



# ROCKY VIEW COUNTY

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

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Wednesday, February 15, 2023

O2 Planning + Design Inc. (Nicholas Kuhl)  
#510 255 17 Ave SW  
Calgary, AB T2S 2T8

File: PRDP20224566

## RE: DEVELOPMENT PERMIT CONDITION TRANSMITTAL OF DECISION

Rocky View County Council at its February 7, 2023 meeting considered Administration's request to approve a Development Permit application for construction of a Mixed-use Building (Drinking Establishment, Hotel, Liquor Sales, Restaurants, Signs, Specialty Food and Beverage Facility [the *Laskin*, (formerly referred to as the *Bragg Creek Brewery*)] and over height fencing [replacement of PRDP20194235].

Your development permit is **CONDITIONALLY-APPROVED**.

### Description:

1. That construction of a mixed-use building may take place on the subject site in general accordance with the Architectural Development Drawings, as prepared by STARK architecture (19 Dwgs.), dated March 13, 2020 and January 24, 2023, subject to the amendments required in accordance with the conditions of this approval, and includes:
  - i. Construction of a multi-use commercial building, approximately  $\pm 364.18$  sq. m. (3,920.00 sq. ft.) in building footprint; includes total gross building area over three floors of  $\pm 1,047.85$  sq. m (11,279.00 sq. ft.), and an exterior covered canopy area(s), approximately 103.21 sq. m (1,111.00 sq. ft.) in footprint;
  - ii. Uses and tenancy of *Drinking Establishment, Hotel, Liquor Sales, Restaurants, and Specialty Food and Beverage Facility*;
  - iii. Over height cedar fence along the north property line for privacy screening, up to 2.44 m (8.00 ft.) in height;
  - iv. Signage, including two (2) mounted/hanging illuminated façade signs, "*The Laskin*", approximately  $\pm 3.54$  sq. m ( $\pm 38.00$  sq. ft.) in dimension;
  - v. Installation of rooftop solar paneling; and
  - vi. Single-lot regrading (as required to accommodate the proposed development).

### Prior to Release:

2. That prior to release of this permit, the Applicant/Owner shall submit revised architectural drawings that detail all required development revisions as requested within this condition set.
3. That prior to release of this permit, the Applicant/Owner shall submit a revised landscaping plan that confirms the proposed landscaping details, including all number of plantings and



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dimensions for any trees and shrubs, in accordance with Section 7.2 of the Bragg Creek Brewery Master Site Development Plan (MSDP), Section 26.3, 26.5, 26.11(c), and 26.11(t) of the County's Land Use Bylaw C-4841-97 (LUB), as regulated by Direct Control District 169 (DC 169).

- i. The plan shall confirm the proposed plantings are new to the site or are existing/native to the site and are being retained. *The Applicant/Owner shall try to retain all existing native landscaping and vegetation onsite, where possible.*
  - ii. The plan shall also confirm that all coniferous trees onsite shall not be located within 10.00 m (32.81 ft.) from the building footprint, in accordance with Section 3.1.2(b) of the BCDG.
4. That prior to release of this permit, the Applicant/Owner shall confirm the proposed mounted building lighting spec details for the subject site, in accordance with Section 7.3 of the MSDP, Section 3.2.8 of the BCDG, and Section 27 of the LUB.
  5. That prior to release of this permit, the Applicant/Owner shall register on title, through restrictive covenant and an easement, a parking agreement between the subject site and Lot 1, Block 2, Plan 1741 EW; SE-13-23-5-W5M, to accommodate the proposed offsite parking agreement, in accordance with Regulation 2.5.1 and 2.5.2 of DC 169, and Section 8.2 of the MSDP.
    - i. The parking agreement shall also include the County as a named party on the instrument.
    - ii. The parking agreement shall include a clause that states the Developer, or property Owner of the lands on title, shall notify the County immediately should any agreement end with respect to any of the off-site parking stalls.
    - iii. Upon completion, confirmation that the instrument has been submitted to Land Titles for registration on both properties shall be submitted to the County.
  6. That prior to release of this permit, the Applicant/Owner shall submit to the County signed copies of each proposed off-site overflow parking agreements, which will be utilized by the Owner in an overflow event. Those agreements will confirm that 38 additional parking stalls are available for use as noted in the Parking Management Plan (as amended), when required, in accordance with Regulation 2.5.2 and 2.5.3 of DC 169.
  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 a Road Use Agreement or data permits will be required for any hauling along the County road system, and to confirm the presence of County road ban restrictions.
    - i. The Applicant/Owner shall contact County Road Operations regarding the removal and reclamation of the existing approach and construction of the proposed approach. If required, an *Application for Road Approach* shall be submitted and approved by County Road Operations.
    - ii. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.



