



**intelliBiz Corporation**  
BUSINESS ADVISORY SERVICES



April 18, 2012

County of Rocky View  
911 32 Avenue NE  
Calgary, Alberta  
T2E 6X6

Attention: Mr. David Yee  
Planner

Mr. Yee:

Re: Chinook Ridge Lodge and Golf Course Ltd.  
Ms. Chloe Cartwright  
Re-designation Application

I am writing in support of the Re-designation Application for the Chinook Ridge project.

This proposal is of special interest to me, not only for the economic benefits it will provide to the area, but also for the full commitment Ms. Cartwright has to going beyond municipal requirements with respect to her environmental footprint. Since inception, her mindset has been on bringing a destination recreation and accommodation facility to her home site that meets or exceeds the guidelines mandated by the County. Her plans are in many cases innovative, and she is extremely conscious of rural conservation. I have considerable experience with golf course developments and operations, and quite frankly, her "environment first" philosophy far exceeds any such projects I have encountered. She is also very mindful of her neighbours, and has made considerable effort to hear their viewpoints and concerns with the project.

I am convinced this proposed development would see a light touch in terms of environmental, traffic, and wildlife impacts. In fact, her plan contains many proposals to improve and grow wildlife migration to her property. Of course, this is a business proposal, and from this perspective, I firmly believe her innovative proposal will see many benefits to local residents through employment and purchasing.

My background is business, and I do not endorse or support proposals that don't make good business sense, or are at odds with the local community. I urge the County Council to look favourably on Ms. Cartwright's Application.

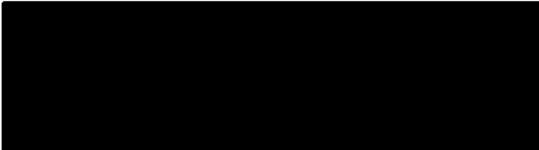
Yours truly,

John Ablett



**Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB T2E 6X6**

**Bob and Diane Anderson.**



**Re Chinook Ridge and Golf Course**

**Please consider this a letter of support for this project. In this day and age it takes people with vision to make good things happen and I believe this golf course will be one of those good things for the area.**


**Chloe is looking to bring commerce and jobs into the area and that is good for everyone. Other golf courses in the area are well attended and thriving and I would think there is no reason that this one would not do the same. Given the proposed lodging offered, it may even encourage people to visit the areas other facilities and businesses.**

**Hopefully this will give you another thing to consider in your decision making process.**

**Bob and Diane M Anderson  
Area Residents**



Jim & Maureen Anderson



Mr David Yee, Planner  
Development Planning Department  
Rocky View County  
911-32 Avenue NE  
CALGARY, AB T2E 6X6

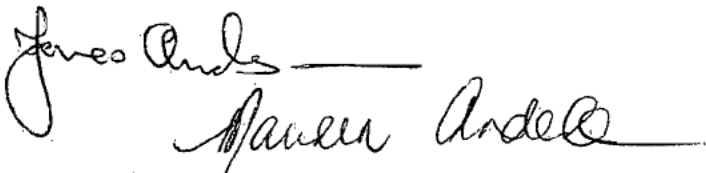
Dear Mr Yee

**RE: CHINOOK RIDGE LODGE & GOLF COURSE - FILE NO. 2012-RV-016**

We are writing in support of the above application.

We are very impressed by the environmentally friendly consideration that has been given to these plans to develop this facility and believe it would be a great public attraction and hopefully will encourage new business into the area.

Sincerely



Jim & Maureen Anderson



MAR 23 2012

RECEIVED

Maggie Armstrong



Mr. David Yee, Planner  
Development Planning Department  
911 – 32 Avenue NE  
Calgary, Alberta  
T2E 6X6

Dear Mr. Yee,

This letter comes as a letter of support for the Chinook Ridge Lodge & Golf Course Ltd. In looking at the proposed development I view it as a welcomed addition to the area that will not only attract visitors to the site but also to the towns in the vicinity resulting in the potential for increased economic activity.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maggie Armstrong".

Maggie Armstrong



Name: B. Arutkens

Address: 

PC

Date: Aug 25, 2012

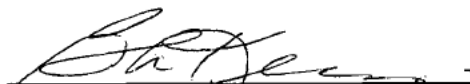
**Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6**

**Dear Mr. Michalenko;**

**RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course**

Please consider this development request.  
There has been significant research done  
with the emphasis on the environmental impact  
of such a project. This would be an awesome  
facility - provide an excellent venue for  
world class opportunities. Create jobs for  
local residents -

Please support this - what a great  
way to promote Alberta!

  
**Signed**



**TRAJECTORY**  
Sports Marketing & Management



MAY 10 2012

## LETTER OF RECOMMENDATION FOR CHINOOK RIDGE LODGE & GOLF COURSE

As owner of Trajectory Sports Management and Marketing Ltd, I am pleased to provide this letter of recommendation for Chinook Ridge Lodge & Golf Course

Trajectory Sports Management has assisted in developing and managed over 20 golf courses in Manitoba and Saskatchewan and was introduced to the Chinook Ridge Lodge & Golf Course project on an exploration inquiry for some friends.

Chloe Cartwright of Chinook Ridge Lodge & Golf Course brings a welcomed professionalism and insight to this golf course project. Her legislative knowledge and understanding of the importance of communicating with members of the community are excellent; she is unwavering from her "environmental" family concept of the golf facility which is truly inspiring and needed in today's golf industry.

From the aspect of the golf industry, the industry will only grow with more developers with the same mindset as Chinook Ridge Lodge & Golf Course. Her plan stresses the integrity of keeping the facility "truly natural" ; from cutting practises, watering practices and fertilizer plans – all are put on the backburner to ensure you find a place that is affordable and accessible to all golfers especially the family unit, while still providing an exceptional golfing experience.

Personally I fell Chloe has been a great communicator in any matters that arise to the integration and operation of the golf operation, lodge and development while always holding the best interest of the community at hand.

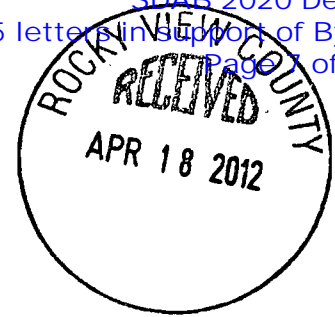
I have no hesitation in recommending this project as a viable economic project for the local golf community (Calgary and Rocky View). Should you require any further information I can be contacted at 403.807.6609.

**Brock Balog**

Trajectory Sports Management and Marketing  
Head Coach, Mount Royal University  
Canadian PGA – 25 year member – National Junior Developer



Paul Barker  
Vision Financial Inc.  
Suite 204, 1 Bow Ridge Road  
Cochrane, AB T4C 2J1



April 12, 2012

Mr. Rick Michalenko  
Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB T2E 6X6

Dear Mr. Michalenko,

I would like to take this opportunity to put my full support behind the Chinook Ridge Lodge & Golf Course proposal.

I believe Chloe Cartwright has demonstrated her willingness to work with the Rocky View County and the community's concerns on: road issues (574), developing a well-planned and strong water base for the facility, as well as noise and traffic concerns. These issues can all be addressed and resolved with good faith discussions, disclosure and proper communication between the stakeholders, community and Council.

This facility would be a great addition to Cochrane and the surrounding communities for a place to visit and enjoy. With the projected growth of Cochrane, this community will be looking for facilities that can offer outdoor activities and places to stay when visiting the area. The addition of meeting and event space will also provide a wonderful venue for executive guests to stay and work while showcasing the natural beauty of Rocky View County.

I applaud Ms. Cartwright with her efforts to build something on her property that she feels will add value to the community and a legacy for her sons.

I hope on a go forward basis that the Rocky View County can get behind this project and give it the support it deserves.

Thank you for your time on the matter. I will be watching how the Council will proceed.

Regards,

A handwritten signature in black ink, appearing to read "Paul Barker".

Paul Barker  
Managing Partner  
Vision Financial Inc.



Rene Beierback




Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB T2E 6X6

Dear Mr. Michalenko;

I am writing to offer my full support of the redesignation application as put forth by Chloe Cartwright for the Chinook Ridge development. I think this develop will enhance our community and bring much need jobs to the entire area.

Personally, I live on the 574 Highway and know some of the local residents are concerned with the shape of this road. My opinion is that if this development is approved we will be more likely to get it paved.

If you have please contact me at 

Sincerely

Rene Beierback

A handwritten signature in black ink, appearing to read "Rene Beierback". The signature is fluid and cursive, with a large, stylized "B" and a long, sweeping underline.

To: Mr. David Yee, Planner  
Development Planning Dept.  
911-32 Ave. N.E.  
Calgary, Alberta T2E 6X6

February 27, 2012



Re: Chinook Ridge -  
Redesignation Application  
File No. 2012-Rv-016

Dear Sir,

We have known Chloe Cartwright for approximately 30 years. We believe she has a wonderful plan for the redevelopment of a golf and recreation area. We feel that the golf course would serve the community very well. Providing employment to local residence year around. Plus numerous outdoor activities for everyone who wishes to enjoy the great out of doors. Plus for the environment it will be a haven for our wild life.

She has done extensive research into how it will impact the water table, wildlife, and road access in the surrounding areas with local residents. All of which would have a positive impact. It will truly be beautiful and very serene out door area for rural conservation and a perfect Golf Retreat.

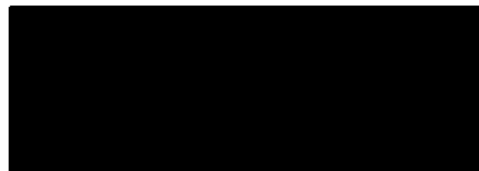
Please place our vote in favor for both my husband Paul and myself to move forward ASAP.

Thank you for your interest.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul &amp; Reba Black".

Paul & Reba Black



May 7, 2012

My name is Bob Blanchard and I have lived in Mountain View County for 13 years. I have reviewed the proposed development plan and highly support moving forward with the re-designation of the current Farm and Ranch District. The developers have done their due diligence to address the concerns of the community. The development of the course will respect the surrounding resources and wildlife and will help be a source of employment for residents of this area.

I have known Cartwright family for 13 years and they have been successful in many entrepreneurial ventures and therefore I would support them on the development of this golf course.



Jill Bloor



Rick Michalenko, RPP, MCIP  
Senior Planner  
Rocky View County  
911 – 32 Ave NE  
Calgary, AB T2E 6X6



**Re: Application 2012-RV-016-Chinook Ridge Lodge & Golf Course**

I am in support of the above application. Having a facility close to Calgary that families can engage in outdoor sports together is very important to building strong healthy children. Chinook Ridge would offer such opportunities.

As well, Chinook Ridge will be using forward thinking techniques for irrigation, which should be encouraged by all. Ms. Cartwright's ability to think outside of the box and institute new methods for golf courses may provide Rocky View with international attention.

It would be in the best interest of the County to approve this application.

Thank you

*Jill Bloor*

June 4, 2012

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB T2E 6X6



Re: Chinook Ridge Lodge & Golf Course

Dear Sir:

This letter is written in support of the above mentioned development.

A famous writer once penned "golf is a good walk spoiled". I cannot disagree more! Twain did not have the benefit of witnessing how well nature and golf commune as I doubt he had ever been to venues like Kananaskis Golf Club or Banff Springs G.C.

Being an avid golfer, outdoorsman and nature lover, I cannot think of a better use for a beautiful parcel of land. A golf course lends itself naturally to the preservation of green-space and the habitat of local wildlife. There is nothing that takes your breath away like seeing a deer, moose, or elk saunter casually across a fairway just as you are about to tee-off! Or, the sound of a hawk's high-pitched call as it circles high overhead against a clear blue as you line up a putt. A rushing stream meandering along a fairway provides a peaceful sound – relaxing beyond words until the sound of your ball splashing in it jolts you out of euphoria!

I have played golf in Thailand, Scotland, Ireland, New Zealand, Australia, Mexico, Cuba, the USA and coast-to-coast in Canada. While each have unique characteristics and allure, I can honestly say that the majesty of the Rockies provides Alberta quite an edge when one considers the awesomeness of the landscape coupled with the abundance of wildlife. Chinook Ridge Lodge and Golf Course back-dropped by the foothills, will add to the beauty of the area while preserving (or enhancing) the natural habitat of all its local wildlife and may one day be counted among the top 10 Golf destinations in Canada. The additional benefit of a large scale reception hall will add value and additional convenience for the local residents as such facilities are few and far between in the area.

I am extremely happy and excited to put my support behind Chloe and Ray for this initiative.

Sincerely,

A handwritten signature in black ink, appearing to read "G. D. Braganza". The signature is written in a cursive, flowing style.

G. D. Braganza







B. BRYAN + SR 301/W

B-1 08731001 PDDP20185188  
SDAB 2020 Dec 17  
Applicant Exhibit 1- 105 letters in support of Bylaw  
Page 13 of 113

Dear Sir,

I am writing in support of  
Chloe Cartwright's application to redesignate  
Chinook Ridge as recreational/golf course.

My reasons are on economical  
grounds as a golf course and club/accommodation  
lodges would be a great boost to the local  
economy.

Much needed jobs would be  
created in the area and an influx of visitors  
would have a beneficial effect on other  
businesses in the surrounding area.

Yours sincerely

B. Bryan

Name: MYRA BUNDTAdd PC Date: August 28<sup>th</sup>, 2012

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6

Dear Mr. Michalenko;

RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course

Reading over all the information regarding this new plans for Rocky View County, I myself agree that it would be an excellant perspective for the designed area. As I also live in the area around the Bottrel Community... which I believe is God's Country, so to speak. Nature has always been here for us as a gift, if we use it in that respect. I've known so many people that come out from the city - just to camp or other activities over the summer & winter months. So my opinion Let's Do It!

Myra Joan Bundt  
Signed



MAR 23 2012



ChinookRidge Application File no 2012-RV-016

Dear Sir/Madam,

I think the Chinook Ridge application is a good idea for the area and will provide pleasant landscape to the surrounding area.

It will create more employment and opportunities for local communities but also should benefit the environment and wildlife.

The irrigation system seems to be of a sound and sustainable source possibly benefiting the area without adverse affects which is also commendable.

This project appears to have been well thought through regarding a sustainable business that can work alongside the environment to a benefit to all, , also bringing tourism to the surrounding area,s is of huge benefit to all businesses.I hope my views and comments are beneficial on making this project a successful facility for all to enjoy.

Yours sincerely

David Butler .



April 11, 2012

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB T2E 6X6

Dear Mr. Michalenko;

My name is Jackie Carlton; I am one of Chloe Cartwright's ex-foster children. My older brother, sister and I lived with Chloe on her farm for 8 years. Growing up in the rural community was great, the environment taught me a lot about working hard to get ahead and I developed a genuine love for the outdoors and respect for wildlife.


Unfortunately, one draw-back to living in the area is the difficulty of obtaining jobs and opportunities for fun unless you have a ride into town. The idea that Chloe has for developing the farm is a good one. It will help local kids be employed closer to home and provide a place where teens can do things other than riding dirt bikes, motorcycles and playing hockey. Baseball is great but there really are limited options for any other kinds of activities. Believe me if we had been able to find employment nearby - we all likely would have stayed on the farm longer and finished school in the normal fashion. As it was we all left each in turn around age 15 to pursue 'city life'. I regret it now that I am older. Employment at Chinook Ridge will give teens a real set of skills to add to a resume' where "farm work" doesn't carry the same weight to a potential employer.

I know from speaking to Chloe that the golf course she is planning is only one of the activities she intends to develop. Others are cross-country ski trails, toboggan hills, fire pits, and she may host small performances and musical events. These activities will not only appeal to teens and kids, but to their parents, real family opportunities right in their neighborhood. And I know from living with her for so many years she will not damage the environment or wild-life either.

So whether someone is going to Chinook Ridge for fun or for a job on the golf course, in the dining room or as a housekeeper this is all excellent. My husband, I and my daughter look forward to attending and recreating at Chinook Ridge once it is built.

Sincerely

Jackie Carlton





April 20, 2012

**Rick Michalenko RPP, MCIP, Senior Planner**  
**Rocky View County**  
**911-32 Avenue NE**  
**Calgary, AB T2E 6X6**

Dear Mr. Michalenko,

I am writing to you to offer my support for the proposed Chinook Ridge Golf Course development. I believe this would be a good addition to the area and provide a recreation and meeting facility in the area that would be well-utilized by local residents and residents of the City of Calgary.

I own an event and food service company and have many clients who are looking for this type of facility. Many companies want to get out of the city for meetings and recreation but need a place that can provide private space for these services at a reasonable price. There are few areas within a short drive of the city that offer both recreation and meeting facilities. The Chinook Ridge proposal responds to this need, for not only corporate clients, but also family gatherings, weddings and other private functions.

On a personal note, last year my family and I attended the Airdrie Rodeo for the first time. We were very surprised at how enjoyable and affordable it was. In fact, my daughter rounded up her city friends and headed back the next day. I really think that we need more areas out of the city where people can go and have recreation-type experiences, Chinook Ridge has responded to being this type of facility.

We live in the area and when we invite friends out to our home, they are surprised with the view, the wildlife they see and just how enjoyable it is to be outside on the prairies. I truly believe Chinook Ridge will be a very positive destination experience for people who want a country experience within close proximity to the city.

I realize there are various hurdles to overcome and obstacles to find solutions for. I do, however, hope the province in which I have resided in my entire life would be forward thinking enough to find the solutions to allow facilities like Chinook Ridge. This will provide an opportunity to have fellow Albertans leave the city to enjoy rural Alberta and experience one of the greatest places to live in the world.

I appreciate your time and considering how Chinook Ridge can become a reality.

Kindest Regards,

A handwritten signature in black ink, appearing to read "Brad Carter". The signature is stylized with a large, sweeping initial "B" and "C".

Brad Carter

Hazel Carter



12<sup>th</sup> April 2012



Rick Michalenko, RPP, MCIP, Senior Planner

Rocky View County

911-32 Avenue NE

Calgary, AB T2E 6X6

Dear Mr Michalenko,

I am writing to you in support of Chinook Ridge Lodge and Golf Course.

As a newly arrived family in this area we are always seeking activities that we may participate in as a family and feel that Chinook Ridge is catering to the needs of local families as well as visiting tourists.

It is a fantastic vision that can only work to benefit all involved, including local residents, tourists, local business owners as well the developers themselves.

The proposal is detailed in every way. It is well thought out and one cannot help but appreciate the level of planning and due diligence that has gone into this both by the applicant and by the county officials, a level we may have expected to have seen in such projects as presented by the National trust or English Heritage organisations back in the U.K.

As a teacher of 14 years, I can see outstanding educational value in the project, both in its development, and as a venue for environmental studies in its completion.

As a sports instructor, I see excellent opportunities for sports activities in a safe environment for adults and children alike.

And as a parent for 7 years, I see a new venue for our family breaks away, which we normally take in Canmore or Banff. What more could we ask for but beautiful surroundings, comfortable lodgings, and a variety of family friendly activities.

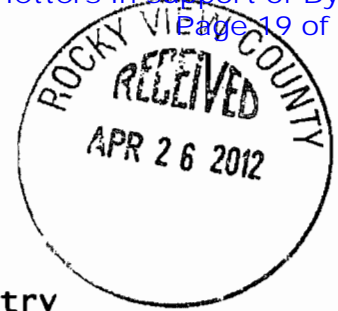
I wish the project and its developers the best of luck in implementing this fantastic vision.

Yours Sincerely,

A handwritten signature in dark ink that reads "H. Carter".

Hazel Carter

Untitled



Chinook Ridge Lodge & Golf Course

I love the idea of having a nice place in the country where we could go. Besides golfing it would be nice venue for parties, family reunions or weddings, having been in the wedding business for years, it is hard to find this type of venue. It is also a nice drive from the city to take someone for lunch or dinner.

I look forward to the opening.

Sincerely,

Mabel Clarke

A handwritten signature in cursive script that reads "Mabel Clarke".





April 12 2012

F.A.O. Rick Michalenko

Re: Chinook Ridge Lodge & Golf Course.

I am writing to you in support of the planned development of Chinook Ridge Lodge & Golf Course. Their proposals will not only provide outstanding facilities for visitors to our area but also much needed recreational facilities for those of us living in the area, not to mention local employment opportunities. Approving the development will be beneficial to everyone, an asset to all.

Yours sincerely,

Charlie Cots



Rick Michalenko RPP, MCIP,  
Senior Planner Rocky View County  
911-32 Avenue NE  
Calgary, AB T2E 6X6

Subject Chinook Ridge & Golf Course

Dear Rick,

My family have been a residents of Rocky View for 6 years, specifically Cochrane. We are quite familiar with Chloe and Hummingbird Haven, and have the utmost respect for her integrity and commitment to doing what is right.

I have reviewed the application for re-designation as well as the featured article in the Hitching Post News. Their development plan appears to be well thought out and comprehensive, with a high degree of environmental sensitivity.

I support the development of the Chinook Ridge & Golf Course for the following reasons:

1. It will help satisfy demand for combined social functions / accommodations/ golf which are in high demand.
2. It will provide another golf venue for the local community.
3. The injection of additional tourist dollars into the community.
4. I believe this will be a prime example of responsible development, something that the Albertans can be proud of.

Based upon my knowledge of Chloe and Hummingbird Haven, Chinook Ridge & Golf Course will be quickly garner a strong reputation of uniqueness and quality, which will only enhance the attractiveness of Rocky View County to both residents and tourists alike.

Sincerely,



Kevin Dell  
Global Director PMC Services, Kentz Group Inc.

Hua Deng & Hector De la Hoz

August 7, 2012

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB, T2E 6X6



AUG 08 2012

RECEIVED

Dear Mr. Michalenko,

**RE: Application #2012-RV-016 – Chinook Ridge Lodge & Golf Course**

We are writing in support to the above application. We have examined the plans and visited the Chinook Ridge and feel the proposed rural golf course and country inn development will positively contribute to the sustainable economic development of Rocky View County.

This past July, we had the pleasure of having our wedding ceremony at the Chinook Ridge Chapel. It was a very intimate and relaxing wedding, and we are certain many other couples will love to have access to such a venue for their own weddings or renewals of vows.



We believe that Chinook Ridge will succeed not only in their plans to have an environmentally conscious rural golf course, but will also become a preferred venue for holding private ceremonies and retreats in a rural setting. Given that it is located just a short driving distance from Calgary, and with a great view to the mountains, Chinook Ridge is the perfect place to enjoy a relaxed event.

We are extending our support for the proposed development after having reviewed the studies conducted by Stantec and looked at the proposed designs. It appears that the Chinook Ridge owners have seriously addressed all potential concerns regarding the environmental impact, land and water usage, storm and wastewater management and disposal, as well as road access. We see no reason not to approve the development.

Respectfully yours,

*Hua Deng*

for Hua Deng & Hector De La Hoz

Adrian & Carolyn Di Paola

April 4, 2012

Mr David Yee

Development Planning Dept

911-32 Avenue NE

Calgary, AB, T2E 6X6



Dear Sir

RE: Chinook Ridge – Redesignation Application – File No 2012-RV-016

We are Adrian and Carolyn Di Paola, we live NW of Water Valley where we have a small ranch and farming operation. In addition to this we are also the owners and operators of Dragon Flight Archery.

Chloe Cartwright of Chinook Ridge has been in close contact with us regarding the interaction of our business and the proposed Chinook Ridge Lodge. We think the whole scheme is a fantastic idea on many different levels. Having a facility just down the road that actively wants to interact and support other businesses in the area is most needed. We have lived in this area for seven years and seen many small businesses come and go. We feel if there are strong and diverse businesses based in the area everyone can benefit and when local businesses are doing well the whole area will become more prosperous.

The Chinook Ridge development proposal has been more than thorough in addressing all aspects of its proposed business and to be perfectly honest we can see no down side to what they propose. Any problems that could potentially arise are far out-weighted by the benefits to the area and to the people living around it.

Chloe Cartwright is a hard working intelligent person who has the ability to see this project through and make it work. People like Chloe Cartwright should be encouraged and helped as much as possible with projects like this. It is ok to think this area is doing well and enjoying prosperity at this time but without the addition of facilities venues this can all turn around and degenerate. Dragon Flight Archery would welcome the potential for tourists from Canada or abroad to visit the area. We are members of the Cochrane Tourism Board and are active in trying to promote the area as a tourist destination. Chinook Ridge along with Dragon Flight Archery and other businesses can be jewels in the crown of the local communities.

Sincerely

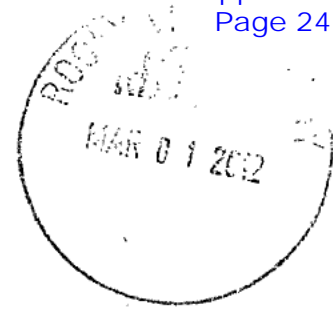
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Adrian & Carolyn Di Paola

February 24, 2012

Attention: Mr. David Yee, Planner and Council Members

Re: CHINOOK RIDGE – REDESIGNATION APPLICATION  
FILE # 2012-RV-016



This letter is provided to support Chloe Cartwright's re-designation application for the development of Chinook Ridge Lodge and Golf Course.

As a small local business owner in the area I support this type of development to our area. This development will help increase tourism, community gatherings and events and will also provide employment opportunities for local individuals.

This will also provide another tourist destination to the "Cowboy Trail" and help to promote local business, artisans and crafters in this part of the country.

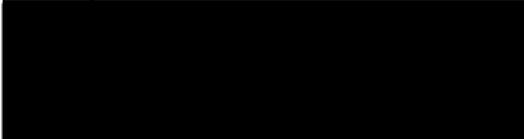
My business relies on tourism and highway traffic on Highway 22. I hand craft Barn Wood furniture and sell Antiques.

In reviewing the overall development plan with regard to the land use I am pleased that the development is environmentally responsible not just in the building techniques but also respecting the natural surroundings and the wildlife.

It is obvious that care and thoughtfulness has been considered through out this development process I believe we need this kind of development in the area and do not hesitate to support this initiative.



Penny Dowswell  
Infinite Creations Barn Wood & Antiques  
Aspen Meadows Farm - Local Farmer



May 4, 2012

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB T2E 6X6



Mr. Michalenko,

**RE: "Chinook Ridge" Land Use Redesignation Application**

As you are aware, Chloe Cartwright is pursuing a land use redesignation to facilitate the development of "Chinook Ridge", a golf-based recreational retreat situated northeast of Cochrane in Rocky View County.

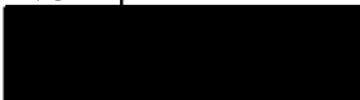
As an industry professional (17 year member of the Professional Golfers Association of Canada), I have been following the progress of this project with interest and I believe it is appropriate for the area as well as being fundamentally sound. Among other benefits, a project of this nature would have a net positive impact on the environment and lead to the creation of numerous local jobs.

I know that I am not alone in my support of the Chinook Ridge project; I urge you to take this feedback and that of others into consideration as the application process continues.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Dreger", written over a horizontal line.

Bill Dreger, CPGA  
nonstopGOLF







March 7, 2012



Mr. David Yee,  
Development Planning Department  
911 – 32 Ave. N.E.  
Calgary, AB. T2E 6X6

RE: Chinook Ridge – Lodge and Golf Course  
Re-designation Application – File # 2012-RV-016

To whom it may concern;

We are in support of the application for redesignation. We see this future development as a win-win situation benefitting the environment, wild-life, the rural communities of Rocky View and surrounding areas.

We are especially pleased that the plan will enhance the area by the excellent proposals for coexistence with the existing environment.

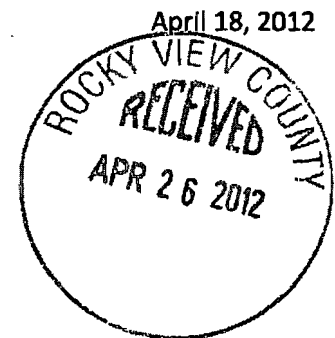
The information handout explains and itemizes all the benefits of the proposed development and they all point to a positive vote to approve the redesignation of Land Use from Farm & Ranch District to a Business-Leisure and Recreation District.

Yours truly,

Frank Dyck  
Esther Dyck

**Rick Michalenko RPP, MCIP, Senior Planner**  
**Rocky View County**  
**911-32 Avenue NE**  
**Calgary, AB T2E 6X6**

Dear Mr. Michalenko;



RE: Application for Redesignation – File # 2012-RV-016

My name is Kathy Fenton and I own/operate Fenton Quarter Horses on TWP 284 5kms West of Highway 22 which is where I currently reside and have been for over 20 years. I also own and operate Fenton Bus Lines and am a contract provider of school bus services to the Westbrook School. With these two distinct hats I want to address and support the application of Chloe Cartwright for the re-designation of land use to allow the development of Chinook Ridge Lodge & Golf Course. It is my understanding that this application is currently under consideration by Rocky View County Council and I would like to offer my thoughts on this application.

Our area has historically been an agriculture based industry run by several generations of families. Although some families still maintain this heritage form of industry the numbers are getting smaller each year, as it is increasingly difficult to make these businesses financially feasible. Those of us that have remained struggle with finding a place in the evolving technological society that finds commuting to city centers a way of life and we look less to the opportunities within our own community. This is putting extreme pressure on the mom and pop places such as our precious general store, community halls, and local farms that sell both product and services.

In order to maintain our way of life, which is dependant on our financial success it takes innovation and team work. To compete and be sustainable we must evolve with the new age and offer services needed by the very people servicing and living in this community as well as tapping into the ever increasing tourism industry. I support this application as I feel it will bring needed economic diversification to this rural area. The clientele that would be brought in by the services offered can and most likely will support several local business in the area by allowing ranchers to offer locally grown beef, horse ranches to sell horses, riding stables to gain clients, general stores to increase sales, community halls to gain attendance in local events and the list goes on. As well more people will appreciate the beauty our land offers this society and will understand the efforts to preserve it.

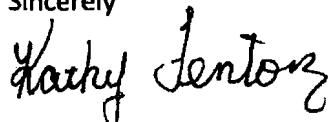
The second train of thought I have here is in regard to the controversial issue of the 574 Highway and from my perspective as a school bus contractor. I and my contract drivers are on the 574 several times per day. We and many people who live locally want to see this road paved but Alberta Transportation's response is that the "traffic count is not sufficient to warrant paving". I am not going to go into detail here as I am sure you have already heard the concerns about this road but I want to share my views.

If the Chinook Ridge application is approved, as it should be, then the Province will be aware that a higher traffic count and road usage is on its' way. In other words the approval of this application can prompt Alberta Transportation into action. They can put it into their 3 year plan, they can start to prepare for the increase in traffic and be proactive rather than reactive in their construction plans. They will know the traffic count will be going up and we may all very well get exactly what we want - paving done – because the approval of the Chinook Ridge development can act as a catalyst. On the flip side, if this application is denied we have effectively missed an opportunity and delayed the paving process indefinitely. In my mind anyone who might object to this application because of the condition of Highway 574 is really shooting themselves in the foot.

Please consider this application not only one by Chloe Cartwright, but by a team of rural businesses that all would like to work together towards future sustainability by keeping competitive in the future markets. Together we can make our land stay rural and support itself for future generations.

Thank you for your consideration of my thoughts.

Sincerely

A handwritten signature in black ink, appearing to read 'Kathy Fenton', written in a cursive style.

Kathy Fenton



From the Desk of Richard R. J. Fercho



March 16, 2012

**ROCKY VIEW COUNTY**

911 32 Avenue NE

Calgary AB

T2T 6X6

*huk m.*  
**Attention: David Yee, Planner**  
**Development Planning Department**

ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES  
MAR 22 2012  
**RECEIVED**

Dear Sirs

**Re: Chinook Ridge - Redesignation Application - File No. 2012 - RV-016**

Having followed the progress of the captioned development from almost its inception, I am happy to lend my support to Chloe Cartwright in her attempts to achieve her re-designation.

Chloe has been seeking to develop this project in an environmentally sustainable and low impact manner, throughout the many years she has devoted to it. I believe her proposal is technically sound and will benefit the County by increasing employment prospects in the immediate area, giving nearby residents a needed recreational outlet and increasing the draw of tourists to this beautiful part of our Province.

As someone with experience in organizing both business and non-profit events in the County of Rocky View, I'm encouraged at the prospect of having another choice of a facility to hold retreats, seminars and smaller scale events in a setting such as the one being proposed. Facilities like this are in short supply in this area of the County and the one's presently available are often fully booked far into the future.

Chloe Cartwright has a sound reputation in the County and surrounding community. She has deep roots in the area, is known as someone who can be relied on to do the right thing and has a laudable history of assisting new Canadians in need of support, and the disadvantaged. As a strong supporter of social development, Chloe Cartwright is in my opinion an ideal partner for the County to have in such a project.

Sincerely,



**RICHARD R. J. FERCHO**

cc: Chloe Cartwright



April 17, 2012.

Dear Mr Yee

I am writing to express my interest in the proposed Chinook Ridge Lodge & Golf Course.

