

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

Date: Thursday, August 11, 2022
Time: 9:00 AM
Location: Council Chambers
262075 Rocky View Point
Rocky View County, AB T4A 0X2

Pages

A. CALL MEETING TO ORDER

B. DEVELOPMENT APPEALS

9:00 AM APPOINTMENTS

1. Division 4 File: 06714003 and 06714021; PRDP20221194

3

An affected party appeal against the approval of a development permit issued by the Development Authority for the Single lot regrading (stripping and grading) for Silverhorn Phases 2 and 3 at SE-14-26-03-05, NE-14-26-03-05 located approximately 0.81 kilometres (0.50 miles) north of Township Road 262, and approximately 0.81 kilometres (0.50 miles) east of SEC Highway 766.

Appellant: Shauna Hansen

Applicant: IBI Group (Michael Slattery)

Owner: Silverhorn Inc.

10:30 AM APPOINTMENTS

2. Division 6 File: 04234005; PRDP20222835

63

An affected party appeal against the approval of a development permit issued by the Development Authority for a Home-Based Business, Type II for a landscaping business with relaxation to the maximum number of non-resident employees at NE-34-24-27-W04M (272111 Township Road 250) located approximately 0.41 km (0.25 mile) west of Highway 9 and on the south side of Township Road 250.

Appellant: Blair Rusnack

Applicant: Hanan Diab

Owners: Hanan Diab and Abdel Naser

1:00 PM APPOINTMENTS

3. Division 1 File: 03912095; PRDP20223260

95

An affected party appeal against the approval of a development permit issued by the Development Authority for a Vacation Rental at Lot: 8 (East Pt.), Plan: 8556 CI, NW-12-23-05-W05M (47 Bracken Road) located in the Hamlet of Bragg Creek.

Appellant: Heike Meyer-Soules

Applicants/Owners: Brett and Patrica Vansickle

2:30 PM APPOINTMENTS

4. Division 2 File: 04734032; PRDP20221653

153

An affected party appeal against the refusal of a development permit issued by the Development Authority for a Care Facility (Clinic) (existing building), tenancy and signage, for a counselling service at Lot 4, Block 2, Plan 0413544, SW-34-24-03-05 located approximately 0.41 km (1/4 mile) east of Range Road 33 and 0.41 km (1/4 mile) south of Highway 1.

Appellant/Applicant/Owner: Andrew Wallace (Opus Corporation)

C. ADJOURN THE MEETING

D. NEXT MEETING

September 1, 2022

PLANNING

TO: Subdivision and Development Appeal Board
DATE: August 11, 2022 **DIVISION:** 4
FILE: 06714003 and 06714021 **APPLICATION:** PRDP20221194
SUBJECT: Development Item – Single lot regrading / Discretionary use, with no Variances

APPLICATION: Single lot regrading (stripping and grading) for Silverhorn Phases 2 and 3.

EXECUTIVE SUMMARY: The application was applied for on March 9, 2022, approved by Administration and the Notice of Decision was sent on June 28, 2022.

The Silverhorn Development Conceptual Scheme was approved on July 28, 2009, and the Silverhorn subdivision was approved under subdivision PL20150071. That approval created 43 residential lots within two phases. April 21, 2022, PL20210165 was approved by the Municipal Planning Commission and that approval granted authorization for the remaining areas of the Silverhorn subdivision to be completed in three smaller phases: Phase 2 will create 20 residential lots, Phase 3 will create 13 residential lots and Phase 4 will create 10 residential lots and a \pm 2.50 hectare (6.17 acres) municipal reserve (MR) lot.

This application deals only with the stripping and grading for proposed, future roadways and a small portion for stormwater management. The development of future residential lots and the subdivision, in general, are covered under separate approval, PL20210165. That subdivision approval requires several conditions to be met and also for the Applicant/Owner to enter into a Development Agreement with the County. Prior to release of this permit, the Applicant/Owner is required to submit and be approved by the County, several technical documents, including, but not limited to: a construction management plan; a site-specific stormwater implementation plan; and an erosion and sediment control report. The overall subdivision stormwater management plan has been submitted and is currently being reviewed by County Engineering, in relation to the subdivision PL20210165.

A landscaping plan is a requirement and a condition of approval of PL20210165 (condition 15 for Phase 2 and condition 14 for Phases 3 and 4). The landscaping plan will be required to address and align with Policy 5.4.4 "*Linear public open space shall be a minimum width of 10 metres*" of the approved Silverhorn Conceptual Scheme. Site stripping and grading for the future roadways and access routes are the only items approved under this approval. Any landscaping features and/or open spaces are to be addressed under the approved subdivision, PL20210165 and a landscaping plan.

Administration conditionally approved the application on June 28, 2022.

On July 15, 2022, an appeal was filed by Shauna Hansen for reasons that are noted in the agenda package.

DECISION: Approved

DECISION DATE:
June 28, 2022

APPEAL DATE:
July 15, 2022

ADVERTISED DATE:
June 28, 2022

APPLICATION EVALUATION:

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

Administration Resources

Wayne Van Dijk, Planning & Development Services



APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none">• <i>Municipal Government Act</i>;• Land Use Bylaw C-8000-2020;• Bears paw Area Structure Plan; and• Silverhorn Conceptual Scheme.	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none">• Cut-fill plan,• Erosion and sediment control plan,• Stormwater catchment area,• Stormwater management report.
DISCRETIONARY USE: <ul style="list-style-type: none">• 273: Site stripping, filling, excavation, grading and re-contouring	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none">• Administration

Additional Review Considerations

As per Section 273 of Land Use Bylaw, C-8000-2020, "Site stripping, filling, excavation, grading, and/or re-contouring (including the construction of an artificial waterbody, but not a dugout) requires a Development Permit."

This application, PRDP20221194, was evaluated independently of subdivision PL20220165. The stormwater management and erosion and sediment control being asked for under this application deal only with the site stripping and grading that has been proposed under this application. The overall stormwater management plan for the subdivision is currently under review with County Engineering. There are several conditions of the subdivision approval that are independent of this stripping and grading permit. The Applicant/Owner is required to enter into a Development Agreement with the County for the subdivision development.

There has been some tree clearing occurring this spring/summer. The County does not regulate any tree clearing on private lands.

APPEAL:

See attached report and exhibits.

Respectfully submitted,

"Justin Rebello"

Supervisor
Planning and Development Services

WV/lt

PLANNING

TO:	Staff Report	DIVISION: 4
DATE:	June 28, 2022	APPLICATION: PRDP20222835
FILE:	06714003 and 06714021	
SUBJECT:	Single lot regrading / Discretionary use, with no Variances	

APPLICATION: Single lot regrading (stripping and grading) for Silerhorn Phases 2 and 3.

GENERAL LOCATION: Located approximately 0.81 km (1/2 mile) north of Township Road 262, and approximately 0.81 km (0.50 mile) east of SEC Highway 766

LAND USE DESIGNATION: Residential, Country Residential District (R-CRD) under Land Use Bylaw C-8000-2020 (LUB).

EXECUTIVE SUMMARY: The Applicant/Owner is proposing to strip and grade portions of the parcels for future roadways and a small area for the stormwater management in support of the Silverhorn Phases 2 and 3 subdivision. There is no planned or proposed grading of any future residential lots, at this time. The Applicant/Owner has provided several technical documents in support of the application, including a cut-fill plan, erosion and sediment control plan, stormwater catchment area plan and a stormwater management report.

The Silverhorn Development Conceptual Scheme was approved on July 28, 2009, and the Silverhorn subdivision was approved under subdivision PL20150071. That approval created 43 residential lots within two phases. April 21, 2022, PL20210165 was approved by the Municipal Planning Commission and that approval granted authorization for the remaining areas of the Silverhorn subdivision to be completed in three smaller phases: Phase 2 will create 20 residential lots, Phase 3 will create 13 residential lots and Phase 4 will create 10 residential lots and a \pm 2.50 hectare (6.17 acres) municipal reserve (MR) lot.

This application deals only with the stripping and grading for proposed, future roadways and a small area for future stormwater pond areas. The development of future residential lots and the subdivision, in general, are covered under separate approval, PL20210165. That subdivision approval requires several conditions to be met and also for the Applicant/Owner to enter into a Development Agreement with the County. The overall subdivision stormwater management plan has been submitted and is currently being reviewed by County Engineering, in relation to the subdivision PL20210165.

This application proposes the stripping and grading of approximately 8.01 hectares (19.80 acres), as per drawings CF3.0 and CF3.1, dated May 2022.

AIR PHOTO & DEVELOPMENT CONTEXT:



**APPLICATION EVALUATION:**

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

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Land Use Bylaw C-8000-2020; • Bearspaw Area Structure Plan; and • Silverhorn Conceptual Scheme. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • None submitted
DISCRETIONARY USE: <ul style="list-style-type: none"> • 273: Site stripping, filling, excavation, grading and re-contouring 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> • Development Authority

Located with Bearspaw Area Structure Plan and the Silverhorn Conceptual Scheme. Neither of these documents refers directly to site stripping and grading. The actual subdivision is approved, PL20210165 and the aforementioned plans deal with some items that are related to subdivision (overall stormwater management and open spaces, in particular) but are not part of this application as this application is for site stripping and grading only.

The total area of the two parcels is 50.85 hectares (125.66 acres), 28.64 hectares (70.76 acres) for 06714021 and 22.22 hectares (54.90 acres) for 06714003.

Section 273: Site stripping, filling, excavation, grading, and/or re-contouring (including construction of an artificial waterbody, but not a dugout) requires a Development Permit.

Application is for site stripping and grading of proposed future roadways for Silverhorn Phases 2 and 3. The total area, as per drawings CF3.0 and CF3.1, dated May 2022, shows the areas that are being proposed to be stripped and graded. A total area of approximately 8.01 hectares (19.80 acres) is proposed to be graded.

Subdivision application PL20210165 was approved on April 21, 2022; which changed the phasing of the subdivision development. The original approval was PL20150071, approved on November 8, 2016.

Application has been referred to internal/external agencies. Comments are incorporated into the condition set.

ADMINISTRATION RECOMMENDATION: Administration recommends approval as the proposed development requires no variances and meets the requirements of Land Use Bylaw, C-8000-2020.

Respectfully submitted,

Wayne Van Dijk
Development Officer
WVD



ROCKY VIEW COUNTY

ATTACHMENTS

ATTACHMENT 'A': Development Permit Report Conditions

ATTACHMENT 'B': Application Information

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

1. That the stripping and grading, (rough grading) may commence on the subject parcel, in accordance with the submitted application and drawings [Drawing Number CF 3.1, CF3.2, Sections Sheets 1, 2 & 3, CF3.0 dated May 2022; ESC01A, ESC01B dated March 2022]
 - i. Total area of approximately 9.76 hectares (20.60 acres),

Prior to Release:

2. That prior to release of this permit, the Applicant/Owner shall submit a construction management plan addressing noise mitigation measures, construction practices, waste management, hazardous material containment, and all other relevant construction management details, in accordance with the County's Servicing Standards.
3. That prior to release of this permit, the Applicant/Owner shall submit a limited scope Site-Specific Stormwater Implementation Plan (SSIP), prepared by a qualified professional, addressing the necessary improvements to be implemented on the subject land to support the proposed stripping and grading and to address the potential for adverse impacts to the neighboring properties, in accordance with the County's Servicing Standards
4. That prior to release of this permit, the Applicant/Owner shall submit an Erosion and Sediment Control (ESC) Report, prepared by a qualified professional, in accordance with Section 1200 of the County's Servicing Standards.
5. That prior to release of this permit, the Applicant/Owner shall submit a Letter of Credit or refundable security in accordance with County Policy C-407. The requirement shall be \$5,000.00/disturbed acre of the development area.
6. That prior to release of this permit, the Applicant/Owner shall submit proof of liability insurance, in the amount of \$5,000,000 with the County named as additional insured, as per County Servicing Standards.
7. That prior to release of this permit, the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if permits or Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions.
 - i. Written confirmation shall be received from County Road Operations confirming the status of the condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.

Permanent:

8. That the Applicant/Owner shall be responsible for rectifying any adverse effect on the adjacent lands from drainage alteration.
9. That the Applicant/Owner shall submit compaction testing verifying that the fill areas greater than 1.20 m (3.94 ft.) in depth were placed in accordance with the Cut-Fill Plan, dated May 2022, as accepted by the County.
10. That no native topsoil shall be removed from the site and that the Applicant/Owner shall not screen and sell the excess topsoil without written consent from the County.



11. That the fill shall not contain large concrete, large rocks, rebar, asphalt, building materials, or metal.
12. That upon completion of the proposed development or request of the County, the Applicant/Owners shall submit an as-built survey, confirming that the development proposal and post grades align with the supporting technical submissions for the file.
13. That the Applicant/Owner shall ensure that all material has been placed in a safe manner that does not cause slope stability issues, slumping, or any adverse impacts on drainage and/or potential wetlands.
14. That for any graded area that remains undeveloped or for any stockpiles, the proposed graded areas shall have a minimum of six inches of topsoil placed on top, which shall then be seeded to native vegetation or landscaped, in accordance with the County's Servicing Standards.
15. That the Applicant/Owner shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
 - i. That if at any time the removal/placement of the fill creates a visible dust problem, the handling of the fill shall cease immediately until remedial measures are taken.
16. That the Applicant/Owner shall ensure that water trucks be available at all times to control dust blowing from the site onto adjacent properties and roadways.
17. That no stormwater, from the subject lands, shall be released offsite or towards County Infrastructure without an offsite pumping permit from the County.
18. That any plan, technical submission, agreement, or other matter submitted and approved as part of the Development Permit application, or in response to a Prior to Release condition, shall be implemented and adhered to in perpetuity.
19. That the subject land shall be maintained in a clean and tidy fashion at all times, and all waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways.
20. That if conditions of this permit are not satisfied, the County may draw upon the Letter of Credit or Refundable Security, once registered with the County, without recourse to the Applicant/Owner, to cover the costs in surface reclamation of any or all of the disturbed areas or costs involved in actions necessary to ensure compliance with any other conditions of this permit.
21. That if the development authorized by this Development Permit is not completed within 12 months of the permit issue date, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
22. That if this Development Permit is not issued by **December 31, 2022**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.



Advisory:

- That the Applicant/Owner shall adhere to the County's Noise Bylaw (C-8067-2020) and Road Use Agreement Bylaw (C-8065-2020) at all times.
- That the site shall remain free of restricted and noxious weeds and maintained in accordance with the approved Weed Management Plan and with the *Alberta Weed Control Act* [*Statutes of Alberta, 2008 Chapter W-5.1, December 2017*].
- That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
 - i. That the Applicant/Owner shall be responsible for obtaining all required Alberta Environment and Parks (AEP) approvals should the proposed development have a direct impact on any wetlands.
 - ii. That the Applicant/Owner is not permitted to disturb any wetland areas until *Water Act* approvals are received.
 - iii. That the Applicant/Owner shall submit the County with copies of the *Water Act* approvals from Alberta Environment and Parks, once issued.

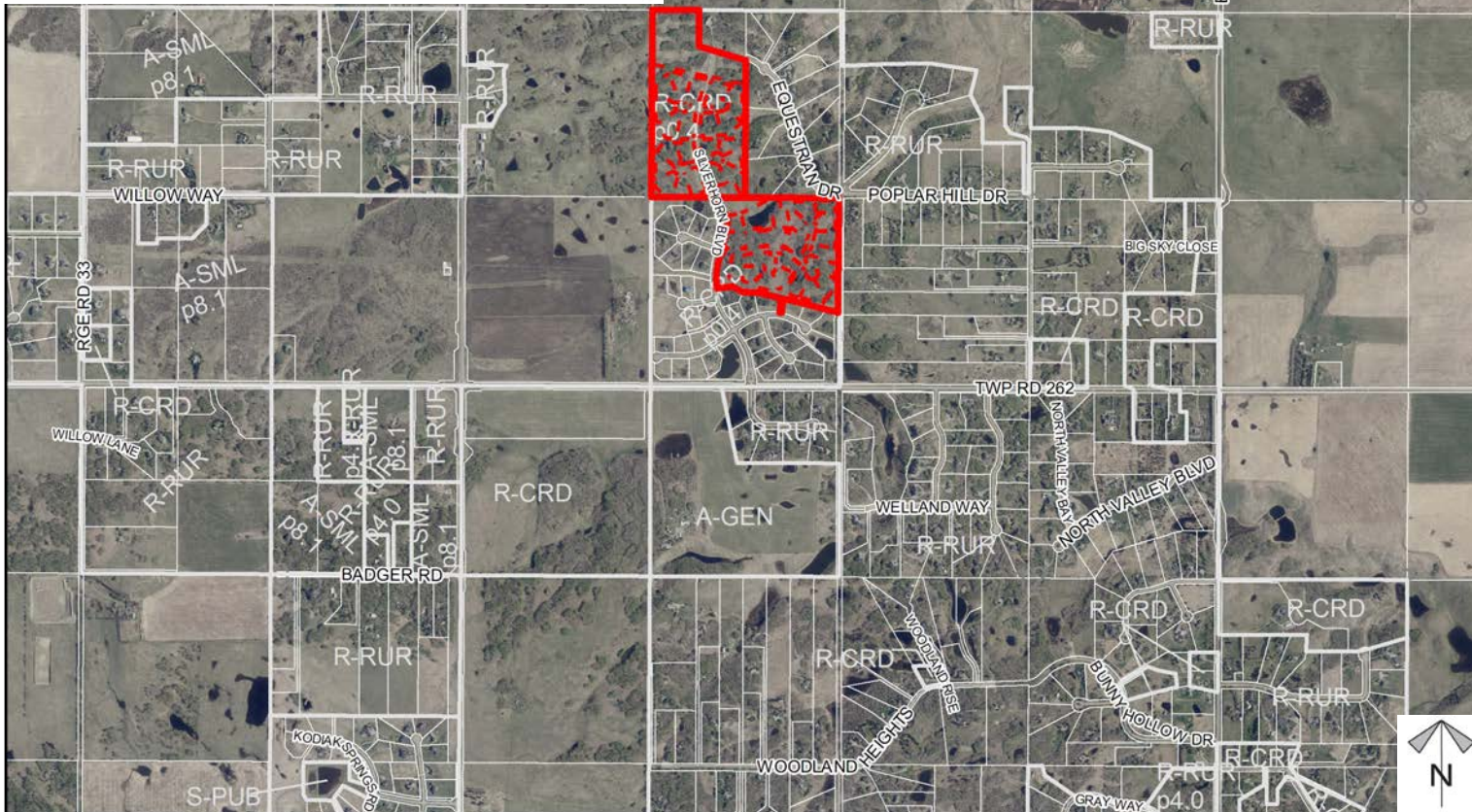
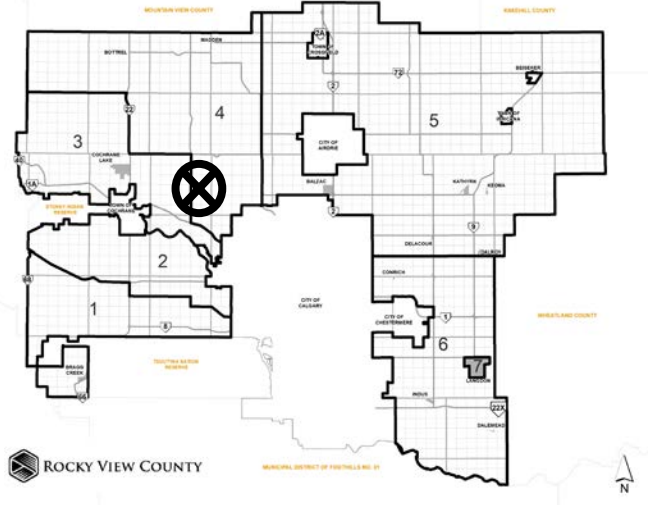
**ATTACHMENT 'B': APPLICATION INFORMATION**

APPLICANT: IBI Group (Michael Slattery)	OWNER: Silverhorn Inc.
DATE APPLICATION RECEIVED: March 9, 2022	DATE DEEMED COMPLETE: March 24, 2022
GROSS AREA: ± 50.85 hectares (± 125.66 acres)	LEGAL DESCRIPTION: SE-14-26-03-05, NE-14-26-03-05
APPEAL BOARD: Subdivision & Development Appeal Board	
HISTORY: <p>Planning</p> <ul style="list-style-type: none"> PL20210165 approved on April 21, 2022. Subdivision approval that changed the phases of the Silverhorn subdivision into three different phases: <ul style="list-style-type: none"> Phase 2: To create 20 residential lots, three public utility lots, and a ± 4.98 hectare (± 12.31 acre) municipal reserve lot; Phase 3: To create 13 residential lots and a ± 1.30 hectare (± 3.21 acre) municipal reserve lot; Phase 4: To create 10 residential lots and a ± 2.49 hectare (± 6.17 acre) municipal reserve lot. PL20150071: approved November 8, 2016. Subdivision Authority approved Silverhorn Phase 2 (to create 43 residential lots, two municipal reserve lots and two public utility lots. The subdivision has not been endorsed. 2008-RV-105: June 1, 2010: Subdivision Authority approved Silverhorn Phase 1 to create 36 residential lots, five municipal reserve lots, and four public utility lots. The subdivision was registered in Plan 1510793. 2008-RV-050: September 22, 2009: Council adopted the Silverhorn Residential District (R-S), to provide the appropriate land use District for the subdivision and development of the Silverhorn community. 2008-RV-104: July 28, 2009: Council adopted the Silverhorn Conceptual Scheme (to provide a policy framework to guide future residential development on the subject lands). <p>Development</p> <ul style="list-style-type: none"> 2011-DP14522: approved September 11, 2012: stripping and grading of Phase 1. 	

Location & Context

Development Proposal

Stripping, grading, and excavation for Silverhorn Subdivision (Phase 2 & 3)



Division: 4
 Roll: 06714003 & 06714021
 File: PRDP20221194
 Printed: June 23 2022
 Legal: Portions of NE/SE-14-26
 Page 10 of 180

Development Proposal

Stripping, grading, and excavation for Silverhorn Subdivision (Phase 2 & 3)

Legend

Support



Not Support



Appellant



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

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

Division: 4
Roll: 06714003 & 06714021
File: PRDP20221194
Printed: June 23 2022
Legal: Portions of NE/SE-14-
2623-160517
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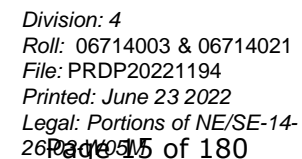
Aerial Imagery

Development Proposal

Stripping, grading, and excavation for Silverhorn Subdivision (Phase 2 & 3)



Stripping, grading, and excavation for Silverhorn Subdivision (Phase 2 & 3)





Notice of Appeal
Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information			
Name of Appellant(s) Shauna Hansen			
Mailing Address 19 Equestrian Drive	Municipality Rocky View	Province alberta	Postal Code T3R1C9
Site Information			
Municipal Address unavailable	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) SE 14-26-03-05, NE 14-26-03-05		
Property Roll # 06714003,06714021	Development Permit, Subdivision Application, or Enforcement Order # PRDP20221194		
I am appealing: (check one box only)			
Development Authority Decision <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order	
Reasons for Appeal (attach separate page if required)			
See attached document			

A red circular stamp from Rocky View County. The outer ring contains the text "ROCKY VIEW COUNTY". The inner part of the stamp says "RECEIVED" in large, bold letters, followed by the date "JUL 15 2022". At the bottom, in smaller text, it says "LEGISLATIVE AND MUNICIPAL SERVICES".

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

Appellant's Signature

July 15, 2022

Date _____

REASONS FOR APPEAL

OVERVIEW:

The original Silverhorn Design Plans provided in connection with the Applicant's development permit application differ significantly from the currently-proposed design plans¹. The original plans for the area adjacent to my property and the Equestrian Trail riding trail (which is utilized by 12 acreages in Equestrian Estates along with the neighboring community) ALWAYS showed a large buffer of trees retained against the property lines.

See Attachment A.

My Request: The County's analysis of the Applicant's application should take into account the importance of the buffer and if the application is to proceed, the County should (i) impose a condition on the Applicant to ensure that a suitable buffer is in-place as well as any additional mitigation to prevent reoccurring flooding and (ii) ensure that the Applicant adequately addresses flood mitigation.

Current Situation: As of early May 2022, the land has been altered and all the trees and brush at the entrance to the Equestrian Estates community, along Equestrian Trail and my property have been stripped and removed. Hundreds of trees have been removed right up to my property line. I understand that many residents contacted the Rocky View County (the "County" or "RVC"), and nothing was done to stop this stripping and large amount of earth moving. Previous these concerns were discussed in more detail with management at Silverhorn on more than one occasion prior to the activity and then itemized in a letter sent to RVC with Silverhorn in copy.

See Attachment B.

I tried to further contact Silverhorn to discuss my concerns when the tree removal started, but my email was never returned.

An engineer, Steve Altena from RVC came to my property on May 6th, 2022 and met with me and a group of neighbors. He could not tell us what the plans were for the area stripped or why it was stripped. As of date, we still have not received any clarity as to the reason for the removal of trees.

See Attachment pictures 1, 2, 3, 4.

Importance of Buffer: The retained buffer is important for three reasons: (1) it reduces the risk of overland flooding; (2) it helps to ensure safety of horse and riders by preventing horses from being spooked by increased traffic and activity; (3) it helps to preserve the property value and aesthetics of Equestrian Trail and the neighboring properties (including those within the Silverhorn development). Each of these concerns is discussed further below.

MY CONCERNS

1. Concerns for RE-flooding.

My property was flooded out as a result of Silverhorn's actions on two occasions:

¹ As seen on the Silverhorn website: <http://ibiengage.com/silverhorn/>.

- In 2013, my property was flooded due to water being pumped and diverted towards me; and
- In 2020, my property was flooded due to a berm built and installed by Silverhorn that failed.

Each of these flooding events resulted in countless hours spent around the clock for weeks pumping water off my property, time away from work and significant dollars in damages. I have summarized some further details below.

See pictures of 2013 flooding.

In 2020 the berm constructed by Silverhorn (at the request of RVC Counselor Al Sacuta after he witnessed the flooding devastation at my property) started to leak water which then subsequently flooded my property.

- The flooding was so severe the Equestrian Trail adjacent to my property had to be closed-off to access for walking and riding for the ENTIRE Summer and Fall of 2020 due to the high risk of injury/drowning.
- I had to pump around the clock in order to remove water from my property to try to minimize long-term damage. Nonetheless, I lost approximately 25 % of my pastureland due to standing water on it for several months. My horses had to be transferred to and maintained in another area to avoid injury from the mud and floodwaters.
- Although many complaints were sent into the County by residents, no remediation or restorative action was taken.

See Attachment of Flood pictures 2020 (pictures of entrance and trail closed, flooded field, leaking berm).

The County would not assist me in dealing with the flooding or dealing with the developer on their nonfunctioning water management plan. At my own expense, I hired Richard Jones, a lawyer specializing in environmental law dealing with land development, irrigation, and water rights. He guided me through dealing with all parties and involving the provincial government. When Ken Nowosiad of Alberta Environment and Parks (Dam Safety) saw the pictures of the failed berm and flow of water to my property, he drove to my property from Edmonton the same day. He was concerned given how significant of a body of water was being held against my property.

Within days, Randy Sweeney, a Government of Alberta Environment Protection Officer surveyed the situation on two occasions and to my knowledge, provided his report to the County and Silverhorn. The entire situation was found to be unacceptable and the berm had to be rebuilt at taxpayers' expense. I expect that it was over \$40,000.00. Until the provincial government was involved, the County failed to act or assist me.

I do not trust that I will not be flooded again if more grading and stripping continues and I have no assurances that the proposed water management plan is the most suitable one for our area. In particular, I note that the "Stormwater Management Plan" provided on the Silverhorn website² indicates that the stormwater escape routes and overland flooding paths will be directed towards Equestrian Drive and the Equestrian Trail – potentially risking future flooding of my property, neighboring properties, and these transportation areas. It is also unclear who developed the plan, how it was

² As seen on the Silverhorn website: <http://ibiengage.com/silverhorn/maps.php?m=5>

developed, and whether the plan was informed by stormwater best practices or techniques, as recognized by the Government of Alberta and industry.

2. Safety of Horses and Riders.

The safety of Equestrian Trail was compromised in 2013 and 2020 because of flooding. Now all the trees have been stripped. In places, the barbed wire fence lining the trail has been damaged because of the trees being plowed down. The implications of this are set out below:

- The foundation of Equestrian Estates is as a riding and walking community where private land is shared for each other's benefit and enjoyment. The equestrian community is why I purchased my property and why I always have two horse living on the property. Everyone in the community has similar interest in the equestrian and outdoor lifestyle.
- Horses are powerful animals and are subject to quick and unexpected movements, particularly when spooked by neighboring traffic, construction activity or other unexpected sounds or stimuli. Not having a buffer of trees creates high likelihood of injury – both to horse and rider, but also anyone else in the vicinity, including pedestrians, other animals, and vehicle traffic. Further grading could make it even more dangerous.
- In addition, my horses graze on the portion of the Equestrian Trail which is on my property, but this is no longer safe with the fence broken in parts, as they could escape or be injured.

3. Property Value and Beauty.

The neighborhood has been de-valued because of the flooding and tree-removal, as set out below:

- In June 2020 when the flooding started again, I contacted the RVC tax assessment office. Assessor Byron Halbersma visited my property. He saw the flooding and immediately asked if Al Hogan had been contacted. I said I was trying to make head way with the County but had been unsuccessful to that date. He said he felt my property was un-sellable. My taxes since then have been reduced from nearly \$5000 per year to \$3200.
- The aesthetics of the front entrance of our community are in peril. All residents take great pride in their properties, both for their own enjoyment, that of visitors and guests. Our entrance has always been well-maintained and is a key feature to driving onto Equestrian Drive.

CONCLUSION

Since 2013, I have had to fight a battle to protect my property, my home, my neighborhood and to ensure the safety of my horses. I have been let down repeatedly by a system that should be in place to protect taxpayers, the community and home owners. The grading and tree removal activity has severely and negatively impacted the landscape and compromised the buffer. This was a beautiful area that was never to be touched according to the original plans presented and promised by Silverhorn. If the Country approves the Applicant's application for additional stripping and grading, it should ensure that conditions are imposed to ensure that a suitable buffer is in-place and that flood mitigation is addressed. While I recognize that it will be difficult to restore the land to represent what the area has stood for going on 30 years, there must be some rehabilitation and flood mitigation planning to address the concerns I have raised above.

Thank you for considering my concerns.

Plan always
presented

S. Hansen Lot

Trees to be
retained
- ALL gone
May/2022



March 2, 2009

Municipal District of Rocky View
Planning Services
(Stephen Pearce)
911 – 32nd Avenue N.E.
Calgary, Alberta T2E6X6

Re: Application number 2008 – RV104 (Conceptual Scheme)
2008 – RV050 (Redesignation)
File # 06714001/003/21
'Silverhorn' development by McKinley Masters

cc. Mark Kwasnicki, Ken Hubert.

Dear Mr. Pearce,

Thank you for your notification requesting feedback on the above land development proposal.

My property, and that of several other individuals could be adversely affected by this proposed development if some changes are not instigated.

I have four concerns at this time that I require your feedback and response on:

- 1) *Storm water management*
- 2) *Restrictive Covenant requirements*
- 3) *Safety of riders and horses along with preservation of the unique 'Equestrian Trail' that surrounds the Equestrian Estates development*
- 4) *Plans to offset increased potential for residential and grass fires. (Not a direct responsibility of the Silverhorn development).*

1) **Storm Water Management (Pond 'A')**

The current topographical maps indicate minimal elevation difference between pond A and our property. The potential for damaging flooding to our property is very real. Suggested development plans would exacerbate this further if not modified properly while maintaining the integrity of the area.

Solutions as per discussions with Mark Kwasnicki and Ken Hubert on March 2, 2009 are as follows:

There are two-storm water management ponds proposed that would border right on the edge of Equestrian Estates. The expectation is to use the existing natural water basins. The larger pond would be restrained by a rock/soil earthen berm paralleling the North border of the development. It would need to be only six or eight feet high and

would be covered over by natural grasses and shrubs to become almost invisible. The second catch basin is located in the North East corner of the development and is predicated on a second naturally occurring water basin. These two bodies of water are now separated by a tree-covered hill approximately fifty feet high. In order to conjoin these two water basins and still retain the integrity of the tree-covered hill, Mark Kwasnicki promptly suggested '*directional drilling*' as the most benign method to achieve the joining without having to channel a fifty foot deep trench and ditch through the hill surface. The hill, which now comprises fully half of my view from my yard, can remain untouched. We appreciate this creative solution, which allows the hard-scape and trees to remain unmolested and protects the raw beauty of the land.

2) Restrictive Covenant Requirements

It is in the best interests of the residents of Equestrian Estates as well as the residents of Silverhorn to protect the ecology of this area and the environment that is home to a multitude of wild life and plant species. Without suitable preservation of wild life and plant life, the value and aesthetics of the area is severely compromised for both parties.

In order to retain existing aspen growths and as much 'natural' landscape as possible between the Silverhorn proposal and the existing Equestrian Estates, Mark, Ken and I agreed on a provision that would see a minimum 200 foot 'restrictive covenant' placed on the back areas of the Silverhorn properties. Where possible, I would expect that this could be increased to 250 feet if necessary to save more of the treed landscape – in order to protect current wild life habitats and ecologically sensitive areas. Building envelopes could be adjusted on each of the Silverhorn lots to accommodate this need.

3) Safety of riders and horses along with preservation of the *UNIQUE* Equestrian Trail that forms the cornerstone of the Equestrian Estates development.

This is a critical concern of every horse rider in Equestrian Estates and area. We bought our property here because of this horse-trail feature surrounding all of the Equestrian Estates development. It is the defining feature of Equestrian Estates and is highly valued. This trail alone is what separates our equine-themed living from every other average acreage development in the surrounding area.

As people move into Silverhorn with their children and dogs, there naturally exists the potential of people thinking the horse trail is a nature walk or a path for use with quads, bikes, toboggans, etc. Children or dogs making a sudden noise or appearance on the trail could lead to disastrous results for themselves and/or the horse rider.

It is of critical importance that everyone involved with Silverhorn understand a basic behaviorism of horses. They spook easily. A spooked horse can quickly rear up, spin sideways and even end up on it's back as it attempts to evade any sudden disruption in its

path. This could easily cause severe injury or even death to the rider and the person who created the disruption.

The Equestrian Trail is a 'private use' facility and we must, at all costs, prevent stray dogs and children from sudden appearances on the trail.

The best way to prevent a disastrous event of a 'spooked' horse by a person or animal is to fence off the back of the Silverhorn lots that border on the Equestrian Trail.

When I discussed this crucial issue with Mark Kwasnicki and Ken Hubert (March 2, 2009) they promptly agreed to an effective fence that would keep out children and dogs while allowing deer to continue migrating through the area. The fencing would be low height, low visibility and offer minimal esthetic intrusion.

4) Plan for installation of a Fire Hall given the increasing density of the Bearspaw area and increased potential for residential and grass fires.

I would very much appreciate reviewing the current plans for dealing with fire issues in the Bearspaw developmental area. I feel there is a real need for an improved Fire Response capability to combat potential disaster due to long wait times for emergency services.

These are the current and most important concerns I have with the Silverhorn development. I want to add that I appreciate the fact that it will be McKinley Masters that will develop this property. I have high expectations of the excellent quality and design integrity that they are capable of incorporating into the Silverhorn residences.

On a final note – Mr Kwasnicki and Mr. Hubert are both to be commended for their openness and understanding toward my concerns as well as their willingness to make adjustments to the issues outlined in this letter.

I look forward to hearing from you and McKinley Masters as soon as possible.

Sincerely,

Gary Hansen,

19 Equestrian Drive, Calgary, T3R 1C9

Picture from my front window of stripping next to my property line



Stripping right to the property line



Front entrance to Equestrian Estates that use to be all treed.



Picture of my horse paddock and riding trail adjacent to Silverhorn stripped of trees



S. Hansen Property

Still Flooded on entire side

Figure 1.

Silverhorn Property

Page1



FIGURE 2 FACING SILVERHORN
DAM FROM HANSEN'S LAND

FLOODED AREA ON HANSEN
PROPERTY SINCE APRIL. WATER
CONTINUES TO FLOW IN OCTOBER

NO RAIN IN 8 WEEKS

ALL OTHER AREAS IN THE DISTRICT
ARE DRY

Pond across the street, several feet lower than spring

figure 3

Page 2



Hansen Pond Oct 8th

Water remains at an all-time high for October, Usually 4 feet lower on water at this time of year



Entrance to my property having to be closed for safety reasons front and back for over 8 months.



Background information

Trail entrance (west side)



Figure 1. Entrance to the trail, looking west on Equestrian Estate Drive

Issues:

1. SW access to Equestrian Estate Recreational Trail blocked and not passable due to flooding by storm water flowing from Silverhorn to Equestrian Estates.
2. 19 Equestrian Drive and 28 Equestrian drive flooded for the same reason as point 1 above.
3. The developer started construction, including massive terrain modification back in the fall of 2012, without securing a downstream conveyance channel through Equestrian Estates and Cherry Valley. So far, most of the efforts in attempting to resolving these issues are being done by a few residents whose properties are directly impacted by this. Despite ongoing communications with Silverhorn and the M.D. since 2011, the solution proposed (such as installing a water pump in Silverhorn to redirect the water away from the trail and affected residents) and other mitigation efforts have not been made by Silverhorn to resolve the flooding hazard and situation. This has been a problem and safety hazard since 2012.
4. In addition to preventing residents from enjoying the recreational trails they should have access to, the flooding of the Equestrian Estate trail by Silverhorn represents a hazard to the residents and public, including drowning (especially for the youth of our community who explore these trails) and horseback riders falling due to their horses slipping.



Figure 2. Photo taken on **June 18 2013**, showing a drain installed by Silverhorn that channels storm water flow directly towards Equestrian Estate. This photo also highlights the level of erosion created by Silverhorn when they removed an extensive amount of trees and vegetation.



Figure 3. Photo taken on **May 3, 2014**, showing storm water coming from Silverhorn and causing flooding of one of the residents on 28 Equestrian Drive, completely immersing their fence line and flooding their basement. This increases the risk of flooding the M.D. road. Note that this fence line had never been flooded in such a manner before Silverhorn started construction in 2008, and we have not experienced the heavy spring rain yet. The situation is expected to get worse if Silverhorn does not take action to fix the problem they have created.

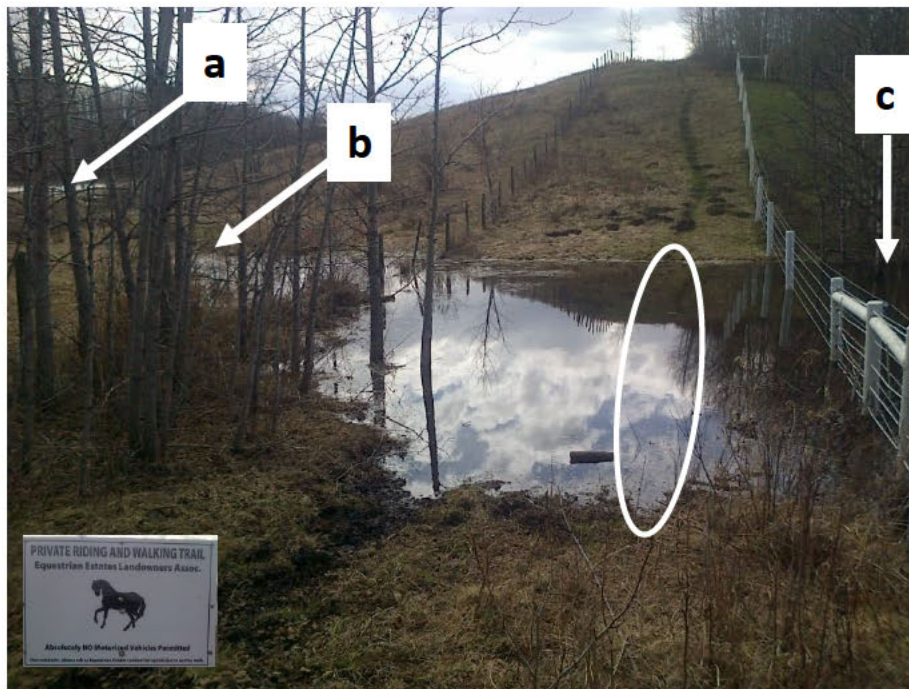


Figure 4. Photo taken on **May 1, 2014**, showing storm water flowing from Silverhorn (points a and b) towards a nearby Equestrian Estate resident (point c), completely immersing their fence line, and accumulating over 4 feet of water in the lower point of the trails (oval), blocking the southwest access of the trail. This trail is enjoyed by many residents of this neighborhood as a hiking and equestrian trail. The same observation was made in May and June 2013, during snow melts (before the June 21 major flooding event). Such flooding of the trail had never been experienced by the residents before Silverhorn started construction. Note that this photo is taken in May 1, 2014, before significant spring rain, as occurred. The situation got worse in late May and June 2014, during the high rain season.

