

# **ROWLAND AREA STRUCTURE PLAN**

**SE 9-21-29 W4M**



## TABLE OF CONTENTS

<b>1.0 INTRODUCTION</b>	<b>3</b>
1.1 CONTEXT	3
1.2 PUBLIC INVOLVEMENT	4
1.3 OPPORTUNITIES AND CONSTRAINTS	4
<b>2.0 THE PLANNING PROCESS</b>	<b>4</b>
2.1 THE PURPOSE OF THE PLAN	4
2.2 THE LEGISLATION	6
<b>3.0 PLAN VISION AND GOALS</b>	<b>6</b>
3.1 VISION	6
3.2 GOALS	7
<b>4.0 LAND USE STRATEGY</b>	<b>7</b>
4.1 COUNTRY RESIDENTIAL LAND USE POLICY	8
4.2 AGRICULTURAL LAND USE POLICY	8
<b>5.0 NATUAL ENVIRONMENT</b>	<b>9</b>
5.1 GENERAL ENVIRONMENT POLICY	9
5.2 TOPOGRAPHY	9
5.3 MUNICIPAL RESERVE	10
<b>6.0 INFRASTRUCTURE</b>	<b>10</b>
6.1 GENERAL INFRASTRUCTURE	10
6.2 ROAD NETWORK	10
6.3 WATER, SEWER AND STORM WATER SERVICING	11
6.4 PROTECTIVE SERVICES	12
<b>7.0 IMPLEMENTATION AND REVIEW</b>	<b>13</b>
7.1 PLAN IMPLEMENTATION	13
7.2 PLAN REVIEW	13



## FIGURES

Figure 1.0 – Area Map

Figure 2.0 – Plan Area

Figure 3.0 – Plan Area with Photo Imagery

Figure 4.0 – Property Photo

Figure 4.1 – Property Photo

Figure 4.2 – Property Photo

Figure 4.3 – Property Photo

Figure 4.4 – Property Photo

Figure 4.5 – Property Photo

## APPENDICES

Appendix A – Land Title Certificate

Appendix B – Government of Alberta Water Well Drilling Report

Appendix C – Draft Architectural Controls

## MISSION STATEMENT

The Rowland Area Structure Plan (ASP) is intended to provide long-term vision and a development framework to serve as a guide for future land use and development within the Plan Area. The ASP is intended to be used as a tool to assist municipal policy makers, planners, landowners, and the developer.

## 1.0 INTRODUCTION

### 1.1 CONTEXT

The Plan Area is located adjacent to 32<sup>nd</sup> Street on the west side of the street, a municipal road developed to full pavement within the Municipal District of Foothills No. 31 (MD). The site is approximately 2.3 kilometers north from the Town of Okotoks. (See Figure 1.0 – Area Map).

The Plan Area includes approximately 60 acres of land located at the Southeast Quarter of Section 9 Township 21, Range 29, West of the 4th Meridian (see Figure 2.0 – Plan Area and Appendix A - Land Title Certificate).

The plan proposes to create 6 parcels off the eastern one third (approximately 18.6 acres) of the property. Road allowance is approximately 1.1 acres. This area is gently sloping from west to east area and is currently cultivated. The remaining balance of approximately 40.3 acres has an existing residence, shop and out buildings. The portion of the land is well treed and this area is intended to remain in its naturalized state with a single residence.

The lands are legally described as:

#### LEGAL DESCRIPTION

PLAN 0714859

BLOCK 2

LOT 3

CONTAINING 24.29 HECTARES ( 60.02 ACRES) MORE OR LESS

EXCEPTING THEREOUT:

PLAN NUMBER HECTARES ACRES MORE OR LESS OR LESS

ROAD 1010947 0.008 0.02

EXCEPTING THEREOUT ALL MINES AND MINERALS

An ASP is required to establish a comprehensive and orderly approach to future development, which addresses land use, access, servicing, and environmental protection. The Rowland ASP proposes a total of six (6) Country Residential lots and an Agricultural balance of + / - 40.3 acres. Upon the Agricultural balance lands there is an existing residence.

## 1.2 PUBLIC INVOLVEMENT

The Developer has began the process of contacting neighbouring landowners with a view to identifying and understanding concerns or issues related to the development. It is anticipated that reliability of water for existing properties may be a concern. Stakeholders will be advised the ASP will not be adopted unless there is a proven water supply based on Alberta Environment's requirements. Regarding traffic generation, six residences are expected to generate approximately 60 vehicle trips per day utilizing 32<sup>nd</sup> St. This street has been constructed to a relatively high standard for a local road and this amount of additional traffic will have negligible effect on this corridor.

## 1.3 OPPORTUNITIES AND CONSTRAINTS

A number of issues and technical considerations were evaluated as part of the ASP preparation process, and the following opportunities and constraints were identified:

- a. Differing lifestyle/livelihood aspirations -Agricultural landholders express difficulties in continuing their farming operations, while existing small land owners around the proposed subdivision wish to retain the country charm of their rural surroundings.
- b. Proximity to existing development -Agricultural pursuits continues but there is a large number of existing country residential land owners in the immediate area.
- c. Water Resources -Reliance on groundwater is always a concern for existing residents when new development is proposed. Issuance of water licenses is regulated by Alberta Environment. A program of well drilling and pump tests will be required to confirm adequacy and reliability of water supply without impact on adjacent wells. Water licenses will be issued only if there is a proven water supply based on Alberta Environment's requirements.
- d. Quality in Built Form -The Municipality should strive to ensure Developers who have the privilege of developing properties in the MD are held to a high standard. To this end, residential development within the Plan Area will be subject to Architectural Controls and Restrictive Covenants as outlined in Appendix D. These controls, and the policies of this plan, specifically mandate the use of high efficiency private septic systems that utilize a smaller footprint than conventional septic systems and have a cleaner effluent output.