As a resident of Cochrane I am pleased to see that there is continued interest in building within the local area to enhance & support the existing community.

The consideration placed on the current rural surrounding & wildlife whilst supporting the need to boost local facilities and opportunity for tourism is encouraging. I look forward to a new restaurant which I hope will bring a high classed dining experience, and would consider renewing my wedding vows in the beautiful Stone Chapel.

I want to support this venture and believe the advantages it brings to be a positive move not only for the Chinook Ridge Lodge but other existing businesses in the surrounding areas.

Yours Sincerely  
Janine Forbes



April 13th 2012

Dear Sir,

I wish to send my approval via letter to the Chinook Ridge Lodge + Golf Course.

I believe that Chae Contwington has very carefully researched & planned this venue - to not only provide a much needed facility, but to do so without impacting wildlife & the environment. I know that she is passionate about preserving both those things & is also innovative in her frugal use of water.

I very much hope that you will approve her beautiful project.

Kind regards,

Jacqui Foster  
JACQUI FOSTER





Mick & Carol Gee



Mr. David Yee  
Development Planning Department  
911-32 Avenue NE  
Calgary  
AB  
T2E 6X6

April 15, 2012

**RE: Chinook Ridge – Redesignation Application – File No. 2012-RV-016**

Dear Sir

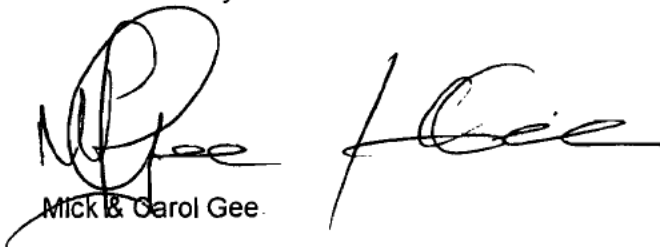
This letter is in support of the redesignation application made by Chinook Ridge Lodge & Golf Course Limited. Both my wife and I have attended an awareness presentation give by the company as to the measures they have already taken in evaluating the environmental impact of such a venture and the innovative use of the proposed watering system.

They are a forward thinking organisation and have taken into consideration the views of others by being 'open and approachable' by hosting an information / awareness session.

This venture will have a positive impact on the locality by employing local people, bringing more tourists to the area, which in turn will have a beneficial impact on the local economy.

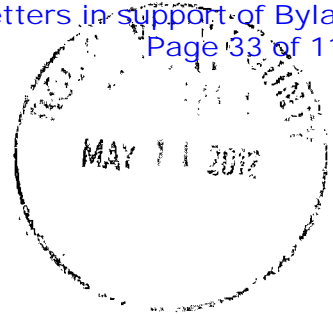
We support the redsignation application.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Mick & Carol Gee".  
Mick & Carol Gee

May 8, 2012

Mr. Richard Michalenko, Senior Planner  
Development Planning Department  
911 – 32 Avenue N.E.  
Calgary, AB  
T2E 6X6



Dear Michalenko:

Re: Redesignation application # 2009-RV-189

I am writing in response to the development proposed in Dog Pound by Chloe Cartwright.

Our property does not adjoin this development so traffic hopefully will not become an issue for us. If Range Road 35 becomes heavily used, it will have to be resurfaced as dust will be a problem for those living on this road. Township Road 574 will also need paving if traffic increases as road condition and dust will be an issue.

My understanding from reading the available literature on the development is that they have done the necessary planning so that water in our area will not be impacted by a development of this size. Several wells in our district have low flow rates and any developer must be aware of this and make sure we are not impacted adversely.

If this development is completed, we feel it will be a good opportunity for local residence to gain employment opportunity in their community. We have very few businesses in our district that employ locals.

We also feel that this development in our community will increase our property value. A first class golf course will most certainly attract people wanting to live in close proximity. Further, if employment is available, people will want to live closer to their job.

In conclusion, we have not objection to this redesignation application.

Yours truly,

A handwritten signature in cursive script that reads 'Stewart &amp; Donna Geekie'.

Stewart & Donna Geekie  
NE1/4 5 29 3 W5  
NW1/4 5 29 3 W5

**RGA Design**

(A Division of Green Theme Design Ltd.)

Box 718 Bragg Creek, Alberta T0L 0K0

tel. 403.949.2840 fax. 403.243.1963

Rocky View County  
911-32 Avenue NE  
Calgary, Alberta, T2E 6X6

May 22, 2012

**Attention: Mr. Rick Michalenko, RPP, MCIP**

---

**Regarding: In Support of Chinook Ridge (SE-31-28-3-W5M)  
Re-designation Application: RVC File No. - 2012-RV-016  
. Farm & Ranch District to Business-Leisure & Recreation District**

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Dear Mr. Michalenko,

I am writing this letter in support of the application for re-designation to enable the development of the Chinook Ridge Lodge and Golf Course in Rocky View County. Situated on a high ridge overlooking a horizon of the Rocky Mountains, the site is an undulating pattern of tree groves, sand-stone outcrops, meadow and wetland areas; not so productive for agriculture but suited for an environmentally integrated hospitality centre and golf course.

The extensive background study that has been completed for this re-designation application supports the suitability of the Chinook Ridge facility development, to provide diversification to the environment, to the local economy and social value to the community. As we have experienced in Bragg Creek, a local golf resort facility brings rural employment opportunity and career exposure for many local residents, including teenagers and students; a real benefit in a more isolated agricultural setting.

Accommodating a variety of hospitality occasions for local, regional and out of province guests, Chinook Ridge will be a 'feather in the cap' for Rocky View County. Attracting business from within and beyond the borders of Rocky View County, it will stimulate local the economy, strengthen intergenerational relationships and generally engage international hospitality.

We would be pleased to meet to discuss the many benefits that the proposed land use re-designation (to enable Chinook Ridge) affords for Rocky View County. Should you require further information or wish to schedule to meet, please contact us at your convenience.

Yours truly  
**RGA Design**

Randall R. Gibson, C.S.L.A.  
RG/sg



Name: Samir Gilman

Address

PC

Date: June 29/12ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES  
JUL 06 2012

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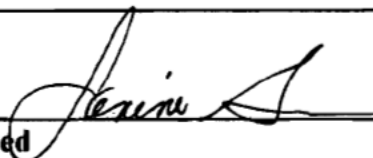
Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6

Dear Mr. Michalenko;

**RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course**

I have reviewed the plans for this development & wholly endorse it. Having a destination of this caliber will be an asset to the local community & beyond. I encourage you to look at the economic benefits to this MD & encourage projects like this one that showcase the beauty & recreation we are accustomed to

Signed





15/3/2012

To whom it may concern,

On reading the January 2012 Volume 2 Issue 1<sup>st</sup> edition of the Hitching Post News we were very interested in the article regarding the proposed development for the Chinook Ridge Lodge & Golf Course. Recreation & Tourism are a vital part of our economic fabric as well as offering society a balanced lifestyle.

The Chinook Ridge project will fill a large void in that area of Alberta for entertainment & recreation, yet to be close enough to take the pressure of already overcrowded facilities in Calgary.

Development is an important part of progression in society both financially & socially, yet it is also important that new development does not affect the proposed areas existing people & wildlife. The Cartwright families vision for the proposed Chinook Ridge Lodge & Golf Course and their particular attention to detail to all facets of this development is first class.

We would like to offer our full support for the redesignation of their land in the Rocky View County municipality to allow them to proceed with the building of the Chinook Ridge Lodge & Golf Course.

Yours sincerely

Phil Gordon

Kerryn Dyke

Two handwritten signatures are present. The top signature is for Phil Gordon, and the bottom signature is for Kerryn Dyke. Both are written in black ink.



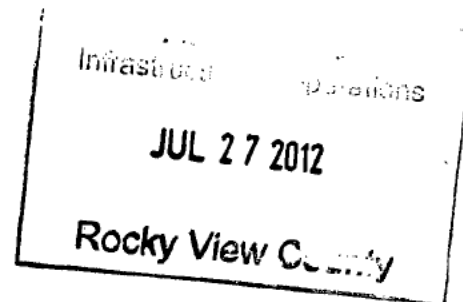
Name: Maxine Goldsmith

Addr: [REDACTED]

PC: \_\_\_\_\_

Date: JULY 26<sup>th</sup> 2012

**Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6**



Dear Mr. Michalenko;

**RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course**


Having looked at the plans for new Golf Course  
it looks amazing!

This would be great for the area, bringing more  
people, great for business local, in surrounding  
counties.

Its beautifully planned out and the concept I  
think is fabulous!

I am for sure all for this new development!

Maxine Goldsmith  
Signed \_\_\_\_\_

  
9 May 2012

Rick Michalenko RPP, MCIP,  
Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB T2E 6X6

Hi Rick

I write in support of the redesignation of Chinook Ridge. I think this development sounds fantastic and will be a real asset to the local community and local economy. I look forward to visiting when it's completed!

Chloe and her planning team seem to have thoroughly addressed any concerns you might have regarding environment, land usage, water management and safe access, and gone further by proposing solutions to potential negative issues, such as alcohol use and driving.

Why would the local authorities not allow this to proceed given that it going to cost you nothing, and will bring increased taxes to the county in future?

Yours sincerely,

*Michael Gray*

Michael Gray



William and Suzanne Greenland



May 7, 2012

Rick Michalenko, RPP, MCIP  
Senior Planner  
Rocky View County  
911 – 32<sup>nd</sup> Avenue NE  
Calgary, AB  
T2E 6X6

Dear Mr. Michalenko:

We support development of the Chinook Ridge Lodge & Golf Course. It will support economic growth in the area. We also look forward to utilizing the facilities for personal and potentially business use.

Regards,

A handwritten signature in black ink, appearing to read "W Greenland".

William Greenland, P. Eng

April 23, 2012



Rick Michalenko, RRP, MCIP

Senior planner

Rocky View County

911-32 Avenue N.E

Calgary, Alberta T2E6X6

This letter is sent to you supporting the Redesignation application for SE 1/4 31-28-3 W of 5. To me, everything is in place to have this development go ahead. If approved and built Chumook Ridge Lodge & Golf Course will be an asset to Rocky View County. With the water, wastewater treatment and location this is a perfect addition to this community.

Sincerely

Phil Steeves

SW 1/4 10, 27-3 W5

To Rick Michalenko RPD, MEIP, Senior Planner

I live 1 1/4 mi. north of the Chenook Ridge development of Chloe Cartwright. I am very much in favour of this development and can't help but think that it will be very beneficial for our area. It will bring jobs, people and entertainment to our area, and I would think increase our land values.

Chloe has my complete support and blessings.

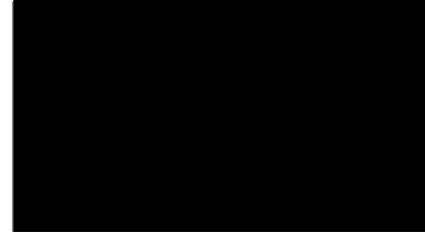
Grandma Hazel (NE 6-29-3-454)





Rick Michalenko RPP, MGIP  
Senior Planner  
Rocky View county  
911-32 Avenue NE  
Calgary  
AB T2E 6X6

Neil & Julie Hammond



Chinook Ridge Lodge & Golf Course.

Having spent considerable time visiting Rocky View County and the surrounding areas over the last few years and having visited the proposed site we are of the opinion that the construction of such a facility in the area would be a huge benefit to the county and community as a whole.

The lengths that Chloe Cartwright as gone to, to make the project environmentally sustainable with well planned land usage, sympathetic construction techniques and water management can only be a positive for the local economy both during construction and as the Lodge opens for business.

We think the development of Chinook Lodge and Golf Course should be allowed to progress and fulfill its potential as a hub for local amenities and the community.

Yours sincerely,

Neil & Julie Hammond

Soon to be residents of Cochrane.

15<sup>th</sup> Feb 2012

ROCKY VIEW COUNCIL  
PLANNING & COMMUNITY  
FEB 21 2011  
RECEIVED

B4108731001 PRDP20185188  
SDAB 2020 Dec 17  
Applicant Exhibit 1- 105 letters in support of Bylaw  
Mrs. Beverly Thompson  
Page 43 of 113

E. CHINOOK RIDGE - REDESIGNATION APPLICATION - FILE N° 2012 - RV - 016

Dear Mr Yee

We would just like to give our full support to Chloe Cartwright in her new venture of Chinook Ridge Lodge & Golf Course Ltd. Having read all about the new venture & seen the plans, this has been truly well thought through and everything has been taken into account, especially the environment.

Everyone will benefit through the Chinook Ridge Lodge & Golf Course, Excellent for the community also good for the wild life. We are so impressed how professional and so much care has been taken, everything has been totally looked into, no corners skipped, so professionally thought through. Every thought seems to be considered to regard the irrigation system, conservation, environment, wild life and the quiet serenity of the rural area.

This is something we support and would enjoy going to.

Yours Sincerely  
Beverly Thompson  
M Thompson.



**Jacqueline Targett**

---

**From:** Kelly Minor  
**Sent:** Tuesday, May 22, 2012 11:59 AM  
**To:** Rick Michalenko; Jacqueline Targett  
**Subject:** FW: For Rick Michalenko

Hi Rick,

This is for you...

Jacqueline can you please upload a copy to Acres.

Thanks,  
Kelly

---

**From:** Roger Hardie [REDACTED]  
**Sent:** Tuesday, May 22, 2012 11:49 AM  
**To:** AIM PUBLIC EMATL [REDACTED]  
**Cc:** Chloe [REDACTED]  
**Subject:** For Rick Michalenko

RE: Support for Chinook Ridge - Lodge & Golf Course

Dear Sir

My motivation and support for Chinook Ridge is based on the fact that it is an Eco Friendly, easy on the eye development that will attract customers to the greater Cochrane Region, and thus provide much needed income + jobs for Cochrane. Cochrane is rapidly becoming a 100% Bedroom community, and besides the Timmy's & Starbucks etc there is very limited employment for university/ school leavers – looking for interim work.

My biggest bug bear is that I recently did a 5 hour trip down the Longitudinal Line to Montana, prompted by the Getlost.com campaign featured so frequently on TV. Having got there I realized that scenic wise/ Road wise/ dare I say character wise/ Cochrane has a lot more to offer. It just seems that Montana is a lot more proactive in going after the Alberta Tourist \$, providing more leisure activities and accommodation. I am positive that with the right type of developments, and careful planning, Alberta (especially Cowboy Trail) can have a superior offering to Kalispell, and save us the 5 hour drive.

Thank you

Roger Hardie



Randy Harnack &  
Carol Webb

Sept. 10<sup>th</sup>, 2012

Rick Michalenko, Senior Planner  
Rocky View County  
911 – 32 Ave. N. E.  
Calgary, AB T2E 6X6

Dear Mr. Michalenko;

RE: 2012- RV 016 – Land Redesignation Application – Chinook Ridge

We are writing in support of the Cartwright family's application for redesignation of their land. We not only live on the quarter section immediately south of Chloe's property which we farm along with our quarter section to the east but I, Randy, grew up on this farm and will likely be the eventual owner of it through inheritance. We also own other land in the area.

More importantly we had a 5 year lease on Chloe's quarter in the mid 1990s and personally know how hard it is to farm because of the sandstone bedrock and protrusions, swampy areas and tree clusters. It has uneven rolling terrain, the bottom 25 acres retains moisture to the point it cannot be swathed. Several times when attempting to farm the land I found my equipment severely stuck in wet areas on the high land and needed to call someone with huge equipment to tow me out. Or struck huge chunks of sandstone slabs and damaged our equipment.

We have known of other farmers in the area who considered renting the property and chose not to rent it because of its' small fields, and wet or rocky conditions. In our opinion this is not prime farmland and truly lives up to its' Canadian Land Inventory Classification as:

**Class 4H – Severe limitations due to temperature.**

**Class 4H, T – Severe limitations due to temperature and adverse topography.**

We hope you approve this application as it would provide both jobs and recreation in the local area and be a better use for the land.

Sincerely

*Randy Harnack*  
*Carol Webb*

June 5, 2012

Mr. Rick Michalenko,

Senior Planner  
Development Planning Department  
911-32 Avenue NE  
Calgary, Alberta  
T2E 6X6



JUN 11 2012

RECEIVED

Subject: Redesignation Application # 2012-RV-016  
SE 1/4 S31 T28 R3 W of 5  
Farm & Ranch district  
to  
Business-Leisure & Recreation District

Dear Mr. Michalenko:

My name is Robert Hawkins. I am a resident of the rural Airdrie area in the MD of Rockyview – Division 7.

By this letter, I wish to express my interest and offer my support for the re-designation of the above noted location.

As an avid golfer who enjoys the beauty of nature in its most virgin and unspoiled state – I feel that The Cartwright family have their priorities in order with their development ideas. When I read the pamphlet of the proposed development – I am quite impressed with all the care and concern they are taking regarding protection of the natural environment.

This is evident by all of the studies and assessment they have completed supporting the idea that this land would be better suited to returning it a more natural state to offer more recreational opportunities.

In closing I am very pleased to offer my support with this redesignation and look forward to the opportunity of attending the hearing on September 4, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Hawkins".

Robert Hawkins

ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES

Dear David Yee,


MAR 14 2012


RECEIVED

I am so excited about this Chinook Ridge that I had to put pen to paper. It is just what this area needs to bring new tourism and jobs into the surrounding area and once again on the map. I have been following this every time something comes up on it. Chloe Cartwright is not the sort of person who would rush into something without looking into it a lot from all directions eg:- residents, jobs, wild life etc.. She really puts a lot of thought and effort into any thing she does. Even the water system at the Golf Course a 70% water saving over conventional spray irrigation.

Systems used on 99.9% of golf courses, so it will be an exceptionally minimal water-use course. There will be something there for everyone. Schools included. So I really hope this goes ahead for the people of Cochrane and the surrounding areas. Because a lot of thought and hard work has gone into this for a lot of people and I would like to wish Chole all the very best for her Chinook Ridge Lodge and Golf Course. Because I know a lot of people who would use it and also be very disappointed if it didn't go ahead.

M. Hegarty



Name: Doreen HeideAddress: E 1/2 of SW 1/4 13-29-4-5  
or 4010 - Rge Rd 292 Mt View CountyPC Mailing Address Date: Sept 10/12ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES

SEP 12 2012

RECEIVED

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6

Dear Mr. Michalenko;

RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course

I am very much in favor of having a golf course in my local area. I believe that Chloe has done her homework and that the development will enhance the area. I am a widow now and would prefer this development over subdivision.

My daughter lives near the "South of the Bogpound creek Golf Course". They are not adversely affected by the traffic. Best of luck to Chloe & family on this endeavour.

Sincerely  
Doreen Heide



Signed



17<sup>th</sup> April 2012

Dear Mr Yee

Chinook Ridge Redesignation Application 2009-RV-189

I write to pledge my support for the redesignation application for Chinook Ridge.

Having two young children we like to have great family days out close to home in Cochrane. The golf course that the Cartwright family would like to develop would provide just such an opportunity. 'Kid-friendly' (especially 'toddler friendly') environments are few and far between so I am particularly keen for this application to succeed.

My eldest son has recently shown an interest in learning golf but there really is nowhere close for him to "have a go" apart from mini golf courses which aren't really the same thing. Local Clubs are generally expensive and would not entertain the idea of an eight year old trying to practice his "shots" for fear of ruining the grass!

This golf course really would provide a great opportunity to enjoy the fresh Alberta air, with beautiful views, and get the whole family keeping fit and playing sport together.

I really hope you will reconsider this application and give it the big "thumbs-up". It very certainly gets our approval.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Francine Horton".

Francine Horton  
On behalf of The Horton Family





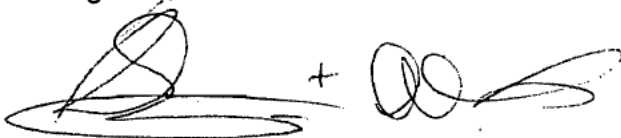
Hi,

We are writing this to acknowledge our full support of the Chinook Ridge project. Although we are Calgary residents we are often in the Rocky View, Water Valley and Wypress areas.

We have followed this project since we first heard about it and fully believe that Chloe has considered the best interests of her neighbours and the environment along every step of the way. We read the article in the Hitching Post newsletter and believe it shows that Chloe has left no stone unturned in her management of this project, she has looked at the impact Chinook Ridge will have on the environment around her and the people around her.

We believe it will be of great benefit to the area and look forward to its arrival.

Kind regards,



Robert and Louise Irving

Name: MICHAEL DUKEAd PC 

Date: \_\_\_\_\_

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6

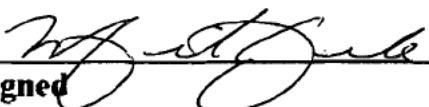
ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES  
AUG 28 2012

RECEIVED

Dear Mr. Michalenko;

**RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course**

I/ My NAME IS MICHAEL, I GROW UP  
ON THE CARTWRIGHT FARM IN THE 1990'S.  
I THINK THIS GOLF COURSE WOULD HELP THE  
COMMUNITY AND COUNTY IN THE ECONOMY RIGHT  
NOW. WHEN I WAS THERE WASN'T MUCH THERE  
AND THE NEAREST TOWN TO GET A PART TIME  
JOB OR FULL TIME JOB WAS. AN HR, I THINK  
THIS WILL HELP KEEP THE AREA BUSY  
FOR JOBS AND LIFE EXPERIENCE, ~~NOT FOR~~  
FOR THE YOUNGER GENERATION COMING  
UP.

  
Signed

Name: Joe Kazma

Add

PC

Date: Aug 23, 2012

ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES

AUG 28 2012

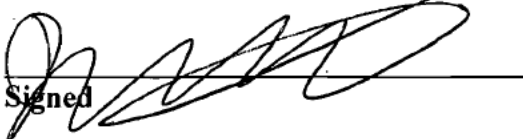
RECEIVED

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6

Dear Mr. Michalenko;

RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course

The family spirit of this project is inspiring.  
More businesses should follow the lead of Chloe  
and her team.

Signed 

April 15, 2012



Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB T2E 6X6

RE: Chinook Ridge Lodge & Golf Course

I would like to state my full support for the re-designation for the Chinook Ridge Lodge & Golf Course to the entire Rocky View County.

My Father and I own property in Rocky View and I currently live in Wheatland County ~ I think it is critically important to encourage councils to allow expansion of existing businesses, particularly those that will create employment opportunities for our local residents.

Chinook Ridge Lodge & Golf Course will not only provide local job opportunities, but also a recreational location for both locals and visitors, which will enhance other business in the community.

I am looking forward to learning of a positive outcome!

A handwritten signature in cursive script that reads "Norma LaFonte".

Norma LaFonte



April 24, 2012



Mr. David Yee  
Development Planning Department  
911 - 32 Ave. NE  
Calgary, AB  
T2E 6X6

To whom it may concern:

In the matter of Chinook Ridge redesignation application (File # 2012-RV-016) we would like to support Chloe Cartwright in her new endeavor. We feel it would be beneficial to the area in terms of employment and in supporting other local businesses. This area was once supported by the farming community; now with land values increasing it is becoming harder to do things the traditional way. Therefore we have to step outside the box in order to survive.

Yours truly,

A handwritten signature in black ink, appearing to read "Bill Leask".

A handwritten signature in black ink, appearing to read "Carolyn Leask".

Bill & Carolyn Leask

James and Deborah Lengert

July 26, 2012

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6



Dear Mr. Michalenko;

RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course

After reading the application by Chinook Ridge Lodge and Golf Course, we were pleased to see the professional level of research and planning put into the development proposal. From an environmental stand point, we believe the golf course will provide a much needed habitat for birds and animals, both small and large. Patrons of the facilities will likely be exposed to the wildlife and perhaps discover a new awareness and appreciation for wildlife and the preservation of them and their habitat. We believe they have done their due diligence in developing a truly environmentally sustainable plan.

From a financial viewpoint, these facilities will inject money into the community by attracting tourism to this and various businesses in the area. Local area residents will have entertainment venues open to them that were previously only available in Calgary or other larger centres. Chinook Ridge will provide jobs to locals as well as educational opportunities.

All of this should occur with minimal impact on the area residents. In fact, we believe the benefits far outweigh any possible negative impacts. We whole heartedly support the proposal and we believe this project should be approved by Rocky View County and its residents.

James Lengert

Handwritten signature of James Lengert in black ink.

Deborah Lengert

Handwritten signature of Deborah Lengert in black ink.

Name: DOUGLAS LINDSKOG

Address: SE 20-30-4 W5

PC

Date:

**Rick Michalenko RPP, MCIP, Senior Planner**  
**Rocky View County**  
**911-32 Avenue NE**  
**Calgary, AB**  
**T2E 6X6**

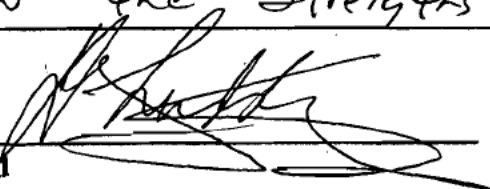
Dear Mr. Michalenko;

**RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course**

Chinook Ridge looks to be a very well organized and thoughtfully planned project that I believe will certainly be a greatly beneficial asset to the area.

I hope that the county approves or has approved their application and look forward to seeing the development moving forward. I believe this investment in the area to be a great show of confidence in the strengths of this area.

Signed







April 17, 2012

Dear Mr. Michalenko,

I am writing to express my support for the proposed development of Chinnock Ridge Lodge and Golf Course.

I believe that the owners of this proposed development have given extensive consideration to the environmental, social and economic impact that would be felt the local area during the construction and then completion of this project. The construction phase of the project would employ local, skilled labour and on completion the facilities would be staffed by local employees, thus helping to generate employment within the area.

Extensive research has been completed to ensure that the center and golf course does not have a detrimental effect on the surrounding area , with emphasis on a conserved watering system. They have obtained a Provisional Water Licence, in order to help residents better understand how the water will be conserved when then project is up and running.

The owners of Chinnock Ridge have also stated that they wish for their development to not only be used by tourists, but also local schools, who would be able to use the site for field studies. The lodge would be available for meetings, social functions as well as golfers. A facility such as this would be an asset to the local community. Finding venues that can accommodate larger functions within the Cochrane and surrounding areas is very difficult at present. Having such a venue as Chinnock Ridge would bring more businesses and out of town visitors to Cochrane, and so would have a positive effect on trade for many local businesses.

I would very much like to see this project develop and become a much valued asset within the local community.

Yours Sincerely

A handwritten signature in black ink, appearing to read "N Lloyd". The signature is stylized with a large, sweeping initial "N" and a trailing flourish.

Mrs N Lloyd

Anne Lorenc



February 29, 2012

To Whom It May Concern:

This letter is written in support of the Chinook Ridge redesignation application #2012-RV-016. I am a "neighbour" of the area in question and personally I see no hindrances in developing a golf course and lodge. I believe that enough research and planning has gone into this project to satisfy any objections pertaining to the water supply and traffic issues. I see this development as a positive influence to our neighbourhood.

Thank you for your consideration,

Anne Lorenc

ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES

MAR 15 2012

RECEIVED

March 13, 2012

Development Planning Department,

Dear Mr. David Yee

Re: File No. 2012 - RV-016

"Chinook Ridge" redesignation application

I am writing in response to the above application.

I support the development of a golf course. A lodge with restaurant & other supporting services would be a complete picture.

I can see other opportunities for expansion that the lodge can offer, eg. holidays in the country etc.

Yours truly,

Nadine Maffitt

April 16, 2012

Janet Marr



Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View county  
911-32 Ave. NE  
Calgary, AB  
T2E 6X6

Hello;

I would like to comment on the proposed development "Chinook Ridge Lodge & Golf Course".  
I would like to say that I am in favor of the development. This will bring more diversity into the area, along with jobs. It will also potentially bring more tourism and tourism dollars as people will become more familiar with the area and have an interest in seeing what the area offers in addition to this new development.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet E. Marr".

Janet E. Marr

April 16, 2012

Allen Marr



Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View county  
911-32 Ave. NE  
Calgary, AB  
T2E 6X6

Hello;

The Dog Pound area has a new proposed development, "Chinook Ridge Lodge & Golf Course". I would like to say that I am in favor of the development. This area needs to have more variety in what it offers to the general public as well as the local community. It is an area that is under developed when it comes to "other interests". I believe that the business will bring in much needed jobs as well as heighten the awareness of people outside of the community to what this area has to offer and its beauty. The development will offer much more than most since it is a "family" venue.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen G. Marr". The signature is stylized with a large, sweeping loop at the end.

Allen G. Marr



Stacey McIntosh

April 17<sup>th</sup> 2012

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB T2E 6X6

Dear Mr Michalenko,

I am writing this letter in support of the proposal for Chinook Ridge. I have read the proposal and there are beneficial factors for this to be agreed.

The local community would not only blossom from this opportunity with the ability of new jobs, and for the local Farmers to sell their fresh local produce. There will be a gain of "New Money" to the local area creating an increase of local support and tourists to the area.

The other added feature is the ability for families to enjoy nature at its best all year round, and the numerous activities provided by Chinook Ridge, such as a golf course, excellent Accommodation and Venues, for the purpose of Weddings, Reunions, Parties, and also the possibility of Educational Courses.

I hope this letter will be of assistance to Chinook Ridge's future development.

Yours Sincerely

A handwritten signature in black ink, appearing to read "S. McIntosh". The signature is stylized with a long horizontal line extending to the right.

Stacey McIntosh

To Whom it may concern,

This is a great location for a golf course. It is far enough away from the endangered wildlife while still being far enough out to have the feeling of "getting away". From my reading of the FYI booklet and HPN, It seems that they have done their due diligence in reducing the effect on the water, wildlife and ecosystem of this area.

Please consider allowing the Cartwright family to re-designate this land.

Best Regards,



Rob Miller







## MORRIS MEADOWS COUNTRY HOLIDAYS & SEMINARS

P.O. Box 243, Alix, AB T0C 0B0  
Alix 788-2428 788-2403  
Calgary 297-9703 Fax 788-2236

ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES

MAY 18 2012

RECEIVED

Ruth Muchalenko RPP, MCIP  
Senior Planner Rocky View County  
911-32 ave N.E.  
Calgary Alberta T2E 6X6

Dear Sir:

We would like to add our support to Chloe Portwright and her project "Chinook Ridge Lodge & Golf Course". We at Morris Meadows have a retreat centre on our farm located 8.1 km north of Alix Alberta. The County & Residence are very supportive of our project. We enclose a thank you note from the County on their last visit.

Local residence feel our property adds to the value of theirs. The local merchandise say the spin off from our clients has increased their income. We also buy locally when ever we can.

We have known Chloe for the past ten years and our business & personal dealings have been very satisfactory. We have found Chloe to be a person of her word. she does what she says she will do.

Respectfully yours

S. W. (SIO) MORRIS



"We offer Country Comfort"



## Arena



Weddings, reunions, theatre

Seats 300

Arena \$250 ★ Tables, Chairs, etc. \$250

## "Old Town"

**Happy Hollow Hotel** portrays a period bar serving sodas & Sarsaparilla Juice; the **General Store** features local crafts, souvenirs & antiques; the **Country Theatre** provides a venue for company lectures and dinner theatres. The Morris Meadows office is also located in Old Town.



The **Carriage House** shelters the carriage, buggy and sleighs; upstairs is a private residence. Some of the friendly farm animals live in the **Livery Stables**.

## Activities

- U 9-person hot tub and dry sauna
- U skating and cross-country skiing
- U mountain bikes available for rent on site
- U arrange wagon rides or sleigh rides with horses (additional charge)
- U Bean Bag Horseshoes
- U walk through the gardens or the pastures



## Story of Morris Meadows..

The concept of Morris Meadows developed from Sid Morris' love of the country tranquility which restored his energy after a grueling week in the business world. It was his belief that others who did not have the opportunity for such a retreat on a working farm may enjoy the same tranquility he did. Hence was born the concept of a small business and seminar centre where one company or firm could afford to rent this "Country Club" setting and thus have their energy restored by its tranquility.

The farm was originally purchased by George Morris, Sid Morris' father, the first part of the century. George Morris was later joined by his brother Ted. They had immigrated from England, where their father operated a farm and racing stables. They farmed together for a few years until Ted left to pursue his career as a mechanic. George continued farming. He later married Evelyn Bergstrom.

Sid has tried to preserve those early days of the rural farm community in the construction of the premises. The interior of the lodge contains memorabilia from the early days of the community, both in pictures and articles. The lodge also reflects the elegance of modern rural life, while not forgetting its past.

