety.
- c. I further believe that the campfire smoke will hang in the air, affecting visibility and causing haze.

Incompatibility of Proposed Castle

- 24. I believe the proposed medieval castle is neither appropriate nor compatible for the area.
 - a. The surrounding area is characterized by open vistas, mountain views, working agricultural lands, crop fields and livestock.
 - b. The existing buildings in the area are bungalow and ranch-style farm houses, barns and outbuildings.
 - c. The proposed castle would be visible from neighbouring lands. It would also be visible from Range Road 35, where only a stand of trees separates the proposed development site from the road. It would also be visible from Range Road 40.
 - d. There are no medieval castles in the neighbourhood. Nor is there anything about the land or community, which is an authentic ranching and farming community, that suggests a medieval castle would in any way be appropriate or compatible.

Impact on Traffic Safety

25. I believe the proposed development would negatively impact traffic safety.

- 26. The Subject Land is situated on the west side of Range Road 35, which in turn intersects with Township Road 290 to the north and Highway 574 to the south. Township Road 290 and Highway 574 run parallel to each other and intersect with Highway 22 to the west and Highway 766 to the east.
- 27. The main entrance to the proposed development will be from Range Road 35
- 28. Range Road 35 is a narrow gravel road with deep ditches running along both sides. It also has no road surface markings, no shoulders for vehicles to pull-over, no sidewalks for pedestrians, and no fixed lights to help illuminate the road at night.
- 29. I often see moose, deer, coyotes, cats and dogs crossing Range Road 35.
- 30. If the development proceeds, my husband and I are concerned that we may be involved in an accident, since:
 - a. I ride my horse along Range Road 35;
 - b. my husband and I walk along Range Road 35; and
 - c. when travelling north along Range Road 35 with a horse trailer or flatbed, we need to cross into the southbound lane so that we can turn into our north entrance without entering the ditch this turn is located near the base of a blind hill.
- 31. Highway 574 is a gravel road which is washboarded, laden with pot holes, becomes muddy and boggy when it rains, and does not handle well even the current rate of traffic. Highway 574 does not have acceleration lanes to handle traffic turning onto it from Range Road 35, or turning lanes to handle traffic turning off of it onto Range Road 35.
- 32. Township Road 290 is a chip sealed road. It does not have acceleration lanes or turning lanes either. It ends west at a T-intersection with Highway 22, a major provincial highway running north-south and regularly used by logging trucks, gravel trucks, oil tankers, school buses, and other large vehicles.

- 33. This intersection is dangerous in many regards.
 - a. The intersection is just before the crest of a steep hill, so southbound highway traffic turning left (east) onto Township Road 290 risk colliding with northbound highway traffic whose vision is obstructed by the hill.
 - b. Similarly, as that there is no auxiliary lane to accelerate and merge onto the highway, vehicles exiting off of Township Road 290 onto Highway 22 risk being struck by northbound highway traffic whose vision is obstructed by the hill.
 - c. Highway 22 has no left turning lane at the intersection, so southbound highway traffic risk being rear-ended or side-swiped as they decelerate to turn east onto Township Road 290, especially by large vehicles attempting to pass rather than gearing-down while climbing the hill.
 - d. Similarly, northbound highway traffic exiting onto eastbound Township Road 290 risk being rear-ended or side-swiped as they decelerate to turn right / east, as there is no right / eastbound turning lane and the turn is immediately after the crest of the hill.
- 34. By letter dated October 27, 2011, Ms. Cartwright wrote to the MLA for Foothills-Rocky View about the dangers associated with this intersection. Attached at **TAB 12** is a copy of said letter.
- 35. On December 7, 2011, Ms. Cartwright posted a photograph on the development's "Chinook Ridge" Facebook page, outlining the dangers associated with Township Road 290. Attached at **TAB 13** is a copy of that Facebook post.
- 36. To the best of my information, the Government of Alberta has yet to improve the safety of this intersection.

Impact on Land Value

37. I also believe that the development would negatively affect the value of my land, and my neighbours' land, because of all the aforementioned impacts.

38. Nobody wants to move out to the countryside only to live next to a loud party facility that also brings volumes of traffic through the area.

Impact on Water Supply

- 39. My husband and I are also concerned about the impact the proposed development would have on the local water supply.
 - a. Residents in the area, including my husband and I, rely on wells for water.
 - b. I am concerned the operation of a banquet hall and 81 stall RV park will restrict the amount of water available for area residents and livestock.
- 40. In October 2020, I engaged hydrogeologist Tim McBride to review the water supply report of Solstice Environmental Management dated October 11, 2020 obtained by Ms. Cartwright. An email from Mr. McBride dated October 19, 2020 outlining his conclusions is attached at TAB 14.

DATED this **10th** day of December, 2020



KAREN SINGER

B-1 08731001 PRDP20185188 SDAB 2020 Dec 17 Singer Appellant Exhibit 2 - Written Statement of Karen Singer Page 11 of 70

TAB 1

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TEL 403·230·1401 FAX 403·277·5977

911·32 Ave NE | Calgary, AB | T2E 6X6

Attachment #14



Tuesday, February 14, 2012

P.A. Singer Transport Ltd Box 54007 RPO Village Square NE Calgary, AB T1Y 6S6

TO THE LANDOWNER

TAKE NOTICE that an application for Redesignation has been received by the Planning and Community Services Department of Rocky View County. As your property is adjacent to, or in the immediate vicinity of the land subject to the application, we are notifying you in the event that you may wish to provide comments. There is a map of the proposal shown on the back of this notice. The following information is provided regarding this application:

NOTE: Any COMMENTS ON THE REDESIGNATION APPLICATION should address whether the proposed use is compatible with the other existing uses in your neighbourhood.

Application

2012-RV-016

Division:

9

File Number:

08731001

Proposal

To redesignate the subject lands from Ranch and Farm District to Business-Leisure and Recreation District in order to facilitate the future development of a golf course.

lodging, and convention facility.

Applicant(s):

Chloe Cartwright

Owner(s):

Chloe Cartwright

Legal:

SE 31-28-3-W5M

Size:

 \pm 60.7 hectare (\pm 150 acres)

Location:

Located approximately 5 miles west of the Hamlet of Madden, approximately 1

mile north of Highway 574, and immediately west of

Existing Land Use Designation:

Ranch and Farm District

Proposed Land Use Designation:

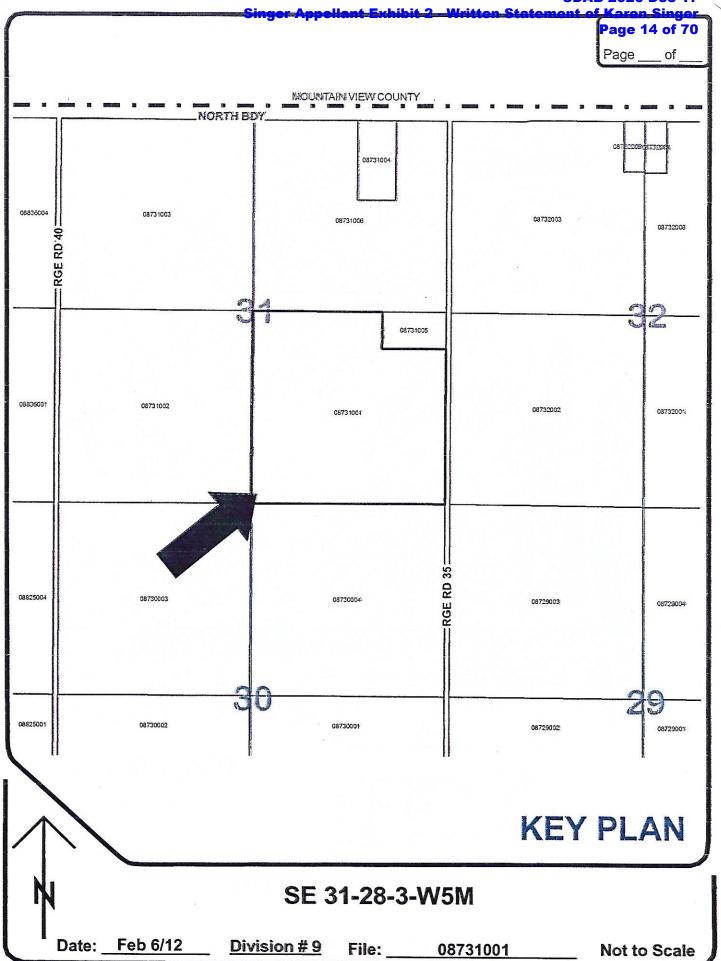
Business-Leisure and Recreation District

Please be advised that any response to this letter will become a matter of Public Record at a future Council meeting and may be forwarded to the Applicant prior to the Council Meeting for their consideration. Your response is considered your consent to the distribution of your response.

If you have any comments or suggestions, please mail them to **David Yee**, the Planning Services staff member who is processing this application at 911 - 32nd Ave. NE, Calgary, AB T2E 6X6, or via fax at (403) 277-5977, no later than **Friday**, **March 16**, **2012**.

Should you have any questions regarding this application, please contact **David Yee** at (403) 230-1401.

Page 13 of 7 Redesignation Proposal: To redesignate the subject lands from Ranch and Page Farm District to Business-Leisure and Recreation District in order to facilitate the future development of a golf course, lodging, and convention facility. Out Parcel **PRELIMINARY** CONCEPT SE 31-28-3-W5M Feb 6/12 Division #9 Date: File: 08731001 Not to Scale



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TAB 2

Thanks for the opportunity of with sharing our rationale for the change of use and our vision of Chinook Ridge's goals with your readers. This article was written as a proactive piece in preparation for our next redesignation application. It is for the benefit of those people who would have liked to attend the information sessions but couldn't. At our recent Redesignation Application Public Hearing before Rocky View's Council I did not elaborate on everything our plans encompass. This incomplete picture allowed for some incorrect assumptions about our goals. For the benefit of those who were unable to attend our Public Information Open House - here is a summary of what we are trying to achieve. We will submit another application within a week or two. Readers can review the previous hearing at www.chinookridge.ca/PublicHearin g.ubr or call 403 650 0888 and I will be happy to make arrangements. Alternatively, you could email Chloe@ChinookRidge.ca.

Our Plans

Recently we changed our name and signs from Hummingbird Haven Bed & Breakfast to Chinook Ridge Bed & Breakfast in preparation for our proposed expansion. We are accessed by either Highway 574 from the south or by Twp Rd 290 from the north, then a short distance along Rng Rd 35. We are 5 km east of the 22 on a high 'ridge' running north/south, hence the name. We are located at the north end of Division 9, a Division which is void of any recreation facilities, restaurants, hotels or event centers. The only meeting facility in the area is the charming Dartique Lodge which we all hold dear to our hearts, but it is simply not big enough for larger groups.

People holding weddings or family reunions have frequently asked us to hold their event and provide accommodations and meals for their guests; unfortunately we have had to turn these folks down due to the size limitations of Hummingbird Haven. The maximum number of guest rooms allowed in Rocky View County is 3; anything larger requires a separate 'commercial' kitchen which is dedicated to guest meals. Consequently, this segment of the market is lost to competition outside of Rocky View County where hosts can find a venue. Potential income drains out of this region. With this in mind we decided to build a 21 guest room cozy country inn which would include a commercial kitchen

banquet facilities incorporate indoor and outdoor recreational options that would be compatible with the rural surroundings and existing wildlife. This single barn like country inn will fit well in its' rural setting. Outdoors will be 10 to 15 RV stalls along the south fence line and 10 to 15 off-grid sleeping cabins nestled in the trees and accessed by footpaths. Only the country inn will be serviced with water and power.

Our Outstanding Advisors

Currently, we are being mentored by two outstanding individuals. John Ablett, who planted the seeds of the 'golf' idea several years ago, is our business advisor. He was previously the Vice President of the Alberta Opportunities Company, which is now known as AFSC (Alberta Financial Services Corporation). He is a retired Member of the Board of Directors of the Calgary Elks Golf

Ryan Vold is the owner, developer and operator of the 36 hole Wolf Creek Golf Resort and housing development. Wolf Creek is rated as one of the top 25 courses in Canada by Golf Week. We are fortunate to have these two very knowledgeable individual's valuable guidance and

Part of the advice they enrich us with is in regard to limited term and life-time memberships, corporate sponsorships, bench and cart advertising, and memorial tree planting opportunities. These avenues will be developed at a later

The Consultation Process

In 2008 we began consultations with all our neighbors within a 3 km radius by a series of 4 letters, 2 post cards, and several meetings with anybody who wanted one. This process helped us shape the current proposal. We feel Chinook Ridge is well suited to the agricultural area and can maintain the quiet, rural feel of the community. We also listened and incorporated what neighbors wanted in terms of recreation, dining, and entertainment options.

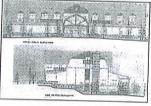
Technical Preparations

Before we could consider making a Redesignation Application we had to find sufficient water to make the development feasible. No water, no development! It was just that simple! In addition, the remaining studies were going to be very costly; we needed substantial proof of sufficient water before we continued on with other studies! Then, once

we had proof, we could proceed LEED certified (Leadership in with the other requirements of the application in order of priority. In other words, if our soils were not capable of being amended to a composite capable of handling irrigation or if the wildlife or their habitat would suffer, we would not continue with the development. We hired Stantec Consulting to complete the critical Integrated Water Management Plan, the Biophysical Impact Assessment, the Traffic Impact Assessment and the Environmental Phase I study. All of these results and reports were presented to neighbors within a 3 km radius and at a Public Information Open House. Our storyboards are still available for review and the Stantec Consultant's reports are on our website for anyone to review. With all the technical questions answered we booked our Public Hearing.

The Design

The new structure will look like a hip-roofed barn - think rustic-posh decor, with 21 guest rooms in the



'hay loft' (each containing a queen sized log bunk bed), a large dining room/facility and commercial kitchen on the main floor, his and hers spas, meeting rooms, snack/spike bar and manager's office on the lower walk-out level. The landscape will change from the existing hay and pasture land to an 18 hole professionally designed (www.RodWhitman.com

Audubon certified golf course with off season uses like cross country skiing, biking and hiking on the golf cart pathways, skating on frozen

All 3 levels of the new building will overlook the golf course with an impressive mountain view as a back drop. A live green water-wall will be a feature on the main floor. In front of the building will be a fresh water pond with fountains and lights, this doubles as a firesuppression pond as per Alberta Building Regulations. The interior of the lodge will be furnished with items hand-crafted by local artisans. we will display & sell locally made artworks and crafts; our menu will showcase local products and ingredients grown in the area. Construction of the building will be

Energy and Environmental Design) utilize solar, wind and geothermal energy sources. lodge will likely take about 2 years to build, the same with the golf course although it may be another year before the course is play ready while the greens, tees and fairways mature depending on the season we get started in. It will take decades before all the trees are in and mature. We will start with transplanting some large ones as well as many, many small ones. It certainly won't happen over-night.

Already on site, and secluded in the woods, is a small stone Chapel



suitable for small weddings or other activities. It can only be reached by foot on a winding pathway, it does not have running water or electricity either, but we light it with tea-lights in fire prohibitive holders for evening services. A beautiful stained glass window is a feature of the Chapel, the window made possible by Vair Reed who stored it since 1937 in his hay loft when 6 of them were given to the Cremona United Church by a Church in Ontario. The new Cremona United Church could only use 5 of the



windows so this orphaned one sat in the hay loft in its' original shipping crate since it was shipped. We were so delighted to receive this window and happily made a donation in return.)

No New Infrastructure is Needed Nothing is being required of Rocky View County in terms of infrastructure improvements. have our own water supply, will have our own water treatment capability and are building a wastewater treatment facility. will augment the existing power supply with additional off-grid sources for electricity, energy heating and cooling. We already have a decent road to the venue continued on page 5

Keeping Our Communities Connected!

Chinock Ridge Lodge & Golf Cinger Appellanto-bottome - writted Statem

although there was a suggestion that we pay for widening Range Road 35. We even have plans to build a helicopter landing spot for emergency use. There is nothing our County needs to do to facilitate this We are giving development. consideration to building our wastewater treatment plant large enough to handle extra volume delivered by septic vacuum trucks, an amenity that would add another service to the community. This will be further explored during the design phase of the waste water treatment plant.