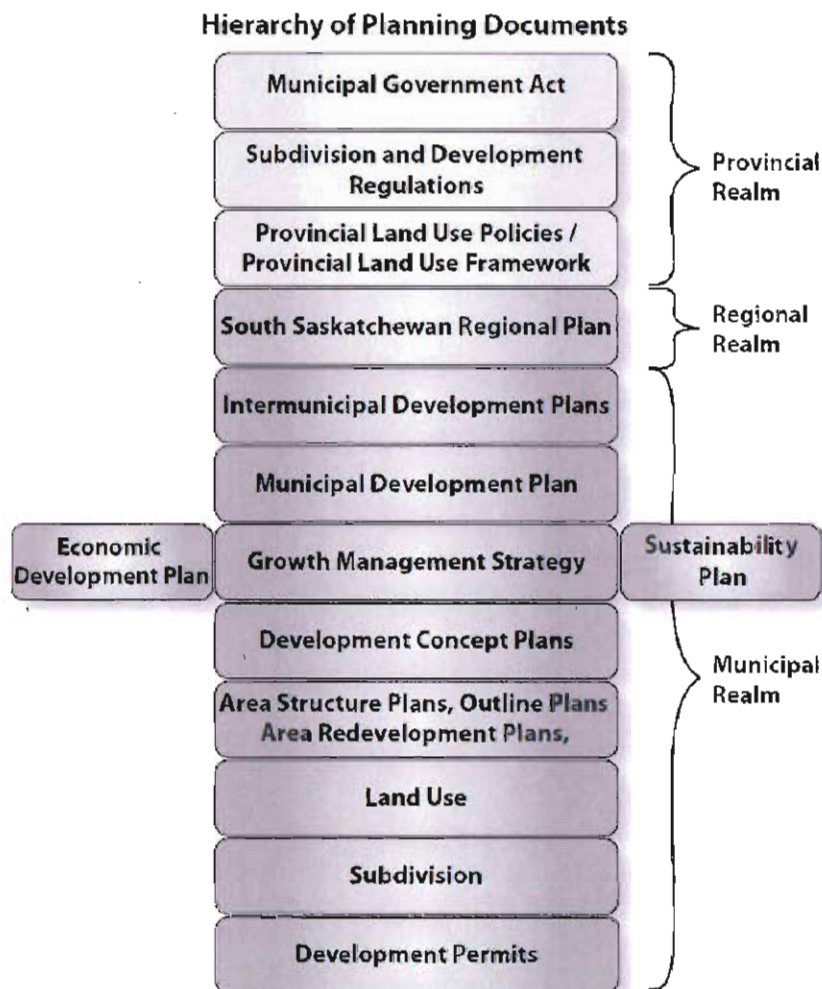
# 2.0 THE PLANNING PROCESS

## 2.1 PURPOSE OF THE PLAN

The ASP was prepared to address MD policy that finds ad hoc development without comprehensive planning as detrimental to the greater area within the MD. The ASP supports the MD's Municipal Development Plan by adding a detailed layer to the planning framework for this particular area. The purpose of the ASP is to define a planning and development framework to guide future growth in the Plan Area by establishing a range of appropriate and compatible land uses, planning for comprehensive servicing, and addressing access.

The ASP takes into consideration existing land uses, surrounding developments, potential future land uses, public input, physical and environmental characteristics, infrastructure requirements, and growth trends. At its core, the ASP outlines a vision. The plan structure and the policies contained within are the means by which that vision can be achieved.

The purpose of the ASP is to define a planning and development framework to guide future growth in the Plan Area by establishing a range of appropriate and compatible land uses. The ASP supports the Foothills Municipal Development Plan by adding another layer of detail to this particular area. The ASP integrates the planning process illustrated as follows:



## 2.2. THE LEGISLATION

The ASP has been prepared in accordance with the provincial requirements outlined in s.633 of the Municipal Government Act (MGA) (Statutes of Alberta, 1994, Chapter M-26.1). 633

- (1) For the purpose of providing a framework for subsequent subdivision and development of an area of land, a council may, by bylaw, adopt an area structure plan.
- (2) An area structure plan
  - (a) Must describe
    - (i) The sequence of development proposed for the area,
    - (ii) The land uses proposed for the area, either generally or with respect to specific parts of an area,
    - (iii) The density of population proposed for the area either generally or with respect to specific parts of the area, and
    - (iv) The general location of major transportation routes and public utilities, and
  - (b) May contain any other matters the council considers necessary.

In addition, the ASP was prepared in accordance with the MD Municipal Development Plan and Land Use Bylaw and complies with the Municipal Guidelines for The Preparation of Area Structure Plans.

## 3.0 PLAN VISION AND GOALS

### 3.1 VISION

The ASP seeks to achieve orderly, economical, beneficial and environmentally sensitive development within the Plan Area. It is intended to be a flexible long-term framework for development. The ASP envisions development which retains existing natural and visual characteristics to both attract new residents and preserve the landscape enjoyed by those individuals currently residing in the area.

The population of the MD of Foothills no. 31 has increased 18.9% based between the 2001 and 2006 census. The MD continues to sustain an average 2.8 persons per household, despite the increased number of dwellings over the past five years.<sup>1</sup> It is projected that the proposed six (6) new lots will add an additional population of 17 persons.