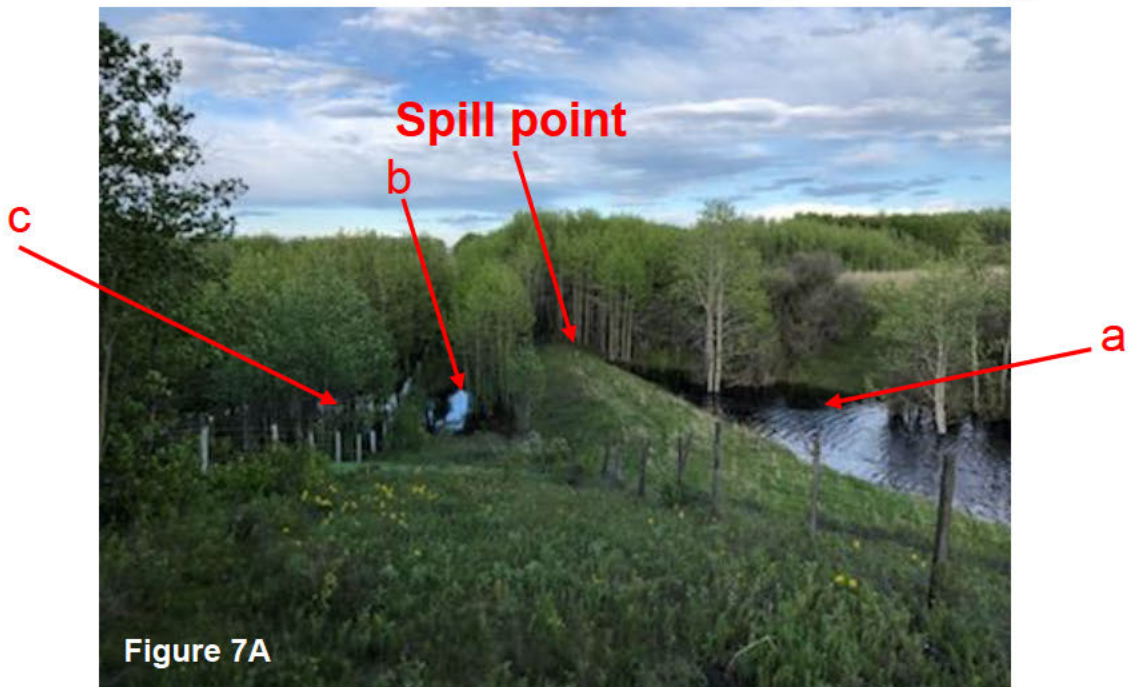


Figure 5. Photo taken on June 1, 2020, showing storm water flowing from Silverhorn (point a in Silverhorn to point b on Equestrian trail) towards a nearby Equestrian Estate resident (point c on Figure 6.), completely immersing their fence line, and accumulating over 4 feet of water in the lower point of the trails (oval), blocking the southwest access of the trail. This is evidence that the issues caused by Silverhorn due to the change in landscape has not been addressed properly yet, and is still an issue affecting all residents on Equestrian Estate and Poplar Hill Drive in 2020 (7 years after this problem was raised with the MD of Rockyview.)



Figure 6. Photo taken on June 1, 2020

June 2020 photo. SW access of the trail, photo looking east



June 2020 photo. SW access of the trail, photo looking south



Figure 7A and 7B. Photo taken on June 1, 2020, showing storm water flowing from Silverhorn (point a in Silverhorn to point b on Equestrian trail) towards a nearby Equestrian Estate resident at 19 Equestrian Estates (point c). This view shows the large body of water coming from Silverhorn. All long term residents living in this area can attest to the fact that prior to Silverhorn starting this development in 2009, this water body was a quarter of the size it is since after Silverhorn disrupted the landscape of their quarter section.



THIS IS NOT A DEVELOPMENT PERMIT

Please note that the appeal period *must* end before this permit can be issued and that any Prior to Issuance conditions (if listed) *must* be completed.

NOTICE OF DECISION

IBI Group (Michael Slattery)
3rd Floor - 227 11 Ave SW
Calgary, AB T2R 1R9

Page 1 of 3

Tuesday, June 28, 2022

Roll: 06714003 and 06714021

RE: Development Permit #PRDP20221194

SE-14-26-03-W05M and NE-14-26-03-W05M

The Development Permit application for Stripping & Grading, for Silverhorn Subdivision (Phase 2 & 3) has been **conditionally-approved** by the Development Officer subject to the listed conditions below (**PLEASE READ ALL CONDITIONS**):

Description:

1. That the stripping and grading, (rough grading) may commence on the subject parcel, in accordance with the submitted application and drawings [Drawing Number CF 3.1, CF3.2, Sections Sheets 1, 2 & 3, CF3.0 dated May 2022; ESC01A, ESC01B dated March 2022]
 - i. Total area of approximately 9.76 hectares (20.60 acres),

Prior to Release:

2. That prior to release of this permit, the Applicant/Owner shall submit a construction management plan addressing noise mitigation measure, construction practices, waste management, hazardous material containment, and all other relevant construction management details, in accordance with the County's Servicing Standards.
3. That prior to release of this permit, the Applicant/Owner shall submit a limited scope Site -Specific Stormwater Implementation Plan (SSIP), prepared by a qualified professional, addressing the necessary improvements to be implemented on the subject land to support the proposed stripping and grading and to address the potential for adverse impacts to the neighboring properties, in accordance with the County's Servicing Standards
4. That prior to release of this permit, the Applicant/Owner shall submit an Erosion and Sediment Control (ESC) Report, prepared by a qualified professional, in accordance with Section 1200 of the County's Servicing Standards.
5. That prior to release of this permit, the Applicant/Owner shall submit a Letter of Credit or refundable security in accordance with County Policy C-407. The requirement shall be \$5,000.00/disturbed acre of the development area.
6. That prior to release of this permit, the Applicant/Owner shall submit proof of liability insurance, in the amount of \$5,000,000 with the County named as additional insured, as per County Servicing Standards.



DEVELOPMENT PERMIT (Page 2 of 3) PRDP20221194

IBI Group (Michael Slattery)

7. That prior to release of this permit, the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if permits or Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions.
 - i. Written confirmation shall be received from County Road Operations confirming the status of the condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.

Permanent:

8. That the Applicant/Owner shall be responsible for rectifying any adverse effect on the adjacent lands from drainage alteration.
9. That the Applicant/Owner shall submit compaction testing verifying that the fill areas greater than 1.20 m (3.94 ft.) in depth were placed in accordance with the Cut-Fill Plan, dated May 2022, as accepted by the County.
10. That no native topsoil shall be removed from the site and that the Applicant/Owner shall not screen and sell the excess topsoil without written consent from the County.
11. That the fill shall not contain large concrete, large rocks, rebar, asphalt, building materials, or metal.
12. That upon completion of the proposed development or request of the County, the Applicant/Owners shall submit an as-built survey, confirming that the development proposal and post grades align with the supporting technical submissions for the file.
13. That the Applicant/Owner shall ensure that all material has been placed in a safe manner that does not cause slope stability issues, slumping, or any adverse impacts on drainage and/or potential wetlands.
14. That for any graded area that remains undeveloped or for any stockpiles, the proposed graded areas shall have a minimum of six inches of topsoil placed on top, which shall then be seeded to native vegetation or landscaped, in accordance with the County's Servicing Standards.
15. That the Applicant/Owner shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
 - i. That if at any time the removal/placement of the fill creates a visible dust problem, the handling of the fill shall cease immediately until remedial measures are taken.
16. That the Applicant/Owner shall ensure that water trucks be available at all times to control dust blowing from the site onto adjacent properties and roadways.
17. That no stormwater, from the subject lands, shall be released offsite or towards County Infrastructure without an offsite pumping permit from the County.
18. That any plan, technical submission, agreement, or other matter submitted and approved as part of the Development Permit application, or in response to a Prior to Release condition, shall be implemented and adhered to in perpetuity.
19. That the subject land shall be maintained in a clean and tidy fashion at all times, and all waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways.



ROCKY VIEW COUNTY

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

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

DEVELOPMENT PERMIT (Page 3 of 3) PRDP20221194

IBI Group (Michael Slattery)

20. That if conditions of this permit are not satisfied, the County may draw upon the Letter of Credit or Refundable Security, once registered with the County, without recourse to the Applicant/Owner, to cover the costs in surface reclamation of any or all of the disturbed areas or costs involved in actions necessary to ensure compliance with any other conditions of this permit.
21. That if the development authorized by this Development Permit is not completed within 12 months of the permit issue date, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
22. That if this Development Permit is not issued by **December 31, 2022**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Advisory:

- That the Applicant/Owner shall adhere to the County's Noise Bylaw (C-8067-2020) and Road Use Agreement Bylaw (C-8065-2020) at all times.
- That the site shall remain free of restricted and noxious weeds and maintained in accordance with the approved Weed Management Plan and with the *Alberta Weed Control Act [Statutes of Alberta, 2008 Chapter W-5.1, December 2017]*.
- That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
 - i. That the Applicant/Owner shall be responsible for obtaining all required Alberta Environment and Parks (AEP) approvals should the proposed development have a direct impact on any wetlands.
 - ii. That the Applicant/Owner is not permitted to disturb any wetland areas until *Water Act* approvals are received.
 - iii. That the Applicant/Owner shall submit the County with copies of the Water Act approvals from Alberta Environment and Parks, once issued.

If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **Tuesday, July 19, 2022**, a Development Permit may be issued, unless there are specific conditions which need to be met prior to issuance. If an appeal is received, then a Development Permit will not be issued unless and until the decision to approve the Development Permit has been determined by the Development Appeal Committee.

Regards,

Development Authority
Phone: 403-520-8158
Email: development@rockyview.ca

THIS IS NOT A DEVELOPMENT PERMIT



DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20221194
ROLL NO.	06714003, 06714021
RENEWAL OF	-
FEES PAID	
DATE OF RECEIPT	March 9, 2022

APPLICANT/OWNER						
Applicant Name: Michael Slattery	Email: michael.slattery@ibigroup.com					
Business/Organization Name (if applicable): IBI Group on behalf of Silverhorn Inc.						
Mailing Address: 3rd Floor - 227 11 Avenue SW, Calgary AB	Postal Code: T2R 1R9					
Telephone (Primary): 587-664-2347	Alternative:					
Landowner Name(s) per title (if not the Applicant): Silverhorn Inc.						
Business/Organization Name (if applicable):						
Mailing Address: 8544 47 Ave NW, Calgary, AB	Postal Code: T3B 1Z9					
Telephone (Primary): 403-239-0602	Email:					
LEGAL LAND DESCRIPTION - Subject site						
All/part of: SE ¼	Section: 14	Township: 26	Range: 03	West of: 5	Meridian	Division: 4
All parts of :		Block:	Plan:	Parcel Area (ac/ha):		
Municipal Address:				Land Use District: R-CRD (Residential, Country Residential)		
APPLICATION FOR - List use and scope of work						
Development Permit for Stripping and Grading for Country Residential Development.						
Variance Rationale included: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A DP Checklist Included: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Name of RVC Staff Member Assisted:						
SITE INFORMATION						
a. Oil or gas wells present on or within 100 metres of the subject property(s)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
c. Abandoned oil or gas well or pipeline present on the property (Well Map Viewer: https://extmapviewer.aer.ca/AERAbandonedWells/Index.html)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
d. Subject site has direct access to a developed Municipal Road (accessible public roadway)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
AUTHORIZATION						
I, <u>MICHAEL SLATTERY</u> (Full name in Block Capitals), hereby certify (initial below):						
<u> </u> That I am the registered owner OR <u>X</u> That I am authorized to act on the owner's behalf.						
<u>X</u> That the information given on this form and related documents, is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.						
<u>X</u> That I provide consent to the public release and disclosure of all information, including supporting documentation, submitted/contained within this application as part of the review process. I acknowledge that the information is collected in accordance with s.33(c) of the <i>Freedom of Information and Protection of Privacy Act</i> .						
<u>X</u> Right of Entry: I authorize/acknowledge that Rocky View County may enter the above parcel(s) of land for purposes of investigation and enforcement related to this application in accordance with Section 542 of the Municipal Government Act.						
Applicant Signature <u>Michael Slattery</u>	Landowner Signature _____					
Date <u>08-Mar-2022</u>	Date _____					



STRIPPING, GRADING, EXCAVATION AND/OR FILL INFORMATION SHEET

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20221194
ROLL NO.	06714003, 06714021
DISTRICT	R-CRD (Residential, Country Residential)

DETAILS		APPLICATION FOR:
Total area of work (m ² / ft ² / ac.)	20.6 ac.	<input checked="" type="checkbox"/> Site Stripping <input type="checkbox"/> Fill
Length (m / ft.)	1600 m.	<input checked="" type="checkbox"/> Grading <input type="checkbox"/> Re-contouring
Width (m / ft.)	45 m.	<input type="checkbox"/> Excavation (cut-to-fill) <input type="checkbox"/> Excavation (borrow areas)
Height (m / ft.)		<input type="checkbox"/> Construction of artificial waterbody (not including dugouts)
Volume (m ³ / ft ³ .)		<input checked="" type="checkbox"/> Stockpiling
Number of truckloads (approx.)	Volumes and areas provided on attached cut-fill plans.	<input type="checkbox"/> Other:
Slope factor (if applicable)		
DESCRIPTION OF WORK		
Describe the purpose and intent of the work proposed (include cover letter for detailed description):		
Development Permit for Stripping and Grading for Country Residential Development.		
Indicate the timing/duration of work (which shall not coincide with bird nesting seasons, as determined):		
June 1st start, August completion.		
Indicate the effect(s) on existing drainage patterns or environmentally sensitive areas (i.e. riparian, wetland, other waterbodies etc.) if applicable:		
All stripping and grading activities will be carried out in accordance with the attached cut-fill plans, ESC plans and Staged Master Drainage Plan (SMDP). As described in the SMDP, the stormwater management system for this development has been designed as a low impact system that integrates with the natural drainage patterns as much as possible.		
Confirm if proposed fill contains any rubble or hazardous substances:		
Proposed fill does not contain rubble or hazardous substances.		
ADDITIONAL REQUIREMENTS, in addition to DP Checklist - General requirements		
<p>The following must be included with the application (select if provided):</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Pre-development and Post-development grading plans <input checked="" type="checkbox"/> Other documents: Stormwater Management Plan, Fill Management Plan, Soil Quality Report may be required <input checked="" type="checkbox"/> Cover letter shall address ALL of the following: <ul style="list-style-type: none"> • Soil-handling plan depicting movement of fill on the site and confirmation that soil will be transported when it is in a favourable condition (include this information on the Site/Grading Plan as necessary) • Traffic control plan • Weed Management Plan • Costs (anticipated) to reclaim the site • Methods to dust and erosion resulting from ongoing work <p>On the Site/Grading Plans:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Dimensions and area(s) of excavation, fill, and/or grading <input checked="" type="checkbox"/> Location of wetlands and watercourses and any ecologically sensitive features <input checked="" type="checkbox"/> Location where the excavation, stripping, or grading is to be taking place <input checked="" type="checkbox"/> Proposed access, haul routes, and haul activities 		

Applicant Signature Michael Slattery

Date 8/3/22



DEVELOPMENT PERMIT APPLICATION CHECKLIST - GENERAL

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

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

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

FOR OFFICE USE ONLY

Proposed Use(s): Stripping, Grading, and Excavation for subdivision | Land Use District: R-CRD (Residential, Country Residential)

Applicable ASP/CS/IDP/MSDP: Bears paw ASP, Silverhorn CS

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

NOTES:

Staff Signature: _____

Jeevan Warch



LAND TITLE CERTIFICATE

S		
LINC	SHORT LEGAL	TITLE NUMBER
0036 614 543	5;3;26;14;SE	151 082 225 +45

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 3 TOWNSHIP 26
SECTION 14
QUARTER SOUTH EAST
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES)	MORE OR LESS
ROAD	9912401	0.416	1.03	
SUBDIVISION	1510793	42.114	104.07	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 121 111 946

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
151 082 225	25/03/2015	SUBDIVISION PLAN		

OWNERS

SILVERHORN INC.
OF 8544 47 AVE NW
CALGARY
ALBERTA T3B 1Z9

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	NUMBER	DATE (D/M/Y)	PARTICULARS
3702IW	.	31/01/1964	PUBLIC UTILITIES BOARD ORDER IN FAVOUR OF - THE ALBERTA GAS TRUNK LINE CO LTD. AFFECTED PLAN: 355JK "4.64 ACRES, IN FAVOUR OF 26405"

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

151 082 225 +45

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
081 034 571	25/01/2008	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD.
121 228 430	04/09/2012	MORTGAGE MORTGAGEE - CANADIAN WESTERN BANK. 6606 MACLEOD TRAIL SW CALGARY ALBERTA T2H0K6 ORIGINAL PRINCIPAL AMOUNT: \$12,000,000
121 228 431	04/09/2012	CAVEAT RE : ASSIGNMENT OF RENTS AND LEASES CAVEATOR - CANADIAN WESTERN BANK. C/O MILLER THOMSON LLP 3000, 700-9 AVENUE SW CALGARY ALBERTA T2P3V4 AGENT - GLEN T PETERSON
121 228 432	04/09/2012	CAVEAT RE : ASSIGNMENT OF RENTS AND LEASES CAVEATOR - CANADIAN WESTERN BANK. C/O MILLER THOMSON LLP 3000, 700 - 9 AVE SW CALGARY ALBERTA AGENT - GLEN T PETERSON
131 145 457	20/06/2013	UTILITY RIGHT OF WAY GRANTEE - FORTISALBERTA INC.
131 281 302	31/10/2013	CAVEAT RE : BENEFICIAL OWNER CAVEATOR - 1674356 ALBERTA LTD. CAVEATOR - 1674358 ALBERTA LTD. CAVEATOR - 1771951 ALBERTA LTD. CAVEATOR - 1674831 ALBERTA LTD. CAVEATOR - 1674880 ALBERTA LTD. CAVEATOR - 1132755 ALBERTA LTD. ALL OF : C/O JUSTIN M O'CONNELL #406,501-18 AVE SW CALGARY ALBERTA T2S0C7 AGENT - JUSTIN M O'CONNELL
141 065 391	17/03/2014	ENCUMBRANCE ENCUMBRANCEE - SILVERHORN RESIDENTS HOMEOWNERS ASSOCIATION.

ENCUMBRANCES, LIENS & INTERESTS

PAGE 3

151 082 225 +45

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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8544-47 AVE NW
CALGARY
ALBERTA T3B1Z9

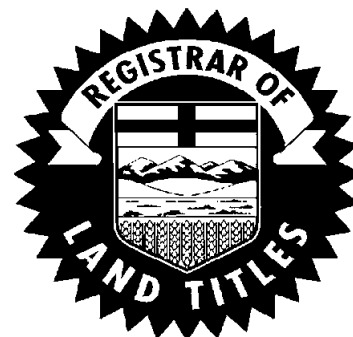
151 082 227	25/03/2015	UTILITY RIGHT OF WAY GRANTEE - FORTISALBERTA INC. GRANTEE - TELUS COMMUNICATIONS INC. GRANTEE - ATCO GAS AND PIPELINES LTD. GRANTEE - ROCKY VIEW COUNTY. GRANTEE - SILVERHORN RESIDENTS HOMEOWNERS ASSOCIATION. GRANTEE - SHAW CABLESYSTEMS LIMITED. AS TO PORTION OR PLAN:1510794
151 082 229	25/03/2015	UTILITY RIGHT OF WAY GRANTEE - ROCKY VIEW COUNTY. AS TO PORTION OR PLAN:1510795
151 082 232	25/03/2015	EASEMENT AS TO PORTION OR PLAN:1510796 OVER AND FOR BENEFIT OF - SEE INSTRUMENT
151 082 235	25/03/2015	UTILITY RIGHT OF WAY GRANTEE - ROCKY VIEW WATER CO-OP LTD. GRANTEE - FORTISALBERTA INC. GRANTEE - TELUS COMMUNICATIONS INC. GRANTEE - ATCO GAS AND PIPELINES LTD. GRANTEE - ROCKY VIEW COUNTY. GRANTEE - SILVERHORN RESIDENTS HOMEOWNERS ASSOCIATION. GRANTEE - SHAW CABLESYSTEMS LIMITED. AS TO PORTION OR PLAN:1510797

TOTAL INSTRUMENTS: 012

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 10 DAY OF
FEBRUARY, 2022 AT 04:12 P.M.

ORDER NUMBER: 43672346

CUSTOMER FILE NUMBER: 37547



END OF CERTIFICATE

(CONTINUED)

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

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S) .



LAND TITLE CERTIFICATE

S		
LINC	SHORT LEGAL	TITLE NUMBER
0032 618 787	5;3;26;14;NE	121 111 946 +1

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 3 TOWNSHIP 26
SECTION 14
WEST HALF OF NORTH EAST QUARTER
CONTAINING 32.4 HECTARES (80 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS
SUBDIVISION	0714091	3.74	9.24	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 071 472 516

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
121 111 946	10/05/2012	TRANSFER OF LAND		\$10,000,000

OWNERS

SILVERHORN INC.
OF 8544 47 AVE NW
CALGARY
ALBERTA T3B 1Z9

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
971 082 401	25/03/1997	CAVEAT RE : EASEMENT
071 409 063	15/08/2007	UTILITY RIGHT OF WAY GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO.

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

121 111 946 +1

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
		44. AS TO PORTION OR PLAN:0714092
081 034 281	24/01/2008	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD.
121 228 430	04/09/2012	MORTGAGE MORTGAGEE - CANADIAN WESTERN BANK. 6606 MACLEOD TRAIL SW CALGARY ALBERTA T2H0K6 ORIGINAL PRINCIPAL AMOUNT: \$12,000,000
121 228 431	04/09/2012	CAVEAT RE : ASSIGNMENT OF RENTS AND LEASES CAVEATOR - CANADIAN WESTERN BANK. C/O MILLER THOMSON LLP 3000, 700-9 AVENUE SW CALGARY ALBERTA T2P3V4 AGENT - GLEN T PETERSON
121 228 432	04/09/2012	CAVEAT RE : ASSIGNMENT OF RENTS AND LEASES CAVEATOR - CANADIAN WESTERN BANK. C/O MILLER THOMSON LLP 3000, 700 - 9 AVE SW CALGARY ALBERTA AGENT - GLEN T PETERSON
131 145 457	20/06/2013	UTILITY RIGHT OF WAY GRANTEE - FORTISALBERTA INC.
131 281 302	31/10/2013	CAVEAT RE : BENEFICIAL OWNER CAVEATOR - 1674356 ALBERTA LTD. CAVEATOR - 1674358 ALBERTA LTD. CAVEATOR - 1771951 ALBERTA LTD. CAVEATOR - 1674831 ALBERTA LTD. CAVEATOR - 1674880 ALBERTA LTD. CAVEATOR - 1132755 ALBERTA LTD. ALL OF : C/O JUSTIN M O'CONNELL #406,501-18 AVE SW CALGARY ALBERTA T2S0C7 AGENT - JUSTIN M O'CONNELL
141 065 391	17/03/2014	ENCUMBRANCE

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 3

121 111 946 +1

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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ENCUMBRANCEE - SILVERHORN RESIDENTS HOMEOWNERS
ASSOCIATION.
8544-47 AVE NW
CALGARY
ALBERTA T3B1Z9

151 082 232 25/03/2015 EASEMENT
AS TO PORTION OR PLAN:1510796
OVER AND FOR BENEFIT OF -
SEE INSTRUMENT

TOTAL INSTRUMENTS: 010

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 10 DAY OF
FEBRUARY, 2022 AT 04:12 P.M.

ORDER NUMBER: 43672346

CUSTOMER FILE NUMBER: 37547



END OF CERTIFICATE

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

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



IBI GROUP
3rd Floor – 227 11 Avenue SW
Calgary AB T2R 1R9 Canada
tel 403 270 5600 fax 403 270 5610
ibigroup.com

March 8, 2022

Milan Patel, P.Eng.
Municipal Engineer, Planning and Development Services
Rocky View County
Planning & Development Services
262075 Rocky View Point
Rocky View County AB T4A 0X2

Dear Mr. Patel:

**SILVERHORN PHASES 2 & 3
DEVELOPMENT PERMIT APPLICATION FOR STRIPPING AND GRADING**

On behalf of Silverhorn Inc., please find enclosed stripping and grading Development Permit application for Silverhorn Phases 2 & 3 for your review. Silverhorn Phase 2 & 3 will be developed as Country Residential subdivisions comprising 20 lots (Phase 2) and 13 lots (Phase 3). It is intended that Phase 2 will proceed to construction in 2022 and that Phase 3 will be developed subsequently. Stripping and Grading of Phase 2 & 3 is being applied for in this application to provide an earthworks balance across the site.

A completed Development Permit Complete Application Requirement List checklist is included with this application. Please note the following comments on the checklist items as listed below:

- **Pre-development and Post-development grading plans** – The attached cut-fill plans and ESC plans indicate the Pre-development and Post-development conditions.
- **Other documents** – The Silverhorn Phase 2 Staged Master Drainage Plan that was submitted to Rocky View County on May 15, 2016 is attached for reference. Please note that the Phase 2 referred to in that document has since been split into four phases (Phase 2-5). This stripping and grading permit application is for Phases 2 & 3 as indicated on the attached plans.
- **Soil handling plan depicting movement of fill on the site and confirmation that soil will be transported when it is in a favourable condition** – The attached cut-fill plans indicate the movement of fill on the site. All Quality Control requirements listed in the Rocky View County Servicing Standards will be adhered to in order to ensure that soil will only be transported when it is in a favourable condition.
- **Traffic Control Plan** - Construction traffic will be managed in accordance with standard traffic control protocol once construction commences.

It will be ensured that no access roadways, fire hydrants, or other emergency facilities will be obstructed at any time by equipment or site activities. In accordance with Occupational Health and Safety legislation, only trained or certified personnel will be utilized in obtaining, placing, and maintaining the required temporary traffic control devices and safety barricades. Signs shall conform to the Transportation Association of Canada's "Manual of Uniform Traffic Control Devices."

Milan Patel, P.Eng. – March 8, 2022

The use of flag persons shall be mandatory when equipment is intermittently blocking or regularly entering a traffic lane where one lane is being used for two-way-traffic or work is being done at intersections used by the general public.

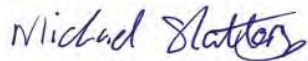
The General Contractor shall adopt the following measures in the Traffic Management Plan:

- Access for emergency vehicles shall be maintained at all times
 - Temporary traffic control devices must be maintained and be in an effective state at all times
 - No material storage shall be permitted on active roadways outside the work zone
 - No parking of construction equipment shall be permitted outside the work zone
 - Use of only rubber tire vehicles on paved roadways
 - Parking of private vehicles in designated areas
- **Weed Management Plan** - The Contractor will control all noxious and restricted weeds by spraying prior to them going to seed. This will be repeated as required throughout the growing season. All herbicide applications must be carried out by certified applicators following Alberta Environment's "Environmental Code of Practice for Pesticides".
 - **Costs (anticipated) to reclaim the site** – A cost estimate to reclaim the site based on the disturbed area being re-loamed, mulched and seeded is attached. An estimate of the anticipated stripping and grading permit security requirement based on the Rocky View County Servicing Standards is also included for reference.
 - **Methods to reduce dust and erosion resulting from ongoing work** – Erosion and Sediment Control (ESC) during the stripping and grading operation will be managed in accordance with the attached ESC plans ESC01A and ESC01B.

Please review and provide any comments as required. If you have any questions, please feel free to contact the undersigned.

Yours truly,

IBI GROUP

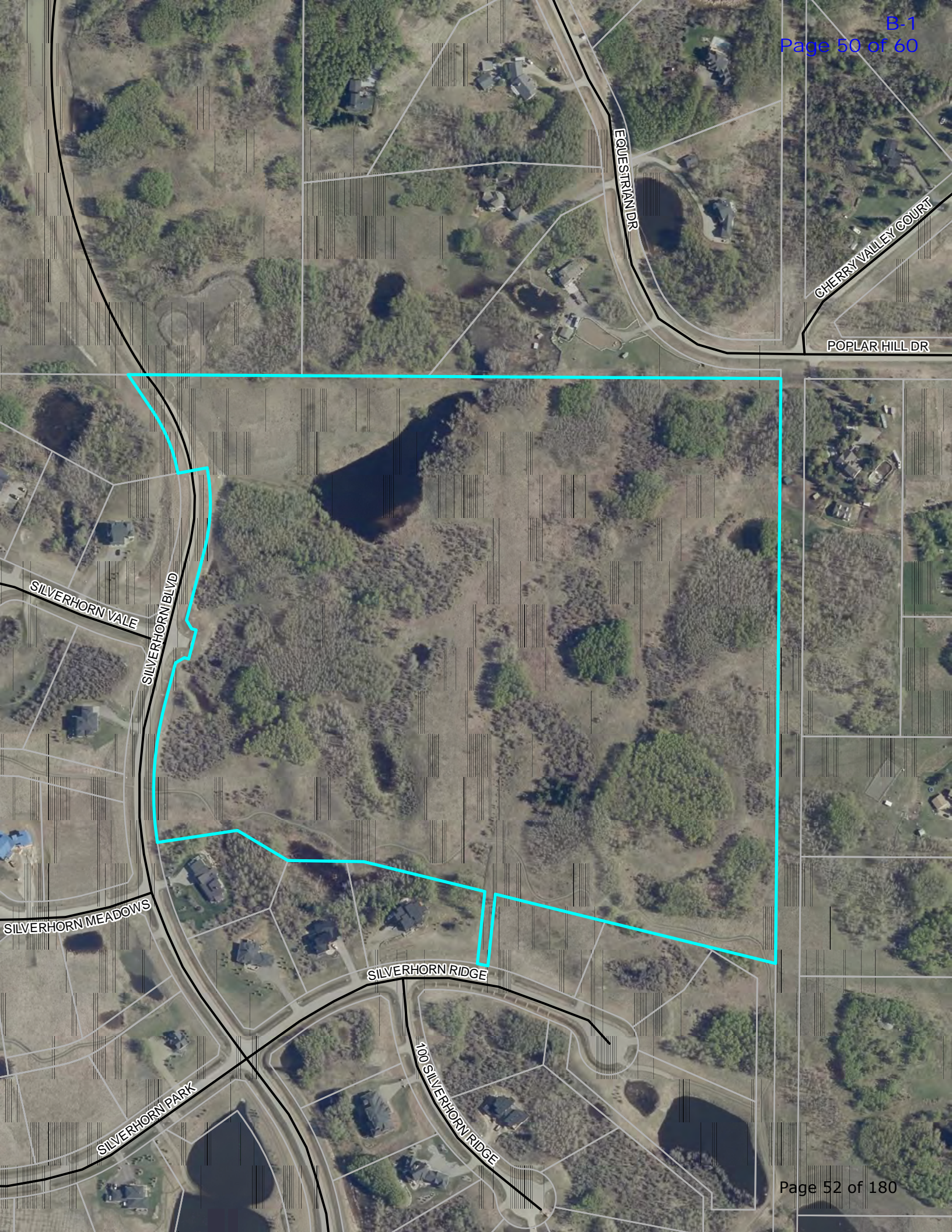


Michael Slattery, P.Eng.
Project Engineer

MMS

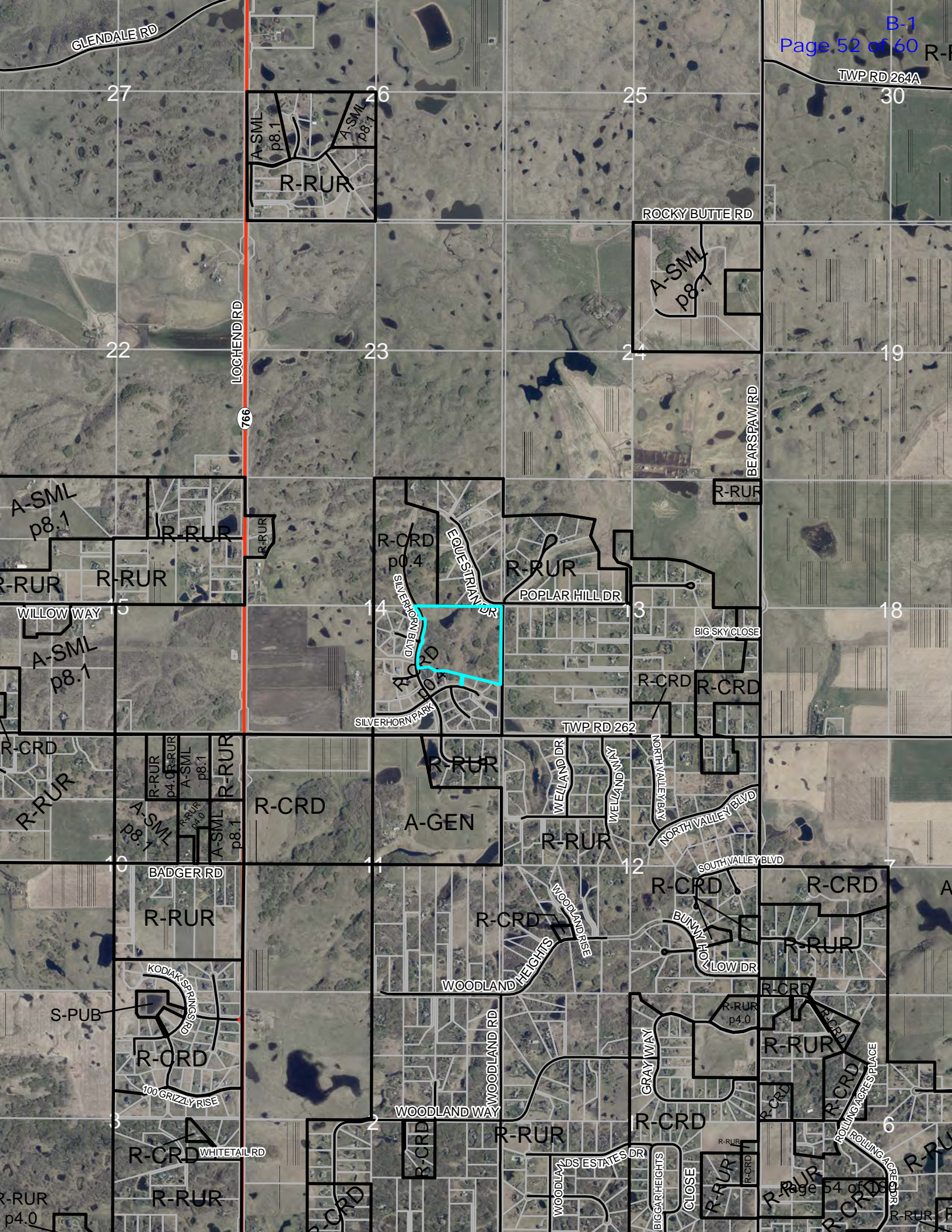
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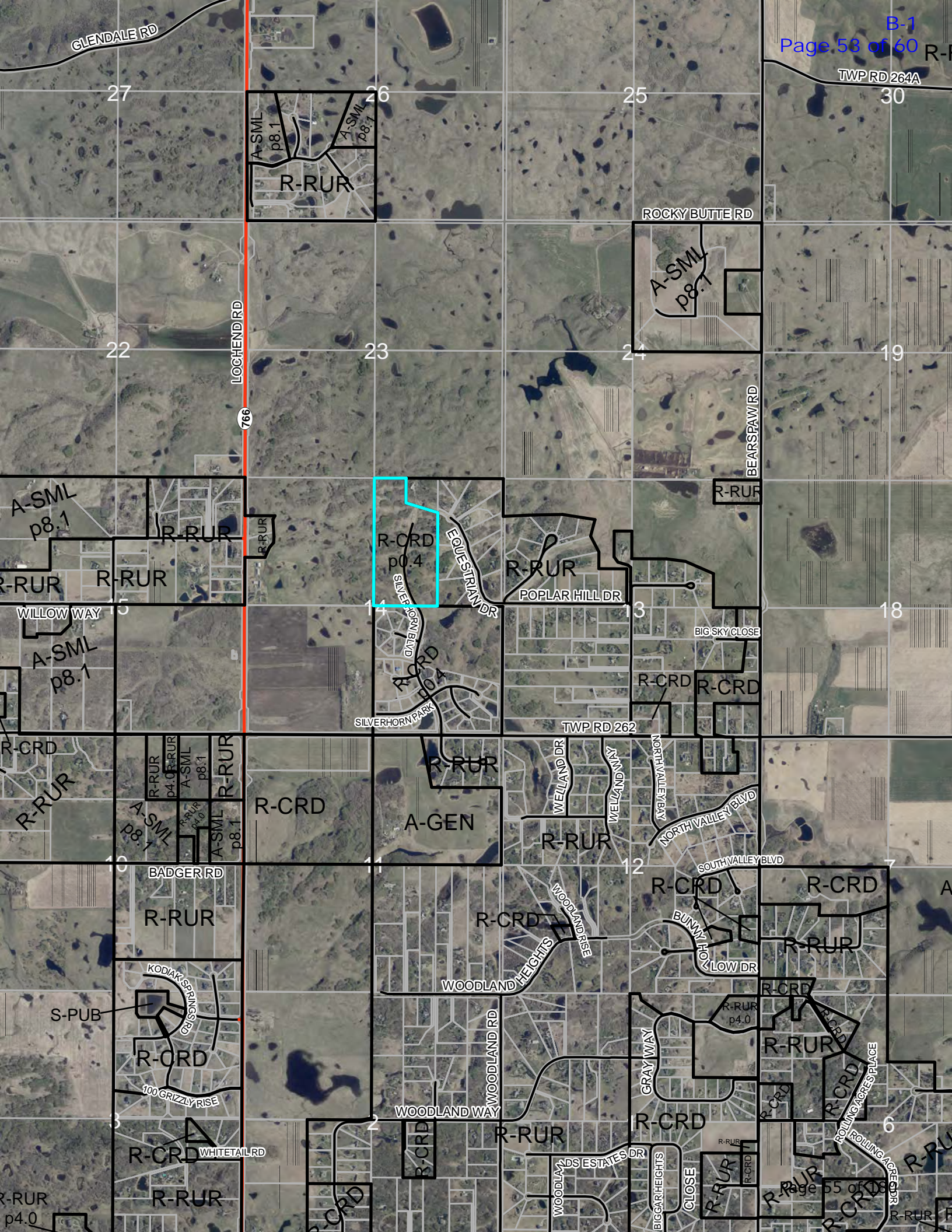
cc: Silverhorn Inc., Mark Kwasnicki
IBI Group, Mark Wyllie, Rod Sieker
File No. 34143.5.4.3





14


















Abandoned Well Map

Base Data provided by: Government of Alberta

Author XXX

Printing Date: 2/8/2022

Legend

-  Abandoned Well (Large Scale)
-  Revised Well Location (Large Scale)
-  Revised Location Pointer
-  Paved Road (20K)
-  Primary Divided
-  Primary Undivided 4L
-  Primary Undivided 2L
-  Primary Undivided 1L
-  Interchange Ramp
-  Secondary Divided
-  Secondary Undivided 4L

Date Date (if applicable)

The Alberta Energy Regulator (AER) has not verified and makes no representation or warranty as to the accuracy, completeness, or reliability of any information or data in this document or that it will be suitable for any particular purpose or use. The AER is not responsible for any inaccuracies, errors or omissions in the information or data and is not liable for any direct or indirect losses arising out of any use of this information. For additional information about the limitations and restrictions applicable to this document, please refer to the AER Copyright & Disclaimer webpage: <http://www.aer.ca/copyright-disclaimer>.

Scale: 18,055.95

0.28 Kilometers 0

Projection and Datum:

WGS84 Web Mercator Auxiliary Sphere





Silverhorn Inc.