Chinook Ridge is for Area Residents

Benefits to community residents are numerous. First, by way of local employment; second, with increased local recreation, entertainment and dining opportunities. Although our marketing efforts will be on bringing in new tourists there will be plenty of opportunities for local area residents to enjoy the amenities as well. There will be direct, indirect and induced economic benefits. Local residents will be used in the construction of both the Lodge and the Golf Course. Later, between 15 and 40 employees will be needed in the year round operation so people who may not be employed now or who travel a great distance to work may find work closer to home.

Local residents will be able to play attend the golf course, performances, participate in the seminars and dine in the restaurant when the facility is not closed for a private event. They can also organize events like weddings, anniversary parties, family reunions, corporate training seminars, and spiritual retreats here - close to home. For those groups, Chinook Ridge will be a 'Country Club for the weekend'. The group will have exclusive use of the facility, and it will be closed to the general public. Event planners will be able to use their own chef or our staff chef to cater their function. organize and host events like silent or spiritual retreats, dinner theatre, singles' nights, holiday dinners, intimate concerts, scrapbooking and craft weekends, or a variety of classes like cooking, dance or All of these will be available to area residents. We also welcome the opportunity to work alongside service groups and charitable organizations looking for ways to partner, share information, and resources. Chinook Ridge is and will remain responsive to community needs.

Local schools of all levels can look

Keeping Our Communities Connected!

forward to using the facility as an off-site laboratory and field study area for teaching students about wildlife, ecology and environmental studies. In fact, one of the Olds College instructors wants to partner with Chinook Ridge to engage students in the study of design, construction and operation of the Golf Course, another benefit for students, area residents and ourselves.

Our location, at the cross-roads of 3 RCMP jurisdictions, offers a place where all 3 detachments can hold inter-detachment meetings and become a hub for Rural Crime Watch programs more specific to this area. We have a strong belief in preventing impaired driving and will have policies in place that emphasize safe roads. The availability of accommodations, a pre-arranged bus service, hire-adriver options or other preventative measures are part of our plans. We do not intend to keep alcohol on the premises, instead it will be ordered in for each specific event. There will be no off sales available. We will not taken cash payments on site for any goods or services, payments can only be made by Interac, credit card or corporate cheque. We do not want to be a target for criminals.

It is fairly well known that golf courses add value to a community by increasing the value of properties nearby. Buyers like the quiet green space, sounds of birds, and attractive views. Other buyers will pay more for a property in order to live close to recreation and entertainment. For example, a home backing onto any kind of park, ravine, or golf course view commands significantly more money in a sale transaction then the house across the road from it which backs onto another house or building. The open, green space is a highly sought after commodity because of its' restorative nature on human's psyche.

Chinook Ridge is for Tourists

Rocky View identified 'tourism' as a desirable segment of expansion in their Economic Development Strategy; a step toward a more diverse economy. Chinook Ridge will be an event centre designed to bring tourists in to the area for Stay & Play vacations of several days duration and for mid-sized group events from near or far. Our goal is to bring 'new dollars' to the area, we hope other businesses experience spin-off benefits from increased tourism as clients search for new adventures, new dining experiences, locally made products and works of

art.

Our location at the north end of Division 9 is ideally suited to tour groups who want to experience it all! With the mountains to the west, Calgary - the 2012 cultural capital of Canada - to the south, the Drumheller Badlands to the east and, if all goes to plan, plenty of local activities and shops in the more immediate area - this is a diverse well-spring for those who seek variety in both sights and activities. Combine this with the fact that our MP Blake Richards is the newly appointed head of the Canadian Tourism Caucus and we have a for tremendous formulation opportunities.

We approached other area golf courses, recreation facilities and tourism venues with the idea of forming partnerships for the purposes of joint marketing and to create a menu of activities from which tourists may select add-on options for activities. Our hope is that other entrepreneurs will find inspiration to start or expand their tourism 'experience' ventures. We want to encourage and partner with market gardens, corn or sunflower mazes, paint ball facilities, and water sport operators with a view to increasing activities for tourists. 'Artist at Work' tours are another perfect partnership ripe for showcasing. Marketing our area to tourists will co-ordinate nicely with the other marketing I already do in the United Kingdom.

Economic & Other Benefits

Indirect benefits will be realized as both the employees and fresh tourists spend 'new' money on items within the community; more ripple effects will be found with increased spending in area restaurants, shops and at other recreation and entertainment venues. David Kalinchuk, Economic Development Officer for Rocky View County, indicated at a recent meeting that tourism is an ideal foundation for economic diversity; it provides employment, income and activities without increasing population density.

By becoming a focal point in the community we hope to strengthen not only the local economy but also strengthen the social fabric and resiliency of area residents, connecting people to each other in beneficial ways. We will give back to the non-profit community in a variety of charitable ways.

Respect for the Land and Wildhie Chinook Ridge will also benefit wildlife. An aerial photos from the



1950's shows the land as fully forested. Unfortunately, over the years misguided previous owners cleared the land not realizing it was not conducive to farming due to its hilly nature, groves of trees, sandstone out-croppings, wet lands and climate. Located on a high sandstone ridge and with significant slope to the west we are unlike other quarters near us. It is not a case of farm management and practices it is because of the contours of the land, soil quality and weather patterns. The Canadian Land Inventory Map classes this as 4H and 4HT. The specific area lacks heat (H) for maturing grain crops and the topography (T) means it is sloped and has poor drainage. The land is much better suited to wildlife & recreational pursuits than farming. We have lived here for 23 years and have planted over 22,000 trees deliberately increasing the wildlife habitat. Our future plans involve moving in mature trees, enabling a tree donation program encouraging native understory

The design of the golf course incorporates wildlife habitat, wildlife corridors and water features purposely configured to give



wildlife and birds plenty of access to both vegetation and water. Currently 29 species of birds have been either spotted or had their songs identified. Resident wildlife includes both white-tailed and mule deer, moose, elk, red fox, porcupines, badgers, and other small animals that are native to the area. Plans include moving many trees between each fairway, buffering each fairway from the next which provides ideal coverage for wildlife.

continued on page 10

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Chinook Ridge Lodge & Golf Course - Somethin Singer Appellant Exhibit 2pa Written Statement of Karen Singer Submitted by Chloe Cartwright Page 18 of 70

Moving Forward

The recent hearing regarding the Redesignation Application was turned down partially because a couple of well meaning people came to voice concerns. They were not opposed to the development but had items they wanted to bring to the County's attention. These were (1) a lack of confidence in Alberta Environment's ability to protect their individual water wells, and (2) the condition of highway 574; a road which has been in dire need of paving for several decades. Both of these concerns are the mandate of the Provincial Government not the Municipal governments unfortunately not actionable by Rocky View County. However, the items were enough to stall the approval process and thereby stall the development process.

Water

Chinook Ridge will forge ahead dealing with the first issue of suspected water shortages, by obtaining a Provisional Water license so local residents will have a better understanding of the process and have the opportunity to register their objections to the appropriate authority. They will learn how Alberta Environment protects their rights to water. Watch for upcoming Public Notices in the near future. According to engineers hydrologists at Stantec Consulting, Chinook Ridge has met all the criteria Alberta Environment has for water use. It is Alberta Environment's job to protect neighboring wells.

Our water well was drilled and monitored by Rory Wagner of Wild Rose Water Wells from Olds, a highly skilled and professional well driller who understands the complicated process of obtaining a commercial water license. summarizes the process thus,

"The test for a commercial water use license is extremely stringent and involves drilling a subject well with a reasonable flow rate, drilling another for monitoring purposes and it requires a Q20 test done by a qualified professional (http://environment.gov.ab.ca/info/li brary/7508.pdf), in addition to other criteria. The Q20 in this situation involved pumping the well at 98.2 cubic meters per day or 18 US gallons per minute for 24 hours, followed by 24 hours of recovery time, and measuring the timedrawdown effects in the both wells. The wells must be monitored for 48 hours straight; draw down and recovery measurements are taken the traditional over-ground spray

and logged every 10 minutes. This data is then turned over to the Hydrologist for calculating. reporting to ANEV and Engineer's stamp of approval.

This process is vastly different than what is required for household use which requires only a 2 hour wellflow test, a bacteria test and chemical analysis. The commercial water licensing process mandates that a facility have enough water to operate at full capacity 365 days per

Further, says Rory, "The drilling process, soil strata we drilled through and the chemical composition of the water itself gives us data that proves specific details about the type of aquifer the water is in and whether or not the water is shared with neighboring wells. In this case the water is in a confined aquifer. The water is significantly different than water found in neighboring wells as it has different ratios of magnesium, sodium, calcium, etc. That is why it is possible for one neighbor to have E coli while no other well in the community has it. That is an indicator of being in a confined aquifer. It is all very scientific. The owners have done a great job including information about water and water wells on their website for anyone that wants a primer on the topic.

"In Chinook Ridge's case a license is required by Alberta Environment for 48.8 cubic meters per day, a number based on outdated 'highflow' appliances not the highly efficient fixtures and low flow toilets available today. The new well is capable of producing 64.4 cubic meters per day. Far more than they need but, in order to obtain a license, they need to meet Alberta Environment's guidelines."

Commercial water licenses measure water volumes in cubic meters produced, unlike registered wells that are measured in gpm. One cubic meter of water equals 220 gallons. Chinook Ridge plans to use fresh, high quality ground water for guest use, drinking, bathing, and cleaning. The wastewater created by the lodge will be treated on-site (www.orenco.com) and re-used for irrigation of only the tees and greens on the golf course delivered directly to the root zone by a sub-surface irrigation (www.kisssusa.com/products.php). The Orenco system provides a water savings of approximately 70% over

systems other courses use on their tees and greens. This use and reuse of water is considered very environmentally wise, complimentary use and disposal. It is very important to know that no fresh groundwater will be used for irrigation. If additional water is needed for irrigation it will be from stormwater retention ponds. The fairways will not be irrigated as there is enough annual rain fall to keep these in reasonable condition. Chinook Ridge plans on using water a very socially and environmentally conscious fashion and will stay abreast of new developments and products that increase the efficient use and management of this precious resource. It is important to state that even if we do not get a Water Use approval we can still open and function by purchasing water, trucking it to our site, using it for the patrons and then disposing of it by the wastewater treatment and irrigation. Many farms and facilities need to purchase water and have it delivered.

Roads

The second issue is the condition of Provincial Highway 574. Although Chinook Ridge does not front onto this road, it is one of two routes to the facility which is located on Range Road 35 - 1.5 miles north of the 574 Highway so we have taken on the 574 as our issue as well. Chinook Ridge and others in the community commiserate with the folks who live along this road and will do everything we can to have this addressed on behalf of the people living there. We clearly have a vested interest in helping with the betterment of all roads leading to our development, in particular Provincial Highway 574 between Highway 22 east to Highway 772. While paving this road will aid in the ease of access for our guests, more importantly the consultations brought our neighbors' annoyance to the forefront.

During the Hearing two wellmeaning local individuals spoke about the condition of this road. Although, according to extensive traffic studies, there will only be a 2% increase in traffic after Chinook Ridge is built, these folks wanted to bring the existing road issues to the government's attention by using the Public Hearing to springboard it to the forefront. Since the 574 is a Provincial Highway and not a Rocky View County road nor the County's responsibility, these neighbors' efforts were misdirected. While they received attention, it was

not their intention to stop the development - just to get the road addressed. They realized too late. and with apologies, that this impacted the granting of Chinook Ridge's redesignation approval and put us behind schedule by about 4 months. Ted Morton recently sent a letter with news that MLA Ray Danyluk, Minister Transportation, has ordered a safety review on both the 574 and Twp Rd 290 intersections along the 22. According to a letter I received from Ted Morton, this will be completed early in 2012.

What Others Have to Say Duane Needham, Owner/Manager of the 110 year old Bottrel General Store says, "We are only 7 km east of the Chinook Ridge location, the spin-off business for our grocery, fuel, liquor store, etc. will be of significant benefit to us. and recreational traffic will help area businesses survive and I believe this development will provide a meaningful amount of traffic to our store. It appears the owners have addressed all of the concerns regarding environment, land usage, proper water management and safe access. I see no reason not to approve the development; I believe it will be an asset to the

Fallentimber Meadery owner/manager, Nathan Ryan makes this comment, "We too are a tourism based business in the area and are obviously excited to see plans such as Chinook Ridge in the works. We will share in the business that this will draw to the area, and I expect that other businesses feel the same. "Local economic cash injections via tourism dollars," as we hear on the news after every major event in Calgary, happens in rural areas too. I think Chloe has identified some of the potential partnerships and the many of the opportunities that Chinook Ridge can offer to the area. These start at job creation, include working in collaboration with education and finish with a place built for recreation and celebration. It all sounds pretty good to me."

community."

"We need a facility like this", states Adrian Dipaola, owner of Dragon Flight Archery, and 5 time world champion archer, Our tournament clients come from all parts of the world; they like to have a look at the area and participate in local culture They come to us for archery but want to soak up other experiences. It would mean they stay longer, spend more at local businesses and

Keeping Our Communities Connected!

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that is a win/win for everybody."

Chinook Ridge Lodge & Golf

"Cochrane Tourism Association is actively following this development and sees this as a wonderful opportunity for tourists and neighbors to enjoy this beautiful portion of Alberta. We look forward to working with Chinook Ridge as a tourist destination in the future", comments Cheryl Hardy, President, Cochrane Tourism Association.

Joelle May, former area resident, owner of ModMay Promotions and Canadian Coordinator of the Folk Alliance International, comments, "I believe the Chinook Ridge Lodge & Golf Course will be an immensely positive addition to the landscape of the country and community. Most of us who grew up in the area had to leave it for employment purposes, and there has always been very little to do as far as entertainment and

culture. As a small business owner myself, I wholeheartedly support this entrepreneurial effort and think it will benefit other local businesses, from food suppliers to skilled labor, right up to myself, in potentially to provide musical helping entertainment. Local artists will have a chance to showcase their talents to both local and non-local attendees. I see potential in Chinook Ridge becoming a cultural hub for the area in many facets of recreation and entertainment, and a welcome addition to the beautiful southern Alberta landscape. Coming from the perspective of a potential providing in collaborator entertainment, its' very exciting to know this may happen, and coming gas/land oil & my administration background, I can tell they have made all the right moves to ensure this is environmentally sustainable and of low impact.

What is Next?

We welcome all area residents' input in bringing this development to fruition for the benefit of the greater community. We intend to reapply for redesignation very shortly. Chinook Ridge will be an asset to the community and will fill a void in local services, recreation and amenities. It will strengthen the economic and social fabric of this rural neighborhood in a variety of ways and aid the social connectivity between people in a positive fashion. Chinook Ridge will be a facility where people and wildlife can co-exist, where people of all ages can enjoy quiet activities outdoors in healthy recreational increase pursuits and generational communications. This a 'rural' golf course; it incorporates the rural nature of the surroundings and will be a peaceful, tranquil venue by design. It is an

events around the world and

remaining active within their

"Indeed, surfing the web provides a

powerful mood boost: a recent

Phoenix Center study demonstrated

that internet use by the elderly

Computer use also promotes brain

health, combining reading and

interactivity in a powerful way. You

have probably heard of "brain

exercise" computer programs and

games-but did you know that

reduced depression by 20%!

communities.

escape for people who want a little bit of relaxation away from the hustle and bustle of their regular lives; a place to decompress. At Chinook Ridge groups and families can engage in uninterrupted, deep and meaningful conversations.

Please call or email us to lend your support, ask questions or share a concern regarding what we see as a worthwhile and much needed venue.

You can obtain further information by visiting the website www.ChinookRidge.ca or by contacting us at (403)650-0888 or Chloe@ChinookRidge.ca.

As well, you can sign-up for the Blog or keep track of various milestones by joining us on Facebook

www.Facebook.com/ChinookRidge

Angela Lambon

Technoligies ARE for Everyone Techie Corner - Computer

I've always believed that a person is never too old to learn and embrace something new. This was reinforced time and time again when my parents would see some change in computers, MP3 players, tablets and such and ask me questions about it. To this day my Dad will still pick up a magazine about the latest and greatest windows version to learn all about it. When I was looking around on the web the past few days searching for inspiration to write this article I stumbled across an article Choices (http://choices.retireathome.com/pu b.81/issue.1320/article.5466/) newsletter about retirement and independent living. They published a series in 2010 entitled 'Digital Ageing: Computers and Seniors Today'. Not only does it remain pertinent to today, it's a great motivator as to why seniors should not feel intimidated when accessing The newsletter for the web. independent living uncovered four myths that many seniors may have considered at some point since technology became a large force in society

Myth #1: Computers are only for younger people. Although the babies of the late 80s, the 90s and so-on were fortunate enough to grow up learning the ins and outs of computer and online use, Statistics Canada has found that the over-65 population comprises the fastest growing set of computer users. Not only has email become one of the top uses for communication, seniors have also began to branch out by playing games and surfing the web,

creating a positive reaction as it stimulates the brain.

