



March 24, 2026

File No.: PLDP20260043

Attention: Adjacent Landowners

Dear Sir/Madam:

**RE: Proposed Development Permit  
Industrial Storage & Warehousing – Kitt Equipment Trailer Sales and  
Accessory Building – Office**

**Landowner: 1555260 BC LTD.  
Applicant: 1555260 BC LTD.  
Legal: S 23-29-1-5 Plan 0612508 Block 1 Lot 18**

You are receiving this notification letter because the County has received a Development Permit proposal in the Rainbow Highway Industrial Park for Industrial Storage & Warehousing – Kitt Equipment Trailer Sales and Accessory Building – Office.

All the parcels within this park have Restrictive Covenant 061 294 973 registered on title by the developer of the park detailing the requirements for development under the ‘Architectural Control Guidelines’ and sign off by a Design Approval Committee. These guidelines are more restrictive than the County’s Land Use Bylaw. Please see the attached letter dated May 14, 2025 for further details on the Restrictive Covenant.

With this circulation, we are requesting you to provide comments regarding the proposal for Industrial Storage & Warehousing – Kitt Equipment Trailer Sales and Accessory Building – Office. The proposal can be viewed or downloaded from our website at <https://www.mountainviewcounty.com/p/file-circulations>.

No response to this letter will be deemed that you have no concerns with the proposal.

You can contact the Development Officer to request a copy of the proposal be mailed or emailed to you, or you may view the information at the County Office during office hours. **A request for a copy to be mailed will not result in an extension of the deadline date for written comment.**

If you would like to provide comments regarding this proposal, a written submission can be submitted any time prior to April 14, 2026. Comments may be sent to:

**Email:** [bhutchings@mvcountry.com](mailto:bhutchings@mvcountry.com); or

**In Person:** 10-1408 Township Road 320 (Bergen Road); or

**Mail:** Postal Bag 100, Didsbury AB T0M 0W0

Please include your contact information including your address, telephone number, and email address so that we can provide you with notice of meetings regarding this file. Your letter will be submitted to the Approving Authority when it considers this application as it becomes part of the public record for this file, and it will be shared with the applicant and/or landowner.

If you require any clarification on this file, or the collection of personal information for the purposes outlined below, contact me at 403-335-3311 ext. 211 or via email at [bhutchings@mvcountry.com](mailto:bhutchings@mvcountry.com).

Sincerely,



Becky Hutchings, Development Officer  
Planning and Development Services

Enclosure

***Please note:***

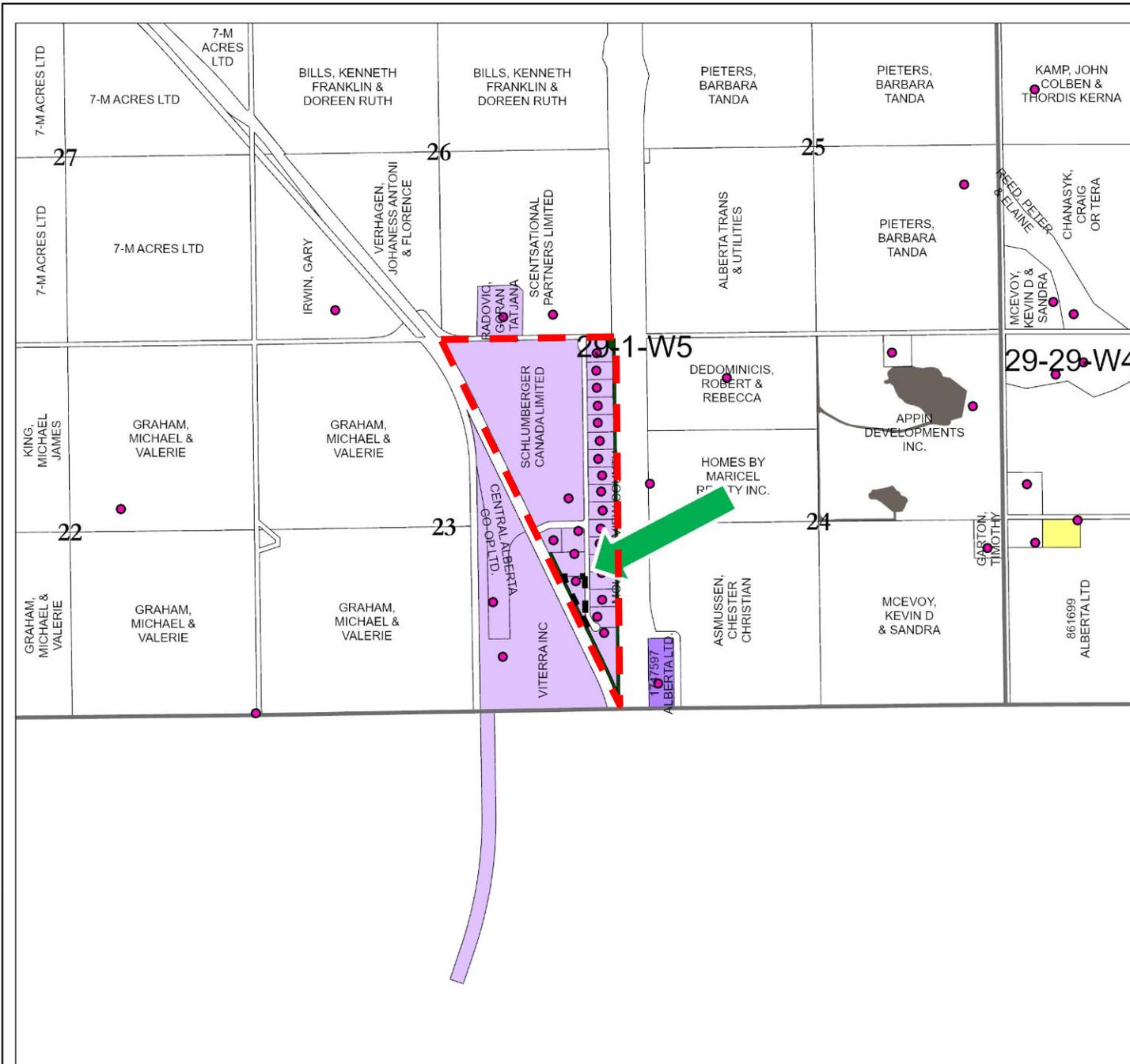
Any personal information submitted as a part of this circulation is collected under the authority of Section 4(c) of the Alberta Protection of Privacy Act (POPA) and will be used to review and evaluate this application. By providing the above personal information, **the applicant consents to the information being made available to the landowner and/or applicant, the public and Approving Authority in its entirety.**





