

Johnson Kwan

From: kellywd [REDACTED]
Sent: October 15, 2020 11:22 AM
To: Legislative Services Shared
Cc: Johnson Kwan; Division 1, Mark Kamachi
Subject: [EXTERNAL] - Bylaw C-8028-2020 - A Bylaw of Rocky View County to Amend Land Use Bylaw C-8000-2020

Do not open links or attachments unless sender and content are known.

Hi,

Re: Application Number: PL20190206 (03912039)

I am writing to express my OPPOSITION to the above bylaw.

I do not agree with changing the designation of this property to commercial zoning. It would negatively impact the residential nature of the neighbourhood and create more traffic problems than already exist on Burney Road. Furthermore, I do not believe that the current ASP allows for commercial zoning in the middle of a residential neighbourhood.

The reason stated for this designation change is "to allow for future subdivision". What future subdivision?! Shouldn't this be expressly indicated at the time that they request the change? How can the County approve something that isn't clearly articulated? What exactly are Stantec Consulting and Harmony Developments Inc. proposing to do with the property?

How will infrastructure such as water, sewer and roads be impacted if this application is approved? How does this fit in with the Hamlet Expansion Plans?

In summary, I urge you to REJECT this application.

Sincerely,

Kelly Wood
50106 East Park Place
[REDACTED]

Johnson Kwan

From: Shannon Bailey [REDACTED]
Sent: October 14, 2020 3:49 PM
To: Johnson Kwan
Cc: Division 1, Mark Kamachi; Legislative Services Shared; Legislative Services Shared
Subject: [EXTERNAL] - BYLAW C-8028-2020

Categories: Yellow Category

Do not open links or attachments unless sender and content are known.

Re: Application Number: PL20190206 (03912039)

Hello Johnson,

This letter is to inform you that I am OPPOSED to this application.

It exists without any understanding of how this one parcel would fit within the existing ASP, which does not include commercial development in the middle of a residential area, and without any reasonable road access to either the highway or Bragg Creek. The adjacent neighbors would be significantly impacted by these factors.

Without some kind of development plan that would give residents a clear idea of what is being proposed or how water, road and other infrastructure and who would be paying for it is determined, it seems very premature and incomplete. There has been no development plan provided to the residents except for the applicant wanting to create 3 parcels of land. There is a huge amount of uncertainty for the residents as to what could happen in the future if this lot was rezoned to commercial.

A huge question unanswered is how does this Land Use on that parcel work with the Hamlet Expansion Plans, when will public input be considered as the ASP for the area is no longer applicable. This parcel is directly adjacent and connected to those lands, and it seems to me that a development plan and zoning that looks at the entire area as a whole should be put in place as opposed to piecemeal parts that do not necessarily work together. The problems created for the community of uncoordinated development includes the need for a proper transportation plan that respects current residential development as well as other key infrastructure and land use issues.

Without any awareness of the Hamlet expansion plan and what we are being asked to support, I urge you to REJECT this application until such time as the total parcel can be incorporated into the Hamlet Expansion land.

Thank you,

Shannon Bailey

12 Burney Road
Bragg Creek
[REDACTED]

Johnson Kwan

From: Mel Lomenda [REDACTED]
Sent: October 13, 2020 8:13 PM
To: Johnson Kwan; Legislative Services Shared; Division 1, Mark Kamachi
Subject: [EXTERNAL] - Application Number PL20190206 (03912039)
Categories: Red Category

Do not open links or attachments unless sender and content are known.