Dated: March 08, 2022

Silverhorn Ph 2 & 3 - DP Stripping & Grading

File No.: 34143.5.4.3

Order of Magnitude Estimate - Cost to Reclaim Site

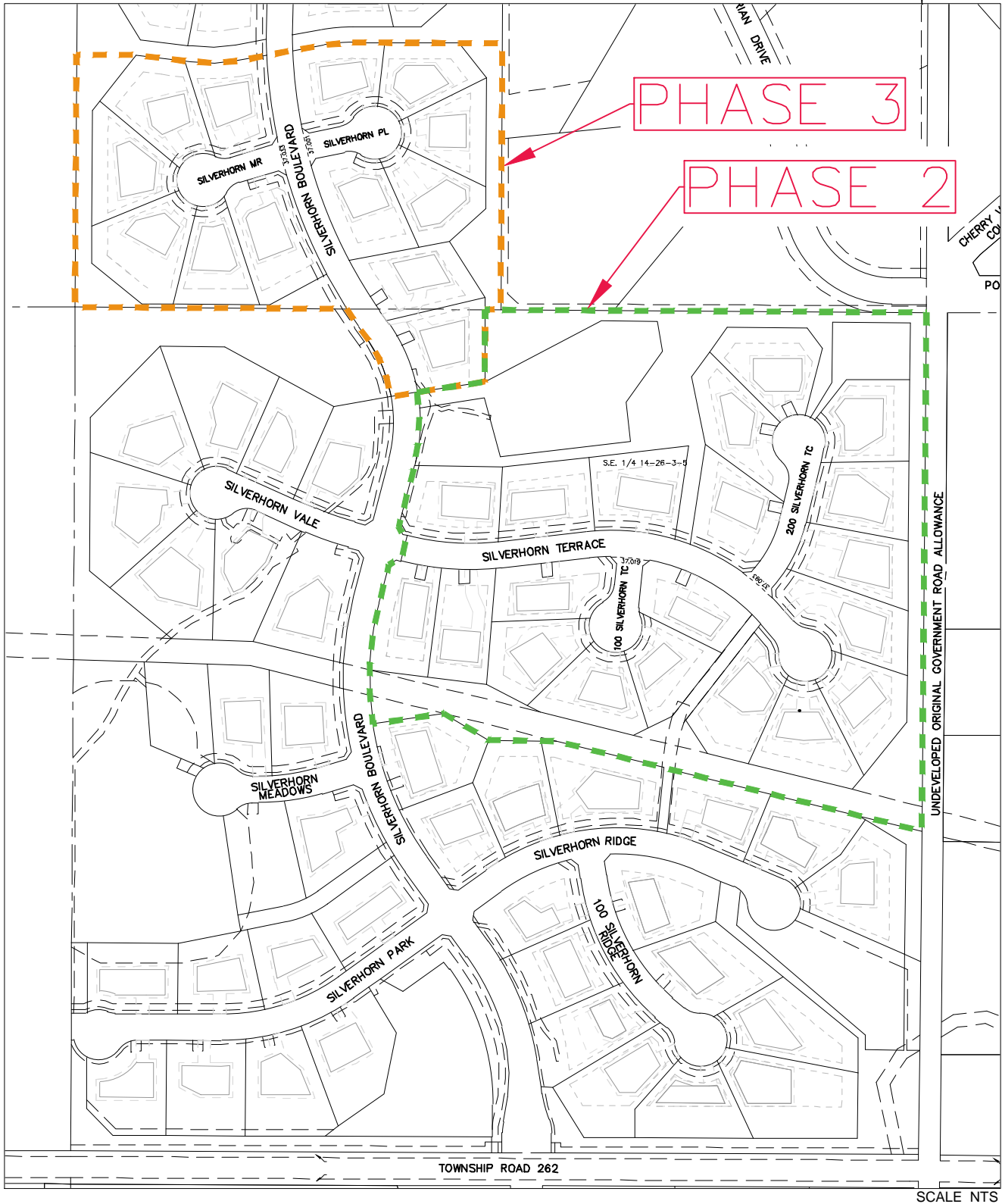
Item	Quantity	Units	Rate	Estimated Amount
Loam Subdivision (150mm)	12,480	m ³	\$2.00	\$24,960
Hydro-mulch and seed	83,200	m ²	\$0.75	\$62,400
ESC	8.32	ha	\$1,000.00	\$8,320
Total				\$95,680

Stripping and Grading Permit Securities

As per Rocky View County Servicing Standards Table 1000.B, Option 3

Disturbed Acres as per Cut-Fill Plan = 20.56 Acres

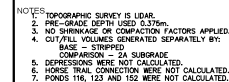
Security Requirement (\$5,000/disturbed acre) = \$102,794

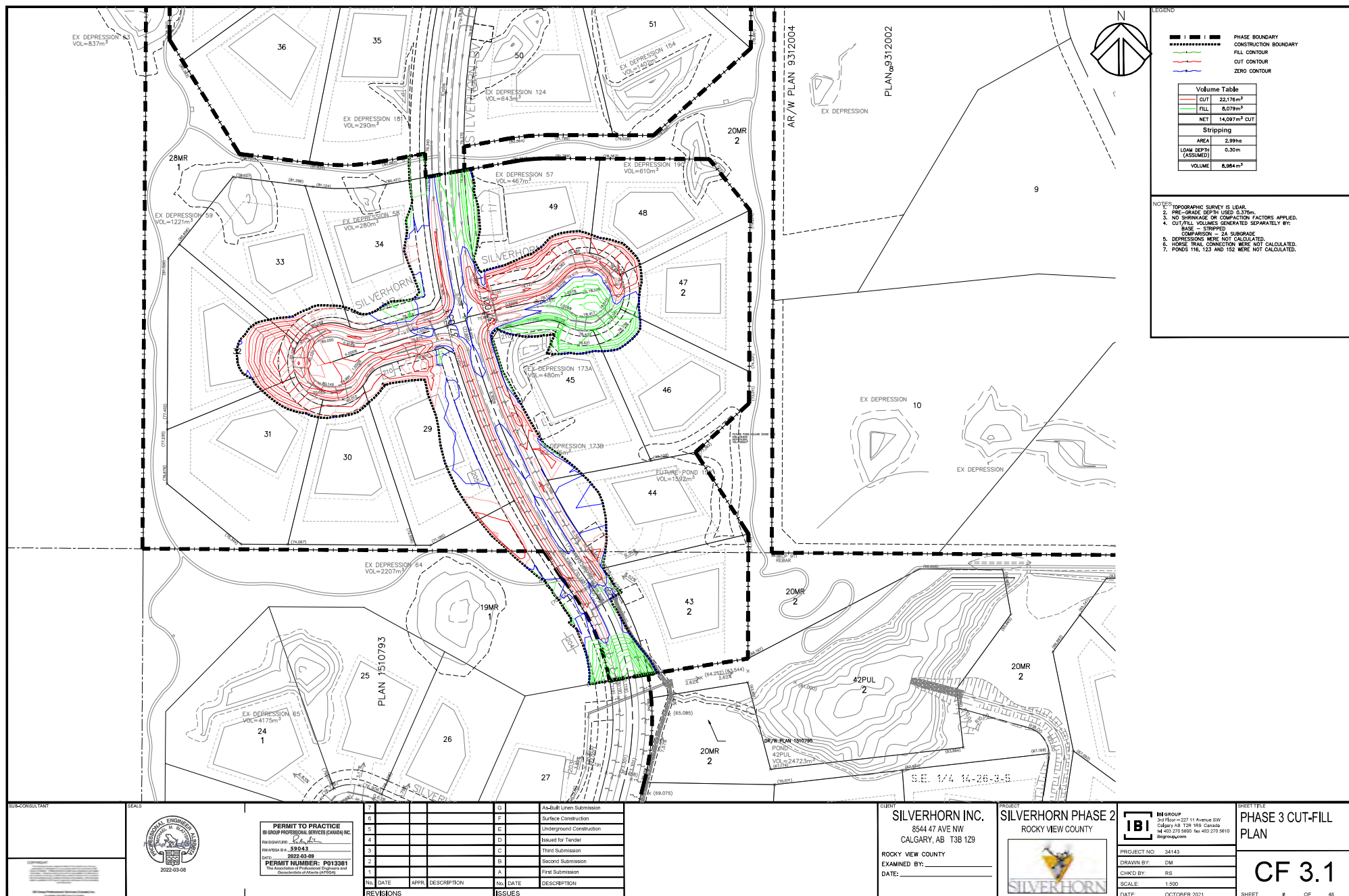


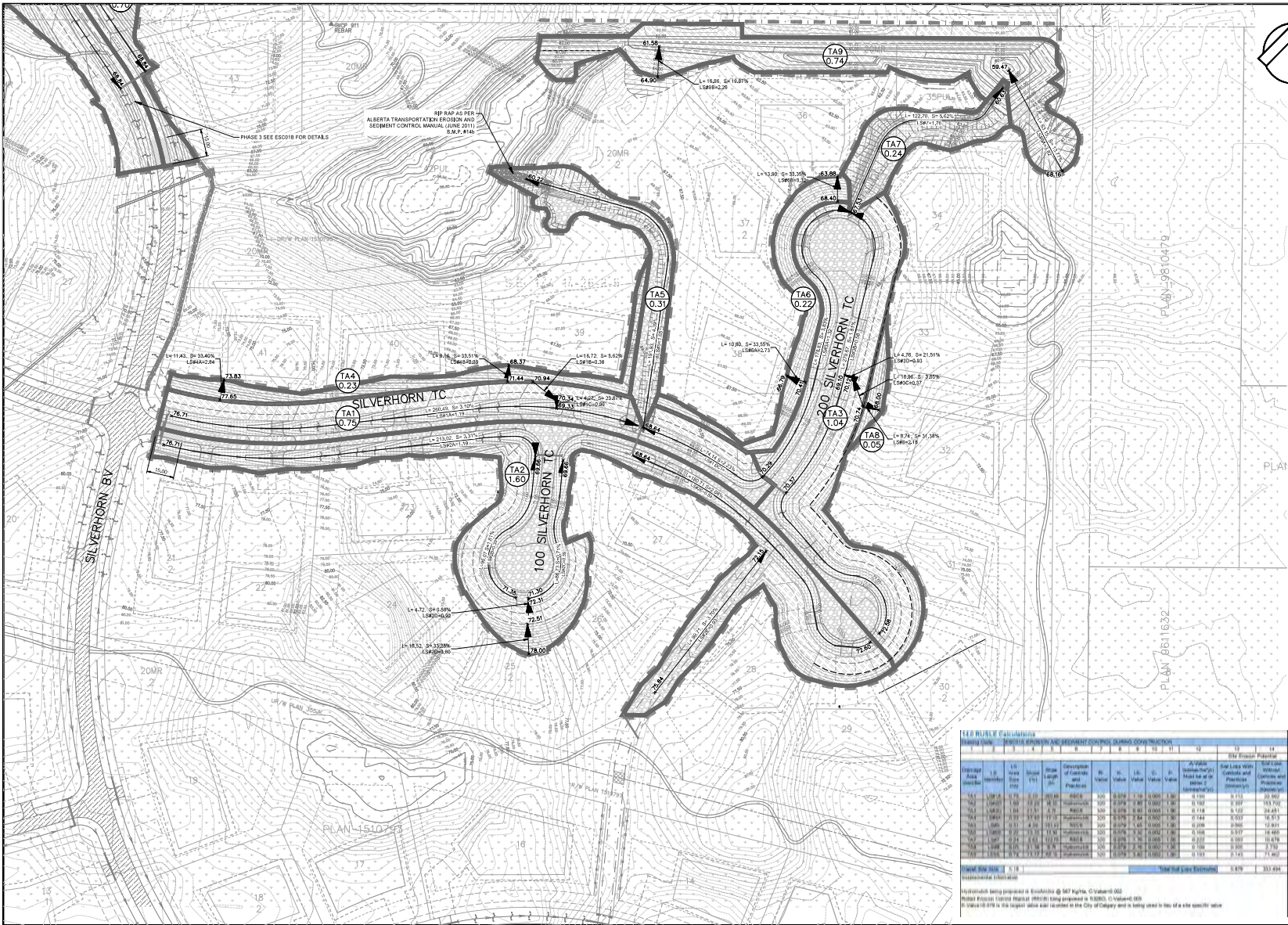
IBI GROUP
3rd Floor - 227 11 Avenue SW,
Calgary AB T2E 2W5 Canada
tel 403 270 5600 fax 403 270 5610

Silverhorn Phase 2 & 3
Stripping and Grading Permit
Rocky View County, AB

34143-SITE PLAN
FIGURE 1







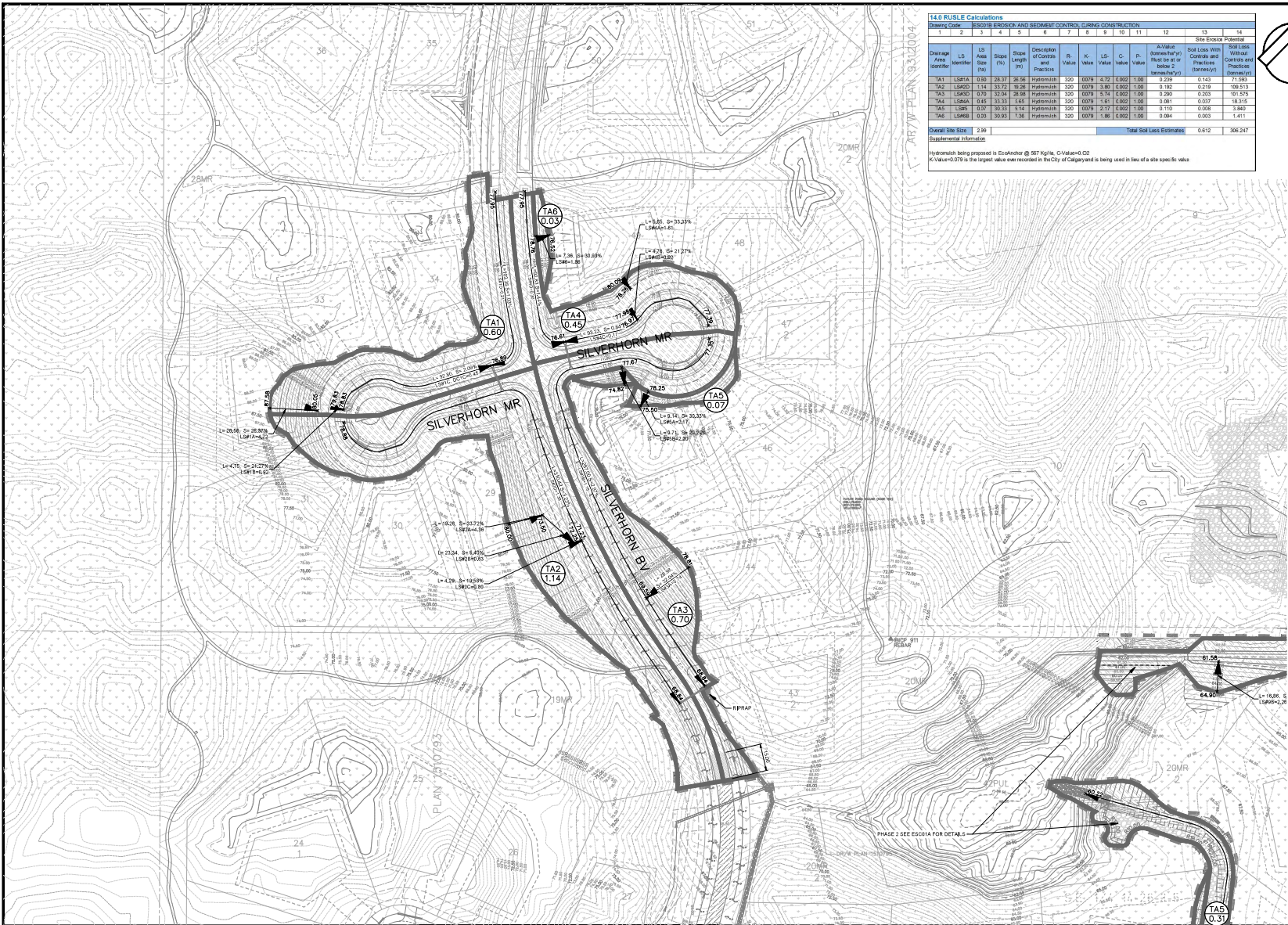
- NOTES**
1. ALL CONSTRUCTION IS TO CONFORM TO ROCKY VIEW COUNTY SPECIFICATIONS UNLESS OTHERWISE NOTED.
 2. LEGAL PLAN PROVIDED BY IBI GEOMATICS, DATED OCTOBER 07, 2015.
 3. TOPOGRAPHIC INFORMATION PROVIDED BY IBI GEOMATICS.
 4. CONSTRUCTION AREA = 5.18 Ha.
 5. IF THERE IS NO DEVELOPMENT WITHIN 45 DAYS AFTER STRIPPING AND GRADING THE AREAS SHALL BE COVERED TO PREVENT EROSION AND DUST. USE 5300 ROLLED EROSION CONTROL BLANKET (CONTACT NEXEL FOR SUPPLY AND INSTALLATION DETAILS) IN CONJUNCTION WITH SEED MIX @ 175 KG/HA AS PER COUNTY STANDARDS.
 6. TO OBTAIN A DRAINAGE OR DEWATERING PERMIT CONTACT ROCKY VIEW COUNTY.
 7. ANY SITE QUESTIONS AND CONCERNS SHOULD BE DIRECTED TO IBI GROUP (403) 270-5600.
 8. THE APPROVED EROSION AND SEDIMENT CONTROL DRAWING MUST BE UPDATED WHEN THERE ARE CHANGES TO THE EROSION AND SEDIMENT CONTROL MEASURES AND THAT THESE CHANGES WILL BE FORWARDED TO THE ROCKY VIEW COUNTY ESC INSPECTOR.
 9. ALL APPLICABLE DOCUMENTATION WILL BE KEPT ON SITE (I.E. REPORT & DRAWINGS AND INSPECTION REPORTS).
 10. CONTRACTOR WILL BE RESPONSIBLE FOR REMOVING ALL EROSION CONTROL MEASURES AFTER THE PROJECT IS COMPLETE.
 11. PLACE BERM AT CULVERT INLETS AND OUTLETS, EXTENDING 1.0m BEYOND BOTH ENDS OF THE CULVERT, AND WRAP AROUND THE TOP OF THE CULVERT, AS PER SECTION 415 OF THE ROCKY VIEW COUNTY SERVING STANDARDS.

- GOOD HOUSEKEEPING PRACTICES (EROSION AND SEDIMENT CONTROL) REQUIRED:**
1. PROPER PLACEMENT AND PROTECTION OF STOCKPILES OF SOILS AND MATERIALS. PLACEMENT OF MATERIALS ON A STREET OR WHERE WIND/WATER COULD TRANSPORT MATERIAL OFF-SITE IS PROHIBITED. STOCKPILES TO BE PROPERLY PLACED AND PROTECTED ON SITE SO MATERIAL WILL NOT BE ERODED TO OFF-SITE AREAS, INCLUDING STORM INLETS.
 2. CONTROL OF MUD TRACK OUT DURING CONSTRUCTION (USUALLY BY MEANS OF A WELL MAINTAINED GRAVEL OR OTHER SUITABLE MATERIAL) CONSTRUCTION ENTRANCE/EXIT, SUPPLEMENTED WITH PERIODIC STREET SWEEPING AS REQUIRED, REQUIRED FOR ALL SITE ENTRANCES/EXITS.
 3. CONTROL OF DUST DURING DRY, WINDY WEATHER (STOCKPILES AND AREAS UNDERGOING STRIPPING AND GRADING) MAY REQUIRE WATERING OF ROAD, ROAD, STRIPPED AREAS AND STOCKPILES DURING DRY, WINDY WEATHER.
 4. DOWN-GRAD FENCE PROTECTION (SUCH AS SALT FENCE, COMPOST SOCKS OR FIBER ROLLS) TO PROTECT OFF-SITE AREAS FROM STORMWATER RUNOFF AND SEDIMENTATION DURING CONSTRUCTION AND.
 5. STOP STORMWATER RUNOFF EVERY 7 DAYS AND AFTER RAINFALL OR SNOWMELT EVENTS.
 6. MAINTAIN SEDIMENT CONTROL AT ANY AFFECTED STORM INLETS (CATCH BASINS AND MANHOLES) ON SITE AND ADJACENT TO THE SITE. THIS IS TO STOP ANY LAST LINE OF EROSION. STORM INLET CONTROLS REQUIRE FREQUENT INSPECTION AND MAINTENANCE. INLET CONTROLS MUST NOT CAUSE OBSTRUCTION OR DIVERSION OF RUNOFF DURING STORM OR SNOWMELT EVENTS.

- LEGEND**
- CONSTRUCTION BOUNDARY
 - DITCH/GRASS SWALE
 - EXISTING DITCH
 - EXISTING CULVERT
 - EXISTING TREE
 - PROPOSED SURFACE MAJOR CONTOUR
 - PROPOSED SURFACE MINOR CONTOUR
 - EXISTING SURFACE MAJOR CONTOUR
 - EXISTING SURFACE MINOR CONTOUR
 - EXISTING VEGETATION
 - EXISTING ASPHALT
 - HYDROMULCH (ECONOMOR @ 567L/AC)
C/W SEED @ 175 KG/HA (SEED MIX AS PER COUNTY STANDARDS)
 - 100mm GRANULAR BASE OVER
200mm GRANULAR SUBBASE
 - ROLLED EROSION CONTROL BLANKET 5300
C/W SEED @ 175 KG/HA (SEED MIX AS PER COUNTY STANDARDS)
 - STABILIZED GRAVEL ACCESS
 - LS ARROW
 - TRIBUTARY AREA LABEL
TRIBUTARY AREA IN Ha

100' RADIUS CIRCULAR CURVES																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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CONSULTANT	SCALE	PERMIT TO PRACTICE IBI GROUP PROFESSIONAL SERVICES (CANADA) INC. REGISTRATION NO. 59943 DATE: 2022-03-09 PERMIT NUMBER: P010381 The Association of Professional Engineers and Geoscientists of Alberta (APEGA)	CLIENT SILVERHORN INC. 8544 47 AVE NW CALGARY, AB T3B 1Z9	PROJECT SILVERHORN PHASE 2 ROCKY VIEW COUNTY	IBI IBI Group 2010-2022-2027 11 Avenue SW Calgary AB T2B 1B5, Canada Tel: 403 270 5600 Fax: 403 270 5610 ibi@ibi.com	SHEET TITLE PHASE 2 EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION ESC01A
REVISIONS	ISSUES	PROJECT NO. 34143 DRAWN BY: MX CHKD BY: RPB SCALE: 1:1000 DATE: MARCH 2022	ROCKY VIEW COUNTY EXAMINED BY: DATE:	PROJECT NO. 34143 DRAWN BY: MX CHKD BY: RPB SCALE: 1:1000 DATE: MARCH 2022	SHEET 1 OF 2	

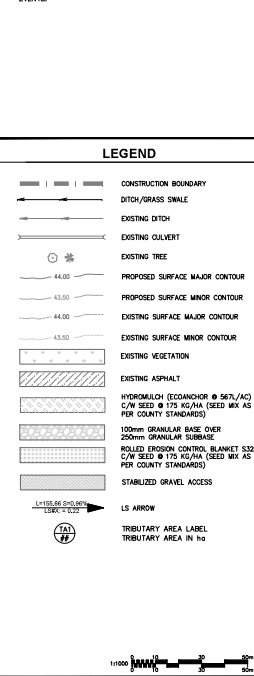


14.0 RUSLE Calculations

Drainage Area	SLOPE, EROSION, AND SEDIMENT CONTROL, DRAINAGE CONSTRUCTION										12	13	14
Drainage Area (ha)	LS Factor	Slope Length (m)	Slope (%)	Shape (m)	Description of Control Practice	R-Value	K-Value	LS-Value	C-Value	P-Value	A-Value (tonnes/ha)	Soil Loss With Controls (tonnes/ha)	Soil Loss Without Controls (tonnes/ha)
TA1	LSA1A	33.5	25.37	25.36	Hydrosoil	300	0.079	4.72	0.002	0.229	0.229	0.143	71.953
TA2	LSA2A	33.5	25.37	25.36	Hydrosoil	300	0.079	4.72	0.002	0.229	0.229	0.143	71.953
TA3	LSA3D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA4	LSA4D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA5	LSA5D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA6	LSA6D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA7	LSA7D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA8	LSA8D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA9	LSA9D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA10	LSA10D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA11	LSA11D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA12	LSA12D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA13	LSA13D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA14	LSA14D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA15	LSA15D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA16	LSA16D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA17	LSA17D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA18	LSA18D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA19	LSA19D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA20	LSA20D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA21	LSA21D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA22	LSA22D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA23	LSA23D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA24	LSA24D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA25	LSA25D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA26	LSA26D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA27	LSA27D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA28	LSA28D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA29	LSA29D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA30	LSA30D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA31	LSA31D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA32	LSA32D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA33	LSA33D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA34	LSA34D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA35	LSA35D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA36	LSA36D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA37	LSA37D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA38	LSA38D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA39	LSA39D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA40	LSA40D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA41	LSA41D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA42	LSA42D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA43	LSA43D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA44	LSA44D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA45	LSA45D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA46	LSA46D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA47	LSA47D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA48	LSA48D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA49	LSA49D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA50	LSA50D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA51	LSA51D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA52	LSA52D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA53	LSA53D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA54	LSA54D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA55	LSA55D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA56	LSA56D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA57	LSA57D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA58	LSA58D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA59	LSA59D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA60	LSA60D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA61	LSA61D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA62	LSA62D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA63	LSA63D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA64	LSA64D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA65	LSA65D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA66	LSA66D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA67	LSA67D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA68	LSA68D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA69	LSA69D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA70	LSA70D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA71	LSA71D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA72	LSA72D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA73	LSA73D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA74	LSA74D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA75	LSA75D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA76	LSA76D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA77	LSA77D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA78	LSA78D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA79	LSA79D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA80	LSA80D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA81	LSA81D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA82	LSA82D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA83	LSA83D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA84	LSA84D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA85	LSA85D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA86	LSA86D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA87	LSA87D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268	0.268	0.203	101.575
TA88	LSA88D	37.0	33.04	28.89	Hydrosoil	300	0.079	5.74	0.001	0.268			

- NOTES
1. ALL CONSTRUCTION IS TO CONFORM TO ROCKY VIEW COUNTY SPECIFICATIONS UNLESS OTHERWISE NOTED.
 2. LEGAL PLAN PROVIDED BY IBi GEOMATICS, DATED OCTOBER 07, 2015.
 3. TOPOGRAPHIC INFORMATION PROVIDED BY IBi GEOMATICS.
 4. CONSTRUCTION AREA = 2.96 Ha.
 5. IF THERE IS NO DEVELOPMENT WITHIN 45 DAYS AFTER STRIPPING AND GRADING THE AREAS SHALL BE COVERED TO PREVENT EROSION AND DUST. USE 5500 SEDIMENT CONTROL BLANKET (CONTACT NILEX FOR SUPPLY AND INSTALLATION) DETAILED IN CONJUNCTION WITH SEED MIX @ 175 KG/HA AS PER COUNTY STANDARDS.
 6. TO OBTAIN A DRAINAGE OR DRAINAGE PERMIT CONTACT ROCKY VIEW COUNTY.
 7. ANY SITE QUESTIONS AND CONCERNS SHOULD BE DIRECTED TO IBi GROUP (403) 270-5600.
 8. THE APPROVED EROSION AND SEDIMENT CONTROL DRAWING MUST BE UPDATED WHEN THERE ARE CHANGES TO THE EROSION AND SEDIMENT CONTROL MEASURES AND THAT THESE CHANGES WILL BE FORWARDED TO THE ROCKY VIEW COUNTY ESC INSPECTOR.
 9. ALL APPLICABLE DOCUMENTATION WILL BE KEPT ON SITE (I.E. REPORT & DRAWINGS AND INSPECTION REPORTS).
 10. CONTRACTOR WILL BE RESPONSIBLE FOR REMOVING ALL EROSION CONTROL MEASURES AFTER THE PROJECT IS COMPLETE.
 11. PLACE WRAP AT CULVERT INLETS AND OUTLETS, EXTENDING 1.0m BEYOND BOTH ENDS OF THE CULVERT, AND WRAP AROUND THE TOP OF THE CULVERT, AS PER SECTION 413 OF THE ROCKY VIEW COUNTY SERVING STANDARDS.

- GOOD HOUSEKEEPING PRACTICES (EROSION AND SEDIMENT CONTROL) REQUIRED
1. PROPER PLACEMENT AND PROTECTION OF STOCKPILES SOILS AND MATERIALS. PLACEMENT OF MATERIALS ON A STREET OR WHERE WIND/WATER COULD TRANSPORT MATERIAL OFF-SITE IS PROHIBITED. STOCKPILES TO BE PROPERLY PLACED AND PROTECTED ON SITE SO MATERIAL WILL NOT BE ERODED TO OFF-SITE AREAS, INCLUDING STORM INLETS.
 2. CONTROL OF MUD TRACK OUT DURING CONSTRUCTION (USUALLY BY MEANS OF A WELL MAINTAINED GRAVEL OR OTHER SUITABLE MATERIAL) CONSTRUCTION ENTRANCE/EXIT, SUPPLEMENTED WITH PERIODIC STREET WEEPERS AS REQUIRED FOR ALL SITE ENTRANCES/EXITS.
 3. CONTROL OF DUST DURING DRY, WINDY WEATHER (STOCKPILES AND AREAS UNDERGOING STRIPPING AND GRADING) MAY REQUIRE THE USE OF MISTING SYSTEMS, STRIPPERS, SPRAYS AND STOCKPILES DURING DRY, WINDY WEATHER.
 4. DOWN-DRAIN FINDER PROTECTION (SUCH AS SALT FLARES, COMPOST SOCKS OR FIBER ROLLS) TO PROTECT OFF-SITE AREAS FROM STRIPPERS RUNOFF AND SEDIMENTATION DURING CONSTRUCTION AND.
 5. PERIODIC STREET WEEPERS EVERY 7 DAYS AND AFTER RAINFALL OR SNOWMELT EVENTS.
 6. SEDIMENT CONTROL AT ANY AFFECTED STORM INLETS (CATCH BASINS AND MANHOLES) ON SITE AND ADJACENT TO THE SITE. THIS IS TO BE DONE AT THE END OF EACH STORM. STORM INLET CONTROLS REQUIRE FREQUENT INSPECTION AND MAINTENANCE. INLET CONTROLS MUST NOT CAUSE EXCESSIVE PONDING OR DIVERSION OF RUNOFF DURING STORM OR SNOWMELT EVENTS.



SUB-CONSULTANT

IBi Group Professional Services (Canada) Inc.

2022-03-08

PERMIT TO PRACTICE
IBi GROUP PROFESSIONAL SERVICES (CANADA) INC.
REGISTRATION NO. 59043
DATE: 2022-03-08
PERMIT NUMBER: P013381
The Association of Professional Engineers and Geoscientists of Alberta (APEGA)

CLIENT

SILVERHORN INC.
8544 47 AVE NW
CALGARY, AB T3B 1Z9

PROJECT

SILVERHORN PHASE 3
ROCKY VIEW COUNTY

PROJECT NO: 34143
DRAWN BY: MX
CHKD BY: RPB
SCALE: 1:1000
DATE: MARCH 2022

IBi Group
3010 Ave - 227 11 Avenue SW
Calgary AB T2B 1B8 Canada
403 270 5600 Fax 403 270 5810
ibigroup.com

PHASE 3 EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION

ESC01B

SHEET 2 OF 2

PLANNING

TO: Subdivision and Development Appeal Board
DATE: August 11, 2022 **DIVISION:** 6
FILE: 04234005 **APPLICATION:** PRDP20222835
SUBJECT: Development Item – Home-Based Business, Type II / Discretionary use, with Variances

APPLICATION: Home-Based Business, Type II for a landscaping business with relaxation to the maximum number of non-resident employees.

EXECUTIVE SUMMARY: The application was applied for on May 30, 2022, approved by Administration and a Notice of Decision was sent on July 5, 2022.

The Applicant/Owner is proposing to operate a Home-Based Business, Type II for a landscaping company (A Green Future for Landscaping Ltd.). The business will utilize approximately 139.35 sq. m (1500 sq. ft.) of the principal building (dwelling), 278.71 sq. m (3000 sq. ft.) of an accessory building and have an outside storage area of approximately 400 sq. m (4305.56 sq. ft.). The business will operate from 8:00 am – 8:00 pm and does not anticipate any visitor daily visits as the nature of the business is that work is completed at job sites. Only company trucks will be coming and going, with supplies, from the parcel, as employees will show up in the morning and then leave the parcel for the job site. The business has six trucks (three F550, two F350 and one F150) and all are parked in a well-screened area at the back of the parcel.

The outside storage area, approximately 400 sq. m (4305.56 sq. ft.) is adjacent to a tree line (as shown on the site plan) and the owners have committed to planting trees along the western boundary of the storage area to provide additional screening to the west. The outside storage area will be used to store pallets of pavers and landscaping materials until they are used on a job site. The outside storage area is compliant with LUB, C-8000-2020 Section 146 a(iii) which states: “Outside storage may be permitted at the discretion of the Development Authority provided it complies with the following requirements, which may form conditions for approval:

- i. Be screened from view of adjacent lands and roads,
- ii. Meet the minimum setback requirements for buildings, and
- iii. Not exceed 400.0 m² (4305.56 ft²) or 1% pf the parcel area, whichever is less,”

The business employs two residents of the parcel and up to an additional eight non-resident employees. Not all non-resident employees work full time and only visit the parcel to get materials and attend job sites. From discussions with the Applicant/Owner, the company does employ 8 people but only 3 non-resident employees will visit the site. The remainder of the employees will be picked up at an alternate location. The Applicant/Owner states this will be done to limit traffic and the potential for any adverse impacts to adjacent landowners. The number of employees requires a variance to the number of non-resident employees as the LUB. Section 145 (d) of LUB, C-8000-2020 states “The number of non-resident employees shall not exceed two (2) at any time,”

No signage was requested but one sign, compliant with LUB C-8000-2020 can be authorized.

Administration conditionally approved the application on July 5, 2022. As per LUB, C-8000-2020

On July 14, 2022, an appeal was filed by Blair Rusnack for reasons that are noted in the agenda package. The rationale listed in the appeal is noise, traffic and commercial activity in a residential area.

Administration Resources

Wayne Van Dijk, Planning & Development Services

PREVIOUS ADMINISTRATION DECISION: Approved**DECISION DATE:**
July 5, 2022**APPEAL DATE:**
July 14, 2022**ADVERTISED DATE:**
July 5, 2022**APPLICATION EVALUATION:**

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

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none">• <i>Municipal Government Act;</i>• Land Use Bylaw C-8000-2020.	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none">• None
DISCRETIONARY USE: <ul style="list-style-type: none">• 304: Home-Based Business, Type II	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none">• Administration

Additional Review Considerations

There is no Area Structure Plan for this area and thus, the application was evaluated against the Land Use Bylaw, C-8000-2020.

As per Land Use Bylaw, C-8000-2020 defines a Home-Based Business, Type II as “a use where business is conducted in a Principal Building or Accessory Building with moderate weekly visits and with one employee who does not live on the property. Uses are secondary to the residential use of the parcel and do not change the residential appearance of the land and buildings.”

The Applicants/Owners have committed to planting trees along the western boundary of the outside storage area, to provide additional screening to the adjacent landowners to the west.

There are perceived, minimal traffic volumes associated with this proposal. The Applicant has stated that non-resident employees will come to the parcel, gather materials and then leave for the job site(s). No anticipated public visits are anticipated.

APPEAL:

See attached report and exhibits.

Respectfully submitted,

“Justin Rebello”

Supervisor
Planning and Development Services

WV/lt

PLANNING

TO:	Staff Report	
DATE:	July 5, 2022	DIVISION: 6
FILE:	04234005	APPLICATION: PRDP20222835
SUBJECT:	Home-Based Business, Type II/ Discretionary use, with Variances	

APPLICATION: Home-Based Business, Type II for a landscaping business with relaxation to the maximum number of non-resident employees.

GENERAL LOCATION: Located approximately 0.41 km (0.25 mile) west of Highway 9 and on the south side of Township Road 250 (272111 Twp. Rd. 250)

LAND USE DESIGNATION: Agriculture, General District (A-GEN) under Land Use Bylaw C-8000-2020 (LUB).

EXECUTIVE SUMMARY: The Applicant/Owner is proposing to operate a Home-Based Business, Type II for a landscaping company (A Green Future for Landscaping Ltd.). The business will utilize approximately 139.35 sq. m (1500 sq. ft.) of the principal building (dwelling), 278.71 sq. m (3000 sq. ft.) of an accessory building and have an outside storage area of approximately 400 sq. m (4305.56 sq. ft.). The business will operate from 8:00 am – 8:00 pm and does not anticipate any daily visits as the nature of the business is that work is completed at job sites. Only company trucks will be coming and going, with supplies, from the parcel, as employees will show up in the morning and then leave the parcel for the job site. The business has 6 trucks (3 F550, 2 F350 and 1 F150) and all are parked in a well-screened area at the back of the parcel.

The outside storage area, approximately 400 sq. m (4305.56 sq. ft.) is adjacent to a tree line (as shown on the site plan) and the owners have committed to planting trees along the western boundary of the storage area to provide additional screening to the west. The outside storage area will be used to store pallets of pavers and landscaping materials until they are used on a job site.

The business employs two residents of the parcel and up to an additional eight non-resident employees. Not all non-resident employees work all the time and only visit the parcel to get materials and go to job sites. The number of employees requires a variance from the number of non-resident employees.

No signage was requested but 1 sign, compliant with LUB C-8000-2020 can be authorized.

AIR PHOTO & DEVELOPMENT CONTEXT:



**APPLICATION EVALUATION:**

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

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Land Use Bylaw C-8000-2020. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • None submitted
DISCRETIONARY USE: <ul style="list-style-type: none"> • 332: Vacation Rental 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> • Development Authority

Not within any conceptual or area structure plan areas: assessed against Land Use Bylaw C-8000-2020

Section 304: Home-based business, type II listed as a discretionary use.

Landscaping is listed under section 145 (e) as a HBB, Type II: "Typical businesses include landscaping contractors, hairdressers, music teachers and day homes, and"

Section 145 (a): accessory to the principal dwelling

Business is an accessory to the dwelling

145(b): may generate up to 8 business-related visits/day

No variance requested.

Application states no anticipated visitor visits/day as the nature of business is for workers to get material and go to job sites

145(c) Home-Based Business (Type II) shall not operate between the hours of 18:00 and 8:00 if the business generates noise,

Business does not generate any noise, aside from equipment/vehicles moving around and operates from 8:00 am – 8:00 pm. No issue perceived with operating until 20:00 hrs (8:00 pm).

145(d) The number of non-resident employees shall not exceed two (2) at any time,

Two resident employees and three non-resident employees

Requested: three employees

Variance: one employee, 50%

Application states eight employees. After a site visit and discussion with the applicant, the company does have eight employees but only three will be visiting the site and the remainder will be picked up at a different location. This is being done to limit the number of employees on-site and to limit the potential for impacts to any adjacent landowners. As employees are arriving at the parcel and then being transported to the job site and not working on the parcel, Administration does not have a have issue with the number of non-resident employees



146 Home-Based Business (Type II) Site Requirements:

Outside storage may be permitted at the discretion of the Development Authority provided it complies with the following requirements, which may form conditions for approval:

i. Be screened from view of adjacent lands and roads,

The applicant has committed to planting trees on the western boundary of the proposed outside storage area to provide screening to the west. A line of mature trees screens the proposed outside storage area to the east, no screening is required to the south as the adjacent parcels are vacant and there are no concerns. Requirement met.

ii. Meet the minimum setback requirements for buildings,

Proposed outside storage area meets all setback requirements, no variances proposed.

iii. Not exceed 400.0 m² (4305.56 ft²) or 1% of the parcel area, whichever is less,

Proposed outside storage area of 400 sq. m (4305.56 sq. ft.) is proposed, no variances proposed.

(B) One Fascia Sign or Freestanding Sign is permitted, at the discretion of the Development Authority.

ADMINISTRATION RECOMMENDATION: Administration recommends approval as the proposed development requires a small variance (to a number of non-resident employees) and meets the requirements of Land Use Bylaw, C-8000-2020.

Respectfully submitted,

Wayne Van Dijk

Development Officer

WVD

ATTACHMENTS

ATTACHMENT 'A': Development Permit Report Conditions

ATTACHMENT 'B': Application Information



ATTACHMENT A: DEVELOPMENT PERMIT REPORT CONDITIONS

Description:

1. That a Home-Based Business, Type II, for a landscaping business may commence operating on the subject parcel in accordance with the approved site plan and conditions of this permit.
 - i. That the number of non-resident employees shall be relaxed from **two (2) to three (3)**.
 - ii. That one (1) sign, in accordance with Land Use Bylaw, C-8000-2020 is permitted.

