

September 21, 2024

To: Councillor RD McHugh- Foothill County Division 7  
Reeve Delilah Miller- Foothills County Division 2  
Deputy Reeve Don Waldorf- Foothills County Division 6  
Councillor Rob Siewert- Foothills County Division 1  
Councillor Barb Castell- Foothills County Division 3  
Councillor Suzanne Oel- Foothills County Division 4  
Councillor Alan Alger- Foothills County Division 5

Cc: Heather Hemingway- Director of Planning, Foothills County  
Harry Riva Cambrin- Municipal Manager/Deputy CAO, Foothills County

**Re: Proposed Green haven Estates ASP Amendment**

The Green Haven Estates Homeowner's Association (GHE HOA) wishes to address council regarding the proposed March amendments to the GHE ASP adding phases 4 and 5 over concerns that the Developer (Timberstar) proposing the amendments is not fulfilling many of the commitments that they have made regarding previous phases. To confirm, the GHE HOA is asking that the developer follow through on commitments they have previously made and that the GHE HOA and applicable encumbrances be applied to phases 3, 4 and 5 to ensure continuity throughout the community.

In the Council meeting on June 28, 2023 members of the GHE HOA attended and requested that the development process be delayed to allow the GHE HOA to further correspond with the developer and get binding commitments in writing to address our concerns. At the meeting a council member informed us that this was first reading and if concerns remained regarding the developer following through on verbal commitments, the HOA would be able to voice their concerns to the county prior to final approval, and the county would then address our concerns.

TimberStar was very good at articulating what council members and residents wanted to hear prior to and at the 1st reading but, in the end, never followed through with anything they spoke to. As a Council, your decision was also based on what was mentioned at 1<sup>st</sup> reading and your decision may have been different if TimberStar did not commit to addressing your concerns or the concerns of the residents of Green Haven.

GHE HOA would like to highlight some specific promises that the developer made directly to the County Council members in the Council meeting held on June 28, 2023 that they are not fulfilling. A link to the video of the meeting is included as the points below reference specific times in the video [1:30 p.m. - 2263582 Alberta Ltd. - SE 27-20-29 W4M - Amendment to Green Haven Estates ASP.](#)

[Redesignation \(CR and A to CERA, MR, ER and PUL\) and Site Specific Amendment - Council Meeting - June 28, 2023 \(escribemeetings.com\).](#)

- At 5:30:25 it states that the architectural controls will be enforced through the homeowners association.

Architectural Controls will be registered on title through a restrictive covenant and will be implemented by the developer and enforced through the Home-Owners' Association.

- At 5:31:29 Developer references meetings with the existing HOA and provides a list of items that they “pledge” to undertake. Please note that they reference the existing HOA which directly implies that the existing GHE HOA will be the HOA registered on title.

The new owner has pledged to undertake the following, at minimum, in order to improve the working relationship with the Green Haven HOA and better the community:

- Architectural Controls and Restrictive Covenants update and review.
- CCC/FAC Update and Review – to clarify overall responsibilities for maintenance between the developer, HOA, and County.
- Share site testing reports (i.e. - Level IV PSTS).
- Undertake a group walk around and inspection on existing deficits.
- Update signage / landscaping plans.
- Coordinate construction completion with HOA in attendance at inspections.

- At 5:35:12 Additional commitments to include the HOA in Architectural controls.

#### **HOA and Architectural Controls**

The HOA will work closely with the developer and County to oversee the implementation of the Architectural Controls at the design and construction stage and will be closely involved in the ongoing maintenance of Green Haven Estates to ensure it continues to provide a beautiful, desirable place to live.

- At 5:38:50 Blair Hann mentions how they want to re-write the arch controls in conjunction with the GHE HOA.
- At 5:51:45. The Developer pledges to sort out the drainage issues in the community.
- Around 6:24:00 Pointed to the time over the summer for developer and HOA to build relationship and continue communications.