19 Burntall Drive
Bragg Creek, AB T0L 0K0
October 12, 2020

Attention: Johnson Kwan, Planning Services, Rockyview County

Regarding: Bylaw C-8028-2020 – A Bylaw of Rockyview County to Amend Land Use Bylaw C-8000-2020, Application Number PL20190206 (03912039)

In reference to the above application, we have property in close proximity to the subject land and wish to object to the rezoning plans. We support the current zoning and would approve the Bragg Creek expansion if access is off of Highway 22. Our objections are outlined as follows:

1. With respect to the request to rezone, no detail of the proposed development is provided. How can we support this rezoning application without knowing what the development plan is? At what point will the developer provide a comprehensive plan for review of Bragg Creek residents and other stakeholders?
2. Why is this proposed plan being done in a piecemeal fashion rather than as a comprehensive plan which should be made available to Bragg Creek residents for discussion?
3. Does the applicant's plan follow the community character as desired by Bragg Creek residents as shown in the Bragg Creek Area Structure Plan and Revitalization Amendment?
4. Will this development be in proportion and scale to complement existing cultural heritage?
5. There is no mention of traffic flow in the application. Has a study been done on seasonal traffic flow as well as an estimate of future traffic? If Burney Road is an access road, what effect would this have on traffic flow on White Avenue? Will the future traffic circle at White Avenue and Highway 22 be able to balance circulation off of White Avenue/Highway 22 during peak summer traffic? There is a safety issue around Burney Road as well as Burntall Drive, a connector road, which both have pedestrian traffic some being small children from two daycares.
6. What effect will this application have on local infrastructure? Electricity is at capacity as we encounter numerous power outages especially in the winter. The municipal sewer and water would need to be expanded as a result of the proposed development in South Bragg Creek and would this be cost effective?
7. Has an environment study been done? A wildlife corridor exists along the base of hill where Burney Road

descends from the subject lands; springs seep from the base of the north facing bank that drains the land beneath the proposed development.

8. Other concerns are the post office which could need 500 more postal boxes and the Bragg Creek Medical Clinic which is already at capacity and not accepting new patients.

While we are not against development, we want to ensure that the proposed development complements the character of the community. The County also needs to assure that this is the case.

Sincerely,
Kym Binns and Mel Lomenda

--

Johnson Kwan

From: Michelle Mitton
Sent: October 14, 2020 8:24 AM
To: Johnson Kwan
Subject: FW: [EXTERNAL] - BYLAW C-8028-2020

Categories: Red Category

MICHELLE MITTON, M.Sc
Legislative Coordinator | Municipal Clerk's Office

ROCKY VIEW COUNTY
262075 Rocky View Point | Rocky View County | AB | T4A 0X2
Phone: 403-520- 1290 |
MMitton@rockyview.ca | www.rockyview.ca

This e-mail, including any attachments, may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution or copying of this information is prohibited and unlawful. If you received this communication in error, please reply immediately to let me know and then delete this e-mail. Thank you.

From: Cameron Westhead [REDACTED]
Sent: October 14, 2020 8:21 AM
To: Legislative Services Shared <LegislativeServices@rockyview.ca>
Cc: Division 1, Mark Kamachi <MKamachi@rockyview.ca>; Division 2, Kim McKylor <KMckylor@rockyview.ca>; Division 3, Kevin Hanson <Kevin.Hanson@rockyview.ca>; Division 4, Al Schule <ASchule@rockyview.ca>; Division 5, Jerry Gautreau <JGautreau@rockyview.ca>; Division 6, Greg Boehlke <GBoehlke@rockyview.ca>; Division 7, Daniel Henn <DHenn@rockyview.ca>; Division 8, Samantha Wright <SWright@rockyview.ca>; Division 9, Crystal Kissel <CKissel@rockyview.ca>
Subject: [EXTERNAL] - BYLAW C-8028-2020

Do not open links or attachments unless sender and content are known.

I'm writing today to indicate that I am OPPOSED to this application.

I am opposed to the application because the future plans for the proposed subdivision are unclear. I can't support a plan to subdivide when I don't know what the long term vision for the land is. It is like putting the cart before the horse. If the developer/landowner was to share their plans for what the future development would look like, then I would have the information I need to determine whether I would support the application, but since they have not done so I stand opposed to the plan.

This area is a low density residential neighbourhood, and any proposed development must not substantially alter its character. We have a small, narrow, gravel road, where I regularly see families and individuals walking. Given that the applicant can't articulate what their vision for future subdivision entails, I can't support the subdivision without knowing how it will affect the people who live here.