### 3.2 GOALS

The following goals serve as the foundation for the policy contained within this ASP:

- a. Achieve an efficient, sequential pattern of development;
- b. Establish a high quality residential area to harmonize development with the natural and built environment;
- c. Provide an efficient and safe road network;
- d. Preserve, protect, conserve and/or enhance significant natural features of the Plan Area; and,
- e. Encourage country residential and agricultural land uses working in harmony with one another.

<sup>1</sup>www12.statcan.ca

## 4.0 LAND USE STRATEGY

The land use strategy is based on a desire to organize development based on topography and existing significant natural features. The strategy allows for the orderly, efficient and affordable development of infrastructure and services. Figures 2.0 & 3.0 – Plan Area and Plan Area with Photo Imagery delineate the proposed land use in the Plan Area.

Figure 4.0 to 4.5 provides photographs of the property.

In all, the development contains a proposed six (6) Country Residential lots and one (1) Agricultural balance parcel. The following table breaks down the land use for the Plan.

Area:

Land Use District	Acreage
Country Residential District	6 lots (3.1 acres) = + /- 18.6 Acres
Agriculture District*	1 Lot = + /- 40.3 Acres
Additional Internal Road	+/-1.1 Acres
TOTAL	60

The following policies shall apply:

- a. When considering redesignation, subdivision or development applications in the Plan Area, the municipality shall confirm that the application conforms to the land use strategy illustrated in **Figures 2.0 and 3.0** compatible with the policies of this plan.
- b. Any application to amend the Plan that is contrary to the land use strategy and policies contained within the ASP shall require a formal application for amendment to the ASP.



#### 4.1 COUNTRY RESIDENTIAL LAND USE POLICY

The proposed new development of six (6) lots on +/-19.7 acres proposes access off the MD road known as 32nd Street. An access road from 32<sup>nd</sup> Street will be required and will be constructed within an existing access Right of Way.

The following policies shall apply:

- a. Country residential lots shall not exceed 4.0 acres in size.
- b. Country residential lots shall be supplied by individual groundwater wells drilled and licensed in accordance with the Provincial Water Act.
- c. Country residential lots shall have direct access to a surfaced municipal road in accordance with the Municipal Internal Subdivision road policies.
- d. Country residential lots shall support single-family dwellings only.
- e. Country Residential lots shall be subject to the Architectural Controls and Restrictive Covenants as outlined in draft in Appendix C and as formally registered on title.
- f. Country Residential lots shall be required to install a private septic system which will meet or exceed the current Standard of Practice for Alberta and the MD of Foothills

#### 4.2 AGRICULTURAL LAND USE POLICY

Historically, outside of the existing country residential development, the Plan Area has been used as grazing pasture for livestock and has sustained a hay crop in the past. The MD of Foothills MDP discourages the premature fragmentation of agricultural lands. In this instance, the lands subject to proposed development are in close proximity to and serviced by the same road (32nd Street ) utilized by existing country residential developments. The land subject to development is of the same quality and character as the existing developed areas. A large +/- 40.3 acre portion of the quarter section will remain within the Agricultural land use district and cannot be subdivided without amendment to this plan.

The following policy applies:

- a. Any further fragmentation of the Agricultural balance lands would require an ASP amendment.

## 5.0 NATURAL ENVIRONMENT

The biophysical characteristics and environmental significance of lands in the Plan Area should be considered in applications for development.

### 5.1 GENERAL ENVIRONMENT POLICY

The following general environment policies shall apply:

- a. The Municipality, through its Municipal Development Plan policies, encourages the preservation of significant and/or sensitive natural environments in the development process.
- b. The Municipality may require that a proponent, in support of a proposal for redesignation, subdivision or development, and at their sole expense, prepare and submit the following in a form and content satisfactory to the Municipality, and in accordance with all pertinent Alberta Environment Protection guidelines or requirements of the appropriate Provincial Departments:
  - i. A Geotechnical report pursuant to the provisions of the Municipal Development Plan; and
  - ii. An Archaeological and/or Historical Resource Impact Assessment pursuant to the provisions of the Municipal Development Plan and to the satisfaction of the provincial department of Alberta Culture

### 5.2 TOPOGRAPHY

The land slopes gently from west to east and from north to south. The eastern one third of the property is presently cultivated and seeded for hay. There are no excessive grades within the proposed new Country Residential lots which would require special geotechnical consideration. It is anticipated that building sites shall not contain any slopes greater than a 15% slope break.

The following policy applies:

- a. The Municipality may require a geotechnical report prepared by a qualified engineer in areas where topography is a factor of development. The geotechnical report should contain all information required by the Municipality as described in MD policy.
- b. Building Sites shall not contain slope greater than 15% in accordance with municipal policy.

### 5.3 MUNICIPAL RESERVE

- a. Dedication of Municipal Reserve, either by cash-in-lieu of land or by physical dedication of land, or both, in the Plan Area shall be determined by the Municipality in accordance with the MDP policy and s.666 of the Municipal Government Act.
- b. Physical land dedication of Municipal Reserve shall consist of lands that are equivalent to the developable lands (i.e. similar in kind to the land being developed).
- c. Although no dedication of Environmental Reserve is anticipated, ER dedication shall be determined by the Municipality in accordance with Section 664 of the Municipal Government Act.

## 6.0 INFRASTRUCTURE

Infrastructure includes the hierarchy of road networks, public and private water systems, septic systems, solid waste management systems, police, fire and ambulance service.

### 6.1 GENERAL INFRASTRUCTURE

The quality of infrastructure is a fundamental part of the well-being of a community and its ability to sustain growth over time. To improve the quality of life in the Municipality as a whole, it is important that the Municipality occasionally assess infrastructure as it relates to the planning of communities. The Municipality has developed a set standard for roads and infrastructure servicing that follows a general hierarchy. The Municipality may require an assessment of necessary infrastructure when considering re-designation, subdivision and/or development proposals.