**ember**  
graphics® Alix, AB

B-1 08731001 PRDP20185188

SDAB 2020 Dec 17

Applicant Exhibit 1- 105 letters in support of Bylaw

Page 66 of 123



# Morris Meadows



## GET MARRIED

P.O. Box 243

Alix, AB Canada T0C 0B0

Phone (403) 788-2428

Fax: (403) 788-2236

Toll Free 1-866-788-2428

[www.morrismeadows.ca](http://www.morrismeadows.ca)

[sid@morrismeadows.ca](mailto:sid@morrismeadows.ca)



*Tuesday, August 23, 2011*



*Dear Sid,*

*On behalf of Lacombe County, I would like to thank you and your staff for making our tour such a great success. You are a fantastic host and it was so nice of you to have given us the opportunity to enjoy your farm. The scenery was beautiful and the lunch superior.*

*Thank you,*

*Ken Wigmore*  
*Ken Wigmore, Reeve*



APR 23 2012

RECEIVED

Siegi & Gertie Moser



Airdrie, April 17, 2012

Dear Rick Michalenko!

This is about Chinook Ridge Lodge & Golf Course.

We lived in the neighborhood of Chinook Ridge in our very first days here enjoying wildlife and silence out there. So we do know, there's nothing comparable in this area yet.

Chinook Ridge will be an enrichment for the entire region, whether for citizens living in the greater area booking the place for a meeting or just family events, or tourists visiting the campground facility. We feel, it will definitely lead to more tourism, for this area is poor or even void of places like the Planned Lodge.

Both of us appreciate the idea to start a project like this one. It will give us the chance to find a perfect place for upcoming family events in the future. So we didn't have to go further. It's just a great idea about Chinook Ridge and we are sure, it will become an attraction in the greater Airdrie area.

Sincerely

*Siegi Moser*  
*Gertie Moser*

March 20, 2012

Duane Needham  
Bottrel General Store  
Bottrel, Alberta



Mr. Rick Michalenko RPP, MCIP  
Senior Planner  
Rockyview County  
911 - 32 Ave NE  
Calgary, AB  
T2E 6X6

Dear Mr. Michalenko;

RE: Redesignation Application – Chinook Ridge Lodge and Golf Course

My brother and I have owned the Bottrel Store for nearly 9 years. We are only 7 km west of the Chinook Ridge location. I perceive that the efforts of Chinook Ridge in marketing the area to tourists will result in spin-off increased business for our grocery, fuel, and liquor store and will be of significant economic benefit to us.

Tourist and recreational traffic will help all 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 a wonderful asset to the community and provide employment and recreation opportunities to local area residents. They have my full support in this endeavor. If you have any questions please feel free to call me at

[REDACTED]  
Sincerely

  
Duane Needham



# Linda's Hair

106 Railway Avenue, Cremona  
Phone/Fax: 403-637-2030

**Full Family Hair Care**

Home: 337-2331

B-1 08731001 PRDP20185188  
SDAB 2020 Dec 17  
Applicant Exhibit 1- 105 letters in support of Bylaw  
Page 70 of 113

March 21, 2012

ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES

MAR 23 2012

Dear Mr. David Yee;

re. Chinook Ridge - Redesign Application  
File no. 2012-RV-016

RECEIVED

Chloe Cartwright has given me updates and information on her lodge and golf course project.

Speaking for myself, the idea of a lodge with full family, business, recreational facilities really appeals to me. I've had to plan wedding, family reunions, business course only to find either room, lodging, recreation not available. Her plans would cover so much for this area around Cremona, Carstairs, Water Valley, Cochrane, Dog Pound, Madden area.

She has my support as I think she has done her "study" well and covered her bases!

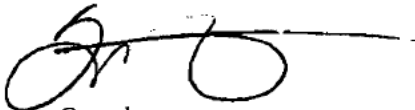
I work with the Chamber of Commerce as well, own my own business so I understand project that keep with nature and well as making people happy too.

Yours in business and  
Success  
Linda Newcome

RE; Chinook Ridge Application File no 2012- RV-016

I have reviewed the information on the redesignation of land use  
and feel the Cartwright family has done a good job in in putting this together.  
They have looked at the Environmental impact and are striving to  
Make this as friendly as possible.

This project will bring employment and opportunity to this area that  
Has minimal thus allowing people to work close to home as well as  
Play close to home. This is what the City of Calgary is also trying  
To achieve.  
Please review the request for approval as in my opinion is a good idea.



Tracie Osuala



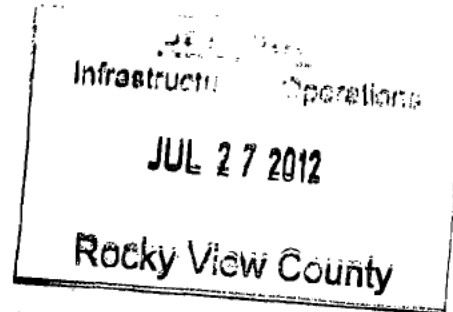


25<sup>th</sup> May 2012

Mr. Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary  
AB T2E 6X6

Dear Mr. Michalenko

Re: Chinook Ridge Lodge & Golf Course



I am writing to you to support the Chinook Ridge Lodge & Golf Course development.

When we are in Cochrane, we find that there is a lack of entertainment facilities and it would be beneficial for us to have Chinook Ridge as a place to visit. We're from England and find that there is a lack of choice when it comes to choosing restaurants and I enjoy playing sports, golf, skiing and walking and Chinook Ridge would provide this variety. I also believe that this development would be an asset to the area.

All in all, Chinook Ridge would provide me more choice, choice in where to eat, to spend my valuable leisure time and I give my full support to the development.

Yours sincerely

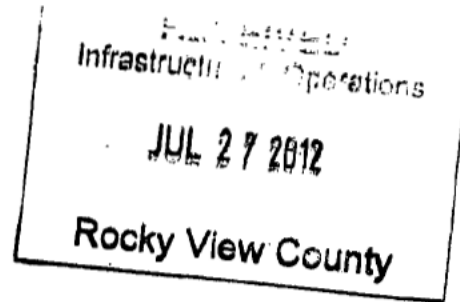
A handwritten signature in cursive script that reads "Ramone Param".

Ramone Param



3<sup>rd</sup> June 2012

Mr. Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary  
AB T2E 6X6



Dear Mr. Michalenko

Re: Chinook Ridge Lodge & Golf Course

I am writing to you to support the Chinook Ridge Lodge & Golf Course development.

I am studying at McGill and my parents are in Cochrane. When I am in Cochrane, I find that there is a lack of choice, for eating out and for the variety of entertainment facilities available. I am graduating this year and my parents want to hold a party, but the choices for venues are limited.

Chinook Ridge would offer additional facilities, eating out, and enjoying the walks, when I am in Cochrane and I believe that it would be an asset to the area.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Tara Param'.

Tara Param



APR 23 2012

RECEIVED

8<sup>th</sup> April 2012

Dear Mr Yee,

We are writing in support of the planned Chinook Ridge lodge & golf course NW Calgary development.

We believe that the development provides a great opportunity for recreation and business in the area. The development is in a location that we feel would not affect other businesses or properties. The planned development has taken great consideration towards preserving wildlife and the natural landscape, with good use of resources, eg. Water recycling, to minimise the impact that such a business would have.

We both fully support this development.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Lea Parker".

A handwritten signature in black ink, appearing to read "Anita Parker".

Lea & Anita Parker

Name: MR + MRS P.I. PEARSON

Address:

PC

Date:

22 - 08 - 12.

ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES

AUG 28 2012

RECEIVED

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6

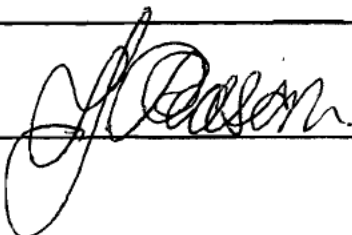
Dear Mr. Michalenko;

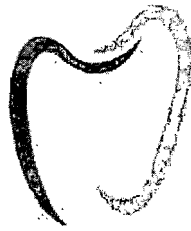
**RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course**

THIS IS AN EXCELLENT VENTURE. THE EMPLOYMENT + DEVELOPMENT OPPORTUNITIES ARE BOUNDLESS. THIS PROJECT HAS CLEARLY BEEN THOROUGHLY RESEARCHED TO INCLUDE ALL PARTIES INVOLVED. AS A KEEN GOLFER, I'M EAGER TO SEE THIS PROGRESS TO A POINT WHERE WE CAN PLAY A ROUND OR TWO ON OUR NEXT VISIT.

I'M ENCOURAGED BY THE PLANS INCLUDING AN ASPECT OF UTILISING RENEWABLE ENERGY TECHNOLOGY WHICH CLEARLY DEMONSTRATES AN UNDERSTANDING AND APPRECIATION OF ENERGY CONSERVATION AND REDUCED CARBON FOOTPRINT.

Signed





# Absolute Dental Care

ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES

APR 23 2012

RECEIVED

April 17, 2012

To: Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Ave NE  
Calgary, AB T2E 6X6

Please accept this letter as confirmation that I fully support,  
the application, and agree with the redesignation, and proposed  
plan for developing Chinook Ridge Lodge and Golf Course.

Thank You

Dr Stephan Picard

Healthy Beautiful Smile!

Attn: Mr. David Yee, RPP, MCIP  
Municipal Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6

Mr. Yee,

I wish to provide this reference for municipal planning review, in support of the golf course construction proposal at Chinook Ridge. As a golf course management instructor at Olds College since 2009, my classes include course design and construction, and environmental management for golf Courses. We regularly search for "real" sites to utilize as case studies in the classroom, and have been offered the opportunity to incorporate the Chinook Ridge project into our education programme this January, 2012.

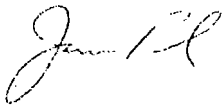
We have presented similar golf course design and construction proposals, with a goal of providing developers an insight into environmental sustainability, alternatives for responsible construction, and minimalistic golf course design. We communicate many innovative ways of conserving resources, including water conservation and quality, enhancing wildlife, and restoring native habitats from residential, agricultural, and industrial sites into successful recreational properties.

While the historical perception of golf courses by the public has been negative, this perception is changing with our industry. An increasing competition within this economic climate, the trend to reduce golf course maintenance costs, and increasing environmental regulations, has helped our industry recognize the many benefits both economic and environmental in redefining golf course design and it's maintenance standards.

We are pleased to have received the support of Chinook Ridge, to continue this educational process with our students, reciprocally providing design and construction innovations to preserve and enhance our natural resources, the management of Chinook Ridge at the end of the semester.

Please do not hesitate to contact me regarding these and other sustainable environmental incentives, or any planning projects under consideration where I could offer this expertise.

Regards,



JASON PICK, BAsC, ODH  
Director, Western Canada Turfgrass Association  
Instructor, Golf Course Management  
School of Environment, Olds College  
4500 - 50<sup>th</sup> Street  
Olds, AB T4H 1R6 Canada  
Phone: 403-556-8243  
[www.oldscollege.ca](http://www.oldscollege.ca)

Andrew Potton



Rick Michalenko RPP  
MCIP Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary AB T2E 6X6

Dear Rick:

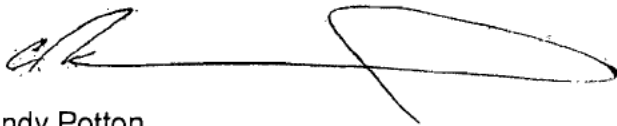
**Re: Chinook Ridge Lodge & Golf Course**

I would like to register my support for the above named project as put forward by Chloe Cartwright. It is my opinion that Chinook Ridge will offer excellent opportunities for the local community in both employment during the build and after the build; as well as employment opportunities once the development has been completed.

Furthermore, I strongly believe that it will better serve the community as a whole by offering yet another venue for a multitude of social and civil events.

If I can be of any more assistance then please do not hesitate to contact me.

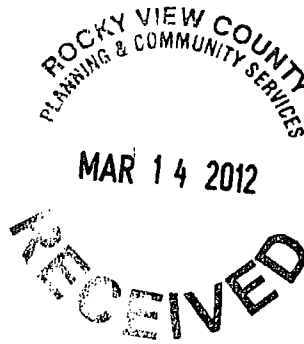
Yours Sincerely



Andy Potton







March 8, 2011

To: Mr. David Yee, Planner  
Development Planning Department

Regarding the development of Chinook Ridge Lodge and Gold Course (file no. 2012-RV-016), we would like to take this time to acknowledge our approval. We understand that testing and research have been thoroughly done, to make sure all means are met to commence with the development.

What Chinook Ridge will offer is a great opportunity for many in our community. It will open up jobs, a place to stay for out of town families, and a common place to meet, socialize and bond in the form of golf.

This development has been a topic discussed frequently in our home, and although we are not adjacent landowners, (1/2 mile north of the development) we are excited for this to happen and come together.

Mike and Pamela Reid

A handwritten signature in black ink, appearing to read "Mike Reid".

NW-5-29-3-W5

A handwritten signature in black ink, appearing to read "Pamela Reid".



292228 Butte Hills Lane  
Rocky View, AB T4A 0N8

June 12, 2012

Rick Michalenko  
Rocky View County  
911-32 Avenue NE  
Calgary, AB T2E 6X6

Dear Mr. Michalenko;

I am writing concerning the Chinook Ridge Lodge & Golf Course. I believe Chinook Ridge will be a great addition to northwest Rocky View County. It will be wonderful to have a facility with enough room to manage groups in such a natural environment. Often I have people inquiring for services at my Bed and Breakfast that I cannot accommodate because I am too small for their needs. (I only have 3 rooms.) Having a larger venue outside the city will be a great advantage to the area.

I am impressed with their plans to be ecologically attentive as they produce such a high functioning and varied development for the region. I look forward to spending time at Chinook Ridge Lodge and Golf Course.

Sincerely,

*Anne Reinhardt*

Anne Reinhardt  
CrossIron Manor



Ottawa  
 Room 810, Parliament Building  
 House of Commons  
 Ottawa, ON K1A 0A6  
 Tel: (613) 996-5152  
 Fax: (613) 947-4601  
 E-mail: Richards.B@parl.gc.ca

**Blake Richards, M.P.**  
 Wild Rose



**Constituency**  
 16-620 1st Avenue NW  
 Airdrie, AB T4B 2R3  
 Toll-Free: 1-800-667-0410  
 Tel: (403) 948-5103  
 Fax: (403) 948-0879  
 E-mail: blake@blakerichards.ca  
 Website: www.blakerichards.ca

April 18, 2012

**Rick Michalenko RPP, MCIP, Senior Planner**  
**Rocky View County**  
**911-32 Avenue NE**  
**Calgary, AB T2E 6X6**

**Re: Proposed Chinook Ridge Lodge and Golf Course**

Dear Mr. Michalenko:

I write today in support of the proposed Chinook Ridge Lodge and Golf Course, a project that has the potential to provide residents of my riding with new opportunities for recreation and business, and expand the tourism marketplace in Wild Rose.

Provided that the project has the support of the county and surrounding residents, and sufficient infrastructure is in place, this project looks quite promising. The Chinook Ridge Lodge will offer a venue for meetings, banquets, weddings and other events space in the county, which might otherwise go to the major population centres such as the city of Calgary.

It is my understanding that the Golf Course component of Chinook Ridge has the support of Olds College's turf grass program, which should provide local post-secondary students with increased prospects by which to train for careers in this field. In addition, the development will offer local residents employment in both construction and the hospitality sector, helping ensure that income generated from the project will be reinvested in the local area.

Thank you for your consideration.

Sincerely,

Blake Richards, M.P.  
 Wild Rose





March 1, 2010

Dear Neighbours;

This letter is being hand delivered to each neighbour who resides on or owns property within a 1 ½ mile radius of our property at SE1/4, Sec.31, Twp.28, Rng 3, W of 5<sup>th</sup>. In regard to our application for re-designation on our land in order to accommodate a 20 room Country Inn, banquet facility for 350 to 400 guests and an 18 hole golf course for guest's use – Chinook Ridge Lodge & Golf Course. An expansion of our existing Bed & Breakfast. We intend to market the facility to groups where the entire facility can be used for corporate events, weddings, seminars and entertainment productions.

In preparation for this application's submission to the County of Rockyview we had professional 'concept' drawings completed and these are being shown to you along with the delivery of this letter. Additionally, we have engaged the services of Stantec Engineering to provide the County of Rockyview with a Traffic Impact Assessment and a Water Management Strategy (storm, waste and ground water treatment). Our aim is to have zero impact on our own and neighbouring water tables. In preparing for our submission we would like to have your thoughts on having this type of facility in our neighbourhood and request that you give us your opinion in the appropriate space below.

\*\*\*\*\*

☒ I fully support the application and agree with the redesignation application and the proposed plan for developing Chinook Ridge Lodge & Golf Course:

*I have no objection to this re-designation + development as long as the roads are widened + paved to stop the dust.*

☐ I do not support the application and do not agree that the land be re-designated for the following reasons:

☐ I do not have sufficient information to make a decision, I would like more information on the following aspects of this proposal:

*D. E. Arndson*  
Signed – Landowner

*Mar 10 2010*  
Date

A stamped self-addressed envelope is provided for your use, please return it to us at your first opportunity.

*Chloe Cartwright*  
Chloe Cartwright

*Ray Rizner*  
Ray Rizner

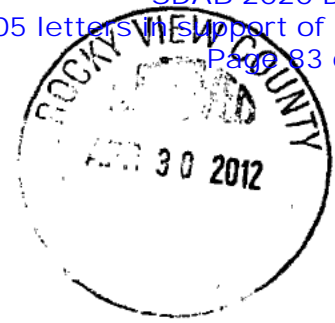
Phone: 403-650-0558

Box 180, Cochrane, AB T1C 1A1

Fax: 403-476-5387

[www.ChinookRidge.ca](http://www.ChinookRidge.ca)

[Chloe@ChinookRidge.ca](mailto:Chloe@ChinookRidge.ca)



April 22, 2012-04-22

Bruce & Darcy Robertson

Dear Neighbours;

We have made another application to re-designate the land to Business-Leisure and Recreation. If you didn't get a chance to read it in January I have attached a copy here but I would be more than happy to discuss the plans in person. Just give me a call or quick email and we will get together.

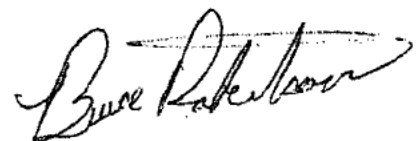
I appreciate your support during the first application and I have also attached a copy of your earlier response to me. The County wants to hear what everyone thinks and I am wondering if you would please write a letter to them regarding your thoughts. I am terribly sorry to have to ask for more of your time.

I look forward to hearing from you.

Sincerely,

  
Chloe Cartwright

We have no objections at all To the  
Lodge or Golf Course.  
We live 1 mile south of Chloe's place





April 08, 2012



J & H Rodgers



RE:

CHINOOK RIDGE – FILE NO. 2012-RV-016

We are writing in support of the above application. The facility would be a great public attraction and would encourage new business into the area. We are also impressed by the environmentally friendly consideration that has been given to these plans to develop.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Rodgers".

Jeremy and Heather Rodgers

PS.  
I know that if we could  
email the support I could  
get quite a few supporters  
for this.

Hello Rick,

It was brought to my attention that Chloey Cartwright of Chinook Ridge Project could use some support in having her property re-zoned for a golf course facility.

Any sort of business like her proposal for that area could only benefit that community. I wholeheartedly support her efforts as I know a lot of the residents in the area.

The fact that the project will be very 'GREEN' is a big plus, as well as all the jobs it would bring.

Linda Sackman



*Stephen & Leslie Simms*

[REDACTED]



**Mr David Yee, Planner**

Development Planning Department  
Municipality of Rocky View County

Tuesday, 1 May, 2012

Dear Mr Yee,

I am writing in support of the Redesignation Application - File No. 2012-RV-016  
Chinook Ridge.

The proposed development by the Cartwright family would provided needed recreational and commercial facilities to the county. It would also provide increased employment, which is always paramount in a rural area.

By all appearances, the proposed development is ecologically sound, being self sufficient for water and being respectful of the land and wildlife. The facility will be a benefit to the community as a whole.

Sincerely yours,

A handwritten signature in cursive script that reads "Stephen &amp; Leslie Simms".

Stephen & Leslie Simms

18<sup>th</sup> May 2012

Mr. Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary  
AB T2E 6X6



Dear Mr. Michalenko

Re: Chinook Ridge Lodge & Golf Course

We are writing to you to support the Chinook Ridge Lodge & Golf Course development and in our opinion, this development will be of tremendous value to the area.

When we are Cochrane, we find that there is a lack of entertainment facilities and it would be beneficial for us to have Chinook Ridge as a place to visit, use the facilities and to offer our friends and families the opportunity to stay there when on vacation. We're from England and find that there is a lack of choice when it comes to choosing restaurants and shopping for art and craftwork.

If I was holding a party, I would like a choice in the venue and at the moment there is a lack of facilities available and thus not much competition and I have to opt for something unsuitable.

There will be a greater desire to stay around Calgary, for longer, with increased choice of activities and entertainment, not just for the golf lovers.

Recently we visited Scotland and Gleneagles, not to play golf, but to enjoy the facilities available, the excellent restaurants and the walks. We are sure that the same would apply to Chinook Ridge, knowing that no matter what time you arrived, you would be able to enjoy the restaurant and other leisure facilities that are being proposed.

All in all, Chinook Ridge would provide us more choice, choice in where to eat, to spend our valuable leisure time and where to book our party and we give our full support to the development.

Yours sincerely

*B Singh* *P Singh*

Paramjit and Pami Singh

Name: IRIS SIKWAAdd PC Date: 8/16/12ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES

AUG 16 2012

RECEIVED

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6

Dear Mr. Michalenko;

**RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course**

I FEEL THIS TYPE OF RECREATION FACILITY  
WOULD BE A ASSET TO THE AREA.  
PLUS THE IMPACT OF PEOPLE COMING TO THE  
AREA A HELPING THE ECONOMY OF THE AREA

  
Signed

Jason Smith



Rick Michalenko RPP, MCIP, Senior Planner

Rocky View County

911 – 32 Avenue NE

Calgary, AB

T2E 6X6

**RE : Chinook Ridge Development**

Sir,

I would like to take this opportunity to write to you as the senior planning officer for Rocky View County in relation to the Chinook Ridge Development project proposed by Chloe Cartwright.

I have previously had the opportunity to work with Chloe Cartwright and I was very impressed with her professionalism and expansive local knowledge of the Rocky View area. Chloe clearly has a passion for the area in which she lives and does a lot to support the local agencies and groups that operate within the County.

During my time working with Chloe, I had the opportunity to stay at her Bed and Breakfast unit then named Hummingbird Haven and was very impressed with the land and views of the countryside and the Rockies from this location.

I have spoken personally to Chloe Cartwright and reviewed the documents that have been prepared in relation to the Chinook Ridge Development and again, I am impressed by the dedication and professionalism towards this project. Chloe has taken every step to ensure that the local area will remain as untouched as possible, ensuring that the wildlife and water table in the area will not be affected by the development.

I am fully in support of the development proposal as it will allow local residents and tourists to further enjoy the countryside outdoor life that Canada is so well known for. The development will

increased tourism to the area (however, not to levels that would be a detriment to the local residents) which in turn would provide employment opportunities for local residents.

I have played golf on many local golf clubs with local residents and I feel that a golf club is an opportunity to bring the local residents together in a social environment.

Once again, I have taken the time to read the documents prepared for the development and I do not hesitate to support this development as I feel that all local concerns have been looked into and addressed. With Chloe Cartwrights dedication towards the project I am certain that this development will be a success and an asset to the area.

Regards,

Jason Smith



28<sup>th</sup> May 2012

Mr. Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary  
AB T2E 6X6

Dear Mr. Michalenko


Re: Chinook Ridge Lodge & Golf Course

We are writing to you to support the Chinook Ridge Lodge & Golf Course development. In our opinion this development will be of tremendous value to the area.

When we are visiting Cochrane, we find that there is a lack of entertainment facilities and it would be beneficial for us to have Chinook Ridge as a place to visit, use the facilities and to offer our friends and families the opportunity to stay there when on vacation. We're from Ottawa and find that there is a lack of choice when it comes to selecting restaurants and shopping for art and craftwork.

All in all, we are looking forward for Chinook Ridge to provide us; more choice in leisure activities, restaurant selection and entertainment facilities. We give our full support to the development.

Yours sincerely

  
Dinesh and Neela Solanki

Name: Michelle Sprighton

Ad 

PC

Date: 4 August 2012,

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6

Dear Mr. Michalenko;

RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course

Coming from South Africa I feel this is a brilliant business leisure & recreation for the community a district for tourist to see & experience what Rocky View District. It will also offer business opportunities for locals to find jobs.

Michelle Sprighton

Signed \_\_\_\_\_



APR 24 2012

Dear Rick Michalenko,

I am writing this letter in support of Chinook Ridge lodge and golf course, that has been submitted by Chloe Cartwright.

I feel this development would be a wonderful asset to the local community and for employment.

The idea of it being an all year round complex would also mean keeping people employed.

I for one would be using such a complex with its beautiful scenery and wonderful hosts.

Yours Sincerely,

T. Munn

**Rick Michalenko**

**From:** Matt Stevens  
**Sent:** Thursday, April 12, 2012 2:43 PM  
**To:** Rick Michalenko  
**Subject:** Chinook Ridge Application Support

Dear Mr Michalenko,

Firstly let me introduce myself, I am 33 year old project manager with an engineering background living in the UK some several 1000 miles away from Cochrane! Canada is one of my favourite countries in the world and I am already planning to emigrate from the UK to the Alberta county and likely somewhere in the vicinity of Cochrane in the near future. In the summer of 2011 me and my family spent our vacation in western Canada spending a week in Cochrane and have therefore some knowledge of the area. Indeed Mrs Cartwright is assisting us with our relocation plans to the area and very kindly introduced us to a number of people and showed us many of the local facilities. I have known Mrs Cartwright prior to our Canadian visit and confirm her to be very passionate about not only her project plans, but also supporting the local community. It is staggering how many locals actually know her and all of which have had good things to say.

One of the reasons I intend to relocate to Canada is because of the outdoor lifestyle and the sports and social events that are commonplace there compared with the 'cramped' UK. It is because of this and the character of Mrs Cartwright that I fully support the plans to build a golf course and associated facilities to complement the course and the area.

To further support my reasoning I believe the rolling pastures on which Chinook Ridge is situated will be put to better use and be controlled with this development. There is certainly not a lack of space, the tourism, local community, creation of jobs and so forth benefits are clear and there appears to be only minor concerns to which can only be expected with such a grand development. However, having read these concerns, I believe there are adequate counter measures proposed – particularly on the water supply issue. And finally with respect to the road quality and congestion, this made me smile...if you think there is a problem there, try visiting the UK!

In conclusion, please take this letter as support for the Chinook Ridge project and I hope there is a positive outcome from the application. I look forward to seeing further development on my next visit to Canada.

With best regards  
**Matt Stevens**  
**Project Manager**

Beverly Stevenson



March 19, 2012



Mr. David Yee, Planner  
Development Planning Department,  
Rocky View County  
911 – 32 Avenue N.E.  
Calgary, Alberta  
T2E 6X6

Dear Mr .Yee:

Re: Redesignation Application #2012-RV-016

The above redesignation application is for the Chinook Ridge Lodge & Golf Course Ltd.  
I am familiar with the property and have known the owner, Chloe Cartwright, for a  
number of years on a professional basis.

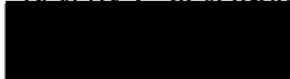
I own property in Rocky View County at NE-8-28-2-W5 and I am in support of the  
redesignation application. Please take this to council for their consideration.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly I. Stevenson". The signature is stylized with a large, sweeping loop at the end.

Beverly I. Stevenson



Mr A Taylor & Miss J Dunn



21<sup>st</sup> May 2012

Ref ; Chinook Ridge Lodge and Golf Course complex.

Dear Mr Michalenko

My name is Adrian, myself and my partner Jackie have been taking vacations in Alberta for some time now and it is our intention to settle in the North West area of Calgary in the not too distant future.

Whilst researching what recreational facilities are available in the area we came across the proposals for a new golf course and lodge complex.

It is in our opinion a fantastic proposal and we feel that it would not only benefit ourselves as frequent visitors but also attract other tourists to the area, consequently creating tremendous opportunities for the local community.

We wish the proposal every success and we shall be watching closely for the outcome.

Yours faithfully

A handwritten signature in black ink, appearing to be "A. Taylor &amp; J. Dunn".

Mr A Taylor & Miss J Dunn LLB (Hons) open



Rick Michalenko RPP, MCIP  
ROCKY VIEW COUNTY  
911-32 Avenue NE |  
Calgary, AB | T2E 6X6

June 2, 2012

Re: Chinook Ridge Lodge and Golf Course

Dear Rick Michalenko,

This is a letter of support for Chloe Carwright's, redesignation of SE ¼, Sec. 31, Twp. 28, Rng. 3, W of 5th M, also referred to as Chinook Ridge Lodge and Golf Course.

Chloe has shown a keen stewardship of the land with the plans for her project. She has addressed all the concerns and objections of her neighbors, and has formed collaborative partnerships to ensure a sustainable and environmentally sound development moves forward.

Her project will be a benefit to the county as a whole with added employment opportunities and an ideally sized lodge for use by smaller sized groups within the county. Currently county residents wishing to hold smaller sized overnight conferences must be accommodated outside the county.

Yours truly,

  
R b Thomson



May 16 2012



Mr David Yee  
Planner  
Development Planning Department  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6

Dear Mr Yee

Re: Chinook Ridge - Redesignation Application  
File No. 2012-RV-016

This letter is in support of the Chinook Ridge Golf Club. We strongly believe that this golf course will benefit the community. The completion of the lodge and course will bring new career and recreational opportunities to the community. Also, a golf course is an outdoor sporting activity that is not only enjoyable but healthy exercise that can be played by the young and old alike. The plans for the course and the environment have also been carefully considered regarding the use of water, impact on neighbours and wildlife. Golf is a sport played by people all over the world and, with this in mind, is a good way to promote tourism in the area. There is no better way to relax or discuss business by playing golf whilst taking in beautiful landscaped surroundings. A golf course is not a noisy place and, given the careful research and planning with this course, will be an environmentally friendly place and an asset to the community.

Yours sincerely

Corin and Carolyn Thorne,

Name: Darlene Tilbury

Add:

PC:

Date: 30-MAY-12

ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES

JUL 11 2012

RECEIVED

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2E 6X6

Dear Mr. Michalenko;

RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course

I am writing this to show my support  
for a fantastic venture.

This is a wonderful benefit to residents  
and local families to enjoy leisure  
opportunities this facility will bring.

Darlene Tilbury  
Signed



MINCK TILBURY

Ad

Pl

Date JUN 15 2012

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911-32 Avenue NE  
Calgary, AB  
T2L 6N6

ROCKY VIEW COUNTY  
PLANNING & COMMUNITY SERVICES

JUL 11 2012

RECEIVED

Dear Mr. Michalenko:

RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course

AS A GOLFER I WOULD WELCOME  
THIS NEW COURSE GREATLY.  
I LOOK FORWARD TO ITS  
PROGRESS AND FULLY SUPPORT IT.

Signed

Name: Cameron Tolley

Address: SE - 5-29-3-5 Pln 9612331 Block 1

PC

Date: 11 Sep 12



**Rick Michalenko RPP, MCIP, Senior Planner**  
**Rocky View County**  
**911-32 Avenue NE**  
**Calgary, AB**  
**T2E 6X6**

**Dear Mr. Michalenko;**

**RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course**

I am a new land owner building a house in  
Mountain View County. I am extremely excited about  
the possibility of a new golf course in this  
area. I fully support this new development, and  
look forward to it's completion

  
**Signed**

Name: Mrs. Jodi Townsend

Address: [REDACTED]

Phone: [REDACTED]

Date: 14 Aug 2022

**Rick Michalenko RPP, MCIP, Senior Planner**  
**Rocky View County**  
**911-32 Avenue NE**  
**Calgary, AB**  
**T2E 6X6**

Dear Mr. Michalenko;

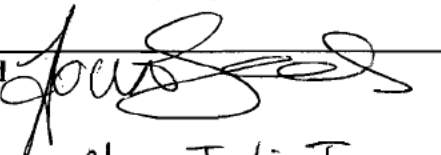
**RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course**

I would like to write to you to Express my Support for the Proposed chinook Ridge lodge & Golf Course. With the creation to Employment, Tourism and Recreation, meeting Place this will add much needed value to the community.

Chloe Cartwright and her family are Very dedicated to this Project & they are determined to make this a Success.

There are many new building Ventures proposed on this Project and I feel this will be a wonderful Place for People to Connect with nature whilst bringing in much needed business.

Signed



Mrs. Jodi Townsend

Jochen & Isa Volland



June 29, 2012

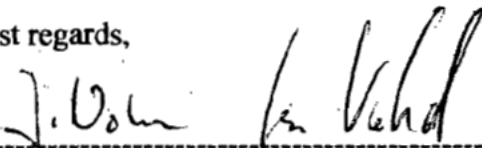
Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911- 32 Avenue NE  
Calgary, AB  
T2E 6X6

Dear Mr. Michalenko,

**RE: Application #2012-RV-016 – Chinook Ridge Lodge & Golf Course**

hereby we would like to support Mrs. Chloe Cartwright in developing  
“Chinook Ridge Lodge & Golf Course”. We know the area and believe that it would be very  
beneficial to have a facility like the above mentioned there. We also think that by building that  
facility, there will be a great new opportunity for people all around to have venues like  
weddings, birthdays, conferences, etc. in our county.