# Mountain View COUNTY

## Location, Land Use, Ownership & Circulation



- Rural Address
- Proposed Development Permit
- Airport Height Limitation
- Land Use Zoning**
- Agricultural District (A)
- Agricultural (2) District (A(2))
- Country Residential District (R-CR)
- Country Residential (1) District (R-CR1)
- Residential Farmstead District (R-F)
- Local Commercial District (C-LC)
- Business Park District (I-BP)
- Heavy Industrial District (I-HI)
- Aggregate Extraction/Processing District (AEP)
- Parks and Conservation District (P-PC)
- Parks and Recreation District (P-PR)
- Parks and Comprehensive Recreational District (P-PCR)
- Institutional, Educational and Cultural District (S-IEC)
- Airport District (S-AP)
- Direct Control
- Subject Land



Scale: 1:25,000

Mountain View County  
NAD\_1983\_CSRS\_10TM\_AEP\_Forest  
Projection: Transverse\_Mercator

**Legal Location: S 23-29-1-5  
Plan 0612508 Block 1 Lot 18  
File No: PLDP20260043**

**Map Created on: 2/25/2026**



**Mountain View**  
COUNTY

# DEVELOPMENT PERMIT APPLICATION

10-1408 Twp. Rd. 320, Postal Bag 100, Didsbury, AB Canada TOM OWO  
T 403.335.3311 F 403.335.9207 Toll Free 1.877.264.9754  
www.mountainviewcounty.com

Application Date:

PLDP20260043

Discretionary  Permitted

## Submission Requirements

- Application form
- Development Permit fees
- Certificate of Title - current within 30 days
- Site Plan
- Abandoned Oil/Gas Well Information from AER
- Applicant's signature
- Registered Landowner's signature(s) (if required)
- Supplemental Forms - for Secondary Suites or Business Uses (if required)

## Contact Details

NAME OF APPLICANT(s):

Address:

Phone:

Email:

LANDOWNER(s) (if applicant is not the landowner):

Address:  Town/City:  Postal Code:

Phone #:  Alternate Phone #:

Email:

## Site Information & Development Details

RURAL ADDRESS:

LEGAL:  Section:  Township:  Range:  West of  Meridian

Plan:  Block:  Lot:  Parcel Size:  Acres

Is property adjacent to a developed County or Provincial Road?

Existing BUILDINGS:

Number of Existing DWELLINGS:

PROPOSED DEVELOPMENT:

## Proposed and Existing Setbacks

Indicate distance in meters and/or feet from Property Lines:

Front:

Side:

Rear:

Side:

### Proposed Construction Details

Type of STRUCTURE:  If Dwelling, what type:

If Other, describe:  Foundation/Basement:

Square Footage:   Building Height:

\*If Mobile Home: Year:  Size:  Model:

Serial Number:  Name/Make of Unit:

\*If "Move-On" Home: - submit photographs of the dwelling Year Built:

Name of Mover:  Present Location of Dwelling:

### Abandoned Oil/Gas Well Information

Have you contacted the AER (Website) to determine if you have an abandoned oil and/or gas well?

- Is there an abandoned oil/gas well on the property?
- If yes, identify it on your site sketch and provide the Name of Licensee:

We require a printout of the mapping from the AER Website. To get this information go to the following website:  
<https://extmapviewer.aer.ca/AERAbandonedWells/Index.html>

### Other Details

Are any of the following uses within one (1) mile of the proposed development:

- Gas Facilities/Pipelines:  Distance:
- Confined Feeding Operations:  Distance:

Sewage System:  Type:  If other:

Water Supply:  Type:  If other:

Has proposed development started?

