



NOTICE OF DECISION

NOTICE is hereby given that the Development Officer or the Municipal Planning Commission of the Summer Village of Sunbreaker Cove has approved the issuing of a development permit for the following permitted use:

***Dwelling Move
Development Permit #226032
1101 Larch Road (Lot 1 Block 2 Plan 4146RS)***

AND FURTHER TAKE NOTICE THAT you may appeal Permitted Uses, Discretionary Uses or Variance approvals to the Subdivision and Development Appeal Board, as provided for in Part 17, of the Municipal Government Act. You may not appeal a Permitted Use unless it involves a relaxation, variation or misinterpretation of the Land Use Bylaw. Written statements relevant to the development and reasons for the appeal, along with a \$400 fee should be submitted to the Summer Village of Sunbreaker Cove, Subdivision and Development Appeal Board, #2 Erickson Drive, Sylvan Lake, AB T4S 1P5 within 21 days following the date of this notice.

For further information please contact the Development Officer at 403-887-2822 or khubbard@sylvansummervillages.ca. Documents regarding this development are attached.

Dated this 16th day of December, 2022.

Kara Hubbard, Development Officer



Summer Village of Sunbreaker Cove
#2 Erickson Drive
Sylvan Lake, AB T4S 1P5

DEVELOPMENT PERMIT

Permit Number: 226032

Municipal Address: 1101 Larch Road

Lot: 1

Block: 2

Plan: 4146RS

Applicant:



On Behalf Of: -

The Development Involving: *Dwelling Move*

Has Been Approved Subject to the Following Conditions:

- 1) The payment of all outstanding property taxes or the making of arrangements, satisfactory to the Council, for the payment thereof, prior to the commencement of the development.
- 2) The development commences and continues in the manner applied for and that all development complies with the regulations and specifications of the Land Use By-Law under which this permit was issued.
- 3) The construction shall be completed within 12 months and the landscaping shall be completed within 2 years of the date of permit issuance.
- 4) The payment of a \$10,000.00 completions deposit to ensure all conditions of this development permit have been met, including the completion of the dwelling move within a one-year period, landscaping completed with two years, and any or all road damage repaired.
- 5) All parcels shall be graded to ensure that storm water is directed to a drainage ditch without crossing adjacent land, except as permitted by the Development Authority. All maintenance and upkeep shall be the responsibility of the property owner. A lot grade certificate may be required at completion to ensure that proper drainage on the property exists.
- 6) Any damage to public roads due to the move shall be repaired immediately at the expense of the permit holder.
- 7) Copies of all applicable Building, Electrical, and Plumbing & Gas permits shall be provided to the administration office to be kept on file.
- 8) Sewer curb stop must remain accessible at all times, during and after construction. The Public Works Manager shall be contacted for turn off.
- 9) Public Works Manager is to be notified of any signs that are to be removed and replaced prior to dwelling move.
- 10) Zero trees to be removed on the property.
- 11) Owner to obtain a site survey by a qualified surveyor of the Summer Village's choice, at the owner's expense, to ensure the cutting and clearing will not be occurring on private property. This is to be obtained prior to the move.
- 12) Neighboring resident to be notified prior to the move to allow for motorhome to be relocated.
- 13) Administration to be notified in advance of the move date and time to allow Public Works Manager to be onsite.
- 14) Any development commenced prior to January 6, 2022 (21-day appeal period), is at the applicant's own risk.

You are hereby authorized to proceed with the development specified, provided that any stated conditions are complied with, that the development is in accordance with any approved plans and applications, and that construction conforms with any provincial and federal requirements relative to this development.

Date of Decision: November 29, 2022

Date of Issuance of Development Permit: December 16, 2022

Development Authority

Note:

- 1) The issuance of a development permit in accordance with the notice of decision is subject to the condition that it does not become effective until 21 days after the date that the development permit is issued.
- 2) This permit is valid for a period of 12 months from the date of its issue, or the date of the decision of the Council confirming it. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence as determined by the development officer, this permit shall be null and void, unless an extension to this period, being no longer than an additional 12 months, has been previously granted.
- 3) Development Authority may carry out on-site inspections of the development at any time.