Myth. #2: Computers are too complicated for seniors. It's true that it feels like a new program is released almost every-other-week. That can be extremely intimidating to many individuals who fear they will be left behind if they don't make the switch. However, it is important to note that new software releases are options; the change is not mandatory. And don't forget that companies like Microsoft and Apple are tailoring their products for seniors, making them more accessible and offering ways to make things easier to read and more readily understood features for even the most techno-phobic user in the crowd. There are even hardware choices such as arthritis-compatible mice and keyboards with larger "Seniors are adapting to letters. computers...but computers are adapting to seniors, as well." (Choices)

Myth #3: Computer use doesn't have much impact on healthy aging. Wrong! As indicated in the Choices

"E-commerce,

online

and ! banking finding information on the Internet are of great benefit to elders who have mobility challenges." The Internet is also a great source for keeping seniors in touch with current

article,

going on the internet also gives our memory a good workout? A 2009 study by UCLA researchers showed that while seniors perform simple

web searches, blood flow is increased to areas of the brain that are vital for cognitive health. Researcher Teena D. Moody explains, "Searching online may be a simple form of brain exercise that might be employed to enhance cognition in older adults."

And what about gaming? A waste of time for couch potatoes? Another recent study shows that seniors who play strategy videogames, such as

of Nations or Halo, Rise experienced improved cognitive skills. Seniors, don't forget to apologize when you slay your grandkid's "main character" in World of Warcraft! " (Choices)

Myth #4: Online social networking is only for young people. Social networking tools, such as Facebook, MySpace, or MSN are great for finding, or keeping in touch with, long lost friends or family. Our family utilized this a lot in the past few years as a way for the kids to have an even stronger connection with their grandparents and my mom found relatives that had been lost along the way while searching for information for geneology.

To learn more about these myths and view the statistics provided by check Choices http://choices.retireathome.com/pub .81/issue.1320/article.5466/

prenings from Commona Philled administed by Sheila Srowd Regular Sunday services have

resumed and we are looking forward to making plans to mark a milestone in the life of our church this year.

Service on Sunday at 10:30 a.m. Church contact: Rev. P. Marie Wedderburn 403.637.2200

Where a warm welcome awaits with refreshments after service.

DID YOU KNOW: Cremona United Church opened in 1937 and is celebrating its 75th Anniversary this year.

Keeping Our Communities Connected!



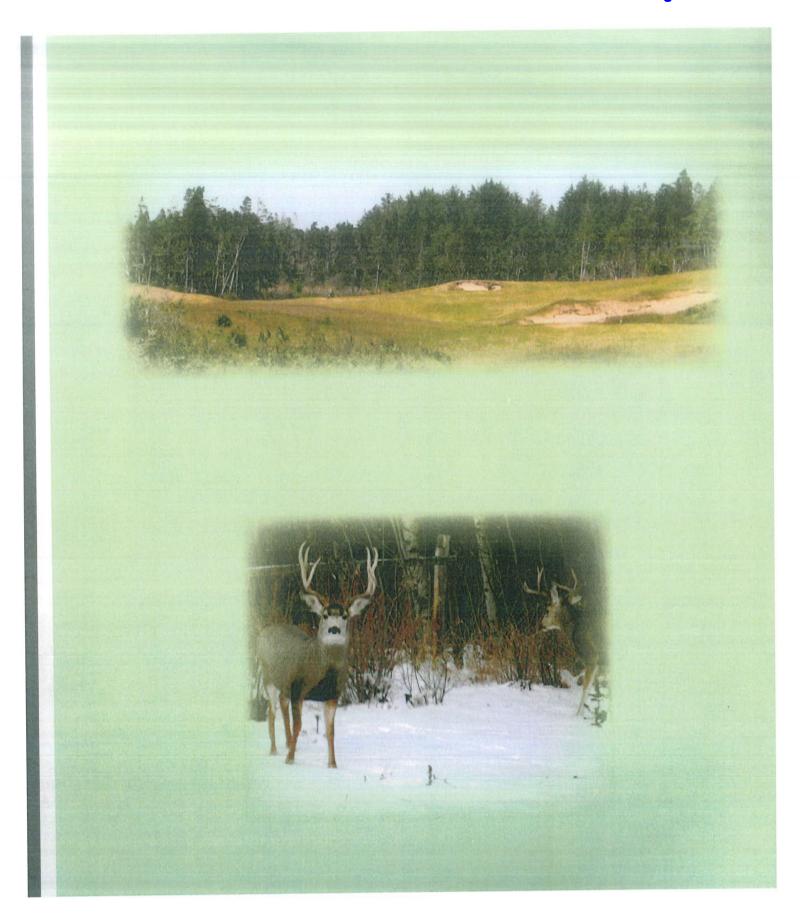
Sheri Laye

(403)637-2747 E-mail; sheri@coyate-designs.net Main Street, Cremona on accessories * dresses/sandals * designar clothing jewalry * screen printing *

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Redesignation Application # 2009-RV-189 SE 1/4, S. 31, T. 28, R. 3, W of 5 Farm & Ranch District Business-Leisure & Recreation District



THE PROPOSED DEVELOPMENT

The Cartwright family has submitted an application to re-designate the land from its current Farm & Ranch District to Business-Leisure & Recreation District so they can expand the existing Bed & Breakfast operation to a Country Inn and develop an 18 hole golf course with alternate off season use.

Rocky View County's redesignation process recommends that a public Open House be held prior to the Public Hearing date – which is currently scheduled for November 29th, 2011.

Thank you for attending our Public Information Open House!

Your comments and concerns will help shape our final product making this a better facility for all.

Chinook Ridge Lodge and Golf Course intends to become a sustaining, leading edge tourist facility within Rocky View County. Its' development will bring with it a vast array of opportunities and benefits. Immediately there will be economic benefits during construction of both the Lodge and the Golf Course. Labour and manpower hired locally will result in direct, indirect and induced economic benefits to area residents Following construction a and businesses. significant number of local residents will be employed by Chinook Ridge, allowing people to work and engage in recreation closer to home. Entrepreneurs will discover many spinoff business opportunities that cater to the increased



number of tourists brought into the area due to Chinook Ridge's marketing efforts. Adventures, nature experiences, outdoor pursuits and artistic performances could be developed and made available as commodities to tourist clientele.

Chinook Ridge will be a socially and environmentally conscious development committed to thoughtful and planned use of resources. Water use will be minimized. Well water sufficient to feed and house the Lodge patrons will come directly from a well on the land. A well which has a sufficient water flow rate for this development was located in a confined/non-shared aquifer. After consumption by the patrons the wastewater will be treated onsite, stored and used to irrigate only the tees and greens on the course on an as needed basis. This program of irrigation results is minimal use of fertilizer and pesticides due to the sensitive, minimalistic and natural design of the course.

Golf courses generally add value to a community by providing pleasant landscapes, and the offer of employment and recreation opportunities. The design and construction of the Lodge will enhance and showcase the rural feel of the neighbourhood; it will incorporate eco-friendly, renewable materials and renewable energy sources. The Lodge will be a LEED certified building and incorporate 'healthy building' components offering refuge for those with environmental sensitivities and challenges. It will provide a gathering spot for groups of many sizes.

Chinook Ridge will participate in the Audubon Society's Cooperative Sanctuary Program, a program to enhance and develop wildlife habitat on golf courses everywhere. Our sensitive approach to sustainability and stewardship of the land will fill a unique recreation based market niche and provide opportunities for other synergies within the community.

Chinook Ridge is pleased to announce a collaborative relationship with Jason Pick, Instructor at Old's College in the Golf Management/Turf Management program. Students at the College will have an opportunity for hands-on experiences in design, construction and operation of the facility. We welcome collaborating with other educational institutions in a similar manner.



THE GOLF COURSE

Development of a golf course provides a peaceful landscape, coexistence with existing wildlife and compatibility with the rural nature of the community. The lands have severe limitations for agricultural production and are therefore better suited for alternate uses.

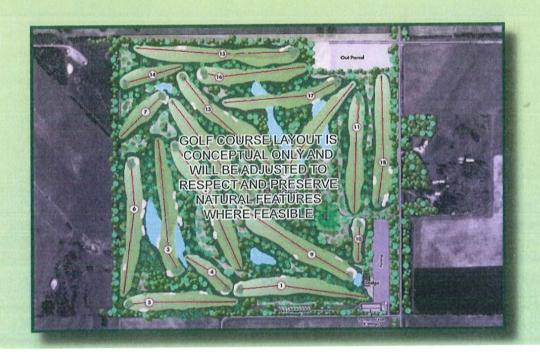
Primary objectives of the proposed development include:

- Reforestation of the land
- Enhancement of wildlife habitat
- Enhancement of existing wetlands
- Socially conscious use of water
- Recreation opportunities

Significant reforestation of the land will take many years, although we will transplant mature trees from other areas and start a tree donation program for people planning on removing trees, we will endeavour to save and relocate larger trees.

We will also develop several permanent water features which, when combined with the additional woody vegetation, will provide excellent wildlife habitat and enhance the existing wildlife corridors.

The synergistic approach of land stewardship and sustainable recreation will provide individuals an enhanced golfing experience.



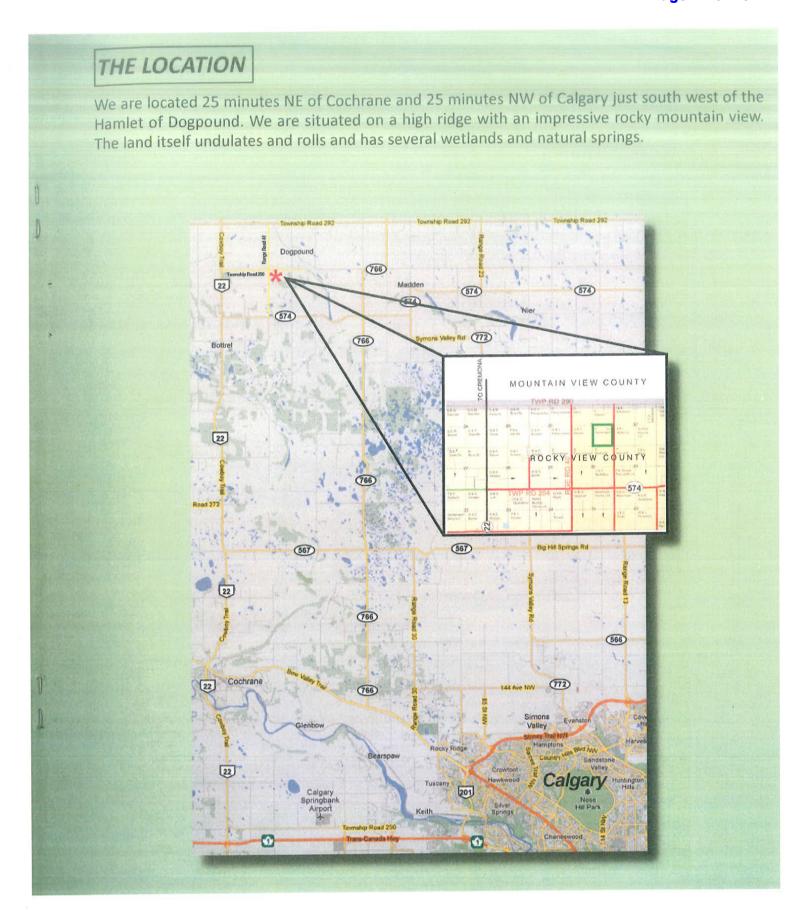
THE BACKGROUND STUDIES

Stantec Consulting Ltd. completed technical studies required by Rocky View County to support the Land Use Application.

These include:

INTEGRATED WATER MANAGEMENT PLAN

- Chinook Ridge has considered both on site and off site drainage patterns. Two areas
 have been identified as potential stormwater ponds. These ponds will be constructed as
 wetlands with storage bays to provide water for irrigation. The ponds will become part of
 the golf course features and their design will provide improved habitat for wildlife in the
 area.
- In consideration of the water required for irrigation, Chinook Ridge plans on irrigating only its tee boxes and putting greens.
- The Integrated Water Management Concept Plan describes the water balance for the site. Stormwater will be collected, treated and stored on site and used for irrigation. Treated wastewater will also be treated and stored on site. Together they will meet the needs for irrigation of the golf course's tee boxes and greens. No well water will be used directly for irrigation. Treated wastewater will be used as the priority water source for irrigation prior to using stormwater. Additional stormwater will be released at a controlled rate as per provincial and municipal requirements.
- Due to the soil characteristics at the site, many types of agricultural farming are very poor. Much of the land is considered non-irrigable for grain farming and can only be used for grazing. In order to develop an irrigation plan for an area that is considered non-irrigable, Chinook Ridge has developed an irrigation plan to significantly reduce he areas of the golf course to be irrigated. Irrigation will be limited to the tee boxes and greens. These areas will contain soil amendments to ensure proper infiltration and minimize potential surface run off. The irrigation system will use the latest technology to efficiently deliver water to the root zones and minimize the waste.
- The potable water source for the development comes from an on-site well that has been deemed to be high quality ground water. Although this water does not require treatment for consumption and use, Chinook Ridge will provide a softening system to remove hardness and a chlorine system for disinfection.
- Wastewater generated on site will be treated to a secondary quality standard using an Advanced Treatment Unit (ATU). The quality of treated wastewater will meet or exceed the quality standards required for irrigation of designated golf course area.
- Chinook will considered in its design the required setbacks and potential odour issues to ensure they do not become a problem with facility and golf course users or the surrounding community.



THE LODGE

In 2002 we opened our home as Hummingbird Haven Bed & Breakfast but due to size limitations had to turn away many clients wanting a venue for Weddings, Retreats and Training Seminars. A design for a new building took shape offering plenty of accommodation space, a commercial kitchen and a banquet hall, break-out rooms and spa facilities. We changed our name to Chinook Ridge.

A land use amendment will be required to accommodate the increased scope of the proposed development.



TRAFFIC IMPACT ASSESSMENT

Study Objectives

- Establish future (2015 and 2035) background traffic conditions in the vicinity of the proposed development with background growth on Township Road 290 and Highway 574 to be assessed based on an assumed 2.5% annually compounded growth rate
- Estimate the magnitude and distribution of peak hour traffic generated by the proposed development at the 2015 and 2035 horizons
- Evaluate the impacts of vehicular traffic generated by the proposed development on the adjacent roadway system
- Identify and recommend any required traffic operation and/or infrastructure improvements necessary to accommodate the traffic anticipated to be generated by the proposed development

Study Area

The study area intersections identified for the TIA include the following:

- Highway 22 / Township Road 290
- Highway 22 / Highway 574
- Range Road 35 / Township Road 290
- Range Road 35 / Chinook Ridge Golf Course Access
- Range Road 35 / Highway 574
- Highway 766 / Township Road 290
- Highway 766 / Highway 574

Key Findings and Conclusions

- The analysis of the 2015 post development horizon demonstrates that all study area intersections are anticipated to operate at acceptable levels of service as unsignalized intersections with no modifications to the existing intersection geometry.
- The analysis of the 2035 post development horizon demonstrates that all study area intersections are anticipated to operate at acceptable levels of service as unsignalized intersections with no modifications to the existing intersection geometry.
- The analysis contained in the TIA demonstrates that the addition of the proposed development does not result in any significant impact to the study area intersections and, therefore no roadway improvements are required as a result of this project.

BIOPHYSICAL IMPACT ASSESSMENT

- As part of the desktop review process the Alberta Sustainable Resource Department Fisheries and Wildlife Management Information System (FWMIS, 2011) was searched to determine what wildlife species were present within a nine, five, and three kilometer radius of the Subject Property (see table).
- The results showed that several wildlife species listed as Sensitive, At Risk, or May Be at Risk, were noted within a nine kilometer radius of the Subject Property. However, only the northern pigmy owl was noted within a three kilometer radius of the Subject Property.
- The Alberta Conservation Information Management Systems was also searched (ACIMS, 2011) for rare flora occurrences. However, no rare occurrences were identified on the Subject Property.