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8. That prior to the release of this permit, the Applicant/Owner shall address all fire suppression requirements for the proposed development in accordance with the requirements of the *National Fire Protection Association* (NFPA), all applicable County standards and bylaws, and current National Building Code – 2019 Alberta Edition (NBC), to the satisfaction of the County. The Applicant/Owner shall confirm the location and volume of the onsite water reservoir to be used for fire suppression. *Note: the Bragg Creek Water distribution system is not capable of providing water pressures for fire suppression. Therefore, any fire suppression systems required by the building code must be accommodated with onsite storage and pressurization.*
9. That prior to the release of this permit, the Applicant/Owner shall submit a Construction Management Plan, in accordance with the County's Servicing Standards. The plan shall address noise mitigation measures, traffic accommodation, sedimentation and dust control, management of storm water during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, hazardous material containment, and all other relevant construction management details.
10. That prior to the release of this permit, the Applicant/Owner shall submit a Pavement Marking and Signage Plan, prepared by a qualified professional, for the proposed pedestrian crossing on Balsam Avenue and for traffic control signage on the adjacent public road network including no-parking signage.
11. That prior to the release of this permit, the Applicant/Owner shall submit a water and wastewater servicing assessment, prepared by a qualified professional, in accordance with the County's Servicing Standards. The water and wastewater servicing assessment shall determine the water demands and wastewater generation of the proposed development at full build out.
  - i. The servicing assessment shall include further information on the pre-treatment system that shall be provided, including details of the strength and composition of wastewater that will be discharged into the Bragg Creek Wastewater Collection System.
  - ii. The servicing assessment shall demonstrate that wastewater released from the development shall not be over strength in accordance with the terms of the Water & Wastewater Utilities Bylaw (C-7662-2017).
  - iii. The Owner shall enter into a Capacity Allocation Agreement for servicing allocation to the development, based upon the servicing need identified in the water and wastewater servicing assessment.
12. That prior to the release of this permit, the Applicant/Owner shall submit engineered design drawings of the utility connections for review and acceptance by the County, in accordance with the County Servicing Standards and the Water and Wastewater Utilities Bylaw (C-7662-2017), should upgraded utility connections to the water main and/or the sanitary sewer be required.
  - i. Written approval of the design drawings shall be obtained from the Manager of Utility Services.
  - ii. The Applicant/Owner shall provide the necessary security for the tie-in to the municipal water distribution and sanitary collection system, based on the estimated construction cost as prepared by a qualified professional or contractor.
13. That prior to the release of this permit, the Applicant/Owner shall enter into an access easement or utility right-of-way agreement with the County, to allow the County representatives



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to enter the subject lands and access the testing location to obtain samples to verify that wastewater is in compliance with the County's Water & Wastewater Utilities Bylaw (C-7662-2017).