1101 Larch Road



Alberta Land Surveyor's Real Property Report
of Lot 1, Block 2, Plan 4146RS
Within the Summer Village of Sunbreaker Cove, Alberta

DEVELOPMENT PERMIT

NO: 226032

CONDITIONALLY APPROVED

ON: DEC 16 2022

BY: [Signature]
(Approving Authority & Signature)
14 Pages

Dated at Red Deer, Alberta

September 6th, 2017

[Signature]
Jordan K. Winters, A.L.S.
COMPASS GEOMATICS LTD. 2017



This document is not valid unless it bears an original signature (in blue ink)
and Compass Geomatics Ltd. permit stamp (in red ink)

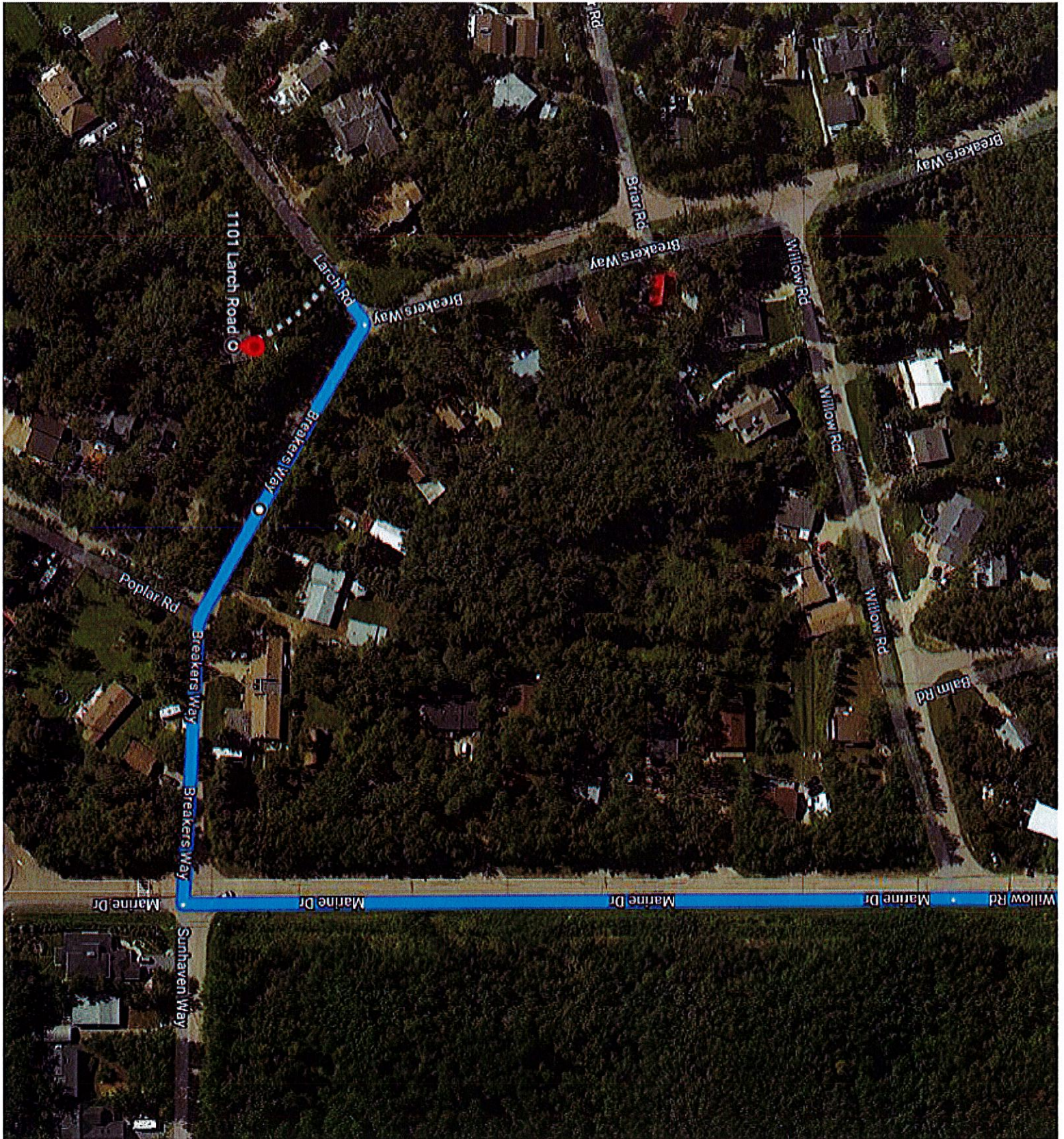
Document Prepared by:

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USING ALL INFORMATION TO BE PROVIDED TO THE USER TO CONSTRUCTIVE
ALBERTA FIRST CALL 1-800-262-3447

01205.17 RPR.001 Date: August 30, 2017 Drawn: CC/PMU/PC



House move route.