Permanent:

2. That the operation of this Home-Based Business, Type II shall be secondary to the residential use of the subject parcel.
3. That the Home-Based Business, Type II shall not change the residential character and external appearance of the land and buildings.
4. That the operation of this Home-Based Business, Type II shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.
5. That the Home-Based Business, Type II shall be limited to the dwelling, accessory building and outside storage area.
6. That all vehicles, trailers, or equipment that are used in the Home-Based Business shall be kept within a building or the outside storage area.
7. That all outside storage that is part of this Home-Based Business, Type II, shall be screened from adjacent lands, to the satisfaction of the Development Authority, shall meet the minimum setback requirements for buildings, and shall not exceed **400.00 sq. m (4,305.56 sq. ft.)** in general accordance with the Site Plan.
8. That the screening (tree plantings), for the outside storage area, shall be implemented within three (3) months of date of permit issuance, to provide adequate screening for the outside storage area, to the satisfaction of the Development Authority.
9. That any site landscaping or screening elements approved with the application shall be maintained onsite at all times.
10. That the Home-Based Business, Type II shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of the adjacent residential dwellings shall be preserved and the Home-Base Business use shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
11. That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
12. That the operation of this Home-Based Business, in conjunction with any other Home-Based Business approved for this parcel, may generate up to a maximum of eight (8) business-related visits per day.
13. That this Development Permit shall be valid until **July 27, 2023**.

Advisory:

- That the Applicant/Owner shall adhere to the County's Noise Bylaw (C-8067-2020) at all times.
- That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.

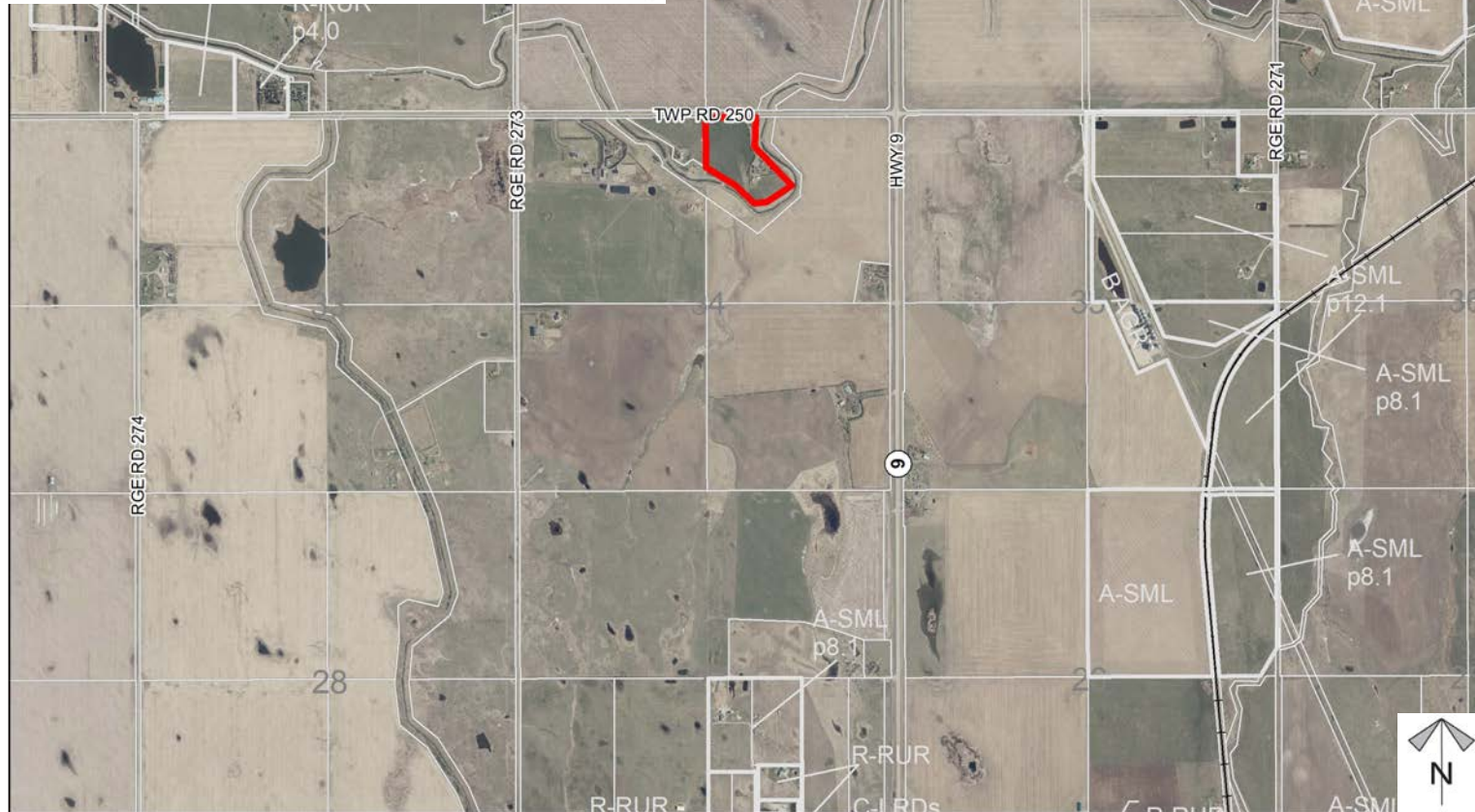
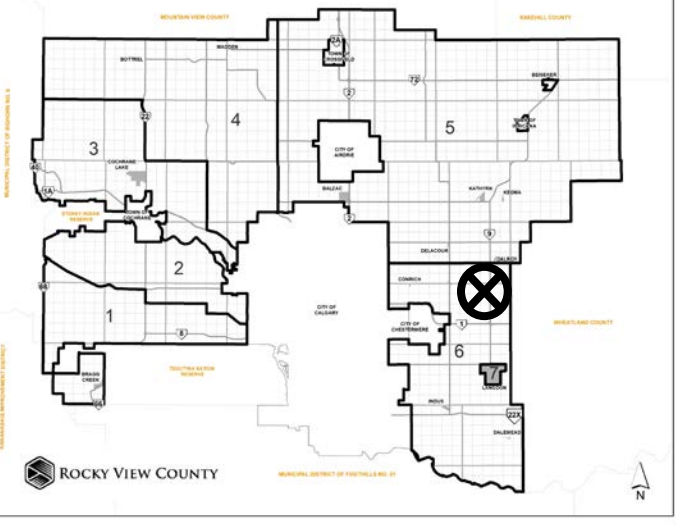
**ATTACHMENT B: APPLICATION INFORMATION**

APPLICANT: Hanan Diab	OWNER: Hanan Diab and Abdel Naser
DATE APPLICATION RECEIVED: May 30, 2022	DATE DEEMED COMPLETE: June 15, 2022
GROSS AREA: ± 8.10 hectares (± 20.02 acres)	LEGAL DESCRIPTION: NE-34-24-27-W04M (272111 Twp. Rd. 250)
APPEAL BOARD: Subdivision & Development Appeal Board	
HISTORY: <ul style="list-style-type: none">No previous development permit history	

Location & Context

Development Proposal

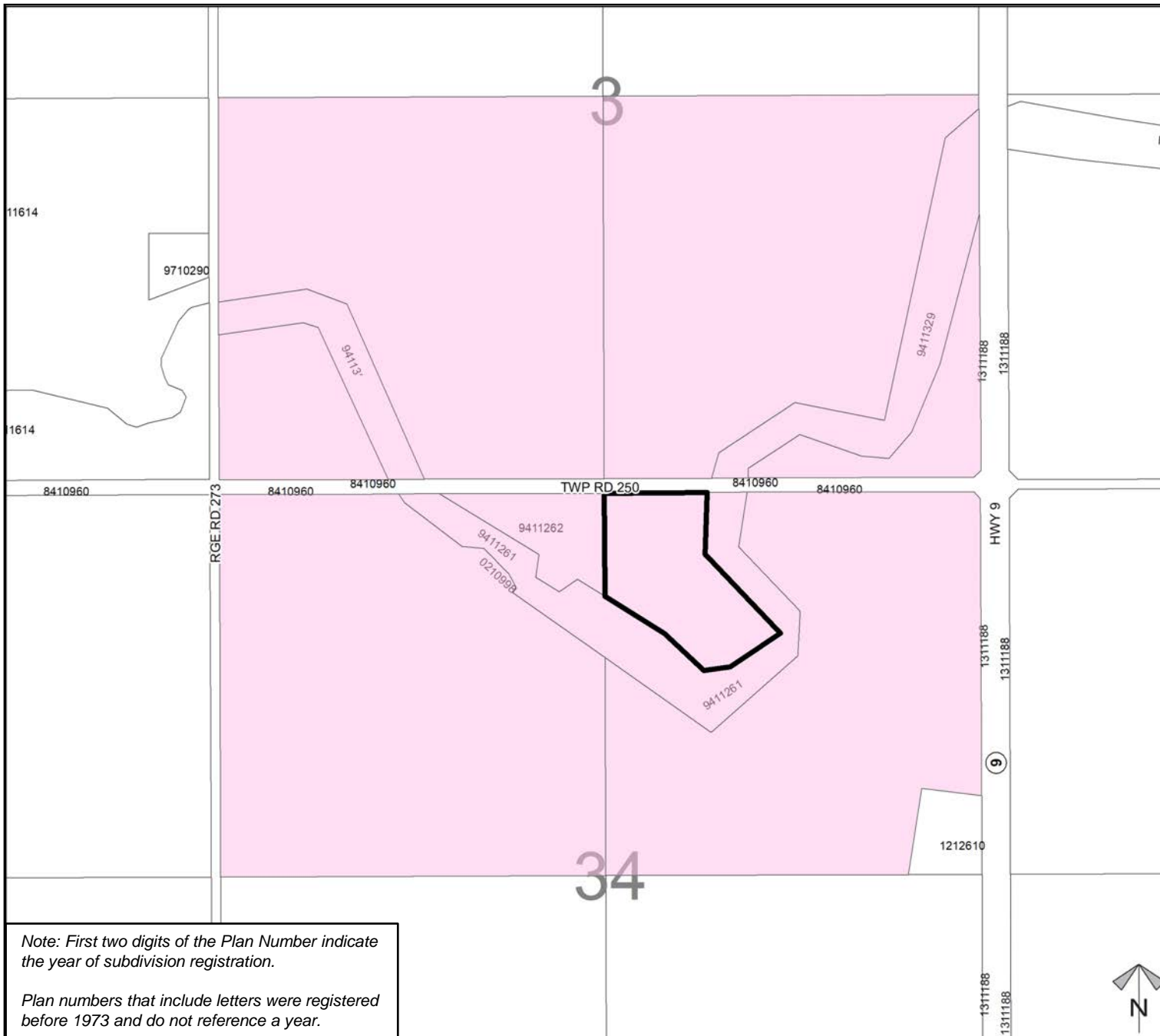
Home Based Business,
Type II (landscaping
business), relaxation to
the maximum number of
non-resident employees



Landowner Circulation Area

Development Proposal

Home Based Business,
Type II (landscaping
business), relaxation to
the maximum number of
non-resident employees



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

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

Legend

Support



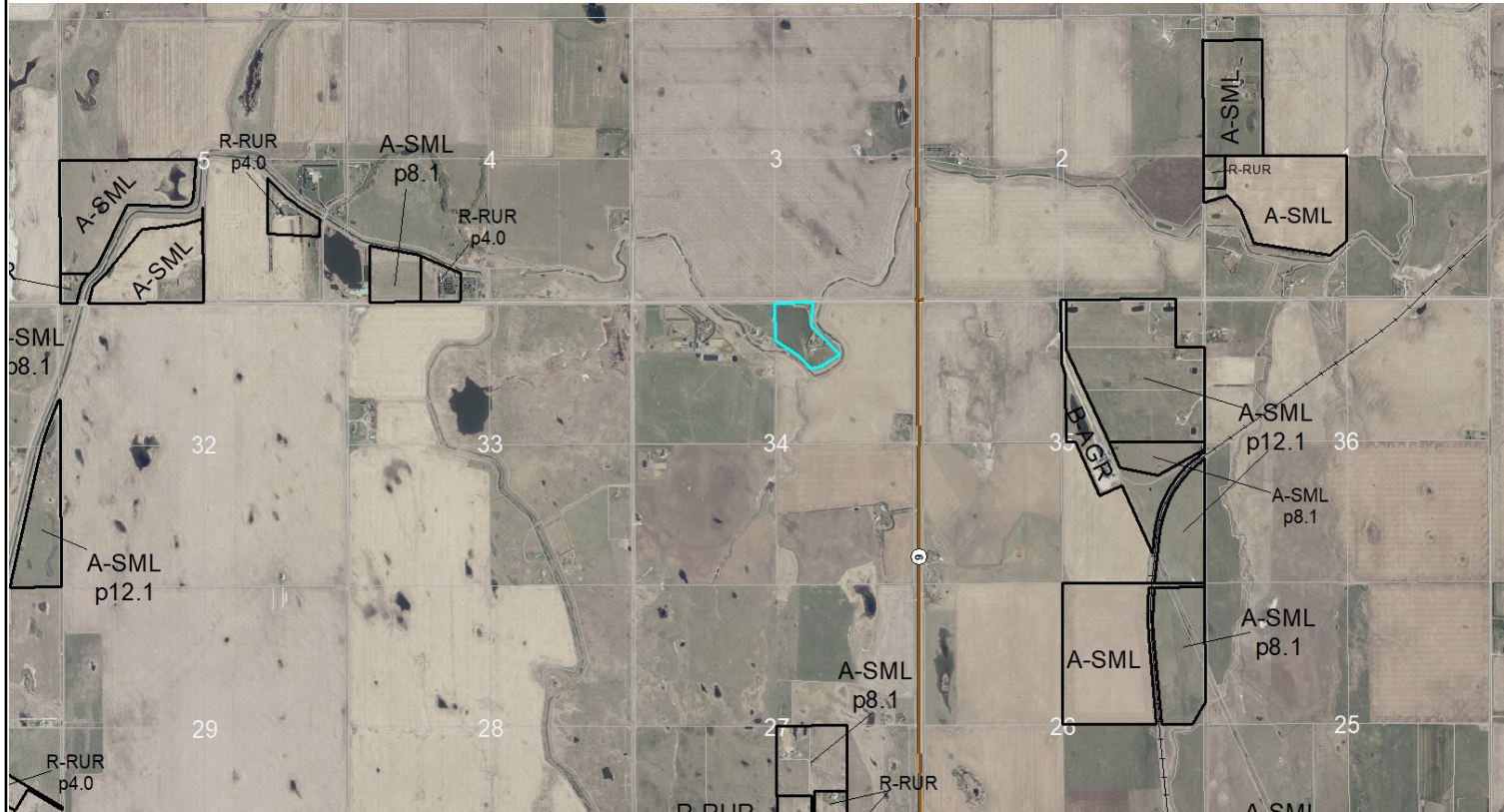
Not Support



Aerial Imagery

Development Proposal

Home Based Business,
Type II (landscaping
business), relaxation to
the maximum number of
non-resident employees



Aerial Imagery

Development Proposal

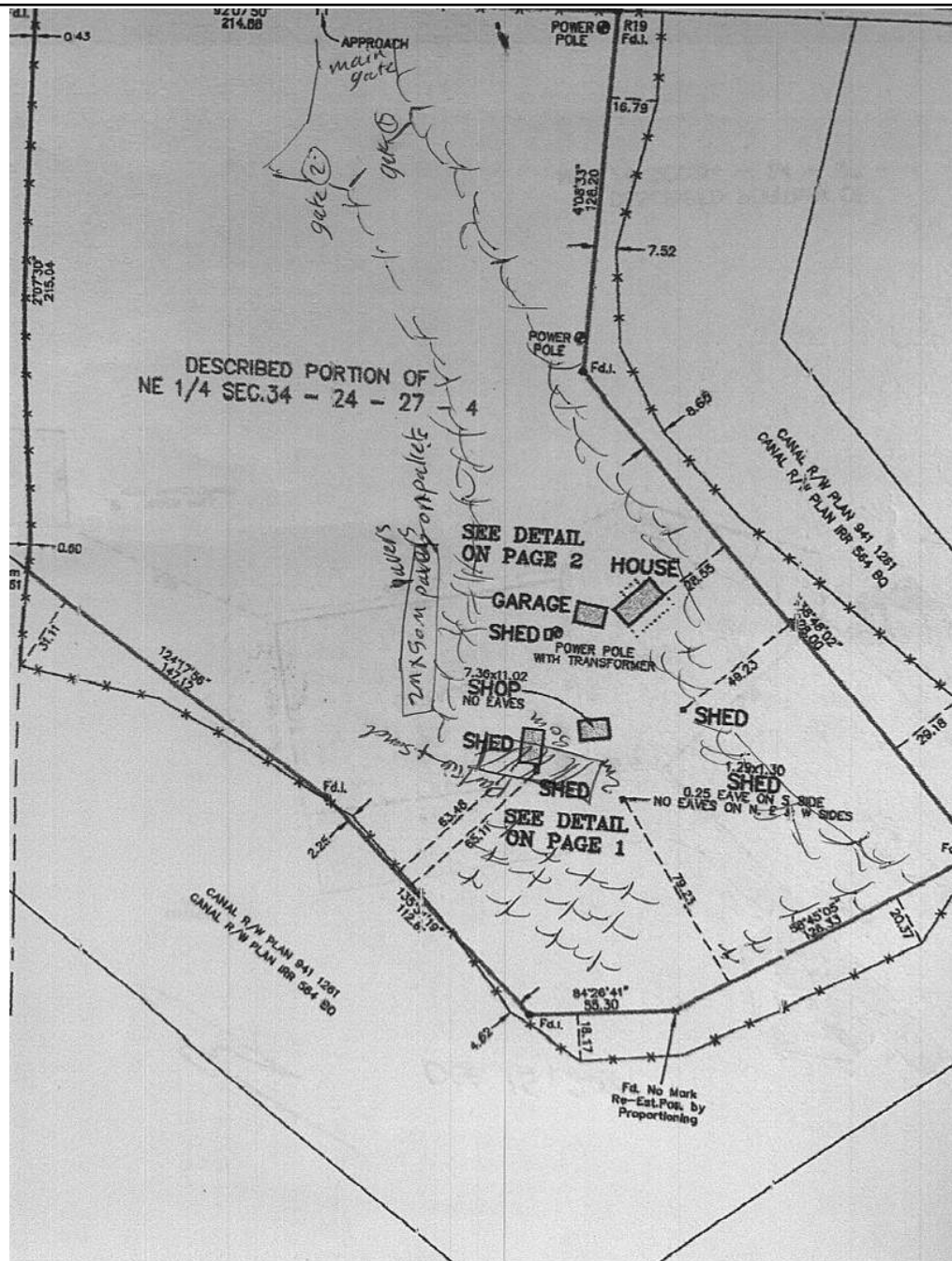
Home Based Business,
Type II (landscaping
business), relaxation to
the maximum number of
non-resident employees



Site Plan

Development Proposal

Home Based Business,
Type II (landscaping
business), relaxation to
the maximum number of
non-resident employees



Site Photos

Development Proposal

Home Based Business,
Type II (landscaping
business), relaxation to
the maximum number of
non-resident employees



Looking Southeast from Twp. Rd. 250



Looking east from Twp. Rd. 250



Looking Southwest from Twp. Rd. 250



Looking South from Twp. Rd. 250

Site Photos

Development Proposal

Home Based Business,
 Type II (landscaping
 business), relaxation to
 the maximum number of
 non-resident employees



Looking South towards dwelling



Looking south from dwelling to back
 of parcel



Looking north at outside storage area



Looking South from back of parcel



Notice of Appeal
Subdivision and Development Appeal Board
Enforcement Appeal Committee

[illegible]

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


Appellant's Signature

Last updated: 2020 August 07

July 14, 2022
Date

Date _____



ROCKY VIEW COUNTY

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

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

THIS IS NOT A DEVELOPMENT PERMIT

Please note that the appeal period *must* end before this permit can be issued and that any Prior to Issuance conditions (if listed) *must* be completed.

NOTICE OF DECISION

Diab, Hanan & Abdel Naser

Page 1 of 2

Tuesday, July 5, 2022

Roll: 04234005

RE: Development Permit #PRDP20222835

NE-34-24-27-04; (272111 TWP RD 250)

The Development Permit application for a Home-Based Business, Type II, for a landscaping business and relaxation to the maximum number of non-resident employees has been **conditionally-approved** by the Development Officer subject to the listed conditions below **(PLEASE READ ALL CONDITIONS)**:

Description:

1. That a Home-Based Business, Type II, for a landscaping business may commence to operate on the subject parcel in accordance with the approved site plan and conditions of this permit.
 - i. That the number of non-resident employees shall be relaxed from **two (2) to three (3)**.
 - ii. That one (1) sign, in accordance with Land Use Bylaw, C-8000-2020 is permitted.

Permanent:

2. That the operation of this Home-Based Business, Type II shall be secondary to the residential use of the subject parcel.
3. That the Home-Based Business, Type II shall not change the residential character and external appearance of the land and buildings.
4. That the operation of this Home-Based Business, Type II shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.
5. That the Home-Based Business, Type II shall be limited to the dwelling, accessory building and outside storage area.
6. That all vehicles, trailers, or equipment that are used in the Home-Based Business shall be kept within a building or the outside storage area.



ROCKY VIEW COUNTY

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

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

Diab, Hanan, PRDP20222835

Page 2 of 2

7. That all outside storage that is part of this Home-Based Business, Type II, shall be screened from adjacent lands, to the satisfaction of the Development Authority, shall meet the minimum setback requirements for buildings, and shall not exceed **400.00 sq. m (4,305.56 sq. ft.)** in general accordance with the Site Plan.
8. That the screening (tree plantings), for the outside storage area, shall be implemented within three (3) months of date of permit issuance, to provide adequate screening for the outside storage area, to the satisfaction of the Development Authority.
9. That any site landscaping or screening elements approved with the application shall be maintained onsite at all times.
10. That the Home-Based Business, Type II shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of the adjacent residential dwellings shall be preserved and the Home-Base Business use shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
11. That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
12. That the operation of this Home-Based Business, in conjunction with any other Home-Based Business approved for this parcel, may generate up to a maximum of eight (8) business-related visits per day.
13. That this Development Permit shall be valid until **July 27, 2023**.

Advisory:

- That the Applicant/Owner shall adhere to the County's Noise Bylaw (C-8067-2020) at all times.
- That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.

If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **July 26, 2022**, a Development Permit may be issued, unless there are specific conditions which need to be met prior to issuance. If an appeal is received, then a Development Permit will not be issued unless and until the decision to approve the Development Permit has been determined by the Development Appeal Committee.

Regards,

Development Authority

Phone: 403-520-8158

Email: development@rockyview.ca

THIS IS NOT A DEVELOPMENT PERMIT



DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY	
APPLICATION NO.	
ROLL NO.	04234005
RENEWAL OF	
FEES PAID	892.50
DATE OF RECEIPT	May 30, 2022

APPLICANT/OWNER						
Applicant Name: HANAN DIAB	Email:					
Business/Organization Name (if applicable): A GREEN FUTURE FOR LANDSCAPING LTD						
Mailing Address: 272111 TWP RD 250 ROCKYVIEW COUNTY	Postal Code: T1Z 0W6					
Telephone (Primary): 403 547 6551	Alternative: 403 830 6303					
Landowner Name(s) per title (if not the Applicant):						
Business/Organization Name (if applicable):						
Mailing Address:	Postal Code:					
Telephone (Primary):	Email:					
LEGAL LAND DESCRIPTION - Subject site						
All/part of: NE ¼	Section: 34	Township: 24	Range: 27	West of: 4	Meridian	Division:
All parts of :		Block:	Plan:	Parcel area (ac/ha):		
Municipal Address:				Land Use District:		
APPLICATION FOR - List use and scope of work						
HOME BASE BUSINESS TYPE 2						
Variance Rationale included: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A DP Checklist Included: <input type="checkbox"/> YES <input type="checkbox"/> NO Name of RVC Staff Member Assisted:						
SITE INFORMATION						
a. Oil or gas wells present on or within 100 metres of the subject property(s)				<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant)				<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
c. Abandoned oil or gas well or pipeline present on the property (Well Map Viewer: https://extmapviewer.aer.ca/AERAbandonedWells/Index.html)				<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
d. Subject site has direct access to a developed Municipal Road (accessible public roadway)				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
AUTHORIZATION						
I, HANAN DIAB (Full name in Block Capitals), hereby certify (initial below):						
H.D. That I am the registered owner OR That I am authorized to act on the owner's behalf.						
H.D. That the information given on this form and related documents, is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.						
H.D. That I provide consent to the public release and disclosure of all information, including supporting documentation, submitted/contained within this application as part of the review process. I acknowledge that the information is collected in accordance with s.33(c) of the <i>Freedom of Information and Protection of Privacy Act</i> .						
H.D. Right of Entry: I authorize/acknowledge that Rocky View County may enter the above parcel(s) of land for purposes of investigation and enforcement related to this application in accordance with Section 542 of the Municipal Government Act.						
Applicant Signature Hanan Diab				Landowner Signature Hanan Diab		
Date 5/27/2022				Date MAY 27 2022		



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

FOR OFFICE USE ONLY	
APPLICATION NO.	
ROLL NO.	04324005
DISTRICT	A-GEN

DETAILS	USE TYPE/LOCATION
Business-related area within:	<input type="checkbox"/> Home-Based Business (Type II) <input type="checkbox"/> * Bed and Breakfast
Principal dwelling ($m^2 / ft.^2$) 1500 sq. ft.	Located within: <input type="checkbox"/> Existing Building OR <input type="checkbox"/> New Building
Accessory building ($m^2 / ft.^2$) 3000 sq. ft.	
Outdoors (for storage) ($m^2 / ft.^2$) 400 sq. m.	
NOTE: If a new accessory building is proposed for Home-Based Business (Type II), submit the Accessory Building(s) - Information Sheet and related documents in addition to this form.	
BUSINESS OPERATIONS	
Business name: A GREEN FUTURE FOR LANDSCAPING LTD	
Describe nature of business: JUST PARKING OUR TRUCKS AND HAVE SOME MATERIAL DELIVERED ESPECIALLY THESE DAYS WITH SHORTAGE MATERIAL, WE WANT TO MAKE SURE THAT WE HAVE THEN IN STOCK BEFORE STARTING THE JOB FOR OUR CUSTOMERS AT THEIR SITE	
Any outdoor area on site being used for business purposes (other than storage/parking)? If yes, describe purpose:	
very tiny two areas for the gravel, sand, pavers, and lumber for every day use only	
Days of operation: <small>AS OUR WORK IS WEATHER DEPENDENT, IT WILL BE MOSTLY WEEK DAYS UNLESS WE HAVE TO GO TO CUSTOMERS IN WEEK ENDS</small> Hours of operation: approx 8:00AM -8:00PM	
Total number of employees (including residents/applicant): vary 6-10	
Number of non-resident employees: 8 most of them go to the customer site	
Number of business-related vehicle visits per day: ONLY OUR TRUCK 6 Per week:	
Location of business-related vehicle parking on site: at the END OF OUR ACREAGE BETWEEN TREES	
Total number and type of vehicles used for business on site (Home-Based Business, Type II only): 6 (3 trucks F550, 2 trucks F350, 1 truck 150)	
SCREENING AND SIGNAGE	
Type of screening provided for outdoor storage area (Home-Based Business, Type II only):	
<input type="checkbox"/> Landscaping (specify vegetation): _____ <input type="checkbox"/> Fencing (specify material and height): _____ <input checked="" type="checkbox"/> Other (specify material and height): SOME PALLETS BESIDE EACH OTHER (pavers and some times lumber / depends on a weekly basis needs)	
Business signage proposed on site? <input type="checkbox"/> YES - attach Signage - Information Sheet and documents <input type="checkbox"/> NO	
ADDITIONAL SITE PLAN REQUIREMENTS	
<input type="checkbox"/> Location of parking area <input type="checkbox"/> Location and dimensions of proposed outdoor storage area(s) <input type="checkbox"/> Location and type of existing/proposed screening (landscaping, fence etc.), specifically for outdoor storage <input type="checkbox"/> Location of any proposed signage	
<small>* Bed and Breakfast shall not be permitted in a principal dwelling which has an existing Home-Based Business (Type I) or Home Based Business (Type II) uses. Land Use Bylaw, C-8000-2020</small>	

Applicant Signature Hanan Diab

Date May 27, 2022



DEVELOPMENT PERMIT APPLICATION CHECKLIST - GENERAL

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

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

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

FOR OFFICE USE ONLY

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

Land Use District: **A-GEN**

Applicable ASP/CS/IDP/MSDP: **N/A**

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

NOTES:

HBBII operating without permits

Staff Signature: Steven Lam



LETTER OF AUTHORIZATION – PLANNING AND DEVELOPMENT SERVICES

I, (We) HANAN DIAB (print name) Owner 1
ABDELNASER DIAB (print name) Owner 2

being the owner(s) of: Lot: _____ Block: _____ Plan: _____

Legal Description:

Quadrant NE ¼ Section 34 Township 24 Range 27 West of 4 Meridian
give HANAN DIAB (print name of Applicant)

permission to act on my (our) behalf for the following application at the above-noted property

(select one):

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

Hanan Diab

Owner 1 Signature

Abdelna
ser
diab

Owner 2 Signature

MAY 27 2022

Date Signed



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0013 728 845 4;27;24;34;NE 221 003 843

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 27 TOWNSHIP 24
SECTION 34
THAT PORTION OF THE NORTH EAST QUARTER
WHICH LIES NORTH AND WEST OF CANAL RIGHT OF WAY ON
PLAN IRR. 564
CONTAINING 8.21 HECTARES (20.28 ACRES) MORE OR LESS
EXCEPTING THEREOUT:
PLAN NUMBER HECTARES ACRES
ROAD 8410960 0.111 0.27
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 921 150 028

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
221 003 843	11/01/2022	TRANSFER OF LAND	\$840,000	\$840,000

OWNERS

ABDEL NASER DIAB

AND

HANAN DIAB

BOTH OF:

[REDACTED]
[REDACTED]
[REDACTED]

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

221 003 843

REGISTRATION

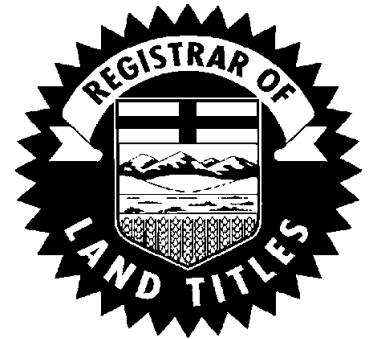
NUMBER	DATE (D/M/Y)	PARTICULARS
941 194 828	26/07/1994	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.
221 003 844	11/01/2022	MORTGAGE MORTGAGEE - CANADIAN IMPERIAL BANK OF COMMERCE. P.O. BOX 115, COMMERCE COURT POSTAL STATION, TORONTO ONTARIO M5L1E5 ORIGINAL PRINCIPAL AMOUNT: \$500,000

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 30 DAY OF MAY,
2022 AT 08:21 A.M.

ORDER NUMBER: 44552664

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

HANAN DIAB
Owner and office manager
A Green Future
Tel: 403-547-6551
Web site: www.AGreenFuture.ca
Email: info@agreenfuture.ca

To

Steven Lam
Development Officer | Planning and Development
Rocky View County
262075 Rocky Viewpoint
Rocky View County | AB | T4A 0X2
Phone: | 403-520-6303
SLam@rockyview.ca
www.rockyview.ca

Subject: upgrading home base business type 1 to home base business type 2

Dear Steven /rocky view staff

I would like to apply for upgrading home base business type 1 to home base business type 2

As currently I live in the address **272111 TWP RD 250, Rocky view county, AB, T1Z 0W6**

I have my office in this house, our company trucks (F550 “three of them”, two F350, one F150) and trailers parking only and some materials (pavers and some lumber for daily use for our customers in Calgary

We don't sell any items in this location; this means no customers at all come to our location. Our manager and workers go directly to the customer's site.

Our trucks drivers are fully insured under our commercial policy to drive these trucks.

From our 20 acres acreage, the parking, workshop, and the storage area occupy less than an acre in total.

They are very organized, not visible from the public highway. As our acreage is having lots of trees, very careful and pretty and well taking care of, pictures, video can be provided.

We operate during normal day hours mostly weekdays, some weekend exception we work if the site of our customers in badly need to work in the weekend (especially drainage issues and emergencies.

I am submitting the filled documents and the fees as advised.

Please feel free to email /call me if you need more document or any question.

Looking forward to having my license approved.

Thank you very much in advance for your time and support.

Hanan Diab

May 16, 2022

AFFIDAVIT - VERIFYING CORPORATE SIGNING AUTHORITY

I, HANAN DIAB, of CALGARY AB

make oath and say:

1. I am the officer/director of (company name):

A GREEN FUTURE FOR LANDSCAPING LTD,

being the corporation named as the owner, in the Development Permit / Subdivision / Redesignation / Local Plan Application (select one), affecting Lands described as:

Legal Description

NE 34 24 27 W4M / Lot: _____ Block: _____ Plan: _____

2. I am authorized to sign the Development Permit / Subdivision / Redesignation / Local Plan Application (select one), on behalf of the corporation without affixing a corporate seal and I hereby appoint (name of Applicant):

HANAN DIAB as our agent for the above application at the above-noted property.

FOR USE BY APPOINTED COMMISSIONER FOR OATHS

SWORN/AFFIRMED before me

at the (City/County/Town): _____,

in the Province of Alberta, this _____ day of _____ (month) _____ (year).

Commissioner of Oaths Stamp

Signature

A Commissioner for Oaths in and for Alberta

Rocky View Map



ii

Roll Number	04234005	
Legal Desc	NE-34-24-27-W04M	
Divison	06	
Lot Block Plan		
Linc Number	13728845	
Title Number	221003843	
Parcel Area	20.01000	
Municipal Address	272111 TWP RD 250	
Contact Information	Diab, Hanan & Abdel Naser	
		00000000000000
	Rocky View County AB T1Z 0W6	00000000000000
Land Use Information	A-GEN	

Planning Applications Information

{There is no related Application}

Area Structure Plan

{There is no related Area Structure Plan}

Conceptual Scheme

{There is no related Conceptual Scheme}

Building Permit

Permit Number	Permit Type	Date Issued
PREL20182402	Electrical	Mon Jun 25, 2018
1992-BP-2914	Building	Tue Jul 28, 1992
1992-BP-2915	Building	Tue Jul 28, 1992

Development Permit Information

{There is no related Development Permits}

Department	Issued By	Date Issued	Date Closed	Status	Reference No.	Description	Severity
PDEV	SLam	October 15, 2021	October 15, 2021	C		issued stamp of compliance	1

Boundary

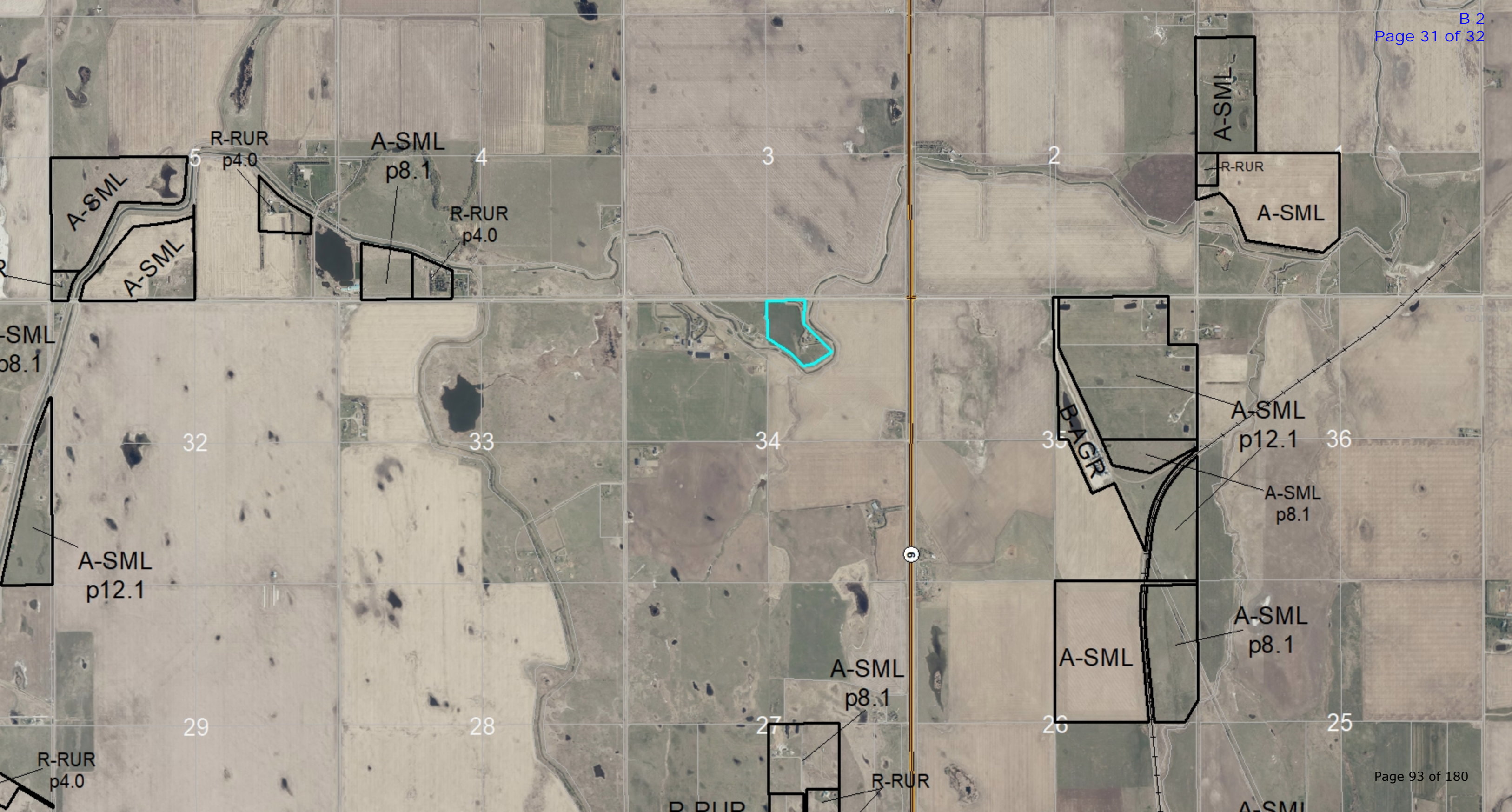
Category

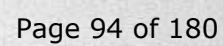
Division	5
Area Structure Plan	No ASP
Conceptual Scheme	No Conceptual Scheme
IDP	No IDP
Airport Vicinity	No APVA
Engineer	Peter Sontrop
Water Coop	No Water Coop
Gas Coop Service	ATCO GAS
No.of Lots Within 600 M	5
No.of App Subdiv Within 600 M	0

Developed Road Allowance	Yes
Riparian Area	Yes
School	No School Boundary
Recreation	Chestermere-Conrich
Fire District	LANGDON
Primary Fire Station	111
Secondary Fire Station	107
Tertiary Fire Station	116

Boundary	Category	Distance
Closest Highway	HWY9 ROCKYVIEW	450.72
Closest Gravel Pit	River Pit	28759.15 M
Sour Gas	No Sour Gas Pipe passes	From closest sour pipe:6636.59 M
Closest Road Name	TWP RD 250(Surface Type:Paved)	12.85 M
Closest Railway	CNR	2040.38 M
Closest Western Irrigation Districts	Within 10Km	
Closest Waste Water Treatment	Within 10Km	3530.69 M
Closest Waste Transfer Site	Within 3 Km	
Closest Municipality	WHEATLAND COUNTY	3696.07 M
Closest Confined Feeding Operation		9919.4 M







PLANNING

TO:	Subdivision and Development Appeal Board		
DATE:	August 11, 2022	DIVISION:	1
FILE:	03912095	APPLICATION:	PRDP20223260
SUBJECT:	Development Item – Vacation Rental / Discretionary use, with no Variances		

APPLICATION: Vacation rental

EXECUTIVE SUMMARY: The application was applied for on June 16, 2022, approved by Administration and a Notice of Decision was sent on June 28, 2022.

The Applicant/Owner is proposing to operate a vacation rental on the subject parcel, within an existing dwelling, single detached located at 47 Bracken Road, Bragg Creek. The dwelling is approximately 240.14 m² (2,584.85 ft.²) and the proposed vacation rental will operate full time. The owners currently live in Ontario; have plans to move to this property in the next two to four years and until then, wish to operate the dwelling as a vacation rental, full-time except for six to twelve weeks per year that they will be spending time there. The owners have two sons that live in the Calgary area which would help to maintain the property, as well as a cleaning service.

The Applicant states they have strict rules and requirements for folks staying at this proposed vacation rental: max number of guests is eight; strict noise/sound rules; no parties; and the Applicant states they wish to cater to golfers, cyclists and hikers.