*Listed species located near the Subject Property

Wildlife Species	9km	6km	3km	Status 2010
barn swallow	Present	-	-	Sensitive
barred owl	Present	-		Sensitive
bay-breasted warbler	Present	-	-	Sensitive
black tern	Present	-	-	Sensitive
Brewer's sparrow	Present	-	-	Sensitive
cape may warbler	Present		-	Sensitive
eastern phoebe	Present	-	-	Sensitive
great blue heron	Present		-	Sensitive
great grey owl	Present	-	-	Sensitive
grizzly bear	Present		VINIA - III	At Risk
least flycatcher	Present	-	-	Sensitive
northern harrier	Present		-	Sensitive
northern leopard frog	Present	-		At Risk
northern pigmy owl	Present	Present	Present	Sensitive
pileated woodpecker	Present	Present	-	Sensitive
sandhill crane	Present			Sensitive
short-eared owl	Present	-	-	May be at Risk
sora	Present			Sensitive
Swainson's hawk	Present	-	-	Sensitive

^{*} Fisheries and Wildlife Management Information System Summary for the nine, five, and three kilometer search radius for the Subject Property

Background Study Results

The results of these studies indicate that the water, wastewater treatment, irrigation plans, soil, location and conservation methods will support the proposed plans for development. The detailed results of these studies are available on the Chinook Ridge web site. Additional copies of these reports were delivered to all neighbours within a 3 KM radius and to the Rocky View County Councilors.



Moving Forward

Thank you for attending our Public Information Open House!

We hope all of your questions regarding our proposal have been answered, if not please feel free to contact us or any of the report authors at Stantec Consulting Ltd. Call Brad Pratt at 403 716 1486.

Please fill out one of our Comment Cards and submit it to one of the hosts at the end of today's open house. These cards will be compiled and summarized with the information passed on to Rocky View County Council and Administration.

Your comments and concerns will help shape our project, making this a better facility for all.



Chinook Ridge Lodge & Golf Course p-001-403-650-0888, f-001-403-476-5387 www.ChinookRidge.ca Chloe@ChinookRidge.ca

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	9 10
(IM	
by Google	

by Google	Karen Singer		
Chinook Ridge 1 message			
Chloe To: Karen Singer	Wed, Apr 18, 2012 at 11:42 AM		
Good morning Karen;			

Pat just called and gave me your email address so that I could correspond with you directly regarding any concerns you have with our proposed development. I understand that you two are not opposed to the development in itself but that you have concerns regarding the level of dust and traffic on range road 35 passing your property and to a lesser extent the condition of Highway 574.

The quick answers to your questions are thus. The County proposes that I widen the surface of Range Rd 35 so that 2 vehicles can pass more easily. Along with that there is/will be a requirement for dust control although at this juncture I do not know what that will entail. Rest assured that between myself and the County some measures of dust control will be implemented.

Traffic volumes are a little more difficult to predict although my Stantec engineers forecast a 2.5% increase in traffic yearly (once we are operational). Their forecast includes tourists, employees, and delivery drivers. We are designing this as a venue for golf stay and play vacations for the golf tourism industry. Our clientele will arrive on tour buses in large groups of 12 to 44 people, in this case we would be able to accommodate 2 bus loads at a time overnight, house in the 21 rooms and 15 sleeping cabins. These same busses would take golfers to other area courses as well, but return here in the evening. A group like this might be enticed to stay 4 or 5 nights to play all the area course and visit other activity venues, restaurants, shops, studios and museums. That is the group we are marketing too. Between groups we MAY be open to local folks who want to book times in sufficient numbers to warrant bringing in staff. We will not just be open for drop in clients or green fee players.

There are other uses for the facility such as corporate retreats, weddings and occasional performances by theatrical or musical groups or participatory craft seminars. These things will likely result in more individual vehicle traffic, with 2 to 4 persons per vehicle. and will depend on the host's invitation list. Our current drawings cap the dining hall seating capacity at 500, we are considering dropping this down to 300 as it results in a more esthetically pleasing building design. We have sufficient water for 500 patrons 24

Singer Appellant Exhibit 2 - Written Statement of Karen Singer

hours per day, 365 days per year (as per Alberta Environment Licensing requirements). 35 of 70 Frankly I love hard work BUT I don't want to work THAT hard.

We hope to begin construction on both the golf course and the lodge at the same time. I believe all contouring of the course rough grading will be completed within 4 months with the heavy equipment coming onto the property, staving put and leaving when it is completed, finish grading and landscaping will take another 4 months and then take 1.5 to 2 years to mature the greens enough to be play ready. The Lodge will take over a year to construct and this will depend on the availability of labor and materials. The Lodge can open once it is complete.

We will proactively use design features to minimize any increase in noise from the Lodge by design and in the materials used to construct it. This area is our peaceful home too. and we don't want to see its' peaceful nature destroyed. Karen, many of your questions are addressed with the County at the 'development permit or building permit' stage and not so much at the redesignation stage so some of my answers may seem to be evasive when they are not intended to be - I just haven't reached that stage yet. I am looking at one horizon at a time, knowing there are other hills beyond that first one.

I have attached 2 documents, the FYI booklet was handed out at our Public Open House; the other is a fairly lengthy description of what we want to become and how it will benefit the community. By the way, I am planning a Range Road 35 party one evening during the week of May 7th. I hope you will be able to join us, I will send the invitation later once I firm up the date. I will be inviting everyone who lives between the Dogpound Creek and Beaverdam Creek along RR 35. In the meantime if you have more questions please either call or email me.

Chloe Cartwright, BSW, RSW, ABR

Chinook Ridge Lodge & Golf Course

Yiewmyprofile on Linked in	
2 attachments	
FYI Booklet - web.pdf 3663K	
Feature Article Hitching Post News.I	nk

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TAB 3

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November 16, 2012

TEL 403:230:1401 FAX 403:277:5977

Legislative Services 911-32 Ave NH | Calgary, AB | '121' 6X6 www.tockyntocea

File: 2012-RV-016 - 08731001



RE: TRANSMITTAL OF DECISION

At its meeting of Tuesday, November 6, 2012, Council of Rocky View County held a Public Hearing to redesignate the SE-31-28-3-W5M from Ranch and Farm District to Business-Leisure and Recreation District, and gave second and third reading to Bylaw C-7188-2012.

Your redesignation application is APPROVED.

Should you have any questions or concerns, please contact Sherry Baers for assistance and quote the file number as noted above.

A copy of the approved Bylaw will be supplied on request after the Council Minutes have been considered on Tuesday, November 27, 2012.

Yours truly,

ROCKY VIEW COUNTY

Nona Housenga

Manager

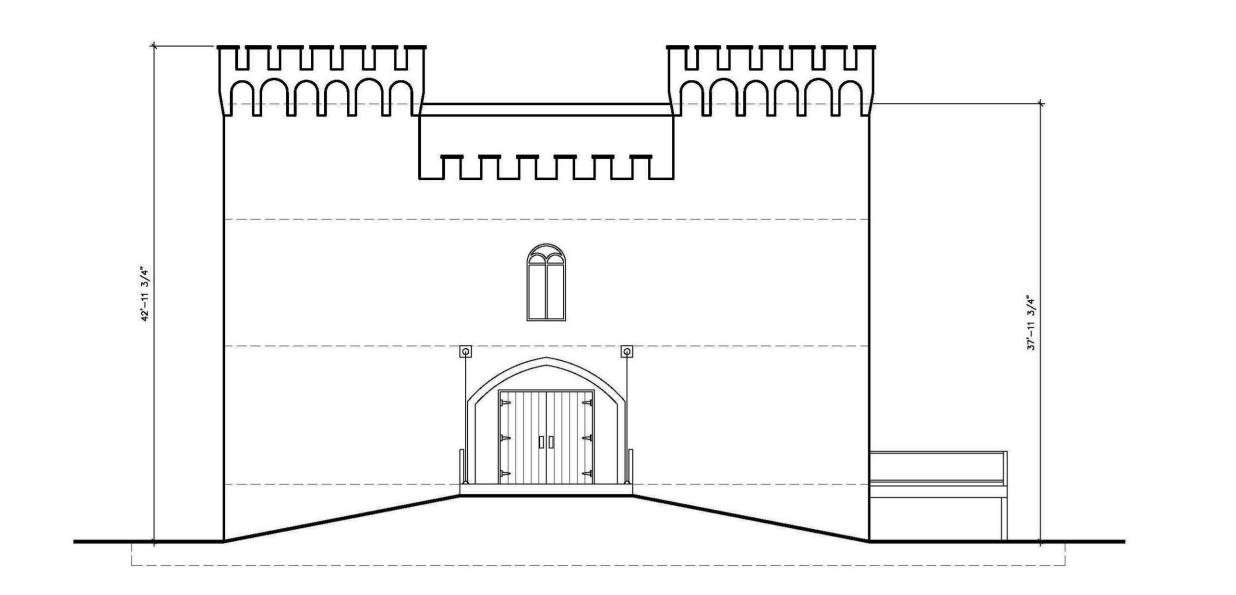
403.520.1184

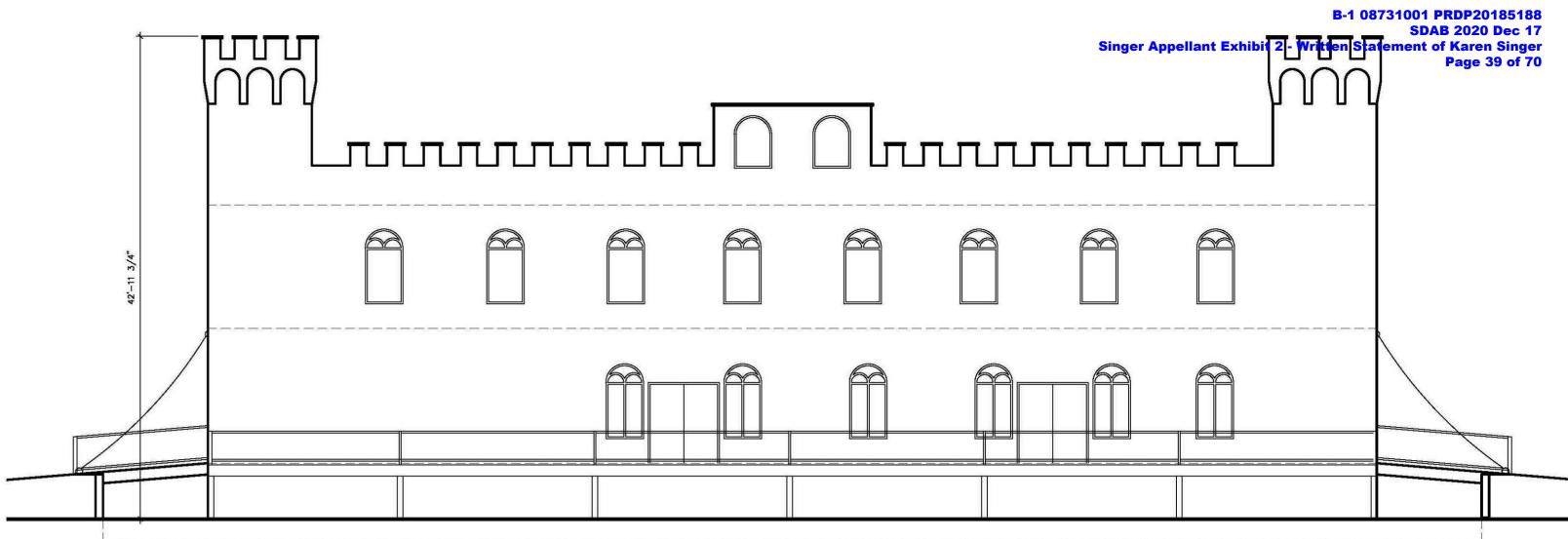
nhousenga@rockyview.ca

NH/kf

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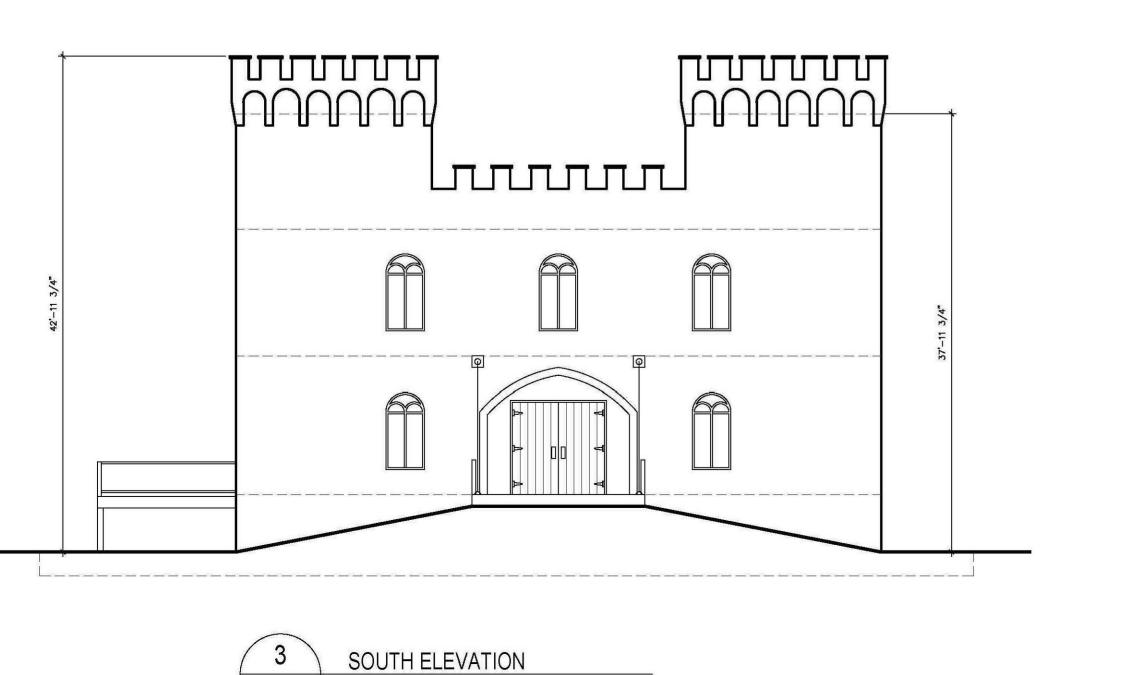
TAB 4