Summer Village of Sunbreaker Cove Council

RE: Delegate Submissions to request reconsideration of tree trimming and tree removal to facilitate demolition of cabin per application previously submitted to Development Officer

I am respectfully requesting that Council reconsider its earlier decision to deny the requested tree trimming and/or removal required to complete the demolition of the cabin currently located at municipal address 1101 Larch Road, for the following reasons:

1. Tree trimming

- a. I provided the information available to me at the time regarding the necessary tree trimming and/or removal with the development application. Exact information was not available, although it was indicated that more exact information via tagging of trees could be provided upon request by the house moving company. I was not made aware of Administration's concerns prior to the last Council meeting, or advised that I could speak to the matter. Subsequent to the last Council meeting, it was suggested that I needed a survey to determine road allowance locations, etc. However, I have now gathered additional information, including a meeting with the house moving company and a certified arborist from Calgary, and on the basis of that new evidence, request the matter be reconsidered.
- b. After further review of the site by the owner of the house moving company and an independent certified arborist who has worked with the house moving company as a contractor over the past 10 years, it is anticipated that only 1-3 trees will need to be removed, and some additional pruning is required on a few trees which overhang the road allowance and the road itself. Enclosed as **Exhibit "A"** is information from the arborist with his professional opinion regarding the above. The extent of the removal or trimming is quite minimal overall, which is more evident now that all leaves have fallen and do not weigh down the branches. Further, the truck moving the cabin has some ability to navigate from side to side of the existing road, and in most places where there are trees on one side, the other side of the road is more open. This reduces the need to remove or trim trees unnecessarily.
 - i. It is anticipated that one (1) 5-6" diameter balsam poplar tree will need to be removed from the road allowance adjacent to 1105 Breakers Way (see **Exhibit "B"** attached). Please see comments from arborist regarding tree's condition. Some small willow trees located immediately beside the

roadway in that same area may need to be removed as well; this will need to be determined at the time of trimming, as this area is the narrowest in the entire ~2 block distance. All trees are contained on road allowance and within discretion of Council to authorize.

- ii. In addition, 2-3 large branches of a river willow on the north side of the road, on the corner of 1110 Breakers Way need to be pruned back (most of which are already dead), but intention is to leave base of tree where new growth has already started (so branch trimming only; tree to remain intact). Please see arborist's comments regarding health and future growth / risk of this tree. Survey stake indicates this tree is entirely on road allowance.
- iii. The bottom 3-4 branches on an overmature poplar tree on the corner of 1102 Marine Drive need to be pruned as they overhang the road. These branches pose a breaking hazard as they are not protected by higher branches and are therefore most likely to break off and damage private property and/or infrastructure in the event of wet snow or a severe storm. The remainder of the tree will be left intact, and healthier than before.
- iv. Willows surrounding corner of 1123 Larch Road – see **Exhibit “C”**. These trees pose a significant safety issue as they impede visibility to the oncoming traffic to the left of the uncontrolled intersection until a vehicle is well out into the intersection. This is a safety issue for vehicles and pedestrians, and need to be trimmed back for safety reasons regardless of this request. Note the degree of overgrowth between the Google Maps photos from July 2014 (picture contained in Exhibit “A” attached to arborist's report) and images from August 2022. This corner has not been maintained, to the detriment of the population of the area. Branches now overhang the new asphalt. This overgrowth needs to be trimmed back for the safety of residents, regardless of the determination of Council for this request.
- v. Small saplings and brush on road allowance at either side of intersection at Breakers Way and Marine Drive. Similarly, visibility of traffic control signs is greatly reduced due to overgrowth of saplings and brush in this area. Note the image from August 2022, where the Stop sign is completely obscured. Even at the end of October, when all leaves are gone, the Stop sign is still partly obscured. A visual of the overgrowth from the vantage of standing behind the Stop sign is provided to show how much growth is blocking visibility. Similarly, the speed limit sign on the right-hand side of the road is also partly obscured in October, and

invisible in summer months when traffic is highest. As this is a major intersection within the municipality, the obscuring of a Stop sign, even without foliage in place, is a liability issue and needs to be trimmed back for safety reasons regardless of this request.