The applicant has created a great deal of uncertainty for residents here. It's as though the applicant is asking for a blank cheque and asking us to trust them to get it right, but they won't tell us what the plan is until it's too late. This type of planning is backwards - we need to see the plan first, and then we will be in a position to decide if the subdivision is in our best interests or not.

To sum it up, I stand opposed to the application and urge Council to reject the application given a lack of information on what the plans are for the future of these parcels.

I would also like to point out that there is an error on the NOTICE OF PUBLIC HEARING that was sent by RVC - it says "written submissions must be received by 4:30pm on **Wednesday, October 15.**" However, Wednesday is October 14, so it's unclear whether the deadline is actually Wednesday the 14th or Thursday the 15th. Given this significant error on such an important public notice, I would urge council and administration to accept submissions until 4:30pm on Thursday, October 15.

Sincerely,
Cameron Westhead
28 Burney Road
Bragg Creek, AB T0L0K0
[REDACTED]

Johnson Kwan

From: William [REDACTED]
Sent: October 13, 2020 6:02 PM
To: Johnson Kwan; Legislative Services Shared
Cc: Division 1, Mark Kamachi
Subject: [EXTERNAL] - BYLAW C-8028-2020

Categories: Red Category

Do not open links or attachments unless sender and content are known.

Re: Application Number: PL20190206 (03912039)

Attention: Johnson Kwan

This letter is to inform you that I am OPPOSED to this application. I agree with the current zoning and support the Hamlet expansion plan if an access is obtained from Highway 22.

The applicant wants to change the zoning to accommodate his existing business on a smaller parcel of land. If he had applied for commercial zoning when he wanted to build his business in a residential neighbourhood, I am sure he would have been turned down. He has been turned down before when he wanted to subdivide into smaller parcels.

The current ASP does not allow for commercial zoning in the middle of a residential neighbourhood, with access through the neighbourhood on a gravel road. This is not permitted anywhere in the County that I know of. The applicant could do, and pay for, a new ASP that could show how his development would be compatible with the neighborhood and still work within the Hamlet Expansion guidelines. This looks like a money grab for the applicant, who seems to want to take as much money out of this parcel of land, without any consideration for the existing neighborhood or the future Hamlet Expansion Plan. There has been no development plan provided to the residents except for the applicant wanting to create 3 parcels of land. There is a huge amount of uncertainty for the residents as to what could happen in the future if this lot was rezoned to commercial.

In summary, I urge you to REJECT this application until such time as the total parcel can be incorporated into the Hamlet Expansion with proper paved access off of Highway 22, water and sewer hookups.

Thank you,

Willie and Jane Prebushewsky

8 Burney Road
Bragg Creek



Sent from [Mail](#) for Windows 10

September 14, 2020

Rocky View County
Municipal Clerk
Attn: Bylaw C-8028-2020

Dear Council,

We write as landowners adjacent to the Applicants to express our concerns about PL20190206 (03912039).

We begin by offering our apologies to the Applicants for opposing a key element of their plan. We share a fence line with them, they have been good neighbours for two decades, our communications have always been friendly, and they have kindly kept an eye on our land in our absence. Though we oppose a key aspect of their application, we respect them as good neighbours and hope we can remain on good terms.

Our objection is to the proposed re-designation of a portion of the Applicants' land from residential to commercial.

So that we are all on the same page, we will refer to the new land use bylaw designations.
i.e. R-RUR and C-LUD

- Residential, Rural District (R-RUR) in the new land use Bylaw (was previously Residential Three (R3) and Residential Two (R2) in the old Land Use Bylaw)
- Commercial, Local Urban District (C-LUD) in the new Land Use Bylaw (was previously Hamlet Commercial (HC) in the old Land Use Bylaw)

As we understand it, the Applicants' 11.80 acre property is currently zoned R-RUR p4.0. Although R-RUR normally allows minimum 3.95 acre lot sizes, there is a parcel size modifier on their property of p4.0 resulting in the minimum parcel size being 9.8 acres. The Applicants seek to re-designate the land upon which Banded Peak Veterinary Hospital is built from R-RUR p4.0 (residential) to 1-acre C-LUD (commercial), with the remainder of their property re-designated as R-RUR (without the modifier). Although we understand the rationale for their application, we cannot support re-designation from residential to commercial for the reasons outlined herein.