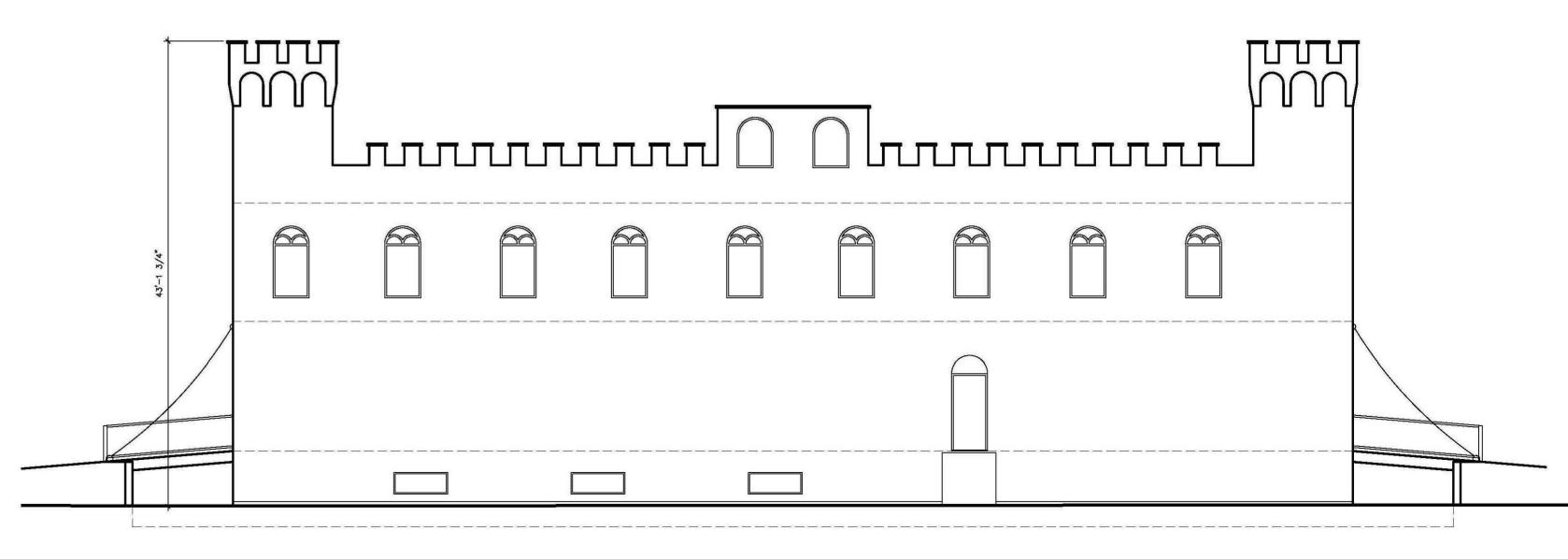




NORTH ELEVATION
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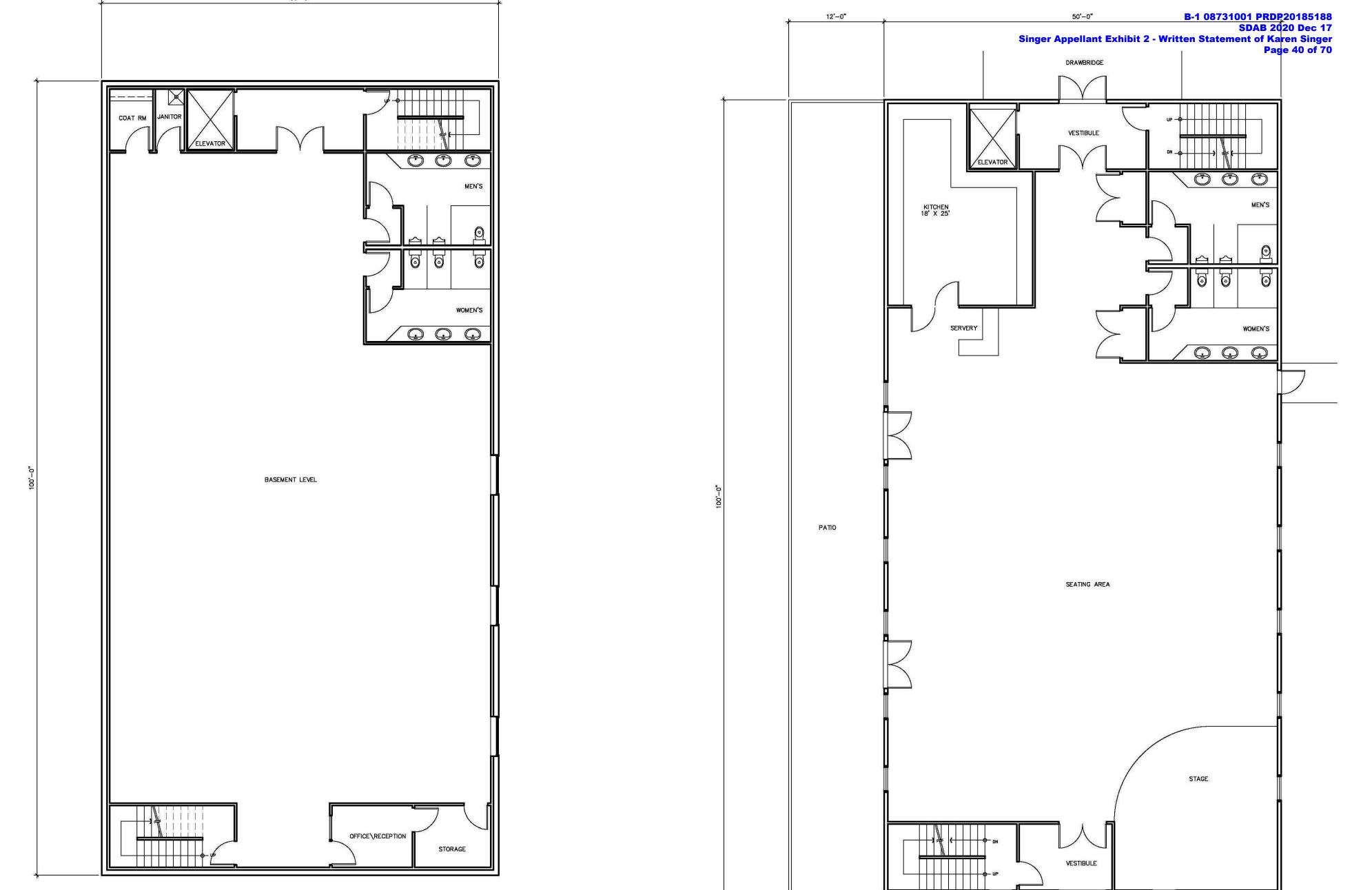
WEST ELEVATION
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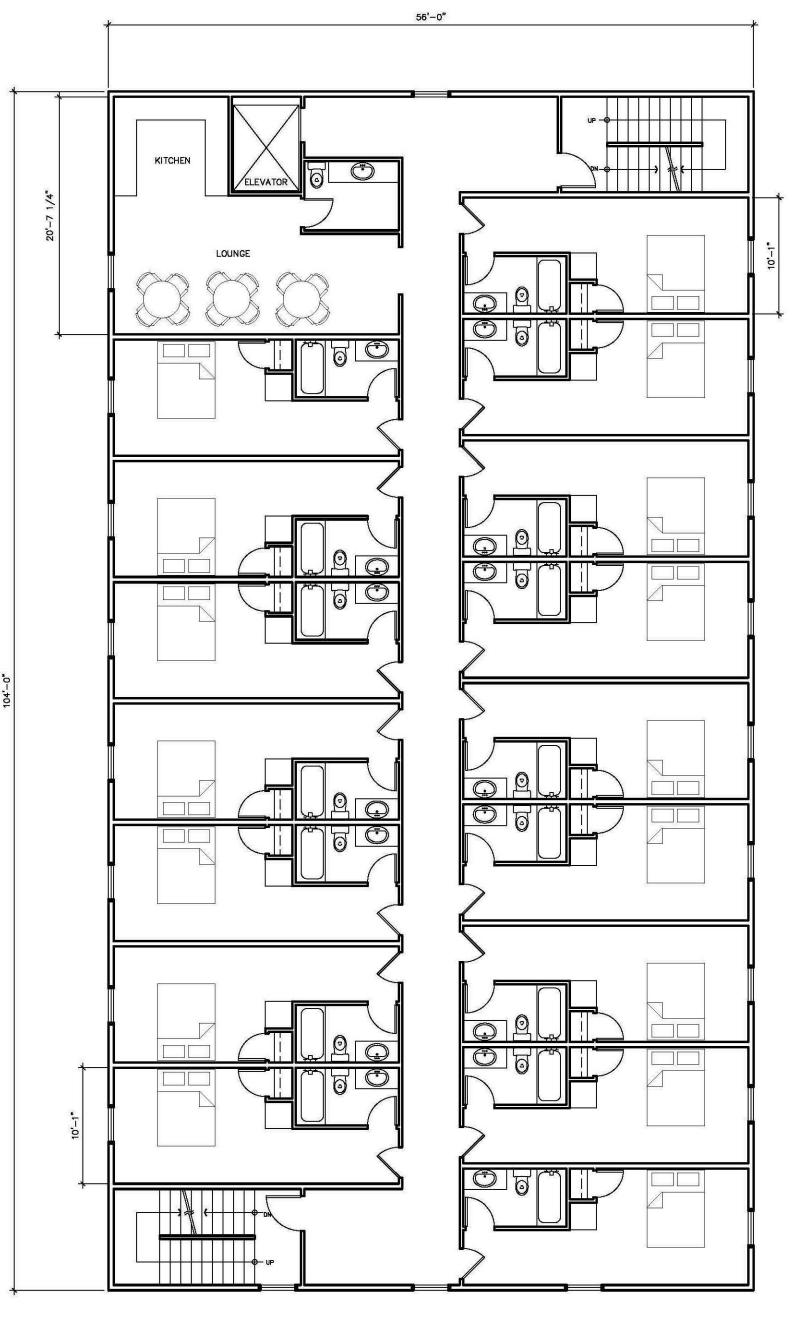


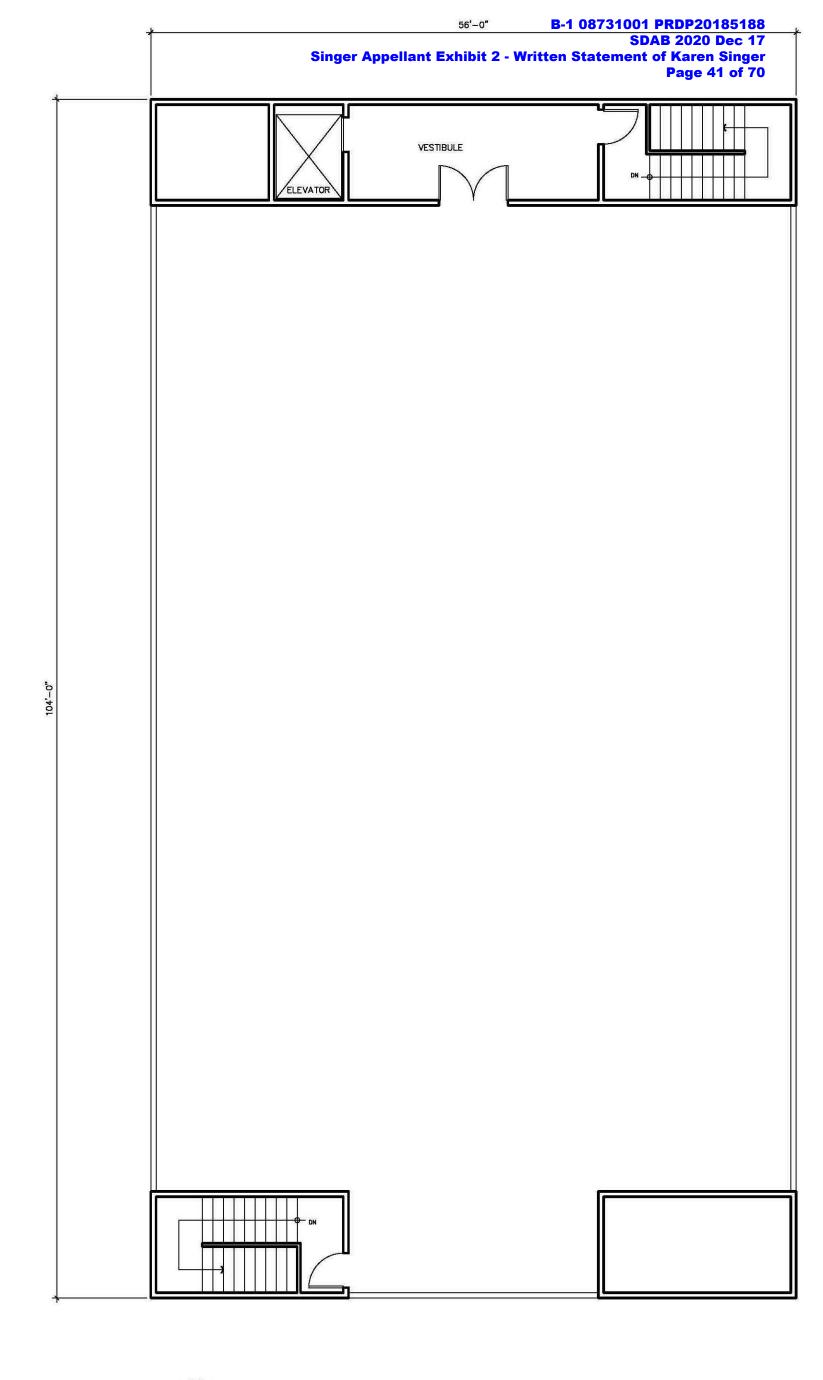


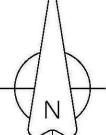
4

EAST ELEVATION









1 SECOND FLOOR PLAN
1:100

2 ROOF PLAN
1:100

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TAB 5

Welcome! Water Licences

Welcome to our website!

Here you will soon find information on the project we are developing in four phases over several years - renamed Chinook Ridge Castle & RV Park. The first phase, the castle/event centre & RV park, needs to operate properly before the next phase is planned or started, although some background work needs to be done in advance- behind the scenes at a political level so it is ready before breaking ground on that subsequent phase.

It is really too early for bookings!

Right now Chinook Ridge is <u>only a concept</u>. land re-designation was achieved in November, 2012 but plans had to be shelved and revamped. Now we have assembled a team of professionals to bring the new plan to fruition and are unveiling our NEW concept here with a proposed opening date in the summer of 2019. Stay tuned for updates!

In the meantime check out the design on the Concept Drawings & Design page and sign-up for the blog feed so you can hear the rumors first hand:)

Our intentions are to use the most environmentally friendly products, systems and building materials available. Next comes our Water License applications, then the Development Permit, followed by the building permit. Each new milestone we approach and goal we accomplish will be posted here. It seems to take forever for each phase to be worked through. Please bear with us.

Sign up for our Blog RSS feed or find us on Facebook where we will post information on the various stages of development including the construction tendering phase. Later stay tuned for special events like our Grand Opening (medevil themed) and others which may take the form of dinner theatre, special theme dinners, performances or charitable events.

Local Weather

Please install Flash® and turn on Javascript.

Thu, Jun 20, 2019 at 11:27 am MDT

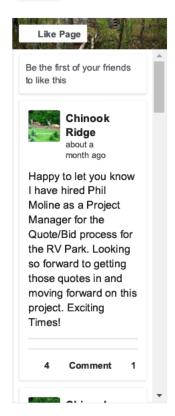
Preliminary Chinook Ridge Castle drawings.

November 30th, 2018

This is a good rendition of what the Chinook Ridge Castle will look like. It will banquet seat 200 in the main floor...Click here to read more detail about 'Preliminary Chinook Ridge Castle drawings.'

Posted in General





rivacy Policy Sitemap

www.chinookridge.ca 1/1

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TAB 6







The Chinook Ridge development is a long-range plan with sustainable social, environmental, and economic benefits. There are several advantages:

- Our goal is to create a venue to offer or improve recreational opportunities in the area.
- Second, it will benefit the community by creating employment both on-site and spin-off businesses
- Third, it will be a unique venue for entertainment
- Fourth, it will benefit the environment by adding trees and native plants attracting birds, native wildlife, and improving air quality.
- Fifth, Chinook Ridge is designed to enhance communications between generations and strengthen the social fabric within families and communities.

The end goal is to improve intergenerational interactions and build strong emotional bonds. This goal is the owner's real motivation and the paramount goal of Chinook Ridge – the idea that current and future generations can benefit from strong familial ties that will impact generations to come. It requires a savvy reader who can envision the big picture and is prepared for a slowly progressing development.

Chloe has worked in family and child welfare matters for over four decades. This valuable work made her realize that many social problems in society get their foothold when the bond between a child or youth and their caregivers is weak or broken. A young person left without these extremely critical emotional bonds is left rudderless as he or she navigates the many wrong roads and pitfalls that may tempt a young person while still growing emotionally and

socially. Chinook Ridge offers a place where families can just have fun or begin to heal and build or strengthen these crucial bonds.

SDAB 2020 Dec 17

SINGER APPENDIA TO STATE OF THE ST

RV camping is one of those activities where families can begin to heal. It allows the family to gather together in the great outdoors and spend quality time together. This year in particular more and more families decided to purchase an RV. COVID 19 has restricted interprovincial travel but families still want to get away for a holiday. According to Dan Merkowsky, Executive Vice President of the Alberta Recreational Vehicle Dealers Association,

"RV sales have gone crazy so much so that dealerships are running out of inventory and because of

COVID cannot get product from the States until August. Everyone has figured out that they will not

be travelling anywhere soon so building a campground is a great idea as they all need someplace

to stay, and the government is closing some parks down."

Locally this translates to an overall shortage not just of RV Parks but also a shortage of RVs, such that local RV dealerships are advertising and asking people bring in their used RVs and the business will buy them back!

It is essential to emphasize the entire Chinook Ridge vision. Initially Phase I, is the RV Park – the first step. Phase II is equally essential and fills a niche' in the market. An architecturally designed Sandstone Castle consisting of a roof top patio, 14 guest rooms and family kitchen on the 2nd level, a 500-seat banquet hall on the main floor and in the lower level spas, games, and breakout rooms. The Castle will be complete with a moat and drawbridges. Phase III is the ultimate end goal of the owner; a 9-hole walking wildlife golf course; a platform for intergenerational communications in a space long used for business communications, a golf course can be used to enhance other types of relationships besides inter-generational. Of course, the facility will be open to local and drop in users when not booked for a closed-gate event. The course will be a showcase of environmental stewardship, no chemicals will be used as we intend to install a KISSS irrigation system that only waters the root zone and does not use an overland spray system. It will also be a teaching course for earth sciences, biology, hydrology, and botany.