- c. All tree trimming and removal will be at the expense of the house moving company, and will include all clean up and mulching. The Summer Village is welcome to the mulch at no cost, if desired, and if not, will be hauled away. As of September 2022, the Summer Village's tree removal budget was over by \$2,940.19. This proposal allows the summer village to have some problematic trees / areas trimmed up professionally, leaving vegetation healthier than before without losing the overall 'country lane' esthetic of the area, at no additional cost to the summer village.

2. Road allowance

- a. By reviewing a map of the subdivision plan, I determined that the road allowance from the property lines on one side of Breakers Way to the other is consistently 66 ft across (with one small exception as noted on the subdivision plan). See **Exhibit "D"**. This narrower spot coincides closely with the poplar tree that we have requested be removed to the ground per paragraph 1(b)(i) above and in Exhibit "B" hereto. The house, including the eaves, is 38 ft wide. This means there is approx. 14 ft on each side of the house to the property lines. Even if the road is not exactly in the middle of the road allowance, which the Development Officer advises is unknown to Administration, it is unlikely to be out by more than a foot in either direction. As noted above, the driver of the vehicle can navigate over to one side of the road or the other to avoid some trees/branches as needed, minimizing the need for excessive branch trimming or tree removal.

3. Safety and sight lines, as well as liability


- a. As noted above, the current foliage and tree growth at the intersections of Larch Road and Breakers Way, as well as Breakers Way and Marine Drive, pose significant safety issues for motor vehicles and pedestrians in the municipality. Once advised of these safety concerns, the municipality has a positive obligation to mitigate the risk or becomes liable for any resulting damage or injuries that occur. Arguably, notice was given when the photographs were submitted with the development permit application in September, but if not, this would be considered written notice of the risk.

Please refer to section 532(6) of the *Municipal Government Act*, attached as **Exhibit "E"**. These intersections need to be addressed and remedied by the summer village, regardless of Council's determination of this request. The

significant difference is that we are offering to pay for the trees and brush to be trimmed back, rather than it being at the expense of the taxpayers.

4. Environmental Impact of decision

- a. This summer village has long considered itself stewards of the environment. With proximity to a shared water body, members of the community, including myself, have been members of the Sylvan Lake Watershed Society, an organization that is focused on the long-term sustainable health of Sylvan Lake and its communities. The recent regional wastewater project was a major step forward to further protecting the watershed from pollutants. I was also involved with environmental initiatives several years ago (in the mid-2000s with two other residents), designed to offer additional information to residents about environmentally friendly ways to co-exist with nature in our community and reduce our footprint.
- b. In May 2022, a tree audit was completed in the summer village, which identified that we live in a boreal forest. The report identifies there are some increased risks of forest fires due to dead fall, and additional risk of overmature balsam poplar trees damaging infrastructure and private property. The report explains in great detail how the forest regenerates itself, and how to maintain a healthy boreal forest in our community. The proposed branch trimming and tree removal will not have a significant impact on the aesthetics of the area and is consistent with the advice contained in the report to maintain a healthy forest.
- c. I recognize that removing or trimming branches of trees may slightly alter the appearance of select areas within our community. However, the work required is quite minimal and in a very small area of the overall community. Our trees are a renewal resource; they regenerate. We are not proposing to clear cut a swath down either side of the road, but rather selectively remove or trim back only a few trees that prevent the house from travelling down the road currently. Further, while the trees are dormant, the least amount of damage will occur. All of the trees in question will regenerate quickly, and will come back healthier than before. Most significantly, the areas where the most amount of trimming or removal is required have also been identified as areas where there is risk of significant harm to residents due to the obscuring of intersections and traffic control signs.
- d. Conversely, if Council's previous decision is upheld to deny the request as clarified herein, the only alternative is to destroy the existing structure, rather than allow it to be recycled and relocated to allow a new family many more years of



enjoyment and shelter. There will still be an impact on the community, including multiple dump trucks required to haul away construction debris, not to mention the increase in dust and noise. There is a greater risk that small amounts of construction debris will escape into the surrounding community.