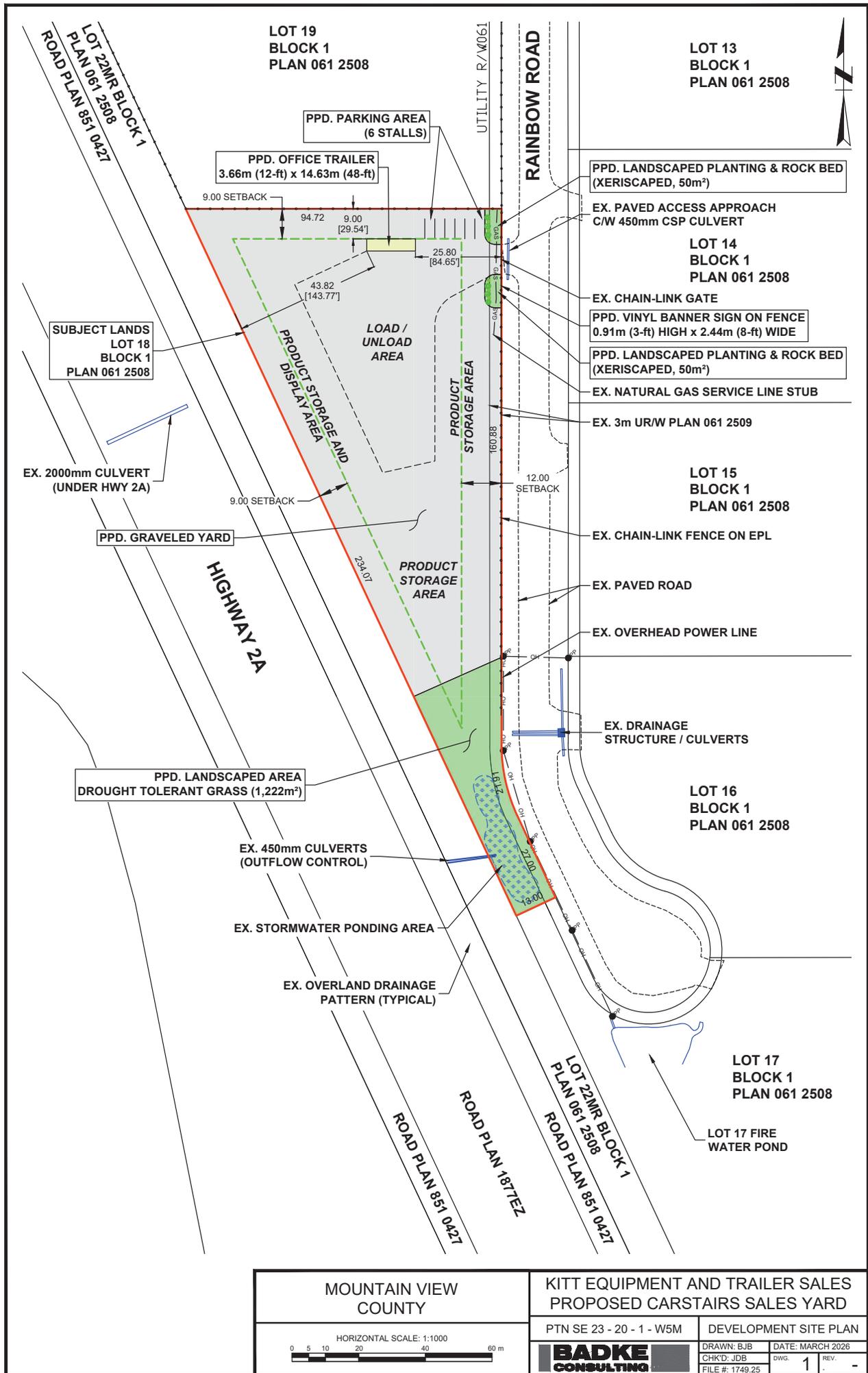
Estimated start date:  Estimated completion date:

Estimated cost of project:

### Right of Entry Agreement

I hereby grant approval for Mountain View County staff to access the property for a Site Inspection:

**Please note: there may be additional forms required for your proposal. Once your proposal has been reviewed by County staff, you may receive an email requesting more information.**

