



PLANNING AND DEVELOPMENT SERVICES

TO:	Council	DIVISION:	1
DATE:	September 1, 2020	APPLICATION:	PL20200064
TIME:	Morning Appointment	FILE:	03927001
SUBJECT:	Redesignation Item – Agricultural, General District to Agricultural, Small Parcel District		

POLICY DIRECTION:

The County Plan and the Land Use Bylaw.

EXECUTIVE SUMMARY:

The purpose of this application is to redesignate the subject lands from Agricultural, General District (A-GEN) to Agricultural, Small Parcel District (A-SML) in order to facilitate the creation of a ± 60.00 acre parcel with a ± 80.70 acre remainder.

Council gave first reading to Bylaw C-8061-2020 on June 23, 2020.

On July 28, 2020 Council approved a new Land Use Bylaw (C-8000-2020) which comes into effect on September 8, 2020. Administration has reviewed the district conversions and confirmed that the originally proposed Ranch and Farm Three District (RF-3) under Land Use Bylaw (C-4841-97) converts to Agricultural, Small Parcel District (A-SML) in Land Use Bylaw (C-8000-2020). Should the proposal be approved, the land use change will take effect on September 8, 2020.

The application was circulated to 10 adjacent landowners and two letters of opposition were received in response (see Appendix 'D'). The application was also circulated to a number of internal and external agencies; responses are available in Appendix 'A'.

The following is a summary of the application assessment:

- The proposal is consistent with Agricultural policies within the County Plan;
- The proposal meets the intent of the New Residential Areas policy within the Greater Bragg Creek Area Structure Plan where a large agricultural parcel is supported;
- All technical matters required at this stage of the application process are satisfactory.

ADMINISTRATION RECOMMENDATION:

Administration recommends approval in accordance with Option #1.

DATE APPLICATION RECEIVED:	May 25, 2020
DATE DEEMED COMPLETE:	May 25, 2020

PROPOSAL:	To redesignate the subject lands from Agricultural, General District (A-GEN) to Agricultural, Small Parcel District (A-SML), in order to facilitate the creation of a ± 60.00 acre parcel with a ± 80.70 acre remainder.
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LEGAL DESCRIPTION:	A portion of NE-27-23-05-W05M
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GENERAL LOCATION:	Located 0.81 km (1/2 mile) north of Township Road 234 and on the west side of Range Road 52, approximately 3.0 miles northwest of the community of Bragg Creek.
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Administration Resources

Xin Deng, Planning and Development Services



APPLICANT: Jillian Perras and Jaro Wardwell

OWNERS: Jillian Perras and Jaro Wardwell

EXISTING LAND USE DESIGNATION: Agricultural, General District

PROPOSED LAND USE DESIGNATION: Agricultural, Small Parcel District

GROSS AREA: ± 140.70 acres

SOILS (C.L.I. from A.R.C.):

7T,H – The northeast portion of the land contains soil with no capability for cereal crop production due to adverse topography and temperature.

6X,W,H – The central of the land contains soil with no feasibility for cereal crop production due to deep organic deposit, excessive wetness/poor drainage and temperature.

5H,T,D – The southwest portion of the land contains soil with very severe limitations for cereal crop production due to temperature, adverse topography, and low permeability.

HISTORY:

December 9, 2014 Subdivision application (PL20140034) was approved to create a ± 19.70 acre parcel with a ± 140.30 acres remainder. The remainder land is the subject land in this case.

September 23, 2014 Redesignation application (PL20130026) was approved to redesignate a portion of the quarter section from Ranch and Farm District to Residential Three District, in order to facilitate the creation of a ± 19.7 acre parcel with a ± 140.3 acres remainder.

BACKGROUND:

The property contains a dwelling, tennis court, outdoor horse riding arena and several horse shelters. The land is accessed through the existing approach at the north end of Range Road 52.

The site slopes toward the center of the lands, where the open area and wetlands are located. The applicant indicated that one of the ponds is currently used for fish farming. The applicant proposes to raise bison and grow local vegetables on the proposed new lot, in order to provide local products to the local farmers markets.

The subject land is located within the Greater Bragg Creek Area Structure Plan, immediately south east of Tsuut'ina Nation Reserve. The residential development is about 1 mile to the east, and the Hamlet of Bragg Creek is located approximately 3 miles to the south east of the subject land.

POLICY ANALYSIS:

County Plan

Section 8 Agriculture provides policies to evaluate redesignation applications facilitating a first parcel out or the creation of smaller agricultural parcels.

Policy 8.18 outlines criteria for evaluation of redesignation and subdivision proposal for smaller agricultural parcels.



The proposed agricultural operation for raising bison would be compatible with adjacent agricultural uses, and compatible with cattle farming within the nation reserve nearby. The Applicant indicated that the smaller agricultural parcel would allow them to be more successful in operating the proposed business. The proposed bison farming and vegetable planting would promote local food businesses and service local residents. Further, the Applicant indicates that the proposed development would not have a negative impact on on-site and off-site infrastructure or services. Limited traffic is anticipated from the proposed agricultural use; therefore, a Traffic Impact Assessment is not required at this time. The proposal is consistent with the County Plan policies.

It should be noted that Range Road 52 is not constructed to standard from Fawn Hills Drive up to the subject land. At the time of subdivision, the Applicant will be required to enter into a Development Agreement with the County to upgrade Range Road 52 (approximately 3.6 km in total length) to a Regional Low Volume Standard, and construct other required road infrastructure (i.e. road approaches, a cul-de-sac at the termination point of the road, etc.) in accordance with the County's Servicing Standards.

Greater Bragg Creek Area Structure Plan

The subject land falls within the "New Residential Areas" policies within the GBCASP. Policy 7.4.4.f) states that a larger parcel may be considered if it will support agricultural and/or open space planning. The proposed 60 acre new parcel will be used for agricultural purposes, therefore, the proposal meets the policy.

Land Use Bylaw (C-8000-2020)

The proposal meets the requirements of the Agricultural, Small Parcel District (A-SML) of Land Use Bylaw (C-8000-2020).

As the application was made for RF-3 under Land Use Bylaw (C-4841-97); the parcel size of A-SML has been modified to 12.1 ha (29.99 ac) through section 312.c) as noted by the p12.1 on the land use map.

OPTIONS:

- | | | |
|------------|---|---|
| Option #1: | Motion #1 | THAT Bylaw C-8061-2020 be amended in accordance with Appendix 'B'. |
| | Motion #2 | THAT Bylaw C-8061-2020 as amended be given second reading. |
| | Motion #3 | THAT Bylaw C-8061-2020 as amended be given third and final reading. |
| Option #2: | THAT application PL20200064 be refused. | |

Respectfully submitted,

Concurrence,

"Theresa Cochran"

"Al Hoggan"

Executive Director
Community Development Services

Chief Administrative Officer

XD/llt



APPENDICES:

APPENDIX 'A': Application Referrals

APPENDIX 'B': Bylaw C-8061-2020 and Schedule A

APPENDIX 'C': Map Set

APPENDIX 'D': Landowner Letters

APPENDIX 'E': Applicant's Response Letter



APPENDIX A: APPLICATION REFERRALS

AGENCY	COMMENTS
<i>Internal Departments</i>	
Agricultural Services	The two components of the proposal appear to be acceptable operations as the land will continue to be used for agricultural purposes. The proposed new and distinct agricultural operation, could also be carried out under the current land use designation
Planning and Development Services - Engineering	<p data-bbox="404 682 521 711">General:</p> <ul data-bbox="453 730 1398 915" style="list-style-type: none"> <li data-bbox="453 730 1300 760">• The review of this file is based upon the application submitted. <li data-bbox="453 779 1398 915">• As a condition of future subdivision, the applicant will be required to enter into a Deferred Servicing Agreement outlining that future lot owners will be required to connect to County wastewater, storm water and potable water servicing when such services become available. <p data-bbox="404 934 597 963">Geotechnical:</p> <ul data-bbox="453 982 1390 1201" style="list-style-type: none"> <li data-bbox="453 982 1084 1012">• Engineering has no requirements at this time. <li data-bbox="453 1031 1390 1201">• Although there exists steep slopes on the subject lands, because the subject land is large, development can easily avoid the slope. Should the owner propose future development on the steep slope, this would trigger the requirement for a geotechnical slope stability analysis conducted by a qualified professional geotechnical engineer. <p data-bbox="404 1220 618 1249">Transportation:</p> <ul data-bbox="453 1268 1438 1738" style="list-style-type: none"> <li data-bbox="453 1268 1084 1297">• Engineering has no requirements at this time. <li data-bbox="453 1316 1438 1621">• Current access to the remainder parcel is provided via road approach off of Range Road 52, however, Range Road 52 is not constructed to standard from Fawn Hills Drive up to the subject land. As a condition of future subdivision, the applicant/owner will be required to enter into a development agreement (DA) with the County to upgrade Range Road 52 (approximately 3.6 km in total length) to a Regional Low Volume Standard as well as construct other required road infrastructure (i.e. road approaches, a cul-de-sac at the termination point of the road, etc.) in accordance with the County's Servicing Standards. <li data-bbox="453 1640 1430 1738">• The applicant/owner will not be required to pay the transportation offsite levy, as per the applicable TOL bylaw at time of subdivision approval, as the subject land is located within the agricultural land use district. <p data-bbox="404 1774 711 1803">Sanitary/Waste Water:</p> <ul data-bbox="453 1822 1414 1938" style="list-style-type: none"> <li data-bbox="453 1822 1084 1852">• Engineering has no requirements at this time. <li data-bbox="453 1871 1414 1938">• The applicant is not required to demonstrate adequate servicing for Lot 1 and the remainder parcel, as per the County's Residential Water and