Best regards,



Jochen & Isa Volland



# WILD ROSE WATER WELLS LTD.

B-1 08731001 PRDP20185188

SDAB 2020 Dec 17

Applicant Exhibit 1- 105 letters in support of Bylaw

Box 4028  
Page 104 of 113

Olds, AB T4H 1P6

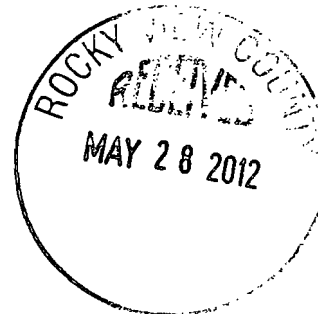
Phone/Fax: (403) 556-6700

## RURAL • INDUSTRIAL • MUNICIPAL

Water Well Drilling - Repairs - Pumps & Pressure System - Environmental Drilling - Flow Testing - Well Abandonments

May 12, 2012

Mr. Rick Michalenko  
MCIP, Senior Planner  
Rocky View County  
911 - 32 Avenue, N.E.,  
Calgary, AB  
T2E 6Y6



Dear Sir:

I am just writing a letter of support for Chloe Cartwright and her endeavour with the Chinook Ridge Lodge & Golf Course. I feel this project would really enrich the County as a tourist attraction and bring job growth in this limited area.

Chloe is a very conscientious person who is doing her best to be environmentally friendly and a good neighbour. I have no fear that Chloe will do what is needed to make this a beautiful facility for all to enjoy and at the same time protect the land, water and wild life.

Sincerely,

A handwritten signature in black ink, appearing to read "Rory Wagner". The signature is fluid and cursive, written over a faint background of a golf course landscape.

Rory Wagner  
Owner/Operator

Janis Williams

April 17, 2012

David Yee RPP, MCIP  
ROCKY VIEW COUNTY  
911-32 Avenue NE  
Calgary, AB, T2E 6X6



Dear Sir/Madam:

**Re-designation Application Number 08731001 #2012-RV-016**

I am writing this letter in support of the above re-designation application for the Chinook Ridge development. This will be a huge improvement to the area. How refreshing it is that the proposals for this development have been so conscientiously thought through, taking into account the conservation of the natural surroundings (and indeed creating better areas for the local wildlife to flourish) and the future enjoyment and benefits this will offer the local community and anyone wishing to visit the area and enjoy its natural beauty.

Having such a facility in the area will offer a huge improvement to the quality of life for local people, offering employment and generating financial advantages to local businesses and a venue for all to enjoy.

I would definitely use this facility myself and recommend its facilities to my family, friends and acquaintances alike.

Yours faithfully,

A handwritten signature in black ink, appearing to be "Janis Williams", written over a circular stamp.

Janis Williams

Graham Wilson  
Century 21 Bravo Realty  
3009 – 23<sup>rd</sup> Street NE  
Calgary, AB T2E 7A4

Rick Michalenko RPP, MCIP, Senior Planner  
Rocky View County  
911–32 Avenue NE  
Calgary, AB T2E 6X6



**RE: Application # 2012-RV-016 – Chinook Ridge Lodge & Golf Course**

Dear Michalenko,

We are writing this letter in support of Mrs. Chloe Cartwright in developing "Chinook Ridge Lodge & Golf Course". We have known Chloe for some time and her skills and leadership will make this project top notch. We have reviewed the material and this looks like a well thought out project. A project that everyone involved can be proud of.

Yours Truly,

A handwritten signature in black ink, appearing to read "Graham Wilson", with a long horizontal line extending to the right.

Graham Wilson BBA  
Broker/Owner  
Century 21 Bravo Realty



Name: T. WOOLINGS

Add

PC

Date: AUG 26/12

**Rick Michalenko RPP, MCIP, Senior Planner**  
**Rocky View County**  
**911-32 Avenue NE**  
**Calgary, AB**  
**T2E 6X6**

Dear Mr. Michalenko;

**RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course**

I AM IN FAVOR OF THIS DEVELOPEMENT AND  
THINK THE CARTRIGHT FAMILY IS DOING THERE  
BEST IN PLANING FOR THE AREA FUTURE

THANK YOU SINCERLY T. WOOLINGS

Signed

Dan Worman / Heather Dyck



Mr. David Yee,  
Development Planning Department  
911 – 32 Ave. N.E.  
Calgary, AB. T2E 6X6

March 4, 2012

RE: Chinook Ridge – Redesignation Application – File # 2012-RV-016

To whom it may concern;

We are in support of the application for redesignation. We see this future development as a win-win situation benefitting the environment, wild-life, and the citizens of the rural community of Rocky View and surrounding areas.

The information handout explains and itemizes all the benefits of the proposed development and they all point to a positive vote to approve the redesignation of Land Use from Farm & Ranch District to Business-Leisure & Recreation District.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Worman".

Dan Worman

A handwritten signature in black ink, appearing to read "Heather Dyck".

Heather Dyck



[REDACTED]

April 13, 2012

Attention: Rick Michalenko, RPP, MCIP  
Senior Planner, Rocky View County

Re: Chinook Ridge Lodge and Golf Course  
Redesignation Application # 2009-RV-189

We wish to express our support for this application.  
The concept is well thought out and the water and environmental impact issues have been  
addressed.  
Currently there is no facility of this caliber in our area and we welcome it.

Sincerely

A handwritten signature in cursive script, appearing to read "Allan and Pat Wylie".

Allan and Pat Wylie  
SE 6-29-3 W5

Name: Donna Young

Address: [REDACTED]

PC: [REDACTED]

Date: Aug 22 '2012

**Rick Michalenko RPP, MCIP, Senior Planner**  
**Rocky View County**  
**911-32 Avenue NE**  
**Calgary, AB**  
**T2E 6X6**

Dear Mr. Michalenko;

**RE: Application #2012-RV-016—Chinook Ridge Lodge & Golf Course**

I would like to offer my enthusiastic support to the Cartwright family and the Chinook Ridge Lodge and Golf Course.

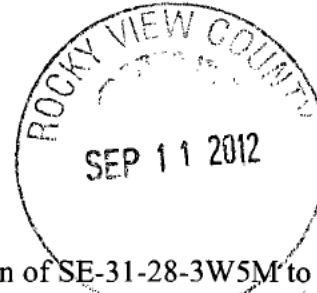
My husband and I are avid golfers and to our view it appears the plan is environmentally sustainable and due diligence has been done.

We wouldn't hesitate to endorse this project and look forward to vacationing at this idyllic retreat.

Donna Young  
Signed

**Jac●line Targett**

**From:** David Duncan  
**Sent:** Sunday, September 09, 2012 1:08 PM  
**To:** PAA\_Planning  
**Subject:** File 08731001 (2012-RV-016)



To Whom it May Concern:

I am writing to be on the record that we are AGAINST the redesignation of SE-31-28-3W5M to Business-Leisure and Recreation District for the development of an 18 hole golf course, 21 room-hotel and conference center, 15 individual cabins and 15 stalls for recreation vehicle overnight stays. We are against the redesignation for the following reasons:

1. There are numerous existing golf courses within a relatively small radius of the proposed development. Water Valley, Tooth of the Dogpound, Madden and Collicut Siding are all a short drive from the proposed location. It seems excessive and unnecessary to have another golf course in this area.
2. Both the construction and operation of the proposed development will have a negative impact on traffic in the area. Many of us who live in the area have moved here to get away from the noise and bustle of the city. There will be a great deal of heavy traffic on our roads during construction that will be unwelcome.
3. It has been published in our local paper (Hitching Post News) that the developers are proposing to have highway 574 paved and widened. This will result in an increase in heavy traffic and a major increase in traffic volumes with vehicles using this road to cut across to and from highway 22. We are concerned that this would have a negative impact on property values for those of us who own land bordering highway 574 and will lead to unwanted extra traffic and noise. Township Road 290 just to the north of the proposed development is already paved. If the proposed development were to go ahead we do not understand why Township Road 290 could not be used for access and why Highway 574 could not be left unpaved or at minimum be left at its current width.
4. We realize that when we purchased our property that there was a caveat on the land title that could allow for the widening of highway 574 in the future. However, we felt that the odds of this happening would be small and if it happened it would not be until far in the future. As a small landowner (5 acres), any loss of our property due to road widening seems invasive and the loss of grazing land for our horses is troublesome. We also feel that as smaller landowners we could feel more impact from the increased traffic and noise than others who have more land and / or are situated further from highway 574. The loss of any property to road widening would have an adverse impact on our property value.

We appreciate the opportunity to have our concerns regarding the proposed development heard and entered into the public record.

Regards,

David & Katrina Duncan  
33037 Township Road 284

Rocky View County  
911 32 Ave. N.E  
Calgary AB T2E 6X6  
Attn: Mr. David Yee

March 6, 2012



Dear David,

Re: Application 2012-RV-016

My husband and I are not opposed to the project itself, by the most part. However, we are absolutely concerned about the volume of traffic, the volume of dust in the air, the impact the visitors and the traffic will have on our roads in the area, and road safety.

The majority of visitors and the majority of daily traffic volumes will come from Calgary, Cochrane, Airdrie and Crossfield. Highway 574 is by far the quickest and shortest way to arrive at the "Chinook Ridge" facility from these surrounding towns and cities. Regardless of the other suggested route to get to "Chinook Ridge", we all know that people will take the shortest route.

With the current volume of traffic using Hwy 574, as it stands now in summer months, this road is nearly constant washboard, pot holed and in a dust bowl scenario. Now factor in the rain come springtime, and parts of Hwy 574 become so muddy and boggy that it can be dangerous to drive on. This gravel road doesn't handle well, even with the traffic volume at it's current rate.

As for Range Road 35, this road is very narrow. Increased traffic along RR 35 will worsen the dust, washboard, potholes, noise, and will make this stretch of road very dangerous as well. Also, most of the homes are very close to this gravel road. Don't forget that this is a quiet country road where people live. We moved from the city to get away from the busy traffic, noise and hustle and bustle. Furthermore, has there been any kind of foresight on what activities the RV families will be doing? Will they be riding bikes, walking their dogs, or jogging along RR 35? Has this been brought into consideration regarding safety?

I would like to ask what the maximum occupancy limit is? If the hope is for a successful convention centre, golf course and RV'ing facility, we would like to know what kinds of numbers are we looking at here?

Before all the big construction trucks and heavy equipment trucks begin rolling up and down our local roads, we would like to know how the dust and flying stones are going to be handled? Will the anti-dust chemical be used throughout the route? We will be opposed to having to eat dust constantly from all the areas not covered by dust inhibitor. Those areas will kick up dust and float into our property and home. How many big trucks will be passing by on our road daily? How many trips will each big truck do per day? How many weeks will they be working? Will the roads be upgraded to handle the construction traffic?

1 of 2

The other concern we have, is who is going to pay to have these roads maintained properly? Should these roads be paved, and they should if this project goes ahead, then we want to know if the developers will foot the bill for this cost of the road improvements?

Prior to any construction beginning or the business opening to the public, we would like to see the roads improved to provide safety, and consideration to all our concerns be given. Out of respect and courtesy for those of us who have invested our lives into our home, who live in the area, I would like to be assured that the noise level from traffic, the increase in traffic volume; the wear and tear on our local roads, the recreational goers and the convention goers, will be completely regulated and under control. This facility means big changes to our area, and it will have a significant impact on our community and environment.

Though we want to see our neighbors be successful in their business, we need some kind of peace of mind and reassurance, knowing that the impact of this facility will not be an intrusion on our quiet rural neighborhood. We will need to find some acceptance that our area will lose it's residential feel and appeal, and become an area of business.

Respectfully,

Patrick and Karen Singer



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

I am writing to let you know that I have reviewed the plans for the Chinook Ridge RV Park & Castle development located at 285049 Range Road 35 in the County of Rocky View. I appreciate the opportunity to have my thoughts regarding this project heard by the Appeal Panel.

☒ Overall I am **in support** of this project providing it is built within the guidelines of Rocky View's permitted uses for this land designation, B-L & R, and with-in environmentally friendly framework. I believe this development will be an asset to the community at large and result in more jobs, more tourists and an increase in visitors to area businesses and their customers. This will boost the bottom line and local income in many different ways.

☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: This project is well researched and well planned. It will be a long time asset to the Municipality

Thank you for taking the time to review my comments.

Sincerely



Name

08/06/2019

Date

Regina Symplony Orchestra

Business Name

Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

  
Name

Aug. 06, 2019  
Date

HOPPE Farm  
Business Name

Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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\_\_\_\_\_ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

Mrs BJ Hople  
Name

August 06/19  
Date

\_\_\_\_\_  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: \_\_\_\_\_

*it's a great idea and promptly!*

Thank you for taking the time to review my comments.

Sincerely

*Tanya Becker*

Name

*July 26-19*

Date

\_\_\_\_\_  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: this would be great for the local  
economy

Thank you for taking the time to review my comments.

Sincerely

Emily Lamb  
Name

July 27, 19  
Date

\_\_\_\_\_  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: Can not wait to enjoy this facility in the future

Thank you for taking the time to review my comments.

Sincerely

Tyler Skarsen

Name

Business Name

July 27/19

Date



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: THIS OPERATION IS NEEDED  
IN THIS LOCATION

Thank you for taking the time to review my comments.

Sincerely

Van Sanchez

Name

JULY 27/2019

Date

WATER VALLEY CORNER LIQUOR STORE LTD.

Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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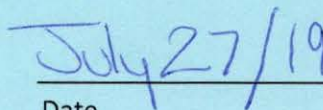
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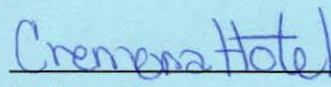
Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

  
\_\_\_\_\_  
Name

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Business Name

Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

Bill Hawkins  
Name

July 27, 2019  
Date

Cremora Bottle Depot  
Business Name



Appeal Panel Hearing Members

County of Rocky View

262075 Rocky View Point

Rocky View County, AB

T4A 0X2

July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: This Will Bring more business to the  
area.

Thank you for taking the time to review my comments.

Sincerely

Colin Ryan  
Name

July 27, 2019  
Date

Wildcat Coffee Company  
Business Name

Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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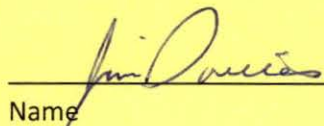
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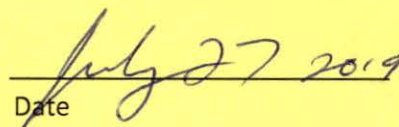
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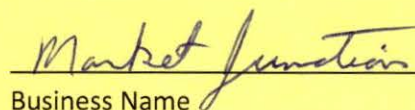
Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

  
Name

  
Date

  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that:

this is a great idea. This would  
bring some uniqueness and ~~help~~ help the economy  
of the town

Thank you for taking the time to review my comments.

Sincerely

Chris Campbell Andrew

Name

27-~~7~~-2019

Date

                      
Business Name

Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: This project would potentially bring a great deal more business to local businesses and improve the rural economy

Thank you for taking the time to review my comments.

Sincerely

Robyn Patterson  
Name

08/27/2019  
Date

Firever Wood Inc.  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: it'd be a great idea!  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

Abb: AEG

Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: many people look for RV lots  
around here, and this project will  
fulfill that need.

Thank you for taking the time to review my comments.

Sincerely

Larry [Signature]  
Name

27072019  
Date

[Signature]  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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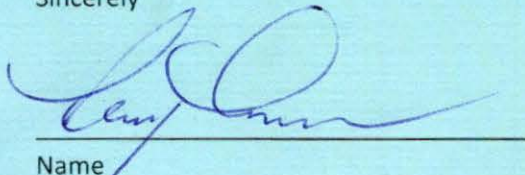
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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: a new business in the area that  
would draw in tourism will be a great asset.  
to this community.

Thank you for taking the time to review my comments.

Sincerely

  
Name

July 27 2019  
Date

Felin Used Furniture  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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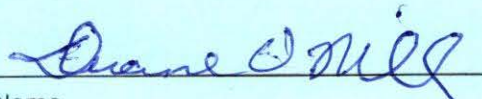
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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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\_\_\_\_ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

Penny Darswell  
Name

27 July 2019.  
Date

Typhie Creations  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: A LOCAL RV AREA IS NEEDED IN THIS  
AREA


Thank you for taking the time to review my comments.

Sincerely

KEITH LEWIS  
Name

KC FOODS  
Business Name

July 27/19  
Date





Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: An RV Park could bring alot  
of business to the local communitys.

Thank you for taking the time to review my comments.

Sincerely

Draygen Lewis  
Name

July 27/2019  
Date

KC Foods  
Business Name

Dennis



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

Lee Luy  
Name

07/27/19  
Date

Kc foods  
Business Name



Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: Wonderful asset to  
the community. Can't wait!

Thank you for taking the time to review my comments.

Sincerely

Barb Goodlyear  
Name

July 29, 2019  
Date

\_\_\_\_\_  
Business Name

Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do NOT support this endeavor and do not believe it will be an asset to the community.

Personally, I think that: as a member of the rural community, there are not enough amenities around this area and feel it would definitely be an asset to our community.

Thank you for taking the time to review my comments.

Sincerely

RW Hawkins  
Name

July 29/19  
Date

Hawkins Ranch  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do NOT support this endeavor and do not believe it will be an asset to the community.

Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

LEVON PATRICK  
Name

AUG. 1, 2019  
Date

\_\_\_\_\_  
Business Name

Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that:

*This is a great development  
for the area and Community  
Helping keep dollars local and creating  
a place for others to come to the  
community.*

Thank you for taking the time to review my comments.

Sincerely

*Derek Austin*  
Name

*July 30/2019*  
Date

*Century 21 Advantage*  
Business Name  
*Realtor*



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

Paramjit Singh  
Name

B Singh

31/7/2019  
Date

\_\_\_\_\_  
Business Name

Appeal Panel Hearing Members  
County of Rocky View  
263075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do NOT support this endeavor and do not believe it will be an asset to the community.

Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

Sandy Petrick  
Name

08/01/19  
Date

\_\_\_\_\_  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: this project is important to our  
Community. This maintains the land without seeing multiple  
houses, offers local employment and keeps our area beautiful.

Thank you for taking the time to review my comments.

Sincerely

Kathy Fenton  
Name

August 1, 2019  
Date

Kathy Fenton  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: ANY DEDICATED RV Parks KEEP RV'S AWAY  
FROM RESIDENTIAL AREAS AND THE CASTLE WILL BEING  
NO MORE JOBS & REVENUE FOR THE AREA.

Thank you for taking the time to review my comments.

Sincerely

NEIL HAMMOND

Name

31/7/2019

Date

1809255 ALBERTA LTD

Business Name

Appeal Panel Hearing Members

County of Rocky View

262075 Rocky View Point

Rocky View County, AB

T4A 0X2

July 21, 2019

Dear Hearing Panel Chair & Members,

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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I do **NOT support** this endeavor and do not believe it will be an asset to the community

Personally, I think that this is a development that  
will benefit the community and that it  
will be executed in a civically responsible way.

Thank you for taking the time to review my comments.

Sincerely,

Ria Kinzel

Name

4 August 2019

Date

Global Country

Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: It will be a very positive  
progression for local businesses and create  
jobs for locals

Thank you for taking the time to review my comments.

Sincerely

Brian M. Hall  
Name

July 21 2019  
Date

\_\_\_\_\_  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that:

This is a fantastic opportunity for the community. more jobs, great for business  
I fully support this plan.

Thank you for taking the time to review my comments.

Sincerely

**DARLENE TILBURY**

Name

*Darlene Milbray*

**22. JULY - 2019**

Date

Business Name



**Chloe Cartwright**

**From:** [REDACTED]  
**Sent:** Tuesday, July 16, 2019 7:12 AM  
**To:** 'Chloe Cartwright'; 'Cremona Water Valley and District Chamber of Commerce'; 'Clarke Erwin'; 'Ken and Linda Newsome'; 'Gerry Neilon'; 'Village of Cremona'; 'Keith Lewis'; 'Heather Van Esch'; 'June and Claude Clavagnier'; 'Michael Kerfoot'; 'Bob Weibe'; 'Joseph Shi'; 'Laura Ferner'; pat@fallentimbermeadery.ca; debora@mvetheheritagecentre.com  
**Subject:** RE: Good morning - request for support

Hi Chloe,

Of course, I am supporting your new development.  
 That type of new business would give us a lot of help for local community.  
 Please have my name in your support list..

Thank you,  
 JS.

**From:** Chloe Cartwright [REDACTED]  
**Sent:** Friday, July 12, 2019 11:18 AM  
**To:** 'Cremona Water Valley and District Chamber of Commerce' [REDACTED]; 'Clarke Erwin' [REDACTED]; 'Ken and Linda Newsome' [REDACTED]; 'Gerry Neilon' [REDACTED]; 'Village of Cremona' <cao@cremona.ca>; 'Keith Lewis' [REDACTED]; 'Heather Van Esch' <heather@cremonavet.com>; 'June and Claude Clavagnier' [REDACTED]; 'Michael Kerfoot' <sunergy@compostingtoilet.com>; 'Bob Weibe' [REDACTED]; 'Joseph Shi' [REDACTED]; 'Laura Ferner' <info@bigferncontracting.com>; pat@fallentimbermeadery.ca; debora@mvetheheritagecentre.com  
**Subject:** Good morning - request for support

Good morning fellow Chamber Members;

As many of you know I have been approved to construct an 81 stall RV Park on my land near Dogpound (Castle/event center to follow). I am in the midst of Development Permit Appeal Hearings and need some community/business input to help nudge this along. I am requesting that you write a quick email back to me to support this development and briefly outline how you think this will be of benefit to your business and to the community in general.

As we all know it is sometimes difficult to generate enough business to be viable in this area. The low population translates to many businesses being 'under-utilized'. I am certain you can see how these 'temporary residents' will bring fresh money into the community and into your businesses. Tourists love to look for opportunities.😊

Look forward to hearing back from you. You can email me directly at [Chloe@ChinookRidge.ca](mailto:Chloe@ChinookRidge.ca)

*Chloe Cartwright*

BSW, RSW (3515, retired)

MBA in CED(candidate)

*Chinook Ridge Castle & RV Park*

403 650 0888

[www.ChinookRidge.ca](http://www.ChinookRidge.ca)



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that:

SEE ATTACHED

Thank you for taking the time to review my comments.

Sincerely

Name

DRANE NEEDHAM

Date

JULY 22/19

Business Name

BOUTREZ GENERAL STORE



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that:

It shouldn't affect us that  
much.

Thank you for taking the time to review my comments.

Sincerely

Tim Needham

Name

July 22/2019

Date

Bottle/ gro store

Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: this project would be an asset to our community and if done meeting the above stated guidelines should be allowed to proceed. There is lots of room for more tourism and recreation venues in this area.

Thank you for taking the time to review my comments.

Sincerely

Pat Ryan  
Name

July 23 / 19  
Date

Fallentimber Meadery  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that:

This Project will Bring in  
New Visitors into area which will support  
local Golf courses + Businesses

Thank you for taking the time to review my comments.

Sincerely

Pasey Wang

Name

July 22/19

Date

Consite Construction

Business Name

**Chloe Cartwright**

---

**From:** [REDACTED]  
**Sent:** Wednesday, July 24, 2019 11:41 AM  
**To:** Chloe Cartwright  
**Subject:** subdivision & appeal board

Please note:

Appeal Panel Hearing Members  
County of Rockyview

re: Chinook Ridge RV Park & Centre  
at 285049 Range Road 35  
in the County of Rockyview

23 July, 2019

Subdivision & Appeal Board - Hearing PRDP20185188

Overall we support this project providing that it is built within the guidelines of Rockyview development approval.

The proposal is a reasoned and interesting development as outlined by the Owner.

The activities on the site are located within the development and are well screened with existing and new planting from the existing Range road.

We believe that site is planned as a good neighbour development and look forward to a successful project.

Regards,

Samuel Pakarnyk  
Architect AAA, CIPM



11.

Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: it is a great idea.

Thank you for taking the time to review my comments.

Sincerely

CHAD MCPHERSON  
Name

7/23/2019  
Date

CAN DO MORE PAINTING INC.  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: this would be a positive  
addition to the area

Thank you for taking the time to review my comments.

Sincerely

Spur Blom  
Name

July 23/19  
Date

  
Business Name



Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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       I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: THIS PROJECT IS A GOLD MINE.  
CREAT CONSTRUCTION JOBS AND MAINTENANCE  
JOBS- IN SIDE & OUT.

Thank you for taking the time to review my comments.

Sincerely

LEE. WORMAN  
Name

JULY 28/19  
Date

LEES MAINTENANCE  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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**RE: SUBDIVISION & APPEAL BOARD - HEARING PRDP20185188**

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☒ Overall I am in **support** of this project providing it is built within the guidelines of Rocky View's permitted uses for this land designation, B-L & R, and with-in environmentally friendly framework. I believe this development will be an asset to the community at large and result in more jobs, more tourists and an increase in visitors to area businesses and their customers. This will boost the bottom line and local income in many different ways.

☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that:

this is a great opportunity for  
the community, and surrounding area.

Thank you for taking the time to review my comments.

Sincerely

Deb Hawkins  
Name

July 29, 19  
Date

Hawkins' Ranch  
Business Name



Dragon Flight Archery  
Business Name

Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

Dear Hearing Panel Chair & Members;

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that: a new business in the area that  
would draw in tourism will be a great asset  
to this community.

Thank you for taking the time to review my comments.

Sincerely

  
Name

July 27 2019  
Date

Felin Wood Furniture  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

Name

*Blyck*

Date

*July 31, 2019*

Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

Ther Cartwright  
Name

July 25, 2019  
Date

\_\_\_\_\_  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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Personally, I think that: it's a great idea to  
bring interest and tourism to our  
area!

Thank you for taking the time to review my comments.

Sincerely

John Speeth  
Name

July 27 / 19  
Date

T.S.'s Htg.  
Business Name



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Sincerely

31 July 19

Business Name



Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

R. VanDusen  
Name

JULY 27/19  
Date

A & A ENTERPRISES  
Business Name  
A/A WATER VALLEY HARDWARE



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
July 21, 2019

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☐ I do **NOT support** this endeavor and do not believe it will be an asset to the community.

Personally, I think that:

Great idea

Thank you for taking the time to review my comments.

Sincerely

Shirley R. Speck  
Name

July 27/19  
Date

\_\_\_\_\_  
Business Name

Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
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Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

Randy Hornack  
Name

Aug 5/2019  
Date

\_\_\_\_\_  
Business Name



Appeal Panel Hearing Members  
County of Rocky View  
262075 Rocky View Point  
Rocky View County, AB  
T4A 0X2  
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Personally, I think that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for taking the time to review my comments.

Sincerely

Candice Webb  
Name

Aug 2 / 19  
Date

\_\_\_\_\_  
Business Name



Applicant Name: [REDACTED]

County of Birth: [REDACTED]

Applicant Address: [REDACTED]

Applicant Phone: [REDACTED]

Applicant Email: [REDACTED]

Applicant Date: [REDACTED]

Applicant Signature: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## **In the Court of Appeal of Alberta**

**Citation: Cartwright v Rocky View County Subdivision and Development Appeal Board,  
2020 ABCA 408**

**Date:** 20201123  
**Docket:** 1901-0285-AC  
**Registry:** Calgary

**Between:**

**Chloe Cartwright**

Appellant

- and -

**Rocky View County Subdivision and Development Appeal Board**

Respondent

---

**The Court:**

**The Honourable Mr. Justice J.D. Bruce McDonald  
The Honourable Madam Justice Barbara Lea Veldhuis  
The Honourable Mr. Justice Thomas W. Wakeling**

---

**Memorandum of Judgment of the Honourable Mr. Justice McDonald  
and the Honourable Madam Justice Veldhuis**

**Memorandum of Judgment of the Honourable Mr. Justice Wakeling  
Concurring in the Result**

Appeal from the Decision of  
The Rocky View County Subdivision and Development Appeal Board  
Dated the 22nd day of August, 2019  
(2019-SDAB-037)



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## Memorandum of Judgment

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### The Majority:

#### Introduction

[1] The appellant, Chloe Cartwright appeals pursuant to section 688 of the *Municipal Government Act* (the *Act*) a decision of the Rocky View County Subdivision and Development Appeal Board (SDAB) which was rendered on August 22, 2019 (the Decision).

[2] In the Decision, the SDAB allowed an appeal from the May 28, 2019 decision of the Rocky View County Developmental Authority (Development Authority) to issue a development permit to Cartwright to allow her to develop certain lands owned by her.

[3] In addition, the appellant brings an application to adduce fresh evidence on the appeal.

[4] We allow the application for the admission for fresh evidence and we allow the appeal on the first ground. We dismiss the second ground of appeal.

#### Statement of Facts

[5] The appellant is a rural landowner in Rocky View County. In 2012, she filed an application to re-designate her land from Ranch and Farm to Business-Leisure and Recreation. In her application to the County, she indicated the entirety of her lands would be used for a golf course development. The County re-designated the land and, in 2013, approved the appellant's development permit for an 18-hole golf course, a clubhouse and lodge facility, a campground, and use of an existing structure as a maintenance building. The appellant later allowed this development permit to expire.

[6] In December 2018, the appellant applied for a new development permit. The application was circulated to 14 adjacent landowners. A development permit was approved by the Development Authority on May 28, 2019, subject to a host of conditions. The development permit allowed the appellant to develop a campground, a tourist building including accommodation, and relaxed the area's building height requirement. This development permit was appealed by three landowners, not all of whom were included within the circulation area. An appeal hearing was scheduled for June 26, 2019.

[7] The appeal of the appellant's development permit was the seventh matter on the SDAB's June 26, 2019 hearing list. Chairperson Kochan participated in the first six appeals. Prior to the commencement of the seventh appeal however, he announced his intended recusal and stated:

Okay. Having the introductions before the municipal clerk reads in the nature of the appeal, I'm going to have to recuse myself because I've got a very close relative

that is going to support the appeal. As well, I am going to withdraw. And I am going to speak on behalf of supporting the appeal as well.

So with that, because of the fact that we don't have — we need an odd number, Mr. Hartley is going to step down as well. So we'll have a three member Board and Councillor Henn is going to assume the duties of the Chair. Good luck.

[8] The SDAB heard oral submissions on behalf of 13 parties, including Rocky View County administration, the appellant in this matter, and Kochan. Three letters in support of the appeal were also received. Kochan spoke on behalf of his daughter and his son-in-law, as well as on his own behalf “as a taxpayer”. He was the final person to speak in support of the appeal.

[9] On August 22, 2019, the SDAB issued the Decision. It found that the proposed development did not comply with the land use policies of County Land Use *Bylaw* C-4841-97 (which had been amended with the appellant’s 2012 re-designation) and would interfere with the amenities of the neighbourhood, as well as the use, enjoyment, or value of neighbouring parcels.

### **Appellant’s Application to Adduce Fresh Evidence**

[10] At the commencement of the appeal the appellant made an application to adduce fresh evidence, specifically the following:

- Affidavit of the appellant sworn October 30, 2019;
- Transcript of questioning of the appellant on her affidavit;
- Affidavit of Kochan sworn October 24, 2019; and
- Transcript of questioning of Kochan on his affidavit.

[11] The thrust of the appellant’s application to adduce fresh evidence was to strengthen her argument of reasonable apprehension of bias and in particular Kochan’s conduct. Much of what was contained in her affidavit was already on the public record.

[12] However, in paragraph 9 of her affidavit, the appellant deposed that prior to the commencement of the hearing before the SDAB she heard Kochan state “this is why we should never allow land re-designations to go through”.

[13] In addition, there are portions of the transcript of oral questioning of Kochan on his affidavit that the appellant argues are pertinent, for example the following exchange:

Q But you’d agree that being the chair of the board is a leadership position?

A It is.

Q Alright. And they choose you to do it?

A That's correct.

[14] Section 689(1) of the *Act* provides that upon hearing an appeal from the decision from a subdivision and development appeal board “no evidence other than the evidence submitted to the Municipal Government Board or the subdivision and development appeal board may be admitted...”.

[15] However, it has been noted that a literal interpretation of that section would insulate some important errors of law from review on appeal, something that could not have been intended: *Sobeys West Inc v Edmonton (City)*, 2015 ABCA 32 at para 13 citing, *inter alia R v Northumberland Compensation Appeal Tribunal*, [1952] 1 KB 338 at p 354, [1952] 1 All ER 122 at pp 131-2. As a result, fresh evidence in support of allegations of a reasonable apprehension of bias discovered outside the hearing and which are not mentioned on the record, can be introduced on an application for fresh evidence: *Milner Power Inc v Alberta (Energy and Utilities Board)*, 2007 ABCA 265 at para 42.

[16] We feel that this is the case herein and accordingly we allow the application to adduce fresh evidence.