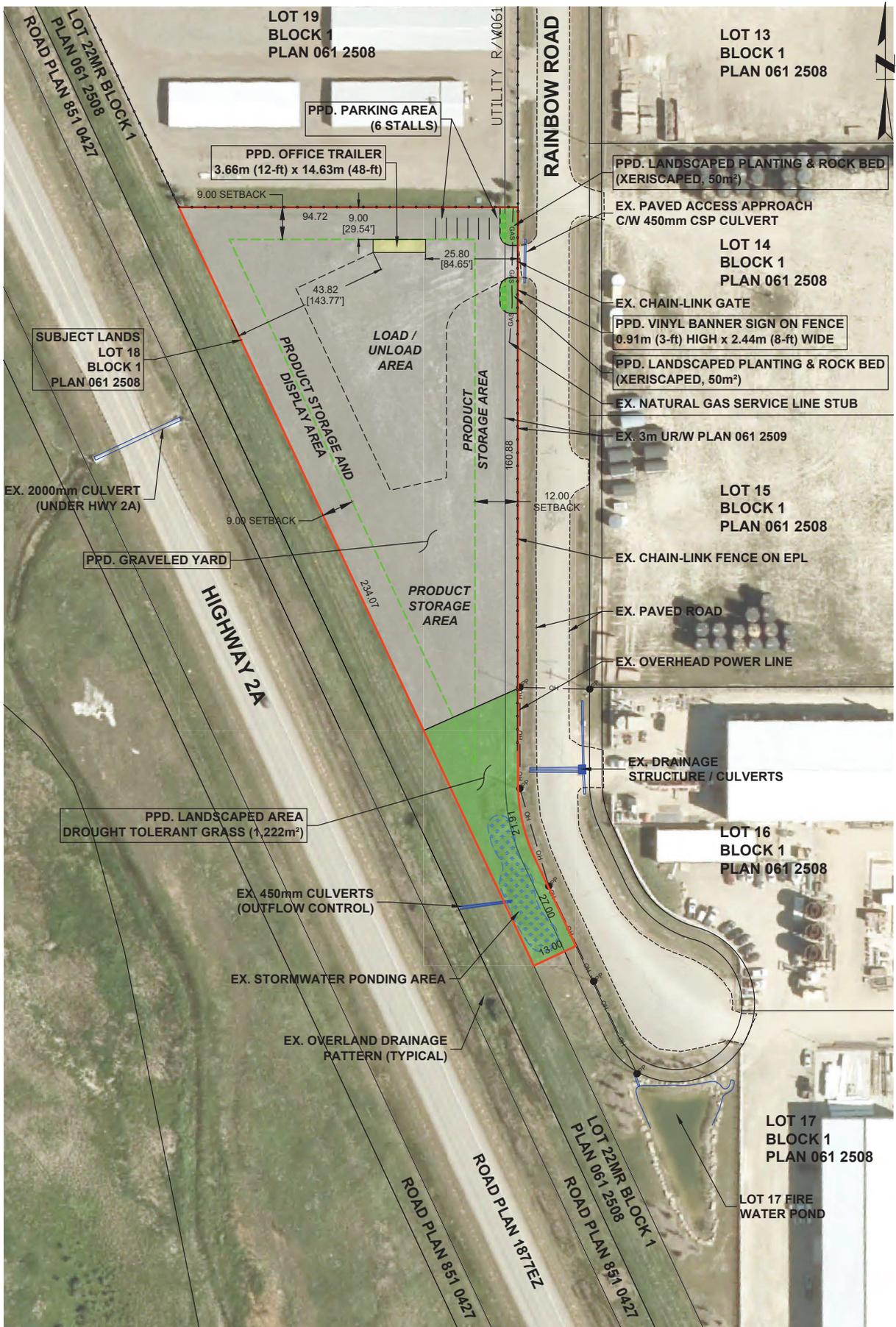


MOUNTAIN VIEW COUNTY

HORIZONTAL SCALE: 1:1000

KITT EQUIPMENT AND TRAILER SALES  
PROPOSED CARSTAIRS SALES YARD

PTN SE 23 - 20 - 1 - W5M	DEVELOPMENT SITE PLAN
<b>BADKE CONSULTING</b>	DRAWN: BJB DATE: MARCH 2026
	CHKD: JDB DWG. 1 REV. -
	FILE #: 1749.25



MOUNTAIN VIEW COUNTY

HORIZONTAL SCALE: 1:1000

0 5 10 20 40 60 m

KITT EQUIPMENT AND TRAILER SALES  
PROPOSED CARSTAIRS SALES YARD

PTN SE 23 - 20 - 1 - W5M      ORTHOPHOTO SITE PLAN

**BADKE CONSULTING**      DRAWN: BJB      DATE: MARCH 2026  
CHKD: JDB      DWG: 2      REV: -  
FILE #: 1749.25



**Mountain View  
COUNTY**

**DEVELOPMENT PERMIT APPLICATION  
BUSINESS USES**

10-1408 Twp. Rd. 320, Postal Bag 100, Didsbury, AB Canada TOM OW0  
T 403.335.3311 F 403.335.9207 Toll Free 1.877.264.9754  
www.mountainviewcounty.com

Date:

**Contact Details**

NAME OF APPLICANT(s):

Address:

Phone:

Email:

LANDOWNER(s) (if applicant is not the landowner):

Address:  Town/City:  Postal Code:

Phone #:  Alternate Phone #:

Email:

**Site Information**

RURAL ADDRESS:

LEGAL:  Section:  Township:  Range:  West of  Meridian

Plan:  Block:  Lot:  Parcel Size:  Acres

**Nature of the Business**

Name of Business:

**Nature of Business** - describe the nature of the business including services provided, products manufactured, items repaired, and goods offered for sale. If necessary, use additional pages:

**Complete the following checklist:**

- 1. Will any clients visit the home or property?
- 2. Will there be an potential for exterior impacts such as noise, smoke, dust, fumes?
- 3. Will there be any outside signage related to the business?
- 4. How many employees in addition to the permanent residents?
- 5. How many business related vehicles will be on the property?

If you have answered **YES** to any of the questions above or have employees and business related vehicles then your business is not considered a Home Office and **requires** a Development Permit and the completion of the this form.

If you have answered **NO** to the questions your business may be considered a Home Office and completion this page and the signature page is only required if you require confirmation from Mountain View County.

## BUSINESS DETAILS

The following questions explain the details of your proposed business.

You may include supplement information such as Website address, Brochures, Business Plans, Marketing Info, etc.

Will there be existing or new buildings used for the business? Indicate all structures and uses on Site Sketch.

For the first 1 year, there will be no permanent structures built on site.  
We will operate out of a Temporary Office

What is the area which will be occupied for the proposed business? Indicate building area occupied by the proposed business on the site plan.

the proposed area will be approx 2.45 acres

How many people will be employed, including yourself: 20

Number of customers during an Average Day: 5-15

Average Week: 75

Hours of Operation: mon-fri 9-5 sat by appt closed sundays

Days of Operation: Mon - Fri

Months of Operation: year round

Vehicles used for the business. Describe number, size, and type (ie. commercial vehicles, cars, trucks, etc.)

1-8 pick up trucks----products delivered by semi trucks

Where will parking be provided for employees/clients/customers and delivery trucks? Indicate parking area(s) on the site plan:

see drawing

What outdoor/indoor storage will be on the property related to the Business:

Our products are 95% new products and will be stored in an organized fashion throughout the yard.  
Trailers, Fencing, Roof top tents,  
See Drawings

Will there be Signs for the business? Indicate size and the location of the proposed signs below and on the site plan

To be determined but within required parameters

**Please note: if your proposal is not for a Home Based Business, a Development Permit application package must also be completed and submitted along with this form for business uses.**

**Vinyl Banner Fence Sign**  
**3 ft x 8 ft**





May 14, 2025

File No.: PLDP20250127

Attention: Landowners within the Rainbow Highway Business Industrial Park

Dear Sir/Madam:

**RE: Restrictive Covenant 061 294 973**

**Legals: Lots 1 – 20 within Block 1 Plan 061 2508**

You are receiving this letter regarding Restrictive Covenant 061 294 973, which is registered on your title as well as on the titles of other lots within the business park. The developer of the park registered this Restrictive Covenant in 2006 with requirements for development under the 'Architectural Control Guidelines'.

The Restrictive Covenant is problematic for the following reasons:

- 1) The Architectural Control Guidelines are more restrictive than the County's Land Use Bylaw. For example, they impose stricter highway setbacks, prohibit loading spaces in front yards, mandate a higher minimum percentage of landscaping, require higher minimum tree heights, and impose more stringent signage requirements.
- 2) The approval of David Striker or a Design Approval Committee consisting of 3 members is required prior to submitting a Development Permit application to the County. In the past, the County has accepted a letter of acceptance with the Development Permit application from the developer of the park, David Stricker, and since his passing Shelley Eastmann, Executor of David's Estate. There is no Design Approval Committee.
- 3) The Land Use Bylaw includes Section 9.4.2, which addresses Restrictive Covenants that are more restrictive than the Bylaw itself. If an application does not meet all of the requirements of a Restrictive Covenant, the applicant must obtain consent from all landowners affected by that same Restrictive Covenant in order for the approving authority to consider approval.
- 4) Recent applications have highlighted how the Restrictive Covenant can slow or prevent development within the park - an unintended consequence resulting from the evolution of the Land Use Bylaw while the Restrictive Covenant remains unchanged.