AGENCY	COMMENTS
	<p>Sewer Requirements Policy (C-411), since the subject lands are located in the Ranch and Farm land use district and are greater than 30 acres in size.</p> <p>Water Supply And Waterworks:</p> <ul style="list-style-type: none"> • Engineering has no requirements at this time. • The applicant is not required to demonstrate adequate servicing for Lot 1 and the remainder parcel, as per the County's Residential Water and Sewer Requirements Policy (C-411), since the subject lands are located in the Ranch and Farm land use district and are greater than 30 acres in size. <p>Storm Water Management:</p> <ul style="list-style-type: none"> • Engineering has no requirements at time time. • The proposed development is expected to have minimal impact to existing drainage conditions. <p>Environmental:</p> <ul style="list-style-type: none"> • Engineering has no requirements at this time. • The applicant/owner will be responsible to obtain all required AEP approvals should the proposed development impact any wetlands.
Transportation	<p>Transportation Services has the following recommendations/advisories/comments regarding this application:</p> <ul style="list-style-type: none"> • Recommend a Traffic Impact Assessment (TIA) to confirm if traffic generated from the development/business will require upgrade to County Road Network. • Applicant to confirm access to development / subdivided lots.

Circulation date: June 4, 2020 – June 25, 2020

Agencies that did not respond, expressed no concerns, or were not required for distribution, are not listed.



ROCKY VIEW COUNTY

BYLAW C-8061-2020

A Bylaw of Rocky View County to amend Land Use Bylaw ~~C-4841-97~~ **C-8000-2020**.

The Council of Rocky View County enacts as follows:

PART 1 - TITLE

This Bylaw shall be known as Bylaw C-8061-2020.

PART 2 - DEFINITIONS

In this Bylaw, the definitions and terms shall have the meanings given to them in Land Use Bylaw ~~C-4841-97~~ **C-8000-2020** and the *Municipal Government Act*.

PART 3 - EFFECT OF BYLAW

THAT Part 5, Land Use Map No.39 and No.39 NE of Bylaw ~~C-4841-97~~ **C-8000-2020** be amended by redesignating a portion of NE-27-23-05-W05M from Ranch and Farm District **Agricultural, General District (A-GEN) to Agricultural, Small Parcel District (A-SML p12.1)** Ranch and Farm Three District, as shown on the attached Schedule 'A' forming part of this Bylaw.

THAT A portion of NE-27-23-05-W05M, is hereby redesignated to **Agricultural, Small Parcel District (A-SML p12.1)** Ranch and Farm Three District, as shown on the attached Schedule 'A' forming part of this Bylaw.

PART 4 - TRANSITIONAL

Bylaw C-8061-2020 comes into force when it receives third reading, and is signed by the Reeve/Deputy Reeve and the CAO or Designate, as per the *Municipal Government Act*.

Bylaw C-8061-2020 comes into full force and effect when Rocky View County Land Use Bylaw C-8000-2020 comes into full force and effect.

Division: 1

File: 03927001 / PL20200064

READ A FIRST TIME IN COUNCIL this 23 day of June , 2020

PUBLIC HEARING WAS HELD IN COUNCIL this day of , 2020

READ A SECOND TIME IN COUNCIL this day of , 2020

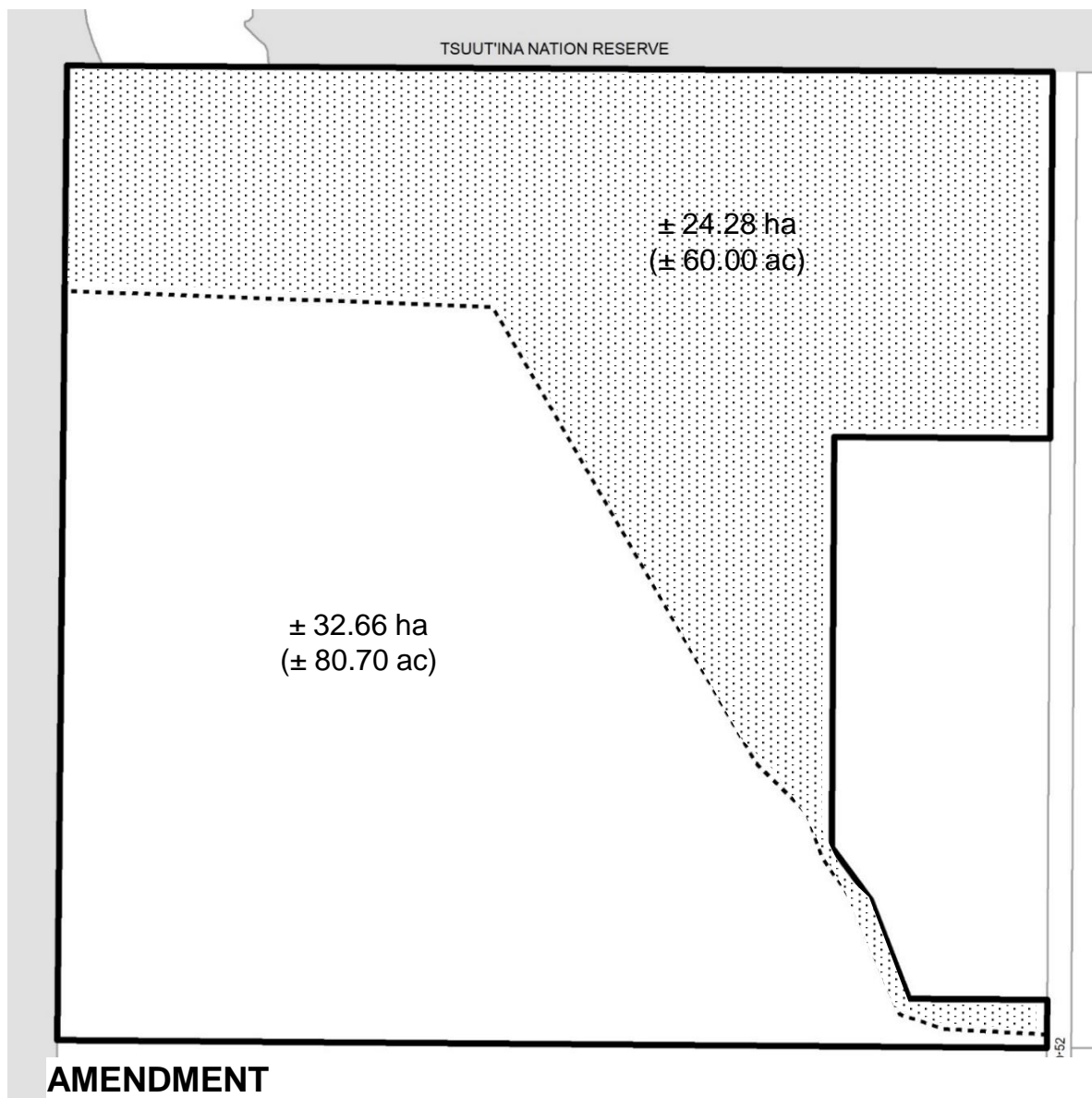
READ A THIRD TIME IN COUNCIL this day of , 2020

Reeve

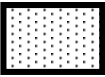

CAO or Designate

Date Bylaw Signed

BYLAW: C-8061-2020

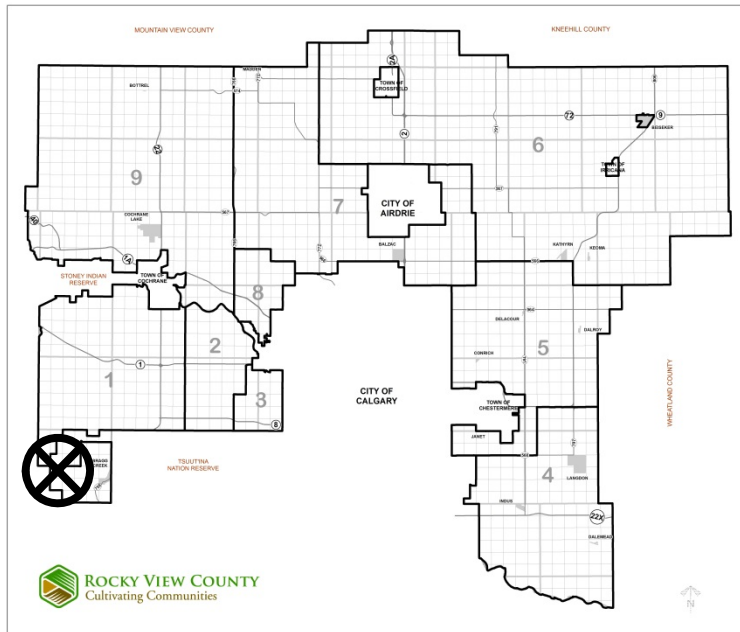


AMENDMENT

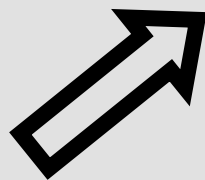
FROM	Ranch and Farm District Agricultural, General District (A-GEN)	TO	Ranch and Farm Three District Agricultural, Small Parcel District (A-SML p12.1)	
FROM	Ranch and Farm District Agricultural, General District (A-GEN)	TO	Ranch and Farm Three District Agricultural, Small Parcel District (A-SML)	
Subject Land _____				