As a 3rd generation Calgarian, I grew up when a trip to Bragg Creek on the old gravel road was a big all-day adventure. I have recreated in the surrounding area my whole life. In 1992, we bought our land with the intent to build a home and raise our family in Bragg Creek. At the time, our son was just 3 weeks old, and we were looking for a beautiful place to raise our family. As sometimes happens, though, career choices took us away from home for many years. Now, as we contemplate retirement, we are considering our options including whether to build a home on that land, or whether one of our now-adult children might want to do so. When we bought the land, we intentionally bought on the "bench" away from commercial development. After holding the land for 28 years, just at the time when we are considering whether we or our children might build a home there, we are disappointed at the prospect that we might be living next to commercial property.

When Banded Peak Veterinary Hospital opened in our otherwise residential neighbourhood, we did not object. Nor have we objected to any of the Applicants' previous changes. The property to the south of

ours ran a home-based business where Chris and Art Glassford operated High Country Business Services, which included publishing High Country News starting in 1990. We have no ideological objection to reasonable and well-planned commercial development.

When the Applicants bought their land, they accepted that it came with no commercial property. The Applicants have operated Banded Peak Veterinary Hospital all these years, (benefiting from the lower tax rates of residential property). Now, as they plan for retirement, they apparently wish to re-designate 1 acre of their land as commercial property to maximize their profit, given the higher expected value of commercial property. We understand the appeal of this. Who doesn't want to maximize gains? Unfortunately for them, they didn't originally locate their clinic on commercial property that would have permitted this.

We understand that at the time of pre-application, Administration suggested the Applicants consider R-RUR zoning with a Site-Specific Amendment to add 'Animal Health Care Services' as a permitted use for their parcel, instead of re-designating a portion to C-LUD. Although the allowed lot size under R-RUR is normally 3.95 acres, Administration (generously) proposed an exception in the form of a Site-Specific Amendment to permit a single 1-acre undersized lot to exist, rather than the minimum 3.95 acres. Alternatively, even without the Site-Specific Amendment, if the property is rezoned to R-RUR (without the minimum parcel modifier) the landowner could subdivide into three x 3.95 acres lots. Thus, with or without the Site-Specific Amendment, the Applicant would still be allowed to subdivide the property under R-RUR zoning. Yet, neither of these proposals was what the Applicants submitted.

When we bought our land, the end of Burney Road was open to Highway 22. That road opening was eventually closed off (presumably by Alberta Transportation) because Burney Road was deemed unsuitable for high volume traffic. If the Applicants are successful, and if direct access to Highway 22 remains closed, then Burney Road would become the only access road to a single commercial operation in a neighbourhood of residential properties. Why would that matter, you might wonder, given that Banded Peak Veterinary Hospital has operated all these years as a commercial enterprise with access only via Burney Road? This is why: If it is re-designated as commercial, the next owner, or the one after that, would be free to build any of the commercial enterprises permitted within the land use bylaw. Though we understand the Applicants' intent is to continue to operate Banded Peak Veterinary Hospital, and to eventually sell the hospital and the land together or lease it to another veterinarian, under the commercial bylaw there is no requirement that it operate only as an animal care facility *in perpetuity*. Under the proposed C-LUD bylaw, whoever purchases that 1-acre would be free to operate any "small scale" business allowed under the bylaw.

If Council approves the re-designation to C-LUD, it would introduce a range of other commercial use possibilities that are currently not available in this area (see Appendix 1). This means, for example, that any future owner could immediately turn the property into a children care facility, health care facility, or restaurant (Establishment, Eating). Beyond that, with appropriate permitting, it could potentially be turned into, for example, a grocery store (Retail, Grocery), automotive services shop, bar (Establishment, Drinking), recycling/compost facility, paintball centre, rifle range, or dirt bike track (Recreation, Outdoor), church (Religious Assembly), or small strip mall (Retail, General).