The vacation rental is a discretionary use under the Residential, Urban District; no variances were requested or required.

Administration conditionally approved the application on June 28, 2022.

On July 13, 2022, an appeal was filed by Heike Meyer-Soules for reasons that are noted in the agenda package.

DECISION: Approved

DECISION DATE: June 28, 2022	APPEAL DATE: July 13, 2022	ADVERTISED DATE: June 28, 2022
--	--------------------------------------	--

APPLICATION EVALUATION:

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

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Land Use Bylaw C-8000-2020; • Greater Bragg Creek Area Structure Plan. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • None
DISCRETIONARY USE: <ul style="list-style-type: none"> • 332 Vacation rental 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> • Administration

Administration Resources

Wayne Van Dijk, Planning & Development Services

Additional Review Considerations

As per Land Use Bylaw, C-8000-2020, "Vacation Rental" means a Dwelling Unit that is rented online via a hospitality service brokerage company that arranges lodging such as Airbnb, Vrbo, TurnKey, HomeAway etc."

The area structure plan provides no policies or guidance for applications for vacation rental and Land Use Bylaw, C-8000-2020 was used for assessing the application.

No variances were requested or required.

There are similar vacation rental properties in the Bragg Creek area.

APPEAL:

See attached report and exhibits.

Respectfully submitted,

"Justin Rebello"

Supervisor
Planning and Development Services

WV/lt

PLANNING

TO:	Staff Report	DIVISION:	1
DATE:	June 28, 2022	APPLICATION:	PRDP20223260
FILE:	03912095		
SUBJECT:	Vacation Rental/ Discretionary use, with no Variances		

APPLICATION: Vacation rental

GENERAL LOCATION: Located in the Hamlet of Bragg Creek (47 Bracken Road).

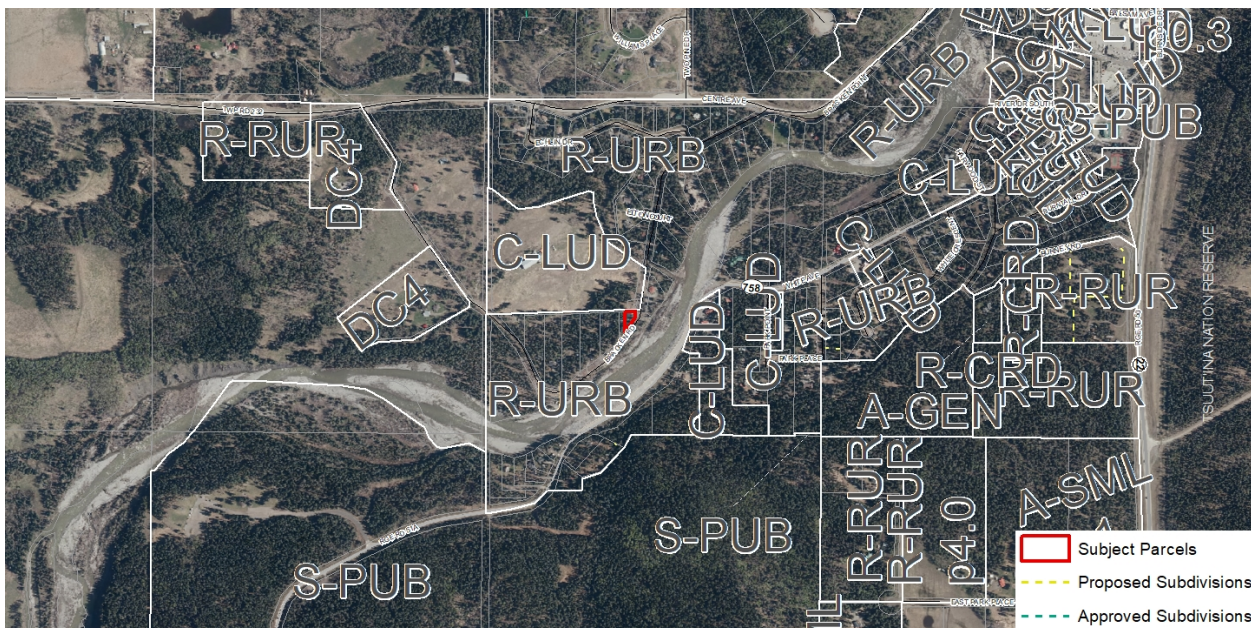
LAND USE DESIGNATION: Residential, Urban District (R-URB) under Land Use Bylaw C-8000-2020 (LUB).

EXECUTIVE SUMMARY: The Applicant/Owner is proposing to operate a vacation rental on the subject parcel, within an existing dwelling, a single detached located at 47 Bracken Road, Bragg Creek. The dwelling is approximately 240.14 m² (2,584.85 ft²) and the proposed vacation rental will operate full time. The owners currently live in Ontario; have plans to move to this property in the next two to four years and until then, wish to operate the dwelling as a vacation rental, full-time except for six to twelve weeks per year that they will be spending time there. The owners have two sons that live in the Calgary area which would help to maintain the property, as well as a cleaning service.

The Applicant states they have strict rules and requirements for folks staying at this proposed vacation rental: max number of guests is eight; strict noise/sound rules; no parties; and the Applicant states they wish to cater to golfers, cyclists and hikers.

Vacation rental is a discretionary use under the Residential, Urban District; no variances were requested or required.

AIR PHOTO & DEVELOPMENT CONTEXT:



APPLICATION EVALUATION:

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

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none">• <i>Municipal Government Act</i>;• Land Use Bylaw C-8000-2020;• Greater Bragg Creek Area Structure Plan.	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none">• None submitted
DISCRETIONARY USE: <ul style="list-style-type: none">• 332: Vacation Rental	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none">• Development Authority

Greater Bragg Creek Area Structure Plan provides no policies/guidance for vacation rental applications and the application was evaluated under Land Use Bylaw, C-8000-2020.

LUB C-8000-2020 defines vacation rental as: "Vacation Rental" which means a Dwelling Unit that is rented online via a hospitality service brokerage company that arranges lodging such as Airbnb, Vrbo, TurnKey, HomeAway etc.

No signage requested. Parking is all within the parcel.

No variances applied for and/or required.

ADMINISTRATION RECOMMENDATION: Administration recommends approval as the proposed development requires no variances and meets the requirements of Land Use Bylaw, C-8000-2020.

Respectfully submitted,

Wayne Van Dijk
Development Officer
WVD

ATTACHMENTS

ATTACHMENT 'A': Development Permit Report Conditions
ATTACHMENT 'B': Application Information



ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS

Description:

1. That a Vacation Rental may commence operating on the subject property, within a dwelling, single detached, in accordance with the approved site plan, floor plans and the conditions of this permit.

Permanent:

2. That no off-site advertisement signage associated with the Vacation Rental shall be permitted.
3. That there shall be no non-resident employees at any time, with the exception of cleaning companies (if required).
4. That the Owner shall be responsible for ensuring that any renters are familiar with the property boundaries, whether that be by means of a fence, signage, or other means, to ensure no trespassing to adjacent properties.
5. That all customer parking shall be on the Owner's property at all times and there shall be no parking within a County roadway or right of way.
6. That the operation of the vacation rental shall not change the residential character and external appearance of the land and dwellings.
7. That the operation of this *Vacation Rental* shall not generate noise, smoke, dust, fumes, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of adjacent residential dwellings shall be preserved. The *Vacation Rental* shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
8. That this Development Permit shall be valid until **July 20, 2023**, at which time a new application shall be submitted. *Note, that the County will take into consideration any enforcement action of this Vacation Rental prior to considering subsequent applications.*

Advisory:

- That any building permits and applicable subtrade permits shall be obtained through Building Services, as required.
- That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
- That the site shall conform to the County's Noise Bylaw C-8067-2020 in perpetuity.

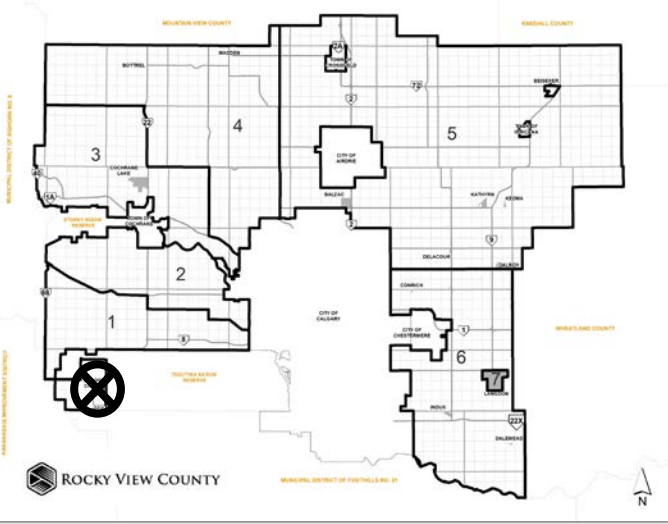
**ATTACHMENT 'B': APPLICATION INFORMATION**

APPLICANT: Brett and Patrica Vansickle	OWNER: Brett and Patrica Vansickle
DATE APPLICATION RECEIVED: May 11, 2022	DATE DEEMED COMPLETE: May 31, 2022
GROSS AREA: ± 0.07 hectares (± 0.18 acres)	LEGAL DESCRIPTION: Lot: 8 (East Pt.), Plan: 8556 CI, NW-12-23-05-W05M (47 Bracken Road)
APPEAL BOARD: Subdivision & Development Appeal Board	
HISTORY: Development History: <ul style="list-style-type: none"> PRDP20152194: construction of a dwelling, single detached, relaxation of the minimum front, sides, rear yard setback requirements, and relaxation of the maximum site coverage 	

Location & Context

Development Proposal

Vacation Rental



Division: 1
Roll: 03912095
File: PRDP20223260
Printed: June 20, 2022
Legal: Lot:8 (East Pt.)
Page 501 of 180
23-05-W05M



Landowner Circulation Area

Development Proposal

Vacation Rental

Legend

Support



Not Support



Appellant



Division: 1

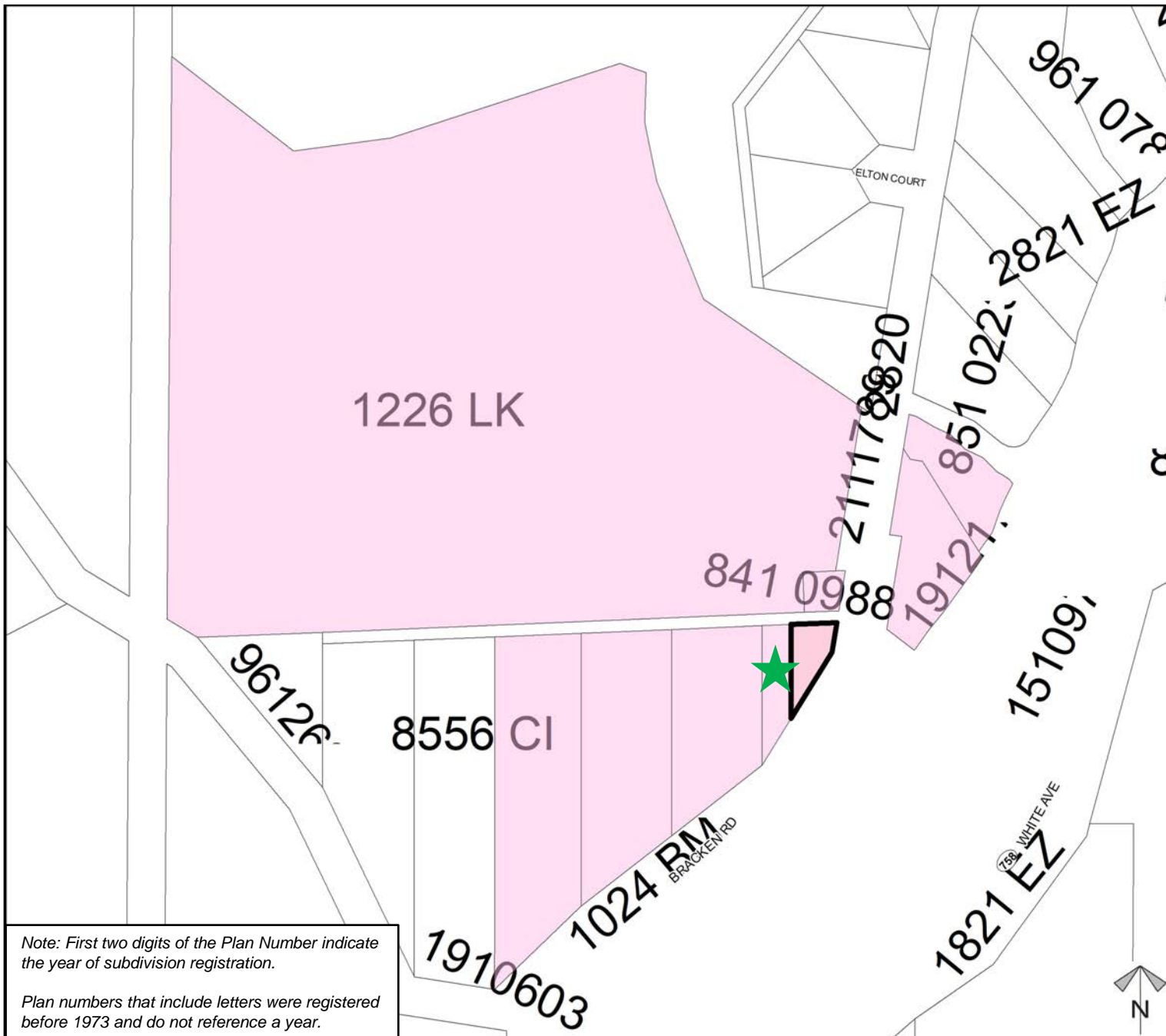
Roll: 03912095

File: PRDP20223260

Printed: June 20, 2022

Legal: Lot:8 (East Pt.)

Page 502 of 180
23-05-W05M



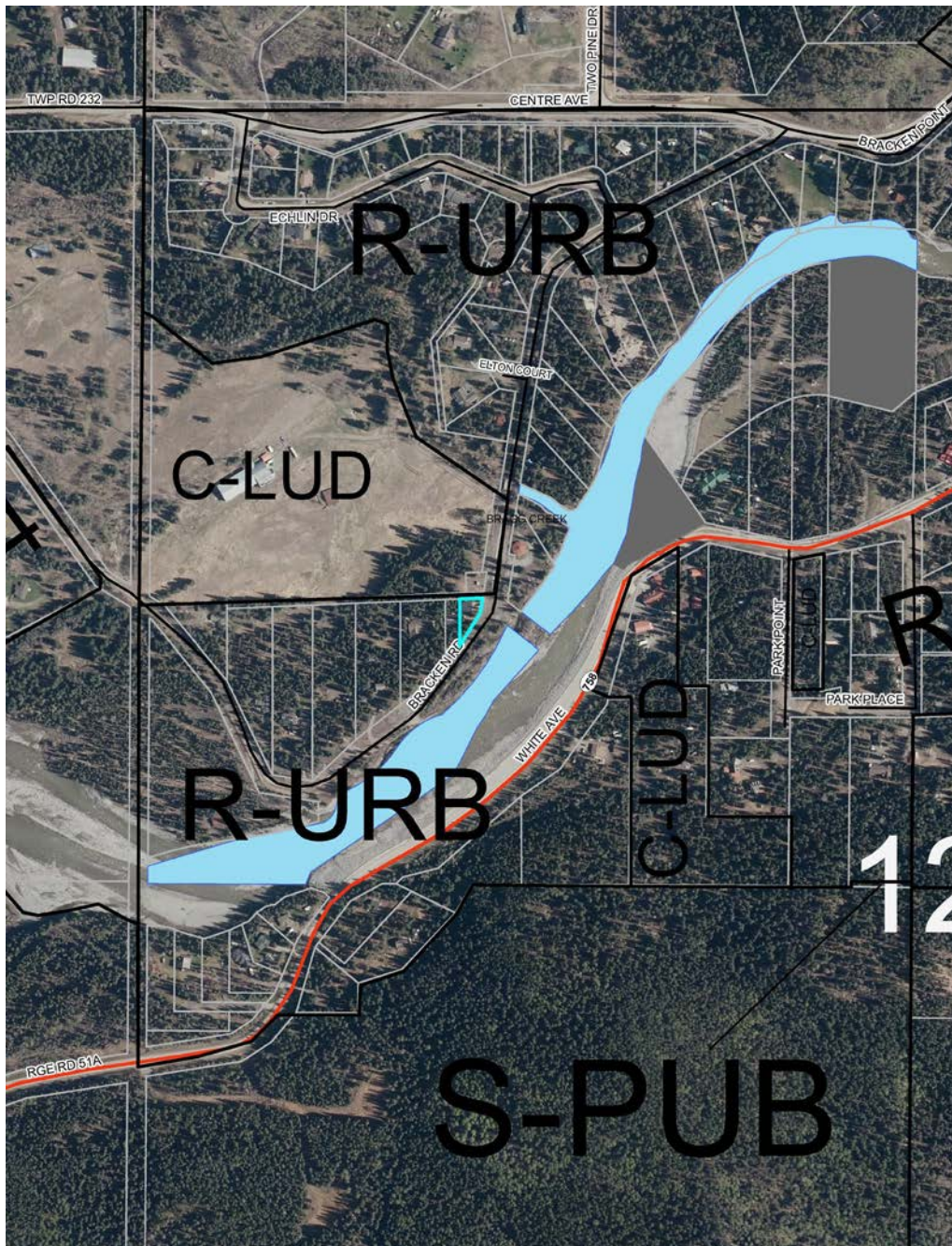
Note: First two digits of the Plan Number indicate the year of subdivision registration.

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

Aerial Imagery

Development Proposal

Vacation Rental



Aerial Imagery

Development Proposal

Vacation Rental



Site Photos

Development Proposal

Vacation Rental



Looking to north of dwelling



Looking southwest along Bracken Road



Dwelling and adjacent landowner



Dwelling



Notice of Appeal
Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information			
Name of Appellant(s) Heike Meyer-Soules			
Mailing Address PO Box 473		Municipality Bragg Creek	Province Alberta
Postal Code T0L0K0			
Main Phone # [REDACTED]	Alternate Phone # [REDACTED]	Email Address [REDACTED]	
Site Information			
Municipal Address 47 Bracken Rd		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Lot 8(East Pt.), Plan 8556; NW-12-23-05-05	
Property Roll # 03912095		Development Permit, Subdivision Application, or Enforcement Order # PRDP20223260	
I am appealing: (check one box only)			
Development Authority Decision <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order	
Reasons for Appeal (attach separate page if required)			
Please see attached			

ROCKY VIEW COUNTY
RECEIVED
JUL 14 2022
LEGISLATIVE AND
INTERGOVERNMENTAL
SERVICES

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

Mike Meyer-Soules
Appellant's Signature

Date July 13/2022

Heike Meyer-Soules
PO Box 473
43 Bracken Rd
Bragg Creek, AB, T0L0K0

July 13, 2022

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

Attention: Subdivision and Development Appeal Board

RE: Development Permit Application Number PRDP20223260, Roll Number 03912095

Thank you for the opportunity to appeal Application PRDP20223260, application for a Vacation Rental.

As the adjacent landowner to 47 Bracken Rd, I have some concerns about the negative impacts on the use and enjoyment of my property that a short-term vacation rental would trigger.

- As a resident of Bragg Creek for almost 40 years, I am concerned about the deterioration of the residential character of our neighbourhood. There are a number of vacation rentals (155 White Avenue, 60 Bracken Rd) and Bed and Breakfast rentals in our neighbourhood that resulted in a loss of community feel and have had a negative impact on the quality of life of the current permanent residents. The number of vacation rentals in our area should be limited to keep the residential feel and utilize existing commercially zoned areas for that purpose. The proposed vacation rental on 47 Bracken Rd is only one residence over from the short-term vacation rental property at 60 Bracken Rd and the short-term rental on 155 White Avenue is directly south of us, separated by the Elbow River (please see attached figures 1 and 2). There is already a shortage of long-term housing rentals in Bragg Creek, the approval of more short-term rentals, would make the housing supply worse. It is very easy to find a suitable long-term renter for any property owner here in Bragg Creek.
- The previous owner of 47 Bracken Rd, was the son of an "old" Bragg Creek Family, that owns many properties and various businesses in the hamlet. When he applied for the development permit for the house, he presented that he had returned from BC with his young family to help his parents with the businesses. It was important to him, that he was close to the businesses and this small property on 47 Bracken Rd, was ideal for him to support his parents, as it is across the river from the family owned Bragg Creek Trading Post. The construction of the house was approved to be a family home within the residentially zoned community and not a short-term- hotel equivalent.

- Prior to building the residence on 47 Bracken Rd, a Development permit (Board Order No 64-15) was issued in 2015, relaxing minimum front yard, north side yard, south side yard and rear yard setback requirements, as well as the maximum allowable site coverage. Permitting the construction of a house this close to the property line, leaving little green space, set a precedence in Bragg Creek at the time. This resulted in a big, overpowering structure very close to us with very little yard space. The house has an extreme impact on our property enjoyment and privacy. Since the building of the residence, our backyard has not been usable for gardening or any recreation, as we lost all the sun and our privacy. Only a fraction of my property is usable for our enjoyment on the south side of the house and this little area could be further impacted by a constant stream of strangers, a few feet away from the property line. (please see attached figures 3 and 4)
- Short term renters have no stake in the community and therefore no reason to care how the neighborhood around them suffers from their vacation activities. Tourists go on vacation to have a good time and that may effect the quality of life for the permanent residents. For example, my neighbor, on 39 Bracken Rd, mentioned that guests rattled on his door late one night, looking for the short term rental on 60 Bracken Rd. The local hospitality industry, like restaurants and bars, do not benefit from short-term vacation rentals, as they would from appropriate high-density lodging or hotels, as the guests typically eat, drink and party at the rental.
- With the owners of the subject property living off site and out of province, it would make it difficult to monitor the activities in and around the house and to control noise, light glaring and the volume of people. It would be challenging to respond to concerns and to take action in a reasonable time. This would invite destructive behaviour and parties.
- As per the Airbnb listing, this residence offers self-check in via smart lock. This would make it very problematic to control the number of guests arriving.
- Rocky View's noise bylaws prescribe night time quiet hours beginning at 10:01 pm, ending at 6:59 am weekdays and at 8:59 am on weekends. It is very difficult to enforce these times as the Rocky View enforcement officers are only available between 8:00 am and 8:00 pm Mondays through Fridays.
- The property offers 4 bedrooms, as advertised on Airbnb. The potential number of visitors could be high, a lot higher than in a traditional Bed and Breakfast, where the number of permitted bedrooms is limited to 3 and where the house owner is present. This property would offer the perfect space for a big party.
- Bracken Road is currently under construction for the completion of the flood mitigation work; traffic flow is impacted and there is no longer public parking space on the road or in the neighborhood. Parking for the guests needs to be limited to the owner's property to avoid traffic obstacles and possible snow clearing challenges.

- I worry about the risk of fires. There are fire pit blocks and stacks of firewood in various locations on the property. This would invite lighting an open fire. I would like to ensure that guests to the property are not permitted to have open fires. The yard is very small and amongst old spruce trees, that are very dry. There is currently a spruce budworm infestation in Bragg Creek and surrounding areas. This infestation weakens the spruce trees, and causes masses of dried red brown needles hanging from the ends of the branches thus the trees are more susceptible to fires. A disaster could happen very quickly, affecting the whole neighborhood and possibly burning down residences. Smoke from outdoor fire pits would also impact our air quality, since our living room and bedroom windows are facing east, towards the yard of the potential vacation rental property. On a further note, visitors would not be current on fire bans in the area.
- Smoking should be permitted only in a designated and safe area, to avoid the problems mentioned above. (I did already see a guest walking in the trees with a lit cigarette)
- As it is typical for a rural property, there is no fence between us and the neighboring property. The property line is not clearly defined and the neighboring residence is very close, due to the relaxed setbacks and relaxed site coverage. For a rural property the lot is extremely small, with the big house, it only leaves a small yard. Guests might not realize that and trespass and use our property inadvertently. The Airbnb listing has one picture displaying our cabin, which might lead people to believe that it belongs to the vacation rental.

I realize, that it is a difficult task to find ways to regulate short-term vacation rentals in such a way, that they protect the residential neighborhood, while balancing a homeowner's property rights. In order to mitigate conflicts in the neighbourhood, there are jurisdictions in Canada, imposing minimum leases of a month for vacation rentals. This might be a compromise for this vacation rental too.

In summary, there are a number of reasons why I feel that this house should not be permitted to run a vacation rental business, and feel that this development permit should be rejected.

Regards

Heike Meyer-Soules

Heike Meyer-Soules

Figure 1



Figure 2



Figure 3



Figure 4





ROCKY VIEW COUNTY

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

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

THIS IS NOT A DEVELOPMENT PERMIT

Please note that the appeal period *must* end before this permit can be issued and that any Prior to Issuance conditions (if listed) *must* be completed.

NOTICE OF DECISION

Vansickle, Brett & Patricia

Page 1 of 2

Tuesday, June 28, 2022

Roll: 03912095

RE: Development Permit #PRDP20223260

Lot 8 (East Pt.), Plan 8556 CI, NW-12-23-05-05; (47 BRACKEN RD)

The Development Permit application for Vacation Rental has been **conditionally-approved** by the Development Officer subject to the listed conditions below **(PLEASE READ ALL CONDITIONS)**:

Description:

1. That a Vacation Rental may commence to operate on the subject property, within dwelling, single detached, in accordance with the approved site plan, floor plans and the conditions of this permit.

Permanent:

2. That no off-site advertisement signage associated with the Vacation Rental shall be permitted.
3. That there shall be no non-resident employees at any time, with the exception of cleaning companies (if required).
4. That the Owner shall be responsible for ensuring that any renters are familiar with the property boundaries, whether that be by means of a fence, signage, or other means, to ensure no trespassing to adjacent properties.
5. That all customer parking shall be on the Owner's property at all times and there shall be no parking within a County roadway or right of way.
6. That the operation of the vacation rental shall not change the residential character and external appearance of the land and dwellings.
7. That the operation of this *Vacation Rental* shall not generate noise, smoke, dust, fumes, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of adjacent residential dwellings shall be preserved. The *Vacation Rental* shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.

**ROCKY VIEW COUNTY**262075 Rocky View Point
Rocky View County, AB, T4A 0X2403-230-1401
questions@rockyview.ca
www.rockyview.ca**DEVELOPMENT PERMIT PRDP20223260 (Page 2 of 2)**

Vansickle, Brett & Patricia

8. That this Development Permit shall be valid until **July 20, 2023**, at which time a new application shall be submitted. *Note, that the County will take into consideration any enforcement action of this Vacation Rental prior to considering subsequent applications.*

Advisory:

- That any building permits and applicable subtrade permits for the operation of the Vacation Rental shall be obtained through Building Services, as required.
- That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
- That the site shall conform to the County's Noise Bylaw C-8067-2020 in perpetuity.

If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **Tuesday, July 19, 2022**, a Development Permit may be issued, unless there are specific conditions which need to be met prior to issuance. If an appeal is received, then a Development Permit will not be issued unless and until the decision to approve the Development Permit has been determined by the Development Appeal Committee.

Regards,

A handwritten signature in black ink, appearing to read 'D. K. Singh'.

Development Authority

Phone: 403-520-8158

Email: development@rockyview.ca**THIS IS NOT A DEVELOPMENT PERMIT**



ROCKY VIEW COUNTY

DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY

APPLICATION NO.

PRDP20223260

ROLL NO.

03912095

RENEWAL OF

-

FEES PAID

\$515.00

DATE OF RECEIPT

June 16, 2022

APPLICANT/OWNER

trish.pfsl@gmail.com

Applicant Name: Brett and Patricia VanSickle

Email:

Business/Organization Name (if applicable): BRAGGIN' RIGHTS RIVERSIDE RETREAT

Mailing Address:

Postal Code:

Telephone (Primary):

Alternative:

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

Business/Organization Name (if applicable):

Mailing Address:

Postal Code:

Telephone (Primary):

Email:

LEGAL LAND DESCRIPTION - Subject site

All/part of: 1/4 Section: Township: Range: West of: Meridian: Division:

All parts of: LOT 8 Block: Plan: 8556C1 Parcel area (ac/ha): .006

Municipal Address: 47 Bracken Rd Bragg Creek Toloko Land Use District:

APPLICATION FOR - List use and scope of work

Request is to use existing house at this location as a short term vacation rental (via Airbnb)

Variance Rationale included: ☐ YES ☐ NO ☐ N/A DP Checklist Included: ☐ YES ☐ NO Name of RVC Staff Member Assisted:

SITE INFORMATION

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

AUTHORIZATION

I, BRETT B PATRICIA VANSICKLE (Full name in Block Capitals), hereby certify (initial below):

R/SV That I am the registered owner OR That I am authorized to act on the owner's behalf.

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

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

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

Applicant Signature R/SV

Date June 7 2022

Landowner Signature R/SV

Date June 7 2022



ROCKY VIEW COUNTY

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

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20223260
ROLL NO.	03912095
DISTRICT	R-URB

DETAILS	USE TYPE/LOCATION
Business-related area within:	
Principal dwelling (m ² /ft. ²)	2584.82
Accessory building (m ² /ft. ²)	
Outdoors (for storage) (m ² /ft. ²)	
NOTE: If a new accessory building is proposed for Home-Based Business (Type II), submit the Accessory Building(s) - Information Sheet and related documents in addition to this form.	
BUSINESS OPERATIONS	
Business name: BRAGUN RIGHTS RIVERSIDE RETREAT	
Describe nature of business: Shortterm Vacation Rental (via AIRBNB)	
Any outdoor area on site being used for business purposes (other than storage/parking)? If yes, describe purpose:	
N/A	
Days of operation: ALL DAYS RENTED	Hours of operation: 24/7
Total number of employees (including residents/applicant): Just the owners	
Number of non-resident employees: cleaning service → pay per service	
Number of business-related vehicle visits per day: 1-2	Per week: 1-2
Location of business-related vehicle parking on site: Front property driveway lot	
Total number and type of vehicles used for business on site (Home-Based Business, Type II only):	
SCREENING AND SIGNAGE	
Type of screening provided for outdoor storage area (Home-Based Business, Type II only):	
<input type="checkbox"/> Landscaping (specify vegetation): N/A	
<input type="checkbox"/> Fencing (specify material and height): N/A	
<input type="checkbox"/> Other (specify material and height): N/A	
Business signage proposed on site? <input type="checkbox"/> YES - attach Signage - Information Sheet and documents <input checked="" type="checkbox"/> NO	
ADDITIONAL SITE PLAN REQUIREMENTS	
<input checked="" type="checkbox"/> Location of parking area shown in pictures <input type="checkbox"/> Location and dimensions of proposed outdoor storage area(s) <input type="checkbox"/> Location and type of existing/proposed screening (landscaping, fence etc.), specifically for outdoor storage <input type="checkbox"/> Location of any proposed signage	
<small>* Bed and Breakfast shall not be permitted in a principal dwelling which has an existing Home-Based Business (Type I) or Home Based Business (Type II) uses. Land Use Bylaw, C-8000-2020</small>	

Applicant Signature

Date June 7, 2022



DEVELOPMENT PERMIT APPLICATION CHECKLIST - GENERAL

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

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

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

FOR OFFICE USE ONLY

Proposed Use(s):	Vacation Rental	Land Use District:	R-URB
Applicable ASP/CS/IDP/MSDP:	Greater Bragg Creek ASP		
Included within file:	<input checked="" type="checkbox"/> Information Sheet <input checked="" type="checkbox"/> Parcel Summary <input checked="" type="checkbox"/> Site Aerial <input checked="" type="checkbox"/> Land Use Map Aerial <input checked="" type="checkbox"/> Site Plan		
NOTES:			
Staff Signature: <u>Jeevan Warsh</u>			



LAND TITLE CERTIFICATE

S		
LINC	SHORT LEGAL	TITLE NUMBER
0037 202 181	8556CI;;8	161 143 765

LEGAL DESCRIPTION

PLAN 8556CI
 PORTION OF LOT 8 DESCRIBED AS FOLLOWS
 COMMENCING AT A POINT IN THE NORTHERLY BOUNDARY OF THE SAID
 LOT 8, 50 FEET EASTERLY FROM THE NORTH
 WESTERLY CORNER THEREOF
 THENCE SOUTHERLY PARRALLEL WITH THE WESTERN BOUNDARY OF SAID
 LOT 8 TO THE SOUTH EASTERLY BOUNDARY THEREOF
 THENCE NORTH EASTERLY ALONG SAID SOUTH EASTERLY BOUNDARY
 TO THE NORTH EASTERLY CORNER THEREOF
 THENCE WESTERLY ALONG SAID NORTHERN BOUNDARY TO THE POINT
 OF COMMENCEMENT
 EXCEPTING THEREOUT THE ROADWAY ON PLAN 2820EZ
 CONTAINING .006 HECTARES (0.014 OF AN ACRE) MORE OR LESS
 EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 5;5;23;12;NW
 ESTATE: FEE SIMPLE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 151 299 785

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION

161 143 765	23/06/2016	AMENDMENT-LEGAL DESCRIPTION		

OWNERS

JONN ELSDON TEGHTMEYER
 [REDACTED]
 BRAGG CREEK
 ALBERTA T0L 0K0

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
161 143 765

REGISTRATION

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

161 191 584	16/08/2016	MORTGAGE MORTGAGEE - ALBERTA TREASURY BRANCHES. 280-5 AVE W COCHRANE ALBERTA T4C2G4 ORIGINAL PRINCIPAL AMOUNT: \$515,000
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TOTAL INSTRUMENTS: 001

PENDING REGISTRATION QUEUE

DRR NUMBER	RECEIVED DATE (D/M/Y)	CORPORATE LLP TRADENAME	LAND ID
D0051XW	25/05/2022	MACKAY REAL PROPERTY LAW 403-800-8000 CUSTOMER FILE NUMBER: MAT49823/KB	
001		TRANSFER OF LAND	0037 202 181
002		MORTGAGE	0037 202 181
D005VFM	09/06/2022	BEAUMONT CHURCH LLP 403-264-0000 CUSTOMER FILE NUMBER: 89,302 SAC (TEGHTMEYER)	
001		DISCHARGE	0037 202 181

TOTAL PENDING REGISTRATIONS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 16 DAY OF JUNE,
2022 AT 11:35 A.M.

ORDER NUMBER: 44728102

CUSTOMER FILE NUMBER: PRDP20223260



END OF CERTIFICATE

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

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S) .

IF MORE INFORMATION IS REQUIRED ON A PENDING REGISTRATION WHERE THE CONTACT INFORMATION DISPLAYS N/A PLEASE EMAIL LTO@GOV.AB.CA.

"THE LAND TITLES ACT"
TRANSFER OF LAND

I, JONN ELSDON TEGHTMEYER, of Bragg Creek, in the Province of Alberta, being registered owner of an estate in fee simple, subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten, or endorsed hereon in all that certain tract of land situate in the Province of Alberta, being composed of:

PLAN 8556CI
PORTION OF LOT 8 DESCRIBED AS FOLLOWS
COMMENCING AT A POINT IN THE NORTHERLY BOUNDARY OF THE SAID
LOT 8, 50 FEET EASTERLY FROM THE NORTH
WESTERLY CORNER THEREOF
THENCE SOUTHERLY PARRALLEL WITH THE WESTERN BOUNDARY OF SAID
LOT 8 TO THE SOUTH EASTERLY BOUNDARY THEREOF
THENCE NORTH EASTERLY ALONG SAID SOUTH EASTERLY BOUNDARY
TO THE NORTH EASTERLY CORNER THEREOF
THENCE WESTERLY ALONG SAID NORTHERN BOUNDARY TO THE POINT
OF COMMENCEMENT
EXCEPTING THEREOUT THE ROADWAY ON PLAN 2820EZ
CONTAINING .006 HECTARES (0.014 OF AN ACRE) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS


do hereby in consideration of the sum of EIGHT HUNDRED EIGHTY EIGHT THOUSAND, EIGHT HUNDRED & EIGHTY EIGHT (\$888,888.00) DOLLARS paid to me by the transferees hereunder, the receipt of which sum I hereby acknowledge, transfer to the said transferees:

BRETT VANSICKLE and PATRICIA VANSICKLE
of 47 Bracken Road
Bragg Creek, Alberta T0L 0K0
as Joint Tenants

all my estate and interest in the piece of land.

IN WITNESS WHEREOF I have hereunto subscribed my name this 29 day of April, 2022.

SIGNED by the said Transferor
in the presence of:



Witness



JONN ELSDON TEGHTMEYER

CONSENT OF SPOUSE

I, MYA TEGHTMEYER, being married to the within named JONN ELSDON TEGHTMEYER do hereby give my consent to the disposition of our homestead, made in this instrument, and I have executed this document for the purpose of giving up my life estate and other dower rights in the said property given to me by The Dower Act, to the extent necessary to give effect to the said disposition.



MYA TEGHTMEYER

Certificate

At the Purchasers' request, I, the undersigned, being the beneficial owner of the lands herein described, certify that I am a Canadian resident within the meaning of the Income Tax Act.



JONN ELSDON TEGHTMEYER

COUNTRY RESIDENTIAL PURCHASE CONTRACT

Between

THE SELLER

and

THE BUYER

Name JONN ELSDON TEGHTMEYER Name Patricia Van Sickle

Name _____ Name Brett Van Sickle

1. THE PROPERTY

1.1 The Property is:

(a) the land and buildings, excluding all mines and minerals, located at:

Legal description:

Quarter _____ Section _____ Township _____ Range _____ W of _____ Meridian

Plan 8556CI Block _____ Lot Portion of 8

Other: _____

Land size: _____ (hectares) 0.18 (acres) more or less LINC: 0037 202 181

Municipal address: 47 Bracken Road

(street number and name)

Bragg Creek

(municipality)

, Alberta

T0L 0K0

(postal code)

Rural address identifier: _____ Subdivision name: _____

Or,

If a bare land condominium unit, condominium details as described in clause 1.1 of the Country Residential Purchase Contract Condominium Property Schedule, selected as attached in clause 9.1 below.

(b) these unattached goods

Dishwasher, Dryer, Gas Range, Refrigerator, Microwave, Washer, Window Coverings

(c) the attached goods except for _____

2. PURCHASE PRICE AND COMPLETION DAY

2.1 The Purchase Price is \$ 888,888.00.

2.2 The Purchase Price includes any applicable Goods and Services Tax (GST).

2.3 This contract will be completed, the Purchase Price fully paid and vacant possession given to the buyer at 12 noon on May 25th, 2022 (Completion Day).

2.4 The seller represents and warrants that on Completion Day, the Property will be in substantially the same condition as when this contract was accepted and the attached and unattached goods will be in normal working order.

3. GENERAL TERMS

3.1 In fulfilling this contract, the seller and buyer agree to act reasonably and in good faith and agree that:

- (a) unless the seller, buyer or both have agreed to alternate representation, the seller and buyer are each represented by their own sole agent and those agents have no agency responsibility to the other party;
- (b) the laws of Alberta apply to this contract;
- (c) Alberta time applies to this contract. Time is of the essence, which means times and dates will be strictly followed and enforced;
- (d) Business Day means every day but Saturday, Sunday and statutory holidays and includes all the hours of the day;
- (e) a reference to the seller or buyer includes singular, plural, masculine and feminine;
- (f) the seller will disclose known Material Latent Defects. Material Latent Defect means a defect in the Property that is not discoverable through a reasonable inspection and that will affect the use or value of the Property;

- (g) the seller and buyer are each responsible for completing their own due diligence and will assume all risks if they do not;
- (h) the seller will ensure the seller's representations and warranties are true by:
- (i) reviewing documents such as a Real Property Report (RPR), land title and registrations on title;
 - (ii) determining non-resident status for income tax purposes and determining any dower rights; and
 - (iii) doing other needed research;
- (i) the buyer will ensure the buyer's representations and warranties are true by determining ability to purchase land under the *Foreign Ownership of Land Regulations* (Alberta);
- (j) the buyer may get independent inspections or advice on items such as condominium documents, RPR for a bare land condominium unit, land title, registrations on title, current and future use, buildings and mechanical systems, property insurance, title insurance, size of the land and buildings, interior and exterior measurements and other items important to the buyer;
- (k) sections 12 and 13 of the *Condominium Property Act* (Alberta) relating to sale of units by developers and rescission of purchase agreement do not apply;
- (l) contract changes that are agreed to in writing will supersede the pre-printed clauses;
- (m) the seller and buyer will read this contract and seek relevant advice before signing it;
- (n) the brokerages, real estate board and listing services may keep and disclose relevant information about this transaction for reporting, statistical, property evaluation and closing purposes; and
- (o) the Sellers (seller's or buyer's) brokerage will provide this contract and related documents to the appointed lawyers for the purpose of closing this contract.