14. That prior to the release of this permit, the Applicant/Owner shall submit a revised Stormwater Management Plan (SWMP), in accordance with the County's Servicing Standards and Bragg Creek Master Drainage Plan, which considers the final site plan, identifies the 1:100 year flood/groundwater level, recommends minimum building opening elevations and provides other updates, as necessary.
15. That prior to the release of this permit, the Applicant/Owner shall submit a revised Geotechnical Investigation Report, which supports the SWMP, including further consideration for the groundwater hydraulic connectivity to the Elbow River, in accordance with the County's Servicing Standards.
16. That prior to the release of this permit, the Applicant/Owner shall submit a revised Erosion and Sediment Control Plan (ESC), that reflects any changes in the noted SWMP, in accordance with the County's Servicing Standards.
17. That prior to the release of this permit, the Applicant/Owner shall submit payment of the Transportation Off-site Levy, as per the County's Regional Transportation Off-site Levy Bylaw, for the total gross acreage of the lands. *The Base Levy (\$4,595 per acre) will be applied to the development area of 0.427 acres.*
18. That prior to the release of this permit, the Applicant/Owner shall submit payment of the Water & Wastewater Off-site Levy, as per the County's Regional Water & Wastewater Off-site Levy Bylaw.
  - i. *The Wastewater Levy and Potable Water Levy for Bragg Creek will be applied on the additional capacity required above the residential rate (0.950 cu. m/day):*
    - a. *Bragg Creek Waste Water Treatment Plant Levy: \$23,727.68 per cu. m/day; and*
    - b. *Bragg Creek Water Treatment Plant and Reservoir Levy: \$22,600.90 per cu. m/day*
19. That prior to release of this permit, the Applicant/Owner shall pay the County, in accordance with the County's Master Rates Bylaw, for the supply and installation of a water meter and remote transmitter unit. The water meter shall be sized based on calculations to be provided by the Applicant/Owner.

## **Prior to Occupancy:**

20. That prior to site occupancy, all development components including landscaping, parking, final site surfaces, and building elevations shall be in place prior to occupancy of the site and/or buildings.
  - i. That should permission for occupancy of the site be requested during the months of October through May inclusive, occupancy may be allowed without final development completion provided that an Irrevocable Letter of Credit or refundable security in the amount of 150.00% of the total cost of completing all the remaining components shall be placed with the County to guarantee the works shall be completed by the 30<sup>th</sup> day of June immediately thereafter.





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21. That prior to site occupancy, the Applicant/Owner shall contact County Road Operations to perform an inspection of the site to verify that the existing road approach has been removed and that the proposed approach has been constructed in accordance with the County's Servicing Standards.
22. That prior to site occupancy, the Applicant/Owner shall contact County Utility Operations for an inspection and approval of the installed water meter, potable water and sanitary sewer service connection, and the sanitary test manhole.
  - i. That upon approval of the utility main connection and service connection designs by the County's Utility Services, the Applicant/Owner shall apply for and receive a signed Consent Letter from the County for work within the Road Right-of-Way, prior to utility construction commencing. The Applicant/Owner shall arrange to have County personnel present to supervise construction at their expense, in accordance with the County's Water & Wastewater Utilities Bylaw (C-7662-2017).
23. That prior to site occupancy and prior to connecting to the offsite water & wastewater mains, the Owner shall enter into a Customer Service Agreement for water and wastewater use on the subject land. The agreement shall reflect the total capacity allocation required to accommodate the subject development.
24. That prior to site occupancy, the County shall perform an inspection of the site to verify that the Road Right-of-Way improvements, including the implementation of the Pavement Marking and Signage Plan has been completed to the County's satisfaction.
25. That prior to site occupancy, the Applicant/Owner shall submit as-built drawings of the site that are certified by a professional engineer. The as-built drawings shall include verification of any as-built water, sanitary and stormwater management infrastructure.
  - i. Following receipt of the as-built drawings, the County shall complete an inspection of the site to verify that any site infrastructure has been completed as per the stamped *examined drawings*.