I hold graduate degrees in both Public Health and Urban/Regional Planning. As council undoubtedly knows, zoning is at the heart of development control, and is the mechanism by which responsible governments spell out both their immediate *and* long-range land use goals. The history of zoning dates

back to antiquity when the original intent was to protect public health; residential properties had to be separated from slaughterhouses for the sake of public health. Each use ascribed to an area sets the value on the affected land and establishes the profile of a municipality. The common aim is to allow uses that do not harm one another to be clustered together in the same zone, while keeping "incompatible" uses apart in their separate zones. In addition to separating incompatible uses, the main objective of zoning is to control the intensity with which land is used.

Modern mixed-use zoning in urban areas, which arose in reaction to urban sprawl, promotes walkable communities in which some light commercial zoning co-exists with residential zoning to create holistic communities. If the Bragg Creek Hamlet Expansion Strategy had intended mixed use zoning in the expansion lands, one could envision a blend of commercial and residential use. But that is not what the Expansion Strategy is proposing for the lands adjacent to Burney Road. None of the proposed Expansion land scenarios consist of commercial development in the study area. Indeed, among the approximately 120 attendees at the Open House held January-March 2020, 30 feedback form responses, 52 online survey responses, and several individual letters received via email, 92% prefer the Hamlet Expansion Area to remain residential in nature. Stakeholder consultation has persistently demonstrated a strong opposition to using Burney Road for anything but residential access. Over the past 28 years, we have closely followed the planning for areas proximal to our land, and none of the proposed scenarios has ever envisioned mixed-use zoning combining commercial and residential along Burney Road. Under the proposed scenarios, home-based businesses and any existing businesses would still be allowed based on the existing land uses, but the "existing" land use for the Banded Peak Veterinary Hospital is residential, not commercial. Future business development would be more appropriately located either in the Hamlet (as per the Revitalization Plan's vision), or perhaps in another area of the Expansion lands as part of a holistic development plan.

The Applicants are essentially asking Council to engage in the controversial practice of "spot zoning", wherein a single site is up-zoned for a class of use that is incompatible with the surrounding uses. There are other ways for the Applicants to achieve their goal without Council resorting to spot zoning.

Often at issue in zoning is whether the good of the community now and in the future is more important than the individual's rights. If Council respects the apparent wishes of the community, the only reasonable course is to deny the Applicant's request to re-designate a portion of their lands as C-LUD. We hope that one of the Administration's alternative suggestions will be considered instead, or another creative solution.

Thank you for considering our submission.

Sincerely,

Karen S. Palmer & Peter C. Ruben
Owners: NE/12/23/05/05 (2/3/9211278)

[REDACTED]
[REDACTED]

APPENDIX 1

“C-LUD Commercial, Local Urban District

417 PURPOSE: To accommodate small-scale business within Hamlets and comprehensively planned neighbourhoods, in a manner sensitive to adjacent uses.

418 PERMITTED USES:

Accessory Building $\leq 190 \text{ m}^2$ (2045.14 ft²)

Care Facility (Child)

Care Facility (Clinic)

Establishment (Eating)

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

Animal Health (Small Animal)

Retail (Small)

Retail (Grocery)

Office

DISCRETIONARY USES:

Accessory Building $> 190 \text{ m}^2$ (2045.14 ft²)

Agriculture (Intensive) Animal Health (Inclusive)

Alcohol Production

Auctioneering

Automotive Services (Minor)

Care Facility (Group)

Cannabis Retail Store Communications Facility (Type A)

Dwelling Unit, accessory to principal use

Establishment (Drinking)

Outdoor Storage

Recreation (Culture & Tourism)

Recreation (Private)

Recycling/Compost Facility

Recreation (Outdoor)

Religious Assembly

Retail (General)

Retail (Restricted)

Special Function Business

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

Johnson Kwan

From: Gaela Toombs [REDACTED]
Sent: October 14, 2020 4:02 PM
To: Johnson Kwan; Legislative Services Shared
Cc: Division 1, Mark Kamachi; 'Tijs Overmars'
Subject: [EXTERNAL] - Application Number: PL20190206 (03912039)/Bragg Creek-Objection to zoning change to from residential to commercial

Categories: Red Category

Do not open links or attachments unless sender and content are known.