### **Grounds of Appeal**

[17] Pursuant to the order of Madam Justice Rowbotham granted on November 28, 2019, the appellant was given permission to appeal the Decision on the following two grounds:

- a) Did the conduct of the appeal give rise to a reasonable apprehension of bias?
- b) To what extent can the Respondent [SDAB] consider “agriculture” regarding decisions with respect to a parcel that by way of site specific amendment to a *Land Use Bylaw* has been re-designated from “Agricultural Land” to another use such as “Business-Pleasure and Recreation”?

### **Standard of Review**

[18] As there is a statutory right to appeal under the *Act*, the standards of review are those for general appellant matters: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65. The standard of review with respect to reasonable apprehension of bias is correctness: *R v Quintero-Gelvez*, 2019 ABCA 17 at para 6; *R v Schmaltz*, 2015 ABCA 4 at paras 13-14.



## Analysis

### Reasonable Apprehension of Bias

[19] The test to determine whether an apprehension of bias has been established is whether an informed person, viewing the matter realistically and practically, would have a reasonable apprehension of bias. In the case of administrative tribunals, the context must be taken into account, including the role and function of the tribunal, the requirements of natural justice and institutional constraints faced by the administrative tribunal: *Committee for Justice and Liberty v National Energy Board*, [1978] 1 SCR 369 at 394-395; *International Woodworkers of America, Local 2-69 v Consolidated Bathurst Packing Ltd*, [1990] 1 SCR 282 at 323-324; *Beier v Vermilion River (County) Subdivision and Development Appeal Board*, 2009 ABCA 338 at para 7.

[20] The basis for a reasonable apprehension of bias must be substantial and the matter should not be decided by a particularly sensitive or scrupulous person: *National Energy Board* at para 41. Both parties agree that the test from *National Energy Board* governs in this matter, but argue its application differently.

[21] The appellant submits that the issue of bias before this Court is so serious that only cases considering blatant and palpable political interference, like *Roncarelli v Duplessis*, [1959] SCR 121, are factually similar. In *Roncarelli*, the owner of a restaurant in Montreal had his liquor license revoked and his renewal application denied at the behest of the Attorney General and Premier of the province. The revocation was not an exercise of official or statutory power, but instead a discretionary decision used to punish Roncarelli, who had been known to provide bail to Jehovah's Witnesses arrested in connection with the sale of religious literature.

[22] The appellant also cites this Court's decision in *Hutterian Brethren Church of Starland v Starland (Municipal District)*, 1993 ABCA 76 at para 36, for the proposition that three categories of bias are typically recognized:

- (a) an opinion about the subject matter so strong as to produce fixed and unalterable conclusions;
- (b) any pecuniary bias, however slight;
- (c) personal bias either by association with a party or personal hostility to a party, where the test is real likelihood of bias and the appearance that justice is done.

[23] The respondent, meanwhile, relies on the Supreme Court of Canada's decision in *R v S(RD)*, [1997] 3 SCR 484. *S(RD)* provides that there are two objective elements to the test for reasonable apprehension of bias: first, the allegation must be made by a reasonable person who is

fully informed and possesses knowledge of all relevant circumstances; and second, the apprehension of bias itself must be reasonable in all the circumstances: *S(RD)* at paras 111-113. This test, the respondent submits, was recently applied in *Yukon Francophone School Board, Education Area #23 v Yukon (Attorney General)*, 2015 SCC 25 at paras 21-26.

[24] The respondent argues that consideration of a reasonable apprehension of bias in this case must therefore include knowledge of *Rocky View County's Code of Conduct (Code of Conduct)*, as well as the *Act*, both of which permit the chairperson to act as he did. In the circumstances of this case, the respondent argues, Kochan properly recused himself, and was entitled to make representations to the board.

[25] As this Court recently stated in *Stubicar v Calgary (Subdivision and Development Appeal Board)*, 2019 ABCA 336, SDABs are adjudicative tribunals and the conduct of their members must not create a reasonable apprehension of bias regarding their decisions. This is a contextual assessment and takes into account the nature of the tribunal and the nature of the decision being made: *Stubicar* at para 25, citing *Newfoundland Telephone Co v Newfoundland (Board of Commissioners of Public Utilities)*, [1992] 1 SCR 623 at para 63; *Beier* at para 7.

[26] In *Beier*, this Court noted that SDABs must exhibit a high degree of impartiality: *Beier* at para 6. The role and function of an SDAB “with respect to property rights is highly significant to the use of property.... They set and shape development in a community and may affect many property owners. It is trite law that justice must be seen to be done as well as being done”: *Beier* at para 10.

[27] SDAB members have been known to declare a position, but often outside the context of hearing a specific matter. In *Beaverford v Thorhild (County) No 7*, 2013 ABCA 6, for example, this Court considered a situation where a county councillor, who had publicly advocated positions directly adverse to, or limiting of, gravel extraction developments, also took a key role in an SDAB panel deciding against a gravel development. The councillor’s involvement was objected to, but the SDAB allowed him to participate.

[28] This Court noted that it is not automatically lethal to fairness or the creation of a reasonable apprehension of bias for there to be participation of a person in a tribunal where that person has previously expressed a relevant opinion. At paras 23-25, the Court explained that the context of the decision must be considered:

[23] Therefore, the practicalities of local governance, as well as the legislative authority given to bodies of local governance, are to be kept in the front of the judicial mind when assessing whether there is a departure from the applicable contours of procedural fairness (including as to alleged bias or its reasonable apprehension). **The Court must also address itself to whether a collective body such as the SDAB is to be considered tainted as a group because of the participation of an elected councillor who has, when wearing his other hat,**

**taken strong opinions on a matter of the nature under consideration.** On this, the respondent presses *McLaren v. Castlegar (City)*, 2011 BCCA 134, 27 Admin. L.R. (5th) 333 (B.C. C.A.) at paras 35 to 38, for the proposition that a tribunal "made up of elected politicians" could not be expected to "come to the hearing without some knowledge of the situation".

**[24] Nevertheless, another of the practicalities of local governance is that it is not always necessary for a person who has acted as a strong advocate for a position directly related to the subject matter before the SDAB to participate in the matter, where other equally qualified participants in the SDAB hearing are available.** It was not disputed before this Court that the local SDAB had not run out of qualified participants. That factual reality is significant here. It means that there was no necessity for Croswell to have taken part in this SDAB hearing, that necessity concept being reflected in *Peters v. Strathcona (County) No. 20 (1989)*, 102 A.R. 241 (Alta. C.A.) at paras 6 to 8.

**[25] Would a reasonable person, knowledgeable of the facts, and having thought the matter through, conclude that Croswell had a settled opinion against developments such as the applicant's prior to SDAB hearing? Since there is both an attitudinal and behavioural aspect to lack of impartiality, the Court would as part of the analysis consider whether a reasonable person could have confidence that Croswell would approach the matter with an open mind.**

[Emphasis added]

**[29] In *Beaverford* at para 23, this Court stated that "[a]lthough participation of a single person does not always taint a tribunal of size... a reasonable person could infer from the circumstances as a whole that Croswell had influence over the reasoning process of the SDAB panel as a whole. Under those circumstances, an apprehension of bias can be reasonably thought to arise from the participation of Croswell."** This Court then went on to hold that the test for determining a reasonable apprehension of bias had been established. The decision was then quashed and the matter remitted back for a new hearing.

**[30] While Kochan did not participate in the hearing as the councillor in *Beaverford* had, he made his position with respect to the appeal clearly known while he was still in the position of chairperson and he then advocated for the appeal thereafter.**

**[31] It is also worth noting that while Kochan chose to advocate for both himself and his family, there were likely other qualified people who could have done that in his stead, as in *Beaverford*. The SDAB had representations from more than a dozen community members to aid in making the Decision; there was no need for Kochan to behave in the manner that he did and to call into question the impartiality of the SDAB.**



[32] The appellant essentially argues that Kochan's conduct tainted the entire proceedings before the SDAB. As this Court noted at paras 8-9 of *Mountain Creeks Ranch Inc v Yellowhead (County) Subdivision and Development Appeal Board*, 2006 ABCA 126, disqualification of one member of an administrative tribunal on the ground of a reasonable apprehension of bias may affect the whole proceeding:

[8] The Supreme Court of Canada in *Wewaykum Indian Band v. Canada*, [2003] 2 S.C.R. 239, 2003 SCC 45 at para. 2, held that allegations that a decision may be tainted by a reasonable apprehension of bias are to be dealt with as serious matters. Parties appearing before administrative tribunals or boards such as the SDAB are entitled to decision-makers who approach the matters before them free of interest. However, there is a presumption that tribunal members will act impartially in the absence of evidence to the contrary: Sara Blake, *Administrative Law in Canada*, 3d ed. (Markham, Ont.: Butterworths, 2001) at 106. The principle of impartiality is so fundamental to a fair hearing that if a single member of an administrative body is disqualified on the basis of bias or reasonable apprehension of bias, the whole proceeding is affected. As a result, the general rule is that the decision will be quashed, regardless of the fact that the biased member's vote may not have been a factor in the outcome: Frederick Laux, *Planning Law and Practice in Alberta*, 3d ed. (Edmonton: Juriliber, 2002) at §7.3(5).

[9] A reasonable apprehension of bias arises where a reasonable person, knowledgeable of the facts of the situation, would conclude that it was likely that the decision maker would not decide fairly: *Wewaykum* at para. 60. The factors for determining if there is a reasonable apprehension of bias include asking whether the decision maker has a financial or personal interest in the outcome; a present or past link with either the party; earlier participation or knowledge of the litigation; or has expressed any sentiment or undertaken any activity illustrating bias: *Wewaykum* at para. 77.

[33] In *506221 Alberta Ltd v Parkland (County)*, 2008 ABCA 109, this Court held that where a county's manager of planning and development remained in the hearing room while the SDAB deliberated and decided an appeal, a reasonable apprehension of bias was founded. Citing *Hutterian Brethren*, this Court said that a "tribunal cannot seem to admit to its decision-making process one of the parties, or someone too closely connected with one of the parties": *506221* at para 13.

[34] The appellant need not show that bias actually impacted the Decision. In *Yukon Francophone*, the Supreme Court noted that the objective test for reasonable apprehension of bias is concerned with ensuring not only the reality, but the appearance, of a fair adjudicative process; impartial adjudication is important not only for ensuring fair process but maintaining public confidence: *Yukon Francophone* at paras 22-23. Justice must be done as well as being seen to be

done. The SDAB is semi-judicial in nature and a high degree of impartiality is required. This Court must ask, would a well-informed person viewing the matter realistically and practically and having obtained the necessary information, apprehend that it was more likely than not that the SDAB in this case did not decide fairly? On these facts the answer must be yes.

[35] Kochan acted appropriately in deciding to recuse himself in the hearing of the appellant's matter. However, he tainted his recusal by stating his position and informing all those present that he would be advocating in favour of the appeal – all the while still in his position as chairperson. A reasonable person, viewing the matter realistically and practically, would be concerned with the fairness of the proceedings and a reasonable apprehension of bias would thus exist. While his comments were brief, Kochan's conduct gave the impression he was wielding his influence with his fellow board members, while still in a position of power. According to section 33 of the *Code of Conduct*: "Members [of the SDAB] must not act or appear to act in order to benefit, financially or otherwise, themselves or their family, friends, associates, businesses, or otherwise". Not only was the *Code of Conduct* breached, but more importantly the actions of Kochan at common law created a reasonable apprehension of bias.

[36] The respondent contends that the Supreme Court of Canada's decision in *Mugesera v Canada (Minister of Citizenship and Immigration)*, 2005 SCC 40, should protect the Decision. In *Mugesera*, Justice Abella recused herself from the hearing of a matter owing to her husband's affiliation with one of the parties. The Supreme Court of Canada held that the entire Court was not tainted simply as a result of Justice Abella's position.

[37] However, the facts of *Mugesera* are not identical to the facts of this case. Had Justice Abella stated, before recusing herself, that she was against the appeal, and then stepped down and took up argument against the matter before the Supreme Court of Canada, a reasonable person would think it more likely than not that the Court would not decide fairly. That would be the factual equivalent of this matter. While the respondent is correct that it is not automatic that the Court would find bias under the circumstances of this case, it is nonetheless open for us to do so.

[38] What is more, a plain and ordinary reading of the *Code of Conduct* indicates that Kochan should not have been permitted to advocate before the SDAB once he recused himself. Schedule B of the *Code of Conduct* addresses pecuniary interests. A Member has a pecuniary interest if the Member's Family could be monetarily affected by a matter. Schedule B of the *Code of Conduct* defines "A Member's Family" as "a Member's spouse or adult interdependent partner, the Member's children, the parents of the Member, and the parents of the Member's spouse or adult interdependent partner". Where a Member has a pecuniary interest, Section 5 of Schedule B of the *Code of Conduct* mandates that the Member:

- 1) Disclose the nature of the pecuniary interest to the Board or Committee;
- 2) Abstain from participating in the hearing of the matter;

- 3) Abstain from any discussion or voting on the matter; and
- 4) Be absent from the room in which the matter is being heard, **except to the extent that the Member is entitled to be heard before a Board or Committee as an appellant or a person affected by the matter before the Board or Committee.**

[emphasis added]

[39] Kochan had a daughter who stood to be monetarily impacted by the appellant's development permit. He thus had a pecuniary interest and was subject to the four provisions above. A plain and ordinary reading of Schedule B does not aid Kochan in these circumstances. Kochan was required to disclose the nature of his interest, abstain from participating, discussing, and voting, and to leave the room, subject to being an appellant or a person affected.

[40] Under these circumstances Kochan was not an appellant and would therefore only be permitted to speak as a person affected. Simply put however every taxpayer in Rocky View County cannot possibly be considered a "person affected" as per section 687(1)(d) of the *Act*. Nor should Kochan be permitted to be a person affected simply by nature of being the father of an affected person; after all, being involved in a matter involving family is expressly prohibited by the pecuniary interest provisions of the *Code of Conduct*. Under the circumstances, Kochan should have disclosed the nature of the interest, abstained from participating in the hearing and discussion of the matter, and removed himself from the room. His daughter was entitled to represent herself and be heard on the matter, or to retain a more appropriate advocate.

[41] The respondent relies on s 687(1)(d) of the *Act* to argue that the board *must* hear from individuals in Kochan's position. That section provides:

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

(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.** [Emphasis added]

[42] This argument must fail for two reasons. First, it does not make logical sense that the *Code of Conduct* would attempt to protect against a reasonable apprehension of bias by requiring a board member to leave the room when a pecuniary interest exists (such as a familial connection), but that the *Act* would allow that same person to make representations to the board on behalf of a family member. The *Code of Conduct* was drafted under the *Act*, which has similar pecuniary interest provisions imbedded in it. Second, a logical reading of s 687(1)(d) indicates that the board can exercise discretion in determining from whom it hears. Were this discretion non-existent, the words "and that the subdivision and development appeal board agrees to hear" would cease to have meaning. The presence of discretion thus tempers the use of the word "must" in s 687(1).



[43] Kochan's conduct was contrary not only to the Rocky View County *Code of Conduct* and the *Act*, which prohibited him from being involved in the matter under their pecuniary interest provisions, but also under the common law doctrine of reasonable apprehension of bias. Had this matter directly affected Kochan – were his own property directly next door to the appellant's proposed development, for example – the considerations may have been different. However, on the facts of this case, Kochan's conduct, both in his position as chairperson and after his recusal, gave rise to a reasonable apprehension of bias.

[44] To conclude, for the reasons above, a reasonable apprehension of bias arose from Kochan's conduct. He, as chairperson, was an individual in a position of power and influence. He stated, while in his position as chairperson, that he supported the appeal. He then stepped down and, despite having a familial and pecuniary interest in the matter, argued in favour of the appeal. While there is no evidence of actual bias in the Decision, that is not the relevant determination. Under these circumstances, a reasonable apprehension of bias exists and the Decision cannot stand.

[45] We do not propose to deal with the argument of waiver since permission to appeal was not granted on that issue.

**To What Extent Can The SDAB Consider “Agriculture” With Respect To Decision Regarding A Parcellate By Way Of Site Specific Amendment To A Land Use *Bylaw* Which Has Been Re-designated From “Agriculture Land” To Another Use Such as “Business-Leisure and Recreation”?**

[46] The appellant argues that a number of those who supported the appeal against the issuance of her development permit, focused on an inappropriate factor, namely agriculture. The appellant's position, simply put is that since the Rocky View Council had passed the site-specific *Bylaw* amendment wherein her lands were changed from “Agriculture Land” to “Business-Leisure and Recreation”, these individuals were in effect conducting a collateral attack on that *Bylaw* amendment.

[47] The respondent disputes the appellant's characterization that those who spoke in favour of the appeal were conducting a collateral attack. The respondent points out that the appellant remained obligated to apply for a development permit prior to commencing any development on her land.

[48] Particularly so, argues the respondent, since in this case the appellant's proposed development was a discretionary use: section 683 of the *Act*. As such, a discretionary use is a use for which an applicant has no automatic right to a permit. The SDAB may decline to issue a development permit for a discretionary use if, based on sound planning principles, the use is judged inappropriate in specific circumstances due to its adverse on new properties.

[49] This matter will be quickly disposed of in light of our proposed disposition of the appeal. In our opinion, merely referencing agricultural concerns as it impacts the property of others does

not in and of itself represent a collateral attack upon the *Bylaw* amendment. The SDAB did not err in considering these submissions.

[50] Accordingly, we dismiss this ground of appeal.

### Conclusion


[51] In the result, the Decision is quashed and the matter is remitted back to an entirely differently constituted panel of the SDAB for rehearing. Furthermore, none of the members of the SDAB that were present on June 16, 2019 or August 7, 2019, are to sit on the re-hearing.

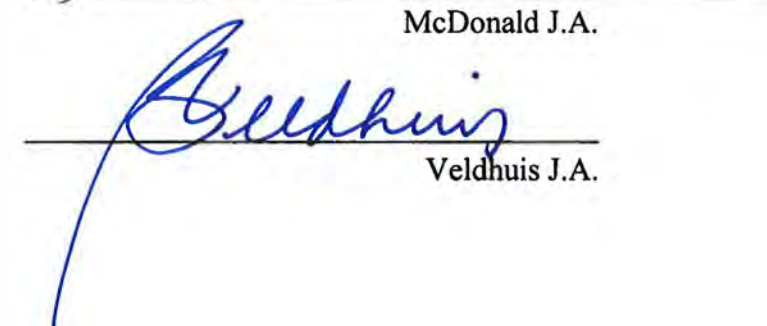
[52] If the appellant seeks costs, and the parties are unable to come to an agreement, she is to submit, within two weeks of the date of this Memorandum of Judgment, a written submission not to exceed five pages. After which the respondent will have two weeks following receipt of the appellant's submission to provide its written submissions, likewise not to exceed five pages.

Appeal heard on October 13, 2020

Memorandum filed at Calgary, Alberta  
this 23rd day of November, 2020



  
McDonald J.A.

  
Veldhuis J.A.

not in and of itself represent a collateral attack upon the *Bylaw* amendment. The SDAB did not err in considering these submissions.

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this 23rd day of November, 2020

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McDonald J.A.

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Veldhuis J.A.



**Wakeling J.A. (concurring in the result):**

**I. Introduction**

[53] This appeal<sup>1</sup> from a decision of the Rocky View County Subdivision and Development Appeal Board setting aside a conditional development permit the Rocky View County Development Authority granted to Chloe Cartwright presents an interesting perceived-bias issue that seldom arises in the common law world.

**II. Questions Presented**

**A. Reasonable Apprehension of Bias**

[54] On May 28, 2019, the Rocky View County Development Authority granted Ms. Cartwright a conditional development permit for a “Campground, Tourist and Tourism Uses/Facilities (Recreational)” project.<sup>2</sup>

[55] Three owners of adjacent lands appealed.<sup>3</sup>

[56] Before the Appeal Board commenced hearing the appeal – the seventh of the day – against the Cartwright conditional development permit, Don Kochan, the Appeal Board chair, stated that he would recuse himself and not hear the appeal. He announced that he wished to speak in favor

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<sup>1</sup> A single judge of this Court granted permission to appeal two questions of law: (1) Did the conduct of the appeal give rise to a reasonable apprehension of bias? (2) To what extent can the Respondent consider “agriculture” regarding decisions with respect to a parcel that by way of site specific amendment to a *Land Use Bylaw* has been redesignated from “Agricultural Land” to another use such as “Business Leisure and Recreation”. Appeal Record F31. If a single judge of this Court grants permission to appeal, this Court is authorized to answer questions of law or jurisdiction arising from a decision of a subdivision and development appeal board. *Municipal Government Act*, R.S.A. 2000, c. M-25, s. 688(1). The Court has no jurisdiction to entertain questions of fact or mixed fact and law. The Court may answer the questions of law or jurisdiction set out in the permission-to-appeal order and any questions that are subsumed by these questions and are necessary to resolve the questions on which leave to appeal was expressly granted and, in addition, according to section 689(4) of the *Municipal Government Act*, to decide if the “only ground for appeal established is a defect in form or technical irregularity and that no substantial wrong or miscarriage of justice has occurred”. See *Legacy, Inc. v. City of Red Deer*, 2018 ABCA 393, ¶¶ 108-11; 81 M.P.L.R. 5th 181 (chambers) (“The Court grants Legacy Inc. permission to appeal the following question of law: Did the Board err in concluding that the City of Red Deer’s development authority had the authority to issue a stop order? ... This question has two parts. ... First, does s. 2(2) of the *Land Use Bylaw* only sanction a stop order if a development occurred after the *Land Use Bylaw* first governed the use of the land. ... Second, must a stop order under s. 2(2) of the *Land Use Bylaw* be made within the period set out in s. 565 of the *Municipal Government Act* or some other period?”) & *Thomas v. City of Edmonton*, 2016 ABCA 57, ¶ 62; 396 D.L.R. 4th 317, 343 (“Under s 689(4), this Court may decline to allow an appeal where the fairness of the process has not been unduly compromised despite a defect in form or technical irregularity”).

<sup>2</sup> Appeal Record P6.

<sup>3</sup> Rocky View County Subdivision and Development Appeal Board, Development Appeal Decision, ¶ 8. Appeal Record F18.

of allowing the appeal on behalf of “a very close relative” and himself.<sup>4</sup> When the Appeal Board called upon Mr. Kochan to speak, he indicated that he spoke on behalf of his daughter and her husband, as well as the Robertsons, neighbors of his daughter, and himself as a taxpayer.<sup>5</sup>

[57] The Appeal Board allowed the appeal and set aside the Cartwright conditional development permit.

[58] At common law, an adjudicator must be impartial and perceived to be so.<sup>6</sup>

[59] An objective measure is used to evaluate the presence or absence of perceived bias.<sup>7</sup> Would a reasonable, right-minded and properly informed person, adopting a realistic and practical perspective, conclude on a balance of probabilities, that the adjudicator was not impartial?

[60] Would the notional reasonable observer conclude it is more likely than not that the Appeal Board could not hear the appeal impartially when the Appeal Board chair appeared before the Appeal Board on behalf of his daughter and son-in-law, their neighbors and himself, and urged the Appeal Board to allow the appeal?

[61] If the notional reasonable observer would conclude that the risk of partiality associated with Mr. Kochan’s appearance before the Appeal Board is unacceptably high – exceeds a balance of probabilities – does either the *Municipal Government Act*<sup>8</sup> or the *Board and Committee Code of Conduct Bylaw*<sup>9</sup> authorize an Appeal Board member to appear before the Appeal Board as an unpaid advocate or on his or her own behalf as a taxpayer?

[62] A statute may alter the common law, including the common law’s ban on partial adjudicators – if it employs clear text to that effect.

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<sup>4</sup> June 26, 2019 Hearing Transcript 5:13-17 (“I’m going to have to recuse myself because I’ve got a very close relative that is going to support the appeal. As well, I am going to withdraw. And I am going to speak on behalf of supporting the appeal as well”).

<sup>5</sup> Id. 75:9-12 & 14-16.

<sup>6</sup> E.g., *Wewaykum Indian Band v. Canada*, 2003 SCC 45, ¶ 57; [2003] 2 S.C.R. 259, 287-88; *The Queen v. Gough*, [1993] A.C. 646, 659 (H.L.) per Lord Goff; *Webb v. The Queen*, [1994] HCA 30, ¶ 19; 181 C.L.R. 41, 55 per Mason, C.J. & McHugh, J. & *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 885 (2009) per Kennedy, J.

<sup>7</sup> E.g., *Yukon Francophone School Board v. Yukon Territory*, 2015 SCC 25, ¶ 21; [2015] 2 S.C.R. 282, 296.

<sup>8</sup> R.S.A. 2000, c. M-25.

<sup>9</sup> Bylaw C-7855-2018.

[63] Does the *Municipal Government Act*<sup>10</sup> clearly authorize the Appeal Board to hear from a current Appeal Board member appearing as an unpaid advocate for third parties and in his own right as a taxpayer?

[64] Does section 146.1(3) of the *Municipal Government Act* clearly authorize a municipality to pass a bylaw that abridges the standards of impartiality produced by the common law?

[65] Does Rocky View County's *Board and Committee Code of Conduct Bylaw*,<sup>11</sup> either expressly or by implication, authorize the Appeal Board to hear from a current Appeal Board member as an unpaid advocate for third parties and in his own right as a taxpayer?

[66] What is the effect of sections 18, 33, 34, and 37 and section 5(4) of Schedule B of the *Bylaw*? Section 18 directs Appeal Board members to "encourage public respect for the Rocky View County as an institution". Section 33 prohibits a board member from acting in order to benefit, financially or otherwise, the board member or his or her "family, friends, associates [or] businesses". Section 34 states that "[m]embers must be free from undue influence and approach decision-making with an open mind that is capable of persuasion". Section 37 prohibits an Appeal Board member from acting as a paid advocate before the Appeal Board. Section 5(4) of Schedule B authorizes an Appeal Board member who has recused him or herself from a matter because of a pecuniary interest to appear before the Appeal Board "as an appellant or a person affected by a matter before the Board".

[67] If the *Bylaw* authorizes the Appeal Board to hear from a current Appeal Board member as an unpaid advocate for a third party or on his own behalf as a taxpayer, is the *Bylaw ultra vires*?

[68] Did Ms. Cartwright waive her right to object in this Court about the perceived partiality of the Appeal Board because she failed to challenge before the Appeal Board its decision to allow Mr. Kochan to appear before it?

## **B. Substantive Legal Question**

[69] The Appeal Board allowed the appeal and set aside the conditional Cartwright development permit. In three sentences, the Board referred to the evidence it considered "compelling" and announced its determination.<sup>12</sup>

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<sup>10</sup> R.S.A. 2000, c. M-25.

<sup>11</sup> Bylaw C-7855-2018.

<sup>12</sup> Rocky View County Subdivision and Development Appeal Board, Development Appeal Decision, ¶¶ 127-29. Appeal Record F26. Does this explanation constitute "reasons" under section 687(2) of the *Municipal Government Act*, R.S.A. 2000, c. M-25? See *Bergstrom v. Town of Beaumont*, 2016 ABCA 221, n. 27; 53 M.P.L.R. 5th 28, n. 27 (chambers) ("[the] Board should make an effort to express itself more fully. The devotion of more effort to the reasons component of the Board's decision would produce a more compelling explanation and reduce the likelihood that the



[70] Did the Appeal Board base its decision, in whole or in part, on an irrelevant consideration?

### **III. Brief Answers**

#### **A. Reasonable Apprehension of Bias**

[71] A reasonable, right-minded and properly informed person adopting a realistic and practical perspective would conclude on a balance of probabilities that the Appeal Board was partial because Mr. Kochan, the Appeal Board chair, appeared as an advocate on behalf of his daughter and her husband and their neighbors and on his own behalf as a taxpayer. The Appeal Board chair's presence would be perceived to increase the risk of partiality to an unacceptable level – greater than 50.1%. It must be remembered that most members of subdivision and development appeal boards are not legally trained and are likely predisposed to the position a colleague is advancing before them. This is human nature.

[72] The notional reasonable observer would understand that it would be asking too much of an Appeal Board member to prohibit him or her from being a party to a proceeding before the Appeal Board if he or she was the holder of a development permit under appeal or as an appellant, if there is no other appellant in a position to articulate the Appeal Board member's concerns about a challenged development permit. If there is another appellant in a position to articulate the concerns of an Appeal Board member, the Appeal Board member should stand down as an appellant. In these two scenarios, a reasonable observer would accept that an Appeal Board member could appear before the Appeal Board and that the Appeal Board could still function impartially provided that an Appeal Board member retained counsel or someone else to appear for him or her. The personal appearance of an Appeal Board member would drive up the risk of partiality beyond the tipping point.

[73] The notional reasonable observer would appreciate that it would never be necessary for an Appeal Board member to appear before the Appeal Board. There are lawyers who can play this role. As well, on many occasions another community member could speak on behalf of the Appeal Board member if he or she was a respondent or a permitted appellant.

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losing party would seek permission to appeal”) & *Town of Black Diamond v. 1058671 Alberta Inc.*, 2015 ABCA 169, n. 5; 37 M.P.L.R. 5th 175, n. 5 (“Compliance with the ... [section 680(3) of the *Municipal Government Act* obligation to give reasons] increases the likelihood that the parties will understand the Board's decision and provide some basis for meaningful appellate review. Merely saying that the Board has considered the evidence and the case law and had regard to the governing bylaw and the *Municipal Government Act* does not reveal the Board's thinking”). An adjudicator provides reasons for a decision if the contested text demonstrates that the adjudicator understood the issues presented for resolution and states the facts and the governing law the adjudicator relied on to support the selected disposition. See *South Bucks District Council v. Porter* (No. 2), [2004] UKHL 33, ¶ 35; [2004] 1 W.L.R. 1953, 1964 (“The reasons for decision ... must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the ‘principal important controversial issues’, disclosing how any issue of law or fact was resolved. ... Decision letters must be read in a straightforward manner, recognizing that they are addressed to parties well aware of the issues involved and the arguments advanced”).

[74] The *Municipal Government Act*<sup>13</sup> neither authorizes an appeal board to allow an appeal board member to appear before it as an advocate, or on his or her own behalf as a taxpayer, nor gives a municipality the power to pass a bylaw that has this effect.

[75] Rocky View County's *Board and Committee Code of Conduct Bylaw* does not authorize the Appeal Board to hear from Mr. Kochan.

[76] Section 34 of the *Board and Committee Code of Conduct Bylaw* is the critical provision. It declares that "[m]embers must be free from undue influence and approach decision-making with an open mind that is capable of persuasion".

[77] An Appeal Board member cannot do anything that unduly influences another Appeal Board member in making a decision. A personal appearance by a sitting Appeal Board member before the Appeal Board creates an unacceptable risk of partial adjudication by the panel of remaining Appeal Board members.

[78] Any part of a code of conduct passed by a municipality that has this effect is *ultra vires*.

[79] Ms. Cartwright did not waive her right to object to the procedure the Appeal Board adopted. While she was aware of the facts that substantiated her complaint of procedural impropriety, she was unaware of the legal effect of the known facts.

## **B. Substantive Issues**

[80] Given my disposition of the first issue, I need not address the second question.

## **IV. Statement of Facts**

[81] Ms. Cartwright owns approximately 150 acres in Rocky View County.<sup>14</sup>

[82] On November 6, 2012, the Council of Rocky View County redesignated Ms. Cartwright's property from "Ranch and Farm District" to "Business – Leisure and Recreation".<sup>15</sup>

[83] On May 14, 2013, the Rocky View County Development Authority issued a development permit to Ms. Cartwright for<sup>16</sup>

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<sup>13</sup> R.S.A. 2000, c. M-25.

<sup>14</sup> Rocky View County Bylaw C-7188-2012, Sch. A. Appeal Record F30.

<sup>15</sup> Id. F29. See Rocky View County Subdivision and Development Appeal Board, Development Appeal Decision, ¶¶ 12 & 65. Appeal Record F19 & F22.

<sup>16</sup> Affidavit of Chloe Cartwright sworn October 30, 2019 and filed October 31, 2019, exhibit B & Rocky View County Subdivision and Development Appeal Board, Development Appeal Decision, ¶ 67. Appeal Record F22.

an 18 hole golf course ... in general accordance with the approved Chinook Ridge Drawings as prepared by R.G.A. Design, as amended, to the satisfaction of the Development Authority and includes the following:

- the construction of an 18 hole golf course;
- the construction of a clubhouse lodge/facility approximately 1,600.00 sq. m. (17,222.26 sq. ft.);
- the construction of a campground approximately 15 stalls;
- the use of an existing Quonset as a maintenance building.

[84] Ms. Cartwright allowed the development permit to expire.<sup>17</sup>

[85] Many years later – December 21, 2018 – Ms. Cartwright submitted another development permit application to the Rocky View County Development Authority.<sup>18</sup>

[86] On May 28, 2019, the Rocky View County Development Authority granted Ms. Cartwright a conditional development permit for<sup>19</sup>

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<sup>17</sup> Rocky View County Subdivision and Development Appeal Board, Development Appeal Decision, ¶ 67. Appeal Record F22.