## Permanent:

26. That the water and wastewater volumes used by the development shall be within the amounts allocated to the subject lands, and all overages shall be billed in accordance with the County's Master Rates Bylaw and the Water & Wastewater Utilities Bylaw (C-7662-2017), as amended. Any wastewater released from the development found to be over strength, the Applicant/Owner shall be subject to the over strength wastewater surcharge specified within the County's Master Rates Bylaw and the Water & Wastewater Utilities Bylaw (C-7662-2017).
27. That connection to existing sanitary mains, waste mains, and water mains shall not be permitted without the authorization of the County's Utility Operations.
28. That the Owner shall abide by the terms set out in the County's Utility Services Consent letter, for connection to the County's water and wastewater infrastructure, once issued.
29. That the Applicant/Owner shall submit a Deep Fill Report, with compaction results, if any areas shall have a fill depth greater than 1.20 m (3.93 ft.).
30. That no topsoil shall be removed from the subject property.



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31. That any snow-storage onsite shall not be located within the designated parking areas at any time. If required, any excess snow shall be hauled offsite to an approved location.
32. That any dirt removed from the site during construction shall be hauled off in a covered trailer/truck that will prevent the blowing of dust/small rocks onto the road and prevent issues with other vehicles on the road.
  - i. That the clean-up of any mud tracking and/or dirt that enters onto adjacent County roads during construction shall be the responsibility and cost of the Applicant/Owner.
33. That the entire site shall be maintained in a neat and orderly manner at all times. 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 properties or roadways.
34. That the Applicant/Owners shall be responsible for rectifying any adverse effect on any adjacent lands from drainage alteration.
35. That any flood proofing measures and FireSmart design standards shall be followed in accordance with the NBC, good engineering practice, and any recommendations stated in the Greater Bragg Creek Area Structure Plan and BCDS.
36. That the Applicant/Owner shall ensure that all habitable floor levels are above the 1:100-year event flood level. Any construction below this flood level would require engineered flood proofing measures. *The required flood elevation for this property is 1297.41m.*
37. That any garbage or recycling units shall be located within the proposed multi-use building. If the units are located outside at any time, the units shall be screened from view from adjacent properties and public thoroughfares. Any site garbage and waste shall be stored in weatherproof and animal proof containers and be in a location easily accessible to containerized garbage pickup, in accordance with Section 3.2.5(e)(f) of the BCDG and Section 25.4(g)(iv) and (k) of the LUB.
38. That any future business signage, not included within this application, shall require separate Development Permit approval and shall adhere to Section 3.2.9 of the BCDG and Section 35 of the LUB.
  - i. That any onsite wayfinding signage used for logistics/directional/information purposes is permitted and does not require additional approvals.
  - ii. That any offsite signage use for advertising business purposes for this site's development shall require separate development permit approvals prior to installation.
39. That no temporary signage shall be placed on the site at any time, except for any temporary signs required during development or building construction.
40. That if the facility changes commercial usage, the Owner shall submit to the County a revised description of process and subsequent water and wastewater requirements.
41. That any rooftop or exposed mechanical or utility units shall remain screened from adjacent properties, in accordance with Section 3.2.5 of the BCDG and Section 31.4 of the LUB.
42. That the site shall maintain a minimum of 21 onsite parking stalls, including barrier-free parking and one loading bay, onsite at all times. *It is recommendation that the parking stalls are*



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*delineated with line painting, curb stops and/or parking signage. Any barrier-free parking stalls shall be delineated and include signage as required by NBC.*