The past 4 decades parenting over 164 children have shown Chloe that there is a void in how kids and parents communicate. Lots of sporting groups cater to kids' recreation and development. Still, in all of these sports: hockey, soccer, rugby, baseball, motor-cross, ringette, pickleball, gymnastics, badminton, tennis and football it is a common practice for parents to yell or shout at their kids from the sidelines or stands. This is a limited and sometimes hurtful one-directional way to communicate – it is not coaching, it is not empathetic, and it does not provide for in-depth, meaningful conversations.

We can make a difference, join with me in helping kids and parents engage in sports where Singer they can communicate in a deep and meaningful way. A place where they can share listoxy47 of 70 current events and discuss daily problems, even the really tough ones – away from the yelling or shouting currently practiced at fast-paced 'hit-em-hard' sports and away from the electronic gadgets. A sanctuary where they can reduce the adrenaline by providing a walk with elders giving way to this much-needed opportunity. A course where people can become grounded; where it is not necessary to get through all the holes, where you can get your money's worth paying for only the holes you play stopping before the child or youth gets tired and cranky; end it on a high note when everyone is happy.

This project has been in the works since 2009 working its way through the County of Rocky View's land redesignation process, then the Development Permit and Appeals process and Alberta Environment and Parks water licensing process. One step at a time, we are getting closer.

AN ABUNDANCE OF WILDLIFE AND MOUNTAIN VIEWS

WHAT OUR CUSTOMER SAY

We can't wait for the Chinook Ridge Castle and RV Park to open up to the public. We visited back when it was the Hummingbird Haven Bed and Breakfast and couldn't have been more impressed.

Jillian MacKenzie Calgary, Alberta

ABOUT US

Chinook Ridge RV Park and Event Castle is located a short 30 minutes NW of Calgary; our rural setting features a fabulous view of the Rocky Mountains.

CONTACT US

Chinook Ridge

Chloe Cartwright

Phone: 403 650 0888

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Singer Appellant Exhibit 2 - Written Statement of Karen Singer

Fax: 403 476 5387

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Chloe Cartwright



Karen Singer



Dear Mrs. Singer;

RE: APPEAL OF CONDITIONAL DEVELOPMENT PERMIT #PDRP20185188

Please be advised that I started the Land Use Redesignation process in 2010. At that time you were not living on the farm and the title was in the name of both you and your husband Pat. The title to the land at that time would have directed the County to send notices to 1919 84th Street, N.E., Calgary. I note both a change 'ownership' to your sole name and a change in address. Never-the-less notices would have also been posted in the Rockyview Times newspaper. You did not protest the change in land use though you were advised of the application as the County would have sent you the prescribed forms at that time. The land was re-designated by a third reading to the Bylaw on November 6th, 2012 from Farm & Ranch Land to <u>Business – Leisure and Recreation</u>. I have attached the <u>TRANSMITTAL OF</u>

<u>DECISION</u> (Attachments A and B) letter. There was overwhelming community support for this redesignation application. Council noted that extra chairs need to be brought into Chambers due to the number of people attending in support (103) of the application.

Rest assured the County was as diligent in addressing all of the redesignation issues as I am in following the guidelines and process for both the land redesignation and the development permit. I am not one to side step or sneak around the authorities. I do not burn without permits, do not build without permits or use the land in a manner contrary to current zoning. The County first and foremost needed to know this land is better utilized as non-farm land due to the sandstone outcroppings, shallow soil and extreme moist conditions on its western slope. It is somewhat unfortunate that you spent \$250.00 to get this information when if you made a simple phone call or knocked at my door I would gladly have given you this information for free.

The County's second biggest concern was in regard to the water and considerable due diligence was spent testing neighboring wells, establishing flow-rate and confirming water shed for licensing. Rather than spelling everything out here you can view the website at www.ChinookRidge.ca go to the 'Technical Reports' tab, then 'Water Management', then the 'Groundwater Executive Summary'. All neighboring wells were tested to compare chemical composition and determine if any neighboring wells were part of the same aquifer. Yours were as well – you might recall giving me permission to take a

sample of water from your outdoor faucet. My wells are distinct and in a confined aquifer. My wells were tested for commercial viability (Q-20) and were certified capable of producing 64.4 cubic meters per day consistently and 98.2 cubic meters per day for short periods. A cubic meter of water is 220 gallons – so the commercial well that is on my land is capable of pumping 14,124 to 21,604 gallons per day without diminishing the water table (note the rates are recovery rates). A much lengthier description is contained in the Stantec Report. The website www.ChinookRidge.ca also has several other technical reports you may be interested in reading. The web-site was initially developed for the benefit of the community members so they could stay abreast of the concept and progress.

I have also attached the County's description of Section 75 of the regulations which details the 'Permitted uses' for land designated Business – Leisure and Recreation (Attachment C). Although my initial application for a Development Permit was with the intent to build a 44 room hotel, 18 hole golf course and 18 stall RV park – my plans changed for several reasons.

- 1. Safety of people I became aware of the extremely high rates of cancer and other diseases in people due to the use of herbicides. Golf courses (and farmers) need to take thoughtful measures in how they damage the environment and the roll out effects on people's health. Efforts are being made to keep this out of the food chain, but it appears we are not winning that battle yet.
- 2. Economic factors I could see we were heading into a recession but more importantly my study of demographics told me that as the 'boomers' aged they were going to be less likely to golf in one location, they wanted and want to move golf memberships have dropped drastically in the past few years.
- 3. Personal energy The project as I originally envisioned it needed two people to manage the construction of it golf course and hotel. In 2014 my partner (since 2002) relocated back to the US. I had inklings of that happening as early as 2012. The project as planned was too big to handle alone. I shelved everything while I reconsidered my options and the existing permitted uses under the BL-R designation.

<u>Permitted Uses</u> under the BL-R designation (umbrella so to speak) there are many, many, opportunities. It is somewhat like your land designation of Ranch & Farm – you can grow grain, hay, cattle, goats, garlic, flowers, vegetables or exotic crops or animals – you do not need anyone's permission to change products. It is similar with BL-R the options are many.

The current plan for an 81 stall RV Park and Castle event centre - reflects my decision, my energy, and my concern for public health and is <u>compliant with permitted uses</u>. It is small, easily managed and supervised, brings economic diversification to the area, brings tourists to this area spending their money at other area venues. It allows people a place to celebrate yet **NOT drink and drive** as the plan incorporates security fences and gates to keep people and pets both in and out as the situation warrants. They can sleep in their RV or book into one of a few hotel rooms in the Castle. A win-win! My plans include having a couple live on site to look after the day to day security, landscaping and decorating.

For your perusal I have attached a copy of the current **Notice of Decision** (Attachment D) regarding this new proposal. Of note are the County's **CONDITIONS** that must be met prior to full APPROVAL. Those conditions speak to items that you are concerned about. These conditions are being addressed by me and my team of engineers and architects. The County is doing its job!

- a. The plan includes provisions for a multi-use sports field on land to the west of the RV Park and Castle as well as a nature/meditation-walk in the trees and around and to the existing Chapel. Other opportunities are planned on my land for their recreational and educational benefit.
- b. Sewage is dealt with via a large septic tank and a <u>state of the art sewage treatment plant</u> that returns sewage to a **clean water state** that will then be recycled for irrigation of landscaping, trees, etc.
- c. The fragile wetland eco-system will continue to be protected as it attracts birds, wild-life and reptiles.
- d. You have mentioned traffic as one of your concerns. There is a Traffic Impact Assessment on the website as well; however this has been updated due to the new development plan by Justin Barrett of JCB Engineering, it has not been posted yet. The County's conditions to the DP include additional information with a view to making sure the road and approaches are of a standard that can handle the increase in volume. I am certain there will be a dust suppression upgrade at minimum.
- e. Garbage disposal is being dealt with by the County as they require a Garbage & Recycling Management Plan.
- f. Noise. There will likely be laughter outdoors though the 'partying and music' is indoors in the Castle. Some music MAY be permitted on the Castle roof-top patio but it will be acoustic in nature and not involve speakers.
- g. Smoke from fires. Well this may be true as campers do sometimes like to enjoy an outdoor fire. Fire safe containers will be provided so they can have fires when deemed safe by the County. Keep in mind the site/landscaping plan includes a <u>large volume water feature for fire suppression water</u> which can be accessed by the County fire trucks for fires anywhere in the County. This will be an asset to the neighborhood.
- h. You mention that security is one of your concerns. As mentioned earlier the perimeter of the site will be security fenced. There will be a security gate at the entrance operated remotely by cameras and codes as well as security cameras on the site itself.
- i. The nearest Police station is not the designated police station we are in Airdrie RCMP's jurisdiction. I know this from the years I spent leading and organizing the local crime watch group now defunct for lack of community interest. The nearest fire department is Madden there is also Cremona and Water Valley which are closer than Cochrane's. The county has made plans for this.

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j. Stormwater and run-off. There will be no change to the existing storm water drainage patterns.

This project will bring many, many benefits to the community – employment, entertainment, fire suppression, recreation, meeting space, eventually a spa as well as fine dining and as you live close by I hope you will avail yourself of the many opportunities for enjoying Chinook Ridge Castle and RV Park.

I hope I have answered most if not all of your questions. If you have any more please feel free to call me at ______ or email me at ______

Chloe Cartwright
BSW, RSW, MBA in CED (candidate)

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Karen Singer

Approved Development Permits in Your Area Rocky View County Mon, May 13, 2019 at 10:19 AM Reply-To: Rocky View County | To:

This is a Safe & Sound message from Rocky View County.

You're receiving this message because you subscribed to planning and development information about your home address or an address in the County important to you.

Rocky View County has approved the following development permit application:

PRDP20185188 - Application for Campground, Tourist (81 RV stalls) and Tourism Uses/Facilities (Recreational), construction of a tourist building including Accommodation Units, compatible with available servicing (16 rooms), relaxation of the maximum building height requirement; SE-31-28-03-05 (285049 RANGE ROAD 35), located approximately 1.61 km (1 mile) north of Highway 574 and on the west side of Range Road 35. File: 08731001

If you believe you are impacted by this decision you may obtain a Notice of Appeal by completing a form and paying a fee of \$350.00 if you are the owner/applicant or \$250.00 if you are an affected party.

Click here for more information on the Subdivision and Development Appeal Board, and instructions on obtaining a Notice of Appeal. Under provincial legislation, your appeal must be filed within 21 days.

Log in to update your Safe	Sound information at www	w.rockyview.ca/safe or call	
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Rocky View County Marketing & Communications B-1 08731001 PRDP20185188 SDAB 2020 Dec 17 Singer Appellant Exhibit 2 - Written Statement of Karen Singer Page 57 of 70

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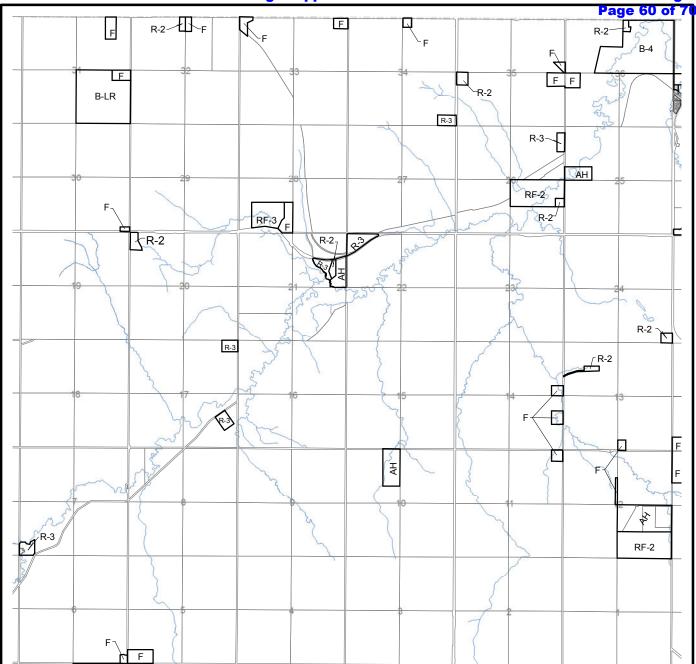
Notice of Appeal

Subdivision and Development Appeal Board Enforcement Appeal Committee

Name of Appellant(s) Patrick a	nd Karen Sina	ier
. 10 . 1.1	Municipality	Province Postal Code
fain Phone # . Alternate Phone #		
	T	
Site Information		
285049 Range Road 35	5 SE-31-28-03-	
Property Roll# 0873100\	PRDP20185188	, or Enforcement Order #
I am appealing: (check one box only)		
Development Authority Decision	Subdivision Authority Decision	Decision of Enforcement Services
☑ Approval	☐ Approval	☐ Stop Order
☐ Conditions of Approval	Conditions of Approval	☐ Compliance Order
☐ Refusal	☐ Refusal	
Reasons for Appeal (attach separate p	age if required)	
· Traffic Volume	· £	Road Salety
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. Traffic Noise		E living there year row
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. Next notified of the	e "new" developmen	t plans
. Not notified about	the application for	r new plan
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Singer Appellant Exhibit 2 - Written Statement of Karen Singer



ALL LANDS ARE DESIGNATED RF UNLESS NOTED OTHERWISE

RANCH AND FARM DISTRICT	RF
SEE EXCEPTIONS LISTED WITH THIS DISTRICT	RF *
RANCH AND FARM TWO DISTRICT	RF-2
RANCH AND FARM THREE DISTRICT	RF-3
AGRICULTURAL HOLDING DISTRICT	
FARMSTEAD DISTRICT	
RESIDENTIAL ONE DISTRICT	
RESIDENTIAL TWO DISTRICT	R-2
RESIDENTIAL THREE DISTRICT	R-3
HIGHWAY BUSINESS DISTRICT	B-1
GENERAL BUSINESS DISTRICT	B-2
LIMITED BUSINESS DISTRICT	B-3
RECREATION BUSINESS DISTRICT	B-4
AGRICULTURAL BUSINESS DISTRICT	B-5
LOCAL BUSINESS DISTRICT	B-6
HIGHWAY FRONTAGE BUSINESS DISTRICT	B-HF
BUSINESS CAMPUS BUSINESS DISTRICT	B-BC
INDUSTRIAL CAMPUS BUSINESS DISTRICT	B-IC

VISUAL REFERENCE ONLY. CONTACT THE COUNTY PLANNING DEPARTMENT FOR OFFICIAL CONFIRMATION

RECREATION DESTINATION BUSINESS DISTRICT. LEISURE AND RECREATION BUSINESS DISTRICT. AGRICULTURAL SERVICES BUSINESS DISTRICT. B-A4 POINT COMMERCIAL DISTRICT. C-P VILLAGE CENTRE COMMERCIAL DISTRICT. C-V LOCAL COMMERCIAL DISTRICT. C-LC REGIONAL COMMERCIAL DISTRICT. C-R INDUSTRIAL ACTIVITY DISTRICT. I-IA STORAGE AND SALES INDUSTRIAL DISTRICT. I-IA STORAGE AND SALES INDUSTRIAL DISTRICT. NRI HAMLET RESIDENTIAL SINGLE FAMILY DISTRICT. HR-HAMLET RESIDENTIAL COMMERCIAL DISTRICT. HR-HAMLET RESIDENTIAL COMMERCIAL DISTRICT. HR-HAMLET RESIDENTIAL SINGLE FAMILY DISTRICT. HC HAMLET INDUSTRIAL DISTRICT. HC HAMLET DISTRICT. PS AIRPORT DISTRICT. AP DIRECT CONTROL DISTRICT. DC	R ST CCC
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ROCKY VIEW COUNTY