### 6.2 ROAD NETWORK

#### 6.2.1. EXTERNAL ROADS

Access to the site is gained from 32<sup>nd</sup> Street. The Municipality may require the developer to provide a contribution to the upgrade of the local Municipal road network in accordance with the road levy policy and at the discretion of Council.

#### 6.2.2. INTERNAL ROADS

The Plan Area shall be serviced with an internal road containing one point of ingress/egress. The internal road will not exceed a grade of 7% at any point, will be constructed to an MD standard and paved as required. Approaches to all Country Residential lots will be located along the internal road.

The following policy applies:

- a. The internal subdivision road shall be constructed to Municipal standard at the sole expense of the developer. Ownership and maintenance of the internal subdivision road shall be the responsibility of the Municipality upon issuance of a Final Acceptance Certificate to the developer.

### 6.3. WATER, SEWER AND STORM WATER SERVICING

#### 6.3.1 Water Sources and Resources

Subject to a program of well drilling, testing, hydrogeological analysis and reporting, Alberta Environment may issue licenses for individual groundwater wells. Each newly created lot shall be serviced by an individual groundwater well drilled and licensed in accordance with the Provincial Water Act.

Appendix B: Provide some Alberta Environment Water Well Database Records for wells in the vicinity of the development which provides an indication of water availability.

A Stormwater Management Plan can be prepared at the sole expense of the Developer should Council or the Municipal Engineer deem it necessary. Developers are not permitted to exceed pre-development release rates with post development flows.

The following policies shall apply:

- a. The new lots shall be serviced by individual groundwater wells.
- b. All future development shall implement water conservation methods such as rainwater collection systems to be used for outdoor watering and the use of drought tolerant fescue with less than 1/3 Kentucky Blue Grass.
- c. All storm water management shall be contained within the proposed development area. No surface water shall be directed to highway ditches and post-development flows shall not exceed pre-development flows. The Developer may be required to prepare a Storm Water Management Plan at their sole expense should Council or the Municipal Engineer deem it necessary.



### 6.3.2 Sanitary Sources and Resources

There are no communal sewage collection and treatment systems servicing the Plan Area. Treatment of sanitary effluent is generally restricted to on-site disposal through septic tile fields as per Provincial legislation. This is typical of domestic use within the MD. To maintain water quality in the aquifer(s), consideration must be given to proper disposal of sanitary and sewer waste from future developments. The new development within the Plan Area will be subject to installation of a septic sewage system in accordance with the required Provincial standards and codes.

The following policies apply:

- a. An on-site sewage disposal system shall be required to be installed that will meet or exceed the current Standard of Practice for the Municipality and Province of Alberta.
- b. No chemical or salt based water softeners shall be permitted in the development.
- c. Methods of Open Discharge from a septic tank shall not be permitted.
- d. Non-evaporative lagoons shall not be permitted.

### 6.3.3 SOLID WASTE DISPOSAL

- a. The Municipality encourages co-ordination of solid waste disposal systems with urban centres where possible.
- b. Solid waste from the development shall be hauled by individual landowners to the nearest waste transfer site.

### 6.3.4 SHALLOW UTILITIES

Shallow utility services include natural gas, telephone, and electricity. Atco Gas provides gas service to the area. Electrical service is provided primarily by Fortis. There is a mix of underground and overhead electrical services in the area. Provision of Shallow Utilities in applications for re-designation, subdivision, and/or development shall be at the sole expense of the developer to the extent required in the Municipal Standard Development Agreement.

## 6.4 PROTECTIVE SERVICES

- a. The Municipality requires that proposals for re-designation, subdivision, and/or development accommodate design elements that consider safety measures and appropriate levels of servicing required for fire, police, and ambulance services.

#### 6.4.1 POLICE SERVICES

- a. Police Services to the Plan Area shall be provided by the Royal Canadian Mounted Police and M.D. of Foothills Special Constables.

#### 6.4.2 FIRE SERVICES

- a. The Plan Area is serviced by 91 1 emergency services, with an emergency locator system set up for each individual property.
- b. New subdivision shall meet the criteria for on-site fire fighting measures as determined by the Municipality.
- c. Applications for redesignation, subdivision or development shall assure proper emergency vehicle access in accordance with Municipal Policy.

## 7.0 IMPLEMENTATION AND REVIEW

### 7.1 Plan Implementation

The ASP falls within a hierarchy of applicable plans as outlined in Section 2.0. The MD's Municipal Development Plan (MDP) is the guiding document for all development within the municipality. The MD's Land Use Bylaw (LUB) establishes the land use rules and regulations. The ASP presents a greater level of planning detail within the specific Plan Area and is required to be consistent with both the MDP and LUB.

Development in the Plan Area should be acceptable to community and consistent with policy contained within the ASP. The ASP does not supersede, repeal, replace or otherwise diminish any other statutory plan in effect in the Plan Area.