LEGAL DESCRIPTION: A portion of NE-27-23-05-W05M

FILE: PL20200064 - 03927001



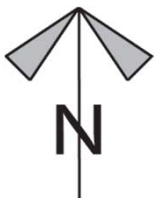
TSUUT'INA NATION RESERVE



27

26

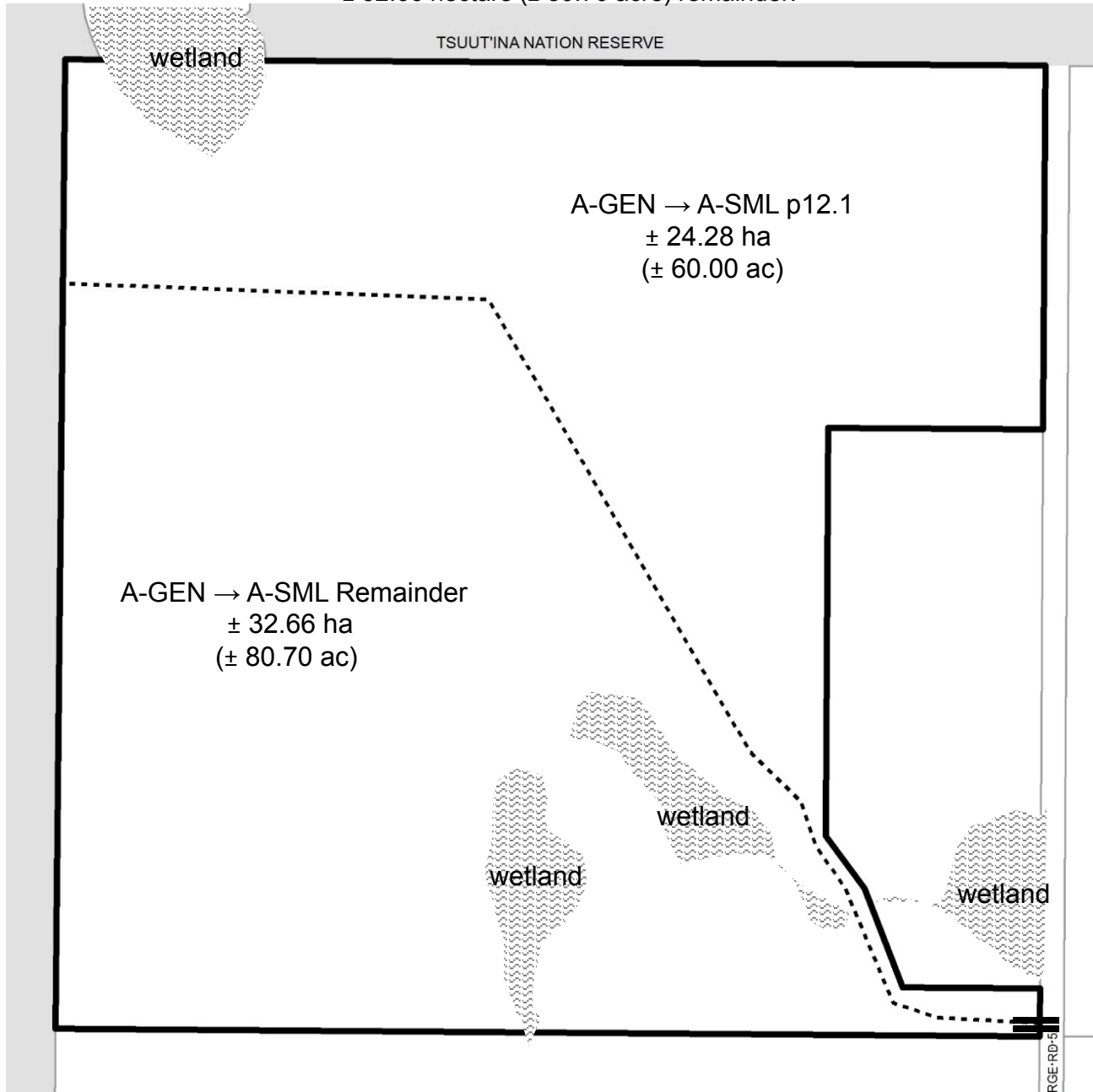
LOCATION PLAN



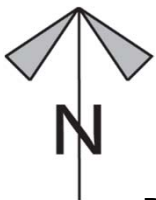
A portion of NE-27-23-05-W05M

Date: May 27, 2020Application: PL20200064File: 03927001

Redesignation Proposal: To redesignate the subject lands from Agricultural, General District (A-GEN) to Agricultural, Small Parcel District (A-SML p12.1) and Agricultural, Small Parcel District (A-SML) to facilitate the creation of a ± 24.28 hectare (± 60.00 acre) new lot (Lot 1) with a ± 32.66 hectare (± 80.70 acre) remainder.