While the County is not a party to the Restrictive Covenant, we are supportive of efforts by affected landowners to pursue its removal. However, it remains the responsibility of the landowners to initiate and lead this process, should there be a collective intent to proceed.

The removal of a Restrictive Covenant typically involves a court application. The court considers factors like whether the covenant is beneficial to those who benefit from it, if it conflicts with land use bylaws,

and if removal is in the public interest. Alternatively, all registered owners of the dominant tenements can agree to amend or remove the covenant through a written agreement registered at Land Titles. Legal advice is recommended for pursuing either of the options.

In the meantime, Administration will process Development Permit applications in the following way.

- 1) In accordance with Section 9.4.2 a) of the Land Use Bylaw, if a Restrictive Covenant is more restrictive than the Land Use Bylaw, all permitted uses become discretionary, and the applicant is to obtain consent from all landowners that are affected by the same Restrictive Covenant. In accordance with section 9.4.2 b) if consent cannot be obtained from all the landowners, the application shall be refused.

While gaining consent from all the landowners is a possibility, it will be a time consuming process for an applicant and would also require sign-off from the Committee that does not exist. Therefore:

- An applicant may submit an application with or without consent from all the landowners and the Committee.
- Administration will circulate applications to all landowners affected by the Restrictive Covenant to provide comment.
- While Administration will recommend refusal to the Approving Authority, as outlined in Section 9.4.2 b) as the Restrictive Covenant is more restrictive, the Approving Authority will be provided with an alternative option to vary the regulation in Section 9.4.2 b) and approve the application if it complies with the Land Use Bylaw. The Approving Authority will consider the comments received through the circulation process in making the decision. Section 5.2.9 provides the authority to approve an application that does not comply with the Land Use Bylaw as long as the proposal will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of the neighbouring properties and conforms to the use for the land or building.

Decisions on discretionary uses can be appealed by the Applicant or any person affected by the decision, which would include all parties that have the Restrictive Covenant registered on their title.

Attached for your convenience is a copy of Restrictive Covenant 061 294 973, Section 9.4.2 and Section 5.2.0 of the Land Use Bylaw No. 10/24.

Sincerely,



Margaretha Bloem, Director  
Planning and Development Services



**ALBERTA GOVERNMENT SERVICES  
LAND TITLES OFFICE**

**IMAGE OF DOCUMENT REGISTERED AS:**

**061294973**

**ORDER NUMBER: 22851360**

**ADVISORY**

**This electronic image is a reproduction of the original document registered at the Land Titles Office. Please compare the registration number on this coversheet with that on the attached document to ensure that you have received the correct document. Note that Land Titles Staff are not permitted to interpret the contents of this document.**

**Please contact the Land Titles Office at (780) 422-7874 if the image of the document is not legible.**

**RESTRICTIVE COVENANT**  
**RAINBOW HIGHWAY INDUSTRIAL PARK**  
**Restrictive Covenant as to the Use of Land**  
**Made Pursuant to Section 68.(1)**  
**of the LAND TITLES ACT, R. S. A. 2000 C.L.-4**  
**as of this 17<sup>th</sup> day of February, 2006**  
**TO: THE PUBLIC**

RECITALS:

A. DAVID STRICKER and NETTIE STRICKER (jointly referred to as "the Owner") are the registered owners, as Joint Tenants, of the following lands to be subdivided :

**Lots 1-20 Inclusive, Block 1,**  
**Plan 061 2508 x (061 2508)**  
**EXCEPTING THEREOUT ALL MINES AND MINERALS**  
**(hereinafter referred to as the "said lands")**

- B. The Owner is in the process of selling the Building Lots to individuals or bodies corporate and any successor in title to such person who acquire the Lands for the purpose of constructing buildings on the Buildings lots for commercial/industrial use; and
- C. The Owner intends to impose on each and every Building Lot a scheme of mutually enforceable restrictions, with respect to the use and improvement of the Lands and the construction, use and improvement of the buildings thereon in order to preserve the integrity of the development and value of the Lands;

**NOW THEREFORE THIS DEED WITNESSETH** that in consideration of the foregoing, the Owner hereby for themselves, heirs, executors, administrators and successors in title, covenants as follows:

**ARCHITECTURAL CONTROL GUIDELINES**

The following outlines the Architectural Control Guidelines for Rainbow Highway Industrial Park. These guidelines are intended to provide the appropriate criteria for design and construction, adding integrity to Rainbow Highway Industrial Park and are in no way intended to limit either design creativity or the functionality of the premises for their approved purposes.

The major design considerations of this Design Approval Committee are:

- a. Landscaping design that will provide a consistency for the Rainbow Highway Industrial Park including streetscape, parking areas and appropriate concealment of all service areas.
- b. Signage design standardized to promote the Rainbow Highway Industrial Park as one entity. However, corporate identity/logos and suitable individual signs will be considered for buildings.
- c. Building design, site layout, colors and materials.

All proposals have to respect the County of Mountain View bylaws as well as meet the approval of Rainbow Highway Industrial Park Design Approval Committee consisting of 3 members, (the "Committee") as established from time to time either by David Stricker, or, in the event of his demise, by all of the owners of Lots in said lands.

The guidelines contained within this document shall in no way limit the legal liability of the purchaser/applicant from compliance with the Alberta Building Standards, the County of Mountain

View bylaws and any other statutory requirements or regulations.