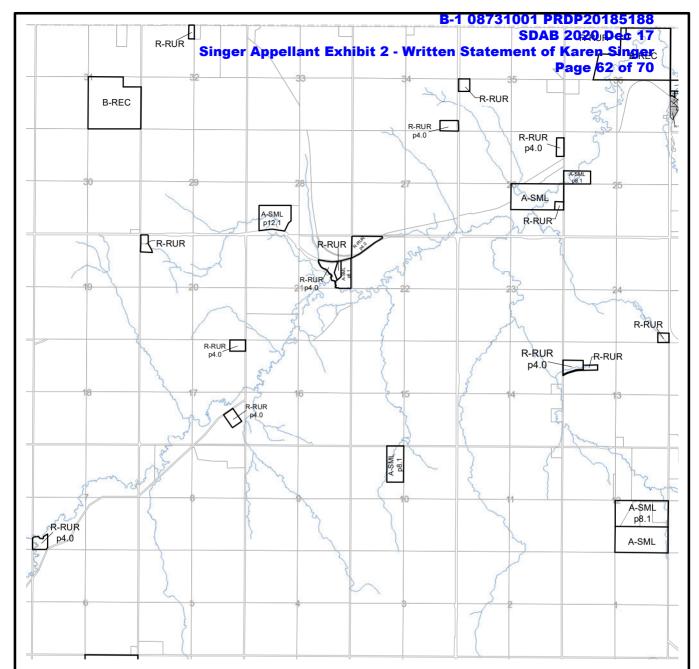
TWP. 28-3-W5M

Part FIVE of the BYLAW No. C-4841-97

LAND USE MAP NO. 87

Date: Feb 18, 2016

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ALL LANDS ARE DESIGNATED A-GEN UNLESS NOTED OTHERWISE

A-GEN	Agricultural, General District
A-SML	Agricultural, Small Parcel District
R-RUR	Residential, Rural District
R-CRD	Residential, Country Residential District
R-URB	Residential, Urban District
R-SML	Residential, Small Lot Urban District
R-MD	Residential, Mid-Density Urban District
R-MRU	Residential, Multi-Residential Urban District
B-AGR	Business, Agricultural District
B-REC	Business, Recreation District
B-REG	Business, Regional Campus District
B-LOC	Business, Local Campus District
B-LWK	Business, Live-Work District

Contact the County Planning Department for Official Confirmation

C-HWY	Commercial, Highway District
C-LRD	Commercial, Local Rural District
C-LUD	Commercial, Local Urban District
C-MIX	Commercial, Mixed Urban District
C-REG	Commercial, Regional District
I-LHT	Industrial, Light District
I-HVY	Industrial, Heavy District
S-PUB	Special, Public Service District
S-FUD	Special, Future Urban Development District
S-PRK	Special, Parks and Recreation District
S-NOS	Special, Natural Open Space District
S-NAT	Special, Natural Resource District



ROCKY VIEW COUNTY TWP. 28-3-W5M

LAND USE MAP NO. 87

Date: Aug 04, 2020

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October 27, 2011

Dr. Ted Mortan Minister of Energy o, 100 Maciaurin Drive Calgary, AB T3Z 3S4 foothills.rockyview@assembly.ab.ca

Dear Dr. Morton;

RE: Intersections of Provincial Highway 22 & Twp Rd 290 and Provincial Highways 22 & 574

I am writing to request your attention to what I perceive as a dangerous 'T' intersection at Township Road 290, maintained by the County of Mountain View, and Provincial Highway #22. The problem is a lack of turn lanes on Highway 22 affording drivers the opportunity of properly slowing down to take the turn onto Twp Rd 290 safely. A quick review of the attached photographs will illustrate the problem.

The turn off from Highway 22 onto Twp Rd 290 is 1/4 of the way down a fairly steep hill. Please view the attached photographs marked A1 thru A6. Exacerbating this is the very steep ditch/drop-off on the east side of the 22 both to the north and to the south sides of the 290. (B1, B2 and B3) There are no turn lanes in this vicinity consequently anyone travelling south on the 22 is tempted to take the sharp left turn onto the 290 at higher than safe speeds for 2 reasons. First, and most importantly, due to the steep hill and line of sight difficulties it is risky for the driver to assume there is no oncoming north bound traffic therefore drivers tend to take this corner faster than safe 'just in case' a vehicle is coming. Secondly, drivers who do choose to slow down to a safe speed risk being struck from behind by the traffic that stacks up behind them. These are frequently logging trucks, gravel trucks, oil tankers, school buses and other large vehicles that are reluctant to slow down when on an upward grade. There have been several instances of vehicles getting side swiped by other vehicles trying to pass someone that has slowed down to turn. I would surmise they judged the possibility of stopping but determined it might be more prudent to go around or take the ditch rather than risk a dead on hit.

Vehicles traveling north on the 22 face similar problems, they must slow down to take a sharp right turn onto the 290 but vehicles behind them are often unprepared for a sudden stop and pass them using the oncoming traffic lane which results in either an accident or somebody heading for the ditch. Again this is due to the poor visibility caused by the crest of this steep hill, the turn-off to the 290 is upon one suddenly and it requires urgent use of the brakes to slow down enough to take the corner safely. The vehicles behind this are often unprepared for the sudden slow down. (C1, C2 and C3)

Whether travelling north or south on the 22 this is an unsafe intersection. Ironically, when I spoke with Mr. Ralph Rolston, an Operations Engineer with Alberta Transportation, I found that the number of accidents reported at this corner are likely only one-half of the actual total due to the fact that the occurrence may be reported to either the Calgary office or the Red Deer office depending on which side of the road the carnage landed and which RCMP detachment dealt with the incident. Twp Rd 290 is actually the division road between the two Alberta Transportation jurisdictions; it forms the north boundary of the Calgary district and the south boundary of the Red Deer office. It is also the boundary of the RCMP detachments.

People use Twp Rd 290 as a cross road to get from the 22 highway, thru the Dogpound valley and over to either the 766 southbound or the 772 southbound. It is not a direct route but most travellers prefer this over going south to the 567 (big hill springs). It is a slightly windy route bug people would rather travel on it than travel on the gravel 574.

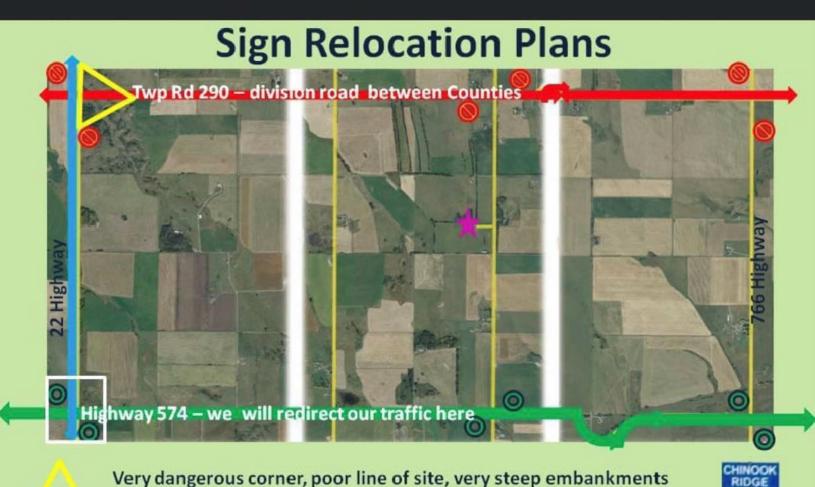
While I am not an engineer, my layperson's opinion is that it while it might be possible to build turning lanes on the 22 highway at this location it would be costly because of the very steep drop along the east side; this is further complicated by the narrow bridge at the bottom of the hill crossing over the Dogpound Creek. Further, Twp Rd 290 was not built to handle the volume of traffic that currently uses it. Adding turning lanes would only encourage more traffic on a road that is narrow and ill-prepared to handle more volume.

A possible solution would be to encourage traffic to use Highway 574 (Twp Rd 284) which is located 2 miles south of Twp Rd 290. (D1, D2 and D3) The 574 stretches from the 22 east, crosses over highway 776 and on to meet up with highway 772. Both the 776 and the 772 are paved. At this writing highway 574 remains unpaved, however, it offers great visibility both to the north and to the south along the 22 and there is plenty of room for turn lanes to be installed on the 22. Further, 574 was prepared for paving several years ago, it was straightened and widened. My discussions with Mr. Ralph Rolston of Alberta Transportation turned up the fact that "traffic volumes on the 574 do not warrant paving" therefore paving of this provincial numbered highway is not currently being considered. Unfortunately, the volume of traffic is not up as drivers opt to use the narrow but paved Twp Rd 290 instead - much to their peril.

Mr. Morton, I am sure you can see this intersection is somewhat of a jurisdictional nightmare, a catch 22 situation and I can assure you I am not the only resident concerned with the safety of travelers in the area. Please see what you can do to improve safety here. If you need further information please feel free to contact me by telephone at or by email at

Thanks for your time.

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to the east side of 22, no turn lanes and no room to build turn lanes.



Highway 574 – is wide, straight, good visibility, UNPAVED at present but offers a much safer alternative & lots of room for turn lanes.



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Singer Appellant Exhibit 2 - Written Statement of Karen Singer Page 69 of 70

From: Tim.
To: Eric Johnson

Subject: 277800 - K. Singer - Potential Well Interference Assessment

Date: Monday, October 19, 2020 10:18:01 AM

Eric:

I took the opportunity this weekend to review the Solstice Environmental Management report, dated October 11, 2020, as it pertains to the proposed development and water demand for the Chinook Ridge and the potential for interference on the K. Singer supply well.

In general, the pump test methodology is consistent with standard industry practice, however I do have a number of questions/comments regarding the underlying assumptions and as a result the interpretations.

- 1. The annual water demands for the proposed development have been made on the assumption that all facilities operate all year-round. As a result, the demand estimated has been averaged over the entire year. In actuality, the peak water demand for campsites typically occur in the summer and would generally coincide with seasonal low periods. It appears as through the average annual demand was utilized to derive the pump testing rate and the resulting predictions are based on this average rate and the measured responses. Consideration should be given to completing a sensitivity analysis with respect to the pumping rate and the corresponding interference profiles.
- 2. The report suggests that the incorporation of 0 recharge into the aquifer results in a conservative estimation. While this is true in a general sense, this may reflect reality if the surface conditions are not conclusive to significant recharge rates. The presence of what appears to be a continuous confining unit (till) across the entire conceptual hydrogeological cross-section suggests that aquifer recharge in the immediate vicinity of the site may be fairly low (well records indicate greater than 25 feet of clay at surface). A water balance with some consideration to seasonal effects may be warranted.
- 3. The lack of a hydraulic connection between the aquifer utilized by the Chinook well and the Singer well has been highlighted throughout the report. Figure 9 has been developed using historic records for water well drilling. While these are typically good sources of information, the variation in drilling techniques and driller experience often results in inconsistencies in the records. The interpretation of the hydrogeologic model presented in Figure 9 is subject to questioning in that all of the well screens in the area have targeted sandstone units with the exception of the upper Harnick well screen. If this upper screen is actually within a sanstone unit there is the potential that the upper sandstone interface documented within the Watson, Carter and Chinook wells may actually continue towards the Harnick and Singer wells and not actually pinch out.
- 4. The results of the pump test do not suggest that the Chinook well is in an aquifer of limited extent. The response curves for both components of the test (drawdown and recovery) follow traditional responses and do not reflect the influence that would be observed if the cone of influence had propagated out and encountered a boundary condition (i.e. a steep or rapid decline in water level). The initial response in the curve is subject to casing storage etc. the schematic presented as Figure 2 does not indicate the presence of a boundary condition as

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Page 70 of 70

would be expected if the aquifer were actually limited in horizontal extent.

If you have questions or concerns, please do not hesitate to contact me directly.

Thanks,

Tim McBride, B.Sc., P.Geo., QP_{ESA}

Senior Hydrogeologist

Pinchin Ltd.

957 Cambrian Heights Drive, Suite 203, Sudbury ON P3C 5S5 T: 705.521.0560 ext. 3416 | C: 705.690.5387 | pinchin.com

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Chinook Ridge Castle & RV Park

APPEAL BY PATRICK AND KAREN SINGER OF PRDP20185188

Materials submitted

In addition to this slide presentation, the Singers have also submitted two PDFs:

- 1. Written Submissions (29 pages) together with authorities referenced; and
- 2. Written Statement of Karen Singer (10 pages) together with documents referenced.

Relief sought

Written Submissions at Page 1

The Singers request that the Board:

- allow the appeal
- revoke the decision of the Development Authority to approve the development permit; and
- rescind the development permit.

The Singers

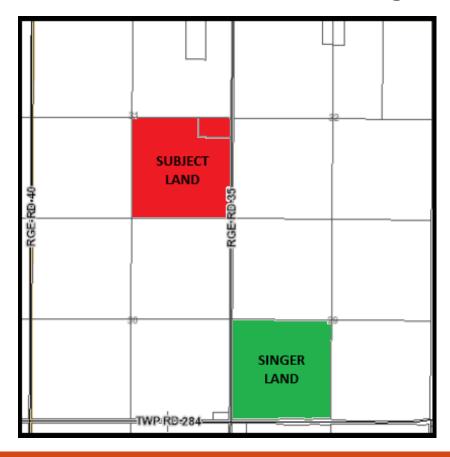
The *Municipal Government Act* grants status to appeal to:

 "any person affected by an order, decision or development permit made or issued": s 685(2)

The Singers have standing to appeal because:

- they live a quarter section away from the subject land
- they share an access road with the subject land (RR 35)
- the development will adversely affect the use, enjoyment, amenities, value of their land

Written Submissions at Page 4



The Singers

Written Submissions at Page 4



The development

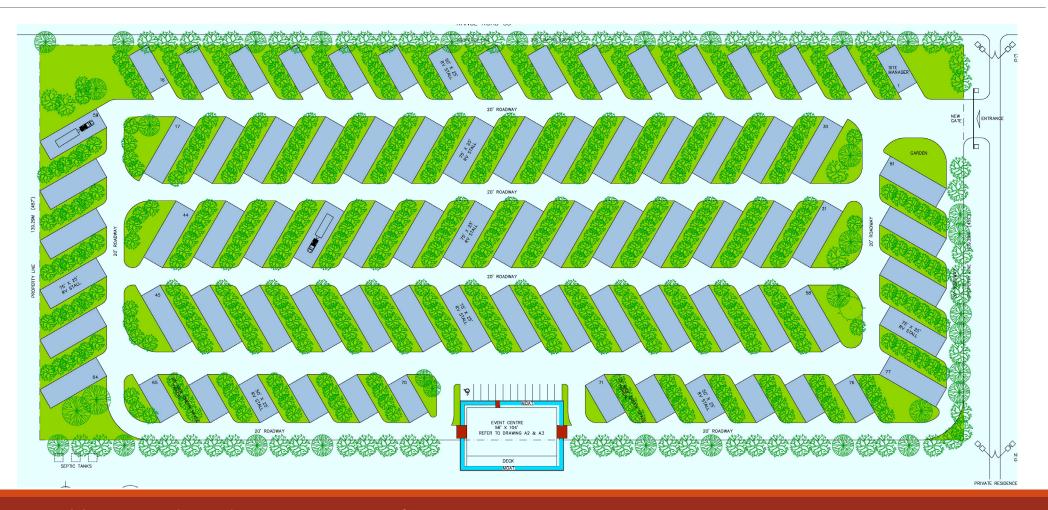
The subject land is zoned Business-Leisure and Recreation:

• re-zoning was achieved in 2012 on the basis of a proposed golf course development

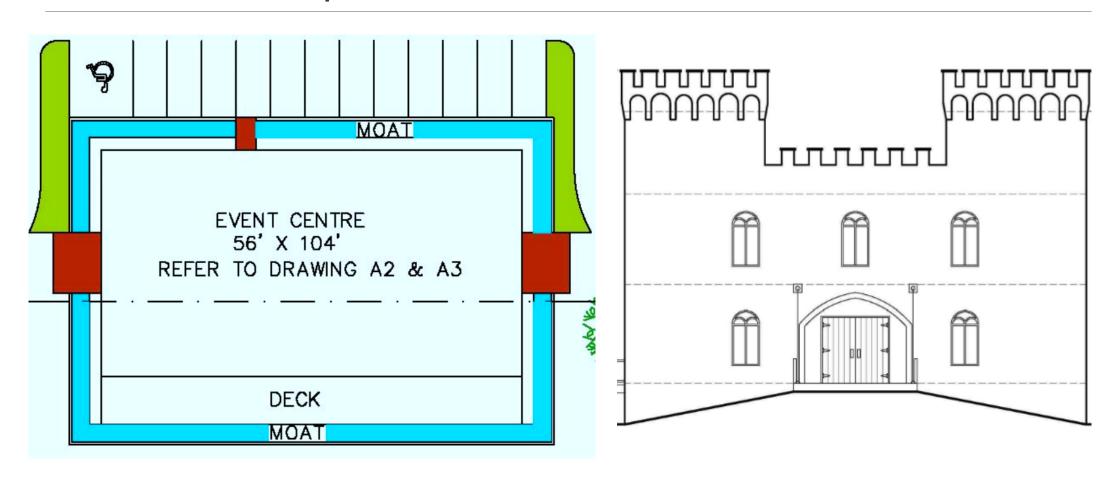
The currently proposed development is for the following discretionary uses:

- Campground, Tourist: 81-stall RV park
- Tourism Uses/Facilities, Recreational: event centre
 - designed to resemble a medieval castle, complete with moat
 - 500 person banquet hall on main level
 - 16 guest rooms on second level
 - large roof top patio (56' x 104')

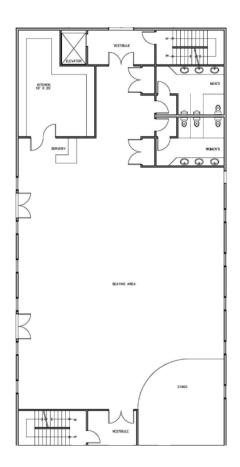
The development: RV park



The development: event centre



The development: event centre



The boundary between Mountain View and Rocky View Counties in this area is Township Road 290, which is within the jurisdiction of Mountain View County. As a result, there may be impacts to roadways within both counties as trips could travel along Township Road 290 to access the subject development.