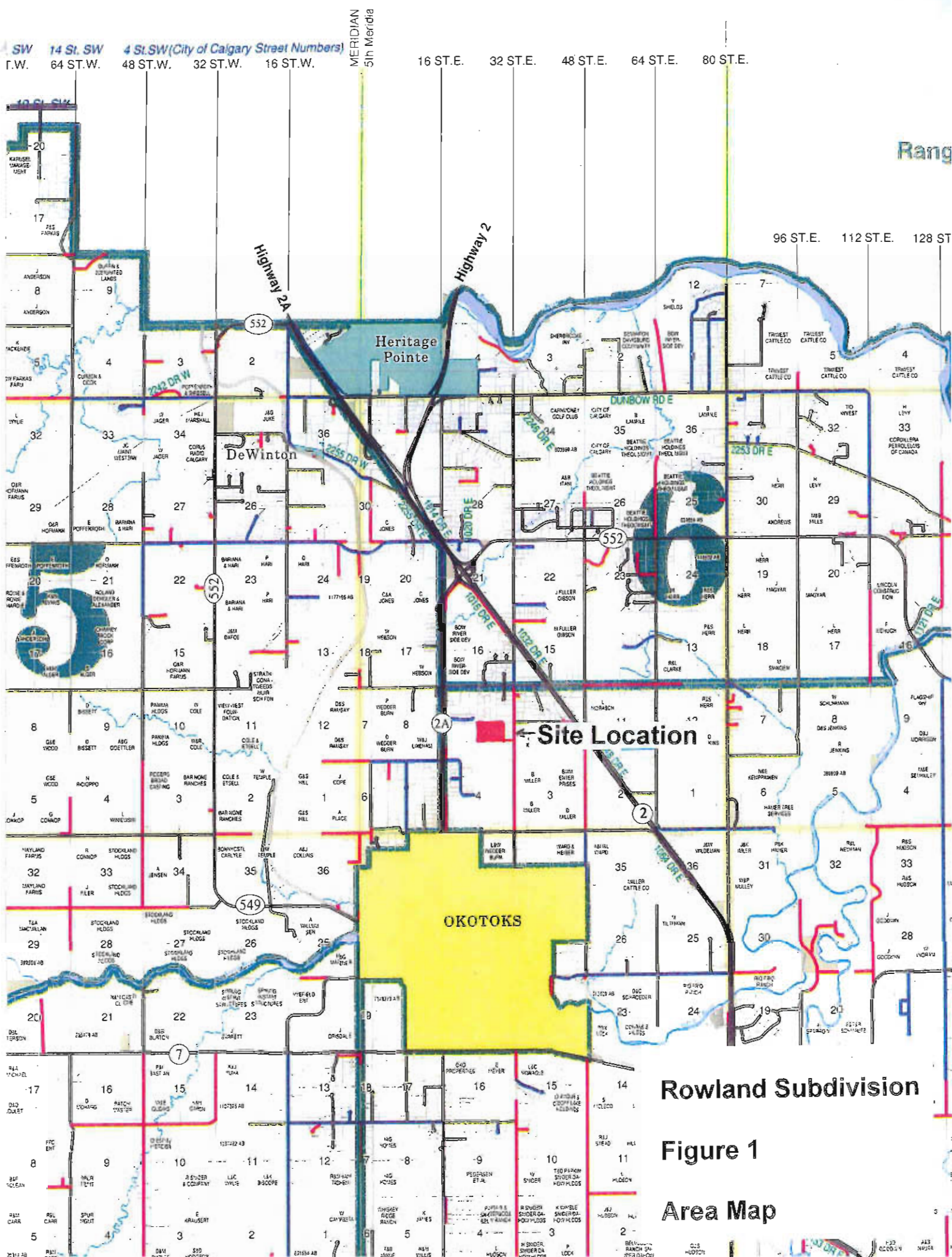
- a. The policies contained within this document shall be reviewed and implemented by MD Council members at their discretion.

### 7.2 PLAN REVIEW

As the ASP is bylaw of the MD, a formal process as outlined in the Municipal Government Act is required to amend the Plan.

- a. The future land use and development outlined in the ASP is intended to address a long-term time horizon. Periodic review and occasional amendment of the ASP may be required in accordance with the Municipal Government Act. The ASP is flexible enough to allow for review and every five years should the Municipality deem that appropriate.