- FAC- Around 6:27:05 Blair says that the maintenance of common spaces is the developers responsibility while under their control. The Developer failed to perform and maintenance to common spaces in phase 2B while it was under their control. The GHE HOA paid for landscaping company to clean up the mess of weeds after it heard third hand that the FAC was completed.

Further to this, in email correspondence between Blair Hann and Duane Burkard (previous president of the Green Haven Homeowners Association Board) in June of 2023 the following commitments were made by the developer and no further or action has taken place. Please note this is not a comprehensive list of the promises that the developer made, this is a list of the short-term commitments that the Developer made and failed to deliver on.

1. Committed to exploring the history of the Phase 2B landscaping design and determine if there is any improvements to be made within the current budgets set by the previous developer. This was to be communicated back to the HOA.
2. Committed to inviting the HOA to the CCC and the FAC process with the county and developer and maintaining strong communication with the HOA through these processes.
  - Sept 2024 Note. The HOA was not informed about any activity related to the above-mentioned process. The county has provided the FAC for 2B and as such released it to the HOA in an unacceptable state highlighting their failure to live up to items 1 and 2 above.
3. Committed to overhauling the signage including changing the entrance signage on Green Haven View to match that of Green Haven Drive and removing flags and flagpoles on east side of development.
4. Agreed that the HOA should be involved in the Architectural controls and suggested regular meetings to work through this.
5. Committed to forwarding the confirmation that all 23 lots in 2B have HOA encumbrance on title
  - Sept 2024 Note- None of the lots in 2B have the HOA encumbrance applied to their title
6. Committed to investigating the drainage issues from Drake Landing and communicating their findings back to the HOA.
7. Committed to maintain unoccupied lots that were held by the developer.

Since the June 28 meeting, the Developer has ceased to respond to GHE HOA communication attempts with anything substantive, with the only communication coming in a completely inappropriate mass email from Blair Hann to every member of the community containing misinformation. On June 11, 2024, an AGM was held for the GHE HOA and 6 of the 8 board members elected were new to the board, including a new President. The new board was resolute in their desire to restore communications with the Developer and work together to ensure a win-win situation. The new President of the GHE HOA emailed the Developer representative, Blair Hann, 4 times in the month of July to re-ignite communications and work towards a fair and reasonable

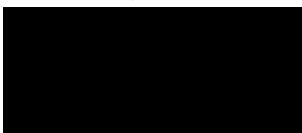
outcome for all parties. No response was received to any of these 4 attempts. It was apparent that the Developer had no interest in dialoguing with the GHE HOA. In another attempt to restore the communications between the Developer and the GHE HOA the President reached out to both Albert Stark and Jim Crawford who were believed to be Blair Hanns bosses. Both were receptive and assured us that Blair would be in contact. After this Blair did engage in a stream of text messages and phone calls with the GHE HOA President and gave the illusion that he wanted to arrange a meeting however was noncommittal and would not agree to any of the multiple times proposed by the GHE HOA. Further to this Blair verbally agreed to attend the September 10, 2024 GHE HOA board meeting and was reminded by text messages. In a day of check in by the GHE HOA President, Blair indicated that he was not attending.

The above history is recorded to demonstrate to Council that the GHE HOA has exhibited beyond reasonable efforts in their attempts to restore and establish communications and work toward solidifying the many promises that the Developer made.

The lack of willingness by the developer to communicate with the board in a productive manner and arrive at fair and reasonable outcomes is very concerning to the GHE HOA.

We ask that Council allow the GHE HOA Board to meet with them to further discuss our concerns in a private meeting or public hearing and work toward concrete solutions that bind the Developer to fair and reasonable set of conditions that satisfy our concerns. We also ask that the GHE HOA is included in any future council or internal meetings regarding the development of Green Haven Estates. Once there are binding commitments that are enforceable by the County in place it is the intent of the GHE HOA to support the Developer as they work toward finishing off the community in a cooperative manner.

Sincerely



Dan Visser

President

Green Haven Estates Homeowner's Association