<sup>18</sup> Id. ¶ 4. Appeal Record F11.

<sup>19</sup> Id. ¶ 7. Appeal Record F11.



a Campground, Tourist and Tourism Uses/Facilities (Recreational) ... in accordance with the Site Plan as submitted with the application and includes:

- i. Construction of a tourism/use facility, with a total gross area of 1,623.21 square metres ( $\pm$  17,472 square feet) including Accommodation Units (16 rooms);
  - ii. Construction of 81 RV stalls;
  - iii. Ancillary Business Uses (ie. events, gatherings, etc.);
  - iv. Grading (as required).
2. That the maximum building height for the tourism use/facility (event center) is relaxed from 12.00 metres (39.37 feet) to  $\pm$  12.92 metres ( $\pm$  42.37 feet).

[87] Three adjacent landowners filed appeals.<sup>20</sup>

[88] The appeal was scheduled to be heard June 26, 2019.<sup>21</sup>

[89] Notice of the appeal was given to nineteen adjacent landowners.<sup>22</sup>

[90] The Rocky View County Subdivision and Appeal Board heard six appeals on June 26, 2019 before it reached the appeal relating to Ms. Cartwright's conditional development permit.<sup>23</sup>

[91] Before the Appeal Board commenced hearing the seventh appeal of the day, Don Kochan, the Appeal Board chair, stated that he would not sit as an Appeal Board member hearing the next appeal.<sup>24</sup> He announced his intention to speak in favor of allowing the appeal on behalf of his daughter and himself.<sup>25</sup> I assume that his daughter did not pay him to do so.<sup>26</sup>

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<sup>20</sup> Id. ¶ 8. Appeal Record F44.

<sup>21</sup> Id. ¶ 2. Appeal Record F36.

<sup>22</sup> Id. ¶ 8. Appeal Record F44.

<sup>23</sup> Transcript of Oral Questioning of Don Kochan 7:21-22 & Respondent's Extracts of Key Evidence R29.

<sup>24</sup> June 26, 2019 Hearing Transcript 5:13-17 & Affidavit of Chloe Cartwright sworn October 30, 2019 and filed October 31, 2019, ¶ 10.

<sup>25</sup> Id.

<sup>26</sup> Mr. Kochan does not say this in his affidavit. Affidavit of Don Kochan sworn on October 24, 2019 and filed October 28, 2019.

[92] Mr. Kochan vacated the chair, another Appeal Board member assumed chair responsibilities, and the Appeal Board proceeded to hear the Cartwright conditional development permit appeal with three members.<sup>27</sup>

[93] The Appeal Board heard oral submissions from representatives of the Rocky View Development Authority, the appellants, four persons who supported the appeal, including Mr. Kochan, a transportation consultant hired by Ms. Cartwright, Ms. Cartwright, and a hydrogeologist Ms. Cartwright had retained.<sup>28</sup> According to the Appeal Board's decision, Mr. Kochan represented his daughter and her husband and their neighbors.<sup>29</sup>

[94] The Appeal Board reviewed three letters from persons supporting the appeal, including Mr. Kochan.<sup>30</sup>

[95] On August 22, 2019, the Appeal Board issued its decision.<sup>31</sup>

[96] The Appeal Board noted that Ms. Cartwright's conditional development permit is for a discretionary use<sup>32</sup> and not a permitted use under Rocky View County's *Land Use Bylaw*.<sup>33</sup>

[97] The Appeal Board allowed the appeal:<sup>34</sup>

[127] The Board heard compelling evidence from the appellants that the size and scope of the proposed business enterprise will have an undue and negative impact on the surrounding lands.

[128] The Board acknowledges that the existing rural infrastructure is not designed or upgraded to a level to support the proposed development.

[129] The Board finds that the proposed development, in accordance with section 77 of the *Land Use Bylaw* and section 687 of the *Municipal Government Act*, does not comply with the land use policies of the current *Land Use Bylaw* and, if

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<sup>27</sup> June 26, 2019 Hearing Transcript 5:25-27. An appeal board should consist of an uneven number of members.

<sup>28</sup> Rocky View County Subdivision and Development Appeal Board, Development Appeal Decision, ¶ 9. Appeal Record F18-F19 & August 7, 2019 Hearing Transcript 26:4-5.

<sup>29</sup> Id. ¶ 54. Appeal Record F48.

<sup>30</sup> Id. ¶ 10. Appeal Record F45.

<sup>31</sup> Appeal Record F27.

<sup>32</sup> Rocky View County Subdivision and Development Appeal Board, Development Appeal Decision, ¶ 123. Appeal Record F26.

<sup>33</sup> Bylaw No. C-4841-97.

<sup>34</sup> Appeal Record F26.

approved, would unduly interfere with the amenities of the neighbourhood, and would materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land.

[98] On September 23, 2019, Ms. Cartwright applied for permission to appeal the Appeal Board's August 22, 2019 decision to this Court.<sup>35</sup> She filed her own affidavit in support of her application. The Appeal Board filed the affidavit of Mr. Kochan in opposition. Both sides questioned the deponents.

[99] On November 28, 2019, Justice Rowbotham granted Ms. Cartwright permission to appeal the two questions of law set out above.<sup>36</sup>

[100] On December 9, 2019, Ms. Cartwright filed a notice of appeal.<sup>37</sup>

[101] On May 11, 2020, Ms. Cartwright applied for permission to adduce fresh evidence – the two affidavits filed in the leave-to-appeal application and the questioning on them.<sup>38</sup>

## **V. Applicable Statutory and Other Provisions**

### **A. *Municipal Government Act***

[102] The relevant sections of the *Municipal Government Act*<sup>39</sup> are set out below:

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<sup>35</sup> The application named only the Appeal Board as a respondent. Section 688(5)(a) of the *Municipal Government Act* required the applicant to name the Appeal Board and the Rocky View County as respondents.

<sup>36</sup> Appeal Record F31.

<sup>37</sup> Appeal Record F33. The notice of appeal named only the Appeal Board as a respondent. Section 688(5)(a) of the *Municipal Government Act* required the appellant to name the Appeal Board and Rocky View County as respondents. This failure to comply with the statutory direction and the failure of Rocky View County to apply for status as a respondent left the Appeal Board in a difficult position.

<sup>38</sup> We are satisfied that the affidavits of Ms. Cartwright and Mr. Kochan, and the questioning arising, should be admitted. When a party applying for judicial review or appealing a decision of a statutory delegate alleges bias, there is, as a general rule, a need to file an affidavit setting out the relevant facts that support the bias allegation. *Bergstrom v. Town of Beaumont*, 2016 ABCA 221, ¶ 5; 53 M.P.L.R. 5th 28, 33 (chambers) (“Affidavit evidence may be used ... in a permission to appeal application ... to demonstrate that a subdivision and development appeal board did not conduct a fair hearing or was biased – conditions seldom disclosed by any work product of an adjudicator”). “It is, therefore, universally accepted that additional evidence may be brought forward to establish a breach of procedural fairness, including bias ... . Typically, the evidence dealing with reasonable apprehension of bias is brought forward by affidavit”. D. Jones & A. de Villars, *Principles of Administrative Law* 478 (7th ed. 2020). E.g., *Ringrose v. College of Physicians of the Province of Alberta*, [1977] 1 S.C.R. 814, 821 (the Court approved the filing of the Registrar's affidavit in response to the appellant's bias allegation).

<sup>39</sup> R.S.A. 2000, c. M-25.



145 A council may pass bylaws in relation to the following:

- (a) the establishment and functions of council committees and other bodies;
- (b) procedures to be followed by council, council committees and other bodies established by the council.

...

146.1(3) A council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors.

...

(5) The Minister may make regulations<sup>40</sup>

- (a) respecting matters that a code of conduct established under subsection (1) must address ... .

...

686(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.

...

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,

- (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.

**B. Rocky View County's Board and Committee Code of Conduct Bylaw**

[103] The key parts of Rocky View County's *Board and Committee Code of Conduct Bylaw*<sup>41</sup> are set out below:

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<sup>40</sup> We are not aware of any regulation passed under this paragraph. The *Subdivision and Development Appeal Board Regulation*, Alta. Reg. 195/2017 addresses, in part, the training programs that a member of a subdivision and development appeal board panel must complete. A ministerial order under this regulation sets out the training program for Subdivision and Development Appeal Board Members. The program includes administrative law principles regarding fairness, impartiality and bias ("II. TRAINING PROGRAM PRINCIPLES Fairness and impartiality. Transparency in the decision making process. Understanding and acting within the limits of the legislation and principles of administrative law and natural justice.... III. LEARNING OUTCOMES Understanding the basic principles of administrative law which apply to SDABs including the general duty of fairness and the rule against bias. ... IV. MEMBER QUALIFICATIONS AND TRAINING Members shall have: ... The ability to maintain impartiality, consider arguments, analyze issues and write or contribute to writing decisions. ... VI. COURSE OUTLINE (INITIAL TRAINING PROGRAM) (5) ROLES AND RESPONSIBILITIES FOR MEMBERS ... ii. Maintaining Impartiality"). Ministerial Order No. MSL:019/18, Appendix 2, 1-5 (May 16, 2018).

<sup>41</sup> Bylaw C-7855-2018.

18 Members must respect the bylaws, policies and procedures of Rocky View County and will encourage public respect for Rocky View County as an institution.

...

33 Members must not act or appear to act in order to benefit, financially or otherwise, themselves or their family, friends, associates, businesses or otherwise.

34 Members must be free from undue influence and approach decision-making with an open mind that is capable of persuasion.

...

36 Members must not use their authority or influence of their position for any purpose other than to exercise their official duties.

37 Members must not act as a paid agent to advocate on behalf of any individual, organization, or corporate entity before a Board or Committee.

...

Schedule 'B' – Pecuniary Interest Provisions.

...

2 A Member has a pecuniary interest in a matter if:

- (1) The matter could monetarily affect the Member or an employer of the Member;  
or
- (2) The Member knows or should know that the matter could monetarily affect the Member's Family.

...

4 A Member does not have a pecuniary interest by reason only of any interest:

- (1) that the Member ... may have as an elector, ... [or] taxpayer ... .

...

5 When a member has a pecuniary interest on a matter before a Board or Committee that member must:



- (1) Disclose the nature of the pecuniary interest to the Board or Committee;
- (2) Abstain from participating in the hearing of the matter;
- (3) Abstain from any discussing or voting on the matter; and
- (4) Be absent from the room in which the matter is being heard, except to the extent that the member is entitled to be heard before a Board or a Committee as an appellant or a person affected by the matter before the Board or Committee.

## **VI. Analysis**

### **A. The Common Law Insists that Adjudicators Be Impartial and Perceived To Be Impartial**

#### **1. The Common Law Governs the Appeal Board**

[104] “[P]ublic confidence in our legal system is rooted in the fundamental belief that those who adjudicate in law must always do so without bias or prejudice and must be perceived to do so”.<sup>42</sup>

[105] This common law standard presumptively applies to the Appeal Board and its members.<sup>43</sup> The Appeal Board makes important decisions that affect the property rights of those who appear before it. Appeal Board members must be impartial and perceived to be so.

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<sup>42</sup> *Wewaykum Indian Band v. Canada*, 2003 SCC 45, ¶ 57; [2003] 2 S.C.R. 259, 287-88. See also *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 S.C.R. 369, 391 (1976) (“there [must] be no lack of public confidence in the impartiality of adjudicative agencies”); *The Queen v. Gough*, [1993] A.C. 646, 659 (H.L.) per Lord Goff (“there is an overriding public interest that there should be confidence in the integrity of the administration of justice”); *Webb v. The Queen*, [1994] HCA 30, ¶ 9; 181 C.L.R. 41, 50 per Mason, C.J. & McHugh, J. (“the appearance as well as the fact of impartiality is necessary to retain confidence in the administration of justice”) & *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 889 (2009) per Kennedy, J. (“These codes [of judicial] conduct serve to maintain the integrity of the judiciary and the rule of law. The Conference of the Chief Justices has underscored that the codes are ‘[t]he principal safeguard against judicial campaign abuses’ that threaten to imperil ‘public confidence in the fairness and integrity of the nation’s elected judges’.” Brief for Conference of Chief Justices as *Amicus Curiae* ... . This is a vital state interest”). See also Judicial Group on Strengthening Judicial Integrity, *The Bangalore Principles of Judicial Conduct* 3 (2002) (“A judge shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary”).

<sup>43</sup> D. Jones & A. deVillars, *Principles of Administrative Law* 281 & 419 (7th ed. 2020) (“The duty to be fair ... now applies to every statutory delegate making decisions which affect the rights, privileges or interests of an individual ... . In Canada today, this includes a myriad of authorities ranging from the single delegate issuing dog licences, to major boards and tribunals wielding great power. ... The rule against bias ... applies to all statutory delegates whose decisions are required to meet the standards of procedural fairness”); G. Régimbald, *Canadian Administrative Law* 383 (2d ed. 2015) (“procedural fairness and the rules of natural justice require that decisions be made by an impartial decision maker based on the record before it, free from any reasonable apprehension of bias”); H. Wade & C. Forsyth,

[106] The public must believe that adjudicators are impartial – not biased<sup>44</sup> – and decide matters before them without regard to who the parties before them are, who represents the parties, and any other factor that does not bear on the merits of the dispute they have a legal duty to resolve.<sup>45</sup>

[107] It is not enough that adjudicators are actually impartial.<sup>46</sup>

## 2. An Objective Measure Identifies Partial Adjudicators

[108] An objective measure is the best way to ascertain the public's perception of adjudicator impartiality.<sup>47</sup> A disclaimer of bias by the judge will not satisfy the public.<sup>48</sup>

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Administrative Law 393 (11th ed. 2014) (“Twentieth century judges have generally enforced the rule against bias in administrative proceedings no less strictly than their predecessors”) & *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 S.C.R. 369, 391 (1976) (“This test is grounded in a firm concern that there be no lack of public confidence in the impartiality of adjudicative agencies”). See *Hutterian Brethren Church of Starland v. Municipal District of Starland No. 47*, 1993 ABCA 76; 135 A.R. 304 (the Court applied the common law bias rule to the development appeal board).

<sup>44</sup> Judicial Integrity Group, *Commentary on the Bangalore Principles of Judicial Conduct* 59 (2007) (United Nations) (“Bias or prejudice has been defined as a leaning, inclination, bent or predisposition towards one side or a particular result. In its application to judicial proceedings, it represents a predisposition to decide an issue or cause in a certain way which does not leave the judicial mind perfectly open to conviction”). See The Council of Chief Justices of Australia and New Zealand, *Guide to Judicial Conduct* 5 (3d ed. 2017) (“It is easy enough to state the broad indicia of impartiality in court – to be fair and even-handed, to be patient and attentive, and to avoid stepping into the arena or appearing to take sides”).

<sup>45</sup> *Alberta Mortgage and Housing Corp. v. Alberta Union of Provincial Employees*, 2 P.S.E.R.B.R. 973 (1989) (“an adjudicator whose decisions are the product of rational thought processes acts in an impartial manner”) & *The Queen v. Inner West London Coroner ex p. Dallaglio*, [1994] 4 All E.R. 139, 161 (C.A.) per Sir Thomas Bingham, M.R. (“The decision-maker should consciously shut out of his decision-making process any extraneous prejudice or predilection”).

<sup>46</sup> *Wewaykum Indian Band v. Canada*, 2003 SCC 45, ¶ 67; [2003] 2 S.C.R. 259, 292 (“justice might not be seen to be done, even where it is undoubtedly done – that is, it envisions the possibility that a decision-maker may be totally impartial in circumstances which nevertheless create a reasonable apprehension of bias, requiring his or her disqualification”).

<sup>47</sup> Canadian Judicial Council, *Ethical Principles for Judges* 27 (2004) (“The appearance of impartiality is to be assessed from the perspective of a reasonable, fair minded and informed person”); Code of Conduct for United States Judges 4 (effective March 12, 2019) *Commentary Canon 2A* (“An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that a judge’s ... impartiality ... is impaired”) & Judicial Integrity Group, *Commentary on the Bangalore Principles of Judicial Conduct* 57 (2007) (United Nations) (“The perception of impartiality is measured by the standard of a reasonable observer”).

<sup>48</sup> *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 883 (2009) per Kennedy, J. (“The difficulties of inquiring into actual bias, and the fact that the inquiry is often a private one, simply underscore the need for objective rules. Otherwise, there may be no adequate protection against a judge who simply misreads or misapprehends the real motives at work in deciding the case. The judge’s own inquiry into actual bias, then, is not one that the law can easily superintend or review”) & *Locabail (U.K.) Ltd. v. Bayfield Properties Ltd.*, [2000] Q.B. 451, 472 (C.A. 1999) (“The proof of actual bias is very difficult, because the law does not countenance the questioning of a judge about extraneous

[109] Canada, like other common law jurisdictions, has adopted an objective yardstick.<sup>49</sup> Would a reasonable, right-minded and properly informed person, adopting a realistic and practical perspective, conclude, on a balance of probabilities, that the adjudicator was not impartial?<sup>50</sup>

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influences affecting his mind, and the policy of the common law is to protect litigants who can discharge the lesser burden of showing a real danger of bias without requiring them to show that such bias actually exists”).

<sup>49</sup> E.g., *Yukon Francophone School Board v. Yukon Territory*, 2015 SCC 25, ¶ 21; [2015] 2 S.C.R. 282, 296 (“what would a reasonable, informed person think”); *The Queen v. S.*, [1997] 3 S.C.R. 484, 505 per L’Heureux-Dubé & McLachlin, JJ. (“The presence or absence of an apprehension of bias is evaluated through the eyes of the reasonable, informed practical and realistic person who considers the matter in some detail ... . The person postulated is not a ‘very sensitive or scrupulous’ person, but rather a right-minded person familiar with the circumstances of the case”); *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 S.C.R. 369, 394-95 (1976) (“the apprehension of bias must be a reasonable one, held by reasonable and right minded persons, applying themselves to the question and obtaining thereon the required information. ... ‘[W]hat would an informed person, viewing the matter realistically and practically – and having thought the matter through – conclude. Would he think that it is more likely than not that ... [the adjudicator], whether consciously or unconsciously, would not decide fairly’ ... . The grounds for this apprehension must, however, be substantial”); *Porter v. Magill*, [2001] UKHL 67, ¶ 103; [2002] 2 A.C. 357, 494 per Lord Hope (“The question is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased”); *Johnson v. Johnson*, 2000 HCA 48, ¶ 12; 201 C.L.R. 488, 493 per Gleeson, C.J., Gaudron, McHugh, Gummow & Hayne, JJ. (“The hypothetical reasonable observer of the judge’s conduct is postulated in order to emphasize that the test is objective, is founded in the need for public confidence in the judiciary, and is not based merely upon the assessment by some judges of the capacity or performance of their colleagues”); *Webb v. The Queen*, [1994] HCA 30, ¶ 9; 181 C.L.R. 41, 50 per Mason, C.J. & McHugh, J. (“the reasonable apprehension test of bias is by far the most appropriate for protecting the appearance of impartiality”); Judiciary Hong Kong Special Administrative Region, Guide to Judicial Conduct 12 (October 2004) (“The perception of impartiality is measured by the standard of a reasonable, fair-minded and well-informed person”) & *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 885 (2009) per Kennedy, J. (“Due process requires an objective inquiry into whether the [judicial election campaign] contributor’s influence on the election under all the circumstances ‘would offer a possible temptation to the average ... judge to ... lead him not to hold the balance nice, clear and true’”).

<sup>50</sup> *Wewaykum Indian Band v. Canada*, 2003 SCC 45, ¶ 66; [2003] 2 S.C.R. 259, 291 (“in cases where disqualification is argued, the relevant inquiry is not whether there was in fact either conscious or unconscious bias on the part of the judge, but whether a reasonable person properly informed would apprehend that there was”) (underlining in original); *The Queen v. S.*, [1997] 3 S.C.R. 484, 502 per L’Heureux-Dubé & McLachlin, JJ. (“The test for reasonable apprehension of bias is that set out by de Grandpré J. in *Committee for Justice and Liberty v. National Energy Board* ... . Though he wrote dissenting reasons, de Grandpré J.’s articulation of the test for bias was adopted by the majority of the Court, and has been consistently endorsed by this Court in the intervening two decades”) & *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 S.C.R. 369, 394 (1976) (“The proper test to be applied in a matter of this type was correctly expressed by the Court of Appeal. As already seen by the quotation above, the apprehension of bias must be a reasonable one, held by reasonable and right minded persons, applying themselves to the question and obtaining thereon the required information. In the words of the Court of Appeal, that test is ‘what would an informed person, viewing the matter realistically and practically – and having thought the matter through – conclude? Would he think that it is more likely than not that ... [the adjudicator], whether consciously or unconsciously, would not decide fairly.’”).

[110] The *process* adopted by an adjudicator<sup>51</sup> may affect the perceived partiality of the adjudicators.<sup>52</sup>

[111] This objective test eliminates the need for parties to pay pollsters to ask members of the public if they believe the judge is partial or impartial.<sup>53</sup> And it relieves courts of the obligation to adjudicate the reliability of polling results.

### **3. The Notional Reasonable Observer Takes Into Account Community Standards**

[112] The notional reasonable observer, in assessing the conduct of the Appeal Board, would take into account generally accepted practices of courts<sup>54</sup> and other tribunals, particularly those in

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<sup>51</sup> Judicial Group on Strengthening Judicial Integrity, *The Bangalore Principles of Judicial Conduct* 3 (2002) (“Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made”).

<sup>52</sup> See *The Queen v. Abdulkadir*, 2020 ABCA 214, ¶¶ 92-93 (“The trial judge [erred] ... when he denied Crown counsel the opportunity to present the facts and the law that supported his ... application. ... Justice requires the adjudicator to hear first and decide second”); *The Queen v. Jahn*, 1982 ABCA 97, ¶ 23; 35 A.R. 583, 592 (“The general rule ... is that a court is not at liberty to pronounce judgment until counsel have been afforded the opportunity to present argument”); *Borgel v. Paintearth Subdivision and Development Appeal Board*, 2020 ABCA 192, ¶ 44 (“Proceeding in this fashion constituted a breach of the duty of procedural fairness owed by the SDAB to the appellants. Even recognizing that the merits hearing would be limited in scope by virtue of s. 619 of the *MGA* to the extent that the SDAB determined that certain matters had already been addressed by the AUC, the appellants were deprived of the opportunity to make submissions on the remaining matters. Because of the bifurcated manner in which the appeal was structured, there was no reason for the appellants to have made such submissions at the preliminary hearing. In the absence of knowing what those submissions would have been, it cannot be said that they may not have been affected some aspects of the development permits that were the subject of the appeals”) & *Stollery v. Greyhound Racing Control Board*, 128 C.L.R. 509, 517 (Austl. High Ct. 1972) (the High Court held that the Greyhound Racing Control Board erred when it allowed the Board member who accused Mr. Stollery of trying to bribe him to remain in the retiring room when other Board members decided the bribery charge, even though he did not participate in the deliberations: “In my opinion, the reasonable inference to be drawn by the reasonable bystander in that situation was that Mr. Smith was in a position to participate in the Board’s deliberations and at least to influence the result of those deliberations adversely to the appellant”).

<sup>53</sup> *Caperton v. A.T. Massey Coal. Co.*, 556 U.S. 868, 875 (2009) (the plaintiff commissioned a poll asking West Virginians if the defendant’s tactics – bankrolling one of the appeal court judge’s election campaign – stripped the elected judge of his capacity to render an impartial judgment in a case involving the defendant).

<sup>54</sup> *Watts v. Watts*, [2015] EWCA Civ 1297, ¶ 28 per Sales, LJ. (“The notional fair-minded and informed observer would know about the professional standards applicable to practising members of the Bar and to barristers who serve as part-time deputy judges and would understand that those standards are a part of legal culture in which ethical behavior is expected and high ethical standards are achieved”) & *Taylor v. Laurence*, [2002] EWCA Civ 90, ¶ 61, [2002] 3 W.L.R. 640, 658 per Lord Woolf, C.J. (“The fact that the observer has to be ‘fair-minded and informed’ is important. The informed observer can be expected to be aware of the legal traditions and culture of this jurisdiction”).



Alberta, and have a good grasp of how the process under review – the Appeal Board – functions in practice.<sup>55</sup>

[113] Do other adjudicative bodies regulate who may appear before the adjudicators? If so, how? Do they permit current decision makers to appear before them? If so, do they attach any conditions? Or do they prohibit this type of appearance?

[114] The law recognizes that the identity of a person who argues a case may affect the perceived impartiality of an adjudicator.

#### **a. Courts and Professional Judges**

[115] I am confident that no judge would hear a case argued by a close family member<sup>56</sup> – the judge’s spouse, parent, sibling, child or grandchild, for example – and that the notional reasonable

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<sup>55</sup> *The Queen v. S.*, [1997] 3 S.C.R. 484, 508 per L’Heureux-Dubé & McLachlin, JJ. (“The reasonable person is not only a member of the Canadian community, but also, more specifically, is a member of the local communities in which the case at issue arose (in this case, the Nova Scotia and Halifax communities). Such a person must be taken to possess knowledge of the local population and its racial dynamics, including the existence in the community of a history of widespread and systemic discrimination against black and aboriginal people, and high profile clashes between the police and the visible minority population over policing issues ... . The reasonable person must be deemed to be cognizant of racism in Halifax, Nova Scotia”); *L/3 Communications / Spar Aerospace Ltd. v. International Ass’n of Machinists and Aerospace Workers, Northgate Lodge 1579*, 142 L.A.C. 4th 1, 19 (Wakeling, Q.C. 2005) (“The Supreme Court’s judgment in *The Queen v. S.* ... provides very strong support for giving the hypothetical evaluator a working knowledge of labour relations and the key role dispute resolution discharges in workplaces where collective agreements play an important private ordering function. One must keep in mind that the persons whose confidence in the impartiality of adjudicators is crucial are those that regularly function in the labour relations community and are affected by decisions of labour arbitrators”); *Lawal v. Northern Spirit Ltd.*, [2003] UKHL 35, ¶ 21; [2004] 1 All E.R. 187, 196 (the Appellate Committee canvassed the practices of the criminal courts and a similar tribunal) & *Newsco Insider Ltd.’s Trade Mark Application*, [2018] R.P.C. 10, 472 (Appointed Person) (“It seems to me that the [characteristics of the tribunal’s protocol] ... would be or become known to the notional fair-minded and informed observer on making reasonable enquiries. He or she might also viably be cognizant of practices in other tribunals like the ... [Employment Tribunal] and ... [Employment Appeal Tribunal]”).

<sup>56</sup> E.g., *An Act to establish the new Code of Civil Procedure*, S.Q. 2014, c. 1, s. 202(1) (“The following situations, among others, may be considered serious reasons for questioning a judge’s impartiality and for justifying the judge’s recusation: (1) the judge being the spouse of ... the lawyer of one of the parties, or the judge ... being related ... to the lawyer of one of the parties, up to the fourth degree inclusively”); Judges’ Council, Guide to Judicial Conduct 19 (March 2020) (England and Wales). (“A judicial officeholder should not sit on a case in which a member of his or her family [spouse or civil partner, parents, children, siblings, father - and mother-in-law, son - and daughter-in-law, and step-children] ... appears as an advocate”); The Council of Chief Justices of Australia and New Zealand, Guide to Judicial Conduct 15 (3d ed. 2017) (“Where the judge is in a relationship of first or second degree to counsel or the solicitor having actual conduct of the case, or the spouse or domestic partner of such counsel or solicitor, most judges would and should disqualify themselves”); High Court of New Zealand, Recusal Guidelines 2.2 (June 12, 2017) (“A judge should recuse himself or herself where a ... lawyer ... is a close relative or domestic partner of the judge”); 28 U.S.C. Judiciary and Judicial Procedure § 455(b)(5)(ii) (“[A judge should disqualify himself if the judge] or his spouse, or a person within the third degree of relationship [children, parents, grandchildren, grandparents, siblings, great grandchildren, nephews and nieces, great grandparents, and aunts and uncles] to either of them, or the spouse of such

observer would conclude that such a close relationship would disqualify a judge from hearing a case because of perceived partiality.

[116] It is less clear how the notional reasonable observer would respond if nonfamily relationships between the judge and counsel – former law partners, current and former counsel, good friends, and former judicial colleagues who appear as counsel, for example – are under review.

[117] The Canadian Judicial Council has stated that “[w]ith respect to the judge’s former law partners, or associates ... the traditional approach is to use a ‘cooling off period’, often established by local tradition at 2, 3 or 5 years and in any event at least as long as there is any indebtedness between the firm and the judge.”<sup>57</sup>

[118] In some circumstances an existing solicitor-client relationship<sup>58</sup> or a prior solicitor-client relationship between the judge and counsel may lead to a reasonable apprehension of bias.<sup>59</sup>

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a person ... [i]s acting as a lawyer in the proceeding”); Judicial Integrity Group, Commentary on the Bangalore Principles of Judicial Conduct 92 (2007) (“A judge is ordinarily required to recused himself or herself if any member of the judge’s family (including a fiancé or fiancée) has participated or has entered an appearance as counsel”); (United Nations) & Council of ASEAN Chief Justices, Model Principles of Judicial Conduct 4.3 (2018). <https://cacj-ajp.org/model-principles-of-judicial-conduct>. (“A judge shall not participate in the determination of a case in which any member of the judge’s family represents a litigant”).

<sup>57</sup> Ethical Principles for Judges 52 (2004).

<sup>58</sup> See *Carbone v. McMahon*, 2017 ABCA 384, ¶ 72; 28 Admin. L.R. 6<sup>th</sup> 136, 163-64 per Wakeling JA. (“If there is an ongoing file, a reasonable observer may be troubled by the fact that it is possible ... a positive outcome for the lawyer’s client may cause the judge’s lawyer to reduce his or her bill”) & *Berry v. Berry*, 765 So. 2d 855, 857 (Fla. Dist. Ct. App. 2000) (the Court declared that a judge should have declined to hear a divorce matter because the non-moving party’s lawyer also acted for the judge in his ongoing divorce proceedings). But see *Taylor v. Lawrence*, [2002] EWCA Civ 90, ¶ 69; [2002] 3 W.L.R. 640, 663 (“no fair-minded observer would reach the conclusion that a judge would so far forget or disregard the obligations imposed by his judicial oath as to allow himself, consciously or unconsciously, to be influenced by the fact that one of the parties before him was represented by solicitors [not the barrister who argued the case] with whom he was himself dealing on a wholly unrelated matter”).

<sup>59</sup> *Carbone v. McMahon*, 2017 ABCA 384; 28 Admin. L.R. 6<sup>th</sup> 136 (the Court declared that a judge could not hear counsel who had previously acted for him under circumstances not known to the Court); *In re Howes*, 880 N.W. 2d 184, 200 (Iowa Sup. Ct. 2016) (“we conclude a reasonable person with knowledge of all the facts on July 25 [the date the judge signed an ex parte order in favor of the party represented by the lawyer who either recently or was still acting for the judge on a personal matter – a dispute with her former husband] might have had a reasonable basis for questioning Judge Howe’s impartiality ... even if Judge Howes did not have an ongoing attorney-client relationship with Ms. Pauly on that date. ... When an attorney who contemporaneously represents or recently represented a judge in a personal matter appears before the judge in another case and the judge does not disclose that fact to the parties, the judge’s impartiality might reasonably be questioned”) & *Dodson v. Singing River Hospital System*, 839 So. 2d 533-34 (Miss. Sup. Ct. 2003) (“a reasonable person knowing all the circumstances here would have a reasonable doubt regarding Judge Harkey’s impartiality in this case. James Heidelberg, a Colingo Williams partner, served as treasurer in Judge Harkey’s election campaign. Another Colingo Williams lawyer served as attorney of record in the estate proceedings of Judge Harkey’s mother. Other Colingo Williams lawyers represented Judge Harkey and his wife for

[119] There are no rules in Canada, of which I am aware, that regulate the conduct of lawyers who carry on active practices, part of which is to sit part-time as a member of a tribunal. I suspect that this is because most, if not all, lawyers would never contemplate doing so and it is not a problem anywhere in Canada.

[120] But it is an issue in New South Wales. Rule 101A(3) of the *Legal Profession Uniform Conduct (Barristers) Rules 2015*<sup>60</sup> prohibits a current part-time tribunal member from appearing before the tribunal of which he or she is a member or for a two-year period following the date the barrister ceased to be a tribunal member.

[121] What are the norms respecting the appearance of former judges before the courts?