DEVELOPMENT PROPOSAL



A portion of NE-27-23-05-W05M

Date: May 27, 2020

Application: PL20200064

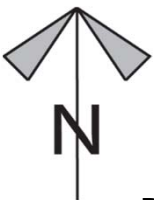
File: 03927001



Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

AIR PHOTO

Spring 2018



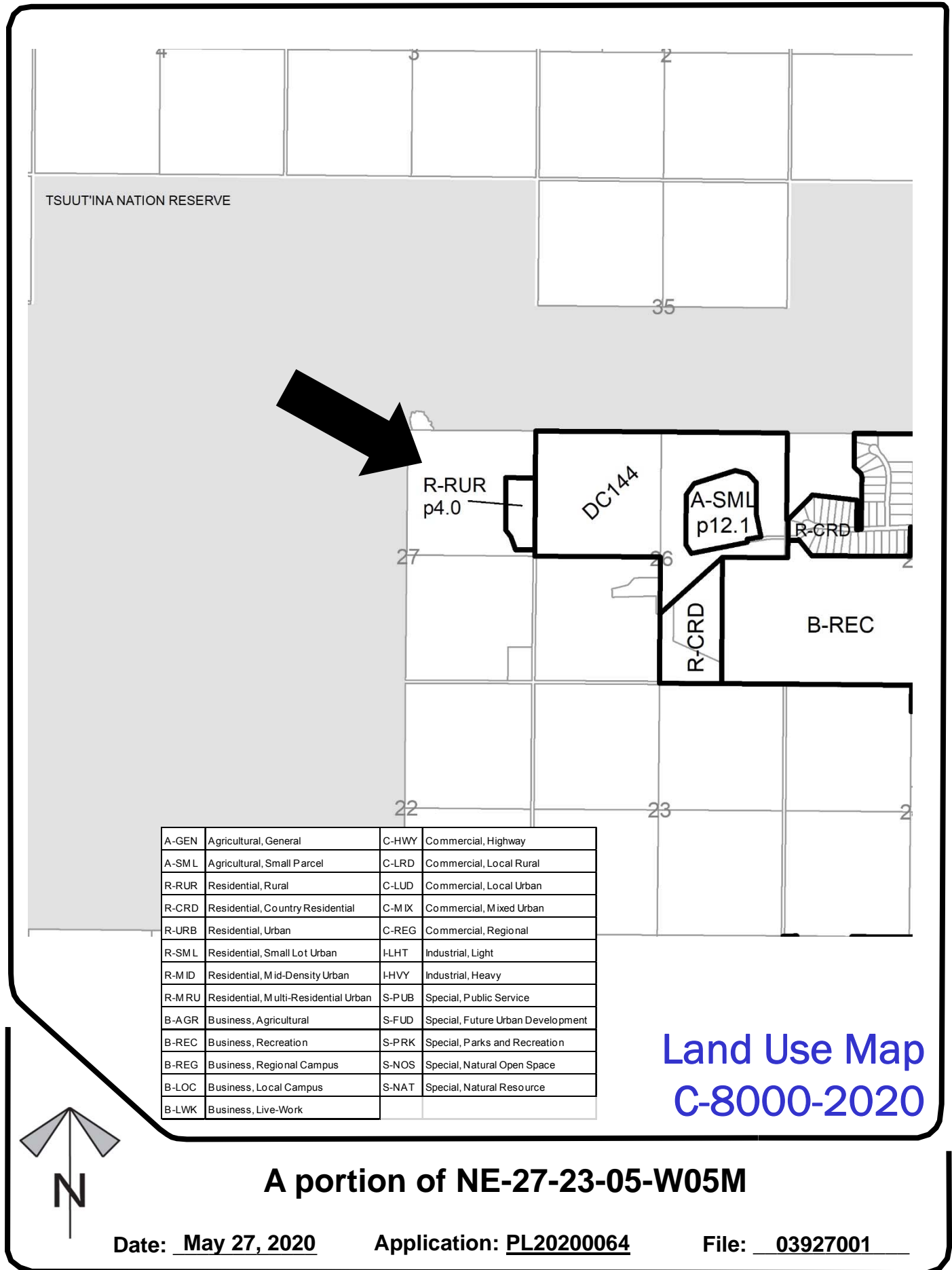
A portion of NE-27-23-05-W05M

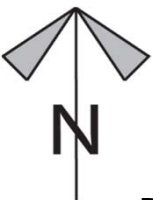
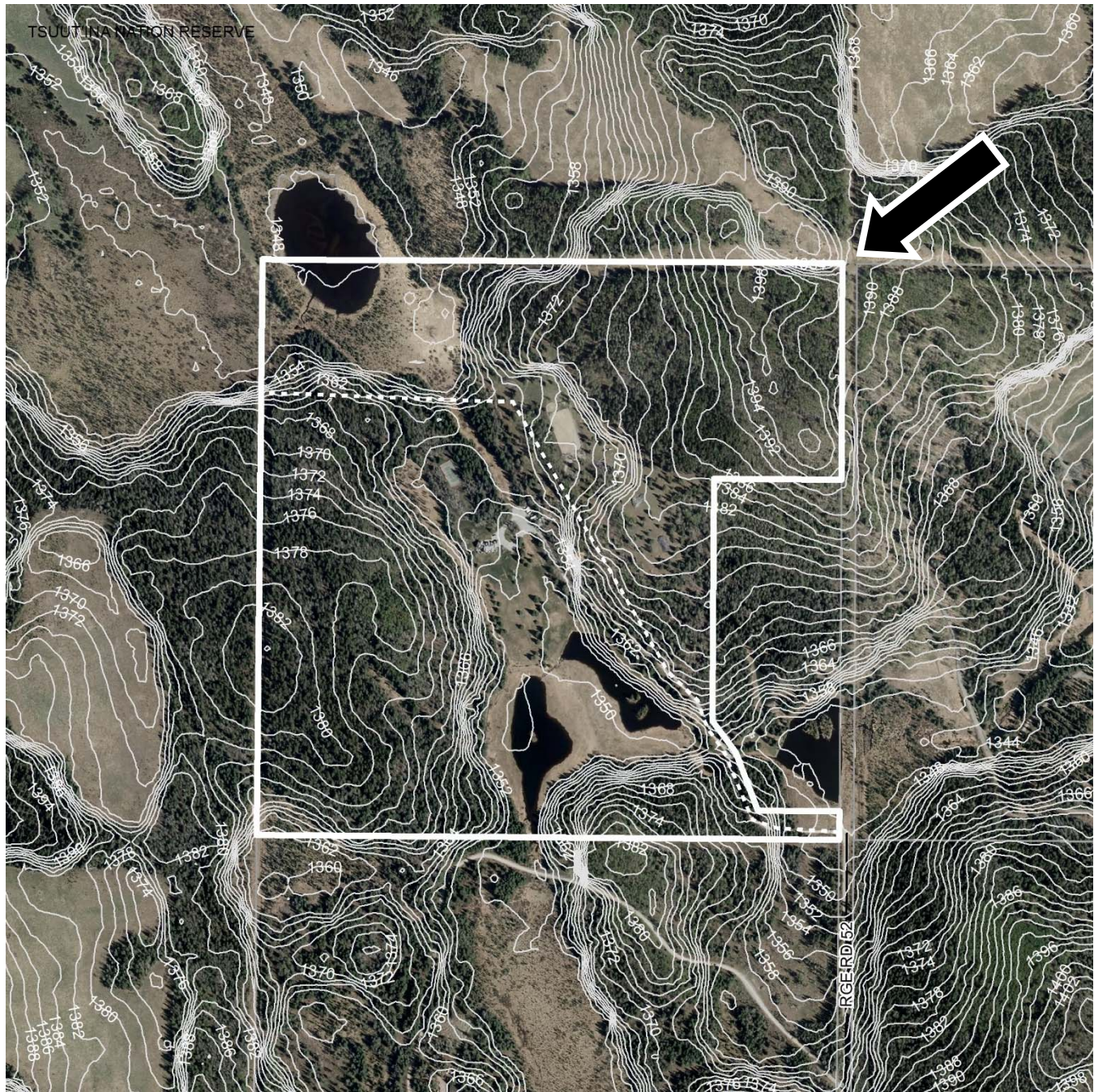
Date: May 27, 2020

Application: PL20200064

File: 03927001





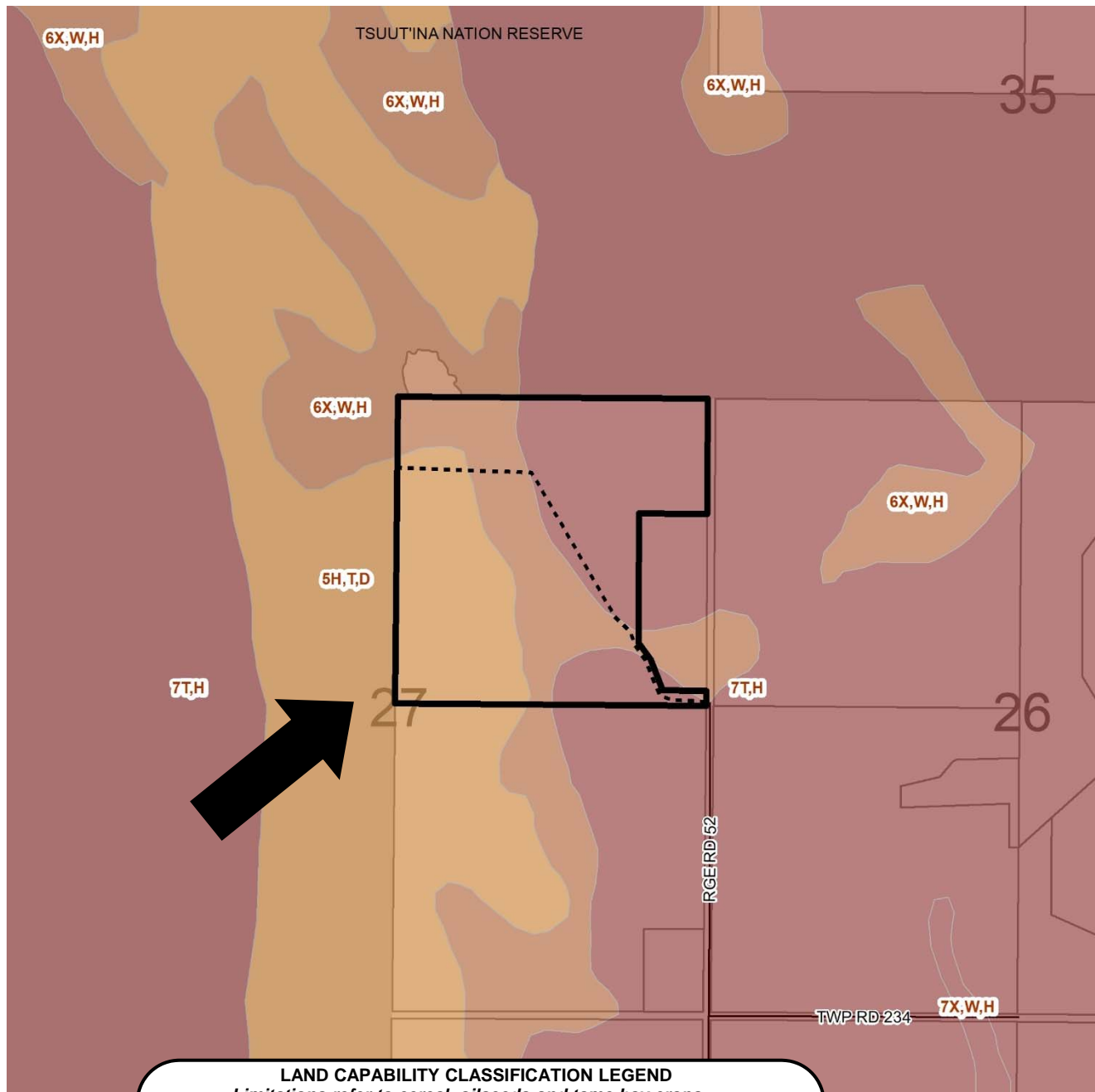


A portion of NE-27-23-05-W05M

Date: May 27, 2020

Application: PL20200064

File: 03927001



LAND CAPABILITY CLASSIFICATION LEGEND
Limitations refer to cereal, oilseeds and tame hay crops