- e. According to Statistics Canada, Construction debris currently makes up an alarming amount of the solid waste in landfills. A 2021 report completed for BC Housing confirms these statistics, attached as **Exhibit "F"**. If the structure is demolished rather than removed, a local landfill will receive the waste, consisting of lumber and wood products, drywall, plastics and other products created from oil by-products, metal, fiberglass, ceramics and other construction debris. Allowing the relocation of the structure minimizes those risks to the greatest extent possible. We are attempting to recycle the structure and have a positive, rather than create additional solid waste for a local landfill. Further, there will be a greater impact to the environment as a whole if additional lumber, plastics, metals, and other products are required to build a new structure for the purchasers rather than allowing them to complete the purchase of this existing structure.
- f. The summer village's land use bylaws specifically contemplate the relocation of an existing structure onto a lot in the subdivision. By logical extension, the land use bylaws also permit the demolition of a structure by relocation out of the area, and at a minimal disruption and impact to the community as a whole.

As a result of the foregoing information, I respectfully request that the Council of the Summer Village of Sunbreaker Cove reconsider their decision and grant the request to trim and/or remove trees as required and proposed herein.

Sincerely,

EXHIBIT "A" – Report from Arborist

Good afternoon

Was nice to meet with you last week and hear about your project. As per our walk through the Village I have a summary first of some concerns that I pointed out to you as well as some recommendations regarding the maintenance for healthy longevity for the trees. I will also outline the work that pertains to your house move project.

The first thing I noticed was the blind corner directly in front of your property. This is a hazard for pedestrians and vehicles as drivers need to be right into the intersection to be able to see any traffic approaching, and with the hills heading north from your property there is already a concern where it is more difficult to see what is coming from over the hill before passing through the intersection. The shrubs on this corner should be cut back to allow for adequate line of sight before somebody gets hurt....especially considering how icy the road was when we met last week. Google maps shows this corner from 8 years ago and the shrubs were being maintained better so that this line of sight was not nearly as inadequate.

The second hazardous condition I noticed is the overgrown trees/shrubs in front of the stop signs. Last week when we met the visibility of the stop signs was not adequate and although I am not familiar with any transportation bylaws, I think any doubt needs to be addressed formally with the appropriate parties. I can be certain that during the growing season these stop signs would be completely obscured creating a greater hazard again for pedestrians and traffic.

As we walked the road I can appreciate how nice the "canopy" would be in the summer months and how much that overhang along the road adds to the beauty and tranquility of the area. It is important for generations to come to preserve such things, and in order to preserve, some maintenance must be done. An example would be a Willow where the large stems are hanging over the road (3-4) of them. This is part of the canopy however the stems are mostly dead and heavy hanging over the road. The tree is persisting with many new stems growing from the base which will in time take the place of the large dying stems. This is how trees naturally "rejuvenate". However, if these large stems are to fall due to being "off balance" and growing at an angle there are 2 risks. There is a risk to people and property, although slight, it is still a risk that can be identified and should be addressed to be diligent. Willow wood also rots fast when it is dead. The second risk is the possibility that the stems of this tree fall pulling the roots out of the ground and at that point it will damage the root system and the new growth. Then that spot which was filling in with new growth to compensate for the decline in health from the older stems is just a bare hole with nothing.

To sum up the above, there is definitely some maintenance that is due along the right of way adjacent to the road we walked.

With my understanding of what your project entails with moving your building out, and the measurements of the space required to move the building, I believe that most of the pruning that would be required would be beneficial to all residents for safety reasons and for the health and preservation of the tree and shrub life along the road. Based on the measurements there is only 1 tree that would need to be removed to ground level to accommodate the building move. It is a Poplar where it has grown a very tall stem (reaching for the light) and the canopy of this tree will provide very little benefit or positive aesthetics to the canopy over the road.

I am very fond of the idea that you are exploring a better way of building your new "home" and rather than ripping it apart and burying it in a landfill you are mindful of the incredible waste that would be. I wish more people would have that inclination as today's world needs more of that!

As you know I am a Certified Arborist. I have been working with trees for 23 years in residential and commercial tree care in Calgary and areas as far as Red Deer and Invermere. We are a small company of 4 people as I prefer a "hands on" approach so I work with the crew at almost every job.

I hope this all helps you on the path to get your project started.