4. DEPOSITS

- 4.1 The seller and buyer agree that clauses 4.2 through 4.8 are the terms of trust for the deposits.
- 4.2 The seller and buyer appoint RE/MAX REALTY PROFESSIONALS as trustee for the deposit money.
- 4.3 The buyer will pay a deposit of \$ 50,000.00, which will form part of the Purchase Price, to the trustee by Bank Draft or Wire Transfer, on or before 02/03/2022.
(method of payment)
- 4.4 The buyer will pay an additional deposit of \$ _____, which will form part of the Purchase Price, to the trustee by _____, on or before _____.
(method of payment)
- 4.5 If the buyer fails to pay a deposit by the agreed date, the seller may void this contract at the seller's option by giving the buyer written notice. The seller's option expires when the seller accepts a deposit, even if late.
- 4.6 The trustee will deposit all deposits into a trust account within three Business Days of receipt.
- 4.7 Interest on the deposits will not be paid to the seller or buyer.
- 4.8 The deposits will be held in trust for both the seller and buyer. Provided funds are confirmed, the deposits will be disbursed, without prior notice, as follows:
- (a) to the buyer, if after this contract is accepted:
 - (i) a condition is not satisfied or waived in accordance with clause 8.4;
 - (ii) the buyer voids this contract for the seller's failure to provide a Dower Consent and Acknowledgment form in accordance with clause 7.1(b);
 - (iii) the seller voids this contract for the buyer's failure to pay a deposit; or
 - (iv) the seller fails to perform this contract;
 - (b) to the seller, if this contract is accepted and all conditions are satisfied or waived and the buyer fails to perform this contract; or
 - (c) applied against the Fee owed by the seller by payment directly out of trust to the brokerage(s), with any excess amount paid in trust to the seller's lawyer no later than three Business Days prior to the Completion Day. Fee means the amount, plus GST, owed to a real estate brokerage under a written service agreement.
- 4.9 The disbursement of deposits, as agreed to in this section, will not prevent the seller or buyer from pursuing remedies in section 12.

5. LAND TITLE

- 5.1 Title to the Property will be free of all encumbrances, liens and interests except for:
- (a) those implied by law;
 - (b) non-financial obligations now on title such as easements, utility rights-of-way, covenants and conditions that are normally found registered against property of this nature;
 - (c) homeowner association caveats, encumbrances and similar registrations; and
 - (d) items the buyer agrees to assume in this contract.

6. REPRESENTATIONS AND WARRANTIES

- 6.1 The seller represents and warrants to the buyer that:
- (a) the seller has the legal right to sell the Property;
 - (b) the seller is not a non-resident for the purposes of the *Income Tax Act* (Canada);
 - (c) no one else has a legal right to the included attached and unattached goods;

- (d) the current use of the land and buildings complies with the existing municipal land use bylaw and any restrictive covenant on title;
- (e) the location of the buildings and land improvements:
- (i) is on the land and not on any easement, right-of-way or neighbouring lands unless there is a registered agreement on title or, in the case of an encroachment into municipal lands or a municipal easement or right of way, the municipality has approved the encroachment in writing; and
- (ii) complies with any restrictive covenant on title and municipal bylaws, regulations and relaxations, or the buildings and improvements are "non-conforming buildings" as defined in the *Municipal Government Act* (Alberta);
- (f) known Material Latent Defects, if any, have been disclosed in writing in this contract; and
- (g) any government and local authority notices regarding the Property, and lack of permits for any development on the Property, known to the seller have been disclosed in writing in this contract.
- 6.2** The buyer represents and warrants to the seller that the buyer is eligible to purchase "controlled land" as defined in the *Foreign Ownership of Land Regulations* (Alberta).
- 6.3** The representations and warranties in this contract:
- (a) are made as of, and will be true at, the Completion Day; and
- (b) will survive completion and may be enforced after the Completion Day as long as any legal action is commenced within the time limits set by the *Limitations Act* (Alberta).

7. DOWER

- 7.1** The seller represents and warrants to the buyer that no spouse has dower rights in the Property. Otherwise, if dower rights do apply, the seller will:

- (a) have the non-owner spouse sign this contract; and
- (b) provide a completed Dower Consent and Acknowledgment form to be attached to and form part of this contract on or before _____, 20_____. (seller to enter an appropriate date.)

If the seller fails to provide the completed Dower Consent and Acknowledgment form by the agreed date, the buyer may void this contract at the buyer's option by giving the seller written notice. The buyer's option expires when the seller delivers the Dower Consent and Acknowledgment form, even if delivered late.

8. CONDITIONS

- 8.1** The seller and buyer will:

- (a) act reasonably and in good faith in trying to satisfy their own conditions, including making reasonable efforts to fulfill them; and
- (b) pay for any costs related to their own conditions, except for the providing of documents in the Condominium Documents Condition.

8.2 Buyer's Conditions

The buyer's conditions are for the benefit of the buyer and are:

(a) Financing

This contract is subject to the buyer securing new financing, not to exceed 80 % of the Purchase Price from a lender of the buyer's choice and with terms satisfactory to the buyer, before 6:00 p.m. on February 11th, 2022 (Condition Day). The seller will cooperate by providing access to the Property on reasonable terms.

(b) Property Inspection

This contract is subject to the buyer's satisfaction with a property inspection, conducted by a licensed home inspector, before 6:00 p.m. on February 11th, 2022 (Condition Day). The seller will cooperate by providing access to the Property on reasonable terms.

(c) Condominium Documents

This contract is subject to the buyer's satisfaction with a review of the Documents before _____ .m. on _____, 20____ (Condition Day), on the terms in the Country Residential Purchase Contract Condominium Property Schedule, selected as attached in clause 9.1.

(d) Sale of Buyer's Property

This contract is subject to the sale of the buyer's property before _____ .m. on _____, 20____ (Condition Day), on the terms in the Sale of Buyer's Property Schedule, selected as attached in clause 9.1.

(e) Water

This contract is subject to the buyer's satisfaction with the source and flow rate of the water supply and a review of well and water reports prepared by an inspector of the buyer's choice, before 6:00 p.m. on February 11th, 2022 (Condition Day). The seller will cooperate by providing access to the Property on reasonable terms.

(f) Septic System

This contract is subject to the buyer's satisfaction with a review of a septic system inspection, performed by an inspector of the buyer's choice, before 6:00 p.m. on February 11th, 2022 (Condition Day). The seller will cooperate by providing access to the Property on reasonable terms.

(g) Country Residential Purchase Contract Property Schedule

This contract is subject to the buyer's satisfaction with the information in the Country Residential Purchase Contract Property Schedule, selected as attached in clause 9.1, before 6:00 P.m. on February 11th, 20 22 (Condition Day). The seller will cooperate by providing the completed schedule, including any indicated water and well reports, before 6:00 P.m. on February 4th, 20 22.

(h) Subdivision Plan

This contract is subject to the buyer's satisfaction with a review of a subdivision plan for the Property before _____ .m. on _____, 20____ (Condition Day). The seller will cooperate by providing a true copy of the subdivision plan.

(i) Additional Buyer's Conditions

before _____ .m. on _____, 20____ (Condition Day).

8.3 Seller's Conditions

The seller's conditions are for the benefit of the seller and are:

before _____ .m. on _____, 20____ (Condition Day).

8.4 Condition Notices

Each party will give the other written notice that:

- (a) a condition is unilaterally waived or satisfied on or before its Condition Day. If not, this contract will end after the time indicated for that Condition Day; or
- (b) a condition will not be waived or satisfied prior to its Condition Day. This contract will end upon that notice being given.

9. ATTACHMENTS AND ADDITIONAL TERMS**9.1** The selected documents are attached to and form part of this contract:

- ☐ Financing Schedule (Seller Financing, Mortgage Assumption, Other Value)
- ☐ Tenancy Schedule
- ☐ Manufactured Home Schedule
- ☐ Sale of Buyer's Property Schedule
- ☒ Country Residential Purchase Contract Property Schedule
- ☐ Country Residential Purchase Contract Condominium Property Schedule
- ☐ Addendum
- ☐ Other _____

9.2 Current condominium unit contributions and fees

To the best of the seller's knowledge and to be verified by the buyer:

- (a) the total current monthly contribution for the Property's titled units is: \$ _____; and
- (b) the total current monthly fee for any non-titled, assigned or leased areas is: \$ _____.

9.3 Other terms:

a) Seller will provide access to unit at least 24hrs prior to possession for final walk-through.

b) Seller will have unit professionally cleaned (cleaner or maid service) prior to possession and leave receipt on counter.

10. CLOSING PROCESS**Closing Documents****10.1** The seller or seller's lawyer will deliver normal closing documents to the buyer or buyer's lawyer upon reasonable trust conditions consistent with the terms of this contract, including delivery within a reasonable time before the Completion Day to allow for confirmation of registration of documents at the Land Titles Office, obtain the advance of mortgage financing and verify the transfer of other value items.

- 10.2** Closing documents will include an RPR showing the current improvements on the Property according to the Alberta Land Surveyors' Association Manual of Standard Practice, with evidence of municipal compliance or non-conformance and confirming the seller's warranties about the land and buildings. This obligation will not apply if there are no structures on the land. The buyer or buyer's lawyer must have a reasonable time to review the RPR prior to submitting the transfer documents to the Land Titles Office.

Payments and Costs

- 10.3** The buyer will pay the Purchase Price by lawyer's trust cheque or bank draft.
- 10.4** Regardless of when a resolution for a special assessment contribution states that a levied payment is due and payable:
- (a) the seller is responsible for special assessment payments passed by a resolution on or before 12 noon on Completion Day and will make such payments on or before Completion Day; and
 - (b) the buyer is responsible for special assessment payments passed by a resolution after 12 noon on Completion Day.
- 10.5** Items such as real estate property taxes, local improvement fees, utilities, rents, security deposits, statutory interest on security deposits, mortgage interest, homeowner association fees and monthly condominium contributions will be the seller's responsibility for the entire Completion Day and thereafter assumed by the buyer.
- 10.6** The seller's lawyer may use the Purchase Price to pay and discharge all of the seller's financial obligations related to the Property. The seller's lawyer will provide the buyer's lawyer, within a reasonable time after Completion Day:
- (a) evidence of all discharges including, where required, a certified copy of the certificate of title; and
 - (b) if the Property is a bare land condominium unit, an estoppel certificate, effective as of Completion Day, verifying payment of all applicable condominium contributions.
- 10.7** If the seller has entered into a written service agreement with a real estate brokerage, the seller instructs the seller's lawyer to honour the terms of that agreement, including the Fee and other costs payable to the seller's brokerage.
- 10.8** The seller will pay the costs to prepare the closing documents, including an RPR where required, costs to end an existing tenancy of the Property and provide vacant possession to the buyer, and costs to prepare, register and discharge any seller's caveat based on this contract.
- 10.9** The buyer will pay the costs to prepare, register and discharge any buyer's caveat based on this contract and to register the transfer of land.

Closing Day Delays

- 10.10** If the seller fails to deliver the closing documents in accordance with clause 10.1 or 10.2, then:
- (a) the buyer's payment of the Purchase Price and late interest will be delayed until the buyer or buyer's lawyer has received the closing documents and has a reasonable time to review and register them, obtain the advance of mortgage financing and verify the transfer of other value items; and
 - (b) if the buyer is willing and able to close in accordance with this contract and wants to take possession of the Property, then the seller will give the buyer possession upon reasonable terms which will include the payment of late interest only on the amount of mortgage being obtained by the buyer at the interest rate of that mortgage.
- 10.11** If the seller has complied with clauses 10.1 and 10.2 but the buyer is not able to close in accordance with this contract, then:
- (a) the seller may, but is not obligated to, accept late payment of the Purchase Price and give the buyer possession upon reasonable terms; and
 - (b) if the seller agrees to accept late payment of the Purchase Price and, whether or not possession is granted, the buyer will pay late interest at the prime lending rate of the ATB Financial at the Completion Day plus 3% calculated daily from and including the Completion Day to (but excluding) the day the seller is paid in full. Payment received after 12 noon on any day will be payment as of the next Business Day.
- 10.12** The seller and buyer will instruct their lawyers to follow the Western Law Societies Conveyancing Protocol in the closing of this transaction, if appropriate.

11. INSURANCE

- 11.1** The seller bears the risk of loss or damage to the Property until the Purchase Price is paid. If such loss or damage occurs before the Purchase Price is paid, any insurance proceeds will be held in trust for the seller and buyer based on their interests.

12. REMEDIES

- 12.1** If the seller or buyer fails or refuses to complete this contract, the other party may seek all remedies, such as claims for deposits and damages, and reasonable costs including legal fees and disbursements on a solicitor/client full indemnity basis.
- 12.2** On buyer default, if the seller must restore the Property title, enforce a lien against the Property or regain possession of the Property, the seller may seek costs and other remedies.
- 12.3** The seller and buyer agree that the Property is unique. On seller default, the buyer may make a claim for specific performance and other remedies.

13. NOTICE AND DOCUMENTS

- 13.1** A notice under this contract means a written document, including notices required by this contract, and this contract when accepted.
- 13.2** A notice is effective at the time the document is delivered in person or sent by fax or email.
- 13.3** Giving notice means the document is transmitted by one of these methods, and regardless of the method, the notice document is recognized as an original document.
- 13.4** For documents that require a signature, an electronic signature, as defined in the *Electronic Transactions Act* (Alberta), or a digitized signature will have the same function as an ink signature.

14. AUTHORIZATION

14.1 The seller and buyer may each authorize a representative to send and receive notices as described above. Once authorized, notices will be effective upon being delivered in person or sent by fax or email to the authorized representative.

The seller authorizes:

The buyer authorizes:

Seller's Brokerage:**Buyer's Brokerage:**

Name: RE/MAX REALTY PROFESSIONALS

Name: EXP REALTY

Address: #10, 6020 - 1A STREET S.W.

Address: 280 23 SUNPARK DRIVE SE

CALGARY AB T2H 0G3

CALGARY AB T2X3V1

Brokerage Representative:**Brokerage Representative:**

Name: Kathleen E. Burk

Name: Andrew Pohlod

Phone: 403-259-4141

Phone: 403-461-5169

Fax: _____

Fax: (403) 648-2765

Email: kathleenburk@remax.net

Email: andrew.pohlod@exprealty.com

14.2 If the seller or buyer does not authorize a brokerage, then:

The seller authorizes: _____

The buyer authorizes: _____

14.3 If the authorization information changes, the seller and buyer agree to give written notice to the other party as soon as the change is known so that future notices may be sent to the proper person and place.

15. CONFIRMATION OF CONTRACT TERMS

15.1 The seller and buyer confirm that this contract sets out all the rights and obligations they intend for the purchase and sale of the Property and that:

(a) this contract is the entire agreement between them; and

(b) unless expressly made part of this contract, in writing:

(i) verbal or written collateral or side agreements or representations or warranties made by either the seller or buyer, or the seller's or buyer's brokerage or agent, have not and will not be relied on and are not part of this contract; and

(ii) any pre-contractual representations or warranties, howsoever made, that induced either the seller or buyer into making this contract are of no legal force or effect.

Seller initials JT

Buyer initials BV

16. LEGAL OBLIGATIONS BEGIN

16.1 The legal obligations in this contract begin when the accepted contract is delivered in person or sent by fax or email. The obligations bind the seller and buyer as well as their heirs, administrators, executors, successors and assigns.

17. OFFER

17.1 The buyer offers to buy the Property according to the terms of this contract.

17.2 This offer/counter offer will be open for written acceptance until 6 p.m.

on January 31st, 2022.

Signed and dated at _____, Alberta at 7:01 PM .m. on 01/30/22, 20____.

Buyer Signature

Trish Vansickle

Witness Signature

Witness Name (print)

Signed and dated at _____, Alberta at 6:59 PM .m. on 01/30/22, 20____.

Buyer Signature

Brett Vansickle

Witness Signature

Witness Name (print)

18. ACCEPTANCE

18.1 The seller agrees to sell the Property according to the terms of this contract.

Signed and dated at Kimberley BC, Alberta at 1/30/2022 | 8:17 PM MST, 20.

DocuSigned by:
Jonh Teghtmeyer
90245FE15AD9481...
Seller Signature JONN ELSDON TEGHTMEYER Witness Signature Witness Name (print)

Signed and dated at _____, Alberta at _____ m. on _____, 20.

Seller Signature Witness Signature Witness Name (print)

Non-owner spouse signature (when dower rights apply):

Signed and dated at Kimberley BC, Alberta at 1/30/2022 | 8:19 PM MST, 20.

DocuSigned by:
Mya Teghtmeyer
74B948CEAFF445...
Non-Owner Spouse Signature Mya Teghtmeyer Non-Owner Spouse Name (print)

Witness Signature Witness Name (print)

The following is for information purposes and has no effect on the contract's terms:

REJECTION

I do not accept this offer/counter offer. No counter offer is being made.

Date: _____ Date: _____

Seller: _____ Buyer: _____
JONN ELSDON TEGHTMEYER Trish Vansickle

CONVEYANCING INFORMATION

Seller's Information:

Address _____

Phone _____ Fax _____

Email _____

Lawyer Name _____

Firm _____

Address _____

Phone _____ Fax _____

Email _____

Buyer's Information:

Address _____

Phone _____ Fax _____

Email _____

Lawyer Name _____

Firm _____

Address _____

Phone _____ Fax _____

Email _____

Cover Letter regarding the Application submitted to Rocky View County for 47 Bracken Rd Bragg Creek AB T0L0K0

June 7, 2022

We understand that we are required to submit an application to apply for a development permit to be able to use this existing home and rent it out for short term vacation rentals. We would like to operate this with the guidance of Airbnb. We will have tight rules and regulations set for the tenants. Such as no pets, max number of guests (8), strict sound/noise rules, no parties etc. We will personally vet the renters to ensure that they meet our requirements. Hoping to cater to golfers, cyclists, and hikers. We have a local cleaner that will be taking care of the property and her husband will attend to any needs on site. Both of my son's are also within 30 minutes to the property and can attend whenever required. We intend to be very committed to ensuring this property being rented is of little to no inconvenience to the properties around it.

Brett and I currently live on Brantford, Ontario, Canada. I am employed with the Electrical Safety Authority and Brett is a financial advisor. We have two sons that live in Alberta. One in Cochrane and one in Mackenzie Lake. Our third son currently lives in Ontario, and he has been offered a position in Calgary and has intentions to move there later this year. That all being said, my husband and I have always known we would eventually relocate to Alberta. I happened upon this beautiful home in Bragg on the realtor site and instantly fell in love with it and the area in which it sits. We jumped on this home because we felt it was a once in a lifetime opportunity to own a property like this. Being able to Airbnb this property allows us the opportunity to afford to own this while we settle our lives in Ontario and prepare to relocate to Bragg Creek in the next 2-4 years. We thought that for the interim we would rent this property out as a short-term rental site as well as using it for ourselves the 6-12 weeks a year that we intend on spending there. So, we have a good home base for when we are out to visit and spend time with our kids. To have this application granted, we would be grateful and be able to move forward with those plans. Then within a couple of years, relocate fully from Ontario to Bragg Creek.

There will be no structural changes to the property at all. The building remains as is and is used as is.

Please consider this application and understand our intentions as set out above.

Thank you,

Brett & Trish Van Sickle



Summary

Roll Number	03912095		
Legal Desc	NW-12-23-05-W05M		
Divison	01		
Lot Block Plan	Lot:8 (East Pt.) Plan:8556 CI		
Linc Number	37202181		
Title Number	161143765		
Parcel Area	0.18000		
Municipal Address	47 BRACKEN RD		
Contact Information	Teghtmeyer, Jonn Elsdon	00000000000000	00000000000000
			00000000000000
Land Use Information	R-URB		

Plan

Planning Applications Information

{There is no related Application}

Area Structure Plan

Plan Name	RV Number
Greater Bragg Creek	

Conceptual Scheme

{There is no related Conceptual Scheme}

Permit

Building Permit

Permit Number	Permit Type	Date Issued
PRBD20161277	Building	Mon Jul 25, 2016
PREL20161278	Electrical	Mon Jul 25, 2016
PRPL20161279	Plumbing	Mon Jul 25, 2016
PRGS20161280	Gas	Mon Jul 25, 2016
PRPS20161281	Private Sewage	Wed Jun 29, 2016
PREL20160155	Electrical	Tue Jan 19, 2016
PRPRE20220731	Pre-Application	

Development Permit Information

Permit Number
PRDP20152194

Date Issued
December 8, 2015

Alert						
-------	--	--	--	--	--	--

Department	Issued By	Date Issued	Date Closed	Status	Reference No.	Description	Severity
	AltheaP	April 18, 2017	April 18, 2017	C		Stamp of Compliance issued	1

Geospatial Boundary						
---------------------	--	--	--	--	--	--

Boundary	Category
Division	1
Area Structure Plan	Greater Bragg Creek
Conceptual Scheme	No Conceptual Scheme
IDP	No IDP
Airport Vicinity	No APVA
Engineer	Zaman Eftekhari
Water Coop	No Water Coop
Gas Coop Service	ATCO GAS
No.of Lots Within 600 M	113
No.of App Subdiv Within 600 M	0
Developed Road Allowance	Yes
Riparian Area	Yes
School	No School Boundary
Recreation	Rocky View West
Fire District	REDWOOD
Primary Fire Station	120
Secondary Fire Station	101
Tertiary Fire Station	102

Geospatial Adjacency		
----------------------	--	--

Boundary	Category	Distance
Closest Highway	SECHWY758 ROCKYVIEW	134.69
Closest Gravel Pit	Copithorne Pit	10808.05 M
Sour Gas	No Sour Gas Pipe passes	From closest sour pipe:9148.12 M
Closest Road Name	BRACKEN RD(Surface Type:ChipSeal)	7.52 M
Closest Railway	CPR	21726.12 M
Closest Western Irrigation Districts	Within 10Km	
Closest Waste Water Treatment	Within 10Km	222.5 M
Closest Waste Transfer Site	Bragg Creek	2300.53 M
Closest Municipality	TSUUT'INA NATION RESERVE	1280.86 M
Closest Confined Feeding Operation		642.82 M



BRAGG CREEK

BRACKEN RD

TWP RD 232

CENTRE AVE

TWO PINE DR

BRACKEN POINT

ECHLIN DR

R-URB

ELTON COURT

C-LUD

BRAGG CREEK

BRACKENIRE

WHITE AVE

758

PARKPOINT

C-LUD

PARK PLACE

R

R-URB

C-LUD

12

RGE RD 51A

S-PUB







ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

• **III**

ALL CANTILEVERS ARE SHOWN
THAT --- AND ARE ORAM
UNLESS OTHERWISE NOTED
--- ARE MEASURED TO THE
LINE OF FINISH
--- BASED ON CANTILEVERS AND/OR
BASE ARE ON UNLESS NOTED OTHERWISE
ALL WINDOW WELLS ARE 1/2" OR LESS
UNLESS NOTED OTHERWISE
--- ARE OUTSIDE OF PROPERTY
ARE NOT TO SCALE
UNLESS OTHERWISE NOTED
ROUND NO MARKS AT ALL PROPERTY CORNERS
ALL CANTILEVERS ARE AT 1/2" OR LESS
UNLESS OTHERWISE NOTED

[illegible]

LEGAL DESCRIPTION
PLAN 8556D

PORTION OF LOT 8 DESCRIBED AS FOLLOWS
COMMENCING AT A POINT IN THE NORTHERLY BOUNDARY OF THE SAID
LOT 8, 50 FEET (15.24M) EASTERLY FROM THE NORTH
WESTERLY CORNER THEREOF
THENCE SOUTHERLY PARALLEL WITH THE WESTERN BOUNDARY OF SAID
LOT 8 TO THE SOUTH EASTERLY BOUNDARY THEREOF
THENCE NORTH EASTERLY ALONG SAID SOUTH EASTERLY BOUNDARY
TO THE NORTH EASTERLY CORNER THEREOF
THENCE WESTERLY ALONG SAID NORTHERN BOUNDARY TO THE POINT
OF COMMENCEMENT
EXCEPTING THEREOUT THE ROADWAY ON PLAN 2820 EZ
CONTAINING .006 HECTARES (0.014 OF AN ACRE) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

FOR SUBSEQUENT REAL ESTATE TRANSACTIONS, THE VENDOR IS ENCOURAGED TO OBTAIN AN UP-TO-DATE GWP FROM LOVISE SURVEYS TO LIST POTENTIAL FUTURE LIABILITY. ESPECIALLY IN THE CASE THAT A STATUTORY DECLARATION WAS USED FOR THE REAL ESTATE TRANSACTION, LOVISE SURVEYS WILL NOT BE RESPONSIBLE FOR ANY ERROR OR OMISSION IF AN UPDATED GWP IS NOT USED FOR THE REAL ESTATE TRANSACTION.

THE CHAIRMAN IS RESPONSIBLE FOR THE REVIEW OF THIS REAL PROPERTY REPORT AND REPORT ANY DISCREPANCIES OR QUESTIONS WITHIN 3 MONTHS OF THE ISSUANCE OF THIS REPORT TO THE SURVEYOR. FAILURE TO REPORT THE DISCREPANCIES RELIEVES YOURS SURVEYOR OF ANY FUTURE LIABILITY OR CLAIMS.

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE (IN BLUE INK) AND A LOVSE SURVEY LTD. PERMIT STAMP (IN RED INK).

[illegible]

PLAN	8556 CI
BLOCK	
LOT(S)	SEE LEGAL DESCRIPTION
CIVIC	47 BRACKEN ROAD, ROCKY VIEW COUNTY, ALBERTA
CLIENT	CASTLE CREEK HOMES LTD.

Certification

I hereby certify that this Report, Plan and related survey was prepared and performed under my personal supervision and in accordance with the Manual of Standard Practice of the Alberta Land Surveyors' Association and supplements thereto. Accordingly within these standards and as of the date of this report.

(c) the Plan illustrates the boundaries of the Property, the improvements as defined in part (b) Section 9.5 of the Alberta Land Surveyors Association's Manual of Standard Practice, registered easements, and easements-of-way, affecting the extent of title to the Property;

2. The improvements are entirely within the boundaries of the Property:
 a. yes ☒ no ☐ NA ☐

3. no visible encroachments exist on the Property from any improvements situated on an adjoining property;


4. no visible encroachments exist on registered easements or rights-of-way affecting the extent of Property; except: Nil.

[illegible]

Dated at the City of Calgary, Alberta
This 22nd day of March, 2017

LOUIS WANG, ALBERTA L.
BARRISTER, LOUIS SURVEYS LTD.

LEGEND

Sound from tests are shown thus: For Round Iron Bars are shown thus: For Arc Distances shown on curve boundaries are Arc distances. Fences are shown thus:  and are deemed to be on property line if width is $\geq 0.2m$. The dimensions shown are measured to perpendicular distances to boundary, to 5m and 100m walls.

NOTE

Survey completed on March 20, 2017
 Time information is based on a Wile search on March 21, 2017
 and subject to:
 NO REPLYING REGISTRATIONS

NOT WITHSTANDING ITEMS 294 OF THE CERTIFICATION, THE DRIVEWAY AND/OR WALKWAY IS NORMALLY PERMITTED TO ENCRUSCH ONTO UTILITIES RIGHT OF WAYS AND/OR OUTSIDE THE PROPERTY LINE WITHOUT

Drawn by: DR CHAN DM Szeok : 1250 METRIC PLE NO 100412519

LOVSE SURVEYS LTD.
consulting engineers • land surveyors

35 WILSON AVE. SUITE 200
CALGARY, ALBERTA, T2C 2G5
PHONE 403-242-1811 FAX 403-241-1723
WWW.LOVSESURVEYS.COM

C:\\$BNC2\BNC2\StructuredVPROJ\CTIS\3086\1604\1604137\1604137999.dwg Mar 27, 2007 - E:50cm

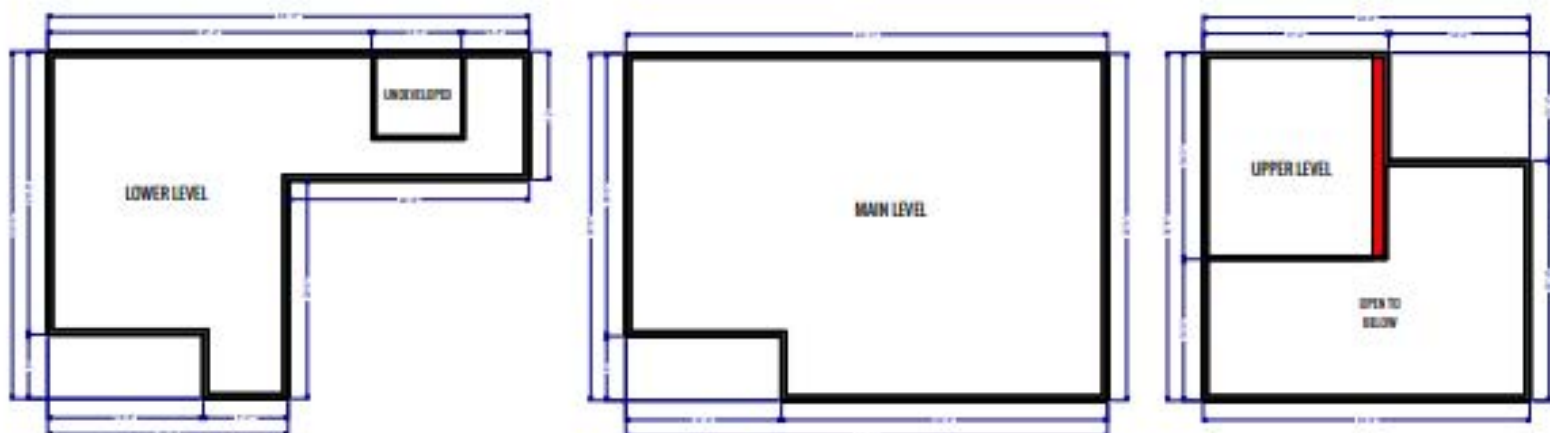
47 BRACKEN ROAD, BRAGG CREEK

MAIN - 1369.04 Sq.ft. / 127.18 m²
UPPER - 306.11 Sq.ft. / 28.43 m²
LOWER - 909.67 Sq.ft. / 84.50 m²
RMS TOTAL - 2584.82 Sq.ft. / 240.12 m²

KATHLEEN BURK
RE/MAX REALTY PROFESSIONALS
JAN. 21, 2022

DETACHED SINGLE FAMILY

*RECA RMS MEASUREMENTS TAKEN TO EXTERIOR OF FOUNDATION





MEASUREMENTS REPORT



Address 47 Bracken Road, Bragg Creek, AB
Date January 21, 2022
Name Kathleen Burk | Re/Max Realty Professionals
Email kathyburk@remax.net
Phone 403.818.8049

FLOOR TOTALS

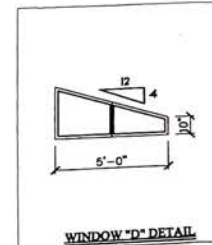
Main Level	1389.04 sqft / 127.18 m2	Total Size	2584.82 sqft / 240.12 m2
Upper Level	506.11 sqft / 46.93 m2	Total w/basement	000.00 sqft / 00.00 m2
Lower Level	909.67 sqft / 84.50 m2	Order Procedure	RECA RMS
Finished Lower	846.67 sqft / 78.05 m2	Exterior Wall Size	1 X 6
Additions	000.00 sqft / 00.00 m2	Order Type	Detached Single Family

POF 1 DIMENSIONS

Kitchen	12'10" X 12'1" ft/in	M	Laundry	11'0" X 5'6" ft/in	L
Dining Area	10'0" X 9'2" ft/in	M	Storage Room	0'0" X 0'0" ft/in	NA
Living Room	19'8" X 12'8" ft/in	M	Utility Room	8'0" X 7'4" ft/in	L
Den / Office	0'0" X 0'0" ft/in	NA	Deck	44'4" X 4'4" ft/in	M
Family Room	25'4" X 14'0" ft/in	L	Deck	13'0" X 10'4" ft/in	L
Foyer	12'10" X 7'0" ft/in	L	Patio	0'0" X 0'0" ft/in	NA
Loft	18'8" X 16'4" ft/in	U	Porch	0'0" X 0'0" ft/in	NA
Rec Room	0'0" X 0'0" ft/in	NA	Garage	21'6" X 19'6" ft/in	M

BEDROOM DIMENSIONS

Primary Bedroom	14'6" X 14'0" ft/in	M	Bedroom Five	0'0" X 0'0" ft/in	NA
Bedroom Two	13'0" X 8'6" ft/in	M	Bedroom Six	0'0" X 0'0" ft/in	NA
Bedroom Three	11'6" X 8'6" ft/in	M	Bedroom Seven	0'0" X 0'0" ft/in	NA

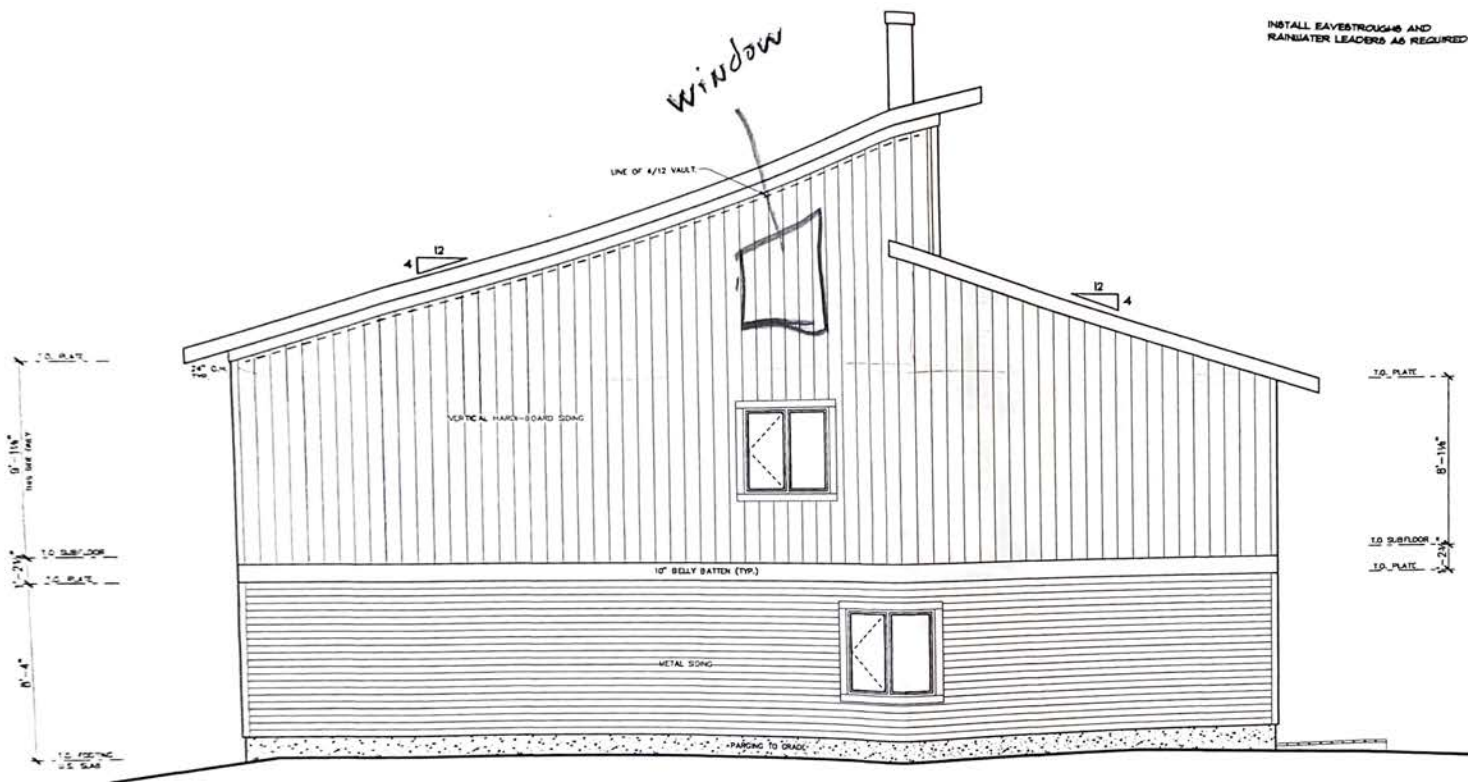


Total: $144 \times 12 = 35$
 $148 \times 12 = 17$
 $150 \times 12 = 11$

2 OF 12

CLIENT:	TEGHTMEYER
PROJECT / MODEL:	CUSTOM
PROJECT ADDRESS:	53 BRACKEN ROAD
	BRAGG CREEK, AB
CONTRACTOR / PROJECT MANAGER:	Castle Creek Homes
SCALE:	3/16" = 1'-0"
JOB NUMBER:	CC0216-02
ISSUE DATE:	March 18, 2016
REFER INQUIRIES TO:	STEWART BAKER
SHEET TITLE:	REAR ELEVATION
	3 OF 12

INSTALL EAVESTROUGH AND
RAINWATER LEADERS AS REQUIRED.



REAR ELEVATION

Siding
1 x 4 x 12 x 3
1 x 8 x 12 x 3
1 x 10 x 12 x 3

CLIENT:
TEGHTMEYER

PROJECT / MODEL:
CUSTOM

PROJECT ADDRESS:
53 BRACKEN ROAD
BRAGG CREEK, AB

CONTRACTOR / PROJECT MANAGER:
Castle Creek Homes

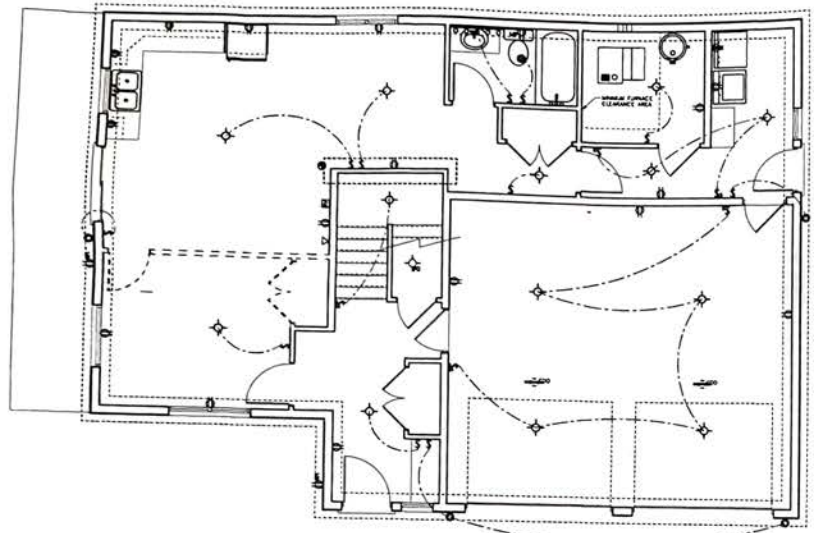
SCALE:
1/8" = 1'-0"

JOB NUMBER:
CC0216-02

ISSUE DATE:
March 18, 2016

REFER INQUIRES TO:
STEWART BAKER

SHEET TITLE:
ELECTRICAL PLANS

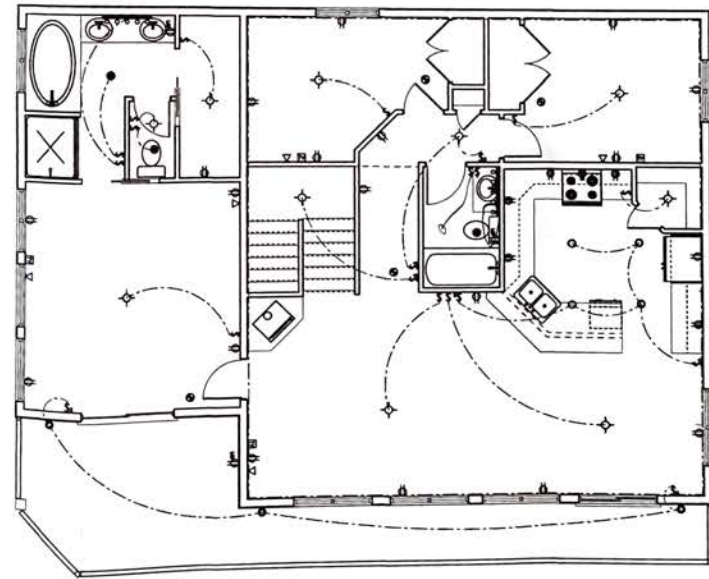


FOUNDATION ELECTRICAL PLAN

ELECTRICAL PLANS ARE CONCEPT ONLY. PLACE ELECTRICAL PANEL AS REQUIRED BY SERVICE LOCATION.