[122] “In nearly every province there is a restriction on the ability of a [former] judge to appear in court as counsel”.<sup>61</sup> Rule 117(b) of the *Rules of The Law Society of Alberta* makes it a condition of the reinstatement of a former judge as a member that “the member must not appear in chambers

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four years in a defective residential construction case. At no time was Judge Harkey or his wife charged for the services rendered in the residential construction case”). See also *University Commons-Urbana, Ltd. v. Universal Constructors Inc.*, 304 F. 3d 1331, 1341 (11th Cir. 2002) (“serving as the decision-maker in one action in which a colleague [co-counsel] in another action represents a party clearly poses the possibility of bias, and thus represents a potential conflict that a reasonable person would easily recognize”).

<sup>60</sup> *Legal Profession Uniform Conduct (Barristers) Rules 2015*, r. 101A(3). (“A barrister must refuse to accept or retain a brief or instructions to appear before a tribunal that does not sit in divisions or lists of matters to which its members are assigned if ... (a) the barrister is a full time, part time or sessional member of the tribunal, or (b) the appearance would occur less than 2 years after the barrister ceased to be a member of the tribunal”).

<sup>61</sup> Pitel & Bortolin, “Revising Canada’s Ethical Rules for Judges Returning to Practice”, 34 Dalhousie L.J. 483, 486 (2011). See also Appleby & Blackham, “The Growing Imperative to Reform Ethical Regulation of Former Judges”, 67 Int’l & Comp. L.Q. 505, 524 & 526 (2018) (“Like England and Wales, there is a loose convention in Australia that judges will not return to private practice upon retirement or, at least, that former judges will not appear before the court where they sat. ... In New Zealand, while there is a convention that judges will not return to practice, this has come under increasing strain since judges appointed after 1992 were moved to a defined contribution pension plan, where the judges themselves bear the risk of investment performance”). “Writing in 1993, Stevens noted that the Advisory Group on the Judiciary had observed that ‘[n]o member of the Higher Judiciary ha[d] returned to the Bar after retirement for nearly three-hundred years and they may no longer do so’”. Clark, “Judicial Retirement and Return to Practice”, 60 Cath. U. L. Rev. 841, 877 (2011). It is probably the case that a much larger portion of retired American judges return to practice than is the case in other common law jurisdictions. Clark, “Judicial Retirement and Return to Practice”, 60 Cath. U.L. Rev. 841, 866-67 (2011) (“I compiled a list of all Article III judges [federally appointed judges] who had resigned [federally appointed judges have life tenure] between January 1, 1993 and December 31, 2010 and examined these judges’ post-bench activities to determine the contemporary return-to-practice rate. Sixty-six percent of the 1993-2010 resignees – twenty-one of thirty-two – returned to practice. For retirees during this period, I found that 40.66% – thirty-seven of ninety-one – returned to practice. Combining the data, 47.15% – 58 of 123 – of Article III judges who resigned or retired between 1993 and 2010 returned to practice at some point following their bench service”).

or in any court in Alberta as a barrister and solicitor without first obtaining the approval of the Benchers which may be given with or without conditions”.<sup>62</sup>

[123] What restrictions must a lawyer whose appointment to the bench has been announced but has not taken effect observe? This is not a problem in Canadian jurisdictions with which I am familiar. But it is in Australia and New Zealand. The Council of Chief Justices of Australia and New Zealand addressed this question in its 2017 Guide to Judicial Conduct:<sup>63</sup> “It is generally accepted that, during this period, an appointee should not appear as counsel in the court to which he or she has been appointed or in a lower court or tribunal in the same hierarchy”.

[124] Why are regulators consistently opposed to former or soon-to-be judges appearing as counsel before the courts?<sup>64</sup>

[125] The notional reasonable observer would conclude that the party represented by a former or soon-to-be judge might have an advantage because of the collegiality factor and that this condition undermines the impartiality doctrine.<sup>65</sup>

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<sup>62</sup> The Law Society of Alberta, *The Rules of the Law Society of Alberta* (June 26, 2020). For other post-retirement rules see Federation of Law Societies of Canada, Model Code of Professional Conduct, §7.7.1 (October 19, 2019) (“A judge who returns to practice after retiring, resigning or being removed from the bench must not, for a period of three years, unless the governing body approves on the basis of exceptional circumstances, appear as a lawyer before the court of which the former judge was a member or before any courts of inferior jurisdiction to that court or before any administrative board or tribunal over which that court exercised an appellate or judicial review jurisdiction in any province in which the judge exercised judicial functions”); *Legal Profession Uniform Conduct (Barristers) Rules 2015*, r. 101A(2) (New South Wales) (“A barrister must refuse to accept or retain a brief or instructions to appear before a court if: (a) the brief is to appear before a court: (i) of which the barrister is or was formerly a judge, or (ii) from which appeals lie to a court of which the barrister is or was formerly a judge, and (b) the appearance would occur less than 5 years after the barrister ceased to be a judge of the court”) & International Association of Judicial Independence and World Peace, “Bologna and Milan Global Code of Judicial Ethics” (2015) ss. 9.3.2 (“Practice as a solicitor: A judge may have an active association with a firm of solicitors, whether as a partner, consultant, or in some other capacity”) & 9.3.2.1 (“Preferably this will not be sooner than a year or so after retirement”). See also Canadian Judicial Council, Draft Ethical Principles for Judges 48 (November 20, 2019) (“A former judge could act as an arbitrator, mediator or commissioner. However, former judges should not appear as counsel before a court or in administrative or dispute resolution proceedings in Canada”).

<sup>63</sup> Guide to Judicial Conduct 29 (3d ed. 2017).

<sup>64</sup> Pitel & Bortolin, “Revising Canada’s Ethical Rules for Judges Returning to Practice”, 34 Dalhousie L.J. 483, 524 (2011) (“A review of Canadian and American ethical rules and case law reveals no fewer than seven unique concerns associated with former judges returning to practice: undue influence over judges as the result of personal relationships; undue influence over judges and juries as the result of judicial reverence, conflicts of professional obligations, conflicts of personal interests, harm to the integrity of the administration of justice, the potential deception of the public regarding a lawyer’s qualifications, and the potential for the appearance of impropriety”).

<sup>65</sup> Appleby & Blackham, “The Growing Imperative To Reform Ethical Regulation of Former Judges”, 67 Int’l Comp. L.Q. 505, 520-21 (2018) (“There are usually two impartiality-based concerns associated with return to practice. They reveal that judicial return to practice is both an issue to the conduct of former judges, and also implicates serving



[126] Needless to say, a sitting judge, if a party to a proceeding, should always appear by counsel.<sup>66</sup>

### **b. Statutory Delegates in Alberta**

[127] Satisfied that the notional reasonable observer would be interested in reviewing any codes of conduct that reflect a general consensus in the community, I have selected codes of conduct that govern Alberta's Municipal Government Board<sup>67</sup> and the numerous subdivision and development appeal boards that have been established under section 627(1) of the *Municipal Government Act*.<sup>68</sup>

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judges. The first concern is that a judge returning to practice may be given preferential treatment when appearing before the court by reason of their former position. ... The second concern is that serving judges, knowing they wish to return to practice once they resign or retire, may act in an improper, partial way while on the bench in an effort to curry favour with future employers") & The Law Society of Alberta, Code of Conduct, R. 5.1-3, Commentary 5(b) (June 26, 2020) ("A lawyer may at one time have had an association with a court ... in the role of a judge ... . The lawyer's subsequent appearance before the ... [court] as counsel may be improper because of actual or perceived collegiality with the current adjudicators, or because of a suspected 'reverse bias' that could operate to the detriment of the lawyer's client. The passage of time will in most cases mitigate these considerations, two years being a standard benchmark").

<sup>66</sup> Suppose a trial or an appeal judge is a defendant in a civil proceeding. The plaintiff alleges that the defendant has failed to pay the contract price for a home renovation. The judge must retain counsel in both the trial and appeal courts. The presence of counsel reduces the risk to an acceptably low level that the notional reasonable observer would conclude that the court is partial. The Canadian Judicial Council does not deal with this issue in its 2004 Ethical Principles for Judges or its 2019 Draft Ethical Principles for Judges. But the latter does state that a former judge should not appear in a representative capacity before any court. Canadian Judicial Council, Draft Ethical Principles for Judges 48 (2019). The explanation for this recommendation supports the notion that a sitting judge should not appear personally in court on his own behalf. England and Wales' 2020 Guide to Judicial Conduct also says little on the subject. The 2013 version of the Guide contained this passage: "The conditions of appointment to judicial office provide that judges accept appointment on the understanding that following the termination of their appointment they will not return to private practice as a barrister or a solicitor and will not provide services on whatever basis as an advocate in any court or tribunal in England and Wales or elsewhere, including any international court or tribunal in return for remuneration of any kind, or offer to provide legal advice to any person. The terms of appointment accept that a former judge may provide services as an independent arbitrator/mediator and may receive remuneration for lectures, talks or articles". Judiciary of England and Wales, Guide to Judicial Conduct 28 (March 2013). The Council of Chief Justices of Australia and New Zealand Guide to Judicial Conduct 33 (3d ed. 2017) opines that "[j]udges should be circumspect about becoming involved in personal litigation, even if the litigation is in another court. Good sense must prevail and although this does not mean that a judge should abandon the legitimate pursuit or defence of private interests, their protection needs to be conducted with great caution to avoid creating any impression that the judge is taking improper advantage of his or her position". Canon 4 of the Code of Conduct for United States Judges 13 (effective March 12, 2019) allows a judge to "act pro se".

<sup>67</sup> Code of Conduct and Ethics for the Municipal Government Board.

<sup>68</sup> Calgary Subdivision and Development Appeal Board Code of Conduct (approved July 24, 2012, amended March 18, 2016); Edmonton's Code of Ethics for Members of the Subdivision and Development Appeal Board (December 2006) ("Members [of the subdivision and development appeal board] ... [must c]onduct themselves in such a way as to endeavour to ensure that ... persons appearing before them receive a full and fair hearing and ... receive the knowledgeable and unbiased application of the laws of the Province of Alberta and the bylaws and policies of the City

[128] They reveal some important features.

[129] Sections 8.1 and 8.2 of Alberta's Code of Conduct and Ethics for the Municipal Government Board expressly prohibit its members from appearing as witnesses or advocates "before a panel composed of other members [of the Municipal Government Board] or before a municipal Assessment Review Board" and stipulate that any "member ... who files a complaint, appeal or other application with the Board or with an Assessment Review Board must be represented by another person".

[130] The Calgary Subdivision and Development Appeal Board Code of Conduct declares the commitment of the Board to impartial adjudication. While the Calgary Code of Conduct does not expressly prohibit a Board member from appearing before it as an advocate for third parties, it does so by implication. Sections 7.2.6 and 7.2.8 are the applicable provisions:

7.2.6 A Board Member shall not act as a professional or legal consultant, directly or indirectly, in the preparation of a matter to be heard by the Board nor shall she or he assist an appellant, applicant, respondent, agent or affected party in the preparation of any material or argument to the Board.

...

7.2.8 Board Members shall not engage in conduct that would exploit their position on the Board in any way.

[131] I fail to see how a Board member who appears as an advocate before the Board is not exploiting his position.

[132] The Calgary Code of Conduct does not contain a comparable provision to section 8.2 of the Municipal Government Board's Code of Conduct. But section 7.2.3(b) does contemplate that a Board member may be a party before the Board: "A Board Member shall not participate as a panel member on any hearings in which ... (b) [t]he Board Member is an appellant or applicant as referred to in Part 17, Division 10, of the MGA". The provision does nothing more than prohibit a Board member sitting on a panel from hearing an appeal to which he or she is a party. I note that

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of Edmonton"). *The Appeal Boards Bylaw*, Bylaw No. 3619/2019, s. 19(1) (Red Deer) ("The Subdivision and Development Appeal Board will perform the functions and duties of a subdivision and development appeal board in accordance with the MGA"); *Procedure Bylaw*, Bylaw C-1299, s. 8.2 (Grande Prairie 2019) (a member of the subdivision and development appeal board must not participate in any appeal in which the member has a pecuniary interest); *Subdivision Development and Appeal Board Bylaw*, Bylaw 56-2017, s. 7 (Strathcona County) ("The Subdivision and Development Appeal Board will conduct itself in accordance with the *Municipal Government Act*, and County bylaws, policies and procedures"); *Code of Conduct Bylaw*, No. B-20/2017, s. 5.31 (Airdrie) ("[A] ... Board Member shall be free from bias with respect to any matter that requires a decision of ... a Board"); *Council Code of Conduct Bylaw*, Bylaw 6125, s. 11.2 (Lethbridge 2018) ("No ... [member of City Council] shall act as a paid agent to advocate on behalf of any individual, organization or corporate identity before ... any ... body established by Council").

the Calgary Code of Conduct does not authorize a Board member to appear personally before the Board if he or she is party to an appeal. Sections 7.2.6 and 7.2.8 suggest that a Board member cannot appear personally before the Board and must retain counsel or someone else if he or she is a party.

[133] Edmonton's Code of Ethics is surprisingly brief. Nonetheless, it is clear that the Board members must "[a]pproach every Hearing with an open mind" and cannot "[u]se their position for private gain". These two values strongly suggest that an Edmonton Board member may not appear before the Board as an advocate and if a party to appeal, should retain counsel or someone else to act for them.

[134] Alberta Municipal Affairs has published a Subdivision and Development Appeal Board Training Guidebook.<sup>69</sup> It opines that "[a] ... [subdivision and development appeal board] must ensure that it does not adopt procedures that align itself with or against one party, or that appear to align itself with or against one party".

[135] The notional reasonable observer would study these documents and consider some typical hypotheticals before forming an opinion on the issues that may confront an Appeal Board.

[136] Suppose County D's development authority issues a development permit to P, an Appeal Board member, to operate a pet grooming business from P's residence.<sup>70</sup> P's neighbors are up in arms. They anticipate that P's business will diminish the quality of life residents of the neighborhood currently enjoy and diminish property values. P's business will bring increased traffic, noise – from both increased traffic and barking dogs – and an accumulation of dog waste in the vicinity of P's business. Twenty of P's neighbors file appeals with County D's subdivision and development appeal board.

[137] How would the notional reasonable observer react if P defended his development permit and was a respondent? Would the notional reasonable observer accept that P could be a respondent? Yes. While the notional reasonable observer would be troubled by the potential harm associated with an Appeal Board member being a party before the Appeal Board, the notional reasonable observer would accept that it would be imposing too great a limitation on an Appeal Board member's rights as a citizen if he or she could not be a respondent and defend a challenged development permit. The observer would realize that no one else was in a position comparable to P's and that P could not rely on anyone else to defend his interests. But the notional observer would insist that P retain counsel or ask someone to speak for him. If counsel or someone else spoke for P this would reduce of perceived-bias risk below the cutoff point – 50.1%. If P appeared

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<sup>69</sup> June 2018.

<sup>70</sup> See *Bergstrom v. Town of Beaumont*, 2016 ABCA 221; 53 M.P.L.R. 5th 28 (chambers).

personally, the notional reasonable observer would conclude that the risk factor exceeded the cutoff point.

[138] Suppose P is not an Appeal Board member. But R, P's next-door neighbor, is. Could R appeal P's development permit to the Appeal Board and appear before the Appeal Board to support the appeal and challenge P's development permit? Keep in mind that nineteen other neighbors have also appealed.

[139] How would the notional reasonable observer react? Again, the observer would be uncomfortable with the potential risk that an Appeal Board member's status as an appellant might unduly influence the other Appeal Board members hearing the appeal. The observer would also appreciate that in the first hypothetical the Appeal Board member did not invoke the jurisdiction of the Appeal Board, unlike the second hypothetical, where the Appeal Board member did as an appellant. The notional reasonable observer would also note that R's appearance before the Appeal Board is not necessary to ensure that R's objections to the grooming business are brought before the Appeal Board. There are nineteen other neighbors who have the same interests as R does and are likely to advance the arguments R would make. The notional observer would err on the side of caution and conclude that R should not appeal if others have already filed appeals and if R filed the first appeal, he should withdraw his appeal. In this scenario, the risk of perceived bias jumps to an unacceptable level.

[140] Suppose all P's neighbors except R have pets or are related to P and nobody appeals. Could R appeal? Yes. There would be no one else before the Appeal Board who would advance arguments in opposition to the pet-grooming development permit.

[141] But R must retain counsel or have someone else speak on R's behalf. R must not personally appear before the Appeal Board in any capacity. R's personal appearance would escalate to an unacceptable level the risk that the Appeal Board members hearing R's appeal would be partial.

[142] How would the notional reasonable observer process all this data?

#### **4. The Notional Reasonable Observer's Conclusions**

[143] If a former judge is effectively prohibited from appearing before the court on which he or she served, and which is staffed by professional judges, is it not obvious that a current member of the Appeal Board could never appear before the Appeal Board, most of the members of which are not lawyers?

[144] If Alberta's Code of Conduct and Ethics for the Municipal Government Board expressly prohibits its members from appearing before the Municipal Government Board, would it not make sense to apply a similar standard to Appeal Board members? Is there a compelling reason to distinguish the two boards?



[145] I am satisfied that the common law ban on perceived partial adjudicators precludes an Appeal Board member from personally appearing before the Appeal Board in any capacity<sup>71</sup> and an Appeal Board member may only be a party if he or she is the holder of a challenged development permit, or is an appellant, and only if there is no other appellant whose interests are substantially the same as those of the Appeal Board member. If an Appeal Board member may be a party, he or she must retain someone to represent him or her before the Appeal Board.

[146] This onerous standard will not cause the notional reasonable observer to be free of any concern about the partiality of an Appeal Board if an Appeal Board member is a party – either as an appellant or a respondent – but it will be sufficient to preclude the notional reasonable observer from concluding that it is more likely than not that the Appeal Board is partial.

[147] The notional reasonable observer would inevitably conclude that the appearance by an Appeal Board member in any capacity would probably undermine the impartiality of the other Appeal Board members. Given that the notional reasonable observer must have a good grasp of how the appeal process functions, the notional reasonable observer would know that most members of subdivision and development appeal boards are not lawyers<sup>72</sup> and probably do not have sufficient training to disregard irrelevant considerations when making decisions.<sup>73</sup> There is a very real risk that Appeal Board members will be influenced by the fact that a colleague is appearing before them and fail to decide the appeal based on the merits.<sup>74</sup> This is human nature.

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<sup>71</sup> This prohibition includes written submissions.

<sup>72</sup> Wakeling, “Frederick A. Laux, Q.C. Memorial Lecture”, 55 Alta. L. Rev. 839, 844 & 845 (2018) (one-quarter of the members of the subdivision and development appeal boards in Edmonton and Calgary were lawyers; only nine percent of other selected boards were lawyers). Courts have taken judicial notice of the composition of statutory delegates. E.g., *Kane v. University of British Columbia*, [1980] 1 S.C.R. 1105, 1112 (“Members of the Board [of Governors] are drawn from all constituencies of the community. ... Few, if any, of the members of the Board will be legally trained”).

<sup>73</sup> *Alberta v. McGeedy*, 2014 ABQB 104, ¶ 33; [2014] 7 W.W.R. 559, 575, aff’d, 2015 ABCA 54, leave to appeal ref’d, [2015] SCCA No. 91 (“The conduct of the Appeal Board demonstrates such disregard for fundamental legal principles that it can only be explained by the fact that its members are not legally trained. From the perspective of a person with legal training its conduct is incomprehensible”); *L/3 Communications / Spar Aerospace Ltd. v. International Ass’n of Machinists and Aerospace Workers, Northgate Lodge 1579*, 142 L.A.C. 4th 1, 20 (Wakeling, Q.C. 2005) (“a legal education imparts a mental discipline which allows a lawyer to categorize conditions as relevant or irrelevant depending on the issue under review and to ignore irrelevant considerations when making a decision”) & *Johnson v. Johnson*, [2000] HCA 48, ¶ 12; 201 C.L.R. 488, 493 per Gleeson, C.J., McHugh, Gummow & Hayne, JJ (“two things need to be remembered: the observer is taken to be reasonable; and the person being observed is ‘a professional judge whose training, tradition and oath or affirmation require [the judge] to discard the irrelevant, the immaterial and the prejudicial’”). We acknowledge that the Subdivision and Development Appeal Book Training Guidebook (June 2018) reminds those who read it that “[t]he ... [subdivision and development appeal board] must only take into account relevant considerations”.

<sup>74</sup> *Hannam v. Bradford Corp.*, [1970] 1 W.L.R. 937, 946 (C.A.) per Widgery, L.J. (“when one is used to working with other people in a group or on a committee, there must be a built-in tendency to support the decision of that committee,

[148] Decisions of the Appellate Committee of the House of Lords and Scotland's Court of Session Inner House are consistent with these conclusions.

[149] In *Lawal v. Northern Spirit Ltd.*,<sup>75</sup> the House of Lords declared that the Employment Appeal Tribunal should not allow senior counsel who were part-time judges of the Employment Appeal Tribunal – consisting of judges and lay members – to argue cases before a panel of the Appeal Tribunal on which there is a lay member who had previously sat with counsel when he or she served as a part-time judge. Here is the essential component of the report of the Appellate Committee:<sup>76</sup>

The principle to be applied is ... whether a fair-minded and informed observer, having considered the given facts, would conclude that there was a real possibility that the tribunal was biased. Concretely, would such an observer consider that it was reasonably possible that the wing member may be subconsciously biased? The observer is likely to approach the matter on the basis that the lay members look to the judge for guidance on the law, and can be expected to develop a fairly close relationship of trust and confidence with the judge. The observer may also be credited with knowledge that a recorder [a part-time judge], who in a criminal case has sat with jurors, may not subsequently appear as counsel in a case in which one or more of those jurors serve. ... But the observer is likely to regard the practice forbidding part-time judges in the employment tribunal [not the Employment Appeal Tribunal] from appearing as counsel before an employment tribunal which includes lay members with whom they had previously sat as very much in point. ... The observer ... is likely to take the view that the same principle ought to apply to the ... [Employment Appeal Tribunal].

[150] The Appeal Committee was mindful of the fact that the “[t]he wing members are never lawyers and have no legal training”.<sup>77</sup>

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even though one tries to fight against it”) & *McGovern v. Ku-ring-gai Council*, [2008] NSWCA 209, ¶ 40; 251 A.L.R. 558, 565 per Spigelman, C.J. (“the independent observer might reasonably believe that the influence on the others of the person(s) who manifested bias of that character could well go beyond the usual process of internal debate. Accordingly, an independent observer could reasonably conclude that the entire collegiate body may not bring an impartial mind to the decision-making process”).

<sup>75</sup> [2003] UKHL 35; [2004] 1 All E.R. 187. See also *Newsco Insider Ltd.'s Trade Mark Application*, [2018] R.P.C. 10, 472-73 (“I do not think that the Appointed Person tribunal could be said to be art. 6 of the [Convention for the Protection of Human Rights and Fundamental Freedoms] - compliant were it to adopt a rule that its members were free to appear as advocates for any party before the tribunal in the absence of the informed consent of the other party”).

<sup>76</sup> *Lawal v. Northern Spirit Ltd.*, [2003] UKHL 35, ¶ 21; [2004] 1 All E.R. 187, 196.

<sup>77</sup> *Id.* at ¶ 13; [2004] 1 All E.R. at 192.

[151] The Scottish case, *Secretary of State for Work and Pensions v. Cunningham*,<sup>78</sup> dealt with an unusual problem experienced by the Social Security Appeal Tribunal. One of the witnesses, a medical doctor, was a former member of the Social Security Appeal Tribunal, who had sat with the chair during twenty-two sessions and the other member for fourteen sessions. On three sessions, the medical doctor sat with both of the members who heard the case in which he gave expert testimony. All these sessions were within two years of the hearing under review. Lord Marnoch, for the Court, held that “the relationship which might be expected to have developed between Dr. B. and two of the three members of the tribunal is such as would lead even the most informed observer to think that there was a real possibility of subconscious bias in favour of Dr. B.”<sup>79</sup>

**B. The Municipal Government Act Does Not Clearly State that the Common Law Obligation on Adjudicators To Be Impartial Does Not Apply to Subdivision and Development Appeal Boards**

[152] A statute may change the common law.<sup>80</sup> But a statute must clearly declare that its purpose is to do so. “[S]tatutes will not be interpreted as changing the common law unless they effect the change with clarity”.<sup>81</sup>

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<sup>78</sup> 2005 1 S.C. 19 (2004).

<sup>79</sup> *Id.* 23.

<sup>80</sup> *Ocean Port Hotel Ltd. v. General Manager, Liquor Control and Licensing Branch*, 2001 SCC 52, ¶ 19; [2001] 2 S.C.R. 781, 792-93 (“absent a constitutional challenge, a statutory regime prevails over common law principles of natural justice”); *Brosseau v. Alberta Securities Comm.*, [1989] 1 S.C.R. 301, 310 (“Administrative tribunals are created for a variety of reasons and to respond to a variety of needs. ... In assessing the activities of administrative tribunals, the courts must be sensitive to the nature of the body created by the legislature”); *Township of Innisfil v. Township of Vespra*, [1981] 2 S.C.R. 145, 173 (“A court will require the clearest statutory direction ... to enable the executive branch of government to give binding policy direction to an administrative tribunal and to make such directions immune from challenge by cross-examination or otherwise by the objectors”); *Kane v. University of British Columbia*, [1980] 1 S.C.R. 1105, 1113 (“To abrogate the rules of natural justice, express language or necessary implication must be found in the statutory instrument”) & *Ringrose v. College of Physicians and Surgeons*, [1977] 1 S.C.R. 814, 824 (“no reasonable apprehension of bias is to be entertained when the statute itself prescribes overlapping of functions”). See G. Régimbald, *Canadian Administrative Law* 386 (2d ed. 2015) (“the rule against bias, like any other rule of procedural fairness, may be ousted by statute”); F. Laux & G. Stewart-Palmer, *Planning Law and Practice in Alberta* 10-14 (looseleaf 4th ed. January 2019) (“At the time the institutional bias cases were decided, Parliament and provincial legislatures were sovereign creatures within their assigned powers and, as such, could quite lawfully set up a regime that, at common law, would have been viewed as contrary to the principles of natural justice and fair play. Since then, legislative sovereignty has been substantially diminished by the *Charter*”) & R. Sullivan, *Sullivan on the Construction of Statutes* 537 (6th ed. 2014) (“It follows from the principle of legislative sovereignty that validly enacted legislation is paramount over the common law. Acting within its constitutionally defined jurisdiction, the legislature can change, add to or displace the common law as it thinks appropriate and the courts must give effect to that intention regardless of any reservations they might have concerning its wisdom”).

<sup>81</sup> A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts* 318 (2012). See *Canada v. Khosa*, 2009 SCC 12, ¶ 50; [2009] 1 S.C.R. 339, 373 (“the legislature can by clear and explicit language oust the common law”);

[153] The *Municipal Government Act*<sup>82</sup> has not clearly altered the common law as I have described its impact on the Appeal Board and its members.

[154] The *Municipal Government Act* provides no standards that govern the conduct of all members of an appeal board as adjudicators – what they must and must not do.<sup>83</sup>

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*Ocean Port Hotel Ltd. v. British Columbia*, 2001 SCC 52, ¶ 22; [2001] 2 S.C.R. 781, 794 (“like all principles of natural justice, the degree of independence required of tribunal members may be ousted by express statutory language or necessary implication”); *Slaight Communications Inc. v. Davidson*, [1989] 1 S.C.R. 1038, 1077 (“in the absence of a clear provision to the contrary, the legislator should not be assumed to have intended to alter the pre-existing ordinary rules of common law”); *The Queen v. Corbett*, [1988] 1 S.C.R. 670, 700-01 (“To admit such a discretion would be tantamount to holding that Parliament could not by clear legislative enactment alter the common law”) & *Schiell v. Morrison*, [1930] 2 W.W.R. 737, 741 (Sask. C.A. 1930) (“if it is clear that it is the intention of the Legislature in passing a statute to abrogate the common law, [the common-law doctrine] ... must give way, and the provisions of the statute must prevail”). See also *The Queen v. Secretary of State for the Home Department Ex p. Simms*, [1999] 3 All E.R. 400, 412 (H.L.) per Lord Hoffmann (“Parliamentary sovereignty means that Parliament can, if it chooses, legislate contrary to fundamental principles of human rights. ... The constraints upon its exercise by Parliament are ultimately political, not legal. But the principle of legality means that Parliament must squarely confront what it is doing and accept the political cost. Fundamental rights cannot be overridden by general or ambiguous words. This is because there is too great a risk that the full implications of their unqualified meaning may have passed unnoticed in the democratic process. In the absence of express language or necessary implication to the contrary, the courts therefore presume that even the most general words were intended to be subject to the basic rights of the individual”) & *Resolution Chemicals Ltd. v. H Lundbeck A/S*, [2013] EWHC 3160 (Pat), ¶ 37, aff’d, [2013] EWCA Civ 1515 (“The right to a trial by an independent and impartial tribunal is a fundamental right which is guaranteed both at common law and by Article 6(1) of the European Convention on Human Rights”).

<sup>82</sup> R.S.A. 2000, c. M-25.

<sup>83</sup> *Ocean Port Hotel Ltd. v. General Manager, Liquor Control and Licensing Branch*, 2001 SCC 52, ¶¶ 21 & 22; [2001] 2 S.C.R. 781, 793 & 794 (“Confronted with silent or ambiguous legislation, courts generally infer that Parliament or the legislature intended the tribunal’s process to comport with the principles of natural justice. ... It is not open to a court to apply a common law rule in the face of a clear statutory direction [to the contrary]”); *The Queen v. Secretary of State for the Home Department ex rel. Citizens U.K.*, [2018] EWCA Civ 1812, ¶ 68; [2019] 1 All E.R. 416, 429 per Singh, L.J. (“the duty to act fairly or the requirements of procedural fairness (what in the past were called the rules of natural justice) will readily be implied into a statutory framework even when the legislation is silent and does not expressly require any particular procedure to be followed”) & *Dover District Council v. Campaign to Protect Rural England (Kent)*, [2017] UKSC 79, ¶¶ 51 & 53-56; [2018] 2 All E.R. 121, 137 & 139 per Lord Carnwath (“Public authorities are under no general common law duty to give reasons for their decisions; but it is well-established that fairness may in some circumstances require it, even in a statutory context in which no express duty is imposed ... [Counsel for the Council] submitted that this decision should be ‘treated with care’, against the background of the government’s decision in 2013 to abrogate the statutory duty to give reasons for grant of permission, planning law being a creature of statute ... Although planning law is a creature of statute, the proper interpretation of the statute is underpinned by general principles, properly referred to as derived from the common law. *Doody* itself involved such an application of the common law principle of ‘fairness’ in a statutory context ... In the application of the principle to planning decisions, I see no reason to distinguish between a Ministerial inquiry, and the less formal, but equally public, decision-making process of a local planning authority such as in this case. ... The existence of a common law duty to disclose the reasons for a decision, supplementing the statutory rules, is not inconsistent with the abrogation in 2013 of the specific duty imposed by the former rules to give reasons for the grant of permission. ... In circumstances where



[155] Section 172(1) requires a councillor who has a pecuniary interest in a matter before an appeal board on which the councillor sits to disclose the general nature of the pecuniary interest, abstain from voting, abstain from any discussion and leave the room.

[156] Section 687 does not. It simply identifies who the appeal board must hear, directs the appeal board to give reasons and lists the instruments which govern its deliberation.

[157] Section 146.1(3) allows a council to pass a bylaw establishing a code of conduct for subdivision and development appeal boards. It says nothing about the abridgement of the common law prohibition against partial adjudicators.

[158] This means that no municipality enacting a bylaw under section 146.1(3) may abridge in any way the common law prohibition against impartial adjudicators. A bylaw may pass a code of conduct more onerous than the common law but not less onerous. For example, a bylaw may state that an appeal board may not hear from a former appeal board member until a two-year cooling off period has expired. But a bylaw may not allow a sitting appeal board member to appear before an appeal board.

### **C. Rocky View County's Board and Committee Code of Conduct Bylaw Mandates an Impartial Appeal Board**

[159] Does any part of Rocky View County's *Board and Committee Code of Conduct Bylaw*<sup>84</sup> diminish the vigor of the common law?

[160] The *Bylaw* unequivocally demonstrates the County's desire to have an Appeal Board that functions impartially<sup>85</sup> and discharges its duty in a manner that "will encourage public respect for Rocky View County as an institution".<sup>86</sup>

[161] Section 34 expressly declares that an Appeal Board must be impartial: "Members must be free from undue influence and approach decision-making with an open mind that is capable of persuasion".

[162] Other *Bylaw* provisions reinforce the fundamental message that Appeal Board members must be impartial.

[163] Section 37 stipulates that Appeal Board members "must not act as a paid agent to advocate on behalf of any individual, organization, or corporate entity before ... [the Appeal Board]". This

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the objective [of transparency] is not achieved by other means, there should be no objection to the common law filling the gap").

<sup>84</sup> *Bylaw C-7855-2018*.

<sup>85</sup> *Id.* s. 34.

<sup>86</sup> *Id.* s. 18.

means that an Appeal Board member cannot demand or accept a fee for making oral or written submissions or both before the Appeal Board on behalf of anyone.

[164] And what is the rationale for section 37?