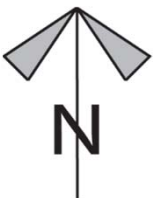
CLI Class

- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

Limitations

- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile development
- M - low moisture holding, adverse texture
- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high sodicity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable

SOIL MAP



A portion of NE-27-23-05-W05M

Date: May 27, 2020

Application: PL20200064

File: 03927001



Date: July 24, 2020

Subject: PL20200064-03927001, Range Road 52, North Bragg Creek

To: Xin Deng, Senior Municipal Planner

Dear Ms. Deng:

We are writing in opposition to the proposed subdivision of the previously subdivided quarter section at the terminus of Range Road 52 in North Bragg Creek. Opposition to this proposal is based on two main factors:

1. Planning Policy of the Greater Bragg Creek Area Structure Plan as well as the Rocky View County Master Agricultural Plan and County Plan 2013:
 - a. The Greater Bragg Creek Area Structure Plan classifies this parcel as New Residential which mandates comprehensive planning, under the policy formula for Gross Developable Acreage of lots sized of .5 acres to 2 acres to be connected to communal water and wastewater. The policy goal of the GBCASP was to encourage SMART (Cluster) Development, rather than fragmentation of the Agriculturally Zoned land base and to minimize the impact of residential development on the wetlands, limited water table, and forest cover as mapped in the Resource Inventory Analysis of the GBCASP. First parcel out was supported under the Greater Bragg Creek Area Structure Plan and a 20 acre parcel was separated prior to the purchase of this 140 acre parcel by the applicant; this subdivided parcel was zoned R-3 and was sold as for an Equine use.

The Greater Bragg Creek Area Structure Plan does not permit arbitrary large parcels to be subdivided.

- b. The zoning of the parcel to be subdivided is Ranch and Farm and is presently being advertised through VRBO and airbnb as a commercial property under Short Term Rental Accommodation (with accommodation for up to 16); last summer, prior to the Covid epidemic, it was advertised and functioned as an Event Center and the present descripton still states "Parties/Events allowed". There have been numerous issues with the road use and related noise. This does not fit the County Agricultural

p.2/Breakey/re:PL2020064-03927001

Master Plan Policy of “new and unique agricultural use” but is rather a subdivision for the sake of resale.

2. Road Safety Standards and related liability under the Revised Land Use Bylaw May 2020

- a. The undeveloped portion of Range Road 52 was developed under a private “close and lease” agreement with the County in 1989 in order to construct the first residence on the quarter section NE22 Township 22 Range 5 w5M; an access road was then extended up the steepest slopes within the road allowance, to build 3 more residences over the next few years, also under Private Road Agreements. Two First Parcel out subdivisions were taken together with another private road agreement on the Township Road which resulted in a total of 8 access roads to residences, from the Highland Stock Farm gate, as well as several vacant parcels not yet developed. The private road agreements lapsed and the County declared that Range Road 52 was a Regional Low Volume access road. However, development post the private road agreements was not required to upgrade what was built essentially as private access roads for the first few homes.

The history of Range Road 52 extension has created a situation in 2020 of a non standard road with variably unsafe conditions and continued liability to the County should future use be approved without upgrades from the developer/applicant. Range Road 52 is classified, under the Road Standards of the 2020 Land Use Bylaw as a “Regional Low Volume Road”. Table 400-F indicates that this is the lowest standard for a two-lane gravel road, generally servicing a small number of residences with a posted speed of 60 km/hr, a Right of Way of 20 m. with a minimum surface width of 7.0 m and a maximum of 9.0 m. Minimum ditching must be 1 m. Maximum slopes are under 8 percent. None of these conditions are met.

There are presently at least four blind hills with one suspended intersection; gradients on these hills are well in excess of the allowable 8 percent slopes. There is no ditching and the road is regularly dangerously rutted; at least one erupted section has been

p.3/Breakey/re:PL2020064-03927001

signed but nor repaired by the County this summer, due to an undiverted spring and the County has posted a “Road Impassable at times” sign. Road width is well under the allowable 7 m., it is often impossible to pass oncoming traffic with safety. Road maintenance by the County is minimal and consists of one gravel and grading and one snow clearing per annum.

At the very least, a Traffic Impact Assessment should be required both in the context of the Development Permit for the Vacation Home property as well as the proposed subdivision.

Range Road 52 was considered in the Technical Analysis for Emergency Egress from West Bragg Creek and was determined to be many multiples more expensive to upgrade and build than the Wintergreen Road extension. It has been adequate for access to our quarter section as we have not had to deal with the numerous steep gradients and extremely narrow road widths without shoulders which extend north from our gate. However, the road is at the maximum of road use and well below the standards of a Regional Low Volume Road. Extensive upgrades must be required, prior to any new subdivision and development to handle the increase in volume of road traffic planned through future subdivision.

Kindest Regards,
Liz and Alan Breakey
NE/4 Section 22, Township 22 Rge 5 W5M
(1 Km. south of proposed subdivision)

WALTER VERKLEIJ
[REDACTED]
[REDACTED]

August 11, 2020

VIA FACSIMILE - (403) 277-3066

Planning Services Department
Rocky View County
262075 Rocky View Point
Rocky View County, AB T4A 0X2

Attention: Ms. Xin Deng, Municipal Planner

Re: File Number: 03927001
Application Number: PL20200064
Division: 1
Applicants/Owners: Jill Perras and Jaro Wardwell

Dear Ms. Deng:

As a full-time resident of Bragg Creek, and as a landowner who Rocky View County (RVC) has identified as owning land in the immediate vicinity of the land subject to the application, I appreciate the opportunity to provide comments in response to the Applicants' letter of August 7, 2020.

Before moving on to a more detailed discussion of the issues, I should note that, contrary to the Applicants' assertion, at no time have I caused Range Road 52 (Road) to be blocked. Further, the two pictures of the Road taken by Applicants following Spring maintenance by RVC are simply snapshots in time, and fail to show the accumulated damage due to Airbnb traffic.

I. Applicants do not Contest that the Redesignation Application (RA) Violates the Municipal Development Plan (MDP) and Greater Bragg Creek Area Structure Plan (GBCASP)

The Applicants do not contest that the RA flies in the face of the MDP and GBCASP. Instead, as more fully discussed below, they seek to rely upon provisions of the RVC County Plan, as amended April 10, 2018.

The MDP states in Section 4.3 that "[t]he quarter section as the basic agricultural land unit is encouraged, and subdivision of this land unit will be discouraged...." Section 4.11 e)

Planning Services Department
August 11, 2020
Page 2 of 6

states that once a Farmstead or first parcel out has been created, “the balance of the quarter section is maintained as an agricultural land use.” (Source: MDP, 1998, pp. 15-19)

The County Plan reinforces the conclusion that the 140 acres should remain un-divided. The portion of the County Plan which discusses first parcel out states that a first parcel out should be supported if “the balance of the *un-divided quarter section* is maintained as an agricultural land use.” (Source: County Plan, 2018, p. 38; italics in original) A first parcel out was taken on this quarter section several years ago. Pursuant to the provisions of the MDP and the County Plan, the remainder of this quarter section properly should remain “un-divided.”

In their letter, Applicants state: “We are not making a first parcel out application.” The issue is not whether the Applicants are making a first parcel out application. The point is that nowhere in the MDP or County Plan does it state that a change in the land ownership voids the conditions of the first parcel out. One of the conditions of a first parcel out is that the remainder of the quarter section stay un-divided. Further subdivision of a quarter section would be in conflict with public opinion and the goals and objectives of the GBCASP and the provisions of the MDP and County Plan, and would lead to the endless fragmentation of agricultural land.

On these grounds alone the RA should be denied.

II. Applicants’ Reliance on the County Plan is Misplaced

In their letter, Applicants refer to portions of the RVC County Plan, Part II. B. 8.0 - Agriculture, to support the RA. A closer examination of the Agriculture section of the County Plan, however, demonstrates that its provisions do not support a redesignation of the subject land.

Applicants first point to Sections 8.7 and 8.8. While the plan of RVC is to support and encourage agriculture operations, small scale agriculture should be “value-added.” (Source: County Plan, Part II. B. 8.7 & 8.8, p. 38) There is nothing to suggest a bison herd, and the growing of organic vegetables, would be a “value-added” agricultural operation as defined by the County Plan.

Section 8.10 also envisions a “road network” that would allow for the safe and timely movement of Applicants’ goods. (Source: County Plan, p. 38) Based upon the condition of the Road, as discussed in my letter dated July 30, 2020, it certainly could not withstand the added stress and strain of bison movement and repeated hauling of feed and produce.