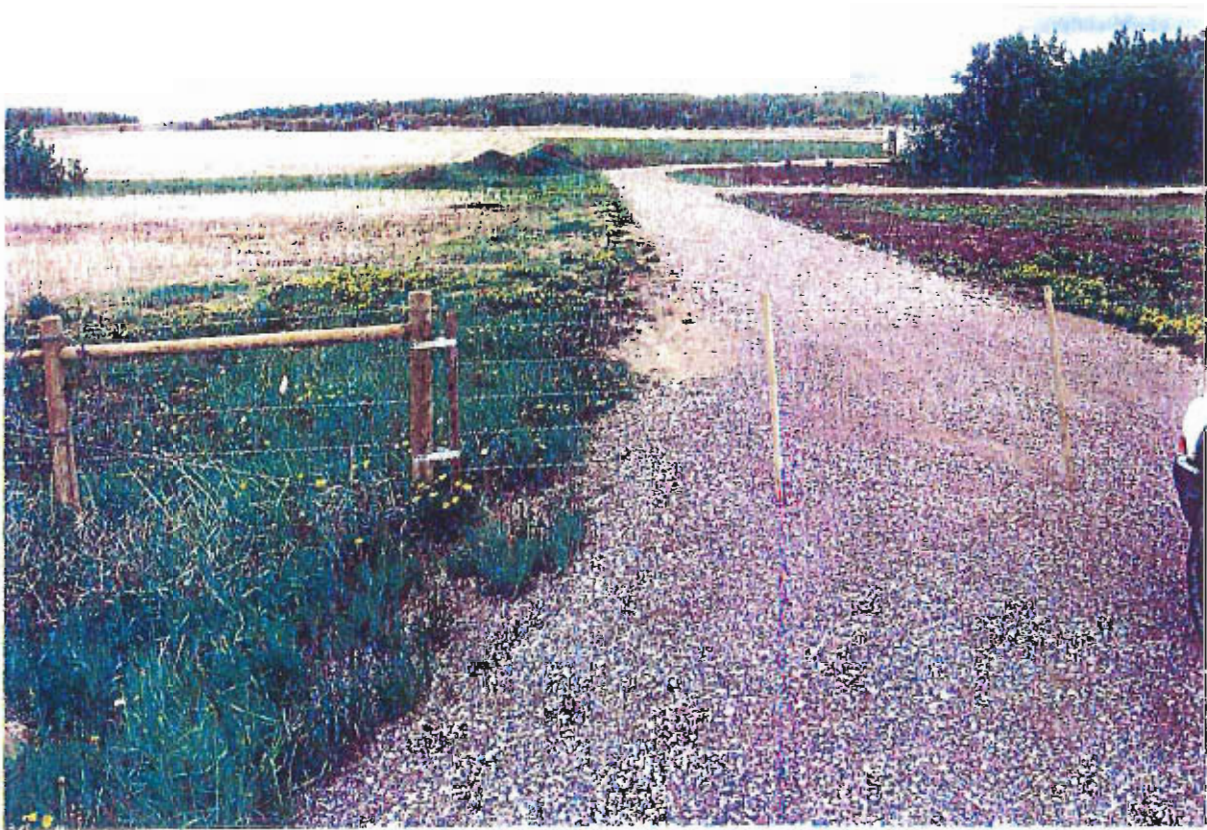
## FIGURES





[illegible]**Plot Area = 24.28 ha (60 Acres)**





**Figure 4.0** From 32<sup>nd</sup> Street looking west down Access R/W to property.





**Figure 4.1** From Access R/W looking south down 32<sup>nd</sup> Street

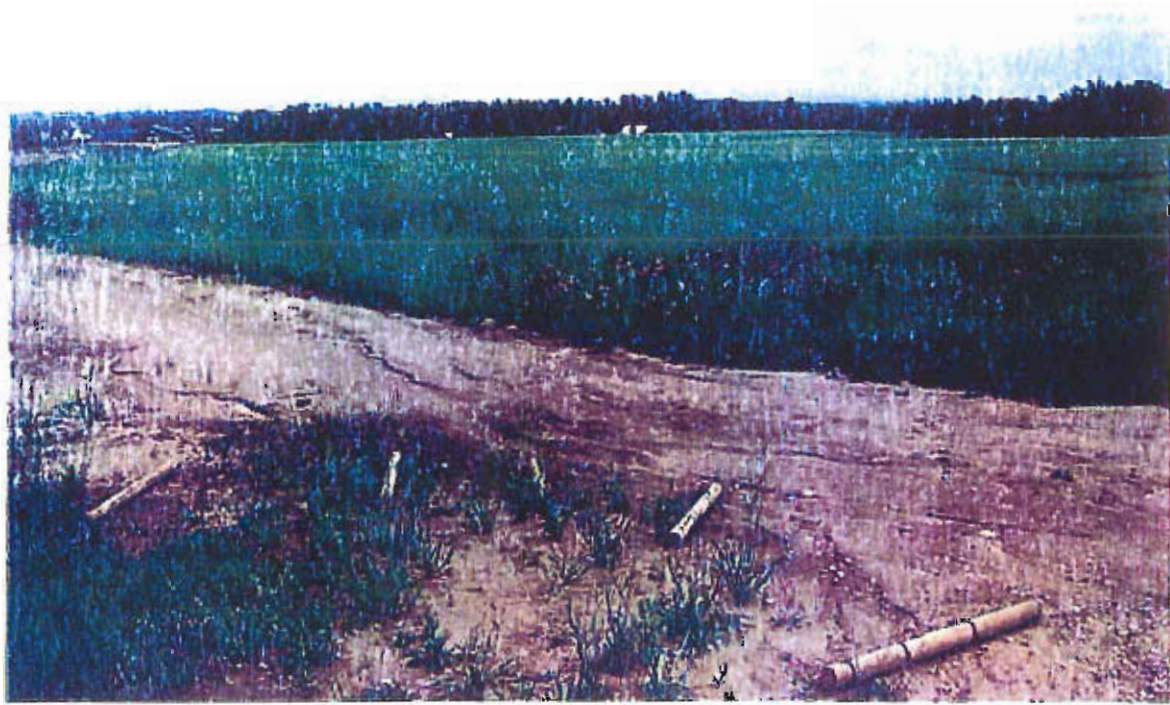




**Figure 4.2** From Access R/W looking north on 32<sup>nd</sup> Street



**Figure 4.3** From SE corner of property looking north.



**Figure 4.4** From SW corner of property looking north.





**Figure 4.5** From SE corner of property looking northwest



APPENDIX A

Certificate of Title



LAND TITLE CERTIFICATE

S  
LINE                      SHORT LEGAL                      TITLE NUMBER  
0034 263 442              0714859;2;3              101 068 382 .9

LEGAL DESCRIPTION

PLAN 0714859  
BLOCK 2  
LOT 3  
CONTAINING 24.29 HECTARES; 60.02 ACRES; MORE OR LESS  
EXCEPTING THEREOUT:  
PLAN                      NUMBER                      HECTARES    ACRES    MORE OR LESS OR LESS  
ROAD                      10194                      0.008       0.02  
EXCEPTING THEREOUT: ALL MINES AND MINERALS

AIS REFERENCE: 1;29;2;9;SE  
ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF FOOTHILLS NO. 31

REFERENCE NUMBER: 071 193 997 12

REGISTERED OWNER IS:				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
101 068 382	09 03 2010	ROAD PLAN		