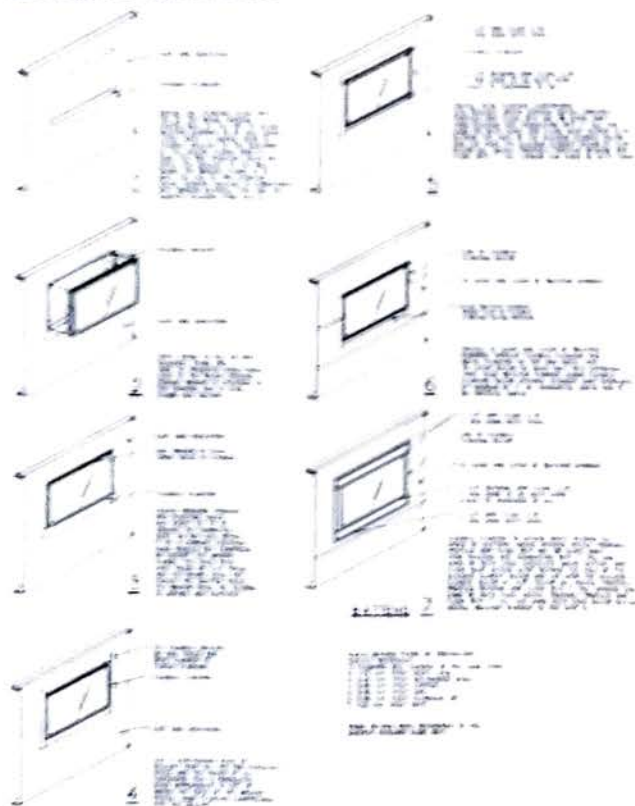
ELECTRICAL LEGEND:

ELECTRICAL	SYMBOL	ELECTRICAL	SYMBOL
pendant light	⊙	fan	⊗
chandelier	⊙	light	⊙
fluorescent fixture	▬	outlet	⊕
pot light	○	outlet 220v	⊕
track light	○	outlet gfi	⊕
vanity bar light	—	pull chain light	⊕
electrical panel	⊕	smoke/CO detector	⊕
LAN connection	▽	split receptacle	⊕
cable tv outlet	⊕	switch	⊕
dimmer switch	⊕	switch 3 way	⊕
switch double	⊕	telephone	▽
switch with outlet	⊕	wall mount light	⊕

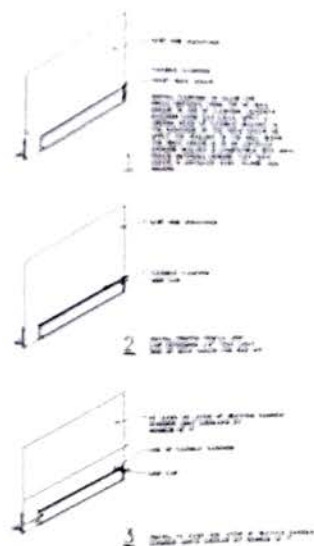


MAIN FLOOR ELECTRICAL PLAN

FLASHING METHOD: OPENINGS / BATTENS



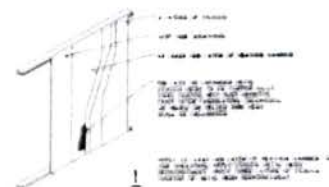
FLASHING METHOD: DECK



WALL SHEATHING



STUCCO APPLICATION



CAULKING APPLICATION

SEE CAULKING APPLICATION 2.7

FLASHING DETAILS

TECHTMEYER

CUSTOM

53 BRACKEN ROAD

BRAGG CREEK, AB

NTS

CC0216-02

March 18, 2016

STEWART BAKER

INSTALL DETAILS

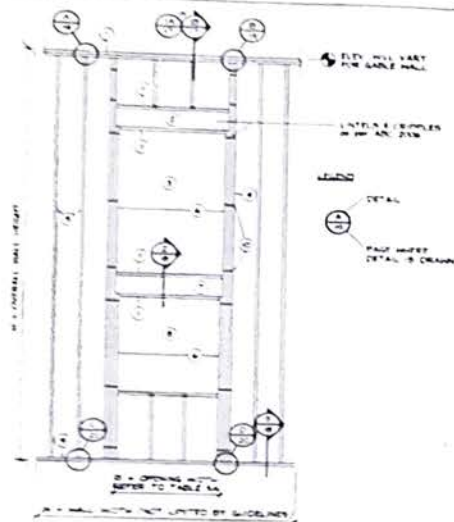
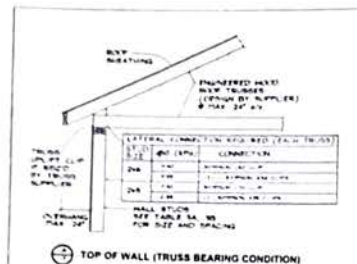


Figure X - Full Height Studs Wall Framing

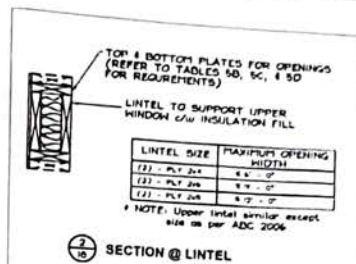
KEYNOTES FOR FIGURE X - REFER TO PAGE 12

KEYNOTES FOR FIGURES X

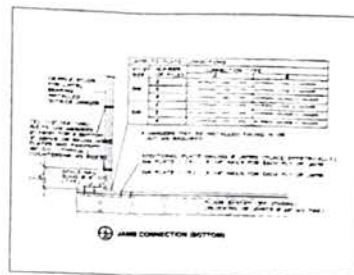
1. DOUBLE WALL TOP PLATES TO MATCH STUD SIZE.
2. 2x2 UPPER LINTEL.
3. UPPER WALL OPENING (IF ANY). SUM OF ALL OPENINGS IN WALL SHALL NOT EXCEED 75% OF WALL WIDTH.
4. FULL HEIGHT 2x6 JAMB MEMBERS BOTH SIDES OF OPENINGS. 2 PILES PER SIDE REQUIRED.
5. FULL HEIGHT 2x6 STUDS @ 12\"/>



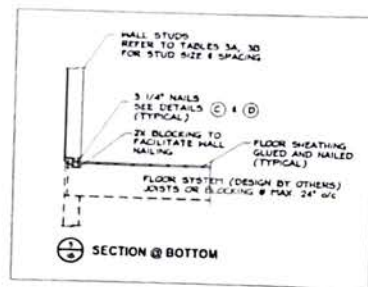
TOP OF WALL (TRUSS BEARING CONDITION)



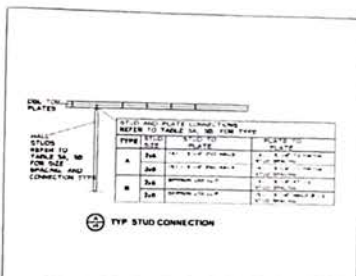
SECTION @ LINTEL



JAMB CONNECTION BOTTOM



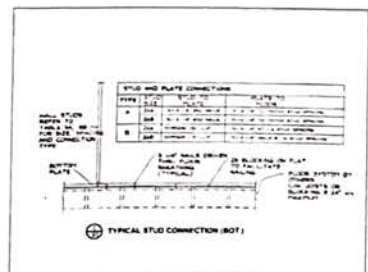
SECTION @ BOTTOM



TYP STUD CONNECTION



JAMB CONNECTION (TOP)



TYPICAL STUD CONNECTION (BOT)

TALL WALL DETAILS

ALL DETAILS TAKEN FROM AHIC 2009
"GUIDELINES FOR CONSTRUCTION OF RESIDENTIAL TALL WALLS"

ELEMENTAL
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CLIENT:

TEGHTMEYER

PROJECT / MODEL:

CUSTOM

PROJECT ADDRESS:

53 BRACKEN ROAD

BRAGG CREEK, AB

CONTRACTOR / PROJECT MANAGER:

Castle Creek Homes
MASTER BUILDER

SCALE:

NTS

JOB NUMBER:

CC0216-02

ISSUE DATE:

March 18, 2016

REVIEW REQUESTED TO:

STEWART BAKER

SHEET TITLE:

TALL WALL DETAILS

338 RIVERVIEW DRIVE SE, CALGARY, ALBERTA
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C-ENT:
TEGHTMEYER

PROJECT / MODEL:
CUSTOM

PROJECT ADDRESS:
**53 BRACKEN ROAD
BRAGG CREEK, AB**

CONTRACTOR / PROJECT MANAGER:
Castle Creek Homes

SCALE:
3/16" = 1'-0"

JOB NUMBER:
CC0216-02

ISSUE DATE:
March 18, 2016

REITER INCHES TO:
STEWART BAKER

SHEET TITLE:
SECTION A

FLOOR FINISH

1. MAIN AND UPPER FLOOR

- FLOOR FINISH AS SPECIFIED
- UNDERLAY AS REQUIRED BY FINISH
- 3/4" OSB "A3" FLOOR SHEATHING
- 1/2" ENGINEERED T-JOISTS @ 16" O.C.
- 1/2" CEILING BOARD TAPED AND Banded
- INTERIOR FINISH

2. BASEMENT SLAB

- FLOOR FINISH AS SPECIFIED
- UNDERLAY AS REQUIRED BY FINISH
- 4" CONCRETE SLAB ON STEEL REINFORCEMENT
- 4" POLY POLY VAPOR BARRIER CONTINUOUS
- 4" COMPACTED GRAVEL
- 4" UNDISTURBED SOIL

3. GARAGE SLAB

- 4" CONCRETE SLAB ON STEEL REINFORCEMENT
- 4" POLY POLY VAPOR BARRIER CONTINUOUS
- 4" COMPACTED GRAVEL
- 4" UNDISTURBED SOIL

4. DECK

- 1/2" TYP. DECKING
- 3/4" TYP. POLYSTYRENE INSULATION
- 1/2" ENGINEERED T-JOISTS @ 16" O.C.
- 2" TYP. FINISH AS PER OWNER

ROOF FINISH

R1. TRUSS ROOF

- ASPHALT SHINGLES
- FELT BUILDING PAPER OR EQUAL
- 3/8" OSB SHEATHING ON HCLIPS
- ENGINEERED WOOD TRUSSES
- 2" RIGID FOAM INSULATION
- 4" POLY POLY VAPOR BARRIER
- 1/2" CEILING BOARD TAPED AND Banded
- INTERIOR FINISH

R2. RAFTER ROOF

- ASPHALT SHINGLES
- FELT BUILDING PAPER OR EQUAL
- 3/8" OSB SHEATHING ON HCLIPS
- 1/2" ENGINEERED T-JOISTS @ 16" O.C.
- 2" RIGID FOAM INSULATION
- 4" POLY POLY VAPOR BARRIER
- 1/2" CEILING BOARD TAPED AND Banded
- INTERIOR FINISH

WALL FINISH

W1. EXTERIOR 2x6 WALL

- FINISH AS SPECIFIED
- TYVEK HOUSE WRAP OR EQUAL
- 3/8" OSB SHEATHING
- 2x6 STUDS @ 16" O.C.
- R20 BATT INSULATION
- 4" POLY POLY VAPOR BARRIER
- 1/2" GYPSUM TAPED AND Banded
- INTERIOR FINISH

W2. INTERIOR BEARING WALL

- INTERIOR FINISH
- 1/2" GYPSUM TAPED AND Banded
- 2x4 ON 2x6 STUDS @ 16" O.C.
- 1/2" GYPSUM TAPED AND Banded
- INTERIOR FINISH

W3. GARAGE TO HOUSE WALL

- GARAGE FINISH
- 1/2" PREGRADE TAPED AND Banded
- 3/8" OSB SHEATHING
- 2x6 STUDS @ 16" O.C.
- R20 BATT INSULATION
- 4" POLY POLY VAPOR BARRIER
- 1/2" GYPSUM TAPED AND Banded
- INTERIOR FINISH

W4. EXTERIOR TALL WALL

- FINISH AS SPECIFIED
- TYVEK HOUSE WRAP OR EQUAL
- 3/8" OSB SHEATHING
- 2x6 STUDS @ 16" O.C. ON BLOCKING
- R20 BATT INSULATION
- 4" POLY POLY VAPOR BARRIER
- 1/2" GYPSUM TAPED AND Banded
- INTERIOR FINISH

W5. INTERIOR TALL WALL

- INTERIOR FINISH
- 1/2" GYPSUM TAPED AND Banded
- 2x4 ON 2x6 STUDS @ 16" O.C. ON BLOCKING
- 1/2" GYPSUM TAPED AND Banded
- INTERIOR FINISH

W6. EXTERIOR 2x6 WALL WITH MASONRY

- MASONRY FINISH ON STEEL ANGLE
- TYVEK HOUSE WRAP OR EQUAL
- 3/8" OSB SHEATHING
- 2x6 STUDS @ 16" O.C.
- R20 BATT INSULATION
- 4" POLY POLY VAPOR BARRIER
- 1/2" GYPSUM TAPED AND Banded
- INTERIOR FINISH

W7. INTERIOR PARTITION

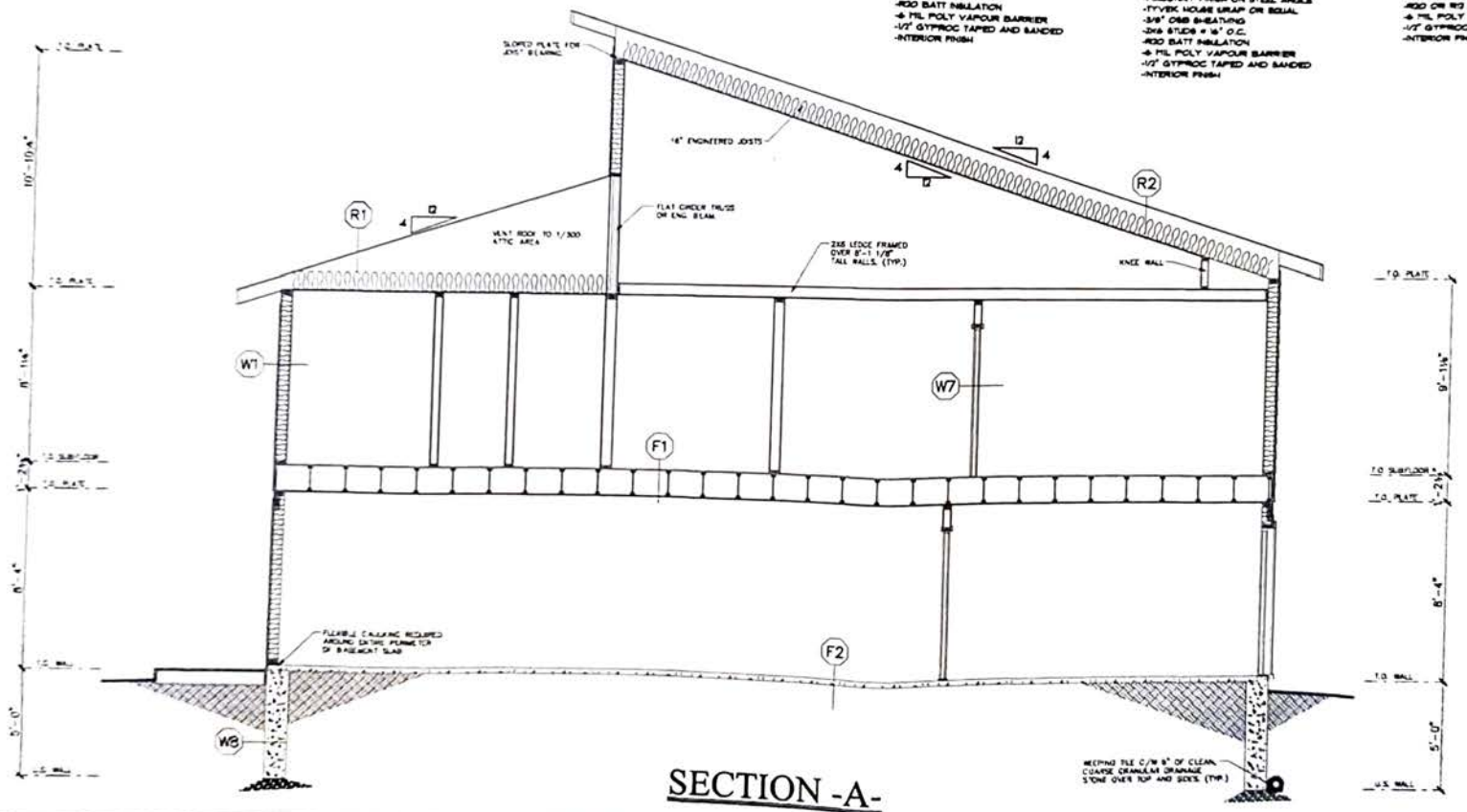
- INTERIOR FINISH
- 1/2" GYPSUM TAPED AND Banded
- 2x4 ON 2x6 STUDS @ 16" O.C.
- 1/2" GYPSUM TAPED AND Banded
- INTERIOR FINISH

W8. CONCRETE FOUNDATION WALL

- SUPERIOR WALL PRECAST FOUNDATION

W9. EXTERIOR GARAGE WALL

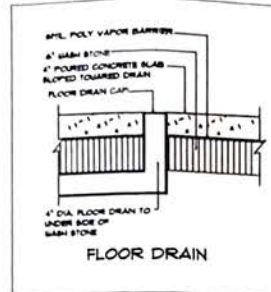
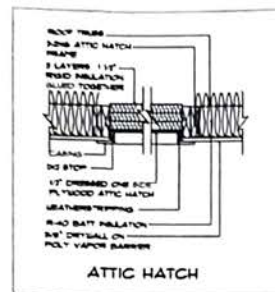
- FINISH AS SPECIFIED
- TYVEK HOUSE WRAP OR EQUAL
- 3/8" OSB SHEATHING
- 2x6 ON 2x6 STUDS @ 16" O.C.
- R20 BATT INSULATION
- 4" POLY POLY VAPOR BARRIER
- 1/2" GYPSUM TAPED AND Banded
- INTERIOR FINISH



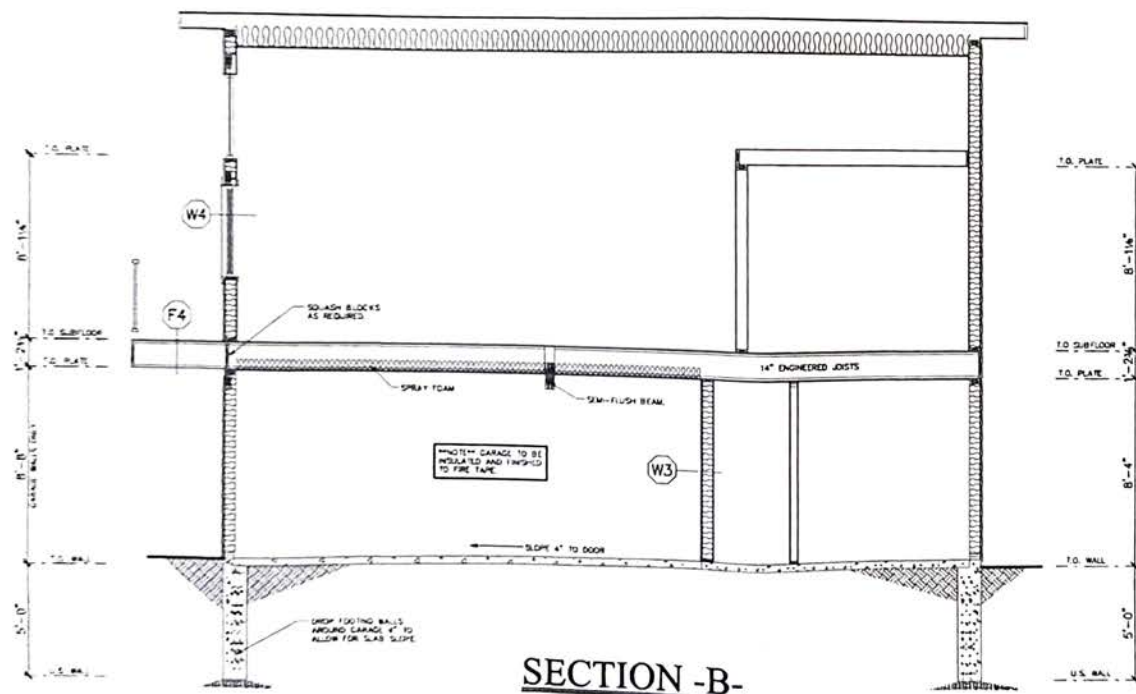
SECTION -A-

SYMBOL LEGEND

- FLOOR DRAIN
 HOSE BIB
 RADON DECOMPRESSION CAP
 FRESH/COMBUSTION AIR
 GEODETIC ELEVATION POINT
 AIR CONDITIONING PLUMBING
 POINT LOAD FROM ABOVE

**RADON GAS INTRUSION PREVENTION**

- VAPOUR BARRIER UNDER SLAB TO BE CONTINUOUS UNDER ALL COLUMNS AND BEARING WALLS AND OVER FOOTINGS.
- ALL PROTRUSIONS THROUGH UNDER-SLAB VAPOUR BARRIER MUST BE SEALED TO SLAB WITH FLEXIBLE SEALANT.
- ALL BUCKS, SUMPS AND ROUGH-INS IN BELOW-GRADE WALLS AND FLOOR SLABS MUST HAVE A TIGHT-FITTING LID WITH WEATHERSTRIPPING.
- SLAB MUST BE SEALED TO WALL WITH FLEXIBLE SEALANT AROUND ENTIRE PERIMETER.
- RADON DECOMPRESSION CAP MUST BE LOCATED AND LABELLED AS PER ABC 2104 SECTION 9.13.4.



SPRAY FOAM CCMC # 13588-L
SEE PAGE 1 FOR SPRAY FOAM
INSTALLATION NOTES.

CLIENT:

TEGHTMEYER

PROJECT / MODEL:

CUSTOM

PROJECT ADDRESS:

53 BRACKEN ROAD

BRAGG CREEK, AB

CONTRACTOR / PROJECT MANAGER:

SCALE:

3/16" = 1'-0"

JOB NUMBER:

CC0216-02

ISSUE DATE:

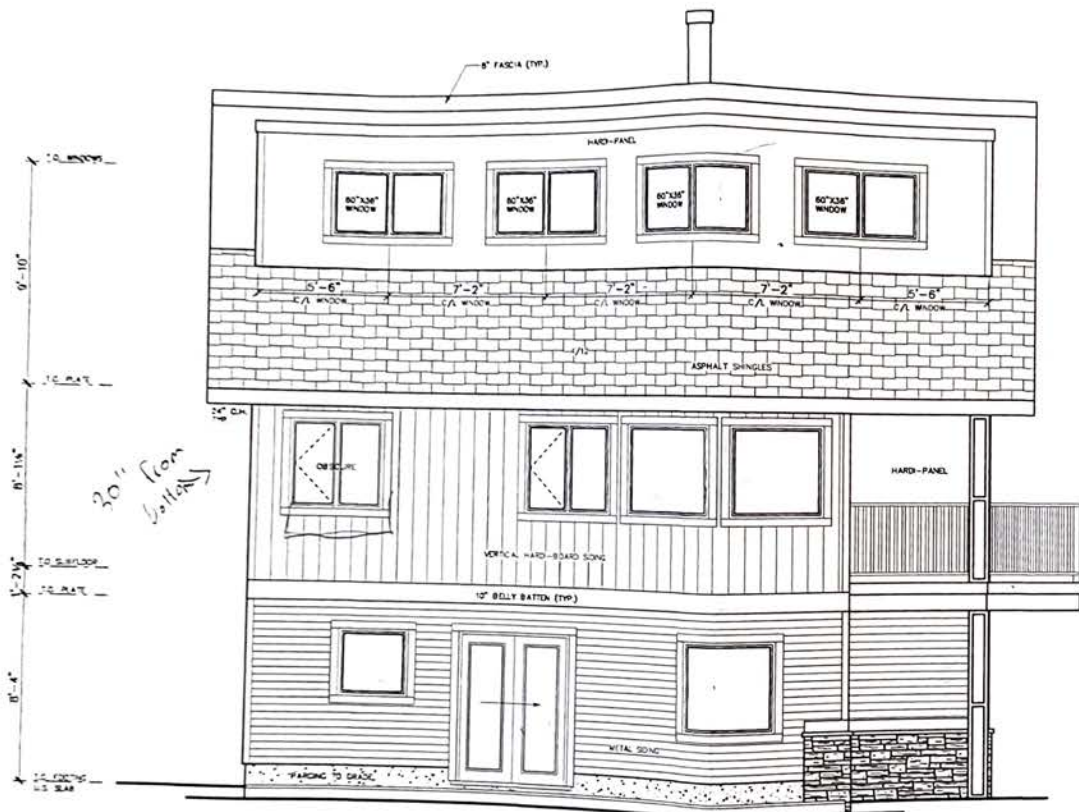
March 18, 2016

REFER INQUIRES TO:

STEWART BAKER

SHEET TITLE:

SECTION B



LEFT ELEVATION

INSTALL EAVESTROUGH AND
RAINWATER LEADERS AS REQUIRED.

330 RIVERGLEN DRIVE SE, CALGARY, ALBERTA
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CLIENT:

TEGTMAYER

PROJECT / MODEL:

CUSTOM

PROJECT ADDRESS:

53 BRACKEN ROAD

BRAGG CREEK, AB

CONTRACTOR / PROJECT MANAGER:

Castle Creek Homes
MASTERS BUILDERS

SCALE:

3/16" = 1'-0"

JOB NUMBER:

CC0216-02

ISSUE DATE:

March 18, 2016

REFER INQUIRES TO:

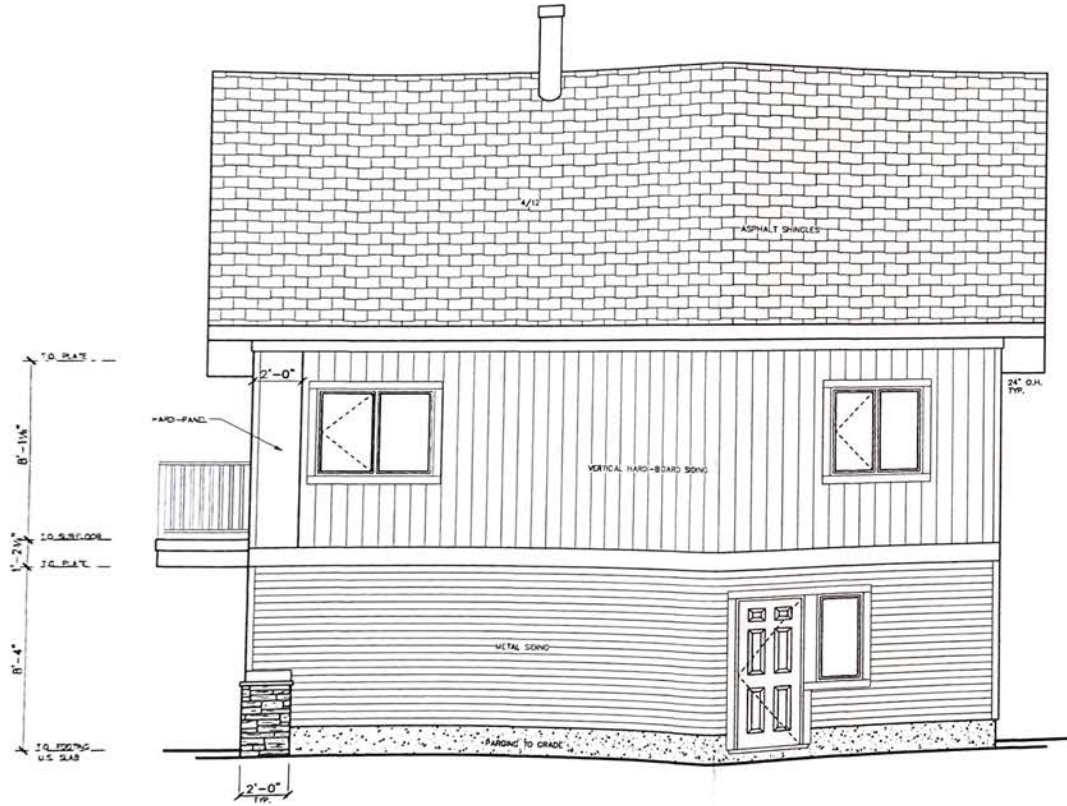
STEWART BAKER

SHEET TITLE:

LEFT ELEVATION

1x4 x 12 x 15
1x8 x 12 x 4
1x12 x 12 x 2

INSTALL EAVESTROUGHS AND
RAINWATER LEADERS AS REQUIRED.



RIGHT ELEVATION

1x4 x 12 x 5
1x8 x 12 x 7
1x10 x 12 x 7

ELEMENTAL
DESIGN SOLUTIONS LTD.

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CLIENT:
TEGHTMEYER

PROJECT / MODEL:
CUSTOM

PROJECT ADDRESS:
53 BRACKEN ROAD

BRAGG CREEK, AB

CONTRACTOR / PROJECT MANAGER:

Castle Creek Homes
MASTER BUILDER

SCALE:
3/16" = 1'-0"

JOB NUMBER:
CC0216-02

ISSUE DATE:
March 18, 2016

REFER INQUIRIES TO:
STEWART BAKER

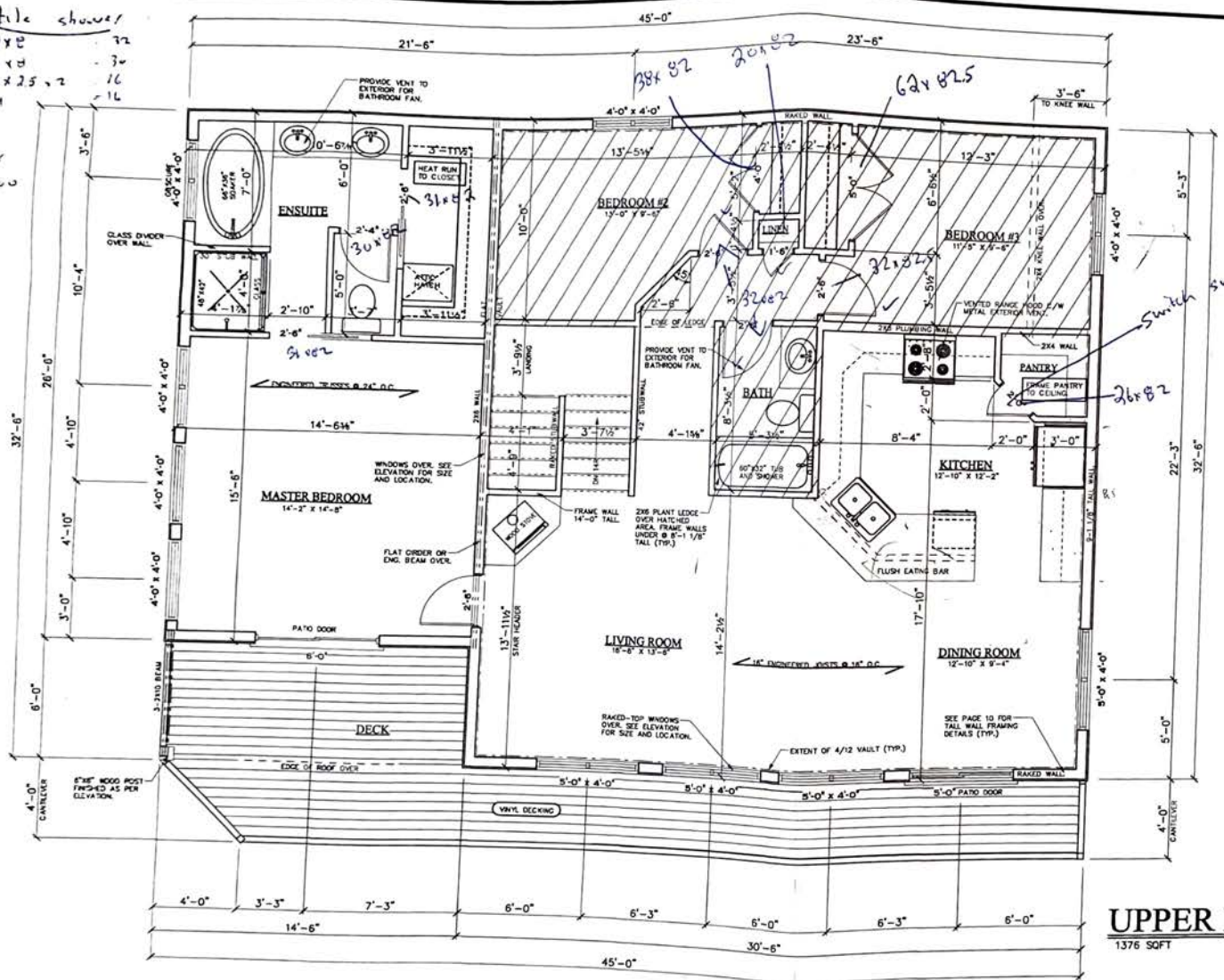
SHEET TITLE:
RIGHT ELEVATION

5 OF **12**
Page 150 of 180



SPRAY FOAM CCMC # 13588-L
SEE PAGE 1 FOR SPRAY FOAM
INSTALLATION NOTES.

1.1e	Master
10 x	10 = 100
1cc	showers
7.1e	Bath
5x6	



UPPER FLOOR PLAN

339 RIVERGLEN DRIVE SE, CALGARY, ALBERTA
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CIENT:
TEGHTMEYER

PROJECT / MODEL:
CUSTOM

PROJECT ADDRESS:
53 BRACKEN ROAD

BRAGG CREEK, AB

CONTRACTOR / PROJECT MANAGER:

Castle Creek Homes
MASTER BUILDER

SCALE:
3/16" = 1'-0"

JOB NUMBER:
CC0216-02

ISSUE DATE:
March 18, 2016

REFER INQUIRES TO:
STEWART BAKER

SHEET TITLE:
UPPER FLOOR PLAN

PLANNING

TO: Subdivision and Development Appeal Board
DATE: August 11, 2022 **DIVISION:** 2
FILE: 04734032 **APPLICATION:** PRDP20221653
SUBJECT: Development Item – Care Facility (Clinic) / Permitted use, with no Variances

APPLICATION: Care Facility (Clinic) (existing building), tenancy and signage

EXECUTIVE SUMMARY:

The application was submitted on April 8, 2022, and was deemed complete on April 12, 2022. The application was assessed against overlying County policy and was refused by Administration.

This application is for a Care Facility (Clinic) (existing building), that would specialize in counselling services on the subject property. Edgewood Health Network who would occupy the site, is a health care provider, providing counselling services across Canada that specializes in medical mental health treatment for adults.

The subject site is located within an established commercial business park and is developed with a two-story commercial building, approximately 382.20 sq. m (4,114.00 sq. ft.) in footprint and an accessory building, approximately 117.52 sq. m (1,265.00 sq. ft.) in footprint. The accessory building is currently being used for other purposes and is not related to the subject application. The business will operate 24 hours a day, seven days per week. The anticipated client care duration can range from a single day to upwards of 50 days, with the average stage of 30 days, with the anticipated maximum client occupancy of 40.

Administration reviewed the application against all overlying County policies. The application complied with County policy with the exception that it was the interpretation of Administration that the proposed business did not comply or meet the County's definition of *Care Facility (Clinic)*. As per the County's definition under the LUB, ***Care Facility (Clinic)*** means a use where the principal use is to provide medical and health care services on an outpatient basis only. Typical uses include medical and dental offices, health care clinics, pre-natal clinics and counseling services. The County does not define outpatient and therefore; therefore, the application of the definition is the interpretation of the County. In accordance with Merriam-Webster's dictionary, outpatient is defined as a patient who is not hospitalized overnight but who visits a hospital, clinic, or associated facility for diagnosis or treatment" and defines inpatient as a hospital patient who receives lodging and food as well as treatment.

In the interpretation of Administration, a client who is considered an *outpatient*, is a client who would visit the subject site within a single day and would not stay over a 24-hour period. Any client overnight stays over a 24-hour period would be considered as an *inpatient*. As the subject site is proposing to include overnight stays ranging from one to 50 days, the development would now be proposing to provide counselling services to *outpatients* and *inpatients* and would not meet the definition of a *Care Facility (Clinic)*. As the definition only allows *outpatient*, other definition definitions of County land uses are more appropriate and suitable for the subject application to be approved under, such as the County's *Care Facility (Medical)* definition.

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

Administration Resources

Jacqueline Targett, Planning & Development Services

As such, although the development permit use is a permitted use within the district, Administration refused the application on July 7, 2022, as the application did not appear to conform to the County's LUB.

On July 14, 2022, the Appellants appealed the decision of Administration, which reasons for the appeal included a different interpretation of the County's LUB definitions and that the subject business is most suitable under *Care Facility (Clinic)*. The detailed reasons for the appeals are noted within the agenda package.

DECISION: Permitted-Refused

REFUSAL DECISION DATE:
July 7, 2022

APPEAL DATE:
July 14, 2022

APPLICATION EVALUATION:

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

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act</i>; • Municipal Development Plan (County Plan); • City of Calgary Intermunicipal Development Plan; • North Springbank Area Structure Plan; • Land Use Bylaw C-8000-2020; and • County's Servicing Standard 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Traffic Generation Memo, as prepared by bunt & associates, Project # 02-22-0108, dated June 21, 2022
DISCRETIONARY USE: <ul style="list-style-type: none"> • <i>Care Facility (Clinic)</i> 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> • N/A

Additional Review Considerations

The application was assessed against the following policy sections:

City of Calgary Intermunicipal Development Plan

- The City of Calgary was circulated for this application and had no comments

North Springbank Area Structure Plan

- Figure 3: Future Land Use Concept: Commercial
- Section 5.7.1.3 Future Land Use Concept
- Sections 5.7.3.2 through 5.7.3.10 Performance Standards
 - The application complied with all regulations

Land Use Bylaw C-8000-2020

- Sections 227-230 Business Lighting
- Sections 250-251 Garbage & Waste Collection
- Sections 380-385 Business, Regional District Regulations
 - The application complied with all regulations



ROCKY VIEW COUNTY

- Section 8 Definitions
- Table 5 – Parking Minimums
 - *Care Facility (Clinic) Required: 2 per 100.0 sq. m (1,076.39 sq. ft.) gross floor area)*
 - The building's gross floor area is 1,068.84 sq. m (11,505.00 sq. ft.),
 - $(764.40 \text{ sq. m} \times 2) / 100.00 \text{ sq. m} = \mathbf{21 \text{ stalls}}$
 - Existing: 19 stalls, with the possibility to accommodate 21 stalls
 - The application complied with the minimum requirements

APPEAL:

See attached report and exhibits.

Respectfully submitted,

“Justin Rebello”

Supervisor
Planning and Development Services

JT/lt

PLANNING

TO: Staff Report
DATE: July 5, 2022
FILE: 04734032
SUBJECT: Care Facility (Clinic) / Permitted use, with no Variances

DIVISION: 2
APPLICATION: PRDP20221653

APPLICATION: Care Facility (Clinic) (existing building), tenancy and signage. The proposed Clinic is for a counselling service.

GENERAL LOCATION: Located approximately 0.41 km (0.25 mile) east of Range Road 33 and 0.41 km (0.25 mile) south of Highway 1.

LAND USE DESIGNATION: Business, Regional Campus (B-REG) under Land Use Bylaw C-8000-2020 (LUB)

EXECUTIVE SUMMARY: The Applicant / Owner is proposing to operate a Care Facility (Clinic). The subject site is a development with a two-story commercial building, approximately 382.20 sq. m (4,114.00 sq. ft.) in footprint, formerly operated as an office for a home builder. The developed site also includes an accessory building, approximately 117.52 sq. m (1,265.00 sq. ft.) in footprint, site landscaping and a parking area. A second paved approach to Commercial Drive is used to access the accessory building.

The counselling service will be operated by Edgewood Health Network (EHN), a health care provider, providing counselling services across Canada that specializes in mental health treatment for adults.

The subject site will be staffed and operated 24 hours a day, seven days per week. The anticipated client care duration can range from a single day to upwards of 50 days, with the average stage of 30 days.

The site is currently serviced through the piped water service from Calalta Water Co-op. Sanitary servicing includes a 1,000.00 gallon holding tank with an approved percolation test and corresponding field size.

To accommodate the business, the application is proposing interior building renovations only, including client care spaces for overnight stays (bedrooms, washrooms), medical examination rooms, offices, group areas, a kitchen, dining room and supply rooms. Maximum client occupancy is 40 clients.

AIR PHOTO & DEVELOPMENT CONTEXT:



SITE INSPECTION: Completed May 16, 2022 – see inspection photos

Technical Submissions with Applications:

- *Trip Generation Memo*, as prepared by bunt & associates, Project # 02-22-0108; dated June 21, 2022
 - The Memo notes at the maximum, the proposed application's anticipated trips per day is 78 trips; Previous use at maximum, the anticipated trips per day was 31 trips.