Applicants also refer to Section 8.15 which indicates support for a range of parcel sizes “where appropriate.” (Source: County Plan, p. 38) The criteria used to determine the appropriateness of parcel sizes are listed in that portion of 8.0 entitled: *Redesignation and*

Planning Services Department

August 11, 2020

Page 3 of 6

Subdivision for Agricultural Purposes. (Source: County Plan, p. 39) The RA fails to meet the criteria set forth.

In the first paragraph of the *Redesignation and Subdivision for Agricultural Purposes* section, reference is made to “parcel sizes” in the context of “acknowledging that emerging trends in agriculture may be successfully developed on smaller parcels of land.” Bison farming and growing organic vegetables are not “emerging trends” in agriculture. Nor would this result in agricultural diversification. There has been bison farming in Alberta since the early 1900s when the Pablo-Allard bison herd was shipped from Montana. As demonstrated by local farmers’ markets, and grocery stores, organic vegetable farming has been around for decades.

The *Redesignation* section goes on to set forth the criteria used to evaluate redesignation proposals. (Source: County Plan, p. 39) They are:

- a. A similar pattern of nearby small agricultural operations;
- b. A planning rationale justifying why the existing land use and parcel size cannot accommodate the *new or distinct agricultural operation*;
- c. A demonstration of the need for the new agricultural operation;
- d. An assessment of the proposed parcel size and design, to demonstrate it is capable of supporting the new or distinct agricultural operation. Site assessment criteria include:
 - i. suitable soil characteristics and topography;
 - ii. suitable on-site infrastructure for the proposed use. Required infrastructure may include access areas, water wells, irrigation and sewage infrastructure, and manure management capability; and
 - iii. compatibility with existing uses on the parent parcel and adjacent lands;
- e. An assessment of the impact on, and potential upgrades to, County infrastructure; and
- f. An assessment of the impact on the environment including air quality, surface water, and ground water.

While Applicants refer on page 3 of their August 7, 2020 letter to paragraph a., in fact, there is no “...similar pattern of nearby small agricultural operations...” to that which is proposed by the Applicants. There are ranching operations on the Road, however, there is no bison farming. Many years ago, there was a bison operation on a quarter section located on the Road, but it was terminated. The nearest bison ranches are in Olds and Airdrie. Moreover, the ranching operations on the Road are not on small lots. Both are on one or more quarter sections. Further, a single 1,500 square foot micro greens operation does not establish a *pattern* of small agricultural operations in the Bragg Creek area.

Planning Services Department
August 11, 2020
Page 4 of 6

Regarding the application of other criteria, there is no planning rationale that justifies dividing the 140 acres into two parcels. In their letter, dated May 25, 2020, Applicants state that the 80 acres are "...not suitable for the new agricultural use." being proposed, and describe the parent parcel as densely treed and not suitable for livestock and vegetable production. In the same letter, Applicants state that the 60 acres are somehow better suited for the proposed bison and vegetable farming. Without a proper agronomy report and soil testing there is no scientific basis for this conclusion.

A view of the subject property, using Google satellite imaging (see below), shows the 60 acres to be just as densely treed as the 80 acre parent parcel and with little grazing area. The areas around the tennis court and other structures that could possibly serve as grazing areas would remain part of the 80 acre parent parcel. The grazing area visible on satellite imaging is around a lake that extends onto Tsuut'ina Nation Lands. To avoid contamination of this lake, presumably, it would have to be fenced off. It appears that the fish ponds referred to by Applicants in their letter could be fenced off as well as a way to avoid further subdivision of the 140 acres.

According to their May 25, 2020 letter, Applicants propose to operate a bison herd of 30 animals or 2 acres per animal. The Bison Producers of Alberta website shows the stocking rates (or Animal Unit Months [AUM]) under almost perfect pasture and precipitation conditions. (Source: www.bisoncentre.com) As stated above, the Google satellite image shows the 60 acres to be a mostly treed area, incapable of producing enough forage or AUMs to sustain a viable bison herd. Indeed, bison roamed the plains in North America for centuries and it is difficult to see how 60 acres would be better for a bison herd than 140 acres. The options available to the Applicants would be to clear the 60 acres to open more areas for grazing; reduce the herd size to the point it becomes a meaningless agricultural operation; or turn the 60 acres into a feedlot. The latter would create substantial environmental issues including manure management and water and soil contamination of the fragile and sensitive water and wetlands areas. If there is a need to clear trees to create grazing areas, that could be done on the parent parcel as well, which would eliminate the need to further subdivide the 140 acres.

Moreover, as set forth in Appendix A, Section 7 of the 2011 Agricultural Master Plan, if "...a landowner is serious about starting a new and expanded operation, and permanently fragmenting the land base to support it, they should be required to demonstrate sufficient information in these areas." The RA does not meet this standard.

A bison farming and vegetable growing operation would add strain to the RVC infrastructure as it would involve moving the bison and hauling feed and produce on a regular basis. In fact, it would exacerbate the already poor Road conditions.

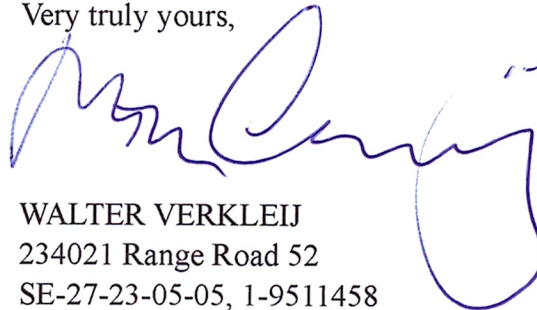
Planning Services Department
August 11, 2020
Page 5 of 6

In summary, the RA fails to meet the criteria laid out in Section 8.0 and should be denied. Bison farming and vegetable growing operations are not new, innovative, or part of an emerging trend. Applicants' proposed operations would not diversify the agricultural economy, and there is no planning rationale that justifies why the existing 140 acres could not accommodate the proposed operations. It is very unfortunate that the Applicants are experiencing challenges with their current property, as outlined in their May 25, 2020 letter. Nevertheless, RVC should adhere to the provisions of the Municipal Development Plan, the County Plan and the Greater Bragg Creek Area Structure Plan, which counsel against fragmentation of agricultural lands. Approval of the RA would set a precedent that would encourage efforts to subdivide. Resulting subdivisions would lead to the unwanted fragmentation of agricultural lands in this and other areas of RVC.

III. Conclusion

Based upon my comments set forth herein, as well as in my letter dated July 30, 2020, the undersigned property owner respectfully requests that Rocky View County deny the Redesignation Application.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Walter Verkley', is written over the typed name and address.

WALTER VERKLEY
234021 Range Road 52
SE-27-23-05-05, 1-9511458

Cc: Mark Kamachi, Councillor, Division 1
Dominic Kazmierczak, Supervisor Planning (Policy), Planning Services Department



WALTER VERKLEIJ
P. O. BOX 1055
BRAGG CREEK, AB T0L 0K0

July 30, 2020

VIA FACSIMILE - (403) 277-3066

Planning Services Department
Rocky View County
262075 Rocky View Point
Rocky View County, AB T4A 0X2

Attention: Ms. Xin Deng, Municipal Planner

Re: File Number: 03927001
Application Number: PL20200064
Division: 1
Applicants/Owners: Jill Perras and Jaro Wardwell

Dear Ms. Deng:

Thank you for extending the deadline to July 31, 2020, for submission of comments in response to the above-referenced Redesignation Application (RA). The additional time has been most helpful in preparing this letter. I am writing in opposition to the RA and request that it be denied. As more fully discussed in Section I. below, the RA violates the existing Municipal Development Plan (MDP), is in conflict with the Greater Bragg Creek Area Structure Plan (GBCASP), and is premature. Before any consideration of a redesignation, Rocky View County (RVC) should first consider and address the continuous negative impact of the operation of the Applicants' existing Airbnb on Range Road 52 (Road), the surrounding property owners and the local business community.

I. Redesignation Application

1. RA Violates the MDP and is in Conflict With the GBCASP

Although a new Municipal Development Plan is currently being developed, it is assumed that the existing MDP remains operative and, therefore, applies to this RA.

The land in this part of Greater Bragg Creek consists mainly of quarter sections. (Source: GBCASP, Figure 4, p. 17) Section 4.3 of the MDP informs us that the quarter section is the basic agricultural land unit and that, with the exception of the creation of a Farmstead District, "... *subdivision of this land unit will be discouraged...*" (Source: MDP, 1998, p. 15) The previous

Planning Services Department
July 30, 2020
Page 2 of 6

owners of the subject property completed a Farmstead District (or first parcel out) several years ago. Section 4.11 e) of the MDP explicitly states that as a condition for creating a Farmstead District (or first parcel out) “...*the balance of the quarter section is maintained as an agricultural land use.*” (Source: MDP, 1998, p. 17) Both the RF (A-GEN) and RF-3 (A-SML) categories are classified as agricultural under the new Land Use Bylaw, which is to be effective September 8, 2020. (Source: Land Use Bylaw, Table 8, p. 49) A change in land ownership should not void or invalidate Section 4.11 e); otherwise, this section of the MDP would be meaningless. Ignoring this provision would allow every future landowner to bypass Section 4.11 e) and create their own first parcel out. This, in turn, would cause endless fragmentation of agricultural land.