OWNERS

KEVIN BRUCE ROWLAND  
OF 30 ROBINSON DRIVE  
OKOTOKS  
ALBERTA T1S 1C4

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE	TYPE

CONTINUED

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
# 101 068 332 +9

REGISTRATION

NUMBER	DATE (D M Y)	PARTICULARS
741 040 562	02/05/1974	UTILITY RIGHT OF WAY GRANTEE - ALBERTA GOVERNMENT TELEPHONES. "16.5 FT STRIP"
031 047 545	10/02/2003	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPE LINES LTD.
031 061 685	24/02/2003	CAVEAT RE : ACQUISITION OF LAND CAVEATOR - THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31. BOX 5605 HIGH RIVER ALBERTA T1V1M7
061 010 892	09/01/2006	MORTGAGE MORTGAGOR - THE BANK OF NOVA SCOTIA. UNIT 721 CORNERSTONE-101 SOUTH BIDGE DR CALGARY ALBERTA T2S1B7 ORIGINAL PRINCIPAL AMOUNT \$15,000

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE  
REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED  
HEREIN THIS 14 DAY OF JULY, 2010 AT 11:41 A.M.

ORDER NUMBER: 16975316

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS PROVIDED FOR THE  
SELF USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, REGARDLESS OF WHAT IS  
SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM  
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR  
OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL

( CONTINUED )

PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR  
THE BENEFIT OF CLIENT(S).

## APPENDIX B

Alberta Environment Water Well  
Database Records



You have selected more than one water well.  
Please click the water well ID to generate Water Well Drilling Report.

Well ID	LSO	SEC	TWP	RD	DRILLING COMPANY	DATE COMPLETED	DEPTH (M)	TYPE OF WELL	USE	CHM	LT	PT	WELL OWNER	STADIC LEVEL (M)	TEST RATE (GPM)
11530 SE	09	021	29	4	BLACKWOOD DRILLING LTD.	1999-05-22	275.00	New Well	Domestic		17	23	ROWLAND, W.O.	138.00	2.80
147288 SE	09	021	29	4	AARON DRILLING INC.	1987-06-18	130.00	New Well	Domestic		9		RICHES, DOUG	50.00	3.50
158295 SE	09	021	29	4	GREEN-TEE WATER WELLS	1991-05-29	75.00	New Well	Domestic		3		TAYLOR	21.00	
161186 SE	09	021	29	4	UNKNOWN DRILLER		0.00	Chemistry	Domestic				ROWLAND, WANDA		
1021444 SE	09	021	29	4	AARON DRILLING INC.	2007-04-09	95.00	Cathodic Protection	Domestic		9	7	HAMERBROOK, KEITH	29.80	3.00
1021447 SE	09	021	29	4	AARON DRILLING INC.	2007-04-12	110.00	New Well	Domestic		14	7	HAMERBROOK, KEITH	22.40	1.50
1140146 SE	9	21	29	4	BLACKWOOD DRILLING LTD.		300.00	Old Well - Abandoned	Unknown		17		ROWLAND VENTURES		
1140251 SE	09	021	29	4	BLACKWOOD DRILLING LTD.	2000-05-27	180.00	New Well	Domestic		10	25	ROWLAND VENTURES	33.76	1.50
2023818 SE	09	021	29	4	WELL DONE WATER WELLS INC.	2005-07-30	95.00	New Well	Domestic		7	25	ROWLAND, KEVIN	40.80	3.50

## APPENDIX C

### Draft Architectural Controls

# RESTRICTIVE COVENANT

Pursuant to Section 48 of the *Land Titles Act* (Alberta)

Made this       day of       2010

## RECITALS:

1. The Lots shall be subject to the following covenants, conditions and restrictions:

- a) Land Use- The Lots are to be used solely for single family country residences and as such may not be used for the purpose of any trade or profession unless such business is conducted entirely within the home on the Lot and is approved by the Municipal District of Foothills No. 31 or its successor (hereinafter the "M.D.") No commercial dog kennels or boarding stables are permitted. Furthermore, no attached or semi-detached dwelling, apartment, or duplex, nor any house designed for more than one family may be constructed on the Lots.
- b) Storage on the Lots - No equipment, material or supplies of any kind may be stored on the Lots apart from items normally used in conjunction with a single family residence. Outside storage of recreational vehicles (boats, trailers, and motor homes) is permitted so long as such vehicles are screened inside a minimum 8 foot fence finished in complimentary materials and colors to the house and garage. No other commercial vehicles, trailers, equipment or machinery shall be allowed to be stored on the Lots on a regular basis.
- c) Buildings - No development other than one single family residence on each of the Lots, adequate garaging for vehicles and any accessory buildings and structures that are regularly used in country residential sites will be permitted.
- d) Excavation - Grading, excavation, construction or other works, earned out upon the Lots, shall not interfere with or alter in any way the natural or established drainage system thereon. No grading shall be done which would cause water retention on any of the Lots or to cause water to drain onto neighbouring/adjacent lands. No excavation shall be made on the Lots except for the purpose of constructing foundations for approved and permitted buildings or improvements. No soil, sand or gravel shall be stored on the Lots nor may it be removed from the Lots except to the extent of permanent surplus arising from approved and permitted development.
- e) Construction Activities - The owner or owners of the Lots (as the case may be) under development shall ensure that reasonable precautions are taken to prevent fires and the accumulation or escape of debris and waste water and for the proper containment of construction and all other waste inside appropriate containers with lids. The owner of any of the Lots under development shall be responsible for and shall indemnify and save harmless other owner(s) of the Lots from any and all damage to roadways, water wells and to structures or improvements on either of the Lots.