STATUTORY PLANS:

The subject lands fall under the City of Calgary Intermunicipal Development Plan, the North Springbank Area Structure Plan, and the County's Land Use Bylaw C-8000-2020. The various applicable policies have been noted in the report.

ADMINISTRATION REVIEW:

LAND USE BYLAW C-8000-2020

Business, Regional Campus District (B-REG)

PURPOSE: To accommodate a variety of business and consumer needs in a visually appealing campus setting on a highly visible, regional, vehicular access-oriented site. Development is intended to serve regional clientele, including the traveling public, tourists and local communities.

Permitted Uses: Care Facility (Clinic)

383 Building Height: 12.0 m (39.37 ft.)

- Proposed: >12.00 m (39.37 ft.)

384 Minimum Land Setbacks: All sides: 6.00 m (19.69 ft.)

- Proposed: complies with all setbacks

385 Additional Requirements:

Outdoor storage and display areas shall be integrated with site landscaping provisions to mitigate the visual impact from adjacent roads

- Not applicable; no outside storage proposed

A minimum of 10% of lands shall be landscaped

- The site has been developed with 10% landscaping

A high-quality visual appearance shall be achieved through building design, landscaping, or screening

- The building when constructed was to accommodate a home builder. Therefore, the exterior of the design incorporates a custom-designed residential dwelling appearance.

Public entrances shall be visually enhanced

- The site includes landscaping, with an opened grass area;

Uses which create off-site impacts or nuisances related to noise, odour, visual appearance, safety or emissions are prohibited

- Not applicable;



Part 8: Definitions

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

- In the interpretation of County Administration, the proposed application would appear to meet the County definition in terms of offering health care services including counseling services. However, as the application is requesting to accommodate overnight stays, on average of 30 days, this component would not appear to meet the definition portion relating to “outpatient basis only.”
- The County’s Land Use Bylaw does not define “outpatient” or “inpatient”
- As such, Merriam-Webster’s dictionary defines outpatient as “a patient who is not hospitalized overnight but who visits a hospital, clinic, or associated facility for diagnosis or treatment” and defines inpatient as “a hospital patient who receives lodging and food as well as treatment”
- In the interpretation of County Administration, a client who is considered an “outpatient” is a client who would visit the subject development within a day maximum and would not stay over a 24-hour period. Any client overnight stays over 24 hours would be considered an “inpatient.” As the subject site is proposing to include overnight stays ranging from one day to 50 days, the development would now be proposing to provide counselling services to “outpatients” and “inpatients”.
- As the proposed County *Care Facility (Clinic)* definition only allows “outpatient”, other County land uses by definition are more appropriate for the subject application to be approved under, such as the County *Care Facility (Medical)* definition.

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

- The subject land would have several benefits for the proposed use, as it is located within a commercial business park (with no impact on anticipated traffic patterns or site drainage) and would appear to not cause any adverse impacts to neighbouring parcels and overall complies with the County’s policies except for appropriate land use.

ADMINISTRATION RECOMMENDATION

The land district (B-REG) does not include a listed use of *Care Facility (Medical)*; therefore, County Administration suggests that a site-specific amendment application be submitted for the subject lands, a Direct Control application be submitted for the subject lands or a different property be chosen that includes the recommended *Care Facility (Medical)* as a listed use within the land district.

MGA Permitted and discretionary uses

642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

- The application is requesting approval of a permitted use within the land use district; however, it is the interpretation of Administration that the application does not conform to the Land Use Bylaw



North Springbank Area Structure Plan (ASP)

Figure 3: Future Land Use Concept: Commercial

5.7.1.3 Highway commercial and recreation business land uses provided for in the Land Use Bylaw are considered appropriate land uses within commercial areas identified by the Future Land Use Concept.

Performance Standards

Air Contaminants, Visible and Particulate Emissions

5.7.3.2 No use or operation within a Business Land Use and/or Business Park contemplated by this Plan shall cause or create air contaminants, visible emissions or particulate emissions beyond the building which contains them.

- The proposed Clinic would not appear to cause or create any air contaminants, visible emissions or particular emissions in general or beyond the building

5.7.3.3. Airborne particulate matter originating from storage areas, yards or roads shall be minimized by landscaping, paving or wetting of these areas or by other means considered appropriate by the Municipality and in accordance with sound environmental practices.

- Not applicable;

Odorous Matter

5.7.3.4 No use or operation within a Business Land Use and/or Business Park shall cause or create the emission of odorous matter or vapor beyond the building which contains the use or operation.

- The proposed Clinic would not appear to cause or create any emission of odorous matter or vapour in general or beyond the building. All operations are within the building.

Noise

5.7.3.5 No use or operation within a Business Land Use and/or Business Park shall cause or create the emission of excessive noise or vibrations beyond the building which contains the use or operation.

- The proposed Clinic would not appear to cause or create any emission of excessive noise or vibrations in general or beyond the building. All operations are within the building.

Toxic Matter

5.7.3.6 No use or operation within a Business Land Use and/or Business Park shall cause or create the emission of toxic matter beyond the building which contains it. The handling, storage and disposal of any toxic, hazardous materials shall be in accordance with the regulations of any government authority having jurisdiction and in accordance with any Chemical Management Plan that may be required by the Municipality.

- The proposed Clinic would not appear to cause or create any toxic matter in general or beyond the building. All operations are within the building.

Fire and Explosion Hazards

5.7.3.8 All uses and operations within a Business Land Use and/or Business Parks that store or utilize materials or products which may be hazardous due to their flammable or explosive characteristics shall comply with the applicable fire regulations of the Municipality or the regulations of any other government authority having jurisdiction and in accordance with any hazard or emergency management plan that may be required by the Municipality.

- The proposed Clinic would not appear to be utilizing any hazardous material;



Development Guidelines

5.7.3.10 Minimum Development Guidelines for Business Land Uses and/or Business Parks contemplated by this Plan are as follows:

- e) Outside Storage, including the storage of trucks, trailers and other vehicles may be permitted adjacent to the side or rear of a building provided such storage areas are not located within a required side or rear yard setback and the storage is visually screened from adjacent non-commercial land uses and Highway #1.*
 - The proposed Clinic will not include any outside storage components; All operations are within the building;
- f) Outside Display Areas are permitted provided they are limited to examples of equipment, products or items related to the commercial use located on the site containing the display area and are not located within any required setback.*
 - Not applicable;
- g) A Stormwater Management Plan shall be submitted to the Municipality if required upon application for a Development Permit. Stormwater should be retained on-site where possible.*
 - As the subject site is developed, no new construction is proposed and therefore the previous approved Stormwater Management Plan for the subject lands remains valid; No additional stormwater analysis is required at this time;
- h) A Construction Management Plan shall be submitted to the Municipality if required upon application for a Development Permit. The Construction Management Plan shall detail the management of all construction activity on-- site including, but not limited to, the management of construction debris and dust construction debris and dust management.*
 - As the subject site is developed, no new construction is proposed and therefore a construction management plan is not required;
- j) Antennas, satellite dishes or other similar equipment are not permitted on the roof of any building and shall be located in the rear or side yard and shall not exceed any height restrictions imposed by the Municipality.*
 - The existing building does not include any antennas;

Parking

ASP 5.7.3.10 a) Access Parking and Loading Entrances shall be designed to accommodate the turning movements of trucks and recreational vehicles and shall be positioned to allow for safe and adequate site distances. Parking and loading facilities shall be provided in accordance with the requirements of the Municipality and/or Land Use Bylaw. Loading and vehicle servicing areas should be integrated into the site and building architecture and be located to the side or rear of buildings.

- The site is developed with access to Commercial Drive, into the parking area of the site. The paved parking area was noted to include 19 stalls, with a possibility to accommodate 21 stalls.
- No loading areas exist on the building;
- Overflow parking available onsite, if required;

LUB Table 5 – Parking Minimums

- *Care Facility (Clinic) Required: 2 per 100.0 sq. m (1,076.39 sq. ft.) gross floor area)*
- *The building's gross floor area is 1,068.84 sq. m (11,505.00 sq. ft.),*
- *(764.40 sq. m x 2) / 100.00 sq. m = **21 stalls***



Lighting

ASP 5.7.3.10 c) Lighting All on-site lighting shall be located, oriented, and shielded to prevent adverse effects on adjacent properties and to protect the safe and efficient function of Highway #1 and the Springbank Airport

LUB 227 Business/Commercial and Industrial District lighting shall minimize light pollution, glare, and light trespass into adjacent properties to a degree that maintains on-site visibility of product displays during evening hours of operation.

LUB 228 The maximum mounting height for an outdoor light fixture shall be 12.0 m (39.37 ft.).

LUB 229 The County may require an applicant to provide a plan, completed by a qualified professional, indicating the location of all exterior lights, a description of any measures taken to shield direct glare onto adjacent properties, and the projected light patterns in relation to adjacent properties, roadways, and developments.

LUB 230 No flashing, strobe, or revolving lights shall be installed on any structure, which may impact the safety of motorists using adjacent public roadways.

- The site does not include any private site lighting;
- Fully shielded, cut-off, downward facing (black) mounted lighting exists around the building exterior; exterior building lighting is existing;
- Security lighting at the door entrances;
- No flashing or strobe lighting on site.

Fencing

ASP 5.7.3.10 i) Fencing The use of fencing on any site should not be permitted, other than for required screening of outside storage, garbage or equipment or for security purposes provided it is adjacent to the side or rear of buildings.

LUB 268 Fencing in a Business District, Commercial District, Industrial District, or Special District shall be at the discretion of the Development Authority if over 2.00 m (6.56 ft.) in height.

- No fencing is existing onsite or proposed with the subject application;

Garbage & Waste Collection

ASP 5.7.3.7 Garbage and waste material within a Business Land Use and/or Business Parks shall be stored in weatherproof and animal-proof containers located within buildings or adjacent to the side or rear of buildings which shall be screened from view by all adjacent properties and public thoroughfares. Mechanical waste compactors are encouraged.

LUB 250 Garbage storage or collection areas should not be located in a front yard or visible from the street.

LUB 251 Any garbage storage or collection area co-existing with any parking or loading area shall be:

- i. Clearly delineated as separate from the parking and loading stalls,*
- ii. Located to optimize collection vehicles access, and*
- iii. Screened by a fence or landscaped screen.*
 - The subject site would appear to store all garbage & waste within the building; No permanent exterior units proposed;
 - A temporary red garbage disposal bin is located within the parking area;



Signage

ASP 5.7.3.10 b) Signage The size and placement of all signage shall be considered an integral part of site development and a Signage Plan shall be submitted to the Municipality upon application for a Development Permit and be in accordance with the Land Use Bylaw or special district provisions prepared for the site. Temporary signage is prohibited with the exception of temporary signs required during development or building construction.

- Signage details have not been included with this proposal and would be a request for conditional release

Landscaping

ASP 5.7.3.10 d) Landscaping shall be provided for all Business development and/or Business Parks in accordance with a Landscape Plan to be submitted to the Municipality upon application for a Development Permit. The Landscape Plan shall identify the location and extent of landscaped areas proposed for the site.

- The site has been developed with 10% landscaping, as per policy regulations at the time
 - 2.00 acres or 87,997.20 sq. ft. landscape area
 - 18 trees (7 coniferous & 11 deciduous)
- Perimeter landscaping has been incorporated;
- No new landscaping is proposed;
- Existing plantings are alive and maintained onsite;

Respectfully submitted,

Jacqueline Taggart

Senior Development Officer

ATTACHMENTS:

Attachment "A": Proposed Development Permit Conditions

Attachment "B": Application Information



ATTACHMENT “A”: PROPOSED DEVELOPMENT PERMIT CONDITIONS

Description:

1. That *Care Facility (Clinic)* within the existing building may commence on the subject site in general accordance with the approved site plan and application [as amended], prepared by OPUS, dated March 31, 2022; Mark Fewster Design Studio, dated December 7, 2021; and Real Property Report, as prepared by Element Land Surveys, dated June 1, 2021, and includes the following:
 - i. Operation of a *Care Facility (Clinic)* with the existing building;
 - ii. Interior conversion of an existing office building, approximately 382.20 sq. m (4,114.00 sq. ft.) in footprint;
 - iii. Outpatient services including overnight stays;

Prior to Release:

2. That prior to release of this permit, the Applicant/Owner shall submit a Trip Generation Memo, in accordance with the County Servicing Standards, indicating the volume of traffic generated by the development and any recommendations for off-site improvements required to accommodate the increase in traffic.
 - i. If the assessment recommends that a Traffic Impact Assessment (TIA) is required, the Applicant/Owner shall submit a TIA that addresses the intensified commercial use and access management. Should the updated TIA indicate that off-site improvements are required, the Applicant/Owner shall enter into a Development Agreement with the County to construct the necessary improvements.

Permanent:

3. That all conditions of Development Permit #2007-DP-12405 shall remain in effect unless otherwise noted within this condition approval.
4. That all landscaping shall be in accordance with the landscaping details provided on the Landscape Plan, approved under Development Permit #2007-DP-12405.
 - i. That the Applicant/Owner shall be responsible for the irrigation and maintenance of the landscaped areas including the replacement of any deceased trees, shrubs, or plants within 30 days or by June 30th of the next growing season.
5. That all on-site lighting and all private lighting, including site security lighting and parking area lighting, shall meet sections 227-230 of the County’s Land Use Bylaw C-8000-2020. Lighting shall be designed to conserve energy, reduce glare and reduce uplight. All development will be required to demonstrate a lighting design that reduces the extent of spill-over glare and minimizes glare as viewed from nearby residential properties.
6. That a minimum of 21 business parking stalls shall be maintained on the subject site at all times for all client and staff parking purposes.
 - i. There shall be no offsite business parking on the County’s road right-of-way (Commercial Drive) at any time.
7. That the proposed development shall maintain the existing water servicing through Calalta Water Co-op & wastewater servicing by use of the existing holding tanks.
8. That no site stripping or grading may occur on the subject site unless a separate Development permit has been issued.



9. That there shall be no signage on the subject property, advertising the *Care Facility (Clinic)*, unless a separate Development Permit has been issued.
10. That all garbage and waste material onsite shall be screened and stored in weatherproof and animal-proof containers located within the building or adjacent to the side or rear of the building.
11. That any plan, technical submission, agreement, or other matter submitted and approved as part of the Development Permit application or submitted in response to a Prior to Release or Occupancy condition or approved under Development Permit #2007-DP-12405 shall be implemented and adhered to in perpetuity.
12. That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the issue, the permit is deemed to be null and void unless an extension to this permit shall first have been granted by the Development Officer.
13. That if this Development Permit is not issued by **December 31, 2022**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Advisory:

- That a Building Permit and applicable subtrade permits shall be obtained through Building Services, prior to any interior construction taking place and shall include any requirements noted within the *Building Code Comments for Proposed Development, dated May 4, 2022*.

The Building shall conform to the National Energy Code with documentation/design at the Building Permit stage.
- That the Applicant/Owner shall adhere to the County's Noise Bylaw (C-8067-2020) at all times.
- That the site shall remain free of restricted and noxious weeds and maintained in accordance with the *Alberta Weed Control Act [Statutes of Alberta, 2008 Chapter W-5.1, December 2017]*.
- That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
 - The facility shall comply with any regulations noted under the *Alberta Public Health Act (RSA 2000)*



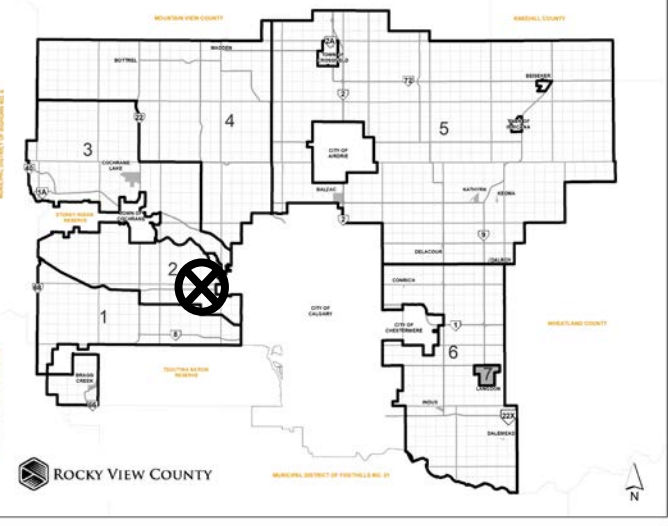
ATTACHMENT "B": APPLICATION INFORMATION

APPLICANT: OPUS Corporation (Andrew Wallace)	OWNER: Paradiso Investments Ltd.
DATE APPLICATION RECEIVED: April 8, 2022	DATE DEEMED COMPLETE: April 12, 2022
GROSS AREA: ± 0.81 hectares 2.02 acres	LEGAL DESCRIPTION: Lot 4, Block 2, Plan 0413544; SW-34-24-03-05 (100 COMMERCIAL DRIVE)
APPEAL BOARD: Land & Property Rights Tribunal; deferred to the County's Subdivision & Development Appeal Board	
HISTORY: <i>Planning:</i> <ul style="list-style-type: none"> 2003-RV-277 (Subdivision) (to create 9 lots ranging in size from +/-2 to +/- 3.5 acres with a +/- 20 acre remainder); Closed-Registered 2003-RV-153 (Redesignation) (To redesignate the subject lands from Ranch and Farm District to Agricultural Holdings and Direct Control District(DC 86) in order to create nine lots ranging in size from +/-2.02 to +/- 3.58 acres with a +/- 20 acre remainder); Closed-Approved <i>Development:</i> <ul style="list-style-type: none"> 2007-DP-12405 (offices, for a home design company and construction of an office building, accessory building for storage and signage); Issued May 1, 2007 <i>Building:</i> <ul style="list-style-type: none"> 2007-BP-20201 (Storage Building); Issued July 16, 2007; Final inspection July 31, 2008 2007-BP-20202 (Office); Issued May 9, 2007; Final inspection May 9, 2009 	

Location & Context

Development Proposal

Care Facility (Clinic)
(existing building), tenancy
and signage



Division: 2
 Roll: 04734032
 File: PRDP20221653
 Printed: July 28, 2022
 Legal: Lot: 4 Block: 2
 Page 14 of 180
 24-03-W05M

Location & Context

Development Proposal

Care Facility (Clinic)
 (existing building), tenancy
 and signage



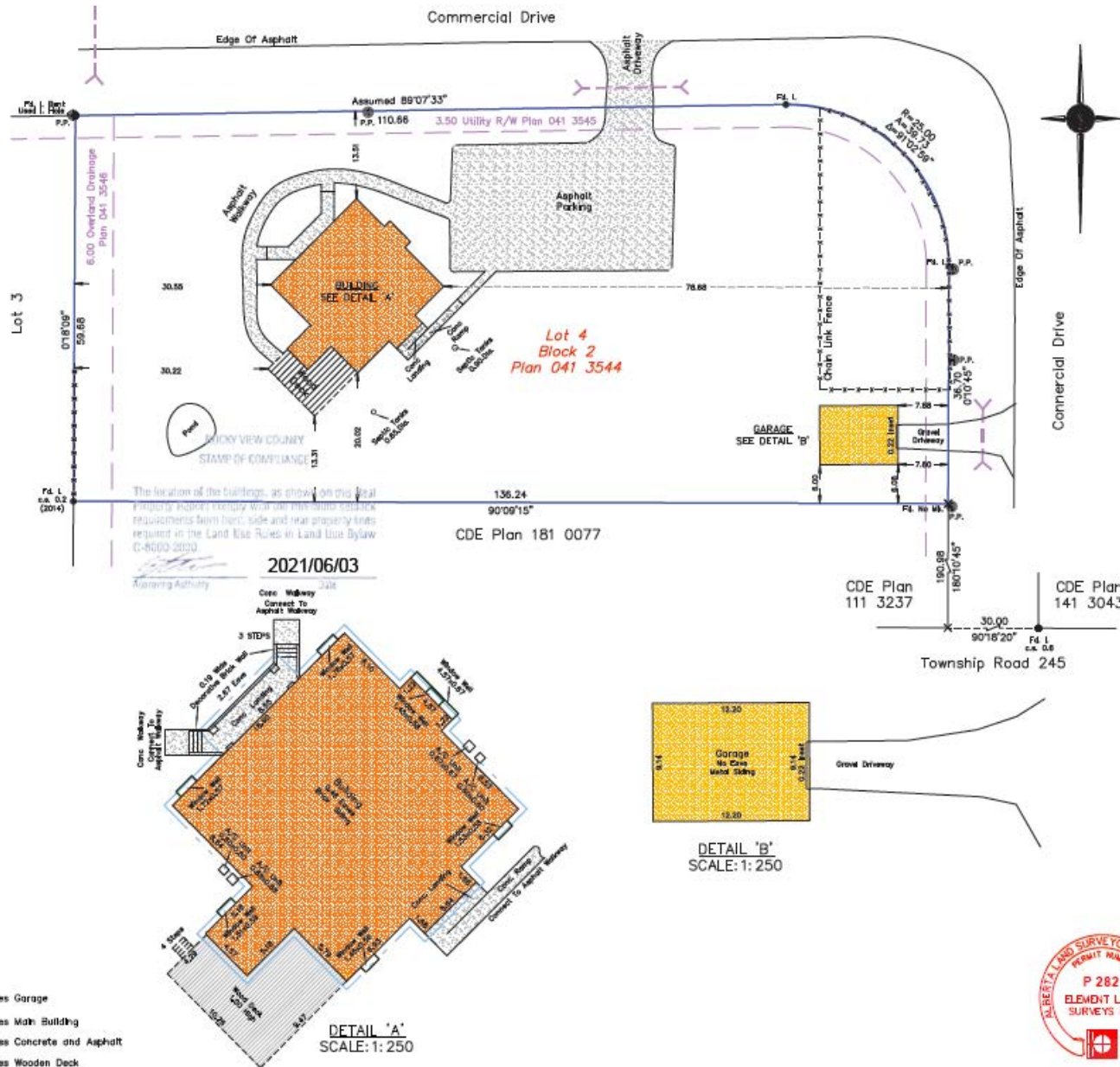
Division: 2
 Roll: 04734032
 File: PRDP20221653
 Printed: July 28, 2022
 Legal: Lot:4 Block:2
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 24-03-W05M

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

Site Plan

Development Proposal

Care Facility (Clinic)
(existing building), tenancy
and signage



Division: 2
Roll: 04734032
File: PRDP20221653
Printed: July 28, 2022
Legal: Lot:4 Block:2
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24-03-W05M








Care Facility (Clinic)
(existing building), tenancy
and signage



MAIN FLOOR

UPPER FLOOR



Plan Legend		Building Code Analysis	
	NEW PARTITION		BUILDING CODE
	EXISTING PARTITION		OCCUPANCY TYPE
	NEW DOORFRAME		CONSTRUCTION TYPE
	EXISTING DOORFRAME		FIRE-RESISTANT FLOOR
Space Summary		Notes:	
Room	Qty	Total Occupancy	Notes
3-Brk Room	4	4	Lower Level 207.87 SF (207.87 / 52 Occupants)
Code Room	18	36	Lower Level 1038.87 SF (1038.87 / 29.15 Occupants)
Office	3	3	Lower Level 1038.87 SF (1038.87 / 343.67 Occupants)
Open Group Area	2	2	100% / 100 Occupants
Classroom Group Area	3	3	A minimum of 1 water closet is required for every 100 sq ft of male and 100 sq ft of female occupancy.
Medical Exam Room	1	1	The number of water closets shall be a minimum occupancy analysis performed on the basis of the total area of the occupancy.

CONSULTANTS

REVISIONS

PROJECT NO.	
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PROJECT NAME	
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	DRAWING DESCRIPTION
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SHEET

Division: 2
Roll: 04734032
File: PRDP20221653
Printed: July 28, 2022
Legal: Lot:4 Block:2
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24-03-W05M

Site Inspection Photos (May 12, 2022)

Development Proposal

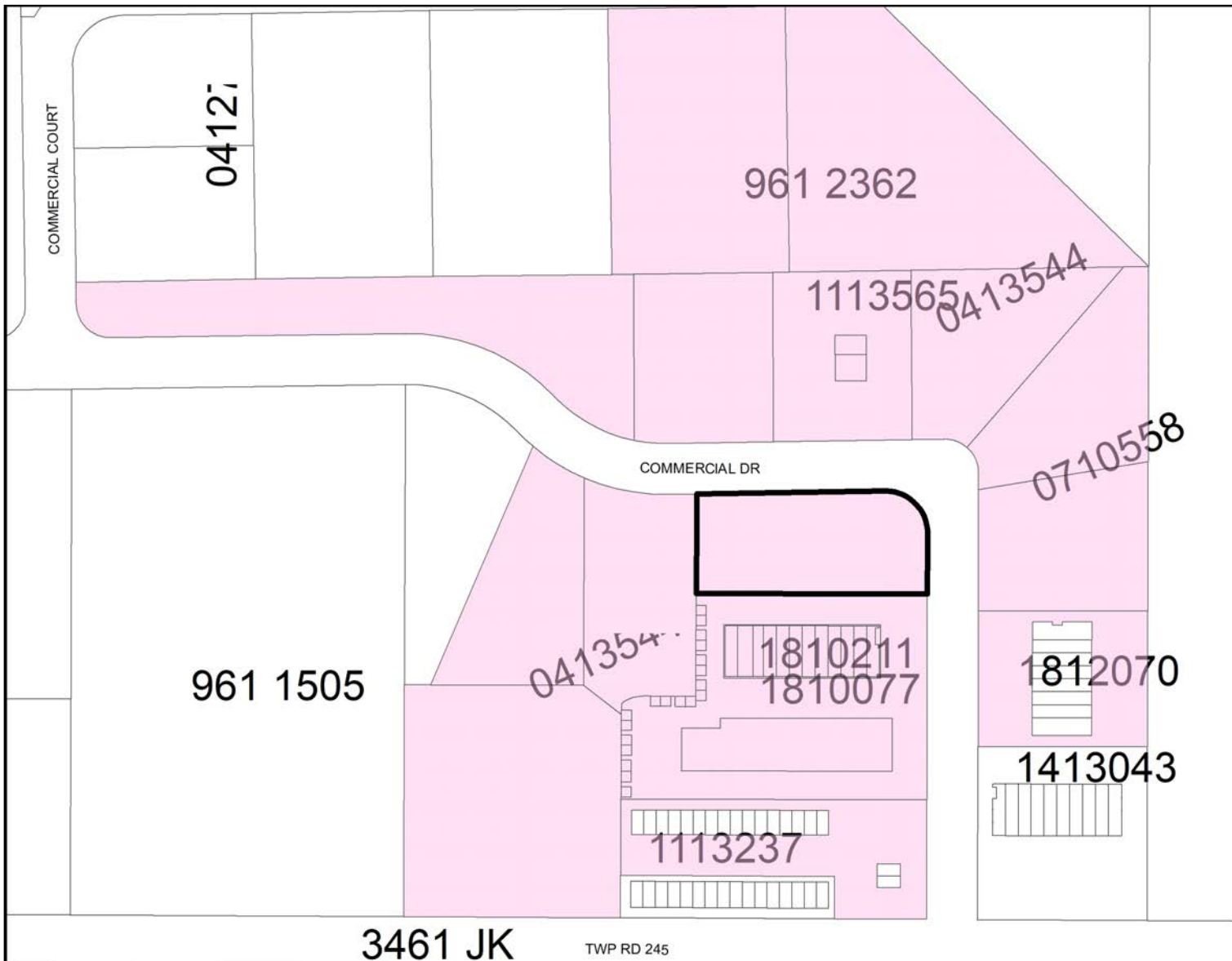
Care Facility (Clinic)
(existing building), tenancy
and signage



Landowner Circulation Area

Development Proposal

Care Facility (Clinic)
(existing building), tenancy
and signage



Legend

Support



Not Support



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

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



Division: 2
 Roll: 04734032
 File: PRDP20221653
 Printed: July 28, 2022
 Legal: Lot:4 Block:2
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 24-03-W05M



Notice of Appeal

Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information			
Name of Appellant(s) OPUS - Andrew Wallace			
Mailing Address #500, 5119 Elbow Drive SW		Municipality Calgary	Province AB
Postal Code T2V 1H2			
Main Phone # 403.209.5555	Alternate Phone #	Email Address aw@opuscorp.ca	

Site Information	
Municipal Address 100 Commercial Drive	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Lot 4; Block 2; Plan 0413544
Property Roll # 04734032	Development Permit, Subdivision Application, or Enforcement Order # PRDP20221653

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

Reasons for Appeal (attach separate page if required)
<p>The County administration has refused our application for a counseling treatment center based on their interpretation of the land use bylaw. Our site at 100 Commercial Drive in Rocky View County has a land use designation of B-REG Business, Regional Campus District under which is listed the permitted use of "Care Facility (Clinic)" - means a use where the principal use is to provide medical health and care services on an outpatient basis only. Typical uses include medical and dental offices, health care clinics, pre-natal clinics and counseling services.</p> <p>As our intended principal use is for counselling services, we believe that Care Facility (Clinic) is the most appropriate use outlined in Rocky View County's bylaw for which to approve our development. The type of counselling (psychological) could require overnight stays as part of the therapy program but in our opinion this does not mean that the use becomes medical as opposed to counselling services under the bylaw definition of the term. Further having overnight stays as part of the therapy program doesn't mean clients aren't admitted to their individual program on an outpatient basis, thus this is a permitted use for this site.</p> <p>We are appealing the decision of the Development Authority's interpretation of the use for which to evaluate our proposed facility as administration agrees that Care Facility (Clinic) matches the principal service to be provided for at this facility except for their interpretation of out patient basis.</p> <p>A more fulsome argument will be presented at the hearing.</p>

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

Appellant's Signature

July 14, 2022

Date

Received by Legislative and
Intergovernmental Services
July 14



Notice of Appeal

Subdivision and Development Appeal Board Enforcement Appeal Committee

Submitting an Appeal

Appeals must be submitted on time and with the required fee

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

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

How to submit your appeal and pay your fee

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

Mail or deliver to:

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

Please make cheques payable to "Rocky View County".

What happens after my appeal is submitted?

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

More information

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

Phone: 403-230-1401

Email: sdab@rockyview.ca

Website: www.rockyview.ca



ROCKY VIEW COUNTY

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

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

REFUSAL NOTICE

Andrew Wallace (Opus Corporation)
500 - 5119 Elbow Drive SW
Calgary, AB T2V 1H2

Development Permit #: PRDP20221653

Date of Issue: Thursday, July 7, 2022

Roll #: 04734032

Your Application dated April 08, 2022 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

<p>Care Facility (Clinic) (existing building), tenancy and signage</p>

at Lot 4 Block 2 Plan 0413544, SW-34-24-03-05; (100 COMMERCIAL DRIVE)

has been considered by the Development Authority and the decision in the matter is that your application be **REFUSED** for the following reasons:

1. That the proposed application does not meet the County's definition of *Care Facility (Clinic)*, as per Section 8 of the County's Land Use Bylaw C-8000-2020.
 - i. That the proposed application would appear to meet the County's definition of *Care Facility (Medical)*, as per Section 8 of the County's Land Use Bylaw C-8000-2020. As *Care Facility (Medical)* is not a listed land use within the Business, Regional District, a site-specific amendment is required to the district or a Direct Control District application.

If you require further information or have any questions regarding this development, please contact Planning Services at 403-520-8158 or email development@rockyview.ca and include the application number.

Regards,

Development Authority

Phone: 403.520.8158

E-Mail: development@rockyview.ca



ROCKY VIEW COUNTY

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

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

NOTE: An appeal from this decision may be made to the Land & Property Rights Tribunal of the Province of Alberta. Notice of Appeal to the Land & Property Rights Tribunal from this decision shall be filed with the province no later than 21 days following the date on which this Notice is dated.



2nd Floor, Summerside Business Centre
1229 – 91 ST SW
Edmonton, AB T6X 1E9

Tel (780) 427-2444
Email lpri.appeals@gov.ab.ca
Website www.lprt.alberta.ca

Referral to Rocky View County Subdivision and Development Appeal Board

Our File: D22/ROCK/CO-035

July 14, 2022

Appellant: T. Bardsley on behalf of Opus Development

Respondent: D. Kazmierczak on behalf of Rocky View County

Re: Appeal respecting a decision from the development authority for Rocky View County, with respect to 100 Commercial Drive Rocky, View County Plan 0413544 Block 2 Lot 4, Development Authority File No.: PRDP20221653

Your notice of appeal was received July 12, 2022. However, I note the appeal form identifies the provincial interest as the proximity to Highway 1. After recent changes, the legislation no longer lists development appeals adjacent to highways as amongst those heard by the LPRT, and directs them to the local SDAB instead. (See s. 27(1)(b) of the *Matters Related to Subdivision and Development Regulation*.)

The amended legislation only directs development appeals to the LPRT where the subject lands are also subject to an approval, license, permit or other authorization by the AER, NRCB, AEUB, AUB or ERCB. Since no such approvals have been identified in this case, LPRT administration will refer your appeal to the Rocky View County SDAB, as per s. 686(1.1) of the *Municipal Government Act* and the LPRT's Subdivision and Development Appeal Procedure Rule 6.3. Please note the Appellant will be responsible for any applicable fees the SDAB may have.

Should you have any questions or wish to appeal this determination to a panel, please contact me.

Kellie Lau, RPP, MCIP
Subdivision and Development Appeals Case Manager
Land and Property Rights Tribunal

cc: S. Oad, Alberta Transportation
T. Richelhof, Alberta Transportation
Rocky View SDAB



ROCKY VIEW COUNTY

DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20221653
ROLL NO.	04734032
RENEWAL OF	
FEES PAID	530.00
DATE OF RECEIPT	April 7, 2022

APPLICANT/OWNER

Applicant Name: Andrew Wallace

Email: aw@opuscorp.ca

Business/Organization Name (if applicable): Opus Corporation

Mailing Address: 500 - 5119 Elbow Drive SW

Postal Code: T2V 1H2

Telephone (Primary): 403-209-5549

Alternative:

Landowner Name(s) per title (if not the Applicant): Paradiso Investments Inc.

Business/Organization Name (if applicable):

Mailing Address:

Postal Code:

Telephone (Primary):

Email:

LEGAL LAND DESCRIPTION - Subject site

All/part of: SW ¼ Section: 34 Township: 24 Range: 3 West of: 5 Meridian Division:

All parts of: Lot 4 Block: 2 Plan: 0413544 Parcel Area (ac/ha): 2.02 ac

Municipal Address: 100 Commercial Drive

Land Use District: B-REC (Business, Recreation)

APPLICATION FOR - List use and scope of work

- This application is for a Care Facility (Clinic) use. The Facility will provide person(s) suffering from mental health and addiction issues offering individual, group and family counseling services. The work involves interior cosmetic renovations to the existing space to accommodate this use.

Variance Rationale included: ☐ YES ☐ NO ☐ N/A DP Checklist Included: ☐ YES ☐ NO Name of RVC Staff Member Assisted:

SITE INFORMATION

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

AUTHORIZATION

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

Applicant Signature

Date 30-Mar-2022

Landowner Signature

Date



February 15, 2022

Building & Planning

Rocky View County

262075 Rocky View Point

Rocky View County, AB, T4A 0X2

Re: Cover letter for Development Permit for 100 Commercial Drive

Having recently acquired the site known as 100 Commercial Drive, our intent is to keep the existing two storey structure and through an interior renovation convert the existing building into the new home for Edgewood Health Network (EHN). EHN is a national organization with a network of centres across the country which offers excellent medical mental health treatment. This Canadian company has more than 100 years of collective expertise in providing care to adults dealing with mental health. All EHN facilities across the country are licensed to the highest standard of quality and safety and are accredited by Accreditation Canada or by the Commission on Accreditation of Rehabilitation Facilities (CARF).

100 Commercial Drive has a land use designation of **B-REG** Business, Regional Campus District. The B-REG district has listed as a **Permitted Use Care Facility (Clinic)** "which means a use where the principal use is to provide medical and health care services on an outpatient basis only. Typical uses include medical and dental offices, healthcare clinics, pre-natal clinics and counselling services." In keeping with this permitted use, the proposed EHN facility provides healthcare through counselling services as listed in the Care Facility (Clinic) permitted use.

The other Care Facility uses within Rocky View County's Land Use Bylaw are generally described as and include:

- Care Facility (Child) – care, instruction, supervision of seven or more children under 13 years
- Care Facility (Group) – boarding homes for children, group homes and long-term care facilities
- Care Facility (Seniors) – typical senior homes
- Care Facility (Medical) – hospital(s), sanitariums, convalescent homes, detoxification centres

The proposed EHN facility does not fit under these other Care Facility uses. Clients of EHN who will access their services at this new location will receive "counselling services" as defined under the Clinic definition in the Land Use Bylaw. EHN is not a "Child" care facility as all their clients are adults (not seniors or children). EHN is not a "Group" care facility as they are not a boarding home, group home or long-term care facility. Although they do provide overnight accommodation on a short-term basis to facilitate ongoing counselling services, clients are free to come and go as their health needs dictate. EHN is not a "Seniors" facility nor are they a "Medical" facility as defined under the Land Use Bylaw.



EHN Canada provides care to person(s) suffering from mental health and addiction issues on an abstinence-based program offering individual, group and family counselling services that will help get and keep people well. Clients of EHN are all voluntary and are provided care after a very stringent admission protocol. EHN screens all clients carefully to ensure that they are of no risk whatsoever to other clients, staff or the surrounding community.

The 100 Commercial Drive facility will be a relatively small operation and involve low density use with minimal traffic. The EHN model has been developed largely in response to overwhelming demand from their many longstanding partners across the province in healthcare, the insurance industry and corporate sectors. EHN enjoys numerous partnerships across Canada including with large Employee Assistance Programs and Workers' Compensation Boards helping get people with mental health and addiction back to work. At any given time, 35% of EHN clientele across the country are active members of the Canadian Armed Forces, military Veterans or First Responders. EHN is also a preferred provider for the RCMP and have specialized programs for Health Care Professionals.

As a Care Facility (Clinic), the site will be staffed and operate 24-hours per day, 7 days per week providing treatment programs based on a rigorous evidenced-based approach that includes a structured daily schedule. Clients attend individual and group counselling sessions that provide talk-therapy, didactic lectures and rehabilitation work focused on improving a client's ability to function, cope and prevent relapse. Included in the program are sessions focused on interpersonal effectiveness, emotion regulation, distress tolerance, mindfulness, occupational life-skills coaching, milieu therapy and medical evaluation and management. Programs are provided on a 24-hour basis with clients remaining in care ranging from single day with some staying up to fifty days. The average client will remain in care for 28-30 days.

As noted above, based on the definition in the Land Use Bylaw we believe this proposed use for EHN best fits within the permitted use of Care Facility (Clinic). Knowing that clients of EHN stay an average of 28 – 30 days, we note that under the Clinic definition it states, "on an outpatient basis only." Does the average client of EHN fit this portion of the definition? Outpatient is not a defined term under Rocky View Land Use Bylaw. Outpatient is defined by the Oxford Dictionary as "a patient who goes to a *hospital* for treatment but does not stay there." While most clients of EHN will stay overnight, the proposed EHN facility for 100 Commercial Drive is not a *hospital*. Could the clients of EHN be described as inpatients? The difference between inpatient and outpatient is inpatient care requires a patient to stay overnight in a *hospital*. Again, the EHN facility is not a hospital. Given the type of counselling treatment received at the proposed EHN facility and the fact that clients are there on a voluntary basis and can come and go as they require suggests the use also meets this "outpatient" criteria as it states in the Care Facility (Clinic) definition.

The EHN use best fits under the Care Facility (Clinic) definition. Although it could be argued that this use may not strictly fit the Care Facility (Clinic) definition, it is clear this use does not fit any of the other use designations as defined in the Land Use Bylaw. Therefore, this application needs to be evaluated under the existing B-REG land use with the existing permitted use of Care Facility (Clinic).

Yours truly,

A handwritten signature in blue ink, appearing to read "Andrew Wallace".
Andrew Wallace

Sr. VP Development & Construction

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CIVIC ADDRESS
100 COMMERCIAL DRIVE
ROCKY VIEW COUNTY, ALBERTA

LEGAL DESCRIPTION
LOT : 4
BLOCK : 2
PLAN : 0413544
LOT AREA :
ZONING : B-REG

OPUS[®]
#500 - 5119 ELBOW DRIVE SW
CALGARY, AB T2V 1H2
T: (403)209-5555 F: (403)244-8943

**EDGEWOOD HEALTH
NETWORK**

DRAWING : PHOTOS
DATE : 22 MAR.'22
REVISED : 31 MAR.'22
SCALE : NTS