It is also important to note that fragmentation of agricultural land is looked upon negatively by many residents of RVC. To quote from the October 2019 Municipal Development Plan - Stage 1 Public Engagement Summary, at p. 13: “*People did not want to see increased fragmentation of land and the associated servicing gaps that ‘leap-frog’ development has created.*”

To approve the RA would violate the MDP as there has already been a first parcel out from this property. It would also be contrary to the goals and objectives of the GBCASP, which do not permit arbitrary fragmentation of land into large blocks as this application seeks to do. Therefore, the RA should be denied.

2. Approval of RA Would Weaken Agricultural Master Plan Vision

The subject land is designated as Ranch and Farm District (RF). The vision of the Agricultural Master Plan (AMP) is “...*to support both existing agricultural operations and provide new opportunities for diversification of the agriculture industry in the County for the next generation of farmers.*” (Source: MDP, 2011, p. 1) There are at least two ranching operations along the Road. In this case, there is nothing to indicate that approval of the Applicants’ RA would ensure the County’s vision of supporting existing and new agricultural opportunities. The RA should be denied.

3. Applicants’ RA is Premature

In May 2019, Council suspended Land Use Bylaw compliance enforcement pending the drafting and adoption of the new Land Use Bylaw. According to Dominic Kazmierczak, Supervisor Planning, once the new Bylaw is adopted, RVC “...*will review compliance matters on short-term rentals.*” (Source: email exchange between Dominic Kazmierczak and author, dated July 23, 2020) Although compliance enforcement has been suspended, complaints arising from the operation of the Airbnb have been communicated to the local RCMP and RVC Bylaw Enforcement Services.

Planning Services Department
 July 30, 2020
 Page 3 of 6

Further, while the Applicants' intent in seeking the redesignation is unknown at this point, it should be recognized and acknowledged that, pursuant to the new Land Use Bylaw, the permitted and discretionary uses under the RF (A-GEN) and RF-3 (A-SML) categories are broad and many. (Source: Land Use Bylaw, 2020, pp. 52 - 55) The broad discretionary uses include a bed and breakfast, vacation rental, recreation, farmers market, and film production. The long-term consequences of many of the uses would be severe as they would, undoubtedly, result in more complaints, and would greatly exacerbate the already destructive and dangerous increase in traffic, and stress and strain on the limited carrying capacity of the land to absorb the increased demand for water and discharge of waste water and sewage.

Thus, the RA is premature and should be denied on this ground as well. I submit that RVC should first consider and address the circumstances giving rise to complaints and the negative neighbourhood effects discussed in Section II. below.

II. Neighbourhood Effects of Applicants' Airbnb Operation

I. Overview

I do not know if the property should be referred to as a vacation rental, bed and breakfast, special function business or something else entirely. Therefore, for purposes of this letter, I refer to the Applicants' property as an Airbnb, not only because they advertise on the Airbnb website but also because "...[n]o development permit applications have been submitted for the uses on the property." (Source: email exchange between Dominic Kazmierczak and author, dated July 23, 2020)

An Airbnb is a perfect example of what economists call an "externality." An externality describes an economic activity where, as in this case, all positive economic benefits of the activity accrue to Ms. Perras and Mr. Wardwell, whereas all negative economic costs or negative "neighbourhood effects" arising from the activity are externalized over other property owners along the Road and the local business community.

I have provided a link to the Applicants' [airbnb.ca](https://www.airbnb.ca/rooms/25481308?location=Braap%20Creek%2C%20AB&source_impression_id=p3_1595532763_%2B4wxw1hT6FXDoJTd&guests=1&adults=1) website showing the details of their operation: https://www.airbnb.ca/rooms/25481308?location=Braap%20Creek%2C%20AB&source_impression_id=p3_1595532763_%2B4wxw1hT6FXDoJTd&guests=1&adults=1. In addition to the two owners who reside on site, the property is advertised as accommodating up to 12 guests in five bedrooms indoors and up to four guests in a private glamping tent outdoors. There is also an indoor pool and, at one point, there was a large, heated and fully equipped party tent on the property to accommodate weddings and special events. These details also can be found on the Vrbo website, which further advertises that parties and events are allowed. Please click on the following link: <https://www.vrbo.com/en-ca/cottage-rental/p1337672vb?noDates=true>.

Planning Services Department
July 30, 2020
Page 4 of 6

The Airbnb has been booked frequently during the last two years and has hosted special events and weddings, exceeding 100 attendees. A quick perusal of the review section of their Airbnb website will confirm this. The impact on the neighbouring property owners in terms of increased traffic, cumulative Road damage, increased fire risk, excess demands on water and sewage, and noise have been enormous and cannot be overstated. Just try to imagine a weekend wedding or birthday party of 100 or more invitees with cars and shuttles going up and down Range Road 52.

2. Range Road 52 - Traffic, Safety, Damage & Liability

The history of the Road is that it was built and maintained by some of the original property owners along the Road until RVC changed the bylaws, designated it a Regional Low Volume Road and took over the responsibility for its maintenance. The scheduled annual maintenance by RVC consists of one gravel/grading and one snow clearing. Additional maintenance is only triggered if the Road conditions become extremely unsafe. (Sources: email exchange between Xin Deng and Alyson Hughes, dated July 21, 2020, and email exchange between Kurt Wagner and author, dated November 13, 2015) The Road provides access to eight properties and was never built or maintained to withstand the increase in traffic caused by the Airbnb. A visual inspection after rain shows how little resilience the Road has left. The pot holes, ruts, and washed away gravel, serve as constant reminders that the increased Airbnb traffic is exceeding the capacity of the Road. Additionally, the Road has many blind spots, making driving a challenge for those unfamiliar with it. On numerous occasions, Airbnb guests have had to be pulled out of a ditch.

Also, it is my understanding that, due to the slope of the Road, an ambulance service would not come to a property along the Road. For the same reason, school buses do not come to a property to pick up school-aged children. Instead, parents must drive down the Road to meet their children's school bus. This further demonstrates concern about road safety.

It appears it would be in the interest of RVC to do a liability analysis (if not done already) to determine its potential exposure should a significant accident, directly linked to the condition of the Road and the Airbnb, occur on Range Road 52.

I encourage you to come and drive the Road to see the conditions for yourself.

3. Water & Sewage

The property at issue is situated in a large, sensitive water and wetlands area consisting of streams, seasonal springs and several lakes that run well past the property. For example, one of the lakes connects to a property to the South and another, to the North, extends onto Tsuu T'ina Nation land and is owned partly by RVC. (Sources: Resource Inventory and Sensitivity Analysis,

Planning Services Department
July 30, 2020
Page 5 of 6

February 2006, Figure 3 and Tax Roll 03934003) During the last two years that the Airbnb has been in operation, the increased demand for water and the impact of disposal of sewage and waste water on the septic system must have been tremendous. Although the property is situated on 140 acres, the previous owners consisted of a family of four. A family of four and a wedding party of 100 are of a very different order of magnitude and the latter has a very different long-term impact in terms of water demand and waste water and sewage discharge. Please keep in mind that the Airbnb also has an indoor pool which presumably needs to be refilled several times a year. Furthermore, it is very likely that the property to the South of the subject property accesses the same aquifer for its water needs. We do not know how the aquifer is being affected. Water is a scarce and precious resource and has been recognized as such in the GBCASP.

4. Fire & Noise

Outdoor weddings and parties hosted by the Airbnb involve many people, fire pits, smoking and noise. It is my understanding that in case of a fire, the fire department would not come to a property along the Road due to lack of water and, again, due to the slope of the Road. The greater the number of attendees, the greater the risk of fire. If an out of control fire would occur as a result of an event at the subject property, it would have severe consequences, not only for the property owners but also for the community at large and nearby Kananaskis Country.

The property is located in a valley and noise carries over a great distance. Noise from the Airbnb has generated and, undoubtedly, will continue to generate, complaints. Unfortunately, when I called the RCMP they advised that they would call the owners of the Airbnb but would not come out to the property. They wanted to know if I could still hear the noise if I went inside, putting, of course, the responsibility of dealing with the noise on me instead of the Airbnb.

5. Airbnb has an Unfair Economic Advantage

The owners have not submitted a development permit for the uses of their property, and, therefore, it gives them an unfair economic advantage over other businesses in the Bragg Creek area. Under the new Land Use Bylaw, regular bed and breakfast accommodations, which have operated throughout RVC for many years, are limited to three bedrooms. This property offers five bedrooms and a glamping tent; however, without a development permit, we do not know its proper classification or the terms and conditions under which it can operate.

In conclusion, the only public policy recourse for the property owners and local business community to protect their property rights is through a Development Permit (DP) process. It is impractical for each individual to separately address the negative neighbourhood effects with the owners of the Airbnb. Any DP process for the Airbnb properly should include traffic impact and Road safety studies, strict fire and noise prohibitions and penalties, and appropriate waste water and sewage (septic), continuity, and groundwater studies. Understanding and addressing the


Planning Services Department
July 30, 2020
Page 6 of 6

issues arising from the operation of the Airbnb, prior to considering any redesignation, is critical to ensuring that any future use on a new lot will not exacerbate already negative effects.