- f) **Types of Construction** - No structures shall be constructed on the Lots unless they are constructed with new materials and built upon permanent foundations.
- g) **Building Sizes** - No dwelling houses shall be built upon the Lots unless the following minimum floor areas are achieved:
- 1) Single Story - minimum floor area 1400 square feet
  - 2) Two Story - minimum floor area 1200 square feet

These measurements exclude basement development and shall be taken from the exterior of the foundation. No dwellings other than 1 or 2 story dwellings with or without basements shall be permitted.

- h) **Exterior Finishes**- No finishes other than brick, stone, solid wood, vinyl, metal, hardboard, or stucco shall be used on all above ground structures on the Lots. No roof coverings other than cedar or pine shakes, clay/concrete tiles and rubber or asphalt shingles will be permitted. The design and finish of all other above ground structures on any of the Lots must match those of the home and must be completely sided and finished throughout.

No exterior chimney finishes will be allowed other than brick, stone or a finish that matches the siding on the house. No chimneys may be finished on the exterior with concrete block.

All flashings, gutters, fascia, and rain water leads must be painted to match the trim colors or pre-finished. All roof vents and stacks must be painted in a matte finish to match roof colors.

- i) **Roof Pitch and Height** - No structure shall have a roof pitch which is not at least 5: 12. No roof height should be greater than 9.0 meters (29.53 feet) in height.
- j) **Colors** - No colors other than natural colors or earth tones will be permitted on the exterior of buildings constructed on the Lots. Extreme, bright shades and contrasts such as pink, orange or salmon will not be permitted or approved.
- k) **Lighting** - No exterior lighting on the Lots shall be allowed unless the lighting is directed toward the ground. No high level mercury vapour, sodium or halogen yard lights will be permitted. No exterior lighting shall unreasonably illuminate any adjacent lands.
- l) **Animals** - No animals or livestock are permitted unless they are kept in accordance with the MD Land Use By-Law.
- m) **Garbage** - The Lots shall not be used to deposit, dump, burn or store any refuse or trash. No burning or incineration of garbage on the Lots is permitted.



- n) **Landscaping and Tree Clearing** - The balance of lot, outside of the Building Envelope, is to be left in its natural state or landscaped in accordance with this Restrictive Covenant. Noxious and Restricted Weeds, as defined in the Weed Control Act are to be actively controlled and minimized.
  - o) **Off-Road Vehicles** - Motorcycles, trail bikes, snowmobiles or such like machines may not be operated on any of the Lots except for the purposes OT maintenance, landscaping or snow-ploughing on the Lots.
  - p) **Firearms** - No firearms may be discharged on the Lots.
  - q) **Radio and Television Antennas and Satellite Receivers** - No radio and television antennas and receivers shall be permitted on the Lots unless they at a height of no greater than four (4) feet above the residence roof line.
  - r) **Utilities** - All utilities are to be buried underground.
  - s) **Fire-breaks** - Each property must maintain and permit appropriate fire breaks, as may be required by the Municipal District of Foothills No. 31.
  - t) **Private Sewage Systems** - An on-site sewage disposal system shall be required to be installed at no less a standard than that of a private sewage treatment system developed to the standards of the Municipality and Province of Alberta
2. The failure of any party to strictly perform any of the covenants, conditions and stipulations contained in this agreement shall not of itself constitute a waiver of or abrogate from such covenants) conditions, and stipulations except to the extent expressly provided for in such waiver and shall not constitute a waiver of or abrogate from any other covenants, conditions or stipulations in this agreement.
  3. The owner or owners of the Lots may, with respect to any breach of the obligations hereby imposed on the owner or owners of the Lots who are in breach, enforce the provisions of this restrictive covenant and may apply to a Court of competent jurisdiction to restrain any breach by injunction. The owner or owners of each of the Lots agree that in the event of an breach or apprehended breach of the covenants set out herein, damages may be difficult or impossible to determine and that specific performance or injunction (mandatory or prohibitive) as appropriate shall be available as remedies to any aggrieved party in addition to any other remedies provided at law, in equity, by statute or otherwise, and each such owner waives the right to and agrees that it shall not assert or plead that a party seeking to enforce the terms of this restrictive covenant has any adequate remedy in damages or at law.
  4. Where required by the context of this agreement, the singular shall include the Plural and the masculine shall include the feminine as the case may be and vice versa. Should the parties to this agreement and owners of each lot comprising the Lots at any time comprise two or more persons or owners, each such person shall be jointly

and everally bound the other or others for the due performance of the obligations contemplated herein.

The rights, privileges and easements granted herein shall be subject to any restrictions or other provisions contained in any grant, covenant, right-of-way or easement before or afterwards granted for the installation use or operation of any utility within, under, over, or on the Lots or any part of them

6. If any provision of this restrictive covenant shall be determined by a court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this covenant shall remain in force.
7. This agreement shall be registered on the certificate of title to the Lots.

IN WITNESS WHEREOF Rowland Development have hereunto subscribed  
their names this      day of      , 2010

Rowland Development

AFFIDAVIT OF EXECUTION  
CANADA  
PROVINCE OF ALBERTA  
TO WIT:

\_\_\_\_\_, of the City of \_\_\_\_\_

Calgary, in the Province of Alberta

**MAKE OATH AND SAY:**

1. That I was personally present and did see and named  
in the annexed instrument who is personally known to me to be the person named  
therein, duly sign and execute the same for the purpose named therein  
2 That the same was executed at the City of Calgary in the Province of Alberta, and  
that I am the subscribing witness thereto.  
3. That I know the said \_\_\_\_\_ they are in my belief of the full age of 18 years.

SWORN BEFORE ME at the City of Calgary, in the Province of Alberta, this      day of  
2010

A Commissioner for Oaths in and  
for the Province of Alberta