1. **CONTROL PROCEDURES**

1.1 It is a requirement that all development in Rainbow Highway Industrial Park receive the approval from the Design Approval Committee of Rainbow Highway Industrial Park. The requirements for each submission are outlined below. Each submission for an approval is to consist of three copies of each drawing. Rainbow Highway Industrial Park shall retain two copies of each approved drawing while the applicant shall receive a record copy of each approved drawing duly stamped and noted.

1.2 Preliminary Design

All applicants shall submit preliminary design drawings. The preliminary design must be reviewed and approved before the commencement of final design drawings.

1.3 Final Design

All applicants shall submit final design drawings which include all statistical information relative to the project, all plans, sections and elevations, a site plan, finished grades, drainage and service connections, signage details, materials and colors including samples, and a landscape plan and specifications. Drawings shall also indicate the relationship of the proposed development to adjacent properties and streets. Final design drawings must be approved prior to application for a development permit.

1.4 Development Permit Application

Development Permit Application drawings must be approved prior to submission to the County of Mountain View. These drawings shall conform to the approved final design drawings and may be the same submission as the final design submission. All drawings submitted to the County of Mountain View must bear the approval stamp signed and duly noted by David Stricker. Upon receipt of a development permit from the County of Mountain View, the application shall provide Rainbow Highway Industrial Park with two copies of that approval including copies of any attached conditions.

1.5 Working Drawings

Working drawings must be reviewed and approved prior to building permit application. Working drawings shall conform to the approved development permit drawings.

1.6 Applicants should contact David Stricker regarding any inquiries related to these guidelines or control procedures. Omissions of any of the requirements will place the review of the submission on hold.

1.7 It is required that:

- a) All architectural design drawings shall be delivered to David Stricker for prior approval.
- b) All engineering drawings shall be prepared and stamped by a registered

engineer in the Province of Alberta.

- c) All detailed landscape working drawings shall be prepared.

## 2. DEVELOPMENT DESIGN - GENERAL

Rainbow Highway Industrial Park is made up of a series of separate lots. The goal is that the development of each lot furthers the designed aim of Rainbow Highway Industrial Park. Development of each lot must therefore respect the intent of these guidelines, the principles on which they are based and the developments that have already evolved using them.

- 2.1 Development of all lots shall be planned and designed as an integral part of the existing and/or proposed streetscape and overall estate development.
- 2.2 Signage and landscaping are the two principal unifying elements present in the overall estate development. Accordingly, the maintenance of signage requirements, and of a landscaped street frontage as continuous elements is an essential requisite of development approval.
- 2.3 All buildings on a single site shall be built using compatible architectural styles and exterior finishes unless individual buildings and their immediate surroundings reflect the images of single and separate developments.
- 2.4 The individual entries on multiple tenant buildings shall each be identifiable without detracting from the building's overall appearance.
- 2.5 The use of brick, architectural block and precast are encouraged.
- 2.6 Reasonable stucco accents are acceptable.

## 3. COVERAGE, SETBACKS AND HEIGHTS

Shall meet the requirements of the County of Mountain View and Alberta Transportation. The setback from the right-of-way on Highway 2 and from Highway 3A shall be 25 metres.

## 4 ON SITE PARKING AND LOADING

The design of parking and loading areas must allow the promotion of the building as the prime, positive visual component.

- 4.1 All areas used by vehicular traffic must be graded, drained and maintained at all times.
- 4.2 All parking, whether for visitors or employees, shall be provided on site.
- 4.3 No loading spaces shall be permitted within the front yard of a building.

## 5. LANDSCAPING

Apart from the buildings themselves, soft landscaping is the continuous thread which ties the streetscape and development together.

- 5.1 Ten- metre front yard setbacks shall be landscaped.
- 5.2 Each developed parcel shall provide not less than 10% of the gross site area as on-site soft landscaping.
- 5.3 All areas of the site not otherwise developed, shall be either soft landscaped or hard landscaped with mulch/pavers.
- 5.4 Landscape materials shall be a low maintenance type. Trees, shrubs and ground cover shall be preferred to flower beds, etc.
- 5.5 Winter appearance must be considered. Where landscape materials are used to provide screening, the coverage must be retained on a year-round basis.
- 5.6 The circumstances of site layout and location may dictate that the number of trees required for approval may exceed the County of Mountain View bylaw.
- 5.7 The minimum size at the time of planting, for deciduous and coniferous trees shall be 2.0m high.
- 5.8 Grass shall be uniform turf of species mixture based on drought tolerant fescue and wheat grasses.
- 5.9 All plants and planting shall be nursery grown material from Southern Alberta within 100 km of the site and shall conform to the standards of the Canadian Nursery Trade Association.
- 5.10 Surface drainage should be effectively conducted to the swale located in the county berm.

## 6. FENCING

- 6.1 All fencing shall be chain link.

## 7. SIGNAGE

The control of signage along with landscaping, creates the common element within a quality streetscape.

- 7.1 Illuminated signs may be approved provided they do not flash or rotate.
- 7.2 All signage must be approved and shall conform to the requirements of the County of Mountain View Bylaws and Alberta Infrastructure as well as noted below.
  - a) All free-standing signage will conform to the established guidelines;

- b) Buildings housing more than one tenant may have one free-standing sign per building designed and constructed in accordance with the design illustrated herein. No other free-standing sign will be allowed;
- c) Where a building has sufficient frontage that two or more separate and distinct vehicular entrances are required, then additional and identical signs, complying with the above requirements, will be allowed at the rate of one per entrance;
- d) Where a building houses a single tenant, one free-standing sign will be approved, provided that the design of the sign follows the established guidelines and that the height of the sign does not exceed 1.5m;
- e) General advertising signs, temporary and free-standing roof signs are not permitted.
- f) Fascia signs will not be approved if they protrude above the roof level of a building to which they are attached and no external supporting structures such as struts, wires or braces shall be visible.
- g) Individual identification signs on a building housing more than one tenant shall be approved provided:
  - i) they are no higher on the building face than 3.2m above the ground floor level;
  - ii) there is not more than one sign per tenant;
  - iii) where signage bands are incorporated within the building designs, these bands shall be restricted to 760mm in height.
- h) No design shall rely on signage alone to distinguish individual entries. Signage shall only be used to identify a specific tenant, acting as a supplement to the entry design.
- i) Signs affixed to the building may identify, by lettering and/or numbers, the name, business and products of the owners or occupants of the premises. Signs may include the registered trademark or symbol if the signage complies with the intent and requirements set out in these guidelines, however, all such signage must be approved.
- j) A single building identification sign may be approved on a building housing more than one tenant. This sign may be approved at any height but will not be approved if it protrudes above the fascia.