III. Conclusion

For the reasons discussed above, the Redesignation Application is premature, violates the Municipal Development Plan and is in conflict with the Greater Bragg Creek Area Structure Plan. Accordingly, the undersigned property owner respectfully requests that Rocky View County deny the Redesignation Application.

Very truly yours,



WALTER VERKLEIJ
234021 Range Road 52
SE-27-23-05-05, 1-9511458

Cc: Mark Kamachi, Councillor, Division 1
Dominic Kazmierczak, Supervisor Planning (Policy), Planning Services Department

Jillian Perras & Jaro Wardwell
Property Owners
234133 Range Road 52
Bragg Creek, AB T0L 0K0

August 7, 2020

ATTN: Planning and Development Services
Rocky View County
262075 Rocky View Point, AB T4A 0X2

Dear Planning and Development Services,

In addition to our letter dated May 25, 2020 in respect of our application for a redesignation application for 234133 Range Road 52, Bragg Creek – NE.27.23.5.W5M, we are providing this letter in response to the feedback received from properties owners in the area of the subject property.

SW26-23-5-W5M - The property owner of this adjacent land parcel contacted Rocky View County ("RVC") and the property owners about the application and has no objections or concerns with the application being granted.

NE-27-23-05-W05M (+/- 19.7 acre parcel) – The property owners of this immediately adjacent parcel provided the applicants with the following direct response regarding the application:

"Dear Jill and Jaro, We truly wish you the best of luck. We've not had many encounters with you, but both feel you are great people. Please know you have a friend in us."

Letter from Mr. Walter Verkleij Located at SE-27-23-05-05, 1-9511458

It is our understanding that Mr. Walter Verkleij and Ms. Naomi Young of California are part-time residents in the area. Mr. Verkleij's property forms approximately 7 acres of land and is a parcel that was sub-divided off from the SE-27-23-05-05 parcel. Mr. Verkleij's property boundary is non-contiguous of the subject parcel and they are located approximately 0.75km away from the property boundary of the subject property boundary. Whilst Mr. Verkleij's letter admits to making a lot of assumptions and not facts, we will try to respond and address his concerns.

Letter from Liz and Alan Breakey Located at NE-4-22-22-5-W5M

Ms. Breakey was the former councillor for the Bragg Creek area. We understand that Ms. Breakey was the lead driving force for the approval of sub-dividing lands in the area. Mrs. Breakey is a proponent for parcels sizes as small as 0.5 acres. Ms. Breakey herself lives on a parcel of land encompassing 160 acres and runs a livestock farm. Although Ms. Breakey's property does not fall within the circulation area, we have also responded to her comments.

Referring to the Bragg Creek area, on January 15, 2015 the Gateway Gazette published:

"Councillor Liz Breakey reported that there was strong support for maintenance of rural character and building materials, **achievement of tourist destination status with overnight accommodation** in good favour". We are surprised to learn that Ms. Breakey now opposes the provision of overnight accommodation in the local area of Bragg Creek. Whilst Ms. Breakey's letter makes a lot of assumptions and not facts, we will try to respond and address her concerns together with those of Mr. Verkleji's concerns.

Downsizing of Land Holding & Agriculture

Mr. Verkleji's letter expresses concerns about a first parcel out applications, this was the basis that his own property parcel was established. We are not making a first parcel out application.

Our application letter outlined that we wish to downsize our land holding and to focus on bison farming and organic vegetable growing. It is our intention to retain the new Lot 1 parcel for the agricultural purposes and to sell the remaining parent parcel (including the house) to a third party. This is to occur once the resignation and sub-division application processes and necessary steps have been approved and completed. Mr. Verkleji's letter does not present any concerns regarding the proposed bison farming or vegetable growing.

Mr. Verkeji's letter does highlight that other properties within the vicinity are also engaged in farming pursuits and that the land in the area should be used for agricultural purposes which is our intent. He further supports that "new opportunities for diversification of the agriculture industry in the County for the next generation". Mr. Verkeji's vision is consistent with our own.

Rocky View County Plan – Amended April 10, 2018:

Here are some excerpts from the plan that further support Mr. Verkeji's and our own vision for the area.

8.0 Agriculture

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

8.7 Support and encourage agriculture operations and agricultural related economic activity.

8.8 Support and encourage small scale, value-added agriculture and agriculture services to locate in proximity to complementary agricultural producers.

8.15 Support and encourage the viability and flexibility of the agriculture sector by allowing a range of parcel sizes, where appropriate.

The following policies provide for a variety of parcel sizes to accommodate a wide range of agricultural pursuits by acknowledging that emerging trends in agriculture may be successfully developed on smaller parcels of land.

Redesignation and Subdivision for Agricultural Purposes

8.18 Redesignation and subdivision to smaller agriculture parcels as a new or distinct agricultural operation may be supported. Proposals will be evaluated on the following criteria:

- a. A similar pattern of nearby small agricultural operations.

Onsite Events

In response to Mr. Verkeji's and Ms. Breakey's comments around events onsite. There have been no events held onsite for approximately one year. We are not aware of any noise complaints relating to our property in the last approximately 12 months. By not having any events within the last year or so, we believe we have taken appropriate action to ensure that our property would not generate noise complaints in the future.

Short-Term Rentals

234133 Range Road 52, Bragg Creek is our permanent full-time residence. The home is not a commercial property. We do on occasion offer a portion of the home for short-term rentals. **On May 14, 2019 Rocky View County Council voted in favour of suspending compliance action against short-term rental units (such as Airbnb rentals).** We are members of the Rocky View County Short Term Rental Stakeholder Group. The group has taken the time to meet with Councillor Mark Kamnchi to discuss short-term rentals within Rocky View County.

The property owners are committed to complying with requirements around short-term rentals as RVC develops them further in the coming months. It does not seem reasonable to target one individual property within the county for offering short-term rentals while there are many other short-term rentals operating locally and across the county.

To clarify Mrs. Breakey's incorrect statement. We can confirm that any listings for short-term rentals at the property has stated throughout: **"This home is not suited to groups looking for a loud weekend party venue."** We have actively refused to accept bookings from groups indicating they are seeking a party type venue for over a year.

Mr. Verkleij may want to consider sharing his concerns about short-term rentals with the county when the county re-visits the issue again.

Lot 1 does not have any facilities or infrastructure currently. We are not making the application to establish a short-term rental property on Lot 1 and as previously indicated the remaining parcel is intended to be sold to a third party. In response to Mr. Verkleij's concerns, the house on

the existing parcel does not have any type of RVC permit restriction that only allows up to four people to reside at the 6,000ft² property.

Range Road 52

It is our understanding that Range Road 52 is a public road that is owned and managed by Rocky View County. It is also our understanding that some of the residents residing along this road have made complaints to Rocky View County regarding the condition of the road since the 1980's. Some of the resident's have been complaining long before we began residing at 234133 Range Road 52.

It is our belief that traffic to our property is not causing damage to Range Road 52. During the early spring in 2020 when the road is reported by Ms. Breakey and Mr. Verkleji's to have been damaged, we were in isolation for COVID-19 and traffic to our property was minimal. The photos enclosed at **APPENDIX A** show that the damage complained of is located at Liz and Alan Breakey's gate and additional damage is also in the vicinity of Mr. Verkleji's property gate. We did notice that within the last 12 months, Mr. Verkleji has had a number of large commercial vehicles and heavy equipment coming to and from his property. This often causes the road to be blocked, we have not complained of this to RVC.

APPENDIX A also shows the final section of Range Road 52 that only accesses our property. There are no potholes, ruts or visible damage. If the road damage was being caused by traffic accessing our property, we would expect to see a similar wear and tear of the road on that section also.

Jaro Wardwell (applicant) is a volunteer firefighter at the Redwood Meadows Fire Hall. Jaro sees no reason as to why the Redwood Meadows emergency vehicles cannot travel along Range Road 52 and we have in fact had those vehicles on our property for burn permit inspections. Further to this, we own our own firefighting equipment. The equipment is kept permanently on property, including fire pump, hoses etc. We believe that we are better equipped in this regard than other adjacent property owners.

We will be making further oral representations during the September 1, 2020 council meeting.

We thank you for your time and consideration of our application.

Kind regards,



Jillian Perras



Jaro Wardwell

APPENDIX A



1. Range Road 52 – at Ms. Liz Breakey's gate (see arrow). This is the road issue that she complains of in her letter. The issue she is concerned about is located at her property gate. Ms. Breakey's property is located outside on the circulation area. (Photo taken August, 2020)



2. Range Road 52 at 234133. No issues seen or reported to Rocky View County for this long section of road. Road traffic to subject property is not causing wear and tear on this road as evidenced in this photo. (Photo taken August, 2020)