43. That a minimum of 17 offsite parking stalls shall be available at all times, via the registered off-site restrictive covenant for parking at Lot 1, Block 2, Plan 1741 EW; SE-13-23-5-W5M.
  - i. That the Applicant/Owner should maintain private parking agreements, as submitted through conditions of this permit and noted in the Parking Assessment, that provide an additional 38 parking stalls in times of overflow situations.
44. That this development approval does not include any proposed development for the offsite parking lot, located on Lot 1, Block 2, Plan 1741 EW; SE-13-23-5-W5M. A separate development permit application shall be required.
45. That the Caveat for the offsite parking agreement with Lot 1, Block 2, Plan 1741 EW; SE-13-23-5-W5M, shall remain registered on both titles for the life of the development, unless otherwise approved by the County.
46. That any installed or future proposed on-site lighting and private lighting, including site security lighting, signage, and parking area lighting, shall meet Section 7.3 of the MSDP, Section 3.2.8 of the BCDG and Section 27 of the LUB. Lighting shall be designed to conserve energy, reduce glare, and reduce uplift. All development will be required to demonstrate lighting design that reduces the extent of spill-over glare and minimizes glare as viewed from nearby residential and commercial properties.
47. That all landscaping shall be installed in accordance with the approved Landscape Plan, as amended.
  - i. That the existing trees and terrain shall be retained except as required to meet conditions of this permit and any disturbed areas shall be replanted with vegetation similar to existing predevelopment ground cover.
  - ii. That no outdoor display areas, storage areas, parking or marshalling yards shall be allowed within landscaped yards.
  - iii. That the quality and extent of the landscaping shall be maintained over the life of the development and any deceased vegetation shall be replaced within 30 days or before June 30<sup>th</sup> of the next growing season.
  - iv. That there shall be no potable water used for irrigation and landscaping purposes, and that no exterior hose bibs shall be installed.
48. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application or in response to a Prior to Release or Occupancy condition or approved with the Master Site Development Plan (PL20190156) or Direct Control District (PL20190157) approvals (unless otherwise updated through conditions of this approval) shall be implemented and adhered to in perpetuity.
49. That if the Development Permit is not issued by **February 7, 2024**, or an approved extension date, then this approval is null and void and the Development Permit shall not be issued. *Any requested time extension requests shall be approved by Council.*



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50. That if the development authorized by this Development Permit is not commenced with reasonable diligence within 24 months from the date of issue and completed within 36 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.

## Advisory:

- That during construction, all construction and building materials shall be maintained onsite, in a neat and orderly manner. Any debris or garbage shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- That during construction, dust control shall be maintained on the site, and the Applicant/Owner shall take whatever means necessary to keep visible dust from blowing onto adjacent lands.
- That it is the Applicant/Owner's responsibility to obtain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for each principal use located on the subject site, to facilitate accurate emergency response. The current address for the site is *19 RIVER DRIVE NORTH*. *Any future addressing requirements shall be requested by the Applicant/Owner at time of Building Permit application(s) if required.*
- That the Applicant/Owner shall adhere to any instruments registered on title, in perpetuity.
- That there shall be no directional signage, business vehicle or customer parking along the adjacent County Road System at any time, unless otherwise approved through conditions of this permit and/or through County Road Operations.
- That the subject development shall conform to the County's *Noise Control Bylaw C-8067-2020 & Road Use Agreement Bylaw C-8323-2022*, in perpetuity.
- That the site shall remain free of restricted and noxious weeds in accordance with the approved onsite Weed Management Plan and the site shall be maintained in accordance with the *Alberta Weed Control Act [Statutes of Alberta, 2008 Chapter W-5.1, November 16, 2022]*.
- That the required Building Permit(s) and applicable subtrade permits shall be obtained through Building Services prior to any construction taking place and shall include any requirements of the provided *Building Code Comments for Proposed Development* letter, dated September 20, 2022;
  - That each use occupied within the multi-use building shall be considered as separate uses and each use shall obtain separate occupancy permits;
  - The Applicant/Owner shall review the County's Solar Photovoltaic Requirements Information sheet for permitting requirements;
  - That Building Demolition permits shall be obtained through Building Services prior to any demolition of any existing buildings onsite; and
  - *That the subject development shall conform to the National Energy Code 2019 Alberta Edition, with documentation/design at Building Permit, if applicable.*
- That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner including a Roadside Development Permit through Alberta Transportation and





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any Alberta Health Services approvals in accordance with the *Alberta Public Health Act (RSA 2000)*.

Please contact Jacqueline Targett at 403-520-8161 with any questions or concerns related to this decision and quote the file number noted above.

A handwritten signature in black ink, appearing to read "Michelle Mitton".

Michelle Mitton  
**Legislative Officer**  
(403) 520-1290  
[mmitton@rockyview.ca](mailto:mmitton@rockyview.ca)