## 8. OUTSIDE STORAGE

- 8.1 All outside storage areas must be located to the side or rear of the principal building.
- 8.2 All storage must be related to and be an integral part of the business or industry located on the site.
- 8.3 All garbage and waste material must be stored in weather proof and animal proof

containers and screened from adjacent sites, public streets and principal buildings.

9. **OUTSIDE DISPLAY**

Outside display areas are to reflect the general intent of these guidelines in order to be approved.

- 9.1 Where outside display is permitted, it shall be limited to examples of equipment or items sold by the business or industry located on the site.
- 9.2 All display areas for free-standing equipment shall be paved or gravelled and drained.
- 9.3 Description of display or renderings, size and site location must be provided to be considered for approval.

IF ANY PROVISION of this agreement shall be determined by a Court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this agreement shall not be affected thereby and each provision hereof shall be enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF the Owners have executed this Restrictive Covenant as of the day and year first above written.

SIGNED, SEALED AND DELIVERED  
in the presence of:



Witness



Witness



DAVID STRICKER



NETTIE STRICKER

**AFFIDAVIT OF EXECUTION**

CANADA  
PROVINCE OF ALBERTA  
TO WIT:

)  
)  
)

I, MELANIE JARVIS, of the City of  
Calgary, in the Province of Alberta,  
MAKE OATH AND SAY as follows:

1. THAT I was personally present and did see DAVID STRICKER and NETTIE STRICKER, named in the within instrument, who are personally known to me to be the persons 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 persons and they are in my belief of the full age of eighteen years.

SWORN BEFORE ME at the City of  
Calgary, in the Province of Alberta  
this 21 day of February, 2006



A Commissioner for Oaths in and for  
the Province of Alberta

)  
)  
)  
)

  
JIM N.M. STRILCHUK

**JIM N. M. STRILCHUK**  
Barrister and Solicitor  
255, 125 - 9th Avenue S.E.  
Calgary, Alberta T2G 0P6  
CANADA



061294973

061294973 REGISTERED 2006 07 21  
RESC - RESTRICTIVE COVENANT  
DOC 7 OF 7 DRR#: 3216016 ADR/DMACNEIL

# Mountain View County LAND USE BYLAW



## Land Use Bylaw

### Bylaw No. 10/24

#### Schedule A

Note: All persons making use of the consolidation are reminded that it has no legislative sanction, that the amendments have been embodied for convenience of reference only, and that the original bylaw should be consulted for all purposes of interpreting and applying the bylaw.



## Section 5 SUBDIVISION AND DEVELOPMENT APPROVAL PROCESS

### PREAMBLE

This section outlines the approval process of a development and subdivision application. Brochures explaining the approval process and the relation with various levels of approving authorities are available through Planning & Development Services for further clarification.

*Note: The text contained within this grey box does not form a part of the Land Use Bylaw and is only provided as context for the reader.*

### 5.1. Complete Development Permit Applications

1. The Approving Authority shall determine within twenty (20) calendar days (after the date of submission) if a Development Permit application is a complete application and send a notice in writing of confirmation to the applicant.
2. A complete Development Permit application shall include all the requirements of the applicable District, Section 4 and any other Sections of the Land Use Bylaw that applies to the application as well as:
  - a) Payment in full of applicable fees; and
  - b) Where subdivision is required, the subdivision must be registered pursuant to the subdivision regulation or comply with the Development Agreement(s) for the subdivision.
3. If the Approving Authority fails to determine within the twenty (20) calendar days (after the date of submission) if a Development Permit is complete, the application shall be deemed complete.
4. If an application is deemed incomplete, the Approving Authority shall issue a letter to the applicant that lists the outstanding documents and information to be submitted within a specified timeframe to be considered a complete application.
  - a) After the outstanding documents and information is submitted and reviewed to determine if the application is complete, the Approving Authority shall send a notice in writing to the applicant to confirm the application is complete.
5. Failure to submit the outstanding documents and information within the timeframe of the letter or a timeframe as agreed between the applicant and the Approving Authority, the application shall be deemed to be refused and the Approving Authority shall proceed to issue a Notice of Decision for refusal with reasons.

### 5.2. Decision on a Development Permit Application

1. In making a decision on an application, the Approving Authority may approve the application with or without conditions, or if it relates to a discretionary use, refuse the application.
2. A Notice of Decision shall be sent to the applicant/landowner the same date the decision is made by the Approving Authority.
3. Before a decision is made, an application may be referred to such authorities or external agencies as the Approving Authority considers necessary, or is required by the Municipal Development Plan, any Inter-Municipal Development Plan or any other statutory document, for comments and advice respecting the application.