Re: Application Number: PL20190206 (03912039)

Attention: Johnson Kwan

Please find this letter to communicate our objection to this application. We support the Hamlet expansion plan if an access is obtained from Highway 22 and NOT through the residential community-specifically not through Burney Road.

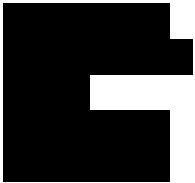
The area structure plan does not allow for commercial zoning in the middle of a residential area. We think that more information should be provided with respect to a future development plan for this specific property and how it integrates within the Hamlet expansion guidelines before it can be understood and reviewed. Access to this property is a governing concern, future utility hook-ups and how it will impact this residential neighborhood.

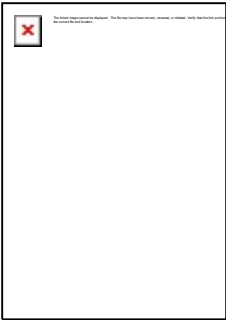
The intension for future development provided by this application is vague at best; it is unclear as how it will unfold to impact the existing community. We request that this application be rejected until we clearly understand how this development integrates into the Hamlet Expansion with proper paved access off of Highway 22.

Respectfully,

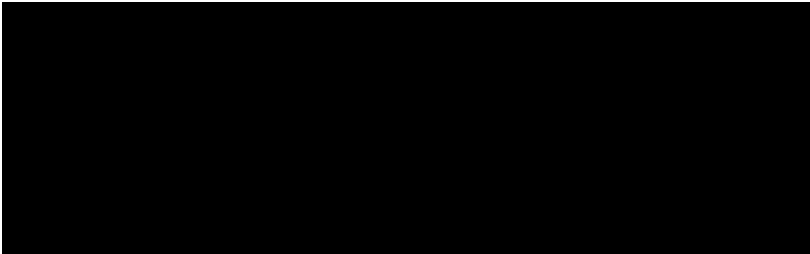
Gaela Toombs & Tijs Overmars

41 Burney Road
Bragg Creek





Gaela Toombs



Johnson Kwan

From: Dick Koetsier [REDACTED]
Sent: October 13, 2020 4:16 PM
To: Johnson Kwan
Cc: Division 1, Mark Kamachi
Subject: [EXTERNAL] - Application Number PL20190206 (03912039)

Categories: Red Category, Yellow Category

Do not open links or attachments unless sender and content are known.

RJK DEVELOPMENTS LTD
Richard J. (Dick) Koetsier, Owner/President
28 Priddis Creek Dr.
Foothills, Ab
T0L 1W2

Phone: [REDACTED]

Rockyview County
262075 Rockyview Point
Rockyview County, Alberta

Attention: Johnson Kwan

Dear Johnson,

Re: Application Number PL20190206 (03912039)
Bragg Creek, Alberta

This letter is to inform you as an adjacent landowner how we feel about the subject application. In general, we agree with the proposed land uses within the Bragg Creek Expansion Area however, we oppose the placement of this stand alone commercial lot in it's proposed location. We feel the Applicant's land is much better suited for residential housing. There is a need for Highway Commercial including Light Industrial within the Expansion Lands but this area is not it. There is no Highway access and it will be far too close to the neighbouring residences. We have been acquiring land within the Expansion Area and have better locations for such a future Commercial area. We have had discussions with the applicant and told them if their application is refused we will welcome their participation and include their clinic in our future commercial development plans.