Thank you,
Kein Johnson
Everest Tree Care
ISA Certified Arborist pr2344A
everesttree@hotmail.com
403-874-8363

Google
Maps
image
from July
2014

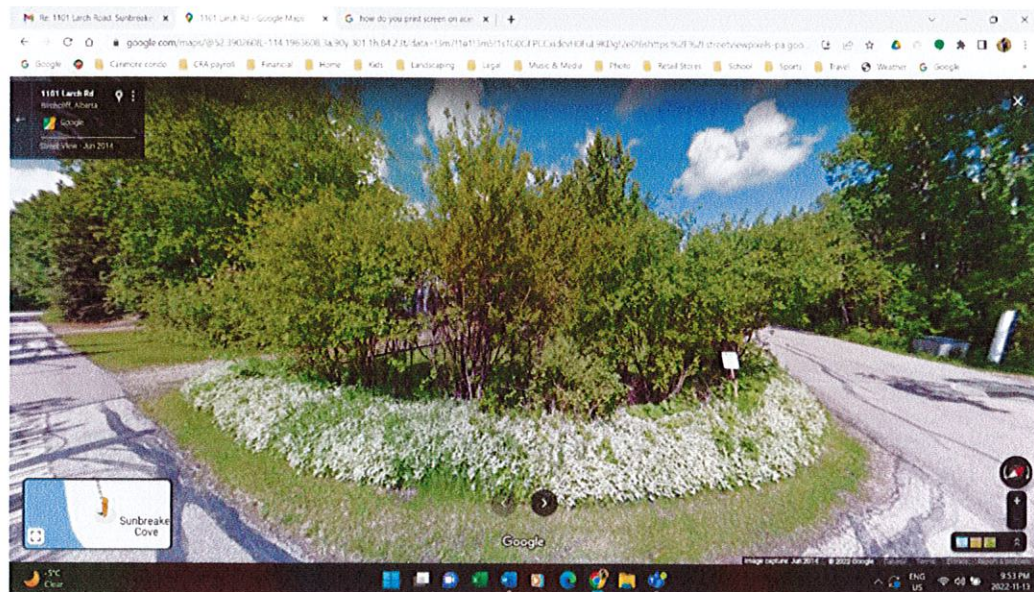


EXHIBIT "B" – Photograph of Tree to be removed



Tree to be removed

Edge of road

EXHIBIT "C" – Photographs of Trees/branches to be trimmed

Property corner
pin (behind
tree)

New growth that
will prosper
once dead
branches pruned
off



Branches to be trimmed
(will be trimmed back closer
to base of tree, but using
line to demark large
branches in question. Only
very upper branches show
indication that they aren't
dead. Lower branches to
be trimmed are already
dead.



Branches to be trimmed off.

NOTE: tree has already been flagged, presumably by property owner, and if removed then will not require further work. As noted above, these branches overhang road and pose risk in severe storm

EXHIBIT "D" – Photographs of Trees impeding view of intersection

Larch Road and Breakers Way; Breakers Way and Marine Drive

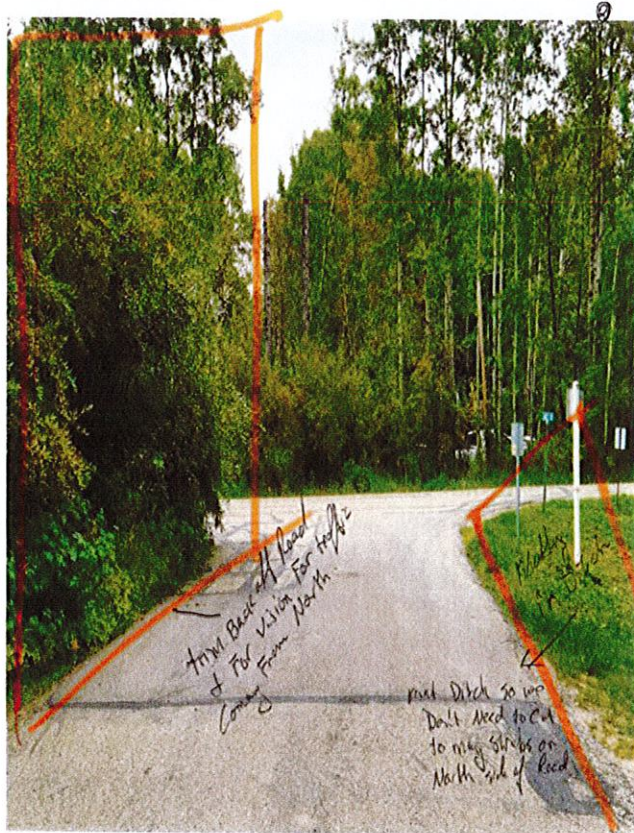


Image taken August 2022; Stop sign completely obscured from sight to motorists



Images taken October 29, 2022