4. In reviewing a Development Permit application, the Approving Authority may request additional information or documentation this is considered necessary to make a determination.
5. In determining a Development Permit application for industrial or commercial land use, the Approving Authority shall, among other things, evaluate the application based on the provisions of the “Mountain View County Business, Commercial, and Industrial Design Guidelines” adopted by Council.
6. Despite being listed as a permitted use in a land use district, no Development Permit shall be issued if the site is determined to be unsuitable for the proposed use at the discretion of the Approving Authority.
7. The Approving Authority shall recommend approval or refusal of the application and may impose such conditions that are considered necessary to mitigate potential impacts.
8. Pursuant to Section 684 of the Act, an application for a Development Permit is, at the option of the applicant, deemed to be refused if the decision of an Approving Authority is not made within forty (40) days of a completed application being received by the County, unless the applicant has entered into an agreement with the Approving Authority to extend the forty (40) day period.
9. Pursuant to Section 640(6) of the Act, the Approving Authority may approve an application for Development Permit notwithstanding that the proposal does not comply with this Bylaw, if in the opinion of the Approving Authority:
  - a) the proposal would not:
    - (i) unduly interfere with the amenities of the neighbourhood; or
    - (ii) materially interfere with or affect the use, enjoyment, or value of neighbouring properties; and
  - b) the proposal conforms with the use prescribed for that land or building under this Bylaw.
10. In the event that a variance is granted for a Development Permit application, the Approving Authority shall specify the nature of the approved variance in the Development Permit approval.
11. The Approving Authority may grant a variance on non-compliant Real Property Reports based on the conditions of an approved Development Permit or existing non-conforming development. Where the Municipality is requested to provide comments on a Real Property Report with respect to legally established or non-conforming existing development, the Approving Authority may:
  - a) where development is legally non-conforming or a Development Permit was not required, grant relaxation of development standards up to 40%;
  - b) where a Development Permit has been issued, grant relaxation by 10% of approved setback; or
  - c) otherwise require the issuance of a Development Permit for reasons of safety, hazard or general public concern or additional relaxation.

### **5.3. Conditions of a Development Permit**

1. The Approving Authority may impose conditions to the approval of a permitted use to ensure compliance with this Bylaw and other provincial regulations. All applicable

## 9.2. Access to Sites

1. The Approving Authority, in consultation with the appropriate County Department, may determine the most suitable access and egress point(s) onto a County road with regard to any application for development and/or subdivision which may be authorized in the County. As a condition of subdivision or development approval, the Approving Authority may require the construction of new approaches, upgrading to existing approaches and/or the removal of approaches to achieve desired access management objectives. Where required, adjustments to approaches shall remain at the cost of the applicant.

## 9.3. Accessory Buildings and Uses

1. When an accessory building is proposed for use as a temporary residence prior to construction of the principal building and will at some future date be converted to an accessory building, the accessory building will be treated as a permanent residence and shall comply with the County's minimum residential floor area requirements and the Alberta Safety Codes construction standards for a permanent residence until it is converted to an accessory building.
2. Where a structure is attached to the principal building on a site by a roof, common wall or foundation, it shall be considered to be part of the principal building and not an accessory building.
3. When located in a multi parcel subdivision on a parcel of less than 0.4 ha (1.0 ac), an accessory building shall not be higher than the permitted height of the principal building unless otherwise approved by the Approving Authority.
4. Accessory buildings shall not be constructed over an easement or utility right-of-way.

## 9.4 Caveats for Development Agreements, Caveats for Restrictive Covenants and Restrictive Covenants

1. Caveats in respect of Development Agreements shall be reviewed as part of processing a Development Permit application.
  - a) If a proposed development does not comply with a restriction in a Development Agreement that is more restrictive than provisions of the Land Use Bylaw:
    - (i) Permitted Uses shall change to and be considered as Discretionary Uses, when applicable, and;
    - (ii) the County shall circulate the Development Permit application to landowners affected by the same Caveat.
  - b) The Approving Authority shall in making a decision consider the Development Agreement together with the circulation responses to evaluate if the non-compliance with a restriction or requirement meets all three criteria
    - (i) complies with the applicable statutory plans; and
    - (ii) does not unduly interfere with the amenities of the neighbourhood; and
    - (iii) does not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
  - c) The Approving Authority shall not approve a Development Permit application if the non-compliance does not meet the criteria set out in subparagraph (b) herein.

2. Caveats in respect of Restrictive Covenants or Restrictive Covenants (whether or not the County is a party to the Restrictive Covenant) shall be reviewed as part of processing a Development Permit application:
  - a) If a proposed development does not comply with a restriction in a Restrictive Covenant that is more restrictive than provisions of the Land Use Bylaw:
    - (i) Permitted Uses shall change to and be considered as Discretionary Uses, when applicable, and;
    - (ii) the Applicant shall obtain written consent from all the landowners affected by the same Restrictive Covenant and submit the written consent.
  - b) The Approving Authority shall not approve a Development Permit application if the applicant does not provide written consent from all the landowners affected by the same Restrictive Covenant.
  - c) The Approving Authority shall in making a decision consider the Restrictive Covenant restriction(s) together with the applicant's submission of written consent from all the landowners affected by the same Restrictive Covenant to evaluate if the non-compliance with a restriction or requirement meet all three criteria:
    - (i) complies with the applicable statutory plans; and
    - (ii) does not unduly interfere with the amenities of the neighbourhood; and
    - (iii) does not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
  - d) The Approving Authority shall not approve a Development Permit application if the non-compliance does not meet the criteria set out in subparagraph (c) herein.

## 9.5. Condominium Development

1. A bareland condominium may be authorized in a land use district where the said development fully complies with the requirements of that district.
2. Improvements intended to service bareland condominium development shall be in accordance with County standards.
3. A bareland condominium project shall comply with all general regulations of this Bylaw and with the regulations of the applicable district such that each bareland condominium unit is to be treated in the same respect as fee simple parcels.
4. A bareland condominium project shall ensure that each proposed condominium unit is accessed by a public roadway, a public laneway, condominium common property, or a unit characterizing condominium common property.
5. The Condominium Association and/or registered landowner in a condominium development shall be responsible for ensuring the conditions of the approved Development Permit remain unaltered to the satisfaction of the County.
6. The Condominium Association shall provide architectural design controls in addition to the requirements of this Bylaw. Where condominium corporation rules and the regulations in this Bylaw differ, the more restrictive regulations of the two shall apply as evaluated by the County.