The Legal Descriptions of our adjacent parcels are:

Title 191 117 362
Plan 820 LK
Block A

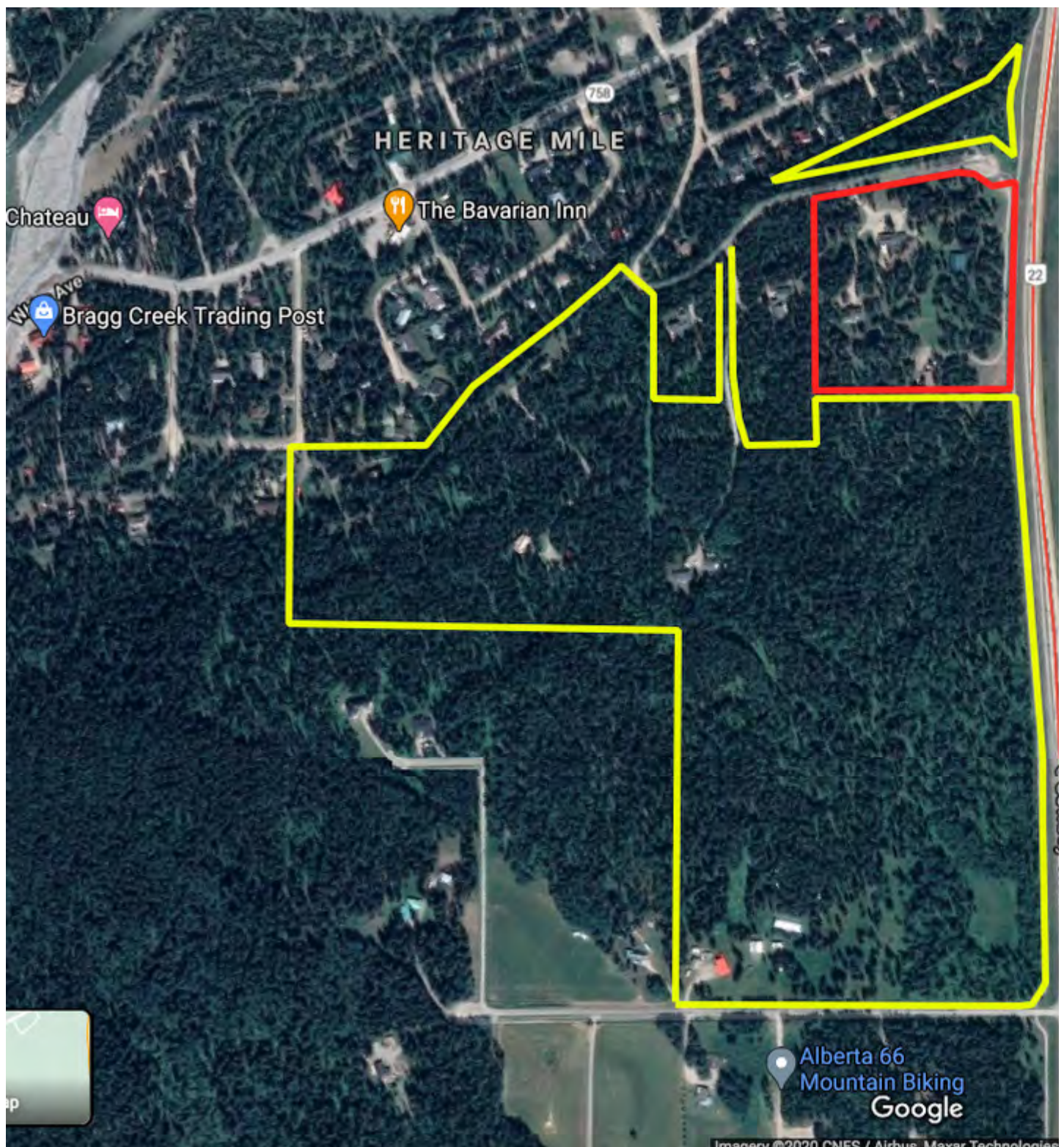
Title 161 122 892

Plan 1611299

Block 3

Lot 5

Here is a photo illustrating in yellow our Expansion Area land holdings as well as the Applicant's land in Red.



Thank you for this opportunity to voice our position.

Yours very truly,
RJK DEVELOPMENTS LTD.
R. J. (Dick) Koetsier, President