[165] Three-fold.

[166] First, the common law speaks against an Appeal Board member appearing before the Appeal Board. Rocky View Council had no jurisdiction under the *Municipal Government Act* to abridge the common law.

[167] Second, according to section 33 of the *Bylaw*, an Appeal Board member “must not act or appear to act in order to benefit, financially or otherwise, themselves”. In other words, an Appeal Board member cannot use his or her status as an Appeal Board member for personal gain. It is obvious that the likelihood a person would be willing to pay an Appeal Board member – unless he or she was a lawyer – a fee for appearing before the Appeal Board if the potential advocate was not an Appeal Board member is very low, if not nonexistent.

[168] Third, an Appeal Board member who advocates on someone’s behalf before the Appeal Board may unduly influence a fellow Appeal Board member. Section 34 of the *Bylaw* speaks against “undue influence”.

[169] This fundamental thrust of the *Bylaw* accords with the demands of the common law doctrine prohibiting partial adjudicators.

[170] What is the significance of the fact that section 37 of the *Bylaw* does not proscribe an Appeal Board member appearing before the Appeal Board as an unpaid advocate? Is this an implicit statement that an Appeal Board member may appear before the Appeal Board as an unpaid advocate?

[171] No.

[172] First, Rocky View Council had no power to enact such a provision.<sup>87</sup>

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<sup>87</sup> R. Sullivan, *Sullivan on the Construction of Statutes* 248 (6th ed. 2014) (“An implied exclusion argument lies whenever there is reason to believe that if the legislature had meant to include a particular thing within its legislation, it would have referred to that thing expressly. Because of this expectation, the legislature’s failure to mention the thing becomes grounds for inferring that it was deliberately excluded. ... The force of the implication depends on the strength and legitimacy of the expectation of express reference. The better the reason for anticipating express reference to a thing, the more telling the silence of the legislature”).

[173] Second, the *Bylaw* would have to clearly state that an Appeal Board member has the right to appear before the Appeal Board as an unpaid advocate because it is a blatant conflict with the common law doctrine against partial adjudicators.

[174] In the context of a bylaw that bans undue influence and promotes impartial decision making, any form of advocacy by an Appeal Board member before the Appeal Board is unacceptable. Justice Scalia and Professor Garner explain the importance of context:<sup>88</sup>

The sign outside a restaurant “No dogs allowed” cannot be thought to mean that no other creatures are excluded – as if pet monkeys, potbellied pigs, and baby elephants might be quite welcome. Dogs are specifically addressed because they are animals that customers are most likely to bring in; nothing is implied about other animals.

[175] Suppose a shopping center posted a sign at its entrances prohibiting patrons from bringing pets with them. If a restaurant inside the shopping center posted a sign telling customers that dogs were not allowed on the premises, an observer could conclude that the restaurant’s sign, in this context, was unnecessary – the important sign was the one at the entrance.

[176] This is the same situation under the *Bylaw*. The key message is delivered in section 34 – there is a ban on Appeal Board member conduct that unduly interferes with the ability of Appeal Board members to decide appeals impartially. There is no need for any express ban on paid or unpaid advocacy and the *Bylaw* does not state that an Appeal Board member may appear before the Appeal Board as an advocate.<sup>89</sup>

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<sup>88</sup> A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts* 107 (2012).

<sup>89</sup> *The Queen v. K.C. Irving Ltd.*, [1976] 2 S.C.R. 366, 370 (1975) (the Court held that an application for a time extension filed after the deadline for leave to appeal a *Criminal Code* matter to the Supreme Court had expired could be considered even though other *Criminal Code* provisions, unlike the one invoked, expressly stated that a time extension may be applied for before or after the expiration of the deadline: “Under rule 108 of this Court’s Rules it is provided generally that time requirements may be abridged or enlarged upon such terms, if any, as the justice of the case may require notwithstanding that application is not made until after the expiration of the time appointed or allowed. I prefer to adopt this approach in assessing the language of ss. 618(1)(b), and 621(1)(b) and, in the result, I would hold that the Court or a Judge has jurisdiction to extend the time for applying for leave to appeal, notwithstanding that the motion for extension is not made within the prescribed twenty-one day period following the judgment sought to be appealed”); *Alliance des Professeurs Catholiques de Montréal v. Labour Relations Board*, [1953] 2 S.C.R. 140, 157 per Kerwin & Estey, JJ. (the Court held that the Labour Relations Board could not revoke the union’s status as a certified bargaining agent without notice having been given to the union just because some provisions expressly mandated notice and the provision the Board invoked did not: “since the Legislature must be presumed to know that notice is required by the general rule, it would be necessary for it to use explicit terms in order to absolve the Board from the necessity of giving [the union] notice”) & *Turgeon v. Dominion Bank*, [1930] S.C.R. 67, 71 (the Court concluded that the Bank lawfully held an assignment of its borrower’s fire insurance policies as a form of security, because it is captured by a general provision in *The Bank Act*, even though fire insurance policies were not amongst a list of described securities elsewhere in the Act: “One has to realize ... that sometimes unnecessary

[177] Third, a ban on unpaid advocacy is completely consistent with section 34 of the *Bylaw*.

[178] To summarize, the absence in the *Bylaw* of any statement prohibiting an Appeal Board member from acting as an unpaid advocate before the Appeal Board does not mean that the *Bylaw* sanctions the appearance of an Appeal Board member before the Appeal Board as an unpaid advocate.

[179] The *Bylaw*'s implicit message, taking into account section 34 of the *Bylaw*, is that Appeal Board members must not serve as unpaid advocates. This is because the harm associated with an Appeal Board member acting as a paid advocate arises not solely from the fact that the Appeal Board member is paid to do so – having likely been chosen for this role on account of his or her position as a member of the Appeal Board and thus reaping financial gains as a result of that position – but also because the appearance of an Appeal Board member as an advocate undermines the impartiality of the sitting Appeal Board members. This prohibition both prevents a Board member from using his or her status as an Appeal Board member for a purpose other than his or her official duties and it safeguards the impartiality of the Appeal Board in its decision-making.

[180] This determination creates no hardship for the residents of Rocky View County.

[181] It would not be necessary for an Appeal Board member to appear as an advocate for anybody. There are skilled lawyers who specialize in development law and in routine matters most property owners can easily speak for themselves.

[182] I now turn to the next question.

[183] May an Appeal Board member be a party to a proceeding before the Appeal Board?

[184] Section 34 focuses the inquiry – will the party status of an Appeal Board member before the Appeal Board unduly influence the Appeal Board members hearing the appeal and jeopardize the impartiality of the sitting Appeal Board members?

[185] Schedule B of the *Bylaw* is the only part that addresses this issue.

[186] Section 5(4) of Schedule B states, in effect, that an Appeal Board member who has a pecuniary interest in a matter before the Appeal Board is entitled to appear before the Appeal Board “as an appellant or a person affected by the matter before the [Appeal] Board”.<sup>90</sup>

[187] This provision supports the notion that an Appeal Board member may be a party if he or she has a pecuniary interest in a matter before the Board and is an appellant, the holder of a

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expressions are introduced, *ex abundanti cautela* ... to satisfy an insistent interest, without any thought of limiting the general provision; and so the axiom [*expressio unius est exclusio alterius*] is held not to be of universal application”).

<sup>90</sup> Bylaw C-7855-2018, sch. B, s. 5(4).



challenged development permit or is otherwise affected by the matter before the Appeal Board. Section 4(1) of Schedule B provides that an Appeal Board member does not have a pecuniary interest in a matter just because he or she is an elector or a taxpayer.

[188] The common law doctrine does not allow an Appeal Board member to be a party unless he or she is the holder of a challenged development permit or is an appellant with an interest that no other appellant shares. In addition, if an Appeal Board member meets these criteria and may be a party, an Appeal Board member must retain counsel or another person to speak on his or her behalf before the Appeal Board.

[189] These principles govern and must be read as adding extra requirements that an Appeal Board member must meet before he or she can be a party to proceedings before the Appeal Board.

[190] To summarize, the *Bylaw* does not allow an Appeal Board member to personally appear before the Appeal Board in any capacity, either as an advocate, whether paid or unpaid, or in an Appeal Board member's capacity as a party. An Appeal Board member may be a party under two scenarios. First, an Appeal Board member may defend a challenged development permit. Second, an Appeal Board member may be an appellant if there is no other appellant who shares the same interests as the Appeal Board member and the Appeal Board member has a pecuniary interest in the matters before the Appeal Board. But in both of these cases, an Appeal Board member must retain counsel or someone else to speak on his or her behalf.

**D. The Notional Reasonable Observer Would Conclude that the Appeal Board Chair's Appearance Before the Appeal Board as an Advocate and on His Own Behalf as a Taxpayer Created an Unacceptably High Risk that the Appeal Board Would Be Partial**

[191] Mr. Kochan's appearance before the Appeal Board as an advocate on behalf of his daughter and son-in-law, and their neighbors, and on his own behalf as a taxpayer would cause the notional reasonable observer to conclude on a balance of probabilities that his appearance impaired the ability of the remaining Appeal Board members to impartially adjudicate the merits of the Cartwright conditional development permit.<sup>91</sup> The Appeal Board should not have allowed him to appear before it.

[192] Three facts make a bad situation worse.

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<sup>91</sup> *Bizon v. Bizon*, 2014 ABCA 174, ¶ 54; [2014] 7 W.W.R. 713, 738 per Wakeling, J.A. ("A jurist should not sit ... [on] a case where [he or] she has a substantial connection with a person involved in the dispute") & *Locabail Ltd. v. Bayfield Properties Ltd.*, [2000] Q.B. 451, 480 (C.A. 1999) ("a real danger of bias might be well thought to arise ... if the judge were closely acquainted with any member of the public involved in the case").

[193] First, Mr. Kochan sat with the Appeal Board members who decided the Cartwright matter on six appeals before the Cartwright matter came up. This prolonged period would heighten the impact of the collegiality factor on the notional reasonable observer.

[194] Second, Mr. Kochan was the chair of the Appeal Board. This heightens the risk that his presence before the Appeal Board imperiled the ability of the sitting members of the Appeal Board to hear the appeal impartially.<sup>92</sup> This is not a decisive factor though. Had Mr. Kochan been an ordinary Appeal Board member, the risk of partiality would still have exceeded 50.1%.

[195] Third, Mr. Kochan announced his intention to recuse himself while he was sitting with his colleagues. He should have informed the Appeal Board clerk as soon as he had decided not to sit so that he would never have been penciled in as an Appeal Board member. He knew two days earlier that he intended to recuse himself.<sup>93</sup> Again, this is not a decisive factor. Had Mr. Kochan made a timely recusal announcement, he still could not have done what he did.

[196] Mr. Kochan's withdrawal protocol could not have been more egregious.

#### **E. Ms. Cartwright Did Not Waive Her Right To Object to the Procedure the Appeal Board Adopted**

[197] The respondent argues that Ms. Cartwright waived the right to object to the process the Appeal Board adopted and cannot complain in this Court that the Appeal Board contravened the common law rule against perceived bias.

[198] Waiver has three components.<sup>94</sup>

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<sup>92</sup> See *Secretary of State for Work and Pensions v. Cunningham*, 2005 1 S.C. 19, 22 (Ct. Sess. 2004) ("There is also the distinction that in *Lawal* the barrister in question had formerly sat as chairman of the tribunal – an office which might be thought to carry particular influence").

<sup>93</sup> Transcript of Oral Questioning of Don Kochan on affidavit sworn October 24, 2019, at 6:20-26.

<sup>94</sup> H. Woolf, J. Jowell, C. Donnelly & I. Hare, *De Smith's Judicial Review* 572 (8th ed. 2018) ("In order for waiver to arise [in the course of proceedings], there must be both awareness of the right to challenge the adjudicator's decision and a clear and unequivocal act, which, with the required knowledge, amounts to waiver of the right"). For a discussion of waiver in contract law see *Saskatchewan River Bungalows Ltd. v. Maritime Life Assurance Co.*, [1994] 2 S.C.R. 490, 500 ("Waiver will be found only where the evidence demonstrates that the party waiving had (1) a full knowledge of rights; and (2) an unequivocal and conscious intention to abandon them); *Clark v. West*, 86 N.E. 1 (N.Y. Ct. App. 1908) ("A waiver has been defined to be the intentional relinquishment of a known right. It is voluntary and implies an election to dispense with something of value, or forego some advantage which the party waiving it might at its option have demanded or insisted upon"); *Black's Law Dictionary* 1894 (11th ed. B. Garner ed.-in-chief 2019) ("The voluntary relinquishment or abandonment – express or implied – of a legal right or advantage ... . The party alleged to have waived a right must have both knowledge of the existing right and the intention of foregoing it") & Elkouri & Elkouri, *How Arbitration Works* 10.75 (8th ed. K. May ed.-in-chief 2016) ("Especially common in arbitration is that

[199] First, the party alleging waiver must establish on a balance of probabilities that the party alleged to have waived a right knew of the facts that would form the basis of the right allegedly waived and that the party alleged to have waived the right knew that he or she had the right alleged to have been waived.<sup>95</sup>

[200] Second, the party alleging waiver must establish on a balance of probabilities that the party alleged to have waived a right intended to give up the right alleged to have been waived.<sup>96</sup>

[201] Third, the party alleging waiver must establish that the party alleged to have waived a right waited an unreasonable length of time to announce an intention to rely on the right alleged to have been waived.

[202] I am satisfied that the respondent has failed to establish that Ms. Cartwright was aware that Mr. Kochan's appearance before the Appeal Board engaged the perceived bias common law doctrine. She said nothing before the Appeal Board that suggested she was alive to the issue and her affidavit filed in support of the permission-to-appeal application does not address the issue.

[203] I would have been surprised if a lay person would have been able to articulate why the Appeal Board erred when it allowed Mr. Kochan to speak as he did.<sup>97</sup> It must be noted that none of the three Appeal Board members who heard the appeal against Ms. Cartwright's conditional

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species of waiver known in law as 'acquiescence'. This term denotes a waiver that arises by tacit consent or by failure of a person for an unreasonable length of time to act on rights of which the person has full knowledge").

<sup>95</sup> E.g., *263657 Alberta Ltd. v. Banff Subdivision and Development Appeal Board*, 2003 ABCA 244, ¶ 28; 346 A.R. 236, 242 (chambers) (Wittmann, J.A. denied leave to appeal because the applicant had waived its right to contest the fairness of the statutory delegate's practice of allowing representatives of the Town of Banff to participate in *in camera* deliberations – the applicant was aware of this practice and never objected).

<sup>96</sup> See *Aalbers v. Aalbers*, 2013 SKCA 64, ¶ 81; 417 Sask. R. 69, 90 ("It is apparent from counsel's response to the trial judge's announcement of a professional relationship with ... [an expert witness], and his failure to pursue the matter then or the following day, that counsel was prepared to continue with the trial, relying on the trial judge's oath of impartiality") & *Cleveland Electric Illuminating Co. v. Utility Workers Local 270*, 440 F. 3d 809, 813-14 (6th Cir. 2006) ("Cleveland Electric submitted the question of arbitrability to the arbitrator for his determination, and we can find nothing in the record to indicate that Cleveland Electric wanted to reserve the question of arbitrability for the court. The district court found, and this court agrees, that Cleveland Electric waived the issue of who had the power to decide the arbitrability of the retirees' grievance by submitting the matter to arbitration 'without reservation'").

<sup>97</sup> *The King v. Essex Justices ex p. Perkins*, [1927] 2 K.B. 475, 489 (K.B. Div.) (the Court rejected the waiver argument because the applicant was not represented by counsel and did not understand that he could object on the ground that his wife's former solicitor – she sought support from her husband – was also the clerk to the lay justices: "It cannot be said that the applicant was fully cognizant of his right to take objection to the clerk to the justices acting as such, and, that being so, he did not waive that right by failing to exercise it"). See also H. Woolf, J. Jowell, C. Donnelly & I. Hare, *De Smith's Judicial Review* 572 (8th ed. 2018) ("A party may waive his objections to a decision-maker who would otherwise be disqualified on the ground of bias. Objection is generally deemed to have been waived if the party or his legal representative knew of the disqualification and acquiesced in the proceedings by failing to take objection at the earliest practicable opportunity. But there is no presumption of waiver ... if he was unrepresented by counsel and did not know of his right to object at the time").

development permit expressed any concern about hearing from Mr. Kochan.<sup>98</sup> And I am convinced that Mr. Kochan did not see any problems with what he did. If he had any concerns, he would have recused himself and not participated in the appeal. A lay person may react negatively to such a procedure but not understand why the process was wrong.<sup>99</sup>

[204] The respondent primarily relies on the fact that both the clerk and the chair of the Appeal Board as it was constituted when Ms. Cartwright's appeal was heard asked three times whether anyone objected to the composition of the Appeal Board and Ms. Cartwright did not object.<sup>100</sup>

[205] But this question does not address Ms. Cartwright's complaint. Ms. Cartwright's complaint does not focus on the composition of the Board. It, instead, asserts that the Appeal Board should not have allowed Mr. Kochan to address it on behalf of his daughter, his son-in-law, their neighbors and himself. Had Mr. Kochan simply recused himself and not participated in the hearing, Ms. Cartwright would have had nothing to complain about.

[206] Had the clerk and the chair asked if anybody objected to the Appeal Board hearing from the chair of the Appeal Board because this may compromise the Appeal Board's partiality, the waiver argument would have been much stronger.

## VII. Conclusion

[207] The appeal is allowed.

[208] Exercising the Court's authority under section 689(2) of the *Municipal Government Act*,<sup>101</sup> I would cancel the Appeal Board's decision granting the appeal against Ms. Cartwright's

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<sup>98</sup> A member of a subdivision and development appeal board must complete a training program. *Subdivision and Development Appeal Board Regulation*, Alta. Reg. 195/2017, s. 2. The training includes administrative law principles regarding fairness, impartiality and bias ("II. TRAINING PROGRAM PRINCIPLES Fairness and impartiality. Transparency in the decision making process. Understanding and acting within the limits of the legislation and principles of administrative law and natural justice.... III. LEARNING OUTCOMES Understanding the basic principles of administrative law which apply to SDABs including the general duty of fairness and the rule against bias. ... IV. MEMBER QUALIFICATIONS AND TRAINING Members shall have: ... The ability to maintain impartiality, consider arguments, analyze issues and write or contribute to writing decisions. ... VI. COURSE OUTLINE (INITIAL TRAINING PROGRAM) (5) ROLES AND RESPONSIBILITIES FOR MEMBERS ... ii. Maintaining Impartiality"). Ministerial Order No. MSL:019/18, Appendix 2, 1-5 (May 16, 2018).

<sup>99</sup> *The King v. Essex Justices ex p. Perkins*, [1927] 2 K.B. 475, 489 (K.B. Div.) ("He knew the fact ... that the clerk to the justices was a member of the firm which had acted for his wife. He goes on: 'I was not aware at the time that I could make an objection to his conducting the proceedings or advising the magistrates or retiring with them'").

<sup>100</sup> June 26, 2019 Hearing Transcript 6:18-20 & 8:12-14 & August 7, 2019 Hearing Transcript 4:3-5.

<sup>101</sup> R.S.A. 2000, c. M-25.



conditional development permit and refer the matter back to the Appeal Board to be heard by a panel consisting of none of the members who heard the appeal.<sup>102</sup>

Appeal heard on October 13, 2020

Memorandum filed at Calgary, Alberta  
this 23rd day of November, 2020



  
Wakeling J.A.

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<sup>102</sup> I understand that there are three or more current members of the Appeal Board who did not or were not initially assigned to sit on the panel on June 26 and August 7, 2019. See *Beier v. Subdivision and Development Appeal Board*, 2009 ABCA 338, ¶ 12; 62 M.P.L.R. 4th 118, 121 (the Court ordered a rehearing on account of a reasonable apprehension of bias “before a new panel”).

**Appearances:**

B.M. Miller  
for the Appellant

M. Cherkawsky / G.S. Fitch, Q.C.  
for the Respondent

**ROCKY VIEW COUNTY  
BYLAW C-7188-2012**

A Bylaw of Rocky View County to amend Bylaw C-4841-97, being the Land Use Bylaw

**WHEREAS** the Council deems it desirable to amend the said Bylaw, and

**WHEREAS** the Council of Rocky View County has received an application to amend Part 5, Land Use Map No. 87 of Bylaw C-4841-97 to redesignate the SE 31-28-3-W5M from Ranch and Farm District to Business-Leisure and Recreation as shown on the attached Schedule 'A'; and

**WHEREAS** Council held a Public Hearing and has given consideration to the representations made to it in accordance with Section 692 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and all amendments thereto.

**NOW THEREFORE** the Council enacts the following:

1. That Part 5, Land Use Map No. 87 of Bylaw C-4841-97 be amended by redesignating the SE 31-28-3-W5M from Ranch and Farm District to Business-Leisure and Recreation as shown on the attached Schedule 'A' forming part of this Bylaw.
2. That all lands within the SE 31-28-3-W5M are hereby redesignated to Business-Leisure and Recreation as shown on the Schedule 'A' attached to and forming part of this Bylaw.
3. The Bylaw comes into effect upon the date of its third reading.

**Division: 9**

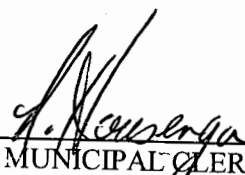
**File: 08731001 / 2012-RV-016**

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on September 4, 2012, on a motion by Councillor McLean.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on November 6, 2012, on a motion by Deputy Reeve McLean.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on November 6, 2012, on a motion by Councillor Solberg.

  
\_\_\_\_\_  
REEVE OR DEPUTY REEVE

  
\_\_\_\_\_  
MUNICIPAL CLERK

# SCHEDULE "A"

BYLAW: C-7188-2012

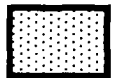
31

± 60.7 ha  
(± 150 ac)

RGE RD 35

## AMENDMENT

FROM Ranch and Farm District TO Business-Leisure and Recreation District  
Subject Land \_\_\_\_\_



LEGAL DESCRIPTION: SE 31-28-3-W5M

FILE: 08731001-2012-RV-016

DIVISION: 9



ROCKY VIEW COUNTY  
Cultivating Communities





Regulatory Assurance Division  
Southern Region  
2<sup>nd</sup> Floor, 2938 – 11 Street NE  
Calgary, AB T2E 7L7  
Telephone: 403-297-7605  
Fax: 403-297-2749  
[www.alberta.ca/index.aspx](http://www.alberta.ca/index.aspx)

December 9, 2020

File No.: 00431063

Karen Singer

Dear Karen Singer:

**RE: Chloe Cartwright**  
**Diversion of Water at SE 31-028-03-W5M**  
**Water Act Application No. 001-00431063**

Alberta Environment and Parks (the department) acknowledges receipt of your letter expressing concerns about Application No. 001-00431063, submitted under the provisions of the *Water Act*, to divert up to 26,982 cubic metres of groundwater annually for recreational and commercial purposes located at SE 31-028-03-W5M.

Your concerns have undergone a review and it has been determined that you will not be recognized as a directly affected person in the review of this application. Your letter will be placed on the record; however, it will not be considered as a statement of concern pursuant to Section 109 of the *Water Act* for the following reason:

1. Based on the technical information within the latest groundwater report provided by the Applicant, it has been determined there is not hydraulic connection between your water source and the water source appurtenant to this application.

While your letter will not be considered as a statement of concern, all concerns mentioned that are within the jurisdiction of the *Water Act* and the *Approved Water Management Plan for the South Saskatchewan River Basin (Alberta)*, will be included in the department's review of this application. You may obtain further information about the status of this application at any time by contacting Kyle Lund by phone at 403-297-5949 or by email at [kyle.lund@gov.ab.ca](mailto:kyle.lund@gov.ab.ca).

Sincerely,

  
Digitally signed by  
Andun Jevne  
Date: 2020.12.09  
16:31:24 -07'00'

Andun Jevne  
District Approvals Manager  
Southern Region  
Designated Director under the Act

cc: Chloe Cartwright



Regulatory Assurance Division  
Southern Region - Calgary  
2<sup>nd</sup> Floor, 2938 – 11 Street NE  
Calgary, AB T2E 7L7  
Telephone: 403-297-7605  
<https://www.alberta.ca/environment-and-parks.aspx>

August 21, 2020

File No.: 431063

Maxine McArthur

Dear Ms. McArthur

**Subject: Water Act Application 001-00431063**  
**Response to Submissions During the Public Notice Period**

Thank you for your letters received June 15 and July 2, 2020 regarding the above *Water Act* application (Application). The department has reviewed your submissions with regard to how you are directly affected by the Application.

You expressed concern that your water well could be negatively affected. You did not allow the applicant to access your well to verify well data so the information in the provincial water well database was used. This shows a shallow well on your property drilled for Pollock Ranches that is 8.5 metres deep. In comparison, the Application supply well is in a relatively deep valley on the western edge of the applicant's property with the ground elevation approximately 15 metres lower and the aquifer 17 metres lower than information for the well identified on your property.

It has been concluded from your submissions that you are not directly affected by the Application. As a result, your submissions are not considered valid statements of concern. However, I appreciate you identifying your concerns and issues with the Application. These will be taken into consideration when a decision is made on the Application.

If you have any questions please contact Alan Pentney, Water Approvals Engineer, at 403-297-4878 or by email at [alan.pentney@gov.ab.ca](mailto:alan.pentney@gov.ab.ca)

Yours truly,

A handwritten signature in blue ink, appearing to read "Andun Jevne".

Digitally signed by  
Andun.Jevne  
Date: 2020.08.21  
21:43:01 -06'00'

Andun Jevne  
Designated Director under the Act

cc Chloe Cartwright – [chloec@telus.net](mailto:chloec@telus.net)



**Southern Region - Calgary**  
2<sup>nd</sup> Floor, 2938 – 11 Street NE  
Calgary, AB T2E 7L7  
Telephone: 403-297-7605  
<https://www.alberta.ca/environment-and-parks.aspx>

August 21, 2020

File No.: 431063

Robert and Elaine Watson

Dear Mr. and Mrs. Watson

**Subject: Water Act Application 001-00431063**  
**Response to a Submission During the Public Notice Period**

Thank you for your letter dated June 16, 2020 and received June 19, 2020 regarding the above *Water Act* application (Application). The department has reviewed your submission with regard to how you are directly affected by the Application.

You have identified a concern that the Application supply well could negatively affect your dugout. A hydrogeological assessment of the linkage between surface water and the well drawing water from 10 metres below the surface concluded that there is no direct connection. In addition, the distance between your dugout and the Application supply well makes an effect improbable.

You also indicated you are concerned that your water well could be negatively affected. The applicant's consultant has identified two (2) wells drilled on your property in the water well database. The well drilling reports show that water is obtained from an aquifer that is approximately 25 metres deeper than the Application supply well.

It has been concluded from your submission that you are not directly affected by the Application. As a result, your submission is not considered a valid statement of concern. However, I appreciate you identifying your concerns and issues with the Application. These will be taken into consideration when a decision is made on the Application.

If you have any questions please contact Alan Pentney, Water Approvals Engineer, at 403-297-4878 or by email at [alan.pentney@gov.ab.ca](mailto:alan.pentney@gov.ab.ca).

Yours truly,

A handwritten signature in blue ink, appearing to read "Andun Jevne".

Digitally signed by  
Andun Jevne  
Date: 2020.08.21  
21:44:01 -06'00'

Andun Jevne  
Designated Director under the Act

cc Chloe Cartwright – [chloeec@telus.net](mailto:chloeec@telus.net)





Southern Region - Calgary  
2<sup>nd</sup> Floor, 2938 – 11 Street NE  
Calgary, AB T2E 7L7  
Telephone: 403-297-7605  
<https://www.alberta.ca/environment-and-parks.aspx>

August 21, 2020

File No.: 431063

Keren Farquharson

Dear Ms. Farquharson

**Subject: Water Act Application 001-00431063**  
**Response to Submissions During the Public Notice Period**

Thank you for your letter received July 2, 2020 regarding the above *Water Act* application (Application).

The department has reviewed your submission with regard to how you are directly affected by the Application. The following is in response to your concerns identified as Parts 1 - 3.

Part 1: A proponent may apply for a water allocation without a municipal development permit. In this case a preliminary certificate (PC) may be issued that conditions the municipal approval among other things. Municipalities also may condition a development permit to require a water licence and the PC can serve to meet that need.

Part 2: A landowner does not have a right to reserve groundwater without a licence or registration. A landowner or occupant may access water as an exempted agriculture user or a household user as permitted in Sections 19 and 21 of the *Water Act*. Licences are given priority under the Act based on the time a licence is issued.

Part 3: The aquifer for the proposed supply well is 10 metres below ground surface so there would be no flow to the ephemeral watercourse adjacent to the well. Flow from the aquifer to Dog Pound Creek is not taken into consideration due to the distance involved, the complex nature of aquifers in the area and an aquifer pumping test which identifies the capability to supply water over a twenty year period. An additional aquifer pumping test is being required. A licence for an application of this type would be for a ten year period, at which time a renewal application must be made.

It has been concluded from your May 28 and July 2, 2020 submissions that you are not directly affected by the Application. As a result, your submissions are not considered valid statements of concern. However, your concerns will be taken into consideration when a decision is made on the Application.

If you have any questions please contact Alan Pentney, Water Approvals Engineer, at 403-297-4878 or by email at [alan.pentney@gov.ab.ca](mailto:alan.pentney@gov.ab.ca).

Yours truly,

A handwritten signature in blue ink, appearing to read "Andun Jevne".

Digitally signed by  
Andun.Jevne  
Date: 2020.08.21  
21:40:51 -06'00'

Andun Jevne  
Designated Director under the Act

cc Chloe Cartwright – [chloec@telus.net](mailto:chloec@telus.net)





Regulatory Assurance Division  
Southern Region - Calgary  
2<sup>nd</sup> Floor, 2938 - 11 Street NE  
Calgary, AB T2E 7L7  
Telephone: 403-297-7605  
<https://www.alberta.ca/environment-and-parks.aspx>

August 21, 2020

File No.: 431063

Donald Farquharson

Dear Mr. Farquharson

**Subject: Water Act Application 001-00431063**  
**Response to a Submission During the Public Notice Period**

Thank you for your letter dated May 29, 2020 and received June 15, 2020 regarding the above *Water Act* application (Application). The department has reviewed your submission with regard to how you are directly affected by the Application.

You have identified a concern that the Application supply well could affect your dugout or the spring that feeds it. It is noted that your dugout is upslope from the proposed supply well so the spring should not be affected by the well. A hydrogeological assessment of the linkage between surface water such as a dugout and the well drawing water from 10 metres below the surface concluded that there is no direct connection.

It has been concluded from your submission that you are not directly affected by the Application. As a result, your submission is not considered a valid statement of concern. However, I appreciate you identifying your concerns and issues with the application. These will be taken into consideration when a decision is made on the Application.

If you have any questions please contact Alan Pentney, Water Approvals Engineer, at 403-297-4878 or by email at [alan.pentney@gov.ab.ca](mailto:alan.pentney@gov.ab.ca).

Yours truly,

A handwritten signature in blue ink, appearing to read "Andun Jevne".

Digitally signed by Andun Jevne  
Date: 2020.08.21 21:44:49 -06'00'

Andun Jevne  
Designated Director under the Act


cc Chloe Cartwright – [chloec@telus.net](mailto:chloec@telus.net)



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Southern Region  
2<sup>nd</sup> Floor, 2938 – 11 Street NE  
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[www.alberta.ca/index.aspx](http://www.alberta.ca/index.aspx)

November 19, 2020

File No.: 00431063

Jim Davies  


Dear Jim Davies:

**RE: Chloe Cartwright  
Diversion of Water at SE 31-028-03-W5M  
Water Act Application No. 001-00431063**

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Alberta Environment and Parks (the department) acknowledges receipt of your letter expressing concerns about Application No. 001-00431063, submitted under the provisions of the *Water Act*, to divert up to 26,982 cubic metres of groundwater annually for recreational and commercial purposes located at SE 31-028-03-W5M.

Your concerns have undergone a review and it has been determined that you will be recognized as a directly affected person in the review of this application. Your letter is considered as a statement of concern pursuant to Section 109 of the *Water Act* and, as such, you will be advised of the Director's decision pertaining to the abovementioned application.

Each of your concerns, as identified within your letter, were reviewed by the department and the Applicant will be required to address the concerns that are within the jurisdiction of the *Water Act*. The onus is on the Applicant to supply the department with information that adequately demonstrates the identified concerns are resolved in accordance with the legislation and department policies.

If you have any questions or concerns, please contact Kyle Lund by phone at 403-297-5949 or by email at [kyle.lund@gov.ab.ca](mailto:kyle.lund@gov.ab.ca).

Sincerely,

  
Digitally signed by  
Andun Jevne  
Date: 2020.11.19  
14:35:14 -07'00'

Andun Jevne  
District Approvals Manager  
Southern Region  
Designated Director under the Act

cc: Chloe Cartwright