The proposed development consists of a banquet hall that has a maximum capacity of 500 people, an 81 site recreational vehicle campground and a 16 suite resort style hotel. Previously there were plans to include a golf course on the site, but this part of the development has been removed from the plans; the size of the campground and hotel have also been modified from the previous plans to their current size. Because of these changes to the plans for the development, this TIA update is going to review the expected new trip generation and see if further analysis is required for the impacted roadways from what was done in the 2011 study.

1. Alberta Transportation, County and Previous Study Information

As mentioned, this development is within Rocky View County, but near the boundary with Mountain View County so both municipalities were contacted with regards to the impacts on their roadways. Some of the impacted roadways as shown in the previous figure are Provincial highways so data from Alberta



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Page 1

Basis for the appeal

Written Submissions at Page 5

The Singers submit that the development should not be allowed for six reasons:

- 1. it is incompatible with the surrounding agricultural land uses;
- 2. it would adversely affect the quiet enjoyment of residents: noise, dust and loss of privacy;
- 3. it calls for construction of a **structure that is not appropriate** for the area;
- 4. it would negatively impact **traffic safety**;
- 5. it would negatively impact land value; and
- 6. it would negatively impact water supply.

Basis for the appeal

Written Submissions at Page 5

The Singers submit that the development should not be allowed for six reasons:

- 1. it is **incompatible** with the surrounding **agricultural land uses**;
- 2. it would adversely affect the quiet enjoyment of residents: noise, dust and loss of privacy;
- 3. it calls for construction of a **structure that is not appropriate** for the area;
- 4. it would negatively impact **traffic safety**;
- 5. it would negatively impact land value; and
- 6. it would negatively impact water supply.

1: Incompatible with existing land uses

Written Submissions at Pages 6 to 9

The Subject Land is surrounded for kilometers by ranches and farms:

- land in the area is predominantly designated Ranch and Farm (now, Agricultural General)
- residents, including the Singers, use land to grow crops
- residents, including the Singers, keep livestock and other animals on their land

County policy is to:

- "minimize adverse impacts on agricultural operations": Plan, s 2.3
- "discourage intrusive and/or incompatible land use in... agricultural areas": Plan, s 8.2
- foster "safe and timely movement of agricultural equipment and goods": Plan, s 8.10

1: Incompatible with existing land uses

Written Submissions at Pages 6 to 9

The proposed development is incompatible with the existing agricultural land uses because:

- 1. RV and event traffic would disrupt and delay agricultural equipment in the area
 - large and slow-moving agricultural equipment routinely make use of area gravel roads
- 2. RV and event traffic would interfere with residents moving livestock and riding horses
 - cattle drives and horse riding take place on area gravel roads
- 3. influx of tourists and partygoers would have impact on livestock and other animals
 - noise generated from development, and dogs brought to development
- 4. lands are not safe for activities such as hiking, biking, exploring, partying
 - no trail, pathway or other recreational infrastructure or business use in the area
 - unrealistic to expect that all tourists and partygoers would remain in the RV park
 - hazards in the area: livestock, equipment, chemicals, barbed wire, ground hazards

Basis for the appeal

The Singers submit that the development should not be allowed for six reasons:

- 1. it is **incompatible** with the surrounding **agricultural land uses**;
- 2. it would adversely affect the quiet enjoyment of residents: noise, dust and loss of privacy;
- 3. it calls for construction of a **structure that is not appropriate** for the area;
- it would negatively impact traffic safety;
- 5. it would negatively impact land value; and
- 6. it would negatively impact water supply.

2: Adverse impact on quiet enjoyment

Written Submissions at Pages 9 to 14



2: Adverse impact on quiet enjoyment

Written Submissions at Pages 9 to 14

The County Plan identifies the following key characteristics of agricultural areas:

- quiet
- privacy
- space and distance

County policy is to:

- consider the foregoing characteristics "in planning, design and development": Plan, pgs 34-5
- ensure proposals for business development outside of a business area:
 - are "limited in size, scale, intensity and scope": Plan, s 14.22(a)
 - "minimize adverse impacts on existing residential... uses": Plan, s 14.22(d)

2: Adverse impact on quiet enjoyment

Written Submissions at Pages 9 to 14

The proposed development:

- is not "limited in size, scale, intensity and scope"
- does not respect the characteristics of "quiet", "privacy" and "space and distance"; and
- does not "minimize adverse impacts on area residents"

The large scale, party-themed nature of the development is antithetical to these principles.

2: Adverse impact on quiet enjoyment

Written Submissions at Pages 9 to 14

The proposed development would adversely impact quiet enjoyment because:

- 1. Significant noise pollution would result from the party and RV uses.
 - noise from parties on roof-top patio would travel across quiet, undeveloped countryside
 - parties would become raucous, particularly late at night
- 2. Significant noise would result from the RV and event traffic.
 - influx of up to 81 RVs a day, plus pre and post event traffic on gravel RR 35 and Hwy 574
- 3. Significant dust pollution would result from the RV and event traffic.
 - access to proposed development is from gravel RR 35
- 4. Tourists and party goers would infringe upon the privacy of area residents.
 - influx of traffic and tourists would change secluded nature of neighbourhood

Basis for the appeal

The Singers submit that the development should not be allowed for six reasons:

- 1. it is incompatible with the surrounding agricultural land uses;
- 2. it would adversely affect the quiet enjoyment of residents: noise, dust and loss of privacy;
- 3. it calls for construction of a **structure that is not appropriate** for the area;
- it would negatively impact traffic safety;
- 5. it would negatively impact land value; and
- 6. it would negatively impact water supply.

3: A castle is not appropriate for the area

Written Submissions at Pages 14 to 17

The Land Use Bylaw mandates for all business development that:

• "the design, character, and appearance of all buildings shall be appropriate and compatible with the surrounding area": LUB, s 25.4(b)

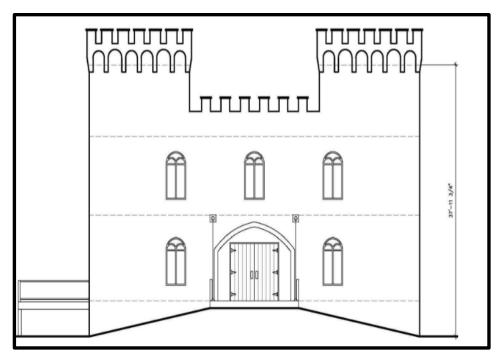
The County's foundational principles include:

- maintaining "the rural landscape and character of dark skies, open vistas, and working agricultural lands": Plan, s. 2.2
- encouraging "communities to retain their rural character": Plan, s. 2.4

3: A castle is not appropriate for the area

Written Submissions at Pages 14 to 17

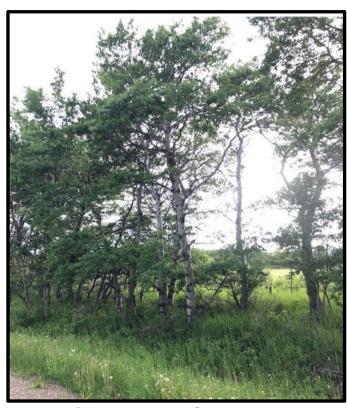
The proposed medieval castle is not appropriate or compatible with the surrounding area, nor does it maintain the rural character of working agricultural lands.





3: A castle is not appropriate for the area

Written Submissions at Pages 14 to 17



Looking West from RR 35



Looking East from RR 40

Basis for the appeal

The Singers submit that the development should not be allowed for six reasons:

- it is incompatible with the surrounding agricultural land uses;
- 2. it would adversely affect the quiet enjoyment of residents: noise, dust and loss of privacy;
- 3. it calls for construction of a **structure that is not appropriate** for the area;
- 4. it would negatively impact **traffic safety**;
- 5. it would negatively impact land value; and
- 6. it would negatively impact water supply.

Written Submissions at Pages 17 to 26



Written Submissions at Pages 17 to 26

The proposed development would negatively impact traffic safety, because:

- 1. it would render the access road, Range Road 35, unsafe;
- 2. it would negatively impact safety on Highway 574;
- 3. it would negatively impact safety on Township Road 290;
- 4. it would render the intersection of Township Road 290 and Highway 22 unsafe.



Written Submissions at Pages 19 to 21

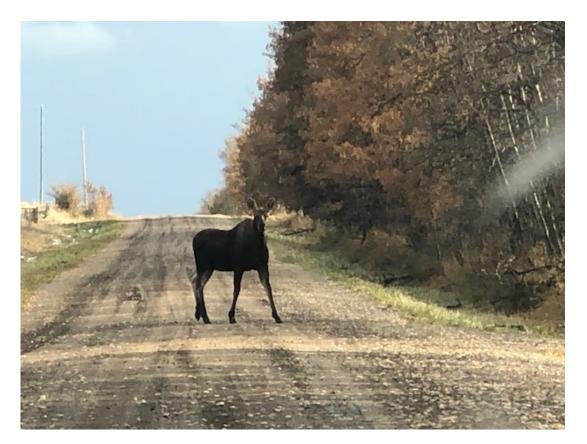
Range Road 35 would be rendered unsafe, because:

- 1. RR 35 is not suitable for high volume RV and event traffic
 - gravel, deep ditches, no shoulders, no sidewalks, no markings
 - agricultural equipment, people (walking, horse riding) and animals (moose, deer, coyotes, cats, dogs) on the road
 - lack of familiarity with roads, potential for drinking and driving
- 2. unpaved turn-off from RR 35 to development not safe for RVs
 - s 31.7 of *LUB* requires "paved road... up to the property line where user access... is gained" for "outdoor storage, RV" use
- 3. unsafe turn-off from RR 35 to Singer home at base of hill

Thus, contravention of County policy of "direct and safe access... to a paved County road or Provincial highway": Plan, s 14.22(b)



Written Submissions at Pages 19 to 21





Written Submissions at Page 22

Highway 574 is not suitable for high volume RV and event traffic:

- gravel road
- washboarded
- pot holes
- becomes muddy and boggy when it rains
- does not handle well even the current rate of traffic
- does not have acceleration or turning lanes for turn off to RR 35
- the applicant herself wrote in 2012 that Highway 574 was:

"...a road which has been in dire need of paving for several decades."

Tab 2 at page 3



Written Submissions at Page 23

Township Rd 290 is not suitable for high volume RV and event traffic:

- narrow
- does not have acceleration or turning lanes for turn off to RR 35
- unsafe intersection at Township Road 290 and Highway 22
- the applicant herself wrote in 2011 that Township Road 290 was:

"...narrow and ill-prepared to handle more volume... drivers opt to use the narrow but paved Twp Rd 290... much to their peril."

Tab 12 at page 2



Written Submissions at Pages 23 to 25

The T-intersection at Highway 22 and Twp Rd 290 would be rendered unsafe as a result of the RV and event traffic, because:

- highway 22 is a busy road, regularly used by large vehicles
- the turn-off to Twp Rd 290 is just below the crest of a steep hill
- no turning lanes for use when turning off of Highway 22
- no acceleration lanes for use when turning on to Highway 22
- risk of head-on, rear-end and side-swipe collisions
- the applicant herself wrote in 2011 that the intersection was unsafe:

"Whether travelling north or south on the 22 this is an unsafe intersection."

Tab 12 at page 2



Written Submissions at Pages 23 to 25





Highway 22, Looking South

Written Submissions at Pages 23 to 25

The applicant herself has acknowledged these issues with the Highway 22 and Township Road 290 intersection:

"...The problem is a lack of turn lanes on Highway 22 affording drivers the opportunity of properly slowing down to take the turn onto Twp Rd 290 safely..."

"...due to the steep hill and line of sight difficulties it is risky for the driver to assume there is no oncoming north bound traffic..."

"...drivers who do choose to slow down to a safe speed risk being struck from behind..."

"...There have been several instances of vehicles getting side swiped by other vehicles trying to pass someone that has slowed down to turn..."

"Vehicles traveling north on the 22... must slow down to take a sharp right turn onto the 290 but vehicles behind them are often unprepared for a sudden stop..."



Tab 12

Written Submissions at Page 26

The Transportation Impact Assessment submitted by the applicant concludes:

- the proposed development will generate an additional 270 trips per day (pg 6)
- which is more than double the current daily volume of traffic on Range Road 35 (pg 3)
- but no upgrades beyond RMV are required as the threshold of 500 vehicles is not met (pg 8)

The problem with this strictly quantitative (trip-count) based approach is:

- it does not consider the nature of the traffic at issue: RVs, event traffic, partygoers
- it does not consider that the traffic will come in concentrated bursts (pre and post event)
- It does not consider the specific hazards unique to these roads: deep ditches, surface conditions, intersections, hills, lack of turning and acceleration lanes, agricultural equipment, animals

The Transportation Impact Assessment should be given low weight on the question of safety.

Basis for the appeal

The Singers submit that the development should not be allowed for six reasons:

- it is incompatible with the surrounding agricultural land uses;
- 2. it would adversely affect the quiet enjoyment of residents: noise, dust and loss of privacy;
- 3. it calls for construction of a **structure that is not appropriate** for the area;
- it would negatively impact traffic safety;
- 5. it would negatively impact land value; and
- 6. it would negatively impact water supply.

5: Negative impact on land value

Written Submissions at Page 27

The issues reviewed would result in lower market value for property in the area:

- incompatibility between RV/event centre use and agricultural land use
- impact on quiet enjoyment: noise, dust and reduced privacy
- inappropriate physical structure negating authentic, rural character of the neighbourhood
- unsafe access due to resulting traffic safety issues

Basis for the appeal

The Singers submit that the development should not be allowed for six reasons:

- 1. it is **incompatible** with the surrounding **agricultural land uses**;
- 2. it would adversely affect the quiet enjoyment of residents: noise, dust and loss of privacy;
- it calls for construction of a structure that is not appropriate for the area;
- it would negatively impact traffic safety;
- 5. it would negatively impact land value; and
- 6. it would negatively impact water supply.

6: Negative impact on water supply

Written Submissions at Pages 27 and 29

An objective of the County is to:

• "provide for a safe, secure, and reliable drinking water supply": Plan, s 7.0

County policy is to:

• "protect ground water and ensure use does not exceed carrying capacity": Plan, s 7.4

Water use by the proposed development will be significant:

• 81 RVs, 16 hotel rooms, 500-person banquet hall

Impact of this use on area residents and farmers, who rely on wells for water, is unclear:

- the supply and aquifer reports submitted are "not relevant" to the current development
- applicant must submit relevant reports as part of application, so appellants have opportunity to review those reports and respond

Conclusion

Written Submissions at Page 29

In summary, the Singers ask the Board to exercise its discretion and find that the proposed development should not be allowed, because:

- 1. it is incompatible with the surrounding agricultural land uses;
- 2. it would adversely affect the quiet enjoyment of residents: noise, dust and loss of privacy;
- 3. it calls for construction of a **structure that is not appropriate** for the area;
- 4. it would negatively impact **traffic safety**;
- 5. it would negatively impact land value; and
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